

**BENICIA CITY COUNCIL  
REGULAR MEETING AGENDA**

**City Council Chambers  
April 17, 2012  
7:00 PM**

*Times set forth for the agenda items are estimates.  
Items may be heard before or after the times designated.*

**Please Note:  
Regardless of whether there is a Closed Session scheduled for 6:00 pm,  
the open session will begin at 7:00 pm.**

**I. CALL TO ORDER (6:00 PM):**

**II. CLOSED SESSION (6:05 PM):**

**A. CONFERENCE WITH LABOR NEGOTIATOR**

(Government Code Section 54957.6 (a))

Agency negotiators: City Manager, Administrative Services Director

Employee organizations: City Manager, City Attorney, Senior Managers,  
Benicia Middle Management Group, Local 1, Benicia Public Service  
Employees' Association (BPSEA), Benicia Police Officers Association (BPOA),  
Benicia Firefighters Association (BFA), Benicia Dispatchers Association (BDA),  
Police Management, Unrepresented.

**B. CONFERENCE WITH REAL PROPERTY NEGOTIATOR**

Property: 3501 East 2nd Street - (Pump Station #3)

Negotiating Parties: City Manager,  
Public Works and Community Development Director

Under Negotiation: Instruction to negotiators on price and terms of payment.

**III. CONVENE OPEN SESSION (7:00 PM):**

**A. ROLL CALL.**

**B. PLEDGE OF ALLEGIANCE.**

**C. REFERENCE TO THE FUNDAMENTAL RIGHTS OF PUBLIC.**

A plaque stating the fundamental rights of each member of the public is posted at the entrance to this meeting room per section 4.04.030 of the City of Benicia's Open Government Ordinance.

**IV. ANNOUNCEMENTS/APPOINTMENTS/PRESENTATIONS/PROCLAMATIONS:**

**A. ANNOUNCEMENTS.**

**1. Announcement of action taken at Closed Session, if any.**

**2. Openings on Boards and Commissions:**

Building Board of Appeals  
2 full terms  
Open Until Filled

SolTrans Public Advisory Committee  
1 full term  
Open Until Filled

Benicia Community Sustainability Commission  
1 unexpired term  
Open Until Filled

Open Government Commission  
1 unexpired term  
Application Due Date: April 20, 2012

**3. Mayor's Office Hours:**

Mayor Patterson will maintain an open office every Monday (except holidays) in the Mayor's Office of City Hall from 6:00 p.m. to 7:00 p.m. No appointment is necessary. Other meeting times may be scheduled through the City Hall office at 746-4200.

**4. Benicia Arsenal Update: Verbal Update**

**B. APPOINTMENTS.**

**C. PRESENTATIONS.**

- 1. Retrofit Bay Area Program, a regional implementation project of the Energy Upgrade California Program, which is sponsored by the California Energy Commission (CEC).  
Scott Corey, Marketing Manger, City of Suisun City**

**D. PROCLAMATIONS.**

- 1. In Recognition of Benicia's Farmer's Market 20th Anniversary**
- 2. In Recognition of Law Day 2012 - May 1, 2012**

**V. ADOPTION OF AGENDA:**

**VI. OPPORTUNITY FOR PUBLIC COMMENT:**

This portion of the meeting is reserved for persons wishing to address the Council on any matter not on the agenda that is within the subject matter jurisdiction of the City Council. State law prohibits the City Council from responding to or acting upon matters not listed on the agenda. Each speaker has a maximum of five minutes for public comment. If others have already expressed your position, you may simply indicate that you agree with a previous speaker. If appropriate, a spokesperson may present the views of your entire group. Speakers may not make personal attacks on council members, staff or members of the public, or make comments which are slanderous or which may invade an individual's personal privacy.

**A. WRITTEN COMMENT.**

**B. PUBLIC COMMENT.**

**VII. CONSENT CALENDAR (7:45 PM):**

Items listed on the Consent Calendar are considered routine and will be enacted, approved or adopted by one motion unless a request for removal or explanation is received from a Council Member, staff or member of the public. Items removed from the Consent Calendar shall be considered immediately following the adoption of the Consent Calendar.

**A. Approval of Minutes for the Special meeting of March 27, 2012 and the Regular meeting of April 3, 2012. (City Clerk).**

**B. SECOND READING AND ADOPTION OF AN ORDINANCE AMENDING CHAPTER 13.35 EMERGENCY WATER CONSERVATION PLAN AND CLARIFICATION OF VIOLATION AND ENFORCEMENT PROVISIONS. (Public Works and Community Development Director)**

On March 6, 2012, City Council introduced and conducted the first reading and public hearing of an ordinance to amend Chapter 13.35 (Emergency Water Conservation Plan) of the Benicia Municipal Code. The proposed action is the second reading and adoption of the ordinance.

The 2010 Urban Water Management Plan adopted by the City Council in June 2011 calls for revising the City's Emergency Water Conservation Plan, which guides water use during shortages. The changes clarify what measures are required for each conservation stage. Additionally, the current violation and enforcement provisions could result in customer fines of up to \$1000; the proposed ordinance instead sets fines at \$50, \$100 and \$250 for repeat violations. The basic cost and method for charging for water used in excess of the baseline during shortages is not proposed to change.

**Recommendation: Adopt the ordinance amending Chapter 13.35 (Emergency Water Conservation Plan) Title 13 (Public Services) of the Benicia Municipal Code.**

**C. ALLOCATION OF \$1,500 OF VALERO/GOOD NEIGHBOR STEERING COMMITTEE SETTLEMENT AGREEMENT FUNDS FOR THE PURCHASE OF BOOKS AND VIDEOS FOR THE BENICIA PUBLIC LIBRARY. (Public Works and Community Development Director)**

The Climate Action Plan includes Strategy EO-1.7. Increase "Green" Book Collection at Benicia Public Library. The Community Sustainability Commission formed an Education and Outreach Work Group to further the goals of the Climate Action Plan related to education and outreach. This work group submitted a grant funding application to request \$1,500 for the purchase of books and videos for the Benicia Public Library. The funding proposal was reviewed at the January 23, 2012 CSC meeting, and approved at the March 19, 2012 CSC meeting.

**Recommendation: Adopt a resolution approving the Community Sustainability Commission (CSC) recommendation to allocate \$1,500 of the Valero/Good Neighbor Steering Committee Settlement Agreement funds for the purpose of purchasing books and videos for the Benicia Public Library.**

**D. AWARD OF CONSTRUCTION CONTRACT FOR THE 2012 STREET RESURFACING PROJECT. (Public Works and Community Development Director)**

The 2012 Street Resurfacing Project will repair and resurface Stone Road, the flooded-damaged section of Industrial Way (both locations are in the Industrial Park), and Rose Drive, south of Columbus Parkway. Swapping \$149,000 of

Proposition 1B funding from FY12/13 with gas tax funding from FY11/12 will ensure the last remaining Proposition 1B cost savings from the Rose Drive Overcrossing Project will be expended on this project before the end of the FY 12 deadline. A more detailed explanation of the funding swap is contained in the body of the staff report.

**Recommendation: Adopt a resolution accepting bids for the 2012 Street Resurfacing Project, awarding the construction contract to MCK Services, Inc. in the amount of \$704,696.75, authorizing the City Manager to execute the contract on behalf of the City, and approving a funding swap to fully expend available Proposition 1B monies.**

**E. DENIAL OF THE CLAIM AGAINST THE CITY BY DOLORES HOGAN AND REFERRAL TO INSURANCE CARRIER. (City Attorney)**

A City work vehicle and claimant were involved in a disputed lane change collision.

**Recommendation: Deny the claim against the City by Dolores Hogan.**

**F. Approval to waive the reading of all ordinances introduced and adopted pursuant to this agenda.**

**VIII. BUSINESS ITEMS (8:00 PM):**

A public hearing should not exceed one hour in length. To maximize public participation, the council requests that speakers be concise and avoid repetition of the remarks of prior speakers. Instead, please simply state whether you agree with prior speakers.

**A. AUTHORIZE ISSUANCE AND SALE OF GENERAL OBLIGATION REFUNDING BONDS TO REFUND OUTSTANDING GENERAL OBLIGATION BONDS. (Finance Director)**

The City issued, in 1997 and 1998, General Obligation Wastewater bonds totaling \$10 million to improve the City's wastewater treatment plant. The interest rate on the outstanding bonds ranges from 4.6% to 5.0%. Debt service on the bonds is collected by the County on the property tax roll. The City has the opportunity to refinance the remaining outstanding bonds at an interest rate of 1.25 % which will result in savings to the taxpayers of approximately \$377,700 over the remaining six year term of the bonds.

**Recommendation: Adopt resolutions 1) authorizing the issuance and sale of general obligation refunding bonds in an aggregate principal amount not to exceed \$4,700,000 to refund outstanding general obligation bonds, and directing related actions, and 2) approving and**

**authorizing execution of corporate resolution to open accounts with First Republic Bank.**

**B. APPROVE THE EXTENSIONS TO THE JULY 1, 2010 TO JUNE 30, 2012 AGREEMENTS BETWEEN THE CITY OF BENICIA AND MANAGEMENT EMPLOYEES. (City Manager)**

In 2010 and 2011, City of Benicia employees took a combined reduction in total compensation of approximately 10%. These concessions assisted the City in addressing budget shortfalls in both fiscal years and achieving ongoing structural savings. Given that the City's fiscal status appears relatively stable for the remainder of the current budget period, in a large part due to the previous, ongoing compensation reductions made by all City employees, the City has offered, and the management groups have agreed, to extend the current contracts for one additional year, to June 30, 2013, with no increases or further reductions to compensation for the remainder of the term.

**Recommendation: Adopt the resolution approving the Contract Extension Agreements modifying the existing 2010-2012 Memorandums of Understanding (MOUs) with the senior management, mid-management and police mid-management employee groups. If approved, and unless otherwise modified by the Contract Extension Agreements, all terms of the MOUs shall be extended from July 1, 2012 to June 30, 2013.**

**C. APPROVAL OF SUSTAINABLE MANAGEMENT PROGRAM. (Acting Economic Development Manager)**

The proposed Sustainable Management Program (Program) is a major initiative of the city's recently adopted Business Development Action Plan (BDAP). The purpose of the program is to provide resources to businesses that will allow them to increase competitiveness and productivity. Functionally, the Program will provide a sustainable (energy, water, waste, behavior) analysis for Benicia businesses in the Benicia Industrial Park, then provide funding to enable those businesses to act upon the recommendations identified in the analysis. This Program is designed to serve both as an economic development tool and a vehicle to help implement the goals identified in the City's Climate Action Plan.

**RECOMMENDATION: Approve by motion the proposed Sustainable Management Program, and allocate \$625,000 for the Valero/Good Neighbor Steering Committee settlement fund.**

**D. Council Member Committee Reports:**

(Council Member serve on various internal and external committees on behalf of the City. Current agendas, minutes and meeting schedules, as available, from these various committees are included in the agenda packet. Oral reports

by the Council Members are made only by exception.)

- 1. Mayor's Committee Meeting.**  
(Mayor Patterson)  
Next Meeting Date: April 18, 2012
- 2. Association of Bay Area Governments**  
(ABAG)<http://www.abag.ca.gov/>.  
(Mayor Patterson and Council Member Strawbridge)  
Next Meeting Date: April 19, 2012
- 3. Finance, Audit and Budget Committee.**  
(Vice Mayor Campbell and Council Member Strawbridge)  
Next Meeting Date: April 27, 2012
- 4. League of California Cities.**  
<http://www.cacities.org/index.jsp>  
(Mayor Patterson and Vice Mayor Campbell)  
Next Meeting Date: April 19, 2012
- 5. School Liaison Committee.**  
(Council Member Hughes and Council Member Strawbridge)  
Next Meeting Date: June 7, 2012
- 6. Sky Valley Open Space Committee.**  
(Vice Mayor Campbell and Council Member Schwartzman)  
Next Meeting Date: May 2, 2012
- 7. Solano EDC Board of Directors.**  
(Mayor Patterson and Council Member Strawbridge)  
Next Meeting Date: May 16, 2012
- 8. Solano Transportation Authority (STA).**  
<http://www.sta.ca.gov/>  
(Mayor Patterson and Council Member Schwartzman)  
Next Meeting Date: May 9, 2012
- 9. Solano Water Authority-Solano County Water Agency and Delta Committee.**  
<http://www.scwa2.com/>  
(Mayor Patterson and Vice Mayor Campbell)  
Next Meeting Date: May 10, 2012

10. **Traffic, Pedestrian and Bicycle Safety Committee.**  
(Vice Mayor Campbell and Council Member Schwartzman)  
Next Meeting Date: April 19, 2012
11. **Tri-City and County Regional Parks and Open Space.**  
(Vice Mayor Campbell and Council Member Schwartzman)  
Next Meeting Date: June 11, 2012
12. **Valero Community Advisory Panel (CAP).**  
(Mayor Patterson and Council Member Hughes)  
Next Meeting Date: TBD
13. **Youth Action Coalition.**  
(Council Member Strawbridge and Council Member Hughes)  
Next Meeting Date: April 25, 2012
14. **ABAG-CAL FED Task Force-Bay Area Water Forum.**  
<http://www.baywaterforum.org/>  
(Mayor Patterson)  
Next Meeting Date: TBD-2013
15. **SOLTRANS Joint Powers Authority.**  
<http://www.sta.ca.gov/Content/10038/SolTrans.html>  
(Mayor Patterson, Council Member Hughes and  
Council Member Schwartzman)  
Next Meeting Date: April 19, 2012

**IX. ADJOURNMENT (10:00 PM):**

<b>Public Participation</b>
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The Benicia City Council welcomes public participation.

Pursuant to the Brown Act, each public agency must provide the public with an opportunity to speak on any matter within the subject matter jurisdiction of the agency and which is not on the agency's agenda for that meeting. The City Council allows speakers to speak on non-agendized matters under public comment, and on agendized items at the time the agenda item is addressed at the meeting. Comments are limited to no more than five minutes per speaker. By law, no action may be taken on any item raised during the public comment period although informational answers to questions may be given and matters may be referred to staff for placement on a future agenda of the City Council.

Should you have material you wish to enter into the record, please submit it to the City Manager.

### **Disabled Access or special Needs**

In compliance with the Americans with Disabilities Act (ADA) and to accommodate any special needs, if you need special assistance to participate in this meeting, please contact Anne Cardwell, the ADA Coordinator, at (707) 746-4211. Notification 48 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to the meeting.

### **Meeting Procedures**

All items listed on this agenda are for Council discussion and/or action. In accordance with the Brown Act, each item is listed and includes, where appropriate, further description of the item and/or a recommended action. The posting of a recommended action does not limit, or necessarily indicate, what action may be taken by the City Council.

Pursuant to Government Code Section 65009, if you challenge a decision of the City Council in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the City Council at, or prior to, the public hearing. You may also be limited by the ninety (90) day statute of limitations in which to challenge in court certain administrative decisions and orders (Code of Civil Procedure 1094.6) to file and serve a petition for administrative writ of mandate challenging any final City decisions regarding planning or zoning.

The decision of the City Council is final as of the date of its decision unless judicial review is initiated pursuant to California Code of Civil Procedures Section 1094.5. Any such petition for judicial review is subject to the provisions of California Code of Civil Procedure Section 1094.6.

### **Public Records**

The agenda packet for this meeting is available at the City Manager's Office and the Benicia Public Library during regular working hours. To the extent feasible, the packet is also available on the City's web page at [www.ci.benicia.ca.us](http://www.ci.benicia.ca.us) under the heading "Agendas and Minutes." Public records related to an open session agenda item that are distributed after the agenda packet is prepared are available before the meeting at the City Manager's Office located at 250 East L Street, Benicia, or at the meeting held in the Council Chambers. If you wish to submit written information on an agenda item, please submit to the City Clerk as soon as possible so that it may be distributed to the City Council. A complete proceeding of each meeting is also recorded and available through the City Clerks Office.



# RETROFIT BAY AREA

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Grant Culmination Report

IV.C.1.1

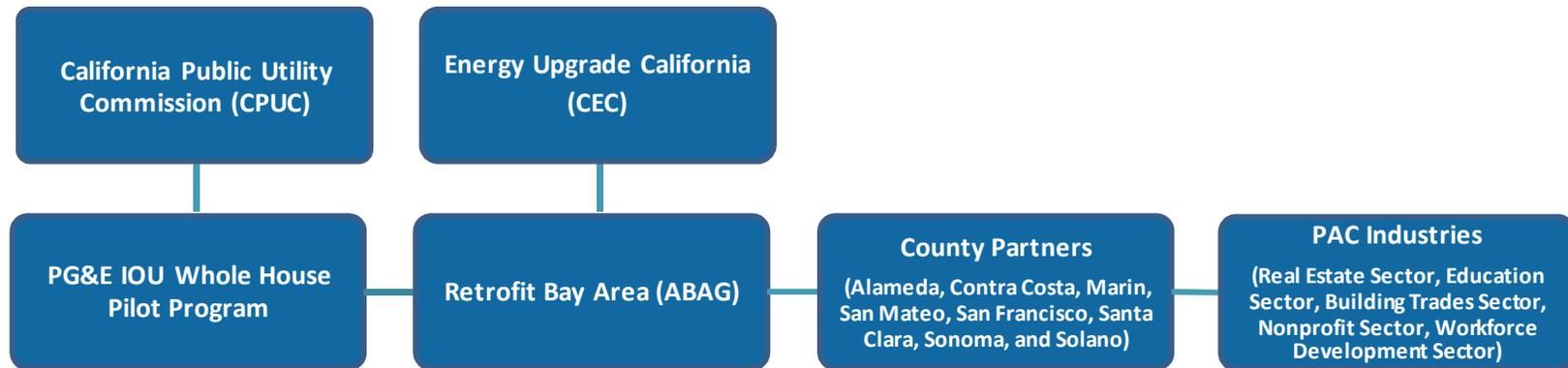


# Agenda

- Energy Upgrade California
- Solano County Extension
- Outcomes
- Next Steps
- Discussion



# Energy Upgrade California



## Retrofit Bay Area Program

- 8 counties
- 103 local governments
- Implement comprehensive regional-scale building retrofit program
- \$453,000 in Solano County program funding



# Solano County Program

## Basic Package

(5% → 10% Energy Savings)

- Air sealing
- Attic insulation
- Duct sealing
- Combustion Safety Testing

## Advanced Package

(15% → 40% Energy Savings)

- Energy Efficient Appliances
- Heating / Air Conditioning Systems
- Low wattage lighting
- Weather barriers
- Windows





## Lessons Learned

- Profit motive key for local businesses
- Homeowner leap of faith
- Simpler program



# Next Steps

- Transition to NGO
- Solano Center for Business Innovation a new Solano County retrofit resource



# Questions





# PROCLAMATION

IN RECOGNITION OF

## Benicia Main Street' Certified Farmers Market 20<sup>th</sup> Anniversary

**WHEREAS**, Benicia Main Street' Farmers Market is in its 20<sup>th</sup> year of being a Certified Farmers Market; and

**WHEREAS**, over 3,000 residents come to the Market weekly adding to the revitalization and economic growth of Downtown as in "buy local"; and

**WHEREAS**, the Farmers Market compliments the City's Family Friendly environment; and

**NOW, THEREFORE, BE IT RESOLVED THAT I**, Elizabeth Patterson, Mayor of the City of Benicia on behalf of the City Council, do hereby proclaim, April 26<sup>th</sup> 2012 as Benicia Main Street, Certified Farmers Market Day in the City of Benicia and encourage the public to go to the Farmers Market every Thursday from 4-8.



\_\_\_\_\_  
Elizabeth Patterson, Mayor  
April 17, 2012





# PROCLAMATION

IN RECOGNITION OF

## LAW DAY 2012

“No Courts, No Justice, No Freedom”

**WHEREAS**, our legal institutions and system of justice depend on popular participation and support to maintain legitimate authority; and

**WHEREAS**, Americans from all walks of life, public figures and private individuals alike, have reaffirmed in words and deeds our national allegiance to the rule of law; and

**WHEREAS**, lawyers and judges recognize that they bear a special responsibility to foster public understanding of law and legal institutions and commitment to the rule of law; and

**WHEREAS**, Law Day has been an annual observance since President Dwight Eisenhower established it in 1958 as “a day of national dedication to the principle of government under law”; and

**WHEREAS**, the Law Day 2012 theme, “No Courts, No Justice, No Freedom,” provides an opportunity to highlight the crucial role of our courts and to foster a better understanding of the judiciary; and

**WHEREAS**, Benicia has a long tradition of providing fine lawyers and judges who work tirelessly to uphold our legal system, to volunteer on City Boards and Commissions, and to better our City through both paid and pro bono legal work.

**NOW, THEREFORE, BE IT RESOLVED THAT I**, Elizabeth Patterson, Mayor of the City of Benicia on behalf of the City Council, do hereby proclaim May 1, 2012, as Law Day. I call upon the people of the city of Benicia to acknowledge the importance of our legal and judicial systems with appropriate ceremonies and activities, and to display the flag of the United States and our city/state in support of this educational observance. I further encourage schools, businesses, media, religious institutions, civic, and service organizations to join members of the bar and bench in commemorating Law Day.

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Elizabeth Patterson, Mayor  
April 17, 2012





MINUTES OF THE  
SPECIAL MEETING – CITY COUNCIL  
March 27, 2012

City Council Chambers, City Hall, 250 East L Street, complete proceedings of which are recorded on tape.

**I. CALL TO ORDER:**

Mayor Patterson called the meeting to order at 6:00 p.m.

**II. CONVENE OPEN SESSION:**

**A. ROLL CALL**

**B. PLEDGE OF ALLEGIANCE**

**C. REFERENCE TO THE FUNDAMENTAL RIGHTS OF THE PUBLIC:**

**III. OPPORTUNITY FOR PUBLIC COMMENT:**

**A. WRITTEN COMMENT**

**B. PUBLIC COMMENT**

None

**IV. CLOSED SESSION:**

**A. CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION**

Significant exposure to litigation pursuant to subdivision (b) of Section 54956.9

Number of potential cases: 1

**B. CONFERENCE WITH LABOR NEGOTIATOR**

(Government Code Section 54957.6 (a))

Agency negotiators: City Manager, Administrative Services Director

Employee organizations: Benicia Middle Management Group, Local 1, Benicia Public Service Employees' Association (BPSEA), Benicia Police Officers Association (BPOA), Benicia Firefighters Association (BFA), Benicia Dispatchers Association (BDA), Police Management, Unrepresented.

V. **ADJOURNMENT:**

Mayor Patterson adjourned the meeting at 8:25 p.m.

MINUTES OF THE  
REGULAR MEETING – CITY COUNCIL  
April 03, 2012

City Council Chambers, City Hall, 250 East L Street, complete proceedings of which are recorded on tape.

**I. CALL TO ORDER:**

The closed session was cancelled.

**II. CLOSED SESSION:**

**A. CONFERENCE WITH LABOR NEGOTIATOR**

(Government Code Section 54957.6 (a))

Agency negotiators: City Manager, Administrative Services Director

Employee organizations: City Manager, City Attorney, Senior Managers, Benicia Middle Management Group, Local 1, Benicia Public Service Employees' Association (BPSEA), Benicia Police Officers Association (BPOA), Benicia Firefighters Association (BFA), Benicia Dispatchers Association (BDA), Police Management, Unrepresented.

**III. CONVENE OPEN SESSION:**

Mayor Patterson called the meeting to order at 7:02 p.m.

**A. ROLL CALL**

All Council Members were present.

**B. PLEDGE OF ALLEGIANCE**

Girl Scouts led the Pledge of Allegiance.

**C. REFERENCE TO THE FUNDAMENTAL RIGHTS OF THE PUBLIC.**

**IV. ANNOUNCEMENTS/APPOINTMENTS/PRESENTATIONS/PROCLAMATIONS:**

**A. ANNOUNCEMENTS**

**1. Announcement of action taken at Closed Session, if any.**

The Closed Session meeting was cancelled.

**2. Openings on Boards and Commissions:**

Building Board of Appeals  
2 full terms  
Open Until Filled  
SolTrans Public Advisory Committee  
1 full term  
Open Until Filled

Benicia Community Sustainability Commission  
1 unexpired term  
Application Due Date: April 13, 2012

**3. Mayor's Office Hours:**

**4. Benicia Arsenal Update: Verbal Report**

The City is waiting for the DTSC to get back to the City with some commitments in writing. When those commitments are in hand, a public meeting will be scheduled.

**B. APPOINTMENTS**

**1. Resolution Approving Mayor's Appointments to Council Committees - Appointment of Mayor Elizabeth Patterson to the Tri City and County Committee**

**RESOLUTION 12-37 - A RESOLUTION CONFIRMING MAYOR'S APPOINTMENTS OF MEMBERS OF THE CITY COUNCIL TO STANDING, AD HOC AND OUTSIDE AGENCY COMMITTEES**

On motion of Mayor Patterson Council adopted Resolution 12-37, on roll call by the following vote:

Ayes: Patterson, Strawbridge, Schwartzman, Campbell, Hughes

Noes: (None)

**2. Appointment of Suzanne Foley Sprague to the Planning Commission for a four year term ending January 31, 2016**

Mayor Patterson discussed the previous appointee's inability to serve on the Planning Commission (due to a family situation).

Council Member Hughes discussed the Appointment Subcommittee candidate rankings and recommendations. Although Ms. Foley is a fine person, he was disappointed the subcommittee's top two recommendations were not being appointed.

Mayor Patterson discussed the appointment process. She clarified that Ms.

Sprague was one of the subcommittee's top three recommendations.

Ms. McLaughlin referenced the City Council's Rules and Procedures regarding the appointment process.

Council Member Strawbridge expressed concern regarding all five Council Members not being privy to the subcommittee's rankings and recommendations. She felt that if the Mayor did not want to appoint any of the recommended applicants, it should go back to the subcommittee. She would like Council to look at the process and review some of the appointment procedures. She knew of Ms. Sprague and her involvement in the community. She felt there were some issues Council needed to resolve prior to making the appointment.

Council Member Schwartzman discussed how the Appointment Subcommittee evolved. He did not remember an Appointment Subcommittee ever feeling so strongly about any individuals. Either way tonight's appointment goes, he wished Ms. Sprague well.

Vice Mayor Campbell did not agree with the subcommittee's recommendations being passed over four times. He could not support the appointment.

Mayor Patterson discussed the past service on the commission of the subcommittee's top recommendation. She would like to see new people on the commissions. She suggested coming up with a criteria for the top two recommendations. She expressed concern regarding showing the rankings publicly. It was an unfortunate situation.

Council Member Schwartzman discussed the issue of public rankings and public interviews.

Public Comment:

Toni Haughey - Ms. Haughey discussed her disappointment in the process. She thought the public should somehow be involved in the process.

On motion of Mayor Patterson The Resolution was not approved, on roll call by the following vote:

Ayes: Patterson

Noes: Strawbridge, Schwartzman, Campbell, Hughes

**3. Appointment of Daniel C. Smith to the Soltrans Public Advisory Committee for a three year term ending January 31, 2015**

**RESOLUTION 12-38 - A RESOLUTION CONFIRMING THE MAYOR'S APPOINTMENT OF DANIEL C. SMITH TO THE SOLTRANS PUBLIC ADVISORY COMMITTEE FOR A THREE YEAR TERM ENDING JANUARY 31, 2015**

On motion of Mayor Patterson Council adopted Resolution 12-38, on roll call by the following vote:

Ayes: Patterson, Strawbridge, Schwartzman, Campbell, Hughes  
Noes: (None)

**C. PRESENTATIONS**

1. **Arts and Culture Commission Annual Report**
2. **Poetry Out Loud - Ronna Leon**
3. **Tula Sister City Organization - Official Invitation to the Mayor, Council and Community to visit the City of Tula - Maria Bitagon**

**D. PROCLAMATIONS**

1. **In Recognition of National Library Week, April 8-14, 2012**
2. **In Recognition of Janice Adams and Jane Abelee - Superintendent and Principal of the year (ACSA)**
3. **In Recognition of National Volunteer Week - April 15-21, 2012**
4. **In Recognition of April 2012 as Child Abuse Prevention Awareness Month**
5. **In Recognition of Girl Scouts of the USA - 100 Years - March 12, 2012**

**V. ADOPTION OF AGENDA:**

On motion of Council Member Schwartzman, seconded by Council Member Hughes, Council adopted the Agenda, as presented, on roll call by the following vote:

Ayes: Patterson, Strawbridge, Schwartzman, Campbell, Hughes  
Noes: (None)

**VI. OPPORTUNITY FOR PUBLIC COMMENT:**

**A. WRITTEN COMMENT**

**B. PUBLIC COMMENT**

1. Carol Nail - Ms. Nail discussed Measure L.
2. Hannah and Emily - The girls discussed their Girl Scout service project (harvesting citizen's fruit trees and donating the fruit to the CAC).
3. Kimble Goodman - Mr. Goodman announced upcoming events at The Benicia Olde Town Theatre Group.
4. Dan Smith - Mr. Smith announced the upcoming birthday party for the Playground of Dreams Park. He discussed concerns regarding recent cuts to

the bus service.

5. Jose Lustin - Mr. Lustin is the new union representative of the BPSEA. He looked forward to working with the City.

## **VII. CONSENT CALENDAR:**

On motion of Council Member Schwartzman, seconded by Council Member Hughes, Council adopted the Consent Calendar, as presented, on roll call by the following vote:

Ayes: Patterson, Strawbridge, Schwartzman, Campbell, Hughes

Noes: (None)

### **A. APPROVAL OF MINUTES OF THE SPECIAL MEETING OF MARCH 6, 2012, THE REGULAR MEETING OF MARCH 6, 2012 AND THE SPECIAL MEETING OF MARCH 13, 2012**

On motion of Council Member Schwartzman, seconded by Council Member Hughes, Council approved the minutes of the special and regular meeting of March 6, 2012, and the special meeting of March 13, 2012, on roll call by the following vote:

Ayes: Patterson, Strawbridge, Schwartzman, Campbell, Hughes

Noes: (None)

### **B. REVIEW AND ACCEPTANCE OF THE INVESTMENT REPORT FOR THE QUARTER ENDED DECEMBER 31, 2011**

On motion of Council Member Schwartzman, seconded by Council Member Hughes, Council reviewed and accepted the investment report for the quarter ended December 31, 2011, on roll call by the following vote:

Ayes: Patterson, Strawbridge, Schwartzman, Campbell, Hughes

Noes: (None)

### **C. ACCEPTANCE OF THE 2011 STREET RESURFACING PROJECT**

#### **RESOLUTION 12-39 - A RESOLUTION ACCEPTING THE 2011 STREET RESURFACING PROJECT AS COMPLETE, AUTHORIZING THE CITY MANAGER TO SIGN THE NOTICE OF COMPLETION, AND AUTHORIZING THE CITY CLERK TO FILE THE SAME WITH THE SOLANO COUNTY RECORDER**

On motion of Council Member Schwartzman, seconded by Council Member Hughes, Council adopted Resolution 12-39, on roll call by the following vote:

Ayes: Patterson, Strawbridge, Schwartzman, Campbell, Hughes

Noes: (None)

### **D. Approval to waive the reading of all ordinances introduced and adopted pursuant to this agenda.**

## VIII. BUSINESS ITEMS:

### A. BENICIA STATE CAPITOL HISTORIC PARK MAINTENANCE AGREEMENT

Mario Giuliani, Acting Economic Development Director, and Mike Dotson, Parks & Community Services Director, reviewed the staff report.

Council Member Hughes and Staff discussed the issue of indemnification (hold harmless language), and how taking on the additional work would impact the Parks & Community Services Staff's current workload (taking into account the current adjustments that were made with regards to maintaining fields). Staff confirmed the workload would not impact the current staff. The seasonal worker's hours would be increased 10 hours per week to accommodate the workload. The funding for the labor hours would be \$7,800/year. It is anticipated the City would receive a donation from the State Parks Foundation, which would be applied toward that cost (1-year agreement). The State Parks Foundation would continue fundraising for the additional time on the contract.

Council Member Schwartzman and Staff discussed the restroom roof, property taxes (The language in the agreement was boilerplate from the State. There would be no tax liabilities for the City of Benicia.), and ADA requirements (the City would be responsible for what currently exist, and the State would be responsible for any new issues that come up.).

Council Member Strawbridge and Staff discussed the lawn area at the State Park (and whether the City could use the area for activities), and the bathroom roof. They discussed the possibility of using in-kind donations for the roof repairs.

Vice Mayor Campbell and Staff discussed the City's involvement in the operations of the State Parks (operated by the Benicia State Parks Association), and concerns regarding the 'hold harmless' language in the agreement (puts the City at too high of a liability - the City needs more protection).

#### Public Comment:

1. Carol Berman - Ms. Berman spoke in support of the proposed agreement. She discussed the Benicia State Parks Association.
2. Bob Berman - Mr. Berman spoke in support of the proposed agreement. He discussed the Benicia State Parks Association. They need more volunteers to join.
3. Leah Shellhorn - Ms. Shellhorn spoke in support of the proposed agreement.
4. Ellen Kolowich - Ms. Kolowich spoke in support of the proposed agreement.
5. Ryan Swan - Mr. Swan spoke in support of the proposed agreement.
6. Spence Rundberg - Mr. Rundberg spoke in support of the proposed agreement.

Vice Mayor Campbell requested the motion include direction to Staff to add directional signs to the restroom facility on First Street.

Mayor Patterson requested that a diagram be included to show the areas the City would be maintaining. Staff clarified that diagram should not be included in the agreement. It was a separate discussion outside the agreement that should be had with the State. Mayor Patterson clarified that, as discussed by Staff, the areas of responsibility (the City's concern regarding risk, etc.) should go along with detailed photographs of the uneven surfaces, etc. Staff confirmed they understood that was the Mayor's desire. Mayor Patterson confirmed Council did not want to delay the agreement.

On motion of Council Member Strawbridge, seconded by Council Member Schwartzman, Council approved the Benicia State Capitol Historic Park maintenance agreement, with additional direction to Staff, on roll call by the following vote:

Ayes: Patterson, Strawbridge, Schwartzman, Campbell, Hughes

Noes: (None)

## **B. CANCELLATION OF THE JULY 3, 2012 CITY COUNCIL MEETING**

Brad Kilger, City Manager, reviewed the staff report.

### Public Comment:

None

On motion of Council Member Schwartzman, seconded by Council Member Hughes, Council approved the cancellation of the July 3, 2012 City Council meeting, on roll call by the following vote:

Ayes: Patterson, Strawbridge, Schwartzman, Campbell, Hughes

Noes: (None)

## **C. Council Member Request to Agendize**

**This is a request to discuss Citizen's requests for a comprehensive review of UN Agenda 21 and ICLEI -Local Governments for Sustainability.**

Mayor Patterson reviewed her request to agendize the discussion of a citizen's request for a comprehensive review of UN Agenda 21 and ICLEI - Local Governments for Sustainability.

Vice Mayor Campbell discussed his lack of support for this item. He was concerned that Staff did not have the time to address the issue at this time.

Council Member Hughes thought it would be useful for the public to hear an overview (not an in-depth review) of this issue, if Staff had the time to work on it.

Council Member Schwartzman discussed his hesitation regarding this item. He

was not sure what responsibility the City had in informing the public on this issue. He was not inclined to support this item. He encouraged the public to look into the issue if they were inclined.

Council Member Strawbridge had looked into this issue. She did not feel this was something Council needed to tackle. She suggested having the CSC have this issue as a topic at one of their meetings.

Public Comment:

None

Mayor Patterson clarified that she did not support agendizing this item. She agreed that the CSC might want to discuss this issue. The CSC could possibly put information on the issue on their website.

On motion of Council Member Hughes, seconded by Vice Mayor Campbell, Council did not approve placing this item on a future agenda, on roll call by the following vote:

Ayes: Hughes

Noes: Patterson, Strawbridge, Schwartzman, Campbell

**D. Council Member Request to Agendize**

**This council action request is to give direction to staff to develop city policies for life cycle costing analysis for infrastructure and public works projects and at a future time application to other project analysis. Therefore, this item should be agendized in time to provide these policies for council considerations in Phase II of the budget review and future budget process.**

Mayor Patterson reviewed her request to give Staff direction to develop city policies for life cycle costing analysis for infrastructure and public works projects, and at a future time, application to other project analysis.

Vice Mayor Campbell discussed his lack of support for this item. Staff has too much on its plate at this time.

Council Member Schwartzman discussed his lack of support for this item. He was concerned about Staff's lack of time to work on this.

Council Member Hughes discussed his lack of support for this item. He was concerned about Staff's lack of time to work on the issue. He thought it sounded like Staff was already thinking about the issue. They could put this on an informal list and continue to work toward it.

Staff discussed their current informal version of life cycle costing. At this point in time, Staff is trying to do that. They have asked companies to do that as part of their analysis. He requested that Staff be allowed to continue to do this in an

informal manner, and when time and resources become available, they could look into doing it in a more formal manner.

Public Comment:

None

Mayor Patterson inquired whether a motion was required. She stated that the record would show that a discussion was had on the topic, and that Staff was informally applying the life cycle costing, and would consider a more formal application in the future.

**IX. ADJOURNMENT:**

Mayor Patterson adjourned the meeting at 9:47 p.m. in honor of Mr. Peter Douglas.



**AGENDA ITEM**  
**CITY COUNCIL MEETING DATE - APRIL 17, 2012**  
**CONSENT CALENDAR**

**DATE** : March 30, 2012

**TO** : City Manager

**FROM** : Public Works and Community Development Director

**SUBJECT** : **SECOND READING AND ADOPTION OF AN ORDINANCE**  
**AMENDING CHAPTER 13.35 EMERGENCY WATER**  
**CONSERVATION PLAN AND CLARIFICATION OF VIOLATION**  
**AND ENFORCEMENT PROVISIONS**

**RECOMMENDATION:**

Adopt the ordinance amending Chapter 13.35 (Emergency Water Conservation Plan) Title 13 (Public Services) of the Benicia Municipal Code.

**EXECUTIVE SUMMARY:**

On March 6, 2012, City Council introduced and conducted the first reading and public hearing of an ordinance to amend Chapter 13.35 (Emergency Water Conservation Plan) of the Benicia Municipal Code. The proposed action is the second reading and adoption of the ordinance.

The 2010 Urban Water Management Plan adopted by the City Council in June 2011 calls for revising the City's Emergency Water Conservation Plan, which guides water use during shortages. The changes clarify what measures are required for each conservation stage. Additionally, the current violation and enforcement provisions could result in customer fines of up to \$1000; the proposed ordinance instead sets fines at \$50, \$100 and \$250 for repeat violations. The basic cost and method for charging for water used in excess of the baseline during shortages is not proposed to change.

**BUDGET INFORMATION:**

There are no budget impacts associated with this action.

**GENERAL PLAN:**

Relevant General Plan Goals:

- ❑ Overarching Goal of the General Plan: Sustainability
- ❑ Goal 2.36: Ensure an adequate water supply for current and future residents and businesses.

**STRATEGIC PLAN:**

Relevant Strategic Plan Issue and Strategy:

- Strategic Issue #1: Protecting Community Health and Safety
- Strategy #5: Promote community and personal health

**BACKGROUND:**

At its June 21, 2011 meeting, the City Council adopted the 2010 Urban Water Management Plan (UWMP), which established that the City has enough water to meet the demands of customers under all conditions: normal year, single dry year, and multiple dry years. However, the UWMP contains recommendations for revising the City's existing Emergency Water Conservation Plan (Plan), which provides for emergency water supply management during periods of water shortages due to severe droughts, infrastructure failure, or any other water supply emergency. It establishes five water conservation Stages of Action, which include specific water use reductions as shown in Table 1 below. The City is always operating in Stage 1 (Voluntary Conservation), which includes specific water use prohibitions in accordance with the State's policy on prevention of waste and unreasonable use of water (California Constitution Article X, Section 2; and Water Code Sections 100 and 275.) Additional stages are implemented as needed.

**Table 1. Water Conservation Stages of Action**

Stage	Description	Residential Reduction	Type	Water Use Prohibitions	Penalties for Excessive Water Use
1	Voluntary Conservation	0%	Voluntary	Yes	No
2	Water Alert	10%	Mandatory	Yes	Yes
3	Water Warning	25%	Mandatory	Yes	Yes
4	Water Emergency	35%	Mandatory	Yes	Yes
5	Water Crisis	50%	Mandatory	Yes	Yes

The existing Plan was established in 1990 through an ordinance adding Chapter 13.35 to Title 13 of the Benicia Municipal Code. The last time a water conservation stage other than Stage 1 was put into effect was in 1991, which was Stage 4 (Water Emergency). While the current ordinance provides an adequate framework for managing supply shortages, it is in need of updating to reflect current conditions.

**SUMMARY:**

As called for in the Urban Water Management Plan, the proposed changes to the Plan include: clarification of water use prohibitions for some of the water conservation stages; base year and baseline changes; drought surcharge and violation/enforcement revisions; and a new allowance added to the exception

process. These changes are detailed in Table 2 below and the paragraphs that follow.

**Table 2. Proposed Changes to the Existing Emergency Water Conservation Plan**

#	Section	Existing	Proposed
1	13.35.060, A2  <u>Stage 1</u> (Voluntary Conservation)	Prohibitions: <ul style="list-style-type: none"> <li>• No runoff from treated water system to gutter, ditch or drain.</li> <li>• Failing to repair controllable leaks.</li> <li>• Washing sidewalks, driveways, parking areas, tennis courts, patios or other paved areas (except as part of curing concrete during construction).</li> </ul>	Keep existing language with the following changes: <ul style="list-style-type: none"> <li>• Modify current prohibition as shown in italics: "Allowing water to run off <i>unused</i> to a gutter, ditch or drain."</li> <li>• Add an exception for washing paved areas in case needed for health and safety reasons.</li> <li>• Add following prohibitions: <ul style="list-style-type: none"> <li>○ No use of hand-held hoses without automatic shut-off fixtures.</li> <li>○ No irrigation during rain.</li> </ul> </li> <li>• Add following prohibitions for new development: <ul style="list-style-type: none"> <li>○ No single pass cooling connections.</li> <li>○ Require recirculating systems for commercial car washes and commercial laundries.</li> <li>○ Require recirculating systems for decorative fountains.</li> </ul> </li> </ul>
2	13.35.060, B3  <u>Stage 2</u> (Water Alert)	All from Stage 1 plus the following: <ul style="list-style-type: none"> <li>• No water from hydrants except for fire fighting and other health and safety purposes.</li> </ul>	All from Stage 1 plus add the following: <ul style="list-style-type: none"> <li>• Restrict lawn watering and landscape irrigation only when necessary and only between 6 pm and 9 am.</li> <li>• Vehicle washing only with bucket or hand-held hose with automatic shut-off nozzle, or at commercial car wash.</li> <li>• Restaurant drinking water served only upon request.</li> <li>• Non-potable water used for construction purposes unless health and safety issue.</li> </ul>
3	13.35.060, C3  <u>Stage 3</u> (Water Warning)	All from Stages 1 and 2	All from Stages 1 and 2 plus add the following: <ul style="list-style-type: none"> <li>• Limit landscape watering to Mondays, Wednesdays and Fridays for odd numbered addresses; and Tuesdays, Thursdays and Saturdays for even numbered; with no watering on Sundays.</li> </ul>
4	13.35.060, D3  <u>Stage 4</u> (Water Emergency)	All from Stages 1 through 3	All from Stages 1 through 3 plus add the following: <ul style="list-style-type: none"> <li>• Automatic timers shall be turned "off" on automatic sprinkler systems and watering shall occur manually on designated days except where provided for in the next bullet. Micro irrigation systems (i.e., drip systems) may be used.</li> <li>• Use of automatic sprinkler systems with timers in use shall be restricted to areas actively used by the public such as park and school grounds.</li> </ul>

#	Section	Existing	Proposed
5	13.35.060; B2, C2, D2 & E2 <u>Base Year</u>	Year 1989	When a conservation stage is declared, the City Manager shall select the appropriate base year based on the recommendation of the PW&CDD Director.
6	13.35.060; B1, C1, D1 & E1  <u>Baseline Amounts</u>	<u>Residential</u> Stage 2: >350 gallons per day (GPD)  Stage 3: >320 GPD  Stage 4: >295 GPD  Stage 5: >230 GPD	<u>Residential</u> Stage 2: 10% reduction from base year use (penalty assessed when customer uses >90% of base year use) Stage 3: 25% reduction from base year use (>75% of base year use) Stage 4: 35% reduction from base year use (>65% of base year use) Stage 5: 50% reduction from base year use (>50% of base year use)
7	13.35.060; B2, C2, D2 & E2  <u>Baseline Amounts</u>	<u>Commercial/Industrial - penalty assessed when customer uses:</u> Stage 2: >95% of 1989 base use Stage 3: >90% of 1989 base use Stage 4: >85% of 1989 base use Stage 5: >71% of 1989 base use	<u>Commercial/Industrial - penalty assessed when customer uses:</u> Stage 2: >90% of base use Stage 3: >85% of base use Stage 4: >70% of base use Stage 5: >50% of base use
8	13.35.060; B2, C2, D2 & E2  <u>Baseline Amounts</u>	<u>Landscape Irrigation - penalty assessed when customer uses:</u> Stage 2: >75% of 1989 base use Stage 3: >75% of 1989 base use Stage 4: >75% of 1989 base use Stage 5: >50% of 1989 base use	<u>Landscape Irrigation - penalty assessed when customer uses:</u> Stage 2: >75% of base use Stage 3: >70% of base use Stage 4: >60% of base use Stage 5: >50% of base use
9	13.35.095  <u>Drought Surcharge</u>	<u>Monthly Drought Surcharges</u> Residential (Non-Seniors) \$4.25 Residential (Seniors) \$0 Commercial/Industrial (Meter Size) ¾ Inch \$ 4.25 1 Inch \$ 7.55 1 ½ Inch \$ 17.00 2 Inch \$ 30.20 3 Inch \$ 67.95 4 Inch \$120.80 6 Inch \$271.75 <u>Duration</u> May 1, 1991 – May 31, 1993	Remove the surcharge amounts and duration. The specific amounts and duration shall be determined based on the severity of drought/emergency.
10	13.35.100  <u>Exceptions</u>	Exceptions for increasing baseline amount: <ul style="list-style-type: none"> <li>• Medical requirements</li> <li>• &gt;4 residents in a household</li> <li>• Incorrect customer class</li> <li>• Severe economic hardship</li> <li>• Cause emergency condition affecting health, sanitation, fire protection, or safety</li> </ul>	Add: <ul style="list-style-type: none"> <li>• Protect mature trees providing a community benefit</li> </ul>

## VII.B.4

Beginning with Stage 2, penalties are applied on water use in excess of a baseline amount, which is calculated from base year data. The purpose of the penalty is to encourage customers to reduce use to or below baseline amounts. The current ordinance specifies 1989 as the base year. The recommended change from the UWMP is that the City Manager selects an appropriate base year based on the recommendation of the Public Works and Community Development Director at the time it is determined water use restrictions are necessary. This method allows the baseline to reflect the severity of the drought/emergency.

In addition to these changes, staff is also recommending revisions to the existing violation/enforcement section, which may be enforced for a violation of the Emergency Water Conservation Plan. The existing enforcement steps are as follows: 1) written warning; 2) installation of a flow restrictor or reduction in service; and 3) disconnection of service; with the option to fine customers up to \$1,000 for a misdemeanor based on the General Penalty section of the Municipal Code (Chapter 1.08). Staff is instead recommending enforcement steps as follows: 1) written notice; 2) \$50 surcharge; 3) \$100 surcharge; and 4) \$250 surcharge; with the option to install a flow restrictor or disconnect service if deemed necessary once a violation occurs. This proposal, modeled on the City of Vacaville ordinance, is intended to create certainty and an incentive for water conservation that is reasonable for the Benicia community. (The City of Fairfield has even higher fines: \$250 and \$500.) Enforcement of the water use prohibitions would be conducted by Public Works maintenance staff while in the field (e.g., meter reading, repairing facilities, etc.)

The Council asked at the March 6, 2012 meeting to see a draft appeal form. A draft Exception Application and Appeal Form are attached. An outreach plan for each conservation stage will be prepared by staff subject to the City Manager's review and approval. No changes were made to the ordinance from the introduction and first reading conducted on March 6, 2012.

Attachments:

- ❑ Proposed Ordinance
- ❑ Draft Exception Application
- ❑ Draft Appeal Form



CITY OF BENICIA

ORDINANCE NO. 12- \_\_\_\_\_

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BENICIA AMENDING CHAPTER 13.35 (EMERGENCY WATER CONSERVATION PLAN) OF TITLE 13 (PUBLIC SERVICES) OF THE BENICIA MUNICIPAL CODE BY REPLACING IT IN ITS ENTIRETY

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF BENICIA DOES ORDAIN as follows:

**Section 1.**

Chapter 13.35 (Emergency Water Conservation Plan) of Title 13 (Public Services) of the Benicia Municipal Code relating to the use of water during emergency drought conditions is amended by replacing it in its entirety to read as follows:

**Chapter 13.35**

**EMERGENCY WATER CONSERVATION PLAN**

**Sections:**

- 13.35.010 Scope.
- 13.35.020 Purpose.
- 13.35.030 Definitions.
- 13.35.040 Authorization.
- 13.35.050 Application.
- 13.35.060 Water conservation stages.
- 13.35.070 Mandatory conservation phase implementation.
- 13.35.080 Duration of conservation stages.
- 13.35.090 Drought penalty.
- 13.35.100 Drought surcharge.
- 13.35.110 Exceptions and application procedures for exceptions.
- 13.35.120 Violation – Enforcement.
- 13.35.130 Violation – Additional remedy.

**13.35.010    Scope.**

There is established a city emergency water conservation plan.

**13.35.020    Purpose.**

The purpose of this ordinance is:

During periods of water shortages, the public health and welfare requires that the water resources available to the city be put to maximum beneficial use to the extent to which they are capable, and that the waste or unreasonable use, or unreasonable method of use of water be prevented, and the conservation of such water is to be extended with a view to the reasonable and beneficial use thereof in the interests of the people of the city and for the public welfare.

**13.35.030    Definitions.**

**Base Year.** A water year selected by the city manager for purposes of calculating the baseline amount.

**Baseline Amount.**

- For residential customers, the average gallons per day of water used by that customer class during the base year.
- For industrial, commercial or municipal customers, the average amount of water used by that customer during the corresponding bimonthly billing period of the base year.

**City.** The city of Benicia acting by and through the public works and community development department as operator of the city water system.

**Customer.** Any person, whether within or without the geographic boundaries of the city of Benicia, who uses water supplied by the city.

**Director.** The director of public works and community development for the city or designee.

**GPD.** Gallons per day.

**HCF.** 100 cubic feet, where a cubic foot is 7.48 gallons.

**Person.** Any person, firm, partnership, association, corporation, company, organization, or governmental entity.

**13.35.040    Authorization.**    The city manager or his designee, upon the recommendation of the director, is authorized and directed to implement the applicable provisions of this chapter upon their determination that such implementation is necessary to protect the public welfare and safety.

**13.35.050    Application.**    The provisions of this chapter shall apply to all persons, customers, and property served by the city.

**13.35.060    Water Conservation Stages.**    No customer of the city shall knowingly make, cause, use, or permit the use of water from the city for residential, commercial, industrial, agricultural, governmental, or any other purpose in a manner contrary to any

provision of this chapter, or in an amount in excess of that use permitted by the conservation stage in effect pursuant to action taken by the city manager, or his designee, in accordance with the provisions of this chapter. When a conservation stage is declared, the city manager shall select the appropriate base year based on the recommendation of the director. Baseline water use amounts for all conservation stages are listed in the table below for ease of reference.

Baseline Amounts for Water Use Penalties			
Conservation Stage	Residential	Commercial/Industrial/ Municipal	Landscape Irrigation (dedicated meter)
1-Voluntary	Voluntary Conservation	Voluntary Conservation	Voluntary Conservation
2-Water Alert	10% reduction from base year use.  (Penalty assessed when customer uses >90% of base year use.)  (City Manager to select appropriate base year.)	10% reduction from base year use.  (Penalty assessed when customer uses >90% of base year use.)  (City Manager to select base year.)	25% reduction from base year use.  (Penalty assessed when customer uses >75% of base year use.)  (City Manager to select base year.)
3-Water Warning	25% reduction from base year use (>75% of base year use)	15% reduction from base year use (>85% of base use)	30% reduction from base year use (>70% of base use)
4-Water Emergency	35% reduction from base year use (>65% of base year use)	30% reduction from base year use (>70% of base use)	40% reduction from base year use (>60% of base use)
5-Water Crisis	50% reduction from base year use (>50% of base year use)	50% reduction from base year use (>50% of base use)	50% reduction from base year use (>50% of base use)

A. Stage 1. Voluntary Conservation.

1. Customers of the city are requested to voluntarily limit the amount of water used to that amount absolutely necessary for health, business, and irrigation.

2. In addition to the voluntary water use reductions of subsection (A)(1) of this section, and in compliance with BMC 13.35.070, the following restrictions shall apply to all persons:

a. The following uses of water are defined as “waste of water” and are absolutely prohibited:

i. Allowing water to run off unused to a gutter, ditch, or drain;

ii. Failing to repair a controllable leak;

iii. Washing sidewalks, driveways, parking areas, tennis courts, patios, or other paved areas, unless the concrete foundation is in the process of curing during construction, and except to alleviate immediate fire hazards, or for the protection of health and safety;

iv. Utilizing a hand-held hose without an automatic shut-off nozzle;

v. Irrigating during rain.

b. The following water use prohibitions apply to new development only:

i. Single pass-through cooling water systems;

ii. Commercial car washes and laundries without recirculating water systems;

iii. Decorative fountains without recirculating water systems.

B. Stage 2. Mandatory Compliance – Water Alert.

1. No residential customer shall make, cause, use, or commence the use of water received from the city for any purpose in an amount in excess of 90 percent of the baseline amount. . Water used in excess of this amount shall be subject to a drought penalty as set forth in BMC 13.35.090. The customer of record may request an increase in the baseline amount as set forth in BMC 13.35.110.

2. No industrial, commercial or municipal customer shall make, cause, use, or permit the use of water received for any purpose in an amount in excess of 90 percent of the baseline amount. . In addition to the above allotment, for meters that strictly serve

landscaping the allotment shall be 75 percent of the baseline amount. New services or services without a base year history shall be allotted on comparable customer usage.

Water used in excess of this amount shall be subject to a drought penalty as set forth in BMC 13.35.090. The customer of record may request an increase in the baseline amount as set forth in BMC 13.35.110.

3. In addition to the above mandatory water use reductions of subsections (B)(1) and (2) of this section, and in compliance with BMC 13.35.070, the following restrictions shall apply to all persons:

a. Use of water from hydrants shall be limited to fire fighting and other activities necessary to maintain the health, safety, and welfare of the citizens of Benicia;

b. Lawn watering and landscape irrigation restricted to only when necessary and only between 6:00 p.m. and 9:00 a.m.;

c. Vehicle washing must be done using a bucket or hand-held hose with an automatic shut-off nozzle, or take place at a commercial car wash;

d. Restaurant drinking water shall be served only upon request;

e. Non-potable water shall be used for construction purposes unless the user presents a reasonable health and safety issue to the public works and community development director;

f. All “waste of water” elements as defined in Stage 1 shall remain in effect in Stage 2.

C. Stage 3. Mandatory Compliance – Water Warning.

1. No residential customer shall make, cause, use, or commence the use of water received from the city for any purpose in an amount in excess of 75 percent of the baseline amount.. Water used in excess of this amount shall be subject to a drought penalty as set forth in BMC 13.35.090. The customer of record may request an increase in the baseline amount as set forth in BMC 13.35.110.

2. No industrial, commercial or municipal customer shall make, cause, use, or permit the use of water received for any purpose in an amount in excess of 85 percent of the baseline amount. . In addition to the above allotment, for meters that strictly serve landscaping the allotment shall be 70 percent of the baseline amount. New services or services without a base year history shall be allotted on comparable customer usage.

Water used in excess of this amount shall be subject to a drought penalty as set forth in BMC 13.35.090. The customer of record may request an increase in the baseline amount as set forth in BMC 13.35.110.

3. In addition to the mandatory water use reductions of subsections (C)(1) and (2) of this section, and in compliance with BMC 13.35.070, the following restrictions shall apply to all persons:

- a. Landscape watering shall be limited to Mondays, Wednesdays and Fridays for odd numbered addresses; and Tuesdays, Thursdays and Saturdays for even numbered addresses; with no watering on Sundays; and
- b. All elements of Stage 2 shall remain in effect in Stage 3.

D. Stage 4. Mandatory Compliance – Water Emergency.

1. No residential customer shall make, cause, or commence the use of water received from the city for any purpose in an amount in excess of 65 percent of the baseline amount. Water used in excess of this amount shall be subject to a drought penalty as set forth in BMC 13.35.090. The customer of record may request an increase in the baseline amount as set forth in BMC 13.35.110.

2. No industrial, commercial or municipal customer shall make, cause, use, or permit the use of water received for any purpose in an amount in excess of 70 percent of the baseline amount. In addition to the above allotment, for meters that strictly serve landscaping the allotment shall be 60 percent of the baseline amount. New services or services without a base year history shall be allotted on comparable customer usage.

Water used in excess of this amount shall be subject to a drought penalty as set forth in BMC 13.35.090. The customer of record may request an increase in the baseline amount as set forth in BMC 13.35.110.

3. In addition to the mandatory water use reductions of subsections (D)(1) and (2) of this section, and in compliance with BMC 13.35.070, the following restrictions shall apply to all persons:

- a. Automatic timers shall be turned “off” on automatic sprinkler systems and watering shall occur manually on designated days except where provided for in 3b below. Micro irrigation systems (i.e., drip systems) may be used;
- b. Use of automatic sprinkler systems with timers in use shall be restricted to areas actively used by the public, e.g., park and school grounds; and
- c. All elements of Stage 3 shall be in effect in Stage 4.

E. Stage 5. Mandatory Compliance – Water Crisis.

1. No residential customer shall make, cause, use, or commence the use of water received from the city for any purpose in an amount in excess of 50 percent of the baseline amount. Water used in excess of this amount shall be subject to a drought penalty as set forth in BMC 13.35.090. The customer of record may request an increase in the baseline amount as set forth in BMC 13.35.110.

2. No industrial, commercial or municipal customer shall make, cause, use, or permit the use of water received for any purpose in an amount in excess of 50 percent of the baseline amount. In addition to the above allotment, for meters that strictly serve landscaping, the allotment shall be 50 percent of the baseline amount. New services or services without a base year history shall be allotted on comparable customer usage.

Water used in excess of this amount shall be subject to a drought penalty as set forth in BMC 13.35.090. The customer of record may request an increase in the baseline amount as set forth in BMC 13.35.110.

3. In addition to the mandatory water use reductions of subsections (E)(1) and (2) of this section, and in compliance with BMC 13.35.070, all elements of Stage 4 shall remain in effect in Stage 5 except that BMC 13.35.110(A) does not apply in this stage. The customer of record may still apply for exceptions as outlined in BMC 13.35.110, but the reason for applying for an exception cannot be based on economic hardship.

**13.35.070 Mandatory conservation phase implementation.**

A. The public works and community development department shall monitor the projected supply and demand for water by its customers and shall recommend to the city manager the extent of the conservation required in order for the department to prudently plan for and supply water to its customers. Thereafter, the city manager may order that the appropriate phase of water conservation be implemented in accordance with the applicable provisions of this section. Said order shall be made by public announcement and shall be published a minimum of one time in a daily newspaper of general circulation and shall continue to be published on a weekly basis until such time as all restrictions are removed. Said order shall become effective immediately upon the first publication.

B. Conservation Stages. The various stages of water conservation shall be implemented upon authorization by the city manager.

**13.35.080 Duration of conservation stages.**

Stage 1 shall be effective upon the effective date of the ordinance codified in this chapter, and the restrictive provisions of Stage 1 as set forth in BMC 13.35.060 shall apply to all water consumption on and after said date. Stage 1 will be rescinded at such

time that conditions, as set forth in BMC 13.35.070, indicate a more restrictive stage is necessary.

**13.35.090    Drought penalty.**

- A. Customers will receive prior individual notification of the baseline amount, applicable rates, and the opportunity to request exceptions.
- B. Water use beyond the maximum allowed for each water conservation stage shall be subject to a drought penalty pursuant to the schedule set forth in subsection (C) of this section. The customer of record may request an increase in this baseline amount as set forth in BMC 13.35.110. Application forms and instructions will be provided to customers and will also be available at the city water billing office.
- C. In addition to the general water service rates, each customer shall pay, during each billing period, a drought penalty for water used in excess of the baseline amount for the declared conservation stage. The drought penalty is as follows:

**Excess Water Use Penalties**

<b>Amount of Excess Water Use</b>	<b>Increased Rate for Use In Excess</b>
<=10% higher than baseline for conservation stage	2 times regular rate
10.01% to 20% higher than baseline for conservation stage	3 times the regular rate
>20% higher than the baseline for conservation stage	4 times the regular rate

For water used up to 10 percent in excess of the baseline amount there shall be a drought penalty equal to 2.0 times the applicable volume charge, in addition to the applicable service charge and volume charge;

For water used from 10.01 percent to 20 percent in excess of the baseline amount there shall be a drought penalty of 3.0 times the applicable volume charge levied on this excess only, in addition to the drought penalty on the first 10 percent and the applicable service charge and volume charge; and

For water used over 20 percent in excess of the baseline amount, there shall be a drought penalty of 4.0 times the applicable volume charge levied only on this excess over 20 percent, in addition to the drought penalties on the first 20 percent and the applicable service charge and volume charge.

- D. In addition to the drought penalty, if water usage exceeds the allowed baseline amount, a warning will be issued and enforcement actions may be taken as described in BMC 13.35.120.

**13.35.100 Drought surcharge.**

A. A drought surcharge may be imposed by the city council, upon the recommendation of the director, to compensate for a loss of water revenue or to pay an additional cost for the purchase of water by the city.

B. The drought surcharge amount and duration shall be established by the city council at the time of imposition. The surcharge levels can be modified by the city manager upon 30 days notice in order to provide for continued revenue sufficiency to maintain a safe and reliable water system.

**13.35.110 Exceptions and application procedures for exceptions.**

A. Any customer of record may apply to the director to increase the amount of water that may be used without exceeding the baseline amount for any one or more of the following reasons:

1. Medical requirements;
2. More than four residents in a single-family residential household. The additional amount allotted shall be 50 gpd per person;
3. Incorrect customer classification based on predominant use;
4. When failure to do so would cause severe economic hardship to the applicant, including, but not limited to, threat of imminent insolvency;
5. When failure to do so would cause an emergency condition affecting the health, sanitation, fire protection, or safety of the applicant or the public.
6. To protect mature trees providing a community benefit.

B. Written applications for such exceptions may be granted by the director based upon clear and convincing evidence that any one or more of the foregoing conditions has been satisfied and it is in the public interest to grant such application.

C. The quantity of water allowed in addition to the baseline amount shall be determined by the director, and shall not exceed that quantity necessary to alleviate the condition which justified granting the application for an exception.

**13.35.120 Violation – Enforcement.**

It shall be a violation of this chapter for any water customer or account holder to violate any of the provisions of this chapter or of the administrative rules and regulations promulgated hereunder or to waste any water obtained from or through the distribution facilities of the city, or from any person to engage in wasting water as defined herein. The violation of each specific provision of this chapter, and each

separate violation thereof, shall be deemed a separate offense, and shall be enforced accordingly.

A. Violations.

1. For the first violation within the preceding twelve calendar months, the director shall issue a written notice of the fact of such violation.

2. For the second violation within the preceding twelve calendar months, the director shall impose a surcharge of fifty dollars against the account holder for the property where the violation occurred.

3. For the third violation within the preceding twelve calendar months, the director shall impose a surcharge of one hundred dollars against the account holder for the property where the violation occurred.

4. For a fourth and any subsequent violation within the preceding twelve calendar months, the director or his designee shall impose a surcharge of two hundred fifty dollars against the account holder for the property where the violation occurred.

Further, the director may:

a. Install a flow restrictor on the property where the violation occurred or is occurring, for a length of time to be determined by the director, but in no event for more than one year; or

b. Disconnect service on the property where the violation occurred or is occurring, for a length of time not to exceed sixty days in length.

5. As an additional remedy, the violation of any provision of this chapter by any person who has received more than one written warning pursuant to subsection (A)(1) above or against whom the director has imposed a second violation in one consecutive twelve-month period is deemed to be and is hereby declared a public nuisance and may be subject to abatement by restraining order or injunction issued by a court of competent jurisdiction.

B. Time Period for Accounting Violations. Accrued violations will be based on acts of noncompliance occurring within a consecutive twelve-month period. Each successive twenty-four-hour period of any violation or failure to comply shall be a separate and distinct violation.

C. Notice of Violation. For each violation, the director shall give notice as follows:

1. Written notice of violation will be sent through the U.S. mail, first-class prepaid, to the address of the account holder as shown on current water billing

records or personally served on the account holder. The notice will be considered to have been served upon the account holder either upon depositing the notice in the U.S. mail or when personally served, whichever methodology is utilized.

2. Written notice of violation shall include the date, time, and location of the violation; a description of the violation; provisions of the ordinance violated; a statement of the assessed surcharge or other enforcement action; and the appeal procedures.

D. Right of Appeal. Any account holder provided a notice of violation in accordance with the provisions of this chapter shall have the right of appeal. A request for hearing must be made in writing and must be received by the director within ten calendar days from the date of personal or mailed service of the notice of violation. Upon receipt of an appeal and request for hearing, all applicable surcharges and enforcement actions will be suspended until such hearing has been completed and a final determination made.

E. Determination of Appeal. The appeal will be heard and determined by city manager or the designee of the city manager. The city manager shall consider whether the account holder knew or should have known of the violation at the time it occurred and whether the account holder took reasonable action to correct the violation upon notification of said violation. The determination of the city manager will be final and conclusive.

F. Payment of Penalties and Charges. Any surcharge imposed pursuant to this section, or reimbursement of city expenses, shall be added to the account of the account holder for the property where the violation occurred and shall be due and payable on the same terms and subject to the same conditions as any other charge for regular water service.

G. Reimbursement of City Expenses. If violations result in either installation of a flow restrictor, discontinuation of water service, or injunctive relief sought and obtained by the city pursuant to this chapter, the account holder whose service is affected shall reimburse the city for all costs incurred, including attorney's fees.

H. Reimbursement from Tenants. Nothing in this chapter shall limit or be construed to limit the right of an account holder to seek reimbursement of a surcharge or other costs from a tenant or other consumer. (Ord. 1431 §4(part), 1991).

### **13.35.130    Violation – Additional remedy.**

As an additional remedy, the violation of any provision of this chapter by any person who has received more than one written warning pursuant to BMC 13.35.120 to refrain from the same or any other violation under this chapter in one calendar year shall be deemed, and is declared to be, a public nuisance and may be subject to abatement by a restraining order or injunction issued by a court of competent jurisdiction.

**Section 2.**

Severability. If any section, subsection, phrase or clause of this ordinance is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance.

The City Council hereby declares that it would have passed this and each section, subsection, phrase or clause thereof irrespective of the fact that any one or more sections, subsections, phrase or clauses be declared unconstitutional on their face or as applied.

\*\*\*\*\*

On motion of Council Member \_\_\_\_\_, seconded by Council Member \_\_\_\_\_, the foregoing ordinance was introduced at a regular meeting of the City Council on the 6<sup>th</sup> day of March, 2012, and adopted at a regular meeting of the Council held on the 17<sup>th</sup> day of April, 2012, by the following vote:

Ayes:

Noes:

Absent:

\_\_\_\_\_  
Elizabeth Patterson, Mayor

ATTEST:

\_\_\_\_\_  
Lisa Wolfe, City Clerk



# Drought/Emergency Condition Exception Application Requesting Water Baseline Increase

Customer Name \_\_\_\_\_ Account No. \_\_\_\_\_

Service Address \_\_\_\_\_ Phone No. \_\_\_\_\_

In accordance with Benicia Municipal Code Chapter 13.35 (Emergency Water Conservation Plan), Section 13.35.110 (Exceptions and Application Procedures for Exceptions), I hereby apply to the Director to increase the amount of water that may be used without exceeding the baseline amount.

Please check one or more exceptions and provide a written justification in the space provided below including the additional allotment requested.

- Medical requirements
- More than four residents in a single-family residential household. The additional amount allotted shall be 50 gallons per day per person.
- Incorrect customer classification based on predominant use
- Severe economic hardship including, but not limited to, threat of imminent insolvency
- Emergency condition would be caused affecting health, sanitation, fire protection, or safety
- Protect mature trees providing a community benefit

Justification: \_\_\_\_\_ gallons per day of water is requested because \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

Send form to Public Works Administrative Secretary at 250 East L Street, Benicia; fax to 747-1637; or email [kttrinque@ci.benicia.ca.us](mailto:kttrinque@ci.benicia.ca.us).

---

Below is for City staff's use only:      Water Conservation Stage \_\_\_\_\_ Baseline Amount \_\_\_\_\_

Determination by Director: \_\_\_\_\_ gallons per day of water in addition to the baseline amount is granted based on:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

*Right of Appeal - If you disagree with the decision made by the Director, you may appeal to the City Manager in accordance with Chapter 1.44 of the Benicia Municipal Code.*





# Drought/Emergency Condition Appeal Form and Request for Hearing Notice of Violation Appeals

Customer Name \_\_\_\_\_ Account No. \_\_\_\_\_

Service Address \_\_\_\_\_ Phone No. \_\_\_\_\_

In accordance with Benicia Municipal Code Chapter 13.35 (Emergency Water Conservation Plan), Section 13.35.120, D (Violation/Enforcement – Right of Appeal), I hereby appeal to the Director and request a hearing regarding the notice of violation I received on \_\_\_\_\_ (insert date and attach a copy.)

Please check applicable surcharge (i.e., fine) and/or enforcement actions and provide a written justification in the space provided below.

- Written Warning/Notice
- \$50 Surcharge
- \$100 Surcharge
- \$250 Surcharge
- Flow Restrictor
- Disconnection of Service

Justification: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

Signature

Date

Please send this form and a copy of the Notice of Violation to the Public Works Administrative Secretary at 250 East L Street, Benicia; fax to 747-1637; or email [ktrinque@ci.benicia.ca.us](mailto:ktrinque@ci.benicia.ca.us).

This form must be filed with the Director within ten calendar days from the date of the violation. Upon receipt of an appeal and request for hearing, all applicable surcharges and enforcement actions will be suspended until such hearing has been completed and a final determination made. The appeal will be heard and determined by the City Manager or designee. The determination of the hearing will be final and conclusive. Refer to Benicia Municipal Code Chapter 13.35 (Emergency Water Conservation Plan), Section 13.35.120, D (Violation/Enforcement – Right of Appeal) for further details.

Below is for City staff's use only:

Water Conservation Stage \_\_\_\_\_

Determination by City Manager or designee: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

Signature

Date



**AGENDA ITEM**  
**CITY COUNCIL MEETING DATE - APRIL 17, 2012**  
**CONSENT CALENDAR**

**DATE** : March 23, 2012

**TO** : City Manager

**FROM** : Public Works and Community Development Director

**SUBJECT** : **ALLOCATION OF \$1,500 OF VALERO/GOOD NEIGHBOR STEERING COMMITTEE SETTLEMENT AGREEMENT FUNDS FOR THE PURCHASE OF BOOKS AND VIDEOS FOR THE BENICIA PUBLIC LIBRARY**

**RECOMMENDATION:**

Adopt a resolution approving the Community Sustainability Commission (CSC) recommendation to allocate \$1,500 of the Valero/Good Neighbor Steering Committee Settlement Agreement funds for the purpose of purchasing books and videos for the Benicia Public Library.

**EXECUTIVE SUMMARY:**

The Climate Action Plan includes Strategy EO-1.7. Increase "Green" Book Collection at Benicia Public Library. The Community Sustainability Commission formed an Education and Outreach Work Group to further the goals of the Climate Action Plan related to education and outreach. This work group submitted a grant funding application to request \$1,500 for the purchase of books and videos for the Benicia Public Library. The funding proposal was reviewed at the January 23, 2012 CSC meeting, and approved at the March 19, 2012 CSC meeting.

**BUDGET INFORMATION:**

There are funds available in the Valero/Good Neighbor Steering Committee Settlement Agreement account. No General Fund money will be used.

**GENERAL PLAN:**

The overarching Goal of the General Plan is Sustainability.

**STRATEGIC PLAN:**

Relevant Strategic Plan Issues and Strategies:

- Strategic Issues #2: Protecting and Enhancing the Environment
  - Strategy #1: Reduce greenhouse gas emissions and energy consumption
  - Strategy #3: Pursue and adopt sustainable practices

**BACKGROUND:**

Education and outreach are critical components of climate protection planning because of the changes in citizen behavior and business practices that will be needed in order to meet the City's emission reduction targets. The City can encourage behavior change through increased public awareness of the challenge and of potential solutions. Objective EO-1: Increase Public Awareness and Education About Climate Change is an important objective of the Climate Action Plan. Strategy EO-1.7. Increase "Green" Book Collection at Benicia Public Library is included in that objective. This strategy states:

*Providing educational resources to the community is one of the most important aspects of the Climate Action Plan. Developing a large green book collection at the Benicia Public Library is a cost effective approach to reach a substantial percentage of residents. Book topics may include principles and practices of sustainable development, water conservation, green building, renewable energy generation, and home energy efficiency.*

The duties of the Community Sustainability Commission include, but are not limited to:

1. Providing recommendations regarding the distribution of climate action and water conservation funds from the 2008/2010 Valero/Good Neighbor Steering Committee Settlement Agreement and from future funding sources allocated to support the efforts of making Benicia a more sustained community with reference to the climate action plan; and
2. Facilitating public outreach, education and collaboration with regards to community sustainability to guide Benicia's transition towards being a sustainable, socially just, economically vibrant, and green community.

CSC Work Group 1 was formed to assist with facilitation of public outreach and education. The submittal of a grant application for books and videos at the Benicia Public Library is consistent with those duties and furthers implementation of the strategies of the Climate Action Plan.

**Attachments:**

- Proposed Resolution
- Community Sustainability Commission Memorandum (including grant funding application from the Education and Outreach Work Group) – dated March 9, 2012
- Community Sustainability Commission Draft Minutes – March 19, 2012
- Community Sustainability Commission Minutes – January 23, 2012

**RESOLUTION NO. 12-**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BENICIA APPROVING THE GRANT FUNDING REQUEST FROM THE EDUCATION AND OUTREACH WORK GROUP OF THE COMMUNITY SUSTAINABILITY COMMISSION IN THE AMOUNT OF \$1,500 FOR BOOKS AND VIDEOS FOR THE BENICIA PUBLIC LIBRARY**

**WHEREAS**, the Climate Action Plan includes Strategy EO-1.7. Increase “Green” Book Collection at Benicia Public Library; and

**WHEREAS**, the Community Sustainability Commission formed an Education and Outreach Work Group to further the goals of the Climate Action Plan related to education and outreach; and

**WHEREAS**, the Education and Outreach Work Group believes in providing educational resources to the community; and

**WHEREAS**, the Education and Outreach Work Group submitted a grant funding application for \$1,500 for books and videos for the Benicia Public Library; and

**WHEREAS**, the Community Sustainability Commission reviewed the grant-funding request at its January 23, 2012 meeting, approved it at its March 19, 2012 meeting, found it consistent with Strategy EO-1.7. Increase “Green” Book Collection at Benicia Public Library, and recommended City Council approval of this request; and

**WHEREAS**, the City Council held a public hearing on April 17, 2012 and reviewed the grant funding request.

**NOW, THEREFORE, BE IT RESOLVED THAT** the City Council of the City of Benicia hereby approves the funding request by the Education and Outreach Work Group of the Community Sustainability Commission for \$1,500 from the Valero/Good Neighbor Steering Committee Settlement Agreement funds for books and videos for the Benicia Public Library.

**BE IT FURTHER RESOLVED THAT** funds sufficient to cover the grant in the amount of \$1,500 will be transferred from the unallocated Valero/Good Neighbor Steering Committee Settlement Agreement funds.

\*\*\*\*\*

On motion of Council Member \_\_\_\_\_, seconded by Council Member \_\_\_\_\_, the above Resolution was introduced and passed by the City Council of the City of Benicia at a regular meeting of said Council held on the 17<sup>th</sup> day of April, 2012, and adopted by the following vote.

Ayes:

Noes:

Absent:

---

Elizabeth Patterson, Mayor

Attest:

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Lisa Wolfe, City Clerk



Public Works &  
Community Development Department

**MEMORANDUM**

**Date:** March 9, 2012  
**To:** Community Sustainability Commission  
**From:** Gina Eleccion, Management Analyst *GE*  
**Re:** Review Grant Funding Request

---

**Recommendation:**

Review grant funding application and make recommendation to the City Council on funding.

**Summary:**

1 application has been received:

1. CSC Work Group 1: Public Outreach and Education - \$1,500 for books and videos for the Benicia Public Library

This funding request relates directly to Strategy EO-1.7. Increase "Green" Book Collection at Benicia Public Library.

The application process calls for the Commission to review the requests for funding based on the following criteria -

How will the Project/Program:

- Serve the mission of the Climate Action Plan, in accordance with terms of the Valero/Good Neighbor Steering Committee Settlement Agreement of 2010, to reduce water and energy consumption, reduce GHG emissions, create energy efficiencies, encourage and involve the public to adopt sustainable practices that reduce the carbon footprint of the whole, or part of, the community, and address CAP strategies given priority by the Commission;
- Help achieve community sustainability, in accordance with the Benicia General Plan's overarching goal, [GP, page 22], to be able to meet community needs while enhancing local environmental protections, community health and safety (social equity), and economic benefits without jeopardizing the ability of future generations to meet their own needs;
- Help build community resilience [Defined by the U.N. Development Program: "resilience refers to three conditions that enable a social or

ecological system to absorb change and not fundamentally fall apart: ability to self-organize; ability to buffer disturbance; and capacity for learning and adapting];

- Create new opportunities for conserving water and energy and reduction of GHG, (this may include providing “renewable” energy from alternative sources, solar, thermal and wind);
- Provide methods to assess, monitor and demonstrate actual and projected reductions in GHG, and account for actual reductions in water and energy usage owing to the project, thus, provide “quantifiable goals attached to measurable and specific outcomes”;
- Incorporate an educational component, with an Outreach Plan to enhance the project’s value and to create demonstrable “ripple effects” throughout the community;
- Encourage and seek collaborative engagement with other organizations, agencies, non-profits, entrepreneurial “green” enterprise, business and/or City departments to achieve its goals;
- Identify other sources of funding and describe how ongoing activities are planned to be continued.

Currently, there is a minimum of approximately \$2.2 million of unallocated Valero/Good Neighbor Steering Committee Settlement Agreement Funds.

The Commission reviewed and discussed this item at the January 23, 2012 meeting. The item was continued to clarify that there were no conflict of interest issues. It was determined that Commissioners that are part of Work Group 1 can vote on this item as they have no economic interest in the approval of this item.

Attachment:

- CSC Work Group 1 funding request – Public Outreach and Education

3.  
CITY OF BENICIA  
COMMUNITY SUSTAINABILITY COMMISSION  
2011 - 2013 GRANT APPLICATION

TITLE PAGE

**PART A – BASIC INFORMATION**

**1. PROJECT/PROGRAM NAME:** Community Sustainability Commission: Public Outreach and Education work Group 1.

**Amount of Funding Request:** For year 2012, \$1500 (Fifteen hundred dollars)

**Organization and/or Person(s) Submitting Proposal:** Community Sustainability Commission Workgroup 1

**2. ORGANIZATION INFO:**

**Name:**

**Address:**

**Phone:**

**Fax:**

**Federal ID # ( for non-profit or business)**

**3. If a non-profit organization, the year legally established:**

**State in which established:**

**4. If a business, the year established, number of years:**

**Location:**

**4. CONTACT PERSON (for this Application)**

**Name:** Constance Beutel, EdD

**Title:** Vice Chair, Community Sustainability Commission – Work Group 1: Public Education and Outreach

**Address:** c/o City of Benicia

**Phone:**

**Email:**

**Fax:**

1.  
**CITY OF BENICIA**  
**COMMUNITY SUSTAINABILITY COMMISSION**  
**2011 - 2013 GRANT APPLICATION**

5. The proposed Project/Program will serve FOCUS AREAS of the Benicia Climate Action Plan [CAP] to reduce green house gases [GHG] and thereby also support Community Sustainability. Please list all FOCUS AREAS that will be addressed (fully or partially) by the proposed Project/Program and assign a number to each one in order of priority of importance to the Project/Program’s mission. [See CAP page 15 for Focus Areas.]

EDUCATION/PUBLIC OUTREACH	ENERGY PRODUCTION	TRANSPORTATION & LAND USE	BUILDINGS
1			
INDUSTRIAL & COMMERCIAL	WATER & WASTEWATER	SOLID WASTE	PARKS & OPEN SPACE

6. The proposed Project/Program will serve STRATEGIES of the Climate Action Plan that are categorized in the CAP under the Focus Areas cited above. The CAP identifies EIGHT (8) strategic themes [CAP, page 18]. Please identify by all pertinent and relevant CAP STRATEGIES that the proposed Project/Program will serve and assign a number to each one in order of priority of importance to the proposed Project/Program’s mission. [Example: Priority 2: Strategy B-2.2. Promote Local Green Building Projects.]

Public Outreach	Solar Energy	Wind Energy	Transportation
<b>EO – Education and Public Outreach</b> <b>EO-1.3 – Educational Workshops</b> <b>EO-1.4 Theme of the Month: Locally Sourced Food</b> Provide community resources that educate the public on the importance of locally grown food, low mercury fish, organic produce and –processed food, among other things. <b>EO-1.7 Increase “Green” Book Collection at Benicia Public Library</b> (note: the Library also maintains collections of CDs and DVDS)			
Green Building	Energy Efficiency	Water Conservation	Carbon Sequestration

2.  
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**COMMUNITY SUSTAINABILITY COMMISSION**  
**2011 - 2013 GRANT APPLICATION**

7. **ORGANIZATION CERTIFICATION:** I hereby certify that all information contained in this application and any attachments is true and accurate.

NO CITY EMPLOYEE SHALL BE SIGNATORY ON BEHALF OF AN APPLICANT ORGANIZATION REQUESTING FUNDS FROM THE COMMUNITY SUSTAINABILITY COMMISSION.

\_\_\_\_\_  
 Vice Chair, Community Sustainability Commission

Authorizing Signature \_\_\_\_\_ Title \_\_\_\_\_ Date \_\_\_\_\_

Constance M. Beutel, EdD  
 Typed Name

3.  
**CITY OF BENICIA**  
**COMMUNITY SUSTAINABILITY COMMISSION**  
**2011 - 2013 GRANT APPLICATION**

**PART B – BUDGET INFORMATION**

8. Please provide a budget for the proposed Project/Program. Expenses listed in this document should be consistent with the Project Description. This budget is only for the Project utilizing grant monies. Do not leave any blank boxes. Use “N/A”, if cost category is not applicable.

Note: Column “A” = Total cost of the proposed Project.

Column “B” = Amount requested in this grant application.

Column “C” = The difference between Column A and Column B, or the costs of the Project that are not included in this grant request, if any.

PROJECT DIRECT EXPENSES	TOTAL PROJECT COSTS (A)	GRANT REQUEST AMOUNT (B)	APPLICANT'S OTHER COSTS (C)
Personnel (direct <sup>1</sup> )	N/A		
Personnel (direct <sup>1</sup> )	N/A		
Personnel (support <sup>1</sup> )	N/A		
Benefits (direct <sup>1</sup> )	N/A		
Contract Services – see attached	\$500		
Project Supplies - Books	\$1000		
Project Equipment	TBD		
Transportation costs: e.g., gas, rental	N/A		
Other Direct Costs	N/A		
<b>SUBTOTAL</b>	<b>\$1500</b>	<b>\$</b>	<b>\$</b>

<sup>1</sup> [Provide names, titles & total estimated annual salary or stipend. Attach additional sheets if needed and summarize total here.]

4.  
**CITY OF BENICIA**  
**COMMUNITY SUSTAINABILITY COMMISSION**  
**[DRAFT] 2011 - 2013 GRANT APPLICATION**

**PART B – BUDGET INFORMATION (con't)**

INDIRECT				
Administrative - personnel		N/A		
Benefits		N/A		
Space/office rental		N/A		
Utilities		N/A		
Telephone		N/A		
Office Supplies		N/A		
Transportation (gas, rental)		N/A		
Other Indirect Costs		N/A		
<b>SUBTOTAL</b>		<b>\$0</b>	<b>\$</b>	<b>\$</b>
<b>TOTAL COSTS (direct &amp; indirect)</b>		<b>\$1500</b>	<b>\$</b>	<b>\$</b>

**Video Public Viewing Licensing Fee:**

	<b>Documentary</b>	<b>Public Performance Rights / Fee</b>
1	Food, Inc.	\$121
2	The real dirt on farmer John	\$95 for 50+ people; \$65 for 49 & less
3	The Future of Food	\$100
4	Dirt	\$100
5	End of the Line	\$107
6	The Power of Community	Free

**Books on Sustainability:** An amount, not to exceed \$1000, for acquisition of books and/or additional videos by the Benicia Public Library. The book/video selection will be done in conjunction with the CSC's 2012 – 2013 Public Outreach and Education Programs. Commissioners from Work Group 1 will work with the Library Staff to identify titles.

5.  
**CITY OF BENICIA**  
**COMMUNITY SUSTAINABILITY COMMISSION**  
**[DRAFT] 2011 - 2013 GRANT APPLICATION**

**PART B – BUDGET INFORMATION (con't.)**

9. **APPLICANT'S FINANCIAL SOURCES:** Please provide sources of other funds for the proposed Project/ Program. Total amount should correspond with Total in Column C (from previous page). Do not include your entire budget here. (It should be attached).

Applicant's Sources of Other Funding (be specific)	Amount or Value	Cash or In-kind (indicate)
N/A		
<b>TOTAL</b>	\$	\$

10. List any prior City of Benicia grants or loans awarded to your organization and the number of Benicians served with the funds. (If more space is needed to complete your answer, use the reverse side of this page).

Fiscal Year	Project/Program	Amount of City Grant or Loan	Benicians served
2010 - 11	N/A		
2009 - 10	N/A		
2008 - 09	N/A		
2007 - 08	N/A		
2006 - 07	N/A		
2005 -06	N/A		
2004 - 05	N/A		
2003 - 04	N/A		
<b>TOTALS</b>		\$	

6.  
CITY OF BENICIA  
COMMUNITY SUSTAINABILITY COMMISSION  
[DRAFT] 2011 - 2013 GRANT APPLICATION

**PART C – PROJECT/PROGRAM ORGANIZATION DISCUSSION (Please limit Part C to 5 pages)**

**11. Brief Project/Program Summary (Three to four sentences describing the grant proposal).**

a) A series of documentaries about modern food screened in a public venue in Benicia, free of charge, for general public, to raise awareness in the community about modern ways of producing food, its impact on the environment and human well-being; facilitate the discussion and offer specific ways to help solve the issues raised in the documentaries.

b) Acquisition of books/videos that support Climate Action Plan's Strategy: EO-1.7 Increase "Green" Book Collection at Benicia Public Library

**12. Describe the Project/Program's general purpose and activities:**

a) General purpose: changing buying behavior (sustainable seafood; organic, local produce; preference for whole food vs. processed food); increased knowledge of food industry, desire to learn more and spread the word; active involvement in any form of work to increase the quantity of food from sustainable sources (gardening, CSA, local organizations, political and environmental activism).

Activities: six documentaries, screened once a month, followed by a discussion about the issues raised. The day and time of the screening should be consistent throughout the series (e.g., third Thursday of the month, 6:30 pm). The exact day will be determined by the venue availability.

**13. If sponsored by a non-profit or business, list all financial liabilities or pending legal action:**

N/A

**14. If applying for other grants for fiscal years 2011 - 2013, please list the project, funding source(s), proposed budgets and requested amount(s).**

N/A

**15. At what location(s) will the proposed Project/Program take place, and, if applicable, how long has the organization been at this location?**

The exact location TBD (Benicia Library or Benicia Community Center). It needs to comfortably seat up to 40 people; compliant with all the rules and regulations regarding public screening; equipped with a good audio / video system (DVD)

7.  
CITY OF BENICIA  
COMMUNITY SUSTAINABILITY COMMISSION  
2011 - 2013 GRANT APPLICATION

**PART C – PROJECT/PROGRAM ORGANIZATION DISCUSSION (con't)**

- 16. What are your proposed hours of operations for this Project/Program? Please indicate hours that actual services will be provided, and how this may or may not differ from the hours project staff will be available to respond to inquiries by phone or email, answer general questions, etc.?**

Once a month; 6:30 pm; no need for the city staff to answer the inquiry – the email inquiries will be managed by the Workgroup 1.

- 17. Describe the Project/Program associated with this grant request. Include the goals to be achieved and the strategy that will be used to meet the goals. Be specific when discussing what will be achieved as a result of the proposed Project/Program, with respect to goals of the Benicia Climate Action Plan to reduce GHG emissions.**

**As this question relates to GHG, the Climate Action Plan does not specify direct GHG reductions.**

- 18. Please describe why the proposed Project/Program is necessary for citizens of Benicia and the community as a whole?**

a) Few personal choices bring us closer to the core of sustainability than locally grown food. This topic is wide-ranging, from personal health and well-being to the world-wide consequences of large-scale agriculture. How we feed ourselves is directly linked to the world's sustainability issues: pollution, transportation, energy, social justice, economics, animal welfare, the risk of GMO, and more.

Mass-production of food is highly polluting, energy-intensive, delocalized, and hazardous in many ways – from toxic inputs (pesticides, herbicides, and synthetic fertilizers) and fossil-fueled global shipping, to a loss of biodiversity resulting from monocultures. Processed foods are far less nutritious than fresh foods. Industrial agriculture degrades the very soil it depends upon for nourishment. We need to move away from this model.

With each dollar spent on food and drink, we vote for the system that produces what we buy, whether it benefits our body and the planet or wreaks havoc on both. So, by learning about what we eat, we can learn to “vote” consciously for a life-nourishing food system.

This video series “What’s for Dinner” is designed to bring awareness to the community about what actually we all eat, how it’s produced, at what cost to the Earth and all things living, and it suggests healthy alternatives. **The topic is crucial for any community striving for more sustainability and resilience.**

b) The acquisition of additional books/videos relevant to EO-1.7 will provide access through the Public Library to the citizens of Benicia who may otherwise not be able to acquire these important resources.

- 19. How will outreach be conducted so that services provided will have an educational “ripple effect” throughout the community?**

a) The video series will be promoted via the CSC’s website, local press and through the local non-profit groups. Each video will be accompanied by the list of suggested further reading and watching. The Community Supported Agriculture will be presented at every night with an opportunity to sign up for the direct delivery of fresh food from local farms. The post-video discussion will be documented, analyzed and discussed by the Workgroup 1. Survey will be offered to each participant to assess the level of their understanding and knowledge before and after each viewing. Survey results and the number of people attending will be watched, analyzed and discussed by the Workgroup 1.

- b) The book/video acquisition will be promoted in Benicia Herald articles, Allied Waste Billing inserts, the CSC's website, Benicia School District, formal forums sponsored by the CSC.

**8.**  
**CITY OF BENICIA**  
**COMMUNITY SUSTAINABILITY COMMISSION**  
**2011 - 2013 GRANT APPLICATION**

**PART C – PROJECT/PROGRAM ORGANIZATION DISCUSSION (con't)**

**20a. List the specific, quantifiable goals of the proposed Project/Program.** (Please state the goals in numbers of individuals, families, households or groups projected to be served and then estimate the amount of energy or water savings that may be achieved for each, then total those figures in each category and estimate GHG reduced by the Project/Program over one year.)

<b>ANNUAL GOALS</b>	<b>Numbers served, e.g. individuals, families, households and/or groups</b>	<b>Water &amp; Energy Savings in 1 year</b>	<b>GHG reductions (estimate) in 1 year</b>
Attendance – video series	100-200 attendees (or viewers) over a two year period		
Book/video usage/borrowing	Available to Benicians through the Benicia Public Library		

**20b. Discuss how this data will be collected, organized and disseminated throughout the community.**

Attendance sheets will be kept for each of the video showing and tracking of book/video loans will be done with the Library. The report will be made with the annual CSC report to City Council and posted on the CSC's website.

**21. If the proposed Project/Program is an already existing activity, or part of an existing program of the applicant or his or her organization or business, please explain.**

Yes, the Community Sustainability Commission and Work Group 1, Public Education and Outreach has successfully sponsored two educational series in 2010: Stewards of our Children's Future (175 attending) and Sustainable Benicia: Green Business. (39 attending a total of 6 sessions). This Education and Public Outreach series continues through 2012 and 2013

**22. Identify similar projects or programs in the community and how the proposed Project/Program differs from them.**

- a) NONE! – the sustainable food is largely overlooked by this community!!
- b) Given the difficult financial times faced, book/video acquisitions are limited. There isn't any specific agency or non profit organization, other than the Community Sustainability Commission, focused on promoting sustainability in Benicia.

9.  
**CITY OF BENICIA  
 COMMUNITY SUSTAINABILITY COMMISSION  
 2011 - 2013 GRANT APPLICATION**

**PART C – PROJECT/PROGRAM ORGANIZATION DISCUSSION (con't)**

**24. REQUIRED ATTACHMENTS: Please verify and check off confirmation indicating that the following required items are attached to the original application.**

**Do not leave any blank – if an item is not applicable, indicate by “N/A”**

<b>Attachment Confirmation</b>	<b>Item No.</b>	<b>Item Description</b>
N/a ( )	1.	IRS Letter of Tax Exempt Status
N/a ( )	2.	Organization's total budget for the current year
N/a ( )	3.	Copy of most recent audit or financial statement
N/a ( )	4.	Names and addresses of Board of Directors
N/a( )	5.	List of paid principal staff and positions
N/a ( )	6.	Job descriptions for principal staff and personnel <i>to be paid partially or in full with grant funding.</i>
N/a ( )	7.	Copy of resolution or board meeting minutes indicating organization's support of the project application.
N/a ( )	8.	If a partnership, or involving any collaboration with other group or entity, letters of commitment from each organization indicating degree of participation and a budget showing each organization's financial responsibility to the proposed Project/Program.

**THANK YOU!**

Public Outreach	Solar Energy	Wind Energy	Transportation
EO- Education and Public Outreach EO-1.3- Educational Workshops EO-1.4 Theme of the Month: Locally Sourced Food Provide community resources that educate the public on the importance of locally grown food, low mercury, fish, organic produce and pre-processed food, among other things. EO-1.7 Increase "Green" Book Collection at Benicia Public Library (note: the Library also maintains collections of CDs and DVDS)			

Green Building	Energy Efficiency	Water Conservation	Carbon Sequestration

2.

CITY OF BENICIA  
 COMMUNITY SUSTAINABILITY COMMISSION  
 2011 - 2013 GRANT APPLICATION

7. ORGANIZATION CERTIFICATION: I hereby certify that all information contained in this application and any attachments is true and accurate.

NO CITY EMPLOYEE SHALL BE SIGNATORY ON BEHALF OF AN APPLICANT ORGANIZATION REQUESTING FUNDS FROM THE COMMUNITY SUSTAINABILITY COMMISSION.


 \_\_\_\_\_ /fOqi~e Chair, Community Sustainability Commission \_\_\_\_\_ 1/16/11

Authorizing Signature Title Date

Constance M. Beutel, EdD  
 Printed Name



- B. 2012 COMMUNITY SUSTAINABILITY TIMELINE** – Chair Beutel will provide an overview of the Commission’s timeline for 2012.

Chair Beutel gave an overview of the year’s schedule for the Commission.

- C. OVERVIEW OF THE VALERO/GOOD NEIGHBOR STEERING COMMITTEE SETTLEMENT AGREEMENT** – Vice Chair Kerridge will provide an overview of the agreement.

Vice Chair Kerridge gave a presentation on the settlement agreement. She noted that she spoke to Dana Dean, Attorney, who assisted in drafting the document. This is a contract between the City and Valero, outlining the settlement provisions. The 2010 amendment, made changes to Exhibit A of the 2008 Agreement. Specific projects were set out in the agreement. There is a mechanism in the agreement that the funds can be rolled into the next calendar year, eventually rolled back into funding future projects per Section H of the Agreement, if not expended. Funds were allocated for specific projects, of which the Commission has no oversight. She referenced Condensate Recovery Phase I, which has been funded. Regarding Condensate Recovery Phase II, she outlined the provisions in the contract. The in-lieu attorney fee projects were referenced. It was clarified that the Commission makes recommendations, but the City Council makes the final decision.

The public comment period was opened.

Duane Oliveira, Economic Development member, requested clarification on there being multiple agreements. It was confirmed that the 2008 Agreement was amended in 2010.

The public comment period was closed.

**V. CONSENT CALENDAR**

On motion of Commissioner Kerridge, seconded by Commissioner Silva, the Consent Calendar, with a correction to the minutes, was approved by the following vote:

Ayes: Commissioners Fiscalini, Kerridge, Lamoreux, Shannon, Silva, and Chair Beutel  
Noes: None  
Absent: Commissioner Tupper  
Abstain: None

- A. **Approval of Minutes of January 23, 2012 Regular Meeting**
- B. **CONSIDERATION OF GRANT APPLICATION - PUBLIC OUTREACH AND EDUCATION (WORK GROUP 1) - \$1,500 FOR BOOKS AND VIDEOS FOR THE BENICIA PUBLIC LIBRARY** (Continued from January 23, 2012)

**Recommendation:** The application was reviewed and discussed at the January 23, 2012 meeting. The Commission is asked to make a recommendation to City Council on funding.

## VI. **AGENDA ITEMS**

### A. **SUSTAINABLE MANAGEMENT PROGRAM –**

The Business Development Action Plan (BDAP), adopted by the City Council on March 6, 2012, includes a proposed Sustainability Management Program for Benicia Industrial Park businesses. This program directly relates to implementation strategies in the Climate Action Plan. Commissioners Fiscalini and Shannon have been appointed to the Economic Development Business Retention and Recruitment Committee, which is involved in this project.

**Recommendation:** Review the Sustainability Management Program and make a recommendation to the City Council.

Gina Eleccion provided an introduction to this item. She noted that this is a collaboration between sustainability and economic development efforts that furthers implementation of Climate Action Plan strategies.

Mario Giuliani, Acting Economic Development Manager, gave an overview of the Program. He noted this has two parts; business assessments and implementation. This Program combines goals of both the Community Sustainability Commission and the Economic Development Board. He introduced Audrey Taylor, Chabin Concepts, to provide additional information.

Audrey Taylor, Chabin Concepts, gave a brief presentation. In terms of process, this Program is looking to assist the City with meeting its 2020 emissions targets. The assessment will result in a report for each business that quantifies what changes can be made to realize efficiencies and savings. There are three funding options outlined in the Plan. The Plan includes workshops/training for employers to encourage behavioral changes. Businesses will be tracking energy, water, recycling and fuel. Green business certificates are an attractive part of this program.

Wattzon will also partner with leading services provider, Carbon Lighthouse, in order to identify those places where energy savings can be found in buildings. Brenden Millstein, CEO of Carbon Lighthouse, gave an overview of the services they provide.

The Commissioners and the audience asked the presenters brief questions for clarification on the services they are proposing to provide.

On motion of Commissioner Shannon, seconded by Commissioner Fiscalini, the Commissioners recommended City Council approve funding the grant requested by the following vote:

Ayes: Commissioners Fiscalini, Kerridge, Lamoreux, Shannon, Silva, Tupper and Chair Beutel

Noes: None

Absent: None

Abstain: None

## **2. COMMUNITY SUSTAINABILITY COMMISSION: PUBLIC OUTREACH AND EDUCATION (WORK GROUP 1) - \$1,500**

**Recommendation:** Review applications from prospective grantees and make a recommendation to City Council on funding.

Chair Beutel presented this \$1,500 grant request to the Commission for the purchase of public education and outreach materials including books and videos. Since Work Group 1 worked on the request and the group is comprised of CSC Commissioners, a discussion took place on the proper way to bring forth an application in order to request an approval for funds. It was decided that the request would be placed on hold until clarification can be received from the City Attorney.

### **B. AMENDMENT TO GRANT APPLICATION PACKET FOR VALERO/GOOD NEIGHBOR STEERING COMMITTEE SETTLEMENT AGREEMENT FUNDS AND CREATION OF SMALL GRANTS PROCESS**

**Recommendation:** By minute action, amend the process to establish two funding periods (March and September), which will create a more efficient, streamlined process.

Staff explained that creating two funding cycles would provide the opportunity to advertise the grant money available, to hold informational workshops, and to allow the Commission to compare the submitted requests.



**AGENDA ITEM  
CITY COUNCIL MEETING DATE - APRIL 17, 2012  
CONSENT CALENDAR**

**DATE** : April 4, 2012  
**TO** : City Manager  
**FROM** : Public Works and Community Development Director  
**SUBJECT** : **AWARD OF CONSTRUCTION CONTRACT FOR THE 2012 STREET RESURFACING PROJECT**

**RECOMMENDATION:**

Adopt a resolution accepting bids for the 2012 Street Resurfacing Project, awarding the construction contract to MCK Services, Inc. in the amount of \$704,696.75, authorizing the City Manager to execute the contract on behalf of the City, and approving a funding swap to fully expend available Proposition 1B monies.

**EXECUTIVE SUMMARY:**

The 2012 Street Resurfacing Project will repair and resurface Stone Road, the flooded-damaged section of Industrial Way (both locations are in the Industrial Park), and Rose Drive, south of Columbus Parkway. Swapping \$149,000 of Proposition 1B funding from FY12/13 with gas tax funding from FY11/12 will ensure the last remaining Proposition 1B cost savings from the Rose Drive Overcrossing Project will be expended on this project before the end of the FY 12 deadline. A more detailed explanation of the funding swap is contained in the body of the staff report.

**BUDGET INFORMATION:**

The proposed project budget is outlined below:

**Project Budget**

FY 2012/13 Proposed Budget

Vehicle Impact Fee (Allied Waste) (Acct. #035-7740-9721) .....	\$145,000
Proposition 1B Funds (Acct. #035-7735-9711).....	\$460,000
Gas Tax (Acct. #017-8705-9711) .....	<u>\$170,197</u>
<b>Total Project Budget .....</b>	<b><u>\$775,197</u></b>

A summary of the anticipated construction expenditures is outlined below:

**Project Expenditures**

Construction Contract .....	\$704,697
-----------------------------	-----------

Construction Contingency (10%) .....	\$70,500
<b>Total Project Expenditures .....</b>	<b>\$775,197</b>

**Funding Swap**

The City was recently notified by the Department of Finance that the Proposition 1B cost savings from the Rose Drive Overcrossing project needed to be expended by the end of June 30, 2012. To achieve this, it is recommended the remaining \$149,000 of Proposition 1B cost savings in the approved FY 2012-2013 budget be swapped with gas tax funding in the FY 2011-2012 budget as shown below:

**Approved FY 2011-13 line item budget:**

<u>Street Resurfacing</u>	<u>FY 11-12</u>	<u>FY 12-13</u>
Proposition 1B Funds (Acct. #035-7735-9711)	\$350,000	\$149,000
Gas Tax (Acct. #017-8705-9711)	\$497,200	\$540,000

**Recommended FY 2011-13 line item budget:**

<u>Street Resurfacing</u>	<u>FY 11-12</u>	<u>FY 12-13</u>
Proposition 1B Funds (Acct. #035-7735-9711)	\$499,000	\$0
Gas Tax (Acct. #017-8705-9711)	\$348,200	\$689,000

This swap allows the last remaining Proposition 1B allocation to be completely utilized prior to the June 30, 2012 funding deadline and will not impact future programmed projects.

**GENERAL PLAN:**

Relevant General Plan Goals and policies include:

- Goal 2.28: Improve and maintain public facilities and services

**STRATEGIC PLAN:**

Relevant Strategic Plan Issue and Strategies include:

- Strategic Issue #4: Preserving and Enhancing Infrastructure
  - Strategy #4: Provide adequate funding for ongoing infrastructure needs
- Strategic Issue #1: Provide safe, functional and complete streets
  - Strategy #1: Fund street maintenance at a level that will improve pavement management index rating.

**ENVIRONMENTAL REVIEW:**

This project is Categorically Exempt per CEQA Section 15302 (c), which applies to repair and maintenance of existing roadways.

**BACKGROUND:**

On March 29, 2012, three bids were received and opened for the 2012 Street Repair and Resurfacing Project as summarized below:

<b>RANK</b>	<b>BIDDER'S NAME AND CITY</b>	<b>TOTAL BASE BID</b>
1	MCK Services, Concord	\$704,696.75
2	Team Ghilotti, Petaluma	\$798,943.75
3	Vintage Paving, Winters	\$877,237.56
--	<i>Engineer's Estimate</i>	\$900,000.00

The low bid submitted by MCK Services, Inc. of Concord was reviewed and determined to be responsive. MCK has successfully completed resurfacing work for the City and other public agencies in the Bay Area and is considered a responsible bidder.

This project will resurface Stone Road and the flooded-damaged section of Industrial Way (both locations are in the Industrial Park), and Rose Drive south of Columbus Parkway (see location map). These project locations were selected based upon multiple criteria including street condition, traffic volumes, traffic loading, economic development potential, and equitable distribution of improvements throughout the City and were confirmed at the February 21, 2012 City Council Meeting. The slurry sealing project that was also discussed at the February meeting will be awarded in June.

Construction is scheduled to begin in May and be completed by early July.

Attachments:

- Proposed Resolution
- Location Map



**RESOLUTION NO. 12-**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BENICIA ACCEPTING ALL BIDS FOR THE 2012 STREET RESURFACING PROJECT, AWARDING THE CONSTRUCTION CONTRACT TO MCK SERVICES, INC. IN THE AMOUNT OF \$704,696.75, AUTHORIZING THE CITY MANAGER TO SIGN THE CONTRACT ON BEHALF OF THE CITY, AND APPROVING A FUNDING SWAP TO FULLY EXPEND AVAILABLE PROPOSITION 1B MONIES**

**WHEREAS**, on March 13, 2012 the Public Works and Community Development Department made available the construction plans and specifications for the 2012 Street Resurfacing Project for public bidding; and

**WHEREAS**, on March 29, 2012, three bids were received and opened; and

**WHEREAS**, MCK Services, Inc, of Concord, California was determined to be the bidder submitting the lowest responsive, responsible bid in the amount of \$704,696.75; and

**WHEREAS**, this project is categorically exempt pursuant to Section 15301(c) of the CEQA guidelines; and

**WHEREAS**, the State Department of Finance has indicated the Proposition 1B cost savings on the Rose Drive Overcrossing must be expended by the end of FY 2012; and

**WHEREAS**, swapping the last remaining \$149,000 of Proposition 1B cost savings programmed in the approved FY 2013 budget with gas tax monies in the FY 2012 budget and expending it on this project will ensure this requirement is met.

**NOW, THEREFORE, BE IT RESOLVED THAT** the City Council of the City of Benicia hereby accepts the bids for the 2012 Street Repair Project, and awards the construction contract in the amount of \$704,696.75 to MCK Services, Inc.

**BE IT FURTHER RESOLVED THAT** the City Manager is hereby authorized to sign the contract on behalf of the City, subject to approval by the City Attorney.

**BE IT FURTHER RESOLVED THAT** the \$149,000 of Proposition 1B monies programmed in the approved FY 2013 budget is hereby swapped with gas tax monies in the FY 2012 budget as shown in Exhibit A.

\*\*\*\*\*

On motion of \_\_\_\_\_, seconded by \_\_\_\_\_, the above Resolution was introduced and passed by the City Council of the City of Benicia at a regular meeting of said Council held on the 17<sup>th</sup> day of April, 2012, and adopted by the following vote:

Ayes:

Noes:

Absent:

\_\_\_\_\_  
Elizabeth Patterson, Mayor

Attest:

\_\_\_\_\_  
Lisa Wolfe, City Clerk

**Exhibit A**

**GAS TAX/PROPOSITION 1B FUND SWAP**

\$149,000 of Proposition 1B funding programmed in the approved FY 2013 budget is hereby swapped with gas tax funding in the FY 2012 budget as shown below:

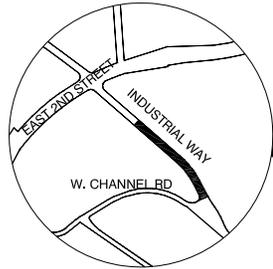
**Previously Approved FY 2011-13 Line Item Budget:**

<u>Street Resurfacing</u>	<u>FY 11-12</u>	<u>FY 12-13</u>
Proposition 1B Funds (Acct. #035-7735-9711)	\$350,000	\$149,000
Gas Tax (Acct. #017-8705-9711)	\$497,200	\$540,000

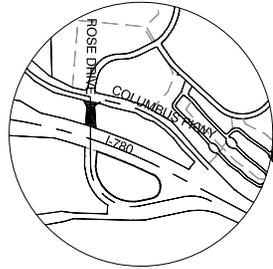
**New Approved FY 2011-13 Line Item Budget:**

<u>Street Resurfacing</u>	<u>FY 11-12</u>	<u>FY 12-13</u>
Proposition 1B Funds (Acct. #035-7735-9711)	\$499,000	\$0
Gas Tax (Acct. #017-8705-9711)	\$348,200	\$689,000

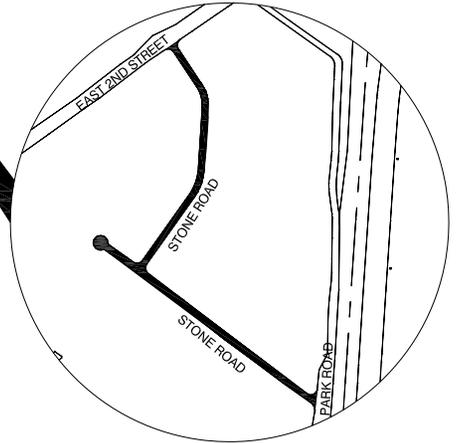




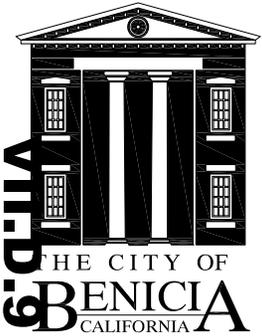
INDUSTRIAL WAY (FROM W. CHANNEL RD NORTHERLY TO CULVERT CROSSING)



ROSE DRIVE (FROM COLUMBUS PKWY TO I-780 OVERCROSSING)

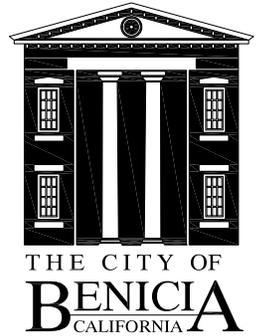


STONE ROAD (EAST 2ND ST TO PARK RD)



# 2012 STREET REPAIR & RESURFACING PROJECT

## LOCATION MAP





**AGENDA ITEM  
CITY COUNCIL MEETING DATE - APRIL 17, 2012  
CONSENT CALENDAR**

**DATE** : April 9, 2012  
**TO** : City Council  
**FROM** : City Attorney  
**SUBJECT** : **DENIAL OF THE CLAIM AGAINST THE CITY BY DOLORES HOGAN  
AND REFERRAL TO INSURANCE CARRIER**

**RECOMMENDATION:**

Deny the claim against the City by Dolores Hogan.

**EXECUTIVE SUMMARY:**

A City work vehicle and claimant were involved in a disputed lane change collision.

**BUDGET INFORMATION:**

The amount of claim is for \$5,110.95.

**GENERAL PLAN:**

N/A.

**STRATEGIC PLAN:**

N/A-There is not a relevant Strategic Plan Goal that relates to this agenda item.

**BACKGROUND:**

Both vehicles were traveling approximately 25 MPH eastbound on Military East. The City vehicle was traveling in lane number 1 and claimant in lane number 2. Claimant states that the City vehicle swerved into her lane and made contact. City worker stated that claimant struck the right side of his vehicle. A passenger and coworker were in the City vehicle. He witnessed claimant veer from lane number 2 into lane number 1 and even shouted a warning to his coworker.

Attachment:

- State Farm Demand Letter



**State Farm®**  
Providing Insurance and Financial Services  
Home Office, Bloomington, Illinois 61710



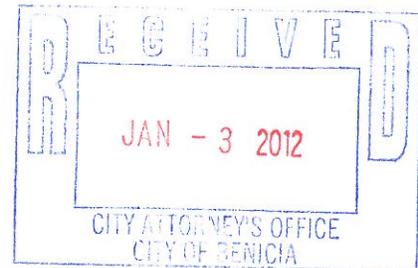
December 14, 2011

City Of Benicia  
250 E L St  
Benicia CA 94510-3239

**State Farm Claims**  
P.O. Box 2371  
Bloomington IL 61702-2371

**Certified Mail-Return Receipt Requested**

RE: Claim Number: 05-01F5-170  
Our Insured: Delores K Hogan  
Date of Loss: 07/07/2011  
Your Insured: City Of Benicia  
Your Insured Driver: City Of Benicia  
Loss Location: Military East , Benicia, CA



To Whom It May Concern:

Facts of Loss:

Our insured was east on Military in right lane. going east bound. City water vehicle. changed lanes and struck our insured. .

It is our understanding that you are self insured. Our investigation indicates you are responsible for this claim. Therefore, we are seeking recovery from you. This letter is to notify you of our subrogation claim and request your cooperation in settling this matter.

To assist you in your review, here is a breakdown of the amounts State Farm paid by Cause of Loss:

041/045 - Uninsured Motorist BI	\$
042 - Uninsured Motorist PD	\$
300 series/400 - Comp/Collision	\$4,790.95
501 - Rental/Loss of Use	\$70.0
600-050 - Med Pay/PIP	\$
Other	\$
Salvage Recovery	\$
Amount State Farm Paid	\$4,860.95
Insured Deductible	\$250.00
Total Claim Amount	\$5,110.95

Based on the assessment of liability between the parties, State Farm Mutual Automobile Insurance Company is seeking 100% of the Total Claim Amount listed above. The amount payable to State Farm Mutual Automobile Insurance Company for this loss is \$5,110.95.



**AGENDA ITEM**  
**CITY COUNCIL MEETING DATE - APRIL 17, 2012**  
**BUSINESS ITEMS**

**DATE** : April 4, 2012

**TO** : City Manager

**FROM** : Interim Finance Director

**SUBJECT** : **AUTHORIZE ISSUANCE AND SALE OF GENERAL OBLIGATION REFUNDING BONDS TO REFUND OUTSTANDING GENERAL OBLIGATION BONDS**

**RECOMMENDATION:**

Adopt resolutions 1) authorizing the issuance and sale of general obligation refunding bonds in an aggregate principal amount not to exceed \$4,700,000 to refund outstanding general obligation bonds, and directing related actions, and 2) approving and authorizing execution of corporate resolution to open accounts with First Republic Bank.

**EXECUTIVE SUMMARY:**

The City issued, in 1997 and 1998, General Obligation Wastewater bonds totaling \$10 million to improve the City's wastewater treatment plant. The interest rate on the outstanding bonds ranges from 4.6% to 5.0%. Debt service on the bonds is collected by the County on the property tax roll. The City has the opportunity to refinance the remaining outstanding bonds at an interest rate of 1.25 % which will result in savings to the taxpayers of approximately \$377,700 over the remaining six year term of the bonds.

**BUDGET INFORMATION:**

Refunding the outstanding general obligation bonds will have no budget impact on the City of Benicia. The debt service savings from this refinancing will be realized by the taxpayers of the City of Benicia.

**STRATEGIC PLAN:**

Relevant Strategic Plan Issues and Strategies:

- Strategic Issue #3: Strengthening Economic and Fiscal Conditions
- Strategy #4: Manage City finances prudently

**BACKGROUND:**

In 1997, City of Benicia voters approved issuance of up to \$30 million in general obligation bonds to fund improvements to the City's wastewater treatment plant. The 1997 General Obligation Wastewater bonds totaling \$10 million were issued in August 1997 (Series A) and May 1998 (Series B). The bonds were issued for a term of twenty years with the final debt service payment due in August 2017 for Series A and August 2018 for Series B. The current outstanding balance on the bonds is \$4,490,000. The interest rate on the outstanding bonds ranges from 4.6 percent to 5.0 percent.

Because these are voter approved general obligation bonds, funding for the annual debt services payments is collected by the County on the property tax roll. The City's financial advisor, Wulff Hansen & Co., has been working with staff to identify potential savings that could be realized from refinancing this outstanding debt. Interest rate quotes ranging from 2.80 percent to 1.25 percent were received from four financial institutions. The lowest rate quote of 1.25 percent was provided by First Republic Bank. This refinancing will be structured as a private placement sale. The amount of bonds issued will not exceed \$4.7 million with the refunding bonds maturing in August 2018. The debt service savings to be realized over the remaining six year term of the bonds will be approximately \$377,700. Because the debt service payments are collected on the tax roll, the savings will be realized by the taxpayers within the City of Benicia rather than the City itself. The approximate annual savings will be \$1.71 per \$100,000 of assessed value. For a home with an assessed value of \$300,000, the annual savings would be \$5.13.

There are two resolutions presented for Council consideration. The first resolution authorizes the issuance of the Series 2012 Refunding Bonds in an amount not to exceed \$4,700,000, with a maturity date not extending beyond August 1, 2018 and at an interest rate not to exceed 1.25 percent. This resolution also authorizes execution of a bond purchase contract with First Republic Bank and an Escrow Deposit and Trust Agreement with U.S. Bank for the refunded bonds. The second resolution authorizes the establishment of accounts at First Republic Bank – one for debt service payments and a second to be used to pay the costs of issuance of the financing.

The financing schedule provides for the City Council to approve the debt refinancing on April 17<sup>th</sup>, for the bonds to be priced on April 26<sup>th</sup> and for the financing to close on Wednesday May 9<sup>th</sup>. The savings to the taxpayers from this debt refinancing will then be reflected on the FY 2012-13 property tax bills, which will be issued in the fall.

Attachments:

- Proposed Resolution authorizing the sale of General Obligation Refunding Bonds, Series 2012, in an aggregate principal amount not to exceed \$4,700,000 to refund outstanding general obligation bonds, and directing related actions
- Bond Purchase Contract
- Escrow Deposit and Trust Agreement
- Proposed Resolution approving and authorizing execution of corporate resolution to open accounts (First Republic Bank)



**RESOLUTION NO. 12-**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BENICIA AUTHORIZING THE ISSUANCE AND SALE OF GENERAL OBLIGATION REFUNDING BONDS, SERIES 2012, IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$4,700,000 TO REFUND OUTSTANDING GENERAL OBLIGATION BONDS, AND DIRECTING RELATED ACTIONS**

**WHEREAS**, an election was duly and regularly held in the City of Benicia (the "City") on June 3, 1997, for the purpose of submitting to the qualified electors of the City the question whether general obligation bonds should be issued in the aggregate principal amount of \$30,000,000 in order to increase the reliable capacity of the City's existing wastewater treatment plant to serve existing users and anticipated infill for buildout of existing service area, reduce offsite odor and noise impacts, reduce public health and safety risk from the use of gaseous chlorine on site, reduce the public health risk by reducing the number of raw sewage spills in various locations of the City, improve existing facilities to extend their useful lives and allow for continued reliable plant operation, minimize impacts of flooding on site, and repair and improve the City's wastewater collection system (the "Project"), at which election more than two-thirds of the votes cast were in favor of the issuance of such bonds; and

**WHEREAS**, pursuant to such voter approval, this Council, has heretofore authorized, issued, sold and delivered its: (1) \$5,000,000 City of Benicia 1997 General Obligation Wastewater Bonds, Series A, on August 28, 1997, \$2,100,000 of which remain outstanding (the "Series A Bonds"); and (2) \$5,000,000 City of Benicia 1997 General Obligation Wastewater Bonds, Series B, on June 10, 1998, \$2,390,000 of which remain outstanding (the "Series B Bonds", and together with the Series A Bonds, the "Refunded Bonds") to finance the Project; and

**WHEREAS**, at this time, the City Council of the City intends to issue and sell bonds designated "City of Benicia General Obligation Refunding Bonds, Series 2012" (the "Series 2012 Bonds") in the aggregate principal amount of \$4,700,000 to refund the outstanding Refunded Bonds; and

**WHEREAS**, the City Council of the City is informed and finds that all acts, conditions and things required by law to be done or performed have been done and performed in strict conformity with the laws authorizing the issuance of the Series 2012 Bonds and within all limits prescribed by law.

**NOW, THEREFORE, IT IS RESOLVED, DETERMINED AND ORDERED** by the City Council of the City of Benicia, as follows:

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## ARTICLE I

### DEFINITIONS; AUTHORITY

**Section 1.01. Definitions.** The terms defined in this Section 1.01, as used and capitalized herein, shall, for all purposes of this Resolution, have the meanings ascribed to them below, unless the context clearly requires some other meaning.

*“Articles,” “Sections”* and other subdivisions are to the corresponding Articles, Sections or subdivisions of this Resolution, and the words *“herein,” “hereof,” “hereunder”* and other words of similar import refer to this Resolution as a whole and not to any particular Article, Section or subdivision hereof.

*“Authorized Investments”* means any investments permitted by law to be made with moneys belonging to, or in the custody of, the City, including, but not limited to, the Local Agency Investment Fund in the California State Treasury and in investment agreements, including guaranteed investment contracts and repurchase agreements exceeding one year in maturity, with a financial entity whose long-term debt is rated by Moody’s Investors Service or Standard & Poor’s Ratings Group AA- or better, and whose short-term debt is rated no lower than the corresponding level of rating category for such debt. Any such investment agreement shall provide that the financial entity shall deposit collateral with a third party in accordance with criteria established by Moody’s Investors Service or Standard & Poor’s Rating Group in the event that the rating of short- or long-term debt of the financial entity is downgraded below then-current requirements of Moody’s Investors Service or Standard & Poor’s Rating Group for such investment agreements.

*“Bond Counsel”* means any attorney or firm of attorneys nationally recognized for expertise in rendering opinions as to the legality and tax exempt status of securities issued by public entities.

*“Bond Year”* means the period from August 2 through August 1 of the next calendar year, except the first Bond year shall commence on the Closing Date and end on August 1, 2012.

*“Certificate of Bond Terms”* means a certificate signed by a City Representative dated the Closing Date setting forth or modifying certain terms of the Series 2012 Bonds, as provided in Section 2.01.

*“City”* means the City of Benicia and any successor thereto.

*“City Clerk”* means the City Clerk or other official who is the duly appointed and acting City Clerk of the City.

*“City Council”* means the duly elected City Council acting as the governing body of the City.

*“City Manager”* means the manager or other chief administrative officer of the City.

*“City Representative”* means the Mayor or Vice Mayor of the City, the City Manager, the City Clerk, the Treasurer, the Finance Director, the City Attorney or any other person authorized by action of the City Council to act on behalf of the City with respect to this Resolution and the Series 2012 Bonds.

*“Closing Date”* means the date upon which there is an exchange of Series 2012 Bonds for the proceeds representing the purchase price of the Series 2012 Bonds by the Original Purchaser.

*“Costs of Issuance”* means all items of expense directly or indirectly reimbursable to the City relating to the issuance, execution and delivery of the Series 2012 Bonds including, but not limited to, the origination fee of the Original Purchaser (whether paid out of the Costs of Issuance Fund or deducted from the price paid to the City for the Series 2012 Bonds, filing and publication costs, settlement costs, reproduction costs, escrow and verification report fees, legal fees and charges, fees and expenses of the Escrow Bank, financial and other professional consultant fees, and charges and fees in connection with the foregoing.

*“Costs of Issuance Fund”* means the fund designated “City of Benicia, General Obligation Bonds, Series 2012, Costs of Issuance Fund” established and held by the City under Section 4.02.

*“County”* means the County of Solano, California.

*“Debt Service”* means the scheduled amount of interest and amortization of principal payable on the Series 2012 Bonds during the period of computation, excluding amounts scheduled during such period which relate to principal which has been retired before the beginning of such period.

*“Debt Service Fund”* means the fund designated “City of Benicia, General Obligation Bonds, Series 2012, Debt Service Fund” established and held by the City under Section 4.05.

*“Escrow Bank”* means U.S. Bank National Association, and its successors and assigns.

*“Escrow Deposit and Trust Agreement”* means the Escrow Deposit and Trust Agreement, dated as of May 1, 2012, between the City and the Escrow Bank, providing for the refunding of the Refunded Bonds.

*“Escrow Fund”* means the fund designated “City of Benicia 1997 General Obligation Wastewater Bonds, Series A & B, Escrow Fund” established and held by the Escrow Bank under the Escrow Deposit and Trust Agreement.

*“Fair Market Value”* means the price at which a willing buyer would purchase the investment from a willing seller in a bona fide, arm’s length transaction (determined as of the date the contract to purchase or sell the investment becomes binding) if the investment is traded on an established securities market (within the meaning of section 1273 of the Tax Code) and, otherwise, the term “Fair Market Value” means the acquisition price in a bona fide arm’s length transaction (as referenced above) if (i) the investment is a certificate of deposit that is acquired

in accordance with applicable regulations under the Tax Code, (ii) the investment is an agreement with specifically negotiated withdrawal or reinvestment provisions and a specifically negotiated interest rate (for example, a guaranteed investment contract, a forward supply contract or other investment agreement) that is acquired in accordance with applicable regulations under the Tax Code, (iii) the investment is a United States Treasury Security--State and Local Government Series that is acquired in accordance with applicable regulations of the United States Bureau of Public Debt, or (iv) any commingled investment fund in which the City and related parties do not own more than a ten percent (10%) beneficial interest if the return paid by such fund is without regard to the source of the investment.

*"Federal Securities"* means United States Treasury Series 2012 Bonds, bonds, bills or certificates of indebtedness or those for which the faith and credit of the United States are pledged for the payment of principal and interest.

*"Finance Director"* means the Finance Director of the City.

*"Interest Payment Dates"* means each February 1 and August 1, commencing on August 1, 2012, or as otherwise specified in the Certificate of Bond Terms.

*"Original Purchaser"* means First Republic Bank.

*"Outstanding,"* when used as of any particular time with reference to Series 2012 Bonds means all Series 2012 Bonds except:

(a) Series 2012 Bonds theretofore canceled by the City or surrendered to the City for cancellation;

(b) Series 2012 Bonds paid or deemed to have been paid within the meaning of Section 9.02 hereof; and

(c) Series 2012 Bonds in lieu of or in substitution for which other Series 2012 Bonds shall have been authorized, executed, issued and delivered by the City pursuant to the Resolution.

*"Owner"* or *"Bondowner"* mean any person who shall be the registered owner of any Outstanding Bond.

*"Refunding Bond Law"* means Sections 53550 *et seq.* and 53580 *et seq.* of the California Government Code.

*"Refunded Bonds"* means the bonds of the City designated (1) \$5,000,000 City of Benicia 1997 General Obligation Wastewater Bonds, Series A, issued on August 28, 1997, \$2,100,000 of which remain outstanding; and (2) \$5,000,000 City of Benicia 1997 General Obligation Wastewater Bonds, Series B, issued on June 10, 1998, \$2,390,000 of which remain outstanding.

*"Regulations"* means temporary and permanent regulations promulgated under the Tax Code.

*"Resolution"* means this Resolution authorizing the Series 2012 Bonds and any supplements and amendments thereto.

*"Series 2012 Bonds"* means the bonds of the City designated "City of Benicia General Obligation Refunding Bonds, Series 2012" as specified in Section 2.01.

*"Supplemental Resolution"* means any resolution supplemental to or amendatory of this Resolution, adopted by the City Council in accordance with Article VIII hereof.

*"Tax Code"* means the Internal Revenue Tax Code of 1986 as in effect on the Closing Date or (except as otherwise referenced herein) as it may be amended to apply to obligations issued on the Closing Date, together with applicable temporary and final Regulations promulgated under the Tax Code.

*"Treasurer"* means the official of the City who is the financial officer of the City and responsible for maintaining funds and accounts of the City.

*"Written Request of the City"* means an instrument in writing signed by the City Representative or by any other officer of the City duly authorized by the City and listed on a Written Request of the City for that purpose.

**Section 1.02. Authority for this Resolution.** This resolution is adopted pursuant to the Refunding Bond Law.

## ARTICLE II

### THE SERIES 2012 BONDS

**Section 2.01. Authorization.** The Series 2012 Bonds are hereby authorized to be issued by the City under and subject to the terms of the Refunding Bond Law and this Resolution; provided that the aggregate principal amount of the Series 2012 Bonds shall not exceed \$4,700,000.

A City Representative is hereby authorized to execute a Certificate of Bond Terms dated the Closing Date, setting forth or modifying any terms of the Series 2012 Bonds that are described herein, provided that the par amount of the Series 2012 shall not exceed \$4,700,000, the maturity date shall not extend past August 1, 2018, and the stated interest rate on the Series 2012 Bonds shall not exceed 1.25%.

#### **Section 2.02. Terms of Series 2012 Bonds.**

(a) **Form; Numbering.** The Series 2012 Bonds shall be issued as fully registered Series 2012 Bonds, without coupons, in the principal amount not to exceed \$4,700,000, and shall be numbered R-1.

(b) **Date of Series 2012 Bonds.** The Series 2012 Bonds shall be dated the Closing Date.

(c) **Interest and Payment.** The Series 2012 Bonds shall mature on August 1, 2018, unless sooner redeemed in accordance herewith. The Series 2012 Bonds shall bear interest at the rate of one and one-quarter percent (1.25%) per annum, which interest shall be payable on the Series 2012 Bonds on each Interest Payment Date. For the purposes of this Resolution, interest on the Series 2012 Bonds shall be calculated on the basis of a 360-day year and the actual number of days elapsed. Each Series 2012 Bond shall bear interest from the Interest Payment Date next preceding the date of registration and authentication thereof unless (i) it is registered and authenticated as of an Interest Payment Date, in which event it shall bear interest from such date, or (ii) it is registered and authenticated prior to an Interest Payment Date and after the close of business on the fifteenth day of the month preceding such Interest Payment Date, in which event it shall bear interest from such Interest Payment Date, or (iii) it is registered and authenticated prior to July 15, 2012, in which event it shall bear interest from the Closing Date; provided, however, that if at the time of authentication of a Bond, interest is in default thereon, such Bond shall bear interest from the Interest Payment Date to which interest has previously been paid or made available for payment thereon. Interest on the Series 2012 Bonds including the final interest payment upon maturity is payable, so long as the Series 2012 Bonds are owned by the Original Purchaser, by a pre-authorized debit of a City account maintained with the Original Purchaser, and if the Series 2012 Bonds are not owned by the Original Purchaser, by check of the City mailed on the Interest Payment Date via first-class mail to the Owner thereof at such Owner's address as it

appears on records maintained by the City at the close of business on the fifteenth (15th) day of the month preceding the Interest Payment Date (the "Record Date"), or at such other address as the Owner may have filed with the City for that purpose, or upon written request filed with the City as of the Record Date by an Owner of at least \$1,000,000 in aggregate principal amount of Series 2012 Bonds, by wire transfer.

**Section 2.03. Redemption.**

(a) The Series 2012 Bonds are subject to optional redemption, on any date on or after August 1, 2017, at the redemption price equal to the principal amount of Series 2012 Bonds to be redeemed, together with accrued interest represented thereby to the date fixed for redemption, without premium.

(b) The Series 2012 Bonds are subject to mandatory sinking fund redemption on August 1, 2012 and each August 1 thereafter, in the amounts set forth in the Certificate of Bond Terms, in each case at a redemption price equal to such amounts, plus interest accrued to the redemption date, without premium.

In the event of any redemption of Series 2012 Bonds pursuant to paragraph (a) above, the amounts in the table in the Certificate of Bond Terms shall be reduced by the principal amount of Series 2012 Bonds so redeemed in inverse order of maturity. The City shall provide the Original Purchaser with a revised redemption schedule.

Notice of optional redemption of the Series 2012 Bonds pursuant to paragraph (a) above shall be given by the City by first class mail, postage prepaid, to respective Owners of any Series 2012 Bonds designated for redemption at their addresses appearing on the Bond Register, at least 30 days, but not more than 60 days, prior to the redemption date; provided that neither failure to receive such notice nor any defect in any notice so mailed shall affect the sufficiency of the proceedings for the optional redemption of such Series 2012 Bonds.

The City shall not be required to give notice of sinking fund redemption of the Series 2012 Bonds pursuant to paragraph (b) above.

**Section 2.04. Form of Series 2012 Bonds.** The Series 2012 Bonds, and the form of assignment to appear thereon shall be substantially in the forms, respectively, with necessary or appropriate variations, omissions and insertions, as permitted or required by this Resolution, as set forth in Exhibit A attached hereto.

**Section 2.05. Execution of Series 2012 Bonds.** The Series 2012 Bonds shall be executed on behalf of the City Council by the facsimile signatures of the Mayor of the City, countersigned by the City Clerk who are in office on the date of adoption of this Resolution or at any time thereafter, and the seal of the City shall be impressed, imprinted or reproduced by facsimile thereon. If any officer whose signature appears on any Series 2012 Bond ceases to be such officer before delivery of the Series 2012 Bonds to the Original Purchaser, such signature shall nevertheless be as effective as if the officer had remained in office until the delivery of the Series 2012 Bonds to the purchaser. Any Series 2012 Bond may be signed and attested on behalf of the City by such persons as at the actual date of the execution of such Bond shall be the proper

officers of the City although at the nominal date of such Series 2012 Bond any such person shall not have been such officer of the City.

**Section 2.06. Transfer of Series 2012 Bonds.** Any Bond may, in accordance with its terms, be transferred, upon the books required to be kept by the City, by the person in whose name it is registered, in person or by his duly authorized attorney, upon surrender of such Bond for cancellation at the Principal Office at the City, accompanied by delivery of a written instrument of transfer in a form approved by the City, duly executed. The City shall require the payment by the Owner requesting such transfer of any tax or other governmental charge required to be paid with respect to such transfer.

Whenever any Series 2012 Bonds shall be surrendered for transfer, the City shall execute and deliver a new Bond or Series 2012 Bonds, for like aggregate principal amount.

No transfers of Series 2012 Bonds shall be required to be made (a) fifteen days prior to the date established for selection of Series 2012 Bonds for redemption or (b) with respect to a Bond after such Bond has been selected for redemption.

**Section 2.07. Series 2012 Bonds Mutilated, Lost, Destroyed or Stolen.** If any Series 2012 Bond shall become mutilated, the City, at the expense of the Owner of such Series 2012 Bond, shall execute and deliver, a new Series 2012 Bond of like principal amount in exchange and substitution for the Series 2012 Bond so mutilated, but only upon surrender to the City of the Bond so mutilated. Every mutilated Series 2012 Bond so surrendered to the City shall be canceled by it. If any Series 2012 Bond shall be lost, destroyed or stolen, evidence of such loss, destruction or theft may be submitted to the City and, if such evidence be satisfactory to the City and indemnity satisfactory to it shall be given, the City, at the expense of the Owner, shall execute and deliver, a new Series 2012 Bond of like principal amount in lieu of and in substitution for the Bond so lost, destroyed or stolen. The City may require payment of a sum not exceeding the actual cost of preparing each new Bond issued under this Section and of the expenses which may be incurred by the City in the premises. Any Series 2012 Bond issued under the provisions of this Section 2.08 in lieu of any Bond alleged to be lost, destroyed or stolen shall constitute an original additional contractual obligation on the part of the City whether or not the Series 2012 Bond so alleged to be lost, destroyed or stolen be at any time enforceable by anyone, and shall be equally and proportionately entitled to the benefits of this Resolution with all other Series 2012 Bonds issued pursuant to this Resolution.

## ARTICLE III

### ISSUE AND SALE OF BONDS; APPROVALS; SECURITY FOR BONDS

**Section 3.01. Sale of the Series 2012 Bonds.** The Series 2012 Bonds shall be sold to the Original Purchaser at their face amount, less a discount of one-half percent (.5%), in accordance with, and subject to, the terms of that certain Bond Purchase Contract, between the City and the Original Purchaser (the "Bond Purchase Contract"), in substantially the form on file with the City Clerk; and the City Representative is hereby authorized and directed to execute the Bond Purchase Contract on behalf of the City.

**Section 3.02. Issuance and Delivery of Series 2012 Bonds.** At any time after the adoption of this Resolution and the sale of the Series 2012 Bonds, the City may issue and deliver the Series 2012 Bonds. The City Representative shall be, and is hereby, directed to cause the Series 2012 Bonds to be prepared, executed, registered and to be delivered to the Original Purchaser upon the City's receipt of the purchase price therefor and upon the Original Purchaser's performance of the conditions imposed by the City.

**Section 3.03. Official Actions.** For the purposes hereof, each City Representative and any and all other officers of the City are each authorized and directed, for and in the name and on behalf of the City, to do any and all things and take any and all actions, including execution and delivery of any and all certificates, requisitions, notices, consents and other documents, which they, or any of them, may deem necessary or advisable in order to consummate the lawful sale, issuance and delivery of the Series 2012 Bonds.

## ARTICLE IV

### APPLICATION OF BOND PROCEEDS; FUNDS

**Section 4.01. Application of Proceeds of Sale of Series 2012 Bonds.** On the Closing Date, the proceeds of the sale of the Series 2012 Bonds received by the City shall be paid to the City. On the Closing Date, the Treasurer and the Finance Director are hereby separately authorized and directed to cause to be established and administered as special funds, separate and distinct from other funds, the Costs of Issuance Fund, and the Debt Service Fund. The proceeds of the Series 2012 Bonds shall be deposited in such funds or transferred in the amounts provided in the Certificate of Bond Terms.

**Section 4.02. Costs of Issuance Fund.**

(a) **Establishment.** On or before the Closing Date, the City shall establish and hold the Costs of Issuance Fund to receive deposits as provided in Section 4.01 and to be held by the City and used to pay the Costs of Issuance. The estimated costs of issuing the Series 2012 Bonds, including compensation to the Original Purchaser, is approximately \$125,000.

(b) **Disbursement.** Amounts in the Costs of Issuance Fund shall be disbursed from time to time to pay Costs of Issuance as set forth in a requisition therefor containing respective amounts to be paid to the designated payees and delivered to the City concurrently with the delivery of the Series 2012 Bonds. The City shall pay all Costs of Issuance upon receipt of an invoice from any such payee which requests payment in an amount which is less than or equal to the amount set forth with respect to such payee in such requisition, or upon receipt of a Written Request of the City requesting payment of a Cost of Issuance not listed on the initial requisition delivered to the City on the Closing Date.

(c) **Investment.** Moneys in the Costs of Issuance Fund shall be invested and deposited under Section 4.06 hereof. Interest earnings and profits resulting from such investment shall be retained by the City in the Costs of Issuance Fund to be used for the purposes of such fund, pending its closing.

(d) **Closing of Fund.** The City shall maintain the Costs of Issuance Fund for a period of 90 days from the Closing Date or until the last known Costs of Issuance have been paid, whichever is earlier, and then shall transfer any moneys remaining therein, including any investment earnings thereon, to the Debt Service Fund, and the Costs of Issuance Fund shall be closed.

**Section 4.03. Escrow Fund.** The Escrow Fund has been created under the Escrow Deposit and Trust Agreement for the purpose of refunding and redeeming the Refunded Bonds, and proceeds of the Series 2012 Bonds in the amount specified in the Certificate of Bond Terms shall be transferred on the Closing Date to the Escrow Bank to fund the Escrow Fund.

On or before the Closing Date, the City Representative is hereby authorized and directed to cause the Escrow Deposit and Trust Agreement to be executed and delivered on behalf of the City, and funds to be delivered to an account to be established as a separate fund to be held by the Escrow Bank as provided in Section 4.01. The Escrow Deposit and Trust Agreement is being provided to assure the timely redemption of the Refunded Bonds on the date specified in the Certificate of Bond Terms, using a portion of the proceeds of the Series 2012 Bonds and other funds held by the City, as provided in the Escrow Deposit and Trust Agreement.

**Section 4.04. [Reserved].**

**Section 4.05. Debt Service Fund.**

(a) **Establishment.** On or before the Closing Date, the City shall establish and hold the Debt Service Fund as a separate fund to the credit of which deposits shall be made as required by Section 4.01, the proceeds of any taxes levied pursuant to Section 5.01 and any other amounts required to be deposited therein by this Resolution and the Refunding Bond Law. Moneys in the Debt Service Fund shall be held by the City for the benefit of the City and the Bond Owners, shall be disbursed for the payment of the principal of, and interest and any premium on, the Series 2012 Bonds as provided below.

(b) **Disbursements.** The moneys in the Debt Service Fund, to the extent necessary to pay the principal of and interest on the Series 2012 Bonds as the same become due and payable, shall be applied by the City, on or before each Interest Payment Date, to make payments of principal and interest on the Series 2012 Bonds to the Bondowners.

(c) **Investment.** Moneys in the Debt Service Fund and the accounts therein shall be invested and deposited in accordance with Section 4.06. Interest earnings and profits resulting from such investment and deposit shall be retained in the Debt Service Fund and any account therein.

(d) **Closing of Fund.** The Debt Service Fund shall be closed when all of the principal of and interest on the Series 2012 Bonds has been paid. If, after payment in full of the Series 2012 Bonds, there remain excess proceeds, any such excess amounts shall be transferred to the general fund of the City.

**Section 4.06. Investment of Moneys in Funds.** Subject in all respects to the provisions hereof, moneys in any fund or account created or established hereunder shall be invested by the City in Authorized Investments and the following shall apply:

(a) **Principal or Agent.** The City may act as principal or agent in the acquisition or disposition of any investment.

(b) **Commingle.** Subject in all respects to the provisions of Section 4.06(e), investments in any and all funds and accounts may at the discretion of the Treasurer or the Finance Director, be commingled in a separate fund or funds for purposes of making, holding and disposing of investments, notwithstanding provisions herein for transfer to or holding in or to the credit of the City hereunder, provided that the City

shall at all times account for such investments strictly in accordance with the funds and accounts to which they are credited and otherwise as provided in this Resolution.

(c) **Sale of Investments.** The Treasurer or the Finance Director shall sell at the highest price reasonably obtainable, or present for redemption, any investment security whenever it shall be necessary to provide moneys to meet any required payment, transfer, withdrawal or disbursement from the fund or account to which such investment security is credited and the Treasurer and Finance Director shall not be liable or responsible for any loss resulting from the acquisition or disposition of such investment security in accordance herewith.

(d) **Fair Market Value.** Except as otherwise provided in subsection (e) of this Section, the City covenants that all investments of amounts deposited in any fund or account under this Resolution, or otherwise containing gross proceeds of the Series 2012 Bonds (under section 148 of the Tax Code) shall be acquired, disposed of and valued (as of the date that valuation is required by this Resolution or the Tax Code) at Fair Market Value.

(e) **Yield Restricted Funds.** Investments in funds or accounts (or portions thereof) that are subject to a yield restriction under applicable provisions of the Tax Code and (unless valuation is undertaken at least annually) shall be valued at their present value (within the meaning of section 148 of the Tax Code).

## ARTICLE V

### COVENANTS OF THE COUNCIL

**Section 5.01. Levy of Taxes.** The Series 2012 Bonds are general obligations of the City, and the City Council has the power, is obligated and shall cause to be levied by the County ad valorem taxes upon all property within the City subject to taxation without limitation of rate or amount, for the payment of the Series 2012 Bonds, so as to enable the City to punctually pay, or cause to be paid, the principal of and interest on the Series 2012 Bonds, in conformity with the terms of the Series 2012 Bonds and of this Resolution. The City shall cause such collection to commence on the County tax roll for the fiscal year 2012-2013. Nothing herein contained shall prevent the City from making payment or advances of its own moneys, howsoever derived, to any of the uses or purposes permitted by applicable law.

**Section 5.02. Extension of Time for Payment.** In order to prevent any accumulation of claims for interest after maturity, the Council will not, directly or indirectly, extend or consent to the extension of the time for the payment of any claim for interest on any of the Series 2012 Bonds and will not, directly or indirectly, approve any such arrangement by purchasing or funding said claims for interest or in any other manner. In case any such claim for interest shall be extended or funded, whether or not with the consent of the City, such claim for interest so extended or funded shall not be entitled, in case of default by the City hereunder, to the benefits of this Resolution, except subject to the prior payment in full of the principal of all of the Series 2012 Bonds then Outstanding and of all claims for interest which shall not have so extended or funded.

**Section 5.03. Federal Tax Covenants.** The following shall apply to the Series 2012 Bonds under the Tax Code:

(a) **Private Activity Bond Limitation.** The City shall assure that the proceeds of the Series 2012 Bonds are not so used as to cause the Series 2012 Bonds to satisfy the private business tests of section 141(b) of the Tax Code or the private loan financing test of section 141(c) of the Tax Code.

(b) **Federal Guarantee Prohibition.** The City shall not take any action or permit or suffer any action to be taken if the result of the same would be to cause any of the Series 2012 Bonds to be "federally guaranteed" within the meaning of section 149(b) of the Tax Code.

(c) **Rebate Requirement.** The City shall take any and all actions necessary to assure compliance with section 148(f) of the Tax Code, relating to the rebate of excess investment earnings, if any, to the federal government, to the extent that such section is applicable to the Series 2012 Bonds.

(d) **No Arbitrage.** The City shall not take, or permit or suffer to be taken by the Treasurer, the Finance Director or otherwise, any action with respect to the proceeds of the Series 2012 Bonds which, if such action had been reasonably expected to have

been taken, or had been deliberately and intentionally taken, on the date of issuance of the Series 2012 Bonds would have caused the Series 2012 Bonds to be "arbitrage bonds" within the meaning of section 148 of the Tax Code.

(e) **Maintenance of Tax-Exemption.** The City shall take all actions necessary to assure the exclusion of interest on the Series 2012 Bonds from the gross income of the Owners of the Series 2012 Bonds to the same extent as such interest is permitted to be excluded from gross income under the Tax Code as in effect on the date of issuance of the Series 2012 Bonds.

(f) **Small Issuer Exemption from Bank Nondeductibility Restriction.** The Refunded Bonds were designated by the City for purposes of paragraph (3) of section 265(b) of the Code, and not more than \$10,000,000 aggregate principal amount of obligations the interest on which is excludable (under section 103(a) of the Code) from gross income for federal income tax purposes, including the Refunded Bonds, were issued by the City, during the calendar years in which the Refunded Bonds were issued. The average weighted maturity (3.0521) of the Series 2012 Bonds is not longer than the average weighted maturity (3.165) of the Refunded Bonds. The last maturity date (August 1, 2018) of the Series 2012 Bonds is not more than 30 years after the date of issuance of the Refunded Bonds. The aggregate face amount of the Series 2012 Bonds does not exceed \$10,000,000. By reason of the statements set forth in this subparagraph, the Series 2012 Bonds are deemed designated for purposes of paragraph (3) of section 265(b) of the Code.

**Section 5.04. Information to be Provided to Bondowners.**

I. **Annual Reporting Requirement.** The City hereby covenants and agrees that it will provide to the Bondowners the following information on an annual basis, commencing March 1, 2013.

(a) Audited financial statements prepared in accordance with generally accepted accounting principles as promulgated to apply to governmental entities from time to time by the Governmental Accounting Standards Board. If the City's audited financial statements are not available by the time the Annual Report is required to be filed pursuant to Section 3(a), the Annual Report shall contain unaudited financial statements in a format similar to the financial statements contained in the final Official Statement, and the audited financial statements shall be filed in the same manner as the Annual Report when they become available.

(b) To the extent not contained in the audited financial statements filed pursuant to the preceding clause (a), the Annual Report shall contain information showing:

(i) aggregate principal amount of short-term borrowings, lease obligations and other long-term borrowings of the City as of the end of the preceding fiscal year;

(ii) description of amount of general fund revenues and expenditures which have been budgeted for the current fiscal year, together with audited actual budget figures for the preceding fiscal year;

(iii) prior fiscal year total secured property tax levy and collections, showing current collections as a percent of the total levy; and

(iv) current fiscal year assessed valuation of taxable properties in the City, including assessed valuation of the top ten properties.

(c) In addition to any of the information expressly required to be provided under paragraphs (a) and (b) of this Section, the City shall provide such further information, if any, as may be necessary to make the specifically required statements, in the light of the circumstances under which they are made, not misleading.

Any or all of the items listed above may be included by specific reference to other documents, including official statements of debt issues of the City or related public entities, which have been submitted to each of the Repositories or the Securities and Exchange Commission. If the document included by reference is a final official statement, it must be available from the Municipal Securities Rulemaking Board. The City shall clearly identify each such other document so included by reference.

## II. Reporting of Listed Events.

(a) The City shall give, or cause to be given, notice of the occurrence of any of the following events with respect to the Series 2012 Bonds, if material:

- (1) Principal and interest payment delinquencies.
- (2) Non-payment related defaults.
- (3) Unscheduled draws on debt service reserves reflecting financial difficulties, if material.
- (4) Unscheduled draws on credit enhancements reflecting financial difficulties.
- (5) Substitution of credit or liquidity providers, or their failure to perform.
- (6) Adverse tax opinions, the issuance by the Internal Revenue Service of proposed or final determinations of taxability, Notices of Proposed Issue (IRS Form 5701-TEB) or other material notices or determinations with respect to the tax status of the security, or other material events affecting the tax status of the security.
- (7) Modifications to rights of security holders, if material.
- (8) Bond calls, if material, and tender offers.
- (9) Defeasances.

- (10) Release, substitution, sale of property securing repayment of the securities, if material.
- (11) Rating changes.
- (12) Bankruptcy, insolvency, receivership or similar event of the City or other obligated person.
- (13) The consummation of a merger, consolidation, or acquisition involving the City or an obligated person, or the sale of all or substantially all of the assets of the City or an obligated person (other than in the ordinary course of business), the entry into a definitive agreement to undertake such an action, or the termination of a definitive agreement relating to any such actions, other than pursuant to its terms, if material.
- (14) Appointment of a successor or additional trustee or the change of name of a trustee, if material.

(b) Whenever the City obtains knowledge of the occurrence of a Listed Event, the City shall as soon as possible determine if such event would be material under applicable Federal securities law.

(c) If the City determines that knowledge of the occurrence of a Listed Event would be material under applicable Federal securities law, the City shall promptly file a notice of such occurrence with the Bondowners.

III. Termination of Reporting Obligation. The City's obligations under this Section shall terminate upon the legal defeasance, prior redemption or payment in full of all of the Series 2012 Bonds.

ARTICLE VI

[RESERVED]

## ARTICLE VII

### EVENTS OF DEFAULT AND REMEDIES OF BONDOWNERS

**Section 7.01. Events of Default.** Any one or more of the following events shall constitute an "event of default:"

(a) **Principal.** If default shall be made by the City in the due and punctual payment of the principal of or redemption premium, if any, on any Series 2012 Bond when and as the same shall become due and payable, whether at maturity as therein expressed, by declaration or otherwise;

(b) **Interest.** If default shall be made by the City in the due and punctual payment of any installment of interest on any Series 2012 Bond when and as such interest installment shall become due and payable;

(c) **Covenants.** If default shall be made by the City in the observance of any of the covenants, agreements or conditions on its part in this Resolution or in the Series 2012 Bonds contained, and such default shall have continued for a period of thirty (30) days after written notice thereof to the City Representative; or

(d) **Bankruptcy.** If the City shall file a petition seeking reorganization or arrangement under the federal bankruptcy laws or any other applicable law of the United States of America, or if a court of competent jurisdiction shall approve a petition, seeking reorganization of the City under the federal bankruptcy laws or any other applicable law of the United States of America, or if, under the provisions of any other law for the relief or aid of debtors, any court of competent jurisdiction shall assume custody or control of the City or of the whole or any substantial part of its property.

**Section 7.02. Application of Funds Upon Default.** All of the sums in the Debt Service Fund and accounts provided for in Section 4.02 hereof upon the occurrence of an Event of Default as provided in Section 7.01 hereof, shall be applied in the following order upon presentation of the Series 2012 Bonds, and the stamping thereon of the payment if only partially paid, or upon the surrender thereof if fully paid:

(a) **Expenses.** First, to the payment of the costs and expenses of the Bondowners in declaring such event of default, including reasonable compensation to their agents, attorneys and counsel;

(b) **Interest.** Second, in case the principal of the Series 2012 Bonds shall not have become due and payable, to the payment of the interest in default in the order of the maturity of the installments of such interest, with interest on the overdue installments at the rate of twelve percent (12%) per annum (to the extent that such interest on overdue installments shall have been collected), such payments to be made ratably to the persons entitled thereto without discrimination or preference;

(c) **Principal.** Third, in case any principal of the Series 2012 Bonds shall have become and shall be then due and payable, all such sums shall be applied to the payment of the whole amount then owing and unpaid upon the Series 2012 Bonds for principal and interest, with interest on the overdue principal and installments of interest at the rate of twelve percent (12%) per annum (to the extent that such interest on overdue installments of interest shall have been collected), and in case such moneys shall be insufficient to pay in full the whole amount so owing and unpaid upon the Series 2012 Bonds, then to the payment of such principal and interest without preference or priority of principal over interest, or interest over principal, or of any installment of interest over any other installment of interest, ratably to the aggregate of such principal and interest.

**Section 7.03. Remedies of Bondowners.** Any Bondowner shall have the right, for the equal benefit and protection of all Bondowners similarly situated:

(a) **Mandamus.** By mandamus, suit, action or proceeding, to compel the City and its members, officers, agents or employees to perform each and every term, provision and covenant contained in this Resolution and in the Series 2012 Bonds, and to require the carrying out of any or all such covenants and agreements of the City and the fulfillment of all duties imposed upon it;

(b) **Equity.** By suit, action or proceeding in equity, to enjoin any acts or things which are unlawful, or the violation of any of the Bondowners' rights; or

(c) **Trust.** Upon the happening of any event of default (as defined in Section 7.01 hereof), by suit, action or proceeding in any court of competent jurisdiction, to require the City and its members and employees to account as if it and they were the trustees of an express trust.

**Section 7.04. Non-Waiver.** Nothing in this Article VII or in any other provision of this Resolution, or in the Series 2012 Bonds, shall affect or impair the obligation of the City, which is absolute and unconditional, to pay the principal of and interest on the Series 2012 Bonds to the respective Owners of the Series 2012 Bonds at the respective dates of maturity, as herein provided, or affect or impair the right of action against the City, which is also absolute and unconditional, of such Owners to institute suit against the City to enforce such payment by virtue of the contract embodied in the Series 2012 Bonds.

A waiver of any default by any Bondowner shall not affect any subsequent default or impair any rights or remedies on the subsequent default. No delay or omission of any Owner of any of the Series 2012 Bonds to exercise any right or power accruing upon any default shall impair any such right or power or shall be construed to be a waiver of any such default or an acquiescence therein, and every power and remedy conferred upon the Bondowners by this Article VII may be enforced and exercised from time to time and as often as shall be deemed expedient by the Owners of the Series 2012 Bonds.

If a suit, action or proceeding to enforce any right or exercise any remedy be abandoned or determined adversely to the Bondowners, the City and the Bondowners shall be restored to

their former positions, rights and remedies as if such suit, action or proceeding had not been brought or taken.

**Section 7.05. Remedies Not Exclusive.** No remedy herein conferred upon the Owners of Series 2012 Bonds shall be exclusive of any other remedy and that each and every remedy shall be cumulative and shall be in addition to every other remedy given hereunder or thereafter conferred on the Bondowners.

## ARTICLE VIII

### SUPPLEMENTAL RESOLUTIONS

**Section 8.01. Supplemental Resolutions Effective Without Owner's Consent.** For any one or more of the following purposes and at any time or from time to time, a Supplemental Resolution of the City Council may be adopted, which shall be approved by the Original Purchaser in writing, to the extent the Original Purchaser is the Owner of the Series 2012 Bonds, or if the Original Purchaser is not the Owner of the Series 2012 Bonds, without the consent of the Owners of the Series 2012 Bonds, and which shall be fully effective in accordance with its terms:

(a) **Covenants.** To add covenants and agreements of the City Council in this Resolution, which are not contrary to or inconsistent with this Resolution as theretofore in effect;

(b) **Restrictions.** To add limitations and restrictions in this Resolution, other limitations and restrictions to be observed by the City Council which are not contrary to or inconsistent with this Resolution as theretofore in effect;

(c) **Pledge.** To confirm, as further assurance, any pledge of the City under this Resolution, of any moneys, securities or funds, or to establish any additional funds or accounts to be held under this Resolution;

(d) **Cure.** To cure any ambiguity, supply any omission, or cure or correct any defect or inconsistent provision in this Resolution; or

(e) **Taxation.** To make such additions, deletions or modifications as may be necessary to assure exclusion from gross income for purposes of federal income taxation of interest on the Series 2012 Bonds.

**Section 8.02. Supplemental Resolutions Effective With Owner's Consent.** Any modification or amendment of this Resolution and of the rights and obligations of the City and of the Owners of the Series 2012 Bonds, in any particular, may be made by a Supplemental Resolution, with the written consent of the Owners of at least two-thirds in aggregate principal amount of the Series 2012 Bonds Outstanding at the time such consent is given. No such modification or amendment shall permit a change in the terms of maturity of the principal of any Outstanding Series 2012 Bonds or of any interest payable thereon or a reduction in the principal amount thereof or in the rate of interest thereon, or shall reduce the percentage of Series 2012 Bonds the consent of the Owners of which is required to effect any such modification or amendment, or shall change any of the provisions in Section 7.01 hereof relating to Events of Default, or shall reduce the amount of moneys pledged by the City for the repayment of the Series 2012 Bonds without the consent of all the Owners of such Series 2012 Bonds.

## ARTICLE IX

### MISCELLANEOUS

**Section 9.01. Benefits of Resolution Limited to Parties.** Nothing in this Resolution, expressed or implied, is intended to give to any person other than the City Council, the City and the Owners of the Series 2012 Bonds, any right, remedy, or claim under or by reason of this Resolution. Any covenants, stipulations, promises or agreements in this Resolution contained by and on behalf of the City shall be for the sole and exclusive benefit of the Owners of the Series 2012 Bonds.

**Section 9.02. Defeasance.**

(a) **Discharge of Resolution.** Series 2012 Bonds may be paid by the City in any of the following ways, provided that the City also pays or causes to be paid any other sums payable hereunder by the City by:

(i) paying or causing to be paid the principal of and interest on Series 2012 Bonds Outstanding, as and when the same become due and payable; or

(ii) depositing, in trust, at or before maturity, money or securities (as in Section 9.02(c)) in the necessary amount to pay the Series 2012 Bonds Outstanding.

If the City shall pay all Series 2012 Bonds Outstanding and shall also pay or cause to be paid all other sums payable hereunder by the City, then and in that case, at the election of the City, and notwithstanding that any Series 2012 Bonds shall not have been surrendered for payment, this Resolution and other assets made under this Resolution and all covenants, agreements and other obligations of the City under this Resolution shall cease, terminate, become void and be completely discharged and satisfied, except only as provided in Section 9.02(b).

(b) **Discharge of Liability on Series 2012 Bonds.** Upon the deposit, in trust, at or before maturity, of money or securities in the necessary amount (as provided in Section 9.02(c) to pay any Outstanding Series 2012 Bond (whether upon or prior to its maturity date), then all liability of the City in respect of such Bond shall cease and be completely discharged, except only that thereafter the Owner thereof shall be entitled only to payment of the principal of and interest on such Series 2012 Bond by the City, and the City shall remain liable for such payment, but only out of such money or securities deposited in trust as aforesaid for such payment, provided further, however, that the provisions of Section 9.02(d) shall apply in all events.

The City may at any time cancel any Series 2012 Bonds previously issued and delivered, which the City may have acquired in any manner whatsoever, and such Series 2012 Bonds, upon such cancellation, shall be deemed to be paid and retired.

(c) **Deposit of Money or Securities with Escrow Bank.** Whenever in this Resolution it is provided or permitted that there be deposited with or held in trust by an escrow bank money or securities in the necessary amount to pay any Series 2012 Bonds, the money or securities so to be deposited or held may include money or securities held by such escrow bank in the funds and accounts established pursuant to this Resolution and shall be:

(i) lawful money of the United States of America in an amount equal to the principal amount of such Series 2012 Bonds and all unpaid interest thereon to maturity; or

(ii) Federal Securities (not callable by the issuer thereof prior to maturity) the principal of and interest on which when due, in the opinion of a certified public accountant, knowledgeable in calculation of amounts necessary to defease municipal securities, delivered to the City, will provide money sufficient to pay the principal of and all unpaid interest to maturity, on the Series 2012 Bonds to be paid, as such principal and interest become due;

provided, in each case, that such escrow bank shall have been irrevocably instructed (by the terms of this Resolution or by request of the City) to apply such money to the payment of such principal and interest with respect to such Series 2012 Bonds.

(d) **Payment of Series 2012 Bonds After Discharge of Resolution.** Notwithstanding any provisions of this Resolution, subject to Section 4.06, any moneys held by the City in trust for the payment of the principal of, or interest on, any Series 2012 Bonds and remaining unclaimed for two years after the principal of all of the Series 2012 Bonds has become due and payable, if such moneys were so held at such date, or two years after the date of deposit of such moneys if deposited after said date when all of the Series 2012 Bonds became due and payable, shall, upon request of the City, be repaid to the City free from the trusts created by this Resolution, and all liability of the City with respect to such moneys shall thereupon cease; *provided, however*, that before the repayment of such moneys to the City as aforesaid, the City may first mail to the Owners of all Series 2012 Bonds which have not been paid at the addresses shown on the records maintained by the City a notice in such form as may be deemed appropriate by the City, with respect to the Series 2012 Bonds so payable and not presented and with respect to the provisions relating to the repayment to the City of the moneys held for the payment thereof.

**Section 9.03. Execution of Documents and Proof of Ownership by Bondowners.** Any request, declaration or other instrument which this Resolution may require or permit to be executed by Bondowners may be in one or more instruments of similar tenor, and shall be executed by Bondowners in person or by their attorneys appointed in writing.

Except as otherwise herein expressly provided, the fact and date of the execution by any Bondowner or Bondowner's attorney of such request, declaration or other instrument, or of such writing appointing such attorney, may be proved by the certificate of any notary public or other officer authorized to take acknowledgments of deeds to be recorded in the state in which

he purports to act, that the person signing such request, declaration or other instrument or writing acknowledged to him the execution thereof, or by an affidavit of a witness of such execution, duly sworn to before such notary public or other officer.

Except as otherwise herein expressly provided, the ownership of registered Series 2012 Bonds and the amount, maturity, number and date of holding the same shall be proved by the registry books.

Any request, declaration or other instrument or writing of the Owner of any Bond shall bind all future Owners of such Bond in respect of anything done or suffered to be done by the City or the City Representative in good faith and in accordance therewith.

**Section 9.04. Waiver of Personal Liability.** No Council member, officer, agent or employee of the City Council or the City shall be individually or personally liable for the payment of the principal of or interest on the Series 2012 Bonds; but nothing herein contained shall relieve any such Councilmember, officer, agent or employee from the performance of any official duty provided by law.

**Section 9.05. Partial Invalidity.** If any Section, paragraph, sentence, clause or phrase of this Resolution shall for any reason be held illegal or unenforceable, such holding shall not affect the validity of the remaining portions of this Resolution. The City Council hereby declares that it would have adopted this Resolution and each and every other Section, paragraph, sentence, clause or phrase hereof and authorized the issue of the Series 2012 Bonds pursuant thereto irrespective of the fact that any one or more Sections, paragraphs, sentences, clauses, or phrases of this Resolution may be held illegal, invalid or unenforceable. If, by reason of the judgment of any court, the City is rendered unable to perform its duties hereunder, all such duties and all of the rights and powers of the City hereunder shall be assumed by and vest in the City Representative in trust for the benefit of the Bondowners. Nothing in this Section 9.05 is intended to create, nor shall the remaining portions of this Resolution create, any liability or obligation of the City Council or the City beyond those specifically imposed by statute.

**Section 9.06. Effective Date of Resolution.** This Resolution shall take effect from and after the date of its passage and adoption.

\*\*\*\*\*

On motion of \_\_\_\_\_, seconded by \_\_\_\_\_, the above Resolution was introduced and passed by the City Council of the City of Benicia at a regular meeting of said Council held on the 17<sup>th</sup> day of April, 2012, and adopted by the following vote:

Ayes:  
Noes:  
Absent:

\_\_\_\_\_  
Elizabeth Patterson, Mayor

Attest:

\_\_\_\_\_  
Lisa Wolfe, City Clerk

**EXHIBIT A**

**FORM OF SERIES 2012 BOND**

**UNITED STATES OF AMERICA  
STATE OF CALIFORNIA  
COUNTY OF SOLANO**

**CITY OF BENICIA  
GENERAL OBLIGATION REFUNDING BOND,  
SERIES 2012  
(BANK QUALIFIED)**

INTEREST RATE:  
1.25%

MATURITY DATE:  
August 1, 2018

BOND DATE  
MAY \_\_, 2012

REGISTERED OWNER: FIRST REPUBLIC BANK

PRINCIPAL SUM: \_\_\_\_\_ DOLLARS

The CITY OF BENICIA, a general law city, duly organized and existing under and by virtue of the Constitution and laws of the State of California (the "City"), for value received hereby promises to pay to the Registered Owner stated above, or registered assigns (the "Owner"), on the Maturity Date stated above, the Principal Sum stated above, in lawful money of the United States of America, and to pay interest thereon in like lawful money from the interest payment date next preceding the date of authentication of this Bond (unless (i) this Bond is authenticated on an Interest Payment Date (as defined below), in which event it shall bear interest from such date of authentication, or (ii) this Bond is authenticated prior to an interest payment date and after the close of business on the fifteenth day of the month preceding such interest payment date, in which event it shall bear interest from such interest payment date, or (iii) this Bond is authenticated on or prior to July 15, 2012, in which event it shall bear interest from the Bond Date stated above; provided however, that if at the time of authentication of this Bond, interest is in default on this Bond, this Bond shall bear interest from the interest payment date to which interest has previously been paid or made available for payment on this Bond) until payment of such Principal Sum in full, at the rate per annum stated above, payable on February 1 and August 1 (each an "Interest Payment Date"), in each year, commencing August 1, 2012, calculated on the basis of a 360-day year and the actual number of days elapsed. Principal hereof is payable at the office of the City, in Benicia, California. Interest hereon (including the final interest payment upon maturity) is payable by pre-authorized debit of a City account maintained by the City with First Republic Bank, so long as the Bonds are owned by First Republic Bank, and otherwise payable by check or draft of the City mailed by first-class mail to the Owner at the Owner's address as it appears on the records maintained by the City as of the close of business on the fifteenth day of the month next preceding such interest payment date (the "Record Date"), or at such other address as the Owner may have filed with the City for that purpose.

This Bond is one of a duly authorized issue of Series 2012 Bonds of the City designated as "City of Benicia General Obligation Refunding Bonds, Series 2012" (the "Series 2012 Bonds"), in an aggregate principal amount of \$4,700,000 all of like tenor and date (except for such variation, if any, as may be required to designate varying numbers, maturities, interest rates or redemption and other provisions). The Series 2012 Bonds have been issued by the City to redeem certain outstanding general obligation bonds of the City. The Series 2012 Bonds have been issued pursuant and subject to the conditions specified in Resolution No. \_\_\_\_ of the City Council of the City adopted April 17, 2012 (the "Resolution") and Sections 53550 *et seq.* and 53580 *et seq.* of the California Government Code. This Bond and the issue of which this Bond is a part are payable as to both principal and interest from the proceeds of the levy of ad valorem taxes on all property subject to such taxes in the City, which taxes are unlimited as to rate or amount.

The Series 2012 Bonds are subject to optional redemption, on any date on or after August 1, 2017, at the redemption price equal to the principal amount of Series 2012 Bonds to be redeemed, together with accrued interest represented thereby to the date fixed for redemption, without premium.

The Series 2012 Bonds are subject to mandatory redemption on August 1, 2012 and each August 1 thereafter in the amounts set forth below, in each case at a redemption price equal to such amounts, plus interest accrued to the redemption date, without premium.

[Sinking funds redemption table to be inserted after 4-17-12]

In the event of any optional redemption of Series 2012 Bonds as described above, the amounts in the foregoing table shall be reduced by the principal amount of Series 2012 Bonds so redeemed in inverse order of maturity. The City shall provide the Original Purchaser with a revised redemption schedule.

Notice of optional redemption of the Series 2012 Bonds shall be given by the City by first class mail, postage prepaid, to respective Owners of any Series 2012 Bonds designated for redemption at their addresses appearing on the Bond Register, at least 30 days, but not more than 60 days, prior to the redemption date; provided that neither failure to receive such notice nor any defect in any notice so mailed shall affect the sufficiency of the proceedings for the optional redemption of such Series 2012 Bonds.

The City shall not be required to give notice of sinking fund redemption of the Series 2012 Bonds.

The Series 2012 Bonds are "qualified tax-exempt obligations" within the meaning of Section 265(b)(3) of the Internal Revenue Code of 1986 (the "Code"), and, in the case of certain financial institutions (within the meaning of Section 265(b)(5) of the Code), a deduction is allowed for eighty percent (80%) of that portion of such financial institutions' interest expense allocable to interest on the Series 2012 Bonds.

This Series 2012 Bond is transferable by the Owner hereof, in person or by his attorney duly authorized in writing, at said office of the City in Benicia, California, but only in the manner and subject to the limitations provided in the Resolution, and upon surrender and

cancellation of this Series 2012 Bond. Upon registration of such transfer a new Series 2012 Bond or Bonds, of authorized denomination or denominations, for the same aggregate principal amount and of the same maturity will be issued to the transferee in exchange therefor. The City may treat the Owner hereof as the absolute owner hereof for all purposes, and the City shall not be affected by any notice to the contrary.

Reference is hereby made to the Resolution (copies of which are on file at the office of the City) for a description of the terms on which the Series 2012 Bonds are issued and the rights thereunder of the owners of the Series 2012 Bonds and the rights and obligations of the City thereunder, to all of the provisions of which Resolution the Owner of this Bond, by acceptance hereof, assents and agrees. The Resolution may be amended without the consent of the Owners of the Series 2012 Bonds to the extent set forth in the Resolution.

The City has certified that all of the things, conditions and acts required to exist, to have happened or to have been performed precedent to and in the issuance of this Series 2012 Bond do exist, have happened or have been performed in due and regular time and manner as required by the laws of the State of California, and that all things necessary to consummate the lawful issuance and sale of the Series 2012 Bonds, the amount of this Bond, together with all other indebtedness of the City, does not exceed any limit prescribed by any laws of the State of California, and is not in excess of the amount of Series 2012 Bonds permitted to be issued under the Resolution.

IN WITNESS WHEREOF, the City of Benicia, Solano County, California, has caused this Bond to be executed on behalf of the City and in their official capacities by the manual or facsimile signatures of the Mayor of the City and to be countersigned by the manual or facsimile signature of the City Clerk of the City, and its seal to be reproduced hereon, all as of the Bond Date stated above.

CITY OF BENICIA

By: \_\_\_\_\_  
Mayor

(S E A L)

COUNTERSIGNED:

\_\_\_\_\_  
City Clerk



ADDITIONAL ABBREVIATIONS MAY ALSO BE USED  
THOUGH NOT IN THE LIST ABOVE

(FORM OF ASSIGNMENT)

For value received, the undersigned do(es) hereby sell, assign and transfer unto

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(Name, Address and Tax Identification or Social Security Number of Assignee)

the within Bond and do(es) hereby irrevocably constitute and appoint \_\_\_\_\_,  
attorney, to transfer the same on the registration books of the City, with full power of  
substitution in the premises.

Dated: \_\_\_\_\_

Signature Guaranteed:

\_\_\_\_\_  
NOTICE: Signature(s) must be guaranteed  
by a qualified guarantor.

NOTICE: The signature on this assignment  
must correspond with the name(s) as  
written on the face of the within Bond in  
every particular without alteration or  
enlargement or any change whatsoever.

[\$[Principal Amount]  
CITY OF BENICIA  
GENERAL OBLIGATION REFUNDING BONDS,  
SERIES 2012

BOND PURCHASE CONTRACT

May \_\_, 2012

City of Benicia  
City Council  
250 East L Street  
Benicia, CA 94037

Ladies and Gentlemen:

The undersigned, First Republic Bank, a California banking corporation (the “Purchaser”), does hereby offer to enter into this Bond Purchase Contract (the “Purchase Contract”) with the City of Benicia, a general law city organized and existing under the laws of the State of California (the “City”), which, upon your acceptance hereof, will be binding upon the City and the Purchaser. By execution of this Purchase Contract, the City acknowledges the terms hereof and recognizes that it will be bound by certain of the provisions hereof, and to the extent binding on the City, acknowledges and agrees to such terms. This offer is made subject to acceptance by the City prior to 5 p.m., California time, on the date hereof.

Section 1. Purchase and Sale of the Bonds. Upon the terms and conditions and upon the basis of the representations, warranties and covenants herein set forth, the Purchaser hereby agrees to purchase from the City, and the City hereby agrees to sell to the Purchaser, all (but not less than all) of the \$[Principal Amount].00 aggregate principal amount of the City’s General Obligation Refunding Bonds, Series 2012 (the “Bonds”), at a net purchase price of \$ \_\_\_\_\_ (representing the principal amount of the Bonds, less original issue discount of \$ \_\_\_\_\_).

Section 2. The Bonds. The Bonds shall (a) be dated the date of their delivery (the “Closing Date”), (b) mature on the date(s), in the year(s), and accrue interest computed at the rate(s) as set forth in Exhibit A hereto, and (c) be subject to redemption as set forth in Exhibit A hereto, which is incorporated herein by reference.

The proceeds of the Bonds will be used to (i) refinance (a) \$5,000,000 (original principal amount) City of Benicia 1997 General Obligation Wastewater Bonds, Series A, issued on August 28, 1997, \$2,100,000 of which remain outstanding (the “Series A Bonds”); and (b) \$5,000,000 (original principal amount) City of Benicia 1997 General Obligation Wastewater Bonds, Series B, issued on June 10, 1998, \$2,390,000 of which remain outstanding (the “Series B Bonds”, and together with the Series A Bonds, the “Prior Bonds”), and (ii) pay costs of issuance of the Bonds.

In all other respects, the Bonds shall be as described in, and shall be issued and secured pursuant to the provisions of the Resolution of the City Council of the City adopted on April 17, 2012 (the “City Resolution”); and Articles 9 and 11 of Chapter 3, Part 1, Division 2 of Title 5 of the California Government Code (collectively, the “Act”). All capitalized terms used herein without definition shall have the meanings given to them in the City Resolution.

Section 3. Provision of City Information. The City has provided certain information to the Purchaser (the “City Information”), in connection with the Purchaser’s consideration of an investment in the Bonds, consisting of the items listed in Exhibit D hereto. In addition, the Purchaser has reviewed other materials it deemed important in connection with the consideration of its investment decision.

Section 4. Covenant to Enter into Agreement or Contract to Provide Ongoing Disclosure. The City and the Purchaser acknowledge that the Bonds are exempt from the requirements of Paragraph (b)(5)(i) of the Securities and Exchange Commission Rule 15c2-12 under the Securities Exchange Act of 1934, as amended (17 CFR Part 240, § 240.15c2-12) (the “Rule”). The City hereby covenants and agrees to provide, on an annual basis, continuing disclosure similar to the continuing disclosure requirements of the Rule as then in effect, as more specifically set forth in Section 5.04 of the City Resolution.

Section 5. Representations, Warranties and Covenants of the City. The City represents, warrants and covenants to the Purchaser that:

(a) Organization. The City is a general law city, organized and operating pursuant to the laws of the State of California.

(b) Enforceability of Documents. (i) At or prior to the Closing Date, the City will have taken all action required by it to authorize the issuance and delivery of the Bonds and the levy of taxes to pay debt service on the Bonds; (ii) the City has all necessary power and authority to execute and deliver this Purchase Contract and the Escrow Deposit and Trust Agreement; to adopt the City Resolution; to issue and to deliver the Bonds; to perform its obligations under each such document or instrument (collectively, the “City Documents”); and to carry out and effectuate the transactions contemplated by the City Documents; and (iii) when executed by the City, the Bonds will constitute legally valid and binding obligations of the City, enforceable against the City in accordance with their respective terms except as the enforcement thereof may be limited by bankruptcy, insolvency, reorganization, moratorium or other laws affecting the enforcement of creditors’ rights generally and by the application of equitable principles if equitable remedies are sought.

(c) Authorization. By official action of the City prior to or concurrently with the acceptance hereof, the City has duly authorized and approved the execution and delivery of the City Documents, the performance by the City of the obligations on its part contained therein and the consummation by the City of all other transactions contemplated by the City Resolution and this Purchase Contract.

(d) No Conflicts. The issuance of the Bonds, the adoption of the City Resolution, the execution and delivery of the other City Documents, and compliance with the provisions on the City's part contained herein and therein will not conflict with or constitute a breach of or default under any law, administrative regulation, judgment, decree, loan agreement, indenture, bond, note, resolution, agreement or other instrument to which the City is a party or is otherwise subject, nor will any such execution, delivery, adoption or compliance result in the creation or imposition of any lien, charge or other security interest or encumbrance of any nature whatsoever upon any of the properties or assets of the City under the terms of any such law, administrative regulation, judgment, decree, loan agreement, indenture, bond, note, resolution, agreement or other instrument.

(e) Correct Information. Both at the date hereof and at the Closing Date, the statements and information contained in the City Information provided to the Purchaser by the City relating to the City and its functions, duties, finances and responsibilities are and will be true and correct in all material respects (including any financial and statistical data contained therein), and does not and will not omit any statement or information which is necessary to make such statements and the information therein, in the light of the circumstances under which they were made, not misleading in any material respect.

(f) Consents. Except as has already been obtained, there is no consent, approval, authorization, other order of, or filing with, or certification by, any regulatory authority having jurisdiction over the City required for the issuance, sale or validity of the Bonds or the consummation by the City of the other transactions contemplated by this Purchase Contract in connection with the issuance of said Bonds.

(g) Litigation. There is no action, suit, proceeding, inquiry or investigation, at law or in equity, before or by any court, governmental agency, public board or body, pending or, to the best knowledge of the City, threatened against the City (i) affecting the existence of the City or the titles of its officers required to approve or sign documents necessary for the delivering of the Bonds, to their respective offices or seeking to prohibit, restrain or enjoin the issuance of the Bonds or the execution and delivery of the Escrow Deposit and Trust Agreement or this Purchase Contract; (ii) affecting delivery of the Bonds; (iii) in any material way contesting or affecting the validity or enforceability of the Bonds or any other City Document, (iv) contesting the powers of the City or its authority to enter into, adopt or perform its obligations under any of the foregoing, including, but not limited to, the consummation of the transactions contemplated in this Purchase Contract, or contesting in any material way the completeness or accuracy of the City Information; (v) seeking to restrain or enjoin the sale, issuance or delivery of any of the Bonds, the application of the proceeds of the sale of the Bonds, or the collection of the ad valorem tax authorized to be levied to pay the principal of and interest on the Bonds, or the application thereof, or (vi) wherein an unfavorable decision, ruling or finding would materially adversely affect the validity or enforceability of the Bonds or any other City Document, or in which a final adverse decision could materially adversely affect the operations of the City.

(h) Tax Covenants. The City covenants that it will take any and all action and will cause any and all action to be taken in order to ensure compliance with the provisions contained in the tax certifications described in Section 7(b)(iii)(J) hereof.

(i) No Violation of Debt Limitation. To the best knowledge of the City, it has not been, is not presently and, as a result of the sale, issuance and delivery of the Bonds, will not be in violation of any debt limitation, appropriation limitation or any other provision of the California Constitution that would materially adversely affect the City's obligations under this Purchase Contract.

(j) Certificates. Any certificate signed by any officer of the City and delivered to the Purchaser shall be deemed a representation and warranty by the City to the Purchaser as to the statements made therein and the person signing the same shall do so in the person's official capacity and not in the person's individual capacity.

(k) Levy of Tax. The City hereby agrees to take any and all actions as may be required by the County of Solano or otherwise necessary in order to arrange for the levy and collection of taxes to be used for the payment of the Bonds.

Section 6. Representations, Warranties and Covenants of the Purchaser. The Purchaser represents to and agrees with the City that, as of the date hereof and as of the Closing Date the Purchaser has conducted its own investigation into the merits and risks of an investment in the Bonds and has received, or been afforded access to, from the City or otherwise, all the information it deems necessary to make an investment decision with regard to the Bonds.

Section 7. Conditions to Closing. The Purchaser has entered into this Purchase Contract in reliance upon the representations and warranties of the City contained herein and the performance by the City of its obligations hereunder, both as of the date hereof and as of the Closing Date. The Purchaser's obligations under this Purchase Contract are and shall be subject to the following further conditions as of the Closing Date:

(a) From the time of the execution and delivery of this Purchase Contract to the Closing Date, there shall not have been any (i) material adverse change in the financial condition or general affairs of the City; (ii) event, court decision, proposed law or rule that may have the effect of changing the federal income tax incidents of the Bonds or the contemplated transactions; (iii) international or national crisis, suspension of stock exchange trading or banking moratorium materially affecting, in the Purchaser's opinion, the value of the Bonds to the Purchaser; or (iv) a statement released by any rating agency regarding a downgrading, suspension or withdrawal of any rating on any bonds of the City which, in the reasonable opinion of the Purchaser, materially and adversely affects the value of the Bonds to the Purchaser.

(b) The Purchaser hereby enters into this Agreement in reliance upon its own due diligence and the representations and warranties of the City contained herein and the representations and warranties to be contained in the documents and instruments to be delivered on the Closing Date and upon the performance by the City of its obligations both on and as of the date hereof and as of the Closing Date. Accordingly, the

obligations of the Purchaser under this Purchase Contract to purchase, to accept delivery of and to pay for the Bonds shall be subject, at the option of the Purchaser, to the accuracy in all material respects of the representations and warranties of the City contained herein as of the date hereof and as of the Closing Date, to the accuracy in all material respects of the statements of the officers and other officials of the City made in any certificate or document furnished pursuant to the provisions hereof, to the performance by the City of its obligations to be performed hereunder and under the City Documents, at or prior to the Closing Date, and also shall be subject to the following additional conditions:

(i) At the Closing Date, the City Documents shall have been duly authorized, executed and delivered by the respective parties thereto, all in substantially the forms heretofore submitted to the Purchaser, with only such changes as shall have been agreed to in writing by the Purchaser, and shall be in full force and effect, and the City Resolution shall each be in full force and effect;

(ii) On the Closing Date, all necessary action of the City relating to the execution and delivery of the Bonds will have been taken and will be in full force and effect and will not have been amended, modified or supplemented; and

(iii) At or prior to the Closing Date, the Purchaser shall have received the following documents, in each case satisfactory in form and substance to the Purchaser:

(A) Bond Opinion. The unqualified approving opinion of Bond Counsel, dated the Closing Date, addressed to the City, as to the validity of the Bonds and the tax-exempt status of the Bonds substantially in the form set forth in Exhibit B to this Purchase Contract;

(B) Reliance Letter. A reliance letter from Bond Counsel permitting the Purchaser to rely upon the approving opinion referred to in subparagraph 7(b)(iii)(A), above;

(C) Supplemental Opinion. A supplemental opinion of Bond Counsel, dated the Closing Date and addressed to the Purchaser, to the effect that:

(1) the Bonds are exempt from registration under the Securities Act of 1933, as amended, and the Resolutions are exempt from qualification pursuant to the Trust Indenture Act of 1939, as amended; and

(2) assuming due authorization, execution and delivery by the other parties thereto, this Purchase Contract has been duly authorized, executed and delivered by the City and constitutes a legal, valid and binding agreement of the City, except as the enforcement thereof may be limited by bankruptcy, insolvency,

reorganization, arrangement, moratorium and other laws affecting the enforcement of creditors' rights generally and by the application of equitable principles (regardless of whether such enforceability is considered in equity or at law), to the exercise of judicial discretion in appropriate cases, and to the limitations on legal remedies against general law cities in the State of California and except that no opinion is expressed with respect to any indemnification or contribution provisions contained in this Purchase Contract;

(D) Defeasance Opinion. A defeasance opinion of Bond Counsel, dated the Closing Date and addressed to the Purchaser, relating to the defeasance of the Prior Bonds, in form and substance acceptable to the Purchaser.

(E) Certificate of the City. A certificate signed by a duly authorized official of the City to the effect that (A) this Purchase Contract, the Escrow Deposit and Trust Agreement and the Bonds have been duly executed and delivered, (B) the representations, warranties and covenants of the City herein are true and correct in all material respects as of the Closing Date, (C) the City has complied with all the terms of the City Documents to be complied with by the City prior to or concurrently with the Closing Date and such documents are in full force and effect, and (D) the City Information does not contain any untrue statement of a material fact or omit to state a material fact required to be stated therein or necessary to make the statements therein, in the light of the circumstances in which they were made, not misleading;

(F) City Resolution. A certificate of the City Manager of the City or his designee, together with a fully executed copy of the City Resolution, to the effect that such copy is a true and correct copy of the City Resolution;

(G) City Attorney Opinion. An opinion of the City Attorney, dated the Closing Date and addressed to the City and the Purchaser, substantially in the form set forth in Exhibit C to this Purchase Contract;

(H) Purchase Contract. An executed copy of this Purchase Contract;

(I) City Information. Copies of the items comprising the City Information as set forth on Exhibit D hereto.

(J) Tax Certifications. Tax certifications by the City in form and substance acceptable to Bond Counsel;

(K) Escrow Deposit and Trust Agreement. An executed copy of the Escrow Deposit and Trust Agreement;

(L) Escrow Bank Certificate. A certificate of the Escrow Bank relating to the execution of the Escrow Deposit and Trust Agreement;

(M) Verification Report. A report of Grant Thornton verifying the escrow requirements for the Prior Bonds, in form and substance acceptable to the Purchaser;

(N) Resolutions Approving Prior Bonds. A certificate of the City Manager of the City or his designee, together with a fully executed copy of the resolutions approving the issuance of the Prior Bonds, to the effect that such copies are true and correct copies of such resolutions;

(O) Certificate of Election Results. A certificate of the Solano County Registrar of Voters with respect to the election held on June 3, 1997 authorizing the issuance of the Prior Bonds and the levying of taxes to be used to pay debt service on the Prior Bonds.

(P) Additional Documents. Such additional legal opinions, certificates, proceedings, instruments and other documents as Bond Counsel or the Purchaser may reasonably request to evidence the truth and accuracy, as of the Closing Date, of the representations contained herein and in the City Information and the due performance or satisfaction by the City at or prior to such time of all agreements then to be performed and all conditions then to be satisfied.

Section 8. Additional Closing Conditions for the City. The City shall have entered into this Purchase Contract in reliance upon the representations and warranties of the Purchaser contained herein and the performance by the Purchaser of its obligations hereunder, both as of the date hereof and as of the Closing Date. The obligations of the City hereunder are and shall be subject to the receipt of the Purchaser, in form satisfactory to the City and signed by an authorized officer of the Purchaser, confirming delivery of the Bonds to the Purchaser.

Section 9. Termination. All of the opinions, letters, certificates, instruments and other documents mentioned above or elsewhere in this Agreement shall be deemed to be in compliance with the provisions hereof if, but only if they are in form and substance satisfactory to the Purchaser. Receipt of, and payment for, the Bonds shall constitute evidence of the satisfactory nature of such as to the Purchaser. The performance of any and all obligations of the City hereunder and the performance of any and all conditions contained herein for the benefit of the Purchaser may be waived by the Purchaser in the Purchaser's sole discretion.

If the City shall be unable to satisfy the conditions to the obligations of the Purchaser to purchase, accept delivery of and pay for the Bonds contained in this Agreement, or if the obligations of the Purchaser to purchase, accept delivery of and pay for the Bonds shall be terminated for any reason permitted by this Agreement, this Agreement shall terminate, and

neither the Purchaser nor the City shall be under further obligation hereunder; provided, however, that the respective obligations of the City and the Purchaser set forth in Section 12 hereof shall continue in full force and effect.

Section 10. Expenses. The fees and disbursements of counsel to the City, Bond Counsel, Purchaser's counsel, the fees and disbursements of the placement agent to the City, the cost of preparing the Bonds, the fees of the Escrow Bank and miscellaneous expenses of the City incurred in connection with the offering and delivery of the Bonds shall all be the obligation of the City. The Purchaser shall have no responsibility for any expenses associated with the issuance of the Bonds, including, but not limited to, the expenses identified above as the obligation of the City.

Section 11. Applicable Law. This Purchase Contract shall be governed by the laws of the State of California, exclusive of the choice of law provisions thereof.

Section 12. Parties in Interest; Survival of Representations and Warranties. This Purchase Contract is made solely for the benefit of the City and the Purchaser (including the successors or assigns thereof) and no other person shall acquire or have any right hereunder or by virtue hereof. All representations, warranties and agreements of the City in this Purchase Contract shall remain operative and in full force and effect regardless of any investigation made by or on behalf of the Purchaser and shall survive the delivery of and payment for the Bonds.

[REMAINDER OF PAGE INTENTIONALLY LEFT BLANK]

This Purchase Contract may be executed by the parties hereto in separate counterparts, each of which when so executed and delivered shall be an original, but all such counterparts shall together constitute but one and the same instrument.

**FIRST REPUBLIC BANK,**  
as Purchaser

By: \_\_\_\_\_  
Name: \_\_\_\_\_  
Title: \_\_\_\_\_

The foregoing is hereby accepted and agreed  
to as of the date first above written:

**CITY OF BENICIA**

By: \_\_\_\_\_  
Name: \_\_\_\_\_  
Title: \_\_\_\_\_

COUNTERSIGNED:

\_\_\_\_\_  
Secretary

## EXHIBIT A

### [\$[Principal Amount] CITY OF BENICIA GENERAL OBLIGATION REFUNDING BONDS, SERIES 2012

- a. Purchase Price: \$ \_\_\_\_\_.
- b. Principal Amount: \$[Principal Amount].
- c. Denomination: Equal to the principal amount of the Bonds.
- d. Form: The Bond shall be delivered in the form of a single, certificated, fully registered Bond for the maturity set forth below, without coupons, dated as of the date of issuance thereof, and shall be registered in the name of the Purchaser, all as provided in the City Resolution. The Bond shall be available, if so requested by the Purchaser, at such place as the Purchaser and the City agree upon, for examination by the Purchaser at least 24 hours prior to the Closing Date, and on the Closing Date shall be delivered to the Purchaser.
- e. Interest Payable: February 1 and August 1 of each year, commencing August 1, 2012.
- f. Maturity Schedule and Interest Rate: Maturing on August 1, 2018 and bearing interest at the rate per annum of 1.25%.
- g. Redemption: The Bond is subject to redemption prior to maturity as follows:
  - (a) The Bonds are subject to optional redemption, on any date on or after August 1, 2017, at the redemption price equal to the principal amount of Series 2012 Bonds to be redeemed, together with accrued interest represented thereby to the date fixed for redemption, without premium.
  - (b) The Bonds are subject to mandatory sinking fund redemption on August 1, 2012 and each August 1 thereafter, in the amounts set forth in the Certificate of Bond Terms that has been reviewed and approved by the Purchaser, in each case at a redemption price equal to such amounts, plus interest accrued to the redemption date, without premium.
- h. Closing Date: May \_\_, 2012, or such other date mutually agreed to by the City and the Purchaser.
- i. Delivery: Delivery of the Bond and other documents shall be made on May \_\_, 2012 at the offices of Jones Hall, 650 California Street, 18th Floor, San Francisco, CA 94108, or such other place as shall have been mutually agreed upon by the City and the Purchaser.

**EXHIBIT B**  
**FORM OF OPINION OF BOND COUNSEL**

[Letterhead of Jones Hall]

May \_\_, 2012

City Council  
City of Benicia  
250 East L Street  
Benicia, CA 94510

OPINION:     \$[Principal Amount] City of Benicia General Obligation Refunding Bonds, Series 2012

Members of the Council:

We have acted as bond counsel to the City of Benicia (the “City”) in connection with the issuance by the City of its \$[Principal Amount] principal amount of City of Benicia (Solano County, California) General Obligation Refunding Bonds, Series 2012 (the “Bonds”) pursuant to Articles 9 and 11 of Chapter 3, Part 1, Division 2 of Title 5 of the California Government Code (collectively, the “Act”) and a resolution of the City Council (the “Council”) of the City adopted on April 17, 2012 (the “Bond Resolution”). We have examined the law and such certified proceedings and other papers as we have deemed necessary to render this opinion.

As to questions of fact material to our opinion, we have relied upon representations of the Council contained in the Bond Resolution and in the certified proceedings and certifications of public officials and others furnished to us, without undertaking to verify the same by independent investigation.

Based upon the foregoing, we are of the opinion, under existing law, as follows:

1.     The City is duly established and validly existing as a general law city with the power to issue the Bonds and to perform its obligations under the Bond Resolution and the Bonds under the Act.

2.     The Bond Resolution has been duly adopted by the Council, and the Bond Resolution constitutes the valid and binding obligation of the City, enforceable against the City in accordance with its terms.

3. The Bonds have been duly authorized, executed and delivered by the City, are valid and binding general obligations of the City, and the Council is obligated under the Bond Resolution, and is authorized under the Act and the laws of the State of California to cause to be levied a tax, without limit as to rate or amount, upon the taxable property in the City for the payment when due of the principal of and interest on the Bonds.

4. Interest on the Bonds is excluded from gross income for federal income tax purposes and is not an item of tax preference for purposes of the federal alternative minimum tax imposed on individuals and corporations; it should be noted, however, that, for the purpose of computing the alternative minimum tax imposed on corporations (as defined for federal income tax purposes), such interest is taken into account in determining certain income and earnings. The Bonds are "qualified tax-exempt obligations" within the meaning of Section 265(b)(3) of the Internal Revenue Code of 1986 (the "Code"), and, in the case of certain financial institutions (within the meaning of Section 265(b)(5) of the Code), a deduction is allowed for eighty percent (80%) of that portion of such financial institutions' interest expense allocable to interest on the Bonds. The opinions set forth in the preceding sentences are subject to the condition that the City comply with all requirements of the Internal Revenue Code of 1986, as amended, that must be satisfied subsequent to the issuance of the Bonds in order that interest thereon be, or continue to be, excluded from gross income for federal income tax purposes. The City has covenanted to comply with each such requirement. Failure to comply with certain of such requirements may cause the inclusion of interest on the Bonds in gross income for federal income tax purposes to be retroactive to the date of issuance of the Bonds. We express no opinion regarding other federal tax consequences arising with respect to the Bonds.

5. The interest on the Bonds is exempt from personal income taxation imposed by the State of California.

The rights of the owners of the Bonds and the enforceability of the Bonds and the Bond Resolution may be subject to bankruptcy, insolvency, reorganization, moratorium and other similar laws affecting creditors' rights heretofore or hereafter enacted and may also be subject to the exercise of judicial discretion in appropriate cases.

Respectfully submitted,

A Professional Law Corporation

**EXHIBIT C**

**FORM OF OPINION OF CITY ATTORNEY**

\_\_\_\_\_, \_\_\_\_\_  
City of Benicia  
Benicia, California

First Republic Bank,  
as Purchaser for the Bonds  
San Francisco, California

Re:     \$[Principal Amount] CITY OF BENICIA GENERAL OBLIGATION REFUNDING  
          BONDS, SERIES 2012

Ladies and Gentlemen:

As City Attorney to City of Benicia (the “City”), we have reviewed the proceedings related to the issuance of [Principal Amount] City of Benicia General Obligation Refunding Bonds Series 2012 (the “Bonds”). The Bonds are being issued pursuant to a resolution of the City Council of the City, adopted on April 17, 2012 (the “City Resolution”), and California Law.

In rendering this opinion, we have examined the City Resolution, a Bond Purchase Contract, dated May \_\_, 2012 (the “Purchase Contract”), by and between the City and the Purchaser named therein, and such other documents, records and instruments and made such investigations of law and fact as we have deemed necessary to render the opinions expressed herein.

Having reviewed these documents and other information we have deemed relevant to the preparation of this opinion, it is our opinion that:

1.     The City is a general law city duly organized and validly existing under the laws of the State of California.

2.     The City Resolution approving and authorizing the issuance of the Bonds and the execution and delivery of the Purchase Contract and the Escrow Deposit and Trust Agreement was duly adopted at a meeting of the City Council of the City which was called and held pursuant to law and with all public notice required by law and at which a quorum was present and acting throughout.

3.     There is no action, suit, proceeding or investigation at law or in equity before or by any court, public board or body pending or, to the best of our knowledge, threatened against the City (a) affecting the existence of the City or the titles of its officers to their respective offices or seeking to prohibit, restrain or enjoin the execution of the Purchase Contract, the Escrow Deposit and Trust Agreement or the Bonds; (b) in any way contesting or affecting the validity or enforceability of the Bonds or any other City Document; (c) contesting the powers of the City or its authority to enter into, adopt or perform its obligations under any of the foregoing,

including, but not limited to, the consummation of the transactions contemplated in the Purchase Contract; or (d) seeking to restrain or enjoin the levy or collection of tax revenues pledged for the Bonds.

4. The execution of and performance of the provisions of the Purchase Contract and the Escrow Deposit and Trust Agreement, and the issuance by the City of the Bonds and compliance with the provisions thereof, under the circumstances contemplated thereby, do not and will not in any material respect conflict with or constitute on the part of the City a breach of or default under any agreement or other instrument to which the City is a party or by which it is bound or any existing law, regulation court order or consent decree to which the City is subject.

5. The Bonds have been duly authorized by the City, and the Purchase Contract and the Escrow Deposit and Trust Agreement have been duly authorized, executed and delivered by the City, and assuming due authorization, execution and delivery by the other parties thereto and of issuance of the Bonds by the City, and upon due execution by the City of and receipt of payment for the Bonds, the Bonds, the Purchase Contract and the Escrow Deposit and Trust Agreement, will constitute legal, valid and binding agreements of the City enforceable against the City in accordance with their respective terms, except as the enforcement thereof may be limited by bankruptcy, insolvency, reorganization, moratorium or other laws affecting the enforcement of creditors' rights generally, by the application of equitable principles, the exercise of judicial discretion and the limitations on legal remedies against general law cities in the state of California.

Very truly yours,

## EXHIBIT D

### CITY INFORMATION

1. City's 20\_\_ through 20\_\_ Annual Financial Statements
2. City's 20\_\_ / \_\_ and 20\_\_ / \_\_ Budgets
3. [remainder to come]



**ESCROW DEPOSIT AND TRUST AGREEMENT**

**between the**

**CITY OF BENICIA**

**and**

**U.S. BANK NATIONAL ASSOCIATION,  
as Escrow Bank**

**Dated as of May 1, 2012**

**Relating to**

**\$10,000,000**

**(Original Principal Amount)**

**City of Benicia**

**1997 General Obligation Wastewater Bonds, Series A & B**

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## ESCROW DEPOSIT AND TRUST AGREEMENT

This ESCROW DEPOSIT AND TRUST AGREEMENT (this "Agreement") is made and entered into as of May 1, 2012, between the CITY OF BENICIA, a general law duly organized and existing under the laws of the State of California (the "City") and U.S. BANK NATIONAL ASSOCIATION, a national banking association organized and existing under the laws of the United States, acting as Paying Agent for the Refunded Bonds hereinafter referred to and acting as escrow bank hereunder (the "Escrow Bank");

### WITNESSETH:

**WHEREAS**, an election was duly and regularly held in the City of Benicia (the "City") on June 3, 1997, for the purpose of submitting to the qualified electors of the City the question whether general obligation bonds should be issued in the aggregate principal amount of \$30,000,000 in order to increase the reliable capacity of the City's existing wastewater treatment plant to serve existing users and anticipated infill for buildout of existing service area, reduce offsite odor and noise impacts, reduce public health and safety risk from the use of gaseous chlorine on site, reduce the public health risk by reducing the number of raw sewage spills in various locations of the City, improve existing facilities to extend their useful lives and allow for continued reliable plant operation, minimize impacts of flooding on site, and repair and improve the City's wastewater collection system (the "Project"), at which election more than two-thirds of the votes cast were in favor of the issuance of such bonds; and

**WHEREAS**, pursuant to such voter approval, this Council, has heretofore authorized, issued, sold and delivered, pursuant to Resolution No. 97-123, adopted July 15, 1997, and Resolution No. 98-58, adopted May 5, 1998 (together, the "Prior Bond Resolutions") its: (1) \$5,000,000 City of Benicia 1997 General Obligation Wastewater Bonds, Series A, issued on August 28, 1997, \$2,100,000 of which remain outstanding (the "Series A Bonds"); and (2) \$5,000,000 City of Benicia 1997 General Obligation Wastewater Bonds, Series B, issued on June 10, 1998, \$2,390,000 of which remain outstanding (the "Series B Bonds", and together with the Series A Bonds, the "Refunded Bonds") to finance the Project; and

**WHEREAS**, the City is issuing bonds designated "City of Benicia General Obligation Refunding Bonds, Series 2012" (the "Series 2012 Bonds") in the aggregate principal amount of \$4,700,000 to refund the outstanding Refunded Bonds; and

**WHEREAS**, the City and the Escrow Bank wish to enter into this Agreement for the purpose of providing the terms and conditions relating to the deposit and application of moneys to provide for the redemption of the Refunded Bonds pursuant to and in accordance with the provisions of the Prior Bond Resolutions.

*NOW, THEREFORE, in consideration of the above premises and of the mutual promises and covenants herein contained and for other valuable consideration, the parties hereto do hereby agree as follows:*

**Section 1. Escrow Deposit.** Article IX of the Prior Bond Resolutions permits a deposit of moneys or securities with the Paying Agent, in trust, to pay or redeem all Refunded Bonds outstanding, whether by redemption or otherwise.

**Section 2. Establishment of Escrow Fund.** There is hereby created the “City of Benicia, General Obligation Bonds, Series A & B Escrow Fund” (the “Escrow Fund”) to be held by the Escrow Bank as an irrevocable escrow securing the payment of principal of and interest on the Refunded Bonds. All cash in the Escrow Fund is hereby irrevocably pledged as a special fund for the payment of the principal of and interest on the Refunded Bonds in accordance with the provisions of the Prior Bond Resolutions. If at any time the Escrow Bank shall receive actual knowledge that the cash in the Escrow Fund will not be sufficient to make any payment required by Section 4 hereof, the Escrow Bank shall notify the City of such fact, and the City shall immediately cure such deficiency from any source of legally available funds.

**Section 3. Deposit into Escrow Fund; Investment of Amounts.** Concurrently with delivery of the Series 2012 Bonds, the City shall cause to be transferred to the Escrow Bank for deposit into the Escrow Fund, the amount of \$4,569,012.92 in immediately available funds; which shall be derived from: (i) the proceeds of sale of the Series 2012 Bonds (\$4,510,211.89), and (ii) from the Debt Service Fund created for the Refunded Bonds, an amount equal to \$58,801.03.

The Escrow Bank shall hold said funds uninvested. The cash shall be deposited with and held by the Escrow Bank in the Escrow Fund solely for the uses and purposes set forth herein. The Escrow Bank shall have no lien upon or right of set off against the cash at any time on deposit in the Escrow Fund.

Any other amounts held by the Escrow Bank as Paying Agent for the Refunded Bonds (including but not limited to amounts hereafter posted or credited to any fund or account established under the Prior Bond Resolutions) shall be transferred to the City for deposit into the Debt Service Fund established under the City Council Resolution under which the Series 2012 Bonds have been authorized.

**Section 4. Instructions as to Application of Deposit.** The total amount of cash deposited in the Escrow Fund pursuant to Section 3 shall be applied by the Escrow Bank for the sole purpose of paying the principal of and interest and redemption premium on the Refunded Bonds, all at the times and in the amounts set forth in the schedule shown in Exhibit A attached hereto and by this reference incorporated herein. Following payment in full of the principal of and interest and redemption premium on the Refunded Bonds, any amounts remaining on deposit in the Escrow Fund shall be transferred to the City and deposited in the Debt Service Fund established for the Series 2012 Bonds.

**Section 5. Application of Certain Terms of Prior Bond Resolutions.** All of the terms of the Prior Bond Resolutions relating to the payment of principal of and interest and redemption premium on the Refunded Bonds, and the provisions for resignation of the Paying Agent thereunder, which shall be applicable to it as the Escrow Bank, are incorporated in this Agreement as if set forth in full herein.

**Section 6. Proceedings for Redemption of Refunded Bonds.** The City hereby irrevocably elects to redeem all of the outstanding Refunded Bonds on \_\_\_\_\_, 2012, pursuant to the provisions of Section 2.03(a) of both of the Prior Bond Resolutions. Notice of such redemption has been given by the Escrow Bank pursuant to and in accordance with the provisions of Section 2.03(b) the Prior Bond Resolutions, at the expense of the City.

**Section 7. Compensation to Escrow Bank.** The City shall pay the Escrow Bank full compensation for its duties under this Agreement, including out-of-pocket costs such as publication costs, redemption expenses, legal fees and other costs and expenses relating hereto and, in addition, all fees, costs and expenses relating to the purchase of any Federal Securities after the date hereof. Under no circumstances shall amounts deposited in or credited to the Escrow Fund be deemed to be available for said purposes.

**Section 8. Liabilities and Obligations of Escrow Bank.** The Escrow Bank shall have no obligation to make any payment or disbursement of any type or incur any financial liability in the performance of its duties under this Agreement unless the City shall have deposited sufficient funds therefor with the Escrow Bank. The Escrow Bank may rely and shall be protected in acting upon the written or oral instructions of the City or its agents relating to any matter or action as Escrow Bank under this Agreement.

The Escrow Bank and its respective successors, assigns, agents and servants shall not be held to any personal liability whatsoever, in tort, contract, or otherwise in connection with the execution and delivery of this Agreement, the establishment of the Escrow Fund, the acceptance of the moneys or any securities deposited therein, the purchase of the securities to be purchased pursuant hereto, the retention of such securities or the proceeds thereof, the sufficiency of the securities or any uninvested moneys held hereunder to accomplish the defeasance of the Refunded Bonds, or any payment, transfer or other application of moneys or securities by the Escrow Bank in accordance with the provisions of this Agreement or by reason of any non-negligent act, non-negligent omission or non-negligent error of the Escrow Bank made in good faith in the conduct of its duties. The recitals of fact contained in the "whereas" clauses herein shall be taken as the statement of the City, and the Escrow Bank assumes no responsibility for the correctness thereof. The Escrow Bank makes no representations as to the sufficiency of the uninvested moneys to accomplish the redemption of the Refunded Bonds pursuant to the Prior Bond Resolutions or to the validity of this Agreement as to the City and, except as otherwise provided herein, the Escrow Bank shall incur no liability in respect thereof. The Escrow Bank shall not be liable in connection with the performance of its duties under this Agreement except for its own negligence, willful misconduct or failure to perform its obligations hereunder, and the duties and obligations of the Escrow Bank shall be determined by the express provisions of this Agreement. The Escrow Bank may consult with counsel, who may or may not be counsel to the City, and in reliance upon the written opinion of such counsel shall have full and complete authorization and protection in respect of any action taken, suffered or omitted by it in good faith in accordance therewith. Whenever the Escrow Bank shall deem it necessary or desirable that a matter be proved or established prior to taking, suffering, or omitting any action under this Agreement, such matter (except the matters set forth herein as specifically requiring a certificate of a nationally recognized firm of independent certified public accountants or an opinion of counsel) may be deemed to be conclusively established by a written certification of the City.

The City hereby assumes liability for, and hereby agrees (whether or not any of the transactions contemplated hereby are consummated), to the extent permitted by law, to indemnify, protect, save and hold harmless the Escrow Bank and its respective successors, assigns, agents and servants from and against any and all liabilities, obligations, losses, damages, penalties, claims, actions, suits, costs, expenses and disbursements (including legal fees and disbursements) of whatsoever in and nature which may be imposed on, incurred by, or asserted against, at any time the Escrow Bank (whether or not also indemnified against by any other person under any other agreement or instrument) and in any way relating to or arising out of the execution and delivery of this Agreement, the establishment of the Escrow Fund, the retention of the moneys therein and any payment, transfer or other application of moneys or securities by the Escrow Bank in accordance with the provisions of this Agreement, or as may arise by reason of any act, omission or error of the Escrow Bank made in good faith in the conduct of its duties; *provided, however*, that the City shall not be required to indemnify the Escrow Bank against its own negligence or willful misconduct. The indemnities contained in this Section 8 and the compensation and reimbursement contained in Section 7 shall survive the termination of this Agreement or the resignation or removal of the Escrow Bank.

The Escrow Bank shall incur no liability for losses arising from any investment made pursuant to this Agreement.

Any company into which the Escrow Bank may be merged or converted or with which it may be consolidated or any company resulting from any merger, conversion or consolidation to which it shall be a party or any company to which the Escrow Bank may sell or transfer all or substantially all of its corporate trust business shall be the successor to the Escrow Bank without the execution or filing of any paper or further act, anything herein to the contrary notwithstanding.

No provision of this Agreement shall require the Escrow Bank to expend or risk its own funds or otherwise incur any financial liability in the performance or exercise of any of its duties hereunder, or in the exercise of its rights or powers.

**Section 9. Amendment.** This Agreement may be amended by the parties hereto, but only if there shall have been filed with the City and the Escrow Bank a written opinion of Bond Counsel stating that such amendment will not materially adversely affect the interests of the owners of the Refunded Bonds, and that such amendment will not cause interest on the Refunded Bonds or the Series 2012 Bonds to become includable in the gross income of the owners thereof for federal income tax purposes.

**Section 10. Execution in Counterparts.** This Agreement may be executed in several counterparts, each of which shall be an original and all of which shall constitute but one and the same instrument.

**Section 11. Applicable Law.** This Agreement shall be governed by and construed in accordance with the laws of the State of California.

**Section 12. Severability of Invalid Provisions.** In case any one or more of the provisions contained in this Escrow Agreement shall for any reason be held to be invalid, illegal or unenforceable in any respect, such invalidity, illegality or unenforceability shall not

affect any other provision of this Escrow Agreement, but this Escrow Agreement shall be construed as if such invalid or illegal or unenforceable provision had never been contained herein.

IN WITNESS WHEREOF, the City and the Escrow Bank have each caused this Agreement to be executed by their duly authorized officers all as of the date first above written.

CITY OF BENICIA

By \_\_\_\_\_  
City Manager

Countersigned:

\_\_\_\_\_  
City Clerk

U.S. BANK NATIONAL ASSOCIATION, as  
Escrow Bank

By \_\_\_\_\_  
Authorized Officer

EXHIBIT A

PAYMENT AND REDEMPTION SCHEDULE  
OF REFUNDED BONDS

I. Series A Bonds

<u>Payment Date</u>	<u>Principal</u>	<u>Interest</u>	<u>Total Payment</u>
June 11, 2012	\$2,100,000	\$	\$

II. Series B Bonds

<u>Payment Date</u>	<u>Principal</u>	<u>Interest</u>	<u>Total Payment</u>
June 11, 2012	\$2,390,000	\$	\$



**RESOLUTION NO. 12- \_\_**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BENICIA APPROVING AND AUTHORIZING EXECUTION OF CORPORATE RESOLUTION TO OPEN ACCOUNTS (First Republic Bank)**

**NOW, THEREFORE, BE IT RESOLVED THAT** the City Council of the City of Benicia as follows:

That certain document entitled, "Corporate Resolution to Open Accounts," providing for the establishment of deposit accounts with First Republic Bank, in the form of Exhibit "A" hereof, attached hereto and by this reference incorporated herein, is hereby approved, and the City Clerk is hereby authorized and directed to sign said resolution substantially in conformance with Exhibit A for and on behalf of the City of Benicia.

\*\*\*\*\*

On motion of \_\_\_\_\_, seconded by \_\_\_\_\_, the above Resolution was introduced and passed by the City Council of the City of Benicia at a regular meeting of said Council held on the 17<sup>th</sup> day of April, 2012, and adopted by the following vote:

Ayes:  
Noes:  
Absent:

\_\_\_\_\_  
Elizabeth Patterson, Mayor

Attest:

\_\_\_\_\_  
Lisa Wolfe, City Clerk

## EXHIBIT A

FIRST REPUBLIC BANK  
Corporate Resolution to Open Accounts

---

Please check the applicable box:  Single Account or  Multiple Accounts

I hereby certify that:

1. I am the duly appointed City Clerk of the City (the "City").
  2. The following Resolution was duly adopted (check one and complete)  
 at a meeting of the City Council, held on April 17, 2012 .  
 by unanimous consent, in accordance with the laws of the City's state of incorporation, dated\_\_\_\_\_, signed by all directors of the City.
  3. Pursuant to this Resolution, the City shall establish deposit account(s) with First Republic Bank, ("Bank"), upon such terms as may be agreed upon with the Bank. Individuals in the following City of Benicia positions will be the Authorized Signers on the deposit account(s) at the Bank:
    - a) City Manager
    - b) Finance Director
    - c) Mayor
- Any Authorized Signer may act independently unless otherwise specified on the account(s) signature card.
4. Any Authorized Signer may:
    - a. open additional accounts with the Bank in the name of the City;
    - b. sign checks on, issue stop payment orders regarding, or withdraw funds from, any account in the name of the City;
    - c. negotiate items made payable to the City;
    - d. amend authorized signer authority on City accounts with the Bank; and
    - e. execute any additional documents the Authorized Signer may deem necessary or desirable to meet the purpose and objective of the City.
  5. The Bank may honor all checks or withdrawals made on this (these) accounts on the signatures of Authorized Signers and shall not be liable for any direct or consequential loss the City may incur as a result of any improper, unlawful, or dishonest act by any such Authorized Signer in connection with accounts opened under this Resolution, except as may be caused by the Bank's gross negligence or unlawful acts.
  6. The authority conferred in this Resolution will be deemed retroactive and any authorized acts that were performed prior to the execution of this Resolution are approved and ratified.

This Resolution has not been amended or rescinded, is in full force and effect, and does not conflict with any provision of the laws of the State of California applicable to the City.

First Republic Bank is authorized to rely upon this Resolution until the Bank has received written notice of any amendment or rescission of this Resolution, and until it has acknowledged in writing receipt of such notice.

City Clerk of the City of Benicia

\_\_\_\_\_

Print Name

\_\_\_\_\_

Signature

\_\_\_\_\_

Date



**AGENDA ITEM**  
**CITY COUNCIL MEETING DATE - APRIL 17, 2012**  
**BUSINESS ITEMS**

**DATE** : April 11, 2012

**TO** : City Council

**FROM** : City Manager

**SUBJECT** : **APPROVE THE EXTENSIONS TO THE JULY 1, 2010 TO JUNE 30, 2012 AGREEMENTS BETWEEN THE CITY OF BENICIA AND MANAGEMENT EMPLOYEES**

**RECOMMENDATION:**

Adopt the resolution approving the Contract Extension Agreements modifying the existing 2010-2012 Memorandums of Understanding (MOUs) with the senior management, mid-management and police mid-management employee groups. If approved, and unless otherwise modified by the Contract Extension Agreements, all terms of the MOUs shall be extended from July 1, 2012 to June 30, 2013.

**EXECUTIVE SUMMARY:**

In 2010 and 2011, City of Benicia employees took a combined reduction in total compensation of approximately 10%. These concessions assisted the City in addressing budget shortfalls in both fiscal years and achieving ongoing structural savings. Given that the City's fiscal status appears relatively stable for the remainder of the current budget period, in a large part due to the previous, ongoing compensation reductions made by all City employees, the City has offered, and the management groups have agreed, to extend the current contracts for one additional year, to June 30, 2013, with no increases or further reductions to compensation for the remainder of the term.

**STRATEGIC PLAN:**

Relevant Strategic Plan Issues and Strategies:

Strategic Issue #3: Strengthening Economic and Fiscal Conditions

**BUDGET:**

There is no additional cost to the City associated with the proposed Contract Extension Agreements.

**BACKGROUND:**

During the past two fiscal years, all City of Benicia employees, including the City Council, City Clerk, City Manager, and City Attorney, took compensation

concessions amounting to nearly \$2 million dollars in ongoing structural savings to the City. These concessions greatly assisted the City in addressing budget shortfalls in both the prior and current fiscal years. For the remainder of this current 2011-13 budget, it is expected, based on a detailed review of financial projections, that the City's revenues and expenditures will remain relatively flat, and on target with what was budgeted in the City's two-year budget for 2011-13.

In light of the current fiscal environment, the City's management groups have agreed to extend their current contracts for one additional year with no further reductions, but also no increases, to compensation. The City has agreed to drop the clause regarding reopening the contract to negotiate concessions as current fiscal circumstances are such that this language is not warranted for such a short contract period. Additionally, language has been added to clarify that the City's contribution toward employee health care remains the same as 2011-12.

Further, while not covered by any of the management group MOUs, it should also be noted that there will not be any changes to the current contracts, relative to compensation, for the City Manager or City Attorney for 2012-13. The same applies for the City's unrepresented employees, in that the resolution that outlines those employees' current compensation will remain in effect. Since the current documents in place for the City Manager, City Attorney and unrepresented employees have not expired and are not being altered at this time; no action is necessary for these employees.

Attachments:

- Resolution
- Contract Extension Agreements with management groups

**RESOLUTION NO. 12-**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BENICIA APPROVING CONTRACT EXTENSION AGREEMENTS TO THE JULY 1, 2010 TO JUNE 30, 2012 AGREEMENTS WITH MANAGEMENT EMPLOYEES**

**WHEREAS**, the existing Memorandums of Understanding (MOUs) between the City of Benicia and Benicia management employees cover salaries and other conditions of employment for the period of July 1, 2010 to June 30, 2012; and

**WHEREAS**, the City has concluded negotiations with Benicia management groups (i.e., senior managers, mid-managers, and police mid-managers); and

**WHEREAS**, the groups have agreed to Contract Extension Agreements modifying the existing Memorandums of Understanding (MOUs) to extend their terms one additional year, through June 30, 2013; and

**WHEREAS**, unless otherwise modified by the Contract Extension Agreements, which are attached as Exhibit A, all terms of the existing MOU shall be extended from July 1, 2012 – June 30, 2013.

**NOW, THEREFORE, BE IT RESOLVED THAT** the City Council of the City of Benicia hereby approves the Contract Extension Agreements with the senior management, mid-management, and police mid-management employees, extending the term of the current MOUs to June 30, 2013.

\*\*\*\*\*

On motion of Council Member \_\_\_\_\_, and seconded by Council Member \_\_\_\_\_, the above Resolution was introduced and passed by the City Council of the City of Benicia at a regular meeting of said Council held on the 17<sup>th</sup> day of April, 2012 and adopted by the following vote.

Ayes:

Noes:

Absent:

Attest:

\_\_\_\_\_  
Elizabeth Patterson, Mayor

\_\_\_\_\_  
Lisa Wolfe, City Clerk

**Amended Agreement  
Between  
City of Benicia  
and  
Senior Management Employees  
Regarding Contract Extension**

**March 29, 2012**

The City of Benicia, hereby referred to as “City,” and the Senior Management employees, hereby referred to as “Senior Managers,” execute this Contract Extension Agreement modifying the existing Memorandum of Understanding (MOU) with the term of July 1, 2010 – June 30, 2012. Unless otherwise modified by this contract extension agreement, all terms of the MOU shall be extended from July 1, 2012 – June 30, 2013.

The City and Senior Managers agree to the following:

1. Section II.D shall be amended as follows:

II. Compensation

~~D.Reopener on Concessions~~

~~During the term of the agreement, the parties agree that if the Council, after a noticed public hearing, deems additional reductions are necessary to balance the City’s budget, the parties agree to reopen the contract to meet and confer on necessary concessions.~~

2. Section VI, Health and Medical Insurance, shall be amended to add a paragraph as follows:

~~For fiscal year 2012-13, the parties agree that the City will continue to contribute the following amounts toward medical premiums:~~

~~Employee: \$622/month~~  
~~Employee plus One: \$1,244/month~~  
~~Employee plus Family: \$1,655.20/month~~

3. Section XIV shall be amended as follows:

XIV. CLOSING CLAUSE

The terms of this agreement shall remain in effect through June 30, 201~~2~~<sup>3</sup>. All other provisions of the MOU ~~expiring June 30, 2010~~, including side letters ~~established during that MOU period~~, remain the same unless otherwise modified by the provisions in this agreement.

This Contract Extension Agreement shall become effective upon ratification by the Senior Managers and adoption by the City Council on its regular agenda, in conformance with the Brown Act.

Dated: \_\_\_\_\_

Dated: \_\_\_\_\_

For the Senior Managers:

For the City:

\_\_\_\_\_  
Andrew Bidou, Police Chief

\_\_\_\_\_  
Brad Kilger, City Manager

\_\_\_\_\_  
Diane Smikahl, Library Director

Approved as to Form:

\_\_\_\_\_  
Heather McLaughlin, City Attorney

**Amended Agreement  
Between  
City of Benicia  
and  
Middle Management Employees  
Regarding Contract Extension**

**March 29, 2012**

The City of Benicia, hereby referred to as “City,” and the Middle Management employees, hereby referred to as “Mid Managers,” execute this Contract Extension Agreement modifying the existing Memorandum of Understanding (MOU) with the term of July 1, 2010 – June 30, 2012. Unless otherwise modified by this contract extension agreement, all terms of the MOU shall be extended from July 1, 2012 – June 30, 2013.

The City and Mid Managers agree to the following:

1. Section II.E shall be amended as follows:

II. Compensation

~~E. Reopener on Concessions~~

~~During the term of the agreement, the parties agree that if the Council, after a noticed public hearing, deems additional reductions are necessary to balance the City’s budget, the parties agree to reopen the contract to meet and confer on necessary concessions.~~

2. Section VI, Health and Medical Insurance, shall be amended to add a paragraph as follows:

For fiscal year 2012-13, the parties agree that the City will continue to contribute the following amounts toward medical premiums:

Employee: \$622/month  
Employee plus One: \$1,244/month  
Employee plus Family: \$1,655.20/month

3. Section XIII shall be amended as follows:

XIII. CLOSING CLAUSE

The terms of this agreement shall remain in effect through June 30, 201~~2~~<sup>3</sup>. All other provisions of the MOU ~~expiring June 30, 2010~~, including side letters ~~established during that MOU period~~, remain the same unless otherwise modified by the provisions in this agreement.

This Contract Extension Agreement shall become effective upon ratification by the Mid Managers and adoption by the City Council on its regular agenda, in conformance with the Brown Act.

Dated: \_\_\_\_\_

Dated: \_\_\_\_\_

For the Mid Managers:

For the City:

\_\_\_\_\_  
Rick Knight, Parks & Building Superintendent

\_\_\_\_\_  
Brad Kilger, City Manager

\_\_\_\_\_  
Melissa Morton, Assistant PW Director

\_\_\_\_\_  
Anne Cardwell,  
Administrative Services Director

Approved as to Form:

\_\_\_\_\_  
Heather McLaughlin, City Attorney

**Amended Agreement  
Between  
City of Benicia  
and  
Police Management Employees  
Regarding Contract Extension**

**March 29, 2012**

The City of Benicia, hereby referred to as “City,” and the Police Management employees, hereby referred to as “Police Managers,” execute this Contract Extension Agreement modifying the existing Memorandum of Understanding (MOU) with the term of July 1, 2010 – June 30, 2012. Unless otherwise modified by this contract extension agreement, all terms of the MOU shall be extended from July 1, 2012 – June 30, 2013.

The City and Police Managers agree to the following:

1. Section VI.A, Insurance and Occupational Health, shall be amended to add a paragraph as follows:

For fiscal year 2012-13, the parties agree that the City will continue to contribute the following amounts toward medical premiums:

Employee: \$622/month  
Employee plus One: \$1,244/month  
Employee plus Family: \$1,655.20/month

2. Section X shall be amended as follows:

X. CLOSING CLAUSE

The terms of this agreement shall remain in effect through June 30, 201~~2~~<sup>3</sup>. All other provisions of the MOU ~~expiring June 30, 2010~~, including side letters ~~established during that MOU period~~, remain the same unless otherwise modified by the provisions in this agreement.

~~The parties agree that during the term of the agreement, if the Council, after a noticed public hearing, deems additional reductions are necessary to balance the City's budget, the parties agree to reopen the contract for the narrow and specific purpose of meeting and conferring over concessions identified by the City as needed to prevent the layoffs of Police Mid-Manager members.~~

This Contract Extension Agreement shall become effective upon ratification by the Mid Managers and adoption by the City Council on its regular agenda, in conformance with the Brown Act.

Dated: \_\_\_\_\_

Dated: \_\_\_\_\_

For the Police Managers:

For the City:

\_\_\_\_\_  
Mike Greene, Police Lt.

\_\_\_\_\_  
Brad Kilger, City Manager

\_\_\_\_\_  
Bob Oettinger, Police Lt.

\_\_\_\_\_  
Anne Cardwell,  
Administrative Services Director

\_\_\_\_\_  
Frank Hartig, Police Lt.

Approved as to Form:

\_\_\_\_\_  
Heather McLaughlin, City Attorney

**AGENDA ITEM**  
**CITY COUNCIL MEETING DATE - APRIL 17, 2012**  
**BUSINESS ITEMS**

**DATE** : March 17, 2012

**TO** : City Manager

**FROM** : Acting Economic Development Manager

**SUBJECT** : **APPROVAL OF SUSTAINABLE MANAGEMENT PROGRAM**

**RECOMMENDATION:**

Approve by motion the proposed Sustainable Management Program, and allocate \$625,000 for the Valero/Good Neighbor Steering Committee settlement fund.

**EXECUTIVE SUMMARY:**

The proposed Sustainable Management Program (Program) is a major initiative of the city's recently adopted Business Development Action Plan (BDAP). The purpose of the program is to provide resources to businesses that will allow them to increase competitiveness and productivity. Functionally, the Program will provide a sustainable (energy, water, waste, behavior) analysis for Benicia businesses in the Benicia Industrial Park, then provide funding to enable those businesses to act upon the recommendations identified in the analysis. This Program is designed to serve both as an economic development tool and a vehicle to help implement the goals identified in the City's Climate Action Plan.

**BUDGET INFORMATION:**

The proposed budget for the Sustainable Management Program totals \$625,000. The Sustainable Management Program, as outlined in the Business Development Action Plan (BDAP), consists of two elements. First, for the Analysis Element, it is proposed that \$100,000 be allocated to fund business assessments. The second element is the implementation element for which \$525,000 is being proposed. Note, in light of the recent WattzOn contract amendment, to perform industrial/business analysis, staff has amended the initial Program budget, as identified in the BDAP, to account for the recent development of the WattzOn contract. Meaning instead of seeking \$125,000 for analysis, staff is proposing \$100,000 for the analysis element and moving that \$25,000 to the implementation part.

Staff is recommending an allocation from the Valero – Good Neighbor Steering Committee Fund to support this project. The proposed Sustainable Management Program is consistent with Section H “Future Projects” of the Amendment to the Valero – Good Neighbor Steering Committee Settlement Agreement. On March 19<sup>th</sup> Staff, per the provisions of Section H of the said Agreement, requested and received the necessary support and findings from the Community Sustainability Commission.

### **GENERAL PLAN:**

The overarching Goal of the General Plan is Sustainability. CAP Strategy EO-1.1 addresses the following General Plan goal:

Goal 3.27: Improve energy efficiency.

### **STRATEGIC PLAN:**

Relevant Strategic Plan Issues and Strategies:

- Strategic Issue #2: Protecting and Enhancing the Environment
  - Strategy #1: Reduce greenhouse gas emissions and energy consumption
  - Strategy #3: Pursue and adopt sustainable practices
- Strategic Issue 3: Strengthening Economic and Fiscal Conditions
  - Strategy #2: Strengthen Benicia Industrial Park Competitiveness
  - Strategy #3: Retain and Attract Business

### **CLIMATE ACTION PLAN:**

Relevant Climate Action Plan Principles, Objectives and Strategies:

**Principle 3.GHG Reductions in Industrial and Commercial Sector.** *“The City must actively engage the business community to work together to develop strategies that add value to the businesses through efficiency and infrastructure, while reducing greenhouse gas emissions”.*

- Focus Area: Energy Production
  - *Objective E-2: Increase Amount of Renewable Energy in Benicia*
    - Strategy E-2.4. Renewable Energy Fund
    - Strategy E-3.1. Encourage Parking Lot Solar PV Arrays
    - Strategy E-3.2. Solar Permitting Fee Waiver
    - Strategy E-3.3. Promote California Solar Initiative and Other Applicable Incentive Programs
- Focus Area: Transportation + Land Use
  - *Objective T-8: Reduce Reliance on Conventional Automobile Travel*

- Strategy T-8.1. Encourage Local Businesses to Use Alternative Fuels and Vehicles
- Focus Area: Industrial + Commercial
  - *Objective IC-1: Reduce Energy Consumption in Industrial and Commercial Buildings 20% by 2020*
    - Strategy IC 1.1. Building Audit and Efficiency Program
  - *Objective IC-2: Increase Operational Efficiency 20% by 2020*
    - Strategy IC 2.1. Promote Green Business Certification Program
- Focus Area: Water + Wastewater
  - *Objective WW-1: Reduce the Amount of Water Consumed 20% by 2020*
    - Strategy WW 1.4. Commercial Rainwater Collection
    - Strategy WW 1.7. Develop a Business Outreach Program
- Focus Area: Solid Waste
  - *Objective SW-2: Commit to a Waste Diversion Goal of 75% for the Community*
    - Strategy SW 2.2. Curbside Recycling for Industrial and Commercial Businesses
    - Strategy SW 2.4. Waste Audit Program

**BACKGROUND:**

In an effort to revitalize the City's Economic Development program, the City Manager commissioned the professional services of Chabin Concepts to draft and develop an updated economic development strategy that both recognized the unique economic climate for which we face as well as define economic goals and objectives the City should pursue over the next 18-36 months.

After many community meetings, one-on-one interviews, and a business diagnostic, the Chabin Concepts team developed the Business Development Action Plan (BDAP). The BDAP establishes over one hundred recommendations and initiatives, one of which is the Sustainable Management Program. This plan was first reviewed by the City Council in a joint meeting with the Economic Development Board on October 23, 2011 and then adopted by the City Council on March 6, 2012.

The Program parameters and guidelines are described in detail in the attached report. The Program was reviewed and approved by both the Community Sustainability Commission (CSC), and then by the Economic Development Board (EDB) on March 19<sup>th</sup> and 28<sup>th</sup>, respectively.

The primary purpose of this Program is to invest and to incentivize investment into the Benicia Industrial Park (BIP). The BIP is the economic epicenter for Benicia, employing approximately 6,500 workers and generating nearly \$12 million in taxes to the City of Benicia. Additionally, this Program also serves as a vehicle to achieve many of the goals identified in the City's Climate Action Plan. Simply put, the Sustainable Management Program is a multi-faceted tool that serves, simultaneously, economic and environmental interests.

A Sustainability Return on Investment (called SROI) is a combination of benefits to a community – environmental, economic and social. The Sustainable Management Program provides benefits in all three categories:

- Environmental Performance:
  - Efficiencies and reduction of energy, water, waste, storm water runoff, fuel (reduction of GHG)
- Economic Performance:
  - Economic value of water saved;
  - Economic value of using local vendors for improvements;
  - Economic value of property improvements;
  - Savings reinvestment in business returning higher tax revenue to the city (annually);
  - Green jobs as demand for other services increase (ripple effect);
  - Tool to assist retaining business and their economic impact to the City;
  - Tool to assist new businesses with location;
  - Increase Business Climate Reputation;
  - Estimate 5-15% Reimbursement ROI over ten years based on above factors
  - Projected statewide impacts to public agencies is estimated to be in the billions of dollars annually.<sup>1</sup> The long-term costs of inaction are likely to be far greater than the relatively modest cost of taking action now to minimize potential future risks.
- Social Performance:
  - Behavioral change at local businesses
  - Education and awareness
  - New programs and services

The concept for the Program is two-fold. First the City, through the Economic Development Division, as part of its Business Retention/Recruitment Program, will, during the course of their Business outreach, offer to fund an analysis for business. This analysis will provide each business with recommendations to reduce their

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<sup>1</sup> "California Climate Risk and Response", UC Berkeley, [www.next10.org/publications/research\\_ccrr.html](http://www.next10.org/publications/research_ccrr.html)

energy/water/waste/fuel consumption, resulting in higher energy and water efficiencies and reduction in waste and fuel consumptions. It should be noted that waste and recycling audits are already offered as a free service by Allied Waste as part of the franchise agreement.

Secondly, following the analysis, businesses may apply for funding to achieve the results noted in the report. The funding mechanism has three parts:

- 1) Reimbursement not to exceed \$10,000; and/or
- 2) City no-interest loan of 80% of the costs not to exceed \$25,000; and/or
- 3) Low-interest loan of 80% of project costs that exceed \$25,000 up to \$50,000

Businesses applying for funding must measure and meet the following Green House Gas reductions exceptions:

<b>Building Square Footage</b>	<b>Number of Employees</b>	<b>GHG Reduction over Baseline</b>
Less than 5,000 sq ft	1-20 on & off-site	3-5%
5,000 – 25,000 sq ft	10-50 on & off-site	6-10%
25,000- 50,000 sq ft	50+ on & off-site	11-15%
Over 50,000 sq ft	100+ on & off-site	16-20%

\*This chart is explained in detail in the attached Program parameters.

In an effort to prepare and develop the Program, staff reviewed a draft plan with a sub-committee from the Economic Development Board and Community Sustainability Commission in February. Following their comments and feedback from the City’s Climate Action Plan Coordinator, Chabin Concepts developed the guidelines for the Program.

In addition to the Program Guidelines, Audrey Taylor from Chabin Concepts has also created a Flow Chat detailing the steps and process of the program. Also attached are the application forms, which further expound upon the Program’s parameters, duties and obligations.

The program was further refined with comments and suggestions from the CSC and EDB. One may track the additions and clarifications to the Program, by noting the green typeface in the Program’s description.

A key comment from the CSC meeting, was the clarification that the funds used for the loan program and any interest derived be returned to the Program to continue to propagate the Program to other business. This was always the intent of the Program but it has now been made explicitly clear in the Program

Guidelines.<sup>2</sup>

Another additional clarification was the noted priority for energy and water conservation projects.<sup>3</sup> The revised Program Guidelines also includes the encouragement of funded projects to use local vendors.

In addition, the revised Guidelines explicitly state that each business that applies for funding will be required to participate in a baseline/tracking/measuring using GreenTraks system. This System will measure various levels of emissions, kWh, fuel, water and waste. The purpose for this measurement is to 1) create a baseline for each company and 2) track the actual efficiency and reductions being achieved at each place of business. This tracking will assist businesses in creating behavioral change with their employees by documenting actions that result in reducing GHG. The cumulative reporting will also assist in measuring change for achieving Climate Action Plan goals.<sup>4</sup>

Staff is requesting the City Council approve the Sustainable Management Program and allocate \$625,000 from the Valero/GNSC Account to fund this program.

Attachments:

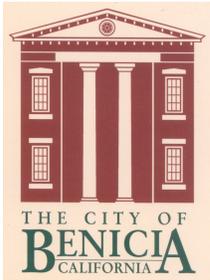
- Proposed Sustainable Management Program Guidelines
- Benicia Sustainable Management Program - Flow Chart
- Sustainable Management Program – Application for Analysis
- Sustainable Management Program – Application for Funding
- Memorandum of Understanding – Funding Reservations
- Community Sustainability Commission Grant Form
- Community Sustainability Commission – Draft Minutes 3/19/12

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<sup>2</sup> See pages 4, 11 & 12 of Program Guidelines.

<sup>3</sup> See page 9 of Program Guidelines.

<sup>4</sup> See page 10 of Program Guidelines.



# City of Benicia Benicia Industrial Park **DRAFT Sustainable Management Program Guidelines**

Revision 02 March 29, 2012

## **I. Introduction**

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In an effort to achieve the 10 percent Greenhouse Gas Emission (GHG) goal below 2000 levels by 2020 proposed in the Climate Action Plan (CAP) and provide keys services and incentives to businesses located in Benicia's Industrial Park, a ***Sustainable Management Program*** was proposed in the Benicia Business Development Action Plan (BDAP).

The *Sustainable Management Program* is proposed as a key element of the Benicia Industrial Park Business Retention/Expansion Program (BRE) implemented and managed by the Economic Development unit. The program is closely aligned with Community Development and the CAP to avoid any conflicting goals and to avert any perceptions from businesses that this program will implement new regulations or cause new business risk.

The program meets the stated priorities of the **Valero/Good Neighbor Steering Committee Settlement Agreement**, water efficiency/reduction, greenhouse gas emission reduction, energy efficiency and other sustainability actions in support of the CAP.

### ***Purpose***

The Program is a first step to help the private commercial and industrial sectors with energy efficiency, water efficiency, waste diversion, transportation savings and initiating corporate sustainability plans.

The intent of the program is to 1) provide a high quality analysis at no cost to private businesses and commercial/industrial building owners to help them identify and value possible efficiency measures that could be implemented specific to their business operations and/or buildings, 2) through a Reimbursement/Loan Sustainability Fund available to businesses participating in an Analysis assist with funding of analysis improvement recommendations (needed to achieve GHG reductions), 3) provide access to a unique web based GHG manager tool to baseline, track and measure progress in real time and 4) because sustainability in all forms includes behavioral changes offer training and educational classes to business management and employees.

The program recognizes some buildings will be owner/operated while others will be property owner/leased. The objective is to work with both on building efficiencies as well as business operation efficiencies.

**Program Alignment and References**

The Sustainable Management Program is aligned with both the Climate Action Plan and the Business Development Action Plan:

Climate Action Plan
<p><b>Principle 3 – GHG Reductions in Industrial and Commercial Sector (Pg. 16)</b>  <i>“Reducing greenhouse gas emissions in the Industrial and Commercial sector is critically important given the significant emissions associated with the sector. The City must actively engage the business community to work together to develop strategies that add value to the businesses through efficiency and infrastructure, while reducing greenhouse gas emissions.”</i></p>
<p><b>Alignment with Objectives &amp; Strategies:</b></p> <p>Focus Area: Energy Production  <i>Objective E-2: Increase Amount of Renewable Energy in Benicia</i>            Strategy E-2.4. Renewable Energy Fund (potentially if pursued by property owners)            Strategy E-3.1. Encourage Parking Lot Solar PV Arrays            Strategy E-3.2. Solar Permitting Fee Wavier            Strategy E-3.3. Promote California Solar Initiative and Other Applicable Incentive Programs</p> <p>Focus Area: Transportation + Land Use  <i>Objective T-8: Reduce Reliance on Conventional Automobile Travel (potentially)</i>            Strategy T-8.1. Encourage Local Businesses to Use Alternative Vehicles (Fuels)</p> <p>Focus Area: Industrial + Commercial  <i>Objective IC-1: Reduce Energy Consumption in Industrial and Commercial Buildings 20% by 2020</i>            Strategy IC 1.1. Building Audit and Efficiency Program  <i>Objective IC-2: Increase Operational Efficiency 20% by 2020</i>            Strategy IC 2.1. Promote Green Business Certification Program</p> <p>Focus Area: Water + Wastewater  <i>Objective WW-1: Reduce the Amount of Water Consumed 20% by 2020</i>            Strategy WW 1.4. Commercial Rainwater Collection            Strategy WW 1.7. Develop a Business Outreach Program</p> <p>Focus Area: Solid Waste  <i>Objective SW-2: Commit to a Waste Diversion Goal of 75% for the Community</i>            Strategy SW 2.2. Curbside Recycling for Industrial and Commercial Businesses            Strategy SW 2.4. Waste Audit Program</p>

**Business Development Action Plan**

**Action Initiative 3.1: Benicia Industrial Park**  
*“The City has an excellent industrial base. Industrial businesses provide the highest economic impact multipliers to a community as well as typically generate revenue in both property and business-to-business sales taxes.  
For Benicia 47% of the City’s budget is derived from business-driven revenue. Of the total business-driven tax revenue, \$13.9 million, 84% of the revenue (sales, property and utility) is directly attributed to business activity at the Industrial Park which supports 39% of the City’s annual budget.”*

**Alignment with Objectives & Strategies:**

*Objective 1.0 Business Retention/Expansion Program: Initiate a formal business retention and expansion call program to businesses in the Park – Business is a Priority Program.*

Strategy 1.2: Launch Executive Pulse System as customer-relation database and communication platform. Launch business survey to populate database and identify early adopters and business needs.

Strategy 1.6: As part of the Business Retention & Expansion Program, align economic development program with sustainability strategy (CAP).

- Institute a direct service program, BIP Sustainable Management Program that supports and assists businesses in the Industrial Park with initiating sustainability practices.
- Formalize program to offer sustainability analysis.
- Create a funding program for sustainability improvements resulting in reduction of GHG.

Strategy 1.7: Perform a sustainable landscaping analysis of the Industrial Park which would result in water efficiency and curb appeal improvements.

Strategy 1.9: Promote through City’s new Economic Development website.

Strategy 1.11: Create business recognition program.

The objective and strategies of the Business Development Action Plan align with the **City of Benicia’s General Plan:**

Goal 2.5: Facilitate and encourage new uses and development which provide substantial and sustainable fiscal and economic benefits to the City and the community while maintaining health, safety and quality of life.

Goal 2.6: Attract and retain a balance of different kinds of industrial uses to Benicia.

Goal 2.7: Attract and retain industrial facilities that provide fiscal and economic benefits to – and meet the present and future needs of – Benicia.

## ***Sustainable Management Program Overview***

The program has five key components to benefit the Benicia Industrial Park businesses:

1. **Professional Sustainable Analysis** - businesses in the Industrial Park would make application<sup>1</sup> for a Sustainable Management Analysis which would be provided to the company at *no cost*. The Analysis would include energy efficiency and opportunities for renewable energy generation, water efficiency (exterior and interior), solid waste and recycling management, transportation and fuel usage and possibly procurement practices. The Analysis would include recommendations for actions (and cost estimates) needed to improve efficiencies and reduce GHG.
2. **Management & Employee Training** – specialized sustainability workshops would be held at least bi-annually for businesses and employees.
3. **Commercial/Industrial Sustainability Reimbursement/Loan Fund** – businesses participating in the Sustainable Analysis will be eligible to apply for funding of improvements documented and recommended in their Sustainable Analysis Report. Based on the estimated GHG reduction through energy and water efficiency, waste diverted and/or fuel, businesses would be eligible for 100% of the estimated improvement costs as a Reimbursement not to exceed \$10,000. Improvements or equipment requirements recommended that exceed \$10,000 but less than \$25,000, eligible businesses could apply for zero-interest funding for 80% of the project. Improvements or projects exceeding \$25,000, eligible business could apply for a low interest fund for 80% of the project. Applicants would repay funding through an on-bill financing with their water bill. **All repayments and interest would be returned to the Revolving Sustainability Management Fund to be loaned to other businesses applying for assistance.** Further described in Section II. Program Process, 3.0.
4. **Tracking & Measuring Greenhouse Gas Reductions** – to set the business’ baseline and track/measure the continual reduction of GHG (goal of CAP) as well as providing a tool to the business to manage their resources, each business will be requested to participate in a web-tracking system that will provide real-time measurements. The set-up and annual fee would be covered by the program for two years, providing time for the improvements to generate their ROI and savings to the company.
5. **Green Business Certificate** – a goal of the CAP, Benicia Chamber of Commerce and the Benicia Industrial Park Association (BIPA) is a Green Business Certification. Businesses participating in the program and taking action can be recognized with a certificate and Benicia Green Logo (sample page 15). City would work with Chamber on program or through the County on their Green Business Certificate.

Benefits of the Sustainable Management Program to City:

- Create a business assistance program which adds value to the businesses in the Benicia Industrial Park;
- Retention of existing businesses, jobs and revenue;

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<sup>1</sup> Sustainable Management Application Form

- Creates business recruitment/attraction tool to incentivize businesses to settle in Benicia;
- Reduction of GHG;
- Co-benefits of program include regulatory process streamlining, fostering and developing new markets and improved business community alliance.

## II. Program Process

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### 1.0 Program Management

The Sustainable Management Program is an integral part of the City's Economic Development Business Development Action Plan. The program will be led by the Economic Development Manager in collaboration with Community Development and Climate Action Plan Coordinator.

The City's Economic Development Board (EDB) will provide guidance to the implementation and management of Business Retention & Expansion Program including the Sustainable Management Program. **During the implementation of the project the businesses to be targeted for the Sustainable Management Program will be energy or water intensive businesses.** The ED Manager will report monthly to the EDB. Seven months after initial launch of the program, ED Manager will provide a report/analysis of business interest, types of applications being received and recommended adjustments that may be needed for the program.

The City's Community Sustainability Commission (CSC) will provide input and review measurement results to ensure alignment with the CAP. **The ED Manager will provide updates to Community Development staff and CAP Coordinator and provide CSC report updates every six months on program progress starting November 2012.**

Support will be provided by the Finance Department for the Commercial/Industrial Sustainable Management Fund.

Economic Development Manager will provide periodic updates to City Council on activities, results and opportunities.

### 2.0 Sustainable Analysis Application

#### 2.1 Eligible Applicants

Eligible applicants are owners (individuals, corporations, LLCs, etc.) of commercial/industrial operations doing business in the Benicia Industrial Park and owners (individuals, corporations, LLCs, etc.) of buildings in the Benicia Industrial Park which are rented to commercial/industrial businesses.

The application form must be signed by a business owner/operator or building owner and include a W9.

Applicants will be requested to commit to the following:

- The building on the application form is a privately owned commercial building in the Benicia Industrial Park.
- Commit staff time to support the Analysis Contractor during pre-meetings and walk-throughs; provide as-built records, historic energy utility records, and similar documents as needed.

- Commit to making at least some of the recommended low- and no-cost improvements.
- Applicants for improvement funding will be requested to use local vendors and suppliers, where available, qualified and cost competitive.
- Applicant will use the assessment to the extent possible to implement sustainable practices to reduce company's carbon footprint and will participate in workshops and trainings for management and employees to help affect behavioral changes in the workplace.
- Participate in the GreenTraks Manager System to track and measure sustainable GHG results, provide periodic reports and a report at end of one year from date of analysis (report can be pulled from the GreenTraks System) and provide program feedback to the EDB.

## **2.2 Application Process**

Applicant would complete, sign and submit Sustainable Analysis Application to City of Benicia, Economic Development Manager.

Economic Development Manager would review the application for completion, approve for Sustainable Analysis, advise business and notify one of City's contractor teams to schedule analysis with business and provide application.

## **2.3 Analysis**

A qualified professional would be assigned to conduct the Sustainable Management Analysis (see Figure 2.3). As agreed to in the application, the Applicant will provide the Contractor<sup>2</sup> with data information and allow the contractor on-site to review, document a baseline and provide recommendations with estimated costs on areas where improvements will result in long-term savings to the company and a reduction of the business/building's carbon footprint.

The Sustainable Analysis Report will include a written report of recommended efficiency and conservation measures with cost effectiveness calculations for most recommendations (estimated cost and payback). The Contractor will coordinate with GreenTraks.

If Applicant has had a previous energy audit or other analysis completed, i.e., PG&E, that information would be used (if recent) versus duplicating efforts on the energy element of the analysis.

Some buildings may have energy monitoring equipment installed to track building energy use on an hourly basis for the purpose of providing information about how energy is used within the building, such as, owner/leased buildings.

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<sup>2</sup> Contractor – City contractor for conducting Sustainable Management Assessment

Upon completion of Sustainable Analysis the Contractor will provide a report to the Applicant and Economic Development Manager, schedule appointment with both to review report and recommendations. Economic Development Manager would review with Applicant the Commercial/Industrial Sustainable Management Fund for assistance in funding recommendations.

**Figure 2.3 The Sustainable Management Analysis would cover, but is not limited to, energy efficiency, renewable energy opportunities, water efficiency, waste diversion and transportation/fuel:**

<b>Energy:</b> <ul style="list-style-type: none"> <li>▪ Lighting (interior and exterior)</li> <li>▪ Electrical Equipment (motors, pumps, equipment, plug loads, appliances)</li> <li>▪ Surge protectors</li> <li>▪ Phantom Loads</li> <li>▪ HVAC efficiency</li> <li>▪ HVAC vents</li> <li>▪ HVAC digital timer thermostat</li> <li>▪ HVAC ducting</li> </ul>	<ul style="list-style-type: none"> <li>▪ Hours of Operation</li> <li>▪ Building Envelope</li> <li>▪ Motion lighting in appropriate areas</li> <li>▪ Domestic or operations water heating</li> <li>▪ Weather stripping around doors and windows</li> <li>▪ Dual paned windows</li> <li>▪ Renewable energy purchased</li> <li>▪ Energy conservation, employee or building user behavior</li> </ul>
<b>Water:</b> <ul style="list-style-type: none"> <li>▪ Irrigation</li> <li>▪ Landscaping</li> <li>▪ Sprinkler systems</li> <li>▪ Sprinkler calibration</li> <li>▪ Site drainage</li> <li>▪ Sewage discharge</li> <li>▪ Amount of water run off</li> <li>▪ High efficiency toilets/urinals</li> <li>▪ Sink aerators</li> <li>▪ Mfg Processing Systems</li> </ul>	<ul style="list-style-type: none"> <li>▪ Filtered water stations</li> <li>▪ Indigenous or adaptive plants</li> <li>▪ Turf and ground cover</li> <li>▪ Fleet cleaning – water methods and detergents</li> <li>▪ Hot water heater temperature and size</li> <li>▪ Solar water and storage</li> <li>▪ Quality of water discharge</li> <li>▪ Waste water treatment/discharge</li> <li>▪ Conservation behaviors – no net water runoff</li> </ul>
<b>Waste:</b> <ul style="list-style-type: none"> <li>▪ Garbage</li> <li>▪ Recycling</li> <li>▪ Composting</li> <li>▪ Convenient location of trash and recycling bins</li> <li>▪ Frequency of waste haul</li> <li>▪ Size of receptacle</li> <li>▪ Product reuse</li> <li>▪ Accuracy of recycling</li> </ul>	<ul style="list-style-type: none"> <li>▪ Hazardous materials</li> <li>▪ E-waste</li> <li>▪ Cleaning supplies</li> <li>▪ Low/No VOC materials on site</li> <li>▪ Reusable kitchen utensils, plates, and cups</li> <li>▪ Duplex printing</li> <li>▪ Paperless processes</li> </ul>
<b>Transportation/Fuel:</b> <ul style="list-style-type: none"> <li>▪ Fuel consumption</li> <li>▪ Fleet management</li> </ul>	<ul style="list-style-type: none"> <li>▪ Fuel usage</li> <li>▪ Use of alternative fuels or vehicles</li> <li>▪ Carpool program</li> </ul>

**Analysis Notes:**

- 1) Depending on the business operation, additional analysis could include internal operations, LEAN Manufacturing Evaluation, purchasing and supplier policies, pollution factors (use of chemicals) or other factors important to the business.
- 2) Technical assistance could be provided, dependent on applicant business, to assist the business with development of sustainability goals, a Sustainability Management Plan, Environmental Preferable Purchasing Policy and/or sustainability reports to accompany or integrate with financial reports.

## **2.4 Training & Workshops**

To continually support the Industrial Park businesses in their efforts to implement sustainability performance within their businesses, at least twice a year training and information workshops would be held, such as, energy efficiency programs, sustainability planning and/or sustainable manager certification programs.

## **3.0 Commercial/Industrial Sustainable Management Fund**

### **3.1 Fund Priorities**

The intent of the Fund is to assist Applicants with installing, retrofitting and/or upgrading systems to reduce their overall carbon emissions. Funds will be used for water reduction projects and other projects that are greenhouse gas reducing, sustainable or energy efficient and support the City's Climate Action Plan (Valero/Good Neighbor Steering Committee Settlement Agreement). **Project priorities are energy and water intensive users.**

Before seeking funding from the Sustainable Management Fund, all other sources of funds should be investigated and used, such as, PG&E energy efficiency sources.

### **3.2 Eligible Applicants**

Applicant must have submitted an application and had a Sustainable Management Analysis conducted by an approved, qualified Contractor of the City.

### **3.3 Eligible Improvements**

Eligible improvements will be those identified in the Sustainable Management Analysis Report that is required for the Applicant to achieve the highest level of GHG reductions in water, energy, waste and transportation/fuel. The improvements could include installations, upgrades, retrofits and equipment.

Some recommendations may need other actions that will be considered or may need to be acted upon by other city departments or agencies.

### **3.4 GHG Reduction Threshold**

The Applicants receiving Sustainable Management Funds will be expected to achieve a business/building GHG reduction over 2-3 years or a period of time as noted in the Analysis Report. Given each business/building are of varying size and operations, there is no one threshold that can be applied. Smaller businesses may not have as many opportunities to reduce their GHG as larger businesses; however, large businesses may need a longer period of time to achieve GHG reduction. The following will be the guide for GHG threshold minimums to be met but should be balanced with the Analysis Report estimates (note thresholds may need to be mixed, i.e., small building could have larger

employment base but it is on and off-site, first threshold should be building square footage):

Building Square Footage	Number of Employees	GHG Reduction over Baseline
Less than 5,000 sq ft	1-20 on & off-site	3-5%
5,000 – 25,000 sq ft	10-50 on & off-site	6-10%
25,000- 50,000 sq ft	50+ on & off-site	11-15%
Over 50,000 sq ft	100+ on & off-site	16-20%

Each business that applies for Sustainable Management Funds will be required to participate in a baseline/tracking/measuring using GreenTraks system. The System can measure various levels of emissions, kWh, fuel, water and waste. The intent will be to baseline and measure the effects of physical improvements for energy and water efficiency, fuel (particularly for fleets), and waste materials.

### **3.5 Sustainable Management Program Reimbursement Funds**

Based on the Sustainable Management Analysis Report recommendations for eligible improvements required for the Applicant to meet the minimum threshold requirements (above), the Applicant will be eligible to apply for Sustainable Management Reimbursement Funds (Reimbursement Funds) to cover costs of the improvement(s) not to exceed \$10,000.

The Applicant would submit a letter requesting Reimbursement Funds to cover the cost of improvements outlined in the Analysis Report. The ED Manager and Community Development Staff would review, open file account (Analysis Report, Checklist, Initial Baseline Benchmark), obtain approval from City Manager and send Memorandum of Understanding<sup>3</sup> with checklist of approved improvements, estimated reimbursement funds to be reimbursed based on the Analysis estimates and instructions on reimbursement process. Reimbursement funds will not be eligible for improvements that are provided by other resources, such as, PG&E, those resources will be used first.

A GreenTraks Manager account will be set-up for the Applicant to set baseline, track and measure improvements. Account access will be limited to the applicant who will submit periodic reports and a year-end report to the City to demonstrate effectiveness of improvements. After account is set up GreenTraks would submit to Applicant and City the dated baseline (benchmark) for tracking/measurement and file. The City will cover fee for system for 24 months at which time it will be switched to the Applicant (estimated savings will cover cost of continued monitoring and measuring).

Reimbursement Process: Reimbursement will be based on estimates from Analysis report. If actual costs quoted to Applicant exceed estimate, Applicant

<sup>3</sup> Memorandum of Understanding Form – documents Applicant is requesting funds and triggers funds should be set-aside for Applicant.

will submit quote to City for reimbursement revision and approval. Applicant will submit monthly all invoices/receipts for work completed as outlined in Analysis Report and Checklist until all work is completed. Reimbursements will be processed within 30 days.

### **3.6 Sustainable Management Zero Interest Funding (repayment)**

Applicants with Analysis Report recommendations that exceed the \$10,000 Reimbursement ceiling but are less than \$25,000 may make request to the Sustainable Management Fund<sup>4</sup> for 80% of the cost over \$10,000 at zero interest. The request would be reviewed by ED Manager and Community Development Director, account file opened and submitted to City Manager with recommendations for zero interest funding with a recommended payback period (typically 3-5 years depending on improvements) and clarification the project will meet the GHG Threshold over a time period.

Upon approval, ED Manager will send Applicant Memorandum of Understanding with approval, checklist and reimbursement/repayment process. The first \$10,000 would be reimbursed based on submittal of invoices/receipts as noted in 3.5. The additional funding request (not to exceed 80% of the remaining cost) would be released with written authorization to proceed or purchase orders from the Applicant to contractors.

Repayment Process: An on-bill repayment schedule (proposed<sup>5</sup>) would be established so Applicant would make repayment as part of their water bill. The fund amount would be amortized over 3-5 years and added to the Applicant's account starting repayment six months after funding release. **The Applicant will sign City Loan Agreement documents secured by a promissory note.**

**Sustainable Management Fund: All repayments will be returned to the Sustainable Management Fund as a revolving funding program to be re-loaned to other businesses in the Benicia Industrial Park.**

### **3.7 Sustainable Management Low Interest Funding (repayment)**

Applicants with Analysis Report recommendations that exceed the \$10,000 Reimbursement ceiling and the zero-interest \$25,000, may make request for a low interest funding from the Sustainable Management Fund<sup>6</sup> for 80% of the cost over \$10,000 but not to exceed \$50,000. Depending on the total amount requested, as with other financing sources, Applicant maybe be requested to provide application and financial documentation for repayment, assurances and liens against improvements.

The request would be reviewed by ED Manager and Community Development Director, account file opened and submitted to City Manager with

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<sup>4</sup> Request for Zero Interest Funding Form

<sup>5</sup> On-bill financing through the Water Enterprise Fund is being investigated.

<sup>6</sup> Request for Low Interest Funding Form

recommendations for low-interest funding with a recommended interest rate (less than prime) and a simple payback of ten years or less along with clarification the project will meet the GHG Threshold over the time period.

Upon approval, ED Manager will send Applicant Memorandum of Understanding, checklist and reimbursement/repayment process. The first \$10,000 will be reimbursement based on submittal of invoices/receipts as noted in Section 3.5. The additional funding request (not to exceed 80% of the remaining cost) would be released with written authorization to proceed or purchase orders from the Applicant to contractors.

Repayment Process: An on-bill repayment schedule would be established so Applicant would make repayment as part of their water bill. The fund amount would be amortized over 5-10 years with interest and handling charges, and added to the Applicant's account starting repayment six months after funding release. **The Applicant will sign City Loan Agreement documents secured by a promissory note.**

**Sustainable Management Fund: All repayments with interest will be returned to the Sustainable Management Fund as a revolving funding program to be re-loaned to other businesses in the Benicia Industrial Park.**

### **3.8 Approval Basis**

All projects will be reviewed and vetted by the ED Manager, Community Development and approved by the City Manager. Funded projects will be coordinated with Finance Department.

Large project requests (over \$50,000), such as renewable energy development, may be considered as special projects and would be reviewed by the City Manager, Management Team and submitted to the Community Sustainability Commission and the City Council based on the thresholds : investment ratio and repayment feasibility.

### **4.0 Baseline, Tracking & Measuring Performance**

The intent of the Sustainable Management Program is to assist businesses in the Industrial Park with managing their sustainability options, achieving a triple bottom line and helping achieve the City's goal for reducing GHG emissions to 2000 levels. For businesses reducing their carbon footprint it is a long-term and continual process.

To assist the businesses to implement and maximize their resources, improve operational efficiencies and ROI, a tool will be provided to each business that enters the program to monitor facilities, fleets and operations for continual performance improvement which benefit the owner and the community. The old adage 'you cannot manage what you do not measure' rings especially true regarding conservation and cost reduction.

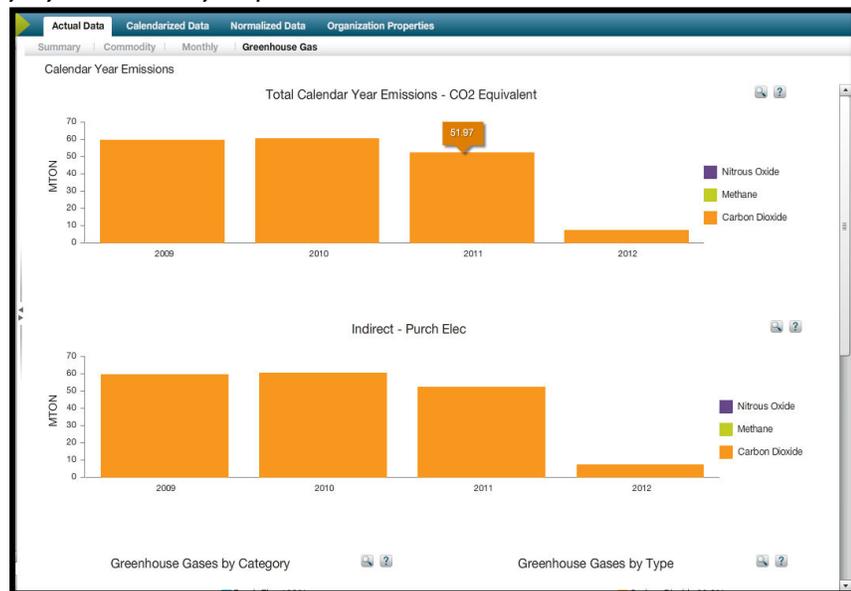
**GreenTraks Energy Manager™** is a web-based solution to assist businesses in tracking energy usage and emissions, calculating carbon footprints and managing diverse sources. GreenTraks provides comprehensive views of an organization's energy usage and emissions from which better business decisions can be made. GreenTraks provides interactive and graphic reports for analysis, benchmarking and decision making. It is powered by EnergyCAP® software and provides reports on energy performance, costs, and environmental impact over time, and automatically transmits data to Energy Star (if desired by business) for further benchmarking and Energy Star labels, as well as earns points toward LEED certification. GreenTraks will help business to:

- Understand consumption and its impact on operational performance and the environment;
- Improve energy efficiency, return on investment and bottom line;
- Prepare for and comply with regulatory and carbon mandates; and
- Engage employees, partners and customers in sustainability initiatives.

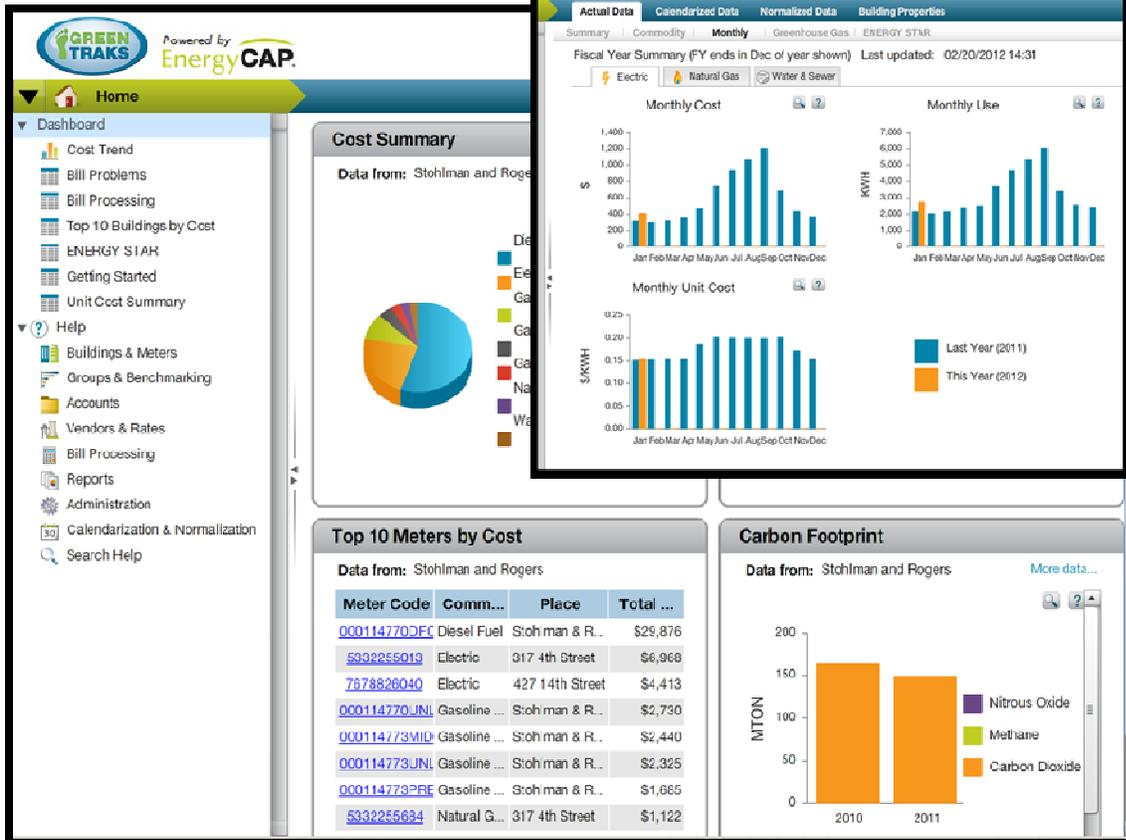
Each business entering the program would have a GreenTraks account set up with eight service points and baseline benchmark data inputted for tracking/measuring. The account would be accessible only by the business who would provide periodic update reports (using reports from GreenTraks) to the City on their emission reduction progress. The business can chose to have web-based system retrieve data directly from sources (i.e., PG&E) or they can submit data. The account would remain active for 24 months at which time they would be transferred to the business.

Sample real time tracking reports available to business:

*Dashboard Monthly by Commodity Report*

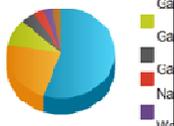


*Greenhouse Gas Emission Reduction*



**Cost Summary**

Data from: Stohman and Rogers



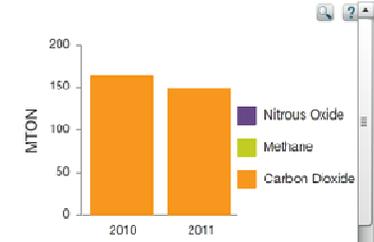
**Top 10 Meters by Cost**

Data from: Stohman and Rogers

Meter Code	Comm...	Place	Total ...
<a href="#">000114770DFC</a>	Diesel Fuel	Stohman & R...	\$29,876
<a href="#">5932255019</a>	Electric	317 4th Street	\$6,968
<a href="#">7673826040</a>	Electric	427 14th Street	\$4,413
<a href="#">000114770JN</a>	Gasoline ...	Stohman & R...	\$2,730
<a href="#">000114773MID</a>	Gasoline ...	Stohman & R...	\$2,440
<a href="#">000114773JN</a>	Gasoline ...	Stohman & R...	\$2,325
<a href="#">000114773PRF</a>	Gasoline ...	Stohman & R...	\$1,665
<a href="#">5332255634</a>	Natural G...	317 4th Street	\$1,122

**Carbon Footprint**

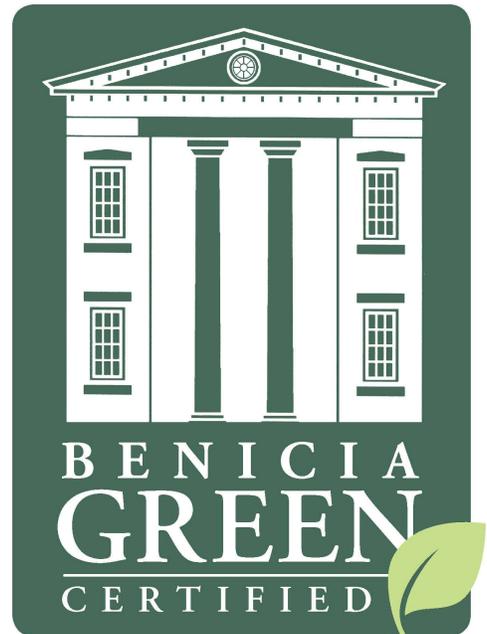
Data from: Stohman and Rogers



### **5.0 Green Business Certificate**

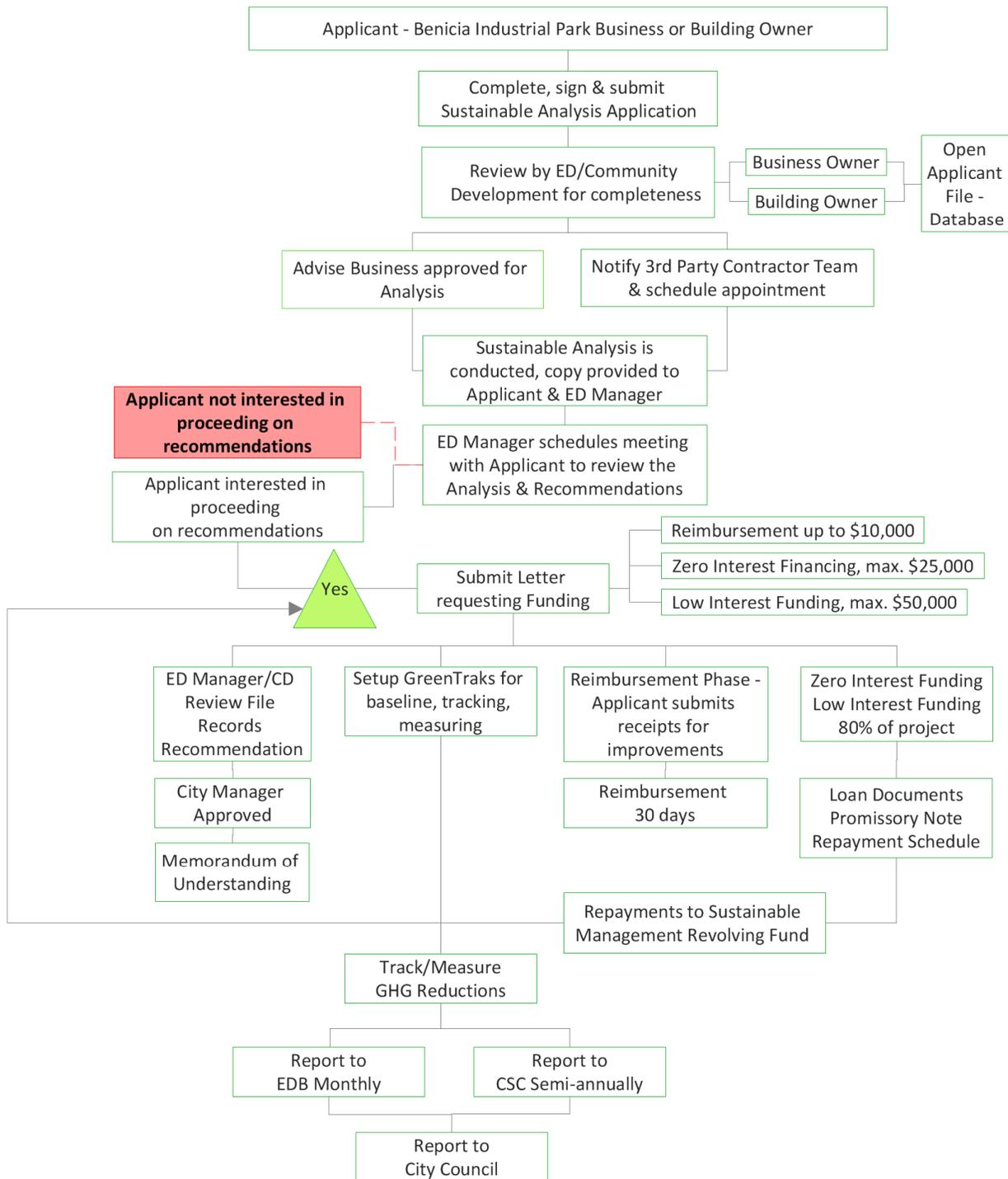
The Chamber of Commerce and the Benicia Industrial Park Association have discussed, and the City is supportive of a Green Business Certification Program. The County of Solano participates in the Bay Area Green Business Program which is available to the nine Bay Area Counties and Cities. The program is well aligned with the Sustainable Management Program on Resource Conservation and Pollution Prevention measurements – water efficiency, solid waste reduction and recycling, energy conservation and pollution prevention.

When the Green Business Certification is implemented, the businesses in the Sustainable Management Program would be immediately eligible for certification.



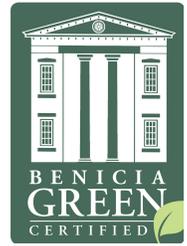


## Benicia Sustainable Management Program Flow Chart





**CITY OF BENICIA**  
**Sustainable Management Program**  
**Application for Sustainable Analysis**



Company Applicant:

Contact Person:

Primary Business Address:

City/State:

Office Phone:

Cell Phone:

Fax:

E-Mail Address:

Website:

Benicia Industrial Park Address(s):

Do you own the building(s) proposed for Analysis: Yes \_\_\_ / No \_\_\_

*If you do not own the buildings, please provide contact information of owner:*

**Acknowledgement**

The City of Benicia will provide to the Applicant, at no cost, a Sustainable Management Analysis which will include energy, water, recycle and fuel review. The Applicant agrees:

1. The company/building is located in the Benicia Industrial Park.
2. Applicant will support the analysis during site visits and gather any required information for the analysis, such as utility bills.
3. Applicant will use the analysis to the extent possible to implement sustainable practices to reduce company's carbon footprint and will participate in workshops and trainings for management and employees to help affect behavioral changes in the workplace.
4. If applicant applies for recommended improvement funding from the Sustainable Management Fund, applicant will use local vendors and suppliers, where available, qualified and cost competitive.
5. Applicant will sign a completed application and provide an IRS W-9.

Applicant Signature:

Date:

**CITY OF BENICIA**  
**Sustainable Management Program**  
**Application for Sustainable Analysis**

**Industry Classification:**

- |  |   |
|--|---|
| <input type="checkbox"/> Beverages, Brewing & Tobacco    | <input type="checkbox"/> Industrials and manufacturing  |
| <input type="checkbox"/> Construction & Property         | <input type="checkbox"/> Manufacture of Basic Materials |
| <input type="checkbox"/> Chemicals                       | <input type="checkbox"/> Telecoms & Media               |
| <input type="checkbox"/> Financial Services              | <input type="checkbox"/> Transport & Infrastructure     |
| <input type="checkbox"/> Food Production & Agriculture   | <input type="checkbox"/> Utilities and waste            |
| <input type="checkbox"/> Healthcare & Pharmaceuticals    | <input type="checkbox"/> Warehousing & Distribution     |
| <input type="checkbox"/> Hi-Tech & Professional Services |   |
| <input type="checkbox"/> Household & Consumer Goods      |   |

**Energy Providers:**

<u>Commodity</u>	<u>Service Provider</u>
Electricity <input type="checkbox"/>	_____
Natural Gas <input type="checkbox"/>	_____
Propane <input type="checkbox"/>	_____
Gas/Diesel <input type="checkbox"/>	_____
Water/Sewer <input type="checkbox"/>	_____
Other <input type="checkbox"/>	_____

**Facilities:**

Building Name(s)	Building Description (Use / Location)	Area (square feet)/ Year Built

**CITY OF BENICIA**  
**Sustainable Management Program**  
**Application for Sustainable Analysis**

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**Fleet:**

Fleet	Number of Vehicles	CardLock / Bulk	
Internal	<input type="checkbox"/> _____	<input type="checkbox"/>	<input type="checkbox"/>
External	<input type="checkbox"/> _____	<input type="checkbox"/>	<input type="checkbox"/>
Personnel	<input type="checkbox"/> _____	<input type="checkbox"/>	<input type="checkbox"/>

**Operations:**

**Describe your business operations**  
**(production, processing, manufacturing,**  
**energy-efficiency projects, etc.)**

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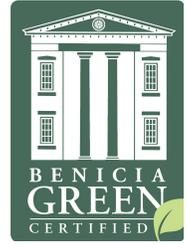
**Number of Employees at this location:**

**Hours of Operation/Shift**

**Estimated Truck Traffic – In/Out of Facilities**



**CITY OF BENICIA**  
**Sustainable Management Program**  
**Application for Sustainable Management Funding**



Date:

Subject: Request for Sustainable Management Funding

In accordance with the guidelines of the City of Benicia Sustainable Management Funding program, our company, \_\_\_\_\_, has completed the Sustainable Management Analysis on \_\_\_(date)\_\_\_\_\_, a copy of which is attached.

We would like to apply for the following funding to complete the recommendation(s) noted in the Analysis (*company to note all recommendations or list only those for which funding is being requested*)

- Grant Funding, not to exceed \$10,000
- Zero Interest Funding, amount over \$10,000 but not exceeding \$25,000
- Low Interest Funding, amount over \$25,000 but not exceeding \$50,000

We understand the Reimbursement Funds will be reimbursed based on submittal of vendor/supplier receipts and zero/low interest funding will be authorized with signing of loan documents secured by a promissory note. We further understand the zero/low interest funding repayment will be handled through our City water bill. Repayment will be amortized and included in the monthly bill until fully repaid to the Sustainable Management Fund for further funding improvements to business in the Benicia Industrial Park.

Submitted by:

Company:

Company CEO:

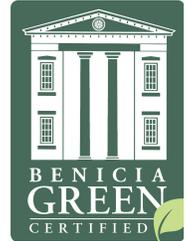
Signature:

**CITY OF BENICIA**  
**Sustainable Management Program**  
**Application for Sustainable Management Funding**

**CITY OF BENICIA**  
**Sustainable Management Program**  
**Application for Sustainable Management Funding**



**MEMORANDUM OF UNDERSTANDING – Funding Reservations**  
**City of Benicia Sustainable Management Program**



Subject to the conditions listed below, execution of this Memorandum of Understanding (MOU) reserves \$ \_\_\_\_\_ of Benicia Sustainable Management Funding for:

\_\_\_\_\_ until \_\_\_\_\_  
Applicant Date

The dollar amount listed above is the Applicant’s estimated cost for improvements, equipment and/or recommendations as outlined in the Sustainable Management Assessment conducted at the Applicant’s business location in the Benicia Industrial Park. These recommendations will be funded through the Benicia Sustainable Management Program as:

- Reimbursement (up to \$10,000)
- Zero Interest Funding (amount between \$10,000-\$25,000)
- Low Interest Funding (amounts over \$25,000 but not to exceed \$50,000)

The funds are reserved subject to the following conditions:

- (1) The applicant is in good standing with the City of Benicia and State of California.
- (2) The Sustainable Management Funds will only be used in operations located in the Benicia Industrial Park.
- (3) The funding reserve is based on the recommendations of the Sustainable Management Analysis provided by a professional third-party and verified by submittal of signed Analysis Report & Recommendations with estimated costs of recommendations and estimated greenhouse gas emission reductions and noted on the attached checklist.
- (4) Applicant agrees to use local suppliers and vendors for recommended improvements, if available, qualified and cost competitive.
- (5) If vendor estimates are higher than Analysis estimates, the Applicant may review with the Economic Development Manager for adjustment in reimbursement.
- (6) Reimbursement funding will be a reimbursement upon submittal of all vendor/supplier invoices.
- (7) Zero and low interest funding will requiring appropriate loan document preparation with the city and secured by a promissory note. Funding repayment will be amortized over a period of years not to exceed 10 years through the Applicant’s City of Benicia water bill.
- (8) The sole purpose of this MOU is to reserve Benicia Sustainable Management funds for the Applicant for a term of 180 days. This document does not authorize the release of funds for a project. Funds will be reimbursed or authorized upon submittal of receipts and purchase orders.

Date: \_\_\_\_\_

Applicant Signature \_\_\_\_\_

Title \_\_\_\_\_

Date: \_\_\_\_\_

Authorized Signature City of Benicia \_\_\_\_\_

Title \_\_\_\_\_



**CITY OF BENICIA  
COMMUNITY SUSTAINABILITY COMMISSION  
2011 - 2013 GRANT APPLICATION**

**TITLE PAGE**

**PART A – BASIC INFORMATION**

**1. PROJECT/PROGRAM NAME: Sustainable Management Program**

**Amount of Funding Request: \$625,000:**

**GRANT PERIOD— 3 YEARS:**

**Organization and/or Person(s) Submitting Proposal: City of Benicia**

**2. ORGANIZATION INFO:**

**Name: City of Benicia**

**Address: 250 East L Street**

**Phone:707.746.4289**

**Fax: N/A**

**Federal ID # ( for non-profit or business): 94-6000298**

**3. ~~If a non-profit organization, the year legally established:~~ \_\_\_\_\_ ~~State in which established:~~**

**4. If a business, the year established, number of years: 1848                      Location: Benicia, California**

**4. CONTACT PERSON (for this Application)**

**Name: Mario Giuliani**

**Title: Acting Economic Development Manager**

**Address: 250 East L Street**

**Phone: 707.746.4289**

**Email: [mario.giuliani@ci.benicia.ca.us](mailto:mario.giuliani@ci.benicia.ca.us)**

**Fax: N/A**

**CITY OF BENICIA  
COMMUNITY SUSTAINABILITY COMMISSION  
2011 - 2013 GRANT APPLICATION**

5. The proposed Project/Program will serve FOCUS AREAS of the Benicia Climate Action Plan [CAP] to reduce green house gases [GHG] and thereby also support Community Sustainability. Please list all FOCUS AREAS that will be addressed (fully or partially) by the proposed Project/Program and assign a number to each one in order of priority of importance to the Project/Program’s mission. [See CAP page 15 for Focus Areas.]

Climate Action Plan
<p><b>Principle 3 – GHG Reductions in Industrial and Commercial Sector (Pg. 16)</b>  <i>“Reducing greenhouse gas emissions in the Industrial and Commercial sector is critically important given the significant emissions associated with the sector. The City must actively engage the business community to work together to develop strategies that add value to the businesses through efficiency and infrastructure, while reducing greenhouse gas emissions.”</i></p>
<p><b>Alignment with Objectives &amp; Strategies:</b>            Focus Area: Public Education + Outreach  <i>Objective EO-1: Increase Public Awareness and Education About Climate Change</i>            Strategy EO-1.2. Sustainability Awards Programs (Program could help to facilitate this strategy)</p> <p>Focus Area: Energy Production  <i>Objective E-2: Increase Amount of Renewable Energy in Benicia</i>            Strategy E-2.4. Renewable Energy Fund (potentially if pursued by property owners)            Strategy E-3.1. Encourage Parking Lot Solar PV Arrays            Strategy E-3.2. Solar Permitting Fee Wavier            Strategy E-3.3. Promote California Solar Initiative and Other Applicable Incentive Programs</p> <p>Focus Area: Transportation + Land Use  <i>Objective T-8: Reduce Reliance on Conventional Automobile Travel (potentially)</i>            Strategy T-8.1. Encourage Local Businesses to Use Alternative Vehicles (Fuels)</p> <p>Focus Area: Industrial + Commercial  <i>Objective IC-1: Reduce Energy Consumption in Industrial and Commercial Buildings 20% by 2020</i>            Strategy IC 1.1. Building Audit and Efficiency Program  <i>Objective IC-2: Increase Operational Efficiency 20% by 2020</i>            Strategy IC 2.1. Promote Green Business Certification Program</p> <p>Focus Area: Water + Wastewater  <i>Objective WW-1: Reduce the Amount of Water Consumed 20% by 2020</i>            Strategy WW 1.4. Commercial Rainwater Collection            Strategy WW 1.7. Develop a Business Outreach Program</p> <p>Focus Area: Solid Waste  <i>Objective SW-2: Commit to a Waste Diversion Goal of 75% for the Community</i>            Strategy SW 2.2. Curbside Recycling for Industrial and Commercial Businesses            Strategy SW 2.4. Waste Audit Program</p> <p>Focus Area: Parks + Open Space  <i>Objective P-2: Reduce Emissions from Maintenance Equipment 50% by 2020</i>            Strategy P 2.2. Develop a Biodiesel Conversion Program for Diesel Powered Vehicles</p>

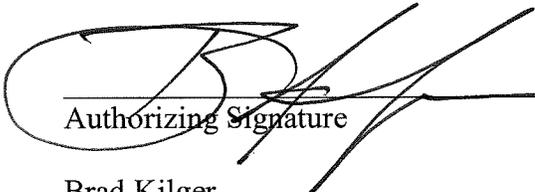
6. The proposed Project/Program will serve STRATEGIES of the Climate Action Plan that are categorized in the CAP under the Focus Areas cited above. The CAP identifies EIGHT (8) strategic themes [CAP, page 18]. Please identify by all pertinent and relevant CAP STRATEGIES that the proposed Project/Program will serve and assign a number to each one in order of priority of importance to the proposed Project/Program's mission. [Example: Priority 2: Strategy B-2.2. Promote Local Green Building Projects.]

[See Chart for Question 5]

**CITY OF BENICIA  
COMMUNITY SUSTAINABILITY COMMISSION  
2011 - 2013 GRANT APPLICATION**

7. **ORGANIZATION CERTIFICATION:** I hereby certify that all information contained in this application and any attachments is true and accurate.

NO CITY EMPLOYEE SHALL BE SIGNATORY ON BEHALF OF AN APPLICANT ORGANIZATION REQUESTING FUNDS FROM THE COMMUNITY SUSTAINABILITY COMMISSION.

  
\_\_\_\_\_  
Authorizing Signature

\_\_\_\_\_  
City Manager  
Title

Brad Kilger  
\_\_\_\_\_  
Typed Name

3/13/12  
Date

**CITY OF BENICIA  
COMMUNITY SUSTAINABILITY COMMISSION  
2011 - 2013 GRANT APPLICATION**

**PART B – BUDGET INFORMATION**

8. Please provide a budget for the proposed Project/Program. Expenses listed in this document should be consistent with the Project Description. This budget is only for the Project utilizing grant monies. Do not leave any blank boxes. Use “N/A”, if cost category is not applicable.

Note: Column “A” = Total cost of the proposed Project.

Column “B” = Amount requested in this grant application.

Column “C” = The difference between Column A and Column B, or the costs of the Project that are not included in this grant request, if any.

The Sustainable Management Program budget of \$625,000 is designed to be entirely funded through the Valero / GNSC fund.

The Program has two budget parts:

**Sustainable Assessments: \$100,000**

The budget for the assessments will be allocated to professional service firms that perform commercial/industrial assessments. The Sustainable Assessments would include energy efficiency and opportunities for renewable energy generation, water conservation (exterior and interior), solid waste and recycling management, transportation and fuel usage, and possibly procurement practices. The Assessment would include recommendations for actions (and cost estimates) needed to improve efficiencies and reduce GHG.

**Implementation: \$525,000**

The budget for implementation will be allocated to businesses to fund the recommend actions noted in the assessments. Businesses participating in the Sustainable Assessment will be eligible to apply for funding those improvements documented and recommended in their Sustainable Assessment report. Based on the estimated GHG reduction through energy efficiency, water conserved, waste diverted and/or fuel, businesses would be eligible for 100% of the estimated improvement costs as a grant not to exceed \$10,000. Improvements or equipment requirements recommended that exceed \$10,000 but less than \$25,000, eligible businesses could apply for zero-interest funding for 80% of the project. Improvements or projects exceeding \$25,000, but less than \$50,000, eligible business could apply for a low interest fund for 80% of the project.

Administration and oversight of this program will be managed by City staff with assistance from the professional service firm Chabin Concepts. No funding associated with the administration of this project is being sought by this grant.

**CITY OF BENICIA  
COMMUNITY SUSTAINABILITY COMMISSION  
2011 - 2013 GRANT APPLICATION**

**PART B – BUDGET INFORMATION (con't)**

9. **APPLICANT'S FINANCIAL SOURCES:** Please provide sources of other funds for the proposed Project/ Program. Total amount should correspond with Total in Column C (from previous page). Do not include your entire budget here. (It should be attached).

N/A

10. List any prior City of Benicia grants or loans awarded to your organization and the number of Benicians served with the funds. (If more space is needed to complete your answer, use the reverse side of this page).

N/A

**CITY OF BENICIA  
COMMUNITY SUSTAINABILITY COMMISSION  
2011 - 2013 GRANT APPLICATION**

**PART C – PROJECT/PROGRAM ORGANIZATION DISCUSSION (Please limit Part C to 5 pages)**

**11. Brief Project/Program Summary** (Three to four sentences describing the grant proposal).

The proposed Sustainable Management Program (Program) is a major initiative of the City's recently adopted Business Development Action Plan (BDAP). The purpose of the Program is to perform sustainable (energy, water, waste, behavior) assessments for Benicia business in the Benicia Industrial Park, then provide funding to enable those businesses to act upon the recommendations identified in the assessment. This program is designed to serve both as an economic development tool and a vehicle to help implement the goals identified in the City's Climate Action Plan.

**12. Describe the Project/Program's general purpose and activities:**

The Program is a first step to help the private commercial and industrial sectors with energy efficiency, water conservation, waste diversion, transportation savings and initiating corporate sustainability plans.

The intent of the program is to 1) provide a high quality assessment at no cost to private businesses and commercial/industrial building owners to help them identify and value possible efficiency measures that could be implemented specific to their business operations and/or buildings, 2) through a Grant/Loan Sustainability Fund available to businesses participating in an assessment, assist with funding of assessment improvement recommendations (needed to achieve GHG reductions), 3) provide access to a unique web based GHG manager tool to baseline, track and measure progress in real time and 4) because sustainability in all forms includes behavioral changes, offer training and educational classes to business management and employees.

The program recognizes some buildings will be owner/operated, while others will be property owner/leased. The objective is to work with both on building efficiencies as well as business operation efficiencies.

**13. If sponsored by a non-profit or business, list all financial liabilities or pending legal action:**

N/A

**14. If applying for other grants for fiscal years 2011 - 2013, please list the project, funding source(s), proposed budgets and requested amount(s).**

N/A

**15. At what location(s) will the proposed Project/Program take place, and, if applicable, how long has the organization been at this location?**

**Benicia Industrial Park**

**CITY OF BENICIA  
COMMUNITY SUSTAINABILITY COMMISSION  
2011 - 2013 GRANT APPLICATION**

**PART C – PROJECT/PROGRAM ORGANIZATION DISCUSSION (con't)**

- 16. What are your proposed hours of operations for this Project/Program? Please indicate hours that actual services will be provided, and how this may or may not differ from the hours project staff will be available to respond to inquiries by phone or email, answer general questions, etc.?**

The proposed Program hours of operation will most likely occur during normal business hours of 8:00 a.m. to 5:00 p.m. Monday thru Friday.

- 17. Describe the Project/Program associated with this grant request. Include the goals to be achieved and the strategy that will be used to meet the goals. Be specific when discussing what will be achieved as a result of the proposed Project/Program, with respect to goals of the Benicia Climate Action Plan to reduce GHG emissions.**

In an effort to achieve the 10 percent Greenhouse Gas Emission (GHG) goal below 2000 levels by 2020 proposed in the Climate Action Plan (CAP) and provide keys services and incentives to businesses located in Benicia's Industrial Park, a Sustainable Management Program was proposed in the Benicia Business Development Action Plan (BDAP).

The *Sustainable Management Program* is proposed as a key element of the Benicia Industrial Park Business Retention/Expansion Program (BRE) implemented and managed by the Economic Development unit aligned with Community Development and the CAP so as not to be in conflict with goals and to avert any perceptions from businesses that this program will implement new regulations or cause new business risk.

The program meets the stated priorities of the Valero/Good Neighbor Steering Committee Settlement Agreement, water conservation/reduction, greenhouse gas emission reduction, energy efficiency and other sustainability actions in support of the CAP.

- 18. Please describe why the proposed Project/Program is necessary for citizens of Benicia and the community as a whole?**

As noted in the Business Development Action Plan, the City has an excellent industrial base. Industrial businesses provide the highest economic impact multipliers to a community as well as typically generate revenue in both property and business-to-business sales taxes. For Benicia, 47% of the City's budget is derived from business-driven revenue. Of the total business-driven tax revenue, \$13.9 million, 84% of the revenue (sales, property and utility) is directly attributed to business activity at the Industrial Park which supports 39% of the City's annual budget.

This Program is necessary for citizens of Benicia because without investment of time and resources into the Industrial Park, our economic engine will tire, making it more difficult to retain and attract business, resulting in decreased municipal revenue and thus a decrease in City services.

The community will also benefit from the Program, as it serves to reduce GHG in our commercial and industrial area. As noted in the CAP, the Industrial Park is a rich area of opportunity for the City to achieve substantial GHG reductions. The Industrial Park has nearly eight million square feet of improved property serving over six thousand workers. The Program with its targeted approach to aid commercial and industrial business reduce their costs by reducing the consumption of energy, water, etc. will be key to the City achieving its GHG reduction goals for 2020.

**19. How will outreach be conducted so that services provided will have an educational “ripple effect” throughout the community?**

The Sustainable Management Program is an integral part of the City’s Economic Development Business Development Action Plan. The Program will be led by the Economic Development Manager in collaboration with the Community Development Department. The outreach will be facilitated by Economic Development (ED) staff as part to the City’s Business retention/recruitment program. During visits with business owners, ED Staff will offer the Program as one of the services the City’s provides to businesses. If there is interest by the business, ED staff will coordinate with the Assessment firm to begin the process of performing the business assessment.

It is anticipated the “ripple effect” will be created through word of mouth and presentations to the Benicia Chamber of Commerce, Benicia Industrial Park Association, service organizations, and the Economic Development Board, many businesses will learn about this Program and desire to participate. This Program will also be promoted on both the Economic Development and Sustainable Benicia webpages.

**CITY OF BENICIA  
COMMUNITY SUSTAINABILITY COMMISSION  
2011 - 2013 GRANT APPLICATION**

**PART C – PROJECT/PROGRAM ORGANIZATION DISCUSSION (con't)**

**20a. List the specific, quantifiable goals of the proposed Project/Program.** (Please state the goals in numbers of individuals, families, households or groups projected to be served and then estimate the amount of energy or water savings that may be achieved for each, then total those figures in each category and estimate GHG reduced by the Project/Program over one year.)

The goal of the Program is to serve at least 40 businesses within the first 2.5 years of the Program’s launch. Due to the nature of the repayment funding component of the program, it is anticipated to serve more businesses in future years. The more businesses that are served by the program the greater potential there is to reduce GHG emissions.

The Program is designed to hit certain GHG reduction goals based on a businesses building size and/or number of employees. The chart below is the guide staff will use to deploy and measure the Program.

Building Square Footage	Number of Employees	GHG Reduction over Baseline
Less than 5,000 sq ft	1-20 on & off-site	3-5%
5,000 – 25,000 sq ft	10-50 on & off-site	6-10%
25,000- 50,000 sq ft	50+ on & off-site	11-15%
Over 50,000 sq ft	100+ on & off-site	16-20%

**20b. Discuss how this data will be collected, organized and disseminated throughout the community.**

Industrial Park with managing their sustainability options, achieving a triple bottom line<sup>1</sup> and helping achieve the City’s goal for reducing GHG emissions to 2000 levels. For businesses reducing their carbon footprint it is a long-term and continual process.

To assist the businesses to implement and maximize their resources, improve operational efficiencies and return on investment, a tool will be provided to each business that enters the program to monitor facilities, fleets and operations for continual performance improvement which benefit the owner and the community. The old adage 'you cannot manage what you do not measure' rings especially true regarding conservation and cost reduction.

**GreenTraks Energy Manager™** is a web-based solution to assist businesses in tracking energy usage and emissions, calculating carbon footprints and managing diverse sources. GreenTraks provides comprehensive views of an organization’s energy usage and emissions from which better business decisions can be made. GreenTraks provides interactive and graphic reports for analysis, benchmarking and decision making. It is powered by EnergyCAP® software and provides reports on energy performance, costs, and environmental impact over time, and automatically transmits data to Energy Star (if desired by business) for further benchmarking and Energy Star labels, as well as earns points toward LEED certification. GreenTraks will help business to:

<sup>1</sup> A term used to measure benefits to people, planet and profit.

- Understand consumption and its impact on operational performance and the environment;
- Improve energy efficiency, return on investment and bottom line;
- Prepare for and comply with regulatory and carbon mandates; and
- Engage employees, partners and customers in sustainability initiatives.

Each business entering the program would have a GreenTraks account set up with eight service points and baseline benchmark data inputted for tracking/measuring. The account would be accessible only by the business who would provide periodic update reports (using reports from GreenTraks) to the City on their emission reduction progress. The business can choose to have this web-based system retrieve data directly from sources (i.e., PG&E) or they can submit data. The account would remain active for 24 months, at which time they would be transferred to the business.

**21. If the proposed Project/Program is an already existing activity, or part of an existing program of the applicant or his or her organization or business, please explain.**

N/A

**22. Identify similar projects or programs in the community and how the proposed Project/Program differs from them.**

N/A

**CITY OF BENICIA  
COMMUNITY SUSTAINABILITY COMMISSION  
2011 - 2013 GRANT APPLICATION**

**PART C – PROJECT/PROGRAM ORGANIZATION DISCUSSION (con't)**

**24. REQUIRED ATTACHMENTS:** Please verify and check off confirmation indicating that the following required items are attached to the original application.

**Do not leave any blank – if an item is not applicable, indicate by “N/A”**

<b>Attachment Confirmation</b>	<b>Item No.</b>	<b>Item Description</b>
N/A	1.	IRS Letter of Tax Exempt Status
N/A	2.	Organization’s total budget for the current year
N/A	3.	Copy of most recent audit or financial statement
X	4.	Names and addresses of Board of Directors
X	5.	List of paid principal staff and positions
N/A	6.	Job descriptions for principal staff and personnel <i>to be paid partially or in full with grant funding.</i>
N/A	7.	Copy of resolution or board meeting minutes indicating organization’s support of the project application.
N/A	8.	If a partnership, or involving any collaboration with other group or entity, letters of commitment from each organization indicating degree of participation and a budget showing each organization’s financial responsibility to the proposed Project/Program.

**THANK YOU!**

**Attachment – Item No. 4**

Names and addresses of Board of Directors

City of Benicia City Council

250 East L Street, Benicia, CA 94510

Elizabeth Patterson, Mayor

Tom Campbell, Vice Mayor

Alan Schwartzman

Mark Hughes

Christina Strawbridge

**Attachment – Item No. 5**  
List of paid principal staff and positions

City of Benicia Staff

Brad Kilger, City Manager

Charlie Know, Director Public Works / Community Development

Mario Giuliani, Acting Economic Development Manager

Gina Eleccion, Community Development Staff

Alex Porteshawver, Climate Action Plan Coordinator





**BENICIA COMMUNITY SUSTAINABILITY COMMISSION**

**CITY HALL COMMISSION ROOM**

**REGULAR MEETING MINUTES**

**Monday, March 19, 2012**

**7:00 P.M.**

**I. OPENING OF MEETING**

**A. Pledge of Allegiance**

**B. Roll Call of Commissioners**

Present: Commissioners Fiscalini, Kerridge, Lamoreux, Shannon, Silva,  
and Chair Beutel

Absent: Commissioner Tupfer

Present: Ex-Officio Members Bardet, Muehlbauer, and Scott

Absent: Ex-Officio Member Switzer

Staff Present: Gina Eleccion, Management Analyst  
Mario Giuliani, Acting Economic Development Manager  
Heather McLaughlin, City Attorney

**C. Reference to Fundamental Rights of Public**

**II. ADOPTION OF AGENDA**

On motion of Shannon, seconded by Commissioner Kerridge, the Agenda was approved by the following vote:

Ayes: Commissioners Fiscalini, Kerridge, Lamoreux, Shannon, Silva, and  
Chair Beutel

Noes: None

Absent: Commissioner Tupfer

Abstain: None

**III. OPPORTUNITY FOR PUBLIC COMMENT**

**A. WRITTEN COMMENT**

None

**B. PUBLIC COMMENT**

Kimble Goodman, on behalf of Old Town Theater Group – He invited everyone to Reefer Madness. On April 21<sup>st</sup>, there is a cross-promotion with Lucca's restaurant for \$35 for dinner and a ticket to the show.

**IV. PRESENTATIONS**

**A. OPEN GOVERNMENT PRINCIPLES**

The City Attorney will make a presentation on the Open Government ordinance. The Open Government ordinance requires that all public officials and some employees read the Open Government Ordinance and attend an annual training on the ordinance. This training will also include a review of the Brown Act, the City's Code of Conduct and other related documents.

Heather McLaughlin, City Attorney, gave an overview of Open Government Principles. She noted that a quorum is 4 or more commissioners. She noted that standing committees require the same Brown Act provisions as the Commission. Regarding the Work Groups, if members of the public have been appointed, then it is a standing committee.

Chair Beutel questioned if the Education and Outreach work group should become a standing committee. This would require agendas, minutes, etc... Short-term committees, for a limited time and purpose, do not need to be noticed.

Regarding Public Records, documents are posted to the website.

The Ethics portion was reviewed, particularly the Code of Conduct.

Commissioners clarified that the work groups do not have a conflict bringing grant applications to the Commission. Heather McLaughlin confirmed this.

**B. 2012 COMMUNITY SUSTAINABILITY TIMELINE – Chair Beutel will provide an overview of the Commission's timeline for 2012.**

Chair Beutel gave an overview of the year's schedule for the Commission.

**C. OVERVIEW OF THE VALERO/GOOD NEIGHBOR STEERING COMMITTEE SETTLEMENT AGREEMENT** – Vice Chair Kerridge will provide an overview of the agreement.

Vice Chair Kerridge gave a presentation on the settlement agreement. She noted that she spoke to Dana Dean, Attorney, who assisted in drafting the document. This is a contract between the City and Valero, outlining the settlement provisions. The 2010 amendment, made changes to Exhibit A of the 2008 Agreement. Specific projects were set out in the agreement. There is a mechanism in the agreement that the funds can be rolled into the next calendar year, eventually rolled back into funding future projects per Section H of the Agreement, if not expended. Funds were allocated for specific projects, of which the Commission has no oversight. She referenced Condensate Recovery Phase I, which has been funded. Regarding Condensate Recovery Phase II, she outlined the provisions in the contract. The in-lieu attorney fee projects were referenced. It was clarified that the Commission makes recommendations, but the City Council makes the final decision.

Once approved a project, find a greater value than a water reduction project. (last sentence in paragraph H)

The public comment period was opened.

Duane Oliveira, Economic Development member, requested clarification on there being multiple agreements. It was confirmed that the 2008 Agreement was amended in 2010.

The public comment period was closed.

**V. CONSENT CALENDAR**

On motion of Commissioner Kerridge, seconded by Commissioner Silva, the Consent Calendar, with a correction to the minutes, was approved by the following vote:

Ayes: Commissioners Fiscalini, Kerridge, Lamoreux, Shannon, Silva, and Chair Beutel  
Noes: None  
Absent: Commissioner Tupper  
Abstain: None

- A. **Approval of Minutes of January 23, 2012 Regular Meeting**
- B. **CONSIDERATION OF GRANT APPLICATION - PUBLIC OUTREACH AND EDUCATION (WORK GROUP 1) - \$1,500 FOR BOOKS AND VIDEOS FOR THE BENICIA PUBLIC LIBRARY** (Continued from January 23, 2012)

**Recommendation:** The application was reviewed and discussed at the January 23, 2012 meeting. The Commission is asked to make a recommendation to City Council on funding.

**VI. AGENDA ITEMS**

**A. SUSTAINABLE MANAGEMENT PROGRAM –**

The Business Development Action Plan (BDAP), adopted by the City Council on March 6, 2012, includes a proposed Sustainability Management Program for Benicia Industrial Park businesses. This program directly relates to implementation strategies in the Climate Action Plan. Commissioners Fiscalini and Shannon have been appointed to the Economic Development Business Retention and Recruitment Committee, which is involved in this project.

**Recommendation:** Review the Sustainability Management Program and make a recommendation to the City Council.

Gina Eleccion provided an introduction to this item. She noted that this is a collaboration between sustainability and economic development efforts that furthers implementation of Climate Action Plan strategies.

Mario Giuliani, Acting Economic Development Manager, gave an overview of the Program. He noted this has two parts; business assessments and implementation. This Program combines goals of both the Community Sustainability Commission and the Economic Development Board. He introduced Audrey Taylor, Chabin Concepts, to provide additional information.

Audrey Taylor, Chabin Concepts, gave a brief presentation. In terms of process, this Program is looking to assist the City with meeting its 2020 emissions targets. The assessment will result in a report for each business that quantifies what changes can be made to realize efficiencies and savings. There are three funding options outlined in the Plan. The Plan includes workshops/training for employers to encourage behavioral changes. Businesses will be tracking energy, water, recycling and fuel. Green business certificates are an attractive part of this program.

Mario Giuliani clarified that the Commission is being asked for their recommendation on the allocation of \$625,000 and to find that it complies with the provisions of the Settlement Agreement. In addition, he is looking for expert opinion on the technical aspects of the program.

Commissioners recognized the efforts of the Economic Development Board and staff.

Commissioner Shannon gave some background on his involvement in the process. He noted the business community would like to see the grant component. Commissioner Fiscalini was happy to see the groups collaborate.

Commissioners and staff discussed the following, and noted their comments and questions, as follows:

1. Consistent process that's repeatable with checkpoints and complies with the CAP and Settlement Agreement.
2. Use terminology of Analysis vs. Assessment.
3. Clarified that there is \$10,000 in grants, then a 0% loan (\$10,000-\$25,000), then a low-interest loan (\$25,000-\$50,000).
4. Discussion of WattzOn Pilot Program.
5. Relationship between size of building and % GHG reductions. There could be small footprint buildings with many employees and high usage. The first targets will be the larger users in the Industrial Park.
6. A Request for Proposals will be released for this Program.
7. GreenTraks will be used to track reductions. The City would pay for 2 years of use of the system. After that time, the business would continue at their own cost.
8. Question regarding the \$625,000 budget. If a large project came forward, it would be brought to the Commission as a separate grant funding application.
9. Clarified revolving loan fund and reuse of monies.
10. Language for reinvesting funds in community.
11. Public relations as part of our sustainable goals as participation in the program.
12. Promissory notes should be required for all loans.
13. It was noted there are roughly 450 businesses in the Industrial Park with over 1 million square feet of vacant space.
14. Use this as a recruitment tool.
15. Grant writer for major funding sources.
16. Support and market Industrial Park. Green certified businesses are proud of that recognition.

17. City Council will approve the funding. Interest payments go back into the fund.
18. \$10,000 is an incentive to businesses.
19. Money should be spent in most efficient means possible.
20. PG&E offers audits for energy efficiency projects. It was noted that it's not a simple process to get reimbursed from PG&E.

The public hearing was opened.

Kimble Goodman noted that All Points Petroleum went through an analysis and questioned if Ron Myska could discuss his experience.

Jack Doelher, supplier of lighting – He's been working with PG&E and mentioned their on-bill financing. PG&E does not pay until 60 days after a project has been completed. He noted that \$10,000 does not go very far for many businesses. He works with a program called "Go Green for No Green".

Grant Cooke, business owner – He noted that probably half of the industrial facilities have energy intensive lighting. A simple retrofit could realize significant savings. He suggested packages of lighting retrofits, low-flow toilets and HVAC maintenance/retrofits. He also suggested money for savings based on kilowatts. Small Business Alliance could be contacted.

Ron Myska commented that this is for business retention and recruitment. The important message is that the City is setting the right tone in Benicia. As a business owner, he was not excited about an analysis of his business, but he had an opportunity to give a positive message.

David S???

– He commented on Santa Cruz' efforts and their Climate Action Plan. Businesses generally don't respond to energy efficiency. Split incentives are an issue in the Industrial Park. He suggested looking at retrofitting vacant buildings to attract businesses.

The public hearing was closed.

Commissioners appreciated the public comment.

It was noted that the Chamber of Commerce has launched a Green Business program, which is separate from the Green Business Certification.

There was a question if companies could combine efforts to install solar.

Commissioners reiterated their desire for a consistent process with flowcharts, 6-month reporting and compliance with the settlement agreement. They would like

to ensure that loan repayments and interest are reinvested into the fund. They made a finding that this is consistent with Paragraph H of the Settlement Agreement and provides greater value than proposed water reduction projects.

On motion of Commissioner Shannon, seconded by Commissioner Fiscalini, the Sustainable Management Program, including the allocation of \$625,000 from Valero/Good Neighbor Steering Committee Settlement Agreement funds, was recommended to City Council by the following vote:

Ayes: Commissioners Fiscalini, Kerridge, Lamoreux, Shannon, Silva, and Chair Beutel  
Noes: None  
Absent: Commissioner Tupper  
Abstain: None

**B. CLIMATE ACTION PLAN COORDINATOR STATUS UPDATE**

Alex Porteshawver, Climate Action Plan Coordinator, will provide a status update.

Alex Porteshawver provided information on what she has been working on over the last month. She has been doing a lot of reading, listening and asking questions. Dan Marks and Alex Hinds have been involved as well. She has a good understanding of the Valero/Good Neighbor Steering Committee Settlement Agreement. She has been tracking existing CAP projects, which are many.

**VII. COMMUNICATIONS FROM STAFF**

**A. SUBJECTS REQUESTED BY COMMISSION CHAIR**

- Status update on the following:
  - Bicycle Racks  
Existing racks will be removed and new racks, as recommended by the Bicycle Rack Task Force, will be installed in the next month. A final report/accounting will be provided to the Commission when complete.
  - City Solar Project  
Eight of the ten sites will be up and running. The switch on the City Pool will be turned on in October. There should be an update on Pump Station Three in the next week.
  - Website

Staff is working with Lucita to provide the necessary content.

- Earth Day 2012 – Walking Tour/Proclamation  
In lieu of an Earth Day event, there will be walking tours of the City Hall parking lot and the Community Center. These are planned for the afternoons of April 19<sup>th</sup> and 20<sup>th</sup>. Information will be sent out as details are worked out.

## **VIII. COMMUNICATIONS FROM COMMISSIONERS**

- Grant application review  
Will pursue a short application form as an addendum to the application package for allocations under \$1000.
- Attendance requirements at CSC meetings  
Chair Beutel noted that she keeps track of commissioners' attendance. Commissioners must notify the Chair of non-attendance. She quoted sections of the code that apply to absences.
- Attendance at City Board/Commission/Committee meetings  
Chair Beutel would like commissioners to sign up to attend other commission meetings. There was clarification if this includes City Council.

Chair Beutel reminded everyone of the April 5<sup>th</sup> energy symposium.

Commissioner Fiscalini commented on the launch of the Chamber of Commerce Green Business Certification.

Vice Chair Kerridge noted that the Native Plant Society will have a workday on April 22<sup>nd</sup>.

Ex-Officio Scott thanked everyone for coming out to the CODA event.

## **IX. ADJOURNMENT**

Chair Beutel adjourned the meeting at 10:05 p.m.

**AGENDA ITEM**  
**CITY COUNCIL MEETING: APRIL 17, 2012**  
**COUNCIL MEMBER COMMITTEE REPORTS**

**DATE** : April 10, 2012  
**TO** : Mayor Patterson  
**FROM** : City Manager  
**SUBJECT** : **MAYORS' COMMITTEE MEETING**

The following information is provided for your committee report at the April 17, 2012 City Council meeting.

The Mayors' Committee meetings are held on the third Wednesday of each month at 6:30 pm. The next meeting date is April 18, 2012 at Pietro's #1 in Vacaville, and the agenda for that meeting is not currently available.



**AGENDA ITEM**  
**CITY COUNCIL MEETING: April 17, 2012**  
**COUNCIL MEMBER COMMITTEE REPORTS**

**DATE** : April 9, 2012

**TO** : Mayor Patterson  
Council Member Strawbridge

**FROM** : City Attorney

**SUBJECT** : **ABAG COMMITTEE MEETING**

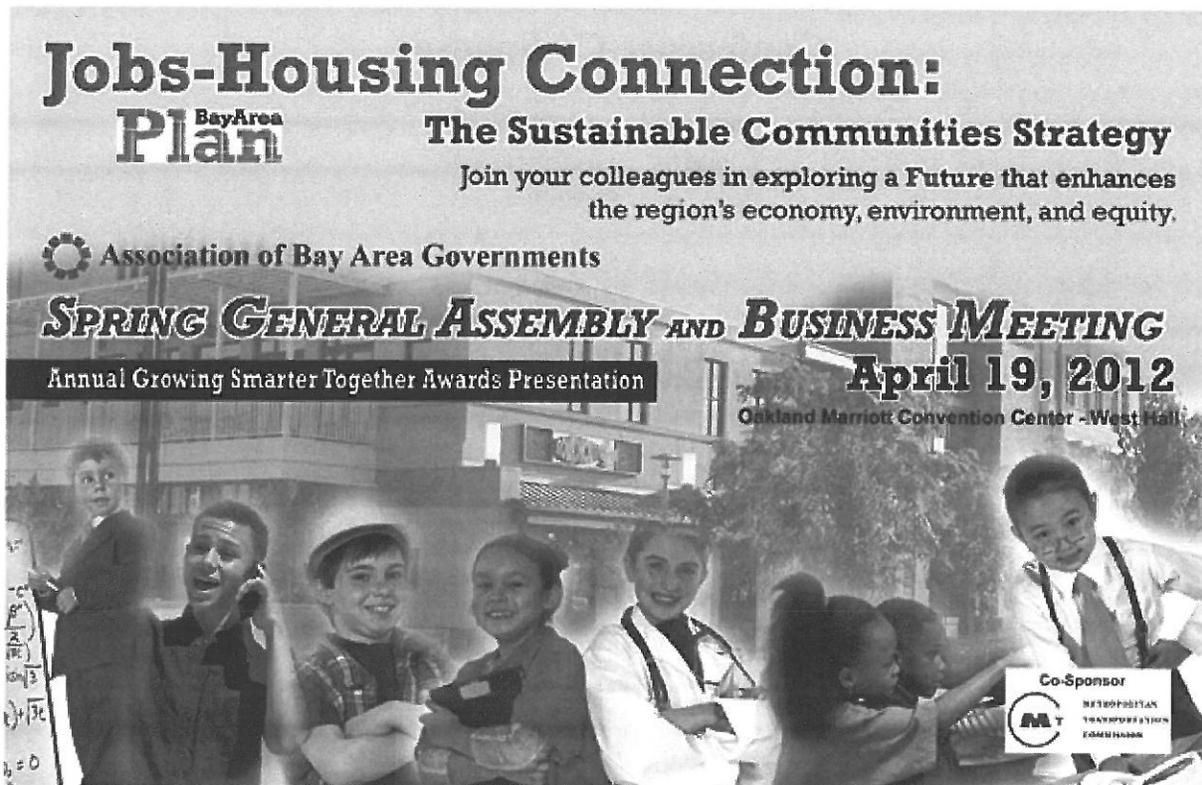
The following information is provided for your committee report at the April 17, 2012 council meeting:

- The next meeting is the Spring General Assembly on Thursday, April 19, 2012.
- The Spring Assembly will be held at the Oakland Marriott Convention Center-West Hall, from 8:30 a.m. to 2:30 p.m.
- The topic for this year Jobs-Housing Connection: The Sustainable Communities Strategy.
- Registration is now available.
- The Spring General Assembly meeting agenda is attached.

Attachments:

- General Information on the Spring General Assembly.
- April 19, 2012 General Assembly Business Meeting Agenda.
- Proposed Budget and Work Program 2012-2013, Challenges of a Sustainable Bay Area.
- April 14, 2011 Draft General Assembly Business Meeting Summary Minutes.





## SPRING GENERAL ASSEMBLY AND BUSINESS MEETING

### Annual Growing Smarter Together Awards Presentation

**April 19, 2012**

8:30 a.m. - 2:30 p.m.

**Oakland Marriott Convention Center - WEST HALL**

Join your colleagues in exploring a **Future** that enhances the region's economy, environment, and equity.

**REGISTER HERE**

- Spring General Assembly -

AGENDA

*For additional information, call Halimah Anderson, ABAG Communications Officer (510/464-7986), Leah Zippert, ABAG Communications Officer (510/464-7995), or Kathleen Cha, ABAG Senior Communications Officer (510/464-7922).*





# AGENDA

## GENERAL ASSEMBLY BUSINESS MEETING

12:15 P.M., Thursday, April 19, 2012

Oakland Marriott City Center

1001 Broadway

Oakland, California 94607

Status

1. CALL TO ORDER
2. CONFIRMATION OF QUORUM
3. PUBLIC COMMENT
4. APPROVAL OF SUMMARY MINUTES\*\*  
April 14, 2011, General Assembly Business Meeting Action
5. PRESIDENT'S REPORT
6. PROPOSED ANNUAL BUDGET AND WORK PLAN\*\*  
Fiscal Year 2012-2013  
Including Member Dues Action
7. ANNOUNCEMENTS
8. ADJOURNMENT

Ezra Rapport, Secretary-Treasurer

Please Note: The Board may act on any item on this agenda. \*\*Attachment included.



PROPOSED

# BUDGET AND WORK PROGRAM

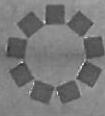
Fiscal Year 2012 - 2013

## Challenges of a Sustainable Bay Area



Association of Bay Area Governments

**VIII.D.2.7**



# EXECUTIVE BOARD

## OFFICERS

President - **Mark Luce**  
Supervisor, County of Napa

Secretary / Treasurer - **Ezra Rapport**  
Executive Director

Vice President - **Julie Pierce**  
Councilmember, City of Clayton

Legal Counsel - **Kenneth Moy**  
Legal Counsel

Immediate Past President - **Mark Green**,  
Mayor, City of Union City

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**Susan L. Adams, RN, PhD**  
Supervisor, County of Marin

**John Gioia**  
Supervisor, County of Contra  
Costa

**Mark Luce**  
Supervisor, County of Napa,  
ABAG President, and  
Administrative Committee  
Chair

**John Avalos**  
Supervisor, County of San  
Francisco

**Susan Gorin**  
Councilmember, City of Santa  
Rosa

**Dave Pine**  
Supervisor, County of San  
Mateo

**Desley Brooks**  
Councilmember, City of  
Oakland

**Mark Green**  
Mayor, City of Union City,  
and ABAG Immediate Past  
President

**Julie Pierce**  
Councilmember, City  
of Clayton, ABAG Vice  
President, and Legislation and  
Governmental Organization  
Committee Chair

**Ronit Bryant**  
Mayor, City of  
Mountain View

**Scott Haggerty**  
Supervisor, County of Alameda

**Jane Brunner**  
Councilmember, City of  
Oakland

**Kate Howard**  
Government Affairs Director,  
City of San Francisco

**Harry Price**  
Mayor, City of Fairfield

**Malia Cohen**  
Supervisor, County of San  
Francisco

**Dave Hudson**  
Councilmember, City of  
San Ramon

**Joe Pirzynski**  
Councilmember, City of  
Los Gatos

**Kansen Chu**  
Councilmember, City of  
San José

**Beverly Johnson**  
Councilmember, City of  
Alameda

**A. Sepi Richardson**  
Councilmember, City of  
Brisbane

**Dave Cortese**  
Supervisor, County of Santa  
Clara, and Regional Planning  
Committee Chair

**Ash Kalra**  
Councilmember, City of  
San José

**David Rabbitt**  
Supervisor, County of Sonoma

**Pat Eklund**  
Councilmember, City of  
Novato

**Rebecca Kaplan**  
Councilmember, City of  
Oakland

**Gayle B. Uilkema**  
Supervisor, County of  
Contra Costa

**Richard Garbarino**  
Councilmember, City of South  
San Francisco

**Barbara Kondylis**  
Supervisor, County of Solano

**Mike Wasserman**  
Supervisor, County of  
Santa Clara

**Rose Jacobs Gibson**  
Supervisor, County of  
San Mateo, and Finance and  
Personnel Committee Chair

**Edwin M. Lee**  
Mayor, City of San Francisco

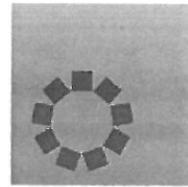
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**Advisory Member**  
**Terry Young, PhD**  
Regional Water Quality  
Control Board

**Jack Gingles**  
Mayor, City of Calistoga

**Sam Liccardo**  
Councilmember, City of  
San José

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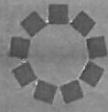
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## EXECUTIVE DIRECTOR'S MESSAGE

ABAG's 50<sup>th</sup> Anniversary year celebration was enjoyed by many and gave us the opportunity to look at ABAG's many accomplishments over its long history. It was also an opportunity to look at the many challenges and policy options the region faces in making choices in achieving sustainability. Accomplishing our goals means developing many partnerships and associations with others who are undertaking similar activities.

One of the vehicles for collaboration and strategy formation has been the Joint Policy Committee established to improve coordination, chiefly among ABAG, MTC, BCDC, and the Air District. Under consideration is to expand the portfolio of the JPC to a broader range of issues:

- Preserving existing jobs, and improving the Bay Area's prospects in producing a million new jobs as forecasted in the Sustainable Communities Strategy;
- Accelerating the Bay Area's capacity to reduce energy consumption, expand the use of renewable energy sources, and help implement the Global Warming Solutions Act of 2006 (AB 32);
- Formulating a phased regional sea level rise adaptation strategy for protecting developed shoreline areas and natural ecosystems, and increasing their adaptive capacity; and
- Enhancing the Bay Area's resilience to potential disasters such as earthquakes, extreme heat days, wildfires, and extreme storms.

The Sustainable Communities Strategy required by SB 375 (Steinberg) is being expanded to include all the regional agencies and is referred to as "Plan Bay Area." To meet the challenges that face the region will require numerous policy decisions and advocacy at both the State and federal level. Ultimately, the region's sustainability requires progress on many fronts, including air quality, water quality, water supply, recycling, energy use in transportation, reducing building and exterior lighting energy use, alternative energy generation, land conservation and support for local agriculture, social inclusion and equity, and many other factors.

Making progress on these issues will require more transportation choices, investments in equitable and affordable housing, enhancing the region's economic competitiveness, engaging in Complete Community Planning, and coordinating and leveraging state and federal policies and investment.

The active participation of our member cities and counties will be sought in developing strategies and implementing this work.

Together we can create an even better, more sustainable Bay Area that supports both a higher quality of a life and a robust economy.

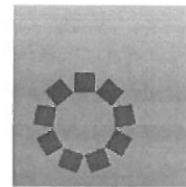


*Ezra Rapport*  
*ABAG Executive Director*

Over the last year ABAG has been active in pursuing and bringing grant funds to the region for the staging of electric vehicles, energy retrofits for Bay Area consumers, and most recently, in partnership with MTC, the region was awarded almost \$5 million-- one of the US Department of Housing and Urban Development's largest sustainability grants. This grant will provide some of the much needed resources to develop a Prosperity Plan for the Bay Area. Specifically, the funds will expand economic opportunities for low income residents, preserve and develop housing affordable to low income transit oriented communities. Our partners include 16 cities, seven of the nine Bay Area Counties, and 16 community nonprofit and business organizations.

ABAG will continue to seek opportunities for our members as we begin our next fiscal year and the beginning of our 51<sup>st</sup> year as the region's Council of Governments and regional planning agency. I look forward to working with you over the next year to create a more sustainable Bay Area.

# EXECUTIVE BOARD HIGHLIGHTS



During 2011, ABAG's 50<sup>th</sup> Anniversary year, the Executive Board has worked tirelessly on a wide range of issues related to building a sustainable Bay Area. Among those issues are the Sustainable Communities Strategy, integrating the Bay Area's Priority Development Areas and Growth Opportunity Areas with the Regional Housing Need Allocation Process (RHNA). The ABAG Land Plan is then integrated with MTC's Regional Transportation Plan to form the Preferred Scenario, which will be studied for CEQA review. The Sustainable Communities Strategy is expected to be adopted in April 2013. When we integrate the SCS with the plans of the other regional agencies, we hope to form the basis of Plan Bay Area, which will become the implementing document for the Bay Area. Since we are a region built on "shaky ground,"



*Julie Pierce  
ABAG Vice President  
Councilmember, City of Clayton*

we have also given much consideration to risk and risk avoidance by establishing a regional disaster resilience plan. In March the Executive Board approved the Local Hazard Mitigation Plan, which includes 116

cities, towns, counties, and special districts in the region.

Due to the fiscal crisis in Sacramento, which has had severe impacts and implications for local government, and the passage of another Constitutional Amendment by initiative that limited the use of fees to pay for the costs of many activities, we did not attempt to reactivate our legislation from previous years, which would have provided a stable source of income for ABAG. However, we have not abandoned that mission and this will, indeed, be a major focus of the work of the new leadership team.

We are committed to continuing our quest for a stable source of income for ABAG so that cities and counties will continue to work together on these issues during the next fiscal year. During the next two years of my term as ABAG President, working with Clayton

Councilmember Julie Pierce, I hope to secure a defined long-term revenue source for ABAG that is consistent with the Agency's service demands as well as defining our capital/facility needs for the next five years.

Programmatically, as we look at building a more sustainable Bay Area and reducing VMTs (vehicle miles travelled), we must look beyond new construction and find effective and acceptable policy alternatives that will encourage smarter commute-related housing choices.

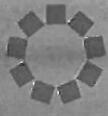


*Mark Luce  
ABAG President  
Supervisor, County of Napa*

This will require our following through on a truly smart housing and transportation plan that supports the region's economic growth, job creation, environmental sustainability, and equity for its residents to improve our quality of life. To accomplish these goals requires strong leadership at the local and regional level. We have some of the best and brightest minds in the Bay Area and I look forward to working with our membership and staff as we struggle with these issues that impact all of us in local government and the public we serve.

I also want to seek your support and participation in ABAG's programs and services and encourage you to take advantage of the myriad of services, workshops, and conferences that ABAG conducts throughout the year. I look forward to hearing your ideas about how ABAG can serve you more effectively.

*ABAG President, and Supervisor, County of Napa*



## PLANNING PROGRAMS AND RESEARCH

The upcoming completion of Plan Bay Area, the name of the region's first Sustainable Communities Strategy (SCS), and related regional planning efforts, the Regional Housing Need Allocation (RHNA), and the Regional Transportation Plan (RTP) demonstrates the collective commitment across local and regional governments to address regional sustainability; a healthy region that embraces equity and a solid economy.

The recently reconfigured Department of Planning and Research (consolidating what had been two separate departments) is working closely with local jurisdictions and regional partners and is improving its land use analytical tools for the development of Plan Bay Area. Plan Bay Area is bringing together land use planning, transportation investments, affordable housing requirements and connecting these efforts at the local level through a new grant program, the One Bay Area Grant. The integration of regional efforts with local

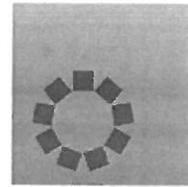
funding will establish a strong platform to move toward the implementation of sustainable strategies: strengthening the qualities of neighborhoods and ensuring the protection of natural resources and rural areas.

In FY 2012-2013 working closely with the Metropolitan Transportation Commission (MTC), local jurisdictions, congestion management agencies, transit providers, and other stakeholders, ABAG will complete development of the Plan Bay Area and begin the implementation process centered around Priority Development Areas (PDAs) and Priority Conservation Areas (PCAs). ABAG's Planning and Research Programs will also continue to strengthen specialized regional efforts such as reduction of waste, closing gaps in the Bay Trail, seismic retrofits of single-family homes, and protection of the Bay-Delta Estuary. The sections below describe ABAG's land-use related programs within the Department of Planning and Research.



In FY 2012 - 2013 ABAG will work closely with Transit and Congestion Management Agencies.

# PLANNING PROGRAMS AND RESEARCH



## COMPREHENSIVE PLANNING: Plan Bay Area and the FOCUS Program

**Plan Bay Area** will identify integrated planning and policy measures that are necessary to accommodate the Bay Area's future growth in a manner that provides for a high quality of life, a sound economic future and incorporates state and regional climate change goals to meet the challenge of a Sustainable Bay Area.

Plan Bay Area will integrate several existing planning processes to meet the challenge of creating a more sustainable region. It will provide a new 30-year land use strategy for the Bay Area that is realistic and identifies areas to accommodate future housing and employment in a manner that makes our cities and neighborhoods more vital and resilient while retaining farmland and greenspace. It will encompass strategies to build stronger connections between housing, employment, and transportation in a manner that leads to a strong, competitive world-class regional economy, a healthy and sustainable environment and improved opportunities for all Bay Area residents. SB 375 requires that an updated eight-year regional housing need allocation (RHNA) prepared by ABAG is consistent with the SCS.

In 2012-2013, through Plan Bay Area, the Bay Area will advance a short-term Regional Housing Need Allocation that is informed by the long-term Sustainable Communities Strategy that is consistent with the Regional Transportation Plan and supported by a new OneBayArea grant program that directs infrastructure-related funding to communities seeking to advance focused growth. The SCS, RTP and RHNA will be adopted simultaneously in spring 2013.

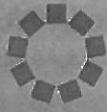
Plan Bay Area is not just about assigning housing need to places or achieving greenhouse gas targets. The primary goal is to build a sustainable Bay Area which continues to thrive and prosper under the changing circumstances of the twenty-first century. By directly confronting the challenges associated with a shifting global economy, environmental challenges including climate change, and the need to connect the places where we live and work throughout region's transportation

network, Plan Bay Area should help us achieve a Bay Area which is both more livable and more economically competitive on the world stage. A successful Plan Bay Area will:

- Strengthen the Bay Area's globally important economy in a manner that benefits all of our citizens and our workforce;
- Recognize and support compact walkable places where residents and workers have access to services and amenities to meet their day-to-day needs;
- Reduce long commutes and decrease reliance that increases energy independence and decreases the region's carbon consumption;
- Support complete communities which remain livable and affordable for all segments of the population, maintaining the Bay Area as an attractive place to reside, start or continue a business, and create jobs.
- Support a sustainable transportation system and reduce the need for expensive highway and roadway expansions, freeing up resources for other more productive public investments including a well-maintained efficient, regional transit network;
- Provide increased employment accessibility and housing and transportation affordability to our most vulnerable populations;
- Conserve water and decrease our dependence on imported food stocks and their high transport costs;
- Preserve and enhance the region's rich mosaic of agricultural lands, scenic vistas, recreational lands and trails and critical habitats for future generations.

Plan Bay Area builds upon significant local and regional efforts toward sustainable planning. **FOCUS**, an integrated regional development and conservation strategy, promotes a more compact land use pattern for the Bay Area. It unites the efforts of four regional agencies into a single program that links land use and

*Planning Programs cont. on page 5*



# PLANNING PROGRAMS AND RESEARCH

*Planning Programs cont. from page 5*

transportation by encouraging the development of complete, livable communities near transit, and promotes conservation of the region's most significant resource lands. FOCUS is led by ABAG in partnership with the Metropolitan Transportation Commission (MTC) and with support from the Bay Area Air Quality Management District (BAAQMD) and the Bay Conservation and Development Commission (BCDC). FOCUS is a collaborative effort that links regional planning programs with planning and implementation being advanced at the local and sub-regional level by local governments, congestion management agencies, transit providers, and non-governmental organizations throughout the Bay Area.

objectives relative to where new growth should be directed.

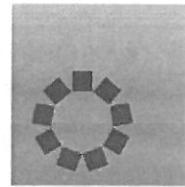
PDA's are transit-served, infill areas where there is either an adopted neighborhood-level plan that will accommodate housing in a mixed-use context or a vision to create such a plan at the local level. Plan Bay Area is positioned to propose that more than two-thirds of the region's household growth through 2040 can be accommodated in PDA's, despite the fact that PDA's encompass less than 5% of the region's land area. The FOCUS Initiative emphasizes planning and infrastructure support for the development of complete communities, not just for isolated infill projects. The objective is the achievement of areas that are well planned with good housing choices,



Walkable Community in San Jose

The Bay Area has taken a major step forward toward a comprehensive regional growth strategy embodied in the FOCUS Program. By 2011, FOCUS included more than 150 Priority Development Areas (PDAs) in 70 Bay Area jurisdictions, and nearly 100 Priority Conservation Areas (PCAs). In collaboration with local jurisdictions, FOCUS provides a link between local plans and regional agency

transit options, and walkable amenities and services to address the day-to-day needs of both current and future residents. This will be achieved by moving Planned PDAs (areas that have a neighborhood-level plan) closer to implementation, and advancing more potential PDAs (areas that do not have a neighborhood-level plan) to Planned status. Toward this end, ABAG and MTC will advance a Priority



Downtown Windsor

Development Area planning program to fund and administer neighbor-level plans in PDAs and a Technical Assistance Program for tasks that address barriers to implementation and help spur development within PDAs that already have a specific or neighborhood plan completed or substantially underway.

PCAs are areas of regional significance that have broad community support and an urgent need for protection. A total of 98 PCAs were adopted by the ABAG Executive Board in 2008. Despite severe local fiscal and economic challenges, ABAG has worked with local governments to enact policies to preserve several of these PCAs. During this fiscal year, ABAG will advance implementation of a pilot Priority Conservation Program funded through the OneBayArea grant program to support protection of PCAs. The agency will also work with the State Coastal Conservancy and other land conservation entities, including private foundations, to secure new funding and direct existing funding to preserve the region's Priority Conservation Areas.

## In Fiscal Year 2012-2013

*ABAG will work with local communities, the state government, our regional agency partners, congestion management agencies and the non-profit community to complete Plan Bay Area. ABAG will identify and provide for an expanding range of incentives to support the implementation of this strategy. Incentives will be provided on a competitive basis to jurisdictions that seek to advance and prioritize development in areas that are served by public transit, and that provide proximity to employment centers. ABAG*

*will work cooperatively with state resource agencies, local governments, and regional open space entities to advance the protection of the region's priority conservation areas. ABAG will assist in advocating for policies and legislative actions that will advance the agenda of a sustainable and resilient Bay Area.*

**Specifically, ABAG will advance Plan Bay Area and FOCUS as follows:**

- *Complete the Sustainable Communities Strategy.*
- *Develop affordable housing production and economic development strategies that would address the proposed SCS land use pattern for 2040.*
- *Complete the Environmental Impact Report for the Sustainable Communities Strategy and the Regional Transportation Plan.*
- *Complete the Regional Housing Need Allocation.*

*Planning Programs cont. on pg. 7*



# PLANNING PROGRAMS AND RESEARCH

*Planning Programs cont. from pg. 6*

- *Coordinate the Sustainable Communities Strategy with the Regional Housing Need Allocation and the Regional Transportation Plan.*
- *Coordinate the development and implementation of the One Bay Area Grant with MTC.*
- *Manage PDA Planning efforts in more than 25 neighborhoods.*
- *Provide Technical Assistance to PDAs.*
- *Establish a tracking system and coordinate funding efforts pertaining to the PCAs.*

## Regional Planning Committee

The Regional Planning Committee (RPC) is one of ABAG's key standing committees and includes representation from local governments, as well as public agency and non-profit organizations. Beyond local governments, organizations represented on the RPC include those with an emphasis on affordable housing, education, environmental sustainability, building industry, and economic development. The RPC hears issues of regional concern, covering a range of planning issues, and makes policy recommendations to the ABAG Executive Board on these issues. The RPC has an important role to play given ABAG's expanding role in coordinating planning initiatives in the Bay Area and the need for in-depth planning discussions on the Sustainable Communities Strategy's scenarios. The RPC has also been developing expertise from a policy perspective regarding regional recovery planning in the Bay Area.

### **In Fiscal Year 2012-2013**

*The RPC will address and make policy recommendations to the Executive Board on important regional planning issues including considerations relative to the approval and implementation of Plan Bay Area and the FOCUS Initiative, and issues related to regional recovery planning for the Bay Area.*

## Clearinghouse

ABAG provides information to public and private agencies and the public related to public capital improvement projects and their potential environmental impacts. ABAG has continued to streamline the operation of the clearinghouse providing improved access to and distribution of public review documents.



Berkeley Downtown

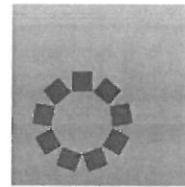
### **In Fiscal Year 2012-2013**

*ABAG will continue its clearinghouse functions including tracking of public projects to allow review and discussion of regionally significant projects.*

## Regional Airport Planning Commission

The Regional Airport Planning Commission (RAPC) is a joint committee of ABAG, the Metropolitan Transportation Commission, and the Bay Conservation and Development Commission. It oversees preparation of the Regional Airport Systems Analysis, which then becomes part of the Regional Transportation

# PLANNING PROGRAMS AND RESEARCH



Plan. RAPC also provides a forum for discussion of land use, non-air transportation, and environmental issues related to airports.

## **In Fiscal Year 2012-2013**

*ABAG will staff and provide leadership to advance RAPC's work program.*

## **Intergovernmental Coordination**

In Fiscal Year 2012-2013, coordination between the ABAG Department of Planning and Research and our regional agency partners, as well as local governments, will support the implementation of Plan Bay Area. This strategy integrates multiple regional tasks, such as land use planning, transportation investments, reduction of air contaminants, and addressing sea level rise. Strong local-regional collaboration is imperative to ensure that local governments, congestion management agencies, and policymakers develop a sense of ownership and carry a realistic implementation approach to the Bay Area's Sustainable Communities Strategy.

## **In Fiscal Year 2012-2013**

*ABAG planning staff will expand upon previous efforts to advance the agency's role in coordinating regional and local planning initiatives in the Bay Area.*

## **Research, Data and Analysis Programs**

With the increased coordination in regional planning, the expectations and requirements for data and modeling have increased, and the quality of our demographic data and economic analysis has improved. The development of new land use models and tools will continue to be a priority in the coming year. Our research staff will analyze information on migration and demographic information as well as the restructuring of the regional economy in the Bay Area.

In coordination with the MTC transportation model and in collaboration with UC Berkeley, the development of a new land use model will allow us to better understand development trends areas across neighborhoods. It will also allow us to use land use, local planning

and economic information to perform a sophisticated statistical analysis that can be displayed in 3-D images.

As part of the SCS process, ABAG and MTC are working together to analyze the reduction of greenhouse gas emissions in the development of land use scenarios. This analytical work is closely integrated with an extensive dialogue with local staff, stakeholders, and elected officials. Technical data is translated into understandable information for multiple audiences.

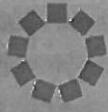
We will continue our efforts to improve information on the existing housing development, costs of construction, and commercial and residential rents in the region. Understanding of existing construction and information on costs of development and local plans are fundamental to making reliable forecasts and performing thoughtful planning.

In 2012, staff will complete the analysis for the Regional Housing Need Allocation (RHNA) for 2014-2022. While there are many similarities to the previous rounds of the RHNA process, it has become more complex because of the requirements for consistency with the SCS. This coordination is an opportunity for progress on housing issues in our region.

## **In Fiscal Year 2012-2013**

- *Continue to improve the data used in our analysis and planning. Improve computer models and other tools used to analyze information and identify planning strategies.*
- *Coordinate with MTC on the Sustainable Communities Strategy (SCS), the Regional Transportation Plan, and other projects.*
- *Work on the Regional Housing Need Allocation for 2014-2022.*

For further information,  
contact Ken Kirkey at 510-464-7955  
or e-mail [KenK@abag.ca.gov](mailto:KenK@abag.ca.gov).



## HAZARDOUS WASTE ALLOCATION/ BAY AREA GREEN BUSINESS PROGRAM

Since 1990, the Hazardous Waste Management Facility Allocation Committee ([www.abag.ca.gov/hazwaste/](http://www.abag.ca.gov/hazwaste/)) has developed innovative programs that enable ABAG members, their residents and businesses to make purchasing and operational decisions that prevent pollution, conserve resources and reduce waste.

Established in response to state legislation that required counties to plan for facilities to manage hazardous wastes, the Committee directed ABAG to develop a regional "fair-share" allocation process. With periodic revisions to address changing waste streams, ABAG staff use the process to follow hazardous waste trends and inform the Committee's pollution prevention activities.



In 1996, in partnership with federal and state agencies, the Committee launched the **Bay Area Green Business Program** ([www.greenbiz.ca.gov](http://www.greenbiz.ca.gov)). The nation's first comprehensive environmental certification for small businesses, the Program verifies that businesses meet rigorous performance standards. The recognition that successful businesses receive

allows consumers to choose environmentally-responsible firms. More than 2,300 businesses have been certified in the region, close to 3,000 statewide. The Program's approach and reputation for integrity make it a model that other jurisdictions have emulated. In October 2011, Governor Brown signed legislation creating the California Green Business Program, which encompasses the Bay Area and sister programs that are operating around the state.

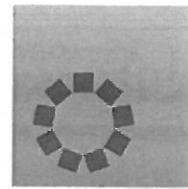
As a complement to California's ground breaking **Green Chemistry** initiative, the Committee organizes workshops on **Sustainable Purchasing**. The workshops help ABAG members make environmentally-preferable purchasing decisions that protect the environment, and create larger demand for safer products and services. Other initiatives include support for **Extended Producer Responsibility** to shift the expense for safe management of spent batteries, fluorescent lights, pharmaceuticals, computers and similar products away from local governments and back to manufacturers.

### In Fiscal Year 2012-13 the Hazardous Waste Committee and Green Business Program will:

- *Monitor and advise the Legislation and Governmental Organization Committee on legislative and other efforts to implement Extended Producer Responsibility.*
- *Host a workshop for government purchasing staff to speed implementation of Sustainable Purchasing programs.*
- *Increase the number of certified green businesses in the Bay Area to 2,600.*
- *Research the potential to site facilities that manage spent batteries, used computers, and other electronics in the Bay Area.*

For further information,  
contact Ceil Scandone at 510-464-7961  
or e-mail [CeilS@abag.ca.gov](mailto:CeilS@abag.ca.gov).

# SAN FRANCISCO BAY TRAIL



## *The Challenge of a Sustainable Bay Area*

The San Francisco Bay Trail is a visionary plan for a shared-use bicycle and pedestrian path that will one day allow continuous travel around San Francisco Bay. At the end of 2011, 321 miles of trail have been completed. Eventually, the Bay Trail will extend over 500 miles to link the shoreline of nine counties, passing through 47 cities and crossing seven toll bridges.

The Association of Bay Area Governments administers the Bay Trail Project and provides regional leadership for its completion including oversight and coordination, technical assistance



Bay Trail - San Francisco Aquatic Park

Photo: Jay Jones

to local jurisdictions, education and outreach, and funding for planning, design, construction, and maintenance.

Partnerships are essential to completing a long-distance, multi-jurisdictional trail. ABAG staff coordinates with public agencies at all levels of government, private landowners, corporations, non-profit organizations, and advocacy groups. Staff has also worked with Native American organizations and federally recognized Indian Tribes to reach agreement on shoreline uses.

Given its proximity to the bay shoreline, existing and planned Bay Trail segments are particularly vulnerable to sea level rise. In coming years, climate change has the potential to drastically alter the bay shoreline and life in the Bay Area. Bay Trail staff is involved in the regional discussion about the future of our shoreline, emphasizing the importance of continuous public access that is integrated into

protected or relocated shoreline areas. The location of Bay Trail segments used by the public today may change as the region tackles these difficult decisions. The trail could be relocated to the top of new flood control levees, to the edge of new marshes, or further inland as development retreats from the shoreline.

In 2011, the Bay Trail Project secured ongoing operating funds from the Metropolitan Transportation Commission for program management and capital support enabling the project to continue its work at current staff capacity. ABAG now has a significant role in implementing a new regional trail – the San

Francisco Bay Area Water Trail – with a \$1 million grant from the Coastal Conservancy that enabled ABAG to hire a full-time Water Trail Planner. The Water Trail is a network of landing and launch sites around San Francisco Bay for non-motorized small boats.

ABAG continues its successful Bay

Trail partnership with the Coastal Conservancy allocating planning and construction funds from statewide park bonds to local jurisdiction for trail completion. Nearly \$4 million of the \$4.8 million from Proposition 84 has been awarded to 34 projects.

## **In Fiscal Year 2012-13**

*One of the challenges of building a sustainable region is to ensure that people have transportation choices, making it easier to get around, whether commuting, going to school, shopping, recreating, or visiting friends and family. The San Francisco Bay Trail contributes to sustainable communities by providing options for non-motorized transportation, improving quality of life through increased access to the bay shoreline, encouraging active lifestyles, offering opportunities for education, and*

*Bay Trail cont. on pg. 11*



# SAN FRANCISCO BAY TRAIL

*Bay Trail cont. from pg. 10*

*creating more livable communities. The San Francisco Bay Area Water Trail contributes to sustainable communities by providing close-to-home recreation opportunities and eco-tourism options for visitors.*

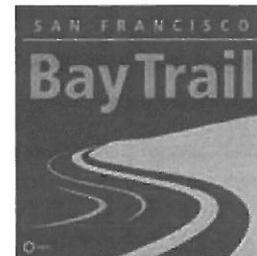
- *Work to complete a continuous 500 mile Bay Trail system by completing gaps in the trail and ensuring that the trail is incorporated into project designs and constructed.*
- *In partnership with the Coastal Conservancy, solicit, review and award grants to local jurisdictions for planning, design and construction of Bay Trail segments as part of the \$6 million grant program provided through Proposition 84.*
- *Administer awarded Bay Trail planning, design and construction grant contracts.*
- *Share responsibilities with the Coastal Conservancy to advance the completion of the San Francisco Bay Area Water Trail, including implementation of the Education, Outreach & Stewardship Program and administration of construction grants.*
- *Continue to update and use the Gap Analysis Study data to identify and initiate new spending opportunities and new Bay Trail grants.*
- *Pursue funding strategies for trail development and maintenance.*
- *Work as a member of the San Francisco Bay Restoration Authority Advisory Committee to identify funding opportunities for future wetland restoration and public access projects.*
- *Continue to work within the FOCUS program to highlight trails as components of a sustainable region and regional transportation system.*



Bay Trail Alviso Slough

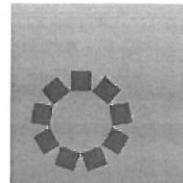
Photo: Ann Buell

- *Advocate for bicycle and pedestrian access to and across Bay Area toll bridges, including the west span of the Bay Bridge and the Richmond-San Rafael Bridge as well as safe and seamless connections to the Carquinez, Benicia-Martinez and East Span Bay bridges.*
- *Install Bay Trail signs along all complete sections of the Bay Trail.*
- *Continue to update the Bay Trail website to create a valuable resource for regional partners and the public about progress of the Bay Trail.*
- *Publish project updates; meet regularly with elected officials, agency and local government staff and media contacts; and plan and host trail dedications and other public events.*



For further information,  
contact Laura Thompson at 510-464-7935  
or e-mail [LauraT@abag.ca.gov](mailto:LauraT@abag.ca.gov)  
[www.baytrail.org](http://www.baytrail.org)  
[www.sfbaywatertrail.org](http://www.sfbaywatertrail.org)

# SAN FRANCISCO ESTUARY PARTNERSHIP



## 2011 Accomplishments

The San Francisco Estuary Partnership (Partnership) and its partners both initiated, and continued a wide array of projects and activities in support of the Partnership's mandate to protect, enhance, and restore the San Francisco Bay-Delta Estuary by implementing actions called for in the *Comprehensive Conservation and Management Plan* (CCMP). Highlights of activities which occurred in 2011 included the celebration of our 10<sup>th</sup> Biennial State of the Estuary Conference in September along with the release of a new assessment report, *The State of the Bay 2011*, that describes the current health of the bay environment. The Partnership finalized contracts with many local jurisdictions around the region to assist with trash capture efforts helping to make our streams and bay cleaner and healthier for people, fish and wildlife. Based on our successful model of green stormwater treatment with the City of El Cerrito, the Partnership acquired funding for similar treatment devices along the length of San Pablo Avenue. We are now looking to continue this work in seven cities all along the San Pablo Avenue corridor.

Partnership staff, agency and NGO partners, consultants, and contractors continue to work on over 40 projects directed at improving the health of the estuary [please see [www.sfestuary.org](http://www.sfestuary.org) for details]. Public outreach efforts continue to expand with production of new fact sheets, the continuing publication of our well regarded *Estuary* newsletter, the addition of several podcasts to our website, and speaking engagements to various local organizations.

## In Fiscal Year 2012-13

*In keeping with this year's ABAG Budget and Work Program theme of "The Challenge of a Sustainable Bay Area," SFEP and partners will continue to focus efforts on projects that help to restore and protect our natural resources.*

*SFEP's estimated annual budget for 2012 is estimated at \$10 million with much of this funding going out to partner entities to accomplish the work called for in the CCMP.*

## Key projects include:

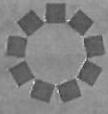
- *Working with the Regional Water Quality Control Boards (RWQCB-San Francisco Bay and North Coast) and other partners, to complete a stream and wetland protection policy for the two regions.*
- *Working with partners to implement new low impact development concepts to clean urban stormwater; and implement restoration projects in San Francisco and the shoreline and bed of the bay.*



Family Fishing in Suisun City

- *Providing technical support services to the Santa Clara Valley Water District, Alameda County Flood Control Program, Caltrans, the San Francisco Public Utilities Commission, and the Port of San Francisco.*
- *Providing technical and communication assistance to the State Water Board including development and implementation assistance for Total Maximum Daily Loads [limiting pollutants into waterways of the state], and oversight of environmental projects mandated as part of the San Francisco Regional Board's Administrative Civil Liability program in lieu of fines.*

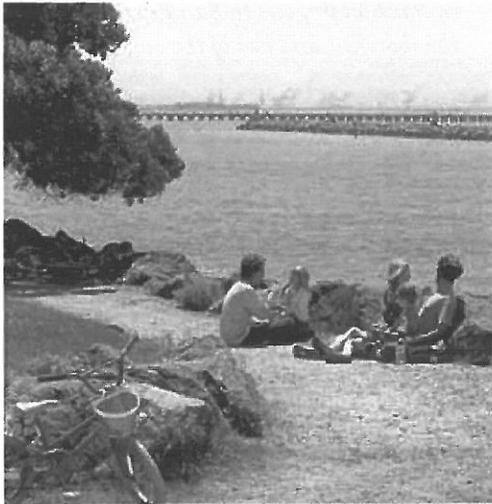
*SF Estuary cont. on pg. 13*



# SAN FRANCISCO ESTUARY PARTNERSHIP

*SF Estuary cont. from pg. 12*

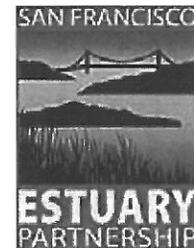
- *Performing outreach/education through the Boater Education Program, publication of Estuary newsletter, and website podcasts on a variety of topics.*
- *Managing our \$5 million regional trash capture project with dozens of cities from around the region; at least 15 municipalities are installing or preparing*



Caesar Chavez Park, Berkeley

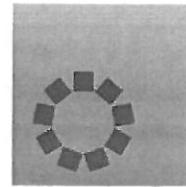
- to install “large” trash capture devices, and least 30 have let SFEP know that they plan to install small catch basin inserts to capture trash and debris. The project’s first large trash capture device, a hydrodynamic separator, was recently installed in Dublin alongside the Dublin/Pleasanton BART station.*
- *Continuing to support the Bay-Delta Science Program by contracting with experts to assist in the scientific research to support delta restoration efforts.*
  - *Partnering with SPAWN and the Mid Peninsula Regional Open Space District to implement sediment reduction projects including rural road repair and stream bank stabilization in the north and south bay.*

- *Working with the Urban Pesticide Committee to reduce pesticide use in urban creeks and promote Integrated Pest Management practices.*
- *Supporting a regional communications effort related to public outreach on stormwater and wastewater pollution and Bay protection: developing a regional brand and coordinating partners to conduct regional pollutant-specific campaigns.*
- *Conducting outreach to Bay Area cities and counties to improve land use policies to promote green infrastructure as a part of the update to the Bay Area Integrated Water Management Plan.*
- *Continuing rain garden development to treat polluted stormwater runoff and lessen peak stormwater flows along San Pablo Avenue in seven cities; coordinate the development of a green street in the City of Campbell; collaborate with San Francisco Estuary Institute and Bay Friendly Landscaping to monitor projects, certify them as Bay Friendly and conduct public outreach on the projects.*
- *Manage the work of implementing a series of projects to improve water quality, flood management and ecosystem restoration in Bay Area disadvantaged communities.*
- *Create, organize and manage a new Watershed Program to improve the health of our bay watersheds and improve information flow among agencies and organizations working to improve watershed health in the region.*



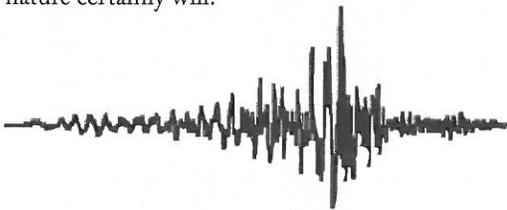
For further information,  
contact Judy Kelly at 510-622-8137  
or e-mail [jakelly@waterboards.ca.gov](mailto:jakelly@waterboards.ca.gov)

# EARTHQUAKE AND HAZARDS MITIGATION AND RECOVERY



## Regional Disaster Resilience

In the heart of earthquake country, creating a sustainable region requires mitigation planning to reduce the impacts of future earthquakes and recovery planning to bounce back and rebuild quickly after the impact of an earthquake. These actions, together with emergency response planning and preparedness create a more disaster resilient region. Over the last year, small earthquakes along the Hayward fault and large earthquakes across the world have rattled us out of our secure state of denial and reminded us that if we don't act now, mother nature certainly will.



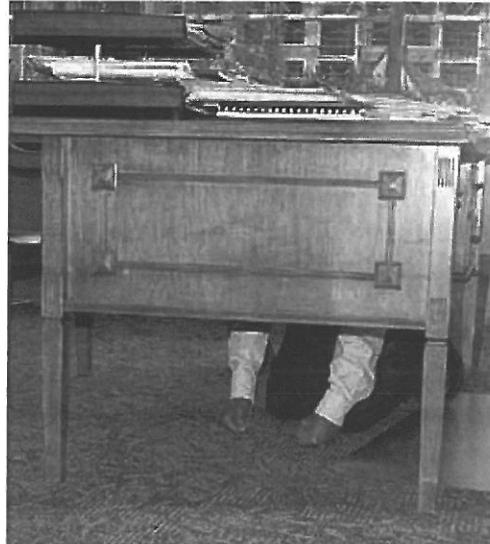
Since 1974, ABAG has maintained an Earthquake and Hazards Program that has been a leader among Councils of Governments across the nation in providing scientific information about local hazards in a user-friendly format to guide public decision making. ABAG focuses its efforts on disaster mitigation and recovery planning.

In the 2011-2012 fiscal year, ABAG kicked-off a new Regional Disaster Resilience Initiative. This initiative will provide a guiding strategy to the earthquake program. In the first year, the initiative seeks to develop a stakeholder validated analysis of our current capacity to recover and rebuild from a major earthquake and identify gaps in our planning that need to be filled. An action plan will lay out a multi-year strategy and priorities for addressing the gaps. Over 200 stakeholders have participated in the process to date through the initiative kick-off workshop and other planning activities.

**ABAG's Hazard Mitigation initiatives have focused on five efforts during the 2011-2012 fiscal year:**

- *Completing an update to the multi-jurisdictional Hazard Mitigation Plan for the San Francisco Bay Area, including*

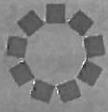
*collaborating with 116 cities, counties, and special districts to ensure that the revised plan lays out a strategy for reducing risk to all natural hazards at the regional and local levels.*



ABAG staff participate in the "California Shake Up"

- *Continuing to address the vulnerability of all types of housing across the Bay Area to earthquakes by bringing together policy makers, local government staff, contractor, engineers and apartment owners to find creative solutions to strengthening housing and promoting community resilience in a daylong workshop.*
- *Continuing to assess the vulnerability of soft-story buildings within the City of Oakland and designing a model program that can be replicated by other cities across the region.*
- *Working with the City of Berkeley to update their hazard mitigation plan and developing a model based on Berkeley's plan that will form the basis of future updates to the regional hazard mitigation plan and exploring ways to better integrate mitigation plans with local general plans.*

*Earthquake cont. on pg. 15*



# EARTHQUAKE AND HAZARDS MITIGATION AND RECOVERY

Earthquake cont. from pg. 14

- Continuing to interface with the public to promote earthquake preparedness through home retrofitting by answering phone calls and emails, updating ABAG's Stand Up to Quakes, Get Your Home in Shape! brochure and hosting homeowner retrofit workshops.
- Seek to develop connections between disaster resilience, the Sustainable Communities Strategy, and economic and climate resilience.

In Fiscal Year 2012-13 the Earthquake and Hazard Program will:

- Complete the Regional Resilience Action Plan and begin implementing strategies to improve the resilience of the entire region, including identifying a post disaster governance structure to speed recovery. Planning for the long term recovery of the regional airport system from a disaster, focusing on general aviation airports and the interdependencies with infrastructure such as water, fuel, roads and transit serving the entire region as well as the airport system.



Panel Discussion at "Shaken Awake" conference

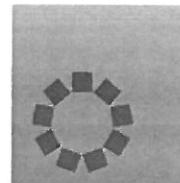
- Continue to assess the vulnerability of soft-story multi-family residential buildings in the Bay Area, and continue to develop innovative approaches for mitigation, and implement these mitigation strategies.
- Seek to provide incentives to single-family homeowners for seismic retrofit, develop a contractor training program and a public information campaign about proper retrofit technique.
- Improve ABAG's approach to communicating hazard and risk by highlighting specific risks at the sub regional level to raise awareness for mitigation and recovery planning at the local level.



Stand Up To Quakes - Get Your Home In Shape Brochure

For further information, contact Danielle Hutchings at 510-464-7951 or e-mail [DanielleH@abag.ca.gov](mailto:DanielleH@abag.ca.gov)

# ABAG POWER



**ABAG Publicly Owned Energy Resources (ABAG POWER)** is a joint powers agency (JPA) formed by ABAG in 1997 to acquire energy on behalf of local governments, as well as provide energy management and telecommunication services.

ABAG POWER currently offers natural gas aggregation to 38 local governments and special districts in the Pacific Gas and Electric (PG&E) service territory. ABAG POWER provides a public sector approach to pooled purchasing, and each public agency is guaranteed a voice in program operations and decisions through its representative to the ABAG POWER Board of Directors and Executive Committee. ABAG and ABAG POWER are also working to expand their energy conservation and management services to local jurisdictions through the implementation of energy efficiency, renewable energy, and general sustainability programs.

## Gas Aggregation Program

The natural gas purchasing pool has now completed its fifteenth year of operation. ABAG POWER purchases natural gas on behalf of members and arranges for it to be delivered to the PG&E system for distribution. The goal of ABAG POWER's Natural Gas Program is to provide both cost savings and price stability. These goals differ from that of PG&E which is incentivized to provide low cost gas on a near term (monthly) basis.

ABAG POWER stabilizes its gas prices by layering in longer term gas purchases, with the alternate objective of diversifying its gas purchase portfolio. The Program uses a continuous three-year ahead planning cycle to design its purchasing strategy. Market rates for natural gas have remained relatively low since the extreme highs during the summer of 2008. This retreat in prices is thought to be caused by a combination of the overall down-turn in the economy, as well as recent gas discoveries using new drilling techniques. Prices are expected to edge slowly higher in the near future.

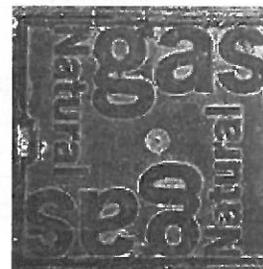
Price volatility remains a significant risk. There are many factors that can cause significant price volatility, including: abnormal weather patterns, increased demand from gas powered electric generators, restrictions in gas transportation capacity and/or imports, the price of oil,

regulatory actions, and political instability. In addition, an increased focus on environmental issues may cause regulatory actions that produce increased costs for using petroleum products, including natural gas.

ABAG POWER continues to follow regulatory actions that may affect both the natural gas and electrical energy markets.

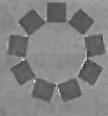
## In Fiscal Year 2012-13 ABAG POWER will:

- *Continue to provide cost effective natural gas aggregation and delivery services for local governmental agencies. This will include active solicitations among natural gas marketers, and the addition of new gas suppliers, as necessary, to continue receiving the most competitive pricing. The program will pursue longer-term fixed price gas products in order to stabilize program costs.*
- *The Program will look for additional ways of improving the customer service aspects of the program, in particular with respect to billing and analysis functions.*
- *Although ABAG POWER primarily supplies natural gas to smaller "core" customers, it also implements a "non-core" program to supply larger facilities.*



*Qualified, non-core customers can take advantage of lower gas transportation rates that are not available to PG&E customers. ABAG POWER currently*

POWER cont. on pg. 17



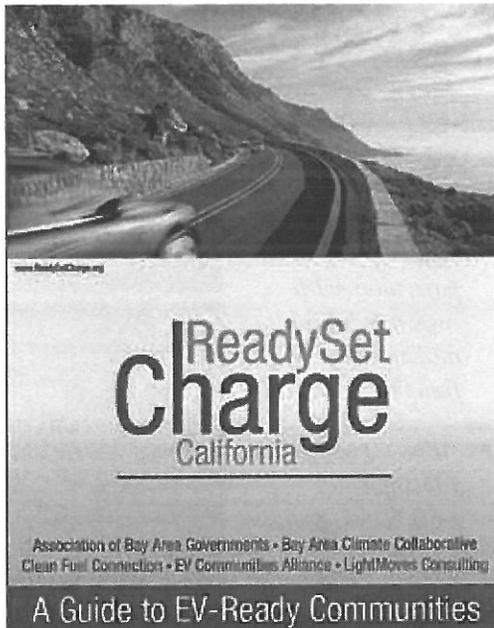
POWER cont. from pg. 16

*supplies gas to three non-core facilities (City of Santa Rosa, City of Watsonville, County of San Mateo). We will continue to encourage additional participants in both the core and non-core programs.*

## Other ABAG Energy/Sustainability Initiatives

Green Communities. In 2011, in partnership with PG&E, ABAG implemented two projects to assist local governments with their sustainability and energy efficiency efforts:

- GHG Inventory Assistance – ABAG provided resources to assist local governments to complete an inventory of their greenhouse gases resulting from municipal operations in accordance with the Local Government Operations Protocol (LGOP).



Ready Set Charge California Brochure

- Energy Use Benchmarking – ABAG provided training and on-going assistance to encourage local governments to benchmark their facilities in energy use intensity utilizing the on-line tool *Portfolio Manager* created by the US EPA.

Both of these programs are currently being updated to provide continued services in 2012.

Retrofit Bay Area (Energy Upgrade California). ABAG is the lead agency for an eight-county collaborative that seeks to increase the number of energy efficiency retrofits in residential homes in the Bay Area. This program is part of the larger, state-wide program *Energy Upgrade California*. This program will be completed in March 2012.

DOE Better Buildings Program. ABAG is a subcontractor to Los Angeles County as part of the state and national *Better Buildings Program* coordinated by the Department of Energy (DOE). Four Bay Area agencies (Alameda County, San Francisco, San Jose, Sonoma County) are implementing a variety of energy efficiency retrofit projects under this program. These projects will be evaluated for potential expansion to other areas of the country.

In addition, ABAG is seeking to develop customer friendly pathways to coordinate and synergize energy efficiency retrofits, renewable energy installations, incentives, and financing mechanisms.

Electric Vehicles (EV) – In the past year ABAG has taken significant steps toward promoting EVs in the Bay Area. ABAG is currently the lead on two EV grants:

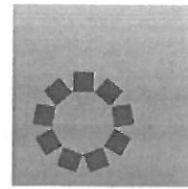
- EV Streamlining – Develop and disseminate guidelines for EV infrastructure deployment by local and regional agencies.
- EV Corridor – Installation of EV charging infrastructure. Provide EV drivers with the ability to travel across the region without “range anxiety.”

In addition, ABAG is a principal sponsor of the Bay Area EV Strategic Council which provides coordination with other Bay Area Regional Agencies, as well as regulatory bodies and private industry.



For further information, contact Jerry Lahr at 510-464-7908 or e-mail [JerryL@abag.ca.gov](mailto:JerryL@abag.ca.gov)

# ABAG PLAN CORPORATION



ABAG PLAN Corporation provides property, liability and crime coverage to 30 cities and towns in the greater Bay Area. ABAG PLAN has over \$47 million in assets and has returned over \$20 million in dividends to its members since inception. ABAG PLAN has afforded its members significant premium savings over time. The program has invested over \$5 million dollars in Loss Control and Safety programs in



Sewer Smart Summit Attendees 2011

the past three years. In addition, the SHARP (Shared Risk Pool) program provides affordable Workers Compensation coverage to its member cities.

The ongoing success of ABAG PLAN has enabled its members to improve their organization's financial performance and also improve the lives of those within their communities. By focusing on key areas of municipal exposure to loss and by placing emphasis on the cost/benefit of our Risk Management grant program(s), we have assisted members in hazard mitigation and in the implementation of loss control techniques to reduce losses in public playgrounds, parks, police operations and those related to sidewalks, sewers and trees.

In 2012, ABAG PLAN will continue to work with its members providing Risk Management and Loss Control consulting services, as well as superior Claims Administration services. Our goal is to provide high quality service to PLAN members which will allow them to effectively manage the complex risk they face as municipal enterprises.

Through ABAG PLAN, members have at their disposal a wide array of resources to assist them in maintaining or improving the health and safety of their citizens and employees. ABAG and its members are working together to share resources and best practices that will help members rise to meet the challenges they face.

## In Fiscal Year 2012-2013

### Insurance Programs will

- *Provide stable loss funding rates for the Liability Program.*
- *Provide stable premium and broad coverages for the Property Program.*
- *Continue to manage the ITC portfolio for pre 7-1-08 claims.*
- *Full implementation of an automated deductible billing process, including on line client access to our iVOS claims system.*
- *Improved MIS platform with enhanced reporting capabilities.*
- *Maximize recovery and subrogation opportunities to reduce "net" loss and save members significant claim dollars.*
- *Continue our ongoing claim file reviews for member cities.*

### Risk Management Program will

- *Provide a broad range of training focused on the unique needs of our members.*
- *Continue our award-winning Sewer Smart Summit program and expand to include Storm Water Management.*
- *Provide grants supporting Risk Management Best Practices and Loss Control programs.*
- *Work closely with members to ensure they have developed a Local Hazard Mitigation Plan and Business Continuity Plans for disaster (EQ) recovery. Encourage members to become a part of the Bay Area Regional Disaster Resilience Action Plan Initiative.*



For further information,  
contact Jim Hill at 510-464-7969 or e-mail  
JimH@abag.ca.gov



# ABAG FINANCIAL SERVICES

ABAG Financial Services (the Agency) has been providing conduit financing to various public and private organizations throughout the state of California since 1978. Its Programs provide convenient, cost saving, and secure means to meet the capital financing needs of public agencies and their nonprofit partners serving the public interest. To date, the Agency has provided over \$8 billion in low cost investment capital for projects in more than 240 local jurisdictions. The Agency helps its

Members to provide for construction of new hospitals and medical clinics, transit systems, affordable housing, schools, museums, water and wastewater systems, and other Member-owned infrastructure. The Agency takes special focus on assisting in the construction and preservation of affordable housing, providing financing, to date, for more than 11,330 units in nearly one-hundred affordable apartment communities.



Computer History Museum, Mountain View. The Agency has provided a series of major capital financing for the Museum to complete the renovation of its 119,000 square foot facility.

### In Fiscal Year 2012-2013 ABAG Financial Services will continue to offer:

- *Economical funding for developers of affordable multi-family housing, independent schools, hospitals, clinics, and other voluntary healthcare providers through the various programs of the ABAG Finance Authority.*
- *Tax-Exempt Lease financing through ABAG Credit Pooling and ABAG Leasing programs, providing the lowest available cost source for funding for both major lease secured projects and smaller capital equipment needs.*

- *Continue to offer comprehensive services to meet the land-secured and economic development financing needs of member agencies.*

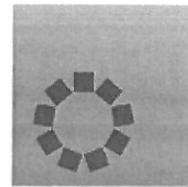
*The Agency will also continue to offer its industry leading tax-allocation bond product benefiting the Redevelopment Agencies of its Membership, and its pooled financing vehicle for Water and Wastewater Districts. Both of these financing pools provide easy access and low cost funding for the smaller borrowing needs of special districts in the Agency's member jurisdictions.*

### ABAG Finance Authority for Nonprofit Corporations

 A program created by  
Association of Bay Area Governments

For further information,  
contact Clarke Howatt at 510-464-7932  
or e-mail [ClarkeH@abag.ca.gov](mailto:ClarkeH@abag.ca.gov)

# ABAG TRAINING CENTER



The ABAG Training Center has been an ABAG service program since 1979, created to provide economical alternatives for local government employees to obtain professional development training. Today, our courses focus on safety training for field workers and first responders. The courses satisfy requirements of the Occupational Safety and Health Administration (OSHA) and the U.S. Department of Transportation (DOT). These courses reach students in the Bay Area and around the world through our web-based identity, [www.hazmatschool.com](http://www.hazmatschool.com).

The Training Center had a strong Fiscal Year 2011-12. We retained a number of large state and corporate clients, and revenues increased despite the continued slow economy. More than 7,000 students receive training through [hazmatschool.com](http://hazmatschool.com) each year. A number of technical upgrades position the program for the future.

## In Fiscal Year 2012-13 ABAG Training Center will:

- *Adapt and optimize our course offerings for mobile platforms.*
- *Emphasize the program's strengths to corporate and government clients.*
- *Strive as we grow to maintain personalized service and a worthwhile training experience for our members and clients.*

Students during Safety Training



Hazmat Training

Photo: Boone County, Kentucky  
Emergency Management

For further information,  
contact Brian Kirking at 510-464-7996  
or e-mail [BrianK@abag.ca.gov](mailto:BrianK@abag.ca.gov)



# FISCAL MANAGEMENT SERVICES

ABAG continues to offer fiscal management services to Bay Area public purpose entities and region-wide grant programs. In addition to ABAG itself, we provide financial services to ABAG PLAN Corporation, ABAG Comp Shared Risk Pool, ABAG Finance Authority for Nonprofit Corporations, ABAG Publicly Owned Energy Resources, and the San Francisco Bay Area Water Emergency Transit Authority. These services include accounting, financial reports, cash management, investments, debt issuance, grants management, and other related financial support services.

Over the last year, several grants furthering sustainability have been awarded requiring substantial fiscal oversight including grants for location and installation electric vehicle (EV) charging stations, and for the promotion and incentivizing the evaluation of energy

efficiency of homes and the installation of enhancements such as insulation, double-paned windows and solar panels. The complexity in managing the fiscal side of these projects, especially those under the American Recovery and Reinvestment Act of 2009 (ARRA federal grants), manifested itself with an ABAG record of six Single Audits. In spite of this increased scrutiny, the Federal government granting agencies and our external auditors have yet to find reportable adverse findings, continuing the trend of the last several years. This continuing clean record places ABAG and its related entities in a preferred position by demonstrating its capacity to manage large grants, thereby facilitating applications to obtain additional funding for ongoing energy transformation, land use sustainability planning, promotion of infrastructure for electric vehicles, and environmental programs.

The following diagram is a summary of significant entities currently receiving fiscal management services:

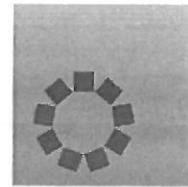
Agency	Type of Business	Assets (\$ millions) 6/30/11	Year Services Started
ABAG PLAN Corporation	General, property, public officials liability insurance	\$47.20	1986
ABAG Comp Shared Risk Pool	Workers comp insurance	\$3.70	1989
ABAG Finance Authority for Nonprofit Corporations	Conduit debt insurance for public entities	\$4.30	1990
ABAG Publicly Owned Energy Resources	Natural gas aggregation pool	\$4.20	1997
San Francisco Bay Area Water Emergency Transit Authority	Development of water transit	\$155.00	2000

## In Fiscal Year 2012-13

- *Review and update, in collaboration with Information Technology, business continuation and disaster recovery plans for ABAG services. After documenting the plans, will identify the necessary resources and implement the plans, including such items as off site operation sites, enabling staff to work from remote locations, and critical supply caches for special check stock and other items.*
- *Continue to provide error-free grants fiscal management services with the incorporation of best practices and additional automation tools to improve the timely and efficient provision of services.*

For further information,  
contact Herbert Pike at 510-464-7902  
or e-mail [HerbertP@abag.ca.gov](mailto:HerbertP@abag.ca.gov)

# LEGISLATIVE ACTIVITIES



The 2011 legislative priorities of ABAG's Legislation and Governmental Organization Committee (L&GO) focused on addressing the challenges of sustainability and environmentally healthy communities. This included a concerted pursuit of resources and incentives for a stable source of funding to support regional integrated planning. More than 34 state bills and two federal bills were reviewed and considered during the 2011 Legislative Session by the L&GO Committee, which is composed of elected officials from throughout the region. Napa County Supervisor Mark Luce served as L&GO chair with Novato Councilmember Carole Dillon Knutson as Vice Chair.

Fourteen of the bills tracked by ABAG became law and two were vetoed. The bills passed addressed the establishment of a statewide certified Green Business program, extended producer responsibility and disposal of latex paint, and the Oil Spill Preparedness Act. Bills on financing seismic safety improvements, community facilities district, community choice aggregation, and electric vehicle charging stations became law. New laws also addressed local development and housing element issues, the improvement of gun tracing, the prohibition of the open carrying of unloaded handguns, and local government bankruptcy mediation policies. Bills on commute benefit policies and expanding time limitations for filing against land use planning decisions were vetoed.

Legislation considered in 2011 reflected the full range of Committee legislative priorities: addressing local planning and redevelopment issues; clarifying sustainable communities strategies and relationship to transportation and land use planning; and support of hazard mitigation, disaster recovery resilience, and seismic safety retrofit. A number of these bills, in particular those addressing such issues as infrastructure financing, public goods charges, zoning regulations, water-delta issues, and CEQA streamlining, have become two-year bills to be handled during the 2012 session.

Committee activities throughout the year included policy briefings, a Sacramento legislative reception, and face-to-face work with legislators about Bay Area needs and challenges.

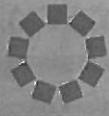
## In Fiscal Year 2012-13 the Legislation and Governmental Organization Committee will:

- *Pursue state and federal legislation addressing focused integrated land use and transportation planning, environmentally healthy communities, and implementation of sustainable community strategies planning.*
- *Work with legislators on developing a stable source of income for regional planning agencies that includes innovative financing and resources and incentives for planning, infrastructure, and services to assist local governments.*
- *Continue to closely monitor finance reform and the fiscal impacts of unfunded mandates on local government.*



Union City Mayor and then ABAG President Mark Green has a discussion with CALCOG Executive Director Bill Higgins during the ABAG Legislative Reception in January 2011.

For further information, contact  
Patricia Jones at 510-464-7933, e-mail [PatJ@abag.ca.gov](mailto:PatJ@abag.ca.gov),  
or Kathleen Cha at 510-464-7922, e-mail [KathleenC@abag.ca.gov](mailto:KathleenC@abag.ca.gov).



Regional outreach and engagement strategies related to sustainability and the integration of land use and transportation planning were a major focus of the Communications Department in 2011. These outreach strategies also involved raising the level of active participation by local governments and other stakeholders in ABAG planning initiatives and services. This included coordination of regional conferences, workshops, publications, media, and web outreach to provide a platform for discussion about sustainable growth and complete communities with the region's agencies, cities/towns and counties, and

urban stream restoration, and distinguished leadership. The four awardees included the City/County Association of San Mateo County, receiving a Sharing the Benefits Award for the Sub-RHNA process in San Mateo County. The City of Oakland/Housing Authority was given an Urban Design award for the innovative sustainable design of Tassafaronga Village. The County of Alameda/Flood Control and Water District was recognized with a Preserving and Protecting the Environment Award for the Castro Valley Creek Daylighting and Restoration Project. The Distinguished Leadership Award was presented



Panel Discussion during the ABAG Fall General Assembly. Left to Right: San Jose Councilmember Kansen Chu, San Carlos Councilmember and San Mateo City County Association of Governments (C/CAG) Chair Bob Grassilli, Emeryville Vice Mayor Jennifer West, Clayton Councilmember Julie Pierce, and Napa County Supervisor Mark Luce

community stakeholder groups. Job creation, housing options, transportation priorities, the economy and state budget challenges were critical topics.

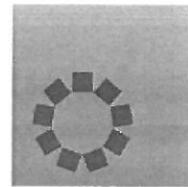
*ABAG's 50<sup>th</sup> Anniversary Spring General Assembly and Business Meeting* (April 14, 2011) focused on California's challenges in today's constrained economy and opportunities for regional solutions to local challenges. Featuring California State Librarian Emeritus Kevin Starr and Futurist Paul Saffo, the conference provided a platform to encourage new thinking about innovative ways to deal with existing economic and sustainability challenges. Free flowing discussions by Bay Area elected officials and community leaders marked the successful assembly.

ABAG's Fifth Annual Growing Smarter Together Awards were also presented at the Spring General Assembly, recognizing local governments' innovative planning and collaboration, green affordable housing design,

to Alameda County Supervisor Scott Haggerty, acknowledging his regional leadership and significant contributions to the Bay Area's quality of life.

The best practice efforts of these awardees were documented by the Communications Department in a special DVD on view at [www.abag.ca.gov/smarter.html](http://www.abag.ca.gov/smarter.html). This website section also features video highlights of past recipients, singled out for their achievements in planning and building transit-oriented development, revitalizing their communities, and promoting community partnerships while preserving and protecting the environment.

*"Greening Our Communities—Healthy People, Healthy Bay, Healthy Economy"* was the focus of the Fall General Assembly (October 13, 2011) held in San Francisco. This regional forum highlighted state, regional and community sustainability, examining a range of green principles related to land use and transportation planning, from green streets, stormwater



solutions, and flood control to coastal conservancy and the economics of sustainable infrastructure.

A number of visibility strategies were developed and implemented by the Communications Group to spotlight the significance of SCS PLAN Bay Area Workshops, symposia on “Being Sewer Smart,” the Estuary Partnership and the 10<sup>th</sup> Biennial State of the Bay, and the Bay Trail Project achievements. The Energy Upgrade Bay Area Information Call Center, Energy Benchmarking workshops, Sustainable Purchasing, Ready Set Charge Bay Area Electric Vehicle readiness were also critical outreach projects supported by the Communications group. Updates on ABAG initiatives and regional research were consistently provided at symposia and workshops and through publications such as *Service Matters* and *POWER Matters*. Media coverage included articles and TV and radio interviews on subjects such as hazard mitigation and long-term disaster recovery planning, energy efficiency and retrofit financing, green business and eco-purchasing, and local government land use choices in Board approved priority development and priority

conservation areas. Timely communications were disseminated through extensive online news alerts providing links to conference proceedings, best practice case studies, and presentation audio archives.

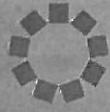
### In Fiscal Year 2012-13 the Communications Group will:

- *Continue partnerships with other regional agencies to implement outreach and public engagement strategies for developing the regional Sustainable Communities Strategy (SCS).*
- *Support a Speakers Bureau of local government officials and staff to promote ABAG programs and services and engage communities in developing the SCS.*
- *Facilitate increased ABAG visibility through region-wide media outreach about reducing the region's carbon footprint and greenhouse gas emissions, facilitating electric vehicle readiness, and creating a more disaster recovery resilient region.*



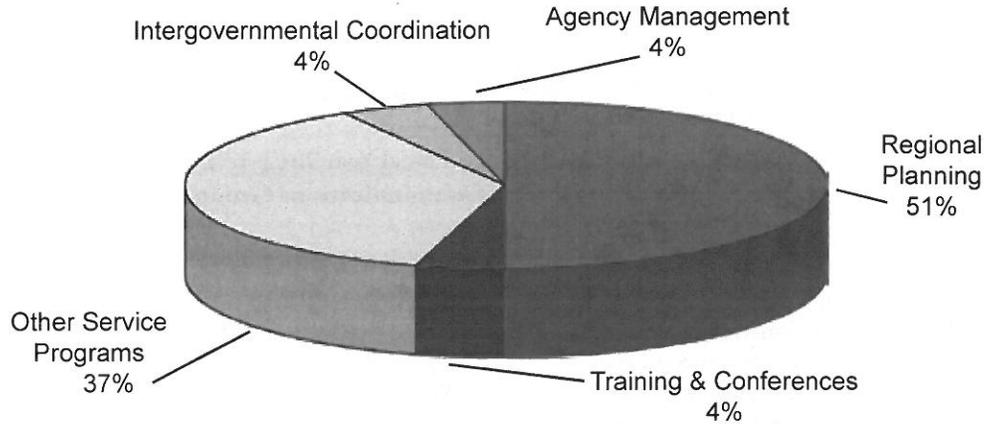
Fifth Annual *Growing Smarter Together* Awardees (L-R): Union City Mayor and then ABAG President Mark Green, C/CAG Executive Director Richard Napier, C/CAG Chair/Hillsborough Mayor Thomas Kasten, San Mateo County Housing and Community Development Director Duane Bay, San Mateo County Supervisor, Rose Jacobs Gibson, Oakland Mayor Jean Quan, Alameda County Supervisor Scott Haggerty, Marin County Supervisor and then ABAG Vice President Susan Adams, OHA Executive Director Eric Johnson, OHA Board of Commissioners Vice Chair Gregory Hartwig.

For further information, contact  
Patricia Jones at 510-464-7933, e-mail [PatJ@abag.ca.gov](mailto:PatJ@abag.ca.gov),  
or Kathleen Cha at 510-464-7922, e-mail [KathleenC@abag.ca.gov](mailto:KathleenC@abag.ca.gov).



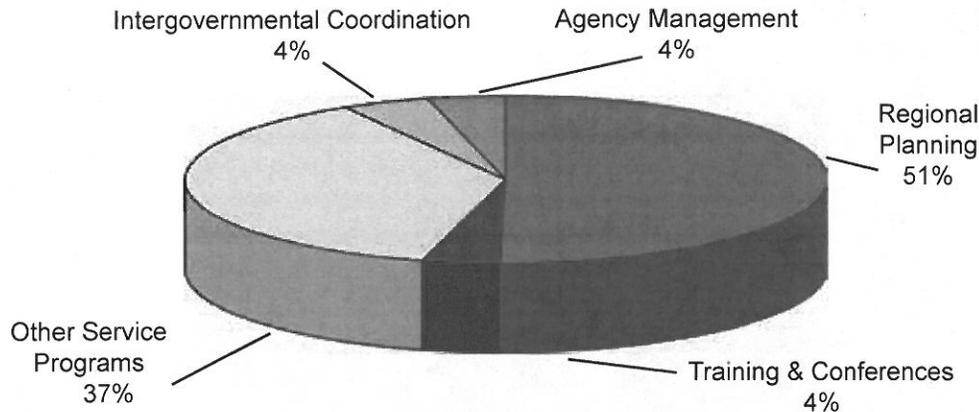
# SUMMARY OF REVENUES AND EXPENSES BY PROGRAM GROUP

For further information, contact Herbert Pike at 510-464-7902 or e-mail [HerbertP@abag.ca.gov](mailto:HerbertP@abag.ca.gov)



## Revenues by Program Group

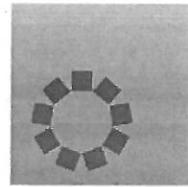
Regional Planning	10,531,200
Training & Conferences	895,000
Other Service Programs	7,866,436
Intergovernmental Coordination	935,000
Agency Management	807,225
<b>Total</b>	<b>21,034,861</b>



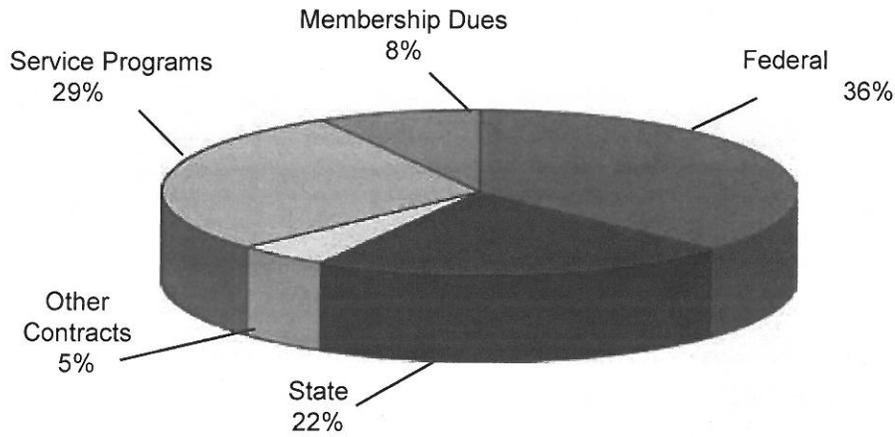
## Expenditures by Program Group

Regional Planning	10,531,200
Training & Conferences	850,000
Other Service Programs	7,861,436
Intergovernmental Coordination	935,000
Agency Management	807,225
<b>Total</b>	<b>20,984,861</b>

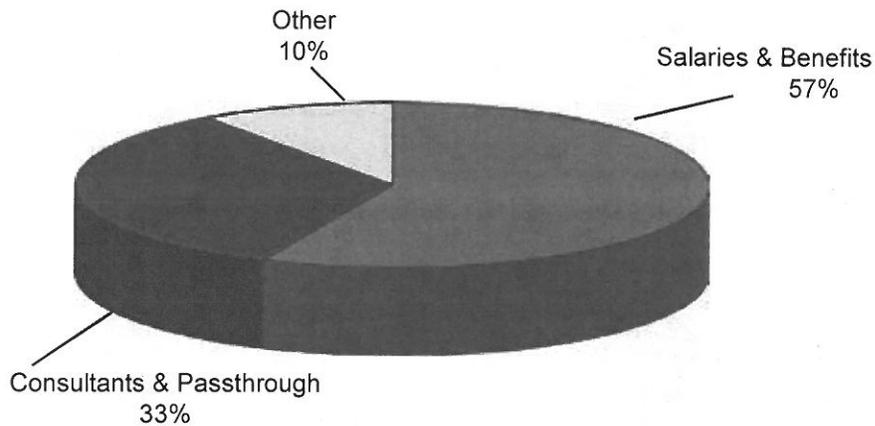
# SUMMARY OF REVENUES BY FUNDING SOURCE AND EXPENSES BY CATEGORY



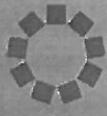
For further information, contact Herbert Pike at 510-464-7902 or e-mail [HerbertP@abag.ca.gov](mailto:HerbertP@abag.ca.gov)



Revenues by Funding Source	
Federal	7,750,000
State	4,525,000
Other Contracts	1,003,636
Service Programs	6,030,000
Membership Dues	1,726,225
<b>Total</b>	<b>21,034,861</b>



Expenses by Category	
Salaries & Benefits	11,901,861
Consultants & Passthrough	8,000,000
Other	1,083,000
<b>Total</b>	<b>20,984,861</b>



# PROPOSED OPERATING BUDGET

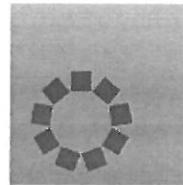
For further information, contact Herbert Pike at 510-464-7902 or e-mail [HerbertP@abag.ca.gov](mailto:HerbertP@abag.ca.gov)

## ABAG PROPOSED OPERATING BUDGET REVENUES AND EXPENSES

	FY 09-10 Actual	FY 10-11 Actual	FY 11-12 Adopted (April 2011)	FY 12-13 Proposed (Jan 2012)
<b>REVENUES</b>				
Federal	6,502,261	11,357,126	9,681,378	7,750,000
State	3,600,125	3,152,640	3,600,000	4,525,000
Other Contracts	1,031,648	1,238,774	1,083,475	1,003,636
Service Programs	5,513,902	5,297,196	5,999,000	6,030,000
Membership Dues	1,709,117	1,676,290	1,734,347	1,726,225
<b>TOTAL REVENUES</b>	<b>18,357,054</b>	<b>22,722,026</b>	<b>22,098,200</b>	<b>21,034,861</b>
<b>EXPENSES</b>				
Salaries and benefits	10,946,407	11,072,490	12,029,700	11,901,861
Consultant services	4,456,859	5,182,782	6,000,000	5,000,000
Passthrough	1,334,878	4,337,718	2,000,000	2,000,000
Equipment and supplies	178,844	221,651	240,000	240,000
Printing	112,420	101,087	150,000	125,000
Conference and meeting	289,806	348,050	300,000	350,000
Depreciation	117,064	181,666	210,500	190,000
Interest	62,138	58,772	72,000	65,000
Building maintenance	245,640	241,683	275,000	265,000
Utilities	49,340	89,241	80,000	95,000
Insurance	141,787	141,160	150,000	150,000
Postage	44,807	46,976	50,000	52,000
Telephone	64,312	56,390	66,000	66,000
Committee (per diem)	67,125	87,225	75,000	85,000
Other	277,547	446,785	400,000	400,000
<b>TOTAL EXPENSES</b>	<b>18,388,972</b>	<b>22,613,676</b>	<b>22,098,200</b>	<b>20,984,861</b>
<b>Net Surplus/(Deficit)</b>	<b>(31,918)</b>	<b>108,350</b>	<b>0</b>	<b>50,000</b>

# PROPOSED REVENUES BY FUNDING SOURCES

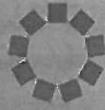
ABAG PROPOSED OPERATING BUDGET



For further information, contact Herbert Pike at 510-464-7902 or e-mail HerbertP@abag.ca.gov

REVENUES	FY 09-10 Actual	FY 10-11 Actual	FY 11-12 Adopted (Apr 2011)	FY 12-13 Proposed (Jan 2012)
<b>FEDERAL REVENUES</b>				
EPA - Environmental Programs	2,524,195	2,713,503	2,500,000	3,250,000
MTC--FTA	352,670	473,604	400,000	500,000
MTC--FHWA	1,763,431	1,172,255	1,500,000	1,650,000
MTC-STP Exchange	573,601	795,809	600,000	750,000
U.S. Geological Survey	54,166	168,931	50,000	50,000
U.S. Fish & Wildlife Services	1,543	19,007	0	0
(1) NOAA	19,710	28,674	0	0
(2) FEMA	47,464	0	50,000	50,000
(3) ARRA	738,039	5,610,727	4,581,378	0
New Energy Grants - Federal	0	0	0	1,500,000
U.S. Dept. of Interior	352,416	374,616	0	0
U.S. Dept. of Homeland Security	75,028	0	0	0
Subtotal	6,502,261	11,357,126	9,681,378	7,750,000
<b>STATE REVENUES</b>				
MTC - TDA	840,854	950,712	1,060,000	1,200,000
MTC - Bay Trail	250,681	250,040	175,000	200,000
Bay Trail RDP	0	503,617	0	250,000
CA Dept. of Fish & Game	0	3,806	0	0
Cal Trans	290,631	713,289	340,000	400,000
RWQCB	316,941	120,434	400,000	300,000
California Resources Agency	365,722	584,587	600,000	500,000
CA Business, Transp. Housing Agency	0	26,155	0	0
Proposition 84	1,515,491	0	1,000,000	650,000
New Energy Grants - State	0	0	0	1,000,000
DWR	19,805	0	25,000	25,000
Subtotal	3,600,125	3,152,640	3,600,000	4,525,000
<b>OTHER CONTRACTS</b>				
BALANCE Foundation	26,377	29,834	24,000	30,000
Haz Waste MOU Committee	96,828	111,462	111,650	120,000
MTC-JPC	82,648	61,140	72,000	0
BAAQMD-JPC	66,884	61,140	72,000	0
Santa Clara--SFEP	114,126	116,342	121,800	120,000
Fiscal Agent Services	78,912	74,833	100,000	116,436
Alameda County SFEP	121,905	125,166	137,025	130,000
Coastal Conservancy	67,879	0	80,000	70,000
Bay Area Ridge Trail Council	18,645	4,355	0	0
Admin. Civil Liability/Northbay Outreach	23,768	49,460	50,000	50,000
Rose Foundation-IPM	562	635	0	0
PG&E-Energy Efficiency	168,961	202,631	150,000	150,000
SFPUC - Estuary	112,614	120,563	120,000	120,000
SF Estuary Institute	11,394	0	0	0
Friends of the Estuary	40,146	9,020	35,000	36,000
San Francisco Foundation	0	75,000	0	0
Hewlett Foundation	0	50,000	0	0
Silicon Valley Community Foundation	0	3,708	0	0
Reformulated Gasoline Settlement Fund	0	142,585	0	50,000
STARS Deferred Comp Program	0	900	0	1,200
Other Local Match/FEMA grants	0	0	10,000	10,000
Subtotal	1,031,648	1,238,774	1,083,475	1,003,636
<b>SERVICE PROGRAMS</b>				
Data Center	72,230	76,300	75,000	75,000
Publications	2,464	21,867	3,000	20,000
Training	575,357	562,138	650,000	650,000
Financial Services	1,460,150	1,486,722	1,600,000	1,600,000
Workers' Compensation	91,316	93,562	107,000	110,000
ABAG PLAN Corp.	2,702,930	2,477,832	2,900,000	2,900,000
Bay Trail Nonprofit	8,190	33,775	9,000	10,000
Web Hosting	8,830	4,304	10,000	5,000
Power Purchasing Pool Fees	355,290	272,994	390,000	390,000
Conference Services	234,472	242,563	240,000	245,000
Other	2,674	25,139	15,000	25,000
Subtotal	5,513,902	5,297,196	5,999,000	6,030,000
<b>MEMBERSHIP DUES</b>				
ABAG Dues (local and cooperating)	1,709,117	1,676,290	1,734,347	1,726,225
Total Revenues	18,357,054	22,722,026	22,098,200	21,034,861

(1) NOAA - National Oceanic and Atmospheric Administration (2) FEMA - Federal Emergency Management Agency (3) ARRA - American Recovery and Reinvestment Act



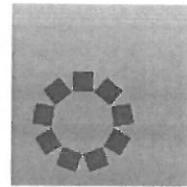
# PROPOSED REVENUES AND EXPENDITURES BY PROGRAM

For further information, contact Herbert Pike at 510-464-7902 or e-mail HerbertP@abag.ca.gov

EXPENSES BY PROGRAM AREA	REVENUE SOURCES						General Fund Equity
	Total Expenses	Federal Contracts	State Contracts	Other Contracts	Services Programs	Membership Dues	
<b>REGIONAL PLANNING</b>							
Planning & Research	3,782,523	2,453,466	1,329,057				3,782,523
Bay Trail	1,642,503	867,560	705,943		9,000	60,000	1,642,503
SF Estuary	4,777,174	2,643,974	1,490,000	583,200		60,000	4,777,174
Earthquake Mitigation	185,000	175,000		10,000			185,000
Haz Waste MOU Committee	120,000			120,000			120,000
Other Planning	24,000			24,000			24,000
Subtotal	10,531,200	6,140,000	3,525,000	737,200	9,000	120,000	10,531,200
<b>TRAINING &amp; CONFERENCES</b>							
Training Center	610,000				650,000		650,000
Conference Services	240,000				245,000		245,000
Subtotal	850,000	0	0	0	895,000	0	895,000
<b>OTHER SERVICE PROGRAMS</b>							
Web Hosting	4,000				5,000		5,000
Power Purchasing Pool	390,000				390,000		390,000
Energy Programs	2,650,000	1,500,000	1,000,000	150,000			2,650,000
Data Center/Publications	95,000				95,000		95,000
Financial Services	1,596,000				1,600,000		1,600,000
ABAG PLAN Corp.	2,900,000				2,900,000		2,900,000
Workers' Compensation	110,000				110,000		110,000
Fiscal Agent Services	116,436			116,436			116,436
Subtotal	7,861,436	1,500,000	1,000,000	266,436	5,100,000	0	7,866,436
<b>INTERGOV. COORDINATION</b>							
Communications Group	850,000	110,000				740,000	850,000
Legislation	85,000					85,000	85,000
Subtotal	935,000	110,000	0	0	0	825,000	935,000
<b>AGENCY MANAGEMENT</b>							
Subtotal	807,225				26,000	781,225	807,225
<b>Total</b>	20,984,861	7,750,000	4,525,000	1,003,636	6,030,000	1,726,225	21,034,861
							50,000

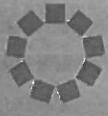
# PROPOSED ABAG MEMBERSHIP DUES

Assessments include increase in membership fee from \$654 for FY 10-11 to \$668 for FY 12-13 in accordance with CPI increase of 2.17 percent.



For further information, contact Herbert Pike at 510-464-7902 or e-mail [HerbertP@abag.ca.gov](mailto:HerbertP@abag.ca.gov)

JURISDICTION	Population 1/1/11	Approved FY 11-12 Dues	Proposed FY 12-13 Dues
<b>COUNTY OF ALAMEDA</b>	1,521,157	\$139,049	\$137,662
Alameda	74,081	\$13,444	\$13,514
Albany	18,622	\$3,593	\$3,953
Berkeley	114,046	\$18,377	\$19,455
Dublin	46,743	\$9,084	\$8,915
Emeryville	10,125	\$2,420	\$2,454
Fremont	215,711	\$30,131	\$30,587
Hayward	145,839	\$23,419	\$23,096
Livermore	81,687	\$15,064	\$14,785
Newark	42,764	\$8,317	\$8,213
Oakland	392,932	\$47,194	\$45,123
Piedmont	10,726	\$2,598	\$2,560
Pleasanton	70,643	\$12,676	\$12,939
San Leandro	85,490	\$14,716	\$15,421
Union City	69,850	\$13,386	\$12,807
<b>COUNTY OF CONTRA COSTA</b>	1,056,064	\$98,765	\$99,514
Antioch	103,054	\$17,728	\$18,196
Brentwood	52,029	\$9,695	\$9,828
Clayton	10,942	\$2,547	\$2,598
Concord	122,676	\$20,366	\$20,443
Danville	42,215	\$8,178	\$8,116
El Cerrito	23,648	\$4,740	\$4,840
Hercules	24,153	\$4,918	\$4,929
Lafayette	24,028	\$4,857	\$4,907
Martinez	35,958	\$6,985	\$7,012
Moraga	16,076	\$3,474	\$3,504
Oakley	35,997	\$6,809	\$7,019
Orinda	17,712	\$3,739	\$3,793
Pinole	18,460	\$4,030	\$3,925
Pittsburg	63,730	\$11,736	\$11,784
Pleasant Hill	33,279	\$6,498	\$6,539
Richmond	104,220	\$18,098	\$18,329
San Pablo	28,931	\$6,202	\$5,772
San Ramon	73,109	\$11,718	\$13,352
Walnut Creek	64,707	\$12,001	\$11,947
<b>COUNTY OF MARIN</b>	254,692	\$33,545	\$33,784
Belvedere	2,083	\$1,029	\$1,035
Corte Madera	9,322	\$2,349	\$2,313
Fairfax	7,497	\$1,947	\$1,991
Larkspur	12,014	\$2,795	\$2,788
Mill Valley	14,064	\$3,096	\$3,149
Novato	52,311	\$9,837	\$9,875
Ross	2,435	\$1,072	\$1,098
San Anselmo	12,426	\$2,854	\$2,860
San Rafael	58,136	\$10,731	\$10,849
Sausalito	7,116	\$1,965	\$1,923
Tiburon	9,031	\$2,208	\$2,261



# PROPOSED ABAG MEMBERSHIP DUES

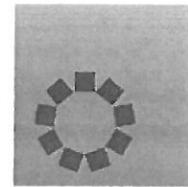
Assessments include increase in membership fee from \$654 for FY 10-11 to \$668 for FY 12-13 in accordance with CPI increase of 2.17 percent.

For further information, contact Herbert Pike at 510-464-7902 or e-mail [HerbertP@abag.ca.gov](mailto:HerbertP@abag.ca.gov)

JURISDICTION	Population 1/1/11	Approved FY 11-12 Dues	Proposed FY 12-13 Dues
<b>COUNTY OF NAPA</b>	137,639	\$21,829	\$22,157
American Canyon	19,693	\$3,561	\$4,142
Calistoga	5,188	\$1,581	\$1,583
Napa	77,464	\$13,997	\$14,080
St. Helena	5,849	\$1,691	\$1,700
Yountville	2,997	\$1,216	\$1,197
<b>COUNTY AND CITY OF SAN FRANCISCO</b>			
County	812,820	\$81,347	\$79,563
City	812,820	\$81,347	\$79,563
<b>COUNTY OF SAN MATEO</b>	724,702	\$73,174	\$72,335
Atherton	6,917	\$1,958	\$1,888
Belmont	26,031	\$5,231	\$5,261
Brisbane	4,328	\$1,343	\$1,432
Burlingame	29,009	\$5,720	\$5,786
Colma	1,805	\$936	\$986
Daly City	101,920	\$18,407	\$18,066
East Palo Alto	28,366	\$6,443	\$5,672
Foster City	30,790	\$5,958	\$6,100
Half Moon Bay	11,415	\$2,963	\$2,682
Hillsborough	10,927	\$2,646	\$2,596
Menlo Park	32,319	\$6,211	\$6,370
Millbrae	21,714	\$4,447	\$4,499
Pacifica	37,526	\$7,635	\$7,289
Portola Valley	4,391	\$1,470	\$1,443
Redwood City	77,712	\$13,961	\$14,121
San Bruno	41,842	\$8,302	\$8,050
San Carlos	28,615	\$5,688	\$5,716
San Mateo	97,966	\$17,064	\$17,506
S. San Francisco	64,067	\$11,884	\$11,840
Woodside	5,336	\$1,644	\$1,609
<b>COUNTY OF SANTA CLARA</b>	1,797,375	\$163,616	\$160,318
Campbell	39,664	\$7,709	\$7,666
Cupertino	58,474	\$10,340	\$10,906
Gilroy	49,391	\$9,619	\$9,382
Los Altos	29,176	\$5,638	\$5,815
Los Altos Hills	7,980	\$2,215	\$2,076
Los Gatos	29,651	\$5,972	\$5,899
Milpitas	67,476	\$12,813	\$12,410
Monte Sereno	3,364	\$1,287	\$1,261
Morgan Hill	38,609	\$7,603	\$7,480
Mountain View	74,723	\$13,506	\$13,621
Palo Alto	64,943	\$11,808	\$11,987
San Jose	958,789	\$94,753	\$91,536
Santa Clara	118,169	\$19,578	\$19,927
Saratoga	30,195	\$6,179	\$5,995
Sunnyvale	141,099	\$22,001	\$22,553

# PROPOSED ABAG MEMBERSHIP DUES

Assessments include increase in membership fee from \$654 for FY 10-11 to \$668 for FY 12-13 in accordance with CPI increase of 2.17 percent.



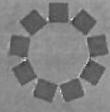
For further information, contact Herbert Pike at 510-464-7902 or e-mail [HerbertP@abag.ca.gov](mailto:HerbertP@abag.ca.gov)

JURISDICTION	Population 1/1/11	Approved FY 11-12 Dues	Proposed FY 12-13 Dues
<b>COUNTY OF SOLANO</b>	414,509	\$46,967	\$46,893
Benicia	27,118	\$5,503	\$5,452
Dixon	18,435	\$3,694	\$3,920
Fairfield	104,815	\$18,134	\$18,398
Rio Vista	7,433	\$2,091	\$1,979
Suisun City	28,212	\$5,653	\$5,645
Vacaville	93,011	\$17,026	\$16,678
Vallejo	116,508	\$19,870	\$19,737
<b>COUNTY OF SONOMA</b>	487,125	\$52,221	\$52,849
Cloverdale	8,665	\$2,145	\$2,197
Cotati	7,308	\$1,945	\$1,957
Healdsburg	11,475	\$2,714	\$2,692
Petaluma	58,319	\$10,662	\$10,880
Rohnert Park	41,194	\$8,148	\$7,936
Santa Rosa	168,856	\$24,577	\$25,732
Sebastopol	7,423	\$2,025	\$1,978
Sonoma	10,711	\$2,394	\$2,558
Windsor	26,936	\$5,308	\$5,420
<b>TOTALS</b>		<b>\$1,725,347</b>	<b>\$1,718,725</b>
<b>DUES PER CAPITA RATES</b>			
First 50,000		0.1726776	0.1764247
Next 50,000		0.1635893	0.1671392
Next 100,000		0.1120890	0.1145213
Remaining Population over 200,000		0.0802799	0.0820220

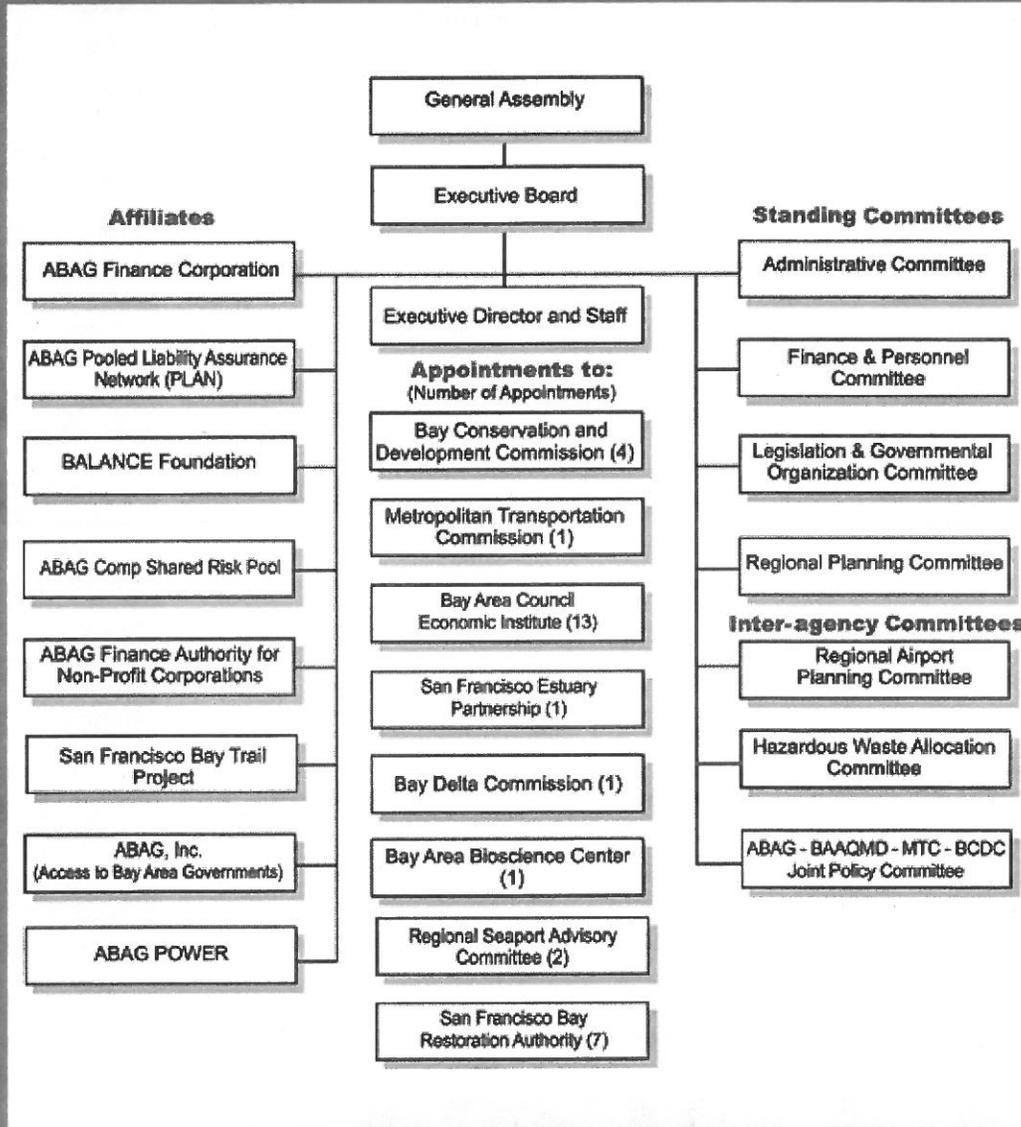
\* *Dues are down from the prior year because CA Department of Finance population projections were adjusted down 253,775 from the prior year in accordance with the 2010 decennial census.*



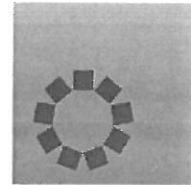
Officers at November 18, 2010 Executive Board Meeting. (L-R): Then ABAG President Mark Green, Secretary-Treasurer and ABAG Executive Director Ezra Rapport, and Legal Counsel Kenneth Moy



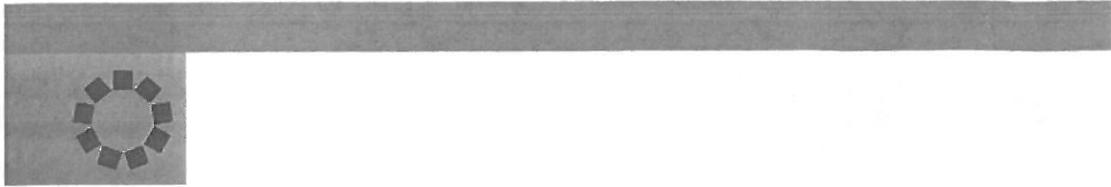
# ABAG ORGANIZATIONAL STRUCTURE



# ABAG AFFILIATED ENTITIES



Name	Year Started	Purpose	Assets (\$000's) 03/30/11	Revenues (\$000's) FY 10/11	No. of Members	Board of Directors	Legal Structure
ABAG Finance Corporation	1985	Serve as a lessor in debt financings for ABAG members and other jurisdictions.	52	1	N/A	ABAG F&PC	501(c)(4)
ABAG Pooled Liability Assurance Network Corporation (ABAG PLAN Corporation)	1988	Provide general liability, property and public officials' errors and omissions insurance coverage to member cities in the pool; also, provide loss prevention programs, claims administration, police training and other risk management services.	47,150	9,673	31	Separate	501(c)(4)
BALANCE Foundation (Bay Area Leaders Addressing the Challenge of the Economy and the Environment)	1987	Raise funds to study and provide a forum for regional issues. Serve as advocates for programs to promote economic development and protect the environment.	502	289	N/A	ABAG Pres. and one other director	501(c)(3)
ABAG Comp Shared Risk Pool (SHARP)	1988	Provides workers' compensation insurance coverage to member jurisdictions in the pool; provide claims administration services.	3,725	581	4	Separate	JPA
ABAG Finance Authority for Non-profit Corporations	1990	Serve as conduit issuer of debt financings for non-profit and other organizations.	4,277	1,951	71	Separate	JPA
San Francisco Bay Trail Project	1990	Develop and maintain regional Bay Trail around the San Francisco Bay.	89	33	N/A	Separate	501(c)(3)
ABAG, Inc. (Access to Bay Area Governments)	1994	Promote efficiency in governments by improving intergovernmental coordination and cooperation and citizen access through education, training and computer networks.	0	562	N/A	ABAG F&PC	501(c)(3)
ABAG POWER	1997	Purchase natural gas and electricity (electricity currently suspended) on behalf of local governments and special districts in Northern California.	4,165	7,558	36	Separate	JPA
San Francisco Bay Restoration Authority	2008	The San Francisco Bay Restoration Authority (Authority) is a new regional government agency charged with raising and allocating resources for the restoration, enhancement, protection, and enjoyment of wetlands and wildlife habitat in the San Francisco Bay and along its shoreline. The Authority was created by the California legislature in 2008 with the enactment of AB 2054 (Lieber).	0	125	7	ABAG	Regional Entity



### **ABAG Officers**

Supervisor, County of Napa  
**Mark Luce**  
President

Councilmember, City of Clayton  
**Julie Pierce**  
Vice President

Mayor, City of Union City  
**Mark Green**  
Immediate Past President

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### **ABAG Management**

Ezra Rapport  
Executive Director

Patricia M. Jones  
Assistant Executive Director

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### **Acknowledgements**

Graphic Design

Victoria Rutherford

Editorial Assistance

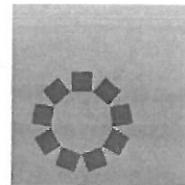
Kathleen Cha

Leah Zippert

Halimah Anderson

*Non-Credited Photos supplied by:*

*ABAG Photo Files • cliparttoday.com • MTC Photo Library*



## ABAG Mission Statement

*ABAG is committed to enhancing the quality of life in the San Francisco Bay Area by leading the region in advocacy, collaboration, and excellence in planning, research, and member services.*

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### Location

Joseph P. Bort MetroCenter  
101 Eighth Street, Oakland, CA 94607-4756



### Telephones

510-464-7900  
510-464-7970 (fax)

### Mailing Address

P.O. Box 2050  
Oakland, CA  
94604-2050

### Internet

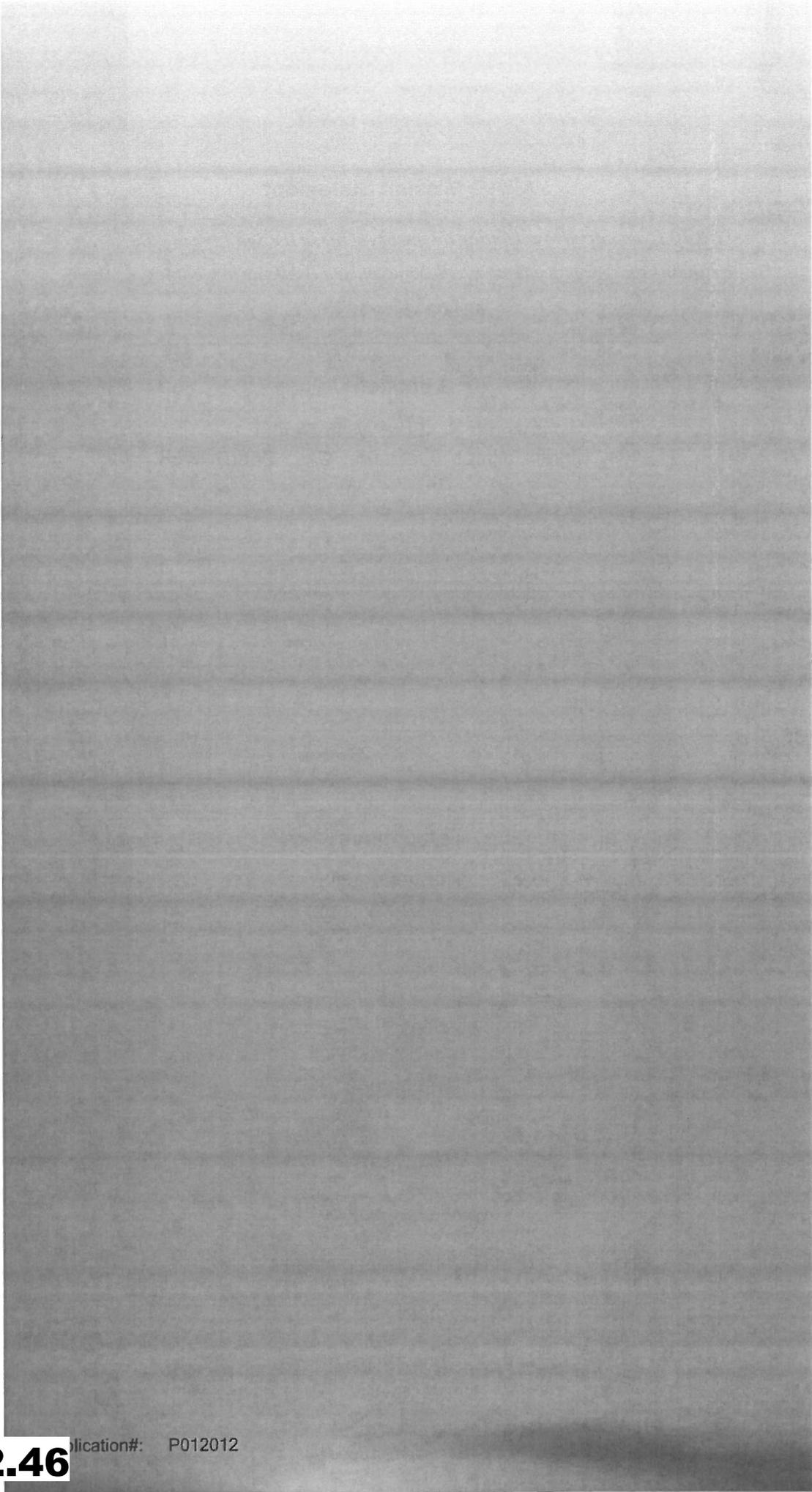
[www.abag.ca.gov](http://www.abag.ca.gov)

(Email:) [info@abag.ca.gov](mailto:info@abag.ca.gov)

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Association of Bay Area Governments



**VIII.D.2.46**

Application#: P012012

# SUMMARY MINUTES (DRAFT)

ABAG General Assembly  
Business Meeting, April 14, 2011  
Oakland Marriott City Center  
Oakland, CA

## 1. CALL TO ORDER

The meeting was called to order by President Mark Green at 12:15 p.m.

## 2. CONFIRMATION OF QUORUM

Kenneth Moy, Legal Counsel, and Fred Castro, Clerk of the Board, reported that quorum was present.

### County Delegates and Alternates Present

Supervisor Scott Haggerty  
Supervisor Federal Glover  
Supervisor Susan L. Adams  
Supervisor Mark Luce  
Supervisor Rose Jacobs Gibson  
Supervisor Ken Yeager  
Supervisor Barbara Kondylis  
Supervisor David Rabbitt

### Jurisdiction

County of Alameda  
County of Contra Costa  
County of Marin  
County of Napa  
County of San Mateo  
County of Santa Clara  
County of Solano  
County of Sonoma

### City/Town Delegates and Alternates Present

#### **City and County of San Francisco**

Governmental Affairs Director Kate Howard

### Jurisdiction

City and County of San Francisco

#### **County of Alameda**

Mayor Marie Gilmore  
Vice Mayor Marge Atkinson  
Councilmember Susan Wengraf  
Councilmember Eric Swalwell  
Mayor Nora Davis  
Councilmember Ana M. Apodaca  
Mayor Jean Quan  
Mayor Jennifer Hosterman  
Councilmember Michael Gregory  
Councilmember Emily Duncan

City of Alameda  
City of Albany  
City of Berkeley  
City of Dublin  
City of Emeryville  
City of Newark  
City of Oakland  
City of Pleasanton  
City of San Leandro  
City of Union City

#### **County of Contra Costa**

Councilmember Matha Parsons  
Councilmember Julie Pierce  
Vice Mayor Ron Leone  
Mayor Ann Cheng  
Councilmember Joanne Ward  
Vice Mayor Carol Federighi  
City Manager Phillip Vince  
Councilmember Amy Worth  
Councilmember Tim Banuelos

City of Antioch  
City of Clayton  
City of Concord  
City of El Cerrito  
City of Hercules  
City of Lafayette  
City of Martinez  
City of Orinda  
City of Pinole

Councilmember Jack Weir  
Councilmember Thomas K. Butt  
Councilmember Dave Hudson  
Councilmember Kristina Lawson  
Mayor Karen Mendonca

**County of Marin**

Councilmember Len Rifkind  
Councilmember Stephanie Moulton-Peters  
Councilmember Pat Eklund  
Vice Mayor Greg Brockbank  
Councilmember Carla Condon

**County of Napa**

Mayor Jack Gingles

**County of San Mateo**

Councilmember A. Sepi Richardson  
Vice Mayor Allan Alifano  
Councilmember Peter Ohtaki  
Councilmember Sue Digre  
Councilmember Barbara Pierce  
Councilmember Randy Royce  
Councilmember Robert Ross  
Councilmember Pedro Gonzalez  
Councilmember Joanne F. del Rosario  
Mayor Thomas M. Kasten

**County of Santa Clara**

Councilmember Orrin Mahoney  
Councilmember Peter Arellano  
Mayor Pro Tem Valorie Cook Carpenter  
Vice Mayor Susan Garner  
City Manager J. Edward Tewes  
Councilmember Ronit Bryant  
Councilmember Greg Schmid  
Councilmember Ash Kalra  
Councilmember Emily Lo  
Mayor Ginger Summit

**County of Solano**

Mayor Elizabeth Patterson  
Councilmember Dane Besneatte  
Councilmember Dilenna Harris  
City Manager Craig Whittom

**County of Sonoma**

Vice Mayor Susan Harvey  
Vice Mayor Jake Mackenzie  
Councilmember Susan Gorin

City of Pleasant Hill  
City of Richmond  
City of San Ramon  
City of Walnut Creek  
Town of Moraga

City of Larkspur  
City of Mill Valley  
City of Novato  
City of San Rafael  
Town of Corte Madera

City of Calistoga

City of Brisbane  
City of Half Moon Bay  
City of Menlo Park  
City of Pacifica  
City of Redwood City  
City of San Carlos  
City of San Mateo  
City of South San Francisco  
Town of Colma  
Town of Hillsborough

City of Cupertino  
City of Gilroy  
City of Los Altos  
City of Monte Sereno  
City of Morgan Hill  
City of Mountain View  
City of Palo Alto  
City of San Jose  
City of Saratoga  
Town of Los Altos Hills

City of Benicia  
City of Dixon  
City of Vacaville  
City of Vallejo

City of Cotati  
City of Rohnert Park  
City of Santa Rosa

**County Delegates and Absent**

To Be Appointed

**City/Town Delegates Absent**

**County of Alameda**

Vice Mayor Suzanne Lee Chan  
Mayor Pro Tem Francisco Zermeno  
Mayor Marshall H. Kamena  
City Administrator Geoffrey L. Grote

**County of Contra Costa**

Mayor Robert (Bob) Taylor  
Councilmember Bruce Connelly  
Mayor Salvatore Evola  
Mayor Paul V. Morris  
Councilmember Robert Storer

**County of Marin**

Vice Mayor Gerald Butler  
Vice Mayor Linda Pfeifer  
Councilmember David Weinsoff  
Mayor Christopher Martin  
To Be Appointed  
Vice Mayor Jim Fraser

**County of Napa**

Councilmember Belia R. Bennett  
Mayor Jill Techel  
To Be Appointed  
Mayor John F. Dunbar

**County of San Mateo**

Mayor Coralin Feierbach  
Councilmember Cathy Baylock  
Mayor Carol L. Klatt  
To Be Appointed  
Mayor Linda Koelling  
Councilmember Nadia V. Holober  
To Be Appointed  
Councilmember Elizabeth Lewis  
Mayor Edward C. (Ted) Driscoll  
Mayor Pro Tem David Tanner

**County of Santa Clara**

Vice Mayor Michael F. Kotowski  
Vice Mayor Pete McHugh  
Vice Mayor Patricia M. Mahan  
Councilmember Anthony (Tony) Spitaleri  
Vice Mayor Steve Rice

**County of Solano**

Mayor Harry T. Price  
Vice Mayor Jack Krebs

**Jurisdiction**

City and County of San Francisco

**Jurisdiction**

City of Fremont  
City of Hayward  
City of Livermore  
City of Piedmont

City of Brentwood  
City of Oakley  
City of Pittsburg  
City of San Pablo  
Town of Danville

City of Belvedere  
City of Sausalito  
Town of Fairfax  
Town of Ross  
Town of San Anselmo  
Town of Tiburon

City of American Canyon  
City of Napa  
City of St. Helena  
Town of Yountville

City of Belmont  
City of Burlingame  
City of Daly City  
City of East Palo Alto  
City of Foster City  
City of Millbrae  
City of San Bruno  
Town of Atherton  
Town of Portola Valley  
Town of Woodside

City of Campbell  
City of Milpitas  
City of Santa Clara  
City of Sunnyvale  
Town of Los Gatos

City of Fairfield  
City of Rio Vista

Councilmember Michael A. Segala

City of Suisun City

**County of Sonoma**

Mayor Gus Wolter

City of Cloverdale

Councilmember Jim Wood

City of Healdsburg

Mayor Pamela Torliatt

City of Petaluma

Mayor Guy Wilson

City of Sebastopol

Councilmember Steve Barbose

City of Sonoma

Councilmember Robin Goble

Town of Windsor

**3. PUBLIC COMMENT**

There were no public comments.

**4. APPROVAL OF SUMMARY MINUTES, April 22, 2010, General Assembly Business Meeting\***

President Green recognized a motion by Barbara Kondylis, Supervisor, County of Solano, and a second by Scott Haggerty, Supervisor, County of Alameda, to approve the minutes of the General Assembly Business Meeting of April 22, 2010. The county motion passed unanimously.

President Green recognized a motion by Julie Pierce, Councilmember, City of Clayton, and a second by Susan Gorin, Councilmember, City of Santa Rosa, to approve the minutes of the General Assembly Business Meeting of April 22, 2010. The cities motion passed unanimously.

**5. PRESIDENT'S REPORT**

President Green reported on activities over the previous year, including the following:

The ABAG 50<sup>th</sup> Anniversary Gala, combined with the Metropolitan Transportation Commission's 40<sup>th</sup> Anniversary, was held at the Claremont Hotel in Oakland in January.

The past Fall General Assembly was held in San Jose in October. The upcoming Fall General Assembly will be held in San Francisco.

The Administrative Committee held its retreat in Sonoma County in February.

President Green attended many of the Mayors Conferences meetings throughout the region in the past year, and expects to continue with such meetings in the next year.

**6. PROPOSED ANNUAL BUDGET AND WORK PLAN – Fiscal Year 2010-2011\***

President Green recognized Executive Director Ezra Rapport who presented a summary of the Annual Budget and Work Program for fiscal year 2011-2012, including member dues.

President Green recognized a motion by Susan L. Adams, Supervisor, County of Marin, and a second by Rose Jacobs Gibson, Supervisor, County of San Mateo, to

approve the Annual Budget and Work Plan for Fiscal Year 2011-2012, including member dues. The county motion passed unanimously.

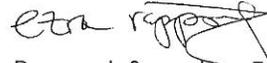
President Green recognized a motion by Sepi Richardson, Councilmember, City of Brisbane, and a second by Pat Eklund, Councilmember, City of Novato, to approve the Annual Budget and Work Plan for Fiscal Year 2011-2012, including member dues. The cities motion passed unanimously.

**7. ANNOUNCEMENTS**

There were no other announcements.

**8. ADJOURNMENT**

Meeting adjourned at about 12:25 PM.



Ezra Rapport, Secretary-Treasurer

\* Indicates attachments.



**AGENDA ITEM**  
**CITY COUNCIL MEETING: APRIL 17, 2012**  
**COUNCIL MEMBER COMMITTEE REPORTS**

**DATE** : April 4, 2012

**TO** : Council Member Campbell  
Council Member Strawbridge

**FROM** : Interim Finance Director

**SUBJECT** : **FINANCE COMMITTEE REPORT**

The following information is provided for your committee report at the April 17, 2012 Council meeting

The Finance Committee held a meeting on March 23, 2012. The draft minutes from that meeting are attached for your review. The next meeting will be held on Friday April 27, 2012 at 8:00 am. The agenda for the April 27, 2012 meeting is also attached.

Attachment:

- March 23, 2012 Finance Committee Meeting Draft Minutes
- April 27, 2012 Finance Committee Meeting Agenda



**FINANCE COMMITTEE**  
**\*\*DRAFT\*\* REGULAR MEETING MINUTES**  
**MARCH 23, 2012 - 8:00AM**

**1. Call to Order at 8:04 AM**

**2. Roll Call**

Attended by Chairperson Dennis Lowry; Committee Members: Chris Carvalho and Michael Clarke; Council Members Tom Campbell and Christina Strawbridge; City Treasurer Bob Langston; Absent: Vice Chairperson Lee Wines and Committee Member Larry Grossman. Staff present: Alyson Kauzer and Brad Kilger

**3. Notice to the Public**

Advised by Chairperson Lowry

**4. Approval of Agenda**

On motion of Committee Member Clarke, seconded by Committee Member Carvalho, the Committee approved the Agenda, as presented, on roll call by the following vote:

Ayes: Carvalho, Clarke, Lowry

Noes: (None)

**5. Approval of Minutes from the meeting held on February 24, 2012**

On motion of Committee Member Carvalho, seconded by Committee Member Clarke, the Committee approved the minutes of the February 24, 2012 meeting on roll call by the following vote:

Ayes: Carvalho, Clarke, Lowry

Noes: (None)

**6. Update on Status of Reformatting Monthly Financial Report**

Alyson Kauzer provided the Committee with information on the status of the financial software upgrade project and explained that a kick-off meeting with the software vendor and City staff would be held on April 5th. The new system will have excellent report writing programs. An additional advantage of the new system will be the ability of staff in each of the departments to access their financial information and generate financial reports.

**7. Update on Status of Updating Long Range Budget Model Projections**

Committee Member Clarke explained that he met with Bob Langston and Bill Zenoni on March 13<sup>th</sup> to discuss the Long Range Budget Model. At that meeting the group reviewed ten year historical revenue and expenditure information. This group, including Committee Member Larry Grossman, will review the assumptions for the next ten year period focusing on major revenue and expenditure categories. Bill Zenoni will develop preliminary assumptions for this subcommittee to review with the goal of presenting updated information to the Finance Committee at the April 27<sup>th</sup> meeting. Committee Member Clarke also explained that the subcommittee was currently focusing on the General Fund financial projections but once these projections are finalized the group will review projections for the City's enterprise funds. The Committee expressed interest in seeing the City obtain financial software which would assist with the strategic budgeting process.

#### **8. Review Financial Reports for the Month of February 2012**

The Committee reviewed the financial reports for the month of February. Chairperson Lowry stated that based upon his review it appeared that revenues were trending above last year and that expenditures were within the approved budget allocations. Chairperson Lowry commended staff for managing the budget well this fiscal year. Council Member Campbell requested information on the “transfer-out” line item. It was agreed that information would be provided at the next meeting.

#### **9. Review Warrant Register for Month of February 2012**

The Committee reviewed the warrant registers for the month of February. Chairperson Lowry encouraged the Committee to submit their questions to staff in advance of the meeting.

#### **10. Review Meeting Schedule**

The Committee reviewed the meeting schedule for the remaining months of the 2012 fiscal year. It was agreed that the meeting schedule, as presented, would be followed.

#### **11. Review Committee Work Plan**

Chairperson Lowry led a discussion reviewing the Committee’s FY 2011-12 work plan. The Committee reviewed a document which identified tasks to be completed and a tentative schedule for completion of those tasks. The Committee discussed the key projects to be completed during the coming months including the annual review of the Investment Policy, updating the Long Range Budget Model, review of a draft Debt Policy, review of staff recommended changes to the City’s Purchasing Policy and consideration of an Unfunded Liability Policy. Chairperson Lowry distributed a draft document which identified a number of financial policies which were either previously developed or which will be developed in the coming months. It was explained that staff is currently locating all existing policies which will be assembled into a comprehensive document and presented to the Finance Committee for review. Chairperson Lowry requested that each Committee Member think about potential projects to be worked on next fiscal year. The Finance Committee will develop its work plan for the 2012-13 fiscal year at the May meeting. This work plan will then be presented to the City Council for approval. Finally, the Committee expressed interest in receiving information on the financial status of the water and wastewater funds. Brad Kilger explained that financial studies of these two funds are currently underway and that the results of those studies would be presented to the Finance Committee as an information item.

#### **12. Public Comment**

Claire McFadden questioned possible means of funding improvements to the City’s streets and roads.

#### **13. Adjournment**

There being no further business, the meeting was adjourned at 9:40 AM.

*\*\*The FIN... helping to steady the course through challenging financial waters.\*\**

**FINANCE COMMITTEE  
REGULAR MEETING AGENDA  
COMMISSION ROOM  
APRIL 27, 2012 - 8:00AM**

- 1. Call to Order**
- 2. Roll Call**
- 3. Notice to the Public**

**ACTION ITEMS**

- 4. Approval of Agenda**
- 5. Approval of Minutes from the meeting held on March 23, 2012**

**DISCUSSION ITEMS**

- 6. Update on Status of Reformatting Monthly Financial Report**
- 7. Update on Status of Updating Long Range Budget Model Projections**
- 8. Review Financial Reports for the Month of March 2012**  
The Finance Committee reviews monthly financial reports.  
**Recommendation: Review Monthly Financial Report**
- 9. Review Warrant Register for Month of March 2012**  
A monthly audit of payments to vendors that supply services to the City of Benicia. Members of the Finance Committee review the warrant register and request that further information be provided by staff as necessary. It is encouraged that Committee Members submit their questions to the Finance Director prior to the meeting.  
**Recommendation: Review Warrant Register**
- 10. Review Draft Policies**
  - a. Debt Policy**
  - b. Investment Policy**
  - c. Funds Policy**
  - d. Purchasing Policy**
- 11. Public Comment**
- 12. Adjournment**

*\*\*The FIN... helping to steady the course through challenging financial waters.\*\**



**AGENDA ITEM**  
**CITY COUNCIL MEETING: APRIL 17, 2012**  
**COUNCIL MEMBER COMMITTEE REPORTS**

**DATE** : April 10, 2012

**TO** : Mayor Patterson  
Vice Mayor Campbell

**FROM** : City Manager

**SUBJECT** : **LEAGUE OF CALIFORNIA CITIES**

The following information is provided for your committee report at the April 17, 2012 City Council meeting.

The next North Bay Division meeting is scheduled for April 19, 2012 the agenda for that meeting is attached.

Attachment:

- League Meeting Announcement





# NORTH BAY DIVISION GENERAL MEMBERSHIP MEETING

*Hosted by the City of Healdsburg*

**Thursday, April 19<sup>th</sup> 2012**

Villa Chanticleer  
1248 North Fitch Mountain Road  
Healdsburg, California 95448

Welcome Reception 6:00 pm  
Keynote Speaker 6:30 pm  
Dinner Buffet and Business Meeting 7:00 pm

## **Keynote Speaker:**

**David Jones**  
**Advocate for the California Redevelopment Association**

## **“The Future of Local Economic Development”**

### *Passed Appetizers:*

Spicy Smoked Braised Pork with Boysenberry Preserves on a Won Ton Crisp,  
Mini BTA-Bacon, Tomato and Arugula with Aioli on toasted Ciabatta

### *Dinner Buffet to include:*

Herbed Pork Loin with Bacon Bourbon Shallot Sauce, Italian Marinated  
Chicken Breast, Roasted Fingerling Potatoes, Green Beans with Caramelized  
Shallots, Spring Mix Salad with Bread and Butter

### *Dessert*

Grand Marnier Brownies

- Cash Bar -

Please RSVP by Friday, March 30th to:  
Michelle Dahme at  
[mdahme@yville.com](mailto:mdahme@yville.com) or 707.944.8851

## **Please make checks payable to North Bay Division/LCC**

Pay at the door or mail check for \$40:

North Bay Division /LCC  
Accounting Dept.  
1400 K Street, Suite 400  
Sacramento, CA 95814

Questions? Please contact Nancy Hall Bennett, (415) 302-2032

## **NORTH BAY DIVISION MEMBER CITIES**

### **MARIN COUNTY**

BELVEDERE  
CORTE MADERA  
FAIRFAX  
LARKSPUR  
MILL VALLEY  
NOVATO  
ROSS  
SAN ANSELMO  
SAN RAFAEL  
SAUSALITO  
TIBURON

### **NAPA COUNTY**

AMERICAN CANYON  
CALISTOGA  
NAPA  
ST. HELENA  
YOUNTVILLE

### **SOLANO COUNTY**

BENICIA  
DIXON  
FAIRFIELD  
RIO VISTA  
SUISUN CITY  
VACAVILLE  
VALLEJO

### **SONOMA COUNTY**

COTATI  
HEALDSBURG  
ROHNERT PARK  
SANTA ROSA  
SEBASTOPOL  
SONOMA  
WINDSOR

## **OFFICERS**

### **PRESIDENT**

JOHN DUNBAR  
MAYOR - YOUNTVILLE

### **FIRST VICE PRESIDENT**

MADELINE KELLNER  
COUNCILMEMBER – NOVATO

### **SECOND VICE PRESIDENT**

KATHLEEN SHAFFER  
COUNCILMEMBER - SEBASTOPOL

### **PAST PRESIDENT**

CURTIS HUNT  
COUNCILMEMBER - VACAVILLE

### **DIVISION DIRECTOR**

ALICE FREDERICKS  
COUNCILMEMBER - TIBURON

## **STAFF**

NANCY HALL BENNETT  
REGIONAL PUBLIC AFFAIRS  
MANAGER



**AGENDA ITEM**  
**CITY COUNCIL MEETING: APRIL 17, 2012**  
**COUNCIL MEMBER COMMITTEE REPORTS**

**DATE** : April 10, 2012

**TO** : Council Member Strawbridge  
Council Member Hughes

**FROM** : City Manager

**SUBJECT** : **CITY COUNCIL/SCHOOL BOARD LIAISON COMMITTEE**

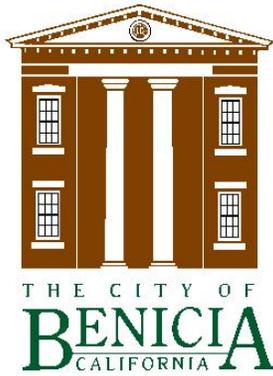
The following information is provided for your committee report at the April 17, 2012 City Council meeting.

This committee meets quarterly at the Benicia Community Center located at 370 East L Street. A meeting was held on April 5, 2012 and the agenda for that meeting is attached along with the minutes from January 12, 2012 meeting. The next meeting will be held on June 7, 2012 at 8:30 am. The agenda for that meeting is not currently available.

Attachments:

- ❑ January 12, 2012 Minutes
- ❑ April 5, 2012 Agenda





**BENICIA CITY COUNCIL/SCHOOL BOARD LIAISON COMMITTEE  
MINUTES**

**Benicia Community Center, Program Room 2**

January 12, 2012, 8:30-10:00am

- I. Call to Order and Pledge of Allegiance:** Brad Kilger, City Manager of the City of Benicia, called the meeting to order at 8:38 a.m.
- A. Present:**
- Brad Kilger – City Manager
  - Mark Hughes – City Council Member
  - Christina Strawbridge – City Council Member
  - Mike Dodson – Parks and Community Services Director
  - Rick Knight – Parks and Community Services
  - Andrew Bidou – Chief of Police
  - Will Patterson – SRO, Benicia High School
  - Janice Adams – Superintendent of Schools
  - Rosie Switzer – School Board Member
  - Ron Wheat – Benicia High School
- II. Reference to the Fundamental Rights of the Public and Public Comment**  
Kilger noted the fundamental rights of the public. There was no public comment.
- III. Consent Calendar**
- A. Approval of Minutes of the Regular Meeting September 15, 2011**  
On a motion by Wheat, seconded by Adams, the minutes were approved as submitted. Hughes & Strawbridge abstained.
- IV. Business Items**
- A. 2012 Meeting Dates**  
The committee set the following Thursday meeting dates for 2012:  
April 5, June 7, September 13, December 6  
Meetings will begin at 8:45 am and will remain at the Community Center.
- B. Upgrades to existing sports facilities**  
The committee discussed parent requests for improvements to the BHS sports complex, the brainstorming meeting with parents and sports organizations, community use of fields, the \$7 M estimated cost and funding options, the poor condition of BHS fields compared to other fields in the league, the pros and cons of synthetic field surfaces, safety issues, and the school district and the city working collaboratively.

## **Minutes**

### **Benicia City Council / School Board Liaison Committee**

The committee agreed to agendaize this item for future meetings to include an update on the progress of parent groups efforts, fundraising, and to discuss the project.

#### **C. BHS/City Joint Use Agreement**

The committee discussed the Joint Use Agreement relative to the new lease on the cell tower at the Middle School. Kilger advised the lease agreement required an amendment to the Joint Use Agreement as it is tied to the agreement with BUSD for City maintenance of the fields. He advised Council approved the amendment to the Joint Use Agreement and the cell tower lease agreement. The BUSD Board raised concerns at their November meeting as to health hazards of cell towers.

The Committee discussed past cell tower studies, lack of conclusive hazard evidence in multiple studies, the tower remaining regardless of the Board's vote, no lease payments to City and no maintenance of BUSD fields without lease approval, multiple studies by PG&E regarding EMFs, the request for approval by the BUSD Board at their January 19 meeting at which City staff will attend, the request for endorsement by this Committee, and the question of additional studies.

On a motion by Hughes, seconded by Strawbridge, the Committee unanimously voted in favor of moving forward with the modified agreement for lease of the cell tower at Benicia Middle School.

#### **D. Discussion regarding City funding support to BUSD.**

At the last Committee meeting, BUSD Board Member Dean asked that this item be agendaized for Committee discussion. The City provided a spreadsheet outlining funding support. Adams added that BUSD acknowledges and appreciates the support the City provides. Kilger acknowledged the City's partnership with the School District. The Committee discussed serving the same kids, and maintaining levels of support through creative means such as Phil Joy's scrap metal drive to fund crossing guards and the City's renegotiated garbage/recycling contract that greatly benefited the District.

#### **V. Future Agenda Items**

Kilger advised they would carry over the discussion on upgrading BHS sports facilities and hopes to not need to carry over the Joint Use Agreement.

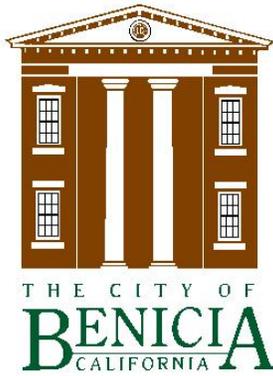
Wheat suggested and the Committee discussed agendaizing a discussion on campus security at the BHS and police dogs on campus.

Adams noted she appreciated working with the Library Director on a grant being written by BUSD staff and working with FRC on adult literacy training.

Jensen noted that Adams and Jane Ablee have been named Superintendent and Principal of the Year by the Association of California School Administrators.

#### **VI. Adjournment**

The meeting was adjourned at 9:43 a.m.



**BENICIA CITY COUNCIL/SCHOOL BOARD LIAISON COMMITTEE**

**AGENDA**

**Benicia Community Center, Program Room 1**

370 East L Street

April 5, 2012 8:30-10:00am

- I. Call to Order and Pledge of Allegiance**
  - A. Present:**
  
- II. Reference to the Fundamental Rights of the Public and Public Comment**
  
- III. Consent Calendar**
  - A. Approval of Minutes of the Regular Meeting January 12, 2012**
  
- IV. Business Items**
  - A. Report on BUSD Strategic Planning Workshop**

*The committee will discuss the Strategic Planning Workshop scheduled for Saturday, April 28.*
  
  - B. Report on Every 15 Minutes**

*The committee will discuss the joint effort underway to conduct the annual Every 15 Minutes event.*
  
  - C. Report on Benicia Community Sports Complex**

*The committee will discuss the status of discussions regarding parent requests for improvements to the BHS sports complex.*
  
  - D. Discussion of Proposed SolTrans Short Range Transportation Plan (SRTP)**

*The committee will discuss the draft SRTP and the impact of any proposed changes on student transportation.*
  
- V. Future Agenda Items**
  
- VI. Adjournment**

**BENICIA CITY COUNCIL/SCHOOL BOARD LIAISON COMMITTEE**

**AGENDA**

**Benicia Community Center, Program Room 1**

370 East L Street

**Public Participation**

The City Council/School Board Liaison Committee welcomes public participation.

Pursuant to the Brown Act, each public agency must provide the public with an opportunity to speak on any matter within the subject matter jurisdiction of the agency and which is not on the agency's agenda for that meeting. The City Council/School Board Liaison Committee allows speakers to speak on matters under public comment. Comments are limited to no more than 5 minutes per speaker. By law, no action may be taken on any item raised during the public comment period although informational answers to questions may be given and matters may be referred to staff for placement on a future agenda of the City Council/School Board Liaison Committee.

Should you have material you wish to enter into the record, please submit it to the City Manager.

**Disabled Access**

In compliance with the Americans with Disabilities Act (ADA), if you need special assistance to participate in this meeting, please contact Anne Cardwell, the ADA Coordinator, at (707) 746-4200. Notification 48 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting.

**Meeting Procedures**

All items listed on this agenda are for City Council/School Board Liaison Committee discussion and/or action. In accordance with the Brown Act, each item is listed and includes, where appropriate, further description of the item and/or a recommended action. The posting of a recommended action does not limit, or necessarily indicate, what action may be taken by the City Council/School Board Liaison Committee.

**AGENDA ITEM**  
**CITY COUNCIL MEETING: APRIL 17, 2012**  
**COUNCIL MEMBER COMMITTEE REPORTS**

**DATE** : April 10, 2012

**TO** : Vice Mayor Campbell  
Council Member Schwartzman

**FROM** : City Manager

**SUBJECT** : **SKY VALLEY OPEN SPACE COMMITTEE**

The following information is provided for your committee report at the April 17, 2012 Council meeting.

The Sky Valley Open Space Committee meets quarterly. The first meeting of 2012 (Feb 1) was cancelled due to a lack of agenda items.

The next scheduled meeting is set to take place on May 2, 2012.

Thereafter, meetings for the remainder of the calendar year are scheduled on:

- Wednesday, August 1, 2012
- Wednesday, November 7, 2012



**AGENDA ITEM  
CITY COUNCIL MEETING: APRIL 17, 2012  
COUNCIL MEMBER COMMITTEE REPORTS**

**DATE** : April 4, 2012

**TO** : Mayor Patterson  
Council Member Strawbridge

**FROM** : City Manager

**SUBJECT** : **SOLANO EDC BOARD OF DIRECTORS**

The following information is provided for your committee report at the April 17, 2012 Council meeting.

The last Board of Directors meeting was held on Wednesday, March 21, 2011. The agenda is attached. The minutes are not yet available.

The next Board of Directors meeting is scheduled for Wednesday, May 16, 2012 at 9:00 am at Jelly Belly Candy Company. The agenda for that meeting is not yet available.

Attachment:

- March 21, 2012 Meeting Agenda





Solano EDC  
Board of Directors Meeting  
Wednesday, March 21, 2012  
Jelly Belly Candy Company (Corporate Offices)

AGENDA

9:00 am	1.	Call to Order	Scott Reynolds, Chair
Action Item	2.	Approval of 01/18/12 Meeting Minutes	
Action Item	3.	Treasurer's Report – February 2012	Laura Kuhn
	4.	Advocacy Committee Update	Steve Huddleston
	5.	Highway 12 Project Update	Dale Pfeiffer
	6.	Retention Program	Curt Johnston
	7.	President's Report	Sandy Person
	8.	Items from Directors	
10:00 am	9.	Adjourn Meeting	

Calendar of Events

- ◆ March 29, 2012 Solano EDC Breakfast Highway 12 Corridor Economic Impact  
8:00 am at Hilton Garden Inn Fairfield
- ◆ 2012 Board of Directors Meeting Schedule:
  - May 16
  - July 18
  - September 19
  - November 21



**AGENDA ITEM  
CITY COUNCIL MEETING: APRIL 17, 2012  
COUNCIL MEMBER COMMITTEE REPORTS**

**DATE** : April 10, 2012

**TO** : Mayor Patterson  
Council Member Schwartzman

**FROM** : Director of Public Works and Community Development

**SUBJECT** : **SOLANO TRANSPORTATION AUTHORITY**

The following information is provided for your committee report at the April 17, 2012 City Council meeting.

STA Board meetings are held in the Suisun City Hall Council Chambers. The STA Board meeting minutes from the January 11, 2012 meeting and the agenda for the March 14, 2012 and April 11, 2012 meeting are also attached.

The next meeting is scheduled for May 9, 2012 at Suisun City Hall and the agenda is for that meeting is not currently available.

Attachments:

- ❑ January 11, 2012 Minutes
- ❑ March 14, 2012 Agenda
- ❑ April 11, 2012 Agenda





**SOLANO TRANSPORTATION AUTHORITY**  
**Board Minutes for Meeting of**  
**January 11, 2012**

**I. CALL TO ORDER**

Chair Price called the regular meeting to order at 6:00 p.m. A quorum was confirmed.

**MEMBERS**

**PRESENT:**

Harry Price, Chair	City of Fairfield
Jack Batchelor, Vice Chair	City of Dixon
Elizabeth Patterson	City of Benicia
Jan Vick	City of Rio Vista
Pete Sanchez	City of Suisun City
Steve Hardy	City of Vacaville
Osby Davis	City of Vallejo

*Arrived the meeting  
at 6:04 p.m.*

**STAFF**

**PRESENT:**

Daryl K. Halls	Executive Director
Bernadette Curry	Legal Counsel
Janet Adams	Deputy Executive Director and Director of Projects
Robert Macaulay	Director of Planning
Johanna Masiclat	Clerk of the Board
Susan Furtado	Accountant and Administrative Services Manager
Jayne Bauer	Marketing and Legislative Program Manager
Liz Niedziela	Transit Manager
Judy Leaks	Program Manager
Sara Woo	Associate Planner

**ALSO**

**PRESENT:**

***In Alphabetical Order by Last Name:***

George Gwynn, Jr.	Member of the Public
Mike Hudson	City of Suisun City's Vice-Mayor and STA Alternate Board Member
Dan Kasperson	City of Suisun City
Gus Khouri	Shaw/Yoder, Inc.
Wayne Lewis	City of Fairfield

Brian McLean	Vacaville City Coach
Rod Moresco	City of Vacaville
Mike Roberts	City of Benicia
Alan Schwartzman	City of Benicia Council Member and STA Alternate Board Member
Matt Tuggle	County of Solano

## II. SWEARING IN OF NEW STA BOARD ALTERNATE MEMBER

- **Alan Schwartzman**  
Alternate Board Member Representing the City of Benicia

## III. CONFIRM QUORUM/STATEMENT OF CONFLICT

A quorum was confirmed by the Clerk of the Board. There was no Statement of Conflict declared at this time.

## IV. APPROVAL OF AGENDA

On a motion by Vice Chair Batchelor, and a second by Board Member Sanchez, the STA Board approved the agenda.

## V. OPPORTUNITY FOR PUBLIC COMMENT

George Gwynn, Jr., City of Suisun City Resident, commented on meals for Board Members and salary increases for the Executive Director.

## VI. EXECUTIVE DIRECTOR'S REPORT

Daryl Halls provided an update on the following topics:

- Board Selection of 2012 Chair and Vice-Chair
- Update of Solano Countywide Pedestrian Plan Ready for Adoption
- Mid-Year Budget Revision
- Amendment to STA's 2012 Legislative Priorities and Platform
- Update to List of Fiscally Constrained Priority Projects for Regional Transportation Plan
- Solano EDC Begins Work on Economic Analysis of SR 12 Corridor
- STA Re-engages All Seven Safe Routes to School Committees

## VII. COMMENTS FROM METROPOLITAN TRANSPORTATION COMMISSION (MTC), CALTRANS, AND STAFF:

### A. MTC Report:

MTC Commissioner and Board Member Spring reported that the I-80/I-680/SR 12 Interchange Project in Solano County would be able to meet the allocation deadline set by California Transportation Commission (CTC) if the funding is swapped.

### B. Caltrans Report:

None presented.

### C. STA Reports:

1. **State Legislative Update** provided by Shaw/Yoder's Gus Khouri
2. **STA's Year-End Report – Highlights for 2011** presented by Chair Price
3. **Directors Report:**
  - a. **Planning**
  - b. **Projects**
  - c. **Transit/Rideshare**

## VIII. CONSENT CALENDAR

On a motion by Board Member Patterson, and a second by Board Member Hardy, the STA Board approved Consent Calendar Items A through M.

- A. Minutes of the STA Board Meeting of December 14, 2011**  
Recommendation:  
Approve STA Board Meeting Minutes of December 14, 2011.
- B. Draft Minutes of the TAC Meeting of December 21, 2011**  
Recommendation:  
Approve Draft TAC Meeting Minutes of December 21, 2011.
- C. SolanoExpress Intercity Transit Consortium 2012 Work Plan**  
Recommendation:  
Approve the SolanoExpress Intercity Transit Consortium 2012 Work Plan as shown on Attachment A.
- D. Solano Coordinated Short Range Transit Plan (SRTP)**  
Recommendation:  
Approve the following:  
  1. The scope of work for the Solano Coordinated SRTP as shown in Attachments A, B, and C; and
  2. The allocation of \$150,000 of STAF to fund an updated Transit Ridership Survey.
- E. State Safe Routes to School (SR2S) Grant Opportunity for City of Dixon's West B Street Undercrossing**  
Recommendation:  
Approve the following:  
  1. Approve the West B Street Undercrossing in Dixon as the STA's Countywide SR2S priority project; and
  2. Authorize the Solano Transportation Authority to apply for the state SR2S grant, to be released in December 2011.
- F. Request for Qualifications (RFQ) for Solano Yolo BikeLinks Map Update**  
Recommendation:  
Approve the following:  
  1. Local preference goal of 10% for the Solano Yolo BikeLinks Map Update;
  2. Authorize the release of the RFQ as shown in Attachment A for the Solano Yolo BikeLinks Map Update; and
  3. Authorize the Executive Director to enter into a contract for the Solano Yolo BikeLinks Map Update for an amount not-to-exceed \$17,000.
- G. Resolution Authorizing Contribution to the California Public Employees Retirement System (CalPERS)**  
Recommendation:  
Approve Resolution 2012-01- Authorizing Tax Defer Member Paid Contribution to the CalP
- H. Amendment to Solano's Fiscally Constrained Regional Transportation Plan (RTP) Project List Submit to the Metropolitan Transportation Commission (MTC)**  
Recommendation:  
Authorize the Executive Director to transmit the modified STA's Fiscally Constrained RTP project list to MTC including the addition of local transit vehicle repl

**IX. ACTION – FINANCIAL ITEMS**

**A. Fiscal Year (FY) 2011-12 Mid-Year Budget Revision**

Susan Furtado presented the revised budget revision for FY 2011-12. She noted that the mid-year budget is at \$27.76 million incorporating the budget for accommodating the Solano County Transit JPA’s request for STA to serve as the “Employer of Record” for their staff during its initial transitional phase as well as changes to schedules for project and planning activities.

**Public Comments:**

None presented.

**Board Comments**

None presented.

Recommendation:

Adopt the STA’s FY 2011-12 Mid-Year Budget Revision as shown in Attachment A.

On a motion by Board Member Spring, and a second by Board Member Vick, the STA Board unanimously approved the recommendation.

**B. SolTrans Transition Cost Facilitation**

Liz Niedziela reported that MTC staff has agreed to a request from the STA and SolTrans and proposed to provide a partial assistance to meet SolTrans in one time transition and start-up expenses. She added that to continue further discussions with MTC and SolTrans, STA is requesting Board authorization to facilitate the one time transitional costs for SolTrans with total targeted amount of \$2.4 million.

Daryl Halls added that the STA has not yet completed the negotiations with MTC staff however, staff is seeking direction from the STA Board to begin dialogue with MTC to facilitate fund swaps with STAF money and replace with capital money from the region.

**Public Comments:**

None presented

**Board Comments**

Board Member Patterson expressed her appreciation to STA and SolTrans staff for their continued support in the consolidation process of the transit service.

Recommendation:

Approve the Executive Director to facilitate with MTC and SolTrans the one-time transitional cost and budget expenses for the start-up of SolTrans.

On a motion by Board Member Spring, and a second by Board Member Patterson, the STA Board unanimously approved the recommendation.

## X. ACTION NON-FINANCIAL ITEMS

### A. STA's 2012 Amended Legislative Priorities and Platform

Jayne Bauer reviewed the Board's direction to develop draft policy language pursuant to federal or state resource agencies that put federal or state funding with statutory timelines at risk by not adhering to their required deadlines for review and rendering decisions on environmental documents. She reviewed the draft language prepared by staff which she recommended for approval.

#### Public Comments:

George Gwynn, Jr. commented on sustainable living and the public's restrictions to use High Occupancy Vehicle (HOV).

#### Board Comments

At the request of Board Member Patterson, the STA Board approved to add bullet #23 under section VII. Funding of the 2012 STA Legislative Priorities and Platform:

*23. Support efforts to fund development of complete streets.*

#### Recommendation:

Approve the STA's 2012 Legislative Priorities and Platform as specified in Attachment A.

By consensus, the STA Board approved the recommendation to include Board Member Patterson's request to add bullet #23 under section VII (Funding) of the 2012 STA Legislative Priorities and Platform as shown above in *bold italics*.

### B. Solano Countywide Pedestrian Transportation Plan

Sara Woo presented the Solano Countywide Pedestrian Transportation Plan. She noted that the Plan contains a list of priorities for implementation to help guide future funding decisions and identify near term priorities for implementation.

At the request of Board Member Patterson and in concurrence by the STA Board, additional changes to the Solano Countywide Pedestrian Transportation Plan will be made as follows:

#### *Page 40, Recently Completed Pedestrian Projects*

- #3, *Correct to Park Road (Adams to Oak) Bike lane improvements and "construct Class II bike facility" and the status is: construction completed;*

#### *Page 41, Table 3-4B Proposed Pedestrian Projects List*

- #3, *Replace project title with Benicia Industrial Park Intermodal facility.*
- #12 and #15, *Delete*

#### *Page 55, City of Benicia Pedestrian Projects*

- *Replace #3 with Wayfinding Bike/Pedestrian Bridge to Bridge.*
- *Under the "Downtown" section, full paragraph 4th line from bottom, insert Benicia Community Center.*

***Page 56, Pedestrian Projects***

- *Fifth line, delete "is in development of preliminary engineering and funding strategy for . . ." and replace with "design is nearly complete for the sidewalk project. Regarding the city conducting environmental and transit studies in the bottom third of the paragraph, I believe that is SolTrans.*

***Page 60, Benicia Pedestrian Destinations (Pedestrian Zones/Destinations)***

- *Delete Mills Elementary School Downtown and replace with Benicia Community Center and Downtown.*

**Public Comments:**

None presented.

**Board Comments**

Board Member Patterson thanked and commended STA staff for their excellent work in the production of the Solano Countywide Pedestrian Transportation Plan.

Recommendation:

Approve the Solano Countywide Pedestrian Transportation Plan as shown in Attachment B.

On a motion by Board Member Sanchez, and a second by Board Member Patterson, the STA Board unanimously approved the recommendation to include the modifications requested by Board Member Patterson as listed shown above in ***bold italics***.

**C. Selection of 2012 STA Chair and Vice Chair**

Bernadette Curry, STA Legal Counsel, commented that consistent with STA's Joint Powers Authority (JPA), the STA Board selects its Board Chair and Vice-Chair for 2012. Following the selection, the newly appointed Board Chair will be asked to designate members of the Board to serve on the 2012 Executive Committee.

Recommendation:

Approve the following:

1. Selection of the STA Chair for 2012 commencing with the STA Board Meeting of March 14, 2012;
2. Selection of the STA Vice-Chair for 2012 commencing with the STA Board Meeting of March 14, 2012; and
3. Request the new Chair designate the STA Executive Committee for 2012.

On a motion by Board Member Patterson, and Board Member Spring, the STA Board unanimously approved the selection of Jack Batchelor (City of Dixon) as Chair.

On a motion by Board Member Spring, and Board Member Patterson, the STA Board unanimously approved the selection of Steve Hardy (City of Vacaville) as Vice-Chair.

STA's new Chair Batchelor designated the STA Executive Committee for 2012 as:

- Vice Chair Steve Hardy (City of Vacaville)
- Board Member Harry Price (City of Fairfield)
- Board Member Jim Spring (County of Solano)

**XI. INFORMATIONAL – NO DISCUSSION**

- A. Regional Transportation Plan (RTP) / Sustainable Community Strategy (SCS) Update**
- B. Safe Routes to School (SR2S) Program Update**
- C. Local Project Delivery Update**
- D. Funding Opportunities Summary**
- E. STA Board and Advisory Committee Meeting Schedule for Calendar Year 2012**

**XII. BOARD MEMBER COMMENTS**

**XIII. ADJOURNMENT**

The meeting was adjourned at 7:10 p.m.

Due to the 4'Cs Summit scheduled on February 8, 2012, the next regular meeting of the STA Board is scheduled at 6:00 p.m., Wednesday, March 14, 2012, Suisun City Hall Council Chambers.

**Attested by:**

  
\_\_\_\_\_/\_\_\_\_\_2012  
**Johanna Masiclat**                      **Date**  
**Clerk of the Board**





**STA BOARD MEETING AGENDA**

**6:00 p.m., Regular Meeting  
 Wednesday, March 14, 2012  
 Suisun City Hall Council Chambers  
 701 Civic Center Drive  
 Suisun City, CA 94585**

**Mission Statement:** To improve the quality of life in Solano County by delivering transportation system projects to ensure mobility, travel safety, and economic vitality.

**Public Comment:** Pursuant to the Brown Act, the public has an opportunity to speak on any matter on the agenda or, for matters not on the agenda, issues within the subject matter jurisdiction of the agency. Comments are limited to no more than 2 minutes per speaker unless modified by the Board Chair, Gov't Code § 54954.3(a). By law, no action may be taken on any item raised during the public comment period (Agenda Item IV) although informational answers to questions may be given and matters may be referred to staff for placement on a future agenda of the agency. **Speaker cards are required in order to provide public comment. Speaker cards are on the table at the entry in the meeting room and should be handed to the STA Clerk of the Board. Public comments are limited to 2 minutes or less.**

**Americans with Disabilities Act (ADA):** This agenda is available upon request in alternative formats to persons with a disability, as required by the ADA of 1990 (42 U.S.C. §12132) and the Ralph M. Brown Act (Cal. Govt. Code §54954.2). Persons requesting a disability related modification or accommodation should contact Johanna Masielat, Clerk of the Board, at (707) 424-6008 during regular business hours at least 24 hours prior to the time of the meeting.

**Staff Reports:** Staff reports are available for inspection at the STA Offices, One Harbor Center, Suite 130, Suisun City during regular business hours, 8:00 a.m. to 5:00 p.m., Monday-Friday. You may also contact the Clerk of the Board via email at [jmasielat@sta-snci.com](mailto:jmasielat@sta-snci.com). **Supplemental Reports:** Any reports or other materials that are issued after the agenda has been distributed may be reviewed by contacting the STA Clerk of the Board and copies of any such supplemental materials will be available on the table at the entry to the meeting room.

**Agenda Times:** Times set forth on the agenda are estimates. Items may be heard before or after the times shown.

**ITEM**

**BOARD/STAFF PERSON**

**I. CALL TO ORDER/PLEDGE OF ALLEGIANCE** Chair Batchelor  
 (6:00 – 6:05 p.m.)

**II. SWEARING IN OF NEW STA BOARD ALTERNATE MEMBER**

- **Rick Vaccaro**  
*Alternate Board Member Representing the City of Fairfield*

**III. CONFIRM QUORUM/ STATEMENT OF CONFLICT** Chair Batchelor

*An official who has a conflict must, prior to consideration of the decision; (1) publicly identify in detail the financial interest that causes the conflict; (2) recuse himself/herself from discussing and voting on the matter; (3) leave the room until after the decision has been made. Cal. Gov't Code § 87200.*

**STA BOARD MEMBERS**

Jack Batchelor, Jr. Chair City of Dixon	Steve Hardy Vice-Chair City of Vacaville	Elizabeth Patterson City of Benicia	Harry Price City of Fairfield	Jan Vick City of Rio Vista	Pete Sanchez City of Suisun City	Osby Davis City of Vallejo	Jim Spering County of Solano
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**STA BOARD ALTERNATES**

Rick Fuller	Ron Rowlett	Alan Schwartzman	Rick Vaccaro	Janith Norman	Mike Hudson	Erin Hannigan	John Vasquez
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The complete STA Board Meeting Packet is available on STA's Website at [www.sta.ca.gov](http://www.sta.ca.gov)

**IV. APPROVAL OF AGENDA**

**V. OPPORTUNITY FOR PUBLIC COMMENT**

(6:05 – 6:10 p.m.)

**VI. EXECUTIVE DIRECTOR’S REPORT – Pg. 1**

Daryl Halls

(6:10 – 6:15 p.m.)

**VII. COMMENTS FROM CALTRANS, THE METROPOLITAN TRANSPORTATION COMMISSION (MTC), AND STA**

(6:15 – 6:25 p.m.)

**A. Directors Report:**

- 1. Planning**
- 2. Projects**
- 3. Transit/Rideshare**

Robert Macaulay  
Janet Adams  
Judy Leaks

**VIII. CONSENT CALENDAR**

Recommendation:

*Approve the following consent items in one motion.*

*(Note: Items under consent calendar may be removed for separate discussion.)*

(6:25 - 6:30 p.m.)

**A. Minutes of the STA Board Meeting of January 11, 2012**

Johanna Masielat

Recommendation:

*Approve STA Board Meeting Minutes of January 11, 2012.*

**Pg. 5**

**B. Draft Minutes of the TAC Meeting of February 29, 2012**

Johanna Masielat

Recommendation:

*Approve Draft TAC Meeting Minutes of February 29, 2012.*

**Pg. 13**

**C. Bicycle Advisory Committee (BAC) and Pedestrian Advisory Committee (PAC) Overall Work Plans (OWP) for 2012-13**

Sara Woo

Recommendation:

*Adopt the 2012-13 BAC and PAC Overall Work Plans as shown in Attachments A and B.*

**Pg. 19**

**D. Solano Mobility Management Plan Request for Proposal (RFP) and Grant Application**

Liz Niedziela

Recommendation:

*Forward a recommendation to the STA Board to:*

- 1. Release a Request for Proposal (RFP) and enter into a contract not-to-exceed \$150,000 to develop a Mobility Management Plan for Solano County; and*
- 2. Authorize the STA Chair to provide a letter of support for Intercity Taxi Scrip Program and Faith in Action Program to Caltrans for New Freedom Funding.*

3. *Authorize the Executive Director to execute a contract or agreement with Caltrans for JARC funding for the Solano Mobility Management Program including submitting and approving request for reimbursement of funds as stated in JARC Authorizing Resolution 2012-02 Attachment B.*

**Pg. 25**

- E. Appointment of Paratransit Coordinating Council (PCC) Member** Liz Niedziela  
Recommendation:  
*Appoint Edith Thomas, Social Service Provider, to the Paratransit Coordinating Council for a three-year term.*
- Pg. 33**
- F. 2012 Paratransit Coordinating Council (PCC) Work Plan** Liz Niedziela  
Recommendation:  
*Approve the 2012 PCC Work Plan as shown in Attachment A.*
- Pg. 39**
- G. Solano Paratransit Vehicle Surplus** Liz Niedziela  
Recommendation:  
*Authorize the Executive Director to donate one Compressed Natural Gas (CNG) van to the Solano Faith In Action program.*
- Pg. 41**
- H. Contract Amendment for SolTrans Financial Consultant** Liz Niedziela  
Recommendation:  
*Authorize the Executive Director to amend the contract with Nancy Whelan Consulting for SolTrans Financial and Technical Services for an amount not-to-exceed \$132,480.*
- Pg. 47**
- I. Contract Amendment #2 and Extension for James McElroy for Services as Interim Executive Director for Solano County Transit (SolTrans)** Liz Niedziela  
Recommendation:  
*Authorize the Executive Director to execute a contract amendment #2 and extension until June 30, 2012 with Jim McElroy to serve as Interim Executive Director for SolTrans in an amount not-to-exceed \$40,000 for staff services.*
- Pg. 57**
- J. Appointment of Lifeline Advisory Committee Members** Liz Niedziela  
Recommendation:  
*Appointment the Lifeline Advisory Committee Members as listed in Attachment A.*
- Pg. 59**

- K. SolTrans Logo and Branding Contract Amendment with Page Design** Liz Niedziela  
Recommendation:  
*Authorize the Executive Director to amend contract with Page Design to include \$21,672 for the completion of items listed in the Scope of Work and to extend the contract date to December 31, 2012.*  
**Pg. 63**
- L. Letters of Support:** Robert Macaulay  
  - 1. City of Fairfield PDA Grant**
  - 2. SolTrans Streetscape Grant**
  - 3. Cities of Dixon and Rio Vista PDAs**Recommendation:  
*Authorize the Executive Director to submit Letters of Support for the following:*
  - 1. City of Fairfield grant application to the Metropolitan Transportation Commission (MTC) Priority Development Area (PDA) grant program for a Downtown Fairfield PDA land use update;*
  - 2. Solano County Transit (Soltrans) application to the Federal Transit Administration (FTA) Bus Livability Grant Program for the Vallejo Downtown Pedestrian Improvement Project; and*
  - 3. PDA Designations in Dixon and Rio Vista by Association of Bay Area Governments (ABAG).***Pg. 65**
- M. Fiscal Year (FY) 2012-13 Transportation Fund for Clean Air (TFCA) 40% Program Manager Funds** Robert Guerrero  
Recommendation:  
*Approve the following:*
  - 1. \$220,000 from FY 2012-13 TFCA Program Manager Funds for the Solano Napa Commuter Information Program; and*
  - 2. Issue a call for projects for the remaining balance of FY 2012-13 TFCA Program Manager Funds in the amount of \$59,000.***Pg. 67**
- N. Accept Construction Contract for the Solano Irrigation District (SID) Facilities Modification Project** Janet Adams  
Recommendation:  
*Approve the following:*
  - 1. Accept the SID Facilities Modifications Project contract as complete; and*
  - 2. Direct the Executive Director to file a Notice of Completion with the County Recorder's office.***Pg. 69**

- O. Contract Amendment for the I-80 Eastbound Cordelia Truck Scales Relocation Project - Engineering Services During Construction** Janet Adams  
Recommendation:  
*Approve a contract amendment for HDR in the not-to-exceed amount of \$630,000, to cover engineering services during construction of the I-80 Eastbound Cordelia Truck Scales Relocation Project.*  
**Pg. 73**
- P. Jepsen Parkway Project – Right of Way** Janet Adams  
Recommendation:  
*Authorize the Executive Director to issue a Request for Proposals (RFP) for Right of Way Services needed to appraise all properties needed for the Jepsen Parkway Phase 1 and 2; including acquisition services for those parcels that are not acquired through dedications and enter in to a contract for an amount not-to-exceed \$400,000.*  
**Pg. 95**
- Q. Proposed Revisions to the Solano County Transit (“SolTrans”) Joint Powers Agreement** Bernadette Curry  
Recommendation:  
*Authorize the Executive Director to execute the First Amendment to the Solano County Transit (“SolTrans”) Joint Powers Agreement.*  
**Pg. 101**

## IX. ACTION NON-FINANCIAL ITEMS

- A. Acquisition of Properties for the I-80/I-680/State Route (SR) 12 Interchange Project Initial Construction Package** Janet Adams  
Recommendation:  
*Approve the following:*
  1. *Resolution No. 2012-03 (Attachment D), including acceptance of the determination that the project is exempt from CEQA (Attachment C) prepared by STA for the project; and*
  2. *Direct the Executive Director to File a Notice of Exemption with the State Office of Planning and Research and County Clerk of Solano County and authorize payment of the filing fees.*
(6:35 – 6:40 p.m.)  
**Pg. 105**

## X. ACTION FINANCIAL ITEMS

- A. I-80/I-680/State Route (SR) 12 Interchange Project Bridge Toll Allocation Request** Janet Adams  
Recommendation:  
*Approve the attached Resolution No. 2012-04 and Funding Allocation Request from Metropolitan Transportation Commission (MTC) for \$14.28 million in Regional Measure 2 or AB1171 funds for the I-80/I-680/SR 12 Interchange Project for right of way acquisition.*  
(6:40 – 6:45 p.m.)  
**Pg. 187**

**B. Jepson Parkway Project Funding Agreements**

Janet Adams

Recommendation:

*Once the Memorandum of Understanding between the City of Fairfield, the City of Vacaville and the County of Solano for the Maintenance of a portion of the Jepson Parkway Project is executed, authorize the Executive Director to:*

- 1. Make minor changes and execute the Jepson Parkway Funding Agreement between the STA and the City of Fairfield; and*
- 2. Make minor changes and execute the Jepson Parkway Funding Agreement between the STA, Solano County and the City of Vacaville.*

(6:45 – 6:55 p.m.)

**Pg. 209**

**C. Solano Coordinated Short Range Transit Plan (SRTP)/Transit Corridor Study/Solano Ridership Survey and Analysis**

Recommendation:

*Forward a recommendation to the STA Board to authorize the Executive Director to:*

- 1. Enter into an agreement with MTC for \$140,000 to develop the Solano Coordinated SRTP including Enhanced Coordination;*
- 2. Amend the Scope of Work for the Enhanced Coordination to include a Limited English Plan (LEP) under Item 6.b;*
- 3. Enter into a contract for the Solano Coordinated SRTP and Transit Corridor Study for an amount not-to-exceed \$290,000; and*
- 4. Enter into a contract for the Solano County Ridership Survey and Analysis for an amount not-to-exceed \$150,000.*

(6:55 – 7:05 p.m.)

**Pg. 215**

**XI. INFORMATIONAL – WORKSHOP**

**A. Transit Funding Priorities**

Daryl Halls  
Liz Niedziela

- 1. Status of Transit Funding**
- 2. Overview of Transit Funding**
- 3. Discussion of Transit Funding Priorities**

(7:05 – 7:35 p.m.)

**Pg. 243**

**INFORMATIONAL - NO DISCUSSION**

**B. OneBayArea Grant (OBAG)/Regional Transportation Plan (RTP) Update**

Robert Macaulay

**Pg. 245**

**C. State Route (SR) 12 Update**

Robert Macaulay

**Pg. 247**

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|-----------|--|------------------|
| <b>D.</b> | <b>Transportation for Sustainable Communities Plan<br/>Pg. 249</b>   | Robert Guerrero  |
| <b>E.</b> | <b>Project Delivery for Fiscal Year (FY) 2011-12 Projects<br/>Pg. 253</b>                                      | Sam Shelton      |
| <b>F.</b> | <b>Legislative Update<br/>Pg. 267</b>  | Jayne Bauer      |
| <b>G.</b> | <b>Fiscal Year (FY) 2011-12 Abandoned Vehicle Abatement (AVA)<br/>Program First Quarter Report<br/>Pg. 305</b> | Susan Furtado    |
| <b>H.</b> | <b>Transit Operating and Capital Needs<br/>Pg. 309</b>   | Liz Niedziela    |
| <b>I.</b> | <b>Lifeline Proposition 1B<br/>Pg. 321</b>   | Liz Niedziela    |
| <b>J.</b> | <b>Unmet Transit Needs Public Hearing for Fiscal Year (FY) 2011-12<br/>Update<br/>Pg. 331</b>                  | Liz Niedziela    |
| <b>K.</b> | <b>Funding Opportunities Summary<br/>Pg. 339</b>   | Sara Woo         |
| <b>L.</b> | <b>STA Board and Advisory Committee Meeting Schedule<br/>for Calendar Year 2012<br/>Pg. 347</b>                | Johanna Masielat |

**XII. BOARD MEMBERS COMMENTS**

**XIII. ADJOURNMENT**

The next regular meeting of the STA Board is scheduled at **6:00 p.m., Wednesday, April 11, 2012, Suisun City Hall Council Chambers.**

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**STA BOARD MEETING AGENDA**

**6:00 p.m., Regular Meeting  
 Wednesday, April 11, 2012  
 Suisun City Hall Council Chambers  
 701 Civic Center Drive  
 Suisun City, CA 94585**

**Mission Statement:** To improve the quality of life in Solano County by delivering transportation system projects to ensure mobility, travel safety, and economic vitality.

**Public Comment:** Pursuant to the Brown Act, the public has an opportunity to speak on any matter on the agenda or, for matters not on the agenda, issues within the subject matter jurisdiction of the agency. Comments are limited to no more than 2 minutes per speaker unless modified by the Board Chair, Gov't Code § 54954.3(a). By law, no action may be taken on any item raised during the public comment period (Agenda Item IV) although informational answers to questions may be given and matters may be referred to staff for placement on a future agenda of the agency. **Speaker cards are required in order to provide public comment. Speaker cards are on the table at the entry in the meeting room and should be handed to the STA Clerk of the Board. Public comments are limited to 2 minutes or less.**

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**ITEM**

**BOARD/STAFF PERSON**

**I. CALL TO ORDER/PLEDGE OF ALLEGIANCE** Chair Batchelor  
 (6:00 – 6:05 p.m.)

**II. CONFIRM QUORUM/ STATEMENT OF CONFLICT** Chair Batchelor  
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**III. APPROVAL OF AGENDA**

**STA BOARD MEMBERS**

Jack Batchelor, Jr. Chair City of Dixon	Steve Hardy Vice-Chair City of Vacaville	Elizabeth Patterson City of Benicia	Harry Price City of Fairfield	Jan Vick City of Rio Vista	Pete Sanchez City of Suisun City	Osby Davis City of Vallejo	Jim Spering County of Solano
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**STA BOARD ALTERNATES**

Rick Fuller	Ron Rowlett	Alan Schwartzman	Rick Vaccaro	Janith Norman	Mike Hudson	Erin Hannigan	John Vasquez
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**IV. OPPORTUNITY FOR PUBLIC COMMENT**

(6:05 – 6:10 p.m.)

**V. EXECUTIVE DIRECTOR'S REPORT – Pg. 1**

Daryl Halls

(6:10 – 6:15 p.m.)

**VI. COMMENTS FROM CALTRANS, THE METROPOLITAN TRANSPORTATION COMMISSION (MTC), AND STA**

(6:15 – 6:25 p.m.)

**A. Proclamation of Appreciation for Karen Koelling**

Chair Batchelor

**B. Directors Report:**

**1. Planning**

Robert Macaulay

**2. Projects**

Janet Adams

**3. Transit/Rideshare**

Judy Leaks/Liz Niedziela

**VII. CONSENT CALENDAR**

Recommendation:

*Approve the following consent items in one motion.*

*(Note: Items under consent calendar may be removed for separate discussion.)*

(6:25 - 6:30 p.m.)

**A. Minutes of the STA Board Meeting of March 14, 2012**

Johanna Masielat

Recommendation:

*Approve STA Board Meeting Minutes of March 14, 2012.*

**Pg. 7**

**B. Draft Minutes of the TAC Meeting of March 28, 2012**

Johanna Masielat

Recommendation:

*Approve Draft TAC Meeting Minutes of March 28, 2012.*

**Pg. 17**

**C. Fiscal Year (FY) 2011-12 Second Quarter Budget Report**

Susan Furtado

Recommendation:

*Receive and file.*

**Pg. 23**

**D. Authorization for New Copier Lease for STA**

Susan Furtado

Recommendation:

*Authorize the Executive Director to enter into a four-year copier lease agreement with Konica Minolta Business Solutions, Inc. for equipment specified in Attachment B in an amount not to exceed \$56,024.*

**Pg. 27**

**E. Authorization of Consultant Contracts and Agreements to Prepare Climate Action Plans**

Robert Macaulay

Recommendation:

*Authorize the Executive Director to execute the following documents:*

- 1. A contract amendment with AECOM for the preparation of Energy Chapters of Climate Action Plans (ECCAP) for Solano County, in an amount not-to-exceed \$244,750, subject to an*

*award of a PG&E grant for the same purpose, and an agreement with PG&E to receive the funds and prepare the ECCAP;*

- 2. An agreement with Solano County to allow STA to receive funds from a California Strategic Growth Council grant for the purpose of developing a Climate Action Plan and Implementation Plan for Solano County, subject to an award of a California Strategic Growth Council grant for the same purpose; and*
- 3. A contract amendment with AECOM, in an amount not to exceed \$273,755, for the development of a Climate Action Plan and Implementation Plan for Solano County.*

**Pg. 31**

**F. Fiscal Year (FY) 2012-13 Transportation Development Act (TDA) Article 3 Expenditure**

Sara Woo

Recommendation:

*Approve FY 2012-13 TDA Article 3 Resolution No. 2012-05 for Bicycle and Pedestrian projects as specified in Attachment A.*

**Pg. 33**

**G. SolTrans Transitional Cost Facilitation and Allocation of Lifeline Proposition 1B Funds**

Liz Niedziela

Recommendation:

*Approve the following:*

- 1. A fund swap of \$1 million Lifeline Proposition 1B for \$1 million State Transportation Assistance Funds (STAF) for SolTrans intercity bus replacement;*
- 2. The STAF funds in the amount of \$1 million currently reserved for the intercity bus replacement be used for SolTrans one-time transitional cost and these funds be conditional on SolTrans adopting a sustainable operating plan and the Lifeline Prop 1B funds in the amount of \$1 million be allocated to SolTrans to complete the purchase of three intercity buses that have reached their useful life in 2015; and*
- 3. To allocate the remaining Lifeline Proposition 1B funds in the amount of \$537,328 to Fairfield and Suisun Transit for their local bus replacement.*

**Pg. 39**

**H. Contract Amendment - State Route (SR) 12 Jameson Canyon Design Support During Construction**

Janet Adams

Recommendation:

*Authorize the Executive Director to execute a contract amendment with Mark Thomas & Company Inc. to provide design services during construction on the SR 12 Jameson Canyon project in an amount not-to-exceed \$1,847,000 for an additional three year term.*

**Pg. 49**

**I. Appointment of Paratransit Coordinating Council (PCC) Member** Liz Niedziela  
Recommendation:  
*Appoint Kyrre Nerner Helmersen, Transit User, to the Paratransit Coordinating Council for a three-year term.*  
**Pg. 51**

**J. Grant Co-sponsorship for State Route (SR) 12 Jameson Canyon Shuttle Service** Robert Guerrero  
Recommendation:  
*Approve an additional \$40,840 local match from STAF funding for a total of \$92,690 as a local match for Caltrans' Section 5311(f) for the proposed SR 12 Jameson Canyon Shuttle Service.*  
**Pg. 55**

## **IX. ACTION FINANCIAL ITEMS**

**A. Safe Routes to School (SR2S) Two-Year Work Plan for Fiscal Year (FY) 2011-12 and FY 2012-13 (Revised)** Judy Leaks  
Recommendation:  
*Approve the following:*  

- Solano SR2S 2-year Work Plan for Fiscal Years 2011-12 and 2012-13; and*
- Authorize the Executive Director to enter into agreement amendments with the Yolo-Solano Air Quality Management District (YSAQMD), the Bay Area Air Quality Management District (BAAQMD), the Metropolitan Transportation Commission (MTC), the California Department of Transportation (Caltrans), and Solano County Public Health to operate and deliver project and program tasks described in the SR2S 2-year Work Plan for Fiscal Years 2011-12 and 2012-13 as described in Attachment A.*

  
(6:30 – 6:35 p.m.)  
**Pg. 59**

## **X. ACTION NON-FINANCIAL ITEMS**

**A. Legislative Update** Jayne Bauer  
Recommendation:  
*Approve the following legislative bill positions:*

- Support AB 2679 (Assembly Committee on Transportation).*
- Support ACA 23 (Perea)*

  
(6:35 – 6:40 p.m.)  
**Pg. 65**

**B. Solano County Transportation for Sustainable Communities Plan** Robert Guerrero  
Recommendation:  
*Approve the Solano County Transportation for Sustainable Communities Plan.*  
(6:40 – 6:50 p.m.)  
**Pg. 141**

- C. **State Route (SR) 12 Update** Robert Macaulay  
1. **SR 12 Corridor Study** Eric Cordoba  
2. **SolanoEDC's Economic Analysis of SR 12 Corridor** Dale Pfeiffer

*Recommendation:*

*Authorize the STA Chair to forward a letter to SR 12 Corridor H partnership to include language in the SR 12 Corridor Study referencing the importance of SR 12 Solano County's economic and to include information from the SR 12 Economic Study in the Corridor Study when it becomes available.*

(6:50 – 7:10 p.m.)

**Pg. 157**

- D. **OneBayArea Grant (OBAG) Projects and Priorities** Robert Macaulay

*Recommendation:*

*Approve the following:*

1. *The funding of the Existing STA Board Commitments for OBAG funding at the amounts identified in Attachment C for STA's CMA Planning, the SNCI Program and Dixon's West B Street Pedestrian Undercrossing project; and*
2. *A recommendation to designate 60% of the remaining OBAG funds to maintain Local Streets and Roads.*

(7:10 – 7:25 p.m.)

**Pg. 159**

## **XI. INFORMATIONAL - DISCUSSION**

- A. **Status Report on STA's Overall Work Plan (OWP) for Fiscal Year (FY) 2011-12 and FY 2012-13 and Development of FY 2012-13 and 2013-14 OWP** Daryl Halls  
(7:25 – 7:35 p.m.)  
**Pg. 171**

## **INFORMATIONAL - NO DISCUSSION**

- B. **Project Initiation Document (PID) 3-Year Work Plan for Caltrans** Janet Adams  
**Pg. 207**
- C. **STA Complete Streets Policy** Sara Woo  
**Pg. 211**
- D. **Funding Opportunities Summary** Sara Woo  
**Pg. 213**
- E. **STA Board and Advisory Committee Meeting Schedule for Calendar Year 2012** Johanna Masielat  
**Pg. 217**

**XII. BOARD MEMBERS COMMENTS**

**XIII. ADJOURNMENT**

The next regular meeting of the STA Board is scheduled at **6:00 p.m., Wednesday, May 9, 2012, Suisun City Hall Council Chambers.**

**AGENDA ITEM  
CITY COUNCIL MEETING: APRIL 17, 2012  
COUNCIL MEMBER COMMITTEE REPORTS**

**DATE** : April 10, 2012

**TO** : Mayor Patterson  
Vice Mayor Campbell

**FROM** : Director of Public Works and Community Development

**SUBJECT** : **SOLANO COUNTY WATER AGENCY**

The following information is provided for your committee report at the April 17, 2012 City Council meeting.

The agenda for the April 12, 2012 meeting is attached. The SCWA also has a Delta Committee that typically meets each month directly before the regular SCWA meeting. The next meeting date is May 10, 2012 and the agenda for that meeting is not currently available.

Attachments:

- SCWA Agenda for April 12, 2012



# SOLANO COUNTY WATER AGENCY



## BOARD OF DIRECTORS MEETING

**DATE:** Thursday, April 12, 2012  
**TIME:** 7:00 p.m.  
**PLACE:** Berryessa Room  
Solano County Water Agency Office  
810 Vaca Valley Parkway, Suite 203  
Vacaville

1. CALL TO ORDER
2. PLEDGE OF ALLEGIANCE
3. APPROVAL OF AGENDA
4. PUBLIC COMMENT

Limited to 5 minutes for any one item not scheduled on the Agenda.

5. CONSENT ITEMS
  - (A) Minutes: Approval of the Minutes of the Board of Directors meeting of March 8, 2012 is recommended.
  - (B) Expenditure Approvals: Approval of the March checking account register is recommended.
  - (C) Ulatis Project Easement Quitclaim: Authorization of General Manager to execute a quitclaim deed for a portion of easement for the Ulatis Flood Control Project, located in the Stonegate Estates housing development in Vacaville is recommended.
  - (D) Bay Area Proposition 84 Integrated Regional Water Management Grant: Authorization of General Manager, on behalf of the Bay Area Water Agencies, to execute necessary documents with the Bay Area Clean Water Agency (BACWA) to administer a conservation grant for the Bay Area Proposition 84 Integrated Regional Water Management Grant is recommended. Grant is \$691,875.

810 Vaca Valley Parkway, Suite 203  
Vacaville, California 95688  
Phone (707) 451-6090 • FAX (707) 451-6099  
www.scwa2.com



6. **BOARD MEMBER REPORTS**

RECOMMENDATION: For information only.

7. **GENERAL MANAGER'S REPORT**

RECOMMENDATION: For information only.

8. **DELTA REPORT AND COLLABORATIVE PLANNING OF HABITAT PROJECTS IN CACHE SLOUGH**

RECOMMENDATIONS:

- A. Hear update from staff on Bay Delta Conservation Plan and other Bay Delta activities.
- B. Authorize staff to participate with Solano County and the State, through the Bay Delta Conservation Plan in a study for cooperative planning of habitat projects in Cache Slough. Authorize payment up to \$25,000 to contribute to study.
- C. Authorize submittal of projects and studies for funding consideration of through a new coalition of Delta stakeholders.

9. **CLOSED SESSION**

With respect to every item of business to be discussed in closed session pursuant to Section 54956.9:

CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION

Solano County Water Agency, Napa County Flood Control and Water Conservation District, City of Yuba City, and County of Butte v. State Department of Water Resources; Sacramento Superior Court Case No. 34-2008-00016388 CU-BC-GDS

10. **TIME AND PLACE OF NEXT MEETING**

Thursday, May 10, 2012 at 6:30 - 7:00 pm at the SCWA offices. City County Coordinating Council is planned to meet in May.

***The Full Board of Directors packet with background materials for each agenda item can be viewed on the Agency's website at [www.scwa2.com](http://www.scwa2.com).***

Any materials related to items on this agenda distributed to the Board of Directors of Solano County Water Agency less than 72 hours before the public meeting are available for public inspection at the Agency's offices located at the following address: 810 Vaca Valley Parkway, Suite 203, Vacaville, CA 95688. Upon request, these materials may be made available in an alternative format to persons with disabilities.

**AGENDA ITEM**  
**CITY COUNCIL MEETING: APRIL 17, 2012**  
**COUNCIL MEMBER COMMITTEE REPORTS**

**DATE** : April 11, 2012

**TO** : Vice Mayor Campbell  
Council Member Schwartzman

**FROM** : Director of Public Works and Community Development

**SUBJECT** : **TRAFFIC, PEDESTRIAN AND BICYCLE SAFETY (TPBS) COMMITTEE**

The following is provided for your committee report at the April 17, 2012 Council meeting.

On February 1, 2012, the Traffic, Pedestrian, Bicycle & Safety (TPBS) Committee hosted the first meeting of the Safe Routes to School Task Force. The Task Force will oversee the update to the citywide Safe Routes to School Plan and audits at three Benicia schools. The Task Force has performed walking audits at the Benicia Middle School and Robert Semple Elementary School. The audit for Matthew Turner Elementary School has been scheduled for Monday, April 23, 2012.

The next regularly scheduled TPBS meeting is 7:00 pm, Thursday April 19, 2012. The agenda for this meeting will be available to the public and posted to the City's website on Friday, April 13, 2012.



**AGENDA ITEM**  
**CITY COUNCIL MEETING: APRIL 17, 2012**  
**COUNCIL MEMBER COMMITTEE REPORTS**

**DATE** : April 10, 2012

**TO** : Vice Mayor Campbell  
Council Member Schwartzman

**FROM** : City Manager

**SUBJECT** : **TRI-CITY AND COUNTY COOPERATIVE PLANNING GROUP**

The following information is provided for your committee report at the April 17, 2012 Council meeting.

The Tri City and County Cooperative Planning Group met on Monday, March 12, 2012 (Agenda attached). During this meeting, the Committee approved minutes from the Dec 12, 2011 meeting (attached). The group had a lengthy discussion on Benicia State Park and talked about various efforts underway to maintain it and ensure some degree of public access. Solano Land Trust representatives discussed upcoming activities and events at Lynch Canyon and in particular, highlighted the annual trail run set for June 2<sup>nd</sup> this year. An update on the Rockville Trails project was presented. The Land Trust has received commitments for \$9.7 million out of the \$15.5 needed to purchase and endow the property. The Syar Foundation has offered a grant to construct a staging area for the property, and the Land Trust hopes to receive funding from the Wildlife Conservation Board in May. A short update on the status of the Syar Quarry Expansion project was presented. The Draft EIR is not yet released and the new date of release is targeted for May/June this year. The group also discussed the desire for a regional park district. In sum, the group agreed to narrow the item into two separate issues: the future regional park district (long term) and increasing public access to existing open spaces (short and medium term).

The next scheduled meeting will occur on Monday June 11, 2012. Thereafter, the remaining meetings for 2012 will occur on:

- ❑ Monday, September 10, 2012
- ❑ Monday, December 10, 2012

Attachments:

- December 12, 2011 Minutes
- March 12, 2012 Agenda



# SOLANO OPEN SPACE

## JOINT GOVERNING BOARD/ CITIZENS ADVISORY COMMITTEE MINUTES

**December 12, 2011**

### 1. **Roll Call**

Governing Board Members:

Supervisor Seifert, Councilpersons Moy,  
Campbell, Hannigan

Citizen's Advisory Committee:

Bob Berman, Eugene Doherty, Harry Englebright,  
Elizabeth Moses, Alice Plutchok, Brian Travis,  
and Dan Smith

Staff Present:

Brian Miller, City of Fairfield; Bill Tuikka, City of  
Vallejo; Matt Walsh, Solano County

Others Present:

Sue Wickham, Solano Land Trust

### 2. **Approval of Agenda**

The agenda was approved.

### 3. **Introductions**

Introductions were waived as those present knew each other.

### 4. **Public Comment**

Eugene Doherty stated that he wanted to encourage the City of Benicia as well as the non-profit(s) to promote and enter into an agreement with the State to keep the Benicia State Recreation Area and the Benicia Capital State Historic Park open. Harry Englebright commented that the Bay Ridge Trail Association also sent a letter to the State offering any assistance they could provide to help keep trails open. Dan Smith noted that Henry Coe State Park in the South Bay area could be taken off the park closure list.

### 5. **Approval of Minutes of June 13, 2011 and September 12, 2011**

The minutes of June 13, 2011 and September 12, 2011 were approved.

**6. Adoption of 2011-2012 Budget**

Brian Miller noted that line items included (1) capital improvement projects primarily going to the Solano Land Trust for Lynch Canyon and other properties; (2) acquisition planning and (3) open space outreach. Staff recommended that additional money be put towards funding the sign for Lynch Canyon. Chair Seifert asked if there were any further comments. There being none she asked the Governing Board if there was a motion. Councilperson Hannigan made a motion to approve the 2011-12 Budget. The motion was seconded by Councilperson Campbell. The motion was approved unanimously by the Governing Board.

**7. Approval of Lynch Canyon Success Criteria**

Sue Wickham, Solano Land Trust (SLT), stated that the success criteria for Lynch Canyon had been met. Some of their main objectives were to (1) promote visitors to Lynch Canyon through a variety of activities such as hikes, trail runs, biking, horseback riding; (2) docent training for volunteers and (3) development of educational programs for adults and children. In the past year approximately 3,100 people visited Lynch Canyon. This number of visitors reflects a sustained interest in the park despite its operating hours being reduced 60% from Year 3 due to funding constraints. Councilperson Moy motioned to approve the success criteria of Lynch Canyon. Dan Smith seconded the motion. The motion passed unanimously.

**8. Update on Solano Land Trust**

Sue Wickham, Solano Land Trust, summarized upcoming events and distributed flyers for events in January and February. She noted that several artists are creating a body of work called Seeing Solano: Solano Land Trust Through the Eyes of Artists which is being exhibited at the Vallejo Naval & Historical Museum through December. The paintings and photographs in the collection are inspired by protected lands in Solano County. Ms. Wickham added that Rush Ranch will host a Raptor Workshop and Tour in December. Ms Wickham reported that the SLT has raised 9 million dollars so far for the purchase of the Rockville Trails property. They are continuing their campaign to raise an additional 5 million dollars. Chair Seifert suggested that SLT give a presentation on the status of the Rockville Trails purchase to the Solano Open Space Group in March.

**9. Regional Park Issues: Report/Discussion (Subcommittee)**

Ms. Wickham reported that she had spoken with Jim Syar regarding the signage for Lynch Canyon. He has assigned the work to one of his employees. They continue to work with Caltrans towards completion of the project.

**a. Website Report**

This item was postponed to a future agenda.

**b. Open Space Management and Funding Options:**

Eugene Doherty gave a brief status report on the two State parks in Benicia.

The City of Benicia and the Benicia State Park Association have submitted letters of intent to assume operations of the Benicia State Recreation Area and the Benicia

Capital State Historic Park. Mr. Berman noted that the City of Benicia was proposing to do some outdoor maintenance at both the State Recreation Area and the Benicia Capital State Historic Park through an interim memorandum of understanding (MOU) with the State of California. Chair Seifert noted that representatives from the City of Benicia and State legislators had met to discuss the MOU.

**c. Open Space Access**

Matt Walsh reported that the Signature property is off the table for utilizing the George Miller earmarked funds for open space acquisition because the environmental consultants were not provided access to the property. Efforts for the Souza and Brown properties are moving fairly well. After the CEQA work is completed, County Public Works will be able to begin the land acquisition negotiation process with the land owners.

**10. Future Agenda Items Closing/Remarks**

Mr. Miller asked if there was any interest in holding a Spring Event for next year. Mr. Berman suggested that a work plan be developed to help the group focus on what they want to accomplish in the next few years. Mr. Smith suggested that SLT give a presentation on the status of the Rockville Trails purchase. Chair Seifert added that she would like to see a presentation on the status of the State parks. Councilperson Hannigan suggested a workshop to identify goals for an SOS work plan as suggested by Mr. Berman above. Councilperson Moy suggested meeting with the public on a Saturday morning to generate ideas for public outreach for open space. Mr. Smith recommended an update on the quarry expansion as a future agenda item.

**11. Adjournment**

The meeting adjourned to the next Joint Governing Board/Citizens Advisory Committee meeting scheduled for Monday, March 12, 2012.





# SOLANO OPEN SPACE

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## **AGENDA**

### JOINT GOVERNING BOARD / CITIZENS ADVISORY COMMITTEE MEETING

March 12, 2012  
Dona Benicia Room  
Benicia Library  
150 East "L" Street  
**7:15 p.m.**

1. Roll Call
2. **Approval of Agenda**
3. Introductions
4. Public Comment
5. **Approval of Minutes from December 12, 2011**
6. Report on Benicia State Park
7. Update on Solano Land Trust Activities (SLT Staff)
  - a. Upcoming Events
  - b. Rockville Trails Project
  - c. **PG&E Orchards Backtie Project-Authorize Letter as Needed**
  - d. Lynch Canyon Signs Update
8. Syar Quarry Expansion-Update (Matt Walsh)
9. Regional Park Issues: Report/Discussion (Subcommittee)
10. Work Program for 2012-2013: Discuss potential topics and process for developing a new work program for Solano Open Space.
11. Future Agenda Items/Closing Remarks
12. Adjourn



**AGENDA ITEM  
CITY COUNCIL MEETING: APRIL 17, 2012  
COUNCIL MEMBER COMMITTEE REPORTS**

**DATE** : April 10, 2012

**TO** : Mayor Patterson  
Council Member Hughes

**FROM** : City Manager

**SUBJECT** : **VALERO COMMUNITY ADVISORY PANEL (CAP)**

The following information is provided for your committee report at the April 17, 2012 Council meeting.

The CAP meets quarterly at 6:30 p.m. at the refinery at 610 Industrial Way. The next meeting date has not been determined.



**AGENDA ITEM**  
**CITY COUNCIL MEETING: APRIL 17, 2012**  
**COUNCIL MEMBER COMMITTEE REPORT**

**DATE** : April 10, 2012

**TO** : Mayor Elizabeth Patterson  
Council Member Christina Strawbridge  
Council Member Mark Hughes

**FROM** : Youth Action Coalition

**SUBJECT** : **YOUTH ACTION COALITION**

The Benicia Youth Action Coalition last met on March 28<sup>th</sup>, the minutes are not yet available. The next Coalition meeting will be held on April 25, 2012, the agenda is not yet available.

Activity Highlights:

Coalition is working on upcoming Every 15 Minute Program –April 17<sup>th</sup>-18<sup>th</sup>. Council will be invited to attend the student collision scenario on the 17<sup>th</sup> and the follow up school assemblies on the 18<sup>th</sup>. More details to come.

Compliance Checks: Police Department conducted alcohol compliance checks at 14 retail establishments. 100% compliance by all retailers. Shoulder taps conducted at CVS Pharmacy and 7-11- two adult male citizens were cited for purchasing alcohol for the minor.

Responsible Beverage Service training was held on March 20<sup>th</sup>. Twenty six local restaurant owners and their employees attended.



**AGENDA ITEM  
CITY COUNCIL MEETING: APRIL 17, 2012  
COUNCIL MEMBER COMMITTEE REPORTS**

**DATE** : April 10, 2012  
**TO** : City Council  
**FROM** : Mayor Patterson  
**SUBJECT** : **ABAG/CAL FED TASK FORCE/BAY AREA WATER FORUM**

The following information is provided for your committee report at the April 17, 2012 City Council meeting.

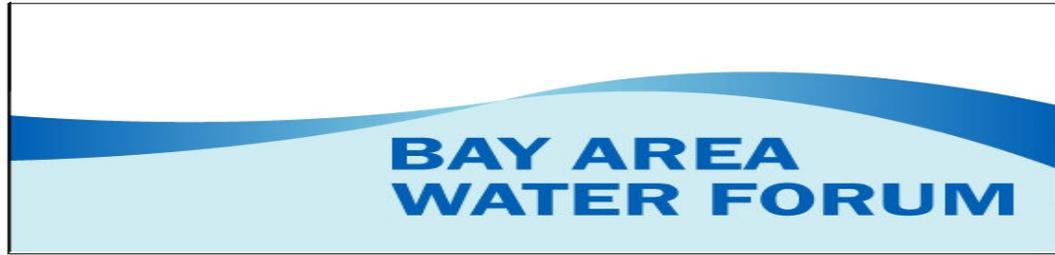
The Bay Area Water Forum's last meeting was held on March 26, 2012 and the agenda and highlights from that meeting are attached.

This was the last meeting of the Bay Area Water Forum for 2012, due to a lack of funding.

Attachments:

- ❑ March 26, 2012 Agenda
- ❑ March 26, 2012 Meeting Highlights





## Bay Area IRWMP Planning & Opportunities for Bay Area Water Community Regional Engagement

**Monday, March 26, 2012, 10 AM – 12:30 PM**

Meeting Location: State Coastal Conservancy, 11<sup>th</sup> floor conference room, 1330 Broadway at 13<sup>th</sup> Street, Oakland

### **Conference Call / Webinar Information:**

- To participate remotely, you must call in AND you can join the online webinar to observe
- Dial 1-888-422-7120, Access Code: 555450# - **Please mute and do not put us on hold**
- Online Presentation Viewing link: <https://www1.gotomeeting.com/register/168578921>
- Webinar registration can take 10 minutes - please register in advance

### **AGENDA**

#### **10:00 Welcome and Introductions**

#### **10:05 Forum Business**

- Updates from Co-Chairs Cynthia Murray, North Bay Leadership Council; Elizabeth Patterson, City of Benicia; David Nesmith, Environmental Water Caucus; and Katy Foulkes, EBMUD
- Updates and Announcements

#### **10:15 BAWF in 2012**

- Status of the Bay Area Water Forum in 2012

#### **10:20 Opportunities for Bay Area Water Community Regional Engagement**

- **Bay Area IRWMP Subregional Outreach Meetings:** Paul Helliker, Bay Area IRWMP Coordinating Committee Chair, and members of the Coordinating Committee will discuss subregional outreach meetings.
- **DWR SF Bay Regional Forum.** Gary Lippner of DWR will discuss its regular San Francisco Bay Area Forum meetings.

#### **10:45 Bay Area Integrated Regional Water Management Plan Update**

- **Paul Helliker**, Bay Area Integrated Regional Water Management Plan Coordinating Committee Chair and Director, Marin Municipal Water District
- **Mary Lou Cotton**, Senior Water Resources Manager, Kennedy-Jenks
- **Pam Jones**, Senior Director, Kearns & West

#### **12:25 Wrap Up and Adjourn**

[www.baywaterforum.org](http://www.baywaterforum.org)

## Directions to the Meeting

The State Coastal Conservancy offices are roughly three blocks from our previous meeting location and close to numerous parking lots. The meeting site is across Broadway from the Oakland City Center 12th Street BART Station. From the **south**, take I-880 to the Broadway/Downtown exit, merge onto 6<sup>th</sup> Street, and turn right on Broadway. From the **Bay Bridge** or **north**, take I-580 E towards Hayward/Stockton, merge onto I-980 W, take the 18<sup>th</sup> Street exit towards 14<sup>th</sup> Street, turn left on 14<sup>th</sup> Street, then right on Broadway.

[Get directions](#)

[See map of parking lots](#)



## Webinar Instructions

To participate in the webinar, you must call in using a regular telephone line. If you'd like to view the session and ask questions via the web, you must also log-in online.

### Asking Questions?

There are several ways to ask questions if you are participating remotely:

- 1) Ask the facilitator, via the telephone, to be put in the queue
- 2) Put you "hand up" through the webinar function and the facilitator will call on you to speak
- 3) Type a question on the webinar "questions" segment. The facilitator will then raise your question with the presenter.

### Problems?

- You can type questions to the facilitator
- You can also call the Center for Collaborative Policy, 916-445-2079, and seek assistance with someone at the front desk.

### Working Agreements

- One person speaks at a time.
- **Do not put the conference on hold, as music will then prevent other participants from hearing the speakers.** Please hang up/call back later or put us on mute instead.
- Please **mute your phones** unless using them to speak.
- Participants are encouraged to use the Webinar "raise your hand" function to alert the Facilitator when they have a specific comment.
- For those participants on the phone and NOT on the Webinar, the Facilitator will invite comments from those on the phone.

<b>NEXT MEETING</b>	<b>March 2012 – Day to be Announced</b>
<b>TOPIC</b>	<ul style="list-style-type: none"><li>▪ <b>Bay Area IRWMP Plan Update</b></li><li>▪ <b>What would it mean for the Bay Area water community to act regionally?</b></li></ul>

[www.baywaterforum.org](http://www.baywaterforum.org)

*The Bay Area Water Forum serves as a venue for encouraging regional cooperation, education and exchange of ideas on critical Bay area water issues. Monthly meetings are open to all interested parties. The Forum is sponsored by numerous Bay area water agencies and consulting firms along with the State Coastal Conservancy.*



## Meeting Highlights

March 26, 2012

**This was the last meeting of the Bay Area Water Forum for 2012, because of a lack of funding. Other regional water community forums include:**

- **DWR SF Bay Regional Forum:** The agenda for the summer 2012 meeting will include the California Water Plan Update 2013 Bay Area Regional Report. If you have other items for the agenda, contact Gary Lippner at [glippner@water.ca.gov](mailto:glippner@water.ca.gov) or members of the Forum design team. The Forum's purpose is to be a resource to the region. A collaborative site has been set up, including message boards, a wiki and a document library, for the region's stakeholders to use as they wish. For more information, see <http://www.waterplan.water.ca.gov/regional/>.
- **Bay Area IRWMP Subregional Meetings:** Meetings are now being held at a subregional level, in the north, south, west and east portions of the Bay to outreach and identify possible subregional projects. For more information on these subregional groups, see <http://bairwmp.org/subregions>.

### Announcements

- **Contra Costa Water District:** The dedication ceremony for the Los Vaqueros Reservoir expansion will be held July 13, and all are invited to join the celebration on top of the dam.
- **Regional Desal Workshop:** "Should a Bay Area Regional Desalination Project be an Option for our Water Supply?" is a free workshop sponsored by the Sierra Club SF Bay Chapter on March 31, 8:30am-1:15pm at the CSU East Bay Oakland Conference Center, 1000 Broadway, Suite 109, Oakland. The event features representatives of water agencies and environmental perspectives. To RSVP, see <http://www.bayareadesalconference.eventbrite.com>. For information, contact Sonia Diermayer at [sodier@mindspring.com](mailto:sodier@mindspring.com) or 510-336-1102.
- **Greywater Code Update:** The State Department of Housing and Community received hundreds of letters from greywater supporters and has announced it will edit a new plumbing code to maintain current greywater allowances.

### IRWMP Plan Update

- Consultants Kennedy-Jenks and Kearns & West are working on the Plan update, to be completed in 2013. Key items include climate change adaptation strategies, adding a linkage to land-use planning, updating the website, and expanding stakeholder engagement, including outreach to disadvantaged communities and tribes and identifying water supply and quality projects that might benefit those communities. Please send ideas and participate! For more information, see <http://www.bairwmp.org/> or email [info@bairwmp.org](mailto:info@bairwmp.org) or [pjones@kearnswest.com](mailto:pjones@kearnswest.com).



**AGENDA ITEM**  
**CITY COUNCIL MEETING: APRIL 17, 2012**  
**COUNCIL MEMBER COMMITTEE REPORTS**

**DATE** : April 4, 2012

**TO** : Mayor Patterson  
Council Member Hughes  
Council Member Schwartzman

**FROM** : Interim Finance Director

**SUBJECT** : **SOLANO COUNTY TRANSIT BOARD MEETING**

The following information is provided for your committee report at the April 17, 2012 Council meeting.

The Solano County Transit Joint Powers Authority held a regular meeting on March 15, 2012 in the City of Benicia Council Chambers. The meeting agenda and meeting highlights are attached for your review.

The next regular meeting of the SolTrans Board is scheduled for Thursday, April 19, 2012 at 7:00 p.m. and will be held at the Florence-Douglas Senior Center in Vallejo. This meeting will also serve as a public hearing for proposed upcoming service changes.

Attachment:

- March 15, 2012 SolTrans Board Meeting Agenda
- March 15, 2012 SolTrans Board Meeting Highlights





**BOARD MEETING AGENDA**  
**4:00 p.m., Regular Meeting**  
**Thursday, March 15, 2012**  
**Benicia Council Chambers**

**Public Comment:** Pursuant to the Brown Act, the public has an opportunity to speak on any matter on the agenda or, for matters not on the agenda, issues within the subject matter jurisdiction of the agency. Comments are limited to no more than 3 minutes per speaker unless modified by the Board Chair, Gov't Code § 54954.3(a). By law, no action may be taken on any item raised during the public comment period (Agenda Item IV) although informational answers to questions may be given and matters may be referred to staff for placement on a future agenda of the agency.

**Americans with Disabilities Act (ADA):** This agenda is available upon request in alternative formats to persons with a disability, as required by the ADA of 1990 (42 U.S.C. §12132) and the Ralph M. Brown Act (Cal. Govt. Code §54954.2). Persons requesting a disability related modification or accommodation should contact Suzanne Fredriksen, Interim Clerk of the Board, at (707) 648-4046 during regular business hours at least 24 hours prior to the time of the meeting.

**Staff Reports:** Staff reports are available for inspection at the SolTrans office, during regular business hours, 8:00 a.m. to 5:00 p.m., Monday-Friday. You may also contact the Clerk of the Board via email at [suzanne@soltransride.com](mailto:suzanne@soltransride.com).

**Supplemental Reports:** Any reports or other materials that are issued after the agenda has been distributed may be reviewed by contacting the SolTrans Clerk of the Board and copies of any such supplemental materials will be available on the table at the entry to the meeting room.

**Agenda Times:** Times set forth on the agenda are estimates. Items may be heard before or after the times shown.

**ITEM**

**BOARD/STAFF PERSON**

**I. CALL TO ORDER/PLEDGE OF ALLEGIANCE**  
 (4:00 – 4:05 p.m.)

**Elizabeth Patterson, Chair**

**II. CONFIRM QUORUM/ STATEMENT OF CONFLICT**

**Suzanne Fredriksen  
 Clerk of the Board**

*An official who has a conflict must, prior to consideration of the decision; (1) publicly identify in detail the financial interest that causes the conflict; (2) recuse himself/herself from discussing and voting on the matter; (3) leave the room until after the decision has been made. Cal. Gov't Code § 87200.*

**III. APPROVAL OF AGENDA**

**SOLTRANS BOARD MEMBERS**

Elizabeth Patterson	Mark Hughes	Osby Davis	Erin Hannigan	Jim Spering	Harry Price
City of Benicia	City of Benicia	City of Vallejo	City of Vallejo	MTC Representative	STA Ex-Officio
Alternate Board Member Alan Schwartzman			Alternate Board Member Stephanie Gomes		

**IV. OPPORTUNITY FOR PUBLIC COMMENT**

(4:05 – 4:10 p.m.)

**V. COMMENTS FROM STAFF**

(4:10 – 4:15 p.m.)

- 1. Report from the Executive Director**
- 2. SolTrans Start-up Report – March**

Jim McElroy  
John Harris

**VI. CONSENT CALENDAR**

Recommendation:

*Approve the following consent items in one motion.*

*(Note: Items under consent calendar may be removed for separate discussion.)*

(4:15 – 4:20 p.m.)

**A. Meeting Minutes of January 19, 2012**

Recommendation:

*Approve the meeting minutes of January 19, 2012.*

**Pg. 5**

Suzanne Fredriksen,  
Clerk of the Board

**B. Consideration of Award of Audit Services Contract**

Recommendation:

*Authorize the Executive Director to enter into an agreement, once legal counsel has approved as to form, with Brown Armstrong Accountancy for SolTrans Audit Services.*

**Pg. 13**

Greg Anderson,  
Director of Administrative Services

**VII. ADMINISTRATIVE/FINANCE**

**A. FY 2011-12 Budget Status Report, Mid-Year Budget Adjustment, and FY 2012-13 Budget Outlook**

Recommendation:

*Adopt the revised FY 2011-12 operating budget as shown on Attachment B.*

(4:20 – 4:35 p.m.)

**Pg. 15**

Nancy Whelan,  
Interim Chief Financial Officer

**B. Executive Director Recruitment**

Recommendation:

*Appoint one Board member to participate in the “Phase 3 – Assessment Panel” and one Board member to participate in the “Phase 4 – Oral Board Panel”; and, further determine a process for selecting a finalist from the list of ranked qualified candidates to be determined from the preliminary selection process.*

(4:35 – 4:45 p.m.)

**Pg. 23**

Jim McElroy,  
Interim Executive Director

**C. Appoint and Reconvene the Benefits Subcommittee**

Recommendation:

*Appoint one member from each member City jurisdiction to make up the reconvened Benefits Subcommittee and direct that the Benefits Subcommittee be reconvened prior to the April Board meeting so staff can provide an update on various benefits issues and seek guidance based on current information. .*

(4:45 – 4:55 p.m.)

**Pg. 25**

Jim McElroy,  
Interim Executive Director

**VIII. PLANNING AND OPERATIONS**

**A. Presentation from MTC Consultant Regarding Clipper Implementation**

Recommendation:

*Receive the Clipper Presentation from MTC technical staff; and, affirm the intent of the SolTrans Board to participate in timely implementation of the Clipper Program.*

(4:55 – 5:15 p.m.)

**Pg. 27**

Jim McElroy,  
Interim Executive Director

**IX. INFORMATIONAL**

**A. Short Range Projects**

Informational

(5:20 – 5:25 p.m.)

**Pg. 29**

Jim McElroy,  
Interim Executive Director

**NO DISCUSSION**

**B. Public Outreach**

Jeanine Wooley,  
Director of Operations

**C. SolTrans Committees Update**

Suzanne Fredriksen,  
Clerk of the Board

**X. BOARD MEMBERS COMMENTS**

**XI. ADJOURNMENT**

The next regular meeting of the SolTrans Board, which will also serve as our Public Hearing for upcoming service changes, is scheduled for **Thursday, April 19, 2012, 7:00 p.m., at the Florence-Douglas Senior Center, Vallejo.** *There is a closed session tentatively scheduled from 6:00 until 7:00 p.m.*





**SOLANO COUNTY TRANSIT**

**SolTrans Board Meeting Highlights**

**4:00 p.m., March 15, 2012**

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**TO:** City Council of Benicia and Vallejo, and STA Board  
(Attn: City Clerks and STA Clerk of the Board)  
**FROM:** Suzanne Fredriksen, SolTrans Clerk of the Board  
**RE:** Summary Actions of the March 15, 2012 SolTrans Board Meeting

Following is a summary of the actions taken by SolTrans at the Board Meeting of March 15, 2012. If you have any questions regarding specific items, please call me at the following number: (707) 648-4046.

**BOARD MEMBERS PRESENT:**

Erin Hannigan, Vice Mayor	City of Vallejo, Vice Chair
Osby Davis, Mayor	City of Vallejo
Alan Schwartzman, Councilmember	City of Benicia, Alternate
Jim Spering, Supervisor, County of Solano	MTC Representative
Harry Price, Mayor, City of Fairfield	Ex-Officio – STA Representative

**BOARD MEMBERS ABSENT:**

Elizabeth Patterson, Mayor	City of Benicia, Chair
Mark Hughes, Councilmember	City of Benicia

**ADMINISTRATIVE/FINANCE**

**A. FY 2011-12 Budget Status Report, Mid-Year Budget Adjustment, and FY 2012-13**

**Budget Outlook**

Recommendation:

Adopt the revised FY 2011-12 operating budget as shown on Attachment B.

On a motion by Board Member Davis and a second by Board Member Spering, the SolTrans JPA Board unanimously approved the recommendation.

**B. Executive Director Recruitment**

Recommendation:

Appoint one Board member to participate in the “Phase 3 – Assessment Panel” and one Board member to participate in the “Phase 4 – Oral Board Panel”; and, further determine a process for selecting a finalist from the list of ranked qualified candidates to be determined from the preliminary selection process.

On a motion by Board Member Davis and a second by Board Member Spring, the SolTrans JPA Board approved the recommendation with 3 ayes and 1 no to include the following amendments:

- Remove Board member involvement from the Assessment Panel and Oral Board Panel.
- Allow staff to conduct both panels narrowing the list of qualified candidates down to a maximum of 3 finalists.
- Board member interviews of the top 2-3 finalists will occur at 4:00 p.m. on April 19, 2012.

**C. Appoint and Reconvene the Benefits Subcommittee**

Recommendation:

Appoint one member from each member City jurisdiction to make up the reconvened Benefits Subcommittee and direct that the Benefits Subcommittee be reconvened prior to the April Board meeting so staff can provide an update on various benefits issues and seek guidance based on current information.

Board Member Davis nominated Vice Chair Hannigan and Board Member Price to serve on the Benefits Subcommittee, and Board Member Spring seconded the nominations.

The SolTrans JPA Board unanimously approved the nominations.

**PLANNING AND OPERATIONS**

**A. Presentation from MTC Consultant Regarding Clipper Implementation**

Recommendation:

Receive the Clipper Presentation from MTC technical staff; and, affirm the intent of the SolTrans Board to participate in timely implementation of the Clipper Program.

On a motion by Board Member Schwartzman and a second by Board Member Davis, the SolTrans JPA Board unanimously approved the recommendation.

**CONSENT CALENDAR**

On a motion by Board Member Davis, and a second by Alternate Member Schwartzman, the SolTrans JPA Board approved Consent Calendar Items A through B.

**A. Meeting Minutes of January 19, 2012**

Recommendation:

Approve the meeting minutes of January 19, 2012.

**B. Consideration of Award of Audit Services Contract**

Recommendation:

Authorize the Executive Director to enter into an agreement, once legal counsel has approved as to form, with Brown Armstrong Accountancy for SolTrans Audit Services.

**COMMENTS FROM STAFF:**

- 1. Report from the Executive Director**
- 2. SolTrans Start-up Report – March**

Jim McElroy  
John Harris,  
Special Projects Manager

**INFORMATIONAL**

- A. Short Range Projects**

**NO DISCUSSION**

- B. Public Outreach**

- C. SolTrans Committees Update**

**BOARD MEMBER COMMENTS**

**ADJOURNMENT**

The meeting was adjourned at 5:25 p.m. The next regular meeting of the SolTrans Board, which will also serve as the Public Hearing for upcoming service changes, is scheduled for **Thursday, April 19, 2012, 7:00 p.m., at the Florence-Douglas Senior Center, Vallejo.** *There is a closed session tentatively scheduled from 4:00 until 7:00 p.m.*

