



**BENICIA CITY COUNCIL
REGULAR MEETING AGENDA**

**City Council Chambers
July 05, 2011
7:00 PM**

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

I. CALL TO ORDER (7:00 PM):

II. CLOSED SESSION:

III. CONVENE OPEN SESSION:

A. ROLL CALL.

B. PLEDGE OF ALLEGIANCE.

C. REFERENCE TO THE FUNDAMENTAL RIGHTS OF THE 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:

Benicia Housing Authority Board of Commissioners:
One Full Term to July 31, 2012
Application Due Date: July 15, 2011

Historic Preservation Review Commission:
Two Full Terms to July 31, 2015
Application Due Date: July 15, 2011

Economic Development Board:
Two Full Terms to July 31, 2015
Application Due Date: July 15, 2011

Soltrans Public Advisory Committee:
Three Full Terms
Open until Filled

Sky Valley Open Space Committee:
One full term to January 31, 2015
Open until filled

Civil Service Commission:
One full term to January 31, 2015
Open until filled

Building Board of Appeals:
Three full terms to January 31, 2015
Open until filled

Solano Transportation Authority Pedestrian Advisory Committee:
One full term to January 31, 2014
Open until filled

Arts & Culture Commission:
One unexpired term to January 31, 2013
Open until filled

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: No new information to report at this time.

B. APPOINTMENTS.

1. Appointment of Council Member Mark Hughes to a City Council Appointment Subcommittee for a two year term ending June 29, 2012.

C. PROCLAMATIONS.

1. In Recognition of Parks and Recreation Month

D. PRESENTATIONS.

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 (7:20 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 of the Special and Regular meeting of June 21, 2011. (City Clerk).

B. ESTABLISHMENT OF THE ANNUAL APPROPRIATIONS LIMIT PURSUANT TO ARTICLE XIII B OF THE CALIFORNIA STATE CONSTITUTION FOR FISCAL YEAR 2011-12. (Finance Director)

Article XIII B of the State Constitution requires cities to limit their growth in appropriations to a formula with options based upon the increase in their city or county population and the increase in non-residential construction or California per capita income. The resolution establishes the formula options and appropriation limit for Fiscal Year 2011-12. The City currently has a \$43.1 million margin between the appropriations limit and the approved

appropriations budget for FY 2011-12.

Recommendation: Adopt the resolution establishing the maximum allowable appropriations limit for Fiscal Year 2011-12 in the amount of \$71,435,158.

C. CONSIDERATION OF AWARDING A CONTRACT FOR AUDITING SERVICES TO MAZE & ASSOCIATES. (Finance Director)

One of the primary goals established by the City Council for the Finance Committee (FC) is to advise the City Council on the selection of the independent City Auditor. The FC accomplished this goal over the course of several meetings and authorized the Finance Director to recommend that Maze & Associates be selected as the City's Independent Auditor for a one-year term with a 4-year extension if performance is satisfactory.

Recommendation: Adopt the resolution approving the appointment of Maze & Associates as the City's Auditor for the Fiscal Years 2010-11 through 2014-15.

D. ADOPT THE ORDINANCE TO AMEND THE BENICIA MUNICIPAL CODE SECTION ON CANDIDATE DEBATES TO CLARIFY THE PURPOSE AND ALLOWABLE DATES. (City Attorney)

Section 1.42.110 of the Municipal Code establishes a "debate" for all city council and mayoral candidates before the general election. The open government commission sponsors this event. The proposed amendment provides the commission flexibility in scheduling to minimize conflicts with other events in or of interest to the Benicia citizenry. The amendment also changes the name from debate to forum and specifies what types of questions will be asked at the forum. At the June 21st meeting, the ordinance was introduced.

Recommendation: Adopt the proposed ordinance amending Municipal Code Section 1.42.110.

E. REVIEW AND ACCEPTANCE OF THE INVESTMENT REPORT FOR THE QUARTER ENDED MARCH 2011. (Finance Director)

The investment portfolio is in compliance with the City's Investment Policy and California Law. Additionally, the City has adequate investments to meet its expenditure needs for the next six months. The Finance Committee has reviewed these reports and recommends acceptance.

Recommendation: Accept, by motion, the investment report for the quarter ended March 2011.

F. PROCEDURE FOR RESOLVING TIE VOTES FOR ELECTIVE OFFICES AT GENERAL MUNICIPAL ELECTIONS. (City Attorney)

Elections Code Section 15651 provides two ways of resolving a tie vote for a city elected office. First, the winner could be determined by lot (random selection). Second, a special runoff election could be held to determine the winner. Whichever way is selected by the Council will remain in place for future elections, unless it is changed.

Recommendation: Adopt a resolution to follow Elections Code Section 15651(a) to determine tie votes by lot instead of holding a special election.

G. TRANSFER OF TRANSIT OPERATIONS TO SOLANO COUNTY TRANSIT. (Finance Director)

On November 16, 2010 the City Council approved a resolution authorizing the City Manager to execute the Solano County Transit Joint Powers Agreement (“JPA”) with the City of Vallejo and the Solano Transportation Authority. That resolution further authorized the City Manager to execute such further documents and take such further actions as may be necessary in order to accomplish the goal contemplated by the SolTrans JPA. Due to complications in achieving Federal Transportation Administration funding status prior to July 1, 2011, this resolution removes the FTA certification requirement so that the City Manager can execute agreements to facilitate the transfer of bus operations to SolTrans.

RECOMMENDATION: Approval of a Resolution authorizing the City Manager to Transfer Bus Transit Operations to Solano County Transit (“SolTrans”) without providing proof of FTA “grantee” status.

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

VIII. BUSINESS ITEMS (7:30 PM):

A. BEST PRACTICES FOR GRANTEES OF THE CITY. (City Attorney)

The Open Government Commission has been discussing the request of members of the public regarding regulating organizations who receive City funds in terms of Open Government principles. A distinction must be made in terms of the types of funding that organizations receive. Some receive grants from the City, others have contracts with the City to perform services. For grantees, it is recommended that the City standardize requirements for awarding grants and monitoring performance. For service contracts, it is recommended that the City Council or other awarding authority establish the

desired requirements on a case-by-case basis in the contract.

Recommendation: Accept the Open Government Commission's recommendation about grantee and service agreement best practices.

B. NAMING OF THE NINTH STREET LAUNCHING FACILITY PARK. (Parks and Community Services Director)

The Parks, Recreation and Cemetery Commission, at the suggestion of Ms. Bonnie Silveria and local citizens is recommending to acknowledge and recognize the park at Ninth Street Launching Facility, and name it Alvarez Ninth Street Park, after retiring Parks and Community Services Director Michael Alvarez.

Recommendation: The Parks, Recreation and Cemetery Commission is recommending to acknowledge and recognize the park at Ninth Street Launching Facility, and name it Alvarez Ninth Street Park, after retiring Parks and Community Services Director Michael Alvarez.

C. DISCUSSION OF REDISTRICTING MAPS FOR THE CITY OF BENICIA. (City Manager)

As requested by Council Member Schwartzman and approved by City Council at the June 21, 2011 Council meeting, staff is providing information on the redistricting process. In November 2008, voters approved Proposition 11—the Voters FIRST Act (Act) authorizing the creation of a new 14-member Citizens Redistricting Commission, who will be responsible for drawing the district lines for the State Senate, Assembly, and State Board of Equalization. Boundaries for major elective offices are redrawn every 10 years following the U.S. Census. The Comment period has passed for the first set of maps but additional opportunities for comment may be available.

Recommendation: Discuss and review the first draft redistricting maps from the Citizens Redistricting Commission and the Solano County Board of Supervisors Preferred Alternate map of Solano County.

IX. ADJOURNMENT (9:00 PM):

Public Participation

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 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.

RESOLUTION NO. 11-

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BENICIA CONFIRMING THE MAYOR'S APPOINTMENT OF COUNCIL MEMBER MARK HUGHES TO A CITY COUNCIL APPOINTMENT SUBCOMMITTEE FOR A ONE-YEAR TERM ENDING JUNE 29, 2012

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Benicia that the appointment of Council Member Mark Hughes to a City Council Appointment Subcommittee by Mayor Patterson is hereby confirmed contingent on the adoption of the subcommittee resolution.

The above Resolution was approved by roll call by the City Council of the City of Benicia at a regular meeting of said Council held on the 5th day of July 2011 and adopted by the following vote:

Ayes:

Noes:

Absent:

Elizabeth Patterson, Mayor

Attest:

Lisa Wolfe, City Clerk



PROCLAMATION

IN RECOGNITION OF
JULY AS PARKS & RECREATION MONTH
Parks Make Life Better!SM

WHEREAS, Parks and Recreation makes lives and communities better now and in the future; and

WHEREAS, 98% of California households indicated they visited a local park at least once in the past year; most often visiting a park with family and friends; and

WHEREAS, Parks provide access to the serenity and the inspiration of nature and outdoor spaces to play and exercise, preserve and protect the historic, natural and cultural resources in our community; and

WHEREAS, Parks and Recreation offer places, spaces and programs to facilitate social connections, human development, therapy, the arts, and lifelong learning while strengthening community image, sense of place and increases cultural unity; and

WHEREAS, thousands of California children, adults and seniors benefit from the wide range of services, facilities and programs including Benicia Community Park, Tiny Tots Preschool, Learn To Swim Program, After School Recreation Programs and Senior Health & Fitness classes provided by Benicia Parks & Community Services; and

WHEREAS, the City of Benicia urges all its residents to recognize that parks and recreation enriches the lives of its residents and visitors as well as adding value to the community's homes and neighborhoods;

NOW, THEREFORE, BE IT RESOLVED THAT I, Elizabeth Patterson, Mayor of the City of Benicia, on behalf of the City Council, hereby proclaim that Parks Make Life Better!SM and the month of July, 2011 as "Parks & Recreation Month" and in doing so, urges all citizens to use and enjoy our parks and recreational opportunities.

Elizabeth Patterson, Mayor
July 5, 2011



MINUTES OF THE
SPECIAL MEETING – CITY COUNCIL
June 21, 2011

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

All Council Members present. Council Member Campbell arrived at 6:03 p.m.

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 LABOR NEGOTIATOR

(Government Code Section 54957.6 (a))

Agency negotiators: City Manager, Administrative Services Director

Employee organizations: City Manager, City Attorney, Benicia Senior Management Group, 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 LEGAL COUNSEL-ANTICIPATED LITIGATION

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

Number of potential cases (1)

V. ADJOURNMENT:

Mayor Patterson adjourned the meeting at 7:05 p.m.

MINUTES OF THE
REGULAR MEETING – CITY COUNCIL
June 21, 2011

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 7:08 p.m.

II. CLOSED SESSION:

III. CONVENE OPEN SESSION:

A. ROLL CALL

All Council Members were present.

B. PLEDGE OF ALLEGIANCE

Council Member Campbell led the Pledge of Allegiance.

C. REFERENCE TO THE FUNDAMENTAL RIGHTS OF PUBLIC

IV. ANNOUNCEMENTS/APPOINTMENTS/PROCLAMATIONS/PRESENTATIONS:

A. ANNOUNCEMENTS

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

Ms. McLaughlin reported that received information from Staff on both Closed Session items.

2. Openings on Boards and Commissions:

Soltrans Public Advisory Committee:
Three Full Terms
Open until filled

Sky Valley Open Space Committee:
One full term to January 31, 2015
Open until filled

Civil Service Commission:
One full term to January 31, 2015
Open until filled

Building Board of Appeals:
Three full terms to January 31, 2015
Open until filled

Solano Transportation Authority Pedestrian Advisory Committee:
One full term to January 31, 2014
Open until filled

Open Government Commission:
One unexpired term to January 31, 2013
Applications due June 24, 2011

Arts & Culture Commission:
One unexpired term to January 31, 2013
Applications due June 24, 2011

3. Mayor's Office Hours:

4. Benicia Arsenal Update

Mayor Patterson read the update list provided in the handouts (copy on file).

B. APPOINTMENTS

C. PROCLAMATIONS

D. PRESENTATIONS

1. Update on Tourism Marketing Program - Jack Wolf - Wolf Communications

Jack Wolf, Wolf Communications, gave a brief update on the Tourism Marketing Program.

Public Comment:

1. Duane Oliveria - Mr. Oliveria discussed the success of the Sunset Celebration Weekend event.
2. Susan Street - Ms. Street discussed the success of the Sunset Celebration Weekend event.
3. Christina Strawbridge - Ms. Strawbridge discussed the success of the Sunset Celebration Weekend event. She discussed the positive impact the magazine

had on the City.

Vice Mayor Schwartzman and Mr. Wolf discussed the cost of placing the ad in Sunset Magazine, as well as the cost for hosting the booth at the event.

Council Member Campbell and Staff discussed how much money was left in the budget for the program, what should be done after the contract expires (extend the contract if the City's budget allows for it).

V. ADOPTION OF AGENDA:

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

Ayes: Patterson, Schwartzman, Campbell, Hughes, Ioakimedes

Noes: (None)

Brad Kilger, City Manager, stated that no action would be taken on item VIII.E tonight, as it was agendaized for discussion only.

VI. OPPORTUNITY FOR PUBLIC COMMENT:

A. WRITTEN COMMENT

Various handouts (copies on file).

B. PUBLIC COMMENT

1. Larry Fullington - Mr. Fullington discussed the issue of the City Treasurer position. He encouraged Council to make the City Treasurer an appointed position, without salary and benefits.
2. Council Member Campbell and Mr. Fullington discussed the cost of putting a measure on the ballot.
3. Todd Matthews, Benicia Firefighter's Association - Mr. Matthews discussed layoff notices that two firefighter's received, and the concessions the firefighters are being asked to accept.
4. Jason Fein, Benicia Firefighter's Association - Mr. Fein discussed the concessions the firefighters are being asked to accept.
5. Kevin Rose, Benicia Police Officer's Association - Mr. Rose discussed the labor contract that was being proposed, and the concessions the police officers are being asked to accept.
6. Vice Mayor Schwartzman - Vice Mayor Schwartzman listed a website that had information on the issue of redistricting.

VII. CONSENT CALENDAR:

Council pulled items VII.E, VII.F, VII.G, VII.H, and VII.L for discussion.

On motion of Vice Mayor Schwartzman, seconded by Council Member loakimedes, Council approved the Consent Calendar, as amended, on roll call by the following vote:

Ayes: Patterson, Schwartzman, Campbell, Hughes, loakimedes

Noes: (None)

A. APPROVAL OF MINUTES OF THE MAY 31, 2011 SPECIAL MEETING, THE SPECIAL AND REGULAR MEETINGS OF JUNE 7, 2011, AND THE SPECIAL MEETING OF JUNE 14, 2011

On motion of Vice Mayor Schwartzman, seconded by Council Member loakimedes, Council approved the minutes, as presented, on roll call by the following vote:

Ayes: Patterson, Schwartzman, Campbell, Hughes, loakimedes

Noes: (None)

B. AWARD OF CHEMICAL CONTRACTS FOR WATER TREATMENT - FY 2011-2012

RESOLUTION 11-69 - A RESOLUTION ACCEPTING BIDS AND AWARDING CONTRACTS TO THE LOWEST RESPONSIBLE BIDDERS FOR FURNISHING CHEMICALS FOR WATER TREATMENT FOR FISCAL YEAR 2011-2012 AND AUTHORIZING THE CITY MANAGER TO SIGN THE CONTRACTS ON BEHALF OF THE CITY

On motion of Vice Mayor Schwartzman, seconded by Council Member loakimedes, Council adopted the Resolution, on roll call by the following vote:

Ayes: Patterson, Schwartzman, Campbell, Hughes, loakimedes

Noes: (None)

C. ACCEPTANCE OF THE FIRE STATION 12 DORMITORY RENOVATION PROJECT / CHANGE ORDERS

RESOLUTION 11-70 - A RESOLUTION ACCEPTING THE FIRE STATIONS 12 DORMITORY RENOVATION, INCLUDING FINAL CHANGE ORDERS, AS COMPLETE, AUTHORIZING THE CITY MANAGER TO SIGN THE NOTICE OF COMPLETION, AND AUTHORIZING THE CITY CLERK TO FILE SAID NOTICE WITH THE SOLANO COUNTY RECORDER

On motion of Vice Mayor Schwartzman, seconded by Council Member loakimedes, Council adopted the Resolution, on roll call by the following vote:

Ayes: Patterson, Schwartzman, Campbell, Hughes, loakimedes

Noes: (None)

D. RESOLUTION AWARDING DAY WIRELESS A PURCHASE ORDER FOR COMMUNICATIONS EQUIPMENT

RESOLUTION 11-71 - A RESOLUTION AWARDING A PURCHASE ORDER TO DAY WIRELESS FOR COMMUNICATIONS EQUIPMENT

On motion of Vice Mayor Schwartzman, seconded by Council Member loakimedes, Council adopted the Resolution, on roll call by the following vote:
Ayes: Patterson, Schwartzman, Campbell, Hughes, loakimedes
Noes: (None)

E. INTRODUCE THE ORDINANCE TO AMEND THE BENICIA MUNICIPAL CODE SECTION ON CANDIDATE DEBATES TO CLARIFY THE PURPOSE AND ALLOWABLE DATES

ORDINANCE 11- - AN ORDINANCE AMENDING SECTION 1.42.110 (CANDIDATE DEBATE) OF CHAPTER 1.42 (CONTRIBUTION AND VOLUNTARY SPENDING LIMITS) OF TITLE 1 (GENERAL PROVISIONS) OF THE BENICIA MUNICIPAL CODE

Vice Mayor Schwartzman discussed concerns regarding the proposed method for cancellation. He proposed changing the time so it was closer to the date of the forum (24 hours prior to the date of the forum).

Mayor Patterson requested removing the language 'inappropriate content, as listed on page VII.E.2. Staff recommended the language read 'inflammatory statements and misinformation' and delete 'inappropriate content.'

Vice Mayor Schwartzman suggested the language read 'the forum may be cancelled in its entirety, by unanimous consent of the candidates, delivered to the chair of the commission, no less than 24 hours before the scheduled forum date.'

Council and Staff discussed the cancellation time that is required for the company that handles the broadcasting. Staff thought the company required 48-72 hours notice. Staff will check on the required time for cancellation.

Public Comment:

1. Leah Shellhorn - Ms. Shellhorn asked if everyone could act like adults, and not make negative comments during campaigns.

Mayor Patterson asked Staff to make the cancellation time consistent with the company's required cancellation requirement. Item is continued until Staff received clarification.

At 9:20 p.m., after the break, Staff clarified that the company only required a 24-hour cancellation notice. Staff would change the ordinance to reflect the language regarding the 24-hour cancellation notice (+ an additional hour for contacting the video crew), and to remove 'inappropriate content' from the language.

On motion of Vice Mayor Schwartzman, seconded by Council Member Hughes,

Council approved the Introduction and First Reading of the above Ordinance, as amended, on roll call by the following vote:

Ayes: Patterson, Schwartzman, Campbell, Hughes, loakimedes

Noes: (None)

F. REQUEST FOR ONE-YEAR EXTENSION OF MEMORANDUM OF UNDERSTANDING ON PROVISION OF ANIMAL CARE SERVICES

Mayor Patterson and Staff discussed the MOU, and how/when the public would be engaged in the discussion. Mayor Patterson requested there be a robust public outreach effort.

On motion of Vice Mayor Schwartzman, seconded by Council Member Hughes, Council approved the one-year extension of Memorandum of Understanding on provision of animal care services, on roll call by the following vote:

Ayes: Patterson, Schwartzman, Campbell, Hughes, loakimedes

Noes: (None)

G. ACCEPTANCE OF PROPOSAL FOR PUBLISHING AND PRINTING LEGAL NOTICES FROM BENICIA HERALD AND APPROVAL OF AN AGREEMENT BETWEEN CITY AND BENICIA HERALD FOR FISCAL YEARS 2011/2012 AND 2012/2013

RESOLUTION 11-74 - A RESOLUTION ACCEPTING THE PROPOSAL FOR LEGAL PUBLICATIONS FROM THE BENICIA HERALD, AWARDING THE CONTRACT FOR FISCAL YEARS 2011/2012 AND 2012/2013, AND AUTHORIZING MAYOR AND CITY CLERK TO EXECUTE SAID CONTRACT

Council Member loakimedes and Staff discussed the state requirements

On motion of Council Member loakimedes, seconded by Vice Mayor Schwartzman, Council adopted the Resolution, on roll call by the following vote:

Ayes: Patterson, Schwartzman, Campbell, Hughes, loakimedes

Noes: (None)

H. APPROVAL OF AN AMENDMENT TO A LEASE AGREEMENT FOR A WIRELESS COMMUNICATION FACILITY AT BENICIA MIDDLE SCHOOL WITH STC FIVE, LLC

RESOLUTION 11-75 - A RESOLUTION APPROVING AN AMENDMENT TO THE LEASE AGREEMENT BETWEEN THE CITY OF BENICIA AND STC FIVE, LLC, A DELAWARE LIMITED LIABILITY COMPANY, FOR A WIRELESS COMMUNICATION FACILITY AT BENICIA MIDDLE SCHOOL, AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE AMENDMENT ON BEHALF OF THE CITY

Council Member loakimedes and Staff discussed what action had been taken by

BUSD on this issue.

Mr. Giuliani discussed the changes proposed by Ms. Kat Wellman, and suggested those changes be incorporated into the agreement. He discussed the proposed agreement.

Council Member Campbell discussed the issue of field maintenance, and how much the City had spent as a result of the Joint Use Agreement, and how much the City has received back in fees.

Council Member loakimedes and Staff discussed the cell tower at Benicia Middle School.

Council Member Hughes discussed the BUSD facilities and fields that the City uses. He asked Staff to follow up on the issues of EMF (Electro Magnetic Field) safety.

Public Comment:

None

On motion of Vice Mayor Schwartzman, seconded by Council Member loakimedes, Council adopted the Resolution, on roll call by the following vote:
Ayes: Patterson, Schwartzman, Campbell, Hughes, loakimedes
Noes: (None)

I. RESOLUTION CALLING FOR THE GENERAL MUNICIPAL ELECTION NOVEMBER 8, 2011 AND FEES RELATED TO THAT ELECTION

RESOLUTION 11-72 - A RESOLUTION CALLING AND GIVING NOTICE OF THE HOLDING OF A GENERAL MUNICIPAL ELECTION TO BE HELD ON TUESDAY, NOVEMBER 8, 2011, FOR THE ELECTION OF MAYOR (1), CITY COUNCIL MEMBERS (2), CITY CLERK (1), AND CITY TREASURER (1) FOR THE CITY AS REQUIRED BY THE PROVISIONS OF THE LAWS OF THE STATE OF CALIFORNIA RELATING TO GENERAL LAW CITIES

On motion of Vice Mayor Schwartzman, seconded by Council Member loakimedes, Council adopted the Resolution, on roll call by the following vote:
Ayes: Patterson, Schwartzman, Campbell, Hughes, loakimedes
Noes: (None)

J. RESOLUTION PROVIDING FOR AND REQUESTING THE BOARD OF SUPERVISORS PERMIT THE REGISTRAR OF VOTERS TO PROVIDE SPECIFIED SERVICES IN CONNECTION WITH THE GENERAL MUNICIPAL ELECTION TO BE HELD NOVEMBER 8, 2011

RESOLUTION 11-73 - A RESOLUTION PROVIDING FOR AND REQUESTING THE BOARD OF SUPERVISORS TO PERMIT THE GENERAL MUNICIPAL

ELECTION TO BE HELD NOVEMBER 8, 2011

On motion of Vice Mayor Schwartzman, seconded by Council Member loakimedes, Council adopted the Resolution, on roll call by the following vote:
Ayes: Patterson, Schwartzman, Campbell, Hughes, loakimedes
Noes: (None)

K. 2010 - 2011 SOLANO COUNTY GRAND JURY REPORT ENTITLED "UNCLAIMED FUNDS AND ESCHEATMENT PROCESS REVIEW"

On motion of Vice Mayor Schwartzman, seconded by Council Member loakimedes, Council accepted the findings of the Grand Jury, and approved submitting a letter to the Presiding Judge of Solano County, on roll call by the following vote:
Ayes: Patterson, Schwartzman, Campbell, Hughes, loakimedes
Noes: (None)

L. APPROVAL OF FINANCE DIRECTOR POSITION DESCRIPTION

RESOLUTION 11-76 – A RESOLUTION APPROVING AMENDMENTS TO THE POSITION DESCRIPTION FOR FINANCE DIRECTOR

Mayor Patterson discussed comments she submitted to Staff in writing that were not received. She requested adding 'investment' in the first paragraph that describes definition, under qualifications, add 'be familiar with accrual analysis and demonstrated expertise in performance measures and matrix analysis for budget analysis purposes', and under areas of expertise, add 'assessment districts' to the requirements.

Vice Mayor Schwartzman discussed taking IT out of the responsibilities, as recommended, and whether or not transit should be under the oversight of the Finance Director.

Council Member Hughes and Staff discussed the issue of moving IT to be under Administrative Services.

Public Comment:

None

Mayor Patterson asked Staff to come up with a matrix and check back in 6 months to see how it is working.

On motion of Vice Mayor Schwartzman, seconded by Council Member loakimedes, Council adopted the Resolution, as amended, on roll call by the following vote:

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

- M. Approval to waive the reading of all ordinances introduced and adopted pursuant to this agenda.

VII. BUSINESS ITEMS:

A. ADOPT THE 2010 URBAN WATER MANAGEMENT PLAN

RESOLUTION 11-77 - A RESOLUTION ADOPTING THE 2010 URBAN WATER MANAGEMENT PLAN AND DIRECTING STAFF TO SUBMIT THE PLAN BY THE JULY 21, 2011 DEADLINE

Carrie Wenslawski, Management Analyst, reviewed the staff report.

Council Member loakimedes and Staff discussed adding language regarding ET irrigation controls in the lighting and irrigation districts. Staff will add the language.

Council Member Campbell and Staff discussed the Mojave water bank. The agreement was terminated. The City would just use the rest of the water that has been stored.

Mayor Patterson and Staff discussed her wish that the public would become engaged in this issue. She discussed the need to have an effective landscape management program, under item #7 - she would like to see the comparison of the City to the U.S/world in water use on the water bills, under item #15 - area of origin is a separate claim of water right that is independent from the appropriative water right, and because of that it is vulnerable, and under item #17 - she would like to see 'inclimate conditions or weather conditions.'

Staff confirmed they would clarify Mayor Patterson's comments in the final document.

Public Comment:

None

On motion of Council Member Hughes, seconded by Council Member loakimedes, Council adopted the Resolution, as amended, on roll call by the following vote:

Ayes: Patterson, Schwartzman, Campbell, Hughes, loakimedes

Noes: (None)

B. CITY COUNCIL AND CITY CLERK STIPEND AND BENEFIT PACKAGE

RESOLUTION 11-78 - A RESOLUTION APPROVING A REDUCTION IN THE COMPENSATION PACKAGE FOR ELECTED OFFICIALS

Brad Kilger, City Manager, reviewed the staff report.

Public Comment:

None

Vice Mayor Schwartzman and Staff discussed prior reductions to Council's stipends, information on healthcare benefits,

Council Member Ioakimedes and Staff discussed why the reductions in stipends must be voluntary, concern regarding the term 'encouraging' in the resolution, and when council compensation was adjusted upward (possibly 1992).

Council Member Campbell and Staff discussed the pay-in-lieu benefit that is available to elected officials.

Council Member Hughes discussed the reductions the City was asking the employees to take, and his willingness to take the recommended reduction.

Mayor Patterson discussed her willingness to take the proposed reductions. She discussed the issue of council compensation. She suggested discussing the issue at a future forum.

Vice Mayor Schwartzman discussed the effects of the economy.

Public Comment:

1. Dennis Lowry - Mr. Lowry discussed taking healthcare costs out of Council's compensation, and possibly increasing the stipends. He thanked Council for their service.
2. Larry Fullington - Mr. Fullington requested Council not approve the reduction in compensation.

Council Member Campbell discussed the fact that Council Members were not working for the compensation.

On motion of Council Member Hughes, seconded by Council Member Campbell, Council adopted the Resolution, on roll call by the following vote:

Ayes: Patterson, Schwartzman, Campbell, Hughes, Ioakimedes

Noes: (None)

C. APPROVAL OF AMENDMENTS TO THE CITY MANAGER AND CITY ATTORNEY AGREEMENTS TO REFLECT APPROVED SALARY AND BENEFIT CONCESSIONS

Brad Kilger, City Manager, reviewed the staff report.

Public Comment:

None

On motion of Vice Mayor Schwartzman, seconded by Council Member Hughes, Council approved, by motion, the amendments to the City Manager and City Attorney agreements to reflect approved salary and benefit concessions, on roll call by the following vote:

Ayes: Patterson, Schwartzman, Campbell, Hughes, loakimedes

Noes: (None)

D. APPROVE AN AMENDMENT TO THE JULY 1, 2010 TO JUNE 30, 2012 AGREEMENT BETWEEN THE CITY OF BENICIA MIDDLE MANAGEMENT EMPLOYEES

RESOLUTION 11-79 – A RESOLUTION APPROVING AN AMENDMENT TO THE JULY 1, 2010 TO JUNE 30, 2012 AGREEMENT WITH THE BENICIA MIDDLE MANAGEMENT EMPLOYEES

Brad Kilger, City Manager, reviewed the staff report.

Public Comment:

None

On motion of Council Member Hughes, seconded by Council Member Campbell, Council approved the Resolution, on roll call by the following vote:

Ayes: Patterson, Schwartzman, Campbell, Hughes

Noes: loakimedes

E. PRESENTATION AND DISCUSSION OF PROPOSED MUNICIPAL BUDGETS FOR FISCAL YEAR'S 2012 AND

Brad Kilger, City Manager, introduced the item, and provided an overview of the proposed budget. He reviewed a PowerPoint presentation (copy on file).

Rob Sousa, Finance Director, reviewed the staff report.

Council Member Hughes and Staff discussed the difference between amended, estimated, and proposed, as listed on page one of section two.

Council Member Campbell and Staff discussed concern regarding the wastewater advance. Mayor Patterson asked Staff to address the issue of how the payment will be made at Thursday's workshop.

Vice Mayor Schwartzman discussed the need for a balanced budget.

Council Member loakimedes and Staff discussed the water and wastewater

funds, and whether any police or fire funds were allocated for those funds.

Mr. Kilger reviewed the accomplishments of the City Council, City Clerk's office, City Manager's Office, Human Resources, and Economic Development Departments. He reviewed the CMO's major budget changes and priorities.

Council Member Campbell and Staff discussed the City Treasurer's budget. Staff would clarify the information on Thursday.

Ms. McLaughlin reviewed the City Attorney's office accomplishments, major budget changes, and priorities.

Rob Sousa reviewed the Finance Departments priorities, the IT Division's priorities and significant budget changes.

Diane Smikahl reviewed the Library Department's major budget changes, and departmental priorities.

Council Member Campbell inquired about the Library Manager position.

Chief Bidou reviewed the Police Department's accomplishments, major budget changes, and priorities.

Public Comment:

None

Mr. Kilger asked Council to forward any questions or comments to Staff prior to Thursday's workshop.

F. REQUEST TO AGENDIZE CONSIDERATION OF A BENICIA INDUSTRIAL PARK INFORMATION TECHNOLOGY NEEDS FEASIBILITY OPTIONS

On motion of Council Member Hughes, seconded by Vice Mayor Schwartzman, Council approved placing the item on a future agenda, on roll call by the following vote:

Ayes: Patterson, Schwartzman, Campbell, Hughes, Ioakimedes

Noes: (None)

G. REQUEST TO AGENDIZE CONSIDERATION OF A DISCUSSION PENDING NEW DISTRICTS AS A RESULT OF DRAFT REDISTRICTING MAPS RECENTLY RELEASED AND PROVIDE COMMENTS TO THE REDISTRICTING COMMISSION IF WARRANTED

Vice Mayor Schwartzman discussed the timing issue related to this item.

Mayor Patterson discussed concern regarding the lack of time to submit further comment to the Redistricting Commission. If the commission is still taking comments, discussion on the item would be agendized.

On motion of Council Member Hughes, seconded by Council Member loakimedes, Council approved placing the item on a future agenda, on roll call by the following vote:

Ayes: Patterson, Schwartzman, Campbell, Hughes, loakimedes

Noes: (None)

H. COUNCIL MEMBER COMMITTEE REPORTS

- 1. Mayor's Committee Meeting. (Mayor Patterson) Next Meeting Date: June 15, 2011**
- 2. Association of Bay Area Governments (ABAG). (Mayor Patterson and Council Member loakimedes) Next Meeting Date: Fall Assembly - October 13, 2011**
- 3. Finance, Audit and Budget Committee. (Vice Mayor Schwartzman and Council Member Campbell) Next Meeting Date: June 24, 2011**
- 4. League of California Cities. (Mayor Patterson and Vice Mayor Schwartzman) Next Meeting Date: July 28, 2011**
- 5. School Liaison Committee. (Council Members loakimedes and Hughes) Next Meeting Date: June 23, 2011**
- 6. Sky Valley Open Space Committee. (Council Members Campbell and Hughes) Next Meeting Date: August 3, 2011**
- 7. Solano EDC Board of Directors. (Mayor Patterson and Council Member Campbell) Next Meeting Date: July 28, 2011**
- 8. Solano Transportation Authority (STA). (Mayor Patterson and Council Member loakimedes) Next Meeting Date: July 13, 2011**
- 9. Solano Water Authority-Solano County Water Agency and Delta Committee. (Mayor Patterson and Vice Mayor Schwartzman) Next Meeting Date: July 14, 2011**
- 10. Traffic, Pedestrian and Bicycle Safety Committee. (Council Members Hughes and loakimedes) Next Meeting Date: July 21, 2011**

11. **Tri-City and County Regional Parks and Open Space. (Council Members Campbell and Hughes) Next Meeting Date: July 19, 2011**
12. **Valero Community Advisory Panel (CAP). (Council Member Hughes): Next Meeting Date: July 13, 2011**
13. **Youth Action Coalition. (Vice Mayor Schwartzman and Council Member Campbell) Next meeting Date: June 22, 2011**
14. **ABAG-CAL FED Task Force-Bay Area Water Forum. (Mayor Patterson) Next Meeting Date: June 27, 2011**
15. **SOLTRANS Joint Powers Authority (Mayor Patterson and Council Member Ioakimedes) Next Meeting Date: June 16, 2011**

IX. ADJOURNMENT:

Mayor Patterson adjourned the meeting at 10:59 p.m.

AGENDA ITEM
CITY COUNCIL MEETING DATE - JULY 5, 2011
CONSENT CALENDAR

DATE : June 16, 2011

TO : City Manager

FROM : Finance Director

SUBJECT : **ESTABLISHMENT OF THE ANNUAL APPROPRIATIONS LIMIT PURSUANT TO ARTICLE XIII B OF THE CALIFORNIA STATE CONSTITUTION FOR FISCAL YEAR 2011-12**

RECOMMENDATION:

Adopt the resolution establishing the maximum allowable appropriations limit for Fiscal Year 2011-12 in the amount of \$71,435,158.

EXECUTIVE SUMMARY:

Article XIII B of the State Constitution requires cities to limit their growth in appropriations to a formula with options based upon the increase in their city or county population and the increase in non-residential construction or California per capita income. The resolution establishes the formula options and appropriation limit for Fiscal Year 2011-12. The City currently has a \$43.1 million margin between the appropriations limit and the approved appropriations budget for FY 2011-12.

BUDGET INFORMATION:

There is no budget impact to the City by adopting the resolution.

GENERAL PLAN:

There is no General Plan impact to the City by adopting the resolution.

STRATEGIC PLAN:

Relevant Strategic Plan Goals and Strategies:

- Goal 3.00: Strengthening Economic and Fiscal Conditions
 - Strategy 4.00: Manage City finances prudently

BACKGROUND:

Each year the governing body of each local jurisdiction shall, by resolution, establish its appropriations limit and make other necessary determinations for the following fiscal year pursuant to Article XIII B at a regularly scheduled meeting or noticed special meeting.

Article XIII B of the State Constitution requires the Council to adopt “Cost of Living” factors to compute the City’s appropriations limit. Two factors are utilized for the computation and the City may choose whichever yields the greater increase in the limit. The first choice is the percentage change in population for either the City or Solano County. The second choice is comprised of the percentage change in the local assessment roll due to the addition of non-residential new construction or the percentage change in California per capita income.

Exhibit 1 illustrates how the City’s appropriations limit is calculated and the summary of the appropriations subject to limitation. The margin of \$43.1 million between the appropriations limit and the approved appropriations budget indicates the City could increase budgeted appropriations by more than double before being required to reduce local tax rates or revenues.

The appropriations limit was originally designed 20 years ago to limit appropriations in southern California desert resort cities that were receiving rapid increases in revenues from new resort hotels and golf courses and immediately spending the money on capital projects and operations. The legislation forced the resort cities to limit their spending and return any “tax-generated” revenues above the appropriations limit to local residents. Indian Wells is the only city that could be found to actually reduce taxes and only for one year.

Attachments:

- Resolution
- Exhibit 1

RESOLUTION NO. 11-

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BENICIA
ESTABLISHING AN APPROPRIATIONS LIMIT PURSUANT TO ARTICLE XIII B OF
THE CALIFORNIA STATE CONSTITUTION FOR FISCAL YEAR 2011-12**

WHEREAS, Article XIII B of the Constitution of the State of California provides that the total annual appropriations subject to limitation of the State and of each local government shall not exceed the appropriations limit of such entity of government for the prior year adjusted for changes in the cost of living and population except as otherwise provided in said Article XIII B; and

WHEREAS, pursuant to said Article XIII B of the Constitution of the State of California, the City Council of the City of Benicia deems it to be in the best interests of the City of Benicia to establish an appropriations limit for the fiscal year 2011-12; and

WHEREAS, the Finance Director of the City of Benicia has determined that the said appropriations limit for the fiscal year 2011-12 be established in the amount of \$71,435,158; and

WHEREAS, the Finance Director of the City of Benicia has determined that the percentage change in per capita income and the county population is the preferred method of calculation in the cost of living adjustment.

NOW, THEREFORE, BE IT RESOLVED THAT the City Council of the City of Benicia hereby establishes an appropriations limit for fiscal year 2011-12 pursuant to Article XIII B of the Constitution of the State of California be established in the amount of \$71,435,158, as evidenced by Exhibit 1, attached to this Resolution and hereby incorporated herein.

On motion of Council Member _____, seconded by Council Member _____, the above resolution was approved by the City Council of the City of Benicia at a regular meeting held on the 5th day of July, 2011, by the following vote:

Ayes:

Noes:

Absent:

Elizabeth Patterson, Mayor

ATTEST:

Lisa Wolfe, City Clerk

EXHIBIT I
CITY OF BENICIA
2011-12 Appropriations Limit Calculation

<u>Description</u>	<u>Amount</u>
2010-11 Appropriations Limit	\$ 69,533,066
2011-12 County population	1.0022
2011-12 Increase in per capita income	1.0251
2011-12 Appropriations Limit	<u>\$ 71,435,158</u>

2011-12 Projected Tax Revenues

<u>Description</u>	<u>Amount</u>
Property Taxes	\$ 13,480,405
Sales & Use Tax	6,201,580
Transient Occupancy Tax	255,000
Utility Users Tax	5,256,200
Business License Tax	462,000
Real Property Transfer Tax	90,000
State Motor-Vehicle Fees	1,848,410
Gas Tax	764,705
Appropriations Subject to Limitation	<u>\$ 28,358,300</u>
Margin	<u><u>\$ 43,076,858</u></u>

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AGENDA ITEM
CITY COUNCIL MEETING DATE - JULY 5, 2011
CONSENT CALENDAR

DATE : June 21, 2011
TO : City Manager
FROM : Finance Director
SUBJECT : **CONSIDERATION OF AWARDING A CONTRACT FOR AUDITING SERVICES TO MAZE & ASSOCIATES**

RECOMMENDATION:

Adopt the resolution approving the appointment of Maze & Associates as the City's Auditor for the Fiscal Years 2010-11 through 2014-15.

EXECUTIVE SUMMARY:

One of the primary goals established by the City Council for the Finance Committee (FC) is to advise the City Council on the selection of the independent City Auditor. The FC accomplished this goal over the course of several meetings and authorized the Finance Director to recommend that Maze & Associates be selected as the City's Independent Auditor for a one-year term with a 4-year extension if performance is satisfactory

BUDGET INFORMATION:

The cost of the audit will be spread among the major funds including the General Fund, Water, Wastewater, Transit (final year), Streets Projects and the Assessment Districts:

Fiscal Years	FY 2010-11	FY 2011-15	5-Year Total
Totals	53,175	\$211,843	\$265,018

GENERAL PLAN:

There is no General Plan impact.

STRATEGIC PLAN:

Relevant Strategic Plan Goals and Strategies:

- Goal 8.00: Build Organizational Quality and Capacity
 - Strategy 8.20: Measure and track service (i.e. financial) performance

BACKGROUND:

One of the primary goals established by the City Council for the FC is to advise the City Council on the selection of the independent City Auditor. The selection process began during the month of April when *Requests for Proposals* (RFP's) were mailed to 18 qualified auditing firms specializing in municipal audits. As a result of the mailing, four proposals were received, mostly from firms located within a 50-mile radius, with three of the firms being invited for interviews.

Each of the firms that submitted proposals had backgrounds in auditing California cities, although one firm did not have very extensive experience auditing cities. The major differences tended to lie in the size of the firm, the experience and training of the assigned audit team, and the estimated costs for conducting the audit. The following schedule summarizes the proposals that were submitted:

Table 1. Audit Firms Submitting Proposals

Audit Firm	Contact	5 Year Total
Odenberg, Ulakko, Muranishi, SF*	Scott Miller, CPA	\$184,400
JJA CPA, Pleasanton*	Joseph Arch, CPA	\$201,245
Constance Coughlan, Napa	C. Coughlan, CPA	\$237,000
Maze & Associates, Pleasant Hill*	Catherine Yuen, CPA	\$265,018
* Invited to Finalist Interview		

On May 27, 2011 the FC met and interviewed the three audit firms. During the interview process, each finalist was asked to present the qualifications of their firm and assigned staff, as well as, a brief summary of how they would conduct the audit. Catherine Yuen, CPA and Vikki Rodriguez, CPA, represented Maze & Associates during the interview and impressed the committee with their knowledge and experience in leading audits of similar-sized cities. The committee members felt the audit team, led by Catherine and Vikki would provide the City with the best auditing services from among the finalists. Comments from committee members supporting the decision included the audit firm's depth of audit knowledge and experience, the importance of education and availability of additional resource, and familiarity with the City (previous auditors from two years ago). Although Maze & Associates is the most expensive of the firms, the Finance Committee felt the City would get the best value from Maze & Associates. It is the Finance Committee's recommendation that Maze & Associates be the City's auditors for FY2010-11 through 2014-15.

Attachments:

- ❑ Resolution Awarding Contract for Audit Services
- ❑ Proposal of Independent Audit Services from Maze & Associates

RESOLUTION NO. 11-

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BENICIA
AWARDING A CONTRACT FOR AUDITING SERVICES TO MAZE & ASSOCIATES**

WHEREAS, the City is required by State Law to have an independent audit of its financial records on an annual basis; and

WHEREAS, the City Council recognizes the importance of selecting an auditing firm that provides the highest levels of professionalism and auditing competence; and

WHEREAS, the City Council has determined that the selected firm shall be engaged for one fiscal year and allowed a four-year extension if performance is satisfactory, beginning FY 2010-11; and

WHEREAS, on May 27, 2011, the Finance Committee selected Maze & Associates as the best qualified auditing firm from a pool of professional candidates.

NOW, THEREFORE, BE IT RESOLVED THAT the City Council of the City of Benicia hereby authorizes the City Manager to approve a contractual agreement with Maze & Associates to conduct an independent audit of the financial records of the City of Benicia and requisite funds.

BE IT FURTHER RESOLVED THAT the contract shall be awarded at amounts not to exceed the following:

- | | | |
|-----------------|---------|------------|
| 1. Fiscal Year | 2010-11 | \$ 53,175 |
| 2. Fiscal Years | 2012-15 | \$ 211,843 |

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 5th day of July 2011, and adopted by the following vote:

Ayes:

Noes:

Absent:

Attest:

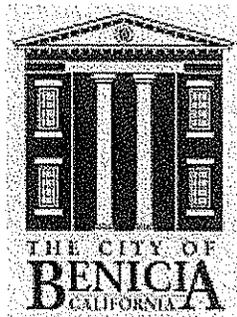
Elizabeth Patterson, Mayor

Lisa Wolfe, City Clerk

PROPOSAL

**To Provide
Professional Auditing Services
For The**

CITY OF BENICIA



Submitted By

***M*AZE & ASSOCIATES ACCOUNTANCY CORPORATION**

CERTIFIED PUBLIC ACCOUNTANTS

✉ 3478 Buskirk Avenue, Suite 215, Pleasant Hill, CA 94523

☎ (925) 930-0902 📠 (925)930-0135

May 16, 2011

Contact Persons	
Katherine Yuen, CPA Vice President ☎ (925)-930-0902, Ext. 248 📠 katheriney@mazeassociates.com	Cory Biggs, CPA Chief Executive Officer ☎ (925)-930-0902, Ext. 225 📠 coryb@mazeassociates.com

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**CITY OF BENICIA
AUDIT PROPOSAL**

TABLE OF CONTENTS

	<u>Page</u>
TRANSMITTAL LETTER.....	1
FIRM QUALIFICATIONS AND EXPERIENCE.....	3
Internal Quality Assurance System	3
No Disciplinary Action	3
Federal or State Field Reviews	3
Litigation	3
External Quality Control Review	4
Peer Review Letter	5
Overview	6
Equality and Diversity	6
National Recognition	6
Reputation	7
Professional Activity	8
Our Municipal Focus	9
City Clients.....	10
Grant and Compliance Audit Experience.....	11
Large Enterprise Operations	13
Redevelopment Agency Experience.....	14
Retirement Plan Experience.....	14
Transportation Experience	14
Long Term Debt Experience.....	15
Public Financing Authorities and Mello-Roos Experience	15
Assistive Resources.....	15
Client Training and Professional Development	16
Books, Periodicals, News Letters, and Professional Standards.....	16
Support Services.....	16
Properly Licensed.....	18
Independence.....	18
STAFF QUALIFICATIONS AND EXPERIENCE.....	19
Audit Team.....	19
Staff Training	25
Qualifications and Continuity	26

**CITY OF BENICIA
AUDIT PROPOSAL**

TABLE OF CONTENTS

	<u>Page</u>
AUDIT APPROACH	28
Specific Audit Approach.....	28
Specific Audit Strategy – Interim	28
Laws Regulations and Compliance	28
New GASB Implementation.....	29
Specific Audit Strategy – Year End.....	29
Audit IT Systems and Going Green	30
Turn-Key Financial Statement Drafts.....	31
Auditing Large and Complex EDP Systems	31
Information System Review	31
System Controls and Transaction Cycle Processing Verification	32
Profiles, Access & Setup Controls.....	32
Data Extraction.....	33
Assessing Risks – Interim Phase	33
Fraud Consideration.....	34
Client Tailored Risk Assessment.....	34
Client Participation in the Risk Assessment Process	35
Assessing Risks – Final Phase	35
Ability to Provide Services on a Short Notice.....	35
Communication and Coordination.....	36
Prompt Service and Delivery of Reports.....	36
Audit Schedule.....	37
Proposed Engagement Segments and Budget	38
REFERENCES	39
City Clients.....	39
References	39
COST	41
Total Cost of Audit.....	41
Cost Containment.....	41
Not to Exceed Price for Proposed Services Schedule.....	42

MAZE & ASSOCIATES

May 16, 2011

Abigail M. Urrutia
Assistant Finance Director
City of Benicia
250 East L Street
Benicia, CA 94510

ACCOUNTANCY CORPORATION
3478 Buskirk Ave. - Suite 215
Pleasant Hill, California 94523
(925) 930-0902 • FAX (925) 930-0135
maze@mazeassociates.com
www.mazeassociates.com

Dear Abby:

We appreciate this opportunity to submit our proposal to provide external audit services for the City of Benicia. We agree to audit the basic financial statements of the City and other entities, and perform additional services as specified in the City's Request for Proposal, within the time periods established by the City.

We are quite certain we are the most qualified firm to be your independent accountants. Maze & Associates began operating a quarter of a century ago, and since that time, we have rigorously employed our philosophy that "We are in Business to Help our Clients Succeed"! Our clients know from experience we employ a variety of techniques, technologies and strategies to maximize effective and efficient audits without shifting our work onto our clients staff. We have summarized our reasons below and explained them in depth in our proposal.

- **We are the best-known regional municipal audit firm in Northern California.** Over our twenty-five year history, we have achieved national recognition with the consistent high quality of our work and with our leadership on issues such as bankruptcy trends and implications, GASB Statement 45, GASB Statement 34, Y2K, and municipal investment losses.
- **Municipal auditing is our main business.** We believe we have the necessary qualifications and are your best choice.
 - We annually audit over 200 municipalities including special districts, joint powers authorities, redevelopment agencies, housing authorities and financing authorities.
 - We currently have thirty-nine City clients ranging in size from small towns to large complex cities, **including six with populations in excess of 100,000.**
 - We currently have **over 30 Redevelopment Agency clients**, with varying degrees of complexity. We have experience with single, multiple and merged project areas, low and moderate income housing set-aside requirements, project area implementation plans, pass-through agreements, and complex development arrangements.
 - **We have experience auditing several dozen large enterprise operations**, some operated as departments or funds of our City clients and others operated as stand-alone independent special districts and authorities.
 - **We conduct three dozen Single Audits annually.**
 - **Our firm does not make the newspapers very often, but when it does, it's for doing our job.**

- We, along with all our staff are **properly licensed to practice in California.**
- Our **Partners are actively involved in planning, conducting and completing the audit in our client's offices** and our Partners are available when you need them. We resolve issues on the spot while the audit is being performed.
- When our Partners communicate with you, the Council and Committees, their knowledge is based on detailed specifics, not information which has been filtered through several layers of review.
- **We have a long term track record of client retention beyond our client's original contract terms because of the quality of our service. Please pay special attention to the client start dates on page 10.**
- **Our audit staff average more than 80 hours of training in municipal auditing and accounting and 1,500 hours of municipal audit experience each year.** This means you do not train our staff!
- With our qualified information security staff we have developed and employ a number of technologies to streamline our audit process, ensure open channels of communication and data transfer while securing the confidentiality of client data. These technologies include LANs, a VPN, "Leapfile" data file transfers, "Quarantine" email protection software, paperless audit workpapers, and a major upgrade of our "direct downloads" technique eliminating manual financial statement inputs and maximizing easy to use financial rollup reports.
- **Up to half our total audit time is spent at interim each year,** ensuring a smooth year-end audit. Our interim audit includes much of the work other firms postpone to year-end; we even begin the preparation of the financial statements.
- We have never been sued over deficient work, although we are proud to say we were sued for doing our work too well! See Firm Qualifications and Experience - Litigation for details.
- Our references - indeed, any of our clients, will confirm we are your best choice.

As with all our audits, we are committed to providing timely, quality audit services to the City of Benicia. We have no doubt that we are the firm best qualified to perform the services described in the request for proposal. After you have analyzed our proposal and - most important - talked with our references, we are quite confident you will agree. The proposal is a firm and irrevocable offer until June 30, 2011.

Katherine Yuen, Vice President and John Rodriguez, Vice President are authorized to represent, sign for and contractually obligate Maze & Associates, a Professional Corporation, located at 3478 Buskirk Avenue, Suite 215, Pleasant Hill, CA, 94523, (925) 930-0902.

We look forward to the opportunity to work with the City!

Yours very truly,



John Rodriguez

JR:smg

FIRM QUALIFICATIONS AND EXPERIENCE

Internal Quality Assurance System

Every one of our audit and assurance engagements has an Engagement Partner responsible for the successful completion of the work as well as ensuring we maintain quality levels that satisfy professional standards. Our very high Partner to staff ratio of one to six is double that of traditional firms. We specifically structure our work for on-site Engagement Partner participation while the audit is being conducted. This structure is done by design to ensure we have active on the job oversight of staff and timely completion of the work.

We have always subjected our audit and assurance engagements to a second Quality Assurance Review. Historically this was performed by a second partner. However, over the past several years audit quality controls standards have been revised and enhanced. Standards issued by the American Institute of Certified Public Accountants and General Accountability Office now form the guidance in determining adequate quality controls for audit firms. While not required by the Standards, we believed it would be better to have an independent second review of the work by someone without engagement responsibilities and to have that person report to the shareholders directly as a group rather than any one shareholder.

In response to that, we hired Melita Law, a Certified Public Accountant, as our Quality Assurance Director. Melita had been a top performing Supervisor with our firm for over ten years before leaving us to move to Hong Kong in 2008. Because of her many years of municipal auditing and accounting experience, she has been a perfect fit and provides a significant strengthening to our quality control.

No Disciplinary Action

We have no record of substandard or unsatisfactory performance, nor have any claims ever been filed with any State Board of Accountancy against our firm or any of our employees.

Federal or State Field Reviews

We have not been subject to any Federal or State Field Reviews of our audits during the past three years, with two exceptions. During calendar 2008, the Department of Housing and Urban Development (HUD) selected our firm for a quality assurance review of our housing authority audits. HUD selected four of the five housing authorities we audited in fiscal year 2006 and performed an extensive, thorough review of our reports, filings, workpapers, audit methodologies, and our quality assurance controls. Their team expended approximately forty hours on each audit to determine whether our firm complied with Generally Accepted Auditing Standards as well as Generally Accepted Government Auditing Standards. After HUD's extensive review, they identified only four findings. We carefully reviewed their findings, implemented a few minor changes and communicated these changes to HUD where upon they concluded that no further action was warranted.

The State of California selected our largest financing authority audit for a field review covering three fiscal years. The State review team consisted of three individuals and their review lasted less than one week. The State had no findings.

Litigation

We have not been sued over poor work quality, nor have we paid any such claims out of court in the past five years.

FIRM QUALIFICATIONS AND EXPERIENCE (Continued)

But we are proud to say we have been sued! This was an action by a third-party contractor who filed suit to prevent us from issuing a report critical of their operation and their method of determining the amount of revenue they should share with our client. This action was not settled out of court; but went to judgment. In that case **the Superior Court of the State of California held in our favor and dismissed us from the proceedings without prejudice.** In other words, the Court decided that our report should be issued without any change.

In the words of our insurance representative, **“You are the only accounting firm we know of that has been sued for doing their work RIGHT!”**

External Quality Control Review

We are members of the Quality Review Program of the AICPA, which means we subject ourselves to a peer review of our workpapers and quality control systems every three years by independent accountants specializing in such work. **Our most recent peer review was completed in 2008; we again received an unqualified opinion, the highest level of assurance possible.** This peer review included a review of four governmental and non-profit audit engagements. A copy of our most recent peer review opinion follows:

16360 Monterey Rd., Suite 170
Morgan Hill, CA 95037
Tel: (408) 779-3313
Fax: (408) 776-1555

4040 Moorpark Ave., Suite 230
San Jose., Ca 95117
Tel: (408) 557-9890
Fax: (408) 557-9893

October 7, 2008

To the Shareholders
Maze & Associates Accountancy Corporation
Pleasant Hill, California

We have reviewed the system of quality control for the accounting and auditing practice of Maze & Associates Accountancy Corporation (the firm) in effect for the year ended May 31, 2008. A system of quality control encompasses the firm's organizational structure, the policies adopted and procedures established to provide it with reasonable assurance of conforming with professional standards. The elements of quality control are described in the Statements on Quality Control Standards issued by the American Institute of Certified Public Accountants (AICPA). The firm is responsible for designing a system of quality control and complying with it to provide the firm reasonable assurance of conforming with professional standards in all material respects. Our responsibility is to express an opinion on the design of the system of quality control and the firm's compliance with its system of quality control based on our review.

Our review was conducted in accordance with standards established by the Peer Review Board of the AICPA. During our review, we read required representations from the firm, interviewed firm personnel and obtained an understanding of the nature of the firm's accounting and auditing practice, and the design of the firm's system of quality control sufficient to assess the risks implicit in its practice. Based on our assessments, we selected engagements and administrative files to test for conformity with professional standards and compliance with the firm's system of quality control. The engagements selected represented a reasonable cross-section of the firm's accounting and auditing practice with emphasis on higher-risk engagements. The engagements selected included, among others, engagements performed under *Government Auditing Standards*. Prior to concluding the review, we reassessed the adequacy of the scope of the peer review procedures and met with firm management to discuss the results of our review. We believe the procedures we performed provide a reasonable basis for our opinion.

In performing our review, we obtained an understanding of the system of quality control for the firm's accounting and auditing practice. In addition, we tested compliance with the firm's quality control policies and procedures to the extent we considered appropriate. These tests covered the application of the firm's policies and procedures on selected engagements. Our review was based on selected tests therefore it would not necessarily detect all weaknesses in the system of quality control or all instances of noncompliance with it. There are inherent limitations in the effectiveness of any system of quality control and therefore noncompliance with the system of quality control may occur and not be detected. Projection of any evaluation of a system of quality control to future periods is subject to the risk that the system of quality control may become inadequate because of changes in conditions, or because the degree of compliance with the policies or procedures may deteriorate.

In our opinion, the system of quality control for the accounting and auditing practice of Maze & Associates Accountancy Corporation in effect for the year ended May 31, 2008, has been designed to meet the requirements of the quality control standards for an accounting and auditing practice established by the AICPA and was complied with during the year then ended to provide the firm with reasonable assurance of conforming with professional standards.

As is customary in a system review, we have issued a letter under this date that sets forth comments that were not considered to be of sufficient significance to affect the opinion expressed in this report.

Nichols, Rick & Co.

Nichols, Rick & Company

FIRM QUALIFICATIONS AND EXPERIENCE (Continued)

Overview

We are a professional services corporation located in Pleasant Hill, California. We presently have a total of forty-four people, including nine shareholders, two Directors, eleven Supervisors, seven Senior Associates, nine Associates and six Office staff. Thirteen of our professional staff are California Certified Public Accountants and two additional staff are in the process of completing their applications for licensure. All of our professional staff comprise our governmental audit staff, as our firm's emphasis is on governmental auditing and accounting. Several of our professional staff have national accounting firm experience, which we have blended with the more personal approach of a smaller firm.

We manage our business using modern corporate philosophies with a mission statement, a vision statement, a value statement and core values. Our non-certified shareholders function as Officers and those that are certified serve as Partners. The Officers provide the majority of our corporate functions such as administration, information technology, human resources and practice development while audit Partners are fully dedicated to providing professional services to our clients. We maintain a high partner to staff ratio of one to six – almost half that of a typical firm structure. We combine this with our policy of active on-site Partner involvement throughout the audit process to ensure timely, accurate, relevant audit results and services.

We are in business to help our clients succeed. We help you use the ever-growing tangle of accounting rules properly, but to your best advantage, by helping you keep out of trouble and helping you do the right thing. We stay in touch throughout the year to keep you abreast of municipal accounting developments and to help you avoid problems, instead of coming in afterwards to assess the damage. We rotate our audit emphasis based on our planning meetings with you so areas that concern you can be addressed as a normal part of the audit at no extra cost.

Equality and Diversity

Our philosophy is to expect our staff to conduct themselves as intelligent professionals and encourage them to use their best judgment and good sense to treat others as they would themselves be treated. Our basic policy is that others must, at the very least, be treated as equals, with full fairness and without thought of gaining an advantage of any kind or for any reason. This policy applies regardless of sex, job description, or any other factor. Our Human Resource Partner, John Rodriguez, implements and oversees that philosophy. And our corporate ownership and staff composition reflects this philosophy. Out of nine shareholders, five are women and/or minorities. Out of our eleven supervisors, 90% are women and/or minorities. For our staff as a whole, 68% are minorities and/or women.

National Recognition

We first achieved national recognition among accountants when **we identified problems with municipal investments in April of 1994, months before the same problem drove Orange County into bankruptcy.** While others dithered, we prepared our clients for the inevitable questions by alerting them immediately to the problem, working with GASB to address the accounting issues involved, and increasing our clients' financial statement disclosures so that the questions which came later were already answered in the financial statements. **We were pleasantly surprised to see that a key disclosure element of GASB 40 is investment maturity data.** Some of our client's have included maturity data in their CAFRs since 1994, when we recommended it as a way of reporting liquidity to financial statement users.

FIRM QUALIFICATIONS AND EXPERIENCE (Continued)

In early 1999, when most accounting firms were saying that Y2K uncertainties would affect their audit opinions, we took a different stance. We said full disclosure of the steps taken to prepare for Y2K was sufficient for us to issue an unqualified opinion. By this time our national reputation was such that GASB used our refusal to follow the majority as leverage in negotiating a compromise on the Y2K issue with the American Institute of CPAs.

In the years before the issuance of GASB 34, we developed a full-blown alternative to GASB's heavily criticized Dual Perspective proposal. **Our alternative received favorable written comment from over one hundred and twenty-five cities and prompted many of the major changes made by GASB before they issued GASB 34.** We received national recognition for this effort and one of our Partners was named to the GASB 34 Implementation Guide Task Force.

We have stayed active throughout the years in alerting our clients to potential issues by recognizing important trends and advising our clients of their impacts well before they become effective. **We noted years before GASB 45 became effective that advance funding other post employment benefits had significant long term savings potentials** and since 2007, we have emphasized to our clients the need to pay careful attention to the shift in the municipal debt markets from one based on insurance to one based on credit worthiness.

Our work quality and financial statement clarity have earned us a solid national reputation with underwriters, bond counsel, financial advisors and others involved with debt issuances. Our clients have been involved with a broad variety of debt issues and refundings over the years, and the quality of our work has never been an issue. Underwriters have praised our financial statements for being very clear and easy to understand.

Reputation

We believe quality and an emphasis on doing our job right is far more important than being cheaper than our competitors. Despite the economic pressures faced by municipalities and the need to save money, there are other, more serious concerns to be weighed. Those being perceived or actual audit failures in the municipal audit sector. The City of Bell news, especially the State Controller's Office Report on that City's audit firm is raising serious questions about municipal audit quality. Whether this is justified or not isn't really the issue. What is at issue is the perception of poor quality in municipal audits. We have received a number of inquiries and requests for proposal from that firm's clients who desire a change in auditors. A former client of ours, which rotated to them several years ago, called us and asked if we would propose on the City's work. That Council simply does not want to expend the energy to defend whether that firm is providing quality work.

We have also received calls from other municipalities with a different audit firm that has not yet released their audit reports for fiscal 2009-10. The reason - the audit firm merged and re-merged in fiscal 2009-10 and the new firm has placed a "quality control review" on municipal audits. The end result is that CAFR extensions were needed for 2009-10 and may expire without a GFOA award.

These trends indicate that it would be unwise to reduce audit effort for any municipal audit. Our commitment to quality and preserving our firm's reputation remains our top priority and serves our clients best.

Clients tend to remain with us through their difficulties. Consider for a moment high risk audit environments, which are those entities undergoing financial stress, bankruptcy or fraud. For example, these clients are still clients today:

- | | |
|--------------|---------------------------------------|
| ✦ Vallejo - | Bankruptcy/Financial Stress (Ongoing) |
| ✦ Richmond - | Financial Stress (FYs 2002-05) |
| ✦ Millbrae - | Financial Stress (FYs 2002-05) |

FIRM QUALIFICATIONS AND EXPERIENCE (Continued)

We think there are two other clients worthy of comment.

In early 2009, the City of Los Banos discovered fraud originally estimated at \$400,000. This was the second case of cash receipts fraud at that City within the prior five years. The Los Banos Council instructed staff to replace the then audit firm with a “credible auditor” - they hired us. After that City’s forensic auditor completed their investigation, the actual fraud was revised to \$1.7 million. Our audits revealed numerous material weaknesses in cash receipts and billing controls. It is clear to us that the weaknesses had been present for many years and that the weaknesses were obvious. That City no longer believes a cheap audit has value.

Lastly, we used to audit the City of Pacific Grove. In our first audit in fiscal 2003-04, we determined that their General Fund cash balances were not sufficient and included our comments in the year end management letter. Our firm made the local paper. The article was titled: “Auditor Warns P. G. Council!” **We are rarely in the news, but when we are, it is for doing our job.**

Professional Activity

We are active members of the Government Finance Officers Association and the California Society of Municipal Finance Officers as well as the American Institute of Certified Public Accountants and the California Society of Certified Public Accountants. We are also members of the Association of California Water Agencies (ACWA), and the California Redevelopment Association (CRA). We are frequent speakers at various organizations; some of our pertinent presentations are listed below:

In May 2009, Cory Biggs, our company CEO, was a speaker at the annual Governmental Accounting and Auditing Conference hosted by the Education Foundation of the California Society of Certified Public Accountants. This annual conference is held for CPAs for the purpose of keeping CPAs current on issues affecting Governmental Accounting and Auditing. At the conference, Cory presented “The Auditor’s Perspective” on auditing municipalities on the verge of, or in bankruptcy. His presentation followed remarks made by the City of Vallejo Assistant Finance Director and the City’s bankruptcy attorney. He has been requested to provide an update at this year’s conference.

Also in 2009, Cory spoke at the semi-annual conference of the California Municipal Treasurer’s Association on “Maintaining a Good Relationship with Your Auditor” in which he discussed techniques for treasury staff to use when working with auditors to achieve a meaningful, thorough audit process. This discussion included a heavy focus on cash and investment processes and procedures, compliance, financial reporting and disclosures.

In August 2007, Cory presented Trust Fund Alternatives for Funding Retiree Health Care Benefits at a symposium sponsored by ABAG.

In August 2006, Cory, made two presentations at a Symposium on the Implementation of GASB #45, sponsored by ABAG. One presentation was a summary of the Statement and its impacts on municipalities and the other presentation explored funding options and ramifications of the Statement.

In February 2006, Cory presented “Cost Impacts from Implementing GASB 45, Accounting of Financial Reporting by Employers for Post-employment Benefits Other than Pensions”, to the San Mateo Finance Officers Group. He was also a speaker at the 2005 CSMFO Annual Conference, on “How to Stay Out of Trouble” regarding identification of adverse fiscal trends in local governments and appropriate responses.

FIRM QUALIFICATIONS AND EXPERIENCE (Continued)

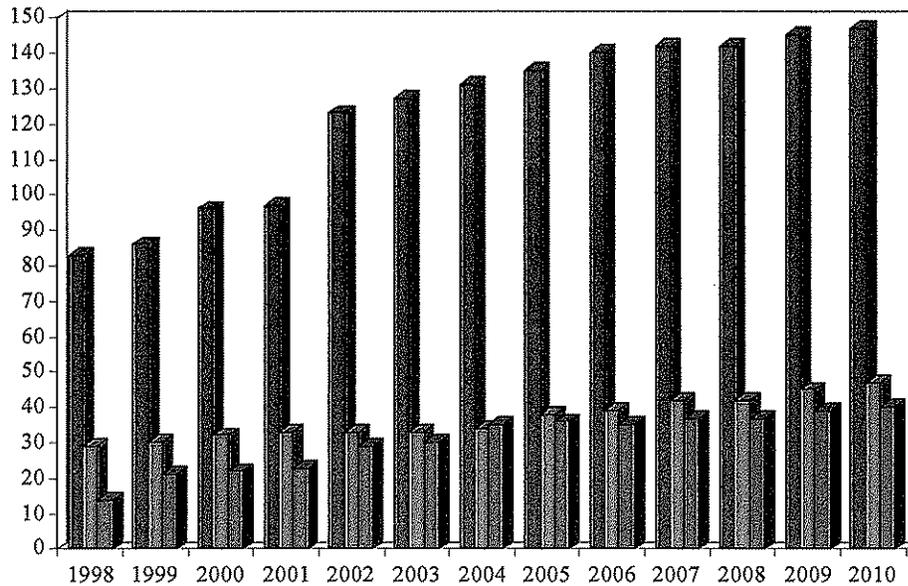
We attend CSMFO Northern California chapter meetings on a regular basis, and we have served as speakers on various occasions. We all attend the CSMFO Annual Conference, at which our Partners have been speakers. We have also attended the League of California Cities' annual Financial Management Seminars.

We also attend the Semi-Annual Conference of ACWA.

Our Municipal Focus

We have focused on municipalities since our inception in 1986. We are active in and our Partners have been speakers at GFOA, CSMFO, CMTA, and the CalCPA Education Foundation.

Our practice currently includes thirty-nine city clients and forty-one city and special district CAFR award winners—more city clients and more award winners than any other Northern California accounting firm or international firm branch office. Every one of the above CAFRs, won awards from GFOA and/or CSMFO.



FIRM QUALIFICATIONS AND EXPERIENCE (Continued)

City Clients

The table below summarizes our most recent experience with audits of cities. We are responsible for all phases of the work on these clients. **All of this work represents recurring annual audit and related work; all this work and that presented in the table was completed on or before the deadline from the first year listed for each client.**

City	Client Since	CAFR	RDA	Single Audit	TDA	Trans- portation Measure	Retire- ment Plans	Financing Corp.
<i>Population > 100,000</i>								
Concord	1992	✓	✓	✓	✓	✓	✓	✓
Daly City	1992	✓	✓	✓	✓	✓	✓	✓
Richmond	2005	✓	✓	✓	✓	✓	✓	✓
Roseville	1998	✓	✓	✓	✓	✓	✓	✓
Sunnyvale	2008	✓	✓	✓	✓	✓	✓	✓
Vallejo	2004	✓	✓	✓	✓	✓	✓	✓
<i>Population < 100,000</i>								
Alameda	1990	✓	✓	✓	✓	✓	✓	✓
American Canyon	2008	✓	✓	✓	✓	✓	✓	✓
Atherton	2009	✓	✓	✓	✓	✓	✓	✓
Belmont	1998	✓	✓	✓	✓	✓	✓	✓
Brentwood	2007	✓	✓	✓	✓	✓	✓	✓
Davis	1997	✓	✓	✓	✓	✓	✓	✓
East Palo Alto	2009	✓	✓	✓	✓	✓	✓	✓
El Cerrito	2005	✓	✓	✓	✓	✓	✓	✓
Fairfax	2009	✓	✓	✓	✓	✓	✓	✓
Galt	2009	✓	✓	✓	✓	✓	✓	✓
Larkspur	1991	✓	✓	✓	✓	✓	✓	✓
Livermore	1988	✓	✓	✓	✓	✓	✓	✓
Los Banos	2009	✓	✓	✓	✓	✓	✓	✓
Manteca	1986	✓	✓	✓	✓	✓	✓	✓
Martinez	2001	✓	✓	✓	✓	✓	✓	✓
Millbrae	1998	✓	✓	✓	✓	✓	✓	✓
Milpitas	1995	✓	✓	✓	✓	✓	✓	✓
Mt. View	2001	✓	✓	✓	✓	✓	✓	✓
Napa	2000	✓	✓	✓	✓	✓	✓	✓
Oakley	2000	✓	✓	✓	✓	✓	✓	✓
Palo Alto	1998	✓	✓	✓	✓	✓	✓	✓
Piedmont	2007	✓	✓	✓	✓	✓	✓	✓
Portola Valley	2005	✓	✓	✓	✓	✓	✓	✓
Rancho Cordova	2009	✓	✓	✓	✓	✓	✓	✓
San Carlos	2005	✓	✓	✓	✓	✓	✓	✓
San Pablo	1995	✓	✓	✓	✓	✓	✓	✓
San Rafael	2007	✓	✓	✓	✓	✓	✓	✓
Sausalito	2006	✓	✓	✓	✓	✓	✓	✓
South Lake Tahoe	2003	✓	✓	✓	✓	✓	✓	✓
S. San Francisco	2004	✓	✓	✓	✓	✓	✓	✓
Suisun City	2007	✓	✓	✓	✓	✓	✓	✓
Waterford	2004	✓	✓	✓	✓	✓	✓	✓
W. Sacramento	2008	✓	✓	✓	✓	✓	✓	✓
Woodside	1997	✓	✓	✓	✓	✓	✓	✓

As you can see from the client list above, we have a winning combination that has resulted in **strong client loyalty and retention**. Several clients who left have returned after seeing the difference between our firm and our competitors. **Others have remained our clients after completing a full-blown proposal process**, most recently Brentwood, Belmont, Milpitas and South Lake Tahoe.

FIRM QUALIFICATIONS AND EXPERIENCE (Continued)

Grant and Compliance Audit Experience

Our pertinent Non-Transportation Single Audit Act experience is graphed below.

Client	Housing and Urban Development	Justice	Homeland Security	Agriculture	Defense	Commerce	Interior	National Endowment for the Arts & the Humanities	Energy/Education/Labor	Health & Human Services	Environmental Protection Agency
Alameda	■	■	■			■					
American Canyon											■
ABAG				■		■	■				■
Belmont	■	■									
Concord	■	■			■						
Daly City	■	■	■	■				■		■	■
Davis	■		■								■
EBMUD			■				■				■
East Palo Alto	■	■				■			■	■	■
El Cerrito		■	■								
EID											■
Food Bank	■		■	■							
Galt			■								
Livermore	■	■						■		■	■
Manteca	■	■	■								
Martinez	■	■									
Milpitas	■	■	■	■							
Mountain View	■	■	■						■		
Napa	■	■	■								
Palo Alto	■		■						■		■
Rancho Cordova	■	■	■								
Richmond	■	■	■			■			■	■	
Roseville	■	■	■		■						■
WETA			■								
San Pablo	■										
San Rafael	■		■								
SRVFPD			■								
So. Lake Tahoe	■	■		■			■				
So. San Francisco	■		■	■					■	■	■
Suisun City	■	■									
Sunnyvale	■	■	■		■			■	■		
Vallejo	■	■	■		■	■					■
Waterford	■										
West Sacramento	■	■	■	■							■

FIRM QUALIFICATIONS AND EXPERIENCE (Continued)

Our pertinent Single Audit Act and Transportation grant experience is graphed below.

Client	Airport Improvement Program	Highway Planning & Construction	Transit & Other	Measures A, B & C	SLPP/SLTPP/TSM	Transit/Para-Transit	Bicycle Pedestrian Trail
ACTIA		◆	◆	◆			
ACTA		◆	◆	◆			
Alameda		◆	◆	◆	◆	◆	◆
American Canyon		◆	◆				◆
ABAG		◆			◆		
Atherton				◆			
Belmont		◆	◆	◆			◆
Brentwood		◆					◆
CCTA		◆		◆			
Concord		◆	◆	◆	◆		◆
Daly City	◆	◆	◆	◆	◆		◆
Davis		◆	◆		◆		
East Palo Alto				◆			
El Cerrito		◆					◆
Galt		◆					
Larkspur							◆
Livermore	◆	◆	◆	◆	◆	◆	◆
LAVTA			◆	◆		◆	
Los Banos				◆			◆
Manteca		◆	◆	◆			◆
Martinez		◆	◆	◆			◆
Millbrae		◆		◆			
Milpitas		◆	◆		◆		◆
Modesto	◆	◆	◆			◆	◆
Mountain View		◆					◆
Napa		◆	◆			◆	◆
Oakley							◆
PCJPB			◆	◆	◆	◆	
Palo Alto			◆				◆
Portola Valley				◆			
Rancho Cordova		◆	◆	◆			
Richmond		◆	◆	◆			
Roseville		◆	◆		◆		
San Carlos		◆			◆		◆
SAMTRANS		◆	◆			◆	
SMCTA		◆	◆				
WETA			◆				
San Pablo		◆		◆			◆
San Rafael		◆	◆				◆
Solano Trans Authority		◆					◆
South Lake Tahoe	◆					◆	◆
South San Francisco		◆			◆		◆
Suisun City		◆					◆
Sunnyvale		◆	◆				
Vallejo		◆	◆	◆		◆	
Waterford		◆				◆	◆
West Sacramento		◆	◆			◆	◆
Woodside				◆			◆

FIRM QUALIFICATIONS AND EXPERIENCE (Continued)

Large Enterprise Operations

We have a variety of municipal clients (both city operated and separate enterprises) which operate large enterprises. Many of them also participate in or operate cost sharing arrangements such as separate JPAs, cost sharing contracts, or take-or-pay contracts associated with sophisticated jointly financed projects.

Our experience includes the following large enterprise operations:

Client	Gas/ Electric	Water/ Storm Drain	Waste- Water	Utility Cost Sharing
Alameda		❖		
Alameda Power and Telecom	❖			
ABAG	❖			
Belmont		❖	❖	
Benicia			❖	
Calaveras County Water District		❖		
Coastside County Water District		❖		
Concord			❖	
Concord Sanitary Sewer Services, Inc.			❖	
Contra Costa Solid Waste Authority			❖	
Contra Costa Water District		❖		❖
Daly City		❖	❖	
Davis		❖	❖	
Delta Diablo Sanitation District		❖	❖	
East Bay Municipal Water District		❖		
El Dorado Irrigation District	❖	❖		
Hayward		❖	❖	❖
Livermore		❖	❖	❖
Livermore/Amador Valley Wastewater Authority		❖	❖	❖
Manteca		❖	❖	
Martinez		❖		
Milbrae		❖	❖	
Milpitas		❖	❖	❖
Modesto		❖	❖	❖
Mountain View			❖	❖
Napa		❖		
North Coast County Water District		❖		
Palo Alto	❖	❖	❖	❖
Pinole			❖	❖
Pittsburg	❖	❖	❖	
Rio Vista		❖	❖	
Roseville	❖	❖	❖	
Santa Clara	❖	❖	❖	
Santa Clara Valley Water District		❖		
Skyline County Water District		❖		
Solano Irrigation District		❖		
South Bay System Authority			❖	❖
South Placer Wastewater Authority		❖	❖	❖
South San Francisco			❖	❖
South San Joaquin Irrigation District	❖	❖		❖
Tri-Valley Wastewater Authority			❖	❖
Union Sanitary District			❖	❖
Vallejo		❖		
Woodland		❖	❖	

FIRM QUALIFICATIONS AND EXPERIENCE (Continued)

Redevelopment Agency Experience

Over 80% of our City clients have Redevelopment Agencies and we have substantial experience auditing these Agencies' financial statements and performing tests of their compliance with Guidelines for Compliance Audits of California Redevelopment Agencies.

Our Redevelopment Agency clients range from start up Agencies with no adopted plan or project areas to mature multiple project area Agencies with complex development agreements and significant amounts of debt. We have begun conversations with one of our clients about wind down issues as the Agency begins suspending operations.

Our financial statement disclosure of Redevelopment Agency activities can go well beyond the minimums required by Generally Accepted Accounting Principles. We understand the importance and political impact of Redevelopment Agency activities and our disclosures are designed to enable the reader to understand the economics and benefits of the entire project or transaction, not just the amount of the Agency's contribution.

Retirement Plan Experience

We have experience on a dozen different retirement plans ranging in complexity from deferred compensation plans to complex sole employer defined benefit plans. We are familiar with the retirement plan complex cash and investment portfolios and how they differ from the typical municipal treasury function, benefit payment calculations and actuarial study analyses. Our largest retirement plan experience as measured by total assets are:

- East Bay Municipal Utility District Retirement Plan - \$1 Billion
- Contra Costa Water District Retirement Plan - \$110 million
- City of Concord Retirement Plan - \$45 million

Some of our clients have requested we perform extra services for their retirement operations. For example, we performed a complete recalculation of all retiree benefit payments from retirement date through 2009 to address concerns one client had about the administrator's accuracy. On several occasions we have performed an analysis of proposed actuary studies to determine acceptability and adequacy of assumptions based on accounting standards.

We are currently engaged in our second contract with another firm as consultants for the largest retirement system in the state. Our part of the engagement is directed towards governmental retirement plan accounting and financial reporting and the interpretation of those requirements. Our work has encompassed technical research on a variety of issues including an analysis of the Governmental Accounting Standards Board's exposure draft on Pensions. We supplemented our research of the exposure draft with our first hand knowledge gained while participating in the Governmental Accounting Standards Board's round table discussion held in San Francisco prior to the release of the exposure draft. Our latest project concerns the appropriate treatment for Term Asset Backed Securities Loan Program (TALF) transactions.

Transportation Experience

We have experience on both an international airport, (e.g.) San Francisco and on regional client airports including Hayward, Livermore, South Lake Tahoe, Modesto, and Visalia. Our experience includes important segments such as, concessionaires and lessees, hangar rentals and construction, Federal Transit Assistance programs, fuel farms and assisting in the evaluation and ranking of Airport Operator proposals.

FIRM QUALIFICATIONS AND EXPERIENCE (Continued)

Our Transportation experience includes audits of airports, fixed-route transit, paratransit and ferry transit operations funded by State Transit Assistance, Federal Transit Assistance, County voter approved transportation grants and Transportation Development Act grants received under Articles 3.0, 4.0, 4.5 and 8.0. We have also audited Article 3.0 projects such as bike paths, wheelchair ramps and trails and Proposition 1B projects.

Long Term Debt Experience

Because of our depth of experience with municipalities we have experience with virtually every debt type and structure. We have experience auditing revenue bonds, certificates of participation, special assessment bonds, Marks-Roos bond pools, capital appreciation bonds, variable rate demand bonds, auction rate bonds, bond anticipation notes and bonds/swap agreements with synthetic fixed interest rates. Our experience with swaps by client including the total notional amount follows:

- Contra Costa Transportation Authority - \$300 million (Forward Swap commitment)
- City of Richmond - \$199 million, including a counter swap
- City of Pittsburg - \$156 million
- City of Roseville - \$115 million
- South Placer Wastewater Authority- \$94 million
- City of Modesto - \$62 million
- City of San Pablo - \$36 million

Public Financing Authorities and Mello-Roos Experience

We have performed audits of Public Facilities Financing Authorities and Mello-Roos districts and designed financial statements that went beyond required disclosures to include Inception-to-Date information about capital projects. These disclosures can allow the reader to see and understand the entire scope and cost of capital projects, even though they may not remain on the Authority's books after completion.

We are familiar with public financing authorities and the accounting and auditing problems that can arise with their use. We have many clients that use financing authorities in issuing debt. We have considerable experience with the "blending" of financing authority funds with other City funds.

Assistive Resources

Our client support is unmatched by any other firm. As a San Francisco Bay Area municipal audit niche firm with six audit partners, we are positioned perfectly to provide staff, Council with a wide variety of resources. Support ranges from turn key financial statement drafts with linked footnotes and direct download- based financial statements to professional continuing education sessions. We are active in professional organizations affecting local government and have a strong presence in neighboring local governments which keeps our knowledge current that we readily share with our clients. And we do not charge extra for the five minute phone calls throughout the year.

FIRM QUALIFICATIONS AND EXPERIENCE (Continued)

Client Training and Professional Development

We can provide you with varying levels of training and professional development resources. We provide our semi-annual continuing education to our staff and have on occasion opened it up to our clients who wish to keep their licensees current. We have also developed and conducted training specifically for our clients. Training can be general theory in nature, semi-customized or fully customized training that fits your operations. Theory intensity can be at the beginning, intermediate and advanced levels. On occasion, we have provided our clients with shorter presentations of new pronouncements and other requirements. At the City of Richmond, for example, we developed and taught monthly training sessions on virtually every major finance area to its staff over a twelve month period. Much of their staff assumed new functions in the aftermath of serious staffing cuts several years ago and their Finance Director was seeking an economical method of enhancing their knowledge base and skill sets. At the City of Livermore, we provided customized training on capital assets to their finance staff and grants management training to several departments as a means of solving coordination weaknesses.

Books, Periodicals, News Letters, and Professional Standards

We provide our staff and our clients, if they wish, all of the resources they need to complete their work efficiently and effectively. Our resources include all AICPA Professional Standards, AICPA Audit and Accounting Guides, GASB statements, interpretations, implementation guides and concept statements, FASBs, ARBs, APBs, Generally Accepted Government Audit Standards (The "Yellow Book"), Single Audit Regulations and website links to OMB Circulars, the SF-Sac Data Collection Form and instructions, website links for CFDA numbers, the Code of Federal Regulations and publications of the Government Accountability Office. We also have GFOA documents such as CAFR Checklists, the Governmental Accounting, Auditing and Financial Reporting Guide (the "Blue Book"), the GAAFR Review, and ACWA and CRA newsletters. We maintain an up-to-date library of guidelines and other documents we use such as Redevelopment guidelines, cash and investment guidelines, and Transportation Development Act regulations and guidelines, Transportation Measures A, B and C guidelines and regulations. And, we attend conferences by CSMFO, CRA, ACWA, AIPCA and the CalCPA Education Foundation to keep ourselves current.

Support Services

We also provide a variety of other services which you may need, including:

- ❖ **Temporary Accounting Assistance** - When we are not limited by independence regulations, we have provided additional accounting help in areas such as:
 - Construction in Progress Accounting
 - Owner Participation Agreement/Disposition and Development Agreement Accounting
 - Forecasts and Projections
 - Grant Management
 - Capital Assets
 - General Ledger Journal Entries
 - Debt recording
 - Account analysis and clean up

FIRM QUALIFICATIONS AND EXPERIENCE (Continued)

- ❖ Preparation of **Controller's Reports and annual filings** - We can prepare any of the following whether you are an audit client or not:
 - State Controller's Reports for:
 - Cities
 - Redevelopment Agencies
 - Special Districts, or
 - Transportation Planning Agencies
 - Annual Street Reports
 - Statements of Indebtedness
 - Information Returns

- ❖ **Training and Continuing Education** – Generic or customized to fit your needs!
 - Governmental Accounting - Beginning, Intermediate and Advanced Levels
 - Grant Accounting and Management
 - Bank Reconciliations
 - Management and Accounting
 - Cash and Investments
 - Accounting for Receivables and Revenues
 - Accounts Payable and Purchasing
 - Capital Asset Accounting
 - Debt Accounting and Management
 - Information System Security and Microsoft training

- ❖ **Operational Segment Audits** such as:
 - Cash collection controls and procedures
 - Loans receivable management
 - Police evidence room
 - Cal-Card and Purchasing Card

- ❖ **Project Length Audits** such as Construction in Progress project audits and Joint Powers Authority member equity calculations.

- ❖ **Lease/Franchise/TOT/Independent Operator Agreement Audits** including rent recalculations, revenue controls, payroll/independent contractor compliance and more.

- ❖ **Pre-award Operator/Contractor Analysis and Audits**, such as
 - Preaward audits of Engineering Firms funded by CALTRANS
 - Independent Analysis of Proposed Airport Operators
 - Independent Analysis for Prospective Fire Service Providers

- ❖ **Information Systems Support** customized to fit your needs:
 - Information System Reviews and Audits
 - Network Vulnerability Scans
 - Security and Access Reviews
 - Security and Microsoft Certified Training
 - Microsoft Small Business Specialist
 - Microsoft Professional Accountants Network

FIRM QUALIFICATIONS AND EXPERIENCE (Continued)

Properly Licensed

Maze & Associates is a properly licensed California Certified Public Accounting firm. We are members of the Government Finance Officers Association (GFOA) and the California Society of Municipal Finance Officers (CSMFO) as well as the American Institute of Certified Public Accountants and the California Society of Certified Public Accountants.

All assigned key professional staff are properly licensed to practice in California. Those staff that are certified public accountants have current California CPA licenses in the attest function, and have **received more than twice the required level of continuing education**, including the credits specifically required in the area of governmental audits.

Neither our firm nor any of our employees have a record of substandard or unsatisfactory performance, nor have any claims ever been filed with any State Board of Accountancy against our firm or any of our employees.

Independence

As independent auditors, **our most valuable asset is our independence**. Unlike many firms, we have never allowed our independent audit function to be used to promote consulting or other work. In fact, consulting and related work have never amounted to more than a few percent of our total revenues, while our independent audit work has amounted to over eighty percent of our revenues.

Our firm and all our partners and employees are independent of the City of Benicia and its component units as that term is defined by the General Accountability Office's Standards for Audits of Governmental Organizations, Programs, Activities and Functions, the American Institute of Certified Public Accountants, the California Society of Certified Public Accountants and the California State Board of Accountancy. We have no present or past professional relationships with the City or any of its Council members or employees that would compromise our independence.

We will discuss in advance with the City any professional relationships being contemplated during the period of engagement that may present a potential conflict of interest. If the City and we believe any such relationship presents a conflict of interest, we will not enter into it.

STAFF QUALIFICATIONS AND EXPERIENCE

Audit Team

We are proposing to assign Katherine Yuen as Engagement Partner and Cory Biggs as Alternate Partner to your audit. We will also have Donald Hester, our Information Technology Director, perform a review of your information system as it relates to our work and our Quality Assurance Director, Melita Law, perform a Quality Assurance Review of all our reports and workpapers.

We are proposing David Alvey as Supervisor, Nikki Apura as Senior Associate and Isaac Williams and Matt Bucci as Associates.

We understand that engagement partners, managers, directors and other supervisory staff may be changed only with the express written permission of the City.

Katherine Yuen, CPA Engagement Partner, will be responsible for all aspects of our work, overseeing our team and working closely with the Supervisor to ensure work is completed accurately and timely and most importantly in accordance with professional standards. She will be in the field at the start, during and at the end of our field work.

Katherine has been with our firm almost 15 years and has worked on over 150 municipal audits including cities, special districts, redevelopment agencies, housing authorities, joint powers authorities, single audit programs and other grants audits. She has assigned to some of our most complex City clients such as Roseville with its massive electrical and gas operations and Alameda with large electrical, redevelopment and transit operations. Her other City client experience includes Manteca, Hayward, Livermore, Galt and others.

She is an active lecturer and speaker at our semiannual continuing education programs. In September 2010, Amy Meyer and Katherine Yuen, partners of our company, presented "Internal Controls and Fraud" at the CMTA Essentials of Treasury Management Workshop.

Cory Biggs CPA, Alternate/Technical Review Partner; we have assigned Cory to function as Alternate/Technical Review Partner due to his experience with large enterprise operations and complex cities.

Cory is our CEO and is our most experienced audit partner. He is or has been Partner on five of our city clients with populations greater than 100,000 and has worked on the three largest enterprise audits we have. His pertinent experience includes transportation agencies, complex cities, dozens of redevelopment agencies, and single audits. He is an active speaker with presentations for the CALCPA Education Foundation's Annual Governmental Auditing and Accounting Conference, CMTA, CSMFO and ABAG symposiums. For fifteen years, he was member of the Professional and Technical Standards Committee which summarizes and makes the final determination for CSMFO awards for Cities. He continues to review CAFRs for GFOA.

He consults on any audit or transaction that is unique or unusual in nature or that requires special handling. His largest clients, the Cities of Mountain View, Livermore and Palo Alto have capital programs totaling \$180 million, \$130 million and \$55 million, respectively.

He has experience on large redevelopment agencies such as Livermore, Pleasant Hill, Hayward, He also performs the Alternate/Technical Review Partner function on the Cities of Richmond, East Palo Alto, San Carlos, South San Francisco and others as well as the following transportation agencies: CCTA, SAMTRANS, PCJPB, and SMCTA.

STAFF QUALIFICATIONS AND EXPERIENCE (Continued)

David Alvey, CPA Supervisor, will supervise the team, review their work and will be on site every day throughout the engagement. He will be responsible for coordinating the audit team and City staff to ensure a smooth and efficient audit and will report directly to Katherine.

He has over six years experience with us and has worked on large, medium and small municipal engagements. His largest municipal experience includes City of Roseville and City of Livermore and East Bay Municipal Utility District which have developed his skills at working in large audit client environments. He has experience on one dozen single audits since joining our firm.

Support Team Members:

Donald E. Hester, IT Director, will perform our information systems reviews discussed in the Audit Approach Section. Don is specifically trained and certified in Information Security and is the best known specialist on NIST and PCI standards in the area. Don has 15 years of experience and conducts and oversees all of our clients' information systems reviews.

Melita Law, Quality Assurance Director, is responsible for conducting quality assurance reviews on our audit reports and workpapers. While she will not be present in our clients' offices, she is actively involved with ensuring quality reports and work. Melita is a key element in our Internal Quality Control System (see a discussion in the Audit Approach Section) and reports directly to and is accountable to the shareholder's group as a whole.

We will balance out our resources with our Senior Associates and Associates to form fully leveraged teams. All of our audit staff are experienced with Comprehensive Annual Financial Reports, Redevelopment Agencies and related compliance, large enterprise operations, retirement plans, Single Audits, capital assets and infrastructure, long term debt, including swaps and related compliance and continuing disclosures, and all other aspects of municipal accounting and financial reporting.

Brief resumes of our proposed team members follow:

KATHERINE YUEN, Engagement Partner - Katherine joined the firm in 1996 upon receiving her Bachelor of Science degree in Business Administration from the University of California, at Berkeley. She is a Certified Public Accountant in the State of California. She is a member of the American Institute of Certified Public Accountants and the California Society of Certified Public Accountants. Katherine has received over **three hundred hours of continuing education in the past three years as an instructor in-house and participant**. Her relevant audit experience includes:

City of Alameda	Town of Los Gatos
Alameda Mayors' Conference	City of Manteca
Alameda Power and Telecom	City of Martinez
Alameda Reuse and Redevelopment Authority	City of Millbrae
Association of Bay Area Governments	City of Milpitas
Town of Atherton	City of Monterey
Bay Area Air Quality Management District	City of Newark
City of Belmont	City of Oxnard
City of Benicia	City of Palo Alto
City of Campbell	City of Pinole
Central Contra Costa County Solid Waste Authority	City of Pleasant Hill

STAFF QUALIFICATIONS AND EXPERIENCE (Continued)
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Katherine Yuen (Continued)

<p>City of Daly City City of Davis East Bay Recreation and Park District El Dorado Irrigation District City of Emeryville Town of Fairfax City of Galt City of Hayward Hindu Culture and Community Center Town of Larkspur Las Trampas, Inc. Livermore Area Recreation and Park District City of Los Altos City of Los Banos</p>	<p>City of Roseville City of San Carlos City of San Mateo City of San Rafael City of San Ramon San Ramon Valley Fire Protection Agency Small Cities Organized Risk Effort (SCORE) City of South Lake Tahoe South Placer Wastewater Authority City of Tracy City of Walnut Creek City of Woodland Town of Woodside</p>
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CORY BIGGS, CEO – Alternate/Technical Review Partner - Cory is a graduate of CSU Hayward with a B.S. in Business, emphasis in Accounting. He is a California CPA with over twenty nine years experience, three with Deloitte, Haskins & Sells, three with Seiler & Company, a large Bay Area local firm, and the rest with us. He is a member of the AICPA and California Society of CPA’s. Cory’s experience includes cities, school districts, and a variety of high-tech and commercial for-profit organizations. He is a CAFR reviewer for the GFOA and was a member of the Professional and Technical Standards Committee which summarizes and makes the final determination for CSMFO awards for Cities. Cory is an instructor of our GASB 45 and GASB 34 Implementation and many other training courses. **Cory has accumulated three hundred twenty hours of continuing education in the past three years as an in-house instructor and participant.**

His relevant municipal experience includes:

<p>City of Alameda City of American Canyon Association of Bay Area Governments Town of Atherton City of Belmont Belmont San Carlos Fire Department Belmont Net Six Joint Powers Authority Belmont South San Mateo Police Authority City of Capitola Coastside County Water District City of Concord Contra Costa County Bond Funds Contra Costa Transportation Authority City of Cupertino City of Daly City City of Dublin</p>	<p>Livermore Amador/Valley Transit Authority City of Los Altos Town of Los Altos Hills Town of Los Gatos City of Manteca City of Martinez City of Millbrae City of Milpitas City of Modesto City of Mountain View City of Napa City of Palo Alto Placer County Water Agency City of Pleasant Hill Town of Portola Valley Richmond Housing Authority</p>
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STAFF QUALIFICATIONS AND EXPERIENCE (Continued)

Cory Biggs (Continued)

Dublin San Ramon Services District East Bay Municipal Utility District City of El Cerrito El Dorado Irrigation District City of Emeryville City of Hayward Town of Hillsborough City of Livermore Livermore-Amador Valley Transit Authority Livermore Area Recreation and Park District	San Francisco Bay Area Water Emergency Transit Authority San Francisco Bay Transit Water Emergency Authority City of San Carlos Santa Clara Valley Water District San Ramon Valley Fire Protection District City of Saratoga City of South Lake Tahoe South Lake Tahoe Basin Waste Management Authority City of South San Francisco City of San Rafael City of Vallejo
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DAVID ALVEY, Supervisor – graduated from St Mary’s College, Moraga in 2005 with a Bachelors of Science Degree in Accounting and a Minor in Business Administration. David has received **400 hours of continuing education in the past five years**. David has experience as an internal auditor at California Savings Bank in Oakland, CA. He is a Certified Public Accountant in the State of California. He is a member of the American Institute of Certified Public Accountants and the California Society of Certified Public Accountants. His audit experience includes:

City of American Canyon Associations of Bay Area Governments Alameda County Transportation Authority Alameda County Transportation Improvement Authority Bay Area Clean Water Agencies City of Benicia Bethel Island Municipal Improvement District Calaveras County Water District Coastside County Water District Contra Costa Water Authority Contra Costa Water District Contra Costa Water District Retirement Plan City of Cupertino City of Daly City City of Davis Delta Diablo Sanitation District Diablo Water District Dublin San Ramon Services District East Bay Municipal Utilities District East Bay Municipal Utilities District Employee Retirement System El Dorado Irrigation District City of Escalon	City of Livermore City of Manteca Mid-Peninsula Water District Monument Crisis Center City of Napa City of Oakley Partners in School Innovation City of Pleasant Hill Regional Park Foundation Richmond Housing Authority City of Rio Vista City of Roseville Santa Clara Valley Water District San Mateo Community College Foundation Skyline County Water District Solano Irrigation District Solano Transportation Authority South San Joaquin Irrigation District Southern Marin Fire Protection District Stanislaus Waste to Energy City of Sunnyvale Upper Mokelumne River Watershed Authority
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STAFF QUALIFICATIONS AND EXPERIENCE (Continued)
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David Alvey (Continued)

Fairfield-Suisun Sewer District
 Freeport Regional Water Authority
 City of Galt
 ID Business Solutions
 City of Larkspur

Walnut Creek Chamber of Commerce
 The Wellness Community
 West Bay Sanitary District
 Zone 7 Water Agency

NIKKI APURA, Senior Associate – graduated from California State University, East Bay with a BS Degree in Business, emphasis in Accounting. Nikki has received **200 hours of continuing education** since joining Maze & Associates. Nikki has participated in the following audits:

City of Alameda
 Association of Bay Area Governments
 Bay Area Air Quality Management District
 Bay Homes Development Corporation (Not-for-Profit)
 City of Belmont
 City of Benicia
 Charities Under 1% Overhead (Not-for-Profit)
 Charities Under 5% Overhead (Not-for-Profit)
 Comp Shared Risk Pool
 City of Concord
 City of Daly City
 City of Davis
 East Bay Municipal Utility District
 Finance Authority for Nonprofit Corporations
 Food Bank of Contra Costa and Solano
 City of Larkspur
 Menlo Park Fire Protection District
 Midpeninsula Water District
 City of Modesto

City of Mountain View
 City of Napa
 City of Newark
 City of Pleasant Hill
 City of Piedmont
 Pooled Liability Assurance Network
 Public Owned Energy Resources
 City of Richmond
 San Ramon Valley Fire Protection District
 City of South Lake Tahoe
 Southern Marin Fire Protection District
 South San Francisco
 STS Academy (Not-for-Profit)
 City of Suisun City
 City of Vallejo
 Vestia (Not-for-Profit)
 Water Emergency Transit Authority
 City of Waterford
 Zone 7

In addition, Nikki is also part of Maze & Associates' Tax Team. This will be her third year preparing tax returns.

ISAAC WILLIAMS, Associate – graduated from CSU East Bay in 2009 with a Bachelor of Science in Business Administration of Accounting. Isaac has received **16 hours of continuing education** since joining our firm.

City of Concord
 City of Davis
 Dublin San Ramon Services District
 City of Larkspur
 City of Manteca
 Menlo Park

City of Palo Alto
 City Piedmont
 City of Roseville
 City of Vallejo
 City of West Sacramento
 Zone 7-Alameda County Flood Control

STAFF QUALIFICATIONS AND EXPERIENCE (Continued)
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MATT BUCCI, Associate graduated from University of California Santa Barbara in June 2009 with a Bachelor of Arts in Business Economics with Emphasis in Accounting. **Matt has received 80 hours of continuing education** since joining our firm. Matt has participated in the following audits:

Alameda County Transportation Improvement Authority	City of Richmond
Assoc. of CA Water Agencies JPIA	City of Roseville
Delta Diablo Sanitation District	City of Sausalito
Food Bank of Contra Costa and Solano	Sequoia Healthcare District
City of Los Banos	West Valley Sanitation District
Town of Portola Valley	

MELITA LAW, Quality Assurance Director - Melita graduated from St. Mary's College with a Bachelors of Arts Degree in Business Administration with an emphasis in Accounting and a Minor in Economics. Prior to joining Maze & Associates Melita tutored accounting students. Melita is a Certified Public Accountant and was with our firm for over 10 years as an auditor working exclusively on municipal auditing and accounting where she earned several promotions. Melita was an audit Supervisor for over five years before leaving us to move to Hong Kong in 2008. In 2009, after a one year hiatus, Melita rejoined our firm as our Quality Assurance Director. Because of her many years auditing municipalities, she has been a perfect fit and provides significant strengthening to our Internal Quality Control System. Melita attends our semi-annual continuing education sessions and is in the process of changing her license to active status. During her time as an auditor, Melita participated in the following audits:

Alameda Power & Telecom	City of Monterey
Alameda Reuse and Redevelopment Authority	City of Mountain View
City of Belmont	City of Napa
City of Benicia	City of Palo Alto
City of Campbell	City of Pleasant Hill
City of Concord	RHA Properties
City of Daly City	Richmond Housing Authority (RHA)
City of Davis	City of Roseville
Dublin-San Ramon Services District	Saint Vincent De Paul
East Bay Municipal Utility District	City of San Carlos
East Bay Regional Park District	City of San Pablo
City of Emeryville	City of Saratoga
City of Hayward	City of South Lake Tahoe
City of Livermore	City of South San Francisco
Town of Los Altos Hills	Stanislaus Waste-to Energy
City of Manteca	Union Sanitary District
City of Millbrae	City of Vallejo
City of Milpitas	West Contra Costa Transportation Advisory Committee
	City of Woodland

STAFF QUALIFICATIONS AND EXPERIENCE (Continued)

DONALD E. HESTER, Director-Donald's clients include local municipalities, non-profits, corporations and federal government agencies, specializing in a wide array of compliance programs and security assessments such as PCI, FISMA, COBIT, ITIL and ISO27002. He is a guest lecturer and speaker on security topics for CMTA, CSMFO, MISAC, CISOA, ISACA and others and he has served on various advisory committees and as a subject matter expert in information technology and security. Donald also teaches IT Audit and Forensics at the University of San Francisco and Microsoft courses for Los Positas College, San Diego City College and for the @One program of the California State Chancellor's office. Donald graduated with honors from the American Military University with a Bachelor's Degree in Security Management with a concentration in Information Security. He has nearly 20 years of experience in the security field. Donald has been with us for ten years now and has received more than 320 hours of continuing education in the past three years and has over 900 hours of instructional work. His certifications include; CISSP, CISA, CAP, MCT, MCITP, MCTS, MCSE Security, MCSA Security, MCDST, Security+ and CTT+. Donald is also a Chairman and past Treasurer for the Brentwood Veterans Memorial Building and Commandant and past Treasurer for the Delta Diablo Det. 1155 Marine Corps League.

Staff Training

We believe the level of training we provide is unmatched by any other accounting firm. **Our audit staff receives an average of 80 hours of continuing education annually, including an average of over 48 hours of municipal audit and accounting training. These are twice the amount required by professional standards.**

Our program places heavy emphasis on governmental accounting and auditing classes conducted by our own staff, supplemented by courses offered by the California Society of Certified Public Accountants, the American Institute of Certified Public Accountants, the Government Finance Officers Association, the California Municipal Finance Officers Organization, the California Redevelopment Association and the Association of California Water Agencies.

We accomplish this task by reserving a solid week in January or February and another week in July solely for staff training. Our training is very specific and very participatory; lectures are almost non-existent as people are involved in a continual give-and-take format designed to educate while it helps us improve our services. We deal with specific clients and situations, we solve problems and do case studies, and we train people for real-life situations through role-play exercises. Everyone is equal in these exercises and everyone contributes their own experience in the field and the ideas they have formulated from that experience.

STAFF QUALIFICATIONS AND EXPERIENCE (Continued)

Suggestions coming out of staff training sessions are the source of most of the service improvements and refinements we make each year.

A listing of our continuing education courses provided to all our staff, both certified on non-certified, over the past three years is as follows:

Area/Course	2009		2010		2011
	Spring 40 Hrs.	Summer 40 Hrs.	Spring 40 Hrs.	Summer 40 Hrs.	Spring 40 Hrs.
Auditing and Accounting Management					
Municipal Audit - Practice Analysis and Review	☐	☐	☐	☐	☐
Managing Municipal Audits - Audit Supervisors	☐	☐			☐
Cities in the News					☐
Quality Control			☐		☐
GAAP Updates					
Cash, Debt, and Capital Asset Auditing Updates	☐	☐	☐	☐	
Accounting	☐				
GASB/FASB Update	☐	☐	☐	☐	☐
GASB 34 - Capital Assets and Deferred Revenue		☐			
Journal Entry Testing			☐		
Compliance Audits					
Transportation Audits - TDA, STIP and Measures A, B, C		☐			
RDA Compliance	☐	☐	☐		☐
Single Audit Compliance		☐		☐	
Housing Authority Audits and REAC Submissions		☐		☐	
Prop 1B Testing		☐			
Auditing Standards					
Audit Standards Update			☐	☐	☐
New SASs, Risk Assessment and Impacts on Approach	☐		☐	☐	
Assessing Internal Control Risks/ Sample Sizes	☐		☐	☐	☐
Updating our Audit Approach	☐		☐		
SAS 112/115/Memorandum on Internal Control Workshop	☐		☐		
Compliance Auditing (SAS 117)			☐		
Yellow Book Update				☐	
IT/Paperless/Other					
Team Building: Building and Maintaining Effective and Successful Teams					☐
CCH Paperless Audit Software/ Trial Balance Function	☐	☐	☐	☐	☐
IT Information Systems Review Updates	☐	☐		☐	☐
Professional Liability Insurer Loss Prevention Seminar			☐		

Qualifications and Continuity

Our people accumulate over 1500 hours of purely municipal audit and accounting experience annually, far more than in any general service accounting firm. And we keep the same people on the job, normally for at least three years.

STAFF QUALIFICATIONS AND EXPERIENCE (Continued)

We provide our clients continuity while introducing enough new people to keep our perspective fresh and provide you with the benefits of rotation. We intend to retain all the people assigned to your audit throughout this year's entire engagement. In future years we plan to rotate no more than one person on each segment whom we will replace with someone of equal experience.

We do everything we can to ensure continuity because it helps you, it helps our staff and it helps us. We schedule the entire year in advance to avoid conflicts, and we give priority to clients who are able to accurately predict the date their books will be closed, so that the staff on their audit will not be affected if another client's closing or audit is delayed. We attempt to match personalities as well as skills and abilities so that our staff and yours will get along well.

AUDIT APPROACH

Specific Audit Approach

Our audit strategy is designed specifically for municipalities. We perform half our audit well before year-end so we can identify problems early. Our strategy maximizes our efficiency and lessens the load on our clients. When engaged to prepare the financial statements, we prepare proformas of them for your review, well before year-end and we give you detailed checklists of all the items we will need from you months in advance. We have integrated GASB 34 requirements into our strategy so that there is a seamless transition to the entity-wide statements.

We will plan the audit in detail and prepare an Audit Plan which details the information we will need from you to complete our interim and year-end audits, along with the person responsible for preparing it and the date they will have it ready. We tailor it to refer directly to the schedules you already prepare.

We do not require special reports or reconciliations just for our audit. We have found that coordinating our team and our client's staff works very well because it helps minimize the impact on your staff at year end. This way the Audit Plan includes most data we need from you so you and your staff can plan and schedule your work accordingly.

Specific Audit Strategy—Interim

Unlike older-style firms, **we perform most of our important work at interim**, well before the end of the fiscal year. We use our interim work to identify and solve problems and plan the year-end closing and audit in detail. Well before we begin our interim work we'll send you a list of the items we need, so you will have time to prepare.

We forecast many year-end amounts at interim, so that we can limit the amount of work required at year-end and concentrate instead on areas of concern. For example, we normally perform all our cash and investment testing at interim, including sending confirmation letters to depositories and determining financial statement categorizations. Performing these last two steps at interim allows plenty of time to follow up on confirmations or resolve questions about the proper categorization of an investment without delaying the audit. As another example, we test long-term debt at interim and forecast year-end balances and transactions for each debt issue.

We use **remote inquiry** as much as possible at interim, in order to increase our efficiency and reduce our impact on your staff. We can download Council Minutes and other documents from your Website for review, and have the ability to select transactions for test and analyze accounts using remote inquiry and read-only features of your system. Combining these abilities with our checklists has allowed us to perform larger portions of the audit in our own offices and reduce our questions to writing so that you have more time to deal with them.

Laws, Regulations and Compliance

Our audits are designed to ensure that we test transactions for compliance with the Single Audit Act and other applicable laws and regulations, including the California Government Code, provisions of applicable Grant guidelines, California Constitution Gann Limit requirements, requirements of local measures, Transportation Development Act requirements, etc. We identify applicable laws and regulations as part of our audit planning each year.

AUDIT APPROACH (Continued)

The California Government Code has many provisions and underlying regulations relating to investments and the investment policy, all of which are tested as part of our audit of cash and investments. That Code and the underlying regulations also form the basis of our compliance audit tests of Redevelopment Agencies, Child Development Programs, debt and other areas.

To the extent possible, we also begin our tests of compliance with laws and regulations at interim, including use of the Guidelines for Compliance Audits of California Redevelopment Agencies, Transportation Development Act regulations, OMB Circular A-133 and the Compliance Supplement and any other applicable compliance guidelines. Even if the work cannot begin until year-end we determine the applicable laws and regulations for our compliance testing so that we may incorporate the necessary information in our year-end closing checklist. Our audit samples for purposes of compliance vary based on the grant or compliance guidelines and are program-specific. The samples are stratified to ensure we test transactions that are representative of the costs charged to grants.

New GASB Implementation

We will provide the City with what ever support it needs with regard to gaining an understanding of new pronouncements affecting the financial statements and our audits. Our consistent approach is to provide our clients with advance identification of new GASBs as they are issued. With every audit, we provide overviews of new pronouncements including effective dates and we review these with staff.

In the year of implementation we proforma new disclosures and include additional data requests to our interim and closing checklists. For complex rules, we prepare course materials and conduct training and education sessions during interim for finance and other affected City staff to ensure they understand the requirements. We include the new GASB provisions as well as any additional resources such as implementation guides, practical application examples and additional technical resources and contacts. After staff has had a chance to think about the City's operations we conduct a follow-up conference to determine the potential impact to the financial statements and audit. In unusual cases we will schedule additional field work before year end to ensure the new rules do not affect year end timing.

Specific Audit Strategy—Year End

At year-end we do not repeat any of the work we performed at interim. Instead, we focus on the items in your Audit Plan and on the Basic Financial Statements. **Our year-end audit field-work actually starts in our office**, so that when we do arrive in your offices we are fully prepared and we minimize our impact on your operations.

In our offices, we cross-reference or reconcile your Audit Plan information, reports and schedules. The Engagement Partner **performs our detailed Analytical Review and emails our questions to you in advance of our arrival** in your offices. Our experience is that this Analytical Review identifies any issues remaining after our interim work, as well as most potential audit adjustments. This gives all of us time to address these items in person while the audit field-work is proceeding, instead of by telephone, fax and e-mail afterward.

AUDIT APPROACH (Continued)

When we start work in your offices, we will need you to complete your responses to the Analytical Review, but we will not need much of your time and we will not ask for more schedules or reports. Our Engagement Partner will meet with you on the first day of the year-end audit to review the draft financial statements with you and to discuss any remaining unanswered Analytical Review questions. This meeting sets the stage for the year-end audit; by this time the format and content of the financial statements is pretty well set and most audit adjustments have been identified. If we find any material adjustments, we will discuss them with you immediately and provide you with the journal entries required; we do not propose adjustments that are not material.

At the conclusion of our year-end field-work, our Partners and Senior Supervisors will review the final financial statement drafts with you and your staff as part of our exit conference. The following week, our Quality Assurance Director will perform a "quality assurance review" of the financial statements and workpapers so that we will be ready to sign the financial statements as soon as the City approves them.

We designed this strategy specifically to fit cities and the complications introduced by GASB 34. It requires our Partners to be fully and actively involved in the planning and performance of the work and it allows us to issue final financial statements and reports immediately after we finish our field-work in your offices.

You will find our strategy allows you to control the audit process, enables you to spread the work over the year as you wish and greatly reduces the pressure at year end.

Audit IT Systems, Security and Going Green

Hand-in-hand with our continuing investment in our people has been our increased investment in systems and hardware support. Eight years ago our systems work was handled by an outside consultant. **Today, we have a full-time staff of three people who maintain our state-of-the-art systems capabilities and provide increasing levels of such service to our clients.**

Every person on our staff is provided with a Windows XP/VISTA operating system PC networked with other audit team PCs and a printer via our own wireless LAN establish at the start of each audit in our client's office. In 2008, we completely eliminated hardcopy workpapers by converting to *ProSystems fx Engagement* paperless audit software published by Commerce Clearing House. We use Word 2003 as our word processor and Excel 2003 for preparation of financial statements and schedules and Outlook 2003 for personal information management.

Because of our shift from hardcopy documentation to softcopy and our obligation under professional standards to maintain confidentiality of client data, we instituted state-of-the-art security protections to ensure client data remains confidential and secure. For example, many CPAs use email as a method of communicating financial data to and from clients. But emails are not secure communications! We therefore employ a secure data file transfer system called "LeapFile" under which we exchange data files with our clients using a secure website. This keeps data confidential and has the added benefit of permitting downloads of large excel files or Microsoft Office files that may be erroneously rejected by some email scanning software. In the event one of our staff works out of town or telecommutes, they access data via our virtual private network. **Our VPN, LANs, and audit software are password protected and encrypted to ensure your data remains confidential and secure.**

We will also use some type of connection to the internet during our audit, but coordinate it with our client's IT Staff to ensure there are no breaches in security or protocols.

AUDIT APPROACH (Continued)

Turn-Key Financial Statement Drafts

We have moved most of our clients from a manual input of their general ledger data to a **fully mechanized computer download** of data directly into our Excel-based financial statement formats. At the same time, we have added significant numbers of internal data controls to financial statement formats. This strategy has virtually eliminated input errors, increased efficiency, and allowed our clients to spend less time reviewing and approving the financial statements. Not only do our templates produce fund-basis financial statements, they produce the entity-wide financial statements and accumulate the data required to calculate Major Funds, produce a complete reconciliation between fund basis and City-wide formats, and produce ancillary reconciliations and supporting schedules, all for your files.

We also employ Excel file linking to use the power of Excel for tables of data included in footnote disclosures. **This active linking ensures tables consistently foot, crossfoot and tie to general ledger balances without your staff having to manually re-total and recheck each and every number on each and every draft.** This also saves your staff time.

Auditing Large and Complex EDP Systems

Our approach to auditing EDP systems encompasses information system reviews, system controls and transaction cycle processing, verification and data extraction.

Information System Review

Information System Security became an important part of financial statement audits and we have performed an Information Systems Review (ISR) with every audit since 2001. Unlike our competitors, we extend our review to not only encompass the financial system, but also the network environment that houses that system. From our perspective, the internal controls that are present in the overall network environment are critical to understanding the internal controls over the financial system.

Unlike financial statements, there are currently no authoritative standards that local governments must employ to ensure that adequate and appropriate IT controls are designed and implemented. We extensively researched this area and concluded it was most appropriate to base our ISR on the certification and accreditation framework developed by the National Institute of Standards and Technology (NIST) for the Federal Information Security Management Act (FISMA) which is the minimum security required for federal government agencies information systems. NIST recommends states, local governments and Indian tribes comply with these standards as well. **Our reviews include procedures to determine that your systems are adequately protected from unauthorized internal access, provide for reasonable measures to ensure continuation of service, provide for security of data from physical or network access and have internet access defenses including hacker prevention, detection and deterrent systems.**

Our information systems reviews are performed by qualified information security professionals who hold at least the Information Systems Audit and Control Association's (ISACA) Certified Information Systems Auditor (CISA) or the (ISC)²'s Certified Information Systems Security Professional (CISSP). Both certifications require continuing professional education. As a value added service we will provide the City with a matrix of the City's maturity as compared with NIST's certification and accreditation framework. Each internal control taken from NIST SP 800-53Rev1 is ranked in this maturity matrix and an average score is provided to the City to give the City a benchmark.

AUDIT APPROACH (Continued)

System Controls and Transaction Cycle Processing Verification

With any data processing system upon which we intend to rely as a means of reducing substantive testing, we perform a variety of tests to verify the accuracy of transaction processing, the reliability of system control points and authorization controls, appropriateness of profile structures including Super-user rights access, and automated functionality such as sub-ledger integration and auto-journal entry validity and set up controls.

Gaining an understanding of the design of relevant procedures, controls and authorization levels is integrated with our risk assessment procedures discussed below under the *Client Tailored Risk Assessment* section. As part of our risk assessment process we identify those transaction cycles we intend to rely on. Both processing procedures and controls that are to be relied on are tested with our audits.

Transaction cycle processing and control tests typically involve sampling techniques. Most of our transaction samples are selected and tested during the interim portion of our work. Each sample will run from thirty to fifty transactions in size. We use interval and judgment sampling techniques with a high degree of stratification. Most municipalities operate more than one major revenue system. Therefore, we typically determine which revenue transactions are processed with common procedures and controls and deem that to be a single population and subject it to a single sample. Other revenue cycles processed with separate controls are tested with their own samples. For example, it is common for separate samples to be selected for governmental receipts and each major enterprise fund. Transaction cycles we sample are dependant on materiality to each client's financial statements but typically include, payroll, disbursements, receipts, loans receivable, investments and budget transactions and in accordance with the requirements of Statement of Auditing Standards #99 we also sample journal entries. Samples from each grant audit or major federal award program are also made. Samples are triple purpose samples and we test for correct recording, compliance with applicable policy or regulation and key control attributes - both manual and automated. This includes verification of sub-ledger integration and auto-journal entry validity, if needed.

Profiles, Access and Setup Controls

Despite advances in information technology automation and system control features, classic segregation of duties concepts remain a mainstay for providing adequate internal controls. What has changed, however is the necessity to determine system profile structures and actual system access. We inquire how our clients establish and maintain system profiles for relevant staff with the objective of determining whether controls are in place to provide for adequate segregation of duties and to determine if system profiles are appropriate based on the individual's duties. We also determine how our clients monitor access and we test access through reviews of access logs, observation and in some extreme cases, with fully observed access attempts.

We will also inquire about procedures and controls used to ensure only those system functions and controls assigned to an employee are in fact setup in system profiles. Considerations include Super User Rights, system profile set up, and system authorization functionality such as transaction initiation, review and approval, automated entry setup and posting. Work typically involves inquiry of staff with Super-User Rights and determining how the organization provides a check and balance against the possibility that one person with Super-User Rights can intentionally or inadvertently assign unauthorized access. We often review access logs and examine approvals of profile changes and review authorization levels.

AUDIT APPROACH (Continued)

Data Extraction

We employ rather simple data extraction techniques these days since most modern systems provide easy download capabilities to text or Excel files. We have been utilizing data extraction for over ten years. We first began data extraction as a means of downloading data from our clients financial systems for upload directly into the financial statements. Then we expanded this to include transaction details, account information and other data contained in our clients systems that we needed for audit. Our Chief Operations Officer, Chris Hunt, oversees our data extraction needs and has successfully worked with all of our clients and their systems to achieve data extractions for our use. We are extremely adept at converting from text, delimited and fixed width files, and with every system used by clients.

Assessing Risks – Interim Phase

Beginning with fiscal 2007-2008 audits, a new set of Statements of Auditing Standards became effective and required that most auditors change the way they audit. Much of this new guidance came out of the aftermath of highly publicized audit failures such as Enron, Global Crossings and the like. The Statements make it clear that a generalized one-size-fits all audit approach will not be permitted. An audit must be based on a unique audit strategy customized to fit each client and its industry.

The primary objective of these Standards is to require the auditor's application of an audit risk model. The concept is that a set of financial statements should be evaluated for the underlying risks of material misstatement. Then, a customized audit should be tailored to test for misstatements and verify that controls are designed and in place to prevent and detect misstatements.

We have consistently employed a risk based concept from our firm's inception in 1986. Our audit checklists and programs were originated by reference to *Audits of Local Governments* published by the Practitioners' Publishing Company (PPC), a third party vendor specializing in producing audit guides for unique industries. But, we have not simply used their guide as our approach. We have customized it further for the simple reason that California municipalities have many unique risks not faced by municipalities in other states. As you know, California state law and applicable regulations cover a wide variety of areas such as cash and investment management, redevelopment compliance, transportation development act programs, and child development programs. Indeed, even revenues of California municipalities are unusual and complex such as the Triple Flip and Proposition 1A securitization.

Our primary objective in an audit of each client's financial statements is to opine on whether the financial statements, including disclosures, are free of material misstatement. Our opinion must be based on sufficient, appropriate audit evidence that we obtain and this evidence must be documented. To achieve this objective, we further refine our approach to be responsive to each individual audit. We may reduce the scope of our substantive audit tests provided we conclude there are effective specific controls in place which would detect and correct misstatements due to errors or fraud.

AUDIT APPROACH (Continued)

Fraud Considerations

Beginning with our 2004 audits, we employed additional audit steps required by Statement of Auditing Standards #99, *Consideration of Fraud in a Financial Statement Audit*. SAS #99 requires auditors to consider risk areas that may be susceptible to fraud and to then modify their audit strategy. We have been employing a variation of the SAS #99 concept since the early 1990's. For example, for many of our recurring clients, we visited all of their cash collection sites. We performed cash counts and reviewed cash handling practices and procedures, including security measures employed to limit access to cash. This and our planning meetings with our clients staff have resulted in the inclusion of a variety of special emphasis areas in our audits. We combine our fraud consideration brain storming sessions with our over all risk assessment process discussed below.

Client Tailored Risk Assessment

Our strategy to assessing risk begins with a brainstorming session of our audit team where they review your prior year financial statements and operations to identify areas of major audit risk. We also incorporate our consideration of other factors such as the risk of fraud, the economy, regulatory complexities or changes, credit market conditions and others into our initial assessment. We may also compare unusual transactions and estimates to those used by other municipalities or to current trends and issues. Since we are a niche firm specializing in California municipalities this is relatively easy. For example, certain development agreements are unique to redevelopment agencies. These agreements usually contain complex financial transactions and legal restrictions. With so much experience in this area we can quickly design an efficient response to these risks.

Major audit risks are further evaluated through consideration of relevant assertions to determine inherent risk due to error or fraud. For example, cash on hand has a relative higher inherent risk of loss due to theft than an infrastructure asset. High and medium inherent risk audit areas are further evaluated to determine relevant internal controls needed to prevent, detect and correct errors or fraud.

We start our evaluation of your internal controls by interviewing staff and meeting with Department heads as needed. We review policies and procedure manuals and other documentation to determine the design of procedures and controls. As part of our evaluations we document narrative memoranda outlining the duties of each pertinent person as well as our GRID evaluation of the important nexus control points. The GRID is our own design; it is a two-axis chart we use to identify potential conflicts of duties in your controls. We enhance our evaluation by reviewing system profile reports, paying special attention to super-user rights. This data is then used to determine the presence or absence of compensating controls designed to mitigate conflicts of duties vested in a single individual.

We then test to verify that procedures and controls are operating effectively such that they reduce the risk that errors or fraud could occur and go undetected and uncorrected. We use a variety of techniques to verify controls are effective including: sampling, observation, documentation of reviews, examining system access reports and comparisons with other data.

After this has been completed, we assess the risk of material misstatement which is determined by the relative inherent risk of an area and the associated control risk to plan our substantive tests. That is, the risk that controls are not in place or are not operating effectively. Areas with a low risk of material misstatement assessment may receive limited substantive procedures while those with a high risk of material misstatement will receive significant substantive procedures.

AUDIT APPROACH (Continued)

We then design our final phase audit plan to ensure we obtain sufficient appropriate evidence about the financial statements and disclosures. Specific audit procedures are developed and documented in our audit programs and we develop potential internal control points for further evaluation as to significance and communicate those to staff.

Client Participation in the Risk Assessment Process

Of course, any risk assessment process is incomplete without our clients' active participation. We hold meetings with senior finance staff and internal auditors to discuss their views and assessments of risks affecting the financial statements. Our inquiries are backed up by reviews of the annual budget, mid-year budget revisions, internal audit reports, grantor performance and monitoring correspondence and any other pertinent data we deem relevant.

We must also establish two-way communication with the Council or Audit Committee which we typically accomplish by meeting to discuss the audit process and timing, management representations and fraud considerations. For those organizations without an Audit Committee, we typically attend a Council meeting or meet with representatives of the Council.

Assessing Risks - Final Phase

Although the majority of our evaluations and testing of internal controls is completed with our interim testing, it is during the final phase that actual year end balances, transactions and disclosures are known and our substantive procedures are employed. These procedures and data often reveal unusual or unexpected results that must be considered in the risk assessment process. Risk assessment processes are iterative and cumulative. That is, we must continually re-evaluate our assessments based on information and procedures gathered. It is not uncommon for an initial assessment and the corresponding substantive audit work to be restructured as a result of new data. Indeed it is the intent of current audit standards that the audit be responsive to risks.

Our substantive procedures are selected to be responsive to the assessed risk and relevant assertion and typically involve analytical procedures, third-party confirmation, estimation techniques, mini-max tests, trend analyses, recomputations, corroboration with other tests, tests in total, sampling and comparisons to data gathered in other municipal audits.

Risk assessment procedures would be incomplete without an evaluation of the adequacy of our evidence obtained including internal control tests, any significant deficiencies or material weaknesses and substantive test results. **These factors are considered prior to the release of our opinion in a final re-assessment process that includes our quality assurance review.**

Ability to Provide Services on a Short Notice

We are always ready to provide our clients with the services they need. Depending on the amount of work involved we can adjust our calendar to accommodate smaller projects at any time. Larger projects can be problematic during our peak busy season which lasts from mid-September through December. During those months, our approach to providing services on a short notice is predicated on the principle that we must satisfy our existing obligations before accepting new work. In the rare instance that we are unavailable due to existing commitments, we have a number of recommended consultants that can assist the City.

AUDIT APPROACH (Continued)

Communication and Coordination

We will meet with you at the start of each phase of work and conduct an exit conference at the end of each phase of work. This will ensure you know everything we do, with plenty of time to address any issues.

Two key objectives for a well run audit are to ensure timely communication of the audit results and to provide for seamless coordination of the external auditors with City staff. We noted in your request for proposal that you wish us to prepare an Audit Plan detailing what we need and when. The concept is virtually identical to our Accounting Issues Memorandum and detailed Interim and Closing Checklists that we typically prepare for our clients.

The Accounting Issues Memorandum concept was originated by one of our staff over a decade ago to function as a partner's brief of an engagement's status. It worked so well we expanded it to all our audits and share it with our clients. It has proven to be an indispensable communication and coordination tool ever since. This informal memo condenses and summarizes the audit status and issues as of the end of our interim work. It includes housekeeping matters, major and minor potential findings, scheduled audit fieldwork start and finish dates, etc. We produce this memo right in your office before the conclusion of our interim work, so you have an idea of what we've found so far and whether there are areas that need work.

Our Memorandum on Internal Control is drafted at year-end and may include significant issues raised with our interim phase Accounting Issues Memorandum as well as issues arising from our year-end work. We will review a draft with you, so that you will have plenty of time to consider the facts and discuss our findings before the audit results are presented to the Council and Committees.

Prompt Service and Delivery of Reports

Financial information, like fish, must be as fresh as possible and this is an important part of our service. We have always focused on reducing financial statement turn-around time and we have never missed a deadline. We normally complete the final draft of the financial statements on the last day of our field-work in our clients' offices or within two weeks thereafter.

Our audit strategy emphasizes detail planning and coordination of our staff and client staff to complete the audit as efficiently as possible. We have found that completing all our work and our reports as part of our field-work dramatically reduces the time required to issue final reports to our clients.

Our strategy allows our clients ample time to review all report drafts before issuance, while ensuring that all reports are issued timely. **Many clients have been able to advance the date on which their reports are presented to Council.**

AUDIT APPROACH (Continued)

Audit Schedule

We have timed our audit to complete all your reports so that they are ready to print by your deadlines. Of course, our timetable may be adjusted to fit your needs. We will start our work as soon as you appoint us your auditors, with an entrance conference as soon as possible. Please see the proposed segmentation of the engagement on the schedule following this timeline.

Our proposed Time Line follows:

June 2011:

Final Award, execute contract

July 18 – July 29:

Entrance conference
Complete interim audit tests
Mail confirmation requests
Review prior year GFOA comments, if available
Update financial statements formats and disclosures, including new GASB impacts
Prepare Annual Closing Checklist
Prepare Accounting Issues Memorandum
Prepare draft recommendations
Interim exit conference
 Provide draft Management comments
Issue GANN

October 24 – November 4:

Upload General ledger data
Perform Principal Level Analytical Review of financial statements
Review and reconcile Annual Closing Checklist information
Staff prepares responses to Analytical Review of financial statements

November 14:

Final phase entrance conference, start of year-end field-work in the City's office
Discuss results of Analytical review
Conduct year-end audit tests
Meet with staff as needed about status issues
Finalize all draft financial statements and recommendations
Completion of field work and year-end exit conference

November 28:

Exit conference
Issue draft reports

December 16:

Complete Quality Assurance Reviews of reports
Review comments with City
Issue final reports and recommendations

CITY OF BENICIA
Proposed Engagement Segments and Budget

Audit Activities	Budgeted Hours						Total
	Partners		Director	Supervisor	Staff		
	Engagement	Review			Associates	Admin.	
Planning & budget/Confirm/Checklists	2.00			6.00	2.00		10.00
SAS Fraud assessment				2.00			2.00
Report	4.00		2.00	12.00		24.00	42.00
Minutes-resolutions				6.00			6.00
Supervision/review	16.00	3.00	2.00	60.00			81.00
Conferences & meetings	4.00			4.00			8.00
Management letter	1.00			4.00		2.00	7.00
MD&A					4.00		4.00
Accounting Issues Memo	1.00			2.00		1.00	4.00
Analytical review	4.00						4.00
Adjustments				4.00			4.00
Internal Control Evaluation					6.00		6.00
Information Systems Review			4.00				4.00
Cash & Investments					32.00		32.00
Revenue/Receivables					28.00		28.00
Interfunds					4.00		4.00
Notes/loans receivables					14.00		14.00
Capital Assets					24.00		24.00
Disbursements/Accounts & Interest Payable					24.00		24.00
Payroll/Accrued liabilities					14.00		14.00
PERS/ OPEB					12.00		12.00
Long Term Debt					24.00		24.00
Fund balance & net assets					4.00		4.00
Risk Management					6.00		6.00
Subtotal - Financial Statements (CAFR) & Management Letter	32.00	3.00	8.00	100.00	198.00	27.00	368.00
MTC/TDA Program Audit	2.00	1.00		4.00	16.00	1.00	24.00
Single Audit Act Report (Per tested Program)	1.00	0.50		6.00	30.00	2.00	39.50
GANN Limit Report	0.50			1.00	7.00	1.00	9.50
City's Financial Transaction Report to the State Controller		8.00			20.00		28.00
GRAND TOTAL	35.50	12.50	8.00	111.00	271.00	31.00	469.00

REFERENCES

City Client List

Please see the listing of all of our city clients on page 10.

References

City of Alameda – a client since 1990

Principal contact – Kevin Kearney, City Auditor (elected) (510) 748-4500

Engagement Partner - Katherine Yuen

Size of General Fund Budget – \$63,677,829

Finance Staff Size - Fifteen

Workscope and reports:

Comprehensive Annual Financial Report (GFOA Award winner)

Alameda Power and Telecom

Community Improvement Commission including Redevelopment Compliance Report

Alameda Redevelopment and Reuse Authority

Single Audit Report

Transportation Development Act including Compliance Report

Proposition 1B Compliance Report

Alameda County Measure B Compliance Report

Police and Fire Pension Plan #1079

Police and Fire Pension Plan #1082

Mastik Senior Center

Memorandum on Internal Controls

Agreed Upon Procedures:

Proposition 111 Agreed Upon Procedures Opinion

Parking citation

City of Napa – a client since 2000

Principal contact — Roberta Meyer (707)-257-9226

Engagement Partners - Cory Biggs / Katherine Yuen

Size of General Fund Budget – \$67,181,829

Finance Staff Size – Twenty-four

Work scope and reports:

Basic Financial Statements

Proposition 111 Agreed Upon Procedures Opinion

Memorandum on Internal Control

Napa Valley Housing Authority

Redevelopment Agency Audit and Compliance Reports

Single Audit

Transportation Development Audit

Napa Housing Authority

Housing Authority

REAC Submission

Annual Reports of Financial Transactions

City

Redevelopment Agency

Street Report

Lake Park Assessment District

River Park Assessment District

REFERENCES (Continued)

City of Martinez a client since 2001

Principal contact – Cathy Spinella, Finance Manager – (925) 372-3579

Engagement Partner – Tim Krisch

Size of General Fund Budget – \$19,871,539

Finance Staff Size - Seven

Workscope and reports

Comprehensive Annual Financial Report (**Consistent GFOA and CSMFO award winner**)

Memorandum on Internal Control

Redevelopment Agency Audit and Compliance Reports

Single Audit Act Report

Proposition 111 Agreed Upon Procedures Opinion

Transportation Development Audit

Marina System

Water System

COST

Total Cost of Audit

Our Firm Fixed Fees for the services specified in the Request for Proposal (RFP) for the fiscal years ending June 30, 2011 through June 30, 2015, are detailed in this section. Our policy is to attempt to keep our clients fees constant after inflation. Therefore, the fees for years subsequent to 2011 have been adjusted for the 2010 CPI increase for the Services Sector of the U.S. Department of Labor, Bureau of Labor Statistics for the San Francisco-Oakland Area.

Cost Containment

Factors affecting auditor costs are staff experience and training, the care used in audit planning, use of efficient strategies and most important, time management. Throughout our firm's history we have placed the highest priority on maintaining a strong niche in local government and have found it quite beneficial to couple that with providing all our professional staff with high amounts of training. Our clients realize the benefits of on the job Partner involvement which guides our staff through the actual conduct of the audit. Partners are local, on site participants involved throughout the audit and as issues arise they develop plans to resolve them. The Partners guide our team efficiently through to completion. Our staff stays on point better than with any other audit firm. This means fewer hours which means lower costs.

Auditee complexity, integrity and readiness, are also key factors affecting costs. Careful evaluation of prospective clients, including inquiries of third parties that have had dealings with the prospective client prior to engagement, is effective at making preliminary determinations of these factors used in costing audit services.

Our fees are firm fixed prices. In determining our fees, we understand that the City's records will be in condition to be audited: That is, transactions will be properly recorded in the general ledger and subsidiary records; these accounting records and the original source documents will be readily available to use; we will be furnished with copies of bank reconciliations and other reconciliations and analyses prepared by the City; and City personnel will be reasonably available to explain procedures, prepare audit correspondence and obtain files and records.

NOT TO EXCEED PRICE FOR PROPOSED SERVICES SCHEDULE

In accordance with the Request for Proposal for Audit Services issued by the City of Benicia, the firm referenced below hereby submits the following cost proposal.

Service	Year Ended June 30th				
	2011	2012	2013	2014	2015
Basic Reports to Be Issued:					
City Audit, including CAFR and Memo of Internal Controls (1)	\$41,545	\$42,376	\$43,224	\$44,088	\$44,970
Single Audit Report	3,820	3,896	3,974	4,053	4,134
MTC/TDA Program Audit	2,785	(2)	(2)	(2)	(2)
Annual Report of City Financial Transactions to State Controller	4,100	4,182	4,266	4,351	4,438
GANN Limit	925	944	963	982	1,002
Total	\$53,175	\$51,398	\$52,427	\$53,474	\$54,544
Additional Reports to be Requested at City Option:					
State-Local Transportation Partnership Program	\$2,300	\$2,346	\$2,393	\$2,441	\$2,490
Annual Street Report to the State Controller	1,250	1,275	1,301	1,327	1,354
Total	\$56,725	\$55,019	\$56,121	\$57,242	\$58,388

Notes:

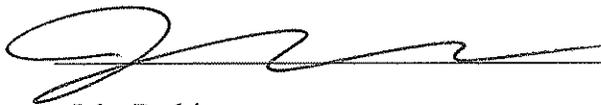
- (1) Our price includes set-up and delivery of 70 final versions of the bound CAFR, one unbound copy and one basic PDF of the CAFR.
- (2) We have not included a price for the MTC/TDA Program Audit for these years. It is our understanding that all functions will be the responsibility of the newly formed JPA which will go into effect July 1, 2011.

In addition, please include an hourly fee quotation and hours proposed for all positions to be assigned to the audit:

	Hours	Hourly Rate
Partners	48	\$300
Director	8	120
Supervisory Staff	111	115
Professional Staff	271	85
Clerical/Support Staff	31	65
Other		

I hereby certify that the undersigned is authorized to represent the firm stated above, and empowered to submit this bid, and if selected authorized to sign a contract with the City, for the services identified in the Request for Proposals.

Firm Name: Maze & Associates

Signature: 

Printed Name: John Rodriguez

Title: Secretary

Date: May 16, 2011

AGENDA ITEM
CITY COUNCIL MEETING DATE - JULY 5, 2011
CONSENT CALENDAR

DATE : June 23, 2011

TO : City Council

FROM : City Attorney

SUBJECT : **ADOPT THE ORDINANCE TO AMEND THE BENICIA MUNICIPAL CODE SECTION ON CANDIDATE DEBATES TO CLARIFY THE PURPOSE AND ALLOWABLE DATES**

RECOMMENDATION:

Adopt the proposed ordinance amending Municipal Code Section 1.42.110.

EXECUTIVE SUMMARY:

Section 1.42.110 of the Municipal Code establishes a "debate" for all city council and mayoral candidates before the general election. The open government commission sponsors this event. The proposed amendment provides the commission flexibility in scheduling to minimize conflicts with other events in or of interest to the Benicia citizenry. The amendment also changes the name from debate to forum and specifies what types of questions will be asked at the forum. At the June 21st meeting, the ordinance was introduced.

BUDGET INFORMATION:

There are no budget or other fiscal impacts caused by these amendments.

GENERAL PLAN:

Relevant General Plan Goal: N/A

STRATEGIC PLAN:

Relevant Strategic Plan Goal: N/A

BACKGROUND:

The proposed ordinance states the forum will be a place to address to last minute "hit pieces" and to respond to inflammatory statements and misinformation. It also clarifies that business entities may ask questions and that the forum may be canceled if all the candidates agree. 24 hours notice is required to cancel the filming of the forum so the draft ordinance requires all candidates to agree to cancel the forum at least 24 hours prior.

Attachment:

- Proposed Ordinance Amending Municipal Code §1.42.110

CITY OF BENICIA

ORDINANCE NO. 11-

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BENICIA AMENDING SECTION 1.42.110 (CANDIDATE DEBATE) OF CHAPTER 1.42 (CONTRIBUTION AND VOLUNTARY SPENDING LIMITS) OF TITLE 1 (GENERAL PROVISIONS) OF THE BENICIA MUNICIPAL CODE

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

Section 1.

Section 1.42.110 (Candidate debate) of the Benicia Municipal Code is hereby repealed and a new Section 1.42.110 (Candidate forum) is hereby added to read as follows:

1.42.110 Candidate forum.

The open government commission shall sponsor a forum on the Friday, Saturday or Sunday before the general election for all candidates for city council or mayor who meet the criteria of this section. Although Saturday is strongly preferred, Friday or Sunday may be selected to prevent a conflict with other events of general interest occurring in, or of interest to the voters of the City of Benicia. The commission shall be responsible for selecting the date of the forum after discussion and consideration of potential conflicts. The chair of the commission shall moderate the forum or shall select another member of the commission to serve as moderator. The questions shall relate to last minute "hit pieces," and will allow candidates the opportunity to respond to inflammatory statements and misinformation. All questions asked shall be selected from questions submitted by residents of, and nonprofit organizations and business entities located in, the city of Benicia. The forum may be canceled in its entirety by unanimous consent of the candidates, delivered to the chair of the commission at least 24 hours before the scheduled forum date.

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 21st day of June, 2011, and adopted at a regular meeting of the Council on the 5th day of July, 2011, by the following vote:

Ayes:

Noes:

Absent:

Elizabeth Patterson, Mayor

Attest:

Lisa Wolfe, City Clerk

AGENDA ITEM
CITY COUNCIL MEETING DATE - JULY 5, 2011
CONSENT CALENDAR

DATE : June 24, 2011

TO : City Manager

FROM : Finance Director

SUBJECT : **REVIEW AND ACCEPTANCE OF THE INVESTMENT REPORT FOR THE QUARTER ENDED MARCH 2011**

RECOMMENDATION:

Accept, by motion, the investment report for the quarter ended March 2011.

EXECUTIVE SUMMARY:

The investment portfolio is in compliance with the City's Investment Policy and California Law. Additionally, the City has adequate investments to meet its expenditure needs for the next six months. The Finance Committee has reviewed these reports and recommends acceptance.

BUDGET INFORMATION:

There is no effect on the City's budget.

GENERAL PLAN:

There is no effect on the City's General Plan.

STRATEGIC PLAN:

Relevant Strategic Plan Goals and Strategies:

- Goal 8.00: Build Organizational Quality and Capacity
 - Strategy 8.20: Measure and track service performance

BACKGROUND:

The City's investment portfolio consists of cash balances in checking accounts (less outstanding checks), Local Agency Investment Fund, treasury bills, federal agency notes and trustee accounts which manage the installment payments and reserves for bonds issued by the City.

The City has adequate investments to meet its expenditure requirements for the next six months. In addition, the City's investment portfolio is in compliance with Government Code Sections 53600 et seq. and the City's Investment Policy. The Finance Committee has reviewed these reports and recommends acceptance.

The attached schedules identify the City's investments by maturity date, investment type, custodian of investment and cost. The market value information is provided by Union Bank and California State Controller's Office for the LAIF investments.

Attachment:

- Investment Report for March 2011.

**City of Benicia
Investment Report
As of March 31, 2011**

Type of Investment	Name of Issuer	Purchase Date	Maturity Date	Current Yield	Par Value	Cost of Investment	Current Market Value
On Demand							
L.A.I.F.	L.A.I.F.			0.510%	\$ 3,110,517.26	\$ 3,110,517.26	\$ 3,114,443.21
Checking	Bank of America			0.600%	2,526,521.43	2,526,521.43	2,526,521.43
Money Market	Union Bank			0.020%	146,771.33	146,771.33	146,771.33
Money Market	Union Bank			0.020%	12,840.42	12,840.42	12,840.42
Subtotal					5,796,650.44	5,796,650.44	5,800,576.39
Up to 6 Months							
US Obligation	FFCB	11-May-07	25-Apr-11	4.790%	500,000.00	498,780.00	501,565.00
US Obligation	FHLB	5-Jun-09	3-Jun-11	1.120%	1,000,000.00	993,465.20	1,001,760.00
US Obligation	FHLMC	22-Oct-08	15-Sep-11	5.370%	1,500,000.00	1,580,167.50	1,536,444.75
US Obligation	FHLMC	5-Dec-08	15-Sep-11	5.370%	1,370,000.00	1,477,892.98	1,403,554.55
Subtotal					4,370,000.00	4,550,305.68	4,443,324.30
6 Months to 1 Year							
US Obligation	FHLB	13-Nov-08	18-Nov-11	4.740%	1,400,000.00	1,476,021.40	1,440,110.00
US Obligation	FNMA	24-Nov-09	23-Nov-11	1.000%	750,000.00	751,612.50	753,495.00
US Obligation	FFCB	3-Apr-07	8-Dec-11	4.500%	500,000.00	495,205.00	514,095.00
US Obligation	FFCB	24-Nov-09	17-Jan-12	1.970%	750,000.00	765,547.50	759,975.00
US Obligation	US Treasury	16-Mar-10	29-Feb-12	0.870%	975,000.00	973,781.25	980,099.25
US Obligation	FHLMC	17-Sep-07	5-Mar-12	4.560%	1,000,000.00	1,003,890.00	1,040,680.00
Subtotal					5,375,000.00	5,466,057.65	5,488,454.25
1 Year to 2 Years							
US Obligation	FNMA	29-May-09	20-Apr-12	1.850%	1,900,000.00	1,907,676.00	1,929,393.00
US Obligation	FNMA	4-Oct-07	18-May-12	4.640%	750,000.00	756,780.00	787,447.50
US Obligation	FHLB	11-Jun-09	20-Jun-12	1.840%	1,050,000.00	1,039,185.00	1,067,640.00
US Obligation	FFCB	25-Sep-07	1-Aug-12	4.940%	500,000.00	509,923.50	531,150.00
US Obligation	FNMA	15-Jan-10	22-Feb-13	1.720%	750,000.00	749,260.88	762,555.00
US Obligation	FNMA	28-Jan-11	28-Jan-13	1.000%	750,000.00	750,465.00	750,885.00
US Obligation	US Treasury	26-Mar-10	15-Mar-13	1.360%	750,000.00	744,404.30	758,700.00
US Obligation	FHLB	22-Mar-11	20-Mar-13	1.600%	700,000.00	712,242.30	710,605.00
Subtotal					7,150,000.00	7,169,936.98	7,298,375.50

**City of Benicia
Investment Report
As of March 31, 2011**

Type of Investment	Name of Issuer	Purchase Date	Maturity Date	Current Yield	Par Value	Cost of Investment	Current Market Value
2 Years to 3 Years							
US Obligation	FHLMC	4-Mar-10	15-Apr-13	1.600%	1,000,000.00	998,600.00	1,015,280.00
US Obligation	FHLMC	22-Mar-11	15-Apr-13	1.600%	700,000.00	711,956.00	710,696.00
US Obligation	FHLMC	26-Apr-10	29-May-13	3.320%	1,200,000.00	1,260,252.00	1,265,976.00
US Obligation	FNMA	11-Jun-10	10-Jun-13	1.000%	500,000.00	500,000.00	500,355.00
US Obligation	FHLB	25-Feb-11	16-Aug-13	1.250%	750,000.00	749,512.50	748,095.00
US Obligation	FNMA	29-Oct-10	18-Oct-13	1.010%	850,000.00	851,249.50	844,075.50
US Obligation	FHLMC	18-Aug-10	18-Nov-13	1.400%	500,000.00	502,140.00	499,360.00
US Obligation	FHLMC	24-Jan-11	25-Feb-14	1.370%	1,500,000.00	1,502,790.00	1,500,690.00
Subtotal						7,076,500.00	7,084,527.50
3 Years to 5 Years							
US Obligation	US Treasury	26-Mar-10	30-Apr-14	1.840%	275,000.00	271,315.43	279,749.25
US Obligation	FNMA	28-Jan-11	16-Sep-14	2.870%	1,000,000.00	1,050,010.00	1,046,490.00
US Obligation	FNMA	26-Aug-10	26-Aug-14	1.520%	750,000.00	750,000.00	739,065.00
US Obligation	FHLMC	26-Aug-10	25-Aug-15	2.150%	1,000,000.00	1,004,860.00	986,630.00
US Obligation	FNMA	15-Oct-10	8-Sep-15	1.010%	750,000.00	750,000.00	746,220.00
US Obligation	FHLB	16-Dec-10	16-Dec-15	1.000%	500,000.00	499,875.00	500,675.00
Subtotal						4,326,060.43	4,298,829.25
Total (before fiscal agent accounts)						\$ 33,966,650.44	\$ 34,414,087.19
Fiscal Agent Accounts						1,262,832.17	1,262,832.17
TOTAL INVESTMENT PORTFOLIO						\$ 35,648,343.35	\$ 35,676,919.36
INVESTMENTS WITH PFM						\$ 15,464,270.32	\$ 15,423,568.88
INVESTMENTS WITH CUTWATER						\$ 13,284,202.17	\$ 13,349,553.67
WEIGHTED AVERAGE MATURITY OF THE INVESTMENT PORTFOLIO						1.91	Years

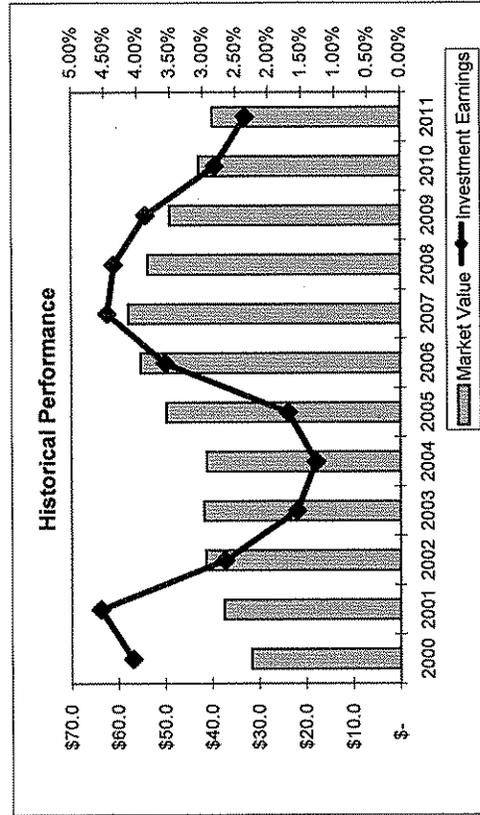
The City of Benicia complies with Government Code Sections 53600 et seq. and the City's Investment Policy. The source of market value is Union Bank of California. The City has the ability to meet expenditure requirements for the next six months. This report, to the best of my knowledge, is accurate representation of the City of Benicia's investments.


 Robert Sousa, Director of Finance

**City of Benicia
Historical Portfolio Comparison**

Market Value (Millions)					
Fiscal Year / Quarter	1st Qtr	2nd Qtr	3rd Qtr	4th Qtr	Annual Average
2000	\$ 28.4	\$ 31.2	\$ 31.8	\$ 35.1	\$ 31.6
2001	33.0	36.7	37.7	42.8	37.5
2002	39.3	41.5	40.3	44.6	41.4
2003	39.7	43.4	39.5	44.8	41.8
2004	39.3	42.8	41.1	41.8	41.3
2005	38.7	53.8	50.0	56.6	49.8
2006	46.9	54.9	55.1	64.3	55.3
2007	57.4	59.3	54.4	60.1	57.8
2008	51.9	54.7	51.4	56.8	53.7
2009	48.1	52.1	47.3	48.7	49.1
2010	42.6	43.7	39.4	45.7	42.9
2011	37.6	46.2	35.7		39.8

Investment Earnings					
Fiscal Year / Quarter	1st Qtr	2nd Qtr	3rd Qtr	4th Qtr	Annual Average
2000	3.53%	4.17%	4.15%	4.41%	4.06%
2001	4.76%	4.82%	4.58%	4.07%	4.55%
2002	3.62%	2.72%	2.27%	2.01%	2.66%
2003	1.90%	1.61%	1.41%	1.34%	1.57%
2004	1.38%	1.28%	1.24%	1.20%	1.28%
2005	1.31%	1.43%	1.74%	2.33%	1.70%
2006	2.52%	3.76%	3.84%	4.16%	3.57%
2007	4.34%	4.44%	4.46%	4.57%	4.45%
2008	4.56%	4.48%	4.20%	4.15%	4.35%
2009	4.01%	4.07%	4.03%	3.95%	3.87%
2010	3.17%	2.85%	2.65%	2.60%	2.81%
2011	2.51%	2.88%	2.15%		2.35%



Investment Earnings - Dollars					
Fiscal Year / Quarter	1st Qtr	2nd Qtr	3rd Qtr	4th Qtr	Mark to Market * Annual Average
2008	319,769	789,398	474,720	327,578	403,879
2009	275,114	580,504	577,776	489,555	267,309
2010	299,040	294,913	226,519	289,374	(196,842)
2011	267,030	235,311	not available		251,171

* Mark to market is the difference between current year minus prior year's mark to market gain or loss.

AGENDA ITEM
CITY COUNCIL MEETING DATE - JULY 5, 2011
CONSENT CALENDAR

DATE : June 28, 2011

TO : City Council

FROM : City Clerk

SUBJECT : **PROCEDURE FOR RESOLVING TIE VOTES FOR ELECTIVE OFFICES AT GENERAL MUNICIPAL ELECTIONS**

RECOMMENDATION:

Adopt a resolution to follow Elections Code Section 15651 (a) to determine tie votes by lot instead of holding a special election.

EXECUTIVE SUMMARY:

Elections Code Section 15651 provides two ways of resolving a tie vote for a city elected office. First, the winner could be determined by lot (random selection). Second, a special runoff election could be held to determine the winner. Whichever way is selected by the Council will remain in place for future elections, unless it is changed.

BUDGET INFORMATION:

In the case of a tie vote, there is minimal cost to determine the winner by lot. If the Council chooses to hold a special runoff election instead, additional funds will be required to fund the election. A special election would cost approximately \$35,000.

GENERAL PLAN:

N/A

STRATEGIC PLAN:

N/A

BACKGROUND:

California Elections Code Section 15651 sets forth the procedure for determining what happens in the event of a tie vote for a city office. Under Subsection 15651 (a) if two or more people receive the same number (and highest) of votes, the elections board (the City Council) determines the winner by lot. The people who are tied appear before the Council and a random method of selection is made to determine the winner.

Subsection 15651(b) provides that instead of determining the winner by lot, the Council can choose to have a special runoff election. This determination must be made before the election. If the City chooses to adopt a resolution providing for runoff elections, all future elections where there are ties will be determined by a runoff election. This will continue until a resolution is adopted to repeal the special runoff election resolution.

Attachments:

- ❑ Election Code Section 15651
- ❑ Resolution to Determine Tie Votes for Elective Office by Lot
- ❑ Resolution to Hold a Special Runoff Election to Determine Tie Votes (Alternative Measure)

California Elections Code Section 15651

(a) If at any election, except as provided in subdivision (b) and an election for Governor or Lieutenant Governor, two or more persons receive an equal and the highest number of votes for an office to be voted for in more than one county, the Secretary of State shall forthwith summon the candidates who have received the tie votes, whether upon the canvass of the returns by the Secretary of State or upon recount by a court, to appear before him or her at the Secretary of State's office at the State Capitol at a time to be designated by him or her. The Secretary of State shall at that time and place determine the tie by lot. Except as provided in subdivision (b), in the same manner, at a time and place designated by it, the election board shall determine a tie vote, whether upon the canvass of the returns by the election board or upon a recount by a court, for candidates voted for wholly within one county or city.

(b) In lieu of resolving a tie vote by lot as provided in subdivision (a), the legislative body of any county, city, or special district not subject to the Uniform District Election Law (Part 4 (commencing with Section 10500) of Division 10) may resolve a tie vote by the conduct of a special runoff election involving those candidates who received an equal number of votes and the highest number of votes.

A special runoff election shall be held only if the legislative body adopts the provisions of this subdivision prior to the conduct of the election resulting in the tie vote. If a legislative body decides to call a special runoff election in the event of a tie vote, all future elections conducted by that body shall be resolved by the conduct of a special runoff election, unless the legislative body later repeals the authority for the conduct of a special runoff election.

If a special runoff election is held pursuant to this subdivision, the legislative body shall call for the runoff election to be held in the local entity on a Tuesday not less than 40 nor more than 125 days after the administrative or judicial certification of the election that resulted in a tie vote. If a regular election is to be held throughout the jurisdiction within that time period, the special runoff election shall be held on the same day as, and consolidated with, the regular election.

RESOLUTION NO. 11-

A RESOLUTION OF THE CITY COUNCIL ESTABLISHING THE PROCEDURE FOR DETERMINING TIE VOTES FOR ELECTIVE OFFICES IN THE CITY OF BENICIA BY LOT

WHEREAS, § 15651(a) of the Elections Code of the State of California authorizes the City Council, by majority vote, to adopt provisions to provide for a procedure to resolve a tie vote involving those candidates who received an equal number of votes and the highest number of votes for an elective office.

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

SECTION 1. That in the event two or more candidates for a municipal elective office receive an equal and the highest number of votes creating a tie, the tie shall be resolved as outlined in Exhibit "A" attached hereto.

SECTION 2. That the provisions of Section 1 shall apply at the next ensuing municipal election to be held in the City on November 8, 2011, and at each municipal election thereafter until this resolution is repealed or superseded.

SECTION 3. That this resolution shall take effect immediately. The City Clerk shall make this resolution readily available for public inspection within thirty (30) days of the date this resolution is adopted.

On motion of Council Member _____, seconded by Council Member _____, the above Resolution was approved by roll call by the City Council of the City of Benicia at a regular meeting of said Council held on the 5th day of July, 2011 and adopted by the following vote:

Ayes:

Noes:

Absent:

Elizabeth Patterson, Mayor

Attest:

Lisa Wolfe, City Clerk

EXHIBIT "A"

By Lot: The City Council shall forthwith summon the candidates who have received the tie votes, whether upon the canvass of the returns by the Council or upon a recount by a court, to appear before the Council at a time to be designated by the Council. The Council shall, at that time and place, determine the tie by lot (e.g., tossing a coin, etc.), or in order to maintain a sense of dignity in resolving a tie vote, Council may place each candidate's name in an unmarked, sealed envelope. The Mayor will then select a person to draw an envelope and read the name of the winning candidate.

RESOLUTION NO. 11-

A RESOLUTION OF THE CITY COUNCIL ESTABLISHING THE PROCEDURE FOR DETERMINING TIE VOTES FOR ELECTIVE OFFICES IN THE CITY OF BENICIA BY SPECIAL RUNOFF ELECTION

WHEREAS, § 15651(b) of the Elections Code of the State of California authorizes the City Council, by majority vote, to adopt provisions to provide for a procedure to resolve a tie vote involving those candidates who received an equal number of votes and the highest number of votes for an elective office.

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

SECTION 1. That in the event two or more candidates for a municipal elective office receive an equal and the highest number of votes creating a tie, there shall be a Special Runoff Election to resolve the tie vote. The Special Runoff Election shall be called and held on a Tuesday not less than 40 nor more than 125 days after the administrative or judicial certification of the election which resulted in a tie vote.

SECTION 2. That the provisions of Section 1 shall apply at the next ensuing municipal election to be held in the City on November 8, 2011, and at each municipal election thereafter until this resolution is repealed or superseded.

SECTION 3. That this resolution shall take effect immediately. The City Clerk shall make this resolution readily available for public inspection within thirty (30) days of the date this resolution is adopted.

On motion of Council Member _____, seconded by Council Member _____, the above Resolution was approved by roll call by the City Council of the City of Benicia at a regular meeting of said Council held on the 5th day of July, 2011 and adopted by the following vote:

Ayes:

Noes:

Absent:

Elizabeth Patterson, Mayor

Attest:

Lisa Wolfe, City Clerk

AGENDA ITEM
CITY COUNCIL MEETING DATE: JULY 5, 2011
CONSENT CALENDAR

DATE : June 27, 2011
TO : City Council
FROM : City Manager
SUBJECT : **TRANSFER OF TRANSIT OPERATIONS TO SOLANO COUNTY
TRANSIT**

RECOMMENDATION:

Approval of a Resolution authorizing the City Manager to Transfer Bus Transit Operations to Solano County Transit ("SolTrans") without providing proof of FTA "grantee" status.

EXECUTIVE SUMMARY:

On November 16, 2010 the City Council approved a resolution authorizing the City Manager to execute the Solano County Transit Joint Powers Agreement ("JPA") with the City of Vallejo and the Solano Transportation Authority. That resolution further authorized the City Manager to execute such further documents and take such further actions as may be necessary in order to accomplish the goal contemplated by the SolTrans JPA. Due to complications in achieving Federal Transportation Administration funding status prior to July 1, 2011, this resolution removes the FTA certification requirement so that the City Manager can execute agreements to facilitate the transfer of bus operations to SolTrans.

GENERAL PLAN:

Relevant General Plan Policies and Programs:

- Goal 2.28: Improve and maintain public facilities and services

STRATEGIC PLAN:

Relevant Strategic Plan Issues and Strategies:

- Strategic Issue #4: Preserving and Enhancing Infrastructure
 - Strategy #2: Increase use of mass transit
 - Action 2(d): Evaluate feasibility of merging transit services with Vallejo and STA

BUDGET INFORMATION:

On June 22, 2011 MTC approved the appropriation of \$6.6 million in Transportation Development Act (TDA), State Transit Assistance, and Regional Measure 2 funds to SolTrans for operating the Vallejo and Benicia bus and para-transit services with the first allocation being made in July 2011. Since the Cities of Vallejo and Benicia will no longer receive these transit funds directly it is in the best interest of the Cities to transfer the fixed route bus and para-transit operations to SolTrans and allow the use of the assets required to provide these transit services until such time as these assets can be transferred in title.

BACKGROUND

On November 16, 2010 the City Council approved a resolution authorizing the City Manager to execute the Solano County Transit Joint Powers Agreement with the City of Vallejo and the Solano Transportation Authority. That resolution further authorized the City Manager to execute such further documents and take such further actions as may be necessary in order to accomplish the goal contemplated by the SolTrans JPA. Such further actions by the City Manager to effectuate this transfer were subject to two conditions:

1. Submission by SolTrans of satisfactory proof that it has acquired 'grantee' status from FTA and from MTC, and
2. The City Manager determination that such transfer is appropriate, considering that no asset which is subject to a lien or leasehold securing certificates of participation or other evidence of indebtedness issued by or on behalf of the City of Benicia may be transferred unless such lien or leasehold is duly released by the holders of such certificates of participation or other evidence of indebtedness.

The Transition Team comprised of Vallejo, Benicia, STA staff and consultants have been working diligently since October 2010 developing and obtaining SolTrans Board approval of the necessary policies and procedures required to be in place for Federal Transportation Administration ("FTA") certification of "grantee" status. SolTrans submitted its formal application to the FTA on May 24, 2011. Metropolitan Transportation Commission's ("MTC") approval of SolTrans as an authorized recipient of federal transit formula funds scheduled for its June 22, 2011 meeting is one of the two remaining approvals required for FTA grantee status. It is now anticipated that FTA grantee eligibility will be granted to SolTrans before June 30, 2011.

With the scheduled approval by the MTC at its June 22, 2011 meeting of SolTrans' Transportation Development Act (TDA) claim, SolTrans will be the recipient of TDA, State Transit Assistance, and Regional Measure 2 funds. This action will result in operating revenue of \$6.6 million being made available to SolTrans, with the first allocation being made in July 2011. It should be noted

that FTA certification is not required for SolTrans to operate the bus and para-transit services in the absence of Federal funds. However, since many of the transportation assets were purchased with federal funds, the transfer of those assets does require FTA certification as well as formal approval of the transfer. Accordingly this council action does not provide for the transfer of assets, which will be addressed in the coming months after FTA certification has been obtained, although SolTrans will be administering operations during this transition period, the City of Benicia will remain legally responsible to FTA as grantee under its existing agreements ensuring that bus operations and the use of federally acquired assets comply with FTA's rules and regulations.

Since MTC will be appropriating all of the operating funds to SolTrans as of July 1, 2011 it is in the best interest of the City that SolTrans take over the administration of the MV Transportation, Inc. Bus Operations and Maintenance Contracts effective July 1, 2011. To accomplish this, the SolTrans Board authorized the Chair to execute a new operating agreement with MV Transportation, Inc. at their June 16, 2011 meeting. The current MV contracts with the City of Benicia terminate on June 30, 2011, so there is no overlap by this action. As noted above SolTrans can administer this operations contract as well as these transit services whether they receive FTA grantee status by July 1st or not. However, no assets will be transferred to SolTrans prior to them obtaining FTA certification.

As noted above, under Resolution No. 10-233, the City Manager's authority to approve agreements related to the transfer of transit operations is subject to the condition that SolTrans has FTA grantee certification. Accordingly, the action being considered by the City Council tonight is to remove this FTA certification requirement so that the City Manager can exercise his discretion in executing agreements to facilitate the bus operations to transfer to SolTrans, including facilitating the agreement whereby SolTrans can administer the MV Operations Contract and manage the transit operations starting July 1, 2011 whether or not they receive FTA approval. As stated above this FTA certification is expected prior to July 1st but since the City's MV Contract expires June 30th this action is ensure that bus operations will continue if this FTA approval is delayed for any reason.

Staff is requesting that the City Manager be delegated authority to execute any documents necessary to effectuate the intent of the JPA for the transfer of operations without FTA "grantee" status.

- Resolution

RESOLUTION NO. 11-

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BENICIA AUTHORIZING THE CITY MANAGER TO EXECUTE DOCUMENTS AND TAKE FURTHER ACTIONS AS MAY BE NECESSARY IN ORDER TO ACCOMPLISH THE GOALS CONTEMPLATED BY THE SOLANO COUNTY TRANSIT JOINT POWERS AGREEMENT.

WHEREAS, Resolution No. 10-154 was approved by the Benicia City Council on November 16, 2010 authorizing the City Manager to execute the Solano County Transit (“SolTrans”) Joint Powers Agreement (JPA) with the City of Vallejo and the Solano Transportation Authority in accordance with Government Code Sections 6500-6515; and

WHEREAS, said resolution further authorized the City Manager to execute such further documents and take such further actions as may be necessary in order to accomplish the goals contemplated by the SolTrans JPA, including, but not limited to, transferring the grant funds and designated personal and real property assets as listed in Appendix (B) and (C) of the SolTrans Transition Plan dated October 15, 2010 Attachment (C) to the staff report, subject to two conditions:

Submission by SolTrans of satisfactory proof that it has acquired ‘grantee’ status from the Federal Transportation Administration (“FTA”) and from Metropolitan Transportation Commission (“MTC”), and
The City Manager determination that such transfer is appropriate, considering that no asset which is subject to a lien or leasehold securing certificates of participation or other evidence of indebtedness issued by or on behalf of the City of Vallejo may be transferred unless such lien or leasehold is duly released by the holders of such certificates of participation or other evidence of indebtedness; and

WHEREAS, the MTC on June 22, 2011 approved SolTrans’ Transportation Development Act (“TDA”) claim, making SolTrans the recipient of TDA, State Transit Assistance, and Regional Measure 2 funds normally allocated to the Cities of Vallejo and Benicia; and

WHEREAS, this action will result in operating revenue of \$6.6 million being made available to SolTrans, with the first allocation being made in July 2011; and

WHEREAS, the City of Benicia transit operations and maintenance contracts with MV Transportation, Inc. expires on June 30, 2011; and

WHEREAS, on June 16, 2011 the SolTrans Board of Directors authorized their Chair to execute a contract with MV Transportation, Inc. to operate the fixed

bus and para-transit services for the City of Vallejo and the City of Benicia effective July 1, 2011; and

WHEREAS, SolTrans has submitted an application to the FTA for grantee status and expects to receive approval at any time but has no guarantee that said approval will be forthcoming prior to July 1, 2011.

NOW, THEREFORE, BE IT RESOLVED THAT The City Council of the City of Benicia hereby authorizes the City Manager to execute any documents and take further actions as may be necessary to effectuate said transfer of operations and use of City owned transit assets to SolTrans without requiring proof that SolTrans has acquired 'grantee' status from the FTA, as long as no federal funds granted to the City or federally acquired assets are actually transferred prior to such status being obtained.

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 5th day of July, 2011 and adopted by the following vote:

Ayes:

Noes:

Absent:

Elizabeth Patterson, Mayor

Attest:

Lisa Wolfe, City Clerk

AGENDA ITEM
CITY COUNCIL MEETING DATE - JULY 5, 2011
BUSINESS ITEMS

DATE : June 29, 2011

TO : City Council

FROM : City Attorney

SUBJECT : **BEST PRACTICES FOR GRANTEES OF THE CITY**

RECOMMENDATION:

Accept the Open Government Commission's recommendation about grantee and service agreement best practices.

EXECUTIVE SUMMARY:

The Open Government Commission has been discussing the request of members of the public regarding regulating organizations who receive City funds in terms of Open Government principles. A distinction must be made in terms of the types of funding that organizations receive. Some receive grants from the City, others have contracts with the City to perform services. For grantees, it is recommended that the practices of the Human Services Board and the Benicia Arts and Culture Commission be considered "best practices" for grantees with the addition of an annual report. For service contracts, it is recommended that the City Council or other awarding authority establish the desired requirements on a case-by-case basis in the contract.

BUDGET INFORMATION:

There is no budget impact at this time.

GENERAL PLAN:

N/A.

STRATEGIC PLAN:

N/A.

BACKGROUND:

Members of the public have been asking about the application of Open Government Principles to non-profit organizations that receive funds from the City. The City provides funding to a variety of sources in a variety of manners. The City awards grants via the Human Services Board and the Arts and Culture Commission. The City also enters into service contracts or leases with other non-profit organizations.

This report briefly reviews the processes currently in place for awarding grants and for the service contracts and leases.

Human Service Board Grants

The Human Service Board awards grants to organizations providing human service to the community. The Board has an application for a two-year funding cycle. They send letters about the application process to current grantees as well as placing an ad in the newspaper and on the City website. This allows potential grantees to find out about the process. A copy of the Human Service Board's grant application letter and application packet are attached. The Human Service Board's process is detailed and sets forth the specific criteria for evaluating the proposals. The Human Services Board also requires reports from its grantees. A sample of the report is included in the application packet. I have also included a copy of the site visit schedule/quarterly report logs from 2009-10 and 2010-11.

Benicia Arts and Culture Commission

The Arts and Culture Commission awards grants to organizations providing arts and/or cultural services to the community. This is the first year the Benicia Arts and Culture Commission (BACC) has been involved in the grant process. The BACC has basically followed the direction of the Human Services Board, as they have been involved in the grant process for many years. Like the Human Services Board, the Commission has an application for a two-year funding cycle. The first thing the Commission did was send out an application to all of the previous grantees. After these were sent out two ads were placed in the Benicia Herald stating that the process was open and applications could be obtained online or picked up at the Library. A copy of the BACC's grant application letter and application packet are attached. They also have a detailed process and set forth the specific criteria for evaluating the proposals. Like the Human Services grantees, the BACC grantees do quarterly reports. Commissioners also check on the groups and do site visits.

Other agreements with Non-Profits

The City also has agreements with other non-profits. Benicia Main Street has an agreement with the City to provide services. Main Street, the Benicia Historical Museum, the Volunteer Firefighters, Boy Scouts and Girl Scouts and Senior Center have lease agreements with the City to rent City property. The terms of these leases are set forth in the agreements.

Benicia Main Street's service agreement is to provide downtown support services. A copy of the agreement is attached. It requires that an itemized invoice be submitted in order for Main Street to be paid. The agreement breaks out the work to be provided into several categories and requires a midterm evaluation by the Economic Development Board. Main Street is also required to

present reports at Economic Development Board meetings and to track data to measure performance. A copy of one of the reports to the Economic Development Board meeting is attached. City Staff is currently working with Benicia Main Street to enhance their reporting process to provide greater clarity in how City revenues are expended and correlated with the agreement's scope of services and performance standards.

Discussion:

The questions (paraphrased) raised by members of the public and staff answers (in *italics*) are below.

1. Why study the system of awarding and overseeing grant investments in the first place? *It is important to periodically review the systems and procedures to make sure that best practices are being used. As noted above, both of the City groups responsible for grant awards follow similar practices designed to provide sufficient information to the City Council.*

2. What information does the public have access to now? *Except for confidential information regarding some programs, the public basically can see the applications, contracts and reviews of the grantees.*

3. Should the public know more, and, if so, what? *As noted above the grantee process is open and accountable. There appears to be confusion in the question about how items appear in the budget. Grantees of the Human Services Board are listed in the budget for FY 20011-13 in Section 3 –Page 8. Grantees of the Arts and Culture Commission are listed in the budget for FY 20011-13 in Section 3 –Page 12. The service type agreements like for Main Street are listed under the department responsible for the contract. Main Street is listed under Section 2-Page 31 under Economic Development. This is consistent with other service agreements. None of the grants or service agreements requires the provider to disclose what percentage of their budget is City funding. Details on the proposed project budget are required including funding from other sources but not details on all of the organization's funding. None of the agreements requires posting of agendas or meetings. Oversight of the agreements is provided as noted above according to the type of agreement. Quantifiable data is required depending on the type of agreement. The process of awarding the agreements and reviewing the agreements is open. The Finance Committee does not currently evaluate whether there is a "return on investment for the taxpayer". Staff does an assessment of the adequacy of the work with input by the responsible board, commission or Council.*

4. Is it in Benicia's best interest to have more information on the website? *Currently, as much information as is feasible is posted on the City's website. Many of the Boards and Commissions have full agenda packets available on*

the web. This includes information related to decisions about private groups applying for funding from the City. It is not, however, feasible to post the information of private organizations on the City's website. It is not the correct forum to do so.

5. Is Benicia required to share more information with the public? *The City is committed to being as open as possible.*

CONCLUSION:

The Open Government Commission reviewed the material provided in the staff report and heard from members of the public. They agreed the current practices for both the grants and the service agreements are open. Reporting requirements for the grantees of the Human Services Board and the Arts and Culture Commission are designed to inform whether the funds are being used appropriately. They recommend to the Council that the current practices of the Human Services Board and Arts and Culture Commission be considered "best practices" with the addition of an annual report. It should also be noted that since this report was originally written, a letter has gone out to one of the Arts and Culture Commission grantees requesting that they comply with their grant agreement.

As noted above, Main Street provides reports regarding Main Street activities. If changes are desired for the Main Street or other service agreements, the changes should be brought to the attention of the appropriate board, commission or department. It is recommended that the "best practice" for services contracts is to have the awarding authority of the contract, or managing board, commission or department, establish appropriate review procedures for the services to be provided. In the case of Main Street, the Economic Development Board could recommend any necessary changes to the Main Street agreement in terms of reporting. The Open Government Commission recommends that reporting requirements for Main Street and similar organizations be maintained to allow review of the work done.

The Open Government Commission is about improving access to city government. The City's current practices regarding the awarding of the agreements and providing the related information are in full keeping with the Goal and Purpose. To require access to a private organization's meetings or agendas is beyond the current scope of the Open Government Commission.

Attachments:

- ❑ Letters from the Public
- ❑ 2011-2013 Human Services Board Application Packet
- ❑ Sample Human Services Board Agreement
- ❑ 2011-2013 Benicia Arts and Culture Commission Application Packet

- Sample Benicia Arts and Culture Commission Agreement
- Benicia Main Street Agreement
- Benicia Main Street Report to Economic Development Board
- Minutes from the Open Government Commission

May 15, 2011

To the Open Government Commission:

We appreciate the time you will take to read our letter and supporting materials. Many of you may have not seen any materials from our past efforts because you are new to the Open Government Commission. Therefore we are accompanying this letter with materials submitted to the Commission in July, 2010 and October, 2010.

Our past and present correspondence pertains to the application of Open Government principles to the City's awarding of financial support to nonprofit organizations. Why are we writing again? Because, like you, we are supporters of Open Government and because the staff interpretation of what we were asking then is not quite what we had in mind.

We appreciate your recent investigation that concluded that it was not in the interest of the Commission to regulate nonprofits. However, we do not wish you to regulate the Benicia non-profits, require them to adhere to the Brown Act, incur expenses or over-use staff time.

Instead, we are urging you to discuss how to bring more sunshine to the process of awarding and overseeing grant investments (i.e., taxpayers' money) to nonprofits. In other words, should we not apply the principles of Open Government to the process by which the City allocates funds to, and oversees non-profit grantees?

Some of the areas you might want to discuss:

1. Why study the system of awarding and overseeing grant investments in the first place?
2. What information does the public have access to now?
3. Should the public know more, and, if so, what?
 - Who are all the grantees and how are they chosen? Is that process open and accountable?
 - Why are some grantees line items in the budget and others not?
 - How much is funded?
 - What percent of each organization's budget is City funding?
 - Are agendas and meetings posted on the non-profits' web websites?
 - What is the system of oversight and accountability? How are outcomes evaluated?
 - Is the information (e.g., attendance, at events, number of events held, cost/benefit of event, expense and revenue statements) quantifiable?
 - Is the process open and accountable?
 - Does the oversight by FAB include whether there is a return on investment for the taxpayer?
 - How does the City measure its investments?
4. Is it in Benicia's best interest for non-profits to make an ethical commitment to assure that information (e.g., annual reports, audits, agendas, minutes and board meetings) is accessible to the public on their own or the City's website if taxpayers' dollars are a healthy part of their operating budget?
5. As a city that adheres to the principles of open government, does Benicia have an obligation to share this information with the public? We respect that organizations have sensitive issues that warrant privacy; issues that can and should be in closed session meetings. However, when taxpayers' money is being invested, should the principles of open government be a precedent?

Efforts by the Commission might be to consider holding city-wide study sessions to explore whether there is interest in this topic, to learn what citizens understand and what questions and ideas they might have. Ultimately, of course, we suggest creating an open process that provides information through which the public can understand the City's investment process in grants of taxpayers' money to nonprofits and nonprofit activities, contributions and outcomes.

Would you want to belong to any group that did not rejoice in their successes and want to share them with the public? It seems to us that both the City and its grantees should be eager to communicate about this valuable partnership.

Respectfully,

Jon Van Landschoot
Judie Donaldson
Susan Street
Pat Ryll

Kudos to the City

As citizens, we are appreciative of Benicia's commitment to open government. We are also pleased that the City has chosen to use a portion of our tax dollars to invest in many of the city's nonprofit organizations. Nonprofits make a difference in our quality of life of our community.

Knowing the outcomes of the City's investments

Because the City does make these investments, it prompts questions about the responsibility of the City and therefore the grantees, to reflect the principles of open government. As taxpayers, we find ourselves wondering about the outcomes of these investments, oversight, citizens' access to and understanding of how the City's money is being spent. Some questions are:

1. Who are the grantees? How are they chosen?
2. How much does the City fund each organization? What percent is it of the groups' total budgets?
3. What are the nonprofits' reporting and oversight process?
4. Are the nonprofits' books open? Board meetings open? Audits and reports available?
5. Most importantly, what are the outcomes of the City's investments? How are they measured?

The City must know what is happening to its money. Is it not reasonable, then, that the public has a right to have access to reports, audits, etc.?

Considerations if you choose to study this issue:

1. What are the principles and strengths of the City's grantmaking/decision-making process?
2. Are there conditions to the grants? What if a grantee doesn't deliver on its promised outcomes? Is the grantee committed to open government?

3. Are there objective, measurable standards used in determining who receives the funds and are they used by grantees in demonstrating their outcomes?
4. Is there, or has there been, a system to inform the public of this information?
5. Could the Open Government Commission create a system of reporting and/or ensuring that the information is available?

The grantees would benefit from open government principles applied

1. Light on issues and resulting pride
2. Economy of scale

Cemetery group is good example: doubled their money through grants, provided in-kind work, and stretched their dollars. The City increased its help to them.

3. Level playing field with a matrix for qualifying grants
4. A way to measure success
5. Opportunity to learn best practices from other grantees, ie: new information on trusted practices can be shared. Open the door to collaborations.

The City would be strengthened from open government principles applied

1. Measurable standards for decision making process
2. More information for decision making process
3. Collaboration provides buy-in by City and organization
4. Adherence to open government policy and resultant voter awareness
5. Best practices shared
6. Public workshops and "celebrations" of grantees could be held for public information and buy-in from all participants

Judie Donaldson

- 1 Review background in working with nonprofits and grantmakers, directing a graduate program in nonprofit management, heading an association of grantmakers, and writing curriculum for grantmakers. I am passionate about nonprofits. I want to support their success and encourage their pursuit of best practices.
2. Every grantmaking organization, such as the City, establishes requirements of its grantees. They communicate these requirements in a formal grant agreement.

Depending on the granting foundation or agency, these conditions or requirements vary. For example, some corporations would include a condition that the corporation's name be included as a sponsor in all of the nonprofit's publicity. As another example, many private and community foundations in San Francisco require that the organization's board represent the diversity of the community. So, a condition of the city, in awarding a grant, for example, could be that the organization demonstrate the spirit and principles of open government/transparency as much as possible - by actions such as periodic reports to the public, open board meetings, etc.

Let me comment that, legally, nonprofits are required to provide their Form 990 to anyone who requests it. Fortunately, with technology, most nonprofits simply post their Form 990s on their websites. This is something else that the City could require.

It is not common practice for nonprofits to hold open board meetings. But, as a former ED, I would have been quite open to it because I was proud of our governance and of the work that we were doing

Previous request to Open Gov't Commission, July 2010

To the Open Government Commission

We commend the City for creating the Open Government Commission to maintain sunshine in all aspects of government and to keep the citizens informed. It's something that, as citizens, we value.

Recently it has come to our attention that some organizations that are partially funded by the City and are 501.3.C's have closed board meetings. It may be in the citizens' best interest for the Open Government Committee to investigate certain questions.

1. What organizations are funded all or in part by the City?
2. How much does the City fund each organization and what percent is that of the organization's total budget?
3. What are the organizations' budgets?
4. Are the organizations accountable to the City?
5. How much of that money is paid to the staff of that organization?
6. Which organizations allow the public to attend their board meetings and which do not?
7. If an organization does not allow public attendance at its board meetings, why not, e.g. is the prohibition in its by-laws?
8. How may a citizen get answers to these questions?

These are questions that any taxpayer might want to know, given the fact that their tax dollars are helping to fund these organizations.

Would the Open Government Commission be interested in studying these issues and others related to this? We would like to attend your meeting on Tuesday, July 27 and speak to this issue.

Respectfully submitted,
Jon Van Landschoot
Susan Street

November 18, 2010

To Whom It May Concern:

The biennial Human Services Board's "Request for Funding" and application instructions are enclosed for your use in seeking grant awards for the 2011-2013 two year funding cycle of the Benicia Human Services Board. A downloadable application form will be available on the City's website at www.ci.benicia.ca.us for your convenience. The deadline for submissions is Friday, January 21, 2011. See "Instructions" for further detail.

A notice will be placed in area newspapers and on the City of Benicia website announcing the availability of funding, so that those who do not yet receive grants from the fund may be made aware of grant opportunities.

The Benicia Human Services Board will evaluate proposals using the following criteria:

- Service commensurate with the Board's mission and purpose
- Present need of the service provided
- Quantifiable goals attached to measurable and specific outcomes
- Financial ability of agency to provide services to Benicians
- Cost per client vs. impact of the intervention
- Other sources of funding
- Outreach Plan
- Past performance providing services to Benicians

Should you have any question or comments concerning the Request for Funding, please call me at 746-4210.

Sincerely,

Anne Cardwell
Administrative Services Director

**CITY OF BENICIA
BENICIA HUMAN SERVICES BOARD
FY 2011-2013 GRANT APPLICATION**

INSTRUCTIONS

SECTION I - PROPOSAL SUBMISSION REQUIREMENTS

A. DEADLINE FOR SUBMISSION: Friday, January 21, 2011, by 5:00 pm at:

City of Benicia
City Manager's Office
250 East L Street
Benicia CA 94510
Attn: Anne Cardwell

Hand-carried proposals may be delivered **ONLY** to the aforementioned address Monday through Friday between the hours of 8:30 a.m. and 5:00 p.m., excluding holidays observed by the City.

Proposers are responsible for informing any commercial delivery service, if used, of all delivery requirements and for ensuring that the required address information appears on the outer wrapper or envelope used by such service.

B. MODIFIED PROPOSALS

A Proposer may submit a modified proposal to replace all or any portion of a previously submitted proposal up until the Proposal Due Date. The Benicia Human Services Board will only consider the latest version of the proposal. Add new categories as needed but make sure an adequate description is included.

C. WITHDRAWAL OF PROPOSALS

Proposals shall be irrevocable until grant award unless the proposal is withdrawn. A proposal may be withdrawn in writing only, addressed to Anne Cardwell at the address noted above, prior to the Proposal Due Date.

D. LATE PROPOSALS AND LATE MODIFICATIONS

Proposals received after the Proposal Due Date are late and will not be considered. Modifications received after the Proposal Due Date are also late and will not be considered.

The responsibility for submitting a proposal to the City Administrative Services Director on or before the stated time and date is solely and strictly the responsibility of the Proposer. The Benicia Human Services Board is not responsible for delays caused by any mail, package or couriers service, including the U.S. mail, or caused by any other occurrence.

**CITY OF BENICIA
BENICIA HUMAN SERVICES BOARD
FY 2011-2013 GRANT APPLICATION**

INSTRUCTIONS

SECTION I - PROPOSAL SUBMISSION REQUIREMENTS (continued)

E. GRANT APPLICATION INSTRUCTIONS

ALL PROPOSALS MUST BE SUBMITTED ON THE SEVEN (7) PAGE APPLICATION.

- Applications must be typed.
(These instructions and a downloadable application will be made available on the City's website for your convenience. Section C may be expanded, but may not to exceed 5 pages.)
- All questions must be answered. If not applicable, write N/A. Do not leave blank.
- Focus on your project description and budget information.
- The application must be signed by an officer who is legally authorized to enter into a contractual relationship in the name of the proposers.

F. REQUIRED ATTACHMENTS

Proposals submitted that do not include the following items may be deemed non-responsive and may not be considered for a grant award. The documents must be attached to the original application only, in the following order:

- IRS Letter of Tax Exempt Status
- Organization's total budget for the current year
- Copy of most recent audit or financial statement
- Names and addresses of Board of Directors
- List of paid principal staff and positions
- Job descriptions for principal staff and personnel to be paid partially or in full with grant funding
- Copy of resolution or board meeting minutes demonstrating support of the project application.
- If a partnership, then submittal of letters of commitment from each organization indicating degree of participation and a budget showing each organization's financial responsibility is required.

G. SUBMISSION PACKAGE

An unbound original and ten (10) copies [a total of eleven (11)] of the complete application must be submitted in a sealed envelope or container. The outside of the envelope or container must include: the proposer's name, address and telephone number.

H. QUESTIONS

Please submit questions regarding the application to Anne Cardwell at acardwell@ci.benicia.ca.us or via fax at (707) 747-8120. Responses to questions will be shared with all applicants.

**CITY OF BENICIA
BENICIA HUMAN SERVICES BOARD
FY 2011-2013 GRANT APPLICATION**

INSTRUCTIONS

SECTION II - REVIEW/EVALUATION/SELECTION PROCESS

Each application will be reviewed to determine if the application is responsive to the submission requirements outlined in the RFF. A responsive application is one that follows the requirements of the RFF, includes all documentation, is submitted in the format outlined in the RFF, and is of timely submission. Failure to comply with these requirements may deem your application non-responsive. Applications will be reviewed and scored for qualitative and technical merit according to the criteria described below.

EVALUATION CRITERIA	POINTS
A. Service commensurate with Board's mission and purpose	21.00
B. Present need of the service provided	20.00
C. Quantifiable goals attached to measurable and specific outcomes	15.00
D. Financial ability of agency to provide services to Benicians	10.00
E. Cost per client vs. impact of the intervention	10.00
F. Other sources of funding and board matching funds (Not in-kind)	10.00
G. Outreach Plan	8.00
H. Past performance providing services to Benicians	6.00
TOTAL POSSIBLE POINTS	100.00

Benicia Human Services Board evaluation of the proposals will include the appropriateness of a particular project, subject to the established criteria.

Mission

To advocate for human services as major elements in Benicia's community identity.

Purpose

The purpose of the Benicia Human Services Board is to support the broad economic, educational, and social goals of the City of Benicia by assessing the human service needs, making recommendations to the City Council regarding funding of effective human service agencies and programs, and evaluating those services and programs on behalf of the community.

SECTION III - GENERAL GRANT AWARD PROVISIONS

A. CONTRACT AWARD

Awarding of grants is dependent upon Benicia City Council approval.

B. CONTRACT TERM

The contract period for all grants awarded through this RFF must fall within City of Benicia two-year funding cycle, which begins on July 1, 2011 and ends on June 30, 2013. Grants will be awarded for a period not to exceed twenty-four (24) months. The effective starting date will be no earlier than July 1, 2011.

**CITY OF BENICIA
BENICIA HUMAN SERVICES BOARD
FY 2011-2013 GRANT APPLICATION**

INSTRUCTIONS

SECTION IV - CONTRACTUAL AWARD PROCESS--SPECIAL TERMS AND CONDITIONS

A. CONTRACTING PROCESS

Grantees (awarded applicants) will be required to complete certain contract documents (A sample contract is included as Attachment A). They will be required to submit quarterly reports to the Benicia Human Services Board (A sample quarterly report is included as Attachment B; please note that quarterly reports will be refined following contract award to reflect an assessment of the grantee's scope of work per the final agreement). These reports will contain:

- 1) Up to date information regarding the services provided.
- 2) Up to date information regarding the specific quantifiable goals of the project.
- 3) The outreach efforts for the period.
- 4) Evaluation of the outstanding project objectives and the methods to be used to meet the objectives.

SAMPLE
GRANT AGREEMENT
BETWEEN
THE CITY OF BENICIA
AND

This agreement is made this ____ day of _____, 200_, by and between the City of Benicia, acting through its Human Services Board (hereinafter called "City" or "Board") and _____, (hereinafter called "Grantee").

WHEREAS, the City has established a Human Services Board Fund (Fund) from different revenue sources, including voluntary community and employee donations, interfund transfers, investment earnings, and other fundraising activities.

WHEREAS, the Benicia City Council has given the Human Services Board authority to award monies from the Human Service Board Fund for services, programs or activities which benefit the mental, social or physical health and welfare of Benicia residents of all ages;

WHEREAS, Grantee provides services, programs and/or activities that meet the requirements of the Fund and benefit Benicia residents as described more fully in the Scope of Human Services that is attached to this agreement and incorporated as if contained herein;

WHEREAS, the Board is willing to distribute money from the Fund to Grantee to help provide for such services, programs and/or activities that are described in the Scope of Human Services based solely on the terms and conditions listed below.

NOW THEREFORE, the parties agree to the following terms and conditions set forth as follows:

1. **Amount and Disbursement of Fund:** Subject to appropriation of sufficient funds by the City Council, the Board City shall provide to Grantee an award from the Fund in the amount of \$ _____. The disbursement of the funds shall be made as set forth in the attached Scope of Human Services. No disbursement of funds shall be made beyond the two-year term of this agreement unless pursuant to written agreement as set forth in Sections 3 and 4 below. No disbursement or only partial disbursement of funds shall be made if the City Council does not appropriate sufficient funds for the Human Service Fund grants.
2. **Use of Funds for Services/Programs/Activities:** The Grantee shall use the funds received from the City solely in furtherance of the services, programs and/or activities described in the attached Grantee's "Request for Funding" and shall not use the funds for any other purpose without written authorization from the City.

3. **Term of Agreement:** The term of this Agreement shall be in effect through June 30, 201__, beginning on the date of execution of this Agreement. An extension of the Agreement for an additional period may be made as needed upon mutual written agreement by both parties. In the event that Grantee fails to substantially perform under this Agreement, for either fiscal year, the Finance Director or Board may terminate the Agreement without penalty upon thirty (30) days notice. Any unexpended funds shall be immediately returned to the City. In the event that insufficient funds are appropriated to fully fund this agreement, the Finance Director may terminate the agreement immediately.

4. **Unused Funds:** Any funds disbursed by the City to the Grantee not expended or utilized by the end of the term of this Agreement shall revert back to the City. The Board may direct that such unused funds be carried forward and spent for the services, programs and/or activities conducted by the Grantee, providing they continue beyond the term of this agreement.

5. **Reporting, Recordkeeping, and Monitoring:** Grantee shall be responsible for maintaining detailed records to document all expenditures of the funds awarded by the City:
 - A) **Proposed Budget:** Prior to the first disbursement of Funds, Grantee shall provide to the City a proposed budget of how the award money will be spent to accomplish the attached Scope of Human Services.

 - B) **Expenditure Report:** Grantee shall be responsible for providing the Board with a detailed final accounting of how the award money was spent, including dates, amounts, payments, expenditures, amount of any unused funds, etc. Such report shall be made either: (1) at the conclusion of the event or program; (2) when the funds are actually used or spent completely; or (3) within thirty (30) days after the completion of the term of this Agreement, whichever is sooner.

 - C) **Miscellaneous Reporting:** The Grantee shall also notify the Board in writing of any changes in the services, programs and/or activities as outlined in the Scope of Human Services, any required deviations from the proposed budget, or any changes in the organizational structure, key personnel or policies that might impact the use of the award of funds by the City.

 - D) **Monitoring/Audit by City:** At any time after execution of this agreement, the Board may elect to conduct a monitoring or audit to determine that the terms and conditions of this agreement are being met by Grantee. Such monitoring or audit shall consist of reviewing both the financial records as well as the progress of the services, programs and/or activities of Grantee with respect to the Scope of Human Services.

6. **Violation of Terms and Conditions:** If it is determined by the Board that Grantee has violated any of the terms of this agreement and/or has used the awarded funds for expenditures that are not solely for providing the services, programs and/or activities described in the attached Scope of Human Services, Grantee shall be obligated to repay the City any or all of the monies that were awarded, plus any interest at the current market rate.

7. **Hold Harmless/Indemnification Agreement:** Grantee shall indemnify, defend, save, and hold the City, its Council Members, boards and commissions, agents, officers, employees, and designated volunteers harmless from and against any losses, damages, liability, claims, suits, costs and expenses whatsoever, including reasonable attorney’s fees regardless of the merit or outcome of any such claim or suit arising from the term of the Agreement. Approval of any necessary insurance coverage does not relieve Grantee of liability under this indemnification clause.

8. **Entire Agreement:** This Agreement contains the entire understanding of the parties and constitutes the sole and only Agreement between them concerning the subject matter herein and the rights and obligation in connection therewith.

Dated: _____

CITY OF BENICIA

GRANTEE

By: _____

By: _____

APPROVED AS TO FORM:

Heather McLaughlin
City Attorney

**CITY OF BENICIA
 BENICIA HUMAN SERVICES BOARD
 FY 2011-2013 GRANT APPLICATION
 *SAMPLE***

Benicia Human Services Fund
 Agency Quarterly Report

Agency:		For the Quarter Ending:	
Project:		Date Submitted:	
		Annual Funding Amount:	

The following is an overview of the progress for the above project for the quarter just ended.

SERVICE DELIVERY

Report total services provided to actual number of individuals, demographic information as needed.	Services - Quarter	Services Year-To-Date
<i>(Items reported on vary by grantee)</i>		

OUTREACH EFFORTS FOR THE QUARTER

**CITY OF BENICIA
BENICIA HUMAN SERVICES BOARD
FY 2011-2013 GRANT APPLICATION**

UNMET NEEDS

ORGANIZATIONAL CHANGES

Program changes:

Key Personnel changes:

Policy changes:

Mission/Direction changes:

This report, to the best of my knowledge, is an accurate representation of the Benicia Community Action Council's efforts provided on this project through the City of Benicia's Human Services Fund.

Signature: _____ Title: < TITLE >

Type Name: < NAME OF SIGNER > Date: < DATE >

**CITY OF BENICIA
 BENICIA HUMAN SERVICES BOARD
 FY 2011-2013 GRANT APPLICATION**

Part B – BUDGET INFORMATION

8. Provide a budget for the project. (Expenses listed in this document should be consistent with the Project Description.) This budget is only for the project utilizing grant monies.

PROJECT EXPENSES	TOTAL PROJECT COST (A)	AMOUNT OF GRANT REQUEST (B)	APPLICANT'S COST (C)
DIRECT COSTS			
Personnel (Direct ¹)	\$	\$	\$
Benefits (Direct ¹)			
Personnel (Support ¹)			
Benefits (Direct ¹)			
Contract Services			
Project-Supplies			
Project Equipment			
Transportation (e.g. gas costs, rental)			
Other Direct Costs			
SUBTOTAL	0	0	0
INDIRECT COSTS			
(Administrative ¹) Personnel			
Benefits			
Space Rental			
Utilities			
Telephone			
Office Supplies			
Transportation (e.g. gas costs, rental)			
Other Indirect Costs			
SUBTOTAL	0	0	0
TOTAL COSTS	\$ 0	\$ 0	\$ 0

Column A = Total cost of the proposed project.

Column B = Amount you are requesting 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.

¹ Provide names, titles and total estimated annual salary. Attach additional sheets if necessary and summarize total here.

**CITY OF BENICIA
 BENICIA HUMAN SERVICES BOARD
 FY 2011-2013 GRANT APPLICATION**

Part B – BUDGET INFORMATION – (continued)

9. APPLICANT SOURCES: Provide sources of other funds for the project. Total amount should correspond with Total C (previous page). Do not include your entire budget here (it should be attached).

Applicant Sources – Other Funding (be specific)	Amount or Value	Indicate if Cash or In-kind
	\$	
TOTAL	\$ 0	

10. List any prior City of Benicia grants or loans awarded to your organization and the number of Benicia residents served with the funds.

Fiscal Year	Program	Amount	Benicians Served
2010-11		\$	
2009-10			
2008-09			
2007-08			
2006-07			
2005-06			
2004-05			
2003-04			
TOTALS		\$ 0	0

**CITY OF BENICIA
BENICIA HUMAN SERVICES BOARD
FY 2011-2013 GRANT APPLICATION**

Part C - PROJECT / ORGANIZATION DISCUSSION (Please limit Part C to 5 pages.)

11. Brief Project Summary (Two to three sentences describing the grant proposal):

12. Describe organization's general purpose and activities:

13. List all financial liabilities or pending legal action:

14. Is your organization applying for other grants for fiscal years 2011-2013? If so, list the project, funding source(s), proposed budgets, and requested amount(s).

15. At what location will the proposed project take place and how long has the organization been at this location?

**CITY OF BENICIA
BENICIA HUMAN SERVICES BOARD
FY 2011-2013 GRANT APPLICATION**

Part C - PROJECT / ORGANIZATION DISCUSSION (continued)

- 16. What are your proposed hours of operations for this project? 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 incoming calls, answer general questions, etc.?**
- 17. Describe the project 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 your program.**
- 18. Why is this project necessary for the citizens of Benicia? How will recipients benefit from your services?**
- 19. How will outreach be conducted?**

**CITY OF BENICIA
BENICIA HUMAN SERVICES BOARD
FY 2011-2013 GRANT APPLICATION**

20. List the specific quantifiable goals of the project.

(Please state your goal in terms of number of individuals, families or groups served. For example, agency will provide X number of individuals counseling services per quarter.)

Report total services provided	Annual goal

Discuss how your organization will collect, organize and disseminate this data.

21. Is this project an existing program or activity provided by your organization? Please explain.

22. Identify similar programs in the community and how yours will differ.

23. Describe previous comparable projects or programs that your organization, has undertaken that demonstrate successful administration and implementation.

**CITY OF BENICIA
BENICIA HUMAN SERVICES BOARD
FY 2011-2013 GRANT APPLICATION**

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

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

Thank You!

**2011-2013 RFF & Budget Recommendations
Proposed Timeline**

<u>Date</u>	<u>Task</u>
October 4, 2010	Review proposed schedule
October 8, 2010	Notice of special meeting sent to potential applicants
November 8, 2010	Special meeting to assess community needs and review RFF process with potential grantees. Update recipient list as needed.
November 18, 2010	Finalize and send out RFF Form to potential grantees.
January 21, 2011	Due date for completed RFFs
February 14, 2011	Meeting - Board reviews RFF packets received from applicants
February 25, 2011	Reminder Notice of Public Hearing sent to potential grantees.
March 14, 2011	Public Hearing – Council Chambers
March 28, 2011	Special Meeting for Board to review information received at Public Meeting
April 11, 2011	Board finalizes recommendations to Finance Director for inclusion in the City's 2011-2013 budget

**CITY OF BENICIA
HUMAN SERVICES BOARD
SITE VISIT SCHEDULE
QUARTERLY REPORT LOG
FISCAL YEAR 2009-10**

BI-ANNUAL REPORT	BOARD MEMBER	PROGRAM	FIRST QUARTER	SECOND QUARTER	THIRD QUARTER	FOURTH QUARTER
August	Ellen Blaufarb	BENICIA COMMUNITY GARDENS (BCG) \$4,800	12/2/2009	1/5/2010	3/31/2010	8/26/2010
November	Leslie Lessenger / Roy Salazar	CATHOLIC SOCIAL SERVICES (CSS) \$14,545	10/19/2009	1/11/2010	4/6/2010	6/30/2010
December	Caplin	CHILDREN'S NURTURING PROJECT (CNP) - \$5,000	9/28/2009	12/31/2009	3/30/2010	6/14/2010
June	Jerry Pollard	COMMUNITY ACTION COUNCIL (CAC) - \$70,690	10/1/2009	1/11/2010	4/6/2010	7/6/2010
October	Sharon Petrellese / Donna Worthington	FAMILIES IN TRANSITION (FIT) \$30,000	10/4/2009	1/4/2010	4/5/2010	7/4/2010
September	Bud Donaldson / Ed Hendricks	REACH OUT BENICIA (RO) - \$15,000	10/6/2009	1/4/2010	3/5/2010	8/5/2010
May	Mike Caplin or Jerry Pollard / Donna Worthington	SPECIAL FRIENDS PROGRAM (SF) - \$35,000	1/7/2010	3/31/2010	3/31/2010	9/7/2010

**CITY OF BENICIA
HUMAN SERVICES BOARD
SITE VISIT SCHEDULE
QUARTERLY REPORT LOG
FISCAL YEAR 2010-11**

BI-ANNUAL REPORT	BOARD MEMBER	PROGRAM	FIRST QUARTER	SECOND QUARTER	THIRD QUARTER	FOURTH QUARTER
August	Ellen Blaufarb	BENICIA COMMUNITY GARDENS (BCG) \$4,800	10/5/2010	1/4/2011	4/5/2011	
November	Leslie Lessenger / Roy Salazar	CATHOLIC SOCIAL SERVICES (CSS) \$14,545	10/7/2010	1/4/2011	4/11/2011	
January	Mike Caplin	CHILDREN'S NURTURING PROJECT (CNP) - \$5,000	10/4/2010	1/4/2011	4/11/2011	
June	Jerry Pollard	COMMUNITY ACTION COUNCIL (CAC) - \$70,690	10/7/2010	1/4/2011	4/4/2011	
October	Sharon Petrellese / Donna Worthington	FAMILIES IN TRANSITION (FIT) \$30,000	10/1/2010	1/3/2011	4/1/2011	
May	Jerry Pollard / Donna Worthington	SPECIAL FRIENDS PROGRAM (SF) - \$35,000	3/9/2011	3/9/2011	4/11/2011	

**GRANT AGREEMENT
BETWEEN
THE CITY OF BENICIA HUMAN SERVICES FUND BOARD
AND
BENICIA COMMUNITY ARTS**

This Agreement is made this ____ day of _____, 2009, by and between the City of Benicia Human Services Fund Board (hereinafter called "Board") and Benicia Community Arts (hereinafter called "Grantee").

WHEREAS, the City of Benicia has established a Human Services Fund from different revenue sources, including voluntary community and employee donations, interfund transfers, investment earnings, and other fund raising activities; and

WHEREAS, the Benicia City Council has given the Human Services Fund Board authority to award monies from the Human Services Fund for services, programs or activities which benefit the mental, social or physical health and welfare of Benicia residents of all ages; and

WHEREAS, Grantee provides services, programs and/or activities that meet the requirements of the Fund and benefit Benicia residents as described more fully in the Scope of Human Services that is attached to this Agreement and incorporated as if contained herein; and

WHEREAS, the Board is willing to distribute money from the Fund to Grantee to help provide such services, programs and/or activities as described in the Scope of Human Services based solely on the terms and conditions listed below.

NOW THEREFORE, the parties agree to the following terms and conditions set forth as follows:

1. **Amount and Disbursement of Fund:** The Board shall provide to Grantee an award from the Human Services Fund in the amount of \$36,284 total, distributed as quarterly payments of \$4,535.50 during fiscal years 2009-2010 and 2010-2011. The disbursement of the funds shall be made as set forth in the attached Scope of Human Services. No disbursement of funds shall be made beyond the two-year term of this Agreement unless pursuant to written agreement as set forth in Sections 3 and 4 below.
2. **Human Services Program/Activity:** The Grantee shall use the funds received from the Board solely in furtherance of the services, programs and/or activities described in the attached Scope of Human Services and shall not use the funds for any other purpose without written authorization from the Board.

3. **Term of Agreement:** The term of this Agreement shall be in effect through June 30, 2011, beginning on the date of execution of this Agreement. An extension of the Agreement for an additional period may be made as needed upon mutual written agreement by both parties. In the event that Grantee fails to substantially perform under this Agreement, for either fiscal year, the Board may terminate the Agreement without penalty upon thirty (30) days notice. Any unexpended funds shall be immediately returned to the Board.

4. **Unused Funds:** Any funds not expended or utilized pursuant to the Scope of Human Services by the end of the term of this Agreement shall revert back to the Board. The Board may direct that such unused funds be carried forward and spent for the services, programs and/or activities, providing they continue beyond the two-year term of this Agreement. Any unused funds from fiscal year 2009-2010 may, at the sole discretion of the Board, be carried forward to fiscal year 2010-2011 for that fiscal year's services, programs and/or activities.

5. **Reporting, Recordkeeping, and Monitoring:** Grantee shall be responsible for maintaining detailed records to document all expenditures of the funds awarded by the Board:

- A) **Proposed Budget:** Prior to the first disbursement of funds, Grantee shall provide to the Board a proposed budget of how the award money will be spent to accomplish the attached Scope of Human Services. Any modification of the budget in excess of five percent (5%) of the allocation for the fiscal year will require approval of the Board.
- B) **Expenditure Report:** Grantee shall be responsible for providing the Board with a detailed final accounting of how the award money was spent, including dates, amounts, payments, expenditures, amount of any unused funds, etc. Such report shall be made either: (1) at the conclusion of the event or program; (2) when the funds are actually used or spent completely; or (3) within thirty (30) days after the completion of the term of this Agreement, whichever is sooner.
- C) **Miscellaneous Reporting:** The Grantee shall also notify the Board in writing of any changes in the services/programs/activities outlined in the Scope of Human Services, any required deviations from the proposed budget, or any changes in the organizational structure, key personnel or policies that might impact the use of the award of funds by the Board.
- D) **Quarterly Reporting to the Board:** The Grantee shall report to the Board quarterly on the prescribed form (Attachment A). The report is due by the end of the month following the quarter end. Detailed information regarding service delivery is required. The Board shall monitor the progress of the services/programs/activities of Grantee with respect to the Scope of Human Services and may terminate the Agreement if Grantee fails to make sufficient progress as determined by the Board.

E) **Monitoring/Audit by Board:** At any time after execution of this Agreement, the Board may elect to conduct a monitoring or audit to determine that the terms and conditions of this Agreement are being met by Grantee. Such monitoring/audit shall consist of reviewing both the financial records as well as the progress of the services/programs/activities of Grantee with respect to the Scope of Human Services.

6. **Violation of Terms and Conditions:** If it is determined by the Board that Grantee has violated any of the terms of this Agreement and/or has used the awarded funds for expenditures that are not solely for providing the attached Scope of Human Services, Grantee shall be obligated to repay the Board any or all of the monies that were awarded, plus any interest at the current market rate.

7. **Hold Harmless/Indemnification Agreement:** Grantee shall indemnify, defend, save, and hold City, its Council members, boards and commissions, agents, officers, employees, and designated volunteers, harmless from and against any losses, damages, liability, claims, suits, costs and expenses whatsoever, including reasonable attorney's fees regardless of the merit or outcome of any such claim or suit arising from the term of the Agreement. Approval of any necessary insurance coverage does not relieve Grantee of liability under this indemnification clause.

8. **Entire Agreement:** This Agreement contains the entire understanding of the parties and constitutes the sole and only Agreement between them concerning the subject matter herein and the rights and obligation in connection therewith.

Dated: _____

HUMAN SERVICES BOARD

GRANTEE

By: _____

By: _____

APPROVED AS TO FORM:

Heather Mc Laughlin
City Attorney

Scope of Human Services Provided by Benicia Community Arts

The funds will be used to allow BCA to continue to focus on building community support for arts of all disciplines at all levels of development. Through a diverse program of festivals, exhibits, scholarships and strategic donations, BCA works to integrate the arts in to the daily life of Benician's and to increase community access to the arts and to create forums that meet the social, cultural and economic needs of artists, educators, arts related business and the general public.

The objective of Benicia Community Arts is to expand and enrich community access to the arts.

Measurable objectives:

- Continue as coordinator and sponsor of the annual Festival of Arts in the Park
- Continue as coordinator and sponsor of the outdoor summer program A LOT OF ART

Outreach:

- Participate with the Human Services and Arts Board members once annually at the Benicia Farmer's Market to promote our service.

December 15, 2010

To Whom It May Concern:

The biennial Arts and Culture Commission's "Request for Funding" and application instructions are enclosed for your use in seeking grant awards for the 2011-2013 two year funding cycle of the Benicia Arts and Culture Commission. A downloadable application form will be available on the City's website at www.ci.benicia.ca.us at the Announcement tab, for your convenience. The deadline for submissions is Monday, January 31, 2011. See "Instructions" for further detail.

A notice will be placed in area newspapers and on the City of Benicia website announcing the availability of funding so that those who do not yet receive grants from the fund may be made aware of grant opportunities.

The Benicia Arts and Culture Commission will evaluate proposals using the following criteria:

- Artistic and/or Cultural Merit of programs and services
- Organizational Capacity
- Relationship to the Community
- Equitable Compensation
- Arts and/or Cultural Advocacy
- Application Presentation
- Service commensurate with Commission's Mission and Goals

Should you have any question or comments concerning the Request for Funding, please call me at (707) 746-4358

Sincerely,

Helaine Bowles
Outreach/Volunteer Coordinator
Helaine.Bowles@ci.benicia.ca.us

**CITY OF BENICIA
ARTS AND CULTURE COMMISSION
FY 2011-2013 GRANT APPLICATION**

INSTRUCTIONS

SECTION I - PROPOSAL SUBMISSION REQUIREMENTS

A. DEADLINE FOR SUBMISSION: Monday, January 31, 2011, by 5:00 pm at:

City of Benicia
Benicia Public Library
150 East L Street
Benicia CA 94510
Attn: Helaine Bowles

Hand-carried proposals may be delivered **ONLY** to the aforementioned address Monday through Friday between the hours of 10:00 a.m. and 5:00 p.m., excluding holidays observed by the City.

Proposers are responsible for informing any commercial delivery service, if used, of all delivery requirements and for ensuring that the required address information appears on the outer wrapper or envelope used by such service.

B. MODIFIED PROPOSALS

A Proposer may submit a modified proposal to replace all or any portion of a previously submitted proposal up until the Proposal Due Date. The Benicia Arts and Culture Commission will only consider the latest version of the proposal. Add new categories as needed but make sure an adequate description is included.

C. WITHDRAWAL OF PROPOSALS

Proposals shall be irrevocable until grant award unless the proposal is withdrawn. A proposal may be withdrawn in writing only, addressed to Helaine Bowles at the address noted above, prior to the Proposal Due Date.

D. LATE PROPOSALS AND LATE MODIFICATIONS

Proposals received after the Proposal Due Date are late and will not be considered. Modifications received after the Proposal Due Date are also late and will not be considered.

The responsibility for submitting a proposal to Helaine Bowles on or before the stated time and date is solely and strictly the responsibility of the Proposer. The Benicia Arts and Culture Commission is not responsible for delays caused by any mail, package or couriers service, including the U.S. mail, or caused by any other occurrence.

**CITY OF BENICIA
ARTS AND CULTURE COMMISSION
FY 2011-2013 GRANT APPLICATION**

INSTRUCTIONS

SECTION I - PROPOSAL SUBMISSION REQUIREMENTS (continued)

E. GRANT APPLICATION INSTRUCTIONS

ALL PROPOSALS MUST BE SUBMITTED ON THE SEVEN (7) PAGE APPLICATION.

- Applications must be typed.
(These instructions and a downloadable application will be made available on the City's website for your convenience. Section C may be expanded, but may not to exceed 5 pages.)
- All questions must be answered. If not applicable, write N/A. Do not leave blank.
- Focus on your project description and budget information.
- The application must be signed by an officer who is legally authorized to enter into a contractual relationship in the name of the proposers.

F. REQUIRED ATTACHMENTS

Proposals submitted that do not include the following items may be deemed non-responsive and may not be considered for a grant award. The documents must be attached to the original application only, in the following order:

- IRS Letter of Tax Exempt Status
- Organization's total budget for the current year
- Copy of most recent audit or financial statement
- Names and addresses of Board of Directors
- List of paid principal staff and positions
- Job descriptions for principal staff and personnel to be paid partially or in full with grant funding
- Copy of resolution or board meeting minutes demonstrating support of the project application.
- If a partnership, then submittal of letters of commitment from each organization indicating degree of participation and a budget showing each organization's financial responsibility is required.

G. SUBMISSION PACKAGE

An unbound original and ten (10) copies [a total of eleven (11)] of the complete application must be submitted in a sealed envelope or container. The outside of the envelope or container must include: the proposer's name, address and telephone number.

H. QUESTIONS

Please submit questions regarding the application to Helaine Bowles at Helaine.Bowles@ci.benicia.ca.us or via fax at (707) 747-8122. Responses to questions will be shared with all applicants.

**CITY OF BENICIA
ARTS AND CULTURE COMMISSION
FY 2011-2013 GRANT APPLICATION**

INSTRUCTIONS

SECTION II - REVIEW/EVALUATION/SELECTION PROCESS

Each application will be reviewed to determine if the application is responsive to the submission requirements outlined in the RFF. A responsive application is one that follows the requirements of the RFF, includes all documentation, is submitted in the format outlined in the RFF, and is of timely submission. Failure to comply with these requirements may deem your application non-responsive.

Applications will be reviewed and scored for qualitative and technical merit according to the criteria described below.

EVALUATION CRITERIA	POINTS
A. Artistic and/or Cultural Merit of Programs and Services	25.00
B. Organizational Capacity	25.00
C. Relationship to the Community	25.00
D. Equitable Compensation	5.00
E. Arts and/or Cultural Advocacy	5.00
F. Application Presentation	5.00
G. Service commensurate with Board's Mission and Goals	10.00
TOTAL POSSIBLE POINTS	<u>100.00</u>

Benicia Arts and Culture Commission's evaluation of the proposals will include the appropriateness of a particular project or program, subject to the established criteria, as defined below.

A. Artistic and/or Cultural Merit of Programs and Services

Merit can be described by, but not limited to:

- Extent to which programs and services address the applicant's mission
- Artistic and/or Cultural qualifications of individuals involved in the delivery of program, project and/or services
- Innovative program or project
- Production or exhibition, education, or event values (Culturally and/or Artistically), importance to the field and exposure of the audiences to the best quality
- How program, project and/or service is valued by peers; such as professionals in your field or colleagues

B. Organizational Capacity

- Effectiveness of managerial structure and decision-making process
- Other sources of funding
- Short and long range planning
- Qualifications and effectiveness of board and staff
- Overall fiscal health
- Past history of performance

**CITY OF BENICIA
ARTS AND CULTURE COMMISSION
FY 2011-2013 GRANT APPLICATION**

C. Relationship to the Community

- Benefit of program, project and/or service to the community and/or region it serves
- Effort to involve traditionally underserved or diverse populations as appropriate to the program, project and/or service
- Efforts to aggressively promote accessibility to programs
- Extent of outreach and promotion methods
- Number of people served

D. Equitable Compensation

- Commitment to adequate compensation to artists given the organization's resources through payment of fees, services or appropriate benefits.

E. Arts and/or Cultural Advocacy

- Evidence of organization's commitment to arts or cultural advocacy within the community

F. Application Presentation

- Organization's application is well planned, complete in all areas, and correct in all information provided.

G. Service commensurate with the Arts and Culture Commission's Mission and Goals:

Mission

The City of Benicia Arts and Culture Commission exists to ensure that arts and culture are integral to our community's quality of life, economic vitality, and central identity.

Purpose

The purpose of the Benicia Arts and Culture Commission is to:

- 1. Advise and inform the City Council and staff on culture and arts related issues.*
- 2. Evaluate the needs and resources of local culture and arts organizations.*
- 3. Facilitate, encourage, promote and stimulate arts and culture in Benicia.*
- 4. Promote and increase public awareness, locally and beyond the city, of arts and cultural resources and activities.*
- 5. Support and promote arts and culture as a major element in Benicia's community identity.*
- 6. Ensure that cultural and artistic elements are integral to the City's quality of life and economic vitality.*
- 7. Engage youth in culture and arts.*
- 8. Assume Grant applications responsibilities and make recommendations to the city council on prospective grantees.*

**CITY OF BENICIA
ARTS AND CULTURE COMMISSION
FY 2011-2013 GRANT APPLICATION**

SECTION III - GENERAL GRANT AWARD PROVISIONS

A. CONTRACT AWARD

Awarding of grants is dependent upon Benicia City Council approval.

B. CONTRACT TERM

The contract period for all grants awarded through this RFF must fall within City of Benicia two-year funding cycle, which begins on July 1, 2011 and ends on June 30, 2013. Grants will be awarded for a period not to exceed twenty-four (24) months. The effective starting date will be no earlier than July 1, 2011.

INSTRUCTIONS

SECTION IV - CONTRACTUAL AWARD PROCESS—SPECIAL TERMS AND CONDITIONS

A. CONTRACTING PROCESS

Grantees (awarded applicants) will be required to complete certain contract documents (a sample contract is included as Attachment A). They will be required to submit quarterly reports to the Benicia Arts and Culture Commission (a sample quarterly report is included as Attachment B; please note that quarterly reports will be refined following contract award to reflect an assessment of the grantee's scope of work per the final agreement). These reports will include, but not be limited to:

- 1) Up to date information regarding the services provided.
- 2) Up to date information regarding the specific quantifiable goals of the project.
- 3) The outreach efforts for the period.
- 4) Evaluation of the outstanding project objectives and the methods to be used to meet the objectives.

SAMPLE
GRANT AGREEMENT
BETWEEN
THE CITY OF BENICIA ARTS AND CULTURE COMMISSION
AND

This agreement is made this ____ day of _____, 200_, by and between the City of Benicia Arts and Cultural Commission (hereinafter called "BACC") and _____, (hereinafter called "Grantee").

WHEREAS, the City of Benicia has established an Arts and Cultural Commission from different revenue sources, including voluntary donations, inter-fund transfers, investment earnings, and other fund raising activities;

WHEREAS, the Benicia City Council has given the Arts and Cultural Commission authority to evaluate and advise the City Council on the Grant Applicants for services, programs or activities which benefit the artistically or cultural well-being of Benicia residents of all ages;

NOW THEREFORE, the parties agree to the following terms and conditions set forth as follows:

1. **Amount and Disbursement of Fund:** BACC shall provide to the city an award from the Arts and Cultural Commission in the amount of \$ _____. No disbursement of funds shall be made beyond the one-year term of this agreement unless pursuant to written agreement as set forth in Sections 3 and 4 below.
2. **Arts and Culture Program/Activity:** The Grantee shall use the funds received from the city solely in furtherance of the services, programs and/or activities described in the Arts and Cultural Commission application and shall not use the funds for any other purpose without written authorization from the Board.
3. **Term of Agreement:** The term of this agreement shall be for a twelve month period, beginning on the date of execution of this agreement. An extension of the agreement for up to an additional twelve month period may be made as needed upon mutual written agreement by both parties.
4. **Unused Funds:** Any funds not expended or utilized as agreed by the end of the term of this Agreement shall revert back to the city. BACC may recommend that such unused funds be carried forward and spent for the services, programs and/or activities, providing they continue beyond the term of this agreement.
5. **Reporting, Recordkeeping, and Monitoring:** Grantee shall be responsible for maintaining detailed records to document all expenditures of the funds awarded by the city:

ATTACHMENT A

- A) **Proposed Budget:** Prior to the first disbursement of Funds, Grantee shall provide to the Board a proposed budget of how the award money will be spent to accomplish the attached application.
- B) **Expenditure Report:** Grantee shall be responsible for providing the Board with a detailed final accounting of how the award money was spent, including dates, amounts, payments, expenditures, amount of any unused funds, etc. Such report shall be made either: (1) at the conclusion of the event or program; (2) when the funds are actually used or spent completely; or (3) within thirty (30) days after the completion of the term of this Agreement, whichever is sooner.
- C) **Miscellaneous Reporting:** The Grantee shall also notify BACC in writing of any changes in the services/programs/activities outlined in the application, any required deviations from the proposed budget, or any changes in the organizational structure, key personnel or policies that might impact the use of the award of funds by the Board.
- D) **Monitoring/Audit by Board:** At any time after execution of this agreement, the Board may elect to conduct a monitoring or audit to determine that the terms and conditions of this agreement are being met by Grantee. Such monitoring/audit shall consist of reviewing both the financial records as well as the progress of the services/programs/activities of Grantee with respect to the commitments outlined in the application.

6. **Violation of Terms and Conditions:** If it is determined by the commission that the Grantee has violated any of the terms of this agreement and/or has used the awarded funds for expenditures that are not solely for providing the agreed upon activities or services, Grantee shall be obligated to repay the city any or all of the monies that were awarded, plus any interest at the current market rate.

7. **Hold Harmless/Indemnification Agreement:** Grantee shall indemnify, defend, save, and hold City, its Council, members boards, and commissions, agents, officers, employees, and designated volunteers, harmless from and against any losses, damages, liability, claims, suits, costs and expenses whatsoever, including reasonable attorney's fees regardless of the merit or outcome of any such claim or suit arising from the term of the Agreement. Approval of any necessary insurance coverage does not relieve Grantee of liability under this indemnification clause.

8. **Entire Agreement:** This Agreement contains the entire understanding of the parties and constitutes the sole and only Agreement between them concerning the subject matter herein and the rights and obligation in connection therewith.

Dated: _____

BENICIA ARTS & CULTURE
COMMISSION

GRANTEE

By: _____

By: _____

APPROVED AS TO FORM:

Heather McLaughlin
City Attorney

SAMPLE

**Benicia Arts & Culture Commission
Agency Quarterly Report**

Agency:		For the Quarter Ending:	
Project:		Date Submitted:	
		Annual Funding Amount:	

The following is an overview of the progress for the above project for the quarter just ended.

SERVICE DELIVERY

Report total services provided to actual number of individuals, demographic information as needed.	Services - Quarter		Services Year-To-Date	
	Duplicated	Unduplicated	Duplicated	Unduplicated
TOTALS				

(Duplicated = Single Customer Multiple Times; Unduplicated = Single Customer Single Time)

OBJECTIVE INFORMATION

Measurable Objectives from RFF	Percentage	
	Completed this Quarter	Completed Yr-To-Date

OUTREACH EFFORTS FOR THE QUARTER

<Discuss the outreach efforts specifically for the quarter>

UNMET PROJECT OBJECTIVES

<Address unmet project objects and the method to be used to meet the objectives.>

This report, to the best of my knowledge, is an accurate representation of <AGENCY> efforts provided on this project through the City of Benicia's Human Service Fund.

Signature: _____

Title:

Type Name:

Date:

**CITY OF BENICIA
ARTS AND CULTURE COMMISSION
FY 2011-2013 GRANT APPLICATION**

TITLE PAGE

PART A

1. Organization Submitting Proposal:

2. Amount of Funding Request: \$ 0

3. Project or Special Program Name (if applicable):

Organization Data:

Name: _____
 Address: _____
 Phone: _____
 Fax: _____
 Fed. ID #: _____

Contact Person:

Name: _____
 Title: _____
 Phone: _____
 Email: _____
 Fax: _____

4. Year organization legally established:

State:

5. Project, Event or Program Category (please describe: example: music, literature, heritage, etc.):

6. Serving clients (check all that apply):

<input type="checkbox"/> Children Under 5	<input type="checkbox"/> Youth (5-18)	<input type="checkbox"/> Adults (19 to 59)	<input type="checkbox"/> Seniors Over 60	<input type="checkbox"/> Family Unit
<input type="checkbox"/> Low-Income	<input type="checkbox"/> Disabled	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

7. Anticipated Number of Unduplicated Benicia Residents to be Served: _____

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

NO CITY EMPLOYEE SHALL BE A SIGNATORY ON BEHALF OF AN ORGANIZATION REQUESTING FUNDS FROM THE CITY OF BENICIA.

 Authorizing Signature

 Title

 Date

Typed name: _____

**CITY OF BENICIA
ARTS AND CULTURE COMMISSION
FY 2011-2013 GRANT APPLICATION**

Part B – BUDGET INFORMATION

8. Provide a budget for the project. (Expenses listed in this document should be consistent with the Project Description.)

PROJECT EXPENSES	TOTAL PROJECT COST (A)	AMOUNT OF GRANT REQUEST (B)	APPLICANT'S COST (C)
DIRECT COSTS			
Personnel (Direct ¹)	\$	\$	\$
Benefits (Direct ¹)			
Personnel (Support ¹)			
Benefits (Direct ¹)			
Contract Services			
Project-Supplies			
Project Equipment			
Transportation (e.g. gas costs, rental)			
Other Direct Costs			
SUBTOTAL	0	0	0
INDIRECT COSTS			
(Administrative ¹) Personnel			
Benefits			
Space Rental			
Utilities			
Telephone			
Office Supplies			
Transportation (e.g. gas costs, rental)			
Other Indirect Costs			
SUBTOTAL	0	0	0
TOTAL COSTS	\$ 0	\$ 0	\$ 0

Column A = Total cost of the proposed project.
Column B = Amount you are requesting in this grant application.

¹ Provide names, titles and total estimated annual salary. Attach additional sheets if necessary and summarize total here.

**CITY OF BENICIA
ARTS AND CULTURE COMMISSION
FY 2011-2013 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.

Part B – BUDGET INFORMATION – (continued)

9. **APPLICANT SOURCES:** Provide sources of other funds for the project. Total amount should correspond with Total C (previous page).

Applicant Sources – Other Funding (be specific)	Amount or Value	Indicate if Cash or In-kind
	\$	
TOTAL	\$ 0	

10. List any prior City of Benicia grants or loans awarded to your organization and the number of Benicia residents served with the funds.

Fiscal Year	Project or Program	Amount	Benicians Served
2007-08		\$	
2006-07			
2005-06			
2004-05			
2003-04			
TOTAL		\$ 0	0

**CITY OF BENICIA
ARTS AND CULTURE COMMISSION
FY 2011-2013 GRANT APPLICATION**

Part C - PROJECT / PROGRAM / ORGANIZATION DISCUSSION (continued)

Relationship to the community

9. Describe the community/communities your organization serves.

10. How does your program, project or service enhance the quality of life and contribute to the cultural identity of our community

11. Approximately how many individuals benefited from your organization's arts and/or culture activities during the past two years?

A. Ticketed audience

B. Non ticketed audience (complimentary/free)

C. Audience development, e.g., schools, institutions,
and/or special constituents: This count should not be
reflected in A or B above

Ticketed

Free

Total audience (sum of A through C, above)

12. Briefly describe your relationship to the community, including partnerships, collaborations, and/or sponsorships with organizations, community groups, schools, businesses, or individuals.

13. Explain your organization's plans to include constituents that reflect the diversity of the community.

**CITY OF BENICIA
ARTS AND CULTURE COMMISSION
FY 2011-2013 GRANT APPLICATION**

Part C - PROJECT / PROGRAM / ORGANIZATION DISCUSSION (continued)

Equitable compensation

14. Describe your organization's current policy of payment and/or providing other benefits to artists and cultural personnel.

Arts and/or Cultural Advocacy

15. Describe your organization's efforts in advancing the importance of the arts and/or culture in the community.

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

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

Thank You!

GRANT EVALUATION SUMMARY
Benicia Arts and Culture Commission
Budget Cycle 2011-13

Member #	VOENA	TULA	BPA	BOTTG	BCA	BENICIA BALLET Arts Ben.	Member Name (Reference Only)						
1													
2													
3													
4													
5													
6													
7													
8													
9													
Total Points													
Average Points													

AGREEMENT
DOWNTOWN SUPPORT SERVICES
BENICIA MAIN STREET (BMS)

- Term: July 1, 2009 – June 30, 2011
- City pays BMS \$149,000 annually (total of \$298,000)
- Amended on February 15, 2011
 - Paragraph 2 Compensation amended:
 - City reduced compensation in FY 10/11 by \$16,000

AGREEMENT FOR DOWNTOWN SUPPORT SERVICES

This agreement is entered into by and between the City of Benicia, a municipal corporation of the State of California (hereinafter "CITY"), and Benicia Main Street, a California non-profit corporation, with its primary office located at 90 First Street, Benicia, California, 94510 (hereinafter "BMS"), as of July 1, 2009.

RECITALS

WHEREAS, CITY and BMS each desire to enter into an Agreement whereby BMS will perform services for CITY to support downtown's economic vitality.

NOW, THEREFORE, BE IT RESOLVED BY AND BETWEEN THE PARTIES AS FOLLOWS:

1. BMS shall perform downtown business retention and attraction activities within BMS' geographic program area, as further described in Exhibit A.
2. CITY agrees to pay BMS as full compensation for all services and duties performed, except as otherwise provided herein, the sum of \$149,000 per fiscal year, of which \$35,000 must be spent on direct advertising, \$14,000 for July 4th festivities, \$10,000 for sidewalk cleaning, and \$6,000 for First Fridays on First, as provided herein. The total compensation to be paid under this Agreement shall not exceed \$298,000 for the term.
3. The term of this Agreement shall be from July 1, 2009 to June 30, 2011. Either party may terminate this Agreement by giving written notice to the other party. This Agreement shall be terminated one (1) month from and after the date of delivery or mailing of the notice, unless the notice specifies later. Any payment due at effective termination date shall be calculated pro-rata, billed by BMS, and paid within thirty (30) days upon its approval by CITY.
4. CITY's Economic Development Board, in its capacity as a citizens' advisory commission, shall receive a midterm evaluation presentation from BMS and, if it wishes, make a recommendation to the CITY at midpoint and end of term regarding performance. A survey of downtown businesses should be conducted to help evaluate performance six months before the end of term.
5. BMS shall render a bimonthly itemized invoice at the end of each two-month period to CITY, which shall be paid upon its approval by CITY.
6. CITY will not provide office space, supplies, equipment, nor support services connected with the services. No personal use of CITY equipment, supplies or services is allowed and BMS shall comply with all CITY policies regarding use of CITY resources.
7. In the performance of the services in this Agreement, BMS is an independent contractor and is not an agent or employee of CITY. BMS, its officers, employees, agents, and

subcontractors, if any, shall have no power to bind or commit CITY to any decision or course of action, and shall not represent to any person or business that they have such power. BMS has and shall retain the right to exercise full control of the supervision of the services and over the employment, direction, compensation, and discharge of all persons assisting BMS in the performance of said service hereunder. BMS shall be solely responsible for all matters relating to the payment of its employees, including compliance with Social Security and income tax withholding, workers' compensation insurance, and all other regulations governing such matters.

8. Except as otherwise stated herein, any and all obligations of CITY and BMS are fully set forth and described in this Agreement. Any changes in this Agreement, including any increase or decrease in the amount of compensation or any change in the term, which shall be mutually agreed upon by and between CITY and BMS, shall be set forth in written amendments to this Agreement.

9. **NONDISCRIMINATION.**

(a) BMS shall not discriminate in the conduct of the work under this Agreement against any employee, applicant for employment, or volunteer on the basis of race, religious creed, color, national origin, ancestry, physical or mental disability, marital status, pregnancy, sex, age, sexual orientation or other prohibited basis will not be tolerated.

(b) Consistent with CITY's policy that harassment and discrimination are unacceptable employer/employee conduct, BMS agrees that harassment or discrimination directed toward a job applicant, a CITY employee, or a citizen by BMS or BMS' employee or subcontractor on the basis of race, religious creed, color, national origin, ancestry, physical or mental disability, marital status, pregnancy, sex, age, sexual orientation or other prohibited basis will not be tolerated. BMS agrees that any and all violation of this provision shall constitute a material breach of the Agreement.

10. BMS shall defend, indemnify, and hold harmless, CITY, its officers, employees and agents from and against any and all claims, lawsuits, damage, injury and liability for damages arising in the performance of BMS' services under this Agreement. CITY shall not be responsible for claims, losses, damage, injury or liability for damages resulting from BMS.

11. BMS shall take out and maintain at all times during the life of this contract, general liability, workers' compensation, and automobile liability insurance in an amount satisfactory to CITY. BMS' insurance shall be primary with respect to the CITY and shall list CITY as an additional insured. BMS shall submit to CITY an endorsement evidencing its required insurance signed by the insurance agent and companies named. Any deductible or self-insured retentions must be declared to and approved by CITY.

12. This agreement serves as a license to use the CITY's tourism branding logo on products for sale in BMS' retail store, subject to: a) Economic Development Manager's (or designee) prior approval of each new item for its suitability for the tourism message, and b) semiannual payment to City of 50% of the net profit from each item bearing the logo.

13. Written communications and invoices under this agreement shall be addressed as follows:

If to CITY: Amalia Lorentz, Economic Development Manager
City of Benicia
250 East L Street
Benicia CA 94510

If to BMS: Nancy Martinez, Executive Director
Benicia Main Street
90 First Street
Benicia CA 94510

14. This Agreement shall be deemed to have been executed and entered into in the City of Benicia, County of Solano, State of California.

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be executed on the date set opposite their respective names.

CITY OF BENICIA
A municipal corporation
of the State of California

BENICIA MAIN STREET

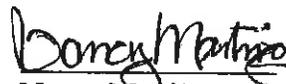
By: 
James R. Erickson
City Manager

08/31/09
Date



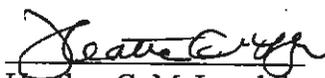
Mark Krull
President

8-26-09
Date


Nancy Martinez
Executive Director

8-21-09
Date

APPROVED AS TO FORM:


Heather C. McLaughlin
City Attorney

09/03/09
Date

EXHIBIT A

SCOPE OF SERVICES/PERFORMANCE STANDARDS

General Goals: . Increase sales tax revenue, increase visitors downtown, and support downtown business growth.

BMS shall be responsible for the following activities in the downtown business district (defined as First Street and one block west and east of First Street, from Military south to waterfront):

1. Business Retention (Merchant Support), which will include, but not be limited to, the following services:
 - a. Provide merchandising assistance (visit each retail and restaurant business at least once per year) and act as retail marketing resource for businesses.
 - b. Merchant coordination for special business-oriented promotions/events (at least 3 major promotions per 12-month period, one of which is the winter holidays). Act as resource and facilitator for smaller self-organized merchant promotions.
 - c. Organize Merchant Mingles (or similar "general membership" meetings) at least twice per year.
 - d. Organize community-oriented special events that create foot traffic downtown, including July 4th "Picnic in the Park" and fireworks, to which \$14,000 of total funding is dedicated. If BMS does not use \$14,000 in City funding for this event, BMS will not include that funding on any invoice.
 - e. Help promote City-sponsored events (training, special events, etc.) of interest to business owners. Support City efforts to work with property owners to fill vacancies.
 - f. Implement Annual Advertising Plan (Exhibit B) with \$35,000 investment provided by City. BMS' Board may amend the approved Plan without prior notice to City until cumulative changes to any one part of Plan exceed \$500, which requires City approval by Economic Development Manager.
 - g. Prepare at least one new or updated publication per year (directory, walking tour brochure, restaurant guide, etc.). Business directory must be updated at least every three years. Hard copies and Web-ready version must be available.
 - h. Coordinate movies at the State Capitol as part of First Fridays on First, for which up to \$6000 of total funding is allocated, unless a) BMS is denied a permit for the event from the State or City, in which case the funds are no longer available; b) the audience is excessively low, or c) movies have to be canceled for another reason approved by the City; in which case BMS will use the sponsorship funds for more cost-effective entertainment after receiving approval from City's Economic Development Manager.
 - i. Semiannual sidewalk steam cleaning, for which up to \$10,000 of total funding is allocated. If BMS does not use \$10,000 in City funding for this service, BMS will not include that funding on any invoice.
2. Business Attraction, which will include, but not be limited to, the following services:
 - a. Respond to inquiries from prospective businesses by providing requested information or directing to appropriate resources.
 - b. Work with City staff, brokers, and property owners to market available spaces.

- c. Organize events and promotions that create a positive atmosphere downtown that is conducive to new business success.

3. Deliverables

BMS shall, with bimonthly invoices, submit bimonthly reports documenting results and challenges in each task area. Report shall be in a form approved by CITY, and suitable for distribution to the City of Benicia and the community. BMS shall also submit an annual Downtown Economic Report.

4. Other Provisions

- a. BMS agrees to respond to calls and e-mails from businesses within service area within 2 days on average in order to provide the best customer service.
- b. BMS shall present bimonthly reports at Economic Development Board meetings.
- c. BMS agrees that BMS may not make comments to the media on a speculative topic, on policies not adopted by CITY, or that reflect negatively on CITY or Downtown Benicia.
- d. BMS staff will be available for regular monthly meetings with CITY staff.
- e. Data to be tracked to measure the performance of BMS in meeting the goals of this contract include aggregate sales tax, number of customers in the two "visitors centers" downtown (historic Depot and Chamber of Commerce office), and merchant satisfaction as reported in regular surveys. The surveys should have a statistically significant number of responses.

EXHIBIT B

ANNUAL ADVERTISING PLAN FOR DOWNTOWN

The parties agree that consistent advertising is essential for business success, and share an understanding that Downtown businesses should benefit from an advertising plan that treats the area as a shopping district. The advertising should not benefit any particular business, including Benicia Main Street, more than another, but rather promote events and activities within the program area. To that end, the parties agree that Benicia Main Street will spend no less than \$35,000 on advertising in media such as Internet travel/tourism sites, newspapers (such as the *Contra Costa Times*), and magazines (such as *Inside Benicia*, *Diablo*, and *San Francisco*) throughout the year as follows.

<u>Time of Year (examples of promotions)</u>	<u>Minimum Amount to be Spent on Advertising</u>
July/August (summer festivals, Back to School)	\$3500
September/October (fall events, Halloween)	\$3500
November/December (holidays)	\$10,000
January/February (Valentine's Day)	\$3500
March/April (spring events)	\$3500
May/June (summer festivals, 4th of July)	\$3500
"Evergreen" (anytime)	\$7500

The advertising placed under this Plan shall incorporate the City's tourism branding elements (waterfront, California history, art, dining, and shopping), and where practical, use the City's tourism logo to indicate the City's sponsorship.

Examples of the placed advertising must be included in the bimonthly reports.

AMENDMENT TO AGREEMENT FOR DOWNTOWN SERVICES

This Amendment of the Agreement, entered into this 08 day of March, 2011, by and between the City of Benicia, a municipal corporation ("CITY") and Benicia Main Street, a California corporation, with its primary office located at 90 First Street, Benicia, California, 94510 (hereinafter "BMS") is made with reference to the following:

RECITALS:

A. As of July 1, 2009 an agreement was entered into by and between CITY and BMS ("Agreement").

B. CITY and BMS desire to modify the Agreement on the terms and conditions set forth herein.

NOW, THEREFORE, it is mutually agreed by and between and undersigned parties as follows:

I Paragraph 2 of the Agreement is modified to read as follows:

CITY agrees to pay BMS as full compensation for all services and duties performed, except as otherwise provided herein, the sum of \$149,000 for fiscal year 09/10, of which \$35,000 must be spent on direct advertising, \$14,000 for July 4th festivities, \$10,000 for sidewalk cleaning, and \$6,000 for First Fridays on First, and the sum of \$133,000 for fiscal year 10/11 of which \$24,000 must be spent on direct advertising, \$14,000 for July 4th festivities, \$5,000 for sidewalk cleaning, and \$4,000 for First Fridays on First. The total compensation to be paid under this Agreement shall not exceed \$282,000 for the term.

II Exhibits A and B are hereby modified to reflect the above monetary changes.

III Except as expressly modified herein, all other terms and covenants set forth in the Agreement shall remain in full force and effect.

IN WITNESS WHEREOF, the parties hereto have caused this modification of Agreement to be executed on the day and year first above written.

BENICIA MAIN STREET

CITY OF BENICIA
A Municipal Corporation

By: Helaine Bowles 3/3/11
Helaine Bowles Date
President

By: Brad Kilger 3/8/11
Brad Kilger Date
City Manager

Nancy Martinez 3-3-11
Nancy Martinez Date
Executive Director

APPROVED AS TO FORM:

Leah Conroy
City Attorney



Benicia Main Street Report March - April 2011

Benicia Main Street is part of a state and national program that consists of a four tiered approach to downtown revitalization. It utilizes the talents and interests of many volunteers, maximizes the City's investment in the downtown and preserves the heritage of our historic downtown. The program's activities and policies work to enhance the economic, social, cultural and environmental well being and to restore the downtown's identity as the viable town center according to the National Main Street Program's four-point approach. The Board of Directors and its four committees, which include Promotions, Economic Restructuring, Design and Organization, meet once a month.

Promotions

Mission Statement: Build upon the downtown area as a place for activity, attractive stores and quality services strengthening its role as the vital economic component of the community.

- Benicia in Bloom was Saturday and Sunday March 26th & 27th. Last year at this time there was great weather, this year we were not as fortunate but it did not stop the success of this informal Spring Open House. There were 32 merchants who paid into the promotion and received reusable Benicia in Bloom bags. We had an additional 11 merchants who also participated. A majority of merchants had in-store promotions. All merchants participated in the window decorating contest and the public voted. Although all were winners the 1st place prize went to Blue Goose, 2nd place to Romancing the Home and 3rd place to Benicia Bay Company. Benicia Magazine, Weekender Magazine and Benicia Herald donated prizes to the window decorating contest. Community partners were Allied Waste and PG&E braving the weather as well as several non-profits. A survey was sent to the merchants who had paid into Bloom and only 7 responded and so Benicia Main Street followed up by phone with those who had not responded. This took 7 hours of staff time to complete the survey. Visitors to whom Benicia Main Street talked with that weekend were coming in from Vallejo, Martinez, Concord, Pleasant Hill, Walnut Creek and of course Benicia.
- Benicia Main Street had a booth at the City's Earth Day to promote the upcoming season of the Farmers Market.

- Farmers Market season started April 28th. Considering the weather we have had this year opening day was great, with over 2,400 attending. BMS will continue with its frequent shopper's card to benefit downtown merchants. It's appropriately called "Frequent First Street Shopper Card". Shop/Dine First Street businesses after 3:00 p.m. on Thursdays during the 2011 Farmers Market season bring your receipt(s) to the BMS booth and receive one punch for each receipt. 10 receipts = free gift from the Benicia Certified Farmers Market.

Economic Restructuring

Mission Statement: To create a thriving downtown business district by being a business ally and advocate, by identifying market opportunities, by strengthening existing businesses through education and consultation, and by monitoring economic performance.

- This committee continues to work of its 2011 work plan and should be completed by May. As of now it is looking at quarterly seminars and to continue providing, via newsletters, merchants with resource information. They have also been reviewing the National Main Street booklet on Economic Restructuring to make sure they are complying with national standards and so far they are. This process should take another month to complete.

Design

Mission Statement: Improve the visual quality of downtown by using, improving and enhancing the basic design elements in the existing environment. Build community pride through education and recognition of historic assets.

- Committee participated in the Bike Rack Task Force. Committee is researching the Sustainability Commission as a way of funding lights for the trees Downtown.

Organization

Mission Statement: Oversee staff issues, volunteers, fundraising and promoting the program.

The committee formed an Ad Hoc committee in 2008 to research new fundraising events to take the place of the Waterfront Festival and Valentine Auction and to increase visitors to downtown and support business growth.

We continue with the twice a month Ghost Walks with Paranormal Investigator Devin Sisk and Paranormal Sensitive Donna Raymond. Spooky tales of the paranormal history of Benicia are revealed on this exciting, educational and fun Ghost Walk. You can meet “Carl”, resident ghost of Sailor Jack’s! Carl seems to make his presence known during every Ghost Walk tour. These tours are attracting not just Benicia residents but Napa, Antioch, Brentwood, Vacaville, Fairfield, Vallejo and Walnut Creek residents as well. To give the public a better understanding and to help promote ticket sales, we have planned two lectures called Ghost Talk. The 1st one was April 6th and had 56 in attendance and the 2nd one is planned for May 14th. The lectures are free to the public and held at the City Library.

Fundraising ideas:

- Saturday morning weekly Open-Air Market.
- Water taxi, “A Great Day By The Bay” with short boat trips.
- Reenactment of the Legislature - partnering with the State Capitol, BOTTG and Historical Society.
- An afternoon of chocolates and deserts.
- Wine Walk

In conclusion, Benicia Main Street continues to support the education efforts of the City’s Economic Development Department, The Chamber of Commerce education opportunities and Merchant Meetings with the Police Department by getting information out via fax, phone and email to all the merchants.

Who’s on First?

Shiroco’s	re-opened	ABC Music	new to downtown
Little Bird Benicia	opened	Take a 2 nd Look	opened

Coming soon: Rosanna’s Bakery
Rookies Sport Bar

Respectfully submitted,

Nancy Martinez
Executive Director
Benicia Main Street

Benicia Main Street

Description of expenses on City invoice for March & April 2011

Total advertising expense: \$3,542

We advertised for the following promotions/events:

• Benicia in Bloom	\$2,172
• Ghost Walk/Talk	\$ 215
• Down town Directory	\$ 255
• Farmers Market	<u>\$ 900</u>
Total	\$3,542

BENICIA MAIN STREET

90 First Street
Benicia, CA 94510
Phone: 707-745-9791
Fax: 707-745-1630

Invoice

Date	Invoice #
5/1/2011	1309

Bill To
City of Benicia 250 East L St Benicia, CA 94510 March/April

Ship To

P.O. Number	Terms	Rep	Ship	Via	F.O.B.	Project
			5/1/2011			
Quantity	Item Code	Description			Price Each	Amount
1	City Contract	City Contract			14,000.00	14,000.00
1	City Contract	Advertising			3,000.00	3,000.00
					Total	\$17,000.00

Saturday, March 26th 11am-5pm & Sunday, March 27th 12-4pm

Celebrate the Arrival of Spring in Downtown Benicia with Benicia in Bloom ...Going Green!

The Annual Spring Open House Featuring:

- Retailers, Restaurants & Businesses showcase trends for Spring 2011
- Art Demonstrations & Displays
- plein-air Painters & Chalk Artists on the street
- Gardening information, Landscape Designers & Nurseries
- Community Resource & Education Booths
- In-Store activities, tastings, trunk shows & more!



Shop Downtown Benicia...
A Great Day by The Bay!

Visit BeniciaMainStreet.org
or call 707-745-9791 for more details.

Benicia Certified Farmers Market

Opening Day of the 19th Season

Thursday April 28

Every Thursday from 4-8pm,
April 28 until October 27



First Street between "B" and "D" Streets

Sponsored by Benicia Main Street

90 First Street, Benicia, California 94510

Phone: (707) 745-9791 • www.beniciamainstreet.org



BeniciaMagazine.com

Benicia Certified Farmers Market - 19th Season Every Thursday 4pm- 8pm • Downtown Benicia

Bringing Together Farm Fresh Foods,
Friends, Families & Entertainment

First Street between "B"
and "D" Streets

Opening Day: April 28th

Benicia Certified Farmers Market welcomes California Farmers' Market Checks from the Women, Infants, and Children (WIC) Farmers Market Nutrition Program (FMNP) and Senior Farmers Market Program participants



Sponsored by *Benicia Main Street* • For info call: (707) 745-9791

The Benicia Farmers Market runs through October 27th

Alvin Ailey American Dance Theater 8pm. One of the world's favorite dance companies, Alvin Ailey American Dance Theater, returns to show off the brilliant artistry and passionate energy that bring audiences around the world to their feet night after night. What makes this phenomenal company so special is the incomparable sense of joy, freedom, and spirit that the dancers and audiences share. *Jackson Hall Standard, Mondavi Center at UC Davis, One Shields Ave., Davis Price: \$35/\$57/\$68; Students \$17.50/\$28.50/\$34 Info: 866-764-2787*

Thursday, April 7th

George Thorogood & The Destroyers at Uptown Theatre 8pm. After 35 years as "The World Greatest Bar Band," George Thorogood & The Destroyers are back on the road and still bad to the bone. *1350 Third Street Napa Price: \$40/\$50 Info: 707-259-0123*

Friends of the Benicia Library Members-Only Sale 6-8pm. The Friends of the Benicia Library members-only book sale takes place the Thursday evening prior to the Saturday book sale. Proof of membership is required. Memberships can be purchased at the door. *150 East L St., Lower Level, Benicia Info: 707-746-4343.*

Ani DiFranco 8pm. Over the past 17 years, Ani DiFranco has established herself as one of the most influential and inspirational artists of her generation. She wears many hats including singer/songwriter/guitarist/producer. Her empowering spirit is evident through her songs that tackle barbed political and sexual issues with uncommon insight and compassion. *Person Theater, Wells Fargo Center for the Arts, 50 Mark West Springs Rd., Santa Rosa Price: \$45 Info: www.wellsfargocenterarts.org*

Friday, April 8th

Bo Diddley 8pm. *Thunder Valley Casino Resort, 1200 Athens Ave., Lincoln Price: \$25/\$35 (plus taxes and fees) Info: 800-745-3000 or www.thundervalleyresort.com*

Forbidden Broadway 8pm. From "Annie" to "Phantom" to "Wicked", this fall-down funny, satirical roast of over 30 Broadway hits features outrageous costumes, silly spoofs of songs you know by heart and madcap impressions by a stellar cast! A New York sensation for 27 years, the show is constantly being updated to poke fun (always with love) at your favorite musicals and stars! *Person Theater, Wells Fargo Center for the Arts, 50 Mark West Springs Rd., Santa Rosa Price: \$30/\$45 Info: www.wellsfargocenterarts.org*

The Reunion (Anthology) 7:30pm. A Fantasy Tribute to the Beatles. The ultimate tribute features four of the world's greatest veteran Beatles look- and sound-alike artists performing a tribute to John, Paul, George & Ringo like none that you've ever seen. *Vacaville Performing Arts Theatre, 1010 Ulatis Dr., Vacaville Price: \$28*

Saturday, April 9th

Pillow Talk 8pm. A womanizing bachelor (Rock Hudson) and a prim interior decorator (Doris Day) share a phone line but have never met. When they do meet, Rock Hudson adopts a dodgy Texan accent and pretends to be a guy called Rex. The ensuing dating and courtship leads to multiple situations where only hilarity can prevail. The very first collaboration of Rock Hudson and Doris Day, *Pillow Talk* is the quintessential romantic film comedy. *Paramount Theatre, 2026 Broadway, Oakland Price: \$5 Info: 1-800-745-3000 or 24-hour hotline at 510-465-8400*

You have a BASIC account | To remove the limits of a BASIC account and get unlimited questions, upgrade now!

2011 Benicia in Bloom Edit

Default Report + Add Report

Response Summary

Total Started Survey: 33
Total Completed Survey: 32 (97%)

PAGE: BENICIA IN BLOOM

1. Business Name: (Necessary to avoid duplication)

Download

Response Count

Show Responses 30

answered question 30

skipped question 3

2. Block of First Street where business is located (businesses on side street, please select block closest to your location):

Create Chart

Download

	Response Percent	Response Count
100	3.0%	1
200	6.1%	2
300	18.2%	6
400	18.2%	6
500	9.1%	3
600	24.2%	8
700	6.1%	2
800	9.1%	3
900	6.1%	2
1000	0.0%	0
	answered question	33
	skipped question	0

3. Type of Business (check only one):

Create Chart Download

	Response Percent	Response Count
Retail (includes art/glass/pottery studios with retail component)	66.7%	22
Restaurant/Cafe	15.2%	5
Salon/Spa/Health & Fitness	9.1%	3
Office (includes real estate, medical, legal, etc.)	3.0%	1
Light Industrial (printer, coffee roaster, art studio without retail component, etc.)	3.0%	1
Other	3.0%	1
(Please list) Show Responses		2
answered question		33
skipped question		0

4. Did you pay to participate in the Benicia In Bloom promotion?

Create Chart Download

	Response Percent	Response Count
Yes	87.9%	29
No	12.1%	4
answered question		33
skipped question		0

5. Did you attend Benicia In Bloom planning meetings?

Create Chart Download

	Response Percent	Response Count
Yes	9.1%	3
No	87.9%	29
Some	3.0%	1
answered question		33
skipped question		0

6. What hours were you open during the event?

Create Chart Download

	Response Percent	Response Count
All as advertised (Sat. 11am-5pm) & (Sun. 12pm-4pm)	56.7%	17
Other hours you were open	43.3%	13
	(Please list) Show Responses	17
	answered question	30
	skipped question	3

7. Please rate the effectiveness of the Benicia in Bloom Advertising

Create Chart Download

	Not Effective	Effective	Very Effective	Response Count
Benicia Magazine	47.4% (9)	31.6% (6)	21.1% (4)	19
Local Happenings	52.9% (9)	35.3% (6)	11.8% (2)	17
The Weekender	44.4% (8)	33.3% (6)	22.2% (4)	18
Contra Costa Times	58.8% (10)	23.5% (4)	23.5% (4)	17
Benicia Herald	52.9% (9)	35.3% (6)	11.8% (2)	17
Monthly Grapevine	50.0% (8)	37.5% (6)	12.5% (2)	16
Benicia Main Street Newsletter Email	47.1% (8)	41.2% (7)	11.8% (2)	17
Flyer/Maps	37.5% (6)	50.0% (8)	12.5% (2)	16
			Other Comments: Show Responses	18
			answered question	24
			skipped question	9

8. Did you do any additional advertising/promotion for the event?

Create Chart Download

	Response Percent	Response Count
No	43.8%	14
Yes	40.6%	13
	answered question	32
	skipped question	1

8. Did you do any additional advertising/promotion for the event?	Create Chart	Download
E-Mail	28.1%	9
Direct Mail	3.1%	1
Social Media (ie. Facebook & Twitter)	21.9%	7
Other	12.5%	4
(please specify) Show Responses		8
answered question		32
skipped question		1

9. Which of the following types of positive/negative impacts do you feel the special event created for your specific business? (check all that apply)	Create Chart	Download
	Response Percent	Response Count
Increased total sales that day (compared to average weekend)	37.9%	11
Increased total sales that day (compared to Benicia in Bloom previous year on March 27 & March 28)	31.0%	9
Increased number of customers that day (compared to average weekend)	41.4%	12
Increased number of customers that day (compared to Benicia in Bloom previous year on March 27 & March 28)	31.0%	9
Increased potential for future customers/increased foot traffic in area	44.8%	13
Created good (fun, lively, energetic, attractive, etc.) atmosphere downtown	48.3%	14
Decreased total sales that day (compared to average weekend)	20.7%	6
Decreased total sales that day (compared to Benicia in Bloom previous year on March 27 & March 28)	20.7%	6
Decreased number of customers that day (compared to average weekend)	17.2%	5
Decreased number of customers that day (compared to Benicia in Bloom previous year on March 27 & March 28)	24.1%	7
answered question		29
skipped question		4

9. Which of the following types of positive/negative impacts do you feel the special event created for your specific business? (check all that apply)

Create Chart Download

Decreased available parking for customers/obstructed access to my business	6.9%	2
Created bad (noisy, rowdy, crowded, unattractive, etc.) atmosphere downtown	0.0%	0
Had to staff up or work longer personally	6.9%	2
Other positive/negative impacts	34.5%	10
(please specify) Show Responses		10
answered question		29
skipped question		4

10. Any additional comments or suggestions for changes to this event that would create more positive impacts for Downtown Benicia? (time of day, day of week, time of year, location on street, other...)

Download

	Response Count
Show Responses	30
answered question	30
skipped question	3

Businesses Responded to Survey:

1. Cooper's Doll House Studio
2. First St. Cafe
3. Miguelena
4. Bombshell Hair and Ink
5. Romancing the home
6. Artcentric
7. Benicia Antique Mall
8. TwoDays Jewelry
9. Christina S
10. Isabel's Gifts
11. Char's hotdogs
12. Piccolo
13. Floors on first
14. Lindsay Art Glass
15. Spoonful of Sugar
16. Remax Gold First Street
17. Honeysuckle Rose
18. Blue Goose Antiques
19. Be Chic Boutique
20. Courtyard Customs
21. Mernie Buchanan Gallery and Studio
22. Elisabeth's Hair Design
23. Studio 41
24. Angel Heart 4 you
25. A Jewel in the sky
26. Benicia Floral & Gifts
27. Camelia Tea Room
28. Java Point
29. Lucca Bar & Grill
30. Benicia Bead

7. Please rate the effectiveness of the Benicia in Bloom Advertising

- We needed the flyers and maps a week or two ahead to get people excited about what was going to happen.
- As I've asked for in the past, please put an I don't know column, because I have no idea whether the advertising helped or not.
- Whoever came to my studio were clueless it was Benicia in Bloom!
- I have no idea
- I only saw the flyers that were given out on Friday. I think they should have been given out earlier.
- Had the most people say they saw it in the Weekender

- Most customers came because I or another merchant invited them. Honestly, no one said they saw it anywhere so I know how to answer this question. The flyers were good because we can talk to people about those activities.
- Didn't receive flyers until the day of No one said they saw the ads. Few people that came in knew about the event until I told them, (maybe 3) Some had been in other shops and I gave had the slip to the event for them to wander up & down to make their decision on the window contest and drop the slip off at the store they voted for.
- I do my own
- only 6-7 people
- about 506 people
- 1 new client from the regular main street flyer
- A medium weekend
- No people --even those who scheduled jewelry pick up didn't know about it.
- Saw sign on Second Street
- Disappointed that the ad I saw didn't list merchants. I was expecting to get my name out
- Can't really say
- Can't really say

8. Did you do any additional advertising/promotion for the event?

- Sent email to my list and ran a special for the weekend.
- Craigslist
- Told people
- I would have done much more but knew the weather wasn't going to be very nice. would rather spend the extra money on an upcoming sunny and nice weekend.
- Talked it up as I do with/for all events
- I subscribe to the Vintage Magazine and they put a special feature in the front of the magazine for us.
- Talked to clients
- Mentioned in our newsletter

9. Which of the following types of positive/negative impacts do you feel the special event created for your specific business? (check all that apply)

- It was crowded with children and parents in the store because the weather kept the free garden making inside the shop.
- sales were flat for the weekend, but there was more people out .
- the weather did not help
- I think the rain hampered things but was still fun
- Weather had bad impact on my biz.
- I did not see a lot white bags, which meant to me people were not shopping.
- Had no effect on way or the other
- no change in extra customers but weather was not very good.

- The weather had an incredibly negative affect on the weekend.
- About the same traffic
- about the same as a regular weekend
- About the same as last year
- only 5-6 people
- Rainy days--what else can you say.
- Terrible weather
- only people I had scheduled showed up
- slightly increased
- A little more traffic--a lot of people didn't know about it.
- Saturday good--Sunday Bad

10. Any additional comments or suggestions for changes to this event that would create more positive impacts for Downtown Benicia? (time of day, day of week, time of year, location on street, other...)

- Last year we lucked out with weather event though the Bloom was same weekend as this one, but wish we had kept to the plan and had it one week before Easter - this year it would have made a weather difference. I realize weather in Benicia is not easy to predict.
- We did not have one person!
- Lot's of people wanted to know where the events were at, thought there was going to be more things to do instead of shopping.
- Better to plan BIB a little later, so the weather is warm... And have a more festival type of thing.. festival of flowers... locals commented on not coming downtown, as it's no different than any other day, but if some sort of festival, kids can enjoy, you can buy fresh flowers, they would come...
- Maybe April or May next year, hopefully miss the rainy season...
- Maybe a little later in year when pretty sure rain has stopped
- Some customers said there was not to much publicity. ???
- I think Benicia in bloom should be about the middle of April
- I was very disappointed in the event this year. I received no notification of when planning meetings were held. The date was changed, much prefer it to be the week before Easter like it was in previous years (it's actually what the merchants voted for several years ago). There were no flowers on the street, no music, no interesting eco-friendly organizations, all of which we have had in the past and most of which costs little or no money. How about some children's activities? It seems this was somewhat thrown together and the lack of activity on the street showed.
- Should change it to the first weekend in may with more sidewalk activities
- We were a bit disappointed in Bloom this year. Bring back the flower pot contest and build your bouquet idea to drive customers into the shops.
- If landlords would lower rents, we could spend some extra money on appearance and local events to get local people to shop downtown.
- Not many people due to bad weather

- Please: later in the season--what happened to the weekend before Easter idea? Also white bags are a bit impractical--we want continued use and white won't last long. So much for advertising dollars and "going green" since they won't have a long life of use. Loved meeting Deborah and so happy she came to see how/what we were doing.
- Need more signs in advance of the event--none of the people who came seemed to have been aware of the event. Also many people do not use email, which I kept being told was where people should have seen the promotion. Could have signs for windows in advance of the event. But my main change would be the month. March, April are bad with many rainy days. Feel May would be better. After all, April showers bring May flowers. Would love to here what others think of this idea. Thank you.
- Bad weather put a damper on the event. Would like to see closer to Easter
- People wanted to know where the event was--they were expecting more festivities
- Would rather do a show with thousands of shoppers than a rainy day with 5-6 people. Rain didn't help
- The event gave me a reason to spruce up for spring with new shelves. Rainy weather. You guys are doing a fine job. Maybe a couple of weeks later next year. Had a couple of "bag vultures"
- Had a great bloom!
- Bad Weather--Bad Days
- Average weekend
- Not one person other than those 3 I had scheduled to pick up mdse already, and those didn't know about the event. Too early have later in the year.
- Need more signs--did see the one on East Second Street, but need more pre-event hype. It was nice to see merchants dressing up their store fronts with flowers. Saturdays are usually bad but this one was very good.
- One customer said "Why should I come down for Bloom when I can shop First Street anytime" She said she would come down if there were more festivities and/or something for kids. Mary Kay had table in front of the gym at no charge when we pay. Nice, but needs some thing more --even sidewalk chalk.
- The Bloom needs more focus--add something didn't understand what a window contest has to do with bloom. Have the merchants put out more planters with flowers instead of windows and/or explain the voting system more clearly.
- Very good
- List participating merchants in ads. I love the concept and think Benicia in Bloom is a good fit with the community with all its beautiful homes and gardens. Need to do more with the event.
- Didn't sell many specials. Weather very bad. Traffic on Saturday was normal, but Sunday was better
- Not Really

You have a **BASIC** account | To remove the limits of a BASIC account and get unlimited questions, upgrade now!

Gal-A-Palooza! Women's Expo Edit

Default Report + Add Report

Response Summary

Total Started Survey: 27
Total Completed Survey: 27 (100%)

PAGE: GAL-A-PALOOZA! WOMEN'S EXPO

1. Business Name: (Necessary to avoid duplication)

Download

	Response Count
Show Responses	26
answered question	26
skipped question	1

2. Block of First Street where business is located (businesses on side street, please select block closest to your location):

Create Chart Download

	Response Percent	Response Count
100	7.4%	2
200	0.0%	0
300	18.5%	5
400	14.8%	4
500	7.4%	2
600	25.9%	7
700	11.1%	3
800	3.7%	1
900	11.1%	3
1000	0.0%	0
answered question		27
skipped question		0

3. Type of Business (check only one):

	Create Chart	Download
	Response Percent	Response Count
Retail (includes art/glass/pottery studios with retail component)	68.7%	18
Restaurant/Cafe	14.8%	4
Salon/Spa/Health & Fitness	18.5%	5
Office (includes real estate, medical, legal, etc.)	0.0%	0
Light Industrial (printer, coffee roaster, art studio without retail component, etc.)	0.0%	0
Other	0.0%	0
(Please list)		0
answered question		27
skipped question		0

4. What hours were you open during the event?

	Create Chart	Download
	Response Percent	Response Count
All as advertised (Saturday, 11am-6pm)	45.5%	5
Other hours you were open	54.5%	6
(Please list)		23
Show Responses		
answered question		11
skipped question		16

5. Please rate the effectiveness of the Gal-A-Palocza! Women's Expo Advertising

	Create Chart	Download		
	Not Effective	Effective	Very Effective	Response Count
Benicia Magazine	50.0% (8)	50.0% (8)	0.0% (0)	18
The Weekender	50.0% (8)	50.0% (8)	0.0% (0)	18
Newsletter Email	56.3% (9)	43.8% (7)	0.0% (0)	16
Facebook	53.3% (8)	46.7% (7)	0.0% (0)	15
answered question				19
skipped question				8

5. Please rate the effectiveness of the Gal-A-Palooza Women's Expo Advertising				Create Chart	Download
Posters	63.3% (8)	46.7% (7)	0.0% (0)		15
Flyers/Maps	38.9% (7)	61.1% (11)	0.0% (0)		18
				Other Comments: Show Responses	13
				answered question	19
				skipped question	8

6. Did you do any additional advertising/promotion for the event?			Create Chart	Download
	Response Percent	Response Count		
No	65.6%	15		
Yes, e-mail invitations to customers/friends /contacts	25.9%	7		
Yes, other	18.5%	5		
		(please specify) Show Responses		11
		answered question		27
		skipped question		0

7. Did you offer any in-store specials, gift with purchase, refreshments or other promotion/special event?			Create Chart	Download
	Response Percent	Response Count		
No	42.3%	11		
Yes	57.7%	15		
		(please specify) Show Responses		14
		answered question		26
		skipped question		1

8. Did you have a non-profit or other vendor set up at your business?			Create Chart	Download
		answered question		27
		skipped question		0

8. Did you have a non-profit or other vendor set up at your business?		Create Chart	Download
		Response Percent	Response Count
Yes: Inside		18.5%	5
Yes: Outside		0.0%	0
No		81.5%	22
Please provide the name of the non-profit/vendor:			10
Show Responses			
		answered question	27
		skipped question	0

9. Which of the following types of positive/negative impacts do you feel the special event created for your specific business? (check all that apply)		Create Chart	Download
		Response Percent	Response Count
Increased total sales that day (compared to the same Saturday last year)		17.4%	4
Increased number of customers that day (compared to the same Saturday last year)		17.4%	4
Increased potential for future customers/increased foot traffic in area		17.4%	4
Created good (fun, lively, energetic, attractive, etc.) atmosphere downtown		21.7%	5
Decreased total sales that day (compared to the same Saturday last year)		21.7%	5
Decreased number of customers that day (compared to the same Saturday last year)		21.7%	5
Decreased available parking for customers/obstructed access to my business		4.3%	1
Created bad (noisy, rowdy, crowded, unattractive, etc.) atmosphere downtown		0.0%	0
Had to staff up or work longer personally		8.7%	2
Other positive/negative impacts		60.9%	14
		(please specify) Show Responses	21
		answered question	23
		skipped question	4

5. Please rate the effectiveness of the Gal-A-Palooza Women's Expo Advertising

- I left shop to look for people on street, found very few. In fairness, the weather may have affected it.
- not sure what worked. Total customers and sale were down that day.
- we sent direct mail
- Just one customer knew about the event!
- The day was a disaster due to the rain
- Not sure only 2 people
- Not sure
- No one mentioned the event
- Weather was a big factor
- Didn't see a difference
- Hard to say--not sure which customers were a part of the event
- Not a good focus for my business
- Did not notice a difference

6. Did you do any additional advertising/promotion for the event?

- A few out of town phoned wanting to know what was going on for Gal. I told them what I was doing, gave them info from fliers, but none of those people showed up.
- Facebook
- I advertised with merchants on the 500 block in Local Happenings, sent out a blast email from my website and sent out invitations to my customers.
- e-mail And facebook
- Special Menu item
- Sent invitations
- Mentioned it in my customer newsletter
- Postcards sent to clients
- I've been sick
- Guess I should have

9. Which of the following types of positive/negative impacts do you feel the special event created for your specific business? (check all that apply)

- Weather impacted negatively
- rainy weather might have keep people away but, our regular customers supported us
- did nothing!
- Was raining not many people in store
- Neutral--an average Saturday
- Neutral on this--hard to track
- It was a disaster due to the rain
- Rain prevented a lot of people from coming out
- Neutral feelings The concept is good, but the rain didn't help Might suggest later in the year.
- Not sure whether ads worked
- The day was a bust--rain was a big factor Couldn't set up my outside table
- Neutral
- The day was a bust
- No idea
- Sales were down from last year, but still good. Weather made it hard to get people out
- Neutral--weather was bad
- Great Day
- Neutral feelings
- Neutral
- Bad day
- Pouring rain

10. Any additional comments or suggestions for changes to this event that would create more positive impacts for Downtown Benicia? (time of day, day of week, time of year, location on street, other...)

- I have yet to see what I would call a successful Gal-a-Palooza. We need to re-think it and combine it with another event like Fashion Week.
- Anything Main Street does to get foot traffic on the street has a positive effect on my business. Thank you for all that you do!
- Thank you for putting on these events on First St. Any exposure is great for merchants downtown. I am very grateful.
- maybe later in the month
- I don't think this event is working!
- Not really
- I would suggest a prepaid ticket that attendees could show Make a package before the event It is hard to tell who came for the event and regular customers
- Use reliable non-profit organizations Better weather
- Not sure the gallery is a good fit for the demographics
- April or May might be better February is a dead month Weather deterred customers Would woked better is it didn't rain
- Didn't even know the event was happening
- Last year was good, this year was a bust. Need this at a time when the weather is better
- Not really The rain didn't help
- Not one person came down E Street Not sure if my venue Fits The event is better suited for Store that sell furnishings or fashion Weather didn't help
- We need more events at this end of the street Ever since they moved the Christmas Tree Lighting from City Park our traffic is worst Paid help for the day and only had 4 sales
- Not really. Advertising is the key
- Benicia Main Street does a good job Don't know what more you could do Weather was bad
- Great day--the store was packed
- People don't seem to understand how the event works Not sure whether it helped. Rain and bad economy Things are hard for me right now.
- Weather was bad. Benicia Main Street does a great job
- No
- Don't feel the event made a difference
- No people in our area
- Pouring rain, no fault of Benicia Main Street

DRAFT
MINUTES OF THE REGULAR MEETING
OPEN GOVERNMENT COMMISSION
May 31, 2011

The regular meeting of the Open Government Commission of the City of Benicia was called to order by Chair James Wallace at 5:00 p.m. on Monday, May 31, 2011 in the Commission Room, City Hall, 250 East L Street, complete proceedings of which are recorded on CD.

ROLL CALL:

Present: Chair James Wallace, Vice Chair James Pucci, Commissioner Larry Fullington, and Commissioner Annie Lloyd,

Excused Absence:

Absent:

PLEDGE OF ALLEGIANCE:

Chair James Wallace led the pledge to the flag.

FUNDAMENTAL RIGHTS OF PUBLIC:

James Wallace announced that a plaque stating the Fundamental Rights of each member of the public is posted at the entrance to the Commission Room per Section 4.04.030 of City of Benicia Ordinance No. 05-6 (Open Government Ordinance).

ELECTION OF OFFICER-Sergeant at Arms

By motion of Commissioner Fullington and second by Vice Chair Pucci, and approved by roll call vote, Commissioner Lloyd was elected Sergeant at Arms.

Ayes: Chair James Wallace, Vice Chair Pucci, Commissioner Lloyd, and Commissioner Larry Fullington.

Noes: None

Abstain: None

PUBLIC COMMENT:

Mr. Langston addresses the Open Government Commission by stating that he wants to discuss a non- agenda item. The city council on October 12, 2010 instructed the city attorney to prepare ballot language to eliminate the elected city treasurer position. Mr. Langston expressed his disappointment in the commission that they were not advised or consulted. This issue has been on the back burner for 7 months. The city has had the elected city treasurer position since its founding and for a number of reasons the city council feels that the position should be eliminated. Mr. Langston expresses his disappointment that it is not before this commission. He thinks that staff should have brought this to the Open Government Commission.

Heather Mc Laughlin notes that it is on for council meeting June 7, 2011.

Jon Van Landschoot comments that he hopes that the four commissioners remain on the Open Government Commission and fulfill their full term.

A. Public Comment:

Susan Street-Reads the goal of the Open Government Commission, which states: “It is the goal of the Open Government Commission to make it easier for people to access city government so that they may be more informed about what their city is doing so they may be involved in a more meaningful and knowledgeable way.” That is why we are coming to you to talk about possibilities of Open Government looking at some of these things. Has a lot of enthusiasm for the organizations in this town. Feels very fortunate to be apart of this wonderful town. She is impressed with the new BACC commission and appreciative of their methods of operating with best practices as Heather mentioned in her notes to you. I am hoping you would be interested in reviewing the system of taxpayers’ investments going into various groups, helping to fund these groups, which I appreciate. I do not want you to be operationally involved. Interested in the outcome of the publics’ dollars. A few people would like to speak regarding equity, accountability and public reporting.

Pat Ryll-Thanks Heather for the report and the label of the best practices. Thanks the commissioners for their time they put in and the job they do. There are several different ways to make the process equitable. Trying to make the process equitable with what happens to our taxpayers’ dollars. Wants to make it fair and equitable for all across the board that is pretty much why I am here.

Jon Van Landschoot: Are we getting our bang for our buck? There are different processes with how they get the money and how it is accounted for. The accountability is what concerns them. EDB and the finance director get accountability reports but the format is not the same. There are some groups that get a few bucks and a few that get a few hundred. The reports should be understandable. The reports should be timely and regular it should all be standardized.

Judie Donaldson: My area is called the “so what question.” We all know that the city functions on an annual budget cycle, we have been hearing a lot about that lately. Every year the awards are granted or some of them are for two years. How do the citizens know what in fact the outcome of the investments are of these investments. They report on the activity but what are the results? How do we know that? Thinks it’s great that Benicia makes these grants and supports these organizations impacts the quality of life. Thinks it would be great to have a meeting at the end of the year to celebrate the work of all these organizations that we are very fortunate to have the city invest in.

Susan Street-We would love to help if there was something that we could do. We don’t want to come here and then throw it on your shoulders. If there is a way to create or figure out a gathering or sub-committees or something to investigate who does what do whom we would love to volunteer our time. A gathering of some sort would be good so all the grantees could learn about who gets what (not precisely), or how you go about making an application or being apart of this whole system. I don’t think it is real clear to everybody. We are enthused about Benicia and I think the taxpayers are enthused about Benicia. We hope that the Open Government Commission would be enthused about

reviewing the system of taxpayers' investments and the processes of which they operate. We are not asking for changes we are asking for investigation and elaboration on which the city is doing with the taxpayers' money.

ANNOUNCEMENTS/PRESENTATIONS:

ANNOUNCEMENTS: None.

PRESENTATIONS: None.

ADOPTION OF AGENDA:

By motion of Commissioner Pucci and seconded by Commissioner Lloyd, the adoption of the agenda was approved accepted and approved by roll call vote.

Ayes: Chair James Wallace, Vice Chair Pucci, Commissioner Lloyd, and Commissioner Larry Fullington

Noes: None

Abstain: None

CONSENT CALENDAR:

A. Approval of April 11, 2011 minutes:

By motion of Commissioner Lloyd and second by Commissioner Pucci, the minutes of the April 11, 2011 Regular meeting were accepted and approved, by roll call vote.

Ayes: Chair James Wallace, Vice Chair Pucci, Commissioner Lloyd, and Commissioner Larry Fullington

Noes: None

Abstain: None

COMMISSION TRAINING:

The City Attorney suggested that the training be tabled for the July 6, 2011 special meeting.

INFORMATION ITEMS: None

PUBLIC HEARINGS: None

ACTION ITEMS:

A. **Review Proposed Amendment to Ordinance No. 09-12 Section 1.42.110**
“Candidate Debate” Forum (City Attorney)

The city council reviewed the proposed changes to the ordinance and made a few recommended additional changes. Additional language referring to “hit pieces” was added to the ordinance. **Recommended Action:** By motion of Commissioner Pucci and seconded by Commissioner Lloyd, the adoption of the proposed amendments by council

to Ordinance No. 09-12 Section 1.42.110 have been accepted and approved by roll call vote.

Ayes: Chair James Wallace, Vice Chair Pucci, Commissioner Lloyd, and Commissioner Larry Fullington

Noes: None

Abstain: None

B. **Discussion and Application of the Open Government Ordinance to City Funded Groups.** (City Attorney)

At the Commission's April meeting, members of the public requested that the Commission discuss in more detail non-profit organizations that receive city funding. The City Attorney drafted a staff report and provided it to the commissioners regarding this topic. It was discussed among the commissioners that the non-profits that receive city funds have the same accountability and that the process be the same for everyone across the board. It was recommended to council that they continue for grantees the best practices that are in line with the best practices that are already followed by the Arts & Culture Commission and Human Services Board with the addition of an annual report. They also recommended that those procedures already in the contract with Main Street continue to be the same kinds of reporting expected by anyone receiving city funds.

Recommended Action: By Motion of Chair Wallace and seconded by Commissioner Lloyd, the adoption of the best practices has been accepted and approved by roll call vote.

Ayes: Chair James Wallace, Vice Chair Pucci, Commissioner Lloyd, and Commissioner Larry Fullington

Noes: None

Abstain: None

COMPLAINT/PETITION HEARING: None.

COMMENTS FROM COMMISSION MEMBERS: None.

FUTURE AGENDA ITEMS:

NEXT MEETING DATE: TBD.

ADJOURNMENT:

Chair James Wallace adjourned the meeting at 6:10 p.m.

AGENDA ITEM
CITY COUNCIL MEETING DATE - JULY 5, 2011
BUSINESS ITEMS

DATE : June 27, 2011
TO : City Manager
FROM : Parks and Community Services Director
SUBJECT : **NAMING OF THE NINTH STREET LAUNCHING FACILITY PARK**

RECOMMENDATION:

The Parks, Recreation and Cemetery Commission is recommending to acknowledge and recognize the park at Ninth Street Launching Facility, and name it Alvarez Ninth Street Park, after retiring Parks and Community Services Director Michael Alvarez.

EXECUTIVE SUMMARY:

The Parks, Recreation and Cemetery Commission, at the suggestion of Ms. Bonnie Silveria and local citizens is recommending to acknowledge and recognize the park at Ninth Street Launching Facility, and name it Alvarez Ninth Street Park, after retiring Parks and Community Services Director Michael Alvarez.

BUDGET INFORMATION:

Cost of the sign is approximately \$1,500 and there is adequate funding in account # 010-9505-8124 to fund the project.

BACKGROUND:

Upon learning of Mr. Alvarez's retirement a group of local citizens, headed by Ms. Bonnie Silveria, a life-long resident and past Chair of the Parks, Recreation & Cemetery Commission, expressed its desire to honor Mike's exemplary service by dedicating a park in his name. The group determined that the appropriate park would be Ninth Street Launching Facility, the first park he developed for the City of Benicia in 1979.

At the June 8, 2011, Parks, Recreation, and Cemetery Commission meeting, Ms. Bonnie Silveria and several local citizens requested an opportunity to discuss and recommend acknowledging and recognizing the park at Ninth Street Launching Facility, and naming it Alvarez Park. After receiving public input and a thorough discussion, the Commission along with the approval of Ms. Silveria revised the original proposal name of Alvarez Park to Alvarez Ninth Street Park. The motion was unanimously approved with a 5-0 vote. If approved this evening the existing "Ninth Street Launching Facility" sign will remain and a new sign recognizing an

acknowledging Mr. Alvarez will be located at the east entrance to the park. Provided for your information is the letter that was submitted by Ms. Silveria to the Parks, Recreation, and Cemetery Commission.

The City has no formal naming policy. Naming of recreation facilities is done by a recommendation from the Parks, Recreation & Cemetery Commission to the City Council. In recent years, a playing field at Benicia Community Park was named after Dan Moitoza (2002). In 1986 West 12th Street Park was renamed to Turner Shipyard Park at the suggestion of Peggy Martin to the Commission who forwarded the idea to the Council.

In July 2011 Mr. Alvarez will retire from his position as Benicia's Director of Parks & Community Services Department. Mike began his 33-year career with the City of Benicia in December of 1978 and was the first to ever to hold the title of Director of Parks & Recreation as the position was newly created to encompass both divisions.

When Mike began his work as Director in 1978, Benicia was a small community with a population of approximately 12,000, a parks and recreation facilities system consisting of 13 parks and recreation facilities, and few community programs. Simultaneously, a major housing development named Southampton was getting underway and Benicia's population would begin growing by approximately 1,000 persons per year. There was clearly a need for an expansion of the parks and community services programs. These programs would also need to provide the necessary revenue to fund this expansion. Needless to say, during Mike's 33-year-long career with the City of Benicia, the Parks and Community Services program has expanded to meet the community's quickly growing needs and to admirably serve our current population of approximately 29,000. The parks system now consists of 41 parks and recreation facilities ranging from waterfront parks and trails, neighborhood and open space parks to sports complexes. The community services program currently consists of approximately 150 programs, which serve our citizens from toddlers to seniors with program revenues exceeding \$1 million annually.

As the Parks & Community Services Director, Mike has taken on many additional duties, i.e., coordination of the management of the Benicia Marina lease, city building maintenance, capital improvement management, and maintenance of Benicia's school sports facilities.

Some of the department's accomplishments under Mike's direction that we as a community can be most proud of are the restoration of the historic Commanding Officer's Quarters and the seismic retrofitting of our historic Clocktower. Many of these projects would not have come to fruition without Mike's aggressive pursuit of grant monies to fund them.

VIII.B.2

Other projects Benicia enjoys and can be proud of are the First Street Peninsula improvements, Lake Herman Recreation Area, Fitzgerald Field and Benicia Community Park sports field lights, James Lemos Pool Center improvements, bocce ball courts, the X-Park skate facility, the Phenix Dog park and the numerous waterfront improvements including the Ninth Street launch ramp, First Street fishing pier, pedestrian paths and street end parks. In 1991 and 1995 Benicia's park system won two statewide awards for design for Jack London Park and the Benicia Community Park.

Staff and Ms. Silveria are available to answer any questions you may have this evening.

Attachments:

- Letter submitted
- Resolution

DATE May 24, 2011
TO Benicia Parks, Recreation and Cemetery Commission
FROM Bonnie Silveria
SUBJECT Ninth Street Launching Facility

I am making this request not on just my behalf, but as one of many former Commissioners who served with Mike Alvarez as Director of Benicia Parks & Community Services. I make this request on behalf of all the people young and not so young that have played on the many ball fields, soccer fields, tennis courts, enjoyed water sports or just enjoyed one of our great parks.

Benicia had only a handful of parks and a couple of ball fields when Mike began his career with the City of Benicia. With his management and development skills we now enjoy dozens of well kept parks, ball fields, fishing piers, tennis courts, etc.

Mike Alvarez has been head of a winning team for many years. His management of that team has helped give us the gift of a great "Quality of Life". This gift is something we all enjoy and are very proud of. It is one of the things that make Benicia special.

Please take my suggestion and recommend to the City Council that the park at the Ninth Street Launching Facility be named in Mike's honor. This was the first park that Mike developed during his 33 year long career with the City of Benicia. I believe this is an appropriate and fitting name for this park.

Respectfully yours,

Bonnie Silveria

RESOLUTION NO. 11-

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BENICIA NAMING THE PARK AT NINTH STREET LAUNCHING FACILITY, ALVAREZ NINTH STREET PARK, AFTER RETIRING PARKS AND COMMUNITY SERVICES DIRECTOR MICHAEL ALVAREZ

WHEREAS, the Parks, Recreation and Cemetery Commission heard a presentation requesting that the park at Ninth Street Launching Facility is named Alvarez Ninth Street Park, after Michael Alvarez; and

WHEREAS, the Commission felt it would be appropriate to name the park after Michael Alvarez for his 33 years of service as the Parks and Community Services Director; and

WHEREAS, Michael has been a resident in Benicia for 33 years, and was involved with Little League Baseball for 14 years as a coach, Main Street volunteer for 6 years, and a coach for PAL Softball; and

WHEREAS, among many, Michael was instrumental in the design and development of Ninth Street Launching Facility and park, First Street Peninsula improvements, Lake Herman Recreation Area, Fitzgerald Field, Phenix Dog Park, and the James Lemos Aquatic Center improvements; and

WHEREAS, Michael has increased the number of parks and recreation facilities from thirteen to forty-one over his career; and

WHEREAS, after careful consideration and deliberation, the Parks, Recreation and Cemetery Commission felt it would be appropriate to honor Michael Alvarez by approving a recommendation to the City Council to name the park at the Ninth Street Launching Facility, Alvarez Ninth Street Park.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Benicia hereby name the park at Ninth Street Launching Facility, Alvarez Ninth Street Park.

* * * * *

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 5th day of July, 2011 and adopted by the following vote:

Ayes:

Noes:

Absent:

Elizabeth Patterson, Mayor

ATTEST:

Lisa Wolfe, City Clerk

AGENDA ITEM
CITY COUNCIL MEETING DATE - JULY 5, 2011
BUSINESS ITEMS

DATE : June 28, 2011

TO : City Council

FROM : City Manager

SUBJECT : **DISCUSSION OF REDISTRICTING MAPS FOR THE CITY OF BENICIA**

RECOMMENDATION:

Discuss and review the first draft redistricting maps from the State Citizens Redistricting Commission and the Solano County Board of Supervisors Preferred Alternate map of Solano County.

EXECUTIVE SUMMARY:

As requested by Council Member Schwartzman and approved by City Council at the June 21, 2011 council meeting, staff is providing information on the redistricting process. In November 2008, voters approved Proposition 11—the Voters FIRST Act (Act) authorizing the creation of a new 14-member Citizens Redistricting Commission, who will be responsible for drawing the district lines for the State Senate, Congress, Assembly, and State Board of Equalization. Boundaries for major elective offices are redrawn every 10 years following the U.S. Census. The Comment period has passed for the first set of maps but additional opportunities for comment may be available.

BUDGET INFORMATION:

There is no budget impact.

GENERAL PLAN:

N/A

STRATEGIC PLAN:

N/A

BACKGROUND:

Once every 10 years, the federal Census shows us how communities have changed. Redistricting is the process of changing the boundaries of political districts so roughly the same number of people live in every Senate, Assembly, Congressional and Board of Equalization District so that each Senator, Assembly member and Board of Equalization member represents approximately the same

number of people.

The Voters FIRST Act (Act), which voters approved in November 2008 as Proposition 11, changed who redraws the political boundaries for the California Senate, Assembly and Board of Equalization districts. The Act shifts the responsibility for redrawing these boundaries from lawmakers to a new 14-member Citizens Redistricting Commission (Commission). The Commission has been committed to drawing the district lines in partnership with the people of California and has held an unprecedented 23 public input hearings throughout the state hearing testimony from 1,533 individuals and received comment from thousands of others in writing, including a meeting here in Benicia on June 11, 2011 hosted by the League of Women Voters.

On June 10, 2011, the Commission released its first set of Draft Maps for Assembly, Senate, Congress and the Board of Equalization districts which can viewed at: <http://wedrawthelines.ca.gov/maps-first-drafts.html>. The public comment period for these maps ended on June 28, 2011. The second drafts of the maps will be released July 14 with a short undetermined comment period, and the final maps of the new districts, is required by law to be completed by August 15, 2011. At this time, the first draft of the maps is available for viewing, but the comment period has ended. When the second draft of the maps are released on July 14th, 2011 there will be a short comment period, but in the interest of time, if Council has individual comments they can submit them to the commission, toll free at 1-866-356-5217 or via e-mail at votersfirstact@crc.ca.gov or by using the form at: <http://wedrawthelines.ca.gov/contact.html>.

The Solano County supervisors took comments on a preferred redistricting plan on June 28th but a vote on the plan has been delayed a week. The Board did vote on a preferred map to be discussed during a public hearing at a special meeting to be held on July 6 at 3 p.m. for the Board to consider approving the plan and directing staff to prepare an ordinance. The ordinance would be introduced on July 26. Benicia will still be in District 2, which includes all of Benicia and parts of Vallejo, Cordelia and Green Valley. It is important for Benicia for its District to include the entire City to maintain its influence.

Attachments:

- ❑ California Citizen's Redistricting Commission - Public Hearing Schedule
- ❑ California Citizen's Redistricting Commission - Public Input Hearings Round Two

California Citizen's Redistricting CommisPublic Hearing Schedule

Mon Jun 27, 2011

6pm - 9pm San Fransisco Input

Calendar: California Citizen's Redistricting CommisPublic Hearing Schedule

Tue Jun 28, 2011

6pm - 9pm Sacramento Input

Calendar: California Citizen's Redistricting CommisPublic Hearing Schedule

Wed Jun 29, 2011

CRC Directs Line Drawer

Wed Jun 29, 2011 - Thu Jun 30, 2011

Where: McGeorge School of Law

Calendar: California Citizen's Redistricting CommisPublic Hearing Schedule

McGeorge Law School

Wed Jun 29, 2011 - Thu Jun 30, 2011

Calendar: California Citizen's Redistricting CommisPublic Hearing Schedule

8am - 5pm Available All day

Calendar: California Citizen's Redistricting CommisPublic Hearing Schedule

Thu Jun 30, 2011

No CRC Meeting

Thu Jun 30, 2011 - Fri Jul 1, 2011

Calendar: California Citizen's Redistricting CommisPublic Hearing Schedule

Fri Jul 1, 2011

CRC Directs Line Drawer/Business Mtg

Fri Jul 1, 2011 - Sat Jul 2, 2011

Calendar: California Citizen's Redistricting CommisPublic Hearing Schedule

McGeorge Law School

Fri Jul 1, 2011 - Sat Jul 2, 2011

Calendar: California Citizen's Redistricting CommisPublic Hearing Schedule

Sat Jul 2, 2011

CRC Directs Line Drawer/Business Mtg.

Sat Jul 2, 2011 - Sun Jul 3, 2011

Calendar: California Citizen's Redistricting CommisPublic Hearing Schedule

McGeorge Law School

Sat Jul 2, 2011 - Sun Jul 3, 2011

Calendar: California Citizen's Redistricting CommisPublic Hearing Schedule

California Citizen's Redistricting CommisPublic Hearing Schedule

Sun Jul 3, 2011

CRC Directs Line Drawer/Business Mtg.

Sun Jul 3, 2011 - Mon Jul 4, 2011

Calendar: California Citizen's Redistricting CommisPublic Hearing Schedule

McGeorge Law School

Sun Jul 3, 2011 - Mon Jul 4, 2011

Calendar: California Citizen's Redistricting CommisPublic Hearing Schedule

Tue Jul 5, 2011

Business Meeting (If Necessary)

Tue Jul 5, 2011 - Wed Jul 6, 2011

Where: McGeorge School of Law

Calendar: California Citizen's Redistricting CommisPublic Hearing Schedule

McGeorge Law School

Tue Jul 5, 2011 - Wed Jul 6, 2011

Calendar: California Citizen's Redistricting CommisPublic Hearing Schedule

Wed Jul 6, 2011

Business Meeting

Wed Jul 6, 2011 - Thu Jul 7, 2011

Where: McGeorge School of Law

Calendar: California Citizen's Redistricting CommisPublic Hearing Schedule

McGeorge Law School

Wed Jul 6, 2011 - Thu Jul 7, 2011

Calendar: California Citizen's Redistricting CommisPublic Hearing Schedule

Thu Jul 7, 2011

Commission Directs Line Drawer and Bs. Mtg

Thu Jul 7, 2011 - Fri Jul 8, 2011

Where: McGeorge School of Law

Calendar: California Citizen's Redistricting CommisPublic Hearing Schedule

Fri Jul 8, 2011

Commission Directs Line Drawer

Fri Jul 8, 2011 - Sat Jul 9, 2011

Calendar: California Citizen's Redistricting CommisPublic Hearing Schedule

McGeorge Law School

Fri Jul 8, 2011 - Sat Jul 9, 2011

Calendar: California Citizen's Redistricting CommisPublic Hearing Schedule

California Citizen's Redistricting CommisPublic Hearing Schedule

Sat Jul 9, 2011

Business Meeting (if Necessary)

Sat Jul 9, 2011 - Sun Jul 10, 2011

Calendar: California Citizen's Redistricting CommisPublic Hearing Schedule

McGeorge Law School

Sat Jul 9, 2011 - Sun Jul 10, 2011

Calendar: California Citizen's Redistricting CommisPublic Hearing Schedule

Sun Jul 10, 2011

Business Meeting (If Necessary)

Sun Jul 10, 2011 - Mon Jul 11, 2011

Calendar: California Citizen's Redistricting CommisPublic Hearing Schedule

McGeorge Law School

Sun Jul 10, 2011 - Mon Jul 11, 2011

Calendar: California Citizen's Redistricting CommisPublic Hearing Schedule

Mon Jul 11, 2011

Business Meeting

Mon Jul 11, 2011 - Tue Jul 12, 2011

Calendar: California Citizen's Redistricting CommisPublic Hearing Schedule

McGeorge Law School

Mon Jul 11, 2011 - Tue Jul 12, 2011

Calendar: California Citizen's Redistricting CommisPublic Hearing Schedule

Tue Jul 12, 2011

McGeorge Law School

Tue Jul 12, 2011 - Wed Jul 13, 2011

Calendar: California Citizen's Redistricting CommisPublic Hearing Schedule

Presentation/Discussion of 2nd Draft Maps

Tue Jul 12, 2011 - Wed Jul 13, 2011

Calendar: California Citizen's Redistricting CommisPublic Hearing Schedule

Wed Jul 13, 2011

McGeorge Law School

Wed Jul 13, 2011 - Thu Jul 14, 2011

Calendar: California Citizen's Redistricting CommisPublic Hearing Schedule

Presentation/Discussion of 2nd Draft Maps

Wed Jul 13, 2011 - Thu Jul 14, 2011

Calendar: California Citizen's Redistricting CommisPublic Hearing Schedule

California Citizen's Redistricting CommisPublic Hearing Schedule

Thu Jul 14, 2011

Vote on and Release of 2nd Draft Maps

Thu Jul 14, 2011 - Fri Jul 15, 2011

Calendar: California Citizen's Redistricting CommisPublic Hearing Schedule

Fri Jul 15, 2011

Business Meeting (If Necessary)

Fri Jul 15, 2011 - Sat Jul 16, 2011

Calendar: California Citizen's Redistricting CommisPublic Hearing Schedule

Sat Jul 16, 2011

Business Meeting (If Necessary)

Sat Jul 16, 2011 - Sun Jul 17, 2011

Calendar: California Citizen's Redistricting CommisPublic Hearing Schedule

Sun Jul 17, 2011

Business Meeting (If Necessary)

Sun Jul 17, 2011 - Mon Jul 18, 2011

Calendar: California Citizen's Redistricting CommisPublic Hearing Schedule

Mon Jul 18, 2011

Business Meeting (If Necessary)

Mon Jul 18, 2011 - Tue Jul 19, 2011

Calendar: California Citizen's Redistricting CommisPublic Hearing Schedule

Tue Jul 19, 2011

Business Meeting (If Necessary) Location TBD

Tue Jul 19, 2011 - Wed Jul 20, 2011

Calendar: California Citizen's Redistricting CommisPublic Hearing Schedule

Wed Jul 20, 2011

Business Meeting

Wed Jul 20, 2011 - Thu Jul 21, 2011

Calendar: California Citizen's Redistricting CommisPublic Hearing Schedule

Thu Jul 21, 2011

Business Meeting

Thu Jul 21, 2011 - Fri Jul 22, 2011

Calendar: California Citizen's Redistricting CommisPublic Hearing Schedule

Fri Jul 22, 2011

Business Meeting

Fri Jul 22, 2011 - Sat Jul 23, 2011

Calendar: California Citizen's Redistricting CommisPublic Hearing Schedule

California Citizen's Redistricting CommisPublic Hearing Schedule

Sat Jul 23, 2011

Business Meeting (If Necessary)

Sat Jul 23, 2011 - Sun Jul 24, 2011

Calendar: California Citizen's Redistricting CommisPublic Hearing Schedule

Sun Jul 24, 2011

Business Meeting (If Necessary)

Sun Jul 24, 2011 - Mon Jul 25, 2011

Calendar: California Citizen's Redistricting CommisPublic Hearing Schedule

Mon Jul 25, 2011

Business Meeting (If Necessary)

Mon Jul 25, 2011 - Tue Jul 26, 2011

Calendar: California Citizen's Redistricting CommisPublic Hearing Schedule

Tue Jul 26, 2011

Business Meeting

Tue Jul 26, 2011 - Wed Jul 27, 2011

Calendar: California Citizen's Redistricting CommisPublic Hearing Schedule

Wed Jul 27, 2011

Business Meetingbg

Wed Jul 27, 2011 - Thu Jul 28, 2011

Calendar: California Citizen's Redistricting CommisPublic Hearing Schedule

Thu Jul 28, 2011

Vote on Final Maps

Thu Jul 28, 2011 - Fri Jul 29, 2011

Calendar: California Citizen's Redistricting CommisPublic Hearing Schedule

Fri Jul 29, 2011

Business Meeting (If Necessary)

Fri Jul 29, 2011 - Sat Jul 30, 2011

Calendar: California Citizen's Redistricting CommisPublic Hearing Schedule

Sat Jul 30, 2011

Business Meeting (If Necessary)

Sat Jul 30, 2011 - Sun Jul 31, 2011

Calendar: California Citizen's Redistricting CommisPublic Hearing Schedule

Sun Jul 31, 2011

Business Meeting (If Necessary)

Sun Jul 31, 2011 - Mon Aug 1, 2011

Calendar: California Citizen's Redistricting CommisPublic Hearing Schedule



PUBLIC INPUT HEARINGS ROUND TWO

Now the Commission is beginning a new series of public input hearings to receive additional testimony from the public. On June 10, 2011, the Commission released its first set of Draft Maps for Assembly, Senate, Congress and the Board of Equalization districts.

➤ **How did the Commission decide where to draw the lines?**

The Commission followed the prioritized criteria found in the California Constitution:

1. Draw districts with equal population, based on the U.S. Constitution
2. Comply with the federal Voting Rights Act to ensure minority voters have an equal opportunity to elect candidates of their choice.
3. Draw districts that are contiguous, so that a district is connected at all points.
4. Respect cities, counties, communities of interest and neighborhoods to the extent possible without violating the requirements of the preceding criteria.
5. Draw districts to be compact, where practicable, and where it does not conflict with the preceding criteria.
6. Draw districts to nest within each other, where practicable. For example, one Senate districts contains two Assembly districts, or one Board of Equalization district contains ten Senate districts.
7. Do not consider an incumbent or political candidate's residence in creating a district.

In addition, the Commission relied on testimony provided by the public at 23 input hearings, online, by fax and mail, describing their "communities of interest." This testimony included descriptions of shared common social and economic interests such as similar living standards, similar work opportunities, shared transportation, education systems and health facilities. It also included descriptions of geographic features such as watersheds, mountains, agricultural areas and environmental concerns.

➤ **What information is the Commission looking for in Round Two?**

The Commission needs to hear what the public thinks of the first Draft Maps.

- Do you think the Commission understood your testimony about your community of interest? Do you think we did not have enough testimony about your community of interest?
- Do you have a suggestion that would make your district better reflect the interests of its residents, for example by moving the boundaries to include (or exclude) certain areas?

➤ **How should testimony be given at Round Two Input Hearings?**

Depending on the number of people wishing to speak, the Commission Chair will announce the time available for each speaker. This has generally been up to two minutes. If you have written materials for the Commission, they may be handed to staff. In all cases, the more you can describe "why" a community should be together, the more valuable your testimony will be.

