

AGENDA VALLEJO CITY COUNCIL MAY 1, 2007

MAYOR Anthony Intintoli, Jr

CITY COUNCIL
Gary Cloutier, Vice Mac
Gerald Davis
Tom Bartee
Hermie Sunga
Stephanie Gomes
Tony Pearsall

City Hall 555 Santa Clara Street Vallejo, CA 94590

This AGENDA contains a brief general description of each item to be considered. The posting of the recommended actions does not indicate what action may be taken. If comments come to the City Council without prior notice and are not listed on the AGENDA, no specific answers or response should be expected at this meeting per State law.

Those wishing to address the Council on any matter for which another opportunity to speak is not provided on the AGENDA but which is within the jurisdiction of the Council to resolve may come forward to the podium during the "COMMUNITY FORUM" portion of the AGENDA. Those wishing to speak on a "PUBLIC HEARING" matter will be called forward at the appropriate time during the public hearing consideration.

Copies of written documentation relating to each item of business on the AGENDA are on file in the Office of the City Clerk and are available for public inspection. Information may be obtained by calling (707) 648-4527, TDD (707) 649-3562, or at our web site: http://www.ci.vallejo.ca.us/

The Vallejo Sanitation & Flood Control District is located at 450 Ryder Street, (707) 644-8949. A public agenda book is available at the District Office during regular business hours for those desiring additional information on agenda items.



Vallejo City Council Chambers is ADA compliant. Devices for the hearing impaired are available from the City Clerk. Requests for disability related modifications or accommodations, aids or services may be made by a person with a disability to the City Clerk's office no less than 72 hours prior to the meeting as required by Section 202 of the Americans with Disabilities Act of 1990 and the federal rules and regulations adopted in implementation thereof.

VALLEJO CITY COUNCIL REGULAR MEETING 7:00 P.M. -- CITY COUNCIL CHAMBERS

- CALL TO ORDER
- 2. PLEDGE OF ALLEGIANCE
- 3. ROLL CALL
- 4. PRESENTATIONS AND COMMENDATIONS
 - A. PRESENTATION OF PROCLAMATION DECLARING MAY AS TOURISM MONTH IN VALLEJO PRESENTED TO MIKE BROWN, EXECUTIVE DIRECTOR OF THE VALLEJO CONVENTION & VISITORS BUREAU

5. PUBLIC COMMENT REGARDING CONSENT CALENDAR ITEMS

Members of the public wishing to address the Council on Consent Calendar Items are requested to submit a completed speaker card to the City Clerk. Each speaker is limited to three minutes pursuant to Vallejo Municipal Code Section 2.02.310. Requests for removal of Consent Items received from the public are subject to approval by a majority vote of the Council. Items removed from the Consent Calendar will be heard immediately after approval of the Consent Calendar and Agenda.

6. CONSENT CALENDAR AND APPROVAL OF AGENDA

All matters are approved under one motion unless requested to be removed for discussion by a Councilmember, City Manager, or member of the public subject to a majority vote of the Council.

A... CONSIDERATION OF RESOLUTION OF INTENTION TO AMEND THE FIRE DEPARTMENT BUDGET FOR FISCAL YEAR 2006-07 TO ACCEPT THE BAY AREA SUPER URBAN AREA SECURITY INITIATIVE CITIZEN PREPAREDNESS GRANT IN THE AMOUNT OF \$35,000 AND TO APPROPRIATE THE SAME AMOUNT FOR THE PURCHASE OF EQUIPMENT, MATERIALS AND SUPPLIES FOR THE CITIZEN PREPAREDNESS TRAINING PROGRAM

PROPOSED ACTION: Adopt the Resolution of Intention to amend the Fire Department Fiscal Year 2006-07 budget to accept the Bay Area Super Urban Area Security Initiative Citizens Preparedness Grant in the amount of \$35,000 and to appropriate the same amount for the purchase of equipment, training materials and supplies for the ALERT Program.

- B. APPROVAL OF MINUTES OF MARCH 6, AND APRIL 24, 2007
 - PROPOSED ACTION: Approve the minutes.
- C. APPROVAL OF A RESOLUTION TO AMEND THE FISCAL YEAR 2006/2007 HOME INVESTMENT PARTNERSHIPS PROGRAM BUDGET AND AUTHORIZING THE CITY MANAGER TO EXECUTE LOAN AMENDMENTS AND RELATED DOCUMENTS BETWEEN THE CITY OF VALLEJO AND VALLEJO NEIGHBORHOOD HOUSING SERVICES (VNHS), INC., RELATED TO GRAHAM GARDENS PROJECT
 - PROPOSED ACTION: Adopt the resolution amending the FY 2006/2007 HOME Program Budget; and authorizing the City Manager to execute loan amendments and related documents as may be necessary by and between the City of Vallejo and Vallejo Neighborhood Housing Service, Inc., for an additional amount of \$220,000 in HOME CHDO funds for the Graham Gardens Project.
- D APPROVAL OF A RESOLUTION AMENDING THE POLICE DEPARTMENT BUDGET FOR FISCAL YEAR 2006-07 TO ACCEPT A GRANT FROM THE CALIFORNIA DEPARTMENT OF CORRECTIONS AND REHABILITATION IN THE AMOUNT OF \$208,333 AND TO APPROPRIATE THE SAME AMOUNT FOR THE IMPLEMENTATION OF THE GRANT

On April 17, 2007, Council approved a resolution of intent to amend the Police Department Budget by appropriating \$208,333 for the implementation of a grant from the California Department of Corrections and Rehabilitation. Acceptance of the grant award was approved by Council at the same meeting. To finalize this action, approval of a final resolution amending the Police Department Budget is required.

<u>PROPOSED ACTION</u>: Adopt a resolution amending the Police Department Budget for Fiscal Year 2006-07 to accept a grant from the California Department of Corrections and Rehabilitation in the amount of \$208,333 and to appropriate the same amount for the implementation of the grant. On April 17, 2007, Council approved a resolution of intent to make this amendment.

- 7. PUBLIC HEARINGS NONE
- 8. POLICY ITEMS NONE
- 9. ADMINISTRATIVE ITEMS
 - A. CONSIDERATION OF A RESOLUTION 1) ALLOCATING FISCAL YEAR 2007/2008 AND 2008/2009 FEDERAL COMMUNITY DEVELOPMENT BLOCK GRANT AND HOME INVESTMENT PARTNERSHIPS PROGRAM FUNDS, AND 2) APPROVING FISCAL YEAR 2007/2008 ACTION PLAN

As a condition of receiving Federal Community Development Block Grant (CDBG) and HOME Investment Partnerships Program funds, the City is required to prepare and submit an annual Action Plan to the U. S. Department of Housing and Urban Development (HUD). These funds may be used to provide affordable housing, neighborhood improvements, and social services that are consistent with the priority needs identified in the City's Consolidated Plan.

HUD has notified the City that in Fiscal Year (FY) 2007/2008, which begins July 1, 2007, it will receive \$1,208,550 and \$635,353 in CDBG and HOME Program funds, respectively. The City also anticipates receiving CDBG and HOME funds in FY 2008/2009. These amounts represent a less than one (1) percent (%) reduction in funding received under these programs in the current fiscal year. In addition, the City estimates it will receive \$200,000 each year in program income (revenue) from the operation of these programs.

After conducting a public hearing on April 5, the Community Development Commission voted unanimously to recommend CDBG funding and activities to the City Council for the next two years. Staff concurs with the recommendations of the Commission. Staff is also providing HOME Program funding recommendations for FYs 2007/2008 and 2008/2009 for the City Council's consideration.

PROPOSED ACTION: Adopt the enclosed resolution: (1) approving the City's Action Plan for FY 2007/2008, including the allocation of \$1,408,550 in CDBG and \$835,353 in HOME Program funds. This allocation of funds is contingent upon the satisfactory completion of environmental reviews and receipt by the City as applicable of a release of funds from HUD under 24 CFR Part 58; (2)

allocating anticipated FY 2008/2009 CDBG and HOME Program funds; (3) authorizing the City Manager or either of his designees to submit the City's FY 2007/2008 Action Plan and any related documents or amendments thereto, to HUD by or before May 15, 2007; and (4) authorizing the City Manager or either of his designees, and the Interim City Clerk to attest to, written agreements with the subrecipient agencies described in the attached staff report.

B. CONSIDERATION OF A RESOLUTION HOLDING ON FIRST READING AN ORDINANCE AMENDING SECTION 2.02.360 OF THE VALLEJO MUNICIPAL CODE RELATING TO THE PAYMENT OF CLAIMS

The purpose of this report is to request the Council adopt a resolution holding on first reading an Ordinance amending Vallejo Municipal Code Section 2.02.360, which governs the payment of claims. The current ordinance is drafted ambiguously as to whether the payment of claims requires prior City Council approval.

PROPOSED ACTION: Adopt the resolution holding on first reading an Ordinance amending Section 2.02.360 of the Vallejo Municipal Code relating to the payment of claims.

10. APPOINTMENTS TO BOARDS, COMMISSIONS, AND COMMITTEES - NONE

11. WRITTEN COMMUNICATIONS

Correspondence addressed to the City Council or a majority thereof, and not added to the agenda by the Mayor or a Council member in the manner prescribed in Government Code, Section 54954.2, will be filed unless referred to the City Manager for a response. Such correspondence is available for public inspection at the City Clerk's office during regular business hours.

- 12. CITY MANAGER'S REPORT
- 13. CITY ATTORNEY'S REPORT
- 14. COMMUNITY FORUM

Anyone wishing to address the Council on any matter for which another opportunity to speak is not provided on the agenda, and which is within the jurisdiction of the Council to resolve, is requested to submit a completed speaker card to the City Clerk. When called upon, each speaker should step to the podium, state his /her name, and address for the record. Each speaker is limited to three minutes pursuant to Vallejo Municipal Code Section 2.20.300.

15. REPORT OF THE PRESIDING OFFICER AND MEMBERS OF THE CITY COUNCIL

- **16. CLOSED SESSION:** May recess to consider matters of pending litigation (GC 54956.9), personnel (GC 54957), labor relations (GC 54957.6), and real property negotiations (GC 54956.8). Records are not available for public inspection.
- 17. ADJOURNMENT





Agenda Item No.

COUNCIL COMMUNICATION

Date:

TO:

Honorable Mayor and Members of the City Council

FROM:

Donald R. Parker, Fire Chief

SUBJECT:

Consideration of Resolution of Intention to Amend the Fire Department Budget for Fiscal Year 2006/2007 to Accept the Bay Area Super Urban Area

Security Initiative Citizen Preparedness Grant Award in the Amount of \$35,000 and to Appropriate the Same Amount for the Purchase of Equipment, Training Materials and Supplies for the Delivery of the Citizen Preparedness

Training Program "ALERT"

BACKGROUND AND DISCUSSION

The Vallejo Fire Department is the agency primarily responsible for Emergency Planning, Disaster Preparedness, and Emergency Management in the City of Vallejo. As such, the Department has been working to increase the City's overall level of preparedness for a major emergency event or large scale disaster in a number of ways. In addition to updating and expanding the City's Emergency Plan, convening the Disaster Council, working with Solano County OES on multiple county-wide response issues, and with various City Departments on Emergency Plans and Continuity of Operations Planning, the Fire Department is preparing to launch a citizen preparedness training program. This program, called "ALERT" for All Emergency Response Teams, is based on the national CERT (Community Emergency Response Team) concept, but is updated, enhanced, and a more complete training program.

This grant was procured in a competitive grant process open to both public and private organizations throughout the entire San Francisco Bay Area. The ALERT program concept was the only citizen team training program approved in the competition, and represents concepts that are new and innovative in curriculum, citizen recruitment, training and retention of volunteers. This grant will allow the start-up of the City-wide program by purchasing the equipment, training materials and supplies for the first year's delivery. This is a non-matching grant, and requires no additional funding from the City for these purchases.

RECOMMENDATION

Approve the Resolution of Intention to amend the Fire Department FY 2006-07 budget to accept the Bay Area Super Urban Area Security Initiative Citizen Preparedness Grant in the amount of \$35,000 and to appropriate the same amount for the purchase of equipment, training materials and supplies for the ALERT Program.

ALTERNATIVES CONSIDERED

No alternatives were considered to this due to the nature of the grant request.

ENVIRONMENTAL REVIEW

The adoption of this Resolution is not a Project under the California Environmental Quality Act ("CEQA") pursuant to section 15378 of Title 14 of the California Code of Regulations as it involves government fiscal activities, which do not involve any commitment to any specific project which may result in a potentially significant physical impact on the environment and no environmental review is required.

FISCAL IMPACT

When authorized, the Fire Department FY 2006-07 budget will be increased by \$35,000 in grant funding. In turn, an increase in the Fire Department's spending will be authorized by the same amount to purchase equipment, training materials and supplies for the ALERT Program.

PROPOSED ACTION

Approve the Resolution of Intention to amend the Fire Department FY 2006-07 budget to accept the Bay Area Super Urban Area Security Initiative Citizen Preparedness Grant in the amount of \$35,000 and to appropriate the same amount for the purchase of equipment, training materials and supplies for the ALERT Program.

DOCUMENTS AVAILABLE FOR REVIEW

- a. Resolution
- b. Equipment/materials list
- c. Grant narrative

CONTACT PERSON

Ann Cavanaugh, Captain/Training Officer 553-7270

RESOLUTION NO. 07-_____N.C.

BE IT RESOLVED by the Council of the City of Vallejo as follows:

WHEREAS, the Vallejo Fire Department has identified an opportunity to enhance Community Preparedness for Emergencies; and

WHEREAS, the Vallejo Fire Department has been awarded Bay Area Super Urban Area Security Initiative Citizen Preparedness Funds by successfully participating in the Competitive Grant Process; and

WHEREAS, acceptance of this Grant will provide an opportunity to improve community emergency preparedness and requires that the Fiscal Year 2006-2007 budget be amended.

NOW, THEREFORE, BE IT RESOLVED, that the Vallejo City Council hereby declares its intention to amend the Fire Department Fiscal Year 2006-07 budget in the amount of \$35,000 to allow for the acceptance of the Bay Area Super Urban Area Security Initiative Citizen Preparedness Grant and to appropriate the same amount for the purchase equipment, training materials and supplies for the ALERT Program.

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21GN-00-CCEQ	63.60	63.60 \$	\$	1	Hand truck, heavy duty
21GN-00-CCEQ	108.00	36.00 \$	\$	3cs	Spray Chalk, orange
09MS-01-TTAG	81.60	13.60 \$	S	6 bx	2" white medical tape
09MS-01-TTAG	32.90	16.40 \$	S	2ctn	Surveyor's Flagging Tape, Black
09MS-01-TTAG	32.90	16.40 \$	s	2ctn	Surveyor's Flagging Tape, Green
09MS-01-TTAG	32.90	16.40 \$	\$	2ctn	Surveyor's Flagging Tape, Yellow
09MS-01-TTAG	32.90	16.40 \$	\$	2ctn	Surveyor's Flagging Tape, Red
21GN-00-CCEQ	170.00	85.00 \$	ક	2cs	Caution Flagging Tape Day/Night Reflective
21GN-00-CCEQ	475.00	475.00 \$		_	Cribbing, "Crib pak"
21GN-00-CCEQ	91.80	45.90 \$	S	2	Pry Bar, 60inch
					Search& Rescue/Triage Curriculum supplies
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21GN-00-STAX/SHIP	875.00	S			Tax/Shipping/Handling
09MS-03-DSIN	18.00	1.50 \$	S	12	Cleaning Spray bottles
09ME-01BAGM	520.00	130.00 \$	ઝ	4	Storage Containers, Heavy duty
09ME-03-DSIN	84.00	42.00 \$	S	2cs	Cleaning Spray concentrate
09ME-03-DSIN	81.00	13.50 \$	છ	6cs	Bleach, 1 gal
09ME-03-DSIN	107.85	35.95 \$	S	3cs	Paper Towels
09ME-03-DSIN	53.85	17.95 \$	S	3Bx	Trash Bags

	lax/Shipping/handling	Instructor Shirts	Clip boards	Pens, snarpie	Easel, aluminum	Easel paper pads	pencil sharpeners	notepads, 81/2x11 lined	Pencils	Pens, Ball point	Pens, white board	White Board, portable	Instructor Text	Misc/Instructor Supplies			Tax/Shipping/Handling	Handlight	ID Card ALERT/DSW registry	Certificate of Completion	Bump Cap	Impact/Splash eye protection	Work Gloves	Vest	Shirt	Lanyard	ALERT Textbook	Student Supplies, Per Student
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Additional taxes, shipping charges and misc expenses		\$ 3200.00	
Budget: Equipment: Total		\$ 34753.09	

Bay Area SUASI Citizen Preparedness Grant Proposal Cover Page Vallejo Fire Department "ALERT" Program Development Group

Contact:
Captain Ann Cavanaugh
C/O Vallejo Fire Department
Training and EMS Divisions
703 Curtola Parkway
Vallejo Ca 94590
707-553-7270 - Office
707-553-7273 - Fax
acavanaugh@ci.vallejo.ca.us

Bay Area SUASI Citizen Preparedness Grant Proposal RFP #2007 S11

Federal Employer ID #94-6000448

Project Approach

ALERT Program Development Group

Section (a) Capabilities Enhancement

There is no question that the national standard CERT program enhances the capability of individuals to mitigate against, respond to, and recover from catastrophic events. It has proven successful all over the State of California, and went national due to its inherent value. Training people to help themselves and each other when emergency responders are overwhelmed is a time tested and proven methodology for citizen preparedness. Since its national adoption, the Federal model of the CERT curriculum has essentially remained unchanged since 1994. Although the addition of the section on terrorism was added after September 11, the core curriculum has been static, while emergency services best practices and technology have been moving forward at a high rate. The changing nature of today's world and the new challenges presented call for a new program- the ALERT program- All Emergency Response Teams.

In reviewing the Federal program, three key areas of concern are the quality of the presentation of the learning material, the medico-legal issues that are not addressed, and the motivation, recruitment, cohesion, and retention of volunteers. We've identified significant gaps in the program in these three key areas. Our curriculum development has been guided by retaining the effective basic learning points of the CERT program, but updating, expanding and improving the text and the delivery program. Our goals are to encourage easier learning, better assimilation and longer retention of the course material; to address the medico-legal issues and mitigate sponsoring agency liability; and to provide exercises, concepts, ideas and guiding principles for the motivation, recruitment, cohesion, and retention of volunteers in the program.

Section (b) Scope of Work

The overall scope of work required to meet these goals involves many tasks, some of which have already been accomplished by our project team. The first point that we addressed was the text itself, and the way the learning points are presented. The federal text, which most jurisdictions simply download and reproduce, needed a complete overhaul for organization and presentation for the adult learner. We began by deciding to retain all the current CERT Units- Preparedness, Fire Safety, Emergency Medical, Light Search and Rescue, Organization, Psychology, Terrorism, and the Disaster simulation. Then we reordered them into a more logical and effective way. For instance, our course outline teaches team organization immediately after personal and household preparedness, so that the students can begin using the correct terminology, and practice with activities documentation early in the course. This type of repeated exposure to new material such as ICS is critical to the process for adult learners. After reordering the delivery sequence, we began to add items to the curriculum to simplify tasks such as "Size Up" for fire fighting. Rather than the current 9 part, multi-page size up sequence that volunteers are expected to learn and follow when something is on fire, we've used the acronym F.I.R.E.- this stands for "Find a fire, Investigate the situation, Review your options, Exit or Extinguish. Under pressure, months after training, this has a much better chance of being retained by the volunteers and used in the real life situation.

We've also redesigned the overall layout of the text, including the widespread use of color, uses of new graphics to emphasize topics and concepts, and increased the size of the type face, placing all this in a much more visually stimulating and inviting format, encouraging the learner to read and retain the material. Another key element for the adult learner is our emphasis on motivating by empowering the student, rather than attempting to motivate through a more fear-based approach. The section on terrorism and pages on hazardous materials are examples of this fear-based approach. The text spends a significant number of pages describing the types of terrorism and all the frightening ways it can be carried out. Our curriculum does not emphasize the "how's" of terrorism, but rather provides for an open discussion about potential targets in our city, and much more of the "See something? Say something!" type of reaction guide that was so effective in calming and empowering New Yorkers after 9/11. This approach is the preferred method for teaching adult learners these types of topics, and will be much more effective in helping them assimilate the 'Be ALERT to Terrorism' message, which is "recognize it, report it and get away from it!" We don't want ALERT team members operating in or near possible Hazardous Materials Incidents or possible Acts of Terrorism, so we emphasize the recognition of these situations, reporting them and staying away. Lastly, our entire curriculum is designed to be presented in a more animated style and will have PowerPoint lectures for each of the newly fashion sections, covering each of their learning points, an including the same memory jogging pneumonic devices as the text, and the same symbols to allow easy mental association with concepts encountered while reading the book. For examples of the style of this more exciting format, please see the appendix of this document, and compare the diagrams of home electrical safety points "ALERT" Triage Chart to the same material from the CERT text.

The medico-legal issues and training practices in the federal text are out of date, and the lack of required medical training topics leaves sponsoring jurisdictions open to certain liability. In the text, Universal Precautions for medical work is never clearly addressed, nor are the issues of communicable or infectious disease transmission and prevention, and consent and HIPAA laws are not mentioned at all. In addition, California State Law allows trained volunteers to be sworn in as "Disaster Service Workers" in advance of their deployment, thereby covering them under state workers compensation should they be injured in the course of their duties. This swearing-in will be a part of our curriculum completion, making sure that our volunteers know they are recognized as DSW's. The last area in which the Federal program has a major gap is the Federal requirement for NIMS awareness training for all responders and disaster service workers. To make sure the sponsoring jurisdiction is eligible for FEMA reimbursement and disaster relief, ALERT members will have ICS 100 and NIMS 700 incorporated into the Unit on Organization.

Finally the recruitment, cohesion, and retention of volunteers all comes down to a single concept- motivation. Adult learners are motivated by as sense of duty to their community, to be of service. The key to this concept is discovering what they consider their "community". Too often it is assumed that community is bound by lines on a map, and not by more mental or spiritual motivators. Training people in ones or twos from all over the City is one method of curriculum delivery. As the idea is to train teams, we've decided to start where a sense of team, of community, may already exist for many adult learners.

190

Section (c) Area Served

These groups will be recruited from within the response district of the Vallejo Fire Department, including the entire city of Vallejo, and the areas of Solano County for which the Department provides protection.

Section (d) Target Audience

This is how we've identified our target audience and how we intend to reach out to these groups. People have a sense of community, and a vested interest in different groups. For some it will be their neighborhood, for others, their workplace or their church and the social connections they make there. It may also be a professional organization or social club. Our plan is to recruit people where they have their sense of community-through their church, their neighborhood associations, through their business, or through their social clubs and activities.

Section (e) Existing Community Based Organizations

We have already begun this outreach program to generate- to motivate – community support. The ALERT Program Community Alliance has been working together for 6 months already, guiding the development of the program by expressing their needs to the Development Group Members. The Alliance is made up of representatives from the Vallejo Fire Department, the Vallejo Police Department, Vallejo Fighting Back Partnership (a unique neighborhood-focused revitalization program that has received national accolades), Vallejo Neighborhood Watch, Hiddenbrooke Homeowners Association, the Area Council on Aging, and the Interchurch Disaster Relief Network (a Vallejo-based group building an interdenominational faith-based network of churches to enhance disaster readiness, response and recovery), and other community groups. Our recruitment plan it to draw groups of people from the churches, neighborhoods, and their workplaces in teams of people who are already committed to the process and the training by virtue of taking the training with their "community" members. This recruitment of "pre-formed" groups will enhance recruitment, cohesion and retention of volunteers significantly. In addition to these recruitment efforts, volunteer retention will be enhanced by use of qualified and enthusiastic volunteers as assistant instructors. We'll also offer other training opportunities to the formed ALERT Teams, such as the Red Cross Shelter Set-Up class, an introduction to HAM Radio operations with our local HAM Operators Club, and additional ICS training, enhancing their ability to assist in various ways in a disaster.

Section (g) Metrics

After the production of the text, instructor guides, audio-visual aids, task lists, job sheets, and other required course elements is completed, the program will be delivered to recruited citizen groups in the City of Vallejo. This will occur within the grant period, and will serve as a testing and refining period for the new curriculum and its delivery, and our recruitment and retention practices. The metrics used for this will include but are not limited to a minimum of three complete course deliveries to a class of up to 35 each time, including pre and post testing of knowledge and skills, documenting individual

learner improvement and class averages, student surveys covering curriculum quality, accessibility and ease of use, likes, dislikes, and areas in which improvement is needed; and students interviews documenting levels of commitment to the program at the end of training, and at benchmark points through the remaining grant period to assess retention efforts.

Section (f) Replication

Once it has been field tested and verified, and the sharing of the program to benefit the entire 10 county Bay Area SUASI region is as simple as posting the program available for download on the Bay Area SUASI web site, or burning CDs to be provided to any jurisdiction who has or wants to begin a program. These CDs or downloads would be as available as the Federal curriculum is at this time, and at the same cost impact to jurisdictions or sponsoring agencies.

Section (h) Project Sustainability

As we've already begun and are committed to the development of this curriculum for our jurisdiction, we hope that it is clear we plan to complete it for our community. A significant number of hours has already been invested in this ambitious and worthwhile project, and those will not be wasted. This Grant will enable us to purchase the durable goods and supplies to commence the course delivery, and to defray the actual delivery of the instruction. Our budgetary constraints simply do not allow for the investment of monies needed for the startup costs. Sustaining the program without the use of grant monies will be significantly easier in two ways. The program budget will be dramatically reduced after the first year as there will be no start-up cost impact. Second, the use of volunteer instructors, recruited from those persons trained in the first year will help lessen the budgetary impact as well. It will also serve as a wonderful volunteer retention tool, by keeping them involved!

Conclusion

We've begun an ambitious and worthwhile project in the development of "ALERT." It is our goal to provide engaging, motivating, and up-to-date training to our citizens in a program which will value and utilize their skills for years to come. We find ourselves uniquely positioned for this undertaking in our department, as we are able to draw on the many highly skilled and talented individuals from within our ranks and the responder community. We have EMS personnel with decades of experience, certified instructors in specialized rescue techniques who lead our Confined Space Rescue Team, Hazardous Materials Specialists, Hazardous Materials Instructors and Haz Mat Team Coordinators, members of County and Statewide Incident Management Teams, and Terrorism Response Instructors, all of whom are being consulted as subject matter experts in their fields. All of these individuals will work with the ALERT Development Group to deliver their expertise to the citizen responder, ensuring the best practices are included in our program. As these best practices change and are updated, the ALERT program will be as well.

AGREEMENT BETWEEN THE CITY AND COUNTY OF SAN FRANCISCO AND THE CITY OF VALLEJO FOR THE DISTRIBUTION OF FY 2006 UASI REGIONAL FUNDS

THIS AGREEMENT is made this [DATE], in the City and County of San Francisco, State of California, by and between THE CITY OF VALLEJO, a municipal corporation ("Vallejo") and the CITY AND COUNTY OF SAN FRANCISCO, a municipal corporation ("San Francisco") acting by and through the San Francisco Department of Emergency Management ("SFDEM").

WITNESSETH:

WHEREAS, San Francisco has been designated as the fiscal agent for the consolidated San Jose, Oakland, and San Francisco Urban Area for purposes of the Fiscal Year 2006 UASI grant program; and

WHEREAS, San Francisco desires to distribute a portion of the regional grant funds to Vallejo on the terms and conditions set forth herein;

NOW, THEREFORE, in consideration of the premises and the mutual covenants contained in this Agreement and for other good and valuable consideration, the receipt and adequacy of which is hereby acknowledged, the parties hereto agree as follows:

ARTICLE 1 DEFINITIONS

- 1.1 **Specific Terms**. Unless the context requires otherwise, the following capitalized terms (whether singular or plural) shall have the meanings set forth below:
- (a) "Authorized Expenditures" shall mean expenditures for those purposes identified and budgeted in Appendix A.
 - (b) "Event of Default" shall have the meaning set forth in Section 7.1.
- (c) "<u>Fiscal Quarter</u>" shall mean each period of three calendar months commencing on July 1, October 1, January 1, and April 1, respectively.
- (d) "Grant Funds" shall mean any and all funds allocated or disbursed to Vallejo under this Agreement.
- (e) "Grant Plan" shall mean the budget attached hereto as part of Appendix A and the Grant Assurances included in Appendix B.
- (f) "Indemnified Parties" shall mean: (I) San Francisco, including SFDEM and all commissions, departments, agencies, and other subdivisions of San Francisco; (ii) San Francisco's elected officials, directors, officers, employees, agents, successors, and assigns; and (iii) all persons or entities acting on behalf of the foregoing.
- (g) "Losses" shall mean any and all liabilities, obligations, losses, damages, penalties, claims, actions, suits, judgments, fees, expenses, and costs of whatsoever kind and nature

(including legal fees and expenses and costs of investigation, of prosecuting or defending any Loss described above) whether or not such Loss be founded or unfounded, of whatsoever kind and nature.

(f) "Reimbursement Request" shall have the meaning set forth in Section 3.9.

ARTICLE 2 APPROPRIATION AND CERTIFICATION OF GRANT FUNDS; LIMITATIONS ON SAN FRANCISCO'S OBLIGATIONS

- 2.1 <u>Risk of Non-Appropriation of Grant Funds</u>. This Agreement is subject to the budget and fiscal provisions of the San Francisco Charter. San Francisco shall have no obligation to make appropriations for this Agreement in lieu of appropriations for new or other agreements. Vallejo acknowledges that San Francisco budget decisions are subject to the discretion of its Mayor and Board of Supervisors. Vallejo assumes all risk of possible non-appropriation or non-certification of funds and such assumption is part of the consideration for this Agreement.
- 2.2 <u>Certification of Controller; Guaranteed Maximum Costs</u>. No funds shall be available under this Agreement until prior written authorization certified by the San Francisco Controller. In addition, as set forth in Section 21.10-1 of the San Francisco Administrative Code:
- (a) San Francisco's obligations hereunder shall not at any time exceed the amount certified by the Controller for the purpose and period stated in such certification.
- (b) Except as may be provided by San Francisco ordinances governing emergency conditions, San Francisco and its employees and officers are not authorized to request Vallejo to perform services or to provide materials, equipment and supplies that would result in Vallejo performing services or providing materials, equipment and supplies that are beyond the scope of the services, materials, equipment and supplies specified in this Agreement unless this Agreement is amended in writing and approved as required by law to authorize the additional services, materials, equipment or supplies. San Francisco is not required to pay Vallejo for services, materials, equipment or supplies that are provided by Vallejo which are beyond the scope of the services, materials, equipment and supplies agreed upon herein and which were not approved by a written amendment to this Agreement having been lawfully executed by San Francisco.
- (c) San Francisco and its employees and officers are not authorized to offer or promise to Vallejo additional funding for this Agreement which would exceed the maximum amount of funding provided for herein. Additional funding for this Agreement in excess of the maximum provided herein shall require lawful approval and certification by the Controller. San Francisco is not required to honor any offered or promised additional funding which exceeds the maximum provided in this Agreement which requires lawful approval and certification of the Controller when the lawful approval and certification by the Controller has not been obtained.
- (d) The Controller is not authorized to make payments on any agreement for which funds have not been certified as available in the budget or by supplemental appropriation.
- 2.3 <u>Automatic Termination for Nonappropriation of Funds</u>. This Agreement shall automatically terminate, without penalty, liability or expense of any kind to San Francisco, at the end of any Fiscal Year if funds are not appropriated for the next succeeding Fiscal Year. If funds are appropriated for a portion of any Fiscal Year, this Agreement shall terminate, without

penalty, liability or expense of any kind to San Francisco, at the end of such portion of the Fiscal Year.

2.4 <u>SUPERSEDURE OF CONFLICTING PROVISIONS</u>. IN THE EVENT OF ANY CONFLICT BETWEEN ANY OF THE PROVISIONS OF THIS ARTICLE 2 AND ANY OTHER PROVISION OF THIS AGREEMENT, THE APPLICATION DOCUMENTS OR ANY OTHER DOCUMENT OR COMMUNICATION RELATING TO THIS AGREEMENT, THE TERMS OF THIS ARTICLE 2 SHALL GOVERN.

ARTICLE 3 PERFORMANCE OF THE AGREEMENT

- 3.1 <u>Duration of Term</u>. The term of this Agreement shall commence on <u>AUGUST 23, 2006</u> and shall end at 11:59 p.m. San Francisco time on <u>DECEMBER 31, 2007</u>, provided that San Francisco may extend the duration of this agreement and any duration of the agreement and any deadlines for performance up to thirty (30) days.
- 3.2 <u>Maximum Amount of Funds</u>. In no event shall the amount of Funds disbursed hereunder exceed <u>THIRTY-FIVE THOUSAND AND 00/100 DOLLARS</u>, (\$35,000.00).
- 3.3 <u>Use of Funds</u>. Vallejo shall use the funds received under this agreement only for the purposes and in the amounts set forth in Appendix A and for no other purpose. Vallejo shall comply with requirements set forth in Appendix D for Citizen Preparedness Projects.
- 3.4 **Grant Assurances; Cooperation with Monitoring**. Vallejo shall comply with all Grant Assurances included in Appendix B. Vallejo shall promptly comply with all standards, specifications and formats of San Francisco, as they may from time to time exist, related to evaluation, planning and monitoring of the Grant Plan and shall cooperate in good faith with San Francisco in any evaluation, planning or monitoring activities conducted or authorized by San Francisco.
- 3.5 **EEOP Requirements.** Vallejo shall, if required, submit an Equal Employment Opportunity Plan (EEOP) to the Department of Justice's Office of Civil Rights (OCR) in accordance with the OCR letter dated July 29, 2002, with a copy of the cover letter to SFDEM.
- 3.6 **Record-Keeping.** Vallejo shall establish and maintain property, programmatic and financial records in accordance with the grant record requirements, and:

Maintain financial management systems that support grant activities in accordance with Title 28, Code of Federal Regulations (CFR), Part 66.20, and DOJ Financial Guide, Part II, Chapter 3.

Maintain an equipment tracking system that includes the components identified in 28 CFR Parts 66.32 and 66.33, and DOJ Financial Guide, Part III, Chapter 6.

Retain records in accordance with retention requirements contained in Chapter Two—State Policies and Requirements—California Public Records Act, of the OES FY06 Homeland Security Grant Program, California Supplement to Federal Program Guidelines and Application Kit, dated April 3, 2006.

3.7 <u>Procurement Requirements</u>. Vallejo shall follow its own procurement requirements as long as those requirements meet the federal requirements at a minimum. Federal procurement

requirements for this grant may be found in: OMB Circular A-102; Title 28, CFR, Part 66.36; and DOJ Financial Guide, Part III, Chapter 10.

3.8 <u>Monitoring Grant Performance</u>. SFDEM may perform periodic reviews of Vallejo's grant performance, including on-site visits. These reviews may include, but are not limited to:

Comparing actual grant activities to those specified in Appendix A; and,

Confirming compliance with: Grant Assurances; information provided on performance reports; Urban Area Homeland Strategies; and, Transit Security and Emergency Preparedness Plans.

- 3.9 **Disbursement Procedures**. Funds shall be disbursed to Vallejo as follows:
- (a) Vallejo shall submit to SFDEM, in the manner specified for notices pursuant to Article 9, a document (a "Reimbursement Request") substantially in the form attached as Appendix C. Any Reimbursement Request that is submitted and is not approved by SFDEM shall be returned by SFDEM to Vallejo with a brief statement of the reason for SFDEM's rejection of such Reimbursement Request. If any such rejection relates only to a portion of the expenditures itemized in such Reimbursement Request, SFDEM shall have no obligation to disburse any Funds for any other expenditures itemized in such Reimbursement Request unless and until Vallejo submits a Reimbursement Request that is in all respects acceptable to SFDEM.
- (b) SFDEM shall make all disbursements of Grant Funds pursuant to this Section by check payable to Vallejo, sent via U.S. mail in accordance with Article 9, unless SFDEM otherwise agrees in writing, in its sole discretion. SFDEM shall make disbursements of Grant Funds no more than once during each **FISCAL QUARTER**.
- 3.10 <u>Disallowance</u>. Vallejo agrees that if it claims or receives reimbursement from SFDEM for an expenditure which is later disallowed by the state or federal government, Vallejo shall promptly refund the disallowed amount to SFDEM upon SFDEM's request. At its option, SFDEM may offset all or any portion of the disallowed amount against any other payment due to Vallejo hereunder. Any such offset with respect to a portion of the disallowed amount shall not release Vallejo from Vallejo's obligation hereunder to refund the remainder of the disallowed amount.

ARTICLE 4 REPORTING REQUIREMENTS; AUDITS

- 4.1 <u>Regular Reports</u>. Vallejo shall provide, in a prompt and timely manner, financial, operational and other reports, as requested by the SFDEM, in form and substance satisfactory to SFDEM. Such reports, including any copies, shall be submitted on recycled paper and printed on double-sided pages, to the maximum extent possible.
- 4.2 <u>Notification of Defaults or Changes in Circumstances</u>. Vallejo shall notify SFDEM immediately of (a) any Event of Default or event that, with the passage of time, would constitute an Event of Default; and (b) any change of circumstances that would cause any of the representations and warranties contained in Article 5 to be false or misleading at any time during the term of this Agreement.

- 4.3 **Books and Records**. Vallejo shall establish and maintain accurate files and records of all aspects of the Grant Plan and the matters funded in whole or in part with Grant Funds during the term of this Agreement. Without limiting the scope of the foregoing, Vallejo shall establish and maintain accurate financial books and accounting records relating to Authorized Expenditures and to Grant Funds received and expended under this Agreement, together with all invoices, documents, payrolls, time records and other data related to the matters covered by this Agreement, whether funded in whole or in part with Grant Funds. Vallejo shall maintain all of the files, records, books, invoices, documents, payrolls and other data required to be maintained under this Section in a readily accessible location and condition for a period of not less than five (5) years after final payment under this Agreement or until any final audit has been fully completed, whichever is later.
- 4.4 <u>Inspection and Audit</u>. Vallejo shall make available to SFDEM, its employees and authorized representatives, during regular business hours all of the files, records, books, invoices, documents, payrolls and other data required to be established and maintained by Vallejo under Section 4.3. Vallejo shall permit SFDEM, its employees and authorized representatives to inspect, audit, examine and make excerpts and transcripts from any of the foregoing. The rights of SFDEM pursuant to this Section shall remain in effect so long as Vallejo has the obligation to maintain such files, records, books, invoices, documents, payrolls and other data under this Article 4.

ARTICLE 5 REPRESENTATIONS AND WARRANTIES

Vallejo represents and warrants each of the following as of the date of this Agreement and at all times throughout the term of this Agreement:

- 5.1 <u>No Misstatements</u>. No document furnished or to be furnished by Vallejo to SFDEM in connection with this Agreement, any Reimbursement Request or any other document relating to any of the foregoing, contains or will contain any untrue statement of material fact or omits or will omit a material fact necessary to make the statements contained therein not misleading, under the circumstances under which any such statement shall have been made.
- 5.2 Eligibility to Receive Federal Funds. By executing this Agreement, Vallejo certifies that Vallejo is not suspended, debarred or otherwise excluded from participation in federal assistance programs. Vallejo acknowledges that this certification of eligibility to receive federal funds is a material term of the Agreement.

ARTICLE 6 INDEMNIFICATION AND GENERAL LIABILITY

6.1 <u>Indemnification</u>. Vallejo shall indemnify, protect, defend and hold harmless each of the Indemnified Parties from and against any and all Losses arising from, in connection with or caused by: (a) a material breach of this Agreement by Vallejo; (b) a material breach of any representation or warranty of Vallejo contained in this Agreement; (c) any personal injury caused, directly or indirectly, by any act or omission of Vallejo or its employees, subgrantees or agents; (d) any property damage caused, directly or indirectly by any act or omission of Vallejo or its employees, subgrantees or agents; (e) the use, misuse or failure of any equipment or facility used by Vallejo, or by any of its employees, subgrantees or agents, regardless of whether such equipment or facility is furnished, rented or loaned to Vallejo by an Indemnified Party; (f) any tax, fee, assessment or other charge for which Vallejo is responsible under

Section 10.5; or (g) any infringement of patent rights, copyright, trade secret or any other proprietary right or trademark of any person or entity in consequence of the use by any Indemnified Party of any goods or services furnished to such Indemnified Party in connection with this Agreement. Vallejo's obligations under the immediately preceding sentence shall apply to any Loss that is caused in whole or in part by the active or passive negligence of any Indemnified Party, but shall exclude any Loss caused solely by the willful misconduct of the Indemnified Party. The foregoing indemnity shall include, without limitation, reasonable fees of attorneys, consultants and experts and related costs and San Francisco's costs of investigating any claims against San Francisco.

- 6.2 <u>Duty to Defend; Notice of Loss</u>. Vallejo acknowledges and agrees that its obligation to defend the Indemnified Parties under Section 6.1: (a) is an immediate obligation, independent of its other obligations hereunder; (b) applies to any Loss which actually or potentially falls within the scope of Section 6.1, regardless of whether the allegations asserted in connection with such Loss are or may be groundless, false or fraudulent; and (c) arises at the time the Loss is tendered to Vallejo by the Indemnified Party and continues at all times thereafter. The Indemnified Party shall give Vallejo prompt notice of any Loss under Section 6.1 and Vallejo shall have the right to defend, settle and compromise any such Loss; provided, however, that the Indemnified Party shall have the right to retain its own counsel at the expense of Vallejo if representation of such Indemnified Party by the counsel retained by Vallejo would be inappropriate due to conflicts of interest between such Indemnified Party and Vallejo. An Indemnified Party's failure to notify Vallejo promptly of any Loss shall not relieve Vallejo of any liability to such Indemnified Party pursuant to Section 6.1, unless such failure materially impairs Vallejo's ability to defend such Loss. Vallejo shall seek the Indemnified Party's prior written consent to settle or compromise any Loss if Vallejo contends that such Indemnified Party shares in liability with respect thereto.
- 6.3 <u>Incidental and Consequential Damages</u>. Losses covered under this Article 6 shall include any and all incidental and consequential damages resulting in whole or in part from Vallejo's acts or omissions. Nothing in this Agreement shall constitute a waiver or limitation of any rights that any Indemnified Party may have under applicable law with respect to such damages.
- 6.4 LIMITATION ON LIABILITY OF SAN FRANCISCO. SAN FRANCISCO'S OBLIGATIONS UNDER THIS AGREEMENT SHALL BE LIMITED TO THE AGGREGATE AMOUNT OF GRANT FUNDS ACTUALLY DISBURSED HEREUNDER. NOTWITHSTANDING ANY OTHER PROVISION CONTAINED IN THIS AGREEMENT OR ANY OTHER DOCUMENT OR COMMUNICATION RELATING TO THIS AGREEMENT, IN NO EVENT SHALL CITY BE LIABLE, REGARDLESS OF WHETHER ANY CLAIM IS BASED ON CONTRACT OR TORT, FOR ANY SPECIAL, CONSEQUENTIAL, INDIRECT OR INCIDENTAL DAMAGES, INCLUDING LOST PROFITS, ARISING OUT OF OR IN CONNECTION WITH THIS AGREEMENT, THE GRANT FUNDS, THE GRANT PLAN OR ANY ACTIVITIES PERFORMED IN CONNECTION WITH THIS AGREEMENT.

ARTICLE 7 EVENTS OF DEFAULT AND REMEDIES

- 7.1 **Events of Default**. The occurrence of any one or more of the following events shall constitute an "Event of Default" under this Agreement:
- (a) <u>False Statement</u>. Any statement, representation or warranty contained in this Agreement, in any Reimbursement Request, or in any other document submitted to SFDEM under this Agreement is found by SFDEM to be false or misleading.
- (b) <u>Failure to Perform Other Covenants</u>. Vallejo fails to perform or breaches any provision or covenant of this Agreement to be performed or observed by Vallejo as and when performance or observance is due and such failure or breach continues for a period of ten (10) days after the date on which such performance or observance is due.
- (c) <u>Failure to Comply with Applicable Laws</u>. Vallejo fails to perform or breaches any of the terms or provisions of Article 12.
- (d) **Voluntary Insolvency**. Vallejo (i) is generally not paying its debts as they become due, (ii) files, or consents by answer or otherwise to the filing against it of, a petition for relief or reorganization or arrangement or any other petition in bankruptcy or for liquidation or to take advantage of any bankruptcy, insolvency or other debtors' relief law of any jurisdiction, (iii) makes an assignment for the benefit of its creditors, (iv) consents to the appointment of a custodian, receiver, trustee or other officer with similar powers of Vallejo or of any substantial part of Vallejo's property or (v) takes action for the purpose of any of the foregoing.
- (e) Involuntary Insolvency. Without consent by Vallejo, a court or government authority enters an order, and such order is not vacated within ten (10) days, (i) appointing a custodian, receiver, trustee or other officer with similar powers with respect to Vallejo or with respect to any substantial part of Vallejo's property, (ii) constituting an order for relief or approving a petition for relief or reorganization or arrangement or any other petition in bankruptcy or for liquidation or to take advantage of any bankruptcy, insolvency or other debtors' relief law of any jurisdiction or (iii) ordering the dissolution, winding-up or liquidation of Vallejo.
- 7.2 Remedies Upon Event of Default. Upon and during the continuance of an Event of Default, SFDEM may do any of the following, individually or in combination with any other remedy:
- (a) <u>Termination</u>. SFDEM may terminate this Agreement by giving a written termination notice to Vallejo and, on the date specified in such notice, this Agreement shall terminate and all rights of Vallejo hereunder shall be extinguished. In the event of such termination, Vallejo will be paid for Authorized Expenditures in any Reimbursement Request that was submitted and approved by SFDEM prior to the date of termination specified in such notice.
- (b) <u>Withholding of Grant Funds</u>. SFDEM may withhold all or any portion of Grant Funds not yet disbursed hereunder, regardless of whether Vallejo has previously submitted a Reimbursement Request or whether SFDEM has approved the disbursement of the Grant Funds requested in any Reimbursement Request. Any Grant Funds withheld pursuant to this Section and subsequently disbursed to Vallejo after cure of applicable Events of Default shall be disbursed without interest.

- (c) Return of Grant Funds. SFDEM may demand the immediate return of any previously disbursed Grant Funds that have been claimed or expended by Vallejo in breach of the terms of this Agreement, together with interest thereon from the date of disbursement at the maximum rate permitted under applicable law.
- Remedies Nonexclusive. Each of the remedies provided for in this Agreement may be 7.3 exercised individually or in combination with any other remedy available hereunder or under applicable laws, rules and regulations. The remedies contained herein are in addition to all other remedies available to SFDEM at law or in equity by statute or otherwise and the exercise of any such remedy shall not preclude or in any way be deemed to waive any other remedy.

ARTICLE 8 ASSIGNMENTS

- 8.1 No Assignment by Vallejo. Vallejo shall not, either directly or indirectly, assign, transfer, hypothecate, subcontract or delegate all or any portion of this Agreement or any rights, duties or obligations of Vallejo hereunder without the prior written consent of SFDEM; provided, however, that those subcontracts specifically referenced in Appendix A shall not require the consent of SFDEM. This Agreement shall not, nor shall any interest herein, be assignable as to the interest of Vallejo involuntarily or by operation of law without the prior written consent of SFDEM. A change of ownership or control of Vallejo or a sale or transfer of substantially all of the assets of Vallejo shall be deemed an assignment for purposes of this Agreement.
- 8.2 Agreement Made in Violation of this Article. Any agreement made in violation of Section 8.1 shall confer no rights on any person or entity and shall automatically be null and void.

ARTICLE 9 NOTICES AND OTHER COMMUNICATIONS

Requirements. Unless otherwise specifically provided herein, all notices, consents, directions, approvals, instructions, requests and other communications hereunder shall be in writing, shall be addressed to the person and address set forth below and shall be (a) deposited in the U.S. mail, first class, certified with return receipt requested and with appropriate postage, (b) hand delivered or (c) sent via facsimile (if a facsimile number is provided below):

If to the SFDEM or San Francisco:

SAN FRANCISCO DEPARTMENT OF **EMERGENCY MANAGEMENT 1011 TURK STREET**

San Francisco, CA 94102

Attn: LAURA PHILLIPS, EXECUTIVE DIRECTOR

Facsimile No. (415) 431-7500

	o '			

V	VALLEJO FIRE DEPARTMENT	ent
C.S	980 NIMITZ	
	VALLEJO, CA 94592	

Attn:	FIRE CHI	EF	
Facsimil	e No.	707 648 5289	

- 9.2 <u>Effective Date</u>. All communications sent in accordance with Section 9.1 shall become effective on the date of receipt. Such date of receipt shall be determined by: (a) if mailed, the return receipt, completed by the U.S. postal service; (b) if sent via hand delivery, a receipt executed by a duly authorized agent of the party to whom the notice was sent; or (c) if sent via facsimile, the date of telephonic confirmation of receipt by a duly authorized agent of the party to whom the notice was sent or, if such confirmation is not reasonably practicable, the date indicated in the facsimile machine transmission report of the party giving such notice.
- 9.3 **Change of Address**. From time to time any party hereto may designate a new address for purposes of this Article 9 by notice to the other party.

ARTICLE 10 MISCELLANEOUS

- 10.1 <u>No Waiver</u>. No waiver by SFDEM or San Francisco of any default or breach of this Agreement shall be implied from any failure by SFDEM or San Francisco to take action on account of such default if such default persists or is repeated. No express waiver by SFDEM or San Francisco shall affect any default other than the default specified in the waiver and shall be operative only for the time and to the extent therein stated. Waivers by San Francisco or the Agency of any covenant, term or condition contained herein shall not be construed as a waiver of any subsequent breach of the same covenant, term or condition. The consent or approval by SFDEM or San Francisco of any action requiring further consent or approval shall not be deemed to waive or render unnecessary the consent or approval to or of any subsequent similar act.
- 10.2 <u>Modification</u>. This Agreement may not be modified, nor may compliance with any of its terms be waived, except by written instrument executed and approved in the same manner as this Agreement.
- 10.3 Administrative Remedy for Agreement Interpretation. Should any question arise as to the meaning or intent of this Agreement, the question shall, prior to any other action or resort to any other legal remedy, be referred to the Executive Director of SFDEM who shall decide the true meaning and intent of the Agreement. Such decision shall be final and conclusive.
- 10.4 **Governing Law; Venue**. The formation, interpretation and performance of this Agreement shall be governed by the laws of the State of California, without regard to its conflict of laws principles. Venue for all litigation relative to the formation, interpretation and performance of this Agreement shall be in San Francisco.
- 10.5 <u>Vallejo to Pay All Taxes</u>. Vallejo shall pay to the appropriate governmental authority, as and when due, any and all taxes, fees, assessments or other governmental charges, including possessory interest taxes and California sales and use taxes, levied upon or in connection with this Agreement, the Grant Plan, the Grant Funds or any of the activities contemplated by this Agreement.
- 10.6 <u>Headings</u>. All article and section headings and captions contained in this Agreement are for reference only and shall not be considered in construing this Agreement.

10.7 **Entire Agreement**. This Agreement sets forth the entire Agreement between the parties, and supersedes all other oral or written provisions. The following Appendices are attached to and a part of this Agreement:

Appendix A, Authorized Expenditures

Appendix B, Grant Assurances

Appendix C, Form of Funding Request

- 10.8 <u>Certified Resolution of Signatory Authority</u>. Upon request of San Francisco, Vallejo shall deliver to San Francisco a copy of the corporate resolution(s) authorizing the execution, delivery and performance of this Agreement, certified as true, accurate and complete by the secretary or assistant secretary of Vallejo.
- 10.9 **Severability**. Should the application of any provision of this Agreement to any particular facts or circumstances be found by a court of competent jurisdiction to be invalid or unenforceable, then (a) the validity of other provisions of this Agreement shall not be affected or impaired thereby, and (b) such provision shall be enforced to the maximum extent possible so as to effect the intent of the parties and shall be reformed without further action by the parties to the extent necessary to make such provision valid and enforceable.
- 10.10 <u>Successors; No Third-Party Beneficiaries</u>. Subject to the terms of Article 8, the terms of this Agreement shall be binding upon, and inure to the benefit of, the parties hereto and their successors and assigns. Nothing in this Agreement, whether express or implied, shall be construed to give any person or entity (other than the parties hereto and their respective successors and assigns and, in the case of Article 6, the Indemnified Parties) any legal or equitable right, remedy or claim under or in respect of this Agreement or any covenants, conditions or provisions contained herein.
- 10.11 <u>Survival of Terms</u>. The obligations of Vallejo and the terms of the following provisions of this Agreement shall survive and continue following expiration or termination of this Agreement: Sections 4.3 and 4.4, Article 6, this Article 10, and the Grant Assurances of Appendix B.
- 10.12 <u>Further Assurances</u>. From and after the date of this Agreement, Vallejo agrees to do such things, perform such acts, and make, execute, acknowledge and deliver such documents as may be reasonably necessary or proper and usual to complete the transactions contemplated by this Agreement and to carry out the purpose of this Agreement in accordance with this Agreement.

ARTICLE 11 INSURANCE

- 11.1 <u>Types and Amounts of Coverage</u>. Without limiting Vallejo's liability pursuant to Article 10, Vallejo shall maintain in force, during the full term of this Agreement, insurance in the following amounts and coverages:
- (a) Workers' Compensation, in statutory amounts, with Employers' Liability Limits not less than one million dollars (\$1,000,000) each accident.
- (b) Commercial General Liability Insurance with limits not less than one million dollars (\$1,000,000) each occurrence Combined Single Limit for Bodily Injury and Property Damage, including Contractual Liability, Personal Injury, Products and Completed Operations.

- (c) Commercial Automobile Liability Insurance with limits not less than one million dollars (\$1,000,000) each occurrence Combined Single Limit for Bodily Injury and Property Damage, including Owned, Non-Owned and Hired auto coverage, as applicable.
- 11.2 <u>Additional Requirements for General and Automobile Coverage</u>. Commercial General Liability and Business Automobile Liability insurance policies shall:
 - (a) Name as additional insured City and its officers, agents and employees.
- (b) Provide that such policies are primary insurance to any other insurance available to the Additional Insureds, with respect to any claims arising out of this Agreement, and that insurance applies separately to each insured against whom claim is made or suit is brought, except with respect to limits of liability.
- 11.3 <u>Additional Requirements for All Policies</u>. All policies shall provide at least thirty (30) days' advance written notice to City of cancellation or reduction in coverage mailed to City's address for notices pursuant to Article 9.
- 11.4 <u>Required Post-Expiration Coverage</u>. Should any of the insurance required hereunder be provided under a claims-made form, Vallejo shall maintain such coverage continuously throughout the term of this Agreement and, without lapse, for a period of three (3) years beyond the expiration or termination of this Agreement, to the effect that, should occurrences during the term hereof give rise to claims made after expiration or termination of the Agreement, such claims shall be covered by such claims-made policies.
- 11.5 <u>General Annual Aggregate Limit/Inclusion of Claims Investigation or Legal Defense Costs</u>. Should any of the insurance required hereunder be provided under a form of coverage that includes a general annual aggregate limit or provides that claims investigation or legal defense costs be included in such general annual aggregate limit, such general annual aggregate limit shall be double the occurrence or claims limits specified above.
- 11.6 Evidence of Insurance. Before commencing any operations under this Agreement, Vallejo shall furnish to City certificates of insurance, and additional insured policy endorsements, in form and with insurers satisfactory to City, evidencing all coverages set forth above, and shall furnish complete copies of policies promptly upon City's request. Before commencing any operations under this Agreement, Vallejo shall do the following: (a) furnish to City certificates of insurance and additional insured policy endorsements with insurers with ratings comparable to A-, VII or higher, that are authorized to do business in the State of California, and that are satisfactory to City, in form evidencing all coverages set forth above, and (b) furnish complete copies of policies promptly upon City request.
- 11.7 <u>Effect of Approval</u>. Approval of any insurance by City shall not relieve or decrease the liability of Vallejo hereunder.
- 11.8 <u>Authority to Self-Insure</u>. Nothing in this Agreement shall preclude Vallejo from self-insuring all or part of the insurance requirements in this Article. However, Vallejo shall provide proof of self-insurance, in a form acceptable to San Francisco, in the amounts of each line of self-insurance.

ARTICLE 12 COMPLIANCE

- 12.1 Nondiscrimination. In the performance of this Agreement, Vallejo agrees not to discriminate against any employee, San Francisco employee working with such grantee or subgrantee, applicant for employment with such grantee or subgrantee, or against any person seeking accommodations, advantages, facilities, privileges, services, or membership in all business, social, or other establishments or organizations, on the basis of the fact or perception of a person's race, color, creed, religion, national origin, ancestry, age, height, weight, sex, sexual orientation, gender identity, domestic partner status, marital status, disability or Acquired Immune Deficiency Syndrome or HIV status (AIDS/HIV status), or association with members of such protected classes, or in retaliation for opposition to discrimination against such classes.
- 12.2 **Conflict of Interest**. Through its execution of this Agreement, Vallejo acknowledges that it is familiar with the provisions of Section 87100 et seq. and Section 1090 et seq. of the Government Code of the State of California, and certifies that it does not know of any facts which constitutes a violation of said provisions and agrees that it will immediately notify San Francisco if it becomes aware of any such fact during the term of this Agreement.
- 12.3 <u>Compliance with ADA</u>. Vallejo acknowledges that, pursuant to the ADA, programs, services and other activities provided by a public entity to the public, whether directly or through a grantee or contractor, must be accessible to the disabled public. Vallejo shall not discriminate against any person protected under the ADA in connection with all or any portion of the Grant Plan and shall comply at all times with the provisions of the ADA.
- 12.4 <u>Prohibition on Political Activity with City Funds</u>. In accordance with San Francisco Administrative Code Chapter 12.G, Vallejo may not participate in, support, or attempt to influence any political campaign for a candidate or for a ballot measure (collectively, "Political Activity") in the performance of the services provided under this Agreement. Vallejo agrees to comply with San Francisco Administrative Code Chapter 12.G and any implementing rules and regulations promulgated by San Francisco's Controller. The terms and provisions of Chapter 12.G are incorporated herein by this reference. In the event Contractor violates the provisions of this section, San Francisco may, in addition to any other rights or remedies available hereunder, (i) terminate this Agreement, and (ii) prohibit Vallejo from bidding on or receiving any new City contract for a period of two (2) years. The Controller will not consider Vallejo's use of profit as a violation of this section.

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be duly executed as of the date first specified herein.

CITY:	[RECIPIENT JURISDICTION]:
SAN FRANCISCO DEPARTMENT OF EMERGENCY MANAGEMENT By:	By: Joseph M. Tanner City Manager
LAURA PHILLIPS EXEC. DIRECTOR Print Name:	Attest: Mary Ellsworth Acting City Clerk Approved as to Content Donald R. Parker Fire Chief
Approved as to Form:	Approved as to Insurance Requirements:
Dennis J. Herrera City Attorney	William R. Venski Risk Manager
By: Deputy City Attorney	Approved as to Form:
	Frederick G. Soley City Attorney
	Federal Tax ID #:
	# 94-6000448

Appendix A—Authorized Expenditures

ENTITY: THE CITY OF VALLEJO

SUASI PROJECT TITLE	*SOLUTION AREA	Program Description	AMOUNT
Project K – Citizen Preparedness	Training	Revise CERT curriculum and purchase materials, equipment and supplies to conduct training	\$35,000
		Total Allocation	\$35,000

^{*}Descriptions of authorized expenditures under the SOLUTION AREA are in the following documents:

- FY 2006 Homeland Security Grant Program, Program Guidance and Application Kit http://www.ojp.gov/odp/docs/fy2006hsgp.pdf
- California Supplement to Federal Program Guidance and Application Kit http://www.homeland.ca.gov/pdf/FY 06 California Supplement to Federal Program Guidelines.pdf

Appendix B-- Grant Assurances

As the duly authorized representative of the City of Vallejo, I certify that the Grantee:

- 1. Has the legal authority to apply for federal assistance, and has the institutional, managerial and financial capability to ensure proper planning, management and completion of the grant provided by the federal Department of Homeland Security and subgranted through the State of California.
- 2. Will assure that grant funds are only used for allowable, fair and reasonable costs.
- 3. Will give the federal government, the General Accounting Office, the Comptroller General of the United States, and if appropriate, the state, through any authorized representative, access to and the right to examine all paper or electronic records, books, papers, or documents related to the award; and will establish a proper accounting system in accordance with generally accepted accounting standards or awarding agency directives.
- 4. Will provide progress reports and such other information as may be required by the awarding agency.
- 5. Will initiate and complete the work within the applicable time frame after receipt of approval of the awarding agency.
- 6. Will establish safeguards to prohibit employees from using their positions for a purpose that constitutes or presents the appearance of personal or organizational conflict of interest, or personal gain for themselves or others, particularly those with whom they have family, business or other ties.
- 7. Will comply, if applicable, with the Lead-Based Paint Poisoning Prevention Act (42 U.S.C. §§ 4801 et seq.) which prohibits the use of lead based paint in construction or rehabilitation of residence structures.
- 8. Will comply with all federal statues relating to nondiscrimination. These include but are not limited to:
 - a. Title VI of the Civil Rights Act of 1964 (P.L. 88-352), as amended, which prohibits discrimination on the basis of race, color or national origin;
 - b. Title IX of the Education Amendments of 1972, as amended (20 U.S.C. §§ 1681-1683 and 1685-1686), which prohibits discrimination on the basis of sex;
 - c. Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. § 794) which prohibits discrimination on the basis of handicaps;
 - d. The Age Discrimination Act of 1975, as amended (42 U.S.C. §§ 6101-6107) which prohibits discrimination on the basis of age;
 - e. The Drug Abuse Office and Treatment Act of 1972 (P.L. 92-255) as amended, relating to nondiscrimination on the basis of drug abuse;

- f. The Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment and Rehabilitation Act of 1970 (P.L. 91-616), as amended, relating to nondiscrimination on the basis of alcohol abuse or alcoholism.
- g. §§ 523 and 527 of the Public Health Service Act of 1912 (42 U.S.C. 290 dd-3 and 290 ee-3), as amended, relating to confidentiality of alcohol and drug abuse patient records;
- h. Title VIII of the Civil Rights Act of 1968 (42 U.S.C. § 3601 et seq.), as amended, relating to nondiscrimination in the sale, rental or financing of housing;
- i. Title 28, Code of Federal Regulations, Part 42, Subparts C, D, E and G;
- j. Title 28, CFR, Part 35;
- k. Any other nondiscrimination provisions in the specific statute(s) under which application for federal assistance is being made, and
- I. The requirements on any other nondiscrimination statute(s) which may apply to the application.
- 9. Will comply, or has already complied, with the requirements of Titles II and III of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (P.L. 91-646) which provides for fair and equitable treatment of persons displaced or whose property is acquired as a result of federal or federally assisted programs. These requirements apply to all interested in real property acquired for project purposes regardless of federal participation in purchases.
- 10. Will comply, if applicable, with the flood insurance purchase requirements of Section 102(a) of the Flood Disaster Protection Act of 1973 (P.L. 93-234) which requires recipients in a special flood hazard area to participate in the program and to purchase flood insurance if the total cost of insurable construction and acquisition is \$10,000 or more.
- 11. Will comply with environmental standards which may be prescribed pursuant to the following:
 - a. institution of environmental quality control measures under the National Environmental Policy Act of 1969 (P.L. 91-190) and Executive Order (EO) 11514;
 - b. notification of violating facilities pursuant to EO 11738;
 - c. protection of wetlands pursuant to EO 11990;
 - d. evaluation of flood hazards in floodplains in accordance with EO 11988;
 - e. assurance of project consistency with the approved state management program developed under the Coastal Zone Management Act of 1972 (16 U.S.C. §§ 1451 et seq.);
 - f. conformity of federal actions to State (Clean Air) Implementation Plans under

- Section 176(c) of the Clean Air Act of 1955, as amended (42 U.S.C. § 7401 et seq.);
- g. protection of underground sources of drinking water under the Safe Drinking Water Act of 1974, as amended, (P.L. 93-523);
- h. protection of endangered species under the Endangered Species Act of 1973, as amended, (P.L. 93-205); and
- California Environmental Quality Act (CEQA), California Public Resources Code Sections 21080-21098; California Code of Regulations, Title 14, Chapter 3, Sections 15000-15007.
- 12. Will comply with the Wild and Scenic Rivers Act of 1968 (16 U.S.C. §§ 1271 et. seq.) related to protecting components or potential components of the national wild and scenic rivers system.
- 13. Will assist the awarding agency in assuring compliance with Section 106 of the National Historic Preservation Act of 1966, as amended (16 U.S.C. 470), EO 11593 (identification and preservation of historic properties), and the Archaeological and Historic Preservation Act of 1974 (16 U.S.C. 469a-1 et seq.).
- 14. Will comply with Standardized Emergency Management System (SEMS) requirements as stated in the California Emergency Services Act, Government Code, Chapter 7 of Division 1 of Title 2, Section 8607.1(e) and CCR Title 19, Sections 2445, 2446, 2447 and 2448.
- 15. Has requested through the State of California, federal financial assistance to be used to perform eligible work approved in the applicant's application for federal assistance. Will, after the receipt of federal financial assistance, through the State of California, agree to the following:
 - a. Promptly return to the State of California all the funds received which exceed the approved, actual expenditures as accepted by the federal or state government.
 - b. In the event the approved amount of the grant is reduced, the reimbursement applicable to the amount of the reduction will be promptly refunded to the State of California.
 - c. Separately account for interest earned on grant funds, and will return all interest earned, in excess of \$100 per federal fiscal year.
- 16. Will comply with the Intergovernmental Personnel Act of 1970 (42 U.S.C. Sections 4728-4763) relating to prescribed standards for merit systems for programs funded under one of the nineteen statutes or regulations specified in Appendix A of OPM's Standards for a Merit System of Personnel Administration (5 C.F.R. 900, Subpart F).
- 17. Will comply with provisions of the Hatch Act (5 U.S.C. Sections 1501-1508 and 7324-7328) which limit the political activities of employees whose principal employment activities are funded in whole or in part with federal funds.

- 18. Will comply with P.L. 93-348 regarding the protection of human subjects involved in research, development, and related activities supported by this award of assistance.
- 19. Will comply, if applicable, with the Laboratory Animal Welfare Act of 1966 (P. L. 89-544, as amended, 7 U.S.C. 2131 et seq.) pertaining to the care, handling, and treatment of warm blooded animals held for research, teaching, or other activities supported by this award of assistance.
- 20. Will comply with the minimum wage and maximum hour provisions of the Federal Fair Labor Standards Act (29 U.S.C. 201), as they apply to employees of institutions of higher education, hospitals, and other non-profit organizations.
- 21. Will comply, as applicable, with the provisions of the Davis-Bacon Act (40 U.S.C. Section 276a to 276a-7), the Copeland Act (40 U.S.C. Section 276c and 18 U.S.C. Sections 874), and the Contract Work Hours and Safety Standards Act (40 U.S.C. Sections 327-333), regarding labor standards for federally assisted construction subagreements.
- 22. Will not make any award or permit any award (subgrant or contract) to any party which is debarred or suspended or is otherwise excluded from or ineligible for participation in Federal assistance programs under Executive Order 12549 and 12689, "Debarment and Suspension."

23. Agrees that:

- a. No federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the making of any federal grant, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any federal grant or cooperative agreement.
- b. If any other funds than federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or an employee of Congress, or employee of a Member of Congress in connection with the federal grant or cooperative agreement, the undersigned shall complete and submit Standard Form LLL, "Disclosure of Lobbying Activities," in accordance with its instructions.
- c. The undersigned shall require that the language of this certification be included in the award documents for all sub awards at all tiers including subgrants, contracts under grants and cooperative agreements, and subcontract(s) and that all sub recipients shall certify and disclose accordingly.
- d. This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by section 1352, Title 31, U.S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

- 24. Agrees that equipment acquired or obtained with grant funds:
 - a. Will be made available under the California Disaster and Civil Defense Master Mutual Aid Agreement in consultation with representatives of the various fire, emergency medical, hazardous materials response services, and law enforcement agencies within the jurisdiction of the applicant.
 - b. Is consistent with needs as identified in the State Homeland Security Strategy, and will be deployed in conformance with that Strategy.
 - c. Will be made available pursuant to applicable terms of the California Disaster and Civil Defense Master Mutual Aid Agreement and deployed with personnel trained in the use of such equipment in a manner consistent with the California Law Enforcement Mutual Aid Plan or the California Fire Services and Rescue Mutual Aid Plan.
- 25. Agrees that funds awarded under this grant will be used to supplement existing funds for program activities, and will not supplant (replace) non-federal funds.
- 26. Will comply with all applicable federal statutes, regulations, policies, guidelines and requirements, including OMB Circulars A-21, A-87, A-102, A-110, A-122, and A-133, E.O. 12372 and Uniform Administrative Requirements for Grants and Cooperative Agreements contained in Title 28, Code of Federal Regulations, Part 66 or 70, that govern the application, acceptance and use of Federal funds for this federally-assisted project.
- 27. Will comply, and assure the compliance of all its subgrantees and contractors, with the nondiscrimination requirements of the Omnibus Crime Control and Safe Streets Act of 1968, as amended, 42 USC 3789(d), or the Juvenile Justice and Delinquency Prevention Act, or the Victims of Crime Act, as appropriate; the provision of the current edition of the Office of Justice Programs Financial and Administrative Guide for Grants, M7100.1, and all other applicable Federal laws, orders, circulars, or regulations.
- 28. Will comply with provisions of 28 CFR applicable to grants and cooperative agreements, including:
 - a. Part 18, Administrative Review Procedures:
 - b. Part 20, Criminal Justice Information Systems;
 - c. Part 22, Confidentiality of Identifiable Research and Statistical Information;
 - d. Part 23, Criminal Intelligence Systems Operating Policies;
 - e. Part 30, Intergovernmental Review of Department of Justice Programs and Activities;
 - f. Part 35, Nondiscrimination on the Basis of Disability in State and Local Government Services:
 - g. Part 38, Equal Treatment of Faith-Based Organizations:

- h. Part 42, Nondiscrimination/Equal Employment Opportunities Policies and Procedures:
- i. Part 61, Procedures for Implementing the National Environmental Policy Act;
- j. Part 63, Floodplain Management and Wetland Protection Procedures
- k. Part 64, Floodplain Management and Wetland Protection Procedures; and Federal laws or regulations applicable to Federal Assistance Programs;
- I. Part 66, Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments;
- m. Part 67, Government-Wide Debarment and Suspension (Non-Procurement);
- n. Part 69, New Restrictions on Lobbying;
- Part 70, Uniform Administrative Requirements for Grants and Cooperative Agreements (including sub awards) with Institutions of Higher Learning, Hospitals, and Other Non-Profit Organizations; and
- p. Part 83, Government-Wide Requirements for a Drug Free Workplace (grants).
- 29. Will ensure that the facilities under its ownership, lease or supervision which shall be utilized in the accomplishment of this project are not listed in the Environmental Protection Agency's (EPA) list of Violating Facilities and that it will notify the Federal Grantor agency of the receipt of any communication from the Director of the EPA Office of Federal Activities indicating that a facility to be used in the project is under consideration for listing by the EPA.
- 30. Will comply with Subtitle A, Title II of the Americans with Disabilities Act (ADA) 1990.
- 31. Will, in the event a Federal or State court or Federal or State administrative agency makes a finding of discrimination after a due process hearing on the grounds of race, color, religion, national origin, sex, or disability against a recipient of funds, the recipient will forward a copy of the finding to the Office of Civil Rights, Office of Justice Programs.
- 32. Will provide an Equal Employment Opportunity Plan, if applicable, to the Department of Justice Office of Civil Rights within 60 days of grant award.
- 33. Will comply with the financial and administrative requirements set forth in the current edition of the Office of Justice Programs (OJP) Financial Guide.
- 34. Will comply, if applicable, with the provision of the Coastal Barrier Resources Act (P.L. 97-348) dated October 19, 1982 (16 USC 3501 et seq.) which prohibits the expenditure of most new Federal funds within the units of the Coastal Barrier Resources System.
- 35. Will comply with all applicable requirements of all other federal laws, executive orders, regulations, program and administrative requirements, policies and any other requirements governing this program.
- 36. Understands that failure to comply with any of the above assurances may result in

suspension, termination or reduction of grant funds.

- 37. As required by Executive Order 12549, Debarment and Suspension, and implemented at 28 CFR Part 67, for prospective participants in primary covered transactions, as defined at 28 CFR Part 67, Section 67.510:
 - (a) The applicant certifies that it and its principals:
 - i. Are not presently debarred, suspended, proposed for debarment, declared ineligible, sentenced to a denial of Federal benefits by a State or Federal court, or voluntarily excluded from covered transactions by any Federal department or agency;
 - ii. Have not within a three-year period preceding this application been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, State, or local) transaction or contract under a public transaction; violation of Federal or State antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification, or destruction of records, making false statements, or receiving stolen property.
 - iii. Are not presently indicted or otherwise criminally or civilly charged by a governmental entity (Federal, State, or local) with commission of any of the offenses enumerated in paragraph 37(a)(ii) of this certification; and
 - iv. Have not within a three-year period preceding this application had one or more public transactions (Federal, State, or local) terminated for cause or default; and
 - (b) Where the applicant is unable to certify to any of the statements in this certification, he or she shall attach an explanation to this application.
- 38. As required by the Drug-Free Workplace Act of 1988, and implemented at 28 CFR Part 67, Subpart F, for grantees, as defined at 28 CFR Part 67 Sections 67.615 and 67.620, the applicant certifies that it will or will continue to provide a drug-free workplace by:
 - (a) Publishing a statement notifying employees that the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance is prohibited in the grantee's workplace and specifying the actions that will be taken against employees for violation of such prohibition;
 - (b) Establishing an on-going drug-free awareness program to inform employees about:
 - i. The dangers of drug abuse in the workplace;
 - ii. The grantee's policy of maintaining a drug-free workplace;
 - iii. Any available drug counseling, rehabilitation, and employee assistance programs, and
 - iv. The penalties that may be imposed upon employees for drug abuse violations occurring in the workplace;

- (c) Making it a requirement that each employee to be engaged in the performance of the grant be given a copy of the statement required by Section 38.A..a;
- (d) Notifying the employee in the statement required by Section 38.A..a that, as a condition of employment under the grant, the employer will:
 - i. Abide by the terms of the statement; and
 - ii. Notify the employer in writing of his or her conviction of a criminal drug statute occurring in the workplace no later than five calendar days after such conviction;
- (e) Notifying the agency, in writing, within 10 calendar days after receiving notice under subparagraph (d)(2) from an employee or otherwise receiving actual notice of such conviction. Employers of convicted employees must provide notice, including position title, to:

Department of Justice Office of Justice Programs Attn: Control Desk 633 Indiana Avenue, N.W. Washington, D.C. 20531

Notice shall include the identification number(s) of each grant;

- (f) Taking one of the following actions, within 30 calendar days of receiving notice under subparagraph (d)(2), with respect to any employee who is so convicted:
 - i. Taking appropriate personnel action against such an employee, up to and including termination, consistent with the requirements of the Rehabilitation act of 1973, as amended; or
 - ii. Requiring such employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a Federal, State, or local health, law enforcement, or other appropriate agency;
- (g) Making a good faith effort to continue to maintain a drug-free workplace through implementation of paragraphs (a), (b), (c), (d), (e), and (f).

As the duly-authorized representative of Vallejo, I hereby certify that Vallejo will comply with the above certifications.

his agreement for

The undersigned represents that and on behalf of the said applicar	he/she is authorized by Vallejo to enter into tl nt.
Signature of Authorized Agent:	
Joseph M. Tanner City Manager	

Appendix C--Form of Reimbursement Request

REIMBURSEMENT REQUEST

, 2007		
San Francisco Department of E 1011 Turk Street San Francisco, CA 94102	mergency Manageme	nt
Re: FY 06 UASI Grants		
Vallejo for the Distribution of FY	2006 UASI Regional l the City and County of	e City and County of San Francisco and Funds (the "Agreement"), dated [date], San Francisco ("San Francisco"), Vallejo
Total Amount of Reimbursement Requested in this Request:	\$	- -
Maximum Amount of Funds Specified in Section 3.2 of the Agreement:	\$	_
Total of All Funds Disbursed Prior to this Request:	\$	-

Vallejo certifies that:

- (a) The total amount of funds requested pursuant to this Funding Request will be used to reimburse Vallejo for Authorized Expenditures, which expenditures are set forth on the attached Schedule 1, to which is attached true and correct copies of all required documentation of such expenditures.
- (b) After giving effect to the disbursement requested pursuant to this Reimbursement Request, the Funds disbursed as of the date of this disbursement will not exceed the maximum amount set forth in Section 2.2.

- (d) The representations and warranties made in the Agreement are true and correct in all material respects as if made on the date hereof;
 - (e) No Event of Default has occurred and is continuing; and
- (f) The undersigned is an officer of Vallejo authorized to execute this Reimbursement Request on behalf of Vallejo.

Signature of Authorized Agent:	Josephilles 1	
Printed Name of Authorized Agent:		
Title: FIRE CHIEF	Date:	

SCHEDULE 1 TO REQUEST FOR REIMBURSEMENT

The following is an itemized list of Authorized Expenditures for which reimbursement is requested:

The following are attached as part of this Schedule 1:

- (i) an invoice for each item of expenditure for which reimbursement is requested;
- (ii) the front and the back of canceled checks or other written evidence documenting the payment of each invoice;
- (iii) for expenditures which are wages or salaries, payroll registers containing a detailed breakdown of earnings and withholdings, together with both sides of canceled payroll checks evidencing payment thereof (unless payment has been made electronically).

Appendix D – Citizen Preparedness Projects Scope of Work and Deliverables

The City and County of San Francisco, as Fiscal Agent for the Bay Area Super Urban Area Security Initiative (SUASI) Grant Program and in cooperation with the Citizens Preparedness Workgroup of the SUASI Program, has allocated funds to the City of Vallejo for projects that enhance the capability of individuals, families, communities, businesses, or large facilities to prevent, mitigate against, respond to or recover from all-hazards catastrophic events.

All projects must be completed by December 31, 2007. The City shall have the option to extend the term as necessary to complete the project, which the City may exercise in its sole, absolute discretion.

Only citizen preparedness projects that clearly support the mission and objectives of the Bay Area SUASI Citizen Preparedness Workgroup are eligible for funding.

The Mission of the SUASI Citizen Preparedness Workgroup is to actively involve all community members in disaster preparedness through personal preparedness, training, exercises and volunteer services.

The Objectives to meet this mission include:

- Public education programs that promote personal, family and business preparedness measures; alert and warning systems; and state and local emergency plans
- > Integration of community volunteer resources into emergency plans
- > Emergency preparedness and response training for citizens
- > Citizen participation in all aspects of emergency preparedness exercises
- > Provide planning, training and exercises to address needs of special populations
- > Develop and expand community based programs in disaster preparedness

Projects are not limited to, but should consider targeting areas and groups such as: low-income, non-English speaking, seniors, youth, homeless, and the physically or mentally disabled. Whichever areas or groups are chosen, the project should work with existing community based organizations such as schools, churches, businesses, neighborhood groups, and service organizations,

Projects must be outcome based and capable of showing measurable improvement in the capability of your target audience to prevent, mitigate against, respond to or recover from catastrophic events. Projects should be integrated into existing programs when possible and sustainable without relying on continued funding through this grant program. Examples of sustainment methods include: mentoring programs, use of other potential funding sources including other grants, training programs, leadership development, sharable software and data technology, etc

Deliverables

- 1. (2) Quarterly progress reports and invoices
- 2. (1) Final report and final invoice
- 3. (1) Powerpoint presentation describing the scope, successes and difficulties of the project that will be used for presentations by the SUASI Program and available in the public domain.

VALLEJO CITY COUNCIL MINUTES

APRIL 24, 2007

The Council met in special meeting/closed session: Conference with Labor Negotiators pursuant to Government Code Section 54957.6. Negotiators: Dennis Morris, Human Resources Director, and Scott Henley; Employee Organizations: International Association of Fire Fighters, Local 1186 (IAFF) and Vallejo Police Officers Association (VPOA); and Conference with Legal Counsel – Existing Litigation (Government Code Section 54956.9) Name of Case: City of Vallejo v. International Association of Fire Fighters, Local 1186, Solano Superior Court, Case No. FCS029448. The meeting was called to order at 5:36 p.m. by Mayor Anthony J. Intintoli, Jr. Vice Mayor Cloutier and Councilmembers Pearsall and Gomes absent/excused.

The Council met in special meeting/closed session, Conference with Legal Counsel – Pending litigation Kurt Henke v. Otto Giuliani, et al, Solano County Superior Court, Case No.FCS027089, pursuant to Government Code Section 94956.0(a). Vice Mayor Cloutier absent/excused. Councilmember Pearsall excused due to a conflict of interest.

1. CALL TO ORDER

A regular meeting of the Vallejo City Council was held on the above date in the Council Chambers of the Vallejo City Hall. The meeting was called to order at 7:07 p.m. by Mayor Anthony J. Intintoli, Jr.

2. PLEDGE OF ALLEGIANCE

3. ROLL CALL

Present:

Mayor Intintoli, Councilmembers Bartee, Davis, Gomes, Pearsall and

Sunga

Absent:

Vice Mayor Cloutier, excused

Staff:

City Manager Joseph Tanner

City Attorney Fred Soley

Acting City Clerk Mary Ellsworth

4. PRESENTATIONS AND COMMENDATIONS

A. PRESENTATION OF PROCLAMATION DECLARING APRIL 27, 2007
AS ARBOR DAY IN VALLEJO – PRESENTED TO THE
BEAUTIFICATION ADVISORY COMMISSION

Mayor Intintoli presented a proclamation to Joe Athey, Chairman, Beautification Advisory Commission. At the conclusion of the Mayor's presentation, Commissioner Sarah Nichols presented information on Arbor Day and the Commission's celebration planned for April 27. The Commission presented a brief power point of the Commission's clean up and revitalization of City Park. Ms. Nichols stated that the Park was envisioned by John Frisbie in 1868 and was the first city park created on the west coast of North America.

Ms. Nichols introduced the groups who participated in the clean up: Fighting Back Partnership; Genesis House, Archway Recovery Services, Vallejo Architectural Heritage Foundation, St.

CITY OF VALLEJO CITY COUNCIL MINUTES **APRIL 24 2007 PAGE** 2

Vincent's Hill Neighborhood, City of Vallejo Maintenance and Code Enforcement Departments, Greater Vallejo Recreation District, Touro University students of Sigma Sigma Phi and Councilmember Stephanie Gomes.

The Commissioners presented "Golden Shovel" awards to Tom Howard, Founder of the Preserve City Park Committee, John Allen, Fighting Back Partnership, Joe Bates, City of Vallejo Maintenance Department, Mayor Anthony Intintoli, Jr., and Joe Tanner, City Manager. Also introduced were the winners of last year's Golden Shovel Award.

- PUBLIC COMMENT REGARDING CONSENT CALENDAR ITEMS None
- CONSENT CALENDAR AND APPROVAL OF AGENDA

Hearing no additions, corrections or deletions, the agenda was approved and the following resolutions and minutes were offered by Councilmember Davis:

CITY COUNCIL MINUTES FEBRUARY 28, MARCH 7, AND MARCH 14, 2006

RESOLUTION NO. 07-95 N.C. AUTHORIZING FUNDS FOR TRAINING SESSION FOR TWO ARCHITECTURAL HERITAGE AND LANDMARKS COMMISSION MEMBERS TO ATTEND THE ANNUAL CALIFORNIA PRESERVATION FOUNDATION CONFERENCE

RESOLUTION NO. 07-96 N.C. APPROVING AMENDMENTS TO CIVIL SERVICE RULES 1.11.3, PROBATIONARY PERIOD; 2.1, MEETINGS; AND 2.8, RULES AND REGULATIONS

ACCEPTED THE CITY TREASURER'S INVESTMENT REFORT FOR THE QUARTER ENDED MARCH 31, 2007, AS SUBMITTED

RESOLUTION NO. 07-97 N.C. AUTHORIZING THE EXECUTION OF A CONSULTANT AND PROFESSIONAL SERVICES AGREEMENT BETWEEN THE CITY OF VALLEJO AND CAROLLO ENGINEERS P.C. FOR THE EVALUATION OF DISINFECTION AND DISINFECTION BY-PRODUCT CONTROL STRATEGIES AT TRAVIS AIR FORCE BASE WATER TREATMENT FACILITY

The above resolutions and minutes were adopted with the following vote:

AYES:

Mayor Intintoli, Councilmembers Bartee, Davis, Gomes, Pearsall

and Sunga

NOES:

None

ABSENT:

Vice Chairman Cloutier

ABSTAINING:

None

- PUBLIC HEARINGS None
- POLICY ITEMS None
- 9. ADMINISTRATIVE ITEMS None
- APPOINTMENTS TO BOARDS, COMMISSIONS, AND COMMITTEES None

11. WRITTEN COMMUNICATIONS

Mayor Intintoli reported that communications were received from Howard Fitzpatrick concerning the Mare Island Historic Park Foundation.

- 12. CITY MANAGER'S REPORT None
- 13. CITY ATTORNEY'S REPORT None
- 14. COMMUNITY FORUM

<u>Speaker:</u> Burky Worel questioned why information on the comparison of Police Officer's salaries, presented to Council at a closed session by former Interim City Manager John Thompson, was exempt from public review, noting that it was his understanding that all public employee salaries are public record.

City Attorney Fred Soley responded and stated that he would review this matter and contact Mr. Worel with the decision.

REPORT OF THE PRESIDING OFFICER AND MEMBERS OF THE CITY COUNCIL

Councilmember Pearsall reported that he attended a candlelight vigil sponsored by students at Solano Community College in memory of the students at Virginia Tech. He requested that tonight's meeting be adjourned in memory of the victims of the tragedy.

Councilmember Bartee announced that the Senior Citizens Roundtable will have its first meeting on May 10, 2 p.m. Douglas Senior Center. He stated that the Roundtable has been designed after the very successful program in Vacaville, and should be a great advocacy tool for seniors.

Councilmember Sunga reported that the first traffic safety audit has been conducted at one of the schools in the City and a report on this will be issued soon. Audits will be done on some of the other schools.

Mayor Intintoli announced that the Solano Transportation Authority is conducting a safe routes to school program and they have funding in each community for a demonstration project. There will be a process established for selecting the project.

16. CLOSED SESSION - None

17. ADJOURNMENT

The meeting adjourned at 7:27 p.m. in memory of the victims of the Virginia Tech tragedy.

ANTHONY J. INTINTOLI, JR., MAYOR

MARY ELLSWORTH, ACTING CITY CLERK

ATTEST:

VALLEJO CITY COUNCIL MINUTES

MARCH 6, 2007

The Council met in a special meeting/closed session concerning Conference with legal counsel — pending litigation: Henke v. Giuliani, et al, Solano County Superior Court, Case No. FCS027089 Pursuant to Government Code Section 54956.9(a); Conference with Legal Counsel, pending litigation, Regynald Jackson v. City of Vallejo, et al, USDC Eastern District, Case No. 2:05-CV-01399-LKK-GGH; Conference with Legal Counsel, pending litigation: Ketchum, et al v. City of Vallejo, United States District Court, Eastern District, Sacramento Division, Case No. 2:05-CV-01098-DFL-JFM pursuant to Government Code Section 54956.9(a). The meeting was called to order at 6:05 p.m. by Mayor Anthony J. Intintoli, Jr. All Councilmembers were present.

<u>Speaker:</u> Joanne Schivley spoke on the matter Henke v. Giuliani, et al, on behalf of herself and Patty Keener, Administrative Analyst II, Fire Department. She urged the Council not to use the City's money to pay for the lawsuit.

- 1. CALL TO ORDER
- 2. PLEDGE OF ALLEGIANCE
- 3. ROLL CALL

Present:

Mayor Intintoli, Vice Mayor Cloutier, Councilmembers Bartee, Davis, Gomes,

Pearsall and Sunga

Absent:

None

Staff:

City Manager Joseph Tanner

City Attorney Fred Soley

Interim City Clerk Mary Ellsworth

4. PUBLIC COMMENT REGARDING CONSENT CALENDAR ITEMS

John Osborne referred to Consent Item 6F concerning the acceptance of the Comprehensive Annual Financial Report for FY ended June 30, 2006, and questioned the accuracy of the Transmittal Letter dated January 26, 2007; he further questioned why the payment of claims was no longer on the Consent Calendar agenda. Robert Rowe urged Council not to approve the items on the Consent Calendar. Joanne Schivley requested that Consent Calendar Item A, concerning a lease agreement between the City and Brian F. Baylies for office space at 251 Georgia Street, be removed to become 6.1; and Item 6-F, concerning the Comprehensive Annual Financial Report for Fiscal Year 2007-2008, be removed to become part of 10A.

5. CONSENT CALENDAR AND APPROVAL OF AGENDA

At the request of Mayor Intintoli, a Resolution in support of SB 167, which concerns raising funds for general plan updates, and requesting the Mayor to write a letter of support, was added to the Consent Calendar as Item 6-I.

Hearing no further additions, corrections or deletions, the agenda was approved as amended removing Consent Calendar Item A, concerning a lease agreement between the City and Brian F. Baylies for office space at 251 Georgia Street to become 6.1; and Item 6-F, concerning the Comprehensive Annual Financial Report for Fiscal Year 2007-2008 to become part of 10A, and adding a request that the Mayor write a letter of support for raising funds for general plan updates as Item 6I, the following ordinance and resolutions were offered by Vice Mayor Cloutier:

APPROVAL OF A LEASE AGREEMENT BETWEEN THE CITY OF VALLEJO AND BRIAN F. BAYLIES FOR OFFICE SPACE AT 251 GEORGIA STREET CURRENTLY OCCUPIED BY VALLEJO FIRE PREVENTION DIVISION (Moved to 6.1)

RESOLUTION NO. 07-46A N.C. APPROVAL OF CONSULTANT SERVICES AGREEMENT FOR PUBLIC RELATIONS AND MEDIA SERVICES FOR THE "AVOID THE 10" DRIVING UNDER THE INFLUENCE (DUI) ENFORCEMENT PROGRAM

RESOLUTION NO. 07-47 N.C. ADOPTING THE ASSOCIATION OF BAY AREA GOVERNMENT (ABAG) TAMING NATURAL DISASTERS REPORT, LOCAL HAZARD MITIGATION PLAN ANNEX AND MITIGATION STRATEGIES AS THE CITY OF VALLEJO'S LOCAL HAZARD MITIGATION PLAN

RESOLUTION NO. 07-48 N.C. AWARDING THE WATER MAINS CAPITAL IMPROVEMENT PROJECT FY 2006/2007 AND APPROVING CONTRACT CHANGE ORDER NO. 1 TO SOARES PIPELINE, INC., OF HAYWARD, CALIFORNIA

RESOLUTION NO. 07-49 N.C. AWARDING A CONTRACT TO WEIR FLOWAY, INC., OF FRESNO, CALIFORNIA TO FURNISH TWO 250 HORSEPOWER VERTICAL TURBINE PUMPS AND MOTORS FOR THE TRANS-VALLEJO EMERGENCY BACK-UP PUMP STATION

ACCEPTING THE COMPREHENSIVE ANNUAL FINANCIAL REPORT FOR FISCAL YEAR ENDED JUNE 30, 2006 (moved to 10A)

RESOLUTION NO. 07-50 N.C. AMENDMENT TO 2007 COUNCIL APPOINTMENT LIST

ORDINANCE NO. 1581 N.C. (2D) ADDING SECTION 3.20.229 TO THE VALLEJO MUNICIPAL CODE RELATING TO THE CREATION OF A REAL PROPERTY ASSET MANAGEMENT POLICY

<u>RESOLUTION NO. 07-51 N.C.</u> IN SUPPORT OF SB 167, AND REQUESTING THE MAYOR O WRITE A LETTER OF SUPPORT TO THE LEGISLATURE.

The above resolutions and ordinance were adopted by the following vote:

AYES:

Mayor Intintoli, Vice Mayor Cloutier, Councilmembers Bartee, Davis, Gomes,

Pearsall and Sunga

NOES:

None

ABSENT:

None

ABSTAINING None

6.1 APPROVAL OF A LEASE AGREEMENT BETWEEN THE CITY OF VALLEJO AND BRIAN F. BAYLIES FOR OFFICE SPACE AT 251 GEORGIA STREET CURRENTLY OCCUPIED BY VALLEJO FIRE PREVENTION DIVISION

Speaker: Joanne Schivley questioned why the City would pay rental space for city offices given the financial situation of the City.

Craig Whittom, Assistant City Manager/Community Development, responded to Ms. Schivley's question stating the long-term objective is to reduce the costs by consolidating into City-owned facilities.

RESOLUTION NO. 07-52 N.C. offered by Mayor Intintoli authorizing the City Manager to execute the lease agreement between the City of Vallejo and Brian F. Baylies through January 31, 2009 and to execute any other documents necessary to effect the agreement.

The resolution was adopted by the following vote:

AYES:

Mayor Intintoli, Vice Mayor Cloutier, Councilmembers Bartee, Davis, Gomes,

Pearsall and Sunga

NOES:

None

ABSENT:

None

ABSTAINING: None

- PUBLIC HEARINGS None
- 8. POLICY ITEMS None
- 9. ADJOURN TO JOINT MEETING WITH THE VALLEJO REDEVELOPMENT AGENCY AND THE VALLEJO CITY COUNCIL

The Council adjourned to a joint meeting with the Vallejo Redevelopment Agency at 7:11 p.m. All Members were present.

- 10. ADMINISTRATIVE ITEMS
 - A. CONSIDERATION OF RESOLUTION 1) APPROVING THE FISCAL YEAR 2006-2007 MID-YEAR FINANCIAL REPORT AND 2) ADOPTING A RESOLUTION OF INTENTION TO AMEND THE FISCAL YEAR 2006-2007 BUDGET.

Robert Stout, Finance Director, introduced Susan Mayer, Assistant Finance Director. Mr. Stout stated that what will be addressed tonight are where we are today, make some recommended budget adjustments, and discuss preliminarily about Fiscal Year 2008.

Mr. Stout explained the June 30, 2006 Comprehensive Annual Financial Report (CAFR) that was addressed by former councilmember Schivley. He stated that the General Fund for that year was \$77,823,000 in revenue and \$66,000,000 in expenditures for a net of \$919,000. The single biggest item was the supplemental property tax that was received late in the year.

Mr. Stout discussed transfers stating we budgeted transfers out of \$4,276,000 and we actually transferred out \$7,205,000. The biggest component of the increase was the unforeseen transfer of

\$2,700,000 to the transportation fund and \$500,000 to the Marina Fund. He addressed the midyear projection for the General Fund, revenues were up about \$1,073,000, due to supplemental property tax. Expenditures were down by \$2,500,000.

Mr. Stout addressed the Transportation Fund in detail; and also addressed the equipment replacement fund and the insurance fund.

In discussing the Marina Fund, Mr. Stout stated that the marina has revenues of about \$1,846,000 and expenditures of \$1,300,000. Staff has been trying to find alternative ways of managing the debt service burden but have not been very successful. So this fund continues to remove General Fund money out.

Mr. Stout then addressed revenues and expenditures, stating that what is being proposed are budget adjustments to reduce revenues by \$984,000, as well to increase expenditures by \$1,346,000, for a net impact from the General Fund of \$2,330,000. He noted that one of the biggest single numbers in the operating expenditures is Fire Department over-time.

He stated that other items where more money is needed is employee leave payouts.

Further, Council is being asked to appropriate \$200,000 to help construct a ballot measure to for the November 2007 election which relates directly to the utility user tax. He explained that the City's ordinance, which was originally written in 1964, ties the utility user tax to the federal excise tax. Congress is trying to make sure that cities do not tax the internet, and do not tax telecommunications. So after almost five years of discussion, Congress has all but done away with the federal excise tax. Since our ordinance ties our collection to the federal excise tax we need to revise our ordinance in order to maintain that \$5,000,000 in revenue strings.

Mr. Stout stated that fiscal Year 2007 now foresees a deficit in the General Fund of \$4,600,000. Our expenditures exceed are revenues, and the expenditures are growing faster than the revenues.

The transportation deficit continues at \$1,500,000 Again the transportation is working hard to get some consultants in to help them design a system that is more efficient to generate more revenues and reduce cost.

The next step in this process is to adopt the budget recommendations that are being recommended tonight. Staff is planning to get citizen involvement on an informal basis, to help work through the prioritization process. The goal is to produce a budget by the second week in May; then schedule a series of workshops to address the budget.

The following speakers addressed the budget issue: Mike Setty addressed ferry fuel costs and the possibility of consolidating Vallejo's transportation system on a county-wide basis. John Osborne addressed definition of fiscal year, adequate public review of agenda documents, Council approval of transfers out, 2.8 million dollar water fee transfer to General Fund, Fiscal year 2008 projections and discussion not properly agendized. Mustafa Abdul Ghanee compared City financial situation to the School District's problems, and asked the City to find solutions to the financial situation that would not pose additional burdens to the community. Paul Norberg addressed public safety contracts and recommended asking the public safety unions to renegotiate and accept pay and benefits comparable to surrounding communities, Jim Libien suggested reducing costs by limiting retiree benefits, Kevin Elliot stated the City cannot afford the Fire Union contract, and suggested freezing raises with all five bargaining units, and outsourcing fire services, James Moore addressed the public safety contracts.

CITY OF VALLEJO CITY COUNCIL

Jon Riley, Firefighter, addressed the current Fire Department budget and Firefighters negotiations with the City, Burkey Worel addressed public safety salaries.

Councilmembers Pearsall and Gomes stated that they will vote in favor of the mid-year financial report, but will vote against amending the current fiscal year budget by \$1,600,000.

Councilmember Davis provided background information on previous negotiations with the bargaining units. He stated that if necessary, the City will go to binding arbitration pursuant to the Charter, for final disposition of this issue. He asked that all bargaining units consider the suggestion of Councilmember Pearsall concerning freezing the salary increases already in the contract and/or work with staff to come up with a solution.

Councilmember Bartee agreed with Councilmembers Pearsall and Davis, that the bargaining units should consider waiving some of their negotiated raises. He questioned the amount of the Marina Debt Fund.

Mr. Stout responded to questions of Councilmember Sunga concerning the General Fund subsidy on the 150 funds that the City has. Mr. Sunga expressed concern that we are subsidizing these funds which are supposed to be self-sufficient.

<u>RESOLUTION NO. 07-53 N.C.</u> offered by Mayor Intintoli, approving the Fiscal Year 2006-2007 Midyear Financial Report.

The resolution was adopted with the following vote:

AYES:

Mayor Intintoli, Vice Mayor Cloutier, Councilmembers Bartee, Davis,

Gomes, Pearsall and Sunga

NOES:

None

ABSENT:

None

ABSTAINING:

None

At the request of Mayor Intintoli, Mr. Stout explained the consequences if the majority of the Councilmembers did not support the action to amend the budget because of the Fire Department overtime costs.

City Manager Tanner offered an alternative to the action which would be to amend the budget as presented with the exception of the Fire Department overtime; noting, however, that if the overtime is not approved, it could be a violation of the Firefighters' contract.

RESOLUTION NO. 07-54 N.C. offered by Mayor Intintoli amending the Fiscal Year 2006-2007 budget.

The resolution was adopted with the following vote:

AYES:

Mayor Intintoli, Vice Mayor Cloutier, Councilmembers Bartee, Davis,

and Sunga

NOES:

Councilmembers Gomes, Pearsall

ABSENT:

None

ABSTAINING:

None

<u>RESOLUTION NO. 07-07</u> of the Redevelopment Agency offered by Mayor Intintoli a resolution of intention amending the fiscal year 2006-2007 budget.

The resolution was adopted with the following vote:

AYES:

Chairman Intintoli, Vice Chairman Cloutier, Members Bartee, Davis,

Gomes, Pearsall and Sunga

NOES:

None

ABSENT:

None

ABSTAINING:

None

11. RECONVENE THE CITY COUNCIL MEETING

The City Council meeting reconvened at 9:05 p.m. All Councilmembers were present.

12. ADMINISTRATIVE ITEMS (CONTINUED)

B. APPROVAL OF A RESOLUTION ACCEPTING THE COMPREHENSIVE ANNUAL FINANCIAL REPORT FOR FISCAL YEAR ENDED JUNE 30, 2006. (Moved from Consent 6-F.)

Joanne Schivley stated that she asked that this item be removed from the Consent Calendar so the public could be made aware of what was in the report. Mr. Stout covered this during his presentation.

<u>RESOLUTION NO. 07-55 N.C.</u> offered by Mayor Intintoli accepting the Comprehensive Annual Financial Report for the Fiscal Year ended June 30, 2006.

The resolution was adopted with the following vote:

AYES:

Mayor Intintoli, Vice Mayor Cloutier, Councilmembers Bartee,

Davis, Gomes, Pearsall and Sunga

NOES:

None

ABSENT:

None

ABSTAINING:

None

B. CONSIDERATION OF A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT WITH NELSON/NYGAARD CONSULTING ASSOCIATES, INC. TO CONDUCT AN OPERATIONAL AND FINANCIAL ANALYSIS OF VALLEJO'S TRANSPORTATION SERVICES

The City of Vallejo owns Vallejo Transit, the local and express fixed route bus service; Vallejo Baylink, the ferry boat service from Vallejo to San Francisco; and Vallejo Runabout, the paratransit service for Americans with Disabilities Act (ADA) service eligible riders. These transit services are operated by private companies through contracts with the City of Vallejo.

The City's transit services have been designed to be funded wholly from revenues derived from fares, grants, and other operating income generated from transit related activities or services. In recent years, these transit revenues have failed to keep up with the increased operating costs, resulting in a rapidly growing

cumulative operating deficit funded through loans from the City's General Fund and other City funds.

As result of this ongoing deficit in the transportation fund it was determined that the City needed a comprehensive operating and financial analysis of the City's transportation system that would provide the framework for an efficient, effective, and financially self-sustainable transportation system. It was decided that a Consultant should be engaged to evaluate and make recommendations on all aspects of the system including but not limited to: contracts, operating costs, potential new revenue sources, fare structure, schedules, routes/sailings, and organizational structure. The first objective of the consultants will be to help the transportation division determine the immediate and necessary actions to address the Fiscal Year 07-08 projected budget deficit estimated to be about \$2M. The second objective of the consultants will be to prepare contract and solicitation documents for the bus and ferry operations contracts which are expiring at the end of this Fiscal Year. Both of these objectives are time sensitive and mission critical for the transportation system.

Gary Leach, Public Works Director, introduced Crystal Odom-Ford, Transportation Supervisor, and Greg Anderson, Procurement Officer for the Transportation Division. Ms. Odom-Ford made a power point presentation on the status of the transportation fund and the action plan to try to balance the revenues and expenditures for the next fiscal year. She reported that the transportation fund deficit is \$400,000. She described the route restructuring plan that was implemented October 1, 2006 and the projected savings associated with the restructuring. She reported that a Transit Bus Advisory Committee has been formed to get input from the ridership. They have also implemented a multi-agency buying consortium for buying fuel. She addressed other measures being taken to find savings, including applying for grants and forming joint partnerships with Solano Transportation Authority. She then addressed the major financial issues facing the division.

Ms. Odom-Ford presented the action plan which included conducting a transit service review that would develop a crisis management plan through the services of Nelson Nygaard. She explained the services that would be provided by Nelson Nygaard.

<u>Speakers:</u> Robert Rowe stated that he was a regular bus rider and commented on the negative attitude of some of the bus drivers.

Councilmember Bartee asked for clarification on the Transportation Department budget deficit. He questioned the lack of information on the interview and selection process for hiring the consultant, and the use of consultants in general.

Greg Anderson, Transportation Analyst, responded to Councilmember Bartee's questions and explained the grading method used in the selection process. Ms. Odom-Ford also responded to Councilmember Bartee concerning the use of consultants, noting that staff has been limiting the use of consultants.

Councilmember Bartee commented on the set-aside planning for equipment replacement. He referred to ideas suggested by Mr. Setty (a speaker on the budget item) and suggested that staff consider reviewing the tracking of goals and objectives used by Vallejo Sanitation and Flood Control District. He recommended that the proposed improvements be put on a grid so

they can be tracked; that this be done quarterly and presented to the Council Ad Hoc Committee for Transportation.

Councilmember Sunga asked if staff had an opportunity to talk to the transit or ferry operators to solicit their help and get their ideas in controlling expenditures. Ms. Odom-Ford replied that they have had contact with the manager of the transit system, and they will be meeting with the operators.

Councilmember Pearsall suggested scaling back on the use of consultants so we don't have to spend more money out of the general fund, noting the monies received from STA and MTC.

Mr. Leach explained the reason for having to hire consultan's is due to lack of staff time.

Councilmember Gomes referred to Admin. D stating that the contract for Fast Ferry Management, Inc., is for \$143,712; \$250,000 was budgeted so there is a savings of \$106,288. If the savings is put toward the Nygaard contract, deficit spending to the General Fund would be reduced to \$10,763.00. Councilmember Gomes stated that she wants a commitment from the Transportation Division that they will stay with the \$143,712 price of the other contract that they budgeted \$250,000 for and put the difference into this contract.

Ms. Odom-Ford noted that the \$50,000 that MTC is awarding for a short-range transit plan is a federal requirement. The consultant should have been hired before now because the City is federally mandated to get the short-range transit plan submitted to them.

Mayor Intintoli explained that the federal government is concerned with the City's past understaffing and with its ability to respond to federal oversight requirements. He does not want to delay this or force staff into a promise they can't keep. He asked staff to make every effort to stay within the \$143,712 and if they have the savings, that it be applied to this contract to minimize the impact on the general fund.

Mr. Tanner stated that he would make the commitment that before the amount is exceeded, staff will come back to Council.

Councilmember Gomes questioned how we anticipated paying for the ferry service when it was first started. Mr. Leach explained that it was hoped that a sales tax increase would have been approved to support the service.

Mayor Intintoli and Mr. Leach explained the history of the ferry service. There was some discussion about the subsidy of the ferry service.

Councilmember Davis added an amendment to the resolution: that Nelson Nygaard Consulting Associates seek the input and consult with the current transit operators MV Transit and the Ferry Operators, Blue and Gold, concerning the study and recommendation continained in the report.

Councilmember Gomes further amended the resolution to require the consultation with the three organizations.

RESOLUTION NO. 07-56 N.C. offered by Mayor Intintoli authorizing the City Manager to execute a contract with Nelson Nygaard Consulting Associates, Inc., to conduct an Operational and Financial Analysis of the City's Transportation Services at a negotiated price

not to exceed \$187,769; and that Nygaard Consulting Associates seek the input and consult with the current Transit Operators (MV Transit), the Ferry Operator (Blue and Gold) and the Citizens Groups (Vallejo Bayline Advisory Committee, VBAC), Citizens Transportation Advisory Committee, CTAC) and Vallejo Transportation Advisory Committee, VTAC) concerning the study and recommendations contained in the report; and that the City Manager is authorized, if deemed necessary, to exercise an option for additional work not to exceed \$42,138, to perform an operational and financial analysis of the City of Vallejo Transportation Division.

The above resolution was adopted by the following vote:

AYES:

Mayor Intintoli, Vice Mayor Cloutier, Councilmembers Bartee, Davis, Gomes,

Pearsall and Sunga

NOES:

None

ABSENT:

None

ABSTAINING: None

C. APPROVAL OF A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXTEND THE CURRENT CONTRACT WITH BLUE AND GOLD FLEET FOR AN ADDITIONAL SIX-MONTH PERIOD AND AUTHORIZING THE CITY MANAGER TO EXTEND THE CONTRACT FOR TWO ADDITIONAL THREE-MONTH TERMS AT HIS DISCRETION

The City owned ferry system is currently operated by contract with Blue and Gold Fleet. The initial five year term of the contract expires on June 30, 2007. There are five additional one year options available on the current contract.

The City is currently procuring consultant services to conduct a comprehensive operational and financial analysis of the Transportation Division. The scope of work for that analysis includes analyzing the current contracts, preparing recommendations for future contracts, and developing solicitation documents for the bus fixed route and ferry operations contracts.

After a review of the timelines required for analysis of the current contracting relationships, developing solicitation and contract documents, conducting the solicitation process, and allowing the vendor the time required for ramp up to operations, staff has determined that there is not sufficient time to properly procure and begin service under a new ferry operations contract. Staff is requesting that the contractor break up the one year option term into one initial six month extension, with two optional three month extensions that could be used at the discretion of the City.

<u>RESOLUTION NO. 07-57 N.C.</u> offered by Councilmember Davis authorizing the City Manager to exercise options to extend the current contract with Blue and Gold Fleet for Ferry Operations.

The above resolution was adopted by the following vote:

AYES:

Mayor Intintoli, Vice Mayor Cloutier, Councilmembers Bartee, Davis,

Gomes, Pearsall and Sunga

NOES:

None

ABSENT: None ABSTAINING: None

D. APPROVAL OF A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE AN AGREEMENT WITH FAST FERRY MANAGEMENT, INC., FOR FERRY SERVICES OVERSIGHT, CONTRACT MONITORING, PLANNING, AND PROJECT MANAGEMENT

The City of Vallejo currently operates high speed ferry service between Vallejo and San Francisco through an operating contract with Blue and Gold Fleet. Under that contract the City of Vallejo provides capital facilities / equipment and funding to the operator who maintains the equipment and provides the labor and management necessary for operations. In September of 1999 the City entered into the current contract to monitor the Blue and Gold Fleet contract, provide for the administration and maintenance of vehicle warranty work, and perform project management for vessel and facility maintenance and infrastructure improvement projects.

As the current contract expiration date approached, staff saw a continued need for the services that were being provided, but wanted to address some specific areas with the new contract that were not fully addressed in the current contract. As the new scope of work was drafted for the RFP, staff wanted to ensure that there was no duplication of effort or responsibilities between Blue and Gold Fleet on site management and the Marine Services Manager. Staff also wanted to change the form of contract from a fixed monthly rate contract, plus hourly rates for project management tasks, to a time and materials not to exceed contract.

<u>RESOLUTION NO. 07.58 N.C.</u> offered by Mayor Intintoli authorizing the City Manager to enter into an agreement for ferry services oversight, contract monitoring, planning and project management with Fast Ferry Management, Inc.

The above resolution was adopted by the following vote:

AYES: Mayor Intintoli, Vice Mayor Cloutier, Councilmembers Bartee,

Davis, Gomes, Pearsall and Sunga

NOES: None ABSENT: None ABSTAINING: None

E. CONSIDERATION OF A RESOLUTION AUTHORIZING THE CITY MANAGER OR A REPRESENTATIVE TO SOLICIT DONATIONS TO FUND THE ANNUAL FOURTH OF JULY PARADE AND CELEBRATION

Mayor Intintoli stated that Council received a letter from Rick Wells, President/CEO, Vallejo Chamber of Commerce concerning this item.

Mr. Tanner gave a brief report on the background of the funding of the Fourth of July Parade. He stated that the City's total contribution has been the provision of services from both the Police Department and Public Works Department which total \$19,000. This year the Chamber is requesting \$40,000 from the City to manage and market the event and with the City's contribution, it would be a total of \$59,000 for the parade. Mr. Tanner recommended that funds for the parade be solicited from local businesses and outside organizations, rather than

CITY OF VALLEJO CITY COUNCIL

charge the expenditure to the general fund. The City would continue to provide the services of the Public Works and Police Department.

Rick Wells, President/CEO, Vallejo Chamber of Commerce, explained that this is a proposal for services based on hard costs.

Councilmember Gomes proposed that if the money is raised and we go forward with the parade, that there be more community input on the parade itself—involve Main Street and other community members. She would like for the parade to be less car centric and have more floats and horses. She asked that the time be extended for raising the money.

RESOLUTION NO. 07-59 N.C. offered by Councilmember Bartee, authorizing the City Manager or a representative to solicit funds from local businesses and outside organizations for the Fourth of July Parade and deny the approval of \$40,000 expenditure from the General Fund at this time.

m

The above resolution was adopted by the following vote:

AYES: Mayor Intintoli, Vice Mayor Cloutier, Councilmembers Bartee, Davis,

Gomes, Pearsall and Sunga

NOES:

None

ABSENT: ABSTAINING: None None

F. PRESENTATION ON CONSOLIDATION OF POLICE SUBSTATIONS

Police Chief Nichelini explained the reasons for the consolidation of police substations. He stated that the current annual cost of the leases for the substations is \$87,000. The intent is to consolidate the Community Services and Youth Services Division into a city-owned building at 2 Florida Street. Staff is also negotiating with the Probation Department to see if they are interested in relocating to that site. Chief Nichelini further reported that there is absolutely no reduction in field police services. The other advantages are savings that will result from fewer janitorial services, data lines, office equipment, and all the overhead that comes with operating offices.

Councilmember Gomes asked if Fire Prevention will be occupying the former Solano Community College space when they vacate. Mr. Tanner replied that the College will be moving October 1 and the use of that space is being considered. This space would not accommodate both Fire Prevention and Police.

Councilmember Gomes noted that the Florida Street property will be a prime piece of property when the waterfront development gets started. She questioned whether the police occupying the Florida Street property is an appropriate use for the waterfront. Chief Nichelini stated that this is not a "forever" use. They hope eventually to get a new police station where all police services would be located.

Councilmember Bartee asked if there was a possibility that the Sheriff's Office would locate at the Florida Street location also. Chief Nichelini explained the possibility of a future joint location with the Sheriff's Department.

<u>Speakers:</u> Robert Rowe asked Chief Nichelini to explain the Community Services Department.

13. APPOINTMENTS TO BOARDS, COMMISSIONS, AND COMMITTEES - None

14. WRITTEN COMMUNICATIONS

Mayor Intintoli announced that communication was received from the Chamber of Commerce; and an e-mail message from Jerry Horton regarding the city park plan which was referred to the City Manager.

- 15. CITY MANAGER'S REPORT None
- 16. CITY ATTORNEY'S REPORT None
- 17. COMMUNITY FORUM

<u>Speakers:</u> Marc Garman, 932 Florida Street, Vallejo, David Prinz, 224 Lexington Drive, Vallejo, spoke in opposition to the WalMart store and distributed information on WalMart. Robert Rowe, 1825 Sonoma Boulevard, addressed preservation of the Wilson Avenue wild life habitat. Burky Worel addressed the public safety contracts.

18. REPORT OF THE PRESIDING OFFICER AND MEMBERS OF THE CITY COUNCIL

Mayor Intintoli asked that the meeting be adjourned in memory of a long-time Vallejo citizen and distinguished educator, Santa Fe Moses, who organized the first educational component of the Continental of Omega Boys Club. Mrs. Moses died recently at the age of 94.

Councilmember Sunga reported on his attendance at the first Chinese New Years held in Vallejo and thanked the organizers for a great event.

19. CLOSED SESSION - None

20. ADJOURNMENT

The meeting adjourned at 10:56 p.m. in memory of Santa Fe Moses.

	ANTHONY J. INTINTOLI, JR., MAYOR	
Attest:	MARY ELLSWORTH, ACTING CITY CLERK	

13. APPOINTMENTS TO BOARDS, COMMISSIONS, AND COMMITTEES -NONE

14. WRITTEN COMMUNICATIONS
15. CITY MANAGERS REPORT

16. REPORT OF THE PRESIDING OFFICER AND MEMBERS OF THE CITY COUNCIL - None

17. COMMUNITY FORUM

18. REPORT OF PRESIDIING OFFICER AND MEMBERS OF THE CITY COUNCIL

ANTHONY J. INTINTOLI, JR., MAYOR

MARY ELLSWORTH, ACTING CITY CLERK

ATTEST:



Agenda Item No.

COUNCIL COMMUNICATION

Date: May 1, 2007

TO:

Mayor and Members of the City Council

FROM:

Craig Whittom, Assistant City Manager/Community Development/

Robert V. Stout, Finance Director #15

Laura J. Simpson, Housing and Community Development Manager Low Oct

SUBJECT:

APPROVAL OF A RESOLUTION TO AMEND THE FISCAL YEAR (FY) 2006/2007 HOME INVESTMENT PARTNERSHIPS PROGRAM BUDGET AND AUTHORIZING THE CITY MANAGER TO EXECUTE LOAN AMENDMENTS

AND RELATED DOCUMENTS BETWEEN THE CITY OF VALLEJO AND

VALLEJO NEIGHBORHOOD HOUSING SERVICES, (VNHS) INC.

BACKGROUND AND DISCUSSION

The City of Vallejo has \$301,511 available from the U.S. Department of Housing and Urban Development (HUD) in Federal HOME Investment Partnerships Program funds for affordable housing production. This activity may be provided by a Community Housing Development Organization, or CHDO. Vallejo Neighborhood Housing Services, Inc. (VNHS) is the sole qualified CHDO in Vallejo.

VNHS has previously received \$613,123 in CHDO (HOME) funding from the City as a deferred loan, dated November 1, 2006, at a simple interest rate of three (3) percent (%) per year. toward the construction of Graham Gardens at the corner of Mini and Stanford Drives. Graham Gardens will consist of 22 for-ownership duets. Eleven (11) of these units will be affordable for families at 80 percent (%) of the median income or below. When completed, these HOMEassisted units will remain affordable for the next 45 years, through the recording of deed restrictions.

VNHS has requested \$220,000 of the available unallocated CHDO funding for this project. If approved, this additional funding will replace a grant request by VNHS that was not approved by the Federal Home Loan Bank Affordable Housing Program (AHP). On April 17, 2007 the City Council considered this request, and adopted a resolution of intention to amend the FY 2006/2007 HOME Program Budget, as follows: allocating this additional amount of \$220,000 as an amendment to the existing loan of \$613,123, with the same terms and conditions, including deferral for 45 years, at a simple interest rate of three (3) percent (%) per year.

The completion of the Graham Gardens Project is vital to aiding the City in complying with terms of the Buchongo Settlement Agreement. This Agreement requires the Redevelopment Agency to assist in the production of affordable housing in the community, either through new construction, or substantial rehabilitation of housing. Work on this project is scheduled to begin in May.

Fiscal Impact

If \$220,000 in unallocated HOME funds is approved for Graham Gardens, the balance of funds available for CHDO activities will be \$81,511.

RECOMMENDATION

Approve a resolution to allocate additional HOME funds to a CHDO Project, Graham Gardens, and authorizing the City Manager to execute loan amendments and related documents as may be necessary by and between the City of Vallejo and VNHS, Inc. for an additional amount of \$220,000 in HOME CHDO funds for the Graham Gardens Project.

ALTERNATIVES CONSIDERED

The completion of Graham Gardens will enable the City of meet its affordable housing goals. VNHS is the only qualified CHDO in Vallejo. Therefore, no other alternatives were considered.

ENVIRONMENTAL REVIEW

There is no environmental impact associated with this action. An environmental review of this project was completed in a prior program year.

PROPOSED ACTION

Adopt the enclosed resolution allocating HOME funds to the Graham Gardens Project.

DOCUMENTS ATTACHED

Attachment "A" - Resolution

CONTACT:

Craig Whittom, Assistant City Manager/Community Development, (707) 648-4579, or cwhittom@ci.vallejo.ca.us.

Laura J. Simpson, Housing and Community Development Manager, (707) 648-4393, or ISimpson@ci.vallejo.ca.us.

Guy L. Ricca, Senior Community Development Analyst, (707) 648-4395, or gricca@ci.vallejo,ca,us.

RESOL	UTION	NO.	N.C.

BE IT RESOLVED by the Council of the City of Vallejo as follows:

THAT WHEREAS, the City of Vallejo has \$301,511 available from the U. S. Department of Housing and Urban Development (HUD) in Federal HOME Investment Partnerships Program funds for affordable housing production.

WHEREAS, this type of affordable housing project may be provided by a Community Housing Development Organization (CHDO).

WHEREAS, Vallejo Neighborhood Housing Services, Inc. (VNHS) has requested \$220,000 of these funds to assist in the completion of the Graham Gardens Project.

WHEREAS, on April 17, 2007 the City Council considered this request, and adopted a resolution of intention to amend the RFY 2006/2007 HOME Program Budget in order to allocate these funds to the Graham Gardens Project.

WHEREAS, VNHS is the sole qualified CHDO in Vallejo.

WHEREAS, the completion of the Graham Gardens is vital to the City meeting its affordable housing goals.

NOW THEREFORE BE IT RESOLVED that the City Council hereby amends the FY 2006/2007 HOME Program Budget as described in the attached staff report dated May 1, 2007; and

BE IT FURTHER RESOLVED that the City Council hereby directs the City Manager, or his designee, the Finance Director, to revise the FY 2006/2007 HOME Program Budget as described in the attached staff report dated May 1, 2007; and

BE IT FURTHER RESOLVED that the City Council hereby authorizes the City Manager to execute loan amendments and related documents as may be necessary by and between the City of Vallejo and VNHS, Inc. for an additional amount of \$220,000 in HOME CHDO funds for the Graham Gardens Project.

ADOPTED by the Council of the City of Vallejo at a regular meeting held on May 1, 2007 with the following vote:





Agenda Item No.

COUNCIL COMMUNICATION

Date: May 1, 2007

TO:

Honorable Mayor and Members of the City Council

FROM:

Robert W. Nichelini, Chief of Police

SUBJECT:

Approval of a resolution amending the Police Department Budget for

Fiscal Year 2006-07

BACKGROUND AND DISCUSSION

On April 17, 2007, Council approved a resolution of intent to amend the Police Department Budget by appropriating \$208,333 for the implementation of a grant from the California Department of Corrections and Rehabilitation. Acceptance of the grant award was approved by Council at the same meeting. To finalize this action, approval of a final resolution amending the Police Department Budget is required.

RECOMMENDATION

Adopt a resolution amending the Police Department Budget for Fiscal Year 2006-07 in the amount of \$208,333 to allow for the acceptance of the Grant from the California Department of Corrections and Rehabilitation and to appropriate the same amount for the implementation of the Grant.

ENVIRONMENTAL REVIEW

The adoption of this resolution is not a project under the California Environmental Quality Act (CEQA) pursuant to section 15378 of Title 14 of the California Code of Regulations as it involves government fiscal activities, which do not involve any commitment to any specific project which may result in a potentially significant physical impact on the environment and no environmental review is required.

PROPOSED ACTION

Adopt a resolution amending the Police Department Budget for Fiscal Year 2006-07 in the amount of \$208,333 to allow for the acceptance of the Grant from the California Department of Corrections and Rehabilitation and to appropriate the same amount for the implementation of the Grant.

DOCUMENTS ATTACHED

a. A resolution amending the Police Department Budget for Fiscal Year 2006-07 in the amount of \$208,333 to accept the Grant and appropriate funds for the implementation of the grant.

CONTACT PERSON

PREPARED BY: Captain JoAnn West, Vallejo Police Department

(707) 648-4516 e-mail: jwest@ci.vallejo.ca.us

RESOL	LUTION	NO.	N.C
		- 1 O	

BE IT RESOLVED by the Council of the City of Vallejo as follows:

WHEREAS, in June 2006, the City Council adopted a budget for the Fiscal Year 2006-07; and

WHEREAS, City Charter Section 703 requires that available funds not included in the budget may be appropriated by the City Council after giving one week's notice of intention to do so; and

WHEREAS, on April 17, 2007, Council approved a resolution of intent to appropriate \$208,333 to the Police Department Budget for Fiscal Year 2006-07; and

WHEREAS, these funds will be appropriated for the implementation of a grant from the California Department of Corrections and Rehabilitation.

NOW, THEREFORE, BE IT RESOLVED that the Vallejo City Council, pursuant to Charter Section 703, does hereby amend the Police Department Budget for the Fiscal Year 2006-07 in the amount of \$208,333.

BE IT FURTHER RESOLVED that these funds will be appropriated for the implementation of a grant with the California Department of Corrections and Rehabilitation.

MAY 1, 2007

K:/CITYWIDE/PUBLIC/AI/PD/SR for CDCR Budget Amendment Step 2 (2) 050107

Agenda Item No.

COUNCIL COMMUNICATION

Date: May 1, 2007

TO:

Mayor and Members of the City Council

FROM:

Craig Whittom, Assistant City Manager/Community Development///

Robert V. Stout, Finance Director

Laura J. Simpson, Housing and Community Development Manager

SUBJECT:

CONSIDERATION OF A RESOLUTION: (1) ALLOCATING FISCAL YEARS

(FYs) 2007/2008 AND 2008/2009 FEDERAL COMMUNITY BLOCK GRANT (CDBG) AND HOME INVESTMENT PARTNERSHIPS PROGRAM FUNDS, AND

(2) APPROVING FY 2007/2008 ACTION PLAN

BACKGROUND AND DISCUSSION

In 2005 the City of Vallejo adopted a Consolidated Plan. This Plan is a five-year planning document required by the U. S. Department of Housing and Urban Development (HUD) which addresses affordable housing and community development needs. The City's Consolidated Plan covers the period beginning July 1, 2005 and ending June 30, 2010. One of the main components of the Consolidated Plan is a one-year Action Plan for each year of the Consolidated Plan. The annual Action Plan identifies the amounts and sources of funding that will be expended by the City and other entities on various affordable housing and community development activities in Vallejo. The Action Plan is due to HUD by May 15 of each year.

The City also annually allocates Federal Community Development Block Grant (CDBG) and HOME Investment Partnerships Program funds, received from HUD.

The City has been notified that it will receive \$1,208,550 in CDBG Program funds in FY 2007/2008, the third year of the Consolidated Plan, (beginning July 1, 2007). In addition, the City estimates it will receive approximately \$200,000 in CDBG program income (revenue) in FY 2007/2008.

The City has also been notified that it will receive \$635,353 in HOME Program funds in FY 2007/2008. In addition, the City estimates it will receive approximately \$200,000 in HOME program income in FY 2007/2008.

These amounts represent a less than one (1) percent (%) reduction in funding received under these programs in 2006/2007, (the current fiscal year).

In November 2006, the Community Development Commission (CDC) started a process to develop a CDBG funding recommendation for FY 2007/2008; and for FY 2008/2009, (pending available funding), in order to advise the City Council. To assist K:\CityWide\PUBLIC\AI\VHA and CD Division staff reports\CC050107 staff report CDBG HOME Programs Allocations Action Plan Approval.doc

the Commission in its process, (1) a public hearing on needs was held by the Commission in November 2006, (2) a Notice of Funding Availability was issued to non-profit agencies, (3) the Commission appointed an Ad Hoc Committee on CDBG Applications to formulate a recommendation for the Commission's consideration, and (4) on April 5, 2007 the CDC held a public hearing to receive comments on the proposed FY 2007/2008 Action Plan, and then voted unanimously, 8-0-0, to adopt the Action Plan, and recommend CDBG activities for the next two fiscal years.

The CDC and staff recommendation for CDBG activities is the same. The proposed Action Plan is enclosed as Attachment "B". The agency presentation schedule of the CDC Ad Hoc Committee is attached as Attachment "C".

In anticipation of receiving CDBG, HOME, and other funds from HUD for housing and community development activities in FYs 2007/2008 and 2008/2009, in October 2006 the City Council adopted Resolution No. 06-325 N. C., which established guidelines and priorities for selecting CDBG projects and activities for the aforementioned two years, the third and fourth year of the Consolidated Plan.

The City Council provided the following key policy directives to the CDC and staff: (1) CDBG target area neighborhoods in need of significant preservation and/or revitalization are established, as follows: City Park and the immediate neighborhood in the Central City Target Area in FY 2007/2008, and the Country Club Crest Target Area in FY 2008/2009; (2) up to 30 percent of the City's CDBG and HOME funds in each of the next two years will be allocated to rental housing development; and (3) CDBG and HOME funds, as applicable, will be allocated to social service activities and program administration in the maximum amount allowed by HUD in each of the next two years.

The City Council has directed that the minimum allocation for each social service program be \$20,000, and that there be no maximum.

These policies were adopted by the City Council upon the recommendation of the CDC and staff.

As noted above, in November 2006 the Commission appointed an Ad Hoc Committee on CDBG Applications for Funding to formulate a recommendation for the Commission's consideration.

Applications for non-profit organizations were issued November 3, 2006 and were due December 15, 2006.

As part of its work, the Ad Hoc Committee reviewed the applications submitted, and heard presentations in January 2007 from City agencies and outside organizations requesting funds.

In addition, a team of staff representing various City departments and agencies was formed and has met regularly since September 2006 to develop a recommendation for improvements and activities in City Park and the Country Club Crest.

CDC and Staff CDBG Funding Recommendations

Neighborhood Preservation Projects

Given the anticipated limited resources, as compared to the overall need, the CDC and staff's project and funding recommendations for the City Park and Country Club Crest neighborhoods reflect the following key criteria:

- (1) it is advisable to award the most critical health, safety, and physical infrastructure needs evident in these neighborhoods the highest priority, i. e., address them as fully as possible. This criteria is consistent with the highest priority community development needs adopted in the Consolidated Plan, which are (i) the installation of basic public improvements in target area neighborhoods (i. e., curbs, gutters, sidewalks, street reconstruction, retaining walls, etc.), and (ii) the installation of curb ramps throughout Vallejo; and
- (2) input and requests from the residents of these neighborhoods, particularly in the areas referenced in (1) above.

City Park

Based on input from the residents, and from the City-led staff team, the CDC and staff recommend that an amount of \$492,993 be allocated in FY 2007/2008 for coordinated preservation and revitalization activities in City Park and the immediate neighborhood, in order to arrest decline in the area. These activities would include:

(1) Landscape maintenance by the City Public Works Department. An urban forest canopy revitalization project, to include the pruning of 84 trees, and other grounds and landscaping care, e. g., removal of a very few hazardous trees. This project would open the branching up for the lighting and under-story visibility from the street, which will aid in security. Also recommended is the modernization of the City Park irrigation system, and other improvements completed in partnership with residents of the neighborhood. Construction costs: \$100,000; Public Works staff costs: \$30,000.

For more detail on staff's landscape maintenance recommendations, please refer to Attachment "D". Some of these recommended improvements may be completed by the Public Works Engineering Division.

(2) Public Works, Engineering Division. Various health and safety public improvements, including such things as: enhanced lighting, replacement of damaged or substandard sidewalks, curbs, gutters, curb ramps, benches, and correction of tripping hazards. Construction costs: \$140,000; Public Works staff costs: \$42,000. Engineering has provided this cost estimate after conducting a preliminary site visit. A more detailed construction budget and scope of work may be developed by staff upon budget authority by the City Council and approval of the FY 2007/2008 Action Plan by HUD, (after July 1, 2007).

It is important to note that with regard to the Public Works staff costs shown, the average cost (industry standard) for staff and/or consultants to engineer, design, administer, and inspect the projects outlined in (1) and (2) above averages 30 percent (%) of the construction cost.

- (3) Greater Vallejo Recreation District (GVRD). Replacement of the play structure, in consultation with the residents, and Public Works. Cost: \$75,000.
- (4) Code Enforcement Division. A part-time dedicated Code Enforcement Officer, in the amount of \$50,000, which represents approximately 40 percent (%) of a Full Time Equivalent (FTE) employee, who would perform five to eight (5 to 8) inspections weekly, and providing other services, e. g., addressing abandoned vehicles. These efforts would help address the proliferation of properties containing City property maintenance violations that cause blight, decrease economic growth and social stability, and significantly lower the quality of life in the community. Typical violations include: dilapidated building structures, overgrown weeds and other vegetation, illegal dumping or storage of junk, trash, and debris, broken windows, vacant housing units, vehicles on lawns, peeling paint, and other hazardous nuisances detrimental to the health and safety of children and the general public. The targeted area boundaries for code enforcement activity would include Sacramento, Ohio, and Tennessee Streets, and Sonoma Boulevard.

An additional \$10,000 is recommended for civil prosecutions of the property maintenance ordinance, vehicle abatement ordinance, and illegal dumping cases. These funds would be allocated to the Code Enforcement Division working in conjunction with the City Attorney's Office.

Total amount of funds recommended: \$60,000.

- (5) Internet enhanced security cameras in City Park to deter illegal activity and increase safety. Cost: \$20,000.
- (6) Paint Grants. The CDC Committee and staff recommend funds be allocated to Vallejo Neighborhood Housing Services, Inc. (VNHS) to provide approximately ten (10) exterior house paint grants to low- and moderate-income owner-occupants. Paint grants contribute to neighborhood revitalization by measurably improving the physical appearance of low- and moderate-income neighborhoods. When blight is eradicated, criminal activity is minimized and the overall quality of life is improved. Cost: \$25,993.
- (8) GVRD has also requested CDBG funds to provide a summer camp and week end special events for children and youth in City Park in 2007 and 2008. If funded, this activity would be allocated from CDBG social service funds, i. e., not from the neighborhood preservation project funding category. The CDC and staff recommend GVRD be provided \$43,000 with CDBG social services funds in FY 2007/2008.

Request for a Community Building

It is also important to note that the Vallejo Architectural Heritage Foundation (VAHF) City Park Committee has designated the following improvements as high priorities:

(1) Security Cameras \$20,000(2) Community Building \$150,000(3) New Children's Play Structur e \$75,000

Total: \$245,000

On March 12, 2007 the CDC Ad Hoc Committee and staff met with the City Park Committee to discuss their proposal. At the April 5 Commission meeting, the Ad Hoc Committee and staff provided comments to the full Commission on the proposal from VAHF to construct a second, smaller community building of approximately 680 square feet in City Park. The CDC and staff's observations regarding this proposal are listed below.

(1) It is unknown whether a second, smaller building would attract sufficient use (programming, events, etc.) to justify an investment of \$150,000. The CDC and staff agree with VAHF that positive and regular community use of the park would deter illicit and illegal activity, but to what degree cannot be ascertained at this time. Prior to April 5, the Commission and staff asked the City Park Committee, to the extent feasible, to provide specific proposed program uses.

- (2) Public Works has confirmed that \$150,000 to construct this community building may be a fair cost estimate. However, if this project was approved, it would be necessary to allocate an additional 30 percent (%) for Public Works staff costs to deliver the project.
- (3) No funds have been identified yet for maintenance, utilities, or general upkeep of a community building. GVRD has estimated a cost of \$4,500 to \$5,000 annually. City Park is owned by the City, but GVRD would normally be responsible for paying for maintenance. It is unknown at this time whether GVRD will have sufficient funding to maintain a building.
- (4) Health and safety issues are a priority, as discussed previously. There is a need to proceed with basic physical improvements, and address quality of life issues (i. e., prevent crime) in the park. As noted previously, a public facility, i. e., a new community building) is an eligible public improvement; however, it is not as high a priority need as other (basic) public improvements, as defined in the Consolidated Plan.

Based on the above, the CDC and staff do not recommend at this time that CDBG funds be allocated to construct a second building. If the City Council decides to allocate CDBG funds for a community building, fewer funds will be available to complete basic public improvements.

Country Club Crest

After receiving input from the residents and the staff team, the Commission and staff recommend that in FY 2008/2009, a total of \$492,993 also be allocated for preservation and revitalization projects in the Country Club Crest, as follows:

(1) Public Works, Engineering Division. To improve health and safety, the installation of enhanced or additional street lights is proposed at four (4) locations/intersections on Mark Avenue (at Leonard Street, Janice Street, and Sawyer Street), and at Amelia Street and Cynthia Avenue. Construction cost: \$100,000; Public Works staff cost: \$30,000.

Replacement of damaged or substandard sidewalks, curbs, gutters, and/or the installation of curb ramps. Construction costs: \$160,000; Public Works staff costs: \$48,000.

Engineering has conducted a preliminary site visit. A detailed construction budget and scope of work may be developed by staff upon budget authority by the City Council and approval of the FY 2008/2009 Action Plan by HUD, (after July 1, 2008).

(2) Code Enforcement Division. A part time dedicated Code Enforcement Officer, in the amount of \$50,000, or .40 FTEs, providing services as delineated in the City Park section above; and two (2) neighborhood clean-ups, at a cost of \$17,000.

Total amount of funds recommended: \$67,000.

- (3) Paint Grants, and a "Paint the Town" Event. Funds for VNHS to provide approximately twenty (20) paint grants as described in the City Park section above. Cost: \$50,000. Cost for a one-time "Paint the Town" on a designated block: \$37,993.
- (4) Other recommendations include: CDBG social service funds for GVRD to offer a summer camp and week end special events program for children and youth primarily from the Country Club Crest in 2007 and 2008 at the North Vallejo Community Center. This program would slightly differ from the City Park neighborhood program, in that it would also include career workshops, job interviewing technique workshops, and a computer lab with Internet access for an employment search by residents of the Country Club Crest; and CDBG social service funds for Fighting Back Partnership to conduct community organizing and education to reduce and prevent substance abuse.

Some residents of the Country Club Crest have requested additional or different CDBG activities than those recommended by the Ad Hoc Committee and staff, including increased police services through the Police Department Substation, traffic calming measures, (speed bumps, street barriers or rotaries to deter illegal driving, e. g., "doughnuts"), surveillance cameras to prevent or prosecute illegal dumping, repositioning of street lights, and other items. With the exception of paying for police officers or police cadets, these appear to be eligible CDBG activities. However, the Commission and staff do not recommend allocating funds for these projects at this time, primarily because the activities recommended by the CDC and staff are deemed to be higher priorities. In addition, the cost of some items requested, such as the relocation of street light poles, may be very costly.

Another possible source of funding for revitalization activities and improvements in the Country Club Crest neighborhood is the Flosden Redevelopment Project Area; up to \$2 million may be available.

Impact of City Council Priorities

The City Council's funding priorities will result in no CDBG funds being allocated to housing rehabilitation and homebuyer loans. However, staff is recommending that VNHS receive HOME Program funds to provide rehabilitation loans, homebuyer loans,

and in-fill housing development. If approved, VNHS would receive approximately 60 percent (%) of the City's HOME funds in each of the next two years, or more than \$500,000 annually. In addition, HUD regulations allow the City to amend its Consolidated Plan goals if necessary, after a public comment period and upon City Council approval.

Social Services

A total of seventeen (17) social service agencies requested funding. Copies of the applications submitted are available for review in the Housing and Community Development Division. The following social service agencies are being recommended by the CDC and staff to receive funding:

- (1) Area Agency on Aging Senior Escort Program, (\$20,000);
- (2) Catholic Social Service Family Assistance Program, (\$20,000);
- (3) Christian Help Center, an emergency homeless shelter, (\$20,000);
- (4) Fighting Park Partnership, (in FY 2008/2009, pending the availability of CDBG funding) for community organizing in the Country Club Crest Target Area to help the residents address issues of substance abuse, (\$43,000);
- (5) Global Center for Success on Mare Island, which provides supportive services to homeless persons, (\$25,000);
- (6) GVRD, (in FY 2007/2008) for a summer recreation program for youth in City Park and North Vallejo during the summers of 2007 and 2008, (\$43,000);
- (7) Hope Haven Transitional Shelter, a transitional housing program for homeless women in recovery from substance abuse, (\$30,000);
- (8) The House of Acts, which provides sober living residency and services, (\$22,000); and
- (9) Meals on Wheels of Solano County, serving homebound elderly with meals, (\$31,282).

It is important to note that Meals on Wheels received \$16,800 in non-CDBG funds from the City of Vallejo in FY 2006/2007, and is therefore subject to the CDBG "maintenance of effort" requirement that is applied to social service agencies. This HUD regulation states that if any social service agency received funds from the City (for example, from the General Fund) in the last year for the

same program as proposed to be funded by CDBG, it is subject to a maintenance of effort requirement. For such agencies, the City is required to commit at least the same amount of funds in the next fiscal year, before they could receive any CDBG funds from the City.

According to HUD guidelines, a maximum of fifteen (15) percent of the annual amount of CDBG funds available may be allocated to social service activities for operating costs. Based on this requirement, a total of \$211,282 is estimated to be available to allocate to social services in each of the next two years. The recommendation of the CDC and staff is within the guideline, fifteen (15) percent (%) for social services each year.

Rental Housing Development

The development of affordable rental housing will be accomplished in part through the allocation of approximately \$5.5 million in pooled funds over the next two years, including from such sources as CDBG, HOME, Redevelopment Agency, and Housing Authority funds. Pursuant to City Council Resolution No. 06-325 N. C., and the Request for Qualifications (RFQ) reviewed and approved by the City Council in December 2006, the CDC and staff recommend that 30 percent (%) of the City's CDBG funds in each of the next two years, or \$422,565, be allocated to rental housing development. Responses to the RFQ have been received and it is anticipated the City Council will review a recommended project proposal by May 22, 2007. One project will be chosen and awarded funding. A new affordable rental housing development will help meet a high priority need in the Consolidated Plan.

Program Administration

CDBG funds may be used to pay for staff to deliver the CDBG Program. In FY 2006/2007, the current year, the staff budget consisted of 1.40 FTEs. The cost of 1.40 employees, fringe benefits, supplies, services, and equipment is \$341,203 in FY 2006/2007. This includes services provided by other City departments to support the CDBG Program.

The maximum amount that the City may charge to program administration is twenty (20) percent (%) of the annual CDBG allocation. In 2007/2008, this amount is \$281,710, which would be used to fund 1.55 FTEs, and other administrative costs. The CDC and staff recommend this amount for program administration in each of the next two years.

Unallocated CDBG Funds

In addition to the CDBG funding proposed for the FY 2007/2008 Action Plan, and

prospective FY 2008/2009 CDBG funds, there are also currently \$282,964 in unallocated CDBG funds available.

In April 2006, the City Council allocated \$447,500 in construction funds for the installation of comprehensive public improvements on the 100 Block of Benson Avenue in the Vallejo Heights Target Area. In November 2006, Public Works provided a revised construction cost estimate of \$945,183, and additional project delivery costs of \$100,000. These revised costs represent a funding shortfall of \$597,683. Even if all of the unallocated CDBG funds were budgeted for Benson Avenue, the project still lacks sufficient funding to be completed, in the amount of \$314,719.

On April 5, the CDC considered the possible reallocation of unallocated CDBG funds, as well as funds currently budgeted for the construction of Benson Avenue, to other CDBG activities. After discussion, the CDC voted unanimously to delay a recommendation on Benson Avenue until a special meeting of the Commission scheduled for May 10. The Commission has requested that on May 10 staff provide more information on other options for Benson Avenue, e. g., whether the scope of work may be revised, using available funding, and still provide a quality project to the neighborhood.

It is anticipated the City Council will review the Benson Avenue recommendation and allocation of unallocated CDBG funds by or before June 30, 2007.

Staff HOME Funding Recommendations

As with the City's C DBG Program, staff recommends the City Council allocate Federal HOME Investment Partnerships Program funds for FYs 2007/2008 and 2008/2009. Staff's recommend ations are discussed below.

Program Administration

A maximum of ten (10) percent (%) of the City's HOME grant funds and program income (revenue) received during the year (\$83,535, \$20,000 of which is anticipated program income) may be expended on program administrative costs. Staff recommends this amount be allocated in each of the next two years, FYs 2007/2008 and 2008/2009. This funding would be used for the cost of .45 employees, or FTEs, and collection fees, to administer the program.

Rental Housing Development

Pursuant to City Council Resolution No. 06-325 N. C., and the RFQ reviewed and approved by the City Council in December 2006, staff recommends that 30 percent (%) of the City's HOME funds in each of the next two years, or \$250,606, be

allocated to rental housing development. As noted earlier, responses to the RFQ have been received and it is anticipated the City Council will review a recommended project proposal by May 22, 2007. Pooling the City's HOME wit h CDBG and other funds will assist in meet a high priority need documented in the Consolidated Plan.

<u>Vallejo Neighborhood Housing Services, Inc. (VNHS, Inc.)</u> – Staff recommends that as in past years, the City allocate HOME funds to VNHS for three activities:

- (1) a homebuyer loan program, (down payment assistance and closing cost grants), in the amount of \$250,606 in each of the next two years. The demand for down payment assistance by low- and moderate-income families in Vallejo remains high. This amount of \$250,606 also represents 30 percent (%) of the City's available HOME funds annually. It is an approximately 30 percent (%) increase in funding for this activity as compared to the amount allocated to VNHS in FY 2006/2007. Staff believes this is warranted, given that VNHS may receive no CDBG funds for homebuyer assistance over the next two years, as a result of the City Council's priorities;
- (2) a rehabilitation loan program (owner-occupied and/or rental), in the amount of \$123,535 in each of the next two years. This proposed amount is approximately 40 percent (%) less than was allocated to VNHS for this activity in FY 2006/2007, (the current fiscal year). Staff has concluded that this reduction is warranted, because (1) the number of rehabilitation loans provided by VNHS has declined in recent years, and (2) pursuant to HOME Program requirements, these funds must be committed and expended in a timely manner, or they will be recaptured by HUD. The CDC and staff are also recommending that VNHS not receive CDBG funds to provide rehabilitation loans, as in past years. Therefore, staff believes that it is appropriate to allocate some level of HOME funds for the rehabilitation of homes for low- and moderate-income families in Vallejo, given the City's still sizable older housing stock; and
- (3) new ("in-fill") construction of ownership housing, in its capacity as a Community Development Housing Organization, or "CHDO". The HOME Program regulations state than an eligible CHDO shall receive at least fifteen (15) percent (%) of the City's annual HOME grant for CHDO project (construction) costs. In addition, an eligible CHDO may receive up to an additional five (5) percent (%) of the City's annual HOME grant for CHDO operating (staff) costs to administer the project. Staff recommends that the City Council allocate a total of \$127,071 in each of the next fiscal years to VNHS to provide affordable housing through new construction. Past and planned CHDO projects completed by VNHS include the completion of six (6) units of for-

ownership housing in the South Vallejo Target Area neighborhood, and the construction of Graham Gardens.

Copies of the VNHS requests for HOME, and CDBG, funds are available for review in the Housing and Community Development Division.

Unallocated HOME Funds

In addition to the HOME funding proposed for the FY 2007/2008 Action Plan, and anticipated FY 2008/2009 HOME funds, there are also currently \$1,188,102 in unallocated HOME funds available. Of this amount of \$1,188,102, \$81,511 must be used for CHDO activities, (pending approval by the City Council on May 1 of a proposed amendment to the current HOME Budget, allocating additional funding to VNHS for Graham Gardens). The remaining balance of unallocated HOME funds (more than \$1.1 million) is anticipated to be contained within the \$5.5 million in pooled funds for rental housing development, discussed earlier in this staff report.

HOME Match Requirements

The HOME Program requires a 25 percent (%) match. In other words, for every dollar of HOME funds spent on projects, the City must contribute 25 cents in non-Federal funds. Affordable Housing funds from the Vallejo Redevelopment Agency qualify as matching funds for the HOME Program, and are proposed as match in FY 2007/2008 Without matching funds, the City is unable to access HOME funds. The City has been successful in matching HOME funds for several years. As of June 30, 2006, the City had an "e xcess/surplus match" of \$504,497, according to the HUD criteria.

Fiscal Impact

The City Council's actions will determine: (1) how \$1,408,550 in CDBG funds, and \$835,353 in HOME funds, will be allocated in FY 2007/2008; and (2) the allocation of anticipated CDBG and HOME funds in FY 2008/2009. By submitting an annual Action Plan, the City maintains its eligibility for Federal housing and community development program funds. As CDBG and HOME funds are Federal grants received from HUD, taking action under this item would have no impact on the General Fund.

RECOMMENDATION

Approve the proposed FY 2007/2008 Action Plan, which includes the allocation of Federal CDBG and HOME Program funds; and allocate anticipated FY 2008/2009 CDBG and HOME Program funds. Authorize the City Manager or either of his designees, the Assistant City Manager/Community Development, and the Housing and Community Development Manager, to prepare and submit the FY 2007/2008 Action

Plan, and any related applications or documents, and any amendments and corrections to such applications and documents, to HUD. Authorize the City Manager or either of his designees to execute, and the Interim City Clerk to attest to, written agreements with the subrecipient agencies identified in this staff report.

ALTERNATIVES CONSIDERED

The City of Vallejo benefits from receiving CDBG and HOME funds from HUD. By maintaining its eligibility and applying for these funds on an annual basis, the City is able to accomplish the community development and affordable housing objectives that have been adopted in the Consolidated Plan. Therefore, no other alternatives were considered.

ENVIRONMENTAL REVIEW

There is no environmental impact associated with this action. The City Council's action does not constitute a commitment of funds or project site approvals until the satisfactory completion of environmental reviews and assessments by staff.

PROPOSED ACTION

Adopt the enclosed resolution: (1) approving the City's Action Plan for FY 2007/2008, including the allocation of \$1,408,550 in CDBG and \$835,353 in HOME Program funds. This allocation of funding is contingent upon the satisfactory completion of environmental reviews and receipt by the City as applicable of a release of funds from HUD under 24 CFR Part 58; (2) allocating anticipated FY 2008/2009 CDBG and HOME Program funds; (3) authorizing the City Manager or either of his designees to submit the City's FY 2007/2008 Action Plan and any related documents or amendments thereto, to HUD by or before May 15, 2007; and (4) authorizing the City Manager or either of his designees, and the Interim City Clerk to attest to, written agreements with the subrecipient agencies described in the staff report.

DOCUMENTS AVAILABLE FOR REVIEW

Attachment "A" - Resolution

Attachment "B" - Proposed FY 2007/2008 Action Plan

Attachment "C" - CDC Ad Hoc Committee Presentation Schedule

Attachment "D" - Memorandum dated April 18, 2007 from City of Vallejo Maintenance Division Regarding City Park Landscaping

PREPARED BY/CONTACT:

Craig Whittom, Assistant City Manager/Community Development, (707) 648-4579, or cwhittom@ci.valljo.ca.us.

Laura J. Simpson, Housing and Community Development Manager, (707) 648-4393, or ISimpson@ci.vallejo,ca.us.

Guy L. Ricca, Senior Community Development Analyst, (707) 648-4395, or gricca@ci.vallejo.ca.us.

RESOLUTION NO. _____ N. C.

BE IT RESOLVED by the Council of the City of Vallejo as follows:

THAT WHEREAS, as a condition of receiving Federal Community Development Block Grant (CDBG) and HOME Investment Partnerships Program funds, the City is required to prepare and submit a Consolidated Plan and annual Action Plans to the U. S. Department of Housing and Urban Development (HUD).

WHEREAS, the City Council may at this time allocate CDBG and HOME funds to activities and projects for a two-year period, Fiscal Years (FYs) 2007/2008 and 2008/2009, subject to the availability of funding.

WHEREAS, the City of Vallejo has been notified by HUD that its CDBG and HOME Program funding allocations will be \$1,408,550 and \$835,353 in FY 2007/2008, respectively, or beginning July 1, 2007.

WHEREAS, the City of Vallejo estimates it will receive the same amounts in CDBG and HOME Program funds from HUD in FY 2008/2009.

WHEREAS, on April 5, 2007, the Community Development Commission of the City of Vallejo held a public hearing to receive comments on the proposed Action Plan for FY 2007/2008, and made recommendations on the allocation of CDBG funds in FYs 2007/2008 and 2008/2009 as described in the attached staff report and in Attachment "B".

WHEREAS, staff has recommended HOME Program funding allocations for FYs 2007/2008 and 2008/2009 as described in the attached staff report and in Attachment "B".

NOW THEREFORE BE IT RESOLVED that the City Council hereby approves the City's Action Plan for FY 2007/2008, including the allocation of CDBG and HOME Program funds for FY 2007/2008 as recommended in the attached staff report, and as shown in Attachment "B"; and

BE IT FURTHER RESOLVED that the City Council hereby approves the City's allocation of CDBG and HOME Program funds for FY 2008/2009 as described in the attached staff report; and

BE IT FURTHER RESOLVED that notwithstanding any provision of the award of funds as described in the attached staff report, the City Council by this action acknowledges that these allocations do not constitute a commitment of funds or project site approvals, and that such commitment of funds or approvals may occur only upon satisfactory

completion of environmental reviews and receipt by the City as applicable of a release of funds from HUD under 24 CFR Part 58; and

BE IT FURTHER RESOLVED that the provision of any CDBG or HOME funds as described in the attached staff report is conditioned on the City's determination to proceed with, modify, or cancel any project or activity based on the results of a subsequent environmental review; and

BE IT FURTHER RESOLVED that notwithstanding the reservation of funds as described in the attached staff report, the City, and subrecipients and contractors of the City receiving CDBG and HOME funds, will not undertake or commit any funds to physical or choice-limiting actions, including property acquisition, demolition, movement, rehabilitation, conversion, repair or construction prior to environmental clearance, and that the violation of this provision may result in the denial of the use of any CDBG or HOME funds by the City or by HUD under the FY 2007/2008 CDBG and HOME Program grants; and

BE IT FURTHER RESOLVED that the City Manager, or either of his designees, the Director of Community Development and the Housing and Community Development Manager, are hereby authorized to prepare and submit the City's FY 2007/2008 Action Plan, and any related applications or documents, and any amendments or corrections to such applications and documents, to HUD; and

BE IT FURTHER RESOLVED that the City Manager, or either of his designees, are hereby authorized to make minor adjustments and revisions as appropriate to allocations in the event that the CDBG or HOME Program funds provided to the City of Vallejo are revised by HUD; and

BE IT FURTHER RESOLVED that the City Manager, or either of his designees, are hereby authorized to execute, and the City Clerk to attest to, written agreements with the subrecipients agencies identified in the attached staff report; and

BE IT FURTHER RESOLVED that subrecipient agencies shall deliver their services and complete their activities in a timely manner.

ADOPTED by the Council of the City of Vallejo at a regular meeting held on May 1, 2007 with the following vote:

PUBLIC NOTICE CITY OF VALLEJO NOTICE OF PUBLIC HEARING: FISCAL YEAR 2007/2008 PROPOSED ACTION PLAN

In April 2005 the City of Vallejo adopted a Consolidated Plan. This Plan is a five year planning document required by the U. S. Department of Housing and Urban Development (HUD) which addresses affordable housing and community development needs. The City's Consolidated Plan covers the period beginning July 1, 2005 and ending June 30, 2010. One of the main components of the Consolidated Plan is a one-year Action Plan for each year of the Consolidated Plan. The annual Action Plan identifies the amounts and sources of funding that will be expended by the City and other entities on various affordable housing and community development activities in Vallejo.

The City also annually allocates Federal Community Development Block Grant (CDBG) and HOME Investment Partnerships Program funds, received from HUD.

The City of Vallejo has been notified that it will receive \$1,208,550 in CDBG Program funds in FY 2007/2008, the third year of the Consolidated Plan, (beginning July 1, 2007). In addition, the City estimates it will receive approximately \$200,000 in CDBG program income (revenue) in FY 2007/2008.

The City has also been notified that it will receive \$635,353 in HOME funds in FY 2007/2008. The City estimates it will receive \$200,000 in HOME program income in FY 2007/2008.

On April 5, 2007 after 7:30 p. m. the City of Vallejo Community Development Commission will hold a public hearing on the FY 2007/2008 proposed Action Plan in the Council Chambers of City Hall, 555 Santa Clara Street, Vallejo.

A copy of the draft Action Plan, which includes staff's CDBG and HOME Program funding recommendations for FY 2007/2008, is available for public review at the following locations:

Housing and Community Development Division 200 Georgia Street

The City's Web Page at: http://www.ci.vallejo.ca.us/ (for Internet access, you may go to John F. Kennedy Library, 505 Santa Clara Street)

Written comments on the proposed Action Plan may also be submitted until 4:00 p. m. on April 6, 2007 to: Guy L. Ricca, Senior Community Development Analyst, P. O. Box 1432, 200 Georgia Street, Vallejo, CA 94590, Tel: (707) 648-4395. E-mail: gricca@ci.vallejo.ca.us,

If you have any questions concerning this public notice, please call the Housing and Community Development Division at (707) 648-4507.

The City of Vallejo provides its programs and services in a non-discriminatory manner, and is an Equal Opportunity Employer. The City of Vallejo also encourages women and minority-owned businesses to submit bids and proposals for Community Development Block Grant (CDBG) and HOME Program contracts. For further information, contact the Housing and Community Development Division at (707) 648-4507. For further information on this public notice, the hearing-impaired may call the California Relay Service at 1-800-735-2922 without a TTY/TDD, or 1-800-735-2929 with a TTY/TDD.



SF 424

The SF 424 is part of the CPMP Annual Action Plan. SF 424 form fields are included in this document. Grantee information is linked from the 1CPMP.xls document of the CPMP tool.

SF 424

Complete the fillable fields (blue cells) in the table below. The other items are pre-filled with values from the Grantee Information Worksheet.

Grantee Information Works			
Date Submitted 5/4/07	Applicant Identifier B-07- MC-06-0029 and M-07- MC-0600223		Submission
Date Received by state	State Identifier	Application	Pre-application
Date Received by HUD	Federal Identifier	☐ Construction	☐ Construction
		x Non Construction	☐ Non Construction
Applicant Information			
Jurisdiction City of Vallejo		UOG Code CA63876 Va	allejo
Street Address Line 1 200 G	eorgia Street	Organizational DUNS 14	19184009
Street Address Line 2		Organizational Unit	
City Vallejo	California	Department Community	Development
ZIP 94590	Country U.S.A.	Division Housing and Co Division	ommunity Development
Employer Identification Nur	mber (EIN):	County Solano	
96-6000448		Program Year Start Date	e (MM/DD)
Applicant Type:		Specify Other Type if n	
Local Government: Township		Specify Other Type	
Catalogue of Federal Domest Project(s) (cities, Counties, lo Community Development B	ic Assistance Numbers; Descr calities etc.); Estimated Fundir lock Grant	riptive Title of Applicant Program 14.218 Entitlement Grant	•
CDBG Project Titles		Description of Areas Affe	cted by CDBG Project(s)
\$CDBG Grant Amount 1,208,		Grant(s) Leveraged Descri	
Additional Federal Funds Le	veraged	\$Additional State Funds L	
Locally Leveraged Funds		\$Grantee Funds Leverage	ed
Anticipated Program Income		Other (Describe)	
Total Funds Leveraged for CD	BG-based Project(s)	to what the second of the seco	
lome Investment Partnersh	ips Program	14.239 HOME	
IOME Project Titles		Description of Areas Affec City of Vallejo	
HOME Grant Amount 635,35	3 \$Additional HUD G	Grant(s) Leveraged Describ	oe .
Additional Federal Funds Lev	eraged	Additional State Funds Le	everaged

SLocally Leveraged Funds		17	Grantee Fu	nds Leveraged
\$Anticipated Program Income 200	,000	C	Other (Descr	ibe)
Total Funds Leveraged for HOME	based Project(s)	<u>l</u> _		
Housing Opportunities for Peop	le with AIDS	1	4.241 HOP	WA
HOPWA Project Titles		[Description o	of Areas Affected by HOPWA Project(s
\$HOPWA Grant Amount	\$Additional	HUD G	rant(s) Lever	raged Describe
\$Additional Federal Funds Leveraç	ged	\$	Additional S	tate Funds Leveraged
\$Locally Leveraged Funds		\$	Grantee Fur	nds Leveraged
\$Anticipated Program Income		C	ther (Descri	be)
Total Funds Leveraged for HOPW/	A-based Project(s)	<u>-</u> -	· · · · · · · · · · · · · · · · · · ·	
Emergency Shelter Grants Progr	am	1.	4.231 ESG	<u></u>
ESG Project Titles		D	escription of	Areas Affected by ESG Project(s)
\$ESG Grant Amount \$	Additional HUD G	rant(s) L	everaged	Describe
 Additional Federal Funds Leverag	ed	\$/	Additional St	ate Funds Leveraged
\$Locally Leveraged Funds		\$(Grantee Fun	ds Leveraged
Anticipated Program Income		0	ther (Descrit	pe)
Total Funds Leveraged for ESG-ba	sed Project(s)	<u></u>	·	
Congressional Districts of:		lo oppl	iontine aubie	
	ect Districts 4	12372	Process?	ect to review by state Executive Order
Is the applicant delinquent on any "Yes" please include an additional	federal debt? If	☐ Yes	This ap	plication was made available to the D 12372 process for review on DATE
explaining the situation.		x No	Prograr	n is not covered by EO 12372
☐ Yes x N		│ □ N/A	Program for revie	n has not been selected by the state
		<u> </u>		
Person to be contacted regarding th	is application			
irst Name Guy	Middle Initial L.			Last Name Ricca
itle Sr CD Analyst	Phone 707/648-43	395		Fax 707/648-5249
, i	Grantee Website http://www.ci.valle	io.ca.us		Other Contact
ignature of Authorized Representa	tive			Date Signed

	2007/2008	2008/2009
City Park Neigh. Preserv.	492,993	
Country Club Crest Neigh. Preserv.		492,993
Social Services	+	
Agency on Aging	20,000	20,000
Catholic Social Service	20,000	20,000
Christian Help Center	20,000	20,000
Fighting Back		43,000
Global Center for Success	25,000	25,000
GVRD	43,000	
Hope Haven Transitional Shelter	30,000	30,000
House of Acts	22,000	22,000
Meals on Wheels	31,282	31,282
Total, Social Services	211,282	211,282
Rental Housing Development	422,565	422,565
Program Administration	281,710	281,710
TOTAL	1,408,550	1,408,550
Note: \$200,000 is estimated program		
income.		

City Park Neighborhood Preservation Project Grounds/Landscaping/Trees Construction Costs Public Works Staff Costs Total, Grounds/Landscaping/Trees Lighting, C/G/SW, Curb Ramps, Benches Construction Costs Public Works Staff Costs Total, Lighting, C/G/SW, Curb Ramps, Benches Play Structure Code Enforcement Part Time Dedicated Code Enforcement Civil Prosecutions Total, Code Enforcement Internet Enhanced Security Cameras Vallejo Neighborhood Housing Services	100,000 30,000 130,000 42,000 182,000 75,000 50,000 60,000 20,000	0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0
Grounds/Landscaping/Trees Construction Costs Public Works Staff Costs Total, Grounds/Landscaping/Trees Lighting, C/G/SW, Curb Ramps, Benches Construction Costs Public Works Staff Costs Total, Lighting, C/G/SW, Curb Ramps, Benches Play Structure Code Enforcement Part Time Dedicated Code Enforcement Civil Prosecutions Total, Code Enforcement Internet Enhanced Security Cameras	30,00 130,00 140,00 42,00 182,00 75,00 50,00 60,00	0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0
Grounds/Landscaping/Trees Construction Costs Public Works Staff Costs Total, Grounds/Landscaping/Trees Lighting, C/G/SW, Curb Ramps, Benches Construction Costs Public Works Staff Costs Total, Lighting, C/G/SW, Curb Ramps, Benches Play Structure Code Enforcement Part Time Dedicated Code Enforcement Civil Prosecutions Total, Code Enforcement Internet Enhanced Security Cameras	30,00 130,00 140,00 42,00 182,00 75,00 50,00 60,00	0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0
Construction Costs Public Works Staff Costs Total, Grounds/Landscaping/Trees Lighting, C/G/SW, Curb Ramps, Benches Construction Costs Public Works Staff Costs Total, Lighting, C/G/SW, Curb Ramps, Benches Play Structure Code Enforcement Part Time Dedicated Code Enforcement Civil Prosecutions Total, Code Enforcement Internet Enhanced Security Cameras	30,00 130,00 140,00 42,00 182,00 75,00 50,00 60,00	0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0
Construction Costs Public Works Staff Costs Total, Grounds/Landscaping/Trees Lighting, C/G/SW, Curb Ramps, Benches Construction Costs Public Works Staff Costs Total, Lighting, C/G/SW, Curb Ramps, Benches Play Structure Code Enforcement Part Time Dedicated Code Enforcement Civil Prosecutions Total, Code Enforcement Internet Enhanced Security Cameras	30,00 130,00 140,00 42,00 182,00 75,00 50,00 60,00	0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0
Total, Grounds/Landscaping/Trees Lighting, C/G/SW, Curb Ramps, Benches Construction Costs Public Works Staff Costs Total, Lighting, C/G/SW, Curb Ramps, Benches Play Structure Code Enforcement Part Time Dedicated Code Enforcement Civil Prosecutions Total, Code Enforcement Internet Enhanced Security Cameras	30,00 130,00 140,00 42,00 182,00 75,00 50,00 60,00	0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0
Lighting, C/G/SW, Curb Ramps, Benches Construction Costs Public Works Staff Costs Total, Lighting, C/G/SW, Curb Ramps, Benches Play Structure Code Enforcement Part Time Dedicated Code Enforcement Civil Prosecutions Total, Code Enforcement Internet Enhanced Security Cameras	130,000 140,000 42,000 182,000 75,000 50,000 60,000	0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0
Lighting, C/G/SW, Curb Ramps, Benches Construction Costs Public Works Staff Costs Total, Lighting, C/G/SW, Curb Ramps, Benches Play Structure Code Enforcement Part Time Dedicated Code Enforcement Civil Prosecutions Total, Code Enforcement Internet Enhanced Security Cameras	140,000 42,000 182,000 75,000 50,000 10,000 60,000	0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0
Construction Costs Public Works Staff Costs Total, Lighting, C/G/SW, Curb Ramps, Benches Play Structure Code Enforcement Part Time Dedicated Code Enforcement Civil Prosecutions Total, Code Enforcement Internet Enhanced Security Cameras	42,000 182,000 75,000 50,000 10,000 60,000	0
Total, Lighting, C/G/SW, Curb Ramps, Benches Play Structure Code Enforcement Part Time Dedicated Code Enforcement Civil Prosecutions Total, Code Enforcement Internet Enhanced Security Cameras	42,000 182,000 75,000 50,000 10,000 60,000	0
Play Structure Code Enforcement Part Time Dedicated Code Enforcement Civil Prosecutions Total, Code Enforcement Internet Enhanced Security Cameras	182,000 75,000 50,000 10,000 60,000	0
Play Structure Code Enforcement Part Time Dedicated Code Enforcement Civil Prosecutions Total, Code Enforcement Internet Enhanced Security Cameras	75,000 50,000 10,000 60,000	0
Part Time Dedicated Code Enforcement Civil Prosecutions Total, Code Enforcement Internet Enhanced Security Cameras	50,000 10,000 60,000	0
Civil Prosecutions Total, Code Enforcement Internet Enhanced Security Cameras	10,000 60,000	
Total, Code Enforcement Internet Enhanced Security Cameras	10,000 60,000	
Total, Code Enforcement Internet Enhanced Security Cameras	60,000	וכ
Internet Enhanced Security Cameras		
		-
Paint Grants	25,993	3
	20,000	
Total	492,993	3
	,,,,,,	
2008/2009		
Country Club Crest Preservation Project		
ighting		
Construction Costs	100,000	<u>, </u>
Public Works Staff Costs	30,000	
Total, Lighting	130,000	
C/G/SW, Curb Ramps	100,000	
Construction Costs	160,000	
Public Works Staff Costs	48,000	
Total, C/G/SW, Curb Ramps	208,000	
Code Enforcement	200,000	
Part Time Dedicated Code Enforcement	50,000	
Neighborhood Clean-ups	17,000	
Total, Code Enforcement	67,000	
/allejo Neighborhood Housing Services	07,000	
Paint Grants	50,000	
Paint the Town	50,000	
Faint the Town Total, VNHS	37,993	
otal, vinns	87,993	
otal	100 000	
Ulai	492,993	
ocial Services		
VRD - City Park and North Vallejo Community		
Center	43,000	2007/2008
ighting Back Partnership - Country Club Crest		2008/2009
Total, Social Services	86,000	

STAFF RECOMMENDATION, HOME PROGRAM FY's 2007/2008 AND 2008/2009

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		ESTIMATED	
ACTIVITY	ENTITLEMENT	PROGRAM INCOME	TOTAL
Program Administration	63,535	20,000	83,535
Rental Housing Development	190,606	60,000	250,606
Homebuyer Loans	190,606	60,000	250,606
Rehabilitation Loans	63,535	60,000	123,535
CHDO Project	95,303	0	95,303
CHDO Administration	31,768	0	31,768
TOTAL	635,353	200,000	835,353



Third Program Year Action Plan

The Consolidated Plan Management Process (CPMP) Third Annual Action Plan includes the <u>SF 424</u> and Narrative Responses to Action Plan questions that CDBG, HOME, HOPWA, and ESG grantees must respond to each year in order to be compliant with the Consolidated Planning Regulations.

Narrative Responses

GENERAL

Executive Summary

The Executive Summary is required. Include the objectives and outcomes identified in the Plan and an evaluation of past performance.

Program Year 3 Action Plan Executive Summary:

The one-year Action Plan for Fiscal Year 2007/2008 in the City of Vallejo's Consolidated Plan outlines a program of investment of \$2,243,993 million in new Federal Community Development Block Grant (CDBG) Program funds, Federal HOME Investment Partnerships Program funds, and projected program income (revenue). Funds will primarily be spent on affordable housing, neighborhood improvements in targeted preservation and/or revitalization areas (i. e., the City Park and Country Club Crest neighborhoods), and social services. This Action Plan includes the period beginning July 1, 2007 and ending June 30, 2008.

The five-year Consolidated Plan, adopted by the Vallejo City Council in 2005, has established priorities for various housing programs by weighing the severity of needs for assistance among the population groups most in need, analyzing the housing stock and market conditions, and assessing the resources likely to be available over the life of the Consolidated Plan.

Based on the above, one of the groups that has been identified as a high priority for assistance is very low-income renters, through the provision of over \$24 million in HUD Housing Choice Vouchers; the Family Self-sufficiency Program; and the preservation, rehabilitation, purchase, and construction of housing by and for very low- and low-income persons. The development of affordable rental housing will be accomplished in part through the allocation of approximately \$5.5 million in pooled funds over the next two years, including from such sources as CDBG, HOME, Redevelopment, and Housing Authority funds.

The City is also committed to providing and supporting assistance by other entities for homeless persons, and persons who are not homeless but have special needs, through emergency shelter, supportive services, and transitional housing.

The City of Vallejo is currently on schedule to accomplish the goals and outcomes in the Consolidated Plan.

General Questions

 Describe the geographic areas of the jurisdiction (including areas of low income families and/or racial/minority concentration) in which assistance will be directed during the next year. Where appropriate, the jurisdiction should estimate the percentage of funds the jurisdiction plans to dedicate to target areas.

The majority of the projects and services planned are available to Vallejo residents, (City-wide). However, many of the participants in the City's various housing and community development programs also reside in CDBG Target Area neighborhoods. Eligibility for these services is based on a person's income. The City of Vallejo has no areas of low-income or racial/minority concentration.

For a discussion of the City's plan for Target Area neighborhood investment, see response to #2 below.

2. Describe the basis for allocating investments geographically within the jurisdiction (or within the EMSA for HOPWA) (91.215(a) (1)) during the next year and the rationale for assigning the priorities.

In October 2006, the Vallejo City Council established City Park and the immediate vicinity, located in the Central City Target Area, as a neighborhood preservation area, i. e., in need of significant preservation and/or revitalization, in FY 2007/2008; and the Country Club Crest Target Area as a neighborhood preservation and/or revitalization area in FY 2008/2009. Approximately 35 percent of the City's FY 2007/2008 CDBG funds will be allocated to City Park neighborhood preservation.

3. Describe actions that will take place during the next year to address obstacles to meeting underserved needs.

The primary obstacle to meeting underserved needs is largely related to a lack of adequate resources to: (1) implement activities that are needed, or (2) to expand needed programs.

During the period of this Action Plan, the City will allocate any available unallocated CDBG and HOME funds, and unanticipated revenue, for additional activities that will address identified needs.

4. Identify the Federal, State, and local resources expected to be made available to address the needs identified in the Plan. Federal resources should include Section 8 funds made available to the jurisdiction, Low-Income Housing Tax Credits, and competitive McKinney-Vento Homeless Assistance Act funds expected to be available to address priority needs and specific objectives identified in the Strategic Plan.

The sources of funding that may be used to achieve the goals identified in the Action Plan above include but are not limited to: Federal Housing Choice Voucher Program funds from HUD for rental assistance; Federal CDBG and HOME funds from the City of Vallejo, Affordable Housing Funds from the Vallejo Redevelopment Agency, Low Income Housing Tax Credits, bond financing, Affordable Housing Program (AHP) funds from the Federal Home Loan Bank, and other private funds, for rental housing development; Federal HOME funds from the City of Vallejo, Vallejo Housing Authority funds, and owner's funds for housing rehabilitation loans, homeownership loans, and closing cost grants; Federal HOME Community Housing Development Organization (CHDO) funds from the City of Vallejo, and private funds, for the construction of forownership housing units; a variety of private, State, and Federal sources, including CDBG funds from the City of Vallejo, for emergency shelter, supportive services, and transitional housing provided by non-profit agencies; Federal CDBG funds from the City of Vallejo for neighborhood preservation and/or revitalization activities, and social services.

Program Year 3 Action Plan General Questions response: See above responses.

Managing the Process

1. Identify the lead agency, entity, and agencies responsible for administering programs covered by the Consolidated Plan.

The Housing and Community Development Division of the Community Development Department of the City of Vallejo is the lead agency responsible for administering programs covered by the Consolidated Plan.

The City of Vallejo is the entity that adopted the Consolidated Plan in 2005. Incorporated in 1867, Vallejo operates under the Council-Manager form of government. Located in the North Bay subregion of the San Francisco Bay Area, in Solano County, California, according to the 2000 Census, the population of Vallejo was 116,670.

A variety of private, non-profit, and public agencies will assist the City in administering the programs and activities in the FY 2007/2008 Action Plan, including but not limited to such organizations as Vallejo Neighborhood Housing Services, Inc. (VNHS), the Reynaissance Family Center, Inc., the City of Vallejo Code Enforcement and Engineering Divisions, and the Greater Vallejo Recreation District (GVRD).

Identify the significant aspects of the process by which the Plan was developed, and the agencies, groups, organizations, and others who participated in the process. In anticipation of receiving CDBG, HOME, and other funds from HUD for housing and community development activities in FYs 2007/2008 and 2008/2009, in October 2006 the Vallejo City Council adopted an application process for CDBG and HOME Program funds for the aforementioned next two years, the third and fourth year of the Consolidated Plan. The Council provided the following key policy directives: (1) CDBG target area neighborhoods in need of significant preservation and/or revitalization were established, as follows: City Park and the immediate neighborhood in the Central City Target Area in FY 2007/2008, and the Country Club Crest Target Area in FY 2008/2009; (2) up to 30 percent of the City's CDBG and HOME funds in each of the next two years will be allocated to affordable rental housing development; and (3) CDBG and HOME funds, as applicable, will be allocated to social service activities and program administration in the maximum amount allowed by HUD in each of the next two years. These policies were adopted upon the recommendation of the Community Development Commission and staff.

In November 2006, the Commission started a process to develop a CDBG funding recommendation for FY 2007/2008; and for FY 2008/2009, (pending available funding). To assist the Commission in its process, (1) a public hearing on needs was held by the Commission in November 2006, which included input from the residents of the City Park neighborhood and the Country Club Crest, (2) a Notice of Funding Availability (application) was issued to non-profit agencies, and (3) the Commission appointed an Ad Hoc Committee on CDBG Applications to formulate a recommendation for the Commission's consideration. As part of its work, the Ad Hoc Committee heard presentations from City agencies and outside organizations requesting funds.

Finally, a team of staff representing various City departments and agencies was formed and has met regularly since September 2006 to develop a recommendation for improvements and activities in City Park and the Country Club Crest.

3. Describe actions that will take place during the next year to enhance coordination between public and private housing, health, and social service agencies.

A staff team representing various City departments and related agencies will implement the projects and activities in the neighborhood preservation areas, in consultation with the residents. For further information, see responses to #1 and #2 above.

Program Year 3 Action Plan Managing the Process response: See above responses.

Citizen Participation

1. Provide a summary of the citizen participation process.

The City of Vallejo has adopted a citizen participation process that provides an opportunity for residents, service providers, and other interested parties to become involved in discussions regarding local needs and allocation of resources. As a result of this process, a five-year Consolidated Plan was approved by the City Council in April 2005. This Plan covers the period beginning July 1, 2005 and ending June 30, 2010.

An appointed Community Development Commission reviews proposed CDBG Program activities and recommends actions on policies and budget allocations to the City Council. Each year, the Community Development Commission holds a public meeting to gather information and receive comments on critical housing and community development issues in Vallejo. A public hearing for this purpose took place on November 30, 2006. A second was held on April 5, 2007 by the Community Development Commission to receive comments on the proposed Action Plan for the third year of the Consolidated Plan, FY 2007/2008. The Action Plan is scheduled for consideration by the City Council on May 1, 2007.

2. Provide a summary of citizen comments or views on the Plan.

Public comments received in 2006 on housing and community development needs are available for review upon request. Public comments on the proposed Action Plan received on April 5, 2007 are as follows:

- (1) Rey Bernardes, representing Christian Help Center and Reynaissance Family Center, thanked the Community Development Commission for its past support, and reported the number of clients served by those agencies.
- (2) Joseph Hughes, Country Club Crest, stated that Stella and Tabor Streets were locations in the Country Club Crest Target Area that were experiencing more violent crime.
- (3) Jean De Young, Healthy Spaces for Successful Living, asked the Commission to reconsider its recommendation not to provide CDBG funds to Health Spaces.
- (4) Thom Howard, City Park Committee, asked for \$182,000 in CDBG funds for the construction of a community building, rather than public improvements. He also stated that no detail on the public improvements proposed for City Park had been provided to date by the City Public Works Department.
- (5) Anthony Obinyan, Country Club Crest, stated that the public improvements proposed are less important than deterring dangerous driving, installing speed bumps, and street barriers, which are needed because of "sideshows."
- (6) Elvira DeLeon, Global Center for Success, thanked the Commission for its support.
- (7) Reverend Carmen Mason-Browne stated she is opposed to social service General Fund cuts by the City.
- (8) Terry Larkin, House of Joy, discussed the services provided to emancipated youth by this agency.
- (9) Carol Hardy, VNHS, stated the need for CDBG funds for homebuyer education.
- (10) Renee Walton, VNHS, discussed the need for CDBG funding to provide down payment assistance and housing rehabilitation.
- (11) Don Richie, Meals on Wheels, thanked the Commission for its support of this program.
- 3. Provide a summary of efforts made to broaden public participation in the development of the Consolidated Plan, including outreach to minorities and non-English speaking persons, as well as persons with disabilities.

Public notices regarding the aforementioned public hearings were published in the local newspaper, carried over the City's cable television access channel, and mailed to over 160 different organizations and individuals, including agencies serving a variety of ethnic populations, non-English speaking persons, and persons with disabilities. Copies of the proposed Action Plan were made available for public review and comment, including on the City's web page. In the public notice, the City invited written comments on the proposed Action Plan during the period beginning March 23, 2007 and ending April 6, 2007. No written comments were received.

4. Provide a written explanation of comments not accepted and the reasons why these comments were not accepted.

After action by the City Council, scheduled for May 1, 2007, this section will be added.

*Please note that Citizen Comments and Responses may be included as additional files within the CPMP Tool.

Program Year 3 Action Plan Citizen Participation response: See above responses.

Institutional Structure

1. Describe actions that will take place during the next year to develop institutional structure.

Program Year 3 Action Plan Institutional Structure response: The Housing and Community Development Division of the City of Vallejo Community Development Department is responsible for the implementation of Action Plan activities. However, a variety of public and private organizations are involved in administering components of the Plan. As an example, several non-profit organizations provide services to homeless persons, and private lenders operate affordable housing loan programs to fund below-market mortgages for low-income persons.

The City of Vallejo benefits from a well-developed network of government agencies, non-profit, and private organizations to carry out its five-year Consolidated Plan, and annual Action Plans. Some gaps have been identified in the delivery of services to homeless persons, and persons at risk of becoming homeless. The coordination of services for the general population of homeless persons, and homeless persons who have special needs, needs attention.

Monitoring

 Describe actions that will take place during the next year to monitor its housing and community development projects and ensure long-term compliance with program requirements and comprehensive planning requirements. Program Year 3 Action Plan Monitoring response: To be effective, housing and community development strategies and policies must be consistently monitored and, when necessary, revised. The City of Vallejo will conduct monitoring reviews to determine whether its programs are being carried out in accordance with its Consolidated Plan, and in a timely manner. The monitoring will be conducted on a regular basis to ensure that statutory and regulatory requirements are being met and that, where appropriate, information that is being submitted to a HUD Integrated Disbursement and Information System ("IDIS") is correct and complete. The City monitored eight (8) subrecipient agencies receiving CDBG and HOME funds in 2006. Follow up monitoring of four (4) of these agencies was conducted in 2007.

There are several evaluation tools which the City will use to measure the success of its programs in meeting local housing and community development needs. The first are the quarterly and annual progress reports required by funding sources, and periodic reports on CDBG, HOME, and Affordable Housing projects to the City Council and Redevelopment Agency. HUD requires that the City submit annual reports, (a Consolidated Annual Performance and Evaluation Report, or "CAPER") on its progress and performance in carrying out its program goals in the CDBG and HOME Programs. For the CDBG and HOME Programs, this will include the use of HUD's Outcome Performance Measurement System. Utilization reports are required for the Housing Choice Voucher Program to inform HUD of the number of vouchers being used in relation to the number of vouchers available. Vallejo also compiles inventories of current development projects, ascertains vacancy rates, and conducts rent surveys for purposes of analyzing rent reasonableness.

Lead-based Paint

 Describe the actions that will take place during the next year to evaluate and reduce the number of housing units containing lead-based paint hazards in order to increase the inventory of lead-safe housing available to extremely low-income, low-income, and moderate-income families, and how the plan for the reduction of lead-based hazards is related to the extent of lead poisoning and hazards.

Program Year 3 Action Plan Lead-based Paint response: Lead-based paint educational materials, inspections, and referrals are available to Housing Authority-assisted tenants and landlords; and prospective housing rehabilitation loan recipients.

HOUSING

Specific Housing Objectives

*Please also refer to the Housing Needs Table in the Needs.xls workbook.

1. Describe the priorities and specific objectives the jurisdiction hopes to achieve during the next year.

Priority Group #1: Very low-income renters (at 0-50% of the area median income): Rental assistance to 2,000 housing units.

Very low- and low-income existing homeowners (at 0-80% of the area median income): Rehabilitation of two (2) housing units.

Priority Group #2: Very low- and low-income first time homebuyers (at 0-80% of the area median income: First time homebuyer assistance loans and closing cost grants to three (3) households; new construction of 22 for-ownership housing units (duets) at Mini and Stanford Drives, ("Graham Gardens"), eleven (11) for persons at 0-80% of the median income.

2. Describe how Federal, State, and local public and private sector resources that are reasonably expected to be available will be used to address identified needs for the period covered by this Action Plan.

Federal Housing Choice Voucher Program funds from HUD for rental assistance; Federal CDBG and HOME funds from the City of Vallejo, City of Vallejo Housing Authority funds, and owner's funds, for housing rehabilitation loans, first time homebuyer assistance loans, and closing cost grants; and HOME/Community Housing Development Organization ("CHDO") funds from the City of Vallejo, and private funds, for the construction of Graham Gardens.

Program Year 3 Action Plan Specific Objectives response: See above response.

Needs of Public Housing (Not Applicable)

- Describe the manner in which the plan of the jurisdiction will help address the needs of public housing and activities it will undertake during the next year to encourage public housing residents to become more involved in management and participate in homeownership.
- 2. If the public housing agency is designated as "troubled" by HUD or otherwise is performing poorly, the jurisdiction shall describe the manner in which it will provide financial or other assistance in improving its operations to remove such designation during the next year.

Program Year 3 Action Plan Public Housing Strategy response:

Barriers to Affordable Housing

 Describe the actions that will take place during the next year to remove barriers to affordable housing.

Program Year 3 Action Plan Barriers to Affordable Housing response: The lack of affordable housing is one of the most critical housing problems in the metropolitan area. The City of Vallejo has studied its tax policies, land use controls, zoning ordinances and subdivision regulations, growth limits, building codes, and charges, and has found that these practices in and of themselves do not pose significant barriers to affordable housing development. Aging infrastructure may impede new affordable housing development; however, the most significant barrier to new development may be a lack of building sites, as Vallejo is near "build-out."

In 2006, the City developed a list of opportunity sites for affordable housing development to assist prospective developers (e. g., non-profit organizations), including publicly-owned land. One site that may be developed within the period of the Consolidated Plan is at Broadway and Tennessee Streets in the Central City Target Area; this site is owned by the City of Vallejo, and may be suitable for development. The City has not identified any vacant or abandoned buildings or property that might be suitable for affordable housing development.

The adoption of an inclusionary housing requirement during the life of the Consolidated Plan could enhance the City's capacity to address the need for affordable housing.

HOME/ American Dream Downpayment Initiative (ADDI)

1. Describe other forms of investment not described in § 92.205(b).

None.

2. If the participating jurisdiction (PJ) will use HOME or ADDI funds for homebuyers, it must state the guidelines for resale or recapture, as required in § 92.254 of the HOME rule.

HOME funds will be used by the City of Vallejo for downpayment assistance loans and closing cost grants. To ensure long-term affordability, the City will adhere to resale and recapture guidelines as required in 24 CFR 92.254.

- 3. If the PJ will use HOME funds to refinance existing debt secured by multifamily housing that is being rehabilitated with HOME funds, it must state its refinancing guidelines required under § 92.206(b). The guidelines shall describe the conditions under which the PJ will refinance existing debt. At a minimum these guidelines must:
 - a. Demonstrate that rehabilitation is the primary eligible activity and ensure that this requirement is met by establishing a minimum level of rehabilitation per unit or a required ratio between rehabilitation and refinancing.
 - b. Require a review of management practices to demonstrate that disinvestments in the property has not occurred; that the long-term needs of the project can be met; and that the feasibility of serving the targeted population over an extended affordability period can be demonstrated.
 - c. State whether the new investment is being made to maintain current affordable units, create additional affordable units, or both.
 - d. Specify the required period of affordability, whether it is the minimum 15 years, or longer.
 - e. Specify whether the investment of HOME funds may be jurisdiction-wide or limited to a specific geographic area, such as a neighborhood identified in a neighborhood revitalization strategy under 24 CFR 91.215(e) (2) or a Federally designated Empowerment Zone or Enterprise Community.
 - f. State that HOME funds cannot be used to refinance multifamily loans made or insured by any federal program, including CDBG.

Not applicable.

- 4. If the PJ is going to receive American Dream Down payment Initiative (ADDI) funds, please complete the following narratives:
 - a. Describe the planned use of the ADDI funds.
 - b. Describe the PJ's plan for conducting targeted outreach to residents and tenants of public housing and manufactured housing and to other families assisted by public housing agencies, for the purposes of ensuring that the ADDI funds are used to provide down payment assistance for such residents, tenants, and families.
 - c. Describe the actions to be taken to ensure the suitability of families receiving ADDI funds to undertake and maintain homeownership, such as provision of housing counseling to homebuyers.

Not applicable.

Program Year 3 Action Plan HOME/ADDI response: See above responses.

HOMELESS

Specific Homeless Prevention Elements

*Please also refer to the Homeless Needs Table in the Needs.xls workbook.

 Sources of Funds—Identify the private and public resources that the jurisdiction expects to receive during the next year to address homeless needs and to prevent homelessness. These include the McKinney-Vento Homeless Assistance Act programs, other special Federal, State, local, and private funds targeted to homeless individuals and families with children, especially the chronically homeless, the HUD formula programs, and any publicly-owned land or property. Please describe, briefly, the jurisdiction's plan for the investment and use of funds directed toward homelessness.

Based on the resources expected to be available to the City and other entities (e. g., non-profit housing and social service agencies) during the period of the Action Plan, the City will allocate funding to homeless families in need of emergency shelter, supportive services, and transitional housing (a high priority need group); and homeless individuals in need of emergency shelter (a medium priority need group).

Emergency shelter and supportive services will be provided to 500 homeless persons in Vallejo, by non-profit agencies, with financial assistance from a variety of private, State, and Federal sources, including but not limited to: private donations, Federal Emergency Management Agency funds, Federal McKinney-Vento Homeless Assistance Act funds, and CDBG funds from the City of Vallejo. The City will also complete the rehabilitation of a sixteen (16) bed transitional housing facility for homeless families, the Reynaissance Family Center (RFC); the RFC project is being funded with City of Vallejo CDBG funds, Supportive Housing Program funds from HUD, and private funds.

There is no publicly-owned land or property anticipated to be available to address the needs of homeless persons during the Action Plan period.

2. Homelessness—In a narrative, describe how the Action Plan will address the specific objectives of the Strategic Plan and, ultimately, the priority needs identified. Please also identify potential obstacles to completing these action steps.

See response to #1 above. The only potential obstacle to completing action steps is an unexpected decline in funding.

- 3. Chronic homelessness—The jurisdiction must describe the specific planned action steps it will take over the next year aimed at eliminating chronic homelessness by 2012. Again, please identify barriers to achieving this.
- 4. Homelessness Prevention—The jurisdiction must describe its planned action steps over the next year to address the needs of individuals and families with children at imminent risk of becoming homeless.
- 5. Discharge Coordination Policy—Explain planned activities to implement a cohesive, community-wide Discharge Coordination Policy, and how, in the coming year, the community will move toward such a policy.

Responses to #3, #4, and #5 above: The City of Vallejo has been a participating member of the County of Solano Continuum of Care since its inception, and the Continuum of Care planning process provides guidance as to the City's determination of priority needs and funding allocations. The City is also represented on the Community Action Partnership of Solano ("CAP Solano), a joint powers authority and a task force for housing the homeless.

The City anticipates that the CAP Solano governing board, with input from homeless and safety net service providers, will develop and adopt the following during the period of the Action Plan: (1) a written plan to end chronic homelessness by 2012, (2) a written homeless prevention plan; and (3) a written discharge coordination policy, which will then be considered by the Vallejo City Council for adoption.

Program Year 3 Action Plan Homeless Prevention response: See above responses.

Emergency Shelter Grants (ESG) (Not Applicable)

(States only) Describe the process for awarding grants to State recipients, and a description of how the allocation will be made available to units of local government.

Program Year 3 Action Plan ESG response:

COMMUNITY DEVELOPMENT

Community Development

*Please also refer to the Community Development Table in the Needs.xls workbook.

 Identify the jurisdiction's priority (non-housing) community development needs eligible for assistance by CDBG eligibility category specified in the Community Development Needs Table (formerly Table 2B), i. e., public facilities, public improvements, public services, and economic development. Based on the City's needs analysis and assessment of likely resources, the following community development (i. e., non-housing) priorities have been identified to address some of the most pressing community development needs in Vallejo: Public infrastructure and facility improvements in the lowest income neighborhood target areas; the installation of curb ramps, City-wide; and the provision of social services.

2. Identify specific long-term and short-term community development objectives (including economic development activities that create jobs), developed in accordance with the statutory goals described in section 24 CFR 91.1, and the primary objective of the CDBG program to provide decent housing, a suitable living environment, and expand economic opportunities, principally for low- and moderate-income persons.

Public infrastructure and facility improvements in neighborhood target areas: \$450,000 to be expended in FY 2007/2008.

Curb ramps, City-wide: \$35,000 to be expended in FY 2007/2008.

Social services: 1,000 persons to be assisted in FY 2007/2008.

*Note: Each specific objective developed to address a priority need must be identified by number and contain proposed accomplishments, the time period (i.e., one, two, three, or more years), and annual program year numeric goals the jurisdiction hopes to achieve in quantitative terms, or in other measurable terms as identified and defined by the jurisdiction.

Program Year 3 Action Plan Community Development response: See above responses.

Antipoverty Strategy

1. Describe the actions that will take place during the next year to reduce the number of poverty-level families.

Program Year 3 Action Plan Antipoverty Strategy response: The City of Vallejo recognizes the need to prioritize anti-poverty programs, and will continue to support existing programs. Family self-sufficiency programs with supportive services are key components in the City of Vallejo's anti-poverty plan. Coordination with social service organizations that administer programs such as Child Start (Head Start), assistance to families in crisis, subsidized child care, Workforce Investment Board activities, and other social services are necessary to prevent duplication of effort, and ensure maximum opportunities for very low-income persons.

The City of Vallejo plans to reduce the number of households with incomes below the poverty level through a combination of direct assistance and indirect benefit from neighborhood (public infrastructure) improvement activities. The efforts to be provided include:

Support for programs and services that encourage economic self-sufficiency for clients of the City of Vallejo Housing Authority. In April 1999 the Housing Authority entered into a Memorandum of Understanding (MOU) with the County of Solano Department of Health and Social Services to share information and target supportive services, where possible, on behalf of Housing Authority clients participating in the

Family Self-sufficiency (FSS) Program. This MOU is currently being updated. The term of the new MOU will be July 1, 2007 through June 30, 2010. As of February 22, 2007 there were 140 Housing Authority-assisted tenants enrolled in the FSS Program.

Support for programs and activities that enhance family functioning, skill development, and educational opportunities for children, young adults, and parents.

Developing programs and facilities to fill gaps in the Continuum of Care for the homeless, including homeless prevention and transitional housing. CDBG funds will also be allocated for substance abuse prevention and recovery. These programs and activities are intended to remove obstacles to self-sufficiency.

NON-HOMELESS SPECIAL NEEDS HOUSING

Non-homeless Special Needs (91.220 (c) and (e))

*Please also refer to the Non-homeless Special Needs Table in the Needs.xls workbook.

1. Describe the priorities and specific objectives the jurisdiction hopes to achieve for the period covered by the Action Plan.

Emergency facilities and supportive services for persons who are not homeless but have special needs, (a high priority group).

Rental assistance for persons living with HIV/AIDS.

2. Describe how Federal, State, and local public and private sector resources that are reasonably expected to be available will be used to address identified needs for the period covered by this Action Plan.

In FY 2007/2008, 250 persons who are not homeless but have special needs will receive emergency facility and supportive services from non-profit agencies, using financial assistance from a variety of private and public (i. e., State, Federal) sources.

During FY 2007/2008, 45 persons who are living with HIV/AIDS will receive rental assistance through the use of HOPWA funds by a non-profit agency, Planned Parenthood.

Program Year 3 Action Plan Specific Objectives response: See above responses.

Housing Opportunities for People with AIDS (HOPWA) (Not Applicable)

*Please also refer to the HOPWA Table in the Needs.xls workbook.

- 1. Provide a brief description of the organization, the area of service, the name of the program contacts, and a broad overview of the range/type of housing activities to be done during the next year.
- 2. Report on the actions taken during the year that addressed the special needs of persons who are not homeless but require supportive housing, and assistance for

persons who are homeless.

- 3. Evaluate the progress in meeting the specific objective of providing affordable housing, including a comparison of actual outputs and outcomes to proposed goals and progress made on the other planned actions indicated in the Strategic and Action Plans. The evaluation can address any related program adjustments or future plans.
- 4. Report on annual HOPWA output goals for the number of households assisted during the year in: (1) short-term rent, mortgage, and utility payments to avoid homelessness; (2) rental assistance programs; and (3) housing facilities, such as community residences and single-room occupancy (SRO) dwellings, where funds are used to develop and/or operate these facilities. Include any assessment of client outcomes for achieving housing stability, reduced risks of homelessness, and improved access to care.
- 5. Report on the use of committed leveraging from other public and private resources that helped to address needs identified in the Plan.
- 6. Provide an analysis of the extent to which HOPWA funds were distributed among different categories of housing needs consistent with the geographic distribution plans identified in its approved Consolidated Plan.
- 7. Describe any barriers (including non-regulatory) encountered, actions in response to barriers, and recommendations for program improvement.
- 8. Please describe the expected trends facing the community in meeting the needs of persons living with HIV/AIDS and provide additional information regarding the administration of services to people with HIV/AIDS.
- 9. Please note any evaluations, studies or other assessments that will be conducted on the local HOPWA program during the next year.

Program Year 3 Action Plan HOPWA response:

Specific HOPWA Objectives (Not Applicable)

Describe how Federal, State, and local public and private sector resources that are reasonably expected to be available will be used to address identified needs for the period covered by the Action Plan.

Program Year 3 Specific HOPWA Objectives response:

Other Narrative

Include any Action Plan information that was not covered by a narrative in any other section.

None.

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СРМР



CPMP Non-State Grantee Certifications

Many elements of this document may be completed electronically, however a signature must be manually applied and the document must be submitted in paper form to the Field Office.

☐ This certification does not apply. ☑ This certification is applicable.

NON-STATE GOVERNMENT CERTIFICATIONS

In accordance with the applicable statutes and the regulations governing the consolidated plan regulations, the jurisdiction certifies that:

Affirmatively Further Fair Housing -- The jurisdiction will affirmatively further fair housing, which means it will conduct an analysis of impediments to fair housing choice within the jurisdiction, take appropriate actions to overcome the effects of any impediments identified through that analysis, and maintain records reflecting that analysis and actions in this regard.

Anti-displacement and Relocation Plan -- It will comply with the acquisition and relocation requirements of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended, and implementing regulations at 49 CFR 24; and it has in effect and is following a residential antidisplacement and relocation assistance plan required under section 104(d) of the Housing and Community Development Act of 1974, as amended, in connection with any activity assisted with funding under the CDBG or HOME programs.

Drug Free Workplace -- It will or will continue to provide a drug-free workplace by:

- Publishing a statement notifying employees that the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance is prohibited in the grantee's workplace and specifying the actions that will be taken against employees for violation of such prohibition;
- 2. Establishing an ongoing drug-free awareness program to inform employees about
 - a. The dangers of drug abuse in the workplace;
 - b. The grantee's policy of maintaining a drug-free workplace;
 - c. Any available drug counseling, rehabilitation, and employee assistance programs; and
 - d. The penalties that may be imposed upon employees for drug abuse violations occurring in the workplace:
- 3. Making it a requirement that each employee to be engaged in the performance of the grant be given a copy of the statement required by paragraph 1;
- Notifying the employee in the statement required by paragraph 1 that, as a condition of employment under the grant, the employee will –
 - a. Abide by the terms of the statement; and
 - Notify the employer in writing of his or her conviction for a violation of a criminal drug statute occurring in the workplace no later than five calendar days after such conviction;
- 5. Notifying the agency in writing, within ten calendar days after receiving notice under subparagraph 4(b) from an employee or otherwise receiving actual notice of such conviction. Employers of convicted employees must provide notice, including position title, to every grant officer or other designee on whose grant activity the convicted employee was working, unless the Federal agency has designated a central point for the receipt of such notices. Notice shall include the identification number(s) of each affected grant;
- 6. Taking one of the following actions, within 30 calendar days of receiving notice under subparagraph 4(b), with respect to any employee who is so convicted
 - Taking appropriate personnel action against such an employee, up to and including termination, consistent with the requirements of the Rehabilitation Act of 1973, as amended; or
 - Requiring such employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a Federal, State, or local health, law enforcement, or other appropriate agency;
- 7. Making a good faith effort to continue to maintain a drug-free workplace through implementation of paragraphs 1, 2, 3, 4, 5 and 6.

Anti-Lobbying -- To the best of the jurisdiction's knowledge and belief:

- 8. No Federal appropriated funds have been paid or will be paid, by or on behalf of it, to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement:
- 9. If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, it will complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions: and
- 10. It will require that the language of paragraph 1 and 2 of this anti-lobbying certification be included in the award documents for all subawards at all tiers (including subcontracts, subgrants, and contracts under grants, loans, and cooperative agreements) and that all subrecipients shall certify and disclose accordingly.

Authority of Jurisdiction -- The consolidated plan is authorized under State and local law (as applicable) and the jurisdiction possesses the legal authority to carry out the programs for which it is seeking funding, in accordance with applicable HUD regulations.

Consistency with plan -- The housing activities to be undertaken with CDBG, HOME, ESG, and HOPWA funds are consistent with the strategic plan.

Section 3 -- It will comply with section 3 of the Housing and Urban Development Act of 1968, and implementing regulations at 24 CFR Part 135.

	5/4/07
Signature/Authorized Official	Date
Craig Whittom	
Name	
Assistant City Manager/Community Development	Title
555 Santa Clara Street	
Address	
Vallejo, CA 94590	
City/State/Zip	
707/648-4579	
Telephone Number	

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Specific CDBG Certifications

The Entitlement Community certifies that:

Citizen Participation -- It is in full compliance and following a detailed citizen participation plan that satisfies the requirements of 24 CFR 91.105.

Community Development Plan -- Its consolidated housing and community development plan identifies community development and housing needs and specifies both short-term and long-term community development objectives that provide decent housing, expand economic opportunities primarily for persons of low and moderate income. (See CFR 24 570.2 and CFR 24 part 570)

Following a Plan — It is following a current consolidated plan (or Comprehensive Housing Affordability Strategy) that has been approved by HUD.

Use of Funds -- It has complied with the following criteria:

- 11. Maximum Feasible Priority With respect to activities expected to be assisted with CDBG funds, it certifies that it has developed its Action Plan so as to give maximum feasible priority to activities which benefit low and moderate income families or aid in the prevention or elimination of slums or blight. The Action Plan may also include activities which the grantee certifies are designed to meet other community development needs having a particular urgency because existing conditions pose a serious and immediate threat to the health or welfare of the community, and other financial resources are not available);
- 12. Overall Benefit The aggregate use of CDBG funds including section 108 guaranteed loans during program year(s) 2007, 2008, 2009, (a period specified by the grantee consisting of one, two, or three specific consecutive program years), shall principally benefit persons of low and moderate income in a manner that ensures that at least 70 percent of the amount is expended for activities that benefit such persons during the designated period;
- 13. Special Assessments It will not attempt to recover any capital costs of public improvements assisted with CDBG funds including Section 108 loan guaranteed funds by assessing any amount against properties owned and occupied by persons of low and moderate income, including any fee charged or assessment made as a condition of obtaining access to such public improvements.

However, if CDBG funds are used to pay the proportion of a fee or assessment that relates to the capital costs of public improvements (assisted in part with CDBG funds) financed from other revenue sources, an assessment or charge may be made against the property with respect to the public improvements financed by a source other than CDBG funds.

The jurisdiction will not attempt to recover any capital costs of public improvements assisted with CDBG funds, including Section 108, unless CDBG funds are used to pay the proportion of fee or assessment attributable to the capital costs of public improvements financed from other revenue sources. In this case, an assessment or charge may be made against the property with respect to the public improvements financed by a source other than CDBG funds. Also, in the case of properties owned and occupied by moderate-income (not low-income) families, an assessment or charge may be made against the property for public improvements financed by a source other than CDBG funds if the jurisdiction certifies that it lacks CDBG funds to cover the assessment.

Excessive Force -- It has adopted and is enforcing:

- 14. A policy prohibiting the use of excessive force by law enforcement agencies within its jurisdiction against any individuals engaged in non-violent civil rights demonstrations; and
- 15. A policy of enforcing applicable State and local laws against physically barring entrance to or exit from a facility or location which is the subject of such non-violent civil rights demonstrations within its jurisdiction;

Compliance With Anti-discrimination laws -- The grant will be conducted and administered in conformity with title VI of the Civil Rights Act of 1964 (42 USC 2000d), the Fair Housing Act (42 USC 3601-3619), and implementing regulations.

Lead-Based Paint -- Its activities concerning lead-based paint will comply with the requirements of part 35, subparts A, B, J, K and R, of title 24;

Compliance with Laws -- It will comply with applicable laws.

	5/4/07
Signature/Authorized Official	Date
Craig Whittom	
Name	
Assistant City Manager/Community Development	
Development	Title
555 Santa Clara Street	
Address	
Vallejo, CA 94590	
City/State/Zip	
707/648-4579	
Telephone Number	

☐ This certification☐ This certification	loes not apply. s applicable.

OPTIONAL CERTIFICATION CDBG

Submit the following certification only when one or more of the activities in the action plan are designed to meet other community development needs having a particular urgency as specified in 24 CFR 570.208(c):

The grantee hereby certifies that the Annual Plan includes one or more specifically identified CDBG-assisted activities, which are designed to meet other community development needs having a particular urgency because existing conditions pose a serious and immediate threat to the health or welfare of the community and other financial resources are not available to meet such needs.

Signature/Authorized Official	Date
Name	
Title	
Address	
City/State/Zip	
Telephone Number	

Specific HOME Certifications

The HOME participating jurisdiction certifies that:

Tenant Based Rental Assistance -- If the participating jurisdiction intends to provide tenant-based rental assistance:

The use of HOME funds for tenant-based rental assistance is an essential element of the participating jurisdiction's consolidated plan for expanding the supply, affordability, and availability of decent, safe, sanitary, and affordable housing.

Eligible Activities and Costs -- it is using and will use HOME funds for eligible activities and costs, as described in 24 CFR § 92.205 through 92.209 and that it is not using and will not use HOME funds for prohibited activities, as described in § 92.214.

Appropriate Financial Assistance -- before committing any funds to a project, it will evaluate the project in accordance with the guidelines that it adopts for this purpose and will not invest any more HOME funds in combination with other Federal assistance than is necessary to provide affordable housing;

	5/4/07
Signature/Authorized Official	Date
Craig Whittom	
Name	ì
Assistant City Manager/Community Development	
	Title
555 Santa Clara Street	
Address	
Vallejo, CA 94590	
City/State/Zip	
707/648-4579	
Telephone Number	

☑ This certification does not apply.☑ This certification is applicable.

HOPWA Certifications

The HOPWA grantee certifies that:

Activities -- Activities funded under the program will meet urgent needs that are not being met by available public and private sources.

Building -- Any building or structure assisted under that program shall be operated for the purpose specified in the plan:

- 1. For at least 10 years in the case of assistance involving new construction, substantial rehabilitation, or acquisition of a facility,
- 2. For at least 3 years in the case of assistance involving non-substantial rehabilitation or repair of a building or structure.

•	
Signature/Authorized Official	Date
Name	
Title	
Address	
City/State/Zip	
Telephone Number	

This certification does not apply.
 This certification is applicable.

ESG Certifications

I, , Chief Executive Officer of **Error! Not a valid link.**, certify that the local government will ensure the provision of the matching supplemental funds required by the regulation at 24 *CFR* 576.51. I have attached to this certification a description of the sources and amounts of such supplemental funds.

I further certify that the local government will comply with:

- 1. The requirements of 24 *CFR* 576.53 concerning the continued use of buildings for which Emergency Shelter Grants are used for rehabilitation or conversion of buildings for use as emergency shelters for the homeless; or when funds are used solely for operating costs or essential services.
- 2. The building standards requirement of 24 CFR 576.55.
- 3. The requirements of 24 *CFR* 576.56, concerning assurances on services and other assistance to the homeless.
- 4. The requirements of 24 *CFR* 576.57, other appropriate provisions of 24 *CFR* Part 576, and other applicable federal laws concerning nondiscrimination and equal opportunity.
- 5. The requirements of 24 *CFR* 576.59(b) concerning the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970.
- 6. The requirement of 24 *CFR* 576.59 concerning minimizing the displacement of persons as a result of a project assisted with these funds.
- 7. The requirements of 24 *CFR* Part 24 concerning the Drug Free Workplace Act of 1988.
- 8. The requirements of 24 *CFR* 576.56(a) and 576.65(b) that grantees develop and implement procedures to ensure the confidentiality of records pertaining to any individual provided family violence prevention or treatment services under any project assisted with ESG funds and that the address or location of any family violence shelter project will not be made public, except with written authorization of the person or persons responsible for the operation of such shelter.
- 9. The requirement that recipients involve themselves, to the maximum extent practicable and where appropriate, homeless individuals and families in policymaking, renovating, maintaining, and operating facilities assisted under the ESG program, and in providing services for occupants of these facilities as provided by 24 CFR 76.56.
- 10. The requirements of 24 *CFR* 576.57(e) dealing with the provisions of, and regulations and procedures applicable with respect to the environmental review responsibilities under the National Environmental Policy Act of 1969 and related

authorities as specified in 24 CFR Part 58.

- 11. The requirements of 24 CFR 576.21(a)(4) providing that the funding of homeless prevention activities for families that have received eviction notices or notices of termination of utility services will meet the requirements that: (A) the inability of the family to make the required payments must be the result of a sudden reduction in income; (B) the assistance must be necessary to avoid eviction of the family or termination of the services to the family; (C) there must be a reasonable prospect that the family will be able to resume payments within a reasonable period of time; and (D) the assistance must not supplant funding for preexisting homeless prevention activities from any other source.
- 12. The new requirement of the McKinney-Vento Act (42 USC 11362) to develop and implement, to the maximum extent practicable and where appropriate, policies and protocols for the discharge of persons from publicly funded institutions or systems of care (such as health care facilities, foster care or other youth facilities, or correction programs and institutions) in order to prevent such discharge from immediately resulting in homelessness for such persons. I further understand that state and local governments are primarily responsible for the care of these individuals, and that ESG funds are not to be used to assist such persons in place of state and local resources.
- 13. HUD's standards for participation in a local Homeless Management Information System (HMIS) and the collection and reporting of client-level information.

I further certify that the submission of a completed and approved Consolidated Plan with its certifications, which act as the application for an Emergency Shelter Grant, is authorized under state and/or local law, and that the local government possesses legal authority to carry out grant activities in accordance with the applicable laws and regulations of the U. S. Department of Housing and Urban Development.

Signature/Authorized Official	Date
Name	
Title	
Address	
City/State/Zip	
Telephone Number	

This certification does not apply.	
☐ This certification is applicable.	

APPENDIX TO CERTIFICATIONS

Instructions Concerning Lobbying and Drug-Free Workplace Requirements

Lobbying Certification

This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by section 1352, title 31, U.S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

Drug-Free Workplace Certification

- By signing and/or submitting this application or grant agreement, the grantee is providing the certification.
- The certification is a material representation of fact upon which reliance is placed when the agency awards the grant. If it is later determined that the grantee knowingly rendered a false certification, or otherwise violates the requirements of the Drug-Free Workplace Act, HUD, in addition to any other remedies available to the Federal Government, may take action authorized under the Drug-Free Workplace Act.
- 3. Workplaces under grants, for grantees other than individuals, need not be identified on the certification. If known, they may be identified in the grant application. If the grantee does not identify the workplaces at the time of application, or upon award, if there is no application, the grantee must keep the identity of the workplace(s) on file in its office and make the information available for Federal inspection. Failure to identify all known workplaces constitutes a violation of the grantee's drug-free workplace requirements.
- 4. Workplace identifications must include the actual address of buildings (or parts of buildings) or other sites where work under the grant takes place. Categorical descriptions may be used (e.g., all vehicles of a mass transit authority or State highway department while in operation, State employees in each local unemployment office, performers in concert halls or radio stations).
- 5. If the workplace identified to the agency changes during the performance of the grant, the grantee shall inform the agency of the change(s), if it previously identified the workplaces in question (see paragraph three).
- 6. The grantee may insert in the space provided below the site(s) for the performance of work done in connection with the specific grant: Place of Performance (Street address, city, county, state, zip code) Check if there are workplaces on file that are not identified here. The certification with regard to the drug-free workplace is required by 24 CFR part 21.

Place Name	Street	City	County	State	Zip
City of Vallejo	200 Georgia Street	Vallejo	Solano	CA	94590
					

7. Definitions of terms in the Nonprocurement Suspension and Debarment common rule and Drug-Free Workplace common rule apply to this certification. Grantees' attention is called, in particular, to the following definitions from these rules: "Controlled substance" means a controlled substance in Schedules I through V of the Controlled Substances Act (21 U.S.C. 812) and as further defined by regulation (21 CFR 1308.11 through 1308.15): "Conviction" means a finding of guilt (including a plea of rule contenders) or imposition of

1308.15); "Conviction" means a finding of guilt (including a plea of *nolo contendere*) or imposition of sentence, or both, by any judicial body charged with the responsibility to determine violations of the Federal or State criminal drug statutes; "Criminal drug statute" means a Federal or non-Federal criminal statute involving the manufacture, distribution, dispensing, use, or possession of any

controlled substance; "Employee" means the employee of a grantee directly engaged in the performance of work under a grant, including:

- a. All "direct charge" employees;b. all "indirect charge" employees unless their impact or involvement is insignificant to the performance of the grant; and
- temporary personnel and consultants who are directly engaged in the performance of work under the grant and who are on the grantee's payroll. This definition does not include workers not on the payroll of the grantee (e.g., volunteers, even if used to meet a matching requirement; consultants or independent contractors not on the grantee's payroll; or employees of subrecipients or subcontractors in covered workplaces).

Note that by signing these certifications, certain documents must completed, in use, and on file for verification. These documents include:

- 1. Analysis of Impediments to Fair Housing
- 2. Citizen Participation Plan
- 3. Anti-displacement and Relocation Plan

	5/4/07
Signature/Authorized Official	Date
Craig Whittom	
Name	
Assistant City Manager/Community Development	Title
555 Santa Clara Street	
Address	
Vallejo, CA 94590	
City/State/Zip	
707/648-4579	
Telephone Number	



CITY OF VALLEJO

COMMUNITY DEVELOPMENT DEPARTMENT Housing and Community Development Division

200 GEORGIA STREET • P.O. BOX 1432 • VALLEJO • CALIFORNIA • 94590-5905 • (707) 648-4507 FAX (707) 648-5249

COMMUNITY DEVELOPMENT COMMISSION AD HOC COMMITTEE MEETINGS ON FEDERAL COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) PROGRAM APPLICATIONS FOR FUNDING

Thursday, January 18, 2007 Council Chambers, City Hall

9:00 a. m.

Staff Overview

9:10 a. m.

Area Agency on Aging - Senior Escort

07/08: \$20,000 08/09: \$20,000

9:25 a. m.

Catholic Social Service - Family Assistance

07/08: \$28,132 08/09: \$27,581

9:40 a. m.

Hope Haven Transitional Shelter

07/08: \$57,600 08/09: \$57,600

9:55 a. m.

Christian Help Center

07/08: \$20,000 08/09: \$20,000

10:10 a.m.

Global Center for Success

07/08: \$25,000 08/09: \$25,000

10:25 a. m.

House of Acts

07/08: \$31,538 (Men's Facility) 08/09: \$42,055 (Women's Facility) 10:40 a. m. Meals on Wheels of Solano County

07/08: \$30,000 08/09: \$30,000

Maintenance of Effort requirement: \$16,800

10:55 a.m. Recess

11:10 a.m. Food Bank of Contra Costa and Solano - Senior Brown Bag

07/08: \$20,000 08/09: \$20,000

11:25 a. m. Milestones of Development - Facility Rehab. and Garden

07/08: \$20,000 08/09: \$10,000

11:40 a. m. Safequest Solano - Domestic Violence Shelter

07/08: \$25,000 (\$22,400 in estimated eligible direct costs) 08/09: \$26,000 (\$22,723 in estimated eligible direct costs)

07/08: \$20,000 (Facility Rehab.)

11:55 a. m. Emani, Inc.

07/08: \$37,500 08/09: \$37,500

12:10 p. m. Committee and Staff Comments

Friday, January 19, 2007 Council Chambers, City Hall

9:00 a. m. Staff Overview

9:05 a. m. Salvation Army

07/08: \$30,550 08/09: \$30,550 9:20 a. m. House of Joy Transitional Programs

07/08: \$68,355 08/09: \$68,355

9:35 a. m. Healthy Spaces for Successful Living

07/08: \$20,000

9:50 a.m. Planned Parenthood

07/08: \$66,700 (\$58,000 in estimated eligible direct costs) 08/09: \$66,700 (\$58,000 in estimated eligible direct costs)

10:05 a.m. Staff Presentation

07/08: \$490,000 – City Park Neighborhood Preservation 08/09: \$490,000 – Country Club Crest Preservation

10:20 a. m. Recess

10:35 a. m. Greater Vallejo Recreation District – Summer Camp and Week End Special Events

07/08: \$43,000 (\$21,500 for City Park and \$21,500 for Country Club Crest)

10:40 a. m. Vallejo Neighborhood Housing Services (VNHS)

07/08: \$150,000 - Down Payment Assistance

\$ 25,000 – Homebuyers Education and Counseling

\$ 10,000 - Post-purchase Counseling and Education

\$ 50,000 - Paint Grants (City Park)

\$150,000 - Housing Rehab. Loans (City Park)

\$ 35,000 - Paint The Town (City Park)

\$ 5,000 – Block Blitz (City Park)

\$ 5,000 - Community Garden (City Park)

08/09: \$150,000 - Down Payment Assistance

\$ 25,000 - Homebuyers Education and Counseling

\$ 10,000 - Post-purchase Counseling and Education

\$ 50,000 - Paint Grants (Country Club Crest)

\$150,000 - Housing Rehab. Loans (Country Club Crest)

\$ 35,000 - Paint The Town (Country Club Crest)

\$ 5,000 - Block Blitz (Country Club Crest)

5,000 – Community Garden (Country Club Crest)

Note: VNHS has also requested Federal HOME Investment Partnership Program funds from the City, as follows:

07/08: \$500,000 – Down Payment Assistance \$500,000 – Housing Rehab. Loans

08/09: \$500,000 – Down Payment Assistance \$500,000 – Housing Rehab. Loans

11:00 a.m. Fighting Back Partnership

08/09: \$130,000 for Country Club Crest (\$97,552 in estimated eligible direct costs)

11:15 a.m. Committee and Staff Comments

Vallejo Housing Authority Conference Room 200 Georgia Street

11:30 a. m. - 1:30 p. m. Committee Review of CDBG Requests and Development of Recommendation

DEPARTMENT OF PUBLIC WORKS MAINTENANCE DIVISION CITY OF VALLEJO

April 18, 2007

TO:

Guy Ricca, Sr. Community Development Analyst

FROM:

Sammy Gonzales, Assistant Maintenance Superintendent

SUBJECT:

Request of April 13, 2007 Meeting

City Park; APN 0056-072-010

Scope of Proposed Rehabilitation Work in Cooperation with GVRD and Neighborhood

Outreach

The City will put the first priority of the funds for tree canopy maintenance and removal of hazardous condition in the arboreal setting on the City owned property. There are 84 trees within the park. Pursuant to the Master Lease the City forces are responsible for maintaining the trees, therefore an informal contract shall be solicited to accomplish the much needed tree care. Estimated Cost: \$ 25,000.00

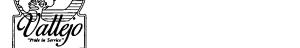
City park irrigation system needs modernization to insure effective watering schedules in an active park environment, effective coverage and be proactive with water conservation programs. The 2.57 acres is predominantly turf. The existing irrigation system shall be inspected, tested and evaluated along with park staff. It is recommended, the irrigation project will be solicited as an informal bid by the city with oversight and inspection performed by the GVRD staff. Estimated Cost: \$56,000.00

The balance of the recommended funds is \$19,000.00. Staff recommends an afternoon community outreach meeting with the neighborhood to develop a neighborhood buy-in for what ever is finally accomplished in the park rehabilitation.

Some staff suggestion for projects:

- 1. Remove all the ivy.
- Perform minor site grading and re-landscape Sacramento and Alabama Streets for public safety observation by the police department.
- Reforest with new plantings or remove trees that are in poor health hindering the growth of younger healthler specimen.
- Reduce the size of the horseshoe pit area and perform over-due maintenance to the remaining horse shoe pit area.
- 5. Install a bocci ball court or two. It is a sport gaining in popularity and more family orientated requiring very little maintenance if correctly installed.

Public works staff cost is estimated at \$30,000.00 as noted in you budget as presented to the Community Development Commission.



COUNCIL COMMUNICATION

ADMIN. B

Agenda Item No.

Date: May 1, 2007

TO:

Honorable Mayor and Members of the City Council

FROM:

Robert V. Stout, Finance Director

SUBJECT:

CONSIDERATION OF A RESOLUTION HOLDING ON FIRST READING AN

ORDINANCE AMENDING SECTION 2.02.360 OF THE VALLEJO

MUNICIPAL CODE RELATING TO THE PAYMENT OF CLAIMS

BACKGROUND & DISCUSSION

On April 17, 2007, the Council adopted a Resolution of Intention directing the City Manager to submit an Ordinance for first reading to amend section 2.02.360 of the Vallejo Municipal Code relating to the payment of claims. This action formally adopts the proposed ordinance.

The purpose of this report is to request the Council adopt a resolution holding on first reading an Ordinance amending Vallejo Municipal Code section 2.02.360, which governs the payment of claims. The current ordinance is drafted ambiguously as to whether the payment of claims requires prior City Council approval, and staff recommends amending the ordinance to clarify the claims submittal procedure.

In response to a question posed at the Community Forum portion of a February 2007 City Council meeting regarding changes in the manner in which claims (invoices) for payment have been approved, the Mayor asked City staff to look into the matter and report back to City Council their findings.

After researching the issue, staff recommends amending code section 2.02.360 to update the language to reflect current practices and modern terminology.

As a starting point, matters related to a charter city's fiscal affairs are consider "municipal affairs" and are subject to the City Charter and ordinances. Vallejo Charter section 600 states that the City Council "shall by ordinance provide the form of organization through which the functions of the City are to be administered." In Title 2 (Administration and Personnel) the City Council has established the organizational structure of the City and has reserved the review and approval of the payment of claims to itself.



Specifically, section 2.02.360 of the Vallejo Municipal Code currently states:

The presiding officer shall appoint a councilmember to review the claims. Payment of claims may be placed on the consent calendar as an item for council action in the manner specified in Section 2.02.310. Any councilmember may inquire or request further investigation and report as to any item appearing upon the written claims printout.

In May 2006, at the direction of the City Manager, staff reviewed Vallejo Municipal Code section 2.02.360 and determined that the provisions of this section were permissive and removed the approval of the payment of claims from the consent calendar. Upon a more in depth review of the code section and its legislative history, staff has changed its opinion and feels that the code section is ambiguous and that it is in the best interest of the public that the City Council adopts a clearer approval process.

Government Code Section 37208 provides that checks drawn in payment of claims on the City Treasury need not be audited by the legislative body prior to payment.

Government Code Section 53912 provides that when funds are available for the payment of approved claims, the approval of claims for payment shall, without the issuance of any warrant, be authority to pay the claims by check or electronic transfer.

The proposed resolution changes the current policy, and the proposed ordinance will now require that the Council adopt a resolution ratifying the payment of claims after their release as an item at a regularly scheduled City Council meeting. It is staff's intention to place the item on the Council's consent calendar. The proposed Ordinance will allow for the efficient administration of payment of claims, and will not delay the timely payment of claims.

The proposed Ordinance has been revised since presentation to the City Council on April 17, 2007. As originally drafted, a summary of electronic transfers would have been prepared for the payment of certain claims and presented to Council for ratification shortly after payment. Upon further review, staff has determined that the additional workload created by this requirement would be too onerous, especially due to the nature of the non payroll related claims paid by electronic transfer. These claims involve the payment of bond debt and the payroll related fringe benefits (e.g., health and dental insurance premiums). Consequently, staff is recommending that Council's review of these claims as part of their review and approval of the City's audited comprehensive annual financial report.



FISCAL IMPACT

There is no immediate budget or fiscal impact from adopting the proposed resolution. No additional budget appropriation is needed at this time as a result of approval of the proposed resolution.

PROPOSED ACTION

Adopt the resolution holding on the first reading an Ordinance amending section 2.02.360 of the Vallejo Municipal Code relating to the payment of claims.

ENVIRONMENTAL REVIEW

The adoption of this Resolution is not a project as defined by the California Environmental Quality Act (CEQA) pursuant to section 15378 (b)(1) of Title 14 of the California Code of Regulations as it involves the City Council's setting general policies and procedures and is not subject to CEQA review.

DOCUMENTS ATTACHED

- 1. A Resolution holding on the first reading an Ordinance amending section 2.02.360 of the Vallejo Municipal Code relating to the payment of claims.
- 2. Proposed Ordinance amending section 2.02.360 of the Vallejo Municipal Code relating to the payment of claims.

PREPARED BY:

Jon R. Oiler, Auditor Controller

(707) 648-4593

CONTACT:

Robert V. Stout, Finance Director

(707) 648-4592

RESOLUTION NO. 07-___ N.C.

A RESOLUTION HOLDING ON FIRST READING AN ORDINANCE AMENDING SECTION 2.02.360 OF THE VALLEJO MUNICIPAL CODE RELATING TO THE PAYMENT OF CLAIMS

WHEREAS, Government Code Section 37208 provides that warrants or checks drawn in payment of demands on the City Treasury need not be audited by the legislative body prior to payment; and

WHEREAS, Government Code Section 53912 provides that when funds are available for the payment of approved claims, the approval of claims for payment shall, without the issuance of any warrant, be authority to pay the claims by check or electronic transfer; and

WHEREAS, the necessary internal controls are in place to safeguard the City's assets in conformance with Generally Accepted Accounting Principles, sound business practices, and prudent budgetary principles; and

WHEREAS, staff is recommending an amendment to section 2.02.360 of the Vallejo Municipal Code to permit warrants or checks to be drawn and paid prior to audit or ratification by the City Council; and

WHEREAS, on April 17, 2007, the City Council adopted a resolution of intention directing the City Manager to submit an ordinance for first reading to amend section 2.02.360 of the Vallejo Municipal Code relating to the payment of claims; and

WHEREAS, the City Council considered the proposed Ordinance on April 24, 2007, and all persons interested were given the opportunity to address the Council.

NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Vallejo hereby holds on first reading an Ordinance amending section 2.02.360 of the Vallejo Municipal Code.

ORDINANCE NO. N.C. (2d)

AN ORDINANCE OF THE CITY OF VALLEJO AMENDING ORDINANCE NO. 1422 (2d) AND SECTION 2.02.360 OF THE VALLEJO MUNICIPAL CODE RELATING TO THE PAYMENT OF CLAIMS

THE COUNCIL OF THE CITY OF VALLEJO DOES ORDAIN AS FOLLOWS:

<u>SECTION 1</u>. Section 2 (part) of Ordinance No. 1422 N.C. (2d) and Section 2.02.360 of the Vallejo Municipal Code are hereby amended to read as follows:

"2.02.360 Payment of claims.

- A. All demands, invoices or claims for purchases, supplies or services included within budgetary appropriations shall be presented in writing to the Finance Director.
- B. Each demand shall be appropriately documented to the satisfaction of the Finance Director.
- C. Such demands, invoices, or claims shall be audited by Finance Director or his or her designee, who shall prepare a check register.
- D. The check register shall be ratified by the City Council at a regular City Council meeting. An affidavit of the Finance Director shall be attached to the check register certifying its accuracy.
- E. Payroll claims paid by checks or electronic transfer and non payroll claims paid by electronic transfers shall be presented to the City Council for ratification and approval in the form of an audited comprehensive annual financial report.
- F. All claims shall be paid by checks, petty cash, or electronic transfer."

SECTION 2. Severability.

If any section, subsection, sentence, clause, phrase or word of this Ordinance is for any reason held to be invalid by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have passed and adopted this Ordinance, and each and all provisions hereof, irrespective of the fact one or more provisions may be declared invalid.

SECTION 3. Effective Date.

This Ordinance shall take effect and be in full force and effect thirty (30) days from its final passage.