



City of
Los Banos
At the Crossroads of California

www.losbanos.org

AGENDA

CITY COUNCIL MEETING

CITY HALL COUNCIL CHAMBERS
520 J Street
Los Banos, California

AUGUST 19, 2020 – 3:00 PM

**Temporary Public Comment Email Established for the City of Los Banos
City Council Meeting of August 19, 2020 – emails must be received by 3:00 PM:**

The City has established a temporary email address citizens can use to email public comments on any agenda item, limited to 250 words or less. Any public comments received by August 19, 2020 prior to 3:00 PM will be read aloud during the appropriate time and agenda item.

The email address is cityclerk@losbanos.org

Public comment during Public Hearings will be taken in real time via email.

Once the Public Hearing is opened, the City Council will pause the meeting in order to receive emails directed at the Public Hearing (up to 250 words) and will read comments into the record after resuming the meeting, as time permits.

Please indicate that comments are for a particular Public Hearing by putting "Public Hearing" in the subject line of the email and the title of the Public Hearing.

The Council Chambers are closed to the public, those interested in viewing the City Council meeting can do so on the City of Los Banos' Website at:

<https://www.youtube.com/watch?v=sc3NQ8A8iuE&feature=youtu.be>

If you require special assistance to attend or participate in this meeting, please call the City Clerk's Office @ (209) 827-7000 at least 48 hours prior to the meeting.

The City of Los Banos complies with the Americans with Disabilities Act (ADA) of 1990.

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Si requiere asistencia especial para atender o participar en esta junta por favor llame a la oficina de la Secretaria de la ciudad al (209) 827-7000 a lo menos de 48 horas previas de la junta.

La Ciudad de Los Banos cumple con la Acta de Americanos con Deshabilidad (ADA) de 1990.

Any writings or documents provided to a majority of the City Council regarding any item on this agenda will be made available for public inspection at the meeting and in the City Clerk's office located at City Hall, 520 J Street, Los Banos, California during normal business hours. In addition, such writings and documents may be posted on the City's website at www.losbanos.org.

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Cualquier escritura o los documentos proporcionaron a una mayoría del Ayuntamiento respecto a cualquier artículo en este orden del día será hecho disponible para la inspección pública en la reunión y en la oficina de la Secretaria de la ciudad en City Hall, 520 J Street, Los Banos, California durante horas de oficina normales. Además, tales escrituras y los documentos pueden ser anunciados en el website de la ciudad en www.losbanos.org.

1. CLOSED SESSION. **3:00 PM**
(Members of the public may address the City Council Members on the following closed session items. Speakers may submit their comments by submitting a written statement, limited to 250 words or less, by dropping it off in the Utility Payment Box at City Hall, 520 J Street, by mail or emailing cityclerk@losbanos.org. Comments received will be read into the record during the City Council Meeting.)

A. Conference with Labor Negotiators, Pursuant to Government Code Section 54957.6, Agency Designated Representatives: City Manager Terrazas, City Attorney Vaughn, City Clerk/Human Resources Director Mallonee, Finance Director Williams, Legal Counsel Tuffo; Employee Organizations: Los Banos Police Officers Association (LBPOA), Los Banos Police Sergeants Association (LBPSA), Los Banos Fire Fighters Association (LBFFA), Los Banos Police Dispatchers/Community Services Officers Association (LBPDCSOA), Los Banos Public Employees Union (Public Works) Local 1/AFSCME and Unrepresented Miscellaneous Employees.

2. CALL TO ORDER. **4:00 PM**

3. PLEDGE OF ALLEGIANCE.

4. ROLL CALL: (City Council Members)

Faria ____, Johnson-Santos ____, Jones ____, Lewis ____, Villalta ____

5. CONSIDERATION OF APPROVAL OF AGENDA.

6. PUBLIC FORUM. (Members of the public may address the City Council Members on any item of public interest that is within the jurisdiction of the City Council; includes agenda and non-agenda items. No action will be taken on non-agenda items. Speakers may submit their comments by submitting a written statement, limited to 250 words or less, by dropping it off in the Utility Payment Box at City Hall, 520 J Street, by mail or emailing cityclerk@losbanos.org. Comments received will be read into the record during the City Council Meeting.)

7. CONSIDERATION OF APPROVAL OF CONSENT AGENDA. (Items on the Consent Agenda are considered to be routine and will be voted on in one motion unless removed from the Consent Agenda by a City Council Member.)

- A. Check Register for #223246 – #223417 in the Amount of \$432,379.27.

Recommendation: Approve the check register as submitted.

- B. Minutes for the August 5, 2020 City Council Meeting.

Recommendation: Approve the minutes as submitted.

- C. City Council Resolution No. 6252 – Approving and Adopting Final Tract Map No. 2017-01 Stonecreek at Los Banos The Villages VII Phase 2B Unit 3 and Accompanying Subdivision Improvement Agreement (Anderson Homes).

Recommendation: Adopt the resolution as submitted.

- D. City Council Resolution No. 6253 – Adopting a Revised Budget for the 2020-2021 Fiscal Year as it Pertains to Needed Modifications to the New Fire Apparatus and Increasing Expenditures in the Fire Department Capital Improvement Fund in the Amount of \$25,000.

Recommendation: Adopt the resolution as submitted.

- E. City Council Resolution No. 6254 – Adopting a Revised Budget for the 2020-2021 Fiscal Year as it Pertains to Purchasing All Needed Miscellaneous Equipment for the New Fire Apparatus and Increasing Expenditures in the Fire Department Capital Improvement Fund in the Amount of \$80,000.

Recommendation: Adopt the resolution as submitted.

- F. City Council Resolution No. 6255 – Approving an Amendment to Division 5 – Personnel Benefits of the City’s Policy & Procedures Manual as it Pertains to the City’s Contribution toward Monthly Health Premiums for Unrepresented Employees for the Calendar Year 2021.

Recommendation: Adopt the resolution as submitted.

- G. City Council Resolution No. 6256 – Approving the Acceptance of Federal Grant Funding from the Assistance to Fire Fighter Grant Program - COVID-19 Supplement (AFG-S) and Amending 2020-2021 Fiscal Year Budget as it Pertains to Revenues and Expenditures in the Amount of \$9,555.93.

Recommendation: Adopt the resolution as submitted.

8. PRESENTATION – Proclamation Recognizing National Health Center Week.

Recommendation: Informational item only, no action to be taken.

9. PUBLIC HEARING. (If you challenge the proposed action as described herein in court, you may be limited to raising only those issues you or someone else raised at the public hearing described herein or in written correspondence delivered to the City at, or prior to, the public hearing.)

- A. Public Hearing – To Receive Public Comment and Discussion of the Submittal of an Application in Response to the Release of State Administered Community Development Block Grant (CDBG) CV Funds for COVID-19 Related Activities that Benefit Low and Moderate Income Residents.

- 1) City Council Resolution No. 6257 – Approving an Application for Funding and Execution of a Grant Agreement and Any Amendments thereto from

the 2020 Community Development Block Grant Program-Coronavirus Response Round 1 (CDBG-CV1) NOFA Dated June 5, 2020.

Recommendation: Receive staff report, open the public hearing, receive public comment, close the public hearing and adopt the resolution as submitted.

10. CONSIDERATION OF APPROVAL OF CITY COUNCIL RESOLUTION NO. 6258 – ACCEPTING CORONAVIRUS AID, RELIEF, AND ECONOMIC SECURITY (CARES) ACT FUNDS IN THE AMOUNT OF \$517,629 AND ADOPTING THE CARES ACT FUNDING PLAN, COVID-19 SMALL BUSINESS ASSISTANCE PROGRAM GUIDELINES AND THE RESIDENTIAL HARDSHIP ASSISTANCE PROGRAM GUIDELINES.

Recommendation: Receive staff report and adopt the resolution as submitted.

11. CONSIDERATION OF APPROVAL OF CITY COUNCIL RESOLUTION NO. 6259 –DIRECTING CITY OF LOS BANOS STAFF TO BEGIN NEGOTIATIONS WITH MID VALLEY DISPOSAL TO FINALIZE FRANCHISE AGREEMENT FOR THE RESIDENTIAL AND COMMERCIAL GARBAGE, RECYCLABLE MATERIAL AND ORGANIC WASTE COLLECTION SERVICES CONTRACTOR.

Recommendation: Receive staff report and adopt the resolution as submitted.

12. CONSIDERATION OF APPROVAL OF CITY COUNCIL RESOLUTION NO. 6260 – REQUESTING THAT THE MERCED COUNTY REGIONAL WASTE AUTHORITY (RWA) DO THE FOLLOWING: 1. PERFORM A STUDY THAT RESEARCHES AND REVIEWS THE EXISTING LANDFILL TIPPING FEES AT THEIR TWO LANDFILLS, AND 2. ESTABLISHES AND FOLLOWS A WASTE STREAM DIRECTION POLICY OF SOLID WASTE, RECYCLING AND PLANT MATERIAL THAT IS EQUITABLE AND CONSISTENT FOR ALL THE RWA JURISDICTIONS.

Recommendation: Receive staff report and adopt the resolution as submitted.

13. LOS BANOS DOWNTOWN UPDATE.

Recommendation: Receive staff report and provide direction on how to proceed.

14. CANCELLATION OF THE REGULAR CITY COUNCIL MEETING SCHEDULED FOR WEDNESDAY, SEPTEMBER 2, 2020 DUE TO SUMMER BREAK.

Recommendation: Cancel the meeting as stated.

15. COVID-19 STATUS UPDATE.

A. City Council Resolution No. 6261 – Continuing the Declaration of the Existence of a Local Emergency within the City of Los Banos (COVID-19).

Recommendation: Receive staff report and adopt the resolution.

16. ADVISEMENT OF PUBLIC NOTICES. (Two reports)

17. CITY MANAGER REPORT.
18. REPORT/UPDATE ON MERCED COUNTY ASSOCIATION OF GOVERNMENTS (MCAG) AND MEASURE V COMMITTEE.

Recommendation: Informational item only, no action to be taken.

19. CITY COUNCIL MEMBER REPORTS.

- A. Daronica Johnson-Santos
- B. Brett Jones
- C. Deborah Lewis
- D. Tom Faria
- E. Mayor Mike Villalta

20. ADJOURNMENT.

I hereby certify under penalty of perjury under the laws of the State of California that the foregoing agenda was posted on the City Hall bulletin board not less than 72 hours prior to the meeting.



Sara Blevins, Deputy City Clerk

Dated this 13th day of August 2020

CK # 223246 - # 223417 08/19/2020 \$ 432,379.27

Bank Reconciliation

Checks by Date

User: jcanchola
 Printed: 08/11/2020 - 3:12PM
 Cleared and Not Cleared Checks
 Print Void Checks



City of
Los Banos
 At the Crossroads of California

Check No	Check Date	Name	Module	Void	Amount
223246	7/31/2020	Ameripride Services	AP		308.58
223247	7/31/2020	Anderson Pump Company Inc	AP		675.00
223248	7/31/2020	Aramark Uniform Ser Inc	AP		435.96
223249	7/31/2020	Ascent Aviation Group, Inc.	AP		14,544.38
223250	7/31/2020	AT&T Mobility	AP		250.56
223251	7/31/2020	AT&T	AP		701.65
223252	7/31/2020	AT&T	AP		222.54
223253	7/31/2020	BCI Burke Company LLC	AP		5,906.50
223254	7/31/2020	Borelli Real Estate Service, Inc.	AP		90.00
223255	7/31/2020	Bruce's Tire Inc	AP		2,950.76
223256	7/31/2020	BSK Associates	AP		3,675.00
223257	7/31/2020	Central Valley Cardiovascular Group Inc.	AP		180.00
223258	7/31/2020	Clark Pest Control Inc	AP		157.00
223259	7/31/2020	Coffee Break Service Inc.	AP		213.40
223260	7/31/2020	Comcast	AP		106.16
223261	7/31/2020	City of Los Banos Escrow Account	AP		3,163.60
223262	7/31/2020	Dept of Transportation	AP		8,235.08
223263	7/31/2020	Double D Towing, LLC	AP		100.00
223264	7/31/2020	Edges Electrical Group, LLC	AP		362.36
223265	7/31/2020	ES West Coast, LLC	AP		1,063.25
223266	7/31/2020	Farmer Brothers Coffee	AP		116.20
223267	7/31/2020	Fastenal Company	AP		284.48
223268	7/31/2020	Fast Track Car Wash	AP		399.00
223269	7/31/2020	Federal Express Corporation	AP		63.79
223270	7/31/2020	Fresno County Sherriff's Office	AP		392.00
223271	7/31/2020	Mary Lou Gilardi	AP		144.70
223272	7/31/2020	Hach Company	AP		249.47
223273	7/31/2020	Heppler Precision Machine Shop, Inc.	AP		80.87
223274	7/31/2020	Index Products Inc.	AP		290.38
223275	7/31/2020	Kalmikov Enterprises, Inc	AP		105.25
223276	7/31/2020	Laboratory Corporation of America Holdings	AP		125.00
223277	7/31/2020	Tim J Law	AP		4,000.00
223278	7/31/2020	Lucas Business Systems	AP		1,508.84
223279	7/31/2020	Tammy Lawley	AP		350.00
223280	7/31/2020	Marfab Inc	AP		732.58
223281	7/31/2020	McCrometer Inc.	AP		26.00
223282	7/31/2020	Merced County Clerk	AP		50.00
223283	7/31/2020	Merced Truck & Trailer Inc	AP		344.13
223284	7/31/2020	Miracle Playsystems, Inc.	AP		409.63
223285	7/31/2020	Monterey Auto Services Inc.	AP		155.00
223286	7/31/2020	MOO, Inc.	AP		86.32
223287	7/31/2020	Napa Auto Parts of Los Banos	AP		309.11
223288	7/31/2020	NVB Equipment, Inc.	AP		224.35
223289	7/31/2020	The Office City	AP		1,639.55

223290	7/31/2020	OSE	AP		784.96
223291	7/31/2020	O'Reilly Auto Parts	AP		1,284.43
223292	7/31/2020	PG&E Company	AP		169,464.97
223293	7/31/2020	The Phone Connection Inc	AP	Void	324.22
223294	7/31/2020	Provost and Pritchard Engineering, Inc.	AP		967.50
223295	7/31/2020	Razzari Dodge Chrysler Jeep	AP		145.06
223296	7/31/2020	SJVAPCD	AP		40.00
223297	7/31/2020	Sarah Sanchez	AP		440.57
223298	7/31/2020	Santos Ford Inc.	AP		766.21
223299	7/31/2020	Save Mart Supermarkets	AP		114.21
223300	7/31/2020	Michael Bartholomew	AP		737.36
223301	7/31/2020	Sherwin Williams Co	AP		55.47
223302	7/31/2020	Sorensens True Value	AP		604.61
223303	7/31/2020	South Bay Regional Public Training Consortium	AP		154.00
223304	7/31/2020	Sprint Solutions, Inc.	AP		987.74
223305	7/31/2020	Sun Ridge Systems, Inc.	AP		35,055.00
223306	7/31/2020	Terryberry Company LLC	AP		559.35
223307	7/31/2020	USA Blue Book	AP		277.00
223308	7/31/2020	D.R. Horton	AP		173.24
223309	7/31/2020	Rafael Martinez	AP		32.26
223310	7/31/2020	Jynnette Sousa-Melo	AP		139.89
223311	7/31/2020	D.R. Horton	AP		171.78
223312	7/31/2020	John Lundie	AP		44.80
223313	7/31/2020	D.R. Horton	AP		169.58
223314	7/31/2020	Amber Mccoy	AP		89.57
223315	7/31/2020	Mildred Teruel	AP		16.69
223316	7/31/2020	Christopher Arambel	AP		31.35
223317	7/31/2020	Elba Faitalia	AP		22.39
223318	7/31/2020	Unlimited Communications, Inc.	AP		809.85
223319	7/31/2020	Verizon Wireless	AP		681.93
223320	7/31/2020	Windecker Inc	AP		5,382.55
223321	7/31/2020	ZW USA Inc.	AP		395.21
223323	8/4/2020	Los Banos Volunteer	AP		2,416.67
223324	8/4/2020	Gerald "Obie" O'Brien	AP		77.14
223325	8/4/2020	Law Offices of William A Vaughn	AP		12,600.00
223326	8/5/2020	Aflac-Customer Service	AP		422.41
223327	8/5/2020	Los Banos Police Assn	AP		245.00
223328	8/5/2020	Los Banos Police Assn	AP		770.00
223329	8/5/2020	MassMutual	AP		1,297.09
223330	8/5/2020	MassMutual	AP		3,790.00
223331	8/5/2020	Nationwide Retirement Solutions	AP		3,645.00
223332	8/5/2020	Professional Fire Fighter	AP		720.00
223333	8/5/2020	Public Employees Union, Local One	AP		1,409.69
223334	8/5/2020	State Disbursement Unit	AP		2,365.50
223335	8/5/2020	Vantagepont Transfer Agents - 306797	AP		901.15
223336	8/5/2020	Vantagepoint Transfer Agents - 801838	AP		3,500.00
223337	8/6/2020	Gregory Almeida	AP		146.81
223338	8/6/2020	Animal Damage Management, Inc.	AP		4,040.00
223339	8/6/2020	Anthony Gomes	AP		12,094.37
223340	8/6/2020	Aramark Uniform Ser Inc	AP		606.05
223341	8/6/2020	Leonard Arazia	AP		950.00
223342	8/6/2020	Borelli Real Estate Service, Inc.	AP		90.00
223343	8/6/2020	Brenntag Pacific Inc	AP		4,145.15
223344	8/6/2020	Brinks Inc.	AP		813.19

223345	8/6/2020	Bruce's Tire Inc	AP	668.14
223346	8/6/2020	BSK Associates	AP	2,483.00
223347	8/6/2020	Burton's Fire Inc.	AP	79.57
223348	8/6/2020	Central Sanitary Supply	AP	1,031.28
223349	8/6/2020	Comcast	AP	7.43
223350	8/6/2020	Copy Shipping Solutions	AP	24.07
223351	8/6/2020	LN Curtis & Sons	AP	3,262.50
223352	8/6/2020	Edges Electrical Group, LLC	AP	271.91
223353	8/6/2020	Employee Relations, Inc.	AP	50.00
223354	8/6/2020	Fastenal Company	AP	111.46
223355	8/6/2020	Federal Express Corporation	AP	93.46
223356	8/6/2020	Ferguson Enterprises Inc DBA Groeniger & Company	AP	4,447.22
223357	8/6/2020	Government Revenue Solutions Holdings I, LLC	AP	750.00
223358	8/6/2020	Gouveia Engineering Inc.	AP	319.25
223359	8/6/2020	Granite Rock Company	AP	9,887.50
223360	8/6/2020	Maria Garciaeverduzco	AP	600.00
223361	8/6/2020	Hach Company	AP	882.14
223362	8/6/2020	Heppner Precision Machine Shop, Inc.	AP	48.25
223363	8/6/2020	JB Anderson Land Use Planning	AP	3,327.10
223364	8/6/2020	David A Jones	AP	2,135.00
223365	8/6/2020	Kimball Midwest	AP	172.99
223366	8/6/2020	Lawson Products, Inc.	AP	182.48
223367	8/6/2020	Marfab Inc	AP	319.29
223368	8/6/2020	Matson Alarm Co Inc	AP	181.00
223369	8/6/2020	Merced County Tax Collector	AP	80.89
223370	8/6/2020	Merced Sun Star	AP	835.02
223371	8/6/2020	Merced Truck & Trailer Inc	AP	47.07
223372	8/6/2020	Monterey Auto Services Inc.	AP	1,394.86
223373	8/6/2020	MOO, Inc.	AP	202.70
223374	8/6/2020	NDN International LLC	AP	980.60
223375	8/6/2020	The Office City	AP	54.82
223376	8/6/2020	OSE	AP	46.53
223377	8/6/2020	O'Reilly Auto Parts	AP	1,265.51
223378	8/6/2020	PG&E Company	AP	10.18
223379	8/6/2020	Pacific Landscape Supply, Inc.	AP	6,894.56
223380	8/6/2020	PSG Fencing Corp.	AP	1,900.00
223381	8/6/2020	The Phone Connection Inc	AP	279.94
223382	8/6/2020	PlayPower LT Farmington, INC.	AP	701.30
223383	8/6/2020	Precision Civil Engineering, Inc	AP	3,850.00
223384	8/6/2020	Provost and Pritchard Engineering, Inc.	AP	273.10
223385	8/6/2020	Purchase Power Inc	AP	4,000.00
223386	8/6/2020	Protech Security & Electronics, Inc.	AP	189.00
223387	8/6/2020	Ronny's Inc.	AP	3,689.00
223388	8/6/2020	Reds Roofing	AP	240.20
223389	8/6/2020	SJVAPCD	AP	227.00
223390	8/6/2020	Sample Traps LLC	AP	500.00
223391	8/6/2020	Santos Ford Inc.	AP	709.09
223392	8/6/2020	Sherwin Williams Co	AP	111.47
223393	8/6/2020	Sorensens True Value	AP	286.41
223394	8/6/2020	Specialty Distributors, Inc.	AP	145.15
223395	8/6/2020	Sprint Solutions, Inc.	AP	189.95
223396	8/6/2020	Superior Pool Products, LLC	AP	3,751.94
223397	8/6/2020	Eric Smith	AP	1,000.00
223398	8/6/2020	The Don Chapin Co., Inc.	AP	566.02

223399	8/6/2020	The Active Network, Inc	AP	296.96
223400	8/6/2020	Top Dog Police K9 Training and Consulting, LLC	AP	225.00
223401	8/6/2020	USA Blue Book	AP	2,191.17
223402	8/6/2020	Lillian Pereira	AP	166.21
223403	8/6/2020	Rongsheng Miao	AP	110.92
223404	8/6/2020	Destiny Marroquin	AP	12.63
223405	8/6/2020	Cynthia Riordan	AP	67.46
223406	8/6/2020	Brett Windecker	AP	67.46
223407	8/6/2020	Marcelino Ortega	AP	61.35
223408	8/6/2020	Michael Boffa	AP	66.21
223409	8/6/2020	Donaciano Ochoa	AP	109.14
223410	8/6/2020	D.R. Horton	AP	162.64
223411	8/6/2020	Ruperto Alvarez	AP	153.92
223412	8/6/2020	Saba Holding Company, LLC	AP	2,213.59
223413	8/6/2020	Zee Medical Service Co	AP	141.05
223414	8/6/2020	Los Banos Medical Group A Medical Corp.	AP	100.00
223415	8/6/2020	Premier Access Insurance Co.	AP	20,224.90
223416	8/6/2020	Sun Life Financial	AP	6,748.91
223417	8/6/2020	SWRCB Accounting Office	AP	105.00

Break in check sequence due to the following:
Check #223322 (Payroll)

Total Void Check Count:	1
Total Void Check Amount:	324.22
Total Valid Check Count:	170
Total Valid Check Amount:	432,055.05
Total Check Count:	171
Total Check Amount:	432,379.27

**CITY OF LOS BANOS
CITY COUNCIL MEETING MINUTES
AUGUST 5, 2020**

ACTION MINUTES – These minutes are prepared to depict action taken for agenda items presented to the City Council. For detail of this meeting refer to the electronic media (CD and/or audio) kept as a permanent record.

SPECIAL NOTE: This meeting was held by teleconference due to the COVID-19 Pandemic.

CLOSED SESSION – CONFERENCE WITH LABOR NEGOTIATORS, PURSUANT TO GOVERNMENT CODE SECTION 54957.6, AGENCY DESIGNATED REPRESENTATIVES: CITY MANAGER TERRAZAS, CITY ATTORNEY VAUGHN, CITY CLERK/HUMAN RESOURCES DIRECTOR MALLONEE, FINANCE DIRECTOR WILLIAMS, LEGAL COUNSEL TUFFO; EMPLOYEE ORGANIZATIONS: LOS BANOS POLICE OFFICERS ASSOCIATION (LBPOA), LOS BANOS POLICE SERGEANTS ASSOCIATION (LBPSA), LOS BANOS FIRE FIGHTERS ASSOCIATION (LBFFA), LOS BANOS POLICE DISPATCHERS/COMMUNITY SERVICES OFFICERS ASSOCIATION (LBPDCSOA), LOS BANOS PUBLIC EMPLOYEES UNION (PUBLIC WORKS) LOCAL 1/AFSCME AND UNREPRESENTED MISCELLANEOUS EMPLOYEES. This closed session item was held in closed session at 3:00 PM prior to the City Council Meeting. City Clerk Mallonee stated she received no public comments by email regarding this closed session item.

No reportable action.

CALL TO ORDER: Mayor Villalta called the City Council Meeting to order at the hour of 4:00 p.m.

PLEDGE OF ALLEGIANCE: Public Works Director/City Engineer Fachin led the pledge of allegiance.

ROLL CALL – MEMBERS OF THE CITY COUNCIL PRESENT: Council Members Tom Faria, Daronica Johnson-Santos, Brett Jones, Deborah Lewis, Mayor Michael Villalta; ABSENT: None.

STAFF MEMBERS PRESENT: City Attorney Vaughn, City Clerk/Human Resources Director Mallonee, Finance Director Williams, Community & Economic Development Director Elms, Public Works Director/City Engineer Fachin.

CONSIDERATION OF APPROVAL OF AGENDA: Motion by Lewis, seconded by Faria to approve the City Council Meeting agenda as submitted. The motion carried by the following roll call vote: AYES: Faria, Johnson-Santos, Jones, Lewis, Mayor Villalta; NOES: None; ABSENT: None.

PUBLIC FORUM: MEMBERS OF THE PUBLIC MAY ADDRESS THE CITY COUNCIL MEMBERS ON ANY ITEM OF PUBLIC INTEREST THAT IS WITHIN THE JURISDICTION OF THE CITY; INCLUDES AGENDA AND NON-AGENDA ITEMS. NO ACTION WILL BE TAKEN ON NON-AGENDA ITEMS. SPEAKERS ARE LIMITED TO A FIVE (5) MINUTE PRESENTATION. DETAILED GUIDELINES ARE POSTED ON THE COUNCIL CHAMBER INFORMATIONAL TABLE.

Mayor Villalta asked the City Clerk if she had received any comments by email, for which City Clerk Mallonee read an email ROBERT L. GRIFFIN regarding encouraging the City of Los Banos to support the City of Atwater and Coalinga's stand against political tyranny. There were no additional comments and the public forum was closed.

CONSIDERATION OF APPROVAL OF CONSENT AGENDA. Council Member Lewis requested that item 7G City Council Resolution No. 6245 – Authorizing Award of Construction Contract to Joe's Landscaping and Concrete Inc. in the Amount of \$234,770 with a 5% Contingency in the Amount of \$11,738.50 for the Los Banos Dog Park Project and Adopt a Revised Budget for the Fiscal Year 2020-2021 as it Pertains to the Los Banos Park Fund Account be removed and considered separately.

Motion by Lewis, seconded by Johnson-Santos to approve the consent agenda, with the removal of tem 7-G, City Council Resolution No. 6245 – Authorizing Award of Construction Contract to Joe's Landscaping and Concrete Inc. in the Amount of \$234,770 with a 5% Contingency in the Amount of \$11,738.50 for the Los Banos Dog Park Project and Adopt a Revised Budget for the Fiscal Year 2020-2021 as it Pertains to the Los Banos Park Fund Account, as follows: Check Register for #222973 – #223245 in the Amount of \$2,257,798.45; Fourth Quarter Investment Report for the 2019/2020 Fiscal Year; Minutes for the July 15, 2020 City Council Meeting; Minutes for the July 29, 2020 Special City Council Meeting; City Council Resolution No. 6243 – Authorizing the City Manager to File a Regional Surface Transportation Program (RSTP) Exchange Program Fund Claim Form for Fiscal Year 2019-2020 in the Amount of \$482,931; City Council Resolution No. 6244 – Approving the Annual Local Transportation Fund (LTF) Claim to be Filed with the Merced County Association of Governments (MCAG) for Fiscal Year 2020-2021; ~~City Council Resolution No. 6245 – Authorizing Award of Construction Contract to Joe's Landscaping and Concrete Inc. in the Amount of \$234,770 with a 5% Contingency in the Amount of \$11,738.50 for the Los Banos Dog Park Project and Adopt a Revised Budget for the Fiscal Year 2020-2021 as it Pertains to the Los Banos Park Fund Account;~~ City Council Resolution No. 6246 – Approving and Adopting Final Tract Map No. 2017-01 Stonecreek at Los Banos the Villages VII Phase 2B Unit 1 and Accompanying Subdivision Improvement Agreement (Anderson Homes); City Council Resolution No. 6247 – Approving and Adopting Final Tract Map No. 2017-01 Stonecreek at Los Banos the Villages VII Phase 2B Unit 2 and Accompanying Subdivision Improvement Agreement (Anderson Homes); City Council Resolution No. 6248 – Amending City Council Resolution No. 6012 Relating to the City's Conflict of Interest Code; City Council Resolution No. 6249 – Ratifying Executive Order 2020-03 and Amendment No. 1 to Executive Order 2020-02 as it Pertains to Temporary Outdoor Operations and Planning Commission Meeting Times. The motion

carried by the following roll call vote: AYES: Faria, Johnson-Santos, Jones, Lewis, Mayor Villalta; NOES: None; ABSENT: None.

CITY COUNCIL RESOLUTION NO. 6245 – AUTHORIZING AWARD OF CONSTRUCTION CONTRACT TO JOE’S LANDSCAPING AND CONCRETE INC. IN THE AMOUNT OF \$234,770 WITH A 5% CONTINGENCY IN THE AMOUNT OF \$11,738.50 FOR THE LOS BANOS DOG PARK PROJECT AND ADOPT A REVISED BUDGET FOR THE FISCAL YEAR 2020-2021 AS IT PERTAINS TO THE LOS BANOS PARK FUND ACCOUNT.

There was Council Member and staff discussion pertaining to the trees and landscaping that would be included in this project and how it would be maintained under the current landscape maintenance contract alongside regular upkeep by City staff.

Motion by Lewis, seconded by Johnson-Santos to approve City Council Resolution No. 6245 – Authorizing Award of Construction Contract to Joe’s Landscaping and Concrete Inc. in the Amount of \$234,770 with a 5% Contingency in the Amount of \$11,738.50 for the Los Banos Dog Park Project and Adopt a Revised Budget for the Fiscal Year 2020-2021 as it Pertains to the Los Banos Park Fund Account. The motion carried by the following roll call vote: AYES: Faria, Johnson-Santos, Jones, Lewis, Mayor Villalta; NOES: None; ABSENT: None.

2020 CENSUS UPDATE PRESENTATION. Patricia Ramos Anderson, from the United States Census Bureau, presented an update regarding the 2020 Census, which included a PowerPoint presentation.

Informational item only, no action to be taken.

BILLY WRIGHT LANDFILL PRESENTATION. Eric Zetz, Waste Management Director of Merced Regional Waste Authority gave an update on the Regional Waste Authority, including the Billy Wright Landfill, which included a PowerPoint presentation.

Kyle Loreto, Diversion Program Manager of Merced County Regional Waste Authority, gave an update on the workshop regarding the transport and processing of recyclable materials agreement, which included a PowerPoint presentation.

There was Council Member and representative discussion regarding the recycling, especially costs, within Merced County and how things will move forward regarding the recycling contract.

Informational item only, no action to be taken.

PUBLIC HEARING – TO RECEIVE PUBLIC COMMENT AND CONSIDERATION OF REPEALING LOCAL AMENDMENT AMENDMENTS SECTION 8-1.18 A AND SECTION 8-1.18 B OF THE LOS BANOS MUNICIPAL CODE RELATED TO “WATER HEATER PROHIBITED LOCATIONS AND WATER HEATER PROTECTION FROM DAMAGE”; ORDINANCE NO. 1086 – REPEALING PREVIOUSLY ENACTED LOCAL

AMENDMENT TO THE CALIFORNIA PLUMBING CODE AS IT PERTAINS TO WATER HEATERS (SECOND READING & ADOPTION). Fire Chief Hurley presented the staff report.

Mayor Villalta opened the public hearing. City Clerk Mallonee stated she received no public comments by email and the public hearing was closed.

Motion by Lewis, seconded by Faria to waive the second reading of Ordinance No. 1086 – Repealing Previously Enacted Local Amendment to the California Plumbing Code as it Pertains to Water Heaters. The motion carried by the following roll call vote: AYES: Faria, Johnson-Santos, Jones, Lewis, Mayor Villalta; NOES: None; ABSENT: None.

Motion by Lewis, seconded by Faria to adopt Ordinance No. 1086 – Repealing Previously Enacted Local Amendment to the California Plumbing Code as it Pertains to Water Heaters. The motion carried by the following roll call vote: AYES: Faria, Johnson-Santos, Jones, Lewis, Mayor Villalta; NOES: None; ABSENT: None.

PUBLIC HEARING – TO RECEIVE PUBLIC COMMENT AND CONSIDERATION OF LEVYING PROPERTIES FOR WEED ABATEMENT SERVICES PERFORMED DURING THE FISCAL YEAR 2019-2020 OR PRIOR FOR AREAS OF LAND LOCATED IN THE CITY OF LOS BANOS, MERCED COUNTY AS FOLLOWS: ASSESSOR PARCEL NUMBERS 025-033-019, 027-055-017, 027-086-009, 027-096-013, 081-200-004, 081-200-005, 081-200-008, 081-200-009, 081-200-011, 081-200-012, 082-594-001, 083-390-073, 084-243-012, 428-255-016; CITY COUNCIL RESOLUTION NO. 6250 – AUTHORIZING THE LEVY AND COLLECTION OF ASSESSMENTS FOR WEED ABATEMENT WITHIN THE CITY OF LOS BANOS.

Finance Director Williams presented the staff report and noted that some accounts have actually paid their invoices since these notices were sent out, which will leave eight accounts that will be submitted to the County for property tax assessment.

Mayor Villalta opened the public hearing. City Clerk Mallonee stated she received no public comments by email and the public hearing was closed.

Motion by Jones, seconded by Johnson-Santos to adopt City Council Resolution No. 6250 – Authorizing the Levy and Collection of Assessments for Weed Abatement within the City of Los Banos. The motion carried by the following roll call vote: AYES: Faria, Johnson-Santos, Jones, Lewis, Mayor Villalta; NOES: None; ABSENT: None.

PUBLIC HEARING – TO RECEIVE PUBLIC COMMENT AND CONSIDERATION OF A FINAL DEVELOPMENT PLAN #2020-01 FOR MISSION VILLAGE SOUTH PHASES 5A AND 5B FOR THE PROJECT SITE LOCATED EAST OF MERCEY SPRINGS ROAD, SOUTH OF MISSION DRIVE AND NORTH OF WILLMOTT AVENUE, APN 428-280-012; CITY COUNCIL RESOLUTION NO. 6251 – APPROVING FINAL DEVELOPMENT PLAN #2020-01 FOR MISSION VILLAGE

SOUTH PHASE 5. Community & Development Director Elms presented the staff report, which included a PowerPoint presentation.

There was Council Member and staff discussion regarding the project as a whole and the conditions that staff and the developer are not in agreement on such as the absence of sidewalks and the requirement of a park in the gated community. There was further discussion about the housing density element this project presents. Mayor Villalta opened the public hearing. City Clerk Mallonee stated she received no public comments by email and the public hearing was closed.

Council spoke again to their strong desire to have a park in the gated community especially if this development will be considered a homeowners association (HOA). The developer has concerns about costs associated with a park and play structures but they are willing to raise the bar without being excessive.

It was decided that this item will be continued to a future council meeting so that staff and the developer could work out some of these details and come back with a more definitive final development plan.

Motion by Faria, seconded by Lewis to this Public Hearing Item and City Council Resolution No. 6251 – Approving Final Development Plan #2020-01 for Mission Village South Phase 5 to September 16, 2020. The motion carried by the following roll call vote: AYES: Faria, Johnson-Santos, Jones, Lewis, Mayor Villalta; NOES: None; ABSENT: None.

COVID-19 STATUS UPDATE. City Manager Terrazas provided an update on COVID-19 which included an overview of the Merced County Public Health Dashboard. He spoke to reports in the media regarding a focused effort in the central valley area due to the high number of cases. He reminded all to continue to wear face coverings and frequently wash hands.

ADVISEMENT OF PUBLIC NOTICES (Four Reports). Community & Economic Development Director Elms stated that there are four items to be considered at the next Planning Commission meeting on Wednesday, August 12, 2020 including a recommended amendment to the child daycare ordinance, and three mobile food vendor permit considerations.

CITY MANAGER REPORT. City Manager Terrazas reported that Los Banos resident James Savage became the youngest person to swim across Lake Tahoe which is a 12-mile swim. It is a significant accomplishment for him.

REPORT/UPDATE ON MERCED COUNTY ASSOCIATION OF GOVERNMENTS (MCAG) AND MEASURE V COMMITTEE. Mayor Villalta stated they are still progressing on the Billy Wright landfill expansion and that monthly CalTrans meetings are taking place regarding the Highway 152 and Pioneer Road widening projects.

TOM FARIA: Council Member Faria congratulated James Savage on his accomplishment.

DARONICA JOHNSON-SANTOS: Council Member Johnson-Santos stated that she has decided to not run for re-election.

BRETT JONES: No report

DEBORAH LEWIS: Council Member Lewis thanked Council Member Johnson-Santos for her time and service dedicated to being on City Council.

MAYOR MICHAEL VILLALTA: Mayor Villalta stated that he is sad to see Council Member Johnson-Santos go. He summarized the moving forward of the Dog Park Project and requested an update regarding the Splash Pad and the plexiglass security to be installed at City Hall.

ADJOURNMENT. The meeting was adjourned at 8:42 PM.

APPROVED:

Michael Villalta, Mayor

ATTEST:

Lucille L. Mallonee, City Clerk



City of
Los Banos
At the Crossroads of California

Agenda Staff Report

TO: Mayor & City Council Members

FROM: Mark Fachin, P.E., Public Works Director/City Engineer

DATE: August 19, 2020

TYPE OF REPORT: Consent Item

SUBJECT: Final Tract Map No. 2017-01 Stonecreek at Los Banos,
The Villages VII Phase 2B Unit 3

Recommendation:

That the City Council adopts the Resolution approving Final Tract Map No. 2017-01 Stonecreek at Los Banos, The Villages VII Phase 2B Unit 3, and accompanying Subdivision Improvement Agreement.

Background:

The Tentative Tract Map No. 2017-01 was approved by the City of Los Banos Community Development Department on March 8, 2017 by Resolution No. 2017-07. In June 2020, the Public Works staff was contacted by the developer, Anderson Homes, for Final Map approval.

Discussion:

The subject site is generally located within the area bounded by Travertine Drive to the North, future Villages VII Phase 3 Unit 3 to the South, future Villages VII Phase 2B Unit 2 to the West and Badger Flat Road to the East. The applicant is Anderson Homes, a California corporation. The map consists of 19 single family lots on 5.15± acres. This Final Tract Map is in substantial compliance with Tentative Subdivision Map No. 2017-01.

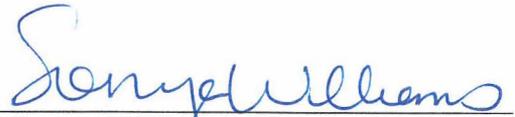
Fiscal Impact:

Financial security as required by the Subdivision Improvement Agreement, the Subdivision Map Act and Los Banos Municipal Code has been deposited with the City. All required processing, development, plan check and inspection fees to date have been paid. All bonds have been paid to Merced County.

Reviewed by:



Alex Terrazas, City Manager



Sonya Williams, Finance Director

Attachments:

Resolution

Exhibit A Legal Description

Exhibit B Final Map

Site Map

Subdivision Improvement Agreement

Exhibit A Original Engineers Estimate

Exhibit B Conditions of Approval

RESOLUTION NO. _____

**A RESOLUTION OF THE CITY COUNCIL OF THE
CITY OF LOS BANOS APPROVING AND
ADOPTING FINAL TRACT MAP NO. 2017-01
STONECREEK AT LOS BANOS THE VILLAGES
VII PHASE 2B UNIT 3 AND ACCOMPANYING
SUBDIVISION IMPROVEMENT AGREEMENT**

WHEREAS, there has been submitted to the City Council of the City of Los Banos Tract Map No. 2017-01 Stonecreek at Los Banos The Villages VII Phase 2B Unit 3 and accompanying Subdivision Improvement Agreement; and,

WHEREAS, the single-family residential subdivision consists of 19 lots on 5.15± acres; and

WHEREAS, the Public Works Director/City Engineer has approved the Final Map, the plan check and inspection fees to date have been paid in full, the City has received all necessary bonds and financial security, and said Final Tract Map has been submitted to the City Council of the City of Los Banos for approval.

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Los Banos that it does hereby approve and adopt Final Tract Map No. 2017-01 Stonecreek at Los Banos The Villages VII Phase 2B Unit 3 and accompanying Subdivision Improvement Agreement for the real property described in Exhibit "A", shown in Exhibit "B" and authorize recording based upon the following findings:

1. Final Map is in substantial compliance with Tentative Map No. 2017-01.
2. Financial security as required by the Subdivision Improvement Agreement, Subdivision Map Act, and Los Banos Municipal Code has been deposited with the City.
3. All required processing, development, plan check, and inspection fees to date have been paid.

The foregoing Resolution was introduced at a regular meeting of the City Council of the City of Los Banos held on the 19th day of August, 2020, by Council Member _____ who moved its adoption, which motion was duly seconded by Council Member _____ and the Resolution adopted by the following vote:

AYES:
NOES:
ABSENT:

APPROVED:

Michael Villalta, Mayor

ATTEST:

Lucille L. Mallonee, City Clerk

EXHIBIT "A"

LEGAL DESCRIPTION

REAL PROPERTY IN THE CITY OF LOS BANOS, COUNTY OF MERCED, STATE OF CALIFORNIA, DESCRIBED AS FOLLOWS:

LOT A, AS SAID LOT IS SHOWN UPON THE FINAL MAP ENTITLED "TRACT NO. 201701, STONECREEK AT LOS BANOS, THE VILLAGES VII-PHASE 2B, UNIT 2", RECORDED AUGUST 7, 2020 IN VOLUME 83 OF OFFICIAL PLATS AT PAGES 14-17 AND FURTHER SHOWN IN DOCUMENT RECORDED AUGUST 7, 2020 AS INSTRUMENT NO. 2020027051 , MERCED COUNTY RECORDS.

END DESCRIPTION

THIS REAL PROPERTY DESCRIPTION HAS BEEN PREPARED BY ME, OR UNDER MY DIRECTION, IN CONFORMANCE WITH THE REQUIREMENTS OF THE PROFESSIONAL LAND SURVEYOR'S ACT.



WILLIAM M. KOCH
PROFESSIONAL LAND SURVEYOR
CALIFORNIA NO. 8092





DATE

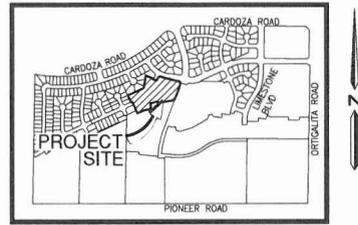
Exhibit "B" Final Map

TRACT NO: 2017-01 STONECREEK AT LOS BANOS THE VILLAGES VII-PHASE 2B, UNIT 3

BEING LOT A, TRACT NO. 2017-01, VOLUME 83 OP, PAGES 14-17,
LYING IN THE SOUTHEAST QUARTER OF SECTION 21, TOWNSHIP 10
SOUTH, RANGE 10 EAST MOUNT DIABLO BASE AND MERIDIAN
CITY OF LOS BANOS, MERCED COUNTY, CALIFORNIA

JUNE 2020

O'DELL
ENGINEERING
1165 Scenic Drive, Suite A
Modesto, CA 95350
Ph 209.571.1765 odellengineering.com



VICINITY MAP
N.T.S.

OWNER'S STATEMENT

WE, THE UNDERSIGNED, DO HEREBY STATE THAT WE ARE THE OWNERS OR HAVE SOME RIGHT, TITLE OR INTEREST OF RECORD IN THE LAND SHOWN ON THIS MAP AND WE CONSENT TO THE PREPARATION AND RECORDATION OF THIS FINAL MAP.

WE ALSO HEREBY OFFER AN IRREVOCABLE DEDICATION TO THE CITY OF LOS BANOS IN FEE FOR PUBLIC USE, LOT A AND ALL STREET RIGHTS-OF-WAY AS SHOWN ON THIS FINAL MAP.

WE ALSO HEREBY OFFER AN IRREVOCABLE DEDICATION TO THE CITY OF LOS BANOS AN EASEMENT FOR PUBLIC USE, ALL PUBLIC UTILITY EASEMENT (P.U.E.) AS SHOWN ON THIS FINAL MAP.

OWNERS:

ANDERSON HOMES, A CALIFORNIA CORPORATION

BY: _____ DATE _____

NAME: _____ (PRINT NAME)

ITS: _____ (TITLE)

NOTARY STATEMENT (OWNER)

A NOTARY PUBLIC OR OTHER OFFICER COMPLETING THIS CERTIFICATE VERIFIES ONLY THE IDENTITY OF THE INDIVIDUAL WHO SIGNED THE DOCUMENT TO WHICH THIS CERTIFICATE IS ATTACHED, AND NOT THE TRUTHFULNESS, ACCURACY, OR VALIDITY OF THAT DOCUMENT.

STATE OF CALIFORNIA

COUNTY OF _____

ON _____ BEFORE ME, _____ A NOTARY PUBLIC,

(DATE) PERSONALLY APPEARED

(NAME OF SIGNER(S))

WHO PROVED TO ME ON THE BASIS OF SATISFACTORY EVIDENCE TO BE THE PERSON(S) WHOSE NAME(S) IS/ARE SUBSCRIBED TO THE WITHIN INSTRUMENT AND ACKNOWLEDGED TO ME THAT HE/SHE/HEY EXECUTED THE SAME IN HIS/HER/THEIR AUTHORIZED CAPACITIES; AND THAT BY HIS/HER/THEIR SIGNATURE(S) ON THE INSTRUMENT THE PERSON(S), OR THE ENTITY UPON BEHALF OF WHICH THE PERSON(S) ACTED, EXECUTED THE INSTRUMENT.

I CERTIFY UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE STATE OF CALIFORNIA THAT THE FOREGOING PARAGRAPH IS TRUE AND CORRECT.

WITNESS MY HAND.

_____, NOTARY PUBLIC

PRINT NAME: _____

COMMISSION NUMBER: _____

COMMISSION EXPIRES: _____ (DO NOT STAMP)

PRINCIPAL OFFICE LOCATION (COUNTY): _____

SIGNATURE OMISSIONS:

PURSUANT TO SECTION 66436 OF THE CALIFORNIA SUBDIVISION MAP ACT, THE SIGNATURES OF THE FOLLOWING PARTIES HAVE BEEN OMITTED:

1. COAST NATURAL GAS COMPANY, A CORPORATION (EASEMENT - BOOK 300 PAGE 307, BOOK 300 PAGE 447 AND BOOK 348 PAGE 105).

SURVEYOR'S STATEMENT

THIS MAP WAS PREPARED BY ME OR UNDER MY DIRECTION AND IS BASED UPON A FIELD SURVEY IN CONFORMANCE WITH THE REQUIREMENTS OF THE SUBDIVISION MAP ACT AND LOCAL ORDINANCE AT THE REQUEST OF STONECREEK PROPERTIES. IN NOVEMBER OF 2019, I HEREBY STATE THAT THIS FINAL MAP SUBSTANTIALLY CONFORMS TO THE CONDITIONALLY APPROVED TENTATIVE MAP. I FURTHER STATE THAT ALL THE MONUMENTS SHOWN HEREON WILL BE OF THE CHARACTER AND OCCUPY THE POSITIONS INDICATED BEFORE JUNE 30TH, 2021. AND THAT SAID MONUMENTS WILL BE SUFFICIENT TO ENABLE THE SURVEY TO BE RETRACED.

DATED THIS _____ DAY OF _____, 2020.

BY: _____
DYLAN CRAWFORD, P.L.S. 7788



CITY ENGINEER'S STATEMENT:

I HEREBY STATE THAT I HAVE EXAMINED THIS FINAL MAP OF "TRACT NO: 2017-01, STONECREEK AT LOS BANOS, THE VILLAGES VII PHASE 2B, UNIT 3, AND STATE THAT THE SUBDIVISION AS SHOWN HEREON IS SUBSTANTIALLY THE SAME AS IT APPEARED ON THE TENTATIVE MAP, AND ANY APPROVED ALTERATIONS THEREOF, AND THAT ALL PROVISIONS OF ANY LOCAL ORDINANCE APPLICABLE AT THE TIME OF APPROVAL OF THE TENTATIVE MAP, IF REQUIRED, HAVE BEEN COMPLIED WITH.

DATED THIS _____ DAY OF _____, 2020.

BY: _____
MARK FACHIN, R.C.E. 34614
CITY ENGINEER

CITY SURVEYOR'S STATEMENT:

I HEREBY STATE THAT I HAVE EXAMINED THIS FINAL MAP AND IT COMPLIES WITH ALL THE PROVISIONS OF CHAPTER 2 OF THE CALIFORNIA SUBDIVISION MAP ACT, AS AMENDED, AND THAT THIS FINAL MAP IS TECHNICALLY CORRECT.

DATED THIS _____ DAY OF _____, 2020.

BY: _____
NARINDER SAHOTA, PLS 8719
REVIEWING CITY SURVEYOR

RIGHT TO FARM STATEMENT

PER MERCED COUNTY ORDINANCE NO. 1213

THE PROPERTY DESCRIBED ON THE HEREON SHOWN MAP IS IN THE VICINITY OF LAND UTILIZED FOR AGRICULTURAL PURPOSES AND RESIDENTS OF THIS PROPERTY MAY BE SUBJECT TO INCONVENIENCE OR DISCOMFORT ARISING FROM THE USE OF AGRICULTURAL CHEMICALS, INCLUDING BUT NOT LIMITED TO, PESTICIDES AND FERTILIZERS, AND FROM THE PURSUIT OF AGRICULTURAL OPERATIONS INCLUDING, BY NOT LIMITED TO, PLOWING, SPRAYING AND BURNING WHICH OCCASIONALLY MAY GENERATE DUST, SMOKE, NOISE, AND ODOR.

THE COUNTY OF MERCED HAS ESTABLISHED AGRICULTURE AS A PRIORITY USE IN AGRICULTURAL ZONES WHICH ARE OUTSIDE OF AN ESTABLISHED SPECIFIC URBAN DEVELOPMENT PLAN (SUDP) BOUNDARY, RURAL RESIDENTIAL CENTER (RRC) BOUNDARY, HIGHWAY INTERCHANGE CENTER (HIC) BOUNDARY, OR AGRICULTURAL SERVICE CENTER (ASC) BOUNDARY, AND RESIDENTS OF PROPERTY IN THE VICINITY OF SUCH AGRICULTURAL ZONES SHOULD BE PREPARED TO ACCEPT INCONVENIENCE OR DISCOMFORT FROM NORMAL, NECESSARY AGRICULTURAL OPERATIONS.

RECORDER'S STATEMENT

FILED THIS _____ DAY OF _____, 2020, AT _____ O'CLOCK, _____ M. IN VOL _____ OF OFFICIAL PLATS, AT PAGES _____, AT THE REQUEST OF DYLAN CRAWFORD.
FEE \$

BARBARA LEVEY, RECORDER
MERCED COUNTY, CALIFORNIA

BY: _____
ASSISTANT/DEPUTY RECORDER

LINE AND CURVE TABLES ARE FOR COURSES SHOWN ON THIS SHEET ONLY

LINE #	DIRECTION	LENGTH	
L1	N24°24'29"W	110.00'	(R-7)
L2	N65°35'31"E	255.00'	(R-4,R-7,R-8)
L3	N10°37'19"E	181.06'	(R-4,R-7,R-8)
L4	N66°50'43"W	117.80'	(R-1,R-7,R-8)
L5	N69°02'00"W	52.00'	(R-1,R-7,R-8)
L6	N29°02'15"E	27.78'	(R-1,R-7,R-8)
L7	N71°10'15"E	29.66'	(R-1,R-7,R-8)
L8	N79°26'25"W	52.26'	(R-1,R-7,R-8)
L9	N79°26'25"W	87.92'	(R-1,R-7,R-8)
L10	N32°32'49"W	27.33'	(R-1,R-7,R-8)
L11	N20°44'23"E	182.74'	(R-7,R-8)

LINE #	DIRECTION	LENGTH	
L12	N80°16'17"E	185.68'	(R-7,R-8)
L13	N75°38'49"E	162.00'	(R-7,R-8)
L14	N5°23'00"W	51.14'	(R-7,R-8)
L15	N12°33'22"E	51.11'	(R-7,R-8)
L16	N69°15'37"W	34.16'	(R-7,R-8)
L17	N76°04'22"E	55.93'	(R-7,R-8)
L18	N65°35'31"E	107.00'	(R-7,R-8)
L19	N24°24'29"W	187.00'	(R-7)
L20	N65°35'31"E	18.90'	(R-7)
L21	N24°24'29"W	45.00'	(R-7,R-8)
L22	N24°24'29"W	142.00'	(R-7)

CURVE #	RADIUS	DELTA	LENGTH	
C1	226.00'	2°11'17"	8.63'	(R-1,R-7,R-8)
C2	174.00'	8°04'14"	24.51'	(R-1,R-7,R-8)
C3	360.00'	11°09'10"	70.07'	(R-1,R-7,R-8)
C4	170.00'	11°56'11"	35.42'	(R-1,R-7,R-8)
C5	200.00'	11°56'11"	41.67'	(R-1,R-7,R-8)
C6	802.00'	5°42'08"	79.82'	(R-7,R-8)
C7	326.00'	4°37'28"	26.31'	(R-7,R-8)

RADIAL BEARINGS	
(R1)	N21°42'45"E
(R2)	N22°29'46"E
(R3)	N74°57'45"W



BASIS OF BEARINGS

N89°54'39"E BEING THE BEARING OF THE LINE BETWEEN MERCED COUNTY GPS PT. 1023 AND MERCED COUNTY GPS PT. 1024 (R-3). BEARINGS AND DISTANCES ARE BASED UPON CALIFORNIA COORDINATE SYSTEM ZONE III NAD 83. TO GET GROUND DISTANCES MULTIPLY GRID DISTANCES SHOWN BY 1.00000016.

REFERENCED RECORD DOCUMENTS

MERCED COUNTY RECORDS
 (R-1) VOLUME 76 OF OFFICIAL PLATS, PAGES 22-30 M.C.R. (VILLAGES IV, PHASE 1B)
 (R-2) VOLUME 108 OF PARCEL MAPS, PAGES 4-5, M.C.R.
 (R-3) VOLUME 28 OF SURVEYS, PAGES 9-12, M.C.R.
 (R-4) VOLUME 80 OF OFFICIAL PLATS, PAGES 36-40, M.C.R. (VILLAGES VII, PHASE 1, UNIT 1)
 (R-5) VOLUME 99 OF PARCEL MAPS, PAGES 11-12, M.C.R.
 (R-6) VOLUME 29 OF PARCEL MAPS, PAGE 20, M.C.R.
 (R-7) VOLUME 83 OF OFFICIAL PLATS, PAGES 14-17, M.C.R. (VILLAGES VII, PHASE 2B, UNIT 2)
 (R-8) VOLUME 80 OF OFFICIAL PLATS, PAGES 21-24, M.C.R. (VILLAGES IV, PHASE 3C)

LEGEND AND ABBREVIATIONS

RESOLVED BOUNDARY LINE	———
CENTERLINE	———
EXISTING EASEMENT LINE	———
BASIS OF BEARING TIE LINE	———
AC	ACRES
FD	FOUND
IP	IRON PIPE-DIAMETER NOTED
(M)	MEASURED DISTANCE
(M-B)	MONUMENT TO BOUNDARY LINE
(M-M)	MONUMENT TO MONUMENT
OP	OFFICIAL PLATS
PM	PARCEL MAP
M.C.R.	MERCED COUNTY RECORDS
(R-#)	REFERENCED RECORD DOCUMENT
(R)	RADIAL BEARING
SFN	SEARCHED, FOUND NOTHING
(T)	TOTAL DISTANCE

NOTES

- THIS SUBDIVISION CONTAINS A TOTAL OF 5.156 ACRES MORE OR LESS.
- ALL DISTANCES SHOWN HEREON ARE GRID DISTANCES. MULTIPLY GRID DISTANCES SHOWN BY 1.00000016 TO GET GROUND DISTANCES.
- ALL DISTANCES ARE MEASURED UNLESS OTHERWISE NOTED.
- DISTANCES AND DIMENSIONS ARE SHOWN IN FEET AND DECIMALS THEREOF.
- ALL FOUND MONUMENTS ARE ACCEPTED UNLESS OTHERWISE NOTED.
- LOT A DEDICATED TO THE CITY IN FEE FOR PEDESTRIAN ACCESS.

MONUMENT NOTES

- SET 3/4" x 24" IRON PIPE W/ PLASTIC PLUG "PLS 7788" FOR UNPAVED AREAS OR 1.17" BRASS DISK STAMPED "PLS 7788" FOR CONCRETE AREAS
- ⊙ SET 2" BRASS DISK STAMPED "LS 7788" IN MONUMENT WELL, UNLESS OTHERWISE NOTED
- T SET 3/4" x 24" IRON PIPE W/ PLASTIC PLUG "PLS 7788" FOR ALL REAR LOT CORNERS (UNLESS OTHERWISE NOTED). SET 3/4" x 24" IRON PIPE W/ PLASTIC PLUG "PLS 7788" FOR UNPAVED AREAS OR 1.17" BRASS DISK STAMPED "PLS 7788" FOR CONCRETE AREAS 1.00' ON PROPERTY LINE PROJECTION FOR ALL FRONT LOT CORNERS.
- SET 5.00" WITNESS CORNER, UNLESS OTHERWISE NOTED. MEASURED ALONG LOT LINE, RADIAL LINE OR PERPENDICULAR TO STREET CENTERLINE AS NOTED. 3/4" x 24" IRON PIPE W/ PLASTIC PLUG "PLS 7788".
- ✕ SET 1.00" WITNESS CORNER, MEASURED ALONG RADIAL LINE OR PERPENDICULAR TO STREET CENTERLINE AS NOTED. 3/4" x 24" IRON PIPE W/ PLASTIC PLUG "PLS 7788" FOR UNPAVED AREAS OR 1.17" BRASS DISK STAMPED "PLS 7788" FOR CONCRETE AREAS
- FOUND MONUMENT AS NOTED
- ⊙ FOUND 2" BRASS DISK STAMPED "LS 7788" IN MONUMENT WELL PER (R-7). UNLESS OTHERWISE NOTED
- 3/4" x 24" IRON PIPE WITH PLASTIC PLUG "PLS 7788" SET PER (R-4)
- ⊙● FOUND MONUMENT STAMPED "LS 4071" PER (R-1)

TRACT NO: 2017-01
 STONECREEK AT LOS BANOS
 THE VILLAGES VII-PHASE 2B, UNIT 3

BEING LOT A, TRACT NO. 2017-01, VOLUME 83 OP, PAGES 14-17, LYING IN THE SOUTHEAST QUARTER OF SECTION 21, TOWNSHIP 10 SOUTH, RANGE 10 EAST MOUNT DIABLO BASE AND MERIDIAN CITY OF LOS BANOS, MERCED COUNTY, CALIFORNIA

JUNE 2020



1165 Scenic Drive, Suite A
 Modesto, CA 95350
 Ph 209.571.1765 odelengineering.com

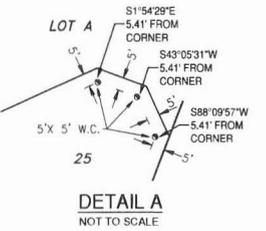
GPS STATION 1024
 FD 2" DISK, RCE 15310
 PER (R-3)

LINE AND CURVE TABLES ARE FOR COURSES SHOWN ON THIS SHEET ONLY

LINE #	DIRECTION	LENGTH
L1	N22°23'42"E	27.38'
L2	N29°02'15"E	27.76'
L3	N71°10'15"E	29.66'
L4	N79°26'25"W	23.72'
L5	N79°26'25"W	52.26'
L6	N79°26'25"W	28.54'
L7	N79°26'25"W	87.92'
L8	N32°32'49"W	27.33'
L9	N20°44'23"E	14.32'
L10	N80°16'17"E	22.49'
L11	N5°23'00"W	51.14'
L12	N12°33'22"E	51.11'
L13	N69°15'37"W	34.16'
L14	N76°04'22"E	55.93'
L15	N24°24'29"W	45.00'
L16	N69°24'29"W	28.28'
L17	N24°24'29"W	31.57'
L18	N24°24'29"W	31.57'
L19	N20°35'31"E	28.28'
L20	N65°35'31"E	30.89'
L21	N66°31'29"W	29.67'
L22	S24°24'29"E	30.53'
L23	N24°24'29"W	24.00'
L24	N69°24'29"W	20.00'
L25	N24°24'29"W	20.81'
L26	N24°24'29"W	108.10'
L27	N24°24'29"W	77.57'



SEE SHEET 2 FOR BASIS OF BEARINGS, LEGEND AND ABBREVIATIONS, MONUMENT NOTES, NOTES AND REFERENCED RECORD DOCUMENTS



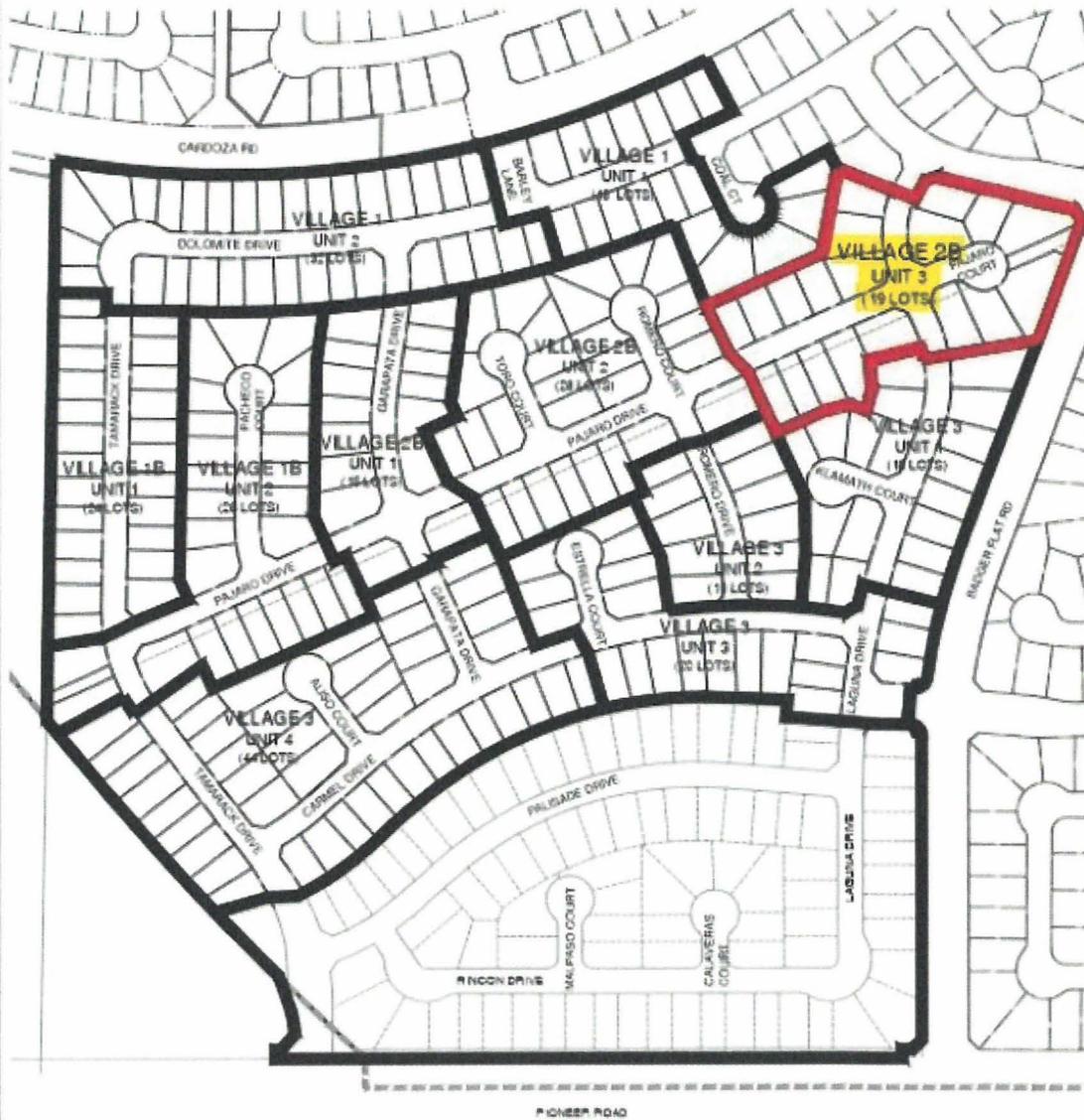
CURVE #	RADIUS	DELTA	LENGTH
C1	226.00'	11°42'21"	46.17'
C2	226.00'	17°02'22"	67.21'
C3	226.00'	13°01'24"	51.37'
C4	226.00'	2°11'17"	8.63'
C5	226.00'	15°12'41"	60.00'
C6	226.00'	41°46'07"	164.75'
C7	174.00'	36°58'43"	112.30'
C8	174.00'	39°36'29"	120.28'
C9	174.00'	2°37'46"	7.99'
C10	174.00'	8°04'14"	24.51'
C11	174.00'	10°42'00"	32.49'
C12	360.00'	11°09'10"	70.07'

CURVE #	RADIUS	DELTA	LENGTH
C13	170.00'	11°56'11"	35.42'
C14	200.00'	1°53'55"	6.63'
C15	200.00'	10°02'16"	35.04'
C16	200.00'	11°56'11"	41.67'
C17	802.00'	0°23'09"	5.40'
C18	802.00'	5°18'59"	74.42'
C19	802.00'	5°42'08"	79.82'
C20	326.00'	4°37'28"	26.31'
C21	326.00'	10°03'18"	57.21'
C22	326.00'	14°40'46"	83.52'
C23	300.00'	10°03'18"	52.65'
C24	274.00'	10°03'18"	48.08'

CURVE #	RADIUS	DELTA	LENGTH
C25	38.00'	21°48'16"	14.46'
C26	38.00'	41°09'35"	27.30'
C27	38.00'	62°57'52"	41.76'
C28	50.00'	68°44'23"	59.99'
C29	50.00'	48°04'04"	41.95'
C30	50.00'	36°43'48"	32.05'
C31	50.00'	40°27'00"	35.30'
C32	50.00'	48°58'37"	42.74'
C33	50.00'	242°57'52"	212.03'
C34	200.00'	45°22'29"	158.39'

TRACT NO: 2017-01
STONECREEK AT LOS BANOS
THE VILLAGES VII-PHASE 2B, UNIT 3
 BEING LOT A, TRACT NO. 2017-01, VOLUME 83 OP, PAGES 14-17,
 LYING IN THE SOUTHEAST QUARTER OF SECTION 21, TOWNSHIP
 10 SOUTH, RANGE 10 EAST MOUNT DIABLO BASE AND MERIDIAN
 CITY OF LOS BANOS, MERCED COUNTY, CALIFORNIA
 JUNE 2020
O'DELL
ENGINEERING
 1165 Scenic Drive, Suite A
 Modesto, CA 95350
 Ph 209.571.1765 odellengineering.com
 VOL _____ PAGE _____ SHEET 3 OF 3

Site Map: Villages VII Phase 2B, Unit 3



ODELL ENGINEERING
 1188 Soar's Drive, Suite A
 Modesto, CA 95201
 odelengineering.com

STONECREEK VILLAGES
 LOS BANOS, CALIFORNIA

DESCRIPTION: STONECREEK VILLAGES KEY MAP		1
SCALE: NONE	DATE: 11/14/2018	of
JOB NO.: 31110		1
FILE: 31110-KEY MAP.DWG		

Recording Requested By:

City of Los Banos

And When Recorded Mail to:

Lucille L. Mallonee, City Clerk
City of Los Banos
520 J Street
Los Banos CA 93635

Space above this line for Recorder's use.

SUBDIVISION IMPROVEMENT AGREEMENT

THIS AGREEMENT made this _____ day of _____, 2020, between ANDERSON HOMES, a California Corporation, Parties of the First Part, hereinafter designated and called "DEVELOPER(S)", and the CITY OF LOS BANOS, a municipal corporation, the Parties of the Second Part, hereinafter designated and called "CITY".

WHEREAS, the DEVELOPER(S) have presented to the CITY a certain Final Map located within the corporate limits of the CITY, and known and described as Tract No. 2017-01, Dove Hollow Villages at Stonecreek VII, Phase 2B Unit 3 comprised of 19 single family residential lots on approximately ± acres, a copy of which is on file at the City of Los Banos Planning Department and made a part of this AGREEMENT by reference, and said DEVELOPER(S) have requested the CITY to accept the dedications delineated and shown on said Final Map in order that the same may be recorded as required by law; and,

WHEREAS, the CITY requires a condition precedent to the acceptance and approval of said Final Map, the dedication of said easements as are delineated and shown on said Final Map, and deems the same as necessary for public use, and requires and deems as necessary for the public use that any and all street improvements delineated and shown thereon shall be improved by the construction thereon and the installation therein of the improvements hereinafter specified in Paragraph One herein; and,

WHEREAS, certain sections of the Los Banos Municipal Code require the DEVELOPER(S) to enter into this AGREEMENT with the CITY whereby DEVELOPER(S) agree to do, perform, and complete the works and matters hereinafter in this AGREEMENT mentioned and set forth in details, within the time hereinafter mentioned, in consideration of the acceptance of the offers of dedication by the CITY; and,

WHEREAS, the City Council of the City of Los Banos has found said Final Map by Resolution No. _____ to be in substantial compliance with the designs and Conditions of Approval of Vesting Tentative Tract Map No. 2017-01.

NOW, THEREFORE, in consideration of the acceptance of the offers of dedication of easements, and facilities as shown and delineated on said Final Map, and the approval of said Final Map for filing and recording as provided and required by law, it is mutually agreed and understood by and between DEVELOPER(S) and CITY as follows:

SUBDIVISION AGREEMENT

1. That the CITY has fixed and does fix the time within which DEVELOPER(S) shall do and perform the work and improvements hereinafter specified and at such time during this period as designated by the Public Works Director/City Engineer of the CITY, but no later than the 1st day of September 2022, with the said provision that this time may be extended by consent of the City Council, and that the DEVELOPER(S) will, within the period of time stated herein above in this paragraph stated and fixed, do or cause to be done and performed, the following described work and improvements,(as detailed in attached Exhibit A) all at their own cost and expense, to the satisfaction of the Public Works Director/City Engineer in accord with the approved subdivision improvement plans and existing City Policies and adopted Standards, including all costs of inspection, to-wit;

IMPROVEMENTS (Phase 2B - Units 1, 2 & 3) :

1. SITE PREPARATION	\$	68,000.00
2. WATER	\$	104,720.00
3. SANITARY SEWER	\$	89,340.00
4. STORM DRAINAGE	\$	88,230.00
5. CONCRETE	\$	211,590.00
6. PAVING	\$	257,908.00
7. ELECTROLIERS	\$	25,000.00
8. MISCELLANEOUS	\$	7,850.00
TOTAL	\$	852,638.00

2. The DEVELOPER(S) shall furnish bonding or other forms of security for the estimated cost of the remaining improvements, agreed to by the CITY for Performance at 100%, **\$852,638.00** and Labor and Materials at 50%, **\$426,319.00** and prior to the release of other security, for Warranty and Guarantee at 10% in the amount of **\$85,263.80** In addition, the DEVELOPER(S) shall provide a bond or other form of security in the amount of **\$3,500.00** for survey monuments, per §66496 of the Government Code.

3. The DEVELOPER(S) agrees to pay the following fees at the time of signing the AGREEMENT less any amount previously paid and not to exclude pending invoices from outside consulting firms.

ENGINEERING AND INSPECTION (Phase 2B – Units 1, 2 & 3)

5% of Approved Engineer's estimate of \$852,638.00	\$	42,631.90
Less: Deposit for Plan Check (Rec#01176561)	\$	(18,758.04)
Less: Payment (Rec#01248474)	\$	(23,875.86)
SUB-TOTAL	\$	0
FINAL MAP REVIEW		
Charges for Phase 2B, Unit 3	\$	2,000.00
Less: Deposit for Map Review (Rec# 01477921)	\$	(2,000.00)
SUB-TOTAL	\$	0.00
TOTAL	\$	0.00

4. In accordance with adopted City Policy, security funds may be released for each category of improvements, as per Engineer's cost estimates for **\$852,638.00** (attached as Exhibit "A"), as approved by Public Works Director/City Engineer and accepted by the City Council.
5. The DEVELOPER(S) shall install improvements in accordance with the requirements of the City of Los Banos Municipal Code, the Standard Specifications of the City of Los Banos, the approved Subdivision Improvements and Grading Plans and the Conditions of Approval of Vesting Tentative Tract Map No. 2017-01. All public improvements and utilities must be installed prior to occupancy of units.
6. In the event that the DEVELOPER(S) shall damage, destroy, or tear up any existing improvements, DEVELOPER(S) agree to repair or replace such destroyed or damaged improvements at their cost whenever such damage shall occur.
7. Street lights shall be furnished and installed by the DEVELOPER(S). It is solely the DEVELOPER(S) responsibility to coordinate the installation of street lights with the Pacific Gas and Electric Company and pay any and all fees necessary for their installation. At the time of acceptance, the street lights, including conductors to utility owner splice boxes, shall become the property of the CITY.
8. Any improvements not shown on the approved Improvement Plans which are to be dedicated to the CITY or which are to be placed within the proposed City right-of-way, including mailboxes, private and utility works, shall not be constructed without written approval from the CITY. It shall be the DEVELOPER(S) responsibility to ensure that mailboxes for use by the U.S. Postal Service are available for residents at the time of occupancy; installation to be per plans approved by the Postmaster and the CITY.
9. All earthwork and construction shall meet the requirements and recommendations of the Soils Report, the Amended Soils Report for the Project and the adopted Improvement Standards and Specifications of the City. The DEVELOPER(S) shall, at their expense, provide a Soils Engineer whose responsibility includes the professional inspection and approval concerning the preparation of ground to receive fills, excavation and backfill operations, stability of all finished slopes, and testing for required compaction. Prior to the issuance of structural permits and prior to occupancy release, the Soils Engineer shall certify, in writing, that all earthwork including trench backfill meets the requirements and recommendations of the Soils Report and the adopted Improvement Standards and Specifications of the City.
10. Neither the CITY nor any of its officers or agents shall be liable to DEVELOPER(S) or their contractors for any error or omission arising out of or in connection with any work to be performed under this AGREEMENT. During the progress of the work, if it becomes necessary to modify the design because of errors or omissions on the plans or unforeseen conditions which render a portion of the project inoperable, unsafe, or prohibits a part of the project from performing satisfactorily in

the opinion of the CITY, the plans shall be modified in accordance with the recommendations of the CITY. The DEVELOPER(S) shall be responsible for all costs incurred in revising the plans and performing the work in accordance with the modified plans.

11. The Improvement Plans may be modified upon approval by the CITY at no cost to the CITY.

12. The CITY shall not be liable to the DEVELOPER(S) or to any other person, firm, or corporation whatsoever, for any injury or damage that may result to any person or property by or from any cause whatsoever in, on, or about the subdivision of said land covered by this AGREEMENT, or any part thereof.

13. The DEVELOPER(S) hereby release and agree to indemnify and hold the CITY harmless from and against any and all injuries to and deaths of persons and injuries to property, and all claims, demands, costs, loss, damage, and liability, howsoever the same may be caused and whensoever the same may appear, resulting directly or indirectly from the performance or nonperformance of any or all work to be done in and upon the street rights-of-way in said subdivision and upon the premises adjacent thereto pursuant to this AGREEMENT, and also from any and all injuries to and deaths of persons and injuries to property or other interests, and all claims, demands, costs, loss, damage, and liability, howsoever the same may be caused and whensoever the same may appear, either directly or indirectly made or suffered by the DEVELOPER(S), the DEVELOPER(S) agents, employees, and subcontractors, while engaged in the performance of said work.

14. The DEVELOPER(S) agree that the use for any purpose and by any persons of any and all of the improvements herein before specified, shall be at the sole and exclusive risk of the DEVELOPER(S) at all times prior to final acceptance by the CITY of the completed improvements. Thereon and therein; provided, that acceptance by the CITY shall in no way eliminate or lessen any of DEVELOPER(S) obligations and undertakings contained in this AGREEMENT. The issuance of any occupancy permits by the CITY for dwellings located within said subdivision shall not be construed in any manner to constitute an acceptance and approval of any or all of the improvements in said subdivision.

15. It is mutually agreed by the parties hereto that the Public Works Director/City Engineer shall have the right to reject any or all of the work to be performed under this AGREEMENT if such work does not conform with the plans and specifications mentioned herein or the ordinances of the CITY. Reinspection of corrected work shall be at the expense of the DEVELOPER(S). The cost of such reinspection is not included in the Engineering and Inspection Fee described in Paragraph 3 of this AGREEMENT. Any damage to the sewer system, utilities, concrete work, or street paving that occurs after installation shall be repaired by the DEVELOPER(S) to the satisfaction of the Public Works Director/City Engineer by the DEVELOPER(S) before release of bond or final acceptance of completed work.

16. DEVELOPER(S) shall provide for adequate erosion control as determined by the Public Works Director/City Engineer on individual lots and from exterior property draining into the area of the subdivision, to protect the public rights-of-way and improvements. Erosion control on individual lots shall continue until such a time as front and street side yard landscaping is installed.

17. Without limiting the foregoing, DEVELOPER(S) warrant and guarantee materials used and workmanship performed on said work for a period of one (1) year after completion and acceptance thereof by the City Council, or the Public Works Director/City Engineer.

18. Upon completion of the improvements, specified herein the DEVELOPER(S) shall file a Notice of Completion with Merced County and submit to the City "As Built" drawings on mylar, of the improvements. The Notice of Completion shall be filed no later than thirty-five (35) days prior to consideration for acceptance of the improvements by the City Council. As part of the request for acceptance of improvements, the DEVELOPER(S) shall submit a title report encompassing each of the parcels within the Subdivision which discloses all liens or claims which may have been recorded in or prior to thirty-one (31) days following the date of recordation of the Notice of Completion. If any liens or claims are thus revealed, the DEVELOPER(S) shall either remove the liens and claims and submit an updated title report prior to acceptance of the Subdivision by the CITY, or shall enter into an agreement with the CITY that provides to the satisfaction of the CITY a method for the removal of such liens and claims at no cost to the CITY.

19. It is hereby mutually covenanted and agreed by the parties hereto that DEVELOPER(S) contractors are not agents of the CITY and that the contractors' relations to CITY, if any, are those of independent contractors.

20. That the applicant furnish the CITY with a reproducible 8 1/2" x 11" map of the Final Map of this development prior to issuance of permits.

21. DEVELOPER(S) shall comply with all applicable original or amended Conditions of Approval of Vesting Tentative Tract Map No. 2017-01 prior to acceptance of public improvements or final of any housing units.

22. No work shall commence under the terms of this AGREEMENT prior to all of the following being completed: deposit of improvement security per City Council resolution; issuance of a Subdivision Improvements grading permit other than rough grading and site preparation; and payment of all required development fees.

23. All costs for engineering and inspection services which exceed the 5% fee specified above will be invoiced to the DEVELOPER(S) and must be paid in full prior to acceptance of the subject improvements by the CITY.

24. If construction of improvements has not begun within one (1) year from the date of this AGREEMENT, then prior to commencement of work the Public Works Director/City Engineer shall review the improvement plans and determine if revisions are required. In any case, a new engineer's

cost estimate shall be submitted by the applicant to the Public Works Director/City Engineer. The applicant shall be responsible for any modification to the plans required by the Public Works Director/City Engineer and shall pay all plan check fees plus the difference in inspection fees due based on the new cost estimate.

25. The DEVELOPER(S) acknowledge the requirement to comply with the environmental mitigation measures for Vesting Tentative Tract Map No. 2017-01, and the conditions of approval for said tentative map, (attached herein as Exhibit 'B'), in the development of this Subdivision.

26. The terms of this AGREEMENT are not intended to, nor do they, relieve the DEVELOPER(S) of any conditions of approval, compliance with City Standards or compliance with mitigation measures of adopted environmental documents, the compliance with which may be placed as a condition of permit issuance or occupancy.

27. Time is of the essence of this AGREEMENT. It is agreed that the provisions of this AGREEMENT shall apply to and bind the heirs, executors, administrators, successors, devisees, and assignees of the respective parties hereto.

IN WITNESS WHEREOF, the parties have executed these presents or caused the same to be executed by the officers thereunto duly authorized on the date and year in this AGREEMENT first above written.

ANDERSON HOMES
A California Corporation



Michael Anderson
Vice President

PARTIES OF THE FIRST PART

CITY OF LOS BANOS
A Municipal Corporation

Michael Villalta
Mayor

PARTIES OF THE SECOND PART

ATTEST:

Lucille L. Mallonee
City Clerk
City of Los Banos

**Signatures need to be notarized.
Attach a Notary Acknowledgement.**

CALIFORNIA ACKNOWLEDGMENT

CIVIL CODE § 1189

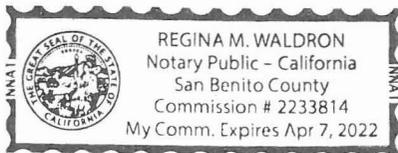
A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California }
County of San Benito }

On JULY 20, 2020 before me, Regina M. Waldron, Notary Public,
Date Here Insert Name and Title of the Officer

personally appeared Michael Anderson
Name(s) of Signer(s)

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.



I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature Regina M. Waldron
Signature of Notary Public

Place Notary Seal and/or Stamp Above

OPTIONAL

Completing this information can deter alteration of the document or fraudulent reattachment of this form to an unintended document.

Description of Attached Document

Title or Type of Document: Subdivision Improvement Agreement

Document Date: _____ Number of Pages: _____

Signer(s) Other Than Named Above: _____

Capacity(ies) Claimed by Signer(s)

Signer's Name: _____

Corporate Officer – Title(s): _____

Partner – Limited General

Individual Attorney in Fact

Trustee Guardian or Conservator

Other: _____

Signer is Representing: _____

Signer's Name: _____

Corporate Officer – Title(s): _____

Partner – Limited General

Individual Attorney in Fact

Trustee Guardian or Conservator

Other: _____

Signer is Representing: _____

Exhibit A



OPINION OF PROBABLE COST

Project name: Dove Hollow - Phase 2B, 62 Residential Lots

LOS BANOS, CA

Project progress stage: IMPROVEMENT PLAN DESIGNS

2/21/2018

ITEM DESCRIPTION	UNIT	QUANT.	UNIT COST	AMOUNT
A. SITE PREPARATION				
1 SITE CLEARING	LS	1	\$5,000.00	\$5,000.00
2 SITE GRADING	CY	29,000	\$2.00	\$58,000.00
3 EROSION CONTROL	LS	1	\$5,000.00	\$5,000.00
SUB-TOTAL				\$68,000.00
B. WATER				
1 8" WATER	LF	2,920	\$16.00	\$46,720.00
2 8" GATE VALVE	EA	11	\$1,000.00	\$11,000.00
3 HYDRANT, BURY & GATE VALVE	EA	12	\$2,000.00	\$24,000.00
4 CONNECT TO EX. WATER MAIN	EA	2	\$1,500.00	\$3,000.00
5 HOUSE SERVICE INCLUDING	EA	60	\$300.00	\$18,000.00
6 HOUSE SERVICE INCLUDING	EA	2	\$1,000.00	\$2,000.00
SUB-TOTAL				\$104,720.00
C. SANITARY SEWER				
1 6" SEWER MAIN	LF	2,260	\$16.00	\$36,160.00
2 8" SEWER MAIN	LF	720	\$19.00	\$13,680.00
3 STD. SEWER MANHOLE	EA	10	\$2,000.00	\$20,000.00
4 4" STD. LATERAL	EA	62	\$250.00	\$15,500.00
5 CONNECT TO EX. SEWER MANHOLE	EA	2	\$2,000.00	\$4,000.00
SUB-TOTAL				\$89,340.00
D. STORM DRAINAGE				
1 12" STORM DRAIN	LF	150	\$18.00	\$2,700.00
2 15" STORM DRAIN	LF	1,310	\$21.00	\$27,510.00
3 18" STORM DRAIN	LF	110	\$24.00	\$2,640.00
4 36" STORM DRAIN	LF	470	\$39.00	\$18,330.00
5 STD. MANHOLE	EA	10	\$2,000.00	\$20,000.00
6 CATCH BASIN	EA	9	\$1,450.00	\$13,050.00
7 CONNECT TO EX. STORM DRAIN	EA	2	\$2,000.00	\$4,000.00
SUB-TOTAL				\$88,230.00
E. CONCRETE				
1 6" VERTICAL CURB & GUTTER (INCL. RETURNS & DRIVEWAYS)	LF	5,120	\$13.00	\$66,560.00
2 ROLLED CURB AND GUTTER	LF	720	\$14.00	\$10,080.00
3 SIDEWALK (INCL. RAMPS,	SF	41,250	\$3.00	\$123,750.00
4 WHEEL CHAIR RAMP (LABOR ONLY)	EA	14	\$800.00	\$11,200.00
SUB-TOTAL				\$211,590.00

F. PAVING

1	2.5" AC OVER 11" AB	SF	92,110	\$2.80	\$257,908.00
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SUB-TOTAL					\$257,908.00
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G. ELECTROLIERS

1	ELECTROLIERS	EA	10	\$2,500.00	\$25,000.00
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SUB-TOTAL					\$25,000.00
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H. MISCELLANEOUS

1	STOP SIGN W/STREET SIGN	EA	7	\$350.00	\$2,450.00
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2	STRIPING	LS	1	\$1,500.00	\$1,500.00
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3	MONUMENT WELLS	EA	13	\$300.00	\$3,900.00
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SUB-TOTAL					\$7,850.00
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Construction Total					\$852,638.00
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10% CONSTRUCTION CONTINGENCY					\$85,263.80
-------------------------------------	--	--	--	--	--------------------

GRAND TOTAL					\$937,901.80
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Notes:

1. This estimate does not include surveying, engineering, landscaping, street trees, joint trench, or irrigation.
2. This estimate does not include cost for removal and/or replacement of existing utility poles and the utilities associated with the utility poles.
3. This estimate does not include cost for irrigation ditch removal, relocation, or pipe lining.
4. Estimate grading cost can vary due to shrinkage, stripping, site consolidation and other variable factors associated with earthwork.
5. Items not included as part of this estimate.

A. Good Neighbor Fencing	J. Easement acquisitions
B. Permits	K. Retaining Walls
C. Utility Fees	L. Landscape Design Improvements
D. City Fees, bond fees	M. Street Trees
E. Engineering/design fees	N. Tree Removal
F. Soils engineering cost	O. Mail Boxes
G. Power Pole Relocation	P. Existing Irrigation Facility Demolition
H. Construction Surveying	
I. Landscaping Fees	
6. This estimate is not intended for bidding purposes

Exhibit B

CONDITIONS OF APPROVAL FOR VESTING TENTATIVE TRACT MAP #2017-01 – DOVE HOLLOW VILLAGES AT STONECREEK VII

General

1. The applicant shall submit a revised Vesting Tentative Tract Map to the Community and Economic Development Department reflecting any modifications, additions, and/or conditions of approval, within 30 days from Planning Commission approval. If necessary, the revised Vesting Tentative Tract Map shall be reviewed by the City Engineer and the Community and Economic Development Director and signed by the Community and Economic Development Director for purposes of providing a clear record of the approved Vesting Tentative Tract Map.
2. The Vesting Tentative Tract Maps, Final Maps, and Improvement Plans shall be consistent with the Final Development Plan, as conditioned.
3. Approval and life of the Vesting Tentative Tract Maps shall be as set forth in the Los Banos Municipal Code.
4. All development shall be consistent with the Vesting Tentative Tract Map #2017-01 and approved Final Development Plan #2017-01, reflecting any amendments added during approval.
5. The Final Map(s) shall be in substantial compliance with the approved Vesting Tentative Tract Map, including any changes set forth in the conditions of approval.
6. A Final Map shall be prepared by a professional land surveyor licensed in California or a professional engineer licensed in California and qualified to practice land surveying, according to the Subdivision Map Act, and local ordinances.
7. At least two points on the Final Map shall be tied to the California State Plane Coordinate System (NAD 83) with ties shown and closure calculations depicting the tie bearings and distances.
8. A letter from the Tax Collector shall be submitted prior to the recording of the Final Map which indicates that taxes have been paid or a bond has been posted.
9. A Final Map Guarantee shall be prepared and provided to the County Recorder.

10. When the submittal has been technically approved, the original mylars and a conforming mylar will be signed and notarized (notary shall not be stamped on the map) and delivered to the Public Works Department.
11. Developer shall include a Public Utility Easement of ten (10) feet along all road frontages.
12. For all properties within 1,000 feet of agricultural operations, deed notices shall be recorded with the final map. The deed notice shall require property purchasers to acknowledge the existing and ongoing commercial and/or agricultural uses on adjacent and nearby properties, and the Merced County Right-to-farm Ordinance.
13. Building Master Plans shall be approved by the Community and Economic Development Department and Building Department prior to issuance of the first building permit and shall be consistent with Final Development Plan #2017-01.
14. Improvement Plans shall be submitted to the City for approval prior to/or concurrent with the application for each final map and the following note shall be required: "The Contractor is responsible for protecting and preserving survey monuments and other survey markers. Any survey monuments damaged as a direct or indirect result of construction activities shall be re-established by a duly licensed land surveyor at the Contractor's sole expense. A corner record shall be filed in accordance with State law for any reset monuments at the Contractor's sole expense."
15. Improvement Plans shall include a street signage and striping plan to be approved by the Public Works Director.
16. On-site improvements may be constructed prior to the recording of the final map subject to City approval of Improvement Plans and payment of applicable plan check and inspection fees, and satisfaction of all construction conditions of approval.
17. Off-site public improvement plan(s) shall be submitted to the Public Works Department for approval prior to/or concurrent with the application for the Final Map. The developer shall not commence off-site improvements until approval is received by the Public Works Department. The developer shall enter into a subdivision improvement agreement with the City and provide labor and maintenance bonds in an amount of 100% of the Engineer's Estimate for public improvements to be completed following recordation of the Final Map.
18. The project is subject to the appropriate Development Impact Fees as established by the City.

19. Private property owners shall be responsible for the maintenance of sound walls and decorative masonry walls located on private property.
20. The applicant shall obtain City approval in advance for permanent and temporary on-site and off-site signs through separate sign reviews and bonding consistent with the development criteria of the Los Banos Municipal Code – Sign Ordinance.
21. It is the applicant's responsibility to ensure that the development complies with the Americans with Disabilities Act requirements.
22. It shall be the responsibility of the applicant to convey copies of the conditions of approval to all contractors and sub-contractors.
23. Building permits will be issued in accordance with City Subdivision Policy that identifies the improvements required in order for a building permit to be issued.
24. All structures, foundations, and footings for future buildings on the project site shall be designed and constructed to conform with the current Uniform Building Code for Seismic Zone 4 to minimize structural damage resulting from potential seismic activity.
25. An engineering soils report shall be prepared for all projects in order to identify soil characteristics requiring special structural design. On-site and off-site structural design shall conform to the findings and recommendation of the engineering soils report. The report shall be prepared prior to issuance of a grading permit, subject to review and approval of the Los Banos City Engineer.
26. Prior to issuance of building permits for development of sensitive residential land uses (e.g. houses, schools, parks, day care), or other uses in which persons may contact soils), a Phase 1 environmental assessment shall be prepared to determine if soils contain hazardous materials. If necessary, a remediation plan shall be created and implemented. The assessment and any necessary remediation plans shall be subject to the approval of the Community Development Department.
27. Improvement Plans and Grading Plans shall delineate the location and design of all required walls and fences including retaining walls.
28. Improvement Plans shall include mailbox locations, which must be approved by the US Postmaster and the City of Los Banos.
29. Undeveloped portions of the subdivision shall be controlled of weeds and free of debris and litter.

30. Due to the possibility that significant buried cultural resources might be found during construction, the following language shall be included in any permits issued for the project site, including, but not limited to building permits for future development, subject to the review and approval of the Los Banos Planning Division:

If archaeological resources or human remains are discovered during construction, work shall be halted at a minimum of 200 feet from the find and the area shall be staked off. The project developer shall notify a qualified professional archaeologist. If the find is determined to be significant, appropriate mitigation measures shall be formulated and implemented.

31. In the event of an accidental discovery or recognition of any human remains in any location other than a dedicated cemetery, the City shall ensure that this language is included in all permits in accordance with CEQA Guidelines section 15064.5(e):

If human remains are found during construction there shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent human remains until the Los Banos Police Department contacts the coroner of Merced County to determine that no investigation of the cause of death is required. If the coroner determines the remains to be Native American, the coroner shall contact the Native American Heritage Commission within 24 hours. The Native American Heritage Commission shall identify the person or persons it believes to be the most likely descendent from the deceased Native American. The most likely descendent may then make recommendations to the landowner or the person responsible for the excavation work, for means of treating or disposing of, with appropriate dignity, the human remains and associated grave goods as provided in Public Resources Code Section 5097.98. The landowner or his authorized representative shall rebury the Native American human remains and associated grave goods with appropriate dignity on the property in a location not subject to further disturbance if: a) the Native American Heritage Commission is unable to identify a most likely descendent or the most likely descendent failed to make a recommendation within 24 hours after being notified by the commission; b) the descendent identified fails to make a recommendation; or c) the landowner or his authorized representative rejects the recommendation of the descendent, and the mediation by the Native American Heritage Commission fails to provide measures acceptable to the landowner.

Pre-Construction and Construction

32. A minimum 200-foot separation shall be maintained between residences and material stockpiles, debris piles or containers and equipment storage during the construction process. If such storage must be located within

200 feet of a residence, a six-foot high opaque fence shall shield the storage area from view when the storage area is inactive for more than eight hours. This requirement shall be incorporated into the specifications for all construction plans, subject to review and approval by the City of Los Banos Community and Economic Development Director.

33. Two points of all-weather access shall be provided to all areas of the development during all phases of construction to the satisfaction of the Fire Department in areas where residential units are under construction.
34. Temporary construction trailers shall be permitted only in areas immediately adjacent to or within that portion of the subdivision where active subdivision construction is taking place. Placement of said construction trailer is subject to the Community and Economic Development Director approval in accordance with Title 9, Chapter 3, Article 38, Temporary Use Ordinance of the Los Banos Municipal Code.
35. During construction, and for safety purposes, the developer and assigned contractors shall keep the public right-of-way clear of obstructions, and provide for clean up on a daily basis.
36. Prior to acceptance of public improvements, all entries to the subdivision shall be barricaded to prevent the public from entering the construction site.
37. Undeveloped portions of development sites shall be controlled of weeds and free of debris and litter. The applicant shall provide protection against wind and water soil erosion on undeveloped portions of the project site. Temporary vegetation on undeveloped portions of the project site shall not be allowed to grow taller than eighteen inches.
38. All contractors and subcontractors performing work relative to this project shall obtain City of Los Banos Business Licenses, prior to start of work on the project. All work performed on the project shall comply with the requirements of the State Business and Professions Code.
39. Construction shall be limited to those times allowed by City Ordinance: Monday through Friday from 7:00 am to 7:00 pm; Saturday from 8:00 am to 7:00 pm; and Sunday from 9:00 am to 7:00 pm. Properly muffled equipment shall be used.
40. The developer shall incorporate soil erosion control measures into grading and drainage plans that comply with NPDES storm water regulations. These measures shall be monitored for effectiveness by the City of Los Banos. Such measures may include, but not be limited to, the following:
 - a. Limit disturbance of soils and vegetation disturbance removal to the minimum area necessary for access and construction;

- b. Confine all vehicular traffic associated with construction to the right-of-way of designated access roads;
 - c. Silt fencing installed in accordance with the American Society for Testing and Materials standard D6462.
 - d. Adhere to construction schedules designed to avoid periods of heavy precipitation or high winds;
 - e. Ensure that all exposed soil is provided with temporary drainage and soil protection when construction activity is shut down during the winter periods;
 - f. Inform construction personnel prior to construction and periodically during construction activities of environmental concerns, pertinent laws and regulations, and elements of the proposed erosion control measures;
 - g. Compliance with National Pollution Discharge Elimination System (NPDES) permits administered by the California Regional Water Quality Control Board; and
 - h. Development of a plan to employ best management practices that reduce the level of pollutants discharged into natural waterways and wetlands.
- 41. Where standard corner lot side yards abut a street, a minimum three-foot landscaping area shall be provided between the back of sidewalk and the fence.
 - 42. Restricted access rights shall be irrevocably offered for dedication to the City along the rear edge of private property where properties back onto streets, and shall be shown on final maps.
 - 43. Masonry walls shall be decorative and in conformance with the Final Development Plan. A minimum 3 foot landscape area shall be provided between the back of the sidewalk and any masonry walls.

Air Quality:

- 44. Housing units shall be oriented to maximize passive solar cooling and heating when practicable.
- 45. Gas fired appliances shall be low NOx emitting appliances complying with California NOx Emission Rule #1121.
- 46. The developer shall comply with all applicable Indirect Source Rule requirements of the San Joaquin Valley Air Pollution Control District.

Developer shall prepare an air emissions reduction if required.

Access and Circulation:

47. All street traffic impact fee reimbursements shall be per the Transportation Impact Fee program (TIF).
48. Full width street improvements for Badger Flat Road (street to the eastside of Dove Hollow Villages at Stonecreek VII), shall be constructed as approved by the Public Works Director based on a phasing plan which contemplates the surrounding tentative maps.
49. Half-street sections will not be permitted in the construction of VTTM #2017-01.
50. Pavement along Pioneer Road will need to be rebuilt in accordance with the City of Los Banos Standards and Specifications.
51. The bicycle paths shall be designed in conformance with Caltrans design standards, and shall specifically be designed to reduce intersection conflicts between cyclists and automobiles, using signage, lighting, and/or special street pavement treatments at and near points of intersection.
52. The developer shall be responsible for constructing public streets per the Vesting Tentative Tract Maps including, but not limited to curb, gutter and sidewalk, decorative masonry wall, and landscaping where noted. Improvements to arterials and collector streets shall be completed prior to occupancy of any use within the project boundaries, and improvements to neighborhood streets shall be complete prior to occupancy of any house that requires the street for access.
53. All street signage and striping within the project area shall be approved by the Public Works Department and shall meet all line-of-sight requirements.
54. Prior to acceptance of subdivision improvements, the developer shall install all street and traffic control signs, pavement striping, and street name signs in accordance with the public improvement plans and City and/or Caltrans standards.
55. Final Map(s) shall show a non-access strip 12 inches in width on private property along the frontage of arterial and collector streets, except at driveways, for the purpose of constructing sound walls and decorative masonry walls.
56. The developer shall be responsible for obtaining encroachment permits from the City of Los Banos prior to performing any work within the City's right-of-way.

57. Prior to Final Map approval, a Traffic Engineer shall design traffic calming measures throughout the project area to be approved by the Public Works Director/City Engineer. Traffic calming measures may include, but are not limited to, raised intersections, stop signs, varied cross sections, solar speed limit radars, and roundabouts to be installed by the developer.

Landscape and Lighting District:

58. Prior to approval of any final or parcel map, the developer shall form or annex the subject property to a Lighting and Landscaping District created for purposes of maintaining public landscape areas, signage and public lighting including a share of traffic signal maintenance costs as authorized pursuant to the Landscape and Lighting Act of 1972, Part 2 of Division 15 of the California Streets and Highways Code, and Article XIID of the California Constitution. The form, terms and conditions and the tax rate for the formation of the Lighting and Landscaping District, or in the alternative the annexation of the subject property to an existing district, shall be as approved by the City Council, as determined in its sole and exclusive discretion. It is the intent of the parties that the assessment of the subject property will be apportioned to each parcel in proportion to the special benefit it receives. District formation or annexation shall be at the sole cost of the developer.

Community Facilities District:

59. Prior to the recordation of a Final Map the Developer shall form or annex the Subject Property to a community facilities district created for the purposes of funding public safety, as authorized by Government Code Section 53313(a) and (b). The form, terms and conditions and the tax rate for the formation of the Mello-Roos district, or in the alternative the annexation of the subject property to an existing district, shall be as approved by the City Council, as determined in its sole and exclusive discretion. District formation or annexation shall be at the sole cost of the Developer.

Utilities:

60. The applicant shall construct water, sewer, and storm drainage facilities as noted on the Vesting Tentative Tract Map, in accordance with City standards. The project shall comply with the current City Plans, Standards, and Specifications, all Master Plan requirements, and the applicant shall work with the Public Works Department in regards to needed infrastructure and development during the Improvement Plan Review stage.

61. In conformance with the Subdivision Map Act, the developer shall permit installation of underground cable television delivery systems within public utility easements. All dwellings shall be made cable ready.
62. Prior to approval of Improvement Plans or Final Maps, the developer shall obtain any necessary easements for utilities across adjoining properties.
63. All existing overhead utilities shall be placed underground with the exception of high voltage power lines. No new overhead utility lines and equipment shall be shown on Improvement Plans and Grading Plans.
64. Where the invert is six feet or greater below finish grade, a minimum clearance of five feet from lip of gutter to the edge of pipe shall be provided for underground utility lines.
65. Lot layout shall be subject to the approval of Pacific Gas and Electric (PG&E) prior to recordation of any final map.

Water:

66. The proposed project shall conform to the requirements of the Los Banos Water Master Plan, including payment of the water connection impact fee.
67. Approved backflow devices shall be installed as required.
68. Domestic water services shall not be placed in driveways.
69. Prior to recordation of a Final Map, certification shall be obtained by the Central California Irrigation District that the property has been detached from CCID, or that remaining CCID lines will be intact or rerouted to the satisfaction of CCID.

Sewer:

70. The developer shall construct all on-site and off-site sewer facilities necessary to serve the project, subject to reimbursement for over-sizing, as determined by the City.
71. Prior to submission of improvement plans for the first phase of development, a Master Sewer Plan for the development shall be submitted, reviewed, and approved by the City Engineer.

Storm Drainage:

72. Final Improvement Plans for the storm drainage system shall utilize the TR-55 analysis method.

73. Prior to acceptance of Final Improvement Plans, the applicant shall submit verification from the manufacturer that the pump station capacity is adequate for full basin to shut-off operational conditions.
74. All development shall comply with the Phase II storm water regulations.
75. Final Improvement Plans for the storm drainage system shall be submitted to the City and reviewed and approved by the City Engineer prior to issuance of a grading permit.
76. The Developer shall generate a Storm Water Pollution Prevention Plan (SWPPP) for pre and post construction best management practices (BMPs). A Notice of Intent (NOI) shall be submitted and approved prior to construction by the State Department of Water Resources.

Public Safety:

77. Fire department requirements for the placement of fire hydrants shall be complete prior to approval of development permits.
78. Fire hydrants shall be installed at locations approved during the Improvement Plan stage and shall be installed based upon City standards.
79. The developer, as specified by City development standards, shall install "Blue Dot" fire hydrant locators.
80. Each residence shall have a 6-inch lighted address numbers of contrasting color installed on the front elevations or alternative size as agreed to by developer and Fire Chief.
81. The developer shall comply with the City Fire Codes and regulations subject to Fire Department approval in regards to building requirements, fire hydrant placement, and sprinkler requirements.
82. Fire hydrants (or other methods approved by the Fire Chief) shall be in place and functioning prior to approval of the first residential building permit. Fire hydrants (or other methods approved by the Fire Chief) shall be operational to the satisfaction of the Fire Chief prior to combustible material being located on the site.
83. Street names shall be approved by the Fire Department.
84. Driveways, parking lots, water lines, fire hydrants, and underground utilities shall be completed prior to issuance of building permits.
85. Upon completion and approval of the project plans, a CD shall be submitted to the Fire Department providing information on street layout,

hydrant locations, water mains, storm drain inlets (i.e. Fire Department pre-planning).

86. By separate instrument to be recorded, in accordance with the Stonecreek Area Plan and the Stonecreek Area Plan EIR, prior to approval and the recordation of a Final Map within the Dove Hollow Tentative Map boundary the Developer shall reserve for dedication to the City a 1.4+/- acre Fire Station Site for the development of a fire station by the City. The location (generally in the western quadrant of the Stonecreek Area Plan within APN 430-010-035), the form, the terms and the conditions of the reservation for dedication and the dedication of the Fire Station Site shall be as approved by the City Council, in its sole and exclusive discretion, upon recommendation of the Planning Commission and the Fire Chief. The parties shall take all reasonable and necessary steps and actions to satisfy this condition within a reasonable time after the approval of the Vesting Tentative Map (VTTM 2017-01) and Development Agreement.

Landscaping:

87. All residential lots shall have fully landscaped front yards prior to occupancy of each dwelling. Front yard landscape plans shall be submitted with the development Master Plans prior to building permit issuance and shall be approved by the City Engineer and Community and Economic Development Director.
88. Drought tolerant planting may replace front yard turf as approved by the Community and Economic Development Department and Public Works Department.
89. The developer shall comply with the adopted street tree ordinance.
90. Masonry walls shall be landscaped with vines to discourage graffiti.
91. The applicant shall submit landscape and irrigation plans with each phase of the improvement plans for City review and approval of streetscape landscaping.
92. Landscape plans for single-family residences shall utilize drought tolerant plantings for no less than 75 percent of front yards. Turf varieties shall be chosen for drought tolerance. Irrigation systems shall be set to minimize water use and spillage onto paved areas.
93. Landscape plans shall be designed in accordance with any adopted revised Water Efficient Landscape Ordinance and revised landscape standards including adoption of amendments to the existing and revised Ordinance and/or standards, such revised standards shall apply to the Project immediately upon adoption by the City Council. However, said revised landscape standards shall not apply to new landscaping for any

residential lot where a building permit has been issued prior to the adoption of the revised Ordinance and/or standards.



City of
Los Banos
At the Crossroads of California

Agenda Staff Report

TO: Mayor and City Council Members

FROM: Mason Hurley, Fire Chief 

DATE: August 19, 2020

SUBJECT: Budget Amendment - For the modification costs increase in expenditures for the purchase of one (1) new Fire Apparatus out of the Capital Improvement Fund.

TYPE OF REPORT: Consent

Recommendation:

Staff is requesting that the City Council approve an amendment to the Fire Department Budget 2020/2021 in the amount of \$25,000 to make all needed modifications to our new Fire Apparatus (Funding Source Fire Capital Improvement Fund).

Background:

The Fire Department is requesting a budget amendment in the amount of \$25,000 to make needed modification to new Rosenbauer Fire Apparatus budgeted in the current 2020/2021 Budget. This new Engine was presented to the Fire Department with a cost estimate with minor changes as a Demo with a reduced price of \$505,170.13. After further review by department staff, it was determined that a few additional modifications are needed to meet the Department's current and future needs.

Modifications include:

- Add power sources in needed compartments.
- Add a new A Frame ladder that is standard to all of our other equipment.
- Storage space for medical backboard.
- Placement of hydrant to pump supply hose near pump panel.
- Install a map box for the interior of the cab.
- Install I-Zone Hooks that are essential for wild land suppression.
- Install side body receivers for rope rescue operations.
- Add a Class A, EZ Foam Fill.

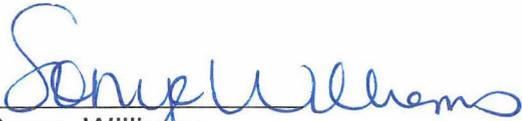
Fiscal Impact:

The estimated base cost of building a new engine comparable to the engine purchased in 2015 is \$625,000. The total cost of purchasing this Demo and making the needed modifications to meet our needs is \$533,116.62.

Funding Source:

The funding for this request for this new Fire Apparatus is out of the Capital Improvement Fund account in the amount of \$25,000. The Budget amendment would allow additional funding in account 243-422-100-750 (Vehicles). Again, there will be no impact to the General fund.

Reviewed by:



Sonya Williams,
Finance Director



Alex Terrazas,
City Manager

Attachments:

Resolution
Vehicle description and cost break down

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LOS BANOS ADOPTING A REVISED BUDGET FOR THE 2020-2021 FISCAL YEAR AS IT PERTAINS TO EXPENDITURES

WHEREAS, the City Council of the City of Los Banos has been presented an amendment to the 2020-2021 Fiscal Year budget; and

WHEREAS, the City Council of the City of Los Banos may adjust the overall appropriation levels in each fund at any time during the Fiscal Year by action to amend the budget; and

WHEREAS, the proposed budget increase is \$25,000 in expenditures for the modifications to one (1) new Fire Apparatus out of the Capital Improvement Fund account (243-422-100-750).

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Los Banos does hereby approve the budget amendment to the fiscal year 2020-2021 budget increasing appropriations in account 243-422-100-750 in the amount of \$25,000.

The foregoing Resolution was introduced at a regular meeting of the City Council of the City of Los Banos held on the ____ day of August 2020, by Council Member _____ who moved its adoption, which motion was duly seconded by Council Member _____ and the Resolution adopted by the following vote:

AYES:

NOES:

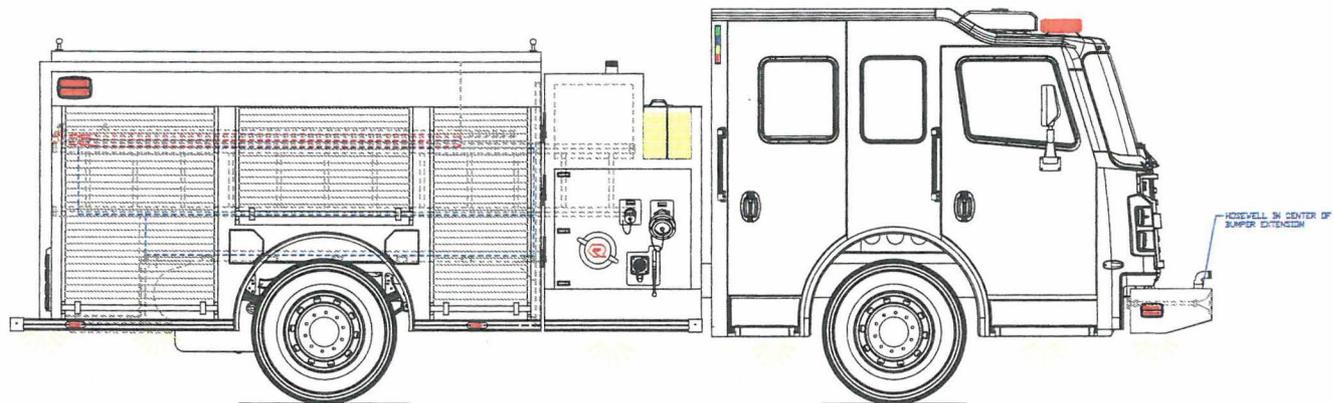
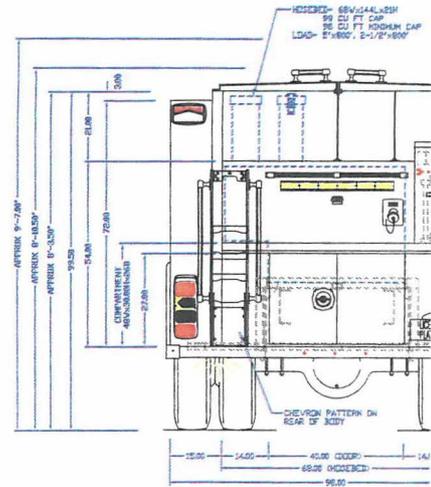
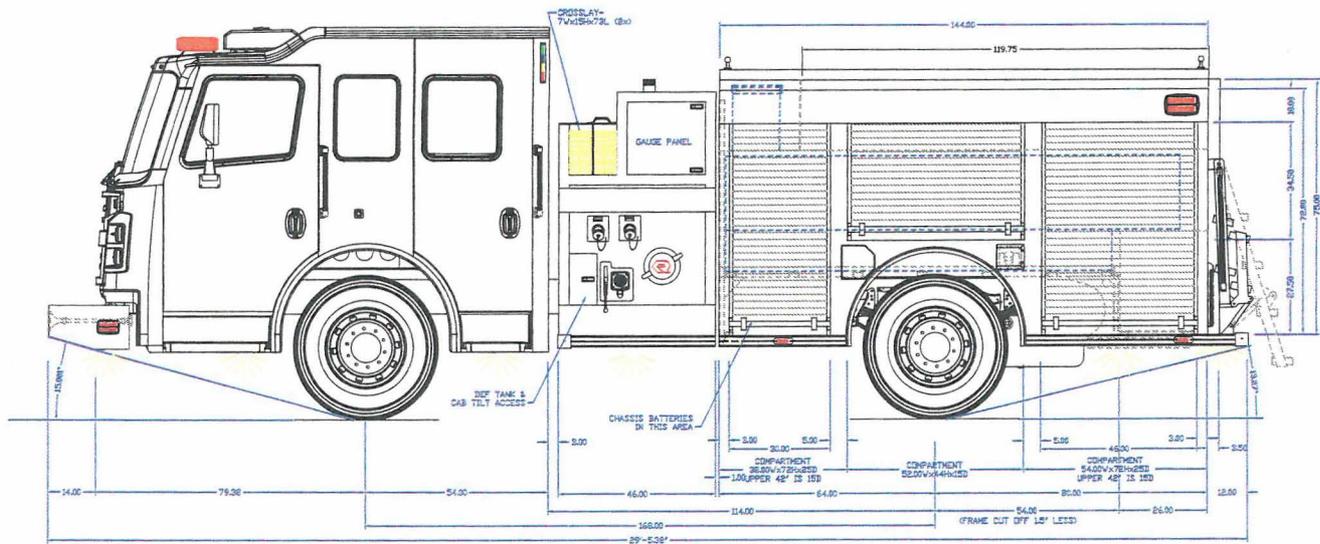
ABSENT:

APPROVED:

Michael Villalta, Mayor

ATTEST:

Lucille L. Mallonee, City Clerk



INITIALS: -
 JOB NUMBER: 17852
 DATE: -

MAIN FILE: -
 DEPT: -
 DEALER: -

PRODUCTION APPROVE

REVISED: TEK DATE: 5-29-
 DRAWN: VLM DATE: 12-15-

PROPRIETARY AND THE INFORMATION CONTAIN THE SOLE PROPERTY OF REPRODUCTION IN PART OF THE WRITTEN PERMISSIO PROHIB

BU



243-422-100-750 Fire Capitol Improvemnts - Vehicles			
Change Order #2			
Los Banos, CA			
Action	Qty	Discription of Change	Price
Add	1	Install (1) Blue Sea 10 fuse constant power block behind Driver Seat	\$746.00
Add	1	Install (1) Blue Sea 10 fuse constant power block to rear LHS upper wall in R3	\$861.00
Add	1	Duo Safety Combination Jackknife "A" & Single Ladder Series 35-B 14'	\$1,510.00
Add	1	Backboard slot to LHS of Hose Bed side sheet. 2" W x24"H x 84"D	\$767.00
Add	1	Hosewell, Rning Brd, Pump Panel, LH (Floating)	\$551.00
Add	1	Hosewell, Rning Brd, Velcor Straps	\$200.00
Add	1	Hosewell, Rning Brd, Pump Panel, LH (Floating)	\$551.00
Add	1	Hosewell, Rning Brd, Velcor Straps	\$200.00
Add	1	Install (1) One Map Box, From RMN PAB	\$558.00
Add	1	Add I-Zone hooks to rear of body on Vertical extrusions	\$705.00
Add	2	Rcvr, Body Side, Winch/Rope, 9,000# w/Rcv'r, Each	\$2,947.00
Add	1	Foam Pump, Hale EZ-Fill, 24V Elec, Refill Transfer Single Tank	\$6,479.00
Change	1	Modify R1 Compartment to be full depth, full heighth. Coat in Grey bed liner material to match body. Change 1/2 depth shelf to full depth with turtle tile.	\$9,625.00
Change order Total			\$25,700.00
Previous Contract Amount			\$464,844.00
Revised Contract Amount			\$490,542.00
Estimated Tax @8.75%			\$42,574.72
Total Cost Est.			\$533,116.72
20/21 Budget Funded			\$510,000.00
Needed Budget Amendment			\$23,116.72

	E-651 Base Price: \$625,000	Warrior Demo Base Price: \$450,000
Pump:	<ul style="list-style-type: none"> • Hale Split Shaft • 1500 GPM • Manual relief valve • Hale Aux Pump- PTO • Speedlays • TFT Hurricane Electric Monitor • Single Reel line • Chrome bumper with hosewell 	<ul style="list-style-type: none"> • Rosenbauer PTO Pump • 1500 GPM • FRC Pump Boss • Pump and Roll • Low mounted cross lays (65") • Has Provisions, can match deck-gun • Has provisions for Reel line • Front bumper high angle with hosewell
Water Tank Foam:	<ul style="list-style-type: none"> • UPF 750 Water • 20 Class A • 20 Class B • Foam Pro 2001 • Refill System 	<ul style="list-style-type: none"> • UPF 750 Water • 20 Class A • Low hose bed (78") • Foam Pro 2001 • No refill (Can Be added)
Body	<ul style="list-style-type: none"> • 11" Wide Body • 16" Deep Uppers • Rom Roll-up Doors • Ladders beside tank 	<ul style="list-style-type: none"> • 98" Wide Body • 15" Deep Uppers • Amdor Roll-up Doors • Ladders beside tank
Electrical	<ul style="list-style-type: none"> • V-Mux Electrical • Code 3 Warning lights (LED) • Code 3 Non-LED lightbar • Go Lights • FRC Body Tele-lights • Rear Body Tri-pod lights • LED compartment lights • Setcom headsets 	<ul style="list-style-type: none"> • 12v Point to Point Electrical • Whelen Warning lights • All LED Warning • Firetec Brow light • Rear M9V scene • LED compartment lights • No headsets, can be added • CleanAir Scrubber •
120V Electrical	<ul style="list-style-type: none"> • PTO Generator • Akron Cord reel • Body electrical outlets 	<ul style="list-style-type: none"> • No 110V Systems • Can be added
Cab	<ul style="list-style-type: none"> • Commander 60" long • 8" Raised Roof • Seating for 6 (5- SCBA) • Leaf front suspension • Leaf rear suspension • Composite Dash • Havis components • Wheelbase: 186" • OAL: 30' 6.25" 	<ul style="list-style-type: none"> • Warrior 54" long • 8" Raised Roof • Seating for 6 (5- SCBA) • Steertek front suspension • Firemax Rear suspension • Aluminum Dash • Havis components • Wheelbase: 168" • OAL: 29' 6"
Shelves	<ul style="list-style-type: none"> • Custom package 	<ul style="list-style-type: none"> • Can match all shelving of E-651

Purchase Order



Purchaser:
Member # 60888
City of Los Banos (Fire Department)
333 7th Street
Los Banos, CA 93635

Sourcewell Contract #: 022818-RSB
Rosenbauer South Dakota, LLC 100 3rd Street Lyons, South Dakota 57041

Purchase Order NO.	Effective July 1, 2020
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Date:	Jun 19, 2020
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Delivery in Calendar Days	120
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Description	Price
One (1) 1500 GPM FX Engine with Warrior Custom Chassis (Stock #17862)	\$ 460,870.00
California State Sales Tax: 8.750%	\$ 40,326.13
Delivery from the factory to California (Non-Taxable)	\$ 3,974.00
TOTAL	\$ 505,170.13

NOTES: Please note sales tax may change at time of delivery.
 Delivery approximately 90-120 days after receipt of order
 Final Inspection for two (2) from Department, (1) day of on site familiarization.

Rosenbauer Dealer	Burton's Fire Inc.
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Salesperson	Kenneth Howenstine
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Signature of Salesperson Kenneth D. Howenstine

Purchaser	City of Los Banos Fire Department
Print Name	Mason Hurley
Signature	<u>Mason Hurley</u> Mason Hurley (Jun 19, 2020 10:13 PDT)
Title	Fire Chief

CHANGE ORDER #2



Los Banos, CA

CHANGE REQUEST

Body Job #:

DATE: July 1, 2020
Initiated By: Dealer/Customer

17862

BODY CHANGES

	Action	Qty.	QW No.	DESCRIPTION OF CHANGE	PRICE
				{Qty} days will be added to the scheduled delivery date due to lead times of components and fabrication.	\$0
				Previous CO...	
				Office Use Only	
1	ADD	1		Install (1) Blue Sea 10 fuse constant power block behind driver seat	\$746
2	ADD	1		Install (1) Blue Sea 10 fuse constant power block to rear LHS upper wall in R3.	\$861
3		1			\$0
4	ADD	1	10-04-3192	Install cable stops in front bumper face lid. Should open to 90 degrees	\$0
5		1			\$0
6	ADD	1		Duo Safety Combination Jackknife "A" & Single Ladders, Series 35-B, 14'	\$1,510
7		1			\$0
8	ADD	1		Backboard slot to LHS of Hose bed side sheet. 2" W x 24" H x 84" D	\$767
9		1			\$0
10	ADD	1	26-30-5100	Hosewell, Rning Brd, Pump Panel, LH (Floating)	\$551
11	ADD	1	26-30-6200	Hosewell, Rning Brd, Velcro Straps,	\$200
12	ADD	1	26-30-5300	Hosewell, Rning Brd, Pump Panel, RH (Floating)	\$551
13	ADD	1	26-30-6200	Hosewell, Rning Brd, Velcro Straps,	\$200
14		1			\$0
15	ADD	1		Install (1) One Map Box from RMN PAB	\$558
16		1			\$0
17	ADD	1		Add I-Zone hooks to rear of body on vertical extrusions.	\$705
18		1			\$0
19	ADD	2	77-10-8900	Rcv'r, Bdy Side, Winch/Rope, 9,000# w/Rcv'r, Each	\$2,947
20		1			\$0
21	ADD	1	25-24-4000	Foam Pump, Hale EZ-Fill, 12V Elec, Refill Transfer Sngl Tnk	\$6,479
22		1			\$0
23	CHANGE	1		Modify R1 comaprtnet to be full depth, full height. Coat in Grey bed liner material to match body. Change 1/2 depth shelf to full depth with turtle tile.	\$9,625
24		1			\$0
25	CHANGE	-1		Dealer to Deliver Vehicle to RSD	\$0
26		1			\$0
27		1			\$0
28		1			\$0
29		1			\$0
30		1			\$0
31		1			\$0
32		1			\$0
33		1			\$0

CHANGE ORDER #2



Los Banos, CA

CHANGE REQUEST

Body Job #:

DATE: July 1, 2020
Initiated By: Dealer/Customer

17862

BODY CHANGES

	Action	Qty.	QW No.	DESCRIPTION OF CHANGE	PRICE
34		1			\$0
35		1			\$0
36		1			\$0
37		1			\$0
38		1			\$0
39		1			\$0
40		1			\$0
41		1			\$0
42		1			\$0
43		1			\$0
44		1			\$0
45		1			\$0
46		1			\$0
47		1			\$0
48		1			\$0
49		1			\$0
50		1			\$0

We hereby agree to make change(s) specified above at this price \$25,698
 PREVIOUS CONTRACT AMOUNT \$464,844
 **REVISED CONTRACT AMOUNT \$490,542

** Revised contract amount EXCLUDES any applicable federal/state/local taxes. At the time of contract/PO execution, the tax rate was 8.75%. Tax rate is subject to change based on government regulations and will be calculated upon time of final invoicing/delivery using the tax rate at that time. Using the estimated tax rate of 8.75%, the estimated tax including this change order is now \$42,574.72 for an estimated final invoice of \$533,116.92.

ACCEPTED - The above price and specifications of the Change Order are satisfactory and are hereby accepted. All work to be performed under same terms and conditions as specified in original contract unless otherwise stipulated.

Authorized Signature (Customer):	Date:
----------------------------------	-------

Signature:

Email: mason.hurley@losbanos.org



City of
Los Banos
At the Crossroads of California

Agenda Staff Report

TO: Mayor and City Council Members

FROM: Mason Hurley, Fire Chief 

DATE: August 19, 2020

SUBJECT: Budget Amendment - For the purchase of all miscellaneous equipment to outfit new Fire Apparatus out of the Capital Improvement Fund account (243-422-100-740).

TYPE OF REPORT: Consent

Recommendation:

Staff is requesting that the City Council approve an amendment to the 2020/2021 Fire Department Budget in the amount of \$80,000 to purchase all needed miscellaneous equipment for new Fire Apparatus (Funding Source Fire Capital Improvement Fund).

Background:

The Fire Department is requesting a budget amendment in the amount of \$80,000 to purchase and fully outfit the new Fire Apparatus budgeted in the current 2020/2021 Budget. This new Engine will be fully equipped with emergency supplies and the equipment to provide Fire Department personnel the resources needed to extinguish fires, perform search and rescue, ventilation, vehicle extrication and to provide proper medical care safely and up to current standards.

This new engine is going to be a little different than the other engines in our fleet. This engine is what is called a Clean Air Engine. It has an air purifier in the cab that helps to remove toxic, cancer causing particles out of the cab. It also does not have an external power source (generator); this is something many departments are doing, because of the new technology and the efficiency of battery-powered equipment. Also with new LED technology, light bars and scene lighting, there is no longer a need for a generator or external power source.

By removing the generator and going to battery-powered equipment, Fire Departments are able to save valuable space for needed equipment required for fire operations. Prior

hoses were needed. The new engine will be equipped with a battery charging system with extra batteries that many departments are going to, to reduce maintenance, size, weight and efficiency. These include: Portable scene lighting, Hurst- Auto Extrication Tools and Power Blower/Ventilation fans.

When the Department purchased Engine 651 in 2015, the department also took E-657 out of service. Many of the items placed on E-651 were taken off E-657 and reused. Because of the increase in emergency responses, our department needs to plan for the future by keeping existing units in service, but reduce their use to maintain their longevity.

Funds needed to fully equip this engine are estimated at \$113,773.29. Current budget is significantly lower than this amount at \$35,300. This gives us an estimated funding need of \$78,473.29 without shipping cost estimated to be \$550.00.

A few items that bring this request to such a high amount, include purchasing new Fire Hose, new Self Contained Breathing Apparatus (SCBA's) and the new Hurst - E Tools (Battery operated Hurst Tools). These costs alone are estimated at \$55,930. Due to the recent reduction in funds out of Measure H and General Fund, the Fire Department is unable to purchase the needed fire hose and new SCBA's. If these funds would have been available, the overall cost of outfitting this engine would have been significantly lower.

This request will be used to purchase and outfit the needed equipment to be placed on the new fire engine being purchased in another agenda item.

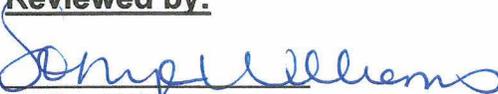
Fiscal Impact:

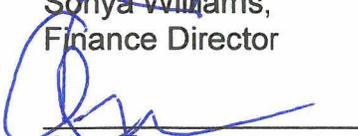
The funding for this request of miscellaneous equipment for new Fire Apparatus is out of the Capital Improvement Fund account in the amount of \$80,000. The Budget amendment would allow funding in account 243-422-100-740 Miscellaneous Equipment. Again, there will be no impact to the General fund.

Funding Source:

Fire Capital Improvement
Funds will be allocated in 243-422-100-740 (Miscellaneous Equipment)

Reviewed by:


Sonya Williams,
Finance Director


Alex Terrazas,
City Manager

Attachments:

Resolution
Cost Break Down

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LOS BANOS ADOPTING A REVISED BUDGET FOR THE 2020-2021 FISCAL YEAR AS IT PERTAINS TO EXPENDITURES

WHEREAS, the City Council of the City of Los Banos has been presented an amendment to the 2020-2021 Fiscal Year budget; and

WHEREAS, the City Council of the City of Los Banos may adjust the overall appropriation levels in each fund at any time during the Fiscal Year by action to amend the budget; and

WHEREAS, the proposed budget increase is \$80,000 in expenditures for the purchase of all needed miscellaneous equipment for one (1) new Fire Apparatus out of the Capital Improvement Fund account (243-422-100-740).

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Los Banos does hereby approve the budget amendment to the fiscal year 2020-2021 budget increasing appropriations in account 243-422-100-740 in the amount of \$80,000.

The foregoing Resolution was introduced at a regular meeting of the City Council of the City of Los Banos held on the ____ day of August 2020, by Council Member _____ who moved its adoption, which motion was duly seconded by Council Member _____ and the Resolution adopted by the following vote:

AYES:

NOES:

ABSENT:

APPROVED:

Michael Villalta, Mayor

ATTEST:

Lucille L. Mallonee, City Clerk

243-422-100-740		Fire Capital Improvements - Misc. Equipment #243	
New Equipment Needed	Discription	Source	Cost
Misc Equipment -Nozzles	Nozzles, Hose , Monitor, Valves, hose fittings, Hose wrenches, mounting plates, forceable entry tools, axes, sledge, flash lights, scene lights, Thermal Imaging Camera, Charging stations, Knox Box Release Control, Rescue Struts, Long hand tools, <u>Hurst Equipment E-tools, 4 SCBA with spare Bottle</u>	Curtis	\$104,518.16
Electric Fan	Purchased Demo (\$1,500 savings)	Curtis	\$3,262.50
Chain Saw w/ accessories	Buy Local (small savings)	Baker Supply	\$1,110.63
18 Volt Cordless Combo Kit	Drill, Circ Saw, Recip Saw, light w/bag	ACME Tools	\$499.00
Pediatric Immobilization Board		Henry Schein Inc	\$276.51
EMS Bag LA RESCUE		LA Rescue	\$119.95
4 High Visabilty Vest	DOT Requirment	HiVis	\$140.00
Hot Stick Voltage Detector			\$299.99
Combo Jerry Can (Gasoline/oil)	For chain saw	Tenaquip.com	\$33.30
Hand Tools - (Brooms, shovels, Tool Box with small hand tools)	Tool Box w/ Pliers, screwdriver, ratchets, wrenches etc...	Home Depot	\$567.18
Hard Suction Hose	Purchased from Burtons - Discounted price	Burtons	\$1,346.07
Extinguishers	Water / ABC	Rahn's	\$600.00
Knox Access Lock			\$1,000.00
		Misc equip cost	\$113,773.29
		Shipping Cost Est	Unknown
		<u>20/21 Budget</u>	<u>\$35,300.00</u>
	Needed Budget Amendment without Shipping		\$78,473.29

Big Cost Items		
Fire Hose - 1 3/4" Attack lines, 2 1/2" Supply and 5" Supply	Capital Outlay Item removed from Budget	\$8,104.00
Hurst Tools E-Tools Spreader, Cutter, Ram with batteries and Charger. No Generator or hydraulic lines needed. last purchase of Hurst Tools	Originally going to put old hydraulic tools on new engine. New E-Tools do not require gas operated power unit or hoses. This is the direction Departments are going because old units are being transitioned out.	\$28,950.00
SCBA's- 4 New MSA G1 with Spare bottles.	Capital Outlay item removed from Measure H Budget.	\$26,980.00
	Total	\$55,930.00



City of
Los Banos
At the Crossroads of California

Agenda Staff Report

TO: Mayor & City Council Members

FROM: Lucy Mallonee, MMC *lm*
City Clerk/Human Resources Director

DATE: August 19, 2020

SUBJECT: Amending Division 5 – Personnel Benefits of the City's Policy & Procedures Manual

TYPE OF REPORT: Consent Agenda

Recommendation:

That the Council adopt a resolution amending Division 5 of the City's Policy & Procedures Manual.

Discussion:

Division 5 – Personnel Benefits is being updated to reflect an increase to the City's contribution toward monthly health premiums for unrepresented employees for the 2021 calendar year, and current practice in regards to benefits.

Fiscal Impact:

There is a fiscal impact of \$72,300 annually.

Reviewed by:

Sonya Williams

Sonya Williams, Finance Director

Alex Terrazas

Alex Terrazas, City Manager

Attachment:

Resolution

RESOLUTION NO. _____

**A RESOLUTION OF THE CITY COUNCIL OF THE
CITY OF LOS BANOS APPROVING AN
AMENDMENT TO DIVISION 5 – PERSONNEL
BENEFITS OF THE CITY'S POLICY &
PROCEDURES MANUAL**

WHEREAS, the City Council of the City of Los Banos has received a request that Division 5 – Personnel Benefits, of the City of Los Banos Policy & Procedures Manual, be amended to reflect an increase in the City's contribution toward monthly health premiums for unrepresented employees for the 2021 calendar year; and

WHEREAS, the City Council has reviewed said request and approves the amendment to Division 5 – Personnel Benefits, of the City of Los Banos Policy & Procedures Manual and shall read as attached on "Exhibit A"; and

NOW, THEREFORE, BE IT RESOLVED THAT the foregoing Resolution was introduced at a regular meeting of the City Council of the City of Los Banos held on the 5th day of August 2020, by Council Member _____ who moved its adoption, which motion was duly seconded by Council Member _____ and the Resolution adopted by the following vote:

AYES:
NOES:
ABSENT:

APPROVED:

Michael Villalta, Mayor

ATTEST:

Lucille L. Mallonee, City Clerk

**DIVISION 5
PERSONNEL BENEFITS**

SEC. 5001 INTRODUCTION

The purpose of this Division is to identify the Employee Fringe Benefits Package as established by City Council Resolution.

SEC. 5002 FRINGE BENEFITS DEFINED

As used in this Division the term "Fringe Benefits" shall be construed to mean those specified rights, privileges, and payments provided by the City to an entitled employee as supplemental compensation above their base salary.

SEC. 5003 ENTITLED EMPLOYEES DEFINED

For the purposes of this Division, the term "Entitled Employee" refers to those persons who are employed in Regular (full-time) capacity with the City of Los Banos. Part-time, Provisional, and Volunteer Employees shall not be entitled to Fringe Benefit Compensation, except when such benefits are being provided by the City in accordance with: a) the requirements of a Federal or State Law, b) a written contractual agreement approved by the City, or c) a Memorandum of Understanding (MOU) between a specific employee or employee group and the City.

SEC. 5004 ESTABLISHMENT OF FRINGE BENEFITS

The Fringe Benefit Package for entitled employees is established by City Council Resolution for each fiscal year (July 1 – June 30) of the City.

SEC. 5005 BENEFITS PROVIDED TO ALL UNREPRESENTED REGULAR EMPLOYEES

A. Medical Insurance Benefits

The City will contract with the California Public Employees Retirement System (CalPERS) for the purpose of providing employees with medical insurance benefits. The City's maximum monthly contribution for each eligible active employee for the purchase of medical insurance will be equal to the minimum monthly employer contribution required under the Public Employees' Medical and Hospital Care Act (PEMHCA).

B. Cafeteria Plan

The City will maintain a Cafeteria Plan, pursuant to Section 125 of the Internal Revenue Code, for the purpose of providing employees with access to various health and welfare benefits. Benefits available through the Cafeteria Plan include, but are

not limited to, medical insurance, flexible spending accounts for out-of-pocket medical expenses and dependent care, dental, vision insurance, dental insurance, and life insurance benefits. The City agrees to provide a Cafeteria Plan Allowance to all employees eligible to participate in City-sponsored health benefits under Section A of this Article. Any tax consequences resulting from City contributions to the Cafeteria Plan are the sole responsibility of the employee.

1. Tier One: For ~~E~~employees hired before April 1, 2010, and enrolled in City-offered CalPERS ~~health~~medical insurance, and not represented by a City-recognized bargaining unit:

—The City will provide on a monthly basis, for the purpose of providing minimum essential coverage to employees and dependents, a Cafeteria Plan Allowance based on the employee's level of health care coverage as provided below. The City Cafeteria Plan Allowance will be capped at the amounts listed below, and will not exceed the monthly premium for the plan at the level of coverage selected by the employee, minus the PEMHCA minimum employer contribution for medical insurance; plus eighty-five dollars (\$85) per month in recognition of premiums for City's life, dental and vision insurance plans.

Employees enrolled in City-offered CalPERS medical insurance plans are not eligible to receive cash for unused portions of the cafeteria plan allowance. If the combined premiums for the employee's dental, vision and life insurance plans and level of coverage are less than eighty-five dollars (\$85) per month, the employee can apply the difference toward the employee's medical insurance premium.

∴

- Employee Only: Up to ~~one thousand eighty two dollars~~ \$9841,082 per month; minus the PEMHCA minimum employer contribution for ~~health~~medical insurance; plus ~~eighty five dollars (\$85) per month in recognition of the premiums for enrollment in the City's life insurance (coverage up to \$50,000), dental insurance and vision insurance plans, up to a combined maximum of \$85 per month.~~
- Employee Plus One: Up to ~~two thousand one hundred sixty five dollars~~ \$4,9682,165 per month; minus the PEMHCA minimum employer contribution for ~~health~~medical insurance; plus ~~eighty five dollars (\$85) per month in recognition of the premiums for enrollment in the City's life insurance (coverage up to \$50,000), dental insurance and vision insurance plans, up to a combined maximum of \$85 per month.~~
- Employee Plus Family: Up to ~~two thousand eight hundred fourteen dollars~~ \$2,5582,814 per month; minus the PEMHCA minimum employer contribution for ~~health~~medical insurance; plus ~~eighty five dollars (\$85) per month in recognition of the premiums for enrollment in the City's life~~

insurance (coverage up to \$50,000), dental insurance and vision insurance plans, ~~up to a combined maximum of \$85 per month.~~

Effective January 1, 2021~~0~~, the Tier One monthly amounts will be adjusted as follows:

- Employee Only: Up to one thousand one hundred fifty four dollars \$1,0821,154 per month; minus the PEMHCA minimum employer contribution for health medical insurance; plus eighty five dollars (\$85) per month in recognition of the premiums for enrollment in the City's life insurance (coverage up to \$50,000), dental insurance and vision insurance plans, ~~up to a combined maximum of \$85 per month.~~
 - Employee Plus One: Up to two thousand three hundred eight dollars \$2,1652,308 per month; minus the PEMHCA minimum employer contribution for health medical insurance; plus eighty five dollars (\$85) per month in recognition of the premiums for enrollment in the City's life insurance (coverage up to \$50,000), dental insurance and vision insurance plans, ~~up to a combined maximum of \$85 per month.~~
 - Employee Plus Family: Up to three thousand dollars \$2,8143,000 per month; minus the PEMHCA minimum employer contribution for health medical insurance; plus eighty five dollars (\$85) per month in recognition of the premiums for enrollment in the City's life insurance (coverage up to \$50,000), dental insurance and vision insurance plans, ~~up to a combined maximum of \$85 per month.~~
2. Tier Two: For Employees hired on or after April 1, 2010, and enrolled in City-offered CalPERS health medical insurance, and not represented by a City-recognized bargaining unit:

The City will provide, on a monthly basis, for the purpose of providing minimum essential coverage to employees and dependents, a Cafeteria Plan Allowance, based on the employee's level of health care coverage as provided below, calculated to cover the following: The City Cafeteria Plan Allowance will be capped at the amounts listed below, and will not exceed the monthly premium for the plan and level of coverage selected by the employee, minus the PEMHCA minimum employer contribution for medical insurance; plus eighty five dollars (\$85) per month in recognition of the premiums for enrollment in the City's life, dental and vision insurance plans.

Employees enrolled in City-offered CalPERS medical insurance plans are not eligible to receive cash for unused portions of the cafeteria plan allowance. If the combined premiums for the employee's dental, vision and life insurance plans and level of coverage are less than eighty-five dollars (\$85) per month, the employee can apply the difference toward the employee's medical insurance

premium.

- ~~Employee Only: One hundred percent (100%) of the premium for employee only coverage for the plan selected by the employee, uUp to one thousand eighty two dollars \$9841,082 per month; minus the PEMHCA minimum employer contribution for health medical insurance; plus eighty five dollars (\$85) per month in recognition of the premiums for enrollment in the City's life insurance (coverage up to \$50,000), dental insurance and vision insurance plans, up to a combined maximum of \$85 per month.~~
- ~~Employee Plus One: Ninety percent (90%) of the premium for employee plus one coverage for the plan selected by the employee, uUp to one thousand nine hundred forty eight dollars \$1,7711,948 per month; minus the PEMHCA minimum employer contribution for health medical insurance; plus eighty five dollars (\$85) per month in recognition of the premiums for enrollment in the City's life insurance (coverage up to \$50,000), dental insurance and vision insurance plans, up to a combined maximum of \$85 per month.~~
- ~~Employee Plus Family: Eighty percent (80%) of the premium for employee plus family coverage for the plan selected by the employee, uUp to two thousand two hundred fifty one dollars \$2,0462,251 per month; minus the PEMHCA minimum employer contribution for health medical insurance; plus eighty five dollars (\$85) per month in recognition of the premiums for enrollment in the City's life insurance (coverage up to \$50,000), dental insurance and vision insurance plans, up to a combined maximum of \$85 per month.~~

Effective January 1, 20210, the Tier Two monthly amounts will be adjusted as follows:

- ~~Employee Only: One hundred percent (100%) of the premium for employee only coverage for the plan selected by the employee, uUp to one thousand one hundred fifty four dollars \$1,0821,154 per month; minus the PEMHCA minimum employer contribution for health medical insurance; plus eighty five dollars (\$85) per month in recognition of the premiums for enrollment in the City's life insurance (coverage up to \$50,000), dental insurance and vision insurance plans, up to a combined maximum of \$85 per month.~~
- ~~Employee Plus One: Ninety percent (90%) of the premium for employee plus one coverage for the plan selected by the employee, uUp to two thousand seventy seven \$1,9482,077 per month; minus the PEMHCA minimum employer contribution for health medical insurance; plus eighty five dollars (\$85) per month in recognition of the premiums for enrollment in the City's life insurance (coverage up to \$50,000), dental insurance and~~

vision insurance plans, ~~up to a combined maximum of \$85 per month.~~

Employee Plus Family: ~~Eighty percent (80%) of the premium for employee plus family coverage for the plan selected by the employee, u~~Up to ~~two thousand four hundred dollars \$2,2512,400 per month;~~ minus the PEMHCA minimum employer contribution for ~~health medical~~ insurance; plus ~~eighty five dollars (\$85) per month in recognition of~~ the premiums for enrollment in the City's life insurance (coverage up to \$50,000), dental insurance and vision insurance plans, ~~up to a combined maximum of \$85 per month.~~

3. Employee enrollment in the City-provided life insurance plan and City-provided dental and vision plans is mandatory.
4. Any increase to minimum monthly employer contribution under PEMHCA will result in a corresponding decrease in the employee's Cafeteria Plan Allowance.
5. Employees who opt out of participating in the group medical plans sponsored by the City, and who provide proof of their medical coverage in a group plan, will receive a Cafeteria Plan Allowance of \$485 per month, of which part must be used to enroll in mandatory life insurance, dental insurance and vision insurance coverage.
6. Dental and Vision Insurance: The City will contribute to the employee's Cafeteria Plan Allowance (as indicated above in Cafeteria Plan Allowance description).
7. Life Insurance: The City will pay the full premium cost for \$50,000 coverage in City approved Life Insurance for the entitled employee.

C. Retirement Program

1. Miscellaneous Employees: Regular employees, hired before January 1, 2011 will receive a CalPERS retirement benefit based on the 2.7% @ 55 formula as set forth in CalPERS regulations. The City shall pay the full share of the employer contribution to CalPERS. The employee will be responsible to pay the employee contribution to the CalPERS 2.7% @ 55 Plan.

Regular employees, hired on or after January 1, 2011, will receive a CalPERS retirement benefit based on the 2% @ 60 formula as set forth in CalPERS regulations. The City shall pay the full share of the employer contribution to CalPERS. The employee will be responsible to pay the employee contribution to the CalPERS 2% @ 60 Plan.

Qualifying employees hired on or after January 1, 2013 and considered new members of CalPERS as defined by the Public Employee Pension Reform Act (PEPRA) will receive the 2% at age 62 retirement formula, and shall be subject

to the provisions of PEPR, including provisions governing reportable compensation.

2. Public Safety Employees: Regular employees, hired before January 1, 2011 will receive a CalPERS retirement benefit based on the 3% @ 50 formula as set forth in CalPERS regulations. The City shall pay the full share of the employer contribution to CalPERS. The employee will be responsible to pay the employee contribution to the CalPERS 3% @ 50 Plan.

Regular employees, hired on or after January 1, 2011, will receive a CalPERS retirement benefit based on the 3% @ 55 formula as set forth in CalPERS regulations. The City shall pay the full share of the employer contribution to CalPERS. The employee will be responsible to pay the employee contribution to the CalPERS 3% @ 55 Plan.

Qualifying employees hired on or after January 1, 2013 and considered new members of CalPERS as defined by the Public Employee Pension Reform Act (PEPRA) will receive the 2.7% at age 57 retirement formula, and shall be subject to the provisions of PEPR, including provisions governing reportable compensation.

D. Retiree Medical

1. The City will provide access to medical insurance coverage for those employees who retire from employment with the City and who constitute "annuitants" as defined by the PEMHCA.

The City's maximum monthly contribution for each eligible annuitant will be equal to the minimum employer contribution required under the PEMHCA, referred to in Section IV(A). The provisions of the PEMHCA will govern medical insurance coverage for annuitants.

2. Employees hired before October 1, 2002 and who, at the time of retirement, constitute an "annuitant" as defined by the PEMHCA, will receive the following:
 - a. From the date of retirement and until such time the retiree becomes eligible for Medicare, the City will contribute an amount equal to the health plan premium cost for the employee's elected health care plan up to the amount of the premium for the Blue Shield Health Maintenance Organization (HMO) or if the Blue Shield HMO is not offered in the area, rates are based on the lowest available plan offered by CalPERS, less the City's minimum monthly employer contribution under PEMHCA.
 - b. Upon attaining Medicare eligibility, the City will contribute an amount equal to the health plan premium cost for the elected health care plan up to the amount of the premium for the Blue Shield Health Maintenance Organization (HMO) or if the Blue Shield HMO is not offered in the area,

rates are based on the lowest available plan offered by CalPERS, supplemental Medicare plan, offered by CalPERS, less the amount of the City's minimum monthly employer contribution under PEMHCA.

- c. Employees will not be entitled to City payments, as specified above, during employment.
3. Employees hired between October 1, 2002 and June 30, 2008 and who, at the time of retirement, constitute an "annuitant" as defined by the PEMHCA, will receive the following:
 - a. From the date of retirement and until such time that the retiree becomes eligible for Medicare, the City will contribute an amount to cover fifty percent (50%) of the Blue Shield Access HMO plan for employees with ten (10) years of service, plus an additional five percent (5%) of the cost of the Blue Shield Access HMO plan for each additional year of service beyond ten (10) years, up to one-hundred percent (100%) of the Blue Shield Access HMO plan after twenty (20) years of service, less the amount of the City's minimum monthly employer contribution under PEMHCA.
 - b. Upon attaining Medicare eligibility, the City's contribution will equal the cost of fifty percent (50%) of the supplemental Medicare plan offered by CalPERS for employees with ten (10) years of service, plus an additional five percent (5%) of the cost of the supplemental Medicare plan offered by CalPERS for each additional year of service beyond ten (10) years, up to one-hundred percent (100%) of the supplemental Medicare plan offered by CalPERS after twenty (20) years of service, less the amount of the City's minimum monthly employer contribution under PEMHCA.
 - c. Employees will not be entitled to City payments, as specified above, during employment.
- E. Health Savings Plan (HSP): For Employees hired on or after July 1, 2008: The City of Los Banos has established a program to which the City and employees participate to save, on a tax deferred basis, money to help pay the cost of healthcare once an individual retires. The HSP may be used for expenses as provided under the terms of the Plan. Any tax consequences resulting from City contributions to the HSP are the sole responsibility of the employee. Participation is mandatory for all employees.
1. Participation is mandatory for all employees.
 2. Starting after an employee has successfully completed his or her initial probationary period, the City will contribute \$50 per month to the employee's HSP account. Likewise the employee will contribute \$50 per month to his or her HSP account.

3. During an employee's initial hire probationary period with the City, neither the employee nor the City will contribute to the employee's HSP account. Upon successful completion of the initial hire probationary period, the City will contribute a lump sum of \$50 per month for each month served in the employee's initial probationary period.
 4. Upon cessation of employment with the City, the City will cease contributions to the individual's HSP account.
- F. Workers' Compensation Insurance: Workers' Compensation Insurance Benefits (Workers' Compensation) are provided in accordance with the requirements of State Law.
- Special Note: California Labor Code Sections 4650, for Miscellaneous Employees; and 4850, for Public Safety Employees, specifically addresses entitlement for paid time off work when disabled due to job injury.*
- G. Deferred Compensation: The City shall provide the opportunity for entitled employees to participate, at their own expense, in a Deferred Compensation Program.
- H. Group Continuation of Health and Life Insurance: Federal Legislation (P.L. 99-272, the Consolidated Omnibus Budget Reconciliation Act - COBRA) requires agencies with 20 or more employees to continue health care coverage for terminated employees and for widows, ex-spouses and dependents of employees for eighteen (18) to thirty-six (36) months for certain qualifying events. Such benefits are provided at the expense of the employee or entitled relative or dependent. This area is addressed more extensively in the CalPERS Group Continuation Plan.
- I. Tuition Reimbursement: Subject to administrative approval, the City shall reimburse entitled employees for education-related expenses in accordance with City of Los Banos Tuition Reimbursement Policy; Division 5-A.
- J. Sick Leave Benefits: Sick Leave, will be provided to all eligible employees in accordance with the guidelines set forth in the City of Los Banos Sick Leave Benefits Policy; Division 5-B.
- K. Vacation Leave Benefits: Vacation Leave will be provided to all eligible employees in accordance with the guidelines set forth in the City of Los Banos Vacation Leave Policy; Division 5-C.
- L. Holiday Leave Benefits: Holiday Leave will be provided to all eligible employees in accordance with the guidelines set forth in the City of Los Banos Holiday Leave Policy; Division 5-E.
- M. Catastrophic Leave: Catastrophic Leave Donations will be provided to all eligible employees in accordance with the guidelines set forth in the City of Los Banos Catastrophic Leave Donation Policy; Division 5-D.

- N. Education Incentive Pay: Educational Incentive Pay will be provided to all qualifying employees in accordance with the City of Los Banos Education Incentive Pay Policy for specific guidelines; Division 5-H.
- O. Bilingual Incentive Pay: Bilingual Incentive Pay will be provided to certain employees in accordance with the City of Los Banos Bilingual Incentive Pay Policy for specific guidelines; Division 5-L.
- P. Uniform Reporting: The City will report the monetary value of uniforms and uniform maintenance per California Code of Regulations Section 571 for those employees required to wear uniforms, except those CalPERS members who fall under the PEPRRA. The uniform purchase and maintenance amount reported to CalPERS will be derived from the City's total calendar year cost for providing the employee's uniforms, not to exceed \$1,000.00 per fiscal year, per employee (effective retroactively to July 1, 2011).

SEC. 5006 BENEFITS PROVIDED TO ALL REGULAR EMPLOYEES: EXCEPT MANAGERS AND MIDDLE MANAGERS

- A. Compensatory Time Off: All eligible Regular Employees shall, at their choice, be permitted to accrue Compensatory Time Off (CTO) in lieu of receiving overtime pay for hours worked in excess of normal duty assignments. See City of Los Banos Compensatory Time Off Policy for specific guidelines governing this practice; Division 5-F.
- B. Overtime Compensation: All eligible Regular Employees shall be entitled to Overtime Compensation in accordance with the guidelines set forth in the City of Los Banos Overtime compensation Policy; Division 5-G.

SEC. 5007 BENEFITS PROVIDED TO POLICE DEPARTMENT EMPLOYEES ONLY

A. Lateral Transfer Incentive Pay

Effective September 18, 2002, the City Council established Lateral Transfer Incentive Pay not to exceed \$3,000.00. The Police Chief will have authority with concurrence of the City Manager to offer the pay incentive to lateral transfer police officer applicants. This offer may vary based on the previous experience of the applicant. This incentive pay could also be used to pay for a police academy loan or relocation costs.

The Police Chief shall provide written notification to the Human Resources Director and City Manager when a Police Officer is to receive the Lateral Transfer Incentive Pay.

B. Peace Officer Standards and Training (P.O.S.T.) Certificate Incentive Pay – Unrepresented Sworn Personnel

Employees who have been approved by the Chief of Police, and also including the Chief of Police, will be entitled to receive the following compensation when they have been awarded and hold the specified California Commission on Peace Officer Standards and Training Certificate as follows:

- 1) \$75 per month for a P.O.S.T. Intermediate Certificate, or
- 2) \$150 per month for a P.O.S.T. Advanced Certificate, or
- 3) \$200 per month for a P.O.S.T. Supervisory Certificate.

C. Peace Officer Standards and Training (P.O.S.T.) Certificate Incentive Pay – Unrepresented Non-Sworn Personnel

- 1) \$50 per month for a P.O.S.T. Basic Dispatch Certificate, or
- 2) \$100 per month for a P.O.S.T. Records Supervisor Certificate

SEC. 5008 BENEFITS PROVIDED FOR CERTAIN PARTICIPATING EMPLOYEES

State Disability Insurance: The City allows for participation in the State Disability Insurance (SDI) Program for those employee groups who desire such option. Payment of SDI premiums is the responsibility of participating employees. See City of Los Banos State Disability Income (SDI) Policy for specific employee groups currently involved in this program and clarification of the City's position with regard to their participation; Division 5-I.

SEC. 5009 BENEFITS PROVIDED TO CERTAIN PUBLIC WORKS EMPLOYEES

A. Certificate Pay/Water and Wastewater Division Employees

1. Public Works employees shall be entitled to receive the following compensation when they have been awarded and hold the specified certificate issued by the State of California, Department of Health Services Water/Wastewater Treatment; a) \$50.00 per month for Grade II, and b) \$25.00 per month for Grade I.
2. Public Works employees shall be entitled to receive the following compensation when they have been awarded and hold the specified certificate issued by the State of California, Department of Health Services Water Distribution; a) \$25.00 per month for Grade II, and b) \$50.00 per month for Grade III.
3. Employees holding these certificates may be simultaneously compensated for; a) Water Treatment and Water Distribution Certificates, or b) Wastewater Treatment and Water Distribution Certificates. Employees holding these certificates shall not be simultaneously compensated for Water Treatment and Wastewater Treatment certificates.
4. Compensation shall not exceed \$100.00 per month for any combination of certificates.

5. In order to continue to receive this benefit certified employees will be required to submit proof of re-certification to the City Manager as soon as it is issued.

B. Applicator Certificate & License Pay/Parks & Streets Division Employees

1. Public Works employees shall be entitled to receive the following compensation when they have been awarded and hold the specified certificates or license as issued by the State of California, Department of Pesticide Regulation; a) \$50.00 per month for Pesticide License, b) \$25.00 per month for a Qualified Applicator Certificate, and c) \$25.00 per month for each additional category endorsement, maximum three (3) categories will be allowed and/or compensated for.
2. Employees holding these certificates and/or licenses can be compensated for a) Qualified Applicator License or b) Qualified Applicator Certificate. In no case shall the employee be compensated for both. Category compensation shall be limited to the following categories, B-Landscape Maintenance, C-Right of Way, D-Plant Agriculture, F-Aquatic, K-Health Related.
3. Compensation shall not exceed \$100.00 per month for any combination of licenses/certificates.
4. In order to remain eligible for compensation, Certificated/Licensed employees shall be required to submit proof of certificate or license to the Human Resources Director and department head as soon as it is issued. In addition employees shall be required to maintain their licenses and/or certificates as required by the State of California Department of Pesticide Regulation in order to be eligible for continued compensation. Proof of current valid licenses or certificates shall be submitted annually.

C. Arborist Certificate Pay

Certain Public Works employees shall be entitled to receive the following compensation when they have been awarded and hold an Arborist Certificate issued by the International Society of Arboriculture; \$200.00 per month.

SEC. 5010 BENEFITS PROVIDED FOR CITY HALL EMPLOYEES

A. Notary Public Pay

1. Certain City Hall employees shall be entitled to receive the following compensation when they have been awarded and hold a Notary Public Certificate issued by the State of California, Department of Secretary of State; \$100.00 per month.

2. The number of persons will be limited to one (1) from each of the following departments at City Hall: Community Development, Finance, and two (2) from Administration.
3. Employees receiving the Notary Public Certificate Pay will be required to notarize documents when requested by the public or City staff during normal business hours.

B. Municipal Clerk Certification Pay

All City Hall employees shall be entitled to receive the following compensation when they have been awarded a Certified Municipal Clerk (CMC) or Master Municipal Clerk (MMC) Certificate and Designation from the International Institute of Municipal Clerks (IIMC); \$100.00 per month.

SEC. 5011 BENEFITS PROVIDED FOR MANAGEMENT AND MIDDLE MANAGEMENT EMPLOYEES ONLY

- A. Admin Leave for Management Employees: As designated in job description, Management employees who are not entitled to accrue compensatory time off or receive overtime pay for hours worked in excess of regular duty time, shall be entitled to ten (10) work days off, with full salary and benefits, during every fiscal year of employment in such positions.
- B. Admin Leave for Middle Management Employees: As designated in job description, Middle Management employees, who are not entitled to accrue compensatory time off or receive overtime pay for hours worked in excess of regular duty time, shall be entitled to five (5) work days off, with full salary and benefits, during every fiscal year of employment in such position. New Middle Management employee hired after the July 1st accrual date will be prorated accordingly. If Admin Leave is not taken during the Fiscal Year it was earned, it will not be carried over and the employee will lose his/her right to the unused days. Further, a Middle Management employee who leaves the City employment shall not be compensated for any unused Admin Leave to which he/she would otherwise have been entitled.
- C. Pro-ration: New Management and Middle Management employees hired after the July 1st accrual date will be prorated accordingly. If Admin Leave is not taken during the fiscal year it was earned, it will not be carried over and the employee will lose his/her right to the unused days. Further, a Management or Middle Management employee who leaves City employment shall not be compensated for any unused Admin Leave to which they would otherwise have been entitled.

SEC. 5012 BENEFITS PROVIDED FOR MAYOR AND CITY COUNCIL MEMBERS

A. Cell Phone Allowance

The Mayor and City Council Members shall be entitled to receive a monthly cell phone allowance in the amount of \$75.00. Proof of a current cell phone contract plan is to be provided to receive cell phone allowance.

SEC. 5013 BENEFITS PROVIDED TO QUALIFYING PART-TIME EMPLOYEES

Effective July 1, 2015, if a Part-time employee is qualifying and elects health insurance coverage while employed with the City, the City shall contribute the following amounts toward the premiums for the cost of CalPERS health coverage for the employee and eligible dependents: a) 30-39 hours worked per week – 50% of the Blue Shield Access (HMO) premium; minus the PEMHCA minimum employer contribution toward monthly health insurance premium; b) 0-29 hours worked per week – No contribution will be made toward a health insurance premium.

SEC. 5014 BENEFITS NOT COVERED IN THIS DIVISION STATEMENT

Any employee benefits not covered in this Division that are required to be offered under provision of State or Federal Law or in conformity with an existing labor agreement, shall be provided.



City of
Los Banos
At the Crossroads of California

Agenda Staff Report

TO: Mayor & City Council Members
City Manager

FROM: Robert Strauch, Assistant Fire Chief 

DATE: August 19, 2020

SUBJECT: Adopt a revised budget for the FY 2020-2021 as it pertains to revenues and expenditures.

TYPE OF REPORT: Consent Agenda

Recommendation:

That the City Council approve the acceptance of Federal grant funding from the Assistance to Fire Fighter Grant Program – Covid-19 Supplement (AFG-S) in the amount of \$9,555.93 And adopt a resolution to revise the budget for the 2020-2021 Fiscal Year as it pertains to changes in revenues and expenditures.

Background:

The Fire Department budget will be hit hard by COVID-19 for medical PPE and supplies for the fiscal year 2020-21. We submitted an application and were awarded a grant from the Assistance to Fire Fighter Grant Program – COVID-19 Supplemental (AFG-S) in the amount of \$9,555.93 for the purchase of PPE & related supplies, to prepare for and respond to the Coronavirus. As a condition of the grant, the City is required to contribute a 10 percent non-Federal funds contribution requirement in the amount of \$955.59 for a total approved budget of \$10,511.52. We will use funds from the existing budget in 100-422-100-273 for this requirement.

The budget increase in the Homeland Security Grant fund, including account numbers are as follows:

Revenues:

Federal Grant:	248-000-331-010	\$ 9,555.93
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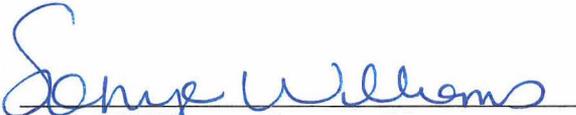
Expenditures:

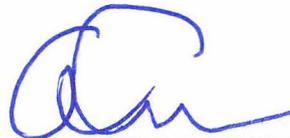
Special Department Expense:	248-422-100-273	\$ 9,555.93
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Fiscal Impact:

Staff is requesting to increase revenues and expenditures to the FY 2020-2021 in the amount of \$9,555.93.

Reviewed by:


Sonya Williams, Finance Director


Alex Terrazas, City Manager

Attachments:

Resolution
Award Letter – US Department of Homeland Security

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LOS BANOS APPROVING THE ACCEPTANCE OF FEDERAL GRANT FUNDING FROM THE ASSISTANCE TO FIRE FIGHTER GRANT PROGRAM – COVID-19 SUPPLEMENT (AFG-S) AND AMENDING 2020-2021 FISCAL YEAR BUDGET AS IT PERTAINS TO REVENUES AND EXPENDITURES

WHEREAS, the City Council of the City of Los Banos has been presented an amendment to the 2020-2021 Fiscal Year budget;

WHEREAS, the City Council of the City of Los Banos may adjust the overall appropriation levels in each fund at any time during the Fiscal Year by action to amend the budget; and

WHEREAS, the Los Banos Fire Department is requesting a budget amendment to the 2020-2021 budget in the amount of \$9,555.93 in revenues and expenditures; and

WHEREAS, the grant funding will be used for the purchase of COVID-19 Medical PPE and Supplies; and

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Los Banos does hereby amend the 2020-2021 Fiscal Year Budget to include an increase of \$9,555.93 in revenue (248-000-331-010) and an increase to expenditures of \$9,555.93 (248-422-100-273).

The foregoing Resolution was introduced at a regular meeting of the City Council of the City of Los Banos held on the 19th day of August 2020, by Council Member _____ who moved its adoption, which motion was duly seconded by Council Member _____ and the Resolution adopted by the following vote:

AYES:

NOES:

ABSENT:

APPROVED:

Michael Villalta, Mayor

ATTEST:

Lucille L. Mallonee, City Clerk

Award Letter

U.S. Department of Homeland Security
Washington, D.C. 20472

Robert Strauch
LOS BANOS, CITY OF
520 J STREET
LOS BANOS, CA 93635



EMW-2020-FG-03264

Dear Robert Strauch,

Congratulations on behalf of the Department of Homeland Security. Your application submitted for the Fiscal Year 2020 Assistance to Firefighters Grant Program - COVID-19 Supplemental (AFG-S) has been approved in the amount of \$9,555.93 in Federal funding. As a condition of this grant, you are required to contribute non-Federal funds equal to or greater than 10.0% of the Federal funds awarded, or \$955.59 for a total approved budget of \$10,511.52. Please see the FY 2020 AFG-S Notice of Funding Opportunity for information on how to meet this cost share requirement.

Before you request and receive any of the Federal funds awarded to you, you must establish acceptance of the award through the FEMA Grants Outcomes (FEMA GO) system. By accepting this award, you acknowledge that the terms of the following documents are incorporated into the terms of your award:

- Summary Award Memo - included in this document
- Agreement Articles - included in this document
- Obligating Document - included in this document
- FY 2020 AFG-S Notice of Funding Opportunity (NOFO) - incorporated by reference

Please make sure you read, understand, and maintain a copy of these documents in your official file for this award.

Sincerely,

A handwritten signature in black ink, appearing to read "Christopher Logan", is written below the word "Sincerely,".

Christopher Logan
Acting Assistant Administrator
Grant Programs Directorate



City of
Los Banos
At the Crossroads of California

**PROCLAMATION RECOGNIZING
NATIONAL HEALTH CENTER WEEK**

WHEREAS, for over 50 years Community Health Centers continue to make a significant impact on America's health care system by providing high-quality, affordable, comprehensive primary and preventative health care in our nation's most underserved communities; and

WHEREAS, as the country's largest primary care network, Community Health Centers are the health care home for 30 million Americans in over 14,000 communities across the nation. One in every twelve people in the United States gets their care in a Community Health Center; and

WHEREAS, Community Health Centers are a critical element of the health system, serving both rural and urban communities, and often providing the only accessible and dependable source of primary care in their communities. Nationwide, Community Health Centers serve one in every five residents of rural areas; and

WHEREAS, every day, Community Health Centers develop new approaches to integrating a wide range of services beyond primary care, including oral health, vision, behavioral health, pharmacy, and other specialty services, including telehealth modalities to meet the needs and challenges of their communities; and

WHEREAS, Community Health Centers are on the front lines responding to emerging health care crises, providing access to care for our nation's veterans, addressing the opioid epidemic, and responding to public health threats in the wake of natural disasters, such as COVID-19 in 2020; and

WHEREAS, Community Health Centers are locally owned and operated small businesses that serve as critical economic engines and employ more than 236,000 people nationally, including physicians, nurse practitioners, physician assistants, and certified nurse midwives who work as part of multi-disciplinary and patient-centered clinical teams designed to treat the whole patient; and

WHEREAS, Community Health Centers prove to be an effective means of overcoming barriers to healthcare access, including geography, income and insurance status – improving health care outcomes and reducing health care system costs by helping manage patients chronic conditions, which keeps them out of costlier health care settings like hospital emergency rooms; and

WHEREAS, National Health Center Week offers the opportunity to celebrate the more than 50 years of success and growth from when the first health center opened its doors, to now over 1,400 health center organizations and over 12,000 service delivery sites offering high-quality care in America; and

WHEREAS, during National Health Center Week, we celebrate the legacy of America's Community Health Centers, and their vital role in shaping the past, present, and future of America's health care system.

NOW, THEREFORE BE IT RESOLVED that the City of Los Banos does hereby proclaim August 9 – 15, 2020 as National Health Center Week and encourages all Americans to take part in this week by visiting their local Health Center and celebrating the important partnership between America's Community Health Centers and the communities they serve.

In witness whereof, I have hereunto set my hand and caused to be affixed the seal of the City of Los Banos this 19th day of August 2020.

APPROVED:

Michael Villalta, Mayor

ATTEST:

Lucille L. Mallonee, City Clerk



City of
Los Banos
At the Crossroads of California

Agenda Staff Report

TO: Mayor Villalta and City Council Members

FROM: Stacy Souza Elms, Community and Economic Development Director

DATE: August 19, 2020

TYPE OF REPORT: Public Hearing

SUBJECT: Adopt a Resolution authorizing application for and receipt of Community Development Block Grant Program Coronavirus Response Round 1 (CDBG-CV1)

Recommendation:

It is recommended that the Council:

1. Open the Public Hearing and receive public comment on potential projects for funding under the CDBG-CV1 NOFA;
2. Provide direction to staff regarding the activities for which the City should draft an application; and
3. Direct staff to authorize submission of the City's CDBG-CV1 application.

Background:

The State Department of Housing and Community Development (HCD) released the Community Development Block Grant Program-Coronavirus Response Round 1 (CDBG-CV1) Notice of Funding Availability (NOFA) on June 5, 2020, which has an application deadline of August 31, 2020.

To be eligible for funding, every CDBG-funded activity must meet one of the three National Objectives of the Program:

1. Benefit low and moderate income persons; or
2. Prevention or elimination of slums or blight; or
3. Urgent Need, which is meeting other community development needs having a particular urgency because of existing conditions that 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 (earthquakes, etc.)

Discussion:

Approximately \$18.7 million in new CDBG-CV1 federal funds authorized by the Coronavirus Aid, Relief, and Economic Security (CARES) Act, will be allocated to eligible jurisdictions to perform Activities related to COVID-19 response and recovery. The CARES Act provides extra CDBG funds specifically targeted to prevent, prepare for, and respond to coronavirus. The City of Los Banos is eligible to apply for a total of three (3) eligible activities with the total request not exceeding Arcata's CDBG-CV1 allocation of \$157,845. Activities funded under this NOFA will have a 12-month expenditure period and must show a relationship between the need for services and COVID-19 impacts. There is no local matching requirement and the process will be non-competitive in nature.

To utilize the estimated allocation, the Community and Economic Development Department proposes the creation of a Small Business Relief Forgivable Loan Program to assist small business throughout Los Banos to sustain operations and retain employees during the COVID-19 pandemic. The forgivable loan will allocate funds to eligible businesses in the form of \$5,000 non-repayable loans. Loan applications will be reviewed for program consistency by an independent committee of business community partners, and the Community and Economic Development Director. Ultimately, funds would be distributed on a "first-come, first-serve" basis until which time program resources are exhausted.

Basic Program Parameters:

Eligible Businesses:

- Employ no more than 20 full-time equivalents (FTE)
- Have a current City of Los Banos business license
- Provide documentation that shows economic hardship due to COVID-19
- Not have engaged in any illegal activities per local, State or Federal regulations
- Have not received financial assistance from another source (i.e. CARES Act Funding)
- Must benefit low- to moderate-income individuals or households.

Process for Grant:

- Eligible business will apply for one-time forgivable loan, not to exceed \$5,000.

- Applications will be initially reviewed by the Community and Economic Development Department.
- Applications that fit eligibility requirements will be sent to approval committee within three (3) days of submittal.
- Committee will have one (1) week to review, approve, or deny application.
- If denied, applicant will have one week to submit any needed documents.
- Loan proceeds will be distributed until which time the fund is exhausted.
- A report requiring how funds were used will be requested six (6) months from the grantee after loan is issued.

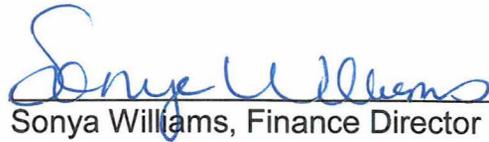
Fiscal Impact:

The NOFA allows for the City to use a total of 17 percent of the allocation for program administration costs. No match is required to apply for CDBG funding. If awarded, the City would be eligible to receive \$26,833 for grant administration. This funding can be used to reimburse the City for administration costs to administer the program or for any outside sources needed to administer the program.

Reviewed by:



Alex, City Manager



Sonya Williams, Finance Director

Attachments:

1. Resolution
2. Public Hearing Notice

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LOS BANOS APPROVING AN APPLICATION FOR FUNDING AND THE EXECUTION OF A GRANT AGREEMENT AND ANY AMENDMENTS THERETO FROM THE 2020 COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM-CORONAVIRUS RESPONSE ROUND 1 (CDBG-CV1) NOFA DATED JUNE 5, 2020

WHEREAS, the State of California, Department of Housing and Community Development (Department) has issued a Notice of Funding Availability (NOFA) for Community Development Block Grant Program – Coronavirus Response Round 1 (CDBG-CV1); and

WHEREAS, the City Council of the City of Los Banos desires to submit a project application for the CDBG-CV1 to assist businesses impacted by COVID-19 and will submit a CDBG-CV1 grant applicant as described in the CDBG-CV1 NOCA and CDBG-CV1 Grant Program Guidelines; and

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF LOS BANOS RESOLVES AS FOLLOWS:

SECTION 1: The City Council has reviewed and hereby approves the submission to the State of California of an application in the aggregate amount, not to exceed, of \$157,845 for the following CDBG-CV1 activities, pursuant to the June 2020 CDBG-CV1 NOFA:

- Small Business Assistance Loan to support business \$157,845
 Impacted by the COVID-19 Pandemic

SECTION 2: The City does not have Program Income to use for the CDBG-CV1 activities described in Section 1.

SECTION 3: The City acknowledges compliance with all state and federal public participation requirements in the development of its application.

SECTION 4: The City hereby authorizes and directs the City Manager, or designee, to execute and deliver all applications and act on the City's behalf in all matters pertaining to all such applications.

SECTION 5: If an application is approved, the City Manager, or designee, is authorized to enter into, execute and deliver the grant agreement (i.e., Standard Agreement) and

any and all subsequent amendments thereto with the State of California for the purposes of the grant.

SECTION 6: If an application is approved, the City Manager, or designee, is authorized to sign and submit Funds Requests and all required reporting forms and other documentation as may be required by the State of California from time to time in connection with the grant.

The foregoing Resolution was introduced at a regular meeting of the City Council of the City of Los Banos held on the 19th day of August 2020, by Council Member _____ who moved its adoption, which motion was duly seconded by Council Member _____ and the Resolution adopted by the following vote:

AYES:
NOES:
ABSENT:

APPROVED:

Michael Villalta, Mayor

ATTEST:

Lucille L. Mallonee, City Clerk



City of
Los Banos
At the Crossroads of California

COMMUNITY AND ECONOMIC DEVELOPMENT DEPARTMENT

Date: August 14, 2020
Re: Notice of Public Hearing
For: State Administered CDBG-CV1 Application

NOTICE IS HEREBY GIVEN that the City of Los Banos will conduct a virtual public hearing on August 19, 2020 at 4:00 p.m., at City Hall located at 520 J Street, Los Banos, California in order to discuss the submittal of an application in response to the release of State administered Community Development Block Grant (CDBG) CV funds for COVID-19 related activities that benefit low and moderate income residents.

The State Department of Housing and Community Development (HCD) published a Notice of Funding Availability (NOFA) for CDBG Coronavirus Aid, Relief, and Economic Security (CDBG-CV1) funds. Eligible cities and counties may submit applications for CDBG-CV1 funding according to the NOFA. It is estimated that the City of Los Banos will be eligible to receive up to \$157,845 based on a formula provided by HCD.

Eligible activities under the CDBG program must meet one or more of the three National Objectives listed in CDBG Federal Statutes as follows: benefit to low –moderate income households or persons; elimination of slums and blight; or meeting urgent community development need (with prior HCD approval) .

The City of Los Banos anticipates submitting an application under the CDBG-CV1 NOFA published during the next program year. The City of Los Banos does not have CDBG Program Income on hand to be expended prior to expending awarded grant funds.

The purpose of this public hearing is to give the public an opportunity to make their comments known regarding what types of eligible activities the City of Los Banos should apply for under the State administered CDBG program.

If you require special accommodations to participate in the public hearing, please contact Lucy Mallonee, City Clerk, (209) 827-7000 or lucy.mallonee@losbanos.org.

If you are unable to attend the public hearing, you may direct written comments to the City of Los Banos Community and Economic Development Department, at 520 J Street, or by email at stacy.elms@losbanos.org. In addition, information is available for review at the above address between the hours of 8:00 a.m. to 5:00 p.m. on Monday-Friday.

The City of Los Banos promotes fair housing and makes all its programs available to low and moderate income families regardless of age, race, color, religion, sex, national origin, sexual preference, marital status or handicap.

THE CITY OF LOS BANOS

Stacy Souza Elms
Community & Economic Development Director



City of
Los Banos
At the Crossroads of California

COMMUNITY AND ECONOMIC DEVELOPMENT DEPARTMENT

Fecha: 14 de Agosto de 2020
Re: Aviso de audiencia pública
Por: Solicitud CDBG-CV1 Administrada por el Estado

POR LO PRESENTE SE DA AVISO que la Ciudad de Los Banos llevará a cabo una audiencia pública virtual el 19 de Agosto de 2020 a las 4:00 pm, en el Ayuntamiento ubicado en 520 J Street, Los Banos, California para discutir la presentación de una solicitud en respuesta a la liberación de fondos CV de la Subvención en Bloque para el Desarrollo Comunitario (CDBG) Administrados por el Estado para actividades relacionadas con COVID-19 que benefician a los residentes de ingresos bajos y moderados.

El Departamento de Vivienda y Desarrollo Comunitario del Estado (HCD) publicó un Aviso de Disponibilidad de Financiamiento (NOFA) para los fondos CDBG de Ayuda, Alivio y Seguridad Económica por Coronavirus (CDBG-CV1). Las ciudades y condados elegibles pueden enviar solicitudes de financiamiento CDBG-CV1 de acuerdo con la NOFA. Se estima que la ciudad de Los Banos será elegible para recibir hasta \$ 157,845 según una fórmula proporcionada por HCD.

Las actividades elegibles bajo el programa CDBG deben cumplir con uno o más de los tres Objetivos Nacionales enumerados en los Estatutos Federales de CDBG de la siguiente manera: beneficiar a hogares o personas de ingresos bajos o moderados; eliminación de barrios marginales y plagas; o satisfacer la necesidad urgente de desarrollo de la comunidad (con la aprobación previa de HCD).

La Ciudad de Los Banos anticipa presentar una solicitud bajo el CDBG-CV1 NOFA publicado durante el próximo año del programa. La Ciudad de Los Banos no tiene Ingresos del Programa CDBG disponibles para gastar antes de gastar los fondos de subvención otorgados.

El propósito de esta audiencia pública es darle al público la oportunidad de dar a conocer sus comentarios con respecto a los tipos de actividades elegibles que la Ciudad de Los Baños debe solicitar bajo el programa CDBG administrado por el estado.

Si necesita adaptaciones especiales para participar en la audiencia pública, comuníquese con Lucy Mallonee, City Clerk, (209) 827-7000 o lucy.mallonee@losbanos.org.

Si no puede asistir a la audiencia pública, puede dirigir sus comentarios por escrito al Departamento de Desarrollo Económico y Comunitario de la Ciudad de Los Banos, en 520 J Street, o por correo electrónico a stacy.elms@losbanos.org. Además, la información está disponible para su revisión en la dirección anterior entre las 8:00 a.m. y las 5:00 p.m. de lunes a viernes.

La Ciudad de Los Banos promueve la vivienda justa y pone todos sus programas a disposición de familias de ingresos bajos y moderados sin importar la edad, raza, color, religión, sexo, nacionalidad, preferencia sexual, estado civil o discapacidad.

THE CITY OF LOS BANOS

Stacy Souza Elms
Community & Economic Development Director



City of
Los Banos
At the Crossroads of California

Agenda Staff Report

TO: Mayor Villalta & City Council Members

FROM: Sonya Williams, Finance Director

DATE: August 19, 2020

SUBJECT: CARES Act Funding Plan

TYPE OF REPORT: Non-Consent Agenda

Recommendation:

Staff recommends that Council adopt a Resolution accepting the Coronavirus Aid, Relief, and Economic Security (CARES) Act funds for \$517,629 as allocated by the State of California 2020 Budget Act and approve the CARES Act Funding Plan, the COVID-19 Small Business Assistance Program Guidelines and the COVID-19 Residential Hardship Assistance Program Guidelines.

Background:

On March 27, 2020 the Coronavirus Aid, Relief, and Economic Security (CARES) Act was signed into law. The legislation authorized more than \$2 trillion to combat the Coronavirus Disease 2019 (COVID-19) and its economic effects, including cash relief for individual citizens, loan programs for small businesses, and support for hospitals, medical providers, schools and other impacted industries. The CARES Act established the Coronavirus Relief Fund (CRF) and appropriated \$150 billion to this fund. Under the CARES Act, the State of California received \$9.5 billion. Through California's 2020 Budget Act, the City of Los Banos was allocated \$517,629. Funding is contingent on adherence to federal and state guidance and health requirements. On July 2, 2020, the City submitted its Certification Form to the California Department of Finance for receipt of funds pursuant to paragraph (3) of Subdivision (d) of Control Section 11.90 of the Budget Act of 2020. Allocation will be made in monthly installments, with the first portion being issued on July 30, 2020, being one-sixth of the total allotment.

Discussion:

The CARES Act specifies that payments from the CRF may only be used to cover costs that:

1. Are necessary expenditures incurred due to the public health emergency with respect to COVID-19;
2. Were not accounted for in the budget most recently approved as of March 27, 2020, the date of enactment of the CARES Act, for the State or local government; and
3. Were incurred during the period that begins on March 1, 2020 and ends on December 30, 2020.

CRF funds cannot be utilized to cover revenue loss resulting from the COVID-19 pandemic. The statute also specifies that expenditures using CRF funding must be “necessary” due to the COVID-19 public health emergency, with the U.S Department of Treasury outlining that local governments are responsible for making determination as to what expenditures are necessary.

The U.S. Treasury issued initial guidance regarding the eligible uses for CRF on April 22, 2020, which continues to evolve, and has issued updates on subsequent Frequently Asked Questions (FAQ) documents.

The City’s use of the \$517,629 allocated CARES Act funds are deemed necessary to respond to mitigate the effects of the COVID-19 pandemic and have been summarized in the proposed City of Los Banos CARES Act Funding Plan. The plan includes guiding principles for the use of CARES Act funds in alignment with state and federal requirements and allocated funding into the following categories:

1. Continuity of Operations and Emergency Response: \$350,000
To ensure continuity of City operation and emergency response, including modifications of citywide facilities, in response to COVID-19.
2. Community Support: \$150,000
To provide assistance or economic relief to vulnerable members of the community and enhanced support to residents, and small businesses that have been impacted by COVID-19.
3. Reserve Contingency: \$17,629
To provide for unanticipated expenditures or impacts caused by COVID-19.

COVID-19 Business Assistance Program

The proposed Community Investment allocation includes \$50,000 to support local small businesses. It is proposed that this program would be administered by the City of Los Banos, and would provide Los Banos small businesses with up to \$5,000 in grant funding for the reimbursement of eligible COVID-19 related operating expenses and expenses related to implementing COVID-19 health and safety measures incurred March 19, 2020 through the date of the grant.

Eligible uses of grant funds would include rent/lease payments, utilities, and inventory or supply costs required to safely reopen the business. The maximum grant award will be calculated based on the business’ number of full-time employees.

COVID-19 Residential Hardship Assistance Program

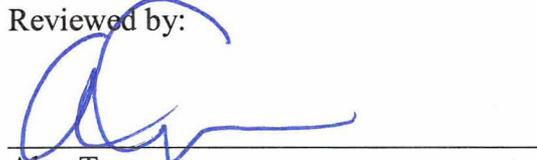
The proposed Community Investment allocation of \$150,000 in the proposed City of Los Banos CARES Act Funding Plan includes \$50,000 to support Los Banos residents meeting eligibility requirements that have been impacted by COVID-19. It is proposed that this program would be administered by the Finance Department and would provide rent, mortgage or utility assistance up to \$1600.00, for those significantly impacted by the COVID-19 pandemic. Assistance will be available in the form of a grant and funds will be paid directly to property owners, mortgage companies, and/or utility companies. Funding is limited, and will be issued on a first come first serve bases.

Fiscal Impact:

All proposed expenditures will be covered up to the \$517,629 CARES Act funding the City is allocated to receive for Fiscal Year 2019/20 and 2020/21. The distribution of funds will be centralized for ease of administration and deployment. As staff works through incorporating planned expenditures into the City’s final budget and subsequent necessary adjustments to meet COVID-19 response and mitigation needs, staff will bring associated budget transfers to the Council for review and approval.

There are no net costs to the City related to this item.

Reviewed by:



Alex Terrazas
City Manager

Attachments:

- Resolution
- City of Los Banos CARES Act Funding Plan
- City of Los Banos COVID-19 Small Business Assistance Program Guidelines
- City of Los Banos COVID-19 Residential Hardship Program Guidelines
- Certification Form to the California Department of Finance for receipt of funds
- Coronavirus Relief Fund – Frequently Asked Questions – Updated August 10, 2020
- Budget Act of 2020 - Control Section 11.90

RESOLUTION NO. _____

**A RESOLUTION OF THE CITY OF LOS BANOS ACCEPTING
CORONAVIRUS AID, RELIEF, AND ECONOMIC SECURITY
(CARES) ACT FUNDS IN THE AMOUNT OF \$517,629 AND
ADOPTING THE CARES ACT FUNDING PLAN, COVID-19 SMALL
BUSINESS ASSISTANCE PROGRAM GUIDELINES AND THE
RESIDENTIAL HARDSHIP ASSISTANCE PROGRAM GUIDELINES**

WHEREAS, the State of California, Department of Finance allocated \$517,629 in Coronavirus Aid, Relief, and Economic Security (CARES) Act Funds to the City of Los Banos to address the public health and safety impacts of COVID-19; and

WHEREAS, all \$517,629 in CARES Act Funds must be spent, not merely allocated or encumbered, by December 30, 2020; and

WHEREAS, the United States Department of Treasury has issued guidelines with regards to the authorized use of funds allocated to local governments under the CARES Act; and

WHEREAS, the City of Los Banos, those small business within the City of Los Banos, and their residents, have suffered secondary effects of the coronavirus emergency, as the State of California has ordered the closure of non-essential businesses; and

WHEREAS, the City of Los Banos, as the jurisdiction responsible for disbursement of funds under the CARES Act, finds that it is appropriate to use these funds as outlined in the City of Los Banos CARES Act Funding Plan, defraying certain costs incurred by the City of Los Banos, small businesses and residents related to the coronavirus emergency; and

WHEREAS, the disbursement of funds under the CARES Act to the City is in the best interests of the City, small businesses and its residents.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Los Banos hereby accepts the CARES Act funding allocation of \$517,629 and approves and adopts the CARES Act Funding Plan, the COVID-19 Small Business Assistance Program and the COVID-19 Residential Hardship Program.

The foregoing resolution was introduced at a regular meeting of the Los Banos City Council held on the 19th day of August 2020, by Council Member _____ who moved for its adoption, which motion was duly seconded by Council Member _____, and the Resolution was adopted by the following vote:

AYES:
NOES:
ABSENT:

APPROVED:

Michael Villalta, Mayor

ATTEST:

Lucille L. Mallonee, City Clerk

City of Los Banos

CARES ACT FUNDING PLAN

August 19, 2020

BACKGROUND

On March 27, 2020, the Coronavirus Aid, Relief, and Economic Security Act (CARES Act) was signed into law. The legislation authorized more than \$2 trillion to combat the Coronavirus Disease 2019 (COVID-19) and its economic effects. The CARES Act also established the Coronavirus Relief Fund (CRF) and appropriated \$150 billion for payments to States and local governments. Through California's 2020 Budget Act, the City of Los Banos was allocated approximately \$517,629 in CARES Act funding for COVID-19 expenditures, impacts, and effects with respect to the public emergency.

The following CARES Act Funding Plan outlines the City's proposed use of its \$517,629 allocation. The amounts stated in each category may be subject to modifications based on operational needs in COVID-19 pandemic response, as determined by the City Manager; however, the City intends to utilize and allocate these funds in the following categories: continuity of operations and emergency response, community support, and an unallocated contingency for unforeseen expenses or changes under the CARES Act rules. The City Manager will allocate specific amounts towards Council approved categories to meet COVID-19 response in an expedited fashion.

GUIDING PRINCIPLES

In alignment with state and federal requirements for utilization of CARES Act funds, it is recommended that the following guiding principles be used to define the City's strategy for allocation of the funds. These guiding principles and funding plan address citywide impacts, provide mitigations, enhance emergency preparedness and responses, and reduce effects caused by the public health emergency of COVID-19.

1. Funds are intended to address COVID-19 related public health and safety while building resilience and fostering economic stability for City residents, employees, community-based organizations, and businesses.
2. Ensure compliance with applicable law and regulations relating to the expenditure of such funds.
3. Allocate funds for one-time uses that avoid ongoing obligations for the City.
4. Use existing procurement and other City processes where possible to expedite distribution and avoid duplicated administrative burdens.
5. Support City services to soften the economic impact and effects of the COVID-19 pandemic on City residents.
6. Fund programs and/or grants that reduce the burden on residents and businesses from the economic impacts of COVID-19 to the extent possible.
7. The CARES Act provides that payment from the CRF may only be used to cover costs that are:
 - a. Necessary expenditures incurred due to response and mitigation of COVID-19 public health emergency.
 - b. Not accounted for in the budget most recently approved as of March 27, 2020, for the City of Los Banos.

- c. Were cost incurred during the period that begins on March 1, 2020 and ends on December 30, 2020.
8. The City is required to agree to all of the following conditions as a receipt of funding:
- a. Adhere to federal guidance and the State’s stay-at-home requirements and other health requirements as directed in gubernatorial Executive Order N-33-20, any subsequent Executive Orders or statutes, and all California Department of Public Health orders, directives, and guidance in response to COVID-19 emergency.
 - b. Use the funds in accordance with all applicable provisions of subdivision (d) of Control Section 11.90 of the Budget Act of 2020.
 - c. Report on expenditures and summarize regional collaboration and non-duplication of efforts within the region by September 1, 2020, and return any funds that re unspent by October 30, 2020 (unless extended by the Department of Finance based on reported expenditures to date), and repay the state for any costs disallowed after federal review.
 - d. Retain records to support reported COVID-19 eligible expenditures and participate in audits as outlined by Federal and State government.

CARES ACT FUNDING PLAN

1. OPERATIONS AND EMERGENCY RESPONSE: \$350,000

- **Salary and Benefits Cost**
Reimburse or cover costs of salaries and benefits of employees who are dedicated to “substantially dedicated to responding to or mitigating the COVID-19 public health emergency”.
- **Retrofit City Facilities**
Physical changes to accommodate social distancing barriers for public counters, sanitizing dispensers in lobbies, signage, and other improvements to create a safer environment for City employees and residents who visit City buildings.
- **Telework Technology Upgrade**
Expand and improve the capability of the City’s technology infrastructure, networks, platforms and employee devices to telework and enhance their ability to provide quality service to residents.
- **Personal Protective Equipment (PPE) and Disinfectants Procurement**
Centralized procurement of PPE and sanitizing disinfectants for City essential workforce and service needs.
- **Expand services due to COVID-19**
Cover increased cost of City services or programs because of the impacts and effects of COVID-19.
- **Other Eligible Citywide Expenses**
Other eligible citywide expenses related to response and mitigation of COVID-19 determined by the City Manager.

2. COMMUNITY SUPPORT: \$150,000

The stated amount may be subject to change based on operational needs for COVID-19 pandemic response as determined by the City Manager.

- **Residential Hardship Grants: \$50,000**
Support Los Banos residents impacted by COVID-19 pandemic through a COVID-19 Residential Hardship Grant Program. The program would supply funding to low-income residents to assist individuals with housing-related expense. Examples may include overdue rent or mortgage payments.
- **Small Business Support: \$50,000**
Support local small business impacted by COVID-19 pandemic through a COVID-19 Business Assistance Program administered by the City of Los Banos.
- **Community Outreach and Education**
Collaborate with City departments, community organizations and local businesses to conduct outreach and education in following State issued industry guidelines to operate safely during the COVID-19 public health emergency.
- **Other Eligible Community Support Expenses**
Other eligible community expenses related to response and mitigation of COVID-19 determined by the City Manager.

3. CONTINGENCY FUND: \$17,629

The stated amount may be subject to change based on operational needs for COVID-19 pandemic response as determined by the City Manager.

Citywide and community investment expenditures due to COVID-19 in FY 2019/20 and FY 2020/21. Contingency funds are designated for unforeseen expenditures or impacts caused by the COVID-19 public health emergency. Contingency funds may be used to increase any previously mention allocations, reserved for eligible uses not identified in this plan, or may be retained in the event CARES Act rules and regulation change in relation to the use of Coronavirus Relief Fund monies.

City of Los Banos

COVID-19 SMALL BUSINESS ASSISTANCE PROGRAM GUIDELINES

August 19, 2020

BACKGROUND

On March 17, 2020, the City of Los Banos proclaimed a local emergency due to the rising cases of COVID-19 throughout California, which was later ratified by the City Council on March 18, 2020. Since that time, the severity of the local emergency has increased daily, with additional reported cases of COVID-19 infections and related deaths in Merced County, all areas of California, the U.S., and throughout the world. On March 19, 2020, Governor Newsom issued Executive Order N-33-20, ordering all California residents to stay at home, except as needed to maintain the continuity of operations in infrastructure sectors critical to protect the health and well-being of all Californians.

With the COVID-19 emergency, many small businesses nationwide are experiencing economic hardship as a direct result of the public health measure taken to minimize the public's exposure to the virus. These measures, some of which are government-mandated, are being implemented nationwide and include the closures of restaurants, bars, gyms, and personal care services such as nail and hair salons. In addition, based on the advice of public health officials, other measures, such as keeping a safe distance from others or even stay-at-home orders, are being implemented, resulting in a dramatic decrease in economic activity as the public avoids commercial centers, retail stores, and other businesses.

On March 27, 2020, the Coronavirus Aid, Relief, and Economic Security Act (CARES Act) was signed into law. Funding is designated for emergency assistance and health care response for individuals, families, and businesses affected by the coronavirus pandemic. The City of Los Banos is eligible to receive \$517,629 in CARES Act funding, which will be utilized in accordance with the Council approved City of Los Banos CARES Act Funding Plan. The plan earmarks \$150,000 for community support, including \$50,000 to support small businesses impacted by the COVID-19 pandemic.

The City intends to provide this support to small business in the form of grants, up to \$5,000 per small business with twenty or fewer full time employees, for the reimbursement of eligible COVID-19 related operating expenses and to cover expenses related to implementing COVID-19 health and safety measures within business. The maximum grant award will be calculated based on the business' number of full time employees multiplied by \$250.

GRANT PROGRAM GUIDELINES

The following are the City of Los Banos COVID-19 Business Assistance Program guidelines.

PURPOSE

The intent of the City of Los Banos COVID-19 Business Assistance Program is to provide local small businesses that have experienced a loss in revenue due to COVID-19 with financial assistance for the reimbursement of eligible COVID-19 related operating expenses and to cover expenses related to implementing COVID-19 health and safety measure with business.

ELIGIBLE USES

Funding may be used to cover the following eligible business expenses incurred between March 19, 2020 and the date of application:

- Rent/Lease costs: Unfunded expenditures for rent/lease costs realized during the required closure of a small business are an eligible use of grant funds.
- Utility costs: Delinquent utility bills on business property.

- Inventory or supplies required to safely reopen the business: Personal protective equipment, unfunded expenditures for the costs related to the reconfiguring of workspaces to accommodate social distancing, disinfectants, sanitizers, and expenditures to adapt spaces for outdoor services/dining.

ELIGIBILITY REQUIREMENTS

1. Applicants shall be a:
 - a. For-profit business physically located, operating, and headquarter in the City of Los Banos with a demonstrated economic need and negatively affected by COVID-19. For-profit applicants must attest to a loss of net revenue as a result of COVID-19 pandemic.
 - b. Non-profit business physically located, operating, and headquartered in the City of Los Banos with a demonstrated economic need and negatively affected by COVID-19.
2. Business must have 20 full-time employees or fewer. Self-employed business owners are eligible.
3. Applicants must demonstrate that the business has been operating for at least two full years prior to March 19, 2020 (business license, utility bill, lease agreement).
4. Applicants must have an active Business License in the City of Los Banos and is in good standing.
5. Applications for businesses who have not received SBA Paycheck Protection Program (PPP), a SBA Economic Injury Disaster Loan (EIDL), or other COVID-19 related grants or loan will be prioritized.
6. Selected businesses will be required to sign a reporting agreement to be carried out throughout the term of the grant.
7. Applications must submit a current copy of its W-9 form.

GRANT AWARD AND ADMINISTRATION

1. The Small Business Grant Program will be administered by the City of Los Banos.
2. Grants will be allocated in amounts up to \$5,000 per small business as defined.
3. Grants will be limited to one (1) per small business as defined.
4. Grants will be accepted beginning August 20, 2020 through September 18, 2020.
5. Eligible grant recipients will be awarded on a first come, first served basis. Submission of an incomplete or inaccurate application may result in ineligibility for program funding.

REPORTING REQUIREMENTS

1. All eligible expenses and proof of payments must be reported to the City by October 1, 2020.

City of Los Banos

COVID-19 RESIDENTIAL HARDSHIP ASSISTANCE PROGRAM GUIDELINES

August 19, 2020

BACKGROUND

On March 17, 2020, the City of Los Banos proclaimed a local emergency due to the rising cases of COVID-19 throughout California, which was later ratified by the City Council on March 18, 2020. Since that time, the severity of the local emergency has increased daily, with additional reported cases of COVID-19 infections and related deaths in Merced County, all areas of California, the U.S., and throughout the world. On March 19, 2020, Governor Newsom issued Executive Order N-33-20, ordering all California residents to stay at home, except as needed to maintain the continuity of operations in infrastructure sectors critical to protect the health and well-being of all Californians.

With the COVID-19 emergency, many residents are experiencing an economic hardship as a direct result of the public health measure taken to minimize the public's exposure to the virus. These measures, some of which are government-mandated, are being implemented nationwide.

The CARES Act Residential Assistance Program was established as an emergency response to the COVID-19 pandemic to provide financial assistance on behalf of low to moderate income residents experiencing difficulty making rent, mortgage or utility payments as a result of the COVID-19 pandemic. Assistance shall be made available in the form of a grant and funds will be paid directly to property owners, mortgage companies and/or utility companies (vendors).

GRANT PROGRAM GUIDELINES

The following are the City of Los Banos COVID-19 Residential Assistance Program guidelines.

PURPOSE

The intent of the City of Los Banos COVID-19 Residential Assistance Program is to provide financial assistance to City of Los Banos residents for one-time emergency rent, mortgage, and utility assistance for those significantly impacted by the COVID-19 pandemic.

ELIGIBLE USES

Funding may be used to cover the following eligible residential expenses incurred between March 19, 2020 and the date of application; payments will be made directly to vendors:

- Delinquent rent or mortgage costs on primary residence.
- Delinquent utility bills on primary residence.

ELIGIBILITY REQUIREMENTS

1. Applicants must be a City of Los Banos resident since February 2020.
2. Applicants must be 18 years or older and documented tenant at current address.
3. Applicants must have a household income equal to or less than the 2020 Poverty Guidelines.
4. Applicants must prove economic hardship due to the COVID-19.
5. Applicants must be current on your rent/mortgage/utilities through February 29, 2020.
6. Rental applicants must be behind on your rent for April, May and/or June.
7. Utility applicants must be behind on your utilities for April, May and/or June.
8. Mortgage applicants must be behind on payments as of June 30, 2020.

REQUIRED DOCUMENTATION:

1. Completed Tenant Application
2. Current Photo ID
3. Utility bill in applicants name for residence
4. Proof of income/pay stubs/etc.
5. Proof of job loss/reduction (if applicable)
6. Proof of rent delinquency
7. Proof of delinquency utility account

GRANT AWARD AND ADMINISTRATION

1. The Residential Assistance Grant Program will be administered by the City of Los Banos, Finance Department.
2. Grants will be allocated in amounts up to \$1,200 for rent/mortgage assistance and \$400 for utilities.
3. Grants will be limited to one (1) per household.
4. Applications will be accepted beginning August 20, 2020 through September 11, 2020.
5. Eligible grant recipients will be awarded on a first come, first served basis. Submission of an incomplete or inaccurate application may result in ineligibility for program funding.
6. Funding will be paid directly to vendor, funding will not be made to applicant.

REPORTING REQUIREMENTS

1. All eligible expenses and receipt of payment must be reported to the City by September 25, 2020.

2020 HOUSEHOLD INCOME LIMITS

Based upon the U.S. Department of Health & Human Services Poverty Guidelines Federal Register

PERSONS IN HOUSEHOLD	POVERTY GUIDELINE
1	\$12,760
2	\$17,240
3	\$21,720
4	\$26,200
5	\$30,680
6	\$35,160
7	\$39,640
8	\$44,120
For households with more than 8 persons, add \$4,480 for each additional person.	

EXHIBIT A

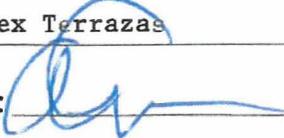
CERTIFICATION FOR RECEIPT OF FUNDS PURSUANT TO PARAGRAPHS (2) OR (3) OF SUBDIVISION (d) OF CONTROL SECTION 11.90 OF THE BUDGET ACT OF 2020

I, Alex Terrazas, am the chief executive or authorized designee of the City of Los Banos, and I certify that:

1. I have the authority on behalf of the City of Los Banos to request payment from the State of California ('State') pursuant to the applicable provisions of subdivision (d) of Control Section 11.90 of the Budget Act of 2020.
2. I understand the State will rely on this certification as a material representation in making a direct payment to the City of Los Banos
3. The City of Los Banos proposed uses of the funds provided as direct payment under the applicable provisions of subdivision (d) of Control Section 11.90 of the Budget Act of 2020 will be used only for costs that:
 - a. Are necessary expenditures incurred due to the public health emergency with respect to the Coronavirus Disease 2019 (COVID-19)
 - b. Were not accounted for in the budget most recently approved as of March 27, 2020, for the City of Los Banos.
 - c. Were incurred during the period that begins on March 1, 2020, and ends on December 30, 2020.
4. The City of Los Banos agrees to do all of the following as a condition of receipt of funds:
 - a. Adhere to federal guidance and the state's stay-at-home requirements and other health requirements as directed in gubernatorial Executive Order N-33-20, any subsequent Executive Orders or statutes, and all California Department of Public Health orders, directives, and guidance in response to COVID-19 emergency.
 - b. Use the funds in accordance with all applicable provisions of subdivision (d) of Control Section 11.90 of the Budget Act of 2020.
 - c. Report on expenditures and summarize regional collaboration and non-duplication of efforts within the region by September 1, 2020, and return any funds that are unspent by October 30, 2020 (unless extended by the Department of Finance based on reported expenditures to date), and repay the state for any cost disallowed after federal review.
 - d. Retain records to support reported COVID-19 eligible expenditures and participate in audits as outlined by the federal government and State.

CERTIFICATION FOR RECEIPT OF FUNDS PURSUANT TO PARAGRAPHS (2) OR (3) OF
SUBDIVISION (d) OF CONTROL SECTION 11.90 OF THE BUDGET ACT OF 2020

By: Alex Terrazas

Signature: 

Title: City Manager

Date: 7/2/2020

The completed certification must be submitted by email to:

CRFApplications@dof.ca.gov

Certifications must be received by no later than 11:59 p.m. Pacific Daylight Time on July 10, 2020. Certifications received after that time may be disallowed. The subject line of the email shall only contain the name of the local government entity (i.e. City of xxx or County of xxx).

**Coronavirus Relief Fund
Frequently Asked Questions
Updated as of August 10, 2020¹**

The following answers to frequently asked questions supplement Treasury’s Coronavirus Relief Fund (“Fund”) Guidance for State, Territorial, Local, and Tribal Governments, dated April 22, 2020, (“Guidance”).² Amounts paid from the Fund are subject to the restrictions outlined in the Guidance and set forth in section 601(d) of the Social Security Act, as added by section 5001 of the Coronavirus Aid, Relief, and Economic Security Act (“CARES Act”).

A. Eligible Expenditures

1. *Are governments required to submit proposed expenditures to Treasury for approval?*

No. Governments are responsible for making determinations as to what expenditures are necessary due to the public health emergency with respect to COVID-19 and do not need to submit any proposed expenditures to Treasury.

2. *The Guidance says that funding can be used to meet payroll expenses for public safety, public health, health care, human services, and similar employees whose services are substantially dedicated to mitigating or responding to the COVID-19 public health emergency. How does a government determine whether payroll expenses for a given employee satisfy the “substantially dedicated” condition?*

The Fund is designed to provide ready funding to address unforeseen financial needs and risks created by the COVID-19 public health emergency. For this reason, and as a matter of administrative convenience in light of the emergency nature of this program, a State, territorial, local, or Tribal government may presume that payroll costs for public health and public safety employees are payments for services substantially dedicated to mitigating or responding to the COVID-19 public health emergency, unless the chief executive (or equivalent) of the relevant government determines that specific circumstances indicate otherwise.

3. *The Guidance says that a cost was not accounted for in the most recently approved budget if the cost is for a substantially different use from any expected use of funds in such a line item, allotment, or allocation. What would qualify as a “substantially different use” for purposes of the Fund eligibility?*

Costs incurred for a “substantially different use” include, but are not necessarily limited to, costs of personnel and services that were budgeted for in the most recently approved budget but which, due entirely to the COVID-19 public health emergency, have been diverted to substantially different functions. This would include, for example, the costs of redeploying corrections facility staff to enable compliance with COVID-19 public health precautions through work such as enhanced sanitation or enforcing social distancing measures; the costs of redeploying police to support management and enforcement of stay-at-home orders; or the costs of diverting educational support staff or faculty to develop online learning capabilities, such as through providing information technology support that is not part of the staff or faculty’s ordinary responsibilities.

¹ On August 10, 2020, these Frequently Asked Questions were revised to add Questions 49–52. The previous revision was made on July 8.

² The Guidance is available at <https://home.treasury.gov/system/files/136/Coronavirus-Relief-Fund-Guidance-for-State-Territorial-Local-and-Tribal-Governments.pdf>.

Note that a public function does not become a “substantially different use” merely because it is provided from a different location or through a different manner. For example, although developing online instruction capabilities may be a substantially different use of funds, online instruction itself is not a substantially different use of public funds than classroom instruction.

4. *May a State receiving a payment transfer funds to a local government?*

Yes, provided that the transfer qualifies as a necessary expenditure incurred due to the public health emergency and meets the other criteria of section 601(d) of the Social Security Act. Such funds would be subject to recoupment by the Treasury Department if they have not been used in a manner consistent with section 601(d) of the Social Security Act.

5. *May a unit of local government receiving a Fund payment transfer funds to another unit of government?*

Yes. For example, a county may transfer funds to a city, town, or school district within the county and a county or city may transfer funds to its State, provided that the transfer qualifies as a necessary expenditure incurred due to the public health emergency and meets the other criteria of section 601(d) of the Social Security Act outlined in the Guidance. For example, a transfer from a county to a constituent city would not be permissible if the funds were intended to be used simply to fill shortfalls in government revenue to cover expenditures that would not otherwise qualify as an eligible expenditure.

6. *Is a Fund payment recipient required to transfer funds to a smaller, constituent unit of government within its borders?*

No. For example, a county recipient is not required to transfer funds to smaller cities within the county’s borders.

7. *Are recipients required to use other federal funds or seek reimbursement under other federal programs before using Fund payments to satisfy eligible expenses?*

No. Recipients may use Fund payments for any expenses eligible under section 601(d) of the Social Security Act outlined in the Guidance. Fund payments are not required to be used as the source of funding of last resort. However, as noted below, recipients may not use payments from the Fund to cover expenditures for which they will receive reimbursement.

8. *Are there prohibitions on combining a transaction supported with Fund payments with other CARES Act funding or COVID-19 relief Federal funding?*

Recipients will need to consider the applicable restrictions and limitations of such other sources of funding. In addition, expenses that have been or will be reimbursed under any federal program, such as the reimbursement by the federal government pursuant to the CARES Act of contributions by States to State unemployment funds, are not eligible uses of Fund payments.

9. *Are States permitted to use Fund payments to support state unemployment insurance funds generally?*

To the extent that the costs incurred by a state unemployment insurance fund are incurred due to the COVID-19 public health emergency, a State may use Fund payments to make payments to its respective state unemployment insurance fund, separate and apart from such State's obligation to the unemployment insurance fund as an employer. This will permit States to use Fund payments to prevent expenses related to the public health emergency from causing their state unemployment insurance funds to become insolvent.

10. *Are recipients permitted to use Fund payments to pay for unemployment insurance costs incurred by the recipient as an employer?*

Yes, Fund payments may be used for unemployment insurance costs incurred by the recipient as an employer (for example, as a reimbursing employer) related to the COVID-19 public health emergency if such costs will not be reimbursed by the federal government pursuant to the CARES Act or otherwise.

11. *The Guidance states that the Fund may support a "broad range of uses" including payroll expenses for several classes of employees whose services are "substantially dedicated to mitigating or responding to the COVID-19 public health emergency." What are some examples of types of covered employees?*

The Guidance provides examples of broad classes of employees whose payroll expenses would be eligible expenses under the Fund. These classes of employees include public safety, public health, health care, human services, and similar employees whose services are substantially dedicated to mitigating or responding to the COVID-19 public health emergency. Payroll and benefit costs associated with public employees who could have been furloughed or otherwise laid off but who were instead repurposed to perform previously unbudgeted functions substantially dedicated to mitigating or responding to the COVID-19 public health emergency are also covered. Other eligible expenditures include payroll and benefit costs of educational support staff or faculty responsible for developing online learning capabilities necessary to continue educational instruction in response to COVID-19-related school closures. Please see the Guidance for a discussion of what is meant by an expense that was not accounted for in the budget most recently approved as of March 27, 2020.

12. *In some cases, first responders and critical health care workers that contract COVID-19 are eligible for workers' compensation coverage. Is the cost of this expanded workers compensation coverage eligible?*

Increased workers compensation cost to the government due to the COVID-19 public health emergency incurred during the period beginning March 1, 2020, and ending December 30, 2020, is an eligible expense.

13. *If a recipient would have decommissioned equipment or not renewed a lease on particular office space or equipment but decides to continue to use the equipment or to renew the lease in order to respond to the public health emergency, are the costs associated with continuing to operate the equipment or the ongoing lease payments eligible expenses?*

Yes. To the extent the expenses were previously unbudgeted and are otherwise consistent with section 601(d) of the Social Security Act outlined in the Guidance, such expenses would be eligible.

- 14. *May recipients provide stipends to employees for eligible expenses (for example, a stipend to employees to improve telework capabilities) rather than require employees to incur the eligible cost and submit for reimbursement?***

Expenditures paid for with payments from the Fund must be limited to those that are necessary due to the public health emergency. As such, unless the government were to determine that providing assistance in the form of a stipend is an administrative necessity, the government should provide such assistance on a reimbursement basis to ensure as much as possible that funds are used to cover only eligible expenses.

- 15. *May Fund payments be used for COVID-19 public health emergency recovery planning?***

Yes. Expenses associated with conducting a recovery planning project or operating a recovery coordination office would be eligible, if the expenses otherwise meet the criteria set forth in section 601(d) of the Social Security Act outlined in the Guidance.

- 16. *Are expenses associated with contact tracing eligible?***

Yes, expenses associated with contact tracing are eligible.

- 17. *To what extent may a government use Fund payments to support the operations of private hospitals?***

Governments may use Fund payments to support public or private hospitals to the extent that the costs are necessary expenditures incurred due to the COVID-19 public health emergency, but the form such assistance would take may differ. In particular, financial assistance to private hospitals could take the form of a grant or a short-term loan.

- 18. *May payments from the Fund be used to assist individuals with enrolling in a government benefit program for those who have been laid off due to COVID-19 and thereby lost health insurance?***

Yes. To the extent that the relevant government official determines that these expenses are necessary and they meet the other requirements set forth in section 601(d) of the Social Security Act outlined in the Guidance, these expenses are eligible.

- 19. *May recipients use Fund payments to facilitate livestock depopulation incurred by producers due to supply chain disruptions?***

Yes, to the extent these efforts are deemed necessary for public health reasons or as a form of economic support as a result of the COVID-19 health emergency.

- 20. *Would providing a consumer grant program to prevent eviction and assist in preventing homelessness be considered an eligible expense?***

Yes, assuming that the recipient considers the grants to be a necessary expense incurred due to the COVID-19 public health emergency and the grants meet the other requirements for the use of Fund payments under section 601(d) of the Social Security Act outlined in the Guidance. As a general matter, providing assistance to recipients to enable them to meet property tax requirements would not be an eligible use of funds, but exceptions may be made in the case of assistance designed to prevent foreclosures.

21. *May recipients create a “payroll support program” for public employees?*

Use of payments from the Fund to cover payroll or benefits expenses of public employees are limited to those employees whose work duties are substantially dedicated to mitigating or responding to the COVID-19 public health emergency.

22. *May recipients use Fund payments to cover employment and training programs for employees that have been furloughed due to the public health emergency?*

Yes, this would be an eligible expense if the government determined that the costs of such employment and training programs would be necessary due to the public health emergency.

23. *May recipients use Fund payments to provide emergency financial assistance to individuals and families directly impacted by a loss of income due to the COVID-19 public health emergency?*

Yes, if a government determines such assistance to be a necessary expenditure. Such assistance could include, for example, a program to assist individuals with payment of overdue rent or mortgage payments to avoid eviction or foreclosure or unforeseen financial costs for funerals and other emergency individual needs. Such assistance should be structured in a manner to ensure as much as possible, within the realm of what is administratively feasible, that such assistance is necessary.

24. *The Guidance provides that eligible expenditures may include expenditures related to the provision of grants to small businesses to reimburse the costs of business interruption caused by required closures. What is meant by a “small business,” and is the Guidance intended to refer only to expenditures to cover administrative expenses of such a grant program?*

Governments have discretion to determine what payments are necessary. A program that is aimed at assisting small businesses with the costs of business interruption caused by required closures should be tailored to assist those businesses in need of such assistance. The amount of a grant to a small business to reimburse the costs of business interruption caused by required closures would also be an eligible expenditure under section 601(d) of the Social Security Act, as outlined in the Guidance.

25. *The Guidance provides that expenses associated with the provision of economic support in connection with the public health emergency, such as expenditures related to the provision of grants to small businesses to reimburse the costs of business interruption caused by required closures, would constitute eligible expenditures of Fund payments. Would such expenditures be eligible in the absence of a stay-at-home order?*

Fund payments may be used for economic support in the absence of a stay-at-home order if such expenditures are determined by the government to be necessary. This may include, for example, a grant program to benefit small businesses that close voluntarily to promote social distancing measures or that are affected by decreased customer demand as a result of the COVID-19 public health emergency.

26. *May Fund payments be used to assist impacted property owners with the payment of their property taxes?*

Fund payments may not be used for government revenue replacement, including the provision of assistance to meet tax obligations.

27. *May Fund payments be used to replace foregone utility fees? If not, can Fund payments be used as a direct subsidy payment to all utility account holders?*

Fund payments may not be used for government revenue replacement, including the replacement of unpaid utility fees. Fund payments may be used for subsidy payments to electricity account holders to the extent that the subsidy payments are deemed by the recipient to be necessary expenditures incurred due to the COVID-19 public health emergency and meet the other criteria of section 601(d) of the Social Security Act outlined in the Guidance. For example, if determined to be a necessary expenditure, a government could provide grants to individuals facing economic hardship to allow them to pay their utility fees and thereby continue to receive essential services.

28. *Could Fund payments be used for capital improvement projects that broadly provide potential economic development in a community?*

In general, no. If capital improvement projects are not necessary expenditures incurred due to the COVID-19 public health emergency, then Fund payments may not be used for such projects.

However, Fund payments may be used for the expenses of, for example, establishing temporary public medical facilities and other measures to increase COVID-19 treatment capacity or improve mitigation measures, including related construction costs.

29. *The Guidance includes workforce bonuses as an example of ineligible expenses but provides that hazard pay would be eligible if otherwise determined to be a necessary expense. Is there a specific definition of “hazard pay”?*

Hazard pay means additional pay for performing hazardous duty or work involving physical hardship, in each case that is related to COVID-19.

30. *The Guidance provides that ineligible expenditures include “[p]ayroll or benefits expenses for employees whose work duties are not substantially dedicated to mitigating or responding to the COVID-19 public health emergency.” Is this intended to relate only to public employees?*

Yes. This particular nonexclusive example of an ineligible expenditure relates to public employees. A recipient would not be permitted to pay for payroll or benefit expenses of private employees and any financial assistance (such as grants or short-term loans) to private employers are not subject to the restriction that the private employers’ employees must be substantially dedicated to mitigating or responding to the COVID-19 public health emergency.

31. *May counties pre-pay with CARES Act funds for expenses such as a one or two-year facility lease, such as to house staff hired in response to COVID-19?*

A government should not make prepayments on contracts using payments from the Fund to the extent that doing so would not be consistent with its ordinary course policies and procedures.

32. *Must a stay-at-home order or other public health mandate be in effect in order for a government to provide assistance to small businesses using payments from the Fund?*

No. The Guidance provides, as an example of an eligible use of payments from the Fund, expenditures related to the provision of grants to small businesses to reimburse the costs of business interruption caused by required closures. Such assistance may be provided using amounts received from the Fund in the absence of a requirement to close businesses if the relevant government determines that such expenditures are necessary in response to the public health emergency.

33. *Should States receiving a payment transfer funds to local governments that did not receive payments directly from Treasury?*

Yes, provided that the transferred funds are used by the local government for eligible expenditures under the statute. To facilitate prompt distribution of Title V funds, the CARES Act authorized Treasury to make direct payments to local governments with populations in excess of 500,000, in amounts equal to 45% of the local government's per capita share of the statewide allocation. This statutory structure was based on a recognition that it is more administratively feasible to rely on States, rather than the federal government, to manage the transfer of funds to smaller local governments. Consistent with the needs of all local governments for funding to address the public health emergency, States should transfer funds to local governments with populations of 500,000 or less, using as a benchmark the per capita allocation formula that governs payments to larger local governments. This approach will ensure equitable treatment among local governments of all sizes.

For example, a State received the minimum \$1.25 billion allocation and had one county with a population over 500,000 that received \$250 million directly. The State should distribute 45 percent of the \$1 billion it received, or \$450 million, to local governments within the State with a population of 500,000 or less.

34. *May a State impose restrictions on transfers of funds to local governments?*

Yes, to the extent that the restrictions facilitate the State's compliance with the requirements set forth in section 601(d) of the Social Security Act outlined in the Guidance and other applicable requirements such as the Single Audit Act, discussed below. Other restrictions are not permissible.

35. *If a recipient must issue tax anticipation notes (TANs) to make up for tax due date deferrals or revenue shortfalls, are the expenses associated with the issuance eligible uses of Fund payments?*

If a government determines that the issuance of TANs is necessary due to the COVID-19 public health emergency, the government may expend payments from the Fund on the interest expense payable on TANs by the borrower and unbudgeted administrative and transactional costs, such as necessary payments to advisors and underwriters, associated with the issuance of the TANs.

36. *May recipients use Fund payments to expand rural broadband capacity to assist with distance learning and telework?*

Such expenditures would only be permissible if they are necessary for the public health emergency. The cost of projects that would not be expected to increase capacity to a significant extent until the need for distance learning and telework have passed due to this public health emergency would not be necessary due to the public health emergency and thus would not be eligible uses of Fund payments.

37. *Are costs associated with increased solid waste capacity an eligible use of payments from the Fund?*

Yes, costs to address increase in solid waste as a result of the public health emergency, such as relates to the disposal of used personal protective equipment, would be an eligible expenditure.

38. *May payments from the Fund be used to cover across-the-board hazard pay for employees working during a state of emergency?*

No. The Guidance says that funding may be used to meet payroll expenses for public safety, public health, health care, human services, and similar employees whose services are substantially dedicated to mitigating or responding to the COVID-19 public health emergency. Hazard pay is a form of payroll expense and is subject to this limitation, so Fund payments may only be used to cover hazard pay for such individuals.

39. *May Fund payments be used for expenditures related to the administration of Fund payments by a State, territorial, local, or Tribal government?*

Yes, if the administrative expenses represent an increase over previously budgeted amounts and are limited to what is necessary. For example, a State may expend Fund payments on necessary administrative expenses incurred with respect to a new grant program established to disburse amounts received from the Fund.

40. *May recipients use Fund payments to provide loans?*

Yes, if the loans otherwise qualify as eligible expenditures under section 601(d) of the Social Security Act as implemented by the Guidance. Any amounts repaid by the borrower before December 30, 2020, must be either returned to Treasury upon receipt by the unit of government providing the loan or used for another expense that qualifies as an eligible expenditure under section 601(d) of the Social Security Act. Any amounts not repaid by the borrower until after December 30, 2020, must be returned to Treasury upon receipt by the unit of government lending the funds.

41. *May Fund payments be used for expenditures necessary to prepare for a future COVID-19 outbreak?*

Fund payments may be used only for expenditures necessary to address the current COVID-19 public health emergency. For example, a State may spend Fund payments to create a reserve of personal protective equipment or develop increased intensive care unit capacity to support regions in its jurisdiction not yet affected, but likely to be impacted by the current COVID-19 pandemic.

42. *May funds be used to satisfy non-federal matching requirements under the Stafford Act?*

Yes, payments from the Fund may be used to meet the non-federal matching requirements for Stafford Act assistance to the extent such matching requirements entail COVID-19-related costs that otherwise satisfy the Fund's eligibility criteria and the Stafford Act. Regardless of the use of Fund payments for such purposes, FEMA funding is still dependent on FEMA's determination of eligibility under the Stafford Act.

43. *Must a State, local, or tribal government require applications to be submitted by businesses or individuals before providing assistance using payments from the Fund?*

Governments have discretion to determine how to tailor assistance programs they establish in response to the COVID-19 public health emergency. However, such a program should be structured in such a manner as will ensure that such assistance is determined to be necessary in response to the COVID-19 public health emergency and otherwise satisfies the requirements of the CARES Act and other applicable law. For example, a per capita payment to residents of a particular jurisdiction without an assessment of individual need would not be an appropriate use of payments from the Fund.

44. *May Fund payments be provided to non-profits for distribution to individuals in need of financial assistance, such as rent relief?*

Yes, non-profits may be used to distribute assistance. Regardless of how the assistance is structured, the financial assistance provided would have to be related to COVID-19.

45. *May recipients use Fund payments to remarket the recipient's convention facilities and tourism industry?*

Yes, if the costs of such remarketing satisfy the requirements of the CARES Act. Expenses incurred to publicize the resumption of activities and steps taken to ensure a safe experience may be needed due to the public health emergency. Expenses related to developing a long-term plan to reposition a recipient's convention and tourism industry and infrastructure would not be incurred due to the public health emergency and therefore may not be covered using payments from the Fund.

46. *May a State provide assistance to farmers and meat processors to expand capacity, such to cover overtime for USDA meat inspectors?*

If a State determines that expanding meat processing capacity, including by paying overtime to USDA meat inspectors, is a necessary expense incurred due to the public health emergency, such as if increased capacity is necessary to allow farmers and processors to donate meat to food banks, then such expenses are eligible expenses, provided that the expenses satisfy the other requirements set forth in section 601(d) of the Social Security Act outlined in the Guidance.

47. *The guidance provides that funding may be used to meet payroll expenses for public safety, public health, health care, human services, and similar employees whose services are substantially dedicated to mitigating or responding to the COVID-19 public health emergency. May Fund payments be used to cover such an employee's entire payroll cost or just the portion of time spent on mitigating or responding to the COVID-19 public health emergency?*

As a matter of administrative convenience, the entire payroll cost of an employee whose time is substantially dedicated to mitigating or responding to the COVID-19 public health emergency is eligible, provided that such payroll costs are incurred by December 30, 2020. An employer may also track time spent by employees related to COVID-19 and apply Fund payments on that basis but would need to do so consistently within the relevant agency or department.

48. *May Fund payments be used to cover increased administrative leave costs of public employees who could not telework in the event of a stay at home order or a case of COVID-19 in the workplace?*

The statute requires that payments be used only to cover costs that were not accounted for in the budget most recently approved as of March 27, 2020. As stated in the Guidance, a cost meets this requirement if either (a) the cost cannot lawfully be funded using a line item, allotment, or allocation within that budget or (b) the cost is for a substantially different use from any expected use of funds in such a line item, allotment, or allocation. If the cost of an employee was allocated to administrative leave to a greater extent than was expected, the cost of such administrative leave may be covered using payments from the Fund.

49. *Are States permitted to use Coronavirus Relief Fund payments to satisfy non-federal matching requirements under the Stafford Act, including “lost wages assistance” authorized by the Presidential Memorandum on Authorizing the Other Needs Assistance Program for Major Disaster Declarations Related to Coronavirus Disease 2019 (August 8, 2020)?*

Yes. As previous guidance has stated, payments from the Fund may be used to meet the non-federal matching requirements for Stafford Act assistance to the extent such matching requirements entail COVID-19-related costs that otherwise satisfy the Fund’s eligibility criteria and the Stafford Act. States are fully permitted to use payments from the Fund to satisfy 100% of their cost share for lost wages assistance recently made available under the Stafford Act.

50. *At what point would costs be considered to be incurred in the case of a grant made by a State, local, or tribal government to cover interest and principal amounts of a loan, such as might be provided as part of a small business assistance program in which the loan is made by a private institution?*

A grant made to cover interest and principal costs of a loan, including interest and principal due after the period that begins on March 1, 2020, and ends on December 30, 2020 (the “covered period”), will be considered to be incurred during the covered period if (i) the full amount of the loan is advanced to the borrower within the covered period and (ii) the proceeds of the loan are used by the borrower to cover expenses incurred during the covered period. In addition, if these conditions are met, the amount of the grant will be considered to have been used during the covered period for purposes of the requirement that expenses be incurred within the covered period. Such a grant would be analogous to a loan provided by the Fund recipient itself that incorporates similar loan forgiveness provisions. As with any other assistance provided by a Fund recipient, such a grant would need to be determined by the recipient to be necessary due to the public health emergency.

51. *If governments use Fund payments as described in the Guidance to establish a grant program to support businesses, would those funds be considered gross income taxable to a business receiving the grant under the Internal Revenue Code (Code)?*

Please see the answer provided by the Internal Revenue Service (IRS) available at <https://www.irs.gov/newsroom/cares-act-coronavirus-relief-fund-frequently-asked-questions>.

52. *If governments use Fund payments as described in the Guidance to establish a loan program to support businesses, would those funds be considered gross income taxable to a business receiving the loan under the Code?*

Please see the answer provided by the IRS available at <https://www.irs.gov/newsroom/cares-act-coronavirus-relief-fund-frequently-asked-questions>.

B. Questions Related to Administration of Fund Payments

1. *Do governments have to return unspent funds to Treasury?*

Yes. Section 601(f)(2) of the Social Security Act, as added by section 5001(a) of the CARES Act, provides for recoupment by the Department of the Treasury of amounts received from the Fund that have not been used in a manner consistent with section 601(d) of the Social Security Act. If a government has not used funds it has received to cover costs that were incurred by December 30, 2020, as required by the statute, those funds must be returned to the Department of the Treasury.

2. *What records must be kept by governments receiving payment?*

A government should keep records sufficient to demonstrate that the amount of Fund payments to the government has been used in accordance with section 601(d) of the Social Security Act.

3. *May recipients deposit Fund payments into interest bearing accounts?*

Yes, provided that if recipients separately invest amounts received from the Fund, they must use the interest earned or other proceeds of these investments only to cover expenditures incurred in accordance with section 601(d) of the Social Security Act and the Guidance on eligible expenses. If a government deposits Fund payments in a government's general account, it may use those funds to meet immediate cash management needs provided that the full amount of the payment is used to cover necessary expenditures. Fund payments are not subject to the Cash Management Improvement Act of 1990, as amended.

4. *May governments retain assets purchased with payments from the Fund?*

Yes, if the purchase of the asset was consistent with the limitations on the eligible use of funds provided by section 601(d) of the Social Security Act.

5. *What rules apply to the proceeds of disposition or sale of assets acquired using payments from the Fund?*

If such assets are disposed of prior to December 30, 2020, the proceeds would be subject to the restrictions on the eligible use of payments from the Fund provided by section 601(d) of the Social Security Act.

6. *Are Fund payments to State, territorial, local, and tribal governments considered grants?*

No. Fund payments made by Treasury to State, territorial, local, and Tribal governments are not considered to be grants but are "other financial assistance" under 2 C.F.R. § 200.40.

7. *Are Fund payments considered federal financial assistance for purposes of the Single Audit Act?*

Yes, Fund payments are considered to be federal financial assistance subject to the Single Audit Act (31 U.S.C. §§ 7501-7507) and the related provisions of the Uniform Guidance, 2 C.F.R. § 200.303 regarding internal controls, §§ 200.330 through 200.332 regarding subrecipient monitoring and management, and subpart F regarding audit requirements.

8. *Are Fund payments subject to other requirements of the Uniform Guidance?*

Fund payments are subject to the following requirements in the Uniform Guidance (2 C.F.R. Part 200): 2 C.F.R. § 200.303 regarding internal controls, 2 C.F.R. §§ 200.330 through 200.332 regarding subrecipient monitoring and management, and subpart F regarding audit requirements.

9. *Is there a Catalog of Federal Domestic Assistance (CFDA) number assigned to the Fund?*

Yes. The CFDA number assigned to the Fund is 21.019.

10. *If a State transfers Fund payments to its political subdivisions, would the transferred funds count toward the subrecipients' total funding received from the federal government for purposes of the Single Audit Act?*

Yes. The Fund payments to subrecipients would count toward the threshold of the Single Audit Act and 2 C.F.R. part 200, subpart F re: audit requirements. Subrecipients are subject to a single audit or program-specific audit pursuant to 2 C.F.R. § 200.501(a) when the subrecipients spend \$750,000 or more in federal awards during their fiscal year.

11. *Are recipients permitted to use payments from the Fund to cover the expenses of an audit conducted under the Single Audit Act?*

Yes, such expenses would be eligible expenditures, subject to the limitations set forth in 2 C.F.R. § 200.425.

12. *If a government has transferred funds to another entity, from which entity would the Treasury Department seek to recoup the funds if they have not been used in a manner consistent with section 601(d) of the Social Security Act?*

The Treasury Department would seek to recoup the funds from the government that received the payment directly from the Treasury Department. State, territorial, local, and Tribal governments receiving funds from Treasury should ensure that funds transferred to other entities, whether pursuant to a grant program or otherwise, are used in accordance with section 601(d) of the Social Security Act as implemented in the Guidance.

SEC. 11.90.

(a) It is the intent of the Legislature in enacting this section to provide flexibility for administrative approval of augmentations for the expenditure of \$9,525,564,744 in federal funds allocated from the Coronavirus Relief Fund in the Coronavirus Aid, Relief, and Economic Security (CARES) Act (P.L. 116-136) that address urgent need in support of the state's response to the COVID-19 public health emergency, subject to the requirements of this section. Except as provided in this section, proposals for expenditure of these funds shall be considered in the annual State Budget or other state legislation. Section 28.00 does not apply to the funds described in this section.

(b) The Director of Finance may allocate the federal funds described in subdivision (a) to support activities and expenses that promote public health and safety in response to the COVID-19 public health emergency, including, but not limited to, any of the following:

(1) State and local public safety, including implementation of social distancing guidelines in public facilities.

(2) State and local public health, including testing and contact tracing.

(3) Services for vulnerable populations, including increased caseload.

(4) K-12 learning loss mitigation.

(5) County public health, behavioral health, and health and human services.

(6) Other items permitted pursuant to guidance provided by the United States Treasury Department, including answers to Frequently Asked Questions, as allowable expenditures that support the state's COVID-19 response.

(c) Funds may be allocated to offset or reduce General Fund appropriations in the 2019–20 and 2020–21 fiscal years that were made to support the COVID-19 response between March 1, 2020, and December 30, 2020. If no item for a department currently exists to allow for adjustments for the allocation, then an item may be created for this purpose.

(d) Notwithstanding subdivisions (b) and (c), of the funds described in subdivision (a), the Director of Finance shall allocate \$2,339,065,000 for the following purposes:

(1) (A) \$550,000,000 through the Department of Housing and Community Development to support housing for individuals and families who are experiencing homelessness or who are at risk of homelessness due to the COVID-19 pandemic.

(2) \$500,000,000 directly to cities, to be used toward homelessness, public health, public safety, and other services to combat the COVID-19 pandemic. These funds shall be allocated in the following manner:

(A) \$225,000,000 directly to cities with a population of 300,000 or greater that did not receive a direct allocation from the federal CARES Act (P.L. 116-136). These funds shall be allocated based on the share of each city's population relative to the total population of the cities described in this subparagraph.

(B) \$275,000,000 to cities with a population of less than 300,000. These funds shall be allocated based on the share of each city's population relative to the total population of the cities described in this subparagraph. A city receiving funding pursuant to this subparagraph shall not receive less than \$50,000.

(3) \$1,289,065,000 to counties, to be used toward homelessness, public health, public safety, and other services to combat the COVID-19 pandemic. These funds shall be allocated based on the share of each county's population relative to the total population of the state, taking into account prior direct allocation of funding from the federal CARES Act (P.L. 116-136).

(e) If funds described in subdivision (a) are not spent by September 1, 2020, the Director of Finance may reallocate those funds to any item of appropriation for other allowable activities. Changes to these allocations may be authorized not sooner than 10 days after notification in writing to the Joint Legislative Budget Committee of the changes to the planned expenditures. The Chairperson of the Joint Legislative Budget Committee, or the chairperson's designee, may shorten the 10-day period by written notification to the director.

(f) Funding to local governments pursuant to this section is contingent on the local jurisdiction's adherence to federal guidance and the state's stay-at-home-requirements and other health requirements as directed in gubernatorial Executive Order N-33-20, subsequent executive orders or statutes, and all State Department of Public Health orders, directives, and guidance issued in response to the COVID-19 public health emergency. Local governments shall certify compliance to the Department of Finance. The State Controller shall allocate funding to a local government upon the order of the Director of Finance.

(g) The Director of Finance may authorize the augmentation of the funds available in subdivision (a) for expenditure for any program, project, or function in the schedule of any item of appropriation in this act or any additional program, project, or function equal to the amount of funds the Director of Finance estimates will be received from the federal government between March 1, 2020, and December 30, 2020, provided that the augmentation meets all of the following requirements:

(1) The funds will be expended to address an urgent need in support of the state's response to the COVID-19 public health emergency.

(2) The funds will be expended for a purpose that is consistent with this section and state law.

(3) The funds are made available to the state under conditions permitting the use of the funds only for COVID-19-related response, and the additional expenditure proposed under this section would apply to that specified funding purpose.

(4) Acceptance of the funds does not impose on the state any requirement to commit or expend new state funds for any program or purpose.

(5) The need exists to expend the additional funding before December 30, 2020.

(h) The Director of Finance may reduce any program, project or function in the schedule of any item of appropriation in this act whenever the director determines that funds to be received will be less than the amount taken into consideration in the schedule.

(i) Funds appropriated pursuant to this section shall not be expended prior to 10 days after the Director of Finance notifies the Joint Legislative Budget Committee in writing of the purposes of the planned expenditure and the justification for the amount proposed for expenditure. The Chairperson of the Joint Legislative Budget Committee, or the chairperson's designee, may shorten or waive that 10 day period by written notification to the Director of Finance.