TRACY CITY COUNCIL REGULAR MEETING AGENDA

Tuesday, June 15, 2021, 7:00 P.M.

Tracy City Hall, 333 Civic Center Plaza, Tracy Web Site: www.cityoftracy.org

THIS REGULAR MEETING WILL BE CONDUCTED PURSUANT TO THE PROVISIONS OF THE GOVERNOR'S EXECUTIVE ORDER N-29-20 WHICH SUSPENDS CERTAIN REQUIREMENTS OF THE RALPH M. BROWN ACT

THIS MEETING WILL BE OPEN TO THE PUBLIC FOR IN-PERSON AND REMOTE PARTICIPATION. IN ACCORDANCE WITH THE CALIFORNIA DEPARTMENT OF PUBLIC HEALTH GUIDELINES, MASKS ARE NOT REQUIRED FOR FULLY VACCINATED INDIVIDUALS. MASKS ARE REQUIRED FOR UNVACCINATED INDIVIDUALS IN INDOOR PUBLIC SETTINGS AND BUSINESSES. MEMBERS OF THE PUBLIC MAY PARTICIPATE REMOTELY IN THE MEETING VIA THE FOLLOWING METHOD:

As always, the public may view the City Council meetings live on the City of Tracy's website at www.CityofTracy.org or on Channel 26. To view from the City's website, select "Watch Live Council Meetings" from the drop down menu "Select an Online Service" at the top of the City's homepage. You will be directed to the "Council Meeting Videos" page where you may select the video for the appropriate date under "Upcoming Events."

If you only wish to watch the meeting and do not wish to address the Council, the City requests that you stream the meeting through the City's website or watch on Channel 26.

***Remote Public Comment**:*

During the upcoming City Council meeting public comment will be accepted via the options listed below. If you would like to comment remotely, please follow the protocols below:

- *Comments via:*
  - **Online by visiting** https://cityoftracyevents.webex.com and using the following **Event Number:** 142 887 5812 and **Event Password**: TracyCC
  - ***If you would like to participate in the public comment anonymously***, you may submit your comment in WebEx by typing "Anonymous" when prompted to provide a First and Last Name and inserting Anonymous@example.com when prompted to provide an email address.

- *Protocols for commenting via WebEx:*
  - *If you wish to comment on the "Consent Calendar", "Items from the Audience/Public Comment" or "Regular Agenda" portions of the agenda:*
    - *Listen for the Mayor to open that portion of the agenda for discussion, then raise your hand to speak by clicking on the Hand icon on the Participants panel to the right of your screen.*
    - *If you no longer wish to comment, you may lower your hand by clicking on the Hand icon again.*
  - *Comments for the "Consent Calendar" "Items from the Agenda/Public Comment" or "Regular Agenda" portions of the agenda will be accepted until the public comment for that item is closed.*

Date Posted: June 10, 2021

- *The total allotted time for public comment will be as follows:*
  - *Consent Calendar:* ***10 minutes***
  - *Items from the Audience:* ***15 minutes***
  - *Regular Items:* ***10 minutes***

Comments received on Webex outside of the comment periods outlined above will not be included in the record.

Americans With Disabilities Act - The City of Tracy complies with the Americans with Disabilities Act and makes all reasonable accommodations for the disabled to participate in Council meetings. Persons requiring assistance or auxiliary aids should call City Hall (209/831-6105) 24 hours prior to the meeting.

Addressing the Council on Items on the Agenda - The Brown Act provides that every regular Council meeting shall provide an opportunity for the public to address the Council on any item within its jurisdiction before or during the Council's consideration of the item, provided no action shall be taken on any item not on the agenda. To facilitate the orderly process of public comment and to assist the Council to conduct its business as efficiently as possible, members of the public wishing to address the Council are requested to, but not required to, hand a speaker card, which includes the speaker's name or other identifying designation and address to the City Clerk prior to the agenda item being called. Generally, once the City Council begins its consideration of an item, no more speaker cards will be accepted. An individual's failure to present a speaker card or state their name shall not preclude the individual from addressing the Council. Each citizen will be allowed a maximum of five minutes for input or testimony. In the event there are 15 or more individuals wishing to speak regarding any agenda item including the "Items from the Audience/Public Comment" portion of the agenda and regular items, the maximum amount of time allowed per speaker will be three minutes. When speaking under a specific agenda item, each speaker should avoid repetition of the remarks of the prior speakers. To promote time efficiency and an orderly meeting, the Presiding Officer may request that a spokesperson be designated to represent similar views. A designated spokesperson shall have 10 minutes to speak. At the Presiding Officer's discretion, additional time may be granted. The City Clerk shall be the timekeeper.

Consent Calendar - All items listed on the Consent Calendar are considered routine and/or consistent with previous City Council direction. One motion, a second, and a roll call vote may enact the items listed on the Consent Calendar. No separate discussion of Consent Calendar items shall take place unless a member of the City Council, City staff or the public request discussion on a specific item.

Addressing the Council on Items not on the Agenda – The Brown Act prohibits discussion or action on items not on the posted agenda. The City Council's Meeting Protocols and Rules of Procedure provide that in the interest of allowing Council to have adequate time to address the agendized items of business, "Items from the Audience/Public Comment" following the Consent Calendar will be limited to 15-minutes maximum period. "Items from the Audience/Public Comment" listed near the end of the agenda will not have a maximum time limit. A five-minute maximum time limit per speaker will apply to all individuals speaking during "Items from the Audience/Public Comment". For non-agendized items, Council Members may briefly respond to statements made or questions posed by individuals during public comment; ask questions for clarification; direct the individual to the appropriate staff member; or request that the matter be placed on a future agenda or that staff provide additional information to Council. When members of the public address the Council, they should be as specific as possible about their concerns. If several members of the public comment on the same issue an effort should be made to avoid repetition of views already expressed.

Notice - A 90 day limit is set by law for filing challenges in the Superior Court to certain City administrative decisions and orders when those decisions or orders require: (1) a hearing by law, (2) the receipt of evidence, and (3) the exercise of discretion. The 90 day limit begins on the date the decision is final (Code of Civil Procedure Section 1094.6). Further, if you challenge a City Council action in court, you may be limited, by California law, including but not limited to Government Code Section 65009, to raising only those issues you or someone else raised during the public hearing, or raised in written correspondence delivered to the City Council prior to or at the public hearing.

Full copies of the agenda are available on the City's website: *www.cityoftracy.org*

CALL TO ORDER
PLEDGE OF ALLEGIANCE
INVOCATION
ROLL CALL
ANNOUNCEMENTS

1. CONSENT CALENDAR

1.A. ADOPTION OF JUNE 1, 2021, CLOSED SESSION, SPECIAL MEETING AND REGULAR MEETING MINUTES

1.B. ADOPT THE LIST OF PROPOSED PROJECTS FOR FISCAL YEAR 2021-2022 FUNDED BY SB 1: THE ROAD REPAIR AND ACCOUNTABILITY ACT OF 2017

1.C. APPROVE RESOLUTIONS: (1) INITIATING PROCEEDINGS FOR THE ANNUAL LEVY OF ASSESSMENTS FOR TRACY CONSOLIDATED LANDSCAPE MAINTENANCE DISTRICT FOR 2021/2022, (2) APPROVING THE PRELIMINARY ENGINEER'S REPORT FOR THE TRACY CONSOLIDATED LANDSCAPE MAINTENANCE DISTRICT, AND (3) DECLARING THE INTENTION TO LEVY ANNUAL ASSESSMENTS AND SETTING THE DATE FOR A PUBLIC HEARING

1.D. APPROVE CLAIM TO BE SUBMITTED TO THE STATE OF CALIFORNIA, THROUGH THE SAN JOAQUIN COUNCIL OF GOVERNMENTS (SJCOG), FOR TRANSPORTATION DEVELOPMENT ACT FUNDS IN THE AMOUNT OF $1,950,066 FOR FISCAL YEAR 2020-2021

1.E. APPROVE AMENDMENT NO. 1 TO THE PROFESSIONAL SERVICES AGREEMENT BETWEEN THE CITY OF TRACY AND VERDE DESIGN, INC. TO COMPLETE DESIGN OF LEGACY FIELDS SPORTS COMPLEX PHASE 1E, INCREASING THE NOT TO EXCEED AMOUNT BY $622,373 FOR A TOTAL NOT TO EXCEED AMOUNT OF $1,803,286

1.F. WAIVE SECOND READING AND ADOPT ORDINANCE 1309, AN ORDINANCE OF THE CITY OF TRACY AMENDING SECTION 10.08.2930 OF THE TRACY MUNICIPAL CODE REGARDING THE MINIMUM LOT FRONTAGE REQUIREMENT IN THE HIGHWAY SERVICE ZONE

1.G. WAIVE SECOND READING AND ADOPT ORDINANCE 1310, AN ORDINANCE OF THE CITY OF TRACY AMENDING CHAPTER 7.16 "PARKS AND COMMUNITY SERVICES COMMISSION" OF THE TRACY MUNICIPAL CODE TO CHANGE THE MAKEUP OF THE PARKS AND COMMUNITY SERVICES COMMISSION FROM SEVEN TO FIVE MEMBERS

1.H. AUTHORIZE THE CITY OF TRACY TO ENTER INTO A GENERAL SERVICES AGREEMENT FROM JULY 1, 2021 TO JUNE 30, 2026 WITH MOTOROLA SOLUTIONS, INC. FOR LIFECYCLE SUSTAINMENT SERVICES FOR THE POLICE RADIO COMMUNICATIONS TOWER EQUIPMENT WITH A NOT TO EXCEED AMOUNT OF $302,387

1.I. APPROVE ACCEPTANCE OF AN ECONOMIC DEVELOPMENT ADMINISTRATION GRANT AWARD AFTER-THE-FACT AND FURTHER AUTHORIZE CITY MANAGER TO EXECUTE ALL GRANT-RELATED DOCUMENTS AND AGREEMENTS

1.J. AUTHORIZE STAFF TO SUBMIT CURRENT AND FUTURE APPLICATIONS FOR "REBUILDING AMERICAN INFRASTRUCTURE WITH SUSTAINABILITY AND EQUITY," A COMPETITIVE GRANT PROGRAM FOR THE I-580/INTERNATIONAL PARKWAY INTERCHANGE PROJECT, FUNDED BY REGIONAL AND CITY FUNDS, DEVELOPER FEES AND TRADE CORRIDOR GRANT FUNDS, AND FURTHER AUTHORIZE THE CITY MANAGER TO EXECUTE ALL GRANT-RELATED DOCUMENTS AND AGREEMENTS

1.K. AUTHORIZE THE SUBMISSION AND RECEIVE THE SAN JOAQUIN COUNCIL OF GOVERNMENTS REGIONAL EARLY ACTION PLANNING (REAP) GRANT FUNDS

1.L. APPROVE THE COMMITTED FUND BALANCES FOR FISCAL YEAR ENDING JUNE 30, 2021

1.M. ADOPTION OF ANNUAL ADJUSTMENT TO APPROPRIATIONS LIMIT (GANN LIMIT) PURSUANT TO ARTICLE XIIIB OF THE CALIFORNIA STATE CONSTITUTION ESTABLISHING THE LIMIT FOR FISCAL YEAR 2021-22

2. ITEMS FROM THE AUDIENCE

3. REGULAR AGENDA

3.A. DISCUSS CITY'S RESPONSE TO COVID-19 (VERBAL REPORT)

3.B. CONTINUATION OF PUBLIC HEARING AND APPROVAL OF THE 2020 URBAN WATER MANAGEMENT PLAN INCLUDING THE WATER SHORTAGE CONTINGENCY PLAN

3.C. PUBLIC HEARING TO INTRODUCE AN ORDINANCE APPROVING AN AMENDMENT TO THE CORDES RANCH SPECIFIC PLAN REGARDING MOBILE FOOD VENDORS, PARK USES, MAXIMUM FLOOR AREA RATIO FOR HOTELS, AND SIGNS

3.D. PUBLIC HEARING TO CONSIDER APPROVING THE TRACY HILLS 35-ACRE ANNEXATION PROJECT, WHICH INCLUDES APPROVING A GENERAL PLAN AMENDMENT, INTRODUCING AN ORDINANCE APPROVING A TRACY HILLS SPECIFIC PLAN AMENDMENT, AND APPROVING THE PRE-ZONING AND ANNEXATION TO THE CITY OF TRACY OF APPROXIMATELY 35 ACRES LOCATED SOUTH OF I-580 IN THE VICINITY OF CORRAL HOLLOW ROAD, ASSESSOR'S PARCEL NUMBERS 253-030-13 AND 253-040-10

3.E. ACCEPT UPDATE AND RESPONSE TO MARCH 2, 2021 COUNCIL QUESTIONS REGARDING THE SOUTH SAN JOAQUIN COUNTY FIRE AUTHORITY (SSJCFA) PHASE 2 PERSONNEL TRANSITION PLAN FISCAL IMPACT ANALYSIS REPORT AND PROVIDE DIRECTION TO STAFF

3.F. APPROVE THE SOUTH SAN JOAQUIN COUNTY FIRE AUTHORITY PERSONNEL TRANSITION PLAN

3.G. TAKE ACTION, BY RESOLUTION, TO AUTHORIZE AMENDING THE POSITION CONTROL ROSTER TO EXTEND THE END DATE OF THE LIMITED-TERM DIVISION CHIEF POSITION FOR A SIX-MONTH PERIOD, ENDING ON DECEMBER 31, 2021

4. ITEMS FROM THE AUDIENCE

5. STAFF ITEMS

6. COUNCIL ITEMS AND COMMENTS

7. ADJOURNMENT

TRACY CITY COUNCIL - SPECIAL MEETING MINUTES

June 1, 2021, 4:15 p.m.

Tracy City Hall, 333 Civic Center Plaza, Tracy

1. CALL TO ORDER – Mayor Young called the meeting to order at 4:15 p.m. for the purpose of a closed session to discuss the items outlined below.

2. ROLL CALL – Roll call found Council Members Bedolla, Davis, and Mayor Young present.

   Council Member Arriola arrive at 4:16 p.m. and Mayor Pro Tem Vargas arrived at 4:19 p.m.

3. ITEMS FROM THE AUDIENCE – There was no public comment.

4. CLOSED SESSION

   a. Conference with Labor Negotiators (Gov. Code § 54957.6)

      - City Negotiators:
        Jenny Haruyama, City Manager
        Kimberly Murdaugh, Human Resources Director
        Karin Schnaider, Finance Director
        Leticia Ramirez, City Attorney
        Tim Davis, Special Counsel
        Andy Nickerson, Consultant

      - Employee Organizations:
        General Teamsters Local No. 439, IBT
        South County Fire Chief Officer's Association
        Tracy Fire Fighters Association
        Tracy Mid Managers Bargaining Unit
        Tracy Police Management Association
        Tracy Police Officers' Association
        Tracy Technical and Support Services Employee Association

   b. Conference with Legal Counsel – Existing Litigation (Gov. Code § 54956.9(d)(1))

      - *City of Tracy v. BBS Adventures, LLC* (San Joaquin County Superior Court Case No. STK-CV-URP-2018-0009827)

   There was no public comment.

5. RECESS TO CLOSED SESSION **-** Motion was made by Council Member Davis and seconded by Council Member Arriola to recess the meeting to closed session at 4:20 p.m.

6. RECONVENE TO OPEN SESSION – The meeting reconvened to open session at 5:35 p.m.

7. REPORT OF FINAL ACTION – None.

8. COUNCIL ITEMS AND COMMENTS – None.

9. ADJOURNMENT – Time: 5:36 p.m.

ACTION: Motion was made by Mayor Pro Tem Vargas and seconded by Council Member Davis to adjourn. Roll call found all in favor; passed and so ordered.

The agenda was posted at City Hall on May 27, 2021. The above are action minutes.

_____
Mayor

ATTEST:

_____
City Clerk

TRACY CITY COUNCIL SPECIAL MEETING MINUTES

June 1, 2021, 5:30 p.m.

Tracy City Hall, 333 Civic Center Plaza, Tracy *Web Site:* www.ci.tracy.ca.us

Due to the COVID-19 emergency, the special meeting was conducted pursuant to the provisions of the Governor's Executive Order N-29-20 which suspends certain requirements of the Ralph M. Brown Act. Residents participated remotely via WebEx during the meeting.

1. Mayor Young called the meeting to order at 5:36 p.m.

2. Roll call found Council Members Arriola, Bedolla, Davis, Mayor Pro Tem Vargas, and Mayor Young present.

3. ITEMS FROM THE AUDIENCE – None.

4. REVIEW, AFFIRM, AND PRIORITIZE AFFORDABLE/WORKFORCE HOUSING IMPLEMENTATION TASKS, DISCUSS INCLUSIONARY HOUSING POLICIES, AND PROVIDE DIRECTION TO STAFF

   Alan Bell, Senior Planner, provided the staff report.

   David Early, Senior Advisor, PlaceWorks Inc., provided the presentation and answered questions.

   Dale Cose shared his concerns regarding lack of affordable housing and suggested Valley Link be a priority as it is key to Bowtie Area redevelopment, drive down impact fees, and revamp building and fire departments approval times.

   Mary Mitracos asked about housing trust fund and spoke about a program that is working well for low-income and moderately low-income people in San Francisco, and asked where seed money might come other than the City.

   John Beckman, CEO BIA spoke about a Supreme Court case between the BIA and the City of San Jose, provided Council with a law review article, which included constitutional implications of inclusionary zoning, and suggested an inclusionary ordinance at this point would not give the benefits that the City desires.

   Robert Tanner asked Council what they consider as workforce or affordable housing price and rental range, and shared his concerns regarding affordable housing.

   Alice English shared her concerns regarding changing RGA's requirements, adding designating a portion of RGA's to deed restriction affordable and affordable by design will help Tracy.

   Bobby Varety stated he would like to see focus on density and sustainability, proposals are step in the right direction.

William Muetzenberg stated a demographic that is overlooked is graduates from college who are unable to afford a home. Need to look at how to incentivize split lots, incentivize duplexes in existing properties as well as further ADU production.

John Palmer stated the study done in 2019 was prepared on a framework, focus and policy direction from staff that has changed, and added if Council decides to look at inclusionary housing, to allow sufficient community and developer input.

Dan Evans proposed Council stay with State requirements, and shared his concerns regarding Council wanting to overturn Tracy's slow growth initiative.

Council Member Arriola and Mayor Pro Tem Vargas objected to the commentary made by Mr. Evans.

City Council comments and questions followed.

Council Member Bedolla requested consensus to remove task #12 from the work plan and add two priority tasks: 1) Evaluate lowering development impact fees on affordable and below market rate projects including setting charges on the square footage of a project. 2) Evaluate inclusionary policies and in lieu fee programs. Mayor Pro Tem Vargas supported two items but did not want to take anything out of the work plan.

Council Member Bedolla clarified evaluating development impact fees and inclusionary housing is currently not on the work plan, and was hoping to add to the study. Mayor Young supported to add to the study, but would not remove item 12.

City Council comments and questions continued.

Mayor Pro Tem Vargas requested looking into making a building of 20 units be one RGA instead of 20 RGA's. Mayor Young wanted to make sure that was included and asked if that was something that would have to go to the voters or under the purview of the Council.

Council Member Arriola asked for a slide to be included in every affordable presentation to show the public that the number has been established. Mayor Young also requested adding to the slide the translation of income to house price affordability.

Jenny Haruyama, City Manager clarified Council consensus about looking at the GMO being surgical and wanting to find the path forward for those options, interest in inclusionary housing whether it is a percentage or in lieu fee and looking at potential reduction with development impact fee.

Mr. Early summarized Council's guidance: Not to remove #12, maintain the list of 12 items and move them all forward, add inclusionary program, add lowering of fees, add a brief discussion of feasibility of housing trust fund, and as a part of that inclusionary study to give more examples of other communities and a summary of how many programs there are overall in the region and the state.

Mayor Young requested to include the current development community in the conversations and dialogue because they will be affected by this especially if there is something that is mandated.

Council Member Bedolla asked for consensus on prioritization: If there is a chance to prioritize the tasks, would be in favor of prioritizing zoning by right in commercial zones, evaluating lowering development impact fees, inclusionary housing and in lieu fees program, and trust fund for housing. Mayor Pro Tem Vargas supported the prioritization.

Council Member Davis stated she was open to all but Measure A as it was a mandate by voters and not Council so opposed to taxpayers money on trying to prepare a ballot initiative, but open to everything else.

Mr. Early added the current plan is to do all items under single CEQA document.

Ms. Haruyama responded staff will continue to move the process forward, and will update Council via e-memos. If there is a sense that we need to bifurcate them and separate them we will work with the consultant off line. There is a CEQA and environmental process that goes with this. Ms. Haruyama stated she was concerned about bringing too much information to Council all at one time.

Council Member Bedolla asked if there were three Council Members that supported prioritizing the work plan tasks that were mentioned. Mayor Pro Tem Vargas withdrew her support to allow staff to bring back in bite sizes.

City Council questions continued.

5. COUNCIL ITEMS AND COMMENTS - None

6. ADJOURNMENT: Time: 7:22 P.M.

ACTION: Motion made by Mayor Pro Tem Vargas and seconded by Council Member Davis to adjourn closed session. Roll call found all in favor; passed and so ordered.

The above agenda was posted at the Tracy City Hall on May 27, 2021. The above are action minutes. A recording is available at the office of the City Clerk.

_____
Mayor

ATTEST:

_____
City Clerk

TRACY CITY COUNCIL REGULAR MEETING MINUTES

June 1, 2021, 7:00 p.m.

City Hall, 333 Civic Center Plaza, Tracy *Web Site:* www.ci.tracy.ca.us

Due to the COVID-19 emergency, the regular meeting was conducted pursuant to the provisions of the Governor's Executive Order N-29-20, which suspends certain requirements of the Ralph M. Brown Act. Residents participated remotely via WebEx during the meeting.

Mayor Young called the meeting to order at 7:31 p.m.

Mayor Young led the Pledge of Allegiance.

Imaam Lateef ur Rahman, Islamic Society of Tracy provided the invocation.

Roll call found Council Members Arriola, Bedolla, Davis, Mayor Pro Tem Vargas, and Mayor Young present.

Mayor Young announced the following Proclamation: Memorial Day, May 31, 2021.

1. CONSENT CALENDAR – Motion was made by Council Member Arriola and seconded by Mayor Pro Tem Vargas to adopt the Consent Calendar. Roll call vote found all in favor; passed and so ordered.

   1.A ADOPTION OF MAY 18, 2021, REGULAR MEETING MINUTES – **Minutes were adopted**

   1.B AUTHORIZE APPLICATION(S) FOR THE PROPOSITION 68: PER CAPITA GRANT PROGRAM AND AUTHORIZE THE CITY MANAGER, OR DESIGNEE, TO EXECUTE CONTRACTS TO ACCEPT THE PER CAPITA GRANT FUNDS **– Resolution 2021-063** authorized application(s) for the Proposition 68: Per Capita Grant Program.

   1.C APPROVE THE MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF TRACY AND TRACY CITY CENTER ASSOCIATION **– Resolution 2021-064** approved the Memorandum of Understanding with Tracy City Center Association.

   1.D AUTHORIZE THE SUBMISSION OF A UNITED STATES DEPARTMENT OF JUSTICE'S COMMUNITY ORIENTED POLICING SERVICES (COPS) GRANT APPLICATION FOR THE PROJECTED AMOUNT OF $125,000 FOR MENTAL HEALTH, WELLNESS, AND PEER SUPPORT RELATED TRAINING, SERVICES, EQUIPMENT, AND TECHNOLOGY FOR LAW ENFORCEMENT AND AUTHORIZE THE CITY MANAGER TO ACCEPT THE $125,000, IF AWARDED – **Resolution 2021-065** authorized the submission of the United States Department of Justice's Community Oriented Policing Services (COPS) Grant Application.

   1.E WAIVE SECOND READING AND ADOPT ORDINANCE 1308, AN ORDINANCE OF THE CITY OF TRACY AMENDING CHAPTER 5.08 "ANIMALS" OF TITLE 5

"SANITATION AND HEALTH" OF THE TRACY MUNICIPAL CODE TO ADHERE TO CURRENT STANDARDS OF ANIMAL CARE AND PRACTICES AND ESTABLISH NEW OPERATIONAL ADMINISTRATIVE PRACTICES AND PERMITTING REQUIREMENTS **- Ordinance 1308 was adopted**

1.F. APPROVE THE FINAL SUBDIVISION MAP AND SUBDIVISION IMPROVEMENT AGREEMENT FOR WEST PARKWAY VILLAGE – PHASE 1 TRACT NO. 3966, AND AUTHORIZE THE CITY CLERK TO FILE THE SUBDIVISION IMPROVEMENT AGREEMENT WITH OFFICE OF THE SAN JOAQUIN COUNTY RECORDER **– Resolutions 2021-066** approved the Final Subdivision Map and Subdivision Improvement Agreement for West Parkway Village – Phase 1 Tract No. 3966.

1.G APPROVE AMENDMENT NO.1 TO THE PROFESSIONAL SERVICES AGREEMENT WITH FCGA ARCHITECTURE, INC. FOR THE TRACY TRANSIT CENTER RENOVATION, CIP NO. 77584, FOR A TOTAL NOT-TO-EXCEED AMOUNT OF $111,320– **Resolution 2021-067** approved Amendment No. 1 to the Professional Services Agreement with FCGA Architecture, Inc.

1.H APPROVE THE FINAL SUBDIVISION MAP AND SUBDIVISION IMPROVEMENT AGREEMENT FOR ELLIS PHASE 3, TRACT 4007, AND AUTHORIZE THE CITY CLERK TO FILE THE SUBDIVISION IMPROVEMENT AGREEMENT WITH OFFICE OF THE SAN JOAQUIN COUNTY RECORDER– **Resolution 2021-068** approved the Final Subdivision Map and Subdivision Improvement Agreement for Ellis Phase 3, Tract 4007.

2. ITEMS FROM THE AUDIENCE – Robert Tanner stated all fireworks should be illegal. Mr. Tanner shared his concerns regarding Council Member Bedolla's intent to run for State Assembly.

3. REGULAR AGENDA

3.A PUBLIC HEARING AND APPROVAL OF THE 2020 URBAN WATER MANAGEMENT PLAN INCLUDING THE WATER SHORTAGE CONTINGENCY PLAN

Mayor Young opened the public hearing

The item was continued to June 15, 2021.

Mayor Young closed the public hearing.

DEVIATION

3.C DISCUSS AND PROVIDE DIRECTION ON 2021 NATIONAL COMMUNITY SURVEY™

Vanessa Carrera, Assistant to the City Manager provided the staff report. There was no public comment.

Damema Mann, Director of National Engagement at Polco responded to Council questions.

Council Member Arriola's proposed survey question topics: Transit Oriented Development (TOD) – location and component, Valley Link, Funding Priorities. Benchmark Comparison: Greater Bay Area Mega Region

Council Member Davis proposed survey question topics: Infrastructure, would support Valley Link and TOD conversation, spending priorities, local job market, and public safety.

Council Member Bedolla's proposed survey question topics: Valley Link, homelessness, housing, infrastructure (pavement rehabilitation, hospital). Benchmark Comparison: West Coast Regional

Mayor Pro Tem Vargas's proposed survey question topics: Infrastructure, (Valley Link in infrastructure question), TOD (location and components), larger hospital.

Mayor Young's proposed survey question topics: Funding priorities, infrastructure including Valley Link, roads, traffic, COVID-19, Economic Development (spending habits). Funding options could include closing fiscal gaps for businesses, housing down payment assistance programs, mental health services, and recreation.

Council Member Arriola agreed with Mayor Young on her recommendation on the funding priorities question to include general government services and COVID-19 recovery, as well as other topics that could produce a stronger data set.

Council Member Davis also agreed with Mayor Young to add additional categories within the funding priorities question to include down payment assistance programs.

It was Council's consensus to incorporate the following question categories in the 2021 National Community Survey for Tracy: Funding Priorities (general governmental services listed as well as some unique questions related to COVID recovery, housing or down payment assistance and perhaps mental health), Infrastructure, TOD (location and components). If the City is able to accommodate three questions (as space is limited on the survey), TOD components were preferred. If able to fit four questions, include preferred TOD location.

3.B PUBLIC HEARING TO INTRODUCE AN ORDINANCE AMENDING TRACY MUNICIPAL CODE SECTION 10.08.2930 REGARDING THE MINIMUM LOT FRONTAGE REQUIREMENT IN THE HIGHWAY SERVICE ZONE

Scott Claar, Senior Planner, provided the staff report.

Mayor Young opened the public hearing.

There was no public comment.

Mayor Young closed the public hearing.

City Council questions and comments followed.

William Dean, Assistant Development Services Director responded to Council questions.

Adrianne Richardson, City Clerk read the title of the proposed ordinance.

ACTION: Motion was made by Council Member Bedolla and seconded by Council Member Arriola to waive the reading of the full text and introduce **Ordinance 1309** an ordinance amending Tracy Municipal Code Sections 10.08.2930 regarding the minimum lot frontage requirement in the Highway Service Zone. Roll call vote found Council Members Arriola, Bedolla and Mayor Young in favor; passed and so ordered. Council Member Davis and Mayor Pro Tem Vargas opposed.

3.D INTRODUCE AN ORDINANCE OF THE CITY OF TRACY AMENDING CHAPTER 7.16 "PARKS AND COMMUNITY SERVICES COMMISSION" OF TITLE 7 "PUBLIC WORKS" OF THE TRACY MUNICIPAL CODE TO CHANGE THE MAKEUP OF THE PARKS AND COMMUNITY SERVICES COMMISSION FROM SEVEN TO FIVE MEMBERS; ADOPT A RESOLUTION AMENDING THE PARKS AND COMMUNITY SERVICES COMMISSION, TRANSPORTATION ADVISORY COMMISSION, AND TRACY ARTS COMMISSION BYLAWS TO CHANGE THE MAKEUP OF THE COMMISSIONS FROM SEVEN TO FIVE MEMBERS, AND ADDING THE REQUIREMENT FOR THE PLANNING COMMISSION, TRACY ARTS COMMISSION, AND YOUTH ADVISORY COMMISSION TO REPORT TO THE CITY COUNCIL ANNUALLY

Vanessa Carrera, Assistant to the City Manager, provided the staff report.

Mary Mitracos requested the School Board member seat be removed from the Parks and Community Services Commission, provided a history of how the school board seat came about, and asked to change the application process.

Conrad Levoitt read from the minutes of February 2020 regarding a Parks and Community Services Commission recruitment and asked why he was not contacted from the eligibility list to fill vacancies that occurred in the fall of 2020. Mr. Levoitt asked Council what value they have in the community serving on these commissions, and in the commissioners that serve on the commission.

City Council questions and comments followed.

Adrianne Richardson, City Clerk responded to questions regarding the eligibility list process.

Mayor Young suggested having a joint meeting annually with the Planning Commission and requested Council reconsider changing the Parks and Community Services Commission from five back to seven member, and have discussion regarding the Tracy Unified School District commission member.

Council Member Arriola preferred to have five members for consistency purposes and in regards to the TUSD position on the board, would prefer to get input from the School Board on that and did not want to proceed at this time. Council Member Davis and Mayor Pro Tem Vargas preferred to keep the Parks and Community Services Commission at five members for consistency.

Mayor Pro Tem Vargas supported having an annual joint Planning Commission meeting.

ACTION: Motion was made by Council Member Arriola and seconded by Mayor Pro Tem Vargas to waive the reading of the full text and introduce **Ordinance 1310** an ordinance amending Chapter 7.16 "Parks and Community Services Commission" of the Tracy Municipal Code to change the makeup of the Parks and Community Services Commission from seven to five members. Roll call vote found all in favor; passed and so ordered.

ACTION: Motion was made by Council Member Arriola and seconded by Mayor Pro Tem Vargas to adopt **Resolution 2021-069** amending the Parks and Community Services, Transportation Advisory, and Tracy Arts Commission bylaws to change the makeup of the commissions from seven to five members and adding the requirement for the Planning Commission and Youth Advisory Commission to report to the City Council annually. Roll call vote found all in favor; passed and so ordered.

4. ITEMS FROM THE AUDIENCE – None

5. STAFF ITEMS – Jenny Haruyama, City Manager provided an update on the following actions taken by the City Manager during the COVID emergency.

    - Accepted Offsite Improvements for an interim traffic signal located on Grant Line and Lammers Roads, authorized the City Clerk to file Notice of Completion, and authorized the City Engineer to Release the Performance and Payment Bonds.

    Ms. Haruyama also announced she will be leaving the City of Tracy to work out of state.

6. COUNCIL ITEMS – Mayor Pro Tem Vargas shared appreciation for Jenny Haruyama's accomplishments. Mayor Pro Tem Vargas announced the following: Mayor's Ball has moved to September 11, 2021 to allow the Grand Foundation to have the Dancing with the Stars competition on September 25, 2021. Mayor Pro Tem Vargas clarified her previous request to add two additional cannabis permits, stating the request is not to change what has been implemented in the processes, it is to continue the same application process but instead of having social equity being the key component of how we select the licenses, is to have the new licenses be a merit based instead of social equity based. Ms. Haruyama stated the item will return to Council within the next six months. Mayor Pro Tem Vargas responded the process is not changing, simply opening for applicants for two new licenses, and wants the process restarted. Mayor Young supported the request.

Council Member Davis shared her appreciation for Jenny Haruyama. Council Member Davis congratulated the Graduating Class of 2021, and congratulated her son from graduating high school one year early.

Council Member Bedolla requested support to direct the City to come back with information on the feasibility of establishing an Enhanced Infrastructure Financing District with the County of San Joaquin and neighboring agencies as willing for the purpose of infrastructure and/or affordable housing. Mayor Pro Tem Vargas seconded the request. Council Member Bedolla stated a memo from staff would work with the intent that if it would benefit the City, it will move forward. Ms. Haruyama responded staff would reach out to the County to see what their appetite is regarding the request.

Council Member Bedolla requested support to direct the City to bring back to Council a policy for consideration that requires all residential projects proposing five or more units to provide 30 percent of the units at prices that are below-market rates, or 20 percent of the units at prices that are below-market rates and pay in-lieu fees to build affordable housing in the amount equivalent to providing 30 percent of the units at prices below-market rates. There was no support for the request due to the affordable housing discussion and direction during the special meeting held prior to the regular meeting.

Council Member Bedolla requested support to direct the City to request, in an expeditious manner either independently or collaboratively with other agencies, to renegotiate the appropriate county property tax sharing agreement so a higher percentage of funds is subject to local control for cities to improve services, transportation needs and quality of life of our residents. Council Member Bedolla also requested support to direct the City to require new annexations to have a property tax split, regarding the county's proportion of taxes collected, that better reflects the city's increased burden in providing services. There was no support for the request as it has been addressed previously, and there is a current contract with the County in place.

Council Member Arriola echoed the objections to Jenny's resignation, and congratulated Ms. Haruyama. Council Member Arriola thanked the community members for the LGBT pride flag raising, gave a special shout out to Megan Perry who raised the flag and wished everyone Happy Pride and enjoy the flag during month of June. Pursued

Mayor Young shared her appreciation for Jenny Haruyama and wished her all the best. Mayor Young read a letter from the Westside landowners requesting to reconsider Council's direction to conduct extended public outreach, and consider the preferred land use in June. Mayor Young supported the landowner's request. Mayor Pro Tem Vargas stated she was not able to participate. It was Council's consensus to continue with Council's past direction to conduct outreach in the 90-day period, which would be the last meeting in July.

Mayor Young provided an update on the meetings and events she has attended, and announced the following: Team Tracy address will be on June 3 at 11:00 am on Channel 26 and social media, June 3 at 7:00 p.m. – The Sikh Group are coordinating a prayer for the victims of the tragic VTA losses last week. September 11 is full day of focusing on uniting and Tracy Chamber is spearheading an event called Tracy Connects from 9:00 am to 1:00 p.m. at Lincoln Park to connect our community to resources and programs.

7. ADJOURNMENT – Time: 10:15 p.m.

ACTION: Motion was made by Council Member Davis and seconded by Council Member Arriola to adjourn. Roll call vote found all in favor; passed and so ordered.

The above agenda was posted at the Tracy City Hall on May 27, 2021. The above are action minutes. A recording is available at the office of the City Clerk.

_____
Mayor

ATTEST:

_____
City Clerk

June 15, 2021

AGENDA ITEM 1.B

REQUEST

ADOPT THE LIST OF PROPOSED PROJECTS FOR FISCAL YEAR 2021-2022 FUNDED BY SB 1: THE ROAD REPAIR AND ACCOUNTABILITY ACT OF 2017

EXECUTIVE SUMMARY

City staff is requesting that the City Council adopt the list of proposed projects for Fiscal Year 2021-2022 funded by Senate Bill 1 (SB 1): The Road Repair and Accountability Act of 2017. Once adopted, the list will be submitted to the California Transportation Commission (CTC) for anticipated funding of $1,813,747. This amount is based on revenues that the City anticipates receiving from the Road Maintenance and Rehabilitation Account (RMRA) as part of SB 1.

DISCUSSION

The Road Repair and Accountability Act of 2017 (Act) is a significant new investment in California's transportation system. The Act increases per gallon fuel excise taxes, diesel fuel sales taxes and vehicle registration fees. A portion of this new revenue will be allocated to the Road Maintenance and Rehabilitation Account (RMRA).

The City of Tracy, based on the preliminary projections, will receive $1,813,747 for FY 2021-2022 from the RMRA (Attachment A).

In order to receive said funds, the City of Tracy must adopt, by resolution, a list of projects proposed to receive fiscal year funding from the RMRA, which must include a description and the location of each proposed project, an estimated project start date, an estimated project completion date, and the estimated useful life of the improvement.

The project locations were selected based on the City's Pavement Management System, coordination with the Public Works Division of Streets, Engineering Staff's visual inspection, planned transportation projects, public comment review, and available funds.

The typical effective useful life of a repair and overlay project is 10 years before the pavement condition index (PCI) returns to its pre-overlay level. A microsurface will last roughly 7 years before returning to the original PCI and a road that is slurry sealed will return to its original PCI after about 5 years. The road itself, however, can last 40 years or more.

This list of projects includes newly proposed projects as well as previously proposed and adopted projects that may also utilize fiscal year 2021-2022 RMRA revenues in their delivery (Attachment C). Attachment A includes preliminary RMRA projections for FY 2020-21 and FY 2021-22. Attachment B shows the list of RMRA payments by the State Controller's Office to the City of Tracy for FY 2019-20.

STRATEGIC PLAN

This agenda item supports the City of Tracy's Quality of Life Strategic Priority and specifically implements the following goal:

Goal 1: Advance green and roadway infrastructure projects that improve connectivity, including bike lanes.

FISCAL IMPACT

The approved CIP projects for this effort are CIP 73176, CIP 73178, CIP 73182, CIP 73183, and CIP 73184. A City can carryover unexpended SB 1 RMRA funds to subsequent fiscal years. The expected funding is summarized in the following table:

	Funding Sources				
Project	F242 – Transportation Sales Tax	F245 – Gas Tax	Regional Surface Transportation Program (RSTP)	SB 1 RMRA	Total
CIP 73184 Slurry Seal FY 21-22	$0	$0	$0	$600,000	$600,000
CIP 73183 Pavement Rehabilitation FY 21-22	$540,000	$135,000	$641,698	$1,213,747	$2,530,445
CIP 73182 Slurry Seal FY 20-21	$400,000	$0	$0	$300,000	$700,000
CIP 73178 Pavement Rehabilitation FY 2020-2021	$140,000	$135,000	$1,284,163	$1,452,699	$3,011,862
CIP 73176 Pavement Rehabilitation FY 2019-2020	$540,000	$135,000	$0	$1,500,000	$2,175,000

RECOMMENDATION

Staff recommends that City Council, by resolution, adopt the proposed list of projects for Fiscal Year 2021-2022 funded by SB 1: The Road Repair and Accountability Act of 2017.

Prepared by: Anju Pillai, PE, Senior Civil Engineer
Mark Bretz, Assistant Engineer

Reviewed by: Robert Armijo, PE, City Engineer/Assistant Director Development Services
Karin Schnaider, Finance Director
Andrew Malik, Assistant City Manager

Approved by: Jenny Haruyama, City Manager

ATTACHMENTS

Attachment A – CaliforniaCityFinance.com RMRA Projections for FY 2020-21 and FY 2021-22
Attachment B – State Controller's Office RMRA City FY 2019-20 Payments
Attachment C – Proposed Project List for FY 2021-2022 to be funded by SB 1
Attachment D – SB 1 FY 2021-22 Location Map

ATTACHMENT A

Local Streets and Roads - Projected Revenues

Estimated January 2021

	2020-21			2021-22		
	Hwy Users Tax Account	Road Mntnc Rehab Acct	TOTAL	Hwy Users Tax Account	Road Mntnc Rehab Acct	TOTAL
SAN DIEGO COUNTY						
CARLSBAD	2,685,698	2,056,589	4,742,287	2,955,545	2,252,350	5,207,895
CHULA VISTA	6,305,193	4,843,595	11,148,788	6,940,725	5,304,644	12,245,369
CORONADO	582,193	440,742	1,022,935	640,023	482,695	1,122,719
DEL MAR	108,959	79,432	188,392	119,382	86,993	206,375
EL CAJON	2,461,302	1,883,804	4,345,106	2,708,478	2,063,118	4,771,596
ENCINITAS	1,481,467	1,131,257	2,612,723	1,629,900	1,238,938	2,868,838
ESCONDIDO	3,554,776	2,725,777	6,280,553	3,912,427	2,985,236	6,897,664
IMPERIAL BEACH	646,952	489,836	1,136,789	711,224	536,463	1,247,687
LA MESA	1,421,903	1,085,392	2,507,295	1,564,318	1,188,708	2,753,026
LEMON GROVE	641,390	485,553	1,126,943	705,100	531,772	1,236,872
NATIONAL CITY	1,456,366	1,111,929	2,568,296	1,602,264	1,217,771	2,820,035
OCEANSIDE	4,140,727	3,176,959	7,317,686	4,557,579	3,479,365	8,036,944
POWAY	1,178,548	898,010	2,076,558	1,296,377	983,489	2,279,866
SAN DIEGO	32,948,875	25,351,499	58,300,374	36,275,266	27,764,640	64,039,907
SAN MARCOS	2,292,162	1,755,491	4,047,653	2,522,502	1,922,592	4,445,093
SANTEE	1,366,001	1,042,348	2,408,349	1,502,768	1,141,566	2,644,334
SOLANA BEACH	330,720	248,648	579,368	363,345	272,316	635,662
VISTA	2,378,515	1,820,058	4,198,573	2,617,327	1,993,304	4,610,631
County of San Diego	62,069,339	42,774,115	104,843,454	68,278,488	46,845,668	115,124,156
Total Cities & County: San Diego	128,051,087	93,401,036	221,452,123	140,903,037	102,291,629	243,194,666
SAN FRANCISCO COUNTY						
SAN FRANCISCO - City Allocation	19,361,972	15,773,508	35,135,480	21,338,779	17,274,946	38,613,725
SAN FRANCISCO - County Allocation	12,271,231	8,303,388	20,574,619	13,482,586	9,093,765	22,576,351
Total San Francisco	31,633,203	24,076,896	55,710,099	34,821,365	26,368,711	61,190,076
SAN JOAQUIN COUNTY						
ESCALON	184,813	138,574	323,387	202,838	151,765	354,602
LATHROP	581,459	445,007	1,026,467	639,342	487,366	1,126,708
LODI	1,577,440	1,218,381	2,795,821	1,735,915	1,334,355	3,070,271
MANTECA	1,932,985	1,495,154	3,428,139	2,127,460	1,637,474	3,764,934
RIPON	389,654	296,475	686,129	428,217	324,696	752,913
STOCKTON	7,268,519	5,646,646	12,915,165	8,002,982	6,184,136	14,187,118
TRACY	2,139,746	1,656,107	3,795,853	2,355,157	1,813,747	4,168,904
County of San Joaquin	16,815,889	12,951,196	29,767,085	18,518,534	14,183,985	32,702,519
Total Cities & County: San Joaquin	30,890,505	23,847,541	54,738,046	34,010,445	26,117,523	60,127,968

ATTACHMENT B

State Controller's Office

Year to Date

Road Maintenance and Rehabilitation Account (RMRA) - Cities

Fiscal Year: 2019-2020

City	9/20/2019	10/22/2019	11/22/2019	12/20/2019	1/22/2020	2/21/2020	3/20/2020	4/22/2020	5/22/2020	6/22/2020	7/22/2020	8/21/2020	Year to Date
Tracy City	$145,702.48	$163,693.39	$153,117.83	$130,746.70	$138,583.10	$145,164.73	$127,287.45	$159,980.88	$71,378.11	$126,188.50	$115,725.05	$129,716.01	$1,607,284.23

ATTACHMENT C

Proposed Project List for FY 2021-2022 to be Funded by SB 1

Newly Proposed Projects:

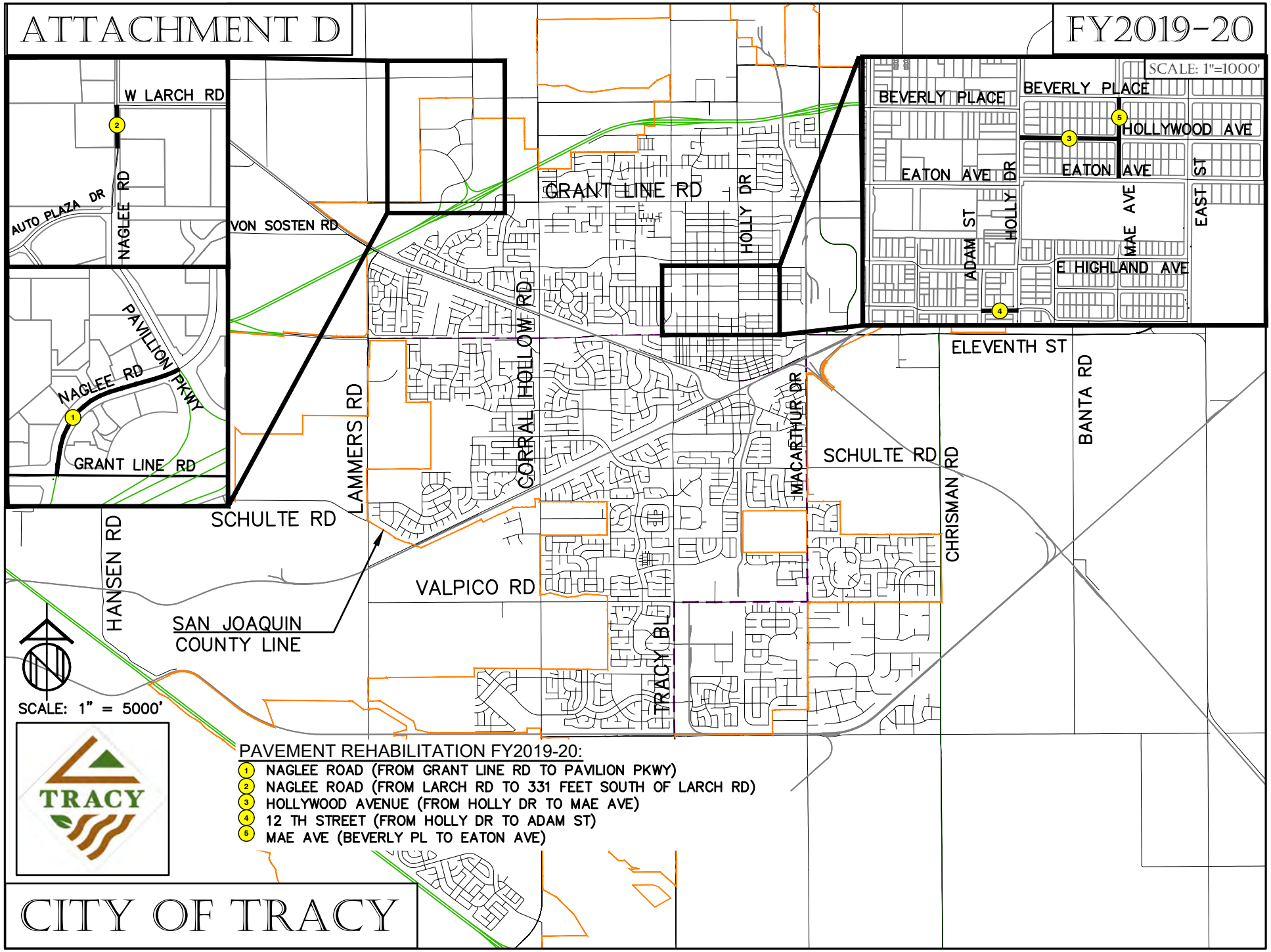
Project Title	Project Description	Project Location	Estimated Project Useful Life	Estimated Project Start Date	Estimated Project Completion Date
Slurry Seal FY 21-22	Slurry seal and paving rehab/repair of about 24.28 lane miles of streets. Slurry seal and paving rehab/repair of about 0.06 bicycle lane miles of streets. The Project includes Pre-Construction and Construction. SB 1 Funds will be used for Pre-Construction and Construction.	Subdivisions of: Sienna Park (Unit 1); Hearthstone (Units 2 and 3); Parkside Estates (Units 1, 2, and 3); Ironwood; Muirfield (Unit 3); Harvest Glen (Units 1 and 2); Victoria Greens (Units 1, 2, and 3). Spot patching only of: Grant Line Road (from Naglee Road to Lammers Road); Valpico Road (from Tracy Boulevard to Pebblebrook Drive); Tracy Boulevard (from Lowell Avenue to 11th Street). All locations are estimates.	5-10 years	July 2021 (Pre-Construction); May 2022 (Construction)	April 2022 (Pre-Construction); November 2022 (Construction)
Pavement Rehabilita	Paving rehab/repair of	Clover Road (from West City Limits to Tracy Boulevard);	10-15 years	July 2021 (Pre-Construction);	April 2022 (Pre-Construction);

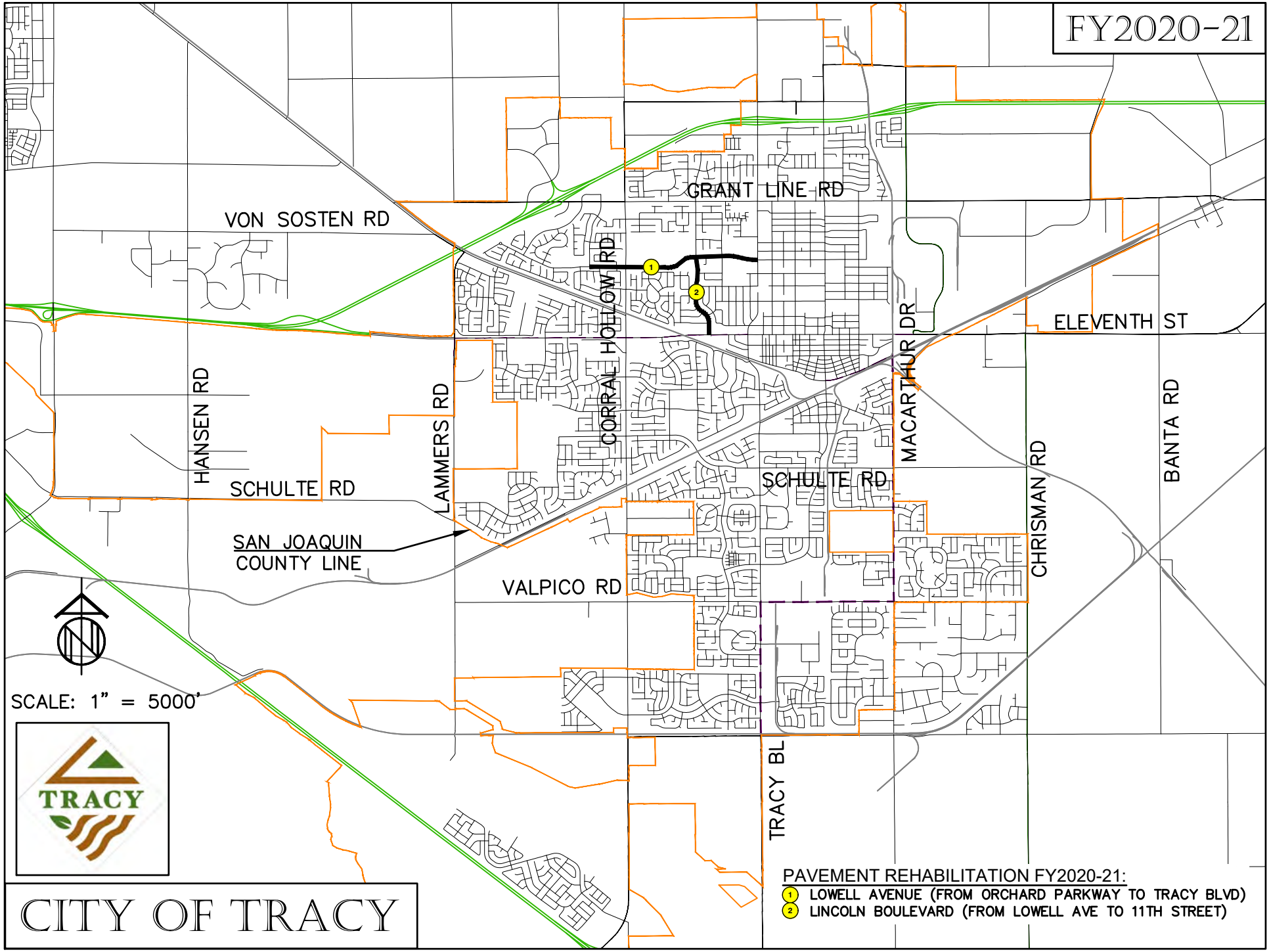
tion FY 21-22	about 2.59 lane miles of streets. The Project includes Pre-Construction and Construction. SB 1 Funds will be used for Pre-Construction and Construction.	Cypress Drive (Centre Court Drive to 108' West of Hickory Avenue); Centre Court Drive (from Palm Circle to Tracy Boulevard); All locations are estimates.		May 2022 (Construction)	November 2022 (Construction)
Slurry Seal FY 20-21	Slurry seal and paving rehab/repair of about 12.16 lane miles of streets. The Project includes Pre-Construction and Construction. SB 1 Funds will be used for Pre-Construction and Construction.	Mt. Diablo Avenue (from Tracy Boulevard to C Street); Subdivisions of: Sienna Park (Unit 2); Hearthstone (Unit 1); Regency Square (Unit 1); Muirfield (Unit 1); Warmington Homes at Glencreek (Units 1 and 2). All locations are estimates.	5-10 years	January 2021 (Pre-Construction); August 2021 (Construction)	July 2021 (Pre-Construction); February 2022 (Construction)

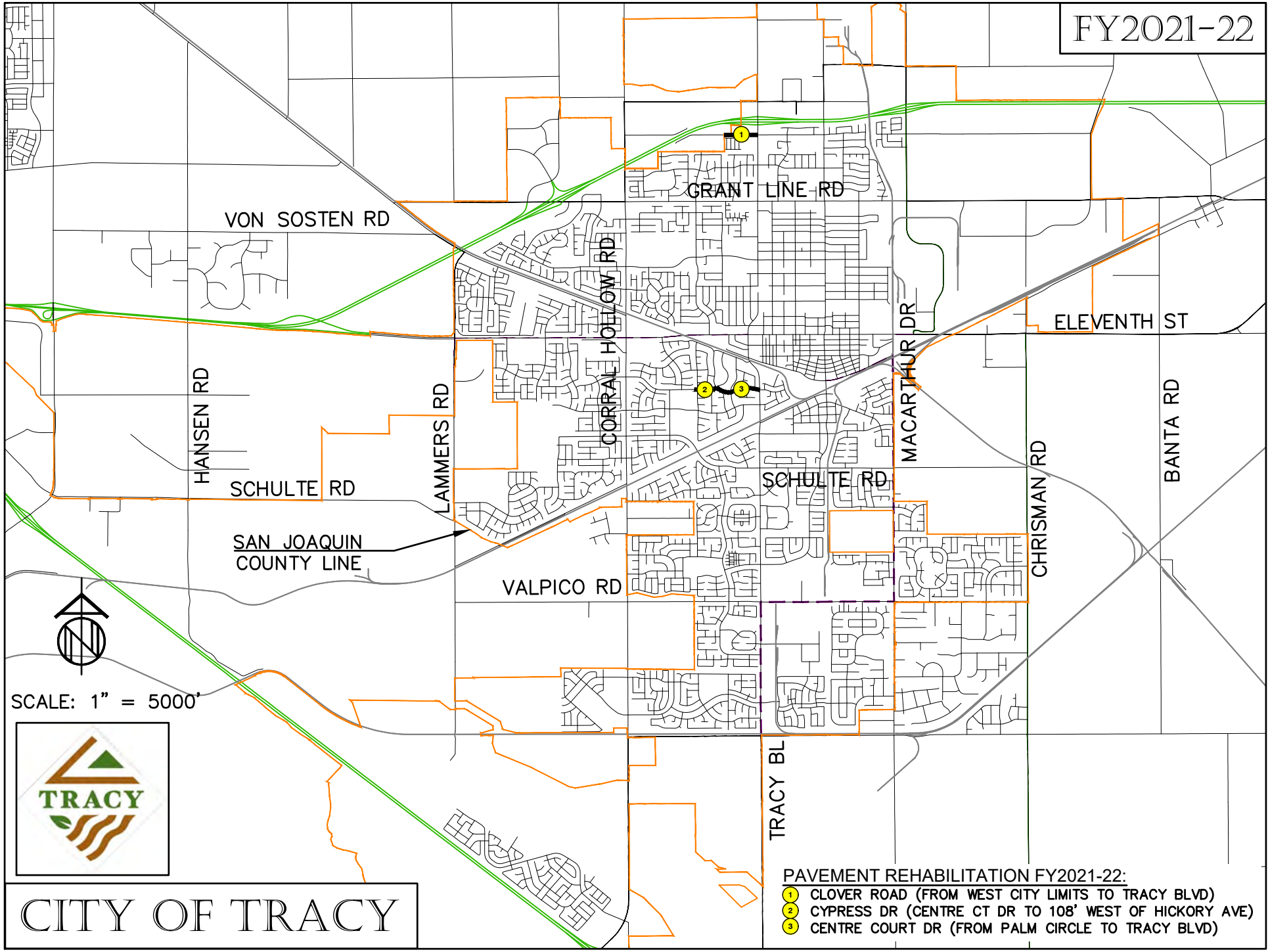
Previously Proposed Projects that May Utilize Fiscal Year 2021-2022 Road Maintenance and Rehabilitation Account Revenues in Their Delivery:

Project Title	**Project Description**	**Project Location**	**Estimated Project Useful Life**	**Estimated Project Start Date**	**Estimated Project Completion Date**
Pavement Rehabilitation FY 2020-2021	Paving rehab/repair of about 8.09 lane miles of streets.	Lowell Avenue (from Orchard Parkway to Tracy Boulevard);	10-15 years	July 2020 (Pre-Construction); March 2022 (Construction)	February 2022 (Pre-Construction); July 2022 (Construction)

	Paving rehab/repair of about 0.43 lane miles of bicycle lanes. The Project includes Pre-Construction and Construction. SB 1 Funds will be used for Pre-Construction and Construction.	Lincoln Boulevard (from Lowell Avenue to 11th Street); All locations are estimates.			
Pavement Rehabilitation FY 2019-2020	Paving rehab/repair of about 2.78 lane miles of streets. The Project includes Pre-Construction and Construction. SB 1 Funds will be used for Pre-Construction and Construction.	Naglee Road (from Grant Line Road to Pavillion Parkway); Naglee Road (from Larch Road to 331 feet south of Larch Road); Hollywood Avenue (from Holly Drive to Mae Avenue); 12th Street (from Holly Drive to Adam Street); Mae Avenue (from Beverly Place to Eaton Avenue); All locations are estimates.	10-15 years	November 2019 (Pre-Construction); September 2021 (Construction)	August 2021 (Pre-Construction); February 2022 (Construction)

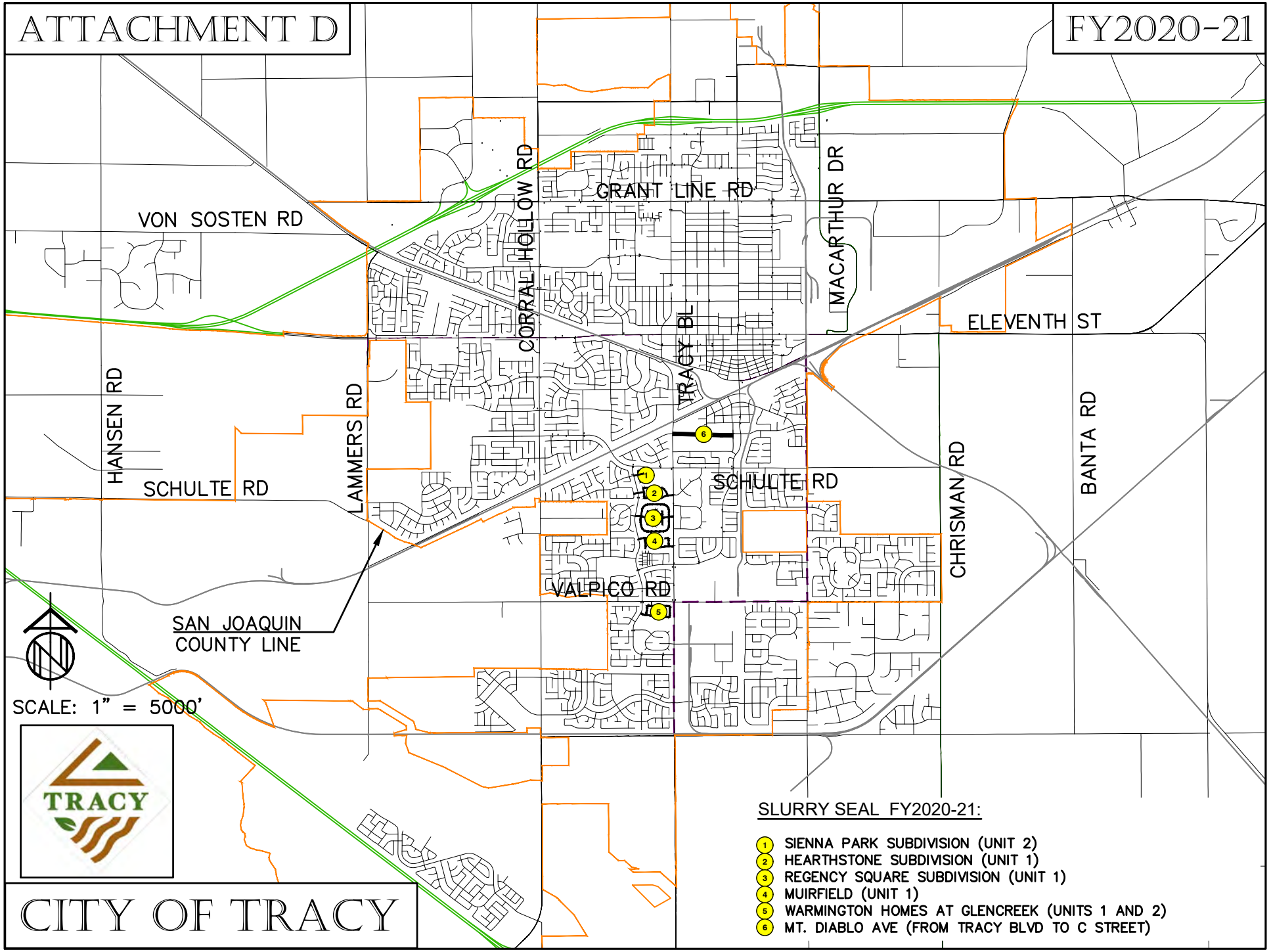

ATTACHMENT D
FY2019-20
SCALE: 1"=1000'
W LARCH RD
AUTO PLAZA DR
NAGLEE RD
VON SOSTEN RD
PAVILLION PKWY
NAGLEE RD
GRANT LINE RD
GRANT LINE RD
HOLLY DR
CORRAL HOLLOW RD
LAMMERS RD
SCHULTE RD
HANSEN RD
VALPICO RD
SAN JOAQUIN
COUNTY LINE
MACARTHUR DR
TRACY BL
SCHULTE RD
CHRISMAN RD
ELEVENTH ST
BANTA RD
BEVERLY PLACE
BEVERLY PLACE
HOLLYWOOD AVE
EATON AVE DR
EATON AVE
EAST ST
ADAM ST
HOLLY DR
MAE AVE
E HIGHLAND AVE
SCALE: 1" = 5000'
TRACY
PAVEMENT REHABILITATION FY2019-20:
1 NAGLEE ROAD (FROM GRANT LINE RD TO PAVILION PKWY)
2 NAGLEE ROAD (FROM LARCH RD TO 331 FEET SOUTH OF LARCH RD)
3 HOLLYWOOD AVENUE (FROM HOLLY DR TO MAE AVE)
4 12 TH STREET (FROM HOLLY DR TO ADAM ST)
5 MAE AVE (BEVERLY PL TO EATON AVE)
CITY OF TRACY


FY2020-21
GRANT LINE RD
VON SOSTEN RD
CORRAL HOLLOW RD
ELEVENTH ST
MACARTHUR DR
HANSEN RD
LAMMERS RD
SCHULTE RD
SCHULTE RD
CHRISMAN RD
BANTA RD
SAN JOAQUIN
COUNTY LINE
VALPICO RD
TRACY BL
SCALE: 1" = 5000'
TRACY
CITY OF TRACY
PAVEMENT REHABILITATION FY2020-21:
1 LOWELL AVENUE (FROM ORCHARD PARKWAY TO TRACY BLVD)
2 LINCOLN BOULEVARD (FROM LOWELL AVE TO 11TH STREET)


FY2021-22
GRANT LINE RD
VON SOSTEN RD
CORRAL HOLLOW RD
MACARTHUR DR
ELEVENTH ST
HANSEN RD
LAMMERS RD
SCHULTE RD
SCHULTE RD
CHRISMAN RD
BANTA RD
SAN JOAQUIN
COUNTY LINE
VALPICO RD
TRACY BL
SCALE: 1" = 5000'
TRACY
CITY OF TRACY
PAVEMENT REHABILITATION FY2021-22:
1 CLOVER ROAD (FROM WEST CITY LIMITS TO TRACY BLVD)
2 CYPRESS DR (CENTRE CT DR TO 108' WEST OF HICKORY AVE)
3 CENTRE COURT DR (FROM PALM CIRCLE TO TRACY BLVD)

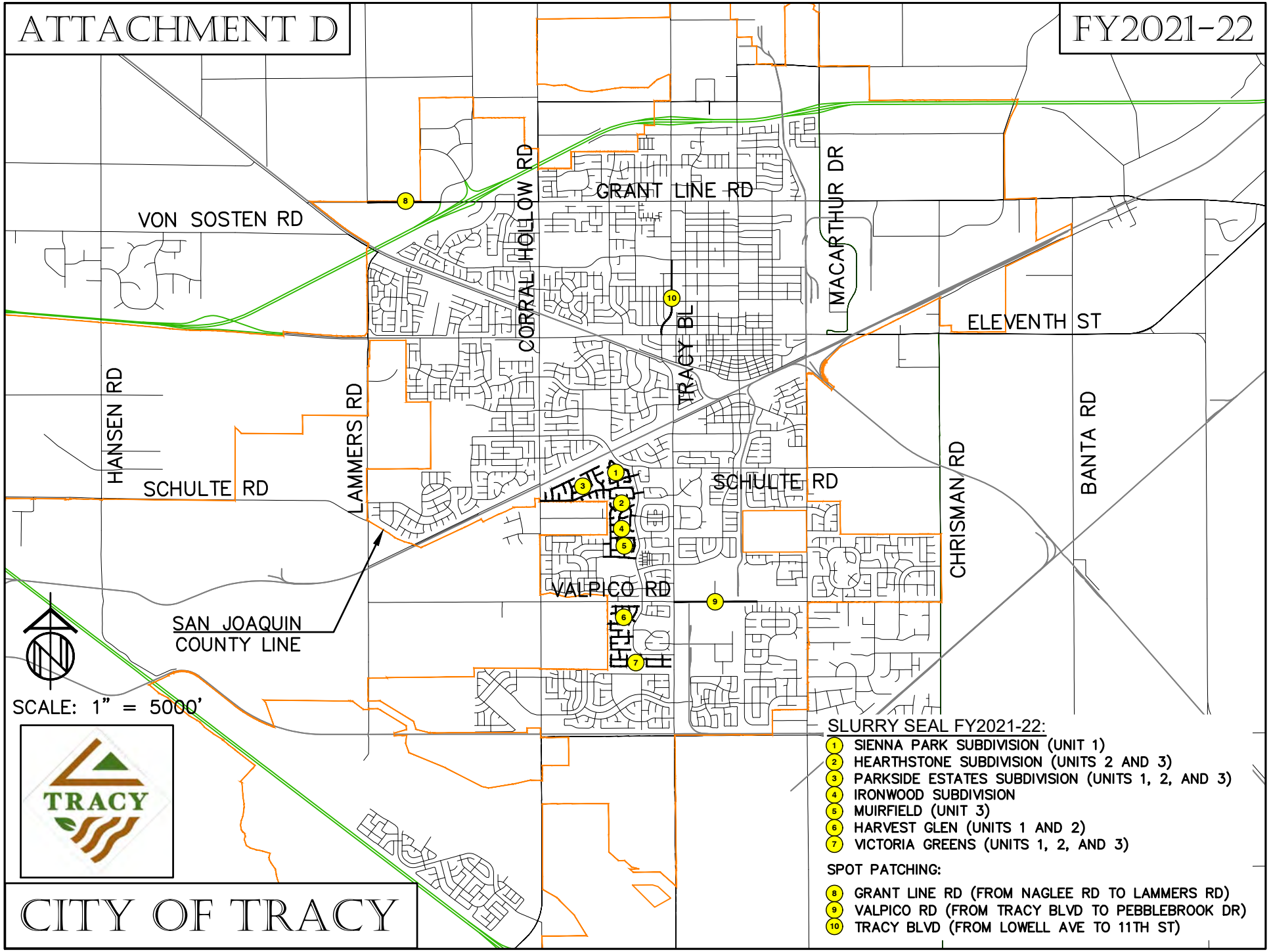
ATTACHMENT D

FY2020-21



ATTACHMENT D

FY2021-22



SLURRY SEAL FY2021-22:

1. SIENNA PARK SUBDIVISION (UNIT 1)
2. HEARTHSTONE SUBDIVISION (UNITS 2 AND 3)
3. PARKSIDE ESTATES SUBDIVISION (UNITS 1, 2, AND 3)
4. IRONWOOD SUBDIVISION
5. MUIRFIELD (UNIT 3)
6. HARVEST GLEN (UNITS 1 AND 2)
7. VICTORIA GREENS (UNITS 1, 2, AND 3)

SPOT PATCHING:

8. GRANT LINE RD (FROM NAGLEE RD TO LAMMERS RD)
9. VALPICO RD (FROM TRACY BLVD TO PEBBLEBROOK DR)
10. TRACY BLVD (FROM LOWELL AVE TO 11TH ST)

RESOLUTION 2021-_____

ADOPTING A LIST OF PROJECTS FOR FISCAL YEAR 2021-22 FUNDED BY SB 1: THE ROAD REPAIR AND ACCOUNTABILITY ACT OF 2017

WHEREAS, Senate Bill 1 (SB 1), the Road Repair and Accountability Act of 2017 (Chapter 5, Statutes of 2017) was passed by the Legislature and Signed into law by the Governor in April 2017 to address the significant multi-modal transportation funding shortfalls statewide, and

WHEREAS, SB 1 includes accountability and transparency provisions that will ensure the residents of Tracy are aware of the projects proposed for funding in our community and which projects have been completed each fiscal year, and

WHEREAS, The City of Tracy must adopt by resolution a list of projects proposed to receive fiscal year funding from the Road Maintenance and Rehabilitation Account (RMRA), created by SB 1, which must include a description and the location of each proposed project, a proposed schedule for the project's completion, and the estimated useful life of the improvement, and

WHEREAS, The City of Tracy will receive an estimated $1,813,747 in RMRA funding in Fiscal Year 2021-22 from SB 1, and

WHEREAS, This is the fifth year in which the City of Tracy is receiving SB 1 funding and will enable the City of Tracy to continue essential road maintenance and rehabilitation projects, safety improvements, repairing and replacing aging bridges, and increasing access and mobility options for the traveling public that would not have otherwise been possible without SB 1, and

WHEREAS**,** The City of Tracy has undergone a robust public process to ensure public input into our community's transportation priorities/the project list, and

WHEREAS**,** The City of Tracy used a Pavement Management System coupled with planned transportation projects and Staff's review to develop the SB 1 project list to ensure revenues are being used on the most high-priority and cost-effective projects that also meet the community's priorities for transportation investment, and

WHEREAS**,** The funding from SB 1 will help the City of Tracy maintain and rehabilitate 144 streets/roads throughout the city this year, and

WHEREAS**,** The 2018 California Statewide Local Streets and Roads Needs Assessment found that the City of Tracy's streets and roads are in a "good" condition and this revenue will help us increase the overall quality of our road system and over the next decade will keep our streets and roads in a "good" condition, and

WHEREAS, The SB 1 project list and overall investment in our local streets and roads infrastructure with a focus on basic maintenance and safety, investing in complete streets infrastructure, and using cutting-edge technology, materials and practices, will have significant positive co-benefits statewide;

NOW, THEREFORE BE IT RESOLVED**,** That the City Council of the City of Tracy, State of California, hereby declares the following:

1. The foregoing recitals are true and correct.

2. The following list of newly proposed projects will be funded in-part or solely with Fiscal Year 2021-22 Road Maintenance and Rehabilitation Account revenues:

Project Title	Project Description	Project Location	Estimated Project Useful Life	Estimated Project Start Date	Estimated Project Completion Date
Slurry Seal FY 21-22	Slurry seal and paving rehab/repair of about 24.28 lane miles of streets. Slurry seal and paving rehab/repair of about 0.06 bicycle lane miles of streets. The Project includes Pre-Construction and Construction. SB 1 Funds will be used for Pre-Construction and Construction.	Subdivisions of: Sienna Park (Unit 1); Hearthstone (Units 2 and 3); Parkside Estates (Units 1, 2, and 3); Ironwood; Muirfield (Unit 3); Harvest Glen (Units 1 and 2); Victoria Greens (Units 1, 2, and 3). Spot patching only of: Grant Line Road (from Naglee Road to Lammers Road); Valpico Road (from Tracy Boulevard to Pebblebrook Drive);	5-10 years	July 2021 (Pre-Constructio n); May 2022 (Constructio n)	April 2022 (Pre-Construction) ; November 2022 (Construction)

		Tracy Boulevard (from Lowell Avenue to 11th Street). All locations are estimates.			
Pavement Rehabilitation FY 21-22	Paving rehab/repair of about 2.59 lane miles of streets. The Project includes Pre-Construction and Construction. SB 1 Funds will be used for Pre-Construction and Construction.	Clover Road (from West City Limits to Tracy Boulevard); Cypress Drive (Centre Court Drive to 108' West of Hickory Avenue); Centre Court Drive (from Palm Circle to Tracy Boulevard); All locations are estimates.	10-15 years	July 2021 (Pre-Construction); May 2022 (Construction)	April 2022 (Pre-Construction); November 2022 (Construction)
Slurry Seal FY 20-21	Slurry seal and paving rehab/repair of about 12.16 lane miles of streets. The Project includes Pre-Construction and Construction. SB 1 Funds will be used for Pre-Construction and Construction.	Mt. Diablo Avenue (from Tracy Boulevard to C Street); Subdivisions of: Sienna Park (Unit 2); Hearthstone (Unit 1); Regency Square (Unit 1); Muirfield (Unit 1); Warmington Homes at Glencreek (Units 1 and 2).	5-10 years	January 2021 (Pre-Construction); August 2021 (Construction)	July 2021 (Pre-Construction); February 2022 (Construction)

		All locations are estimates.			

3. The following previously proposed and adopted projects may also utilize Fiscal Year 2021-22 Road Maintenance and Rehabilitation Account revenues in their delivery. With the relisting of these projects in the adopted fiscal year resolution, the City of Tracy is reaffirming to the public and the State our intent to fund these projects with Road Maintenance and Rehabilitation Account revenues:

Project Title	Project Description	Project Location	Estimated Project Useful Life	Estimated Project Start Date	Estimated Project Completion Date
Pavement Rehabilitation FY 2020-2021	Paving rehab/repair of about 8.09 lane miles of streets. Paving rehab/repair of about 0.43 lane miles of bicycle lanes. The Project includes Pre-Construction and Construction. SB 1 Funds will be used for Pre-Construction and Construction.	Lowell Avenue (from Orchard Parkway to Tracy Boulevard); Lincoln Boulevard (from Lowell Avenue to 11th Street); All locations are estimates.	10-15 years	July 2020 (Pre-Construction); March 2022 (Construction)	February 2022 (Pre-Construction); July 2022 (Construction)
Pavement Rehabilitation FY 2019-2020	Paving rehab/repair of about 2.78 lane miles of streets. The Project includes Pre-Construction and Construction.	Naglee Road (from Grant Line Road to Pavillion Parkway); Naglee Road (from Larch Road to 331 feet south of Larch Road);	10-15 years	November 2019 (Pre-Construction); September 2021 (Construction)	August 2021 (Pre-Construction); February 2022 (Construction)

	SB 1 Funds will be used for Pre-Construction and Construction.	Hollywood Avenue (from Holly Drive to Mae Avenue); 12th Street (from Holly Drive to Adam Street); Mae Avenue (from Beverly Place to Eaton Avenue); All locations are estimates.			

* * * * * * * * * * *

The foregoing Resolution 2021-_____ was passed and adopted by the Tracy City Council on the 15th day of June 2021, by the following vote:

AYES: COUNCIL MEMBERS:
NOES: COUNCIL MEMBERS:
ABSENT: COUNCIL MEMBERS:
ABSTAIN: COUNCIL MEMBERS:

_____
MAYOR

ATTEST:

_____
CITY CLERK

June 15, 2021

AGENDA ITEM 1.C

REQUEST

APPROVE RESOLUTIONS: (1) INITIATING PROCEEDINGS FOR THE ANNUAL LEVY OF ASSESSMENTS FOR TRACY CONSOLIDATED LANDSCAPE MAINTENANCE DISTRICT FOR 2021/2022, (2) APPROVING THE PRELIMINARY ENGINEER'S REPORT FOR THE TRACY CONSOLIDATED LANDSCAPE MAINTENANCE DISTRICT, AND (3) DECLARING THE INTENTION TO LEVY ANNUAL ASSESSMENTS AND SETTING THE DATE FOR A PUBLIC HEARING

EXECUTIVE SUMMARY

Each year, the City Council is required to review and consider approval of the Tracy Consolidated Landscape Maintenance District (LMD) Engineer's Report for the new fiscal year. The approval process consists of two steps: (1) the actions being requested herein; and (2) schedule a Public Hearing for July 6, 2021 where the City Council will be asked for final approval of the Engineer's Report and to authorize the levying and collection of special assessments needed to maintain the LMD's landscaping and related appurtenances in the new fiscal year.

Expenditures for Fiscal Year 2021/2022 are estimated to be $3,147,790, including regular maintenance and capital improvement projects. The total revenues are broken down in the following manner: levying of assessments and use of LMD reserves is estimated to be $4,132,034; $20,000 from the Drainage Fund to cover a portion of the costs for channel way/bike path landscape improvements; and $98,404 from General Fund for improvements and maintenance that are largely of general benefit.

DISCUSSION

The purpose of this annual agenda item is for the City Council to consider and adopt the three resolutions presented which will initiate proceedings to allow the City to: (1) proceed with the annual levy of assessments for the fiscal year commencing July 1, 2021 and ending June 30, 2022; (2) approve the preliminary Engineer's Report; and (3) set a public hearing date for July 6, 2021 at which time the City Council will consider public testimony before taking the necessary actions to finalize the assessments for fiscal year 2021/2022.

ASSESSMENT LEVIES

Maximum assessment rates were previously approved by the LMD property owners during district formations. Although maximum rates were approved, the assessments levied for the 41 assessable zones are based upon whether the needs of each zone warrant the levying of the *maximum* approved rates or a lesser rate.

It is recognized that the cost of maintaining the improvements increases slightly each year because of inflation. Therefore, in order to offset inflationary increases that affect service costs to the District, assessments include a formula for increasing the *maximum* assessment rates for each future fiscal year[1]. These annual increases have not been sufficient to keep up with the cost of services. This has resulted in a reduction in service levels in some zones, and an inability to perform needed renovations or amenity improvements/replacements in various zones. Several of the zones have not increased

[1] This does not necessarily mean that the inflated rate will be levied. The assessments levied will be based upon the estimated costs of maintenance.

their maximum rates in almost 30 years. On average, for the entire District, it has been almost 20 years since rates have been increased beyond the annual inflationary rate increases.

The annual inflationary rate increase allows the *maximum* rates to be increased by three percent or the percentage increase of the Consumer Price Index (CPI) for the San Francisco-Oakland-San Jose Area Region, whichever is less. The District's assessment formula complies with Government Code Section 54954.6 (a), and was approved by the City Council and the original District Property Owners. The percentage difference for the CPI applicable for the period of June 2019 to June 2020 was 1.61%. The Engineer's Report states that the Maximum Assessments may be increased by the lesser of 3% or CPI. Therefore, the *maximum assessment* rates allowed for Fiscal Year 2021/2022 will be adjusted by 1.61% over the prior year's maximum assessment rates. Although inflationary rates may be applied to the *maximum* voter-approved rates, *only the assessment amount* needed for maintenance will be levied.

Note: To increase the rates beyond the existing maximum rates, with the exception of inflationary increases, requires a vote of the property owners within each zone, per Proposition 218. By law, this process must be initiated by the property owners themselves, with City staff only providing informational and procedural support.

Based upon the estimated costs and expenditures to maintain the long and short-term landscaping and improvements within the LMD, staff recommends approval of the assigned assessment rates found in Part II ("Estimate of Costs") of the Engineer's Report for fiscal year 2021/2022. Of the 41 assessable zones, 26 zones will be assessed the maximum assessment rates allowed for Fiscal Year 2021/2022 due to operational needs including use of reserves for insufficient annual funding to cover basic maintenance costs and/or due to increased capital spending; seven zones will be assessed at a level below their maximum rate due to lower operating costs; and eight zones will not be assessed due to a Home Owners Association providing maintenance, adequate reserves, no improvements, or the zone providing a general benefit to the City of Tracy.

STRATEGIC PLAN

This agenda item is a routine operational item and does not relate to the Council's Strategic Plan.

FISCAL IMPACT

Revenue for operations, maintenance and capital replacement in the LMD is proposed to be from the following sources:

Assessments	$3,580,711
Drainage Fund	$ 20,000
General Fund	$ 98,404
Zone Capital Reserves	$ 551,114
Grand Total	$4,250,229

The total expenditures for the LMD for Fiscal Year 2021/2022 are estimated to be $3,147,790.

RECOMMENDATION

It is recommended that the City Council adopt a resolution: (1) initiating procedures for the levy and collection of assessments for the fiscal year 2021/2022; (2) approving the Preliminary Engineer's Report, and (3) declaring the City's intention to levy and collect assessments and setting a public hearing for Tuesday, July 6, 2021 at 7:00 P.M to discuss this same item before taking final action.

At the Public Hearing, the City Council shall hear all public testimony regarding the District and assessments before taking final action to approve the levy of assessments.

Prepared by: Robin Kloepfer, Management Analyst II

Reviewed by: Don Scholl, Director of Public Works
Karin Schnaider, Director of Finance
Midori Lichtwardt, Assistant City Manager

Approved by: Jennifer D. Haruyama, City Manager

ATTACHMENTS
Exhibit "A" - FY 21/22 Preliminary Engineer's Report

CITY OF TRACY CALIFORNIA
Think Inside the Triangle™

CITY OF TRACY

PRELIMINARY ENGINEER'S REPORT
FISCAL YEAR 2021-22
CONSOLIDATED LANDSCAPE MAINTENANCE DISTRICT

June 2021

Harris & Associates

Prepared by

Harris & Associates
1401 Willow Pass Road, Suite 500
Concord, CA 94520
www.weareharris.com

ENGINEER'S REPORT FOR
FISCAL YEAR 2021-22
CONSOLIDATED LANDSCAPE MAINTENANCE DISTRICT
City of Tracy
State of California

APPROVED BY THE CITY COUNCIL FOR THE CONSOLIDATED LANDSCAPE MAINTENANCE DISTRICT OF THE CITY OF TRACY, STATE OF CALIFORNIA ON THE _____ DAY OF _____.

_____
ADRIANNE RICHARDSON
CITY CLERK
CITY OF TRACY

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INTRODUCTION

The City of Tracy (the "City"), is the second most populated city in San Joaquin County. The City population is approximately 95,000. Tracy is located inside a geographic triangle formed by Interstate 205 on the north side, Interstate 5 to the east, and Interstate 580 to the southwest; this has given rise to Tracy's motto, now recorded on the City's website: "Think Inside the Triangle".

Prior to Fiscal Year 2003-04, the City levied and managed three individual landscape maintenance districts identified as:

- Tracy Landscape and Lighting Assessment District 8501 formed in 1985;
- Tracy Landscape and Lighting Assessment District 8801 formed in 1988; and,
- Tracy Landscape and Lighting Assessment District 9802 formed in 1998.

Each of these original districts was formed with various Zones, and with specific areas of improvement. The parcels receiving benefit from those improvements have been assessed the costs of maintaining those improvements. At that time, the three original districts included thirty (30) different Zones. Each Zone included specific improvements that were installed as a condition of approval and the Zone improvements were maintained for the benefit of those properties.

In Fiscal Year 2003-04 the City consolidated the three existing districts into a single district pursuant to Section 22605 (d) of the 1972 Act and established the Tracy Consolidated Landscape Maintenance District. As part of the consolidation, the improvements associated with various Zones were closely evaluated and it was determined that in some areas, the special benefits to properties could be more refined by expanding the existing thirty (30) Zones to thirty-seven (37) Zones.

Several annexations have taken place over the subsequent years and there are now 41 Zones within the District. Each annexation was made pursuant to the 1972 Act and the substantive and procedural requirements of the Proposition 218.

As required by the Landscaping and Lighting Act of 1972, this Engineer's Report describes the improvements to be constructed, operated, maintained and serviced by the District, provides an estimated budget for the District, and lists the proposed assessments to be levied upon each assessable lot or parcel within the District. Following the approval of the preliminary report, either as submitted or as modified, the City Council will hold a Public Hearing to provide an opportunity for any interested person to be heard. All property owners must be noticed in accordance with Section 22626 of the Streets and Highways Code prior to the Public Hearing. At the conclusion of the Public Hearing, the City Council may adopt a resolution confirming the levy of assessments as originally proposed or as modified.

Following the adoption of this resolution, the final assessor's roll will be prepared and filed with the County Tax Collector's office to be included on the FY 2021-22 tax roll.

IMPACTS OF PROPOSITION 218

On November 5, 1996 California voters approved Proposition 218 entitled "Right to Vote on Taxes Act" which added Article XIIID to the California Constitution. While its title refers only to taxes, Proposition 218 establishes new procedural requirements for the formation and administration of assessment districts. Proposition 218 also requires that with certain specified exceptions, which are described below, all existing assessment districts must be ratified by the property owners within the District using the new procedures.

Some of these exceptions include:

1) Any assessment imposed exclusively to finance the capital cost or maintenance and operation expenses for streets.
2) Any assessments levied pursuant to a petition signed by the persons owning all of the parcels subject to the assessment at the time the assessment was initially imposed.

However, even if assessments are initially exempt from Proposition 218, if the assessments are increased in the future, the City will need to comply with the provisions of Proposition 218 for that portion of the increased assessment unless the increase in assessment was anticipated in the assessment formula (e.g., CPI increase).

Proposition 218 does not define this term "streets", however, following the passage of Proposition 218 based on conversations with other public agency officials, attorneys, assessment engineers and Senate Bill 919, we determined that "streets" include all public improvements located within the street right-of-way. This would include median and parkway landscaping, traffic signals, safety lighting and street lighting.

It was also determined that if assessments were imposed as a condition of development and property owners agreed to the imposition of assessments and subsequently signed a development agreement confirming so, then this would suffice for the requirement of signing a petition.

The more difficult question arose in those situations where the levy of assessments was imposed as a condition of approval for land development or subdivision where the property owner did not enter into a development agreement. In those cases, if the landscape, park, or street light facilities and the resulting assessment were a condition of the land development or subdivisions approval and the property owner acquiesces to the levy of assessment, it is reasoned that this was a functional equivalent of giving express consent or signing a petition requesting the imposition of the assessment. Even the Howard Jarvis Taxpayers' Association seems to tacitly support this conclusion in its "Statement of Drafters' Intent". When discussing the exemption for existing assessments imposed pursuant to a petition, the taxpayers' association said:

> "This provision exempts most land secured financing arrangements used by developers."

Clearly acceptance of a condition of approval of a development or subdivision which requires that imposition of assessments is a common form of land secured financing used by developers to fund street lighting or landscape maintenance.

STATEMENT OF ASSESSMENT ENGINEER

Statement of Assessment Engineer

AGENCY: **CITY OF TRACY**

PROJECT: **CONSOLIDATED LANDSCAPE MAINTENANCE DISTRICT**

TO: **THE CITY COUNCIL**
CITY OF TRACY
STATE OF CALIFORNIA

ENGINEER'S REPORT FOR FISCAL YEAR 2021-22

The preparation of this Annual Engineer's Report ("Report") is in conformance with the obligation of the City Council for the Consolidated Landscape Maintenance District of the City of Tracy to provide landscape maintenance services upon each lot or parcel of land in the district in proportion to the estimated benefit to be received by each such lot or parcel of land for Fiscal Year 2021-22.

Pursuant to the Landscaping and Lighting Act of 1972 (Part 2 Division 15 of the Streets and Highways Code of the State of California, commencing with Section 22500) ("Act"), Article XIIID, Section 4(a) of the State of California Constitution, and in accordance with the City of Tracy's Resolution being adopted by the City Council for the Consolidated Landscape Maintenance District on the ____ day of _____, this Report has been ordered for:

CONSOLIDATED LANDSCAPE MAINTENANCE DISTRICT

(Hereinafter referred to as the "District"),

I, Alison Bouley, authorized representative of the District, the duly appointed Assessment Engineer submit the following Report which consists of the following six (6) parts and Appendices:

PART I

Plans and Specifications: Plans and specifications for the improvements are as set forth on the lists thereof, attached hereto, and are on file in the Office of the City Clerk and are incorporated herein by reference.

PART II

Estimate of Cost: An estimate of the costs of the proposed improvements, including incidental costs and expenses in connection therewith, is as set forth on the lists thereof, attached hereto, and are on file in the Office of the City Clerk and incorporated herein by reference.

PART III

Quantification of Benefit: The quantification of benefit identifies, separates and quantifies the general and special benefits received by each parcel in the District, for the services received and the improvements provided.

PART IV

Method of Assessment: The method of assessment indicates the proposed levy of the net amount of the costs and expenses of the improvements to be levied upon the parcels of land within the District, in proportion to the estimated benefits to be received by such parcels.

PART V

Assessment Diagram: The diagram of the district and zone boundaries showing the exterior boundaries of the Assessment District and all Zones, and the lines and dimensions of each lot or parcel of land within the Assessment District. The lines and dimensions of each lot or parcel within the Assessment District are those lines and dimensions shown on the maps of the Assessor of the County of San Joaquin for the fiscal year to which this Report applies. The Assessor's maps and records are incorporated by reference herein and made part of this Report. Appendix A describes the Improvement Areas of the District by Zone. Appendix B provides the Consolidated Landscape Maintenance District Map.

PART VI

Assessment Roll: An assessment of the estimated cost of the improvements on each benefiting lot or parcel of land within the District. The proposed Assessment Roll using the Fiscal Year 2021-22 assessment rates are included in this Report as Appendix C.

Appendices

Appendix A – Improvement Areas by Zone

Appendix B – Consolidated Landscape Maintenance District Map

Appendix C – Assessment Roll

In conclusion, it is my opinion that the costs and expenses of the District have been assessed to the lots and parcels within the boundaries of the District in proportion to the estimated benefits to be received by each lot or parcel from the services provided.

DATED this 15th day of June, 2021

Harris & Associates

Alison Bouley, P.E., Assessment Engineer
R.C.E. No. C61383
Engineer of Work

PART I – PLANS AND SPECIFICATIONS

The facilities, which have been constructed within the City of Tracy, and those which may be subsequently constructed, will be operated, serviced and maintained as generally described below:

DESCRIPTION OF IMPROVEMENTS
FOR THE CITY OF TRACY
CONSOLIDATED LANDSCAPE MAINTENANCE DISTRICT
FISCAL YEAR 2021-22

The District and assessments provide for the continued maintenance, servicing, administration and operation of specific landscaped areas and associated appurtenances for each of the forty-one (41) Zones in the District. It has been determined that the assessed parcels within each Zone receive special benefits from various landscape improvements that may include, but are not limited to: ground cover, turf, shrubs, trees, irrigation systems, drainage and electrical systems, masonry walls or other fencing, entryway monuments or other ornamental structures, recreational equipment, hardscapes and any associated appurtenances within medians, parkways, dedicated easements, channel-ways, parks or open space areas within each Zone. Services provided include the necessary operations, administration, and maintenance required to keep the improvements in a healthy, vigorous, and satisfactory condition or are necessary or convenient for the maintenance of the improvements. The continued maintenance of these improvements shall be budgeted and reviewed each fiscal year and fully or partially funded through the annual assessments. A listing of the improvement areas associated with each Zone is shown in Appendix A.

All assessable parcels identified as being within each Zone share in both the cost and the benefits of the improvements. The costs and expenses associated with the improvements in each Zone are equitably spread among all benefitting parcels within that Zone and only parcels that receive special benefit from the improvements are assessed in proportion to benefit received. The funds collected from the assessments are dispersed and used for the services and operations provided within the District. Properties receive the following special benefits from the District landscape improvements:

- Enhanced desirability of properties through association with the improvements and the aesthetic value of green space within the area.
- Improved aesthetic appeal of properties providing a positive representation of the area.
- Enhanced adaptation of the urban environment within the natural environment from adequate green space and landscaping.
- Environmental enhancement through improved erosion resistance, dust and debris control and reduced noise and air pollution.
- Increased sense of pride in ownership of property resulting from well-maintained improvements associated with the properties.
- Reduced vandalism and criminal activity resulting from well-maintained surroundings and amenities.
- The special enhancements of the properties that results from the above benefits.

The proposed budgets and maintenance costs for various Zones may include the following long-term cyclical maintenance programs:

1. Tree Maintenance Programs (Arterial, Parkway Street and Park Tree Maintenance);
2. Streetscape Revitalization and Rehabilitation Program and;
3. Park Rehabilitation and Renovation Program.

The total amount to provide these programs in each Zone where these services apply is greater than can be conveniently raised from a single annual assessment and the estimated costs of these programs for each Zone shall be raised and collected in installments as part of the annual assessments. The individual Budget pages for each Zone detail the amounts collected and/or expended each year.

The City developed these programs to fund periodic and programmed maintenance, renovation, rehabilitation, replacement and revitalization of District improvements. The City has carefully reviewed each of the associated program costs and the corresponding collection of funds has been proportionately spread to each parcel based on special benefits received from the services to be rendered within their Zone over an extended period.

Tree Maintenance Program

The Tree Maintenance program may include both routine and emergency maintenance for the District trees, whether those trees are along streets or within parks. In the Zones assessed for this program, the following may apply:

1. Parkway street-tree maintenance, targets the trees associated with individual properties within the District installed by the City or developer that are located in the public right- of-way or City easement which the District is responsible for maintaining. This program addresses two specific maintenance issues:
    - Regular trimming and pruning of the street-trees. This program is designed to trim and prune all street-trees within the applicable Zones on a five to seven year rotation or as needed to ensure the health and growth of the trees.
    - Removal and replacement of the street-trees. The program provides for the removal and replacement of damaged or diseased trees as needed, or removal of trees whose growth has, or will potentially cause damage to existing structures such as underground utilities or sidewalks. This program may also include the replacement or repair of surrounding City improvements as needed.
2. Arterial-tree maintenance, targets the trees associated with the parkways and medians on the arterial streets adjacent to or surrounding the Zones. Similar to the parkway street-tree program, this program addresses two specific maintenance issues:
    - Regular trimming and pruning of the arterial-trees, which includes trimming and pruning of the arterial-trees as needed to ensure the health and growth of the trees.
    - Removal and replacement of the arterial-trees, including the removal or replacement of damaged or diseased trees as needed, or removal of trees whose growth has or will potentially cause damage to existing landscape improvements, sidewalks or curbs. This program may include the replacement or repair of surrounding City improvements as needed.

3. Park-tree maintenance, targets the trees within the various Parks of the District/Zones. Similar to the parkway and arterial street-tree program, this program addresses two specific maintenance issues:

    - Regular trimming and pruning of the Park-trees, which includes trimming and pruning of the trees as needed to ensure the health and growth of the trees.

    - Removal and replacement of the Park-trees, including the removal or replacement of damaged or diseased trees, or removal of trees whose growth has or will potentially cause damage to existing landscape improvements, sidewalks or curbs. This program may include the replacement or repair of surrounding City improvements as needed.

Assessments for the tree maintenance program shall be collected from only those parcels and Zones identified as receiving special benefit from each of the specific services provided. Each parcel within the District that benefits from the various tree maintenance services is assessed on an annual installment basis to meet its proportional share of the cost and expenses associated with the tree maintenance, which is planned every five to seven years, depending upon Zone funding availability.

Streetscape Revitalization and Rehabilitation Program

The Streetscape Revitalization and Rehabilitation program includes, but is not limited to the following and may include routine or emergency maintenance.

1. Removal or replacement of existing dead/dying plant materials within the medians and parkway-landscaped areas.
2. Removal of existing plant materials and replacement with new plant material or non-plant materials within the medians and parkway-landscaped areas.
3. Upgrades or renovation to the irrigation or drainage systems, electrical systems or water meters, hardscape improvements associated with the landscaping such as confirmed City sound walls, walking paths, soil and stamped concrete.

Assessments for the streetscape program shall be collected from only those parcels and Zones identified as receiving special benefit from parkway and median landscaped areas. Each parcel within the District that benefits from the streetscape revitalization and rehabilitation services is assessed on an annual installment basis to meet its proportional share of the cost and expenses associated with the program, which is planned every ten years. This program is designed to ensure the long-term maintenance of all streetscape landscaping within the District.

Park Rehabilitation and Renovation Program

There are specific costs associated the annual and regular maintenance of park improvements and facilities which are included in the annual maintenance expenses of those Zones that benefit from the parks associated with that Zone. However, the cost of periodically repairing, replacing, and upgrading the landscaping and facilities within these parks cannot be reasonably collected in a single annual assessment. Therefore, the City has established a long-term park rehabilitation and renovation program that includes the design repair and reconstruction of parks within the District.

The program anticipates revitalization design in the 13th year of a park's life, with the revitalization occurring in the 15th year. Each parcel within the District that benefits from the park rehabilitation and renovation services is assessed on an annual installment basis to meet its proportional share of the cost and expenses associated with the program. However, with current inflation rates, the majority of Zones are unable to keep up with the accelerating maintenance costs.

The costs of providing for the annual and regular maintenance of the landscape improvements as well as the long-term maintenance programs for the District have been identified as a special benefit to properties within the District. Although the location of the improvements may be visible to properties outside the District or to the public at large, the improvements have been installed and are maintained for the benefit of properties within the District. As such, there is no quantifiable general benefit from the improvements to persons or properties outside the District. The portion of the costs associated with the maintenance of the Channel-ways and the landscaped areas on Eleventh Street, generally between Lammers Road and the Railroad Tracks east of Corral Hollow Road, benefit both properties within the adjacent Zones as well as properties that are not within the District and it has been determined that the City will contribute funds to the District for the maintenance of these areas.

The assessments and Method of Assessment described in this Report utilize commonly accepted assessment engineering practices and have been established pursuant to the 1972 Act and the provisions of Proposition 218. The assessment amount for each Zone is based only on the services and improvements associated with that Zone. All assessments are apportioned based upon the special benefit received by the properties within each Zone and are over and above any general benefit conferred on the public at large. Any new or increased assessments will be subject to the substantive and procedural requirements of Proposition 218. Property owner ballot proceedings are not required if the proposed annual assessment rate is less than or equal to the maximum assessment rate previously approved for each of the Zones.

In any given fiscal year, if the assessment revenue will not allow for full maintenance service in a particular Zone, City staff will determine the scope of work to be performed, and any necessary reductions in the scope of work will likely include, but not be limited to, the reduction or elimination of the long-term renovation and rehabilitation programs and some or all of the following:

Turf Areas

- Reduced frequency of mowing and edging turf areas. Full scope includes mowing and edging turf areas regularly.
- No fertilization. Full scope includes fertilization multiple times a year. Limited/elimination of weed control.
- Limited/elimination of aeration.

Ground Cover/Shrub Areas

- Limited/elimination of emergent weed control. No fertilization.
- Limited/elimination of mowing or removal of dead plants and leaves.
- Limited/elimination of vine trimming.

General Landscaping

- Limited/elimination of removal of tree stakes and ties. Limited/elimination of trash pick-up in landscaping areas.
- Limited/elimination of weed and litter control for gutters, curbs, parking lots and walkways and adjacent to contract areas.
- Administration and operations of the landscaping Zones.

The proposed assessments described in this Report are based on the estimated costs associated with the regular annual maintenance, operation and servicing of landscape improvements within each Zone. The total cost of these improvements are proportionately spread to only the properties within each respective Zone based on a method of apportionment that reflects the direct and proportional special benefits to each property. In addition to the regular annual maintenance of the landscape improvements, various Zone budgets include the collection of funds associated with specific long-term maintenance and rehabilitation programs identified as: Tree Maintenance Programs; Streetscape Revitalization and Rehabilitation Program; and Park Rehabilitation and Renovation Program. The funds collected for these programs are proportionally collected from only those Zones for which these programs are provided.

The word "parcel", for the purposes of this Report, refers to an individual property assigned its own Assessment Parcel Number by the San Joaquin County Assessor's Office. The San Joaquin County Auditor/Controller uses Assessment Parcel Numbers and specific Fund Numbers to identify, on the tax roll, properties assessed for special district benefit assessments.

PART II – ESTIMATE OF COSTS

The estimated costs of maintenance and servicing the improvements for the District as described in Part B, Plans and Specifications, for each Zone are summarized in the Zone budget tables on pages 13-53. A summary table of consolidated costs for all 41 Zones in the District is provided on page 54 of this Report.

The following is a description of the budget items including maintenance, replacement, power costs for supplying electrical energy for the illumination of the decorative lights, irrigation systems, City administrative and personnel services for the annual administration, San Joaquin County costs related to placing assessments onto the tax roll, and any Reserve collections.

Description of Budget Items

Personnel – 5100

- *Field & Supervisory Personnel.* The cost associated to City staff for providing non-scheduled repairs, graffiti removal, operations and maintenance of the improvements, etc. within the Zones.

Contracted Services – 5200

- *Contracted Maintenance Contracts.* Includes all regularly scheduled labor, material, e.g. fertilizer, insecticides, etc., and equipment required to properly maintain and ensure the satisfactory condition of all landscaping, irrigation and drainage systems, and appurtenant facilities.
- *Utilities.* The cost of water, sewer, and electrical utilities necessary to maintain improvements within the Zones.
- *County Collection Fee.* The cost to the Consolidated District for the County to collect the assessments on the property tax bills. Cost is the lesser of $3.00 per parcel or 1% of the total amount placed onto the tax roll.
- *LMD Administration.* The costs of contracting with professionals to provide services specific to the levy administration, including preparation of the Engineer's Report, resolutions, and levy submittal to the County. These fees can also include any additional administrative, legal, or engineering services specific to the District such as the cost to prepare and mail notices of the public meeting and hearing.

Materials – 5300

- *Supplies.* Includes supplies to maintain or repair irrigation system, playgrounds, plant material, etc

Capital Project – 5600

- *Capital Improvement Projects.* These costs include the long-term replacement costs of improvements that cannot be paid for during a single fiscal year. Funds are collected over several years to pay for replacement costs.

Overhead – 5900

- Business expense not chargeable to a particular part of the District (ex: insurance, etc.)

Internal Service - 5400

Indirect Costs. Incidental costs and expenses of the City associated with the operation and administration of the District and the cost of maintenance, services and incidentals not included above. (ex. vehicle or building maintenance)

Long-Term Cyclical Maintenance. Includes the following and will be reflected in the 5200 or 5300 category for the year the funds will be expensed.

- *Streetscape Revitalization & Rehabilitation.* This represents the zone's annual installment for participation in the Streetscape Revitalization and Rehabilitation program.
- *Arterial Street Tree Maintenance.* This represents the zone's annual installment for participation in the Arterial Street Tree Maintenance program.
- *Street Tree Maintenance.* This represents the zone's annual installment for participation in the Street Tree Maintenance program.
- *Park Tree Maintenance.* This represents the zone's annual installment for participation in the Tree Maintenance program, specific to Parks.
- *Park Rehabilitation & Renovation.* This represents the zone's annual installment for participation in the Park Rehabilitation and Renovation program.

Zone Reserve Adjustments. Each Zone has its own Reserve Fund and monies are used from the Reserve Funds to reduce assessment amounts to individual parcels or to contribute to the Zone Reserve Funds, whether Operating Reserves or Capital Reserves.

County Collection Fee. The cost to the Consolidated District for the County to collect the assessments on the property tax bills. Cost is the lesser of $3.00 per parcel or 1% of the total amount placed onto the tax roll.

Capital Improvement Projects. These costs include the long-term replacement costs of improvements that cannot be paid for during a single fiscal year. Funds are collected over several years to pay for those replacement costs.

Zone Reserve Adjustments. Each Zone has its own Reserve Fund and monies are used from the Reserve Funds to reduce assessment amounts to individual parcels or to contribute to the Zone Reserve Funds, whether Operating Reserves or Capital Reserves.

Special Tax Support. Proceeds allocated to the City per Measure V, Special Transportation Tax, and Gas Tax that can be utilized for maintenance expenses in Zones where the City maintains the arterial, median and right-of-way landscaping.

General Fund Support. Represents the City's contribution to the Zones for any general benefit that the improvements within the Zones may have impact on other properties or the public at large.

Drainage Fund Support. Represents the City's contribution to the Zones for any channel way that the

improvements within the Zones may have impact on other properties or the public at large.

Balance to Levy. This is the total amount to be levied and collected through assessments for the current fiscal year. It represents the sum of Total Expenses and Other Revenues subtracting the General Fund Support and the Drainage Fund Support.

Variance. A variance may be seen between the Levy per EDU and the Maximum Levy per EDU. The variance occurs because the Special Assessments required to meet expenses for the current fiscal year are below the maximum level. The Maximum Levy per EDU is based upon the total expenses for all improvements both existing and those planned for the future.

Total Parcels Levied. The total number of parcels within the Zones that will receive the special benefits during the current fiscal year.

Total EDUs. The total Equivalent Dwelling Units within the Zones applied to the parcels described above.

Proposed Levy per EDU. This amount represents the rate being applied to each parcel's individual EDU. The Levy per EDU is the result of dividing the "Special Assessment to Levy" by the Total EDUs of the Zones for the fiscal year. This rate is rounded to the nearest even pennies.

Maximum Levy per EDU. This is the rate per EDU approved by property owners within the Zone, in accordance with Proposition 218, adjusted for inflation as described in the Method of Apportionment. This rate is rounded to the nearest penny.

Budget Tables

Budget tables for each zone and a summary table for the District are presented on the following pages. The following footnotes apply to all the Budgets:

1. Direct Costs for 2022-23 and 2023-24 are equal to the current year's proposed amount plus 3% escalation to account for inflation. This is shown as an estimate only.
2. Administration Costs for 2022-23 and 2023-24 are equal to the current year's proposed amount plus 3% escalation to account for inflation, except for the County Collection Fee, which is equal to the lesser of $3 per parcel or 1% of the levy amount.
3. Levy Adjustments for 2022-23 and 2023-24 are equal to the current year's proposed amount plus 3% escalation to account for inflation, except for the Zone Reserve Adjustments, which equals the amount necessary to maintain the assessment rate that is at or below the maximum allowable assessment rate for that year.
4. The Maximum Assessment Rate for 2022-23 and 2023-24 are equal to the current year's Maximum Assessment Rate, plus 3% escalation for inflation. The actual escalation rate is based upon the June CPI for the San Francisco-Oakland-Hayward area, and is calculated each year.
5. The Beginning Fund Balances shown on each Budget page includes both the Operating and Cyclical Reserve amounts, and are projections of the April 2021 year-to-date estimates.

City of Tracy
Consolidated Landscape Maintenance District
Proposed Budget for Fiscal Year 2021-22

Zone 1

	Proposed Budget FY 2021-22	Forecasted Budget FY 2022-23	Forecasted Budget FY 2023-24
DIRECT COSTS [1]			
Personnel - 5100	$11,777	$12,130	$12,494
Contracted Services - 5200	$26,022	$26,802	$27,606
Materials - 5300	$4,218	$4,345	$4,475
Capital Projects - 5600	$769	$792	$816
TOTAL DIRECT	**$42,786**	**$44,070**	**$45,392**
ADMINISTRATION COSTS [2]			
Overhead - 5900	$1,269	$1,307	$1,346
Internal Services - 5400	$1,308	$1,348	$1,388
County Collection Fee	$404	$345	$355
TOTAL ADMINISTRATION	**$2,981**	**$2,999**	**$3,089**
LEVY ADJUSTMENTS [3]			
TOTAL DIRECT AND ADMIN COSTS	**$45,767**	**$47,069**	**$48,481**
Capital Improvement Projects	$0	$0	$0
Zone Reserves Adjustment	($4,415)	($4,470)	($4,606)
Special Tax Support	$0	$0	$2
General Fund - 101	($429)	($442)	($455)
Storm Drain Fund - 101	($522)	($537)	($554)
TOTAL ADJUSTMENTS	**($5,366)**	**($5,449)**	**($5,612)**
Balance to Levy	**$40,401**	**$41,613**	**$42,862**
Total Revenue at Maximum Rate	**$40,408**	**$41,620**	**$42,869**
Variance above/(below) Maximum Revenue	($7)	($7)	($7)
DISTRICT STATISTICS			
Total Parcels	294	294	294
Total Parcels Levied	294	294	294
Total EDUs	617.00	617.00	617.00
Total EDUs Levied	617.00	617.00	617.00
Proposed Levy per EDU	**$65.48**	$67.44	$69.47
Max Levy per EDU [4]	$65.49	$67.46	$69.48
FUND BALANCE INFORMATION			
Reserve Fund			
Beginning Fund Balance	$102,436	$98,533	$94,555
Reserve Fund Adjustment	($4,415)	($4,470)	($4,606)
Interest (0.5%)	$512	$493	$473
Projected Reserve Fund Balance at End of Year	**$98,533**	**$94,555**	**$90,422**

City of Tracy
Consolidated Landscape Maintenance District
Proposed Budget for Fiscal Year 2021-22

Zone 2

	Proposed Budget FY 2021-22	Forecasted Budget FY 2022-23	Forecasted Budget FY 2023-24
DIRECT COSTS [1]			
Personnel - 5100	$2,780	$2,864	$2,950
Contracted Services - 5200	$6,547	$6,744	$6,946
Materials - 5300	$1,524	$1,569	$1,616
Capital Projects - 5600	$182	$187	$193
TOTAL DIRECT	**$11,033**	**$11,364**	**$11,705**
ADMINISTRATION COSTS [2]			
Overhead - 5900	$272	$281	$289
Internal Services - 5400	$309	$318	$328
County Collection Fee	$122	$124	$128
TOTAL ADMINISTRATION	**$703**	**$723**	**$744**
LEVY ADJUSTMENTS [3]			
TOTAL DIRECT AND ADMIN COSTS	**$11,736**	**$12,086**	**$12,449**
Capital Improvement Projects	$0	$0	$0
Zone Reserves Adjustment	$1,134	$1,170	$1,206
Special Tax Support	$0	$0	$0
General Fund - 101	($652)	($672)	($692)
Storm Drain Fund - 101	$0	$0	$0
TOTAL ADJUSTMENTS	**$481**	**$499**	**$514**
Balance to Levy	**$12,218**	**$12,584**	**$12,962**
Total Revenue at Maximum Rate	**$12,218**	**$12,585**	**$12,963**
Variance above/(below) Maximum Revenue	($1)	($1)	($1)
DISTRICT STATISTICS			
Total Parcels	125	125	125
Total Parcels Levied	125	125	125
Total EDUs	125.00	125.00	125.00
Total EDUs Levied	125.00	125.00	125.00
Proposed Levy per EDU	**$97.74**	$100.67	$103.69
Max Levy per EDU [4]	$97.75	$100.68	$103.70
FUND BALANCE INFORMATION			
Reserve Fund			
Beginning Fund Balance	$25,272	$26,532	$27,835
Reserve Fund Adjustment	$1,134	$1,170	$1,206
Interest (0.5%)	$126	$133	$139
Projected Reserve Fund Balance at End of Year	**$26,532**	**$27,835**	**$29,180**

City of Tracy
Consolidated Landscape Maintenance District
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Zone 3

	Proposed Budget FY 2021-22	Forecasted Budget FY 2022-23	Forecasted Budget FY 2023-24
DIRECT COSTS [1]			
Personnel - 5100	$132,347	$136,317	$140,407
Contracted Services - 5200	$131,358	$135,298	$139,357
Materials - 5300	$65,104	$67,058	$69,069
Capital Projects - 5600	$8,644	$8,903	$9,170
TOTAL DIRECT	**$337,452**	**$347,576**	**$358,003**
ADMINISTRATION COSTS [2]			
Overhead - 5900	$14,616	$15,054	$15,506
Internal Services - 5400	$14,704	$15,145	$15,600
County Collection Fee	$4,181	$4,238	$4,365
TOTAL ADMINISTRATION	**$33,501**	**$34,437**	**$35,470**
LEVY ADJUSTMENTS [3]			
TOTAL DIRECT AND ADMIN COSTS	**$370,953**	**$382,013**	**$393,474**
Capital Improvement Projects	$0	$0	$0
Zone Reserves Adjustment	$66,971	$69,052	$71,124
Special Tax Support	$0	$0	$0
General Fund - 101	($18,409)	($18,961)	($19,530)
Storm Drain Fund - 101	($1,453)	($1,497)	($1,542)
TOTAL ADJUSTMENTS	**$47,108**	**$48,594**	**$50,052**
Balance to Levy	**$418,061**	**$430,603**	**$443,521**
Total Revenue at Maximum Rate	**$418,065**	**$430,607**	**$443,525**
Variance above/(below) Maximum Revenue	($4)	($4)	($4)
DISTRICT STATISTICS			
Total Parcels	2,301	2,301	2,301
Total Parcels Levied	2,301	2,301	2,301
Total EDUs	2,878.02	2,878.02	2,878.02
Total EDUs Levied	2,878.02	2,878.02	2,878.02
Proposed Levy per EDU	**$145.26**	$149.62	$154.11
Max Levy per EDU [4]	$145.26	$149.62	$154.11
FUND BALANCE INFORMATION			
Reserve Fund			
Beginning Fund Balance	$661,850	$732,130	$804,843
Reserve Fund Adjustment	66,971	69,052	71,124
Interest (0.5%)	3,309	3,661	4,024
Projected Reserve Fund Balance at End of Year	**$732,130**	**$804,843**	**$879,991**

City of Tracy
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Zone 4

	Proposed Budget FY 2021-22	Forecasted Budget FY 2022-23	Forecasted Budget FY 2023-24
DIRECT COSTS [1]			
Personnel - 5100	$24	$25	$26
Contracted Services - 5200	$8,366	$8,617	$8,875
Materials - 5300	$5	$5	$5
Capital Projects - 5600	$2	$2	$2
TOTAL DIRECT	**$8,396**	**$8,648**	**$8,908**
ADMINISTRATION COSTS [2]			
Overhead - 5900	$3	$4	$4
Internal Services - 5400	$3	$3	$3
County Collection Fee	$0	$0	$0
TOTAL ADMINISTRATION	**$6**	**$6**	**$6**
LEVY ADJUSTMENTS [3]			
TOTAL DIRECT AND ADMIN COSTS	**$8,402**	**$8,654**	**$8,914**
Capital Improvement Projects	$0	$0	$0
Zone Reserves Adjustment	$243	($8,649)	($8,908)
Special Tax Support	$0	$0	$0
General Fund - 101	($6)	($6)	($6)
Storm Drain Fund - 101	$0	$0	$0
TOTAL ADJUSTMENTS	**$238**	**($8,654)**	**($8,914)**
Balance to Levy	**$8,640**	**$8,899**	**$9,166**
Total Revenue at Maximum Rate	**$20,918**	**$21,545**	**$22,192**
Variance above/(below) Maximum Revenue	($12,278)	($12,646)	($13,025)
DISTRICT STATISTICS			
Total Parcels	144	144	144
Total Parcels Levied	144	144	144
Total EDUs	144.00	144.00	144.00
Total EDUs Levied	144.00	144.00	144.00
Proposed Levy per EDU	**$60.00**	$61.80	$63.65
Max Levy per EDU [4]	$145.26	$149.62	$154.11
FUND BALANCE INFORMATION			
Reserve Fund			
Beginning Fund Balance	$9,372	$9,662	$1,062
Reserve Fund Adjustment	$243	($8,649)	($8,908)
Interest (0.5%)	$47	$48	$5
Projected Reserve Fund Balance at End of Year	**$9,662**	**$1,062**	**($7,841)**

City of Tracy
Consolidated Landscape Maintenance District
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Zone 5

	Proposed Budget FY 2021-22	Forecasted Budget FY 2022-23	Forecasted Budget FY 2023-24
DIRECT COSTS [1]			
Personnel - 5100	$0	$0	$0
Contracted Services - 5200	$903	$930	$958
Materials - 5300	$0	$0	$0
Capital Projects - 5600	$0	$0	$0
TOTAL DIRECT	**$903**	**$930**	**$958**
ADMINISTRATION COSTS [2]			
Overhead - 5900	$0	$0	$0
Internal Services - 5400	$0	$0	$0
County Collection Fee	$0	$0	$0
TOTAL ADMINISTRATION	**$0**	**$0**	**$0**
LEVY ADJUSTMENTS [3]			
TOTAL DIRECT AND ADMIN COSTS	**$903**	**$930**	**$958**
Capital Improvement Projects	$0	$0	$0
Zone Reserves Adjustment	($903)	($930)	($958)
Special Tax Support	$0	$0	$0
General Fund - 101	$0	$0	$0
Storm Drain Fund - 101	$0	$0	$0
TOTAL ADJUSTMENTS	**($903)**	**($930)**	**($958)**
Balance to Levy	**$0**	**$0**	**$0**
Total Revenue at Maximum Rate	**$10,023**	**$10,324**	**$10,633**
Variance above/(below) Maximum Revenue	($10,023)	($10,324)	($10,633)
DISTRICT STATISTICS			
Total Parcels	69	69	69
Total Parcels Levied	69	69	69
Total EDUs	69.00	69.00	69.00
Total EDUs Levied	69.00	69.00	69.00
Proposed Levy per EDU	**$0.00**	$0.00	$0.00
Max Levy per EDU [4]	$145.26	$149.62	$154.11
FUND BALANCE INFORMATION			
Reserve Fund			
Beginning Fund Balance	$22,755	$23,771	$22,960
Reserve Fund Adjustment	$903	($930)	($958)
Interest (0.5%)	$114	$119	$115
Projected Reserve Fund Balance at End of Year	**$23,771**	**$22,960**	**$22,118**

City of Tracy
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Zone 6

	Proposed Budget FY 2021-22	Forecasted Budget FY 2022-23	Forecasted Budget FY 2023-24
DIRECT COSTS [1]			
Personnel - 5100	$0	$0	$0
Contracted Services - 5200	$1,581	$1,628	$1,677
Materials - 5300	$0	$0	$0
Capital Projects - 5600	$0	$0	$0
TOTAL DIRECT	**$1,581**	**$1,628**	**$1,677**
ADMINISTRATION COSTS [2]			
Overhead - 5900	$0	$0	$0
Internal Services - 5400	$0	$0	$0
County Collection Fee	$0	$0	$0
TOTAL ADMINISTRATION	**$0**	**$0**	**$0**
LEVY ADJUSTMENTS [3]			
TOTAL DIRECT AND ADMIN COSTS	**$1,581**	**$1,628**	**$1,677**
Capital Improvement Projects	$0	$0	$0
Zone Reserves Adjustment	($1,581)	($1,628)	($1,677)
Special Tax Support	$0	$0	$0
General Fund - 101	$0	$0	$0
Storm Drain Fund - 101	$0	$0	$0
TOTAL ADJUSTMENTS	**($1,581)**	**($1,628)**	**($1,677)**
Balance to Levy	**$0**	**$0**	**$0**
Total Revenue at Maximum Rate	**$6,537**	**$6,733**	**$6,935**
Variance above/(below) Maximum Revenue	($6,537)	($6,733)	($6,935)
DISTRICT STATISTICS			
Total Parcels	45	45	45
Total Parcels Levied	45	45	45
Total EDUs	45.00	45.00	45.00
Total EDUs Levied	45.00	45.00	45.00
Proposed Levy per EDU	**$0.00**	$0.00	$0.00
Max Levy per EDU [4]	$145.26	$149.62	$154.11
FUND BALANCE INFORMATION			
Reserve Fund			
Beginning Fund Balance	$14,581	$13,073	$11,511
Reserve Fund Adjustment	($1,581)	($1,628)	($1,677)
Interest (0.5%)	$73	$65	$58
Projected Reserve Fund Balance at End of Year	**$13,073**	**$11,511**	**$9,891**

City of Tracy
Consolidated Landscape Maintenance District
Proposed Budget for Fiscal Year 2021-22

Zone 7

	Proposed Budget FY 2021-22	Forecasted Budget FY 2022-23	Forecasted Budget FY 2023-24
DIRECT COSTS [1]			
Personnel - 5100	$101,365	$104,405	$107,538
Contracted Services - 5200	$76,839	$79,144	$81,518
Materials - 5300	$50,536	$52,053	$53,614
Capital Projects - 5600	$6,620	$6,819	$7,023
TOTAL DIRECT	**$235,360**	**$242,421**	**$249,693**
ADMINISTRATION COSTS [2]			
Overhead - 5900	$12,091	$12,454	$12,827
Internal Services - 5400	$11,262	$11,600	$11,948
County Collection Fee	$2,305	$2,305	$2,305
TOTAL ADMINISTRATION	**$25,658**	**$26,358**	**$27,080**
LEVY ADJUSTMENTS [3]			
TOTAL DIRECT AND ADMIN COSTS	**$261,018**	**$268,779**	**$276,773**
Capital Improvement Projects	$0	$0	$0
Zone Reserves Adjustment	($16,597)	($17,017)	($17,458)
Special Tax Support	$0	$0	$0
General Fund - 101	($12,113)	($12,477)	($12,851)
Storm Drain Fund - 101	($1,807)	($1,861)	($1,917)
TOTAL ADJUSTMENTS	**($30,518)**	**($31,355)**	**($32,226)**
Balance to Levy	**$230,500**	**$237,415**	**$244,537**
Total Revenue at Maximum Rate	**$230,509**	**$237,424**	**$244,547**
Variance above/(below) Maximum Revenue	($9)	($9)	($10)
DISTRICT STATISTICS			
Total Parcels	1,172	1,172	1,172
Total Parcels Levied	1,172	1,172	1,172
Total EDUs	1,273.34	1,273.34	1,273.34
Total EDUs Levied	1,273.34	1,273.34	1,273.34
Proposed Levy per EDU	**$181.02**	$186.45	$192.04
Max Levy per EDU [4]	$181.03	$186.46	$192.05
FUND BALANCE INFORMATION			
Reserve Fund			
Beginning Fund Balance	$438,211	$423,805	$408,907
Reserve Fund Adjustment	($16,597)	($17,017)	($17,458)
Interest (0.5%)	$2,191	$2,119	$2,045
Projected Reserve Fund Balance at End of Year	**$423,805**	**$408,907**	**$393,493**

City of Tracy
Consolidated Landscape Maintenance District
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Zone 8

	Proposed Budget FY 2021-22	Forecasted Budget FY 2022-23	Forecasted Budget FY 2023-24
DIRECT COSTS [1]			
Personnel - 5100	$54,919	$56,567	$58,264
Contracted Services - 5200	$23,319	$24,018	$24,739
Materials - 5300	$10,345	$10,655	$10,975
Capital Projects - 5600	$3,587	$3,694	$3,805
TOTAL DIRECT	**$92,170**	**$94,935**	**$97,783**
ADMINISTRATION COSTS [2]			
Overhead - 5900	$7,403	$7,625	$7,854
Internal Services - 5400	$6,102	$6,285	$6,473
County Collection Fee	$396	$396	$396
TOTAL ADMINISTRATION	**$13,901**	**$14,306**	**$14,724**
LEVY ADJUSTMENTS [3]			
TOTAL DIRECT AND ADMIN COSTS	**$106,071**	**$109,241**	**$112,506**
Capital Improvement Projects	$0	$0	$0
Zone Reserves Adjustment	($61,726)	($63,566)	($65,461)
Special Tax Support	$0	$0	$0
General Fund - 101	($2,618)	($2,696)	($2,777)
Storm Drain Fund - 101	($2,084)	($2,146)	($2,210)
TOTAL ADJUSTMENTS	**($66,427)**	**($68,408)**	**($70,449)**
Balance to Levy	**$39,643**	**$40,833**	**$42,058**
Total Revenue at Maximum Rate	**$39,645**	**$40,834**	**$42,059**
Variance above/(below) Maximum Revenue	($2)	($2)	($2)
DISTRICT STATISTICS			
Total Parcels	219	219	219
Total Parcels Levied	219	219	219
Total EDUs	219.00	219.00	219.00
Total EDUs Levied	219.00	219.00	219.00
Proposed Levy per EDU	**$181.02**	$186.45	$192.04
Max Levy per EDU [4]	$181.03	$186.46	$192.05
FUND BALANCE INFORMATION			
Reserve Fund			
Beginning Fund Balance	($109,669)	($171,395)	($234,962)
Reserve Fund Adjustment	($61,726)	($63,566)	($65,461)
Interest (0.5%)	$0	$0	$0
Projected Reserve Fund Balance at End of Year	**($171,395)**	**($234,962)**	**($300,423)**

City of Tracy
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Zone 9

	Proposed Budget FY 2021-22	Forecasted Budget FY 2022-23	Forecasted Budget FY 2023-24
DIRECT COSTS [1]			
Personnel - 5100	$173,423	$178,625	$183,984
Contracted Services - 5200	$120,630	$124,248	$127,976
Materials - 5300	$32,667	$33,647	$34,656
Capital Projects - 5600	$11,327	$11,666	$12,016
TOTAL DIRECT	**$338,045**	**$348,187**	**$358,632**
ADMINISTRATION COSTS [2]			
Overhead - 5900	$20,667	$21,287	$21,926
Internal Services - 5400	$19,268	$19,846	$20,441
County Collection Fee	$3,963	$3,963	$3,963
TOTAL ADMINISTRATION	**$43,898**	**$45,096**	**$46,330**
LEVY ADJUSTMENTS [3]			
TOTAL DIRECT AND ADMIN COSTS	**$381,944**	**$393,283**	**$404,963**
Capital Improvement Projects	$0	$0	$0
Zone Reserves Adjustment	$35,168	$36,362	$37,572
Special Tax Support	$0	$0	$0
General Fund - 101	($16,945)	($17,453)	($17,976)
Storm Drain Fund - 101	($3,817)	($3,932)	($4,050)
TOTAL ADJUSTMENTS	**$14,406**	**$14,977**	**$15,546**
Balance to Levy	**$396,350**	**$408,240**	**$420,487**
Total Revenue at Maximum Rate	**$396,370**	**$408,261**	**$420,508**
Variance above/(below) Maximum Revenue	($20)	($20)	($21)
DISTRICT STATISTICS			
Total Parcels	2,368	2,368	2,368
Total Parcels Levied	2,368	2,368	2,368
Total EDUs	2,441.78	2,441.78	2,441.78
Total EDUs Levied	2,441.78	2,441.78	2,441.78
Proposed Levy per EDU	**$162.32**	$167.19	$172.21
Max Levy per EDU [4]	$162.33	$167.20	$172.21
FUND BALANCE INFORMATION			
Reserve Fund			
Beginning Fund Balance	$4,717	$39,908	$76,470
Reserve Fund Adjustment	$35,168	$36,362	$37,572
Interest (0.5%)	$24	$200	$382
Projected Reserve Fund Balance at End of Year	**$39,908**	**$76,470**	**$114,424**

City of Tracy
Consolidated Landscape Maintenance District
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Zone 10

	Proposed Budget FY 2021-22	Forecasted Budget FY 2022-23	Forecasted Budget FY 2023-24
DIRECT COSTS [1]			
Personnel - 5100	$195,443	$201,306	$207,345
Contracted Services - 5200	$67,112	$69,125	$71,199
Materials - 5300	$22,839	$23,524	$24,230
Capital Projects - 5600	$12,765	$13,148	$13,542
TOTAL DIRECT	**$298,158**	**$307,103**	**$316,316**
ADMINISTRATION COSTS [2]			
Overhead - 5900	$26,807	$27,611	$28,439
Internal Services - 5400	$21,714	$22,366	$23,037
County Collection Fee	$951	$951	$951
TOTAL ADMINISTRATION	**$49,472**	**$50,927**	**$52,427**
LEVY ADJUSTMENTS [3]			
TOTAL DIRECT AND ADMIN COSTS	**$347,630**	**$358,030**	**$368,742**
Capital Improvement Projects	$0	$0	$0
Zone Reserves Adjustment	($121,009)	($124,616)	($128,326)
Special Tax Support	$0	$0	$0
General Fund - 101	($10,391)	($10,702)	($11,024)
Storm Drain Fund - 101	($7,927)	(8,165)	(8,409)
TOTAL ADJUSTMENTS	**($139,326)**	**($143,483)**	**($147,759)**
Balance to Levy	**$208,304**	**$214,547**	**$220,983**
Total Revenue at Maximum Rate	**$208,304**	**$214,547**	**$220,983**
Variance above/(below) Maximum Revenue	($0)	($0)	$0
DISTRICT STATISTICS			
Total Parcels	317	317	317
Total Parcels Levied	317	317	317
Total EDUs	2,155.46	2,155.46	2,155.46
Total EDUs Levied	2,155.46	2,155.46	2,155.46
Proposed Levy per EDU	**$96.64**	$99.54	$102.52
Max Levy per EDU [4]	$96.64	$99.54	$102.52
FUND BALANCE INFORMATION			
Reserve Fund			
Beginning Fund Balance	$249,266	$129,504	$5,535
Reserve Fund Adjustment	($121,009)	($124,616)	($128,326)
Interest (0.5%)	$1,246	$648	$28
Projected Reserve Fund Balance at End of Year	**$129,504**	**$5,535**	**($122,763)**

City of Tracy
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Zone 11

	Proposed Budget FY 2021-22	Forecasted Budget FY 2022-23	Forecasted Budget FY 2023-24
DIRECT COSTS [1]			
Personnel - 5100	$1,843	$1,899	$1,956
Contracted Services - 5200	$831	$856	$881
Materials - 5300	$347	$358	$368
Capital Projects - 5600	$120	$124	$128
TOTAL DIRECT	**$3,142**	**$3,236**	**$3,333**
ADMINISTRATION COSTS [2]			
Overhead - 5900	$57	$59	$60
Internal Services - 5400	$205	$211	$217
County Collection Fee	$3	$3	$3
TOTAL ADMINISTRATION	**$265**	**$273**	**$281**
LEVY ADJUSTMENTS [3]			
TOTAL DIRECT AND ADMIN COSTS	**$3,406**	**$3,509**	**$3,614**
Capital Improvement Projects	$0	$0	$0
Zone Reserves Adjustment	($1,220)	($1,257)	($1,294)
Special Tax Support	$0	$0	$0
General Fund - 101	($432)	($445)	($459)
Storm Drain Fund - 101	$0	$0	$0
TOTAL ADJUSTMENTS	**($1,652)**	**($1,702)**	**($1,753)**
Balance to Levy	**$1,754**	**$1,807**	**$1,861**
Total Revenue at Maximum Rate	**$1,754**	**$1,807**	**$1,861**
Variance above/(below) Maximum Revenue	$0	$0	($0)
DISTRICT STATISTICS			
Total Parcels	1	1	1
Total Parcels Levied	1	1	1
Total EDUs	18.15	18.15	18.15
Total EDUs Levied	18.15	18.15	18.15
Proposed Levy per EDU	**$96.64**	$99.54	$102.52
Max Levy per EDU [4]	$96.64	$99.54	$102.52
FUND BALANCE INFORMATION			
Reserve Fund			
Beginning Fund Balance	$991	($229)	($1,487)
Reserve Fund Adjustment	($1,220)	($1,257)	($1,294)
Interest (0.5%)	$0	($1)	$0
Projected Reserve Fund Balance at End of Year	**($229)**	**($1,487)**	**($2,781)**

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Zone 12

	Proposed Budget FY 2021-22	Forecasted Budget FY 2022-23	Forecasted Budget FY 2023-24
DIRECT COSTS [1]			
Personnel - 5100	$20,197	$20,803	$21,427
Contracted Services - 5200	$24,762	$25,505	$26,270
Materials - 5300	$19,405	$19,988	$20,587
Capital Projects - 5600	$1,319	$1,359	$1,399
TOTAL DIRECT	**$65,683**	**$67,654**	**$69,684**
ADMINISTRATION COSTS [2]			
Overhead - 5900	$2,562	$2,639	$2,718
Internal Services - 5400	$2,244	$2,311	$2,381
County Collection Fee	$306	$306	$306
TOTAL ADMINISTRATION	**$5,112**	**$5,256**	**$5,405**
LEVY ADJUSTMENTS [3]			
TOTAL DIRECT AND ADMIN COSTS	**$70,795**	**$72,910**	**$75,088**
Capital Improvement Projects	$0	$0	$0
Zone Reserves Adjustment	$3,964	$4,093	$4,225
Special Tax Support	$0	$0	$0
General Fund - 101	($4,737)	($4,880)	($5,026)
Storm Drain Fund - 101	$0	$0	$0
TOTAL ADJUSTMENTS	**($773)**	**($787)**	**($801)**
Balance to Levy	**$70,022**	**$72,123**	**$74,287**
Total Revenue at Maximum Rate	**$140,211**	**$144,417**	**$148,750**
Variance above/(below) Maximum Revenue	($70,189)	($72,294)	($74,463)
DISTRICT STATISTICS			
Total Parcels	102	102	102
Total Parcels Levied	102	102	102
Total EDUs	1,014.23	1,014.23	1,014.23
Total EDUs Levied	1,014.23	1,014.23	1,014.23
Proposed Levy per EDU	**$69.04**	$71.11	$73.24
Max Levy per EDU [4]	$138.24	$142.39	$146.66
FUND BALANCE INFORMATION			
Reserve Fund			
Beginning Fund Balance	$268,362	$273,668	$279,129
Reserve Fund Adjustment	$3,964	$4,093	$4,225
Interest (0.5%)	$1,342	$1,368	$1,396
Projected Reserve Fund Balance at End of Year	**$273,668**	**$279,129**	**$284,749**

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Zone 13

	Proposed Budget FY 2021-22	Forecasted Budget FY 2022-23	Forecasted Budget FY 2023-24
DIRECT COSTS [1]			
Personnel - 5100	$23,559	$24,266	$24,994
Contracted Services - 5200	$29,353	$30,233	$31,140
Materials - 5300	$6,438	$6,631	$6,830
Capital Projects - 5600	$1,539	$1,585	$1,632
TOTAL DIRECT	**$60,888**	**$62,715**	**$64,596**
ADMINISTRATION COSTS [2]			
Overhead - 5900	$2,092	$2,154	$2,219
Internal Services - 5400	$2,618	$2,696	$2,777
County Collection Fee	$1,254	$1,254	$1,254
TOTAL ADMINISTRATION	**$5,963**	**$6,104**	**$6,250**
LEVY ADJUSTMENTS [3]			
TOTAL DIRECT AND ADMIN COSTS	**$66,851**	**$68,819**	**$70,846**
Capital Improvement Projects	$0	$0	$0
Zone Reserves Adjustment	$63,747	$65,699	$67,707
Special Tax Support	$0	$0	$0
General Fund - 101	($1,127)	($1,161)	($1,196)
Storm Drain Fund - 101	$0	$0	$0
TOTAL ADJUSTMENTS	**$62,620**	**$64,538**	**$66,511**
Balance to Levy	**$129,471**	**$133,355**	**$137,356**
Total Revenue at Maximum Rate	**$129,473**	**$133,357**	**$137,358**
Variance above/(below) Maximum Revenue	($2)	($2)	($2)
DISTRICT STATISTICS			
Total Parcels	418	418	418
Total Parcels Levied	418	418	418
Total EDUs	418.00	418.00	418.00
Total EDUs Levied	418.00	418.00	418.00
Proposed Levy per EDU	**$309.74**	$319.03	$328.60
Max Levy per EDU [4]	$309.74	$319.04	$328.61
FUND BALANCE INFORMATION			
Reserve Fund			
Beginning Fund Balance	$515,696	$582,022	$650,631
Reserve Fund Adjustment	$63,747	$65,699	$67,707
Interest (0.5%)	$2,578	$2,910	$3,253
Projected Reserve Fund Balance at End of Year	**$582,022**	**$650,631**	**$721,591**

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Zone 14

	Proposed Budget FY 2021-22	Forecasted Budget FY 2022-23	Forecasted Budget FY 2023-24
DIRECT COSTS [1]			
Personnel - 5100	$17,201	$17,717	$18,249
Contracted Services - 5200	$28,666	$29,526	$30,412
Materials - 5300	$3,240	$3,337	$3,437
Capital Projects - 5600	$1,123	$1,157	$1,192
TOTAL DIRECT	**$50,231**	**$51,738**	**$53,290**
ADMINISTRATION COSTS [2]			
Overhead - 5900	$1,813	$1,867	$1,923
Internal Services - 5400	$1,911	$1,968	$2,027
County Collection Fee	$630	$630	$630
TOTAL ADMINISTRATION	**$4,354**	**$4,466**	**$4,581**
LEVY ADJUSTMENTS [3]			
TOTAL DIRECT AND ADMIN COSTS	**$54,585**	**$56,204**	**$57,871**
Capital Improvement Projects	$0	$0	$0
Zone Reserves Adjustment	$8,825	$9,114	$9,406
Special Tax Support	$0	$0	$0
General Fund - 101	($369)	($380)	($392)
Storm Drain Fund - 101	$0	$0	$0
TOTAL ADJUSTMENTS	**$8,455**	**$8,733**	**$9,014**
Balance to Levy	**$63,040**	**$64,932**	**$66,879**
Total Revenue at Maximum Rate	**$63,046**	**$64,937**	**$66,885**
Variance above/(below) Maximum Revenue	($5)	($5)	($6)
DISTRICT STATISTICS			
Total Parcels	369	369	369
Total Parcels Levied	369	369	369
Total EDUs	371.00	371.00	371.00
Total EDUs Levied	371.00	371.00	371.00
Proposed Levy per EDU	**$169.92**	$175.02	$180.27
Max Levy per EDU [4]	$169.93	$175.03	$180.28
FUND BALANCE INFORMATION			
Reserve Fund			
Beginning Fund Balance	$85,322	$94,573	$104,160
Reserve Fund Adjustment	$8,825	$9,114	$9,406
Interest (0.5%)	$427	$473	$521
Projected Reserve Fund Balance at End of Year	**$94,573**	**$104,160**	**$114,086**

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Zone 15

	Proposed Budget FY 2021-22	Forecasted Budget FY 2022-23	Forecasted Budget FY 2023-24
DIRECT COSTS [1]			
Personnel - 5100	$69,787	$71,881	$74,037
Contracted Services - 5200	$57,934	$59,672	$61,463
Materials - 5300	$15,145	$15,600	$16,068
Capital Projects - 5600	$4,558	$4,695	$4,836
TOTAL DIRECT	**$147,425**	**$151,848**	**$156,403**
ADMINISTRATION COSTS [2]			
Overhead - 5900	$7,505	$7,730	$7,962
Internal Services - 5400	$7,754	$7,986	$8,226
County Collection Fee	$2,406	$2,406	$2,406
TOTAL ADMINISTRATION	**$17,665**	**$18,123**	**$18,594**
LEVY ADJUSTMENTS [3]			
TOTAL DIRECT AND ADMIN COSTS	**$165,090**	**$169,970**	**$174,997**
Capital Improvement Projects	$0	$0	$0
Zone Reserves Adjustment	$78,878	$81,337	$83,849
Special Tax Support	$0	$0	$0
General Fund - 101	($3,364)	($3,465)	($3,569)
Storm Drain Fund - 101	$0	$0	$0
TOTAL ADJUSTMENTS	**$75,513**	**$77,872**	**$80,280**
Balance to Levy	**$240,603**	**$247,821**	**$255,256**
Total Revenue at Maximum Rate	**$240,624**	**$247,842**	**$255,278**
Variance above/(below) Maximum Revenue	($20)	($21)	($21)
DISTRICT STATISTICS			
Total Parcels	1,187	1,187	1,187
Total Parcels Levied	1,187	1,187	1,187
Total EDUs	1,415.98	1,415.98	1,415.98
Total EDUs Levied	1,415.98	1,415.98	1,415.98
Proposed Levy per EDU	**$169.92**	$175.02	$180.27
Max Levy per EDU [4]	$169.93	$175.03	$180.28
FUND BALANCE INFORMATION			
Reserve Fund			
Beginning Fund Balance	$234,189	$314,237	$397,146
Reserve Fund Adjustment	$78,878	$81,337	$83,849
Interest (0.5%)	$1,171	$1,571	$0
Projected Reserve Fund Balance at End of Year	**$314,237**	**$397,146**	**$480,995**

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Zone 16

	Proposed Budget FY 2021-22	Forecasted Budget FY 2022-23	Forecasted Budget FY 2023-24
DIRECT COSTS [1]			
Personnel - 5100	$10,972	$11,301	$11,640
Contracted Services - 5200	$16,689	$17,189	$17,705
Materials - 5300	$4,067	$4,189	$4,314
Capital Projects - 5600	$717	$738	$760
TOTAL DIRECT	**$32,444**	**$33,417**	**$34,420**
ADMINISTRATION COSTS [2]			
Overhead - 5900	$1,031	$1,062	$1,094
Internal Services - 5400	$1,219	$1,256	$1,293
County Collection Fee	$527	$527	$527
TOTAL ADMINISTRATION	**$2,777**	**$2,844**	**$2,914**
LEVY ADJUSTMENTS [3]			
TOTAL DIRECT AND ADMIN COSTS	**$35,221**	**$36,262**	**$37,334**
Capital Improvement Projects	$0	$0	$0
Zone Reserves Adjustment	$17,454	$17,998	$18,554
Special Tax Support	$0	$0	$0
General Fund - 101	$0	$0	$0
Storm Drain Fund - 101	$0	$0	$0
TOTAL ADJUSTMENTS	**$17,454**	**$17,998**	**$18,554**
Balance to Levy	**$52,675**	**$54,255**	**$55,883**
Total Revenue at Maximum Rate	**$52,680**	**$54,260**	**$55,888**
Variance above/(below) Maximum Revenue	($4)	($5)	($5)
DISTRICT STATISTICS			
Total Parcels	310	310	310
Total Parcels Levied	310	310	310
Total EDUs	310.00	310.00	310.00
Total EDUs Levied	310.00	310.00	310.00
Proposed Levy per EDU	**$169.92**	$175.02	$180.27
Max Levy per EDU [4]	$169.93	$175.03	$180.28
FUND BALANCE INFORMATION			
Reserve Fund			
Beginning Fund Balance	$151,235	$169,446	$188,292
Reserve Fund Adjustment	$17,454	$17,998	$18,554
Interest (0.5%)	$756	$847	$941
Projected Reserve Fund Balance at End of Year	**$169,446**	**$188,292**	**$207,787**

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Zone 17

	Proposed Budget FY 2021-22	Forecasted Budget FY 2022-23	Forecasted Budget FY 2023-24
DIRECT COSTS [1]			
Personnel - 5100	$54,194	$55,820	$57,494
Contracted Services - 5200	$75,171	$77,426	$79,749
Materials - 5300	$59,853	$61,649	$63,498
Capital Projects - 5600	$3,539	$3,646	$3,755
TOTAL DIRECT	**$192,757**	**$198,540**	**$204,496**
ADMINISTRATION COSTS [2]			
Overhead - 5900	$4,435	$4,568	$4,705
Internal Services - 5400	$6,021	$6,202	$6,388
County Collection Fee	$3,262	$3,262	$3,262
TOTAL ADMINISTRATION	**$13,718**	**$14,031**	**$14,355**
LEVY ADJUSTMENTS [3]			
TOTAL DIRECT AND ADMIN COSTS	**$206,475**	**$212,571**	**$218,851**
Capital Improvement Projects	$0	$0	$0
Zone Reserves Adjustment	$129,712	$133,701	$137,825
Special Tax Support	$0	$0	$0
General Fund - 101	($10,021)	($10,322)	($10,631)
Storm Drain Fund - 101	$0	$0	$0
TOTAL ADJUSTMENTS	**$119,691**	**$123,379**	**$127,194**
Balance to Levy	**$326,166**	**$335,951**	**$346,029**
Total Revenue at Maximum Rate	**$326,180**	**$335,965**	**$346,044**
Variance above/(below) Maximum Revenue	($14)	($15)	($15)
DISTRICT STATISTICS			
Total Parcels	1,133	1,133	1,133
Total Parcels Levied	1,133	1,133	1,133
Total EDUs	1,664.79	1,664.79	1,664.79
Total EDUs Levied	1,664.79	1,664.79	1,664.79
Proposed Levy per EDU	**$195.92**	$201.80	$207.85
Max Levy per EDU [4]	$195.93	$201.81	$207.86
FUND BALANCE INFORMATION			
Reserve Fund			
Beginning Fund Balance	$953,264	$1,087,743	$1,226,882
Reserve Fund Adjustment	$129,712	$133,701	$137,825
Interest (0.5%)	$4,766	$5,439	$0
Projected Reserve Fund Balance at End of Year	**$1,087,743**	**$1,226,882**	**$1,364,708**

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Zone 18

	Proposed Budget FY 2021-22	Forecasted Budget FY 2022-23	Forecasted Budget FY 2023-24
DIRECT COSTS [1]			
Personnel - 5100	$28,415	$29,267	$30,145
Contracted Services - 5200	$34,907	$35,954	$37,033
Materials - 5300	$7,352	$7,573	$7,800
Capital Projects - 5600	$1,856	$1,912	$1,969
TOTAL DIRECT	**$72,530**	**$74,706**	**$76,947**
ADMINISTRATION COSTS [2]			
Overhead - 5900	$2,852	$2,938	$3,026
Internal Services - 5400	$3,157	$3,252	$3,349
County Collection Fee	$1,183	$1,183	$1,183
TOTAL ADMINISTRATION	**$7,192**	**$7,373**	**$7,558**
LEVY ADJUSTMENTS [3]			
TOTAL DIRECT AND ADMIN COSTS	**$79,722**	**$82,078**	**$84,505**
Capital Improvement Projects	$0	$0	$0
Zone Reserves Adjustment	$44,456	$45,825	$47,236
Special Tax Support	$0	$0	$0
General Fund - 101	($5,883)	($6,060)	($6,242)
Storm Drain Fund - 101	$0	$0	$0
TOTAL ADJUSTMENTS	**$38,573**	**$39,765**	**$40,994**
Balance to Levy	**$118,295**	**$121,844**	**$125,499**
Total Revenue at Maximum Rate	**$118,295**	**$121,844**	**$125,499**
Variance above/(below) Maximum Revenue	$0	$0	$0
DISTRICT STATISTICS			
Total Parcels	968	968	968
Total Parcels Levied	968	968	968
Total EDUs	977.65	977.65	977.65
Total EDUs Levied	977.65	977.65	977.65
Proposed Levy per EDU	**$121.00**	$124.63	$128.37
Max Levy per EDU [4]	$121.00	$124.63	$128.37
FUND BALANCE INFORMATION			
Reserve Fund			
Beginning Fund Balance	$253,830	$299,556	$346,879
Reserve Fund Adjustment	$44,456	$45,825	$47,236
Interest (0.5%)	$1,269	$1,498	$1,734
Projected Reserve Fund Balance at End of Year	**$299,556**	**$346,879**	**$395,849**

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Zone 19

	Proposed Budget FY 2021-22	Forecasted Budget FY 2022-23	Forecasted Budget FY 2023-24
DIRECT COSTS [1]			
Personnel - 5100	$23,276	$23,974	$24,693
Contracted Services - 5200	$47,501	$48,926	$50,394
Materials - 5300	$6,384	$6,576	$6,773
Capital Projects - 5600	$1,520	$1,566	$1,613
TOTAL DIRECT	**$78,682**	**$81,042**	**$83,473**
ADMINISTRATION COSTS [2]			
Overhead - 5900	$1,788	$1,841	$1,897
Internal Services - 5400	$2,586	$2,664	$2,744
County Collection Fee	$1,518	$1,518	$1,518
TOTAL ADMINISTRATION	**$5,892**	**$6,023**	**$6,158**
LEVY ADJUSTMENTS [3]			
TOTAL DIRECT AND ADMIN COSTS	**$84,574**	**$87,065**	**$89,632**
Capital Improvement Projects	$0	$0	$0
Zone Reserves Adjustment	$81,345	$83,833	$86,394
Special Tax Support	$0	$0	$0
General Fund - 101	($997)	($1,027)	($1,058)
Storm Drain Fund - 101	$0	$0	$0
TOTAL ADJUSTMENTS	**$80,348**	**$82,806**	**$85,336**
Balance to Levy	**$164,922**	**$169,870**	**$174,966**
Total Revenue at Maximum Rate	**$164,924**	**$169,872**	**$174,968**
Variance above/(below) Maximum Revenue	($2)	($2)	($2)
DISTRICT STATISTICS			
Total Parcels	506	506	506
Total Parcels Levied	506	506	506
Total EDUs	742.49	742.49	742.49
Total EDUs Levied	742.49	742.49	742.49
Proposed Levy per EDU	**$222.12**	$228.78	$235.65
Max Levy per EDU [4]	$222.12	$228.79	$235.65
FUND BALANCE INFORMATION			
Reserve Fund			
Beginning Fund Balance	$697,259	$782,091	$869,834
Reserve Fund Adjustment	$81,345	$83,833	$86,394
Interest (0.5%)	$3,486	$3,910	$4,349
Projected Reserve Fund Balance at End of Year	**$782,091**	**$869,834**	**$960,577**

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Zone 20

	Proposed Budget FY 2021-22	Forecasted Budget FY 2022-23	Forecasted Budget FY 2023-24
DIRECT COSTS [1]			
Personnel - 5100	$1,861	$1,916	$1,974
Contracted Services - 5200	$7,663	$7,893	$8,129
Materials - 5300	$2,350	$2,421	$2,494
Capital Projects - 5600	$122	$125	$129
TOTAL DIRECT	**$11,995**	**$12,355**	**$12,726**
ADMINISTRATION COSTS [2]			
Overhead - 5900	$120	$123	$127
Internal Services - 5400	$207	$213	$219
County Collection Fee	$144	$144	$144
TOTAL ADMINISTRATION	**$470**	**$480**	**$490**
LEVY ADJUSTMENTS [3]			
TOTAL DIRECT AND ADMIN COSTS	**$12,466**	**$12,836**	**$13,216**
Capital Improvement Projects	$0	$0	$0
Zone Reserves Adjustment	$5,009	$0	$0
Special Tax Support	$0	$0	$0
General Fund - 101	($18)	($19)	($20)
Storm Drain Fund - 101	$0	$0	$0
TOTAL ADJUSTMENTS	**$4,990**	**($19)**	**($20)**
Balance to Levy	**$17,456**	**$17,980**	**$18,519**
Total Revenue at Maximum Rate	**$38,774**	**$39,937**	**$41,135**
Variance above/(below) Maximum Revenue	($21,318)	($21,957)	($22,616)
DISTRICT STATISTICS			
Total Parcels	168	168	168
Total Parcels Levied	168	168	168
Total EDUs	174.56	174.56	174.56
Total EDUs Levied	174.56	174.56	174.56
Proposed Levy per EDU	**$100.00**	$103.00	$106.09
Max Levy per EDU [4]	$222.12	$228.79	$235.65
FUND BALANCE INFORMATION			
Reserve Fund			
Beginning Fund Balance	$166,175	$172,014	$172,874
Reserve Fund Adjustment	$5,009	$0	$0
Interest (0.5%)	$831	$860	$864
Projected Reserve Fund Balance at End of Year	**$172,014**	**$172,874**	**$173,738**

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Zone 21

	Proposed Budget FY 2021-22	Forecasted Budget FY 2022-23	Forecasted Budget FY 2023-24
DIRECT COSTS [1]			
Personnel - 5100	$18,995	$19,565	$20,152
Contracted Services - 5200	$12,803	$13,187	$13,583
Materials - 5300	$8,578	$8,835	$9,100
Capital Projects - 5600	$1,241	$1,278	$1,316
TOTAL DIRECT	**$41,617**	**$42,865**	**$44,151**
ADMINISTRATION COSTS [2]			
Overhead - 5900	$2,038	$2,099	$2,162
Internal Services - 5400	$2,110	$2,174	$2,239
County Collection Fee	$659	$659	$659
TOTAL ADMINISTRATION	**$4,808**	**$4,932**	**$5,061**
LEVY ADJUSTMENTS [3]			
TOTAL DIRECT AND ADMIN COSTS	**$46,425**	**$47,798**	**$49,212**
Capital Improvement Projects	$0	$0	$0
Zone Reserves Adjustment	$19,504	$20,115	$20,738
Special Tax Support	$0	$0	$0
General Fund - 101	$0	$0	$0
Storm Drain Fund - 101	$0	$0	$0
TOTAL ADJUSTMENTS	**$19,504**	**$20,115**	**$20,738**
Balance to Levy	**$65,929**	**$67,907**	**$69,944**
Total Revenue at Maximum Rate	**$65,935**	**$67,913**	**$69,950**
Variance above/(below) Maximum Revenue	($6)	($6)	($6)
DISTRICT STATISTICS			
Total Parcels	388	388	388
Total Parcels Levied	388	388	388
Total EDUs	388.00	388.00	388.00
Total EDUs Levied	388.00	388.00	388.00
Proposed Levy per EDU\	**$169.92**	$175.02	$180.27
Max Levy per EDU [4]	$169.93	$175.03	$180.28
FUND BALANCE INFORMATION			
Reserve Fund			
Beginning Fund Balance	$107,517	$127,559	$148,312
Reserve Fund Adjustment	$19,504	$20,115	$20,738
Interest (0.5%)	$538	$638	$742
Projected Reserve Fund Balance at End of Year	**$127,559**	**$148,312**	**$169,791**

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Zone 22

	Proposed Budget FY 2021-22	Forecasted Budget FY 2022-23	Forecasted Budget FY 2023-24
DIRECT COSTS [1]			
Personnel - 5100	$5,739	$5,912	$6,089
Contracted Services - 5200	$8,613	$8,871	$9,137
Materials - 5300	$3,581	$3,689	$3,799
Capital Projects - 5600	$375	$386	$398
TOTAL DIRECT	**$18,308**	**$18,857**	**$19,423**
ADMINISTRATION COSTS [2]			
Overhead - 5900	$452	$465	$479
Internal Services - 5400	$638	$657	$677
County Collection Fee	$364	$364	$364
TOTAL ADMINISTRATION	**$1,453**	**$1,485**	**$1,519**
LEVY ADJUSTMENTS [3]			
TOTAL DIRECT AND ADMIN COSTS	**$19,761**	**$20,343**	**$20,942**
Capital Improvement Projects	$0	$0	$0
Zone Reserves Adjustment	$16,992	$17,516	$18,052
Special Tax Support	$0	$0	$0
General Fund - 101	($390)	($402)	($414)
Storm Drain Fund - 101	$0	$0	$0
TOTAL ADJUSTMENTS	**$16,602**	**$17,114**	**$17,639**
Balance to Levy	**$36,363**	**$37,454**	**$38,577**
Total Revenue at Maximum Rate	**$36,366**	**$37,457**	**$38,581**
Variance above/(below) Maximum Revenue	($3)	($3)	($3)
DISTRICT STATISTICS			
Total Parcels	214	214	214
Total Parcels Levied	214	214	214
Total EDUs	214.00	214.00	214.00
Total EDUs Levied	214.00	214.00	214.00
Proposed Levy per EDU	**$169.92**	$175.02	$180.27
Max Levy per EDU [4]	$169.93	$175.03	$180.28
FUND BALANCE INFORMATION			
Reserve Fund			
Beginning Fund Balance	$98,022	$115,504	$133,597
Reserve Fund Adjustment	$16,992	$17,516	$18,052
Interest (0.5%)	$490	$578	$668
Projected Reserve Fund Balance at End of Year	**$115,504**	**$133,597**	**$152,318**

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Zone 23

	Proposed Budget FY 2021-22	Forecasted Budget FY 2022-23	Forecasted Budget FY 2023-24
DIRECT COSTS [1]			
Personnel - 5100	$4,713	$4,854	$5,000
Contracted Services - 5200	$19,316	$19,896	$20,493
Materials - 5300	$2,888	$2,974	$3,064
Capital Projects - 5600	$308	$317	$327
TOTAL DIRECT	**$27,225**	**$28,041**	**$28,883**
ADMINISTRATION COSTS [2]			
Overhead - 5900	$52	$54	$56
Internal Services - 5400	$524	$539	$555
County Collection Fee	$617	$617	$617
TOTAL ADMINISTRATION	**$1,193**	**$1,210**	**$1,228**
LEVY ADJUSTMENTS [3]			
TOTAL DIRECT AND ADMIN COSTS	**$28,417**	**$29,251**	**$30,110**
Capital Improvement Projects	$0	$0	$0
Zone Reserves Adjustment	$34,369	$35,424	$36,505
Special Tax Support	$0	$0	$0
General Fund - 101	($1,105)	($1,139)	($1,173)
Storm Drain Fund - 101	$0	$0	$0
TOTAL ADJUSTMENTS	**$33,264**	**$34,285**	**$35,332**
Balance to Levy	**$61,681**	**$63,531**	**$65,437**
Total Revenue at Maximum Rate	**$61,686**	**$63,537**	**$65,443**
Variance above/(below) Maximum Revenue	($5)	($5)	($6)
DISTRICT STATISTICS			
Total Parcels	363	363	363
Total Parcels Levied	363	363	363
Total EDUs	363.00	363.00	363.00
Total EDUs Levied	363.00	363.00	363.00
Proposed Levy per EDU	**$169.92**	$175.02	$180.27
Max Levy per EDU [4]	$169.93	$175.03	$180.28
FUND BALANCE INFORMATION			
Reserve Fund			
Beginning Fund Balance	$126,504	$161,505	$197,737
Reserve Fund Adjustment	$34,369	$35,424	$36,505
Interest (0.5%)	$633	$808	$989
Projected Reserve Fund Balance at End of Year	**$161,505**	**$197,737**	**$235,231**

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Zone 24

	Proposed Budget FY 2021-22	Forecasted Budget FY 2022-23	Forecasted Budget FY 2023-24
DIRECT COSTS [1]			
Personnel - 5100	$18,071	$18,613	$19,172
Contracted Services - 5200	$15,526	$15,991	$16,471
Materials - 5300	$5,404	$5,566	$5,733
Capital Projects - 5600	$1,180	$1,216	$1,252
TOTAL DIRECT	**$40,181**	**$41,387**	**$42,628**
ADMINISTRATION COSTS [2]			
Overhead - 5900	$1,876	$1,932	$1,990
Internal Services - 5400	$2,008	$2,068	$2,130
County Collection Fee	$690	$690	$690
TOTAL ADMINISTRATION	**$4,574**	**$4,690**	**$4,810**
LEVY ADJUSTMENTS [3]			
TOTAL DIRECT AND ADMIN COSTS	**$44,755**	**$46,077**	**$47,438**
Capital Improvement Projects	$0	$0	$0
Zone Reserves Adjustment	$24,245	$24,993	$25,764
Special Tax Support	$0	$0	$0
General Fund - 101	$0	$0	$0
Storm Drain Fund - 101	$0	$0	$0
TOTAL ADJUSTMENTS	**$24,245**	**$24,993**	**$25,764**
Balance to Levy	**$69,000**	**$71,070**	**$73,202**
Total Revenue at Maximum Rate	**$101,941**	**$104,999**	**$108,149**
Variance above/(below) Maximum Revenue	($32,941)	($33,929)	($34,947)
DISTRICT STATISTICS			
Total Parcels	600	600	600
Total Parcels Levied	600	600	600
Total EDUs	600.00	600.00	600.00
Total EDUs Levied	600.00	600.00	600.00
Proposed Levy per EDU	**$115.00**	$118.45	$122.00
Max Levy per EDU [4]	$169.90	$175.00	$180.25
FUND BALANCE INFORMATION			
Reserve Fund			
Beginning Fund Balance	$417,076	$443,407	$470,617
Reserve Fund Adjustment	$24,245	$24,993	$25,764
Interest (0.5%)	$2,085	$2,217	$2,353
Projected Reserve Fund Balance at End of Year	**$443,407**	**$470,617**	**$498,733**

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Zone 25

	Proposed Budget FY 2021-22	Forecasted Budget FY 2022-23	Forecasted Budget FY 2023-24
DIRECT COSTS [1]			
Personnel - 5100	$0	$0	$0
Contracted Services - 5200	$0	$0	$0
Materials - 5300	$0	$0	$0
Capital Projects - 5600	$0	$0	$0
TOTAL DIRECT	**$0**	**$0**	**$0**
ADMINISTRATION COSTS [2]			
Overhead - 5900	$0	$0	$0
Internal Services - 5400	$0	$0	$0
County Collection Fee	$0	$0	$0
TOTAL ADMINISTRATION	**$0**	**$0**	**$0**
LEVY ADJUSTMENTS [3]			
TOTAL DIRECT AND ADMIN COSTS	**$0**	**$0**	**$0**
Capital Improvement Projects	$0	$0	$0
Zone Reserves Adjustment	$0	$0	$0
Special Tax Support	$0	$0	$0
General Fund - 101	$0	$0	$0
Storm Drain Fund - 101	$0	$0	$0
TOTAL ADJUSTMENTS	**$0**	**$0**	**$0**
Balance to Levy	**$0**	**$0**	**$0**
Total Revenue at Maximum Rate	**$0**	**$0**	**$0**
Variance above/(below) Maximum Revenue	$0	$0	$0
DISTRICT STATISTICS			
Total Parcels	438	438	438
Total Parcels Levied	0	0	0
Total EDUs	438.00	438.00	438.00
Total EDUs Levied	0.00	0.00	0.00
Proposed Levy per EDU	**$0.00**	$0.00	$0.00
Max Levy per EDU [4]	$0.00	$0.00	$0.00
FUND BALANCE INFORMATION			
Reserve Fund			
Beginning Fund Balance	$0	$0	$0
Reserve Fund Adjustment	$0	$0	$0
Interest (0.5%)	$0	$0	$0
Projected Reserve Fund Balance at End of Year	**$0**	**$0**	**$0**

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Zone 26

	Proposed Budget FY 2021-22	Forecasted Budget FY 2022-23	Forecasted Budget FY 2023-24
DIRECT COSTS [1]			
Personnel - 5100	$115,873	$119,349	$122,930
Contracted Services - 5200	$81,594	$84,042	$86,563
Materials - 5300	$45,693	$47,064	$48,476
Capital Projects - 5600	$7,568	$7,795	$8,029
TOTAL DIRECT	**$250,728**	**$258,250**	**$265,997**
ADMINISTRATION COSTS [2]			
Overhead - 5900	$13,985	$14,405	$14,837
Internal Services - 5400	$12,874	$13,260	$13,658
County Collection Fee	$2,471	$2,471	$2,471
TOTAL ADMINISTRATION	**$29,330**	**$30,136**	**$30,966**
LEVY ADJUSTMENTS [3]			
TOTAL DIRECT AND ADMIN COSTS	**$280,058**	**$288,386**	**$296,963**
Capital Improvement Projects	$0	$0	$0
Zone Reserves Adjustment	($28,452)	($29,218)	($30,020)
Special Tax Support	$0	$0	$0
General Fund - 101	($2,108)	($2,171)	($2,236)
Storm Drain Fund - 101	($2,390)	($2,462)	($2,536)
TOTAL ADJUSTMENTS	**($32,950)**	**($33,851)**	**($34,792)**
Balance to Levy	**$247,108**	**$254,522**	**$262,157**
Total Revenue at Maximum Rate	**$247,122**	**$254,535**	**$262,171**
Variance above/(below) Maximum Revenue	($13)	($13)	($14)
DISTRICT STATISTICS			
Total Parcels	1,130	1,130	1,130
Total Parcels Levied	1,130	1,130	1,130
Total EDUs	1,130.00	1,130.00	1,130.00
Total EDUs Levied	1,130.00	1,130.00	1,130.00
Proposed Levy per EDU	**$218.68**	$225.24	$232.00
Max Levy per EDU [4]	$218.69	$225.25	$232.01
FUND BALANCE INFORMATION			
Reserve Fund			
Beginning Fund Balance	$565,510	$537,058	$507,841
Reserve Fund Adjustment	($28,452)	($29,218)	($30,020)
Interest (0.5%)	$0	$0	$0
Projected Reserve Fund Balance at End of Year	**$537,058**	**$507,841**	**$477,821**

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Zone 27

	Proposed Budget FY 2021-22	Forecasted Budget FY 2022-23	Forecasted Budget FY 2023-24
DIRECT COSTS [1]			
Personnel - 5100	$1,547	$1,593	$1,641
Contracted Services - 5200	$4,485	$4,620	$4,759
Materials - 5300	$2,291	$2,360	$2,431
Capital Projects - 5600	$101	$104	$107
TOTAL DIRECT	**$8,425**	**$8,678**	**$8,938**
ADMINISTRATION COSTS [2]			
Overhead - 5900	$63	$65	$67
Internal Services - 5400	$172	$177	$182
County Collection Fee	$156	$156	$156
TOTAL ADMINISTRATION	**$391**	**$398**	**$405**
LEVY ADJUSTMENTS [3]			
TOTAL DIRECT AND ADMIN COSTS	**$8,816**	**$9,076**	**$9,343**
Capital Improvement Projects	$0	$0	$0
Zone Reserves Adjustment	$6,785	$6,993	$7,207
Special Tax Support	$0	$0	$0
General Fund - 101	$0	$0	$0
Storm Drain Fund - 101	$0	$0	$0
TOTAL ADJUSTMENTS	**$6,785**	**$6,993**	**$7,207**
Balance to Levy	**$15,601**	**$16,069**	**$16,551**
Total Revenue at Maximum Rate	**$88,369**	**$91,020**	**$93,751**
Variance above/(below) Maximum Revenue	($72,769)	($74,952)	($77,200)
DISTRICT STATISTICS			
Total Parcels	75	75	75
Total Parcels Levied	75	75	75
Total EDUs	520.02	520.02	520.02
Total EDUs Levied	520.02	520.02	520.02
Proposed Levy per EDU	**$30.00**	$30.90	$31.83
Max Levy per EDU [4]	$169.93	$175.03	$180.28
FUND BALANCE INFORMATION			
Reserve Fund			
Beginning Fund Balance	$74,872	$82,032	$89,435
Reserve Fund Adjustment	$6,785	$6,993	$7,207
Interest (0.5%)	$374	$410	$447
Projected Reserve Fund Balance at End of Year	**$82,032**	**$89,435**	**$97,089**

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Zone 28

	Propposed Budget FY 2021-22	Forecasted Budget FY 2022-23	Forecasted Budget FY 2023-24
DIRECT COSTS [1]			
Personnel - 5100	$10,306	$10,615	$10,933
Contracted Services - 5200	$24,621	$25,360	$26,121
Materials - 5300	$30,250	$31,158	$32,092
Capital Projects - 5600	$673	$693	$714
TOTAL DIRECT	**$65,851**	**$67,826**	**$69,861**
ADMINISTRATION COSTS [2]			
Overhead - 5900	$529	$544	$561
Internal Services - 5400	$1,145	$1,179	$1,215
County Collection Fee	$935	$935	$935
TOTAL ADMINISTRATION	**$2,608**	**$2,658**	**$2,710**
LEVY ADJUSTMENTS [3]			
TOTAL DIRECT AND ADMIN COSTS	**$68,459**	**$70,484**	**$72,571**
Capital Improvement Projects	$0	$0	$0
Zone Reserves Adjustment	$24,997	$25,783	$26,585
Special Tax Support	$0	$0	$0
General Fund - 101	$0	$0	$0
Storm Drain Fund - 101	$0	$0	$0
TOTAL ADJUSTMENTS	**$24,997**	**$25,783**	**$26,585**
Balance to Levy	**$93,456**	**$96,260**	**$99,147**
Total Revenue at Maximum Rate	**$93,464**	**$96,268**	**$99,156**
Variance above/(below) Maximum Revenue	($8)	($8)	($8)
DISTRICT STATISTICS			
Total Parcels	550	550	550
Total Parcels Levied	550	550	550
Total EDUs	550.00	550.00	550.00
Total EDUs Levied	550.00	550.00	550.00
Proposed Levy per EDU	**$169.92**	$175.02	$180.27
Max Levy per EDU [4]	$169.93	$175.03	$180.28
FUND BALANCE INFORMATION			
Reserve Fund			
Beginning Fund Balance	$391,685	$418,640	$446,517
Reserve Fund Adjustment	$24,997	$25,783	$26,585
Interest (0.5%)	$1,958	$2,093	$2,233
Projected Reserve Fund Balance at End of Year	**$418,640**	**$446,517**	**$475,334**

City of Tracy
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Zone 29

	Proposed Budget FY 2021-22	Forecasted Budget FY 2022-23	Forecasted Budget FY 2023-24
DIRECT COSTS [1]			
Personnel - 5100	$30,855	$31,781	$32,734
Contracted Services - 5200	$19,550	$20,137	$20,741
Materials - 5300	$7,812	$8,046	$8,288
Capital Projects - 5600	$2,015	$2,076	$2,138
TOTAL DIRECT	**$60,232**	**$62,039**	**$63,900**
ADMINISTRATION COSTS [2]			
Overhead - 5900	$3,583	$3,691	$3,801
Internal Services - 5400	$3,428	$3,531	$3,637
County Collection Fee	$799	$799	$799
TOTAL ADMINISTRATION	**$7,810**	**$8,020**	**$8,237**
LEVY ADJUSTMENTS [3]			
TOTAL DIRECT AND ADMIN COSTS	**$68,042**	**$70,060**	**$72,137**
Capital Improvement Projects	$0	$0	$0
Zone Reserves Adjustment	$13,370	$13,796	$14,233
Special Tax Support	$0	$0	$0
General Fund - 101	($1,537)	($1,583)	($1,630)
Storm Drain Fund - 101	$0	$0	$0
TOTAL ADJUSTMENTS	**$11,834**	**$12,213**	**$12,603**
Balance to Levy	**$79,876**	**$82,272**	**$84,740**
Total Revenue at Maximum Rate	**$79,876**	**$82,272**	**$84,740**
Variance above/(below) Maximum Revenue	($0)	($0)	($0)
DISTRICT STATISTICS			
Total Parcels	496	496	496
Total Parcels Levied	496	496	496
Total EDUs	496.00	496.00	496.00
Total EDUs Levied	496.00	496.00	496.00
Proposed Levy per EDU	**$161.04**	$165.87	$170.85
Max Levy per EDU [4]	$161.04	$165.87	$170.85
FUND BALANCE INFORMATION			
Reserve Fund			
Beginning Fund Balance	$44,302	$57,672	$71,468
Reserve Fund Adjustment	$13,370	$13,796	$14,233
Interest (0.5%)	$0	$0	$0
Projected Reserve Fund Balance at End of Year	**$57,672**	**$71,468**	**$85,701**

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Zone 30

	Proposed Budget FY 2021-22	Forecasted Budget FY 2022-23	Forecasted Budget FY 2023-24
DIRECT COSTS [1]			
Personnel - 5100	$9,918	$10,216	$10,522
Contracted Services - 5200	$10,161	$10,466	$10,780
Materials - 5300	$3,868	$3,984	$4,104
Capital Projects - 5600	$648	$667	$687
TOTAL DIRECT	**$24,595**	**$25,333**	**$26,093**
ADMINISTRATION COSTS [2]			
Overhead - 5900	$910	$938	$966
Internal Services - 5400	$1,102	$1,135	$1,169
County Collection Fee	$498	$498	$498
TOTAL ADMINISTRATION	**$2,510**	**$2,571**	**$2,633**
LEVY ADJUSTMENTS [3]			
TOTAL DIRECT AND ADMIN COSTS	**$27,106**	**$27,904**	**$28,726**
Capital Improvement Projects	$0	$0	$0
Zone Reserves Adjustment	$28,982	$29,867	$30,778
Special Tax Support	$0	$0	$0
General Fund - 101	($730)	($752)	($774)
Storm Drain Fund - 101	$0	$0	$0
TOTAL ADJUSTMENTS	**$28,252**	**$29,115**	**$30,004**
Balance to Levy	**$55,358**	**$57,018**	**$58,729**
Total Revenue at Maximum Rate	**$55,358**	**$57,019**	**$58,730**
Variance above/(below) Maximum Revenue	($1)	($1)	($1)
DISTRICT STATISTICS			
Total Parcels	166	166	166
Total Parcels Levied	166	166	166
Total EDUs	166.00	166.00	166.00
Total EDUs Levied	166.00	166.00	166.00
Proposed Levy per EDU	**$333.48**	$343.48	$353.79
Max Levy per EDU [4]	$333.48	$343.49	$353.79
FUND BALANCE INFORMATION			
Reserve Fund			
Beginning Fund Balance	$242,912	$273,108	$304,341
Reserve Fund Adjustment	$28,982	$29,867	$30,778
Interest (0.5%)	$1,215	$1,366	$1,522
Projected Reserve Fund Balance at End of Year	**$273,108**	**$304,341**	**$336,641**

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Zone 31

	Proposed Budget FY 2021-22	Forecasted Budget FY 2022-23	Forecasted Budget FY 2023-24
DIRECT COSTS [1]			
Personnel - 5100	$0	$0	$0
Contracted Services - 5200	$0	$0	$0
Materials - 5300	$0	$0	$0
Capital Projects - 5600	$0	$0	$0
TOTAL DIRECT	**$0**	**$0**	**$0**
ADMINISTRATION COSTS [2]			
Overhead - 5900	$0	$0	$0
LMD Administration	$0	$0	$0
Internal Services - 5400	$0	$0	$0
County Collection Fee	$0	$0	$0
TOTAL ADMINISTRATION	**$0**	**$0**	**$0**
LEVY ADJUSTMENTS [3]			
TOTAL DIRECT AND ADMIN COSTS	**$0**	**$0**	**$0**
Capital Improvement Projects	$0	$0	$0
Zone Reserves Adjustment	$0	$0	$0
Special Tax Support	$0	$0	$0
General Fund - 101	$0	$0	$0
Storm Drain Fund - 101	$0	$0	$0
TOTAL ADJUSTMENTS	**$0**	**$0**	**$0**
Balance to Levy	**$0**	**$0**	**$0**
Total Revenue at Maximum Rate	**$6,251**	**$6,439**	**$6,632**
Variance above/(below) Maximum Revenue	($6,251)	($6,439)	($6,632)
DISTRICT STATISTICS			
Total Parcels	1	1	1
Total Parcels Levied	0	0	0
Total EDUs	27.75	27.75	27.75
Total EDUs Levied	0.00	0.00	0.00
Proposed Levy per EDU	**$0.00**	$0.00	$0.00
Max Levy per EDU [4]	$225.27	$232.02	$238.98
FUND BALANCE INFORMATION			
Reserve Fund			
Beginning Fund Balance	$635	$639	$642
Reserve Fund Adjustment	$0	$0	$0
Interest (0.5%)	$3	$3	$3
Projected Reserve Fund Balance at End of Year	**$639**	**$642**	**$645**

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Zone 32

	Proposed Budget FY 2021-22	Forecasted Budget FY 2022-23	Forecasted Budget FY 2023-24
DIRECT COSTS [1]			
Personnel - 5100	$0	$0	$0
Contracted Services - 5200	$0	$0	$0
Materials - 5300	$0	$0	$0
Capital Projects - 5600	$0	$0	$0
TOTAL DIRECT	**$0**	**$0**	**$0**
ADMINISTRATION COSTS [2]			
Overhead - 5900	$0	$0	$0
Internal Services - 5400	$0	$0	$0
County Collection Fee	$0	$0	$0
TOTAL ADMINISTRATION	**$0**	**$0**	**$0**
LEVY ADJUSTMENTS [3]			
TOTAL DIRECT AND ADMIN COSTS	**$0**	**$0**	**$0**
Capital Improvement Projects	$0	$0	$0
Zone Reserves Adjustment	$0	$0	$0
Special Tax Support	$0	$0	$0
General Fund - 101	$0	$0	$0
Storm Drain Fund - 101	$0	$0	$0
TOTAL ADJUSTMENTS	**$0**	**$0**	**$0**
Balance to Levy	**$0**	**$0**	**$0**
Total Revenue at Maximum Rate	**$41,080**	**$42,313**	**$43,582**
Variance above/(below) Maximum Revenue	($41,080)	($42,313)	($43,582)
DISTRICT STATISTICS			
Total Parcels	2	2	2
Total Parcels Levied	0	0	0
Total EDUs	222.68	222.68	222.68
Total EDUs Levied	0.00	0.00	0.00
Proposed Levy per EDU	**$0.00**	$0.00	$0.00
Max Levy per EDU [4]	$184.48	$190.01	$195.72
FUND BALANCE INFORMATION			
Reserve Fund			
Beginning Fund Balance	$0	$0	$0
Reserve Fund Adjustment	$0	$0	$0
Interest (0.5%)	$0	$0	$0
Projected Reserve Fund Balance at End of Year	**$0**	**$0**	**$0**

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Zone 33

	Proposed Budget FY 2021-22	Forecasted Budget FY 2022-23	Forecasted Budget FY 2023-24
DIRECT COSTS [1]			
Personnel - 5100	$2,183	$2,248	$2,316
Contracted Services - 5200	$81,594	$84,042	$86,563
Materials - 5300	$45,693	$47,064	$48,476
Capital Projects - 5600	$7,568	$7,795	$8,029
TOTAL DIRECT	**$137,038**	**$141,149**	**$145,383**
ADMINISTRATION COSTS [2]			
Overhead - 5900	$16,351	$16,842	$17,347
Internal Services - 5400	$12,874	$13,260	$13,658
County Collection Fee	$105	$90	$90
TOTAL ADMINISTRATION	**$29,330**	**$30,192**	**$31,095**
LEVY ADJUSTMENTS [3]			
TOTAL DIRECT AND ADMIN COSTS	**$166,368**	**$171,341**	**$176,478**
Capital Improvement Projects	$0	$0	$0
Zone Reserves Adjustment	$45,949	$47,346	$48,769
Special Tax Support	$0	$0	$0
General Fund - 101	($512)	($527)	($543)
Storm Drain Fund - 101	$0	$0	$0
TOTAL ADJUSTMENTS	**$45,437**	**$46,819**	**$48,226**
Balance to Levy	**$211,806**	**$218,160**	**$224,704**
Total Revenue at Maximum Rate	**$632,935**	**$651,923**	**$671,481**
Variance above/(below) Maximum Revenue	($421,130)	($433,764)	($446,777)
DISTRICT STATISTICS			
Total Parcels	37	37	37
Total Parcels Levied	35	35	35
Total EDUs	2,824.07	2,824.07	2,824.07
Total EDUs Levied	2,824.07	2,824.07	2,824.07
Proposed Levy per EDU	**$75.00**	$77.25	$79.57
Max Levy per EDU [4]	$224.12	$230.85	$237.77
FUND BALANCE INFORMATION			
Reserve Fund			
Beginning Fund Balance	$375,162	$422,988	$472,449
Reserve Fund Adjustment	$45,949	$47,346	$48,769
Interest (0.5%)	$1,876	$2,115	$2,362
Projected Reserve Fund Balance at End of Year	**$422,988**	**$472,449**	**$523,580**

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Zone 34

	Proposed Budget FY 2021-22	Forecasted Budget FY 2022-23	Forecasted Budget FY 2023-24
DIRECT COSTS [1]			
Personnel - 5100	$6,662	$6,862	$7,068
Contracted Services - 5200	$7,649	$7,878	$8,115
Materials - 5300	$1,255	$1,293	$1,331
Capital Projects - 5600	$435	$448	$462
TOTAL DIRECT	**$16,001**	**$16,481**	**$16,975**
ADMINISTRATION COSTS [2]			
Overhead - 5900	$919	$947	$975
Internal Services - 5400	$740	$762	$785
County Collection Fee	$27	$27	$27
TOTAL ADMINISTRATION	**$1,686**	**$1,736**	**$1,787**
LEVY ADJUSTMENTS [3]			
TOTAL DIRECT AND ADMIN COSTS	**$17,687**	**$18,217**	**$18,762**
Capital Improvement Projects	$0	$0	$0
Zone Reserves Adjustment	$5,387	$5,550	$5,717
Special Tax Support	$0	$0	$0
General Fund - 101	($1,563)	($1,610)	($1,658)
Storm Drain Fund - 101	$0	$0	$0
TOTAL ADJUSTMENTS	**$3,824**	**$3,941**	**$4,060**
Balance to Levy	**$21,511**	**$22,156**	**$22,821**
Total Revenue at Maximum Rate	**$21,512**	**$22,157**	**$22,822**
Variance above/(below) Maximum Revenue	($1)	($1)	($1)
DISTRICT STATISTICS			
Total Parcels	9	9	9
Total Parcels Levied	9	9	9
Total EDUs	84.10	84.10	84.10
Total EDUs Levied	84.10	84.10	84.10
Proposed Levy per EDU	**$255.78**	$263.45	$271.36
Max Levy per EDU [4]	$255.79	$263.46	$271.37
FUND BALANCE INFORMATION			
Reserve Fund			
Beginning Fund Balance	$16,690	$22,160	$27,821
Reserve Fund Adjustment	$5,387	$5,550	$5,717
Interest (0.5%)	$83	$111	$0
Projected Reserve Fund Balance at End of Year	**$22,160**	**$27,821**	**$33,539**

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Zone 35

	Proposed Budget FY 2021-22	Forecasted Budget FY 2022-23	Forecasted Budget FY 2023-24
DIRECT COSTS [1]			
Personnel - 5100	$14,769	$15,212	$15,668
Contracted Services - 5200	$9,162	$9,437	$9,720
Materials - 5300	$4,782	$4,925	$5,073
Capital Projects - 5600	$965	$993	$1,023
TOTAL DIRECT	**$29,677**	**$30,568**	**$31,485**
ADMINISTRATION COSTS [2]			
Overhead - 5900	$1,618	$1,667	$1,716
Internal Services - 5400	$1,641	$1,690	$1,741
County Collection Fee	$480	$480	$480
TOTAL ADMINISTRATION	**$3,738**	**$3,836**	**$3,937**
LEVY ADJUSTMENTS [3]			
TOTAL DIRECT AND ADMIN COSTS	**$33,416**	**$34,404**	**$35,421**
Capital Improvement Projects	$0	$0	$0
Zone Reserves Adjustment	$15,507	$15,987	$16,481
Special Tax Support	$0	$0	$0
General Fund - 101	($972)	($1,001)	($1,031)
Storm Drain Fund - 101	$0	$0	$0
TOTAL ADJUSTMENTS	**$14,535**	**$14,986**	**$15,449**
Balance to Levy	**$47,951**	**$49,389**	**$50,871**
Total Revenue at Maximum Rate	**$47,951**	**$49,389**	**$50,871**
Variance above/(below) Maximum Revenue	$0	$0	$0
DISTRICT STATISTICS			
Total Parcels	186	186	186
Total Parcels Levied	186	186	186
Total EDUs	186.00	186.00	186.00
Total EDUs Levied	186.00	186.00	186.00
Proposed Levy per EDU	**$257.80**	$265.53	$273.50
Max Levy per EDU [4]	$257.80	$265.53	$273.50
FUND BALANCE INFORMATION			
Reserve Fund			
Beginning Fund Balance	$58,132	$73,930	$89,917
Reserve Fund Adjustment	$15,507	$15,987	$16,481
Interest (0.5%)	$291	$0	$0
Projected Reserve Fund Balance at End of Year	**$73,930**	**$89,917**	**$106,398**

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Zone 36

	Proposed Budget FY 2021-22	Forecasted Budget FY 2022-23	Forecasted Budget FY 2023-24
DIRECT COSTS [1]			
Personnel - 5100	$0	$0	$0
Contracted Services - 5200	$0	$0	$0
Materials - 5300	$0	$0	$0
Capital Projects - 5600	$0	$0	$0
TOTAL DIRECT	**$0**	**$0**	**$0**
ADMINISTRATION COSTS [2]			
Overhead - 5900	$0	$0	$0
Internal Services - 5400	$0	$0	$0
County Collection Fee	$0	$0	$0
TOTAL ADMINISTRATION	**$0**	**$0**	**$0**
LEVY ADJUSTMENTS [3]			
TOTAL DIRECT AND ADMIN COSTS	**$0**	**$0**	**$0**
Capital Improvement Projects	$0	$0	$0
Zone Reserves Adjustment	$0	$0	$0
Special Tax Support	$0	$0	$0
General Fund - 101	$0	$0	$0
Storm Drain Fund - 101	$0	$0	$0
TOTAL ADJUSTMENTS	**$0**	**$0**	**$0**
Balance to Levy	**$0**	**$0**	**$0**
Total Revenue at Maximum Rate	**$6,958**	**$7,167**	**$7,382**
Variance above/(below) Maximum Revenue	($6,958)	($7,167)	($7,382)
DISTRICT STATISTICS			
Total Parcels	1	1	1
Total Parcels Levied	0	0	0
Total EDUs	72.00	72.00	72.00
Total EDUs Levied	0.00	0.00	0.00
Proposed Levy per EDU	**$0.00**	$0.00	$0.00
Max Levy per EDU [4]	$96.64	$99.54	$102.52
FUND BALANCE INFORMATION			
Reserve Fund			
Beginning Fund Balance	$2,450	$2,462	$2,474
Reserve Fund Adjustment	$0	$0	$0
Interest (0.5%)	$12	$12	$12
Projected Reserve Fund Balance at End of Year	**$2,462**	**$2,474**	**$2,487**

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Zone 37

	Proposed Budget FY 2021-22	Forecasted Budget FY 2022-23	Forecasted Budget FY 2023-24
DIRECT COSTS [1]			
Personnel - 5100	$0	$0	$0
Contracted Services - 5200	$0	$0	$0
Materials - 5300	$0	$0	$0
Capital Projects - 5600	$0	$0	$0
TOTAL DIRECT	**$0**	**$0**	**$0**
ADMINISTRATION COSTS [2]			
Overhead - 5900	$0	$0	$0
Internal Services - 5400	$0	$0	$0
County Collection Fee	$0	$0	$0
TOTAL ADMINISTRATION	**$0**	**$0**	**$0**
LEVY ADJUSTMENTS [3]			
TOTAL DIRECT AND ADMIN COSTS	**$0**	**$0**	**$0**
Capital Improvement Projects	$0	$0	$0
Zone Reserves Adjustment	$0	$0	$0
Special Tax Support	$0	$0	$0
General Fund - 101	$0	$0	$0
Storm Drain Fund - 101	$0	$0	$0
TOTAL ADJUSTMENTS	**$0**	**$0**	**$0**
Balance to Levy	**$0**	**$0**	**$0**
Total Revenue at Maximum Rate	**$7,344**	**$7,565**	**$7,792**
Variance above/(below) Maximum Revenue	($7,344)	($7,565)	($7,792)
DISTRICT STATISTICS			
Total Parcels	10	10	10
Total Parcels Levied	0	0	0
Total EDUs	76.00	76.00	76.00
Total EDUs Levied	0.00	0.00	0.00
Proposed Levy per EDU	**$0.00**	$0.00	$0.00
Max Levy per EDU [4]	$96.64	$99.54	$102.52
FUND BALANCE INFORMATION			
Reserve Fund			
Beginning Fund Balance	$5,048	$5,074	$5,099
Reserve Fund Adjustment	$0	$0	$0
Interest (0.5%)	$25	$25	$25
Projected Reserve Fund Balance at End of Year	**$5,074**	**$5,099**	**$5,125**

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Zone 40

	Proposed Budget FY 2021-22	Forecasted Budget FY 2022-23	Forecasted Budget FY 2023-24
DIRECT COSTS [1]			
Personnel - 5100	$2,308	$2,377	$2,448
Contracted Services - 5200	$997	$1,027	$1,058
Materials - 5300	$435	$448	$461
Capital Projects - 5600	$151	$155	$160
TOTAL DIRECT	**$3,891**	**$4,007**	**$4,128**
ADMINISTRATION COSTS [2]			
Overhead - 5900	$324	$334	$344
Internal Services - 5400	$256	$264	$272
County Collection Fee	$3	$3	$3
TOTAL ADMINISTRATION	**$584**	**$601**	**$619**
LEVY ADJUSTMENTS [3]			
TOTAL DIRECT AND ADMIN COSTS	**$4,475**	**$4,609**	**$4,747**
Capital Improvement Projects	$0	$0	$0
Zone Reserves Adjustment	$506	$522	$537
Special Tax Support	$0	$0	$0
General Fund - 101	($541)	($558)	($574)
Storm Drain Fund - 101	$0	$0	$0
TOTAL ADJUSTMENTS	**($35)**	**($36)**	**($37)**
Balance to Levy	**$4,440**	**$4,573**	**$4,710**
Total Revenue at Maximum Rate	**$4,440**	**$4,573**	**$4,710**
Variance above/(below) Maximum Revenue	($0)	($0)	($0)
DISTRICT STATISTICS			
Total Parcels	1	1	1
Total Parcels Levied	1	1	1
Total EDUs	9.00	9.00	9.00
Total EDUs Levied	9.00	9.00	9.00
Proposed Levy per EDU	**$493.28**	$508.08	$523.32
Max Levy per EDU [4]	$493.28	$508.08	$523.32
FUND BALANCE INFORMATION			
Reserve Fund			
Beginning Fund Balance	($6,895)	($6,388)	($5,867)
Reserve Fund Adjustment	$506	$522	$537
Interest (0.5%)	$0	$0	$0
Projected Reserve Fund Balance at End of Year	**($6,388)**	**($5,867)**	**($5,329)**

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Zone 41

	Proposed Budget FY 2021-22	Forecasted Budget FY 2022-23	Forecasted Budget FY 2023-24
DIRECT COSTS [1]			
Personnel - 5100	$371	$382	$394
Contracted Services - 5200	$1,970	$2,029	$2,090
Materials - 5300	$70	$72	$74
Capital Projects - 5600	$24	$25	$26
TOTAL DIRECT	**$2,436**	**$2,509**	**$2,584**
ADMINISTRATION COSTS [2]			
Overhead - 5900	$49	$51	$52
Internal Services - 5400	$41	$42	$44
County Collection Fee	$3	$3	$3
TOTAL ADMINISTRATION	**$93**	**$96**	**$99**
LEVY ADJUSTMENTS [3]			
TOTAL DIRECT AND ADMIN COSTS	**$2,529**	**$2,605**	**$2,683**
Capital Improvement Projects	$0	$0	$0
Zone Reserves Adjustment	($677)	($697)	($718)
Special Tax Support	$0	$0	$0
General Fund - 101	($87)	($90)	($92)
Storm Drain Fund - 101	$0	$0	$0
TOTAL ADJUSTMENTS	**($764)**	**($787)**	**($810)**
Balance to Levy	**$1,765**	**$1,818**	**$1,872**
Total Revenue at Maximum Rate	**$1,765**	**$1,818**	**$1,872**
Variance above/(below) Maximum Revenue	($0)	($0)	($0)
DISTRICT STATISTICS			
Total Parcels	1	1	1
Total Parcels Levied	1	1	1
Total EDUs	4.15	4.15	4.15
Total EDUs Levied	4.15	4.15	4.15
Proposed Levy per EDU	**$425.30**	$438.06	$451.20
Max Levy per EDU [4]	$425.30	$438.06	$451.20
FUND BALANCE INFORMATION			
Reserve Fund			
Beginning Fund Balance	$10,531	$9,907	$9,259
Reserve Fund Adjustment	($677)	($697)	($718)
Interest (0.5%)	$53	$50	$46
Projected Reserve Fund Balance at End of Year	**$9,907**	**$9,259**	**$8,588**

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Zone 42

	Proposed Budget FY 2021-22	Forecasted Budget FY 2022-23	Forecasted Budget FY 2023-24
DIRECT COSTS [1]			
Personnel - 5100	$1,339	$1,379	$1,420
Contracted Services - 5200	$3,825	$3,940	$4,058
Materials - 5300	$2,252	$2,320	$2,389
Capital Projects - 5600	$87	$90	$93
TOTAL DIRECT	**$7,503**	**$7,729**	**$7,960**
ADMINISTRATION COSTS [2]			
Overhead - 5900	$184	$189	$195
Internal Services - 5400	$149	$153	$158
County Collection Fee	$6	$6	$6
TOTAL ADMINISTRATION	**$338**	**$348**	**$359**
LEVY ADJUSTMENTS [3]			
TOTAL DIRECT AND ADMIN COSTS	**$7,842**	**$8,077**	**$8,319**
Capital Improvement Projects	$0	$0	$0
Zone Reserves Adjustment	$12,317	$12,687	$13,068
Special Tax Support	$0	$0	$0
General Fund - 101	($314)	($323)	($333)
Storm Drain Fund - 101	$0	$0	$0
TOTAL ADJUSTMENTS	**$12,003**	**$12,363**	**$12,734**
Balance to Levy	**$19,845**	**$20,440**	**$21,054**
Total Revenue at Maximum Rate	**$28,656**	**$29,516**	**$30,401**
Variance above/(below) Maximum Revenue	($8,811)	($9,076)	($9,348)
DISTRICT STATISTICS			
Total Parcels	2	2	2
Total Parcels Levied	2	2	2
Total EDUs	441.00	441.00	441.00
Total EDUs Levied	441.00	441.00	441.00
Proposed Levy per EDU	**$45.00**	$46.35	$47.74
Max Levy per EDU [4]	$64.98	$66.93	$68.94
FUND BALANCE INFORMATION			
Reserve Fund			
Beginning Fund Balance	$47,387	$59,941	$72,928
Reserve Fund Adjustment	$12,317	$12,687	$13,068
Interest (0.5%)	$237	$300	$365
Projected Reserve Fund Balance at End of Year	**$59,941**	**$72,928**	**$86,360**

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Zone 43

	Proposed Budget FY 2021-22	Forecasted Budget FY 2022-23	Forecasted Budget FY 2023-24
DIRECT COSTS [1]			
Personnel - 5100	$140	$144	$148
Contracted Services - 5200	$6,131	$6,315	$6,505
Materials - 5300	$2,026	$2,087	$2,150
Capital Projects - 5600	$9	$9	$10
TOTAL DIRECT	**$8,306**	**$8,555**	**$8,812**
ADMINISTRATION COSTS [2]			
Overhead - 5900	$20	$20	$21
Internal Services - 5400	$16	$16	$16
County Collection Fee	$105	$105	$105
TOTAL ADMINISTRATION	**$140**	**$141**	**$142**
LEVY ADJUSTMENTS [3]			
TOTAL DIRECT AND ADMIN COSTS	**$8,446**	**$8,697**	**$8,954**
Capital Improvement Projects	$0	$0	$0
Zone Reserves Adjustment	$2,086	$2,152	$2,220
Special Tax Support	$0	$0	$0
General Fund - 101	($33)	($34)	($35)
Storm Drain Fund - 101	$0	$0	$0
TOTAL ADJUSTMENTS	**$2,054**	**$2,118**	**$2,185**
Balance to Levy	**$10,500**	**$10,815**	**$11,139**
Total Revenue at Maximum Rate	**$22,717**	**$23,398**	**$24,100**
Variance above/(below) Maximum Revenue	($12,217)	($12,583)	($12,961)
DISTRICT STATISTICS			
Total Parcels	105	105	105
Total Parcels Levied	105	105	105
Total EDUs	105.00	105.00	105.00
Total EDUs Levied	105.00	105.00	105.00
Proposed Levy per EDU	**$100.00**	$103.00	$106.09
Max Levy per EDU [4]	$216.35	$222.84	$229.52
FUND BALANCE INFORMATION			
Reserve Fund			
Beginning Fund Balance	$45,356	$47,669	$50,060
Reserve Fund Adjustment	$2,086	$2,152	$2,220
Interest (0.5%)	$227	$238	$250
Projected Reserve Fund Balance at End of Year	**$47,669**	**$50,060**	**$52,530**

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Consolidated Totals - 41 Zones

	Proposed Budget FY 2020-21	Forecasted Budget FY 2021-22	Forecasted Budget FY 2022-23
DIRECT COSTS [1]			
Personnel - 5100	$1,167,170	$1,202,185	$1,237,887
Contracted Services - 5200	$1,094,149	$1,126,973	$1,159,978
Materials - 5300	$478,700	$493,061	$507,722
Capital Projects - 5600	$83,655	$86,165	$88,726
TOTAL DIRECT	**$2,823,674**	**$2,908,384**	**$2,994,314**
ADMINISTRATION COSTS [2]			
Overhead - 5900	$150,336	$154,846	$159,453
Internal Services - 5400	$142,308	$146,577	$150,934
County Collection Fee	$31,472	$31,457	$31,588
TOTAL ADMINISTRATION	**$324,116**	**$332,880**	**$341,974**
LEVY ADJUSTMENTS [3]			
TOTAL DIRECT AND ADMIN COSTS	**$3,147,790**	**$3,241,265**	**$3,336,288**
Capital Improvement Projects	$0	$0	$0
Zone Reserves Adjustment	$551,324	$554,868	$572,462
Special Tax Support	$0	$0	$0
General Fund - 101	($98,404)	($101,356)	($104,384)
Storm Drain Fund - 101	($20,000)	($20,600)	($21,202)
TOTAL ADJUSTMENTS	**$432,920**	**$432,912**	**$446,876**
Balance to Levy	**$3,580,710**	**$3,688,126**	**$3,797,520**
Total Revenue at Maximum Rate	**$4,310,681**	**$4,439,995**	**$4,571,946**
Variance above/(below) Maximum Revenue	($729,971)	($751,870)	($774,425)
DISTRICT STATISTICS			
Total Parcels	16,991	16,991	16,991
Total Parcels Levied	16,537	16,537	16,537
Total EDUs	25,991	25,991	25,991.22
Total EDUs Levied	25,155	25,155	25,154.79
FUND BALANCE INFORMATION			
Reserve Fund			
Beginning Fund Balance	$7,368,012	$7,955,510	$8,551,678
Reserve Fund Adjustment	$553,129	$554,868	$572,462
Interest (0.5%)	$34,368.86	$37,323	$32,365
Projected Reserve Fund Balance at End of Year	**$7,955,510**	**$8,547,701**	**$9,156,505**

PART III – QUANTIFICATION OF BENEFIT

The Act allows cities to establish benefit zones for the purpose of providing certain public improvements which provide a special benefit to the parcels. This includes the construction, maintenance, and servicing of street lights, traffic signals, and landscaping facilities. Section 22573 of the Act requires that maintenance assessments be levied according to benefit rather than according to the assessed value of property. This section states:

> **"The net amount to be assessed upon lands within an assessment district may be apportioned by any formula or method which fairly distributes the net amount among all assessable lots or parcels in proportion to the estimated benefits to be received by each such lot or parcel from the improvements.**
>
> — Streets and Highways Code Section 22573

Section 22574 of the Act permits the designation of zones of benefit within any individual assessment district if "by reason of variations in the nature, location, and extent of the improvements, the various areas will receive different degrees of benefit from the improvements."

In addition, Proposition 218, the "Right to Vote on Taxes Act," which was approved on the November 1996 Statewide ballot and added Article XIIID to the California Constitution, requires that a parcel's assessment not exceed the reasonable cost of the proportional special benefit conferred on that parcel. Proposition 218 provides that only special benefits are assessable and the City must separate the general benefits from the special benefits. In addition, Proposition 218 also requires that publicly owned property which benefits from the improvements be assessed, unless there is clear and definite evidence that those properties receive no special benefit. Exempted from the assessment would be the areas of public streets, public avenues, public lanes, public roads, public drives, public courts, public alleys, public easements and rights-of-ways, public greenbelts and public parkways.

The amount to be assessed may be apportioned by any formula or method which fairly distributes the amount among all assessable lots or parcels. Additionally, it's required that the City separate the general benefits from the special benefits, because only special benefits may be assessed. The quantification and separation of general benefit from special benefits follows for each of the Zones and associated benefit areas.

PART IV – METHOD OF ASSESSMENT

General

The Method of Assessment outlines the formula by which property that receives special benefit from the improvements and services provided will be assessed annually. The Method of Assessment for the District follows:

Each parcel within the District is deemed to receive special benefit from the landscaping improvements. Each parcel that has a special benefit conferred upon it as a result of the maintenance and operation of the improvements is identified and the proportionate special benefit derived by each identified parcel is determined in relationship to the entirety of the costs of the maintenance, operation, and servicing of the improvements.

Each parcel is assigned a weighting factor known as an Equivalent Dwelling Unit (EDU) to identify the parcel's proportionate special benefit from the improvements. Each parcel's EDU is calculated based on the parcel's land use, development status and/or size as compared to other parcels that are associated with the improvements. All single- family residential properties are assigned an EDU of 1.00, and all other property types are assigned an EDU proportionate to the special benefits they receive as compared to this single-family residential property. The total EDU's in a Zone is divided into the total amount to be assessed (Balance to Levy) to establish the Levy per EDU (Rate). This Rate is then multiplied by the parcel's individual EDU to establish the parcel's levy amount.

The following formulas are used to calculate each property's assessment:

Total Balance to Levy ÷ Total EDUs = Levy per EDU

Levy per EDU x Parcel EDU = Parcel Levy Amount

The formula used for each Zone reflects the composition of the parcels and properties, and the services provided, to accurately proportion the costs based on estimated special benefit to each parcel. The total Levy per EDU will vary between Zones due to the different costs to maintain the improvements within each Zone and the number of EDU within the Zone.

Land Use Classifications

Every parcel within the District is assigned a land use classification based on available parcel information obtained from the County Assessor's Office and City records. To assess benefits equitably, it is necessary to relate the different type of parcel improvements to each other. The Equivalent Dwelling Unit method of assessment apportionment uses the single-family home site as the basic unit of assessment. A single-family home site equals one Equivalent Dwelling Unit (EDU). Every other land use is converted to EDU's based on an assessment formula that equates the property's specific development status, type of development (land use), and size of the property, as compared to a single-family home site.

The EDU method of apportioning benefit is typically seen as the most appropriate and equitable assessment methodology for districts formed under the 1972 Act, as the benefit to each parcel from the improvements are apportioned as a function of land use type, size and development.

Single-Family Residential Subdivided Lot. This land use is defined as a fully subdivided residential home site with or without a structure. This land use is assessed 1.00 EDU per lot or parcel. This is the base value that all other land use types are compared and weighted against.

Planned-Residential Subdivision. This land use is defined as any property not fully subdivided, but has a specific number of proposed residential lots to be developed on the parcel (approved tract map). This land use type is assessed at 1.00 EDU per planned (proposed) residential lot.

Vacant, Undeveloped Private Property. This land use is defined as vacant property (undeveloped) that is not a fully subdivided residential lot or planned residential subdivision. This land use is assessed at 4.00 EDU per acre. Parcels less than 0.25 acres are assigned a minimum of 1.00 EDU. In Zones 10, 11, 36 and 37 this land use is assessed at 5.0 EDU per acre. Parcels less than 0.20 acres are assigned a minimum of 1.00 EDU.

Developed Non-Residential. This land use is defined as property developed for non-residential use, including, but not limited to, commercial and industrial properties, offices, churches and not-for-profit institutions and private schools. This land use type is assessed at 5.00 EDU per gross acre. Parcels less than 0.20 acres are assigned a minimum of 1.00 EDU.

Developed Multiple Residential Units. This land use is defined as a fully subdivided residential parcel that has more than one residential unit developed on the property. This land use is assessed 1.00 EDU per unit for properties that the number of units can be identified. For properties that the number of units cannot be identified the property is assessed as Developed Commercial/Industrial property at 5.00 EDU per gross acre, but a minimum of 1.00 EDU.

Undeveloped, Public Property. This land use identifies properties that are exempt and are assigned 0.00 EDU. This land use classification may include, but is not limited to lots or parcels identified as:

- Public streets and other roadways (typically not assigned an APN by the County);
- Dedicated public easements such as utility right-of-ways, detention basins, channel ways, greenbelts, parkways, parks and open space areas;
- Privately owned property that cannot be developed or is associated with another property such as common areas, sliver parcels and bifurcated lots or properties that have little or no land value;

These types of parcels are considered to receive little or no benefit from the improvements and are therefore exempted from assessment. Government-owned properties commonly identified as non-taxable properties by the County Assessor's Office are not exempt from District assessments unless:

- The property has restricted development or limited land use potential and the improvements clearly provide no benefit to the property; or
- The property provides additional or substantially similar improvements being provided by the District (such is the case with parks, open space areas and common areas).

Developed Public Property. This land use is defined as developed property owned by a public agency such as the City or by utility companies. This land use type is assessed at 0.30 EDU per gross acre.

Developed Regional Commercial. This land use is defined as property that has been designated for regional commercial development (i.e. Shopping mall). This land use type is assessed at 0.36 EDU per gross acre.

Restricted/Special Land Use. This land use classification identifies properties that benefit from the improvements, but cannot be fairly categorized by one of the other land use designations. This land use classification may include, but is not limited to:

- Developed Commercial/Industrial properties that only a small portion of the parcel has been developed;
- Properties identified as planned residential subdivisions, but currently have development restrictions; or
- Vacant properties with development limitations or development plans that identify large portions of the property as open space areas, parklands or similar exempt land uses.

The following table shows the EDU factors assigned to each property type in the District:

Property Type	Factor	Basis
Single Family Residential – Subdivided Lot	1.00	Parcel
Planned Residential Subdivision	1.00	Planned Lot
Vacant, Undeveloped Private Property [(1)]	4.00	Acre
Vacant, Undeveloped Private Property (Zones 10, 11, 36 & 37)[(1)]	5.00	Acre
Developed, Non-Residential Property	5.00	Acre
Developed, Multi-Family Residential	1.00	Unit
Undeveloped, Public Property [(2)]	0.00	Acre
Developed, Public Property [(3)]	0.30	Acre
Developed, Regional Commercial [(4)]	0.36	Acre

Notes

1. The Undeveloped Private property factor for Zones, 10, 11, 36 and 37 (5.00 EDU/Acre) reflects the more intense use of property within these Zones when the properties are developed as compared to property development in other Zones of the District, which are assigned a weighting factor of 4.00 EDU/Acre. It is important to note that the factors shown above are used to apportion the assessment within each specific Zone, not across the entire District and therefore this distinction is an appropriate reflection of these parcels' benefit compared to other property types within the respective Zones.

2. It has been determined that undeveloped public properties generally do not benefit from the improvements and services provided by the District and are not assessed. These types of properties generally include easements, detention basins, parks or properties that have little or no development potential and therefore receive no special benefits from the District improvements.

3. Developed Public properties typically receive comparatively less benefit from the improvements and services provided by the District, since the use and enhancement of these properties has little direct benefit from aesthetics of the local environment. The factor shown was originally established based on typical proportionate cost of service and hours of use

for this land use type.

4. Regional Commercial properties have been assigned a reduced benefit because of their size and their more distant proximity to the District improvements. Additionally, due to the nature and hours of use, the benefit received by such properties from the improvements and services is substantially less than other developed properties. The factor shown was originally established based on a calculation of the proportionate cost of service, average floor area ratios, and hours of use.

Assessment Range Formula

The annual landscaping assessment shall be calculated for each parcel annually by multiplying each parcel's number of EDU's by the actual assessment rate for the specific fiscal year. The actual annual assessment rate levied in any fiscal year for the District may not exceed the maximum annual assessment rate for such fiscal year without receiving property owner approval for the increase. The actual assessment rate shall be as approved by the City Council, not to exceed the maximum annual assessment rate for such fiscal year, after a noticed public hearing has been conducted, as required by law.

In each year, starting in the first year after the consolidation of the District (2003-04), the maximum annual assessment rate for each Zone shall be increased in an amount equal to the lesser of: (1) three percent (3.0%), or (2) the annual percentage increase of the Local Consumer Price Index ("CPI") for All Urban Consumers, for the San Francisco-Oakland-Hayward Area.

Each fiscal year, the City shall identify the percentage difference between the CPI for June and the CPI for the previous June (or similar time period). This percentage difference shall then establish the range of increased assessments allowed based on CPI. Should the Bureau of Labor Statistics revise such index or discontinue the preparation of such index, the City shall use the revised index or comparable system as approved by the City Council for determining fluctuations in the cost of living.

The actual annual assessment rate and actual assessments levied in any fiscal year will be as approved by the City Council and may not exceed the maximum annual assessment rate for that fiscal year without property owner approval via a Proposition 218 compliant increase procedure.

The percentage difference for the CPI for the San Francisco-Oakland-Hayward Area June 2019 to June 2020 was 1.61% The maximum assessment rates allowed for Fiscal Year 2021-22 therefore, have been adjusted by 1.61% over the prior year's maximum assessment rates.

PART V – ASSESSMENT DIAGRAM

The assessment diagrams for each Zone in the District are on file with the City's Office of the City Clerk and available for public inspection.

The lines and dimensions of each lot or parcel within each Zone are those lines and dimensions shown on the maps of the Assessor of the County of San Joaquin for the fiscal year to which this Report applies. The Assessor's maps and records are incorporated by reference herein and made part of this Report.

An overview map of the District showing the locations of each Zone is included herein as Appendix B.

PART VI – ASSESSMENT ROLL

The assessment set forth for each parcel is shown on the Assessment Roll for the District, submitted separately, as "Assessment Roll for the City of Tracy, Consolidated Landscape Maintenance District, Fiscal Year 2021-22", which exhibit is incorporated by reference herein as Appendix C under separate cover, and is on file in the Office of the City Clerk.

APPENDIX A – IMPROVEMENT AREAS BY ZONE

Zone 1 Sycamore subdivision on east side of Tracy Boulevard

Arterial Street Landscaping

Tracy Boulevard – Southeast corner of Tracy Boulevard and Central Avenue, north to 1688 S. Tracy Boulevard

Zone 2 Fairhaven subdivision on west side of Tracy Boulevard

Arterial Street Landscaping

S. Tracy Boulevard – West side, approximately 1,000 feet south of Valpico to Sycamore Parkway (Fairhaven subdivision)

Rockport Way – Median strip and side strips

Zone 3 Northwest section of Tracy, bordered by I-205 to the north, Byron Road to the south and O'Hare Drive to the east

Arterial Street Landscaping

Grant Line Road – North side from Corral Hollow Road to O'Hare Drive; south side from 1820 W. Grant Line Road, east to Lincoln Road; median island from Lincoln Road, west to Orchard Parkway; south side from Corral Hollow Road, west to Henley Parkway

Corral Hollow Road – West side from Grant Line Road, south to Byron Road; east side from Byron Road to approximately 150 feet north of Alegre; median island from Byron Road, north to Grant Line Road; east side from Grant Line Road, north to beginning of the channel way; median island on Corral Hollow Road, north of Grant Line Road to the Mall entrance

Kavanagh Avenue – South side from Corral Hollow Road, east to Golden Springs Drive

Lowell Avenue – Corral Hollow, west to Regency (both sides), north side from Henley Parkway heading west to the end of the sound wall; south side from Henley Parkway, west to Blandford Lane; median island from Corral Hollow Road, east to Lincoln Boulevard; south side from Corral

Hollow Road, east to Promenade Circle; north side between the sound wall and curb, from Bridle Creek to Joe Pombo

Parkway; south side from east end of subdivision to the end of the soundwall/Joe Pombo Parkway; south side from Joe Pombo Parkway to Blandford Lane; south side from Promenade Circle, east to the end of the sound wall; northside from Henley Parkway, west to the end of the sound wall

Orchard Parkway – East side from Lowell Avenue to Grant Line Road; median island from Hillcrest, north to Joseph Damon Drive; west side from Lowell Avenue, north to approximately 500 feet north of Hillcrest, and from Joseph Damon Drive to Grant Line Road (to be weed free between curb and fence line); west side between curb and fence line, approximately 500 feet south of Joseph Damon Drive

Henley Parkway – East side between sound wall and curb, from Lowell Avenue to Bridle Creek Drive; west side from Lowell Avenue, north to the end of the sound wall (north of Giovanni)

Blandford Lane – East side from Lowell Avenue heading south to the end of the sound wall, including traffic circle at Lowell Avenue and Blandford Lane

Subdivision Landscaping

Arnaudo Village – Entryways at Lincoln Boulevard and Grant Line Road

Blossom Valley – Entryways at Travao Lane and Grant Line Road, including median-island

Foothill Ranch Estates – Entryway at Foothill Ranch Drive and Corral Hollow Road, including median-island

Woodfield Estates – Entryway at Fieldview, including north and south side sound wall and median strip along Fieldview; entryway at Promenade Circle, including west side of sound wall and median island

Sterling Estates – Alegre – north side and median-island

Pheasant Run – Entryways at Corral Hollow Road and Fieldview, including median-island; Annie Court adjacent to Fieldview, including south side of sound wall

Bridle Creek – Entryway at Lowell Avenue and Bridle Creek Circle, including median island on Bridle Creek Circle; entryway at Bridle Creek Circle and Joe Pombo Parkway

Entryways at Lowell Avenue and Oxford Way, including median-island on Oxford Way; entryway at Hampshire Lane, including median strip

Laurelbrook – Entryway at Laurelbrook Drive and Southbrook Lane, including median strip

Foothill Vista – Entryway at Hillcrest Drive between Orchard Parkway and Isabel Virginia

Countryside – Giovanni Lane, both sides, including median-island, from Henley Parkway, west to Rochester Street

Park Maintenance

Arnaudo Village – Slater Park on Suellen Drive

Buena Vista Estates – Kelly Park on Tammi Court

Foothill Ranch Estates – New Harmon Park on Hillcrest Drive

Laurelbrook – Dr. Ralph Allen Park at Veranda Court and Dorset Lane

Sterling Estates – Pombo Family Park on Joseph Damon Drive and Mary Alice Court

Park Atherton – Eagan Park on Oxford Lane and Lowell Avenue; Thrasher Park on Lowell Avenue and Joseph Menusa Drive; McCray Park on Fieldview Drive and Vivian Lane

Weed Abatement

Corral Hollow – Byron Road, north to Grant Line Road

Grant Line – North side from Corral Hollow Road heading west 500 feet from curb to 10 feet behind curb

Orchard Parkway – East side from Lowell Avenue to Hillcrest Drive curb to sidewalk; Orchard Parkway median island from Lowell Avenue to Grant Line Road

Pombo Parkway – East side from existing landscape, north to the end of the sound wall

Zone 4 **Located in front of the Summergate Apartments on Grant Line Road**

Weed Abatement

Grant Line Road – In front of apartment complex

Zone 5 **Located south of East Grant Line Road and east of Esther Drive.** No maintenance activity currently being performed

Zone 6 **Located on the southwest corner of Clover Drive and North Tracy Boulevard.** No maintenance activity currently being performed

Zone 7 **Located within the boundaries of 11th Street to the south, Corral Hollow Road, the SPRR tracks to the south and Hickory Avenue on the east**

Arterial Street Landscaping

Lauriana Lane – West side of Cypress Drive, south to Schulte Drive

Cypress Drive – North side from approximately 100 feet west of Hickory Avenue, west to Lauriana Lane; south side and median island from Lauriana Lane to Corral Hollow Road

Corral Hollow Road – East side approximately 300 feet north of Tennis Lane, south to the railroad tracks; east side, south from 11th Street to Cypress Drive (Safeway frontage only to include from face of curb to face of sidewalk); median strip from 11th Street, south to railroad tracks, south of Schulte Road; west side from Krohn Road, south to Cypress curb, to bike path

Schulte Road – From Corral Hollow Road heading east. The south side ends 1,000 feet before the railroad tracks. The north side ends at the railroad tracks and includes the median island

Subdivision Landscaping

Fox Hollow – Entryways at Tennis Lane and Lauriana Lane; entryways at Cypress Drive and Fox Hollow; entryways at Cypress Drive and Hunter's Trail; entryways at Tennis Lane and Corral Hollow Road, including median strip and two cul-de-sacs at Pheasant Run Court and Thomas Dehaven Court

Harvest Country West – Entryways at Raywood Lane, including median strip

Quail Meadows – Entryway at Golden Leaf Lane, including median strip; entryway at Quail Meadows, including median strip

Candlewood Estates – Entryway at Alden Glen Drive and Cypress Drive, including median strip

Corral Hollow Estates – Entryway at Lauriana Lane, both side, including median strip from Schulte Road, south approximately 92 feet

Park Maintenance

Fox Hollow – Kit Fox Park at Foxwood Court and Fox Hollow Way; Rippin Park at Tennis Lane and Firefly

Harvest Country West – Harvest Park at Birchwood Court and Fireside Lane

Candlewood Estates – Patzer Park at Alden Glen Drive and Meadowlark

Quail Meadows – Bailor-Hennan Park on Golden Leaf Lane

Weed Abatement

11th Street – Church frontage west of Alden Glen Drive, from face of curb to chain link fence

Schulte Road – from railroad tracks east of Lauriana Lane, heading west 1,000 feet to start of landscaping, 10 feet from the curb

Zone 8 Located within the boundaries of Corral Hollow Road on the west and 11th Street on the south

Arterial Street Landscaping

Belconte Drive – From 11th Street to Byron Road, east and west sides, including median-island

Redington Drive – Median-island, east and west of Belconte Drive

Byron Road – From Corral Hollow Road, west approximately 2,280 feet to the end of the subdivision sound wall

Corral Hollow Road – West side from Byron Road to 11th Street

Park Maintenance

Fabian – Fabian Park on Redington Drive

Zone 9 Located west of Tracy Boulevard from the UPRR spur line to Corral Hollow Road on the west, and to the south, Edgewood and Brookview West subdivisions

Arterial Street Landscaping

Tracy Boulevard – Circle B Ranch – west side from 245 feet north of Mt. Diablo Avenue, heading south past Schulte Road, approximately 650 feet to the end of the shopping center

Heritage subdivision – West side starting from approximately 200 feet north of Menay Drive, heading south to West Central Avenue

West side from Central Avenue heading south approximately 970 feet south of Valpico Road, next to the baseball field

West side from Sycamore Parkway heading south approximately 570 feet, to the end of the sound wall

Corral Hollow Road – From the railroad tracks south to Parkside drive, approximately 600 feet

Sycamore Parkway – West side and medians from Amberwood Lane south to Dove Lane; south of Central Avenue to Tracy Boulevard; west side, from Schulte Road, south to Amberwood Lane

Schulte Road – Median strip from Tracy Boulevard to railroad tracks; north side from Tracy Boulevard to Sycamore Parkway; south side from Tracy Boulevard to west end of shopping center; south side, from Sycamore Parkway, west to the end of the sound wall; south side from Sycamore Parkway, east to the shopping center

Valpico Road – Tracy Boulevard, both side, west to the City limits; median islands from Tracy Boulevard, west to the City limits

West Central Avenue – Median from Tracy Boulevard to Sycamore Parkway; north side from Tracy Boulevard, west to the end of Cedrus Drive

Subdivision Landscaping

Circle B Ranch – Entryways at Morris Phelps and Schulte Road; entryways at Mt. Diablo Avenue and Tracy Boulevard

Hearthstone – Entryways at Menay Drive and Tracy Boulevard; entryways at Amberwood Ln. and Sycamore Parkway cul-de-sac at Yorkshire Loop and Hampton Ct.

Regency Square – Entryways at Monument Drive, Tracy Boulevard and Sycamore Parkway; Monument Drive (north and south sides), including

Median islands at Monterey and Vintage Courts; cul-de-sac at southeast corner of Tahoe Court and northwest corner; cul-de-sacs at northeast and southwest corners of Tahoe Circle; court adjacent to Mt. Oso Mini Park on Henderson Court; court adjacent to Mt. Diablo Mini Park on Alpine Court

Muirfield – Entryway at Steinbeck; entryway at Petrig; cul-de-sac at Whitman Court; cul-de-sac at Longfellow Court; entryway at Dove Lane; median island on Chaplin, east and west of Sycamore Parkway; entry at Cagney; cul-de-sac at Shaw Creek; cul-de-sac at Williams Court; cul-de-sac at Bogart Court; cul-de-sac at Mansfield Court; cul-de-sac at Hepburn Court; entryway at Allegheny

Glen Creek – Entryway at Glen Creek Way

Greystone Station – Median-island at Windham; median-island at Sudley Drive

Harvest Glen – Entryway at Ray Harvey Drive; entryway at Meadow Lane; cul-de-sac at Cornucopia

Ironwood – Entryway at Monument Drive; walking path from Whitehaven Court, heading west to Mountain View Road; cul-de-sac at Newcastle Court; cul-de-sac at Clairmont Court; cul-de-sac at Hampton Court

Park Maintenance

Hearthstone – Valley Oak Park at Larkspur and Honeysuckle Court; Evelyn Costa Park at Claremont Drive and Whitehaven Court

Parkside Estates – Evans Park on Parkside Drive

Harvest Glen – Fitzpatrick Park on Savanna Drive; Albert Emhoff Park on Jonathon Place and Moonlight Way

Regency Square – Mt. Oso Park at Henderson Court; Mt. Diablo Park at Alpine Court

Muirfield – Golden Spike Park on Christy Court; Fred Icardi Park on Russell Street at Steinbeck Way; Westside Pioneer Park at Cagney Drive and Hepburn Street

Circle B – Sister Cities Park at Morris Phelps Drive and Saddleback Court

Greystone Station – John Kimball Park at Tom Fowler Drive and Sudley

Sienna Park – Tracy Press Park at Schulte Road and Weeping Willow Lane

Zone 10 Includes the MacArthur Drive area, bounded by I-205 to the north and 11th Street to the south

Arterial Street Landscaping

MacArthur Drive – East side, from Pescadero Avenue south to 2020 MacArthur Drive (curb to sidewalk); west side from Grant Line Road to 11th Street, approximately 35 feet from curb; median strip from I-205 to 11th Street; west side from Pescadero Avenue, south to end of the California Esprit subdivision; east side from Pescadero Avenue, north 165 feet; west side from Pescadero to a private canal; North side of 11th Street at channelway

Pescadero Avenue – North side, from MacArthur Drive, east to the end of the Outlet Center, curb to sidewalk and median strip; adjacent to Yellow Freight, from redwood header to sidewalk; south side adjacent to Market Wholesale, from face of curb approximately 30 feet; south side adjacent to the California Esprit subdivision, from MacArthur Drive west to the end of the sound wall; south side from MacArthur Drive, east to McLane Food Services; north side starting at 3403 Bungalows Drive to MacArthur Drive

Grant Line Road – North side, MacArthur Drive, east to the City limits, including median strip; south side, east of channelway to Skylark (ground cover only)

Zone 11 **Located southwest at the corner of W. Eleventh Street and N. MacArthur Drive.** In front of storage facility

Zone 12 **Located northwest of I-205 including the existing arterial landscaping along the right-of-way on Naglee Road and Grant Line Road**

Arterial Street Landscaping

Naglee Road – From Grant Line Road to Auto Plaza Drive, median and 5 foot strip between curb and sidewalk on the east side; west side from Pavilion Parkway to Robertson Drive, turf and curb strip only; Grant Line Road to Auto Plaza drive sidewalk on west side

Auto Plaza Drive – South side curb face to sidewalk, from Naglee Road, east to dead end

Robertson Drive – Both sides of the street curb face to sidewalk, from Naglee Road, west to Pavilion Parkway

Grant Line Road – South side from 2850 W. Grant Line Road, west to 3292 W. Grant Line Road; north side from west driveway of Chevron at 2615 W. Grant Line Road, west to the western edge of the property at 2785 W. Grant Line Road

Pavilion Parkway – Both sides of the street curb face to sidewalk, from Naglee Road to Power Road; median from Naglee Road, west to Power Road

Corral Hollow – Median from I-205 to Mall entrance; east side from I-205 to Mall entrance

Zone 13 **Located southwest of I-205 with 11th Street bordering on the south, Lammers Road on the west and Byron Road on the north**

Arterial Street Landscaping

Fabian Road – North side from the edge of the sound wall, east to Montgomery Lane, west to Lammers Road; both sides and median on Montgomery Lane from King Loop to Fabian Rd

Lammers Road – East side from Fabian Road, north to Feteira Way

Subdivision Landscaping

Westgate – Entryway at Westgate Drive, both sides, east to Antonio Loop; entryway from Feteira Way to Glazzy Lane, both sides, from Lammers Road, east to Glazzy Lane; median on Souza Way, from Thelma Loop to Antonio Loop

Park Maintenance

Souza Park South – On Antonio Loop between Souza Way and Ann Marie Way

Souza Park North – On Thelma Loop between Milton Jenson Court and Michael Drive

Zone 14 Bounded on the west by Lammers Road, on the east by Corral Hollow Road and on the south by Schulte Road and the railroad tracks

Arterial Street Landscaping

Corral Hollow Road – West side, 234 feet north of Tracey Jean Way, including the walking path between Corral Hollow Road and Tracey Jean Court

Subdivision Landscaping

Gabriel Estates – Entryway at Tracey Jean Way, including median strip

Park Maintenance

Joan Sparks Park – On Carol Ann Drive

Chandeayne Kingsley Park – On Robert Gabriel Drive

Zone 15 Located in the southwest section of the City, bordered by Tracy Boulevard, Linne Road and Corral Hollow Road

Arterial Street Landscaping

Tracy Boulevard – West side, from approximately 700 feet north of Whispering Wind, south to the end of the sound wall

Whispering Wind – Both sides, including medians from Tracy Boulevard, west to English Oaks Lane

Applebrook Lane – Both sides, including median from Whispering Wind, south to approximately 75 feet

English Oak Lane – East side from Whispering Wind, north to approximately 80 feet

Windsong Drive – Both sides, including median from Tracy Boulevard, west to approximately 370 feet

Corral Hollow Road – East side from 75 feet north of Peony Drive, heading south to railroad tracks

Subdivision Landscaping

Edgewood VI – Entryway at Peony Drive, both sides, including median strip from Corral Hollow Road, east to Maison Court; entryway at Middlefield Drive, both sides, including median strip from Corral Hollow Road, east to Whispering Wind Drive

Park Maintenance

William Adams Park – On Edgewood Terrace Drive

Don Cose Park – On Whirlway Lane

Bill Schwartz Park – On Peony Drive

Zone 16 Bordered on the north by Byron Road, 11th Street on the south, Palomar Drive on the west and Mamie Anderson on the east

Subdivision Landscaping

Crossroads Drive – Crossroads Drive, east and west from 11th Street to Solomon Drive; Crossroads Dr from Solomon Dr to fence line of 2506 Spencer Lane

Park Maintenance

Dan Busch Park – On the northeast corner of Crossroads Drive and Tolbert Drive

Zone 17 **Includes all areas east of Tracy Boulevard between the SPRR tracks on the north and 100 feet north of Deerwood Lane on the south**

Arterial Street Landscaping

Tracy Boulevard – East side from Valpico Road, north to the end of the shopping center (on-site landscape contractor maintains the 5,150 sq. ft. of shrubs and 800 sq. ft. of turf); east side from Valpico Road, south to the end of the shopping center

Central Avenue – West side from Schulte Road, south to Ferdinand Street and the east side from Schulte Road, south to Deerwood Lane; west side from Schulte Road, north to Country Court, including ground cover in front of fence on Mt. Oso

Schulte Road – North side from Tracy Boulevard , east to the cemetery; medians from east of Tract Boulevard to Gianelli; south side from Central Avenue to 300 feet east of Independence Drive

MacArthur Boulevard – West side from Krider Court, south to the north edge of the cemetery

Third Street – North side from Jaeger to Tudor

Leamon Street – South side of California Cameo Parkway from MacArthur Boulevard, west to Third Street and Jaeger Street

Mt. Diablo Avenue – South side (est. 1,000 sq. ft.) and median-island from MacArthur, west to Third Street

Valpico Boulevard – South side from Tracy Boulevard, east to end of landscaping; north side from Tracy Boulevard, east to end of landscaping (on-site landscape contractor maintains the 4,906 sq. ft. of shrubs)

Subdivision Landscaping

Meadow Glen – Entryways at Edenvale and Schulte Road; parkway from Cedar Mountain Drive to San Simeon Way

Victoria Park I – Entryways at Gianelli, including median, south side of Schulte Road; cul-de-sacs at Elizabeth Court, Henry Court and Edward Court

Victoria Park II (American Classics) – Cul-de-sacs at James Court and Mary Court

Victoria Park II (Traditions) – Cul-de-sacs at Elysan, Lavender and Primrose Courts, and entrance at Junior Harrington, north side to 100 feet east

California Collections – Entryways at MacArthur Drive and Wagtail Drive; cul-de-sac at Krider Court

California Renaissance – Entryway median at Third Street; entryway and median at Hotchkiss Street; cul-de-sac at Sir Lancelot

California Cameo – Entryway median at Leamon Street; cul-de-sac at Versailles Court; cul-de-sac at Czerny Street

Park Maintenance

Meadow Glen – Florence Stevens Park at Tassajero Court

Victoria Park – Sullivan Park on Victoria Street

California Collections – Huck Park on Wagtail Drive

Zone 18 Bounded on the north by Valpico Road, on the east by MacArthur Drive and on the south by Linne Road

Arterial Street Landscaping

Valpico Road (Glenbriar Estates) – South side from MacArthur Drive, west to the end of the sound wall; south side from Pebblebrook Drive, west to the end of the sound wall, approximately 600 feet (Pebblebrook Estates)

MacArthur Drive (Glenbriar Estates) – West side from Valpico Road, south to the end of the landscaping, approximately 290 south of Fair Oaks Road; west side from Glenbrook Drive, south 237 feet to end of landscape; north 220 feet to the end of the landscaping

Subdivision Landscaping

Glenbriar Estates – Glenbriar Drive from Valpico Road, south to Glenbriar Circle, both sides and median

Pebblebrook Estates – Entryway at Pebblebrook Drive, including median; cul-de-sac at Pebblebrook Court

Zone 19 **Located north of the UPRR tracks, south of Valpico Road, east of Tracy Boulevard and west of Glenbriar Estates**

Arterial Street Landscaping

Tracy Boulevard – East side including median from Valpico Road, south to UPRR tracks, Whispering Winds, Regency and Brookview,

Park Maintenance

William Kendal Lowes Park

Subdivision Landscaping

Regis Drive – West side from Whispering Wind Drive, south to Dietrick Avenue; from Regis Drive, east to 418 feet east of Reids Way; from Whispering Wind Drive, north to Arezzo Way, then east on Arezzo Way to Escatta Avenue

Brookview Drive – From Perennial Place, east to Glenhaven Drive, north side; from Regis Drive, east to Glenhaven Drive, south side

Zone 20 **(Larkspur Estates) located generally south of Montclair Lane, west of MacArthur Drive, and north of Valpico Road**

Arterial Street Landscaping

MacArthur Boulevard – West side from DeBord Drive, north 415 feet to the end of the sound wall, and south from DeBord Drive 213 feet to the end of the sound wall; median on DeBord Drive

Park Maintenance

Stalsberg Drive – Clyde Abbot Park located on the south dead end of Stalsberg Drive

Zone 21 **(Huntington Park) located generally between Byron Road, south to Fabian Road and Gentry Lane, east to Jones Lane**

Subdivision Landscaping

Huntington Park – Entryway on Montgomery Lane, both sides from Fabian Road, north to King Loop, including median; entryway on

Lankershire Drive, both sides from Byron Road, south to Kensington Court, including median; cul-de-sac on Kensington Court; Byron Road south side from Lankershire Drive, west 243 feet to the end of the sound wall, and east from Lankershire Drive 554 feet to the end of the sound wall; entryway at Byron Road, 100 feet to Ogden Sannazor, east and west side of the pathway

Mini-Park Maintenance

Richard Hastie Park – located on Huntington Park Drive

Zone 22 Generally located between Corral Hollow Road, east to Egret Drive, and from Persimmon Way, south to Starflower Drive on the western half and Dove Drive on the eastern half

Arterial Street Landscaping

Corral Hollow Road – East side from Starflower Drive, north to the end of the sound wall of the sound wall

Subdivision Landscaping

Parkview (Muirfield 7) – North side of Persimmon Way along the sound wall from Geranium, west to Corral Hollow Road; west side of Lotus Way, along sound wall from Starflower Drive, north to Petunia; north side of Starflower along sound wall from Corral Hollow Road, east to Lotus Way, including median

Zone 23 Starflower Drive south to canal between Corral Hollow Road, Monroe Street and Gretchen Talley Park

Arterial Street Landscaping

Corral Hollow Road – From Starflower Drive, south to Kagehiro Dr.; east side of Corral Hollow, Kagehiro Dr. to Lotus Way

Starflower Drive – From Corral Hollow Rd south side to Lotus way

Kagehiro Drive – From Corral Hollow Road, east to Lotus Way

Zone 24 **(Eastlake) - Located south of 26102 S. MacArthur Drive, north of Valpico Road and east of MacArthur Drive**

Park Maintenance Only

Tiago Park – Located on Eastlake Circle between Crater Place and McKenna Court

Zone 25 **Located north of Brichetto Road and Schulte Road, east of Zone 32.** No maintenance activity currently being performed

Zone 26 **Located generally west of Corral Hollow Road, east of Lammers Road, north of Zone 14 and south of W. 11th Street**

Arterial Street Landscaping

Corral Hollow Road – 60 feet north of Cypress Drive to the end of the sound wall, south approximately 240 feet; north side, 31 feet north of Cypress Drive

Sterling Park II – From San Marcos subdivision at Tennis Lane, 290 feet north to the Sterling Park subdivision; Tennis Lane, west of Corral Hollow Road center median and south side

Krohn Road – South side from Corral Hollow Road, west to end of landscaping

Subdivision Landscaping

Sterling Park – Cypress Drive, north and south side, including median; Banff, east and west side, including median

San Marcos – Schulte, north and south side, including median; Babcock entryway and median; Cabana entryway and median; Schulte Road, north 922 feet to Tennis Lane; Schulte Road, south to Golden Leaf Lane; Nabor Ct

Park Maintenance

Verner Harrison – Located at Jill Drive and Brittany

Marlow Brothers – Located at Adaire Lane and Golden Leaf Lane

John Erb Park – located Barcelona Drive and Cypress Drive

Zone 27 **Located generally west of Zone 26, south of Zone 28, north of Zones 25 and 14, approximately one mile east of Lammers Road**

Arterial Street Landscaping

South Gate – Schulte Road, east from Mabel Josephine to the end of the landscaping

South Gate – Mabel Josephine, south from Schulte Road to Patrick McCaffrey Drive

South Gate – Schulte Road median, east from Mabel Josephine to Barcelona

Zone 28 **Located generally south of W. 11th Street, west of Zone 26, north of Zone 27 and east of Lammers Road**

Subdivision Landscaping

Crossroads Drive – From 11th Street, heading south on west side of the dead end of Crossroads Drive, curb to sound wall (curb to mow strip in front of Sports Complex); from 11th Street, heading south on the east side of the dead end of Crossroads Drive; median from 11th Street, heading south to the end of Crossroads Drive; Cranston Court; Wyman Court; Bennet Court; Marshall Court

Jefferson Parkway – 11th Street, heading south to Safford Lane; median from 11th Street, heading south to Safford Lane; east side from 11th Street to end of Sports Complex

Zone 29 **Located generally south of Schulte Road, north of Valpico Road, west of Chrisman Road and east of Zone 24**

Arterial Street Landscaping

Valpico Road – North side of Valpico Road from Chrisman Road, heading west 1,018 feet to the end of the sound wall; north side from Elissagaray Drive, heading west 145 feet; north side starting 440 feet west of Elissagaray Drive at sound wall, heading 238 feet west to the end of the sound wall

Chrisman Road – West side of Valpico Road, heading north 960 feet past Elissagaray Drive

Subdivision Landscaping

Elissagaray Drive – East side from Valpico Road to Rodger Drive; east side from Rodger Drive, heading northeast to Chrisman Road, including Amatchi Drive entrances, east and west; west side from Rodger Drive, heading north to Dominique Drive; north side from Aldacourrou Street, heading east to Chrisman Road

Dominique Drive – South side from Elissagaray Drive, heading west 525 feet past Basque Drive

Mount Pellier Street – West side from 125 feet south of Montauban Street, heading south 225 feet to the end of the fence at 2203 Mt. Pellier Street

Subdivision Court Landscaping

Baigorry Court – East side from 130 feet south of Rodger Drive, starting at the sound wall 210 feet to the end of the sound wall

Park Maintenance

Robert Kellogg Park – Located on Elissagaray Street

Zone 30 Yosemite Vista Housing Development located on S. MacArthur Drive

Arterial Street Landscaping

S. MacArthur Drive – From Yosemite Drive, heading north to the end of the sound wall; from Yosemite Drive, heading south to Jesse J. Martinez Drive; from Jesse J. Martinez Drive, heading south to the end of the landscaping

Yosemite Drive – Median-island from S. MacArthur Drive, east approximately 100 feet

Park Maintenance

Sentinel Drive – Jim Raymond Park

Zone 31 Tracy Mini Storage

Arterial Street Landscaping

Tracy Boulevard – East of Tracy Boulevard, west of Zone 28 and south of Valpico Road

Zone 32 Located north of Schulte Road, east of Lammers Road**.** No maintenance activity currently being performed

Zone 33 Generally located south of I-205, north of the SPRR tracks and east of Chrisman Road

Arterial Street Landscaping

Grant Line Road – From Best Buy warehouse, east to Skylark Way

Zone 34 The triangle area located south of the SPRR tacks, north of W. 11th Street and east of Corral Hollow Road

Arterial Street Landscaping

Corral Hollow Road – East side from 11th Street, north to railroad tracks at Byron Road

11th Street – From railroad tracks east of Alden Glen, heading west to Corral Hollow Road, north side from sidewalk to mow strip

Zone 35 East side of Tracy Boulevard between Centre Court and Tennis Lane

Arterial Street Landscaping

Tracy Boulevard – East side from BSC, heading south 375 feet past Tennis Lane

11th Street – From railroad tracks east of Alden Glen, heading west to Corral Hollow Road, north side from sidewalk to mow strip

Subdivision Landscaping

Ryland Junction – Entryway at Tracy Boulevard and Tennis Lane, including median; entryway at Tracy Boulevard and Centre Court, including median; Rockingham Court cul-de-sacs

Park Maintenance

Fisher Park – Located on Tracy Boulevard between Tennis Lane and Centre Court

Zone 36 El Pescadero at Grant Line Road

Arterial Street Landscaping

El Pescadero Park – South of El Pescadero Park, north of Grant Line Road and east of Buthmann **– Any activity here?**

Zone 37 Forrest Greens

Arterial Street Landscaping

Acacia Street – North side of Acacia Street between East Street and MacArthur Drive **– Any activity here?**

Zone 38 This Zone is split into four different areas within the District (Funded by City's General Fund, and not assessment revenue)

Zone A

Arterial Street Landscaping

11th Street – North side of 11th Street from Belconte Drive, west to Lammers Road; north side of 11th Street from Corral Hollow Road, west to Belconte Drive, from curb to sidewalk; north side of 11th Street from rail road tracks east of Alden Glen Drive, west to Corral Hollow Road, from curb to sidewalk; south side of 11th Street from Corral Hollow Road, west to the end of the landscaping west of Jefferson Drove, curb to sidewalk; south side of 11th Street from railroad tracks east of Alden Glen Drive, west to Corral Hollow Road, curb to sidewalk; median on 11th Street from rail road tracks east of Alden Glen Drive, heading west to Lammers Road; Lammers Rd – westside, median and eastside from 11th Street to end of Kimball High School; on eastside from curb to fence.

Grant Line Road – South side of Grant Line Road from 1820 W. Grant Line Road, east to Lincoln Boulevard; Corral Hollow Road, west side from Grant Line Road, north to I-205

Tracy Transit Station – Plaza area in the middle of 6th Street from Central Avenue to D Street; traffic circle at the intersection of 6th Street and

Central Avenue; traffic circle at the intersection of 6th Street and D Street; all on-site landscaping around the transit building and parking lot

Zone B

Valpico Town Center – North side of Valipco Rd. from Glebriar Drive heading east to MacArthur Dr.

Zone 40 Located at the northwest corner of Valpico Road and MacArthur

Arterial Street Landscaping

Rite-Aid – North side of Valpico Road from MacArthur Drive, heading west 370 feet to second driveway; west side of MacArthur Drive from Valpico Road, heading north 135 feet

Zone 41 Located at east side of Corral Hollow Road, north of Tennis Lane and south of Cypress Drive

Arterial Street Landscaping

Corral Hollow Road – east side of Corral Hollow Road fronting 350 N. Corral Hollow Road, starting from 285 feet north of Cypress Drive, heading north 375 feet to the end of the landscaping

Zone 42 Located at south side of W. Grant Line Road, north of Byron Road and west of S. Lammers Road

Arterial Street Landscaping

Grant Line – Center median and south side from east to west of complex

Zone 43 Located east of MacArthur Drive and north of Valpico Road

Arterial Street Landscaping

Tract 3290 (Ventana) – Ongoing maintenance, servicing and operation of the landscaping improvements within the public right-of-ways, to be installed in connection with this development

Channel Way with Arterial Landscaping

Located in Zone 1

Central Avenue – From Silkwood Lane, west to Tracy Boulevard (channel way in front of the Sycamore Village apartments); Central Avenue channel along the eastern side of the Sycamore Village apartments

Transit Corridor – Bike path to face of curb**;** from Silkwood lane west to Tracy Blvd in front of the Sycamore Apartments

Located in Zone 3

Grant Line Road – East side from Grant Line Road to the I-205 freeway right-of-way, approximately 1,600 linear feet; east side from Grant Line Road, north to I-205 (no mow), weed down as needed

Orchard Parkway – West side of Orchard Parkway from Lowell Avenue to Grant Line Road

Vivian Lane/Rita Way – From south end of Vivian Lane, heading north past Rita Way to Lowell Avenue

Lowell Avenue – North side of Lowell Avenue to Orchard Parkway

Transit Corridor (bike path to face of curb) – East side of Corral Hollow Road from Grant Line Road to I-205; Orchard Parkway shrubs; Orchard Parkway, west side from Lowell Avenue to Grant Line Road; Vivian Lane/Rita Way from rail road tracks, south of Vivian Lane, north to Lowell Avenue; north side of Lowell Avenue, west to Orchard Parkway

Located in Zone 7

From edge of property to bike path – North side of Cypress Drive from Corral Hollow Road to Lauriana lane; east side of Lauriana Lane from Cypress Drive to Schulte Road; north side of Schulte Road from Lauriana Lane, east to the rail road tracks

Transit Corridor (bike path to face of curb) – Starting at the rail road tracks on Schulte Road west of Sycamore Parkway, heading west to Lauriana Lane, then on Lauriana, then west on Cypress Drive to Corral Hollow Road

Located in Zone 9

From edge of property to bike path – North side of Schulte Road channel way from railroad tracks to Sycamore Parkway; east side of Sycamore

Parkway from Schulte Road, south to Windham Drive; south side of Central Avenue from Tracy Boulevard to Sycamore Parkway; east side of Windham Drive, south from Sycamore Parkway to Cherry Blossom

Transit Corridor (bike path to face of curb) – From Cherry Blossom, north to Sycamore Parkway on the east side, north to Schulte Road then west to rail road tracks; Central Avenue from Tracy Boulevard, west to Sycamore Parkway; north side of Schulte Road from Sycamore Parkway, west to Lauriana Lane

Located in Zone 10

MacArthur Drive – Landscaped channel way, east side from 11th Street overpass, north to driveway at 2020 MacArthur Drive-edge of property to bike path; non-landscaped channel area, east side from driveway at 2020 MacArthur Drive to Grant Line Road, north to Pescadero Road; I-205, west to rail road tracks west of MacArthur

Pescadero Avenue – Starting from the east driveway of the Outlet Mall, heading east 835 feet to the curve, then heading north 975 feet to the curve, then west 2,080 feet, ending at MacArthur Drive; starting from the south side of Pescadero Avenue from the east driveway of the Outlet Mall, heading south 2,550 feet to Grant Line Road; starting on the eastern edge of the property at 800 Grant Line Road, heading south 485 feet, then picking back up on the south side of the rail road tracks and heading south 950 feet to MacArthur Drive (Channel way is approximately 50 feet wide)

Transit Corridor (bike path to face of curb) – East side of MacArthur Drive from the 11th Street overpass, north to 1820 MacArthur Drive

Located in Zone 12

Naglee Detention Basin – Around fence line to bottom of the berm; entrance on Naglee Road, northwest side of Auto Plaza Drive

Park and Ride Lot – Transit corridor Park & Ride

Located in Zone 26

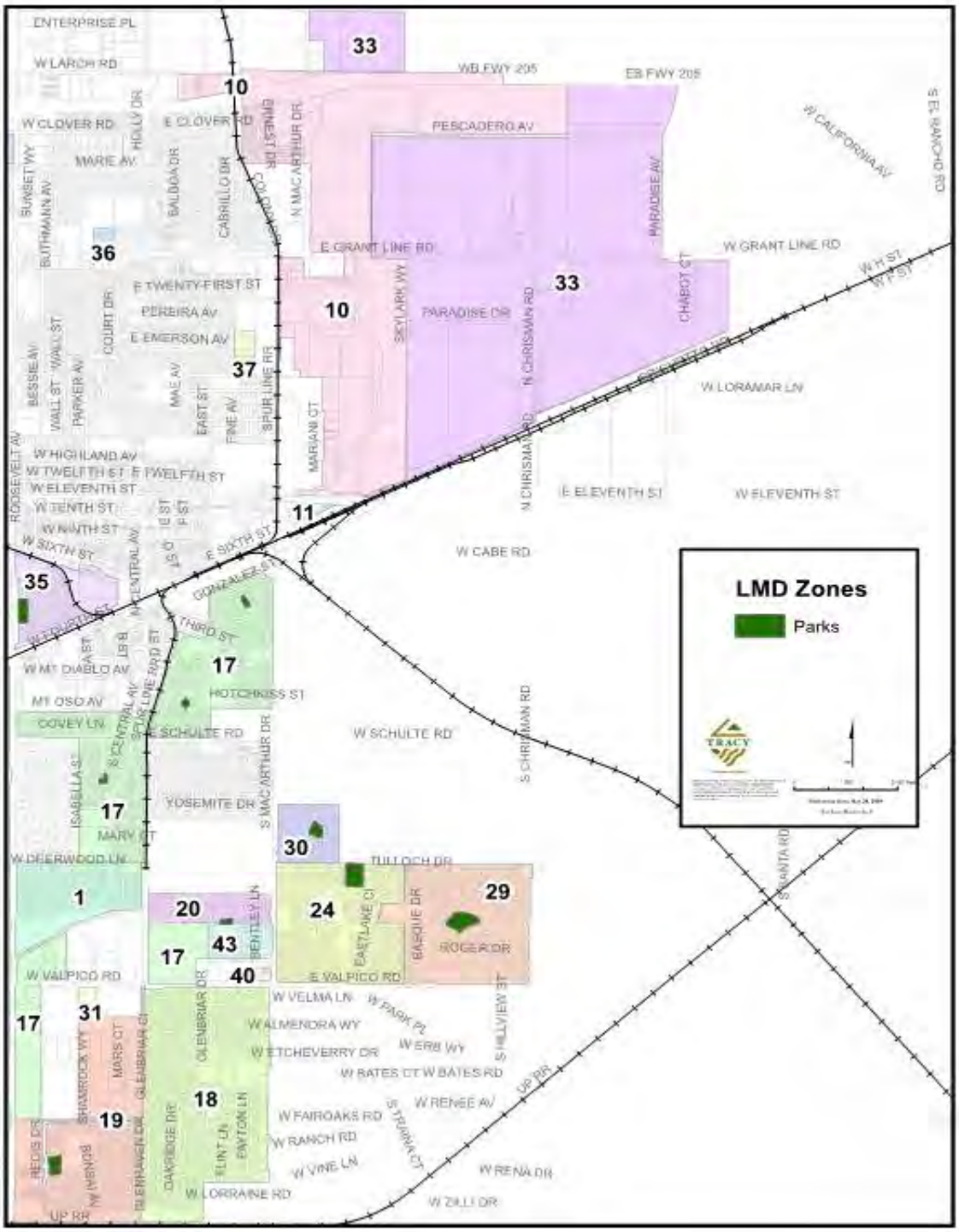
From edge of property to bike path – West side of Corral Hollow Road from Cypress Drive, north to Krohn Road; end of channel way from Krohn Road, 300 feet west to DB-V Detention Basin;

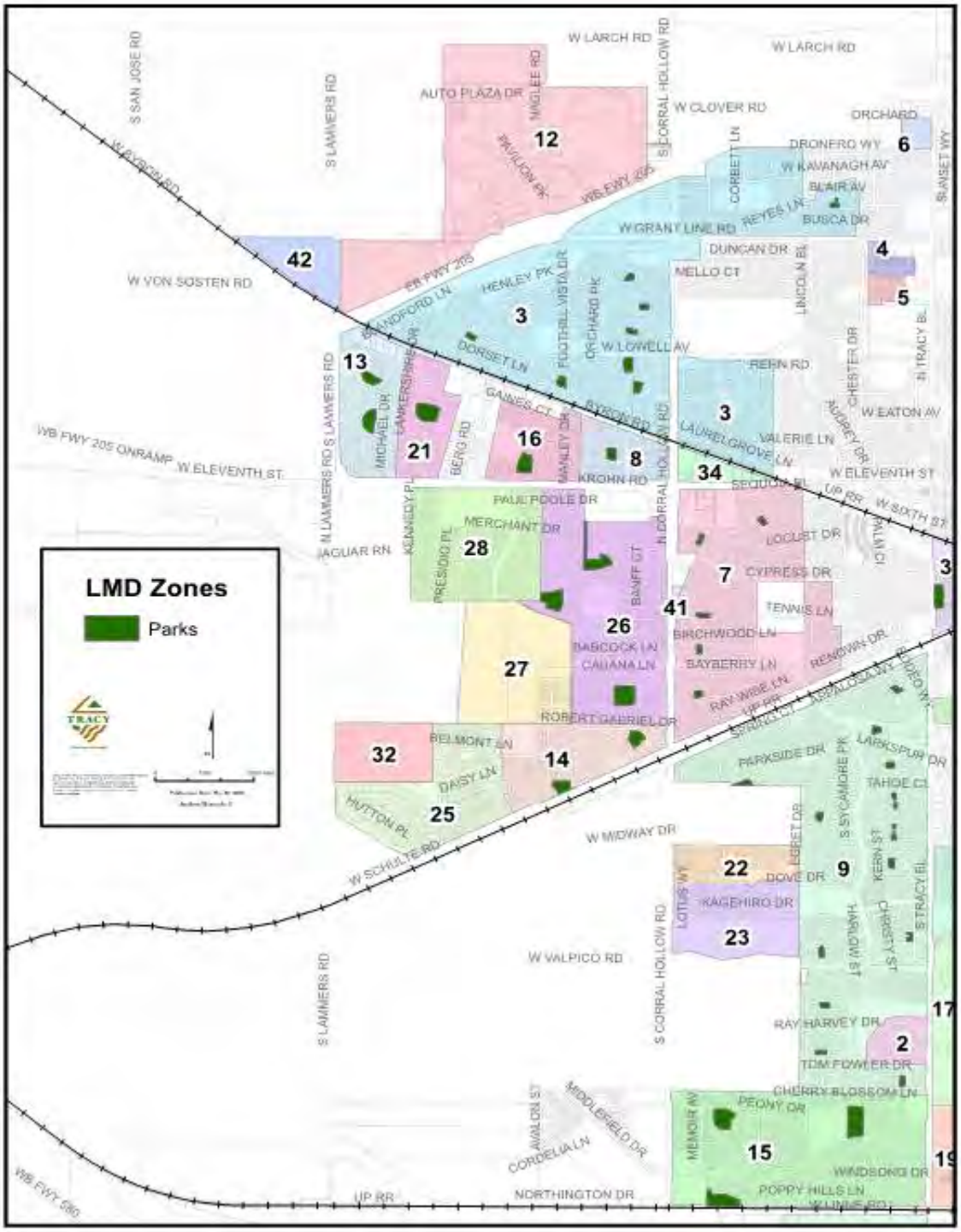
Placentia Fields Channel Way (General Fund Channel Way) – North of Cypress Drive towards 11th Street, then east to the end of the channel way

Transit Corridor (bike path to face of curb) – West side of Corral Hollow Road from Cypress Drive, north to Krohn Road

APPENDIX B – CONSOLIDATED LANDSCAPE MAINTENANCE MAP

A Diagram showing the District and Zone boundaries is on the following page.




LMD Zones
Parks
W LARCH RD
S SAN JOSE RD
S LAMMERS RD
AUTO PLAZA DR
MIGLEE RD
S CORRAL HOLLOW RD
W CLOVER RD
ORCHARD
DRONERO WY
W KAVANAGH AV
BLAIR AV
BUSCA DR
SUNSET WY
CORBETT LN
REYES LN
W GRANT LINE RD
DUNCAN DR
MELLO CT
LINCOLN BL
CHESTER DR
N TRACY BL
W VON SOSTEN RD
EB FWY 205
HENLEY PK
FOOTHILL VISTA DR
ORCHARD PK
W LOWELL AV
DORSET LN
GAINES CT
BYRON RD
RERN RD
AUDREY DR
W EATON AV
VALERIE LN
LAUREL GROVE LN
WB FWY 205 ONRAMP
W ELEVENTH ST
MICHAEL DR
BERG RD
MANLEY DR
KRONN RD
SEQUOIA CT
UP RR
W SIXTH ST
JAGUAR RN
KENNEDY PL
PAUL POOLE DR
MERCHANT DR
PRESIDIO PL
BANFF CT
N CORRAL HOLLOW RD
LOCUST DR
CYPRESS DR
TENNIS LN
BIRCHWOOD LN
BAYBERRY LN
RENOWN DR
RAY WISE LN
BABCOCK LN
CALIANA LN
ROBERT GABRIEL DR
SPANOS PK W
ASSISI CT
PARKSIDE DR
LARKSPUR DR
TAHOE CT
RELMONT LN
DAISY LN
HUTTON PL
W SCHULTE RD
W MIDWAY DR
LOBET DR
S SYCAMORE PK
KERN ST
S TRACY BL
DOVE DR
KAGEHIRO DR
LOTUS WY
HARLOW ST
CHERRY ST
W VALPICO RD
S CORRAL HOLLOW RD
S LAMMERS RD
RAY HARVEY DR
TOM FOWLER DR
CHERRY BLOSSOM LN
PEGNY DR
MEMORY AV
AVALON ST
MIDDLEFIELD DR
CORDELIA LN
WINDSONG DR
POPPY HILLS LN
NORTHINGTON DR
WB FWY 580
UP RR
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APPENDIX C – ASSESSMENT ROLL

The assessment set forth for each parcel is shown on the Assessment Roll for the District, submitted separately, as "Assessment Roll for the City of Tracy, Consolidated Landscape Maintenance District, Fiscal Year 2021-22", which exhibit is incorporated by reference herein as Appendix C under separate cover, and is on file in the Office of the City Clerk.

The Assessment Roll lists all parcels within the boundaries of the District as shown on the Assessment Diagram, Part D herein, and on the last equalized roll of the Assessor of the County of San Joaquin, which is by reference made part of this report.

A list of names and addresses of the owners of all parcels within this District is shown on the last equalized Property Tax Roll of the Assessor of the County of San Joaquin, which by reference is hereby made a part of this report. This list is keyed to the Assessor's Parcel Numbers as shown on the Assessment Roll on file in the office of the City Clerk of the City of Tracy.

RESOLUTION _____

INITIATING PROCEEDINGS FOR THE ANNUAL LEVY OF ASSESSMENTS AND ORDERING THE PREPARATION OF AN ENGINEER'S REPORT FOR THE TRACY CONSOLIDATED LANDSCAPE MAINTENANCE DISTRICT, PURSUANT TO THE PROVISIONS OF THE LANDSCAPING AND LIGHTING ACT OF 1972 FOR FISCAL YEAR 2021/2022

WHEREAS, the City Council of the City of Tracy have previously formed a special maintenance district pursuant to the terms of the "Landscaping and Lighting Act of 1972" ("the 1972 Act"), being Division 15, Part 2 of the Streets and Highways Code of the State of California (commencing with Section 22500). Said special maintenance district is known and identified as the Tracy Consolidated Landscape Maintenance District (the "District"), and

WHEREAS, the City Council has retained Harris & Associates ("Harris") for the purpose of assisting with the annual levy of the District and to prepare and file with the City Clerk, the Annual Assessment Report ("Report") for the District in accordance with the 1972 Act;

NOW, THEREFORE, IT IS HEREBY RESOLVED, that the City Council of the City of Tracy hereby resolves as follows:

1. Annual Engineer's Report: The City Council wishes to initiate proceedings for the preparation of the Annual Assessment Report and hereby orders Harris to prepare and file with the City Clerk, the Report concerning the annual levy and collection of assessments for the District. Said levy and collection shall be for the fiscal year commencing July 1, 2021 and ending June 30, 2022 in accordance with *Chapter 3, Section 22622* of the 1972 Act.

2. Proposed Improvements: The improvements within the District may include, but are not limited to, the maintenance, operation and incidental expenses related to: street trees; turf; ground cover and shrubs; irrigation and electrical systems; monuments; fountains; hardscape improvements; masonry walls and other fencing; and all necessary appurtenances and services connected with the landscaped channelways, medians, parkways, entryways, parks and public easements and facilities designated and maintained as part of the District improvements. The Report shall provide a more detailed description of the improvements and services provided by the District.

* * * * * * * * * * * * * * *

The foregoing Resolution _____ was passed and adopted by the City Council of the City of Tracy on the 15th day of June, 2021 by the following vote:

AYES: COUNCIL MEMBERS:
NOES: COUNCIL MEMBERS:
ABSENT: COUNCIL MEMBERS:
ABSTAIN: COUNCIL MEMBERS:

_____
MAYOR

ATTEST:

_____
CITY CLERK

RESOLUTION _____

APPROVING THE PRELIMINARY ENGINEER'S REPORT REGARDING THE PROPOSED LEVY AND COLLECTION OF ASSESSMENTS FOR THE TRACY CONSOLIDATED LANDSCAPE MAINTENANCE DISTRICT, PURSUANT TO THE PROVISIONS OF THE LANDSCAPING AND LIGHTING ACT OF 1972 FOR FISCAL YEAR 2021/2022

WHEREAS, the City Council pursuant to provisions of the *Landscaping and Lighting Act of 1972 (commencing with Section 22500) Part 2, Division 15 of the California Streets and Highways Code* (hereinafter referred to as the "Act") did by previous Resolution, order the preparation of the Fiscal Year 2021/2022 Engineer's Report for the Tracy Consolidated Landscape Maintenance District (hereinafter referred to as the "District"), and

WHEREAS, the City Council pursuant to provisions of the Act proposes to levy and collect assessments against lots and parcels of land within the various Zones of the District for Fiscal Year 2021/2022, to pay the maintenance, servicing and operation of the improvements related thereto, and

WHEREAS, Harris & Associates, (the designated Assessment Engineer) in accordance with *Section 22623* of the Act, has prepared and filed with the City Clerk an Engineer's Report (Report) for Fiscal Year 2021/2022 and said Report has been presented to the City Council and is incorporated herein by reference, and

WHEREAS, this City Council has examined and reviewed the Report as presented, and is preliminarily satisfied with the description of the District, the Zones and improvements identified therein, each of the budget items and documents as set forth, and is satisfied that the proposed assessments have been spread proportionately in accordance with the special benefit each property receives from the improvements, operation, maintenance and services to be performed, as set forth in the Report or as modified by Council action and incorporated herein;

NOW, THEREFORE, BE IT RESOLVED, the City Council of the City of Tracy does hereby resolve as follows:

1. The above recitals are true and correct.

2. Contents of the Engineer's Report: The Report as presented, consists of the following:

   a. A sufficient description of the territory and properties within the District, the Zones therein and the improvements and services to be provided.
   b. The Annual Budgets associated with the various improvements and services provided by the District (an estimate of the costs and expenses required for the operation and maintenance of the improvements within the various Zones of the District).
   c. An Assessment Rate per benefit unit and description of the Method of Apportionment sufficient to calculate the proportional special benefit assessment to be applied to each parcel for Fiscal Year 2021/2022 and identification of the maximum assessment rates that may be applied to properties within each Zone of the District.

d. An assessment roll identifying the proposed levy amount for each assessed parcel within the District for Fiscal Year 2021/2022.

3. Approval of the Engineer's Report: The Report as presented is hereby preliminarily approved pursuant to *Section 22623* of the Act, and ordered to be filed in the Office of the City Clerk as a permanent record and to remain open to public inspection.

* * * * * * * * * * * * * * * *

The foregoing Resolution _____ was passed and adopted by the City Council of the City of Tracy on the 15th day of June, 2021 by the following vote:

AYES: COUNCIL MEMBERS:

NOES: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

ABSTAIN: COUNCIL MEMBERS:

_____
MAYOR

ATTEST:

_____
CITY CLERK

RESOLUTION _____

DECLARING THE CITY OF TRACY 'S INTENTION TO LEVY ANNUAL ASSESSMENTS FOR THE TRACY CONSOLIDATED LANDSCAPE MAINTENANCE DISTRICT, FISCAL YEAR 2021/2022 AND SETTING A PUBLIC HEARING ON JULY 06, 2021 AT 7:00 PM TO CONSIDER SAME IN ACCORDANCE WITH THE LANDSCAPING AND LIGHTING ACT OF 1972

WHEREAS, the City Council pursuant to provisions of the *Landscaping and Lighting Act of 1972 (commencing with Section 22500) Part 2, Division 15 of the California Streets and Highways Code* (hereinafter referred to as the "Act"), did by previous Resolution, initiate proceedings for the levy and collection of assessments against lots and parcels within the Tracy Consolidated Landscape Maintenance District (hereinafter referred to as the "District") for Fiscal Year 2021/2022, and

WHEREAS, Harris & Associates (the Assessment Engineer for the District) has prepared and filed the District Engineer's Report for Fiscal Year 2021/2022 with the City Clerk pursuant to *Section 22623* of the Act, and said report has been presented to the City Council, and is incorporated herein by reference;

NOW, THEREFORE, BE IT RESOLVED, the City Council of the City of Tracy hereby resolves as follows:

1. The above recitals are true and correct.

2. Intention: The City Council pursuant to *Section 22624* of the Act hereby declares its intention to order the District improvements and to levy and collect assessments against lots and parcels of land therein for Fiscal Year 2021/2022, to pay the costs and expenses of the improvements that provide special benefits to said properties. The City Council finds that the District improvements and the levy and collection of the assessments related thereto is in the best interest of the property owners.

3. Description of Improvements: The District improvements and services include but are not limited to the maintenance, operation and incidental expenses related to: street trees; turf; ground cover and shrubs; irrigation and electrical systems; monuments; fountains; hardscape improvements; masonry walls and other fencing, and all necessary appurtenances and services connected with the landscaped channelways, medians, parkways, entryways, parks and public easements and facilities designated and maintained as part of the District improvements. No substantial changes in the improvements or services are proposed for Fiscal Year 2021/2022 other than to services levels as they correspond to each Zone's funding availability or for the addition of planned improvement areas that were anticipated as part of ongoing development within specific zones. The Engineer's Report for Fiscal Year 2021/2022 shall provide a more detailed description of the improvements and services provided by the District and by reference this Report shall describe any substantial changes or expansion of the improvements for which properties are assessed.

4. Report: The Assessment Engineer selected by the City Council has prepared and filed with the City Clerk, and the City Clerk has presented to the City Council, an Engineer's Report in connection with the proposed improvements, the assessments, and the levy and collection of assessments against lots and parcels of land within the District for Fiscal Year 2021/2022 in accordance with *Chapter 1, Article 4* of the Act and as required by *Section 22623* of the Act, and the City Council did by Resolution preliminarily approve said Report. Reference is

hereby made to the Engineer's Report for a detailed description of improvements, the boundaries of the District consisting of forty-one (41) benefit Zones designated as Zones 1 through 37, and Zones 40 through 43; and the proposed assessments upon assessable lots and parcels of land within the said District and Zones.

5. Assessment: The proposed District assessments for Fiscal Year 2021/2022 are apportioned according to the rates and method identified in the Engineer's Report and do not exceed the maximum assessments previously authorized by the City Council and approved by property owners through protest ballot proceedings conducted in accordance with the provisions of the California Constitution Article XIIID.

6. Public Hearing(s): The City Council hereby declares its intention to conduct a Public Hearing concerning the District, the improvements, and the levy of assessments and in accordance with *Section 22624 (e) and 22625* of the Act, notice is hereby given that on **Tuesday, July 6, 2021** at 7:00 P.M., the City Council will hold a Public Hearing for the District and the levy and collection of assessments for Fiscal Year 2021/2022, or as soon thereafter as feasible. The Public Hearing will be held in the City Council chambers, located at 333 Civic Center Plaza, Tracy, at the time so fixed. At the Public Hearing, all interested persons shall be afforded the opportunity to hear and be heard.

7. Notice: The City shall give notice of the time and place of the Public Hearing to all property owners within the District by causing the publishing of this Resolution once in the local newspaper not less than ten (10) days before the date of the Public Hearing, and by posting a copy of this resolution on the official bulletin board customarily used by the City Council for the posting of notices, pursuant to Sections *22552, 22553, 22554 and 22626* of the Act. For Fiscal Year 2021/2022 no new or increased assessments are proposed and a mailing of a notice and ballot to the property owners is not required.

8. The City Clerk is hereby authorized and directed to give notice of such Public Hearing as provided by law.

* * * * * * * * * * * * * * *

The foregoing Resolution _____ was adopted by the City Council of the City of Tracy on the 15th day of June, 2021, by the following vote:

AYES: COUNCIL MEMBERS:
NOES: COUNCIL MEMBERS:
ABSENT: COUNCIL MEMBERS:
ABSTAIN: COUNCIL MEMBERS:

_____
MAYOR

ATTEST:

_____
CITY CLERK

June 15, 2021

AGENDA ITEM 1.D

REQUEST

APPROVE CLAIM TO BE SUBMITTED TO THE STATE OF CALIFORNIA, THROUGH THE SAN JOAQUIN COUNCIL OF GOVERNMENTS (SJCOG), FOR TRANSPORTATION DEVELOPMENT ACT FUNDS IN THE AMOUNT OF $1,950,066 FOR FISCAL YEAR 2020-2021

EXECUTIVE SUMMARY

The City of Tracy (City) receives funds from the Transportation Development Act (TDA) that allow the City to provide transportation services throughout the community. The annual claim is necessary for the City to continue to receive TDA funding from the State through the San Joaquin Council of Governments (SJCOG). The amount the City will claim for FY 2020-2021 from the Local Transportation Fund (LTF) and the State Transit Assistance Fund (STA) is $1,950,066.

TDA funds are used for City TRACER operations and capital acquisitions, street and road maintenance, and pedestrian and bike paths. Staff recommends that the City Council approve the claim for TDA funds for FY 2020-2021, and authorize the Finance Director to execute the claim.

DISCUSSION

Under the provisions of the Transportation Development Act (TDA), the City is required to make an annual claim for funds apportioned to the City under the Local Transportation Fund (LTF) and the State Transit Assistance Fund (STA). This claim is made to the State through the San Joaquin Council of Governments.

TDA funds are used to support the operations of the City's TRACER bus system, streets and road maintenance, and pedestrian and bike paths. Money for this claim is primarily being used for operational expenses that are not covered by Federal grants, as a funding source for the purchase of new buses, to fund the completion of a Bikeways Master Plan, and to fund bikeways maintenance in various parts of Tracy.

The total claim for LTF is $1,941,704 which includes $1,540,000 of previous year's unclaimed apportionment and $675,104 of unexpended carryover. The total claim for STA is $8,362, which includes $1,300 of previous year's unclaimed apportionment. The available TDA funding for FY 2020-21 for the City of Tracy to claim under the LTF and STA is $6,049,380. After subtracting out the previous year's unexpended carryover of $675,104, a total of $1,274,962 will be disbursed to the City of Tracy. The remaining balance of $4,099,314 will be available to claim in future years.

TRACY FISCAL YEAR 2020-2021 TDA CLAIM AMOUNTS AND PURPOSES		
Fund	Amount	Purpose
LTF	$0	Article 8 Contractor Operating (PUC 99400(c))
LTF	$494,129	Article 8 Contractor Operating (PUC 99400(c)) Previous Year's Unclaimed
LTF	$0	Article 8 Contractor Operating (PUC 99400(c)) Unexpended Carryover
LTF	$684,514	Article 8 Contractor Capital (99400(e))
LTF	$468,054	Article 8 Contractor Capital (99400(e)) Unexpended Carryover
LTF	$87,957	Pedestrian and Bicycle: Article 3 (PUC 99234)
LTF	$164,879	Pedestrian and Bicycle: Article 3 (PUC 99234) Unexpended Carryover
LTF	$0	Roads & Streets: Article 8 (99400 (a))
LTF	$42,171	Roads & Streets: Article 8 (99400 (a)) Unexpended Carryover
STA	$7,062	CCR Section 6730 (a)
STA	$1,300	CCR Section 6730 (a) Previous Year's Unclaimed
Total: Less: 	$1,950,066 ($675,104) $1,274,962	Total LTF/STA claimed Unexpended Carryover Net LTF funds to be disbursed to City of Tracy

Staff requests the Council approve submission of the claim through SJCOG and authorize the Finance Director to execute the claim.

STRATEGIC PLAN

This agenda item is a routine operational item and does not relate to the Council's Strategic Plans.

FISCAL IMPACT

Authorization to submit the claim is necessary for the City to continue to receive TDA funding. Such funding is budgeted for FY 2020-2021 for the transit program and to support various street programs.

RECOMMENDATION

Staff recommends that City Council approve the claim to be submitted to the State of California, through the SJCOG, for TDA funds in the amount of $1,950,066 for FY 2020-2021 and authorize the Finance Director to execute the claim.

Prepared by: Ed Lovell, Transit Manager

Reviewed by: Brian MacDonald, Parks & Recreation Director
Karin Schnaider, Finance Director
Midori Lichtwardt, Assistant City Manager

Approved by: Jenny Haruyama, City Manager

RESOLUTION 2021-_____

APPROVING CLAIM TO BE SUBMITTED TO THE STATE OF CALIFORNIA, THROUGH THE SAN JOAQUIN COUNCIL OF GOVERNMENTS, FOR TRANSPORTATION DEVELOPMENT ACT FUNDS IN THE AMOUNT OF $1,950,066 FOR FISCAL YEAR 2020-2021, AND AUTHORIZING THE FINANCE DIRECTOR TO EXECUTE THE CLAIM

WHEREAS, Under the provisions of the Transportation Development Act (TDA), the City is required to make an annual claim to the State of California for funds apportioned to the City under the Local Transportation Fund and the State Transit Assistance Fund, and the claim is made to the State through the San Joaquin Council of Governments, and

WHEREAS, Unclaimed amounts are carried forward to the next fiscal year for reimbursement in that time period, and

WHEREAS, The City's FY 2020-2021 claim under the Local Transportation Fund and the State Transit Assistance Fund includes funds requested for FY 2020-2021 in the amount of $1,950,066 as indicated for the following purposes:

TRACY FISCAL YEAR 2020-2021 TDA CLAIM AMOUNTS AND PURPOSES		
Fund	Amount	Purpose
LTF	$0	Article 8 Contractor Operating (PUC 99400(c))
LTF	$494,129	Article 8 Contractor Operating (PUC 99400(c)) Previous Year's Unclaimed
LTF	$0	Article 8 Contractor Operating (PUC 99400(c)) Unexpended Carryover
LTF	$684,514	Article 8 Contractor Capital (99400(e))
LTF	$468,054	Article 8 Contractor Capital (99400(e)) Unexpended Carryover
LTF	$87,957	Pedestrian and Bicycle: Article 3 (PUC 99234)
LTF	$164,879	Pedestrian and Bicycle: Article 3 (PUC 99234) Unexpended Carryover
LTF	$0	Roads & Streets: Article 8 (99400 (a))
LTF	$42,171	Roads & Streets: Article 8 (99400 (a)) Unexpended Carryover
STA	$7,062	CCR Section 6730 (a)
STA	$1,300	CCR Section 6730 (a) Previous Year's Unclaimed
Total: Less: 	$1,950,066 ($675,104) $1,274,962	Total LTF/STA claimed Unexpended Carryover Net LTF funds to be disbursed to City of Tracy

NOW, THEREFORE, BE IT RESOLVED, That the City Council of the City of Tracy hereby approves claim to be submitted to the State of California, through the San Joaquin Council of Governments for TDA Funds in the amount of $1,950,066 (Local Transportation Fund and State Transit Assistance Fund) for FY 2020-2021, and authorizes the Finance Director to execute the claim.

* * * * * * * * * * * * *

The foregoing Resolution 2021-_____ was adopted by the Tracy City Council on the 15th day of June, 2021, by the following vote:

AYES: COUNCIL MEMBERS:

NOES: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

ABSTAIN: COUNCIL MEMBERS:

_____
MAYOR

ATTEST:

_____
CITY CLERK

June 15, 2021

AGENDA ITEM 1.E

REQUEST

APPROVE AMENDMENT NO. 1 TO THE PROFESSIONAL SERVICES AGREEMENT BETWEEN THE CITY OF TRACY AND VERDE DESIGN, INC. TO COMPLETE DESIGN OF LEGACY FIELDS SPORTS COMPLEX PHASE 1E, INCREASING THE NOT TO EXCEED AMOUNT BY $622,373 FOR A TOTAL NOT TO EXCEED AMOUNT OF $1,803,286

EXECUTIVE SUMMARY

The City of Tracy and Verde Design, Inc. (Verde) entered into a Professional Services Agreement (Agreement) to provide design services for construction of additional sports fields and related amenities within the Phase 1 area of Legacy Fields that was approved by Council on March 6, 2018. On March 23, 2021 the City Council allocated $17,150,000 of Measure V funding to complete Phase 1 of Legacy Fields (Phase 1E CIP 78165). Phase 1E includes an expanded scope of work which require additional design services to complete the project. This work was included in the Phase 1E budget, but requires Council approval to amend the Agreement to include an expanded scope of services.

DISCUSSION

On March 6, 2018 staff recommended the City forego the formal bidding process for design services of Legacy Fields Phase 1D CIP 78164, as provided under section 2.20.140 (b)(6) of the City's Municipal Code, and approve a new Professional Services Agreement (Agreement) with Verde Design, Inc. given their familiarity with the project.

The current Agreement includes design services for a number of areas that were recently constructed in Phase 1D such as the completion of ballfields and stadium lighting for the western wagon wheel and shade structures throughout the site. However, the current Agreement does not cover many of the design services required to complete the recently funded Phase 1E CIP 78185 project and as such these specific services will need to be added as an amendment. It is also important to note that approximately $350,000 still remains on the current contract.

Amendment No. 1 (Attachment A) to the Agreement will address the Council's approval of the scope of work in Phase 1E in its entirety and include design services for the following areas of work:

- Renovate the eastern ballfields to match the same design and amenities that currently exist in the western ballfields including:
    - Fields 3, 4 and 5 fencing and paving
    - Renovation of Field 1
    - Renovation of Field 2
    - Paving, parking lot access and shade structures for all fields
    - Restroom/Concession Building and plaza area
    - Electrical infrastructure work for all fields
- Stadium lighting for eastern fields
- Maintenance yard additions
- Entry drive and pedestrian pathway sealing
- Pave existing parking lots and develop overflow lot with paving and new lights
- Charging station infrastructure at parking lot C and overflow lot
- Provide additional exit on the southeast edge that will be one way only
- Signage for wayfinding

These new areas of work will exceed the current Agreement budget, therefore, an increase of $622,373 is requested. These funds were budgeted within the Phase 1E project approved by Council with the adopted Fiscal Year 2021-2022 capital budget. This is a request to amend the current Agreement in order to allow Verde to complete the work.

STRATEGIC PLAN

This agenda item supports the City's Quality of Life Strategic Priority:

Quality of Life

Goal 2: Facilitate the completion of Measure V Amenities

Objective 1: Revisit Measure V amenities planning (e.g., aquatics center, multi-generational gymnasium, Legacy Fields).

Objective 2: Advance Measure V amenity planning

Objective 3: Implement design of Measure V amenity

Objective 4: Break ground on Measure V amenity

FISCAL IMPACT

There is no impact to the General Fund for the increase request. The additional $622,373 requested for this amendment was included in the $17,150,000 project budget approved with the adopted Fiscal Year 2021-2022 capital budget.

RECOMMENDATION

That the City Council, by resolution, approve Amendment No. 1 to the Professional Services Agreement between the City of Tracy and Verde Design, Inc increasing the not to exceed amount by $622,373 for a total not to exceed amount of $1,803,286.

Prepared by: Richard Joaquin, Parks Planning & Development Manager

Reviewed by: Brian MacDonald, Director of Parks and Recreation
Paul Verma, Senior Civil Engineer
Karin Schnaider, Director of Finance
Midori Lichtwardt, Assistant City Manager

Approved by: Jenny Haruyama, City Manager

ATTACHMENT

A - Amendment No. 1 to Professional Services Agreement

CITY OF TRACY
AMENDMENT NO. 1 TO
PROFESSIONAL SERVICES AGREEMENT
LEGACY FIELDS SPORTS COMPLEX DESIGN WITH VERDE DESIGN, INC.

This Amendment No. 1 (**Amendment**) to the Professional Services Agreement is entered into between the City of Tracy, a municipal corporation (**City**), and Verde Design, Inc. (**Consultant**). City and Consultant are referred to individually as "**Party**" and collectively as "**Parties**."

Recitals

A. The City and Verde Design, Inc. entered into a Professional Services Agreement (**Agreement**) for the Legacy Fields Sports Complex design, which was approved by the City Council on March 6, 2018, under Resolution No. 2018-044.

B. On March 23, 2020 the City Council allocated $17,150,000 of Measure V funding to complete Phase 1 of Legacy Fields (Phase 1E CIP 78165). Due to the updated and expanded scope of work for Phase 1E, additional design services are needed to complete the project.

C. The Parties desire to amend and supersede the scope of work and fee for the Agreement to align with the new scope of work required for the design of Legacy Fields Sports Complex Phase 1E.

Now therefore, the Parties mutually agree as follows:

1. Incorporation by Reference. This Amendment incorporates by reference all terms set forth in the Agreement, unless specifically modified by this Amendment. The terms which are not specifically modified by this Amendment will remain in effect.

2. Terms of Amendment.

A. Section 1, Scope of Services

Section 1 is hereby amended to read as follows: "Consultant shall perform the services described in Exhibit 'A-1' attached and incorporated by reference. Exhibit 'A-1' shall supersede the original scope of work described in Exhibit 'A'. The services shall be performed by, or under the direct supervision of, Consultant's Authorized Representative: Derek McKee. Consultant shall not replace its Authorized Representative, nor shall Consultant replace any of the personnel listed in Exhibit 'A-1,' nor shall Consultant use any subcontractors or sub-consultants, without City's written consent."

B. Section 2, Time of Performance

Section 2 is hereby amended to read as follows: "Time is of the essence in the performance of services under this Agreement and the timing requirements set forth shall be strictly adhered to unless otherwise modified in writing in accordance with this Agreement. Consultant shall begin performance, and shall complete all required services no later than the dates set forth in Exhibit 'A-1.'

Any services for which times for performance are not specified in this Agreement shall be started and completed by Consultant in a reasonably prompt and timely manner based upon the circumstances and direction communicated to the Consultant. Consultant shall submit all requests for extensions of time to the City in writing no later than ten days after the start of the condition which purportedly caused the delay, and not later than the date on which performance is due. City shall grant or deny such requests at its sole discretion.

C. Section 3, Compensation

Subsection 3.1 of Section 3 is hereby amended to read as follows: "For services performed by Consultant under this Agreement, City shall pay Consultant on a time and expense basis, at the billing rates set forth in Exhibit 'B-1,' attached and incorporated by reference. Exhibit 'B-1' shall supersede Exhibit 'B' of the original Agreement. Consultant's fee for this Agreement is Not to Exceed $1,803,286. Consultant's billing rates shall cover all costs and expenses for Consultant's performance of this Agreement. No work shall be performed by consultant in excess of the Not to Exceed amount without the City's prior written approval."

D. Exhibit 'A-1' "Scope of Services, Updated April 29, 2021" attached hereto shall replace and supersede Exhibit 'A' attached to the Agreement.

E. Exhibit 'B-1' "Billing Rates, Updated April 29, 2021" attached hereto shall replace and supersede Exhibit 'B' attached to the Agreement.

3. Modifications. This Amendment may not be modified orally or in any manner other than by an agreement in writing signed by both parties, in accordance with the requirements of the Agreement.

4. Severability. If any term of this Amendment is held invalid by a court of competent jurisdiction, the Amendment shall be construed as not containing that term, and the remainder of this Amendment shall remain in effect.

5. Signatures. The individuals executing this Amendment represent and warrant that they have the right, power, legal capacity and authority to enter into and to execute this Amendment. This Amendment shall inure to the benefit of and be binding upon the parties and their respective successors and assigns.

The Parties agree to the full performance of the terms set forth here.

City of Tracy

By: _____

Title: Mayor
Date: _____

Attest:

By: _____
Adrianne Richardson, City Clerk

Verde Design, Inc.

By: Derek McKee Digitally signed by Derek McKee DN: cn=Derek McKee, o=Verde Design, ou, email=Derek@verdedesigninc.com, c=US Date: 2021.05.27 10:39:59 -07'00'
Derek McKee, Verde Design, Inc.

Title: President
Date: 5/27/21

Verde Design, Inc

By: _____

Title: Director of Finance
Date: 5/27/21 Verde Design, Inc

Approved as to form

By: _____
Leticia Ramirez, City Attorney

EXHIBIT 'A-1'

April 29, 2021

VERDE DESIGN

2455 The Alameda, Suite 200
Santa Clara, CA 95050
t 408.985.7200 f 408.985.7260
www.verdedesigninc.com

Brian MacDonald, Parks and Community Services Director
City of Tracy
333 Civic Center Plaza
Tracy CA 95376

SUBJECT: Legacy Fields Phase 1 Completion & Cal North Soccer Schematic
Verde Design Project No. 16184001293M

Dear Mr. MacDonald:

In response to your request, Verde Design, Inc. is pleased to submit the following proposal to provide the identified design services on the above mentioned project. This proposal shall remain valid for a period of sixty (60) days.

PROJECT UNDERSTANDING/HISTORY:

The City of Tracy (City) is requesting a proposal for design services for improvements of phase 1E of the Legacy Fields Sports Complex. Improvements will include the following areas of work:

- Renovate the eastern ballfields to include:
  - Renovate field 1 to include new backstop, dugouts, fencing. Natural turf and irrigation will remain.
  - Reconstruct field 2 with new backstop, infield, dugouts, fencing and natural turf.
  - Fields 3, 4 and 5 will receive outfield and foul line fencing
  - Adjustments to existing infields for home plate distance, fines edge for multiple field sizes and skinned or infield turf layout.
  - Scoreboards for all fields with 2 premier boards and 3 regular boards.
  - Sports field lighting and egress lighting
  - Restroom/concession pre-fabricated building and plaza area with shade structures and picnic tables
  - Bleachers and shade structures at backstop areas.
- Maintenance yard buildings to receive electrical power, lighting and vents.
- Entry drive and pedestrian pathway sealing.
- Pave existing parking lots and develop overflow lot with paving and new lights.
- Charging station infrastructure at parking lot C and overflow lot.
- Provide additional exit on the southeast edge from parking lot B that will be one way only.
- Signage for wayfinding
- Sump pump at soccer fields
- Security cameras infrastructure for power. City security camera consultant will design the system.

- Based on input from staff, we will look at other elements to be included:
    - More storage at fields
    - Building modifications for rain gutters, smaller vents and entry gate openings, and power for vending machines on the exterior.
    - Storage bin area at maintenance area
    - Phone charging stations
    - More outlets at backstop panels.
    - Enhanced entry signage
    - More lighting at the western baseball fields building plaza.

Verde Design proposes a design process to include start-up, 60% submittal, 95% submittal and 100% construction documents. This proposal includes bidding and construction support. Plans will be developed as one increment and a single bid package.

An erosion control plan and SWPP are included by our QSD and setup with the RWQCB. Inspection services or QSP services will be provided by the contractor. We are not providing C.3 or storm water quality design or calculations based on these systems already being setup for the site based on the phase one build out.

The concession / restroom building at the eastern baseball fields will be a pre-fabricated system. We will work with the vendor to develop a floor plan and costs. All internal design and engineering will be provided by the company providing the buildings. We are including costs for their design or procurement of buildings plans for building department review.

For the sports field lighting, we will work with Musco on the lighting design and layout. They will provide engineering stamped plans at no cost for the building department submittal.

Shades structures are included and we can provide engineering for the footings. Procurement will be coordinated with the these structures and preference is to utilize the same manufacturer as existing structures.

Our team includes Salas O'Brien Engineers for the electrical engineering design. AKH Engineers will provide structural design. Kier & Wright Engineers will provide survey work. GNU Group will provide the signage design.

Included are several meetings with the City during construction documents phases:

- Eight bi-weekly meetings to coordinate design updates and progress with City staff and design team.
- Each submittal includes two City staff meetings and two conference calls or web-based meetings
- Bid and construction support meetings for pre-bid, pre-construction, site construction progress and punch lists

Improvement needs will be limited to the immediate project area. Our timeline is proposed below. Based on our previous estimates the total budget would be approximately $17.2 million.

SCOPE OF SERVICES

Verde Design proposes to provide the following services base on the above stated project understanding.

I. Start-Up, Programming and Project Management

A. Review all data pertinent to the project as provided by the City, including as-built drawings and existing site plans of the project site.

B. Prepare a project schedule.

C. Prepare a site survey for the improvements at the overflow parking lot, maintenance building, and southern exit. No property lines or easements are included in the survey work. No record of survey will be filed.

D. Prepare a base plan utilizing the site survey or past project files.

E. Visit the project site to complete a visual inventory of the existing conditions and verify survey.

F. We will setup a programming plans for the phase 1E scope to include:

1. Graphics for programming and content of improvements
2. Any phasing or implementation strategies will be included.

G. We have included two meetings with City staff to review the design and improvements.

H. Eight bi-weekly web-based or conference call meetings are included.

I. Project administration.

II. **Construction Document Phase** - The following outlines the work to be completed to prepare plans and specifications for construction.

A. 60% Submittal Package

1. The submittal includes plans and draft technical specifications. The plans show overall site design including:
   a. Cover Sheet
   b. Existing Conditions Plan
   c. Access Plan
   d. Erosion and Sediment Control Plan
   e. Demolition Plan
   f. Grading Plan
   g. Drainage Plan
   h. Layout Plan
   i. Material and Detail Reference Plan
   j. Enlargement Plans
   k. Irrigation Plan
   l. Planting Plan
   m. Construction Details
   n. Signage Plan
   o. Electrical Plan
   p. Architecture Plan
   q. Signage Plan
   r. Structural Plan
2. The technical specifications show representative specifications for the project. Specifications will be provided in six digit CSI format.
3. The submittal book supplements the plans and specifications showing:
   a. Progress Report
   b. Statement of Probable Construction Costs

c. Material cut sheets

4. Redline and review, Internal Quality Control (QC).

5. Submittal Preparation and coordination of plans and specifications will be provided for review.

6. We have included two meetings with City staff to review the design and improvements.

7. Two web-based or conference call meetings are included.

B. 95% Submittal – Coordinate, update and provide 95% submittal bid package.

1. Specification setup to edit City standard specifications and front end document.

2. QSD services for SWPP permit for a level 1 or 2 SWPP. SWPP level 3 services are not included.

3. Submit to Building Department and coordinate comments and approval.

4. We have included two meetings with City staff to review the design and improvements.

5. Two web-based or conference call meetings are included.

6. City Council Presentation

C. Bid Submittal – Coordinate, update and provide final bid package.

1. Two review meetings with City staff to review plans and receive comments.

D. Project administration and coordination of all team members.

IV. Bid and Construction Support

The consultant agrees to provide the following services to the City on an on-call basis following submittal of the bid submittal.

A. Coordinate bidding procedures and schedule.

B. Contact potential bidders.

C. Attend pre-bid meeting.

D. Answer questions during bidding.

E. Assist in preparing addenda

F. Assist in bid evaluation.

G. Respond to questions, request for information and provide clarifications.

H. Review submittals and shop drawings.

I. 25 site observation visits are included. Visits will include site demolition, grading, and natural grass placement improvements review at specific stages of construction. Site observation reports will be provided.

J. Review price requests and change orders.

K. Provide a punch list of the constructed improvements. Punch list will be completed when the project is complete.

L. Review contractor as-built plans and submit review to the City. As we provide RFI or field directive responses, we update our cad files during construction.

M. Provide a CAD update for the as-built plans to the City.

V. Optional Services

The consultant is providing the following optional services for the City to consider as part of this project.

A. Attend and setup presentations for either Parks and Community Services Commission or City Council.

PRODUCTS

Verde Design will provide the following products as outlined in the above Scope of Services:

A. Start-up

1. Site survey
2. Meeting reports

B. Construction Documentation

1. 60% submittal– one electronic and one hardcopy sets of plans, costs and specifications
2. 95% submittal– one electronic and one hardcopy sets of plans, costs and specifications
3. Bid submittal – one set of stamped plans / costs and specifications.
4. Meeting reports

PROJECT TIMELINE

Verde Design proposes the following general timeline:

Construction Documentation:	
60% Submittal	5 Weeks
95% Submittal:	5 Weeks
Bid Submittal:	4 Weeks

Note: the above timelines does not include any required review time by City staff.

CLIENT'S RESPONSIBILITIES

In order to complete the items described in Scope of Services above, we respectfully request that the City provide the following information:

1. Any available construction, utility or record drawings of the project area.
2. Program use criteria by the sports user groups.
3. Geotechnical report and testing during construction.
4. City standards relevant to this project.
5. Bid set copies.

SPECIAL PROVISIONS

A. Without attempting to be all-inclusive and for purposes of clarity, the following items are specifically <u>not</u> included in the Scope of Services:

1. Meetings other than those listed
2. Renderings and presentations to public bodies other than those listed
3. CEQA services

4. Geotechnical investigation or testing during construction
5. SWPP inspection services or QSP during construction. Services to be provided by contractor.
6. SWPP QSD services for a level 3 SWPP.
7. Underground utility surveys or potholing
8. Utility runs off-site and off-site improvements
9. Permit fees associated with the project
10. Design for areas not identified in the project understanding
11. 3D graphics
12. Separate bid packages, increments, phasing or construction sequences implementation beyond the single bid set that is proposed
13. Bid Set Copies for Design Team
14. Survey mapping, property lines or easements
15. Construction staking
16. Fire alarm or sprinkler design for maintenance building
17. Electrical service upgrade
18. Security camera system design
19. PA system design
20. Evacuation (EVCS system design)
21. Structural design for sports field lighting – to be provided by manufacturer
22. Agendas and meeting reports for bid and construction support phases
23. Well or pump design services
24. Storm water treatment engineering and calculations

B. This fee will be valid for 60 days, should the City choose to extend or add to the contract, the unbilled portion of this agreement will be subject to an increase in January of 2019 to cover annual wage adjustments for office personnel.

C. Services will be diligently pursued and every reasonable effort will be made to meet the mutually agreed upon schedule. If the completion of the services is delayed at any time in the progress of the work undertaken in this Agreement by conditions beyond the control of the Consultant; including but not limited to: strikes, lockouts, labor disputes, or the inability of City, their consultants, utility companies, or jurisdictional agencies to provide required information, processing or direction; the time of completion shall be extended during such period and Consultant shall be held harmless from any and all claims arising out of such delay.

PROFESSIONAL COMPENSATION

For the scope of services and products identified in this proposal, Verde Design respectfully requests the following lump sum fee including all reasonable reimbursable expenses that are outlined to be included in the project.

▪ Phase 1: Start-Up, Programming & Project Management		$113,0404
▪ Phase 2: 60%, 95% & Bid Submittal		$601,210
▪ Phase 3: Bid Support		$27,815
▪ Phase 4: Construction Support		$233,170
	Total	**$975,235**
Optional Services		
▪ PCSC or City Council Meetings		$2,685

Additional services will be charged on a time and material basis. Charges for additional services will be billed separately.

CHANGE IN SERVICES

Client may order changes in scope or character of service, either decreasing or increasing the amount of Consultant's services, and if necessary, changing the character of services. In the event that such changes are ordered, Consultant is entitled to full compensation for all services performed and expenses incurred prior to receipt of notice of change.

TERMINATION OF AGREEMENT

In the event the project is terminated or indefinitely suspended in the manner herein provided, Verde Design shall turn over copies of any and all documents completed to that date. Verde Design shall be entitled to compensation up to and including said termination date. Original work shall remain the property of Verde Design.

Thank you again for the opportunity to work with your City and Community on the Legacy Fields Sports Complex improvements.

Respectfully Submitted,

Verde Design, Inc.

Derek McKee, RLA

Principal

Enclosure: 2021 Charge Rate Schedule

cc: Nance Cronin, Verde Design

EXHIBIT 'B-1'

Verde Design, Inc.

Charge Rate Schedule

Effective until December 31, 2021

The following chart outlines the current charge rate for professional and office costs. Reimbursable rates and expenses are shown at the bottom.

Project Rates

Principal	$245.00 per hour
Project Manager/Construction Manager	
Level Four	$230.00 per hour
Level Three	$210.00 per hour
Level Two	$175.00 per hour
Level One	$160.00 per hour
IT Manager	$175.00 per hour
CAD Manager	$170.00 per hour
Project Designer	$155.00 per hour
Job Captain/Staff Engineer/Construction Administrator	$145.00 per hour
Draftsperson Level II	$130.00 per hour
Draftsperson Level I	$125.00 per hour
Project Administrator	$85.00 per hour
Intern	$75.00 per hour

Reimbursable Rates

Blueprints, Printing and Reproductions	Cost plus 10%
Sub Consultant Services	Cost plus 10%

Reimbursable Expenses

Blueprints and Reproductions	Travel Expenses
Photography	Parking and Toll Expenses
Models and Renderings	Permit Fees
Postage/Overnight Mail Service	Courier Delivery Service

RESOLUTION 2021-_____

APPROVING AMENDMENT NO. 1 TO THE PROFESSIONAL SERVICES AGREEMENT BETWEEN THE CITY OF TRACY AND VERDE DESIGN, INC. TO COMPLETE DESIGN OF LEGACY FIELDS SPORTS COMPLEX PHASE 1E, INCREASING THE NOT TO EXCEED AMOUNT BY $622,373 FOR A TOTAL NOT TO EXCEED AMOUNT OF $1,803,286

WHEREAS, The City of Tracy and Verde Design, Inc. entered into a Professional Services Agreement to provide design services for construction of additional sports fields and related amenities within the Phase 1 area of Legacy Fields on March 6, 2018, and

WHEREAS, On March 23, 2021 the City Council allocated $17,150,000 of Measure V funding to complete Phase 1 of Legacy Fields (Phase 1E CIP 78165), and

WHEREAS, Due to shifting improvement priorities and an expanded scope of work for Phase 1E, additional funding of $622,373 is necessary to fund design services for the project, and

WHEREAS, The total not to exceed amount for the Professional Services Agreement will now be $1,803,286, and

WHEREAS, The additional $622,373 requested for this amendment was included in the $17,150,000 project budget already established by the Council;

NOW, THEREFORE, BE IT RESOLVED, That the City Council of the City of Tracy hereby approves Amendment No. 1 to the Professional Services Agreement between the City of Tracy and Verde Design, Inc. to provide design services for construction of additional sports fields and related amenities, increasing the not to exceed amount by $622,373 for a total not to exceed amount of $1,803,286.

* * * * * * * * * * * * *

The foregoing Resolution 2021-_____ was adopted by the Tracy City Council on the 15th day of June, 2021, by the following vote:

AYES: COUNCIL MEMBERS:

NOES: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

ABSTAIN: COUNCIL MEMBERS:

_____
MAYOR

ATTEST:

_____
CITY CLERK

June 15, 2021

AGENDA ITEM 1.F

REQUEST

WAIVE SECOND READING AND ADOPT ORDINANCE 1309, AN ORDINANCE OF THE CITY OF TRACY AMENDING SECTION 10.08.2930 OF THE TRACY MUNICIPAL CODE REGARDING THE MINIMUM LOT FRONTAGE REQUIREMENT IN THE HIGHWAY SERVICE ZONE

EXECUTIVE SUMMARY

Ordinance 1309 was introduced at the regular Council meeting held on June 1, 2021. Ordinance 1309 is before Council for adoption.

DISCUSSION

This agenda item involves introduction of an ordinance to amend Tracy Municipal Code Section 10.08.2930 regarding the minimum lot frontage requirement in the Highway Service Zone. The proposed amendment would allow lots to be created in the Highway Service Zone with no lot frontage requirement, if such lots access the public right-of-way through a common driveway shared with an adjacent lot or by means of an access easement that passes through one or more adjacent lots. The proposed amendment would be consistent with other commercial zones in the City.

The Highway Service (HS) Zone is one of the City's commercial zoning districts. The HS Zone is located near the I-205 interchanges with Tracy Boulevard, MacArthur Drive, and Grant Line Road (Attachment A – HS Zone Locations). The HS Zone permits freeway-oriented uses, such as hotels, gas stations, and restaurants. The HS Zone includes requirements regarding lot area and lot frontage. Tracy Municipal Code Section 10.08.2930 states the following: "10.08.2930 Lot area (HS) All lots in the HS Zone located within 1,000 feet of the center point of a freeway interchange shall have a minimum area of 22,500 square feet and shall have a minimum width of 150 feet frontage." The lot area and lot frontage requirements must be satisfied in order to create a new lot or modify the boundaries of an existing lot.

Most commercial zoning districts in Tracy do not have a lot frontage requirement, including the Community Shopping Center (CS) Zone, Neighborhood Shopping (NS) Zone, and the Central Business District (CBD) Zone. Similar to this proposed amendment to the HS Zone, the General Highway Commercial (GHC) Zone was amended by the City Council in 2017 to not have a lot frontage requirement for lots with combined parking areas and common driveways. The I-205 Corridor Specific Plan, Tracy Hills Specific Plan, and the Cordes Ranch Specific Plan also do not have lot frontage requirements in commercial zones. Many of these commercial zones include lots with no frontage on a public right-of-way.

The proposed amendment to the Tracy Municipal Code is not a project within the meaning of the California Environmental Quality Act because it does not have the potential for causing a significant effect on the environment (CEQA Guidelines, 14 California Code of Regulations, §15061(b)). Therefore, no further environmental review is necessary.

STRATEGIC PLAN

This agenda item supports the City of Tracy's Economic Development Strategic Priority, which is to enhance the competitiveness of the City while further developing a strong and diverse economic base.

FISCAL IMPACT

There is no fiscal impact associated with this proposed ordinance. The costs of this development application were included in the Development Services operation budget.

RECOMMENDATION

Staff recommends that the City Council waive the full reading of the text and adopt Ordinance 1309 an ordinance amending Tracy Municipal Code Section 10.08.2930 regarding the minimum lot frontage requirement in the Highway Service Zone.

Prepared by: Necy Lopez, Deputy City Clerk

Reviewed by: Adrianne Richardson, City Clerk
Midori Lichtwardt, Assistant City Manager

Approved by: Jenny Haruyama, City Manager

Attachment A: Ordinance 1309

ATTACHMENT A

ORDINANCE 1309

AN ORDINANCE OF THE CITY OF TRACY AMENDING SECTION 10.08.2930 OF THE TRACY MUNICIPAL CODE REGARDING THE MINIMUM LOT FRONTAGE REQUIREMENT IN THE HIGHWAY SERVICE ZONE

WHEREAS, The Highway Service (HS) Zone is located near the I-205 interchanges with Tracy Blvd., MacArthur Dr., and Grant Line Road; and

WHEREAS, The HS Zone permits freeway-oriented commercial uses, such as hotels, gas stations, and restaurants; and

WHEREAS, Tracy Municipal Code Section 10.08.2930 requires that all lots in the HS Zone located within 1,000 feet of the center point of a freeway interchange shall have a minimum area of 22,500 square feet and shall have a minimum width of 150 feet frontage; and

WHEREAS, An application was submitted to amend the minimum lot frontage requirement in the HS Zone; and

WHEREAS, The proposed amendment would allow lots to be created in the HS Zone with no lot frontage requirement, if such lots access the public right-of-way through a common driveway shared with an adjacent lot or by means of an access easement that passes through one or more adjacent lots; and

WHEREAS, Most commercial zoning districts in Tracy do not have a lot frontage requirement, including the Community Shopping Center (CS) Zone, Neighborhood Shopping (NS) Zone, and the Central Business District (CBD) Zone; and

WHEREAS, The General Highway Commercial (GHC) Zone was amended by the City Council in 2017 to not have a minimum lot frontage requirement for lots with combined parking areas and common driveways; and

WHEREAS, The I-205 Corridor Specific Plan, Tracy Hills Specific Plan, and the Cordes Ranch Specific Plan also do not have lot frontage requirements in commercial zones; and

WHEREAS, Existing commercial development patterns throughout Tracy demonstrate that public right-of-way frontage requirements are not necessary for lots that access the public right-of-way through a common driveway shared with an adjacent lot or by means of an access easement that passes through one or more adjacent lots; and

WHEREAS, The City can effectively regulate the proximity of driveways and other public right-of-way improvements through roadway design standards without requiring street frontage; and

WHEREAS, The proposed amendment to the Tracy Municipal Code is not a project within the meaning of the California Environmental Quality Act because it does not have the potential for causing a significant effect on the environment (CEQA Guidelines, 14 California Code of Regulations, §15061(b)); and

WHEREAS, The Planning Commission considered this matter at a duly noticed public hearing held on April 14, 2021 and recommended that City Council introduce and adopt the ordinance; and

WHEREAS, The City Council held a duly noticed public hearing to consider the ordinance on June 1, 2021.

The Tracy City Council does ordain as follows:

SECTION 1. Section 10.08.2930, Lot Area (HS), of Title 10 (Planning and Zoning) of the Tracy Municipal Code is amended to read as follows:

"**10.08.2930 Lot Area (HS).**

All lots in the HS Zone located within 1,000 feet of the center point of a freeway interchange shall have a minimum area of 22,500 square feet. Additionally, all lots shall have a minimum width of 150 feet of frontage along a public right-of-way, except lots that access the public right-of-way through a common ingress and egress that is shared with an adjacent lot or by means of an access easement that passes through one or more adjacent lots."

SECTION 2. This Ordinance takes effect 30 days after its final passage and adoption.

SECTION 3. This Ordinance shall either (1) be published once in a newspaper of general circulation, within 15 days after its final adoption, or (2) be published in summary form and posted in the City Clerk's office at least five days before the Ordinance is adopted and within 15 days after adoption, with the names of the Council Members voting for and against the Ordinance. (Gov't. Code §36933.)

* *

The foregoing Ordinance 1309 was introduced at a regular meeting of the Tracy City Council on the 1st day of June, 2021, and was adopted on the ___ day of ____, 2021, by the following vote:

AYES: COUNCIL MEMBERS:
NOES: COUNCIL MEMBERS:
ABSENT: COUNCIL MEMBERS:
ABSTAIN: COUNCIL MEMBERS:

ATTEST: _____
MAYOR

_____
CITY CLERK

June 15, 2021

AGENDA ITEM 1.G

REQUEST

WAIVE SECOND READING AND ADOPT ORDINANCE 1310, AN ORDINANCE OF THE CITY OF TRACY AMENDING CHAPTER 7.16 "PARKS AND COMMUNITY SERVICES COMMISSION" OF THE TRACY MUNICIPAL CODE TO CHANGE THE MAKEUP OF THE PARKS AND COMMUNITY SERVICES COMMISSION FROM SEVEN TO FIVE MEMBERS

EXECUTIVE SUMMARY

Ordinance 1310 was introduced at the regular Council meeting held on June 1, 2021. Ordinance 1310 is before Council for adoption.

DISCUSSION

On August 4, 2020, then-Council Member Young, seconded by then-Council Member Ransom, requested that staff evaluate the role, make up, validity, and necessity of each of the City's boards and commissions. Subsequently, on October 6, 2020, then-Council Member Young, seconded by then-Council Member Vargas, requested that staff present a report to the Council on each City board and commission's function, relevance, and presentation of annual reports.

On April 6, 2021, staff provided a report to Council that summarized the scope, makeup, and actions performed by our City boards and commissions. As part of the report, staff requested Council direction on downsizing the Parks and Community Services, Transportation Advisory, and Tracy Arts Commissions from seven to five-member bodies to reflect the makeup of the City Council.

The current Parks and Community Services Commission Tracy Municipal Code language regarding membership is as follows:

- 7.16.010 - Created. The Parks and Community Services Commission of the City is hereby established and shall consist of seven (7) members. Six (6) members shall be appointed by the Council, each term to commence the first day of January. The members shall be residents of Tracy, but not City officials or employees of the City. One member shall be appointed, by the Tracy Unified School District, said term to commence the first day of January. All members shall serve at the pleasure of the appointing body and may be terminated at any time by motion of the appointing body.

On June 1, 2021, Council introduced an ordinance to amend Chapter 7.16 of the TMC to reduce the size of the Parks and Community Services Commission from seven to five members.

Proposed Ordinance 1310 is before Council for adoption.

STRATEGIC PLAN

This agenda item supports the City Council's 2021-2023 Governance Strategic Priority, and specifically implements the following goal:

- Goal 1: Model good governance, teamwork, and transparency.

FISCAL IMPACT

There is no fiscal impact associated with the discussion of this item. The cost savings associated with reducing the size of the Parks and Community Services, Transportation Advisory, and Tracy Arts Commission is roughly $3,600 annually.

RECOMMENDATION

Staff recommends that Council waive the full reading of the text and adopt Ordinance 1310 amending Chapter 7.16 "Parks and Community Services Commission" of the Tracy Municipal Code to reduce the size of the Parks and Community Services Commission from seven to five members.

Prepared by: Necy Lopez, Deputy City Clerk

Reviewed by: Adrianne Richardson, City Clerk
Midori Lichtwardt, Assistant City Manager

Approved by: Jenny Haruyama, City Manager

Attachment A: Ordinance 1310

ATTACHMENT A

ORDINANCE 1310

AN ORDINANCE OF THE CITY OF TRACY AMENDING CHAPTER 7.16 "PARKS AND COMMUNITY SERVICES COMMISSION" OF THE TRACY MUNICIPAL CODE TO CHANGE THE MAKEUP OF THE PARKS AND COMMUNITY SERVICES COMMISSION FROM SEVEN TO FIVE MEMBERS

WHEREAS, On April 6, 2021, the Tracy City Council discussed and directed staff to amend the Parks and Community Services, Transportation Advisory, and Tracy Arts Commission bylaws to reduce the membership size from seven to five members to reflect the makeup of the Council; and

WHEREAS, In order to reduce the membership size of the Parks and Community Services Commission, the Council would need to amend by ordinance Chapter 7.16 "Parks and Community Services Commission" of the Tracy Municipal Code which references the commission's composition; and

WHEREAS, Subsequently, the Council shall amend the Parks and Community Services Commission bylaws via resolution to reflect the membership changes outlined in the ordinance.

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

SECTION 1: The City Council hereby amends Section 7.16.010 of Chapter 7.16 "Parks and Community Services Commission" of the Tracy Municipal Code to read as follows:

"7.16.010 - Created.

The Parks and Community Services Commission of the City is hereby established and shall consist of five (5) members. Four (4) members shall be appointed by the Council, each term to commence the first day of January. The members shall be residents of Tracy, but not City officials or employees of the City. One member shall be appointed, by the Tracy Unified School District, said term to commence the first day of January. All members shall serve at the pleasure of the appointing body and may be terminated at any time by motion of the appointing body.

If a vacancy occurs otherwise than by the expiration of a term, it shall be filled by an appointment to the unexpired portion of such term."

SECTION 2: If any provision or the application of this Ordinance is for any reason held to be unconstitutional, invalid, or otherwise unenforceable, such decision shall not affect the validity of the remaining portions of this Ordinance or any part thereof. The City Council hereby declares that it would have adopted each subsection or provision of this Ordinance irrespective of the invalidity of any particular portion thereof and intends that the invalid portions should be severed and the balance of the Ordinance enforced.

SECTION 3: This ordinance shall take effect thirty (30) days after its final passage and adoption.

SECTION 4: This Ordinance shall either (1) be published once in a newspaper of general circulation, within 15 days after its final adoption, or (2) be published in summary form and posted in the City Clerk's office at least five days before the ordinance is adopted and within 15 days after adoption, with the names of the Council Members voting for and against the ordinance. (Gov't. Code §36933.)

* * * * * * * * * * *

The foregoing Ordinance 1310 was introduced at a regular meeting of the Tracy City Council on the 1st day of June, 2021, and was adopted on ____ day of ____, 2021, by the following vote:

AYES: COUNCIL MEMBERS:

NOES: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

ABSTAIN: COUNCIL MEMBERS:

_____
MAYOR

ATTEST:

_____
CITY CLERK

June 15, 2021

AGENDA ITEM 1.H

REQUEST

AUTHORIZE THE CITY OF TRACY TO ENTER INTO A GENERAL SERVICES AGREEMENT FROM JULY 1, 2021 TO JUNE 30, 2026 WITH MOTOROLA SOLUTIONS, INC. FOR LIFECYCLE SUSTAINMENT SERVICES FOR THE POLICE RADIO COMMUNICATIONS TOWER EQUIPMENT WITH A NOT TO EXCEED AMOUNT OF $302,387

EXECUTIVE SUMMARY

The agreement will provide lifecycle sustainment services for the police radio communications tower equipment located at 15178 W. Schulte Rd., Tracy, CA.

DISCUSSION

The City has been upgrading radio communications capabilities to ensure superior radio coverage in new development areas, including a joint project with the County of San Joaquin for construction of a new radio communications tower.

On September 2, 2014, City Council approved the purchase of Motorola Radio Equipment for the Radio Tower in the amount of 2.5 million dollars.

On May 2, 2017, City Council approved a Radio Tower and Land Lease Agreement for Installation, Maintenance, and Operation of a Public Safety Radio Communications Tower and Related Equipment (Agreement) between the City of Tracy and County of San Joaquin (County).

This project has resulted in many years of work and is near completion. The police radio tower and equipment shelter is complete and ready for equipment installation and connectivity; however, the radio equipment purchased in 2014 has now reached end of life. In order to ensure our equipment is secure, operational, expandable and up-to-date, Motorola Solutions, Inc. strongly recommends installing the Astro 25 LMR end to end solution that will deliver mission-critical LMR services to Tracy Police Department.

The mission-critical LMR services and lifecycle sustainment plan provides these benefits:

- Operations Sustainment: Ability to maintain the highest level of performance and functionality of system operations;
- Network Security and information assurance: Protection against vulnerabilities that may compromise network security and confidential information;
- Support for growth and expansion: addition of users, channels, coverage and capabilities to add on new agencies;
- Fiscal Stability: Planned fiscal approach for system maintenance mitigating risk of unplanned expenses; and
- Return on Investment: Projection against premature deterioration and obsolescence of extension of the system lifespan.

FISCAL IMPACT

For FY 21/22, the initial up front cost of $111,000 will be appropriated from the City of Tracy's Master Plan Fund. All remaining annual expenses of approximately $40,000 will be appropriated from the Police Department's Operational Budget beginning FY 22/23.

STRATEGIC PLAN

This agenda item relates to the Council's Strategic Plan in the area of Public Safety.

RECOMMENDATION

Staff recommends that City Council approve by resolution a General Services Agreement from July 1, 2021 to June 30, 2026 with Motorola Solutions, Inc. for lifecycle sustainment services for the police radio communications tower equipment with a not to exceed amount of $302,387.

Prepared by: Beth Lyons-McCarthy, Police Support Operations Manager

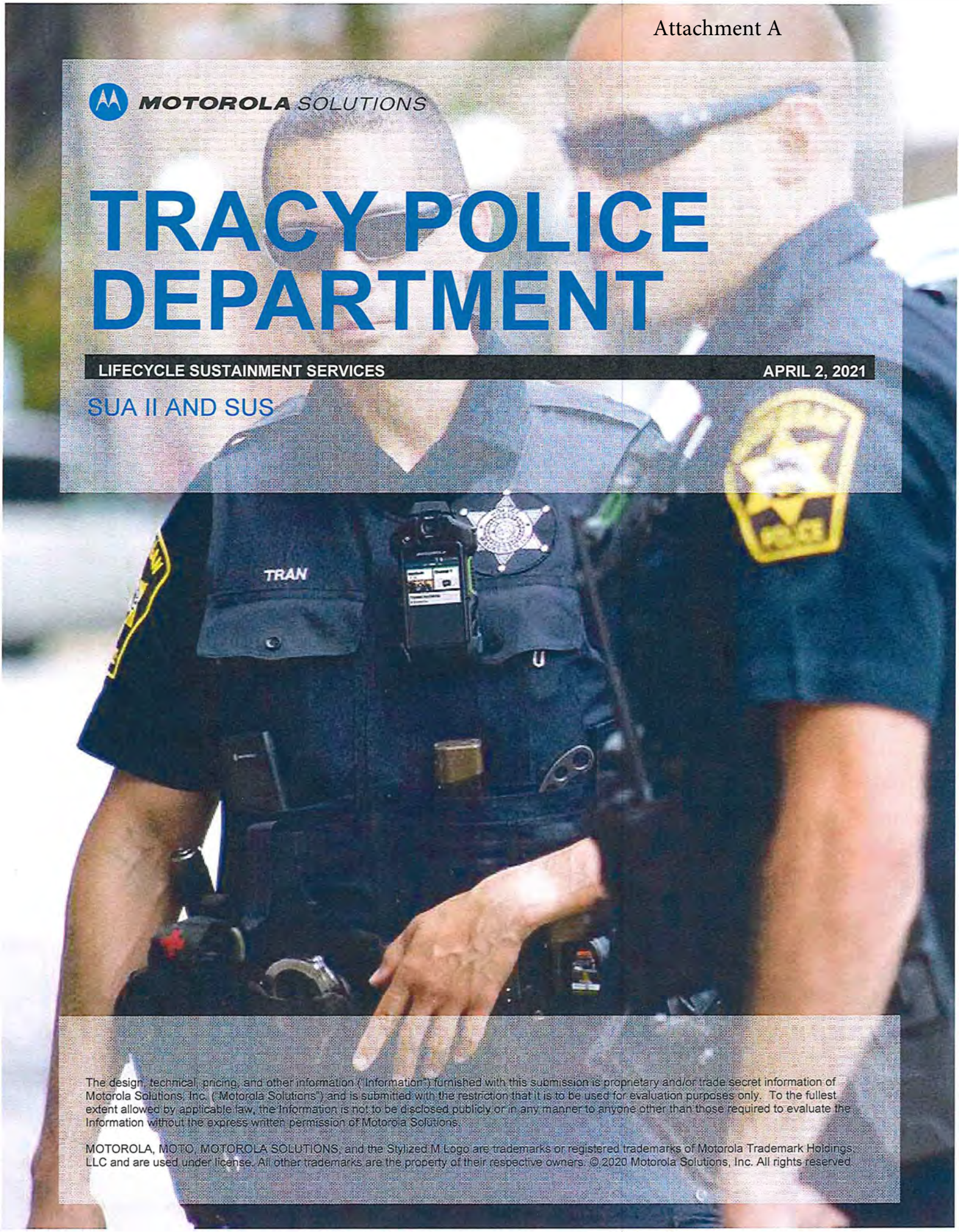
Reviewed by: Sekou Millington, Chief of Police
Karin Schnaider, Finance Director

Approved by: Jenny Haruyama, City Manager

ATTACHMENTS:

ATTACHMENT A: Motorola Solutions General Services Agreement (SUA II/SUS)
ATTACHMENT B: City of Tracy CIP Information Sheet

Attachment A



MOTOROLA SOLUTIONS

TRACY POLICE DEPARTMENT

LIFECYCLE SUSTAINMENT SERVICES **APRIL 2, 2021**

SUA II AND SUS

The design, technical, pricing, and other information ("Information") furnished with this submission is proprietary and/or trade secret information of Motorola Solutions, Inc. ("Motorola Solutions") and is submitted with the restriction that it is to be used for evaluation purposes only. To the fullest extent allowed by applicable law, the Information is not to be disclosed publicly or in any manner to anyone other than those required to evaluate the Information without the express written permission of Motorola Solutions.

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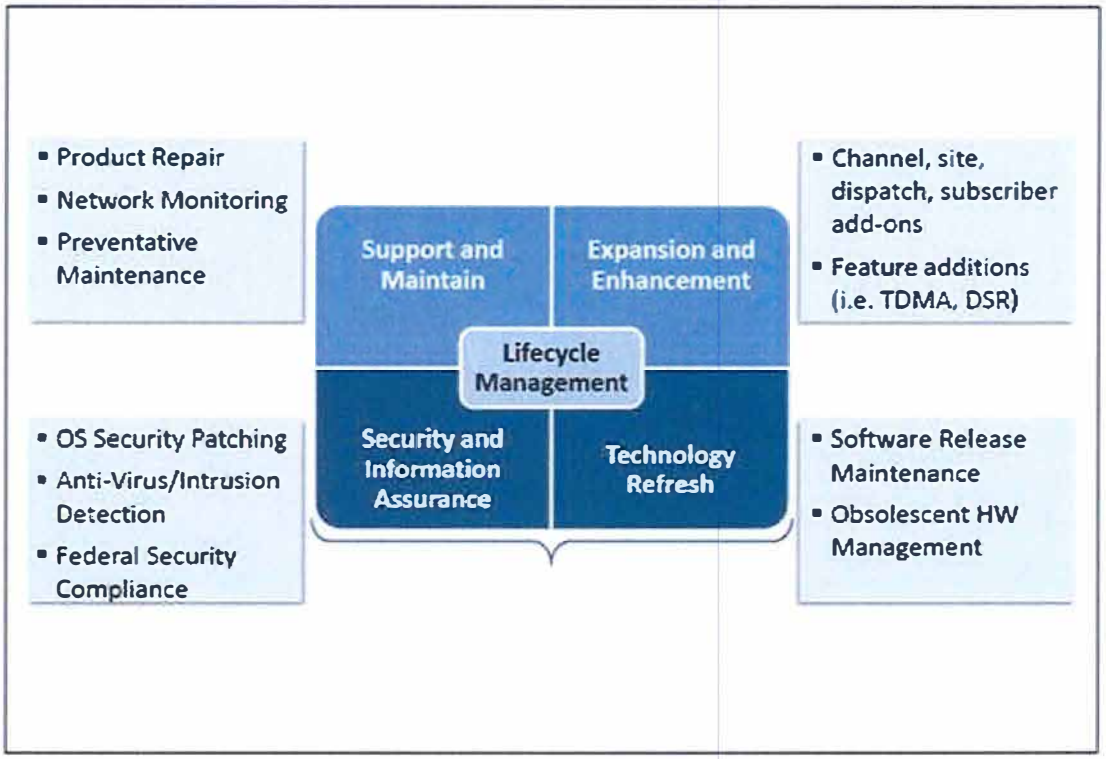
SECTION 1

LAND MOBILE RADIO LIFECYCLE SUSTAINMENT

1.1 OVERVIEW

Lifecycle management of Tracy PD's Land Mobile Radio network (LMR network), also referred to as ASTRO 25 system, is critical to keeping it secure, operational, expandable, and up-to-date. Throughout the lifecycle of Tracy PD's LMR network, maintenance and sustainment activities will be required. (Refer to the diagram below.)

Some activities will occur daily (for example, network health monitoring), as needed (for example, lightning strike damages equipment), while others will occur in accordance with the cadence of your lifecycle plan (for example, periodic updates of computers and software). Through a lifecycle sustainment plan and with custom-tailored lifecycle products and services Tracy PD's LMR network will be able to support your communications requirements well into the future.



The ASTRO 25 LMR network is an integrated end-to-end solution that delivers mission-critical LMR services to Tracy PD. The foundation of the ASTRO 25 network is an information technology (IT) based call processing core that incorporates both Motorola Solutions and third-party Original Equipment Manufacturer (OEM) software and hardware components. These components follow typical IT industry lifecycles and eventually require replacement due to obsolescence. As with IT computing platforms and other enterprise business systems, the pace of technology obsolescence is primarily driven by commercial OEM products that frequently change and transition into declining levels of support and availability. Consequently, systems without a plan for regular updates can become increasingly difficult and expensive to repair and may also become more vulnerable to security attacks. Additionally, un-updated systems may not be able to take advantage of advancements in technology that provide enhanced features and performance and may be limited in their ability to expand. Development of a lifecycle sustainment plan provides a roadmap for anticipating and implementing actions to address obsolescence and support limitations. A well developed lifecycle sustainment plan provides these benefits:

1. **Operations sustainment:** Ability to maintain highest level of performance and functionality of system operations.
2. **Network security and information assurance:** Protection against system vulnerabilities that may compromise network security and confidential information. Compliance to these security requirements (NIST 800-53, NENA NG911, DHS 4300, DOD 8500.2, etc).
3. **Support for growth and expansion:** Ability to add users, channels and features; expand system coverage and capabilities and/or add-on new agencies.
4. **Fiscal stability:** Planned fiscal approach for system maintenance mitigating risk of unplanned expenses. Inability to fund required maintenance services can result in degradation of operation.
5. **CapEx Return on Investment (ROI):** Protection against premature deterioration and obsolescence and extension of the system lifespan, thereby reducing the total cost of ownership.

1.2 SYSTEM UPGRADE AGREEMENT II

In order to keep Tracy PD's LMR system current, Motorola offers the System Upgrade Agreement II (SUA II). This is a complete package of hardware, software, and professional services required to update Tracy PD's ASTRO 25 system up to once in a two-year period to a level consistent with the latest system release shipping from the factory.

Updates to software (and occasionally) hardware components ensure ongoing availability of repair services support, system expansion (e.g. addition of RF sites, dispatch positions, data sub-systems, or network management positions), and the latest cyber security protection. The SUA II provides a consistent, budgeted solution that delivers complete update coverage while transferring risk associated with integrating future (unknown today) technology to Motorola.

Included features

Features Descriptions	SUA II
Incremental Software Enhancements (Bug Fixes)	✓
Software Release Updates	✓
Hardware Refresh	✓
Factory-certified integration, testing, and supply chain management of new software (SW) and hardware (HW) components	✓
Professional implementation services to upgrade your live system	✓

As system releases become available, Motorola will provide you with the software, hardware and implementation services required to execute up to one system infrastructure upgrade in a two-year period for your ASTRO 25 system.

Hardware updates include version updates and/or replacements for Motorola's field replaceable units (FRU) and third-party networking and computing hardware when required by the software release. Platform migration like replacement of Gold Elite consoles and QUANTAR base radios are not included in this update.

- System releases include commercial OS and application software updates as well as Motorola certified software to improve the system functionality and operation from previous releases as well as significant new feature enhancements that are available for purchase.
- Implementation services include factory integration and testing of new HW and SW components, upgrade planning, and Motorola's personnel at Tracy PD site to execute upgrade.

1.3 SECURITY UPDATE SERVICE

Commercial security software updates are often designed without RF systems in mind and could cause inadvertent harm to Tracy PD's ASTRO 25 network, disrupting mission-critical communications and putting Tracy PD's first responders and citizens at risk. Motorola's Security Update Service assures that commercial anti-virus definitions, operating system software patches, and Intrusion Detection Sensor signature files are compatible with Tracy PD's ASTRO 25 network and do not interfere with network functionality. Our expert network security technologists analyze, perform testing, and validate the latest security software updates in a dedicated test lab and provide continuous monitoring of updates to provide you regular electronic updates upon completion of successful testing.

Security Update Service Services	SUS
Anti-virus Definition and Intrusion Detection Update	✓
3rd party security patches (Motorola lab-tested patch release)	✓

- Anti-virus definitions and intrusion detection sensor updates for Motorola supplied equipment from applicable original equipment manufacturer.
- Minor releases may include commercial OS and application security updates, patches and service pack updates for Microsoft Windows and Server OS, Red Hat Linux, Sun Solaris and any Motorola's software service packs that may be available.

1.3.1 Delivery Methods

SUS (Self- Installed) is the baseline offer. Sections describing the optional delivery methods and reboot support service are only applicable if purchased.

SUS Delivery Methods

Patch Delivery Method	Download Responsibility	Installation Responsibility	Reboot Support
SUS (Self-Installed)	Customer	Customer	*Option Motorola Solutions

SUS

Once tested, Motorola will post the updates to a secured extranet website and send an email notification to Tracy PD. If there are any recommended configuration changes, warnings, or workarounds, Motorola will provide detailed documentation along with the updates on the website. The download and deployment of these updates to the ASTRO System will be the responsibility of Tracy PD.

SECTION 2

LIFECYCLE STATEMENT OF WORK

The following SUA II Statement of Work fully describes the SUA II offering.

STATEMENT OF WORK

ASTRO 25 SYSTEM UPGRADE AGREEMENT II (SUA II)

1.0 DESCRIPTION OF SERVICE AND OBLIGATIONS

1.1 As system releases become available, Motorola agrees to provide the Customer with the software, hardware and implementation services required to execute up to one system infrastructure upgrade in a two-year period for their ASTRO 25 system.

1.2 The Customer has, at its option, the choice of upgrading in either Year 1 or Year 2 of the coverage period. To be eligible for the recurring ASTRO 25 SUA II, the ASTRO 25 system must be in the Standard Support Period.

1.3 ASTRO 25 system releases are intended to improve the system functionality and operation from previous releases and may include some minor feature enhancements. At Motorola's option, system releases may also include significant new feature enhancements that Motorola may offer for purchase. System release software and hardware shall be pre-tested and certified in Motorola's Systems Integration Test lab.

1.4 The price quoted for the SUA II requires the Customer to choose a certified system upgrade path from the system release upgrade chart referenced in Appendix A. Should the Customer elect an upgrade path other than one listed in Appendix A, the Customer agrees that additional costs may be incurred to complete the implementation of the certified system upgrade. In this case, Motorola agrees to provide a price quotation for any additional materials and services necessary.

1.5 ASTRO 25 SUA II entitles a Customer to past software versions for the purpose of downgrading product software to a compatible release version.

1.6 The following ASTRO 25 certified system release software for the following products are covered under this ASTRO 25 SUA II:

1.6.1 Servers
1.6.2 Workstations
1.6.3 Firewalls
1.6.4 Routers
1.6.5 LAN switches
1.6.6 MCC 7XXX Dispatch Consoles

1.6.7 GTR8000 Base Stations
1.6.8 GCP8000 Site Controllers
1.6.9 GCM8000 Comparators
1.6.10 Motorola Solutions Logging Interface Equipment
1.6.11 PBX switches for Telephone Interconnect
1.6.12 NICE and Verint Logging Solutions (if purchased)

1.7 ASTRO 25 SUA II makes available the subscriber radio software releases that are shipping from the factory during the SUA II coverage period. New subscriber radio options and features not previously purchased by the Customer are excluded from ASTRO 25 SUA II coverage. Additionally, subscriber software installation and reprogramming are excluded from the ASTRO 25 SUA II coverage.

1.8 Motorola will provide certified hardware version updates and/or replacements necessary to upgrade the system with an equivalent level of functionality up to once in a two-year period. Hardware will be upgraded and/or replaced if required to maintain the existing features and functionality. Any updates to hardware versions and/or replacement hardware required to support new features or those not specifically required to maintain existing functionality are not included. Unless otherwise stated, platform migrations such as, but not limited to, stations, consoles, backhaul, civil, network changes and additions, and managed services are not included.

1.9 The following hardware components, if originally provided by Motorola, are eligible for full product replacement when necessary per the system release upgrade :

1.9.1 Servers
1.9.2 Workstations
1.9.3 Routers
1.9.4 LAN Switches

1.10 The following hardware components, if originally provided by Motorola, are eligible for board-level replacement when necessary per the system release upgrade. A “board-level replacement” is defined as any Field Replaceable Unit (“FRU”) for the products listed below:

1.10.1 GTR 8000 Base Stations
1.10.2 GCP 8000 Site Controllers
1.10.3 GCM 8000 Comparators
1.10.4 MCC 7XXX Dispatch Consoles

1.11 The ASTRO 25 SUA II does not cover all products. Refer to section 3.0 for exclusions and limitations.

1.12 Motorola will provide implementation services necessary to upgrade the system to a future system release with an equivalent level of functionality up to once in a two-year period. Any implementation services that are not directly required to support the certified system upgrade are not included. Unless otherwise stated, implementation services necessary for system expansions, platform migrations, and/or new features or functionality that are implemented concurrent with the certified system upgrade are not included.

1.13 As system releases become available, Motorola will provide up to once in a two-year period the following software design and technical resources necessary to complete system release upgrades:

1.13.1 Review infrastructure system audit data as needed.

1.13.2 Identify additional system equipment needed to implement a system release, if applicable.
1.13.3 Complete a proposal defining the system release, equipment requirements, installation plan, and impact to system users.
1.13.4 Advise Customer of probable impact to system users during the actual field upgrade implementation.
1.13.5 Program management support required to perform the certified system upgrade.
1.13.6 Field installation labor required to perform the certified system upgrade.
1.13.7 Upgrade operations engineering labor required to perform the certified system upgrade.

1.14 ASTRO 25 SUA II pricing is based on the system configuration outlined in Appendix C. This configuration is to be reviewed annually from the contract effective date. Any change in system configuration may require an ASTRO 25 SUA II price adjustment.

1.15 The ASTRO 25 SUA II applies only to system release upgrades within the ASTRO 25 7.x platform.

1.16 Motorola will issue Software Maintenance Agreement ("SMA") bulletins on an annual basis and post them in soft copy on a designated extranet site for Customer access. Standard and optional features for a given ASTRO 25 system release are listed in the SMA bulletin.

2.0 UPGRADE ELEMENTS AND CORRESPONDING PARTY RESPONSIBILITIES

2.1 Upgrade Planning and Preparation: All items listed in this section are to be completed at least 6 months prior to a scheduled upgrade.

2.1.1 Motorola responsibilities
2.1.1.1 Obtain and review infrastructure system audit data as needed.
2.1.1.2 Identify the backlog accumulation of security patches and antivirus updates needed to implement a system release. If applicable, provide a quote for the necessary labor, security patches and antivirus updates.
2.1.1.3 If applicable, identify additional system hardware needed to implement a system release and if the customer has added hardware that is not covered under this agreement.
2.1.1.4 Complete a proposal defining the system release, equipment requirements, installation plan, and impact to system users.
2.1.1.5 Advise Customer of probable impact to system users during the actual field upgrade implementation.
2.1.1.6 Inform Customer of high speed internet connection requirements.
2.1.1.7 Assign program management support required to perform the certified system upgrade.
2.1.1.8 Assign field installation labor required to perform the certified system upgrade.
2.1.1.9 Assign upgrade operations engineering labor required to perform the certified system upgrade.
2.1.1.10 Deliver release impact and change management training to the primary zone core owners, outlining the changes to their system as a result of the upgrade path elected. This training needs to be completed at least 12 weeks prior to the scheduled upgrade. This training will not be provided separately for user

agencies who reside on a zone core owned by another entity. Unless specifically stated in this document, Motorola will provide this training only once per system.

2.1.2 Customer responsibilities

2.1.2.1 Contact Motorola to schedule and engage the appropriate Motorola resources for a system release upgrade.

2.1.2.2 Purchase the security patches, antivirus updates and the labor necessary to address any security updates backlog accumulation identified in Section 2.1.1.2, if applicable. Unless otherwise agreed in writing between Motorola and Customer, the installation and implementation of accumulated backlog security patches and network updates is the responsibility of the Customer.

2.1.2.3 Provide high-speed internet connectivity at the zone core site(s) for use by Motorola to perform remote upgrades and diagnostics. Specifications for the high-speed connection are provided in Appendix B. High-speed internet connectivity must be provided at least 12 weeks prior to the scheduled upgrade. In the event access to a high-speed connection is unavailable, Customer may be billed additional costs to execute the system release upgrade.

2.1.2.4 Assist in site walks of the system during the system audit when necessary.

2.1.2.5 Provide a list of any FRUs and/or spare hardware to be included in the system release upgrade when applicable.

2.1.2.6 Purchase any additional software and hardware necessary to implement optional system release features or system expansions.

2.1.2.7 Provide or purchase labor to implement optional system release features or system expansions.

2.1.2.8 Participate in release impact training at least 12 weeks prior to the scheduled upgrade. This applies only to primary zone core owners. It is the zone core owner's responsibility to contact and include any user agencies that need to be trained or to act as a training agency for those users not included.

2.2 System Readiness Checkpoint: All items listed in this section must be completed at least 30 days prior to a scheduled upgrade.

2.2.1 Motorola responsibilities

2.2.1.1 Perform appropriate system backups.

2.2.1.2 Work with the Customer to validate that all system maintenance is current.

2.2.1.3 Work with the Customer to validate that all available security patches and antivirus updates have been updated on the customer's system.

2.2.1.3.1 Motorola reserves the right to charge the Customer for the security patches, antivirus updates and the labor necessary to address any security updates backlog accumulation, in the event that these are not completed by the Customer at the System Readiness Checkpoint.

2.2.2 Customer responsibilities

2.2.2.1 Validate system maintenance is current.

2.2.2.2 Validate that all available security patches and antivirus updates to their system have been completed or contract Motorola to complete in time for the System Readiness Checkpoint.

2.3 System Upgrade

2.3.1 Motorola responsibilities

2.3.1.1 Perform system infrastructure upgrade in accordance with the system elements outlined in this SOW.

2.3.2 Customer responsibilities

2.3.2.1 Inform system users of software upgrade plans and scheduled system downtime.

2.3.2.2 Cooperate with Motorola and perform all acts that are reasonable or necessary to enable Motorola to provide software upgrade services.

2.4 Upgrade Completion

2.4.1 Motorola responsibilities

2.4.1.1 Validate all certified system upgrade deliverables are complete as contractually required.

2.4.1.2 Deliver post upgrade implementation training to the customer as needed, up to once per system.

2.4.1.3 Obtain upgrade completion sign off from the customer.

2.4.2 Customer Responsibilities

2.4.2.1 Cooperate with Motorola in efforts to complete any post upgrade punch list items as needed.

2.4.2.2 Cooperate with Motorola to provide relevant post upgrade implementation training as needed. This applies only to primary zone core owners. It is the zone core owner's responsibility to contact and include any user agencies that need to be trained or to act as a training agency for those users not included.

2.4.2.3 Provide Motorola with upgrade completion sign off.

3.0 EXCLUSIONS AND LIMITATIONS

3.1 The parties agree that Systems that have non-standard configurations that have not been certified by Motorola Systems Integration Testing are specifically excluded from the ASTRO 25 SUA II unless otherwise agreed in writing by Motorola and included in this SOW.

3.2 The parties acknowledge and agree that the ASTRO 25 SUA II does not cover the following products:

- MCC5500 Dispatch Consoles
- MIP5000 Dispatch Consoles
- Plant/E911 Systems
- MOTOBRIDGE Solutions
- ARC 4000 Systems
- Motorola Public Sector Applications Software ("PSA")
- Custom SW, CAD, Records Management Software
- Data Radio Devices
- Mobile computing devices such as Laptops

- Non-Motorola two-way radio subscriber products
- Genesis Products
- Point-to-point products such as microwave terminals and association multiplex equipment

3.3 ASTRO 25 SUA II does not cover any hardware or software supplied to the Customer when purchased directly from a third party, unless specifically included in this SOW.

3.4 ASTRO 25 SUA II services do not include repair or replacement of hardware or software that is necessary due to defects that are not corrected by the system release, nor does it include repair or replacement of defects resulting from any nonstandard, improper use or conditions; or from unauthorized installation of software.

3.5 ASTRO 25 SUA II does not cover or include deliverables included with the Security Update Service. This means that the SUA II does not include software support for virus attacks or other applications that are not part of the ASTRO 25 system or unauthorized modifications or other misuse of the covered software. Motorola is not responsible for management of anti-virus or other security applications, unless specifically contracted..

3.6 ASTRO 25 SUA II does not cover the backlog accumulation of security patches or antivirus updates. Additional fees may apply as outlined in Section 2.1.1.2.

3.7 Motorola will provide the latest applicable patches and antivirus updates when and if available, as a part of the system release upgrade. The upgrade may include 3rd party SW such as Microsoft Windows and Server OS, Red Hat Linux, and any Motorola software service packs that may be available. Motorola will only provide patch releases that have been analyzed, pre-tested, and certified in a dedicated ASTRO 25 test lab to ensure that they are compatible and do not interfere with the ASTRO 25 network functionality.

3.8 Upgrades for equipment add-ons or expansions during the term of this ASTRO 25 SUA II are not included in the coverage of this SOW unless otherwise agreed to in writing by Motorola.

4.0 SPECIAL PROVISION

4.1 Customer acknowledges that if the System has a Special Product Feature, that it may be overwritten by the software update. Upon request, Motorola will determine whether a Special Product Feature can be incorporated into a system release and whether additional engineering effort is required. If additional engineering is required Motorola will issue a change order for the change in scope and associated increase in the price for the ASTRO 25 SUA II.

4.2 Customer will only use the software (including any System Releases) in accordance with the applicable Software License Agreement.

4.3 ASTRO 25 SUA II coverage and the parties' responsibilities described in this Statement of Work will automatically terminate if Motorola no longer supports the ASTRO 25 7.x software version in the Customer's system or discontinues the ASTRO 25 SUA II program; in either case, Motorola will refund to Customer any prepaid fees for ASTRO 25 SUA II services applicable to the terminated period.

4.4 If Customer chooses to not have Motorola apply the security patches and antivirus updates as

described in 2.1.1.2 and this delays or postpones the system software update, Motorola reserves the right to charge the Customer a fee equivalent to the costs incurred by the Motorola Solutions Upgrade Operations Team for the unplanned and additional time on site. Any additional fees to be provided in a quote or other writing.

4.5 If Customer cancels a scheduled upgrade within less than 12 weeks of the scheduled on site date, Motorola reserves the right to charge the Customer a cancellation fee equivalent to the cost of the pre-planning efforts completed by the Motorola Solutions Upgrade Operations Team.

4.6 The SUA II annualized price is based on the fulfillment of the two year term. If Customer terminates, except if Motorola is the defaulting party, Customer will be required to pay for the balance of payments owed if a system release upgrade has been taken prior to the point of termination.

APPENDIX A – ASTRO 25 SYSTEM RELEASE UPGRADE PATHS

ASTRO System Release	Certified Upgrade Paths
Pre-7.15	Upgrade to Current Shipping Release
7.15	7.17.X*
7.16	7.18
7.17.X*	A2019.1, A2019.2; A2020.1, A2020.2
7.18	A2021.1

* Includes planned incremental releases

- The information contained herein is provided for information purposes only and is intended only to outline Motorola's presently anticipated general technology direction. The information in the roadmap is not a commitment or an obligation to deliver any product, product feature or software functionality and Motorola reserves the right to make changes to the content and timing of any product, product feature or software release.
- The most current system release upgrade paths can be found in the most recent SMA bulletin.

APPENDIX B – HIGH-SPEED CONNECTIVITY SPECIFICATIONS

Connectivity Requirements

- The minimum supported link between the core and the zone is a full T1
- Any link must realize a sustained transfer rate of 175 kBps / 1.4 Mbps or better, bidirectional
- Interzone links must be fully operational when present
- Link reliability must satisfy these minimum QoS levels:
  - Port availability must meet or exceed 99.9% (three nines)
  - Round trip network delay must be 100 ms or less between the core and satellite (North America) and 400 ms or less for international links
  - Packet loss shall be no greater than 0.3%
  - Network jitter shall be no greater than 2 ms

APPENDIX C - SYSTEM PRICING CONFIGURATION

This configuration is to be reviewed annually from the contract effective date.. Any change in system configuration may require an ASTRO 25 SUA II price adjustment.

Master Site Configuration	
# of Master Sites	1
System Level Features	
Security Configuration	
RF Site Configuration	
Simulcast Prime Sites (including co-located/redundant)	1
RF Sites (includes Simulcast sub-sites, ASR sites, HPD sites)	2
GTR 8000 Base Stations	4
Dispatch Site Configuration	
# of Dispatch Sites	1
MCC7500 Dispatch Consoles	6

SECTION 3

LIFECYCLE MANAGEMENT PRICING

The table below summarizes annual pricing for four years, providing up to two upgrades in that four year period. Customer will make payments to Motorola annually in advance of each defined yearly cycle. The initial payment will be billed upon the contract effective date, and annually thereafter. The annual pricing summary is defined below. Payments are due within thirty (30) days after the date of each invoice. Customer will make payments when due in the form of a check, cashier's check, or wire transfer drawn on a U.S. financial institution and in accordance with the following payment schedule.

Pricing is valid 7/1/2021

Lifecycle Products (NSAD)	2021	2022	2023	2024	2025	2026	TOTAL
SUAII W/ SUS	123,743	40,900	41,471	42,059	42,666	43,290	334,130
MULTI YEAR INCENTIVE	11,756	3,885	3,940	3,996	4,053	4,113	31,742
Grand Total	111,988	37,014	37,531	38,064	38,612	39,178	302,387

4.1.1 Maintenance Support and Lifecycle Management Purchase Agreement

Motorola Solutions, Inc. ("Motorola") and Tracy Police Department ("Customer") enter into this "Agreement," pursuant to which Customer will purchase and Motorola will sell the Maintenance support and Lifecycle Management services, as described below. Motorola and Customer may be referred to individually as a "Party" and collectively as the "Parties." For good and valuable consideration, the Parties agree as follows:

Section 1 EXHIBITS

The exhibits listed below are incorporated into and made a part of this Agreement. In interpreting this Agreement and resolving any ambiguities, the main body of this Agreement takes precedence over the exhibits and any inconsistency between Exhibits A through D will be resolved in their listed order.

Exhibit A	**Motorola "Software License Agreement"**
Exhibit B	**Statements of Work ("SOW")**
Exhibit B-1	**Lifecycle Management Statement of Work**
Exhibit B-2	**Maintenance Services Statement of Work**
Exhibit C	**Payment Schedule**

Section 2 DEFINITIONS

Capitalized terms used in this Agreement have the following meanings:

"Confidential Information" means all information consistent with the fulfillment of this agreement that is (i) disclosed under this agreement in oral, written, graphic, machine recognizable, and/or sample form, being clearly designated, labeled or marked as confidential or its equivalent or (ii) obtained by examination, testing or analysis of any hardware, software or any component part thereof provided by discloser to recipient. The nature and existence of this agreement are considered Confidential Information. Confidential information that is disclosed orally must be identified as confidential at the time of disclosure and confirmed by the discloser by submitting a written document to the recipient within thirty (30) days after such disclosure. The written document must contain a summary of the Confidential Information disclosed with enough specificity for identification purpose and must be labeled or marked as confidential or its equivalent.

"Effective Date" means that date upon which the last Party executes this Agreement.

"Equipment" means the equipment that is specified in the attachments or is subsequently added to this Agreement.

"Force Majeure" means an event, circumstance, or act of a third party that is beyond a Party's reasonable control (e.g., an act of God, an act of the public enemy, an act of a government entity, strikes or other labor disturbances, hurricanes, earthquakes, fires, floods, epidemics, embargoes, war, and riots).

"Infringement Claim" means a third party claim alleging that the Equipment manufactured by Motorola or the Motorola Software directly infringes a United States patent or copyright.

"Motorola Software" means Software that Motorola or its affiliated company owns.

"MUA" means Microwave Upgrade Agreement (MUA).

"NUA" means Network Upgrade Agreement (NUA).

"Non-Motorola Software" means Software that another party owns.

"Open Source Software" (also called "freeware" or "shareware") means software with either freely obtainable source code, license for modification, or permission for free distribution.

"Proprietary Rights" means the patents, patent applications, inventions, copyrights, trade secrets, trademarks, trade names, mask works, know-how, and other intellectual property rights in and to the Equipment and Software, including those created or produced by Motorola under this Agreement and any corrections, bug fixes, enhancements, updates or modifications to or derivative works from the Software whether made by Motorola or another party.

"Software" means the Motorola Software and Non-Motorola Software, in object code format that is furnished with the System or Equipment.

"Services" means those installation, maintenance, SUA, MUA, NUA support, training, and other services described in this Agreement.

"SUA" or "SUA II" means Motorola's Software Upgrade Agreement program (which may include MUA or NUA services).

Section 3 ACCEPTANCE

Customer accepts these Service Terms and Conditions and agrees to pay the prices set forth in the Agreement. The term of this Agreement begins on the Effective Date.

SECTION 4 SCOPE OF AGREEMENT AND TERM

4.1. SCOPE OF WORK. Motorola will provide the Services described in this Agreement and Exhibit B-1 and B-2.

4.2 TERM. Unless terminated in accordance with other provisions of this Agreement or extended by mutual agreement of the Parties, the term of this Agreement is six years, commencing on June 1, 2021.

4.3. SUBSTITUTIONS. At no additional cost to Customer, Motorola may substitute any Equipment, Software, or services to be provided by Motorola, if the substitute meets or exceeds the Specifications and is of equivalent or better quality to the Customer. Any substitution will be reflected in a change order.

If Motorola is providing Services for Equipment, Motorola parts or parts of equal quality will be used; the

Equipment will be serviced at levels set forth in the manufacturer's product manuals; and routine service procedures that are prescribed by Motorola will be followed.

4.4. MOTOROLA SOFTWARE. Any Motorola Software, including subsequent releases, is licensed to Customer solely in accordance with the Software License Agreement. Customer hereby accepts and agrees to abide by all of the terms and restrictions of the Software License Agreement.

4.5. NON-MOTOROLA SOFTWARE. Any Non-Motorola Software is licensed to Customer in accordance with the standard license, terms, and restrictions of the copyright owner on the Effective Date unless the copyright owner has granted to Motorola the right to sublicense the Non-Motorola Software pursuant to the Software License Agreement, in which case it applies and the copyright owner will have all of Licensor's rights and protections under the Software License Agreement. Motorola makes no representations or warranties of any kind regarding Non-Motorola Software. Non-Motorola Software may include Open Source Software. All Open Source Software is licensed to Customer in accordance with, and Customer agrees to abide by, the provisions of the standard license of the copyright owner and not the Software License Agreement. Upon request by Customer, Motorola will use commercially reasonable efforts to determine whether any Open Source Software will be provided under this Agreement; and if so, identify the Open Source Software and provide to Customer a copy of the applicable standard license (or specify where that license may be found); and provide to Customer a copy of the Open Source Software source code if it is publicly available without charge (although a distribution fee or a charge for related services may be applicable

4.6. INTRINSICALLY SAFE EQUIPMENT. Customer must specifically identify any Equipment that is labeled intrinsically safe for use in hazardous environments.

4.7. If Customer purchases from Motorola additional equipment that becomes part of the same system as the initial Equipment, the additional equipment may be added to this Agreement and will be billed at the applicable rates after the warranty for that additional equipment expires. Upon reasonable request by Motorola, Customer will provide a complete serial and model number list of the Equipment to which the Services apply, which will be memorialized as Exhibit D.

4.8. All Equipment must be in good working order on the Effective Date or when additional equipment is added to the Agreement. Upon reasonable request by Motorola, Customer will provide a complete

serial and model number list of the Equipment. Customer must promptly notify Motorola in writing when any Equipment is lost, damaged, stolen or taken out of service. Customer's obligation to pay Service fees for this Equipment will terminate at the end of the month in which Motorola receives the written notice.

4.9. If Equipment cannot, in Motorola's reasonable opinion, be properly or economically serviced for any reason, Motorola may modify the scope of Services related to that Equipment; remove that Equipment from the Agreement; or increase the price to Service that Equipment.

4.10. Customer must promptly notify Motorola of any Equipment failure. Motorola will respond to Customer's notification in a manner consistent with the level of Service purchased as indicated in this Agreement.

Section 5 EXCLUDED SERVICES

5.1 Service excludes the repair or replacement of Equipment that has become defective or damaged from use in other than the normal, customary, intended, and authorized manner; use not in compliance with applicable industry standards; excessive wear and tear; or accident, liquids, power surges, neglect, acts of God or other force majeure events.

5.2 Unless specifically included in this Addendum, Service excludes items that are consumed in the normal operation of the Equipment, such as batteries or magnetic tapes.; upgrading or reprogramming Equipment; accessories, belt clips, battery chargers, custom or special products, modified units, or software; and repair or maintenance of any transmission line, antenna, microwave equipment, tower or tower lighting, duplexer, combiner, or multicoupler. Motorola has no obligations for any transmission medium, such as telephone lines, computer networks, the internet or the worldwide web, or for Equipment malfunction caused by the transmission medium.

Section 6 TIME AND PLACE OF SERVICE

Service will be provided at the location specified in this Agreement. When Motorola performs Service at Customer's location, Customer will provide Motorola, at no charge, a non-hazardous work environment with adequate shelter, heat, light, and power and with full and free access to the Equipment. Waivers of liability from Motorola or its subcontractors will not be imposed as a site access requirement. Customer will provide all information pertaining to the hardware and software elements of any system with which the Equipment is interfacing so that Motorola may perform its Services. Unless otherwise stated in this Agreement, the hours of Service will be 8:30 a.m. to 4.30 p.m., local time, excluding weekends and holidays. Unless otherwise stated in this Agreement, the price for the Services exclude any charges or expenses associated with helicopter or other unusual access requirements; if these charges or expenses are reasonably incurred by Motorola in rendering its Services, Customer agrees to reimburse Motorola for those charges and expenses.

Section 7 CONTRACT PRICE, PAYMENT AND INVOICING

7.1 Customer affirms that execution of this Agreement is the only Notice to Proceed ("NTP") that Motorola will receive for the term of this Agreement and that a purchase order or NTP is not required for contract performance and that sufficient funds have been appropriated in accordance with applicable law. Customer will pay all proper invoices as received from Motorola solely against this Agreement. Upon

execution of this Agreement, Customer will provide all necessary reference information to include on invoices for payment per this Agreement.

7.2 CONTRACT PRICE. The Contract Price in U.S. dollars is $302,387.00. Contract Price includes the Equipment, Software and Services provided under this Agreement and as defined in the Exhibits, excluding applicable sales or similar taxes and freight charges. Any change to the quantities or scope defined in the Exhibits may affect the overall Contract Price.

7.3. INVOICING AND PAYMENT. Motorola will submit invoices to Customer in advance of each payment period, according to Exhibit C and Customer will make payments to Motorola within thirty (30) days after the date of each invoice. Invoices will be mailed or emailed to Customer pursuant to Section 7.3.1, Invoicing and Shipping Addresses. Customer will make payments when due in the form of a wire transfer, check, or cashier's check from a U.S. financial institution. Overdue invoices will bear simple interest at the maximum allowable rate. For reference, the Federal Tax Identification Number for Motorola Solutions, Inc. is 36-1115800.

7.3.1. INVOICING AND SHIPPING ADDRESSES. Invoices will be sent to the Customer at the following address:

Name: TRACY POLICE DEPARTMENT

Address: 1000 CIVIC-CENTER PLAZA, TRACY CA 95376

Phone: (209) 831-6550

E-INVOICE. To receive invoices via email:

Customer Account Number1000418344

Customer Accounts Payable Email:

Customer CC(optional) Email: beth.lyons-mccarthy@tracypd.com

The address which is the ultimate destination where the Equipment will be delivered to Customer is: Name:

TRACY POLICE DEPARTMENT

Address: 1000 CIVIC-CENTER PLAZA, TRACY CA 95376

The Equipment will be shipped to the Customer at the following address (insert if this information is known):

Name: TRACY POLICE DEPARTMENT

Address: 1000 CIVIC-CENTER PLAZA, TRACY CA 95376

Phone: (209) 831-6550

Customer may change this information by giving written notice to Motorola.

7.4 INFLATION ADJUSTMENT. After the end of the five year service period in this Agreement, if any, during the Term of this Agreement, if the change in the U.S. Department of Labor, Consumer Price Index, all Items, Unadjusted Urban Areas (CPI-U) annual index for each Contract year results in an increase of three percent (3%), the price for the following year's services will increase by an incremental dollar amount per the following formula: Current year's maintenance price * (actual change in the CPI – 3 percentage points). The successive year's service will increase from this new baseline by the dollar amount as described in the Pricing Exhibit. This adjustment will be calculated 60 days prior to the 12th/24th/36th, etc. anniversary of the end of the last service period in this Agreement. It will be calculated based upon the CPI for the most recent twelve month increments beginning from the most current month available as posted by the U.S. Department of Labor. The price adjustment would fix the price for the following 12 months. For purposes of illustration, if in year 5 the CPI reported an increase of 8%, Motorola may increase the Year 6 price by 5% (8%-3% base).

7.5 FREIGHT, TITLE AND RISK OF LOSS. Motorola will pre-pay and add all freight charges to the invoices. Title and risk of loss to the Equipment will pass to Customer upon shipment. Title to the Software will not pass to the Customer at any time. Motorola will pack and ship all Equipment in accordance with good commercial practices.

Section 8 WARRANTY

8.1. SERVICE WARRANTY. Motorola warrants that is Services under this Agreement will be free of defects in materials and workmanship for a period of ninety (90) days from the date the performance of the Services are completed. In the event of a breach of this warranty, Customer's sole remedy is to require Motorola to re-perform the non-conforming Service or to refund, on a pro-rata basis, the fees paid for the non-conforming Service.

8.2. EQUIPMENT WARRANTY. Motorola warrants that the Equipment under normal use and service will be free from material defects in materials and workmanship for a period of ninety (90) days from the date of shipment.

8.3. MOTOROLA SOFTWARE WARRANTY. Unless otherwise stated in the Software License Agreement, Motorola warrants the Motorola Software in accordance with the terms of the Software License Agreement and the provisions of this Section 8 that are applicable to the Motorola Software for a period of ninety (90) days from the date of successful installation of a software upgrade as described in Exhibit B-1.

8.4. EXCLUSIONS TO EQUIPMENT AND MOTOROLA SOFTWARE WARRANTIES. These warranties do not apply to: (i) defects or damage resulting from: use of the Equipment or Motorola Software in other than its normal, customary, and authorized manner; accident, liquids, neglect, or acts of God; testing, maintenance, disassembly, repair, installation, alteration, modification, or adjustment not provided or authorized in writing by Motorola; Customer's failure to comply with all applicable industry and OSHA standards; (ii) breakage of or damage to antennas unless caused directly by defects in material or workmanship; (iii) Equipment that has had the serial number removed or made illegible; (iv) batteries (because they carry their own separate limited warranty) or consumables; (v) freight costs to ship Equipment to the repair depot; (vi) scratches or other cosmetic damage to Equipment surfaces that does not affect the operation of the Equipment; and (vii) normal or customary wear and tear.

8.5. WARRANTY CLAIMS. To assert a warranty claim, Customer must notify Motorola in writing of the claim before the expiration of the Warranty Period. Upon receipt of this notice, Motorola will investigate the warranty claim. If this investigation confirms a valid warranty claim, Motorola will (at its option and at no additional charge to Customer) repair the defective Equipment or Motorola Software, replace it with the same or equivalent product, or refund the price of the defective Equipment or Motorola Software. That action will be the full extent of Motorola's liability for the warranty claim. If this investigation indicates the warranty claim is not valid, then Motorola may invoice Customer for responding to the claim on a time and materials basis using Motorola's then current labor rates. Repaired or replaced product is warranted for the balance of the original applicable warranty period. All replaced products or parts will become the property of Motorola.

8.6. ORIGINAL END USER IS COVERED. These express limited warranties are extended by Motorola to the original user purchasing the System for commercial, industrial, or governmental use only, and are not assignable or transferable.

8.7. DISCLAIMER OF OTHER WARRANTIES. THESE WARRANTIES ARE THE COMPLETE WARRANTIES FOR THE EQUIPMENT AND MOTOROLA SOFTWARE PROVIDED UNDER THIS AGREEMENT AND ARE GIVEN IN LIEU OF ALL OTHER WARRANTIES. MOTOROLA DISCLAIMS ALL OTHER WARRANTIES OR CONDITIONS, EXPRESS OR IMPLIED, INCLUDING THE IMPLIED WARRANTIES OF MERCHANTABILITY AND FITNESS FOR A PARTICULAR PURPOSE.

SECTION 9 DEFAULT AND TERMINATION

9.1 If either party defaults in the performance of this Agreement, the other party will give to the non-performing party a written and detailed notice of the default. The non-performing party will have thirty (30) days thereafter to provide a written plan to cure the default that is acceptable to the other party and begin implementing the cure plan immediately after plan approval. If the non-performing party fails to provide or implement the cure plan, then the injured party, in addition to any other rights available to it under law, may immediately terminate this Agreement effective upon giving written notice of termination to the defaulting party.

9.2. If a defaulting Party fails to cure the default as provided above in Section 9.1, unless otherwise agreed in writing, the non-defaulting Party may terminate any unfulfilled portion of this Agreement. In the event of termination for default, the defaulting Party will promptly return to the non-defaulting Party any of its Confidential Information. If Customer is the non-defaulting Party, terminates this Agreement as permitted by this Section, and completes the System through a third Party, Customer may as its exclusive remedy recover from Motorola reasonable costs incurred to complete the System to a capability not exceeding that specified in this Agreement less the unpaid portion of the Contract Price. Customer will mitigate damages and provide Motorola with detailed invoices substantiating the charges. In the event Customer elects to terminate this Agreement for any reason other than default, Customer shall pay Motorola for the conforming Equipment and/or Software delivered and all services performed.

9.3 If the Customer terminates this Agreement before the end of the Ten Year Term, for any reason other than Motorola default, then the Customer will reimburse Motorola for the amount of the multi-year discount realized by the Customer up to the date of termination, not to exceed Three years. This is not a penalty, but a reconciliation of the price structure.

9.4. Lifecycle Management upgrade payment requirement. The Lifecycle Management service

annualized price is based on the fulfillment of the two year cycle. If Customer terminates this service during a two year cycle, except for Motorola's default, then Customer will be required to pay for the balance of payments owed for the two year cycle if a major system release has been implemented before the point of termination.

SECTION 10 EXCLUSIVE TERMS AND CONDITIONS

10.1 This Agreement supersedes all prior and concurrent agreements and understandings between the parties, whether written or oral, related to these Services, and there are no agreements or representations concerning the subject matter of this Agreement except for those expressed herein. The Agreement may not be amended or modified except by a written agreement signed by authorized representatives of both parties.

10.2 Customer agrees to reference this Agreement on any purchase order issued in furtherance of this Agreement, however, an omission of the reference to this Agreement will not affect its applicability. In no event will either party be bound to any terms contained in a Customer purchase order, acknowledgement, or other writings unless: the purchase order, acknowledgement, or other writing specifically refers to this Agreement; and the purchase order, acknowledgement, or other writing is signed by authorized representatives of both parties.

SECTION 11 CONFIDENTIALITY AND PROPRIETARY RIGHTS

11.1. CONFIDENTIAL INFORMATION. During the term of this Agreement, the parties may provide each other with Confidential Information, and will notify the other in writing when any confidential information is provided. Each party will: maintain the confidentiality of the other Party's Confidential Information and not disclose it to any third party, except as authorized by the disclosing Party in writing or as required by a court of competent jurisdiction; restrict disclosure of the Confidential Information to its employees who have a "need to know" and not copy or reproduce the Confidential Information; take necessary and appropriate precautions to guard the confidentiality of the Confidential Information, including informing its employees who handle the Confidential Information that it is confidential and is not to be disclosed to others, but these precautions will be at least the same degree of care that the receiving Party applies to its own confidential information and will not be less than reasonable care; and use the Confidential Information only in furtherance of the performance of this Agreement. Confidential Information is and will at all times remain the property of the disclosing Party, and not grant of any proprietary rights in the Confidential Information is given or intended, including any express or implied license, other than the limited right of the recipient to use the Confidential Information in the manner and to the extent permitted by California law and this Agreement.

11.2. PRESERVATION OF MOTOROLA'S PROPRIETARY RIGHTS. Motorola, the third party manufacturer of any Equipment, and the copyright owner of any Non-Motorola Software own and retain all of their respective Proprietary Rights in the Equipment and Software, and nothing in this Agreement is intended to restrict their Proprietary Rights. All intellectual property developed, originated, or prepared by Motorola in connection with providing to Customer the Equipment, Software, or related services remain vested exclusively in Motorola, and this Agreement does not grant to Customer any shared development rights of intellectual property. Except as explicitly provided in the Software License Agreement, Motorola does not grant to Customer, either directly or by implication, estoppel, or otherwise, any right, title or interest in Motorola's Proprietary Rights. Customer will not modify, disassemble, peel components, decompile, otherwise reverse engineer or attempt to reverse engineer, derive source code or create derivative works from, adapt, translate, merge with other software, reproduce, distribute,

sublicense, sell or export the Software, or permit or encourage any third party to do so. The preceding sentence does not apply to Open Source Software which is governed by the standard license of the copyright owner.

SECTION 12 INDEMNIFICATION

12.1. GENERAL INDEMNITY BY MOTOROLA. Motorola will indemnify and hold Customer harmless from any and all liability, expense, judgment, suit, cause of action, or demand for personal injury, death, or direct damage to tangible property which may accrue against Customer to the extent it is caused by the negligence of Motorola, its subcontractors, or their employees or agents, while performing their duties under this Agreement, if Customer gives Motorola prompt, written notice of any claim or suit. Customer will cooperate with Motorola in its defense or settlement of the claim or suit.

12.2. PATENT AND COPYRIGHT INFRINGEMENT.

12.2.1. Motorola will defend at its expense any suit brought against Customer to the extent it is based on a third-party claim alleging that the Equipment manufactured by Motorola or the Motorola Software ("Motorola Product") directly infringes a United States patent or copyright ("Infringement Claim"). Motorola's duties to defend and indemnify are conditioned upon: Customer promptly notifying Motorola in writing of the Infringement Claim; Motorola having sole control of the defense of the suit and all negotiations for its settlement or compromise; and Customer providing to Motorola cooperation and, if requested by Motorola, reasonable assistance in the defense of the Infringement Claim. In addition to Motorola's obligation to defend, and subject to the same conditions, Motorola will pay all damages finally awarded against Customer by a court of competent jurisdiction for an Infringement Claim or agreed to, in writing, by Motorola in settlement of an Infringement Claim.

12.2.2. If an Infringement Claim occurs, or in Motorola's opinion is likely to occur, Motorola may at its option and expense: (a) procure for Customer the right to continue using the Motorola Product; (b) replace or modify the Motorola Product so that it becomes non-infringing while providing functionally equivalent performance; or (c) accept the return of the Motorola Product and grant Customer a credit for the Motorola Product, less a reasonable charge for depreciation. The depreciation amount will be calculated based upon generally accepted accounting standards.

12.2.3. Motorola will have no duty to defend or indemnify for any Infringement Claim that is based upon: (a) the combination of the Motorola Product with any software, apparatus or device not furnished by Motorola; (b) the use of ancillary equipment or software not furnished by Motorola and that is attached to or used in connection with the Motorola Product; (c) Motorola Product designed or manufactured in accordance with Customer's designs, specifications, guidelines or instructions, if the alleged infringement would not have occurred without such designs, specifications, guidelines or instructions; (d) a modification of the Motorola Product by a party other than Motorola; (e) use of the Motorola Product in a manner for which the Motorola Product was not designed or that is inconsistent with the terms of this Agreement; or (f) the failure by Customer to install an enhancement release to the Motorola Software that is intended to correct the claimed infringement. In no event will Motorola's liability resulting from its indemnity obligation to Customer extend in any way to royalties payable on a per use basis or the Customer's revenues, or any royalty basis other than a reasonable royalty based upon revenue derived by Motorola from Customer from sales or license of the infringing Motorola Product.

12.2.4. This Section 12 provides Customer's sole and exclusive remedies and Motorola's entire liability in the event of an Infringement Claim. Customer has no right to recover and Motorola has no obligation to provide any other or further remedies, whether under another provision of this Agreement or any other legal theory or principle, in connection with an Infringement Claim. In addition, the rights and remedies provided in this Section 12 are subject to and limited by the restrictions set forth in Section 13.

SECTION 13 LIMITATION OF LIABILITY

Except for personal injury or death, Motorola's total liability, whether for breach of contract, warranty, negligence, strict liability in tort, indemnification, or otherwise, will be limited to the direct damages recoverable under law, but not to exceed the price of twelve (12) months of Services provided under this Agreement. ALTHOUGH THE PARTIES ACKNOWLEDGE THE POSSIBILITY OF SUCH LOSSES OR DAMAGES, THEY AGREE THAT MOTOROLA WILL NOT BE LIABLE FOR ANY COMMERCIAL LOSS; INCONVENIENCE; LOSS OF USE, TIME, DATA, GOOD WILL, REVENUES, PROFITS OR SAVINGS; OR OTHER SPECIAL, INCIDENTAL, INDIRECT, OR CONSEQUENTIAL DAMAGES IN ANY WAY RELATED TO OR ARISING FROM THIS AGREEMENT, THE SALE OR USE OF THE EQUIPMENT OR SOFTWARE, OR THE PERFORMANCE OF SERVICES BY MOTOROLA PURSUANT TO THIS AGREEMENT. This limitation of liability provision survives the expiration or termination of the Agreement and applies notwithstanding any contrary provision. No action for contract breach or otherwise relating to the transactions contemplated by this Agreement may be brought more than one (1) year after the accrual of the cause of action, except for money due upon an open account.

SECTION 14 FCC LICENSES AND OTHER AUTHORIZATIONS

Customer is solely responsible for obtaining licenses or other authorizations required by the Federal Communications Commission or any other federal, state, or local government agency and for complying with all rules and regulations required by governmental agencies. Neither Motorola nor any of its employees is an agent or representative of Customer in FCC or other governmental matters.

SECTION 15 DISPUTES

The Parties will use the following procedure to address any dispute arising under this Agreement (a "Dispute").

15.1. GOVERNING LAW. This Agreement is governed by the laws of the State in which the Services are performed.

15.2. NEGOTIATION. Either Party may initiate the Dispute resolution procedures by sending a notice of Dispute ("Notice of Dispute"). The Parties will attempt to resolve the Dispute promptly through good faith negotiations including 1) timely escalation of the Dispute to executives who have authority to settle the Dispute and who are at a higher level of management than the persons with direct responsibility for the matter and 2) direct communication between the executives. If the Dispute has not been resolved within ten (10) days from the Notice of Dispute, the Parties will proceed to mediation.

15.3 MEDIATION. The Parties will choose an independent mediator within thirty (30) days of a notice to mediate from either Party ("Notice of Mediation"). Neither Party may unreasonably withhold consent to the selection of a mediator. If the Parties are unable to agree upon a mediator, either Party may request that American Arbitration Association nominate a mediator. Each Party will bear its own costs of mediation, but the Parties will share the cost of the mediator equally. Each Party will participate in the mediation in good faith and will be represented at the mediation by a business executive with authority to

settle the Dispute.

15.4. LITIGATION, VENUE and JURISDICTION. If a Dispute remains unresolved for sixty (60) days after receipt of the Notice of Mediation, either Party may then submit the Dispute to a court of competent jurisdiction in the state in which the System is installed. Each Party irrevocably agrees to submit to the exclusive jurisdiction of the courts in such state over any claim or matter arising under or in connection with this Agreement.

15.5. CONFIDENTIALITY. All communications pursuant to subsections 11.2 and 11.3 will be treated as compromise and settlement negotiations for purposes of applicable rules of evidence and any additional confidentiality protections provided by applicable law. The use of these Dispute resolution procedures will not be construed under the doctrines of laches, waiver or estoppel to affect adversely the rights of either Party.

SECTION 16 GENERAL

16.1. TAXES. The Contract Price does not include any excise, sales, lease, use, property, or other taxes, assessments or duties, all of which will be paid by Customer except as exempt by law. If Motorola is required to pay any of these taxes, Motorola will send an invoice to Customer and Customer will pay to Motorola the amount of the taxes (including any interest and penalties) within twenty (20) days after the date of the invoice. Customer will be solely responsible for reporting the Equipment for personal property tax purposes, and Motorola will be solely responsible for reporting taxes on its income or net worth.

16.2. ASSIGNABILITY AND SUBCONTRACTING. Except as provided herein, neither Party may assign this Agreement or any of its rights or obligations hereunder without the prior written consent of the other Party, which consent will not be unreasonably withheld. Any attempted assignment, delegation, or transfer without the necessary consent will be void. Notwithstanding the foregoing, Motorola may assign this Agreement to any of its affiliates or its right to receive payment without the prior consent of Customer. In addition, in the event Motorola separates one or more of its businesses (each a "Separated Business"), whether by way of a sale, establishment of a joint venture, spin-off or otherwise (each a "Separation Event"), Motorola may, without the prior written consent of the other Party and at no additional cost to Motorola, assign this Agreement such that it will continue to benefit the Separated Business and its affiliates (and Motorola and its affiliates, to the extent applicable) following the Separation Event. Motorola may subcontract any of the work, but subcontracting will not relieve Motorola of its duties under this Agreement.

16.3 WAIVER. Failure or delay by either Party to exercise a right or power under this Agreement will not be a waiver of the right or power. For a waiver of a right or power to be effective, it must be in a writing signed by the waiving Party. An effective waiver of a right or power will not be construed as either a future or continuing waiver of that same right or power, or the waiver of any other right or power.

16.4. SEVERABILITY. If a court of competent jurisdiction renders any part of this Agreement invalid or unenforceable, that part will be severed and the remainder of this Agreement will continue in full force and effect.

16.5. INDEPENDENT CONTRACTORS. Each Party will perform its duties under this Agreement as an

independent contractor. The Parties and their personnel will not be considered to be employees or agents of the other Party. Nothing in this Agreement will be interpreted as granting either Party the right or authority to make commitments of any kind for the other. This Agreement will not constitute, create, or be interpreted as a joint venture, partnership or formal business organization of any kind.

16.6. HEADINGS AND SECTION REFERENCES. The section headings in this Agreement are inserted only for convenience and are not to be construed as part of this Agreement or as a limitation of the scope of the particular section to which the heading refers. This Agreement will be fairly interpreted in accordance with its terms and conditions and not for or against either Party.

16.7. ENTIRE AGREEMENT. This Agreement, including all Exhibits, constitutes the entire agreement of the Parties regarding the subject matter of the Agreement and supersedes all previous agreements, proposals, and understandings, whether written or oral, relating to this subject matter. This Agreement may be executed in multiple counterparts, and shall have the same legal force and effect as if the Parties had executed it as a single document. The Parties may sign in writing, or by electronic signature, including by email. An electronic signature, or a facsimile copy or computer image, such as a PDF or tiff image, of a signature, shall be treated as and shall have the same effect as an original signature. In addition, an electronic signature, a true and correct facsimile copy or computer image of this Agreement shall be treated as and shall have the same effect as an original signed copy of this document. This Agreement may be amended or modified only by a written instrument signed by authorized representatives of both Parties. The preprinted terms and conditions found on any Customer purchase order, acknowledgment or other form will not be considered an amendment or modification of this Agreement, even if a representative of each Party signs that document.

16.8 NOTICES. Notices required under this Agreement to be given by one Party to the other must be in writing and either personally delivered or sent to the address shown below by certified mail, return receipt requested and postage prepaid (or by a recognized courier service, such as Federal Express, UPS, or DHL), or by facsimile with correct answerback received, and will be effective upon receipt:

Motorola Solutions, Inc.	**Customer**
Attn: Motorola Law Dept	**Attn: _____**
Legal, Government Affairs & Corporate Communications	_____
500 W Monroe, 43th Floor	_____
Chicago, IL 60661	_____

16.9. COMPLIANCE WITH APPLICABLE LAWS. Each Party will comply with all applicable federal, state, and local laws, regulations and rules concerning the performance of this Agreement or use of the System. Customer will obtain and comply with all Federal Communications Commission ("FCC") licenses and authorizations required for the installation, operation and use of the System before the scheduled installation of the Equipment. Although Motorola might assist Customer in the preparation of its FCC license applications, neither Motorola nor any of its employees is an agent or representative of Customer in FCC or other matters.

16.10. AUTHORITY TO EXECUTE AGREEMENT. Each Party represents that it has obtained all necessary approvals, consents and authorizations to enter into this Agreement and to perform its duties under this Agreement; the person executing this Agreement on its behalf has the authority to do so; upon execution and delivery of this Agreement by the Parties, it is a valid and binding contract, enforceable in accordance with its terms; and the execution, delivery, and performance of this Agreement does not violate any bylaw, charter, regulation, law or any other governing authority of the Party.

16.11. MATERIALS, TOOLS AND EQUIPMENT. All tools, equipment, dies, gauges, models, drawings or other materials paid for and utilized by Motorola for the purpose of this Agreement will be and remain the sole property of Motorola. Customer will safeguard all such property while it is in Customer's custody or control and return it to Motorola upon request. This property will be held by Customer for Motorola's use without charge and may be removed from Customer's premises by Motorola at any time without restriction.

16.12 FORCE MAJEURE. Neither Party will be liable for its non-performance or delayed performance if caused by a Force Majeure. A Party that becomes aware of a Force Majeure that will significantly delay performance will notify the other Party promptly (but in no event later than fifteen days) after it discovers the Force Majeure. If a Force Majeure occurs, the Parties will execute a change order to extend the Performance Schedule for a time period that is reasonable under the circumstances.

16.13 Customer will provide Motorola with designated points of contact (list of names and phone numbers) that will be available twenty-four (24) hours per day, seven (7) days per week, and an escalation procedure to enable Customer's personnel to maintain contact, as needed, with Motorola.

16.14. SURVIVAL OF TERMS. The following provisions will survive the expiration or termination of this Agreement for any reason: Section 4.3 (Motorola Software); Section 4.4 (Non-Motorola Software); if any payment obligations exist, Section 7 (Contract Price and Payment); Subsection 8.7 (Disclaimer of Implied Warranties); Section 11 (Disputes); Section 14 (Limitation of Liability); and Section 11 (Confidentiality and Proprietary Rights); and all of the General provisions in Section 16.

The Parties hereby enter into this Agreement as of the Effective Date.

Customer Name
April 2, 2021

Motorola Solutions, Inc.	Customer
By: Jim Nicholl	By:
Name: Jim Nicholl	Name:
Title: Regional Services Manager	Title:
Date: 4/2/2021	Date:

Exhibit A

Motorola Software License Agreement

This Exhibit A Motorola Software License Agreement ("Agreement") is between Motorola Solutions, Inc., ("Motorola"), and TRACY POLICE DEPARTMENT ("Licensee").

For good and valuable consideration, the parties agree as follows:

Section 1 DEFINITIONS

1.1 "Designated Products" means products provided by Motorola to Licensee with which or for which the Software and Documentation is licensed for use.

1.2 "Documentation" means product and software documentation that specifies technical and performance features and capabilities, and the user, operation and training manuals for the Software (including all physical or electronic media upon which such information is provided).

1.3 "Open Source Software" means software with either freely obtainable source code, license for modification, or permission for free distribution.

1.4 "Open Source Software License" means the terms or conditions under which the Open Source Software is licensed.

1.5 "Primary Agreement" means the agreement to which this exhibit is attached.

1.6 "Security Vulnerability" means a flaw or weakness in system security procedures, design, implementation, or internal controls that could be exercised (accidentally triggered or intentionally exploited) and result in a security breach such that data is compromised, manipulated or stolen or the system damaged.

1.7 "Software" (i) means proprietary software in object code format, and adaptations, translations, de-compilations, disassemblies, emulations, or derivative works of such software; (ii) means any modifications, enhancements, new versions and new releases of the software provided by Motorola; and (iii) may contain one or more items of software owned by a third party supplier. The term "Software" does not include any third party software provided under separate license or third party software not licensable under the terms of this Agreement.

Section 2 SCOPE

Motorola and Licensee enter into this Agreement in connection with Motorola's delivery of certain proprietary software or products containing embedded or pre-loaded proprietary software, or both. This Agreement contains the terms and conditions of the license Motorola is providing to Licensee, and Licensee's use of the proprietary software and affiliated documentation.

Section 3 GRANT OF LICENSE

3.1. Subject to the provisions of this Agreement and the payment of applicable license fees, Motorola grants to Licensee a personal, limited, non-transferable (except as permitted in Section 7) and non-exclusive license under Motorola's copyrights and Confidential Information (as defined in the Primary Agreement) embodied in the Software to use the Software, in object code form, and the Documentation solely in connection with Licensee's use of the Designated Products. This Agreement does not grant any rights to source code.

3.2. If the Software licensed under this Agreement contains or is derived from Open Source Software, the terms and conditions governing the use of such Open Source Software are in the Open Source Software Licenses of the copyright owner and not this Agreement. If there is a conflict between the terms and conditions of this Agreement and the terms and conditions of the Open Source Software Licenses governing Licensee's use of the Open Source Software, the terms and conditions of the license grant of the applicable Open Source Software Licenses will take precedence over the license grants in this Agreement. If requested by Licensee, Motorola will use commercially reasonable efforts to: (i) determine whether any Open Source Software is provided under this Agreement; and (ii) identify the Open Source Software (or specify where that license may be found).

3.3 TO THE EXTENT, IF ANY, THAT THERE IS A SEPARATE LICENSE AGREEMENT PACKAGED WITH, OR PROVIDED ELECTRONICALLY WITH, A PARTICULAR PRODUCT THAT BECOMES EFFECTIVE ON AN ACT OF ACCEPTANCE BY THE END USER, THEN THAT AGREEMENT SUPERSEDES THE SOFTWARE LICENSE AGREEMENT AS TO THE END USER OF EACH SUCH PRODUCT.

Section 4 LIMITATIONS ON USE

4.1. Licensee may use the Software only for Licensee's internal business purposes and only in accordance with the Documentation. Any other use of the Software is strictly prohibited. Without limiting the general nature of these restrictions, Licensee will not make the Software available for use by third parties on a "time sharing," "application service provider," or "service bureau" basis or for any other similar commercial rental or sharing arrangement.

4.2. Licensee will not, and will not allow or enable any third party to: (i) reverse engineer, disassemble, peel components, decompile, reprogram or otherwise reduce the Software or any portion to a human perceptible form or otherwise attempt to recreate the source code; (ii) modify, adapt, create

derivative works of, or merge the Software; (iii) copy, reproduce, distribute, lend, or lease the Software or Documentation to any third party, grant any sublicense or other rights in the Software or Documentation to any third party, or take any action that would cause the Software or Documentation to be placed in the public domain; (iv) remove, or in any way alter or obscure, any copyright notice or other notice of Motorola's proprietary rights; (v) provide, copy, transmit, disclose, divulge or make the Software or Documentation available to, or permit the use of the Software by any third party or on any machine except as expressly authorized by this Agreement; or (vi) use, or permit the use of, the Software in a manner that would result in the production of a copy of the Software solely by activating a machine containing the Software. Licensee may make one copy of Software to be used solely for archival, back-up, or disaster recovery purposes; *provided* that Licensee may not operate that copy of the Software at the same time as the original Software is being operated. Licensee may make as many copies of the Documentation as it may reasonably require for the internal use of the Software.

4.3. Unless otherwise authorized by Motorola in writing, Licensee will not, and will not enable or allow any third party to: (i) install a licensed copy of the Software on more than one unit of a Designated Product; or (ii) copy onto or transfer Software installed in one unit of a Designated Product onto one other device. Licensee may temporarily transfer Software installed on a Designated Product to another device if the Designated Product is inoperable or malfunctioning, if Licensee provides written notice to Motorola of the temporary transfer and identifies the device on which the Software is transferred. Temporary transfer of the Software to another device must be discontinued when the original Designated Product is returned to operation and the Software must be removed from the other device. Licensee must provide prompt written notice to Motorola at the time temporary transfer is discontinued.

4.4 Licensee will maintain, during the term of this Agreement and for a period of two years thereafter, accurate records relating to this license grant to verify compliance with this Agreement. Motorola or an independent third party ("Auditor") may inspect Licensee's premises, books and records, upon reasonable prior notice to Licensee, during Licensee's normal business hours and subject to Licensee's facility and security regulations. Motorola is responsible for the payment of all expenses and costs of the Auditor. Any information obtained by Motorola and the Auditor will be kept in strict confidence by Motorola and the Auditor and used solely for the purpose of verifying Licensee's compliance with the terms of this Agreement.

Section 5 OWNERSHIP AND TITLE

Motorola, its licensors, and its suppliers retain all of their proprietary rights in any form in and to the Software and Documentation, including, but not limited to, all rights in patents, patent applications, inventions, copyrights, trademarks, trade secrets, trade names, and other proprietary rights in or relating to the Software and Documentation (including any corrections, bug fixes, enhancements, updates, modifications, adaptations, translations, de-compilations, disassemblies, emulations to or derivative works from the Software or Documentation, whether made by Motorola or another party, or any improvements that result from Motorola's processes or, provision of information services). No rights are granted to Licensee under this Agreement by implication, estoppel or otherwise, except for those rights which are expressly granted to Licensee in this Agreement. All intellectual property developed, originated, or prepared by Motorola in connection with providing the Software, Designated Products, Documentation or related services, remains vested exclusively in Motorola, and Licensee will not have any shared development or other intellectual property rights.

Section 6 LIMITED WARRANTY; DISCLAIMER OF WARRANTY

6.1. Unless otherwise stated in the Primary Agreement, the commencement date and the term of the Software warranty will be a period of ninety (90) days from Motorola's shipment of the Software (the "Warranty Period"). If Licensee is not in breach of any of its obligations under this Agreement, Motorola warrants that the unmodified Software, when used properly and in accordance with the Documentation and this Agreement, will be free from a reproducible defect that eliminates the functionality or successful operation of a feature critical to the primary functionality or successful operation of the Software. Whether a defect occurs will be determined by Motorola solely with reference to the Documentation. Motorola does not warrant that Licensee's use of the Software or the Designated Products will be uninterrupted, error-free, completely free of Security Vulnerabilities, or that the Software or the Designated Products will meet Licensee's particular requirements. Motorola makes no representations or warranties with respect to any third party software included in the Software. Notwithstanding, any warranty provided by a copyright owner in its standard license terms will flow through to Licensee for third party software provided by Motorola.

6.2 Motorola's sole obligation to Licensee and Licensee's exclusive remedy under this warranty is to use reasonable efforts to remedy any material Software defect covered by this warranty. These efforts will involve either replacing the media or attempting to correct significant, demonstrable program or documentation errors or Security Vulnerabilities. If Motorola cannot correct the defect within a reasonable time, then at Motorola's option, Motorola will replace the defective Software with functionally-equivalent Software, license to Licensee Substitute Software which will accomplish the same objective, or terminate the license and refund the Licensee's paid license fee.

6.3. Warranty claims are described in the Primary Agreement.

6.4. The express warranties set forth in this Section 6 are in lieu of, and Motorola disclaims, any and all other warranties (express or implied, oral or written) with respect to the Software or Documentation, including, without limitation, any and all implied warranties of condition, title, non-infringement, merchantability, or fitness for a particular purpose or use by Licensee (whether or not Motorola knows, has reason to know, has been advised, or is otherwise aware of any such purpose or use), whether arising by law, by reason of custom or usage of trade, or by course of dealing. In addition, Motorola disclaims any warranty to any person other than Licensee with respect to the Software or Documentation.

Section 7 TRANSFERS

Licensee will not transfer the Software or Documentation to any third party without Motorola's prior written consent. Motorola's consent may be withheld at its discretion and may be conditioned upon transferee paying all applicable license fees and agreeing to be bound by this Agreement. If the Designated Products are Motorola's radio products and Licensee transfers ownership of the Motorola radio products to a third party, Licensee may assign its right to use the Software (other than CPS and Motorola's FLASHport® software) which is embedded in or furnished for use with the radio products and the related Documentation; *provided* that Licensee transfers all copies of the Software and Documentation to the transferee, and Licensee and the transferee sign a transfer form to be provided by Motorola upon request, obligating the transferee to be bound by this Agreement.

Section 8 TERM AND TERMINATION

8.1 Licensee's right to use the Software and Documentation will begin when the Primary Agreement is signed by both parties and will continue for the life of the Designated Products with which or for which the Software and Documentation have been provided by Motorola, unless Licensee breaches this Agreement, in which case this Agreement and Licensee's right to use the Software and Documentation may be terminated immediately upon notice by Motorola.

8.2 Within thirty (30) days after termination of this Agreement, Licensee must certify in writing to Motorola that all copies of the Software have been removed or deleted from the Designated Products and that all copies of the Software and Documentation have been returned to Motorola or destroyed by Licensee and are no longer in use by Licensee.

8.3 Licensee acknowledges that Motorola made a considerable investment of resources in the development, marketing, and distribution of the Software and Documentation and that Licensee's breach of this Agreement will result in irreparable harm to Motorola for which monetary damages would be inadequate. If Licensee breaches this Agreement, Motorola may terminate this Agreement and be entitled to all available remedies at law or in equity (including immediate injunctive relief and repossession of all non-embedded Software and associated Documentation unless Licensee is a Federal agency of the United States Government).

Section 9 Commercial Computer Software

9.1 *This Section 9 only applies to U.S. Government end users.* The Software, Documentation and updates are commercial items as that term is defined at 48 C.F.R. Part 2.101, consisting of "commercial computer software" and "computer software documentation" as such terms are defined in 48 C.F.R. Part 252.227-7014(a)(1) and 48 C.F.R. Part 252.227-7014(a)(5), and used in 48 C.F.R. Part 12.212 and 48 C.F.R. Part 227.7202, as applicable. Consistent with 48 C.F.R. Part 12.212, 48 C.F.R. Part 252.227-7015, 48 C.F.R. Part 227.7202-1 through 227.7202-4, 48 C.F.R. Part 52.227-19, and other relevant sections of the Code of Federal Regulations, as applicable, the Software, Documentation and Updates are distributed and licensed to U.S. Government end users: (i) only as commercial items, and (ii) with only those rights as are granted to all other end users pursuant to the terms and conditions contained herein.

9.2 If Licensee is licensing Software for end use by the United States Government or a United States Government agency, Licensee may transfer such Software license, but only if: (i) Licensee transfers all copies of such Software and Documentation to such United States Government entity or interim transferee, and (ii) Licensee has first obtained from the transferee (if applicable) and ultimate end user an enforceable end user license agreement containing restrictions substantially identical to the ones contained in this Agreement. Except as stated in the foregoing, Licensee and any transferee(s) authorized by this subsection

9.2 may not otherwise use or transfer or make available any Motorola software to any third party nor permit any party to do so.

Section 10 CONFIDENTIALITY

Licensee acknowledges that the Software and Documentation contain Motorola's valuable proprietary and Confidential Information and are Motorola's trade secrets, and that the provisions in the Primary Agreement concerning Confidential Information apply.

Section 11 LIMITATION OF LIABILITY

The Limitation of Liability provision is described in the Primary Agreement.

Section 12 NOTICES

Notices are described in the Primary Agreement.

Section 13 GENERAL

13.1. COPYRIGHT NOTICES. The existence of a copyright notice on the Software will not be construed as an admission or presumption of publication of the Software or public disclosure of any trade secrets associated with the Software.

13.2. COMPLIANCE WITH LAWS. Licensee acknowledges that the Software is subject to the laws and regulations of the United States and Licensee will comply with all applicable laws and regulations, including export laws and regulations of the United States. Licensee will not, without the prior authorization of Motorola and the appropriate governmental authority of the United States, in any form export or re-export, sell or resell, ship or reship, or divert, through direct or indirect means, any item or technical data or direct or indirect products sold or otherwise furnished to any person within any territory for which the United States Government or any of its agencies at the time of the action, requires an export license or other governmental approval. Violation of this provision is a material breach of this Agreement.

13.3 FUTURE REGULATORY REQUIREMENTS. The Parties acknowledge and agree that this is an evolving technological area and therefore, laws and regulations regarding Services and use of Solution may change. Changes to existing Services or the Solution required to achieve regulatory compliance may be available for an additional fee. Any required changes may also impact the price for Services.

13.4. ASSIGNMENTS AND SUBCONTRACTING. Motorola may assign its rights or subcontract its obligations under this Agreement, or encumber or sell its rights in any Software, without prior notice to or consent of Licensee.

13.5. GOVERNING LAW. This Agreement is governed by the laws of the United States to the extent that they apply and otherwise by the internal substantive laws of the State to which the Software is shipped if Licensee is a sovereign government entity, or the internal substantive laws of the State of Illinois if Licensee is not a sovereign government entity. The terms of the U.N. Convention on Contracts for the International Sale of Goods do not apply. In the event that the Uniform Computer Information Transaction Act, any version of this Act, or a substantially similar law (collectively "UCITA") becomes applicable to a party's performance under this Agreement, UCITA does not govern any aspect of this

Agreement or any license granted under this Agreement, or any of the parties' rights or obligations under this Agreement. The governing law will be that in effect prior to the applicability of UCITA.

13.6. THIRD PARTY BENEFICIARIES. This Agreement is entered into solely for the benefit of Motorola and Licensee. No third party has the right to make any claim or assert any right under this Agreement, and no third party is deemed a beneficiary of this Agreement. Notwithstanding the foregoing, any licensor or supplier of third party software included in the Software will be a direct and intended third party beneficiary of this Agreement.

13.7. SURVIVAL. Sections 4, 5, 6.4, 7, 8, 9, 10, 11 and 13 survive the termination of this Agreement.

13.8. ORDER OF PRECEDENCE. In the event of inconsistencies between this Exhibit and the Primary Agreement, the parties agree that this Exhibit prevails, only with respect to the specific subject matter of this Exhibit, and not the Primary Agreement or any other exhibit as it applies to any other subject matter.

13.9. SECURITY. Motorola uses reasonable means in the design and writing of its own Software and the acquisition of third party Software to limit Security Vulnerabilities. While no software can be guaranteed to be free from Security Vulnerabilities, if a Security Vulnerability is discovered, Motorola will take the steps set forth in Section 6 of this Agreement.

Exhibit C

Payment Schedule

YEAR 1 – 2021 -	**$111,988.00**
YEAR 2 – 2022	**37,014.00**
YEAR 3 – 2023	**37,531.00**
YEAR 4 – 2024	**38,064.00**
YEAR 5 – 2025	**38,612.00**
YEAR 6 – 2026	**39,178.00**
• **TOTAL**	**$302,387.00**

Attachment B

Capital Improvement Plan

General Government Public Safety Facilties
PD Communication Tower Software
Active Project

Project Number: 71114
Project Budget: $135,000
Project Manager: Ilene Macintire
Department: Police
Project Priority: High
Project Type: Capital Improvement
Customers Served: City Services
Council Strategic Priority: Public Safety

Description: The equipment purchased for the PD communications Tower as part of CIP 71050 (completed in FY20), has not been installed. Since the orginal project had significant delays, the software is now outdated and needs to be updated prior to use.

Justification:

Comments: The software purchase is considered part of the original project, there will be additional annual costs of $40,000 that will be included in the Police Operational budget starting in FY2022/2023.

Resolutions:

DRAFT

Year Identified: 2021 **Start Date:** 2021/2022 **Est. Completion Date:**

<- - - - - - - Projected - - - - - ->

Fund Name	Expended	Carryover	FY2021/22	FY2022/23	FY2023/24	FY2024/25	FY2025/26	Total
367 - TIMP Public Safety	$ -	$ 135,000	$ -	$ -	$ -	$ -	$ -	$ 135,000

RESOLUTION _____

AUTHORIZING THE CITY OF TRACY TO ENTER INTO A GENERAL SERVICES AGREEMENT FROM JULY 1, 2021 to JUNE 30, 2026 WITH MOTOROLA SOLUTIONS, INC., FOR LIFECYCLE SUSTAINMENT SERVICES FOR THE POLICE RADIO COMMUNICATIONS TOWER EQUIPMENT WITH A NOT TO EXCEED AMOUNT OF $302,387

WHEREAS, The agreement will provide lifecycle sustainment services for the police radio communications tower equipment located at 15178 W. Schulte Rd., Tracy, CA, and

WHEREAS, The City has been upgrading radio communications capabilities to ensure superior radio coverage in new development areas, including a joint project with the County of San Joaquin for construction of a new communications tower, and

WHEREAS, the radio equipment purchased in 2014 has now reached end of life and is in need of installing the Astro 25 LMR end to end solution that will deliver mission-critical LMR services to Tracy Police Department, and

WHEREAS, For FY 21/22, the initial up front cost of $111,000 will be appropriated from the City of Tracy's Master Plan Fund and all remaining annual expenses of approximately $40,000 will be appropriated from the Tracy Police Department's Operational Budget beginning FY 22/23.

NOW THEREFORE BE IT RESOLVED, that the City Council of the City of Tracy hereby authorizes the City of Tracy Police Department to enter into a General Services Agreement from July 1, 2021 to June 30, 2026 with Motorola Solutions, Inc. for lifecycle sustainment services for the police radio communications tower equipment with a not to exceed amount of $302,387.

* * * * * * * *

The foregoing Resolution _____ was passed and adopted by the Tracy City Council on the 15th day of June, 2021, by the following vote:

AYES: COUNCIL MEMBERS:

NOES: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

ABSTAIN: COUNCIL MEMBERS:

_____
MAYOR

ATTEST:

_____
CITY CLERK

June 15, 2021

AGENDA ITEM 1.I

REQUEST

APPROVE ACCEPTANCE OF AN ECONOMIC DEVELOPMENT ADMINISTRATION GRANT AWARD AFTER-THE-FACT AND FURTHER AUTHORIZE CITY MANAGER TO EXECUTE ALL GRANT-RELATED DOCUMENTS AND AGREEMENTS

EXECUTIVE SUMMARY

Staff requests that City Council approve the acceptance of the Economic Development Administration's (EDA) grant award to the City of Tracy in the amount of $8,350,057 for the replacement and expansion of the bridge on International Parkway over the Delta Mendota Canal, and authorize the City Manager to execute all grant-related documents and agreements.

DISCUSSION

The Coronavirus Aid Relief and Economic Security (CARES) Act went into effect on March 27, 2020 making $1.5 billion dollars in economic development assistance available to communities through the Economic Development Administration (EDA). Though this program, Development Services staff applied for a grant to cover 80% of the cost of the replacement and expansion of the International Parkway Bridge.

The bridge is located in the International Park of Commerce (IPC), on the west-side of the City. The project is anticipated to create 30,000 new jobs at build-out. Due to the anticipated increase in traffic, the Bridge Project is necessary to ease traffic congestion, enhance freight movement and create a safer transportation network.

On April 29, 2021, the EDA informed the City that the replacement and expansion of the International Parkway Bridge project was awarded $8,350,057 in funding through the grant program. Staff was required to accept the grant within 30 days of the award notification. Due to the short time constraint, staff requested the City Manager sign and accept the grant on the City's behalf. If staff did not submit the signed document within the 30-day period, the EDA could declare the award null and void.

Staff requests that Council approve the acceptance of the EDA grant award after-the-fact so that staff can continue with the project. If Council does not approve, then The City will not be able to accept these grant funds.

STRATEGIC PLAN

This agenda item supports the City of Tracy's Quality of Life Strategic Priority, and specifically implements goal 1: Advance green and roadway infrastructure projects that improve connectivity, including bike lanes.

FISCAL IMPACT

Costs of the Project are estimated at $10,437,571. The EDA grant will fund $8,350,057. The City entered into a funding agreement, approved by Resolution No. 2020-118, with Prologis L.P. to cover the remaining cost of the Project.

RECOMMENDATION

Staff recommends that City Council, by resolution, approve acceptance of an EDA grant award after-the-fact and further authorize the City Manager to execute all grant-related documents and agreements.

Prepared by: Veronica Child, Management Analyst II

Reviewed by: Robert Armijo, PE, City Engineer/Assistant Development Services Director
Karin Schnaider, Finance Director
Andrew Malik, Assistant City Manager

Approved by: Jenny Haruyama, City Manager

ATTACHMENTS

Attachment A – Award Letter
Attachment B – Specific Award Conditions
Attachment C – CD-450
Attachment D – EDA Construction STCs

U.S. DEPARTMENT OF COMMERCE
Economic Development Administration
915 Second Avenue, Room 1890
Seattle, Washington 98174
Fax: 206.220.7669
Voice: 206.220.7660

April 29, 2021

In reply refer to:
Investment No.: 07-79-07715

Jenny Haruyama
City Manager
City of Tracy
333 Civic Center Plaza
Tracy, CA 95376

Dear Ms. Haruyama:

I am pleased to inform you that the Department of Commerce's Economic Development Administration (EDA) has approved your application for a $8,350,057 EDA investment for the City of Tracy International Parkway Bridge Replacement & Expansion Project.

Enclosed is a digitally signed copy of the Financial Assistance Award. Your agreement to the terms and conditions of the award should be indicated by the signature of your principal official(s) on the signed copy of the Financial Assistance Award, via one of the following methods:

1. Using a certified signature through Adobe or some other software.
2. Printing the document, signing in ink, and returning a scanned copy by email.

The fully executed document should be returned electronically to your assigned Project Officer, Laura Ives at lives@eda.gov, with a copy to msellers@eda.gov. If not signed and returned within 30 days of receipt, EDA may declare the Award null and void. Please retain a copy of the executed award for each of your records.

As required by the Department of Commerce Office of Inspector General and as specified in the terms of the award, all recipients of awards under the CARES Act must participate in Fraud Awareness Training. All personnel at your organization responsible for overseeing contractors, sub-contractors, or subrecipients, or who are otherwise responsible for managing your organization's finances are required to take the training. This requirement is satisfied by reading and understanding the enclosed PowerPoint presentation. Once you and the appropriate personnel at your organization have completed the training, please return a signed copy of the certification page (page 38 of the presentation) to my staff along with signed copies of the Financial Assistance Award. Please do not make any commitments in reliance on this award until you have carefully reviewed and accepted the terms and conditions. Any commitments entered into prior to obtaining the approval of EDA in accordance with its regulations and requirements will be at your own risk.

EDA's mission is to lead the federal economic development agenda by promoting innovation and competitiveness, preparing American regions for growth and success in the worldwide economy. EDA implements this mission by making strategic investments in the nation's most

economically distressed communities that encourage private sector collaboration and creation of higher-skill, higher wage jobs. EDA investments are results driven, embracing the principles of technological innovation, entrepreneurship and regional development.

I share your expectations regarding the impact of this investment and look forward to working with you to meet the economic development needs of your community.

Sincerely,

Maiea Sellers
Acting Regional Director

Enclosures
Copy: Laura Ives, Project Officer
Asia King, Economic Development Representative

SPECIFIC AWARD CONDITIONS
U.S. DEPARTMENT OF COMMERCE
Economic Development Administration (EDA)

CONSTRUCTION PROJECTS: Public Works and Economic Adjustment Assistance Programs under Sections 201 and 209 of the Public Works and Economic Development Act, as amended, 42 U.S.C. §§ 3141 and 3149

Public Works and Economic Adjustment Assistance Programs

Project Title: City of Tracy Int'l Parkway Bridge Replacement & Expansion Project	
Recipient Name: City of Tracy	**Project Number: 07-79-07715**

1. **AUTHORIZED SCOPE OF WORK**: This EDA Award supports the work described in the approved final scope of work, which is incorporated by reference into this Award, as the *Authorized Scope of Work*. All work on this project must be consistent with the *Authorized Scope of Work,* unless the Grants Officer has authorized a modification of the scope of work in writing through an amendment memorialized by a fully executed *Amendment to Financial Assistance Award* (Form CD-451).

The *Authorized Scope of Work* for this project includes:

> Remove existing 2-lane International Parkway Bridge over the Delta Mendota Canal. Construct two new parallel bridge spans each with 2-lanes, new piers and foundations, pedestrian safety barriers, and anchored utility runs. The southbound span will include a turn lane. Also included is approximately 700 LF of road improvements.

2. The Recipient Contact's name, title, address, and telephone number are:

Jenny Haruyama City Manager Phone: (209) 831-6115 Email: jenny.haruyama@cityoftracy.org	City of Tracy 333 Civic Center Plaza Tracy, CA 95376-4062

3. The Grants Officer is authorized to award, amend, suspend, and terminate financial assistance awards. The Grants Officer is:

Maiea Sellers Acting Regional Director Phone: (206) 220-7660 kmillius@eda.gov Email: msellers@eda.gov	Economic Development Administration Seattle Regional Office 915 Second Avenue, Room 1890 Seattle, Washington 98174-1012

4. The Federal Program Officer (Area Director) oversees the programmatic aspects of this Award. The Federal Program Officer is:

Kerstin Millius Area Director Phone: (206) 220-7700 Email: kmillius@eda.gov	Economic Development Administration Seattle Regional Office 915 Second Avenue, Room 1890 Seattle, Washington 98174-1012

5. The EDA Project Officer is responsible for day-to-day administration and liaison with the Recipient and receives all reports and payment requests. The Project Officer is:

Britany MacFarlane Civil Engineer Phone: (206) 666-7879 Email: BMacFarlane@eda.gov	Economic Development Administration Seattle Regional Office 915 Second Avenue, Room 1890 Seattle, Washington 98174-1012

6. CONTACT CHANGES: Changes to the contact information above may be made in writing by the EDA Project Officer without an amendment on Form CD-451.

7. ADDITIONAL INCLUDED DOCUMENTS: In addition to the regulations, documents, or authorities incorporated by reference on the *Financial Assistance Award* (Form CD-450), the following additional documents are hereby incorporated by reference into this Award:

- The Recipient's application, including any attachments, project descriptions, schedules, and subsequently submitted supplemental documentation.

Should there be a discrepancy among these documents, the Specific Award Conditions (this document), including any attachments, shall control.

8. PROJECT DEVELOPMENT TIME SCHEDULE: The Recipient agrees to the following Project Development Time Schedule:

Return of Executed Financial Assistance Award ……30 calendar days after receipt of Form CD-450/CD-451
Start of Construction …….. 18 Months from the Date of Award
Construction Completed ……..……60 Months from the Date of Award

Authorized Award End Date …… 60 Months from the Date of Award
Submission of Final Financial Report (Form SF-425) …No later than 120 calendar days from the Award End Date

Project Closeout – All project closeout documents, including final financial reports (Form SF 425 or any successor form) and any required program reports, shall be submitted to EDA not more than 120 calendar days after the date the Recipient accepts the completed project from the contractor(s).

The Recipient shall diligently pursue the development of the project so as to ensure completion within this time schedule and shall promptly notify EDA in writing of any event that could substantially delay meeting any of the prescribed time limits for the project as set forth above. The Recipient further acknowledges that failure to meet the development time schedule may result in EDA taking action to terminate the Award in accordance with the regulations set forth at 2 CFR §§ 200.339–200.343, as applicable.

9. PROJECT REPORTING AND FINANCIAL DISBURSEMENTS INSTRUCTIONS:

A. AWARD DISBURSEMENTS: Reimbursement basis only. EDA will make disbursements under this Award on a reimbursement basis only, based on actual costs incurred, after all preconditions set forth in these Specific Award Conditions have been met.

The "*Outlay Report and Request for Reimbursement*" (Form SF-271 or any successor form) is used to request a disbursement, which shall be approved in writing by the Project Officer.

Please note that prior to the initial disbursement, the Recipient must complete the attached Form SF-3881 (or any successor form) "*ACH Vendor/Miscellaneous Payment Enrollment Form*" and submit it to NOAA's Accounting Office by FAX at (301) 528-3675. (*FAX is required to secure confidentiality of sensitive information.*) The form must be completed by the respective parties (EDA, Recipient Bank, and Recipient) at the start of each new award.

B. REPORTS:

a. *Project Progress Reports*: The Recipient shall submit project progress reports to the Project Officer on a quarterly basis for the periods ending **December 31, March 31, June 30, and September 30**, or any portion thereof, until the final disbursement is made by EDA. Reports should be submitted using the approved EDA template, which will be provided by the Project Officer and discussed during the project kick-off meeting. Reports are due no later than 1 month following the end of the quarterly period.

b. *Financial Reports:* The Recipient shall submit a "*Federal Financial Report*" (Form SF-425 or any successor form) on a semi-annual basis for the periods ending **March 31** and **September 30**, or any portion thereof, for the entire period of performance. Form SF-425 and instructions for completing this form are available at: https://www.grants.gov/web/grants/forms/post-award-reporting-forms.html.

Reports are due no later than 1 month following the end of the semi-annual period.

A final Form SF-425 must be submitted no more than 120 calendar days after the expiration date of the Award (*i.e.*, the Award End Date specified on the Form CD-450 or a subsequently executed Form CD-451). Final Financial Reports should follow the guidance outlined in the instructions for submitting mid-term financial reports, but should ensure that all fields accurately reflect the total outlays for the entire period of performance and that all matching funds and program income (if applicable) are fully reported. Determination of the final grant rate and final balances owed to the government will be determined based on the information on the final Form SF-425, so it is imperative that it be submitted in a timely and accurate manner.

10. ALLOWABLE COSTS AND AUTHORIZED BUDGET: Total allowable costs will be determined after the final financial documents are submitted in accordance with the applicable authorities specified on the *Financial Assistance Award* (Form CD-450), including the Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards at 2 CFR part 200 (Uniform Guidance).

Except as otherwise expressly provided for within these Specific Award Conditions, the Federal share of the allowable costs shall be based on the Investment Rate for the Award, as established on the Form CD-450 or any subsequent amendment (Form CD-451). In the event of an underrun in total allowable costs for this project, the Federal share of allowable costs shall be determined by the Investment Rate. The Federal share of total allowable costs shall not exceed the dollar amount specified on the original Award or any subsequent amendments.

Line Item Budget:

A. Under the terms of the Award, the total approved authorized budget is:

Federal Share (EDA Amount)	$8,350,057
Non-Federal Matching Share	$2,087,514
Total Project Cost	$10,437,571

B. Under the terms of this Award, the total approved line item budget is:

COST CLASSIFICATION	Proposed	Approved
Administrative and legal expenses		
Land, structures, rights-of-way, etc.		
Relocation expenses and payments		
Architectural and engineering fees		
Other architectural and engineering fees	$417,503	$417,503
Project inspection fees	$835,006	$835,006
Site work		
Demolition and removal		
Construction	$8,350,056	$8,350,056

Equipment		
Contingencies	$835,006	$835,006
Total Project Cost	$10,437,571	$10,437,571

11. MATCHING SHARE: The Recipient agrees to provide the Recipient's non-Federal Matching Share contribution for eligible project expenses in proportion to the Federal share requested for such project expenses (see 13 CFR § 300.3). By accepting the Award, the Recipient also certifies that the Matching Share of the project costs is committed to the project, is not encumbered in any way that would prevent its use for the project, and will be available as needed for the project.

12. REFUND CHECKS, INTEREST, OR UNUSED FUNDS: Treasury has given EDA two options for having payments deposited to EDA's account:

A. The first is the pay.gov website. This option allows the payee to pay EDA through the internet. The payee will have the option to make a one-time payment or to set up an account to make regular payments.

B. The second is paper check conversion. All checks must include on their face the name of the DOC agency funding the Award, the award number, and a description of no more than two words identifying the reason for the check. A copy of the check should be provided to the EDA Project Officer. This option allows the payee to send a check to NOAA's Accounting Office, which processes EDA's accounting functions, at the following address:

U.S. Department of Commerce
National Oceanic and Atmospheric Administration
Finance Office, AOD, EDA Grants
20020 Century Boulevard
Germantown, MD 20874

The accounting staff will scan the checks in to an encrypted file and transfer the file to the Federal Reserve Bank, where the funds will be deposited in EDA's account. While this process will not be an issue with most payees, there are occasionally issues for entities remitting funds to EDA via check. If you are remitting funds to EDA via check, please make note of the following:

- If a check is sent to EDA, it will be converted into an electronic funds transfer by copying the check and using the account information to electronically debit your account for the amount of the check. The debit from your account will usually occur within 24 hours and will appear on your regular account statement.

- EDA will not return your original check; the original will be destroyed and a copy will be maintained in our office. If the Electronic Funds Transfer (EFT) cannot be processed for technical reasons, the copy will be processed in place of the original check. If the EFT cannot be completed because of insufficient funds, EDA will charge you a one-time fee of $25.00, which will be collected by EFT.

13. **CONSTRUCTION COMPLETION:** In keeping with prudent grants management policy, EDA construction projects must be completed within five years of the date the Form CD-450 is signed by the Recipient accepting the Award. If construction is not completed by that date and the Grants Officer determines, after consultation with the Recipient, that construction to completion cannot reasonably be expected to be completed promptly and expeditiously, the grant may be terminated. Extensions beyond the five-year period of performance are exceedingly rare and can only be authorized by the Assistant Secretary. Nothing in this paragraph is intended to alter the Project Development Time Schedule set out above.

14. **USEFUL LIFE:** The useful life of this project is hereby determined to be 20 years from the date that the recorded statement (mortgage or covenant) is officially recorded.

15. **GOALS FOR WOMEN AND MINORITIES IN CONSTRUCTION:** Department of Labor regulations set forth at 41 CFR part 60-4 establish goals and timetables for the participation of minorities and women in the construction industry. Those regulations apply to all federally assisted construction contracts in excess of $10,000. The Recipient shall comply with those regulations and shall obtain compliance with 41 CFR part 60-4 from contractors and subcontractors employed on the project by including such notices, clauses, and provisions in the Solicitations for Offers or Bids as required by 41 CFR part 60-4. The goal for the participation of women in each trade area shall be as follows: from April 1, 1981 until further notice: 6.9 percent.

    All changes to this goal, as published in the Federal Register in accordance with the Office of Federal Contract Compliance Programs regulations at 41 CFR § 60-4.6, or any successor regulations, shall hereafter be incorporated by reference into these Specific Award Conditions.

    Goals for minority participation shall be as prescribed by Appendix B-80 of the *Federal Register* notice published October 3, 1980 at 45 FR 65984-65991, or any subsequently published amendments. The Recipient shall include the "*Standard Federal Equal Employment Opportunity Construction Contract Specifications*" (or cause them to be included, if appropriate) in all Federally-assisted contracts and subcontracts. The goals and timetables for minority and female participation may not be less than those published pursuant to 41 CFR § 60-4.6.

16. **ARCHITECT/ENGINEER AGREEMENT.** Prior to initial disbursement of funds by EDA, the Recipient must submit to the Government for approval, an Architect/Engineer Agreement that meets the requirements in the EDA's "Summary of EDA Construction Standards," as well as the competitive procurement standards of 2 C.F.R. Part 200 and EDA Regulations at 13 C.F.R. Chapter III. The fee for basic Architect/Engineer Services will be a lump sum or an agreed maximum, and no part of the fees for other services will be based on a cost-plus-a-percentage-of-cost or a cost using a multiplier.

17. **PROJECT INSPECTION AGREEMENT:** Prior to the initial disbursement of funds by EDA, the Recipient must submit to EDA for approval, a Project Inspection Agreement that meets the requirements in the EDA's "Summary of EDA Construction Standards," as well as the competitive procurement standards of 2 CFR part 200 and EDA Regulations in 13 CFR Chapter III. The fee for

basic Project Inspection Services will be a lump sum or an agreed maximum, and no part of the fees for other services will be based on a cost-plus-percentage-of-cost or a cost using a multiplier.

18. **PROCUREMENT:** The Recipient agrees that all procurement transactions shall be in accordance with the Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards at 2 CFR §§ 200.317–200.327 and the EDA regulations contained in 13 CFR Chapter III, especially 13 CFR part 305 and 13 CFR § 302.17 ("Conflicts of Interest").

19. **EVIDENCE OF GOOD TITLE:** Before the initial disbursement of funds by EDA, the Recipient shall provide an opinion of counsel, satisfactory to EDA, that the Recipient has acquired good and marketable title to land, free of all encumbrances, to all real property necessary for completion of the project, as well as any necessary rights-of-way, easements, State or local government permits, or long-term lease interests necessary for the completion of the project, in accordance with 13 CFR part 314.

20. **PROPERTY MANAGEMENT STANDARDS FOR PRIVATE PROPERTY**: As a purpose of the project is to construct Recipient owned facilities to serve privately owned land, including an approximately 1,800-acre business and industrial park with sites for sale or lease, such ownership, sale or lease is permitted so long as EDA requirements continue to be met. The Recipient is responsible for ensuring the business and industrial park served by the improvements shall serve the purposes of the Award in accordance with the terms and conditions for the useful life of the project, which is 20 years from the date that the recorded statement (mortgage or covenant) is officially recorded.

    Prior to the initial disbursement of funds under the Award, EDA requires evidence that the private owner(s) has good marketable title to the business and industrial park and, if required by EDA, completes a Form ED-900B or equivalent.

    Prior to project closeout, the Recipient shall submit a binding, enforceable agreement acceptable to EDA between the private owner(s) and Recipient that for the useful life of the project assures consistency with the project purpose of supporting business and industrial development in the Region and enhancing supply chain movement for essential industries and the terms and conditions of the Award, even when parcels may be leased or sold. This requirement may be accomplished through a covenant or, with EDA permission, another instrument.

21. **NONRELOCATION:** By accepting this Award of financial assistance, the Recipient attests that the EDA-funded project will not be used to induce the relocation or the movement of existing jobs from one Region to another Region by a primary beneficiary of the Award (see 13 CFR § 300.3). In the event that EDA determines that its assistance was used for such purposes, EDA reserves the right to pursue all rights and remedies, including suspension of disbursements, termination of the Award for convenience or cause, and disallowance of any costs attributable, directly or indirectly, to the relocation.

    For purposes of ensuring that EDA assistance will not be used for relocation purposes, each applicant must inform EDA of all employers that constitute primary beneficiaries of the project. EDA considers an employer to be a "primary beneficiary" if the applicant estimates that such

employer will create or save 100 or more permanent jobs as a result of the investment assistance and specifically names the employer in its application to EDA. In smaller communities, EDA may consider a primary beneficiary to be an employer of 50 or more permanent jobs so identified.

22. **PERFORMANCE MEASURES:** The Recipient agrees to report on program performance measures and program outcomes in such a form and at such intervals as may be prescribed by EDA in compliance with the Government Performance and Results Act (GPRA) of 1993, and the Government Performance and Results Modernization Act of 2010.

    At this time, all Awards for construction assistance require Recipients to report actual job creation/retention and private investment leverage at three (3), six (6), and nine (9) years after an EDA investment. The Recipient must retain sufficient documentation so that they can submit these required reports. Failure to submit these reports may adversely impact the ability of the Recipient to secure future funding from EDA.

    Performance measures and reporting requirements that apply to program activities funded by this investment will be provided in a separate GPRA information collection document. EDA staff will contact the Recipient in writing within a reasonable period prior to the time of submission of the reports with information on how this data should be submitted. The Recipient must ensure adequate and sufficient records are kept to support the methodology for computing initial job creation/retention and private investment estimates and all subsequent actual performance data, and must make this information available at EDA's request, including in the event of an audit or performance site visit.

23. **REAL PROPERTY REPORTING:** Consistent with 2 CFR § 200.330 ("Reporting on real property"), the Recipient must submit reports (using Form SF-429 "Real Property Status Report" or any successor form). The initial SF-429 form must be returned to the EDA Project Officer no later than December 31 of the year of the initial disbursement of Federal funds. Because EDA's interest in this real property extends at least 15 years, successive reports will be required by December 31 every **two** years thereafter during the established useful life of the property, rather than on an annual basis. At its sole discretion, EDA reserves the right to require more or less frequent real property reporting for the duration of the useful life of real property in which it retains an interest under this project.

24. **WASTE, FRAUD AND ABUSE:** Consistent with 2 CFR part 200, Recipient personnel responsible for managing the Recipient's finances and overseeing any contractors, sub-contractors or Subrecipients, will complete the training PowerPoint entitled "Compliance with EDA Disaster Assistance Program Requirements" and return the signed Certificate of Training Completion (page 38 of the training) to EDA along with the signed Form CD-450 within 30 days of receipt.

    Further, Recipient will monitor Award activities for common fraud schemes, such as:

    - false claims for materials and labor,

    - bribes related to the acquisition of materials and labor,

• product substitution,

• mismarking or mislabeling on products and materials, and

• time and materials overcharging.

Should Recipient detect any suspicious activity, Recipient will contact EDA staff listed above and the Office of Inspector General, as indicated at https://www.oig.doc.gov/Pages/Contact-Us.aspx, as soon as possible.

25. **TRIBAL MONITOR:** Thirty (30) days prior to earth-disturbing activities funded under the EDA grant, the Recipient shall provide evidence satisfactory to the EDA that the Northern Valley Yokuts Tribe have been notified and given the opportunity to have a tribal monitor on-site during earth-disturbing activities.

26. **ARCHEOLOGICAL AND HISTORICAL RESOURCES:** If during construction of the project, historical and archeological resources, including burial grounds and artifacts are discovered, the Recipient shall immediately stop construction in the area, contact the applicable State Historic Preservation Officer (SHPO) or Tribal Historic Preservation Officer (THPO), interested Tribes, and EDA, and follow the SHPO or THPO instructions for the preservation of resources.

27. **STATE AND TRIBAL HISTORIC PRESERVATION OFFICER (SHPO/THPO)**: Prior to the start of any construction and/or earth-disturbing activities, the Recipient shall provide evidence satisfactory to the EDA that an Unanticipated Discovery Plan has been prepared for the project. If inadvertent discoveries are made, no further work will be allowed on the project until the SHPO and THPO have approved a plan for managing or preserving artifacts or features; and the SHPO and THPO will be notified of changes to the project scope.

28. **WATERS OF THE UNITED STATES**: Prior to the start of design, the Recipient shall provide evidence satisfactory to the EDA that the U.S. Army Corps of Engineers has been consulted for an updated jurisdictional determination to replace the expired letter dated May 5, 2015 (SPK-2011-01237).

29. **SAN JOAQUIN MULTI-SPECIES HABITAT CONSERVATION AND OPEN SPACE PLAN (SJMSCP)**: Prior to start of any construction and/or earth-disturbing activities, the Recipient shall provide evidence satisfactory to the EDA that project plans are consistent with participation in the San Joaquin Multi-Species Habitat Conservation and Open Space Plan (SJMSCP) and in compliance with all relevant Incidental Take Minimization Measures pertinent to the Specific Plan Area, including pre-construction surveys for covered species to confirm their presence or absence and provide for their relocation, if necessary.

30. **SAN LUIS DELTA MENDOTA WATER AUTHORITY AND BUREAU OF RECLAMATION:** Prior to the start of bridge demolition and removal, the Recipient shall provide evidence satisfactory to the EDA the either the canal does not need to be accessed in

order to complete bridge demolition and removal, or the work has been coordinated with the Water Authority as encroachment of the right-of-way is required.

31. **CENTRAL VALLEY REGIONAL WATER QUALITY CONTROL BOARD:** Prior to start of any construction and/or earth-disturbing activities, the Recipient shall provide evidence satisfactory to the EDA that a Waste Discharge Requirement (WDR) permit has been received.

32. **MIGRATORY BIRD TREATY ACT:** To ensure ground-disturbing activities do not result in "take" of an active nest or migratory bird protected under the Migratory Bird Treaty Act**, s**chedule all vegetation removal, trimming, and grading of vegetated areas outside of the peak bird breeding season to the maximum extent practicable. When project activities cannot occur outside the bird nesting season, conduct surveys prior to scheduled activity to determine if active nests are present within the area of impact and buffer any nesting locations found during surveys. Generally, the surveys should be conducted no more than five days prior to scheduled activity.

33. **HAZARDOUS OR TOXIC SUBSTANCES:** If visual or olfactory evidence of potential soil contamination from current or historical practices is encountered during construction, work will stop immediately upon discovery and the appropriate Ecology regional office will be notified.

FORM **CD-450**
(REV. 10/18)

U.S. DEPARTMENT OF COMMERCE

☑ **GRANT** ☐ **COOPERATIVE AGREEMENT**

FINANCIAL ASSISTANCE AWARD

FEDERAL AWARD ID NUMBER
07-79-07715; URI: 115697

RECIPIENT NAME
City of Tracy

PERIOD OF PERFORMANCE
From date of Grants Officer's signature through 60 months

STREET ADDRESS
333 Civic Center Plaza

FEDERAL SHARE OF COST
$ **8,350,057.00**

CITY, STATE, ZIP CODE
Tracy, CA 95376-4062

RECIPIENT SHARE OF COST
$ **2,087,514.00**

AUTHORITY
42 U.S.C. 3149 and 3233, Sections 209 and 703 of the Public Works and Economic Development Act of 1965 (Public Law 89-136), as amended by the Economic Development Administration Reauthorization Act of 2004 (Public Law 108-373)

TOTAL ESTIMATED COST
$ **10,437,571.00**

CFDA NO. AND NAME
11.307 / Economic Adjustment Assistance Program

PROJECT TITLE
City of Tracy Int'l Parkway Bridge Replacement & Expansion Project

This Award Document (Form CD-450) signed by the Grants Officer constitutes an obligation of Federal funding. By signing this Form CD-450, the Recipient agrees to comply with the Award provisions checked below and attached. Upon acceptance by the Recipient, the Form CD-450 must be signed by an authorized representative of the Recipient and returned to the Grants Officer. If not signed and returned without modification by the Recipient within 30 days of receipt, the Grants Officer may unilaterally withdraw this Award offer and de-obligate the funds.

- ☐ DEPARTMENT OF COMMERCE FINANCIAL ASSISTANCE STANDARD TERMS AND CONDITIONS (12 NOV 2020)
- ☐ R & D AWARD
- ☐ FEDERAL-WIDE RESEARCH TERMS AND CONDITIONS, AS ADOPTED BY THE DEPT. OF COMMERCE
- ☑ SPECIFIC AWARD CONDITIONS
- ☐ LINE ITEM BUDGET
- ☑ 2 CFR PART 200, UNIFORM ADMINISTRATIVE REQUIREMENTS, COST PRINCIPLES, AND AUDIT REQUIREMENTS, AS ADOPTED PURSUANT TO 2 CFR § 1327.101
- ☐ 48 CFR PART 31, CONTRACT COST PRINCIPLES AND PROCEDURES
- ☐ MULTI-YEAR AWARD. PLEASE SEE THE MULTI-YEAR SPECIFIC AWARD CONDITION.
- ☑ OTHER(S): U.S. Department of Commerce Economic Development Administration Standard Terms and Conditions for Construction Projects (March 22, 2021)

13 C.F.R. Chapter III, Economic Development Administration, Department of Commerce

SIGNATURE OF DEPARTMENT OF COMMERCE GRANTS OFFICER	DATE
Maiea Sellers, Acting Regional Director	**04/29/21**
PRINTED NAME, PRINTED TITLE, AND SIGNATURE OF AUTHORIZED RECIPIENT OFFICIAL	**DATE**
Jenny Haruyama, City Manager	

U.S. DEPARTMENT OF COMMERCE
ECONOMIC DEVELOPMENT ADMINISTRATION

STANDARD TERMS AND CONDITIONS FOR CONSTRUCTION PROJECTS

Title II of the Public Works and Economic Development Act of 1965

Public Works and Economic Development Facilities
and
Economic Adjustment Assistance Construction Components

March 22, 2021

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PART I:
GENERAL PROVISIONS

A. **Construction Award Purpose**

This financial assistance award (the Award), executed by the Economic Development Administration (EDA) and the recipient (Recipient or non-Federal entity), is awarded for the purpose of carrying out the design, engineering, or construction of certain physical infrastructure as specifically set forth in the Award's scope of work.

B. **Authorities**

1. **In General**

Recipient must administer this Award in conformance with the terms of the Award, including any properly executed amendment thereto, the EDA-approved budget and scope of work, these EDA Standard Terms and Conditions for Construction Projects (EDA Construction STCs) and the Department of Commerce (DOC) Financial Assistance Standard Terms and Conditions (DOC Standard Terms and Conditions), as well as any specific award conditions; relevant policies issued by EDA; applicable Federal statutes, regulations, and Executive Orders; and the provisions of the Office of Management and Budget (OMB) *Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards* codified at 2 CFR part 200 (OMB Uniform Guidance).

2. **PWEDA**

The Public Works and Economic Development program is authorized under section 201 and the Economic Adjustment Assistance program is authorized under section 209 of PWEDA (42 U.S.C. §§ 3141 and 3149, respectively).

3. **EDA Regulations**

The regulations implementing PWEDA are contained in chapter III of title 13 of the Code of Federal Regulations (CFR), and apply in full to this Award. The regulations specific to EDA construction projects can be found at 13 CFR parts 305 and 314, and subpart A to part 307.

4. **Conflicts Among Authorities**

Any inconsistency or conflict among the authorities governing the Recipient's administration of this Award will be resolved in the following order of precedence: Federal laws and regulations (including the OMB Uniform Guidance), applicable notices published in the *Federal Register*, Executive Orders, OMB circulars, these EDA Construction STCs, specific award conditions, and any written policy guidance issued by EDA. However, a specific award condition may amend or take precedence over a provision of these EDA Construction STCs on a case-by-case basis, when warranted by the specific circumstances of the Award. In the event of a conflict between Parts I or II of these EDA Construction STCs and Part III, which incorporates the DOC Standard Terms and Conditions, Parts I and II will control.

C. **Updates to Authorities**

1. **Updates to Regulations and Requirements**

The DOC, EDA, or OMB may issue changes from time to time to the regulations and other policies and requirements that apply to this Award. Such changes may upon occasion increase

administrative or programmatic flexibility in administering this Award in a manner that is mutually beneficial to EDA and the Recipient. In addition, if required by law, these changes may impose new requirements. The implementation of any such regulatory, administrative, or programmatic change in administering this Award requires EDA's prior written approval.

2. **Applicability to the Award**

These EDA Construction STCs apply to the Award as of the Federal award date, as defined at 2 CFR § 200.1, or, if attached to the Award by amendment, as of the effective date of such amendment.

D. **Variances**

EDA's policy is to administer all awards uniformly; however, there may be special circumstances that warrant a variance. To accommodate these circumstances and to encourage innovative and creative ways to address economic development problems, EDA will consider requests for variances to the procedures set out in these EDA Construction STCs if they do not conflict with applicable Federal statutory and regulatory requirements, are consistent with the goals of EDA's programs, and make sound economic and financial sense. Any approved variance will be implemented through a specific award condition incorporated under the Award.

E. **Recipient as Trustee**

The Recipient holds grant funds and any property acquired or improved with EDA assistance in trust for the public purposes of an Award. The Recipient's obligation to the Federal Government continues for the estimated useful life of the Project, as determined by EDA, during which EDA retains an undivided equitable reversionary interest (the Federal Interest) in property acquired or improved, in whole or in part, with EDA investment assistance. *See* 13 CFR § 314.2 ("Federal Interest").

If EDA determines that the Recipient fails or has failed to meet this obligation, EDA may exercise any rights or remedies with respect to its Federal Interest in the Project. However, EDA's forbearance in exercising any right or remedy in connection with the Federal Interest does not constitute a waiver thereof.

F. **Additional Funding**

EDA has no obligation to provide any additional funding in connection with the Award. Any change to the Award to increase funding or to extend the period of performance is at the discretion of EDA, subject to the availability of funds, via an amendment executed by the Grants Officer.

G. **Definitions**

Capitalized terms and acronyms used but not otherwise defined in these EDA Construction STCs have the meaning ascribed to them at 13 CFR §§ 300.3, 302.20, 307.8, and 314.1, and subpart A to 2 CFR part 200.

H. **Reaffirmation of Application and Award Acceptance**

By accepting this Award, the Recipient's authorized representative hereby reaffirms and states that:

1. All data in the Application were true and correct when the Application was submitted and remain

true and correct as of the date of this Award;
2. The Application was, as of the date of submission and the date of this Award, duly authorized as required by local law by the governing body of the Recipient; and
3. The Recipient has read, understood, and will comply with all terms of this Award, including the assurances and certifications submitted as part of the Application (including assurances submitted through the System for Award Management (SAM.gov)).

Acceptance of the Award is established by any action on the part of the Recipient indicating an intent to accept the Award, including by signing the Financial Assistance Award (Form CD-450) (either via a "wet" signature or electronically) or by requesting any disbursement of Award funds. "Application" means all forms, documentation, and any information submitted to EDA as part and in furtherance of a request for an Award and includes submissions made in response to any request by EDA after submission of the initial Application.

PART II:
SPECIAL REQUIREMENTS FOR EDA CONSTRUCTION PROJECTS

A. **Financial Requirements**

1. **Financial Reports**

a. During the period of performance, the Recipient must submit financial reports as follows, unless otherwise specified in a specific award condition.

i. *Reports on Award reimbursements*. In accordance with 2 CFR § 200.328 ("Financial reporting"), the Recipient must submit a "Federal Financial Report" (Form SF-425 or any successor form) on a semi-annual basis for the periods ending March 31 and September 30, or any portion thereof, unless otherwise specified in a specific award condition. Reports are due no later than 30 calendar days following the end of each reporting period, and instructions for completing and submitting Form SF-425 will be discussed during the Project kick-off meeting. Recipients may contact their EDA Project Officer with questions on how to complete or submit the report, if necessary, but they must submit reports on time and are encouraged to pose such questions sufficiently before the deadline to allow for complete, accurate, and timely submission of required reports.

ii. *Reports on Award advances*. While EDA generally does not advance funds, when the agency does so, the Recipient must submit Form SF-425 within 15 business days following the end of <u>each quarter</u> for an award where the Federal share of costs is under $1 million. In accordance with 2 CFR § 200.328, because of increased risk and the need to ensure the appropriate use of Federal funds, where EDA advances funds under an award where the Federal share of costs is $1 million or more the Recipient must submit Form SF-425 within 15 business days following the end of <u>each month</u>, or as otherwise specified in a specific award condition.

b. The Recipient must submit a final Form SF-425 no later than 120 calendar days after the end date of the period of performance. *See also* Part II, section B.16.c "Final reporting deadline" of these EDA Construction STCs.

c. Noncompliance with the financial reporting requirements may result in appropriate enforcement action under this Award, including but not limited to suspension of Award payments, disallowance of costs or termination of an award. A Recipient's non-compliance with financial reporting requirements will also be taken into account in EDA's consideration of any future applications for EDA financial assistance (*see* 2 CFR § 200.206(b)(2)(iii) and section A.06 (Unsatisfactory Performance or Non-Compliance with Award Provisions) of the DOC Standard Terms and Conditions, which are incorporated in Part III of these EDA Construction STCs).

d. Financial reports should be submitted to the Project Officer in electronic format, unless otherwise specified in the specific award conditions.

2. **Disbursements**

a. *Method of payment*. The Grants Officer determines the appropriate method of payment.

Unless otherwise specified in a specific award condition, the method of payment under this Award will be reimbursement. Payments will be made through electronic funds transfers directly to the Recipient's bank account and in accordance with the requirements of the Debt Collection Improvement Act of 1996 (31 U.S.C. § 3720B *et seq.*). The Award number must be included on all payment-related correspondence, information, and forms.

b. *Disbursement requests*. The Recipient must use Form SF-271, "Outlay Report and Request for Reimbursement for Construction Programs," to request reimbursement under the Award. Substantiating invoices and/or vouchers also must be provided. Each request for the disbursement of funds must be made to the Project Officer. Form SF-271 can be downloaded from the Grants.gov post-award reporting forms website at https://www.grants.gov/web/grants/forms/post-award-reporting-forms.html.

   i. *Initial disbursement request*. For the initial disbursement only, the Recipient must complete and submit Form SF-3881, "ACH Vendor/Miscellaneous Payment Enrollment Form," along with Form SF-271, to the Project Officer.

   ii. *Interim disbursement requests*. All requests for interim disbursement must be submitted using Form SF-271 and include substantiating invoices and/or vouchers.

   iii. *Final disbursement request*. *See* Part II, section B.16 "Project Closeout Procedures" of these EDA Construction STCs.

3. **Federal and Non-Federal Cost Sharing**

   a. For purposes of this Award, the Federal share is the amount of EDA funds invested under the Award, while the non-Federal share, or "Matching Share," means non-EDA funds and any in-kind contributions that are approved by EDA and provided by the Recipient or by third parties as a condition of the Award.

   b. By accepting the Award, the Recipient certifies that the Matching Share of Project costs is committed to the Project, available as needed, and not conditioned or encumbered in any way that precludes its use consistent with the requirements of the Award. *See* 13 CFR § 301.5 ("Matching share requirements").

   c. In the case of an overrun at the construction bid opening, the Recipient may augment the Matching Share by an amount sufficient to cover the excess cost. The Recipient must furnish a letter to EDA identifying the source of the additional funds and confirming that all Matching Share meets the requirements of 13 CFR § 301.5. *See* 13 CFR § 305.10 ("Bid underrun and overrun").

4. **Budget Revisions and Transfer of Funds**

   a. *Approved budget plan; notification of deviations*. The EDA-approved budget set forth in the specific award conditions or otherwise incorporated under the Award is the budget plan for the Project. The Recipient must notify EDA of deviations from the budget in accordance with 2 CFR § 200.308 ("Revision of budget and program plans"). If prior written approval is not required under 2 CFR § 200.308, the Recipient may request the Grants Officer's review of

and guidance on proposed revisions to the budget.

b. *Requesting budget revisions*. Requests for budget revisions to the EDA-approved budget must be submitted through the Project Officer to the Grants Officer, who will make the final determination on such requests and notify the Recipient in writing.

c. *Budget revisions that require an amendment*. In accordance with 2 CFR § 200.308(f) and (h), an amendment executed by the Grants Officer are required for budget revisions when:

   i. The revision results from changes in the scope or the objective of the Project;

   ii. The need arises for additional EDA funds to complete the Project;

   iii. The Federal share exceeds the simplified acquisition threshold (currently set at $250,000) and the cumulative amount of transfers among direct cost categories exceeds or is expected to exceed 10 percent of the total budget as last approved by EDA; and

   iv. A revision is desired that involves specific costs for which prior written approval requirements may be imposed consistent with applicable cost principles listed in subpart E of 2 CFR part 200 ("Cost Principles").

d. *Prior approval for transfers between construction and non-construction items*. When an Award supports both construction and non-construction work, the Recipient must obtain prior written approval from the Grants Officer before making any fund or budget transfer from non-construction to construction or vice versa. *See* 2 CFR § 200.308(h)(5).

e. *Project underrun amounts*. Underrun amounts will be transferred to the contingencies line item. Contingency funds are to be used to address situations resulting from unknown conditions and changes required for the fulfillment of authorized activities under this Award. EDA may approve the use of underrun funds to increase the Federal share of the Project or further improve the Project, as long as EDA determines that the use is consistent with the original purpose of the Award. *See* 13 CFR § 308.1 ("Use of funds in projects constructed under projected cost").

f. *Additional EDA funding in case of Project overrun amounts*. In accepting this Award, the Recipient agrees to fund any overrun amounts from non-Federal sources, or if the Recipient is unable or unwilling to do so, to request termination of the Award. Additional EDA assistance for the Project is at the discretion of EDA and may not be approved.

5. **Indirect Costs and Facilities and Administrative Costs**

a. Indirect costs, or facilities and administrative (F&A) costs for educational institutions, are generally not applicable under this Award. See the definition of "indirect (facilities and administrative) (F&A)) costs" at 2 CFR § 200.1.

b. When indirect costs are applicable, they will not be allowable charges against the Award unless approved under the Award and specifically included as a line item in the Award's approved budget. *See* section B.06 of the DOC Standard Terms and Conditions ("Indirect or Facilities and Administrative Costs"), which are incorporated into these EDA Construction STCs in Part III.

6. **Incurring Costs Prior to Award**

   Project activities, including the procurement of good and services, which may include construction activities, carried out prior to EDA's approval of this Award are done at the sole risk of the Recipient and at the risk of not being reimbursed by EDA. Such activity may result in the rejection of the Application, the disallowance of costs, or other adverse consequences as a result of noncompliance with EDA or Federal requirements, including but not limited to procurement requirements, civil rights requirements, Federal labor standards, or environmental and historic preservation requirements. The Grants Officer must authorize pre-award costs and activities in writing, and such costs must also be allowable under relevant Federal cost principles and the specific Award terms and be included in the EDA-approved budget. Pre-award costs not included in the authorized budget are not allowable and will not be reimbursed. *See* 13 CFR § 302.8 ("Pre-approval Investment Assistance costs").

7. **Program Income**

   For Projects that generate revenue (*e.g.*, rent for buildings or real property constructed or improved with EDA funds, rent or fees charged for use of equipment purchased with EDA funds, fees charged by the Recipient or a third party in connection with Project operations, etc.), the Recipient agrees, for the estimated useful life of the EDA-assisted facility or equipment, to use income generated from the facility or equipment, in the following order of priority unless modified by a specific award condition:

   a. Administration, operation, maintenance, and repair of Project facilities in a manner consistent with good property management practice and in accordance with established building codes. This includes, where applicable, repayment of indebtedness resulting from any EDA-approved encumbrance (*e.g.*, approved mortgage) on the EDA-assisted facility. In the case of equipment, administration, operation, maintenance, and repair of the equipment, or the facility in which the equipment is located as required to maintain and operate the equipment, for the equipment's estimated useful life.

   b. Economic development activities that are authorized for support by EDA, provided such activities meet the economic development purposes of PWEDA and are located within the designated Project region.

   c. Any program income in excess of paragraphs a. and b. of this section that is generated during the period of performance must be deducted from total allowable Project costs in accordance with 2 CFR § 200.307(e)(1). *See also* 2 CFR § 200.307 ("Program income").

8. **Information on Recipient integrity**. The Recipient agrees to provide EDA with information and documentation necessary for EDA to conduct due diligence to ensure the financial integrity and responsibility of the Recipient and key individuals associated with the Recipient in the management or administration of this Award.

B. **Programmatic Requirements**

1. **Project Progress and Performance Reporting**

   a. Project progress reports must be submitted in accordance with the procedures set out in 2 CFR § 200.329 ("Monitoring and reporting program performance"), as applicable, and as

indicated below. Failure to submit required reports in a complete, accurate, and timely manner may result in the withholding of payments under this Award; deferral of processing of new awards, amendments, or supplemental funding; or other appropriate enforcement action. *See* 13 CFR § 302.18 ("Post-approval requirements") and section A.06 (Unsatisfactory Performance or Non-Compliance with Award Provisions) of the DOC Standard Terms and Conditions, which are incorporated in Part III of these EDA Construction STCs.

b. Unless otherwise specified in a specific award condition, the Project progress report must contain the following information for each Project program, function, or activity:

   i. A comparison of planned and actual accomplishments according to the timetable or list of Project objectives in this Award;
   ii. An explanation of any delays or failures to meet the Project timetable or Project goals; and
   iii. Any other pertinent information including, when appropriate, analysis and explanation of cost overruns or high unit costs.

   Project progress reports must be submitted for each calendar quarter to the Project Officer. Each Project progress report must be submitted in accordance with the deadlines outlined in the specific award conditions, or, when not otherwise specified, Project progress reports will be due on a quarterly basis not later than January 31, April 30, July 31, and October 31 for the immediately previous quarter. The final Project progress report must be submitted to EDA no later than 120 calendar days after the end date of the period of performance. *See* Part II, section B.16.c "Project Closeout Procedures" of these EDA Construction STCs for more information on Project Closeout.

c. The Recipient must submit quarterly Project progress reports to the EDA Project Officer electronically unless otherwise specified in the specific award conditions.

2. **Time Extensions**

   a. Unless otherwise authorized by a specific award condition, any extension of the period of performance can only be authorized by the Grants Officer in writing.

   b. The Recipient is responsible for implementing the Project in accordance with the development time schedule contained in this Award. As soon as the Recipient becomes aware that it may not be possible to meet the development time schedule, the Recipient must notify the Grants Officer. The Recipient's notice to EDA must contain the following:

      i. An explanation of the Recipient's inability to complete work by the specified date (*e.g.*, a lengthy period of unusual weather delayed the contractor's ability to excavate the site, major re-engineering required in order to obtain State or Federal approvals, unplanned environmental mitigation required);
      ii. A statement describing any other contemplated changes to the Project;
      iii. Documentation that demonstrates there is still a bona fide need for the Project; and
      iv. A statement that no further delay is anticipated and that the Project can be completed within the revised time schedule.

EDA reserves the right to withhold disbursements while the Recipient is not in compliance with the time schedule and to suspend or terminate this Award if the Recipient fails to proceed with reasonable diligence to accomplish the Project as intended.

3. **Interim Reporting of Significant Project Developments**

   The Recipient must promptly report any event that may have a significant impact upon the Project, including delays or adverse conditions that may materially affect the ability of the Recipient to attain Project objectives within established time periods or meet the development time schedule without waiting for the next quarterly progress report. The Recipient should report such events to the Project Officer in the most time-expedient way possible and then, if the initial report was not in writing, report the event to the Project Officer in writing. Such a report must include a statement of the event or issue, a statement of the course of action taken or contemplated to resolve the matter, and any Federal assistance needed to resolve the situation. If budget changes are required, the Recipient must submit a written budget revision request. *See* 2 CFR § 200.329(e) ("Monitoring and reporting program performance") and Part II, section A.4. "Budget Revisions and Transfers of Funds" of these EDA Construction STCs.

4. **Programmatic Changes**

   a. In accordance with 2 CFR § 200.308 ("Revision of budget and program plans"), the Recipient must submit a written request for any proposed programmatic changes, including all changes to the scope of the Award, to the Project Officer. *See* Part II, section A.4 "Budget Revisions and Transfers of Funds" of these EDA Construction STCs for budget revisions that may require the prior written approval of EDA. In these cases, the Project Officer will forward the request to the Grants Officer, who makes the final decision on approving the request. In addition, the Recipient must request prior written approvals for certain items of cost in accordance with 2 CFR § 200.407 ("Prior written approval (prior approval)").

   b. Any changes made to the Project without EDA's approval are made at the Recipient's own risk, and may result in disallowance of costs, suspension, termination, or other EDA action with respect to the Award. *See* 13 CFR § 302.7(b) ("Amendments and changes").

   c. *Contract Change Orders*. After construction contracts for the Project have been executed, it may become necessary to alter them through a formal contract change order that must be issued by the Recipient and accepted by the contractor. All contract change orders must be reviewed by EDA, even if EDA is not participating in the cost of the change order or the contract price is to be reduced. Work on the Project may continue pending EDA review and approval of the change order, but all such work will be at the Recipient's risk as to whether the cost of the work is eligible for EDA reimbursement. *See* 13 CFR § 305.13 ("Contract change orders").

5. **Government Performance and Results Act**

   In addition to quarterly Project progress reports, EDA may require the Recipient to report on Project performance beyond the end date of the period of performance for Government Performance and Results Act (GPRA) or other purposes. In no case will the Recipient be required to submit any GPRA report more than ten years after the date of Award closeout. Data used by the Recipient in preparing reports must be accurate and, whenever possible, from independent sources. *See* 13 CFR § 302.16 ("Accountability").

6. **Beneficiary Compliance**

   In the event a beneficiary of the Project fails to comply in any manner with certifications, assurances, or agreements that such beneficiary has entered into in accordance with EDA's requirements, the Recipient will reimburse EDA the Award amount or an amount to be determined by the EDA pursuant to 13 CFR §§ 314.4 ("Unauthorized use of property") and 314.5 ("Federal share"). When EDA determines that the failure of a beneficiary to comply with EDA requirements affects a portion of the property benefited by the Award, the Recipient will reimburse EDA proportionately.

7. **Hold Harmless**

   To the maximum extent permitted by law, the Recipient agrees to indemnify and hold the United States harmless from and against all liabilities that the United States may incur due to the actions or omissions of the Recipient, including to the extent that such liabilities are incurred because of toxic or hazardous contamination or groundwater, surface water, soil, or other conditions caused by actions of the Recipient or any of its predecessors (other than the United States or its agents) on the property. *See* 13 CFR § 302.19 ("Indemnification").

8. **Prohibition on Use of Third Parties to Secure Award**

   Unless otherwise specified in the application materials supporting this Award, the Recipient warrants that no person or selling agency has been employed or retained to solicit or secure this Award upon an agreement or understanding for a commission, percentage, brokerage, or contingent fee, excepting bona fide employees, or bona fide established commercial or selling agencies maintained by the Recipient for the purpose of securing business. For breach or violation of this warranty, EDA has the right to terminate this Award for material noncompliance, or at its discretion, to deduct from the Award amount, or otherwise recover, the full amount of such commission, percentage, brokerage, or contingent fee.

9. **Payment of Attorneys' or Consultants' Fees**

   No Award funds may be used, directly or indirectly, to reimburse attorneys' or consultants' fees incurred in connection with obtaining an award under PWEDA, such as, for example, preparing an application for EDA assistance. However, ordinary and reasonable attorneys' and consultants' fees incurred for meeting Award requirements (*e.g.*, conducting a title search or preparing plans and specifications) may be eligible Project costs and may be paid out of Award funds, provided such costs are otherwise eligible. *See* 13 CFR § 302.10 ("Attorneys' and consultants' fees, employment of expediters, and post-employment restriction").

10. **Recipient's Duty to Refrain from Employing Certain Government Employees**

    a. Pursuant to section 606(2) of PWEDA (42 U.S.C. § 3216), for the two-year period beginning on the date EDA executes this Award, any Recipient that is a nonprofit organization, District Organization, or for-profit entity agrees that it will not employ, offer any office or employment to, or retain for professional services any person who:

       i. On the date EDA executes this Award or within the one-year period ending on that date, served as an officer, attorney, agent, or employee of the Department, and
       ii. Occupied a position or engaged in activities that the Assistant Secretary determines

involved discretion with respect to the funding of an Award.

b. In addition to the types of Recipients noted in paragraph a. above, EDA may require another Eligible Applicant to execute an agreement to abide by the above-described post-employment restriction on a case-by-case basis—for example, when an institution of higher education implements activities under or related to the Award through a separate nonprofit organization or association.

c. The two-year period and associated restrictions referenced above also will apply beginning on the date that EDA executes any cost amendment to this Award that provides additional funds to the Recipient.

See also 13 CFR § 302.10 ("Attorneys' and consultants' fees, employment of expediters, and post-employment restriction").

11. **Commencement of Construction**

a. *Delayed construction starts*. If significant construction (as determined by EDA) is not commenced within two years of the Award date or by the date estimated for start of construction in this Award (or the expiration of any extension granted in writing by EDA), whichever is later, this Award will be automatically suspended by a written notification issued by the Grants Officer and may be terminated if EDA determines, after consultation with the Recipient, that construction to completion cannot reasonably be expected to proceed promptly and expeditiously.

b. *Early construction starts*. The Recipient must make a written request to EDA for early construction start permission (that is, after the date of Award, but before EDA gives formal approval for construction to commence). Costs incurred under a contract are only allowable after EDA determines that the award of the contract is in compliance with all terms and conditions of the Award. If construction commences prior to EDA's determination, the Recipient proceeds at its own risk until EDA's review and concurrence. *See* 13 CFR § 305.11 ("Contract awards; early construction start").

12. **Project Sign and Use of EDA Logo**

a. *Project sign*. The Recipient is responsible for constructing, erecting, and maintaining in good condition throughout the construction period a sign (or signs) in a conspicuous place at the Project site indicating that the Federal Government is participating in the Project. EDA will provide specifications for the sign and may require more than one sign if site conditions so warrant. If the EDA-recommended sign specifications conflict with State or local law, the Recipient may modify such recommended specifications so as to comply with State or local law. *See* 13 CFR § 305.12 ("Project sign").

b. *Use of EDA logo*. With EDA's prior written permission, the Recipient may use the EDA logo to publicize the Award as well as to amplify the impact of the Award. In such cases, the EDA logo may be displayed on Award-related materials that discuss or advertise the purpose or use of the Project (e.g. websites, social media, fliers, pamphlets, brochures). To seek permission to use the EDA logo, the Recipient must contact the EDA Project Officer and provide a written description of how the Recipient proposes to use the EDA logo. In general,

the EDA logo may be used either alone or next to Recipient's logo. The EDA logo may not be used to endorse a third party as interpreted at EDA's sole discretion. The Recipient must not use the EDA logo in a negative or defamatory manner, and the Recipient must not use the U.S. Department of Commerce (DOC) logo. EDA may rescind such permission at any time.

13. **Efficient Administration of Project**

The Recipient agrees to properly and efficiently administer, operate, and maintain the Project for its estimated useful life, as required by section 504 of PWEDA (42 U.S.C. § 3194). If EDA determines at any time during the estimated useful life of the facility that the Project is not being properly and efficiently administered, operated, and maintained, EDA may terminate this Award (if it is still active) and/or may take appropriate enforcement action to protect the Federal Interest in the Project, including requiring the Recipient to repay the Federal Share. *See* 13 CFR §§ 302.12 ("Project administration, operation and maintenance"), 302.18 ("Post-approval requirements"), and 314.2 ("Federal Interest") through 314.5 ("Federal Share").

14. **Conflicts-of-Interest Rules**

a. An "Interested Party" is defined in 13 CFR § 300.3 ("Definitions") as "any officer, employee, or member of the board of directors or other governing board of the Recipient, including any other parties that advise, approve, recommend, or otherwise participate in the business decisions of the Recipient, such as agents, advisors, consultants, attorneys, accountants, or shareholders." An Interested Party includes the Interested Party's Immediate Family and other persons directly connected to the Interested Party by law or through a business organization. "Immediate Family" is defined in 13 CFR § 300.3 as "a person's spouse (or domestic partner or significant other), parents, grandparents, siblings, children and grandchildren, but does not include distant relatives, such as cousins, unless the distant relative lives in the same household as the person."

b. The Recipient must disclose in writing any potential conflicts of interest to EDA or the pass-through entity as soon as practicable after the identification of such potential conflict. In addition, the Recipient must maintain written standards of conduct to establish safeguards to prohibit an Interested Party from using its position for a purpose that constitutes or presents the appearance of personal or organizational conflicts-of-interest or of personal gain in the administration of an award. *See* 13 CFR § 302.17(a) and (b) ("Conflicts of interest"), 2 CFR § 200.112 ("Conflict of interest"), as applicable, and assurances submitted as part of the Application, including assurances submitted through SAM.gov or via Form SF-424D ("Assurances – Construction Projects").

c. An Interested Party must not receive any direct or indirect financial or personal benefit in connection with this Award or its use for payment or reimbursement of costs by or to the Recipient. A conflict of interest generally exists when an Interested Party participates in a matter that has a direct and predictable effect on the Interested Party's personal or financial interests. A conflict also may exist where there is an appearance that an Interested Party's objectivity in performing his or her responsibilities under the Project is impaired. For example, an appearance of impairment of objectivity may result from an organizational conflict where, because of other activities or relationships with other persons or entities, an Interested Party is unable to render impartial assistance, services or advice to the Recipient, a participant in the Project or to the Federal government. Additionally, a conflict of interest

may result from non-financial gain to an Interested Party, such as benefit to reputation or prestige in a professional field. *See* 13 CFR § 302.17(a) and (b).

d. Section F.01.c of the DOC Standard Terms and Conditions, which are incorporated as Part III of these EDA Construction STCs, specifies procurement-related conflicts of interest requirements. *See also* 2 CFR §§ 200.317-200.327 ("Procurement Standards").

15. **Records-Keeping Requirements**

a. *Records.* The Recipient must maintain records that document compliance with the terms and conditions of this Award. At a minimum, the Recipient's records must fully disclose:

i. The amount and disposition of all EDA funding under the Award;

ii. All Project expenditures and procurement actions;

iii. The total cost of the Project that the Award funds;

iv. Copies of all reports and disbursement requests submitted to EDA;

v. The benefits/impacts of the Project, as reported through GPRA and other reports to EDA;

vi. The amount and nature of the portion of Project costs provided by non-EDA sources;

vii. Contractor compliance with applicable Federal requirements; and

viii. Such other records as EDA requires the Recipient to maintain, including such records as will facilitate an effective audit.

b. *Records retention*. In general, and in accordance with 2 CFR § 200.334 ("Retention requirements for records"), all records pertinent to this Award must be retained for a period of three years from the date of submission of the final Project expenditure report (the final Form SF-271 for disbursement). The only exceptions are the following:

i. If any litigation, claim, or audit is started before the expiration of the three-year period, the records must be retained until all litigation, claims, or audit findings involving the records have been resolved and final actions taken.

ii. When the Recipient is notified in writing by EDA, its cognizant agency for either audit or indirect costs, its oversight agency for audit, or the relevant pass-through entity to extend the retention period, it must retain the records as directed.

iii. Records for real property and equipment acquired with Federal funds must be retained for three years after final disposition of the relevant real property or equipment.

iv. When records are transferred to or maintained by EDA or pass-through entity, the three-year retention requirement is not applicable to the Recipient.

v. *Records for program income transactions after the period of performance*. In some cases, Recipients must report program income after the period of performance. Where there is such a requirement, the retention period for the records pertaining to the earning of the program income starts from the end of the Recipient's fiscal year in which the program income is earned. *See also* Part II, section A.7 "Program Income" of these EDA Construction STCs.

vi. *Indirect cost rate proposals and cost allocation plans*. This paragraph applies to the following types of documents and their supporting records: indirect cost rate computations or proposals, cost allocation plans, and any similar accounting computations of the rate at which a particular group of costs is chargeable (such as computer usage chargeback rates or composite fringe benefit rates).

(1) *If submitted for negotiation*. If the proposal, plan, or other computation is required to be submitted to the Federal Government (or to the pass-through entity) to form the basis for negotiation of the rate, then the three-year retention period for its supporting records starts from the date of such submission.

(2) *If not submitted for negotiation*. If the proposal, plan, or other computation is not required to be submitted to the Federal Government (or to the pass-through entity) for negotiation purposes, then the three-year retention period for the proposal, plan, or computation and its supporting records starts from the end of the fiscal year (or other accounting period) covered by the proposal, plan, or other computation.

c. **Monitoring and reporting obligations**. The Recipient is responsible for monitoring any subrecipients and contractors to ensure their compliance with the records retention requirements. The Recipient must immediately notify the Project Officer if records are lost. *See* 2 CFR §§ 200.331 – 200.333 ("Subrecipient Monitoring and Management).

16. **Termination Actions**

a. In accordance with 2 CFR § 200.340 ("Termination"), this Award may be terminated in whole or in part as follows:

i. *Termination by EDA for the Recipient's failure to comply with the terms and conditions of the Award*. EDA may terminate this Award, in whole or in part, if the Recipient fails to comply with the Terms and Conditions of the Award, including but not limited to:

(1) Any representation made by the Recipient to the Federal awarding agency in connection with the Application for Federal assistance is incorrect or incomplete in any material respect;

(2) The Project has changed substantially, without EDA prior approval, so as to affect significantly the accomplishment of the Project as intended (including an unauthorized use of property as provided in 13 CFR § 314.4 ("Unauthorized use of property");

(3) The Recipient has violated commitments it made in its Application and supporting documents or has violated any of the Terms and Conditions of the Award;

(4) The conflicts-of-interest rules at 13 CFR § 302.17 ("Conflicts of interest") are violated; or

(5) The Recipient fails to report immediately to EDA any change of authorized representative acting in lieu of or on behalf of the Recipient.

See also section A.06 (Unsatisfactory Performance or Non-Compliance with Award Provisions) of the DOC Standard Terms and Conditions, which are incorporated in Part III of these EDA Construction STCs.

ii. *Termination by EDA when the Award no longer effectuates program goals or agency priorities*. To the greatest extent authorized by law, EDA may terminate this Award if it no longer effectuates program goals or agency priorities.

iii. *Termination by the Recipient*. The Recipient may terminate this Award in whole or in part upon by sending the EDA Grants Officer written notification setting forth the reasons for such termination, the effective date, and, in the case of partial termination, the portion to be terminated. However, if EDA determines in the case of partial termination that the reduced or modified portion of the EDA Award will not accomplish the purposes for which the EDA Award was made, EDA may terminate the Award in its entirety.

iv. *Termination pursuant to Award termination provisions*. EDA or the pass-through entity may terminate this Award pursuant to termination provisions included in the Award. Any Award-specific termination provision will be included as a specific award condition.

v. *Termination upon mutual agreement*. EDA and the Recipient may mutually agree to terminate this Award in whole or in part. In such cases, EDA and the Recipient must agree upon the termination conditions, including the effective date and, in the case of partial termination, the portion to be terminated.

b. If the Award is wholly or partially terminated, the Recipient remains responsible for compliance with the requirements in 2 CFR §§ 200.344 ("Closeout") and 200.345 ("Post-closeout adjustments and continuing responsibilities").

17. **Project Closeout Procedures**

a. *Project Closeout*. As defined at 2 CFR § 200.1, Project Closeout means the process by which EDA determines that all applicable administrative actions and all required work of the Award have been completed and takes actions as described at 2 CFR § 200.344 ("Closeout"). In the context of an EDA construction award, Project Closeout generally begins with the Recipient's acceptance of the Project from the contractor(s).

b. *Final disbursement*. When Project construction and final inspection have been completed, or substantially completed as determined by EDA, and the Recipient has accepted the Project from the contractor(s), the Recipient can begin the Closeout process by submitting the following documentation to EDA:

i. A request for final disbursement on an executed Form SF-271;

ii. A written certification that all costs charged against this Award (Federal and non-Federal shares) are for eligible activities and represent allowable costs, for which there is documentation in the Recipient's records;

iii. An executed certificate of final acceptance signed by the Recipient and the Recipient's architect/engineer;

iv. The Recipient's certification that its current audit (in accordance with subpart F of 2 CFR part 200), if applicable, has been submitted to the Federal Audit Clearinghouse;

v. The Recipient's certification that its currently valid single or program-specific audit in accordance with subpart F of 2 CFR part 200 ("Audit Requirements"), if applicable, does not contain any material findings (if the Recipient's currently valid audit does contain material findings, the Recipient must submit the applicable audit preferably via e-mail to the Project Officer, who will review with the Grants Officer); and

vi. Other documentation as may be required by EDA.

EDA will advise the Recipient of costs determined to be allowable and unallowable. If a balance of this Award is due to the Recipient, the balance will be paid by EDA. If the Recipient has received an amount in excess of the amount due the Recipient, the Recipient must refund the excess to EDA. The Recipient must contact the Project Officer for refund instructions.

As noted above, if the Recipient's most recent audit completed pursuant to subpart F of 2 CFR part 200 contains material findings, the Recipient must submit the audit, preferably via e-mail, to the Project Officer, who will review with the Grants Officer before final disbursement. If e-mail is unavailable, the Recipient may submit a hardcopy version of the audit to the Project Officer.

c. *Final reporting deadline*. The Recipient must submit, no later than 120 calendar days after the end date of the period of performance, all financial, performance, and other reports as required by the Terms and Conditions of this Award. The Grants Officer may extend the 120 calendar day submission period upon a written request from the Recipient.

d. *Deadline to liquidate obligations*. Unless EDA authorizes an extension, the Recipient must liquidate all financial obligations incurred under this Award no later than 120 calendar days after the end date of the period of performance.

e. *Post-Closeout requirements*. As noted above in section B.12 "Efficient Administration of Project" of these EDA Construction STCs, after construction is completed and the Project is closed out financially, the Recipient has an ongoing responsibility to properly administer, operate, and maintain the Project for its estimated useful life (as determined by EDA) in accordance with Award purposes. *See* 13 CFR § 302.12 ("Project administration, operation and maintenance"). The Recipient must comply with all Award requirements and maintain records to document such compliance, which must be made available for inspection by EDA or other Government officials as required.

In addition, in accordance with 2 CFR § 200.345 "Post-closeout adjustments and continuing responsibilities," the Closeout of this Award does not affect any of the following:

i. The right of EDA to disallow costs and recover funds on the basis of a later audit or other Project review;

ii. The Recipient's obligation to return any funds due as a result of later corrections or other transactions;

iii. Audit requirements per subpart F of 2 CFR part 200; and

iv. Requirements for property management and disposition, records retention, and

performance measurement reports. *See* subpart D of 2 CFR part 200 ("Post Federal Award Requirements"), as applicable.

f. *GPRA reporting*. As required under GPRA and in accordance with a schedule that will be provided by EDA, the Recipient must submit additional Performance Measurement Reports, generally three, six, and nine years after the date of the Award to accurately and completely report the impacts of the Project, especially in terms of job creation and private investment leveraging.

18. **Freedom of Information Act**
EDA is responsible for meeting its Freedom of Information Act ("FOIA") (5 U.S.C. § 552) responsibilities for its records. DOC regulations at 15 CFR part 4 set forth the requirements and procedures that EDA must follow in order to make the requested material, information, and records publicly available. Unless prohibited by law and to the extent required under the FOIA, contents of Applications and other information submitted by applicants and Recipients may be released in response to a FOIA request. The Recipient should be aware that EDA may make certain Application and other submitted information publicly available. Accordingly, as set forth in 15 CFR § 4.9 ("Confidential commercial information"), the Recipient should identify in its Application any "business information" it believes to be protected from disclosure pursuant to 5 U.S.C. § 552(b)(4).

C. **Additional Requirements Related to Construction Projects**
The Recipient and any subrecipients, must, in addition to other statutory and regulatory requirements detailed in these EDA Construction STCs and the assurances made to EDA in connection with the Award, comply and require each of its contractors and subcontractors employed in the completion of the Project to comply with all applicable Federal, State, territorial, and local laws, and in particular, the following Federal laws (and the regulations issued thereunder), executive orders, OMB circulars, OMB Uniform Guidance, and local law requirements.

1. **The Davis-Bacon Act, as amended (40 U.S.C. §§ 3141–3144, 3146, 3147; 42 U.S.C. § 3212)**, which requires minimum wages for mechanics and laborers employed on Federal Government public works projects to be based on the wages that the Secretary of Labor determines to be prevailing for the corresponding classes of laborers and mechanics employed on projects of a character similar to the contract work in the civil subdivision of the State in which the Project is to be performed, or in the District of Columbia if the Project is to be performed there.

2. **The Contract Work Hours and Safety Standards Act, as amended (40 U.S.C. §§ 3701-3708)**, which provides work hour standards for every laborer and mechanic employed by any contractor or subcontractor in the performance of a Federal public works project.

3. **The National Historic Preservation Act of 1966, as amended (54 U.S.C. § 300101 *et seq.*)**, **and the Advisory Council on Historic Preservation Guidelines (36 CFR part 800)**, which require stewardship of historic properties in projects involving Federal funds.

4. **Preservation of Historical and Archeological Data (54 U.S.C. § 312502)**, which requires appropriate surveys and preservation efforts if a Federally licensed project may cause

irreparable loss or destruction of significant scientific, prehistorical, historical, or archeological data.

5. **The Architectural Barriers Act of 1968, as amended (42 U.S.C. § 4151 *et seq*.)**, and the regulations issued thereunder, which prescribe standards for the design and construction of any building or facility intended to be accessible to the public or that may house handicapped employees.

6. **The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended (42 U.S.C. § 4601 *et seq*.)**, and implementing regulations issued at 49 CFR part 24 ("Uniform Relocation Assistance and Real Property Acquisition for Federal and Federally Assisted Programs"), which establish uniform policies for the fair and equitable treatment of persons, businesses, or farm operations affected by the acquisition, rehabilitation, or demolition of real property acquired for a project financed wholly or in part with Federal financial assistance.

7. **The Energy Conservation and Production Act (42 U.S.C. § 6834 *et seq*.)**, which establishes energy efficiency performance standards for the construction of new residential and commercial structures undertaken with Federal financial assistance.

8. **Executive Order 13717, "Seismic Safety of Federal and Federally Assisted or Regulated New Building Construction"**, which requires that new buildings constructed with Federal assistance comply with the earthquake-resistant design provisions of the 2015 editions of the International Building Code (IBC) or the International Residential Code (IRC), nationally recognized building codes promulgated by the International Code Council (ICC), or equivalent codes, consistent with the provisions of and to the extent required by 40 U.S.C. § 3312.

9. **Compliance with Local Construction Requirements**. The Recipient will comply with current local building codes, standards, and other requirements applicable to the Project.

D. **Non-Discrimination Requirements**

No person in the United States shall, on the ground of race, color, national origin, handicap, age, religion, or sex, be excluded from participation in, be denied the benefits of, or be subject to discrimination under any program or activity receiving Federal financial assistance. In addition to the non-discrimination requirements set forth in section G.02 "Non-Discrimination Requirements" of the DOC Standard Terms and Conditions, which are incorporated in Part III of these Construction STCs, the Recipient agrees to comply with Pub. L. No. 92-65, 42 U.S.C. § 3123, which proscribes discrimination on the basis of sex in assistance provided under PWEDA.

E. **Audits**

1. **General**
   a. Recipients must comply with the audit requirements set out as subpart F to 2 CFR part 200 ("Audit Requirements"). Generally, if the Recipient expends $750,000 or more in Federal awards during the Recipient's fiscal year, the Recipient must have a single or program-specific audit conducted for that fiscal year. The cost of preparing the audit may be

included in the Project budget.

b. For program specific audits, EDA's Public Works and Economic Adjustment Assistance programs generally have specific audit guidelines that will be incorporated into the Award and may be found in the annual Compliance Supplement, which is Appendix XI to 2 CFR part 200 and available on OMB's website. When DOC does not have a program-specific audit guide available for the program, the auditor will follow the requirements for a program-specific audit as described in 2 CFR § 200.507 ("Program-specific audits").

2. **Requirement to Submit a Copy of the Audit to EDA**

If the Recipient's current audit required under subpart F of 2 CFR part 200 ("Audit Requirements") contains material findings, the Recipient must submit a copy of the audit to the Project Officer, who will review it with the Grants Officer. *See also* Part II, section B.16 "Project Closeout Procedures" of these EDA Construction STCs.

See section D "Audits" of the DOC Standard Terms and Conditions, which are incorporated in Part III of these EDA Construction STCs, for additional information related to audit requirements.

F. **Tribal Employment Rights Ordinances**

As set out in 31 U.S.C. § 1352, special provisions are applicable to Indian Tribes, Tribal organizations, and other Indian organizations eligible to receive Federal contracts, grants, loans, or cooperative agreements. In accordance with DOC policy, EDA recognizes Tribal Employment Rights Ordinances ("TEROs"), which may provide for preferences in contracting and employment, in connection with its financial assistance awards. Federal awards granted to American Indian and Alaska Native Tribal governments generally may provide for preference to qualified Indians in all aspects of employment, contracting, and other business activities, as well as the payment of a TERO fee. The payment of the TERO fee, which supports the Tribal employment rights office to administer the preferences, should generally be allowable as an expense that is "necessary and reasonable for the performance of the Federal award," as provided under 2 CFR § 200.403 ("Factors affecting allowability of costs").

G. **EDA Contracting Provisions for Construction Projects**

The Recipient must use the "*EDA Contracting Provisions for Construction Projects*" as guidance in developing all construction contracts. The "*EDA Contracting Provisions for Construction Projects*" lists applicable EDA and other Federal requirements for construction contracts.

H. **Property**

1. **Standards**

With respect to any property acquired or improved in whole or in part with Award funds, the Recipient must comply with the Property Standards set forth at 2 CFR §§ 200.310 ("Insurance coverage") through 200.316 ("Property trust relationship"), and EDA's regulations at 13 CFR part 314. Property acquired or improved in whole or in part by the Recipient under this Award may consist of real property; personal property, including equipment and supplies; and intangible property, such as money, notes, contractual rights, and security interests. Any property reports required under 2 CFR §§ 200.310 through 200.316, such as periodic inventories and requests for disposition instructions, must be submitted to the Grants Officer through the Project Officer on

Form SF-428 and/or SF-429, as applicable. *See also* section A.01.d "Real Property, Tangible Property and Intangible Property Reports and Requests for Dispositions" of the DOC Standard Terms and Conditions, which are incorporated in Part III of these EDA Construction STCs.

2. **Title**

   a. Title to equipment, supplies, and intangible property acquired in whole or in part under this Award generally vests upon acquisition in the Recipient. The use, management and disposition of equipment, supplies, and intangible property acquired in whole or in part under this Award must be in accordance with 2 CFR §§ 200.313 ("Equipment"), 200.314 ("Supplies"), and 200.315 ("Intangible property"), as applicable, and EDA regulations at 13 CFR part 314. *See also* section C.03 "Intellectual Property Rights" of the DOC Standard Terms and Conditions, which are incorporated in Part III of these EDA Construction STCs.

   b. Title to real property acquired in whole or in part under this Award generally vests upon acquisition in the Recipient, subject to the condition that the Recipient uses the real property for the authorized purpose of the Project. *See* 2 CFR § 200.311 ("Real property") and EDA regulations at 13 CFR part 314.

3. **EDA's Interest in Award Property**

   a. *General - evidence of title*. As stated in Part I, section E, of these EDA Construction STCs "Recipient as Trustee", real property, equipment, and intangible property acquired or improved under this Award must be held in trust by the Recipient as trustee for the public purposes of an Award. This trust relationship exists throughout the duration of the property's estimated useful life, as determined by EDA, during which time EDA retains an undivided, equitable reversionary interest in the property ("Federal Interest"). *See* 13 CFR § 314.2.

   Before advertising for construction bids or at such other time as EDA requires, the Recipient must furnish evidence, satisfactory in form and substance to EDA, that title to real property required for the Project (other than property of the United States and as provided in 13 CFR § 314.7(c) ("Title")) is vested in the Recipient and that such easements, rights-of-way, State or local government occupancy or use permits, long-term leases, or other property interests or access rights required for the Project have been or will be obtained by the Recipient within an acceptable time, as determined by EDA. All liens, mortgages, other encumbrances, reservations, reversionary interests, or other restrictions on title or the Recipient's interest in the property must be disclosed to EDA. *See* 13 CFR § 314.7 ("Title"). With limited exceptions set forth at 13 CFR §§ 314.6(a) and (b) ("Encumbrances") or as otherwise authorized by EDA, Recipient-owned property acquired or improved in whole or in part with Award funds must not be used to secure a mortgage or deed of trust or in any way otherwise encumbered. *See* 13 CFR § 314.6.

   b. *Recording EDA's Interest in Real Property*.

      i. For all Projects involving the acquisition, construction, or improvement of a building, infrastructure, or other real property, as determined by EDA, the Recipient must execute and furnish to EDA, prior to initial Award disbursement or at such other time as EDA requires, a lien, covenant, or other statement, satisfactory to EDA in form and substance, of EDA's interest in the property acquired or improved in whole or in part with the funds made available under this Award. EDA may permit such statement to be recorded after

initial Award disbursement in the event that grant funds are being used to acquire such property or for authorized costs, such as design and engineering services. The statement must specify the estimated useful life of the Project and must include the disposition, encumbrance, and the Federal Share compensation requirements, as well as any other requirements specified by EDA in its reasonable discretion. *See* 13 CFR §§ 314.1 ("Definitions") and 314.8(a) ("Recorded statement for real property"). *See also* 2 CFR § 200.316 ("Property trust relationship").

ii. This lien, covenant, or other statement of the Federal interest must be perfected and placed of record in the real property records of the jurisdiction in which the property is located, all in accordance with applicable law. EDA may require an opinion of counsel for the Recipient to substantiate that the document was validly executed and properly recorded. *See* 13 CFR § 314.8(b).

iii. Facilities in which the EDA assistance is only a small part of a larger project, as determined by EDA, may be exempted from the requirements listed in paragraphs H.3.b.i and ii above. *See* 13 CFR § 314.8(c).

iv. In extraordinary circumstances and at EDA's discretion, EDA may choose to accept another instrument to protect EDA's interest in the Project property, such as an escrow agreement or letter of credit, provided that EDA determines such instrument is adequate and a recorded statement in accord with section H.3.b.i above is not reasonably available. The terms and provisions of the relevant instrument must be satisfactory to EDA. The costs and fees for escrow services or letters of credit must be paid by the Recipient. *See* 13 CFR § 314.8(d).

c. *Recording EDA's Interest in Personal Property*. For all Projects involving the acquisition or improvement of significant items of equipment or other tangible personal property, including but not limited to watercraft, motor vehicles, machinery, equipment, removable fixtures, or structural components of buildings, the Recipient must execute a security interest, covenant, or other statement of EDA's reversionary interest in the personal property acceptable in form and substance to EDA, which statement must be perfected and placed of record in accordance with applicable law (usually accomplished by filing a Uniform Commercial Code Financing Statement (Form UCC-1), as provided by State law), with continuances re-filed as appropriate. EDA may require an opinion of counsel for the Recipient to substantiate that the Form UCC-1 or other filing was validly executed and properly recorded. *See* 13 CFR § 314.9 ("Recorded statement for Project personal property").

d. *EDA's Interest and the estimated useful life*. The Recipient acknowledges that EDA retains an undivided equitable reversionary interest in property acquired or improved in whole or in part with grant funds made available through this Award throughout the estimated useful life (as determined by EDA) of the Project, except in applicable instances set forth at 13 CFR § 314.7(c) ("Title"). *See* 13 CFR § 314.2(a) ("Federal interest").

e. *Unauthorized Use of Award Property*. The Recipient agrees that if any interest in property acquired or improved in whole or in part with Award funds is disposed of, encumbered, or alienated in any manner, or no longer used for the authorized purposes of the Award during the Project's estimated useful life without EDA's written approval, EDA will be entitled to recover the Federal Share, as defined at 13 CFR § 314.5 ("Federal share"). Examples of

alienation of Award property include sale or other conveyance of the Recipient's interest, leasing or mortgaging the property, or granting an option for any of the foregoing.

If, during the Project's estimated useful life, the property is no longer needed for the purposes of the Award, as determined by EDA, EDA may permit its use for other acceptable purposes consistent with those authorized by PWEDA and 13 CFR Chapter III. *See* 13 CFR § 314.3(b) ("Authorized use of property") or may direct the Recipient to sell the property and remit the Federal Share of the sales proceeds to EDA. *See* 2 C.F.R. §§ 200.311, 200.313.

f. *Calculating the Federal Share*. For purposes of any lien or security interest, the amount of the Federal Share is the portion of the current fair market value of any property (after deducting any actual and reasonable selling and repair expenses incurred to put the property into marketable condition) attributable to EDA's participation in the Project. *See* 13 CFR § 314.5 ("Federal share").

4. **Insurance and Bonding**

a. *Insurance*. The Recipient must, at a minimum, provide the equivalent insurance coverage for real property and equipment acquired or improved with Federal funds as provided for property owned by the Recipient. Federally owned property need not be otherwise insured unless required by the Terms and Conditions of the Award. *See* 2 CFR § 200.310 ("Insurance coverage").

b. *Bonding*. If the Award exceeds the simplified acquisition threshold as defined at 2 CFR § 200.1, EDA may accept the Recipient's or subrecipient's bonding policy and requirements if EDA or the pass-through entity determines that the Federal Interest is adequately protected. If not, the following minimum requirements will apply:

i. A bid guarantee from each bidder equivalent to five percent of the bid price. The "bid guarantee" must consist of a firm commitment such as a bid bond, certified check, or other negotiable instrument accompanying a bid as assurance that the bidder will, upon acceptance of the bid, execute such contractual documents as may be required within the time specified.

ii. A performance bond on the part of the contractor for 100 percent of the contract price. A "performance bond" is one executed in connection with a contract to secure fulfillment of all the contractor's obligations under such contract.

iii. A payment bond on the part of the contractor for 100 percent of the contract price. A "payment bond" is one executed in connection with a contract to ensure payment as required by law of all persons supplying labor and material in the execution of the work provided for in the contract. *See* 2 CFR § 200.326 ("Bonding requirements").

5. **Leasing Restrictions.**

Leasing or renting of facilities or property is prohibited unless specifically authorized by EDA. The Recipient agrees that any leasing or renting of any facilities or property involved in this Project will be subject to the following:

a. That said lease arrangement is consistent with the authorized general and special purpose of

the Award;

b. That said lease arrangement is for adequate consideration;

c. That said lease arrangement is consistent with applicable EDA requirements concerning but not limited to nondiscrimination and environmental compliance; and

d. That all revenue derived from said leasing arrangement shall be subject to Part II, section A.7 "Program Income" of these EDA Construction STCs.

6. **Eminent Domain**

The Recipient will use funds solely for the authorized purpose of the Project. Pursuant to Executive Order 13406, "Protecting the Property Rights of the American People," the Recipient agrees:

a. Not to exercise any power of eminent domain available to the Recipient (including the commencement of eminent domain proceedings) for use in connection with the Project for the purpose of advancing the economic interests of private parties; and

b. Not to accept title to land, easements, or other interests in land acquired by the exercise of any power of eminent domain for use in connection with the Project for such purposes. The Recipient agrees that any use of the power of eminent domain to acquire land, easements, or interests in land, whether by the Recipient or any other entity that has the power of eminent domain, in connection with the Project without the prior written consent of EDA is an unauthorized use of the Project. If the Recipient puts the Project to an unauthorized use, the Recipient must compensate EDA for the Federal Share in accordance with 13 CFR §§ 314.4 ("Unauthorized use of property") and 314.5 ("Federal share"), as the same may be amended from time to time.

7. **Disposal of Real Property**

a. During the estimated useful life of the Project, if EDA and the Recipient determine that property acquired or improved in whole or in part with Award funds is no longer needed for the original purposes of this Award, EDA may, in its discretion, approve use of the property in other Federal grant programs or in programs that have purposes consistent with those authorized by PWEDA and 13 CFR chapter III. *See* 13 CFR § 314.3(b) ("Authorized use of property").

b. When property is not authorized for other uses as provided in section H.7.a above, EDA will provide disposition instructions to the Recipient, which may include directing the Recipient to sell the property and remit the Federal Share of the sales proceeds to EDA.

8. **Reporting on Property**.

a. *Real Property status reports and requests for disposition*. In accordance with 2 CFR § 200.330 "Reporting on real property", the Recipient must submit reports using Form SF-429 (Real Property Status Report), including appropriate attachments, at least annually on the status of real property in which EDA retains an interest, which generally includes real property acquired or improved under the award, unless such interest extends 15 years or longer. If EDA's interest is for a period of 15 years or longer, unless otherwise specified in a specific award condition, the Recipient must submit an annual report for the

first three years of the award and thereafter submit a real property status report every five years. If the Recipient wishes to dispose of real property acquired or improved under an EDA award, the Recipient must request disposition instructions, including the submission of Form SF-429, with appropriate attachments, from the Grants Officer in accordance with 2 CFR 200.311(c).

b. *Tangible Personal Property status reports and requests for dispositions*. The Recipient must submit periodic reports as specified in the terms of the Award using Form SF-428 (Tangible Personal Property Report), including appropriate attachments thereto, concerning tangible personal property that is Federally owned or tangible personal property in which EDA retains an interest. In addition, if the Recipient wishes to dispose of tangible personal property acquired or improved under an EDA award, the Recipient must request disposition instructions, including the submission of Form SF-428, with appropriate attachments, from the Grants Officer in accordance with 2 CFR 200.313(e).

See also section A.01.d of the DOC Standard Terms and Conditions, which are incorporated in Part III of these EDA Construction STCs.

I. **Environmental Requirements**

1. **General**. In addition to the environmental statutes, executive orders, and requirements set forth in section G.04 of the DOC Standard Terms and Conditions "Environmental Requirements," which are incorporated in Part III of these EDA Construction STCs, the Recipient must comply with the following:

   a. **Environmental Quality Improvement Act of 1970, as amended (42 U.S.C. §§ 4371-4375)**. Federally supported public works facilities and activities that affect the environment must be implemented in compliance with policies established under existing law.

   b. **The Lead-Based Paint Poisoning Prevention Act (42 U.S.C. § 4821 *et seq*.)**. Use of lead-based paint in residential structures improved with Federal assistance is prohibited.

   c. **The Farmland Protection Policy Act (7 U.S.C. §§ 4201–4209)**. Projects are subject to review under this Act if they may irreversibly directly or indirectly convert farmland, including forest land, pastureland, cropland, or other land, to nonagricultural use.

   d. **The Noise Control Act of 1972 (42 U.S.C. § 4901 *et seq*.)**. Federally supported facilities and activities must comply with Federal, State, interstate, and local requirements respecting control and abatement of environmental noise to the same extent that any person is subject to such requirements.

   e. **The Native American Graves Protection and Repatriation Act (25 U.S.C. § 3001 *et seq*.)**. This Act provides a process for returning certain Native American cultural items to lineal descendants, culturally affiliated Indian tribes, and Native Hawaiian organizations.

2. **Compliance with Other Applicable Environmental Requirements**
   The Recipient agrees to promptly notify the Grants Officer in writing of any environmental requirement or restriction, regulatory or otherwise, with which it must comply. Before Project Closeout and final disbursement of Award funds, the Recipient further agrees to provide evidence

satisfactory to the Grants Officer that any required environmental remediation has been completed: (1) in compliance with all applicable Federal, State and local regulations; and (2) in accordance with any legally enforceable restrictions related to environmental restriction on the property such as environmental easements, deed restrictions, no further action determinations, or voluntary cleanup certifications. Compliance with said laws or restrictions must be included in any contract documents for Project construction. The Recipient must certify compliance before final disbursement of grant funds.

J. **American-Made Equipment and Products**

Recipients are hereby notified that they are encouraged, to the greatest extent practicable, to purchase American-made equipment and products with funding provided under this Award.

See also section G.05.a (Buy-American Preferences) of the DOC Standard Terms and Conditions, which are incorporated in Part III of these EDA Construction STCs.

PART III:
DEPARTMENT OF COMMERCE
STANDARD TERMS & CONDITIONS

The DOC Standard Terms and Conditions dated November 12, 2020 are incorporated herein by reference herein as Part III of these EDA Construction STCs.

In the event of a conflict between Parts I or II of these EDA Construction STCs and Part III, which incorporates the DOC Standard Terms and Conditions, Parts I and II will control.

DEPARTMENT OF COMMERCE
FINANCIAL ASSISTANCE
STANDARD TERMS AND CONDITIONS

12 November 2020

DEPARTMENT OF COMMERCE
FINANCIAL ASSISTANCE STANDARD TERMS AND CONDITIONS

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PREFACE

This document sets out the standard terms and conditions (ST&Cs) applicable to this U.S. Department of Commerce (DOC or Commerce) financial assistance award (hereinafter referred to as the DOC ST&Cs or Standard Terms). A non-Federal entity[1] receiving a DOC financial assistance award must, in addition to the assurances made as part of the application, comply and require each of its subrecipients, contractors, and subcontractors employed in the completion of the project to comply with all applicable statutes, regulations, executive orders (E.O.s), Office of Management and Budget (OMB) circulars, provisions of the OMB *Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards* (codified at 2 C.F.R. Part 200) (OMB Uniform Guidance), provisions of these Standard Terms, and any other terms and conditions incorporated into this DOC financial assistance award. In addition, unless otherwise provided by the terms and conditions of this DOC financial assistance award, Subparts A through E of 2 C.F.R. Part 200 and the Standard Terms are applicable to for-profit entities, foreign public entities and to foreign organizations that carry out a DOC financial assistance award.[2]

This award is subject to the laws and regulations of the United States. Any inconsistency or conflict in terms and conditions specified in the award will be resolved according to the following order of precedence: federal laws and regulations, applicable notices published in the *Federal Register*, E.O.s, OMB circulars, DOC ST&Cs, agency standard award conditions (if any), and specific award conditions. A specific award condition may amend or take precedence over a Standard Term on a case-by-case basis, when indicated by the specific award condition.

Some of the Standard Terms herein contain, by reference or substance, a summary of the pertinent statutes, regulations published in the *Federal Register* or Code of Federal Regulations (C.F.R.), E.O.s, OMB circulars, or the certifications and assurances provided by applicants through Standard Forms (*e.g.*, SF-424s) or through DOC forms (*e.g.* Form CD-511). To the extent that it is a summary, such Standard Term provision is not in derogation of, or an amendment to, any such statute, regulation, E.O., OMB circular, certification, or assurance.

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[1] Note that the OMB Uniform Guidance uses the term "non-Federal entity" to generally refer to an entity that carries out a Federal award as a recipient or subrecipient. Because some of the provisions of these DOC ST&Cs apply to recipients rather than subrecipients, or vice versa, for clarity, these DOC ST&Cs use the terms "non-Federal entity," "recipient," and "subrecipient" consistent with their meanings in the OMB Uniform Guidance. In addition, the OMB Uniform Guidance uses the term "pass-through entity" to refer to a non-Federal entity that makes a subaward. As defined at 2 C.F.R. § 200.1:
"Non-Federal entity" is "a state, local government, Indian tribe, institution of higher education (IHE), or nonprofit organization that carries out a Federal award as a recipient or subrecipient."
"Recipient" is "an entity, usually but not limited to non-Federal entities, that receives a Federal award directly from a Federal awarding agency. The term recipient does not include subrecipients or individuals that are beneficiaries of the award."
"Subrecipient" is "an entity, usually but not limited to non-Federal entities, that receives a subaward from a pass-through entity to carry out part of a Federal award; but does not include an individual that is a beneficiary of such award. A subrecipient may also be a recipient of other Federal awards directly from a Federal awarding agency."
"Pass-through entity" is "a non-Federal entity that provides a subaward to a subrecipient to carry out part of a Federal program."

[2] *See* 2 C.F.R. § 200.1 for the definitions of "foreign public entity" and "foreign organization."

DOC commenced implementation of the Research Terms and Conditions (RT&Cs) for Federal awards effective October 1, 2017; the RT&Cs address and implement the Uniform Guidance issued by OMB. For awards designated on the Form CD-450 (Financial Assistance Award) as Research, both the DOC ST&Cs and the RT&Cs as implemented by DOC apply to the award. The RT&Cs as well as the DOC implementation statement, agency specific requirements, prior approval matrix, subaward requirements, and national policy requirements are posted on the National Science Foundation's website – https://www.nsf.gov/awards/managing/rtc.jsp. The DOC ST&Cs and the RT&Cs are generally intended to harmonize with each other; however, where the DOC ST&Cs and the RT&Cs differ in a Research award, the RT&Cs prevail, unless otherwise indicated in a specific award condition.

A. PROGRAMMATIC REQUIREMENTS

.01 Reporting Requirements

a. Recipients must submit all reports as required by DOC, electronically or, if unable to submit electronically, in hard copy, as outlined below and as may be supplemented by the terms and conditions of a specific DOC award.

b. Performance (Technical) Reports. Recipients must submit performance (technical) reports to the Program Officer. Performance (technical) reports should be submitted in the same frequency as the Form SF-425 (Federal Financial Report), unless otherwise directed by the Grants Officer.

1. Performance (technical) reports must contain the information prescribed in 2 C.F.R. § 200.329 (Monitoring and reporting program performance), unless otherwise specified in the award conditions.

2. As appropriate and in accordance with the format provided by the Program Officer (or other OMB-approved information collections, including the Research Program Performance Report [RPPR] as adopted by DOC for use in research awards), recipients are required to relate financial data to the performance accomplishments of this Federal award. When applicable, recipients must also provide cost information to demonstrate cost effective practices (e.g., through unit cost data). The recipient's performance will be measured in a way that will help DOC to improve program outcomes, share lessons learned, and spread the adoption of best or promising practices. As described in 2 C.F.R. § 200.211 (Information contained in a Federal award), DOC will identify the timing and scope of expected performance by the recipient as related to the outcomes intended to be achieved by the Federal program.

3. Recipients (or pass-through entities as applicable) must submit a final performance report within 120 calendar days after the expiration of the period of performance. The subrecipient is required to submit its final performance report to the pass-through entity within 90 calendar days unless an extension has been granted.

c. Financial Reports. In accordance with 2 C.F.R. § 200.328 (Financial reporting), the recipient must submit a Form SF-425 (Federal Financial Report) or any successor form on a semi-annual basis for the periods ending March 31 and September 30, or any portion thereof, unless otherwise specified in a specific award condition. Reports must be submitted to DOC as directed by the Grants Officer, in accordance with the award conditions and are due no later than 30 calendar days following the end of each reporting period. Recipients (or pass-through entities as applicable) must submit a final Form SF-425 within 120 calendar days after the expiration of the period of performance. The subrecipient is required to submit its financial report to the pass-through entity within 90 calendar days unless an extension has been granted. A recipient may submit a final financial report in lieu of an interim financial report due at the end of the period of performance (*e.g.*, in lieu of submitting a financial report for the last semi-annual or other reporting under an award, a recipient may submit a final (cumulative) financial report covering the entire award period).

d. Real Property, Tangible Personal Property and Intangible Property Reports and Requests for Dispositions. Unless otherwise required by the terms and conditions of a DOC financial assistance award, where real property, tangible personal property or intangible property is acquired or improved (in the case of real property or tangible personal property), or produced or acquired (in the case of intangible property), pursuant to a DOC award, non-Federal entities are required to submit the following real property, tangible personal property and intangible property reports (as appropriate):

1. Real Property Status Reports and Requests for Dispositions: Non-Federal entities must submit reports using Form SF-429 (Real Property Status Report) or any successor form, including appropriate attachments thereto, at least annually disclosing the status of real property that is Federally-owned property or real property in which the Federal Government retains a Federal Interest, unless the Federal Interest in the real property extends 15 years or longer. In cases where the Federal Interest attached is for a period of 15 years or more, the DOC or pass-through entity, at its option, may require the non-Federal entity to report at various multi-year frequencies (e.g., every two years or every three years, not to exceed a five-year reporting period; or, the DOC or pass-through entity may require annual reporting for the first three years of a Federal award and thereafter require reporting every five years). In addition, DOC or a pass-through entity may require a non-Federal entity to submit Form SF-429, with appropriate attachments, relating to a non-Federal entity's request to acquire, improve or contribute real property under a DOC financial assistance award.
Non-Federal entities wishing to dispose of real property acquired or improved, in whole or in part, pursuant to a DOC award must request disposition instructions, including the submission of Form SF-429, with appropriate attachments, from the Grants Officer in accordance with the requirements set forth in 2 C.F.R. § 200.311(c). *See also* the real property standards set forth in Section C. of these Standard Terms (Property Standards).

2. Tangible Personal Property Status Reports and Requests for Dispositions: DOC or a pass-through entity may also require a non-Federal entity to submit periodic reports using Form SF-428 (Tangible Personal Property Report) or any successor form, including appropriate attachments thereto, concerning tangible personal property that is Federally-owned or tangible personal property in which the Federal Government retains an interest. In

addition, DOC or a pass-through entity may require a non-Federal entity to submit Form SF-428 in connection with a non-Federal entity's request to dispose of tangible personal property acquired under a DOC financial assistance award. Non-Federal entities wishing to dispose of tangible personal property acquired or improved, in whole or in part, pursuant to a DOC award must request disposition instructions, including the submission of Form SF-428, with appropriate attachments, from the Grants Officer in accordance with the requirements set forth in 2 C.F.R. § 200.313(e). *See also* the tangible property standards set forth in Section C. of these Standard Terms (Property Standards).

3. Intangible Property Status Reports and Requests for Dispositions: The specific requirements governing the development, reporting, and disposition of rights to intangible property, including inventions and patents resulting from DOC awards, are set forth in 37 C.F.R. Part 401, which is hereby incorporated by reference into this award. Non-Federal entities are required to submit their disclosures, elections, and requests for waiver from any requirement for substantial U.S. manufacture, electronically using the Interagency Edison extramural invention reporting system (iEdison) at www.iedison.gov. Non-Federal entities may obtain a waiver of this electronic submission requirement by providing to the Grants Officer compelling reasons for allowing the submission of paper reports. When no longer needed for the originally authorized purpose, disposition of the intangible property must occur in accordance with the provisions in 2 C.F.R. § 200.313(e). *See also* the intangible property standards set forth in Section C. of these Standard Terms (Property Standards).

e. Subawards and Executive Compensation Reports. For reporting requirements on subawards and Executive Compensation, see paragraph G.05.o of these Standard Terms (The Federal Funding Accountability and Transparency Act (FFATA) (31 U.S.C. § 6101 note)).

f. Recipient Integrity and Performance Matters. For reporting requirements pertaining to integrity and performance matters, see paragraph G.05.p of these Standard Terms (Recipient Integrity and Performance Matters (Appendix XII to 2 C.F.R. Part 200)).

g. Research Performance Progress Reports. All research awards shall submit the Research Performance Progress Report (RPPR) in accordance with instructions set forth in the following link: RPPR Instructions.

.02 Revisions of Program Plans

In accordance with 2 C.F.R. § 200.308 (Revision of budget and program plans) and 2 C.F.R. § 200.407 (Prior written approval (prior approval)), the recipient must obtain prior written approval from the DOC Grants Officer for certain proposed programmatic change requests, unless otherwise provided by the terms and conditions of a DOC award. Requests for prior approval for changes to program plans must be submitted to the Federal Program Officer (or electronically for awards administered through Grants Online). Requests requiring prior DOC approval are not effective unless and until approved in writing by the DOC Grants Officer.

.03 Other Federal Awards with Similar Programmatic Activities

The recipient must immediately provide written notification to the DOC Program Officer and the DOC Grants Officer if, subsequent to receipt of the DOC award, other financial assistance is received to support or fund any portion of the scope of work incorporated into the DOC award. DOC will not pay for costs that are funded by other sources.

.04 Prohibition against Assignment by a Non-Federal Entity

A non-Federal entity must not transfer, pledge, mortgage, assign, encumber or hypothecate a DOC financial assistance award or subaward, or any rights to, interests therein or claims arising thereunder, to any party or parties, including but not limited to banks, trust companies, other financing or financial institutions, or any other public or private organizations or individuals without the express prior written approval of the DOC Grants Officer or the pass-through entity (which, in turn, may need to obtain prior approval from the DOC Grants Officer).

.05 Disclaimer Provisions

a. The United States expressly disclaims all responsibility or liability to the non-Federal entity or third persons (including but not limited to contractors) for the actions of the non-Federal entity or third persons resulting in death, bodily injury, property damages, or any other losses resulting in any way from the performance of this award or any subaward, contract, or subcontract under this award.

b. The acceptance of this award or any subaward by the non-Federal entity does not in any way constitute an agency relationship between the United States and the non-Federal entity or the non-Federal entity's contractors or subcontractors.

.06 Unsatisfactory Performance or Non-Compliance with Award Provisions

a. Failure to perform the work in accordance with the terms of the award and maintain satisfactory performance as determined by DOC may result in the imposition of additional award conditions pursuant to 2 C.F.R. § 200.208 (Specific conditions) or other appropriate enforcement action as specified in 2 C.F.R. § 200.339 (Remedies for noncompliance).

b. Failure to comply with the provisions of an award will be considered grounds for appropriate enforcement action pursuant to 2 C.F.R. § 200.339 (Remedies for noncompliance), including but not limited to: the imposition of additional award conditions in accordance with 2 C.F.R. § 200.208 (Specific conditions); temporarily withholding award payments pending the correction of the deficiency; changing the payment method to reimbursement only; the disallowance of award costs and the establishment of an accounts receivable; wholly or partially suspending or terminating an award; initiating suspension or debarment proceedings in accordance with 2 C.F.R. Parts 180 and 1326; and such other remedies as may be legally available.

c. 2 C.F.R. §§ 200.340 (Termination) through 200.343 (Effects of suspension and termination) apply to an award that is terminated prior to the end of the period of performance

due to the non-federal entity's material failure to comply with the award terms and conditions. In addition, the failure to comply with the provisions of a DOC award may adversely impact the availability of funding under other active DOC or Federal awards and may also have a negative impact on a non-Federal entity's eligibility for future DOC or Federal awards.

B. FINANCIAL REQUIREMENTS

.01 Financial Management

a. In accordance with 2 C.F.R. § 200.302(a) (Financial Management), each State must expend and account for the Federal award in accordance with State laws and procedures for expending and accounting for the State's own funds. In addition, the State's and any other non-Federal entity's financial management systems, including records documenting compliance with Federal statutes, regulations, and the terms and conditions of the Federal award, must be sufficient to permit the preparation of reports required by general and program-specific terms and conditions; and the tracing of funds to a level of expenditures adequate to establish that such funds have been used in accordance with Federal statutes, regulations, and the terms and conditions applicable to the Federal award. *See also* 2 C.F.R. § 200.450 (Lobbying) for additional management requirements to verify that Federal funds are not used for unallowable lobbying costs.

b. The financial management system of each non-Federal entity must provide all information required by 2 C.F.R. § 200.302(b). *See also* 2 C.F.R. §§ 200.334 (Retention requirements for records); 200.335 (Requests for transfer of records); 200.336 (Methods for collection, transmission and storage of information); 200.337 (Access to records); and 200.338 (Restrictions on public access to records).

.02 Award Payments

a. Consistent with 2 C.F.R. § 200.305(a) (Federal payment), for States, payments are governed by Treasury-State Cash Management Improvement Act (CMIA) agreements and default procedures codified at 31 C.F.R. Part 205 (Rules and Procedures for Efficient Federal-State Funds Transfers) and Treasury Financial Manual Volume I, 4A-2000 (Overall Disbursing Rules for All Federal Agencies).

b. Consistent with 2 C.F.R. § 200.305(b), for non-Federal entities other than States, payment methods must minimize the amount of time elapsing between the transfer of funds from the U.S. Treasury or the pass-through entity and the disbursement by the non-Federal entity.

1. The Grants Officer determines the appropriate method of payment and, unless otherwise stated in a specific award condition, the advance method of payment must be authorized. Advances must be limited to the minimum amounts needed and be timed to be in accordance with the actual, immediate cash requirements of the non-Federal entity in carrying out the purpose of the approved program or project. Unless otherwise provided by the terms and conditions of a DOC award, non-Federal entities must time advance payment requests so that Federal funds are on hand for a maximum of 30 calendar days before being disbursed by the

non-Federal entity for allowable award costs.

2. If a non-Federal entity demonstrates an unwillingness or inability to establish procedures that will minimize the time elapsing between the transfer of funds and disbursement by the non-Federal entity or if a non-Federal entity otherwise fails to continue to qualify for the advance method of payment, the Grants Officer or the pass-through entity may change the method of payment to reimbursement only.

c. Unless otherwise provided for in the award terms, payments from DOC to recipients under this award will be made using the Department of Treasury's Automated Standard Application for Payment (ASAP) system. Under the ASAP system, payments are made through preauthorized electronic funds transfers directly to the recipient's bank account, in accordance with the requirements of the Debt Collection Improvement Act of 1996. To receive payments under ASAP, recipients are required to enroll with the Department of Treasury, Financial Management Service, Regional Financial Centers, which allows them to use the on-line and Voice Response System (VRS) method of withdrawing funds from their ASAP established accounts. The following information will be required to make withdrawals under ASAP:

1. ASAP account number – the Federal award identification number found on the cover sheet of the award;

2. Agency Location Code (ALC); and

3. Region Code.

d. Recipients enrolled in the ASAP system do not need to submit a Form SF-270 (Request for Advance or Reimbursement) for payments relating to their award. Awards paid under the ASAP system will contain a specific award condition, clause, or provision describing enrollment requirements and any controls or withdrawal limits set in the ASAP system.

e. When the Form SF-270 or successor form is used to request payment, the recipient must submit the request no more than monthly, and advances must be approved for periods to cover only expenses reasonably anticipated over the next 30 calendar days. Prior to receiving payments via the Form SF-270, the recipient must complete and submit to the Grants Officer the Form SF-3881 (ACH Vendor Miscellaneous Payment Enrollment Form) or successor form along with the initial Form SF-270. Form SF-3881 enrollment must be completed before the first award payment can be made via a Form SF-270 request.

f. The Federal award identification number must be included on all payment-related correspondence, information, and forms.

g. Non-Federal entities receiving advance award payments must adhere to the depository requirements set forth in 2 C.F.R. §§ 200.305(b)(7) through (b)(11). Interest amounts up to $500 per non-Federal entity's fiscal year may be retained by the non-Federal entity for administrative expenses.

.03 Federal and Non-Federal Sharing

a. Awards that include Federal and non-Federal sharing incorporate a budget consisting of shared allowable costs If actual allowable costs are less than the total approved budget, the Federal and non-Federal cost shares must be calculated by applying the approved Federal and non-Federal cost share ratios to actual allowable costs. If actual allowable costs exceed the total approved budget, the Federal share must not exceed the total Federal dollar amount authorized by the award.

b. The non-Federal share, whether in cash or third-party in-kind contributions, is to be paid out at the same general rate as the Federal share. Exceptions to this requirement may be granted by the Grants Officer based on sufficient documentation demonstrating previously determined plans for, or later commitment of, cash or third-party in-kind contributions. In any case, the recipient must meet its cost share commitment as set forth in the terms and conditions of the award; failure to do so may result in the assignment of specific award conditions or other further action as specified in Standard Term A.06 (Unsatisfactory Performance or Non-Compliance with Award Provisions). The non-Federal entity must create and maintain sufficient records justifying all non-Federal sharing requirements to facilitate questions and audits; see Section D of these Standard Terms (Audits), for audit requirements. *See* 2 C.F.R. § 200.306 for additional requirements regarding cost sharing.

.04 Budget Changes and Transfer of Funds among Categories

a. Recipients are required to report deviations from the approved award budget and request prior written approval from DOC in accordance with 2 C.F.R. § 200.308 (Revision of budget and program plans) and 2 C.F.R. § 200.407 (Prior written approval (prior approval)). Requests for such budget changes must be submitted to the Grants Officer (or electronically for awards serviced through Grants Online) who will notify the recipient of the final determination in writing. Requests requiring prior DOC approval do not become effective unless and until approved in writing by the DOC Grants Officer.

b. In accordance with 2 C.F.R. § 200.308(f), transfers of funds by the recipient among direct cost categories are permitted for awards in which the Federal share of the project is equal to or less than the simplified acquisition threshold. For awards in which the Federal share of the project exceeds the simplified acquisition threshold, transfers of funds among direct cost categories must be approved in writing by the Grants Officer when the cumulative amount of such direct costs transfers exceeds 10 percent of the total budget as last approved by the Grants Officer. The 10 percent threshold applies to the total Federal and non-Federal funds authorized by the Grants Officer at the time of the transfer request. This is the accumulated amount of Federal funding obligated to date by the Grants Officer along with any non-Federal share. The same requirements apply to the cumulative amount of transfer of funds among programs, functions, and activities. This transfer authority does not authorize the recipient to create new budget categories within an approved budget without Grants Officer approval. Any transfer that causes any Federal appropriation, or part thereof, to be used for an unauthorized purpose is not and will not be permitted. In addition, this provision does not prohibit the recipient from requesting Grants Officer approval for revisions to the budget. *See* 2 C.F.R. § 200.308 (Revision

of budget and program plans) (as applicable) for specific requirements concerning budget revisions and transfer of funds between budget categories.

.05 Program Income

Unless otherwise indicated in the award terms, program income may be used for any required cost sharing or added to the project budget, consistent with 2 C.F.R. § 200.307 (Program income).

.06 Indirect or Facilities and Administrative Costs

a. Indirect costs (or facilities and administration costs (F&A)) for major institutions of higher education and major nonprofit organizations can generally be defined as costs incurred for a common or joint purpose benefitting more than one cost objective, and not readily assignable to the cost objectives specifically benefited, without effort disproportionate to the results achieved. Indirect costs will not be allowable charges against an award unless permitted under the award and specifically included as a line item in the award's approved budget.

b. Unrecovered indirect costs, including unrecovered indirect costs on cost sharing or matching, may be included as part of cost sharing or matching as allowed under 2 C.F.R. § 200.306(c) (Cost sharing or matching) or the terms and conditions of a DOC award.

c. Cognizant Agency for Indirect (F&A) Costs. OMB established the cognizant agency concept, under which a single agency represents all others in dealing with non-Federal entities in common areas. The cognizant agency for indirect costs reviews and approves non-Federal entities' indirect cost rates. In accordance with Appendices III – VII to 2 C.F.R. Part 200 the cognizant agency for indirect costs reviews and approves non-Federal entities' indirect cost rates. With respect to for-profit organizations, the term cognizant Federal agency generally is defined as the agency that provides the largest dollar amount of negotiated contracts, including options. *See* 48 C.F.R. § 42.003. If the only Federal funds received by a commercial organization are DOC award funds, then DOC becomes the cognizant Federal agency for indirect cost negotiations.

1. General Review Procedures Where DOC is the Cognizant Agency.

   i. Within 90 calendar days of the award start date, the recipient must submit to the Grants Officer any documentation (indirect cost proposal, cost allocation plan, etc.) necessary to allow DOC to perform the indirect cost rate proposal review. Below are two sources available for guidance on how to put an indirect cost plan together:

      (A) Department of Labor: https://www.dol.gov/oasam/boc/dcd/np-comm-guide.htm or
      (B) Department of the Interior: https://www.doi.gov/ibc/services/finance/indirect-Cost-Services/.

   ii. The recipient may use the rate proposed in the indirect cost plan as a provisional rate until the DOC provides a response to the submitted plan.

iii. The recipient is required to annually submit indirect cost proposals no later than six months after the recipient's fiscal year end, except as otherwise provided by 2 C.F.R. § 200.414(g).

2. When DOC is not the oversight or cognizant Federal agency, the recipient must provide the Grants Officer with a copy of a negotiated rate agreement or a copy of the transmittal letter submitted to the cognizant or oversight Federal agency requesting a negotiated rate agreement within 30 calendar days of receipt of a negotiated rate agreement or submission of a negotiated rate proposal.

3. If the recipient is proposing indirect costs as part of a project budget, but is not required to have a negotiated rate agreement pursuant to 2 C.F.R. Part 200, Appendix VII, Paragraph D.1.b (*i.e.*, a governmental department or agency that receives $35 million or less in direct Federal funding), the recipient may be required to provide the Grants Officer with a copy of its Certificate of Indirect Costs as referenced in 2 C.F.R. Part 200, Appendix VII, Paragraph D.3. or such other documentation, acceptable in form and substance to the Grants Officer, sufficient to confirm that proposed indirect costs are calculated and supported by documentation in accordance with 2 C.F.R. Part 200, Appendix VII. In cases where the DOC is the recipient's cognizant Federal agency, the DOC reserves the right, pursuant to 2 C.F.R. Part 200, Appendix VII, Paragraph D.1.b, to require the recipient to submit its indirect cost rate proposal for review by DOC.

d. If the recipient fails to submit required documentation to DOC within 90 calendar days of the award start date, the Grants Officer may amend the award to preclude the recovery of any indirect costs under the award. If the DOC, oversight, or cognizant Federal agency determines there is a finding of good and sufficient cause to excuse the recipient's delay in submitting the documentation, an extension of the 90-day due date may be approved by the Grants Officer.

e. The maximum dollar amount of allocable indirect costs for which DOC will reimburse the recipient is the lesser of:

1. The line item amount for the Federal share of indirect costs contained in the approved award budget, including all budget revisions approved in writing by the Grants Officer; or

2. The Federal share of the total indirect costs allocable to the award based on the indirect cost rate approved by the cognizant agency for indirect costs and applicable to the period in which the cost was incurred, in accordance with 2 C.F.R 200 Appendix III, C.7, provided that the rate is approved on or before the award end date.

f. In accordance with 2 CFR § 200.414(c)(3), DOC set forth policies, procedures, and general decision-making criteria for deviations from negotiated indirect cost rates. These policies and procedures are applicable to all Federal financial assistance programs awarded and administered by DOC bureaus as Federal awarding agencies and may be found at http://www.osec.doc.gov/oam/grants_management/policy/documents/FAM%202015-02.pdf.

g. In accordance with 2 CFR § 200.414(g), any non-Federal entity that has a negotiated indirect cost rate may apply to the entity's cognizant agency for indirect costs for a one-time extension of a currently negotiated indirect cost rate for a period of up to four years, reducing the frequency of rate calculations and negotiations between an institution and its cognizant agency.

h. In accordance with 2 CFR § 200.414(f), any non-Federal entity that does not have a current negotiated (including provisional) rate, except for those non-Federal entities described in paragraph D.1.b of Appendix VII to 2 CFR Part 200, may elect to charge a de minimis rate of 10 percent of modified total direct costs. No documentation is required to justify the 10 percent de minimis indirect cost rate.

.07 Incurring Costs or Obligating Federal Funds Before and After the Period of Performance

a. In accordance with 2 C.F.R. § 200.309 (Modifications to Period of Performance) and the terms and conditions of a DOC award, a non-Federal entity may charge to the Federal award only allowable costs incurred during the period of performance, which is established in the award document. As defined at 2 C.F.R. § 200.1, the "period of performance" means the total estimated time interval between the start of an initial Federal award and the planned end date, which may include one or more funded portions, or budget periods. Identification of the Period of Performance in the Federal award per § 200.211(b)(5) does not commit the awarding agency to fund the award beyond the currently approved budget period." The period of performance may sometimes be referred to as the project period or award period. This Standard Term is subject to exceptions for allowable costs pertaining to: (i) pre-award costs (*see* 2 C.F.R. § 200.458); (ii) publication and printing costs (*see* 2 C.F.R. § 200.461); and administrative costs incurred relating to the close-out of an award (*see* 2 C.F.R. § 200.344).

b. Reasonable, necessary, allowable and allocable administrative award closeout costs are authorized for a period of up to 120 calendar days following the end of the period of performance. For this purpose, award closeout costs are those strictly associated with close-out activities and are typically limited to the preparation of final progress, financial, and required project audit reports, unless otherwise approved in writing by the Grants Officer. A non-Federal entity may request an extension of the 120-day closeout period, as provided in 2 C.F.R. § 200.344 (Closeout).

c. Unless authorized by a specific award condition, any extension of the period of performance may only be authorized by the Grants Officer in writing. This is not a delegable authority. Verbal or written assurances of funding from anyone other than the Grants Officer does not constitute authority to obligate funds for programmatic activities beyond the end of the period of performance.

d. The DOC has no obligation to provide any additional prospective funding. Any amendment of the award to increase funding and to extend the period of performance is at the sole discretion of DOC.

.08 Tax Refunds

The non-Federal entity shall contact the Grants Officer immediately upon receipt of the refund of any taxes, including but not limited to Federal Insurance Contributions Act (FICA) taxes, Federal Unemployment Tax Act (FUTA) taxes, or Value Added Taxes (VAT) that were allowed as charges to a DOC award, regardless of whether such refunds are received by the non-Federal entity during or after the period of performance. The Grants Officer will provide written disposition instructions to the non-Federal entity, which may include the refunded taxes being credited to the award as either a cost reduction or a cash refund, or may allow the non-Federal entity to use such refunds for approved activities and costs under a DOC award. *See* 2 C.F.R. § 200.470 (Taxes (including Value Added Tax)).

.09 Internal Controls

Each recipient must comply with standards for internal controls described at 2 C.F.R. § 200.303 (Internal controls). The "Standards for Internal Control in the Federal Government" issued by the Comptroller General of the United States referenced in § 200.303 are available online at http://www.gao.gov/assets/80/76455.pdf and the "Internal Control Integrated Framework" issued by the Committee of Sponsoring Organizations of the Treadway Commission (COSO) is available online at Internal Control Guidance.

C. PROPERTY STANDARDS

.01 Standards

Each non-Federal entity must comply with the Property Standards set forth in 2 C.F.R. §§ 200.310 (Insurance coverage) through 200.316 (Property trust relationship).

.02 Real and Personal Property

a. In accordance with 2 C.F.R. § 200.316 (Property trust relationship), real property, equipment, and other personal property acquired or improved with a Federal award must be held in trust by the non-Federal entity as trustee for the beneficiaries of the project or program under which the property was acquired or improved. This trust relationship exists throughout the duration of the property's estimated useful life, as determined by the Grants Officer in consultation with the Program Office, during which time the Federal Government retains an undivided, equitable reversionary interest in the property (Federal Interest). During the duration of the Federal Interest, the non-Federal entity must comply with all use and disposition requirements and restrictions as set forth in 2 C.F.R. §§ 200.310 (Insurance coverage) through 200.316 (Property trust relationship), as applicable, and in the terms and conditions of the Federal award.

b. The Grants Officer may require a non-Federal entity to execute and to record (as applicable) a statement of interest, financing statement (form UCC-1), lien, mortgage or other public notice of record to indicate that real or personal property acquired or improved in whole or in part with Federal funds is subject to the Federal Interest, and that certain use and disposition

requirements apply to the property. The statement of interest, financing statement (Form UCC 1), lien, mortgage or other public notice must be acceptable in form and substance to the DOC and must be placed on record in accordance with applicable State and local law, with continuances re-filed as appropriate. In such cases, the Grants Officer may further require the non-Federal entity to provide the DOC with a written statement from a licensed attorney in the jurisdiction where the property is located, certifying that the Federal Interest has been protected, as required under the award and in accordance with applicable State and local law. The attorney's statement, along with a copy of the instrument reflecting the recordation of the Federal Interest, must be returned to the Grants Officer. Without releasing or excusing the non-Federal entity from these obligations, the non-Federal entity, by execution of the financial assistance award or by expending Federal financial assistance funds (in the case of a subrecipient), authorizes the Grants Officer and/or program office to file such notices and continuations as it determines to be necessary or convenient to disclose and protect the Federal Interest in the property. The Grants Officer may elect not to release any or a portion of the Federal award funds until the non-Federal entity has complied with this provision and any other applicable award terms or conditions, unless other arrangements satisfactory to the Grants Officer are made.

.03 Intellectual Property Rights

a. General. The rights to any work or other intangible property produced or acquired under a Federal award are determined by 2 C.F.R. § 200.315 (Intangible property). The non-Federal entity owns any work produced or purchased under a Federal award subject to the DOC's royalty-free, nonexclusive, and irrevocable right to obtain, reproduce, publish, or otherwise use the work or authorize others to receive, reproduce, publish, or otherwise use the work for Government purposes.

b. Inventions. Unless otherwise provided by law, the rights to any invention made by a non-Federal entity under a DOC financial assistance award are determined by the Bayh-Dole Act, Pub. L. No. 96-517, as amended, and as codified in 35 U.S.C. § 200 *et seq*., and modified by E.O. 12591 (52 FR 13414), as amended by E.O. 12618 (52 FR 48661). 35 U.S.C. § 201(h) defines "small business firm" as "a small business concern as defined at section 2 of Public Law 85–536 (15 U.S.C. 632) and implementing regulations of the Administrator of the Small Business Administration." Section 1(b)(4) of E.O. 12591 extended the Bayh-Dole Act to non-Federal entities "regardless of size" to the extent permitted by law. The specific requirements governing the development, reporting, and disposition of rights to inventions and patents resulting from Federal awards are described in more detail in 37 C.F.R. Part 401, which implements 35 U.S.C. 202 through 204 and includes standard patent rights clauses in 37 C.F.R. § 401.14, which is hereby incorporated by reference into this award.

The Bayh-Dole regulations set forth in 37 C.F.R. parts 401 and 404 were amended by 83 FR 15954, with an effective date of May 14, 2018 (Amended Bayh-Dole Regulations). The Amended Bayh-Dole Regulations apply to all new financial assistance awards issued on or after May 14, 2018. The Amended Bayh-Dole Regulations do not apply to financial assistance awards issued prior to May 14, 2018, including amendments made to such awards, unless an award amendment includes a specific condition incorporating the Amended Bayh-Dole Regulations into the terms and conditions of the subject award.

1. Ownership. A non-Federal entity may have rights to inventions in accordance with 37 C.F.R. Part 401. These requirements are technical in nature and non-Federal entities are encouraged to consult with their Intellectual Property counsel to ensure the proper interpretation of and adherence to the ownership rules. Unresolved questions pertaining to a non-Federal entities' ownership rights may further be addressed to the Grants Officer.

2. Responsibilities - iEdison. The non-Federal entity must comply with all the requirements of the standard patent rights clause and 37 C.F.R. Part 401, including the standard patent rights clause in 37 C.F.R. § 401.14. Non-Federal entities are required to submit their disclosures, elections, and requests for waiver from any requirement for substantial U.S. manufacture, electronically using the Interagency Edison extramural invention reporting system (iEdison) at www.iedison.gov. Non-Federal entities may obtain a waiver of this electronic submission requirement by providing the Grants Officer with compelling reasons for allowing the submission of paper reports.

c. Patent Notification Procedures. Pursuant to E.O. 12889 (58 FR 69681), the DOC is required to notify the owner of any valid patent covering technology whenever the DOC or a non-Federal entity, without making a patent search, knows (or has demonstrable reasonable grounds to know) that technology covered by a valid United States patent has been or will be used without a license from the owner. To ensure proper notification, if the non-Federal entity uses or has used patented technology under this award without a license or permission from the owner, the non-Federal entity must notify the Grants Officer.

This notice does not constitute authorization or consent by the Government to any copyright or patent infringement occurring under the award.

d. A non-Federal entity may copyright any work produced under a Federal award, subject to the DOC's royalty-free, nonexclusive, and irrevocable right to obtain, reproduce, publish, or otherwise use the work, or authorize others to do so for Government purposes. Works jointly authored by DOC and non-Federal entity employees may be copyrighted, but only the part of such works authored by the non-Federal entity is protectable in the United States because, under 17 U.S.C. § 105, copyright protection is not available within the United States for any work of the United States Government. On occasion and as permitted under 17 U.S.C. § 105, DOC may require the non-Federal entity to transfer to DOC a copyright in a particular work for Government purposes or when DOC is undertaking primary dissemination of the work.

e. Freedom of Information Act (FOIA). In response to a FOIA request for research data relating to published research findings (as defined by 2 C.F.R. § 200.315(e)(2)) produced under a Federal award that were used by the Federal government in developing an agency action that has the force and effect of law, the DOC will request, and the non-Federal entity must provide, within a reasonable time, the research data so that they can be made available to the public through the procedures established under the FOIA.

D. AUDITS

Under the Inspector General Act of 1978, as amended, 5 U.S.C. App. 3, §§ 1 *et seq.*, an audit of the award may be conducted at any time. The Inspector General of the DOC, or any of his or her duly authorized representatives, must have the right to access any pertinent books, documents, papers, and records of the non-Federal entity, whether written, printed, recorded, produced, or reproduced by any electronic, mechanical, magnetic, or other process or medium, to make audits, inspections, excerpts, transcripts, or other examinations as authorized by law. This right also includes timely and reasonable access to the non-Federal entity's personnel for interview and discussion related to such documents. *See* 2 C.F.R. § 200.337 (Access to records). When the DOC Office of Inspector General (OIG) requires a program audit on a DOC award, the OIG will usually make the arrangements to audit the award, whether the audit is performed by OIG personnel, an independent accountant under contract with DOC, or any other Federal, State, or local audit entity.

.01 Organization-Wide, Program-Specific, and Project Audits

a. A recipient must, within 90 days of the end of its fiscal year, notify the Grants Officer of the amount of Federal awards, including all DOC and non-DOC awards, that the recipient expended during its fiscal year.

b. Recipients that are subject to the provisions of Subpart F of 2 C.F.R. Part 200 and that expend $750,000 or more in a year in Federal awards during their fiscal year must have an audit conducted for that year in accordance with the requirements contained in Subpart F of 2 C.F.R. Part 200. Within the earlier of 30 calendar days after receipt of the auditor's report(s), or nine months after the end of the audit period, unless a different period is specified in a program-specific audit guide, a copy of the audit must be submitted electronically to the Federal Audit Clearinghouse (FAC) through the FAC's Internet Data Entry System (IDES) (https://harvester.census.gov/facides/). In accordance with 2 C.F.R. § 200.425 (Audit services), the recipient may include a line item in the budget for the allowable costs associated with the audit, which is subject to the approval of the Grants Officer.

c. Unless otherwise specified in the terms and conditions of the award, entities that are not subject to Subpart F of 2 C.F.R. Part 200 (e.g., for-profit entities, foreign public entities and foreign organizations) and that expend $750,000 or more in DOC funds during their fiscal year (including both as a recipient and a subrecipient) must submit to the Grants Officer either: (i) a financial related audit of each DOC award or subaward in accordance with Generally Accepted Government Auditing Standards (GAGAS); or (ii) a project specific audit for each award or subaward in accordance with the requirements contained in 2 C.F.R. § 200.507. Within the earlier of 30 calendar days after receipt of the auditor's report(s), or nine months after the end of the audit period, unless a different period is specified in a program-specific audit guide, a copy of the audit must be submitted to the Grants Officer. In accordance with 2 C.F.R. § 200.425, the recipient may include a line item in the budget for the allowable costs associated with the audit, which is subject to the approval of the Grants Officer. Entities that are not subject to Subpart F of 2 C.F.R. Part 200 and that expend less than $750,000 in DOC funds in a given fiscal year are

not required to submit an audit(s) for that year, but must make their award-related records available to DOC or other designated officials for review and audit.

d. Recipients are responsible for compliance with the above audit requirements and for informing the Grants Officer of the status of their audit, including when the relevant audit has been completed and submitted in accordance with the requirements of this section. Failure to provide audit reports within the timeframes specified above may result in appropriate enforcement action, up to and including termination of the award, and may jeopardize eligibility for receiving future DOC awards.

e. In accordance with 2 C.F.R. § 200.332(d)(3), pass-through entities are responsible for issuing a management decision for applicable audit findings pertaining only to the Federal award provided by the pass-through entity to a subrecipient.

.02 Audit Resolution Process

a. An audit of the award may result in the disallowance of costs incurred by the recipient and the establishment of a debt (account receivable) due to DOC. For this reason, the recipient should take seriously its responsibility to respond to all audit findings and recommendations with adequate explanations and supporting evidence whenever audit results are disputed.

b. A recipient whose award is audited has the following opportunities to dispute the proposed disallowance of costs and the establishment of a debt:

1. The recipient has 30 calendar days from the date of the transmittal of the draft audit report to submit written comments and documentary evidence.

2. The recipient has 30 calendar days from the date of the transmittal of the final audit report to submit written comments and documentary evidence.

3. The DOC will review the documentary evidence submitted by the recipient and will notify the recipient of the results in an *Audit Resolution Determination Letter*. The recipient has 30 calendar days from the date of receipt of the *Audit Resolution Determination Letter* to submit a written appeal, unless this deadline is extended in writing by the DOC. The appeal is the last opportunity for the recipient to submit written comments and documentary evidence to the DOC to dispute the validity of the audit resolution determination.

4. An appeal of the Audit Resolution Determination does not prevent the establishment of the audit-related debt nor does it prevent the accrual of applicable interest, penalties and administrative fees on the debt in accordance with 15 C.F.R. Part 19. If the Audit Resolution Determination is overruled or modified on appeal, appropriate corrective action will be taken retroactively.

5. The DOC will review the recipient's appeal and notify the recipient of the results in an *Appeal Determination Letter*. After the opportunity to appeal has expired or after the appeal determination has been rendered, DOC will not accept any further documentary evidence from the recipient. No other administrative appeals are available in DOC.

E. DEBTS

.01 Payment of Debts Owed to the Federal Government

a. The non-Federal entity must promptly pay any debts determined to be owed to the Federal Government. Any funds paid to a non-Federal entity in excess of the amount to which the non-Federal entity is finally determined to be entitled under the terms of the Federal award constitute a debt to the Federal government. In accordance with 2 C.F.R. § 200.346 (Collection of amounts due), if not paid within 90 calendar days after demand, DOC may reduce a debt owed to the Federal Government by:

1. Making an administrative offset against other requests for reimbursement;

2. Withholding advance payments otherwise due to the non-Federal entity; or

3. Taking any other action permitted by Federal statute.

The foregoing does not waive any claim on a debt that DOC may have against another entity, and all rights and remedies to pursue other parties are preserved.

b. DOC debt collection procedures are set out in 15 C.F.R. Part 19. In accordance with 2 C.F.R. § 200.346 (Collection of amounts due) and 31 U.S.C. § 3717, failure to pay a debt owed to the Federal Government must result in the assessment of interest, penalties and administrative costs in accordance with the provisions of 31 U.S.C. § 3717 and 31 C.F.R. § 901.9. Commerce entities will transfer any Commerce debt that is delinquent for more than 120 calendar days to the U.S. Department of the Treasury's Financial Management Service for debt collection services, a process known as cross-servicing, pursuant to 31 U.S.C. § 3711(g), 31 C.F.R. § 285.12, and 15 C.F.R. § 19.9. DOC may also take further action as specified in DOC ST&C A.06 (Unsatisfactory Performance or Non-Compliance with Award Provisions). Funds for payment of a debt must not come from other Federally-sponsored programs, and the DOC may conduct on-site visits, audits, and other reviews to verify that other Federal funds have not been used to pay a debt.

.02 Late Payment Charges

a. Interest will be assessed on the delinquent debt in accordance with section 11 of the Debt Collection Act of 1982, as amended (31 U.S.C. § 3717(a)). The minimum annual interest rate to be assessed is the U.S. Department of the Treasury's Current Value of Funds Rate (CVFR). The CVFR is available online at https://www.fiscal.treasury.gov/fsreports/rpt/cvfr/cvfr_home.htm and also published by the Department of the Treasury in the *Federal Register* (http://www.gpo.gov/fdsys/browse/collection.action?collectionCode=FR) and in the *Treasury Financial Manual Bulletin*. The assessed rate must remain fixed for the duration of the indebtedness.

b. Penalties will accrue at a rate of not more than six percent per year or such other higher rate as authorized by law.

c. Administrative charges, i.e., the costs of processing and handling a delinquent debt, will be determined by the Commerce entity collecting the debt, as directed by the Office of the Chief Financial Officer and Assistant Secretary for Administration.

.03 Barring Delinquent Federal Debtors from Obtaining Federal Loans or Loan Insurance Guarantees

Pursuant to 31 U.S.C. § 3720B and 31 C.F.R. § 901.6, unless waived by DOC, the DOC is not permitted to extend financial assistance in the form of a loan, loan guarantee, or loan insurance to any person delinquent on a nontax debt owed to a Federal agency. This prohibition does not apply to disaster loans.

.04 Effect of Judgment Lien on Eligibility for Federal Grants, Loans, or Programs

Pursuant to 28 U.S.C. § 3201(e), unless waived by the DOC, a debtor who has a judgment lien against the debtor's property for a debt to the United States is not eligible to receive any grant or loan that is made, insured, guaranteed, or financed directly or indirectly by the United States or to receive funds directly from the Federal Government in any program, except funds to which the debtor is entitled as beneficiary, until the judgment is paid in full or otherwise satisfied.

F. CONFLICT OF INTEREST, CODE OF CONDUCT AND OTHER REQUIREMENTS PERTAINING TO DOC FINANCIAL ASSISTANCE AWARDS, INCLUDING SUBAWARD AND PROCUREMENT ACTIONS

.01 Conflict of Interest and Code of Conduct

a. DOC Conflict of Interest Policy. In accordance with 2 C.F.R. § 200.112 (Conflict of interest), the non-Federal entity must disclose in writing any potential conflict of interest to the DOC or pass-through entity. In addition, a non-Federal entity will establish and maintain written standards of conduct that include safeguards to prohibit employees from using their positions for a purpose that constitutes or presents the appearance of personal or organizational conflict of interest, or personal gain in the administration of an award. It is the DOC's policy to maintain the highest standards of conduct and to prevent real or apparent conflicts of interest in connection with DOC financial assistance awards.

b. A conflict of interest generally exists when an interested party participates in a matter that has a direct and predictable effect on the interested party's personal or financial interests. A financial interest may include employment, stock ownership, a creditor or debtor relationship, or prospective employment with the organization selected or to be selected for a subaward. A conflict also may exist where there is an appearance that an interested party's objectivity in performing his or her responsibilities under the project is impaired. For example, an appearance of impairment of objectivity may result from an organizational conflict where, because of other activities or relationships with other persons or entities, an interested party is unable to render

impartial assistance, services or advice to the recipient, a participant in the project or to the Federal Government. Additionally, a conflict of interest may result from non-financial gain to an interested party, such as benefit to reputation or prestige in a professional field. For purposes of the DOC Conflict of Interest Policy, an interested party includes, but is not necessarily limited to, any officer, employee or member of the board of directors or other governing board of a non-Federal entity, including any other parties that advise, approve, recommend, or otherwise participate in the business decisions of the recipient, such as agents, advisors, consultants, attorneys, accountants or shareholders. This also includes immediate family and other persons directly connected to the interested party by law or through a business arrangement.

c. Procurement-related conflict of interest. In accordance with 2 C.F.R. § 200.318 (General procurement standards), non-Federal entities must maintain written standards of conduct covering conflicts of interest and governing the performance of their employees engaged in the selection, award and administration of contracts. *See* paragraph F.04 of these Standard Terms (Requirements for Procurements).

.02 Nonprocurement Debarment and Suspension

Non-Federal entities must comply with the provisions of 2 C.F.R. Part 1326 (Nonprocurement Debarment and Suspension), which generally prohibit entities that have been debarred, suspended, or voluntarily excluded from participating in Federal nonprocurement transactions either through primary or lower tier covered transactions, and which set forth the responsibilities of recipients of Federal financial assistance regarding transactions with other persons, including subrecipients and contractors.

.03 Requirements for Subawards

a. The recipient or pass-through entity must require all subrecipients, including lower tier subrecipients, to comply with the terms and conditions of a DOC financial assistance award, including applicable provisions of the OMB Uniform Guidance (2 C.F.R. Part 200), and all associated Terms and Conditions set forth herein. *See* 2 C.F.R. § 200.101(b)(2) (Applicability to different types of Federal awards), which describes the applicability of 2 C.F.R. Part 200 to various types of Federal awards and §§ 200.331-333 (Subrecipient monitoring and management).

b. The recipient or pass through entity may have more restrictive policies for the RTC ***waived*** prior approvals (no-cost extensions, re-budgeting, etc.) for their subaward recipients. Such restrictive policies must be addressed in their subaward agreements and in accordance with §200.331.

.04 Requirements for Procurements

a. States. Pursuant to 2 C.F.R. § 200.317 (Procurements by states), when procuring property and services under this Federal award, a State must follow the same policies and procedures it uses for procurements from its non-Federal funds. The State must comply with 2 C.F.R. §§ 200.321 (Contracting with small and minority businesses, women's business enterprises, and labor surplus area firms), 200.322 (Domestic preferences for procurements), and

200.323 (Procurement of recovered materials), and ensure that every purchase order or other contract includes any clauses required by 2 C.F.R. § 200.327 (Contract provisions).

b. Other Non-Federal Entities. All other non-Federal entities, including subrecipients of a State, must follow the procurement standards in 2 C.F.R. §§ 200.318 (General procurement standards) through 200.327 (Contract provisions) which include the requirement that non-Federal entities maintain written standards of conduct covering conflicts of interest and governing the performance of their employees engaged in the selection, award, and administration of contracts. No employee, officer, or agent may participate in the selection, award, or administration of a contract supported by a Federal award if he or she has a real or apparent conflict of interest.

.05 Whistleblower Protections

This award is subject to the whistleblower protections afforded by 41 U.S.C. § 4712 (Enhancement of contractor protection from reprisal for disclosure of certain information), which generally provide that an employee or contractor (including subcontractors and personal services contractors) of a non-Federal entity may not be discharged, demoted, or otherwise discriminated against as a reprisal for disclosing to a person or body information that the employee reasonably believes is evidence of gross mismanagement of a Federal award, subaward, or a contract under a Federal award or subaward, a gross waste of Federal funds, an abuse of authority relating to a Federal award or subaward or contract under a Federal award or subaward, a substantial and specific danger to public health or safety, or a violation of law, rule, or regulation related to a Federal award, subaward, or contract under a Federal award or subaward. These persons or bodies include:

a. A Member of Congress or a representative of a committee of Congress.
b. An Inspector General.
c. The Government Accountability Office.
d. A Federal employee responsible for contract or grant oversight or management at the relevant agency.
e. An authorized official of the Department of Justice or other law enforcement agency.
f. A court or grand jury.
g. A management official or other employee of the contractor, subcontractor, or grantee who has the responsibility to investigate, discover, or address misconduct.

Non-Federal entities and contractors under Federal awards and subawards must inform their employees in writing of the rights and remedies provided under 41 U.S.C. § 4712, in the predominant native language of the workforce.

.06 Small Businesses, Minority Business Enterprises and Women's Business Enterprises

In accordance with 2 C.F.R. § 200.321 (Contracting with small and minority businesses, women's business enterprises, and labor surplus area firms), the recipient must take all necessary affirmative steps to assure that minority businesses, women's business enterprises, and labor surplus area firms are used when possible. DOC encourages non-Federal entities to use small

businesses, minority business enterprises and women's business enterprises in contracts under financial assistance awards. The Minority Business Development Agency within the DOC will assist non-Federal entities in matching qualified minority business enterprises with contract opportunities. For further information visit MBDA's website at http://www.mbda.gov. If you do not have access to the Internet, you may contact MBDA via telephone or mail:

U.S. Department of Commerce
Minority Business Development Agency
Herbert C. Hoover Building
14th Street and Constitution Avenue, N.W.
Washington, D.C. 20230
(202) 482-0101

G. NATIONAL POLICY REQUIREMENTS

.01 United States Laws and Regulations

This award is subject to the laws and regulations of the United States. The recipient must comply with all applicable requirements of all other Federal laws, executive orders, regulations and policies governing this program.

.02 Non-Discrimination Requirements

No person in the United States may, on the ground of race, color, national origin, handicap, age, religion, or sex, be excluded from participation in, be denied the benefits of, or be subject to discrimination under, any program or activity receiving Federal financial assistance. The recipient agrees to comply with the non-discrimination requirements below:

a. Statutory Provisions

1. Title VI of the Civil Rights Act of 1964 (42 U.S.C. §§ 2000d *et seq.*) and DOC implementing regulations published at 15 C.F.R. Part 8 prohibiting discrimination on the grounds of race, color, or national origin under programs or activities receiving Federal financial assistance;

2. Title IX of the Education Amendments of 1972 (20 U.S.C. §§ 1681 *et seq.*) prohibiting discrimination on the basis of sex under Federally assisted education programs or activities;

3. The Americans with Disabilities Act of 1990 (42 U.S.C. §§ 12101 *et seq.*) prohibiting discrimination on the basis of disability under programs, activities, and services provided or made available by State and local governments or instrumentalities or agencies thereto, as well as public or private entities that provide public transportation;

4. Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. § 794), and DOC implementing regulations published at 15 C.F.R. Part 8b prohibiting discrimination on the

basis of handicap under any program or activity receiving or benefiting from Federal assistance.

For purposes of complying with the accessibility standards set forth in 15 C.F.R. § 8b.18(c), non-federal entities must adhere to the regulations, published by the U.S. Department of Justice, implementing Title II of the Americans with Disabilities Act (ADA) (28 C.F.R. part 35; 75 FR 56164, as amended by 76 FR 13285) and Title III of the ADA (28 C.F.R. part 36; 75 FR 56164, as amended by 76 FR 13286). The revised regulations adopted new enforceable accessibility standards called the "2010 ADA Standards for Accessible Design" (2010 Standards), which replace and supersede the former Uniform Federal Accessibility Standards for new construction and alteration projects;

5. The Age Discrimination Act of 1975, as amended (42 U.S.C. §§ 6101 *et seq.*), and DOC implementing regulations published at 15 C.F.R. Part 20 prohibiting discrimination on the basis of age in programs or activities receiving Federal financial assistance; and

6. Any other applicable non-discrimination law(s).

b. Other Provisions

1. Parts II and III of E.O. 11246 (Equal Employment Opportunity, 30 FR 12319),[3] which requires Federally assisted construction contracts to include the nondiscrimination provisions of §§ 202 and 203 of E.O. 11246 and Department of Labor regulations implementing E.O. 11246 (41 C.F.R. § 60-1.4(b)).

2. E.O. 13166 (65 FR 50121, Improving Access to Services for Persons with Limited English Proficiency), requiring Federal agencies to examine the services provided, identify any need for services to those with limited English proficiency (LEP), and develop and implement a system to provide those services so LEP persons can have meaningful access to them. The DOC issued policy guidance on March 24, 2003 (68 FR 14180) to articulate the Title VI prohibition against national origin discrimination affecting LEP persons and to help ensure that non-Federal entities provide meaningful access to their LEP applicants and beneficiaries.

3. In accordance with E.O 13798 and Office of Management and Budget, M-20-09 – Guidance Regarding Federal Grants, states or other public grantees may not condition sub-awards of Federal grant money in a manner that would disadvantage grant applicants based on their religious character.

[3] As amended by E.O. 11375(32 FR 14303), E.O. 11478 (34 FR 12985), E.O. 12086 (43 FR 46501), E.O. 12107 (44 FR 1055), E.O. 13279 (F67 FR 77141), E.O. 13665 (79 FR 20749), and E.O. 13672 (79 FR 42971).

c. Title VII Exemption for Religious Organizations

Generally, Title VII of the Civil Rights Act of 1964, 42 U.S.C. §§ 2000e *et seq*., provides that it is an unlawful employment practice for an employer to discharge any individual or otherwise to discriminate against an individual with respect to compensation, terms, conditions, or privileges of employment because of such individual's race, color, religion, sex, or national origin. However, Title VII, 42 U.S.C. § 2000e-1(a), expressly exempts from the prohibition against discrimination based on religion, "a religious corporation, association, educational institution, or society with respect to the employment of individuals of a particular religion to perform work connected with the carrying on by such corporation, association, educational institution, or society of its activities."

.03 LOBBYING RESTRICTIONS

a. Statutory Provisions

Non-Federal entities must comply with 2 C.F.R. § 200.450 (Lobbying), which incorporates the provisions of 31 U.S.C. § 1352; and OMB guidance and notices on lobbying restrictions. In addition, non-Federal entities must comply with the DOC regulations published at 15 C.F.R. Part 28, which implement the New Restrictions on Lobbying. These provisions prohibit the use of Federal funds for lobbying the executive or legislative branches of the Federal Government in connection with the award and require the disclosure of the use of non-Federal funds for lobbying. Lobbying includes attempting to improperly influence, meaning any influence that induces or tends to induce a Federal employee or officer to give consideration or to act regarding a Federal award or regulatory matter on any basis other than the merits of the matter, either directly or indirectly. Costs incurred to improperly influence are unallowable. *See* 2 C.F.R. § 200.450(b) and (c).

b. Disclosure of Lobbying Activities

Any recipient that receives more than $100,000 in Federal funding and conducts lobbying with non-federal funds relating to a covered Federal action must submit a completed Form SF-LLL (Disclosure of Lobbying Activities). The Form SF-LLL must be submitted within 30 calendar days following the end of the calendar quarter in which there occurs any event that requires disclosure or that materially affects the accuracy of the information contained in any disclosure form previously filed. The recipient must submit any required SF-LLL forms, including those received from subrecipients, contractors, and subcontractors, to the Grants Officer.

.04 Environmental Requirements

Environmental impacts must be considered by Federal decision makers in their decisions whether or not to approve: (1) a proposal for Federal assistance; (2) the proposal with mitigation; or (3) a different proposal having less adverse environmental impacts. Federal environmental laws require that the funding agency initiate an early planning process that considers potential impacts that projects funded with Federal assistance may have on the environment. Each non-Federal entity must comply with all environmental standards, to include those prescribed under

the following statutes and E.O.s and must identify to the awarding agency any impact the award may have on the environment. In some cases, award funds can be withheld by the Grants Officer under a specific award condition requiring the non-Federal entity to submit additional environmental compliance information sufficient to enable the DOC to make an assessment on any impacts that a project may have on the environment.

a. The National Environmental Policy Act (42 U.S.C. §§ 4321 *et seq.*)

The National Environmental Policy Act (NEPA) and the Council on Environmental Quality (CEQ) implementing regulations (40 C.F.R. Parts 1500 through 1508) require that an environmental analysis be completed for all major Federal actions to determine whether they have significant impacts on the environment. NEPA applies to the actions of Federal agencies and may include a Federal agency's decision to fund non-Federal projects under grants and cooperative agreements when the award activities remain subject to Federal authority and control. Non-Federal entities are required to identify to the awarding agency any direct, indirect or cumulative impact an award will have on the quality of the human environment and assist the agency in complying with NEPA. Non-Federal entities may also be requested to assist DOC in drafting an environmental assessment or environmental impact statement if DOC determines such documentation is required, but DOC remains responsible for the sufficiency and approval of the final documentation. Until the appropriate NEPA documentation is complete and in the event that any additional information is required during the period of performance to assess project environmental impacts, funds can be withheld by the Grants Officer under a specific award condition requiring the non-Federal entity to submit the appropriate environmental information and NEPA documentation sufficient to enable DOC to make an assessment on any impacts that a project may have on the environment.

b. The National Historic Preservation Act (16 U.S.C. §§ 470 *et seq.*)

Section 106 of the National Historic Preservation Act (NHPA) (16 U.S.C. § 470f) and the Advisory Council on Historic Preservation (ACHP) implementing regulations (36 C.F.R. Part 800) require that Federal agencies take into account the effects of their undertakings on historic properties and, when appropriate, provide the ACHP with a reasonable opportunity to comment. Historic properties include but are not necessarily limited to districts, buildings, structures, sites and objects. In this connection, archeological resources and sites that may be of traditional religious and cultural importance to Federally-recognized Indian Tribes, Alaskan Native Villages and Native Hawaiian Organizations may be considered historic properties. Non-Federal entities are required to identify to the awarding agency any effects the award may have on properties included on or eligible for inclusion on the National Register of Historic Places. Non-Federal entities may also be requested to assist DOC in consulting with State or Tribal Historic Preservation Officers, ACHPs or other applicable interested parties necessary to identify, assess, and resolve adverse effects to historic properties. Until such time as the appropriate NHPA consultations and documentation are complete and in the event that any additional information is required during the period of performance in order to assess project impacts on historic properties, funds can be withheld by the Grants Officer under a specific award condition requiring the non-Federal entity to

submit any information sufficient to enable DOC to make the requisite assessment under the NHPA.

Additionally, non-Federal entities are required to assist the DOC in assuring compliance with the Archeological and Historic Preservation Act of 1974 (54 U.S.C. § 312502 et seq., formerly 16 U.S.C. § 469a-1 et seq.); Executive Order 11593 (Protection and Enhancement of the Cultural Environment, May 13, 1971); Executive Order 13006 (Locating Federal Facilities on Historic Properties in Our Nation's Central Cities, May 21, 1996); and Executive Order 13007 (Indian Sacred Sites, May 24, 1996).

c. Executive Order 11988 (Floodplain Management) and Executive Order 11990 (Protection of Wetlands)

Non-Federal entities must identify proposed actions in Federally defined floodplains and wetlands to enable DOC to decide whether there is an alternative to minimize any potential harm.

d. Clean Air Act (42 U.S.C. §§ 7401 *et seq.*), Federal Water Pollution Control Act (33 U.S.C. §§ 1251 *et seq.*) (Clean Water Act), and Executive Order 11738 ("Providing for administration of the Clean Air Act and the Federal Water Pollution Control Act with respect to Federal contracts, grants or loans")

Non-Federal entities must comply with the provisions of the Clean Air Act (42 U.S.C. §§ 7401 *et seq*.), Clean Water Act (33 U.S.C. §§ 1251 *et seq*.), and E.O. 11738 (38 FR 25161), and must not use a facility on the Excluded Parties List (EPL) (located on the System for Award Management (SAM) website, SAM.gov) in performing any award that is nonexempt under 2 C.F.R. § 1532, and must notify the Program Officer in writing if it intends to use a facility that is on the EPL or knows that the facility has been recommended to be placed on the EPL.

e. The Flood Disaster Protection Act (42 U.S.C. §§ 4002 *et seq*.)

Flood insurance, when available, is required for Federally assisted construction or acquisition in flood-prone areas. Per 2 C.F.R. § 200.447(a), the cost of required flood insurance is an allowable expense, if it is reflected in the approved project budget.

f. The Endangered Species Act (16 U.S.C. §§ 1531 *et seq.*)

Non-Federal entities must identify any impact or activities that may involve a threatened or endangered species. Federal agencies have the responsibility to ensure that no adverse effects to a protected species or habitat occur from actions under Federal assistance awards and conduct the reviews required under the Endangered Species Act, as applicable.

g. The Coastal Zone Management Act (16 U.S.C. §§ 1451 *et seq*.)

Funded projects must be consistent with a coastal State's approved management program for the coastal zone.

h. The Coastal Barriers Resources Act (16 U.S.C. §§ 3501 *et seq.*)

Only in certain circumstances can Federal funding be provided for actions within a Coastal Barrier System.

i. The Wild and Scenic Rivers Act (16 U.S.C. §§ 1271 *et seq.*)

This Act applies to awards that may affect existing or proposed components of the National Wild and Scenic Rivers system.

j. The Safe Drinking Water Act of 1974, as amended, (42 U.S.C. §§ 300f *et seq.*)

This Act precludes Federal assistance for any project that the EPA determines may contaminate a sole source aquifer which threatens public health.

k. The Resource Conservation and Recovery Act (42 U.S.C. §§ 6901 *et seq.*)

This Act regulates the generation, transportation, treatment, and disposal of hazardous wastes, and provides that non-Federal entities give preference in their procurement programs to the purchase of recycled products pursuant to EPA guidelines.

l. The Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA, commonly known as Superfund) (42 U.S.C. §§ 9601 *et seq.*) and the Community Environmental Response Facilitation Act (42 U.S.C. § 9601 note *et seq.*)

These requirements address responsibilities related to hazardous substance releases, threatened releases and environmental cleanup. There are also reporting and community involvement requirements designed to ensure disclosure of the release or disposal of regulated substances and cleanup of hazards to state and local emergency responders.

m. Executive Order 12898 ("Federal Actions to Address Environmental Justice in Minority Populations and Low Income Populations")

Federal agencies are required to identify and address the disproportionately high and adverse human health or environmental effects of Federal programs, policies, and activities on low income and minority populations.

n. The Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. § 1801 *et seq.*)

Non-Federal entities must identify to DOC any effects the award may have on essential fish habitat (EFH). Federal agencies which fund, permit, or carry out activities that may adversely impact EFH are required to consult with the National Marine Fisheries Service (NMFS) regarding the potential effects of their actions and respond in writing to NMFS recommendations. These recommendations may include measures to avoid, minimize, mitigate, or otherwise offset adverse effects on EFH. In addition, NMFS is required to comment on any state agency activities that would impact EFH. Provided the specifications outlined in the regulations are met, EFH consultations will be incorporated into interagency

procedures previously established under NEPA, the ESA, Clean Water Act, Fish and Wildlife Coordination Act, or other applicable statutes.

o. Clean Water Act (CWA) Section 404 (33 U.S.C. § 1344)

CWA Section 404 regulates the discharge of dredged or fill material into waters of the United States, including wetlands. Activities in waters of the United States regulated under this program include fill for development, water resource projects (such as levees and some coastal restoration activities), and infrastructure development (such as highways and airports). CWA Section 404 requires a permit from the U.S. Army Corps of Engineers before dredged or fill material may be discharged into waters of the United States, unless the activity is exempt from Section 404 regulation (e.g., certain farming and forestry activities).

p. Rivers and Harbors Act (33 U.S.C. § 407)

A permit may be required from the U.S. Army Corps of Engineers if the proposed activity involves any work in, over or under navigable waters of the United States. Recipients must identify any work (including structures) that will occur in, over or under navigable waters of the United States and obtain the appropriate permit, if applicable.

q. The Migratory Bird Treaty Act (16 U.S.C. §§ 703-712), Bald and Golden Eagle Protection Act (16 U.S.C. § 668 *et seq.*), and Executive Order 13186 (Responsibilities of Federal Agencies to Protect Migratory Birds, January 10, 2001)

Many prohibitions and limitations apply to projects that adversely impact migratory birds and bald and golden eagles. Executive Order 13186 directs Federal agencies to enter a Memorandum of Understanding with the U.S. Fish and Wildlife Service to promote conservation of migratory bird populations when a Federal action will have a measurable negative impact on migratory birds.

r. Executive Order 13112 (Invasive Species, February 3, 1999)

Federal agencies must identify actions that may affect the status of invasive species and use relevant programs and authorities to: (i) prevent the introduction of invasive species; (ii) detect and respond rapidly to and control populations of such species in a cost-effective and environmentally sound manner; (iii) monitor invasive species populations accurately and reliably; (iv) provide for restoration of native species and habitat conditions in ecosystems that have been invaded; (v) conduct research on invasive species and develop technologies to prevent introduction and provide for environmentally sound control of invasive species; and (vi) promote public education on invasive species and the means to address them. In addition, an agency may not authorize, fund, or carry out actions that it believes are likely to cause or promote the introduction or spread of invasive species in the United States or elsewhere.

s. Fish and Wildlife Coordination Act (16 U.S.C. § 661 *et seq.*)

During the planning of water resource development projects, agencies are required to give fish and wildlife resources equal consideration with other values. Additionally, the U.S.

Fish and Wildlife Service and fish and wildlife agencies of states must be consulted whenever waters of any stream or other body of water are "proposed or authorized, permitted or licensed to be impounded, diverted… or otherwise controlled or modified" by any agency under a Federal permit or license.

.05 OTHER NATIONAL POLICY REQUIREMENTS

a. Buy-American Preferences

Strengthening Buy-American Preferences for Infrastructure Projects. Recipients of covered programs (as defined in Executive Order 13858, 31 January 2019, and 2 C.F.R. §200.322 (Domestic preferences for procurements)) are hereby notified that they are encouraged to use, to the greatest extent practicable, iron and aluminum as well as steel, cement, and other manufactured products produced in the United States in every contract, subcontract, purchase order, or subaward that is chargeable under this Award.

b. Criminal and Prohibited Activities

1. The Program Fraud Civil Remedies Act (31 U.S.C. § 3801 *et seq.*), provides for the imposition of civil penalties against persons who make false, fictitious, or fraudulent claims to the Federal Government for money (including money representing grants, loans, or other benefits).

2. The False Claims Amendments Act of 1986 and the False Statements Accountability Act of 1996 (18 U.S.C. §§ 287 and 1001, respectively), provide that whoever makes or presents any false, fictitious, or fraudulent statement, representation, or claim against the United States must be subject to imprisonment of not more than five years and must be subject to a fine in the amount provided by 18 U.S.C. § 287.

3. The Civil False Claims Act (31 U.S.C. §§ 3729 - 3733), provides that suits can be brought by the government, or a person on behalf of the government, for false claims made under Federal assistance programs.

4. The Copeland Anti-Kickback Act (18 U.S.C. § 874), prohibits a person or organization engaged in a Federally supported project from enticing an employee working on the project from giving up a part of his compensation under an employment contract. The Copeland Anti-Kickback Act also applies to contractors and subcontractors pursuant to 40 U.S.C. § 3145.

5. The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (42 U.S.C. § 4601 et seq.) and implementing regulations issued at 15 C.F.R. Part 11, which provides for fair and equitable treatment of displaced persons or persons whose property is acquired as a result of Federal or Federally-assisted programs. These requirements apply to all interests in real property acquired for project purposes regardless of Federal participation in purchases.

6. The Hatch Act (5 U.S.C. §§ 1501-1508 and 7321-7326), which limits the political activities of employees or officers of state or local governments whose principal employment activities are funded in whole or in part with Federal funds.

7. To ensure compliance with Federal law pertaining to financial assistance awards, an authorized representative of a non-Federal entity may be required to periodically provide certain certifications to the DOC regarding Federal felony and Federal criminal tax convictions, unpaid federal tax assessments, delinquent Federal tax returns and such other certifications that may be required by Federal law.

c. Drug-Free Workplace

The non-Federal entity must comply with the provisions of the Drug-Free Workplace Act of 1988 (41 U.S.C. § 8102) and DOC implementing regulations published at 2 C.F.R. Part 1329 (Requirements for Drug-Free Workplace (Financial Assistance)), which require that the non-Federal entity take certain actions to provide a drug-free workplace.

d. Foreign Travel

1. Each non-Federal entity must comply with the provisions of the Fly America Act (49 U.S.C. § 40118). The implementing regulations of the Fly America Act are found at 41 C.F.R. §§ 301-10.131 through 301-10.143.

2. The Fly America Act requires that Federal travelers and others performing U.S. Government-financed air travel must use U.S. flag air carriers, to the extent that service by such carriers is available. Foreign air carriers may be used only in specific instances, such as when a U.S. flag air carrier is unavailable or use of U.S. flag air carrier service will not accomplish the agency's mission.

3. One exception to the requirement to fly U.S. flag carriers is transportation provided under a bilateral or multilateral air transport agreement, to which the United States Government and the government of a foreign country are parties, and which the Department of Transportation has determined meets the requirements of the Fly America Act pursuant to 49 U.S.C. § 40118(b). The United States Government has entered into bilateral/multilateral "Open Skies Agreements" (U.S. Government Procured Transportation) that allow federal funded transportation services for travel and cargo movements to use foreign air carriers under certain circumstances. There are multiple "Open Skies Agreements" currently in effect. For more information about the current bilateral and multilateral agreements, visit the GSA website. Information on the Open Skies agreements (U.S. Government Procured Transportation) and other specific country agreements may be accessed via the Department of State's website.

4. If a foreign air carrier is anticipated to be used for any portion of travel under a DOC financial assistance award, the non-Federal entity must receive prior approval from the Grants Officer. When requesting such approval, the non-Federal entity must provide a justification in accordance with guidance provided by 41 C.F.R. § 301-10.142, which requires the non-Federal entity to provide the Grants Officer with the following: name; dates

of travel; origin and destination of travel; detailed itinerary of travel; name of the air carrier and flight number for each leg of the trip; and a statement explaining why the non-Federal entity meets one of the exceptions to the regulations. If the use of a foreign air carrier is pursuant to a bilateral agreement, the non-Federal entity must provide the Grants Officer with a copy of the agreement or a citation to the official agreement available on the GSA website. The Grants Officer must make the final determination and notify the non-Federal entity in writing (which may be done through the recipient in the case of subrecipient travel). Failure to adhere to the provisions of the Fly America Act will result in the non-Federal entity not being reimbursed for any transportation costs for which any non-Federal entity improperly used a foreign air carrier.

Note: When using code-sharing flights (two or more airlines having flight numbers assigned to the same flight) involving U.S. flag carriers and non-U.S. flag carriers, the airline symbol and flight number of the U.S. flag carrier must be used on the ticket to qualify as a U.S. flag carrier (e.g. "*Delta Airlines Flight XXXX, operated by KLM*"). Conversely, if the ticket shows "[*Foreign Air Carrier*] *XXX, operated by Delta*," that travel is using a foreign air carrier and is subject to the Fly America Act and must receive prior approval from the Grants Officer as outlined in paragraph G.05.d.4.

e. Increasing Seat Belt Use in the United States

Pursuant to E.O. 13043 (62 FR 19217), non-Federal entities should encourage employees and contractors to enforce on-the-job seat belt policies and programs when operating company-owned, rented, or personally owned vehicles.

f. Federal Employee Expenses and Subawards or Contracts Issued to Federal Employees or Agencies

1. Use of award funds (Federal or non-Federal) or the non-Federal entity's provision of in-kind goods or services for the purposes of transportation, travel, or any other expenses for any Federal employee may raise appropriation augmentation issues. In addition, DOC policy may prohibit the acceptance of gifts, including travel payments for federal employees, from non-Federal entities regardless of the source. Therefore, before award funds may be used by Federal employees, non-Federal entities must submit requests for approval of such action to the Federal Program Officer who must review and make a recommendation to the Grants Officer. The Grants Officer will notify the non-Federal entity in writing (generally through the recipient) of the final determination.

2. A non-Federal entity or its contractor may not issue a subaward, contract or subcontract of any part of a DOC award to any agency or employee of DOC or to other Federal employee, department, agency, or instrumentality, without the advance prior written approval of the DOC Grants Officer.

g. Minority Serving Institutions Initiative

Pursuant to E.O.s 13555 (White House Initiative on Educational Excellence for Hispanics) (75 FR 65417), 13592 (Improving American Indian and Alaska Native

Educational Opportunities and Strengthening Tribal Colleges and Universities) (76 FR 76603), and 13779 (White House Initiative to Promote Excellence and Innovation at Historically Black Colleges and Universities) (82 FR 12499), DOC is strongly committed to broadening the participation of minority serving institutions (MSIs) in its financial assistance programs. DOC's goals include achieving full participation of MSIs to advance the development of human potential, strengthen the Nation's capacity to provide high-quality education, and increase opportunities for MSIs to participate in and benefit from Federal financial assistance programs. DOC encourages all applicants and non-Federal entities to include meaningful participation of MSIs. Institutions eligible to be considered MSIs are listed on the Department of Education website.

h. Research Misconduct

The DOC adopts, and applies to financial assistance awards for research, the Federal Policy on Research Misconduct (Federal Policy) issued by the Executive Office of the President's Office of Science and Technology Policy on December 6, 2000 (65 FR 76260). As provided for in the Federal Policy, research misconduct refers to the fabrication, falsification, or plagiarism in proposing, performing, or reviewing research, or in reporting research results. Research misconduct does not include honest errors or differences of opinion. Non-Federal entities that conduct extramural research funded by DOC must foster an atmosphere conducive to the responsible conduct of sponsored research by safeguarding against and resolving allegations of research misconduct. Non-Federal entities also have the primary responsibility to prevent, detect, and investigate allegations of research misconduct and, for this purpose, may rely on their internal policies and procedures, as appropriate, to do so. Non-Federal entities must notify the Grants Officer of any allegation that meets the definition of research misconduct and detail the entity's inquiry to determine whether there is sufficient evidence to proceed with an investigation, as well as the results of any investigation. The DOC may take appropriate administrative or enforcement action at any time under the award, up to and including award termination and possible suspension or debarment, and referral to the Commerce OIG, the U.S. Department of Justice, or other appropriate investigative body.

i. Research Involving Human Subjects

1. All proposed research involving human subjects must be conducted in accordance with 15 C.F.R. Part 27 (Protection of Human Subjects). No research involving human subjects is permitted under this award unless expressly authorized by specific award condition, or otherwise in writing by the Grants Officer.

2. Federal policy defines a human subject as a living individual about whom an investigator (whether professional or student) conducting research (1) Obtains information or biospecimens through intervention or interaction with the individual, and uses, studies, or analyzes the information or biospecimens; or (2) Obtains, uses, studies, analyzes, or generates identifiable private information or identifiable biospecimens. Research means a systematic investigation, including research development, testing and evaluation, designed to develop or contribute to generalizable knowledge.

3. DOC regulations at 15 C.F.R. Part 27 require that non-Federal entities maintain appropriate policies and procedures for the protection of human subjects. In the event it becomes evident that human subjects may be involved in this project, the non-Federal entity (generally through the recipient) must submit appropriate documentation to the Federal Program Officer for approval by the appropriate DOC officials. As applicable, this documentation must include:

i. Documentation establishing approval of an activity in the project by an Institutional Review Board (IRB) under a Federal wide Assurance issued by Department of Health and Human Services or other Federal agency guidelines (*see also* 15 C.F.R. § 27.103);

ii. Documentation to support an exemption for an activity in the project under 15 C.F.R. § 27.104(d);

iii. Documentation of IRB approval of any modification to a prior approved protocol or to an informed consent form;

iv. Documentation of an IRB approval of continuing review approved prior to the expiration date of the previous IRB determination; and

v. Documentation of any reportable events, such as serious adverse events, unanticipated problems resulting in risk to subjects or others, and instances of noncompliance.

4. No work involving human subjects may be undertaken, conducted, or costs incurred and/or charged for human subjects research, until the appropriate documentation is approved in writing by the Grants Officer. In accordance with 15 C.F.R. § 27.118, if research involving human subjects is proposed after an award is made, the non-Federal entity must contact the Federal Program Officer and provide required documentation. Notwithstanding this prohibition, work may be initiated or costs incurred and/or charged to the project for protocol or instrument development related to human subjects research.

j. Care and Use of Live Vertebrate Animals

Non-Federal entities must comply with the Laboratory Animal Welfare Act of 1966, as amended, (Pub. L. No. 89-544, 7 U.S.C. §§ 2131 *et seq.*) (animal acquisition, transport, care, handling, and use in projects), and implementing regulations (9 C.F.R. Parts 1, 2, and 3); the Endangered Species Act (16 U.S.C. §§ 1531 *et seq.*); Marine Mammal Protection Act (16 U.S.C. §§ 1361 *et seq.*) (taking possession, transport, purchase, sale, export or import of wildlife and plants); the Nonindigenous Aquatic Nuisance Prevention and Control Act (16 U.S.C. §§ 4701 *et seq.*) (ensure preventive measures are taken or that probable harm of using species is minimal if there is an escape or release); and all other applicable statutes pertaining to the care, handling, and treatment of warm-blooded animals held for research, teaching, or other activities supported by Federal financial assistance. No research involving vertebrate animals is permitted under any DOC financial assistance award unless authorized by the Grants Officer.

k. Management and Access to Data and Publications

1. In General. The recipient acknowledges and understands that information and data contained in applications for financial assistance, as well as information and data contained in financial, performance and other reports submitted by recipients, may be used by the DOC in conducting reviews and evaluations of its financial assistance programs. For this purpose, recipient information and data may be accessed, reviewed and evaluated by DOC employees, other Federal employees, Federal agents and contractors, and/or by non-Federal personnel, all of who enter into appropriate or are otherwise subject to confidentiality and nondisclosure agreements covering the use of such information. Recipients are expected to support program reviews and evaluations by submitting required financial and performance information and data in an accurate and timely manner, and by cooperating with DOC and external program evaluators. In accordance with 2 C.F.R. § 200.303(e), recipients are reminded that they must take reasonable measures to safeguard protected personally identifiable information and other confidential or sensitive personal or business information created or obtained relating to a DOC financial assistance award.

2. Scientific Data. Non-Federal entities must comply with the data management and access to data requirements established by the DOC funding agency as set forth in the applicable Notice of Funding Opportunity and/or in Specific Award Conditions.

3. Publications, Videos, and Acknowledgment of Sponsorship.

i. Publication of results or findings in appropriate professional journals and production of video or other media is encouraged as an important method of recording, reporting and otherwise disseminating information and expanding public access to federally-funded projects (*e.g.*, scientific research). Non-Federal entities must comply with the data management and access to data requirements established by the DOC funding agency as set forth in the applicable Notice of Funding Opportunity and/or in Specific Award Conditions.

ii. Non-Federal entities may be required to submit a copy of any publication materials, including but not limited to print, recorded, or Internet materials, to the funding agency.

iii. When releasing information related to a funded project, non-Federal entities must include a statement that the project or effort undertaken was or is sponsored by DOC and must also include the applicable financial assistance award number.

iv. Non-Federal entities are responsible for assuring that every publication of material based on, developed under, or otherwise produced pursuant to a DOC financial assistance award contains the following disclaimer or other disclaimer approved by the Grants Officer:

This [report/video/etc.] was prepared by [recipient name] using Federal funds under award [number] from [name of operating unit], U.S. Department of Commerce. The statements, findings, conclusions, and recommendations are those of the author(s) and do

not necessarily reflect the views of the [name of operating unit] or the U.S. Department of Commerce.

l. Homeland Security Presidential Directive

If the performance of this DOC financial assistance award requires non-Federal entity personnel to have routine access to Federally-controlled facilities and/or Federally-controlled information systems (for purpose of this term "routine access" is defined as more than 180 calendar days), such personnel must undergo the personal identity verification credential process. In the case of foreign nationals, the DOC will conduct a check with U.S. Citizenship and Immigration Services' (USCIS) Verification Division, a component of the Department of Homeland Security (DHS), to ensure the individual is in a lawful immigration status and that he or she is eligible for employment within the United States. Any items or services delivered under a financial assistance award must comply with DOC personal identity verification procedures that implement Homeland Security Presidential Directive 12 (Policy for a Common Identification Standard for Federal Employees and Contractors), Federal Information Processing Standard (FIPS) PUB 201, and OMB Memorandum M-05-24. The recipient must ensure that its subrecipients and contractors (at all tiers) performing work under this award comply with the requirements contained in this term. The Grants Officer may delay final payment under an award if the subrecipient or contractor fails to comply with the requirements listed in the term below. The recipient must insert the following term in all subawards and contracts when the subaward recipient or contractor is required to have routine physical access to a Federally-controlled facility or routine access to a Federally-controlled information system:

The subrecipient or contractor must comply with DOC personal identity verification procedures identified in the subaward or contract that implement Homeland Security Presidential Directive 12 (HSPD-12), Office of Management and Budget (OMB) Guidance M-05-24, as amended, and Federal Information Processing Standards Publication (FIPS PUB) Number 201, as amended, for all employees under this subaward or contract who require routine physical access to a Federally-controlled facility or routine access to a Federally-controlled information system.

The subrecipient or contractor must account for all forms of Government-provided identification issued to the subrecipient or contractor employees in connection with performance under this subaward or contract. The subrecipient or contractor must return such identification to the issuing agency at the earliest of any of the following, unless otherwise determined by DOC: (1) When no longer needed for subaward or contract performance; (2) Upon completion of the subrecipient or contractor employee's employment; (3) Upon subaward or contract completion or termination.

m. Compliance with Department of Commerce Bureau of Industry and Security Export Administration Regulations

1. This clause applies to the extent that this financial assistance award encompasses activities that involve export-controlled items.

2. In performing this financial assistance award, a non-Federal entity may participate in activities involving items subject to export control (export-controlled items) under the Export Administration Regulations (EAR). The non-Federal entity is responsible for compliance with all applicable laws and regulations regarding export-controlled items, including the EAR's deemed exports and re-exports provisions. The non-Federal entity must establish and maintain effective export compliance procedures at DOC and non-DOC facilities, including facilities located abroad, throughout performance of the financial assistance award. At a minimum, these export compliance procedures must include adequate restrictions on export-controlled items, to guard against any unauthorized exports, including in the form of releases or transfers to foreign nationals. Such releases or transfers may occur through visual inspection, including technology transmitted electronically, and oral or written communications.

3. Definitions

i. Export-controlled items. Items (commodities, software, or technology), that are subject to the EAR (15 C.F.R. §§ 730-774), implemented by the DOC's Bureau of Industry and Security. These are generally known as "dual-use" items, items with a military and commercial application. The export (shipment, transmission, or release/transfer) of export-controlled items may require a license from DOC.

ii. Deemed Export/Re-export. The EAR defines a deemed export as a release or transfer of export-controlled items (specifically, technology or source code) to a foreign person (foreign national) in the U.S. Such release is "deemed" to be an export to the foreign person's most recent country of citizenship or permanent residency (*see* 15 C.F.R. § 734.13(a)(2) & (b)). A release may take the form of visual inspection or oral or written exchange of information. See 15 C.F.R. § 734.15(a). If such a release or transfer is made abroad to a foreign person of a country other than the country where the release occurs, it is considered a deemed re-export to the foreign person's most recent country of citizenship or permanent residency. See 15 C.F.R. § 734.14(a)(2). Licenses from DOC may be required for deemed exports or re-exports. An act causing the release of export-controlled items to a foreign person (e.g., providing or using an access key or code) may require authorization from DOC to the same extent that an export or re-export of such items to the foreign person would. See 15 C.F.R. § 734.15(b).

4. The non-Federal entity must secure all export-controlled items that it possesses or that comes into its possession in performance of this financial assistance award, to ensure that the export of such items, including in the form of release or transfer to foreign persons, is prevented, or licensed, as required by applicable Federal laws, E.O.s, and/or regulations, including the EAR.

5. As applicable, non-Federal entity personnel and associates at DOC sites will be informed of any procedures to identify and protect export-controlled items from unauthorized export.

6. To the extent the non-Federal entity wishes to release or transfer export-controlled items to foreign persons, the non-Federal entity will be responsible for obtaining any necessary licenses, including licenses required under the EAR for deemed exports or deemed re-exports. Failure to obtain any export licenses required under the EAR may subject the non-Federal entity to administrative or criminal enforcement. See 15 C.F.R. part 764.

7. Nothing in the terms of this financial assistance award is intended to change, supersede, or waive the requirements of applicable Federal laws, E.O.s or regulations.

8. Compliance with this term will not satisfy any legal obligations the non-Federal entity may have regarding items that may be subject to export controls administered by other agencies such as the Department of State, which has jurisdiction over exports and re-exports of defense articles and services subject to the International Traffic in Arms Regulations (ITAR) (22 C.F.R. §§ 120-130), including the release of defense articles to foreign persons in the United States and abroad.

9. The non-Federal entity must include the provisions contained in this term in all lower tier transactions (subawards, contracts, and subcontracts) under this financial assistance award that may involve research or other activities that implicate export-controlled items.

n. The Trafficking Victims Protection Act of 2000 (22 U.S.C. § 7104(g)), as amended, and the implementing regulations at 2 C.F.R. Part 175

The Trafficking Victims Protection Act of 2000 authorizes termination of financial assistance provided to a private entity, without penalty to the Federal Government, if any non-Federal entity engages in certain activities related to trafficking in persons. The DOC hereby incorporates the following award term required by 2 C.F.R. § 175.15(b):

Trafficking in persons.

a. ***Provisions applicable to a recipient that is a private entity.***

1. You as the recipient, your employees, subrecipients under this award, and subrecipients' employees may not—

i. Engage in severe forms of trafficking in persons during the period of time that the award is in effect;

ii. Procure a commercial sex act during the period of time that the award is in effect; or

iii. Use forced labor in the performance of the award or subawards under the award.

2. We as the Federal awarding agency may unilaterally terminate this award, without penalty, if you or a subrecipient that is a private entity —

i. Is determined to have violated a prohibition in paragraph a.1 of this award term; or

ii. Has an employee who is determined by the agency official authorized to terminate the award to have violated a prohibition in paragraph a.1 of this award term through conduct that is either— (A) Associated with performance under this award; or (B) Imputed to you or the subrecipient using the standards and due process for imputing the conduct of an individual to an organization that are provided in 2 C.F.R. Part 180 (OMB Guidelines to Agencies on Governmentwide Debarment and Suspension – Nonprocurement), as implemented by DOC at 2 C.F.R. Part 1326 (Nonprocurement Debarment and Suspension).

b. ***Provision applicable to a recipient other than a private entity****. We as the Federal awarding agency may unilaterally terminate this award, without penalty, if a subrecipient that is a private entity—*

1. Is determined to have violated an applicable prohibition in paragraph a.1 of this award term; or

2. Has an employee who is determined by the agency official authorized to terminate the award to have violated an applicable prohibition in paragraph a.1 of this award term through conduct that is either—

i. Associated with performance under this award; or

ii. Imputed to the subrecipient using the standards and due process for imputing the conduct of an individual to an organization that are provided in 2 C.F.R. Part 180 (OMB Guidelines to Agencies on Governmentwide Debarment and Suspension – Nonprocurement), as implemented by DOC at 2 C.F.R. Part 1326, (Nonprocurement Debarment and Suspension).

c. ***Provisions applicable to any recipient****.*

1. You must inform us immediately of any information you receive from any source alleging a violation of a prohibition in paragraph a.1 of this award term.

2. Our right to terminate unilaterally that is described in paragraph a.2 or b of this section:

i. Implements section 106(g) of the Trafficking Victims Protection Act of 2000 (TVPA), as amended (22 U.S.C. 7104(g)), and

ii. Is in addition to all other remedies for noncompliance that are available to us under this award.

3. You must include the requirements of paragraph a.1 of this award term in any subaward you make to a private entity.

d. ***Definitions. For purposes of this award term****:*

1. "Employee" means either:

i. An individual employed by you or a subrecipient who is engaged in the performance of the project or program under this award; or

ii. Another person engaged in the performance of the project or program under this award and not compensated by you including, but not limited to, a volunteer or individual whose services are contributed by a third party as an in-kind contribution toward cost sharing or matching requirements.

2. "Forced labor" means labor obtained by any of the following methods: the recruitment, harboring, transportation, provision, or obtaining of a person for labor or services, through the use of force, fraud, or coercion for the purpose of subjection to involuntary servitude, peonage, debt bondage, or slavery.

3. "Private entity":

i. Means any entity other than a State, local government, Indian tribe, or foreign public entity, as those terms are defined in 2 C.F.R. § 175.25;

ii. Includes: (A) A nonprofit organization, including any nonprofit institution of higher education, hospital, or tribal organization other than one included in the definition of Indian tribe at 2 C.F.R. § 175.25(b); and (B) A for-profit organization.

4. *"Severe forms of trafficking in persons," "commercial sex act," and "coercion" have the meanings given at section 103 of the TVPA, as amended (22 U.S.C. § 7102).*

o. The Federal Funding Accountability and Transparency Act (FFATA) (31 U.S.C. § 6101 note)

1. **Reporting Subawards and Executive Compensation.** Under FFATA, recipients of financial assistance awards of $30,000 or more are required to report periodically on executive compensation and subawards, as described in the following term from 2 C.F.R. Part 170, Appendix A, which is incorporated into this award:

Reporting Subawards and Executive Compensation

a. ***Reporting of first-tier subawards****.*

1. Applicability. Unless you are exempt as provided in paragraph d. of this award term, you must report each action that equals or exceeds $30,000 in Federal funds for a subaward

to a non-Federal entity or Federal agency (see definitions in paragraph e. of this award term).

2. Where and when to report.

i. You must report each obligating action described in paragraph a.1. of this award term to http://www.fsrs.gov.

ii. For subaward information, report no later than the end of the month following the month in which the obligation was made. (For example, if the obligation was made on November 7, 2010, the obligation must be reported by no later than December 31, 2010.)

3. What to report. You must report the information about each obligating action that the submission instructions posted at http://www.fsrs.gov specify.

b. ***Reporting Total Compensation of Recipient Executives for non-Federal entities****.*

1. Applicability and what to report. You must report total compensation for each of your five most highly compensated executives for the preceding completed fiscal year, if—

i. the total Federal funding authorized to date under this Federal award equals or exceeds $30,000 as defined in 2 C.F.R § 170.320;

ii. in the preceding fiscal year, you received—

(A) 80 percent or more of your annual gross revenues from Federal procurement contracts (and subcontracts) and Federal financial assistance subject to the Transparency Act, as defined at 2 C.F.R. § 170.320 (and subawards), and

(B) $25,000,000 or more in annual gross revenues from Federal procurement contracts (and subcontracts) and Federal financial assistance subject to the Transparency Act, as defined at 2 C.F.R. § 170.320 (and subawards); and,

iii. The public does not have access to information about the compensation of the executives through periodic reports filed under section 13(a) or 15(d) of the Securities Exchange Act of 1934 (15 U.S.C. § 78m(a), 78o(d)) or section 6104 of the Internal Revenue Code of 1986. (To determine if the public has access to the compensation information, see the U.S. Security and Exchange Commission total compensation filings at http://www.sec.gov/answers/execomp.htm.)

2. Where and when to report. You must report executive total compensation described in paragraph b.1. of this award term:

i. As part of your registration profile found at the System for Award Management (SAM) website located at https://www.sam.gov.

ii. By the end of the month following the month in which this award is made, and annually thereafter.

c. ***Reporting of Total Compensation of Subrecipient Executives****.*

1. Applicability and what to report. Unless you are exempt as provided in paragraph d. of this award term, for each first-tier non-Federal entity subrecipient under this award, you shall report the names and total compensation of each of the subrecipient's five most highly compensated executives for the subrecipient's preceding completed fiscal year, if—

i. in the subrecipient's preceding fiscal year, the subrecipient received—

(A) 80 percent or more of its annual gross revenues from Federal procurement contracts (and subcontracts) and Federal financial assistance subject to the Transparency Act, as defined at 2 C.F.R. § 170.320 (and subawards) and,

(B) $25,000,000 or more in annual gross revenues from Federal procurement contracts (and subcontracts), and Federal financial assistance subject to the Transparency Act (and subawards); and

ii. The public does not have access to information about the compensation of the executives through periodic reports filed under section 13(a) or 15(d) of the Securities Exchange Act of 1934 (15 U.S.C. 78m(a), 78o(d)) or section 6104 of the Internal Revenue Code of 1986. (To determine if the public has access to the compensation information, see the U.S. Security and Exchange Commission total compensation filings at http://www.sec.gov/answers/execomp.htm.).

See also 2 C.F.R. § 200.300(b).

2. Where and when to report. You must report subrecipient executive total compensation described in paragraph c.1. of this award term:

i. To the recipient.

ii. By the end of the month following the month during which you make the subaward. For example, if a subaward is obligated on any date during the month of October of a given year (i.e., between October 1 and 31), you must report any required compensation information of the subrecipient by November 30 of that year.

d. ***Exemptions****. If, in the previous tax year, you had gross income, from all sources, under $300,000, you are exempt from the requirements to report: i. Subawards, and ii. The total compensation of the five most highly compensated executives of any subrecipient.*

e. ***Definitions****. For purposes of this award term:*

1. Federal Agency means a Federal agency as defined at 5 U.S.C. 551(1) and further clarified by 5 U.S.C. 552(f).

2. Non-Federal entity means all of the following, as defined in 2 C.F.R. Part 25:

i. A Governmental organization, which is a State, local government, or Indian tribe;

ii. A foreign public entity;

iii. A domestic or foreign nonprofit organization; and,

iv. A domestic or foreign for-profit organization.

3. Executive means officers, managing partners, or any other employees in management positions.

4. Subaward:

i. This term means a legal instrument to provide support for the performance of any portion of the substantive project or program for which you received this award and that you as the recipient award to an eligible subrecipient.

ii. The term does not include your procurement of property and services needed to carry out the project or program (for further explanation, see 2 C.F.R § 200.331).

iii. A subaward may be provided through any legal agreement, including an agreement that you or a subrecipient considers a contract.

5. Subrecipient means a non-Federal entity or Federal agency that:

i. Receives a subaward from you (the recipient) under this award; and

ii. Is accountable to you for the use of the Federal funds provided by the subaward.

6. Total compensation means the cash and noncash dollar value earned by the executive during the recipient's or subrecipient's preceding fiscal year and includes the following (for more information see 17 C.F.R. § 229.402(c)(2)):

i. Salary and bonus.

ii. Awards of stock, stock options, and stock appreciation rights. Use the dollar amount recognized for financial statement reporting purposes with respect to the fiscal year in accordance with the Statement of Financial Accounting Standards No. 123 (Revised 2004) (FAS 123R), Shared Based Payments.

iii. Earnings for services under non-equity incentive plans. This does not include group life, health, hospitalization or medical reimbursement plans that do not discriminate in favor of executives, and are available generally to all salaried employees.

iv. Change in pension value. This is the change in present value of defined benefit and actuarial pension plans.

v. Above-market earnings on deferred compensation which is not tax-qualified.

vi. Other compensation, if the aggregate value of all such other compensation (e.g. severance, termination payments, value of life insurance paid on behalf of the employee, perquisites or property) for the executive exceeds $10,000.

2. **System for Award Management (SAM) and Universal Identifier Requirements** -- as described in 2 C.F.R. Part 25, Appendix A, which is incorporated into this award:

System for Award Management (SAM) and Universal Identifier Requirements

a. ***Requirement for System for Award Management****. Unless you are exempted from this requirement under 2 C.F.R. § 25.110, you as the recipient must maintain current information in the SAM. This includes information on your immediate and highest level owner and subsidiaries, as well as on all of your predecessors that have been awarded a Federal contract or Federal financial assistance within the last three years, if applicable, until you submit the final financial report required under this Federal award or receive the final payment, whichever is later. This requires that you review and update the information at least annually after the initial registration, and more frequently if required by changes in your information or another Federal award term.*

b. ***Requirement for Unique Entity Identifier.*** *If you are authorized to make subawards under this Federal award, you:*

1. Must notify potential subrecipients that no entity (see definition in paragraph c of this award term) may receive a subaward from you until the entity has provided its Unique Entity Identifier to you.

2. May not make a subaward to an entity unless the entity has provided its Unique Entity Identifier to you. Subrecipients are not required to obtain an active SAM registration, but must obtain a Unique Entity Identifier.

c. ***Definitions for purposes of this term****:*

1. SAM means the Federal repository into which a recipient must provide information required for the conduct of business as a recipient. Additional information about registration procedures may be found at the SAM Internet site (currently at https://www.SAM.gov).

2. Unique Entity Identifier means the identifier assigned by SAM to uniquely identify business entities.

3. Entity includes non-Federal entities as defined at 2 C.F.R. § 200.1 and also includes all of the following, for purposes of this part:

i. A foreign organization;

ii. A foreign public entity;

iii. A domestic for-profit organization; and

iv. A Federal agency.

4. Subaward has the meaning given in 2 C.F.R § 200.1.

5. Subrecipient has the meaning given in 2 C.F.R § 200.1.

See also 2 C.F.R. § 200.300(b).

p. Recipient Integrity and Performance Matters (Appendix XII to 2 C.F.R. Part 200)

Reporting of Matters Related to Recipient Integrity and Performance

1. General Reporting Requirement. If the total value of your currently active grants, cooperative agreements, and procurement contracts from all Federal awarding agencies exceeds $10,000,000 for any period of time during the period of performance of this Federal award, then you as the recipient during that period of time must maintain the currency of information reported to the System for Award Management (SAM) that is made available in the designated integrity and performance system (currently the Federal Awardee Performance and Integrity Information System (FAPIIS)) about civil, criminal, or administrative proceedings described in paragraph 2 of this award term and condition. This is a statutory requirement under section 872 of Public Law 110-417, as amended (41 U.S.C. 2313). As required by section 3010 of Public Law 111-212, all information posted in the designated integrity and performance system on or after April 15, 2011, except past performance reviews required for Federal procurement contracts, will be publicly available.

2. Proceedings About Which You Must Report. Submit the information required about each proceeding that:

i. Is relating to the award or performance of a grant, cooperative agreement, or procurement contract from the Federal Government;

ii. Reached its final disposition during the most recent five-year period; and

iii. Is one of the following:

(A) A criminal proceeding that resulted in a conviction, as defined in paragraph 5 of this award term and condition;

(B) A civil proceeding that resulted in a finding of fault and liability and payment of a monetary fine, penalty, reimbursement, restitution, or damages of $5,000 or more;

(C) An administrative proceeding, as defined in paragraph 5 of this award term and condition, that resulted in a finding of fault and liability and your payment of either a monetary fine or penalty of $5,000 or more or reimbursement, restitution, or damages in excess of $100,000; or

(D) Any other criminal, civil, or administrative proceeding if:

I. It could have led to an outcome described in paragraph 2.c.(1), (2), or (3) of this award term and condition;

II. It had a different disposition arrived at by consent or compromise with an acknowledgment of fault on your part; and

III. The requirement in this award term and condition to disclose information about the proceeding does not conflict with applicable laws and regulations.

3. Reporting Procedures. Enter in the SAM Entity Management area the information that SAM requires about each proceeding described in paragraph 2 of this award term and condition. You do not need to submit the information a second time under assistance awards that you received if you already provided the information through SAM because you were required to do so under Federal procurement contracts that you were awarded.

4. Reporting Frequency. During any period when you are subject to the requirement in paragraph 1 of this award term and condition, you must report proceedings information through SAM for the most recent five-year period, either to report new information about any proceeding(s) that you have not reported previously or affirm that there is no new information to report. Recipients that have Federal contract, grant, and cooperative agreement awards with a cumulative total value greater than $10,000,000 must disclose semiannually any information about the criminal, civil, and administrative proceedings.

5. Definitions. For purposes of this award term and condition:

i. Administrative proceeding means a non-judicial process that is adjudicatory in nature to make a determination of fault or liability (e.g., Securities and Exchange Commission Administrative proceedings, Civilian Board of Contract Appeals proceedings, and Armed Services Board of Contract Appeals proceedings). This includes proceedings at the Federal and State level but only in connection with performance of a Federal contract or grant. It does not include audits, site visits, corrective plans, or inspection of deliverables.

ii. Conviction, for purposes of this award term and condition, means a judgment or conviction of a criminal offense by any court of competent jurisdiction, whether entered upon a verdict or a plea, and includes a conviction entered upon a plea of nolo contendere.

iii. Total value of currently active grants, cooperative agreements, and procurement contracts includes:

(A) Only the Federal share of the funding under any Federal award with a recipient cost share or match; and

(B) The value of all expected funding increments under a Federal award and options, even if not yet exercised.

q. Never Contract with the Enemy (2 C.F.R Part 183; 2 C.F.R. § 200.215)

Under 2 C.F.R. § 200.215 (Never contract with the enemy) Federal awarding agencies and recipients are subject to the regulations implementing Never Contract with the Enemy in 2 C.F.R. Part 183. These regulations affect covered contracts, grants and cooperative agreements that are expected to exceed $50,000 within the period of performance, are performed outside the United States and its territories, and are in support of a contingency operation in which members of the Armed Forces are actively engaged in hostilities.

1. **Applicability.** This term applies only to recipients of covered grants or cooperative agreements, as defined in 2 C.F.R. § 183.35 Definitions.

2. **Requirements.** As applicable, recipients must fulfill the requirements as described in the following terms from 2 C.F.R. Part 183, Appendix A, which is incorporated into this award:

a. Term 1. Prohibition on Providing Funds to the Enemy.

1. The recipient must—

i. Exercise due diligence to ensure that none of the funds, including supplies and services, received under this grant or cooperative agreement are provided directly or indirectly (including through subawards or contracts) to a person or entity who is actively opposing the United States or coalition forces involved in a contingency operation in which members of the Armed Forces are actively engaged in hostilities, which must be completed through 2 CFR Part 180.300 prior to issuing a subaward or contract and;

ii. Terminate or void in whole or in part any subaward or contract with a person or entity listed in SAM as a prohibited or restricted source pursuant to subtitle E of Title VIII of the NDAA for FY 2015, unless the Federal awarding agency provides written approval to continue the subaward or contract.

2. The recipient may include the substance of this clause, including this paragraph (1), in subawards under this grant or cooperative agreement that have an estimated value over $50,000 and will be performed outside the United States, including its outlying areas.

3. The Federal awarding agency has the authority to terminate or void this grant or cooperative agreement, in whole or in part, if the Federal awarding agency becomes aware that the recipient failed to exercise due diligence as required by paragraph (1) of this clause or if the Federal awarding agency becomes aware that any funds received under this grant or cooperative agreement have been provided directly or indirectly to a person or entity who is actively opposing coalition forces involved in a contingency operation in which members of the Armed Forces are actively engaged in hostilities

b. Term 2. Additional Access to Recipient Records.

1. In addition to any other existing examination-of-records authority, the Federal Government is authorized to examine any records of the recipient and its subawards or contracts to the extent necessary to ensure that funds, including supplies and services, available under this grant or cooperative agreement are not provided, directly or indirectly, to a person or entity that is actively opposing United States or coalition forces involved in a contingency operation in which members of the Armed Forces are actively engaged in hostilities, except for awards awarded by the Department of Defense on or before Dec 19, 2017 that will be performed in the United States Central Command (USCENTCOM) theater of operations

2. The substance of this clause, including this paragraph (2), is required to be included in subawards or contracts under this grant or cooperative agreement that have an estimated value over $50,000 and will be performed outside the United States, including its outlying areas.

r. Prohibition on certain telecommunications and video surveillance services or equipment (Public Law 115-232, section 889; 2 C.F.R. § 200.216)

(a) Recipients and subrecipients are prohibited from obligating or expending loan or grant funds to:

(1) Procure or obtain,
(2) Extend or renew a contract to procure or obtain, or
(3) Enter into a contract (or extend or renew a contract) to procure or obtain equipment, services or systems that uses covered telecommunications equipment or services as a substantial or essential component of any system, or as critical technology as part of any system.

As described in Public Law 115-232, section 889, covered telecommunications equipment is telecommunications equipment produced by Huawei Technologies Company or ZTE Corporation (or any subsidiary or affiliate of such entities).

(i). For the purpose of public safety, security of government facilities, physical security surveillance of critical infrastructure, and other national security purposes, video surveillance and telecommunications equipment produced by Hytera Communications Corporation, Hangzhou Hikvision Digital Technology Company, or Dahua Technology Company (or any subsidiary or affiliate of such entities).

(ii). Telecommunications or video surveillance services provided by such entities or using such equipment.

(iii). Telecommunications or video surveillance equipment or services produced or provided by an entity that the Secretary of Defense, in consultation with the Director of the National Intelligence or the Director of the Federal Bureau of Investigation, reasonably believes to be an entity owned or controlled by, or otherwise connected to, the government of a covered foreign country.

(b) In implementing the prohibition under Public Law 115-232, section 889, subsection (f), paragraph (1), heads of executive agencies administering loan, grant, or subsidy programs shall prioritize available funding and technical support to assist affected businesses, institutions and organizations as is reasonably necessary for those affected entities to transition from covered communications equipment and services, to procure replacement equipment and services, and to ensure that communications service to users and customers is sustained.

(c) See Public Law 115-232, section 889 for additional information.

(d) See also §200.471.

s. Federal Financial Assistance Planning During a Funding Hiatus or Government Shutdown

This term sets forth initial guidance that will be implemented for Federal assistance awards in the event of a lapse in appropriations, or a government shutdown. The Grants Officer may issue further guidance prior to an anticipated shutdown.

1. Unless there is an actual rescission of funds for specific grant or cooperative agreement obligations, non-Federal entities under Federal financial assistance awards for which funds have been obligated generally will be able to continue to perform and incur allowable expenses under the award during a funding hiatus. Non-Federal entities are advised that ongoing activities by Federal employees involved in grant or cooperative agreement administration (including payment processing) or similar operational and administrative work cannot continue when there is a funding lapse. Therefore, there may be delays, including payment processing delays, in the event of a shutdown.

2. All award actions will be delayed during a government shutdown; if it appears that a non-Federal entity's performance under a grant or cooperative agreement will require agency involvement, direction, or clearance during the period of a possible government shutdown, the Program Officer or Grants Officer, as appropriate, may attempt to provide such involvement, direction, or clearance prior to the shutdown or advise non-Federal entities that such involvement, direction, or clearance will not be forthcoming during the shutdown. Accordingly, non-Federal entities whose ability to withdraw funds is subject to prior agency approval, which in general are non-Federal entities that have been designated high risk, non-Federal entities under construction awards, or are otherwise limited to reimbursements or subject to agency review, will be able to draw funds down from the relevant Automatic Standard Application for Payment (ASAP) account only if agency approval is given and coded into ASAP prior to any government shutdown or closure. This limitation may not be lifted during a government shutdown. Non-Federal entities should plan to work with the Grants Officer to request prior approvals in advance of a shutdown wherever possible. Non-Federal entities whose authority to draw down award funds is restricted may decide to suspend work until the government reopens.

3. The ASAP system should remain operational during a government shutdown. Non-Federal entities that do not require any Grants Officer or agency approval to draw down advance funds from their ASAP accounts should be able to do so during a shutdown. The 30-day limitation on the drawdown of advance funds will still apply notwithstanding a government shutdown (see section B.02.b.1 of these terms).

RESOLUTION 2021-_____

APPROVING ACCEPTANCE OF AN ECONOMIC DEVELOPMENT ADMINISTRATION GRANT AWARD AFTER-THE-FACT AND FURTHER AUTHORIZING THE CITY MANAGER TO EXECUTE ALL GRANT-RELATED DOCUMENTS AND AGREEMENTS

WHEREAS, The City of Tracy applied for an Economic Development Administration (EDA) grant for the replacement and expansion of the International Parkway Bridge, and

WHEREAS, On April 29, 2021 the EDA awarded the City of Tracy $8,350,037 in grant funds to use for the International Parkway Bridge, and

WHEREAS, In order to comply with EDA deadlines, the City Manager accepted the grant award on behalf of the City;

NOW, THEREFORE, BE IT RESOLVED, That the City Council of the City of Tracy hereby approves the acceptance of an EDA grant award after-the-fact and further authorizes the City Manager to execute all grant-related documents and agreements.

* * * * * * * * * * *

The foregoing Resolution 2021-_____ was passed and adopted by the Tracy City Council on the 15th day of June, 2021, by the following vote:

AYES: COUNCIL MEMBERS:

NOES: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

ABSTAIN: COUNCIL MEMBERS:

_____
MAYOR

ATTEST:

_____
CITY CLERK

June 15, 2021

AGENDA ITEM 1.J

REQUEST

AUTHORIZE STAFF TO SUBMIT CURRENT AND FUTURE APPLICATIONS FOR "REBUILDING AMERICAN INFRASTRUCTURE WITH SUSTAINABILITY AND EQUITY," A COMPETITIVE GRANT PROGRAM FOR THE I-580/INTERNATIONAL PARKWAY INTERCHANGE PROJECT, FUNDED BY REGIONAL AND CITY FUNDS, DEVELOPER FEES AND TRADE CORRIDOR GRANT FUNDS, AND FURTHER AUTHORIZE THE CITY MANAGER TO EXECUTE ALL GRANT-RELATED DOCUMENTS AND AGREEMENTS

EXECUTIVE SUMMARY

Staff requests that City Council authorize staff to apply for the Rebuilding American Infrastructure with Sustainability and Equity (RAISE) competitive grant program for the planned improvements on the I-580/International Parkway Interchange and authorize the City Manager to execute all grant-related documents and agreements.

DISCUSSION

Recently, the United States Department of Transportation announced the RAISE grant program, formerly known as BUILD, with funding in the approximate amount of $1 Billion. These funds are to be made available for projects that are in line with the federal administration's principles to modernize and create new American infrastructure.

The City of Tracy I-580/International Parkway Interchange Project will reconstruct the existing interchange from a tight diamond configuration to a Diverging Diamond Interchange (DDI). The project expands a critical interstate interchange and promotes integration with Intelligent Transportation System (ITS) hardware on both the State Highway System and local arterial network. The project alleviates goods movement and congestion and also improves freight access. City staff proposes to apply for the RAISE grant for improvements associated with this project.

The grant offers reimbursements of up to 80 percent toward the total project cost, with a maximum of $25 million, and is based on a competitive selection of projects based on the goals of the RAISE grant. The RAISE grant program provides Federal financial assistance to projects "that include safety, environmental sustainability, quality of life, economic competitiveness, state of good repair, innovation, and partnership."

Preliminary costs of the Project are estimated at $46.8M and staff proposes to apply for $18M from the grant program. The remaining required funds may be received from non-federal funding sources, comprising of regional and City funds, developer fees, and Trade Corridor Grant funds.

The City of Tracy previously applied for but was unsuccessful in being awarded the RAISE grant when it was formally known as BUILD. Since that time, staff has met with a Policy Analyst from the Office of the Secretary of Transportation and received feedback

on the prior grant applications, which will be incorporated in the new application. Staff is also working with consultants to help with the application updates and process.

Staff requests that Council allow staff to subsequently apply for any future RAISE grants that may be offered. Staff will continue to apply for this project, but would also like to apply for future grants which may be applicable and consistent with the City's Transportation Master Plan.

STRATEGIC PLAN

This agenda item supports the City of Tracy's Quality of Life Strategic Priority, and specifically implements goal 1: Advance green and roadway infrastructure projects that improve connectivity, including bike lanes.

FISCAL IMPACT

Preliminary costs of the Project are estimated at $46.8M and staff proposes to apply for $18M from the grant program. The remaining required funds may be received from non-federal funding sources, comprising of regional and City funds, developer fees, and Trade Corridor Grant funds.

RECOMMENDATION

Staff recommends that City Council, by resolution, authorize staff to submit current and future applications to secure a federal RAISE grant for the City of Tracy I-580/International Parkway Interchange project, funded by regional and City funds, developer fees and Trade Corridor Grant funds, and further authorizes the City Manager to execute all grant-related documents and agreements.

Prepared by: Veronica Child, Management Analyst II

Reviewed by: Robert Armijo, PE, City Engineer/Assistant Development Services Director
Karin Schnaider, Finance Director
Andrew Malik, Assistant City Manager

Approved by: Jenny Haruyama, City Manager

ATTACHMENTS

Attachment A – Location Map

ATTACHMENT A

I-580/International Parkway Interchange

RESOLUTION 2021-_____

AUTHORIZING STAFF TO SUBMIT CURRENT AND FUTURE APPLICATIONS FOR THE FEDERAL GRANT "REBUILDING AMERICAN INFRASTRUCTURE WITH SUSTAINABILITY AND EQUITY" COMPETITIVE GRANT PROGRAM FOR THE CENTRAL VALLEY GATEWAY PROJECT, AND FURTHER AUTHORIZING THE CITY MANAGER TO EXECUTE ALL GRANT-RELATED DOCUMENTS AND AGREEMENTS

WHEREAS, The United States Department of Transportation announced a competitive Grant Program for the Rebuilding American Infrastructure with Sustainability and Equity (RAISE), and

WHEREAS, The City of Tracy I-580/International Parkway Interchange Project expands a critical interstate interchange and improves freight access, and is in line with the Grant's requirements, and

WHEREAS, The preliminary cost of the project is estimated at $46.8M, and the subject Grant may reimburse up to 80% of the total cost, it will benefit the City to request approximately $18M;

NOW, THEREFORE, BE IT RESOLVED, That the City Council of the City of Tracy hereby authorizes staff to submit an application for the RAISE Grant for the I-580/International Parkway Interchange Project, for an amount of $18M and further authorizes the City Manager to execute all grant-related documents and agreements.

* * * * * * * * * * *

The foregoing Resolution 2021-_____ was passed and adopted by the Tracy City Council on the 15th day of June, 2021, by the following vote:

AYES: COUNCIL MEMBERS:

NOES: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

ABSTAIN: COUNCIL MEMBERS:

_____
MAYOR

ATTEST:

_____
CITY CLERK

June 15, 2021

AGENDA ITEM 1.K

REQUEST

AUTHORIZE THE SUBMISSION AND RECEIVE THE SAN JOAQUIN COUNCIL OF GOVERNMENTS REGIONAL EARLY ACTION PLANNING (REAP) GRANT FUNDS

EXECUTIVE SUMMARY

The State Department of Housing and Community Development is providing Regional Early Action Planning (REAP) Grant funds, through the San Joaquin Council of Governments, to plan and accelerate housing production throughout the region. The City of Tracy is eligible to receive up to an estimated amount of $187,075. The Grant will help pay costs of the City's required update to the Housing Element, Transit Oriented Development Specific Plan, and ongoing policy and zoning amendments. This agenda item is to adopt a City Council resolution in support of the Grant application.

DISCUSSION

The San Joaquin Council of Governments (SJCOG) received Regional Early Action Planning (REAP) grant funds from the State Department of Housing and Community Development for regional planning activities to accelerate housing production in San Joaquin County. SJCOG proposes to allocate a portion of the grant funds for San Joaquin County and the cities within the County to perform specified planning activities that will accelerate housing production. Based on population, the City of Tracy is eligible to receive up to $187,075 in a non-competitive application process.

The City's upcoming, required update to the Housing Element is eligible and the City Council has identified various planning activities that align with SJCOG's REAP objective to accelerate housing production. Those activities include the Transit Oriented Development Specific Plan, evaluation of inclusionary housing policies, and the on-going workforce/affordable housing policy and zoning amendments currently underway. A summary of the proposed planning activities is included in the Proposal for Funds, Attachment A. This Proposal for Funds is required as part of the Grant application. The proposed Resolution, Attachment B, contains the language requested by SJCOG for the Grant application.

City staff is recommending that the City Council approve of an application to SJCOG for the REAP Grant for the proposed planning activities and if awarded, authorize the City Manager to execute the agreement, thereby accepting such funds. Grant funds will be applied to hire professional consultant(s) to help develop the proposed planning projects. The deadline for submittal of grant application Proposal for Fund letter (Attachment A) is June 30, 2021. REAP funds must be expended and invoiced by December 2023.

The City has already been awarded Senate Bill 2 (SB 2) and Local Early Action Planning (LEAP) grant funds for most of these planning activities to increase housing capacity and accelerate housing production. Should the REAP funds be granted to the City, the City will have been awarded a total of approximately $850,000 for policy-related analysis and projects from the three State grants.

STRATEGIC PLAN

This agenda item is related to the City Council's Strategic Priorities, namely Quality of Life Goal 4, Implement Affordable Housing Initiatives and Economic Development Goal 3, Continue to Advance the Transit Oriented Development Opportunities.

FISCAL IMPACT

This agenda item will allow the City to apply for approximately $187,075 in grant funding to procure professional planning services and cover City consultant costs. The grant does not require a match from the City or elsewhere. Staff time associated with managing the projects and completing grant reporting is not expected to require additional staff hours beyond the normal budgeted scope of duties.

RECOMMENDATION

Staff recommends that the City Council, by resolution, authorize the City Manager to submit a Regional Early Action Planning (REAP) grant application to the San Joaquin Council of Governments in compliance with the REAP Grant Guidelines and execute any necessary documents related to the grant.

Prepared by: Alan Bell, Senior Planner

Reviewed by: Bill Dean, Assistant Development Services Director
Karin Schnaider, Finance Director
Andrew Malik, Assistant City Manager

Approved by: Jenny Haruyama, City Manager

ATTACHMENTS

Attachment A – Proposal for REAP Funds Letter

Attachment A

June 16, 2021

Diane Nguyen, AICP
Executive Director
San Joaquin Council of Governments
555 E. Weber Avenue
Stockton, CA 95202

Subject: City of Tracy REAP Proposal for Funds

Dear Director Nguyen:

Please accept this application to San Joaquin Council of Governments Regional Early Action Planning (REAP) Grant Program in the amount of $187,075. REAP funds will be used as part of the City of Tracy's housing planning and to facilitate the acceleration of housing production.

The primary use of the REAP Grant will be for the City of Tracy's Sixth RHNA Cycle Housing Element preparation and adoption, Transit Oriented Development Specific Plan, and a variety of policy and Zoning Ordinance amendments to help streamline the development process and support housing production.

The Transit Oriented Development Specific Plan area is located in and near the Downtown and future Valley Link project station. It will include upzoning measures to intensify land use patterns in proximity to existing and future transit, impact on housing production in and near the Downtown, include infrastructure planning and environmental clearance.

Policy and Zoning Ordinance amendments include the following: (1) permitting high-density housing "by right" in certain commercial zones; (2) update the Zoning Ordinance with the most recent State law changes regarding accessory dwelling units; (3) rezone two sites, currently zoned industrial, to help accommodate the City's RHNA; (4) increase maximum densities in higher density residential zones; (5) remove minimum lot size in favor of floor area and/or units per acre in residential zones; (6) modify City standards regarding building height, lot coverage and setbacks in medium and high density residential zones; (7) increase minimum densities in medium density residential zones; (8) allow and encourage duplexes, triplexes, and fourplexes in new single-family home subdivisions; (9) create an overlay zone that allows clusters of tine homes; (10) amend the City's parking ordinance to reduce the number of off-street parking spaces required for new multi-family development projects; (11) develop objective design standards for multi-family development; (12) develop a ballot initiative for voter consideration to make certain amendments to the City's Growth Management Ordinance; and (13) create "off-

the-shelf" accessory dwelling unit plans that property owners would be able to employ to building accessory dwelling units on their property.

All of these tasks, directly or indirectly, relate to planning or accelerating housing production. More specifically, they are related to the priority of streamlining the development process through the Transit Oriented Development Specific Plan, accessory dwelling unit plan development, policy changes, and zoning updates.

The following table identifies the projects to be funded through the REAP Grant, the estimated cost, and the proposed schedule. The REAP Grant will supplement revenue the City will receive through the State Department of Housing and Community Development (HCD) SB2 and Local Early Action Planning (LEAP) Grants. The estimated costs, identified in the table, are in addition to the funds expected for these projects through other sources, such as HCD grants and the City's General Fund.

City of Tracy REAP Projects, Schedule and Costs

Sixth RHNA Cycle Housing Element Update	$80,000	February 2022 thru June 2023
Transit Oriented Development Specific Plan	$82,075	April 2021 thru April 2023
Policy and Zoning Ordinance Amendments	$25,000	June 2021 thru May 2022
Total Estimated Costs	**$187,075**	

Thank you for your consideration of this REAP Grant application. Please do not hesitate to contact Alan Bell, Senior Planner, (209) 831-6426, alan.bell@cityoftracy.org if you need additional information or have any questions.

Sincerely,

Jenny Haruyama
City Manager

Enclosure: City Council Resolution, dated June 15, 2021

RESOLUTION 2021-_____

AUTHORIZING THE SUBMISSION AND RECEIVE THE SAN JOAQUIN COUNCIL OF GOVERNMENTS REGIONAL EARLY ACTION PLANNING (REAP) GRANT FUNDS

WHEREAS, The California Housing and Community Development Department (HCD) has provided funds for the Regional Early Action Planning (REAP) Grant program, and

WHEREAS, The provided funds by HCD have been made available through the San Joaquin Valley REAP Committee on behalf of Fresno Council of Governments, Kern Council of Governments, Kings County Association of Governments, Madera County Transportation Commission, Merced County Association of Governments, Stanislaus Council of Governments, Tulare County Association of Governments, and San Joaquin Council of Governments (SJCOG), and

WHEREAS, The San Joaquin Valley REAP Committee signed a Memorandum of Understanding (MOU) to facilitate the regional sub-allocations (Exhibit A), and

WHEREAS, SJCOG has been delegated the responsibility for the administration of the grant allocation, establishing necessary procedures, and

WHEREAS, HCD awarded the allocation to SJCOG on behalf of San Joaquin County Member Agencies (City of Escalon, City of Lathrop, City of Lodi, City of Manteca, City of Ripon, City of Stockton, City of Tracy, and County of San Joaquin), and

WHEREAS, SJCOG and participating member agencies, will conduct planning activities that will accelerate housing production and housing-relative initiatives, and

WHEREAS, The technical assistance provided by the participating Valley MPOs represents staffing for the program that is reimbursable to the grant, and

WHEREAS, If awarded the Grant, the City of Tracy will conduct activities consistent with the grant requirements; commits to providing documentation of work completed and other deliverables consistent with the grant requirements; and the total invoicing from the City of Tracy will not exceed the allotted share as stipulated in Table 1 of SJCOG REAP Grant Guidelines;

NOW, THEREFORE, BE IT RESOLVED, The City Council authorizes the City Manager to submit a Regional Early Action Planning (REAP) grant application to the San Joaquin Council of Governments in compliance with the REAP Grant Guidelines and execute any necessary documents related to the grant.

* * * * * * * * * * * * *

The foregoing Resolution 2021-_____ was adopted by the Tracy City Council on the 15th day of June, 2021, by the following vote:

AYES: COUNCIL MEMBERS:
NOES: COUNCIL MEMBERS:
ABSENT: COUNCIL MEMBERS:
ABSTAIN: COUNCIL MEMBERS:

_____
MAYOR

ATTEST:

_____
CITY CLERK

Exhibit A: San Joaquin Valley REAP MOU

MEMORANDUM OF UNDERSTANDING

San Joaquin Valley Regional Early Action Planning Committee for Housing

This memorandum of understanding ("**MOU**") is made this 19th day of November 2020 ("**Effective Date**"), by and between the agencies ("**Members**") comprising the San Joaquin Valley Regional Early Action Planning Committee for Housing ("**Committee**") set forth below:

Fresno Council of Governments
2035 Tulare Street Suite 201
Fresno, CA 93721
Email: tboren@fresnocog.org

Kern Council of Governments
1401 19th Street, Suite 300
Bakersfield, California 93301
Email: ahakimi@kerncog.org

Kings County Association of Governments
339 W D Street
Lemoore, CA 93245
Email: terri.king@co.kings.ca.us

Madera County Transportation Commission
2001 Howard Road, Suite 201
Madera, CA 93637
Email: patricia@maderactc.org

Merced County Association of Governments
369 W 18th Street
Merced, CA 95340
Email: stacie.guzman@mcagov.org

San Joaquin Council of Governments
555 E Weber Avenue
Stockton, CA 95202
Email: achesley@sjcog.org

Stanislaus Council of Governments
1111 "I" Street, Suite 308
Modesto, CA 95354
Email: rpark@stancog.org

Tulare County Association of Governments
210 N Church Street, Suite B
Visalia, CA 93291
Email: tsmalley@tularecog.org

RECITALS

A. Under section 50515.02, subdivision (a), of the Health and Safety Code, the State of California Department of Housing and Community Development ("**HCD**") has made available one hundred twenty-five million dollars ($125,000,000) in local government planning support grants to regional entities and working groups as outlined by the statute.

B. The Committee is one of the working groups identified in section 50515.02, subdivision (a), of the Health and Safety Code.

C. On June 26, 2020, the Members approved submission of an application for grant funding ("**Application**") to HCD by Fresno Council of Governments ("**FCOG**") as the fiscal agent on behalf of the Committee.

D. On August 14, 2020, HCD approved the Application and an allocation of $10,218,830.75 in grant funds (the "**Initial Grant**") to the Members through FCOG.

E. On August 20, 2020, FCOG and HCD executed grant funding agreement number 19-REAP-14029 ("**Agreement**"). A true and correct copy of the Agreement is attached hereto as "Exhibit A."

F. This MOU is intended to reflect the Members' understanding of the distribution of the Initial Grant and to facilitate the subsequent implementation of activities by the Members in furtherance of the purposes for which the Initial Grant was approved by HCD.

The Members therefore agree as follows:

1. Allocation of Initial Grant. The Members agree to allocate the $10,218,830.75 of the Initial Grant as follows:

    a. FCOG will retain $5,475,000 of the Initial Grant to perform the following tasks:

        i. FCOG shall prepare a comprehensive housing report and policy recommendations for implementation, as stated in the Application. FCOG may enter into agreements as necessary to perform its obligations under this provision of the MOU and under the Application and Agreement.

        ii. FCOG shall conduct regional planning and coordination, and provide technical assistance, as stated in the Application. FCOG may enter into agreements as necessary to perform its obligations under this term of the MOU and under the Application and Agreement.

        iii. FCOG shall administer of the Application, Agreement, this MOU, and the Initial Grant, as stated in the Application.

    b. FCOG shall distribute the remaining $4,743,830.75 of the Initial Grant directly to each of the Members, as more particularly described in "Exhibit B," in proportion to each Member's relative population using California Department of Finance population estimates updated as of January 2020.

2. Compliance with the Agreement and MOU. Each Member hereby acknowledges its cognizance of and its understanding of its obligation to comply with the terms and conditions of the Agreement and MOU. Each Member agrees to abide by the terms and conditions of the Agreement and to undertake all actions requested by FCOG pursuant to the Agreement or MOU, in order to facilitate FCOG's compliance with the terms and conditions of the Agreement.

3. Compliance with the Law. Each Member agrees to comply with all Federal, State, and local laws in the performance of its obligations under this MOU.

4. Sub-Agreements. Copies of all agreements between any Member and any sub-recipient, contractor or subcontractor shall be submitted to FCOG, so that they then may be provided to HCD's Program Manager as required by Exhibit D, section 8, paragraph B of the Agreement.

5. Quarterly Reports. Each Member also shall deliver to FCOG, on a quarterly basis, status reports and accounting records reflecting any expenditure of the Initial Grant by that Member or by a sub-recipient of that Member. Each Member shall deliver its status reports and accounting records within thirty (30) days following the end of the period covered by the document. Each member's quarterly status reports shall, at a minimum, include discussion of any allocations or sub-allocations of the Initial Grant, a description of any project initiated in whole or in part with the Initial Grant and a description of the progress made on any such project.

6. Retention of Records. Each Member shall maintain public records (as that term is defined in Government Code section 6252) (collectively, "**Records**") required under the Agreement, relating to any matter contained in this MOU, or demonstrating that the Initial Grant was used in a manner consistent with the Agreement. Each Member shall make the Records available to FCOG, HCD or the State Auditor upon demand. Each Member shall maintain the Records and make them available for inspection for a period of at least one (1) year following the termination of this MOU or the time specified in Government Code section 8546.7, whichever is later. Records relating to any audit or litigation relevant to this MOU or the Agreement shall be retained by each Member for five years after the conclusion or final resolution of such matter, as required by Exhibit D, section 3, paragraph E of the Agreement.

7. Disallowed Costs. Each Member shall return to FCOG any funds which HCD has disallowed within 90 days following notice to the Member.

8. Indemnity.

   a. Each Member shall indemnify FCOG, along with FCOG's officers, directors, and employees, for any costs or liabilities (including without limitation for damages, court costs, attorneys' fees, and expert witness fees) arising from, resulting from, or in connection with that Member's actions with respect to subject matter of this MOU or relating in any way to the use of the Initial Grant proceeds by that Member or any sub-recipient, contractor, or subcontractor of that Member.

   b. Notwithstanding, the obligation to indemnify shall not apply to any costs or liabilities caused solely by the active negligence or willful misconduct of FCOG or any of its officers, directors, and employees.

9. Duration of MOU. This MOU shall be in effect from the Effective Date until December 31, 2024 unless its term is extended by written modification in accordance with the provisions of section 12, paragraph c of this MOU.

10. Subsequent MOUs. The Members understand and agree that subsequent MOUs may be necessary to facilitate the distribution of further grant funding from HCD under section 50515.02, subdivision (a), of the Health and Safety Code. The Members hereby commit to negotiate the terms and conditions of such subsequent MOUs in good faith, in order to achieve concurrence and ensure execution of same in a timely fashion.

11. Notices. All notices provided for or permitted under this MOU must be in writing and delivered either by personal service, by first-class United States mail, by an overnight commercial courier service, or as a PDF attachment to an email sent to the addresses provided for the Members above. Any Member may change its address for receipt of notice by providing notice of that change as provided in this section 11.

    a. A notice delivered by personal service is effective upon service to the recipient.

    b. A notice delivered by first-class United States mail is effective three business days after deposit in the United States mail, postage prepaid, addressed to the recipient.

    c. A notice delivered by an overnight commercial courier service is effective one County business day after deposit with the overnight commercial courier service, delivery fees prepaid, with delivery instructions given for next day delivery, addressed to the recipient.

    d. A notice delivered by email is effective when sent, if the email is sent between the hours of 8:00 am and 5:00 pm on a business day. If sent outside the hours of 8:00 am and 5:00 pm on a business day, a notice delivered by email becomes effective on the first business day following.

12. General Provisions.

    a. This MOU is binding upon and shall inure to the benefit of any successors or assigns of the Members.

    b. This MOU represents the entire understanding of the Members as to those matters contained in this MOU. No prior oral or written understanding shall be of any force or effect with respect to those matters covered in this MOU.

    c. This MOU may not be modified or altered except by writing signed by all Members.

    d. No Member may assign, delegate or transfer its rights and duties in this MOU without the written consent of all other Members, except that any Member may enter into one or more sub-agreements with any sub-recipient, contractor, or subcontractor to implement activities in furtherance of the

purposes for which the Initial Grant was approved by HCD without the necessity of obtaining such consent.

e. Any dispute arising under this MOU, which is not resolvable by informal mediation between or among the Members, shall be adjudicated in a court of law under the laws of the State of California.

f. For all claims arising from or related to this MOU, nothing in this MOU establishes, waives, or modifies any claims presentation requirements or procedures provided by law, including the Government Claims Act (Division 3.6 of Title 1 of the Government Code, beginning with section 810).

g. This MOU shall be administered and interpreted under the laws of the State of California. Jurisdiction of litigation arising from this MOU shall only be in California. Any action brought to interpret or enforce this MOU, or any of the terms or conditions hereof, shall be brought and maintained in the Fresno County Superior Court.

h. If any part of this MOU is found by a court of competent jurisdiction to be unlawful or otherwise unenforceable, the balance of this MOU remains in full force and effect, and the Members shall make best efforts to replace the unlawful or unenforceable part of this MOU with lawful and enforceable terms intended to accomplish the Members' original intent.

i. Section headings are provided for convenience only and are not part of this MOU.

j. This MOU does not and is not intended to create any rights or obligations for any person or entity except for the Members.

k. Each Member represents and warrants that the individual signing this MOU is duly authorized to do so and their signature on this MOU legally binds that Member to the terms of this MOU.

l. This MOU may be signed in counterparts, each of which is an original, and all of which together constitute this MOU.

[Signature pages follow.]

The Members have caused this MOU to be executed as of the date and year first above written.

Fresno Council of Governments

By: Tony Boren

Tony Boren, Director

Approved as to Legal Form:

By: _____

Print: _____

Kern Council of Governments

By: Ahron Hakimi

Ahron Hakimi, Director

Approved as to Legal Form:

By: _____

Print: _____

Kings County Association of Governments

By: Terri King

Terri King, Director

Approved as to Legal Form:

By: _____

Print: _____

Madera County Transportation Commission

By: _____

Patricia Taylor, Director

Approved as to Legal Form:

By: _____

Print: _____

Merced County Association of Governments

By: Stacie Guzman

Stacie Guzman, Director

Approved as to Legal Form:

By:

Print:

San Joaquin Council of Governments

By: Andrew T. Chesley

Andrew Chesley, Director

Approved as to Legal Form:

By:

Print:

Stanislaus Council of Governments

By:

Rosa Park, Director

Approved as to Legal Form:

By: Rosa M Park

Print:

Tulare County Association of Governments

By:

Ted Smalley, Director

Approved as to Legal Form:

By: Ted Smalley

Print:

June 15, 2021

AGENDA ITEM 1.L

REQUEST

APPROVE THE COMMITTED FUND BALANCES FOR FISCAL YEAR ENDING JUNE 30, 2021

EXECUTIVE SUMMARY

In preparation for closing fiscal year ending June 30, 2021, staff reviews estimated fund balances and designates funds that have been committed for use in future periods. The fund balance policy requires that the City Council take formal action prior to the end of the fiscal year to commit fund balances of governmental funds (General Fund, Special Revenue Funds, Capital, and Debt funds). This item requests Council approve the committed fund balances for fiscal year ending June 30, 2021. Upon Council approval, these funds will be appropriated to the next fiscal year in FY 2021-22

DISCUSSION

In March 2009, the Governmental Accounting Standards Board (GASB) issued its Statement No. 54, Fund Balance Reporting and Governmental Fund Type Definitions. The fund balance reporting requirements of GASB Statement 54 went into effect for fiscal years ending in June 30, 2011. The City's financials have been reported in accordance with this statement.

The GASB 54 policy requires that the City Council take formal action prior to the end of the fiscal year to commit fund balances of governmental funds (General Fund, Special Revenue Funds, Capital, and Debt funds). Staff is recommending the adoption of the resolution to approve the committed fund balance for the City's governmental funds. The City's financial position has not been altered by the adoption of GASB Statement No. 54. Attached with the resolution is the table recommending the year end committed fund balances. Please note these amounts are estimated and will reflect actual fund balances upon the completion of the annual audit.

STRATEGIC PLAN

This agenda item supports Governance Strategic Goal 3: Ensure Short and Long-term Financial Sustainability.

FISCAL IMPACT

These expenditures are carryover from FY 2020-21 and will be re-appropriated in FY 2021-22.

RECOMMENDATION

That the City Council approve, by resolution, the committed fund balance for Fiscal Year Ending on June 30, 2021.

Prepared by: Karin Schnaider, Finance Director

Reviewed by: Midori Lichtwardt, Assistant City Manager

Approved by: Jenny Haruyama, City Manager

ATTACHMENTS

A - Committed Fund Balances for Fiscal Year Ending June 30, 2021

GASB 54 Committed Fund Balance for FY20/21
06/7/2021

Dept	Fund	Fund Name	Vendor Name	Item Description	Amount
	GENERAL FUNDS				
City Manager's Office	125	Central Administration	Management Partners, Inc	2020 Performance Measurement Plan	25,900
City Manager's Office	125	Central Administration	Policy Confluence Inc (POLCO)	2021 Resident Survey, Reference q	26,000
Development Services	101	General - Main	Viking Staffing CA LLC	TEMPORARY HELP FOR DEVELOPMENT SE	20,258
Ecominic Development	101	General - Main	CoStar Realty Information, In	CoStar Suite 07/01/2020-07/31/202	1,040
Finance	125	Central Administration	NBS	Fee study and Cost Allocation	12,750
Finance	125	Central Administration	Hinderliter, deLlamas & Assoc	Business License, Cannabis and Tr	10,000
Finance	125	Central Administration	Hinderliter, deLlamas & Assoc	Cannabis Management Program consu	6,700
Finance	125	Central Administration	Goodwin Consulting Group Inc	Studies requested by the CM on Tr	46,581
Finance	125	Central Administration	Municipal Resource Group LLC	Fiscal analysis impacts of Fire transistion	33,775
Finance	125	Central Administration	Management Partners, Inc	Fiscal Sustainability Committee	26,645
Human Resources	125	Central Administration	Tripepi Smith	Recruitment Services	9,500
Human Resources	125	Central Administration	Liebert Cassidy Whitmore	Litigation/ Arbitration for vario	10,000
Human Resources	125	Central Administration	Koff And Associates Inc	Consultant services - classificat	2,710
Human Resources	125	Central Administration	Burke, Williams & Sorensen, L	Legal services for labor negotiat	82,461
Human Resources	125	Central Administration	Michael J Dever	Emergency Management Consulting	25,000
Human Resources	125	Central Administration	Van Dermyden Maddux Law Corpo	Workplace Investigations FY 20/21	15,923
Public Works	101	General - Main	David Yosso	Standard - Parks - Thoming Park M	4,997
				Total General Fund	360,240
	OTHER GIVERNMENTAL FUNDS				
City Manager's Office	252	COVID Relief Funds	NWN Corporation	24 HP Laptops (CARES Funding) New	45,851
City Manager's Office	295	Cable TV	NWN Corporation	New Quote #Q-19393 new model of c	4,039
Development Services	207	CD-Planning Fees	PlaceWorks Inc	WORKFORCE AFFORDABLE HOUSING ASSI	195,570
Development Services	207	CD-Planning Fees	Land Logistics Inc	PEREIRA MINE SMARA INSPECTIONS	3,075
Development Services	207	CD-Planning Fees	De Novo Planning Group Inc	Transit-Oriented Development Plan	20,896
Development Services	207	CD-Planning Fees	FirstCarbon Solutions Inc	PREPARE ENVIRONMENTAL DOCS FOR TM	47,136
Development Services	332	Ellis Area Drainage	Associated Right Of Way Servi	FIRE STATION AND DET. BASIN 3A TO	5,621
Development Services	391	Program Mgmt	Kimley-Horn & Associates Inc	INFRASTRUCTURE MASTER PLAN UPDATE	5
Development Services	391	Program Mgmt	Kimley-Horn & Associates Inc	INFRASTUCTURE MASTER PLAN UPDATES	73,610
Ecominic Development	268	Comm Devel Block Grants	National Council for Communit	Consulting Services, related to t	20,159
Public Works	231	Asset Forfeiture	EVO-Emergency Vehicle Outfitt	Standard Purchase - Fleet K9 equi	4,500
				Total Other Governmental Funds	420,461
	ALL OTHER FUNDS				
Dept	Fund		Vendor Name	**ALL OTHER FUNDS**	PO Balance
City Manager's Office	627	Self Insurance	Tetra Tech Inc	Consultant services to perform an	33,125
City Manager's Office	602	Information Services	DocuSign Inc	eSignature Enterprise Pro for Gov	3,081
Human Resources	627	Self Insurance	Adapa & Agastya Medical Assoc	pre-employment and post employmen	7,088
Human Resources	627	Self Insurance	Jocelyn E Roland, PHD., ABPP	Pre-employment psychological eval	6,300
Public Works	605	Equipment Replacement	Downtown Ford	(1) 2020 Ford F450 4x4 with Right	77,000
Public Works	606	Vehicle Replacement	EVO-Emergency Vehicle Outfitt	Install Police Equipment for Ford	24,263
Public Works	511	Water Operating	Downtown Ford	Replace damaged Assest 2311 Purch	25,669
Public Works	606	Vehicle Replacement	Downtown Ford	Replace damaged Assest 2266 Purch	65,669
Public Works	615	Building Maintenance	Champion Industrial Contracto	Intermediate-Bld-replace AC units	21,044
Public Works	615	Building Maintenance	Bicsec Security Inc	BLD- Water Plant Fire System ^BD0	8,955
Public Works	531	Solid Waste Disposal	HF&H Consultants LLC	Created NEW PO per Finance. Prior	6,570
Public Works	541	Drainage	San Joaquin County Department	Drainage Maint- Lammers Rd Westsi	6,450
Public Works	601	Central Garage	EVO-Emergency Vehicle Outfitt	Light bar replacement for FD Asse	5,254
Public Works	615	Building Maintenance	Intelligent Technologies And	BLD-Fire Alarm Panel Repair Servi	2,500
Utilities	511	Water Operating	Byron-Bethany Irrigation Dist	Bulk Water Purchase FY 20/21	125,000
Utilities	511	Water Operating	Calgon Carbon Corporation	Emergency Repair of Filters 4, 5,	89,860
Utilities	511	Water Operating	Cavanaugh & Associates, P.A.	Services to prepare Annual Water	2,500
Utilities	521	Wastewater Operating	CH2M Hill Inc	Professional Services to prepare	215,000
Utilities	521	Wastewater Operating	CH2M Hill Inc	Initial Services for NPDES Permit	8,511
Utilities	511	Water Operating	Eaton Corporation	Proposal #SFK1201111-03DJE WTP Ma	21,500
Utilities	511	Water Operating	Eaton Corporation	Negotiation Number: SFK1-210304-0	2,565
Utilities	511	Water Operating	Eaton Corporation	Negotiation Number: SFK1-210304-0	3,555
Utilities	511	Water Operating	EKI Environment & Water Inc	Professional Services to prepare	15,298
Utilities	521	Wastewater Operating	EKI Environment & Water Inc	Professional Services to prepare	2,522
Utilities	521	Wastewater Operating	Environmental Logistics, Inc.	On-call Services re Waste Removal	183,733
Utilities	511	Water Operating	Environmental Logistics, Inc.	Hazardous Waste Material Removal	5,000
Utilities	521	Wastewater Operating	Frank A Olsen Co	Replace Filter Valve Seats	22,500
Utilities	521	Wastewater Operating	Frank A Olsen Co	42" Dezurik Valve Quote 14184 12-	17,984
Utilities	521	Wastewater Operating	GP Crane & Hoist Services	Inspection Repairs per Proposal #	12,800
Utilities	521	Wastewater Operating	GSE Construction Co., Inc.	Out to Bid (Deadline 4/26) Remove	80,000
Utilities	521	Wastewater Operating	Hach Company	Replacement Turbidity Meters	50,000
Utilities	511	Water Operating	Howk Systems	Emergency Service Work on WTP Pro	15,000
Utilities	511	Water Operating	Howk Systems	Critical Service on Production We	10,000
Utilities	511	Water Operating	Howk Systems	Estimate Well #2 Rebuild	49,955
Utilities	511	Water Operating	Howk Systems	Estimate Well #2 Rehab	46,911

GASB 54 Committed Fund Balance for FY20/21
06/7/2021

Dept	Fund	Fund Name	Vendor Name	Item Description	Amount
Utilities	511	Water Operating	Howk Systems	Estimate Well #3 Rebuild	77,514
Utilities	511	Water Operating	Howk Systems	Estimate Well #3 Rehab	46,911
Utilities	511	Water Operating	Infosend Inc	Annual CCR printing and insertion	2,762
Utilities	511	Water Operating	Jarvis Fay & Gibson LLP	Attorney Fees - Amendment 1 to PS	48,117
Utilities	511	Water Operating	Jarvis Fay & Gibson LLP	Attorney Fees re Kessner vs. City	251
Utilities	521	Wastewater Operating	Larry Walker Associates	Consultant services for Delta RMP	19,969
Utilities	627	Self Insurance	McCain, Inc	McCain 2070 traffic controller	3,281
Utilities	521	Wastewater Operating	Mountain Cascade Inc	Valve Replacement Tertiary Filter	88,746
Utilities	511	Water Operating	MRC Global (US) Inc	WTP Maint - Limitorque Valve Actu	8,455
Utilities	511	Water Operating	MRC Global (US) Inc	Quote #7182195 LIMITORQUE MXCK-22	5,897
Utilities	521	Wastewater Operating	Muniquip LLC	76QP7.5 Gearbox Replacement	65,000
Utilities	521	Wastewater Operating	Muniquip LLC	Parts for Primary Effluent Pump P	12,000
Utilities	541	Drainage	National CineMedia LLC	Advertising & Production Fee re S	9,112
Utilities	521	Wastewater Operating	Patriot Environmental Service	Install Metal Storage Structure	7,500
Utilities	521	Wastewater Operating	Raftelis Financial Consultant	Professional Services to perform	25,909
Utilities	521	Wastewater Operating	RESA Power Solutions - Transf	Quote 341116 Install Sampling Por	5,756
Utilities	521	Wastewater Operating	RF Macdonald Company	Semi-Annual - WWTP Maint - Boiler	5,000
Utilities	521	Wastewater Operating	RF Macdonald Company	Fan Motor for Boiler #2 Quote MP	3,000
Utilities	521	Wastewater Operating	Semitorr Group Inc	Quote: Biogas System Maintenance	42,000
Utilities	521	Wastewater Operating	Shape Inc	WWTP Maint - Rebuild Pump #1 Larc	35,875
Utilities	521	Wastewater Operating	Shape Inc	Quote FL Larch Road Sanitary Sewe	14,000
Utilities	627	Self Insurance	St Francis Electric LLC	subrogation 20-4535 Tracy Blvd &	29,650
Utilities	521	Wastewater Operating	Stockton Industrial Supply In	Quote 16878 15' Water Gate for He	6,436
				Total All Other Funds	1,836,302
				Grand Total	2,617,003

RESOLUTION _____

APPROVING THE COMMITTED FUND BALANCES FOR FISCAL YEAR ENDING JUNE 30, 2021

WHEREAS, City of Tracy follows Governmental Accounting Standards Board (GASB) for the basis its financial reporting, and

WHEREAS, GASB issued Statement 54: Fund Balance Reporting and Governmental Fund Type Definition and the requirements of this Statement are effective for financial statements for periods beginning after June 15, 2010, and

WHEREAS, The objective of this Statement is to enhance the usefulness of fund balance information by providing clearer fund balance classifications that can be more consistently applied and by clarifying the existing governmental fund type definitions, and

WHEREAS, The City Council through budget adoption, committed one-time reserves to capital improvement projects, and

WHEREAS, The City Council has committed revenues collected from the passage of Measure V to amenitizing the City of Tracy;

NOW, THEREFORE, BE IT RESOLVED THAT the City Council of the City of Tracy hereby approves the attached list as the Committed Fund Balances for the City's governmental funds, including the General Fund and Special Revenue funds for June 30, 2021.

* * * * * * * * * * * * * *

The foregoing Resolution _____ is hereby passed and adopted by the Tracy City Council this 15th day of June 2021, by the following vote:

AYES: COUNCIL MEMBERS:

NOES: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

ABSTAIN: COUNCIL MEMBERS:

_____
MAYOR

ATTEST:

_____
CITY CLERK

June 15, 2021

AGENDA ITEM 1.M

REQUEST

ADOPTION OF ANNUAL ADJUSTMENT TO APPROPRIATIONS LIMIT (GANN LIMIT) PURSUANT TO ARTICLE XIIIB OF THE CALIFORNIA STATE CONSTITUTION ESTABLISHING THE LIMIT FOR FISCAL YEAR 2021-22

EXECUTIVE SUMMARY

Article XIIIB of the California Constitution, informally known as the Gann Appropriations Limit, limits the total amount of appropriations in any fiscal year derived from the "proceeds of taxes." The article further provides that appropriations from designated reserve funds are not appropriations from the proceeds of taxes. Additionally, appropriations from sources other than taxes are not controlled by the limit. The calculated appropriation limit for FY 2021-22 is $78.1 million. Based on the adopted FY 2021-22 budget, the City's appropriations from "proceeds of taxes" are $64.3 million, or $14.8 million below the authorized limit. Therefore, staff recommends adopting a resolution establishing the appropriations limit for FY 2021-22.

DISCUSSION

California voters approved Proposition 4 in 1979 and Proposition 111 in 1990, which amended the State Constitution, and require that the annual City budget include a calculation of the Appropriations Limit, sometimes referred to as the Gann Limit. The legislation imposes a restriction on the amount of government revenue which may be appropriated in any fiscal year.

The Appropriations Limit was first based on actual appropriations during the base year (1986-1987). Under Government Code section 7910, the limit can be increased each year based on a specific formula and specified growth factors. The Appropriations Limit does not apply to all funds. It only applies to "proceeds of taxes."

The law provides that "each year the governing body of each local jurisdiction shall, by resolution, establish its appropriations limit and make other necessary determinations for the following fiscal year pursuant to Article XIIIB at a regularly scheduled meeting or noticed special meeting." The calculation of the appropriations limit must also be included in the Budget document. Further, procedures for the annual adjustment provide that the factors used must be available to the public for a period of fifteen days.

Each year, the adjustment to the Appropriations Limit takes into consideration two factors: 1) the change in the cost of living, and 2) the change in population. For each of these factors, the City may select between two optional factors. For Factor #1 the option is to use the statewide change in the cost of living provided by the Department of Finance or the change in non-residential assessed valuation. For Factor #2 the option is to use the City change in population from the previous year or the San Joaquin County change in population.

Staff has completed the calculation for FY 2019-20 Appropriations Limit using the State of California Department of Finance change in the cost of living (1.0573%) and the City of Tracy population growth (1.0286%). The calculation results in an appropriation limit of $79,082,780. Based on the budget adopted on May 18, 2021, the City has $64,289,152 in appropriations subject to the limit for FY 2021-22. Therefore, the City is currently $14,793,628 below the established limit.

STRATEGIC PLAN

This agenda item supports Governance Strategic Goal 3: Ensure Short and Long-term Financial Sustainability.

FISCAL IMPACT

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

RECOMMENDATION

Staff recommends that the City Council, by resolution, establish the FY 2021-22 appropriation limit of $79,082,780, pursuant to Article XIIIB of the California State Constitution.

Prepared by: Karin Schnaider, Finance Director

Reviewed by: Midori Lichtwardt, Assistant City Manager

Approved by: Jenny Haruyama, City Manager

ATTACHMENTS

Attachment A – 2021-22 Appropriations Limit Calculation

ATTACHMENT A

CITY OF TRACY
2021-22 Appropriations Limit Calculation

Description		Amount
2020-21	Appropriations Limit	$ 72,717,205
2021-22	City population	1.0286
2021-22	Per capita income	1.0573
2021-22	**Appropriations Limit**	**$ 79,082,780**

2021-22 Projected Tax Revenues

Description	Amount
Property Taxes	$ 28,114,371
Sales & Use Tax	41,222,084
Transient Occupancy Tax	1,600,000
Franchise Fees	3,788,942
Business License Tax	770,092
Real Property Transfer Tax	1,316,930
Interest Earnings	598,139

2021-22 Projected Qualifying Expenses

Exemptions		
Debt Service	(1,121,406)	
Qualified Capital Outlays	(12,000,000)	
Appropriations Subject to Limitation		**$ 64,289,152**
Margin		**$ 14,793,628**

RESOLUTION _____

ESTABLISHING FISCAL YEAR 2021-22 APPROPRIATIONS LIMIT PURSUANT TO ARTICLE XIIIB OF THE CALIFORNIA STATE CONSTITUTION

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

WHEREAS, Pursuant to said Article XIIIB of the Constitution of the State of California, the City Council of the City of Tracy deems it to be in the best interest of the City of Tracy to establish an appropriations limit for the FY 2021-22, and

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

WHEREAS, The calculation results in an appropriation limit of $79,082,780, and

WHEREAS, The City Council adopted the FY 2021-22 budget on May 18, 2021, and

WHEREAS, The City has $64,289,152 in appropriations subject to the limit for FY 2021-22, and

WHEREAS, The City is currently $14,793,628 below the established limit;

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Tracy hereby establishes the FY 2021-22 appropriations limit in the amount of $79,082,780 pursuant to Article XIIIB of the California State Constitution.

* * * * * * * * * * * * * *

The foregoing Resolution _____ is hereby passed and adopted by the Tracy City Council this 15th day of June 2021, by the following vote:

AYES: COUNCIL MEMBERS:

NOES: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

ABSTAIN: COUNCIL MEMBERS:

_____
MAYOR

ATTEST:

_____
CITY CLERK

June 15, 2021

AGENDA ITEM 3.B

REQUEST

CONTINUATION OF PUBLIC HEARING AND APPROVAL OF THE 2020 URBAN WATER MANAGEMENT PLAN INCLUDING THE WATER SHORTAGE CONTINGENCY PLAN

EXECUTIVE SUMMARY

The City Council opened the public hearing for this item during its June 1, 2021 Council meeting and, the City Council continued this item to its June 15, 2021 Council meeting.

State law requires urban water suppliers/agencies to update their respective Urban Water Management Plans once every five years. The updates generally include data up to and including the last day of December and are submitted to the State by July 1 of the following year. The City's 2015 Urban Water Management Plan update was approved and submitted to the State in 2016. The new update is due by July 1, 2021.

The City of Tracy, in conjunction with its consultant, EKI Environment & Water, Inc. (EKI), have prepared the 2020 Urban Water Management Plan (UWMP) and its Water Shortage Contingency Plan (WSCP) as required by the California Department of Water Resources. The update addresses the City's water resources for current customers and future development. While the City has reasonable water supplies during normal years, additional water sources will be needed during future drought years. This request is to conduct a public hearing and approve the 2020 Urban Water Management Plan. The update to the WSCP will require an amendment to the Tracy Municipal Code 11.28 Water Management under Article 6. Water Conservation and Rationing Plan, Water Emergency Plan, Variances and Appeals. Staff will schedule the amendment to the Tracy Municipal Code for City Council's approval at a later date.

DISCUSSION

California Water Code sections 10610 -10657, the Urban Water Management Planning Act (Act) requires urban water suppliers, such as the City of Tracy, once every five years to prepare an updated management plan of its current and future water resources in order to assure a continued adequate and reliable water supply to its customers. The City of Tracy 2015 UWMP update was last approved in 2016 and is now due for its five year update and submittal to the California Department of Water Resources (DWR) no later than July 1, 2021. The City contracted with EKI through the standard request for proposals process to prepare the UWMP update for 2020 under a Professional Services Agreement approved in November 2020. EKI's scope of work also included addressing the State's new requirements for preparation of the Urban Water Management Plan. These requirements include analysis and assessments for five consecutive dry-years, water reliability, drought risk assessment, seismic risk, energy use, water losses over five years, ground water sustainability plan, reduced delta reliance and more importantly, preparation of a Water Shortage Contingency Plan (WSCP).

Since then, City staff and EKI have been working together to compile and analyze pertinent data in order to complete the Urban Water Management Plan update. Overall, the City's water supplies are reasonably sufficient for its existing customers and the new developments within the General Plan area during the normal years. However, if drought conditions persist, by the year 2025, the City will not have adequate water supplies to meet customer demands during drought years unless new water sources are acquired and certain infrastructure improvements are completed in order to make up for the projected water shortages during those years. In addition, during the dry years, the City must exercise more strict water conservation and efficiency measures to continue meeting water supply demands of its customers. The required infrastructure to make up for the short falls may include the recycled water exchange program, water storage during normal years, construction of additional Aquifer Storage and Recovery wells, passive water demand offsets, etc. It is projected that the City will have severe water shortages by 2045 during drought years

The projected shortages of water supplies during drought years are primarily due to new federal and state enacted policies and their impacts such as the Bureau of Reclamation reducing water allocations during drought years and potential curtailment of water supplies due to the San Francisco Bay/Sacramento – San Joaquin Delta Estuary (Bay-Delta) plan.

The 2020 UWMP addresses all requirements of the California Water Code including the Reduced Delta Reliance requirement. This requirement is addressed as Appendix B in the UWMP 2020 update. Even though this new requirement was established by DWR after adoption of the previous 2015 UWMP, DWR recommends that agencies should amend their 2015 UWMP to include the Reduced Delta Reliance analysis. Staff will bring this as a separate item for approval at a future date.

Due to the ongoing droughts and water shortages in California, existing water resources are dwindling. However, the City must continue its efforts to obtain new water sources including new water purchases, water storage banking, and Aquifer Storage Recovery (ASR) programs to make up for the shortfall amounts. Due to City Council's foresight and forward planning, the City's recycled water is a great viable source to offset some of City's future potable water demand during normal and drought years, by implementing a recycled water exchange program and by direct use of recycled water for irrigation purposes. Implementation of such an exchange program will require approval from the State and the City needs to fund and start such endeavors now, way ahead of any more new development in the City. The successful implementation of the recycled water exchange program may also open doors for future developments beyond the existing General Plan boundaries.

Staff is recommending approval of the City's 2020 Urban Water Management Plan including the Water Shortage Contingency Plan. The update of the Water Shortage Contingency Plan will require an amendment of the Tracy Municipal Code 11.28 Water Management, Article 6. A separate item for this amendment will be scheduled for Council's consideration at a later date.

The City is also working on updating its Water System Master Plan (Master Plan) which will be completed in the latter part of this year. The Master Plan will include more

detailed information of potential new sources of water supplies including the required infrastructure improvements, along with the estimated costs. The Master Plan will also update the corresponding Tracy Infrastructure Master Plan (TIMP) fees and will provide an implementation plan to ensure timely completion of such infrastructure and acquisition of water sources to meet the needs ahead of the new developments. Staff is coordinating with Development Services so both documents will complement each other.

STRATEGIC PLAN

This agenda item supports the Council Strategic Priority of Quality of Life by providing the necessary information so that the City is able to make informed decisions to meet water supply needs of the existing community and new developments.

FISCAL IMPACT

This item has fiscal impacts to revenues and expenditures in both the Water Enterprise fund and Tracy Infrastructure Master Plan (TIMP) fees which will be analyzed and appropriately addressed in the City's Water System Master Plan presently being updated. The Master Plan is anticipated to be completed for Council's consideration during the last quarter of this year. Due to the forecasted short falls in water supplies, the City will need to plan and fund the acquisition of water supplies, implement a recycled water exchange program, and construct infrastructure improvements, ahead of the projected water short falls and new developments to make up supplies for those short fall amounts. Cost for such planning, acquisition and construction will be mostly funded from the new developments through the TIMP fees.

RECOMMENDATION

Council conduct a public hearing and approve the Urban Water Management Plan 2020 update including the Water Shortage Contingency Plan.

Prepared by: Stephanie Reyna-Hiestand, Water Resources and Compliance Manager

Reviewed by: Kuldeep Sharma, Director of Utilities
Karin Schnaider, Director of Finance
Midori Lichtwardt, Assistant City Manager

Approved by: Jenny Haruyama, City Manager

ATTACHMENTS

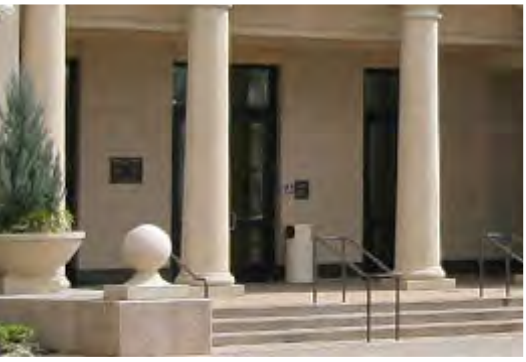
Attachment A – Urban Water Management Plan (Draft)

ATTACHMENT A

Public Review Draft May 2021

2020 Urban Water Management Plan

for City of Tracy



TRACY

eki environment & water

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ABBREVIATIONS

AB	Assembly Bill
AF	acre-foot
AFY	acre-foot per year
AMI	Advanced Metering Infrastructure
AOI	Area of Interest
ASR	Aquifer Storage and Recovery
AWWA	American Water Works Association
BBID	Byron Bethany Irrigation District
BCID	Banta-Carbona Irrigation District
BOD	biochemical oxygen demand
CASGEM	California Statewide Groundwater Elevation Monitoring
CCR	California Code of Regulations
CEQA	California Environmental Quality Act
CII	commercial, industrial, and institutional
CIMIS	California Irrigation Management Information System
CSD	Clover County Services District
CVP	Central Valley Project
CWC	California Water Code
DGWTP	Nick C. DeGroot Water Treatment Plant
DMC	Delta-Mendota Canal
DMM	demand management measures
DOF	Department of Finance
DRA	Drought Risk Assessment
DRT	Drought Response Tool
DWR	California Department of Water Resources
EO	Executive Order
ERP	Emergency Response Plan
ESJ	East San Joaquin
ET	Evapotranspiration
ETo	reference evapotranspiration
ft	foot
ft msl	feet above mean sea level
FY	fiscal year
GMO	Growth Management Ordinance
GPCD	gallons per capita per day
GSA	Groundwater Sustainability Agency
GSP	Groundwater Sustainability Plan
GWMP	groundwater management plan
IPR	Indirect Potable Reuse
IWRMP	Integrated Water Resources Management Plan
JJWTP	John Jones Water Treatment Plant
kWh/AF	kilowatt hours per acre-foot
LHMP	Local Hazard Mitigation Plan

M&I	Municipal and Industrial
MCL	Maximum Contaminant Level
MFR	Multi-Family Residential
MG	million gallons
mg/L	milligram per liter
MGD	million gallons per day
MWELO	Model Water Efficient Landscape Ordinance
MWQCF	Manteca Wastewater Quality Control Facility
NEPA	National Environmental Policy Act
NPDES	National Pollutant Discharge Elimination System
PPBP	Patterson Pass Business Park
PUD	Planned Unit Development
PWS	Public Water System
RGA	Residential Growth Allotment
R-GPCD	residential gallons per capita per day
RWQCB	Regional Water Quality Control Board
SB	Senate Bill
SCADA	Supervisory Control and Data Acquisition
SCWSP	South County Water Supply Project
SFR	Single Family Residential
SGMA	Sustainable Groundwater Management Act
SLWD	San Luis Water District
SOI	Sphere of Influence
SSJID	South San Joaquin Irrigation District
SWRCB	State Water Resources Control Board
TDS	Total Dissolved Solids
TMC	Tracy Municipal Code
UAW	unaccounted-for water
ULFT	Ultra Low Flush Toilet
USBR	United States Bureau of Reclamation
USEPA	United States Environmental Protection Agency
UV	ultraviolet
UWMP	Urban Water Management Plan
WDO	Water Demand Offset
WRCM	Water Resources and Compliance Manager
WSA	Water Supply Assessment
WSCP	Water Shortage Contingency Plan
WSD	Water Storage District
WSID	West Side Irrigation District
WSMP	Water System Master Plan
WTF	Water Treatment Plant
WUE	Water Use Efficiency
WWTP	Wastewater Treatment Plant

1 INTRODUCTION

☑ ***CWC § 10630.5***

Each plan shall include a simple lay description of how much water the agency has on a reliable basis, how much it needs for the foreseeable future, what the agency's strategy is for meeting its water needs, the challenges facing the agency, and any other information necessary to provide a general understanding of the agency's plan.

This chapter discusses the importance and uses of this Urban Water Management Plan (UWMP or Plan), the relationship of this Plan to the California Water Code (CWC), the relationship of this Plan to other local and regional planning efforts, and how this Plan is organized and developed in general accordance with the *Urban Water Management Plan Guidebook 2020* (UWMP Guidebook 2020; DWR, 2021).[1]

1.1 Background and Purpose

The City of Tracy (referred to herein as the "City") is a growing community located in southwestern San Joaquin County. The City supplies a combination of surface water and groundwater to approximately 24,692 residential, commercial, industrial, institutional/governmental[2], and landscape accounts.

This UWMP is a foundational document and source of information about the City's historical and projected water demands, water supplies, supply reliability and potential vulnerabilities, water shortage contingency planning, and demand management programs.

The City's last UWMP was completed in 2016, referred to herein as the "2015 UWMP." This Plan is an update to the 2015 UWMP and carries forward information from that plan that remains current and is relevant to this Plan, and provides additional information as required by amendments to the UWMP Act (CWC §10610 – 10657). Although this Plan is an update to the 2015 UWMP, it was developed to be a self-contained, stand-alone document and does not require readers to reference information contained in previous plans.

1.2 Urban Water Management Planning and the California Water Code

The UWMP Act requires urban water suppliers to prepare an UWMP every five years and to submit this plan to the California Department of Water Resources (DWR), the California State Library, and any city or county within which the supplier provides water supplies. All urban water suppliers, either publicly or privately owned, providing water for municipal purposes either directly or indirectly to more than 3,000 customers or supplying more than 3,000 acre-feet annually are required to prepare an UWMP (CWC §10617).

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[1] The UWMP Guidebook 2020 is available at: https://water.ca.gov/Programs/Water-Use-And-Efficiency/Urban-Water-Use-Efficiency/Urban-Water-Management-Plans

[2] The City grouped the institutional/governmental sector under the commercial sector in the 2020 Water System Master Plan (WSMP).

The UWMP Act was enacted in 1983. Over the years it has been amended in response to water resource challenges and planning imperatives confronting California. A significant amendment was made in 2009 as a result of the governor's call for a statewide 20% reduction in urban water use by 2020, referred to as "20x2020," the Water Conservation Act of 2009, and "SB X7-7." This amendment required urban retail water suppliers to establish water use targets for 2015 and 2020 that would result in statewide water savings of 20% by 2020. Beginning in 2016, urban retail water suppliers were required to comply with the water conservation requirements in SB X7-7 in order to be eligible for state water grants or loans. Chapter 5 of this plan contains the data and calculations used to determine compliance with these requirements.

A subsequent substantial revision to the UWMP Act was made in 2018 through a pair of bills (i.e., Assembly Bill 1668 and Senate Bill 606), referred to as "Making Water Conservation a California Way of Life" or the "2018 Water Conservation Legislation." These changes include significant revisions and additions to the required content for an UWMP and its associated Water Shortage Contingency Plan (WSCP). As applicable, the City's 2020 UWMP reflects the following significant revisions to the UWMP Act that have been made since 2015.

- ***Five Consecutive Dry-Year Water Reliability Assessment***. The Legislature modified the dry-year water reliability planning from a "multiyear" time period to a "drought lasting five consecutive water years."
- ***Drought Risk Assessment***. The Drought Risk Assessment (DRA) requires a supplier to assess water supply reliability over a five-year period from 2021 to 2025 that examines water supplies, water uses, and the resulting water supply reliability under a reasonable prediction for five consecutive dry years.
- ***Energy Intensity Analysis***. UWMPs are now required to include water system energy usage information that can be readily obtained.
- ***Seismic Risk***. The Water Code now requires suppliers to specifically address seismic risk to various water system facilities and to have a mitigation plan, and for this to be described in their WSCPs.
- ***Water Shortage Contingency Plan***. In 2018, the UWMP Act was modified to require a WSCP with specific elements, including developing procedures to perform an annual water supply and demand assessment.
- ***Groundwater Supplies Coordination***. The Water Code now requires that the 2020 UWMPs, for suppliers that utilize groundwater as a supply source, be consistent with Groundwater Sustainability Plans, in areas where those plans have been completed by the Groundwater Sustainability Agencies.
- ***Lay Description***. The Legislature included a new statutory requirement for suppliers to include a lay description of the fundamental determinations of the UWMP, especially regarding water service reliability, challenges ahead, and strategies for managing reliability risks.

The UWMP Act contains numerous other requirements that an UWMP must satisfy as seen in **Appendix A** of this Plan which lists each of these requirements and where in the Plan they are addressed.

1.3 Relationship to Other Planning Efforts

This Plan provides information specific to water management and planning by the City. However, water management does not happen in isolation; there are other planning processes that integrate with the UWMP to accomplish urban planning. Some of these relevant planning documents include the City's Local Hazard Mitigation Plan, Water Master Plan, draft Groundwater Sustainability Plan chapters for the Tracy Subbasin, and others. This Plan is informed by and helps to inform these other planning efforts.

1.4 Plan Organization

The organization of this Plan follows the same sequence as outlined in the UWMP Guidebook 2020.

Chapter 1 Introduction

Chapter 2 Plan Preparation

Chapter 3 System Description

Chapter 4 Water Use Characterization

Chapter 5 SB X7-7 Baselines, Targets, and 2020 Compliance

Chapter 6 Water Supply Characterization

Chapter 7 Water Service Reliability and Drought Risk Assessment

Chapter 8 Water Shortage Contingency Plan

Chapter 9 Demand Management Measures

Chapter 10 Plan Adoption, Submittal, and Implementation

Chapter 11 References

In addition to these 11 chapters, this Plan includes a number of appendices providing supporting documentation and supplemental information. Pursuant to CWC §10644(a)(2), this Plan utilizes the standardized forms, tables, and displays developed by DWR for the reporting of water use and supply information required by the UWMP Act. This Plan also includes additional tables, figures, and maps to augment the set developed by DWR, as appropriate. The table headers indicate if the table is part of DWR's standardized set of submittal tables.

1.5 Demonstration of Consistency with the Delta Plan

The Sacramento-San Joaquin Delta Reform Act of 2009 (Delta Reform Act) (CWC § 85000 et seq), established the coequal goals for the Sacramento-San Joaquin Delta (Delta) of "providing a more reliable water supply for California and protecting, restoring, and enhancing the Delta ecosystem." The Delta Reform Act also includes a state policy to reduce reliance on the Delta in meeting California's future water supply needs through a statewide strategy of investing in improved regional supplies, conservation, and water use efficiency.

In addition to establishing the coequal goals, the Delta Reform Act created the Delta Stewardship Council, which is tasked with furthering the state's coequal goals for the Delta through development of a Delta

Plan. Delta Stewardship Council released the Delta Plan in 2013, which adopted 14 recommendations to achieve the coequal goals of water supply and reliability.

Although not required by the UWMP Act, in the UWMP Guidebook 2020, DWR recommends that all suppliers that are participating in, or may participate in, receiving water from a proposed project that is considered a "covered action" under the Delta Plan—such as a (1) multiyear water transfer; (2) conveyance facility; or (3) new diversion that involves transferring water through, exporting water from, or using water in the Delta—provide information in their UWMP to demonstrate consistency with the Delta Plan policy WR P1, Reduce Reliance on the Delta Through Improved Regional Water Self-Reliance (California Code of Regulations, Title 23, Section 5003).

The City has determined that it does receive water from a "covered action" under the Delta Plan. As such, these requirements do apply. These requirements are addressed in **Appendix B**.

1.6 Lay Description

☑ ***CWC § 10630.5***

Each plan shall include a simple lay description of how much water the agency has on a reliable basis, how much it needs for the foreseeable future, what the agency's strategy is for meeting its water needs, the challenges facing the agency, and any other information necessary to provide a general understanding of the agency's plan.

This Plan is prepared for the City of Tracy (also referred to as the City), which serves drinking water to a population of approximately 96,345 in San Joaquin County. The City is located approximately 68 miles south of Sacramento and 60 miles east of San Francisco. This Urban Water Management Plan (UWMP) serves as a foundational planning document and includes descriptions of historical and projected water demands and the City's water supplies and their associated reliability over a more than 20-year planning horizon. This document also describes the actions the City is taking to promote water conservation, both by the City itself and by its customers (referred to as "demand management measures"), and includes a plan to address potential water supply shortages such as drought or other impacts to supply availability (the Water Shortage Contingency Plan [WSCP]). This UWMP is updated every five years in accordance with state requirements under the Urban Water Management Planning Act and amendments (Division 6 Part 2.6 of the California Water Code [CWC] §§10610 – 10656). Past plans developed for the City are available on the California Department of Water Resources (DWR) Water Use Efficiency Data Portal website: https://wuedata.water.ca.gov/. This document includes 11 chapters, which are summarized below.

Chapter 1 Introduction

This chapter presents the background and purpose of the UWMP, identifies the Plan organization, and provides this lay description overview of the document. Because the City relies on water from the Sacramento-San Joaquin Delta, this section also discusses consistency with the Delta Plan.

Chapter 2 Plan Preparation

This chapter discusses key structural aspects related to the preparation of the UWMP, and describes the coordination and outreach conducted as part of the preparation of the Plan, including coordination with local agencies (i.e., Delta-Mendota Canal/Central Valley Project [DMC/CVP] Agencies and South County

Water Supply Program [SCWSP] Agencies, relevant Groundwater Sustainability Agencies [GSAs]) and the public.

Chapter 3 System Description

This chapter provides a description of the City's water system and the service area, including information related to the climate, population, and demographics. The City has a population of approximately 96,345 and has a climate characterized by hot springs, summers, and falls and mild winters with dense "Tule fog" can last for weeks. The majority of precipitation falls in the months of November through April, averaging 9.9 inches of rainfall annually.

Chapter 4 Water Use Characterization

This chapter provides a description and quantifies the City's current and projected demands through the year 2045. The City provides drinking water (also referred to as "potable water") to its customers. Water demands refer not only to the water used by customers, but also includes the water used as part of the system maintenance and operation, as well as unavoidable losses inherent in the operation of a water distribution system.

Water demand within the City was 17,628 acre-feet per year (AFY) on average between 2016 and 2020. Taking into account historical water use, expected population increase and other growth, climatic variability, and other assumptions, water demand within the City is projected to increase to 33,079 AFY by 2045, a change of 88% compared to the 2016-2020 average.

Chapter 5 SB X7-7 Baselines, Targets, and 2020 Compliance

In this chapter, the City demonstrates compliance with its per capita water use target for the year 2020. The Water Conservation Act of 2009 (Senate Bill X7-7) was enacted in November 2009 and requires the state of California to achieve a 20% reduction in urban per capita water use by December 31, 2020. In order to achieve this, each urban retail water supplier was required to establish water use targets for 2015 and 2020 using methodologies established by DWR. The City is in compliance with its 2020 water use target of 181 gallons per capita per day (GPCD).

Chapter 6 Water Supply

This chapter presents an analysis of the City's water supplies, as well as an estimate of water-related energy-consumption. The intent of this chapter is to present a comprehensive overview of the City's water supplies, estimate the volume of available supplies over the UWMP planning horizon, and assess the sufficiency of the City's supplies to meet projected demands under a variety of hydrologic conditions.

The City mainly relies on imported surface water from the United States Bureau of Reclamation (USBR), which supplies the City with DMC/CVP water, and the South San Joaquin Irrigation District (SSJID), which supplies Stanislaus River water through the SCWSP. In addition, a small portion of the City's water supply comes from groundwater extracted from the 373-square-mile Tracy Subbasin (DWR 5-22.15), part of the larger San Joaquin Valley Groundwater Basin. The Tracy Subbasin is not adjudicated and has not been designated by DWR as being in a condition of critical overdraft. However, as a medium priority basin, it is subject to the requirements of the Sustainable Groundwater Management Act (SGMA). Tracy is one of the seven Groundwater Sustainability Agencies (GSAs) that are cooperatively developing the Tracy Subbasin Groundwater Sustainability Plan (GSP), which must be completed by January 2022. The City also

receives water from its Aquifer Storage and Recovery (ASR) program and Semitropic Groundwater Storage Bank.

The City has been making significant efforts to augment its supplies, including expansion of the recycled water system, expansion of the ASR program, and development of the Recycled Water Distribution Network and Exchange project. Based on all available information, available supplies are expected to be sufficient to support the City's projected water demand through 2045 in normal years.

Calculation and reporting of water system energy intensity is a new requirement for the 2020 UWMPs. Energy intensity is defined as the net energy used for water treatment, conveyance, and distribution for all water entering the City's distribution system, and does not include the energy used to convey or treat wastewater. The energy intensity for the City is estimated to be 108 kilowatt hours per acre-foot of water (kWh/AF).

Chapter 7 Water Service Reliability and Drought Risk Assessment

This chapter assesses the reliability of the City's water supplies, with a specific focus on potential constraints such as supply availability, water quality, and climate change. The intent of this chapter is to identify any potential constraints that could affect the reliability of the City's supply (such as drought conditions) to support the City's planning efforts. Water service reliability is assessed during normal, single dry-year, and multiple dry-year hydrologic conditions.

The reliability analysis was performed based on SSJID's water reliability analysis, which assumes that the State Water Resources Control Board's (SWRCB's) released amendments to the Water Quality Control Plan for the San Francisco/Sacramento-San Joaquin Delta Estuary (Bay-Delta Plan Amendment) will not be implemented. If the Bay-Delta Plan Amendment is implemented, significant surface water cutbacks would likely be experienced, as presented in **Appendix G** of the UWMP.

Based on service reliability analysis, the City is expected to have adequate water supplies during normal years to meet projected demands through 2045. However, supply shortfalls are projected during single dry years and multiple dry years.

A Drought Risk Assessment (DRA) was also conducted during this analysis which evaluates the effects on available water supply sources of an assumed five-year drought commencing the year after the assessment is completed (i.e., from 2021 through 2025). Based on the DRA, the City is expected to have sufficient water supply in 2021, 2022, and 2025. However, supply shortfalls are projected in 2023 and 2024.

Chapter 8 Water Shortage Contingency Plan

This chapter describes the Water Shortage Contingency Plan (WSCP) for the City. The WSCP serves as a standalone document to be engaged in the case of a water shortage event, such as a drought or supply interruption. The WSCP defines specific policies and actions that will be implemented at various shortage level scenarios (e.g., implementing customer water budgets and surcharges, or restricting landscape irrigation to specific days and/or times). Consistent with DWR requirements, the WSCP includes six "stages of action" to address shortage conditions ranging from up to 10% to greater than 50% shortage.

Chapter 9 Demand Management Measures

This chapter includes descriptions of past and planned conservation programs that the City implements within each demand management measure (DMM) category outlined in the UWMP Act, specifically: (1)

water waste prevention ordinances, (2) metering, (3) conservation pricing, (4) public education and outreach, (5) distribution system water loss management, (6) water conservation program coordination and staffing support, and (7) "other" DMMs. The City has developed a suite of conservation programs and policies, which address each DMM category. The City intends to continue implementing these DMMs and will evaluate potential adjustments needed.

Chapter 10 Plan Adoption, Submittal, and Implementation

This chapter provides information on a public hearing, the adoption process for the 2020 UWMP and WSCP, the adopted UWMP and WSCP submittal process, UWMP and WSCP implementation, and the process for amending the adopted UWMP and WSCP. Prior to adopting the Plan, the City held a formal public hearing to present information on its UWMP and WSCP on 18 May 2021 at 7:00 PM. This UWMP and WSCP were submitted to DWR within 30 days of adoption and by the 1 July 2021 deadline.

Chapter 11 References

This chapter contains key references and sources used throughout the document.

2 PLAN PREPARATION

This chapter discusses the type of Urban Water Management Plan (UWMP or Plan) the City has prepared and includes information that will apply throughout the Plan. Coordination and outreach during the development of the Plan is also discussed.

Text from the UWMP Act has been included in grey text boxes with italicized font at beginning of relevant sections of this UWMP. The information presented in the respective UWMP sections and the associated text, figures, and tables are collectively intended to fulfill the requirements of that sub-section of the UWMP Act. To the extent practicable, supporting documentation has also been provided in the appendices. Other sources for the information contained herein are provided in the references section of this document.

Per California Water Code (CWC) §10644(a)(2), selected information for the 2020 UWMP updates must be presented in standardized tables for electronic submittal to DWR. The tables presented in this UWMP have been re-numbered, but the content has been preserved and the original DWR table numbers are included in parentheses in the table titles.

2.1 Basis for Preparing Plan

☑ ***CWC § 10617***

"Urban water supplier" means a supplier, either publicly or privately owned, providing water for municipal purposes either directly or indirectly to more than 3,000 customers or supplying more than 3,000 acre-feet of water annually. An urban water supplier includes a supplier or contractor for water, regardless of the basis of right, which distributes or sells for ultimate resale to customers. This part applies only to water supplied from public water systems subject to Chapter 4 (commencing with Section 116275) of Part 12 of Division 104 of the Health and Safety Code.

☑ ***CWC § 10620***

Every person that becomes an urban water supplier shall adopt an urban water management plan within one year after it has become an urban water supplier.

☑ ***CWC § 10621 (a)***

Each urban water supplier shall update its plan at least once every five years on or before July 1, in years ending in six and one, incorporating updated and new information from the five years preceding each update.

☑ ***CWC § 10621 (f)(1)***

Each urban water supplier shall update and submit its 2020 plan to the department by July 1, 2021.

☑ ***CWC § 10644 (a)(2)***

The plan, or amendments to the plan, submitted to the department … shall include any standardized forms, tables, or displays specified by the department.

In 1983, the California Legislature enacted the Urban Water Management Planning Act (UWMP Act) (California Water Code [CWC] §10610 - §10657). The UWMP Act states that every urban water supplier that provides water to 3,000 or more connections, or that provides over 3,000 acre-feet of water per year

(AFY) should make every effort to ensure the appropriate level of water service reliability to meet the needs of its customers during normal, dry, and multiple dry years.

As a water system that provides drinking water for human consumption, the City is regulated as a Public Water System (PWS) by the State Water Resources Control Board (SWRCB), Division of Drinking Water. **Table 2-1** lists the City's PWS identification number. The SWRCB requires that water agencies report water usage and other relevant PWS information via the electronic Annual Reports to the Drinking Water Program (eARDWP). These data are used by the state to determine, among other things, whether an urban retail water supplier has reached the threshold (3,000 or more connections or 3,000 AFY of water supplied) for submitting an UWMP.

As shown in **Table 2-1**, the City served 24,692 connections and 19,527 AFY in 2020 and is therefore subject to the requirements of the UWMP Act.

Table 2-1 Public Water Systems (DWR Table 2-1)

Public Water System Number	Public Water System Name	Number of Municipal Connections 2020	Volume of Water Supplied 2020
3910011	City of Tracy	24,692	19,527
	TOTAL	24,692	19,527
NOTES: (a) Volumes are in units of AF.			

As indicated in **Table 2-2**, the City's 2020 UWMP has been prepared individually for the City in general accordance with the format suggested in DWR's *Urban Water Management Plan Guidebook 2020*, dated March 2021 (Guidebook; DWR, 2021). Some sections of the outline presented in the Guidebook have been combined or arranged in a different order, but all the information requested in the UWMP Guidebook and Act is provided within this document. To the extent practicable, supporting documentation has also been provided in the appendices. Other sources for the information contained herein are provided in the references section of the document.

Per the Guidebook, the UWMP preparer is requested to complete a checklist of specific UWMP requirements to assist the DWR review of the submitted UWMP. The completed checklist is included in **Appendix A**.

Table 2-2 Plan Identification Type (DWR Table 2-2)

Select Only One	Type of Plan		Name of RUWMP or Regional Alliance *if applicable*
X	Individual UWMP		
		Water Supplier is also a member of a RUWMP	
		Water Supplier is also a member of a Regional Alliance	
	Regional Urban Water Management Plan (RUWMP)		
NOTES:			

2.2 UWMP Structure, Standard Units, and Basis for Reporting

The City is a retail water supplier. As further summarized in **Table 2-3**, unless otherwise indicated, the data included in the following sections is presented in units of acre-foot (AF) or AFY and annual values represent calendar years.

Further, consistent with the Guidebook, the terms "water use", "water consumption", and "water demand" are used interchangeably in this UWMP.

Table 2-3 Supplier Identification (DWR Table 2-3)

Type of Supplier	
	Supplier is a wholesaler
X	Supplier is a retailer
Fiscal or Calendar Year	
X	UWMP Tables are in calendar years
	UWMP Tables are in fiscal years
If using fiscal years provide month and date that the fiscal year begins (mm/dd)	
Units of measure used in UWMP	
Unit	AF
NOTES:	

2.3 Coordination and Outreach

Coordination with other water suppliers, cities, counties, and other community organizations in the region is an important part of preparing a UWMP and Water Shortage Contingency Plan (WSCP). This section identifies the agencies and organizations the City sought to coordinate with during preparation of this Plan.

2.3.1 Wholesale Coordination

☑ ***CWC § 10631 (h)***

An urban water supplier that relies upon a wholesale agency for a source of water shall provide the wholesale agency with water use projections from that agency for that source of water in five-year increments to 20 years or as far as data is available. The wholesale agency shall provide information to the urban water supplier for inclusion in the urban water supplier's plan that identifies and quantifies, to the extent practicable, the existing and planned sources of water as required by subdivision (b), available from the wholesale agency to the urban water supplier over the same five-year increments, and during various water-year types in accordance with subdivision (f). An urban water supplier may rely upon water supply information provided by the wholesale agency in fulfilling the plan informational requirements of subdivisions (b) and (f).

As shown in **Table 2-4**, the City's two wholesale surface water suppliers are: (1) the United States Bureau of Reclamation (USBR), and (2) the South San Joaquin Irrigation District (SSJID). As described in detail in Section 6.1.1, the City has a Municipal and Industrial (M&I) contract with the USBR for delivery of Central Valley Project (CVP) water conveyed via the Delta-Mendota Canal (DMC) (conjunctively referred to as DMC/CVP water). The City has acquired additional assignments of DMC/CVP Agricultural reliability (Ag-reliability) water through agreements with local irrigation districts (see Section 6.1.1). As stipulated by its contract terms, and as part of regular operations, the USBR notifies Tracy each year of the deliveries that it can expect to receive from the USBR. This notification process occurs regardless of whether it is a normal or dry year. The City in turn notifies the USBR each year of the deliveries that it expects to receive from the USBR during the following year.

As discussed in detail in Section 6.1.2, the City also purchases Stanislaus River water from SSJID, as provided by the South County Water Supply Project (SCWSP). The SSJID notifies the City of the deliveries that it can expect to receive from the SCWSP on an annual basis. The City in turn notifies the SSJID each year of the deliveries that it expects to receive over the next three years.

As part of the coordination effort for the 2020 UWMP, and in compliance with CWC §10631(h), the City provided USBR and SSJID with its water demand projections through 2045. As described in Section 7, the City relied on allocations from USBR and SSJID for the purposes of analyzing the reliability of its surface water supplies during normal and dry years through 2045.

Table 2-4 Water Supplier Information Exchange (DWR Table 2-4)

The retail Supplier has informed the following wholesale supplier(s) of projected water use in accordance with Water Code Section 10631.
Wholesale Water Supplier Name
South San Joaquin Irrigation District
U.S. Bureau of Reclamation
NOTES:

2.3.2 Agency Coordination

☑ ***CWC § 10620 (d) (2)***

Each urban water supplier shall coordinate the preparation of its plan with other appropriate agencies in the area, including other water suppliers that share a common source, water management agencies, and relevant public agencies, to the extent practicable.

On 4 February 2021, the City sent a letter, either by email or mail, to the agencies identified in **Table 2-5** to inform them that the City was in the process of updating its UWMP and WSCP and was soliciting their input. The letter sent to each of the above-mentioned agencies also informed them that the document would be available for review in May 2021 and welcomed their input and comments on the document. The Draft 2020 UWMP and WSCP were available for public review at the Tracy Public Library, the Tracy Department of Utilities, and the City Clerk's Office, as well as online at the City's website (https://www.ci.tracy.ca.us/). An email was also sent to these agencies informing them that the UWMP public hearing would be occurring at City Hall on 18 May 2021. A sample copy of the notification letters described above is included in **Appendix C**.

Table 2-5 Notification to Cities and Counties (DWR Table 10-1)

City Name	60 Day Notice	Notice of Public Hearing
City of Lathrop	X	X
City of Manteca	X	X
City of Escalon	X	X
County Name	**60 Day Notice**	**Notice of Public Hearing**
San Joaquin County	X	X
Other Agency Name	**60 Day Notice**	**Notice of Public Hearing**
Banta-Carbona Irrigation District	X	X
Byron-Bethany Irrigation District	X	X
Pescadero Reclamation District	X	X
San Luis & Delta-Mendota Water Authority	X	X
South San Joaquin Irrigation District	X	X
NOTES:		

2.3.3 Public Participation

☑ ***CWC § 10642***

Each urban water supplier shall encourage the active involvement of diverse social, cultural, and economic elements of the population within the service area prior to and during the preparation of both the plan and the water shortage contingency plan. Prior to adopting either, the urban water supplier shall make both the plan and the water shortage contingency plan available for public inspection and shall hold a public hearing or hearings thereon. Prior to any of these hearings, notice of the time and place of the hearing shall be published within the jurisdiction of the publicly owned water supplier pursuant to Section 6066 of the Government Code. The urban water supplier shall provide notice of the time and place of a hearing to any city or county within which the supplier provides water supplies. Notices by a local public agency pursuant to this section shall be provided pursuant to Chapter 17.5 (commencing with Section 7290) of Division 7 of Title 1 of the Government Code. A privately owned water supplier shall provide an equivalent notice within its service area. After the hearing or hearings, the plan or water shortage contingency plan shall be adopted as prepared or as modified after the hearing or hearings.

Water suppliers are required by the UWMP Act to encourage active involvement of the community within the service area prior to and during the preparation of its UWMP and WSCP. The UWMP Act also requires water suppliers to make a draft of the UWMP and WSCP available for public review and to hold a public hearing regarding the findings of the UWMP and WSCP prior to its adoption. In addition to sending notices of the City's intent to prepare its UWMP and WSCP to the various agencies listed in **Table 2-5**, the City also included a public notice in the local newspaper (i.e., Tracy Press) notifying the public that the draft UWMP and WSCP were available for review and that the City was seeking public input and comments, including during the public hearing. Public participation in the development of the City's 2020 UWMP and WSCP is summarized in **Appendix D**.

The Public Review Draft 2020 UWMP and WSCP was available for public review at the Tracy Public Library, the Tracy Department of Utilities, and the City Clerk's Office on the City's website (https://www.cityoftracy.org/).

3 SYSTEM DESCRIPTION

☑ ***CWC § 10631 (a)*** *A plan shall be adopted in accordance with this chapter that shall do all of the following:*

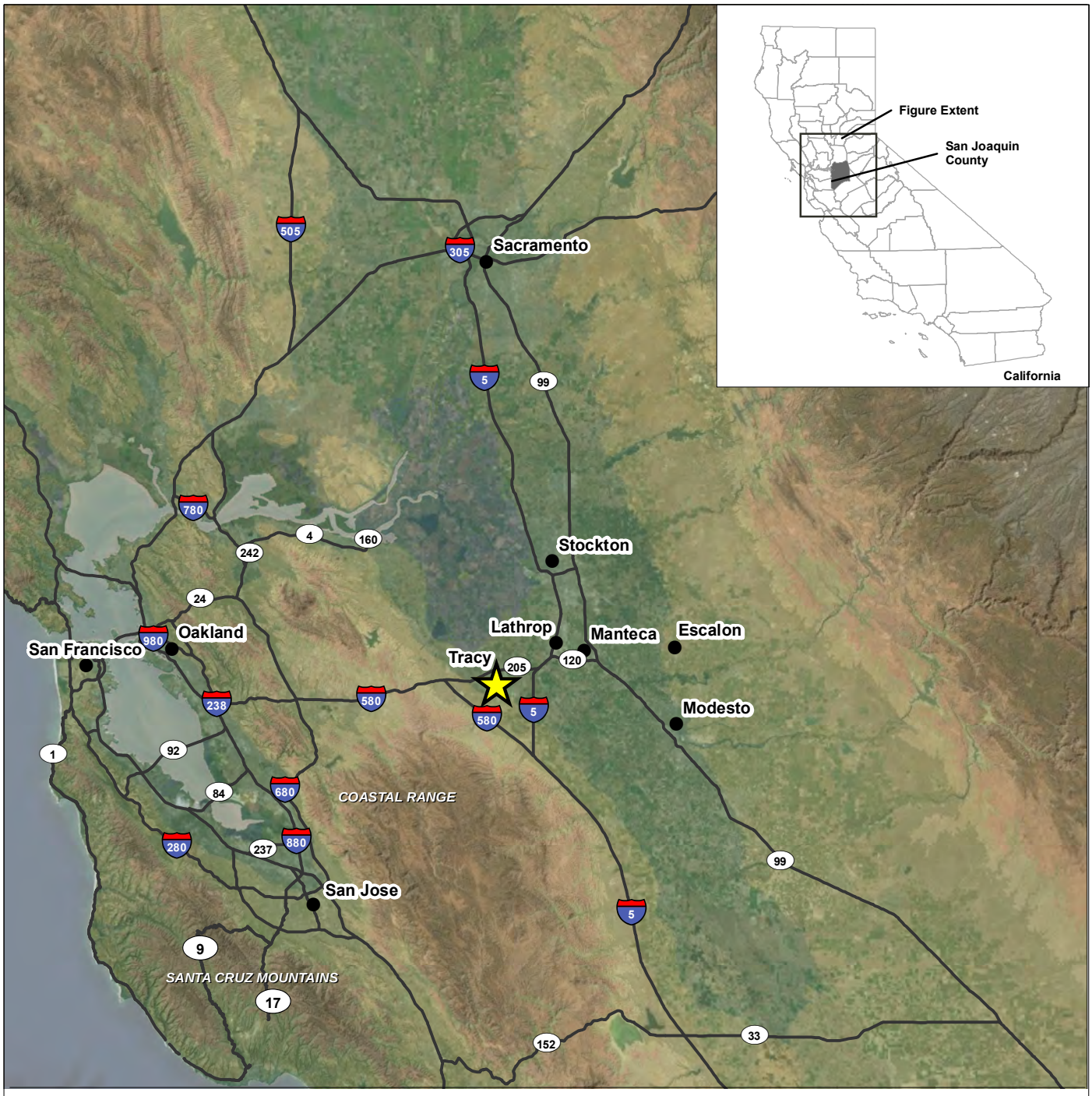
Describe the service area of the supplier, including current and projected population, climate, and other social, economic, and demographic factors affecting the supplier's water management planning. The projected population estimates shall be based upon data from the state, regional, or local service agency population projections within the service area of the urban water supplier and shall be in five-year increments to 20 years or as far as data is available. The description shall include the current and projected land uses within the existing or anticipated service area affecting the supplier's water management planning. Urban water suppliers shall coordinate with local or regional land use authorities to determine the most appropriate land use information, including, where appropriate, land use information obtained from local or regional land use authorities, as developed pursuant to Article 5 (commencing with Section 65300) of Chapter 3 of Division 1 of Title 7 of the Government Code.

This section provides an overview of the City of Tracy's (City's) service area and water system, including discussions of the City's service boundaries, planned developments, population, climate, and water system infrastructure.

3.1 City Limits and Sphere of Influence

The City's service area is located in San Joaquin County, 68 miles south of Sacramento and 60 miles east of San Francisco (**Figure 3-1**). The City lies east of the Coastal Range that separates California's Central Valley from the San Francisco Bay Area. Interstate 205 runs through the northernmost part of the City and connects Interstate 580 to Interstate 5, a major north-south interstate corridor east of Tracy. Ground surface elevations in Tracy range from 600 feet above mean sea level (ft msl) in the foothills along the southwestern boundary of the City to 9 ft msl at the northern boundary (Kennedy/Jenks, 1994). Tracy lies adjacent to the State Water Project's (SWP) California Aqueduct, the Delta-Mendota Canal (DMC), and the Old River. The Old River flows east to west just north of Tracy.

The existing incorporated area of the City encompasses approximately 22 square miles (Tracy, 2011). The Sphere of Influence (SOI) is the area outside of the City limits that Tracy expects to annex and urbanize in the future, including the expected physical limit of the City based on the most current available information (**Figure 3-2**). During the City's most recent General Plan update process, revisions to the SOI were made to more accurately reflect the areas where Tracy may grow in the future and locations where no urban growth is expected. The revised SOI is approximately 42 square miles, or 20 square miles larger than the City limits.



Legend

- City of Tracy
- Other City
- Highway

Notes

1. All locations are approximate.

Sources

1. Aerial basemap provided by ArcGIS Online.

N

0 20 40

Miles

DRAFT

Regional Vicinity Map

City of Tracy
Tracy, CA
May 2021
EKI C00117.00

Figure 3-1

eki environment & water

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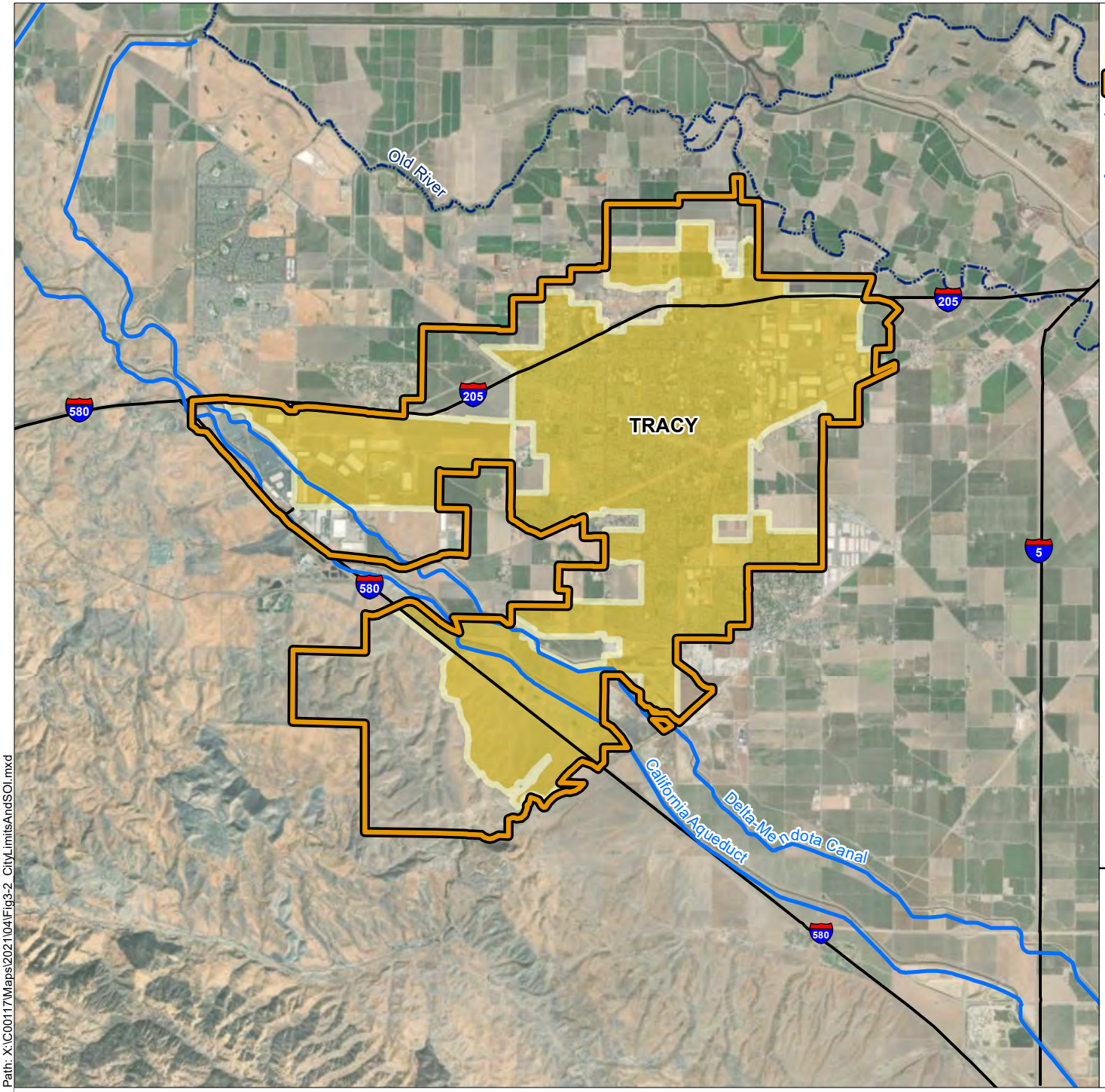


Legend

- City Limits / Existing Water Service Area
- Sphere of Influence
- Highway
- Stream or River
- Canal

Notes

1. All locations are approximate.

Sources

1. City limits and sphere of influence provided by the City.
2. Aerial base map provided by ArcGIS Online.

N

0 2 4

Miles

Service Area Map

DRAFT

City of Tracy
Tracy, CA
May 2021
EKI C00117.00

Figure 3-2

eki environment & water

Path: X:\C00117\Maps\2021\04\Fig3-2_CityLimitsAndSOI.mxd

3.2 Population Within the Service Area

The City currently provides water service to approximately 24,692 residential, commercial (including institutional/governmental), industrial, and landscape service connections. The historical and current population within the City's water service area is calculated by adding the population within the City limits, as reported by the California Department of Finance (DOF), and the population within Larch Clover County Services District (CSD), a small community located outside of the City limits but served by the City (see **Figure 3-2**). The Larch Clover CSD population is calculated by multiplying the number of residences in the community, as provided by the City's Finance Department, by the persons-per-household factor from the California DOF.

As of 1 January 2020, the population estimate for Tracy was 95,931 (DOF, 2020a). In 2020, the City also served 118 residential accounts in the Larch Clover CSD and the persons-per-household factor was 3.51 (DOF, 2020b). Using the methodology described above, the City's 2020 population was estimated to be 96,345. The historical and current population within the City's water service area is presented in **Table 3-1.**

Population growth was rapid in the City over the 15-year period 1990 through 2005, with the City growing by 139% (DOF, 2007; DOF, 2012). Between 2005 and 2020, however, growth has slowed relative to historical rates; population increased approximately 68% over this 15-year period. The reduction in growth rate has likely been caused by a combination of economic forces, such as the economic downturn of 2008 through 2011, and measures taken by the City to limit growth. In 1987, the City adopted a residential Growth Management Ordinance (GMO), which was amended in 2000 by the voter-initiated Measure A. The objective of the GMO and Measure A is to achieve a steady and orderly growth rate that allows for the adequate provision of services and community facilities, and includes a balance of housing opportunities. Under the GMO, builders must obtain a Residential Growth Allotment (RGA) to secure a residential building permit. The GMO limits the number of RGAs and building permits to an average of 600 housing units per year for market rate housing, with a maximum of 750 units in any single year, although there are exceptions for affordable housing (Tracy, 2011).

3.2.1 Future Population Growth

The population estimates for 2025 through 2045 are projected using the methodology presented in the City's 2020 Water System Master Plan (WSMP) (Tracy, 2020), which is currently in draft form and has not yet been adopted by City Council. The population projection in the WSMP from 2025 to 2040 is based on the Tracy Municipal Services Review (June 2019). The projected population at buildout was based on: (1) assumptions about the number of dwelling units for each development and planning area at buildout, and (2) an assumed number of people per dwelling unit (people/du). Separate people/du factors were developed for five categories of residential housing densities that reflect varying ranges of dwelling units per acre (du/acre). The people/du factors utilized in the 2020 WSMP are summarized below:

- The Very Low Density category encompasses a range of densities from 0.1 to 2.0 du/acre and is assigned a factor of 3.3 people/du.
- The Low Density category encompasses a range of densities from 2.1 to 5.8 du/acre and is assigned a factor of 3.3 people/du.

- The Medium Density category encompasses a range of densities from 5.9 to 12.0 du/acre and is assigned a factor of 2.7 people/du.
- The High Density category encompasses a range of densities from 12.1 to 25 du/acre and is assigned a factor of 2.2 people/du.
- The Very High Density category encompasses densities up to 40 du/acre and is assigned a factor of 1.5 people/du.

The 2020 WSMP applied these people/du factors to an assumed number of dwelling units at Buildout, which is assumed to occur in 2045 for the purpose of the UWMP. The 2020 WSMP Buildout accounts for growth in employment in addition to the residential growth.

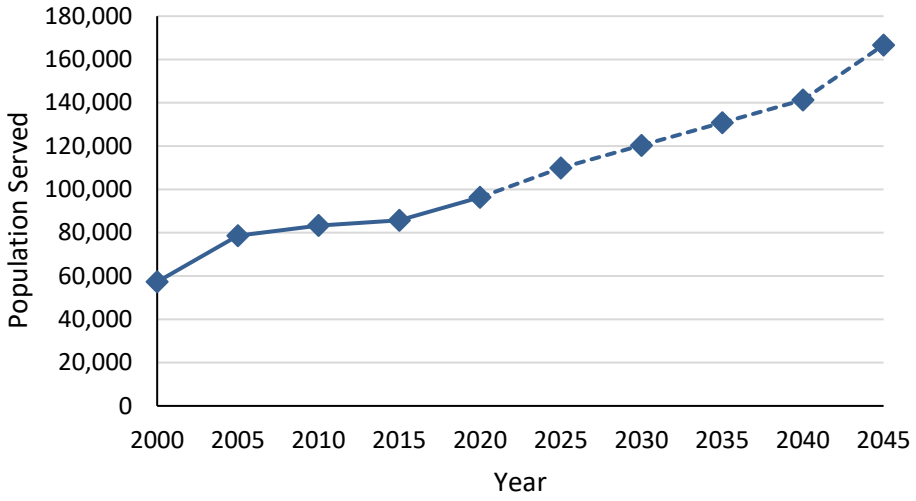
The City's projected population is presented in **Table 3-1** and the associated chart. Using the methodology described above, the City is projected to have a total population of approximately 166,700 people by the year 2045, which represents a 73% increase over the 2020 population.

Table 3-1 Population - Current and Projected (DWR Table 3-1)

Population Served	2020	2025	2030	2035	2040	2045
	96,345	109,900	120,367	130,833	141,300	166,700

NOTES:
(a) Current population is estimated from Department of Finance, Population Estimates for Cities, Counties, and the State, 2011-2020, with 2010 Benchmark, released 1 May 2020, adjusting for the population in Larch Clover CSD which is located outside the City Boundary. The Larch Creek Clover CSD population was estimated based on the total number of accounts (118) and a person per household factor of 3.51.
(b) Projected population are obtained from the City's 2020 WSMP. Population is assumed to increase linearly between 2025 and 2040, and population in 2045 is assumed to be the projected population at buildout.

Chart 3-1 Current and Projected Population



3.3 Other Social, Economic, and Demographic Factors

Demographics for the City are summarized in **Table 3-2**, which were obtained from the U.S. Census Bureau QuickFacts website. The same data are also provided for the State of California as a whole. Relative to the whole State, the City's population is slightly younger and more racially diverse. Attainment of higher education in the City are lower than the rest of California. Median household income is higher than for the State.

Table 3-2 Demographic and Housing Characteristics

Demographics (a)	City of Tracy	California
Age and Sex		
Persons under 5 years	6.1%	6.0%
Persons under 18 years	28.1%	22.5%
Persons 65 years and older	8.9%	14.8%
Female persons	50.2%	50.3%
Race and Hispanic Origin		
White alone	58.5%	71.9%
Black or African American alone	4.5%	6.5%
American Indian and Alaska Native alone	0.4%	1.6%
Asian alone	16.3%	15.5%
Native Hawaiian and Other Pacific Islander alone	1.2%	0.5%
Two or More Races	9.3%	4.0%
Hispanic or Latino	39.6%	39.4%
White alone, not Hispanic or Latino	33.1%	36.5%
Families & Living Arrangements		
Persons per household	3.50	2.95
Living in same house 1 year ago, percent of persons age 1 year+	86.6%	87.1%
Language other than English spoken at home, age 5 years+	43.3%	44.2%
Education		
High school graduate or higher, persons age 25 years+	85.4%	83.3%
Bachelor's degree or higher, persons age 25 years+	22.0%	33.9%
Income & Poverty		
Median Household Income (2019 dollars)	$92,046	$75,235
Per capita income in past 12 months (2019 dollars)	$31,540	$36,955
Persons in poverty	8.1%	11.8%
NOTES:		
(a) Demographic data per the U.S. Census Bureau QuickFacts website, https://www.census.gov/quickfacts/fact/table/tracycitycalifornia,CA/PST045219.		

3.4 Land Uses within Service Area

3.4.1 Existing Land Uses

Existing developed land use within the City consists primarily of low-density residential land use. With some exceptions, existing developed land use within the City limits conforms to the General Plan. **Figure**

3-3 shows the existing land uses of the City, while **Figure 3-4** shows the approved projects that are planned to be developed within the City.

3.4.2 Specific Plans and Large Planned Unit Developments

Numerous Specific Plans and large-scale Planned Unit Developments (PUDs) have been adopted within the City limits and SOI to accommodate anticipated future growth. General information regarding the City's major Specific Plans and PUDs could be found in the City's General Plan[3] (Tracy, 2011) and the 2020 WSMP[4] (Tracy, 2020). The locations of the City's planning areas are presented in **Figure 3-5**.

[3] The City's General Plan could be found in the City's website: https://www.ci.tracy.ca.us/documents/2011_General_Plan.pdf.

[4] The City's WSMP could be found in the City's website: https://www.ci.tracy.ca.us/documents/Water_System_Master_Plan_Update_Nov_2020.pdf.

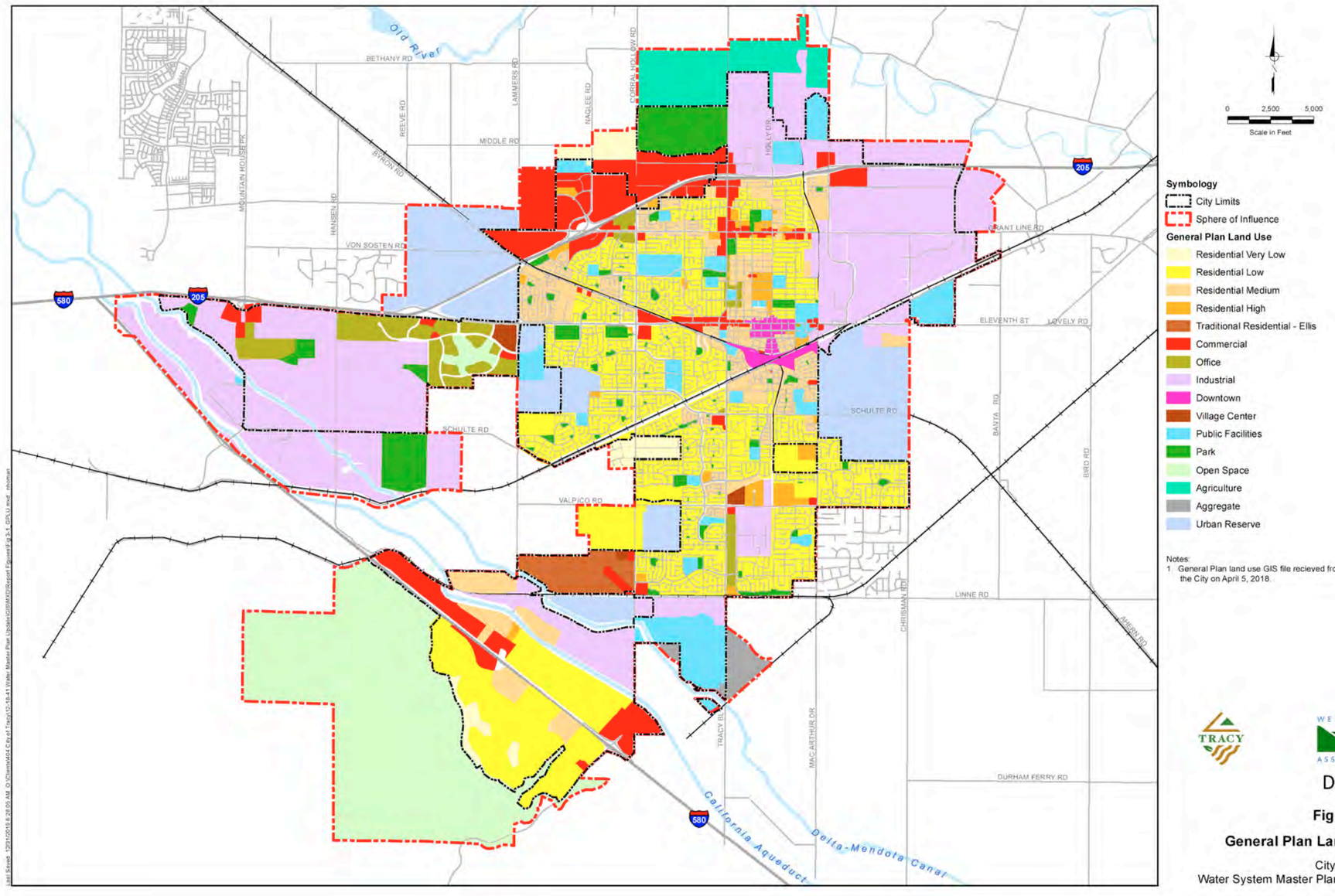


Figure 3-3 City Land Use (Adapted from the Draft 2020 WSMP, Figure 3-1)

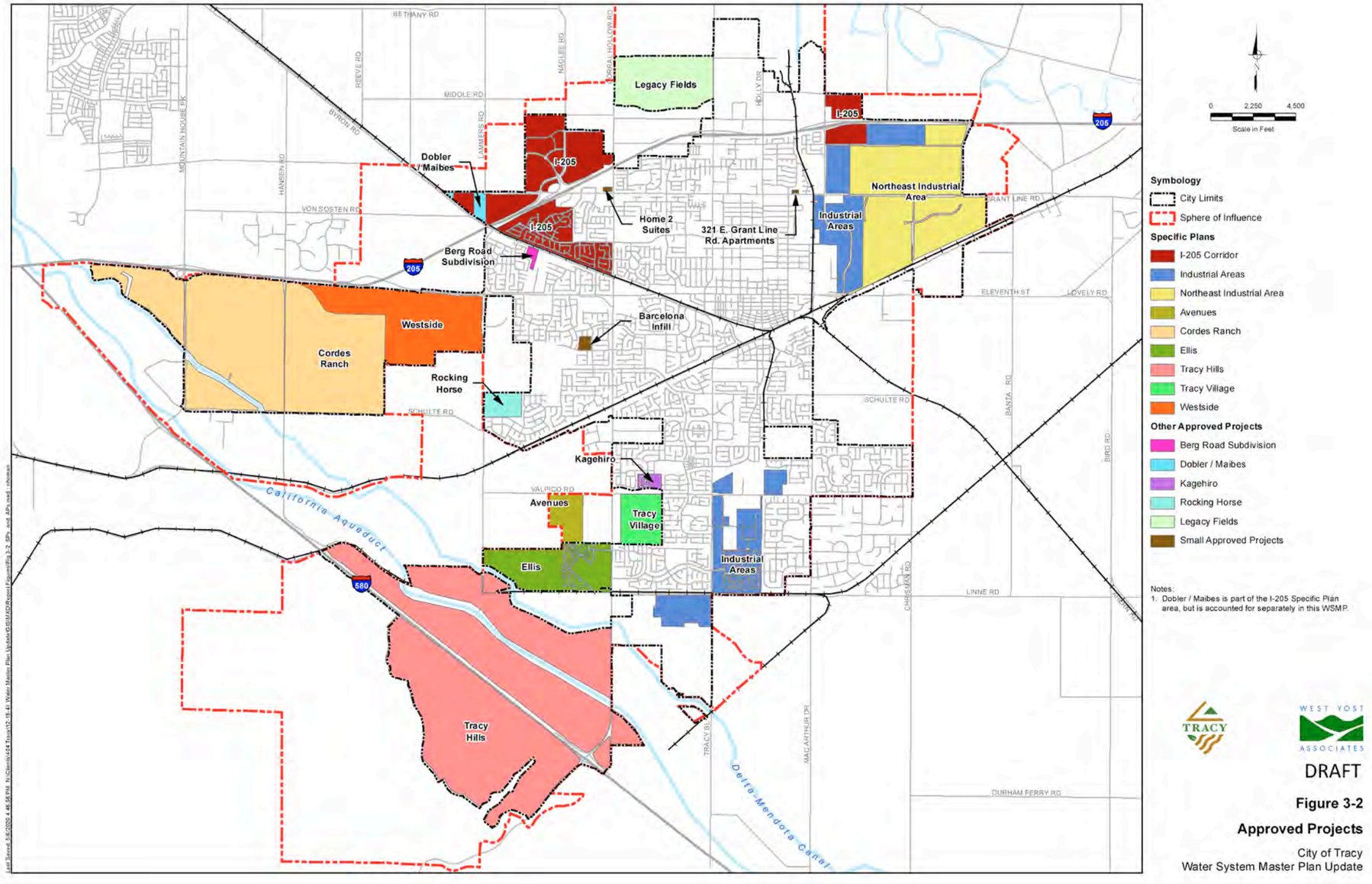


Figure 3-4 Approved Projects (Adapted from the Draft 2020 WSMP, Figure 3-2)

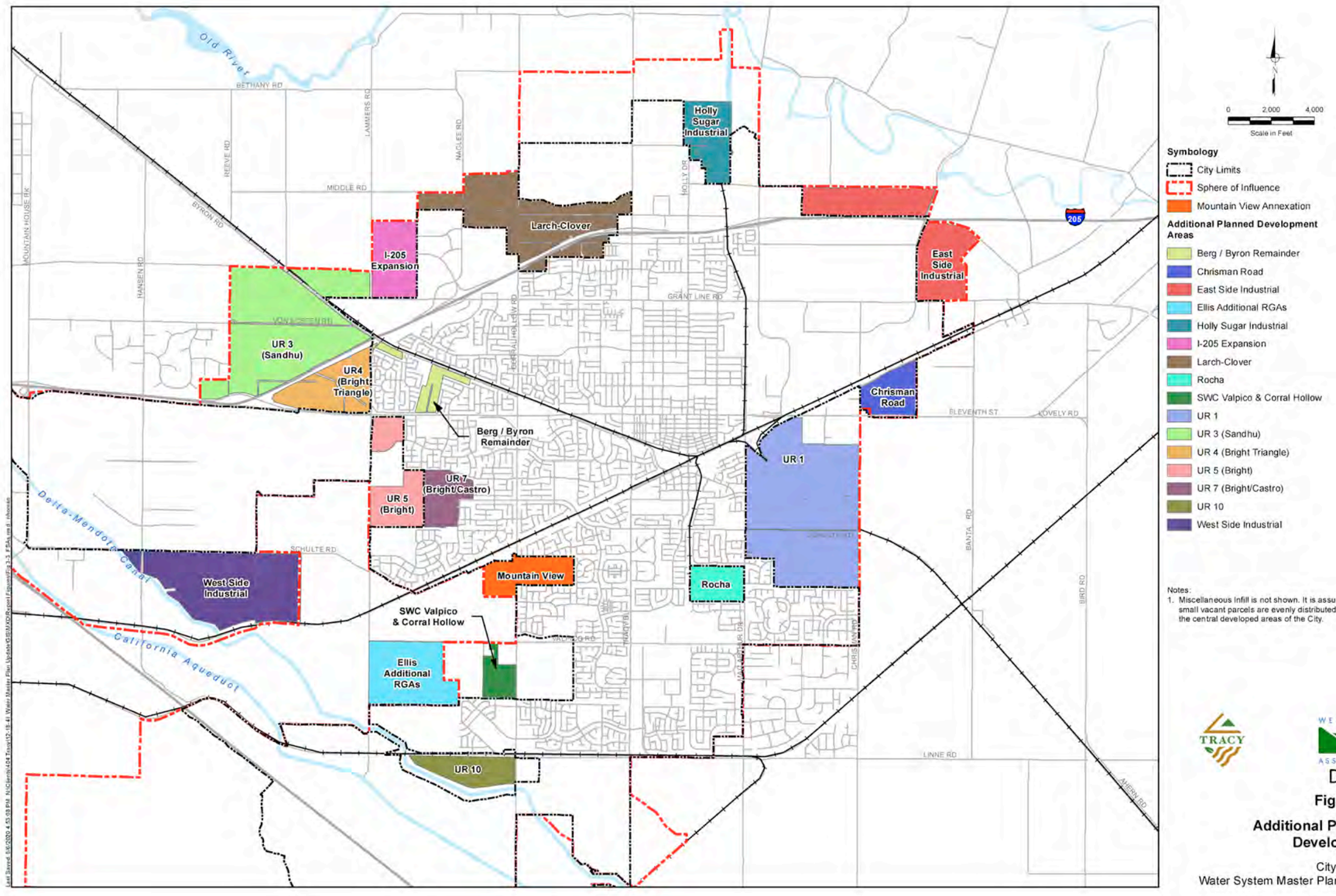


Figure 3-5 Planned Unit Developments (Adapted from the Draft 2020 WSMP, Figure 3-3)

3.5 Climate

Spring, summer, and fall are generally hot in Tracy, with temperatures often reaching over 100 degrees Fahrenheit (°F) on summer days. Tracy's winters are usually mild, although the dense "tule fog" can last for weeks. As shown in **Table 3-3** and the associated chart, rainfall in the area averages 9.9 inches per year and is generally confined to the wet season from late October to early May. The average reference evapotranspiration (ETo) for the region is 48.4 inches per year.

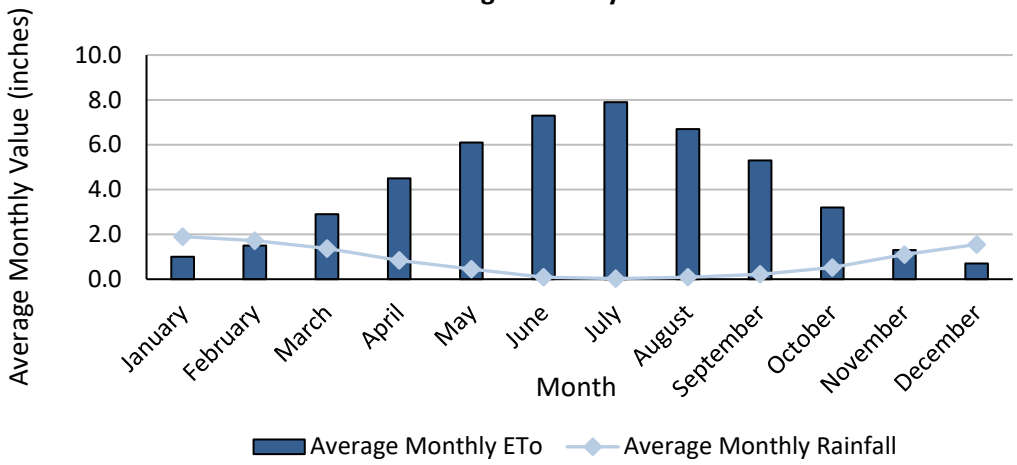
Since the average annual ETo is approximately 38.5 inches more than the average annual precipitation, and because more than 85% of the annual precipitation occurs between the months of November and April, growing turf or other plantings in this region requires a significant amount of irrigation during the dry season. This irrigation demand contributes to the overall and observed seasonal variation in water demand throughout the City's service area (see Section 4.1.1).

Table 3-3 Climate Characteristics

Month	Average Temperature		Standard Average ETo (inches)	Average Rainfall (inches)
	Min (°F)	Max (°F)		
January	36.7	54.1	1.0	1.9
February	40.0	61.0	1.5	1.7
March	42.6	66.7	2.9	1.4
April	45.5	73.1	4.5	0.8
May	50.4	80.7	6.1	0.5
June	55.2	88.0	7.3	0.1
July	57.1	93.6	7.9	0.0
August	55.7	92.1	6.7	0.1
September	53.9	87.9	5.3	0.2
October	48.7	78.5	3.2	0.5
November	42.1	64.9	1.3	1.1
December	36.6	54.7	0.7	1.6
Annual	47.0	74.6	48.4	9.9

NOTES:
(a) Temperature and precipitation data from Western Regional Climate Center Tracy Carbona Station (048999).
(b) Reference evapotranspiration data from California Code of Regulations, Title 23, Division 2, Chapter 2.7, Model Water Efficient Landscape Ordinance.
(c) Totals may not add exactly due to rounding.

Chart 3-3 Average Monthly Climatic Conditions



3.6 Climate Change Considerations

☑ ***CWC § 10630***

It is the intention of the Legislature, in enacting this part, to permit levels of water management planning… while accounting for impacts of climate change.

Projections of climate change in California indicate a further intensification of wet and dry extremes and shifting temperature. Changing climate can affect both water uses and supplies. For example, extreme and higher temperatures can lead to increases in water use; declining snowpack and earlier runoff patterns could result in changes in stream flows and reservoir operations; projection of frequent, severe, prolonged droughts could lead to not only less surface water available, but also exacerbating ongoing stressors in groundwater basins. Some of these pressures are already apparent in California as of 2021.

Several sections in the California Water Code (CWC) relevant to UWMPs refer to climate change. Pursuant to CWC requirements and the UWMP Guidebook, this Plan incorporates climate change considerations into following relevant sections:

- Chapter 3 – System Description,
- Chapter 4 – Water Use Characterization,
- Chapter 6 – Water Supply Characterization, and
- Chapter 7 – Water Service Reliability and Drought Risk Assessment.

Issues associated with climate change are discussed in the City's *Local Hazard Mitigation Plan*, dated September 2019, which is incorporated into this UWMP by reference (City LHMP; Tracy, 2019a). The City LHMP assesses the City's vulnerabilities to various hazards and presents mitigation strategies that are planned over the next five years. Impacts of climate change that are considered in the LHMP include water supply shortages, more frequent and intense drought and extreme heat events, flooding, and increased temperatures.

Climate change impacts on the City's water demands are discussed in Section 4.4, while climate change impacts on the City's water supply are discussed in Section 6.12.1.

3.7 Water Distribution System

The City serves water within the City limits and portions of the SOI. The existing potable water system infrastructure is presented on **Figure 3-6** and details of the potable water supply system are provided below.

3.7.1 Service Connections

Tracy provides water service to all water users within the City Limits, plus approximately 118 residences of the Larch-Clover CSD. All connections are metered. In 2020, the City served 24,692 metered service connections. The majority of service connections in the City are associated with single-family residential accounts.

3.7.2 Pressure Zones

Due to the several hundred-foot difference in elevation throughout its service area, Tracy has established different pressure zones for its treated water distribution system. **Figure 3-6** shows the area encompassed by the four existing pressure zones (Zones 1, 2, and 3 and Ellis Reduced Zone), as well as the water distribution infrastructure. To support the development planned in the foothills, a fifth pressure zone (Zone 4) is in development and two additional zones (Zones 5 and 6) have been proposed for future use. The elevations and pressures within each of the existing and proposed pressure zones are summarized in **Table 3-4**.

Table 3-4 Pressure Zone Elevations and Static Pressures

Pressure Zones	Service Elevation Range (feet)	Static Pressure Range (psi)
Zone 1	0-75	40-75
Zone 2	75-150	40-85
Zone 3	150 - 245	55 - 95
Ellis Reduced Zone	140 - 185	60 - 80
Zone 4	209 - 325	43 - 93
Zone 5	305 - 470	47 - 118
Zone 6	460 - 630	45 - 118

NOTES:
(a) Data from the City's Water System Master Plan (Tracy, 2020).
(b) Zones 4, 5, and 6 are specifically for Tracy Hills. Zone 4 is in development. Zones 5 and 6 are planned for future.

3.7.3 Storage Facilities

Tracy has five treated water storage reservoirs, including two clearwells and three storage tanks. Clearwell #1 and Clearwell #2 are located adjacent to the John Jones Water Treatment Plant (JJWTP), with storage capacities of approximately 0.66 million gallons (MG) and 4.0 MG, respectively. Additional storage is provided by the 2.4 MG Northeast Industrial (NEI) Tank, the 7.1 MG Linne Tank, and the 2.0 MG Cordes Tank. Since Clearwell #1 is operated as a chlorine contact basin, it is no longer considered to provide available storage capacity. The total available storage capacity is 15.5 MG (Tracy, 2020).

3.7.4 Water Treatment Facilities

The City's DMC surface water supplies are treated at the JJWTP, located at the southern end of the City just east of the DMC and the California Aqueduct. The JJWTP was constructed in 1979, expanded in 1988, and expanded and upgraded again in 2008. The permitted treatment capacity is 30 million gallons per day

(MGD), with a potential future expansion to 45 MGD. Groundwater is either treated at the wellhead or at the JJWTP.

Stanislaus River water, provided by the South County Water Supply Project (SCWSP), is treated at the Nick C. DeGroot Water Treatment Plant (DGWTP), located near Woodward Reservoir in San Joaquin County. The DGWTP, completed in 2005, has a current capacity of approximately 40 MGD and a final build-out capacity of 60 MGD.

3.7.5 SCWSP Distribution System

As described in Section 6.1, the SCWSP is a partnership between the cities of Tracy, Manteca, Lathrop, and Escalon and the South San Joaquin Irrigation District (SSJID), which developed a surface water treatment plant and pipeline system to deliver water from the Stanislaus River to each participating agency. Treated Stanislaus River water is conveyed from the DGWTP to the City through a 36-inch transmission main, where it is pumped to the City by the Mossdale Pump Station, which is operated by SSJID and located at the intersection of Manthey and Stewart Roads. Water from the Mossdale Pump Station first fills the Linne and NEI storage tanks before being pumped into the City's distribution system.

3.7.6 Groundwater Wells

The City currently owns and operates nine groundwater production wells: the Lincoln Well, Production Wells 1, 2, 3, 4, 5 (Lewis Manor Well, currently inactive), 6 (Park & Ride), 7 (Ball Park), and ASR Well 8 (see Section 6.3). The pumping capacity of the City's production wells ranges from 1,500 gallons per minute (gpm) to 2,500 gpm. All production wells are screened below the confining Corcoran Clay with sanitary seals that entirely seal the wells from the upper, unconfined aquifer.

Additionally, the City owns nested and clustered monitoring wells throughout its service area. These wells are screened over short intervals (i.e., less than 40 feet) and are designed to measure the properties of a specific aquifer.

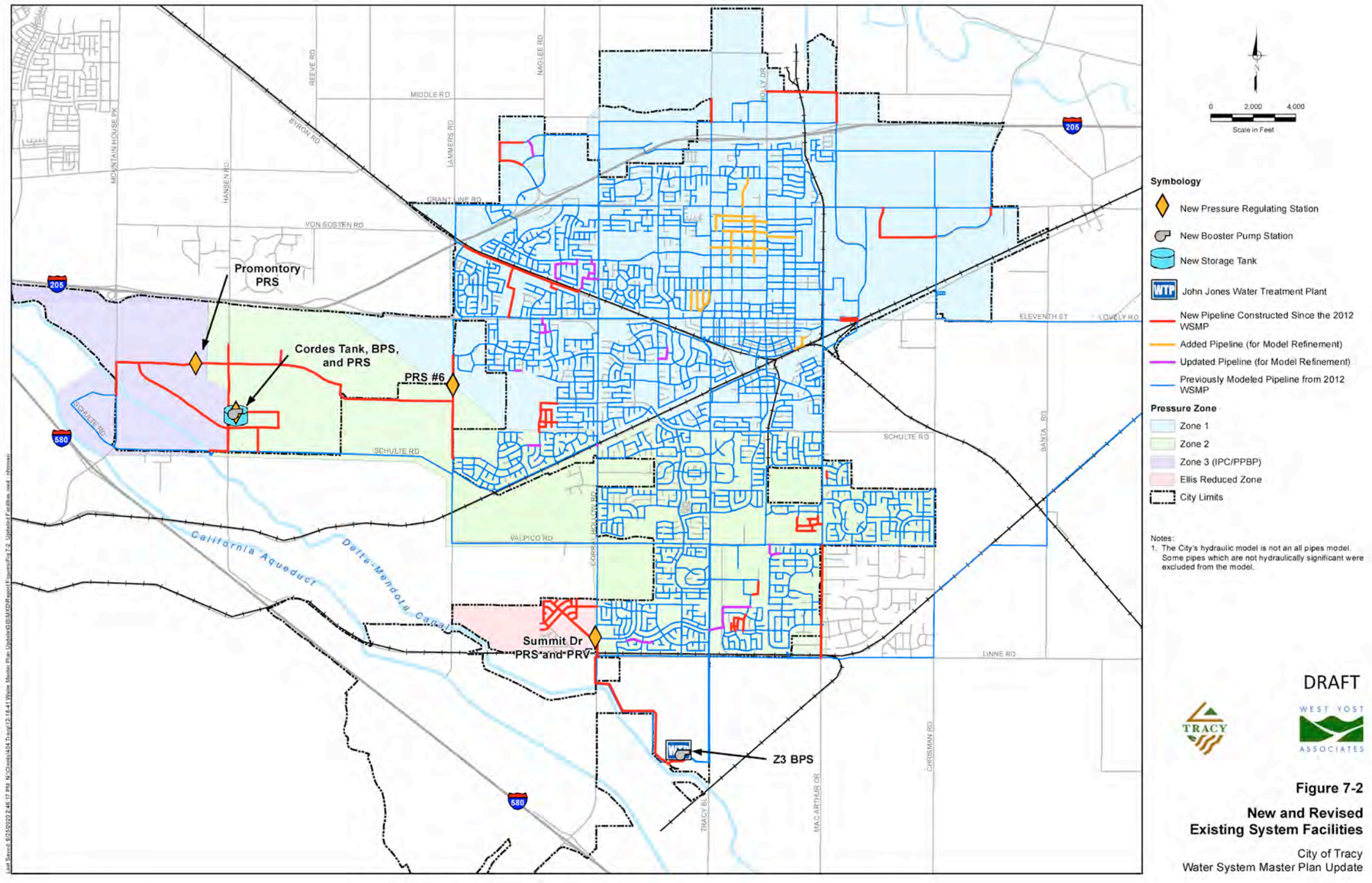


Figure 3-6 City Water System Map (Adapted from the Draft 2020 WSMP, Figure 7-2)

4 WATER USE CHARACTERIZATION

☑ ***CWC § 10631 (d) (1)*** *A plan shall be adopted in accordance with this chapter that shall do all of the following:*

For an urban retail water supplier, quantify, to the extent records are available, past and current water use, over the same five-year increments described in subdivision (a), and projected water use, based upon information developed pursuant to subdivision (a), identifying the uses among water use sectors, including, but not necessarily limited to, all of the following:

(A) Single-family residential.

(B) Multifamily.

(C) Commercial.

(D) Industrial.

(E) Institutional and governmental.

(F) Landscape.

(G) Sales to other agencies.

(H) Saline water intrusion barriers, groundwater recharge, or conjunctive use, or any combination thereof.

(I) Agricultural.

(J) Distribution system water loss.

(2) *The water use projections shall be in the same five-year increments described in subdivision (a).*

This chapter provides a description and quantifies the City of Tracy's (City) past, current, and projected water uses through 2045. For the purposes of the Urban Water Management Plan (UWMP or Plan), the terms "water use" and "water demand" are used interchangeably. Recycled water is addressed comprehensively in Chapter 6, but a summary of recycled water demand is included in Section 4.2.2 of this chapter. The primary focus of this chapter is the historical and projected potable water uses in the City.

4.1 Current and Historical Total Water Demand

Among other factors, water demand is dependent on climate, population, industry, and the types of development present in a community. The following section of the UWMP presents the City's historical and current water demands, as well as the projected future demand in five-year increments between 2025 and 2045.

Sections 4.1 and 4.2 describe City's historical and projected residential, commercial, industrial, institutional, and landscape irrigation purposes within the City (water use sectors A through F, as defined in California Water Code (CWC) §10631(e)(1)). Distribution system water loss (water use sector J) is discussed in Section 4.1.3. As described in Section 4.3, this discussion does not include demands for water use sectors G through I as they are not applicable or present within the City's service area. Note that the water demand projections are presented based on the current best available information and are subject to review and revision every five years as part of the UWMP update process.

4.1.1 Current and Historical Potable Water Demand

Current and historical potable water use over the five-year period 2016 through 2020, including water use by individual customer sectors, is presented in **Table 4-1** and the associated charts.

Water demand within the City's service area is measured using water meters that are installed at each customer account. Records of current and historical water use at each account are maintained by the City and are based on billing data. Water demand within the City's service area is tracked and reported on a bi-monthly basis for the following sectors:

- The Single Family Residential (SFR) and Multi-Family Residential (MFR) sectors include all residences, including low-income residences, within the City's SOI.
- The Commercial sector includes food-related businesses, such as bakeries and restaurants, and non-food related businesses such as laundromats and car washes.
- The Industrial sector includes hotels, mortuaries, dry cleaners, and larger businesses such as Leprino Foods.
- The Institutional sector primarily includes government-related services, such as the police and fire departments and City Hall, as well as religious and educational buildings.
- The Dedicated Irrigation sector includes all dedicated irrigation meters at City parks, commercial property landscapes, park strips, medians, and schoolyards.

Table 4-1 Demands for Potable and Non-Potable Water - Actual (DWR Table 4-1)

Use Type	Additional Description *(as needed)*	Level of Treatment When Delivered	Volume				
			2016	2017	2018	2019	2020
Single Family	(a)	Drinking Water	8,568	9,271	9,543	9,762	9,640
Multi-Family	(a)	Drinking Water	940	903	915	1,002	1,052
Commercial	(a)	Drinking Water	1,281	1,314	1,356	1,729	1,893
Institutional/Governmental	(a) (b)	Drinking Water	485	594	531	511	
Industrial	(a)	Drinking Water	1,066	1,134	1,005	1,110	769
Landscape	(a)	Drinking Water	1,597	1,934	2,289	2,407	2,177
Groundwater recharge	(c)	Drinking Water	--	--	--	--	190
Losses	(a)	Drinking Water	1,385	1,609	1,184	1,025	3,689
Other	Construction (a)	Drinking Water	38	38	39	39	30
Other	Unbilled consumption (d)	Drinking Water	0	1,363	558	87	86
		TOTAL	15,360	18,160	17,420	17,672	19,527

NOTES:
(a) Water demand data were provided by the City. Losses were obtained from the AWWA Water Audit Reports.
(b) Commercial and Institutional/Governmental water uses were combined in 2020 data.
(c) Groundwater recharge is reported as the volume banked for the following year. 2016 to 2019 data are not available.
(d) The unbilled consumption was the difference between water supply and water consumption including losses.
(e) Totals may not sum due to rounding.
(f) Volumes are in units of AF.

Chart 4-1A Annual Water Demand by Sector: 2016-2020

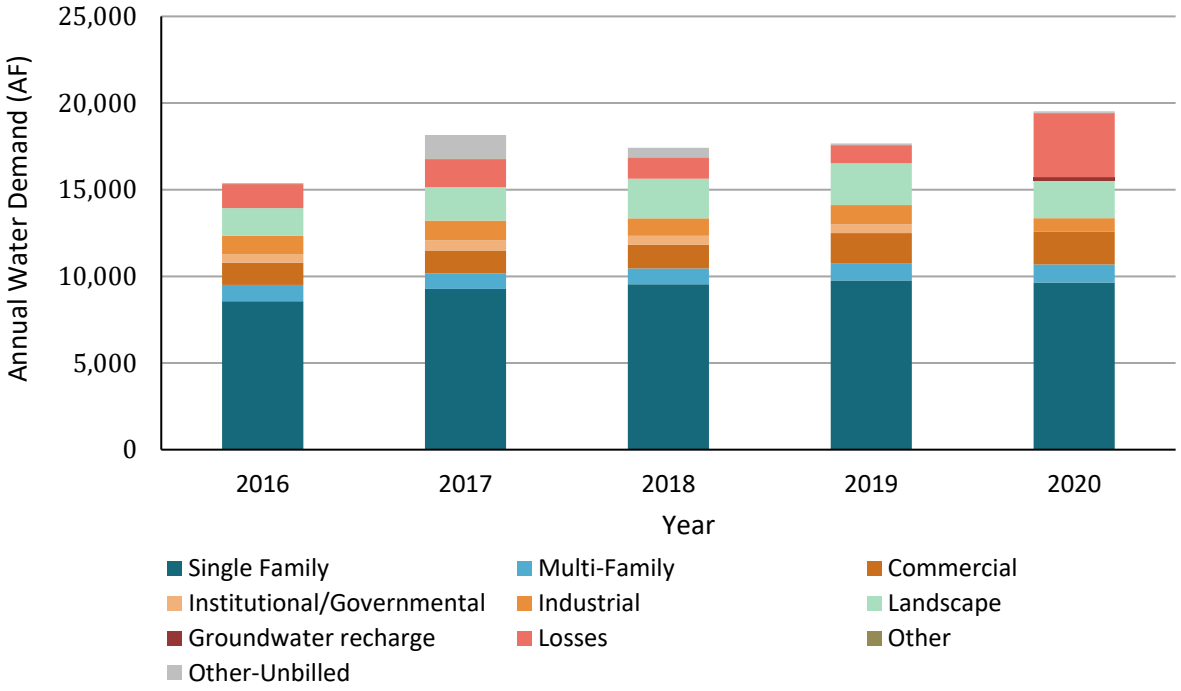
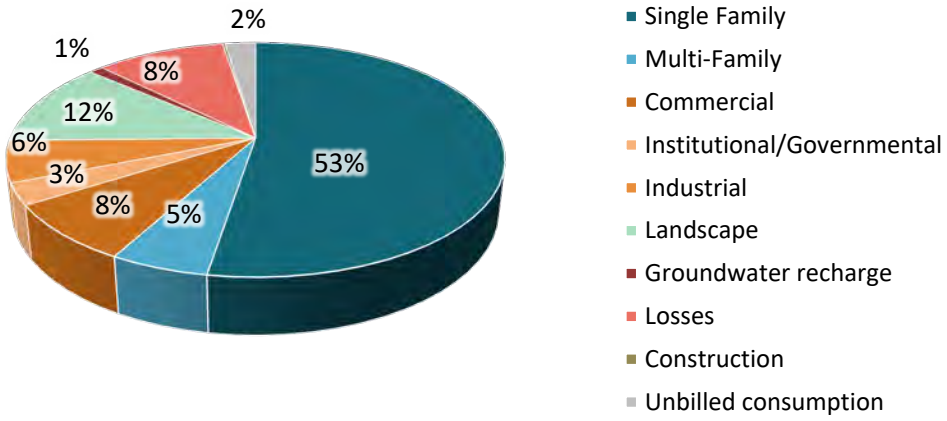


Chart 4-1B Percentage of Total Water Demand by Sector: 2016-2020



Total potable water demand in 2020 was 19,527 acre feet (AF). Between 2016 and 2020, water demand ranged from 15,360 AF in 2016 to 19,527 AF in 2020. As shown in **Table 4-1** and the associated charts, the City's potable water use is largely associated with residential accounts. Over the last five years, the single family and multi-family residential sectors together accounted for an average of 61% of the potable water demand in the City's service area; the single family sector has accounted for over 53% of the City's potable water demand over the last five years. The commercial, institutional/governmental, and industrial sectors collectively accounted for approximately 18%, the landscape sector accounted for 12%, while groundwater recharge and other uses accounted for 1% or less over the last five years.

Since California's precipitation patterns vary from one year to the next, Tracy's water demand fluctuates annually based on local rainfall. In hotter, drier years, irrigation and cooling needs can increase the City's potable water demand above what is needed during cooler or wetter years. Additionally, economic fluctuations can influence demand, as poor economic conditions can stall development projects and result in more vacant homes. Notably, water demands were largely influenced by behavioral changes and regulatory mandates during the historic drought.

As shown in **Table 4-1** and **Table 4-2** and their associated charts, the City water demand increased in 2012 and 2013 as economic conditions improved, before decreasing dramatically in 2014 and 2015 due to the voluntary and mandatory water conservation efforts that were implemented by the City's water customers during the extended drought. Water production has begun to rebound again in recent years (2016-2020) as water use restrictions were lifted and new development projects were constructed.

Table 4-2 Current and Historical Potable Water Demand and Population

Year	Potable Water Demand	Service Area Population	Per Capita Potable Water Use (GPCD)
2010	16,603	83,312	178
2011	16,882	83,648	180
2012	18,052	84,388	191
2013	18,587	84,883	195
2014	16,213	85,346	170
2015	14,041	85,707	146
2016	15,360	89,174	154
2017	18,160	90,980	178
2018	17,420	93,045	167
2019	17,672	95,000	166
2020	19,527	96,345	181

NOTES:
(a) 2010 to 2015 demand data are obtained from the 2015 UWMP. Detailed demand data from 2016 through 2020 are documented in Table 4-1.
(b) The population from 2010 to 2015 are obtained from the 2015 UWMP. The population from 2016 to 2020 are estimated from Department of Finance, Population Estimates for Cities, Counties, and the State, 2011-2020, with 2010 Benchmark, released 1 May 2020, adjusting for the population in Larch Clover CSD which is located outside the City Boundary. The Larch Creek Clover CSD population was estimated based on the total number of accounts (118) and a person per household factor of 3.51.
(c) Per capita potable water use is calculated by dividing the total annual potable water demand by service area population and the number of days in a year.
(d) Unless otherwise noted, volumes are in units of AF.

Chart 4-2A Current and Historical Water Demand and Population

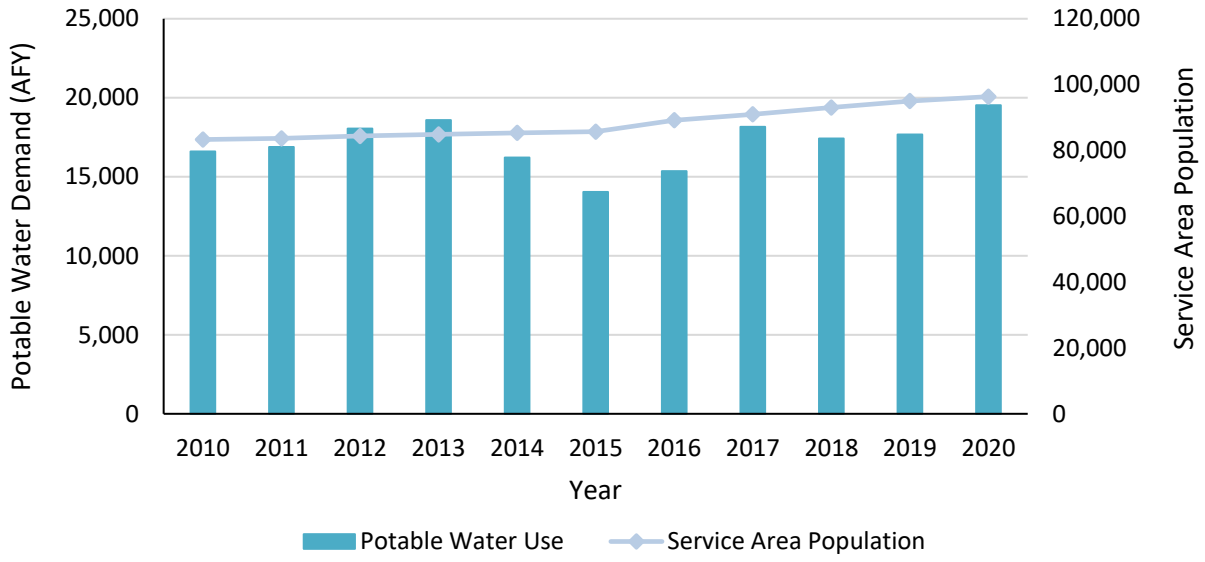
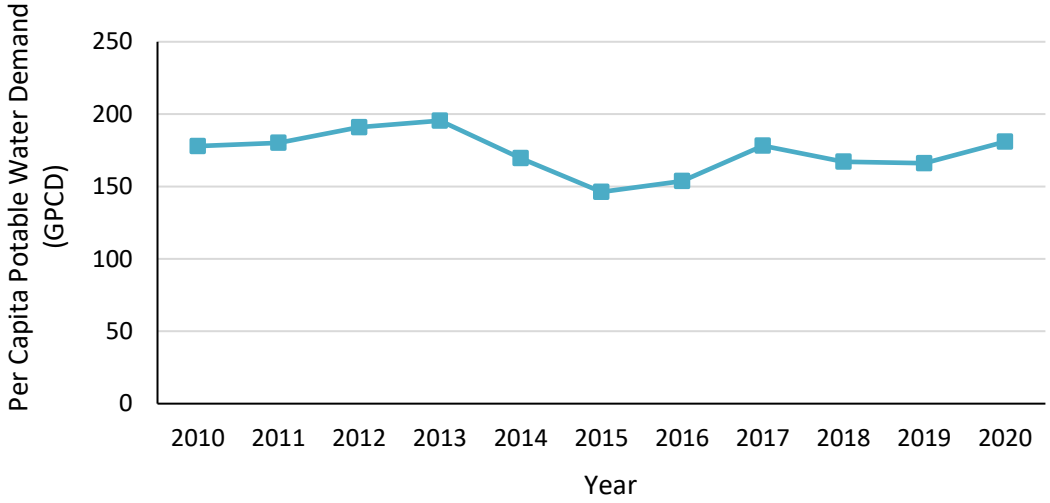


Chart 4-2B Current and Historical Per Capita Potable Water Use



4.1.2 Current and Historical Non-Potable Water Demand

The City anticipates using recycled water for landscape irrigation to offset potable water demands. The City's Wastewater Treatment Plant can currently produce up to approximately 9 million gallons per day (MGD) of tertiary-treated wastewater meeting Title 22 requirements, which can be used for landscape irrigation and other non-potable uses. Initially, the City intends to irrigate using recycled water at the Legacy Fields sports complex prior to 2025. Recycled water is discussed further in Chapter 6.

4.1.3 Distribution System Water Loss

☑ ***CWC § 10631 (3)***

(A) The distribution system water loss shall be quantified for each of the five years preceding the plan update, in accordance with rules adopted pursuant to Section 10608.34.

(B) The distribution system water loss quantification shall be reported in accordance with a worksheet approved or developed by the department through a public process. The water loss quantification worksheet shall be based on the water system balance methodology developed by the American Water Works Association.

(C) In the plan due July 1, 2021, and in each update thereafter, data shall be included to show whether the urban retail water supplier met the distribution loss standards enacted by the board pursuant to Section 10608.34.

Distribution system water losses for the previous five years are summarized in **Table 4-3**. Water loss is the sum of apparent and real losses. Apparent loss is associated with metering inaccuracies, billing, and administrative errors, authorized unmetered uses (e.g., system flushing and firefighting), and unauthorized uses. Real loss is associated with physical water lost through line breaks, leaks and seeps, and overflows of storage tanks. Since 2016, urban retail water suppliers have been required under CWC § 10608.34 and California Code of Regulations (CCR) § 638.1 et seq to quantify distribution system water losses using the American Water Works Association (AWWA) Free Water Audit Software (referred to as the "AWWA Water Loss Worksheet"). The City's Water Loss Worksheets are available through DWR's Water Use Efficiency Data Portal.[5]

In 2020[6], the City's water losses were estimated to be 3,689 AF, approximately 19% of the total volume of water supplied. The City actively manages its distribution system to minimize leakage through actions such as managing system-wide pressures to prevent pressure spikes, installing permanent acoustic leak sensors, and repairing all known leaks immediately. CWC §10631(3)(c) requires that this UWMP demonstrate whether the distribution loss standards enacted by the State Water Resources Control Board (SWRCB) pursuant to §10608.34 have been met. However, the SWRCB has yet to establish these standards, and thus consistency with these standards cannot be demonstrated herein.

[5] DWR's Water Use Efficiency Data Portal: https://wuedata.water.ca.gov/awwa_plans

[6] The City's 2020 water loss audit report has yet to be validated and is currently in draft form.

Table 4-3 12 Month Water Loss Audit Reporting (DWR Table 4-4)

Reporting Period Start Date	Volume of Water Loss
01/2016	1,385
01/2017	1,609
01/2018	1,184
01/2019	1,025
01/2020	3,689
NOTES: (a) Volumes are in units of AF. (b) 2020 losses were obtained from the draft 2020 AWWA audit report, while losses from other years were from validated audit reports. Water losses from 2020 may be modified during the validation process which the City will undergo during June 2021.	

4.2 Projected Total Water Demand

The City's water demand projections were prepared based on the methodology described in the City's 2020 Water System Master Plan (WSMP; Tracy, 2020). Projected total water demand is discussed in detail in the following subsections.

4.2.1 Projected Potable Water Demand

As described in more detail below and in the 2020 WSMP, the potable water demand projections were calculated as the sum of the two major components of future water demands: (1) the volume of potable water demand that best represents current water demands within the City (i.e., a "baseline" demand), and (2) the anticipated potable water demands associated with the future development projects and planning areas. In addition, this Plan includes assumptions regarding passive conservation savings.

The future water demands for buildout of the City's General Plan were projected based on unit water demand factors reflecting recent water use patterns and trends for the City's various land uses, consistency with the Model Water Efficient Landscape Ordinance (MWELO) for landscape irrigation water use and the use of recycled water for landscape irrigation for selected land use designations.

The assumptions used as the bases for demand projections were developed in close coordination with the City and reflect a land-use based approach consistent with the City's community planning. As described in Section 4.2.4, the methodology was modified slightly to be consistent with CWC §10631(d)(4)(A), which requires that "water use projections, where available, shall display and account for the water savings estimated to result from adopted codes, standards, ordinances, or transportation and land use plans identified by the urban water supplier, as applicable to the service area." Because the 2020 WSMP did not account for water savings associated with passive conservation, a county-specific multiplier from the DWR 2016 Projected Statewide and County-Level Effects of Plumbing Codes and

Appliance Standards (M.Cubed, 2016) was used to estimate passive savings, and the resulting volumes were subtracted from the demands shown in the WSMP.

Projected customer water demands for years 2025 through 2045 are presented in **Table 4-4**. These projected demands are broken down by sector, including water loss. As indicated in **Table 4-5**, the water use projections presented in **Table 4-4** include assumptions about future water savings due to passive conservation (see Section 4.2.4) and water use by lower income households (see Section 4.2.3).

Table 4-4 Use for Potable and Non-Potable - Projected (DWR Table 4-2)

Use Type	Additional Description *(as needed)*	Projected Water Use (a)				
		2025	2030	2035	2040	2045
Single Family		10,906	12,161	13,416	14,671	16,788
Multi-Family		1,429	1,546	1,663	1,781	2,566
Commercial	Note (b)	2,538	2,924	3,309	3,694	4,297
Industrial		1,749	2,583	3,418	4,252	5,318
Landscape		2,181	2,181	2,180	2,179	1,979
Losses	Note (c)	1,997	2,272	2,547	2,822	3,286
Other	Passive Savings (d)	-291	-566	-795	-997	-1,155
TOTAL		20,509	23,100	25,738	28,403	33,079

NOTES:
(a) Projected demands are obtained from the City's 2020 WSMP. Demands are assumed to increase linearly between 2025 and 2040, and demand in 2045 is assumed to be the projected demand at buildout.
(b) Sector Institutional/Governmental is grouped under Commercial in the projected water demand.
(c) Losses represent all the non-revenue water, which includes apparent loss, real loss, and unbilled authorized consumption. Losses were estimated to be 9.6% of the total consumption based on the 2020 WSMP.
(d) Passive savings were estimated using county specific multiplier from DWR 2016 Projected Statewide and County-Level Effects of Plumbing Codes and Appliance Standards on Indoor gallon per capita per day.
(e) The water served to PPBP is purchased by PPBP from the Byron Bethany Irrigation District. The City only provides treatment and delivery services for this water in accordance with a "treat and wheel" agreement. Therefore, the water demand associated with PPBP is not included herein.
(f) Volumes are in units of AF.

Chart 4-4 Current and Projected Potable Water Demand by Sector

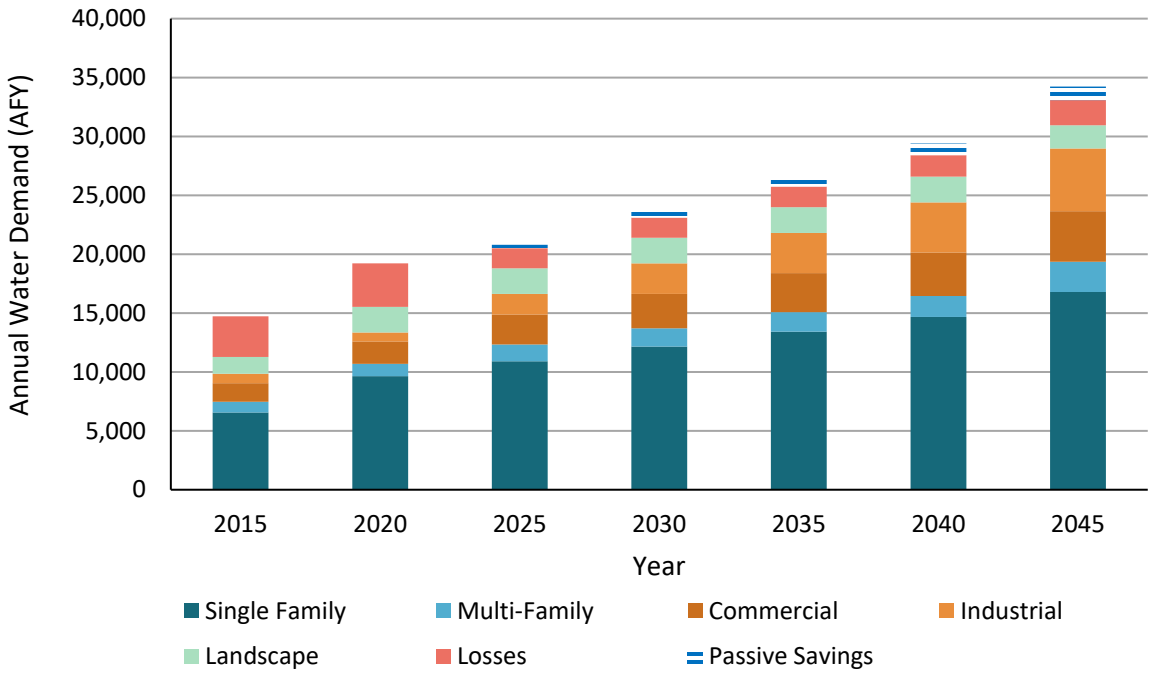


Table 4-5 Inclusion in Water Use Projections (DWR Table 4-5)

Are Future Water Savings Included in Projections?	Yes
If "Yes" to above, state the section or page number, in the cell to the right, where citations of the codes, ordinances, or otherwise are utilized in demand projections are found.	Section 4.2.4
Are Lower Income Residential Demands Included In Projections?	Yes
NOTES:	

4.2.2 Projected Non-Potable Water Demand

As discussed in Section 4.1.2 and discussed further in Section 6.7, the City is relying on recycled water use to offset potable water demands for future developments. Consistent with the 2020 WSMP, the demand projections in the 2020 UWMP assume that 15% of total gross acres will be landscaped and irrigated with recycled water for the following land use categories: Residential – Medium, Residential – High, Residential – Very High, Commercial, Office, Industrial, and Public Facilities. Future parks are assumed to be irrigated solely with recycled water. Since recycled water is to be used for irrigation, the unit water demand factor for parks (4.0 AFY/acre; Tracy, 2020) is applied to the irrigated portion of the above land use categories for the purposes of recycled water demand projections. To account for distribution system losses, the City has built in an assumed 5% water loss to its recycled water demand projections (Tracy, 2020).

The City's total water demand, including potable and non-potable demands, is summarized in Section 4.2.5 in five-year increments between 2025 and 2045 (buildout). By 2040, the City is projecting a recycled water demand of 4,200 AF, which will comprise approximately 13% of total water demand. By buildout or 2045, the City is projecting a recycled water demand of 6,300 AF, or approximately 16% of total demand. A full discussion of the City's recycled water supplies and projected use of recycled water within the City is presented in Section 6.7.

4.2.3 Water Use for Lower Income Households

☑ ***CWC § 10631.1***

(a) The water use projections required by Section 10631 shall include projected water use for single-family and multifamily residential housing needed for lower income households, as defined in Section 50079.5 of the Health and Safety Code, as identified in the housing element of any city, county, or city and county in the service area of the supplier.

(b) It is the intent of the Legislature that the identification of projected water use for single-family and multifamily residential housing for lower income households will assist a supplier in complying with the requirements under Section 65589.7 of the Government Code to grant a priority for the provision of service to housing units affordable to lower income households.

As indicated in **Table 4-5**, water use projections presented in Section 4.2.1 and **Table 4-4** include projected water use by lower income households. A lower income household is defined under California Health and Safety Code §50079.5(a) to be 80% of median income, adjusted for family size. Approximately 24% of households in the City were classified as extremely low, very low, and low income households per the 2015-2023 Housing Element (Tracy, 2016). Thus, as shown in **Table 4-6,** the projected water demands for lower income households are estimated to be 24% of the total single-family and multi-family residential projected water uses included in **Table 4-4**. The resulting estimated water use for lower income households is expected to grow from 2,936 AF in 2025 to 4,606 AF at buildout, or 2045.

Table 4-6 Projected Potable Water Demand for Lower-Income Households

Lower-Income Water Demand Sector	Projected Water Use (AF)				
	2025	2030	2035	2040	2045
Single Family	2,596	2,894	3,193	3,492	3,996
Multi-Family	340	368	396	424	611
TOTAL	**2,936**	**3,262**	**3,589**	**3,915**	**4,606**

NOTES:
(a) Per the City's 2015-2023 Housing Element, in 2011, 24% of housing units served lower income households. It is assumed that approximately 24% of the future residential water demand will be associated with lower income households.

4.2.4 Water Savings from Codes, Standards, Ordinances, or Transportation and Land Use Plans

☑ ***CWC § 10631 (d) (4)***

(A) Water use projections, where available, shall display and account for the water savings estimated to result from adopted codes, standards, ordinances, or transportation and land use plans identified by the urban water supplier, as applicable to the service area.

(B) To the extent that an urban water supplier reports the information described in subparagraph (A), an urban water supplier shall do both of the following:

(i) Provide citations of the various codes, standards, ordinances, or transportation and land use plans utilized in making the projections.

(ii) Indicate the extent that the water use projections consider savings from codes, standards, ordinances, or transportation and land use plans. Water use projections that do not account for these water savings shall be noted of that fact.

"Passive conservation" refers to water savings resulting from actions and activities that do not depend on direct financial assistance or educational programs from the City. These savings result primarily from: (1) the natural replacement of existing plumbing fixtures with water-efficient models required under current plumbing code standards, and (2) the installation of water-efficient fixtures and equipment in new buildings and retrofits as required under CALGreen Building Code Standards. The projected water savings associated with passive savings, as summarized in **Table 4-7**, were estimated using county specific multiplier from DWR 2016 Projected Statewide and County-Level Effects of Plumbing Codes and Appliance Standards on Indoor gallon per capita per day (GPCD; M.Cubed, 2016)[7]. The projected water savings due to passive conservation are estimated to be 1,155 AFY by 2045. The water savings estimates incorporate the effects of the following codes and regulations:

- Assembly Bill (AB) 715, enacted in 2007, requires that any toilet or urinal sold or installed in California on or after January 1, 2014 cannot have a flush rating exceeding 1.28 and 0.5 gallons per flush, respectively. AB 715 superseded the state's previous standards for toilet and urinal water use set in 1991 of 1.6 and 1.0 gallons per flush, respectively. On April 8, 2015, in response to the Governor's Emergency Drought Response Executive Order (EO B-29-15), the California Energy Commission approved new standards for urinals requiring that they not consume more than 0.125 gallons per flush, 75% less than the standard set by AB 715.
- Water use standards for residential and commercial clothes washers and dishwashers are established by the U.S. Department of Energy through its authority under the federal Energy Policy and Conservation Act. Water use efficiency is summarized by the water factor for the appliance which measures the gallons of water used per cycle per cubic foot of capacity. A typical top-loading residential clothes washer manufactured in the 1990s had a water factor of around 12. In 2015, the allowable water factor for top- and front-loading residential clothes was reduced

[7] GPCD reduction factor is obtained from the "Total Effects, including Common Area and Coin-Op Clothes Washers and Non-Residential Toilets and Urinals" table from Attachment 3, which estimated passive savings associated with indoor fixtures from all sectors. The reduction factor is adjusted to reflect reduction relative to 2020.

to 8.4 and 4.7, respectively. In 2018, the water factor standard for top-loading residential clothes washers was reduced to 6.5. In 2010, the allowable water factor for top- and front-loading commercial clothes washers were reduced to 8.5 and 5.5, respectively. The maximum water factors for Energy Star compliant top- and front-loading washers are 3.7 and 4.3, respectively. The U.S. Environmental Protection Agency estimates that Energy Star washers comprised at least 60% of the residential market and 30% of the commercial market in 2011. An Energy Star compliant washer uses about two-thirds less water per cycle than a washer manufactured in the 1990s. Federal dishwasher water use efficiency standards were last updated in 2013. The maximum water uses for standard and compact sized dishwashers are 5.0 and 3.5 gallons per cycle, respectively.

- New construction and renovations in California are now subject to CALGreen Code requirements. CALGreen includes prescriptive indoor provisions for maximum water consumption of plumbing fixtures and fittings in new and renovated properties. CALGreen also allows for an optional performance path to compliance, which requires an overall aggregate 20% reduction in indoor water use from a calculated baseline using a set of worksheets provided with the CALGreen guidelines.
- Senate Bill (SB) 407, enacted in 2009, mandates that all buildings in California come up to current State plumbing fixture standards within this decade. This law establishes requirements that residential and commercial property built and available for use on or before January 1, 1994 replace plumbing fixtures that are not water conserving, defined as "noncompliant plumbing fixtures." This law also requires that effective January 1, 2017, a seller or transferor of single-family residential property must disclose to the purchaser or transferee, in writing, the specified requirements for replacing plumbing fixtures and whether the real property includes noncompliant plumbing. Similar disclosure requirements went into effect for multi-family and commercial transactions on January 1, 2019. Senate Bill (SB) 837, passed in 2011, reinforces the disclosure requirement by amending the statutorily-required transfer disclosure statement to include a disclosure on whether the property is in compliance with SB 407 requirements.

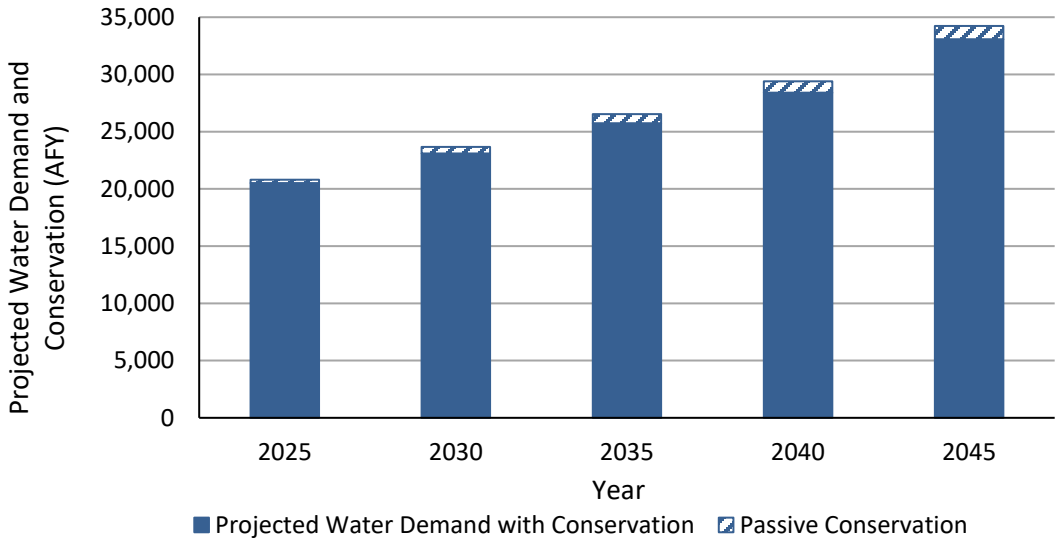
In addition, following the 2014-2016 drought, the State of California (State) developed the "Making Water Conservation a California Way of Life" framework to address the long-term water use efficiency requirements called for in executive orders issued by Governor Brown. In May of 2018, Assembly Bill (AB) 1668 and SB 606 (collectively referred to as the efficiency legislation) went into effect, which built upon the executive orders implementing new urban water use objectives for urban retail water suppliers. These new urban water use objectives are discussed in Section 4.6.

Table 4-7 Projected Potable Water Demand and Projected Passive and Active Water Conservation

Water Conservation Type	Projected Potable Water Demand (AF)				
	2025	2030	2035	2040	2045
Projected Water Demand	20,800	23,667	26,533	29,400	34,234
Projected Passive Conservation	291	566	795	997	1,155
Projected Water Demand after Passive Conservation Savings	20,509	23,100	25,738	28,403	33,079

NOTES:
(a) Passive savings were estimated using county specific multiplier from DWR 2016 Projected Statewide and County-Level Effects of Plumbing Codes and Appliance Standards on Indoor gallon per capita per day.

Chart 4-7 Projected Water Demand and Conservation



4.2.5 Projected Total Water Demand

The City's total projected water demands are summarized in **Table 4-8**.

Table 4-8 Gross Water Use (DWR Table 4-3)

	2020	2025	2030	2035	2040	2045 (opt)
Potable Water, Raw, Other Non-potable *From Tables 4-1R and 4-2 R*	19,527	20,509	23,100	25,738	28,403	33,079
Recycled Water Demand* *From Table 6-4*	0	1,000	2,067	3,133	4,200	6,300
TOTAL WATER USE	19,527	21,509	25,167	28,871	32,603	39,379
**Recycled water demand fields will be blank until Table 6-4 is complete.*						
NOTES: (a) Volumes are in units of AF.						

4.3 Water Use Sectors Not Included in the Demand Projections

Several water use sectors listed in CWC §10631(d)(1) are not included in the water demand projections described in Sections 4.2.1 and 4.2.2 because they are not applicable to the City. The following sectors were not included in the demand projections in this Plan:

- Sales to Other Agencies (CWC §10631(d)(1)(G)) – The City does not regularly sell water to other agencies.
- Saline Water Intrusion Barriers, Groundwater Recharge, or Conjunctive Use (CWC §10631(d)(1)(H)) – The City does not currently use, nor does it plan to use, water for saline water intrusion barriers. While the City has groundwater recharge and conjunctive use programs (see Section 6), the associated volumes are reported as net extractions in Section 6 and are not explicitly included as a water use sector in the demand projections.
- Agricultural (CWC §10631(d)(1)(I)) – The City does not currently, nor does it plan to, provide water for agricultural uses.

4.4 Climate Change Impacts to Demand

☑ ***CWC § 10635(b)***

(4) Considerations of the historical drought hydrology, plausible changes on projected supplies and demands under climate change conditions, anticipated regulatory changes, and other locally applicable criteria.

The methodology used to develop demand projections herein considers the impacts of climate change on projected demands. California experienced a historic drought between 2011-2017. In 2014, Governor Brown issued Executive Order B-26-14 declaring a Drought State of Emergency and requested all Californians to voluntarily reduce water use by 20%. In 2015, the State Water Resources Control Board implemented emergency conservation regulations that, among other things, required water agencies to reduce their water use and prohibited certain types of water uses. As a result, the City experienced an overall decrease in demands during the historic drought, most significantly during 2015. As explained further in the 2020 WSMP, the demand projections are based on a baseline water demand established based on the 2005-2013 period, during which customers increased their water use (in part due to the drought conditions, prior to the imposed restrictions). Thus, the periods used to develop the demand projections reflect conditions representative of the hotter, drier weather expected as a result of climate change.

4.5 Coordinating Water Use Projections

☑ ***CWC § 10631 (h)***

An urban water supplier that relies upon a wholesale agency for a source of water shall provide the wholesale agency with water use projections from that agency for that source of water in five-year increments to 20 years or as far as data is available.

As discussed in Sections 2.2 and 4.4, the City has been closely communicating with the United States Bureau of Reclamation (USBR) and South San Joaquin Irrigation District (SSJID). The City notifies the USBR each year of the deliveries that it expects to receive from the USBR during the following year. The City also notifies the SSJID each year of the deliveries that it expects to receive over the next three years. As part of the coordination effort for the 2020 UWMP, and in compliance with CWC §10631(j), the City supplied the USBR and SSJID with its water demand projections through 2045.

4.6 Urban Water Use Objectives (Future Requirements)

☑ ***CWC § 10609.20***

(a) Each urban retail water supplier shall calculate its urban water use objective no later than January 1, 2024, and by January 1 every year thereafter.

(b) The calculation shall be based on the urban retail water supplier's water use conditions for the previous calendar or fiscal year.

☑ ***CWC § 10609.22***

(a) An urban retail water supplier shall calculate its actual urban water use no later than January 1, 2024, and by January 1 every year thereafter.

(b) The calculation shall be based on the urban retail water supplier's water use for the previous calendar or fiscal year.

☑ ***CWC § 10609.24***

(a) An urban retail water supplier shall submit a report to the department no later than January 1, 2024, and by January 1 every year thereafter. The report shall include all of the following:

(1) The urban water use objective calculated pursuant to Section 10609.20 along with relevant supporting data.

(2) The actual urban water use calculated pursuant to Section 10609.22 along with relevant supporting data.

(3) Documentation of the implementation of the performance measures for CII water use.

(4) A description of the progress made towards meeting the urban water use objective.

(5) The validated water loss audit report conducted pursuant to Section 10608.34.

(b) The department shall post the reports and information on its internet website.

(c) The board may issue an information order or conservation order to, or impose civil liability on, an entity or individual for failure to submit a report required by this section.

Beginning in 2023, urban water retailers will be required to report on "annual water use objectives" by November 1 of each year and to achieve these objectives by 1 January 2027 (per CWC § 10609). The annual water use objectives will be calculated based on standards for indoor residential water use, outdoor residential water use, and distribution system water loss. Additionally, it is anticipated that performance-based standards for the commercial, industrial, and institutional sectors, separate from the annual water use objectives, will also be developed by Department of Water Resources (DWR) and implemented in the future. However, the specific standards that will be used to determine a retailer's annual urban water use objectives are currently under development by DWR, and thus, the annual urban water use objectives for the City cannot be calculated or estimated. Once the urban water use objectives are released, the City will evaluate its historical and current water use compared to the new objectives, and will evaluate the need to adjust its conservation and water loss management measures to meet the new objectives.

One of the components for calculating the future water use objectives is provided for in CWC §10609.4.(a), which states "(1) Until January 1, 2025, the standard for indoor residential water use shall be 55 gallons per capita daily. (2) Beginning January 1, 2025, and until January 1, 2030, the standard for indoor

residential water use shall be the greater of 52.5 gallons per capita daily or a standard recommended pursuant to subdivision (b). (3) Beginning January 1, 2030, the standard for indoor residential water use shall be the greater of 50 gallons per capita daily or a standard recommended pursuant to subdivision (b)." **Table 4-9** shows an estimate of future per capita residential water use, broken out by estimated indoor and outdoor water use[8]. Based on these estimates, per capita indoor residential potable water use is expected to be higher than the indoor use standards presented in the legislation. Although indoor residential water use is not expected to be within the indoor residential water use standard, it should be noted that because standards have not yet been developed for the outdoor water use or water loss components of the future water use objectives, it cannot be known whether projected demands for the City will be in compliance with the pending requirements.

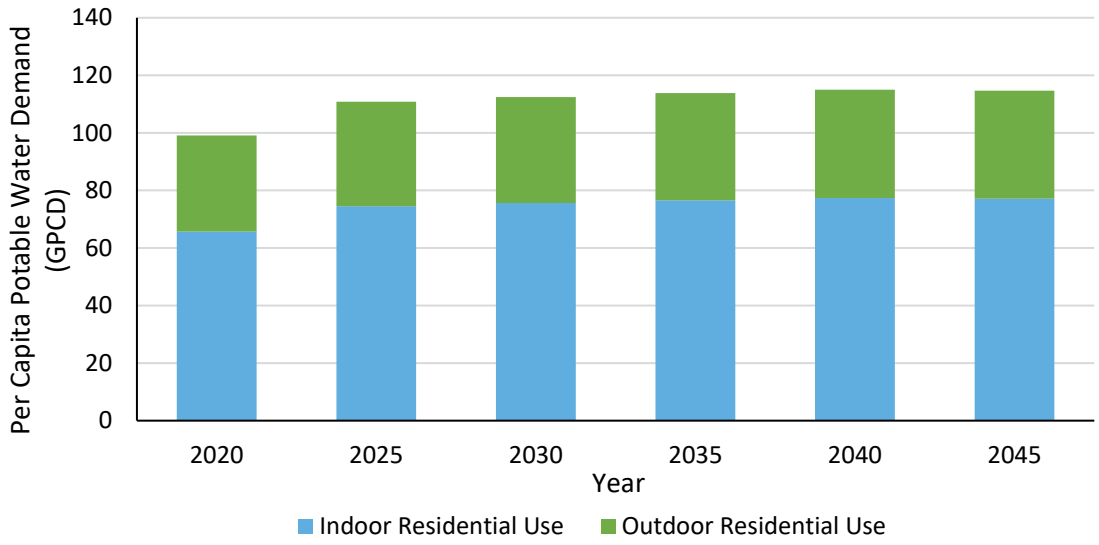
[8] Indoor water use was estimated to be the lowest monthly water use for the residential sector from 2016 to 2020, accounting for the number of days in each month. Outdoor water use for each sector was estimated to be the difference between the total water use and the estimated indoor water use. The residential indoor water use was estimated to be 66% of the total residential water use.

Table 4-9 Current and Projected Residential Per Capita Water Use

Year	Residential Potable Water Demand	Service Area Population	Per Capita Residential Potable Water Use (GPCD)	Approximate Per Capita Indoor Residential Potable Water Use (GPCD)	Approximate Per Capita Outdoor Residential Potable Water Use (GPCD)
2020	10,692	96,345	99	66	33
2025	12,335	109,900	100	66	34
2030	13,707	120,367	102	67	34
2035	15,079	130,833	103	68	35
2040	16,452	141,300	104	69	35
2045	19,354	166,700	104	69	35

NOTES:
(a) Indoor water use was estimated to be the lowest monthly water use for the residential sector from 2016 to 2020, accounting for the number of days in each month. Outdoor water use for each sector was estimated to be the difference between the total water use and the estimated indoor water use. The residential indoor water use was estimated to be 66% of the total residential water use.
(b) Unless otherwise noted, volumes are in units of AF.

Chart 4-9 Current and Projected Indoor and Outdoor Residential Per Capita Potable Water Use



5 SB X7-7 BASELINES, TARGETS, AND 2020 COMPLIANCE

☑ ***CWC § 10608.24 (b)***

Each urban retail water supplier shall meet its urban water use target by December 31, 2020.

☑ ***CWC § 10608.28***

(a) An urban retail water supplier may meet its urban water use target within its retail service area, or through mutual agreement, by any of the following:

(1) Through an urban wholesale water supplier.

(2) Through a regional agency authorized to plan and implement water conservation, including, but not limited to, an agency established under the Bay Area Water Supply and Conservation Agency Act (Division 31 (commencing with Section 81300)).

(3) Through a regional water management group as defined in Section 10537.

(4) By an integrated regional water management funding area.

(5) By hydrologic region.

(6) Through other appropriate geographic scales for which computation methods have been developed by the department.

(b) A regional water management group, with the written consent of its member agencies, may undertake any or all planning, reporting, and implementation functions under this chapter for the member agencies that consent to those activities. Any data or reports shall provide information both for the regional water management group and separately for each consenting urban retail water supplier and urban wholesale water supplier.

With the adoption of the Water Conservation Act of 2009, also known as Senate Bill (SB) X7-7, the state is required to reduce urban water use by 20% by the year 2020. Each urban retail water supplier was required to develop a baseline daily per capita water use ("baseline water use") in their 2010 Urban Water Management Plan (UWMP or Plan) and establish per capita water use targets for 2015 and 2020 in order to help the state achieve the 20% reduction.

In support of implementing the requirements of SB X7-7, the California Department of Water Resources (DWR) produced a set of methodologies for developing baseline and compliance water use and targets, which are included in Methodologies for Calculating Baseline and Compliance Urban Per Capita Water, California Department of Water Resources Division of Statewide Integrated Water Management Water Use and Efficiency Branch (Methodologies; DWR, 2016). As required by DWR, the City of Tracy (City) updated its baseline and target water use information in its 2015 UWMP and has not made any changes since then.

In this chapter, the City demonstrates compliance with its 2020 per capita water use target. As part of the compliance reporting for SB X7-7, water suppliers are required to complete and submit a set of standardized verification tables in their 2020 UWMPs. The information in these tables is discussed and summarized in the following subsections, and the complete set of SB X7-7 standardized tables is included in **Appendix E**.

5.1 Service Area Population

☑ ***CWC § 10608.20 (e)***

An urban retail water supplier shall include in its urban water management plan due in 2010 pursuant to Part 2.6 (commencing with Section 10610) the baseline daily per capita water use, urban water use target, interim urban water use target, and compliance daily per capita water use, along with the bases for determining those estimates, including references to supporting data.

☑ ***CWC § 10608.20 (g)***

An urban retail water supplier may update its 2020 urban water use target in its 2015 urban water management plan required pursuant to Part 2.6 (commencing with Section 10610).

☑ ***Methodology 2 Service Area Population****.*

DWR will examine discrepancy between the actual population estimate and DOF's projections for 2010; if significant discrepancies are discovered, DWR may require some or all suppliers to update their baseline population estimates. (DWR, 2016)

Table 5-1 provides estimates of the City's service area population for each of the baseline years and the 2020 compliance year. Per the Methodologies, DWR required that water suppliers calculate their baseline population using 2010 Census data. The population data presented in **Table 5-1** were based on data from the California Department of Finance (DOF) that incorporated 2010 Census data as a benchmark, and thus satisfies this requirement. The population calculation methodology is described in Section 3.2. The 2020 compliance year population for the City is 96,345.

Table 5-1 SB X7-7 Service Area Population

Year		Population
10 to 15 Year Baseline Population		
Year 1	1995	44,906
Year 2	1996	46,311
Year 3	1997	47,791
Year 4	1998	49,327
Year 5	1999	52,326
Year 6	2000	57,298
Year 7	2001	61,423
Year 8	2002	66,372
Year 9	2003	70,444
Year 10	2004	75,131
5 Year Baseline Population		
Year 1	2003	70,444
Year 2	2004	75,131
Year 3	2005	78,613
Year 4	2006	80,535
Year 5	2007	81,082
2020 Compliance Year Population		
2020		96,345
NOTES:		

5.2 Baseline Water Use

The baseline water use is the water supplier's average gross daily water use per capita measured in gallons. This baseline includes all water entering the delivery system, including water losses. A water supplier may deduct from its gross water use water conveyed to other urban water suppliers, water placed into long-term storage, recycled water delivered within the supplier's service area, water delivered for agricultural use, water conveyed to other urban water suppliers, and water used for industrial processes.

Water suppliers must define a 10- or 15-year base (or baseline) period for water use that is then used to develop their future target per capita water use. Water suppliers must also calculate water use over a 5-year baseline period and use that value to determine a minimum required reduction in water use by 2020. Utilizing a 15-year baseline period is only allowed for water suppliers that meet at least 10% of their 2008 measured retail water demand through recycled water; the City does not meet this criterion and thus selected a 10-year baseline.

The 10-year baseline water use for the City was calculated as 226 gallons per capita per day (GPCD) using gross per capita water usage data (calculated as total water entering the City's water distribution system divided by total population) for the 10-year period between 1995 and 2004. The 5-year baseline water

use was calculated as 209 GPCD using per capita water usage data for the 5-year period between 2003 and 2007. No deductions were made to the City's gross water use. The 5- and 10-year baseline water uses are shown in **Table 5-2**.

Table 5-2 Baselines and Targets Summary (DWR Table 5-1)

Baseline Period	Start Year	End Year	Average Baseline GPCD	Confirmed 2020 Target GPCD
10-15 year	1995	2004	226	181
5 Year	2003	2007	209	
NOTES:				

5.3 Water Use Targets

☑ ***CWC § 10608.20 (b)***

An urban retail water supplier shall adopt one of the following methods for determining its urban water use target pursuant to subdivision (a):

(1) Eighty percent of the urban retail water supplier's baseline per capita daily water use.

(2) The per capita daily water use that is estimated using the sum of the following performance standards:

(A) For indoor residential water use, 55 gallons per capita daily water use as a provisional standard. Upon completion of the department's 2016 report to the Legislature pursuant to Section 10608.42, this standard may be adjusted by the Legislature by statute.

(B) For landscape irrigated through dedicated or residential meters or connections, water efficiency equivalent to the standards of the Model Water Efficient Landscape Ordinance set forth in Chapter 2.7 (commencing with Section 490) of Division 2 of Title 23 of the California Code of Regulations, as in effect the later of the year of the landscape's installation or 1992. An urban retail water supplier using the approach specified in this subparagraph shall use satellite imagery, site visits, or other best available technology to develop an accurate estimate of landscaped areas.

(C) For commercial, industrial, and institutional uses, a 10-percent reduction in water use from the baseline commercial, industrial, and institutional water use by 2020.

(3) Ninety-five percent of the applicable state hydrologic region target, as set forth in the state's draft 20x2020 Water Conservation Plan (dated April 30, 2009). If the service area of an urban water supplier includes more than one hydrologic region, the supplier shall apportion its service area to each region based on population or area.

(4) A method that shall be identified and developed by the department, through a public process, and reported to the Legislature no later than December 31, 2010. The method developed by the department shall identify per capita targets that cumulatively result in a statewide 20-percent reduction in urban daily per capita water use by December 31, 2020. In developing urban daily per capita water use targets, the department shall do all of the following:

(A) Consider climatic differences within the state.

(B) Consider population density differences within the state.

(C) Provide flexibility to communities and regions in meeting the targets.

(D) Consider different levels of per capita water use according to plant water needs in different regions.

(E) Consider different levels of commercial, industrial, and institutional water use in different regions of the state.

(F) Avoid placing an undue hardship on communities that have implemented conservation measures or taken actions to keep per capita water use low.

☑ ***CWC § 10608.22***

Notwithstanding the method adopted by an urban retail water supplier pursuant to Section 10608.20, an urban retail water supplier's per capita daily water use reduction shall be no less than 5 percent of base daily per capita water use as defined in paragraph (3) of subdivision (b) of Section 10608.12. This section does not apply to an urban retail water supplier with a base daily per capita water use at or below 100 gallons per capita per day.

The Water Conservation Act requires that agencies calculate their 2020 water use targets (2020 Targets) using one of the following four methods:

- Method 1: 80% of the water supplier's baseline per capita water use;
- Method 2: Per capita daily water use estimated using the sum of performance standards applied to indoor residential use, landscaped area water use, and commercial, industrial, and institutional uses;
- Method 3: 95% of the applicable state hydrologic region target as stated in the State's 20x2020 Water Conservation Plan, dated February 2010; or
- Method 4: Total savings subtracted from baseline water use. Savings include metering savings, residential savings, commercial, industrial, and institutional savings, and landscape and water loss savings.

The City's 2020 Target was calculated to be 181 GPCD using Method 1, as presented in **Table 5-2**. Under CWC §10608.22, water suppliers must confirm that the 2020 Target will reduce 2020 water use by a minimum of 5% from the 5-year base daily per capita water use. As discussed in Section 5.2, the City's 5-year baseline water use is 209 GPCD. The 2020 Target (181 GPCD) is less than 95% of the 5-year baseline water use, so the selected 2020 Target is in compliance with the UWMP Act.

5.4 2020 Target Compliance

☑ ***CWC § 10608.24 (b)***

Each urban retail water supplier shall meet its urban water use target by December 31, 2020.

☑ ***CWC § 10608.24 (d)***

(1) When determining compliance daily per capita water use, an urban retail water supplier may consider the following factors:

(A) Differences in evapotranspiration and rainfall in the baseline period compared to the compliance reporting period.

(B) Substantial changes to commercial or industrial water use resulting from increased business output and economic development that have occurred during the reporting period.

(C) Substantial changes to institutional water use resulting from fire suppression services or other extraordinary events, or from new or expanded operations, that have occurred during the reporting period.

(2) If the urban retail water supplier elects to adjust its estimate of compliance daily per capita water use due to one or more of the factors described in paragraph (1), it shall provide the basis for, and data supporting, the adjustment in the report required by Section 10608.40.

☑ ***CWC § 10608.40***

Urban water retail suppliers shall report to the department on their progress in meeting their urban water use targets as part of their urban water management plans submitted pursuant to Section 10631. The data shall be reported using a standardized form developed pursuant to Section 10608.52.

The City's 2020 population was 96,345 and its 2020 water demand was 19,527 acre-feet, which results in a daily gross per capita water use estimate of 181 GPCD. As shown in **Table 5-3**, this 2020 actual water demand meets the target of 181 GPCD.

It should be noted that the 2020 water demand was higher than demands in 2018 and 2019, due to the fact that water losses in 2020 were almost three times higher than previous years. The City is currently investigating the causes of the increase in water losses during 2020, including performing calibration of flow meters and evaluating potential unauthorized water uses in the City. If 2020 water losses had been similar to 2018 and 2019 levels, the City's GPCD would have been significantly lower than the 2020 confirmed target.

Table 5-3 2020 Compliance (DWR Table 5-2)

2020 GPCD			2020 Confirmed Target GPCD	Did Supplier Achieve Targeted Reduction for 2020?
Actual 2020 GPCD	2020 TOTAL Adjustments	Adjusted 2020 GPCD *(Adjusted if applicable)*		
181	0	0	181	Yes
NOTES:				

6 WATER SUPPLY CHARACTERIZATION

☑ ***CWC § 10631 (b)*** *A plan shall be adopted in accordance with this chapter that shall do all of the following:*

Identify and quantify, to the extent practicable, the existing and planned sources of water available to the supplier over the same five-year increments described in subdivision (a).

The City of Tracy (City or Tracy) obtains water from both surface water and groundwater sources. The amount of water that Tracy uses from each of its water supply sources varies from year to year based on contractual agreements, annual precipitation, and City policy about how to expand, utilize, and manage its water resources. The City's current and potential future water supplies are described in the following sections.

6.1 Purchased Water

The City purchases imported surface water from two wholesale water suppliers: (1) the United States Bureau of Reclamation (USBR), which supplies the City with Central Valley Project (CVP) water via the Delta-Mendota Canal (DMC; conjunctively referred to as DMC/CVP water), and (2) the South San Joaquin Irrigation District (SSJID), which supplies Stanislaus River water through the South County Water Supply Project (SCWSP). Information on these purchased water sources is provided below.

6.1.1 Central Valley Project Water via the Delta-Mendota Canal

The City has the following contractual entitlements for the DMC/CVP water supply:

- The City entered into a 40-year Municipal and Industrial (M&I) contract with the USBR in 1974 for an entitlement of 10,000 acre-feet per year (AFY) of surface water from the CVP via the DMC.[9] Though this contract expired in 2014, there have been a series of interim contract renewals to provide water service to the City while the USBR and the City negotiate the long-term contract and complete the required environmental documentation. The most recent interim renewal contract term began on 1 March 2020 and ends on 28 February 2022. The City anticipates on-going contract renewals for this source.
- In February 2004, the City entered into two contracts with the USBR for 5,000 AFY of agricultural (Ag) reliability water from the Banta-Carbona Irrigation District (BCID)[10] and 2,500 AFY of Ag-reliability water from the West Side Irrigation District (WSID).[11] In December 2013, the City and

[9] Contract No. 14-06-200-7858A, dated 22 July 1974.

[10] The "Agreement for Assignment of Entitlement to CVP Water Between the City of Tracy and the Banta-Carbona Irrigation District," dated 5 June 2001, assigned water to the City from BCID's contract with the USBR (Contract No. 14-06-200-4305A-IR7).

[11] The "Agreement for Assignment of Entitlement to CVP Water Between the City of Tracy and The West Side Irrigation District," dated 21 August 2001, assigned water to the City from WSID's contract with the USBR (Contract No. 7-07-20-W0045-IR7). The agreement was amended on 11 September 2002.

the WSID approved an additional assignment of 2,500 AFY of water, increasing the City's total assignment of WSID water to 5,000 AFY.

- A portion of the Tracy Hills Specific Plan area was annexed into the Byron Bethany Irrigation District (BBID) and is entitled to water service from BBID as part of its pre-1914 appropriative water rights. This water is delivered to the City via the DMC and is treated at the City's John Jones Water Treatment Plant (JJWTP) before delivery to Tracy Hills. The City anticipates that up to 4,500 AFY of the BBID pre-1914 water will be available to serve the Tracy Hills as it is built. However, the volume of water available is restricted to the actual demand in the portion of Tracy Hills within the BBID's service area. The projected potable water demand in this area is estimated to be 3,330 AFY at buildout (Tracy, 2020).
- The City also treats and serves small amounts of DMC/CVP water purchased by the Patterson Pass Business Park (PPBP) from BBID for use at the PPBP only. This water is not considered as part of the City's supply or demand because the City solely provides water treatment, delivery, and billing services in accordance with a "treatment and wheeling" agreement; the City does not manage either the supply or the demand.

Tracy's DMC/CVP water is treated at the JJWTP, which is located at the southern end of the City, just east of the DMC and the California Aqueduct. The JJWTP was constructed in 1979, expanded in 1988, and expanded and upgraded again in 2008. The current permitted treatment capacity of the JJWTP is 30 million gallons per day (MGD)[12] which is sufficient to treat all of Tracy's DMC/CVP water supplies. The treatment process at the JJWTP includes chemical oxidation, temperature equalization, coagulation, flocculation, filtration, granulated activated carbon adsorption, and ultraviolet (UV) light and chlorine/chloramine disinfection.

6.1.2 Stanislaus River Water

The City's SCWSP water supply is based on SSJID's senior, pre-1914 appropriative water rights to the Stanislaus River, coupled with an agreement with the USBR to store water in the New Melones Reservoir. The City purchases water from SSJID through the SCWSP. The SCWSP is a partnership between the City, SSJID, and the cities of Manteca, Lathrop, and Escalon. As part of the SCWSP, Tracy was initially allocated up to 10,000 AFY of water. In 2006, the City entered into a temporary contract with Escalon to purchase Escalon's allocation of 2,015 AFY of SCWSP supply until Escalon constructs the necessary infrastructure to convey the SCWSP water.[13] In 2013, the City acquired an additional 1,120 AFY of SCWSP water from the City of Lathrop.[14] The City's current contractual amount of SCWSP water is 13,135 AFY in total. Once the agreement with Escalon sunsets (anticipated to occur in 2025), the City's contractual allocation will be reduced to 11,120 AFY.

[12] The plant is designed for an ultimate capacity of 45 MGD. The piping, UV equipment, and other common components are hydraulically designed for the future expanded plant capacity.

[13] Escalon Amendment to Tracy- SSJID Water Supply Development Agreement, March 2006.

[14] Lathrop-Tracy Purchase, Sale and Amendment Agreement, dated 6 August 2013.

The Stanislaus River water is treated at the Nick C. DeGroot Water Treatment Plant (DGWTP), located near Woodward Reservoir in San Joaquin County. The DGWTP currently has a treatment capacity of 36 MGD. The treatment process at the DGWTP involves pre-chlorination, coagulation, dissolved air flotation pretreatment for removal of solids and dissolved material, chemical stabilization to minimize internal pipe corrosion, membrane filtration, and chlorination for disinfection.

The next phase of the SCWSP (Phase II) is anticipated to expand the treatment capacity of the DGWTP to approximately 60 MGD. The City will not be participating in Phase II of the SCWSP.

6.2 Groundwater

☑ ***CWC § 10631***

(b) (4) If groundwater is identified as an existing or planned source of water available to the supplier, all of the following information:

(A) The current version of any groundwater sustainability plan or alternative adopted pursuant to Part 2.74 (commencing with Section 10720), any groundwater management plan adopted by the urban water supplier, including plans adopted pursuant to Part 2.75 (commencing with Section 10750), or any other specific authorization for groundwater management for basins underlying the urban water supplier's service area.

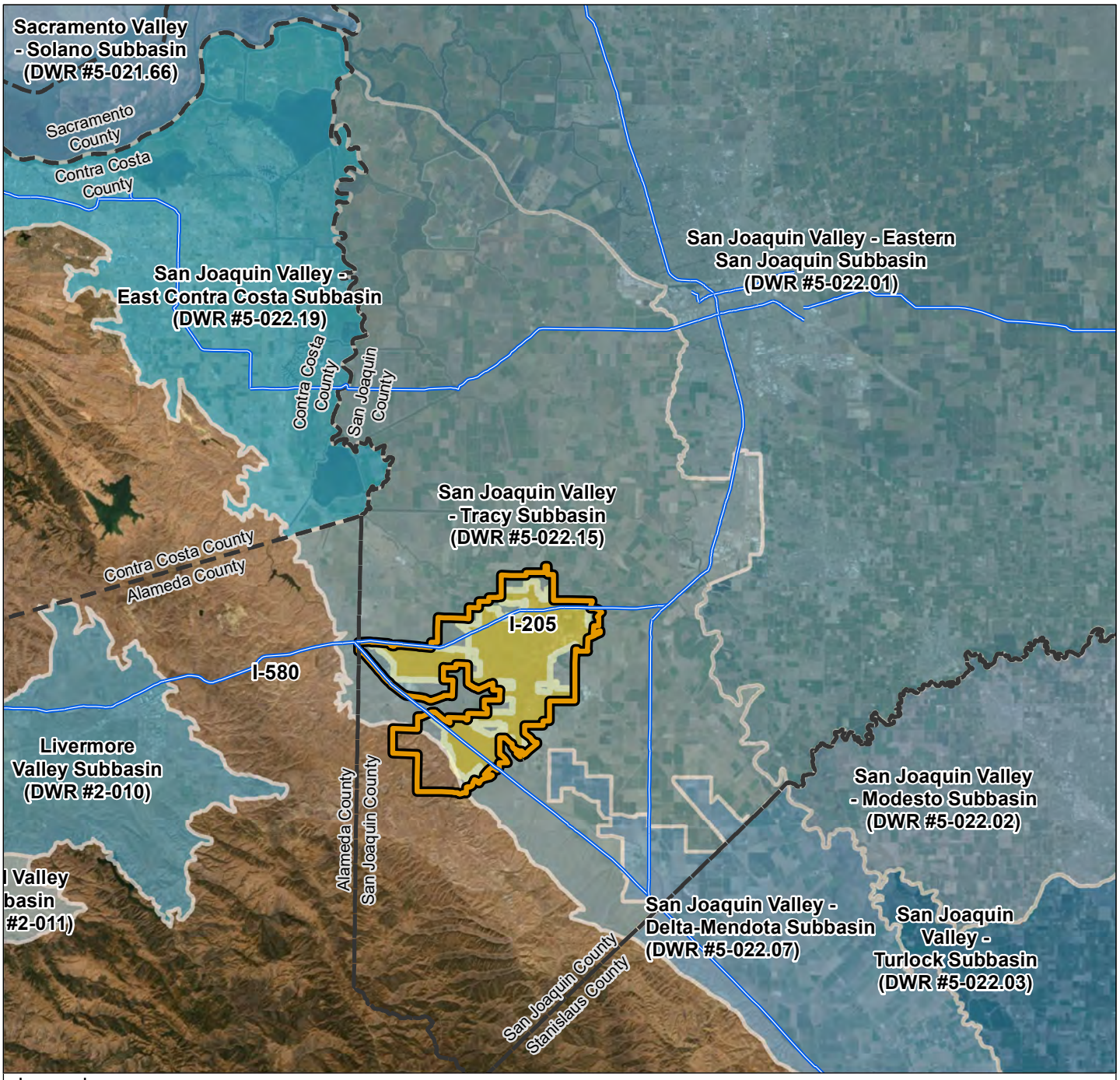
(B) A description of any groundwater basin or basins from which the urban water supplier pumps groundwater. For basins that a court or the board has adjudicated the rights to pump groundwater, a copy of the order or decree adopted by the court or the board and a description of the amount of groundwater the urban water supplier has the legal right to pump under the order or decree. For a basin that has not been adjudicated, information as to whether the department has identified the basin as a high- or medium-priority basin in the most current official departmental bulletin that characterizes the condition of the groundwater basin, and a detailed description of the efforts being undertaken by the urban water supplier to coordinate with groundwater sustainability agencies or groundwater management agencies listed in subdivision (c) of Section 10723 to maintain or achieve sustainable groundwater conditions in accordance with a groundwater sustainability plan or alternative adopted pursuant to Part 2.74 (commencing with Section 10720).

(C) A detailed description and analysis of the location, amount, and sufficiency of groundwater pumped by the urban water supplier for the past five years. The description and analysis shall be based on information that is reasonably available, including, but not limited to, historic use records.

The City's purchases of surface water are supplemented by local groundwater. Approximately 6% of the City's water supply was from local groundwater supply wells during 2020. This section includes information regarding the basin description, groundwater management, and the City's role as one of the six Groundwater Sustainability Agencies (GSAs) in the Groundwater Sustainability Plan (GSP) development process, followed by a discussion of the City's groundwater production.

6.2.1 Basin Description

The City overlies the Tracy Subbasin (Basin; Department of Water Resources [DWR] 5-22.15) of the San Joaquin Valley Groundwater Basin (DWR 5-22). The Tracy Subbasin is not adjudicated, and it is not in a condition of critical overdraft. **Figure 6-1** shows the City in relation to the Basin and adjacent basins.



Legend

Groundwater Basins and Subbasin

- Livermore Valley
- Sacramento Valley - Solano
- San Joaquin Valley - Delta-Mendota
- San Joaquin Valley - East Contra Costa
- San Joaquin Valley - Eastern San Joaquin
- San Joaquin Valley - Modesto
- San Joaquin Valley - Tracy
- San Joaquin Valley - Turlock
- Sunol Valley

- County Boundary
- Sphere of Influence
- City Limits / Existing Water Service Area
- Highways

Abbreviations

DWR = California Department of Water Resources

Notes

1. All locations are approximate.

N

0 6 12

Miles

DRAFT

Regional Setting and Groundwater Basins

Sources

1. Basemap is ESRI's ArcGIS Online world aerial map, obtained 30 April 2021.
2. DWR groundwater basins are based on the boundaries defined in California's Groundwater, Bulletin 118-2016 Update.

eki environment & water

City of Tracy
May 2021
EKI C00117.00

Figure 6-1

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The Tracy Subbasin is designated as a medium priority basin under DWR's 2019 Phase 2 Basin Prioritization (DWR, 2019a). Under this prioritization process, basins are ranked on eight components, and if a basin is assigned between 15 and 21 total points, it is defined as "medium priority." The main factors driving the Tracy Subbasin's designation include population growth (5 out of 5 possible points), irrigated acres (5 out of 5 possible points), number of public supply wells (3 out of 5 possible points), number of total wells (3 out of 5 possible points), and documented impacts including water quality (3 out of 5 possible points).[15]

As a DWR-designated medium priority basin, the Tracy Subbasin is subject to the requirements of the Sustainable Groundwater Management Act (SGMA), including the requirement to be covered by one or more GSAs and to prepare and submit to DWR one or more GSPs by 31 January 2022.

The Tracy Subbasin covers an area of approximately 373 square miles (DWR, 2019b). As shown on **Figure 6-1**, It is bounded on the northwest by the Old River south to the tri-county confluence point and on the south by the Clifton Forebay where it then follows the Contra Costa-Alameda County line to the foothills of the Coastal Range mountains. The northeast boundary follows the San Joaquin River south to the San Joaquin County Line with a slight jog to include the City of Lathrop on the west side of the river. The southern border of the Basin generally follows the San Joaquin-Stanislaus County line, with some irregular areas belonging to the Delta-Mendota Subbasin to the south. The western border follows the Coastal Range foothills from the San Joaquin-Stanislaus County line; north to the Contra Costa-Alameda County line. The Basin is a mix of Delta islands (mostly agriculture) and waterways along with urban and agricultural communities on the southern edge (GEI, 2020).

Further description of the Basin is included in the draft Basin Setting chapter of the GSP for the Tracy Subbasin, including the hydrogeologic conceptual model, and current and historical groundwater conditions. Draft GSP chapters are available on the Tracy GSP website: https://tracysubbasin.org/gsp-chapters/. Once the GSP has been submitted to DWR, the GSP is expected to be available on the DWR SGMA portal website: https://sgma.water.ca.gov/portal/gsp/all.

6.2.2 Non-SGMA Groundwater Management

Prior to the passage of SGMA, the City, BBID, Banta-Carbona Irrigation District (BCID), and San Joaquin County formed a Groundwater Advisory Committee to facilitate the development of a regional groundwater management plan (GWMP) for the Tracy Subbasin. The planning area of the Tracy GWMP encompassed the portion of the Tracy Subbasin underlying San Joaquin County. The Tracy GWMP was adopted in 2007 (GEI, 2007).

The key results of the Tracy GWMP include the following:

- Developing a general consensus among stakeholders regarding the characterization of the area's water problems, current and future demands, and groundwater conditions;

[15] DWR's 2019 Phase 2 Basin Prioritization used the basin's total possible ranking points assigned to each of the eight components to determine the priority. A basin is defined as Medium Priority if it has 15 to 21 total ranking points.

- Documenting the region's groundwater management goals and establishing basin management objectives to help measure progress in attaining the goals;
- Developing specific solutions and common programs for the basin; and
- Providing an implementation plan to direct future groundwater management activities.

The Tracy GWMP concluded that the Tracy Subbasin is full, but experiences groundwater quality issues in portions of the basin associated with nitrate, boron, sulfate, chloride, and total dissolved solids (TDS). As such, many of the groundwater management options that were recommended focused on creating available storage and managing pumping in order to increase water quality within the Tracy Subbasin.

San Joaquin County is the designated Monitoring Entity under California Statewide Groundwater Elevation Monitoring (CASGEM) for the portion of the Tracy Subbasin underlying the county. However, upon submission of the GSP, the CASGEM program will be superseded by the SGMA monitoring efforts.

6.2.3 SGMA Groundwater Management

As discussed in Section 6.2.1, the Tracy Subbasin is designated by DWR as a medium priority basin (DWR, 2019a). As such, the Tracy Subbasin is subject to the requirements of SGMA, which include the formation of a one or more GSAs and the development and implementation of one or more GSPs.

The City, BCID, BBID[16], City of Lathrop, San Joaquin County, and Stewart Tract are the six GSAs formed in the Tracy Subbasin and are working cooperatively to develop a single GSP. The Tracy Subbasin GSAs were awarded a DWR grant to develop the GSP. Pursuant to the Grant Agreement[17], each GSA designated an appointee to form the GSP Coordination Committee, and the San Joaquin County was appointed as the Grant Administrator. The Grant Administrator or any two appointees may call meetings of the GSP Coordination Committee as needed to in the GSP development process.

The GSP for the Tracy Subbasin is currently under preparation and is anticipated to be complete and submitted to DWR by the statutory deadline of 31 January 2022. As of March 2021, initial drafts of sections describing the plan area, hydrogeologic conceptual model and groundwater conditions have been prepared and are available for public review on the Tracy Subbasin website: https://tracysubbasin.org/gsp-chapters/.

6.2.4 Coordination with Groundwater Sustainability Agencies

As discussed in the previous section, the City is one of the six GSAs that are managing the Tracy Subbasin. The City has been actively involved in GSP development activities and will continue to be involved throughout SGMA implementation. The City has one appointee (and an alternate) on the Tracy Subbasin GSP Coordination Committee and the Technical Committee. The Coordination Committee meets quarterly from 1:00 p.m. to 3:00 p.m. on the third Thursday of the month. The Technical Committee meets from

[16] West Side Irrigation District has officially merged with Byron-Bethany Irrigation District in September 2020, which occurred later than the release of the draft GSP chapters.

[17] The Grant Agreement can be found in the Tracy Subbasin website: https://tracysubbasin.org/resources/.

1:00 p.m. to 3:00 p.m. on the third Thursday of every month, with the exception of the months when the Coordination Committee meets.

6.2.5 Groundwater Production

As discussed in Section 3.7.6, the City owns and operates a total of nine active municipal wells, with one of the active wells being an aquifer storage and recovery (ASR) well as further discussed in Section 6.3. The pumping capacity of the City's production wells ranges from 1,400 gallons per minute (gpm) to 2,500 gpm. The production wells draw groundwater solely from the confined portion of the Lower Tulare Formation aquifer.[18]

The City's groundwater production over the period of 2016 through 2020 is presented in **Table 6-1**. Over this timeframe, the average groundwater production was 857 AFY. The maximum groundwater production occurred in 2020 (1,181 AFY) and the minimum production occurred in 2019 (645 AFY).

Groundwater use is expected to increase in the future. As shown in **Table 6-9**, the City projects to withdraw up to 2,500 AFY in normal years.

Table 6-1 Groundwater Volume Pumped (DWR Table 6-1)

	Supplier does not pump groundwater. The supplier will not complete the table below.					
	All or part of the groundwater described below is desalinated.					
Groundwater Type	Location or Basin Name	2016	2017	2018	2019	2020
Alluvial Basin	Tracy Subbasin of the San Joaquin Valley Groundwater Basin (DWR 5-022.15)	648	995	817	645	1,181
	TOTAL	648	995	817	645	1,181
NOTES: (a) Volumes are in units of AF. (b) Data provided by the City. Groundwater production is the sum of water extracted from the City's production wells and the net injection or extraction from the City's ASR well. 2020 production does not include the ASR well.						

[18] The Tracy Subbasin has two principal aquifers: an Upper unconfined to semi-confined aquifer and a Lower confined aquifer that are separated by the Corcoran Clay.

6.3 Aquifer Storage and Recovery

The City has been implementing an ASR Program to store surplus treated surface water in the confined aquifer beneath Tracy and extract that water to meet peak demands or supplement surface water sources during dry years. The City has one former groundwater extraction well, Well 8, which has been operated as an ASR well since 2013 after the successful demonstration of ASR feasibility.[19] Well 8 is located near the intersection of Tracy Boulevard and 6th Street and penetrates the Lower Tulare Formation.

The recharge water source of the City's ASR Program is treated SCWSP water.[20] The City's SCWSP water supply is of exceptionally high water quality, with a TDS concentration of approximately 64 milligrams per liter (mg/L).[21] Since the TDS concentration of the recharge water source is much lower than that of the Lower Tulare Formation aquifer's native groundwater, operation of the City's ASR Program reduces the localized salinity of the aquifer, resulting in lower TDS content in water supplies extracted from Well 8 than would be expected in the absence of the ASR Program. Additionally, the reduced salinity in groundwater recovered from Well 8 results in lower salt loading at the City's wastewater treatment plant (WWTP), which eventually reduces the salinity of effluent from the WWTP. This helps the City meet its Regional Water Quality Control Board (RWQCB) effluent salinity requirements and provides environmental benefits to the river ecosystems.

Injection of SCWSP water into the ASR well occurs during the winter months (i.e., November through April), when City demands are low. Extraction occurs primarily in the summer months to meet increased demands associated with irrigation needs, and as needed during droughts and water shortage emergencies. It is estimated that between 685 and 915 AFY of potable water could be injected into the aquifer, assuming a 5-month continuous injection rate of 1.5 to 2.0 MGD at Well 8 (Tracy, 2020). The City's strategic plan for ASR operations at Well 8 involves injecting up to 1,000 AFY over six months during the winter and extracting 75% of the injection volume during the following summer. These operations would result in net injection into the Lower Tulare Formation aquifer, which will gradually create a "buffer supply" that the City can utilize in dry years or during water shortage emergencies. In 2020, a net volume of approximately 190 AF was injected and stored at Well 8 for the following year (Table 4-1).

As further discussed in Section 6.10, the ASR Program will be implemented in stages as new ASR wells are constructed. The ASR supply will be available to meet demands in dry years, thereby increasing the reliability of the City's water supply during drought conditions or water shortage emergencies.

6.4 Semitropic Groundwater Storage Bank

The City has acquired the rights to store and recover water in the Semitropic Groundwater Storage Bank (Semitropic) operated by the Semitropic Water Storage District (Semitropic WSD). The Semitropic facilities are located in Kern County alongside the California Aqueduct. The first phase of Semitropic was initiated

[19] Notice of Applicability for General Water Quality Order 2012-0010-DWQ-RB5S-0002, Aquifer Storage and Recovery Program, City of Tracy (Well No. 8), San Joaquin County, dated 13 November 2013.

[20] Per the terms of its agreement with the RWQCB, the City is not permitted to inject treated DMC/CVP at Well 8.

[21] City of Tracy 2019 Water Quality Report, https://www.ci.tracy.ca.us/documents/2019_City_of_Tracy_Water_Quality_Report.pdf.

in the early 1990s and established one million AF of storage for a group of agencies referred to as the Original Banking Partners. In response to increased demand for banking capacity, up to 650,000 AF of additional storage was created for the Stored Water Recovery Unit (SWRU). When an agency purchases storage capacity in Semitropic, the agency is able to recover the volume of water it has banked over a period of three consecutive years (i.e., 3,000 AF equates to a maximum recovery rate of 1,000 AFY for three years).

The City originally entered into a pilot agreement with Semitropic WSD in June 2006 for 1,000 AF of water storage in Semitropic's SWRU. The pilot agreement was intended to establish the procedures for water deposits and withdrawals by the City and was terminated when the permanent agreement was implemented. In 2012, the City entered into a long-term agreement with Semitropic WSD for up to 10,500 AF of storage volume.[22] This storage agreement allows the City to withdraw up to 3,500 AF of water annually for three years. To store water in Semitropic, the City withdraws less than its available allocation of CVP water from the DMC. This water travels through the DMC and the California Aqueduct where it is diverted by Semitropic and used for local groundwater recharge. When the City wishes to withdraw water that it has banked previously, Semitropic arranges for the City to divert CVP water beyond its allocation from the DMC. This source of water is provided through either an exchange of Semitropic WSD's contractual entitlement to State Water Project (SWP) water or through direct "pumpback" of stored groundwater into the California Aqueduct by Semitropic WSD.

Though the City could utilize this supply in any year, it is most valuable during extended drought years when the City's surface water supplies are reduced. As described in Section 7, the City anticipates that banking water at Semitropic will increase the reliability of the City's water supply and help to close the potential future gap between supply and demand during extended drought conditions. The City plans to actively maintain storage in Semitropic as feasible.

As of December 2020, the City had 6,887 AF of water in storage at Semitropic.

6.5 Surface Water

The City does not currently, nor does it plan to in the near future, use self-supplied surface water as part of its water supply portfolio.

6.6 Stormwater

The City does not currently, nor does it currently plan to in the near future, use diverted stormwater as part of its water supply portfolio. It is possible that the City could consider the future use of diverted stormwater if a regional project is identified.

[22] "Agreement Between City of Tracy and Semitropic Water Storage District and Its Improvement Districts for Participation in the Stored Water Recovery Unit of the Semitropic Water Banking and Exchange Program," dated November 2012.

6.7 Wastewater and Recycled Water

☑ ***CWC § 10633***

The plan shall provide, to the extent available, information on recycled water and its potential for use as a water source in the service area of the urban water supplier. The preparation of the plan shall be coordinated with local water, wastewater, groundwater, and planning agencies that operate within the supplier's service area.

This section provides information on the amount of generated wastewater, disposal of wastewater, and water recycling. Water recycling involves treating wastewater to an acceptable level such that it can be reused for irrigation, cooling, and other non-potable applications. Recycled water can offset the use of potable supplies and reduce the quantity of discharged wastewater. The regulatory requirements for recycled water are defined in the California Code of Regulations (CCR), Title 22, Article 3. Because recycled water is treated wastewater, its availability is closely linked to the treatment capability of the City's WWTP. The following sections describe Tracy's existing and planned wastewater treatment and water recycling facilities and discuss existing and projected uses of recycled water. A description of Tracy's efforts to promote recycled water use in existing and proposed development is also included. More details on the City's recycled water system can be found in the City's Water System Master Plan (WSMP; Tracy, 2020).

6.7.1 Recycled Water Coordination

The City is the sole agency responsible for water, wastewater, and groundwater management and planning within the City's service area. However, the City's efforts to increase recycled water use have required coordination between the City and stakeholders. To commence recycled water use within existing and new development, the City's Department of Utilities and Development Services have been and will continue coordinating planning efforts with proponents of the various development projects in the City.

6.7.2 Wastewater Collection, Treatment, and Disposal

☑ ***CWC § 10633 (a)***

A description of the wastewater collection and treatment systems in the supplier's service area, including a quantification of the amount of wastewater collected and treated and the methods of wastewater disposal.

☑ ***CWC § 10633 (b)***

A description of the quantity of treated wastewater that meets recycled water standards, is being discharged, and is otherwise available for use in a recycled water project.

The City's WWTP is located north of Interstate 205, between MacArthur Drive and Holly Drive. The City maintains and operates the wastewater collection system that conveys wastewater to the WWTP. The collection system consists of pipelines and lift stations.

The WWTP provides disinfected tertiary level treatment meeting Title 22 requirements. The City's major industrial wastewater producer, Leprino Foods, conveys its wastewater through a separate force main to

pre-treatment ponds which remove a significant portion of the biochemical oxygen demand (BOD) before the food process wastewater is conveyed to the WWTP. The main treatment processes at the WWTP are described below:

- Aerated holding ponds partially treat the Leprino Foods industrial flows before treatment;
- Pre-treatment removes coarse solids;
- Primary treatment removes most settleable and floatable material;
- Secondary treatment with activated sludge reduces levels of soluble organic material, suspended solids, as well as nitrogenous compounds;
- Secondary clarification;
- Flocculation and tertiary filtration; and
- Chlorination disinfects treated wastewater, followed by sulfonation for dechlorination.

After treatment, wastewater is discharged into the Old River through an existing outfall. The City's National Pollutant Discharge Elimination System (NPDES) permit CA0079154 currently allows for discharge of 10.8 MGD of average dry weather flow and up to 16 MGD if applicable permit requirements are met. Waste solids produced in the primary processing and treatment processes are collected and combined. The treatment process for solids includes thickening, digestion, and dewatering. Dried biosolids are hauled off-site and land applied or sent to a suitable landfill. This off-site hauling and disposal practice is expected to continue in the future.

As shown in **Table 6-2** and **Table 6-3**, in 2020, approximately 11,277 AF of wastewater was collected and treated at the City's WWTP. Approximately 10,740 AF of which was discharged into the Old River.

Table 6-2 Wastewater Collected Within Area in 2020 (DWR Table 6-2)

	There is no wastewater collection system. The supplier will not complete the table below.
	Percentage of 2020 service area covered by wastewater collection system *(optional)*
	Percentage of 2020 service area population covered by wastewater collection system *(optional)*

Wastewater Collection			Recipient of Collected Wastewater			
Name of Wastewater Collection Agency	Wastewater Volume Metered or Estimated?	Volume of Wastewater Collected from UWMP Service Area 2020	Name of Wastewater Treatment Agency Receiving Collected Wastewater	Treatment Plant Name	Is WWTP Located Within UWMP Area?	Is WWTP Operation Contracted to a Third Party? *(optional)*
City of Tracy	Estimated	11,277	City of Tracy	City of Tracy Wastewater Treatment Plant	Yes	No
Total Wastewater Collected from Service Area in 2020:		11,277				

NOTES:
(a) Volumes are in units of AF.

Table 6-3 Wastewater Treatment and Discharge Within Service Area in 2020 (DWR Table 6-3)

	No wastewater is treated or disposed of within the UWMP service area. The supplier will not complete the table below.										
Wastewater Treatment Plant Name	Discharge Location Name or Identifier	Discharge Location Description	Wastewater Discharge ID Number *(optional)*	Method of Disposal	Does This Plant Treat Wastewater Generated Outside the Service Area?	Treatment Level	2020 volumes				
							Wastewater Treated	Discharged Treated Wastewater	Recycled Within Service Area	Recycled Outside of Service Area	Instream Flow Permit Requirement
City of Tracy Wastewater Treatment Plant	Old River	Existing outfall	--	River or creek outfall	No	Tertiary	11,277	10,740	0	0	0
						Total	11,277	10,740	0	0	0
NOTES: (a) Volumes are in units of AF.											

6.7.3 Recycled Water System Description

The City's current recycled water system consists of a pump station at the WWTP and approximately 7.6 miles of recycled water transmission line from the WWTP west to Lammers Road and south to W. Schulte Road (**Figure 6-2**; Tracy, 2020). Currently the only service connection is for the Legacy Fields Sports Complex.

The City is planning to expand the existing recycled water system to serve future development areas, as well as a small number of existing parks and irrigated areas. The City's 2020 WSMP identifies the improvements necessary to support the projected recycled water demands and the Recycled Water Distribution Network and Exchange Program (Tracy, 2020). The recommended improvements include additional booster pump stations, new recycled water pipelines, and storage reservoirs, and are shown on **Figure 6-3**.

Several future service areas already have recycled water distribution pipelines installed by developers, including Cordes Ranch, Ellis Specific Plan Phase 1, and Tracy Hills Phase 1. These pipelines are not yet connected to the recycled water mains, but instead are temporarily connected to the potable water system via backflow prevention devices to meet irrigation demands. Once recycled water system construction is complete and the appropriate permitting is completed, the pipelines will be connected to the recycled water system and the temporary connections to the potable water system will be removed.

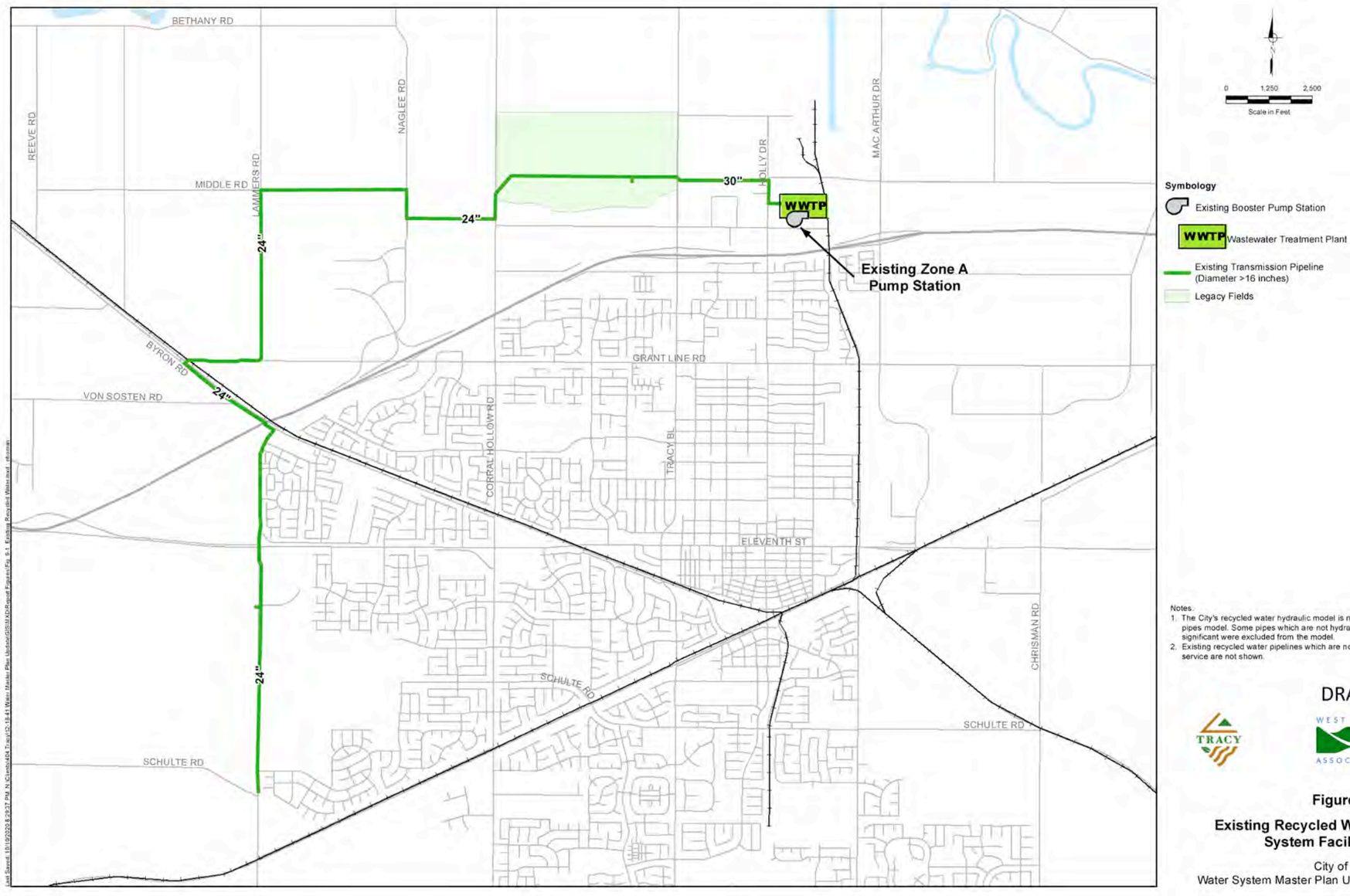


Figure 6-2 Existing Recycled Water System (Adapted from the Draft 2020 WSMP, Figure 9-1)

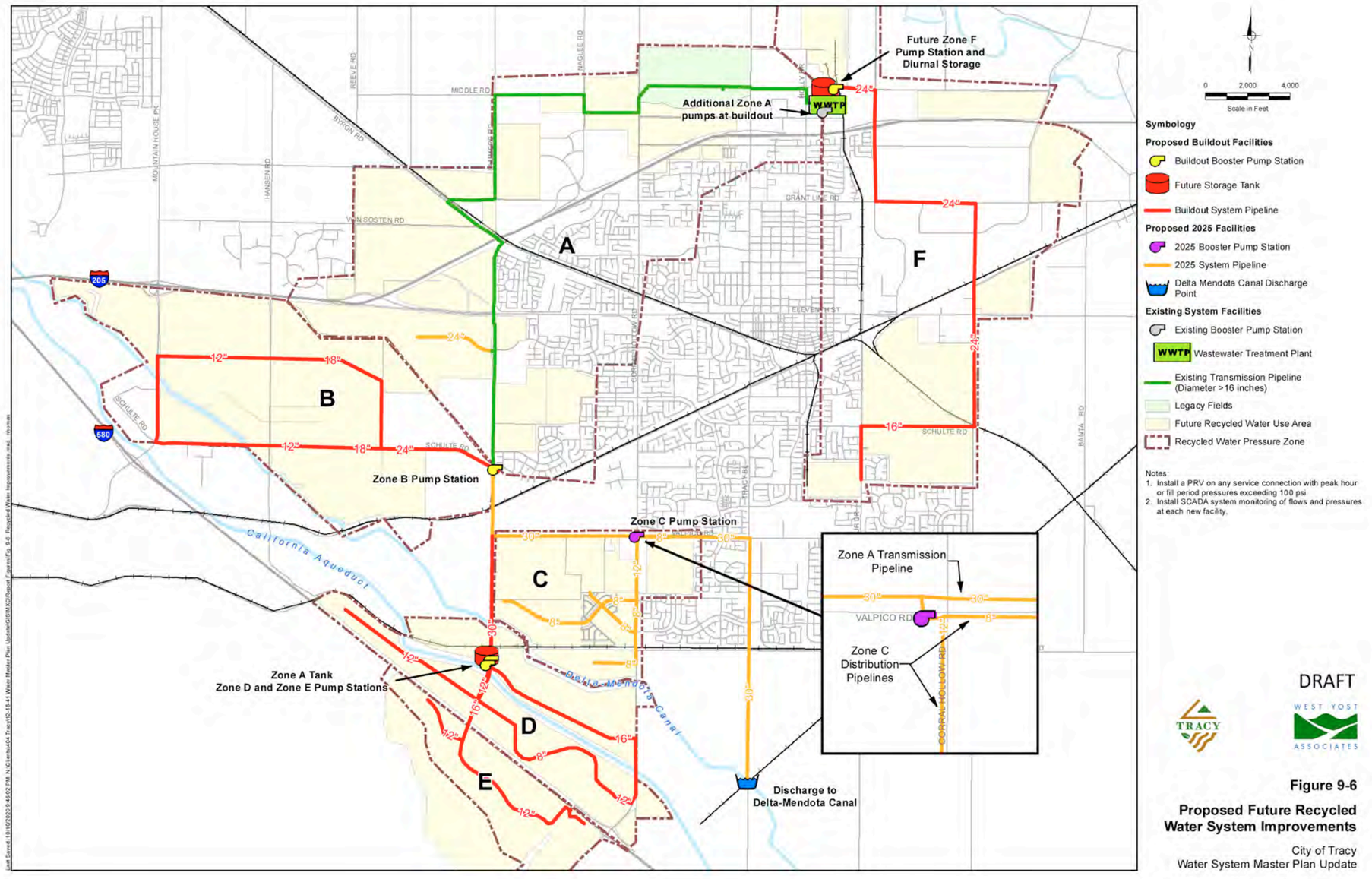


Figure 6-3 Proposed Future Recycled Water System Improvements (Adapted from the Draft 2020 WSMP, Figure 9-6)

6.7.4 Potential, Current and Projected Recycled Water Uses

☑ ***CWC § 10633 (c)***

A description of the recycled water currently being used in the supplier's service area, including, but not limited to, the type, place, and quantity of use.

☑ ***CWC § 10633 (d)***

A description and quantification of the potential uses of recycled water, including, but not limited to, agricultural irrigation, landscape irrigation, wildlife habitat enhancement, wetlands, industrial reuse, groundwater recharge, indirect potable reuse, and other appropriate uses, and a determination with regard to the technical and economic feasibility of serving those uses.

☑ ***CWC § 10633 (e)***

The projected use of recycled water within the supplier's service area at the end of 5, 10, 15, and 20 years and a description of the actual use of recycled water in comparison to uses previously projected pursuant to this subdivision.

6.7.4.1 Current Recycled Water Uses

The City's WWTP has sufficient treatment capacity to produce approximately 9.0 MGD of tertiary-treated recycled water meeting the Title 22 requirements, which can be reused for landscape irrigation and other non-potable uses. As indicated in **Table 6-4**, there is currently no recycled water use within the City's service area, as the site improvements and permitting process are still ongoing.

Table 6-4 Recycled Water Direct Beneficial Uses Within Service Area Service Area (DWR Table 6-4)

	Recycled water is not used and is not planned for use within the service area of the supplier. The supplier will not complete the table below.
Name of Supplier Producing (Treating) the Recycled Water:	City of Tracy
Name of Supplier Operating the Recycled Water Distribution System:	City of Tracy
Supplemental Water Added in 2020 (volume)	--
Source of 2020 Supplemental Water	--

Beneficial Use Type	**Potential** Beneficial Uses of Recycled Water (Describe)	Amount of **Potential** Uses of Recycled Water (Quantity)	General Description of 2020 Uses	Level of Treatment	2020	2025	2030	2035	2040	2045
Landscape irrigation (excludes golf courses)	Irrigation at Legacy Fields Sports Complex, Tracy Sports Complex, Plasencia Fields, etc.	2,448 AF by 2045	--	Tertiary	0	389	803	1,218	1,632	2,448
Commercial use	Cordes Ranch Development	3,654 AF by 2045	--	Tertiary	0	580	1,199	1,817	2,436	3,654
Industrial use	Tracy Power Plant, AltaGas	197 AF by 2045	--	Tertiary	0	31	65	98	132	197
				Total:	0	1,000	2,067	3,133	4,200	6,300
				2020 Internal Reuse	0					

NOTES:
(a) Volumes are in units of AF.
(b) The recycled water projections were obtained from the 2020 WSMP, and the proportion by use type was based on the Title 22 Engineering Report for the Production and Distribution of Recycled Water, Table 5-1.

6.7.4.2 *Comparison of Previously Projected Use and Actual Use*

The 2015 Urban Water Management Plan (UWMP) projected 963 AFY of recycled water use for landscape irrigation (**Table 6-5**). However, no recycled water was actually used in 2020 because permitting was not completed on the previously anticipated schedule. The recycled water system is ready to serve Legacy Fields Sports Complex once the site improvements are complete and all permits are approved.

Table 6-5 2015 UWMP Recycled Water Use Projection Compared to 2020 Actual (DWR Table 6-5)

	Recycled water was not used in 2015 nor projected for use in 2020. The supplier will not complete the table below.	
Beneficial Use Type	2015 Projection for 2020	2020 Actual Use
Landscape irrigation (excludes golf courses)	963	0
Total	963	0
NOTES: (a) Volumes are in units of AF.		

6.7.4.3 *Projected Recycled Water Use*

The City intends to expand the existing recycled water system to serve non-potable water demands in most of the new development areas. Recycled water is planned to be used at: (a) parks, sports fields, and other landscape areas; (b) industrial facilities such as the Tracy Power Plant; (c) fill stations for dust control during construction, street sweeping, and residential emergency landscape irrigation; and (d) the proposed lakes at Tracy Village (Tracy, 2019b). The future recycled water use was estimated in the WSMP (Tracy, 2020) based on the adopted unit water demand factors and the future dwelling units or gross acreage and is described in Section 4.2.2. The recycled water use is estimated to be 1,000 AFY in 2025, increasing to 6,300 AFY in 2045 as new development areas build out. Projected recycled water use by major beneficial use type is shown in **Table 6-4**.

In addition, the City plans to use recycled water in exchange for additional CVP supply through the proposed Recycled Water Distribution Network and Exchange Program, which is further described in Section 6.10.3. The amount of recycled water used for exchange is considered separately and is not included as part of the projected recycled water use in **Table 6-4**.

The City is also considering investigating the potential for direct potable reuse of recycled water in the future. With direct potable reuse, recycled water would be discharged directly into the DMC and then conveyed to downstream users, including the City. However, the project is in the conceptual evaluation stage and therefore the future recycled water use associated with this potential approach is not quantified in **Table 6-4**.

6.7.5 Actions to Encourage and Optimize Future Recycled Water Use

☑ ***CWC § 10633 (f-g)***

(f) A description of actions, including financial incentives, which may be taken to encourage the use of recycled water, and the projected results of these actions in terms of acre-feet of recycled water used per year.

(g) A plan for optimizing the use of recycled water in the supplier's service area, including actions to facilitate the installation of dual distribution systems, to promote recirculating uses, to facilitate the increased use of treated wastewater that meets recycled water standards, and to overcome any obstacles to achieving that increased use.

As described above, the City has taken numerous steps to encourage the use of recycled water within and around Tracy.

New developments in the City are required to include recycled water distribution systems in accordance with the City's Recycled and Non-Potable Water Ordinance (Tracy Municipal Code [TMC] Chapter 11.30; **Table 6-6**). The requirements of the Recycled and Non-Potable Water Ordinance facilitate the future use of recycled or other non-potable water for irrigation purposes within the new development.

The City does not have current plans to provide financial incentives to encourage the use of recycled water because the City is not currently serving recycled water to its customers. However, financial incentives to encourage the use of recycled water will be evaluated and potentially implemented as part of future City policies when the City does begin to serve recycled water to its customers.

Table 6-6 Methods to Expand Future Recycled Water Use (DWR Table 6-6)

	Supplier does not plan to expand recycled water use in the future. Supplier will not complete the table below but will provide narrative explanation.		
	Provide page location of narrative in UWMP		
Name of Action	Description	Planned Implementation Year	Expected Increase in Recycled Water Use
Recycled and Non-Potable Water Ordinance	New developments are required to include recycled water distribution systems.	Ongoing	NA
		Total	NA
NOTES:			

6.8 Desalinated Water Opportunities

☑ ***CWC § 10631 (g)*** *A plan shall be adopted in accordance with this chapter and shall do all of the following:*

Describe the opportunities for development of desalinated water, including, but not limited to, ocean water, brackish water, and groundwater, as a long-term supply.

As mentioned in Section 6.2.5, the City's production wells draw groundwater solely from the confined portion of the Lower Tulare Formation aquifer. Above the confining Corcoran Clay is shallow groundwater that is not currently used for groundwater production. The water quality is considered to be not suitable for direct use due to the poor water quality (Tracy, 2020). While there is potential for brackish groundwater to be treated using membrane treatment technology, the cost of brine disposal and energy usage associated with membrane treatment is currently believed to be prohibitive. Although the opportunity exists to explore this option further in the future, it is currently not included in this UWMP as a future supply source.

6.9 Water Exchanges and Transfers

☑ ***CWC § 10631 (c)*** *A plan shall be adopted in accordance with this chapter and shall do all of the following:*

Describe the opportunities for exchanges or transfers of water on a short-term or long-term basis.

A water market exists so that, subject to USBR approval, water agencies can sell to or buy water from other water users that have an excess supply of CVP water or may need additional water to support demand. These annual transfers are subject to USBR approval and are for one year only. The City exercises its options to purchase and sell DMC/CVP surface water on this water market. Historically, the City has sold its surplus USBR water to San Luis Water District (SLWD) and Del Puerto Water District (DPWD) through this annual transfer process. During drought periods, the City also has the ability to purchase water on the spot market as necessary.

6.10 Future Water Projects

☑ ***CWC § 10631*** *A plan shall be adopted in accordance with this chapter and shall do all of the following:*

(b) (3) For any planned sources of water supply, a description of the measures that are being undertaken to acquire and develop those water supplies.

(f) Include a description of all water supply projects and water supply programs that may be undertaken by the urban water supplier to meet the total projected water use, as established pursuant to subdivision (a) of Section 10635. The urban water supplier shall include a detailed description of expected future projects and programs that the urban water supplier may implement to increase the amount of the water supply available to the urban water supplier in normal and single-dry water years and for a period of drought lasting five consecutive water years. The description shall identify specific projects and include a description of the increase in water supply that is expected to be available from each project. The description shall include an estimate with regard to the implementation timeline for each project or program.

Planned and potential future sources of Tracy's water supplies are discussed in the following sections and summarized in **Table 6-7**.

6.10.1 ASR Program Expansion

As described in Section 6.3, the City currently has one ASR well (Well 8) which allows the City to inject excess SCWSP water supplies into the groundwater basin for later extraction when needed. The current injection and extraction capacity is 700 AFY. The City is planning to expand the ASR program with the installation of additional ASR wells. According to the WSMP, the City's ASR Program will be expanded to provide up to 1,000 AFY of water supplies from the existing and new ASR wells by 2040 (Tracy, 2020). The ASR supply will be used to meet demands during dry years, thereby increasing the reliability of the City's water supply and helping to close the potential gap between supply and demand during drought conditions or water shortage emergencies.

As mentioned in Section 6.3, one constraint with the City's ASR Program is that the permit only allows for SCWSP water to be injected. This means that the City has to shut down the JJWTP and the groundwater wells during the injection period so that only SCWSP supplies are being utilized. A potential alternative to avoid this operational restriction, if the City's ASR permit cannot be modified to allow for other water supplies to be injected, would be to construct a dedicated SCWSP water pipeline to the ASR well(s). Future expansion of the ASR program will need to fully evaluate these operational restrictions and potential alternatives.

6.10.2 Recycled Water System Expansion

As discussed in Section 6.7, the City is planning to expand the recycled water system to serve future development areas. Pursuant to the City's Recycled and Non-Potable Water Ordinance (TMC Chapter 11.30), all new subdivisions are required, to the extent practicable, to install the required infrastructure (such as dual-distribution pipelines) to provide recycled water to meet non-potable water demands at parks, golf courses, sports fields, schools, median island landscapes, and industrial sites. The WSMP estimated that most large development projects on the west side of the City will be connected to the recycled water system by 2025 (Tracy, 2020). Recycled water service will be further extended to Cordes

Ranch, West Side Industrial, and Tracy Hills by 2040. A separate recycled water transmission main will be constructed on the east side of the City afterwards. The City intends to fund the future system expansion by fees collected from the new development projects.

It is estimated that the expanded recycled water system will provide approximately 6,300 AFY of non-potable supply in 2045. A portion of the recycled water delivered as part of this project will offset existing demands, thereby reducing the City's per capita water use.

6.10.3 Recycled Water Distribution Network and Exchange Program

The City is evaluating indirect reuse of its recycled water through an exchange agreement with the USBR, where a portion of the City's recycled water would be discharged into the DMC, and a like amount of water would be diverted from the DMC for treatment at the JJWTP for potable use. This project is considered an essential part of the City's projected future water supply portfolio as it provides multiple benefits:

- Provides for the beneficial use of recycled water;
- Provides an additional potable water supply for the City;
- Improves water supply reliability and reduces the City's dependence on other imported supplies;
- Builds on the existing wastewater and recycled water infrastructure; and
- Reduces salt loading in the Delta as USBR has to release additional water from the New Melones Reservoir to meet Delta salinity standards.

The Recycled Water Distribution Network and Exchange Program would require development of a project description, National Environmental Policy Act (NEPA) / California Environmental Quality Act (CEQA) review, an exchange agreement with the USBR, and design and construction of a new recycled water pipeline to discharge recycled water to the DMC downstream of the City's JJWTP intake. Assuming such a project is implemented, the City expects that it would initially provide an estimated 1,925 AFY of potable water, and future expansion of the program could be implemented as needed to meet future demands up to 7,500 AFY. This supply would be 100% reliable and would not be subject to drought cutbacks.

Table 6-7 Expected Future Water Supply Projects or Programs (DWR Table 6-7)

	No expected future water supply projects or programs that provide a quantifiable increase to the agency's water supply. Supplier will not complete the table below.
	Some or all of the supplier's future water supply projects or programs are not compatible with this table and are described in a narrative format.
	Provide page location of narrative in the UWMP

Name of Future Projects or Programs	Joint Project with other suppliers?		Description (if needed)	Planned Implementation Year	Planned for Use in Year Type	Expected Increase in Water Supply to Supplier
	Y/N	*Supplier Name*				
ASR Program Expansion	No	--	--	2040	Single-Dry and Multi-Dry Year	300
Recycled Water System Expansion	No	--	--	2025	All Year Types	6,300
Recycled Water Distribution Network and Exchange	Yes	USBR	--	2030	All Year Types	Up to 7,500

NOTES:
(a) Volumes are in units of AFY.
(b) It is estimated that the recycled water demand will be approximately 6,300 AFY at buildout. The recycled water supply is reported herein to the extent that it is needed to meet demand.
(c) The Recycled Water Distribution Network and Exchange program will be dependent upon approved development beyond the 2025 horizon.

6.11 Summary of Existing and Planned Sources of Water

☑ ***CWC § 10631 (b)*** *Identify and quantify, to the extent practicable, the existing and planned sources of water available to the supplier over the same five-year increments described in subdivision (a).*

☑ ***CWC § 10631 (b) (2)*** *When multiple sources of water supply are identified, a description of the management of each supply in correlation with the other identified supplies.*

☑ ***CWC § 10631 (b) (4) (D)*** *A detailed description and analysis of the amount and location of groundwater that is projected to be pumped by the urban water supplier. The description and analysis shall be based on information that is reasonably available, including, but not limited to, historic use records.*

The City's current supply sources include purchased water from the CVP and SCWSP, as well as groundwater from the local Tracy Subbasin. During 2016 and 2020, the City's total supplies ranged from 15,360 AFY to 19,527 AFY. On average, 95% of the supplies were from purchased water. The City's historical and current supplies are presented in **Table 6-8**.

The City manages the multiple supply sources based on contractual agreements, climate, City policy, regulatory requirements, and various other factors. In the future, the City intends to continue utilizing its existing supplies. However, as further discussed in Section 7 below, future supply reliability of imported water is projected to decrease. The City plans to increase its future supply by increasing groundwater production and implementing the supply projects described in Section 6.10.

The City estimates that approximately 33,868 AFY of potable water supply and 6,300 AFY of non-potable water supply will be available in 2045 under normal conditions. **Table 6-9** shows the projected sources and water supply volumes in five-year increments over the next 25 years.

Table 6-8 Water Supplies - Actual (DWR Table 6-8)

Water Supply	Additional Detail on Water Supply	Actual Volume					Water Quality	Total Right or Safe Yield *(optional)*
		2016	2017	2018	2019	2020		
Purchased or Imported Water	CVP	3,341	5,702	6,133	8,277	6,573	Drinking Water	--
Purchased or Imported Water	SCWSP	11,371	11,464	10,471	8,750	11,773	Drinking Water	--
Groundwater (not desalinated)	Tracy Subbasin of the San Joaquin Valley Groundwater Basin (DWR 5-022.15)	648	995	817	645	1,181	Drinking Water	--
Total		15,360	18,161	17,420	17,672	19,527		--

NOTES:
(a) Volumes are in units of AF.
(b) 2016-2019 groundwater production is the sum of water extracted from the City's production wells and the net injection or extraction from the City's ASR well. 2020 production does not include ASR well in accordance with the City's direction.
(c) Water served to Patterson Pass Business Park (PPBP) is purchased by PPBP from the Byron Bethany Irrigation District. The City only provides treatment and delivery services for this water in accordance with a "treat and wheel" agreement. Therefore, the water supply associated with PPBP is not included herein.

Chart 6-8 Current and Historical Water Supply

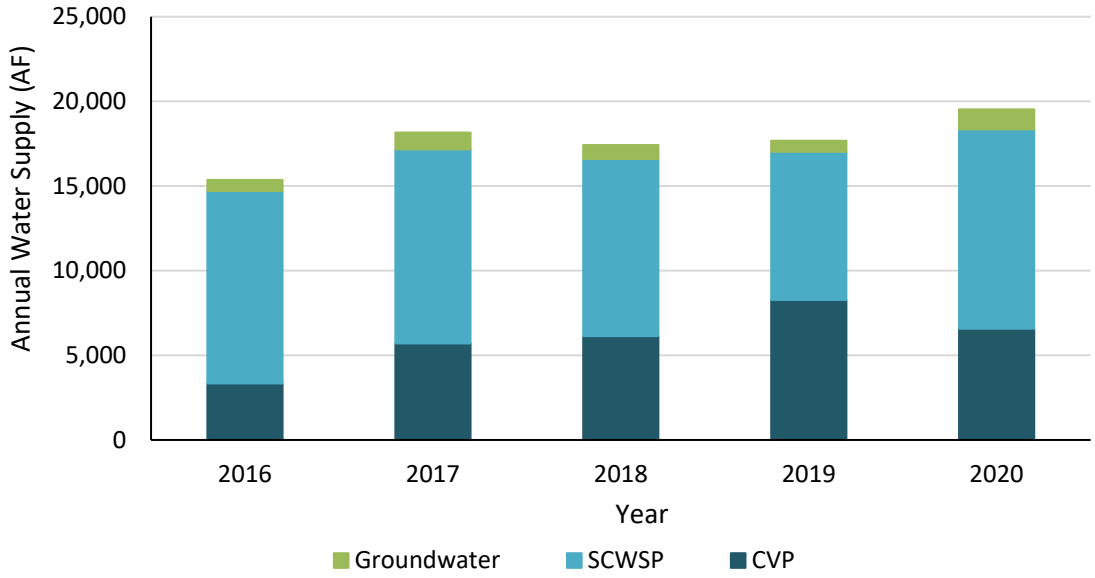
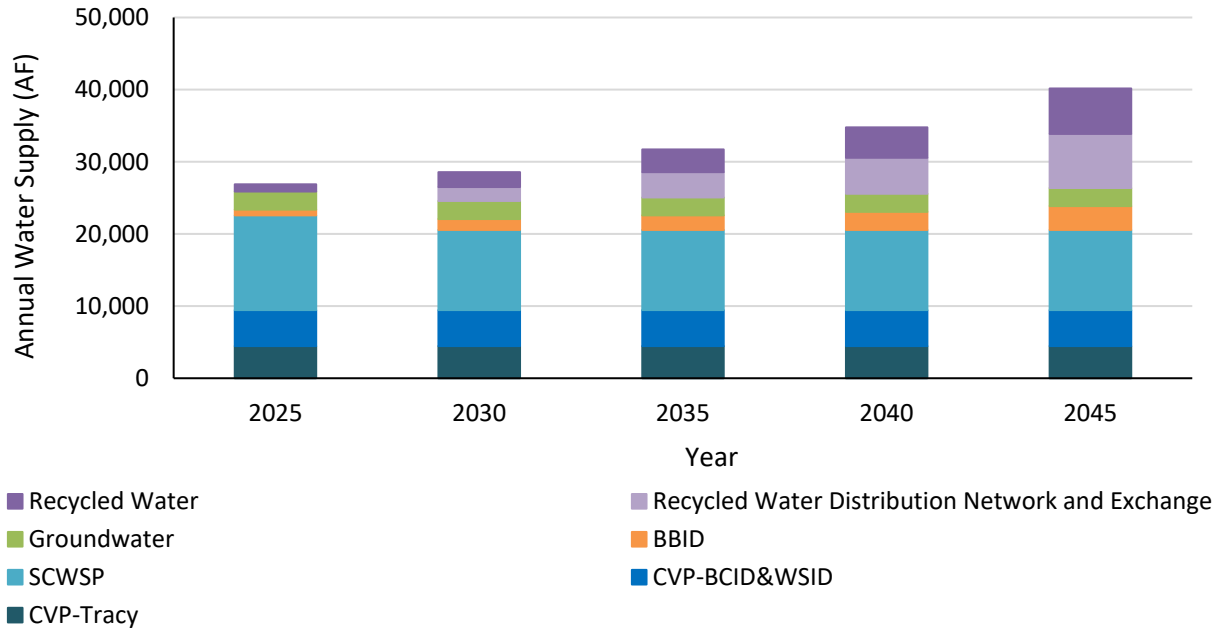


Table 6-9 Water Supplies - Projected (DWR Table 6-9)

Water Supply	Additional Detail on Water Supply	Projected Water Supply									
		2025		2030		2035		2040		2045	
		Reasonably Available Volume	Total Right or Safe Yield (optional)	Reasonably Available Volume	Total Right or Safe Yield (optional)	Reasonably Available Volume	Total Right or Safe Yield (optional)	Reasonably Available Volume	Total Right or Safe Yield (optional)	Reasonably Available Volume	Total Right or Safe Yield (optional)
Purchased or Imported Water	CVP Surface Water (Tracy USBR Contract)	4,448	--	4,448	--	4,448	--	4,448	--	4,448	--
Purchased or Imported Water	CVP Surface Water (BCID and WSID USBR Assignments)	5,000	--	5,000	--	5,000	--	5,000	--	5,000	--
Purchased or Imported Water	SCWSP (SSJID)	13,135	--	11,120	--	11,120	--	11,120	--	11,120	--
Purchased or Imported Water	BBID Pre-1914 (to meet Tracy Hills demand)	800	--	1,500	--	2,000	--	2,500	--	3,300	--
Groundwater (not desalinated)	Tracy Subbasin of the San Joaquin Valley Groundwater Basin (DWR 5-022.15)	2,500	--	2,500	--	2,500	--	2,500	--	2,500	--
Exchanges	Recycled Water Distribution Network and Exchange (b)	0	--	1,925	--	3,500	--	5,000	--	7,500	--
Recycled Water	Note (c)	1,000	--	2,067	--	3,133	--	4,200	--	6,300	--
	Total	26,883	--	28,560	--	31,701	--	34,768	--	40,168	--

NOTES:
(a) Volumes are in units of AF.
(b) The Recycled Water Distribution Network and Exchange program will be dependent upon approved development beyond the 2025 horizon.
(c) Given that recycled water supply cannot be used to fulfill potable water demand, it is reported herein to the extent that it is needed to meet demand. Excess available supplies are not reported.

Chart 6-9 Projected Water Supply



6.12 Special Conditions

☑ *CWC § 10635(b)*

(4) Considerations of the historical drought hydrology, plausible changes on projected supplies and demands under climate change conditions, anticipated regulatory changes, and other locally applicable criteria.

6.12.1 Climate Change Effects

As discussed in the City's Local Hazard Mitigation Plan (LHMP; City of Tracy, 2019a), drought conditions are likely to become more frequent and persistent over the next century due to climate, and recent drought conditions over the past decade underscore the need to reexamine water supply and distribution management, conservation, and use policy. In the City and the State of California as a whole, groundwater can act as a critical buffer against the impacts of drought and climate change. According to California's Climate Adaptation Strategy, also referred to as "Safeguarding California Plan: 2018 Update", climate change is likely to significantly diminish California's future water supply. As a result, the state must change its water management, as climate change will create greater competition for limited water supplies. These water management concerns will impact the City's water suppliers, including CVP users, the SCWSP agencies, and other neighboring water management agencies.

6.12.2 Regulatory Conditions and Project Development

Emerging regulatory conditions (e.g., issues surrounding the Bay-Delta Plan Amendment) may affect planned future projects and the characterization of future water supply availability and analysis. Potential impacts of Bay-Delta Plan Amendment implementation on the City's supply reliability are described in Section 7.1.1. If the City moves forward with any plans to develop additional new supply projects, emerging regulatory conditions will be considered, and the associated water supply reliability impacts will be assessed in future UWMP updates.

6.12.3 Other Locally Applicable Criteria

Other locally applicable criteria may affect characterization and availability of an identified water supply. For example, changes in regional water transfer rules may alter the availability of a water supply that had historically been readily available. Further, the City's groundwater supply reliability may be revisited as the GSP for the Tracy Subbasin is developed and implemented. Reliability of the City's supply is further discussed in Section 7. If the City moves forward with any plans to develop additional new supply projects, locally applicable criteria will be considered, and the associated water supply reliability impacts will be assessed in future UWMP updates.

6.13 Energy Use

☑ ***CWC § 10631.2***

(a) In addition to the requirements of Section 10631, an urban water management plan shall include any of the following information that the urban water supplier can readily obtain:
(1) An estimate of the amount of energy used to extract or divert water supplies.
(2) An estimate of the amount of energy used to convey water supplies to the water treatment plants or distribution systems.
(3) An estimate of the amount of energy used to treat water supplies.
(4) An estimate of the amount of energy used to distribute water supplies through its distribution systems.
(5) An estimate of the amount of energy used for treated water supplies in comparison to the amount used for nontreated water supplies.
(6) An estimate of the amount of energy used to place water into or withdraw from storage.
(7) Any other energy-related information the urban water supplier deems appropriate.
(b) The department shall include in its guidance for the preparation of urban water management plans a methodology for the voluntary calculation or estimation of the energy intensity of urban water systems. The department may consider studies and calculations conducted by the Public Utilities Commission in developing the methodology.
(c) The Legislature finds and declares that energy use is only one factor in water supply planning and shall not be considered independently of other factors.

In the City's water system, energy is used for groundwater extraction, water and wastewater treatment, and moving water in the distribution system. The energy use is metered and documented in monthly Pacific Gas & Electric (PG&E) bills. During 2020, the City used a total of 2,113,261 kilowatt hours (kWh) of energy for operation of water facilities in the water system. As the total volume of water entering the system was 19,527 AF, the energy intensity was calculated to be 108 kWh/AF (**Table 6-10**). There is currently no power generation associated with the City's water system.

Table 6-10 Recommended Energy Intensity - Total Utility Approach (DWR Table O-1B)

Urban Water Supplier: *City of Tracy*

Water Delivery Product

Retail Potable Deliveries

Enter Start Date for Reporting Period	1/1/2020	Urban Water Supplier Operational Control		
End Date	12/31/2020			
Is upstream embedded in the values reported?	No	Sum of All Water Management Processes	Non-Consequential Hydropower	
Water Volume Units Used	AF	Total Utility	Hydropower	Net Utility
Volume of Water Entering Process (AF)		*19,527*	*0*	*19,527*
Energy Consumed (kWh)		*2,113,261*	*0*	*2,113,261*
Energy Intensity (kWh/volume)		*108.2*	*0.0*	*108.2*

Quantity of Self-Generated Renewable Energy

0 kWh

Data Quality

Metered Data

Data Quality Narrative:

Volume of water data is from the City's and its suppliers' meters. Energy usage is for water facilities and is from the City's energy bills.

Narrative:

The City uses energy for groundwater extraction, water and wastewater treatment, and moving water in the distribution system.

7 WATER SERVICE RELIABILITY AND DROUGHT RISK ASSESSMENT

☑ ***CWC § 10620 (f)***

An urban water supplier shall describe in the plan water management tools and options used by that entity that will maximize resources and minimize the need to import water from other regions.

☑ ***CWC § 10630.5***

Each plan shall include a simple lay description of how much water the agency has on a reliable basis, how much it needs for the foreseeable future, what the agency's strategy is for meeting its water needs, the challenges facing the agency, and any other information necessary to provide a general understanding of the agency's plan.

This section describes the constraints on the City of Tracy's (City's) water supply sources, as well as the management strategies that the City has employed or will employ to address these constraints. This section also provides an estimate of the supply volumes available to the City and the corresponding supply and demand assessments in normal years, single dry years, and multiple dry year periods. Assessment of water supply reliability is complex and dependent upon a number of factors, such as the number of water sources, regulatory and legal constraints, hydrological and environmental conditions, climate change, and expected growth, among others. The City has made its best determination of future water supply reliability based on the available information, as described below.

7.1 Water Service Reliability Assessment

The following sections describe the City's water service reliability assessment, which presents the City's expected water service reliability for a normal year, single dry year, and five consecutive dry years projections in five-year increments between 2025 and 2045.

7.1.1 Service Reliability – Constraints on Water Sources

☑ ***CWC § 10631 (b)(1)***

A detailed discussion of anticipated supply availability under a normal water year, single dry year, and droughts lasting at least five years, as well as more frequent and severe periods of drought, as described in the drought risk assessment. For each source of water supply, consider any information pertinent to the reliability analysis conducted pursuant to Section 10635, including changes in supply due to climate change.

Several potential constraints have been identified on each of the City's water supplies, including the various surface water supplies, groundwater production, Aquifer Storage and Recovery (ASR), Semitropic Groundwater Storage Bank (Semitropic), recycled water, and the Recycled Water Distribution Network and Exchange supply. These constraints are summarized in the following sections.

7.1.1.1 DMC/CVP Water Supply Constraints

The City's Central Valley Project (CVP) water is purchased from the United States Bureau of Reclamation (USBR) and is delivered via the Delta-Mendota Canal (DMC; conjunctively referred to as DMC/CVP water).

As discussed in Section 6.1.1, the City has access to 10,000 acre-feet per year (AFY) of DMC/CVP water with Municipal and Industrial (M&I) reliability and 10,000 AFY of DMC/CVP water with agricultural (Ag) reliability. In addition, up to 4,500 AFY of water with pre-1914 appropriative water rights is available from Byron Bethany Irrigation District (BBID). This supply can only be used, however, for the portion of Tracy Hills development within the BBID's service area.

The City's DMC/CVP water supplies are subject to allocations determined by the USBR for "South-of-Delta" contractors. In February 2017, new guidelines and procedures associated with the updated CVP M&I Water Shortage Policy went into effect. In general, the policy provides for the following:

- When M&I contractor allocations are at 100%, the allocation of M&I water will be based on the Contract Total;
- When M&I contractor allocations are below 100%, the allocation of M&I water will be based on a contractor's historical use of CVP M&I water; and
- An M&I contractor's historical use will be determined by calculating the average quantity of CVP water put to beneficial use within the service area during the last three years of water deliveries that were unconstrained by the availability of CVP water.

Before M&I water allocations are reduced, allocations of irrigation water are reduced. When allocation of irrigation water has been reduced below 75% of Contract Total and further water supply reductions are still necessary, both the M&I and irrigation allocations will be reduced by the same percentage increment. The M&I allocation will be reduced until it reaches 75% of historical use, and the irrigation allocation will be reduced until it reaches 50% of irrigation Contract Total. The M&I allocation will not be further reduced until the irrigation allocation is reduced to below 25% of Contract Total. When allocation of irrigation water is reduced below 25% of Contract Total, the USBR will reassess both the availability of CVP water supply and CVP water demand.

While the City is entitled to receive 10,000 AFY of M&I-reliability water, the average quantity of water put to beneficial use by the City during the last three years of water deliveries that were unconstrained by the availability of DMC/CVP water was only 5,930 AFY. Based on USBR's policy, the City's allocation is based on this historical delivery instead of the full contractual amount.

According to their Policy, the USBR will strive to deliver CVP water to M&I water service contractors at not less than the amount needed to meet public health and safety needs, taking into consideration contractors' CVP allocations and available non-CVP supplies, provided CVP water is available.

7.1.1.2 Stanislaus River Water Supply Constraints

As described in Section 6.1.2, the City currently has an allocation of 13,135 AFY of Stanislaus River water through the South County Water Supply Project (SCWSP).

The SCWSP supply is based on the South San Joaquin Irrigation District's (SSJID's) senior, pre-1914 appropriative water rights to the Stanislaus River, coupled with an agreement with the USBR to store water in the New Melones Reservoir. Due to the seniority of the water rights, the City has historically assigned a high reliability to SCWSP water. However, in December 2018, the State Water Resources Control Board (SWRCB) released amendments to the Water Quality Control Plan for the San Francisco/Sacramento-San Joaquin Delta Estuary (Bay-Delta Plan Amendment) which included significant

changes and could result in significant surface water cutbacks. For purposes of its UWMP, SSJID is presenting its water reliability analysis assuming that the Bay-Delta Plan Amendment will not be implemented. SSJID has provided the following rationale for this approach:

> *In December 2018, the State Water Resources Control Board (SWRCB) adopted amendments to the Water Quality Control Plan for the San Francisco Bay/Sacramento-San Joaquin Delta Estuary (Bay-Delta Plan Amendment) which, if and when implemented, may have an impact on the Stanislaus River. The SWRCB is required by law to regularly review this plan. The adopted Bay-Delta Plan Amendment was developed with the stated goal of increasing salmonid populations in three San Joaquin River tributaries (the Stanislaus, Merced, and Tuolumne Rivers) and the Bay-Delta. The Bay-Delta Plan Amendment requires the release of up to 30-50% of the unimpaired flow on the three tributaries from February through June in every year type.*
>
> *If the Bay-Delta Plan Amendment is implemented as adopted, there are significant impacts in some years to the ability of the Bureau of Reclamation to meet its obligations under the 1988 Stipulation and Agreement to provide formula water to both the Oakdale Irrigation District and SSJID in years when inflow into New Melones is below 600,000 AF which typical occur in dry and critically dry years. This could reduce the minimum projected supply amount of 225,000 AF/year as planned for by SSJID in this UWMP. The SWRCB has stated that it intends to implement the Bay-Delta Plan Amendment on the Stanislaus River by the year 2022, assuming all required approvals are obtained by that time; however, implementation of the Bay-Delta Plan Amendment remains uncertain for multiple reasons.*
>
> *Over a dozen lawsuits have been filed in both state and federal courts, including challenges filed by the Oakdale Irrigation District and SSJID, challenging the SWRCB's adoption of the Bay-Delta Plan Amendment are in the early stages and there have been no consequential court rulings as of this date. Secondly, the Bay-Delta Plan Amendment did not include an allocation of responsibility for meeting the flow requirements. Such an allocation of responsibility must consider the senior water rights of both OID and SSJID who have adjudicated pre-1914 rights and other senior appropriative rights. In recognition of the difficult legal process ahead, many stakeholders throughout California including the State and Federal Government have opted to explore the possibility of voluntary agreements to achieve outcomes comparable to those described in the Bay-Delta Amendment balancing the needs of all water users. Both OID and SSJID have participated in voluntary agreement negotiations. Based on these uncertainties, SSJID has opted to make no near-term planning assumptions related to the implementation of the Bay-Delta Plan Amendment for the purposes of this 2020 UWMP. Should conditions change or consequential resolution of the issues aforementioned come to be, SSJID will revise and re-adopt a 2020 UWMP to reflect changes to its impacted water supply.*

As a retail agency, the City relies on SSJID for the reliability projections. Information on supply reliability provided by SSJID is included as **Appendix F**.[23] Consistent with SSJID's approach, this section of the City's

[23] Subsequent to the completion of the public draft of this section of the UWMP, SSJID adjusted its reliability projections for Phase II of the WSCP, indicating in an e-mail dated 30 April 2021 that:

> *It is likely that more water will be available for other local purposes in 2040 (when Phase II production is assumed) based on trends in more efficient water management and urban growth displacing irrigated*

UWMP presents results for the SCWSP water reliability assessment assuming that the Bay-Delta Plan Amendment will not be implemented. However, the City understands that it is helpful to understand the possible supply implications in the event that the Bay-Delta Plan Amendment is implemented as adopted. To fully assess the impacts of the Bay-Delta Plan Amendment and better plan for the potential shortfalls, the City conducted a parallel set of reliability analyses assuming that the Bay-Delta Plan Amendment will be implemented, which is presented in **Appendix G**.

7.1.1.3 Groundwater Supply Constraints

Based on a groundwater study the City completed in 2001 (Bookman-Edmonston, 2001), the City is able to withdraw up to 9,000 AFY from the Tracy Subbasin on an average annual basis. However, groundwater production is constrained by the City's well production and treatment capacity, as the infrastructure is aging. Production is further limited by the water quality issues of the City's groundwater supplies, including high total dissolved solids (TDS) concentrations, hardness, and potential formation of chloramines, as discussed in Section 7.1.1.8. In addition, as the Groundwater Sustainability Plan (GSP) for the Tracy Subbasin is developed and implemented, the City's groundwater supply reliability may be revisited.

7.1.1.4 ASR Supply Constraints

The City's ASR Program is discussed in Section 6.3. The City conservatively projects that up to 1,000 AFY of groundwater will be available for extraction from buffer storage in the Lower Tulare Formation aquifer associated with the ASR Program. The ASR supply is dependent upon well production and treatment capacity and the availability of other supplies that can be injected and stored.

7.1.1.5 Semitropic Supply Constraints

As discussed in Section 6.4, the City has acquired 10,500 acre-feet (AF) of storage capacity in Semitropic, which may be withdrawn at a maximum rate of 3,500 AFY for three consecutive years.

The City's ability to access the Semitropic water in a time of water shortage may be restricted by the operational requirements of the DMC. The City had an experience during the historical drought in 2015 where the City was unable to access CVP water that had been stored in the San Luis Reservoir. Typically, in order to access water stored in the San Luis Reservoir, which is fed by the DMC and is located downstream from the City, the City would divert CVP water from the DMC upstream of the reservoir. However, in 2015, due to flow restrictions in the DMC imposed by the USBR, the City was unable to divert water from the DMC and access its stored water. In July 2015, the City participated in an emergency

---

agriculture. For purposes of the UWMP, SSJID assumes that its agricultural demands during single dry-year and multiple dry-year events will be linearly reduced by 0.25% per year from 2020 levels freeing up an additional 10,050 AF to be delivered under Phase II from the WTP in 2040.

The reliability projections in this UWMP conservatively do not account for this late adjustment in SSJID's reliability projections.

project with other CVP contractors in the region to reverse the flow of the DMC and pump water back from the San Luis Reservoir.[24]

Another constraint on the Semitropic water is that it needs to be requested a year in advance, which means that this supply will typically not be available during the first year of drought. Further, there needs to be sufficient availability of surplus supplies such that water can replenish the bank following use of the stored water.

7.1.1.6 Recycled Water Distribution Network and Exchange Program Supply Constraints

The City anticipates that up to an additional 7,500 AFY of CVP water will be available in 2045 through the exchange of the City's recycled water with USBR (see Section 6.10.3), assuming appropriate investments are made by the City. Since the original source of this supply is recycled water, it is assumed to be 100% reliable and available during all hydrologic years.

7.1.1.7 Recycled Water Supply Constraints

As discussed in Section 4.2.2 and 6.7.4, recycled water is estimated to supply 6,300 AFY, or 16% of the City's total demand by 2045, assuming appropriate investments are made by the City in recycled water infrastructure and permitting. Recycled water is assumed to be a 100% reliable and stable water supply source and is estimated to be available during all hydrologic years at a volume that meets the City's projected recycled water demands.

7.1.1.8 Water Quality Impacts

Impaired water quality has the potential to affect water supply reliability. The City has and will continue to meet all state and federal water quality regulations. All drinking water standards are set by the U.S. Environmental Protection Agency (USEPA) under the authorization of the Federal Safe Drinking Water Act of 1974. In California, the State Water Resources Control Board (SWRCB), Division of Drinking Water (DDW) can either adopt the USEPA standards or set more stringent standards, which are then codified in Title 22 of the California Code of Regulations. There are two general types of drinking water standards:

- **Primary Maximum Contaminant Levels (MCLs)** are health protective standards and are established using a very conservative risk-based approach for each constituent that takes into potential health effects, detectability and treatability, and costs of treatment. Public water systems may not serve water that exceeds Primary MCLs for any constituent.

[24] The emergency pumpback project was a collaborative effort between the City, Del Puerto Water District (DPWD), West Side Irrigation District (WSID), Patterson Water District (PWD), Banta-Carbona Irrigation District (BCID), and BBID. Over July and August of 2015, the project pumped over 4,000 AF of DMC/CVP water north using three portable pumps installed at checks along the DMC. The pumps were removed and normal flows in the DMC resumed on 2 September 2015.

- **Secondary MCLs** are based on the aesthetic qualities of the water such as taste, odor, color, and certain mineral content, and are considered limits for constituents that may affect consumer acceptance of the water.

The City routinely monitors the water that is treated and served to customers to ensure that water delivered to customers meets these drinking water standards. The results of this testing are reported to the SWRCB, DDW following each test and are summarized annually in Water Quality Reports (also known as "Consumer Confidence Reports"), which are provided to customers by mail and made available on the City's website at https://www.ci.tracy.ca.us/?navId=697.

A summary of groundwater quality in the Tracy Subbasin is included in the draft GSP materials available on the Tracy Subbasin website: https://tracysubbasin.org/. It should be noted that water quality conditions in groundwater represent conditions for source water, prior to treatment by the City and service to customers.

One water quality concern that the City actively manages is TDS. The City's groundwater supply typically meets the primary MCL of 1,000 milligrams per liter (mg/L) but frequently exceeds the secondary MCL of 500 mg/L. In 2019, the City's groundwater supply ranged from 386 to 876 mg/L of TDS, with an average concentration of 752 mg/L.[25] Because the TDS concentrations are significantly higher in the groundwater supply than in the City's other water supply sources, in order to meet the secondary MCL in its overall water supply, the City typically scales back its groundwater production from its estimated sustainable yield of 9,000 AFY, particularly in normal rainfall years. The City continues to rely on groundwater for peaking, and under drought conditions, it typically increases its groundwater productions as needed to meet demands when surface water supplies become more limited.

Given the City's proactive monitoring and management of water quality in its source water supplies, water quality is not expected to impact the reliability of the available supplies within the planning horizon (i.e., through 2045) beyond what has been characterized herein.

7.1.1.9 Climate Change Impacts

Section 4.4 of this Urban Water Management Plan (UWMP or Plan) presents information on how the impacts of climate change are considered in projected demands in the City, and Section 6.12.1 provides a summary of potential climate change impacts on supplies. The GSP water budget development is required to include climate change scenarios and assess estimated climate change impacts for purposes of groundwater sustainability, but is not yet available for the Tracy Subbasin.

[25] City of Tracy 2019 Water Quality Report, https://www.ci.tracy.ca.us/documents/2019_City_of_Tracy_Water_Quality_Report.pdf.

7.1.2 Service Reliability - Year Type Characterization

☑ ***CWC § 10631 (b)***

Identify and quantify, to the extent practicable, the existing and planned sources of water available to the supplier over the same five-year increments described in subdivision (a), providing supporting and related information, including all of the following:

☑ ***CWC § 10631 (b)(1)***

A detailed discussion of anticipated supply availability under a normal water year, single dry year, and droughts lasting at least five years, as well as more frequent and severe periods of drought, as described in the drought risk assessment. For each source of water supply, consider any information pertinent to the reliability analysis conducted pursuant to Section 10635, including changes in supply due to climate change.

☑ ***CWC § 10635 (a)***

Every urban water supplier shall include, as part of its urban water management plan, an assessment of the reliability of its water service to its customers during normal, dry, and multiple dry water years. This water supply and demand assessment shall compare the total water supply sources available to the water supplier with the long-term total projected water use over the next 20 years, in five-year increments, for a normal water year, a single dry water year, and a drought lasting five consecutive water years. The water service reliability assessment shall be based upon the information compiled pursuant to Section 10631, including available data from state, regional, or local agency population projections within the service area of the urban water supplier.

Per the UWMP Guidebook 2020, the water service reliability assessment includes three unique year types:

- A normal hydrologic year represents the water supplies available under normal conditions, this could be an averaged range of years or a single representative year;
- A single dry year represents the lowest available water supply; and
- A five-consecutive-year drought represents the driest five-year period in the historical record.

A summary of the water supplies by each year type, consistent with the UWMP Guidebook 2020 methodology, is provided in the following sections.

Quantification of the available supplies is not compatible with the standard DWR Table 7-1, and therefore the available supplies are summarized in **Table 7-2** through **Table 7-5** in Sections 7.1.2.1 through 7.1.2.3.

Table 7-1 Basis of Water Year Data (Reliability Assessment) (DWR Table 7-1)

Year Type	Base Year	Available Supplies if Year Type Repeats	
		X	Quantification of available supplies is not compatible with this table and is provided elsewhere in the UWMP. Location _Table 7-2 through Table 7-5_

			Quantification of available supplies is provided in this table as either volume only, percent only, or both.	
			Volume Available	% of Average Supply
Average Year				100%
Single-Dry Year				
Consecutive Dry Years 1st Year				
Consecutive Dry Years 2nd Year				
Consecutive Dry Years 3rd Year				
Consecutive Dry Years 4th Year				
Consecutive Dry Years 5th Year				
NOTES:				

7.1.2.1 Normal Year

Normal or wet water years are those that match or exceed median rainfall and runoff levels. The reliability of each of Tracy's existing and future water supplies and their projected availability during normal year is outlined below and summarized in **Table 7-2**:

- The City's contract with the USBR for 10,000 AFY of DMC/CVP water is subject to M&I reliability. Based on the historical record, the City's long-term average allocation of DMC/CVP water pursuant to this contract is anticipated to be at least 85% of the total entitlement. However, for this UWMP, due to recent environmental concerns in the Delta and potential future impacts due to climate change, the normal year supply of DMC/CVP M&I water is assumed to be 75% of the City's historical use. Based on a historical use of 5,930 AFY (i.e., the average quantity of CVP water put to beneficial use by the City during the last three years of water deliveries that were unconstrained by the availability of CVP water), the projected normal year supply is 4,448 AFY.
- The City has received acquired assignments from Banta-Carbona Irrigation District (BCID; 5,000 AFY) and West Side Irrigation District (WSID; 5,000 AFY) for a total entitlement of 10,000 AFY of DMC/CVP water. These supplies are subject to Ag-reliability. The City is conservatively estimating that it will receive 50% of its Ag-reliability contractual entitlement, or 5,000 AFY, in normal years.
- The City has acquired up to 4,500 AFY of pre-1914 appropriative water rights water from BBID. These supplies are restricted in their place of use, and therefore the supply is anticipated to be equal to the projected demand within that place of use (i.e., the Tracy Hills area) ranging from 800 AFY in 2025 to 3,300 AFY in 2045. The City anticipates being able to receive 100% of this supply in normal years.
- The City has a total contractual entitlement of 13,135 AFY of Stanislaus River water provided through the SCWSP, including 10,000 AFY from its original contract with SSJID, 1,120 AFY purchased from Lathrop, and 2,015 AFY purchased on an interim basis from Escalon. It is assumed that the agreement between Tracy and Escalon will terminate after 2025. Based on information

provided by SSJID, the City expects to receive 100% of its SCWSP water supply allocation during a normal water year. As such, the City anticipates being able to receive 13,135 AFY of SCWSP supply in 2025 and 11,120 AFY afterwards, assuming normal year conditions.

- The City is able to withdraw up to 9,000 AFY of groundwater from the Tracy Subbasin. However, due to the aging infrastructure and water quality issues in the City's groundwater supplies, the City is projecting to be able to withdraw up to 2,500 AFY in normal years. This groundwater supply is considered to be 100% reliable.
- The City does not anticipate using its Semitropic water or ASR water in normal years.
- The City anticipates that a Recycled Water Distribution Network and Exchange agreement will be executed with the USBR by 2030 to provide additional CVP supplies to the City in exchange for the City discharging a like amount of tertiary-treated recycled water to the DMC. The City assumes that the Recycled Water Distribution Network and Exchange will be implemented as needed to meet future demand conditions and is currently projected to supply an amount ranging from 1,925 AFY in 2030 to 7,500 AFY in 2045. This water supply is considered to be 100% reliable.
- The City's recycled water supply is expected to be 100% reliable. Based on the projected non-potable demands and assuming that the City makes investments in infrastructure and permitting, the City estimates that they will have access to 1,000 AFY of recycled water supply in 2025, increasing to 6,300 AFY in 2045.

Table 7-2 Projected Water Supply in Normal Years (Responds to DWR Table 7-1)

Water Supply	Allocation / Reliability	Supply Amount				
		2025	2030	2035	2040	2045
Current Potable Supplies						
CVP - USBR Tracy Contract	75% of Historical Use	4,448	4,448	4,448	4,448	4,448
CVP - USBR BCID & WSID Contract	50% of Contract	5,000	5,000	5,000	5,000	5,000
SCWSP - SSJID Contract	100% of Contract	13,135	11,120	11,120	11,120	11,120
BBID	100% of Tracy Hills Demand	800	1,500	2,000	2,500	3,300
Groundwater	100% Reliable	2,500	2,500	2,500	2,500	2,500
Anticipated Future Potable Supplies						
Recycled Water Distribution Network and Exchange	100% Reliable	0	1,925	3,500	5,000	7,500
Total Potable Supply	--	**25,883**	**26,493**	**28,568**	**30,568**	**33,868**
Anticipated Future Non-Potable Supplies						
Recycled Water	100% Reliable	1,000	2,067	3,133	4,200	6,300
Total Non-Potable Supply	--	**1,000**	**2,067**	**3,133**	**4,200**	**6,300**

Total Supply	--	**26,883**	**28,560**	**31,701**	**34,768**	**40,168**

NOTES:
(a) Volumes are in units of AF.
(b) Information provided by the City and SSJID. Recycled water and groundwater volumes assume the City investments in infrastructure and/or permitting.

7.1.2.2 Single Dry Year

During a single dry year, all of the City's existing surface water allotments are subject to some level of reduction. Assumed reductions are greater than what was included in the City's 2015 UWMP due to the actual reductions in CVP deliveries experienced in the recent drought and the new USBR M&I Reliability Policy adopted in 2017. The actual reductions will vary with the severity of the regional water supply shortage and climatic conditions, and the consideration of contract agreements.

The reliability of each of Tracy's existing and future water supplies and their projected availability during a single dry year is outlined below and summarized in **Table 7-3**.

- The City's contract with the USBR for 10,000 AFY of DMC/CVP water is subject to M&I reliability. During a single dry year, the City estimates to receive 25% of the City's historical use. Based on the historical use of 5,930 AFY, the projected supply is 1,483 AFY.
- The City has a total entitlement of 10,000 AFY of DMC/CVP Ag-reliability water. The City anticipates receiving 0% of its DMC/CVP Ag-reliability water in a single dry year.
- The City has acquired up to 4,500 AFY of pre-1914 appropriative water rights water from BBID. This supply is restricted with regard to the place of use (Tracy Hills). The City anticipates being able to receive 85% of its contractual entitlement in a single dry year (3,825 AFY). As the projected demand is 3,300 AFY in 2045 and is lower than the 3,825 AFY of available supply, the reduction in reliability does not result in a reduction to actual amount of water used. Therefore, the supply in a single dry year is anticipated to be equal to the projected demand within the Tracy Hills area, ranging from 800 AFY in 2025 to 3,300 AFY.
- The City has a total contractual entitlement of 13,135 AFY of Stanislaus River water provided through the SCWSP. Based on information provided by SSJID, the City expects to receive 76% of its SCWSP water supply allocation during 2025, 2030, and 2035 and 56% during 2040 and 2045. In addition, it is assumed that the SCWSP water transferred from Escalon will no longer be available after 2025. As such, the City estimates 9,974 AFY of SCWSP supply in 2025, 8,444 AFY in 2030 and 2035, and 6,177 AFY afterwards.
- During a single dry year, the City anticipates increasing its groundwater production on a short-term basis from the normal year production of 2,500 AFY to 4,500 AFY. The groundwater supply is considered to be 100% reliable.
- The City anticipates that 700 AFY of water will be available for use in a single dry year through operation of its ASR well. An additional 300 AFY is estimated to be available by 2040 for a total of 1,000 AFY. This water supply is considered to be 100% reliable assuming that the City is

consistently able to refill the ASR storage during non-drought years to maintain at least 1,000 AF in storage at the beginning of a single dry year.

- The City has acquired 10,500 AFY of storage in Semitropic, which allows the City to withdraw up to 3,500 AFY for three consecutive years. Due to the difficulties experienced by the City in accessing stored water via the DMC on a short timeframe, the City has conservatively assumed that the Semitropic water will not be available in a single dry year.
- The City anticipates that a Recycled Water Distribution Network and Exchange agreement will be executed with the USBR by 2030 to provide additional CVP supplies to the City in exchange for the City discharging a like amount of tertiary-treated recycled water to the DMC. The City assumes that the Recycled Water Distribution Network and Exchange will be implemented as needed to meet future demand conditions and is currently projected to supply an amount ranging from 1,925 AFY in 2030 to 7,500 AFY in 2045. This water supply is considered to be 100% reliable.
- The City's recycled water supply is expected to be 100% reliable. Based on the projected non-potable demands and assuming that the City makes investments in infrastructure and permitting, the City estimates that they will have access to 1,000 AFY of recycled water supply in 2025, increasing to 6,300 AFY in 2045.

Table 7-3 Projected Water Supply in Single Dry Years (Responds to DWR Table 7-1)

Water Supply	Allocation / Reliability	Supply Amount				
		2025	2030	2035	2040	2045
Current Potable Supplies						
CVP - USBR Tracy Contract	25% of Historical Use	1,483	1,483	1,483	1,483	1,483
CVP - USBR BCID & WSID Contract	0% of Contract	0	0	0	0	0
SCWSP - SSJID Contract	56%-76% of Contract	9,974	8,444	8,444	6,177	6,177
BBID	100% of Tracy Hills Demand	800	1,500	2,000	2,500	3,300
Groundwater	100% Reliable	4,500	4,500	4,500	4,500	4,500
Anticipated Future Potable Supplies						
Recycled Water Distribution Network and Exchange	100% Reliable	0	1,925	3,500	5,000	7,500
ASR Dry Year Supply	100% Reliable	700	700	700	1,000	1,000
Total Potable Supply	--	**17,456**	**18,551**	**20,626**	**20,659**	**23,959**
Anticipated Future Non-Potable Supplies						
Recycled Water	100% Reliable	1,000	2,067	3,133	4,200	6,300
Total Non-Potable Supply	--	**1,000**	**2,067**	**3,133**	**4,200**	**6,300**
Total Supply	--	**18,456**	**20,618**	**23,759**	**24,859**	**30,259**

NOTES:
(a) Volumes are in units of AF.
(b) Information provided by the City and SSJID. Recycled water and groundwater volumes assume the City investments in infrastructure and/or permitting. ASR volumes assume surplus supplies are available in wet years to inject and store, as well as additional investment in ASR construction and operation.

7.1.2.3 Five Consecutive Year Drought

If there are multiple dry years, the City's surface water supplies (from both the CVP and SCWSP) may be significantly reduced. Thus, in the event of drought, the City will have to depend more heavily on conservation efforts, groundwater, and the proposed future supply projects.

The reliability of each of Tracy's existing and future water supplies and their projected availability during a five consecutive year drought is outlined below and summarized in **Table 7-4** and **Table 7-5**.

- The City's contract with the USBR for 10,000 AFY of DMC/CVP water is subject to M&I reliability. During multiple dry years, the City estimates that it will receive 40% of the City's historical use. Based on the historical use of 5,930 AFY, the projected supply is 2,372 AFY.

- The City has a total entitlement of 10,000 AFY of DMC/CVP Ag-reliability water. The City anticipates receiving 0% of its DMC/CVP Ag-reliability water in multiple dry years.
- The City has acquired up to 4,500 AFY of pre-1914 appropriative water rights water from BBID. This supply is restricted with regard to the place of use (Tracy Hills). The City anticipates being able to receive 85% of its contractual entitlement in multiple dry years (3,825 AFY). As the projected demand is 3,300 AFY in 2045 and is lower than the 3,825 AFY of available supply, the reduction in reliability does not result in a reduction to actual amount of water used. Therefore, the supply in multiple dry years is anticipated to be equal to the projected demand within the Tracy Hills area, ranging from 800 AFY in 2025 to 3,300 AFY.
- The City has a total contractual entitlement of 13,135 AFY of Stanislaus River water provided through the SCWSP. Based on information provided by SSJID, the City's SCWSP water supply reliability during multiple dry years range from 56% to 100%. In addition, it is assumed that the SCWSP water transferred from Escalon will no longer be available after 2025. The City's projected SCWSP supply is presented in **Table 7-4**.
- During multiple dry years, the City anticipates increasing its groundwater production on a short-term basis from the normal year production of 2,500 AFY to 4,500 AFY. The groundwater supply is considered to be 100% reliable.
- The City anticipates that 700 AF of water will be available for use in multiple dry years through operation of its ASR well. An additional 300 AF is estimated to be available by 2040 for a total of 1,000 AF. It is assumed that the City will be unable to refill the ASR storage during multiple dry years. Therefore, the annual ASR supply available is assumed to be equally one fifth of the total stored volume (i.e., 140 AFY between 2025 and 2035 and 200 AFY between 2040 and 2045). This water supply is considered to be 100% reliable assuming that the City is consistently able to refill the ASR storage in non-drought years to maintain at least 1,000 AF in storage at the beginning of a multiple dry year sequence.
- The City has acquired 10,500 AFY of storage in Semitropic, which allows the City to withdraw up to 3,500 AFY for three consecutive years. Due to the difficulties experienced by the City in accessing stored water via the DMC on a short timeframe, the City has conservatively estimated that the 0% of the City's storage will be available in the first year of a five-consecutive-year drought, and 100% will be available over the following four years. Based on the City's current storage at Semitropic of 6,887 AF, the amount available in the second to fifth year of a five-consecutive-year drought is assumed to be 1,722 AFY (6,887 AF divided by four). A similar reliability estimate is provided for all dry-year sequences under the assumption that the City is consistently able to re-fill the water bank in non-drought years to maintain at least 7,000 AFY in storage at the beginning of a multiple dry year sequence.
- The City anticipates that a Recycled Water Distribution Network and Exchange agreement will be executed with the USBR by 2030 to provide additional CVP supplies to the City in exchange for the City discharging a like amount of tertiary-treated recycled water to the DMC. The City assumes that the Recycled Water Distribution Network and Exchange will be implemented as needed to meet future demand conditions and is currently projected to supply an amount ranging from 1,925 AFY in 2030 to 7,500 AFY in 2045. This water supply is considered to be 100% reliable.

- The City's recycled water supply is expected to be 100% reliable. Based on the projected non-potable demands and assuming that the City makes investments in infrastructure and permitting, the City estimates that they will have access to 1,000 AFY of recycled water supply in 2025, increasing to 6,300 AFY in 2045.

Table 7-4 Projected SCWSP Water Supply in Multiple Dry Years (Responds to DWR Table 7-1)

Year Type		2025	2030	2035	2040	2045
Multiple Dry Years	First year	13,135	11,120	11,120	11,120	11,120
	Second year	13,135	11,120	11,120	11,120	11,120
	Third year	9,974	8,444	8,444	6,177	6,177
	Fourth year	9,974	8,444	8,444	6,177	6,177
	Fifth year	13,135	11,120	11,120	11,120	11,120

NOTES:
(a) Volumes are in units of AF.
(b) Information provided by the SSJID.

Table 7-5 Projected Other Water Supplies in Multiple Dry Years (Responds to DWR Table 7-1)

Water Supply	Allocation / Reliability	Supply Amount				
		2025	2030	2035	2040	2045
Current Potable Supplies						
CVP - USBR Tracy Contract	40% of Historical Use	2,372	2,372	2,372	2,372	2,372
CVP - USBR BCID & WSID Contract	0% of Contract	0	0	0	0	0
BBID	100% of Tracy Hills Demand	800	1,500	2,000	2,500	3,300
Groundwater	100% Reliable	4,500	4,500	4,500	4,500	4,500
Semitropic Dry Year Supply	100% Reliable	1,722	1,722	1,722	1,722	1,722
Anticipated Future Potable Supplies						
Recycled Water Distribution Network and Exchange	100% Reliable	0	1,925	3,500	5,000	7,500
ASR Dry Year Supply	100% Reliable	140	140	140	200	200
Total Potable Supply	--	**9,534**	**12,159**	**14,234**	**16,294**	**19,594**
Anticipated Future Non-Potable Supplies						
Recycled Water	100% Reliable	1,000	2,067	3,133	4,200	6,300
Total Non-Potable Supply	--	**1,000**	**2,067**	**3,133**	**4,200**	**6,300**
Total Supply	--	**10,534**	**14,225**	**17,367**	**20,494**	**25,894**

NOTES:
(a) Volumes are in units of AF.
(b) Information provided by the City.
(c) This table summarizes the City's supplies with the exception of SCWSP which is provided separately in Table 7-4. Recycled water and groundwater volumes assume the City investments in infrastructure and/or permitting. ASR and Semitropic volumes assume surplus supplies are available in wet years to inject and/or store, as well as additional investment in ASR construction and operation. Semitropic supply is assumed to be unavailable in the first year of a multiple dry year. Other supply volumes are assumed to be constant in each year of a multiple dry year.

7.1.3 Service Reliability - Supply and Demand Assessment

☑ ***CWC § 10635 (a)***

Every urban water supplier shall include, as part of its urban water management plan, an assessment of the reliability of its water service to its customers during normal, dry, and multiple dry water years. This water supply and demand assessment shall compare the total water supply sources available to the water supplier with the long-term total projected water use over the next 20 years, in five-year increments, for a normal water year, a single dry water year, and a drought lasting five consecutive water years. The water service reliability assessment shall be based upon the information compiled pursuant to Section 10631, including available data from state, regional, or local agency population projections within the service area of the urban water supplier.

The City's projected water demands are compared to its water supplies in normal years, single dry years, and multiple dry year periods.

7.1.3.1 Water Service Reliability - Normal Year

As shown in **Table 7-6**, the City is expected to have adequate water supplies during normal years to meet its projected demands through 2045.

Table 7-6 Normal Year Supply and Demand Comparison (DWR Table 7-2)

	2025	2030	2035	2040	2045
Supply totals *From DWR Table 6-9*	26,883	28,560	31,701	34,768	40,168
Demand totals *From DWR Table 4-3*	21,509	25,167	28,871	32,603	39,379
Difference	5,374	3,393	2,830	2,165	789
NOTES: (a) Volumes are in units of AF.					

7.1.3.2 Water Service Reliability - Single Dry Year

The reliability of the City's surface water supplies is estimated to be significantly reduced during a single dry year. As a result, total water supplies are projected to be insufficient to meet the projected demands. As shown in **Table 7-7**, the potential shortfall is projected to be 9,120 AFY in 2045, which equals to 23% of the projected demands.

Table 7-7 Single Dry Year Supply and Demand Comparison (DWR Table 7-3)

	2025	2030	2035	2040	2045
Supply totals	18,456	20,618	23,759	24,859	30,259
Demand totals	21,509	25,167	28,871	32,603	39,379
Difference	(3,053)	(4,549)	(5,112)	(7,744)	(9,120)
NOTES: (a) Volumes are in units of AF.					

7.1.3.3 Water Service Reliability – Five Consecutive Dry Years

During multiple dry years, the sufficiency of the City's water supplies to meet the projected demands depends on the drought year. During the first, second, and fifth year of drought in 2025, the City is projected to have sufficient supply. However, during the third and fourth year, the City's total water demand is estimated to exceed total supply by approximately 1,001 AFY. In 2035 to 2045, as demand increases, supply shortfalls are expected in all five years, with the largest shortfall being approximately 7,308 AFY in 2045, or 19% of the projected demands (**Table 7-8**).

Table 7-8 Multiple Dry Years Supply and Demand Comparison (DWR Table 7-4)

		2025	2030	2035	2040	2045
First year	Supply totals	21,947	23,624	26,765	29,892	35,292
	Demand totals	21,509	25,167	28,871	32,603	39,379
	Difference	438	(1,543)	(2,106)	(2,711)	(4,087)
Second year	Supply totals	23,669	25,345	28,487	31,614	37,014
	Demand totals	21,509	25,167	28,871	32,603	39,379
	Difference	2,160	178	(384)	(990)	(2,365)
Third year	Supply totals	20,507	22,669	25,811	26,671	32,071
	Demand totals	21,509	25,167	28,871	32,603	39,379
	Difference	(1,001)	(2,498)	(3,061)	(5,933)	(7,308)
Fourth year	Supply totals	20,507	22,669	25,811	26,671	32,071
	Demand totals	21,509	25,167	28,871	32,603	39,379
	Difference	(1,001)	(2,498)	(3,061)	(5,933)	(7,308)
Fifth year	Supply totals	23,669	25,345	28,487	31,614	37,014
	Demand totals	21,509	25,167	28,871	32,603	39,379
	Difference	2,160	178	(384)	(990)	(2,365)
NOTES: (a) Volumes are in units of AF.						

7.1.4 Uncertainties in Dry Year Water Supply Projections

As shown in the above tables, significant water supply shortfalls are currently projected in future single and multiple dry years. However, there are currently numerous sources of uncertainty in the dry year water supply projections as summarized below:

- Implementation of the Bay-Delta Plan Amendment is under negotiation. The SSJID and others are continuing negotiations with the SWRCB on implementation of the Bay-Delta Plan Amendment for water supply cutbacks, particularly during droughts. This is a dynamic situation and the projected drought cutback allocations may need to be revised before the next (i.e., 2025) UWMP depending on the outcome of ongoing negotiations. A conservative estimate of the potential impacts of the Bay-Delta Plan Amendment on the SCWSP (and therefore the City) is provided in **Appendix G**.
- Benefits of the City's development of additional ASR and recycled water supplies are accounted for in current supply projections. However, implementation of these projects will require significant investment by the City in the near- and long-term. Similarly, investments in wet years supplies will be needed to refill storage in Semitropic and in the ASR wells.
- The City will have to continue to work closely with the USBR and SSJID on their rationing policies to ensure that M&I needs can be met.
- The City's projected water demands are subject to change in the future based upon future housing needs, increased conservation, and development of additional local supplies or policies to limits water demand associated with current and future development.
- Frequency and duration of cutbacks are also uncertain. While the projected shortfalls presented in the UWMP appear severe, the actual frequency and duration of such shortfalls are uncertain. In addition to the supply volumes, the above listed uncertainties would also impact the projected frequency and duration of shortfalls.

7.1.5 Description of Water Management Tools and Options

Although there remains large uncertainty in future supply availability, the City has developed strategies and actions to address the projected supply shortfalls.

As described in Section 6.7, the City has made great strides to develop recycled water supplies. If additional recycled water is made available, the potable water demands will be less than the current projections and therefore the resultant supply shortage will likely to be smaller.

The City has also taken numerous steps to expand its existing supply and to obtain new supply sources, including the ASR Program and Recycled Water Distribution Network and Exchange Program. Other potential supply options, such as direct potable reuse of recycled water, is also being considered.

In addition, the City has been implementing, and plans to continue to implement, the demand management measures described in Section 9. Further, in response to the anticipated future shortfalls, the City has developed a robust Water Shortage Contingency Plan (WSCP) that systematically identifies ways in which the City can reduce water demands. The WSCP is included in Section 8.

The City is currently exploring other policy-based water efficiency tools that supply-constrained agencies across California have implemented. These policy-based tools are often bundled together and referred to as Water Demand Offset (WDO) or Water Neutrality policies. Through these policies, project developers are generally required to offset the new demand anticipated by the development through some combination of demand mitigation options, such as:

- **On-site retrofits.** Project developer with existing property reduces total projected water demand by retrofitting existing property with efficient water fixtures. If projected water demand is reduced below baseline for existing property, no off-site WDOs are required. If not, offsite WDOs are required.
- **Off-site retrofits.** Project developer coordinates and pays for installation of water efficient fixtures at other properties or converts existing irrigation systems to recycled water for other off-site properties, typically those owned by other entities.
- **On-site reuse.** Larger scale developments are required to implement on-site reuse of water, including rainwater, greywater, stormwater, and blackwater. These policies have recently been implemented by the Cities of San Francisco[26] and Menlo Park.[27]
- **Supply augmentation.** Project developer secures its own water supply to serve the development, either through direct provision of water to the development or through an agreement to transfer rights to the water supplier.
- **WDO fees.** Project developer pays fees to implementing entity based on the amount of water offset, and the agency uses the fees to fund water conservation programs. Such conservation programs could include system water loss mitigation projects (e.g., capital improvement, Advanced Metering Infrastructure [AMI] meters, etc.), purchase of water efficient equipment (e.g., NO-DES hydrant flushing machine to recycle water used to flush mains), and recycled water

[26] In September 2012, the City and County of San Francisco implemented Article 12C of the San Francisco Health Code, commonly referred to as the Non-potable Water Ordinance, which established regulations for the collection, treatment, and use of alternate water sources for non-potable applications. The Non-potable Water Ordinance requires any new development projects 250,000 square feet (sq ft) or more to install an onsite non-potable water system that collects and treats greywater, rainwater, and foundation drainage for use in toilet and urinal flushing and irrigation. Development projects 40,000 sq ft or more must prepare water budget calculations to assess the amount of rainwater, greywater, and foundation drainage available to the project, as well as assess the demands associated with toilet and urinal flushing and irrigation.

[27] The City of Menlo Park established guidelines for water use efficiency and recycled water requirements through several zoning ordinances, including: Office (O) Section 16.43.140 Green and sustainable building, Life Sciences (LS) Section 16.44.140 Green and sustainable building, and Residential Mixed-Use (R-MU) Section 16.45.140 Green and sustainable building. These ordinances comply with the California Green Building Standards Code (CALGreen), Cal. Code Regs., Title 24, Part 11 and require all new buildings 250,000 sq ft or more to use alternate sources of water approved by the City for non-potable uses, including rainwater, greywater, stormwater and blackwater. Approved uses for non-potable water include toilet and urinal flushing, cooling applications, process water, dust control and soil compaction, water features or decorative fountains, irrigation, or others approved by the City.

system infrastructure, as well as fixture rebate or retrofit and education-based conservation programs.

Such policies could be designed as a "net neutral" policy wherein the new development is required to offset all new demands associated with the development project. In addition to conserving water, this approach has a key benefit to the City in support of its water supply planning efforts such as Water Supply Assessments (WSAs), because even if the City shows reduced water reliability in its planning horizon (e.g., supply shortfalls identified in drought periods), approval of such developments would not change the overall supply reliability picture for the existing customers. Additionally, including a WDO fee element to such policies could result in an ongoing funding source that could support a variety of conservation and/or water loss mitigation efforts, including those that directly respond to the forthcoming Making Water Conservation a California Way of Life annual water use objectives requirements.

7.2 Drought Risk Assessment

☑ ***CWC § 10635(b)***

Every urban water supplier shall include, as part of its urban water management plan, a drought risk assessment for its water service to its customers as part of information considered in developing the demand management measures and water supply projects and programs to be included in the urban water management plan. The urban water supplier may conduct an interim update or updates to this drought risk assessment within the five-year cycle of its urban water management plan update. The drought risk assessment shall include each of the following:

(1) A description of the data, methodology, and basis for one or more supply shortage conditions that are necessary to conduct a drought risk assessment for a drought period that lasts five consecutive water years, starting from the year following when the assessment is conducted.

(2) A determination of the reliability of each source of supply under a variety of water shortage conditions. This may include a determination that a particular source of water supply is fully reliable under most, if not all, conditions.

(3) A comparison of the total water supply sources available to the water supplier with the total projected water use for the drought period.

(4) Considerations of the historical drought hydrology, plausible changes on projected supplies and demands under climate change conditions, anticipated regulatory changes, and other locally applicable criteria.

7.2.1 DRA Data, Methods, and Basis for Water Shortage Conditions

In addition to the long-term water service reliability assessment presented above, the Drought Risk Assessment (DRA) considers the effects on available water supply sources of an assumed five-year drought commencing the year after the assessment is completed, i.e., from 2021 through 2025. Sections 7.1.1, 7.1.2, and 7.1.3 of this Plan present an evaluation of the sufficiency of the City's supplies to meet projected water demands in dry year conditions. The DRA presented herein is performed using the same methodology and assumptions as discussed above. The DRA is intended to inform the demand management measures and water supply projects and programs to be included in the UWMP (see

Chapters 6 and 9). Suppliers may conduct an interim update or updates to this DRA within the five-year cycle of its UWMP update, i.e., before the 2025 UWMP.

7.2.1.1 Characteristic Five-Year Water Use

As a first step to the DRA, water suppliers are advised to estimate unconstrained water demand for the next five years (2021-2025). Unconstrained water demand is the expected water use in the absence of drought water use restrictions. The demand forecast for the next five years is shown in **Table 7-9** below, as a linear extrapolation between the 2020 demand and the projected 2025 demand.

Table 7-9 Characteristic Five-Year Water Use

2021	2022	2023	2024	2025
19,923	20,320	20,716	21,112	21,509
NOTES: (a) Volumes are in units of AF.				

7.2.2 DRA Individual Water Source Reliability

As previously described, the City relies on a variety of water source supplies including imported surface water supply, groundwater production wells, ASR wells, Semitropic Groundwater Storage Bank, and recycled water. The DRA presented herein is based on the same reliability assumptions of each source of supply as discussed in Section 7.1 for five consecutive years of drought. It is further assumed that the BBID supply will increase linearly between 2020 and 2025 and that the recycled water supply will not be available until 2025.

7.2.3 DRA Total Water Supply and Use Comparison

Table 7-10 provides a comparison of the water supply sources available to the City with the total projected water use for an assumed drought period from 2021 through 2025. The City is expected to have sufficient supply in 2021, 2022, and 2025. However, in 2023 and 2024, the demands are estimated to exceed supplies by 1,313 AFY and 1,657 AFY, respectively.

The City has developed a WSCP (Section 8) to address water shortage conditions resulting from any cause (e.g., droughts, impacted distribution system infrastructure, regulatory-imposed shortage restrictions, etc.). The WSCP identifies a variety of actions that the City will implement to reduce demands and further ensure supply reliability at various levels of water shortage.

In addition, as described in Section 7.1.5, the City may implement WDO or Water Neutrality policies that require project developers to offset the new demand anticipated from the development to address the potential water shortage.

Table 7-10 Five-Year Drought Risk Assessment Tables to Address Water Code 10635(b) (DWR Table 7-5)

2021	Total
Total Water Use	19,923
Total Supplies	20,739
Surplus/Shortfall w/o WSCP Action	816
Planned WSCP Actions (use reduction and supply augmentation)	
WSCP - supply augmentation benefit	0
WSCP - use reduction savings benefit	0
Revised Surplus/(shortfall)	816
Resulting % Use Reduction from WSCP action	0%

2022	Total
Total Water Use	20,320
Total Supplies	22,513
Surplus/Shortfall w/o WSCP Action	2,193
Planned WSCP Actions (use reduction and supply augmentation)	
WSCP - supply augmentation benefit	0
WSCP - use reduction savings benefit	0
Revised Surplus/(shortfall)	2,193
Resulting % Use Reduction from WSCP action	0%

2023	Total
Total Water Use	20,716
Total Supplies	19,403
Surplus/Shortfall w/o WSCP Action	(1,313)
Planned WSCP Actions (use reduction and supply augmentation)	
WSCP - supply augmentation benefit	0
WSCP - use reduction savings benefit	1,313
Revised Surplus/(shortfall)	0
Resulting % Use Reduction from WSCP action	6%

Table 7-10 Five-Year Drought Risk Assessment Tables to Address Water Code 10635(b) (DWR Table 7-5)

2024	Total
Total Water Use	21,112
Total Supplies	19,455
Surplus/Shortfall w/o WSCP Action	(1,657)
Planned WSCP Actions (use reduction and supply augmentation)	
WSCP - supply augmentation benefit	0
WSCP - use reduction savings benefit	1,657
Revised Surplus/(shortfall)	0
Resulting % Use Reduction from WSCP action	8%

2025	Total
Total Water Use	21,509
Total Supplies	23,669
Surplus/Shortfall w/o WSCP Action	2,160
Planned WSCP Actions (use reduction and supply augmentation)	
WSCP - supply augmentation benefit	0
WSCP - use reduction savings benefit	0
Revised Surplus/(shortfall)	2,160
Resulting % Use Reduction from WSCP action	0%
NOTES: (a) Volumes are in units of AF.	

8 WATER SHORTAGE CONTINGENCY PLAN

☑ ***CWC § 10640***

(a) Every urban water supplier required to prepare a plan pursuant to this part shall prepare its plan pursuant to Article 2 (commencing with Section 10630). The supplier shall likewise periodically review the plan as required by Section 10621, and any amendments or changes required as a result of that review shall be adopted pursuant to this article.

(b) Every urban water supplier required to prepare a water shortage contingency plan shall prepare a water shortage contingency plan pursuant to Section 10632. The supplier shall likewise periodically review the water shortage contingency plan as required by paragraph (10) of subdivision (a) of Section 10632 and any amendments or changes required as a result of that review shall be adopted pursuant to this article.

The City of Tracy's (City's) Water Shortage Contingency Plan (WSCP) is included as **Appendix H**. The WSCP serves as a standalone document to be engaged in the case of a water shortage event, such as a drought or supply interruption, and defines specific policies and actions that will be implemented at various shortage level scenarios. The primary objective of the WSCP is to ensure that the City has in place the necessary resources and management responses needed to protect health and human safety, minimize economic disruption, and preserve environmental and community assets during water supply shortages and interruptions. Consistent with California Water Code (CWC) §10632, the WSCP includes six levels to address shortage conditions ranging from up to 10% to greater than 50% shortage, identifies a suite of demand mitigation measures for the City to implement at each level, and identifies procedures for the City to annually assess whether or not a water shortage is likely to occur in the coming year, among other things.

A summary of the key elements of the WSCP including water shortage levels and demand-reduction actions is shown in Table 8-1, **Table 8-2**, and **Table 8-3**. Additional details are provided in **Appendix H**.

Table 8-1 Water Shortage Contingency Plan Levels (DWR Table 8-1)

Shortage Level	Percent Shortage Range	Shortage Response Actions
1	Up to 10%	• Declaration by the City Council upon the determination that one or more of the trigger mechanisms exist per TMC Section 11.28.140 and Section 11.28.210 and that the City may reduce water use by up to 10% due to water supply shortages or emergency. • Includes implementation of mandatory restrictions on end uses as well as agency actions (see **Table 8-2** and **Table 8-3**).
2	Up to 20%	• Declaration by the City Council upon the determination that one or more of the trigger mechanisms exist per TMC Section 11.28.140 and Section 11.28.210 and that the City must reduce water use by 10% to 20% due to water supply shortages or emergency. • Includes implementation of mandatory restrictions on end uses as well as agency actions (see **Table 8-2** and **Table 8-3**).
3	Up to 30%	• Declaration by the City Council upon the determination that one or more of the trigger mechanisms exist per TMC Section 11.28.140 and Section 11.28.210 and that the City must reduce water use by 20% to 30% due to water supply shortages or emergency. • Includes implementation of mandatory restrictions on end uses as well as agency actions (see **Table 8-2** and **Table 8-3**).
4	Up to 40%	• Declaration by the City Council upon the determination that one or more of the trigger mechanisms exist per TMC Section 11.28.140 and Section 11.28.210 and that the City must reduce water use by 30% to 40% due to water supply shortages or emergency. • Includes implementation of mandatory restrictions on end uses as well as agency actions (see **Table 8-2** and **Table 8-3**).
5	Up to 50%	• Declaration by the City Council upon the determination that one or more of the trigger mechanisms exist per TMC Section 11.28.140 and Section 11.28.210 and that the City must reduce water use by 40% to 50% due to water supply shortages or emergency. • Includes implementation of mandatory restrictions on end uses as well as agency actions (see **Table 8-2** and **Table 8-3**).
6	>50%	• Declaration by the City Council upon the determination that one or more of the trigger mechanisms exist per TMC Section 11.28.140 and Section 11.28.210 and that the City must reduce water use by greater than 50% due to water supply shortages or emergency. • Includes implementation of mandatory restrictions on end uses as well as agency actions (see **Table 8-2** and **Table 8-3**).

Table 8-2 Demand Reduction Actions (DWR Table 8-2)

Shortage Level	Demand Reduction Actions	How much is this going to reduce the shortage gap? (a)	Additional Explanation or Reference	Penalty, Charge, or Other Enforcement?
1	Other	5%	• Prohibitions: o Allowing flagrant water waste or incidental water runoff. o Irrigating using a hose without a shutoff nozzle attached. o Using potable water to operate non-recirculating decorative water features, including splash pads. o Irrigating outdoors during and within 48 hours following a measurable rainfall. "Measurable rainfall" means any amount of precipitation that generates a puddle or runoff. o The serving of drinking water other than upon request, in eating or drinking establishments. o Irrigating ornamental grass or turf on public street medians. o Irrigating outside of newly constructed homes and buildings in a manner that is inconsistent with regulations or other requirements established by the California Building Standards Commission and the Department of Housing and Community Development. o Irrigating any hardscape. • Mandatory requirements: o Any customer must properly maintain all outdoor plumbing and irrigation systems and control all leaks within 72 hours of discovery or notification. o Customers shall practice prudent water conservation measures, including: (i) Planting drought-tolerant landscapes; (ii) Installing and maintaining water-efficient irrigation systems such as drip and bubble irrigation with weather or soil-based controllers; (iii) Installing sprinkler heads with a low flow rate appropriate for the landscape to prevent overwatering and runoff; (iv) Watering only in the late night or early morning hours during non- windy periods. o A hose that dispenses potable water shall be fitted with a shut-off	Yes

Table 8-2 Demand Reduction Actions (DWR Table 8-2)

Shortage Level	Demand Reduction Actions	How much is this going to reduce the shortage gap? (a)	Additional Explanation or Reference	Penalty, Charge, or Other Enforcement?
			nozzle or flow restriction device attached to it that causes it to cease dispensing water immediately when not in use. o All swimming pools, hot tubs, and spas installed after May 1, 1993 must have a separation tank and water recovery system installed in the filter backwash system, with a 90% water recovery standard. o Each swimming pool, hot tub and spa installed after July 15, 2015 must have a non-permeable floating cover or equivalent device that provides 90% surface coverage. • All landscape irrigation is restricted to before 9:00 a.m. or after 7:00 p.m. daily. This applies to residential, commercial, industrial, institutional, municipal and other public agencies or entities. • Restaurants and commercial lodging establishments must post notice of drought conditions. • Hotels and motels must offer guests an option to opt out of linen/towel service.	

Table 8-2 Demand Reduction Actions (DWR Table 8-2)

Shortage Level	Demand Reduction Actions	How much is this going to reduce the shortage gap? (a)	Additional Explanation or Reference	Penalty, Charge, or Other Enforcement?
2	Other	15%	• Continue with actions and measures from Stage 1. • Landscapes, including residential, commercial, industrial, institutional, municipal and other public agencies or entities, may be irrigated three days per week as follows: (1) Odd-numbered addresses may irrigate only on Monday, Wednesday, and Saturday before 9:00 a.m. and after 7:00 p.m. (2) Even-numbered addresses may irrigate only on Tuesday, Thursday, and Sunday before 9:00 a.m. and after 7:00 p.m. (3) At any time provided that only drip, microspray or bubbler irrigation is used. • Any customer must repair and control all outdoor water leaks that violate TMC §11.28, as determined by the City, within 48 hours of discovery or notification. • Except as otherwise provided, individual residential car washing is allowed only with the use of a bucket. "Individual residential car washing" means the cleaning with potable water of a motor vehicle that is registered to an individual who lives on the premise. • Automobile and recreational vehicle dealerships are allowed to continue washing vehicles with a hose that is fitted with a shut-off nozzle or flow restriction device attached under the following conditions: (1) Automobiles and recreational vehicles may be washed only on Friday using the method outlined above. (2) An automobile, motorcycle, boat, or motorhome may be washed the day before or the day of delivery to the purchaser using the method outlined above before 9:00 a.m. or after 7:00 p.m. • No customer may add water or refill a swimming pool, spa, or hot tub unless it has a separation tank and water recovery system installed in the filter backwash system, with a 90% water recovery standard and it is a maintenance or health and safety issue.	Yes

Table 8-2 Demand Reduction Actions (DWR Table 8-2)

Shortage Level	Demand Reduction Actions	How much is this going to reduce the shortage gap? (a)	Additional Explanation or Reference	Penalty, Charge, or Other Enforcement?
3	Other	25%	• Continue with actions and measures from Stages 1 and 2. • Landscapes, including residential, commercial, industrial, institutional, municipal and other public agencies or entities, may be irrigated two days per week as follows: (1) Odd-numbered addresses may irrigate only on Wednesday and Saturday before 9:00 a.m. and after 7:00 p.m. (2) Even-numbered addresses may irrigate only on Thursday and Sunday before 9:00 a.m. and after 7:00 p.m.	Yes
4	Other	35%	• Continue with actions and measures from Stages 1 through 3. • Landscapes, including residential, commercial, industrial, institutional, municipal and other public agencies or entities, may be irrigated one day per week as follows: (1) Odd-numbered addresses may irrigate only on Wednesday before 9:00 a.m. and after 7:00 p.m. (2) Even-numbered addresses may irrigate only on Thursday before 9:00 a.m. and after 7:00 p.m.	Yes
5	Other	45%	• Continue with actions and measures from Stages 1 through 4. • No outdoor potable water uses are allowed. • No recreational water uses are allowed.	Yes
6	Other	55%	• Continue with actions and measures from Stages 1 through 5. • Water use shall not exceed the water budget established for each account type. • City Council may prohibit water uses not required for public health and safety and fire protection.	Yes

NOTES:
(a) The percentages listed in this table are the cumulative savings for each shortage level with implementation of corresponding supply augmentation and other agency actions in Table 8-3. Detailed saving estimates based on end use, response action, and implementation rates are in Appendix H.

Table 8-3 Supply Augmentation and Other Actions (DWR Table 8-3)

Shortage Level	Supply Augmentation Methods and Other Actions by Water Supplier	How much is this going to reduce the shortage gap? (a)	Additional Explanation or Reference
1	Other	5%	• Expand outreach for existing water conservation programs. • Promote public awareness (e.g., website, social media).
2	Other	15%	• Continue with actions and measures from Stage 1. • Increase public outreach (e.g., water bill inserts, media campaign, hosting public events and workshops). • Offer water use surveys to up to the top 10% of residential, CII, and irrigation accounts. • Increase enforcement efforts. • Decrease frequency and length of line flushing.
3	Other	25%	• Continue with actions and measures from Stages 1 and 2. • Establish a drought hotline. • Conduct an audit of up to 25% of the City's distribution system to identify and repair leaks. • Expand water use surveys to up to the top 20% of residential and CII accounts and up to the top 50% of dedicated irrigation accounts.
4	Other	35%	• Continue with actions and measures from Stages 1 through 3.
5	Other	45%	• Continue with actions and measures from Stages 1 through 4. • City Council may implement a drought rate surcharge, as set forth in TMC §11.28.230. • No new water connections may be approved.
6	Other	55%	• Continue with actions and measures from Stages 1 through 5. • Reduce distribution system pressure. • Establish water budgets for all customer accounts.
NOTES: (a) The percentages listed in this table are the cumulative savings for each shortage level with implementation of corresponding demand reduction actions in Table 8-2. Detailed saving estimates based on end use, response action, and implementation rates are in Appendix H.			

9 DEMAND MANAGEMENT MEASURES

☑ ***CWC § 10631 (e)***

Provide a description of the supplier's water demand management measures. This description shall include all of the following:

(1) (A) For an urban retail water supplier, as defined in Section 10608.12, a narrative description that addresses the nature and extent of each water demand management measure implemented over the past five years. The narrative shall describe the water demand management measures that the supplier plans to implement to achieve its water use targets pursuant to Section 10608.20.

(B) The narrative pursuant to this paragraph shall include descriptions of the following water demand management measures:

(i) Water waste prevention ordinances.

(ii) Metering.

(iii) Conservation pricing.

(iv) Public education and outreach.

(v) Programs to assess and manage distribution system real loss.

(vi) Water conservation program coordination and staffing support.

(vii) Other demand management measures that have a significant impact on water use as measured in gallons per capita per day, including innovative measures, if implemented.

This section provides an overview of the City of Tracy's (City's) current and planned Demand Management Measures (DMMs), which include specific types and groupings of water conservation measures typically implemented by water suppliers. Implementation of the City's DMMs is a key component of the City's water use reduction plan. Implementation of DMMs over the past ten years has helped the City achieve its 2015 Interim and 2020 Water Use Targets under SB X7-7 (see Chapter 5).

9.1 City Water Conservation

☑ ***CWC § 10631 (e)***

Provide a description of the supplier's water demand management measures. This description shall include all of the following:

(1) (A) For an urban retail water supplier, as defined in Section 10608.12, a narrative description that addresses the nature and extent of each water demand management measure implemented over the past five years.

The City implements all of the DMMs, as described below and summarized in Table 9-1 and the associated chart.

9.1.1 DMM 1 – Water Waste Prevention Ordinances

Prohibition of water uses to prevent water waste were originally included in the 1992 Water Shortage Contingency Plan (WSCP) and 2015 WSCP as voluntary actions under Stage 1 and mandatory actions under Stage 2. Stage 1 of the 1992 WSCP has been enacted since the 2010 UWMP. The City enacted Stage 2 of the 1992 WSCP in August 2014 in response to the historic drought. Subsequently, the City adopted the 2015 WSCP in June 2015 and Stages 3 and 4 of the 2015 WSCP became effective in that month. The 2015 WSCP was incorporated into the Tracy Municipal Code (TMC) §11.28.160 with some modifications.

The 2020 WSCP establishes the same water waste prohibitions as were included in the TMC as part of the Stage 1 requirements, which include the following:

Prohibitions

- Allowing flagrant water waste or incidental water runoff.
- Irrigating using a hose without a shutoff nozzle attached.
- Using potable water to operate non-recirculating decorative water features, including splash pads.
- Irrigating outdoors during and within 48 hours following a measurable rainfall. "Measurable rainfall" means any amount of precipitation that generates a puddle or runoff.
- The serving of drinking water other than upon request, in eating or drinking establishments.
- Irrigating ornamental grass or turf on public street medians.
- Irrigating outside of newly constructed homes and buildings in a manner that is inconsistent with regulations or other requirements established by the California Building Standards Commission and the Department of Housing and Community Development.
- Irrigating any hardscape.

Requirements

- All customers must properly maintain all plumbing and irrigation systems and control any leaks within 72 hours of discovery or notification.
- Customers shall practice prudent water conservation measures, including:
    - Planting drought-tolerant landscapes;
    - Installing and maintaining water-efficient irrigation systems such as drip and bubble irrigation with weather or soil-based controllers;
    - Installing sprinkler heads with a low flow rate appropriate for the landscape to prevent overwatering and runoff; and
    - Watering only in the late night or early morning hours during non-windy periods.
- A hose that dispenses potable water shall be fitted with a shut-off nozzle or flow restriction device attached to it that causes it to cease dispensing water immediately when not in use.

- All swimming pools, hot tubs and spas installed after 1 May 1993 must have a separation tank and water recovery system installed in the filter backwash system, with a 90% water recovery standard.
- Each swimming pool, hot tub and spa installed after 15 July 2015 must have a non-permeable floating cover or equivalent device that provides 90% surface coverage.

In subsequent stages of the WSCP, the City is empowered to further reduce or eliminate water waste during periods of water supply shortage or emergency. These measures, described in more detail in the WSCP, include restrictions on landscape irrigation, sidewalk and car washing, and other residential, recreational, and commercial uses of water.

Enforcement of the water waste prohibition is done by the City's Water Resources and Compliance Manager (WRCM). The WRCM enforces water waste violations in the same manner as violations of the WSCP (see Section 8.7), which involves a series of Courtesy Notices informing customers of the identified violations and the need for corrective action within 72 hours. If the first Courtesy Notice does not induce compliance, the WRCM issues a second notice. If those do not result in compliance, the WRCM writes a Notice of Intent to Impose a Penalty letter, delivered by certified mail, that details the efforts to date to gain compliance and the penalties associated with those violations. It also then allows the City to issue an Administrative Civil Liability against the owner for non-compliance if they do not respond.

Tracy enforces its water waste ordinance on a year-round basis. Approximately 353 actions have been taken by the City since 2015 to enforce the water waste ordinance. No citations have had to be issued since 2015.

9.1.2 DMM 2 – Metering

☑ ***CWC § 526 (a)***

Notwithstanding any other provision of law, an urban water supplier that, on or after January 1, 2004, receives water from the federal Central Valley Project under a water service contract or subcontract … shall do both of the following:

(1) On or before January 1, 2013, install water meters on all service connections to residential and nonagricultural commercial buildings constructed prior to January 1, 1992, located within its service area.

(2) On and after March 1, 2013, or according to the terms of the Central Valley Project water contract in operation, charge customers for water based on the actual volume of deliveries, as measured by a water meter.

☑ ***CWC § 527 (a)***

(a) An urban water supplier that is not subject to Section 526 shall do both of the following:

(1) Install water meters on all municipal and industrial service connections located within its service area on or before January 1, 2025.

The City has installed radio-capable water meters at all of its water service connections. All meters within the City's service area are read on a monthly basis. The ability to perform meter readings remotely via radio enhances data acquisition and can potentially alert customers or the City when there is a leak, potentially reducing wasted water. Depending on the availability of budget and staffing support, the City

is planning to implement a program in the future that will allow water meters to be utilized in such a way. The City has installed Advanced Metering Infrastructure (AMI) meters at some accounts, which will provide real-time water usage data to both the customer and the City. Installation of AMI meters has the ability to help the City reduce unaccounted-for water (UAW) in the future through the early identification of leaks. The City is planning to continue installation of AMI meters in the future.

The City has adopted the Department of Water Resources (DWR) Model Water Efficient Landscaping Ordinance (MWELO), which requires certain residential and non-residential projects to install separate irrigation meters if landscaped areas meet specific size thresholds.[28] In August 2012, the City conducted a feasibility study to assess the merits of implementing a program to provide incentives to switch mixed-use Commercial, Industrial, and Institutional (CII) accounts to dedicated landscape meters. The study concluded that it would be too cost-prohibitive to retrofit all current mixed-use CII accounts. However, all new construction is required to be equipped with a separate dedicated landscape meter. As time and money allow, current water use accounts will be retrofitted for dedicated landscape meters, starting with larger Commercial accounts.

9.1.3 DMM 3 – Conservation Pricing

The City's current water rate structure uses a tiered conservation structure for all residential customers. The structure consists of four consumption-based tiers with progressively higher commodity charges at each tier to pay for the increased costs related to peak demands. This structure is also proven to encourage conservation year-round. The City anticipates performing a new Water Rate Study in Fiscal Year 2022/23 in order to address the needs of the Utilities Department going forward. Any rate increases would have to be approved by City Council via the Proposition 218 noticing and public hearing process.

In addition, the City Council maintains the authority to adopt conservation pricing and water use surcharges in times of need (see **Appendix H**).

9.1.4 DMM 4 – Public Education Outreach

The City distributes information about water conservation and efficiencies to the public through bill inserts, brochures, community speakers, paid advertising, school education programs, and community events. The City's public information program is managed by the City's WRCM and includes the following activities:

- Distributing bill inserts that promote conservation;
- Promoting water conservation through television, streaming digital, and radio advertisements;
- Coordinating with homeowner associations and local non-profit organizations to provide additional water conservation and efficiencies material and speakers;

[28] Per California Code of Regulation §492.7(a)(1)(A), landscape water meters must be installed for residential irrigated landscapes of 5,000 square feet or greater and for non-residential irrigated landscapes between 1,000 square feet and 5,000 square feet (at which point CWC §535 applies).

- Maintaining a booth at the City's annual Bean Festival where information is distributed regarding the City's water conservation and efficiencies programs; and
- Using cinema advertisements by running one promotional slide before every movie at the Tracy Cinemark.

The City continues to promote water and other resource conservation at City schools through in-class presentations to fourth, fifth and sixth grade classrooms during Water Week. The City also distributes public outreach materials to schools for distribution, including the 40-page *Official Captain Hydro Water Conservation Workbook* and packages of water conservation flyers. The number of classroom visits and water conservation materials distributed vary each year depending on school participation. The City plans to continue working with the school districts and private schools in its service area to provide instructional assistance, educational materials, and classroom presentations that emphasize local urban, agricultural, and environmental issues related to water use.

The City also maintains a website providing water conservation and efficiencies tips and information regarding the City's water conservation and efficiencies programs discussed in Section 9.1.7, such as ultra low flush toilet rebates and the residential water survey program.[29]

9.1.5 DMM 5 – Programs to Assess and Manage Distribution System Real Loss

Citywide water consumption is tracked through the use of the Inspironix Water Usage Data System (WUDS) software and Tyler MUNIS. The City calculates UAW by comparing total metered water consumption to potable water purchases and groundwater production. The City completes the American Water Works Association (AWWA) Water Loss Worksheet each year. Completion of this worksheet allows the City to estimate real water loss, which consists of water loss attributable to the distribution system and includes physical water loss from the pressurized system and storage tanks up to the point of customer consumption. The City contracts with a third-party vendor each year in order to validate its annual audit and make recommendations on ways to reduce UAW.

The City monitors its distribution for leaks by using acoustic sounders and the Supervisory Control and Data Acquisition (SCADA) software. A system-wide leak detection survey has not been completed since 1999; however, the City performs routine maintenance of its water lines and promptly repairs any ruptured water lines.

9.1.6 DMM 6 – Water Conservation Program Coordination and Staffing Support

The City's water conservation program is administered by the City's WRCM, Mrs. Stephanie Reyna-Hiestand. As Tracy's WRCM, Mrs. Reyna-Hiestand's responsibilities are divided as follows: 45% to water conservation and efficiencies efforts, 45% to storm water management, and 10% to groundwater management. The duties of the WRCM include coordination and oversight of conservation and efficiencies programs and DMM implementation, preparation and submittal of the United States Bureau of Reclamation (USBR) Annual Update, communication and promotion of water conservation and efficiencies issues to senior City management, coordination of agency conservation and efficiencies

[29] http://www.ci.tracy.ca.us/?navId=687

programs with operations and planning staff, and preparation of the annual water conservation and efficiencies budget. Contact information for the City's water conservation and efficiencies program is listed below:

Name: Stephanie Reyna-Hiestand

Phone: 209-831-6333

Email: stephanie.hiestand@cityoftracy.org

The City's water conservation and efficiencies program is funded through the Water Utility and grants. The City estimated that its total water conservation and efficiencies program budget for Fiscal Year 2019-2020 was approximately $36,000, which includes expenses related to advertising, implementing DMMs, providing incentives and rebates, and more.

9.1.7 DMM 7 – Other DMMs

Other DMMs provided by the City, in addition to those discussed above, include the following:

- Ultra Low Flush Toilet (ULFT) Rebates: The City locally administers a ULFT Rebate Program for its residential and commercial customers. The ULFT Rebate Program was initiated in February 2007 and is subject to budget funding each fiscal year. Rebates are "first come, first served" and will continue until all ULFT rebates have been awarded each funded year. As part of this program, the City offers customers up to $125 in rebates for customers replacing a high-volume toilet (i.e., 3.0 gallons per flush [gpf], or more) in a building that was built prior to 1994 with a ULFT that uses less than 1.6 gpf. Covered rebate expenses include the tank, bowl, supply line, wax ring, caulking, seat, bolts, bolt covers, tax, and professional installation. Up to three rebates are allowed per Single Family Residential (SFR) account and up to four rebates per building are allowed per Multi-Family Residential (MFR) and CII customer account. Between 2015 and 2020, the City provided a total of 203 rebates.
- Water Use Survey Program: Water use surveys are offered to SFR and MFR customers in pre-1994 buildings at no cost to the customer. As part of this program, a Water Efficiency Representative from the City conducts a tour of the property to identify leaks and offer water and money saving opportunities. Participants may receive water-saving equipment and information, as recommended by City staff.
- Plumbing Retrofit Material Giveaways: The City offers free plumbing retrofit materials to SFR and MFR customers participating in its Water Use Survey Program. The following materials are available at no cost as part of this giveaway program:
    - Bathroom aerators using 1.0 gallons per minute (gpm);
    - Kitchen aerators using 1.5 gpm; and
    - Low-flow shower heads using 1.5 gpm.

9.2 Implementation over the Past Five Years

Table 9-1 summarizes the DMMs implemented by the City and the extent of implementation (e.g., number of surveys, number of rebates) for each of the programs listed under DMM-7 each year between 2015 and 2020 as data were available. Through implementation of the DMMs, the City has been able to significantly reduce water demands in its service area and help its customers to achieve water and cost savings.

9.3 Implementation to Achieve Water Use Targets

☑ ***CWC § 10631 (e)***

Provide a description of the supplier's water demand management measures. This description shall include all of the following:

(1) (A) … The narrative shall describe the water demand management measures that the supplier plans to implement to achieve its water use targets pursuant to Section 10608.20.

Beginning in 2023, urban water retailers will be required to report on "annual water use objectives" by November 1 of each year and to achieve these objectives by 1 January 2027 (per CWC § 10609). The annual water use objectives will be calculated based on standards for indoor residential water use, outdoor residential water use, and distribution system water loss. Additionally, it is anticipated that performance-based standards for the CII sectors, separate from the annual water use objectives, will also be developed by DWR and implemented in the future. However, the specific standards that will be used to determine a retailer's annual urban water use objectives are currently under development by DWR, and thus, the annual urban water use objectives for the City cannot be calculated or estimated. Therefore, the City intends to continue implementing the DMMs described above and will evaluate potential adjustments needed to these programs as the annual water use objective standard methodologies are developed in the coming years. New programs may be added as needed. In particular, the City is planning to implement a smart water irrigation controller rebate program and a turf replacement rebate in 2021.

Table 9-1 Summary of DMMs and Implementation over the Past Five Years (2015-2020)

DMM Category	Program or Activity	Target Sector	Nature of Implementation	Extent of Implementation
1	Water Waste Prevention Ordinances	SFR, MFR, CII, And IRR	Mandatory requirements and prohibitions of water uses to prevent water waste were included in the TMC §11.28.160 and the 2020 WSCP Stage 1.	These requirements and prohibitions are enforced at all times.
2	Metering	SFR, MFR, CII, And IRR	All water service connections are metered. Many non-residential and multi-family customers have sub-meters to monitor water use for landscape irrigation separately from indoor uses. As time and money allow, current water use accounts will be retrofitted for dedicated landscape meters. All new construction shall be equipped with a separate dedicated landscape meter.	All accounts are metered and read on a monthly basis.
3	Conservation Pricing	SFR, MFR, CII, And IRR	The current water rate includes a tiered structure. The City also maintains the authority to implement water use surcharges (TMC §11.28.220) and conservation pricing (TMC §11.28.230) in times of need.	Rate structure based on user classes and consumption. Water rate study planned for FY 2022/23.
4	School Education Program: Captain Hydro	SFR, MFR	Copies of the 40-page *Official Captain Hydro Water Conservation Workbook* provided to each school for dissemination to Kindergarten through Sixth Grade classes.	Distributed to teachers on request.
4	Public Outreach Program	SFR, MFR	Information about water conservation and efficiencies in the City distributed to customers through newsletters, bill inserts, flyers, information packages, email messages, and other methods of distribution.	2016: 54,847 contacts Other years' data are not available.

Table 9-1 Summary of DMMs and Implementation over the Past Five Years (2015-2020)

DMM Category	Program or Activity	Target Sector	Nature of Implementation	Extent of Implementation
4	Media Contacts	SFR, MFR, CII, And IRR	Contact made with television channels, radio stations, and newspaper to promote water conservation and efficiencies within the City. The goal of this contact to is to produce a story about water conservation and efficiencies resulting from the outreach.	2016: 12 contacts Other years' data are not available.
4	Other Public Outreach	SRF, MFR, CII, And IRR	The City maintains water conservation and efficiencies program pages on its website and posts outreach materials on its social media accounts: http://www.ci.tracy.ca.us/?navId=687.	Implemented
5	AWWA Water Loss Worksheet	Non-revenue	The City completes the AWWA Water Loss Worksheet each year, which allows the City to estimate "real water loss." Real water loss consists of water loss attributable to the distribution system and includes physical water loss from the pressurized system and storage tanks up to the point of customer consumption.	2016: AWWA Validity Score = 62 2017: AWWA Validity Score = 61 2018: AWWA Validity Score = 61 2019: AWWA Validity Score = 67 2020: AWWA Validity Score (draft report) = 66
6	Conservation Program Coordination and Staff	SFR, MFR, CII And IRR	City employs a WRCM and funds the water conservation program through the Water Utility and grants. The WRCM devotes approximately 45% of her time to water conservation and efficiencies.	Estimated water conservation and efficiencies program budget for Fiscal Year 2019-2020 was approximately $36,000.
7	Ultra Low Flush Toilet Rebate	SFR, MFR, CII	Up to $125 rebate for replacing toilets in pre-1994 buildings using more than 3.0 gpf with qualifying toilets that use less than 1.6 gpf. Up to three rebates are allowed per SFR account and up to four rebates per building are allowed per MFR and CII customer account.	FY 2015-16: 99 rebates, $18,864 spent FY 2016-17: 50 rebates, $9,787 spent FY 2017-18: 23 rebates, $4,481 spent FY 2018-19: 18 rebates, $3,496 spent FY 2019-20: 13 rebates, $2,625 spent

Table 9-1 Summary of DMMs and Implementation over the Past Five Years (2015-2020)

DMM Category	Program or Activity	Target Sector	Nature of Implementation	Extent of Implementation
7	Water Use Survey Program	SFR, MFR, CII	Free water use surveys are offered to SFR and MFR customers in pre-1994 buildings. As part of this program, a Water Efficiency Representative from the City conducts a tour of the property to identify leaks and offer water and money saving opportunities. Participants may receive water-saving equipment and information, as recommended by City staff.	Estimated to be less than 20 surveys over the last five years.
7	Plumbing Retrofit Material Giveaways	SFR, MFR, CII	Water-saving fixtures and other items are available to SFR and MFR customers participating in the Water Use Survey Program at no cost. These giveaways include bathroom aerators, kitchen aerators, a low-flow shower head, and other free items.	Estimated to be less than 10 per year during 2016 to 2019 and none in 2020.

10 PLAN ADOPTION, SUBMITTAL, AND IMPLEMENTATION

This chapter provides information on a public hearing, the adoption process for the Urban Water Management Plan (UWMP) and Water Shortage Contingency Plan (WSCP), the adopted UWMP and WSCP submittal process, plan implementation, and the process for amending the adopted UWMP or WSCP.

10.1 Notification of UWMP Preparation

☑ ***CWC § 10621 (b)***

Every urban water supplier required to prepare a plan pursuant to this part shall, at least 60 days before the public hearing on the plan required by Section 10642, notify any city or county within which the supplier provides water supplies that the urban water supplier will be reviewing the plan and considering amendments or changes to the plan. The urban water supplier may consult with, and obtain comments from, any city or county that receives notice pursuant to this subdivision.

In February 2021, the City of Tracy (City) sent a letter to the County of San Joaquin and other local agencies informing them that the City was in the process of updating its UWMP and WSCP and soliciting their input in the update process. A listing of the entities contacted is provided in **Table 2-5**; the notices are included in **Appendix C** for reference. The letter was sent more than 60 days before the public hearing as required by code.

10.2 Notification of Public Hearing

☑ ***CWC § 10642***

Each urban water supplier shall encourage the active involvement of diverse social, cultural, and economic elements of the population within the service area prior to and during the preparation of both the plan and the water shortage contingency plan. Prior to adopting either, the urban water supplier shall make both the plan and the water shortage contingency plan available for public inspection and shall hold a public hearing or hearings thereon. Prior to any of these hearings, notice of the time and place of the hearing shall be published within the jurisdiction of the publicly owned water supplier pursuant to Section 6066 of the Government Code. The urban water supplier shall provide notice of the time and place of a hearing to any city or county within which the supplier provides water supplies. Notices by a local public agency pursuant to this section shall be provided pursuant to Chapter 17.5 (commencing with Section 7290) of Division 7 of Title 1 of the Government Code. A privately owned water supplier shall provide an equivalent notice within its service area. After the hearing or hearings, the plan or water shortage contingency plan shall be adopted as prepared or as modified after the hearing or hearings.

10.2.1 Notice to Cities and Counties

At least two weeks prior to the public hearing, the entities listed in **Table 2-5** were noticed that the UWMP and WSCP public hearing would be occurring on 18 May 2021. The letter informed them of the locations the Public Review Draft 2020 UWMP and the updated WSCP would be available for review and welcoming

their input and comments on the document. The Public Review Draft 2020 UWMP and the WSCP was available for public review on the City's website. Copies of these letters are provided in **Appendix C.**

10.2.2 Notice to the Public

The City issued public notifications soliciting public input during the preparation of 2020 UWMP and the WSCP. On XX XXX 2021 and XX XXX 2021, the City published a notice in XXX informing the public that the 2020 UWMP and the WSCP would be available for public review on the City's website, consistent with requirements of California Government Code 6066. The notice also informed the public that the 2020 UWMP and WSCP public hearing would be held at City Hall on 18 May 2021. A copy of this notice is included in **Appendix D**.

10.3 Public Hearing and Adoption

☑ ***CWC § 10608.26***

(a) In complying with this part, an urban retail water supplier shall conduct at least one public hearing to accomplish all of the following:

(1) Allow community input regarding the urban retail water supplier's implementation plan for complying with this part.

(2) Consider the economic impacts of the urban retail water supplier's implementation plan for complying with this part.

(3) Adopt a method, pursuant to subdivision (b) of Section 10608.20, for determining its urban water use target.

Prior to adopting the Plan, the City held a formal public hearing to present information on the 2020 UWMP and WSCP on 18 May 2021. The meeting was held virtually.

As part of the public hearing, the City provided the audience with information on compliance with the Senate Bill (SB) X7-7, including its baseline daily per capita water use, water use targets, implementation plan, and 2020 compliance.

This UWMP was adopted by Resolution No. XXXX by the City Council during its 18 May 2021 City Council meeting. The WSCP was adopted by Resolution No. XXXX during the same meeting. A copy of the resolutions is included in **Appendix I**.

10.4 Plan Submittal

☑ ***CWC § 10621***

(f) (1) Each urban water supplier shall update and submit its 2020 plan to the department by July 1, 2021.

☑ ***CWC § 10635 (c)***

The urban water supplier shall provide that portion of its urban water management plan prepared pursuant to this article to any city or county within which it provides water supplies no later than 60 days after the submission of its urban water management plan.

☑ ***CWC § 10644***

(a) (1) An urban water supplier shall submit to the department, the California State Library, and any city or county within which the supplier provides water supplies a copy of its plan no later than 30 days after adoption. Copies of amendments or changes to the plans shall be submitted to the department, the California State Library, and any city or county within which the supplier provides water supplies within 30 days after adoption.

(2) The plan, or amendments to the plan, submitted to the department pursuant to paragraph (1) shall be submitted electronically and shall include any standardized forms, tables, or displays specified by the department.

(b) If an urban water supplier revises its water shortage contingency plan, the supplier shall submit to the department a copy of its water shortage contingency plan prepared pursuant to subdivision (a) of Section 10632 no later than 30 days after adoption, in accordance with protocols for submission and using electronic reporting tools developed by the department.

This UWMP and WSCP were submitted to DWR within 30 days of adoption and by the 1 July 2021 deadline. The submittal was done electronically through Water Use Efficiency Data Portal, an online submittal tool. Plan submittal documentation is included in **Appendix J**. The adopted Plan was also sent to the California State Library and to the cities and counties listed in **Table 2-5**.

10.5 Public Availability

☑ ***CWC § 10645***

(a) Not later than 30 days after filing a copy of its plan with the department, the urban water supplier and the department shall make the plan available for public review during normal business hours.

(b) Not later than 30 days after filing a copy of its water shortage contingency plan with the department, the urban water supplier and the department shall make the plan available for public review during normal business hours.

On or about 4 May 2021, printed hard copies of the draft 2020 UWMP and WSCP were made available for review during normal business hours at the City's office. Electronic versions were also made available by visiting the City's website (https://www.cityoftracy.org/).

10.6 Amending an Adopted UWMP or Water Shortage Contingency Plan

☑ ***CWC § 10644 (b)***

If an urban water supplier revises its water shortage contingency plan, the supplier shall submit to the department a copy of its water shortage contingency plan prepared pursuant to subdivision (a) of Section 10632 no later than 30 days after adoption, in accordance with protocols for submission and using electronic reporting tools developed by the department.

If the Plan is amended, each of the steps for notification, public hearing, adoption, and submittal will also be followed for the amended document.

11 REFERENCES

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APPENDIX A

COMPLETED UWMP CHECKLIST

Retail	Wholesale	2020 Guidebook Location	Water Code Section	Summary as Applies to UWMP	Subject	2020 UWMP Location
x	x	Chapter 1	10615	A plan shall describe and evaluate sources of supply, reasonable and practical efficient uses, reclamation and demand management activities.	Introduction and Overview	Chapter 1
x	x	Chapter 1	10630.5	Each plan shall include a simple description of the supplier's plan including water availability, future requirements, a strategy for meeting needs, and other pertinent information. Additionally, a supplier may also choose to include a simple description at the beginning of each chapter.	Summary	Section 1.6
x	x	Section 2.2	10620(b)	Every person that becomes an urban water supplier shall adopt an urban water management plan within one year after it has become an urban water supplier.	Plan Preparation	Section 2.1 and Table 2-1
x	x	Section 2.6	10620(d)(2)	Coordinate the preparation of its plan with other appropriate agencies in the area, including other water suppliers that share a common source, water management agencies, and relevant public agencies, to the extent practicable.	Plan Preparation	Section 2.3.2 and Table 2-5

Retail	Wholesale	2020 Guidebook Location	Water Code Section	Summary as Applies to UWMP	Subject	2020 UWMP Location
x	x	Section 2.6.2	10642	Provide supporting documentation that the water supplier has encouraged active involvement of diverse social, cultural, and economic elements of the population within the service area prior to and during the preparation of the plan and contingency plan.	Plan Preparation	Section 1.3 Section 2.3.3
x		Section 2.6, Section 6.1	10631(h)	Retail suppliers will include documentation that they have provided their wholesale supplier(s) - if any - with water use projections from that source.	System Supplies	Section 2.3.1
	x	Section 2.6	10631(h)	Wholesale suppliers will include documentation that they have provided their urban water suppliers with identification and quantification of the existing and planned sources of water available from the wholesale to the urban supplier during various water year types.	System Supplies	N/A
x	x	Section 3.1	10631(a)	Describe the water supplier service area.	System Description	Chapter 3
x	x	Section 3.3	10631(a)	Describe the climate of the service area of the supplier.	System Description	Section 3.5
x	x	Section 3.4	10631(a)	Provide population projections for 2025, 2030, 2035, 2040 and optionally 2045.	System Description	Section 3.2 and Table 3-1
x	x	Section 3.4.2	10631(a)	Describe other social, economic, and demographic factors affecting the supplier's water management planning.	System Description	Section 3.3 and Table 3-2

Retail	Wholesale	2020 Guidebook Location	Water Code Section	Summary as Applies to UWMP	Subject	2020 UWMP Location
x	x	Sections 3.4 and 5.4	10631(a)	Indicate the current population of the service area.	System Description and Baselines and Targets	Sections 3.2 and 5.1, Table 3-1
x	x	Section 3.5	10631(a)	Describe the land uses within the service area.	System Description	Section 3.2
x	x	Section 4.2	10631(d)(1)	Quantify past, current, and projected water use, identifying the uses among water use sectors.	System Water Use	Chapter 4, Tables 4-1 to 4-4
x	x	Section 4.2.4	10631(d)(3)(C)	Retail suppliers shall provide data to show the distribution loss standards were met.	System Water Use	Section 4.1.3, Table 4-3
x	x	Section 4.2.6	10631(d)(4)(A)	In projected water use, include estimates of water savings from adopted codes, plans, and other policies or laws.	System Water Use	Section 4.2.1, Table 4-4
x	x	Section 4.2.6	10631(d)(4)(B)	Provide citations of codes, standards, ordinances, or plans used to make water use projections.	System Water Use	Section 4.2.4, Table 4-7
x	optional	Section 4.3.2.4	10631(d)(3)(A)	Report the distribution system water loss for each of the 5 years preceding the plan update.	System Water Use	Section 4.1.4, Table 4-3
x	optional	Section 4.4	10631.1(a)	Include projected water use needed for lower income housing projected in the service area of the supplier.	System Water Use	Section 4.2.3, Table 4-6
x	x	Section 4.5	10635(b)	Demands under climate change considerations must be included as part of the drought risk assessment.	System Water Use	Section 4.4

Retail	Wholesale	2020 Guidebook Location	Water Code Section	Summary as Applies to UWMP	Subject	2020 UWMP Location
x		Chapter 5	10608.20(e)	Retail suppliers shall provide baseline daily per capita water use, urban water use target, interim urban water use target, and compliance daily per capita water use, along with the bases for determining those estimates, including references to supporting data.	Baselines and Targets	Chapter 5
x		Chapter 5	10608.24(a)	Retail suppliers shall meet their water use target by December 31, 2020.	Baselines and Targets	Section 5.4, Table 5-3
	x	Section 5.1	10608.36	Wholesale suppliers shall include an assessment of present and proposed future measures, programs, and policies to help their retail water suppliers achieve targeted water use reductions.	Baselines and Targets	N/A
x		Section 5.2	10608.24(d)(2)	If the retail supplier adjusts its compliance GPCD using weather normalization, economic adjustment, or extraordinary events, it shall provide the basis for, and data supporting the adjustment.	Baselines and Targets	Section 5.4, Table 5-3
x		Section 5.5	10608.22	Retail suppliers' per capita daily water use reduction shall be no less than 5 percent of base daily per capita water use of the 5-year baseline. This does not apply if the suppliers base GPCD is at or below 100.	Baselines and Targets	Section 5.3

Retail	Wholesale	2020 Guidebook Location	Water Code Section	Summary as Applies to UWMP	Subject	2020 UWMP Location
x		Section 5.5 and Appendix E	10608.4	Retail suppliers shall report on their compliance in meeting their water use targets. The data shall be reported using a standardized form in the SBX7-7 2020 Compliance Form.	Baselines and Targets	Appendix E
x	x	Sections 6.1 and 6.2	10631(b)(1)	Provide a discussion of anticipated supply availability under a normal, single dry year, and a drought lasting five years, as well as more frequent and severe periods of drought.	System Supplies	Section 7.1.2
x	x	Sections 6.1	10631(b)(1)	Provide a discussion of anticipated supply availability under a normal, single dry year, and a drought lasting five years, as well as more frequent and severe periods of drought, *including changes in supply due to climate change.*	System Supplies	Section 6.12.1, Section 7.1.2
x	x	Section 6.1	10631(b)(2)	When multiple sources of water supply are identified, describe the management of each supply in relationship to other identified supplies.	System Supplies	Chapter 6
x	x	Section 6.1.1	10631(b)(3)	Describe measures taken to acquire and develop planned sources of water.	System Supplies	Sections 6.3 to 6.10
x	x	Section 6.2.8	10631(b)	Identify and quantify the existing and planned sources of water available for 2020, 2025, 2030, 2035, 2040 and optionally 2045.	System Supplies	Section 6.11 and Table 6-9

Retail	Wholesale	2020 Guidebook Location	Water Code Section	Summary as Applies to UWMP	Subject	2020 UWMP Location
x	x	Section 6.2	10631(b)	Indicate whether groundwater is an existing or planned source of water available to the supplier.	System Supplies	Section 6.2
x	x	Section 6.2.2	10631(b)(4)(A)	Indicate whether a groundwater sustainability plan or groundwater management plan has been adopted by the water supplier or if there is any other specific authorization for groundwater management. Include a copy of the plan or authorization.	System Supplies	Section 6.2.3
x	x	Section 6.2.2	10631(b)(4)(B)	Describe the groundwater basin.	System Supplies	Section 6.2.1
x	x	Section 6.2.2	10631(b)(4)(B)	Indicate if the basin has been adjudicated and include a copy of the court order or decree and a description of the amount of water the supplier has the legal right to pump.	System Supplies	Section 6.2
x	x	Section 6.2.2.1	10631(b)(4)(B)	For unadjudicated basins, indicate whether or not the department has identified the basin as a high or medium priority. Describe efforts by the supplier to coordinate with sustainability or groundwater agencies to achieve sustainable groundwater conditions.	System Supplies	Section 6.2.4

Retail	Wholesale	2020 Guidebook Location	Water Code Section	Summary as Applies to UWMP	Subject	2020 UWMP Location
x	x	Section 6.2.2.4	10631(b)(4)(C)	Provide a detailed description and analysis of the location, amount, and sufficiency of groundwater pumped by the urban water supplier for the past five years	System Supplies	Section 6.2.5 and Table 6-1
x	x	Section 6.2.2	10631(b)(4)(D)	Provide a detailed description and analysis of the amount and location of groundwater that is projected to be pumped.	System Supplies	Section 6.2
x	x	Section 6.2.7	10631(c)	Describe the opportunities for exchanges or transfers of water on a short-term or long-term basis.	System Supplies	Section 6.9
x	x	Section 6.2.5	10633(b)	Describe the quantity of treated wastewater that meets recycled water standards, is being discharged, and is otherwise available for use in a recycled water project.	System Supplies (Recycled Water)	Section 6.7.2 and Tables 6-2 and 6-3
x	x	Section 6.2.5	10633(c)	Describe the recycled water currently being used in the supplier's service area.	System Supplies (Recycled Water)	Section 6.7.3 and Table 6-4
x	x	Section 6.2.5	10633(d)	Describe and quantify the potential uses of recycled water and provide a determination of the technical and economic feasibility of those uses.	System Supplies (Recycled Water)	Section 6.7.3 and Table 6-4

Retail	Wholesale	2020 Guidebook Location	Water Code Section	Summary as Applies to UWMP	Subject	2020 UWMP Location
x	x	Section 6.2.5	10633(e)	Describe the projected use of recycled water within the supplier's service area at the end of 5, 10, 15, and 20 years, and a description of the actual use of recycled water in comparison to uses previously projected.	System Supplies (Recycled Water)	Section 6.7.3 and Table 6-4
x	x	Section 6.2.5	10633(f)	Describe the actions which may be taken to encourage the use of recycled water and the projected results of these actions in terms of acre-feet of recycled water used per year.	System Supplies (Recycled Water)	Section 6.7.5
x	x	Section 6.2.5	10633(g)	Provide a plan for optimizing the use of recycled water in the supplier's service area.	System Supplies (Recycled Water)	Section 6.7.5 and Table 6-6
x	x	Section 6.2.6	10631(g)	Describe desalinated water project opportunities for long-term supply.	System Supplies	Section 6.8
x	x	Section 6.2.5	10633(a)	Describe the wastewater collection and treatment systems in the supplier's service area with quantified amount of collection and treatment and the disposal methods.	System Supplies (Recycled Water)	Section 6.5.2 and Table 6-2
x	x	Section 6.2.8, Section 6.3.7	10631(f)	Describe the expected future water supply projects and programs that may be undertaken by the water supplier to address water supply reliability in average, single-dry, and for a period of drought lasting 5 consecutive water years.	System Supplies	Sections 6.10 and 6.11 and Table 6-8

Retail	Wholesale	2020 Guidebook Location	Water Code Section	Summary as Applies to UWMP	Subject	2020 UWMP Location
x	x	Section 6.4 and Appendix O	10631.2(a)	The UWMP must include energy information, as stated in the code, that a supplier can readily obtain.	System Suppliers, Energy Intensity	Section 6.13 and Table 6-10
x	x	Section 7.2	10634	Provide information on the quality of existing sources of water available to the supplier and the manner in which water quality affects water management strategies and supply reliability	Water Supply Reliability Assessment	Chapter 7
x	x	Section 7.2.4	10620(f)	Describe water management tools and options to maximize resources and minimize the need to import water from other regions.	Water Supply Reliability Assessment	Section 7.1.4
x	x	Section 7.3	10635(a)	Service Reliability Assessment: Assess the water supply reliability during normal, dry, and a drought lasting five consecutive water years by comparing the total water supply sources available to the water supplier with the total projected water use over the next 20 years.	Water Supply Reliability Assessment	Section 7.1
x	x	Section 7.3	10635(b)	Provide a drought risk assessment as part of information considered in developing the demand management measures and water supply projects.	Water Supply Reliability Assessment	Section 7.2

Retail	Wholesale	2020 Guidebook Location	Water Code Section	Summary as Applies to UWMP	Subject	2020 UWMP Location
x	x	Section 7.3	10635(b)(1)	Include a description of the data, methodology, and basis for one or more supply shortage conditions that are necessary to conduct a drought risk assessment for a drought period that lasts 5 consecutive years.	Water Supply Reliability Assessment	Section 7.2
x	x	Section 7.3	10635(b)(2)	Include a determination of the reliability of each source of supply under a variety of water shortage conditions.	Water Supply Reliability Assessment	Section 7.1.2 and Tables 7-1 to 7-6
x	x	Section 7.3	10635(b)(3)	Include a comparison of the total water supply sources available to the water supplier with the total projected water use for the drought period.	Water Supply Reliability Assessment	Section 7.1.3 and Tables 7-6 to 7-8
x	x	Section 7.3	10635(b)(4)	Include considerations of the historical drought hydrology, plausible changes on projected supplies and demands under climate change conditions, anticipated regulatory changes, and other locally applicable criteria.	Water Supply Reliability Assessment	Sections 6.12.1, and 7.1.3
x	x	Chapter 8	10632(a)	Provide a water shortage contingency plan (WSCP) with specified elements below.	Water Shortage Contingency Planning	Chapter 8, Appendix H
x	x	Chapter 8	10632(a)(1)	Provide the analysis of water supply reliability (from Chapter 7 of Guidebook) in the WSCP	Water Shortage Contingency Planning	Appendix H – Chapter 2

Retail	Wholesale	2020 Guidebook Location	Water Code Section	Summary as Applies to UWMP	Subject	2020 UWMP Location
x	x	Section 8.10	10632(a)(10)	Describe reevaluation and improvement procedures for monitoring and evaluation the water shortage contingency plan to ensure risk tolerance is adequate and appropriate water shortage mitigation strategies are implemented.	Water Shortage Contingency Planning	Appendix H – Chapters 11 and 12
x	x	Section 8.2	10632(a)(2)(A)	Provide the written decision- making process and other methods that the supplier will use each year to determine its water reliability.	Water Shortage Contingency Planning	Appendix H – Chapter 4
x	x	Section 8.2	10632(a)(2)(B)	Provide data and methodology to evaluate the supplier's water reliability for the current year and one dry year pursuant to factors in the code.	Water Shortage Contingency Planning	Appendix H – Chapter 4
x	x	Section 8.3	10632(a)(3)(A)	Define six standard water shortage levels of 10, 20, 30, 40, 50 percent shortage and greater than 50 percent shortage. These levels shall be based on supply conditions, including percent reductions in supply, changes in groundwater levels, changes in surface elevation, or other conditions. The shortage levels shall also apply to a catastrophic interruption of supply.	Water Shortage Contingency Planning	Appendix H– Chapter 5
x	x	Section 8.3	10632(a)(3)(B)	Suppliers with an existing water shortage contingency plan that uses different water shortage levels must cross reference their categories with the six standard categories.	Water Shortage Contingency Planning	Appendix H – Chapter 5

Retail	Wholesale	2020 Guidebook Location	Water Code Section	Summary as Applies to UWMP	Subject	2020 UWMP Location
x	x	Section 8.4	10632(a)(4)(A)	Suppliers with water shortage contingency plans that align with the defined shortage levels must specify locally appropriate supply augmentation actions.	Water Shortage Contingency Planning	Appendix H – Chapter 6 and Table 6-2
x	x	Section 8.4	10632(a)(4)(B)	Specify locally appropriate demand reduction actions to adequately respond to shortages.	Water Shortage Contingency Planning	Appendix H – Chapter 6 and Table 6-1
x	x	Section 8.4	10632(a)(4)(C)	Specify locally appropriate operational changes.	Water Shortage Contingency Planning	Appendix H – C Section 6.3
x	x	Section 8.4	10632(a)(4)(D)	Specify additional mandatory prohibitions against specific water use practices that are in addition to state-mandated prohibitions are appropriate to local conditions.	Water Shortage Contingency Planning	Appendix H – Section 6.4
x	x	Section 8.4	10632(a)(4)(E)	Estimate the extent to which the gap between supplies and demand will be reduced by implementation of the action.	Water Shortage Contingency Planning	Appendix H – Section 6.7
x	x	Section 8.4.6	10632.5	The plan shall include a seismic risk assessment and mitigation plan.	Water Shortage Contingency Plan	Appendix H – Chapter 6.6
x	x	Section 8.5	10632(a)(5)(A)	Suppliers must describe that they will inform customers, the public and others regarding any current or predicted water shortages.	Water Shortage Contingency Planning	Appendix H – Chapter 7

Retail	Wholesale	2020 Guidebook Location	Water Code Section	Summary as Applies to UWMP	Subject	2020 UWMP Location
x	x	Section 8.5 and 8.6	10632(a)(5)(B) 10632(a)(5)(C)	Suppliers must describe that they will inform customers, the public and others regarding any shortage response actions triggered or anticipated to be triggered and other relevant communications.	Water Shortage Contingency Planning	Appendix H – Chapter 7
x		Section 8.6	10632(a)(6)	Retail supplier must describe how it will ensure compliance with and enforce provisions of the WSCP.	Water Shortage Contingency Planning	Appendix H – Chapter 8
x	x	Section 8.7	10632(a)(7)(A)	Describe the legal authority that empowers the supplier to enforce shortage response actions.	Water Shortage Contingency Planning	Appendix H – Chapter 9
x	x	Section 8.7	10632(a)(7)(B)	Provide a statement that the supplier will declare a water shortage emergency Water Code Chapter 3.	Water Shortage Contingency Planning	Appendix H – Chapter 5
x	x	Section 8.7	10632(a)(7)(C)	Provide a statement that the supplier will coordinate with any city or county within which it provides water for the possible proclamation of a local emergency.	Water Shortage Contingency Planning	Appendix H – Sections 6.5 and 9
x	x	Section 8.8	10632(a)(8)(A)	Describe the potential revenue reductions and expense increases associated with activated shortage response actions.	Water Shortage Contingency Planning	Appendix H – Chapter 10
x	x	Section 8.8	10632(a)(8)(B)	Provide a description of mitigation actions needed to address revenue reductions and expense increases associated with activated shortage response actions.	Water Shortage Contingency Planning	Appendix H – Chapter 10

Retail	Wholesale	2020 Guidebook Location	Water Code Section	Summary as Applies to UWMP	Subject	2020 UWMP Location
x		Section 8.8	10632(a)(8)(C)	Retail suppliers must describe the cost of compliance with Water Code Chapter 3.3: Excessive Residential Water Use During Drought	Water Shortage Contingency Planning	Appendix H – Chapter 10
x		Section 8.9	10632(a)(9)	Retail suppliers must describe the monitoring and reporting requirements and procedures that ensure appropriate data is collected, tracked, and analyzed for purposes of monitoring customer compliance.	Water Shortage Contingency Planning	Appendix H – Chapter 11
x		Section 8.11	10632(b)	Analyze and define water features that are artificially supplied with water, including ponds, lakes, waterfalls, and fountains, separately from swimming pools and spas.	Water Shortage Contingency Planning	Appendix H – Section 6.1.2
x	x	Sections 8.12 and 10.4	10635(c)	Provide supporting documentation that Water Shortage Contingency Plan has been, or will be, provided to any city or county within which it provides water, no later than 30 days after the submission of the plan to DWR.	Plan Adoption, Submittal, and Implementation	Appendix H – Chapter 13
x	x	Section 8.14	10632(c)	Make available the Water Shortage Contingency Plan to customers and any city or county where it provides water within 30 after adopted the plan.	Water Shortage Contingency Planning	Appendix H – Chapter 13

Retail	Wholesale	2020 Guidebook Location	Water Code Section	Summary as Applies to UWMP	Subject	2020 UWMP Location
	x	Sections 9.1 and 9.3	10631(e)(2)	Wholesale suppliers shall describe specific demand management measures listed in code, their distribution system asset management program, and supplier assistance program.	Demand Management Measures	N/A
x		Sections 9.2 and 9.3	10631(e)(1)	Retail suppliers shall provide a description of the nature and extent of each demand management measure implemented over the past five years. The description will address specific measures listed in code.	Demand Management Measures	Chapter 9
x		Chapter 10	10608.26(a)	Retail suppliers shall conduct a public hearing to discuss adoption, implementation, and economic impact of water use targets (recommended to discuss compliance).	Plan Adoption, Submittal, and Implementation	Section 10.3
x	x	Section 10.2.1	10621(b)	Notify, at least 60 days prior to the public hearing, any city or county within which the supplier provides water that the urban water supplier will be reviewing the plan and considering amendments or changes to the plan. Reported in Table 10-1.	Plan Adoption, Submittal, and Implementation	Section 10.1
x	x	Section 10.4	10621(f)	Each urban water supplier shall update and submit its 2020 plan to the department by July 1, 2021.	Plan Adoption, Submittal, and Implementation	Section 10.4

Retail	Wholesale	2020 Guidebook Location	Water Code Section	Summary as Applies to UWMP	Subject	2020 UWMP Location
x	x	Sections 10.2.2, 10.3, and 10.5	10642	Provide supporting documentation that the urban water supplier made the plan and contingency plan available for public inspection, published notice of the public hearing, and held a public hearing about the plan and contingency plan.	Plan Adoption, Submittal, and Implementation	Section 10.5
x	x	Section 10.2.2	10642	The water supplier is to provide the time and place of the hearing to any city or county within which the supplier provides water.	Plan Adoption, Submittal, and Implementation	Section 10.2.1
x	x	Section 10.3.2	10642	Provide supporting documentation that the plan and contingency plan has been adopted as prepared or modified.	Plan Adoption, Submittal, and Implementation	Section 10.3
x	x	Section 10.4	10644(a)	Provide supporting documentation that the urban water supplier has submitted this UWMP to the California State Library.	Plan Adoption, Submittal, and Implementation	Section 10.4
x	x	Section 10.4	10644(a)(1)	Provide supporting documentation that the urban water supplier has submitted this UWMP to any city or county within which the supplier provides water no later than 30 days after adoption.	Plan Adoption, Submittal, and Implementation	Section 10.4
x	x	Sections 10.4.1 and 10.4.2	10644(a)(2)	The plan, or amendments to the plan, submitted to the department shall be submitted electronically.	Plan Adoption, Submittal, and Implementation	Section 10.6

Retail	Wholesale	2020 Guidebook Location	Water Code Section	Summary as Applies to UWMP	Subject	2020 UWMP Location
x	x	Section 10.5	10645(a)	Provide supporting documentation that, not later than 30 days after filing a copy of its plan with the department, the supplier has or will make the plan available for public review during normal business hours.	Plan Adoption, Submittal, and Implementation	Section 10.5
x	x	Section 10.5	10645(b)	Provide supporting documentation that, not later than 30 days after filing a copy of its water shortage contingency plan with the department, the supplier has or will make the plan available for public review during normal business hours.	Plan Adoption, Submittal, and Implementation	Section 10.5
x	x	Section 10.6	10621(c)	If supplier is regulated by the Public Utilities Commission, include its plan and contingency plan as part of its general rate case filings.	Plan Adoption, Submittal, and Implementation	N/A
x	x	Section 10.7.2	10644(b)	If revised, submit a copy of the water shortage contingency plan to DWR within 30 days of adoption.	Plan Adoption, Submittal, and Implementation	Section 10.4

APPENDIX B

REDUCED DELTA RELIANCE

1. BACKGROUND

As stated in Appendix C of the Urban Water Management Plan Guidebook 2020 (UWMP Guidebook 2020; DWR, 2021)[1],

> *"An urban water supplier (Supplier) that anticipates participating in or receiving water supply benefits from a proposed project (covered action) such as a multi-year water transfer, conveyance facility, or new diversion that involves transferring water through, exporting water from, or using water in the Sacramento-San Joaquin Delta (Delta) should provide information in their 2015 and 2020 Urban Water Management Plans (UWMP's) that can then be used in the covered action process to demonstrate consistency with Delta Plan Policy WR P1, Reduce Reliance on the Delta Through Improved Regional Water Self-Reliance (California Code Reg., Tit. 23, § 5003)."*

As the City of Tracy (City) has determined that it is subject to this requirement, this Appendix is intended to provide the needed information to demonstrate consistence with Delta Plan Policy WR P1.

Delta Plan Policy WR P1 subsection (a) states:

> *(a) Water shall not be exported from, transferred through, or used in the Delta if all of the following apply:*
>
> *(1) One or more water suppliers that would receive water as a result of the export, transfer, or use have failed to* ***adequately contribute to reduced reliance on the Delta and improved regional self-reliance*** *consistent with all of the requirements listed in paragraph (1) of subsection (c);*
>
> *(2) That failure has significantly caused the need for the export, transfer, or use; and*
>
> *(3) The export, transfer, or use would have a significant adverse environmental impact in the Delta.*

WR P1 subsection (c)(1) defines "adequately contributing to reduced reliance on the Delta" as follows:

> *(c)(1) Water suppliers that have done the following are contributing to reduced reliance on the Delta:*
>
> *(A) Completed a current Urban or Agricultural Water Management Plan (Plan) which has been reviewed by the California Department of Water Resources for compliance with the applicable requirements of Water Code Division 6, Parts 2.55, 2.6, and 2.8;*
>
> *(B) Identified, evaluated, and commenced implementation, consistent with the implementation schedule set forth in the Plan, of all programs and projects included in the Plan that are locally cost effective and technically feasible which reduce reliance on the Delta; and*
>
> *(C) Included in the Plan, commencing in 2015, the expected outcome for measurable reduction in Delta reliance and improvement in regional self-reliance. The expected outcome*

[1] The UWMP Guidebook 2020 is available at: https://water.ca.gov/Programs/Water-Use-And-Efficiency/Urban-Water-Use-Efficiency/Urban-Water-Management-Plans

for measurable reduction in Delta reliance and improvement in regional self-reliance shall be reported in the Plan as the reduction in the amount of water used, or in the percentage of water used, from the Delta watershed. For the purposes of reporting, water efficiency is considered a new source of water supply, consistent with Water Code section 1011(a).

The analysis and documentation provided in this Appendix include all of the elements described in WR P1(c)(1) and has been prepared in accordance with Appendix C of the UWMP Guidebook 2020.

2. EXPECTED OUTCOMES OF MEASURABLE REDUCTION IN DELTA RELIANCE

The expected outcomes for the City's Delta reliance and regional self-reliance were developed based on the approach and guidance described in Appendix C of the UWMP Guidebook 2020 and are summarized in Table B-1 through Table B-4 below. This evaluation involves the following steps:

- Setting a baseline and evaluating normal-year water demands;
- Estimating service area population and water use; and
- Evaluating and projecting water supply sources to meet estimated normal year demands, including supplies from the Delta, local groundwater supplies, and non-potable supplies.

In order to calculate the expected outcomes for measurable reduction in Delta reliance and improved regional self-reliance, future water demands need to be compared to a baseline. As the Delta Reform Act was enacted in 2009 and became effective in 2010, the City used 2010 as the baseline year.

Other inputs to the evaluation include service area water demands and population for 2010, 2015, and 2020, which were obtained from the 2015 and 2020 UWMPs.

Table B-1 calculates the estimated water use efficiency savings since the baseline year of 2010. The calculation uses the change in gallons per capita per day and population to estimate water use efficiency in the years 2015 through 2045 compared to the baseline year of 2020. The water use efficiency savings are added back into the demands to calculate the City's total demands without water use efficiency accounted for, as shown in Table B-2.

Together Tables B-1 and B-2 demonstrate that the City has made significant improvements in water efficiency and that demands would be even higher than currently projected without the water efficiency improvements.

Table B-1 Calculation of Water Use Efficiency

Service Area Water Use Efficiency Demands (Acre-Feet)	Baseline (2010)	2015	2020	2025	2030	2035	2040	2045
Service Area Water Demands with Water Use Efficiency Accounted For (a)	16,603	14,041	19,527	21,509	25,167	28,871	32,603	39,379
Non-Potable Water Demands (a)	-	-	-	1,000	2,067	3,133	4,200	6,300
Potable Service Area Demands with Water Use Efficiency Accounted For (b)	16,603	14,041	19,527	20,509	23,100	25,738	28,403	33,079

Total Service Area Population	Baseline (2010)	2015	2020	2,025	2030	2035	2040	2045
Service Area Population (c)	83,312	85,707	96,345	109,900	120,367	130,833	141,300	166,700

Water Use Efficiency Since Baseline (Acre-Feet)	Baseline (2010)	2015	2020	2025	2030	2035	2040	2045
Per Capita Water Use (GPCD)	178	146	181	167	171	176	179	177
Change in Per Capita Water Use from Baseline (GPCD)		(32)	3	(11)	(7)	(2)	2	(1)
Estimated Water Use Efficiency Since Baseline (d)		3,039	-	1,393	887	336	-	142

NOTES:
(a) Water demands are from Table 4-2 and Table 4-8 of the 2020 UWMP.
(b) Equal to total demands with water use efficiency accounted for minus non-potable water demands.
(c) Population is from Table 3-1 and Table 4-2 of the 2020 UWMP.
(d) Estimated water use efficiency is equal to the change in per capita water use multiplied by the service area population, converted to acre-feet per year by dividing by a factor of 892.7 gpd/AFY. In years where the per capita water use was higher than the baseline, the estimated water use efficiency savings are assumed to be zero.

Table B-2 Calculation of Service Area Water Demands Without Water Use Efficiency

Total Service Area Water Demands (Acre-Feet)	Baseline (2010)	2015	2020	2025	2030	2035	2040	2045
Service Area Water Demands with Water Use Efficiency Accounted For	16,603	14,041	19,527	21,509	25,167	28,871	32,603	39,379
Reported Water Use Efficiency or Estimated Water Use Efficiency Since Baseline (a)		3,039	-	1,393	887	336	-	142
Service Area Water Demands without Water Use Efficiency Accounted For (b)	16,603	17,080	19,527	22,902	26,054	29,207	32,603	39,521

NOTES:
(a) Estimated water use efficiency is from Table B-1.
(b) Calculated as the sum of demands with water use efficiency accounted for and the estimated water use efficiency.

The City has also made significant investments in diversifying its water supply portfolio and increasing self-reliance. Water supplies that contribute to regional self-reliance are quantified in **Error! Reference source not found.** and are grouped into the following categories:

- Water Recycling: The City has completed the initial phase of its recycled water system and is planning to expand the system to serve future development areas throughout the City. Recycled water is anticipated to supply 6,300 acre-feet per year (AFY), or approximately 16% of the total demand by 2045.
- Local and Regional Water Supply and Storage Projects: The City is projecting an increased use of groundwater to approximately 2,500 AFY starting in 2025.
- Other Programs and Projects that Contribute to Regional Self-Reliance: The City anticipates that a Recycled Water Exchange agreement will be executed with the United States Bureau of Reclamation (USBR) by 2030 to provide additional Central Valley Project (CVP) supplies to the City in exchange for the City discharging a like amount of tertiary-treated recycled water to the Delta-Mendota Canal (DMC). The Recycled Water Exchange will be implemented as needed to meet future demand conditions and is currently projected to supply an amount ranging from 1,925 AFY in 2030 to 7,500 AFY in 2045.

Further discussion of these water supplies is provided within Chapter 6 of the UWMP. As shown in Table B-3 below, the percentage of water supplies that contribute to regional self-reliance has been higher than the baseline (2010) and is projected to increase in the future through 2045.

In addition to the aforementioned sources, the City has two water supplies that are considered to rely on the Delta Watershed for purposes of this evaluation. These supplies are reported in Table B-4 under the following categories:

- CVP Contract Supplies: The City receives CVP water through the DMC under several contracts with the USBR and neighboring agencies. The projected CVP supplies range from 10,248 AFY in 2025 to 12,748 AFY in 2045.
- Delta/Delta Tributary Diversions: The City's supply from the South County Water Supply Project (SCWSP) is diverted from the Stanislaus River. The City anticipates being able to receive up to 13,135 AFY of SCWSP water in 2025 and 11,120 AFY in 2030 to 2045. The projected supply shown in Table B-4 is reported to the extent needed to meet the projected demands.

As presented in Table B-4, the percentage of water supplies from the Delta Watershed decreased from the 97% in the baseline year (2010) to the current 94% (2020), and is projected to decrease significantly to 58% by 2045.

The results are visualized in Chart C-1 and C-2. Chart C-1 presents the historical and projected water supply from both Delta and non-Delta sources along with the demand. Chart C-2 plots the percent of supply from the Delta Watershed, which shows a declining trend. In accordance with California Code of Regulations Title 23, Section 5003 (c)(1), the decrease in the percentage of water supplies from the Delta demonstrates the City's reduced reliance on the Delta Watershed and shows that the City's water supplies are consistent with Delta Plan Policy WR P1.

Table B-3 Calculation of Supplies Contributing to Regional Self-Reliance

Water Supplies Contributing to Regional Self-Reliance (Acre-Feet) (a)	Baseline (2010)	2015	2020	2025	2030	2035	2040	2045
Water Use Efficiency	-	3,039	-	1,393	887	336	-	142
Water Recycling	-	-	-	1,000	2,067	3,133	4,200	6,300
Stormwater Capture and Use	-	-	-	-	-	-	-	-
Advanced Water Technologies	-	-	-	-	-	-	-	-
Conjunctive Use Projects	-	-	-	-	-	-	-	-
Local and Regional Water Supply and Storage Projects	498	519	1,181	2,500	2,500	2,500	2,500	2,500
Other Programs and Projects that Contribute to Regional Self-Reliance	-	-	-	-	1,925	3,500	5,000	7,500
Water Supplies Contributing to Regional Self-Reliance	498	3,558	1,181	4,893	7,379	9,469	11,700	16,442

Service Area Water Demands without Water Use Efficiency (Acre-Feet)	Baseline (2010)	2015	2020	2025	2030	2035	2040	2045
Service Area Water Demands without Water Use Efficiency Accounted For (b)	16,603	17,080	19,527	22,902	26,054	29,207	32,603	39,521

Change in Regional Self Reliance (Acre-Feet)	Baseline (2010)	2015	2020	2025	2030	2035	2040	2045
Water Supplies Contributing to Regional Self-Reliance	498	3,558	1,181	4,893	7,379	9,469	11,700	16,442
Change in Water Supplies Contributing to Regional Self-Reliance (c)		3,060	683	4,395	6,881	8,971	11,202	15,944

Percent Change in Regional Self Reliance (As Percent of Demand w/out WUE)	Baseline (2010)	2015	2020	2025	2030	2035	2040	2045
Percent of Water Supplies Contributing to Regional Self-Reliance (d)	3.0%	20.8%	6.0%	21.4%	28.3%	32.4%	35.9%	41.6%
Change in Percent of Water Supplies Contributing to Regional Self-Reliance (e)		17.8%	3.0%	18.4%	25.3%	29.4%	32.9%	38.6%

NOTES:
(a) Water use efficiency is from Table B-1. Other supplies are from Table 11 of the 2010 UWMP, Table 5-1 of the 2015 UWMP, and Table 6-8 and Table 6-9 of the 2020 UWMP.
(b) Values are from Table B-2.
(c) Calculated as the difference between the amount shown for the year and the amount shown for the 2010 baseline year.

(d) Calculated as the water supplies contributing to regional self-reliance divided by the water demands without water use efficiency accounted for.

Table B-4 Calculation of Reliance on Water Supplies from the Delta Watershed

Water Supplies from the Delta Watershed (Acre-Feet) (a)	Baseline (2010)	2015	2020	2025	2030	2035	2040	2045
CVP/SWP Contract Supplies	5,303	3,778	6,573	10,248	10,948	11,448	11,948	12,748
Delta/Delta Tributary Diversions	10,850	9,744	11,773	7,761	7,727	8,290	8,955	10,331
Transfers and Exchanges	-	-	-	-	-	-	-	-
Other Water Supplies from the Delta Watershed	-	-	-	-	-	-	-	-
Total Water Supplies from the Delta Watershed	16,153	13,522	18,346	18,009	18,675	19,738	20,903	23,079

Service Area Water Demands without Water Use Efficiency (Acre-Feet)	Baseline (2010)	2015	2020	2025	2030	2035	2040	2045
Service Area Water Demands without Water Use Efficiency Accounted For (b)	16,603	17,080	19,527	22,902	26,054	29,207	32,603	39,521

Change in Supplies from the Delta Watershed (Acre-Feet)	Baseline (2010)	2015	2020	2025	2030	2035	2040	2045
Water Supplies from the Delta Watershed	16,153	13,522	18,346	18,009	18,675	19,738	20,903	23,079
Change in Water Supplies from the Delta Watershed (c)		(2,631)	2,193	1,856	2,522	3,585	4,750	6,926

Percent Change in Supplies from the Delta Watershed (As a Percent of Demand w/out WUE)	Baseline (2010)	2015	2020	2025	2030	2035	2040	2045
Percent of Water Supplies from the Delta Watershed (d)	97.3%	79.2%	94.0%	78.6%	71.7%	67.6%	64.1%	58.4%
Change in Percent of Water Supplies from the Delta Watershed (c)		-18.1%	-3.3%	-18.7%	-25.6%	-29.7%	-33.2%	-38.9%

NOTES:
(a) Supply data are from Table 11 of the 2010 UWMP, SB X7-7 Table 4-A of the 2015 UWMP, and Table 6-8 and Table 6-9 of the 2020 UWMP.
(b) Values are from Table B-2.
(c) Calculated as the difference between the amount shown for the year and the amount shown for the 2010 baseline year.
(d) Calculated as the water supplies from the Delta Watershed divided by the water demands without water use efficiency accounted for.

Chart B-1 Historical and Projected Water Supply and Demand

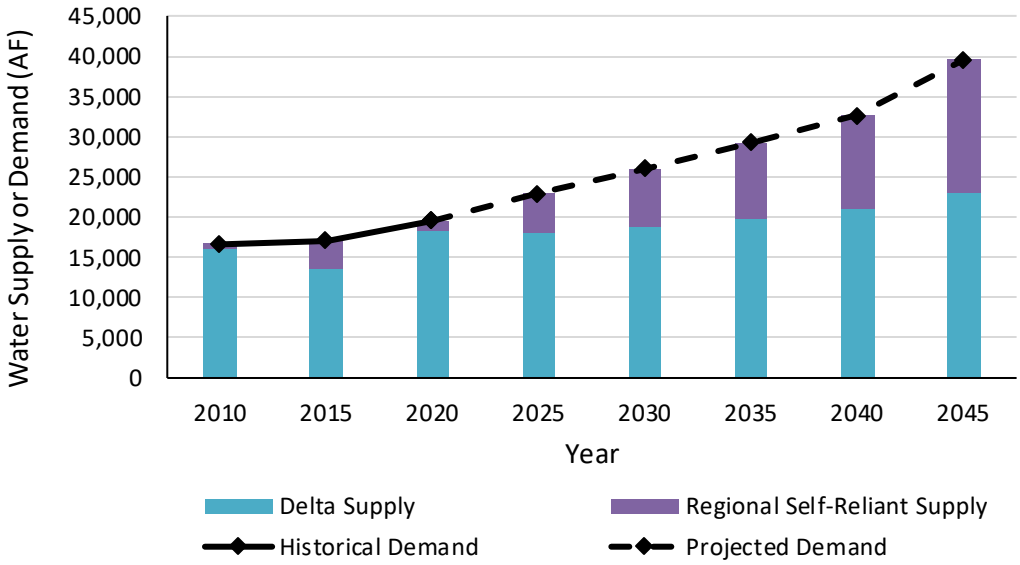
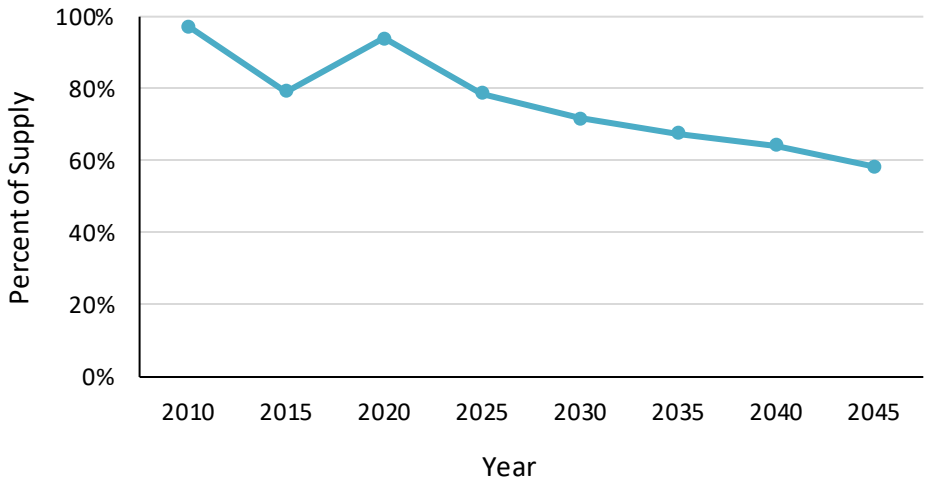


Chart B-2 Percent of Supply from Delta Sources



APPENDIX C

UWMP AGENCY NOTIFICATION LETTERS

February 4, 2021

Matt Zidar
SJC Public Works
1810 East Hazelton Ave.
Stockton, CA 95205

Via e-mail: mzidar@sjgov.org

Re: **Notice of Preparation of Urban Water Management Plan and Water Shortage Contingency Plan - 2020 Update**

The Urban Water Management Planning Act (California Water Code §10608–10656) requires the City of Tracy (City) to update its Urban Water Management Plan (UWMP) and associated Water Shortage Contingency Plan (WSCP) every 5 years. The City is currently reviewing its existing UWMP and associated WSCP, which were updated in 2016, and considering revisions to the documents. The updated UWMP and WSCP are due by July 1, 2021. We invite your agency's input in this revision process.

A draft of the 2020 UWMP and WSCP will be made available for public review and a public hearing will tentatively be scheduled in June 2021. In the meantime, if you would like more information regarding the City's 2015 UWMP and WSCP and the schedule for updating these documents, or if you would like to participate in the preparation of the 2020 UWMP and WSCP, please contact Stephanie Reyna-Hiestand at:

City of Tracy
3900 Holly Drive
Tracy, California 95304
(209) 831-6333
Stephanie.Hiestand@cityoftracy.org

Sincerely,

Kuldeep Sharma
Director of Utilities

February 4, 2021

David Weisenberger
Banta-Carbona Irrigation District
3514 W. Lehman Road
Tracy, CA 95304

Via e-mail: bcid@inreach.com

Re: **Notice of Preparation of Urban Water Management Plan and Water Shortage Contingency Plan - 2020 Update**

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City of Tracy
3900 Holly Drive
Tracy, California 95304
(209) 831-6333
Stephanie.Hiestand@cityoftracy.org

Sincerely,

Kuldeep Sharma
Director of Utilities

TRACY

February 4, 2021

Nat Bacchetti
Pescadero Reclamation District
3650 W. Canal Blvd.
Tracy, CA 95304

Via e-mail: rd2058@yahoo.com

Re: **Notice of Preparation of Urban Water Management Plan and Water Shortage Contingency Plan - 2020 Update**

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City of Tracy
3900 Holly Drive
Tracy, California 95304
(209) 831-6333
Stephanie.Hiestand@cityoftracy.org

Sincerely,

Kuldeep Sharma
Director of Utilities

TRACY

February 4, 2021

Nick Janes
BBID
7995 Bruns Road
Byron, CA 94514-1625

Via e-mail: n.janes@bbid.org

Re: **Notice of Preparation of Urban Water Management Plan and Water Shortage Contingency Plan - 2020 Update**

The Urban Water Management Planning Act (California Water Code §10608–10656) requires the City of Tracy (City) to update its Urban Water Management Plan (UWMP) and associated Water Shortage Contingency Plan (WSCP) every 5 years. The City is currently reviewing its existing UWMP and associated WSCP, which were updated in 2016, and considering revisions to the documents. The updated UWMP and WSCP are due by July 1, 2021. We invite your agency's input in this revision process.

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City of Tracy
3900 Holly Drive
Tracy, California 95304
(209) 831-6333
Stephanie.Hiestand@cityoftracy.org

Sincerely,

Kuldeep Sharma
Director of Utilities

TRACY

February 4, 2021

Rick Gilmore
BBID
7995 Bruns Road
Byron, CA 94514-1625

Via e-mail: admin@bbid.org

Re: **Notice of Preparation of Urban Water Management Plan and Water Shortage Contingency Plan - 2020 Update**

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Stephanie.Hiestand@cityoftracy.org

Sincerely,

Kuldeep Sharma
Director of Utilities

TRACY

February 4, 2021

Mike Wackman
SJCDWQC
3294 Ad Art Road
Stockton, CA 95215

Via e-mail: michael@wackmanconsulting.com

Re: **Notice of Preparation of Urban Water Management Plan and Water Shortage Contingency Plan - 2020 Update**

The Urban Water Management Planning Act (California Water Code §10608–10656) requires the City of Tracy (City) to update its Urban Water Management Plan (UWMP) and associated Water Shortage Contingency Plan (WSCP) every 5 years. The City is currently reviewing its existing UWMP and associated WSCP, which were updated in 2016, and considering revisions to the documents. The updated UWMP and WSCP are due by July 1, 2021. We invite your agency's input in this revision process.

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3900 Holly Drive
Tracy, California 95304
(209) 831-6333
Stephanie.Hiestand@cityoftracy.org

Sincerely,

Kuldeep Sharma
Director of Utilities

February 4, 2021

Diana Trejo
City of Escalon
2060 McHenry Avenue
Escalon, CA 95230

Via e-mail: dtrejo@cityofescalon.org

Re: **Notice of Preparation of Urban Water Management Plan and Water Shortage Contingency Plan - 2020 Update**

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City of Tracy
3900 Holly Drive
Tracy, California 95304
(209) 831-6333
Stephanie.Hiestand@cityoftracy.org

Sincerely,

Kuldeep Sharma
Director of Utilities

TRACY

February 4, 2021

Federico Barajas
SLWMWA
PO Box 2157
Los Banos, CA 93635

Via e-mail: federico.barajas@sldmwa.org

Re: **Notice of Preparation of Urban Water Management Plan and Water Shortage Contingency Plan - 2020 Update**

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3900 Holly Drive
Tracy, California 95304
(209) 831-6333
Stephanie.Hiestand@cityoftracy.org

Sincerely,

Kuldeep Sharma
Director of Utilities

February 4, 2021

J. Scott Petersen
SLDMWA
PO Box 2157
Los Banos, CA 95635

Via e-mail: scott.petersen@sldmwa.org

Re: **Notice of Preparation of Urban Water Management Plan and Water Shortage Contingency Plan - 2020 Update**

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Tracy, California 95304
(209) 831-6333
Stephanie.Hiestand@cityoftracy.org

Sincerely,

Kuldeep Sharma
Director of Utilities

TRACY

February 4, 2021

Peter Rietkerk
SSJID
PO Box 747
Ripon, CA 95366-0747PRIETKERK@SSJID.COM

Via e-mail: prietkerk@ssjid.com

Re: **Notice of Preparation of Urban Water Management Plan and Water Shortage Contingency Plan - 2020 Update**

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City of Tracy
3900 Holly Drive
Tracy, California 95304
(209) 831-6333
Stephanie.Hiestand@cityoftracy.org

Sincerely,

Kuldeep Sharma
Director of Utilities

TRACY

February 4, 2021

George Montross
City of Manteca
1001 West Center Street
Manteca, CA 95337

Via e-mail: gmontross@ci.manteca.ca.us

Re: **Notice of Preparation of Urban Water Management Plan and Water Shortage Contingency Plan - 2020 Update**

The Urban Water Management Planning Act (California Water Code §10608–10656) requires the City of Tracy (City) to update its Urban Water Management Plan (UWMP) and associated Water Shortage Contingency Plan (WSCP) every 5 years. The City is currently reviewing its existing UWMP and associated WSCP, which were updated in 2016, and considering revisions to the documents. The updated UWMP and WSCP are due by July 1, 2021. We invite your agency's input in this revision process.

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City of Tracy
3900 Holly Drive
Tracy, California 95304
(209) 831-6333
Stephanie.Hiestand@cityoftracy.org

Sincerely,

Kuldeep Sharma
Director of Utilities

TRACY

February 4, 2021

Michael King
City of Lathrop
390 Town Centre Drive
Lathrop, CA 95330

Via e-mail: mking@ci.lathrop.ca.us

Re: **Notice of Preparation of Urban Water Management Plan and Water Shortage Contingency Plan - 2020 Update**

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City of Tracy
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Tracy, California 95304
(209) 831-6333
Stephanie.Hiestand@cityoftracy.org

Sincerely,

Kuldeep Sharma
Director of Utilities

TRACY

February 4, 2021

Gregory Gibson
City of Lathrop
390 Town Centre Drive
Lathrop, CA 95330

Via e-mail: ggibson@ci.lathrop.ca.u

Re: **Notice of Preparation of Urban Water Management Plan and Water Shortage Contingency Plan - 2020 Update**

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Stephanie.Hiestand@cityoftracy.org

Sincerely,

Kuldeep Sharma
Director of Utilities

TRACY

February 4, 2021

Koosun Kim
City of Manteca
1001 West Center Street
Manteca, CA 95337

Via e-mail: Kkim@ci.manteca.ca.us

Re: **Notice of Preparation of Urban Water Management Plan and Water Shortage Contingency Plan - 2020 Update**

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Sincerely,

Kuldeep Sharma
Director of Utilities

APPENDIX D

UWMP PUBLIC NOTIFICATION NOTICES

Pending Appendix

APPENDIX E

SBX7-7 COMPLIANCE TABLES

SB X7-7 2020 Compliance Form

The SB X7-7 2020 Compliance Form is for the calculation of 2020 compliance only. All retail suppliers must complete the SB X7-7 Compliance Form. Baseline and target calculations are done in the SB X 7-7 Verification Form.

The SB X7-7 Verification Form is for the calculation of baselines and targets and is a separate workbook from the SB X7-7 2020 Compliance Form. Most Suppliers will have completed the SB X7-7 Verification Form with their 2015 UWMP and do not need to complete this form again in 2020. See Chapter 5 Section 5.3 of the UWMP Guidebook for more information regarding which Suppliers must, or may, complete the SB X7-7 Verification Form for their 2020 UWMP. 2020 compliance calculations are done in the SB X7-7 2020 Compliance Form.

WUE Data Portal Entry Exceptions

The data from the tables below will not be entered into WUE Data Portal tables. These tables will be submitted as separate uploads, in Excel, to WUE Data Portal.

Process Water Deduction

SB X7-7 tables 4-C, 4-C.1, 4-C.2, 4-C.3, 4-C.4 and 4-D

A supplier that will use the process water deduction will complete the appropriate tables in Excel, submit them as a separate upload to the WUE Data Portal, and include them in its UWMP.

SB X7-7 Table 0: Units of Measure Used in 2020 UWMP* *(select one from the drop down list)*
Acre Feet
**The unit of measure must be consistent throughout the UWMP, as reported in Submittal Table 2-3.*
NOTES:

SB X7-7 Table 2: Method for 2020 Population Estimate	
Method Used to Determine 2020 Population (may check more than one)	
☑	**1. Department of Finance** (DOF) or **American Community Survey** (ACS)
☐	**2. Persons-per-Connection Method**
☐	**3. DWR Population Tool**
☐	**4. Other** DWR recommends pre-review
NOTES:	

SB X7-7 Table 3: 2020 Service Area Population	
2020 Compliance Year Population	
2020	96,345
NOTES:	

SB X7-7 Table 4: 2020 Gross Water Use							
Compliance Year 2020	**2020 Volume Into Distribution System** *This column will remain blank until SB X7-7 Table 4-A is completed.*	**2020 Deductions**					**2020 Gross Water Use**
		Exported Water *	**Change in Dist. System Storage*** (+/-)	**Indirect Recycled Water** *This column will remain blank until SB X7-7 Table 4-B is completed.*	**Water Delivered for Agricultural Use***	**Process Water** *This column will remain blank until SB X7-7 Table 4-D is completed.*	
	19,527	-	-	-	-	-	**19,527**

*** Units of measure (AF, MG , or CCF)** must remain consistent throughout the UWMP, as reported in SB X7-7 Table 0 and Submittal Table 2-3.

NOTES:

SB X7-7 Table 4-A: 2020 Volume Entering the Distribution System(s), Meter Error Adjustment

Complete one table for each source.

Name of Source	DMC/CVP

This water source is *(check one)* **:**

☐	The supplier's own water source
☑	A purchased or imported source

Compliance Year 2020	Volume Entering Distribution System [1]	Meter Error Adjustment [2] *Optional (+/-)*	Corrected Volume Entering Distribution System
	6,573	-	6,573

[1] ***Units of measure (AF, MG , or CCF)*** *must remain consistent throughout the UWMP, as reported in SB X7-7 Table 0 and Submittal Table 2-3.* [2] ***Meter Error Adjustment*** *- See guidance in Methodology 1, Step 3 of Methodologies Document*

NOTES

SB X7-7 Table 4-A: 2020 Volume Entering the Distribution System(s) Meter Error Adjustment

Complete one table for each source.

Name of Source	Groundwater

This water source is *(check one)* **:**

☑	The supplier's own water source
☐	A purchased or imported source

Compliance Year 2020	Volume Entering Distribution System [1]	Meter Error Adjustment [2] *Optional (+/-)*	Corrected Volume Entering Distribution System
	1,181		1,181

[1] ***Units of measure (AF, MG , or CCF)*** *must remain consistent throughout the UWMP, as reported in SB X7-7 Table 0 and Submittal Table 2-3.* [2] ***Meter Error Adjustment*** *- See guidance in Methodology 1, Step 3 of Methodologies Document*

NOTES:

SB X7-7 Table 4-A: 2020 Volume Entering the Distribution System(s), Meter Error Adjustment

Complete one table for each source.

Name of Source	SCWSP

This water source is *(check one)* **:**

☐	The supplier's own water source
☑	A purchased or imported source

Compliance Year 2020	Volume Entering Distribution System [1]	Meter Error Adjustment [2] *Optional (+/-)*	Corrected Volume Entering Distribution System
	11,773		11,773

[1] ***Units of measure (AF, MG , or CCF)*** *must remain consistent throughout the UWMP, as reported in SB X7-7 Table 0 and Submittal Table 2-3.*

[2] ***Meter Error Adjustment*** *- See guidance in Methodology 1, Step 3 of Methodologies Document*

NOTES:

SB X7-7 Table 4-B: 2020 Indirect Recycled Water Use Deduction *(For use only by agencies that are deducting indirect recycled water)*									
2020 Compliance Year	**2020 Surface Reservoir Augmentation**					**2020 Groundwater Recharge**			**Total Deductible Volume of Indirect Recycled Water Entering the Distribution System**
	Volume Discharged from Reservoir for Distribution System Delivery[1]	Percent Recycled Water	Recycled Water Delivered to Treatment Plant	Transmission/ Treatment Loss[1]	Recycled Volume Entering Distribution System from Surface Reservoir Augmentation	Recycled Water Pumped by Utility[1,2]	Transmission/ Treatment Losses[1]	Recycled Volume Entering Distribution System from Groundwater Recharge	
			-		-			-	-

[1] ***Units of measure (AF, MG , or CCF)*** *must remain consistent throughout the UWMP, as reported in SB X7-7 Table 0 and Submittal Table 2-3.*

[2] *Suppliers will provide supplemental sheets to document the calculation for their input into "Recycled Water Pumped by Utility". The volume reported in this cell must be less than total groundwater pumped - See Methodology 1, Step 8, section 2.c.*

Data from this table will not be entered into WUEdata.
Instead, the entire table will be uploaded to WUEdata as a separate upload in Excel format.

SB X7-7 Table 4-C: 2020 Process Water Deduction Eligibility **(For use only by agencies that are deducting process water) Choose Only One**	
☐	**Criteria 1**- Industrial water use is equal to or greater than 12% of gross water use. Complete SB X7-7 Table 4-C.1
☐	**Criteria 2** - Industrial water use is equal to or greater than 15 GPCD. Complete SB X7-7 Table 4-C.2
☐	**Criteria 3** - Non-industrial use is equal to or less than 120 GPCD. Complete SB X7-7 Table 4-C.3
☐	**Criteria 4** - Disadvantaged Community. Complete SB x7-7 Table 4-C.4
NOTES:	

Data from this table will not be entered into WUEdata.
Instead, the entire table will be uploaded to WUEdata as a separate upload in Excel format.

SB X7-7 Table 4-C.1: 2020 Process Water Deduction Eligibility *(For use only by agencies that are deducting process water using Criteria 1)*

Criteria 1
Industrial water use is equal to or greater than 12% of gross water use

2020 Compliance Year	2020 Gross Water Use Without Process Water Deduction	2020 Industrial Water Use	Percent Industrial Water	**Eligible for Exclusion Y/N**
	19,527		0%	NO

NOTES:

Data from this table will not be entered into WUEdata.
Instead, the entire table will be uploaded to WUEdata as a separate upload in Excel format.

SB X7-7 Table 4-C.2: 2020 Process Water Deduction Eligibility *(For use only by agencies that are deducting process water using Criteria 2)*

Criteria 2
Industrial water use is equal to or greater than 15 GPCD

2020 Compliance Year	2020 Industrial Water Use	2020 Population	2020 Industrial GPCD	**Eligible for Exclusion Y/N**
		96,345	-	NO

NOTES:

Data from this table will not be entered into WUEdata.
Instead, the entire table will be uploaded to WUEdata as a separate upload in Excel format.

SB X7-7 Table 4-C.3: 2020 Process Water Deduction Eligibility *(For use only by agencies that are deducting process water using Criteria 3)*

Criteria 3
Non-industrial use is equal to or less than 120 GPCD

2020 Compliance Year	2020 Gross Water Use Without Process Water Deduction *Fm SB X7-7 Table 4*	2020 Industrial Water Use	2020 Non-industrial Water Use	2020 Population *Fm SB X7-7 Table 3*	Non-Industrial GPCD	**Eligible for Exclusion Y/N**
	19,527		19,527	96,345	181	NO

NOTES:

Data from this table will not be entered into WUEdata.
Instead, the entire table will be uploaded to WUEdata as a separate upload in Excel format.

SB X7-7 Table 4-C.4: 2020 Process Water Deduction Eligibility ***(For** use only by agencies that are deducting process water using Criteria 4)*

Criteria 4

Disadvantaged Community. A "Disadvantaged Community" (DAC) is a community with a median household income less than 80 percent of the statewide average.

SELECT ONE

"Disadvantaged Community" status was determined using one of the methods listed below:

1. IRWM DAC Mapping tool https://gis.water.ca.gov/app/dacs/

☐	If using the IRWM DAC Mapping Tool, include a screen shot from the tool showing that the service area is considered a DAC.

2. 2020 Median Income

	California Median Household Income*		Service Area Median Household Income	Percentage of Statewide Average	**Eligible for Exclusion? Y/N**
☐	**2020**	**$75,235**		0%	YES

*California median household income 2015 -2019 as reported in US Census Bureau QuickFacts.

NOTES

Data from these tables will not be entered into WUEdata. Instead, the entire tables will be uploaded to WUEdata as a separate upload in Excel format.

This table(s) is only for Suppliers that deduct process water from their 2020 gross water use.

SB X7-7 Table 4-D: 2020 Process Water Deduction - Volume *Complete*

a separate table for each industrial customer with a process water exclusion

Name of Industrial Customer	*Enter Name of Industrial Customer 1*				
Compliance Year 2020	Industrial Customer's Total Water Use *	Total Volume Provided by Supplier*	% of Water Provided by Supplier	Customer's Total Process Water Use*	Volume of Process Water Eligible for Exclusion for this Customer
					-

*** Units of measure (AF, MG , or CCF)** must remain consistent throughout the UWMP, as reported in SB X7-7 Table 0 and Submittal Table 2-3.

NOTES:

SB X7-7 Table 5: 2020 Gallons Per Capita Per Day (GPCD)		
2020 Gross Water *Fm SB X7-7 Table 4*	**2020 Population** *Fm SB X7-7 Table 3*	**2020 GPCD**
19,527	96,345	**181**
NOTES:		

SB X7-7 Table 9: 2020 Compliance							
Actual 2020 GPCD[1]	Optional Adjustments to 2020 GPCD Enter "0" if Adjustment Not Used Extraordinary Events[1]	Weather Normalization[1]	Economic Adjustment[1]	TOTAL Adjustments[1]	Adjusted 2020 GPCD [1] *(Adjusted if applicable)*	2020 Confirmed Target GPCD [1, 2]	**Did Supplier Achieve Targeted Reduction for 2020?**
181	-	-	-	-	181	181	**YES**

[1] *All values are reported in GPCD*

[2] ***2020 Confirmed Target GPCD*** *is taken from the Supplier's SB X7-7 Verification Form Table SB X7-7, 7-F.*

NOTES:

APPENDIX F

SUPPLY RELIABILITY INFORMATION PROVIDED BY SSJID

SOUTH SAN JOAQUIN
IRRIGATION DISTRICT

October 26, 2016

City of Escalon
Interim City Manager, Tammy Alcantor
talcantor@cityofescalon.org

City of Lathrop
City Manager, Stephen Salvatore
city.manager@ci.lathrop.ca.us

City of Manteca
City Manager, Elena Reyes
ereyes@ci.manteca.ca.us

City of Ripon
City Administrator, Kevin Werner
kwerner@cityofripon.org

City of Tracy
City Manager, Troy Brown
cm@ci.tracy.ca.us

Dear Public Officials:

On September 15, 2016, the State Water Resources Control Board released a revised Phase 1 Substitute Environmental Document (SED) analyzing proposed changes to the current Bay-Delta Water Quality Control Plan. The document proposes to release approximately 40-percent of what would naturally flow in watersheds tributary to the San Joaquin River like the Stanislaus River, during the February – June period. This means that surface water users on those watersheds would be restricted from using and storing water until 40-percent of unimpaired flows are rededicated for water quality and instream fishery purposes.

For the Stanislaus River, surface water cutbacks would be drastic. SSJID estimates the SED will result in average annual reductions of between 10 and 25-percent, with drought period reductions critically reducing surface water supplies by up to 64-percent. This would result in crippling water supply shortages for its agricultural customers and permanent mandatory conservation for the Cities of Manteca, Lathrop, Tracy, and Escalon who have partnered with SSJID on the Nick C. DeGroot Water Treatment Plant to meet current and future water supply needs. The SED also calls on additional groundwater pumping to make up the surface water deficit created by the plan, without adequately analyzing the local "critical" subbasin or new laws requiring sustainable use of our local groundwater resources. The implementation of the SED is expected to result in annual losses of thousands of jobs and billions of dollars to the regional economy.

At the SSJID Board of Director's meeting on Tuesday, October 11, 2016, the Board adopted a Resolution #16-13-W (attached) opposing the State Water Resources Control Board 2016 revised draft Substitute Environmental Document. The District is reaching out to the Cities of Escalon, Lathrop, Manteca, Ripon, and Tracy to urge your support in its efforts to oppose the SED by having your city councils adopt a similar resolution. We also invite you to voice your support at a State Board Hearing to be held at 9:00 am on Friday, December 16, at the Stockton Memorial Civic Auditorium, located at 525 N. Center Street, in Stockton, and provide comments on the SED to the State Board, due by January 17, 2016. We stand ready to assist in coordinating comments with you as we continue to study and understand the impacts associated with the SED to the local area.

Thank you for your consideration. If you have any questions regarding this matter, please feel free to contact me.

Sincerely,

Peter M. Rietkerk
General Manager

P.O. Box 747, Ripon, CA 95366-0747 (Mailing)
11011 E. Highway 120, Manteca, CA 95336-9750
(209) 249-4600

From: Brandon Nakagawa
To: Dave Umezaki
Subject: RE: SSJID Reliability Discussion
Date: Tuesday, April 20, 2021 2:56:49 PM

In December 2018, the State Water Resources Control Board (SWRCB) adopted amendments to the Water Quality Control Plan for the San Francisco Bay/Sacramento-San Joaquin Delta Estuary (Bay-Delta Plan Amendment) which, if and when implemented, may have an impact on the Stanislaus River. The SWRCB is required by law to regularly review this plan. The adopted Bay-Delta Plan Amendment was developed with the stated goal of increasing salmonid populations in three San Joaquin River tributaries (the Stanislaus, Merced, and Tuolumne Rivers) and the Bay-Delta. The Bay-Delta Plan Amendment requires the release of up to 30-50% of the unimpaired flow on the three tributaries from February through June in every year type.

If the Bay-Delta Plan Amendment is implemented as adopted, there are significant impacts in some years to the ability of the Bureau of Reclamation to meet its obligations under the 1988 Stipulation and Agreement to provide formula water to the both Oakdale Irrigation District and SSJID in years when inflow into New Melones is below 600,000 AF which typical occur in dry and critically dry years. This could reduce the minimum projected supply amount of 225,000 AF/year as planned for by SSJID in this UWMP. The SWRCB has stated that it intends to implement the Bay-Delta Plan Amendment on the Stanislaus River by the year 2022, assuming all required approvals are obtained by that time; however, implementation of the Bay-Delta Plan Amendment remains uncertain for multiple reasons.

Over a dozen lawsuits have been filed in both state and federal courts, including challenges filed by the Oakdale Irrigation District and SSJID, challenging the SWRCB's adoption of the Bay-Delta Plan Amendment are in the early stages and there have been no consequential court rulings as of this date. Secondly, the Bay-Delta Plan Amendment did not include an allocation of responsibility for meeting the flow requirements. Such an allocation of responsibility must consider the senior water rights of both OID and SSJID who have adjudicated pre-1914 rights and other senior appropriative rights. In recognition of the difficult legal process ahead, many stakeholders throughout California including the State and Federal Government have opted to explore the possibility of voluntary agreements to achieve outcomes comparable to those described in the Bay-Delta Amendment balancing the needs of all water users. Both OID and SSJID have participated in voluntary agreement negotiations. Based on these uncertainties, SSJID has opted to make no near-term planning assumptions related to the implementation of the Bay-Delta Plan Amendment for the purposes of this 2020 UWMP. Should conditions change or consequential resolution of the issues aforementioned come to be, SSJID will revise and re-adopt a 2020 UWMP to reflect changes to its impacted water supply.

Brandon W. Nakagawa P.E.
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From: Dave Umezaki <dumezaki@ekiconsult.com>
Sent: Tuesday, April 20, 2021 12:15 PM
To: Brandon Nakagawa <bnakagawa@ssjid.com>
Subject: RE: SSJID Reliability Discussion

We would like some sort of narrative or paragraph explaining the rationale for not assuming implementation of the Bay Delta Plan.

--Dave

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From: Brandon Nakagawa <bnakagawa@ssjid.com>
Sent: Tuesday, April 20, 2021 12:10 PM
To: Dave Umezaki <dumezaki@ekiconsult.com>
Subject: RE: SSJID Reliability Discussion

To keep things simple, I made a few notes in the tables. If you need more I can provide something.

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From: Dave Umezaki <dumezaki@ekiconsult.com>
Sent: Tuesday, April 20, 2021 12:06 PM
To: Brandon Nakagawa <bnakagawa@ssjid.com>
Subject: RE: SSJID Reliability Discussion

Thanks Brandon – we'll take a look. Will you also be able to send me the narrative today?

--Dave

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From: Brandon Nakagawa <bnakagawa@ssjid.com>
Sent: Tuesday, April 20, 2021 11:56 AM
To: Dave Umezaki <dumezaki@ekiconsult.com>
Subject: RE: SSJID Reliability Discussion

Dave,

I have filled out the tables to the best of my abilities. I'm sure that you will have questions. Please feel free to contact me.

Brandon

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DRAFT Submittal Table 6-9 Wholesale: Water Supplies — Projected

Water Supply	Additional Detail on Water Supply	Projected Water Supply *Report To the Extent Practicable*									
		2025		**2030**		**2035**		**2040**		**2045** *(opt)*	
Drop down list *May use each category multiple times. These are the only water supply categories that will be recognized by the WUEdata online submittal tool*		Reasonably Available Volume	Total Right or Safe Yield *(optional)*	Reasonably Available Volume	Total Right or Safe Yield *(optional)*	Reasonably Available Volume	Total Right or Safe Yield *(optional)*	Reasonably Available Volume	Total Right or Safe Yield *(optional)*	Reasonably Available Volume	Total Right or Safe Yield *(optional)*
Add additional rows as needed											
Surface Water	Pre-1914 Rights	225,000	300,000	225,000	300,000	225,000	300,000	225,000	300,000	225,000	300,000
Total		0	0	0	0	0	0	0	0	0	0

NOTES: The Bureau of Reclamation recognizes the sum of SSJID's pre-1914 water rights as an amount provided for referred to as "formula water" as mutualy agreed in the 1988 Agreement and Stipulation

DRAFT OPTIONAL Table 6-9 Wholesale: Water Supplies — Projected *Potable*

Water Supply	Additional Detail on Water Supply	Projected Water Supply									
		2025		**2030**		**2035**		**2040**		**2045** *(opt)*	
Drop down list *May use each category multiple times. These are the only water supply categories that will be recognized by the WUEdata online submittal tool*		Reasonably Available Volume	Total Right or Safe Yield *(optional)*	Reasonably Available Volume	Total Right or Safe Yield *(optional)*	Reasonably Available Volume	Total Right or Safe Yield *(optional)*	Reasonably Available Volume	Total Right or Safe Yield *(optional)*	Reasonably Available Volume	Total Right or Safe Yield *(optional)*
Add additional rows as needed											
Surface Water	Pre-1914 Rights	31,522	300,000	31,522	300,000	31,522	300,000	43,090	300,000	43,090	300,000
Total		0	0	0	0	0	0	0	0	0	0

NOTES: SSJID has agreed to supply up to 31,522 AF/yr to its municipal customers under Phase I of the SCSWSP Project and up to 43,090 Af/yr under Phase II. This UWMP assumes a Phase II production date of 2040.

DRAFT OPTIONAL Table 6-9 Wholesale: Water Supplies — Projected *Non-Potable*

Water Supply		Projected Water Supply				
		2025	**2030**	**2035**	**2040**	**2045** *(opt)*

Drop down list *May use each category multiple times. These are the only water supply categories that will be recognized by the WUEdata online submittal tool*	Additional Detail on Water Supply	Reasonably Available Volume	Total Right or Safe Yield *(optional)*	Reasonably Available Volume	Total Right or Safe Yield *(optional)*	Reasonably Available Volume	Total Right or Safe Yield *(optional)*	Reasonably Available Volume	Total Right or Safe Yield *(optional)*	Reasonably Available Volume	Total Right or Safe Yield *(optional)*
Add additional rows as needed											
	Total	0	0	0	0	0	0	0	0	0	0

NOTES:

DRAFT Submittal Table 7-1 Wholesale: Basis of Water Year Data (Reliability Assessment)			
Year Type	**Base Year** *If not using a calendar year, type in the last year of the fiscal, water year, or range of years, for example, water year 1999-2000, use 2000*	**Available Supplies if Year Type Repeats**	
		☐ Quantification of available supplies is not compatible with this table and is provided elsewhere in the UWMP. Location _____	
		☐ Quantification of available supplies is provided in this table as either volume only, percent only, or both.	
		Volume Available	**% of Average Supply**
Average Year	2020	300,000	100%
Single-Dry Year	1977	225,000	75%
Multiple-Dry Years 1st Year	2012	300,000	100%
Multiple-Dry Years 2nd Year	2013	287,000	95.6%
Multiple-Dry Years 3rd Year	2014	225,000	75%
Multiple-Dry Years 4th Year	2015	225,000	75%
Multiple-Dry Years 5th Year	2016	300,000	100%

Supplier may use multiple versions of Table 7-1 if different water sources have different base years and the supplier chooses to report the base years for each water source separately. If a supplier uses multiple versions of Table 7-1, in the "Note" section of each table, state that multiple versions of Table 7-1 are being used and identify the particular water source that is being reported in each table. Suppliers may create an additional worksheet for the additional tables.

NOTES:

DRAFT Submittal Table 7-2 Wholesale: Normal Year Supply and Demand Comparison					
	2025	2030	2035	2040	2045 *(Opt)*
Supply totals *(autofill from Table 6-9)*					
Demand totals *(autofill fm Table 4-3)*					
Difference	0	0	0	0	0
NOTES:					

DRAFT OPTIONAL Table 7-2 Wholesale: Normal Year Supply and Demand Comparison - Potable					
	2025	2030	2035	2040	2045 *(Opt)*
Supply totals *(autofill from Table 6-9)*	0	0	0	0	0
Demand totals *(autofill from Table 4-3)*	0	0	0	0	0
Difference	0	0	0	0	0
NOTES:					

DRAFT OPTIONAL Table 7-2 Wholesale: Normal Year Supply and Demand Comparison - Non-Potable					
	2025	2030	2035	2040	2045 *(Opt)*
Supply totals *(autofill from Table 6-9)*	0	0	0	0	0
Demand totals *(autofill fm Table 4-3)*	0	0	0	0	0
Difference	0	0	0	0	0
NOTES:					

DRAFT Submittal Table 7-3 Wholesale: Single Dry Year Supply and Demand Comparison					
	2025	2030	2035	2040	2045 (Opt)
Supply totals	23,935	23,935	23,935	23,935	23,935
Demand totals					
Difference	0	0	0	0	0
NOTES: Annual supply is reduced to 23,935 AF/yr based on actual 2020 calendar year WTP deliveries when supplies are projected to be 225,000 AF or less for the water year. SSJID will endeavor to deliver more water if conditions allow at the request of their municipal customers.					

OPTIONAL Table 7-3 Wholesale: Single Dry Year Supply and Demand Comparison - Potable					
	2025	2030	2035	2040	2045 (Opt)
Supply totals					
Demand totals					
Difference	0	0	0	0	0
NOTES:					

OPTIONAL Table 7-3 Wholesale: Single Dry Year Supply and Demand Comparison - Non-Potable					
	2025	2030	2035	2040	2045 (Opt)
Supply totals					
Demand totals					
Difference	0	0	0	0	0
NOTES:					

DRAFT Submittal Table 7-4 Wholesale: Multiple Dry Years Supply and Demand Comparison						
		2025	2030	2035	2040	2045 (Opt)
First year	Supply totals	31,522	31,522	31,522	43,090	43,090
	Demand totals					
	Difference	0	0	0	0	0
Second year	Supply totals	31,522	31,522	31,522	43,090	43,090
	Demand totals					
	Difference	0	0	0	0	0
Third year	Supply totals	23,935	23,935	23,935	23,935	23,935
	Demand totals					
	Difference	0	0	0	0	0
Fourth year *(optional)*	Supply totals	23,935	23,935	23,935	23,995	23,995
	Demand totals					
	Difference	0	0	0	0	0
Fifth year *(optional)*	Supply totals	31,522	31,522	31,522	43,090	43,090
	Demand totals					
	Difference	0	0	0	0	0
Sixth year *(optional)*	Supply totals					
	Demand totals					
	Difference	0	0	0	0	0
NOTES:						

OPTIONAL Table 7-4 Wholesale: Multiple Dry Years Supply and Demand Comparison - Potable						
		2025	2030	2035	2040	2045 (Opt)
	Supply totals					

First year	Demand totals					
	Difference	0	0	0	0	0
Second year	Supply totals					
	Demand totals					
	Difference	0	0	0	0	0
Third year	Supply totals					
	Demand totals					
	Difference	0	0	0	0	0
Fourth year *(optional)*	Supply totals					
	Demand totals					
	Difference	0	0	0	0	0
Fifth year *(optional)*	Supply totals					
	Demand totals					
	Difference	0	0	0	0	0
Sixth year *(optional)*	Supply totals					
	Demand totals					
	Difference	0	0	0	0	0
NOTES:						

OPTIONAL Table 7-4 Wholesale: Multiple Dry Years Supply and Demand Comparison - Non-Potable

		2025	2030	2035	2040	2045 (Opt)
First year	Supply totals					
	Demand totals					
	Difference	0	0	0	0	0
Second year	Supply totals					
	Demand totals					
	Difference	0	0	0	0	0
Third year	Supply totals					
	Demand totals					
	Difference	0	0	0	0	0
Fourth year *(optional)*	Supply totals					
	Demand totals					
	Difference	0	0	0	0	0
Fifth year *(optional)*	Supply totals					
	Demand totals					
	Difference	0	0	0	0	0
Sixth year *(optional)*	Supply totals					
	Demand totals					
	Difference	0	0	0	0	0
NOTES:						

Note: Totals can be entered directly or from the Optional Planning Tool avai

DRAFT Submittal Table 7-5: Five-Year Drought Risk Assessment
Tables to address Water Code Section 10635(b)

2021	Total
Gross Water Use	
Total Supplies	
Surplus/Shortfall w/o WSCP Action	0
Planned WSCP Actions (use reduction and supply augmentation)	
WSCP - supply augmentation benefit	
WSCP - use reduction savings benefit	
Revised Surplus/(shortfall)	
Resulting % Use Reduction from WSCP action	#DIV/0!

2022	Total
Gross Water Use [Use Worksheet]	
Total Supplies [Supply Worksheet]	
Surplus/Shortfall w/o WSCP Action	0
Planned WSCP Actions (use reduction and supply augmentation)	
WSCP - supply augmentation benefit	
WSCP - use reduction savings benefit	
Revised Surplus/(shortfall)	
Resulting % Use Reduction from WSCP action	#REF!

2023	Total
Gross Water Use [Use Worksheet]	
Total Supplies [Supply Worksheet]	
Surplus/Shortfall w/o WSCP Action	0
Planned WSCP Actions (use reduction and supply augmentation)	
WSCP - supply augmentation benefit	
WSCP - use reduction savings benefit	
Revised Surplus/(shortfall)	
Resulting % Use Reduction from WSCP action	#DIV/0!

2024	Total
Gross Water Use [Use Worksheet]	
Total Supplies [Supply Worksheet]	
Surplus/Shortfall w/o WSCP Action	0
Planned WSCP Actions (use reduction and supply augmentation)	
WSCP - supply augmentation benefit	
WSCP - use reduction savings benefit	
Revised Surplus/(shortfall)	

Resulting % Use Reduction from WSCP action	#DIV/0!

2025	Total
Gross Water Use [Use Worksheet]	
Total Supplies [Supply Worksheet]	
Surplus/Shortfall w/o WSCP Action	0
Planned WSCP Actions (use reduction and supply augmentation)	
WSCP - supply augmentation benefit	
WSCP - use reduction savings benefit	
Revised Surplus/(shortfall)	
Resulting % Use Reduction from WSCP action	#DIV/0!

APPENDIX G

WATER SERVICE RELIABILITY AND DROUGHT RISK ASSESSMENT ASSUMING IMPLEMENTATION OF BAY-DELTA PLAN AMENDMENT

Water Service Reliability and Drought Risk Assessment
Assuming Implementation of Bay-Delta Plan Amendment

As described in Chapter 7 of the Urban Water Management Plan (UWMP), the City of Tracy (City) relies on its wholesale agency the South San Joaquin Irrigation District (SSJID) for the reliability projections related to the South County Water Supply Project (SCWSP). Information on supply reliability provided by SSJID is included as Appendix F of the UWMP. Chapter 7 of the UWMP presents results for the SCWSP water reliability assessment assuming that the Water Quality Control Plan for the San Francisco/Sacramento-San Joaquin Delta Estuary (Bay-Delta Plan Amendment) will not be implemented, which is consistent with SSJID's approach. SSJID has provided the following rationale for this approach:

> *In December 2018, the State Water Resources Control Board (SWRCB) adopted amendments to the Water Quality Control Plan for the San Francisco Bay/Sacramento-San Joaquin Delta Estuary (Bay-Delta Plan Amendment) which, if and when implemented, may have an impact on the Stanislaus River. The SWRCB is required by law to regularly review this plan. The adopted Bay-Delta Plan Amendment was developed with the stated goal of increasing salmonid populations in three San Joaquin River tributaries (the Stanislaus, Merced, and Tuolumne Rivers) and the Bay-Delta. The Bay-Delta Plan Amendment requires the release of up to 30-50% of the unimpaired flow on the three tributaries from February through June in every year type.*
>
> *If the Bay-Delta Plan Amendment is implemented as adopted, there are significant impacts in some years to the ability of the Bureau of Reclamation to meet its obligations under the 1988 Stipulation and Agreement to provide formula water to both the Oakdale Irrigation District and SSJID in years when inflow into New Melones is below 600,000 AF which typical occur in dry and critically dry years. This could reduce the minimum projected supply amount of 225,000 AF/year as planned for by SSJID in this UWMP. The SWRCB has stated that it intends to implement the Bay-Delta Plan Amendment on the Stanislaus River by the year 2022, assuming all required approvals are obtained by that time; however, implementation of the Bay-Delta Plan Amendment remains uncertain for multiple reasons.*
>
> *Over a dozen lawsuits have been filed in both state and federal courts, including challenges filed by the Oakdale Irrigation District and SSJID, challenging the SWRCB's adoption of the Bay-Delta Plan Amendment are in the early stages and there have been no consequential court rulings as of this date. Secondly, the Bay-Delta Plan Amendment did not include an allocation of responsibility for meeting the flow requirements. Such an allocation of responsibility must consider the senior water rights of both OID and SSJID who have adjudicated pre-1914 rights and other senior appropriative rights. In recognition of the difficult legal process ahead, many stakeholders throughout California including the State and Federal Government have opted to explore the possibility of voluntary agreements to achieve outcomes comparable to those described in the Bay-Delta Amendment balancing the needs of all water users. Both OID and SSJID have participated in voluntary agreement negotiations. Based on these uncertainties, SSJID has opted to make no near-term planning assumptions related to the implementation of the Bay-Delta Plan Amendment for the purposes of this 2020 UWMP. Should conditions change or consequential resolution of the issues aforementioned come to be, SSJID will revise and re-adopt a 2020 UWMP to reflect changes to its impacted water supply.*

However, the City understands that it is helpful to understand the possible supply implications in the event that the Bay-Delta Plan Amendment is implemented as adopted. To fully assess the impacts of the Bay-Delta Plan Amendment and better plan for the potential shortfalls, the City conducted a parallel set of reliability analyses assuming that the Bay-Delta Plan Amendment will be implemented, which is presented below.

Table 1 below mirrors Table 7-2 in the UWMP and presents the City's projected water supply in normal years based on the assumption that the reliability of the SCWSP in normal years will be 75% of the contractual amount. The City's current contractual amount of SCWSP water is 13,135 acre-feet per year (AFY) in total.[1] The City anticipates that its temporary contract with Escalon to purchase Escalon's allocation of 2,015 AFY will terminate after 2025. By that time, the City's allocation will be reduced to 11,120 AFY. As such, the City anticipates being able to receive 9,851 AFY of SCWSP supply in 2025 and 8,340 AFY afterwards, assuming normal year conditions.

[1] Water Supply Development and Operating Agreement, August 2020.

Escalon Amendment to Tracy-SSJID Water Supply Development Agreement, March 2006.

Table 1 Projected Water Supply in Normal Years
Assuming Implementation of Bay-Delta Plan Amendment

Water Supply	Allocation / Reliability	Supply Amount				
		2025	2030	2035	2040	2045
Current Potable Supplies						
CVP - USBR Tracy Contract	75% of Historical Use	4,448	4,448	4,448	4,448	4,448
CVP - USBR BCID & WSID Contract	50% of Contract	5,000	5,000	5,000	5,000	5,000
SCWSP - SSJID Contract	75% of Contract	9,851	8,340	8,340	8,340	8,340
BBID	100% of Tracy Hills Demand	800	1,500	2,000	2,500	3,300
Groundwater	100% Reliable	2,500	2,500	2,500	2,500	2,500
Anticipated Future Potable Supplies						
Recycled Water Distribution Network and Exchange	100% Reliable	0	1,925	3,500	5,000	7,500
Total Potable Supply	--	**22,599**	**23,713**	**25,788**	**27,788**	**31,088**
Anticipated Future Non-Potable Supplies						
Recycled Water	100% Reliable	1,000	2,067	3,133	4,200	6,300
Total Non-Potable Supply	--	**1,000**	**2,067**	**3,133**	**4,200**	**6,300**
Total Supply	--	**23,599**	**25,779**	**28,921**	**31,988**	**37,388**

NOTES:
(a) Volumes are in units of AF.
(b) Information provided by the City. Recycled water and groundwater volumes assume the City investments in infrastructure and/or permitting.

Table 2 below mirrors Table 7-3 in the UWMP and presents the City's projected water supply in single dry years. Based on the assumption that in single dry years the reliability of the SCWSP will be reduced to 36% of the contract amount, the City anticipates being able to receive 4,729 AFY of SCWSP supply in 2025 and 4,003 AFY afterwards.

Table 2 Projected Water Supply in Single Dry Years Assuming Implementation of Bay-Delta Plan Amendment

Water Supply	Allocation / Reliability	Supply Amount				
		2025	2030	2035	2040	2045
Current Potable Supplies						
CVP - USBR Tracy Contract	25% of Historical Use	1,483	1,483	1,483	1,483	1,483
CVP - USBR BCID & WSID Contract	0% of Contract	0	0	0	0	0
SCWSP - SSJID Contract	36% of Contract	4,729	4,003	4,003	4,003	4,003
BBID	100% of Tracy Hills Demand	800	1,500	2,000	2,500	3,300
Groundwater	100% Reliable	4,500	4,500	4,500	4,500	4,500
Anticipated Future Potable Supplies						
Recycled Water Distribution Network and Exchange	100% Reliable	0	1,925	3,500	5,000	7,500
ASR Dry Year Supply	100% Reliable	700	700	700	1,000	1,000
Total Potable Supply	--	**12,211**	**14,111**	**16,186**	**18,486**	**21,786**
Anticipated Future Non-Potable Supplies						
Recycled Water	100% Reliable	1,000	2,067	3,133	4,200	6,300
Total Non-Potable Supply	--	**1,000**	**2,067**	**3,133**	**4,200**	**6,300**
Total Supply	--	**13,211**	**16,177**	**19,319**	**22,686**	**28,086**

NOTES:
(a) Volumes are in units of AF.
(b) Information provided by the City. Recycled water and groundwater volumes assume the City investments in infrastructure and/or permitting. ASR volumes assume surplus supplies are available in wet years to inject and store, as well as additional investment in ASR construction and operation.

Similarly, Table 3 below mirrors Tables 7-4 and 7-5 in the UWMP and presents the City's projected water supply in multiple dry years. Based on the assumption that in multiple dry years the reliability of the SCWSP will be reduced to 36% of the contract amount, the City anticipates being able to receive 4,729 AFY of SCWSP supply in 2025 and 4,003 AFY afterwards.

Table 3 Projected Water Supplies in Multiple Dry Years Assuming Implementation of Bay-Delta Plan Amendment

Water Supply	Allocation / Reliability	Supply Amount				
		2025	2030	2035	2040	2045
Current Potable Supplies						
CVP - USBR Tracy Contract	40% of Historical Use	2,372	2,372	2,372	2,372	2,372
CVP - USBR BCID & WSID Contract	0% of Contract	0	0	0	0	0
SCWSP - SSJID Contract	36% of Contract	4,729	4,003	4,003	4,003	4,003
BBID	100% of Tracy Hills Demand	800	1,500	2,000	2,500	3,300
Groundwater	100% Reliable	4,500	4,500	4,500	4,500	4,500
Semitropic Dry Year Supply	100% Reliable	1,722	1,722	1,722	1,722	1,722
Anticipated Future Potable Supplies						
Recycled Water Distribution Network and Exchange	100% Reliable	0	1,925	3,500	5,000	7,500
ASR Dry Year Supply	100% Reliable	140	140	140	200	200
Total Potable Supply	--	**14,262**	**16,162**	**18,237**	**20,297**	**23,597**
Anticipated Future Non-Potable Supplies						
Recycled Water	100% Reliable	1,000	2,067	3,133	4,200	6,300
Total Non-Potable Supply	--	**1,000**	**2,067**	**3,133**	**4,200**	**6,300**
Total Supply	--	**15,262**	**18,228**	**21,370**	**24,497**	**29,897**

NOTES:
(a) Volumes are in units of AF.
(b) Information provided by the City. Recycled water and groundwater volumes assume the City investments in infrastructure and/or permitting. ASR and Semitropic volumes assume surplus supplies are available in wet years to inject and/or store, as well as additional investment in ASR construction and operation. Semitropic supply is assumed to be unavailable in the first year of a multiple dry year. Other supply volumes are assumed to be constant in each year of a multiple dry year.

The City's projected water demands are compared to its water supplies in normal years, single dry years, and multiple dry year periods in Table 4, Table 5 and Table 6, which mirror Tables 7-6 through 7-8 in the UWMP. As can be seen below, supplies are projected to be insufficient to meet the projected demands after 2040 in normal years, with a potential shortfall of 1,991 AFY in 2045, equal to 5% of the projected demand. In single dry years, supply shortfalls are projected in all years from 2025 to 2045, with maximum shortfalls of 39% of the projected demand (in 2025), or 11,293 AFY total (in 2045). In multiple dry years, supply shortfalls are also projected in all years from 2025 to 2045, which are up to 37% of the projected demand (in 2025), or up to 11,204 AFY total (in 2045).

Table 4 Normal Year Supply and Demand Comparison
Assuming Implementation of Bay-Delta Plan Amendment

	2025	2030	2035	2040	2045
Supply totals *From DWR Table 6-9*	24,103	25,780	28,921	31,988	37,388
Demand totals *From DWR Table 4-3*	21,509	25,167	28,871	32,603	39,379
Difference	2,594	613	50	(615)	(1,991)
NOTES: (a) Volumes are in units of AF.					

Table 5 Single Dry Year Supply and Demand Comparison
Assuming Implementation of Bay-Delta Plan Amendment

	2025	2030	2035	2040	2045
Supply totals	13,211	16,177	19,319	22,686	28,086
Demand totals	21,509	25,167	28,871	32,603	39,379
Difference	(8,298)	(8,990)	(9,552)	(9,918)	(11,293)
NOTES: (a) Volumes are in units of AF.					

Table 6 Multiple Dry Years Supply and Demand Comparison
Assuming Implementation of Bay-Delta Plan Amendment

		2025	2030	2035	2040	2045
First year	Supply totals	13,541	16,507	19,648	22,775	28,175
	Demand totals	21,509	25,167	28,871	32,603	39,379
	Difference	(7,968)	(8,660)	(9,223)	(9,828)	(11,204)
Second year	Supply totals	15,262	18,228	21,370	24,497	29,897
	Demand totals	21,509	25,167	28,871	32,603	39,379
	Difference	(6,246)	(6,939)	(7,501)	(8,107)	(9,482)
Third year	Supply totals	15,262	18,228	21,370	24,497	29,897
	Demand totals	21,509	25,167	28,871	32,603	39,379
	Difference	(6,246)	(6,939)	(7,501)	(8,107)	(9,482)
Fourth year	Supply totals	15,262	18,228	21,370	24,497	29,897
	Demand totals	21,509	25,167	28,871	32,603	39,379
	Difference	(6,246)	(6,939)	(7,501)	(8,107)	(9,482)
Fifth year	Supply totals	15,262	18,228	21,370	24,497	29,897
	Demand totals	21,509	25,167	28,871	32,603	39,379
	Difference	(6,246)	(6,939)	(7,501)	(8,107)	(9,482)

NOTES:
(a) Volumes are in units of AF.

Table 7 below mirrors Table 7-10 in the UWMP and presents a Drought Risk Assessment (DRA) which considers the effects on available water supply sources of an assumed five-year drought commencing the year after the assessment is completed, i.e., from 2021 through 2025. Supply shortfalls are projected in all five years with the largest shortfall being approximately 7,591 AFY in 2021, or 38% of the projected demand.

Table 7 Five-Year Drought Risk Assessment Tables to Address Water Code 10635(b) Assuming Implementation of Bay-Delta Plan Amendment

2021	Total
Total Water Use	19,923
Total Supplies	12,333
Surplus/Shortfall w/o WSCP Action	(7,591)
Planned WSCP Actions (use reduction and supply augmentation)	
WSCP - supply augmentation benefit	0
WSCP - use reduction savings benefit	7,591
Revised Surplus/(shortfall)	0
Resulting % Use Reduction from WSCP action	38%

2022	Total
Total Water Use	20,320
Total Supplies	14,106
Surplus/Shortfall w/o WSCP Action	(6,213)
Planned WSCP Actions (use reduction and supply augmentation)	
WSCP - supply augmentation benefit	0
WSCP - use reduction savings benefit	6,213
Revised Surplus/(shortfall)	0
Resulting % Use Reduction from WSCP action	31%

2023	Total
Total Water Use	20,716
Total Supplies	14,158
Surplus/Shortfall w/o WSCP Action	(6,558)
Planned WSCP Actions (use reduction and supply augmentation)	
WSCP - supply augmentation benefit	0
WSCP - use reduction savings benefit	6,558
Revised Surplus/(shortfall)	0
Resulting % Use Reduction from WSCP action	32%

Table 7 Five-Year Drought Risk Assessment Tables to Address Water Code 10635(b)
Assuming Implementation of Bay-Delta Plan Amendment

2024	Total
Total Water Use	21,112
Total Supplies	14,210
Surplus/Shortfall w/o WSCP Action	(6,902)
Planned WSCP Actions (use reduction and supply augmentation)	
WSCP - supply augmentation benefit	0
WSCP - use reduction savings benefit	6,902
Revised Surplus/(shortfall)	0
Resulting % Use Reduction from WSCP action	33%

2025	Total
Total Water Use	21,509
Total Supplies	15,262
Surplus/Shortfall w/o WSCP Action	(6,246)
Planned WSCP Actions (use reduction and supply augmentation)	
WSCP - supply augmentation benefit	0
WSCP - use reduction savings benefit	6,246
Revised Surplus/(shortfall)	0
Resulting % Use Reduction from WSCP action	29%
NOTES: (a) Volumes are in units of AF.	

As presented in the tables, supply shortfalls are significantly increased under the assumption that the Bay-Delta Plan Amendment will be implemented. However, there are currently numerous sources of uncertainty in the supply projections as summarized below:

- Implementation of the Bay-Delta Plan Amendment is under negotiation. The SSJID and others are continuing negotiations with the State Water Resources Control Board (SWRCB) on implementation of the Bay-Delta Plan Amendment for water supply cutbacks, particularly during droughts. This is a dynamic situation and the projected drought cutback allocations may need to be revised before the next (i.e., 2025) UWMP depending on the outcome of ongoing negotiations.
- Benefits of the City's development of additional Aquifer Storage and Recovery (ASR) and recycled water supplies are accounted for in current supply projections. However, implementation of these projects will require significant investment by the City in the near- and long-term. Similarly, investments in wet years supplies will be needed to refill storage in the Semitropic Groundwater Storage Bank and in the ASR wells.

- The City will have to continue to work closely with the United States Bureau of Reclamation (USBR) and SSJID on their rationing policies to ensure that Municipal and Industrial (M&I) needs can be met.
- The City's projected water demands are subject to change in the future based upon future housing needs, increased conservation, and development of additional local supplies or policies to limits water demand associated with current and future development.
- Frequency and duration of cutbacks are also uncertain. While the projected shortfalls presented here appear severe, the actual frequency and duration of such shortfalls are uncertain. In addition to the supply volumes, the above listed uncertainties would also impact the projected frequency and duration of shortfalls.

As mentioned above, the City is conducting this analysis as part of the planning efforts. Despite that there remains large uncertainty in future supply availability, the City has developed and will continue to develop various strategies and actions to address the projected supply shortfalls. In addition, as conditions evolve and as new information becomes available, the City may conduct an interim update or updates to the UWMP within the five-year cycle, i.e., before the 2025 UWMP.

APPENDIX H

WATER SHORTAGE CONTINGENCY PLAN

Water Shortage Contingency Plan
2020 Update

City of Tracy

June 2021

DRAFT - May 2021

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1 INTRODUCTION

☑ ***CWC § 10640***

(a) Every urban water supplier required to prepare a plan pursuant to this part shall prepare its plan pursuant to Article 2 (commencing with Section 10630). The supplier shall likewise periodically review the plan as required by Section 10621, and any amendments or changes required as a result of that review shall be adopted pursuant to this article.

(b) Every urban water supplier required to prepare a water shortage contingency plan shall prepare a water shortage contingency plan pursuant to Section 10632. The supplier shall likewise periodically review the water shortage contingency plan as required by paragraph (10) of subdivision (a) of Section 10632 and any amendments or changes required as a result of that review shall be adopted pursuant to this article.

This section presents the City of Tracy's (City's) Water Shortage Contingency Plan (WSCP), which has been developed to serve as a flexible framework of planned response measures to mitigate future water supply shortages. The City's WSCP was last updated in June 2015 via Ordinance 1196 and was included in the 2015 Urban Water Management Plan (UWMP). This WSCP builds upon and supersedes the 2015 WSCP.

The WSCP includes the stages of response to a water shortage caused by drought or by supply interruptions caused by infrastructure failure, regulatory mandate, or catastrophic human-caused or natural events. The primary objective of the WSCP is to ensure that the City has in place the necessary resources and management responses needed to protect health and human safety, minimize economic disruption, and preserve environmental and community assets during water supply shortages and interruptions. The WSCP also includes procedures to conduct an annual assessment of water supply and demand in order to determine whether water shortage conditions are likely to exist in the forthcoming year, and to proactively begin the process of implementing WSCP stages of action, as appropriate.

This WSCP has been prepared in accordance with California Water Code (CWC) § 10640 and CWC § 10632 of the UWMP Act. Text from the UWMP Act has been included in grey text boxes with italicized font at beginning of relevant sections of this WSCP. The information presented in the respective WSCP sections and the associated text and tables are collectively intended to fulfill the requirements of that sub-section of the UWMP Act.

The City's 2020 WSCP will be incorporated into the Water Management Chapter of the Tracy Municipal Code (TMC) as codified in Chapter 11.28, Article 5 - Drought and Other Water Emergency, and Article 6 – Water Conservation and Rationing Plan, Water Emergency Plan, Variances and Appeals.

The WSCP has been developed to support the broader vision of the City laid out in the General Plan. Among other things, the General Plan emphasizes the importance of "hometown feel", community livability, quality of life, and increased economic development. To that end, the City's WSCP reflects the following set of guiding principles:

- Prioritize the reduction of non-essential water uses. This WSCP concentrates on the reduction of non-essential water uses and gives the highest priority to preserving water uses that are essential to the health, safety, welfare, and economic vitality of the City's customers.

- Water cutbacks will focus on outdoor water use. Outdoor water use is an important, but relatively discretionary end use in comparison to indoor water uses related to drinking, cooking, and sanitary activities. Outdoor water use supplied with recycled water, however, may not need to be cut back as ample supplies of recycled water are likely to be available even during a drought.
- Focus on fewer, enforceable requirements. This WSCP targets end uses that can offer significant savings with a high degree of enforceability, such as dedicated irrigation accounts.
- Communicate early, penalize later. Early stages focus on creating public awareness and signaling the need for conservation, whereas later stages impose stricter requirements and increase penalties and enforcement.

Practically, these principles guide the City to ask for a shared contribution from all of its customers towards meeting water reduction goals during periods of water shortage. They further direct the City to focus its water conservation efforts on reducing discretionary water uses such as outdoor irrigation, while attempting to minimize economic and other impacts to its residential and commercial customers. The City learned during the recent drought that public outreach and awareness are capable of generating significant savings in response to a severe drought. Therefore, this WSCP emphasizes these activities before it mandates specific water-conserving actions.

2 WATER SUPPLY RELIABILITY ANALYSIS

☑ ***CWC § 10632 (a) (1)*** *The analysis of water supply reliability conducted pursuant to Section 10635.*

This section provides a summary of the City's water supply reliability analysis, recognizing that the WSCP is intended to be a standalone document that can be adopted and amended independently.

The City relies and plans to rely on a wide range of water supply sources, including various surface water supplies, groundwater production, Aquifer Storage and Recovery (ASR), Semitropic Groundwater Storage Bank (Semitropic), recycled water and the Recycled Water Distribution Network and Exchange program for its supply. Surface water supplies include Central Valley Project (CVP) water purchased from the United States Bureau of Reclamation (USBR) and Stanislaus River water provided by the South San Joaquin Irrigation District (SSJID) through the South County Water Supply Project (SCWSP).

The reliability analysis was performed based on, among other things, SSJID's water reliability analysis, which assumes that the State Water Resources Control Board's (SWRCB's) released amendments to the Water Quality Control Plan for the San Francisco/Sacramento-San Joaquin Delta Estuary (Bay-Delta Plan Amendment) will not be implemented. If the Bay-Delta Plan Amendment is implemented, significant surface water cutbacks would likely be experienced, as presented in Appendix G to the UWMP.

Based on the service reliability analysis, the City's is expected to have adequate water supplies during normal years to meet projected demands through 2045. However, the City is projecting up to 9,120 acre-feet per year (AFY) of supply shortfall in single dry years by 2045, or up to 24% of the projected demand. In multiple dry years, the projected shortfalls by 2045 are up to 7,308 AFY or 19% of the projected demand.

A Drought Risk Assessment (DRA) was also conducted during the water supply reliability assessment, which evaluates the effects on available water supply sources of an assumed five-year drought commencing the year after the assessment is completed (i.e., from 2021 through 2025). Based on the DRA, the City is expected to have sufficient water supply in 2021, 2022, and 2025. However, in 2023 and 2024, the demands are estimated to exceed supplies by 1,313 AFY and 1,657 AFY, respectively. This WSCP addresses such water shortage conditions and identifies a variety of actions that the City will implement to reduce demands and further ensure supply reliability at various levels of water shortage.

3 PRIOR DROUGHT ACTIONS

The City has historically developed different strategies for reducing water demand during water shortages. The City's actions in response to the recent severe drought that occurred in California between 2014 and 2017 are discussed below.

On 1 April 2015, Governor Brown issued the fourth in a series of Executive Orders regarding actions necessary to address California's severe drought conditions. Executive Order B-29-15 directed the SWRCB to impose the first-ever mandatory restrictions on urban water suppliers to achieve a statewide 25% reduction in potable urban water usage through February 2016.[1] The Executive Order also required Commercial, Industrial, and Institutional (CII) users to implement water efficiency measures, prohibited irrigation with potable water of ornamental turf in public street medians, and prohibited irrigation with potable water outside newly constructed homes and buildings that was not delivered by drip or microspray systems, along with numerous other directives.

On 5 May 2015, the SWRCB adopted Resolution 2015-0032, which mandated minimum actions by water suppliers and their customers to conserve water supplies into 2016 and assigned a mandatory water conservation savings goal to each water supplier based on their residential gallons per capita per day (R-GPCD) water use. The mandatory conservation standards established by the SWRCB and included in CWC §865(c) ranged from 8% for suppliers with an R-GPCD below 65 R-GPCD, up to 36% for suppliers with an R-GPCD of greater than 215 GPCD. As with the emergency drought regulations adopted by the SWRCB in 2014, the new water conservation regulation was primarily intended to reduce outdoor urban water use. On 2 February 2016, the SWRCB voted to extend the reduction targets through October 2016 with some modifications.[2]

Based on its R-GPCD, the City was required to reduce water use by 28% in 2015 relative to its 2013 water use.[3] The City Council enacted Stages 3 and 4 of the 2015 WSCP on 2 June 2015. The City achieved high savings (up to a 34% reduction in total demand) during the summer and fall months, likely corresponding to large cut-backs in irrigation water uses. Total cumulative water savings through February 2016 were 26.9%.

On 7 April 2017, Governor Brown issued Executive Order B-40-17, which lifted the drought emergency in most of California while maintaining prohibitions on wasteful practices and water reporting requirements. The City has incorporated these permanent prohibitions into Stage 1 of its WSCP update.

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[1] Executive Order B-29-15 is located online at https://www.ca.gov/archive/gov39/wp-content/uploads/2017/09/4.1.15_Executive_Order.pdf, accessed 4 February 2021.

[2] Adopted text of the extended Emergency Regulations located online at http://www.waterboards.ca.gov/water_issues/programs/conservation_portal/docs/emergency_reg/final_reg_enacted.pdf, accessed 4 February 2021.

[3] The City has qualified for a climate adjustment to its mandatory conservation standard, which has been reduced by 3%, from 28% to 25%, effective 1 March 2016.

4 ANNUAL WATER SUPPLY AND DEMAND ASSESSMENT PROCEDURES

☑ ***CWC § 10632 (a) (2)***

The procedures used in conducting an annual water supply and demand assessment that include, at a minimum, both of the following:

(A) The written decision making process that an urban water supplier will use each year to determine its water supply reliability.

(B) The key data inputs and assessment methodology used to evaluate the urban water supplier's water supply reliability for the current year and one dry year, including all of the following:

(i) Current year unconstrained demand, considering weather, growth, and other influencing factors, such as policies to manage current supplies to meet demand objectives in future years, as applicable.

(ii) Current year available supply, considering hydrological and regulatory conditions in the current year and one dry year. The annual supply and demand assessment may consider more than one dry year solely at the discretion of the urban water supplier.

(iii) Existing infrastructure capabilities and plausible constraints.

(iv) A defined set of locally applicable evaluation criteria that are consistently relied upon for each annual water supply and demand assessment.

(v) A description and quantification of each source of water supply.

☑ ***CWC § 10632.1***

An urban water supplier shall conduct an annual water supply and demand assessment pursuant to subdivision (a) of Section 10632 and, on or before July 1 of each year, submit an annual water shortage assessment report to the department with information for anticipated shortage, triggered shortage response actions, compliance and enforcement actions, and communication actions consistent with the supplier's water shortage contingency plan. An urban water supplier that relies on imported water from the State Water Project or the Bureau of Reclamation shall submit its annual water supply and demand assessment within 14 days of receiving its final allocations, or by July 1 of each year, whichever is later.

☑ ***CWC § 10632.2***

An urban water supplier shall follow, where feasible and appropriate, the prescribed procedures and implement determined shortage response actions in its water shortage contingency plan, as identified in subdivision (a) of Section 10632, or reasonable alternative actions, provided that descriptions of the alternative actions are submitted with the annual water shortage assessment report pursuant to Section 10632.1. Nothing in this section prohibits an urban water supplier from taking actions not specified in its water shortage contingency plan, if needed, without having to formally amend its urban water management plan or water shortage contingency plan.

On an annual basis, the City will conduct an Annual Supply-Demand Assessment (Annual Assessment) to identify whether there is likely to be a water shortage condition in the following year. For purposes of this assessment, a water shortage condition is defined as an anticipated shortfall of greater than 10%, corresponding to Water Shortage Level (or Stage) 2. Each element of the Annual Assessment is described below, along with the key data inputs and methodologies for determining these elements.

4.1 Evaluation Criteria

The City will conduct its Annual Assessment in consideration of existing hydrological and regulatory conditions such as any state-mandated drought or water use restrictions. Further, as imported sources constitute a significant portion of the City's supply, the City will rely primarily on USBR and SSJID for the supply reliability portion of its Annual Assessment. The City's supply and demand evaluation criteria will be calculated using the key data inputs to the Annual Assessment, including:

- Imported water allocation;
- Emergency allocation;
- Effectiveness of active conservation;
- ASR storage;
- Banked water (Semitropic) availability;
- Demand; and
- Infrastructure constraints.

4.2 Water Supply

On the basis of the evaluation criteria described below and available supporting information, the City will quantify the projected available supply for the forthcoming year. This quantification will likely be a range, and subject to revision as new data become available and as conditions evolve.

4.2.1 Imported Sources

- CVP Available Supply: The USBR makes an annual determination of allocations which is then provided to the City in early March. In 2018, the USBR revised its M&I Water Shortage Allocation Policy to determine allocations based on historical average use as a baseline, not contracted allotment.
- SCWSP Available Supply: SSJID makes an annual determination of allocation which is provided to the City in late April or early May.

4.2.2 Local Sources

- Groundwater Available Supply: The City assesses the prior year's production and any production constraints. Evaluations include consideration of: (1) any new Groundwater Sustainability Agency (GSA) policies (e.g., pumping allocations) or sustainability criteria that could trigger a change in groundwater volume available for pumping, (2) any well operational or water quality issues, and (3) any new limitations on well permitting that could limit the ability to deepen existing supply wells or drill new supply wells.
- ASR Storage: The City assesses available supply by comparing the prior year's demand against actual injection.

- Recycled Water (Non-Potable Supply): Recycled water is currently not available. However, once the permitting process is completed, the City will assess the previous year's production and any production constraints to evaluate the availability of recycled water. The evaluations will include any new recycled water policies and criteria that could trigger a change in volume available.

4.3 Unconstrained Customer Demand

Unconstrained customer demands (i.e., the expected water use in the absence of shortage-caused reductions in water use) will be evaluated and estimated for the forthcoming year based on:

- A comparison of monthly customer demands relative to prior years (e.g., last three years);
- Evaluation of current and anticipated weather conditions;
- New demands anticipated during the coming year (e.g., new accounts coming online); and
- Any other potentially pertinent factors identified by the City (e.g., pandemic-related stay-at-home orders).

4.4 Planned Water Use for Current Year Considering Dry Subsequent Year

The City will compare the estimated unconstrained demands to the anticipated supplies for the current year, assuming that the following year will be dry (i.e., a supply shortfall greater than 10%), and using the evaluation criteria identified above.

4.5 Infrastructure Considerations

The City will evaluate how infrastructure capabilities and constraints may affect its ability to deliver supplies to meet expected customer water demands in the coming year. The constraints and capabilities are expected to include, among other things:

- Anticipated capital projects and upgrades;
- Anticipated maintenance and repairs; and
- Emergency maintenance and repairs.

4.6 Team Members and Decision Makers

Team members and decision makers include the following City staff:

- Water Operations Superintendent;
- Water Resources and Compliance Manager (WRCM);
- Director of Utilities;
- City Manager; and
- City Council.

4.7 Decision-Making Process

The decision-making process and timeline are anticipated to be as follows:

- March:
  - USBR conveys the CVP allocation (i.e., available percentage of annual historical average supply) to the City.
- Late April to Early May:
  - SSJID conveys the available percentage of contracted allocation that the City shall receive.
  - City determines local supply available.
  - City determines total supply available.
  - City determines expected demand.
  - City compares supply and demand to determine the water supply conditions for the current year and one dry year.
  - If shortage greater than 10% is determined to exist, the City shall implement response actions in the WSCP through City Council declaration.

    Per Section 11.28.140 of the TMC, the City Council may declare a drought and direct the City Manager to implement all provisions of Article 6 of this chapter when one or more of the following conditions exist:

    a) The average static groundwater basin level reaches thirty (30) feet below sea level as determined by the Water Production Supervisor by means of monthly groundwater soundings at the water production wells, or if the estimated groundwater demand for the year exceeds 6,000 acre feet, the estimated safe yield for groundwater extraction;

    b) A cutback of available surface water supplies obtained from the Central Valley Project or South San Joaquin Irrigation District occurs;

    c) A drought is declared by the Governor of California covering the water sources used by the City, and subsequent reductions of water supplied to the City will occur or are likely to occur;

    d) Any unusual situation or circumstance which affects the quantity or quality of the water supply.

    Per Section 11.28.210 of the TMC, the City Council may declare a water emergency and direct the City Manager to implement appropriate water conservation and/or rationing requirements consistent with this chapter when one or more of the following conditions exist:

a) *A decrease in the ability to draw groundwater due to well contamination, well failure or other equipment or system failure, and no alternative source of water is available;*

b) *Contamination of the water system;*

c) *Natural disasters affecting water deliveries;*

d) *During times of floods which would affect water quality;*

e) *Sabotage or threats of sabotage against the water system;*

f) *Any unusual situation or circumstance which affects the quantity or quality of the water supply.*

- June:
  - City prepares the Annual Assessment report.
- July 1 or within 14 days of receiving final allocation from the USBR, whichever is later:
  - City submits the Annual Assessment to the California Department of Water Resources (DWR).

As stated in the regulations, the City shall follow, where feasible and appropriate, the prescribed procedures and implement determined shortage response actions in this WSCP, as identified in the CWC subdivision (a) of §10632, or reasonable alternative actions, provided that descriptions of the alternative actions are submitted with the Annual Assessment Report pursuant to CWC §10632.1. Should the City choose to include reasonable alternative actions, it will describe identified reasonable alternative actions (shortage response actions in addition to what has been identified in Section 6 of this WSCP) to reduce the gap between water supply and demand.

5 WATER SHORTAGE LEVELS

☑ ***CWC § 10632 (a) (3)***

(A) Six standard water shortage levels corresponding to progressive ranges of up to 10, 20, 30, 40, and 50 percent shortages and greater than 50 percent shortage. Urban water suppliers shall define these shortage levels based on the suppliers' water supply conditions, including percentage reductions in water supply, changes in groundwater levels, changes in surface elevation or level of subsidence, or other changes in hydrological or other local conditions indicative of the water supply available for use. Shortage levels shall also apply to catastrophic interruption of water supplies, including, but not limited to, a regional power outage, an earthquake, and other potential emergency events.

(B) An urban water supplier with an existing water shortage contingency plan that uses different water shortage levels may comply with the requirement in subparagraph (A) by developing and including a cross-reference relating its existing categories to the six standard water shortage levels.

Consistent with the requirements of CWC § 10632(a)(3), this WSCP is based on the six water shortage levels (also referred to as "stages") shown in **Table 5-1**. These stages are intended to address shortages caused by any condition, including the catastrophic interruption of water supplies. Besides the mandatory prohibitions, each stage of the WSCP is implemented by a formal declaration by the City Council recognizing the need for a reduction in water use and enacting a specific stage of action due to a water supply shortage of emergency. All of the stages allow for adequate water to protect public health and safety and satisfy the fire protection needs of the City. **Table 5-1** summarizes the water supply reduction and supply conditions associated with each stage of action.

Table 5-1 Water Shortage Contingency Plan Levels (DWR Table 8-1)

Shortage Level	Percent Shortage Range	Shortage Response Actions
1	Up to 10%	• Declaration by the City Council upon the determination that one or more of the trigger mechanisms exist per TMC Section 11.28.140 and Section 11.28.210 and that the City may reduce water use by up to 10% due to water supply shortages or emergency. • Includes implementation of mandatory restrictions on end uses as well as agency actions (see **Table 6-1** and **Table 6-2**).
2	Up to 20%	• Declaration by the City Council upon the determination that one or more of the trigger mechanisms exist per TMC Section 11.28.140 and Section 11.28.210 and that the City must reduce water use by 10% to 20% due to water supply shortages or emergency. • Includes implementation of mandatory restrictions on end uses as well as agency actions (see **Table 6-1** and **Table 6-2**).
3	Up to 30%	• Declaration by the City Council upon the determination that one or more of the trigger mechanisms exist per TMC Section 11.28.140 and Section 11.28.210 and that the City must reduce water use by 20% to 30% due to water supply shortages or emergency. • Includes implementation of mandatory restrictions on end uses as well as agency actions (see **Table 6-1** and **Table 6-2**).
4	Up to 40%	• Declaration by the City Council upon the determination that one or more of the trigger mechanisms exist per TMC Section 11.28.140 and Section 11.28.210 and that the City must reduce water use by 30% to 40% due to water supply shortages or emergency. • Includes implementation of mandatory restrictions on end uses as well as agency actions (see **Table 6-1** and **Table 6-2**).
5	Up to 50%	• Declaration by the City Council upon the determination that one or more of the trigger mechanisms exist per TMC Section 11.28.140 and Section 11.28.210 and that the City must reduce water use by 40% to 50% due to water supply shortages or emergency. • Includes implementation of mandatory restrictions on end uses as well as agency actions (see **Table 6-1** and **Table 6-2**).
6	>50%	• Declaration by the City Council upon the determination that one or more of the trigger mechanisms exist per TMC Section 11.28.140 and Section 11.28.210 and that the City must reduce water use by greater than 50% due to water supply shortages or emergency. • Includes implementation of mandatory restrictions on end uses as well as agency actions (see **Table 6-1** and **Table 6-2**).

6 SHORTAGE RESPONSE ACTIONS

☑ ***CWC § 10632 (a) (4)***

Shortage response actions that align with the defined shortage levels and include, at a minimum, all of the following:

(A) Locally appropriate supply augmentation actions.

(B) Locally appropriate demand reduction actions to adequately respond to shortages.

(C) Locally appropriate operational changes.

(D) Additional, mandatory prohibitions against specific water use practices that are in addition to state-mandated prohibitions and appropriate to the local conditions.

(E) For each action, an estimate of the extent to which the gap between supplies and demand will be reduced by implementation of the action.

☑ ***CWC § 10632 (b)***

For purposes of developing the water shortage contingency plan pursuant to subdivision (a), an urban water supplier shall analyze and define water features that are artificially supplied with water, including ponds, lakes, waterfalls, and fountains, separately from swimming pools and spas, as defined in subdivision (a) of Section 115921 of the Health and Safety Code.

This section describes the response actions the City will take to deal with the shortages associated with each of the six stages enumerated in Section 5.

6.1 Demand Reduction

As shown in **Table 6-1**, the WSCP lists the demand reduction methods that the City will implement during each stage of action to reduce the City's own water consumption and encourage reduction in water use by its customers. The monthly and cumulative annual water savings impacts associated with each restriction, prohibition and consumption reduction method were quantitatively estimated using the Drought Response Tool (DRT)[4] for each stage of action, see Attachment 1.

A main focus of the City's planned demand reduction measures is to increase public outreach and keep customers informed of the water shortage emergency and actions they can take to reduce consumption. The public outreach efforts that the City will implement to respond to a water shortage are described in Section 7.

6.1.1 Prohibitions on End Uses

Restrictions and prohibitions associated with each stage in the City's WSCP are presented in **Table 6-1**. As discussed above, these responses focus on the reduction of non-essential water uses such as ornamental

[4] The DRT is an Excel spreadsheet model developed by EKI Environment & Water, Inc. that calculates monthly savings by implementing drought response actions.

landscape irrigation, and preserve water uses that are estimated to the health, safety, welfare, and economic vitality of the City's customers.

In addition, several mandatory prohibitions are enforced at all times as part of Stage 1 to eliminate water waste, which include each of the prohibitions on end uses that are anticipated to be mandated by the SWRCB in response to Executive Order B-37-16. Prohibitions in subsequent stages go beyond the SWRCB requirements and become increasingly restrictive.

6.1.2 Defining Water Features

☑ ***CWC § 10632 (b)***

For purposes of developing the water shortage contingency plan pursuant to subdivision (a), an urban water supplier shall analyze and define water features that are artificially supplied with water, including ponds, lakes, waterfalls, and fountains, separately from swimming pools and spas, as defined in subdivision (a) of Section 115921 of the Health and Safety Code.

As required by CWC § 10632, the City distinguishes between "decorative water features" such as ponds, lakes, and fountains that are artificially supplied with water and "recreational water features" such as swimming pools and spas. Prohibitions on water use for decorative water features are listed separately from those for recreational water features (see **Table 6-1**).

6.2 Supply Augmentation

As described in Chapter 6 of the UWMP, the City has made significant efforts to develop new supplies. If water shortages occur, the City intends to explore additional transfers and purchases from other sources. The amount of supply available cannot be quantified at this time and therefore is not included in **Table 6-2**.

Table 6-2 lists other actions that the City will take, including promoting public awareness, offering water use surveys, implementing drought surcharge, etc.

Table 6-1 Demand Reduction Actions (DWR Table 8-2)

Shortage Level	Demand Reduction Actions	How much is this going to reduce the shortage gap? (a)	Additional Explanation or Reference	Penalty, Charge, or Other Enforcement?
1	Other	5%	• Prohibitions: o Allowing flagrant water waste or incidental water runoff. o Irrigating using a hose without a shutoff nozzle attached. o Using potable water to operate non-recirculating decorative water features, including splash pads. o Irrigating outdoors during and within 48 hours following a measurable rainfall. "Measurable rainfall" means any amount of precipitation that generates a puddle or runoff. o The serving of drinking water other than upon request, in eating or drinking establishments. o Irrigating ornamental grass or turf on public street medians. o Irrigating outside of newly constructed homes and buildings in a manner that is inconsistent with regulations or other requirements established by the California Building Standards Commission and the Department of Housing and Community Development. o Irrigating any hardscape. • Mandatory requirements: o Any customer must properly maintain all outdoor plumbing and irrigation systems and control all leaks within 72 hours of discovery or notification. o Customers shall practice prudent water conservation measures, including: (i) Planting drought-tolerant landscapes; (ii) Installing and maintaining water-efficient irrigation systems such as drip and bubble irrigation with weather or soil-based controllers; (iii) Installing sprinkler heads with a low flow rate appropriate for the landscape to prevent overwatering and runoff; (iv) Watering only in the late night or early morning hours during non- windy periods. o A hose that dispenses potable water shall be fitted with a shut-off	Yes

Table 6-1 Demand Reduction Actions (DWR Table 8-2)

Shortage Level	Demand Reduction Actions	How much is this going to reduce the shortage gap? (a)	Additional Explanation or Reference	Penalty, Charge, or Other Enforcement?
			nozzle or flow restriction device attached to it that causes it to cease dispensing water immediately when not in use. o All swimming pools, hot tubs, and spas installed after May 1, 1993 must have a separation tank and water recovery system installed in the filter backwash system, with a 90% water recovery standard. o Each swimming pool, hot tub and spa installed after July 15, 2015 must have a non-permeable floating cover or equivalent device that provides 90% surface coverage. • All landscape irrigation is restricted to before 9:00 a.m. or after 7:00 p.m. daily. This applies to residential, commercial, industrial, institutional, municipal and other public agencies or entities. • Restaurants and commercial lodging establishments must post notice of drought conditions. • Hotels and motels must offer guests an option to opt out of linen/towel service.	

Table 6-1 Demand Reduction Actions (DWR Table 8-2)

Shortage Level	Demand Reduction Actions	How much is this going to reduce the shortage gap? (a)	Additional Explanation or Reference	Penalty, Charge, or Other Enforcement?
2	Other	15%	• Continue with actions and measures from Stage 1. • Landscapes, including residential, commercial, industrial, institutional, municipal and other public agencies or entities, may be irrigated three days per week as follows: (1) Odd-numbered addresses may irrigate only on Monday, Wednesday and Saturday before 9:00 a.m. and after 7:00 p.m. (2) Even-numbered addresses may irrigate only on Tuesday, Thursday and Sunday before 9:00 a.m. and after 7:00 p.m. (3) At any time provided that only drip, microspray or bubbler irrigation is used. • Any customer must repair and control all outdoor water leaks that violate TMC §11.28, as determined by the City, within 48 hours of discovery or notification. • Except as otherwise provided, individual residential car washing is allowed only with the use of a bucket. "Individual residential car washing" means the cleaning with potable water of a motor vehicle that is registered to an individual who lives on the premise. • Automobile and recreational vehicle dealerships are allowed to continue washing vehicles with a hose that is fitted with a shut-off nozzle or flow restriction device attached under the following conditions: (1) Automobiles and recreational vehicles may be washed only on Friday using the method outlined above. (2) An automobile, motorcycle, boat or motorhome may be washed the day before or the day of delivery to the purchaser using the method outlined above before 9:00 a.m. or after 7:00 p.m. • No customer may add water or refill a swimming pool, spa or hot tub unless it has a separation tank and water recovery system installed in the filter backwash system, with a 90% water recovery standard and it is a maintenance or health and safety issue.	Yes

Table 6-1 Demand Reduction Actions (DWR Table 8-2)

Shortage Level	Demand Reduction Actions	How much is this going to reduce the shortage gap? (a)	Additional Explanation or Reference	Penalty, Charge, or Other Enforcement?
3	Other	25%	• Continue with actions and measures from Stages 1 and 2. • Landscapes, including residential, commercial, industrial, institutional, municipal and other public agencies or entities, may be irrigated two days per week as follows: (1) Odd-numbered addresses may irrigate only on Wednesday and Saturday before 9:00 a.m. and after 7:00 p.m. (2) Even-numbered addresses may irrigate only on Thursday and Sunday before 9:00 a.m. and after 7:00 p.m.	Yes
4	Other	35%	• Continue with actions and measures from Stages 1 through 3. • Landscapes, including residential, commercial, industrial, institutional, municipal and other public agencies or entities, may be irrigated one day per week as follows: (1) Odd-numbered addresses may irrigate only on Wednesday before 9:00 a.m. and after 7:00 p.m. (2) Even-numbered addresses may irrigate only on Thursday before 9:00 a.m. and after 7:00 p.m.	Yes
5	Other	45%	• Continue with actions and measures from Stages 1 through 4. • No outdoor potable water uses are allowed. • No recreational water uses are allowed.	Yes
6	Other	55%	• Continue with actions and measures from Stages 1 through 5. • Water use shall not exceed the water budget established for each account type. • City Council may prohibit water uses not required for public health and safety and fire protection.	Yes

NOTES:
(a) The percentages listed in this table are the cumulative savings for each shortage level with implementation of corresponding supply augmentation and other agency actions in Table 6-2. Detailed saving estimates based on end use, response action, and implementation rates are in Attachment 1.

Table 6-2 Supply Augmentation and Other Actions (DWR Table 8-3)

Shortage Level	Supply Augmentation Methods and Other Actions by Water Supplier	How much is this going to reduce the shortage gap? (a)	Additional Explanation or Reference
1	Other	5%	• Expand outreach for existing water conservation programs. • Promote public awareness (e.g., website, social media).
2	Other	15%	• Continue with actions and measures from Stage 1. • Increase public outreach (e.g., water bill inserts, media campaign, hosting public events and workshops). • Offer water use surveys to up to the top 10% of residential, CII, and irrigation accounts. • Increase enforcement efforts. • Decrease frequency and length of line flushing.
3	Other	25%	• Continue with actions and measures from Stages 1 and 2. • Establish a drought hotline. • Conduct an audit of up to 25% of the City's distribution system to identify and repair leaks. • Expand water use surveys to up to the top 20% of residential and CII accounts and up to the top 50% of dedicated irrigation accounts.
4	Other	35%	• Continue with actions and measures from Stages 1 through 3.
5	Other	45%	• Continue with actions and measures from Stages 1 through 4. • City Council may implement a drought rate surcharge, as set forth in TMC §11.28.230. • No new water connections may be approved.
6	Other	55%	• Continue with actions and measures from Stages 1 through 5. • Reduce distribution system pressure. • Establish water budgets for all customer accounts.
NOTES: (a) The percentages listed in this table are the cumulative savings for each shortage level with implementation of corresponding demand reduction actions in Table 6-1. Detailed saving estimates based on end use, response action, and implementation rates are in Attachment 1.			

6.3 Operational Changes

The water shortage response actions included in **Table 6-1** and **Table 6-2** include the operational changes that the City will implement during each stage of action, including measures to: (1) reduce system losses through reductions in line flushing and system pressure, (2) increase enforcement and patrols, (3) develop water budgets, and in certain conditions, (4) implement a moratorium on new services.

6.4 Mandatory Restrictions

The water shortage response actions included in **Table 6-1** include a variety of mandatory customer water use restrictions that will be necessary to achieve the targeted demand reductions for the different shortage stages. The types of restrictions and the manner and degree of enforcement for these restrictions vary by stage, and are discussed in Section 8.

6.5 Emergency Response Plan

In response to the requirements of the Public Health, Security and Bioterrorism Preparedness and Response Act of 2002 (Bioterrorism Act), which amended the Safe Drinking Water Act to include Section 1433, the City prepared a Water System Emergency Response Plan (WSERP). The City's WSERP provides a framework for emergency response by the City's Utilities Department by describing the department's emergency management organization, roles, and responsibilities and emergency policies and procedures. Excerpts from the City's WSERP can be found in Attachment 2. In accordance with the aforementioned goals, the WSERP:

- Describes the Department of Utilities' emergency management organization;
- Identifies of the types of emergencies that the Department of Utilities may need to respond to for its water system;
- Outlines the roles and responsibilities the Department of Utilities and its staff during emergency response and recover; and
- Compiles and organizes water system emergency response protocols and procedures.

Prior to the 2003 WSERP, the City had developed numerous emergency planning and procedures documents which provide information on emergency roles and responsibilities and specific emergency procedures for the City's water supply and distribution facilities. Tracy's 2003 WSERP is not intended to replace these documents, but is designed to work in conjunction with existing plans. Additional water supply emergency plans adopted by the City include:

- City of Tracy Emergency Plan;
- Emergency Response Handbook;
- City of Tracy General Standby Procedures;
- Process Safety Management Program;
- Emergency Action Plan;

- Department of Health Services Water Quality Emergency Notification Plan;
- Water Treatment Plant Operations Manual;
- Water Treatment Plant Operations Plan;
- Risk Management Plan; and
- Hazardous Materials Business Plan.

A more complete description of these plans can be found in the WSERP.

6.5.1 Types of Emergencies

Several types of emergencies can occur which could impact the City's water system and its operations. The City's WSERP is designed to assist the City in quick response to water system emergencies that may include the following natural or man-made causes:

- Earthquake;
- Fires;
- Contamination or loss of water supply;
- Hazardous materials spills or leaks;
- Severe storms or floods;
- Landslides;
- Pipelines, reservoir, tank and/or building failure;
- Civil unrest, vandalism, or terrorist action or threat;
- National security emergency;
- Widespread power outage;
- Airplane crash;
- Traffic/highway accidents; and
- Intrusion through Supervisory Control and Data Acquisition system.

It is important to note that there are a number of events, such as large earthquakes or fires, which occur infrequently, but have a very high impact potential. There are also events, such as severe storms and floods, which have less of an impact potential, but occur more frequently. Although the planning basis for Tracy's WSERP is for a major emergency, the principles outlined in the WSERP can be applied to any type or magnitude of event.

6.5.2 Emergency Categories and Response Levels

Four response categories have been defined in the WSERP to provide a common method of describing the type of event, area affected, and the extent of coordination or assistance needed. These categories

include the following: (0) Readiness/Routine Response, (1) Local Emergency, (2) Local Disaster, and (3) Major Disaster (see Table 6, Attachment 2).

Depending on the severity of a given emergency, the situation may warrant response from different levels of government consistent with the Standardized Emergency Management System. Tracy's WSERP identifies these levels as State, Regional, Operational Area (San Joaquin County), Local (City of Tracy), or Field (Utilities Staff). The extent of each levels' responsibilities is described in Figure 1 of Attachment 2 and their involvement in each of the four emergency response categories are outlined in Table 6 of Attachment 2.

6.5.3 Plan Activation, Response, and Deactivation

Table 9 in Attachment 2 gives the response categories, triggers, and potential response actions to be implemented to the extent required by the nature and scope of the emergency. The activation process includes plan triggers, staff responsibilities, mutual aid or assistance availability, and damage assessment. Responses are coordinated in accordance with the severity and extent of the emergency.

Table 10 of Attachment 2 identifies deactivation triggers and potential actions to be implemented once the emergency situation has been corrected and water quality is established. The deactivation process is in the reverse order of the activation process, starting with the highest category attained in the activation process.

6.6 Seismic Risk and Mitigation Plan

☑ ***CWC § 10632.5***

(a) In addition to the requirements of paragraph (3) of subdivision (a) of Section 10632, beginning January 1, 2020, the plan shall include a seismic risk assessment and mitigation plan to assess the vulnerability of each of the various facilities of a water system and mitigate those vulnerabilities.

(b) An urban water supplier shall update the seismic risk assessment and mitigation plan when updating its urban water management plan as required by Section 10621.

(c) An urban water supplier may comply with this section by submitting, pursuant to Section 10644, a copy of the most recent adopted local hazard mitigation plan or multihazard mitigation plan under the federal Disaster Mitigation Act of 2000 (Public Law 106-390) if the local hazard mitigation plan or multihazard mitigation plan addresses seismic risk.

The City has prepared a Local Hazard Mitigation Plan (LHMP), which discusses in detail the potential risk associated with earthquake hazard and includes a mitigation action plan. The LHMP can be found at the City's website at: https://www.ci.tracy.ca.us/?navid=9460. As described in the LHMP, the City is located in an area of moderate seismic activity. There are a number of faults within and around the City that have the potential to produce earthquakes that could impact the City. However, the overall significance of the earthquake hazard is considered medium due to the occasional probability of occurrence.

6.7 Shortage Response Action Effectiveness

In order to evaluate and ensure that effective actions will be implemented with the proper level of intensity, the City employed the DRT model. The DRT model calculates monthly savings anticipated by implementing each stage as detailed below.

6.7.1 Baseline Water Use Profile

Using the DRT, the City developed a baseline water use profile that reflected recent usage patterns within the City's service area by major water use sector during 2017 to 2019 (see **Table 6-3**). Key findings from these analyses are presented below.

Residential Per Capita Demand

The City's baseline residential per capita demand was approximately 100 R-GPCD.

Estimated Proportion of Outdoor Water Use

As shown on **Table 6-3** and the associated charts, outdoor water use, which can generally be considered as a "discretionary or non-essential water use", was estimated to be approximately 42% of the City's total consumption during this baseline time period (2017 to 2019). Dedicated irrigation meters for potable water accounted for 13% of the total potable irrigation demand.

The DRT estimates indoor water use to be equivalent to the lowest monthly water use for each sector, accounting for the number of days in each month. Outdoor water use for each sector was estimated to be the difference between the total water use and the estimated indoor water use. If City customers tend to irrigate more heavily during winter months, this method would conservatively result in an underestimation of the proportion of outdoor water use.

The proportion of outdoor water use within the residential and CII sectors is estimated to be 40% and 35%, respectively. This indicates that there is potential to achieve significant water savings across these sectors, simply by focusing on outdoor uses. If the proportion of outdoor water use is being underestimated by the DRT method, then even more substantial savings may be achieved through targeting outdoor water use. As further shown in the **Table 6-3** and associated charts, the seasonal variation in baseline water use reflects increased irrigation demands during the summer and fall months. Therefore, the greatest potential for reductions in non-essential water use are expected during these months.

Table 6-3 Baseline Water Use Profile

Sector	End-Use	Baseline (2017-2019) Water Use													Annual % of Total by Sector
		January	February	March	April	May	June	July	August	September	October	November	December	Annual	
Residential	Indoor	537	485	537	519	537	519	537	537	519	537	519	537	6,317	60%
	Outdoor	0	88	11	134	252	537	602	789	559	626	354	195	4,148	40%
	Subtotal Residential	*537*	*573*	*548*	*653*	*789*	*1,056*	*1,139*	*1,325*	*1,079*	*1,162*	*873*	*732*	*10,466*	-
CII	Indoor	170	154	170	165	170	165	170	170	165	170	165	170	2,006	65%
	Outdoor	0	34	3	35	99	123	129	175	157	157	70	107	1,089	35%
	Subtotal CII	*170*	*188*	*173*	*200*	*270*	*288*	*299*	*345*	*322*	*327*	*235*	*277*	*3,095*	-
Dedicated Irrigation	Outdoor	40	25	40	155	228	238	316	350	312	297	149	60	2,210	100%
Non-Revenue	Non-Revenue	246	127	267	248	406	354	388	78	113	-117	-9	-120	1,981	100%
Total	Indoor	707	639	707	684	707	684	707	707	684	707	684	707	8,323	47%
	Outdoor	40	147	54	324	580	898	1,047	1,314	1,028	1,079	573	362	7,447	42%
	Non-Revenue	246	127	267	248	406	354	388	78	113	-117	-9	-120	1,981	11%
	Total	**993**	**913**	**1,028**	**1,256**	**1,693**	**1,936**	**2,142**	**2,098**	**1,825**	**1,669**	**1,249**	**948**	**17,751**	-

NOTES:
(a) Baseline water use is calculated as the average of 2017 to 2019 water use. Volumes are in units of AF.
(b) Indoor water use was estimated to be the lowest monthly water use for each sector, accounting for the number of days in each month. Outdoor water use for each sector was estimated to be the difference between the total water use and the estimated indoor water use.

Chart 6-3A Baseline Year Annual Water Use by Sector and End Use

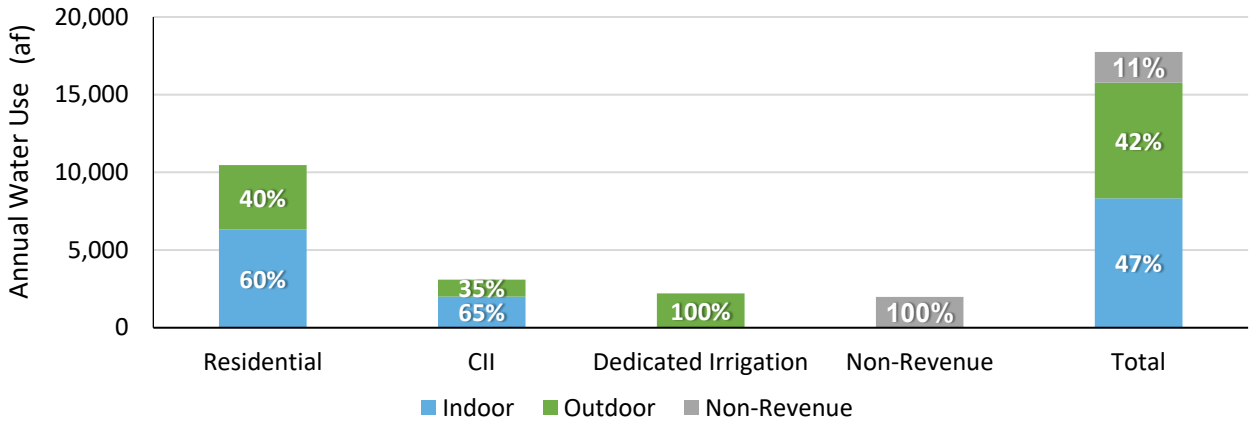
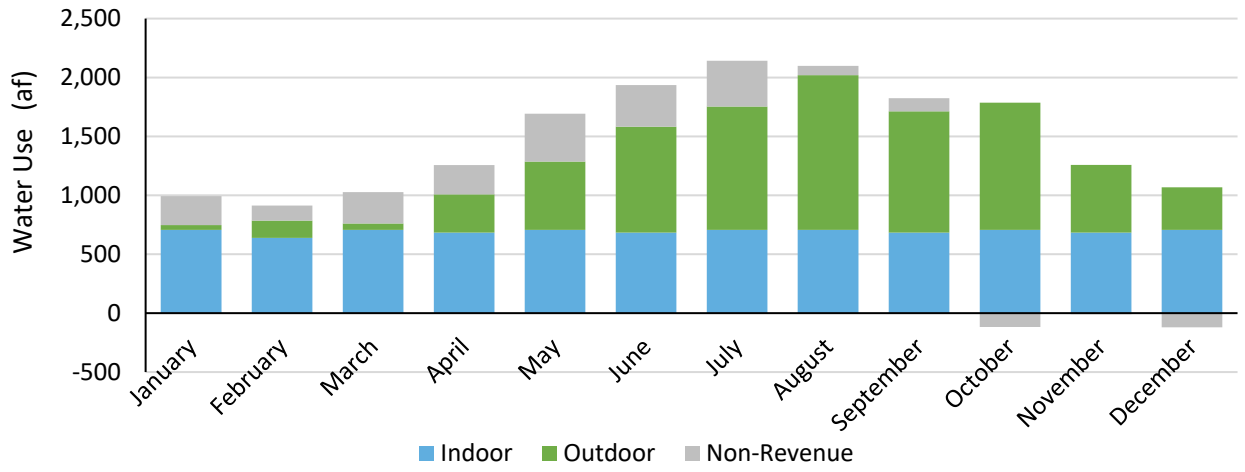


Chart 6-3B Baseline Year Monthly Indoor vs. Outdoor Water Use



6.7.2 Shortage Response Action Effectiveness

The DRT model provides a quantitative framework that allows the City to systematically estimate the monthly and cumulative annual demand reductions expected to result from particular combinations of drought response actions and associated implementation rates. Data inputs to the DRT model include total production, class-specific water use, population, and assumptions regarding the split between indoor and outdoor water use for each customer class.

For each drought response action, the user specifies:

- The customer class(es) and end use(s) that are affected;
- The percent savings for that end use for each account that implements the action. These are based on evaluations reported in the literature, or where such studies are not available, on best estimates based on the City's experience; and
- The percentage of accounts assumed to implement the action, which is presumed to be the result of the intensity level of the City's program implementation, including but not limited to, marketing and enforcement activities.

An additional critical DRT user input is a set of constraints on demand reductions to ensure that usage levels do not endanger health and safety or result in unacceptable economic impacts. The DRT model will not permit estimated usage reductions to violate these constraints, regardless of the demand reduction actions selected. The constraints are:

- A minimum residential indoor per capita daily usage of 25 gallons;
- A maximum residential outdoor usage reduction of 100%;
- A maximum CII indoor usage reduction of 30%; and
- A maximum CII outdoor usage reduction of 100%.

Based on the foregoing data, the DRT model calculates the resulting monthly savings. The City adjusted the combination of actions and implementation levels to achieve the targeted savings levels at each of the six stages of action.

For each of the stages, the modeling targeted the mid-range of the required demand reduction range, ergo:

- 5% for Stage 1;
- 15% for Stage 2;
- 25% for Stage 3;
- 35% for Stage 4;
- 45% for Stage 5; and
- 55% for Stage 6.

The City's shortage response actions are summarized in **Table 6-1** and **Table 6-2**. Key DRT inputs and outputs for each of the stages of action are reproduced in Attachment 1, including water shortage

reduction actions, savings assumptions, and implementation rates that are required for the City to achieve the required annual demand reductions for each of the six stages of action. At each stage, there are two types of demand-reduction actions identified:

- Restrictions on customer water usage; and
- Consumption reduction actions by the City to encourage decreased water usage.

Many actions are implemented across a number of stages, some at increasing implementation levels. Therefore, the actions in **Table 6-1** and **Table 6-2** are listed as a row under the first stage at which they are implemented. The percentage savings represent total savings achieved by implementing the actions listed under that stage.

7 COMMUNICATION PROTOCOLS

☑ ***CWC § 10632 (a) (5)***

Communication protocols and procedures to inform customers, the public, interested parties, and local, regional, and state governments, regarding, at a minimum, all of the following:

(A) Any current or predicted shortages as determined by the annual water supply and demand assessment described pursuant to Section 10632.1.

(B) Any shortage response actions triggered or anticipated to be triggered by the annual water supply and demand assessment described pursuant to Section 10632.1.

(C) Any other relevant communications.

7.1 Communication Objectives

The City's main objective is to be transparent and provide the necessary information in the most efficient manner to achieve the following:

- Encourage all water consumers to implement both voluntary and mandatory actions that increase conservation for the current level of the WSCP enacted;
- Ensure that all sectors are aware of the current situation or emergency that is creating the need to conserve through increased outreach and education;
- Reduce mixed messages that create confusion, maintain integrity through our own actions, and ensure all messages are appropriate for the level of action being requested;
- Provide accolades for accomplishments by all sectors for reductions that are being realized through water conservation, efficiencies, and other actions taken;
- Engage not only the general public but the City's business and civic leaders, elected officials, and employees in the actions that may be taken in order to assist with the current emergency or situation as well as future water reliability savings;
- Keep the City informed and prepared for either increasing or decreasing WSCP action levels based on hydrologic and ongoing conditions;
- Request feedback from stakeholders and the general public frequently and incorporate where possible; and
- Reduce the action level of the WSCP to the lowest level and show demonstrated results of the community's actions and impacts to the City's quality of life and our economy.

7.2 Communication Protocols

The City's communication protocols include a multi-media platform that will be utilized to convey important messages regarding water shortages and both voluntary and mandatory actions. Public outreach plays a vital role in increasing the awareness of the need to reduce water use across all

water sectors. A strong communication plan will educate City ratepayers as well as community leaders and the community as a whole on the City's current water supply situation. It will also inform the actions necessary to achieve the City's conservation goals and how they will be implemented. It is important to communicate these messages to ratepayers as early as possible:

- Specific actions the City is requesting to conserve water;
- How much the City needs to save and the duration;
- What is creating the shortage; and
- How the City is implementing actions to correct the problem or situation.

7.2.1 Communications for a Predicted or Ongoing Shortage

Each stage of the WSCP is implemented with a formal declaration by the City Council. Procedures for water shortage declaration and determination are detailed in Section 4. Even before formal declaration of a water shortage, a public information program will be activated to provide customers with as much advance notice as possible.

For a predicted or ongoing shortage that requires an up or down movement in the City's WSCP Shortage Level, the City Council will declare the existence of a shortage condition. The City will post these declarations on its website and other multi-media outlets. This will also require a City resolution announcing the actions and prohibitions at each stage level with the declaration and City Council approval.

The general public will be notified of the predicted or ongoing shortage level and the implementation actions necessary for them to follow. The implementation of the shortage action level will take effect once approval by City Council has been obtained and will be noticed in the appropriate locations such as newspaper, City Hall, and the Utilities Department, as well as other multi-media outlets.

7.2.2 Routine Communication Protocols

To ensure enacted water shortage levels actions are effectively communicated, the City will increase its public education and outreach efforts across all sectors. The outreach materials and methods will be updated frequently during the anticipated or ongoing shortage to reflect the current water use reductions or prohibitions. This communication may include the following:

- Convey key status changes to all sectors for all water shortage levels;
- Provide frequent updates to City Manager and the City media on conditions and implementation actions by City for all water shortage levels;
- Increase coordination with other departments and agencies on all water shortage levels;
- Conduct briefings with City Manager and other key civic and business leaders at all water shortage levels;
- Promote available water assistance programs and resources to vulnerable members of the community and outreach materials for impacted sectors in all water shortage levels;

- Suspend promotion of landscape and outdoor incentive programs during Stages 5 and 6; and
- Suspend promotion of all water use efficiency programs and concentrate on imminent needs during water Stages 5 and 6.

The City has a full array of platforms to implement its communication protocols and strategies. At any time, the City may update its website, social media platforms, and email contact list to reflect changing conditions and to convey important messages. The City may also decide to hold in-person workshops, news conferences, or other events to inform changes in conditions. The City is prepared and determined to provide effective and efficient communication during times of shortages.

7.2.3 Communications for Catastrophic Events

In the event of a catastrophic supply event that interrupts water service, the City Council will immediately deploy the appropriate level of the WSCP that is best suited for the situation. All messaging will reflect the emergency conditions and the need for public health and safety implementation. The City will coordinate with emergency response services, incident command and public health providers in order to provide updates as they become available.

7.3 Coordination

Coordination between the City and with other public agencies can begin prior to formal declaration of a water shortage and can be accomplished through regular meetings, e-mail group updates, and presentations. In a regional water shortage scenario, the City would use public outreach resources and materials provided by USBR and/or SSJID. In addition to these materials, the City may develop its own materials to communicate with customers, such as a dedicated customer service hotline, and expand its normal public outreach to support its water conservation efforts (see Chapter 9 of the UWMP).

In order for the City to ensure that it is effectively communicating its message without confusion and keeping its integrity, the City plans to work closely with its water suppliers, other departments within the City and our community at all levels. During drought and/or other times when supply is limited, this coordination may need to increase in order to ensure outreach is being conducted efficiently and as needed to adapt to the changing environment. The City always looks for ways to leverage other resources with its own in order to provide the highest level of service.

8 COMPLIANCE AND ENFORCEMENT

☑ ***CWC § 10632 (a) (6)*** *For an urban retail water supplier, customer compliance, enforcement, appeal, and exemption procedures for triggered shortage response actions as determined pursuant to Section 10632.2.*

The City is authorized under Chapter 11.28, Article 6 of the TMC to enforce the requirements of the WSCP. Relevant sections of the TMC are excerpted below.

> ***11.28.050 - Authority.***
>
> *The following officers and employees are authorized to enforce this chapter, including issuing an order to cease and desist and/or a notice of intention to impose a penalty: City Manager, Director of Development Services, Director of Public Works, Director of Utilities, Water Resources Coordinator, Water Resources Analyst, Environmental Control Officer, Environmental Compliance Technician, Water Patrol, Sworn Peace Officers, Firefighters, and Code Enforcement Officers.*
>
> *(Prior code § 11-7.301)*
>
> *(Ord. No. 1196, § 1 (Exh. A), 6-16-2015; Ord. No. 1227, § 1(Exh. A), 10-18-2016)*

Enforcement of the City's water use restrictions and prohibitions is focused on soliciting cooperation from water customers who are unaware of the restrictions or have failed to comply with the provisions of the WSCP. The City first issues a Notice of Violation informing customers regarding the specific violation and corrective action within 72 hours. If the first notice does not work, the City issues a second Notice of Violation. If the two cease and desists notices do not result in compliance, the WRCM sends a Notice of Intent to Impose a Penalty letter, by certified mail, to the owner which identifies the dates, times, violations noted and penalty amounts. It also contains information on the appeals process. Relevant sections of the TMC are excerpted below.

> ***11.28.060 - Enforcement and Implementation.***
>
> *The City Manager or his/her designee is charged with primary responsibility for the implementation and enforcement of this chapter. If there is a conflict between two stages (at Section 11.28.160 through 11.28.210), the more restrictive stage shall apply. The Director shall prepare the forms, warnings, and similar documents as he or she deems necessary or appropriate to implement this chapter.*
>
> *(Prior code § 11-7.302)*
>
> *(Ord. No. 1196, § 1 (Exh. A), 6-16-2015; Ord. No. 1227, § 1(Exh. A), 10-18-2016)*
>
> ***11.28.070 - Order, notice, penalty and appeal.***
>
> *(a) Cease and desist order. Upon a determination by the Director that a person has consumed or used water in violation of a mandatory provision of this chapter, the Director may issue an order to cease and desist from the violation, and further order that the person comply with this chapter, or otherwise take appropriate remedial or preventive action. The Director shall serve the order:*
>
> *(1) Personally; or*
>
> *(2) By leaving or posting a copy at the person's residence or place of business; or*

(3) By mail.

(b) Notice of intent to impose a penalty. If, after the issuance of a cease and desist order, the person continues to consume or use, or again consumes or uses, water in violation of this chapter, the Director may issue a notice of intention to impose a penalty. The notice shall:

(1) Identify the date and time of the violation,

(2) State the amount of penalty to be imposed, and

(3) Advise the person of the appeal rights. The notice of intention shall be served in the same manner as the cease and desist order.

(c) Penalty. After the notice of intent to impose a penalty is served, a penalty shall be assessed in the amount of: One Hundred and no/100ths ($100.00) Dollars for the first violation, Two Hundred and no/100ths ($200.00) Dollars for the second violation, and Five Hundred and no/100ths ($500.00) Dollars for the third and each subsequent violation. The penalty is subject to collection in the same manner as utility service charges.

(d) Appeal. A person may appeal the imposition of the penalty assessed to the utility account. The person must request an appeal within fifteen (15) calendar days from the date of service of the notice of intention to impose a penalty. The request for an appeal hearing must be addressed to the City Manager and received by the City within the fifteen-day period. Failure to timely appeal constitutes a waiver of the right to appeal (and the penalty will be assessed).

(e) Appeal hearing. If timely requested, the appeal hearing shall be held before the City Manager, or his or her designee, who shall make a factual finding on the existence of a violation(s). The hearing shall be held within thirty (30) days from the date the City receives the appeal, unless continued by mutual consent. The hearing officer shall give notice by first class mail of the date and time of the appeal hearing, at least ten days before the hearing. The appellant may present witnesses and documentary evidence, and may be represented by anyone of his or her choosing. The decision of the hearing officer is final.

9 LEGAL AUTHORITIES

☑ ***CWC § 10632 (a) (7)***

(A) A description of the legal authorities that empower the urban water supplier to implement and enforce its shortage response actions specified in paragraph (4) that may include, but are not limited to, statutory authorities, ordinances, resolutions, and contract provisions.

(B) A statement that an urban water supplier shall declare a water shortage emergency in accordance with Chapter 3 (commencing with Section 350) of Division 1.

(C) A statement that an urban water supplier shall coordinate with any city or county within which it provides water supply services for the possible proclamation of a local emergency, as defined in Section 8558 of the Government Code.

☑ ***CWC § 10632.3***

It is the intent of the Legislature that, upon proclamation by the Governor of a state of emergency under the California Emergency Services Act (Chapter 7 (commencing with Section 8550) of Division 1 of Title 2 of the Government Code) based on drought conditions, the board defer to implementation of locally adopted water shortage contingency plans to the extent practicable.

Under California law, including CWC Chapters 3.3 and 3.5 of Division 1, Parts 2.55 and 2.6 of Division 6, Division 13, and Article X, Section 2 of the California Constitution, the City Council is authorized to implement the water shortage actions outlined in this WSCP. In all water shortage cases, shortage response actions to be implemented will be at the discretion of the City Council and will be based on an assessment of the supply shortage, customer response, and need for demand reductions.

It is noted that upon proclamation by the Governor of a state of emergency under the California Emergency Services Act (Chapter 7 [commencing with Section 8550] of Division 1 of Title 2 of the Government Code) based on drought conditions, the state will defer to implementation of locally adopted water shortage contingency plans to the extent practicable. The City will coordinate with San Joaquin County within which it provided water supply services as well as other regional and local water suppliers for possible proclamation of a local emergency, as necessary. The City shall declare a water shortage emergency in accordance with Water Code Chapter 3 (commencing with Section 350) of Division 1 general provision regarding water shortage emergencies.

As discussed above, the City has authority under Chapter 11.28, Article 6 of the TMC to require water rationing and conservation and to enforce penalties. An adopted water shortage contingency resolution is included as Attachment 3.

10 FINANCIAL CONSEQUENCES OF WSCP

☑ ***CWC § 10632 (a) (8)***

A description of the financial consequences of, and responses for, drought conditions, including, but not limited to, all of the following:

(A) A description of potential revenue reductions and expense increases associated with activated shortage response actions described in paragraph (4).

(B) A description of mitigation actions needed to address revenue reductions and expense increases associated with activated shortage response actions described in paragraph (4).

(C) A description of the cost of compliance with Chapter 3.3 (commencing with Section 365) of Division 1.

Since the City bills its customers per unit volume of water consumed, the City will experience a reduction in revenue to the City's Water Enterprise Fund upon implementation of the WSCP. To compensate for the expected revenue reduction caused by water conservation, the City reserves the authority to implement temporary water rate increases, as adopted by resolution of the City Council (TMC §11.28.220). Additionally, the City Council may adopt a resolution to establish a water rate structure, including excess water use surcharges, that provides incentives to conserve water (TMC §11.28.230). Individual customers may seek a waiver of to excess water use surcharges through the variance process set forth in TMC §11.28.240.

The City's current water rate structure uses a tiered conservation structure for all residential customers. The structure is four consumption-based tiers with progressively higher commodity charges at each tier to pay for the increased costs related to peak demands. This structure is also proven to encourage conservation year-round. The City anticipates performing a new Water Rate Study in Fiscal Year 2022/23 in order to address the needs of the Utilities Department going forward. Any rate increases would have to be approved by City Council via the Proposition 218 noticing and public hearing process.

The City also anticipates the potential necessity to tap into reserves in order to operate, manage and maintain its water system as the current rate structure is not adequately preparing for the impacts of significant shortages.

Further, the City may defer capital improvements. This is a necessary action in order to meet contractual requirements of bond holders as it relates to outstanding debt, as the City must maintain a minimum debt service coverage ratio. This action is critical to obtaining future funding for capital projects required for improving water system reliability and to mitigate future drought and emergency situations. Any reallocation of capital project funding to meet short-term emergency needs would be restricted by bond covenants that require bond proceeds to be used exclusively for capital projects.

Table 10-1 summarizes the City's measures to mitigate the impacts of prolonged water shortages or emergencies on revenues and expenditures.

Table 10-1 Summary of Measures to Mitigate Revenue and Expenditure Impacts

Name of Measure	Summary of Effects
Council approved rate increase	• Provides additional revenues when water sales decline or expenditures increase • Replenishes reserve funds used to offset effects of shortages
Use of Operating Reserve	• Provides for unanticipated needs when normal water supply is disrupted by a catastrophic event
Use of Rate Stabilization Reserve	• Provides a source of funds to mitigate future rate increases by maintaining legal covenanted rates
Reductions in expenditures through possible deferrals	• Reduces current operational expenditures to compensate for reduction in water sales revenue • Delays operations and maintenance and capital improvements

11 MONITORING AND REPORTING

☑ ***CWC § 10632 (a) (9)*** *For an urban retail water supplier, monitoring and reporting requirements and procedures that ensure appropriate data is collected, tracked, and analyzed for purposes of monitoring customer compliance and to meet state reporting requirements.*

All of the City's current service connections are metered and meters are read on a monthly basis. Actual water savings achieved by implementing the WSCP will be determined by comparing water consumption records while WSCP is in place with an appropriate baseline consumption.

Pursuant to California Code of Regulations (CCR) Title 23 §991, the City reports monthly water use and production to the SWRCB[5]. Effective October 1, 2020, during a governor declared drought emergency or when an urban water supplier invokes a water shortage level to respond to a drought greater than 10%, each supplier is required to submit an expanded report that contains the supplier's actions and statistics in achieving planning reductions.

[5] Water supplier monthly reports can be accessed at https://www.waterboards.ca.gov/water_issues/programs/conservation_portal/conservation_reporting.html

12 WSCP REFINEMENT PROCEDURES

☑ ***CWC § 10632 (a) (10)*** *Reevaluation and improvement procedures for systematically monitoring and evaluating the functionality of the water shortage contingency plan in order to ensure shortage risk tolerance is adequate and appropriate water shortage mitigation strategies are implemented as needed.*

The WSCP is implemented as an adaptive management plan. The City will evaluate the need to revise its WSCP every year after performing its Annual Assessment. The evaluation will consider the effectiveness of WSCP actions and any anticipated water supply shortages assessed by the Annual Assessment. If the WSCP is revised, the City Council will adopt a new resolution adopting the revised WSCP, and if necessary, declare a water shortage level to implement.

13 PLAN ADOPTION, SUBMITTAL, AND AVAILABILITY

☑ ***CWC § 10632 (c)*** *The urban water supplier shall make available the water shortage contingency plan prepared pursuant to this article to its customers and any city or county within which it provides water supplies no later than 30 days after adoption of the water shortage contingency plan.*

The City informed the public and the appropriate agencies of: (1) its intent to prepare a WSCP, (2) where the WSCP was available for public review, and (3) when the public hearing regarding the WSCP would be held. All notifications were completed in compliance with the stipulations of Section 6066 of the Government Code.

A copy of the adopted 2020 WSCP including any amendments will be provided to the DWR, the California State Library, San Joaquin County, and SSJID within 30 days of the adoption (Attachment 3). An electronic copy of the adopted 2020 WSCP will be submitted to the DWR using the DWR online submittal tool.

A copy of the adopted 2020 WSCP will be available for public review in Tracy City Hall during normal business hours and on the City website within 30 days after filing the plan with DWR.

ATTACHMENT 1

DROUGHT RESPONSE TOOL QUANTITATIVE ASSESSMENT

Drought Response Tool

Home | Input Baseline Year Water Use | Baseline Year Water Use Profile | Drought Response Actions | Estimated Water Savings | Drought Response Tracking

1 - Home

City of Tracy

Enter Agency Information	
Agency Name	City of Tracy
Total Population Served	93,009
Baseline Year(s)	2017-2019
Percentage of Residential Indoor Use During Minimum Month (%)	100%
Percentage of CII Indoor Use During Minimum Month (%)	100%
Comments	

Navigation	
USER'S GUIDE	Download and read the guide before using this Tool
1 - HOME	Enter agency information
2 - INPUT BASELINE YEAR WATER USE	Enter Baseline Year production and use
3 - BASELINE YEAR WATER USE PROFILE	Review and confirm entered information
4 - DROUGHT RESPONSE ACTIONS	Select Drought Response Actions and input estimated water savings and implementation rates.
5 - ESTIMATED WATER SAVINGS	Review estimated water production and compare estimated savings to conservation target.
6 - DROUGHT RESPONSE TRACKING	Track production and water savings against the conservation target.

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Drought Response Tool

Home | Input Baseline Year Water Use | Baseline Year Water Use Profile | Drought Response Actions | Estimated Water Savings | Drought Response Tracking

1 - Home

City of Tracy

For questions about this tool or for additional information, contact:

Anona Dutton, P.G., C.Hg.
adutton@ekiconsult.com
(650) 292-9100

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2 - Input Baseline Year (2017-2019) Water Use

City of Tracy

Input Baseline Year (2017-2019) Production and Water Use

Units: (af)

Select the units to input monthly production and use data. Enter the total monthly potable water production for the Baseline Year. Next, enter monthly water use data by sector for the Baseline Year. If you bill on a bi-monthly basis, divide your billing data between the months that the billing cycle includes. If your single-family and multi-family accounts are tracked separately, enter the combined water use for both sectors in the Residential Water Use column. If your commercial, industrial, and institutional (CII) accounts are tracked separately, enter the combined water use for each sector in the CII Water Use column. Your non-revenue water use is calculated by subtracting your monthly residential, CII, and dedicated irrigation water uses from your monthly production. Your monthly residential gallons per capita per day (R-GPCD) is calculated by dividing your monthly residential water use by your population entered in Worksheet 1 - Home.

Date	Total Production (af)	Residential Water Use (af)	CII Water Use (af)	Dedicated Irrigation Water Use (af)	Non-Revenue Water Use (af)	Total R-GPCD	Comments
January	993	537	170	40	246	61	
February	913	573	188	25	127	72	
March	1,028	548	173	40	267	62	
April	1,256	653	200	155	248	76	
May	1,693	789	270	228	406	89	
June	1,936	1,056	288	238	354	123	
July	2,142	1,139	299	316	388	129	
August	2,098	1,325	345	350	78	150	
September	1,825	1,079	322	312	113	126	
October	1,669	1,162	327	297	-117	131	
November	1,249	873	235	149	-9	102	
December	948	732	277	60	-120	83	

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3 - Baseline Year (2017-2019) Water Use Profile

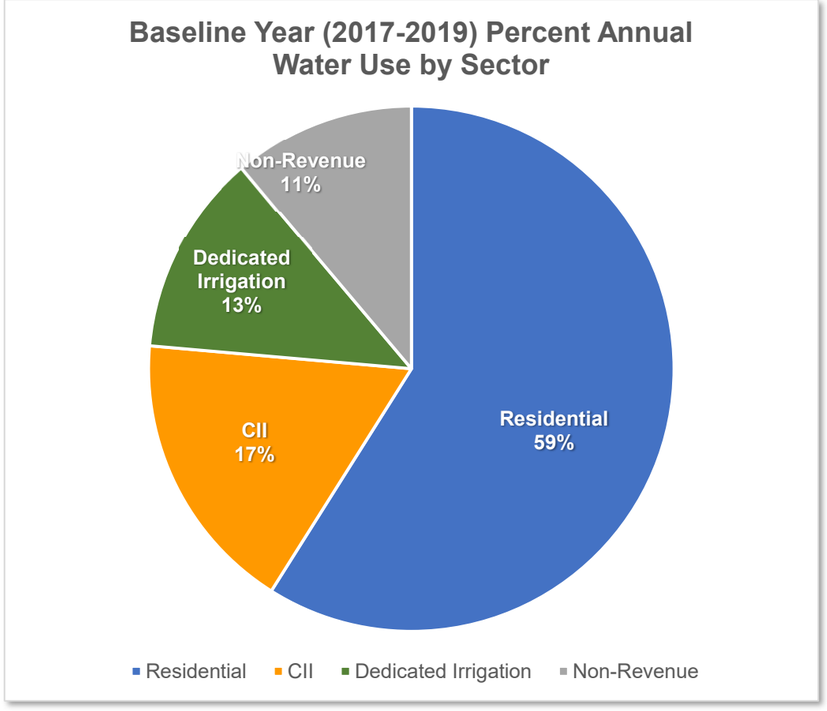
City of Tracy

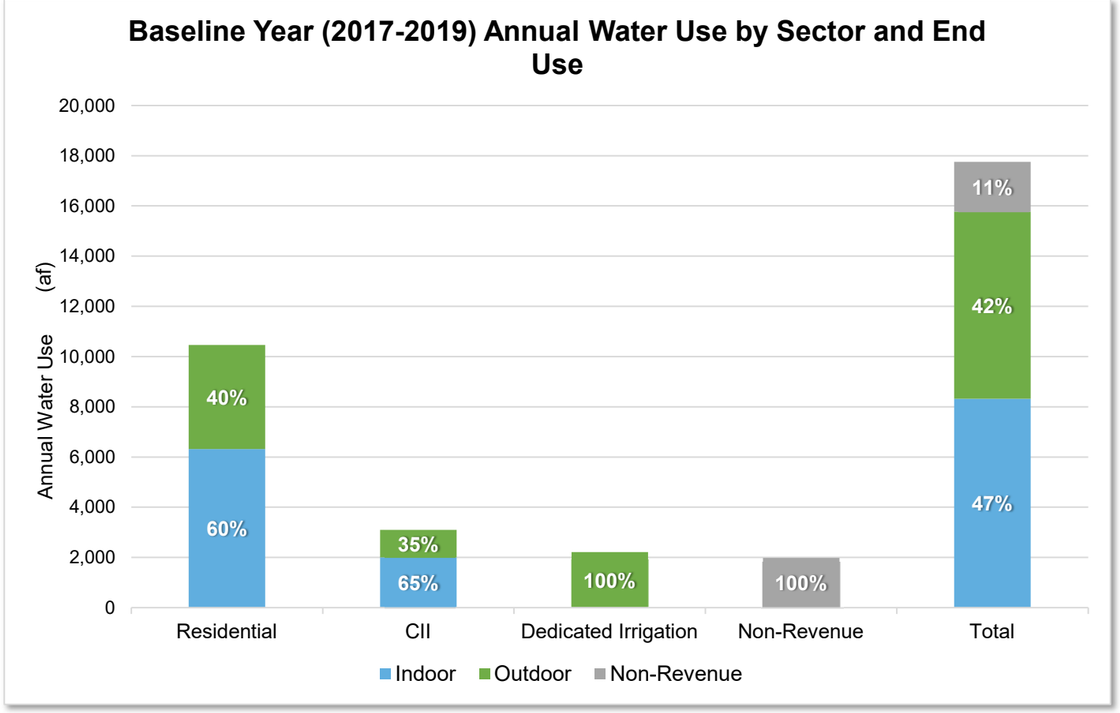
Baseline Year (2017-2019) Annual Water Use Summary

Units: (af)

A summary of your Baseline Year water use by sector and major end use category is shown below. Select the units in which your production and use data are displayed.

Water Use	Total Production (af)	Water Use (af)				Comments
		Residential	CII	Dedicated Irrigation	Non-Revenue	
Total	17,751	10,466	3,095	2,210	1,981	
Total Indoor	8,323	6,317	2,006	--	--	
Total Outdoor	7,447	4,148	1,089	2,210	--	
Total Non-Revenue	1,981	--	--	--	1,981	
Total Indoor %	47%	60%	65%	0%	--	
Total Outdoor %	42%	40%	35%	100%	--	
Total Non-Revenue %	11%	--	--	--	100%	





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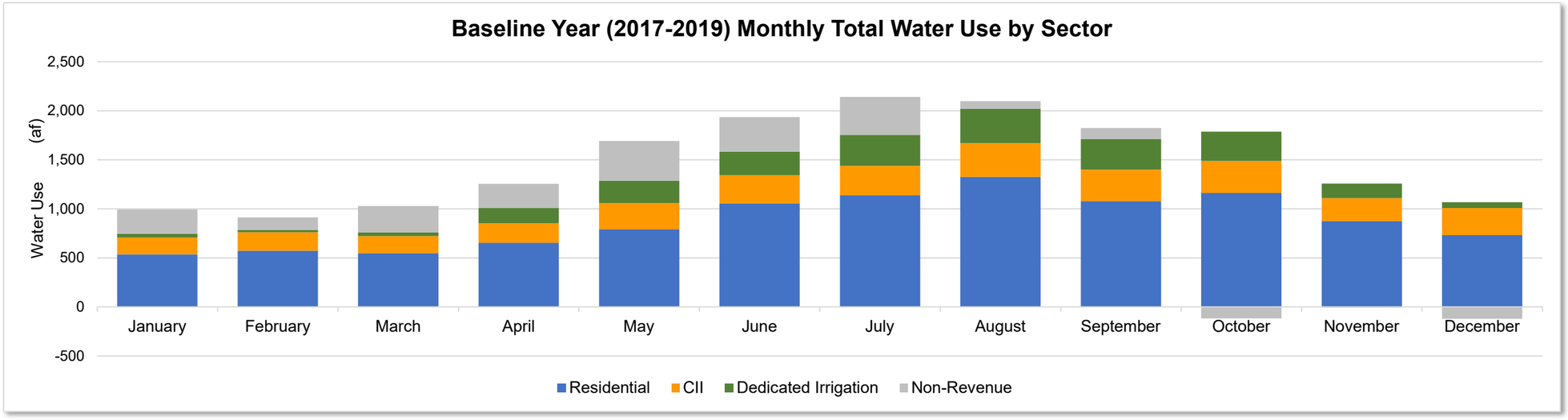
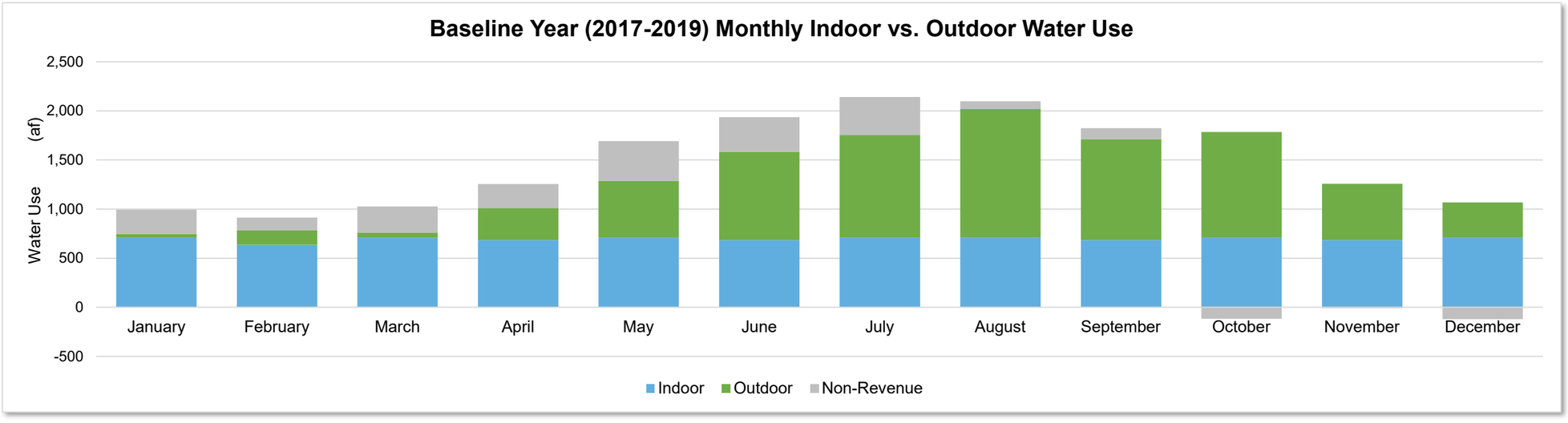
3 - Baseline Year (2017-2019) Water Use Profile

City of Tracy





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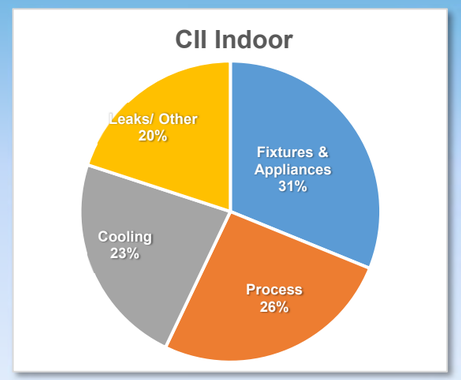
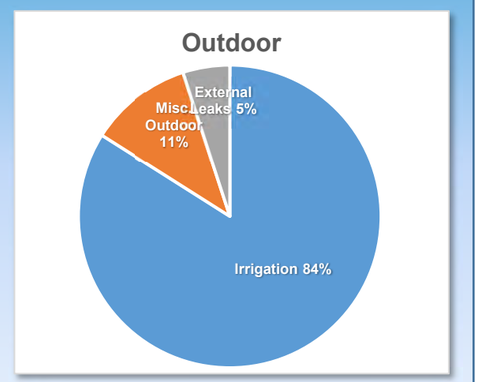
4 - Drought Response Actions - Stage 1

City of Tracy

Maximum Savings Potential		
Use the default values or enter your own criteria for the maximum savings potential. Estimated water savings within each sector will not exceed the maximum savings criteria.		
Minimum Residential Indoor GPCD	25	R-GPCD
Maximum Residential Outdoor Savings	100%	of Baseline Residential Outdoor Water Use
Maximum CII Indoor Savings	30%	of Baseline CII Indoor Water Use
Maximum CII Outdoor Savings	100%	of Baseline CII Outdoor Water Use
Maximum Dedicated Irrigation Account Savings	100%	of Baseline Dedicated Irrigation Water Use
Maximum Non-Revenue Water Savings	50%	of Baseline Non-Revenue Water Use
Resulting Total Maximum Annual Savings Potential	**72%**	of Total Baseline Production

Assumed Proportion of Water Use by End Uses and Sector





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4 - Drought Response Actions - Stage 1

City of Tracy

Drought Response Actions

Select the Drought Response Actions you would like to include in your estimated savings calculations. For each selected action, use the default end use savings estimates and implementation rates or input your own values. The "End Use Savings" estimates the percent water use reduction that could occur at a particular end use as a result of a specific action. The "Implementation Rate" refers to the estimated percentage of accounts that will implement a specific action. The water savings potential at each end use is capped based on the assumed distribution of end use water demands shown in the pie charts above. A dash (--) indicates that professional judgement was used to establish the default value, or that savings are expected to be accounted for as part of a Public Information Program; additional basis for the default values are included in the User Manual.

Action Description	End Use(s)	Implement Program	End Use Savings (%)	Implementation Rate	Source of Default Savings Estimate	Source of Default Implementation Rate
► **Possible Mandatory Prohibitions**	All Outdoor	☑	14%	**40%**	--	--
Prohibit Irrigation with Potable Water Outside of Newly Constructed Homes and Buildings that is not Delivered by Drip or Microspray Systems	Irrigation	☑			--	--
Require Shut-Off Nozzles on Hoses for Vehicle Washing	Misc. Outdoor	☑	17%	50%	See Appendix D of the DRP	--
Prohibit Use of Potable Water to Wash Sidewalks and Driveways	Misc. Outdoor	☑	17%	50%		--
Prohibit the Use of Potable Water for Street Washing	Misc. Outdoor	☑	17%	50%		--
Prohibit Irrigation with Potable Water in a Manner that causes Runoff	Irrigation	☑	3%	50%	DeOreo et al., 2011	--
Prohibit Irrigation with Potable Water within 48 Hours following Measurable Rainfall	Irrigation	☑			--	--
Prohibit Irrigation of Ornamental Turf with Potable Water on Street Medians	Irrigation	☑			--	--
Prohibit Potable Water Use for Decorative Water Features that do not Recirculate Water	Misc. Outdoor	☑	50%	50%	EBMUD, 2008	--
Provide Linen Service Opt Out Options	Fixtures & Appliances	☑	0.5%	50%	EBMUD, 2011	--
Prohibit Serving Drinking Water other than upon Request in Eating or Drinking Establishments	Fixtures & Appliances	☑	0.5%	50%	EBMUD, 2011	--

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4 - Drought Response Actions - Stage 1

City of Tracy

Drought Response Actions						
Action Description	End Use(s)	Implement Program	End Use Savings (%)	Implementation Rate	Source of Default Savings Estimate	Source of Default Implementation Rate
► **Agency Drought Actions / Restrictions**						
► **Agency Actions**						
Media Campaign, Newspaper Articles, Website	All	☑	0.5%	**40%**	EBMUD, 2011	--
Promote Water Conservation / Rebate Programs	All	☑		50%	--	--
Water Efficiency Workshops, Public Events	All	☐	0.5%	25%	EBMUD, 2011	--
Water Bill Inserts	All	☐	0.5%	100%	EBMUD, 2011	--
Promote / Expand Use of Recycled Water	Irrigation	☐	100%		--	--
Home or Mobile Water Use Reports	All	☐	5%	10%	WaterSmart Software, 2015	--
Decrease Frequency and Length of Line Flushing	Non Revenue Water	☐	25%	50%	See Appendix D of the DRP	Reduced flushing by 50%.
Audit and Reduce System Water Loss	Non Revenue Water	☐	45%	50%	DWR, 2015	Target 50% of leakage.
Implement Drought Rate Structure / Water Budgets	All	☐	5%	100%	CUWCC, 2015	--
Establish Retrofit on Resale Ordinance	All Residential Indoor	☐	21%	6%	SFPUC, 2004	First Tuesday, 2015
Require Net Zero Demand Increase on New Connections	All	☐			--	--
Moratorium on New Connections	All	☐			--	--
Move to Monthly Metering / Billing	All	☐	5%	10%	See Appendix D of the DRP	--
Increase Water Waste Patrols / Enforcement	All	☐			--	--
Establish Drought Hotline	All	☐			--	--
Reduce Distribution System Pressures	Non Revenue Water	☐	4.5%	100%	CUWCC, 2010; DWR, 2015	--
► **Dedicated Irrigation**						
Conduct Irrigation Account Surveys	Irrigation	☐	30%	10%	EBMUD, 2011	--
Limit Irrigation Days, Time and Duration (Select One)						
Limit Irrigation to Between 7PM and 9AM	Irrigation	☑	**12%**	**40%**	Historical savings in 2013 to 2015	--
Limit Irrigation to 1 Day/Week, 10 Minutes/Day, Between 9PM and 6AM	Irrigation	☐	79%	50%		
Prohibit use of Potable Water for Irrigation	Irrigation	☐	100%	50%		
Require Repair of all Leaks within 72 hours	External Leaks	☑	100%	5%	--	--
Customer Water Budgets						
Establish Water Budget - 25% Reduction	Irrigation	☐	25%	50%	--	--
Establish Water Budget - 50% Reduction	Irrigation	☐	50%	50%	--	--
Establish Water Budget - 75% Reduction	Irrigation	☐	75%	50%	--	--

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4 - Drought Response Actions - Stage 1

City of Tracy

Drought Response Actions						
Action Description	End Use(s)	Implement Program	End Use Savings (%)	Implementation Rate	Source of Default Savings Estimate	Source of Default Implementation Rate
► **Agency Drought Actions / Restrictions**						
► **Residential**						
Conduct Water Use Surveys Targeting High Water Users	All Residential Uses	☐	10%	10%	EBMUD, 2011	--
Limit Irrigation Days, Time and Duration (Select One)						
Limit Irrigation to Between 7PM and 9AM	Irrigation	☑	**10%**	**40%**	Historical savings in 2013 to 2015	--
Limit Irrigation to 1 Day/Week, 10 Minutes/Day, Between 9PM and 6AM	Irrigation	☐	79%	50%		
Prohibit use of Potable Water for Irrigation	Irrigation	☐	100%	50%		
Prohibit Vehicle Washing Except with Recycled Water	Misc. Outdoor	☐	50%	50%	EBMUD, 2008	--
Require Repair of all Leaks within 72 hours	Leaks	☑	100%	5%	--	--
Require Pool Covers	Misc. Outdoor	☑	28%	25%	Maddaus & Mayer, 2001	--
Prohibit Filling of Pools	Misc. Outdoor	☐	55%	25%	DeOreo et al., 2011	--
Customer Water Budgets						
Establish Water Budget - 10% Reduction	All Residential Uses	☐	10%	50%	--	--
Establish Water Budget - 20% Reduction	All Residential Uses	☐	20%	50%	--	--
► **CII**						
Conduct CII Surveys Targeting High Water Users	All CII uses	☐	10%	10%	EBMUD, 2011	--
Limit Irrigation Days, Time and Duration (Select One)						
Limit Irrigation to Between 7PM and 9AM	Irrigation	☑	**5%**	**40%**	Historical savings in 2013 to 2015	--
Limit Irrigation to 1 Day/Week, 10 Minutes/Day, Between 9PM and 6AM	Irrigation	☐	79%	50%		
Prohibit Use of Potable Water for Construction and Dust Control	Misc. Outdoor	☐		100%	--	--
Prohibit Single-Pass Cooling Systems	Cooling	☐	80%	1%	Vickers, 2001	--
Require Repair of all Leaks within 72 hours	Leaks	☑	100%	5%	--	--
Prohibit Vehicle Washing Except with Recycled Water	Misc. Outdoor	☐	50%	50%	EBMUD, 2008	--
Require Water-Efficient Pre-Rinse Spray Valves	Fixtures & Appliances	☐	0.8%	50%	EPA, 2015; Pacific Institute, 2003	--
Customer Water Budgets						
Establish Water Budget - 10% Reduction	All CII uses	☐	10%	50%	--	--
Establish Water Budget - 20% Reduction	All CII uses	☐	20%	50%	--	--
Establish Water Budget - 30% Reduction	All CII uses	☐	30%	50%	--	--

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4 - Drought Response Actions - Stage 1

City of Tracy

Drought Response Actions						
Action Description	End Use(s)	Implement Program	End Use Savings (%)	Implementation Rate	Source of Default Savings Estimate	Source of Default Implementation Rate
▶ **Residential Customer Actions to Encourage**						
Install Bathroom Faucet Aerators	Faucets and Dishwashers	☐			--	--
Install a Water-Efficient Showerhead	Showers/Baths	☐			--	--
Turn Off Water when Brushing Teeth, Shaving, Washing Dishes, or Cooking	Faucets and Dishwashers	☐			--	--
Fill the Bathtub Halfway	Showers/Baths	☐			--	--
Wash Only Full Loads of Clothes	Clothes Washers	☐			--	--
Install a High-Efficiency Toilet	Toilets	☐			--	--
Take Shorter Showers	Showers/Baths	☐			--	--
Run Dishwasher Only When Full	Faucets and Dishwashers	☐			--	--
Reduce Outdoor Irrigation	Irrigation	☐			--	--
Install Drip-Irrigation	Irrigation	☐			--	--
Use Mulch	Irrigation	☐			--	--
Plant Drought Resistant Trees and Plants	Irrigation	☐			--	--
Use a Broom to Clean Outdoor Areas	Misc. Outdoor	☐			--	--
Flush Less Frequently	Toilets	☐			--	--
Re-Use Shower or Bath Water for Irrigation	Irrigation	☐			--	--
Wash Car at Facility that Recycles the Water	Misc. Outdoor	☐			--	--

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5 - Estimated Water Savings - Stage 1

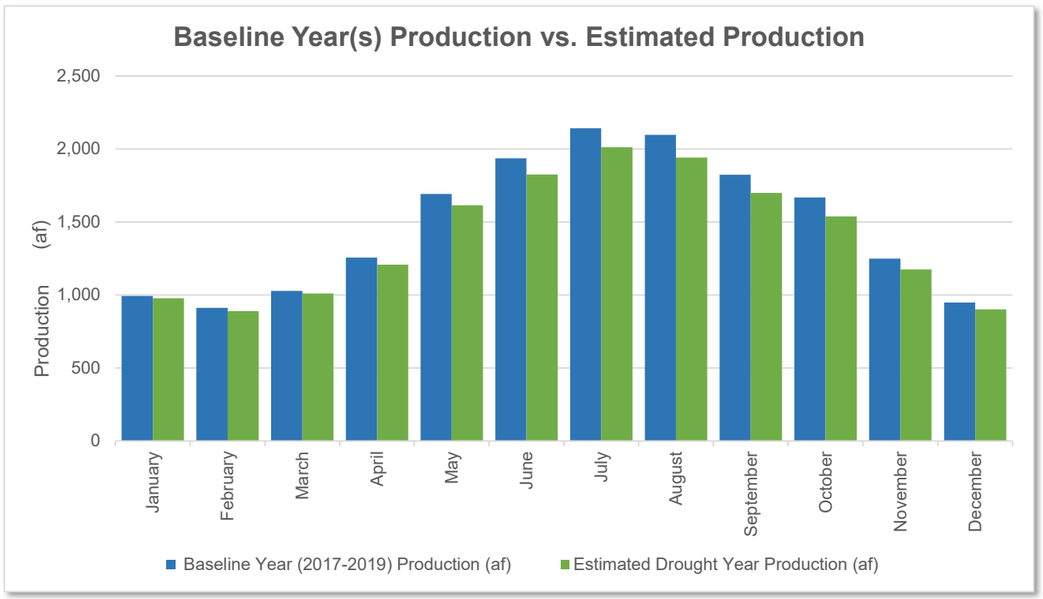
City of Tracy

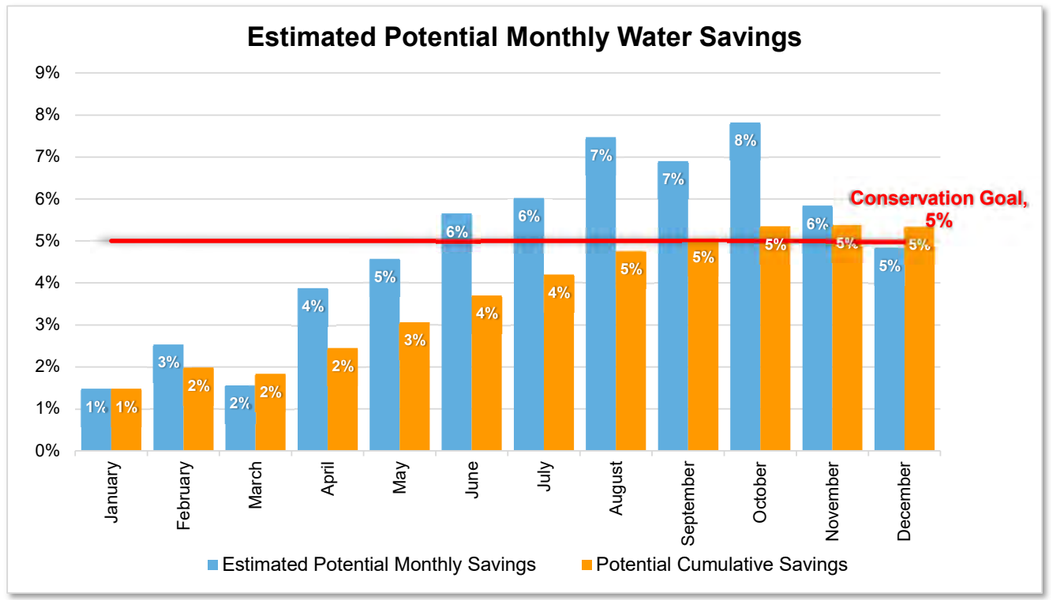
Estimated Monthly Water Use and Savings Summary

Units: (af)

This provides a summary of the estimated production relative to Baseline Year production and potential water savings, assuming implementation of selected actions at the water savings and implementation rates indicated in the Drought Response Actions worksheet. Select the units that your production data are displayed in.

Month	Baseline Year (2017-2019) Production (af)	Estimated Drought Year Production (af)	Estimated Potential Monthly Savings	Potential Cumulative Savings	Conservation Goal	Comments
January	993	978	1%	1%	5%	
February	913	890	3%	2%	5%	
March	1,028	1,012	2%	2%	5%	
April	1,256	1,208	4%	2%	5%	
May	1,693	1,615	5%	3%	5%	
June	1,936	1,827	6%	4%	5%	
July	2,142	2,013	6%	4%	5%	
August	2,098	1,942	7%	5%	5%	
September	1,825	1,699	7%	5%	5%	
October	1,669	1,538	8%	5%	5%	
November	1,249	1,176	6%	5%	5%	
December	948	902	5%	5%	5%	





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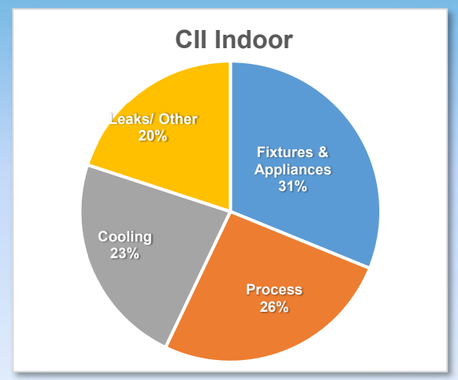
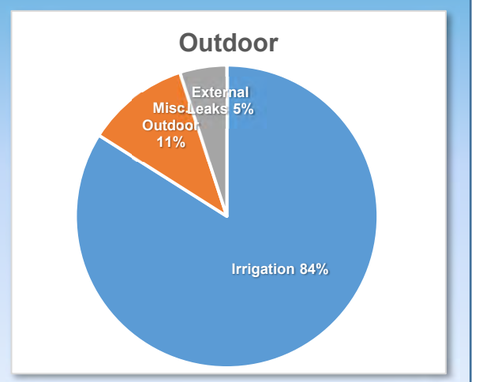
4 - Drought Response Actions - Stage 2

City of Tracy

Maximum Savings Potential		
Use the default values or enter your own criteria for the maximum savings potential. Estimated water savings within each sector will not exceed the maximum savings criteria.		
Minimum Residential Indoor GPCD	25	R-GPCD
Maximum Residential Outdoor Savings	100%	of Baseline Residential Outdoor Water Use
Maximum CII Indoor Savings	30%	of Baseline CII Indoor Water Use
Maximum CII Outdoor Savings	100%	of Baseline CII Outdoor Water Use
Maximum Dedicated Irrigation Account Savings	100%	of Baseline Dedicated Irrigation Water Use
Maximum Non-Revenue Water Savings	50%	of Baseline Non-Revenue Water Use
Resulting Total Maximum Annual Savings Potential	**72%**	of Total Baseline Production

Assumed Proportion of Water Use by End Uses and Sector





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4 - Drought Response Actions - Stage 2

City of Tracy

Drought Response Actions

Select the Drought Response Actions you would like to include in your estimated savings calculations. For each selected action, use the default end use savings estimates and implementation rates or input your own values. The "End Use Savings" estimates the percent water use reduction that could occur at a particular end use as a result of a specific action. The "Implementation Rate" refers to the estimated percentage of accounts that will implement a specific action. The water savings potential at each end use is capped based on the assumed distribution of end use water demands shown in the pie charts above. A dash (--) indicates that professional judgement was used to establish the default value, or that savings are expected to be accounted for as part of a Public Information Program; additional basis for the default values are included in the User Manual.

Action Description	End Use(s)	Implement Program	End Use Savings (%)	Implementation Rate	Source of Default Savings Estimate	Source of Default Implementation Rate
► **Possible Mandatory Prohibitions**	All Outdoor	☑	14%	**60%**	--	--
Prohibit Irrigation with Potable Water Outside of Newly Constructed Homes and Buildings that is not Delivered by Drip or Microspray Systems	Irrigation	☐			--	--
Require Shut-Off Nozzles on Hoses for Vehicle Washing	Misc. Outdoor	☑	17%	50%	See Appendix D of the DRP	--
Prohibit Use of Potable Water to Wash Sidewalks and Driveways	Misc. Outdoor	☑	17%	50%		--
Prohibit the Use of Potable Water for Street Washing	Misc. Outdoor	☑	17%	50%		--
Prohibit Irrigation with Potable Water in a Manner that causes Runoff	Irrigation	☑	3%	50%	DeOreo et al., 2011	--
Prohibit Irrigation with Potable Water within 48 Hours following Measurable Rainfall	Irrigation	☑			--	--
Prohibit Irrigation of Ornamental Turf with Potable Water on Street Medians	Irrigation	☑			--	--
Prohibit Potable Water Use for Decorative Water Features that do not Recirculate Water	Misc. Outdoor	☑	50%	50%	EBMUD, 2008	--
Provide Linen Service Opt Out Options	Fixtures & Appliances	☑	0.5%	50%	EBMUD, 2011	--
Prohibit Serving Drinking Water other than upon Request in Eating or Drinking Establishments	Fixtures & Appliances	☑	0.5%	50%	EBMUD, 2011	--

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4 - Drought Response Actions - Stage 2

City of Tracy

Drought Response Actions						
Action Description	End Use(s)	Implement Program	End Use Savings (%)	Implementation Rate	Source of Default Savings Estimate	Source of Default Implementation Rate
► **Agency Drought Actions / Restrictions**						
► **Agency Actions**						
Media Campaign, Newspaper Articles, Website	All	☑	0.5%	**60%**	EBMUD, 2011	--
Promote Water Conservation / Rebate Programs	All	☑		50%	--	--
Water Efficiency Workshops, Public Events	All	☑	0.5%	25%	EBMUD, 2011	--
Water Bill Inserts	All	☑	0.5%	100%	EBMUD, 2011	--
Promote / Expand Use of Recycled Water	Irrigation	☐	100%		--	--
Home or Mobile Water Use Reports	All	☐	5%	10%	WaterSmart Software, 2015	--
Decrease Frequency and Length of Line Flushing	Non Revenue Water	☑	25%	50%	See Appendix D of the DRP	Reduced flushing by 50%.
Audit and Reduce System Water Loss	Non Revenue Water	☐	45%	50%	DWR, 2015	Target 50% of leakage.
Implement Drought Rate Structure / Water Budgets	All	☐	5%	100%	CUWCC, 2015	--
Establish Retrofit on Resale Ordinance	All Residential Indoor	☐	21%	6%	SFPUC, 2004	First Tuesday, 2015
Require Net Zero Demand Increase on New Connections	All	☐			--	--
Moratorium on New Connections	All	☐			--	--
Move to Monthly Metering / Billing	All	☐	5%	10%	See Appendix D of the DRP	--
Increase Water Waste Patrols / Enforcement	All	☑			--	--
Establish Drought Hotline	All	☐			--	--
Reduce Distribution System Pressures	Non Revenue Water	☐	4.5%	100%	CUWCC, 2010; DWR, 2015	--
► **Dedicated Irrigation**						
Conduct Irrigation Account Surveys	Irrigation	☑	30%	10%	EBMUD, 2011	--
Limit Irrigation Days, Time and Duration (Select One)						
Limit Irrigation to Between 7PM and 9AM	Irrigation	☐	12%	40%	Historical savings in 2013 to 2015	--
Limit Irrigation to 3 Days/Week, Between 7PM and 9AM	Irrigation	☑	**36%**	**60%**		
Prohibit use of Potable Water for Irrigation	Irrigation	☐	100%	50%		
Require Repair of all Leaks within 48 hours	External Leaks	☑	100%	**8%**	--	--
Customer Water Budgets						
Establish Water Budget - 25% Reduction	Irrigation	☐	25%	50%	--	--
Establish Water Budget - 50% Reduction	Irrigation	☐	50%	50%	--	--
Establish Water Budget - 75% Reduction	Irrigation	☐	75%	50%	--	--

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4 - Drought Response Actions - Stage 2

City of Tracy

Drought Response Actions						
Action Description	End Use(s)	Implement Program	End Use Savings (%)	Implementation Rate	Source of Default Savings Estimate	Source of Default Implementation Rate
► **Agency Drought Actions / Restrictions**						
► **Residential**						
Conduct Water Use Surveys Targeting High Water Users	All Residential Uses	☑	10%	10%	EBMUD, 2011	--
Limit Irrigation Days, Time and Duration (Select One)						
Limit Irrigation to Between 7PM and 9AM	Irrigation	☐	10%	40%	Historical savings in 2013 to 2015	--
Limit Irrigation to 3 Days/Week, Between 7PM and 9AM	Irrigation	☑	**30%**	50%		
Prohibit use of Potable Water for Irrigation	Irrigation	☐	100%	50%		
Prohibit Vehicle Washing Except with Recycled Water	Misc. Outdoor	☐	50%	50%	EBMUD, 2008	--
Require Repair of all Leaks within 48 hours	Leaks	☑	100%	**8%**	--	--
Require Pool Covers	Misc. Outdoor	☑	28%	25%	Maddaus & Mayer, 2001	--
Prohibit Filling of Pools	Misc. Outdoor	☑	55%	25%	DeOreo et al., 2011	--
Customer Water Budgets						
Establish Water Budget - 10% Reduction	All Residential Uses	☐	10%	50%	--	--
Establish Water Budget - 20% Reduction	All Residential Uses	☐	20%	50%	--	--
► **CII**						
Conduct CII Surveys Targeting High Water Users	All CII uses	☑	10%	10%	EBMUD, 2011	--
Limit Irrigation Days, Time and Duration (Select One)						
Limit Irrigation to Between 7PM and 9AM	Irrigation	☐	5%	40%	Historical savings in 2013 to 2015	--
Limit Irrigation to 3 Days/Week, Between 7PM and 9AM	Irrigation	☑	**16%**	50%		
Prohibit Use of Potable Water for Construction and Dust Control	Misc. Outdoor	☐		100%	--	--
Prohibit Single-Pass Cooling Systems	Cooling	☐	80%	1%	Vickers, 2001	--
Require Repair of all Leaks within 48 hours	Leaks	☑	100%	**8%**	--	--
Prohibit Vehicle Washing Except with Recycled Water	Misc. Outdoor	☐	50%	50%	EBMUD, 2008	--
Require Water-Efficient Pre-Rinse Spray Valves	Fixtures & Appliances	☐	0.8%	50%	EPA, 2015; Pacific Institute, 2003	--
Customer Water Budgets						
Establish Water Budget - 10% Reduction	All CII uses	☐	10%	50%	--	--
Establish Water Budget - 20% Reduction	All CII uses	☐	20%	50%	--	--
Establish Water Budget - 30% Reduction	All CII uses	☐	30%	50%	--	--

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4 - Drought Response Actions - Stage 2

City of Tracy

Drought Response Actions						
Action Description	End Use(s)	Implement Program	End Use Savings (%)	Implementation Rate	Source of Default Savings Estimate	Source of Default Implementation Rate
▶ **Residential Customer Actions to Encourage**						
Install Bathroom Faucet Aerators	Faucets and Dishwashers	☐			--	--
Install a Water-Efficient Showerhead	Showers/Baths	☐			--	--
Turn Off Water when Brushing Teeth, Shaving, Washing Dishes, or Cooking	Faucets and Dishwashers	☐			--	--
Fill the Bathtub Halfway	Showers/Baths	☐			--	--
Wash Only Full Loads of Clothes	Clothes Washers	☐			--	--
Install a High-Efficiency Toilet	Toilets	☐			--	--
Take Shorter Showers	Showers/Baths	☐			--	--
Run Dishwasher Only When Full	Faucets and Dishwashers	☐			--	--
Reduce Outdoor Irrigation	Irrigation	☐			--	--
Install Drip-Irrigation	Irrigation	☐			--	--
Use Mulch	Irrigation	☐			--	--
Plant Drought Resistant Trees and Plants	Irrigation	☐			--	--
Use a Broom to Clean Outdoor Areas	Misc. Outdoor	☐			--	--
Flush Less Frequently	Toilets	☐			--	--
Re-Use Shower or Bath Water for Irrigation	Irrigation	☐			--	--
Wash Car at Facility that Recycles the Water	Misc. Outdoor	☐			--	--

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5 - Estimated Water Savings - Stage 2

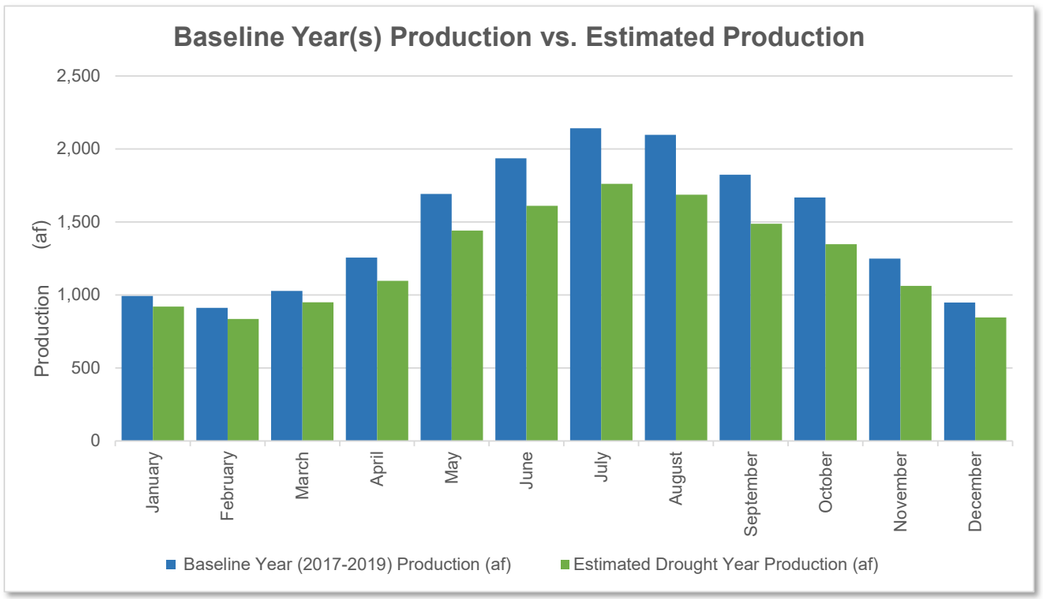
City of Tracy

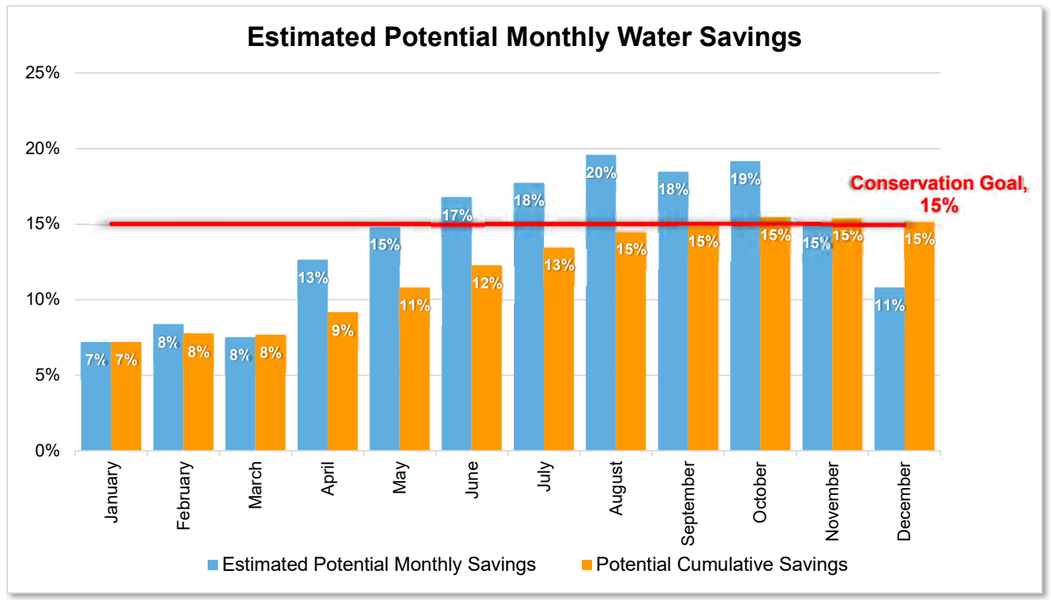
Estimated Monthly Water Use and Savings Summary

Units: (af)

This provides a summary of the estimated production relative to Baseline Year production and potential water savings, assuming implementation of selected actions at the water savings and implementation rates indicated in the Drought Response Actions worksheet. Select the units that your production data are displayed in.

Month	Baseline Year (2017-2019) Production (af)	Estimated Drought Year Production (af)	Estimated Potential Monthly Savings	Potential Cumulative Savings	Conservation Goal	Comments
January	993	922	7%	7%	15%	
February	913	836	8%	8%	15%	
March	1,028	950	8%	8%	15%	
April	1,256	1,097	13%	9%	15%	
May	1,693	1,442	15%	11%	15%	
June	1,936	1,611	17%	12%	15%	
July	2,142	1,762	18%	13%	15%	
August	2,098	1,687	20%	15%	15%	
September	1,825	1,488	18%	15%	15%	
October	1,669	1,349	19%	15%	15%	
November	1,249	1,062	15%	15%	15%	
December	948	846	11%	15%	15%	





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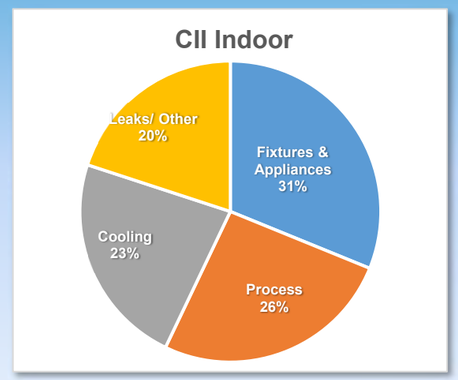
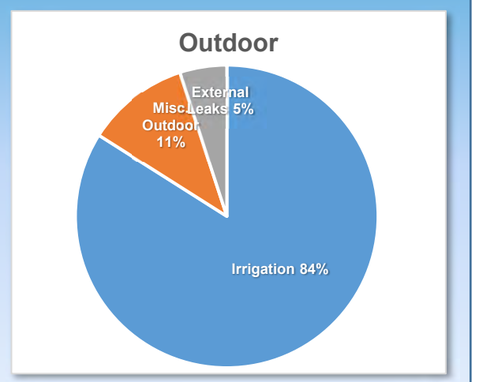
4 - Drought Response Actions - Stage 3

City of Tracy

Maximum Savings Potential		
Use the default values or enter your own criteria for the maximum savings potential. Estimated water savings within each sector will not exceed the maximum savings criteria.		
Minimum Residential Indoor GPCD	25	R-GPCD
Maximum Residential Outdoor Savings	100%	of Baseline Residential Outdoor Water Use
Maximum CII Indoor Savings	30%	of Baseline CII Indoor Water Use
Maximum CII Outdoor Savings	100%	of Baseline CII Outdoor Water Use
Maximum Dedicated Irrigation Account Savings	100%	of Baseline Dedicated Irrigation Water Use
Maximum Non-Revenue Water Savings	50%	of Baseline Non-Revenue Water Use
Resulting Total Maximum Annual Savings Potential	**72%**	of Total Baseline Production

Assumed Proportion of Water Use by End Uses and Sector





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4 - Drought Response Actions - Stage 3

City of Tracy

Drought Response Actions

Select the Drought Response Actions you would like to include in your estimated savings calculations. For each selected action, use the default end use savings estimates and implementation rates or input your own values. The "End Use Savings" estimates the percent water use reduction that could occur at a particular end use as a result of a specific action. The "Implementation Rate" refers to the estimated percentage of accounts that will implement a specific action. The water savings potential at each end use is capped based on the assumed distribution of end use water demands shown in the pie charts above. A dash (--) indicates that professional judgement was used to establish the default value, or that savings are expected to be accounted for as part of a Public Information Program; additional basis for the default values are included in the User Manual.

Action Description	End Use(s)	Implement Program	End Use Savings (%)	Implementation Rate	Source of Default Savings Estimate	Source of Default Implementation Rate
► **Possible Mandatory Prohibitions**	All Outdoor	☑	14%	**70%**	--	--
Prohibit Irrigation with Potable Water Outside of Newly Constructed Homes and Buildings that is not Delivered by Drip or Microspray Systems	Irrigation	☑			--	--
Require Shut-Off Nozzles on Hoses for Vehicle Washing	Misc. Outdoor	☑	17%	50%	See Appendix D of the DRP	--
Prohibit Use of Potable Water to Wash Sidewalks and Driveways	Misc. Outdoor	☑	17%	50%		--
Prohibit the Use of Potable Water for Street Washing	Misc. Outdoor	☑	17%	50%		--
Prohibit Irrigation with Potable Water in a Manner that causes Runoff	Irrigation	☑	3%	50%	DeOreo et al., 2011	--
Prohibit Irrigation with Potable Water within 48 Hours following Measurable Rainfall	Irrigation	☑			--	--
Prohibit Irrigation of Ornamental Turf with Potable Water on Street Medians	Irrigation	☑			--	--
Prohibit Potable Water Use for Decorative Water Features that do not Recirculate Water	Misc. Outdoor	☑	50%	50%	EBMUD, 2008	--
Provide Linen Service Opt Out Options	Fixtures & Appliances	☑	0.5%	50%	EBMUD, 2011	--
Prohibit Serving Drinking Water other than upon Request in Eating or Drinking Establishments	Fixtures & Appliances	☑	0.5%	50%	EBMUD, 2011	--

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4 - Drought Response Actions - Stage 3

City of Tracy

Drought Response Actions						
Action Description	End Use(s)	Implement Program	End Use Savings (%)	Implementation Rate	Source of Default Savings Estimate	Source of Default Implementation Rate
► **Agency Drought Actions / Restrictions**						
► **Agency Actions**						
Media Campaign, Newspaper Articles, Website	All	☑	0.5%	**70%**	EBMUD, 2011	--
Promote Water Conservation / Rebate Programs	All	☑		50%	--	--
Water Efficiency Workshops, Public Events	All	☑	0.5%	25%	EBMUD, 2011	--
Water Bill Inserts	All	☑	0.5%	100%	EBMUD, 2011	--
Promote / Expand Use of Recycled Water	Irrigation	☐	100%		--	--
Home or Mobile Water Use Reports	All	☐	5%	10%	WaterSmart Software, 2015	--
Decrease Frequency and Length of Line Flushing	Non Revenue Water	☑	25%	50%	See Appendix D of the DRP	Reduced flushing by 50%.
Audit and Reduce System Water Loss	Non Revenue Water	☑	45%	**25%**	DWR, 2015	Target 25% of leakage.
Implement Drought Rate Structure / Water Budgets	All	☐	5%	100%	CUWCC, 2015	--
Establish Retrofit on Resale Ordinance	All Residential Indoor	☐	21%	6%	SFPUC, 2004	First Tuesday, 2015
Require Net Zero Demand Increase on New Connections	All	☐			--	--
Moratorium on New Connections	All	☐			--	--
Move to Monthly Metering / Billing	All	☐	5%	10%	See Appendix D of the DRP	--
Increase Water Waste Patrols / Enforcement	All	☑			--	--
Establish Drought Hotline	All	☑			--	--
Reduce Distribution System Pressures	Non Revenue Water	☐	4.5%	100%	CUWCC, 2010; DWR, 2015	--
► **Dedicated Irrigation**						
Conduct Irrigation Account Surveys	Irrigation	☑	30%	**50%**	EBMUD, 2011	--
Limit Irrigation Days, Time and Duration (Select One)						
Limit Irrigation to Between 7PM and 9AM	Irrigation	☐	12%	40%	Historical savings in 2013 to 2015	--
Limit Irrigation to 2 Days/Week, Between 7PM and 9AM	Irrigation	☑	**57%**	**60%**		
Prohibit use of Potable Water for Irrigation	Irrigation	☐	100%	50%		
Require Repair of all Leaks within 48 hours	External Leaks	☑	100%	**8%**	--	--
Customer Water Budgets						
Establish Water Budget - 25% Reduction	Irrigation	☐	25%	50%	--	--
Establish Water Budget - 50% Reduction	Irrigation	☐	50%	50%	--	--
Establish Water Budget - 75% Reduction	Irrigation	☐	75%	50%	--	--

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4 - Drought Response Actions - Stage 3

City of Tracy

Drought Response Actions						
Action Description	End Use(s)	Implement Program	End Use Savings (%)	Implementation Rate	Source of Default Savings Estimate	Source of Default Implementation Rate
► **Agency Drought Actions / Restrictions**						
► **Residential**						
Conduct Water Use Surveys Targeting High Water Users	All Residential Uses	☑	10%	**20%**	EBMUD, 2011	--
Limit Irrigation Days, Time and Duration (Select One)						
Limit Irrigation to Between 7PM and 9AM	Irrigation	☐	10%	40%	Historical savings in 2013 to 2015	--
Limit Irrigation to 2 Days/Week, Between 7PM and 9AM	Irrigation	☑	**53%**	**60%**		
Prohibit use of Potable Water for Irrigation	Irrigation	☐	100%	50%		
Prohibit Vehicle Washing Except with Recycled Water	Misc. Outdoor	☐	50%	50%	EBMUD, 2008	--
Require Repair of all Leaks within 48 hours	Leaks	☑	100%	**8%**	--	--
Require Pool Covers	Misc. Outdoor	☑	28%	25%	Maddaus & Mayer, 2001	--
Prohibit Filling of Pools	Misc. Outdoor	☑	55%	25%	DeOreo et al., 2011	--
Customer Water Budgets						
Establish Water Budget - 10% Reduction	All Residential Uses	☐	10%	50%	--	--
Establish Water Budget - 20% Reduction	All Residential Uses	☐	20%	50%	--	--
► **CII**						
Conduct CII Surveys Targeting High Water Users	All CII uses	☑	10%	**20%**	EBMUD, 2011	--
Limit Irrigation Days, Time and Duration (Select One)						
Limit Irrigation to Between 7PM and 9AM	Irrigation	☐	5%	40%	Historical savings in 2013 to 2015	--
Limit Irrigation to 2 Days/Week, Between 7PM and 9AM	Irrigation	☑	**44%**	**60%**		
Prohibit Use of Potable Water for Construction and Dust Control	Misc. Outdoor	☐		100%	--	--
Prohibit Single-Pass Cooling Systems	Cooling	☐	80%	1%	Vickers, 2001	--
Require Repair of all Leaks within 48 hours	Leaks	☑	100%	**8%**	--	--
Prohibit Vehicle Washing Except with Recycled Water	Misc. Outdoor	☐	50%	50%	EBMUD, 2008	--
Require Water-Efficient Pre-Rinse Spray Valves	Fixtures & Appliances	☐	0.8%	50%	EPA, 2015; Pacific Institute, 2003	--
Customer Water Budgets						
Establish Water Budget - 10% Reduction	All CII uses	☐	10%	50%	--	--
Establish Water Budget - 20% Reduction	All CII uses	☐	20%	50%	--	--
Establish Water Budget - 30% Reduction	All CII uses	☐	30%	50%	--	--

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4 - Drought Response Actions - Stage 3

City of Tracy

Drought Response Actions						
Action Description	End Use(s)	Implement Program	End Use Savings (%)	Implementation Rate	Source of Default Savings Estimate	Source of Default Implementation Rate
▶ **Residential Customer Actions to Encourage**						
Install Bathroom Faucet Aerators	Faucets and Dishwashers	☐			--	--
Install a Water-Efficient Showerhead	Showers/Baths	☐			--	--
Turn Off Water when Brushing Teeth, Shaving, Washing Dishes, or Cooking	Faucets and Dishwashers	☐			--	--
Fill the Bathtub Halfway	Showers/Baths	☐			--	--
Wash Only Full Loads of Clothes	Clothes Washers	☐			--	--
Install a High-Efficiency Toilet	Toilets	☐			--	--
Take Shorter Showers	Showers/Baths	☐			--	--
Run Dishwasher Only When Full	Faucets and Dishwashers	☐			--	--
Reduce Outdoor Irrigation	Irrigation	☐			--	--
Install Drip-Irrigation	Irrigation	☐			--	--
Use Mulch	Irrigation	☐			--	--
Plant Drought Resistant Trees and Plants	Irrigation	☐			--	--
Use a Broom to Clean Outdoor Areas	Misc. Outdoor	☐			--	--
Flush Less Frequently	Toilets	☐			--	--
Re-Use Shower or Bath Water for Irrigation	Irrigation	☐			--	--
Wash Car at Facility that Recycles the Water	Misc. Outdoor	☐			--	--

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5 - Estimated Water Savings - Stage 3

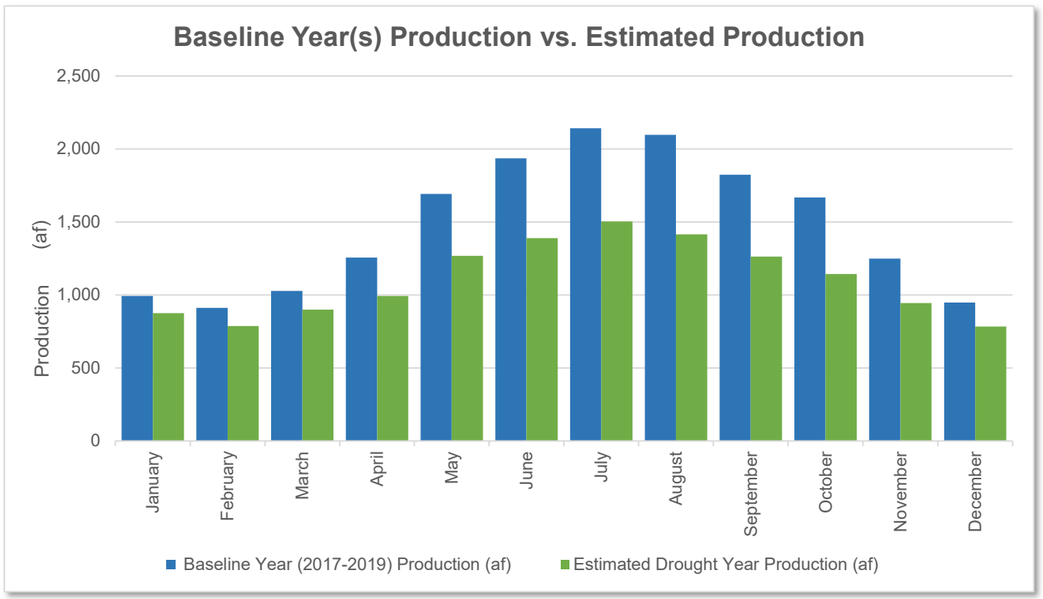
City of Tracy

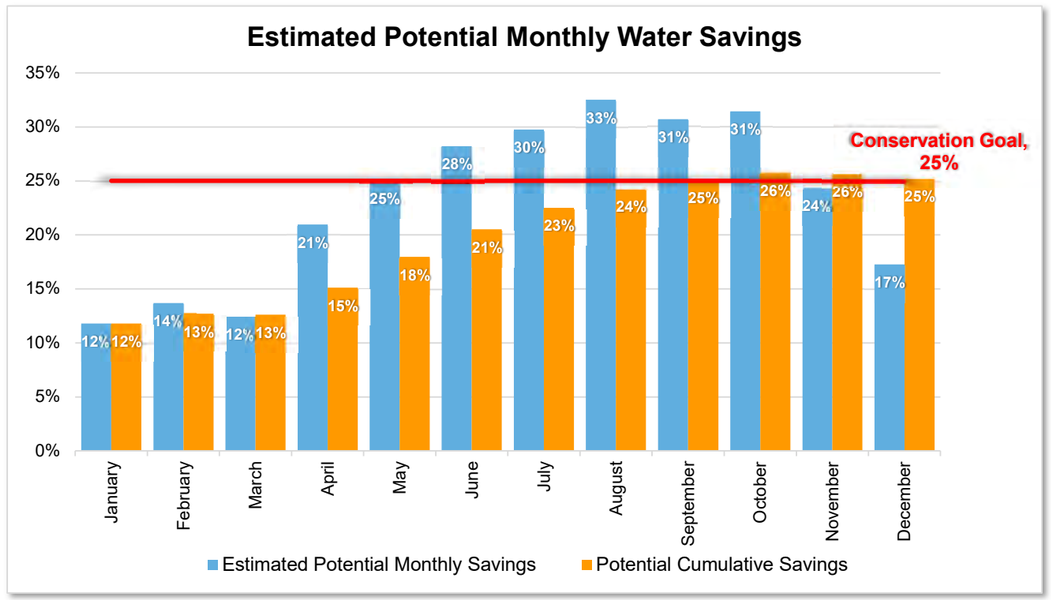
Estimated Monthly Water Use and Savings Summary

Units: (af)

This provides a summary of the estimated production relative to Baseline Year production and potential water savings, assuming implementation of selected actions at the water savings and implementation rates indicated in the Drought Response Actions worksheet. Select the units that your production data are displayed in.

Month	Baseline Year (2017-2019) Production (af)	Estimated Drought Year Production (af)	Estimated Potential Monthly Savings	Potential Cumulative Savings	Conservation Goal	Comments
January	993	876	12%	12%	25%	
February	913	788	14%	13%	25%	
March	1,028	900	12%	13%	25%	
April	1,256	993	21%	15%	25%	
May	1,693	1,269	25%	18%	25%	
June	1,936	1,390	28%	21%	25%	
July	2,142	1,504	30%	23%	25%	
August	2,098	1,416	33%	24%	25%	
September	1,825	1,264	31%	25%	25%	
October	1,669	1,144	31%	26%	25%	
November	1,249	945	24%	26%	25%	
December	948	784	17%	25%	25%	





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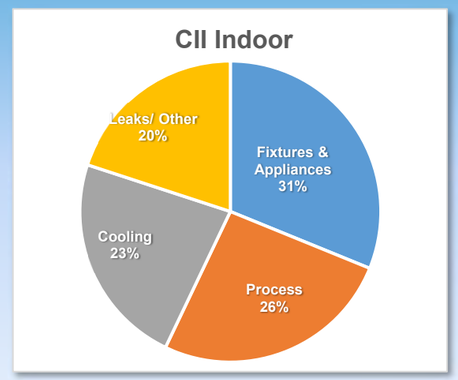
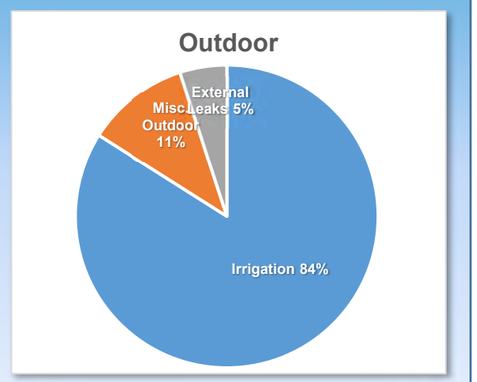
4 - Drought Response Actions - Stage 4

City of Tracy

Maximum Savings Potential		
Use the default values or enter your own criteria for the maximum savings potential. Estimated water savings within each sector will not exceed the maximum savings criteria.		
Minimum Residential Indoor GPCD	25	R-GPCD
Maximum Residential Outdoor Savings	100%	of Baseline Residential Outdoor Water Use
Maximum CII Indoor Savings	30%	of Baseline CII Indoor Water Use
Maximum CII Outdoor Savings	100%	of Baseline CII Outdoor Water Use
Maximum Dedicated Irrigation Account Savings	100%	of Baseline Dedicated Irrigation Water Use
Maximum Non-Revenue Water Savings	50%	of Baseline Non-Revenue Water Use
Resulting Total Maximum Annual Savings Potential	**72%**	of Total Baseline Production

Assumed Proportion of Water Use by End Uses and Sector





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4 - Drought Response Actions - Stage 4

City of Tracy

Drought Response Actions

Select the Drought Response Actions you would like to include in your estimated savings calculations. For each selected action, use the default end use savings estimates and implementation rates or input your own values. The "End Use Savings" estimates the percent water use reduction that could occur at a particular end use as a result of a specific action. The "Implementation Rate" refers to the estimated percentage of accounts that will implement a specific action. The water savings potential at each end use is capped based on the assumed distribution of end use water demands shown in the pie charts above. A dash (--) indicates that professional judgement was used to establish the default value, or that savings are expected to be accounted for as part of a Public Information Program; additional basis for the default values are included in the User Manual.

Action Description	End Use(s)	Implement Program	End Use Savings (%)	Implementation Rate	Source of Default Savings Estimate	Source of Default Implementation Rate
► **Possible Mandatory Prohibitions**	All Outdoor	☑	14%	**75%**	--	--
Prohibit Irrigation with Potable Water Outside of Newly Constructed Homes and Buildings that is not Delivered by Drip or Microspray Systems	Irrigation	☑			--	--
Require Shut-Off Nozzles on Hoses for Vehicle Washing	Misc. Outdoor	☑	17%	50%	See Appendix D of the DRP	--
Prohibit Use of Potable Water to Wash Sidewalks and Driveways	Misc. Outdoor	☑	17%	50%		--
Prohibit the Use of Potable Water for Street Washing	Misc. Outdoor	☑	17%	50%		--
Prohibit Irrigation with Potable Water in a Manner that causes Runoff	Irrigation	☑	3%	50%	DeOreo et al., 2011	--
Prohibit Irrigation with Potable Water within 48 Hours following Measurable Rainfall	Irrigation	☑			--	--
Prohibit Irrigation of Ornamental Turf with Potable Water on Street Medians	Irrigation	☑			--	--
Prohibit Potable Water Use for Decorative Water Features that do not Recirculate Water	Misc. Outdoor	☑	50%	50%	EBMUD, 2008	--
Provide Linen Service Opt Out Options	Fixtures & Appliances	☑	0.5%	50%	EBMUD, 2011	--
Prohibit Serving Drinking Water other than upon Request in Eating or Drinking Establishments	Fixtures & Appliances	☑	0.5%	50%	EBMUD, 2011	--

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4 - Drought Response Actions - Stage 4

City of Tracy

Drought Response Actions						
Action Description	End Use(s)	Implement Program	End Use Savings (%)	Implementation Rate	Source of Default Savings Estimate	Source of Default Implementation Rate
► **Agency Drought Actions / Restrictions**						
► **Agency Actions**						
Media Campaign, Newspaper Articles, Website	All	☑	0.5%	**70%**	EBMUD, 2011	--
Promote Water Conservation / Rebate Programs	All	☑		50%	--	--
Water Efficiency Workshops, Public Events	All	☑	0.5%	25%	EBMUD, 2011	--
Water Bill Inserts	All	☑	0.5%	100%	EBMUD, 2011	--
Promote / Expand Use of Recycled Water	Irrigation	☐	100%		--	--
Home or Mobile Water Use Reports	All	☐	5%	10%	WaterSmart Software, 2015	--
Decrease Frequency and Length of Line Flushing	Non Revenue Water	☑	25%	50%	See Appendix D of the DRP	Reduced flushing by 50%.
Audit and Reduce System Water Loss	Non Revenue Water	☑	45%	**25%**	DWR, 2015	Target 25% of leakage.
Implement Drought Rate Structure / Water Budgets	All	☐	5%	100%	CUWCC, 2015	--
Establish Retrofit on Resale Ordinance	All Residential Indoor	☐	21%	6%	SFPUC, 2004	First Tuesday, 2015
Require Net Zero Demand Increase on New Connections	All	☐			--	--
Moratorium on New Connections	All	☐			--	--
Move to Monthly Metering / Billing	All	☐	5%	10%	See Appendix D of the DRP	--
Increase Water Waste Patrols / Enforcement	All	☑			--	--
Establish Drought Hotline	All	☑			--	--
Reduce Distribution System Pressures	Non Revenue Water	☐	4.5%	100%	CUWCC, 2010; DWR, 2015	--
► **Dedicated Irrigation**						
Conduct Irrigation Account Surveys	Irrigation	☑	30%	**50%**	EBMUD, 2011	--
Limit Irrigation Days, Time and Duration (Select One)						
Limit Irrigation to Between 7PM and 9AM	Irrigation	☐	12%	40%	Historical savings in 2013 to 2015	--
Limit Irrigation to 1 Day/Week, Between 7PM and 9AM	Irrigation	☑	**79%**	**75%**		
Prohibit use of Potable Water for Irrigation	Irrigation	☐	100%	50%		
Require Repair of all Leaks within 48 hours	External Leaks	☑	100%	**8%**	--	--
Customer Water Budgets						
Establish Water Budget - 25% Reduction	Irrigation	☐	25%	50%	--	--
Establish Water Budget - 50% Reduction	Irrigation	☐	50%	50%	--	--
Establish Water Budget - 75% Reduction	Irrigation	☐	75%	50%	--	--

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4 - Drought Response Actions - Stage 4

City of Tracy

Drought Response Actions						
Action Description	End Use(s)	Implement Program	End Use Savings (%)	Implementation Rate	Source of Default Savings Estimate	Source of Default Implementation Rate
► **Agency Drought Actions / Restrictions**						
► **Residential**						
Conduct Water Use Surveys Targeting High Water Users	All Residential Uses	☑	10%	**20%**	EBMUD, 2011	--
Limit Irrigation Days, Time and Duration (Select One)						
Limit Irrigation to Between 7PM and 9AM	Irrigation	☐	10%	40%	Historical savings in 2013 to 2015	--
Limit Irrigation to 1 Day/Week, Between 7PM and 9AM	Irrigation	☑	**77%**	**75%**		
Prohibit use of Potable Water for Irrigation	Irrigation	☐	100%	50%		
Prohibit Vehicle Washing Except with Recycled Water	Misc. Outdoor	☐	50%	50%	EBMUD, 2008	--
Require Repair of all Leaks within 48 hours	Leaks	☑	100%	**8%**	--	--
Require Pool Covers	Misc. Outdoor	☑	28%	25%	Maddaus & Mayer, 2001	--
Prohibit Filling of Pools	Misc. Outdoor	☑	55%	25%	DeOreo et al., 2011	--
Customer Water Budgets						
Establish Water Budget - 10% Reduction	All Residential Uses	☐	10%	50%	--	--
Establish Water Budget - 20% Reduction	All Residential Uses	☐	20%	50%	--	--
► **CII**						
Conduct CII Surveys Targeting High Water Users	All CII uses	☑	10%	**20%**	EBMUD, 2011	--
Limit Irrigation Days, Time and Duration (Select One)						
Limit Irrigation to Between 7PM and 9AM	Irrigation	☐	5%	40%	Historical savings in 2013 to 2015	--
Limit Irrigation to 1 Day/Week, Between 7PM and 9AM	Irrigation	☑	**72%**	**75%**		
Prohibit Use of Potable Water for Construction and Dust Control	Misc. Outdoor	☐		100%	--	--
Prohibit Single-Pass Cooling Systems	Cooling	☐	80%	1%	Vickers, 2001	--
Require Repair of all Leaks within 48 hours	Leaks	☑	100%	**8%**	--	--
Prohibit Vehicle Washing Except with Recycled Water	Misc. Outdoor	☐	50%	50%	EBMUD, 2008	--
Require Water-Efficient Pre-Rinse Spray Valves	Fixtures & Appliances	☐	0.8%	50%	EPA, 2015; Pacific Institute, 2003	--
Customer Water Budgets						
Establish Water Budget - 10% Reduction	All CII uses	☐	10%	50%	--	--
Establish Water Budget - 20% Reduction	All CII uses	☐	20%	50%	--	--
Establish Water Budget - 30% Reduction	All CII uses	☐	30%	50%	--	--

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4 - Drought Response Actions - Stage 4

City of Tracy

Drought Response Actions						
Action Description	End Use(s)	Implement Program	End Use Savings (%)	Implementation Rate	Source of Default Savings Estimate	Source of Default Implementation Rate
▶ **Residential Customer Actions to Encourage**						
Install Bathroom Faucet Aerators	Faucets and Dishwashers	☐			--	--
Install a Water-Efficient Showerhead	Showers/Baths	☐			--	--
Turn Off Water when Brushing Teeth, Shaving, Washing Dishes, or Cooking	Faucets and Dishwashers	☐			--	--
Fill the Bathtub Halfway	Showers/Baths	☐			--	--
Wash Only Full Loads of Clothes	Clothes Washers	☐			--	--
Install a High-Efficiency Toilet	Toilets	☐			--	--
Take Shorter Showers	Showers/Baths	☐			--	--
Run Dishwasher Only When Full	Faucets and Dishwashers	☐			--	--
Reduce Outdoor Irrigation	Irrigation	☐			--	--
Install Drip-Irrigation	Irrigation	☐			--	--
Use Mulch	Irrigation	☐			--	--
Plant Drought Resistant Trees and Plants	Irrigation	☐			--	--
Use a Broom to Clean Outdoor Areas	Misc. Outdoor	☐			--	--
Flush Less Frequently	Toilets	☐			--	--
Re-Use Shower or Bath Water for Irrigation	Irrigation	☐			--	--
Wash Car at Facility that Recycles the Water	Misc. Outdoor	☐			--	--

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5 - Estimated Water Savings - Stage 4

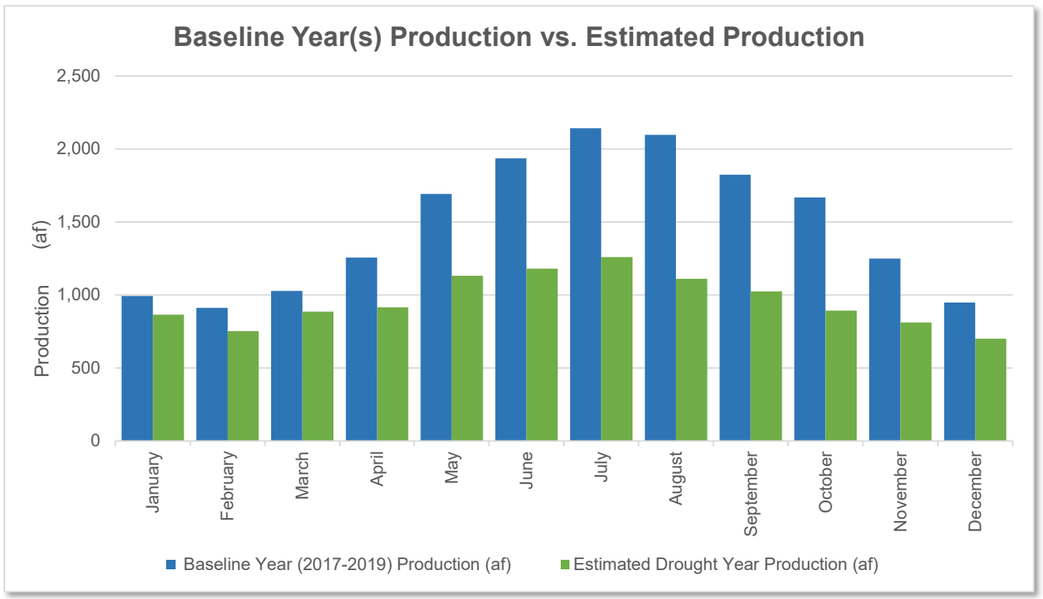
City of Tracy

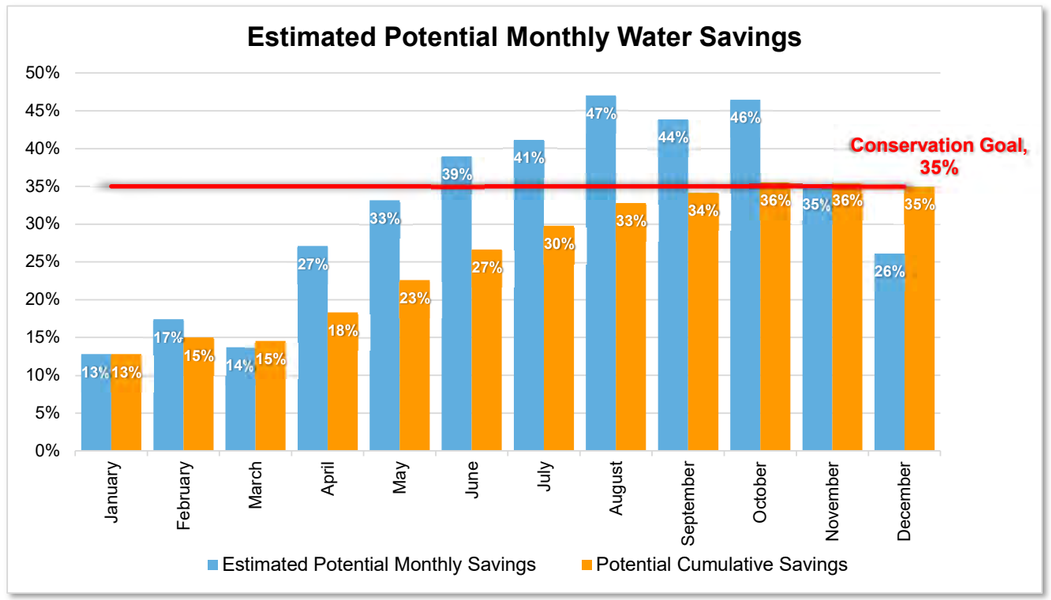
Estimated Monthly Water Use and Savings Summary

Units: (af)

This provides a summary of the estimated production relative to Baseline Year production and potential water savings, assuming implementation of selected actions at the water savings and implementation rates indicated in the Drought Response Actions worksheet. Select the units that your production data are displayed in.

Month	Baseline Year (2017-2019) Production (af)	Estimated Drought Year Production (af)	Estimated Potential Monthly Savings	Potential Cumulative Savings	Conservation Goal	Comments
January	993	866	13%	13%	35%	
February	913	754	17%	15%	35%	
March	1,028	887	14%	15%	35%	
April	1,256	916	27%	18%	35%	
May	1,693	1,131	33%	23%	35%	
June	1,936	1,181	39%	27%	35%	
July	2,142	1,260	41%	30%	35%	
August	2,098	1,111	47%	33%	35%	
September	1,825	1,024	44%	34%	35%	
October	1,669	893	46%	36%	35%	
November	1,249	812	35%	36%	35%	
December	948	701	26%	35%	35%	





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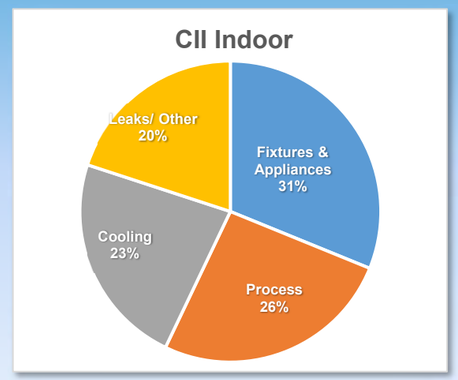
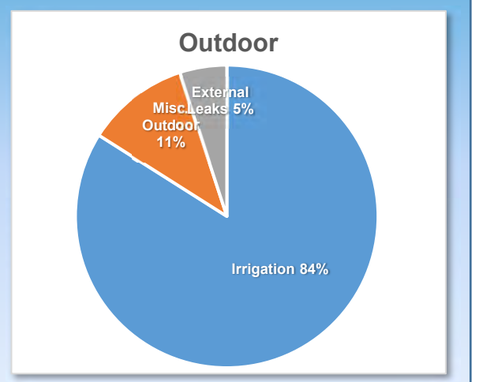
4 - Drought Response Actions - Stage 5

City of Tracy

Maximum Savings Potential		
Use the default values or enter your own criteria for the maximum savings potential. Estimated water savings within each sector will not exceed the maximum savings criteria.		
Minimum Residential Indoor GPCD	25	R-GPCD
Maximum Residential Outdoor Savings	100%	of Baseline Residential Outdoor Water Use
Maximum CII Indoor Savings	30%	of Baseline CII Indoor Water Use
Maximum CII Outdoor Savings	100%	of Baseline CII Outdoor Water Use
Maximum Dedicated Irrigation Account Savings	100%	of Baseline Dedicated Irrigation Water Use
Maximum Non-Revenue Water Savings	50%	of Baseline Non-Revenue Water Use
Resulting Total Maximum Annual Savings Potential	**72%**	of Total Baseline Production

Assumed Proportion of Water Use by End Uses and Sector





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4 - Drought Response Actions - Stage 5

City of Tracy

Drought Response Actions

Select the Drought Response Actions you would like to include in your estimated savings calculations. For each selected action, use the default end use savings estimates and implementation rates or input your own values. The "End Use Savings" estimates the percent water use reduction that could occur at a particular end use as a result of a specific action. The "Implementation Rate" refers to the estimated percentage of accounts that will implement a specific action. The water savings potential at each end use is capped based on the assumed distribution of end use water demands shown in the pie charts above. A dash (--) indicates that professional judgement was used to establish the default value, or that savings are expected to be accounted for as part of a Public Information Program; additional basis for the default values are included in the User Manual.

Action Description	End Use(s)	Implement Program	End Use Savings (%)	Implementation Rate	Source of Default Savings Estimate	Source of Default Implementation Rate
► **Possible Mandatory Prohibitions**	All Outdoor	☑	14%	**85%**	--	--
Prohibit Irrigation with Potable Water Outside of Newly Constructed Homes and Buildings that is not Delivered by Drip or Microspray Systems	Irrigation	☑			--	--
Require Shut-Off Nozzles on Hoses for Vehicle Washing	Misc. Outdoor	☑	17%	50%	See Appendix D of the DRP	--
Prohibit Use of Potable Water to Wash Sidewalks and Driveways	Misc. Outdoor	☑	17%	50%		--
Prohibit the Use of Potable Water for Street Washing	Misc. Outdoor	☑	17%	50%		--
Prohibit Irrigation with Potable Water in a Manner that causes Runoff	Irrigation	☑	3%	50%	DeOreo et al., 2011	--
Prohibit Irrigation with Potable Water within 48 Hours following Measurable Rainfall	Irrigation	☑			--	--
Prohibit Irrigation of Ornamental Turf with Potable Water on Street Medians	Irrigation	☑			--	--
Prohibit Potable Water Use for Decorative Water Features that do not Recirculate Water	Misc. Outdoor	☑	50%	50%	EBMUD, 2008	--
Provide Linen Service Opt Out Options	Fixtures & Appliances	☑	0.5%	50%	EBMUD, 2011	--
Prohibit Serving Drinking Water other than upon Request in Eating or Drinking Establishments	Fixtures & Appliances	☑	0.5%	50%	EBMUD, 2011	--

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4 - Drought Response Actions - Stage 5

City of Tracy

Drought Response Actions						
Action Description	End Use(s)	Implement Program	End Use Savings (%)	Implementation Rate	Source of Default Savings Estimate	Source of Default Implementation Rate
► **Agency Drought Actions / Restrictions**						
► **Agency Actions**						
Media Campaign, Newspaper Articles, Website	All	☑	0.5%	**75%**	EBMUD, 2011	--
Promote Water Conservation / Rebate Programs	All	☑		50%	--	--
Water Efficiency Workshops, Public Events	All	☑	0.5%	25%	EBMUD, 2011	--
Water Bill Inserts	All	☑	0.5%	100%	EBMUD, 2011	--
Promote / Expand Use of Recycled Water	Irrigation	☐	100%		--	--
Home or Mobile Water Use Reports	All	☐	5%	10%	WaterSmart Software, 2015	--
Decrease Frequency and Length of Line Flushing	Non Revenue Water	☑	25%	50%	See Appendix D of the DRP	Reduced flushing by 50%.
Audit and Reduce System Water Loss	Non Revenue Water	☑	45%	**25%**	DWR, 2015	Target 25% of leakage.
Implement Drought Rate Structure / Water Budgets	All	☑	5%	100%	CUWCC, 2015	--
Establish Retrofit on Resale Ordinance	All Residential Indoor	☐	21%	6%	SFPUC, 2004	First Tuesday, 2015
Require Net Zero Demand Increase on New Connections	All	☐			--	--
Moratorium on New Connections	All	☑			--	--
Move to Monthly Metering / Billing	All	☐	5%	10%	See Appendix D of the DRP	--
Increase Water Waste Patrols / Enforcement	All	☑			--	--
Establish Drought Hotline	All	☑			--	--
Reduce Distribution System Pressures	Non Revenue Water	☐	4.5%	100%	CUWCC, 2010; DWR, 2015	--
► **Dedicated Irrigation**						
Conduct Irrigation Account Surveys	Irrigation	☑	30%	**50%**	EBMUD, 2011	--
Limit Irrigation Days, Time and Duration (Select One)						
Limit Irrigation to Between 7PM and 9AM	Irrigation	☐	12%	40%	Historical savings in 2013 to 2015	--
Limit Irrigation to 1 Day/Week, Between 7PM and 9AM	Irrigation	☐	79%	75%		
Prohibit use of Potable Water for Irrigation	Irrigation	☑	100%	**85%**		
Require Repair of all Leaks within 48 hours	External Leaks	☑	100%	**8%**	--	--
Customer Water Budgets						
Establish Water Budget - 25% Reduction	Irrigation	☐	25%	50%	--	--
Establish Water Budget - 50% Reduction	Irrigation	☐	50%	50%	--	--
Establish Water Budget - 75% Reduction	Irrigation	☐	75%	50%	--	--

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4 - Drought Response Actions - Stage 5

City of Tracy

Drought Response Actions						
Action Description	End Use(s)	Implement Program	End Use Savings (%)	Implementation Rate	Source of Default Savings Estimate	Source of Default Implementation Rate
► Agency Drought Actions / Restrictions						
► Residential						
Conduct Water Use Surveys Targeting High Water Users	All Residential Uses	☑	10%	**20%**	EBMUD, 2011	--
Limit Irrigation Days, Time and Duration (Select One)						
Limit Irrigation to Between 7PM and 9AM	Irrigation	☐	10%	40%	Historical savings in 2013 to 2015	--
Limit Irrigation to 1 Day/Week, Between 7PM and 9AM	Irrigation	☐	77%	75%		
Prohibit use of Potable Water for Irrigation	Irrigation	☑	100%	**80%**		
Prohibit Vehicle Washing Except with Recycled Water	Misc. Outdoor	☐	50%	50%	EBMUD, 2008	--
Require Repair of all Leaks within 48 hours	Leaks	☑	100%	**8%**	--	--
Require Pool Covers	Misc. Outdoor	☑	28%	25%	Maddaus & Mayer, 2001	--
Prohibit Filling of Pools	Misc. Outdoor	☑	55%	25%	DeOreo et al., 2011	--
Customer Water Budgets						
Establish Water Budget - 10% Reduction	All Residential Uses	☐	10%	50%	--	--
Establish Water Budget - 20% Reduction	All Residential Uses	☐	20%	50%	--	--
► CII						
Conduct CII Surveys Targeting High Water Users	All CII uses	☑	10%	**20%**	EBMUD, 2011	--
Limit Irrigation Days, Time and Duration (Select One)						
Limit Irrigation to Between 7PM and 9AM	Irrigation	☐	5%	40%	Historical savings in 2013 to 2015	--
Prohibit use of Potable Water for Irrigation	Irrigation	☑	**100%**	**80%**		
Prohibit Use of Potable Water for Construction and Dust Control	Misc. Outdoor	☐		100%	--	--
Prohibit Single-Pass Cooling Systems	Cooling	☐	80%	1%	Vickers, 2001	--
Require Repair of all Leaks within 48 hours	Leaks	☑	100%	**8%**	--	--
Prohibit Vehicle Washing Except with Recycled Water	Misc. Outdoor	☐	50%	50%	EBMUD, 2008	--
Require Water-Efficient Pre-Rinse Spray Valves	Fixtures & Appliances	☐	0.8%	50%	EPA, 2015; Pacific Institute, 2003	--
Customer Water Budgets						
Establish Water Budget - 10% Reduction	All CII uses	☐	10%	50%	--	--
Establish Water Budget - 20% Reduction	All CII uses	☐	20%	50%	--	--
Establish Water Budget - 30% Reduction	All CII uses	☐	30%	50%	--	--

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4 - Drought Response Actions - Stage 5

City of Tracy

Drought Response Actions						
Action Description	End Use(s)	Implement Program	End Use Savings (%)	Implementation Rate	Source of Default Savings Estimate	Source of Default Implementation Rate
▶ **Residential Customer Actions to Encourage**						
Install Bathroom Faucet Aerators	Faucets and Dishwashers	☐			--	--
Install a Water-Efficient Showerhead	Showers/Baths	☐			--	--
Turn Off Water when Brushing Teeth, Shaving, Washing Dishes, or Cooking	Faucets and Dishwashers	☐			--	--
Fill the Bathtub Halfway	Showers/Baths	☐			--	--
Wash Only Full Loads of Clothes	Clothes Washers	☐			--	--
Install a High-Efficiency Toilet	Toilets	☐			--	--
Take Shorter Showers	Showers/Baths	☐			--	--
Run Dishwasher Only When Full	Faucets and Dishwashers	☐			--	--
Reduce Outdoor Irrigation	Irrigation	☐			--	--
Install Drip-Irrigation	Irrigation	☐			--	--
Use Mulch	Irrigation	☐			--	--
Plant Drought Resistant Trees and Plants	Irrigation	☐			--	--
Use a Broom to Clean Outdoor Areas	Misc. Outdoor	☐			--	--
Flush Less Frequently	Toilets	☐			--	--
Re-Use Shower or Bath Water for Irrigation	Irrigation	☐			--	--
Wash Car at Facility that Recycles the Water	Misc. Outdoor	☐			--	--

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5 - Estimated Water Savings - Stage 5

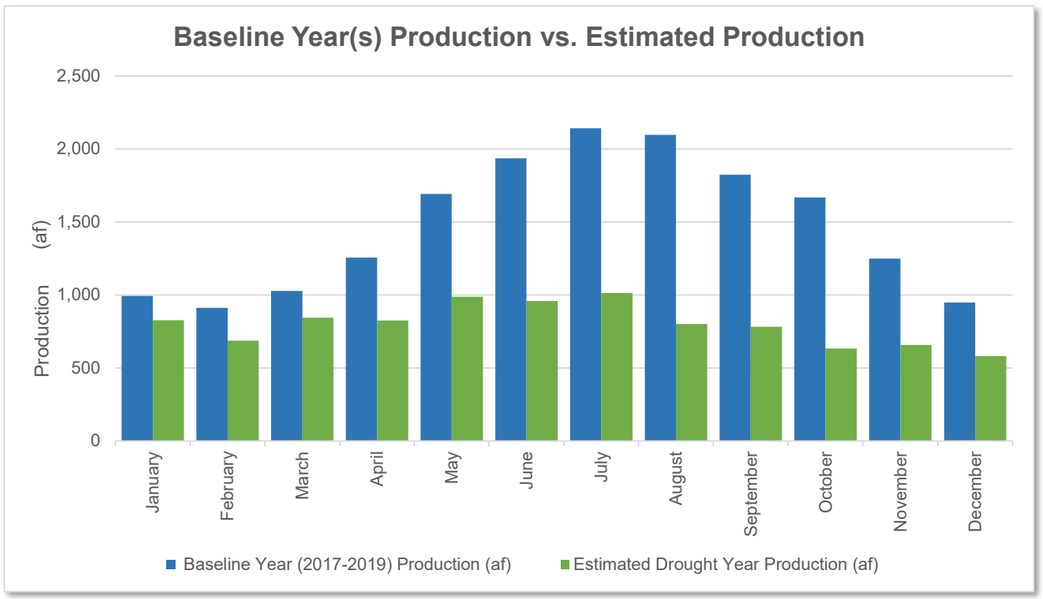
City of Tracy

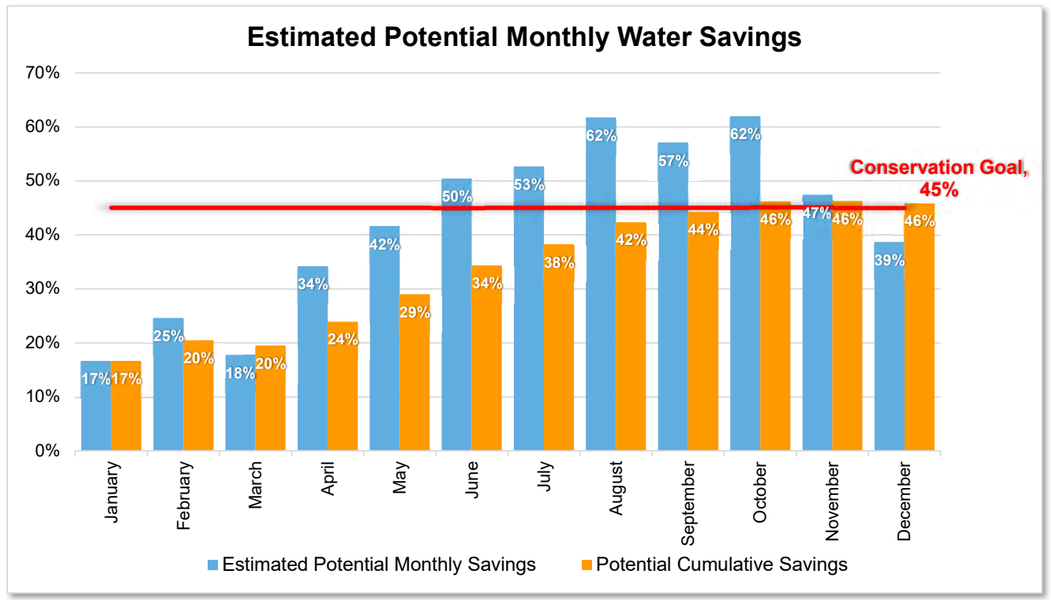
Estimated Monthly Water Use and Savings Summary

Units: (af)

This provides a summary of the estimated production relative to Baseline Year production and potential water savings, assuming implementation of selected actions at the water savings and implementation rates indicated in the Drought Response Actions worksheet. Select the units that your production data are displayed in.

Month	Baseline Year (2017-2019) Production (af)	Estimated Drought Year Production (af)	Estimated Potential Monthly Savings	Potential Cumulative Savings	Conservation Goal	Comments
January	993	828	17%	17%	45%	
February	913	688	25%	20%	45%	
March	1,028	845	18%	20%	45%	
April	1,256	827	34%	24%	45%	
May	1,693	988	42%	29%	45%	
June	1,936	959	50%	34%	45%	
July	2,142	1,014	53%	38%	45%	
August	2,098	802	62%	42%	45%	
September	1,825	782	57%	44%	45%	
October	1,669	634	62%	46%	45%	
November	1,249	658	47%	46%	45%	
December	948	581	39%	46%	45%	





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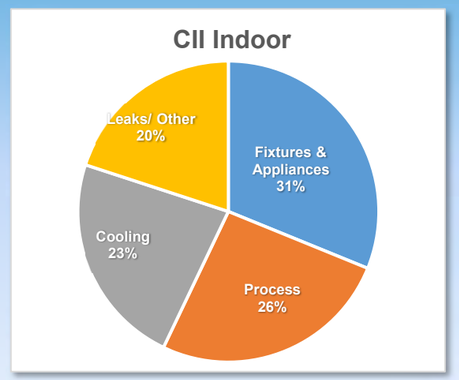
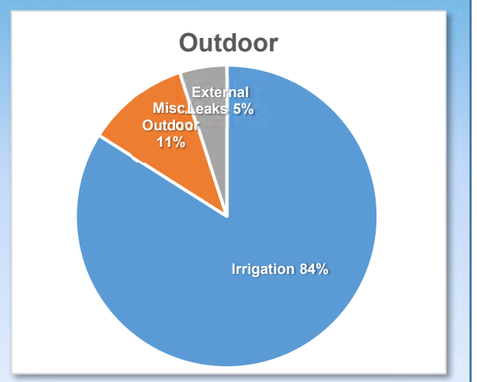
4 - Drought Response Actions - Stage 6

City of Tracy

Maximum Savings Potential		
Use the default values or enter your own criteria for the maximum savings potential. Estimated water savings within each sector will not exceed the maximum savings criteria.		
Minimum Residential Indoor GPCD	25	R-GPCD
Maximum Residential Outdoor Savings	100%	of Baseline Residential Outdoor Water Use
Maximum CII Indoor Savings	30%	of Baseline CII Indoor Water Use
Maximum CII Outdoor Savings	100%	of Baseline CII Outdoor Water Use
Maximum Dedicated Irrigation Account Savings	100%	of Baseline Dedicated Irrigation Water Use
Maximum Non-Revenue Water Savings	50%	of Baseline Non-Revenue Water Use
Resulting Total Maximum Annual Savings Potential	**72%**	of Total Baseline Production

Assumed Proportion of Water Use by End Uses and Sector





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4 - Drought Response Actions - Stage 6

City of Tracy

Drought Response Actions

Select the Drought Response Actions you would like to include in your estimated savings calculations. For each selected action, use the default end use savings estimates and implementation rates or input your own values. The "End Use Savings" estimates the percent water use reduction that could occur at a particular end use as a result of a specific action. The "Implementation Rate" refers to the estimated percentage of accounts that will implement a specific action. The water savings potential at each end use is capped based on the assumed distribution of end use water demands shown in the pie charts above. A dash (--) indicates that professional judgement was used to establish the default value, or that savings are expected to be accounted for as part of a Public Information Program; additional basis for the default values are included in the User Manual.

Action Description	End Use(s)	Implement Program	End Use Savings (%)	Implementation Rate	Source of Default Savings Estimate	Source of Default Implementation Rate
► **Possible Mandatory Prohibitions**	All Outdoor	☑	14%	**90%**	--	--
Prohibit Irrigation with Potable Water Outside of Newly Constructed Homes and Buildings that is not Delivered by Drip or Microspray Systems	Irrigation	☑			--	--
Require Shut-Off Nozzles on Hoses for Vehicle Washing	Misc. Outdoor	☑	17%	50%	See Appendix D of the DRP	--
Prohibit Use of Potable Water to Wash Sidewalks and Driveways	Misc. Outdoor	☑	17%	50%		--
Prohibit the Use of Potable Water for Street Washing	Misc. Outdoor	☑	17%	50%		--
Prohibit Irrigation with Potable Water in a Manner that causes Runoff	Irrigation	☑	3%	50%	DeOreo et al., 2011	--
Prohibit Irrigation with Potable Water within 48 Hours following Measurable Rainfall	Irrigation	☑			--	--
Prohibit Irrigation of Ornamental Turf with Potable Water on Street Medians	Irrigation	☑			--	--
Prohibit Potable Water Use for Decorative Water Features that do not Recirculate Water	Misc. Outdoor	☑	50%	50%	EBMUD, 2008	--
Provide Linen Service Opt Out Options	Fixtures & Appliances	☑	0.5%	50%	EBMUD, 2011	--
Prohibit Serving Drinking Water other than upon Request in Eating or Drinking Establishments	Fixtures & Appliances	☑	0.5%	50%	EBMUD, 2011	--

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4 - Drought Response Actions - Stage 6

City of Tracy

Drought Response Actions						
Action Description	End Use(s)	Implement Program	End Use Savings (%)	Implementation Rate	Source of Default Savings Estimate	Source of Default Implementation Rate
► **Agency Drought Actions / Restrictions**						
► **Agency Actions**						
Media Campaign, Newspaper Articles, Website	All	☑	0.5%	**80%**	EBMUD, 2011	--
Promote Water Conservation / Rebate Programs	All	☑		50%	--	--
Water Efficiency Workshops, Public Events	All	☑	0.5%	25%	EBMUD, 2011	--
Water Bill Inserts	All	☑	0.5%	100%	EBMUD, 2011	--
Promote / Expand Use of Recycled Water	Irrigation	☐	100%		--	--
Home or Mobile Water Use Reports	All	☐	5%	10%	WaterSmart Software, 2015	--
Decrease Frequency and Length of Line Flushing	Non Revenue Water	☑	25%	50%	See Appendix D of the DRP	Reduced flushing by 50%.
Audit and Reduce System Water Loss	Non Revenue Water	☑	45%	**25%**	DWR, 2015	Target 25% of leakage.
Implement Drought Rate Structure / Water Budgets	All	☑	5%	100%	CUWCC, 2015	--
Establish Retrofit on Resale Ordinance	All Residential Indoor	☐	21%	6%	SFPUC, 2004	First Tuesday, 2015
Require Net Zero Demand Increase on New Connections	All	☐			--	--
Moratorium on New Connections	All	☑			--	--
Move to Monthly Metering / Billing	All	☐	5%	10%	See Appendix D of the DRP	--
Increase Water Waste Patrols / Enforcement	All	☑			--	--
Establish Drought Hotline	All	☑			--	--
Reduce Distribution System Pressures	Non Revenue Water	☑	4.5%	100%	CUWCC, 2010; DWR, 2015	--
► **Dedicated Irrigation**						
Conduct Irrigation Account Surveys	Irrigation	☑	30%	**50%**	EBMUD, 2011	--
Limit Irrigation Days, Time and Duration (Select One)						
Limit Irrigation to Between 7PM and 9AM	Irrigation	☐	12%	40%	Historical savings in 2013 to 2015	--
Limit Irrigation to 1 Day/Week, Between 7PM and 9AM	Irrigation	☐	79%	75%		
Prohibit use of Potable Water for Irrigation	Irrigation	☑	100%	**100%**		
Require Repair of all Leaks within 48 hours	External Leaks	☑	100%	**8%**	--	--
Customer Water Budgets						
Establish Water Budget - 25% Reduction	Irrigation	☐	25%	50%	--	--
Establish Water Budget - 50% Reduction	Irrigation	☐	50%	50%	--	--
Establish Water Budget - 75% Reduction	Irrigation	☐	75%	50%	--	--

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4 - Drought Response Actions - Stage 6

City of Tracy

Drought Response Actions						
Action Description	End Use(s)	Implement Program	End Use Savings (%)	Implementation Rate	Source of Default Savings Estimate	Source of Default Implementation Rate
► **Agency Drought Actions / Restrictions**						
► **Residential**						
Conduct Water Use Surveys Targeting High Water Users	All Residential Uses	☑	10%	**20%**	EBMUD, 2011	--
Limit Irrigation Days, Time and Duration (Select One)						
Limit Irrigation to Between 7PM and 9AM	Irrigation	☐	10%	40%	Historical savings in 2013 to 2015	--
Limit Irrigation to 1 Day/Week, Between 7PM and 9AM	Irrigation	☐	77%	75%		
Prohibit use of Potable Water for Irrigation	Irrigation	☑	100%	**90%**		
Prohibit Vehicle Washing Except with Recycled Water	Misc. Outdoor	☐	50%	50%	EBMUD, 2008	--
Require Repair of all Leaks within 48 hours	Leaks	☑	100%	**8%**	--	--
Require Pool Covers	Misc. Outdoor	☑	28%	25%	Maddaus & Mayer, 2001	--
Prohibit Filling of Pools	Misc. Outdoor	☑	55%	25%	DeOreo et al., 2011	--
Customer Water Budgets						
Establish Water Budget - 10% Reduction	All Residential Uses	☐	10%	80%	--	--
Establish Water Budget - 20% Reduction	All Residential Uses	☑	20%	**80%**	--	--
► **CII**						
Conduct CII Surveys Targeting High Water Users	All CII uses	☑	10%	**20%**	EBMUD, 2011	--
Limit Irrigation Days, Time and Duration (Select One)						
Limit Irrigation to Between 7PM and 9AM	Irrigation	☐	5%	40%	Historical savings in 2013 to 2015	--
Prohibit use of Potable Water for Irrigation	Irrigation	☑	**100%**	**90%**		
Prohibit Use of Potable Water for Construction and Dust Control	Misc. Outdoor	☐		100%	--	--
Prohibit Single-Pass Cooling Systems	Cooling	☐	80%	1%	Vickers, 2001	--
Require Repair of all Leaks within 48 hours	Leaks	☑	100%	**8%**	--	--
Prohibit Vehicle Washing Except with Recycled Water	Misc. Outdoor	☐	50%	50%	EBMUD, 2008	--
Require Water-Efficient Pre-Rinse Spray Valves	Fixtures & Appliances	☐	0.8%	50%	EPA, 2015; Pacific Institute, 2003	--
Customer Water Budgets						
Establish Water Budget - 10% Reduction	All CII uses	☐	10%	80%	--	--
Establish Water Budget - 25% Reduction	All CII uses	☐	25%	80%	--	--
Establish Water Budget - 30% Reduction	All CII uses	☑	30%	**80%**	--	--

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4 - Drought Response Actions - Stage 6

City of Tracy

Drought Response Actions						
Action Description	End Use(s)	Implement Program	End Use Savings (%)	Implementation Rate	Source of Default Savings Estimate	Source of Default Implementation Rate
▶ **Residential Customer Actions to Encourage**						
Install Bathroom Faucet Aerators	Faucets and Dishwashers	☐			--	--
Install a Water-Efficient Showerhead	Showers/Baths	☐			--	--
Turn Off Water when Brushing Teeth, Shaving, Washing Dishes, or Cooking	Faucets and Dishwashers	☐			--	--
Fill the Bathtub Halfway	Showers/Baths	☐			--	--
Wash Only Full Loads of Clothes	Clothes Washers	☐			--	--
Install a High-Efficiency Toilet	Toilets	☐			--	--
Take Shorter Showers	Showers/Baths	☐			--	--
Run Dishwasher Only When Full	Faucets and Dishwashers	☐			--	--
Reduce Outdoor Irrigation	Irrigation	☐			--	--
Install Drip-Irrigation	Irrigation	☐			--	--
Use Mulch	Irrigation	☐			--	--
Plant Drought Resistant Trees and Plants	Irrigation	☐			--	--
Use a Broom to Clean Outdoor Areas	Misc. Outdoor	☐			--	--
Flush Less Frequently	Toilets	☐			--	--
Re-Use Shower or Bath Water for Irrigation	Irrigation	☐			--	--
Wash Car at Facility that Recycles the Water	Misc. Outdoor	☐			--	--

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5 - Estimated Water Savings - Stage 6

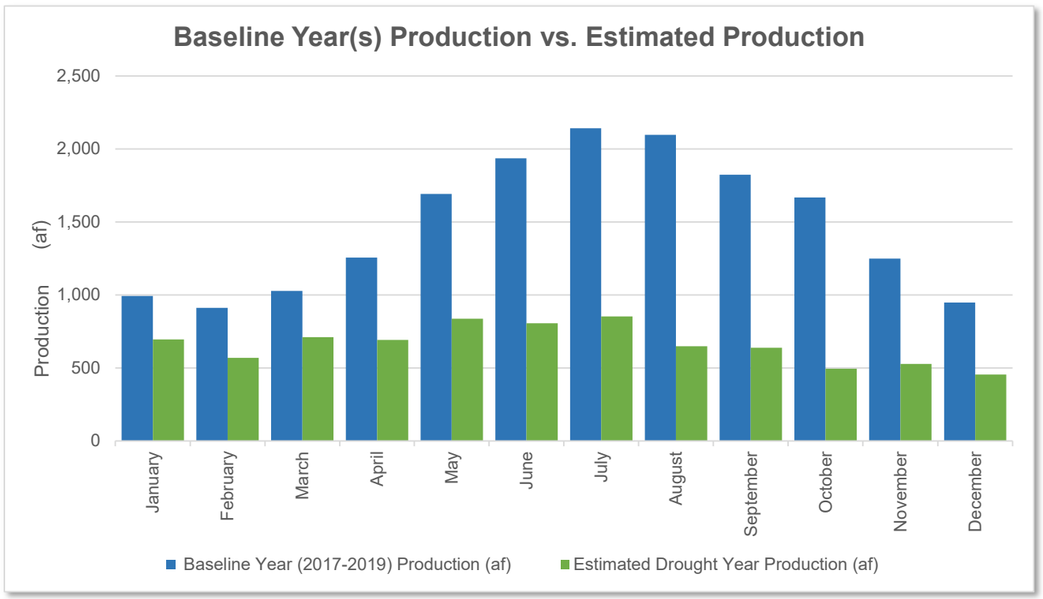
City of Tracy

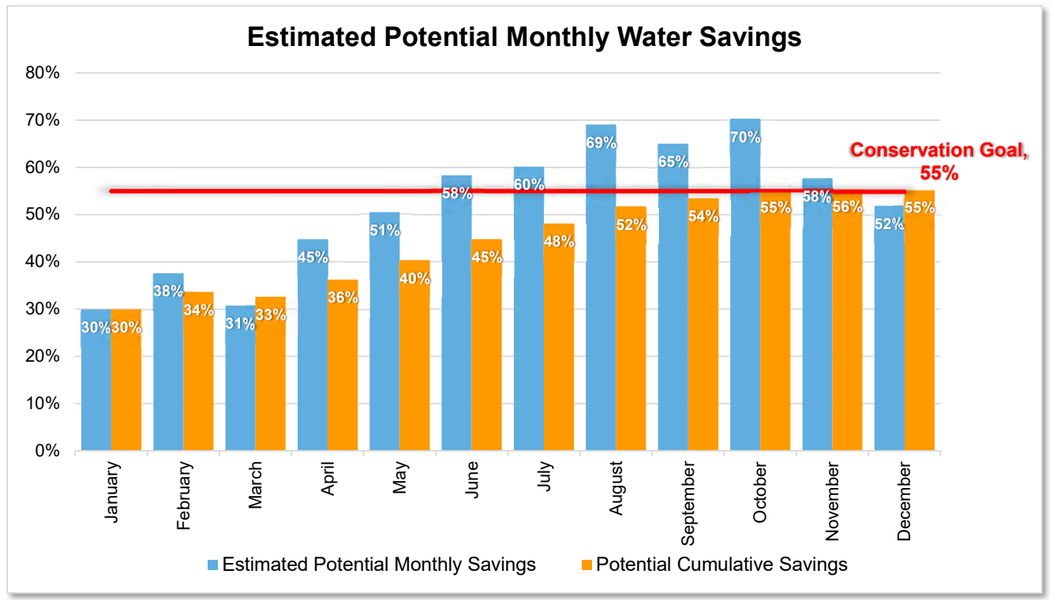
Estimated Monthly Water Use and Savings Summary

Units: (af)

This provides a summary of the estimated production relative to Baseline Year production and potential water savings, assuming implementation of selected actions at the water savings and implementation rates indicated in the Drought Response Actions worksheet. Select the units that your production data are displayed in.

Month	Baseline Year (2017-2019) Production (af)	Estimated Drought Year Production (af)	Estimated Potential Monthly Savings	Potential Cumulative Savings	Conservation Goal	Comments
January	993	696	30%	30%	55%	
February	913	569	38%	34%	55%	
March	1,028	712	31%	33%	55%	
April	1,256	693	45%	36%	55%	
May	1,693	838	51%	40%	55%	
June	1,936	807	58%	45%	55%	
July	2,142	853	60%	48%	55%	
August	2,098	649	69%	52%	55%	
September	1,825	638	65%	54%	55%	
October	1,669	495	70%	55%	55%	
November	1,249	528	58%	56%	55%	
December	948	456	52%	55%	55%	





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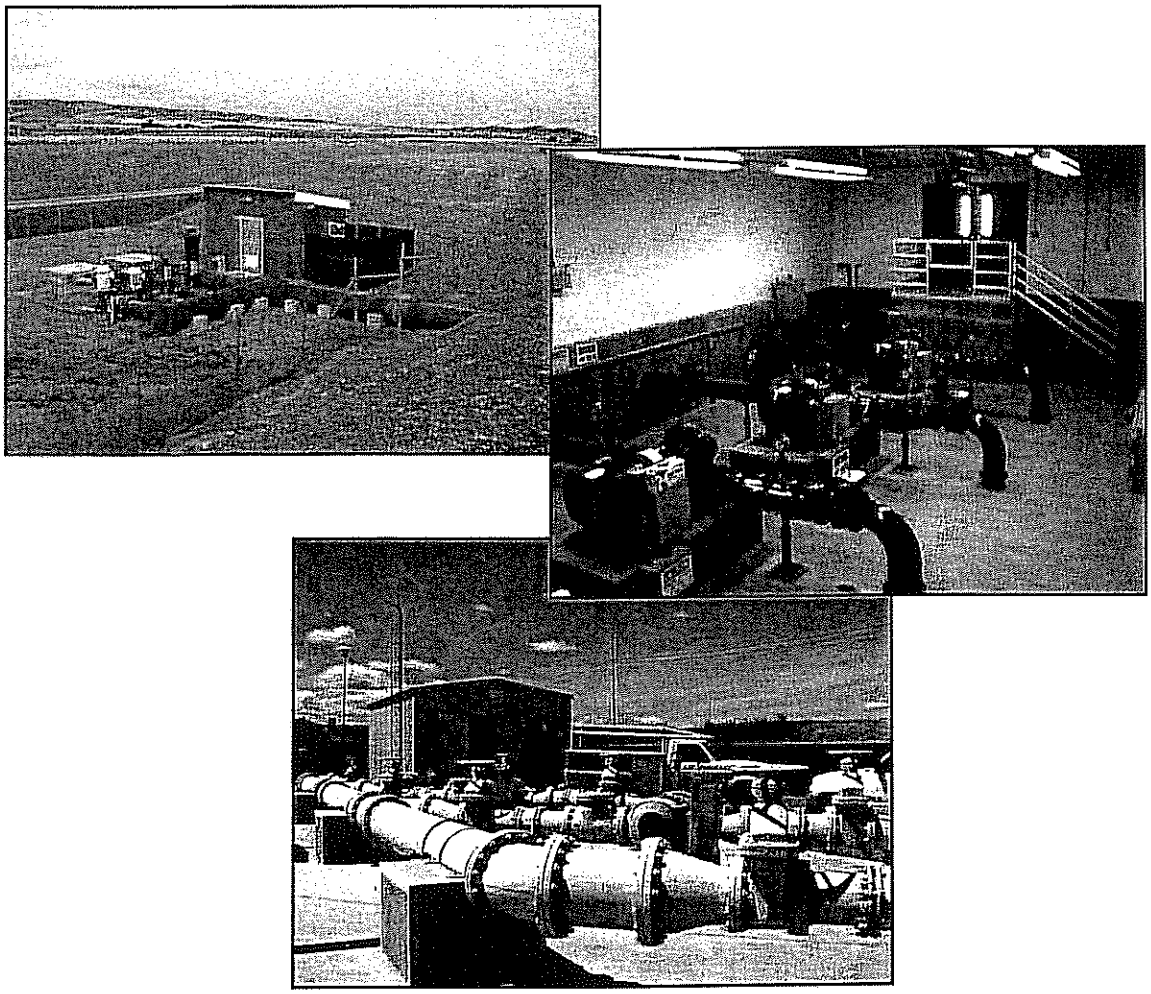
ATTACHMENT 2

WATER SYSTEM EMERGENCY RESPONSE PLAN (EXCERPTED)

City of Tracy

Water System Emergency Response Plan



Prepared by
West Yost & Associates

June 2004

Compliance with SEMS

The City's Emergency Plan and Emergency Management Organization is consistent with the Standardized Emergency Management System (SEMS). This Water System ERP is also consistent with SEMS. All local government agencies must use SEMS in multi-jurisdictional or multi-agency emergency responses to be eligible for state reimbursement of response-related costs.

SEMS defines a standard organization with accompanying roles and responsibilities to be used by public agencies in the field and in the Emergency Operations Center (EOC) whenever as emergency requires response from multiple agencies. SEMS utilizes the Incident Command System (ICS), which was originally developed by the fire service for managing emergency response to wildland fires.

The five organizational levels of SEMS are defined in Figure 1. Figure 2 shows the California OES regions. The City is located in OES Inland Region IV.

State	→	Statewide resource coordination integrated with federal agencies (e.g. California Office of Emergency Services)	→	California Office of Emergency Services (OES)
Regional	→	Manages and coordinates information and resources among operational areas (e.g. OES Inland Region IV)	→	State OES Inland Region IV
Operational Area	→	Manages and coordinates all local governments within the geographic boundary of a county (e.g. San Joaquin County)	→	San Joaquin County Office of Emergency Services
Local	→	County, city or special district (e.g. City of Tracy)	→	City of Tracy
Field	→	On-scene responders	→	Public Works Department operational and field staff

Figure 1. SEMS Organizational Levels

Emergency Categories

Four response categories have been defined for the Public Works Department to provide a common method of describing the type of event, area affected and extent of coordination or assistance needed. These response categories are described in Table 6.

Table 6. Public Works Department Emergency Response Categories

Emergency Response Category	Types of Emergencies	Examples of Possible Emergencies	Agencies Involved
Category 0: Readiness/ Routine Response	On-going response to daily emergency situations	▪ Minor pipe breaks/leaks ▪ Water supply/quality alerts from DMC ▪ Equipment malfunction at City facility	▪ Public Works staff
Category 1: Local Emergency	Situation confined to one location within the City service area and not adversely affecting local services, populations or traffic. Public Works staff may require assistance from another local agency.	▪ Single pipeline break ▪ Single pump station out of service ▪ Localized hazardous materials spills ▪ Localized power outage ▪ Water supply alert from the Bureau requiring the City to shut off supply from DMC for a short amount of time	▪ City Manager, Public Works Director and staff ▪ County hazardous materials response team ▪ PG&E
Category 2: Local Disaster	Situation affecting multiple local services, populations and geographic areas. Coordination is necessary between several local agencies.	▪ Major transmission pipeline break or failure of a storage reservoir ▪ Landslide ▪ Localized fire ▪ Localized flooding ▪ Large hazardous material spill ▪ Widespread power outage ▪ Water supply alert from the Bureau requiring the City to shut off supply from DMC for an extended amount of time	▪ City Manager, Public Works Director and staff ▪ Local fire department ▪ Local police ▪ Highway patrol ▪ County OES ▪ PG&E
Category 3: Major Disaster	Regional disaster involving widespread damage to structures and disruption of services	▪ Major earthquake with widespread damage to water system ▪ Multiple pipeline breaks ▪ Long-term loss of water supply from DMC	▪ City Manager, Public Works Director and staff ▪ Local, County and State agencies

PLAN ACTIVATION

Definition

This plan will be activated to the extent required by the nature and scope of the emergency. This activation process, including plan triggers, staff responsibilities, mutual aid or assistance availability and damage assessment, is covered in this section.

Triggers/Criteria

As described earlier (Table 6), four emergency categories have been defined for the City's Public Works Department. Responses must be coordinated in accordance with these categories. A summary of response categories, potential triggers and potential response actions are listed in Table 9. During an emergency, changing conditions (including water demand, storage and supply) must be closely monitored in order to assess the impact of the emergency on water system operations and customers and the need for additional response actions.

Table 9. Response Categories, Triggers and Potential Response Actions

Emergency Response Category	Potential Response Triggers	Potential Response Actions
Category 0: Readiness/ Routine Response	▪ Minor pipe breaks/leaks ▪ Equipment malfunction at a water facility ▪ Water supply/quality alerts from DMC	▪ Assess outage duration and determine if additional supplies or reduced demand is necessary. ▪ Assess and repair problem ▪ If possible, fill and maintain storage reservoirs at full in case water supply issue is escalated ▪ Coordinate with SLDMWA to stay informed on water supply status ▪ Remain alert and ready for potential escalation of water supply problem
Category 1: Local Emergency	▪ Single pipeline break/pipeline split ▪ Single pump station out of service ▪ Localized hazardous materials spills ▪ Localized or short-term power outage ▪ Water supply/quality alert from SLDMWA requiring City to shut off supply from DMC for a short amount of time ▪ Potential impact to private property	▪ Assess outage duration and determine if additional supplies or reduced demand is necessary. ▪ Assess and repair problem ▪ Notify impacted homeowners as necessary ▪ Closely monitor water demands and storage levels ▪ Relocate/utilize emergency generators as needed ▪ Contact County hazardous materials response team as needed ▪ Contact PG&E as needed ▪ Coordinate with SLDMWA to stay informed on water supply status from DMC

Emergency Response Category	Potential Response Triggers	Potential Response Actions
Category 2: Local Disaster	▪ Major transmission pipeline break or failure of a storage reservoir ▪ Landslide ▪ Localized fire ▪ Localized flooding ▪ Large hazardous material spill ▪ Widespread or long-term power outage ▪ Water supply/quality alert from SLDMWA requiring City to shut off supply from DMC for an extended amount of time	▪ Assess outage duration and determine if additional supplies or reduced demand is necessary. ▪ Assess damage and develop and implement a prioritized plan for repairs ▪ Closely monitor storage levels in reservoirs still operational ▪ Relocate/utilize emergency generators as needed ▪ Notify customers of supply outage/interruption, as necessary ▪ Coordinate with local fire and law enforcement, as necessary ▪ Coordinate with County OES ▪ Coordinate with SLDMWA to stay informed on water supply status from DMC
Category 3: Major Disaster	▪ Major earthquake with widespread damage to water system ▪ Multiple pipeline breaks ▪ Major fire ▪ Long-term loss of water supply from DMC	▪ Activate EOC ▪ Assess outage duration and determine if additional supplies or reduced demand is necessary. ▪ Notify customers of supply outage ▪ Stop delivery of potable water to customers (or issue Boil Water Order or Unsafe Water Alert), as necessary ▪ Notify County OES ▪ Notify DHS ▪ Assess damage to City water facilities and establish priorities for repairs ▪ Coordinate with SLDMWA to stay informed on water supply/quality status from DMC ▪ Closely monitor storage levels in any reservoirs still operational ▪ Track all emergency expenditures for possible reimbursement

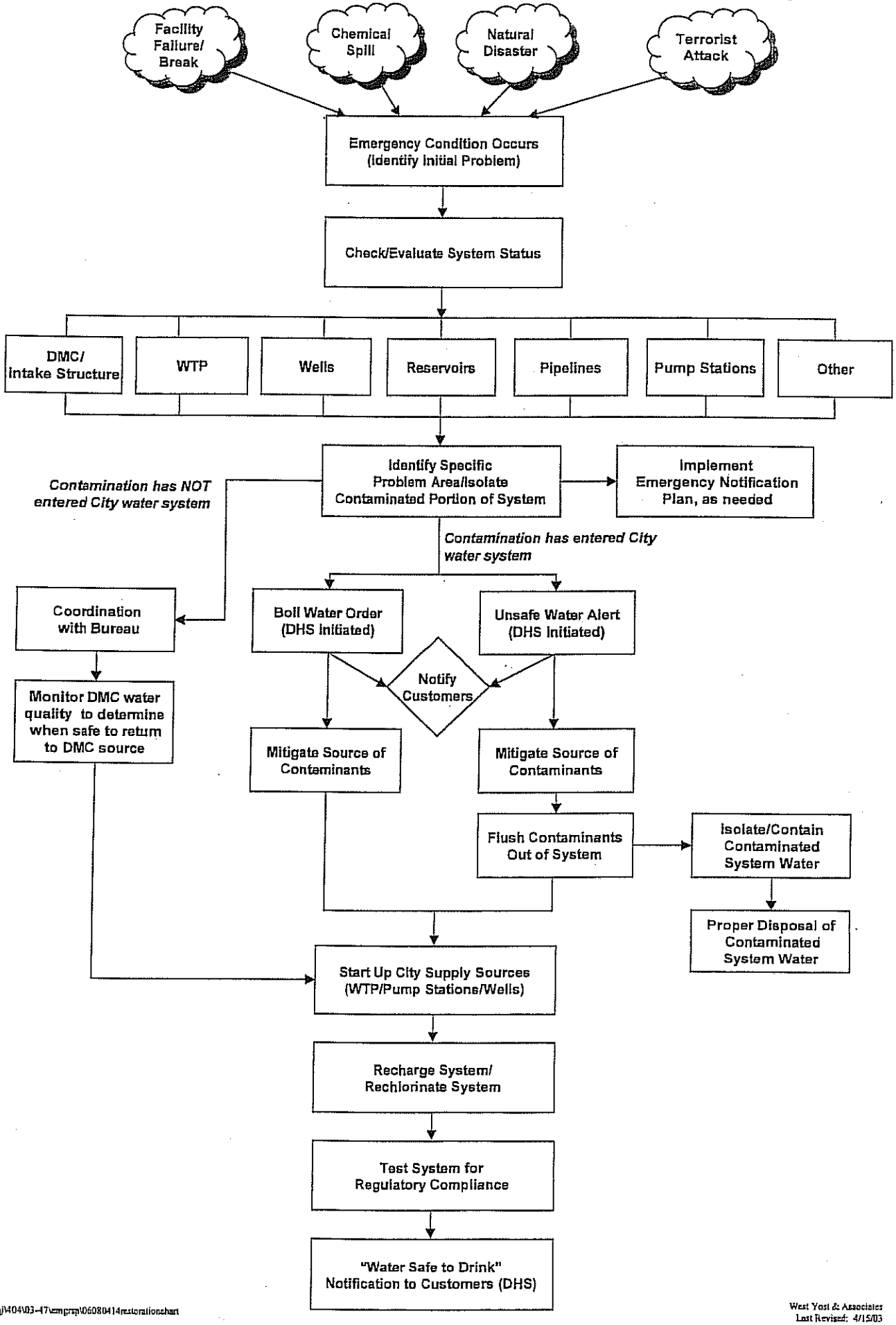
Staff Recall

City Public Works staff resources are limited and most Public Works employees work normal business hours, Monday through Friday. Only the John Jones Water Treatment Plant and the Wastewater Treatment Plant have personnel on-site 24 hours per day, seven days a week. During normal business hours, Public Works staff maintains communications via cell phones, pagers and vehicle radios. If an incident occurs in the field or at one of City's water system facilities during normal business hours, the first person at the emergency scene automatically becomes the Incident Commander until other Public Works personnel or appropriate authorities replace him/her. During off-hours, field personnel are on-call and are reachable via pager or cell phone in the case of an emergency.

Table 10. Deactivation Triggers and Potential Deactivation Actions

Emergency Response Category	Potential Deactivation Triggers	Potential Deactivation Actions
Category 3: Major Disaster	▪ DMC supply has been partially restored ▪ Major pipeline breaks have been repaired ▪ Primary wells, pump stations and reservoir are operational	▪ Deactivate EOC ▪ Notify customers ▪ Notify County OES ▪ Notify DHS ▪ Start disinfection of transmission mains and purge system of all non-potable water ▪ Start to operate water system in a normal operating mode
Category 2: Local Disaster	▪ Demands can now be met utilizing normal flows from DMC ▪ Suppressed local fire or hazardous materials release ▪ Pipelines/storage tanks have been repaired ▪ Power has been restored ▪ SLDMWA advises that DMC supply has been restored	▪ Stop use of emergency generators ▪ Notify customers/agencies that operations are returning to normal
Category 1: Local Emergency	▪ Repair work has been completed by Public Works personnel ▪ SLDMWA advises that DMC is operating normally	▪ Perform testing to ensure that systems are operating normally ▪ Inform all involved that operations are back to normal
Category 0: Readiness/ Routine Response	▪ Repair work or testing has been completed by Public Works personnel ▪ SLDMWA advises that water supply alert is over	▪ Advise all that operations are back to normal

City of Tracy
Plan for Restoration of Water Service After an Emergency



ATTACHMENT 3

WATER SHORTAGE CONTINGENCY PLAN RESOLUTIONS

Pending Appendix

APPENDIX I

RESOLUTION XXX ON UWMP AND WSCP 2020 UPDATE

Pending Appendix

APPENDIX J

PLAN SUBMITTAL DOCUMENTATION

Pending Appendix

2001 Junipero Serra Blvd., Suite 300 | Daly City, CA 94014
(650) 292-9100 | Fax (650) 552-9012 | Ekiconsult.com

RESOLUTION 2021-_____

APPROVING THE 2020 URBAN WATER MANAGEMENT PLAN INCLUDING THE WATER SHORTAGE CONTINGENCY PLAN

WHEREAS, California Water Code sections 10610 -10657, the Urban Water Management Planning Act (ACT) requires urban water suppliers, such as the City of Tracy, once every five years to prepare an updated management plan of its current and future water resources in order to assure a continued adequate and reliable water supply to its customers, and

WHEREAS, The City's 2015 Urban Water Management Plan was approved and submitted to the State in 2016, and

WHEREAS, The City of Tracy in conjunction with its consultant, EKI Environmental, have been working together to compile and analyze pertinent data in order to update to the 2015 Urban Water Management Plan (UWMP) and its Water Shortage Contingency Plan (WSCP) as required by the State Department of Water Resources (DWR), and

WHEREAS, The 2020 UWMP addresses all requirements of the State DWR including the Reduced Delta Reliance approach, and

WHEREAS, The update to the WSCP will require an amendment to the Tracy Municipal Code 11.28 Water Management under Article 6. Water Conservation and Rationing Plan, Water Emergency Plan, Variances and Appeals, scheduled for approval by City Council at a later date, and

WHEREAS, This item has fiscal impacts to revenues and expenditures in both the Water Enterprise fund and Tracy Infrastructure Master Plan (TIMP) fees, and

WHEREAS, This item was considered by City Council on its June 1, 2021 meeting and after opening the public hearing, City Council continued this item to June 15, 2021, and

WHEREAS, The City's Water System Master Plan, presently being updated will provide more information including the cost estimates, TIMP fees and implementation plan for additional water sources and infrastructure improvements;

NOW, THEREFORE, BE IT RESOLVED, That the City Council of the City of Tracy hereby approves the 2020 Urban Water Management Plan including the Water Shortage Contingency Plan.

* * * * * * * * * * * * * *

The foregoing Resolution 2021-___ was adopted by Tracy City Council on the 15th day of June, 2021, by the following vote:

AYES: COUNCIL MEMBERS:

NOES: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

ABSTAIN: COUNCIL MEMBERS:

_____
MAYOR

ATTEST:

_____
CITY CLERK

June 15, 2021

AGENDA ITEM 3.C

REQUEST

PUBLIC HEARING TO INTRODUCE AN ORDINANCE APPROVING AN AMENDMENT TO THE CORDES RANCH SPECIFIC PLAN REGARDING MOBILE FOOD VENDORS, PARK USES, MAXIMUM FLOOR AREA RATIO FOR HOTELS, AND SIGNS

EXECUTIVE SUMMARY

This agenda item involves introduction of an ordinance to amend the Cordes Ranch Specific Plan regarding mobile food vendors, park uses, maximum floor area ratio for hotels, and signs. The proposed changes are consistent with on-going efforts to increase flexibility in zoning standards, streamline the development process, and further promote a business-friendly environment. There is no fiscal impact associated with this proposed ordinance to amend the Cordes Ranch Specific Plan. This amendment only applies to the Cordes Ranch Specific Plan Area.

DISCUSSION

On September 3, 2013, City Council certified the Final Revised Environmental Impact Report for the Cordes Ranch Project (also known as International Park of Commerce or IPC) and approved a General Plan Amendment, annexation, development agreement, and the Cordes Ranch Specific Plan. The Cordes Ranch Specific Plan Area consists of approximately 1,780 acres located in the general vicinity of International Parkway and Hansen Road, south of Interstate 205 and north of W. Schulte Road. Annexation of the Cordes Ranch site to the City of Tracy was completed by Local Agency Formation Commission (LAFCo) on November 21, 2013. Similar to other master-planned developments, project implementation often involves evaluating changes to development standards, land uses, and phasing. Accordingly, over the past years, the City Council has approved multiple Specific Plan Amendments and a General Plan Amendment related to implementation of the Cordes Ranch project. Additional amendment proposals are likely to occur as the project continues to buildout.

This agenda item involves the City Council considering introduction of an ordinance approving an amendment to the Cordes Ranch Specific Plan regarding mobile food vendors, park uses, maximum floor area ratio for hotels, and signs. The proposed changes occur in Chapters 3 and 5 of the Specific Plan (Attachment A – Cordes Ranch Specific Plan Amendment). The entire Chapter 3 and Chapter 5 are included for context, but the proposed amendment only involves the text shown in red.

Mobile Food Vendors

The City Council adopted an ordinance on November 7, 2017 regarding mobile food vendors (Tracy Municipal Code Section 10.08.3193). The City's mobile food vendor ordinance only permits mobile food vendors to operate in the industrial zones of the City. A mobile food vendor's operation is limited to three hours at single location in a 24-hour period. Exceptions to these limitations on location and duration of operation are only

available to those with a City facility permit, special event permit, temporary use permit, or a peddler permit or vendor permit, which each have their own separate limitations.

The applicant is requesting an amendment to the Cordes Ranch Specific Plan in order to broaden the areas that permit mobile food vendors, as well as lengthen the amount of time that a mobile food vendor could stay at a single location within a 24-hour period. Currently, the City's ordinance would restrict mobile food vendors within the Cordes Ranch Specific Plan area to the Business Park Industrial (BPI) Zone and the I-205 Overlay Zone, both of which are industrial zones.

The proposed Specific Plan Amendment would add a new use of "mobile food vendors" to Table 3.1, Permitted and Conditionally Permitted Uses. The proposed amendment would allow mobile food vendors as a permitted use in the General Office (GO) Zone, Business Park Industrial (BPI) Zone, I-205 Overlay Zone, and the Parks Zone, subject to all requirements for mobile food vendors in the Tracy Municipal Code, except as modified by the Specific Plan. The proposed Specific Plan Amendment also states that a mobile food vendor's operation (not including set up and take down) would be allowed for up to a maximum of twelve hours at a single location within a 24-hour period.

The applicant is requesting this amendment in order to accommodate the needs of the business park's tenants, who typically operate shifts on a 24-hour basis and have only 30-minute lunch breaks for employees. Staff considers the proposed amendment to be reasonable considering that the whole of the Cordes Ranch Specific Plan area is expected to function as part of the industrial business park, known as International Park of Commerce (IPC), including the GO Zone and the Parks Zone. Also, the Specific Plan area is located distant from the core of the City, which creates separation from existing restaurants within the City. The General Commercial (GC) Zone is expected to eventually provide restaurants within the Cordes Ranch Specific Plan area, but due to short lunch breaks for employees, it will likely not be practical for many employees to leave the job site during lunch, which makes mobile food vendors a reasonable option.

Park Uses

Parks in Tracy are mainly public and typically located in residential areas. There are a few private parks. Integrating a park within Cordes Ranch was negotiated by staff at the time the Specific Plan was being conceived, mainly as a means to promote a more complete business park with an opportunity for active and passive outdoor space to promote overall health and wellness, place-making, and attractive design. At the time, details about how the park would be used remained relatively vague. Now with more than a third of the business park complete, ideas have emerged for how this space can be utilized to maximize its benefit to the tenants and guests of the business park and the city as a whole. As a private park, clarifying zoning regulations establish the allowable functions of the park.

The Parks Zone is anticipated to be an integral part of the overall industrial business park and is expected to be the host site for many corporate/ business events and activities. The proposed amendment includes the addition of note "10" to Table 3.1, which provides clarification to the type of uses permitted in the Parks Zone. Note 10 specifies that permitted passive or active recreational uses include, but are not limited to, events and activities such as exercise classes, health/fitness events, cooking

demonstrations and food tastings, farmer's market, beer and wine tasting events, arts and crafts fairs, live music/music festivals, corporate trainings/presentations, movie screenings, environmental/nature classes, weddings, car club/concourse, and performing arts/theater. No overnight activities would be permitted without a Temporary Use Permit. Building permits and/or Fire permits would be required, if applicable under the Building Codes and Fire Codes. The City's noise ordinance would also still apply.

Staff considers these types of events and activities to be acceptable Park uses for the Cordes Ranch Specific Plan, given that the parks will be privately owned, operated, and maintained and that the parks will be located within an industrial business park, distant from any residential neighborhoods. It should be noted that although these parks will be private, they are expected to be accessible to the public and are planned to offer vast open space areas with extensive trails for walking/jogging and general enjoyment.

Maximum Floor Area Ratio (FAR) for Hotels

The proposed Specific Plan amendment also involves a change to maximum floor area ratio (FAR) for hotels. Floor area ratio is calculated as the floor area of all buildings on a lot divided by the area of the lot. Maximum FAR is one of many zoning tools that can be used to limit the amount of development intensity allowed on a lot. Maximum FAR is also used in Specific Plans to forecast development totals, which is useful for environmental studies and traffic analysis.

The Cordes Ranch Specific Plan includes a maximum FAR of 0.3 in the GC Zone and 0.45 in the GO Zone. The proposed amendment would create an exception to maximum FAR for hotels. The proposed amendment would add note "3" to Table 3.3 to create an exception that would allow a maximum FAR of 1.0 for hotels in the GC and GO Zones.

Staff considers this proposed amendment for hotels to be a reasonable request considering that development intensity would still be limited by parking requirements and building height limits. Hotels are required one off-street parking space per guest room, which is what typically limits the amount of development intensity on a lot. Additionally, the maximum building height limit in the GC and GO Zones without a conditional use permit is 80 feet. Most other zones in the City do not have a maximum FAR, other than what is established by the General Plan. The General Plan states that the Commercial and Office land use designations shall allow a maximum FAR of 1.0. Therefore, the proposed amendment is consistent with the General Plan.

As mentioned above, maximum FAR in Specific Plans is typically used to forecast development totals. The projected development totals for the Cordes Ranch Specific Plan are not changed by this proposed amendment because the amount of anticipated hotel development is minimal and the projected development totals are only an estimate.

Signs

The proposed Specific Plan amendment also includes clarifying revisions related to signs. The proposed amendment would add language in Section 3.8 to specify that a freeway sign may identify any tenants within the GC Zone of the Cordes Ranch Specific Plan area. The GC Zone area is located in close proximity to the I-205 interchange with International Parkway. Staff considers the proposed amendment reasonable given that

the Cordes Ranch Specific Plan only allows a total of two freeway signs for the entire Specific Plan area and both signs are intended for commercial uses in the GC Zone.

The proposed amendment would also revise Section 5.6 to allow project entry signs (Sign Type C) at the northeast and southeast corners of International Parkway and Daylight Road. These project entry signs are of a similar design to other project entry signs throughout the Specific Plan area. Details of the conceptual sign design are shown in Figure 5.15. The related Section 5.7 would also be revised to include these two intersection corners in the conceptual landscape design for major intersections, which coincide with the use of Sign Type C.

In addition to the changes described above regarding signs, maximum FAR for hotels, park uses, and mobile food vendors, the proposed amendment would remove references to Street Section "J" in Table 3.3 and Table 3.4 because Street "J" does not exist as a planned street in the Cordes Ranch Specific Plan. Street "J" has not been shown on any of the Specific Plan figures that show conceptual street layouts since the earliest versions of the Specific Plan, and hence, this is an update for clarification purposes.

Planning Commission Discussion

The Planning Commission held a public hearing to consider this matter on May 12, 2021 and recommended that the City Council introduce and adopt an ordinance approving an amendment to the Cordes Ranch Specific Plan regarding mobile food vendors, park uses, maximum floor area ratio for hotels, and signs.

Environmental Document

An Environmental Impact Report (EIR) was certified by the City Council on September 3, 2013 for the Cordes Ranch Specific Plan. An Initial Study has been prepared in accordance with the provisions of the California Environmental Quality Act (CEQA) Guidelines to document the finding that none of the conditions or circumstances that would require preparation of a subsequent EIR, pursuant to Sections 15162 and 15168 of the CEQA Guidelines, exist in connection with the proposed amendment to the Cordes Ranch Specific Plan, and therefore, pursuant to Section 15168(c)(2), no further environmental review is required (Attachment B: CEQA Initial Study).

STRATEGIC PLAN

This agenda item supports the City of Tracy's Economic Development Strategic Priority, which is to enhance the competitiveness of the City while further developing a strong and diverse economic base.

FISCAL IMPACT

There is no fiscal impact associated with this proposed ordinance to amend the Cordes Ranch Specific Plan regarding mobile food vendors, park uses, maximum floor area ratio for hotels, and signs. The costs of this development application were covered by a cost recovery agreement with the developer.

RECOMMENDATION

Staff and Planning Commission recommend that the City Council introduce and waive the first reading of an ordinance approving an amendment to the Cordes Ranch Specific Plan regarding mobile food vendors, park uses, maximum floor area ratio for hotels, and signs, Application Number SPA20-0004, as shown in Attachment C.

Prepared by: Scott Claar, Senior Planner

Reviewed by: Bill Dean, Assistant Development Services Director
Karin Schnaider, Finance Director
Andrew Malik, Assistant City Manager

Approved by: Jenny Haruyama, City Manager

ATTACHMENTS

Attachment A – Cordes Ranch Specific Plan Amendment
Attachment B – CEQA Initial Study
Attachment C – Ordinance approving an amendment to the Cordes Ranch Specific Plan regarding mobile food vendors, park uses, maximum floor area ratio for hotels, and signs, Application Number SPA20-0004

CHAPTER 3
LAND USE, ZONING, AND DEVELOPMENT STANDARDS

3.1 INTRODUCTION

The Spec n Area is divided into four zoning districts: General Commercial, Genera e, Business Park Industrial, and Parks. Perm ed uses in the General Commercial Zone include retail and commercial uses intended primarily to provide goods and services to the immediate Project as well as the broader region." The Genera ce Zone is intended to provide o space for professional services, research, and development. The Business Park Industrial Zone permits, among other things, warehouse, distribu , manufacturing, storage, industria and distribu- related uses. Perm ed uses within the Park Zones are limited to open space areas, park f es, and deten basins, ood control improvements, and certain other public improvements.

In add on to the four zoning designa s described above, parcels zoned Business Park Industrial and within 500' of I-205 are included within the I-205/ Business Park Industrial Overlay. Property within the I

Figure 3.1, Project Concept

-205 Overlay is subject to heightened development and design standards with emphasis on building orienta , architectural design, and landscape plan and screening.

Development bility is created through a wide range of perm ed and cond onally perm ed uses, which an ipate the current and future develop-ment market, and development standards which guide the design of buildings to meet the requirements of users with a commitment to sustainability and quality architecture.

3.2 ZONING DISTRICTS

As explained above, the Speci lan incorporates four zoning districts and an overlay zone with a variety of allowed uses. The zoning districts allow for xibility to accommodate the future needs of the Project and the City of Tracy.

The following sec ons describe the zone districts and the intent of each, perm ed and cond onally perm ed uses, allowable oor area ra , and other development standards. Chapters 4 and 5, Design Guidelines and Master Landscape Plan, will further guide development within the Project Area and will be used in conjun on with the development standards in this chapter.

General Commercial (GC)

The General Commercial Zone will include highway and retail commercial uses and business services designed to serve the immediate Project, as well as the broader region.

General Office (GO)

The Genera ce Zone includes o e, o / warehouse, research, light industrial, manufacturing and other service-related business services. This zone can also contain a limited amount of suppo e and comp le commercial uses (such as restaurants) or other small-scale business-serving retail uses.

Business Park Industrial (BPI)

The Business Park Industrial Zone includes warehouse, distribu logis facili s, manufacturing, assembly, and produ on uses.

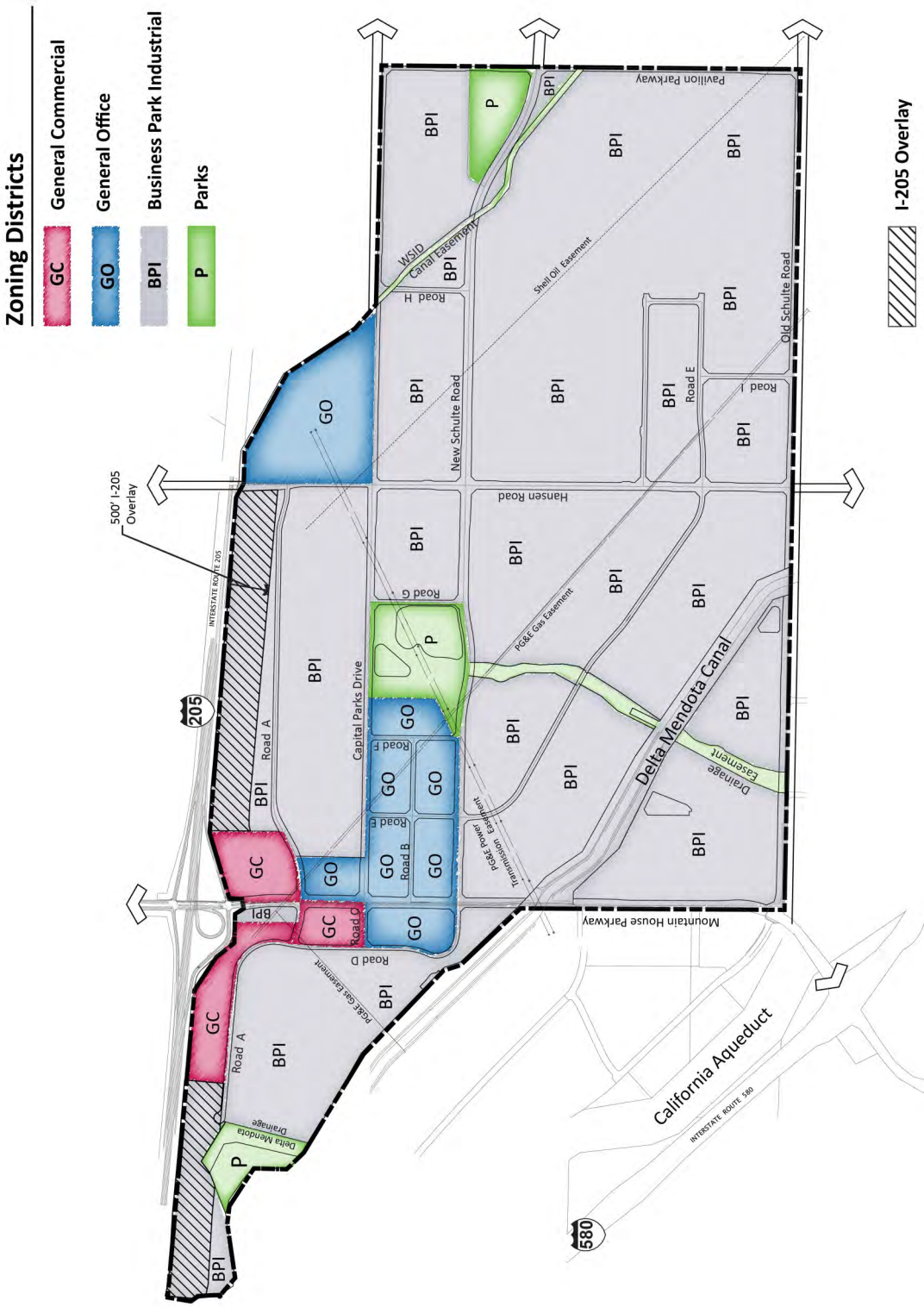


Figure 3.2, Cordes Ranch Specific Plan Zoning Districts

Permitted and Conditionally Permitted Uses

Uses	General Commercial (GC)	General Office (GO)	Business Park Industrial (BPI)	I-205 Overlay	Parks (P)
Agricultural Processing, Sales, and Services Includes: Packing and shipping of agricultural products. Processing, including canning freezing and dehydrating. Wine grape processing and making, wine bottling and packing, shipping.	NP	NP	P[1]	C[1]	NP
Business Services (e.g., reproduction, delivery, repair services, postal store, and restaurant supply.)	P	C	P	P	NP
Contract Construction	NP	NP	P	NP	NP
Construction Equipment & Material Storage	NP	NP	P[2]	NP	NP
Day Care Centers (e.g., community care facilities)	C	P	C	C	NP
Eating and/or drinking establishment without a bar.	P	P	P	P	NP
Eating and/or drinking establishment (with or without entertainment) without serving alcohol and providing entertainment[7] after 11:00 p.m.	P	NP	NP	NP	NP
Eating and/or drinking establishment that serves alcohol and provides entertainment[7] after 11:00 p.m.	C	NP	NP	NP	NP
Equipment Rental and Sales	NP	NP	P	NP	NP
Gas & Service Stations with Accessory Retail Market	P	C	P	P	NP
Lodging (e.g., hotels, motels)	P	C	C	C	NP
Manufacturing, Processing, Assembly, Business Industrial Flex, including storage and shipping uses.	NP	NP	P[1,3]	P[1, 3, 4]	NP
Mobile Food Venders	NP	P[9]	P[9]	P[9]	P[9]
Offices (e.g., Business, professional, laboratories, medical/ dental, financial services)	P[5]	P[5]	P[5]	P[5]	NP
Off-site Truck and Trailer Parking and Storage	NP	NP	C	NP	NP
Park & Ride or Off-site Parking Facilities	C	C	C	C	NP
Places of Assembly (e.g., places of worship, private clubs and related uses)	C	C	C	C	NP
Public Facilities	P	P	P	P	P
Recreational, Educational & Instructional Uses (e.g., miniature golf, bowling alley, instructional or educational performing arts, gymnastics, post-secondary education (including school campus), vocational training, tutoring services, etc).	C	C	C	C	NP
Recycling Collection Facilities	NP	NP	P[1]	NP	NP
Retail & Consumer Services (e.g., building materials and hardware stores, garden center, clothing and shoe stores, department stores, drug stores and grocery stores, and personal services such as nail, hair and tanning salons).	P	NP	NP	C	NP
Retail & Consumer Services as ancillary uses oriented to serve the daily needs of workers in the GO and BPI	P	C	C	C	NP
Truck Stops, Truck Fuel Stations, Truck Wash Facilities, and Truck Repair services	NP	NP	C[6]	NP	NP
Vehicle Sales, Service, & Rental	P	NP	C[8]	C	NP
Warehouse & Distribution	NP	NP	P[3]	NP	NP
Passive or active recreational uses	NP	NP	NP	NP	P[10]
Pedestrian trails,and bicycle paths	P	P	P	P	P
Public Utilities	P	P	P	P	P

P = Permitted
C = Conditionally Permitted
NP = Not Permitted

Table 3.1, Permitted and Conditionally Permitted Uses

Parks (P)

The Parks Zone is designed to provide for open space areas and park f es which o er recre nal, cultural, entertainment, community gardens, and similar uses. In add on, the Parks Zone allows for the constru on of certain types of ood control infrastructure to implement the citywide Storm Drainage Master Plan.

I-205 Overlay

The I-205 Overlay applies to property within 500 feet of I -205 to take advantage of the high visibility of proper s adjacent to I-205. This area includes a re ed range of uses from the BPI Zone to promote high visibility devel- opment opportun es that allow a blend of o with light assembly, manufacturing, and business industrial ses. The Overlay requires higher development standards with emphasis on building orienta , architectural design, and landscape plan and screening.

Table 3.1 Notes:

1. All of these uses must be conducted wholly within a building, including storage.
2. These outdoor storage uses must be completely screened from view from I-205 and public streets.
3. Includes accessory space for showrooms/sales.
4. Perm ed only in buildings 75,000 square feet or smaller.
5. These uses shall be allowed to include interior warehousing and interior storage as an accessory use.
6. Truck stops are not perm ed north of Capital Parks Drive or west of Intern nal Parkway (formerly Mountain House Parkway).
7. "Entertainment" means such uses as live music, disc jockeys, dancing, karaoke, comedy shows, modeling, or live performances.
8. Only in I-205 Overlay with a Cond onal Use Permit.
9. Mobile food vendors are perm ed in the GO Zone, BPI Zone, I-205 Overlay Zone, and the Parks Zone subject to all requirements for mobile food vendors in the Tracy Municipal Code, except as mod d by this Spe c Plan. A mobile food vendor's opera (not including set up and take down) shall be allowed for up to a maximum of twelve (12) hours at a single loca within a 24-hour period. The requirement in the Tracy Municipal Code that a mobile food vendor must be an accessory use to a business conducted within a building on a site is not applicable In the Parks zone, where a mobile food vendor is perm ed as an accessory use to a park.
10. Passive or ac e recre nal uses include, but are not limited to, events and a vi s such as exercise classes, health ness events, cooking demonstra s and food t ngs, farmer's market, beer and wine tas events, arts and cra fairs, live music/music fes als, corporate trainings/presenta s, movie screenings, environmental/nature classes, weddings, car club/ concourse, and performing arts/theater. No overnight a vi s are permi ed without a Temporary Use Permit (TUP). Any individual ity may require a building permit and/or re permit, as applicable under the Building and Fire Codes.

3.3 PERMITTED AND CONDITIONALLY PERMITTED USES

Table 3.1 presents the permi ed and cond onally perm ed land uses within the Project Area. In addi- , accessory uses and temporary uses shall be allowed as provided in the Tracy Municipal Code, including temporary constru on a v es and on-site constru on staging areas with concrete and/or asphalt batch es.

Prohibited Uses (All Categories)
Uses
Adult Businesses or Adult Uses as defined in the T.M.C.
Massage Parlors
Trash Transfer Stations
Outdoor Recycling Facilities
Composting Facilities
Junk Yards and Automobile Wrecking Yards
Explosives Handling
Funeral and Interment Services
Animal, Poultry, and Fish Farming, Including Breeding, Raising, Maintaining, or Slaughtering
Any Use Prohibitted by State or Federal Law
Any Use Not Listed in Table 3.1.

Table 3.2, Prohibited Uses

Nonconforming agricultural uses exis and oper- g at the date of Cordes Ranch Spe n adop- within the Project Area shall be broadly inter- preted to allow con ed agricultural opera s un development in conformance with this Spe Plan occurs. Agricultural crops or opera s may change to another, such as row crops to orchards, without the property losing its nonconforming status. Unless otherwise established herein, all de ons and land use terms shall be as stated in the Tracy Municipal Code. Table 3.2 presents the prohibited uses which will not be allowed to develop within any zoning district within the Cordes Ranch Spe n.

Development Standards by Zoning District

	General Commercial (GC)	General Office (GO)	Business Park Industrial (BPI)	I-205 Overlay
Building Coverage and Height				
Floor Area Ratio (F.A.R.) maximum[3]	30%[3]	45%[3]	50%	40%
Maximum Building Area	N/A	N/A	N/A	See Table 3.1 for building size limitations
Maximum Building Height[1]	80'	80'	100'	80'
Maximum Freestanding Light Pole Height[2]	40'	30'	40'	40'
Minimum Building Setbacks (as measured from property line)				
Front Yard/Street Setback	See Private Frontage Landscaping for minimum building setbacks	See Private Frontage Landscaping for minimum building setbacks	See Private Frontage Landscaping for minimum building setbacks	See Private Frontage Landscaping for minimum building setbacks
Side Yard Setback (non street)	10'	10'	10'	10'
Rear Yard Setback (non street)	10'	10'	10'	10'
I-205 Setback	30'	30'	N/A	100'
Minimum Private Frontage Landscaping (as measured from property line)				
Mountain House Parkway	30'	30'	30'	30'
Capital Parks Drive	N/A	25'	25'	25'
New Schulte Road	30' @ Class 1 bike path 25' @ sidewalk	30' @ Class 1 bike path 25' @ sidewalk	30' @ Class 1 bike path 25' @ sidewalk	N/A
Old Schulte Road	25'	25'	25'	N/A
Hansen Road	25'	25'	25'	25'
Pavilion Parkway	25'	25'	25'	N/A
Street Section E	15' At Class 1 bike path 25' at sidewalk	15' At Class 1 bike path 25' at sidewalk	15' At Class 1 bike path 25' at sidewalk	15' At Class 1 bike path 25' at sidewalk
Street Section F	15'	15'	15'	15'
Street Section G	15'	15'	15'	15'
Street Section H	15'	15'	15'	15'
Street Section I	15'	15'	15'	N/A
~~Street Section J~~	~~N/A~~	~~0'~~	~~N/A~~	~~N/A~~
I-205 Setback	30'	30'	30'	30'

Notes:

1. Structures in the Project Area may exceed the maximum height limit upon approval of a Conditional Use Permit.

2. This height may be increased up to a maximum total height of 60 feet upon approval of a Conditional Use Permit by the Planning Commission, which can take the form of a separate application.

3. Maximum FAR shall be 1.0 for hotels in the General Commercial (GC) and General Office (GO) zones.

Table 3.3, Development Standards

3.4 DEVELOPMENT STANDARDS

Development standards have been prepared for each of the zoning districts outlined in Sec 3.2. Table 3.3 presents the standards for development which include minimum setback requirements, maximum building heights, and landscape setbacks. No lot shall be created with size or dimensions rendering it incapable of mee the land use, public u es, or development standards of this Spe n.

Mod s in these standards may be necessary to respond to unique site characteris s and/or changes in development requirements to respond to market cond ons. Mod s to these standards will require Planning Commission and City Council review through a Spe n amendment per the City of Tracy Municipal Code requirements. Unless otherwise established herein, all de ons and land use terms shall be as stated in the Tracy Municipal Code.

Required Off-Street Parking	
Use	**Required Parking based on use**
Retail Commercial	One space per 250 square feet of gross floor area.
Vehicle Sales and rentals including RV's and mobile homes.	One space per 250 square feet of gross floor area, plus one space per vehicle for sale or stored on lot.
Offices: businesses, professional (not including medical or dental), and banks.	One space per 250 square feet of gross floor area.
Dental or medical clinics or offices	One space per 200 square feet of gross floor area.
Motor vehicle repair garages	One space per 600 square feet of gross floor area; repair stalls not counted as parking spaces.
Cafes, restaurants and other establishments for the sale and consumption of food and beverages	Dining: one space per 45 square feet of customer area and one space per 250 square feet of all other areas.
Hotels and motels	One space per guest room.
Warehouse and storage buildings	One space per 1,000 square feet of the first 20,000 square feet of gross floor area, plus one space per 2,000 square feet of the second 20,000 square feet of gross floor area, plus one space per 4,000 square feet of the remaining square feet of gross floor area.
Manufacturing, processing, and assembly	One space per 600 square feet of grosss floor area, or if the number of employees on the maximum work shift can be verified, one space per one employee on the maximum work shift.
Auditoriums, churches, sports arenas, theaters and other places of assembly	One space per five (5) fixed seats or, if the assembly does not have fixed seats, one space per 60 square feet of assembly area. If the number of parking spaces required for the sum of all accessory uses does not exceed the number of parking spaces required for the assembly area no additional parking is required. Uses which are not accessory to the assembly use, shall provide additional off-streetparking in accordance with City parking regulations.
~~Street Section J~~	~~On-street diagonal parking on Street Section J, along the parcel frontage of Streets B, E and F may be counted as part of the off-street parking requirement.~~

Table 3.4, Required Off-site Parking

Landscape Standards for Off-Street Parking Areas	
a. Landscaping Shall Be Installed at the Following Rate:	
Number of Required Auto Spaces	**Percent of Parking Area in Landscaping**
1 through 15	5%
16 through 30	10%
31 through 60	15%
Over 60	20%
b. Landscaping shall consist of plant materials and shall include a combination of trees, shrubs, and ground cover.	
c. Trees shall be of a type approved by the Development Services Director. Trees shall be required at the rate of one tree per each five required auto parking spaces. Such trees shall be a minimum 24" box in size. Canopy trees shall be evenly distributed throughout the parking area so that 40 percent of the area shall be shaded at tree maturity. Canopy trees shall be the type that normally achieves a minimum canopy diameter of 25 feet, as approved by the Development Services Director.	
d. Trees shall be planted according to the City of Tracy Standard Specifications for street trees.	
e. The requirements for parking lot landscaping for industrial development, as indicated in this section, may be decreased by a maximum of 50% provided a corresponding minimum increase in perimeter landscaping of fifty (50%) percent is provided.	
f. Screening of the parking area from public rights-of-way shall be provided at a minimum height of two and one-half feet and a maximum height of three feet measuring from the top of the parking area pavement. Parking area screening from public rights-of-way may consist of one or a combination of the following: 1. Berms landscape with ground cover, trees, and shrubs; 2. Solid, low profile, decorative masonry walls; 3. Evergreen shrubbery which, when solely used as screening, shall be continuously maintained to provide solid screening.	
g. Trash receptacles/enclosures and loading areas shall be screened on all sides, with a gate provided for access, and shall be landscaped.	
h. All landscaping shall be protected with a six inch raised concrete curb.	
i. Landscaped areas and planters shall be serviced by a permanent automatic irrigation system approved by the Development Services Director.	
j. All parking areas, landscaping and screening shall be continuously maintained by the property owner. Landscaping and screening shall be free of weeds, debris, litter, and dead plants. Any dead plant material shall be replaced with similar type of living plant material.	
k. Parking area and perimeter landscaping shall be installed or secured as required prior to any authorization to occupy any building(s) served by required parking areas.	
l. Landscaping shall be designed to obscure views of loading and other service areas, including trash storage areas, from rights of way and adjoining property containing such loading facilities.	
m. 40% canopy tree coverage.	

Table 3.5, Landscape Requirements for Parking Areas

Vegetated bioswales in planting islands

3.5 OFF-STREET PARKING

The Tracy Municipal Code o -street parking requirements shall apply to the Cordes Ranch Spe n except as mod d herein. On-street diagonal parking on , along the parcel frontage of Streets B, E, and F may be counted as part of the o -street parking requirement for adjacent development.

3.6 LANDSCAPE STANDARDS FOR OFF-STREET PARKING AREAS

-street parking areas will require landscaping per the standards established by the Tracy Municipal Code. Parking area landscaping shall be provided in accordance with Tracy Municipal Code standards unless otherwise provided herein.

3.7 ADDITIONAL LANDSCAPING STANDARDS

Parking Area Landscape

- When located adjacent to the freeway or other right-of-way frontage, parking should be screened by use of landscaping, berming, low decora e walls or combin on of these.
- To the extent feasible, parking lot plan is- lands and tree placement should be coordinated with freeway edge plan and views into signage and any special architectural detailing.
- Parking lot trees should be provided at a minimum of one tree per 5 spaces. Large scale, high branching shade trees should be used in all parking areas.
- Vegetated bioswales are encouraged in parking lot plan islands to treat on-site stormwater. Pedestrian circu should be carefully coordinated with bioswales.
- Landscaping shall be integrated with the building frontage.
- There shall be a minimum 10 foot wide (inside dimension) landscaped strip along property lines adjacent to the public rights-of-way and private streets. The landscaped strip shall be con nuous except at required access to the site or parking area.

3.8 SIGN STANDARDS

Wall, monument, directory, and dire onal signs are the sign types allowed in the BPI Zone and shall be allowed in accordance with Tracy Municipal Code standards, except as mod d herein. Signs in the GC and GO Zones shall comply with the Tracy Municipal Code standards, except as mod d below. ~~for Freeway Signs in the GC Zone.~~

Total sign area allowed on each parcel shall be calculated as the sum of the sign areas of all types of signs, not to exceed one square foot of sign area for each lineal foot of building frontage of business being adver ed.

Freeway Sign

A total of two Freeway Signs are allowed within the Cordes Ranch Spe n. They are allowed to be located within the General Commercial zone parcels adjacent to I-205. Figure 3.3 depicts the approximate for each, and Figure 3.4 depicts the design and dimensions examples for a Freeway Sign.

A Freeway sign requires Development Review approval as outlined in Chapter 8. The Freeway Signs should be vely designed and should add to, and not detract from, the aesthe c appeal of the Cordes Ranch Spe n Area, as illustrated in Figure 3.4, Freeway Sign Design Example. The design example shown in Figure 3.4 is not intended to preclude other design altern ves that may emerge through the Development Review process. A Freeway Sign may iden y any tenant(s) located within the General Commercial (GC) Zone of the Cordes Ranch Spe Plan area.

Freeway Sign Design Standards

1. Maximum height: 70'
2. Maximum width: 22'
3. Maximum number of sign panels is 8 per sign face.
4. Height of the lowest sign panel shall be 8 feet min.
5. Maximum number of signs perm d: 2 within the Cordes Ranch Spe lan area.

Figure 3.3, Freeway Sign Locations

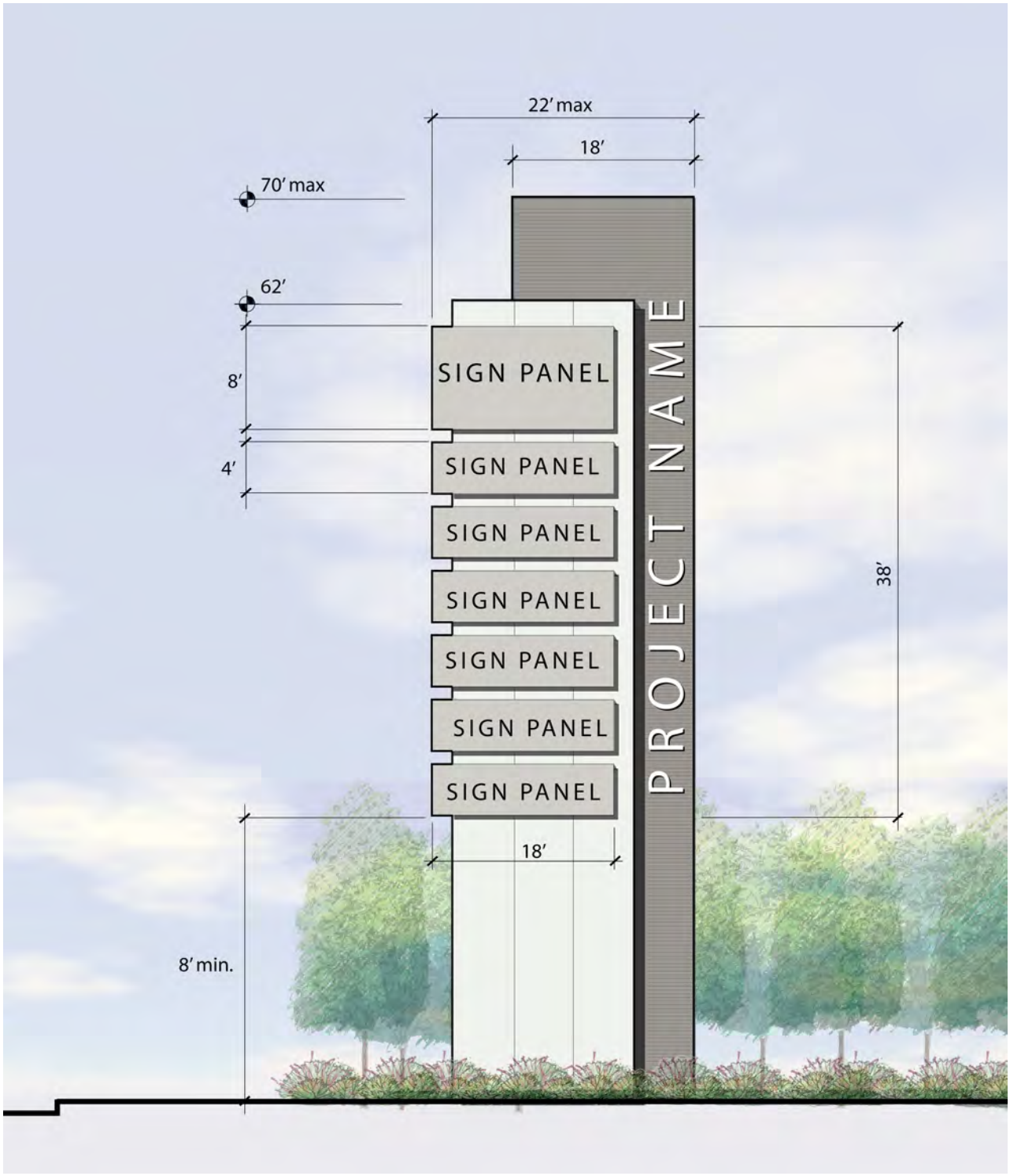


Figure 3.4, Freeway Sign Design Example

Freeway Sign - West Vantage Point Example

Freeway Sign - East Vantage Point Example

Wall Signs within the Business Park Industrial Zone
It is important that wall signs be propo al to the building scale and mass. Due to the size, building mass, and building setbacks from the street frontages, wall signs within the BPI zoning designa will be allowed as follows:

<u>Wall Sign A</u> Design Standards within the Business Park Industrial Zone

1. Wall Sign A shall not exceed 300 square feet per individual sign and the combined total of all Wall Sign A's placed on each building frontage shall not exceed 600 square feet.
2. Wall Sign A shall consist of individually mounted s and logo elements only.
3. Maximum wall sign width including logo shall be a maximum of 80% of the width of the architectural element that the sign is placed on. See Figure 3.5.
4. See Figures 3.6 and 3.7 for typical building signage lo s.

<u>Wall Sign B</u> Design Standards within the Business Park Industrial Zone

1. Wall Sign B shall not exceed 30 square feet per individual sign and shall be limited to no more than two Wall Signs B's placed on each building frontage.
2. Wall Sign B shall consist of individually mounted s and logo elements only.

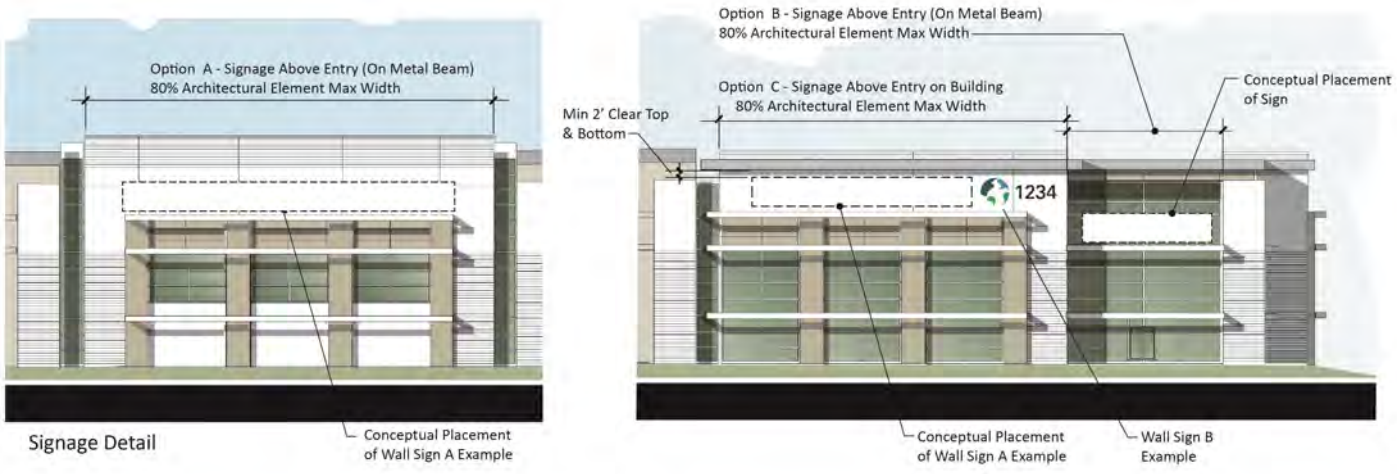


Figure 3.5, Wall Signs

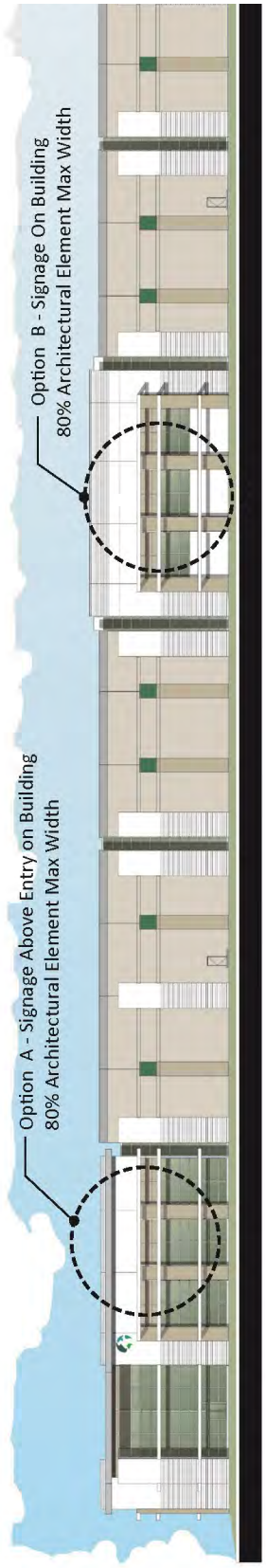


Figure 3.6, Typical Wall Sign Locations

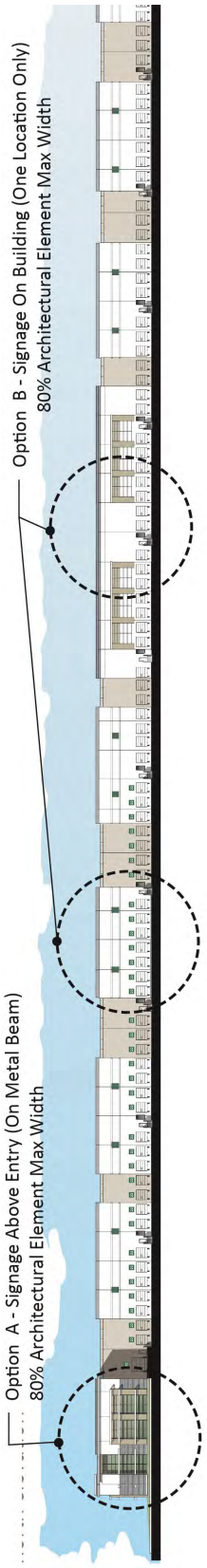


Figure 3.7, Typical Wall Sign Locations

Figure 3.8, Monument Sign
Single Tenant Example

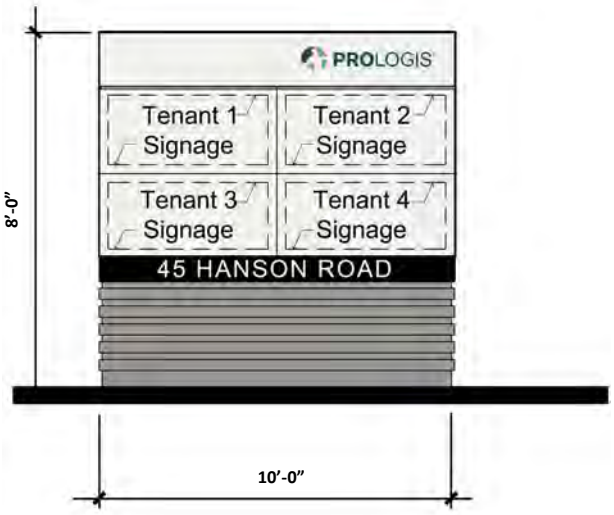


Figure 3.9, Monument Sign
Multi-Tenant Example

Monument Signs within the Business Park Industrial Zone

Monument signs will assist visitors in way ding at Cordes Ranch and to denote the vehicle entry points to businesses. With the wide street corridors and landscape setbacks within Cordes Ranch, it will be important to provide monument signage scaled appropriately, see Figure 3.8 and 3.9 for typical monument sign design. Monument signage will be allowed as follows;

Monument Sign Design Standards within the Business Park Industrial Zone

1. The maximum number of monument signs per parcel shall be one per driveway approach (known as a "curb cut") with no more than two monument signs located on each parcel street frontage. The minimum distance between monument signs located on the same parcel street frontage is 700 feet. Two separate parcels with a shared curb cut may both have a monument sign.
2. Monument signs shall not exceed 80 square feet maximum per sign face.
3. Maximum monument sign height shall not exceed 8', except that any monument sign within 10 feet of a public right-of-way shall not exceed 6 feet in height.
4. Maximum monument sign width shall not exceed 10'.
5. Monument signs shall not obstruct vehicular sight lines, as set forth in the Tracy Municipal Code.

Directory and Directional Signage within the Business Park Industrial Zone

Directory and Direc al signs will assist visitors with on-site way ding and to denote the lo of business entries and to assist with on-site vehicle circu . Directory and dire onal signage will be allowed per the Tracy Municipal Code requirements, except that a directory sign shall not be perm ed within 50 feet of a public right-of-way and must be oriented to serve on-site visitors.

CHAPTER 5
MASTER LANDSCAPE PLAN

5.1 LANDSCAPE CONCEPT

The Cordes Ranch Spec n includes a though lly planned set of landscape treatments and open space areas designed to create a unique and aesthe cally appealing development that promotes environmental and personal health. The landscape design is contemporary and sustainable, in reference to the architectural style and detailing of the building with the Spe c Plan boundary and forward-thinking nature of the City of Tracy. The Project Area is visually un d through contemporary landscape elements including project signage, plant p nd coordinated furnishings and xtures, crea a strong sense of place. The scale and lo of design features reinforce the circu hierarchy.

These private landscape elements are generally located outside of the right-of-way and will be privately maintained. Implementa of the Master Landscape Plan is further addressed in Chapter 6, which describes spec riggers for these improvements and maintenance responsibili es. In some cases the right-of-way extends several feet beyond the back of walk. In these cases, the po of right-of-way beyond the back of walk may be privately maintained for simplicity and to ensure maintenance consistency. Where certain features extend into the right-of-way, maintenance easements or other arrangements acceptable to the City, will be established to allow for private maintenance.

Sustainable design of the landscape will include the use of n ve and climate adapted plant species, high-e ency irriga systems and ligh locally sourced and recycled materials and stormwater best management pra ces. This approach to the design will create a contemporary California landscape that is a ra ve, yet resource-efficient and re ely low-maintenance.

The design concepts and illustra s depicted within the Master Landscape Plan are intended to be conceptual only and were envisioned to provide only a guideline for development of the nal design. These illustra s include conceptual design elements, a lis of suggested plant species, proposed plant spacing, and suggested plant container sizes. Final landscape designs for each of these design elements in both the public right of way and private parcels including but not limited to the design and layout, plant species, plant spacing, and container sizes will be reviewed and approved by the City of Tracy as part of individual development applic ns for each parcel or as part of the public road improvement plan approval process.

Conceptual Streetscape Planting

5.2 I-205 LANDSCAPE CORRIDOR

Two alterna landscape themes along the I-205 corridor will enhance the freeway edge and create visual interest. See Figure 5.2. One theme is more formal consis of evergreen trees in angled rows inspired by windrows seen in the San Joaquin Valley. The second theme is informal tree groupings arranged to allow openings for views into the Plan Area. The use of these altern concepts re cts a contemporary aesthe . Groupings of shrubs, fescues, and grasses will be planted as understory for trees. Deten basins along the freeway frontage will be planted with hydroseeded grasses and enhanced with trees planted along the perimeter, see Figure 5.4. The deten basins have the bene of adding to the landscape setback while func ing as storm water deten and treatment. The landscaped frontage setback along I-205 will maintain a minimum of 30' in width. Figures 5.1—5.10 depict the conceptual design for the I-205 frontage.

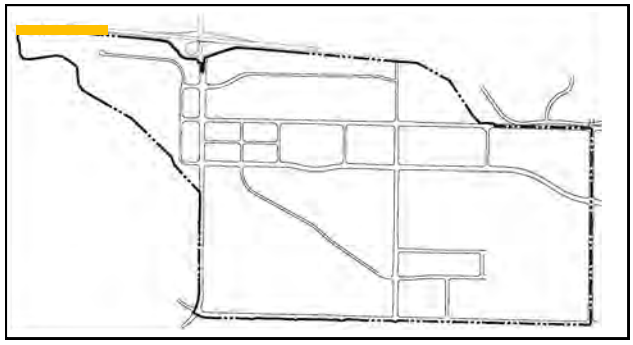
Design Elements for Freeway Edge, Western Portion

A. *West City Gateway*
- see Se on 5.3 City Gateway for details and enlargement . See Figure 5.8.

B. *Trees Informal Planting (Grouping)*
- species: Quercus ilex (Holly Oak)
- size: 24" box min.
- spacing: 30' on center, min. 3 trees (similar species) per grouping.

- species: Quercus wislezenii (Interior Live Oak)
- size: 24" box min.
- spacing: 30' on center, min. 3 trees (similar species) per grouping.

- species: Cedrus deodora (Deodar Cedar)
- size: 24" box min.
- spacing: 30' on center, min. 3 trees (similar species) per grouping.



Key Map

Design Elements for Freeway Edge, Western Portion

C. *Freeway Planting Understory, typ.*
- See Figure 5.3.
- 30' min. landscape
- species: n ve and drought tolerant shrubs closely spaced, e.g. eeberry, Santa Barbara Sage, Howard McMinn Manzanita, Rockrose, Toyon and Rosemary.
- height: 3' to 15'
- size: 5 to 15 gal.
- spacing: maintain and allow plants to grow to natural form.
- species: Ornamental Grasses closely spaced, e.g. Atlas Festuca, Carex, Pennisetum and Lomandra
- height: 2' to 4'
- size: 1 to 5 gal.
- spacing: maintain and allow plants to grow to natural form.

D. *Detention Basin*
- hydroseed with n e grasses
- Bank plan roupings of Arroyo and Upland Willow, California Wild Rose.
- size: 5 and 15 gal.
- spacing: 12' on center, min. 3 shrubs (similar species) per grouping.

E. *Freeway Fence, typ.*
- Approved fencing by Caltrans
- See Figure 5.3

F. *Trees Formal Planting*
- species: Olea europaea (Fruitless Olive)
- size: 36" box
- row spacing: 25' (diagonal to freeway fence line)

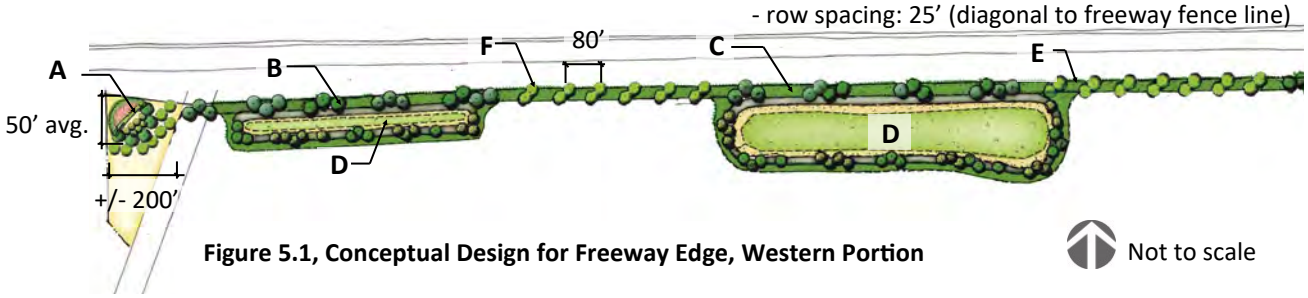
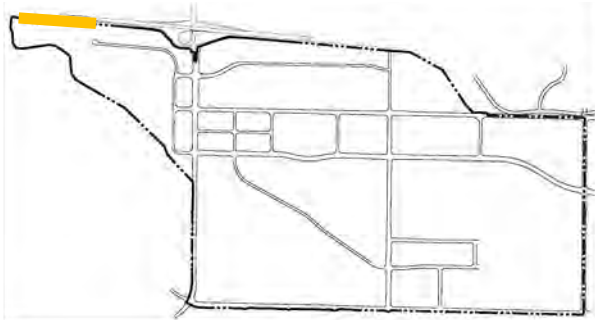


Figure 5.1, Conceptual Design for Freeway Edge, Western Portion

Not to scale



Key Map

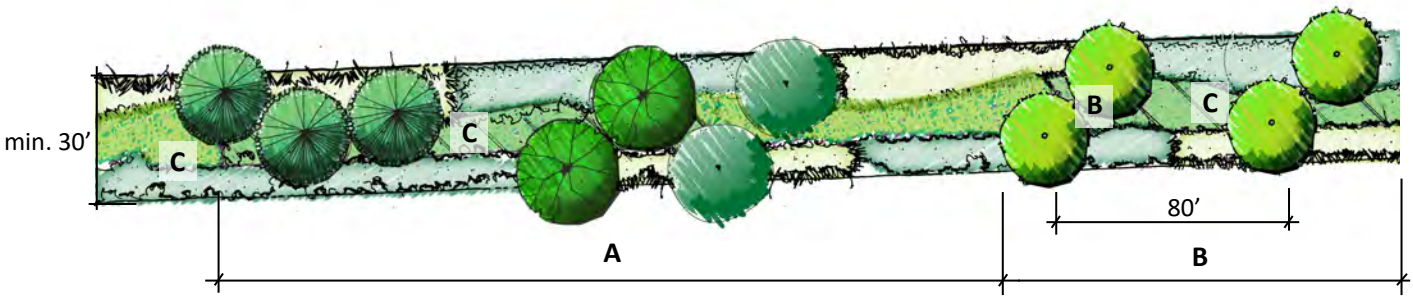


Figure 5.2, Freeway Edge Enlargement

Not to scale

Design Elements for Freeway Edge Planting

A. Trees Informal Plan (Grouping)
- species: Cedrus deodora (Deodor Cedar) Quercus Ilex (Holly Oak), Quercus wislezenii (Interior Live Oak)
- size: 24" box
- spacing; 30' on center, min. 3 trees (similar species) per grouping.

B. Trees Formal Plan
- species: Olea europaea (Fruitless Olive)
- size: 36" box
- row spacing: 25' (diagonal to freeway fenceline)

C. Freeway Plan Understory (typ.)
- species: n ve and drought tolerant shrubs closely spaced, e.g. Co eeberry, Santa Barbara Sage, Howard McMinn Manzanita, Rockrose, Toyon and Rosemary.
- height: 3' to 15'
- size: 5 to 15 gal.
- spacing: maintain and allow plants to grow to natural form.

- species: Ornamental Grasses closely spaced, e.g. Atlas Festuca, Carex, Pennisetum and Lomandra
- height: 2' to 4'
- size: 1 gal.
- spacing: maintain and allow plants to grow to natural form.

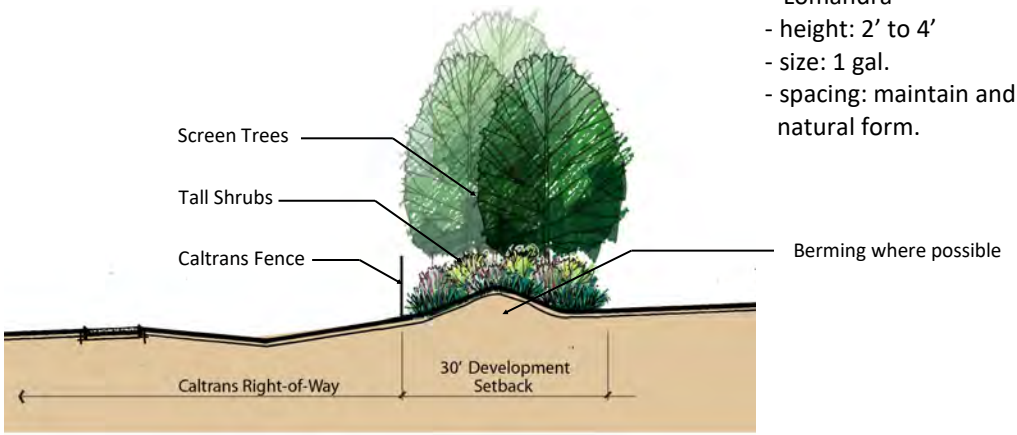


Figure 5.3, Section

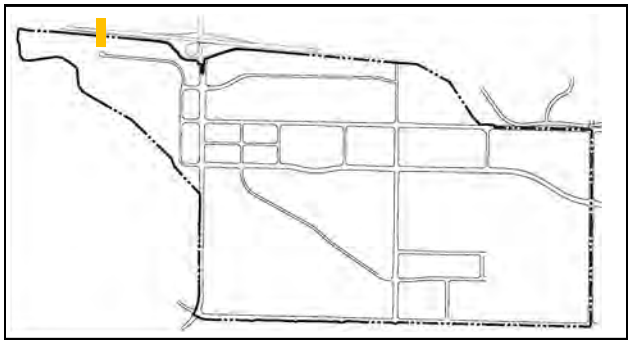
Design Elements for Freeway Edge Detention Basin Frontage

A. *Tree Rows*
- species: Quercus ilex (Holly Oak)
- size: 24" box
- tree spacing: 30' on center, min. 2 trees
- row spacing: 80' on center

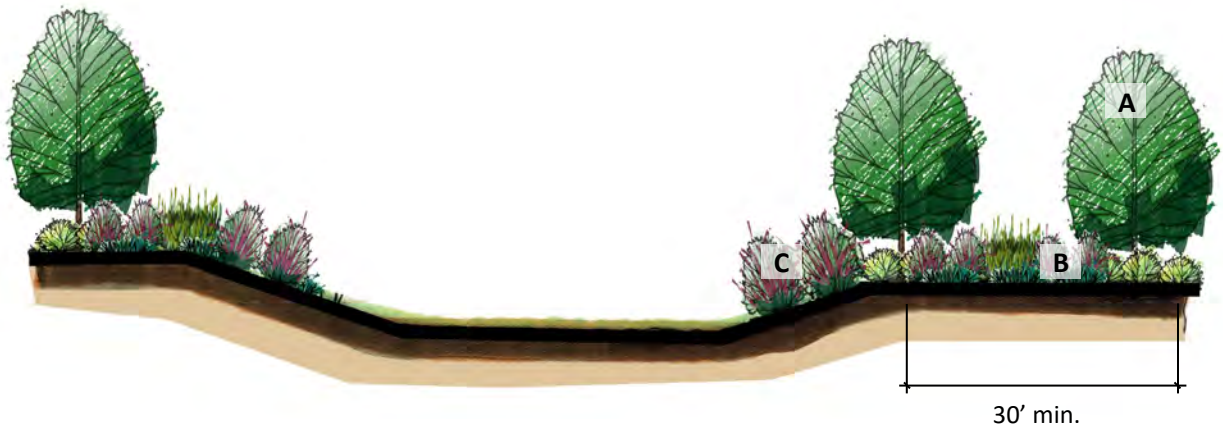
B. *Freeway Planting Understory, typ.*
- 30' min landscape
- hydroseeded no-mow n ve grasses and wild ower mix

- species: n ve and drought tolerant shrubs closely spaced, e.g. Co eeberry, Santa Barbara Sage, Howard McMinn Manzanita, Rockrose, Toyon and Rosemary.
- height: 3' to 15'
- size: 5 to 15 gal.
- spacing: maintain and allow plants to grow to natural form.

C. *Detention Basin*
- hydroseed with n e grasses
- Bank plan roupings of Arroyo and Upland Willow, California Wild Rose
- size: 5 and 15 gal.
- spacing: 12' on center, min. 3 shrubs (similar species) per grouping.



Key Map



Not to scale

Figure 5.4, Section, Conceptual Design for Freeway Edge Detention Basin Frontage

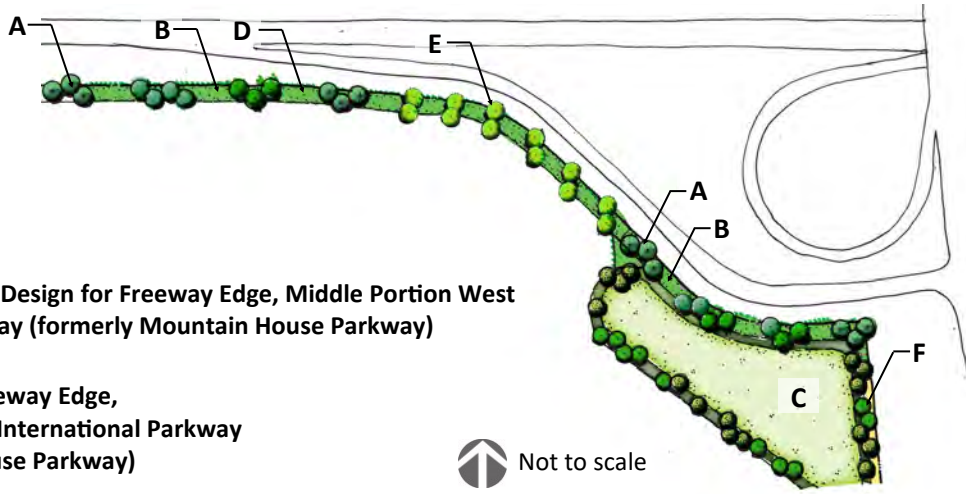


Figure 5.5, Conceptual Design for Freeway Edge, Middle Portion West of International Parkway (formerly Mountain House Parkway)

Design Elements for Freeway Edge, Middle Portion West of International Parkway (formerly Mountain House Parkway)

A. *Trees Informal Planting (Grouping)*
- species: Quercus ilex (Oak)
- size: 24" box min.
- spacing: 30' on center, min. 3 trees (similar species) per grouping.

- species: Quercus wislezenii (Interior Live Oak)
- size: 24" box min.
- spacing: 30' on center, min. 3 trees (similar species) per grouping.

- species: Cedrus deodora (Deodar Cedar)
- size: 24" box min.
- spacing: 30' on center, min. 3 trees (similar species) per grouping.

B. *Freeway Planting Understory, typ.*
- 30' min. landscape
- species: n ve and drought tolerant shrubs closely spaced, e.g. Co eeberry, Santa Barbara Sage, Howard McMinn Manzanita, Rockrose, Toyon and Rosemary.
- height: 3' to 15'
- size: 5 to 15 gal.
- spacing: maintain and allow plants to grow to natural form.

- species: Ornamental Grasses closely spaced, e.g. Atlas Festuca, Carex, Pennisetum and Lomandra
- height: 2' to 4'
- size: 1 gallon
- spacing: maintain and allow plants to grow to natural form.

C. *Detention Basin*
- hydroseed with n e grasses
- Bank plan roupings of Arroyo and Upland Willow, California Wild Rose.

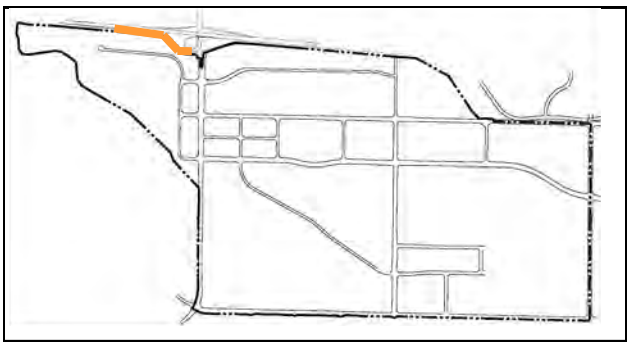
- size: 5 and 15 gal.
- spacing: 12' on center, min. 3 shrubs (similar species) per grouping.

D. *Freeway Fence, typ.*
-Approved fencing by Caltrans.
-height: 4'
-color: black
- see Figure 5.3 for detail

E. *Trees Formal Planting*
- species: Olea europaea (Fruitless Olive)
- size: 36" box
- row spacing: 25' (diagonal to freeway fenceline)

F. *PG and E Screening*
- species: Quercus wislezenii (Interior Live Oak)
- size: 24" box min.
- spacing: 30' on center, min. 3 trees (similar species) per grouping.

- species: Cedrus deodora (Deodar Cedar)
- size: 24" box min.
- spacing: 30' on center, min. 3 trees (similar species) per grouping.



Key Map

**Design Elements for Freeway Edge,
Middle Portion East of International Parkway
(formerly Mountain House Parkway)**

A. *Trees Informal Planting (Grouping)*
- species: Quercus ilex (Holly Oak)
- size: 24" box min.
- spacing: 30' on center, min. 3 trees (similar species) per grouping.

- species: Quercus wislezenii (Interior Live Oak)
- size: 24" box min.
- spacing: 30' on center, min. 3 trees (similar species) per grouping.

- species: Cedrus deodora (Deodar Cedar)
- size: 24" box min.
- spacing: 30' on center, min. 3 trees (similar species) per grouping.

B. *Freeway Planting Understory, typ.*
- 30' min. landscape
- species: n ve and drought tolerant shrubs closely spaced, e.g. Co eeberry, Santa Barbara Sage, Howard McMinn Manzanita, Rockrose, Toyon and Rosemary.
- height: 3' to 15'
- size: 5 to 15 gal.
- spacing: maintain and allow plants to grow to natural form.

- species: Ornamental Grasses closely spaced, e.g. Atlas Festuca, Carex, Pennisetum and Lomandra
- height: 2' to 4'
- size: 1 gallon
- spacing: maintain and allow plants to grow to natural form.

Key Map

**Design Elements for Freeway Edge,
Middle Portion East of International Parkway
(formerly Mountain House Parkway)**

C. *Detention Basin*
- hydroseed with n e grasses
- Bank plan ng: Groupings of Arroyo and Upland Willow, California Wild Rose.
- size: 5 and 15 gal.
- spacing: 12' on center, min. 3 shrubs (similar species) per grouping.

D. *Freeway Fence, typ.*
- Approved fencing by Caltrans

E. *Trees Formal Planting*
- species: Olea europaea (Fruitless Olive)
- size: 36" box
- row spacing: 25' (diagonal to freeway fence line)

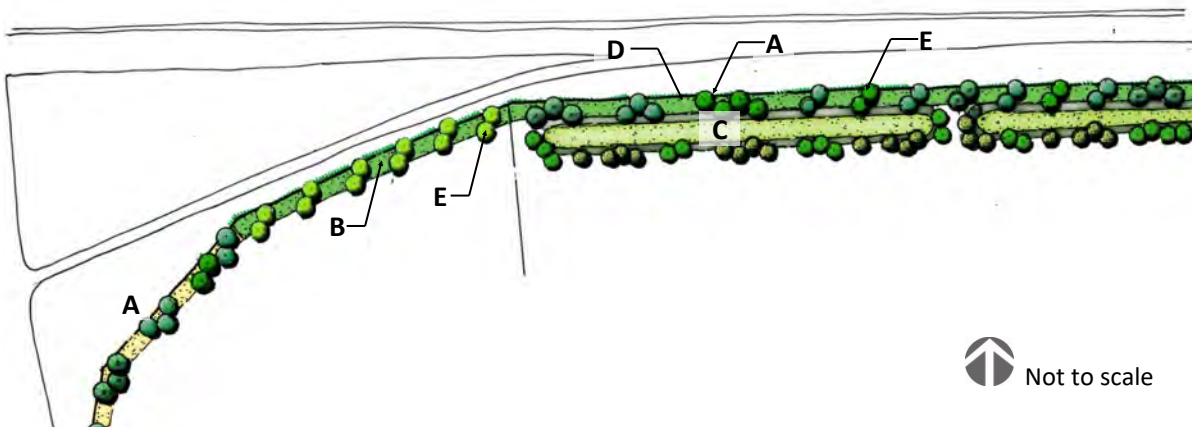


Figure 5.6, Conceptual Design for Freeway Edge, Middle Portion East of International Parkway (formerly Mountain House Parkway)

Design Elements for Freeway Edge, Eastern Portion

A. *East City Gateway*
- see Figure 5.9 for enlargement

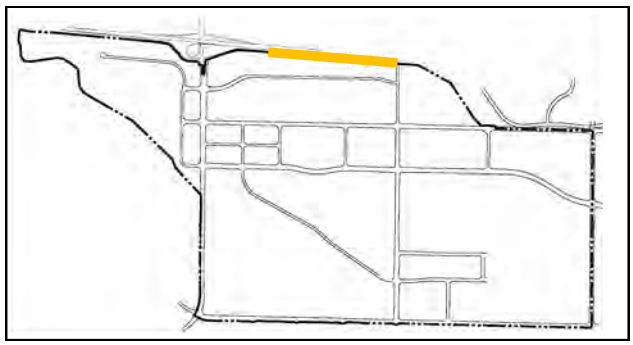
B. *Trees Informal Planting (Grouping)*
- species: Quercus ilex (Holly Oak)
- size: 24" box min.
- spacing: 30' on center, min. 3 trees (similar species) per grouping.

- species: Quercus wislezenii (Interior Live Oak)
- size: 24" box min.
- spacing: 30' on center, min. 3 trees (similar species) per grouping.

- species: Cedrus deodora (Deodar Cedar)
- size: 24" box min.
- spacing: 30' on center, min. 3 trees (similar species) per grouping.

C. *Freeway Planting Understory, typ.*
- 30' min. landscape
- species: n ve and drought tolerant shrubs closely spaced, e.g. Co eeberry, Santa Barbara Sage, Howard McMinn Manzanita, Rockrose, Toyon and Rosemary.
- height: 3' to 15'
- size: 5 to 15 gal.
- spacing: maintain and allow plants to grow to natural form.

- species: Ornamental Grasses closely spaced, e.g. Atlas Festuca, Carex, Pennisetum and Lomandra
- height: 2' to 4'
- size: 1 gallon
- spacing: maintain and allow plants to grow to natural form.



Key Map

Design Elements for Freeway Edge, Eastern Portion

D. *Detention Basin*
- hydroseed with n e grasses
- Bank plan roupings of Arroyo and Upland Willow, California Wild Rose.
- size: 5 and 15 gal.
- spacing: 12' on center, min. 3 shrubs (similar species) per grouping.

E. *Freeway Fence, typ.*
- Approved fencing by Caltrans

F. *Trees Formal Planting*
- species: Olea europaea (Fruitless Olive)
- size: 36" box
- row spacing: 25' (diagonal to freeway fenceline)

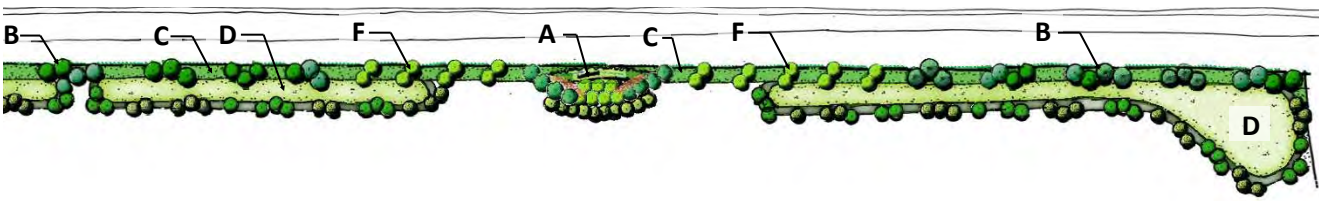
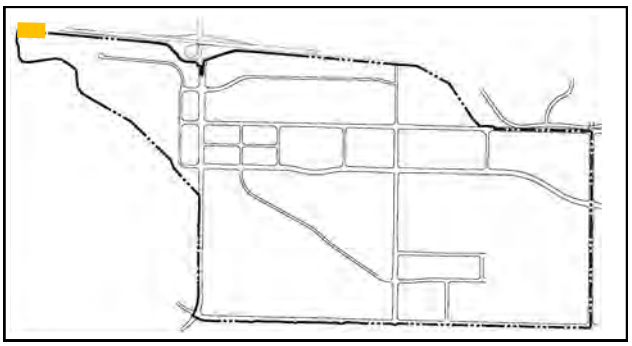


Figure 5.7, Conceptual Design for Freeway Edge, Eastern Portion

Not to scale

5.3 CITY GATEWAYS

The northwest corner of Cordes Ranch Spe n area features a gateway to the City of Tracy, and the Cordes Ranch development. The landscape concept is illustrated in Figure 5.8 and Figure 5.9. The landscape concept consists of colored accent plan with varying textures and heights to create a visual layering appearance to the design of the plan A backdrop of both horizontal and ve cal canopy trees will anchor the signage and provides another layer of color and textures. A majority of plant p ll be evergreen species to provide a year around landscape and appearance for the Gateway signage element.



Key Map

Design Elements for City Gateway West

A. *Sign Type A*
- concept design per Figure 5.10

B. *Accent Planting*
- species: n ve and drought tolerant perennials, succulents, and ground covers closely spaced, e.g. Aloe, Lomandra, Manzanita and Phormium
- height: 2' to 4'
- size: 1, 5 and 15 gal.
- spacing: maintain and allow plants to grow natural form.

C. *Shade Tree Backdrop*
- species: Ulmus x 'Fron er' (Fron r Elm)
- size: 36" box
- spacing: 30' on center, min. 5 trees

D. *Columnar Accent Tree*
- species: Quercus macrocarpa 'Urban Pinnacle' (Columnar Bur Oak)
- size: 36" box
- spacing: 18' on center, min. 7 trees

E. *Understory Planting*
- species: n ve and drought tolerant shrubs closely spaced, e.g. Ceanothus, Manzanita, Rosemary and Salvia.
- size: 5 and 15 gal.
- height: 2' to 6'
- spacing: maintain and allow plants to grow natural form.

F. *Background Tree*
- species: Olea europaea (Fruitless Olive)
- size: 36" box
- row spacing: 25'

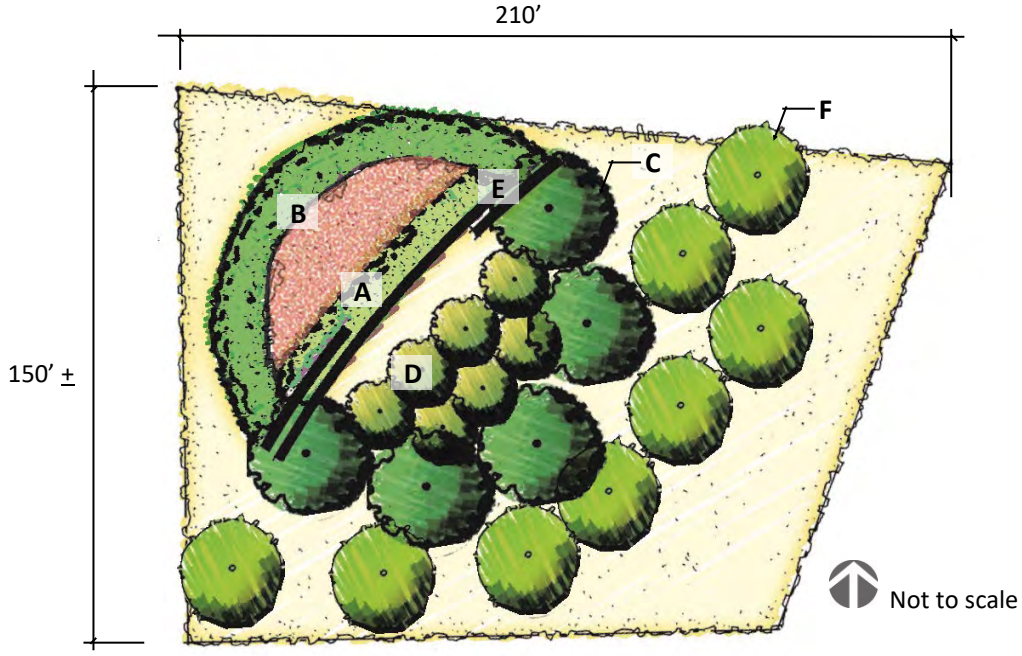


Figure 5.8, Conceptual Design for City Gateway West Enlargement (See Figure 5.1)

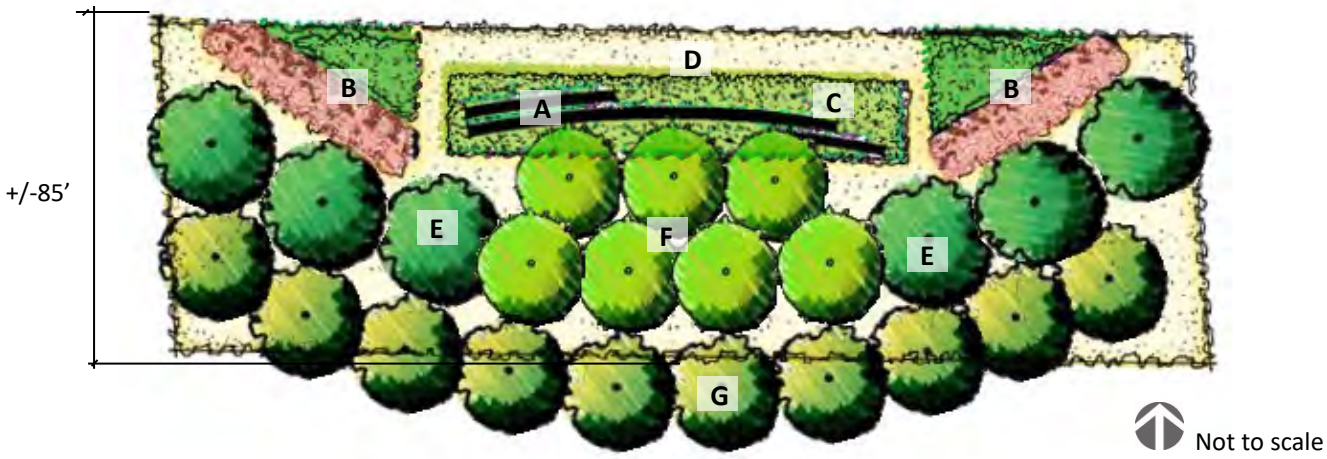


Figure 5.9, Conceptual Design for City Gateway East Enlargement (and See Figure 5.7)

A second City Gateway is located along I-205 at the mid point between Intern nal Parkway (formerly Mountain House Parkway) and Hansen Road and will be designed similarly to the gateway at the northwest corner of the site. The design concept as well as the plant and tree p ll be similar to con e a similar design theme along the freeway edge.

Key Map

Design Elements for City Gateway

A. *Sign Type A*
- concept design per Figure 5.10

B. *Accent Planting*
- species: n ve and drought tolerant perennials and succulents closely spaced, e.g. Aloe and Phormium.
- height: 2' - 6'
- size: 1, 5 and 15 gal.

C. *Accent Planting below Gateway Sign*
- species: ornamental grasses closely spaced, e.g. Atlas Festuca, Carex, Pennisetum and Lomandra
- size: 1 gallon.
- height: 2' to 3'
- spacing: maintain and allow plants to grow natural form.

D. *Understory*
- species: n ve and drought tolerant shrubs closely spaced, e.g. Ceanothus, Manzanita, Rosemary and Salvia
- size: 5 and 15 gal.
- height: 2' to 6'
- spacing: maintain and allow plants to grow natural form.

E. *Shade Tree Backdrop*
- species: Ulmus x 'Fron er' (Fron r Elm)
- size: 36" box
- spacing: 30' on center, min. 6 trees

F. *Accent Tree*
- species: Olea europaea (Fruitless Olive)
- size: 36" box
- row spacing: 25' (triangulate), min. 7 trees

G. *Columnar Accent Tree*
- species: Quercus macrocarpa 'Urban Pinnacle' (Columnar Bur Oak)
- size: 36" box
- spacing: 18' on center, min. 10 trees

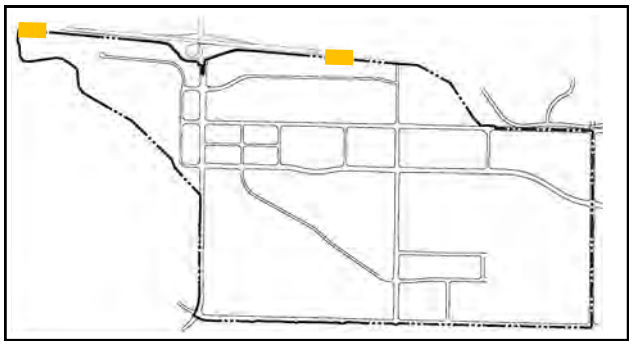
5.4 SIGN TYPE A

Sign Type A will be located along the freeway edge will be placed to announce entry to the project and to act as a gateway to and from the City of Tracy. Sign Type A sign will be oriented to face I-205 to iden y the business park. The signs can be characterized as contemporary with clean horizontal lines. The signs will u ize similar materials and color pallet as the building designs within the business park.

Sign Type A will consist of three individual curved horizontal walls that will be o set, see Figure 5.10. The rst wall includes a taller white ve cal elementprovides a high contrast design element to the dark color box ribbed horizontal metal walls.

Sign Type A Design Standards

1. Height: 12’
2. Wall length: 80’



Key Map

Figure 5.10, Sign Type A Example

Sign Type A - West Example

Sign Type A - East Example

5.5 SIGN TYPE B

Project entries will signify the main project interse ons providing entry into the business park from I-205, I-580 and the exis Mountain House residen orth of the project. Project entry designs will be similar in design and materials with the City Gateway sign, Sign Type A, cre g a un d aesthe theme for the project.

The primary project entries will be at Mountain House Parkway and Capital Parks Drive as you exit from I-205 from the north, and Mountain House Parkway and Old Schulte road as you exit from 1-580 from the southern entry to the project. The signs will be similar in design to the Sign Type A in the use of materials and color pallet and will feature a more horizontal appearance. A 12' high white horizontal monument element will frame the interse on and anchor the signage.

The streetscape and landscape up to the back of walk will be publicly maintained. All landscaping and improvements beyond the back of walk will be privately maintained including, in some cases, up to 4' of right-of-way on one or both sides of the street.

Sign Type B Design Standards

1. Height: 12'
2. Wall Length: 60'
3. Number of signs: as noted in the following res.

Key Map

Figure 5.11, Sign Type B Example

Capital Parks Drive Project Entry

This gateway creates the Project Entry experience at the northern most major intersec as you exit from I-205. The two southern corners at Intern nal Parkway (formerly Mountain House Parkway) and Capital Parks Drive will feature a ve cal monument, a curved wall element, and enhanced landscaping, and the two norther corners will have enhanced landscaping only, see Figure 5.12

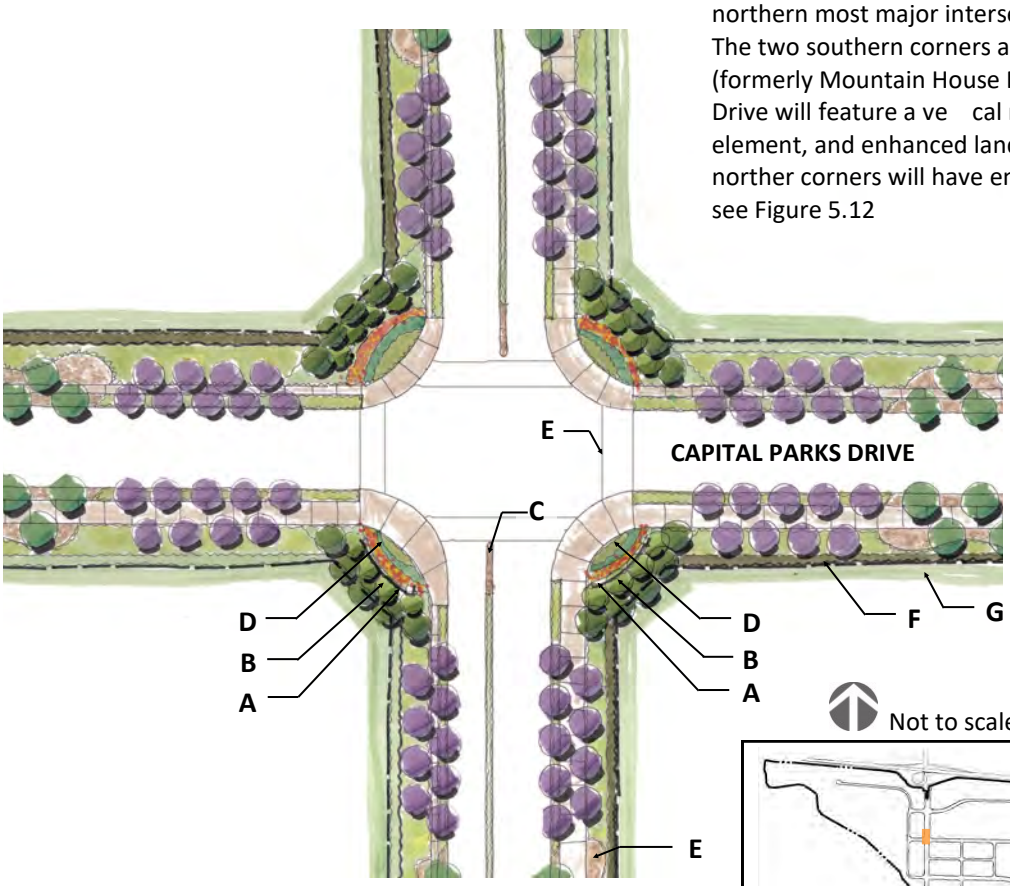
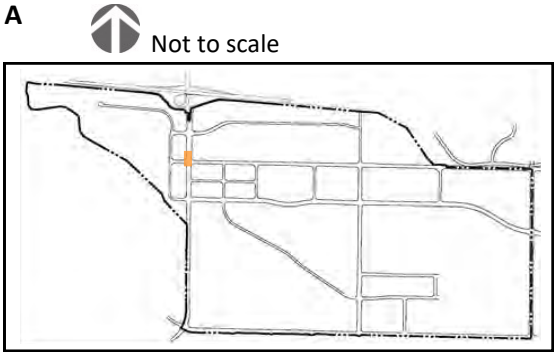


Figure 5.12, Conceptual Design for Project Entry Intersection



Key Map for Project Entries

Design Elements for International Parkway Project Entry

A. Sign Type B
- height: 12'
- wall length: 60'
- materials and design per Figure 5.11

B. Columnar and Evergreen Trees, typ. (Backdrop)
- species: Quercus macrocarpa 'Urban Pinnacle' (Columnar Bur Oak)
- size: 24" box
- spacing: 18' on center

- species: Olea europaea 'Swan Hill' (Fruitless Olive) (Foreground)
- size: 36" box
- spacing: 20' on center

C. Decora ve Accent Rock (typ.)

D. Corner Plan typ.
- Altern g low accent color accent massings and evergreen ornamental grasses and Succulents, e.g. Festuca glauca 'Elijah Blue' (Elijah Blue Fescue), Aloe x 'Always Red' (Always Red Aloe), Agave 'Blue Glow' (Blue Glow Agave), Lomandra longifolia 'Breeze' (Breeze Dwarf Mat Rush)
- succulent size: 5 gallon
- ornament grass size: 1 gal.
- maximum height: 3'

E. Crosswalks, typ.

F. Property Line, typ.

G. Landscape Setback, typ.

Sign Type B Example vertical element left

Sign Type B Example vertical element right

Old Schulte Road Project Entry

This gateway creates the Project Entry experience at the southwest corner of the Project as you exit from 1-580. The northeast corner of the intersection is the only point within the Project boundary and will feature a vertical monument, a curved wall element with and enhanced landscaping. See Figure 5.13.

Key Map for Old Schulte Road Project Entry

Design Elements for Old Schulte Road Project Entry

A. Sign Type B
- height: 12'
- wall length: 60'
- materials and design per Figure 5.11

B. Columnar and Evergreen Trees, typ. (Backdrop)
- species: Quercus macrocarpa 'Urban Pinnacle' (Columnar Bur Oak)
- size: 24" box
- spacing: 18' on center

- species: Olea europaea 'Swan Hill' (Fruitless Olive) (Foreground)
- size: 36" box
- spacing: 20' on center

C. Corner Plant typ.
- Alternating low accent color accent massings and evergreen ornamental grasses and Succulents, e.g. Festuca glauca 'Elijah Blue' (Elijah Blue Fescue), Aloe x 'Always Red' (Always Red Aloe), Agave 'Blue Glow' (Blue Glow Agave), Lomandra longifolia 'Breeze' (Breeze Dwarf Mat Rush)
- succulent size: 5 gallon
- ornament grass size: 1 gal.
- maximum height: 3'

D. Property Line

E. Landscape Setback

F. Crosswalk, typ.

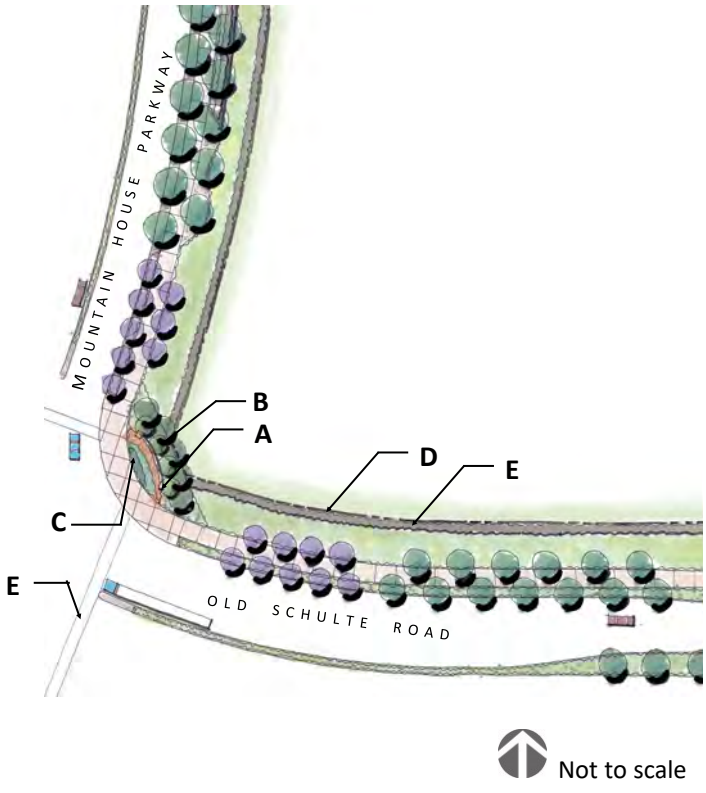
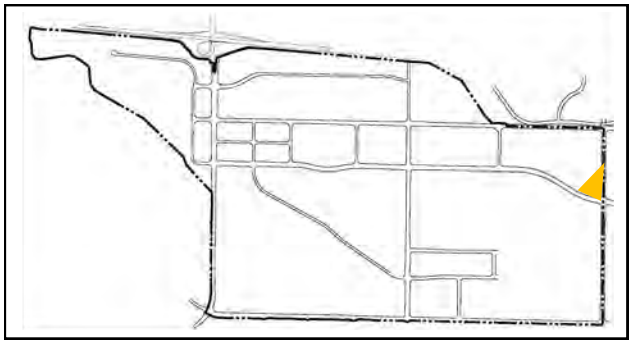


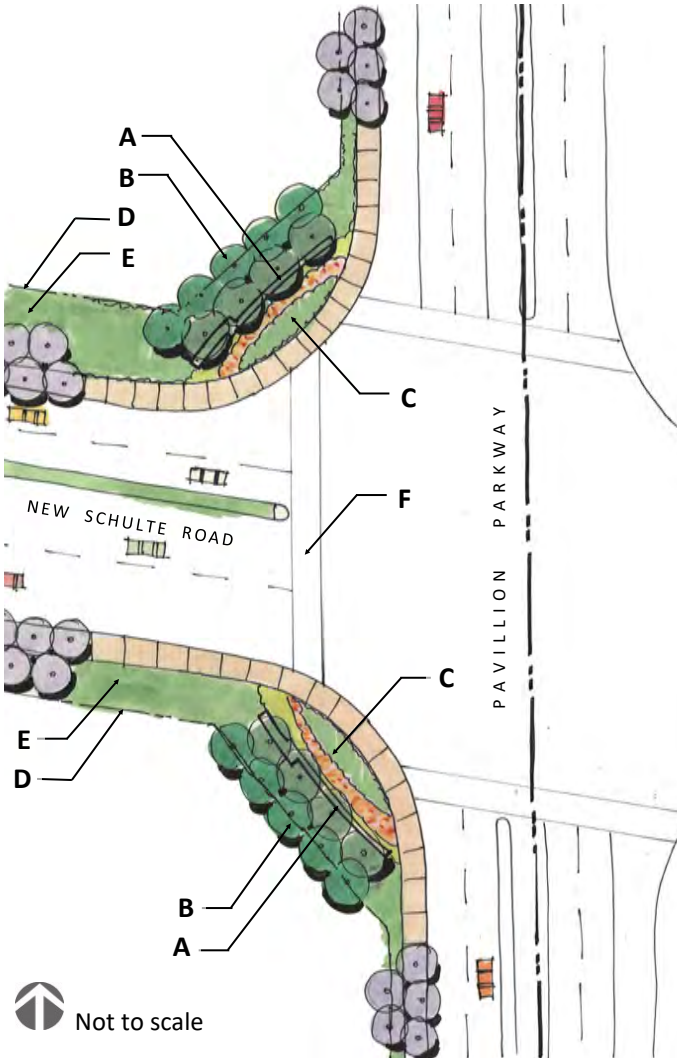
Figure 5.13, Conceptual Design for Old Schulte Road Project Entry

New Schulte Road Project Entry

This Project Entry occurs at the Eastern entrance to the Plan Area on New Schulte Road providing future access from the exis residen eighborhoods to the east. The north side makes up a corner of the Eastside Park and will feature a ve cal monument, a curved wall element, and enhanced landscaping. The southern por- of the entry will be developed similarly, see Figure 5.14.



Key Map for New Schulte Road Eastern Project Entry



Design Elements for New Schulte Road Eastern Project Entry

A. Sign Type B
- height: 12'
- wall length: 60'
- materials and design per Figure 5.11

B. Columnar and Evergreen Trees, typ. (Backdrop)
- species: Quercus macrocarpa 'Urban Pinnacle' (Columnar Bur Oak)
- size: 24" box
- spacing: 18' on center

- species: Olea europaea 'Swan Hill' (Fruitless Olive) (Foreground)
- size: 36" box
- spacing: 20' on center

C. Corner Plan typ.
- Altern g low accent color accent massings and evergreen ornamental grasses and Succulents, e.g. Festuca glauca 'Elijah Blue' (Elijah Blue Fescue), Aloe x 'Always Red' (Always Red Aloe), Agave 'Blue Glow' (Blue Glow Agave), Lomandra longifolia 'Breeze' (Breeze Dwarf Mat Rush)
- succulent size: 5 gallon
- ornament grass size: 1 gal.
- maximum height: 3'

D. Property Line

E. Landscape Setback

F. Crosswalk, typ.

Figure 5.14, Conceptual Design for New Schulte Road Eastern Project

5.6 SIGN TYPE C

Sign Type C will feature a 9' white horizontal monument element to frame the intersec and anchor the sign. The white horizontal design element will contrast with the curved dark color box ribbed horizontal metal panel wall design feature.

A total of four major intersec s will be constructed to include signage on each corner of the interse on. The major interse ons will be located at the following loca-s:

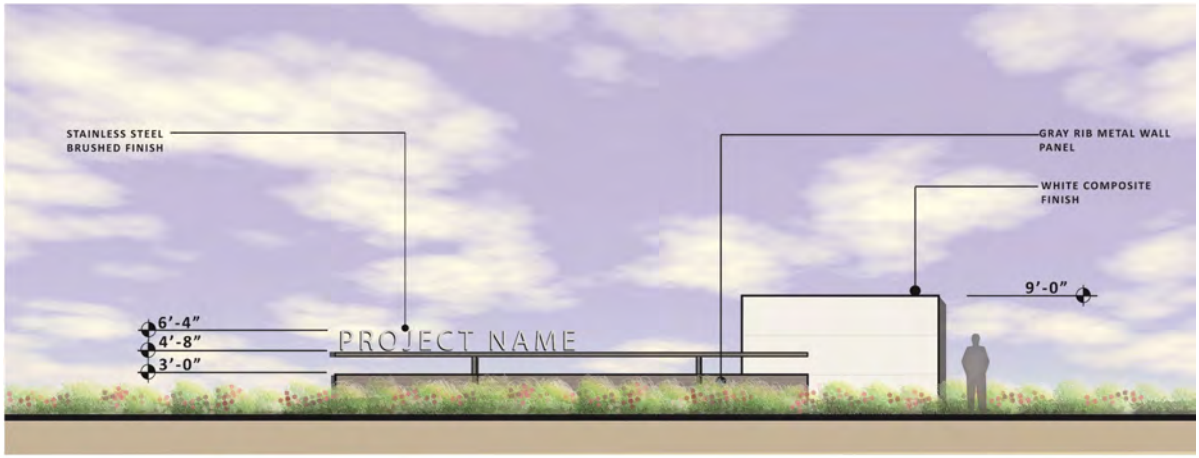
1. Intern nal Parkway at Daylight Road (two corners, Northeast and Southeast only);
2. Old Schulte Road at Hansen Road (two corners);
2. Old Schulte Road at Pavilion Parkway (one corner);
3. Capital Parks Drive at Pavilion Parkway (one corner).

Sign Type C Design Standards

1. Height: 9'
2. Wall Length: 46'
3. Number of Signs: as noted in the following res

Key Map (revised)

Figure 5.15, Sign Type C Example (General Office - Southeast Corner International Parkway & Daylight Road)



Sign Type C Example (General Commercial - Northeast Corner International Parkway & Daylight Road)

5.7 MAJOR INTERSECTIONS

Major interse ons are the second r of intersec- and circu -hierarchy and will u ize a similar ver al monument, horizontal wall, and landscape and design features as the Project Entry. They have been designed as both placemaking and way ding elements.

Design Elements for International Parkway and New Schulte Road Eastern Project Entries

A. Sign Type C
- height: 12'
- wall length: 46'
- materials and design per Figure 5.15

B. Columnar and Evergreen Trees, typ. (Backdrop, not included at the Northeast Corner of Intern nal Parkway & Daylight Road)
- species: Quercus macrocarpa 'Urban Pinnacle' (Columnar Bur Oak)
- size: 24" box
- spacing: 18' on center

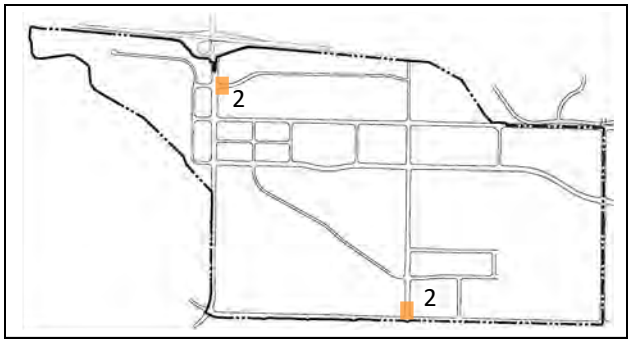
- species: Olea europaea 'Swan Hill' (Fruitless Olive) (Foreground)
- size: 36" box
- spacing: 20' on center

C. Corner Plan typ.
- Altern g low accent color accent massings and evergreen ornamental grasses and Succulents, e.g. Festuca glauca 'Elijah Blue' (Elijah Blue Fescue), Aloe x 'Always Red' (Always Red Aloe), Agave 'Blue Glow' (Blue Glow Agave), Lomandra longifolia 'Breeze' (Breeze Dwarf Mat Rush)
- succulent size: 5 gallon
- ornament grass size: 1 gal.
- maximum height: 3'

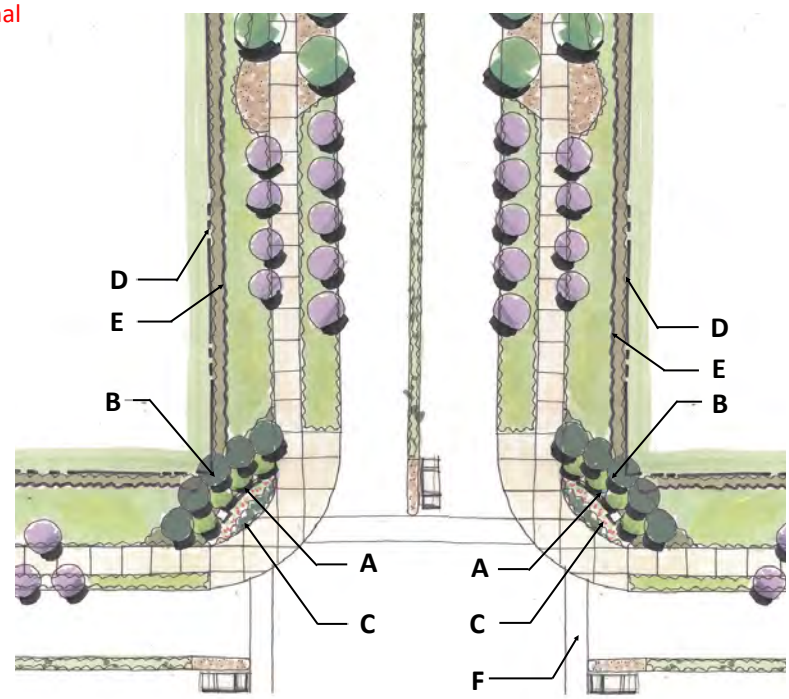
D. Property Line

E. Landscape Setback

F. Crosswalk, typ.

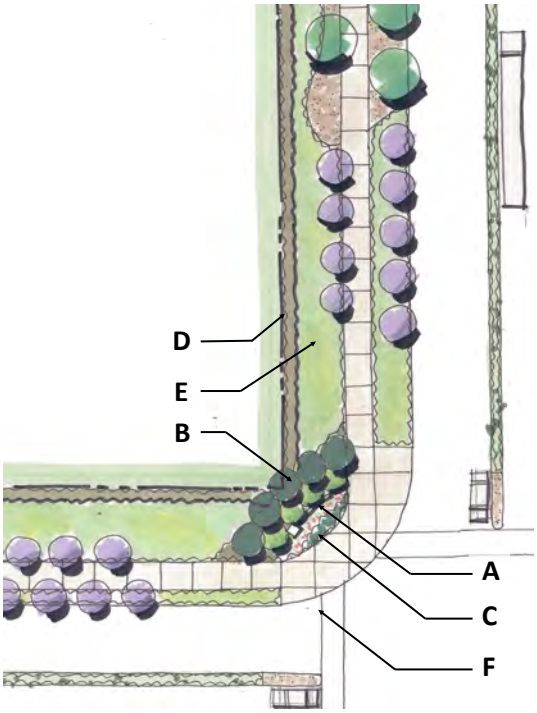


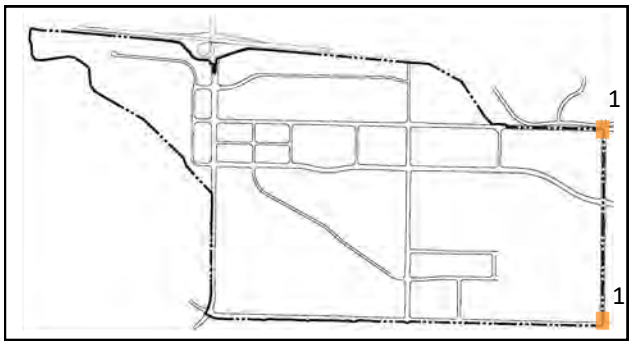
Key Map All Major Interse ons (revised)



Not to scale

Figure 5.16, Conceptual Design for Major Intersections - T Intersection





Key Map Major interse on "1/2" Interse on con ra

Not to scale

Figure 5.17, Conceptual Design for Major Intersection—1/2 Intersection

Design Elements for Major Intersection

A. Sign Type C
- height: 12'
- wall length: 46'
- materials and design per Figure 5.15

B. Columnar and Evergreen Trees, typ. (Backdrop)
- species: Quercus macrocarpa 'Urban Pinnacle' (Columnar Bur Oak)
- size: 24" box
- spacing: 18' on center

- species: Olea europaea 'Swan Hill' (Fruitless Olive) (Foreground)
- size: 36" box
- spacing: 20' on center

C. Corner Plan typ.
- Altern g low accent color accent massings and evergreen ornamental grasses and Succulents, e.g. Festuca glauca 'Elijah Blue' (Elijah Blue Fescue), Aloe x 'Always Red' (Always Red Aloe), Agave 'Blue Glow' (Blue Glow Agave), Lomandra longifolia 'Breeze' (Breeze Dwarf Mat Rush)
- succulent size: 5 gallon
- ornament grass size: 1 gal.
- maximum height: 3'

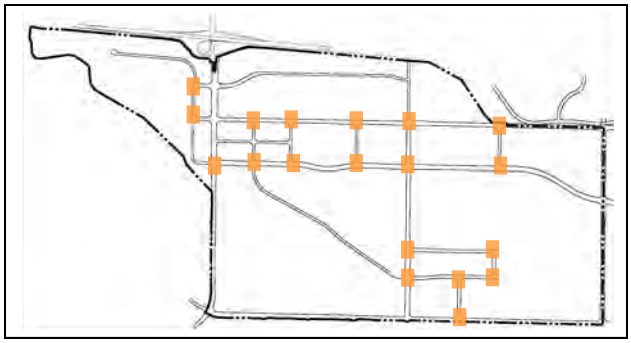
D. Property Line

E. Landscape Setback

F. Crosswalk, typ.

5.8 TYPICAL INTERSECTIONS

Reinforcing the interse on circu and hierarchy, typical intersec s receive a similar landscape treatment to the major interse on without the wall element but at a smaller scale. They are enhanced with accent plan and columnar trees as background. The design concept is illustrated in Figure 5.18.



Key Map (revised)

Design Elements for Typical Intersections

A. Columnar and Evergreen Trees, typ. (Backdrop)
- species: Quercus macrocarpa 'Urban Pinnacle' (Columnar Bur Oak)
- size: 24" box
- spacing: 18' on center

- species: Olea europaea 'Swan Hill' (Fruitless Olive) (Foreground)
- size: 36" box
- spacing: 20' on center

B. Corner Plan typ.
- Altern g low accent color accent massings and evergreen ornamental grasses and Succulents, e.g. Festuca glauca 'Elijah Blue' (Elijah Blue Fescue), Aloe x 'Always Red' (Always Red Aloe), Agave 'Blue Glow' (Blue Glow Agave), Lomandra longifolia 'Breeze' (Breeze Dwarf Mat Rush)
- succulent size: 5 gallon
- ornament grass size: 1 gal.
- maximum height: 3'

C. Property Line, typ.

D. Landscape Setback, typ.

E. Crosswalk, typ.

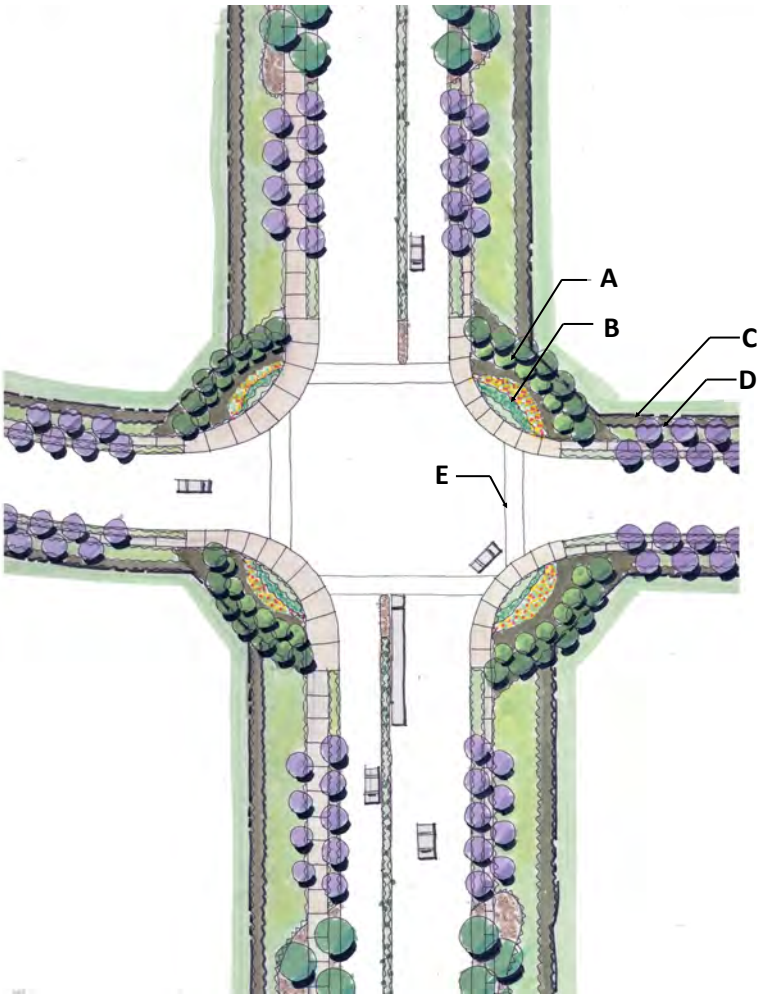


Figure 5.18, Conceptual Design for Typical Intersections

5.9 PARKS

Two joint use park and storm water deten features will provide access to open space within walking distance from most businesses within the project. These parks will be designed with varied grades so that much of the area will be usable throughout most of the year, while a minimum of area will remain inundated for longer periods of e.

Detention basin with nearby shade trees

In total, there are approximately 85 acres of parks, open space and trails as part of Cordes Ranch. The open space, parks and trail system will provide the employees of the development and the ns of the City of Tracy with recre nal opportun es, both a ve and passive. The trail systems will be developed as set forth herein and in accordance with the Citywide Transporta Master Plan.

As part of the Project's park and open space amen es, it is an ipated that an approximately 35-acre Central Green will be created in the central p of the Project Area. The Central Green will contain a series of deten basins that will retain storm water for a por- of the year and when dry will allow for ve uses, see Figure 5.19. Pathways will provide for pedestrian and bicycle circu to benches and other passive use areas within the Central Green.

Eastside Park, a second approximately 18-acre park at the eastern property boundary will fun on similarly to the Central Green. This park will serve dual purposes by providing an open space area with pathways for pedestrian and bicycle circu on to picnic areas, benches and other passive uses. The park will also provide for storm water deten during storm events. See Figure 5.20 for the Eastside Park design concept.

A 30' linear park/open space corridor with a 12' Class I bike/pedestrian path will parallel New Schulte Road to provide a link between the two park areas. This path is part of the system of Class I and II bike paths that will connect throughout the project and will provide employees an alterna ve to vehicle trips to access the uses within the Project Area.

Conceptual Design for Central Green

A. Deten Basin
   - sod quality seed with willow masses on banks
   - Chilopsis linearis (Desert Willow)

B. Use Areas
   - picnic and/or se g/viewing areas under shade trees
   - species: Quercus rubra (Red Oak)
   - size: 24" box to provide substan nopy upon insta
   - spacing: in clusters

C. Park Arrival Area

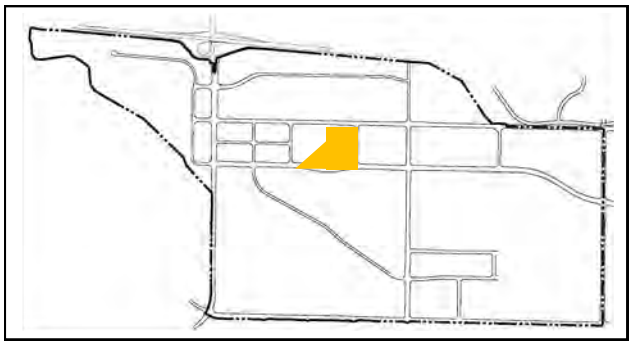
D. Allée of Trees

E. Focal Point and Plaza

F. Trail
   -10' wide decomposed granite

Central Green

The Central Green, an approximately 35-acre open space area in the middle of the Plan Area, will contain walking trails, picnic areas and enhancement of the natural habitat area. Open lawn in stormwater deten- areas provides exible space for both a ve and passive ac i s. The park features a strong pedestrian conne on to the commercial zone with a tree-lined allée culmin g in a focal element. The landscape design concept for the Central Green is shown in Figure 5.19.

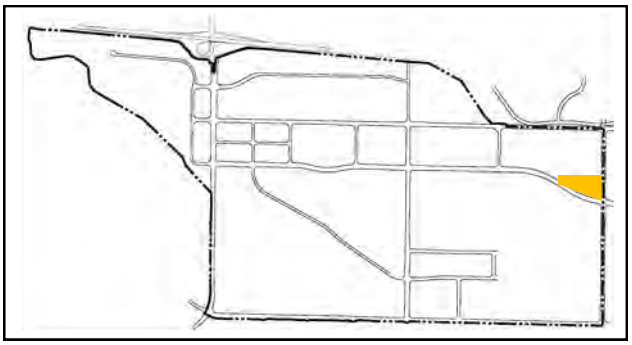


Key Map

Figure 5.19, Conceptual Design for Central Green Concept

Conceptual Design for Eastside Park

The 18-acre Eastside Park at the eastern property boundary will o er a similar program to the Central Green. This park will provide open space area with pathways for pedestrian and bicycle circu to picnic areas, benches and other uses. Open lawn will provide a exible space for ac e and passive uses and will also provide for storm water deten dur- ing storm events, see Figure 5.20.



Key Map

Conceptual Design for Eastside Park

A. Park Entry Plaza
- low walls
- permeable paving

B. Allée of Trees
- large shade trees
- size: 24" box
- spacing: 30' on center

C. Deten Basin
- sod quality seed with willow masses on banks
- Chilopsis linearis (Desert Willow)

D. Use Areas
- picnic and/or se g/viewing areas under shade trees
- species: Quercus rubra (Red Oak)
- size: 24" box to provide substan nopy upon insta
- spacing: in clusters

E. Deten Access
- 10' wide decomposed granite

F. Project Entry
- See Figure 5.14

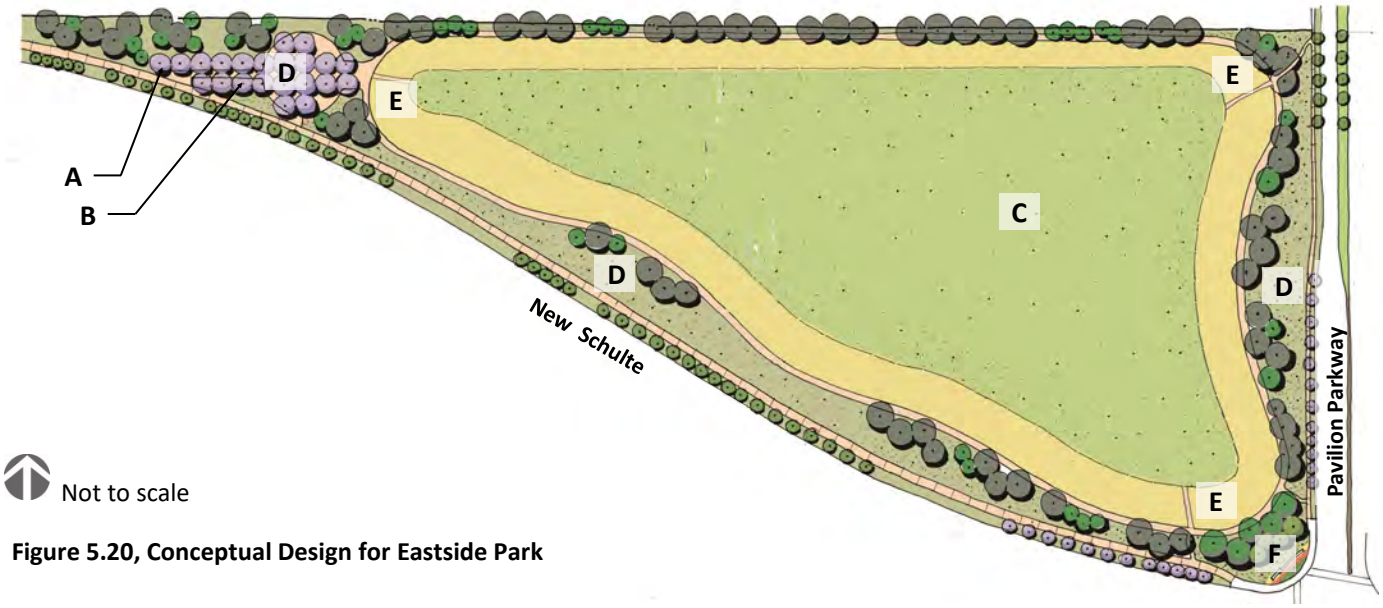


Figure 5.20, Conceptual Design for Eastside Park

5.10 DRAINAGE EASEMENT

The exis drainage easement that extends from the southwest edge of the Project toward the center of the Plan Area and Central Green is enhanced as a riparian corridor with habitat areas, deten basins, and passive use areas that may include se g and picnic tables. A decomposed granite path will be provided between the Central Green and the Delta Mendota Canal, g a recrea on and circu op-portunity. Plan will be natural and riparian in character. Access roads will run the perimeter of deten basins for maintenance and monitoring purposes. A minimum 25' setback is provided from the top of bank to the trail or any se g or use area in order to protect the corridor.

Conceptual Design for Drainage Easement

A. Trail
- 10' wide decomposed granite

B. Riparian Plan typ.

C. Deten Basin
- hydroseeded no-mow n ve grasses with willow masses on banks

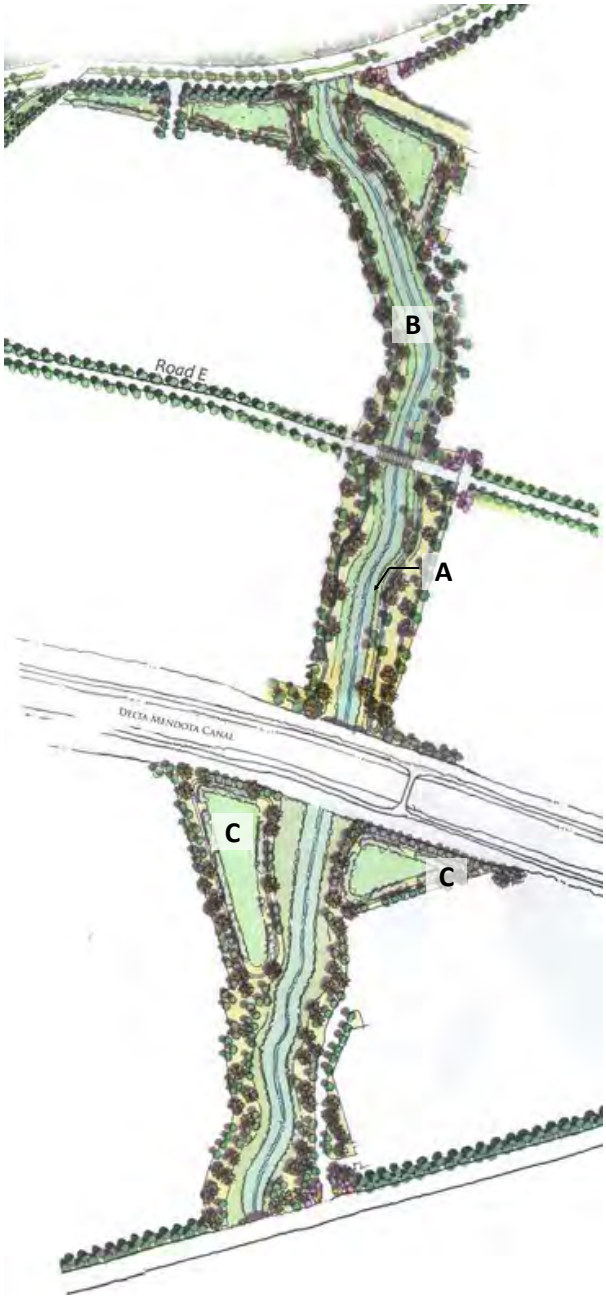
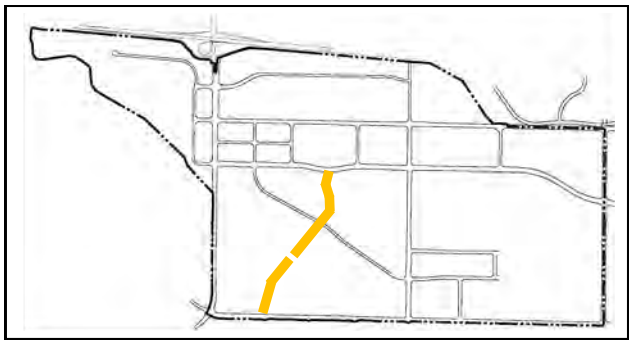


Figure 5.21, Conceptual Design for Drainage Easement

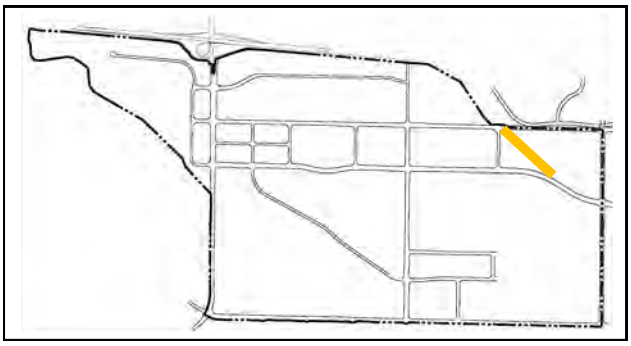
Trail and seating



Key Map

5.11 WSID EASEMENT

The exis West Side Irriga on District (WSID) easement Between Capital Parks Drive and New Schulte Road will include pedestrian and bicycle paths to connect to the Eastside Park. The u mate lo for the open space corridor will be re ed as part of the Project's subdivision map process. If the open space corridor is relocated outside the WSID easement to accommodate adjacent development, then a Class I bikeway shall be incorporated into the east side of Road H.



Key Map

Conceptual Design for WSID Easement

A. Trail, typ.
- 10' wide decomposed granite

B. Trees, typ.
- large stature shade trees and accent trees, such as Quercus rubra (Red Oak) and Quercus virginiana (Southern Live Oak)
- size: 24" box

C. Meadow Plan
- hydroseeded no-mow n ve grasses and wildwers

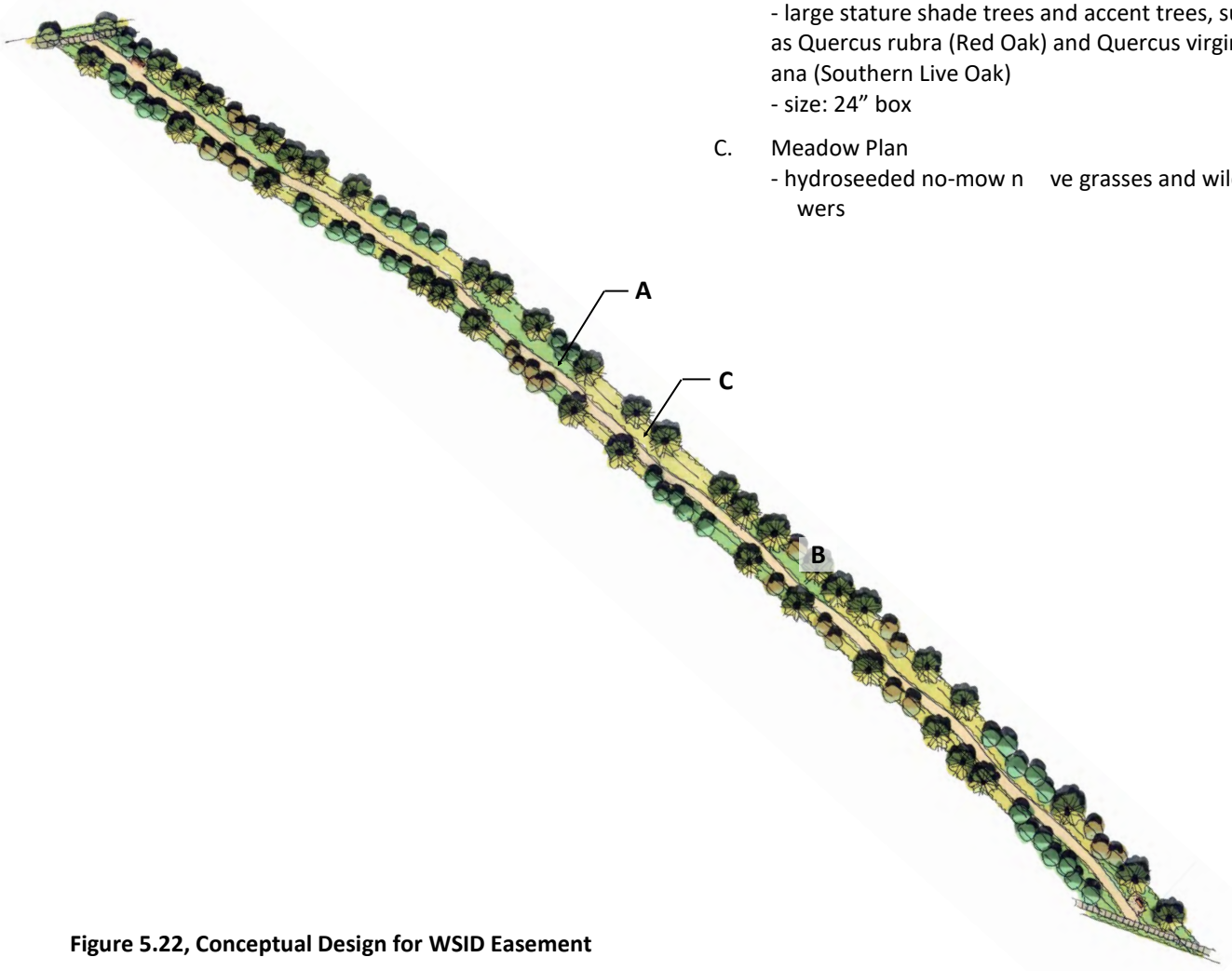


Figure 5.22, Conceptual Design for WSID Easement

Conceptual Design for WSID Easement

A. Trail, typ.
- 10’ wide decomposed granite

B Trees, typ.
- large stature shade trees and accent trees, such as Quercus rubra (Red Oak) and Quercus virginiana (Southern Live Oak)
- size: 24” box

C. Meadow Plan
-hydroseeded no-mow n e grasses and wildwers

Decomposed granite trail, no-mow grasses, seating

Figure 5.23, WSID Easement – Section

Landscape strip, multi-use path, landscape setback

5.12 STREETSCAPES

The streetscape design will provide visual structure to the project by reinforcing roadway hierarchies, emphasizing key interse ons, g pedestrian and bicycle zones and highli open space.

Streetscapes will feature n ve and climate adapted plan street trees, and landscape strips. Them c site furnishings and xtures including benches, public transit shelters, trash receptacles, ligh and signage will support the design character.

Each major road type will have unique, yet coordinated, landscape treatment with varying levels of pedestrian and bicycle amen es, depending on scale and fun on. For example, streets in the commercial/retail core will include pedestrian scaled street lights, benches, trash receptacles and enhanced plan suitable for more intensive use by pedestrians. Larger arterials will have simpler low-maintenance landscape designs appropriate to facilitate the circu of vehicular and bicycle tra he visual organiza of the project will be reinforced with unique tree p s for each major street/street type.

All roads will include a landscape strip on both sides planted with street trees. Landscape setbacks beyond the right-of-way, ranging from 15-30 feet, provide for screening of large architecture. Landscape setbacks will generally be planted with no-mow grasses, evergreen shrubs and double rows of large screen trees. Setbacks may be bermed up to 5’ to minimize the perceived scale of building facades, or slope down away from streets at a maximum 3:1, depending on the grades at a given loca .

Landscape setbacks from back-of-curb will be privately maintained. In some cases this includes a po of right-of-way. Roadway se ons indicate privately maintained landscape areas. All road sec s are shown in Chapter 6.

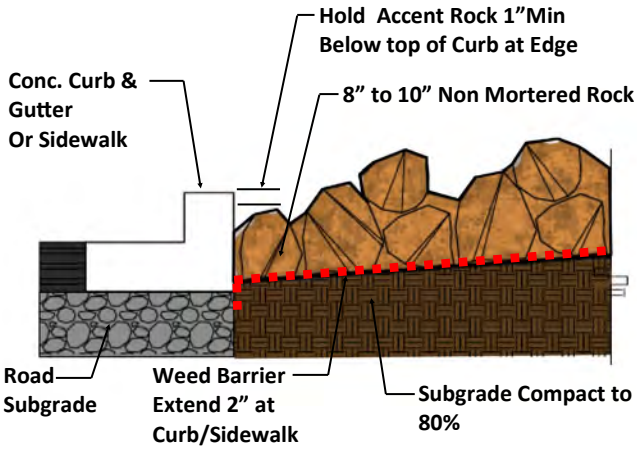
Accent rock surfacing will be used as a design and visual accent element in both the public right of way as well as private landscaping areas within Cordes Ranch Spe n boundary. Furthermore, this design element will help the project comply with the water conserv n requirements mandated by the Model Water E ent Landscape Ordinance (MWELO) to reduce water use for landscape irriga and to also decrease maintenance and create a more sustainable landscape.

The accent rock surfacing can be generally described as 8” to 10” brown in color fractured angular rock that will be placed un-mortared over a weed barrier to help with the control of weeds and pests, see Accent Rock Detail on page 5-29. The purpose of the rock design concept is to create a varied experience to the streetscape by breaking up the landscape plan with a p ern of “swaths” of rock.

The accent rock will generally consist of up to 250’ lengths of rock in the medians and plan strips broken up with approximately 250’ of landscaping plan in a p ern that will con e the lengths of the north-south streets and the industrial roads within Cordes Ranch.

A similar p ern of generally 250’ lengths of accent rock surfacing alterna with 250’ of landscape plan in a more curvilinear shape will generally occur within the private landscape located at the back of the sidewalk. The accent rock surfacing within the private landscape area will complement the public street landscape and reinforce the design concept and enhance the overall visual character of the streetscape.

Typical 8" to 10" Brown Fractured Angular Rock



Typical Accent Rock Detail

International Parkway (formerly Mountain House Parkway) and Old Schulte Road

Four Lane Parkway

The po of Intern nal Parkway (formerly Mountain House Parkway) south of New Schulte Road to the Delta Mendota Canal is a four lane parkway. The east side of the roadway includes a 7-foot landscape strip at the street edge planted with grasses and street trees, a 12-foot Class I Bikeway, and a 3' landscape strip within the right of way. The opposite side has an 8-foot landscape strip, 5-foot sidewalk and 4-foot landscape strip within the right of way. Beyond the right-of-way, addi- al 30-foot landscape setbacks on both sides expand the planted area along the roadway to provide add on- al screening of parking and large buildings. The road includes a 16-foot median/turn lane strip. Medians are planted with grasses, evergreen shrubs and trees. Old Schulte Road east of the Delta Mendota Canal is also a four lane parkway with the same dimensions as Interna- al Parkway (formerly Mountain House Parkway). The Class I Bikeway is on the north side of Old Schulte Road. See Figure 5.24.

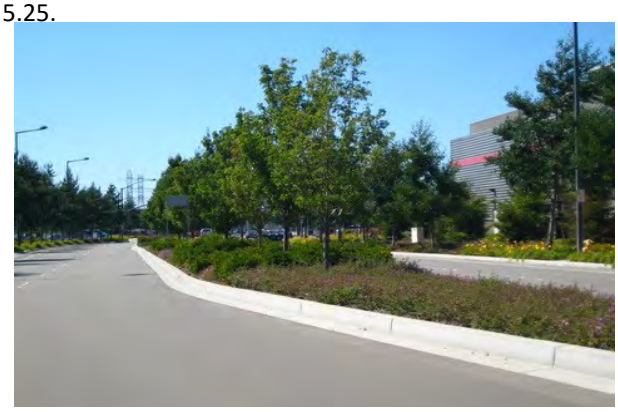
South of the Delta Mendota Canal, Intern nal parkway (formerly Mountain House Parkway) has already been improved on the west side, therefore the Project will install the east po of the street se on. See Figure 6.24.

Similarly, west of the Delta Mendota Canal, Old Schulte Road has been improved on the south side, therefore the Project will install the north po of the street sec . See Figure 6.25.

Depending on grades, in some areas the screening in landscape setbacks will be accomplished with 5' berms planted with grasses and a double row of trees. In other areas landscape setbacks slope downward at a maximum 3:1 slope and are planted with grasses and a double row of trees.

Six and Eight Lane Parkways

Intern nal Parkway (formerly Mountain House Parkway) north of New Schulte Road is a six lane parkway between New Schulte Road and Capital Parks Drive and is an eight lane parkway between Capital Parks Drive and the Project Entry from I-205. Aside from an addi- al travel lane, dimensions and landscape character are the same for these po ns of Intern nal Parkway (formerly Mountain House Parkway). See Figure 5.25.



Median with trees and low evergreen and color

Key Map

Conceptual International Parkway (formerly Mountain House Parkway) Tree Palette

Right of Way Planters	Spacing
Zelkova serrata 'Village Green' (Village Green Zelkova)	*30'-0" o.c.*
Lagerstroemia hybrid 'Dynamite' (Dynamite Crape Myrtle)	*20'-0" o.c.*

Landscape Setback	Spacing
Quercus ilex (Holly Oak)	*30'-0" o.c.*
Zelkova serrata 'Village Green' (Village Green Zelkova)	*30'-0" o.c.*
Lagerstroemia hybrid 'Dynamite' (Dynamite Crape Myrtle)	*20'-0" o.c.*

Median	Spacing
Arbutus x Marina (Marina Strawberry Tree)	*30'-0" o.c.*
Quercus macracarpa 'Urban Pinnacle' (Urban Pinnacle Oak)	*30'-0" o.c.*

Conceptual Old Schulte Road Tree Palette

Right of Way Planters	Spacing
Lagerstroemia hybrid 'Dynamite' (Dynamite Crape Myrtle)	*20'-0" o.c.*
Ulmus parvifolia 'True Green' (True Green Chinese Evergreen Elm)	*30'-0" o.c.*

Landscape Setback	Spacing
Querus wislizenii (Interior Live Oak)	*30'-0" o.c.*
Lagerstroemia hybrid 'Dynamite' (Dynamite Crape Myrtle)	*20'-0" o.c.*
Ulmus parvifolia 'True Green' (True Green Chinese Evergreen Elm)	*30'-0" o.c.*

Median	Spacing
Olea europaea 'Swan Hill' (Swan Hill olive)	*30'-0" o.c.*
Quercus macracarpa 'Urban Pinnacle' (Urban Pinnacle Oak)	*30'-0" o.c.*

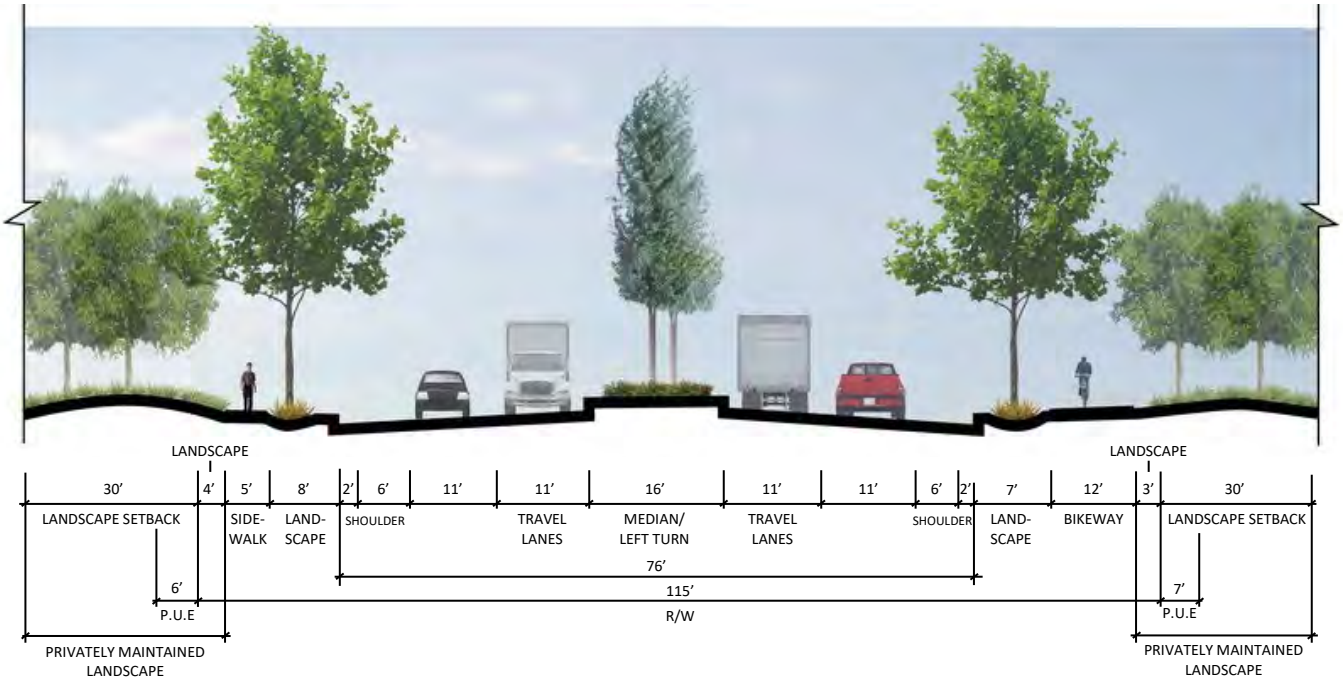


Figure 5.24, Conceptual Design for Four Lane Parkway

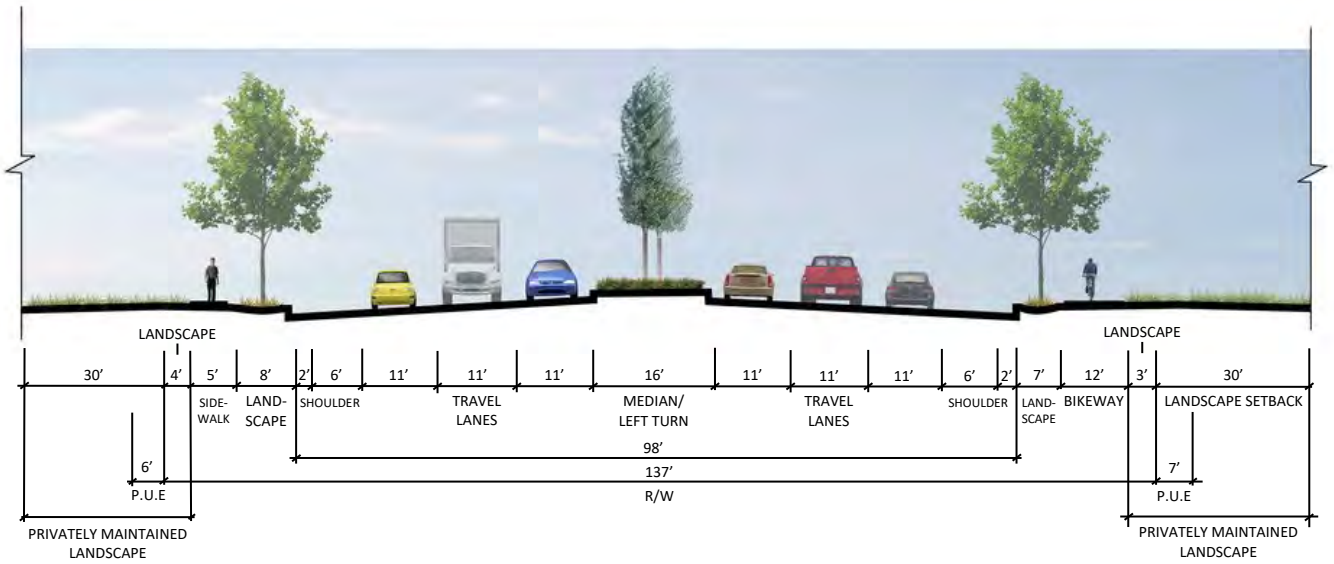


Figure 5.25, Conceptual Design for Six Lane Parkway

Capital Parks Drive, Hansen Road and Pavilion Parkway

Capital Parks Drive, Pavilion Parkway and Hansen Road are four lane major arterials with medians. On the east sides they have 12-foot Class I Bikeways with 7-foot landscape strips at the street edge and 3' landscape strips at the back of walk within the right of way. On the west side they will have 8-foot landscape strips at the street edge, ve 5-foot sidewalks and 4-foot landscape strips within the right-of-way. Add onal 25-foot landscape setbacks are provided on both sides. Setbacks are planted with no-mow grasses and screen trees and bermed or sloped where appropriate to minimize the perceived scale of building facades. Sixteen-foot medians are planted with grasses, evergreen shrubs, and owering trees.

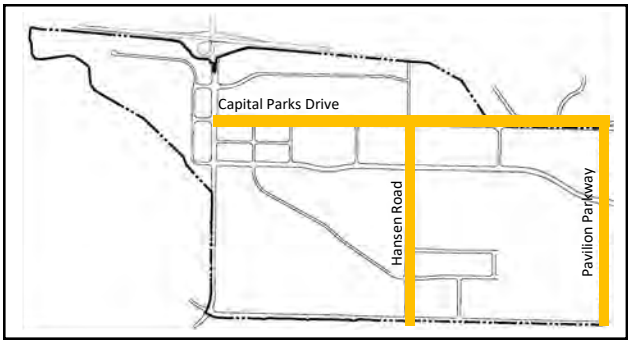
Conceptual Pavilion Parkway Tree Palette

Right of Way Planters	**Spacing**
Zelkova serrata 'Village Green' (Village Green Zelkova)	*30'-0" o.c.*
Lagerstroemia hybrid 'Dynamite' (Dynamite Crape Myrtle)	*20'-0" o.c.*

Landscape Setback	**Spacing**
Quercus ilex (Holly Oak)	*30'-0" o.c.*
Zelkova serrata 'Village Green' (Village Green Zelkova)	*30'-0" o.c.*
Lagerstroemia hybrid 'Dynamite' (Dynamite Crape Myrtle)	*20'-0" o.c.*

Median	**Spacing**
Arbutus x Marina (Marina Strawberry Tree)	*30'-0" o.c.*
Quercus macracarpa 'Urban Pinnacle' (Urban Pinnacle Oak)	*30'-0" o.c.*

Street tree, screen tree, 5' sidewalk



Key Map

Conceptual Capital Parks Drive Tree Palette

Right of Way Planters	Spacing
Lagerstroemia hybrid 'Dynamite' (Dynamite Crape Myrtle)	*20'-0" o.c.*
Ulmus parvifolia 'True Green' (True Green Chinese Evergreen Elm)	*30'-0" o.c.*

Landscape Setback	Spacing
Querus wislizenii (Interior Live Oak)	*30'-0" o.c.*
Lagerstroemia hybrid 'Dynamite' (Dynamite Crape Myrtle)	*20'-0" o.c.*
Ulmus parvifolia 'True Green' (True Green Chinese Evergreen Elm)	*30'-0" o.c.*

Median	Spacing
Olea europaea 'Swan Hill' (Swan Hill olive)	*30'-0" o.c.*
Quercus robur 'Pyramich' (Skymaster Oak)	*30'-0" o.c.*

Conceptual Hansen Road Tree Palette

Right of Way Planters	Spacing
Lagerstroemia hybrid 'Dynamite' (Dynamite Crape Myrtle)	*20'-0" o.c.*
Zelkova serrata 'Village Green' (Village Green Zelkova)	*30'-0" o.c.*

Landscape Setback	Spacing
Quercus ilex (Holly Oak)	*30'-0" o.c.*
Zelkova serrata 'Village Green' (Village Green Zelkova)	*30'-0" o.c.*
Lagerstroemia hybrid 'Dynamite' (Dynamite Crape Myrtle)	*20'-0" o.c.*

Median	Spacing
Arbutus x Marina (Marina Strawberry Tree)	*30'-0" o.c.*
Quercus macracarpa 'Urban Pinnacle' (Urban Pinnacle Oak)	*30'-0" o.c.*

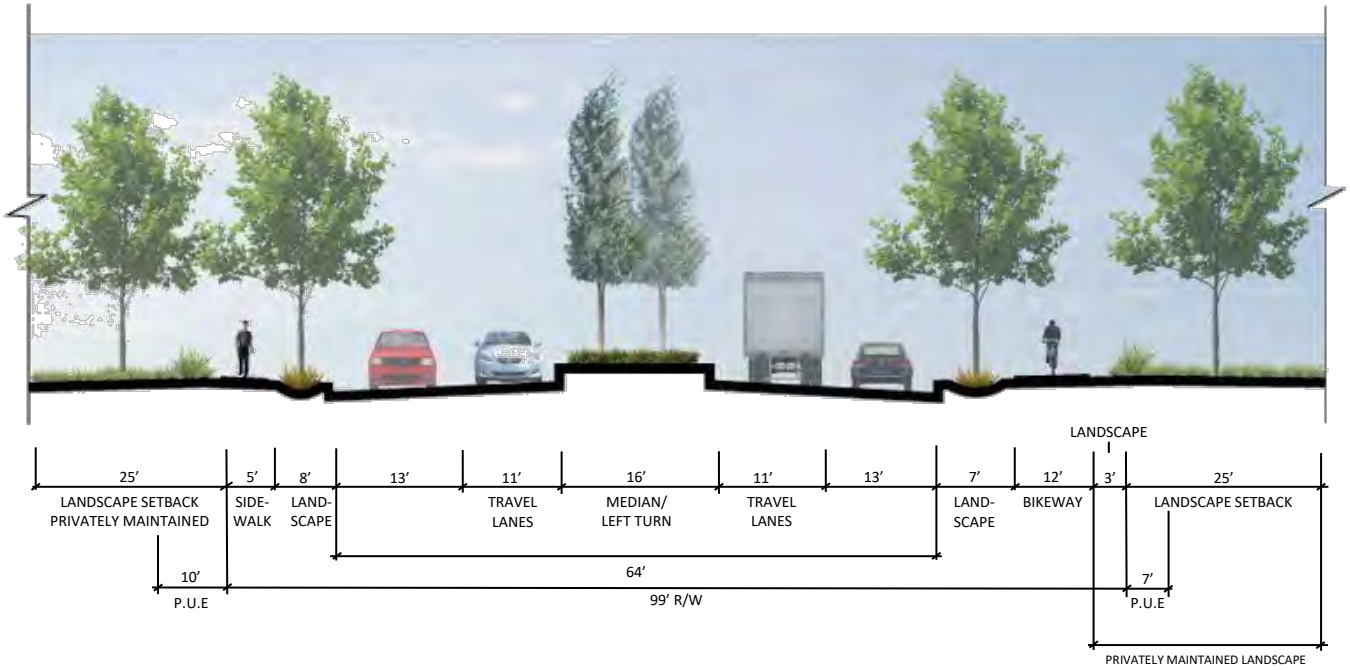


Figure 5.26, Conceptual Design for Four Lane Major Arterial with Median

New Schulte Road

New Schulte Road is a six lane arterial with interm ent pull outs. The north side contains a 7-foot landscape strip at the street edge, a 12-foot Class I Bikeway and 3-foot landscape strip, adjacent to a 30-foot landscape setback beyond the right of way. The opposite side has an 8-foot landscape strip at street edge planted with grasses and street trees, 5-foot sidewalk within the right of way adjacent to the 25-foot landscape setback outside of the right of way. Landscape setbacks are planted with grasses and screen trees to n large architecture and are bermed or sloped, as needed.

Trees, walk and low planting in retail area

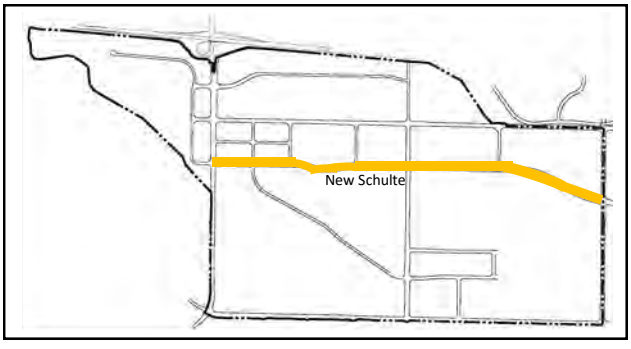
Planted berms as screen in industrial area

Conceptual New Schulte Road Tree Palette

Right of Way Planters	**Spacing**
Lagerstroemia hybrid 'Dynamite' (Dynamite Crape Myrtle)	*20'-0" o.c.*
Ulmus parvifolia 'True Green' (True Green Chinese Evergreen Elm)	*30'-0" o.c.*

Landscape Setback	**Spacing**
Querus wislizenii (Interior Live Oak)	*30'-0" o.c.*
Lagerstroemia hybrid 'Dynamite' (Dynamite Crape Myrtle)	*20'-0" o.c.*
Ulmus parvifolia 'True Green' (True Green Chinese Evergreen Elm)	*30'-0" o.c.*

Median	**Spacing**
Olea europaea 'Swan Hill' (Swan hHll olive)	*30'-0" o.c.*
Quercus macracarpa 'Urban Pinnacle' (Urban Pinnacle Oak)	*30'-0" o.c.*



Key Map

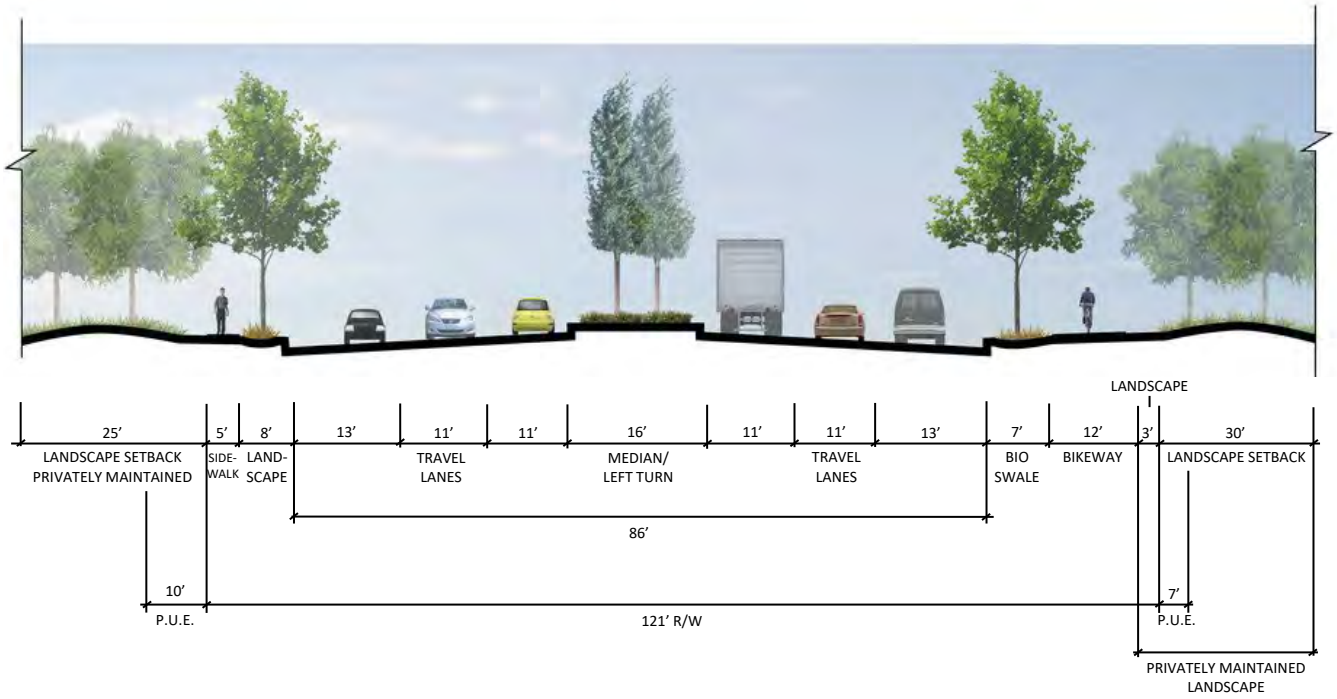
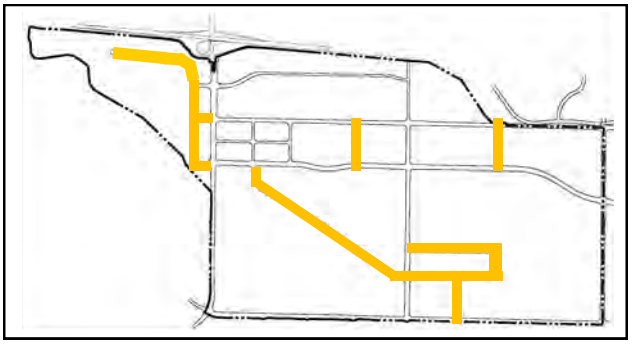


Figure 5.27, Conceptual Design for Six Lane Major Arterial with Intermittent 8-Foot Pull-outs

Street trees, screen trees, low planting in median

Industrial Streets

Several con ra s of industrial streets occur throughout the project. These are the smaller scale streets and have not been assigned tree p es. Trees selected for these streets will accommodate the needs of truck circu . The sec n shown below is one of the possible con ra s as an example.



Key Map

Conceptual Industrial Streets Tree Palette

Right of Way Planters	**Spacing**
Lagerstroemia hybrid 'Dynamite' (Dynamite Crape Myrtle)	*20'-0" o.c.*
Laurus nobilis 'Saratoga' (Saratiga Sweet Bay)	*30'-0" o.c.*

Landscape Setback	**Spacing**
Olea europaea 'Swan Hill' (Swan Hill olive)	*30'-0" o.c.*
Lagerstroemia hybrid 'Dynamite' (Dynamite Crape Myrtle)	*20'-0" o.c.*
Quercus shumardii (Shumard Red Oaks)	*30'-0" o.c.*

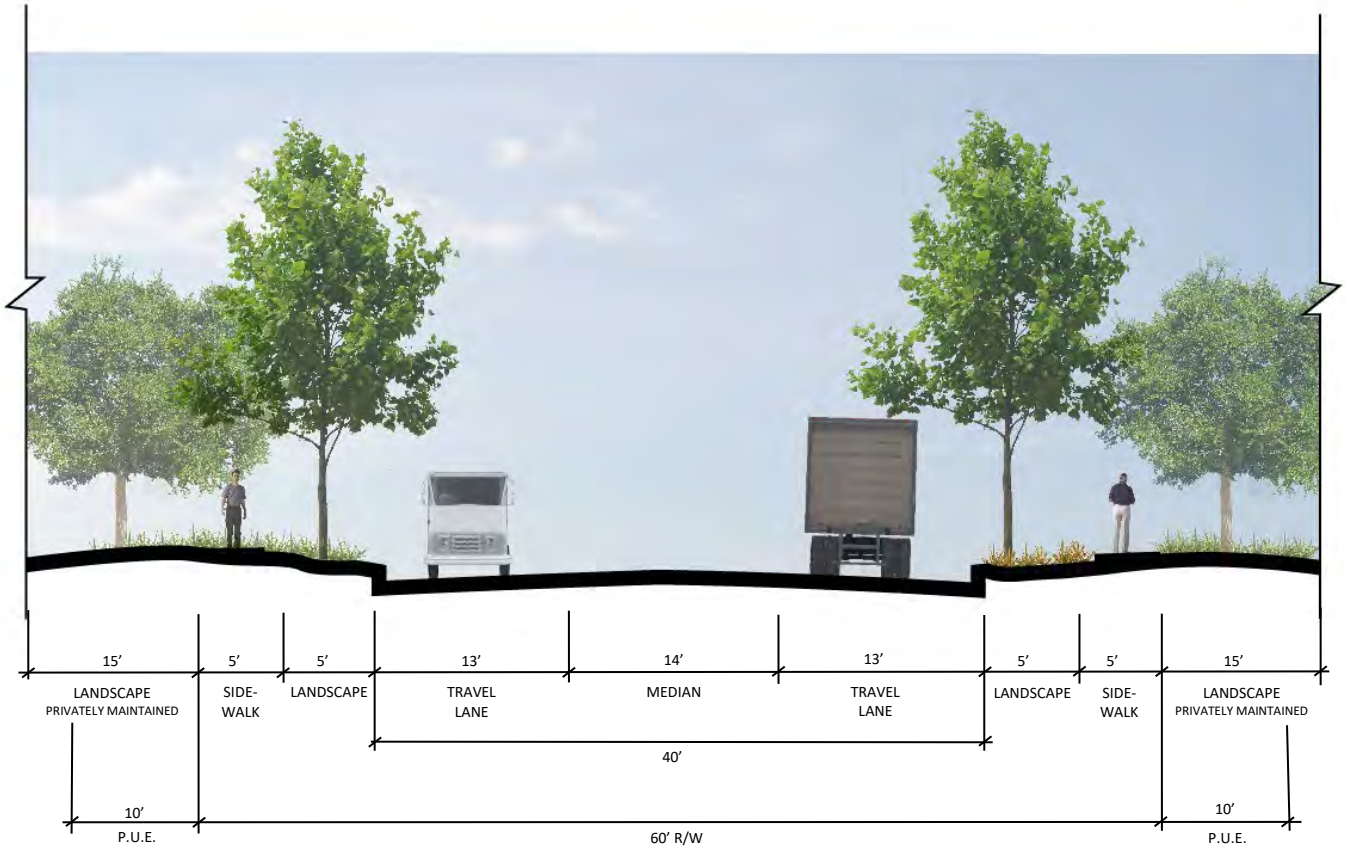


Figure 5.28, Conceptual Design for Industrial Streets (Section I-I)

Street Tree List

The following Street Tree list provides suggested species suitable for the design aesthe desired for the project right of way planters, medians, and landscape setback areas. See Chapter 4 Design Guidelines for Onsite Tree

Right of Way Planters

Botan al Name (Common Name)	Spacing
Lagerstroemia hybrid 'Dynamite' (Dynamite Crape Myrtle)	*20'-0" o.c.*
Laurus nobilis 'Saratoga' (Saratoga Sweet Bay)	*30'-0" o.c.*
Ulmus parvifolia 'True Green' (True Green Chinese Evergreen Elm)	*30'-0" o.c.*
Zelkova serrata 'Village Green' (Village Green Zelkova)	*30'-0" o.c.*

Medians

Botan cal Name (Common Name)	Spacing
Arbutus x Marina (Marina Strawberry Tree)	*30'-0" o.c.*
Olea europaea 'Swan Hill' (Swan Hill olive)	*30'-0" o.c.*
Quercus macracarpa 'Urban Pinnacle' (Urban Pinnacle Oak)	*30'-0" o.c.*

Landscape Setback Area

Botan al Name (Common Name)	Spacing
Lagerstroemia hybrid 'Dynamite' (Dynamite Crape Myrtle)	*20'-0" o.c.*
Olea europaea 'Swan hill' (Swan hill olive)	*30'-0" o.c.*
Quercus ilex (Holly Oak)	*30'-0" o.c.*
Querus shumardii (Shumard Red Oaks)	*30'-0" o.c.*
Querus wislizenii (Interior Live Oak)	*30'-0" o.c.*
Ulmus parvifolia 'True Green' (True Green Chinese Evergreen Elm)	*30'-0" o.c.*
Zelkova serrata 'Village Green' (Village Green Zelkova)	*30'-0" o.c.*

Attachment B

INITIAL STUDY

PROPOSED AMENDMENT TO THE CORDES RANCH SPECIFIC PLAN - Central Green Park Project and Specific Plan Amendment

May 2021

Prepared For:

City of Tracy
Department of Development Services
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Prepared By:

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INTRODUCTION

This document has been prepared in accordance with the requirements of the California Environmental Quality Act ("CEQA") and its implementing regulations (the "CEQA Guidelines"), to assess whether or not further environmental review is required to support the City of Tracy's approval of proposed amendment to the Cordes Ranch Specific Plan (CRSP). Since certification of the CRSP EIR and subsequent adoption of the CRSP, the project applicant for the Central Green Park Project (Project) has submitted plans to develop a 31-acre park within the CRSP Area and to amend the CRSP to allow mobile food truck vendors in certain areas, as well as an FAR of 1.0 for hotel uses in certain areas. The proposed Project's consistency with the previously approved CRSP, a comparison of the potential impacts associated with the proposed Project compared to the previously approved CRSP EIR analysis, and any site-specific environmental impacts or cumulative impacts that may result from Project implementation are addressed in this document.

PROJECT OVERVIEW

Project Location

The Project site is located within the mid-portion of the International Park of Commerce business development within the CRSP Area in the City of Tracy (City) in San Joaquin County, California. More specifically, the site is bounded by Capital Parks Drive to the north, Huntington Way to the east, and Promontory Parkway to the south. The CRSP Area is located between the crossroads of Interstate-205, Interstate-580 and Interstate-5 in west Tracy near the base of the Altamont Pass, approximately an hour and a half east of San Francisco. Refer to Figure 1, *Regional Location Map*.

Existing and Surrounding Land Uses

As shown in Figure 2, *Project Vicinity Map,* the Project site is relatively flat and undeveloped land that may have previously been used as a construction staging area for various development within the International Park of Commerce business area. Surrounding uses include undeveloped agricultural land to the west, north, and southeast; and warehouses to the east and southwest.

General Plan and Zoning

The CRSP designates the Project site as Parks (P) which allows for open space areas and park facilities which offer recreational, cultural, entertainment, community gardens, and similar uses designed to serve the immediate CRSP Area, as well as the broader region. The proposed uses and amenities, as described below, are consistent with the Parks land use designations in the CRSP.

As currently proposed, the Project is requesting approval to allow General Office (GO), Business Park Industrial (BPI), and Parks (P) land use designations and the I-205 Overlay within the current boundaries of the CRSP to permit for food truck use, consistent with the City's existing municipal code guidance for mobile food vendors. In addition, the Project would include modifications to the General Commercial (GC) and General Office (GO) land use designations to allow for a maximum Floor Area Ratio (FAR) of 1.0 for hotel uses. Currently, the CRSP does not have development standards for hotel uses within the GC and

GO land use designations. This FAR inclusion in the CRSP would allow GC and GO land uses to better define standards for future hotel uses.

Project Characteristics

The proposed Project would result in development of a 31-acre park envisioned to be the principal open space and recreational amenity for the International Park of Commerce business park. For the purposes of this analysis, the proposed Project is broken down into three main elements: Food Truck/Multi-Use Area to the west side of the site, Detention Basin/Muti-Use Area to the east of the site, and Sports Courts/Picnic Area to the southwest of the site. See Figure 3, *Preliminary Site Plan*.

Pedestrian and Site Access

Primary park access will be provided by Promontory Parkway to the south, and Capitol Parks Drive to the north, with secondary access from Huntington Road to the east. The business park's "grid" street pattern will provide additional vehicle and pedestrian access.

Pedestrian access to the park will be provided by a Class 1 bike/pedestrian path located on the north side of Promontory Parkway and the south side of Capitol Parks Drive. Additional non-vehicular park access will be provided by the Arroyo trail system which runs north/south at the mid-portion of the business park and terminates at Central Green Park, the Huntington Way pedestrian sidewalk and Class 1 bike/pedestrian paths and pedestrian only sidewalks incorporated throughout the remaining street system. See Figure 3.

Parking

Surface parking for the Project site will be available in the northwest corner of the site, northeast corner of the site, and southwest corner of the site. See Figure 3 for locations of the proposed parking lots. Access to the parking lot will be available from Capital Parks Drive. A total of 157 parking spaces are proposed.

Wetlands

The existing Arroyo and Wetlands restoration area crosses the midportion of the proposed Project site. This passive use area will include trails on each side, overlook areas with benches, and small picnic areas. Restoration efforts is currently undergoing review and approval by various federal and State resource agencies.

Landscape Design

The planting design includes a mix of climate-adapted shrubs and grasses, and a variety of shade trees that will be planted throughout the park areas, within the parking lots, and along the project perimeter. The planting design and plant palette have been selected to complement the surrounding International Park of Commerce building development and streetscape. The stormwater detention features will be planted with a variety of grasses and trees to enhance the appearance and create the joint use of the storm drainage improvements. See Figure 4, *Landscape Plan*. The total landscaped area of the project site will be 1,089,000 square feet.

As shown in Figure 5, *Lighting Plan*, lighting fixtures will be located throughout the park. All exterior light fixtures are "dark sky-friendly" and will be oriented downwards to minimize spill-over of light into adjacent properties. The light fixtures range from 15 feet to 30 feet tall. There will be free-standing light fixtures located throughout the Project site, specifically in the surface parking lots, along pedestrian pathways, and within sport courts.

Grading and Infrastructure

Utilities/Wastewater/Solid Waste

Pacific Gas & Electric (PG&E) 80 feet and 40 feet transmission line easements cross the proposed Project site from the northeast corner to the southwest corner of the site.

Restrooms are located throughout the Project site next to all surface parking lots.

Stormwater

Stormwater detention basins will be located on site, draining from a west to east direction. Storm drain catch basins will also be located on site in northwest, northeast, and southwest portions of the Project Site. See Figure 6, *Stormwater Quality Control Plan* for locations of the storm drain catch basins.

Erosion Control

During construction activities, straw wattle will be installed on site to trap sediment and reduce erosion by reducing slope gradient. See Figure 7, *Erosion Control Plan* for location of installations.

Construction and Operation

Construction of the Central Green Park will be phased with the two detention basins, which will be the first improvements to be installed. The remaining park improvements will be based on buildout of the International Park of Commerce business park. Arroyo and Wetlands restoration is currently undergoing review and approval by various Federal and State resource agencies. The approval schedule is unknown at this time. Upon approval of the wetlands restoration, construction documents will be prepared and submitted to the City for review and approval.

PREVIOUS ENVIRONMENTAL ANALYSIS OF THE PROJECT SITE

The City approved the CRSP Project and certified the corresponding CRSP EIR on September 3, 2013. The CRSP EIR evaluates the potential environmental impacts resulting from the approval and implementation of the CRSP Project. The CRSP EIR is a "program" EIR as described in Section 15168 of CEQA's implementing regulations (the "CEQA Guidelines"). The CRSP Project involves the development of approximately 1,780 acres of land with commercial, office, business park industrial, and park and recreational uses. The CRSP Project involves the adoption and implementation of a General Plan amendment and the CRSP (Specific Plan); the approval and implementation of a development agreement covering a portion of the Specific Plan Area; prezoning and zoning for the Specific Plan Area; annexation of the Specific Plan Area into the

City of Tracy; and development of the Specific Plan Area consistent with the Specific Plan. The Specific Plan contains land use, landscaping, circulation, sustainability, design, and infrastructure related development standards and design guidelines, to guide investment and development in the approximately 1,780-acre Specific Plan Area.

California Environmental Quality Act

This Initial Study has been prepared in accordance with the provisions of the California Environmental Quality Act (CEQA) (California Public Resources Code [PRC] §§ 21000 et seq.); the State CEQA Guidelines (Title 14, California Code of Regulations [CCR] §§ 15000 et seq.); and the rules, regulations, and procedures for implementing CEQA as set forth by the City of Tracy (City).

Under Section 15168(c) of the CEQA Guidelines, when a program EIR has been certified for a development program such as a general plan or specific plan, "later activities in the program must be examined in the light of the program EIR to determine whether an additional environmental document must be prepared." Section 15168(c)(2) further states, "if the agency finds that pursuant to Section 15162, no subsequent EIR would be required, the agency can approve the activity as being with the scope of the project covered by the program EIR, and no new environmental document would be required."

Section 15162(a) of the State CEQA Guidelines states the following:

(a) When an EIR has been certified or a negative declaration adopted for a project, no subsequent EIR shall be prepared for that project unless the lead agency determines, on the basis of substantial evidence in light of the whole record, one of more of the following:

(1) Substantial changes are proposed in the project which will require major revisions of the previous EIR or negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects.

(2) Substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous EIR or negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects.

(3) New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified as complete or the negative declaration was adopted, shows any of the following:

(A) The project will have one or more significant environmental effects not discussed in the previous EIR or negative declaration;

(B) Significant effects previously examined will be substantially more severe than shown in the previous EIR.

(C) Mitigation measures or alternatives previously found not to be feasible would in fact be feasible, and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or

(D) Mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.

Pursuant to Section 15168, the City has prepared this Initial Study to determine whether any of the conditions described in Section 15162(a) would occur, or whether any changes or additions would be required to the THSP SEIR, if the proposed Project is approved.

Based on the analysis and evaluation provided in this Initial Study, no new significant impacts would occur because of the proposed Project, nor would there be any substantial increase in the severity of any previously identified significant environmental impact. In addition, no new information of substantial importance shows that mitigation measures or alternatives that were previously found not to be feasible or that are considerably different from those analyzed in the CRSP EIR would substantially reduce one or more significant effects on the environment. Therefore, no conditions described in Section 15162(a) of the CEQA Guidelines have occurred or would occur with approval of the proposed Project. In addition, no changes or additions to the certified CRSP EIR were or are required for review and approval of the Project. Therefore, based on Section 15168(c)(2) of the CEQA Guidelines, the City can approve the proposed Project as within the scope of the development program evaluated in the CRSP EIR and no further environmental document is required.

PROPOSED AMENDMENT TO THE APPROVED CRSP PROJECT

Specific Plan Amendment

An amendment to the previously approved CRSP (proposed Project) has been submitted to the City of Tracy for consideration. The following provides a description of the proposed revisions:

Food Truck Use

The proposed Project would allow the General Office (GO) zone, Business Park Industrial (BPI) zone, and Parks (P) zone and the I-205 Overlay within the current boundaries of the CRSP to permit for food truck use.

The amendment would allow mobile food vendors to be permitted in the GO Zone, BPI Zone, I-205 Overlay Zone, and the Parks Zone, subject to all requirements for mobile food vendors in the Tracy Municipal Code, except as modified by the CRSP. A mobile food vendor's operation (not including set up and take down) would be allowed for up to a maximum of 12 hours at a single location within a 24-hour period. The requirement in the Tracy Municipal Code that a mobile food vendor must be an accessory use to a

business conducted within a building on a site would not applicable in the Parks zone, where a mobile food vendor is permitted as an accessory use to a park.

Park Uses

The amendment would include clarifications to allowed passive or recreational uses within the Parks Zone. Passive or active recreational uses would include, but not be limited to events and activities such as exercise classes, health/fitness events, cooking demonstrations and food tastings, farmer's market, beer and wine tasting events, arts and crafts fairs, live music/music festivals, corporate trainings/presentations, movie screenings, environmental/nature classes, weddings, car club/concourse, and performing arts/theater. No overnight activities would be permitted without a Temporary Use Permit (TUP). Any individual activity may require a building permit and/or fire permit, as applicable under the Building and Fire Codes.

Floor Area Ratio for Hotel Uses

Currently, the CRSP does not have a Floor Area Ratio (FAR) standard for hotel uses within the GC and GO land use designations. The amendment would include revisions to development standards for the General Commercial (GC) and General Office (GO) zoning districts to allow a maximum FAR of 1.0 for hotel uses.

Project Signage

The amendment would include minor modifications to sign standards in the CRSP. Revisions to signs would allow freeway signs to identify any tenant(s) located within the GC Zone of the CRSP area. Modifications to Sign Type C would be revised to add one additional location at International Parkway at Daylight Road (two corners, Northeast and Southeast only) to allow for this sign type at a major intersection. Additional text revisions to Sign Type C include minor clarifications for this new location.

CRSP ENVIRONMENTAL IMPACT ANALYSIS SUMMARY

The 2013 CRSP Final EIR certified on September 3, 2013, found the following effects to be characterized as follows:

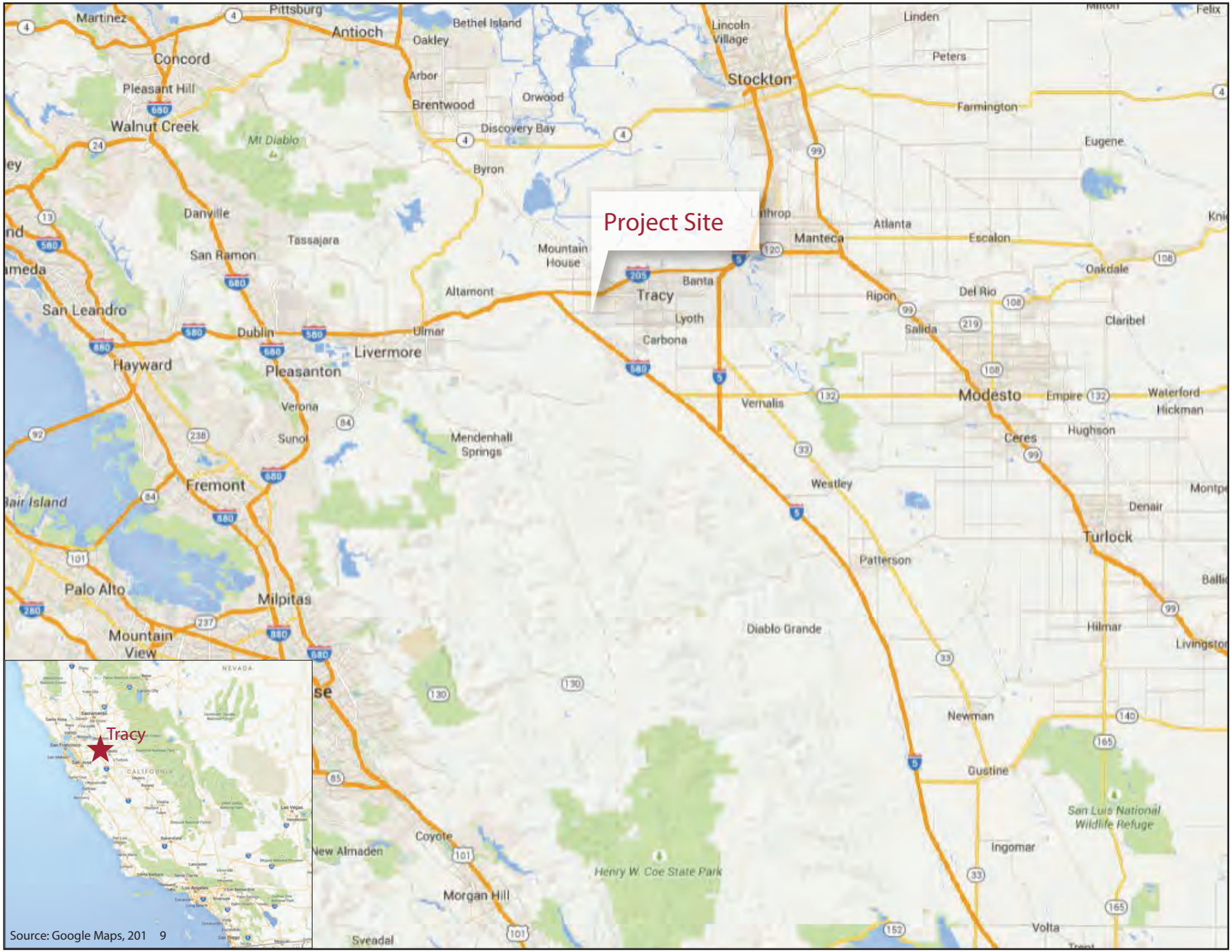
	Significant and Unavoidable Impacts	Less Than Significant with Mitigation Incorporated
Aesthetics	• Visual aspect of and views in the Specific Plan Area (Project and Cumulative Impact); • Adverse effects on a state-designated scenic highway; • Adverse change in the character of the site	• New sources of light and glare;
Agriculture	• Conversion of Prime Farmland and other Important Farmland (Project and Cumulative);	• Incompatible with adjacent agricultural activity;
Air Quality	• Inconsistency with adopted Air Quality Management Plan; • Cumulative construction emissions (ROG, NOx and PM10); • Cumulative operational emissions (ROG, NOx, CO and PM10); • Emission of ozone precursors and particulate matter; • Exposure of sensitive receptors to pollutant concentrations;	• Exposure of sensitive receptors to substantial pollutant concentrations;
Biological Resources	• Adverse impact on wildlife movement;	• Impact on special-status animal species • Construction during bird nesting season;
Cultural Resources	N/A	• Damage to cultural resources (buried archeological deposits); • Damage to paleontological resources; • Human remains encountered during construction;

	Significant and Unavoidable Impacts	Less Than Significant with Mitigation Incorporated
Greenhouse Gas Emissions	• Generation of GHG emissions during construction and operation;	N/A
Geology and Soils	N/A	• Erosion during construction and operation;
Hazards and Hazardous Materials	N/A	• Routine use, transport, and disposal of hazardous materials; • Exposure to hazardous materials sites;
Hydrology and Water Quality	N/A	• Storm water discharge requirements and water quality; • Soil erosion and sedimentation; • Storm water runoff volumes; • Pollutants (associated with non-residential storm water runoff);
Noise	• Exposure of persons to noise levels in excess of established standards; • Traffic noise level increases (Project and Cumulative);	• Expose persons or generate excessive groundborne vibration; • Excessive noise associated with construction;
Traffic	• Freeway segments during construction (Phase 1); • Impact to the existing roadway and freeway network (Build-out); • Level of service at intersections during construction (Phase 1); • Impact to the 2035 roadway and freeway network (Phase 1); • Impact to the 2035 roadway and freeway network (Build-out); • Inadequate emergency access (Build-out);	• Level of service at intersections (Phase I); • Level of service at intersections during construction (Phase 1); and

	Significant and Unavoidable Impacts	Less Than Significant with Mitigation Incorporated
Utilities	• Need for yet to be constructed City Wastewater Master Plan (WWMP) facilities; and • Environmental impacts associated with construction of Specific Plan storm water drainage facilities.	• Need for yet to be constructed City Water System Master Plan (WSMP) facilities.

Implementation of mitigation measures identified in the CRSP Final EIR would reduce the severity of potentially significant and unavoidable impacts as well as mitigate aforementioned impacts to a level of less than significant. Where applicable, mitigation measures stemming from the previously certified Specific Plan EIR and adopted as conditions of Specific Plan approval would be incorporated into the proposed Project.

The CRSP Final EIR found that build-out of the CRSP would have a less than significant impact or no impact to remaining topical areas evaluated pursuant to the *CEQA Guidelines*.



Source: Google Earth, 2020

Figure 1: Regional Location Map

Cordes Ranch Central Green Park Project
City of Tracy

Not to scale

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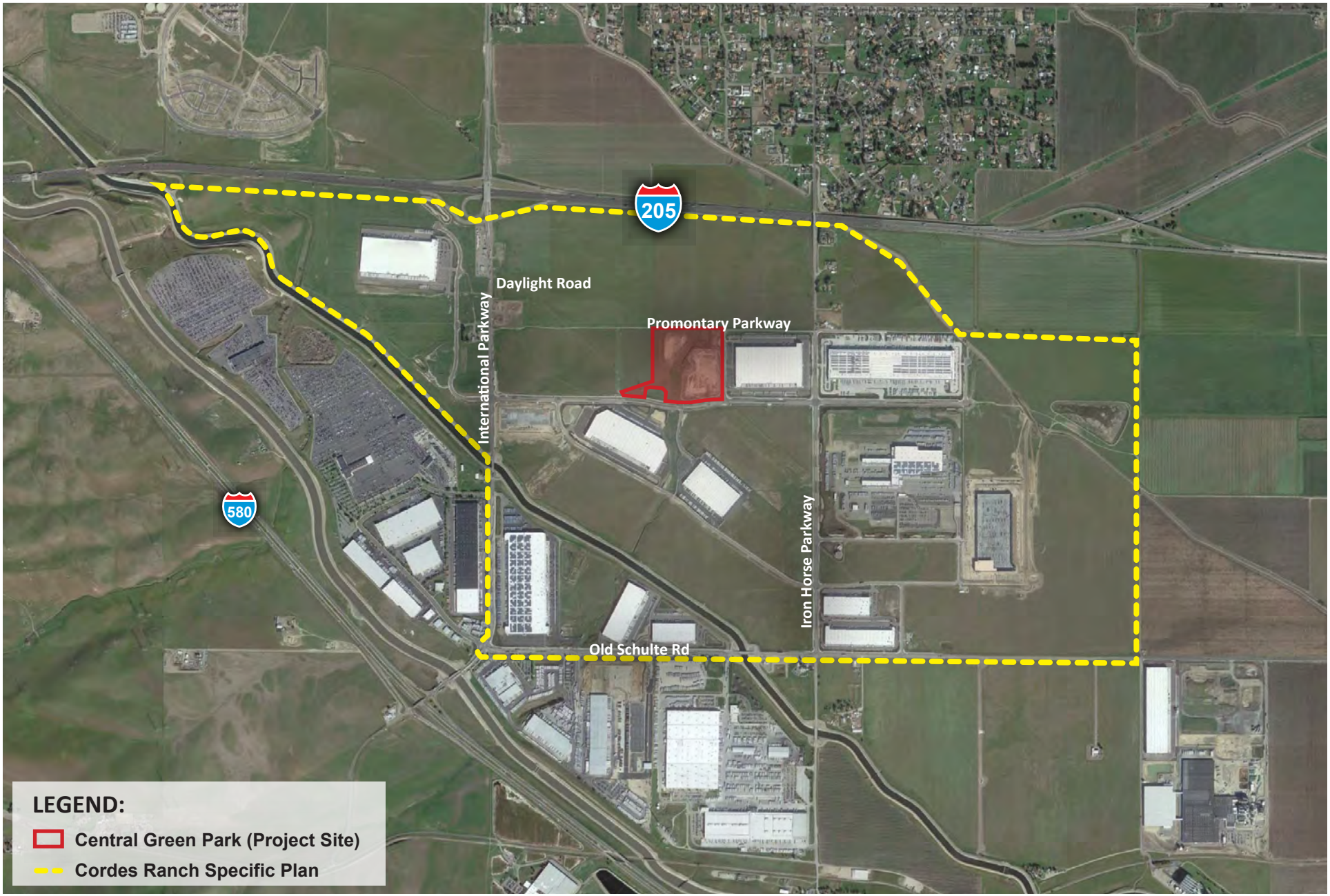
Expect More. Experience Better.



Source: Google Earth, 2020

Figure 2: Project Vicinity Map

Cordes Ranch Central Green Park Project

City of Tracy

Not to scale

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Source: Google Earth, 2020

Figure 3: Preliminary Site Plan

Cordes Ranch Central Green Park Project
City of Tracy

Not to scale

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Source: Applica t for SPA20-0004, CUP20-0001, D20-0015, 2021

Figure 4: Landscape Plan

Cordes Ranch Central Green Park Project
City of Tracy

Not to scale

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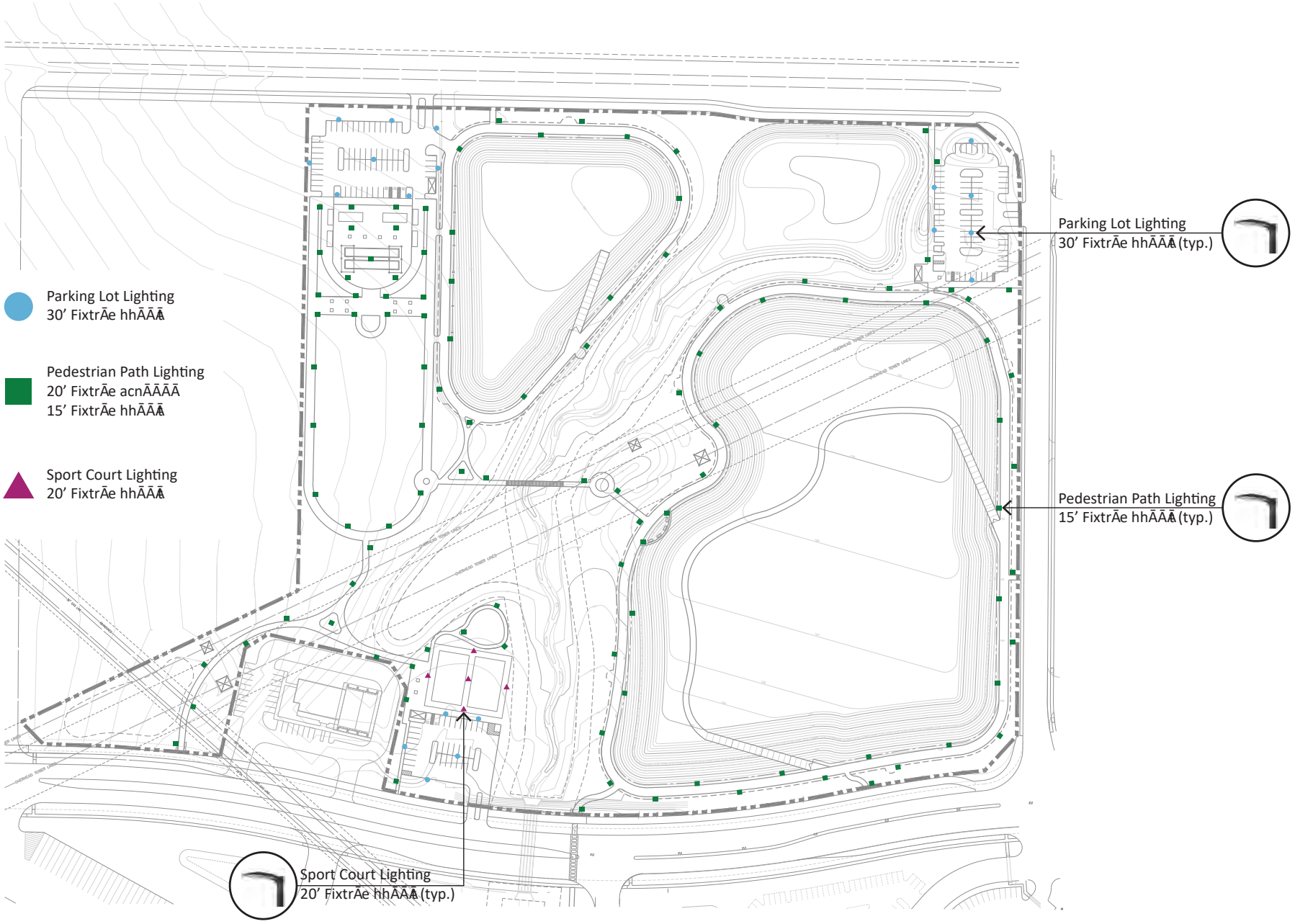

Source: Applica t for SPA20-0004, CUP20-0001, D20-0015, 2021

Figure 5: Lighting Plan

Cordes Ranch Central Green Park Project
City of Tracy

Not to scale

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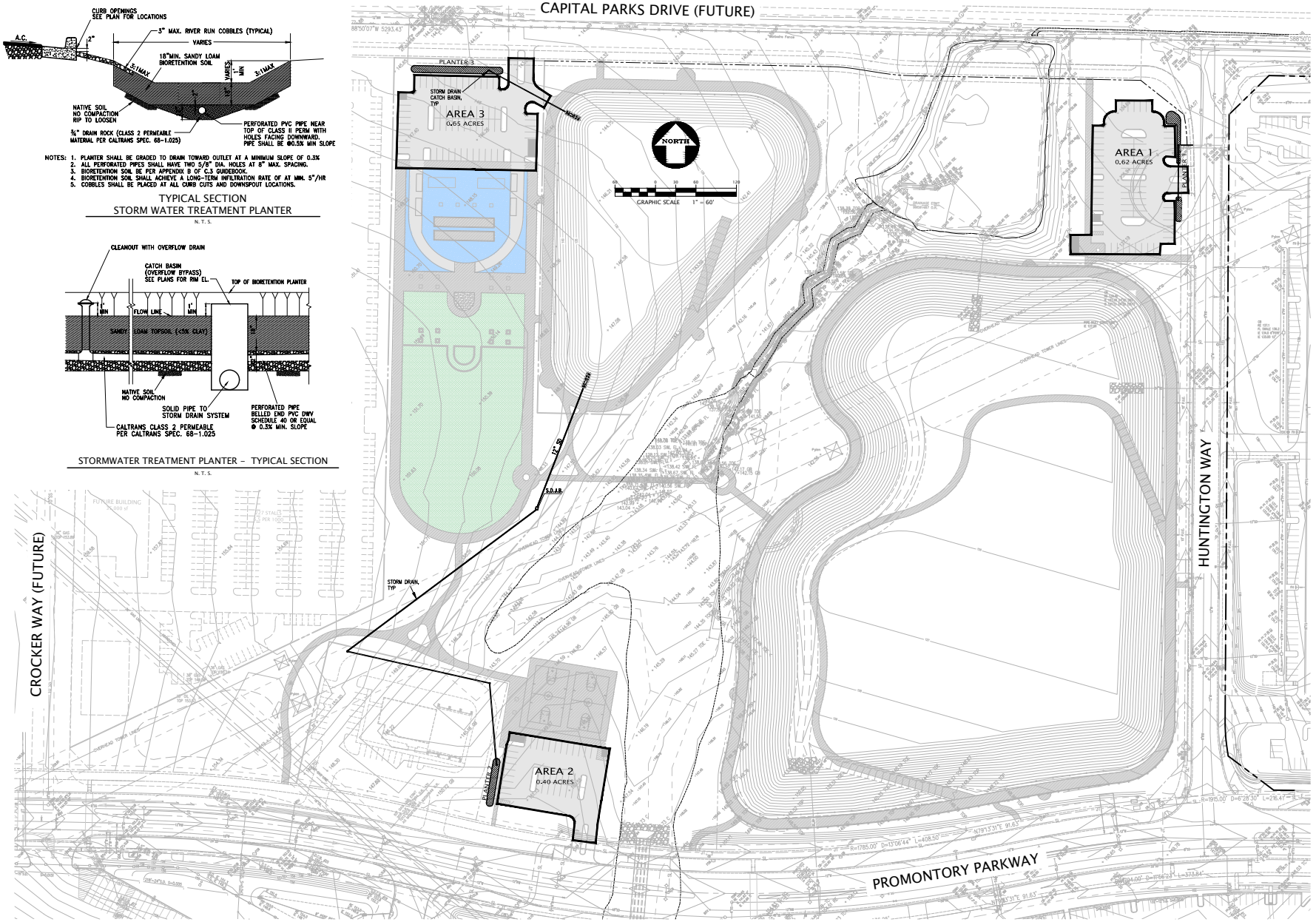

Source: Applica t for SPA20-0004, CUP20-0001, D20-0015, 2021

Figure 6: Stormwater Quality

Cordes Ranch Central Green Park Project
City of Tracy

Not to scale

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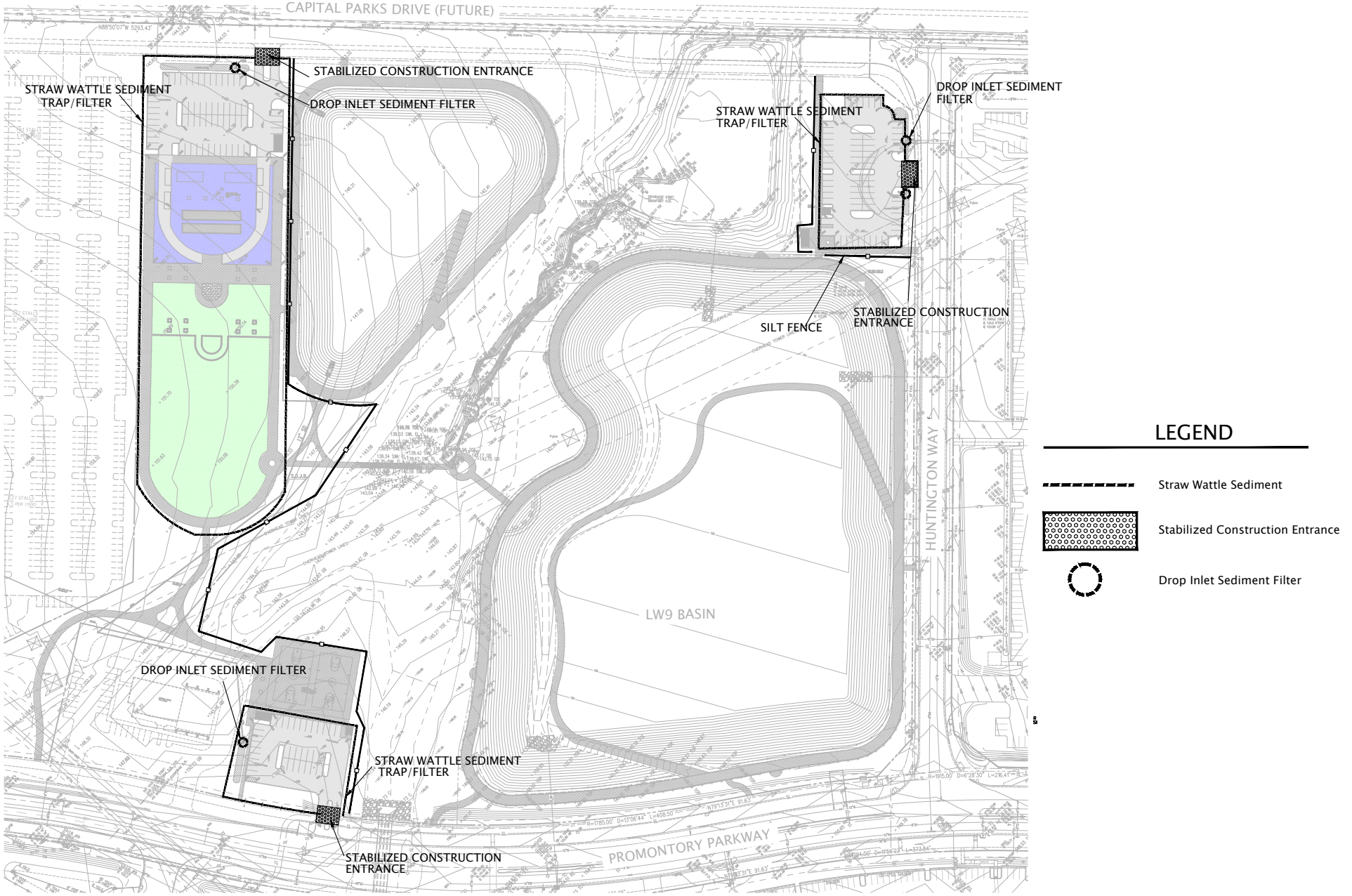

Source:Applica t for SPA20-0004, CUP20-0001, D20-0015, 2021

Figure 7: Erosion Control Plan

Cordes Ranch Central Green Park Project
City of Tracy

Not to scale

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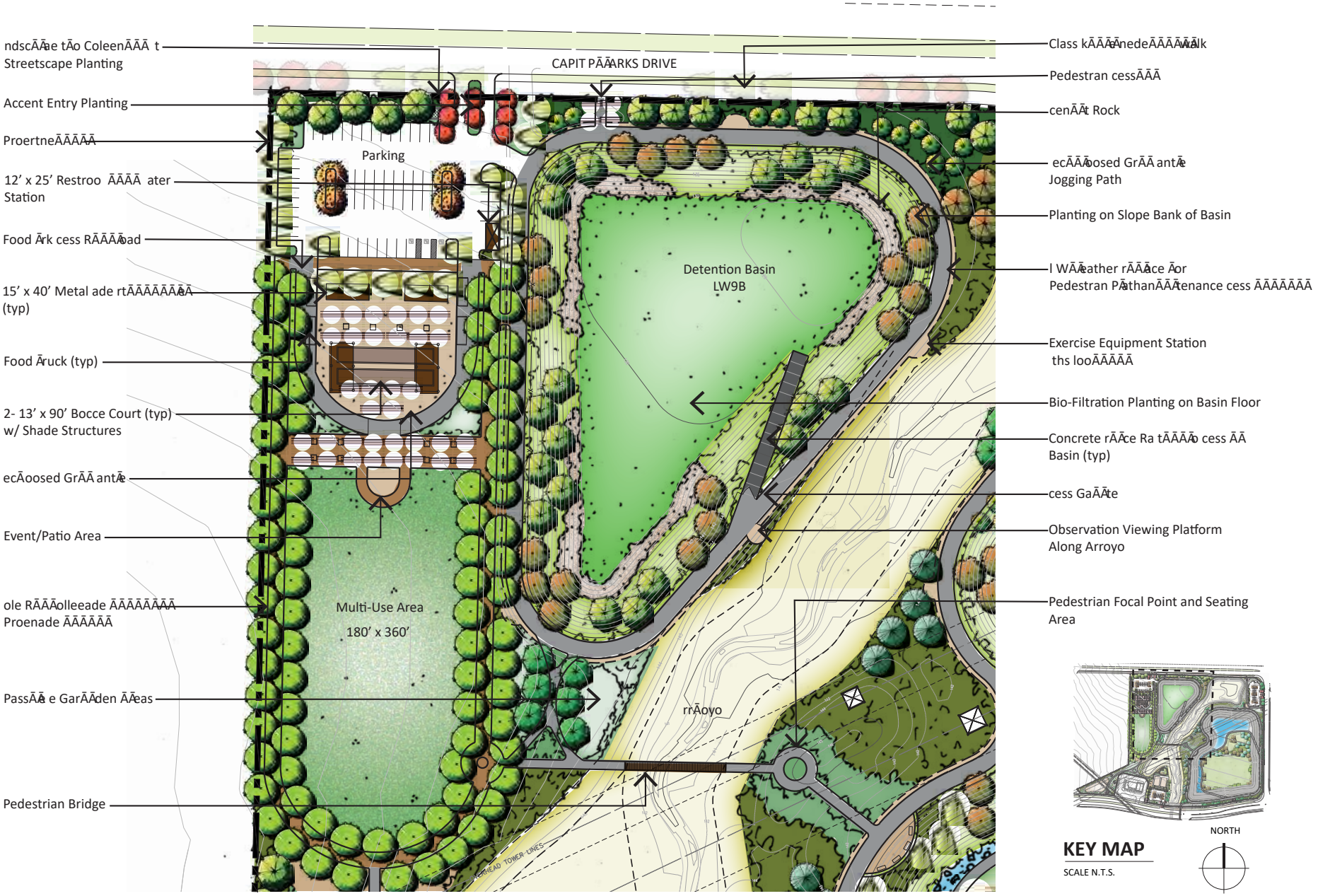

Source: Applica t for SPA20-0004, CUP20-0001, D20-0015, 2021

Figure 8: Food Truck Plan

Cordes Ranch Central Green Park Project
City of Tracy

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ENVIRONMENTAL EVALUATION

This section evaluates the potential environmental effects of the proposed Project using a modified version of the environmental checklist from the State *CEQA Guidelines*. The definitions of the response column headings include:

A. "Potentially Significant Impact" is appropriate if there is substantial evidence that an effect may be significant after the implementation of feasible mitigation measures. The impact may warrant additional analysis within a Subsequent or Supplemental EIR or the Impact would be within the scope of analysis in the THSP SEIR and require no additional analysis to identify additional mitigation measures.

B. "Less than Significant With Mitigation Incorporated" applies where the incorporation of mitigation measure has reduced an effect from "Potentially Significant Impact" to a "Less Than Significant Impact." Mitigation measures from the THSP SEIR will be cross-referenced when applicable.

C. "Less Than Significant Impact" applies where the project creates no significant impacts, only Less than Significant Impacts. These impacts are within the scope of Less Than Significant Impacts identified and evaluated within the THSP SEIR and below thresholds considered significant.

D. "No Impact" applies where the project does not create an impact in that category.

E. "Reviewed Under Previous Document" indicates the impact created by the proposed Project would be the same as that identified in the THSP SEIR for the corresponding threshold. Where this finding is made, both are so noted herein and the corresponding boxes are checked in the Environmental Checklist.

I. AESTHETICS

WOULD THE PROJECT:

	Potentially Significant Impact	*Less Than Significant with Mitigation Incorporated*	*Less than Significant Impact*	*No Impact*	*Reviewed Under Previous Document*
a. Have a substantial adverse effect on a scenic vista?	☐	☐	☐	☐	☒
b. Substantially damage scenic resources, including, but not limited to trees, rock outcroppings, and historic building along a State-designated scenic highway?	☐	☐	☐	☐	☒
c. Substantially degrade the existing visual character or quality of the site and its surroundings?	☐	☐	☐	☐	☒
d. Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?	☐	☐	☐	☐	☒

RESPONSES TO CHECKLIST QUESTIONS

Threshold (a) Would the Project have a substantial adverse effect on a scenic vista?

The proposed Project site is generally surrounded by flat grassland that allows expansive views of distant mountains south of Tracy. Since adoption of the CRSP, the CRSP Area has been in the process of being built out with commercial, office, business park industrial, and park and recreational uses. Several large single-story industrial/warehouse style buildings have been constructed in the vicinity of the Project, east of the site along Promontory Parkway and south of the site, along Hopkins Road. The City's General Plan does not identify protected scenic vistas across the proposed Project site. However, the City's General Plan EIR listed the City's scenic resources and vistas considered to be local assets. Of those listed resources, the following are relevant to the proposed Project:

- Public views from expansive agricultural lands within and immediately adjacent to the existing Specific Plan Area; and
- Public views of the Diablo Range from the highway.

These views are primarily available to motorists traveling along the major transportation corridors at highway speed. In addition, these views are also characteristic of San Joaquin County, and exist throughout the region. The Project would result in the development of a 31-acre park with amenities including a Food Truck/Multi-Use Area on the western portion of the site, Detention Basin/Multi-Use Area on the eastern portion of the site, and Sports Courts/Picnic Area on the southwestern portion of the site. The Project does not include the construction of structures or other improvements that would substantially impede views beyond the Project site. The proposed SPA would modify the General Commercial (GC) and General Office (GO) zoning districts to allow for a FAR of 1.0 for hotel uses. However, hotel uses have already been a permitted use within these zoning districts in the CRSP. The proposed SPA

would help to provide clarification on FAR development standards for hotel uses within the GC and GO zoning districts within the CRSP because no current specific FAR has been identified for these uses in the CRSP. Because the proposed SPA is a clarification to what has already been permitted, and hotel uses will still be subject to the same design guidelines outlined in the CRSP (ex. heights and setbacks), any potential development related to hotel uses within the GO or GC zoning districts would not result in a greater impact to a scenic vista than what was evaluated in the CRSP EIR.

The proposed SPA would also result in minor modifications to the previously adopted signage regulation, specifically allowing a new freeway sign at the intersection of International Parkway at Daylight Road. This new sign would be required to comply with the freeway sign design standards identified in the CRSP to maintain consistency with other freeway signs within the CRSP. While a new sign would be allowed within the CRSP, it would not reduce the scenic quality of the aforementioned scenic vistas as it would be along a major corridor frontage with associated landscaping to soften the appearance of industrial buildings within the GC zone. Further, the scenic quality of these views is already compromised by a number of factors, including the highly limited duration that views are available to motorist due to the high speed of travel in the transportation corridors, limited travel along the proposed Project frontage, and the existing urban development in the area. There are no distinguishing visual features, aside from the proposed Projects' open space nature that is framed by a visual backdrop of the Diablo Range.

Impacts related to scenic vistas were considered significant and unavoidable in the previously certified CRSP EIR. Mitigation for impacts to scenic vistas was included as a condition of the CRSP project approval. The proposed Project would have a potentially negative effect on public views from expansive agricultural lands within and immediately adjacent to the existing Specific Plan Area. Additionally, the City's scenic resources and vistas which are considered local assets would be impacted. Therefore, mitigation identified in the CRSP EIR would be required as part of the proposed Project to reduce the severity of aesthetic impacts. Because the proposed Project would allow for development that is consistent with the development evaluated in the CRSP EIR, the proposed Project's impact relative to scenic vistas would be similar to those identified in the CRSP EIR. No greater impacts and no change to the disposition of impacts on the build-out of the Project site would occur as a result of the proposed Project. The proposed Project's impact on a scenic vista remains significant and unavoidable consistent with the effects of implementation of the CRSP. Thus, additional environmental review is not required.

The following mitigation measure incorporated herein from the previously certified CRSP EIR are applicable to the proposed Project:

> ***Mitigation Measure Aesthetics-1:*** *The Specific Plan contains numerous design and landscaping requirements intended to beautify the Project, which shall be imposed on individual, site-specific developments under the Specific Plan. Beyond these measures, there is no feasible mitigation. [This is Mitigation Measure AES-1 in the CRSP EIR].*

Threshold (b) Would the Project substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a State scenic highway?

The views to the proposed Project site from Interstate 580, a State-designated scenic highway, are limited because of small hills and commercial buildings along Interstate 580 as well as the position of the proposed Project to the northeast of these features. The area between Interstate 580 and the proposed Project is already surrounded by several large single-story industrial/warehouse style buildings, just southwest of the CRSP Area. Impacts to views of the CRSP Area from Interstate 580 were considered significant and unavoidable in the previously certified CRSP EIR. Because the proposed Project would allow for development that is consistent the development evaluated in the CRSP EIR, no greater impacts and no change to the disposition of impacts generated by build-out of the proposed Project would occur. As discussed in Threshold (a), the proposed SPA would result in minor modifications to the previously adopted signage regulation, specifically allowing a new freeway sign at the intersection of International Parkway at Daylight Road. This new sign would be required to comply with the freeway sign design standards identified in the CRSP to maintain consistency with other freeway signs within the CRSP. While a new sign would be allowed within the CRSP, it would not reduce any scenic views greater than already analyzed in the CRSP EIR. Therefore, the change in views of the proposed Project site from Interstate 580 would be significant and unavoidable. Mitigation Measure Aesthetics-1, above, was incorporated herein from the previously certified CRSP EIR and is applicable to the proposed Project. However, with mitigation incorporated, impacts would remain significant and unavoidable. This finding is supported by the previously certified EIR prepared for the CRSP. The proposed Project would cause neither a new impact to occur, nor an increase in the severity of an impact previously disclosed.

Threshold (c) Would the project substantially degrade the existing visual character or quality of the site and its surroundings?

The proposed Project would change the site appearance from undeveloped land to a park with amenities including a Food Truck/Multi-Use Area on the western portion of the site, Detention Basin/Multi-Use Area on the eastern portion of the site, and Sports Courts/Picnic Area on the southwestern portion of the site. The proposed SPA would modify the GC and GO zoning districts to allow for a maximum FAR of 1.0 for hotel uses. However, hotel uses have already been a permitted use within these zoning districts in the CRSP. The proposed SPA would help to provide clarification on FAR development standards for hotel uses within the GC and GO zoning districts within the CRSP because no current specific FAR has been identified for these uses in the CRSP. Because the proposed SPA is a clarification to what has already been permitted, any potential development related to hotel uses within the GO or GC zoning districts would not result in a greater impact to the existing visual character. The aesthetic appearance of the site would be consistent with the overall CRSP. Additionally, the project would be consistent with the design guidelines, which are intended to create a uniform and consistent theme within the overall Specific Plan Area.

Landscaping would include a mix of climate-adapted shrubs and grasses, and a variety of shade trees that would be planted throughout the park areas, within the parking lots, and along the project perimeter. The planting design and plant palette have been selected to complement the surrounding International Park of Commerce building development and streetscape. The stormwater detention features would be

planted with a variety of grasses and trees to enhance the appearance and create the joint use of the storm drainage improvements.

Impacts related to degrading the visual character of the Specific Plan Area were considered significant and unavoidable in the previously certified CRSP EIR. This impact would be mitigated but would remain significant and unavoidable with implementation of Mitigation Measure Aesthetics-1. Given that the proposed Project would change the site appearance from an undeveloped area to a 31-acre park , the proposed Project's impact on the area's visual character would be significant. With implementation of the Specific Plan's development standards, design guidelines and other design-related goals, policies and objectives, impacts on visual character or quality would be minimized, however the effect would remain significant as what was previously concluded in the CRSP EIR. Implementation of Mitigation Measure Aesthetics-1, identified above, would apply to the Project and help to reduce the impact, however impacts would still remain significant and unavoidable. Therefore, the implementation of the proposed Project would result in an impact that is consistent with that already identified in the previously certified CRSP EIR.

Threshold (d) Would the project create a new source of substantial light or glare, which would adversely affect day or nighttime views in the area?

The existing sources of light and glare surrounding the proposed Project site include glare from vehicle windshields, and light from a number of commercial and industrial buildings. The proposed Project would introduce new sources of light coming from free-standing light fixtures located throughout the Project site, specifically in the surface parking lots, along pedestrian pathways, and within sport courts. The CRSP includes standards, guidelines and policies that require shielding of lighting to minimize uplighting and to prevent light splay from shining directly onto adjacent properties, and also requires that street lights be subdued and focused to reduce light pollution. Accordingly, all exterior light fixtures would be "dark sky-friendly" and will be oriented downwards to minimize spill-over of light into adjacent properties.

The proposed Project would be required to comply with the policies and standards identified in the previously certified CRSP EIR to reduce impacts associated with light and glare to less than significant. While the proposed Project would introduce new forms of light and glare to the surrounding vicinity, no greater impacts under the CRSP EIR would result from the proposed Project. The proposed SPA would allow food truck uses within GO, BPI, P zoning districts and the I-205 overlay of the CRSP that were not previously considered in the CRSP EIR. Food trucks allowed within the Park zone would likely emit some new light and glare sources, but they would be required to operate in existing developed areas that already have applicable lighting requirements appropriate to location. Food trucks that would serve the Project's nearby business park employees are anticipated to operate during the day time, where additional lighting would not be needed.

Impacts related to light and glare in the CRSP EIR were considered less than significant with the implementation of Mitigation Measure Aesthetics-2, identified below. With implementation of Mitigation Measure Aesthetics-2 below, the proposed Project would result in impacts that are less than significant with mitigation incorporated. This finding is supported by the previously certified EIR prepared for the

CRSP. Because the proposed Project is consistent with the CRSP. The proposed Project would cause neither a new impact to occur, nor an increase in the severity of an impact previously disclosed.

> ***Mitigation Measure Aesthetics-2:*** *To decrease light spillage and glare to the maximum extent practicable, all individual developments under the Specific Plan shall be required to:*
>
> *Prior to final inspection or certificate of occupancy, all exterior and parking area lighting shall be directed downward or shielded, to prevent glare or spray of light on to public rights-of-way or adjacent residential property, consistent with City standards. [This is Mitigation Measure AES-4 in the CRSP EIR].*

Cumulative Impacts

The potential aesthetic impacts related to views, aesthetics, and light and glare are site specific. While impacts are minimized with implementation of mitigation measures, impacts related to aesthetics across the Specific Plan Area were considered cumulatively significant and unavoidable in the previously certified CRSP EIR. As discussed above, the proposed Project would cause neither a new impact to occur, nor an increase in the severity of an impact previously disclosed. Proposed Project-related impacts are consistent with the environmental effects previously identified certified CRSP EIR. The project site was analyzed in the CRSP EIR, and although minor modifications to the acreage and uses are included in the proposed Project, the Project is consistent with the land use designation and development regulations contained in the CRSP. Thus, while the proposed Project would change the appearance of the site and surrounding area, so long as the proposed Project abides by the Specific Plan guidelines, no additional cumulatively considerable impacts related to the proposed Project would occur. This finding is supported by the previously certified EIR prepared for the CRSP because the proposed Project is consistent with the CRSP. Therefore, the proposed Project would not cause either a new impact to occur, nor an increase in the severity of an impact previously disclosed.

II. AIR QUALITY

WOULD THE PROJECT:

	Potentially Significant Impact	*Less Than Significant with Mitigation Incorporated*	*Less than Significant Impact*	*No Impact*	*Reviewed Under Previous Document*
Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. Would the project:					
a. Conflict with or obstruct implementation of the applicable air quality plan?	☐	☐	☐	☐	☒
b. Violate any air quality standard or contribute substantially to an existing or projected air quality violation?	☐	☐	☐	☐	☒
c. Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?	☐	☐	☐	☐	☒
d. Expose sensitive receptors to substantial pollutant concentrations?	☐	☐	☐	☐	☒
e. Create objectionable odors affecting a substantial number of people?	☐	☐	☐	☐	☒

RESPONSES TO CHECKLIST QUESTIONS

Threshold (a) Would the project conflict with or obstruct implementation of the applicable air quality plan?

The proposed Project lies within the central portion of the San Joaquin Valley Air Basin (SJVAB). The San Joaquin Valley Air Pollution Control District (SJVAPCD) has jurisdiction over most air quality matters in the Basin and is tasked with implementing programs and regulations required by the federal and State Clean Air Acts. If a project is found to interfere with the region's ability to comply with federal and State air quality standards, local governments then need to consider project modifications or provide mitigation measures to eliminate the inconsistency of the project plans. In order for a project to be considered "consistent" with the latest Air Quality Plan (AQP), the project must be consistent with the goals, objectives, and assumptions in the respective plan to achieve Federal and State air quality standards. Additionally, both construction-related and long-term emissions are required to be quantified and compared to the SJVAPCD significance thresholds.

Emissions from the construction and operational phase of the proposed Project were included as part of the emissions estimate for buildout conditions of the CRSP Area as evaluated in the previously certified CRSP EIR. The CRSP EIR found that buildout of the CRSP would generate a substantial increase in (both

construction and operational-related) criteria air pollutants that would exceed the SJVACPD's significance thresholds. As such, build out of the CRSP Area would be inconsistent with the SJVAPCD's air quality plans and impacts were considered significant and unavoidable within the previously certified EIR prepared for the CRSP. Mitigation from the certified CRSP EIR is applicable to the proposed Project and would be expected to reduce the severity of the significant and unavoidable impact. However, even with mitigation incorporated, impacts from buildout of the CRSP Area would remain significant and unavoidable.

The following mitigation measures incorporated herein from the CRSP EIR are applicable to the proposed Project:

> ***Mitigation Measure AQ-1:*** *Implement Mitigation Measures AQ-2a and AQ-2b and Mitigation Measures GHG-1b through 1d. [This is Mitigation Measure AQ-1 in the CRSP EIR]*
>
> ***Mitigation Measure AQ-2a:*** *Each applicant for individual, site-specific developments under the Specific Plan shall comply with the San Joaquin Valley Air Pollution Control District (SJVAPCD) rules and regulations, including, without limitation, Indirect Source Rule 9510. The applicant shall document, to the City's reasonable satisfaction, its compliance with this mitigation measure. [This is Mitigation Measure AQ-2a in the CRSP EIR]*
>
> ***Mitigation Measure AQ-2b:*** *Prior to issuance of a grading permit by the City of Tracy, the applicant for an individual, site-specific development under the Specific Plan shall be required to develop and obtain approval of a fugitive dust and emissions control plan to mitigate, as feasible, the identified impacts, which satisfies the requirements set forth under then-applicable SJVAPCD Rules and Regulations, including, without limitation, Regulation VIII. Depending on the size, location and nature of the individual development at issue, the fugitive dust and emissions control plan shall consider the following mitigation measures, for example:*
>
> - *All disturbed areas, including storage piles, which are not being actively utilized for construction purposes, shall be effectively stabilized of dust emissions using water, chemical stabilizer/suppressant, covered with a tarp or other suitable cover or vegetative ground cover;*
> - *All on-site unpaved roads and off-site unpaved access roads shall be effectively stabilized of dust emissions using water or chemical stabilizer/suppressant;*
> - *All land clearing, grubbing, scraping, excavation, land leveling, grading, cut & fill, and demolition activities shall be effectively controlled of fugitive dust emissions utilizing application of water or by presoaking;*
> - *When materials are transported off-site, all material shall be covered, or effectively wetted to limit visible dust emissions, and at least six inched of freeboard space from the top of the container shall be maintained;*
> - *All operations shall limit or expeditiously remove the accumulation of mud or dirt from adjacent public streets at the end of each workday. (The use of dry rotary brushes is expressly prohibited except where preceded or accompanied by sufficient wetting to limit the visible dust emissions.) (Use of blower devices is expressly forbidden.);*

- *Following the addition of materials to, or the removal of materials from, the surface of outdoor storage piles, said piles shall be effectively stabilized of fugitive dust emissions utilizing sufficient water or chemical stabilizer/suppressant;*
- *Within urban areas, trackout shall be immediately removed when it extends 50 or more feet from the site and at the end of each workday;*
- *Any site with 150 or more vehicle trips per day shall prevent carryout and trackout;*
- *Limit traffic speeds on unpaved roads to 15 mph;*
- *Install sandbags or other erosion control measures to prevent silt run-off to public roadways from sites with a slope greater than one per-cent.*
- *Install wheel washers for all exiting trucks, or wash off all trucks and equipment leaving the Specific Plan Area;*
- *Adhere to Regulation VIII's 20 percent opacity limitation, as applicable;*
- *Use of construction equipment rated by the United States Environ-mental Protection Agency (US EPA) as having Tier 3 or higher exhaust emission limits for equipment over 50 horsepower that are onsite for more than 5 days, if available and feasible. Tier 3 engines be-tween 50 and 750 horsepower are available for 2006 to 2008 model years. After January 1, 2015, encourage the use of equipment over 50 horsepower that are on-site for more than 5 days to meet the Tier 4 standards, if available and feasible. A list of construction equipment by type and model year shall be maintained by the construction contractor on-site, which shall be available for City review upon request.*
- *Use of alternative-fueled or catalyst-equipped diesel construction equipment, if available and feasible; and*
- *Clearly posted signs that require operators of trucks and construction equipment to minimize idling time (e.g. 5-minute maximum). [This is Mitigation Measure AQ-2b in the CRSP EIR]*

The proposed Project would not extend the CRSP Area beyond the boundaries analyzed in the CRSP EIR. Project implementation would result in development of a 31-acre park with associated recreational amenities planned for in the CRSP EIR. The proposed SPA provides clarification for the types of passive and active recreational uses allowed within the Parks Zone. These allowed uses, such as exercise classes, health/fitness events, farmer's market, etc., are not anticipated to generate substantial emissions that would be greater than emissions estimated for buildout conditions of the CRSP Area as evaluated in the previously certified CRSP EIR. In addition, any overnight or individual activity outside from the allowed uses would be required to go through City review for appropriate permits.

While the proposed SPA would allow food truck uses that were not previously considered in the CRSP EIR, food trucks uses would only be allowed within GO, BPI, P zoning districts and the I-205 overlay of the CRSP. All mobile food vendors would be subject to all requirements for mobile food vendors as identified in the Tracy Municipal Code, except as modified in the CRSP. Mobile food vendors would be allowed for up to a maximum of 12 hours at a single location within a 24-hour period in the Parks Zone. It is anticipated

that mobile food vendors would serve nearby business park employees during lunch time, who's trips have been accounted for in the CRSP EIR, and thus would not generate any greater traffic than what was previously analyzed in the CRSP EIR. For these reasons, the impact of the proposed Project would not create a new specific impact or an increase in the severity of an impact that was identified in the CRSP EIR and would therefore be consistent with the effects of implementation of the CRSP.

Threshold (b) Would the project violate any air quality standard or contribute substantially to an existing or projected air quality violation?

Construction

Construction emissions for buildout of the CRSP were estimated in the previously certified CRSP EIR using the California Emissions Estimator Model (CalEEMod). Based on the CRSP EIR, buildout of the CRSP would result in construction emissions that would exceed SJVAPCD's 10 tons per year threshold for reactive organic gases (ROG) and nitrogen oxides (NOx). Impacts from the CRSP would be considered significant and unavoidable. Mitigation from the certified CRSP EIR is applicable to the proposed Project that would reduce the severity of the significant and unavoidable impact. Even with mitigation incorporated, impacts would remain significant and unavoidable. Because the proposed Project is consistent with the CRSP, the proposed Project's impact relative to construction air emissions would be similar to those identified in the CRSP EIR and no new impact or increase in the severity of a previously identified impact would occur. Mitigation measures AQ-1, AQ-2a, and AQ-2b, above, are applicable to the proposed Project. However, even with mitigation incorporated, impacts would remain significant and unavoidable but would not be greater than the impact analyzed in CRSP EIR. *Operations*

Long-term operational emissions would be generated from the day-to-day operations of the buildout of the CRSP. Operational emissions for land use development projects are typically distinguished as mobile, energy, and area sources of emissions. Operational emissions for buildout of the CRSP were estimated using CalEEMod and analyzed in the CRSP EIR. According to the CRSP EIR, buildout of the CRSP Area would result in operational emission in exceedance of SJVAPCD thresholds for ROG, NO_X, carbon monoxide (CO), and particulate matter with a diameter smaller than 10 microns (PM_{10}). The proposed SPA includes clarification on the types of passive and active recreational uses allowed in parks, which would apply to the proposed park. As discussed above in Threshold (a), any individual or individual activity outside from the allowed uses would be required to go through City review for appropriate permits.

The proposed SPA would allow for food truck uses within GO, BPI, P zoning districts and the I-205 overlay of the CRSP. As discussed above in Threshold (a), the Central Green Park is located within the Parks Zone, where mobile food vendors in this zone would be subject to all requirements for mobile food vendors as identified in the Tracy Municipal Code, except as modified in the CRSP. Mobile food vendors would be allowed to operate for a limited time (e.g. maximum of 12 hours) each day at a single location within 24-hour period. Per the Tracy Municipal Code, mobile food vendors would be required to comply with the California Vehicle Code and obtain applicable permits from the San Joaquin County Environmental Health Department. Because mobile food vendors would be required to meet compliance with the Tracy Municipal Code, California Vehicle Code, and secure appropriate permits prior to operation, the proposed Project would not result in an exceedance of SJVAPCD thresholds for ROG, NO_X, CO, and PM_{10}. For these reasons, no new impact or increase in the severity of a previously identified impact would occur, and a

significant and unavoidable impact would result. Although a significant and unavoidable impact would occur, implementation of Mitigation Measures AQ-1, AQ-2a, and AQ-2b, (in the CRSP EIR) would reduce the severity of this impact to the maximum extent feasible. Additional environmental review is not required since this impact was addressed and is consistent with the findings of the CRSP EIR.

Threshold (c) Would the project result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?

The region of the proposed Project site is classified as nonattainment for ozone, PM_{10}, and particulate matter with a diameter smaller than 2.5 microns ($PM_{2.5}$). Buildout of the CRSP Area would generate emissions of ROG, PM_{10}, and NO_X during construction and operation that would be above the SJVACPD's regional thresholds of significance. This was identified as a significant and unavoidable impact within the CRSP EIR.

The proposed Project would not extend the CRSP Area beyond the boundaries analyzed in the CRSP EIR. Project implementation would result in development of a 31-acre park with associated recreational amenities planned for in the previously approved CRSP. The proposed SPA would allow food truck uses within GO, BPI, P zoning districts and the I-205 overlay of the CRSP that were not previously considered in the CRSP EIR. As discussed in Threshold (a), food truck uses would be required to comply with City and State requirements for mobile food vendors prior to operation. Compliance with these requirements would ensure operation of these vehicles are to Code and would not generate emissions operation that would be above the SJVACPD's regional thresholds of significance. In addition, it is anticipated that mobile food vendors would serve nearby business park employees during lunch time, who's trips have been accounted for in the CRSP EIR, and thus would not generate any greater traffic than what was previously analyzed in the CRSP EIR. Thus, impacts related to construction and operation of the proposed Project would be consistent with the CRSP EIR, which was identified as a significant and unavoidable impact. Implementation of Mitigation Measures AQ-1 and AQ-2a and AQ-2b from the CRSP EIR, and Mitigation Measure GHG-1 through GHG-4 in Section VII (Mitigation Measures GHG-1a through 1d from the CRSP EIR) would be applicable to the proposed Project and would further reduce the severity of the impact. This would not be a new specific impact or an increase in the severity of an impact that was identified in the CRSP EIR and would therefore be consistent with the effects of implementation of the CRSP.

Threshold (d) Would the project expose sensitive receptors to substantial pollutant concentrations?

The *CEQA Guidelines* indicate that a potentially significant impact could occur if the proposed Project would expose sensitive receptors to substantial pollutant concentrations. Exposure of toxic air contaminants was assessed in the previously certified CRSP EIR by evaluating diesel particulate matter (DPM) emissions on nearby sensitive receptors. A Health Risk Assessment conducted for the previously certified CRSP EIR (Phase 1 and build out) addressed the potential contribution of public exposure to DPM emitted from diesel trucks. The Health Risk Assessment determined that Phase 1 operations would not exceed the 10 cases per million that is considered significant by the SJVAPCD and CARB. Under the same combined scenario, cancer risk at sensitive receptors adjacent to the Specific Plan Area during Phase 1

operations would have a risk up to 7.6 new cases per million persons and would not exceed the SJVAPCD significance threshold. However, for full buildout analyzed in the Health Risk Assessment, as identified in Appendix D in the previously certified EIR prepared for the CRSP, the increased cancer risk for off-site residential receptors would be 10.2 per million. According to the Health Risk Assessment, full build out of the CRSP would have a significant impact. Individually, however, the Health Risk Assessment determined that site-specific development projects (including the proposed Project) would not result in excess cancer risk above the SJVAPCD threshold.

Impacts associated with the CRSP (including the proposed Project) related to criteria pollutant emissions during construction was identified as a significant and unavoidable impact within the CRSP EIR. The proposed Project would develop a 31-acre park with associated recreational amenities planned for in the previously approved CRSP. As discussed in Threshold (a), food truck uses would be required to comply with City and State requirements for mobile food vendors prior to operation. Compliance with these requirements would ensure operation of these vehicles are to Code and would not generate emissions operation that would be above the SJVACPD's regional thresholds of significance. In addition, it is anticipated that mobile food vendors would serve nearby business park employees during lunch time, who's trips have been accounted for in the CRSP EIR, and thus would not generate any greater traffic than what was previously analyzed in the CRSP EIR. Thus, the impact relative to exposure of toxic air contaminants would be similar to that identified in the CRSP EIR. Consistent with the CRSP EIR, with mitigation incorporated (Mitigation Measures AQ-3), the resulting impact from the proposed Project would be less than significant. No new impact or increase in the severity of a previously identified impact in the certified CRSP EIR would occur as a result of the proposed Project.

The primary mobile-source pollutant of localized concern is carbon monoxide (CO). Localized CO concentrations near roadway intersections are a function of traffic volumes, speed, and delay. Under specific metrological conditions, CO concentrations near roadways and/or intersections may reach unhealthy levels with respect to sensitive receptors, often referred to as a "CO hotspot". CO hotspots are high, localized CO concentrations and are generally caused by congested intersections with a large volume of traffic.

CO hot spot modeling was performed for the CRSP EIR. As shown in Table 4.3-10 in the CRSP EIR, the three highest volume intersections in the CRSP Area under full buildout would be well below the established standard for CO. The proposed Project is consistent with the planned land use analyzed in the CRSP EIR. Therefore, the impact of the proposed Project related to ambient air quality CO concentrations would be less than significant. This would not be a new specific impact or an increase in the severity of an impact that was identified in the CRSP EIR and would therefore be consistent with the effects of implementation of the CRSP and no further analysis is required.

Threshold (e) Would the project create objectionable odors affecting a substantial number of people?

The CRSP EIR found impacts associated with odors to be considered less than significant. SJVAPCD has identified a list of common types of facilities that have been known to produce odors in the Basin along with a reasonable distance from the source within which, the degree of odors could be significant. These land uses include the following: wastewater treatment facilities, sanitary landfills, transfer stations, composting facilities, petroleum refinery, asphalt batch plant, chemical manufacturing, fiberglass

manufacturing, painting/coating operations, food processing facilities, feed lot/dairies and rendering plants. The proposed Project would include the development of a 31-acre park with associated recreational amenities. The proposed SPA provides clarification for the types of passive and active recreational uses allowed within the Parks Zone. These allowed uses, such as exercise classes, health/fitness events, farmer's market, etc., are not anticipated to generate any odor inducing uses on the site. Minor odor-generating activities from maintenance activities, such as lawn mower exhaust and application of exterior paints for building improvement may occur, but would be temporary instances. In addition, the CRSP EIR had previously analyzed these potential impacts and determined these types and concentrations not to be significant air quality impacts. As discussed throughout this document, the proposed SPA would also allow for food truck uses within GO, BPI, P zoning districts and the I-205 overlay of the CRSP. With respect to the proposed Project, food trucks would be allowed to operate at designated areas, specifically in the northwestern portion of the Project site, and would be required to comply with City regulations to control smoke and odors generated caused by food preparation to avoid public nuisances. See Figure 3. Compliance with local regulations would reduce impacts to a less than significant level. This finding is supported by the previously certified EIR prepared for the CRSP. This would not be a new specific impact or an increase in the severity of an impact that was identified in the CRSP EIR and would therefore be consistent with the effects of implementation of the CRSP and no further analysis is required.

Cumulative Impacts

A project that has a significant impact on air quality with regard to emissions of PM_{10}, $PM_{2.5}$, NO_X and/or ROGs as determined above would have a significant cumulative effect. In the event direct impacts from a project are less than significant, a project may still have a cumulatively considerable impact on air quality if the emissions from the project, in combination with the emissions from other proposed, or reasonably foreseeable future projects are in excess of screening levels identified above, and the project's contribution accounts for more than an insignificant proportion of the cumulative total emissions. With regard to past and present projects, the background ambient air quality, as measured at the monitoring stations maintained and operated by the SJVAPCD, measures the concentrations of pollutants from existing sources. Past and present project impacts are therefore included in the background ambient air quality data.

The proposed Project would contribute to cumulative impacts from construction and operational emissions since regional thresholds are exceeded for buildout of the CRSP Area. The CRSP EIR found full buildout of the Project would exceed SJVAPCD threshold for ROG, NO_x, CO, PM_{10}, and $PM_{2.5}$. The proposed Project would not contribute to cumulative health risk effects since background excess cancer risks are below the threshold of 10 in a million. Cumulative impacts to health risks were identified in the previously certified CRSP EIR.

As discussed above, the proposed Project would not cause a new air quality impact to occur, nor an increase in the severity of an air quality impact previously disclosed in the CRSP EIR, with implementation of the mitigation measures discussed in this section. Therefore, the proposed Project would not cause

either a new cumulative impact to occur, nor an increase in the severity of a cumulative impact previously disclosed.

III. BIOLOGICAL RESOURCES

WOULD THE PROJECT:

	Potentially Significant Impact	*Less Than Significant with Mitigation Incorporated*	*Less than Significant Impact*	*No Impact*	*Reviewed Under Previous Document*
a. Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	☐	☐	☐	☐	☒
b. Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or US Fish and Wildlife Service?	☐	☐	☐	☐	☒
c. Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	☐	☐	☐	☐	☒
d. Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?	☐	☐	☐	☐	☒
e. Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	☐	☐	☐	☐	☒
f. Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?	☐	☐	☐	☐	☒

RESPONSES TO CHECKLIST QUESTIONS

Potential impacts to biological resources for the proposed Project are based primarily on data contained within the previously certified EIR prepared for the CRSP and associated technical studies appended thereto.

Threshold (a) Would the project have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?

Special Status Species (Plant species, Animal Species, Nesting Birds)

Plants

The proposed Project is not expected to affect any populations of special status plant species. No specific occurrences of special-status species have been reported from the proposed Project site, according to records maintained by the California Natural Diversity Database (CNDDB). Participation in the San Joaquin Multi-Species Habitat Conservation and Open Space (SJMSCP) would address any potential impacts on special status plant species, in the remote instance that one or more occurrences are present in the proposed Project area. This would include compliance with Incidental Take Minimization Measures defined in Section 5.2 of the SJMSCP, which would include conducting preconstruction surveys and salvage measures in the unlikely event of any occurrences of special status plant species being present in the area. For the above reasons, potential impacts of the proposed Project on special-status plant species would be considered less than significant.

Wildlife Species

Development of the proposed Project site would result in the conversion of existing grassland and agricultural habitat to urban uses, eliminating the suitable habitat for numerous special status animal species. Suitable habitat within the CRSP Area includes foraging habitat for Swainson's hawk, burrowing owl and numerous other bird species, possible nesting habitat for burrowing owl, and possible foraging and dispersal habitat for San Joaquin kit fox, among others. The CRSP EIR previously acknowledged that tree, shrub, and groundcover plantings would eventually become established as part of enhancements for development of the future Central Green park. Birds and other wildlife adapted to urbanized areas would eventually utilize the nesting and foraging substrate provided by new landscaping as it matures. These areas were determined to be unsuitable for continued use by existing wildlife species that currently occupy the CRSP Area dependent on large, open areas of grassland and agricultural cover as habitat.

The proposed Project site is located within the Central/Southwest Transition Zone of the San Joaquin County Multi-Species Habitat Conservation and Open Space (SJMSCP). The SJMSCP compensates for conversions of open space to urban development and the expansion of existing urban boundaries, among other activities for public and private activities. All of the special-status animal species known or suspected to possibly occur in the proposed Project vicinity are covered under the take and compensatory mitigation

provisions of the SJMSCP. Applicants for site specific development have two options if their project is located in a jurisdiction participating in the SJMSCP and would have significant impacts on special-status species: (1.) mitigating through participation under the SJMSCP, or (2.) negotiating directly with the State and/or federal permitting agencies to secure incidental take authorizations.

If a project applicant opts for coverage through participation in the SJMSCP, then the following options are available, unless their activities are otherwise exempted: pay the applicable fee; dedicate, as conservation easements or fee title, habitat lands; purchase approved mitigation bank credits; or, propose an alternative mitigation plan. Participation in the SJMSCP under the fee payment option would require payment of fees based on valuation of each acre of land converted to urban use as well as compliance with Incidental Take Minimization Measures defined in Section 5.2 of the SJMSCP. The Incidental Take Minimization Measures pertinent to the proposed Project area include pre-construction surveys for covered species, as well as measures to prevent and control ground squirrel occupation of the area early in the planning process. If participating in the fee payment option, the applicant would be required to pay fees when permits for ground disturbance (such as grading and/or issuance of building permits) are issued, as set forth in the SJMSCP, and to implement recommendations (called "minimization measures") as required by an SJCOG appointed qualified biologist on a case-by-case basis throughout the proposed Project area prior to ground disturbance of that area. For the above reasons, mitigation would be required to reduce impacts to special-status animal species to less than significant.

The following mitigation measure incorporated herein from the previously certified CRSP EIR is applicable to the proposed Project:

> ***Mitigation Measure Bio-1***: *To mitigate the potential adverse impacts on special-status species, and provide for the incidental take of State and/or federally listed species, the applicant shall either: 1) participate in the SJMSCP and comply with all required Incidental Take Minimization Measures or 2) secure incidental take authorizations for State and/or federally-listed species directly from the CDFW and USFWS, respectively. Participation in the SJMSCP shall include compliance with all relevant Incidental Take Minimization Measures pertinent to the proposed Project Area, including pre-construction surveys for covered species to confirm presence or absence and provide for their relocation, if necessary. Issuance of grading and construction permits shall be contingent on providing evidence of either 1) compliance with the SJMSCP or 2) a 2081 Permit from the CDFW and Biological Opinion from the USFWS to the City of Tracy Development Services Director to ensure compliance with applicable regulations and ensure adequate compensatory mitigation has been provided. [This is Mitigation Measure BIO-1 in the CRSP EIR].*

With implementation of Mitigation Measure Bio-1, the proposed Project would result in less than significant impacts on special-status animal species. The proposed Project would cause neither a new impact to occur, nor an increase in the severity of an impact previously disclosed in the certified CRSP EIR.

Threshold (b) Would the project have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or US Fish and Wildlife Service?

As determined in the CRSP EIR, no riparian habitat was observed within the CRSP Area. The scattered areas of jurisdictional waters are regulated by State and/or federal resource agencies, but are not considered sensitive natural communities as defined by the California Natural Diversity Database (CNDDB). Therefore, associated impacts would not occur.

Given the Project site is within the same development boundary as the analyzed in the CRSP EIR, the proposed Project site is not within any riparian habitat. Thus, the proposed Project would not have an adverse effect on any riparian habitat or other sensitive natural community than what was previously analyzed in the CRSP EIR. This is consistent with the impact conclusions of the CRSP EIR. This would not be a new specific impact, or a substantial increase in the severity of an impact that was identified in the CRSP EIR and would therefore be consistent with the effects of implementation of the CRSP.

Threshold (c) Would the project have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?

Direct modifications to potential jurisdictional wetlands and other waters of the U.S. were identified in the previously certified CRSP EIR as part of a preliminary wetland assessment. The CRSP EIR had determined that an estimated 2.86 acres of jurisdictional wetlands and other waters of the U.S. would be filled or modified as a result of buildout of the CRSP. According to Figure 4.4-1 in the CRSP EIR, the proposed Project site was previously delineated and verified in 2001 and identified jurisdictional "other waters of the U.S." mapped along the central drainage channel and continues to the east along a man-made ditch that then turns north at Hansen Road and eventually passes under I-205. The CRSP EIR had concluded that any proposed modification to jurisdictional wetlands and waters would require authorization from the Corps, RWQCB, and CDFW. Because authorizations are still required from jurisdictional agencies and no plans have been prepared to address direct impacts on potential jurisdictional wetlands and other waters of the US at the time the CRSP EIR was prepared, this is considered a significant impact in the previously certified CRSP EIR.

The following mitigation measures incorporated herein from the previously certified CRSP EIR is applicable to the proposed Project:

> *Mitigation Measure Bio-3: To mitigate potential impacts on jurisdictional wetlands and other waters, the following measures shall be implemented.*
>
> - *A formal wetland delineation shall be prepared by a qualified wetland consultant and submitted to the Corps for verification to con-firm the extent of jurisdictional wetlands and other waters of US on the Specific Plan Area.*
>
> - *Where verified waters of the US are present and cannot be avoided, authorization for modifications to these features shall be obtained from the Corps through the Section 404 permitting process. Similarly, a Section 401 Certification shall be obtained from the RWQCB where waters of the US are directly affected by the Project. All conditions required as part of the authorizations by the Corps and RWQCB shall be implemented as part of the Project.*

- A CDFW Streambed Alteration Agreement shall also be obtained where necessary under applicable laws and regulations, for any pro-posed Project activities that would affect the bed or banks of the central drainage and other features regulated by the CDFW in the Specific Plan Area. The applicant who is proposing to construct these improvements as part of an individual site-specific development proposal shall submit a notification form to the CDFW, shall obtain all legally required agreements, and implement any conditions contained within that agreement.

- The acreage of waters of the US and any riparian scrub habitat along the central drainage that would be removed by the Project shall be replaced or restored/enhanced on a "no-net loss basis" in accordance with Corps, RWQCB, and CDFW regulations, to the extent required by applicable laws and regulations.

- A detailed mitigation plan shall be prepared by a qualified wetland consultant for any jurisdictional wetlands or waters of the US affected by proposed development, with replacement provided at a mini-mum 1:1 ratio or as required by the regulatory agencies. The plan shall clearly identify the total wetlands and other jurisdictional areas affected by proposed improvements, as well as wetlands to be created, restored, or enhanced as part of the wetland mitigation. This shall preferably be accomplished on-site through adjustments to the proposed limits of grading, with any replacement wetlands consolidated to the degree possible to improve existing habitat values. The plan shall specify performance criteria, maintenance and long-term management responsibilities, monitoring requirements, and contingency measures, and shall adhere to all applicable requirements and conditions imposed by the regulatory agencies.

- Consultation or incidental take permitting may be required under the California and federal Endangered Species Acts (as discussed above under Mitigation Measures BIO-1). To the extent required under applicable laws and regulations, an applicant for an individual site-specific development shall obtain all legally required permits or other authorizations from the USFWS and CDFW for the potential "take" of protected species under the Endangered Species Acts, either though participation in the SJMSCP or through separate incidental take authorizations.

- Temporary orange construction fencing shall be installed around the boundary of all delineated jurisdictional waters to the extent they are being preserved so that they are not disturbed during construction. The fencing shall be placed a minimum of 25 feet out from the boundary of the wetland but may need to be adjusted if construction and/or restoration activities are to be conducted within this area. Grading, trail construction and restoration work within the wetland buffer zones shall be conducted in a way that avoids or minimizes disturbance of existing wetlands to be preserved in accordance with any mitigation measures imposed by the regulatory agencies.

- Written evidence shall be provided to the City of Tracy Development Services that the applicant has secured all authorizations required by the Corps, RWQCB, and CDFW in connection with the individual, site-specific development proposal prior to issuance of a grading permit for that individual development at issue to ensure compliance with applicable regulations.

Mitigation Measure BIO-3 would reduce impacts to jurisdictional wetlands and other waters to a less than significant level. As shown in Figure 3, the proposed Project will incorporate the central drainage channel into the project design and preserve its existing use. Because the Project is not proposing any fill or modification, and would preserve the central drainage channel's existing use, Mitigation Measure Bio-3 would not apply. Similar to the approved CRSP, there is the potential for runoff to occur during construction phases of the Project and potential for urban pollutants to be discharged. However, implementation of adequate erosion control measures typically required as part of the Regional Water Quality Control Board (RWQCB) Water Quality Certification would serve to address potential indirect impacts on wetlands and water quality. Please see required water quality mitigation measures in Section VII of this document, which the Project would be required to comply with. Therefore, less than significant impacts would occur. This is consistent with the impact conclusions of the CRSP EIR. No new specific impact would result, nor would it be a substantial increase in the impact previously identified be any more severe as a result of the proposed Project. Therefore, the proposed Project would be consistent with the effects of implementation of the CRSP.

Threshold (d) Would the project interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?

As determined in the CRSP EIR, buildout of the CRSP Area would have a substantial impact on the existing agricultural and grassland cover on the CRSP Area, and the associated wildlife habitat functions and values. Trees, shrubs and groundcover plantings would eventually become established as part of enhancement along the central drainage and other park and opens space features throughout the CRSP Area. The CRSP EIR determined that vegetation provided in larger park areas, such as the proposed Project site would be fragmented by roadways and structures, with limited opportunities for wildlife to move between these features and other enhanced areas on the CRSP Area. For these reasons, wildlife movement was identified as a significant and unavoidable impact in the previously certified EIR prepared for the CRSP.

The following mitigation measures incorporated herein from the previously certified CRSP EIR is applicable to the proposed Project:

> ***Mitigation Measure Bio-2***: *To avoid the potential for disturbance of nesting birds on or near the Project area, schedule the initiation of any vegetation removal and grading for the period of September 1 through February 15. If construction work cannot be scheduled during this period, a qualified biologist shall conduct pre-construction surveys for nesting birds according to the following guidelines:*

- *The preconstruction surveys shall be conducted by the qualified biologist no later than 14 days prior to the start of vegetation removal or initiating project grading.*
- *If birds protected under the Migratory Bird Treaty Act are found nesting, then appropriate construction buffers shall be established to avoid disturbance of the nests until such time that the young have fledged. The size of the nest buffer shall be determined by the biologist in consultation with CDFW, and shall be based on the nesting species, its sensitivity to disturbance, and expected types of disturbance. Typically, these buffers range from 75 to 250 feet from the nest location.*
- *Nesting activities shall be monitored periodically by a qualified biologist to determine when construction activities in the buffer area can resume.*
- *Once the qualified biologist has determined that young birds have successfully fledged, a monitoring report shall be prepared and submitted to the City of Tracy Development Services for review and approval prior to initiating construction activities within the buffer area. The monitoring report shall summarize the results of the nest monitoring, describe construction restrictions currently in place, and confirm that construction activities can proceed within the buffer area without jeopardizing the survival of the young birds. Construction within the designated buffer area shall not proceed until the written authorization is received by the applicant from the Development Services Director. The above provisions are in addition to the preconstruction surveys to confirm presence or absence of nesting Swainson's hawk, burrowing owl, and other special-status species as required under the Incidental Take Minimization Measures of the SJMSCP. [This is Mitigation Measure BIO-2 in the CRSP EIR].*

The Project site is within the same development boundary as the analyzed in the CRSP SEIR and Project implementation would result in the conversion of undeveloped land to urban uses, eliminating non-native vegetation and low-grade habitat for any native wildlife species. Similar to the approved CRSP, the proposed Project would have the potential to interfere with the movement of any native resident or migratory fish or wildlife species. With implementation of the above mitigation measure, the proposed Project's impact on the movement of any native resident or migratory fish or wildlife species would be less than significant. This is consistent with the impact conclusions of the CRSP EIR. No new specific impact would result, nor would the impact previously identified be any more severe as a result of the proposed Project. Therefore, the proposed Project would be consistent with the effects of implementation of the CRSP.

Threshold (e) Would the project conflict with any local policies or ordinances related to protecting biological resources, such as a tree preservation policy or ordinance?

As determined in the CRSP EIR, buildout of the CRSP Area would urbanize the CRSP Area. Trees, shrubs and groundcover plantings would eventually become established as part of enhancement along the central drainage and other park and opens space features throughout the CRSP Area. As shown in Figure 4, the Project proposes a variety of trees throughout the site. Trees would be required to be planted in accordance with the City's list of approved trees. All impacts regarding conflicts with relevant plans and

ordinances were considered at the time the previously certified CRSP EIR was adopted. Potential impacts to special status species as a result from buildout of the CRSP would be mitigated by the Mitigation Measures Bio-1 and Bio-2 in the CRSP EIR. Consistent with the conclusion identified in the previously certified CRSP EIR, the proposed Project's impacts in this regard would be less than significant.

Threshold (f) Would the project conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?

The proposed Project area is located within the sphere of influence of the SJMSCP. As set forth in Mitigation Measure Bio-1, applicants for individual development sites would have the option to participate in the SJMSCP to address potential impacts on special-status species associated with the conversion of existing habitat to urban uses. By participating in the SJMSCP, applicants would be required to comply with all relevant conditions of the use agreement, including the Incidental Take Minimization Measures defined in Section 5.2 of the SJMSCP. As a result, no impacts relative to conservation plans would occur. This finding is supported by the previously certified EIR prepared for the CRSP. No new specific impact would result, nor would the impact previously identified be any more severe as a result of the proposed Project. Therefore, the proposed Project would be consistent with the effects of implementation of the THSP.

Cumulative Impacts

Mitigation measures were identified in the certified CRSP EIR and are incorporated above (Mitigation Measures Bio-1 and Bio-2) that would serve to reduce the severity of biological impacts. Similar to the proposed Project and the CRSP, all cumulative projects would be subject to individual project review and conformance with conservation plans and standard provisions for compliance with State and federal protection laws. Since project-related impacts would be minimized by mitigation and cumulative projects would also be required to follow suit, the cumulative impact from other past, present, and reasonably foreseeable projects, would be expected to be less than significant. Therefore, cumulative impacts would be less than significant. This finding is supported by the previously certified EIR prepared for the CRSP. The proposed Project would cause neither a new impact to occur, nor an increase in the severity of an impact previously disclosed.

IV. CULTURAL RESOURCES

WOULD THE PROJECT:

	Potentially Significant Impact	*Less Than Significant with Mitigation Incorporated*	*Less than Significant Impact*	*No Impact*	*Reviewed Under Previous Document*
a. Cause a substantial adverse change in the significance of a historical resource as defined in § 15064.5?	☐	☐	☐	☐	☒
b. Cause a substantial adverse change in the significance of an archaeological resource pursuant to § 15064.5?	☐	☐	☐	☐	☒
c. Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	☐	☐	☐	☐	☒
d. Disturb any human remains, including those interred outside of formal cemeteries?	☐	☐	☐	☐	☒

RESPONSES TO CHECKLIST QUESTIONS

Cultural resources, which are protected under the National Historic Preservation Act of 1966 (NHPA) and the Archaeological Resources Protection Act of 1979, include the non-renewable remains of past human use of an area. Cultural resources can include both archaeological resources and ethnographic resources. Archaeological resources consist of architectural remains, isolated features such as rock piles, hearths (fire pits), or scatters of artifacts (pottery or rock fragments). Ethnographic resources are often less tangible as they define materials, places, or things used by living communities.

Historic structures and sites are generally defined by local, State, and Federal criteria. A site or structure may be historically significant if it is protected through a local general plan or historic preservation ordinance. In addition, a site or structure may be historically significant if it meets certain State or Federal criteria even if the locality does not recognize such significance. The State of California, through the State Historic Preservation Office (SHPO), also maintains an inventory of those sites and structures that are considered to be historically significant. Finally, the U. S. Department of the Interior has established specific guidelines and criteria that indicate the manner in which a site, structure, or district is to be identified as having historic significance.

Significance may be determined if the property is associated with events, activities, or developments that were important in the past, with the lives of people who were important in the past, or represents significant architectural, landscape, or engineering elements. Ordinarily, properties that have achieved significance within the past 50 years are not considered eligible for the National Register. Buildings and properties will qualify for a listing on the National Register if they are integral parts of districts that meet certain criteria or if they fall within the following categories:

- A religious property deriving primary significance from architectural or artistic distinction or historical importance;

- A building or structure removed from its original location but which is primarily significant for architectural value, or which is the surviving structure most importantly associated with a historic person or event;
- A birthplace or grave of a historical figure of outstanding importance if there is no appropriate site or building associated with his or her productive life;
- A cemetery that derives its primary importance from graves of persons of transcendent importance, from age, from distinctive design features, or from association with historic events;
- A reconstructed building when accurately executed in a suitable environment and presented in a dignified manner as part of a restoration master plan, and when no other building or structure with the same association has survived;
- A property primarily commemorative in intent if design, age, tradition, or symbolic value has invested it with its own exceptional significance; or,
- A property achieving significance within the past 50 years if it is of exceptional importance.

Information in this section was derived from the previously certified EIR prepared for the CRSP. As part of that EIR, a Cultural Resources Assessment and Paleontological Review was performed by Tom Origer & Associates and encompassed the proposed Project site. The results and conclusions are summarized herein.

Threshold (a) Would the project cause a substantial adverse change in the significance of a historical resource as defined in § 15064.5?

The CRSP Area does not contain any sites that are listed on National Register or California Register, are State Landmarks, or are California Points of Interest. The site-specific field assessment of the CRSP Area also found that extant buildings and building complexes within the CRPS Area also lacked the potential for inclusion on the California Register of Historical Resources. As such, the proposed Project would not have an impact to known historic resources because the Project site is within the footprint of the previously analyzed CRSP Area. This finding is supported by the previously certified EIR prepared for the CRSP. The proposed Project would cause neither a new impact to occur, nor an increase in the severity of an impact previously disclosed.

Threshold (b) Would the project cause a substantial adverse change in the significance of an archaeological resource pursuant to § 15064.5?

Although no ethnographic camps or villages were reported within the CRSP Area, there is potential that additional prehistoric sites may exist in the CRSP Area or vicinity. As such, build-out of the proposed Project has the potential to impact unknown archaeological resources because of its grading and construction activities. However, construction of the proposed Project would be required to comply with federal and State regulations and the existing Tracy General Plan policies, which would reduce any potential impacts to archaeological resources, if any archaeological resources were discovered during the implementation. Specifically, Tracy General Plan Policies P4 and P5 require immediate cessation of

construction activity upon discovery of archaeological or paleontological resources and the protection of cultural resources. However, inadvertent damage to unique, buried archaeological deposits during construction would result in a significant impact prior to mitigation.

To reduce this potentially significant impact to a less than significant level, all construction- related impacts of soil shall be monitored in accordance with Mitigation Measure Cult-1 and to the satisfaction of the Development Services Director.

The following mitigation measure incorporated herein from the previously certified CRSP EIR is applicable to the proposed Project:

> ***Mitigation Measure Cult-1****: If any prehistoric or historic subsurface cultural resources are discovered during ground-disturbing activities, all work within 50 feet of the resources shall be halted and a qualified archaeologist shall be consulted to assess the significance of the find according to CEQA Guidelines Section 15064.5. If any find is determined to be significant, representatives from the City and the archaeologist shall meet to determine the appropriate avoidance measures or other appropriate mitigation. All significant cultural materials recovered shall be, as necessary and at the discretion of the consulting archaeologist, subject to scientific analysis, professional museum curation, and documentation according to current professional standards. In considering any suggested mitigation proposed by the consulting archaeologist to mitigate impacts to historical resources or unique archaeological resources, the City shall determine whether avoidance is necessary and feasible in light of factors such as the nature of the find, project design, costs, and other considerations.*
>
> *If avoidance is infeasible, other appropriate measures (e.g. data recovery) shall be instituted. Work may proceed on other parts of the Specific Plan Area while mitigation for historical resources or unique archaeological resources is being carried out. [This is Mitigation Measure CUL-1 in the CRSP EIR].*

The procedures and provisions of the above mitigation measure would ensure that impacts to unanticipated archaeological discoveries are reduced to less than significant levels. This determination s supported by the previously certified EIR prepared for the CRSP. The proposed Project would cause neither a new impact to occur, nor an increase in the severity of an impact previously disclosed. As such, no further analysis is required.

Threshold (c) Would the project directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?

According to the previously certified CRSP EIR, several fossils were found in the CRSP Area in 1948 during construction of the Delta Mendota Canal. As such, the proposed Project and surrounding vicinity has the potential to impact unknown paleontological resources during grading and construction activities. However, the proposed Project would be required to comply with applicable federal and state regulations and the existing Tracy General Plan Policies, which would reduce any potential impacts to paleontological resources, if any resources were discovered during construction. Particularly, Tracy General Plan Policies

P4 and P5 require immediate cessation of construction activity upon discovery of archaeological or paleontological resources and the protection of cultural resources. While fossils are not expected to be discovered during construction, it is possible that significant fossils could be discovered during excavation activities, even in areas with a low likelihood of occurrence. Fossils encountered during excavation could be inadvertently damaged. If a unique paleontological resource is discovered, the impact to the resource could be substantial. This would result in a significant impact without mitigation.

The following mitigation measure incorporated herein from the previously certified CRSP EIR is applicable to the proposed Project:

> ***Mitigation Measure Cult-2***: *In the event that fossils or fossil-bearing deposits are discovered during construction, excavations within 50 feet of the find shall be temporarily halted or diverted. The contractor shall notify a qualified paleontologist to examine the discovery. The paleontologist shall document the discovery as needed in accordance with Society of Vertebrate Paleontology standards, evaluate the potential resource, and assess the significance of the find under the criteria set forth in CEQA Guidelines Section 15064.5. The paleontologist shall notify the appropriate agencies to determine procedures that would be followed before construction is allowed to resume at the location of the find. If in consultation with the paleontologist, the Project proponent determines that avoidance is not feasible, the paleontologist shall prepare an excavation plan for mitigating the effect of the Project on the qualities that make the resource important. The plan shall be submitted to the City for review and approval and the Project proponent shall implement the approval plan. [This is Mitigation Measure CUL-2 in the CRSP EIR].*

Mitigation Measure Cult-2 would require all construction related impacts of fossils or fossil-bearing deposits be monitored accordingly and to the satisfaction of the Development Services Director. With implementation of this mitigation measure, the proposed Project would not disturb paleontological resources, any greater than already analyzed in the CRSP EIR, as the changes would develop a park previously considered for in the CRSP EIR. Although there is the potential to disturb previously undiscovered paleontological resources, this potential was previously disclosed and mitigated for in the certified CRSP EIR. This would not be a new specific impact, nor would it increase the severity of the impact previously identified in the CRSP EIR and would therefore be consistent with the effects of implementation of the THSP.

Threshold (d) Would the project disturb any human remains, including those interred outside of formal cemeteries?

According to the previously certified EIR prepared for the CRSP, four Native American burial sites were recorded in the Tracy Area in 1939. While the burial sites were not located in the CRSP Area or vicinity, there is still a possibility that undiscovered human remains may exist within the proposed Project area. As such, grading and construction activities in the proposed Project Area have the potential to impact unknown human remains. However, this risk is considered low given the historical agricultural use of the proposed Project Area, and the fact that no ethnographic camps or villages have been reported. Thus, the likelihood of undiscovered human remains is remote.

State law and the Tracy General Plan provide guidance should human remains be discovered during construction. The California Health and Safety Code and Tracy General Plan Policy P4, P5, and P6 require that if human remains are inadvertently discovered during excavation or construction activities, all construction affecting the discovery site must halt, the contractor must contact the appropriate professionals, and the county coroner must examine the remains within 48 hours of discovery. Additionally, if the remains are determined to be Native American, the City would work with local Native American representatives to ensure that the remains and any associated artifacts are treated in a respectful and dignified manner. Despite the applicable regulatory framework and the relatively low likelihood of discovery, it remains possible that the proposed Project would discover human remains during subsurface activities, which could then result in the remains being inadvertently damaged. To reduce this potentially significant impact to a less than significant level, all construction related impacts of human remains shall be monitored in accordance with Mitigation Measure Cult-3 and to the satisfaction of the Development Services Director.

The following mitigation measure incorporated herein from the previously certified CRSP EIR is applicable to the proposed Project:

> ***Mitigation Measure Cult-3****: If human skeletal remains are uncovered during construction, the contractor (depending on the Project component) shall immediately halt work within 50 feet of the find, contact the San Joaquin County coroner to evaluate the remains, and follow the procedures and protocols set forth in Section 15064.5(e)(1) of the CEQA Guidelines. If the county coroner determines that the remains are Native American, the Project proponent shall contact the NAHC, in accordance with Health and Safety Code Section 7050.5, subdivision (c), and Public Resources Code 5097.98 (as amended by AB 2641). Per Public Resources Code 5097.98, the contractor shall ensure that the immediate vicinity, according to generally accepted cultural or archaeological standards or practices, where the human remains are located, is not damaged or disturbed by further development activity until the contractor has discussed and conferred, as prescribed in this section (California Public Resources Code Section 5097.98), with the most likely descendants regarding their recommendations, if applicable, taking into account the possibility of multiple human remains. [This is Mitigation Measure CUL-3 in the CRSP EIR].*

As such, Project build-out has the potential to impact unknown human remains during grading and construction activities. With implementation of the above mitigation measure, the proposed Project's impact on human remains would be less than significant. This determination is supported by the previously certified EIR prepared for the CRSP. The proposed Project would cause neither a new impact to occur, nor an increase in the severity of an impact previously disclosed. As such, no further analysis is required.

Cumulative Impacts

As discussed above, the proposed Project would not cause a new cultural resources impact to occur, nor an increase in the severity of a cultural resources impact previously disclosed in the CRSP EIR, with implementation of the mitigation measures discussed in this section. Therefore, the proposed Project

would not cause either a new cumulative impact to occur, nor an increase in the severity of a cumulative impact previously disclosed.

V. GEOLOGY AND SOILS

WOULD THE PROJECT:

	Potentially Significant Impact	*Less Than Significant with Mitigation Incorporated*	*Less than Significant Impact*	*No Impact*	*Reviewed Under Previous Document*
Would the project:					
a. Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:					
i. Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.	☐	☐	☐	☐	☒
ii. Strong seismic ground shaking?	☐	☐	☐	☐	☒
iii. Seismic-related ground failure, including liquefaction?	☐	☐	☐	☐	☒
iv. Landslides?	☐	☐	☐	☐	☒
b. Result in substantial soil erosion or the loss of topsoil?	☐	☐	☐	☐	☒
c. Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?	☐	☐	☐	☐	☒
d. Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?	☐	☐	☐	☐	☒
e. Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?	☐	☐	☐	☐	☒

RESPONSES TO CHECKLIST QUESTIONS

Information in this section was derived from the previously certified EIR prepared for the CRSP. As part of that EIR, a Geotechnical Investigation Report was prepared by KC Engineering Company (2000) and encompassed the proposed Project site. The results and conclusions are summarized herein.

Threshold (a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:

i. Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.

Primary fault rupture occurs along the traces of active earthquake faults. The proposed Project area is not located within an Alquist-Priolo Earthquake Fault Zone nor have any such zones been identified in the vicinity. No active earthquake faults have been identified in the proposed Project area, and fault rupture is unlikely to occur. Therefore, the proposed Project area is not considered susceptible to the risk of loss, injury, or death due to fault rupture and the associated impacts would be less than significant. This determination of less than significant impact is supported by the previously certified EIR prepared for the CRSP. The proposed Project would cause neither a new impact to occur, nor an increase in the severity of an impact previously disclosed. As such, no further analysis is required.

ii. Strong seismic ground shaking?

Considering the proximity of active faults within the region, and the proximity of those faults to the nearest proposed Project site (approximately 8 miles west of the Project site), strong seismic ground shaking could potentially occur within the proposed Project Area during a major seismic event. Ground shaking nonetheless, the City of Tracy's existing building permit process, together with adherence to the California Building Code requirements (adopted by reference in the City's Municipal Code), would help ensure that any new buildings within the proposed Project would incorporate appropriate seismic design criteria, thereby affording the building occupants an added measure of safety. The City's building permit process would ensure that the proposed Project would proceed in adherence to the applicable requirements. In light of these requirements, development of the proposed Project would result in a less than significant impact related to the risk of loss, injury, or death due to strong seismic ground shaking. This determination of less than significant impact is supported by the previously certified EIR prepared for the CRSP. The proposed Project would cause neither a new impact to occur, nor an increase in the severity of an impact previously disclosed. As such, no further analysis is required.

iii. Seismic-related ground failure, including liquefaction?

The Seismic Hazards Zonation Program of the California Geological Survey (CGS) has not identified any seismically-induced liquefaction zones in the City or in the proposed Project site. A detailed geotechnical investigation of the CRSP Area was included as part of the previously certified CRSP EIR, and concluded that the soils within the CRSP Area did not meet the criteria for liquefiable soils and the potential for liquefaction was considered "low to nil." Considering the findings of the geotechnical study, the proposed Project site is not considered susceptible to the risk of loss, injury, or death due to seismic-related ground failure including liquefaction and impacts would be considered less than significant. This determination of less than significant impact is supported by the previously certified EIR prepared for the CRSP. The proposed Project would cause neither a new impact to occur, nor an increase in the severity of an impact previously disclosed. As such, no further analysis is required.

iv. Landslides?

The proposed Project site is on fairly flat topography, thus impacts from naturally occurring landslides are considered negligible. Some limited potential for slope instability risk could arise during grading and construction activities, where slopes could be over-steepened. However, this risk is mitigated by adhering to relevant California Building Code requirements for grading as well as adhering to the CRSP Geotechnical Report recommendations regarding maximum steepness for cut and fill slopes. Given these safeguards, the risk of loss, injury, or death due to landslides is considered very low and the impacts would be considered less than significant. This determination of less than significant impact is supported by the previously certified EIR prepared for the CRSP. The proposed Project would cause neither a new impact to occur, nor an increase in the severity of an impact previously disclosed. As such, no further analysis is required.

Threshold (b) Result in substantial soil erosion or the loss of topsoil?

The CRSP EIR concluded that construction activities associated with buildout of the proposed Project could result in the loss of topsoil and soil. However, construction activities in the CRSP Area would be required to adhere to applicable grading requirements in the current California Building Code. Furthermore, such construction would be regulated under a construction-related stormwater control permit, generally administered by the State Water Resources Control Board (SWRCB), as described more fully in Chapter IX (Hydrology and Water Quality). The SWRCB's Construction General Permit (CGP) requires the development and implementation of a Storm Water Pollution Prevention Plan (SWPPP) that describes the Best Management Practices (BMP's) that would be used to prevent erosion and protect storm water runoff.

Construction of the new park and associated recreational amenities as part of the proposed Project would create new impervious areas, such as walkways, driveways, parking lots, and rooftops. These impervious areas often result in increased stormwater runoff which can exacerbate soil erosion. As discussed more fully in Chapter IX (Hydrology and Water Quality), the proposed Project would be subject to the City of Tracy's Storm Water Management Program and the City's Stormwater Quality Control Standards that require the design and implementation of a range of stormwater control measures that include: general site design control measures, site-specific source control measures, treatment measures, and other controls. Mitigation Measures Hydro-1, Hydro-2, Hydro-3, Hydro-4 and Hydro-5 as described in Chapter IX (Hydrology and Water Quality) would ensure the appropriate measures are taken to reduce impacts related to soil erosion and topsoil to less than significant with mitigation. This determination of less than significant impact is supported by the previously certified EIR prepared for the CRSP. The proposed Project would cause neither a new impact to occur, nor an increase in the severity of an impact previously disclosed. As such, no further analysis is required.

Threshold (c) Would the project be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?

According to the geotechnical investigation performed for the CRSP Area, it was concluded that soils were not compressible or otherwise prone to settlement. Typically, subsidence occurs in areas underlain by soils that are highly compressible, such as soft clays or silts and unconsolidated sand or fill material. Thus, development of the proposed Project would have a less than significant impact relative to geologically unstable soils because the Project site is within the footprint of the previously analyzed CRSP EIR. This determination of less than significant impact is supported by the previously certified EIR prepared for the CRSP. The proposed Project would cause neither a new impact to occur, nor an increase in the severity of an impact previously disclosed. As such, no further analysis is required.

Threshold (d) Would the project be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?

As discussed in the CRSP EIR, the CRSP Area contains soils that are highly expansive and subject to significant volume changes due to moisture fluctuations. The CRSP EIR concluded that, with compliance with California Building Code (CBC) requirements and geotechnical recommendations, implementation of the CRSP would have a less than significant impact related to expansive soils.

The proposed Project is within the same development footprint covered by the adopted CRSP and would also have the potential to be located in highly expansive soils. Thus, compliance with the CBC and implementation of the CRSP geotechnical recommendations would ensure that proposed Project impacts related to expansive soils would be less than significant. This determination of less than significant impact is supported by the previously certified EIR prepared for the CRSP. The proposed Project would cause neither a new impact to occur, nor an increase in the severity of an impact previously disclosed. As such, no further analysis is required.

Threshold (e) Would the project have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?

Buildout of the CRSP would be served by the City's wastewater treatment plant, which is managed by the City's Utilities Division in the Public Works Department and their wastewater facilities. No septic tanks would be used as part of the buildout of the CRSP. This determination of less than significant impact is supported by the previously certified EIR prepared for the CRSP. As a result, no impacts associated with the use of septic tanks would occur as part of the proposed Project's implementation.

Cumulative Impacts

As discussed above, the proposed Project would not cause a new geologic impact to occur, nor an increase in the severity of a geologic impact previously disclosed in the CRSP EIR, with implementation of the existing laws and regulations discussed in this section. Therefore, the proposed Project would not cause either a new cumulative impact to occur, nor an increase in the severity of a cumulative impact previously disclosed.

VI. GREENHOUSE GAS EMISSIONS

WOULD THE PROJECT:

	Potentially Significant Impact	*Less Than Significant with Mitigation Incorporated*	*Less than Significant Impact*	*No Impact*	*Reviewed Under Previous Document*
a. Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?	☐	☐	☐	☐	☒
b. Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?	☐	☐	☐	☐	☒

RESPONSES TO CHECKLIST QUESTIONS

Global climate change refers to changes in average climatic conditions on Earth as a whole, including temperature, wind patterns and precipitation. Global temperatures are moderated by naturally occurring atmospheric gases, including water vapor, carbon dioxide (CO_2), methane (CH_4), and nitrous oxide (N_2O), as well as hydrofluorocarbons (HFCs), perfluorocarbons (PFCs), and sulfur hexafluoride (SF_6). These "greenhouse" gases allow solar radiation (sunlight) into the Earth's atmosphere, but prevent radiative heat from escaping; thus, warming the Earth's atmosphere. GHG's are emitted by both natural processes and human activities. Concentrations of GHG have increased in the atmosphere since the industrial revolution. Human activities that generate GHG emissions include combustion of fossil fuels (CO_2 and N2O); natural gas generated from landfills, fermentation of manure and cattle farming (CH_4); and industrial processes such as nylon and nitric acid production (N_2O).

GHGs have varying global warming potential (GWP). The GWP is the potential of a gas or aerosol to trap heat in the atmosphere; it is the "cumulative radiative forcing effect of a gas over a specified time horizon resulting from the emission of a unit of mass of gas relative to a reference gas". The reference gas for GWP is CO_2; therefore, CO_2 has a GWP factor of 1. The other main greenhouse gases that have been attributed to human activity include CH4, which has a GWP factor of 25, and N_2O, which has a GWP factor of 298. When accounting for GHGs, all types of GHG emissions are expressed in terms of CO_2 equivalents (CO_2e) and are typically quantified in metric tons (MT) or million metric tons (MMT).

Assembly Bill (AB) 32, the California Global Warming Solutions Act, established a state goal of reducing GHG emissions to 1990 levels by the year 2020, which would require a reduction of approximately 28 percent from "business as usual" or forecasted emission levels. Senate Bill (SB) 97, a companion bill, directed the California Natural Resources Agency (Resources Agency) to certify and adopt guidelines for the mitigation of GHG or the effects of GHG emissions. SB 97 was the State Legislature's directive to the Resources Agency to specifically establish that GHG emissions and their impacts are appropriate subjects for CEQA analysis.

Executive Order B-30-15, which was issued in April 2015, requires statewide GHG emissions to be reduced 40 percent below 1990 levels by 2030. SB 32 (SB 32), signed into law in September 2016, codifies the 2030 GHG reduction target in Executive Order B-30-15. SB 32 authorizes CARB to adopt an interim GHG emissions level target to be achieved by 2030 and to adopt rules and regulations in an open public process to achieve the maximum, technologically feasible, and cost-effective GHG reductions. With SB 32, the California Legislature passed companion legislation AB 197, which provided additional direction for developing an updated Scoping Plan. CARB released the second update to the Scoping Plan to reflect the 2030 target set by Executive Order B-30-15 and codified by SB 32 in November 2017.

Additionally, signed into Law in September 2018, SB 100 increased California's renewable electricity portfolio from 50 to 60 percent by 2030. SB 100 also established a further goal to have an electric grid that is entirely powered by clean energy by 2045.

Threshold (a) Would the project generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?

The CRSP EIR found that GHG emissions generated by the proposed Specific Plan (both construction and operational-related) would exceed the applicable threshold set forth in SJVAPCD's guidance because the proposed Project's GHG emissions cannot feasibly be reduced to a less than significant level despite the incorporation of numerous sustainability measures. The impact was identified as significant and unavoidable. Mitigation Measures GHG-1 through GHG-4 in the CRSP EIR would reduce but would not eliminate the significant impact.

The following mitigation measure incorporated herein from the previously certified CRSP EIR is applicable to the proposed Project:

> ***Mitigation Measure GHG-1****: Applicants for individual, site-specific developments shall conform to the then-applicable requirements of the California Building Code, including the Green Code's provisions relating to "solar readiness." Applicants will be encouraged to utilize or otherwise facilitate the use of alternative energy generation technologies, as feasible, to offset their energy consumption, by, for example, ensuring that roof structures are built such that they can accommodate the weight of solar panels in accordance with the California Building and Energy Standards; providing for energy storage within their buildings; and installing electrical switch gears to facilitate solar usage. [This is Mitigation Measure GHG-1a in the CRSP EIR].*
>
> ***Mitigation Measure GHG-2****: Prior to issuance of a building permit for an individual, site-specific development that requires refrigerated vehicles, the construction documents shall demonstrate an adequate number of electrical service connections at loading docks for plug-in of the anticipated number of refrigerated trailers to reduce idling time and emissions. [This is Mitigation Measure GHG-1b in the CRSP EIR].*
>
> ***Mitigation Measure GHG-3****: Applicants for individual, site-specific developments with truck delivery and loading areas, and truck parking spaces, shall include signage as a reminder to limit*

idling of vehicles while parked for loading/unloading in accordance with California Air Re-sources Board Rule 2845 (13 CCR Chapter 10 §2485). [This is Mitigation Measure GHG-1c in the CRSP EIR]

***Mitigation Measure GHG-4**: Applicants for individual, site-specific developments shall identify in the grading plans that non-essential idling of construction equipment and vehicles shall be restricted to no more than 5 minutes in accordance with California Air Resources Board Rule 2485 (13 CCR Chapter 10 §2485). [This is Mitigation Measure GHG-1d in the CRSP EIR].*

The proposed Project would be consistent with the land use and zoning designations analyzed for the Project site in the CRSP EIR. GHG emissions resulting from construction and operation of the proposed projects were previously considered as part of buildout in the CRSP EIR. Accordingly, Project implementation would not result in additional, unplanned, infrastructure or development within the CRSP Area that could increase vehicle trips or on-site population. While the proposed SPA would allow food trucks within the Parks zone, no new trips from this use are anticipated for buildout of the CRSP. The generated trips are anticipated to come from existing business uses (e.g. warehouse, distribution logistic facilities, manufacturing, assembly and production uses) surrounding the Project site that have been considered for in the CRSP EIR. For these reasons, no new trips are anticipated from the proposed Project. Further, the above mitigation measure from the CRSP EIR is applicable to the proposed Project. Therefore, the proposed Project would not result in new or more severe GHG impacts based on vehicle emissions than was evaluated and addressed in the CRSP EIR. Despite the implementation of the above mitigation measures, the impact would remain significant and unavoidable, similar to the CRSP. Thus, the proposed Project would not result in a new specific impact or an increase in the severity of an impact that was identified in the CRSP EIR and would therefore be consistent with the effects of implementation of the CRSP.

Threshold (b) Would the project conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?

According to the CRSP EIR, full buildout of the project would potentially conflict with or otherwise interfere with achievement of CARB's Scoping Plan, the City's Sustainability Action Plan, the California Attorney General's Office, or the California Air Pollution Control Officer's Association (CAPCOA) applicable measures.[1] The proposed Project is consistent with the land uses designated in the CRSP and thus would be consistent with local and regional plans designed to reduce GHG emissions. Therefore, the proposed Project would not conflict or interference with the achievement of an applicable GHG emissions reduction plan.

Cumulative Impacts

As discussed above, the proposed Project would not cause a new greenhouse gas impact to occur, nor an increase in the severity of a greenhouse gas impact previously disclosed in the CRSP EIR, with implementation of the mitigation measures discussed in this section. Therefore, the proposed Project

[1] CRSP Draft EIR, page 4.7-32.

would not cause either a new cumulative impact to occur, nor an increase in the severity of a cumulative impact previously disclosed.

VII. HAZARDS AND HAZARDOUS MATERIALS

WOULD THE PROJECT:

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact	*Reviewed Under Previous Document*
a. Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	☐	☐	☐	☐	☒
b. Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	☐	☐	☐	☐	☒
c. Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	☐	☐	☐	☐	☒
d. Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	☐	☐	☐	☐	☒
e. For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?	☐	☐	☐	☐	☒
f. For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?	☐	☐	☐	☐	☒
g. Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	☐	☐	☐	☐	☒
h. Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?	☐	☐	☐	☐	☒

RESPONSES TO CHECKLIST QUESTIONS

Information in this section was derived from the previously certified EIR prepared for the CRSP. The EIR included the preparation of a Phase I Environmental Site Assessment. The results and conclusions are summarized herein.

Threshold (a) Would the project create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?

According to the CRSP EIR, the routine transport, use, or disposal of hazardous materials by development within the CRSP Area could create a significant hazard to the public or the environment. Major transportation routes in proximity to the CRSP Area are Interstate 580 (I-580) and Interstate 205 (I-205). Local transportation routes within and adjacent to the CRSP Area include Capital Parks Drive, Promontory Parkway, International Parkway, Old Schulte Road, Hopkins Road, Hansen Road/Iron Horse Parkway, Bud Lyons Way, and Hood Way. All of these transportation routes may be used to transport hazardous materials. Transportation accidents involving hazardous materials could occur on any of the routes that would be utilized in the CRSP and by the proposed Project. The previously certified EIR prepared for the CRSP determined this impact to be significant requiring implementation of Mitigation Measure Hazard-1.

The following mitigation measure incorporated herein from the previously certified CRSP EIR is applicable to the proposed Project:

> ***Mitigation Measure Hazard-1****: The project applicant shall fully implement the provisions of the San Joaquin County Hazardous Material Area Plan and the Tracy General Plan, including but not limited to:*
>
> - *Ensuring that any business locating in the Specific Plan Area which stores particular quantities of hazardous materials (e.g. larger than 55 gallons of liquid, 500 pounds of solid or 200 cubic feet of some compressed gases) as stipulated under Chapter 6.95 of the California Health and Safety Code annually files a hazardous materials business plan establishing incident prevention measures, hazardous material protocols, and emergency response and evacuation procedures;*
> - *Providing adequate separation between areas where hazardous materials are present and sensitive uses; and*
> - *Submitting an emergency response plan for any large generators of hazardous waste located or proposed to be located in the Specific Plan Area. [This is Mitigation Measure HAZ-1 in the CRSP EIR].*

The proposed Project would include the development of a 31-acre park and associated recreational uses and amenities that are not expected to transport, use, or dispose of significant amounts of hazardous materials. Once the proposed Project is constructed, hazardous materials would be limited to those associated with property maintenance and park facilities maintenance. Hazardous materials would be limited to those associated with common household fertilizers, pesticides, paint, solvent, and petroleum products for restroom maintenance and landscaping. Because these materials would be used in very limited quantities, they are not considered a significant hazard to the public. With Implementation of the

above mitigation measure, the proposed Project's impact on creating significant hazards to the public or the environment through the routine transport, use, or disposal of hazardous materials would be less than significant. This is consistent with the impact conclusions of the CRSP SEIR. No new specific impact would result, nor would the impact previously identified be any more severe as a result of the proposed Project. Therefore, the proposed Project would be consistent with the effects of implementation of the CRSP.

Threshold (b) Would the project create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the likely release of hazardous materials into the environment?

As identified in the CRSP EIR, implementation of the CRSP would have a less than significant impact related to release of hazardous materials into the environment. The CRSP EIR identified four natural gas pipelines and one crude oil pipeline within the CRSP Area. However, easements are in place for these facilities and development setbacks have been established based on land uses planned along the pipeline alignments. In addition, PG&E has an inspection and monitoring to ensure safety of its natural gas transmission lines, and Chevron implements protection, testing and monitoring procedures to minimize potential corrosion or damage and maintain integrity of its oil pipeline. The CRSP EIR concluded that implementation of industry monitoring and safety programs, and compliance with federal, State and local laws and regulations, would minimize the risks associated with upset or accident conditions affecting these pipelines.

The CRSP EIR had identified a potential for electrocution or exposure to electric and magnetic fields (EMFs) with electrical transmission lines. However, similar to natural gas pipelines, there are easements for all such transmission lines in the CRSP Area where structures would not be built. Additionally, PG&E has policies in place intended to minimize EMF exposure. The CRSP EIR concluded that these policies and activities by PG&E would be sufficient to minimize the risks associated with potential exposure to EMFs.

In regard to hazardous materials sites within the CRSP Area, a review of regulatory databases maintained by County, State, and federal agencies was conducted for the CRSP EIR. Results revealed seven "hazardous materials sites" identified on or within one-half mile of the CRSP Area.[2] Given much of the CRSP Area has historically been used for agricultural purposes, a Pesticide Use Report (PUR) public records requests evaluated in the CRSP EIR. The PUR records revealed periodic routine use of herbicides, insecticides, and rodenticides on the agricultural land encompassing most of the CRSP Area over most of the five-year period reviewed. However, the categories of pesticides indicated did not include any routine use of organochlorine insecticides (e.g. DDT, Dieldrin, etc.), which is the category of pesticide most persistent in the environment. Previous Environmental Site Assessments (ESAs) for portions of the CRSP Area have included Phase I assessments of potential past use of pesticides, as well as limited Phase II soil sampling programs to screen for residual pesticide contamination.[3] Although there could be residual agricultural chemicals still in existence in the CRSP Area, based on available data, the potential presence and related

[2] CRSP Draft EIR, page 4.8-10.
[3] CRSP Draft EIR, page 4.8-20.

risks of these constituents generally is considered de minimis across the CRSP Area as a whole, particularly under a planned industrial setting.[4]

The most recent guidance from DTSC states "…the only pesticide class requiring analyses at agricultural properties are OCPs [organochlorine pesticides], such as DDT, toxaphene, dieldrin, etc.," due to the persistence of OCPs in the environment. As noted above, records reviewed for the past five years do not indicate the use of these OCPs at the agricultural lands on the Specific Plan Area. In addition, available records do not indicate the area has routinely had intensive management for orchard, nursery, or other high-value crops, which would be associated with significant use of pesticides and irrigation.
Nevertheless, given the long agricultural history of the CRSP Area, and the possibility that pesticides, including possibly OCPs, were or are likely to have been stored, mixed, or disposed of on the property, or pesticide equipment was cleaned there – activities which potentially could lead to isolated hot spots – it is possible that OCPs may be present in soil at these isolated locations. In order to address this possibility, the CRSP EIR concluded implementation of the following mitigation measures, which require a limited soil sampling program be completed for the land around existing structures or other areas where pesticides may have been stored or mixed on the CRSP Area, prior to development of these areas.

The following mitigation from the EIR prepared for the CRSP is applicable to the proposed Project:

> ***Mitigation Measure Hazard-2****: A Soil Management Plan and companion Sampling and Analysis Plan, as well as a Health and Safety Plan (HASP), shall be prepared and implemented during and following any soil excavation and compaction associated with implementation of the Project where such activities may encounter residual soil, soil vapor, or groundwater contamination that exceeds risk-based levels established by the RWQCB or Cal-EPA. As part of the Soil Management Plan, the applicant shall retain an experienced, independent environmental monitor to observe all significant earth-moving activities. The monitor shall observe the operations, remaining watchful for stained or discolored soil that could represent residual contamination. The monitor shall also be empowered to alert the City and regulatory agencies, when appropriate, and provide direction to the grading contractor. The monitor shall confirm the location of the one plugged and abandoned well in consultation with the Division of Gas, Oil, and Geothermal Resources, and shall comply with any remedial measures that may be required in connection therewith under applicable law and regulations. In addition, in the event that a previously unknown abandoned well is discovered, construction activities that are proximate to said abandoned well shall stop and the Division of Gas, Oil, and Geothermal Resources shall be contacted. No structures shall be built on a discovered abandoned well until it is deemed safe by the State Oil and Gas Supervisor in accordance with applicable laws and regulations. [This is Mitigation Measure HAZ-2a in the CRSP EIR]*
>
> ***Mitigation Measure Hazard-3****: A plan shall be developed for installation of a vapor barrier and venting system beneath buildings to be constructed at the site in those areas where residual*

[4] CRSP Draft EIR, page 4.8-22.

petroleum hydrocarbons in soil vapor exceed risk-based levels established by the RWQCB or Cal-EPA, where exposure pathways are considered potentially complete. The system shall be designed to eliminate potentially significant indoor air quality health risks associated with subsurface contaminant vapor intrusion. The Plan shall be prepared by a California professional engineer experienced in vapor intrusion mitigation and who shall certify the installation. [This is Mitigation Measure HAZ-2b in the CRSP EIR].

***Mitigation Measure Hazard-4**: Soil sampling shall occur within the portions of the Specific Plan Area that have historically been utilized for mixing or storing pesticides and that may contain pesticide residues in the soil, prior to issuance of grading permits in such areas. The sampling will be performed in accordance with a Sampling and Analysis Plan and Soil Management Plan prepared by a qualified Environmental Professional and/or California professional engineer experienced in Phase II site characterization. The sampling shall be conducted in accordance with applicable guidance from DTSC and San Joaquin County Environmental Health Department, and shall determine if pesticide concentrations exceed established regulatory thresholds. Should pesticide contaminated soil be identified as a result of the evaluation, further site characterization and remedial activities, if necessary, will be implemented in accordance with the Soil Management Plan. [This is Mitigation Measure HAZ-2c in the CRSP EIR].*

As shown in Figure 4.8-1 of the CRSP EIR, no natural gas pipeline crosses the proposed Project. However, 80 feet and 40 feet PG&E transmission line easements cross the proposed Project site from the northeast corner to the southwest corner of the site. PG&E safety policies to minimize EMF exposure would continue to apply throughout lifetime of the Project as previously analyzed in the CRSP EIR.

As identified in the CRSP EIR, "Site 1" identified as "Other Cleanup Site, Shell Oil" is located in in close proximity to the proposed Project site, approximately 0.3 mile west of the proposed Project.[5] Site 1 is the location of a crude oil release from a former pipeline, which release was subject to a subsequent investigation and on-going cleanup. Accordingly, groundwater has been impacted by dissolved phase petroleum contamination from the Shell pipeline release. In addition, free phase product (crude oil) has been detected floating on the ground water in several of the monitoring wells in the investigation area. For a complete discussion of Site 1: Other Cleanup Site, Shell Oil and Site 3: Permitted UST, please refer to the Hazards and Hazardous Materials section of the previously certified CRSP EIR. To date, Shell (as the responsible party of record) continues to work with the RWQCB on the site's remediation. Implementation of the above mitigation measures would be required to reduce hazards and hazardous materials impacts relative to accidental release of hazardous materials into the environment.

Project operations would be a park development with recreational amenities that would not involve the routine transport, use, or disposal of hazardous materials. Similar to the approved THSP, the proposed Project would have the potential to create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the likely release of hazardous materials

[5] CRSP Draft EIR, page 4.8-12. See also Figure 4.8-1.

into the environment during construction activities. With implementation of the above mitigation measures, the proposed Project's impact on release of hazardous materials into the environment would be less than significant. This is consistent with the impact conclusions of the CRSP EIR. No new specific impact would result, nor would the impact previously identified be any more severe as a result of the proposed Project. Therefore, the proposed Project would be consistent with the effects of implementation of the CRSP.

Threshold (c) Would the project emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?

No schools are presently located within one-quarter mile of the proposed Project site. The closest school site is Lammersville Elementary School, located at 16555 Von Sosten Road, approximately 1 mile north of the nearest proposed Project site. No school is proposed within the CRSP Area. Any future school developed within the surrounding area would be subject to the oversight of the California Department of Toxic Substances Control (DTSC), as required by State law. New school sites are required to be free of contamination or, if the properties were previously contaminated, they must be cleaned up under DTSC's oversight. As a result, no impacts are anticipated. This topic was evaluated in the CRSP EIR and this conclusion is consistent with and supported by that document. The proposed Project would cause neither a new impact to occur, nor an increase in the severity of an impact previously disclosed. As such, no further analysis is required.

Threshold (d) Would the project be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and as a result, would create a significant hazard to the public or the environment?

As identified in the CRSP EIR, seven "hazardous materials sites" were identified on or within one-half mile of the CRSP Area. Five of the cases involved permitted underground storage tanks (USTs) with no reports of release, or inactive sites that have been determined to not likely affect buildout of the CRSP based on distance, existing groundwater data and soils information, and the proposed non-residential uses. The two remaining cases are active cleanup sites and are currently under review by the appropriate regulatory agency. One of the active sites is the Shell Oil Pipeline Cleanup Site ("Site 1: Other Cleanup Site, Shell Oil"), which is located within the CRSP boundaries. This site is the location of a crude oil release from a former pipeline. The crude oil release was subject to a subsequent investigation and on-going cleanup. Accordingly, groundwater has been impacted by dissolved phase petroleum contamination from the Shell pipeline release. In addition, free phase product (crude oil) has been detected floating on the ground water in several of the monitoring wells in the investigation area. To date, Shell (as the responsible party of record) continues to work with the RWQCB. For a complete discussion of Site 1: Other Cleanup Site, Shell Oil, please refer to the Hazards and Hazardous Materials section of the previously certified CRSP EIR.

The other active site is the leaking UST cleanup site known as ARCO #6100 located at 25775 Patterson Pass Road, southwest of the CRSP Area. This site is relatively up gradient from the CRSP Area and proposed Project site with respect to groundwater flow direction. However, these concerns generally apply only to the immediate vicinity of the site, and it is unlikely the release would affect the CRSP Area or the proposed Project. Both sites are subject to various State and federal laws and regulations. The potential for impact

exists and would be mitigated to a level of less than significant with implementation of Mitigation Measure Hazard-2, Hazard-3, and Hazard-4, as identified above. This determination of less than significant impact is supported by the CRSP EIR. The proposed Project would cause neither a new impact to occur, nor an increase in the severity of an impact previously disclosed. As such, no further analysis is required.

Threshold (e) Would the project be located within an airport land use plan, or where such a plan has not been adopted, within two miles of a public airport or public use airport, result in a safety hazard for people residing or working in the project area?

The Tracy Municipal Airport is the closest public airport to the proposed Project site and is located approximately five miles from the proposed Project site. The proposed Project is not located within the Tracy Airport zone, nor is it within any area identified as impacted by the Tracy Municipal Airport in the San Joaquin County Airport Land Use Compatibility Plan. Therefore, no associated impacts would occur. This determination of less than significant impact is supported by the previously certified EIR prepared for the CRSP. The proposed Project would cause neither a new impact to occur, nor an increase in the severity of an impact previously disclosed. As such, no further analysis is required.

Threshold (f) Would the project be located within the vicinity of a private airstrip, result in a safety hazard for people residing or working in the project area?

The proposed Project site is not located within 2 miles of a private airstrip. The closest private airstrip is 33 Strip Airport (CA54) located five miles southeast of Tracy. Due to the distance separation, the proposed Project will not present a safety hazard for people residing or working in the proposed Project area. This determination is supported by the previously certified EIR prepared for the CRSP. The proposed Project would cause neither a new impact to occur, nor an increase in the severity of an impact previously disclosed. As such, no further analysis is required.

Threshold (g) Would the project impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?

The proposed Project would not impair or physically interfere with an adopted emergency response or evacuation plan. The City's General Plan includes policies that require the City to maintain emergency access routes that are free of traffic impediments (Objective SA-6.1, P1 and A2). The proposed Project does not include any actions that would interfere with emergency response and evacuation plan policies. Primary access to all major roads would be maintained during construction of the proposed Project and the CRSP provides for streets consisting of two lanes with shoulders on each side to provide for emergency vehicle parking and access. Therefore, no new specific impacts would result, nor would the impact previously identified be any more severe as a result of the proposed Project. Therefore, the proposed Project would be consistent with the effects of implementation of the CRSP.

Threshold (h) Would the project expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas?

According to the previously certified EIR prepared for the CRSP, the CRSP Area consists of areas of moderate wildland fire risk and areas which are unzoned. The moderate wildland fire risk is primarily due

to the terrain consisting largely of crop land with few trees or areas of natural undergrowth that could catch fire. The unzoned areas are somewhat developed areas considered to be physically distant from wildland fire areas and primarily extending along the north central and northeast corner of the CRSP Area. Since there is only a limited fire threat to the CRSP Area, the proposed Project, would not increase the rise of wildland fires because its footprint is within the boundaries of the CRSP Area. Therefore, the impact would be less than significant. This determination of less than significant impact is supported by the previously certified EIR prepared for the CRSP. The proposed Project would cause neither a new impact to occur, nor an increase in the severity of an impact previously disclosed. As such, no further analysis is required.

Cumulative Impacts

As discussed above, the proposed Project would not cause a new hazardous materials impact to occur, nor an increase in the severity of a hazardous material impact previously disclosed in the CRSP EIR, with implementation of the mitigation measures discussed in this section. Therefore, the proposed Project would not cause either a new cumulative impact to occur, nor an increase in the severity of a cumulative impact previously disclosed.

VIII. HYDROLOGY AND WATER QUALITY

WOULD THE PROJECT:

	Potentially Significant Impact	*Less Than Significant with Mitigation Incorporated*	*Less than Significant Impact*	*No Impact*	*Reviewed Under Previous Document*
a. Violate any water quality standards or waste discharge requirements?	☐	☐	☐	☐	☒
b. Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?	☐	☐	☐	☐	☒
c. Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site?	☐	☐	☐	☐	☒
d. Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?	☐	☐	☐	☐	☒
e. Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?	☐	☐	☐	☐	☒
f. Otherwise substantially degrade water quality?	☐	v	☐	☐	☒
g. Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?	☐	☐	☐	☐	☒
h. Place within a 100-year flood hazard area structures which would impede or redirect flood flows?	☐	☐	☐	☐	☒
i. Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?	☐	☐	☐	☐	☒
j. Inundation by seiche, tsunami, or mudflow?	☐	☐	☐	☐	☒

RESPONSES TO CHECKLIST QUESTIONS

Threshold (a) Would the project violate any water quality standards or waste discharge requirements?

As determined in the CRSP EIR, buildout of the CRSP would have potential water quality impacts from short-term construction-related erosion/sedimentation and long-term operational stormwater discharge. Construction activities for buildout of the CRSP Area could cause soils and other pollutants to enter the storm drain system if grading and associated activities are not managed properly. During heavy rains, this may degrade stormwater quality at downstream locations. Of particular concern is the potential contribution of additional sediments and other urban pollutants to the Old River, which has been identified as a water quality limited segment under the CWA Section 303(d). As determined in the CRSP EIR, future development of the CRSP Area would be responsible for complying with a Storm Water Pollution Prevention Plan (SWPPP) consistent with the General Permit for Stormwater Discharge Associated with Construction National Pollutant Discharge Elimination System (NPDES) requirements. Additionally, future developments would be required to implement stormwater control measures such as Low Impact Development (LID) and Best Management Practices (BMP's) per the City's Manual of Stormwater Quality Control Standards for New Development and Redevelopment during construction.

After construction, stormwater from buildout of the CRSP would have the potential to degrade water quality in downstream water bodies, in particular the Old River, which is already impaired. Buildout of the CRSP would add impervious surfaces through construction of buildings, parking areas, roadways, and other improvements. An increase in impervious surfaces has the potential to increase runoff from the CRSP Area, which in turn could transport urban pollutants to off-site areas. However, the future developments would be required to incorporate to the extent feasible, low impact development (LID) features, including directing drainage from impervious surfaces to bioswales for infiltration. In addition, as required in the CRSP, development projects greater than 100,000 square feet are required to implement specific controls, as identified in the City's Multi-Agency Post-Construction Stormwater Standards Manual, and to submit a Stormwater Quality Control Plan (SWQCP) that demonstrates that the future development would conform to all requirements of the City standards.

As concluded in the CRSP EIR, future developments in the CRSP Area would also be required to incorporate post-construction stormwater pollution management measures during operation of industrial facilities. These management measures would prevent polluting stormwater discharges, and they would be monitored as required by the statewide General Permit, which regulates stormwater discharges associated with industrial activities. Storm drainage facilities would be consistent with local, State and Federal requirements, including NPDES requirements, in compliance with General Plan Objective PF-1.1 Policy P4 and other applicable federal, State, and local laws and regulations. The CRSP also contains policies that are designed to further reduce the impacts of increase stormwater flow on and off site and reduce the impacts of urban runoff to water quality, as follows:

- Goal: Implement a range of sustainability measures aimed at conserving resources, decreasing energy and water consumption, and reducing air and water pollutants.

- Sustainability Measures:
    - Landscaping will consist of native species selected for water-efficient characteristics and will include drought tolerant planting materials common to the region.
    - Turf will be discouraged and minimized throughout the project.
    - Irrigation systems and devices will be water efficient and will include satellite soil moisture based irrigation controls and systems.
    - The landscape design will meet or exceed requirements of the Water Efficient Landscape Ordinance.
    - A purple pipe system will be constructed as part of the infrastructure for the project. Reclaimed water will be utilized for landscape irrigation of public and private landscaped areas when available.
    - Watering of non-vegetated surfaces and practices for cleaning outdoor surfaces and vehicles will be restricted and included in the CC&R's.
    - Low-impact development practices will be implemented to the extent feasible, to maintain the existing hydrologic character of the drainage and manage and treat stormwater to protect the environment.
    - Stormwater best management practices (BMPs) including vegetated bioswales, vegetated detention basins, and pervious paving will be incorporated to the extent feasible, into individual development sites and along streets per the San Joaquin County requirements.

The previously certified CRSP EIR identified five mitigation measures that would be effective in addressing water quality standards or waste discharge requirements in respect to buildout of the CRSP Area. The CRSP EIR determined that implementation of these measures would reduce potential impacts to a less than significant level.

The following mitigation measures from the CRSP EIR are applicable to the proposed Project and are identified as follows:

> ***Mitigation Measure Hydro-1****: Grading and ground disturbance on the Specific Plan Area shall be implemented in accordance with each individual development's approved grading plans and related grading permit. For the required treatment of urban pollutants and application of pesticides in the Specific Plan Area, each Project developer shall comply with the approved grading plan and related permit and conditions of approval. [This mitigation is Mitigation Measure HYDRO-1a in the CRSP EIR]*
>
> ***Mitigation Measure Hydro-2****: In accordance with the then-applicable regulations, as part of the application process for each individual development under the Specific Plan, each applicant shall file a Notice of Intent with the SWRCB to obtain coverage under the construction general permit (CGP) and shall comply with all of the requirements associated with the CGP, as necessary to*

mitigate those impacts that would result from the specific development proposed by that applicant. In addition, as part of the application process for each individual development under the Specific Plan, each applicant shall prepare and obtain City approval of a SWPPP, which shall adequately address stormwater management during each construction phase of the Project.

The SWPPP shall be consistent with the then-applicable RWQCB standards and NPDES permit requirements, and shall be designed to protect water quality during the course of construction. Said BMPs may include, without limitation, the following:

- *Schedule earthwork to occur primarily during the dry season to prevent most runoff erosion.*
- *Protect drainages and storm drain inlets from sedimentation with berms or filtration barriers, such as filter fabric fences, hay bales, or straw wattles.*
- *Divert runoff from exposed slopes to on-site sediment basins before the runoff is released off-site.*
- *Install gravel construction entrances to reduce tracking of sediment onto adjoining streets.*
- *Sweep on-site paved surfaces and surrounding streets daily to collect sediment before it is washed into the storm drains or the Old River.*
- *After construction is completed, clean all drainage culverts of accumulated sediment and debris.*
- *Stabilize stockpiles of topsoil and fill material by watering daily, or by the use of chemical agents.*
- *Store all construction equipment and material in designated areas away from waterways and storm drain inlets. Surround construction staging areas with earthen berms.*
- *Wash and maintain equipment and vehicles in a separate bermed area, with runoff directed to a lined retention basin.*
- *Collect construction waste daily and deposit in covered dumpsters.*

[This mitigation is Mitigation Measure HYDRO-1b in the CRSP EIR].

***Mitigation Measure Hydro-3**: As part of the application process for each individual development under the Specific Plan, each applicant shall prepare and obtain approval of a grading plan and related permit in accordance with Mitigation Measure HYDRO-1 (a). [This mitigation is Mitigation Measure HYDRO-2a in the CRSP EIR].*

***Mitigation Measure Hydro-4**: As part of the application process for each individual development project under the Specific Plan, each applicant shall submit and obtain City approval of a drainage plan to the City of Tracy for on-site measures consistent with the Cordes Ranch Conceptual Drainage Plan, the CRSP, the Citywide Stormwater Master Plan, and other applicable stormwater standards and requirements that shall be designed to control and treat stormwater for the storm*

events in compliance with the then-applicable City's Multi-Agency Post-Construction Stormwater Standards Manual, including those dealing with capacity design of the facilities and contour grading. All such measures shall be implemented as part of the development and operation of the individual development at issue.

Each developer shall construct drainage improvements and other required stormwater retention/detention facilities as necessary to serve the specific development proposed by that applicant in conformance with the approved drainage plan, the Specific Plan and the then-applicable City standards including those set forth in the City's Storm Drainage Master Plan. These drainage facilities shall accommodate events up to and including a 100-year 24-hour storm.

Any impacts on the operations of Mountain House CSD facilities, including the alteration of cleaning velocities, will require coordination and agreement between Mountain House CSD and the City of Tracy prior to issuance of building permit for any development west of Mt. House Parkway.

The proposed mitigation measures will reduce impacts related to storm water runoff to less-than-significant levels. [This mitigation is Mitigation Measure HYDRO-2b in the CRSP EIR].

***Mitigation Measure Hydro-5**: As part of the development of each individual project under the Specific Plan, each developer shall implement the following measures:*

- *Shall not utilize chemical pesticides in the maintenance of common landscaped areas, open space areas, or parks. Fertilizers shall be applied sparingly, and shall be derived from natural sources, such as fish emulsion or manure.*
- *Shall cooperate with the City to create a public education program for future business owners to increase their understanding of water quality protection, which should include but not be limited to:*
    - *Hazardous material use controls;*
    - *Hazardous materials exposure controls;*
    - *Hazardous material disposal and recycling.*
- *Encourage the use of alternative methods to avoid hazardous materials to the extent feasible, and prohibit the dumping of hazardous materials in open space areas or the storm drain system.*
- *To the extent feasible, direct stormwater runoff to percolation swale and basin areas rather than directing stormwater to storm drain pipes.*
- *Use biotreatment (natural pollutant filtering) where stormwater runs off paved surfaces onto pervious surfaces.*
- *Utilize sediment traps, evaporation basins, flow dissipaters, and other methods to reduce the volume and speed of stormwater runoff and reduce pollutant loads.*

[This mitigation is Mitigation Measure HYDRO-2c in the CRSP EIR]

Project implementation would develop a 31-acre park with associated recreational amenities, open space areas, and pond/detention basins and within the CRSP Area. Development of the proposed Project would add impervious surfaces through construction of parking areas, recreational amenities, restrooms, roadways, and other improvements. An increase in impervious surfaces has the potential to increase runoff from the Project site, which in turn could transport urban pollutants to off-site areas. However, similar to the CRSP, the NPDES General Permit requirements and implementation of a SWPPP and monitoring plan would be required to include erosion-control and sediment-control BMPs that would meet or exceed measures required by the General Permit to control potential construction-related pollutants. As shown in Figure 7, erosion control and sediment control BMPs will be in place during construction of the proposed Project. Adherence to NPDES requirements, the SWPPP, BMPs, and City requirements will ensure impacts are less than significant. This determination of less than significant impact is supported by the previously certified EIR prepared for the CRSP. The proposed Project would cause neither a new impact to occur, nor an increase in the severity of an impact previously disclosed. Therefore, the proposed Project would be consistent with the effects of implementation of the CRSP.

Threshold (b) Would the project substantially deplete groundwater supplies or interfere with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level?

As identified in the CRSP EIR, implementation of the CRSP would not have an adverse impact on groundwater recharge. The Water Supply Assessment prepared for the CRSP EIR concluded that the City's existing and additional planned future water supplies are sufficient to meet the City's existing and projected future water demands, including those future water demands associated with buildout of the CRSP to the year 2035 under all hydrologic conditions.

Although the proposed Project would increase impervious surfaces, which could impact groundwater recharge, a range of features such as parks and open space, including detention basins, and other stormwater management features would be included as part of the build-out of the CRSP Area. As noted above, open space areas and pond/detention basins would be included as part of the proposed Project. See Figure 6. These detention basins will be designed to City standards and help to percolate water back into the ground. For these reasons, the Project would not substantially deplete the groundwater supplies or interfere substantially with groundwater recharge any greater than already analyzed in the CRSP EIR and this impact would be less than significant This is consistent with the impact conclusions of the CRSP EIR. No new specific impact would result, nor would the impact previously identified be any more severe as a result of the proposed Project. Therefore, the proposed Project would be consistent with the effects of implementation of the CRSP.

Threshold (c) Would the project substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site?

The greatest potential impact with respect to erosion and siltation processes would come during construction when earthmoving and vegetation removal occurs. As identified in the CRSP EIR, significant grading and excavation would be necessary during construction of new commercial, office and industrial buildings, roadways, trails, detention basins, utility placement, and other necessary infrastructure and improvements within the CRSP Area. Figure 4.9-2 of the CRSP EIR provides a conceptual drainage plan for all new development areas within the CRSP. In addition, future and temporary on-site detention basins are shown in this figure. Overall, new development within the CRSP Area would convert a primarily undeveloped site to a developed one. As such, the CRSP EIR determined that buildout of the CRSP Area would substantially alter the CRSP Area's existing charge pattern in a manner that may result in substantial erosion or siltation on or off-site. This would be a significant impact without mitigation. To reduce potential impacts from a change in drainage pattern, implementation of Mitigation Measure Hydro-2, identified above, would require coordination with the SWRCB and the City of Tracy during design and construction of the proposed Project to ensure the Project is consistent with long range planning efforts.

Development of the Project site would have the potential to alter drainage pattern from increased erosion and sedimentation through the removal of vegetation during construction activities. The existing Project site drains from a west to east direction directing all surface water draining towards Huntington Way and Promontory Parkway. The natural drainage pattern of the site will be maintained, and on-site stormwater drain systems will convey all drainage to onsite detention basins. As identified in Figure 4.9-2 of the CRSP EIR, these detention basins were planned as part of buildout of the CRSP. For these reasons, implementation of Mitigation Measure Hydro-2 would be applicable to the Project. With implementation of this mitigation measure, impacts would be less than significant.

For these reasons, implementation of the Project would not result in This is consistent with the impact conclusions of the CRSP EIR. No new specific impact would result, nor would the impact previously identified be any more severe as a result of the proposed Project. Therefore, the proposed Project would be consistent with the effects of implementation of the CRSP.

Threshold (d) Would the project substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding?

As described in Response (c) above, the proposed Project would not substantially alter existing drainage patterns of the site or vicinity. The site does not include any streams or rivers, which could be altered by the proposed Project. Onsite surface run-off would be collected in proposed drainage facilities within the Project site and associated with build-out of the CRSP Area. With implementation of Mitigation Measure Hydro-4 identified above, the proposed Project would provide detention and stormwater treatment systems to limit the release of stormwater from the site to pre-development conditions; thus, minimizing the potential for flooding to occur on- or offsite. The proposed Project would be consistent with long term planning of flood control and storm drain infrastructure. Therefore, issues related to flooding would not occur and the impact is considered less than significant with mitigation.

This is consistent with the impact conclusions of the CRSP EIR. No new specific impact would result, nor would the impact previously identified be any more severe as a result of the proposed Project. Therefore, the proposed Project would be consistent with the effects of implementation of the CRSP.

Threshold (e) Would the project create or contribute runoff water, which would exceed the capacity of existing or planned storm water drainage systems or provide substantial additional sources of polluted runoff?

As described in Response (c) above, the proposed Project would not substantially alter existing drainage patterns of the site or vicinity. The site does not include any streams or rivers, which could be altered by the proposed Project. Onsite surface run-off would be collected in proposed drainage facilities associated with build-out of the CRSP Area. With implementation of Mitigation Measure Hydro-4 identified above, the proposed Project would provide detention and stormwater treatment systems to limit the release of stormwater from the site to pre-development conditions; thus, minimizing the potential for flooding to occur on- or offsite. The proposed Project would be consistent with long term planning of flood control and storm drain infrastructure. Therefore, issues related to flooding would not occur and the impact is considered less than significant with mitigation. This is consistent with the impact conclusions of the CRSP EIR. No new specific impact would result, nor would the impact previously identified be any more severe as a result of the proposed Project. Therefore, the proposed Project would be consistent with the effects of implementation of the CRSP.

Threshold (f) Would the project otherwise substantially degrade water quality?

As identified in the CRSP EIR, with mitigation, implementation of the THSP would have a less than significant impact on degradation of water quality. As discussed above in Threshold (e), with implementation of Mitigation Measures Hydro-1, Hydro-2, Hydro-3, Hydro-4 and Hydro-5, above, implementation of the CRSP would not substantially degrade water quality.

The following mitigation measures incorporated herein from the CRSP EIR are applicable to the proposed Project:

See Mitigation Measures Hydro-1, Hydro-2, Hydro-3, Hydro-4 and Hydro-5 above.

The proposed Project would have the potential to increase runoff through erosion or siltation from construction and operation activities. With implementation of the above mitigation measures, the proposed Project's impact on water quality would be less than significant. This is consistent with the impact conclusions of the CRSP EIR. No new specific impact would result, nor would the impact previously identified be any more severe as a result of the proposed Project. Therefore, the proposed Project would be consistent with the effects of implementation of the CRSP.

Threshold (g) Would the project place housing/structures within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?

As identified in the CRSP EIR, the CRSP Area is not located within a 100-year flood hazard area. As a result, no impact would occur from buildout of the CRSP in this regard. As such, the proposed Project would not be located within a 100-year flood hazard either because it is within the footprint of the CRSP Area. Also, housing is not proposed as part of the proposed Project. For these reasons, no impact would occur. This finding is supported by the CRSP EIR. No further analysis is required.

Threshold (h) Would the project place within a 100-year flood hazard area structures which would impede or redirect flood flows?

The proposed Project is not located within a 100-year flood hazard area, and therefore no structures would be placed in such an area as part of the proposed Project. Thus, no impact would occur. This topic was evaluated in the CRSP EIR and this conclusion is consistent with and supported by the previously certified EIR prepared for the CRSP. The proposed Project would cause neither a new impact to occur, nor an increase in the severity of an impact previously disclosed. As such, no further analysis is required.

Threshold (i) Would the project expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?

As identified in the CRSP EIR, the CRSP is not located within the dam inundation risk areas. As a result, no impacts would occur as a result of the failure of a levee or dam. Since the proposed Project would be within the same footprint as previously analyzed in the CRSP, there would be no impact and no further analysis is required.

Threshold (j) Would the project result in inundation by seiche, tsunami or mudflow?

As identified in the CRSP, the CRSP Area is not located within the inundation zones of the major dams in the region. Therefore, there is no risk of exposure to inundation by seiche or tsunami and no impact would occur. Because implementation of the proposed Project would be still be located within the same footprint of the CRSP Area, the proposed Project would not result in inundation by seiche, tsunami or mudflow. Similar to the CRSP, there would be no impact and no further analysis is required.

Cumulative Impacts

The potential impacts related to hydrology and storm water runoff are typically site specific and has been discussed above and in the previously certified CRSP EIR. As discussed above, the proposed Project would not cause a new hydrological impact to occur, nor an increase in the severity of a hydrological impact previously disclosed in the CRSP EIR, with implementation of the mitigation measures discussed in this section. Given that all present and reasonably foresee future projects larger than one acre would be required to prepare a SWPPP and conform with BMPs, cumulative development would be helping to improve water quality in the watershed basin over the long term. Similarly, present and reasonably foreseeable future projects that create or replace 10,000 sf or more of impervious area would be required to meet post-construction requirements so that receiving waters downstream are not adversely impacted. For the project, the site plan has been designed to retain runoff on-site and drain into the City's stormwater system, resulting in controlled releases to the stormwater drainage system. Thus, while cumulative development may have drainage pattern differences, compliance with NPDES and local requirements for stormwater quantity and quality for each individual project would help to improve overall water quality in the watershed basin. Furthermore, the CRSP EIR analysis determined that the implementation of the proposed Project would not result in significant impacts with mitigation incorporated. As a result, no cumulative impacts are anticipated. The proposed Project would not cause

either a new cumulative impact to occur, nor an increase in the severity of a cumulative impact previously disclosed.

IX. LAND USE AND PLANNING

WOULD THE PROJECT:

Issues	*Potentially Significant Impact*	*Less Than Significant with Mitigation Incorporated*	*Less than Significant Impact*	*No Impact*	*Reviewed Under Previous Document*
Would the project:					
a. Physically divide an established community?	☐	☐	☐	☐	☒
b. Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?	☐	☐	☐	☐	☒
c. Conflict with any applicable habitat conservation plan or natural community conservation plan?	☐	☐	☐	☐	☒

RESPONSES TO CHECKLIST QUESTIONS

Threshold (a) Would the project physically divide an established community?

As identified in the CRSP EIR, implementation of the previously approved CRSP would not have the potential to divide an established community. The THSP SEIR found that, while new development and improvements to the circulation network in the CRSP Area would occur under the CRSP, implementation of the CRSP would not physically divide an established community and impacts would be less than significant.

The Project would result in development of a 31-acre park with amenities including a Food Truck/Multi-Use Area on the western portion of the site, Detention Basin/Multi-Use Area on the eastern portion of the site, and Sports Courts/Picnic Area on the southwestern portion of the site and does not include the construction of public roads, structures, or other improvements that would physically divide or separate neighborhoods within an established community. The project site was analyzed in the CRSP EIR, and although minor modifications to the acreage and uses are included in the proposed Project, the Project is consistent with the land use designation and would not divide an established community.

The finding of no impact is supported by the previously certified EIR prepared for the CRSP which found that no potentially significant impacts to physical division of a community would occur.

Threshold (b) Would the project conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?

The proposed SPA would modify the General Commercial (GC) and General Office (GO) zoning districts to allow for a FAR of 1.0 for hotel uses. However, hotel uses have already been a permitted use within these zoning districts in the CRSP. The proposed SPA would help to provide clarification on FAR development standards for hotel uses within the GC and GO zoning districts within the CRSP because no current specific FAR has been identified for these uses in the CRSP. Because the proposed SPA is a clarification to what has already been permitted, any potential development related to hotel uses within the GO or GC zoning districts would not result in greater land use impacts than were previously analyzed in the CRSP EIR. While the proposed SPA would provide clarification for FAR standards for future hotel uses within the GC and GO zoning districts, it is highly unlikely this standard would result in more hotels being built within these zoning districts in the CRSP. All future development proposals in the City would be required to go through City review and its own separate site-specific environmental review.

For these reasons, the Project would not conflict with applicable land use plans, policies, or regulations, including the CRSP, the City's current General Plan, Sustainability Action Plan, applicable citywide infrastructure master plans, and regional plans. The Project site was analyzed in the CRSP EIR, and although minor modifications to the park acreage and uses are included in the proposed Project, the Project is consistent with the land use designation and zoning. The previously approved CRSP is consistent with the Tracy General Plan designation of CRSP Area such that the mix of proposed land uses are consistent with the statistical profile evaluated in the General Plan. Overall, the proposed Project is consistent with the underlying land use and zoning designations that have been included in local and regional planning efforts. No impact would occur. This finding is supported by the previously certified EIR prepared for the CRSP. The proposed Project would cause neither a new impact to occur, nor an increase in the severity of an impact previously disclosed. As such, no further analysis is required.

Threshold (c) Would the project conflict with any applicable habitat conservation plan or natural community conservation plan?

The City of Tracy participates in the San Joaquin County Habitat Conservation Plan (HCP), and the CRSP has coverage under the HCP. The Specific Plan Area is located within the Central/Southwest Transition Zone designated by the San Joaquin County Multi-Species Habitat Conservation and Open Space Plan (SJMSCP). The ultimate goal of the SJMSCP is to provide 100,241 acres of habitat preserves over the projected 50-year lifetime of the SJMSCP. Most of the land for these preserves would be designated as conservation easements over existing agricultural lands in the areas covered by the SJMSCP. Only a portion of the Specific Plan Area (generally southwest of the Delta-Mendota Canal and northeast of the Upper Main Canal) is located within the Urban Expansion Line designated by the SJMSCP. However, a Minor Amendment allowing the entire Specific Plan Area to participate in the SJMSCP, receive Incidental Take coverage, and mitigate the conversion of open space lands to non-open uses was reviewed and approved by the CDFW and USFWS in 2004.[6] Participation in the SJMSCP includes payment of a fee for each acre of land converted to urban use and compliance with Incidental Take Minimization Measures

[6] CRSP Draft EIR, page 4.4-9.

defined in Section 5.2 of the SJMSCP. Relative to land use and planning issues, the proposed Project conforms to the applicable habitat conservation plan. Therefore, no conflict with such plans would occur with proposed Project implementation. This determination is supported by the previously certified EIR prepared for the CRSP. The proposed Project would cause neither a new impact to occur, nor an increase in the severity of an impact previously disclosed. As such, no further analysis is required.

Cumulative Impacts

The analysis of potential impacts indicated that no impacts would result from the proposed Project's implementation. As a result, no cumulative impacts related to land use and planning would occur. This determination of less than significant impact is supported by the previously certified EIR prepared for the CRSP. The proposed Project would cause neither a new impact to occur, nor an increase in the severity of an impact previously disclosed. As such, no further analysis is required.

X. MINERAL RESOURCES

WOULD THE PROJECT:

	Potentially Significant Impact	*Less Than Significant with Mitigation Incorporated*	*Less than Significant Impact*	*No Impact*	*Reviewed Under Previous Document*
a. Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?	☐	☐	☐	☐	☒
b. Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?	☐	☐	☐	☐	☒

RESPONSES TO CHECKLIST QUESTIONS

Threshold (a) Would the project result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?

The main mineral resources found in San Joaquin County and Tracy are sand and gravel (aggregate), which are primarily used for construction materials like asphalt and concrete. The City of Tracy has an adopted Aggregate Mining Overlay zone, which has been approved by the State Division of Mines and Geology (Resolution 2000-12 of State Division of Mines and Geology). In order to protect aggregate land and mitigate conflicts between mining activities and urban uses, the 2011 Tracy General Plan designates lands with production quality mineral reserves as Aggregate in the southern portion of Tracy. Of the area classified by the State Division of Mines and Geology as having potentially significant mineral deposits, the City has designated the bulk of this area as Aggregate in the 2011 General Plan.

Since the proposed Project site is not located in an area designated for Aggregate use in the 2011 General Plan, no impacts related to the loss of availability of a known mineral resource would occur.

Threshold (b) Would the project result in the loss of availability of a locally- important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?

The proposed Project site has not been used for mineral resource recovery and is not delineated as a mineral resource recovery site on any land use plans. As the proposed Project site is not currently used (or planned for use) as a mineral resource recovery site, no impacts to mineral resources would occur.

Cumulative Impacts

The analysis of potential impacts indicated that less than significant impacts would result from the proposed Project's implementation. As a result, no cumulative impacts related to mineral resources would occur.

XI. NOISE

WOULD THE PROJECT:

Issues	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact	Reviewed Under Previous Document
a. Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	☐	☐	☐	☐	☒
b. Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?	☐	☐	☐	☐	☒
c. A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?	☐	☐	☐	☐	☒
d. A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?	☐	☐	☐	☐	☒
e. For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?	☐	☐	☐	☐	☒
f. For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?	☐	☐	☐	☐	☒

RESPONSES TO CHECKLIST QUESTIONS

A noise impact evaluation was performed for the previously certified CRSP EIR to evaluate the potential for noise and vibration impacts resulting from Specific Plan implementation. The results and findings as they apply to the proposed Project are summarized herein.

Noise sources in the proposed Project area consist of vehicular traffic on nearby roadways, including I-205, I-580, Old Schulte Road, Mountain House Parkway, and Hansen Road. According to the previously certified EIR prepared for the CRSP, on-site noise levels were measured on March 4, 2013 to document noise levels at the existing land uses within the Specific Plan Area.[7] Noise levels were based on readings at 3 Long-Term Locations and 10 Short Term Locations, which included five locations outside the Specific Plan Area, four locations adjacent to the Specific Plan boundaries, and four within the Specific Plan Area. The noise environment of the proposed Project's site is dominated by traffic along Capital Parks Drive, Promontory Parkway, Huntington Way, Interstate 205, and activities in the International Park of

[7] CRSP Draft EIR, page 4.11-18.

Commerce business park. Additionally, the noise sources associated with existing warehouse and manufacturing uses located within the Specific Plan Area.

The proposed park is consistent with the zoning district as analyzed in the CRSP, and the hotel use proposed in the GO and GC zoning districts is similar to the noise sources generated by other uses analyzed for those zoning districts in the CRSP EIR and include sources such as, vehicle traffic, emergency generators, trash compactors, and rooftop mechanical equipment.

Threshold (a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?

The proposed Project area consists of a 31-acre park envisioned to be the principal open space and recreational amenity for the International Park of Commerce business park, located centrally in the Specific Plan Area, north of Promontory Parkway, south of Capital Parks Drive, and directly west of Huntington Way. According to the previously certified EIR prepared for the CRSP, future mobile traffic noise levels generated along heavily-traveled roadways may result in potentially significant impacts for existing sensitive receptors and future buildings in the Specific Plan Area;[8] refer to Section XII (c) below. Mitigation Measure NOI-1 was assigned to future development within the Specific Plan Area to address this potentially significant impact.

> ***Mitigation Measure NOI-1:*** *As part of the development process for each individual, site-specific project under the Specific Plan, the development at issue shall adhere to all applicable Building Code and Municipal Code provisions and standards and other requirements, as noted in the above Regulatory Framework discussion.[9] Regarding mitigation of impacts relating to mobile sources for an individual, site specific project, the City will consider, as appropriate and feasible, a variety of techniques to reduce noise, which may include, for example, building setbacks, berms, walls, fences of various materials, and rubberized asphalt, taking into account relevant General Plan policies (as they relate to sound walls) and the nature and location of sensitive receptors at issue. [This is Mitigation Measure NOISE-1 in the CRSP EIR].*

Implementation of Mitigation Measure NOI-1 would reduce the severity of mobile noise sources. The proposed Project is consistent with the zoning district evaluated for the Project site and as such, this mitigation measure would still apply to the proposed Project because it was previously considered for in the CRSP EIR.

The proposed SPA provides clarification for the types of passive and active recreational uses allowed within the Parks Zone. These allowed uses, such as exercise classes, health/fitness events, farmer's market, etc., are not anticipated to generate any noise levels greater than recreational activities previously analyzed in the CRSP EIR. As discussed throughout this document, the proposed SPA would also allow for food truck uses within GO, BPI, P zoning districts and the I-205 overlay of the CRSP. With respect to the proposed Project, these food trucks would be allowed to operate at designated areas, specifically

[8] CRSP Draft EIR, page 4.11-31.
[9] See Draft EIR for complete regulatory discussion.

in the northwestern portion of the Project site, and would operate for up to a maximum of 12 hours at a single location within a 24-hour period. In addition, it is anticipated that mobile food vendors would serve nearby business park employees during lunch time and would not operate past allowed timeframes per Tracy Municipal Code. , For these reasons, no greater impacts and no change to the disposition of impacts on the build-out of the CRSP would occur as a result of the proposed Project. Impacts would be less than significant. This finding is supported by the previously certified EIR prepared for the CRSP.

Threshold (b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?

Construction of the proposed Project has the potential to produce short-term construction vibration effects and operational vibration as a result of proposed Project's traffic. According to the previously certified EIR prepared for the CRSP, neither the City of Tracy nor the County of San Joaquin establishes thresholds for "excessive" vibration.[10] Therefore, the United States Department of Transportation (Federal Transit Administration [FTA]) criteria for the evaluation of potential human annoyance and potential for structural damage to result from vibration is used.

Construction of the proposed Project would generate short-term construction vibration during site preparation and construction of the park amenities, detention basin, and related activities. Vibration from construction activities rarely reaches the levels that can damage structures, but groundborne vibration and noise can reach perceptible and audible levels in buildings that are very close to the construction site.[11] Even with vibration reduction measures, such as use of vibration attenuating construction equipment (static rollers) and discretionary scheduling of the noisiest construction activities, groundborne vibration from construction within the Specific Plan Area when in close proximity to sensitive receptors would be a potentially significant impact relative to perception and annoyance.

The nearest residences are located approximately 0.28miles northeast of the proposed park. Between the completion of the Phase 1 development and the Specific Plan's full build-out, all these existing, onsite residential uses are assumed to be replaced by the proposed commercial or light-industrial uses.[12] Moreover, proposed Project construction does not entail pile driving. In addition, vibration effects would be reduced by a combination of appropriate equipment and process selection, as well as implementation of proper administrative controls (refer to Mitigation Measures NOI-2 and NOI-3 below). Even with these vibration reduction approaches, it is still possible that individual, site-specific developments could exceed either the annoyance threshold and/or the architectural damage threshold. This potential situation would be exacerbated with the use of standard pile driving techniques. As such, groundborne vibration from construction could result in a potentially significant impact with respect to perception or architectural damage. The proposed Project would also implement best practices for construction activities (as specified in Mitigation Measures NOI-4), which would reduce groundborne noise and vibration from

[10] CRSP Draft EIR, page 4.11-33.
[11] CRSP Draft EIR, page 4.11-34.
[12] CRSP Draft EIR, page 4.11-31.

construction. Mitigation Measures NOI-2 and NOI-3 are applicable to the proposed Project and are identified as follows:

> ***Mitigation Measure NOI-2:*** *The following measures, in addition to the best practices for construction activities (as specified in Mitigation Measure NOI-4), are recommended to reduce groundborne noise and vibration from construction activities:*
>
> *1. Avoid impact pile driving process, when feasible. The use of a predrilling pile installation process shall be utilized when feasible, where geological conditions permit their use, so as to reduce vibration levels at adjacent receptors.*
>
> *2. Avoid using vibratory rollers and vibratory tampers near vibration-sensitive uses.*
>
> *[This is Mitigation Measure NOISE-2a in the CRSP EIR].*
>
> ***Mitigation Measure NOI-3:*** *Before any individual, site-specific development conducts any high vibration-generating activities (such as pile driving or vibratory compacting) within one hundred (100) feet of existing structures, the following mitigation measures shall apply:*
>
> *1. Develop a vibration monitoring and construction contingency plan to identify structures where monitoring would be conducted, set up a vibration monitoring schedule, define structure-specific vibration limits, and address the need to conduct photo, elevation, and crack surveys to document before- and after-construction conditions. Construction contingencies would be identified for when vibration levels approached the limits. Vibration limits shall be applied to all vibration-sensitive structures located within 100 feet of each individual, site-specific development that is subject to this mitigation measure. Limits shall be based on Table 4.11-6 to preclude architectural damage and on Table 4.11-5 to preclude vibration annoyance. For the Specific Plan Area proposed development types (i.e. "institutional land uses with primarily daytime use"), the Table 4.11-5 Category 3 land uses would indicate a threshold of 83 VdB. For future developments that have special, vibration-sensitive operations or equipment, 14 the criteria in the FTA Guideline Manual, Table 8-315 should be implemented. The monitoring and construction contingency plan shall include the following contents described in Numbers 2 through 4 below.*
>
> *2. At a minimum, monitor vibration during initial demolition activities and during pile driving activities. Monitoring results may indicate the need for more or less intensive measurements.*
>
> *3. When vibration levels approach the above limits, construction should be suspended and contingencies should be implemented to either lower vibration levels or to secure the affected structures.*
>
> *4. Conduct post-survey on structures where either monitoring has indicated high levels or complaints of damage has been made. Make appropriate repairs or compensation where damage has occurred as a result of construction activities.*
>
> *[This is Mitigation Measure NOISE-2b in the CRSP EIR].*

With implementation of mitigation, construction vibration levels as a result of proposed Project construction would be less than significant.

The previously certified EIR prepared for the CRSP evaluated the potential for vibration impacts related to transportation activity. According to the previously certified EIR, heavy trucks generate groundborne vibrations that are greater than normal traffic. Moreover, the highest traffic-generated vibrations are along freeways and state routes.[13] However, as a park use, the proposed Project would not contribute significantly to traffic related vibration, and given the width of freeway shoulders and the distances from the freeway right-of-way edges to the Specific Plan Area boundaries, development of the Specific Plan inclusive of the proposed Project would not result in exposure of persons to excessive transportation related vibration impacts. The proposed Project would also not result in significant impacts resulting from long-term operational vibration impacts since proposed future land uses within the Specific Plan Area are compatible with adjacent and surrounding land uses. Overall, long-term operational vibration impacts are less than significant. This finding is supported by the previously certified EIR prepared for the CRSP.

Threshold (c) Would the project result in a substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?

Although the land uses within the CRSP have been strategically placed to avoid, to the extent feasible, routing truck traffic on roadways near long-term sensitive receptors, a substantial permanent increase in ambient noise levels in the proposed Project vicinity would occur as a result of traffic. As discussed in the previously certified CRSP EIR, Specific Plan implementation would cause a substantial noise increase to most nearby roadways within and in close proximity to the Specific Plan limits during Existing Conditions Plus Project Buildout. The Specific Plan impact was identified as significant and unavoidable despite implementation of Mitigation Measure NOI-1. The proposed Project is consistent with the land use generated traffic evaluated in the previously certified EIR prepared for the CRSP. Therefore, the proposed Project would also result in a significant and unavoidable impact related to future mobile traffic noise. As such, the proposed Project would be subject to Mitigation Measure NOI-1, which would reduce the severity of mobile traffic noise impacts to the maximum extent feasible.

Threshold (d) Would the project result in a substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?

Noise emissions from construction of the proposed Project would be localized and occur intermittently for varying periods of time. The highest construction noise levels associated with proposed Project construction would be generated during grading and excavation, with lower noise levels occurring during construction of the park amenities. According to the previously certified EIR prepared for the CRSP, potentially significant impacts from construction noise could occur with Specific Plan implementation. , Construction of the proposed Project including individual site specific development in close proximity to existing and/or previously completed land uses may cause notable sound level increases. Implementation

[13] CRSP Draft EIR, page 4.11-36.

of Mitigation Measure NOI-4 would reduce the potential for a substantial temporary or periodic increase in ambient noise levels to occur.

> ***Mitigation Measure NOI-4:*** *The following measures, when applicable and feasible, shall be required to reduce noise from construction activities:*
>
> *1. Ensure that all internal combustion engine-driven equipment is equipped with mufflers that are in good operating condition and appropriate for the equipment.*
>
> *2. Utilize "quiet" models of air compressors and other stationary noise sources where such technology exists.*
>
> *The following measures, when applicable and feasible, shall be required to reduce noise from construction activities:*
>
> *1. Ensure that all internal combustion engine-driven equipment is equipped with mufflers that are in good operating condition and appropriate for the equipment.*
>
> *2. Utilize "quiet" models of air compressors and other stationary noise sources where such technology exists.*
>
> *3. Locate stationary noise-generating equipment as far as reasonable from sensitive receptors when sensitive receptors adjoin or are near a construction Project area.*
>
> *4. Prohibit unnecessary idling of internal combustion engines (i.e. in excess of five minutes).*
>
> *5. Pre-drill foundation pile holes to minimize the number of impacts required to seat the pile.*
>
> *6. Erect temporary noise control blanket barriers and/or temporary solid plywood fences around construction sites adjacent to operational businesses or noise-sensitive land uses. This mitigation would only be necessary if (a) potential conflicts could not be resolved by proper scheduling and (b) the temporary barrier could demonstrate a benefit at the façade of the receptor building of at least 10 dB.*
>
> *7. Route construction-related traffic along major roadways and as far as feasible from sensitive receptors.*
>
> *8. Notify businesses and noise-sensitive land uses adjacent to construction sites of the construction schedule in writing. Designate a "Construction Liaison" that would be responsible for responding to any local complaints about construction noise. The liaison would determine the cause of the noise complaints (e.g. starting too early, bad muffler, etc.) and institute reasonable measures to correct the problem. A telephone number for the Liaison should be conspicuously posted at the construction site.*
>
> *[This is Mitigation Measure NOISE-4 in the CRSP EIR].*

With mitigation, the construction noise impact is less than significant. This finding is supported by the previously certified EIR prepared for the CRSP.

During 2035 Conditions Plus Project Buildout, Specific Plan-related traffic would cause a substantial noise increase to most study area roadways within and in the vicinity of the Specific Plan. As discussed in the previously certified CRSP EIR, this impact would be significant and unavoidable since possible mitigation (such as sound walls and rubberized asphalt) would not completely mitigate the traffic generated noise. For these reasons, implementation of the Specific Plan would result in significant and unmitigable noise impacts. For purposes of analyzing the proposed Project, since the proposed Project-generated traffic would be consistent with the land use assumptions evaluated in the previously certified EIR prepared for the CRSP, the proposed Project-related noise impact would be within the increase evaluated for the CRSP. In addition, food truck uses that would be allowed as a result of the proposed SPA would not generate any greater trips than what was previously analyzed in the CRSP EIR because it is anticipated that mobile food vendors would serve nearby business park employees during lunch time, who's trips have been accounted for in the CRSP EIR. Impacts under this issue area would remain significant and unavoidable. While the proposed Project's impact remains significant and unavoidable consistent with the effects of implementation of the CRSP, additional environmental review is not required since this impact was addressed and analyzed in the CRSP EIR.

Threshold (e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?

According to the previously certified EIR prepared for the CRSP, the Specific Plan Area is not located within an airport land use plan or within two miles of a public airport or public use airport. Therefore, the proposed Project is not located within an airport land use plan or within vicinity to a public use airport such that exposure of persons residing or working in the proposed Project area to excessive airport related noise levels would occur. As such, no further analysis is required.

Threshold (f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?

According to the previously certified EIR prepared for the CRSP, the Specific Plan Area is not located within two miles of a private airstrip. Therefore, the proposed Project is not located within a distance of two miles from a private airstrip. Due to the distance separation, the proposed Project would not expose persons to excessive airport-related noise levels. As such, no further analysis is required.

Cumulative Impacts

The proposed Project would introduce the use of stationary equipment that would increase noise levels within the Specific Plan Area and vicinity. With adherence to the City's Municipal Code regulations, development of the proposed Project in conjunction with other cumulative projects would not have the potential to result in cumulatively considerable significant stationary noise impacts. Development of the proposed Project in conjunction with other cumulative projects would result in significant cumulative

noise impacts relative to traffic. According to the previously certified EIR prepared for the CRSP, a cumulative impact would occur when an overall increase from existing noise levels over 5 dBA occurs, and the proposed Project contribution is greater than 3 dBA. Based on the results of the cumulative traffic noise analysis performed for the previously certified EIR prepared for the CRSP, cumulative traffic noise impacts with this cumulative impact threshold would occur at several segments in the Specific Plan Area and vicinity. Therefore, consistent with the results of the previously certified EIR prepared for the CRSP, cumulative proposed Project impacts would be significant and unavoidable.

XII. POPULATION AND HOUSING

WOULD THE PROJECT:

Issues	*Potentially Significant Impact*	*Less Than Significant with Mitigation Incorporated*	*Less than Significant Impact*	*No Impact*	*Reviewed Under Previous Document*
a. Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?	☐	☐	☐	☐	☒
b. Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?	☐	☐	☐	☐	☒
c. Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?	☐	☐	☐	☐	☒

RESPONSES TO CHECKLIST QUESTIONS

Threshold (a) Would the project induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?

The proposed Project does not include the provision of new housing or businesses or propose the construction or extension of any new roads or infrastructure to previously undeveloped or inaccessible areas that would open up new areas for development that have not been previously envisioned for development by the City or contemplated within the parameters of the CRSP. The proposed SPA would modify the General Commercial (GC) and General Office (GO) zoning districts to allow for a FAR of 1.0 for hotel uses. However, hotel uses have already been a permitted use within these zoning districts in the CRSP. The proposed SPA would help to provide clarification on FAR development standards for future hotel uses within the GC and GO zoning districts within the CRSP because no current specific FAR has been identified for these uses in the CRSP. , Thus, it is highly unlikely this standard would result in more hotels being built within these zoning districts in the CRSP, inducing substantial population growth. All future development proposals in the City would be required to go through City review and its own separate site-specific environmental review.

The CRSP EIR determined that the employees generated by the CRSP would not induce substantial population growth (either directly or indirectly) beyond lands already planned for by the City. Therefore, the impact of unexpected population growth associated with the Project would be less than significant.

No potentially significant impacts to population and housing are identified in the previously certified CRSP EIR. This determination of less than significant impact is supported by the previously certified EIR prepared for the CRSP. The proposed Project would cause neither a new impact to occur, nor an increase in the severity of an impact previously disclosed. As such, no further analysis is required.

Threshold (b) Would the project displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?

Implementation of the proposed Project would not require the removal of housing necessitating the construction of replacement housing elsewhere. As a result, no impact on housing displacement would occur. The proposed Project would cause neither a new impact to occur, nor an increase in the severity of an impact previously disclosed. As such, no further analysis is required.

Threshold (c) Would the project displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?

The proposed Project area does not contain housing. No impact would occur.

Cumulative Impacts

The proposed Project would not result in direct or indirect permanent or temporary impacts related to population or housing. Therefore, the proposed Project would not result in incremental effects to population and housing that could be compounded or increased when considered together with similar effects from other past, present, and reasonably foreseeable probable future projects. As a result, no cumulative impacts related to population and housing would occur. The proposed Project would cause neither a new impact to occur, nor an increase in the severity of an impact previously disclosed. As such, no further analysis is required.

XIII. PUBLIC SERVICES, RECREATION, AND UTILITIES

WOULD THE PROJECT:

	Potentially Significant Impact	*Less Than Significant with Mitigation Incorporated*	*Less than Significant Impact*	*No Impact*	*Reviewed Under Previous Document*
a. Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:					
i. Fire protection?	☐	☐	☐	☐	☒
ii. Police protection?	☐	☐	☐	☐	☒
iii. Schools?	☐	☐	☐	☐	☒
iv. Parks?	☐	☐	☐	☐	☒
v. Other public facilities?	☐	☐	☐	☐	☒
b. Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?	☐	☐	☐	☐	☒
c. Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?	☐	☐	☐	☐	☒
d. Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?	☐	☐	☐	☐	☒
e. Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	☐	☐	☐	☐	☒
f. Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	☐	☐	☐	☐	☒
g. Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?	☐	☐	☐	☐	☒

WOULD THE PROJECT:

	Potentially Significant Impact	*Less Than Significant with Mitigation Incorporated*	*Less than Significant Impact*	*No Impact*	*Reviewed Under Previous Document*
h. Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	☐	☐	☐	☐	☒
i. Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?	☐	☐	☐	☐	☒
j. Comply with federal, state, and local statutes and regulations related to solid waste?	☐	☐	☐	☐	☒

RESPONSES TO CHECKLIST QUESTIONS

Threshold (a) Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services?

i. Fire Protection

The proposed Project area is currently served by existing public services, including fire and police protection, schools, and parks. As of January 1, 2021, the South San Joaquin County Fire Authority (SSJCFA) began providing, and would continue to provide fire protection and emergency medical services at the site. [14] The SSJCFA provides fire protection and paramedic services to the City of Tracy and the surrounding unincorporated areas that include the communities of Banta, Lammersville and Vernalis. The SSJCFA provides services to over 120,000 residents and visitors out of six fire stations with six engine companies and one truck company. The Authority also provides five paramedic engine companies, two basic life support engine companies, and one ladder truck company.

The existing SCFA Station 94/California Department of Forestry and Fire Protection Station 26, located at 16502 West Schulte Road, would primarily serve the Specific Plan Area, including the proposed Project site. The Citywide Public Safety Master Plan, which guides the provision of public safety facilities needed to serve the existing and future safety needs of the Tracy community, also identifies a new facility that

[14] South San Joaquin County Fire Authority Website, accessed February 5, 2021. https://www.sjcfire.org/administration/chief-s-message.

would be built in the area of Lammers Road, south of 11th Street.[15] Construction of this facility, the Tracy Hills Fire Station No. 95, began in September 2020 and is expected to be complete in August 2021.[16]

Emergency medical services in Tracy are provided by the SSJCFA and a local private transport ambulance provider (American Medical Response [AMR]).

The service demand from the Project would contribute to the need for new or expanded facilities within the overall CRSP Area. In order to address the increase in service population, the CRSP EIR requires the following mitigation measures to be implemented on a project-by-project basis to ensure the payment of a proportionate fair share toward the planned facilities that would be constructed over time to accommodate the additional demand from the Project.

> ***Mitigation Measure Public Services-1:*** *As part of the application process for each individual development under the Specific Plan, the Project applicant shall be required to pay the applicable development impact fee as set forth in an adopted Cordes Ranch FIP. [This is Mitigation Measure PS-1 in the CRSP EIR].*
>
> ***Mitigation Measure Public Services-2***: *As part of the Development Review process for each individual development under the Specific Plan, each Project applicant shall adhere to all conditions of approval that are related to fire protection and emergency response services, such as those relating to fire flows, hydrants and other design and safety features (including any necessary and specialized fire protection equipment to service to individual uses proposed). [This is Improvement Measure PS-1 in the CRSP EIR].*

Implementation of the above mitigation measures would reduce impacts to SCFA's fire operations to less than significant. In addition, although not considered an impact under CEQA, for informational purposes, the City also evaluates the need for necessary and specialized equipment for fire protection through the individual Development Review process on a project-by-project basis. Accordingly, through this process, such needs are addressed as they arise, and all applicable standards relating to fire flow, hydrant and other design and safety features would be imposed as conditions of approval. The proposed Project would cause neither a new impact to occur, nor an increase in the severity of an impact previously disclosed. As such, no further analysis is required.

ii. Police Protection

The Tracy Police Department provides police protection services to the City of Tracy. The Department is headquartered at 1000 Civic Center Drive. The Department employs 93sworn officers (54 officers in the Field Operations Division are sworn officers).[17] The Tracy Police Department provides mutual aid to the San Joaquin County Sheriff's office, and vice versa, when a situation exceeds the capabilities of either department. Mutual aid is coordinated by Sheriff's office.

[15] City of Tracy, accessed February 5, 2021. https://www.ci.tracy.ca.us/documents/Final_Citywide_Public_Safety_Master_Plan.pdf.
[16] City of Tracy, accessed February 5, 2021. https://www.ci.tracy.ca.us/?navid=11610
[17] City of Tracy Police Department website, accessed May 28, 2019. https://www.ci.tracy.ca.us/?navId=1631.

Short term impacts to emergency services, fire and police protection could result during construction of the proposed Project if any road closures or detours are proposed. Implementation of a Traffic Control Plan, as determined necessary by the City of Tracy, would reduce the potential for short term impacts to occur. As a standard measure, a Traffic Control Plan, as determined applicable by the City, would include provisions for allowing emergency access or designate alternate routes for emergency response where required. The Traffic Control Plan would also provide for notification to the police and fire departments of the construction schedule and any required detours. No short-term impacts to fire and police protection services would occur.

Police protection for the proposed Project would be provided by the Tracy Police Department, which already services the immediate vicinity. However, it is possible that the need for additional equipment or staff or construction of new or modification of existing facilities could result from build-out of the CRSP, and the proposed Project would contribute to that demand.

As a means to provide adequate funding for fire protection, police, and other essential public services, the City has established development impact fees that are charged to all new development within Tracy. The fees are designed to cover the added expense to public services resulting from new development. The development impact fees levied on the proposed Project would help the city finance new fire and police infrastructure, equipment, and staffing. Therefore, in order to reduce impacts related to police protection, Mitigation Measure Public Services-3 would be required. Implementation of this mitigation measure would reduce impacts related to police service to less than significant.

> ***Mitigation Measure Public Services*-3**: *As part of the Development Review process for each individual development under the Specific Plan, each Project applicant shall adhere to all conditions of approval that are related to police protection services, such as safety features, emergency access, and physical improvements to the proposed site plan and/or to police facilities and equipment to ensure adequate service is maintained. [This is Improvement Measure PS-2 in the CRSP EIR].*

This determination of less than significant impact is supported by the previously certified EIR prepared for the CRSP. The proposed Project would cause neither a new impact to occur, nor an increase in the severity of an impact previously disclosed. As such, no further analysis is required.

iii. Schools

The proposed Project would not directly generate any residents who would require schools. However, the generation of jobs could indirectly increase the population of school children in Tracy, thereby requiring construction of new school facilities or modification of existing facilities. However, the Project's anticipated service population has been accounted for in the City's General Plan. Furthermore, each individual development application would be subject to the requirement to pay the applicable impact fee in accordance with SB 50. Under Section 65996 of the California Government Code, the payment of such fees is deemed to fully mitigate the impacts of new development on school facilities. Therefore, Project impacts in this regard would be less than significant. This determination of less than significant impact is supported by the previously certified EIR prepared for the CRSP. The proposed Project would cause

neither a new impact to occur, nor an increase in the severity of an impact previously disclosed. As such, no further analysis is required.

iv-v. Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered parks and other recreational facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios or other performance objectives?

The Project includes a SPA to the CRSP that would modify the GC and GO zoning districts to allow hotel uses with a maximum FAR of 1.0. However, hotel uses have already been a permitted use within these zoning districts in the CRSP. The proposed SPA would help to provide clarification on FAR development standards for hotel uses within the GC and GO zoning districts within the CRSP because no current specific FAR has been identified for these uses in the CRSP. As addressed in Section XII, it is highly unlikely this standard would result in more hotels being built within these zoning districts in the CRSP, requiring more parks or recreational facilities to serve the residents of City. The Project would also allow for the development of a 31-acre park that is part of the approximately 88.6 acres of parks and recreational facilities analyzed in the build-out of the Specific Plan Area. The Project does not include residential development and therefore would not directly increase the population of Tracy. Further, the Project does not include uses that would generate employment beyond what was analyzed in the CRSP EIR.

Because this is a non-residential development, and because the proposed Project is part of the adopted Specific Plan development that would provide for more than 88 acres of parks and recreational facilities, as well as an integrated trail network, the Project's impacts in this regard would be less than significant. This determination of less than significant impact is supported by the previously certified EIR prepared for the CRSP. The proposed Project would cause neither a new impact to occur, nor an increase in the severity of an impact previously disclosed. As such, no further analysis is required.

Threshold (b) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?

The proposed Project does not include a residential component and would not generate population growth beyond what has been anticipated; therefore, it would not create an increased demand for recreational facilities. Impacts to recreational facilities were considered less than significant in the previously certified CRSP EIR. Therefore, impacts would remain less than significant. This determination of less than significant impact is supported by the previously certified EIR prepared for the CRSP. The proposed Project would cause neither a new impact to occur, nor an increase in the severity of an impact previously disclosed. As such, no further analysis is required.

Threshold (c) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?

The Project would allow for the development of a 31-acre park that is part of the approximately 88.6 acres of parks and recreational facilities analyzed in the build-out of the Specific Plan Area. Because the

proposed Project is part of the adopted Specific Plan development that would provide for more than 88 acres of parks and recreational facilities, as well as an integrated trail network, the Project's impacts in this regard would be less than significant. This determination of less than significant impact is supported by the previously certified EIR prepared for the CRSP. The proposed Project would cause neither a new impact to occur, nor an increase in the severity of an impact previously disclosed. As such, no further analysis is required.

Threshold (d) Would the project exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?

The City of Tracy provides wastewater services throughout the city and the proposed Project site. Impacts to wastewater treatment requirements were analyzed in the previously certified CRSP EIR for build-out of the Specific Plan Area. As described in the previously certified CRSP EIR, the City's Waste Water Treatment Plant releases effluent into the Old River, therefore the City is subject to NPDES permitting requirements, as implemented by the RWQCB. To accommodate future planned growth, including the build-out of the Specific Plan Area, the City plans to implement a wastewater treatment system upgrade in accordance with the Wastewater Master Plan (WWMP) and as evaluated in the related environmental documentation. Since the proposed Project would be utilizing the City's wastewater treatment facilities, anticipated wastewater generated by the proposed Project would not be expected to result in an exceedance of any wastewater treatment requirements of the applicable RWQCB. Therefore, impacts would be considered less than significant. This determination of less than significant impact is supported by the previously certified EIR prepared for the CRSP. The proposed Project would cause neither a new impact to occur, nor an increase in the severity of an impact previously disclosed. As such, no further analysis is required.

Threshold (e) Would the project require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?

The City of Tracy provides water and wastewater services throughout the City and the proposed Project site. Impacts to existing water and wastewater treatment facilities were analyzed in the previously certified CRSP EIR for build-out of the Specific Plan Area. Although build-out of the Specific Plan Area would require new water facilities and would eventually require the construction of additional wastewater conveyance and wastewater treatment facilities, the environmental impacts that may result from the construction of these facilities were evaluated and mitigated through the environmental review process for the adoption of the City's Water System Master Plan (WSMP) and the Wastewater Master Plan (WWMP). According to the CRSP EIR, because implementation of the CRSP would require the construction of yet-to-be-built WSMP facilities, and may require the construction of certain interim improvements pending completion of WSMP improvements, the Specific Plan would have potentially significant impacts. Since the proposed Project is part of overall Specific Plan implementation, project-level impacts would contribute to the impacts identified in the CRSP EIR. Implementation of Mitigation Measure Utilities-1 through Utilities-4 would reduce but not eliminate potentially significant impacts.

Mitigation Measure Utilities-1: *To ensure the construction of the necessary WSMP facilities, the Project shall be required to pay appropriate development impact fees as contemplated by WSMP. [This mitigation is Mitigation Measure UTIL-1 in the CRSP EIR].*

Mitigation Measure Utilities-2: *At no cost to the City, flow monitoring equipment shall be installed in the Hansen Sewer Line, as approved by the City, prior to the issuance of the certificate of occupancy for the first (1st) building constructed as part of the Project. Flow monitoring shall be used to determine available capacities to serve site-specific developments proposals under the Specific Plan. In monitoring flows for purposes of determining available capacity, the initial 0.145 shall be attributable to those lands within the Specific Plan identified in the proposed development agreement. [This mitigation is Mitigation Measure UTIL-2a in the CRSP EIR].*

Mitigation Measure Utilities-3: *As part of the development process for each individual site-specific development under the Specific Plan, the applicant shall pay its applicable development impact fees for wastewater facilities prior to issuance of building permits. [This mitigation is Mitigation Measure UTIL-2b in the CRSP EIR].*

Mitigation Measure Utilities-4: *As part of the development process for each individual site-specific development under the Specific Plan, the City shall review flow monitoring, at the applicant's cost, to determine available capacity. If the City determines, based on technical and legal constraints and other relevant data, that existing capacity is available to serve the development at issue, then no further mitigation is required. However, if the City determines, based on technical and legal constraints and other relevant data, that existing capacity is not available to serve the development at issue, then the improvements as identified in the Master Plan must be constructed that are necessary to create the additional capacity required, subject to any applicable credit and/or reimbursement provisions, as determined by the City. [This mitigation is Mitigation Measure UTIL-2c in the CRSP EIR].*

Construction of the Citywide water system and wastewater system master plan improvements would mitigate the proposed Project's impacts to a less than significant level. However, given that implementation of improvements is contingent upon the triggers, timing and contribution of substantial funding from other developments, the timing of construction of such improvements cannot be guaranteed. Therefore, the proposed Project's impact in this regard remains significant and unavoidable. The proposed Project's impact remains significant and unavoidable consistent with the effects of implementation of the CRSP. Additional environmental review is not required since this impact was addressed and analyzed in the CRSP EIR.

Threshold (f) Would the project require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?

As discussed in Section IX (Hydrology and Water Quality), the construction of new stormwater drainage facilities or expansion of existing facilities would be required for build-out of the Specific Plan Area as well

as individual development projects like the proposed Project. Mitigation for impacts to stormwater facilities was included as a condition of the CRSP project approval and would be required as part of the proposed Project to reduce impacts to the extent feasible. Construction of stormwater drainage facilities to serve the propose Project may result in significant impacts without mitigation. No greater impacts and no change to the disposition of impacts on the build-out of the CRSP would occur as a result of the proposed Project.

Threshold (g) Would the project have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?

The proposed Project would be served by the City from its existing and future portfolio of water supplies as described in the Water Supply Assessment (WSA) conducted for the previously certified CRSP EIR. The WSA conducted for the Specific Plan Area concluded that the City's existing and planned water supplies would be sufficient to meet the water demand for any hydrologic conditions to the year 2035. No water supply shortages are anticipated for any hydrologic conditions based on Year 2035 water demands. As the proposed Project was analyzed by the CRSP EIR, no greater impacts and no change to the disposition of impacts on the build-out of the CRSP would occur as a result of the proposed Project. Therefore, the proposed Project would have no impact on water supplies.

Threshold (h) Would the project result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?

As explained in Threshold (e), the City of Tracy would provide wastewater services to the proposed Project. Build-out of the Specific Plan Area would eventually require the construction of additional wastewater conveyance and wastewater treatment facilities, but not as a result of the proposed Project solely. Environmental impacts that may result from the construction of these facilities were evaluated and mitigated through the environmental review process for the adoption of the City's Wastewater Master Plan (WWMP)[18]. As the proposed Project is was analyzed by the CRSP EIR, no greater impacts and no change to the disposition of impacts on the build-out of the CRSP would occur as a result of the proposed Project. Thus, no further impacts would result from the proposed Project and impacts would be considered less than significant.

Threshold (i) Would the project be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?

The proposed Project site would be served by the Foothill Sanitary Landfill, which has sufficient capacity to serve the City of Tracy through the year 2082. The proposed Project and build-out of the Specific Plan is considered a small addition to the overall tons per day Tracy currently generates.[19] For these reasons, the proposed Project's solid waste disposal needs can be met and existing landfill and associated impacts are less than significant. This determination of less than significant impact is supported by the previously

[18] CRSP Draft EIR, page 4.15-33
[19] CRSP Draft EIR, page 4.15-74

certified EIR prepared for the CRSP. The proposed Project would cause neither a new impact to occur, nor an increase in the severity of an impact previously disclosed. As such, no further analysis is required.

Threshold (j) Would the project comply with federal, state, and local statutes and regulations related to solid waste?

As stated in the CRSP EIR, the waste diversion programs, together with adherence to the CALGreen Code, are sufficient to ensure that implementation of the proposed Project would not compromise the ability to meet or perform better than the State-mandated target. Therefore, the proposed Project would comply with applicable statutes and regulations and the impact would be less than significant. This determination of less than significant impact is supported by the previously certified EIR prepared for the CRSP. The proposed Project would cause neither a new impact to occur, nor an increase in the severity of an impact previously disclosed. As such, no further analysis is required.

Cumulative Impacts

The proposed Project would not result in a significant impact to any public services, public facilities, recreational facilities or recreational services. The proposed Project would not result in growth beyond what has been planned in the CRSP. Therefore, the proposed Project would not result in incremental effects to public services or facilities that could be compounded or increased when considered together with similar effects from other past, present, and reasonably foreseeable probable future projects. The proposed Project would not result in cumulatively considerable impacts to public services or facilities. The proposed Project would cause neither a new impact to occur, nor an increase in the severity of an impact previously disclosed. As such, no further analysis is required.

The proposed Project would require additional water and wastewater infrastructure, as well as demand for solid waste disposal for building facility operation. Development of public utility infrastructure is part of an extensive planning process involving utility providers and jurisdictions with discretionary review authority. The coordination process associated with the preparation of development and infrastructure plans is intended to ensure that adequate resources are available to serve both individual projects and cumulative demand for resources and infrastructure as a result of cumulative growth and development in the area. Each individual project is subject to review for utility capacity to avoid unanticipated interruptions in service or inadequate supplies. Coordination with the utility companies would allow for the provision of utility service to the proposed Project and other developments. The proposed Project and other planned projects are subject to connection and service fees to assist in facility expansion and service improvements triggered by an increase in demand. Because of the utility planning and coordination activities described above, no significant cumulative utility impacts are anticipated. The proposed Project would cause neither a new impact to occur, nor an increase in the severity of an impact previously disclosed. As such, no further analysis is required.

XIV. TRANSPORTATION/TRAFFIC

WOULD THE PROJECT:

	Potentially Significant Impact	*Less Than Significant with Mitigation Incorporated*	*Less than Significant Impact*	*No Impact*	*Reviewed Under Previous Document*
a. Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit?	☐	☐	☐	☐	☒
b. Conflict with an applicable congestion management program, including, but not limited to level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways?	☐	☐	☐	☐	☒
c. Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?	☐	☐	☐	☐	☒
d. Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	☐	☐	☐	☐	☒
e. Result in inadequate emergency access?	☐	☐	☐	☐	☒
f. Conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities?	☐	☐	☐	☐	☒

RESPONSES TO CHECKLIST QUESTIONS

Threshold (a) Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit?

The proposed SPA would modify the permitted uses within the CRSP to allow hotel uses with a maximum FAR of 1.0 in the General Commercial (GC) and General Office (GO) zoning districts. However, hotel uses have already been a permitted use within these zoning districts in the CRSP. The proposed SPA would help to provide clarification on FAR development standards for hotel uses within the GC and GO zoning districts within the CRSP because no current specific FAR has been identified for these uses in the CRSP. The traffic

analysis conducted for the CRSP EIR used the #820 (Shopping Center) and #710 (General Office Building) traffic rates from the Institute of Transportation Engineers Trip Generation, Eighth Edition to estimate trips generated for commercial and office uses within the CRSP. The number of employees was estimated with densities of 2 employees per 1,000 square feet for commercial uses and 3 employees per 1,000 square feet for office uses, which are consistent with those in the Tracy Travel Demand Model and are commonly used in most travel demand models. Because the proposed SPA is a clarification to what has already been permitted, any potential development related to hotel uses within the GO or GC zoning districts is not anticipated to result in greater traffic impacts than were previously analyzed in the CRSP EIR.

The proposed Project would also require a SPA to the CRSP to allow food truck uses within the GO, BPI, P zoning districts and the I-205 overlay of the CRSP. With respect to the proposed Project, food truck use would be allowed on site because the Project is within the Parks (P) zoning district. As discussed throughout this document, the food truck uses are intended to serve park users and provide a lunch option for the employees of the commercial, office, and industrial uses in the surrounding area. Food truck customers who are park users would not generate a new trip to the proposed Project, as visiting the food truck court would not be their primary reason for visiting to the park. The majority of the visitors to the food truck court would likely be employees from businesses in the surrounding area. Although the CRSP EIR did not specifically analyze food truck, the CRSP EIR analysis accounts for the credit for any trips that employees may already make to restaurants in the surrounding area, which was considered in the CRSP EIR. Therefore, although the trips to food trucks is not anticipated to cause any level of service deficiencies, it is also a conservative estimate. Further, the temporary nature and limited hours of the food truck court would minimize trips originating from outside the vicinity of the CRSP Area. For these reasons, the proposed Project would not result in a new specific impact or an increase in the severity of an impact that was identified in the CRSP EIR and would be consistent with the effects of implementation of the CRSP.

The CRSP EIR found that construction of Phase 1 and Build-out of the Specific Plan would cause significant impacts on the existing roadway and freeway network. Although, individually, the proposed Project would not cause this impact, it would contribute to the impact, and would therefore be required to implement the following mitigation measure in addition to the identified interim improvements.

> ***Mitigation Measure Transportation-1:*** *Each Project applicant will pay the applicable TMP Program Fee, the RTIF, and any other applicable transportation fees that may be in place when individual projects are processed under the Specific Plan in accordance with applicable laws and regulations. [This is Mitigation Measure TRANS-7 in the CRSP EIR].*

Although mitigation would reduce impacts related to overcapacity traffic conditions, the impact would remain significant and unavoidable in accordance with the CRSP EIR. This is because construction timing of said improvements is uncertain since they are program improvements dependent on funding from development throughout Tracy (see Mitigation Transporation-2 below). Impacts would remain significant and unavoidable in accordance with the CRSP EIR. Additional environmental review is not required since

this impact was addressed and would not exacerbate the impacts previously analyzed in the CRSP EIR. No further analysis is required.

Threshold (b) Conflict with an applicable congestion management program, including, but not limited to level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways?

The previously certified CRSP EIR identified the following Congestion Management Program (CMP) network standards that apply to the Specific Plan Area:

- For I-205 and I-580 segments in San Joaquin County, an impact is significant if the project causes a segment to fall from LOS D to LOS E or F, or if it adds 5 percent to the total future traffic volume on a segment already operating at LOS F;

- For the analysis segment of I-580 in Alameda County, an impact is significant if the project causes the segment to fall from LOS E to LOS F, or if it adds 5 percent to the segment already operating at LOS F without the Project.

The proposed Project would contribute to the significant impact on one freeway segment – I-205 Eastbound between Mountain House Parkway and Tracy Boulevard, which would fall from LOS D to LOS E in the PM peak hour. The following mitigation measure would be required along with the implementation of the identified interim improvements.

> ***Mitigation Measure Transportation-2:*** *The Project will contribute to capacity improvements in San Joaquin County through payment of the RTIF in accordance with applicable laws and regulations. However, because neither full funding for the Interstate 205 capacity project, nor prioritization of such improvements above others in the RTIF can be assured, the payment of regional traffic fees does not guarantee to fully mitigate this impact. [This is Mitigation Measure TRANS-9 in the CRSP EIR].*

Since expansion of I-205 to include auxiliary lanes is currently not funded, and the improvement project is not included in the Regional Transportation Improvement Fee, there is currently no mechanism for the Project to contribute to the I-205 capacity project. Therefore, the proposed Project would contribute to the significant and unavoidable impact identified in the CRSP EIR. Additional environmental review is not required since this impact was addressed and would not exacerbate the impacts previously analyzed in the CRSP EIR. As such, no further analysis is required.

Threshold (c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?

The proposed Project does not include any aviation components or structures where height would be an aviation concern. Additionally, no substantial new air traffic would be generated at the local airports in San Joaquin County as a result of the proposed Project. No associated traffic impacts would occur.

Threshold (d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?

The proposed Project roadway system, including facilities for vehicles (autos, trucks and buses), bicyclists and pedestrians, would be designed in conformance with the City of Tracy Transportation Master Plan, including all design guidelines contained therein, as well as in conformance with the City's standard plans. As discussed in the previously certified CRSP EIR, the City reviews each development project, and would require conformance with City standards in terms of driveway design and location, traffic controls, and other traffic engineering requirements. Since roadway and intersection designs would be required to meet the City of Tracy roadway design criteria requirements, hazard impacts are considered less than significant. This determination of less than significant impact is supported by the previously certified EIR prepared for the CRSP. The proposed Project would cause neither a new impact to occur, nor an increase in the severity of an impact previously disclosed. As such, no further analysis is required.

Threshold (e) Result in inadequate emergency access?

The previously certified EIR prepared for the CRSP indicated that emergency access during build-out conditions would be significant and unavoidable as a result of future traffic congestion resulting from Specific Plan implementation. Mitigation measures were assigned to the Specific Plan to reduce the severity of impacts to emergency access (see Mitigation Measure Transportation-3, below). Therefore, Project-specific emergency access impacts are considered less than significant. This determination of less than significant impact is supported by the previously certified EIR prepared for the CRSP. The proposed Project would cause neither a new impact to occur, nor an increase in the severity of an impact previously disclosed. As such, no further analysis is required.

Threshold (f) Conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities?

As discussed in the CRSP, Project applicants are required to work cooperatively with the City to modify and expand transit routes and pedestrian facilities as necessary and when feasible to efficiently accommodate demand. Projected transit route extensions were not identified at the time of Specific Plan adoption. Instead, the Specific Plan confirms that "in determining the final bus stop locations additional right-of-way may be required to accommodate bus stops and shall be dedicated through the mapping process."

The CRSP includes design guidelines and elements to promote pedestrian circulation by creating pathways, linkages, and visual connections between buildings; and by including multiple connections to public sidewalks and pathways between buildings and areas throughout the Specific Plan Area to foster connectivity. Since implementation of the proposed Project would require coordination with the City of Tracy to ensure compliance with design guidelines and the adequate accommodation of transit demand, impacts are considered less than significant in this regard. This determination of less than significant impact is supported by the previously certified EIR prepared for the CRSP. The proposed Project would cause neither a new impact to occur, nor an increase in the severity of an impact previously disclosed. As such, no further analysis is required.

Cumulative Impacts

Under Cumulative Conditions, the City of Tracy Transportation Master Plan (TMP) Roadway improvements are assumed to be in place. The Trip Generation results in **Error! Reference source not found.** indicate cumulative conditions consistency between the proposed Project and the THSP SEIR. Project applicants would also pay the City of Tracy Traffic Impact Fees to fund the Cumulative Improvements identified in the City Transportation Master Plan to offset potential cumulative impacts.

Project applicants would also be required to implement the Mitigation Measures identified above; these measures include Mitigation Measure Trans-7 (and the first paragraph of Mitigation Measure Trans-10 which is identical to Mitigation Measure Trans-7) and Mitigation Measure Trans-9 in the certified CRSP EIR. Cumulative Project impacts would be considered Significant and Unavoidable since the proposed Project would contribute to the cumulative significant and unavoidable impacts previously identified in the CRSP EIR. Additional environmental review is not required since this impact was addressed and would not exacerbate the previously identified impacts in the CRSP EIR.

> ***Mitigation Measure Transportation-3:*** *Each applicant will pay the applicable TMP Program fee, the RTIF and any other applicable transportation fees that may be in place when individual projects are processed under the Specific Plan in accordance with applicable laws and regulations. [This is Mitigation Measure TRANS-7 in the CRSP EIR].*

XV. XIX. MANDATORY FINDINGS OF SIGNIFICANCE

WOULD THE PROJECT:

	Potentially Significant Impact	*Less Than Significant with Mitigation Incorporated*	*Less than Significant Impact*	*No Impact*	*Reviewed Under Previous Document*
a. Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?	☐	☐	☐	☐	☒
b. Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?	☐	☐	☐	☐	☒
c. Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?	☐	☐	☐	☐	☒

RESPONSES TO CHECKLIST QUESTIONS

a – c. As described throughout the analysis above, the proposed Project would not result in any significant impacts to the environment that cannot be mitigated to a less than significant level through the application of uniformly applied development policies and/or standards that were not already anticipated in the CRSP EIR. The proposed Project is required to implement a range of standard and uniformly applied development policies and standards, as well as any previously identified mitigation measures, all of which are identified in the previously certified CRSP EIR, which would reduce the majority of potentially significant impacts to a less than significant level. The cumulative impacts associated with development of the proposed Project were considered and found not to be cumulatively considerable. Further, cumulative impacts of the proposed Project would be consistent with those analyzed and disclosed in the previously certified CRSP EIR. The proposed Project would not result in any cumulative impacts that were not contemplated in the previously certified CRSP EIR. The proposed Project would not result in any peculiar site-specific impacts, impacts to biological resources or impacts to cultural and/or historical resources that were not contemplated in the previously certified CRSP EIR. The proposed Project would cause neither a new impact to occur, nor an increase in the severity of an impact previously disclosed.

DETERMINATION OF APPROPRIATE CEQA DOCUMENTATION

Section 15162(a) of the CEQA Guidelines states the following:

Section 15162 – Subsequent EIRs and Negative Declarations

(a) When an EIR has been certified or a negative declaration adopted for a project, no subsequent EIR shall be prepared for that project unless the lead agency determines, on the basis of substantial evidence in light of the whole record, one of more of the following:

(1) Substantial changes are proposed in the project which will require major revisions of the previous EIR or negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects.

(2) Substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous EIR or negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects.

(3) New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified as complete or the negative declaration was adopted, shows any of the following:

(A) The project will have one or more significant environmental effects not discussed in the previous EIR or negative declaration;

(B) Significant effects previously examined will be substantially more severe than shown in the previous EIR.

(C) Mitigation measures or alternatives previously found not to be feasible would in fact be feasible, and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or

(D) Mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.

Based on the preceding evaluation, the City has determined that (a) none of the conditions described in Section 15162(a) have occurred or will occur with approval of the proposed Project, and (b) no changes or additions are required to the certified CRSP EIR. Because no changes or additions are required to the CRSP EIR, an addendum to the CRSP EIR is not necessary. And based on the foregoing determinations, pursuant to Section 15168(c)(2) of the CEQA Guidelines, the City can approve the proposed Project as within the scope of the development program evaluated in the CRSP EIR and no further environmental document is required.

This document provides substantial evidence for City of Tracy records to support its approval of the Project pursuant to Section 15168(c)(2) of the CEQA Guidelines.

CONCLUSION

This Initial Study has been prepared in accordance with the provisions of the State CEQA Guidelines to document the finding that none of the conditions or circumstances that would require preparation of a subsequent EIR, pursuant to Sections 15162 and 15168 of the State CEQA Guidelines, exist in connection with the proposed Project. No revisions are required to the CRSP EIR prepared for the City of Tracy as a result of the proposed Specific Plan Amendment. No new significant environmental impacts have been identified. Since the certification of the CRSP EIR, there has been no new information showing that mitigation measures or alternatives once considered infeasible are now feasible or showing that there are feasible new mitigation measures or alternatives substantially different from those analyzed in the EIR that the City declined to adopt. Project implementation would not create significant environmental effects or create a substantial increase in the severity of previously identified significant effects. Therefore, pursuant to Section 15168(c)(2), the City can approve the Project as within the scope of the development program evaluated in the CRSP EIR and no further environmental document is required. This document will be maintained in the administrative record files at City of Tracy City Hall.

MITIGATION, MONITORING, AND REPORTING PROGRAM

A number of mitigation measures required to avoid and reduce potentially significant adverse impacts of the proposed CRSP Project. Mitigation measures from the EIR prepared for the CRSP EIR are applicable to the proposed Project. To mitigate the proposed Project's impacts, the mitigation measures listed below would be implemented as part of the proposed Project.

Mitigation, Monitoring, and Reporting Program

Impact Category	*Mitigation Measure*	*Implementation Timing*	*Responsible Monitoring Party*	*Monitoring/ Reporting Method*
Aesthetics	**Aesthetics-1:** The Specific Plan contains numerous design and landscaping requirements intended to beautify the Project, which shall be imposed on individual, site-specific developments under the Specific Plan. Beyond these measures, there is no feasible mitigation. [This is Mitigation Measure AES-1 in the CRSP EIR].	Prior to construction.	Development Services, Planning	Compliance with project conditions of approval.
	Aesthetics-2: Prior to final inspection or certificate of occupancy, all exterior and parking area lighting shall be directed downward or shielded, to prevent glare or spray of light on to public rights-of-way or adjacent residential property, consistent with City standards. [This is Mitigation Measure AES-4 in the CRSP EIR].	Prior to inspection.	Development Services/Engineering	Construction inspection.
Agricultural and Forestry Resources	**Agriculture-1:** As part of the development process for each individual site-specific development project under the Specific Plan, the applicable agricultural mitigation fee for each acre of farmland to be developed shall be paid, in compliance with Chapter 13.28, Agricultural Mitigation Fee, of the Tracy Municipal Code. The fees shall be collected by the City at the time that building permits are issued for such site-specific development project, or as otherwise required by City. [This is Mitigation Measure AG-1 in the CRSP EIR].	Prior to construction.	Development Services, Planning	Compliance with project conditions of approval.

Mitigation, Monitoring, and Reporting Program

Impact Category	*Mitigation Measure*	*Implementation Timing*	*Responsible Monitoring Party*	*Monitoring/ Reporting Method*
Air Quality	**AQ-1:** Each applicant for individual, site-specific developments under the Specific Plan shall comply with the San Joaquin Valley Air Pollution Control District (SJVAPCD) rules and regulations, including, without limitation, Indirect Source Rule 9510. The applicant shall document, to the City's reasonable satisfaction, its compliance with this mitigation measure. [This is Mitigation Measure AQ-2a in the CRSP EIR].	Prior to and during construction.	Development Services, Planning	Compliance with project conditions of approval.
	AQ-2: Prior to issuance of a grading permit by the City of Tracy, the applicant for an individual, site-specific development under the Specific Plan shall be required to develop and obtain approval of a fugitive dust and emissions control plan to mitigate, as feasible, the identified impacts, which satisfies the requirements set forth under then- applicable SJVAPCD Rules and Regulations, including, without limitation, Regulation VIII. Depending on the size, location and nature of the individual development at issue, the fugitive dust and emissions control plan shall consider the following mitigation measures, for example: • All disturbed areas, including storage piles, which are not being actively utilized for construction purposes, shall be effectively stabilized of dust emissions using water, chemical stabilizer/suppressant, covered with a tarp or other suitable cover or vegetative ground cover; • All on-site unpaved roads and off-site unpaved access roads shall be effectively stabilized of dust emissions using water or chemical stabilizer/suppressant; • All land clearing, grubbing, scraping, excavation, land leveling, grading, cut & fill, and demolition activities shall be effectively controlled of fugitive dust emissions utilizing application of water or by presoaking; • When materials are transported off-site, all material shall be covered or effectively wetted to limit visible dust emissions, and at least six inches of freeboard space from the top of the container shall be maintained; • All operations shall limit or expeditiously remove the accumulation of mud or dirt from adjacent public streets at the end of each workday. (The use of dry rotary brushes is expressly prohibited except where preceded or accompanied by sufficient wetting to limit the visible dust emissions) (Use of blower devices is expressly forbidden); • Following the addition of materials to, or the removal of materials from, the surface of outdoor storage piles, said piles shall be effectively stabilized of fugitive dust emissions utilizing sufficient water or chemical stabilizer/suppressant;	Prior to construction.	Development Services, Planning	Compliance with project conditions of approval.

Mitigation, Monitoring, and Reporting Program

Impact Category	*Mitigation Measure*	*Implementation Timing*	*Responsible Monitoring Party*	*Monitoring/ Reporting Method*
	• Within urban areas, trackout shall be immediately removed when it extends 50 or more feet from the site and at the end of each workday; • Any site with 150 or more vehicle trips per day shall prevent carryout and trackout; • Limit traffic speeds on unpaved roads to 15 mph; • Install sandbags or other erosion control measures to prevent silt runoff to public roadways from sites with a slope greater than one percent. • Install wheel washers for all exiting trucks, or wash off all trucks and equipment leaving the Specific Plan Area; • Adhere to Regulation VIII's 20 percent opacity limitation, as applicable; • Use of construction equipment rated by the United States Environmental Protection Agency (US EPA) as having Tier 3 or higher exhaust emission limits for equipment over 50 horsepower that are on site for more than 5 days, if available and feasible. Tier 3 engines between 50 and 750 horsepower are available for 2006 to 2008 model years. After January 1, 2015, encourage the use of equipment over 50 horsepower that are on-site for more than 5 days to meet the Tier 4 standards, if available and feasible. A list of construction equipment by type and model year shall be maintained by the construction contractor on-site, which shall be available for City review upon request. • Use of alternative-fueled or catalyst-equipped diesel construction equipment, if available and feasible; and • Clearly posted signs that require operators of trucks and construction equipment to minimize idling time (e.g. 5 minute maximum). [This is Mitigation Measure AQ-2b in the CRSP EIR]. **AQ-3:** Applicants for industrial or warehousing land uses that: 1) are expected to generate 100 or more diesel truck trips per day or have 40 or more trucks with operating diesel-powered transport refrigeration units (TRUs), and 2) are located within 1,000 feet of a sensitive receptor, as measured from the property line of the development at issue to the property line of the nearest sensitive receptor, shall adhere to applicable Best Available Control Technologies for Toxics (T-BACT), as set forth in CARB or SJVAQPD guidance (as applicable), for the purpose of reducing potential cancer and non-cancer risks to below the applicable thresholds, as feasible (e.g., restricting idling onsite, electrifying ware-house docks, requiring use of newer equipment and/or vehicles, restricting offsite truck travel through the creation of truck routes). Provided, however, that an	Prior to and during construction.	Development Services, Planning	Compliance with project conditions of approval.

Mitigation, Monitoring, and Reporting Program

Impact Category	*Mitigation Measure*	*Implementation Timing*	*Responsible Monitoring Party*	*Monitoring/ Reporting Method*
	applicant may submit a health risk assessment (HRA) to the City of Tracy prepared in accordance with policies and procedures of the state Office of Environmental Health Hazard Assessment (OEHHA) and the San Joaquin Valley Air Pollution Control District (SJVAPCD); if this HRA demonstrates that the incremental cancer risk for the individual development at issue would not exceed ten in one million (10E-06) or the appropriate non-cancer hazard index would not exceed 1.0, then no further mitigation shall be required. [This is Mitigation Measure AQ-5 in the CRSP EIR].			
Biological Resources	**Bio-1:** To mitigate the potential adverse impacts on special-status species, and provide for the incidental take of State and/or federally listed species, the applicant shall either: 1) participate in the SJMSCP and comply with all required Incidental Take Minimization Measures or 2) secure incidental take authorizations for State and/or federally-listed species directly from the CDFW and USFWS, respectively. Participation in the SJMSCP shall include compliance with all relevant Incidental Take Minimization Measures pertinent to the proposed Project Area, including pre-construction surveys for covered species to confirm presence or absence and provide for their relocation, if necessary. Issuance of grading and construction permits shall be contingent on providing evidence of either 1) compliance with the SJMSCP or 2) a 2081 Permit from the CDFW and Biological Opinion from the USFWS to the City of Tracy Development Services Director to ensure compliance with applicable regulations and ensure adequate compensatory mitigation has been provided. [This is Mitigation Measure BIO-1 in the CRSP EIR]. **Bio-2:** To avoid the potential for disturbance of nesting birds on or near the Project area, schedule the initiation of any vegetation removal and grading for the period of September 1 through February 15. If construction work cannot be scheduled during this period, a qualified biologist shall conduct pre-construction surveys for nesting birds according to the following guidelines: • The preconstruction surveys shall be conducted by the qualified biologist no later than 14 days prior to the start of vegetation removal or initiating project grading.	Prior to construction. Prior to and during construction.	Development Services, Engineering, Planning Development Services, Engineering, Planning	Compliance with project conditions of approval. Compliance with project conditions of approval.

Mitigation, Monitoring, and Reporting Program

Impact Category	*Mitigation Measure*	*Implementation Timing*	*Responsible Monitoring Party*	*Monitoring/ Reporting Method*
	• If birds protected under the Migratory Bird Treaty Act are found nesting, then appropriate construction buffers shall be established to avoid disturbance of the nests until such time that the young have fledged. The size of the nest buffer shall be determined by the biologist in consultation with CDFW, and shall be based on the nesting species, its sensitivity to disturbance, and expected types of disturbance. Typically, these buffers range from 75 to 250 feet from the nest location. • Nesting activities shall be monitored periodically by a qualified biologist to determine when construction activities in the buffer area can resume. • Once the qualified biologist has determined that young birds have successfully fledged, a monitoring report shall be prepared and submitted to the City of Tracy Development Services for review and approval prior to initiating construction activities within the buffer area. The monitoring report shall summarize the results of the nest monitoring, describe construction restrictions currently in place, and confirm that construction activities can proceed within the buffer area without jeopardizing the survival of the young birds. Construction within the designated buffer area shall not proceed until the written authorization is received by the applicant from the Development Services Director. The above provisions are in addition to the preconstruction surveys to confirm presence or absence of nesting Swainson's hawk, burrowing owl, and other special-status species as required under the Incidental Take Minimization Measures of the SJMSCP. [This is Mitigation Measure BIO-2 in the CRSP EIR].			
Cultural Resources	**Cult-1:** If any prehistoric or historic subsurface cultural resources are discovered during ground-disturbing activities, all work within 50 feet of the resources shall be halted and a qualified archaeologist shall be consulted to assess the significance of the find according to *CEQA Guidelines* Section 15064.5. If any find is determined to be significant, representatives from the City and the archaeologist shall meet to determine the appropriate avoidance measures or other appropriate mitigation. All significant cultural materials recovered shall be, as necessary and at the discretion of the consulting archaeologist, subject to scientific analysis, professional museum curation, and documentation according to current professional standards. In considering any suggested mitigation proposed by the consulting archaeologist to mitigate impacts to historical resources or unique archaeological resources, the City shall determine whether avoidance is necessary and feasible in light of factors such as the nature of the find, project design, costs, and other considerations. If avoidance is infeasible, other appropriate measures (e.g. data recovery) shall be instituted. Work may proceed on other parts of the Specific Plan Area while mitigation for historical resources or unique archaeological resources is being carried out. [This is Mitigation Measure CUL-1 in the CRSP EIR].	During construction.	Development Services, Engineering	Construction inspection.

Mitigation, Monitoring, and Reporting Program

Impact Category	*Mitigation Measure*	*Implementation Timing*	*Responsible Monitoring Party*	*Monitoring/ Reporting Method*
	Cult-2: In the event that fossils or fossil-bearing deposits are discovered during construction, excavations within 50 feet of the find shall be temporarily halted or diverted. The contractor shall notify a qualified paleontologist to examine the discovery. The paleontologist shall document the discovery as needed in accordance with Society of Vertebrate Paleontology standards, evaluate the potential resource, and assess the significance of the find under the criteria set forth in *CEQA Guidelines* Section 15064.5. The paleontologist shall notify the appropriate agencies to determine procedures that would be followed before construction is allowed to resume at the location of the find. If in consultation with the paleontologist, the Project proponent determines that avoidance is not feasible, the paleontologist shall prepare an excavation plan for mitigating the effect of the Project on the qualities that make the resource important. The plan shall be submitted to the City for review and approval and the Project proponent shall implement the approval plan. [This is Mitigation Measure CUL-2 in the CRSP EIR]. **Cult-3:** If human skeletal remains are uncovered during construction, the contractor (depending on the Project component) shall immediately halt work within 50 feet of the find, contact the San Joaquin County coroner to evaluate the remains, and follow the procedures and protocols set forth in Section 15064.5(e)(1) of the *CEQA Guidelines*. If the county coroner determines that the remains are Native American, the Project proponent shall contact the NAHC, in accordance with Health and Safety Code Section 7050.5, subdivision (c), and Public Resources Code 5097.98 (as amended by AB 2641). Per Public Resources Code 5097.98, the contractor shall ensure that the immediate vicinity, according to generally accepted cultural or archaeological standards or practices, where the human remains are located, is not damaged or disturbed by further development activity until the contractor has discussed and conferred, as prescribed in this section (California Public Resources Code Section 5097.98), with the most likely descendants regarding their recommendations, if applicable, taking into account the possibility of multiple human remains. [This is Mitigation Measure CUL-3 in the CRSP EIR].	During construction. During construction.	Development Services, Engineering Development Services, Engineering	Construction inspection. Construction inspection.
Geology and Soils	Implement Mitigation Measures Hydro-1, Hydro-2, Hydro-3, Hydro-4 and Hydro-5. Refer to Hydrology and Water Quality.			
Greenhouse Gas Emissions	**GHG-1:** Applicants for individual, site-specific developments shall conform to the then applicable requirements of the California Building Code, including the Green Code's provisions relating to "solar readiness." Applicants will be encouraged to utilize or otherwise facilitate the use of alternative energy generation technologies, as feasible, to offset their energy consumption, by, for example, ensuring that roof structures are built such that they can accommodate the weight of solar panels in accordance with the	Prior to construction.	Development Services, Building	Compliance with project conditions of approval.

Mitigation, Monitoring, and Reporting Program

Impact Category	*Mitigation Measure*	*Implementation Timing*	*Responsible Monitoring Party*	*Monitoring/ Reporting Method*
	California Building and Energy Standards; providing for energy storage within their buildings; and installing electrical switch gears to facilitate solar usage. [This is Mitigation Measure GHG-1 in the CRSP EIR]. **GHG-2:** Prior to issuance of a building permit for an individual, site-specific development that requires or is intended to accommodate refrigerated vehicles, the construction documents shall demonstrate an adequate number of electrical service connections at loading docks for plug-in of the anticipated number of refrigerated trailers to reduce idling time and emissions. [This is Mitigation Measure GHG-1b in the CRSP EIR].	Prior to construction.	Development Services, Building	Compliance with project conditions of approval.
	GHG-3: Applicants for individual, site-specific developments with truck delivery and loading areas, and truck parking spaces, shall include signage as a reminder to limit idling of vehicles while parked for loading/unloading in accordance with California Air Resources Board Rule 2845 (13 CCR Chapter 10 §2485). [This is Mitigation Measure GHG-1c in the CRSP EIR]	Prior to and during construction.	Development Services, Building	Construction inspection.
	GHG-4: Applicants for individual, site-specific developments shall identify in the grading plans that non-essential idling of construction equipment and vehicles shall be restricted to no more than 5 minutes in accordance with California Air Resources Board Rule 2485 (13 CCR Chapter 10 §2485). [This is Mitigation Measure GHG-1d in the CRSP EIR].	Prior to and during construction.	Development Services, Engineering	Construction inspection
Hazards and Hazardous Materials	**Hazard-1:** The project applicant shall fully implement the provisions of the San Joaquin County Hazardous Material Area Plan and the Tracy General Plan, including but not limited to: • Ensuring that any business locating in the Specific Plan Area which stores particular quantities of hazardous materials (e.g. larger than 55 gallons of liquid, 500 pounds of solid or 200 cubic feet of some compressed gases) as stipulated under Chapter 6.95 of the California Health and Safety Code annually files a hazardous materials business plan establishing incident prevention measures, hazardous material protocols, and emergency response and evacuation procedures; • Providing adequate separation between areas where hazardous materials are present and sensitive uses; and • Submitting an emergency response plan for any large generators of hazardous waste located or proposed to be located in the Specific Plan Area. [This is Mitigation Measure HAZ-1 in the CRSP EIR]. **Hazard-2:** A Soil Management Plan and companion Sampling and Analysis Plan, as well as a Health and Safety Plan (HASP), shall be prepared and implemented during and following any soil excavation and	Prior to and during construction. Prior to construction.	Development Services, Building Development Services, Engineering	Compliance with project conditions of approval. Compliance with project conditions of approval.

Mitigation, Monitoring, and Reporting Program

Impact Category	*Mitigation Measure*	*Implementation Timing*	*Responsible Monitoring Party*	*Monitoring/ Reporting Method*
	compaction associated with implementation of the Project where such activities may encounter residual soil, soil vapor, or groundwater contamination that exceeds risk-based levels established by the RWQCB or Cal-EPA. As part of the Soil Management Plan, the applicant shall retain an experienced, independent environmental monitor to observe all significant earth-moving activities. The monitor shall observe the operations, remaining watchful for stained or discolored soil that could represent residual contamination. The monitor shall also be empowered to alert the City and regulatory agencies, when appropriate, and provide direction to the grading contractor. The monitor shall confirm the location of the one plugged and abandoned well in consultation with the Division of Gas, Oil, and Geothermal Resources, and shall comply with any remedial measures that may be required in connection therewith under applicable law and regulations. In addition, in the event that a previously unknown abandoned well is discovered, construction activities that are proximate to said abandoned well shall stop and the Division of Gas, Oil, and Geothermal Resources shall be contacted. No structures shall be built on a discovered abandoned well until it is deemed safe by the State Oil and Gas Supervisor in accordance with applicable laws and regulations. [This is Mitigation Measure HAZ-2a in the CRSP EIR]			
	Hazard-3: A plan shall be developed for installation of a vapor barrier and venting system beneath buildings to be constructed at the site in those areas where residual petroleum hydrocarbons in soil vapor exceed risk-based levels established by the RWQCB or Cal-EPA, where exposure pathways are considered potentially complete. The system shall be designed to eliminate potentially significant indoor air quality health risks associated with subsurface contaminant vapor intrusion. The Plan shall be prepared by a California professional engineer experienced in vapor intrusion mitigation and who shall certify the installation. [This is Mitigation Measure HAZ-2b in the CRSP EIR].	During construction.	Development Services, Engineering	Construction inspection.
	Hazard-4: Soil sampling shall occur within the portions of the Specific Plan Area that have historically been utilized for mixing or storing pesticides and that may contain pesticide residues in the soil, prior to issuance of grading permits in such areas. The sampling will be performed in accordance with a Sampling and Analysis Plan and Soil Management Plan prepared by a qualified Environmental Professional and/or California professional engineer experienced in Phase II site characterization. The sampling shall be conducted in accordance with applicable guidance from DTSC and San Joaquin County Environmental Health Department, and shall determine if pesticide concentrations exceed established regulatory thresholds. Should pesticide contaminated soil be identified as a result of the evaluation, further site characterization and remedial activities, if necessary, will be implemented in accordance with the Soil Management Plan. [This is Mitigation Measure HAZ-2c in the CRSP EIR].	Prior to construction.	Development Services, Engineering	Compliance with project conditions of approval.

Mitigation, Monitoring, and Reporting Program

Impact Category	*Mitigation Measure*	*Implementation Timing*	*Responsible Monitoring Party*	*Monitoring/ Reporting Method*
Hydrology and Water Quality	**Hydro-1:** Grading and ground disturbance on the Specific Plan Area shall be implemented in accordance with each individual development's approved grading plans and related grading permit. For the required treatment of urban pollutants and application of pesticides in the Specific Plan Area, each Project developer shall comply with the approved grading plan and related permit and conditions of approval. [This mitigation is Mitigation Measure HYDRO-1a in the CRSP EIR]	Prior to construction.	Development Services, Engineering	Compliance with project conditions of approval.
	Hydro-2: In accordance with the then-applicable regulations, as part of the application process for each individual development under the Specific Plan, each applicant shall file a Notice of Intent with the SWRCB to obtain coverage under the construction general permit (CGP) and shall comply with all of the requirements associated with the CGP, as necessary to mitigate those impacts that would result from the specific development proposed by that applicant. In addition, as part of the application process for each individual development under the Specific Plan, each applicant shall prepare and obtain City approval of a SWPPP, which shall adequately address stormwater management during each construction phase of the Project. The SWPPP shall be consistent with the then-applicable RWQCB standards and NPDES permit requirements, and shall be designed to protect water quality during the course of construction. Said BMPs may include, without limitation, the following: • Schedule earthwork to occur primarily during the dry season to prevent most runoff erosion. • Protect drainages and storm drain inlets from sedimentation with berms or filtration barriers, such as filter fabric fences, hay bales, or straw wattles. • Divert runoff from exposed slopes to on-site sediment basins before the runoff is released off-site. • Install gravel construction entrances to reduce tracking of sediment onto adjoining streets. • Sweep on-site paved surfaces and surrounding streets daily to collect sediment before it is washed into the storm drains or the Old River. • After construction is completed, clean all drainage culverts of accumulated sediment and debris. • Stabilize stockpiles of topsoil and fill material by watering daily, or by the use of chemical agents. • Store all construction equipment and material in designated areas away from waterways and storm drain inlets. Surround construction staging areas with earthen berms.	Prior to construction.	Development Services, Engineering/Utilities	Compliance with project conditions of approval.

Mitigation, Monitoring, and Reporting Program

Impact Category	*Mitigation Measure*	*Implementation Timing*	*Responsible Monitoring Party*	*Monitoring/ Reporting Method*
	• Wash and maintain equipment and vehicles in a separate bermed area, with runoff directed to a lined retention basin. • Collect construction waste daily and deposit in covered dumpsters. [This mitigation is Mitigation Measure HYDRO-1b in the CRSP EIR].			
	Hydro-3: As part of the application process for each individual development under the Specific Plan, each applicant shall prepare and obtain approval of a grading plan and related permit in accordance with Mitigation Measure HYDRO-1 (a). [This mitigation is Mitigation Measure HYDRO-2a in the CRSP EIR].	Prior to construction.	Development Services, Engineering	Compliance with project conditions of approval.
	Hydro-4: As part of the application process for each individual development project under the Specific Plan, each applicant shall submit and obtain City approval of a drainage plan to the City of Tracy for on-site measures consistent with the Cordes Ranch Conceptual Drainage Plan, the CRSP, the Citywide Stormwater Master Plan, and other applicable stormwater standards and requirements that shall be designed to control and treat stormwater for the storm events in compliance with the then-applicable City's Multi-Agency Post-Construction Stormwater Standards Manual of Stormwater Quality Control Standards for New Development and Redevelopment, including those dealing with capacity design of the facilities and contour grading. All such measures shall be implemented as part of the development and operation of the individual development at issue. Each developer shall construct drainage improvements and other required stormwater retention/detention facilities as necessary to serve the specific development proposed by that applicant in conformance with the approved drainage plan, the Specific Plan and the then-applicable City standards including those set forth in the City's Storm Drainage Master Plan. These drainage facilities shall accommodate events up to and including a 100-year 24-hour storm. Any impacts on the operations of Mountain House CSD facilities, including the alteration of cleaning velocities, will require coordination and agreement between Mountain House CSD and the City of Tracy prior to issuance of building permit for any development west of Mt. House Parkway. The proposed mitigation measures will reduce impacts related to storm water runoff to less-than-significant levels. [This mitigation is Mitigation Measure HYDRO-2b in the CRSP EIR].	Prior to construction.	Development Services Engineering/Utilities	Compliance with project conditions of approval.
	Hydro-5: As part of the development of each individual project under the Specific Plan, each developer shall implement the following measures:	During construction.	Development Services, Engineering	Construction Inspection.

Mitigation, Monitoring, and Reporting Program

Impact Category	*Mitigation Measure*	*Implementation Timing*	*Responsible Monitoring Party*	*Monitoring/ Reporting Method*
	• Shall not utilize chemical pesticides in the maintenance of common landscaped areas, open space areas, or parks. Fertilizers shall be applied sparingly, and shall be derived from natural sources, such as fish emulsion or manure. • Shall cooperate with the City to create a public education program for future business owners to increase their understanding of water quality protection, which should include but not be limited to: - Hazardous material use controls; - Hazardous materials exposure controls; - Hazardous material disposal and recycling. • Encourage the use of alternative methods to avoid hazardous materials to the extent feasible, and prohibit the dumping of hazardous materials in open space areas or the storm drain system. • To the extent feasible, direct stormwater runoff to percolation swale and basin areas rather than directing stormwater to storm drain pipes. • Use biotreatment (natural pollutant filtering) where stormwater runs off paved surfaces onto pervious surfaces. • Utilize sediment traps, evaporation basins, flow dissipaters, and other methods to reduce the volume and speed of stormwater runoff and reduce pollutant loads. [This is Mitigation Measure HYDRO-2c in the CRSP EIR].			
Noise	**NOI-1:** As part of the development process for each individual, site-specific project under the Specific Plan, the development at issue shall adhere to all applicable Building Code and Municipal Code provisions and standards and other requirements, as noted in the above Regulatory Framework discussion. Regarding mitigation of impacts relating to mobile sources for an individual, site specific project, the City will consider, as appropriate and feasible, a variety of techniques to reduce noise, which may include, for example, building setbacks, berms, walls, fences of various materials, and rubberized asphalt, taking into account relevant General Plan policies (as they relate to sound walls) and the nature and location of sensitive receptors at issue. [This is Mitigation Measure NOISE-1 in the CRSP EIR].	Prior to construction.	Development Services, Planning	Compliance with project conditions of approval.

Mitigation, Monitoring, and Reporting Program

Impact Category	*Mitigation Measure*	*Implementation Timing*	*Responsible Monitoring Party*	*Monitoring/ Reporting Method*
	NOI-2: The following measures, in addition to the best practices for construction activities (as specified in Mitigation Measure NOI-4), are recommended to reduce groundborne noise and vibration from construction activities: 1. Avoid impact pile driving process, when feasible. The use of a predrilling pile installation process shall be utilized when feasible, where geological conditions permit their use, so as to reduce vibration levels at adjacent receptors. 2. Avoid using vibratory rollers and vibratory tampers near vibration-sensitive uses. [This is Mitigation Measure NOISE-2a in the CRSP EIR].	During construction.	Development Services, Planning	Construction inspection.
	NOI-3: Before any individual, site-specific development conducts any high vibration-generating activities (such as pile driving or vibratory compacting) within one hundred (100) feet of existing structures, the following mitigation measures shall apply: 1. Develop a vibration monitoring and construction contingency plan to identify structures where monitoring would be conducted, set up a vibration monitoring schedule, define structure-specific vibration limits, and address the need to conduct photo, elevation, and crack surveys to document before- and after-construction conditions. Construction contingencies would be identified for when vibration levels approached the limits. Vibration limits shall be applied to all vibration-sensitive structures located within 100 feet of each individual, site-specific development that is subject to this mitigation measure. Limits shall be based on Table 4.11-6 to preclude architectural damage and on Table 4.11-5 to preclude vibration annoyance. For the Specific Plan Area proposed development types (i.e. "institutional land uses with primarily daytime use"), the Table 4.11-5 Category 3 land uses would indicate a threshold of 83 VdB. For future developments that have special, vibration-sensitive operations or equipment, the criteria in the FTA Guideline Manual, Table 8-315 should be implemented. The monitoring and construction contingency plan shall include the following contents described in Numbers 2 through 4 below. 2. At a minimum, monitor vibration during initial demolition activities and during pile driving activities. Monitoring results may indicate the need for more or less intensive measurements. 3. When vibration levels approach the above limits, construction should be suspended and contingencies should be implemented to either lower vibration levels or to secure the affected structures.	Prior to Construction	Development Services, Planning	Construction inspection

Mitigation, Monitoring, and Reporting Program

Impact Category	*Mitigation Measure*	*Implementation Timing*	*Responsible Monitoring Party*	*Monitoring/ Reporting Method*
	4. Conduct post-survey on structures where either monitoring has indicated high levels or complaints of damage has been made. Make appropriate repairs or compensation where damage has occurred as a result of construction activities. [This is Mitigation Measure NOISE-2b in the CRSP EIR]. **NOI-4:** The following measures, when applicable and feasible, shall be required to reduce noise from construction activities: 1. Ensure that all internal combustion engine-driven equipment is equipped with mufflers that are in good operating condition and appropriate for the equipment. 2. Utilize "quiet" models of air compressors and other stationary noise sources where such technology exists. 3. Locate stationary noise-generating equipment as far as reasonable from sensitive receptors when sensitive receptors adjoin or are near a construction Project area. 4. Prohibit unnecessary idling of internal combustion engines (i.e. in excess of five minutes). 5. Pre-drill foundation pile holes to minimize the number of impacts required to seat the pile. 6. Erect temporary noise control blanket barriers and/or temporary solid plywood fences around construction sites adjacent to operational businesses or noise-sensitive land uses. This mitigation would only be necessary if (a) potential conflicts could not be resolved by proper scheduling and (b) the temporary barrier could demonstrate a benefit at the façade of the receptor building of at least 10 dB. 7. Route construction-related traffic along major roadways and as far as feasible from sensitive receptors. 8. Notify businesses and noise-sensitive land uses adjacent to construction sites of the construction schedule in writing. Designate a "Construction Liaison" that would be responsible for responding to any local complaints about construction noise. The liaison would determine the cause of the noise complaints (e.g. starting too early, bad muffler, etc.) and institute reasonable measures to correct the problem. A telephone number for the Liaison should be conspicuously posted at the construction site. [This is Mitigation Measure NOISE-4 in the CRSP EIR].	Prior to Construction	Development Services, Planning	Construction inspection.

Mitigation, Monitoring, and Reporting Program

Impact Category	*Mitigation Measure*	*Implementation Timing*	*Responsible Monitoring Party*	*Monitoring/ Reporting Method*
Public Services	**Mitigation Measure Public Services-1:** As part of the application process for each individual development under the Specific Plan, the Project applicant shall be required to pay the applicable development impact fee as set forth in an adopted Cordes Ranch FIP. [This is Mitigation Measure PS-1 in the CRSP EIR].	Prior to construction.	Development Services, Planning	Compliance with project conditions of approval.
	Mitigation Measure Public Services-2: As part of the Development Review process for each individual development under the Specific Plan, each Project applicant shall adhere to all conditions of approval that are related to fire protection and emergency response services, such as those relating to fire flows, hydrants and other design and safety features (including any necessary and specialized fire protection equipment to service to individual uses proposed). [This is Improvement Measure PS-1 in the CRSP EIR].	Prior to construction.	Development Services, Planning	Compliance with project conditions of approval.
	Mitigation Measure Public Services-3: As part of the Development Review process for each individual development under the Specific Plan, each Project applicant shall adhere to all conditions of approval that are related to police protection services, such as safety features, emergency access, and physical improvements to the proposed site plan and/or to police facilities and equipment to ensure adequate service is maintained. [This is Improvement Measure PS-2 in the CRSP EIR].	Prior to construction.	Development Services, Planning	Compliance with project conditions of approval.
Transportation	**Transportation-1a:** Each Project applicant will pay the applicable TMP Program Fee, the RTIF, and any other applicable transportation fees that may be in place when individual projects are processed under the Specific Plan in accordance with applicable laws and regulations. [This is Mitigation Measure TRANS-7 in the CRSP EIR].	Prior to construction.	Development Services, Engineering	Compliance with project conditions of approval.
	Transportation-1b: The Project will construct the following improvements, in accordance with then-applicable engineering standards and requirements, and as determined by the City Engineer: • Intersection #1 (Mountain House Parkway/I-205 Westbound Ramps): Restripe westbound off-ramp to provide two left-turn lanes and one shared through/right lane, and optimize signal timings. • Intersection #2 (Mountain House Parkway/I-205 Eastbound Ramps): Convert the northbound right-turn lane to a free right with an acceptance lane on the eastbound on-ramp, and optimize signal timings. • Intersection #6 (Mountain House Parkway/I-580 Westbound Ramps): Signalize the intersection with eastbound/westbound split phasing, or install a roundabout. • Intersection #7 (Mountain House Parkway/I-580 Eastbound Ramps): Signalize the intersection with eastbound/westbound split phasing, or install a roundabout.	Prior to construction.	Engineering	Compliance with project conditions of approval.

Mitigation, Monitoring, and Reporting Program

Impact Category	*Mitigation Measure*	*Implementation Timing*	*Responsible Monitoring Party*	*Monitoring/ Reporting Method*
	• Intersection #10 Old Schulte Road/Hansen Road): Signalize the intersection, and construct an additional westbound left turn lane, eastbound left-turn and right-turn lanes, and a southbound left-turn lane. • New Schulte Road: Construct New Schulte Road between Hansen Road (the end of the Phase 1 proposed network) and Lammers Road as a two-lane road. • Intersection #18 (New Schulte Road/Lammers Road): Install a signal and construct a left-turn lane on the eastbound approach, and right-turn lanes on the northbound and southbound approaches. • Intersection #19 (Old Schulte Road/Lammers Road): Install a signal and construct a left-turn lane on the eastbound approach, and right-turn lanes on the northbound and eastbound approaches. • Intersection #20 (Valpico Road/Lammers Road): Signalize the intersection and construct a left-turn lane on the southbound approach. • A "trigger" analysis, provided in Table 4.14-13 in Section E.1.a.i, provides the estimated timing for provision of each of the above mitigations, based on Project AM and PM peak hour trip generation. In terms of when the above improvements would need to be constructed, as part of the application process for each individual, site-specific development under the Specific Plan, the applicant will submit a trip generation study for the development at issue or will fund the preparation of this study by the City's consultants. This information will be utilized by the City to determine whether the relevant trip generation thresholds are met, taking into account past Project trip generation studies and the running cumulative total. • Mountain House Parkway/I-205 Bridge Maintenance: At the time a development application is submitted to the City within the area north of new Schulte Road, the city will implement a monitoring program, with yearly traffic counts to compare the increase in traffic volumes from the pre-existing base line condition that uses I-205/Mountain House interchange. The difference or increase in the traffic volume will be used to determine City's fair share maintenance cost for on-going bridge maintenance activities. Once 300 acres of the Specific Plan area has developed, the City of Tracy will either enter into a tri party agreement between Caltrans, MHCSD and the City to pay its fair share maintenance cost or enter in to a separate agreement with MHCSD to pay its fair share maintenance cost thereafter. • The City may also take actual traffic counts and operations at the mitigation locations into account (funded by the applicant), in determining when specific improvements need to be constructed. With construction of the required improvements at intersections 10, 18, 19, and 20, impacts to these identified intersections would be less than significant.			

Mitigation, Monitoring, and Reporting Program

Impact Category	*Mitigation Measure*	*Implementation Timing*	*Responsible Monitoring Party*	*Monitoring/ Reporting Method*
	• Lengthen the northbound Mountain House Parkway right-turn lane to provide additional storage and access to the eastbound I-205 on-ramp. • Ramp metering, with two mixed-flow and 1 HOV bypass lane for the eastbound I-205 diagonal on-ramp. • Ramp metering, with two mixed-flow and 1 HOV bypass lane for the eastbound I-205 diagonal on-ramp. Because the improvements to the freeway interchange intersections require the approval of Caltrans, the impacts at intersections 1, 2, 6 and 7 remain significant and unavoidable. [This is Mitigation Measure TRANS-1 in the CRSP EIR]. **Transportation-2**- The Project will contribute to capacity improvements in San Joaquin County through payment of the RTIF in accordance with applicable laws and regulations. However, because neither full funding for the Interstate 205 capacity project, nor prioritization of such improvements above others in the RTIF can be assured, the payment of regional traffic fees does not guarantee to fully mitigate this impact **Transportation-3**: Each applicant will pay the applicable TMP Program fee, the RTIF and any other applicable transportation fees that may be in place when individual projects are processed under the Specific Plan in accordance with applicable laws and regulations. [This is Mitigation Measure TRANS-7 in the CRSP EIR].	Prior to construction Prior to construction.	Development Services, Engineering Development Services, Engineering	Compliance with project conditions of approval. Compliance with project conditions of approval.
Utilities and Service Systems	**Utilities-1:** To ensure the construction of the necessary WSMP facilities, the Project shall be required to pay appropriate development impact fees as contemplated by WSMP. [This mitigation is Mitigation Measure UTIL-1 in the CRSP EIR]. **Utilities-2:** At no cost to the City, flow monitoring equipment shall be installed in the Hansen Sewer Line, as approved by the City, prior to the issuance of the certificate of occupancy for the first (1st) building constructed as part of the Project. Flow monitoring shall be used to determine available capacities to serve site-specific developments proposals under the Specific Plan. In monitoring flows for purposes of determining available capacity, the initial 0.145 shall be attributable to those lands within the Specific Plan identified in the proposed development agreement. [This mitigation is Mitigation Measure UTIL-2a in the CRSP EIR]. **Utilities-3:** As part of the development process for each individual site-specific development under the Specific Plan, the applicant shall pay its applicable development impact fees for wastewater facilities prior to issuance of building permits. [This mitigation is Mitigation Measure UTIL-2b in the CRSP EIR]. **Utilities-4:** As part of the development process for each individual site-specific development under the Specific Plan, the City shall review flow monitoring, at the applicant's cost, to determine available capacity. If the City	Prior to construction. Prior to construction. Prior to construction.	Development Services, Engineering Development Services, Engineering Development Services, Engineering	Compliance with project conditions of approval. Compliance with project conditions of approval. Compliance with project conditions of approval.

Mitigation, Monitoring, and Reporting Program

Impact Category	*Mitigation Measure*	*Implementation Timing*	*Responsible Monitoring Party*	*Monitoring/ Reporting Method*
	determines, based on technical and legal constraints and other relevant data, that existing capacity is available to serve the development at issue, then no further mitigation is required. However, if the City determines, based on technical and legal constraints and other relevant data, that existing capacity is not available to serve the development at issue, then the improvements as identified in the Master Plan must be constructed that are necessary to create the additional capacity required, subject to any applicable credit and/or reimbursement provisions, as determined by the City. [This mitigation is Mitigation Measure UTIL-2c in the CRSP EIR].	Prior to construction.	Development Services, Engineering	Compliance with project conditions of approval.

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ORDINANCE _____

AN ORDINANCE OF THE CITY OF TRACY APPROVING AN AMENDMENT TO THE CORDES RANCH SPECIFIC PLAN REGARDING MOBILE FOOD VENDORS, PARK USES, MAXIMUM FLOOR AREA RATIO FOR HOTELS, AND SIGNS, APPLICATION NUMBER SPA20-0004

WHEREAS, On September 3, 2013, City Council certified the Final Revised Environmental Impact Report for the Cordes Ranch Project and approved a General Plan Amendment, annexation, a development agreement, and the Cordes Ranch Specific Plan for the approximately 1,780-acre site; and

WHEREAS, Annexation of the Cordes Ranch site to the City of Tracy was completed by LAFCo on November 21, 2013; and

WHEREAS, An application was submitted for an amendment to the Cordes Ranch Specific Plan regarding mobile food vendors, park uses, maximum floor area ratio for hotels, and signs, Application Number SPA20-0004; and

WHEREAS, The proposed Specific Plan Amendment would add a new use of “mobile food vendors” to Table 3.1, Permitted and Conditionally Permitted Uses, which would allow mobile food vendors as a permitted use in the General Office (GO) Zone, Business Park Industrial (BPI) Zone, I-205 Overlay Zone, and the Parks Zone, subject to all requirements for mobile food vendors in the Tracy Municipal Code, except as modified by the Specific Plan; and

WHEREAS, The proposed Specific Plan Amendment also states that a mobile food vendor’s operation (not including set up and take down) would be allowed for up to a maximum of twelve hours at a single location within a 24-hour period; and

WHEREAS, The proposed Specific Plan amendment includes the addition of note “10” to Table 3.1, which provides clarification to the type of uses permitted in the Parks Zone. Note “10” specifies that permitted passive or active recreational uses include, but are not limited to, events and activities such as exercise classes, health/fitness events, cooking demonstrations and food tastings, farmer’s market, beer and wine tasting events, arts and crafts fairs, live music/music festivals, corporate trainings/presentations, movie screenings, environmental/ nature classes, weddings, car club/concourse, and performing arts/theater; and

WHEREAS, The proposed Specific Plan amendment would create an exception to maximum floor area ration (FAR) for hotels, which would add note “3” to Table 3.3 to create an exception that would allow a maximum FAR of 1.0 for hotels in the General Commercial (GC) and General Office (GO) Zones; and

WHEREAS, The proposed Specific Plan amendment would add language in Section 3.8 to specify that a freeway sign may identify any tenants within the GC Zone of the Cordes Ranch Specific Plan area; and

WHEREAS, The proposed Specific Plan amendment would also revise Section 5.6 to allow project entry signs (Sign Type C) at the northeast and southeast corners of International Parkway and Daylight Road; and

WHEREAS, The proposed Specific Plan amendment would remove references to Street Section "J" in Table 3.3 and Table 3.4 because Street "J" does not exist as a planned street in the Cordes Ranch Specific Plan; and

WHEREAS, The proposed amendment to the Cordes Ranch Specific Plan is consistent with the City's General Plan, including the proposed maximum FAR of 1.0 for hotels in the GC and GO zones because the General Plan states that the Commercial and Office land use designations shall allow a maximum FAR of 1.0; and

WHEREAS, An Environmental Impact Report (EIR) was certified by the City Council on September 3, 2013 for the Cordes Ranch Specific Plan. An Initial Study has been prepared in accordance with the provisions of the California Environmental Quality Act (CEQA) Guidelines to document the finding that none of the conditions or circumstances that would require preparation of a subsequent EIR, pursuant to Sections 15162 and 15168 of the CEQA Guidelines, exist in connection with the proposed amendment to the Cordes Ranch Specific Plan, and therefore, pursuant to Section 15168(c)(2), no further environmental review is required; and

WHEREAS, The Planning Commission considered this matter at a duly noticed public hearing held on May 12, 2021 and recommended that the City Council introduce and adopt the ordinance to amend the Cordes Ranch Specific Plan, Application Number SPA20-0004; and

WHEREAS, The City Council considered this matter at a duly noticed public hearing held on June 15, 2021;

The City Council of the City of Tracy does ordain as follows:

SECTION 1. The foregoing recitals are true and correct and are incorporated herein as findings.

SECTION 2. The City Council hereby approves the Cordes Ranch Specific Plan Amendment, Application Number SPA20-0004, as attached to the June 15, 2021 City Council staff report as Attachment "A".

SECTION 3. This Ordinance shall take effect 30 days after its final passage and adoption.

SECTION 4. This Ordinance shall either (1) be published once in a newspaper of general circulation, within 15 days after its final adoption, or (2) be published in summary form and posted in the City Clerk's office at least five days before the ordinance is adopted and within 15 days after adoption, with the names of the Council Members voting for and against the ordinance. (Gov't. Code §36933.)

* *

This Ordinance _____ was introduced at a regular meeting of the Tracy City Council on the 15th day of June, 2021, and finally adopted on the _____ day of _____, 2021, by the following vote:

AYES: COUNCIL MEMBERS:
NOES: COUNCIL MEMBERS:
ABSENT: COUNCIL MEMBERS:
ABSTAIN: COUNCIL MEMBERS:

_____
MAYOR

ATTEST:

_____
CITY CLERK

June 15, 2021

AGENDA ITEM 3.D

REQUEST

PUBLIC HEARING TO CONSIDER APPROVING THE TRACY HILLS 35-ACRE ANNEXATION PROJECT, WHICH INCLUDES APPROVING A GENERAL PLAN AMENDMENT, INTRODUCING AN ORDINANCE APPROVING A TRACY HILLS SPECIFIC PLAN AMENDMENT, AND APPROVING THE PRE-ZONING AND ANNEXATION TO THE CITY OF TRACY OF APPROXIMATELY 35 ACRES LOCATED SOUTH OF I-580 IN THE VICINITY OF CORRAL HOLLOW ROAD, ASSESSOR'S PARCEL NUMBERS 253-030-13 AND 253-040-10

EXECUTIVE SUMMARY

This agenda item is a public hearing to consider approving the Tracy Hills 35-acre Annexation Project ("Project"), which includes approving a General Plan Amendment, introducing an ordinance approving a Tracy Hills Specific Plan Amendment, and approving the pre-zoning and annexation to the City of Tracy of approximately 35 acres located south of I-580 in the vicinity of Corral Hollow Road. The Project would result in the swapping of an area planned for conservation easement/open space with an area planned for residential development. There would be no change to the number of projected dwelling units for the overall Tracy Hills Specific Plan area and there is not expected to be any fiscal impact as a result of the Project.

If this item is approved by Council, then an application to annex the subject property to the City would be submitted to the San Joaquin Local Agency Formation Commission (LAFCo) for its consideration.

DISCUSSION

On April 5, 2016, City Council certified an Environmental Impact Report and approved a General Plan Amendment and a comprehensive update to the Tracy Hills Specific Plan. The Tracy Hills Specific Plan consists of approximately 2,732 acres located in the vicinity of the existing Corral Hollow Road interchange and the proposed Lammers Road interchange on Interstate 580. Similar to other master-planned developments, project implementation often involves evaluating changes to development standards, land uses, and phasing. Accordingly, over the past years, the City Council has approved multiple General Plan Amendments and Specific Plan Amendments related to implementation of various phases of the Tracy Hills project and additional amendment proposals are expected as the project continues to buildout.

For this agenda item, the City Council will be asked to consider the following actions regarding the Tracy Hills 35-Acre Annexation Project:

- Approval of a General Plan Amendment (Application No. GPA20-0001)
- Approval of a Tracy Hills Specific Plan Amendment (Application No. SPA20-0001)
- Approval of annexing the Tracy Hills 35-Acre Annexation Area into the Tracy city limits, pre-zoning the site as Tracy Hills Specific Plan Zone, and submitting an application for annexation request to LAFCo (Application No. AP20-0002)

Overview of the General Plan Amendment

This Project involves the swapping of an area planned for conservation easement/ open space with an area planned for residential development. The proposed General Plan Amendment involves a long, narrow strip of land consisting of approximately 35 acres on the south side of I-580 that is wedged between planned residential developments on three sides. The subject property is located outside of the City limits and outside of the Tracy Hills Specific Plan area, but within the City's Sphere of Influence. The subject property is proposed for annexation into the City limits, as described below in the section regarding Pre-Zoning and Annexation. The existing General Plan land use designation is Open Space.

The proposed General Plan Amendment would change the General Plan land use designation from Open Space to Residential Low for the approximately 35-acre annexation area. The proposed General Plan Amendment would also change the General Plan land use designation from Residential Very Low to Open Space for an equivalent sized 35-acre area located within the Tracy Hills Specific Plan area, adjacent to the southwestern boundary of the Specific Plan area (Attachment A – General Plan Amendment).

Separate from the City applications, the applicant is working with the California Department of Fish and Wildlife and the U.S. Fish and Wildlife Service regarding the swapping of a conservation easement. An existing conservation easement would be removed from the 35-acre annexation area and a new conservation easement would be applied to an equivalent sized 35-acre area adjacent to the southwestern boundary of the Specific Plan. The conservation easement exchange would match the areas affected by the proposed General Plan Amendment. The proposal would result in the conservation easement/ Open Space area being more contiguous with the adjacent 3,500+ acres of conservation easement/open space that exists to the southwest of the Tracy Hills Specific Plan area.

Overview of the Tracy Hills Specific Plan Amendment

The proposed Tracy Hills Specific Plan Amendment would involve changes to the Specific Plan that conform to the proposed General Plan Amendment. The proposed Tracy Hills Specific Plan Amendment would revise the Specific Plan Area boundary to include the approximately 35-acre annexation area and apply the zoning district of Low Density Residential (LDR-TH) to the subject property. The proposed Tracy Hills Specific Plan Amendment would also change the zoning district from Residential Estate (RE-TH) to Tracy Hills Conservation (C-TH) for an equivalent sized 35-acre area located within the Tracy Hills Specific Plan area, adjacent to the southwestern boundary of the Specific Plan. The overall Specific Plan area would increase by approximately 35 acres from 2,731.6 acres to 2,767.3 acres (Attachment B – Tracy Hills Specific Plan Amendment).

Although the 35-acre annexation area would have a Specific Plan zoning district of Low Density Residential (LDR-TH), the land use would primarily be Recreation/Open Space, as shown in Figure 1-3, Land Use Concept, of the proposed Tracy Hills Specific Plan Amendment. This is because the majority of the annexation area consists of a steep slope, which is planned to remain as open space with improvements, such as a trail.

Residential lots would also be planned to occur in portions of the annexation area. The applicant considers the proposed amendment to lend itself to a more efficient development pattern for the area south of I-580, especially from a grading standpoint.

The proposed Tracy Hills Specific Plan Amendment would result in no change to the number of projected dwelling units for the overall Tracy Hills Specific Plan area, as a result of this 35-acre annexation project. The Residential Estate (RE-TH) zoning district would be reduced from 95.6 acres to 59.9 acres for a reduction of 35.7 acres. The Low Density Residential (LDR-TH) zoning district would be increased from 1,316.2 acres to 1,351.9 acres for an increase of 35.7 acres. The Tracy Hills Conservation (C-TH) zoning district would be increased from 126.5 acres to 162.2 acres for an increase of 35.7 acres. The projected dwelling units for the Residential Estate (RE-TH) zoning district would be reduced from 122 to 76 for a reduction of 46 dwelling units. The projected dwelling units for the Low Density Residential (LDR-TH) zoning district would be increased from 3,558 to 3,604 for an increase of 46 dwelling units. Therefore, there would be no change to the total number of projected dwelling units for the Specific Plan.

Overview of the Pre-Zoning and Annexation

This agenda item also involves the proposed annexation of the Tracy Hills 35-Acre Annexation area into the Tracy city limits (Attachment C – Tracy Hills 35-Acre Annexation Area). Corporate City limit changes, including property annexation, are completed at the Local Agency Formation Commission (LAFCo) based on a City application (petition to LAFCo). The application to LAFCo would be prepared by City staff based on City Council direction related to the General Plan Amendment, Tracy Hills Specific Plan Amendment, Pre-Zoning, and Annexation. Pre-zoning is the zoning district for the site prior to action by LAFCo. Upon annexation, the Tracy Hills 35-Acre Annexation area would be zoned Tracy Hills Specific Plan (THSP) Zone, and the Tracy Hills Specific Plan (THSP) Zone would be the pre-zoning for the application to LAFCo.

Future infrastructure serving the 35-Acre Annexation Area, including water, sewer, storm drain and roadways, would be provided in accordance with the Tracy Hills Specific Plan and the Citywide Infrastructure Master Plans, and incorporated into the development plans, subdivision maps, and infrastructure designs for the Tracy Hills Phase 2 Area.

Regarding fire jurisdictional boundaries, the 35-acre annexation area is currently split between Tracy Rural Fire Protection District and CAL FIRE (Department of Forestry). Based on current LAFCo policy, the annexation of this area into the City limits is expected to result in this area being detached from Tracy Rural and CAL FIRE jurisdictions and incorporated into the City's fire service jurisdiction.

Planning Commission Discussion

The Planning Commission held a public hearing to consider this matter on May 12, 2021 and recommended that the City Council approve the Tracy Hills 35-Acre Annexation Project, which includes approving the General Plan Amendment, introducing an ordinance approving the Tracy Hills Specific Plan Amendment, and approving the pre-zoning and annexation to the City of Tracy of approximately 35 acres located south of I-580 in the vicinity of Corral Hollow Road.

Environmental Document

An Environmental Impact Report (EIR) was certified by the City Council on April 5, 2016 for the Tracy Hills Specific Plan. An Addendum to the EIR has been prepared in accordance with the provisions of the California Environmental Quality Act (CEQA) Guidelines to document the finding that none of the conditions or circumstances that would require preparation of a subsequent EIR, pursuant to Sections 15162 and 15164 of the CEQA Guidelines, exist in connection with the Tracy Hills 35-Acre Annexation Project (Attachment D – Addendum to the EIR). Therefore, no further environmental review is required.

STRATEGIC PLAN

This agenda item supports the City of Tracy's Economic Development Strategic Priority, which is to enhance the competitiveness of the City while further developing a strong and diverse economic base.

FISCAL IMPACT

There is not expected to be any fiscal impact as a result of this project. The costs of this development application were covered by a cost recovery agreement with the developer.

RECOMMENDATION

Staff and Planning Commission recommend that the City Council take the following actions regarding the Tracy Hills 35-Acre Annexation Project:

- Approve a General Plan Amendment (Application No. GPA20-0001) and direct staff to prepare and submit an application to LAFCo for annexation of the Tracy Hills 35-Acre Annexation area into the Tracy city limits with pre-zoning of Tracy Hills Specific Plan Zone (Application No. AP20-0002)
- Introduce and waive the full reading of an ordinance approving a Tracy Hills Specific Plan Amendment (Application No. SPA20-0001) and pre-zoning the Tracy Hills 35-Acre Annexation area as Tracy Hills Specific Plan Zone (Application No. AP20-0002)

Prepared by: Scott Claar, Senior Planner

Reviewed by: Bill Dean, Assistant Development Services Director
Karin Schnaider, Finance Director
Andrew Malik, Assistant City Manager

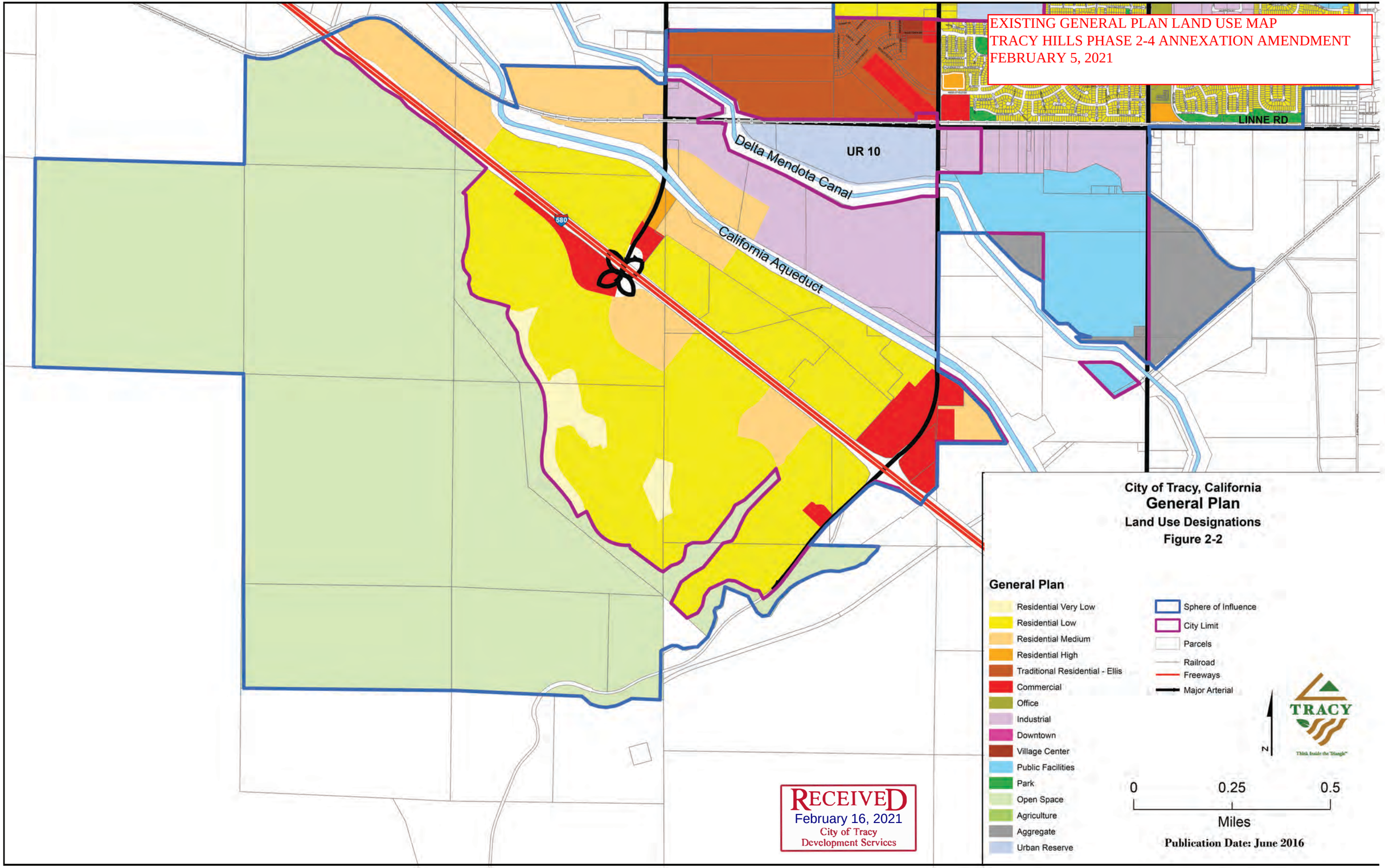
Approved by: Jenny Haruyama, City Manager

ATTACHMENTS

Attachment A: General Plan Amendment
Attachment B: Tracy Hills Specific Plan Amendment
Attachment C: Tracy Hills 35-Acre Annexation Area
Attachment D: Addendum to the EIR

ATTACHMENT A

EXISTING GENERAL PLAN LAND USE MAP
TRACY HILLS PHASE 2-4 ANNEXATION AMENDMENT
FEBRUARY 5, 2021



City of Tracy, California
General Plan
Land Use Designations
Figure 2-2

General Plan

- Residential Very Low
- Residential Low
- Residential Medium
- Residential High
- Traditional Residential - Ellis
- Commercial
- Office
- Industrial
- Downtown
- Village Center
- Public Facilities
- Park
- Open Space
- Agriculture
- Aggregate
- Urban Reserve
- Sphere of Influence
- City Limit
- Parcels
- Railroad
- Freeways
- Major Arterial

N

TRACY
Think Inside the Triangle

0 0.25 0.5
Miles

Publication Date: June 2016

RECEIVED
February 16, 2021
City of Tracy
Development Services

PROPOSED GENERAL PLAN LAND USE MAP
TRACY HILLS PHASE 2-4 ANNEXATION AMENDMENT
FEBRUARY 5, 2021

Res. Very Low revised to Open Space.

Clouded area includes the area to be annexed into the City and given a land use designation of Res. Low

RECEIVED
February 16, 2021
City of Tracy
Development Services

City of Tracy, California
General Plan
Land Use Designations
Figure 2-2

General Plan

- Residential Very Low
- Residential Low
- Residential Medium
- Residential High
- Traditional Residential - Ellis
- Commercial
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- Railroad
- Freeways
- Major Arterial

N

TRACY
Think Inside the Triangle

0 0.25 0.5
Miles

Publication Date: June 2016

TRACY

Attachment B

Tracy Hills Specific Plan

RECEIVED
May 18, 2021
City of Tracy
Development Services

Approved April 5, 2016 (Tracy Resolu˜ on 2016-063
Amended June 18, 2019, incorporated herein (Tracy Ordinance 1270)
Amended May 19, 2020, incorporated herein (Tracy Ordinance 1286)
Amended July 21, 2020, incorporated herein (Tracy Ordinance 1294)
Amended November 10, 2020, incorporated herein (Tracy Ordinance 1298, 1301, 1302)

Draft Amendment February 5, 2021, Phase 2-4 CE

1 INTRODUCTION

1.1 PURPOSE AND SCOPE OF THE TRACY HILLS SPECIFIC PLAN

The Tracy Hills Specific Plan is the detailed plan and regulatory document for the development of the entire Specific Plan area. This Specific Plan document is intended to implement the General Plan and direct all facets of the development of the property including, but not necessarily limited to, the distribution of land uses, the location and sizing of the existing and proposed supporting infrastructure, and an overview of the financial vehicles that are intended to be used to plan, construct, and operate these facilities. This Specific Plan is a regulatory document, is incorporated into the City's Zoning Ordinance, and serves as the zoning for all properties within the Specific Plan area.

The Tracy Hills Specific Plan was originally adopted in 1998 (the 1998 THSP). Since then, City policies and developer plans have changed. Due to these changes, the developer submitted and the City approved this new THSP to replace the former 1998 THSP.

1.2 PROJECT OVERVIEW

The Tracy Hills Specific Plan area encompasses approximately 2,767.3 ~~2,731.6~~ acres within the southern portion of the City of Tracy surrounding the existing interchange at Corral Hollow Road and the proposed Lammers Road interchange on Interstate 580 (I-580). (Refer to **Figure 1-1, Regional Context Map;** and **Figure 1-2, Vicinity Map.)**

The Specific Plan consists of three areas defined by the physical characteristics of the site. (Refer to **Figure 1-3, Land Use Concept.)**

1. The northern portion of the Specific Plan between the Delta-Mendota Canal and the California Aqueduct is zoned for medium density residential and light industrial uses.
2. The central portion of the Specific Plan, south of the California Aqueduct and north of I-580, is planned predominately for single-family homes, open space conservation easements, mixed use business park, and commercial retail areas. These uses will provide employment opportunities and daily needs and services for residents. Multi-use trails will connect residential neighborhoods, integrated with public park amenities that are within walking distance. Additionally, an elementary school site is planned to serve the neighborhood residents of this area.
3. The southern portion of the Specific Plan area, with rolling and steeper slopes on the southern side of I-580, will be primarily residential neighborhoods with parks and school sites. Consistent with the General Plan, 180 to 185 acres of open space, (originally shown as a golf course in the 1998 THSP), will be integrated into the low density residential areas. A mixed use business park area will be located southwest of the planned Lammers interchange and a commercial retail area will be located along the southeasterly project boundary at Corral Hollow Road. This area abuts approximately 3,500 acres of open space under a conservation easement.

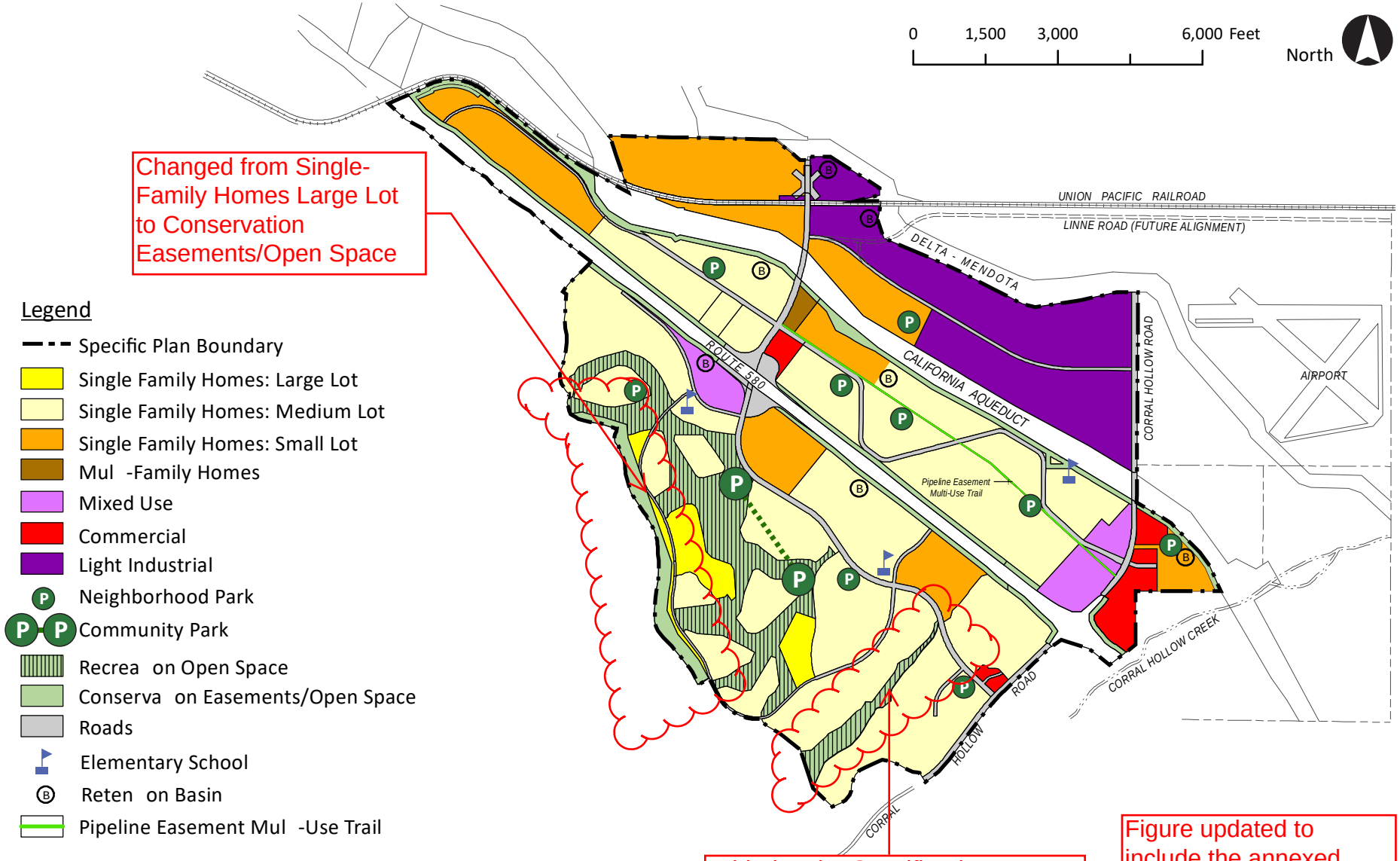
Table 1-1, Land Use Plan Buildout Example summarizes the various proposed land uses, and provides the approximate developable acreages, development ranges, and the projected buildout of residential dwelling units and non-residential development square footage. The approximate gross acres for the Zoning designations for the Tracy Hills Specific Plan are also summarized.

Figure 1-1

Regional Context Map

Figure 1-2

Vicinity Map



NOTES:
1. The loca ons, numbers, and configura ons of public schools, park sites, and public u li es are conceptual and subject to change.
2. This exhibit is for conceptual purposes to show approximate loca ons.

Figure 1-3

Land Use Concept

TABLE 1-1
LAND USE PLAN BUILDOUT EXAMPLE

Zoning District or Land Use	Approximate Gross Acres[1]	Approximate Adjusted Developable Acres[1, 2, 3]	Target Density Range or F.A.R.	Projected Dwelling Units or Square Feet[1]
Residential Estate	~~95.6~~59.9	~~81.3~~50.9	(0.5-2.0 DU's/ac.)	~~122~~76 DU's
Low Density Residential	~~1,316.2~~1,351.9	~~961.5~~991.9	(2.1-5.8 DU's/ac.)	~~3,558~~3,604 DU's
Medium Density Residential	422.1[4]	358.8	(5.9-12.0 DU's/ac.)	2,672 DU's
High Density Residential	9.2	7.8	(12.1-25.0 DU's/ac.)	125 DU's
Mixed Use Business Park	79.0	67.2	0.20 F.A.R.	585,446 s.f.
General Highway Commercial	53.8[4]	45.7	0.20 F.A.R.	398,499 s.f.
Light Industrial	336.4	285.9	0.25 F.A.R.	3,113,887 s.f.
Conservation Easements	~~126.5~~162.2		n/a	
Subtotal:	**~~2,438.8~~2,474.5**	**1,808.2**		
Interstate 580 Interchange and ROW	137.5			
California Aqueduct ROW	143.1			
Union Pacific Rail Road	12.2			
TOTAL:	**~~2,731.6~~2,767.3**	**1,808.2**		6,477 DU's 4.1 mil s.f.

1 All Acreages, dwelling units, and square footage examples shown herein are approximate.

2 Adjusted Developable Acres - Residential, Mixed Use Business Park, General Highway Commercial, and Light Industrial acreages have been adjusted to show that an estimated 15% of the land area is used for infrastructure such as roads and utilities, and/or public facilities such as neighborhood parks/amenities, schools, and/or public facilities such as retention basins as noted in the General Plan. Actual numbers will vary depending on site specific characteristics.

3 180 to 185 acres of General Plan mandated Open Space taken out of Low Density Residential land use category.

4 8.7 acres of General Highway Commercial will be zoned with a Medium Density Residential Overlay and is anticipated to be developed with residential uses. As such this acreage is accounted for in the Medium Density Residential zoning district.

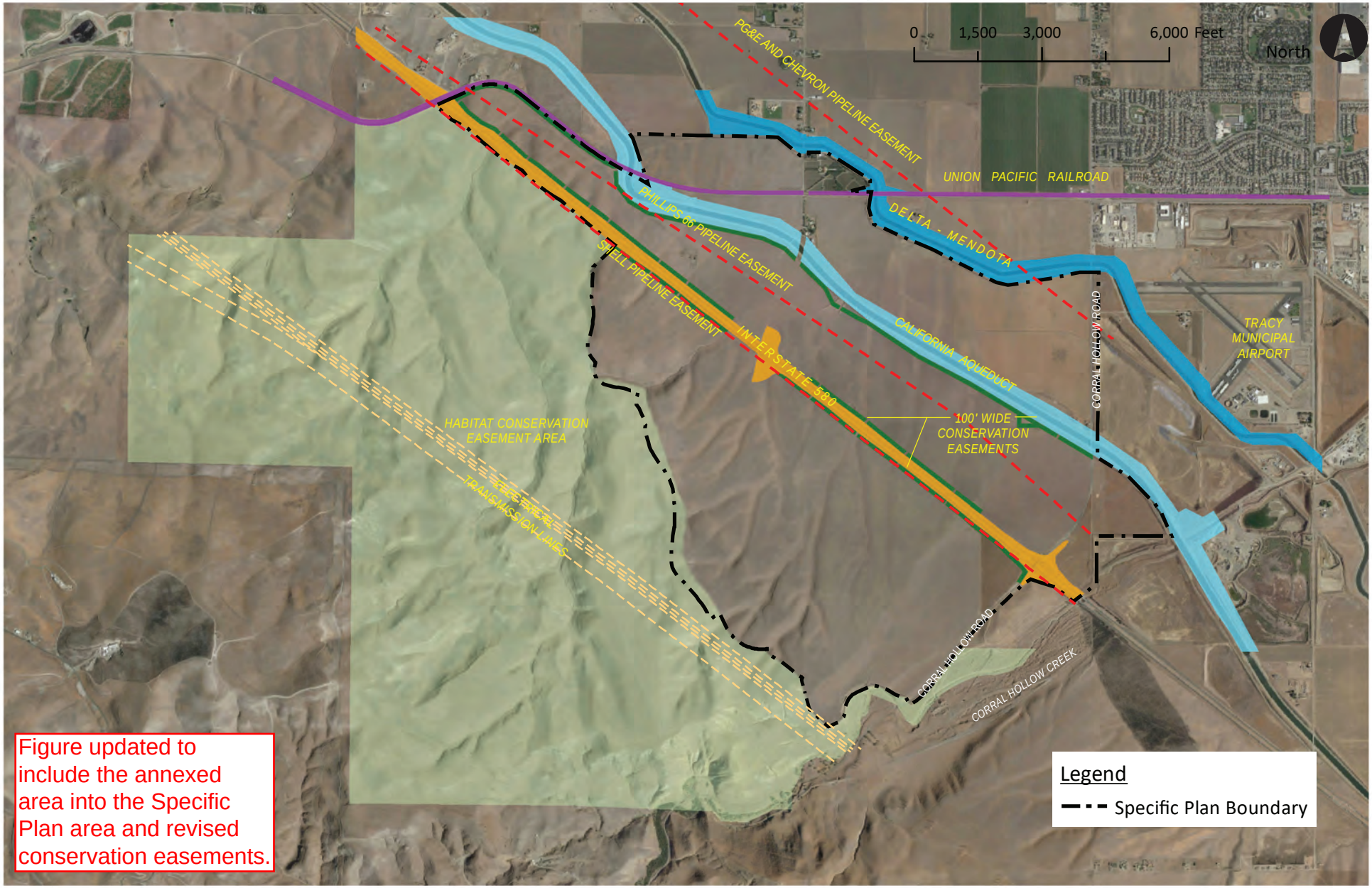


Figure 1-4

Exis ng Condi ons

1.3 EXISTING CONDITIONS

The Specific Plan area has ground elevations that begin at approximately 195 feet above sea level on the north east side of the site, and rise to over 1,200 feet in the south west corner. The area southwest of the California Aqueduct is primarily used for grazing. Other uses include row crop agriculture and orchards, with open space on the steep upland portions. Vegetation that occurs on site is primarily grassland dominated by non-native species and contains little undisturbed habitat in the flatter lowland areas. The riparian woodland along Corral Hollow Creek has been degraded by historical grazing. Scrub grows in areas of rock outcrops and shallow soil. The area between I-580 and the Union Pacific Railroad/California Aqueduct is vacant with an abandoned structure formerly used in relation with the livestock operation. The portion of the site bound by the California Aqueduct, Union Pacific Rail Road, Delta-Mendota Canal and Corral Hollow Road is utilized as agriculture with three existing residences. (Refer to **Figure 1-4, Existing Conditions Map.)**

1.3.1 Conservation Easement(s) and Protected Open Space

The Specific Plan contains approximately 125 acres of open space in 100-foot wide conservation easements that are located adjacent to I-580 and the southern side of the California Aqueduct. These open space conservation easement areas were granted to the San Joaquin Council of Governments (SJCOG).

Approximatly 35 acres of additional open space within a conservation easement is located along the Specfic Plan's western boundary. The open space conservation easement was granted to SJCOG.

Adjacent to the Specific Plan's western boundary and outside of the City limits, over 3,500 acres of open space has been set aside for the conservation of wildlife habitat. A conservation easement was recorded on the open space in July 2012 and granted to SJCOG. The conservation easement ensures that the lands will be preserved for habitat in perpetuity.

1.3.2 Interstate 580 and Pipeline Easements

Interstate 580 is a four-lane, limited-access interstate highway that bisects the property on a northwest to southeast axis. Interstate 580 connects to I-205 and the western extension of I-580 to the north and to I-5 to the south. The freeway is also fronted by the 100-foot wide, open space conservation easements.

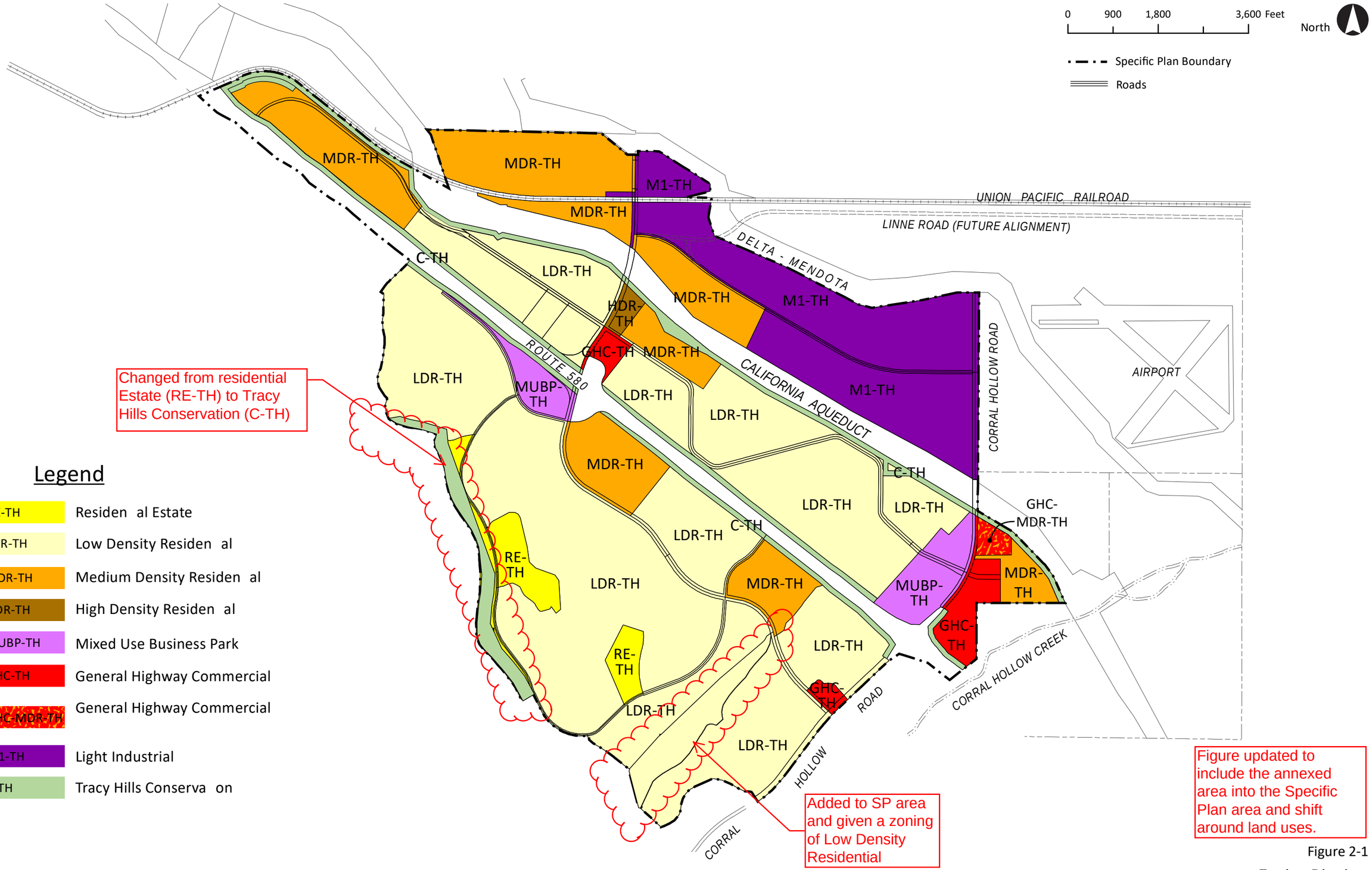
Paralleling and adjacent to the freeway right-of-way are two easements that contain pipelines. A third pipeline easement transects the northeastern corner of the Specific Plan. Refer to Figure 1-4, Existing Conditions Map, for the general locations of pipeline easements.

1.3.3 California Aqueduct and the Delta-Mendota Canal

The California Aqueduct bisects the Specific Plan area north of I-580 in a general northwest-to-southeast direction. Located outside the northern Specific Plan boundary, the Delta-Mendota Canal (DMC), also runs in a northwest to southeast direction and abuts the northern Specific Plan boundary. This segment of the DMC is also located outside of City limits. The two aqueducts carry water south for agricultural use and further south into the Los Angeles basin.

1.3.4 Union Pacific Railroad Line

A segment of the Union Pacific Railroad line crosses the northwest corner of the Specific Plan area in an east-west direction and is an active railway.



Legend

RE-TH	Residen al Estate
LDR-TH	Low Density Residen al
MDR-TH	Medium Density Residen al
HDR-TH	High Density Residen al
MUBP-TH	Mixed Use Business Park
GHC-TH	General Highway Commercial
GHC-MDR-TH	General Highway Commercial
M1-TH	Light Industrial
C-TH	Tracy Hills Conserva on

Figure 2-1

Zoning Districts

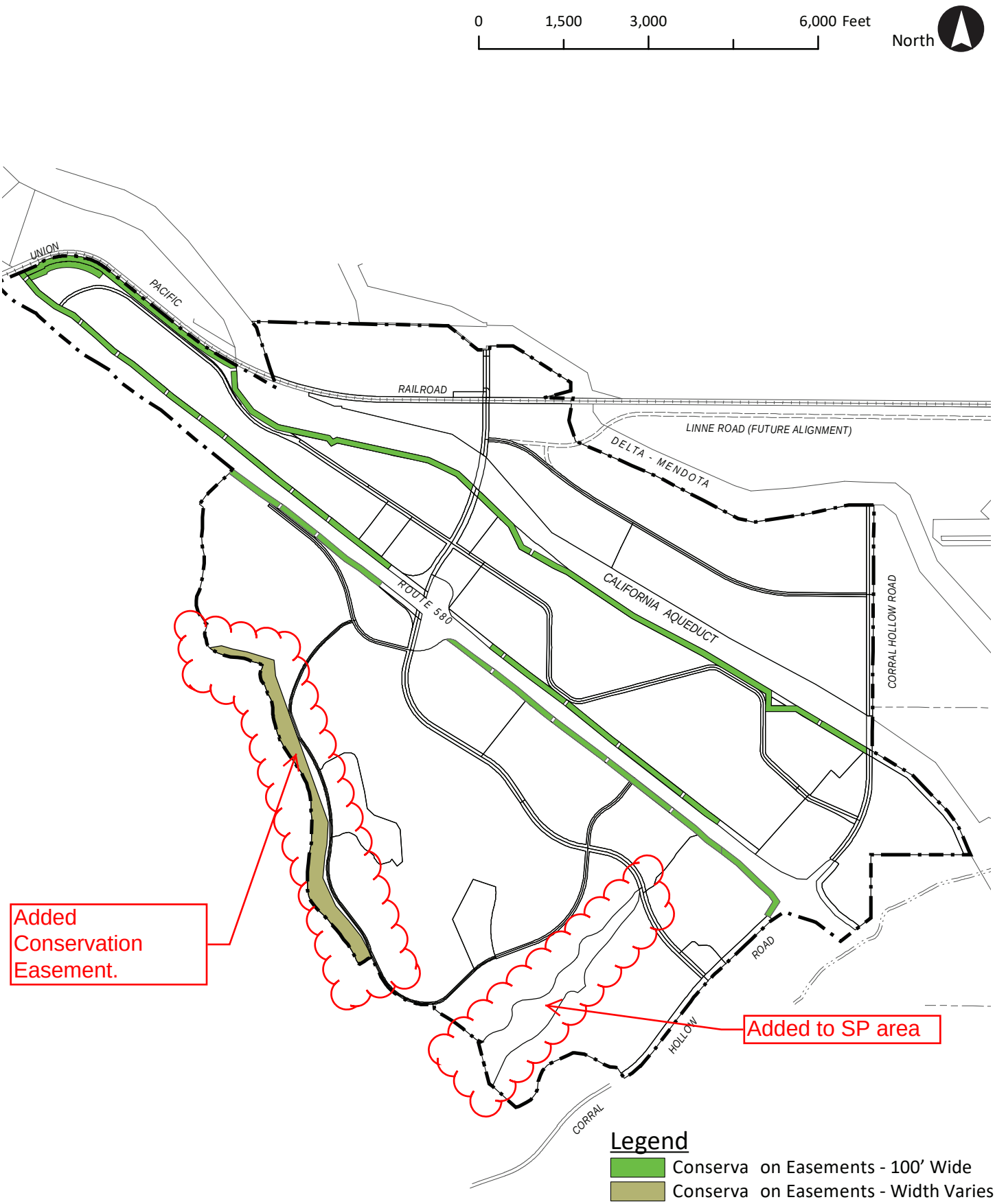


Figure 2-2

Conserva on Easements

2.6 OTHER LAND USES

2.6.1 Parks/Recreation

Active and passive park and recreation facilities will be provided within the Specific Plan area in a variety of forms at a minimum rate of three acres of neighborhood park land and one acre of community park land per 1,000 population, in accordance with the City of Tracy Parks Master Plan. The tentative subdivision maps within the Specific Plan may have less than three acres of neighborhood park land per 1,000 residents or one acre of community park land per 1,000 residents, due to the size, shape, location, accessibility, or other characteristics of any single tentative map. The community park will be located as otherwise described in the Specific Plan. The Specific Plan also provides for HOA maintained park and recreation facilities in addition to the neighborhood and community park land.

Therefore, prior to each residential tentative subdivision map approval, an analysis shall be required of the amount of neighborhood and community park land provided within the entire Specific Plan area. Each tentative subdivision map shall either include adequate neighborhood park land to bring the total neighborhood park land within the tentative-map-approved portion of the Specific Plan to three acres per 1,000 population, or the developer shall demonstrate how future tentative map areas of the Specific Plan will include park land to achieve the minimum three acres per 1,000 population requirement, and otherwise comply with the Parks Master Plan.

After dedication to the City, most park and recreation facilities will be under the jurisdiction of the City Public Works Department and will be operated and maintained by the City for the enjoyment of all residents of Tracy. The Park sites shown on Figure 1-3, Land Use Concept, and Figure 2-4, Public Facilities Plan, indicate conceptual park locations. Parks may include community or neighborhood parks with active and passive recreation. These parks may feature play fields, ball fields, children play areas, picnic areas, tennis courts, open lawn areas, or other amenities including a park located at an elevated location to provide a "view park". All parks in Tracy Hills are envisioned to be interconnected by trails and bikeways within parkways, public streets, open space, and utility corridors. Community and neighborhood park design shall comply with the City of Tracy Parks Master Plan with final design approved by the City.

Approximately 180 to 185 acres will be provided for a Tracy Hills Community / Open Space Park to the south of the I-580, and is conceptually shown on Figure 1-3, Land Use Concept, and Figure 2-4, Public Facilities Plan. It is envisioned that the Community / Open Space Park will be designed and improved for scenic and visual enjoyment, provide outdoor recreation opportunities, improve public health and safety, preserve natural resources and control the urban form. The Community /Open Space Park area is subject to final design approval by the City and at a minimum could include both passive and active features including a nature trail system and pathways that can be used for hiking, walking, biking and jogging, picnic and sitting areas, lawn areas, nature viewing areas, disc golf, and/or golf course. In specific areas of the open space, enhancements may be incorporated into the final design through the planting of native landscape as passive open space and for habitat improvement. The conceptual design of the 180 to 185 acres including the 30 acres of community park will occur with the first subdivision map south of I-580. The Community / Open Space Park will be improved in phases with development of Tracy Hills south of I-580.

The 180 to 185 acres of Community / Open Space Park is contrasted with the ~~100-foot wide~~ conservation easements (described in Section 2.5, Tracy Hills Conservation Zoning District) in that the Community / Open Space Park will be design for active and passive recreation, accessible to the public; and the ~~100-foot wide~~ conservation easements will not be accessible to the public.

2.6.2 School Sites

Three public school sites are shown on **Figure 1-3, Land Use Concept,** and **Figure 2-4, Public Facilities Plan**. Final locations, numbers, size and configurations of school sites will be determined in consultation with the appropriate School District. In the event the School District does not use, purchase and/or develop a school site, these sites may be developed consistent with zoning development standards.

Legend

- Neighborhood Park
- Community Park
- Recrea on Open Space
- School
- Roads

Public U li es

- Water Tank
- Water Pump Sta on
- Sewer Pump Sta on
- Reten on Basin

Figure updated to include the annexed area into the Specific Plan area.

Figure 2-4

Public Facili es Plan

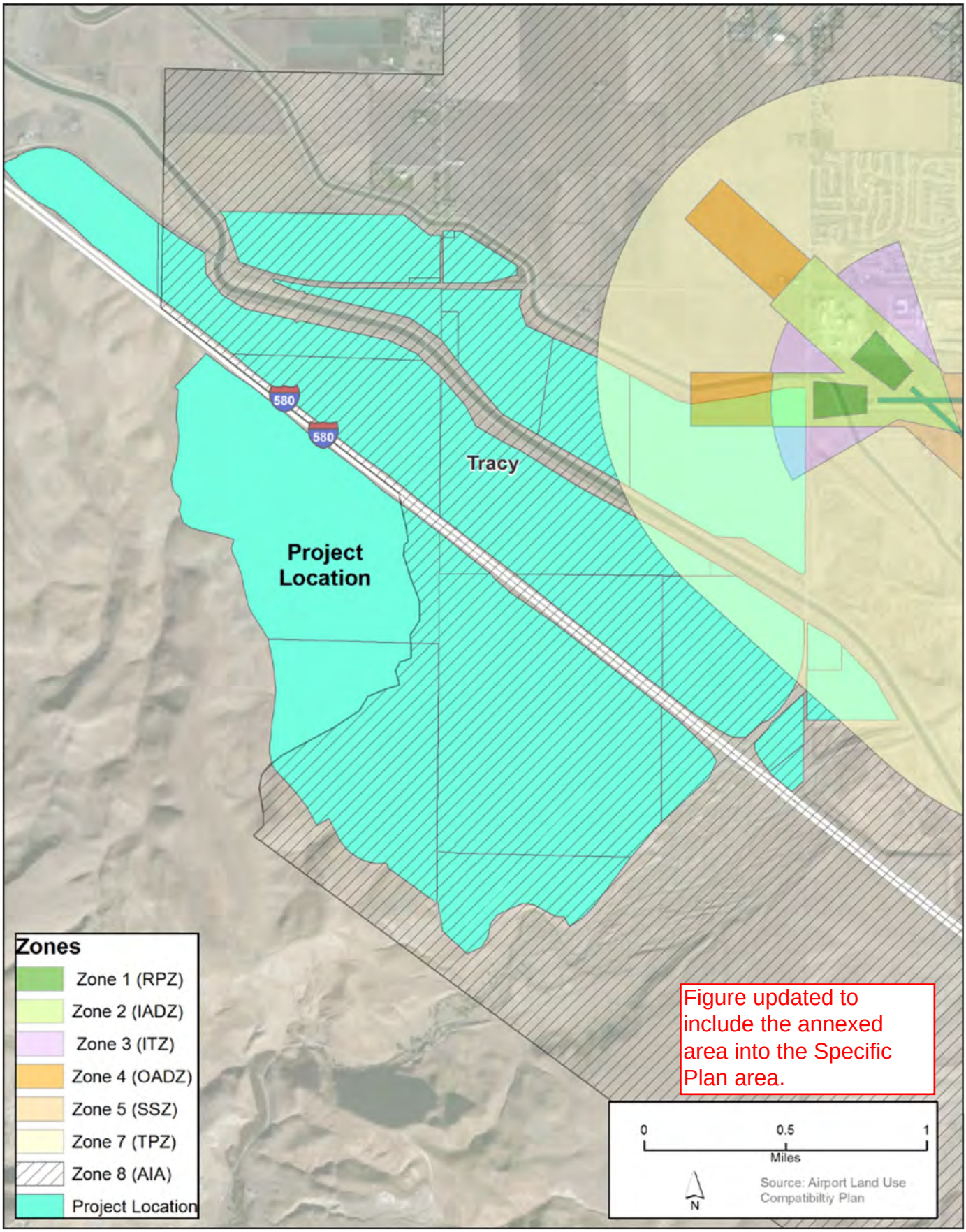
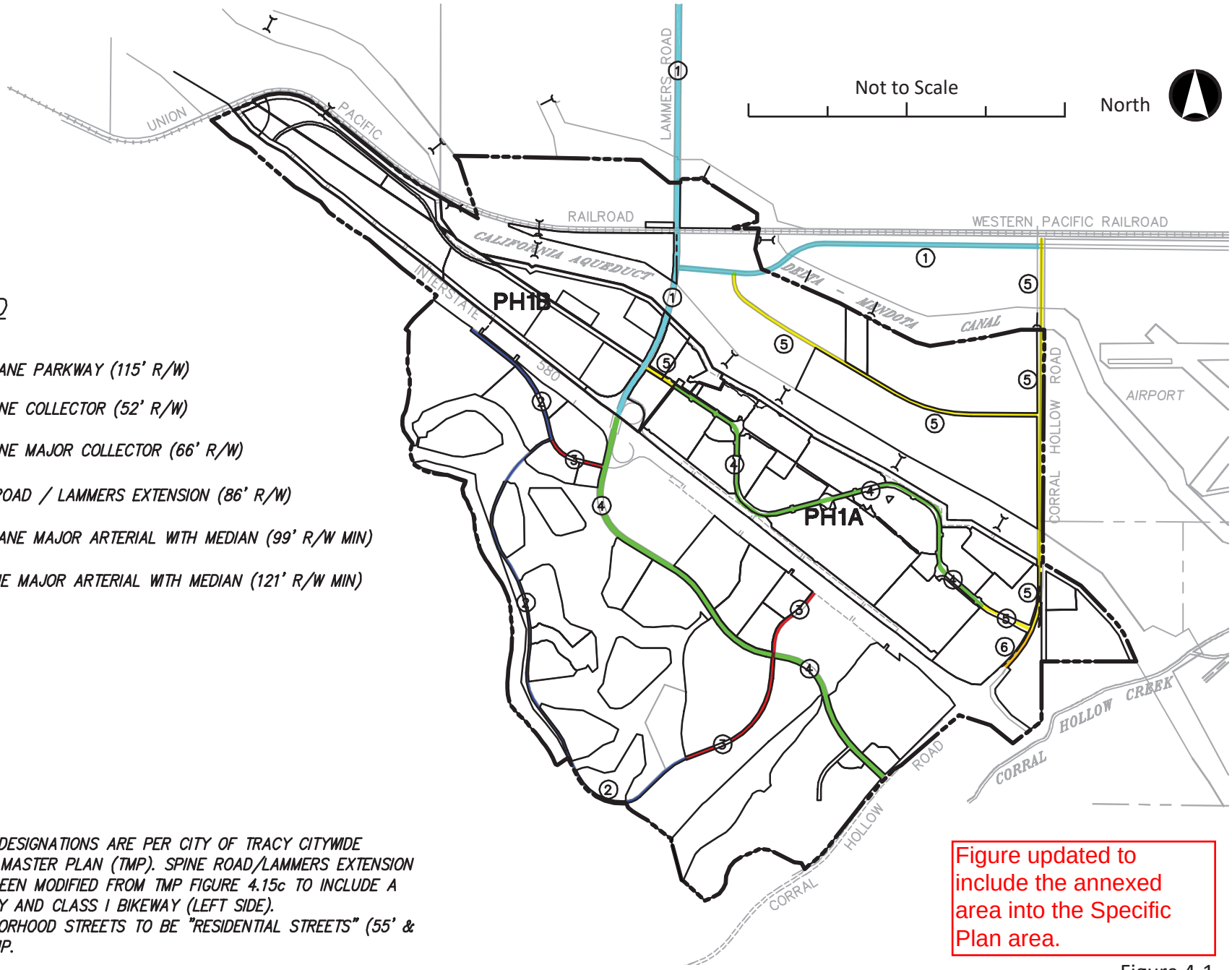


Figure 2-5

Tracy Municipal Airport Land Use Compatibility Zones



NOTES:

1. STREET SECTION DESIGNATIONS ARE PER CITY OF TRACY CITYWIDE TRANSPORTATION MASTER PLAN (TMP). SPINE ROAD/LAMMERS EXTENSION (86' R/W) HAS BEEN MODIFIED FROM TMP FIGURE 4.15c TO INCLUDE A WIDENED PARKWAY AND CLASS I BIKEWAY (LEFT SIDE).
2. INTERNAL NEIGHBORHOOD STREETS TO BE "RESIDENTIAL STREETS" (55' & 57' R/W) PER TMP.

Figure updated to include the annexed area into the Specific Plan area.

Figure 4-1

Roadway Plan

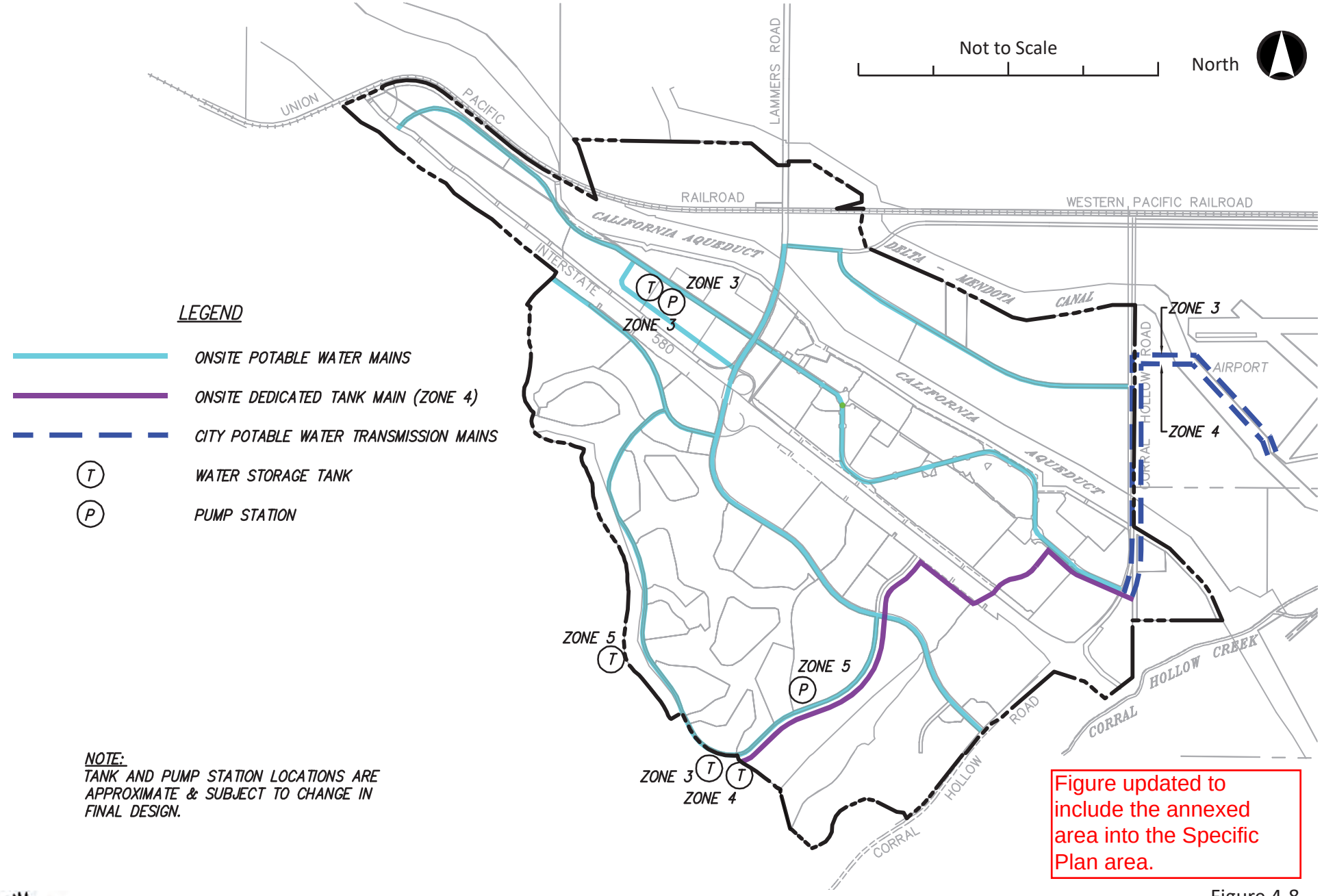


Figure 4-8

Water Distribution System

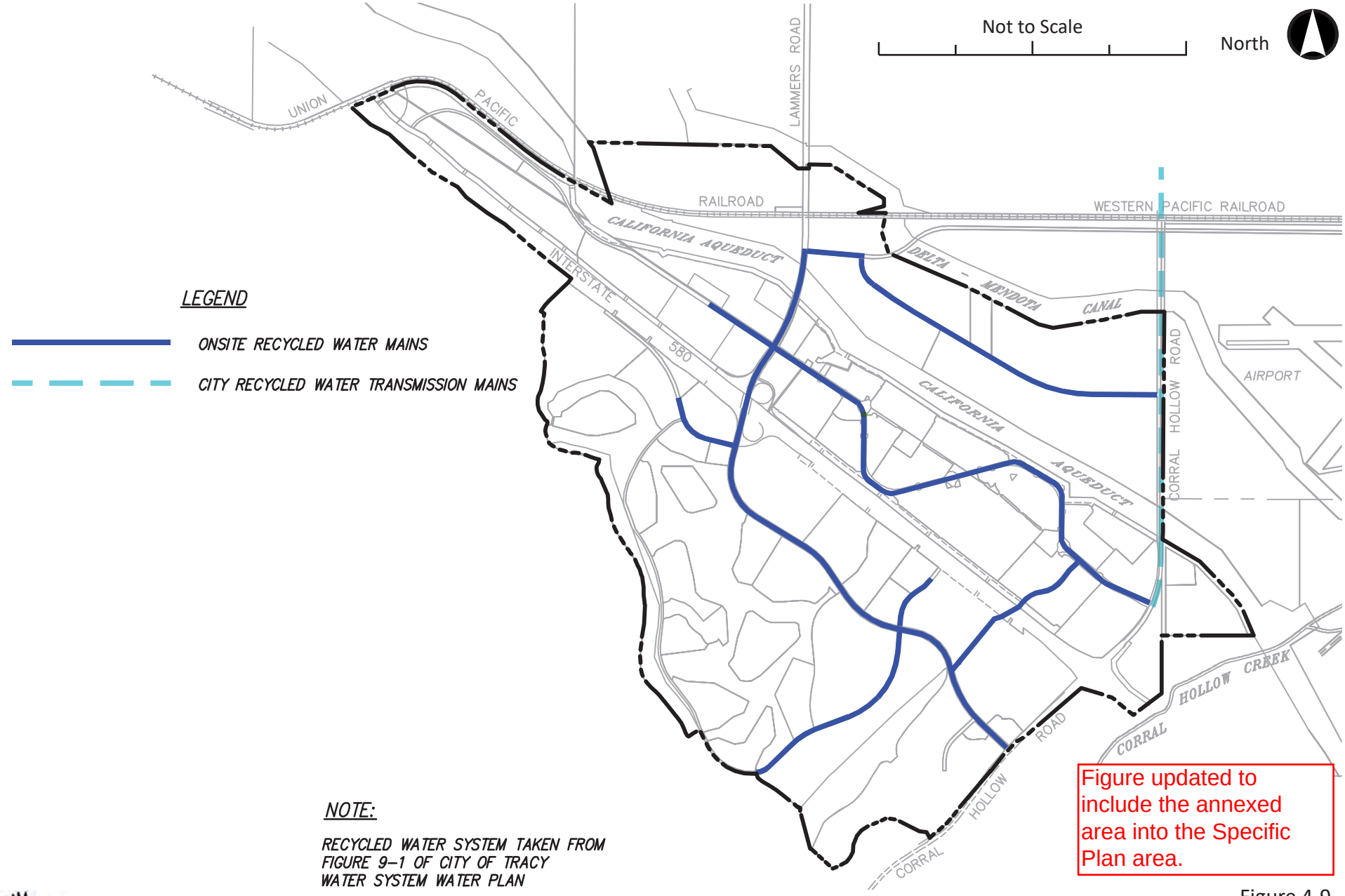
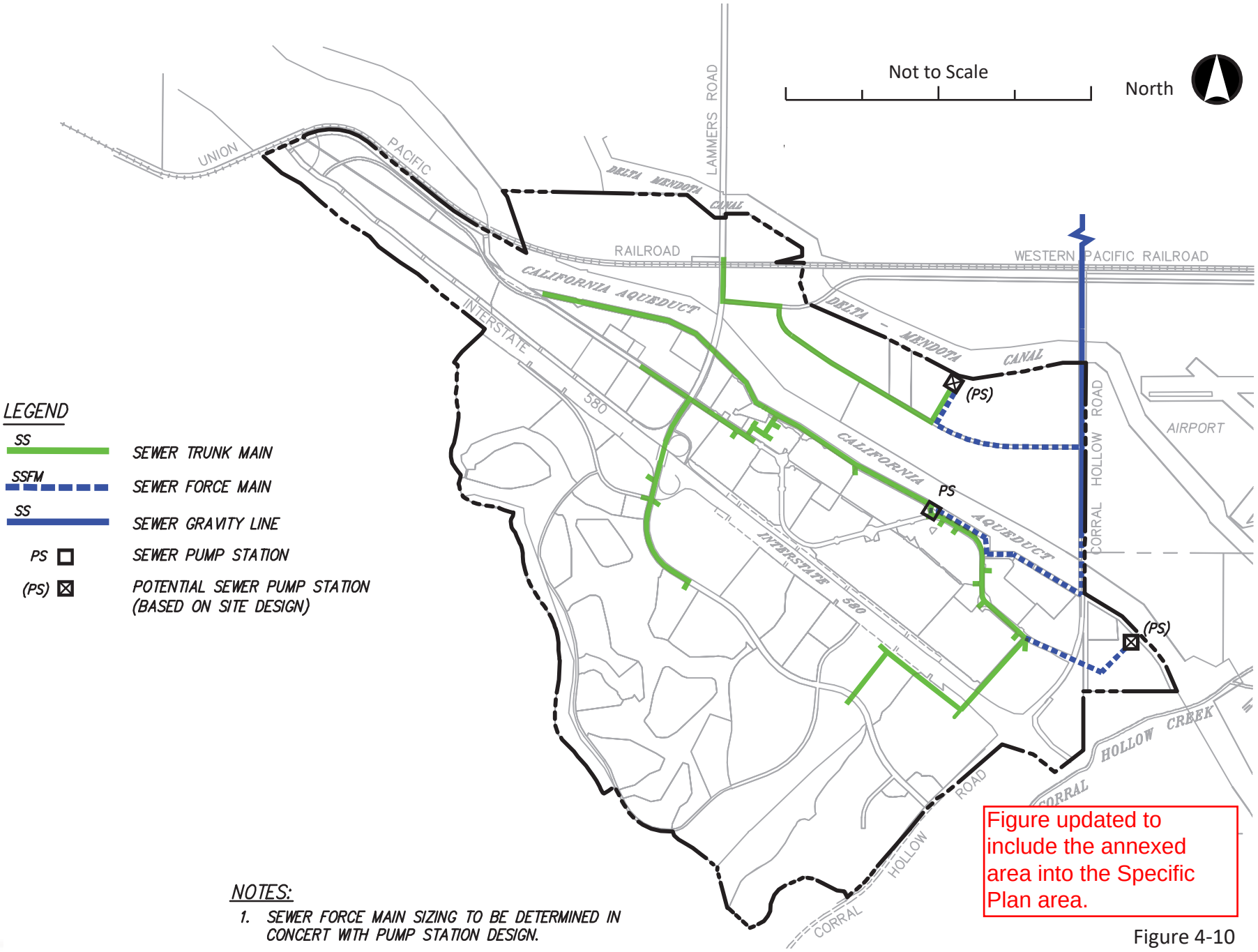


Figure 4-9

Recycled Water Distribution System



NOTES:

1. SEWER FORCE MAIN SIZING TO BE DETERMINED IN CONCERT WITH PUMP STATION DESIGN.

Figure updated to include the annexed area into the Specific Plan area.

Figure 4-10

Wastewater Collection System

4.6 STORM DRAINAGE SYSTEM

4.6.1 Existing Conditions

Tracy Hills is crossed and bordered by numerous canals and transportation thoroughfares that influence its drainage patterns. Interstate 580, a four-lane freeway, bisects the project by crossing from the northwest corner to the southeast corner. The California Aqueduct parallels I-580 to the north which also parallels the Delta-Mendota Canal north of the California Aqueduct. At the southeast corner of the project, I-580 and Corral Hollow Road create a major interchange. From this interchange, Corral Hollow Road, which is part of the project's southeastern boundary, runs north and crosses from south to north, the California Aqueduct, the Delta-Mendota Canal, the project's northern boundary, and the Union Pacific Railroad. Corral Hollow Road also runs southwest from the I-580 interchange and parallels Corral Hollow Creek. Corral Hollow Creek flows northeast toward the San Joaquin River.

Since the alignment of I-580, the California Aqueduct and the Delta-Mendota Canal generally follow the natural ground contours; these structures lie perpendicular to the natural direction of drainage flow. Various drainage structures including culverts, bridges, flumes, and pipelines are constructed over and under I-580, the California Aqueduct, and the Delta-Mendota Canal.

Of the drainage features near the project area, Corral Hollow Creek is the most significant. Its watershed originates in the hills southwest of the project encompassing approximately 62 square miles above the Delta-Mendota Canal. The steep topography of the area causes sharply-peaked runoff hydrographs producing "flash" flooding. Several miles northeast of the project, the creek channel abruptly ends due to farming operations which results in sheet flow toward the San Joaquin River, which dissipates into the ground.

Other natural drainage courses exist within the project area and a majority of the project area drains to these intermittent streams. These carry little runoff in comparison to Corral Hollow Creek, and the shed areas are correspondingly small. However, sharp hydrograph peaks are also characteristic of these intermittent streams. Prior to construction of the canals, storm runoff was carried northeasterly. Existing drainage facilities crossing Interstate 580 and the California Aqueduct represent significant constraints to runoff from the project area. For the last 40 years, the natural flow path of the intermittent streams has been intercepted by the Delta-Mendota Canal, resulting in some runoff directly discharging into the canal, flooding the adjacent properties, and infiltrating into the ground.

Because of the proposed project, the surface characteristics will change and increase the flow rates to these intermittent streams. The surface becomes less pervious, and the precipitation runs off instead of infiltrating into the ground. Under the developed scenario, flow through existing crossings of I-580, the California Aqueduct, and the Delta-Mendota Canal would be mostly reduced from historical flows due to the use of proposed onsite retention basins.

4.6.2 Collection System

The overall project consists of approximately ~~2,731.6~~2,767.3 acres including proposed residential, commercial, mixed use business park, and industrial uses.

Under current conditions at Tracy Hills, runoff from most of the site drains across I-580 and the California Aqueduct via existing drainage structures (culverts and flumes). The majority of this runoff infiltrates into open farmland between I-580 and the California Aqueduct and between the California Aqueduct and the Delta-Mendota Canal. The remainder flows into the Delta-Mendota Canal. In addition, a small portion of the site currently drains to Corral Hollow Creek.

The U.S. Bureau of Reclamation will generally not allow urban runoff to enter the Delta-Mendota Canal. It will be necessary to mitigate the increase in peak flow and total runoff from the site so that flooding downstream of the site will not become more severe. The concept for handling storm runoff involves intercepting runoff from developed areas for disposal to multiple terminal retention basins within the project site. Pipes and channels will be used to convey water to these basins. To the greatest extent possible, runoff from the west of the developed areas will be allowed to

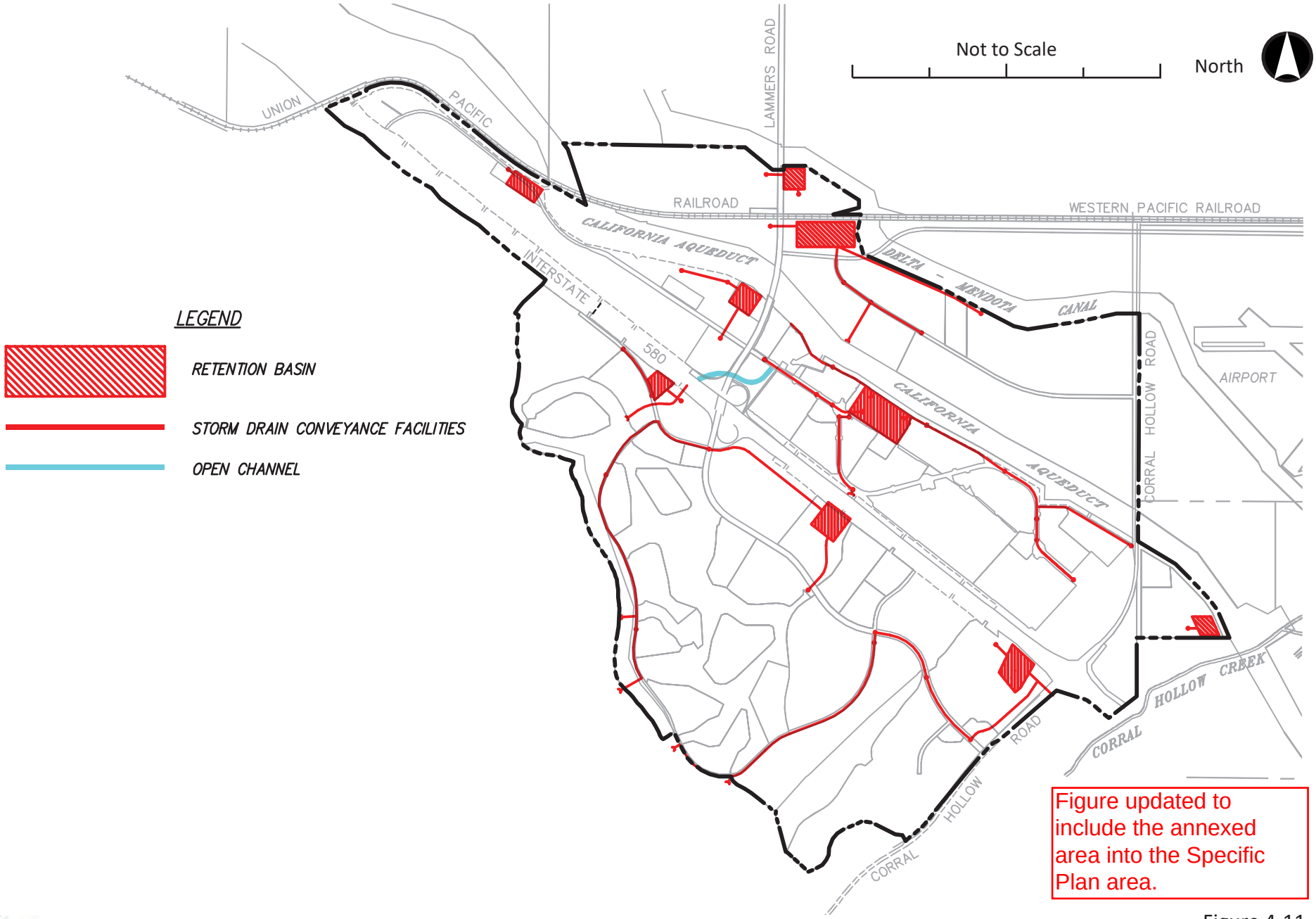


Figure updated to include the annexed area into the Specific Plan area.

Figure 4-11

Storm Drainage System

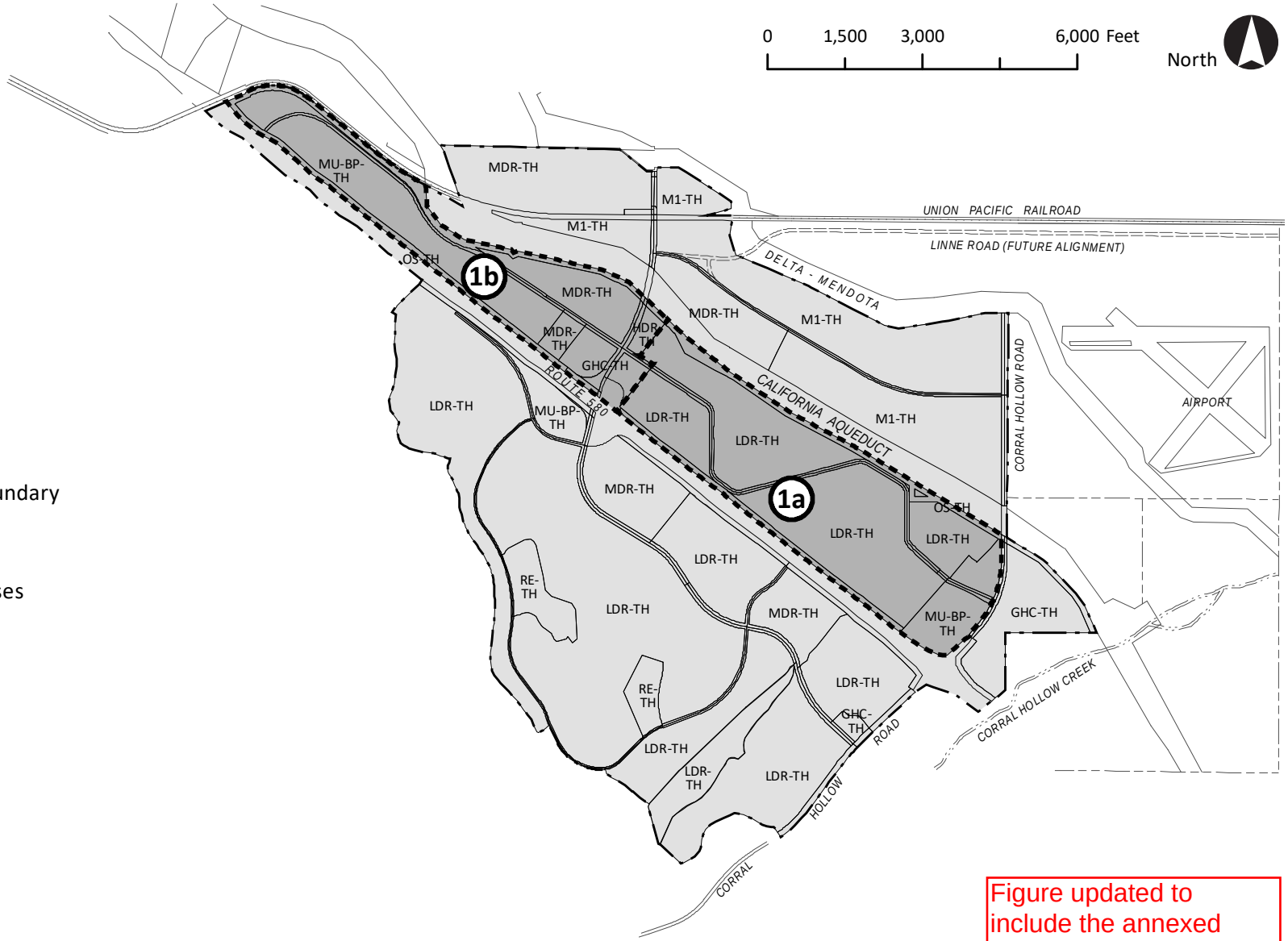
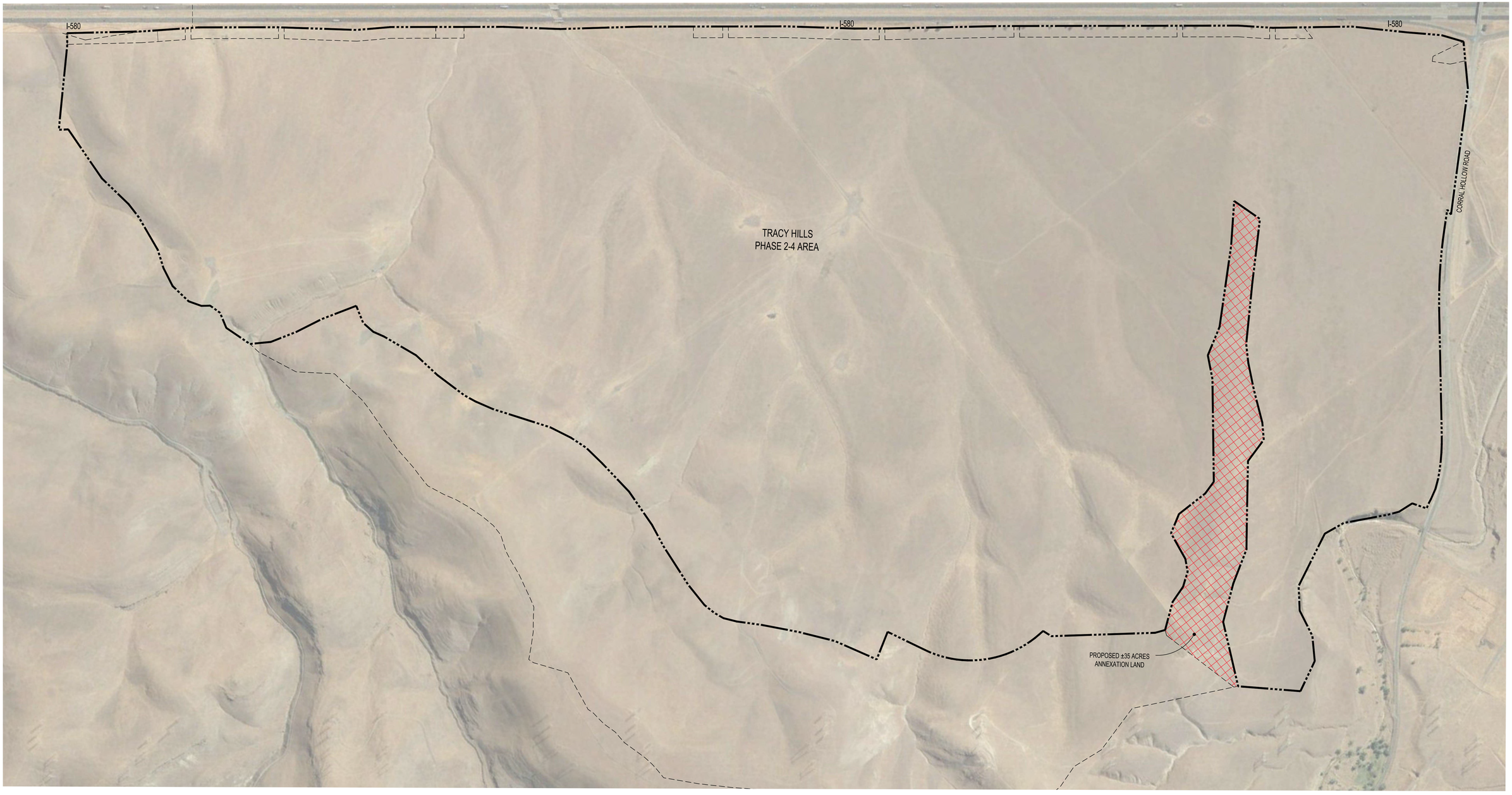


Figure updated to include the annexed area into the Specific Plan area and shift around land uses.

Figure 4-12

Phasing Plan

Attachment C



LEGEND

PROPOSED ±35 ACRE ANNEXATION LAND

INTEGRAL Communities
A DIVERSIFIED REAL ESTATE COMPANY

TRACY HILLS
ANNEXATION LAND EXHIBIT

TRACY, CALIFORNIA
01/28/2021

0 400 800 1200
SCALE IN FEET: 1"= 400'

NORTH

RJA
RUGGERI-JENSEN-AZAR
ENGINEERS ▪ PLANNERS ▪ SURVEYORS

Attachment D

ADDENDUM TO THE TRACY HILLS SPECIFIC PLAN SUBSEQUENT ENVIRONMENTAL IMPACT REPORT SCH NO. 2013102053

April 2021

Proposed Amendment to the Tracy Hills Specific Plan for the 35-Acre Annexation Project

Prepared For:

City of Tracy
Department of Development Services
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Tracy, CA 95376

Prepared By:

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10 South Almaden Boulevard, Suite 1250
San Jose, CA 95113

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Attachment A: **Biological Technical Report**

Attachment B: **CHRIS Search Results**

INTRODUCTION

This document provides an analysis of a proposed Amendment to the Tracy Hills Specific Plan (THSP) (proposed Project). The proposed Project would result in the annexation into the City limits of approximately 35.7 acres of land (Annexation Area) currently located outside of the City limits and THSP Area, but within the City's Sphere of Influence, a THSP amendment to bring the 35.7-acre Annexation Area into the THSP, and the concurrent execution of a conservation easement on an equivalently sized 35.7 acre area currently located within and adjacent to the southwestern edge of the THSP Area (Conservation Easement). Approvals required for Project implementation include: a General Plan Amendment, a THSP Amendment, and pre-zoning of the Annexation Area into the THSP/City limits. Pre-zoning the Annexation Area to THSP would allow the City to authorize a petition to the San Joaquin County Local Agency Formation Commission (LAFCo) for annexation of the Annexation Area within the City limits, and action by LAFCo to approve the annexation. Upon annexation, the THSP Area would increase from approximately 2,731 acres to 2,767 acres. However, because the Project would add 35.7 developable acres to the THSP Area by the annexation, and subtract 35.7 developable acres from the THSP Area by the Conservation Easement, there would be no change in development intensity in the THSP from approval of the proposed Project.

CALIFORNIA ENVIRONMENTAL QUALITY ACT

This Addendum has been prepared in accordance with the provisions of the California Environmental Quality Act (CEQA) (California Public Resources Code [PRC] §§ 21000 et seq.); the State CEQA Guidelines (Title 14, California Code of Regulations [CCR] §§ 15000 et seq.); and the rules, regulations, and procedures for implementing CEQA as set forth by the City of Tracy (City).

Section 15164(a) of the State CEQA Guidelines states that "the lead agency or a responsible agency shall prepare an addendum to a previously certified EIR if some changes or additions are necessary but none of the conditions described in Section 15162 calling for preparation of a subsequent EIR have occurred." Pursuant to Section 15162(a) of the State CEQA Guidelines, a subsequent EIR or Negative Declaration is only required when:

(1) Substantial changes are proposed in the project which will require major revisions of the previous EIR or negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;

(2) Substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous EIR or Negative Declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; or

(3) New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified as complete or the negative declaration was adopted, shows any of the following:

(A) The project will have one or more significant effects not discussed in the previous EIR or negative declaration;

(B) Significant effects previously examined will be substantially more severe than shown in the previous EIR;

(C) Mitigation measures or alternatives previously found not to be feasible would in fact be feasible and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or,

(D) Mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.

The following describes the requirements of an addendum, as defined by CEQA Guidelines Section 15164:

(a) The lead agency or responsible agency shall prepare an Addendum to a previously certified EIR if some changes or additions are necessary but none of the conditions described in Section 15162 calling for preparation of a Subsequent EIR have occurred.

(b) An Addendum to an adopted negative declaration may be prepared if only minor technical changes or additions are necessary or none of the conditions described in Section 15162 calling for the preparation of a subsequent EIR or negative declaration have occurred.

(c) An Addendum need not be circulated for public review but can be included in or attached to the Final EIR.

(d) The decision-making body shall consider the Addendum with the Final EIR prior to making a decision on the project.

(e) A brief explanation of the decision not to prepare a Subsequent EIR pursuant to Section 15162 should be included in an Addendum to an EIR, the lead agency's findings on the project, or elsewhere in the record. The explanation must be supported by substantial evidence.

As set forth in Section 15164(a), if none of the circumstances or conditions described in Section 15162 are present, and only minor technical changes or additions are necessary to update the previously certified EIR, an addendum may be prepared, consistent with CEQA Guidelines Section 15164.

Based on the analysis and evaluation provided in this Addendum, no new significant impacts would occur because of the proposed Amendment, nor would there be any substantial increase in the severity of any previously identified significant environmental impact. In addition, no new information of substantial importance shows that mitigation measures or alternatives that were previously found not to be feasible or that are considerably different from those analyzed in the Tracy Hills Specific Plan Final Environmental Impact Report would substantially reduce one or more significant effects on the environment. Therefore,

no conditions described in Section 15162 of the CEQA Guidelines have occurred. For this reason, an Addendum is the appropriate document to comply with CEQA requirements for the proposed Amendment.

PREVIOUS ENVIRONMENTAL ANALYSIS OF THE PROJECT SITE

The Tracy City Council approved the THSP Project and certified the corresponding Subsequent EIR (Tracy Hills Specific Plan SEIR [SCH# 2013102053]) in October 2015 and certified the final subsequent EIR on April 5, 2016 (the "THSP SEIR"). This analysis incorporates by reference, where relevant and appropriate, discussion and analysis contained in the previously certified THSP SEIR. The THSP SEIR evaluates the potential environmental impacts resulting from the approval and implementation of the THSP. The THSP involves the development of 2,736.1 acres of land with residential, commercial, open space, mixed-use business park, and industrial uses. The THSP SEIR evaluated several actions associated with implementation of the THSP including approval of the Specific Plan and a General Plan Amendment; approval of a Zoning Map and Text Amendment; approval of a development agreement; approval of a new Storm Drainage Master Plan; tentative and final map approvals; and development permits and building permits. The THSP was prepared to set forth a comprehensive planning framework, as well as to identify development regulations and design guidelines relating to land uses, development standards, architecture, landscaping, park/recreational and open space facilities, circulation, signage, sustainability features, as well as all other necessary on- and off-site infrastructure improvements required to implement the THSP.

Purpose of Addendum

The purpose of this checklist is to analyze any potential differences between the impacts identified in the previously certified THSP SEIR and those that would be associated with the proposed Amendment to the THSP.

Pursuant to provisions of CEQA and the State CEQA Guidelines, the City of Tracy is the Lead Agency charged with the responsibility of determining whether to approve the proposed Amendment. As part of its decision-making process, the City is required to review and consider whether the proposed Amendment would create new significant impacts or significant impacts that would be substantially more severe than those disclosed in the previously certified THSP SEIR. The decision-making body must consider the whole of the data presented in the THSP SEIR, and as augmented by this Addendum and the previously adopted Mitigation Monitoring and Reporting Program. Additional CEQA review beyond this Addendum would only be triggered if one or more of the circumstances or conditions described in Section 15162(a) of the CEQA Guidelines was determined to be present or to have occurred.

PROPOSED AMENDMENT TO THE APPROVED THSP PROJECT

Project Location

The Project site is located within the THSP Area in the southern portion of the City of Tracy in San Joaquin County, California as shown in Figure 1, *Regional Location Map*. The THSP Area consists of approximately 2,731.6 acres and surrounds the existing interchange at Corral Hollow Road and the proposed Lammers Road interchange on Interstate 580 (I-580). Refer to Figure 2, *Project Vicinity*.

General Plan Amendment

The proposed General Plan Amendment would change the General Plan land use designation of the Annexation Area from City of Tracy Open Space to Residential Low and identify the Annexation Area as within City limits; refer to Figure 3, Proposed *THSP Land Use*. The proposed General Plan Amendment would also change the land use designation for the Conservation Easement area from Residential Very Low to Open Space.

Tracy Hills Specific Plan Amendment

An application for an Amendment to the previously approved THSP has been submitted to the City of Tracy for consideration. The proposed Project would revise the THSP Area boundary to include the Annexation Area and zone it as Low Density Residential (LDR-TH); refer to Figure 4,*THSP Zoning*.

The proposed Project would change the zoning district from Residential Estate (RE-TH) to Tracy Hills Conservation (C-TH) for the proposed Conservation Easement area. The proposed Project would also remove the existing conservation easement managed by SJCOG from the Annexation Area. SJCOG would be responsible for approving the proposed conservation exchange and future management of the conservation easement.

As shown in Figure 6, *City of Tracy Conservation/Open Space*, the proposed Conservation Easement is physically more connected to the open space and would provide for more habitat continuity as compared to the Annexation Area, which is a comprised of a linear and narrow piece of land wedged between planned development areas. Accordingly, the THSP Area would increase by 35.7 acres from 2,731.6 acres to 2,767.3 acres, however, the total developable acres would remain unchanged.

Future Development

The Annexation Area is currently surrounded by the THSP development footprint to the west, north, and east. Project implementation would allow for residential development within the Annexation Area, thus creating a more focused development footprint. The proposed Project would move development closer within the overall THSP footprint and increase buffers between the THSP Area and the existing open space. Because the Project would add 35.7-acres of developable land to the THSP in the Annexation area, and subtract 35.7-acres of developable land in the Conservation Easement area, the proposed Project would result in a net zero change in developable acreage and would not change the intensity of development previously proposed in the THSP.

As shown in Table 1: Land Use Plan Buildout (2035), the proposed Project would not change the developable acres as compared to what was previously analyzed in the THSP SEIR. Changes in THSP zoning would be balanced and no net change to the number of projected dwelling units within the THSP would occur. Additionally, development standards would remain the same as those previously discussed under the THSP. The number of vehicle trips generated by the proposed Project would be identical to the THSP since no changes in development intensity would occur.

Table 1: Land Use Plan Buildout (2035)[1]

Zoning District or Land Use Designation	Target Density Range or F.A.R (DU's/ac.)	THSP			Proposed Project			Difference Between THSP and Proposed Project		
		Gross Acres	Developable Acres	Dwelling Units (DU)/ Square Feet (SF)	Gross Acres[2]	Developable Acres[3]	Dwelling Units (DU)/ Square Feet (SF)	Gross Acres	Developable Acres	Dwelling Units (DU)/ Square Feet (SF)
Residential Estate	0.5-2.0	95.6	81.3	122 DU	59.9	50.9	76	-35.7	-30.4	-46
Low Density Residential[4]	2.1-5.8	1,316.2	961.5	3,558DU	1,351.9	991.9	3,604	+35.7	+30.4	+46
Medium Density Residential	5.9-12.0	422.1	358.8	2,672 DU	N/A	N/A	N/A	No change	No change	No change
High Density Residential	12.1-25.0	9.2	7.8	125 DU	N/A	N/A	N/A	No change	No change	No change
Mixed-use Business Park	0.2 F.A.R	79	67.2	585,446 SF	N/A	N/A	N/A	No change	No change	No change
General Highway Commercial[5]	0.2 F.A.R	53.8	45.7	398,400 SF	N/A	N/A	N/A	No change	No change	No change

[1] Approved KT/7C Village and 1b/1c Project are reflected as background conditions.
[2] All Acreages, dwelling units, and square footage examples shown herein are approximate
[3] Adjusted Developable Acres - Residential, Mixed Use Business Park, General Highway Commercial, and Light Industrial acreages have been adjusted to show that an estimated 15% of the land area is used for infrastructure such as roads and utilities, and/or public facilities such as neighborhood parks/amenities, schools, and/or public facilities such as retention basins as noted in the General Plan. Actual numbers will vary depending on site specific characteristics.
[4] 180 to 185 acres of General Plan mandated Open Space taken out of Low Density Residential land use category.
[5] 8.7 acres of General Highway Commercial will be zoned with a Medium Density Residential Overlay and is anticipated to be developed with residential uses. As such this acreage is accounted for in the Medium Density Residential zoning district.

Zoning District or Land Use Designation	Target Density Range or F.A.R (DU's/ac.)	THSP			Proposed Project			Difference Between THSP and Proposed Project		
		Gross Acres	Developable Acres	Dwelling Units (DU)/ Square Feet (SF)	Gross Acres[2]	Developable Acres[3]	Dwelling Units (DU)/ Square Feet (SF)	Gross Acres	Developable Acres	Dwelling Units (DU)/ Square Feet (SF)
Light Industrial	0.25 F.A.R	336.4	285.9	3,113,887 SF	N/A	N/A	N/A	No change	No change	No change
Conservation Easements	N/A	126.5	N/A	N/A	162.2	N/A	N/A	+35.7	N/A	N/A
Interstate 580 Interchange and ROW	N/A	137.5	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
California Aqueduct ROW	N/A	143.1	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Union Pacific Rail Road	N/A	12.2	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Totals		**2,731.6**	**1,808.2**	**6,477 DUs; 4.1 million SF**	**2,767.3**	**1,808.2**	**No Change**	**+35.7**	**No Change**	**No Change**

Source: Application For Tracy Hill Specific Plan Amendment For the 35-acre Annexation Project, January 2021; Tracy Hill Specific Plan (amended 2020), October 2020.

THSP ENVIRONMENTAL IMPACT ANALYSIS SUMMARY

The 2016 THSP SEIR certified in January 2016, found the potentially significant environmental effects of the THSP to be as shown in Table 2: *THSP SEIR Potentially Significant Environmental Impacts Table*.

Table 2: THSP SEIR Potentially Significant Environmental Impacts Table

	Significant and Unavoidable Impacts	Less Than Significant with Mitigation Incorporated
Aesthetics	• Visual aspect of and views in the Specific Plan Area (Project and Cumulative Impact) • Adverse effects on a state-designated scenic highway • Adverse change in the character of the site	• New sources of light and glare
Agriculture	• Conversion of Prime Farmland and other Important Farmland (Project and Cumulative)	• Incompatible with adjacent agricultural activity
Air Quality	• Inconsistency with adopted Air Quality Management Plan • Cumulative construction emissions (ROG, and NO_x) (Buildout) • Cumulative operational emissions (ROG, NO_x, CO, PM_{10}, $PM_{2.5}$) (Phase I and Buildout) • Emission of ozone precursors and particulate matter	• Exposure of sensitive receptors to substantial pollutant concentrations
Biological Resources	N/A	• Adverse impact on wildlife movement • Impact on special-status animal species • Impact on federally protected wetlands as defined by Section 404 of the Clean Water Act • Construction during bird nesting season

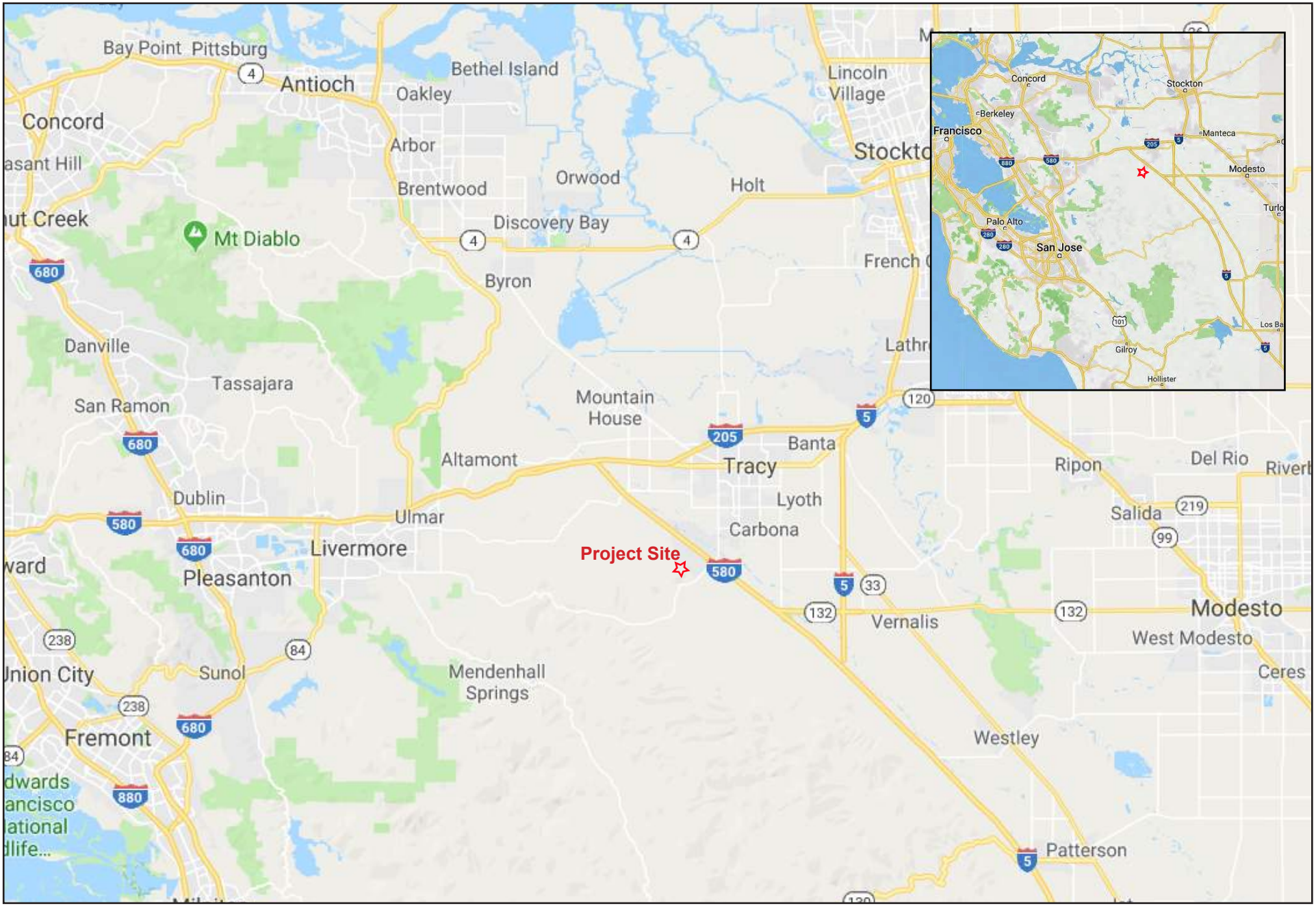
	Significant and Unavoidable Impacts	Less Than Significant with Mitigation Incorporated
		• Conflict with tree preservation policy or ordinance • Conflict with Habitat Conservation Plan/Natural Community Conservation Plan
Cultural Resources	N/A	• Damage to cultural resources (buried archeological deposits) • Damage to paleontological resources • Human remains encountered during construction
Greenhouse Gas Emissions	• Generation of GHG emissions during construction and operation (Project and Cumulative)	• Conflict with greenhouse gas reduction plan, policy, or regulation
Geology and Soils	N/A	• Expansive soil
Hazards and Hazardous Materials	N/A	• Routine use, transport, and disposal of hazardous materials • Release from nearby crude oil, natural gas, and petroleum pipelines • Breach or rupture of the California aqueduct • Attract wildlife that is hazardous to aircraft associated with Tracy Municipal Airport • Conflict with adopted emergency response plan and emergency evacuation plan • Exposure structures adjacent to undeveloped areas to risk of wildland fires
Hydrology and Water Quality	N/A	• Storm water discharge requirements and water quality

	Significant and Unavoidable Impacts	Less Than Significant with Mitigation Incorporated
		• Soil erosion and sedimentation • Storm water runoff volumes • Pollutants (associated with non-residential storm water runoff) • 100-Year Flood Hazard Areas
Land Use	N/A	• Conflict with 2009 San Joaquin Airport Land Use Compatibility Plan
Noise	• Exposure of persons to noise levels in excess of established standards • Traffic noise level increases (Project and Cumulative)	• Expose persons or generate excessive groundborne vibration
Public Services and Utilities	N/A	• Need for new or physically altered fire protection facilities • Need for new or physically altered law enforcement facilities • Need for yet to be constructed City Water System Master Plan (WSMP) facilities • Need for wastewater treatment capacity
Traffic	• Impact to bicycle and pedestrian modes • Freeway segments during construction (Phase 1) • Impact to the existing roadway, intersections and freeway network (Buildout) • Impact to the existing roadway, Caltrans intersections (Buildout) • Level of service at intersections during construction (Phase 1)	• Impact to Phase 1a roadway network and operation and safety of pedestrians, cyclists, and vehicles on adjacent roadway facilities • Impact to roadway network and safety and operations on adjacent roadway facilities from temporary offsite school for 450 students • Impact to Phase 1a roadway network and roadway facilities from temporary on-site school

	Significant and Unavoidable Impacts	Less Than Significant with Mitigation Incorporated
	• Impact to the 2035 roadway and freeway network (Phase 1 and Cumulative) • Impact to the 2035 roadway and freeway network (Buildout) • Impact to Altamont Pass, Corral Hollow Road, Patterson Pass, roadways in Alameda County (Phase 1) • Impact on existing Phase 1a street network and streets surrounding the school site (Phase 1) • Impact to bicycle and pedestrian connection from Spine Road along Corral Hollow Road	

It was determined in the THSP SEIR that implementation of mitigation measures identified in the THSP SEIR would reduce the severity of several of the aforementioned impacts to a level of less than significant. Where the THSP SEIR identified significant and unavoidable impacts, even after the consideration of mitigation measures, such impacts are identified herein as significant and unavoidable. Where applicable, mitigation measures stemming from the previously certified THSP SEIR and adopted as conditions of THSP approval would be incorporated into the proposed Project.

For impacts not identified in Table 2*: THSP SEIR Potentially Significant Environmental Impacts Table,* the THSP SEIR found that buildout of the THSP would have a less than significant impact or no impact to topical areas evaluated pursuant to the *CEQA Guidelines*.



Source: Google Maps, 2020

Figure 1: Regional Location Map

Addendum to the Tracy Hills Specific Plan SEIR

Not to scale

Kimley»Horn

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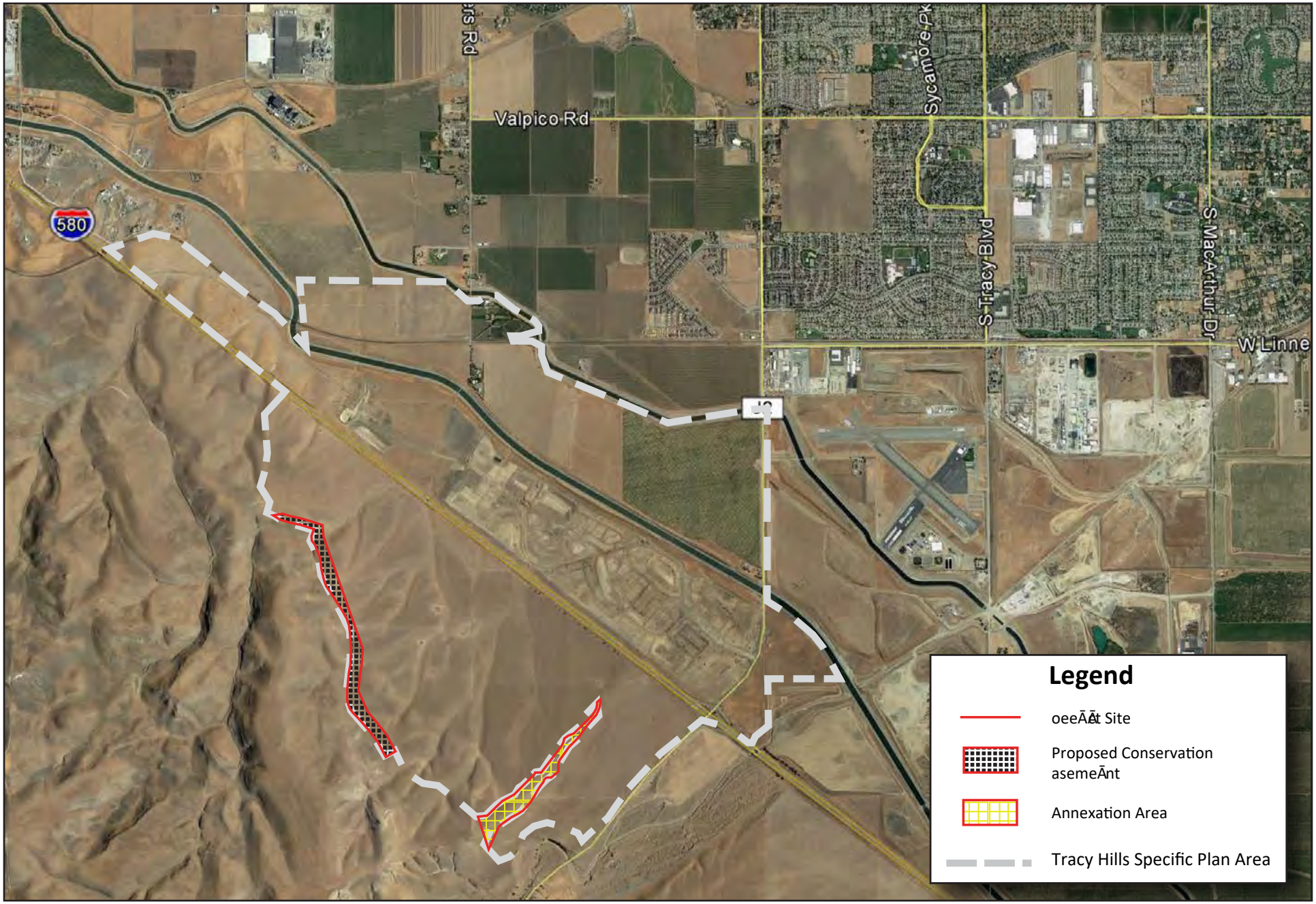

Source: Google Maps, 2019

Figure 2: Project Vicinity Map

Addendum to the Tracy Hills Specific Plan

Not to scale

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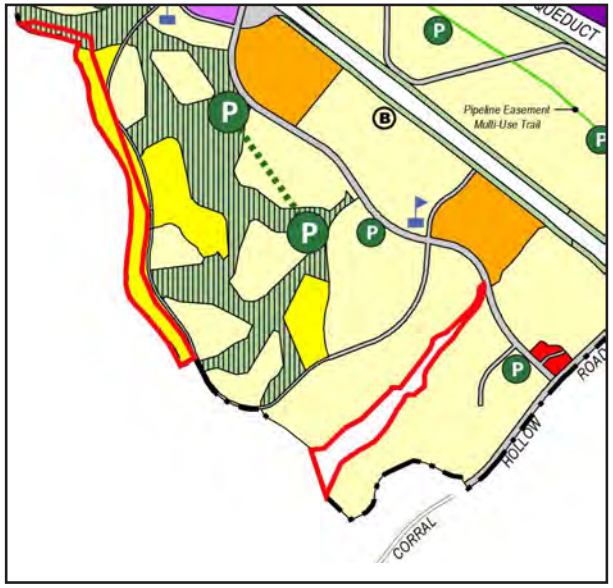
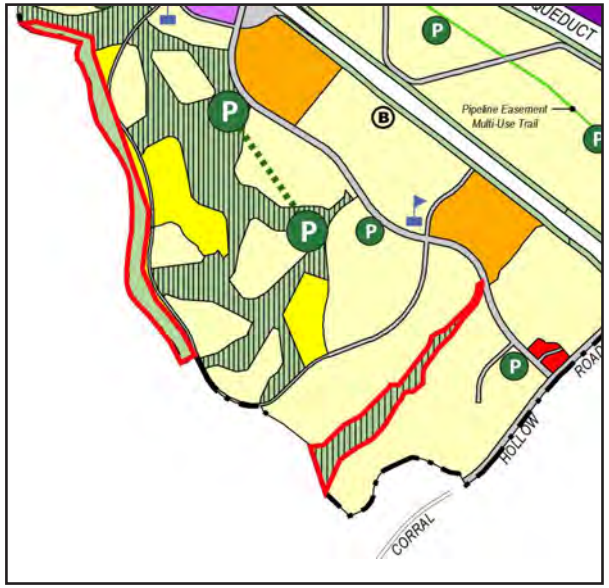


Current General Plan Land Use



Proposed General Plan Land Use

City of Tracy General Plan Land Use Designations

- Commercial
- Residential High
- Residential Medium
- Residential Low
- Light Industrial
- Mixed Use
- Conservation Easements/Open Space
- Recreation Open Space

Legend

- Project Site

Source: City of Tracy, 2016; Kimley-Horn, 2021

Figure 3: Proposed General Plan Land Use
Addendum to the Tracy Hills Speci ic Plan

Not to scale

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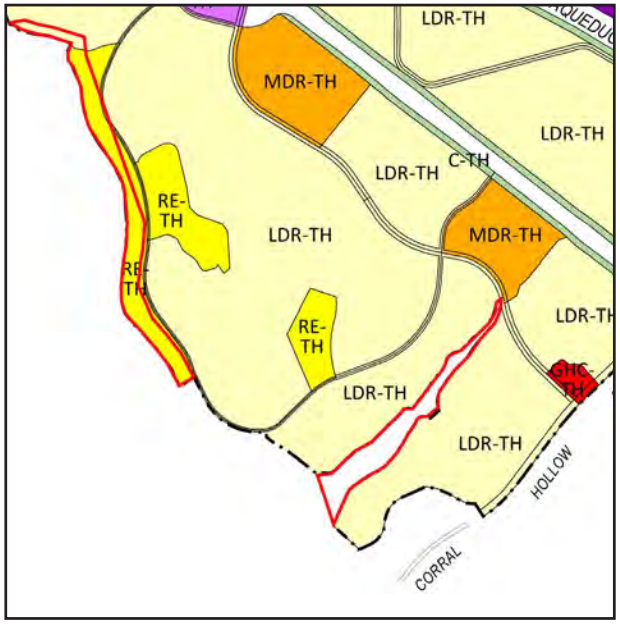
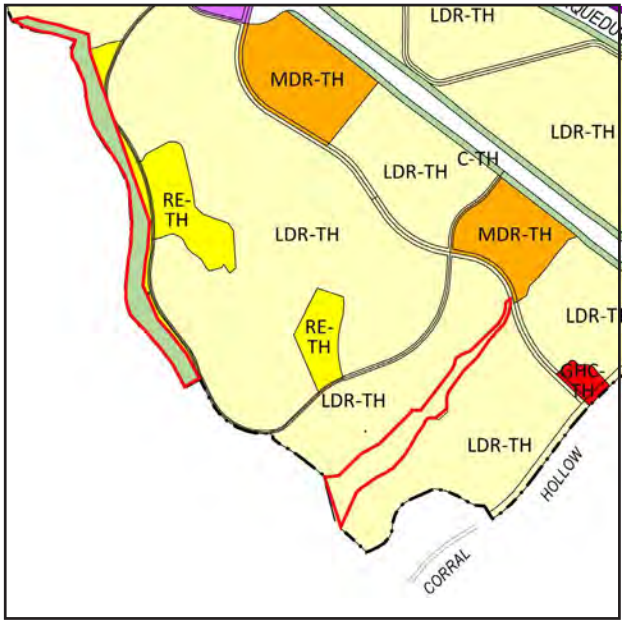


Current THSP Zoning Concept



Proposed THSP Zoning Concept

Tracy Hills Specific Plan (THSP) Zoning

- Low Density Residential (LDR-TH)
- Residential Estate (RE-TH)
- Medium Density Residential (MDR-TH)
- General HigĀway Commercial Meium ensity ĀĀĀĀ Residential Overlay (GHC MDR-TH)
- Tracy Hills Conservation (C-TH)
- Light Industrial (M1-TH)

Legend

- Project Site

Source: City of Tracy, 2016; Kimley-Horn, 2021

Figure 4: Proposed THSP Zoning
Addendum to the Tracy Hills Specific Plan

Not to scale

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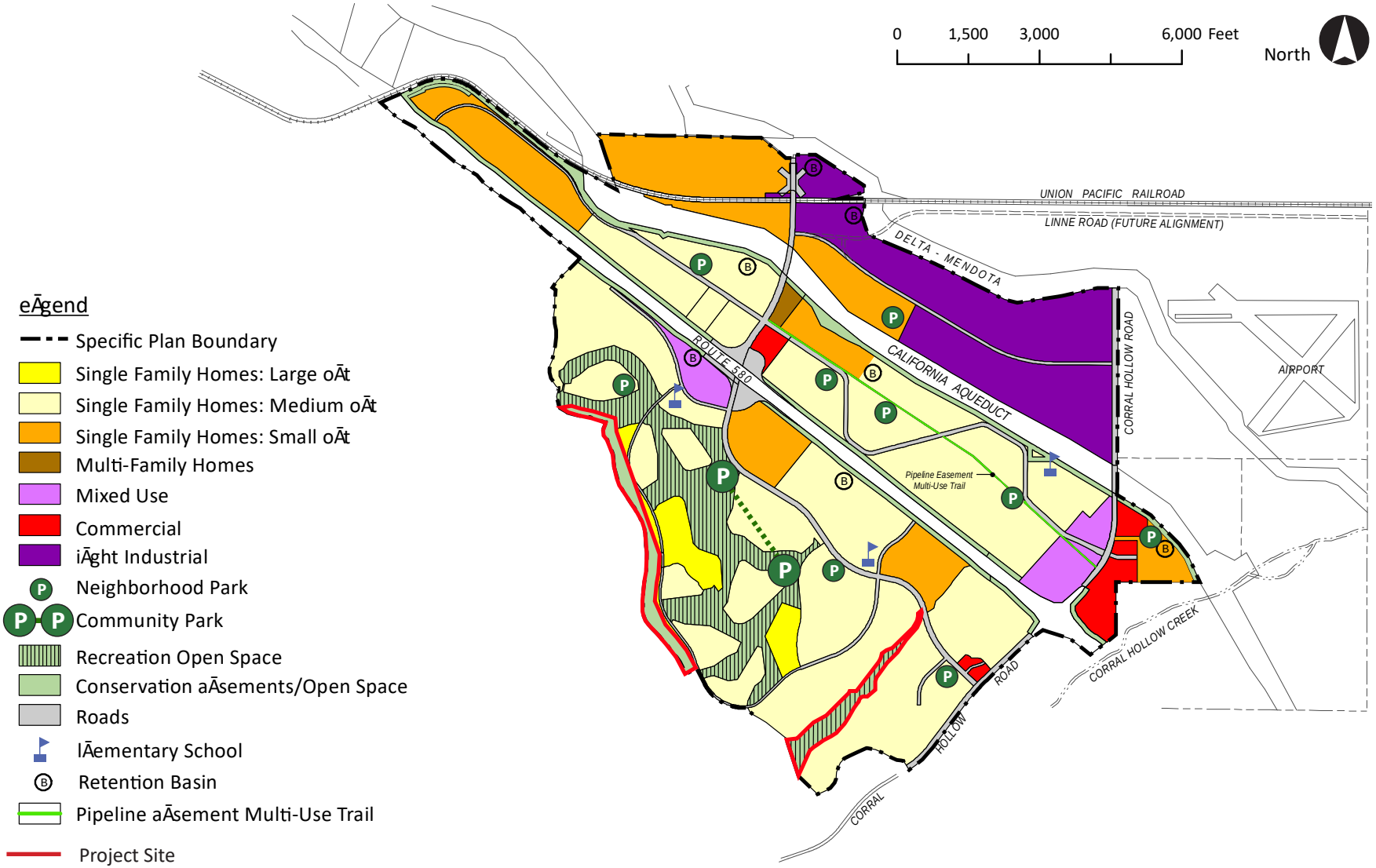

NOTES:
1. The locations, numbers, and configurations of public schools, park sites, and public utilities are conceptual and subject to change.
2. This exhibit is for conceptual purposes to show approximate locations.

Source: City of Tracy, 2016; Kimley-Horn, 2021

Figure 5: Proposed THSP Land Use Concept
Addendum to the Tracy Hills Specific Plan

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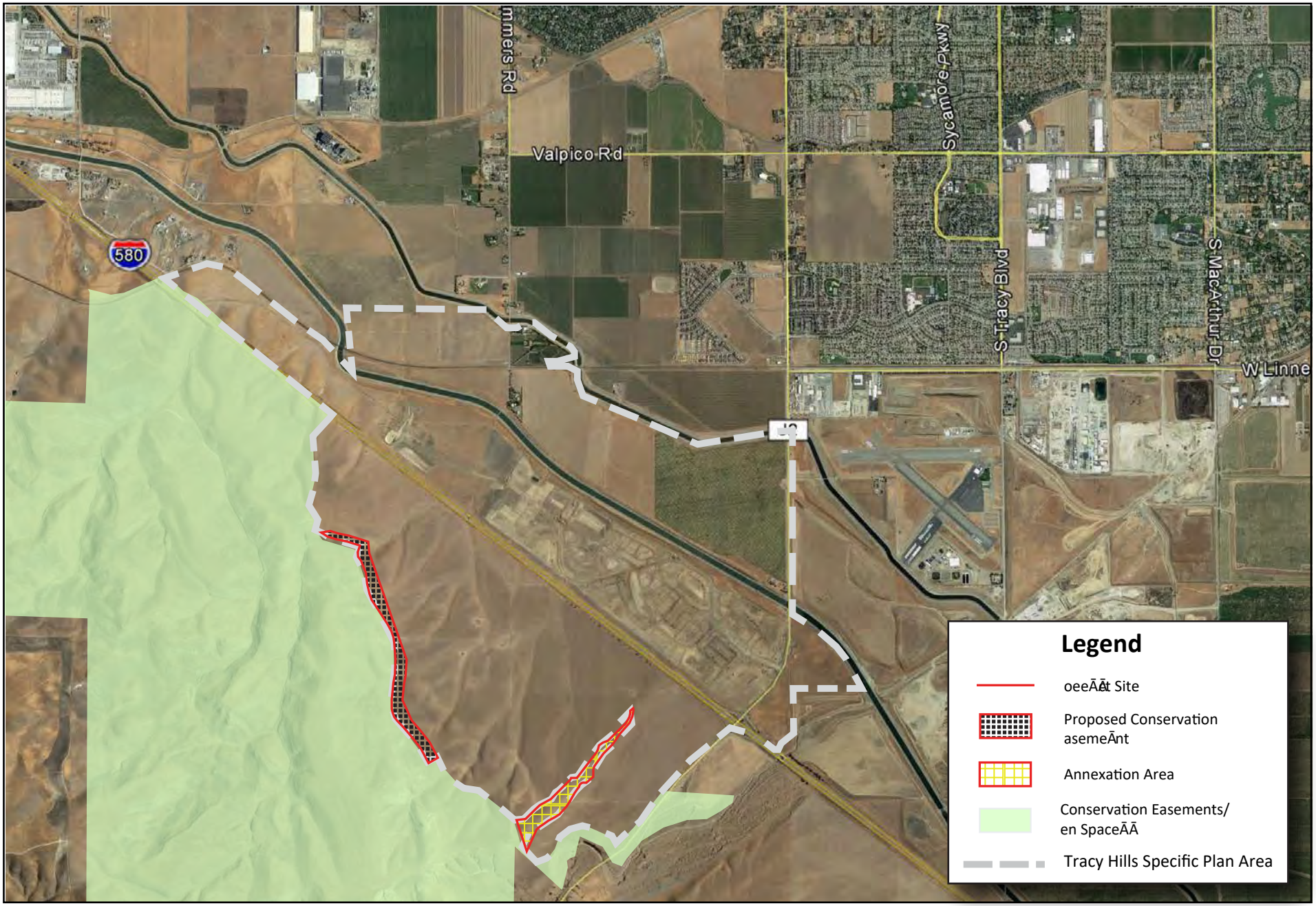

Source: City of Tracy, 2016; Kimley-Horn, 2021

Figure 6: City of Tracy Conservation/Open Space

Addendum to the Tracy Hills Specific Plan

Not to scale

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ENVIRONMENTAL EVALUATION

This section evaluates the potential environmental effects of the proposed Project, as compared to the THSP SEIR, using the environmental checklist from the State *CEQA Guidelines* as amended. The definitions of the response column headings include:

A. "Potentially Significant Impact" is appropriate if there is substantial evidence that an effect may be significant after the implementation of feasible mitigation measures. The impact may warrant additional analysis within a Subsequent or Supplemental EIR or the impact would be within the scope of analysis in the THSP SEIR and require no additional analysis to identify additional mitigation measures.

B. "Less than Significant With Mitigation Incorporated" applies where the incorporation of a new mitigation measure has reduced an effect from "Potentially Significant Impact" to a "Less Than Significant Impact." The impact would be outside the scope of analysis in the THSP SEIR and would incorporate mitigation measures that were not identified in the THSP SEIR.

C. "Less Than Significant Impact" applies where the project creates no significant impacts, only Less than Significant Impacts with incorporation of mitigation measures previously identified in the THSP SEIR. These impacts are within the scope of Less Than Significant Impacts or Less Than Significant With Mitigation Incorporated identified and evaluated within the THSP SEIR and below thresholds considered significant after consideration of THSP SEIR mitigations. Mitigation measures from the THSP SEIR will be cross-referenced when applicable.

D. "No Impact" applies where the project does not create an impact in that category.

E. "Reviewed Under Previous Document" indicates the impact created by the proposed Project would be the same as that identified in the THSP SEIR for the corresponding threshold. Where this finding is made, both are so noted herein and the corresponding boxes are checked in the Environmental Checklist.

I. AESTHETICS

WOULD THE PROJECT:

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact	Reviewed Under Previous Document
a. Have a substantial adverse effect on a scenic vista?	☐	☐	☐	☐	☒
b. Substantially damage scenic resources, including, but not limited to trees, rock outcroppings, and historic building along a State-designated scenic highway?	☐	☐	☐	☐	☒
c. Substantially degrade the existing visual character or quality of the site and its surroundings?	☐	☐	☐	☐	☒
d. Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?	☐	☐	☐	☐	☒

RESPONSES TO CHECKLIST QUESTIONS

Threshold (a) Would the Project have a substantial adverse effect on a scenic vista?

As identified in the THSP SEIR, impacts related to scenic vistas were considered significant and unavoidable. Impacts to scenic vistas were found to be significant and unavoidable because implementation of the THSP would change the visual character and views to and from across the approximate 2,732-acre THSP Area. The THSP SEIR concluded that with implementation of Mitigation Measure AES 4.1-1 in the THSP SEIR, impacts to scenic vistas would still remain significant and unavoidable.

The following mitigation measure incorporated herein from the previously certified THSP SEIR is applicable to the proposed Project:

> ***Mitigation Measure AES 4.1-1****: The THSP contains design guidelines and landscaping standards (Tracy Hills Specific Plan, pages 3-1 through 3-96) which have been implemented in the Phase 1a Vesting Tentative Map (Figure 3-12, Phase 1a Vesting Tentative Map), and which would be required on individual, site-specific developments within the THSP. These measures would ensure that development within the Project Area is aesthetically pleasing and is compatible with current development in the City of Tracy. Beyond these measures, there is no feasible mitigation. [This is Mitigation Measure 4.1-1 in the THSP SEIR]*

The proposed Project would not result in additional development compared to the THSP. The Project would annex 35.7-acres of land previously restricted for development as part of a conservation easement and rezone to allow for Low Density Residential. In exchange, the Project would set aside 35.7-acres in the northwestern portion of the THSP Area into a conservation easement. Similar to the THSP, the proposed Project would still allow for development in a previously undisturbed area. Since the proposed

Project would change from undeveloped land to urbanized development, the proposed Project would have the potential to create a substantial adverse impact on a scenic vista. With implementation of the above mitigation measure, the proposed Project's impact on a scenic vista would remain significant and unavoidable. This would not be a new specific impact, nor would it increase the severity of the impact previously identified in the THSP SEIR and would therefore be consistent with the effects of implementation of the THSP.

Threshold (b) Would the Project substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a State scenic highway?

As noted in the THSP SEIR, the THSP Area is bisected by Interstate 580, a State designated scenic highway and borders Corral Hollow Road, a scenic road designated in the 1978 San Joaquin County General Plan. Views from I-580 to the THSP Area would be directly impacted due to the adjacent development. As identified in the THSP SEIR, impacts related to scenic resources were considered significant and unavoidable. The THSP SEIR concluded that even with implementation of Mitigation Measure AES 4.1-2 identified in the THSP SEIR, impacts to scenic vistas would remain significant and unavoidable.

The following mitigation measure incorporated herein from the previously certified THSP SEIR is applicable to the proposed Project:

> ***Mitigation Measure AES 4.1-2****: The THSP contains design guidelines and landscaping standards (Tracy Hills Specific Plan, pages 3-1 through 3-96) which have been implemented in the Phase 1a Vesting Tentative Map (Figure 3-12, Phase 1a Vesting Tentative Map), and which would be required on individual, site specific development within the THSP. These measures would ensure that development within the THSP Project Area is aesthetically pleasing and is compatible with current development in the City of Tracy. Beyond these measures, there is no feasible mitigation*. [This is Mitigation Measure 4.1-2 in the THSP SEIR]

Project implementation would have the potential to impact views from the I-580. Similar to the approved THSP, the proposed Project would have the potential to create substantial damage to the identified scenic resources. Since the proposed Project site is within the viewshed of Interstate 580 and Corral Hollow Road, which are considered as scenic routes, Project development would have the potential to significantly impact scenic views. The proposed Project's impact would remain significant and unavoidable even with implementation of the above mitigation measure. The proposed Project's annexation would further concentrate the development footprint though impacts to scenic views would occur regardless compared to THSP development. This would not be a new specific impact or an increase in the severity of an impact that was identified in the THSP SEIR and would therefore be consistent with the effects of implementation of the THSP.

Threshold (c) Would the project substantially degrade the existing visual character or quality of the site and its surroundings?

As identified in the THSP SEIR, impacts related to degradation of the existing visual character or quality of the site and its surroundings were considered significant and unavoidable. Development of the THSP Area

would transition from primarily undeveloped rural agricultural land to a range of urban development including residential, office, and commercial, and industrial uses. Implementation of the THSP's development standards and design guidelines, and adherence to the Tracy General Plan goals, objectives, and policies, would reduce impacts associated with development within the THSP Area. However, due to the size and scope of the THSP Area, impacts to the visual character or quality of the THSP Area would remain significant and unavoidable even with implementation of Mitigation Measure AES 4.1-3 identified in the THSP SEIR.

The following mitigation measure incorporated herein from the previously certified THSP SEIR is applicable to the proposed Project:

> ***Mitigation Measure AES 4.1-3:*** *The THSP contains design guidelines and landscaping standards (Tracy Hills Specific Plan, pages 3-1 through 3-96) which would be required on individual, site specific development within the THSP. These measures would ensure that development within the THSP Project Area is aesthetically pleasing and is compatible with current development in the City of Tracy. Beyond these measures, there is no feasible mitigation. [This is Mitigation Measure 4.1-3 in the THSP SEIR]*

Similar to the approved THSP, the proposed Project would have the potential to degrade the existing visual character or quality of the Project site. The proposed Project would not result in a net increase in developable acres of development intensity. With implementation of the above mitigation measure, the proposed Project's impact on the existing visual character or quality of the Project site would remain significant and unavoidable. This would not be a new specific impact, nor would it increase the severity of the impact previously identified in the THSP SEIR and would therefore be consistent with the effects of implementation of the THSP.

Threshold (d) Would the project create a new source of substantial light or glare, which would adversely affect day or nighttime views in the area?

As identified in the THSP SEIR, impacts related to light and glare, which would adversely affect day or nighttime views in the area, were considered significant and unavoidable. Light and glare from the THSP Area would come primarily from vehicle headlights and windshields traveling along I-580 and Corral Hollow Road. Other sources of light and glare within the THSP Area would come from single-family homes along Lammers Road and Corral Hollow Road. Development of the THSP Area would also introduce new sources of light and glare coming from new commercial, business park and residential uses. Thus, impacts with respect to light and glare were determined to be significant and unavoidable with implementation of Mitigation Measure AES 4.1-4 in the THSP SEIR.

The following mitigation measure incorporated herein from the previously certified THSP SEIR are applicable to the proposed Project:

> **Mitigation Measure AES 4.1-4:** *To decrease light spillage and glare to the maximum extent practicable, all individual developments under the THSP shall be required to:*

- *Prior to final inspection or certificate of occupancy, all exterior and parking area lighting shall be directed downward or shielded, to prevent glare or spray of light on to public rights-of-way or adjacent residential property, consistent with City standards.* [This is Mitigation Measure 4.1-4 in the THSP SEIR]

Project implementation would result in the same development intensity as previously analyzed in the THSP SEIR. However, the sources of light from residential uses and open space uses would not be considered new light sources to the Project site, compared to the assumptions in the THSP SEIR. The proposed Project would move development closer within the THSP footprint and increase buffers between the THSP Area and proposed Conservation Easement. In addition, open space uses, such as neighborhood parks would have restricted hours, closed between the hours of dusk and dawn per Section 4.16.190 of the Tracy Municipal Code. Similar to the approved THSP, compared to existing conditions, the proposed Project would have the potential to create a new source or light or glare which would adversely affect day or nighttime views in the area. With implementation of the above mitigation measure, the proposed Project's impact on light and glare would remain significant and unavoidable. This would not be a new specific impact or an increase in the severity of an impact that was identified in the THSP SEIR and would therefore be consistent with the effects of implementation of the THSP.

Cumulative Impacts

The potential aesthetic impacts related to views, aesthetics, and light and glare are site specific. While impacts are minimized with implementation of mitigation measures, impacts related to aesthetics across the THSP Area were considered cumulatively significant and unavoidable in the previously certified THSP SEIR. As identified in the THSP SEIR, the THSP would change the visual aspect of and views from, to, and across the THSP Area, add new development to viewsheds, bring urban development to a rural and agricultural area, resulting in cumulatively considerable contributions to significant impacts on scenic vistas, scenic resources within a State scenic highway, and visual character. The THSP SEIR concluded that with Mitigation Measure AES 4.1-5, impacts would remain significant and unavoidable.

The following mitigation measure incorporated herein from the previously certified THSP SEIR is applicable to the proposed Project:

> **Mitigation Measure AES 4.1-5:** *The THSP contains design guidelines and landscaping standards (Tracy Hills Specific Plan, pages 3-1 through 3-96) which would be required on individual, site specific development within the THSP. These measures would ensure that development within the THSP Project Area is aesthetically pleasing and is compatible with current development in the City of Tracy. Beyond these measures, there is no feasible mitigation. [*This is Mitigation Measure 4.1-5 in the THSP SEIR]

As discussed above, the proposed Project would not cause a new aesthetic impact to occur, nor an increase in the severity of an aesthetic impact previously disclosed in the THSP SEIR, with implementation of the mitigation measures discussed in this section. Therefore, the proposed Project would not cause either a new cumulative impact to occur, nor an increase in the severity of a cumulative impact previously disclosed.

II. AGRICULTURAL AND FORESTRY RESOURCES

WOULD THE PROJECT:

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact	*Reviewed Under Previous Document*
In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state's inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment project; and forest carbon measurement methodology provided in Forest Protocols adopted by the California Air Resources Board. Would the project:					
a. Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?	☐	☐	☐	☐	☒
b. Conflict with existing zoning for agricultural use, or a Williamson Act contract?	☐	☐	☐	☐	☒
c. Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?	☐	☐	☐	☐	☒

RESPONSES TO CHECKLIST QUESTIONS

Threshold (a) Would the project convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?

As noted in the THSP SEIR, the California Department of Conservation Farmland Mapping and Monitoring Program shows that the THSP Area contains approximately 25 acres of Prime Farmland as well as 2,700 acres of other farmland.[6] The 25 acres of Prime Farmland is located along Lammers Road, just south of the Delta-Mendota Canal and is made up of an existing vineyard. Impacts related to agricultural resources within the THSP Area were previously considered in the impact analysis in the Tracy General Plan EIR,

[6] THSP SEIR, Figure 4.2-1

however, no mitigation measures were identified to reduce this impact, and the Tracy City Council adopted a statement of overriding considerations with respect to the anticipated loss of farmland.[7]

The following mitigation measure incorporated herein from the previously certified THSP SEIR is applicable to the proposed Project:

> ***Mitigation Measure AG 4.2-1:*** *As part of the development process for individual site-specific development projects, the agricultural mitigation fee adopted by the City shall be paid for each acre of Prime Farmland to be developed. The fees shall be collected by the City at the time building permits are issued for such site-specific development projects, or as otherwise required by the City. [This is Mitigation Measure 4.2-1 in the THSP SEIR]*

The City currently uses the Agricultural Mitigation Fee Ordinance to collect in-lieu fees for impacts from development on agricultural land. Impacts related to the conversion of prime farmland were considered significant and unavoidable in the previously certified THSP SEIR. The Project site does not contain Prime Farmland, Unique Farmland, or Farmland of Statewide Importance. The Annexation Area is designated as "Grazing Land", which is not recognized in CEQA thresholds of significance with respect to farmland conversion. The proposed Project would not impact any Prime farmland and the specified mitigation measure above would not be required for the Project. The proposed Project's impact on conversion of prime farmland to non-agricultural uses would be less than significant. This would not be a new specific impact or an increase in the severity of an impact that was identified in the THSP SEIR and would therefore be consistent with the effects of implementation of the THSP. As such, no further analysis is required.

Threshold (b) Would the project conflict with existing zoning for agricultural use, or a Williamson Act contract?

A Williamson Act contract is formed between local governments and private landowners for the purpose of restricting certain parcels of land to agricultural or related open space use. The Annexation Area is not the subject of a Williamson Act contract and does not contain any lands zoned for agricultural uses. Therefore, no conflict exists in regard to the current zoning of the Project site. As such, the proposed Project would not include properties zoned for agricultural use or under Williamson Act Contract, and therefore no impact would occur. This would not be a new specific impact or an increase in the severity of an impact that was identified in the THSP SEIR and would therefore be consistent with the effects of implementation of the THSP. As such, no further analysis is required.

Threshold (c) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use.

As discussed in the previously certified THSP SEIR, full buildout of the THSP would result in conversion of the THSP Area to urban uses. However, the proposed land uses in the THSP Area would be incompatible with adjacent land uses without appropriate buffer activities from development of the THSP. Impacts related to other changes in the existing environment which, due to the conversion of farmland to non-

[7] THSP SEIR, page 4.2-9

agricultural use were considered significant and unavoidable in the previously certified THSP SEIR even with implementation of Mitigation Measure AG 4.2-2.

The following mitigation measure incorporated herein from the previously certified THSP SEIR is applicable to the proposed Project:

> ***Mitigation Measure AG 4.2-2:*** As construction occurs along the Project Area boundary, buffers such as roadways, conservation easements, building setbacks, and parking areas, shall be required prior to occupancy of those structures, in compliance with General Plan Policy OSC-2.2 *[This is Mitigation Measure 4.2-2 in the THSP SEIR]*

The Annexation Area does not contain Prime Farmland, Unique Farmland, or Farmland of Statewide Importance. Given that no important Farmland exists on the site, Project implementation would not result in conversion of farmland to non-agricultural use. Impacts in this regard would be less than significant. This would not be a new specific impact or an increase in the severity of an impact that was identified in the THSP SEIR and would therefore be consistent with the effects of implementation of the THSP.

Cumulative Impacts

As discussed above, the proposed Project would cause neither a new impact to occur, nor an increase in the severity of an impact previously disclosed. Amendment-related impacts are consistent with the environmental effects previously identified in the certified THSP SEIR. Since there is no important Farmland within the Annexation Area, mitigation measure AG 4.2-3 from the previously certified THSP SEIR would not be required to reduce Project impacts. The proposed Project would not cause a new agricultural impact to occur, nor an increase in the severity of an agricultural impact previously disclosed in the THSP SEIR, with implementation of the mitigation measures discussed in this section. Therefore, the proposed Project would not cause either a new cumulative impact to occur, nor an increase in the severity of a cumulative impact previously disclosed.

III. AIR QUALITY

WOULD THE PROJECT:

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact	Reviewed Under Previous Document
Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. Would the project:					
a. Conflict with or obstruct implementation of the applicable air quality plan?	☐	☐	☐	☐	☒
b. Violate any air quality standard or contribute substantially to an existing or projected air quality violation?	☐	☐	☐	☐	☒
c. Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?	☐	☐	☐	☐	☒
d. Expose sensitive receptors to substantial pollutant concentrations?	☐	☐	☐	☐	☒
e. Create objectionable odors affecting a substantial number of people?	☐	☐	☐	☐	☒

RESPONSES TO CHECKLIST QUESTIONS

Threshold (a) Would the project conflict with or obstruct implementation of the applicable air quality plan?

The proposed Project lies within the central portion of the San Joaquin Valley Air Basin (SJVAB). The San Joaquin Valley Air Pollution Control District (SJVAPCD) has jurisdiction over most air quality matters in the Basin and is tasked with implementing programs and regulations required by the federal and State Clean Air Acts. If a project is found to interfere with the region's ability to comply with federal and State air quality standards, local governments then need to consider project modifications or provide mitigation measures to eliminate the inconsistency of the project plans. In order for a project to be considered "consistent" with the latest Air Quality Plan (AQP), the project must be consistent with the goals, objectives, and assumptions in the respective plan to achieve Federal and State air quality standards. Additionally, both construction related and long-term emissions are required to be quantified and compared to the SJVAPCD significance thresholds.

Emissions from the construction and operational phase of the proposed Project were included as part of the emissions estimate for buildout conditions of the THSP Area as evaluated in the previously certified THSP SEIR. The THSP SEIR found that buildout would generate a substantial increase in criteria air

pollutants that would exceed the SJVACPD's significance thresholds during both construction and operation of the THSP project. As discussed in the THSP SEIR, buildout of the THSP would result in exceedances of the SJVAPCD thresholds for criteria pollutants including inconsistencies with the 2013 Ozone Plan and the 2012 $PM_{2.5}$ Plan in this regard.

The following mitigation measures incorporated herein from the previously certified THSP SEIR are applicable to the proposed Project:

> ***Mitigation Measure AQ 4.3-1a****: Prior to the issuance of any grading permit the City Engineer and the Chief Building Official shall confirm that the Grading Plan, Building Plans, and specifications stipulate that, in compliance with SJVAPCD Regulation VIII, excessive fugitive dust emissions shall be controlled by regular watering or other dust prevention measures. Implementation of the following measures would reduce short-term fugitive dust impacts on nearby sensitive receptors:*
>
> - *All disturbed areas, including storage piles, which are not being actively utilized for construction purposes, shall be effectively stabilized of dust emissions using water, chemical stabilizer/suppressant, covered with a tarp or other suitable cover or vegetative ground cover;*
> - *All on-site unpaved roads and off-site unpaved access roads shall be effectively stabilized of dust emissions using water or chemical stabilizer/suppressant;*
> - *All land clearing, grubbing, scraping, excavation, land leveling, grading, cut and fill, and demolition activities shall be effectively controlled of fugitive dust emissions utilizing application of water or by presoaking;*
> - *When materials are transported off-site, all material shall be covered, or effectively wetted to limit visible dust emissions, and at least six inches of freeboard space from the top of the container shall be maintained;*
> - *All operations shall limit or expeditiously remove the accumulation of mud or dirt from adjacent public streets at the end of each workday. (The use of dry rotary brushes is expressly prohibited except where preceded or accompanied by sufficient wetting to limit the visible dust emissions.) (Use of blower devices is expressly forbidden.);*
> - *Following the addition of materials to, or the removal of materials from, the surface of outdoor storage piles, said piles shall be effectively stabilized of fugitive dust emissions utilizing sufficient water or chemical stabilizer/suppressant;*
> - *Within urban areas, trackout shall be immediately removed when it extends 50 or more feet from the site and at the end of each workday;*
> - *Any site with 150 or more vehicle trips per day shall prevent carryout and trackout;*
> - *Limit traffic speeds on unpaved roads to 15 mph;*

- *Install sandbags or other erosion control measures to prevent silt run-off to public roadways from sites with a slope greater than one percent;*
- *Install wheel washers for all exiting trucks, or wash off all trucks and equipment leaving the THSP Project Area; and*
- *Fugitive dust emanating from the Project site shall not exceed 20 percent opacity, per SJVAPCD Regulation VIII.*
- *Applicant shall consult with the County Public Health Services Department or California Department of Public Health to develop a Valley Fever Dust Management Plan that addresses Valley Fever exposure. The Plan shall be provided to the City and shall include a program to evaluate the potential for exposure to Valley Fever from construction activities and to identify appropriate dust management and safety procedures that shall be implemented, as needed, to minimize personnel and public exposure to potential Valley Fever- containing dust. [This is Mitigation Measure 4.3-1a in the THSP SEIR]*

Mitigation Measure AQ 4.3-1b: *The following measures shall be implemented during construction to reduce NO_X related emissions. They shall be included in the Grading Plan, Building Plans, and contract specifications. Contract specification language shall be reviewed by the City prior to issuance of a grading permit.*

- *Use of construction equipment rated by the United States Environmental Protection Agency (EPA) as having Tier 3 or higher exhaust emission limits for equipment over 50 horsepower that are onsite for more than 5 days, if available and feasible. Tier 3 engines between 50 and 750 horsepower are available for 2006 to 2008 model years. After January 1, 2015, encourage the use of equipment over 50 horsepower that are on-site for more than 5 days to meet the Tier 4 standards, if available and feasible. A list of construction equipment by type and model year shall be maintained by the construction contractor onsite, which shall be available for City review upon request.*
- *Use of alternative-fueled or catalyst-equipped diesel construction equipment, if available and feasible; and*
- *Clearly posted signs that require operators of trucks and construction equipment to minimize idling time (e.g., 5-minute maximum).*
- *Properly and routinely maintain all construction equipment, as recommended by manufacturer's manuals, to control exhaust emissions.*
- *Use electric equipment for construction whenever possible in lieu of fossil fuel-fired equipment. [This is Mitigation Measure 4.3-1b in the THSP SEIR]*

Mitigation Measure AQ 4.3-1c: *Prior to the issuance of any grading permit, the City shall confirm that the Project complies with the SJVAPCD Rule 9510, Indirect Source (ISR). If feasible measures*

are not available to meet the emissions reductions targets outlined in Rule 9510, then Project applicants shall pay an in-lieu mitigation fee to the SJVAPCD to offset the Project's emissions-related impacts, or coordinate with the SJVAPCD to implement a Voluntary Emission Reduction Agreement (VERA). If in-lieu fees are required, Project applicants shall coordinate with the SJVAPCD to calculate the amount of the fees required to offset the Project's impacts. The applicant shall document, to the City's reasonable satisfaction, its compliance with this mitigation measure. [This is Mitigation Measure 4.3-1c in the THSP SEIR]

Mitigation Measure AQ 4.3-2: *Prior to issuance of building permits, each applicant for individual site-specific developments under the THSP shall demonstrate compliance with SJVAPCD Rule 9510, Indirect Source Review (ISR) or implementation of a Voluntary Emission Reduction Agreement (VERA). Project applicants shall coordinate with the SJVAPCD to ensure that the Project meets the requirements of SJVAPCD Rule 9510 or implements a VERA. If feasible reduction measures are not available to meet the emissions reductions targets as established by the SJVAPCD, then Project applicants shall pay an in-lieu mitigation fee to the SJVAPCD to offset the Project's emissions-related impacts. If in-lieu fees are required, Project applicants shall coordinate with the SJVAPCD to calculate the amount of the fees required to offset the Project's impacts. [This is Mitigation Measure 4.3-2 in the THSP SEIR]*

Mitigation Measure AQ 4.3-4b: *New sensitive land uses including residential, hospital, medical offices, and day care facilities shall not be located closer than 1,000 feet from any existing or proposed distribution center/warehouse facility which generates a minimum of 100 truck trips per day, or 40 truck trips with transport refrigeration units (TRUs) per day, or TRU operations exceeding 300 hours per week, pursuant to the recommendations set forth in the CARB Air Quality and Land Use Handbook. If new sensitive land uses cannot meet this setback, they shall be designed and conditioned to include mechanical ventilation systems with fresh air filtration. For operable windows or other sources of ambient air filtration, installation of a central heating, ventilation, and air conditioning (HVAC) system that includes high efficiency filters for particulates (Minimum Efficiency Reporting Value [MERV] 13 or higher) or other similarly effective systems shall be required. [This is Mitigation Measure 4.3-4b in the THSP SEIR]*

Therefore, buildout of the THSP Area would be inconsistent with the SJVAPCD's air quality plans and impacts were considered significant and unavoidable within the THSP SEIR. Mitigation Measures AQ 4.3-1a through 4.3-1c, 4.3-2 and 4.3-4b from the certified THSP SEIR are applicable to the proposed Project and would be expected to reduce the severity of the significant and unavoidable impact. However, even with mitigation incorporated, impacts would remain significant and unavoidable.

The Project would not increase development within the THSP. The total development intensity would be consistent with impacts previously analyzed in the THSP SEIR. Additionally, the proposed Project would not result in changes to the vehicle trip generation analyzed in the THSP SEIR. Given that the proposed Project land uses would be consistent with those previously approved in the THSP, the impact relative to an applicable air quality plan would be similar to what was identified in the THSP SEIR and no new impact or increase in the severity of a previously identified impact would occur.

Threshold (b) Would the project violate any air quality standard or contribute substantially to an existing or projected air quality violation?

Construction

Construction emissions for buildout of the THSP were estimated in the previously certified THSP SEIR using the California Emissions Estimator Model (CalEEMod). Based on the THSP SEIR, buildout of the THSP would result in construction emissions that would exceed SJVAPCD's 10 tons per year threshold for reactive organic gases (ROG) and nitrogen oxides (NO_x). The THSP SEIR found impacts from construction emissions would be significant and unavoidable after implementation of Mitigation Measures AQ 4.3-1a through 4.3-1c, in the THSP SEIR.

Given that no change in net development is proposed by the Project, construction impacts from the proposed Project would be the same as those identified in the THSP SEIR, which is significant and unavoidable. Additionally, the Project would not increase the number of impervious surfaces through construction of buildings, parking areas, roadways, and other improvements compared to the THSP SEIR. Therefore, construction equipment used and phasing for the proposed Project would be roughly similar to the THSP SEIR. The proposed Project's impact relative to construction air emissions would be similar to those identified in the THSP SEIR. No new impact or increase in the severity of a previously identified impact would occur. Mitigation from the certified THSP SEIR is applicable to the proposed Project that would reduce the severity of the significant and unavoidable impact. However, even with mitigation incorporated, impacts would remain significant and unavoidable but would not be greater than the impact analyzed in THSP SEIR.

Operations

Long-term operational emissions would be generated from the day-to-day operations of the buildout of the THSP. Operational emissions for land use development projects are typically distinguished as mobile, energy, and area sources of emissions. Operational emissions for buildout of the THSP were estimated using CalEEMod and analyzed in the THSP SEIR. According to the THSP SEIR, buildout of the THSP Area would result in operational emissions that exceed SJVAPCD thresholds for ROG, NO_X, carbon monoxide (CO), and particulate matter with a diameter smaller than 10 microns (PM_{10}) and smaller than 2.5 microns ($PM_{2.5}$). The proposed Project would not result in an increase of development density or intensity within the THSP Area and would not result in any changes to vehicular trip generation. Therefore, no new impact or increase in the severity of a previously identified impact would occur. Although the previously identified significant and unavoidable impact would remain, implementation of Mitigation Measure 4.3-2 (in the THSP SEIR) would reduce the severity of this impact to the maximum extent feasible. However, impacts would remain significant and unavoidable and would not be greater than the impact analyzed in THSP EIR.

Threshold (c) Would the project result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?

The region of the proposed Project area is classified as nonattainment for ozone, PM_{10}, and $PM_{2.5}$. Buildout of the THSP Area would generate emissions of ROG, PM_{10}, and NO_X during construction and operation

that would be above the SJVACPD's regional thresholds of significance. According to the findings in the THSP SEIR, the impact relative to ROG, CO, $PM_{2.5}$, PM_{10} and NO_x is considered potentially significant. This was identified as a significant and unavoidable impact within the THSP SEIR.

Similar to the THSP, the proposed Project would contribute to these overall emissions. However, as discussed in Threshold (a) and (b) above construction and operational air quality impacts would be consistent with the THSP SEIR. Mitigation Measures AQ 4.3-1a through 4.3-1c, 4.3-2 and 4.3-4b from the THSP SEIR would be applicable to the proposed Project and would reduce the severity of the impact. This would not be a new specific impact or an increase in the severity of an impact that was identified in the THSP SEIR and would therefore be consistent with the effects of implementation of the THSP.

Threshold (d) Would the project expose sensitive receptors to substantial pollutant concentrations?

The *CEQA Guidelines* indicate that a potentially significant impact could occur if the proposed Project would expose sensitive receptors to substantial pollutant concentrations. Exposure of toxic air contaminants was assessed in the previously certified THSP SEIR by evaluating diesel particulate matter (DPM) emissions on nearby sensitive receptors. A Health Risk Assessment (HRA) and addendum were prepared for the previously certified THSP SEIR. The HRA addressed the potential contribution of public exposure to DPM by locating sensitive receptors within 500 feet of I-580 (a generator of toxic air contaminants). The HRA determined that proposed Project operations would not exceed the 10 cases per million that is considered significant by the SJVAPCD and CARB. The proposed Project site is located approximately 1000 feet from I-580 and outside of CARB's 500-foot buffer. Therefore, the Project would not increase risk hazards from freeway exposure. Under the same combined scenario, cancer risk at sensitive receptors adjacent to the THSP Area would have risk up to 4.61 new cases per million persons (in nine-year exposure) and would not exceed the SJVAPCD significance threshold. The HRA determined that the 30- and 70-year exposure periods would exceed SJVAPCD significance thresholds for cancer risk. However, with Project design features including Minimum Efficiency Reporting Value (MERV) 13 (or equivalent air filtration system), all three exposure periods would not exceed the significance threshold.

Impacts associated with the THSP related to criteria pollutant emissions during construction were identified as significant and unavoidable within the THSP SEIR. The proposed Project would not result in an increase in developed area within the THSP Area or an increase in development intensity. Thus, the impact relative to exposure of toxic air contaminants would be similar to that identified in the THSP SEIR. Consistent with the THSP SEIR, with mitigation incorporated (Mitigation Measure AQ 4.3-4b), the resulting impact from the proposed Project would be less than significant. No new impact or increase in the severity of a previously identified impact in the certified THSP SEIR would occur as a result of the proposed Project.

The primary mobile-source pollutant of localized concern is carbon monoxide (CO). Localized CO concentrations near roadway intersections are a function of traffic volumes, speed, and delay. Under specific metrological conditions, CO concentrations near roadways and/or intersections may reach unhealthy levels with respect to sensitive receptors, often referred to as a "CO hotspot". CO hotspots are high, localized CO concentrations and are generally caused by congested intersections with a large volume of traffic.

CO hot spot modeling was performed for the THSP SEIR. As shown in Table 4.3-10 in the THSP SEIR, the nine highest volume intersections in the THSP Area under full buildout would be well below the established standard for CO. As discussed above, the proposed land uses would be consistent with those analyzed in the THSP SEIR. Therefore, the proposed Project impacts related to ambient air quality CO concentrations would be less than significant. This would not be a new specific impact or an increase in the severity of an impact that was identified in the THSP SEIR and would therefore be consistent with the effects of implementation of the THSP and no further analysis is required.

Threshold (e) Would the project create objectionable odors affecting a substantial number of people?

The THSP SEIR found impacts associated with odors to be considered less than significant. SJVAPCD has identified a list of common types of facilities that have been known to produce odors in the Basin along with a reasonable distance from the source within which, the degree of odors could be significant. These land uses include the following: wastewater treatment facilities, sanitary landfills, transfer stations, composting facilities, petroleum refinery, asphalt batch plant, chemical manufacturing, fiberglass manufacturing, painting/coating operations, food processing facilities, feed lot/dairies and rendering plants. The proposed Project would include the development of residential uses and does not propose to include any odor inducing uses on the site. The proposed Project would not be a source of objectionable odors; therefore, no impact would occur. This would not be a new specific impact or an increase in the severity of an impact that was identified in the THSP SEIR and would therefore be consistent with the effects of implementation of the THSP and no further analysis is required.

Cumulative Impacts

A project that has a significant impact on air quality with regard to emissions of PM_{10}, $PM_{2.5}$, NO_X and/or ROGs as determined above would have a significant cumulative effect. In the event direct impacts from a project are less than significant, a project may still have a cumulatively considerable impact on air quality if the emissions from the project, in combination with the emissions from other proposed, or reasonably foreseeable future projects are in excess of screening levels identified above, and the project's contribution accounts for more than an insignificant proportion of the cumulative total emissions. With regard to past and present projects, the background ambient air quality, as measured at the monitoring stations maintained and operated by the SJVAPCD, measures the concentrations of pollutants from existing sources. Past and present project impacts are therefore included in the background ambient air quality data.

The proposed Project would contribute to cumulative impacts from construction and operational emissions since regional thresholds are exceeded for buildout of the THSP Area. The THSP SEIR found full buildout of the Project would exceed SJVAPCD threshold for ROG, NO_x, CO, PM_{10}, and $PM_{2.5}$. The proposed Project would not contribute to cumulative health risk effects since background excess cancer risks are below the threshold of 10 in a million. Cumulative impacts to health risks were identified in the previously certified THSP SEIR.

As discussed above, the proposed Project would not cause a new air quality impact to occur, nor an increase in the severity of an air quality impact previously disclosed in the THSP SEIR, with implementation

of the mitigation measures discussed in this section. The proposed Project would not increase development density within the THSP and therefore air quality impacts would not be greater than those previously analyzed. Therefore, the proposed Project would not cause either a new cumulative impact to occur, nor an increase in the severity of a cumulative impact previously disclosed.

V. BIOLOGICAL RESOURCES

WOULD THE PROJECT:

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact	Reviewed Under Previous Document
a. Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	☐	☐	☒	☐	☐
b. Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or US Fish and Wildlife Service?	☐	☐	☒	☐	☐
c. Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	☐	☐	☐	☒	☐
d. Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?	☐	☐	☒	☐	☐
e. Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	☐	☐	☒	☐	☐
f. Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?	☐	☐	☒	☐	☐

RESPONSES TO CHECKLIST QUESTIONS

A Biological Technical Report was prepared by NOREAS Inc. (July, 2020) for the proposed Project to summarize the findings of baseline biological resources surveys (See Attachment A). The Biological Technical Report provides historic and current data that evaluates land cover types and determines the potential for occurrence of common and special-status species, and their habitats, within the Annexation Area.

The Biological Technical Report found that the Annexation Area has very low species richness and diversity and lacks high quality breeding and refuge habitats for special status species, likely a result of the significant cattle grazing that has occurred within it over the past quarter of a century. The

aforementioned disturbance within the Annexation Area has substantially decreased its value as a migration or overland dispersal corridor and as habitat for wildlife, as it lacks appropriate vegetative cover for native and migratory species movement and refuge, thereby exposing species to a high risk of desiccation and predation. Generally, the Annexation Area has porous soils as well which quickly absorb rainfall, reducing water availability for plants and wildlife. Accordingly, the Annexation Area is lacking in numbers and variety of species.

Further, no State or Federally listed species have ever been detected within the Annexation Area. The area predominately includes existing livestock grazing, and other activities which have greatly reduced the lands ability to support special status species. The data collected and analyzed also suggests that there is extremely low potential for special status species to recruit into the Annexation Area. As identified in THSP SEIR Figure 4.4-1, the Annexation Area is located within Area C of the THSP Area which is not covered by the San Joaquin Multi Species Conservation Plan (SJMSCP) but is located within its sphere of influence. Additionally, pursuant to THSP SEIR Mitigation Measure BIO 4.4-1h, projects implemented within Area C are required to voluntarily secure Section 7 and/or Section 10 incidental take permits in consultation with the appropriate wildlife agencies including the United States Fish and Wildlife Service (USFWS) and the California Department of Fish and Wildlife (CDFW).

Threshold (a) Would the project have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?

Special Status Species (Plant species, Animal Species, Nesting Birds)

Plants

Consistent with the THSP SEIR, the Biological Technical Report determined that no suitable habitat was found in the Annexation Area that would support any candidate, sensitive, or special status plant species. Annual grassland, characterized by grasses and forbs that are annually grazed, was the only land cover type observed within the Annexation Area. Extensive cattle grazing within the area has restricted establishment of native shrubs and trees. Therefore, Project implementation would result in a less than significant impact on sensitive plant species. Nonetheless, implementation of Mitigation Measure BIO 4.4-1b in the THSP SEIR was recommended to ensure impacts related to special status plant species remain less than significant.

Wildlife Species

Consistent with the THSP SEIR, the Biological Technical Report determined that no federally or state listed species were observed within the Annexation Area during 2020 field survey events. However, several listed species have been documented within a 10-mile radius of the Annexation Area (See Biological Technical Report, Figure 4). The California Red Legged Frog (CRLF) was documented off of the THSP Area in the Corral Hollow Creek area, which is located in the adjacent 3,500 acre preserve area and has been designated as critical habitat for the CRLF by the USFWS. It was determined that all areas of the THSP that could potentially support the CRLF are outside the THSP's footprint. The Biological Technical Report and THSP SEIR also determined that the THSP could potentially support Burrowing Owl, Swainson's Hawk,

Northern Harrier, Loggerhead Shrike, American Badger, San Joaquin Whipsnake, Prairie falcon, and Coast Horned Lizard. However, even though some of these species have been spotted on the THSP Area in a limited quantity, the lack of quality habitat on the THSP Area for these species was found to be less than significant. No other listed, sensitive or special status wildlife species are known to occur on the THSP, and no suitable habitat was found on the THSP to support other listed, sensitive or special status wildlife species. To ensure that the THSP's impacts on wildlife species remain less than significant, Mitigation Measures BIO 4.4-1a, 4.4-1b, 4.4-1c, 4.4-1d, 4.4-1e, 4.4-1f, 4.4-1g, 4.4-1h, 4.4-1i, 4.4-1j, 4.4-1k, 4.4-1l, 4.4-1m, 4.4-1n, and 4.4-1o in the THSP SEIR and avoidance measures were recommended.

The following mitigation measures incorporated herein from the previously certified THSP SEIR are applicable to the proposed Project:

> ***Mitigation Measure BIO 4.4-1a:*** *Construction operations will be overseen by an appropriately credentialed biologist (biological monitor), and the Project will implement a worker environmental awareness training program to reduce the Project's potential adverse effects to special status species. This measure is specific to Areas A, B and C of the Project. [This is Mitigation Measure 4.4-1a in the THSP SEIR]*
>
> ***Mitigation Measure BIO 4.4-1b****: Prior to commencement of ground disturbing activities in any areas of potentially suitable habitat to support special status plant species, pre-activity clearance surveys shall be initiated by a qualified botanist. This measure is specific to Area A, B and C.*

- *Surveys shall be floristic in nature and timed during appropriate blooming periods.*
- *Surveys shall target those locales within the Project Site of direct and indirect effects. The results of these surveys shall be submitted to CDFW and USFWS for review.*
- *In the event special-status plant species are detected within portions of the Project Site proposed for development, individual plant(s) or populations shall plant be avoided whenever possible by delineation and observing a no disturbance buffer of at least 50 feet from the outer edge of the plant population(s) or specific habitat type(s) required by special-status plant species.*
- *If buffers cannot be maintained, then consultation with CDFW and USFWS is warranted to determine appropriate minimization measures for impacts to special-status plant species. [This is Mitigation Measure 4.4-1b in the THSP SEIR]*

> ***Mitigation Measure BIO 4.4-1c:*** *Prior to commencement of ground disturbing activities in any areas of potentially suitable habitat to support San Joaquin Kit Fox, no less than sixty (60) days prior to any ground disturbing activities or grading, pre-construction clearance surveys shall be initialed by a qualified biologist to reinforce negative findings (the continued absence of SJKF) on the Project Site with substantial evidence. A second SJKF survey shall be conducted no more than thirty (30) days prior to the onset of construction or ground disturbing activities. If SJKF are detected within portions of the Project Site proposed for development, the developer shall immediately contact the USFWS telephonically and in writing, and following consultation with the*

USFWS, avoidance and minimization measures specific to SJKF will be incorporated into the Project as described in the USFWS "Standard Recommendations for Protection of the San Joaquin Kit Fox Prior to or During Ground Disturbing Activities (1999)" and the USFWS "San Joaquin Kit Fox Habitat Evaluation Forms (2001)" to reduce impacts to this species to a less than significant level. These SJKF avoidance and minimization measures shall include the following:

1. *No later than forty five (45) days prior to any ground disturbing activities or grading, the developer shall contact a qualified biologist holding proper permits and provide approval to that biologist to relocate known SJKF located on site to the 3,500 acre open space preserve or another relocation preserve approved by the USFWS or covered by the SJMSCP.*

2. *No later than fourteen (14) days prior to any ground disturbing activities or grading, all known dens shall be monitored for at least three (3) consecutive days to ensure that SJKF dens, to the extent they exist on the Project Site, are unoccupied prior to den excavation.*

3. *The relocation of SJKF would require an ITP per Section 2081 of the Fish and Game Code. If SJKF individuals or dens are discovered, all work within Area C in the vicinity of the discovery shall halt and not continue until CDFW has been consulted and appropriate authorization obtained. [This is Mitigation Measure 4.4-1c in the THSP SEIR]*

***Mitigation Measure BIO 4.4-1d:** During construction, temporary disturbances and Project-related vehicle traffic will be restricted to established roads, construction areas, and other designated lands. Also, during construction:*

1. *Project-related construction vehicles will observe a daytime speed limit of 20-mph, except on County roads and State and Federal highways.*

2. *Night-time construction will be minimized to the greatest extent feasible. However, if it does occur, then the speed limit will be reduced to 10-mph.*

3. *Project-related, non-ranch operations off-road traffic outside of designated Project areas that are undergoing construction will be prohibited.*

4. *To prevent inadvertent entrapment of small mammals, including SJKF, during construction, excavated, steep-walled holes or trenches more than 2-feet deep will be covered at the close of each working day by plywood or similar materials. Each excavation shall contain at least one ramp, with long trenches at least one ramp shall be placed every .25 mile. Slope of ramps shall be now steeper than 1:1. If the trenches cannot be closed, one or more escape ramps constructed of earthen-fill or wooden planks will be installed. Before such holes or trenches are filled, they will be thoroughly inspected for trapped wildlife. If at any time a trapped or injured SJKF is discovered, the USFWS and the CDFW will be contacted immediately to attempt to relocate and/or collar the SJKF. Escape ramps shall also be installed immediately to allow trapped animals to escape.*

5. *Construction pipes, culverts, or similar structures with a diameter of 4-inches or greater that are stored within Project limits for one or more overnight periods will be thoroughly inspected for any*

SJKF before the pipe is subsequently buried, capped, or otherwise used or moved. If a kit fox is discovered inside a pipe, that section of pipe should not be moved until the USFWS and CDFW has been consulted. If necessary, and under the direct supervision of a biologist, the pipe may be moved only once to remove it from the path of construction activity, until the fox has escaped.

6. *All food, garbage in plastic shall be disposed of in closed containers and regularly removed from the site to minimize attracting SJKF and other sensitive species to the site.*

7. *Use of rodenticides and herbicides within Project limits will be restricted. Uses of such compounds will observe label and other restrictions mandated by the U.S. Environmental Protection Agency, California Department of Food and Agriculture, and other State and Federal legislation, as well as additional project-related restrictions deemed necessary by the USFWS and CDFW. If rodent control must be conducted, zinc phosphide or an equivalent material will be used because of a lower adverse health risk to kit fox.*

8. *No dogs, cats or other animals shall be permitted on the Project Site.*

9. *Developer shall provide a sensitive species identification and avoidance education program for all construction employees that consists of a consultation in which persons knowledgeable in kit fox biology and legislative protection to explain endangered species protocols, habitat needs and the measures and conditions of approval being taken to reduce impacts to the species during project construction and implementation. A fact sheet conveying this information shall be prepared for distribution to all contractors, their employees, and any and all other personnel who are working on the construction site. [This is Mitigation Measure 4.4-1d in the THSP SEIR]*

Mitigation Measure BIO 4.4-1e: *Prior to commencement of ground disturbing activities in all areas of potentially suitable habitat to support Swainson's hawk, pre-activity clearance surveys shall be initialed by a qualified biologist to reinforce positive or negative findings with substantial evidence. If Swainson's hawk is detected within portions of the Project Site proposed for development, then avoidance and minimization measures specific to Swainson's hawk will be incorporated into the Project as described in the CDFW "Staff Report on Mitigation for Impacts to Swainson's Hawk (2012)" to reduce impacts to Swainson's hawk to less-than significant. This measure is applicable to Areas A, B and C of the Project.*

1. *If an active nest site is found, the Project will allow sufficient foraging and fledging area to maintain the nest.*

2. *The Project will not remove historic or known Swainson's hawk nest trees unless avoidance measures are determined to be infeasible. Removal of such trees should occur only during the timeframe of October 1 and the last day in February. [This is Mitigation Measure 4.4-1e in the THSP SEIR]*

Mitigation Measure BIO 4.4-1f: *Prior to commencement of ground disturbing activities in all areas of potentially suitable habitat to support California Tiger Salamander (CTS), pre-activity*

clearance surveys shall be initialed by a qualified biologist in accordance with published guidelines and protocols. Survey methods shall be derived from published protocols, and to reinforce positive or negative findings with substantial evidence. If CTS individuals or eggs are discovered, all work within the vicinity of the discovery shall halt and not continue until CDFW has been consulted and appropriate authorization obtained. This measure is specific to Areas A, B and C of the Project.

1. *Temporary construction disturbances to CTS habitat will be minimized to the extent practicable. All Project-related vehicle traffic will be restricted to established roads, and construction areas.*

2. *A qualified biologist will be on site during all activities that may result in the take of CTS. The biologist will be given the authority to stop any work that may result in the take of this listed species.*

3. *The biologist will be responsible for ensuring that the exclusion fence installed around occupied CTS habitat inspected before the start of each day and remains intact until project construction is complete.*

4. *Plastic monofilament netting (erosion control matting) or similar material will not be used for erosion control or other purposes around occupied CTS habitat because CTS may become entangled or trapped in it. Acceptable substitutes include coconut coir matting or tackified hydroseeding.*

5. *The project proponent or its contractor will implement BMPs to prevent sediment from entering suitable CTS habitat through the use of silt fencing and sterile hay bales.*

6. *A worker training program that includes the CTS will be conducted for construction personnel before groundbreaking at individual redevelopment project sites.*

7. *A speed limit of 20 (mph) will be observed within construction areas, particularly on rainy nights when CTS are most likely to be moving between their breeding ponds and upland habitat. To the extent possible, nighttime construction will be minimized. Off-road traffic outside designated construction areas will be prohibited.*

8. *To prevent entrapment of CTS during construction, any trenches, holes, or other excavations into which CTS could fall and become trapped will be covered. The opening will be completely covered at the end of each workday. [This is Mitigation Measure 4.4-1f in the THSP SEIR]*

***Mitigation Measure BIO 4.4-1g:** Prior to commencement of ground disturbing activities in all areas of potentially suitable habitat to support California red-legged frog (CRLF), pre-activity clearance surveys shall be initialed by a qualified biologist to reinforce positive or negative findings with substantial evidence. This measure is specific to Areas B and C of the Project.*

1. *Survey will occur during the wet season (generally October 15 to April 15), no more than 48 hours before new ground disturbance.*

2. *A worker training program that includes the CRLF will be conducted for construction personnel before groundbreaking at individual redevelopment project sites.*

3. *If a CRLF is found, the construction supervisor shall halt work immediately within a buffer area of 50 feet of any discovered CRLF. The construction supervisor will also contact the project biologist and will suspend all construction activities in the immediate construction zone (50-foot radius) until the animal leaves the site voluntarily or is removed by the biologist to a release site using USFWS-approved transportation techniques.*

4. *To prevent entrapment of CRLF during construction, any trenches, holes, or other excavations into which CRLF could fall and become trapped will be covered. The opening will be completely covered at the end of each workday. [This is Mitigation Measure 4.4-1g in the THSP SEIR]*

Mitigation Measure BIO 4.4-1h: *All applicants who conduct Projects within Areas A and B of the Project Site shall adhere to the terms of the SJMSCP. Participation in the SJMSCP includes compliance with all incidental take measures as required in the SJMSCP, including but not limited to preconstruction surveys to determine presence for special status flora and fauna. Notwithstanding this biological resource section's less than significant impact conclusions, if required by applicable law, projects being implemented within Area C shall voluntarily secure Section 7 and/or Section 10 permits in consultation with the appropriate wildlife agencies. [This is Mitigation Measure 4.4-1h in the THSP SEIR]*

Mitigation Measure BIO 4.4-1i: *Pre-construction surveys shall include a survey for burrowing owl and raptor nests, which will be conducted prior to grading. Pre-construction surveys for burrowing owl will be conducted weekly, beginning no later than thirty (30) days and ending no earlier than three (3) days prior to the commencement of disturbance. If burrowing owls are found during the pre-construction survey, then replacement burrows and habitat shall be provided prior to the commencement of construction within the 3,500 acre preserve area. The Project applicant shall provide artificial replacement burrows in the event that owls are detected, either as wintering or breeding within Project boundaries.*

Construction activities associated with project features that occur within portions of the Project Site containing occupied or suitable habitat for the burrowing owl and raptor nests shall be restricted to periods outside the breeding season for this species. The breeding season for burrowing owl runs from February 15 through August 31.

If construction or operation activities occur during the breeding season for burrowing owls, surveys are required prior to such construction to determine the presence or absence of this species within the impact area. Focused surveys shall be conducted under CDFW and Burrowing Owl Consortium protocol by a qualified biologist from February 15 to August 31. If this species is determined to occupy any portion of the Project Site, consultation with the CDFW and USFWS is required and no construction activity shall take place within 500 feet of an active nest/burrow until it has been determined that the nest/burrow is no longer active, and all juveniles have fledged the

nest/burrow. No disturbance to active burrows shall occur without appropriate permitting through the SJMSCP or CDFW.

If active burrows are detected outside the breeding season, passive and/or active relocation may be approved following consultation with the CDFW and USFWS. The installation of one-way doors may be installed as part of a passive relocation program. Wintering individuals may be evicted with the use of exclusion devices followed by a period of seven days to ensure that animals have left their burrows. Burrowing owl burrows shall be excavated with hand tools by a qualified biologist when determined to be unoccupied, and backfilled to ensure that animals do not reenter. [This is Mitigation Measure 4.4-1i in the THSP SEIR]

Mitigation Measure BIO 4.4-1j: *To avoid the potential for disturbance of nesting birds on or near the Project Site, schedule the initiation of any vegetation removal and grading for the period of September 1 through February 15. If construction work cannot be scheduled during this period, a qualified biologist shall conduct pre-construction surveys for nesting birds according to the following guidelines:*

1. *The preconstruction surveys shall be conducted by the qualified biologist no later than 14 days prior to the start of vegetation removal or initiating project grading.*

2. *If birds protected under the Migratory Bird Treaty Act are found nesting, then appropriate construction buffers shall be established to avoid disturbance of the nests until such time that the young have fledged. The size of the nest buffer shall be determined by the biologist in consultation with CDFW, and shall be based on the nesting species, its sensitivity to disturbance, and expected types of disturbance. Typically, these buffers range from 75 to 250 feet from the nest location.*

3. *Nesting activities shall be monitored periodically by a qualified biologist to determine when construction activities in the buffer area can resume.*

4. *Once the qualified biologist has determined that young birds have successfully fledged, a monitoring report shall be prepared and submitted to the City of Tracy Development Services for review and approval prior to initiating construction activities within the buffer area. The monitoring report shall summarize the results of the nest monitoring, describe construction restrictions currently in place, and confirm that construction activities can proceed within the buffer area without jeopardizing the survival of the young birds. Construction within the designated buffer area shall not proceed until the written authorization is received by the applicant from the Development Services Director. The above provisions are in addition to the preconstruction surveys to confirm presence or absence of nesting Swainson's hawk, burrowing owl, and other special-status species as required under the Incidental Take Minimization Measures of the SJMSCP. [This is Mitigation Measure 4.4-1j in the THSP SEIR]*

Mitigation Measure BIO 4.4-1k: *In order to comply with Section 10 of the Migratory Bird Treaty Act and relevant sections of the California Fish and Game Code, any vegetation clearing within the Project Site shall take place outside of the typical avian nesting season (e.g., February 1st until*

September 1st) to the maximum extent practical. If work needs to take place between February 1st and September 1st, a pre-construction survey for nesting birds should be completed prior to the onset of Project activities. If a lapse in Project activity occurs for 7 days or more during the bird nesting season than initial avian clearance surveys shall be repeated. A buffer zone from occupied nests should be maintained during physical ground disturbing activities. Once nesting has ended, the buffer may be removed. [This is Mitigation Measure 4.4-1k in the THSP SEIR]

Mitigation Measure BIO 4.4-1l: *Prior to construction, the Project applicant will stake, flag, fence or otherwise conspicuously delineate all environmentally sensitive areas that are to be protected in place and remain undisturbed during construction. Environmentally sensitive areas would include wetland, riparian habitat, aquatic habitat, raptor nesting locations, etc. The construction materials used to delineate environmentally sensitive areas would be removed no later than 30 days following physical completion of construction. [This is Mitigation Measure 4.4-1l in the THSP SEIR]*

Mitigation Measure BIO 4.4-1m: *The discovery of any previously unidentified protected species that are not covered by the SJMSCP, including those protected under the MBTA and the Fish and Game Code, shall be avoided and evaluated by a qualified biologist during surveys. The USFWS and CDFG shall be notified of the presence of any previously unreported protected species. Any unanticipated take of protected wildlife shall be reported immediately to the USFWS and CDFG. [This is Mitigation Measure 4.4-1m in the THSP SEIR]*

Mitigation Measure BIO 4.4-1n: *Prior to commencement of ground disturbing activities in areas of potentially suitable habitat to support Western spadefoot toad, pre-activity clearance surveys shall be initialed by a qualified biologist to reinforce positive or negative findings with substantial* evidence.

1. *For work conducted within suitable habitat and during the western spadefoot toad migration and breeding season (November 1 to May 31), a qualified biologist will survey the active work areas (including access roads) in mornings following measurable precipitation events. Construction may commence once the biologist has confirmed that no spadefoot toads are in the work area.*

2. *If western spadefoot toad is found within the construction footprint, it will be allowed to move out of harm's way of its own volition or a qualified biologist will relocate the organism to the nearest burrow that is outside of the construction impact area. [This is Mitigation Measure 4.4-1n in the THSP SEIR]*

Mitigation Measure BIO 4.4-1o: *Prior to commencement of ground disturbing activities in areas of potentially suitable habitat to support American Badger, pre-activity clearance surveys shall be initialed by a qualified biologist to reinforce positive or negative findings with substantial evidence. If American badger is located within the Project Site, potential loss of individual animals must be mitigated through one of the following: (1) an on-site passive relocation program, through which badgers are excluded from occupied burrows by installation of a one-way door in burrow entrances, monitoring of the burrow for one week to confirm badger usage has been discontinued,*

and hand excavation and collapse of the burrow to prevent reoccupation; or (2) active trapping and relocation of badgers to suitable off-site habitat by a qualified biologist. [This is Mitigation Measure 4.4-1o in the THSP SEIR]

***Mitigation Measure BIO 4.4-1p**: The Project applicant shall execute a management and funding agreement for the managing and monitoring of one hundred percent of the approximately 3,500 acre open space preserve subject to the three conversation easements discussed in this Section, which shall occur before the commencement of any ground disturbing activities in Area C. (Note Areas A and B are already subject to a management and funding agreement and therefore this Measure applies to Area C.) [This is Mitigation Measure 4.4-1p in the THSP SEIR]*

Project implementation would result in the conversion of undeveloped land to urban uses, eliminating potential suitable habitat for numerous special status animal species. While the Annexation Area was not included in the original THSP development footprint, it is surrounded on the west, east, and north by the previously analyzed THSP boundary. Further, the findings of the Biological Technical Report (NOREAS, July 2020) are consistent with prior biological assessments conducted for the THSP Area and evaluated in the THSP SEIR. Similar to the existing THSP Area, the Annexation Area has a low likelihood of special status species habitat and no State or Federally-listed, proposed, or candidate plant or animal species were detected on site.

Notwithstanding, similar to the existing THSP Area, the Annexation Area could potentially support Burrowing Owl, Swainson's Hawk, Northern Harrier, Loggerhead Shrike, American Badger, San Joaquin Whipsnake, Prairie falcon, and Coast Horned Lizard (see Appendix A of the Biological Technical Report). None of these species are federally or state listed, or even candidates to be listed, but they are considered by the State of California to be wildlife "species of special concern." Given the extent of anthropogenic disturbance (i.e., lack of appropriate cover to forage, breed and elude predators, coupled with disked fields, and livestock grazing) and low quality habitat present within the Annexation Area, the likelihood of any of special status species utilizing locales as functional habitat is limited and potential impacts would be less than significant.

While the THSP SEIR determined that THSP implementation would have a less than significant impact on wildlife species, the THSP SEIR imposes mitigation measures that require standard pre-construction surveys and avoidance measures to ensure that impacts on wildlife species remain less than significant. Therefore, the proposed Project would similarly be required to implement the mitigation measures identified above to ensure that the proposed Project's impact on special-status species would remain less than significant.

Accordingly, with incorporation of mitigation measures recommended in the THSP SEIR, Project implementation would not result in any new biological concerns. Project implementation would better serve the overall quality of natural habitat south of the THSP Area by increasing connectivity of conservation land uses and focusing development in a contiguous area. No new specific impact would result, nor would the impact previously identified be any more severe as a result of the proposed Project. Therefore, the proposed Project would be consistent with the effects of implementation of the THSP.

Threshold (b) Would the project have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or US Fish and Wildlife Service?

The Biological Technical Report determined that no riparian habitat was observed within the Annexation Area. As determined in the THSP SEIR, the only potential riparian habitat near the THSP Area is the Corral Hollow Creek area. However, the THSP was designed to ensure that this area is not impacted by the development of the THSP.

There is no riparian habitat within the Annexation Area. Thus, the proposed Project would not have an adverse effect on any riparian habitat or other sensitive natural community than what was previously analyzed in the THSP SEIR. This is consistent with the impact conclusions of the THSP SEIR. No new specific impact would result, nor would the impact previously identified be any more severe as a result of the proposed Project. Therefore, the proposed Project would be consistent with the effects of implementation of the THSP.

Threshold (c) Would the project have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?

The Biological Technical Report determined that the Annexation Area does not include Regional Water Quality Control Board (RWQCB) or CDFW jurisdictional wetlands. No federal waters under the jurisdiction of the United States Army Corp of Engineers (USACE) were identified in the THSP Area. Therefore, the proposed Project would not affect jurisdictional wetlands and the proposed Project's impact on jurisdictional wetlands would remain less than significant. This is consistent with the impact conclusions of the THSP SEIR. No new specific impact would result, nor would the impact previously identified be any more severe as a result of the proposed Project.

Threshold (d) Would the project interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?

As determined in the Biological Technical Report, the Annexation Area is not likely to support any State or Federally- listed flora or fauna and is comprised entirely of non-native vegetation and low-grade habitat for any native wildlife species. As determined in the THSP SEIR, buildout of the THSP would be designed to avoid impacts to the movement of resident or migratory wildlife. Impacts on wildlife movement opportunities were considered less than significant in the previously certified THSP SEIR. Opportunities for terrestrial wildlife movement within the THSP Area are currently limited by the California Aqueduct and Delta-Mendota Canal located on the northern portion of the THSP Area, separated from the Annexation Area by I-580. Therefore, the proposed Project's impact on the movement of any native resident or migratory fish or wildlife species would be less than significant. This is consistent with the impact conclusions of the THSP SEIR. No new specific impact would result, nor would the impact previously identified be any more severe as a result of the proposed Project. Therefore, the proposed Project would be consistent with the effects of implementation of the THSP.

Threshold (e) Would the project conflict with any local policies or ordinances related to protecting biological resources, such as a tree preservation policy or ordinance?

The THSP SEIR concluded that the THSP adheres to all federal, state, and local regulations regarding sensitive species. As discussed above and in the THSP SEIR, the portion of the THSP Area that would be developed is not expected to support any federally or State listed species, and pre-construction surveys and other preventative measures required by Mitigation Measures BIO 4.4-1a through 4.4-1o in the THSP SEIR would ensure that in the unlikely event these species are found in the THSP Area, impacts to those species would be avoided. Mitigation Measures BIO 4.4-1a through 4.4-1p would assure that any impacts on California species of special concern that may occur on the Annexation Area would be less than significant.

The following mitigation measures incorporated herein from the previously certified THSP SEIR are applicable to the proposed Project:

See Mitigation Measures BIO 4.4-1a through 4.4-1p above.

Project implementation would result in urbanized development within the Annexation Area and would maintain the same overall development density and intensity as what was analyzed in the THSP SEIR. With implementation of the above mitigation measures, the proposed Project's impact on all federal, state, and local regulations regarding sensitive species would be less than significant. This is consistent with the impact conclusions of the THSP SEIR. No new specific impact would result, nor would the impact previously identified be any more severe as a result of the proposed Project. Therefore, the proposed Project would be consistent with the effects of implementation of the THSP.

Threshold (f) Would the project conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?

The Annexation Area is located within Area C of the THSP which is outside the limits of the SJMSCP, but within its sphere of influence. As set forth in Mitigation Measure BIO 4.4-1h of the THSP SEIR, applicants for individual development sites would have the option to participate in the SJMSCP to address potential impacts on special-status species associated with the conversion of existing habitat to urban uses. By participating in the SJMSCP, applicants would be required to comply with all relevant conditions of the use agreement, including the Incidental Take Minimization Measures defined in Section 5.2 of the SJMSCP. As a result, no impacts relative to conservation plans would occur as a result of the THSP.

The following mitigation measures incorporated herein from the previously certified THSP SEIR are applicable to the proposed Project:

See Mitigation Measures BIO 4.4-1h, 4.4-1j, and 4.4-1m above.

As identified in Figure 4.4-1 of the THSP SEIR, the proposed Project is located within Area C of the THSP, located on the southern portion of the THSP, abutting an approximately 3,500-acre open space area

subject to conservation easements. Area C is located within the Sphere of Influence of the SJMSCP and was analyzed at a programmatic level within the THSP SEIR.

While the Annexation Area was identified as a conservation easement under the THSP SEIR, recent discussion with property owners, SJCOG, USFWS and CDFW determined that the Annexation Area provides poor-quality habitat due to steep slopes and future THSP development on three sides, creating a narrow peninsula of conservation easement land.[8] Accordingly, the proposed Project serves to identify and designate a biologically superior location for the 35.7-acre conservation easement. The proposed Conservation Easement area reduces potential conflict and compatibility issues with locations identified for future development and the exchange of conservation land in an equivalent acre for acre basis ensures that the overall preservation of habitat land acreage remains the same.

As discussed above, while Project implementation would have a less than significant impact concerning wildlife species because the biological conditions in the Annexation Area are similar to the previously studied THSP Area and the proposed Project would be subject to THSP SEIR mitigation measures that require standard pre-construction surveys and avoidance measures. These measures ensure that potential impacts on wildlife species remain less than significant. As set forth in Mitigation Measure BIO 4.4-1h of the THSP SEIR, projects implemented within Area C must voluntarily secure Section 7 and/or Section 10 permits in consultation with the appropriate wildlife agencies to address potential impacts to wildlife species.

Accordingly, with implementation of the above mitigation measures, the proposed Project's impact on a habitat conservation plan would be less than significant. No new specific impact would result, nor would the impact previously identified be any more severe as a result of the proposed Project. Therefore, the proposed Project would be consistent with the effects of implementation of the THSP.

Cumulative Impacts

As discussed above, the proposed Project would not cause a new biological impact to occur, nor an increase in the severity of a biological impact previously disclosed in the THSP SEIR, with implementation of the mitigation measures discussed in this section. Therefore, the proposed Project would not cause either a new cumulative impact to occur, nor an increase in the severity of a cumulative impact previously disclosed.

[8] Personal communications with Scott Claar, February 1, 2021. Email Communications.

VI. CULTURAL RESOURCES

WOULD THE PROJECT:

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact	Reviewed Under Previous Document
a. Cause a substantial adverse change in the significance of a historical resource as defined in § 15064.5?	☐	☐	☒	☐	☐
b. Cause a substantial adverse change in the significance of an archaeological resource pursuant to § 15064.5?	☐	☐	☒	☐	☐
c. Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	☐	☐	☒	☐	☐
d. Disturb any human remains, including those interred outside of formal cemeteries?	☐	☐	☒	☐	☐

RESPONSES TO CHECKLIST QUESTIONS

Since certification of the THSP SEIR, the topic Tribal Cultural Resources was added to the Appendix G checklist of CEQA thresholds. On September 25, 2014, Governor Brown signed Assembly Bill (AB) 52 into law, which requires tribal cultural resources to be considered during the CEQA process. AB 52 is applicable to projects for which a Notice of Preparation (NOP) is filed on or after July 2015. Because the THSP SEIR filed a NOP in 2014, tribal cultural resources are not required to be analyzed under the Section 15164 standards because it was not analyzed as significant effects in a prior EIR on the zoning action, general plan, or community plan, with which the project is consistent. However, mitigation measures related to potential impacts to historic and archeological resources in the THSP Area are described in this section.

Threshold (a) Would the project cause a substantial adverse change in the significance of a historical resource as defined in § 15064.5

A California Historical Resources Information System (CHRIS) search was conducted in January 2021 for the proposed Project to identify prehistoric or historic archaeological resources within the Annexation Area (see Attachment B). The CHRIS search includes review of historic maps for the Annexation Area and its immediate vicinity, and review of numerous cultural-resource databases.

The CHRIS search found no formally recorded prehistoric or historic archaeological resources within the Annexation Area. A historical resource is defined as a building, structure, object, prehistoric or historic archaeological site, or district possessing physical evidence of human activities over 45 years old. There is one historic structural feature, the Tesla-Salado-Manteca Transmission Line (P-39-005337), located in the Annexation Area. The Transmission Line is currently active and is operated by the Pacific Gas & Electric Company (PG&E). The Transmission Line has experienced sustained outages in recent years and is subject to routine maintenance and upgrade activities.

CEQA Guidelines define a historical resource as a resource listed in or determined eligible for listing in the California Register of Historic Resources (CRHR). This includes cultural resources that have been

determined for a local register or through a local historic resources survey. A resource may be considered potentially eligible for listing in the CRHR if it meets any of the four criteria listed below:

1. The resource is associated with events that have made a contribution to the broad patterns of California history;
2. The resource is associated with the lives of important persons from our past;
3. The resource embodies the distinctive characteristics of a type, period, region or method of construction, or represents the work of an important individual or possesses high artistic values; or
4. The resource has yielded, or may be likely to yield, important information in prehistory or history.

The Tesla-Salado-Manteca Transmission line was constructed to extend PG&E infrastructure and electrical connections throughout the County. The segment of the Transmission Line located within the Annexation Area is connected to the greater PG&E grid which provide electric utility service to the surrounding area. The Transmission Line has served as essential utility infrastructure since its construction and has been routinely improved, reducing its historic potential. Further, the Transmission Line is not associated with events that contributed to California history or important persons from the past, does not represent the work of historic individuals or possess high artistic value, and does not have the potential to yield information prehistoric or historic information. Therefore, the Transmission Line does not meet the definition of a significant historic resource pursuant to CEQA Guidelines.

While Project implementation would allow for Residential Estate land uses within the Annexation Area, the Annexation Area is planned for Open Space/Recreation land uses as shown in Figure 5. If future development were to occur proximate to the Transmission Line, it would be required to comply with PG&E policies and protocols to ensure it would not affect existing infrastructure, including the Tesla-Salado Manteca Transmission Line.

Based on existing data, the Annexation Area is considered to be highly sensitive in reference to the potential discovery of previously unidentified historic resources. Since the Annexation Area has not been subject to project-specific on-site investigations, there may be unidentified features considered as historical resources requiring further study and evaluation by a qualified professional of the appropriate discipline. However, similar to the existing THSP Area, the Annexation Area is located in soils with low potential for buried deposits due to the stability of landforms.

Notwithstanding, to reduce potential impacts from Project implementation, the following mitigation measures incorporated herein from the previously certified THSP SEIR are applicable to the proposed Project:

> ***Mitigation Measure CUL 4.5-1b: Construction Personnel Training:*** *Construction supervisory personnel shall be notified of the existence of cultural resources and required to keep personnel and equipment away from these areas. A qualified archeologist (see definition under MM 4.5-1a) shall be notified prior to initiation of construction activities. During construction and operations, personnel and equipment shall be restricted to the project work site. [This is Mitigation Measure 4.5-1b in the THSP SEIR]*

The proposed Project would not increase development intensity within the THSP and would not create visual effects that might indirectly impact historic resources on the Annexation Area or within the THSP Area. With implementation of the above mitigation measure the proposed Project's impact on a historical resource would be less than significant. This is consistent with the impact conclusions of the THSP SEIR. No new specific impact would result, nor would the impact previously identified be any more severe as a result of the proposed Project. Therefore, the proposed Project would be consistent with the effects of implementation of the THSP.

Threshold (b) Would the project cause a substantial adverse change in the significance of an archaeological resource pursuant to § 15064.5?

As discussed above, no recorded prehistoric or historic archaeological resources were identified within the Annexation Area. Notwithstanding, the Annexation Area is considered to be highly sensitive to the potential discovery of previously unidentified archaeological resources. This finding is consistent with the THSP SEIR which determined that the City of Tracy likely contains undiscovered archaeological resources, especially in undeveloped areas.

Future development within the Annexation Area would have the potential to impact unknown archaeological resources because of its grading and construction activities. However, construction within the Annexation Area would be required to comply with federal and state regulations and the existing Tracy General Plan policies, which would reduce any potential impacts to archaeological resources, if any archaeological resources were discovered during Project implementation. The THSP SEIR concluded that implementation of the THSP with mitigation measures would have a less than significant impact on archaeological resources. The procedures and provisions of Mitigation Measure CUL 4.5-2a would ensure that impacts to unanticipated archaeological discoveries are reduced to less than significant levels.

The following mitigation measure incorporated herein from the previously certified THSP SEIR is applicable to the proposed Project:

> ***Mitigation Measure CUL 4.5-2a: Training and Reporting:*** *Prior to the initiation of disturbing activities associated with the Project area, all construction personnel shall be alerted to the potential for encountering buried or unanticipated cultural and paleontological remains, including prehistoric and/or historical resources. Construction personnel shall be instructed that upon discovery of buried cultural materials, all work within a 30-meter vicinity of the find will be halted immediately, and the lead agency will be notified. Once the find has been identified by a qualified archaeologist, the lead agency shall make the necessary plans for treatment of the find(s) and for the evaluation and mitigation of impacts if the find is found to be an historical resource per State CEQA Guidelines as discussed in Section 4.5.4.2. [This is Mitigation Measure 4.5-2a in the THSP SEIR]*

Similar to the THSP, Project implementation has the potential to impact unknown archaeological resources due to grading and construction activities. While the Annexation Area is located outside the original footprint of the THSP Area, it is located immediately adjacent to planned development areas. Given that the Annexation Area is in close proximity to the THSP development footprint and is subject to

the same geological conditions, potential impacts to unknown archaeological resources during ground disturbance activities would be similar to what was previously analyzed in the THSP SEIR. With implementation of the above mitigation measure, implementation of the proposed Project's impact on archaeological resources would be less than significant. This is consistent with the impact conclusions of the THSP SEIR. No new specific impact would result, nor would the impact previously identified be any more severe because of the proposed Project. Therefore, the proposed Project would be consistent with the effects of implementation of the THSP.

Threshold (c) Would the project directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?

The CHRIS records search conducted for the Annexation Area did not identify any paleontological resources within or adjacent to the Annexation Area. While the Annexation Area is immediately adjacent to the THSP, it was not included in the field-survey radius conducted for the THSP SEIR. The Annexation Area contains steep slopes and has been subject to shallow ground disturbance due to use as pasture for cattle grazing or crop cultivation. Further, the Annexation Area is located in soils with low potential for buried cultural deposits due to the stability of landforms. Therefore, the potential impacts associated with Project implementation would be comparable to findings of the THSP SEIR.

The surface sediments in most of the THSP Area have a low sensitivity for paleontological resources, but this sensitivity increases with depth (below 3-5 feet).[9] As such, build-out of the THSP Area has the potential to impact unknown archaeological resources because of its grading and construction activities. The THSP SEIR concluded that implementation of the THSP with mitigation measures would have a less than significant impact on paleontological resource. Mitigation Measure CUL 4.5-3a would require paleontological monitoring by a trained paleontologist and would reduce the potential impacts to paleontological resources or resource sites, or unique geological feature from implementation of the Project to a less than significant level.

The following mitigation measure incorporated herein from the previously certified THSP SEIR is applicable to the proposed Project:

> ***Mitigation Measure CUL 4.5-3a: Paleontological Monitoring:*** *Paleontological spot check monitoring by a trained paleontologist (a trained paleontologist should have a Bachelor of Arts/Bachelor of Science in anthropology or related field with an emphasis in paleontology OR adequate training and experience in paleontological field methods, and work under the direct supervision of a qualified paleontologist) of excavations deeper than five feet in depth within the Project area, and spot check monitoring of any excavation in valleys in the eastern portion of the Project area against the hills in several of the washes (all areas of the Oro Loma Formation as mapped on the USGS Geology Map (Dibble 2006)) shall be performed by a trained paleontologist. [This is Mitigation Measure 4.5-3a in the THSP SEIR]*

[9] THSP Draft EIR, page 4.5-25

As discussed above, a records search conducted for the Annexation Area did not identify known paleontological resources on site. As determined by the NCRS Soil Survey done for the Annexation Area, geologic conditions within the Annexation Area are consistent with the existing THSP Area. Therefore, similar to the THSP, Project implementation has the potential to impact unknown paleontological resources during grading and construction activities because the City of Tracy likely contains undiscovered paleontological resources, especially in undeveloped areas. Although there is the potential to disturb previously undiscovered paleontological resources, this potential was previously disclosed and mitigated for in the previously certified THSP SEIR. With implementation of above mitigation measure, the proposed Project would not disturb paleontological resources, any greater than already analyzed in the THSP SEIR. This would not be a new specific impact, nor would it increase the severity of the impact previously identified in the THSP SEIR and would therefore be consistent with the effects of implementation of the THSP.

Threshold (d) Would the project disturb any human remains, including those interred outside of formal cemeteries?

As discussed in Threshold (b), no archaeological resources were reported within the Annexation Area. However, the City of Tracy likely contains undiscovered archaeological resources, especially in undeveloped areas. As such, build-out of the THSP Area has the potential to disturb any human remains not previously discovered because of its grading and construction activities. However, construction of the THSP would be required to comply with federal and state regulations and the existing Tracy General Plan policies, which would reduce any potential impacts to undiscovered human remains. The THSP SEIR concluded that implementation of the THSP with Mitigation Measure CUL 4.5-2b would have a less than significant impact on human remains. Mitigation Measure CUL 4.5-2b would ensure that impacts to unanticipated human remains are reduced to less than significant levels.

The following mitigation measure incorporated herein from the previously certified THSP SEIR is applicable to the proposed Project:

> ***Mitigation Measure CUL 4.5-2b: Human Remains:*** *If human remains are encountered during ground disturbing activities, all work within a 30-meter vicinity of the find will be halted immediately, and the City of Tracy and the San Joaquin County Coroner shall be notified. If the remains are determined to be Native American, the Native American Heritage Commission shall be notified within 24 hours as required by Public Resources Code §5097.94 and §5097.98. The Native American Heritage Commission shall notify the designated Most Likely Descendant(s), who will in turn provide recommendations for the treatment of the remains within 48 hours of being granted access to the find. [This is Mitigation Measure 4.5-2b in the THSP SEIR]*

As discussed in the previously certified THSP SEIR, there is a potential for inadvertent discovery of human remains, particularly Native American remains, outside the boundaries of an established cemetery. Build-out of the proposed Project has the potential to impact unknown human remains during grading and construction activities. With implementation of the above mitigation measure, the proposed Project's impact on human remains would be less than significant. This is consistent with the impact conclusions of

the THSP SEIR. No new specific impact would result, nor would the impact previously identified be any more severe as a result of the proposed Project. Therefore, the proposed Project would be consistent with the effects of implementation of the THSP.

Cumulative Impacts

As discussed above, the proposed Project would not cause a new cultural resources impact to occur, nor an increase in the severity of a cultural resources impact previously disclosed in the THSP SEIR, with implementation of the mitigation measures discussed in this section. Therefore, the proposed Project would not cause either a new cumulative impact to occur, nor an increase in the severity of a cumulative impact previously disclosed.

VII. GEOLOGY AND SOILS

WOULD THE PROJECT:

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact	Reviewed Under Previous Document
Would the project:					
a. Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:					
i. Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.	☐	☐	☐	☐	☒
ii. Strong seismic ground shaking?	☐	☐	☐	☐	☒
iii. Seismic-related ground failure, including liquefaction?	☐	☐	☐	☐	☒
iv. Landslides?	☐	☐	☐	☐	☒
b. Result in substantial soil erosion or the loss of topsoil?	☐	☐	☐	☐	☒
c. Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?	☐	☐	☐	☐	☒
d. Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?	☐	☐	☐	☐	☒
e. Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?	☐	☐	☐	☒	☐

RESPONSES TO CHECKLIST QUESTIONS

Threshold (a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:

i. Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.

ii. Strong seismic ground shaking?

iii. Seismic-related ground failure, including liquefaction?

iv. Landslides?

The previously certified THSP SEIR determined that the THSP Area is not considered susceptible to the risk of loss, injury, or death due to fault rupture and the associated impacts. As discussed in the THSP SEIR, no known active faults cross the THSP Area and the THSP Area is not located within an Alquist-Priolo Earthquake Fault Zone. The nearest mapped active fault (Carmergie/Corral Hollow) is located approximately eight miles southwest of the THSP Area. The THSP SEIR identified that the impact of groundshaking to people or property caused by seismic activity on nearby faults would be increased as a result of site development. The THSP SEIR concluded that implementation of the requirements of the California Building Code (CBC) and the Tracy General Plan would ensure that impacts on humans associated with seismic hazards would be less than significant.

While the Annexation Area is outside the footprint of the previously evaluated THSP Area, it is immediately adjacent to the existing THSP boundary and is surround on three sides by the THSP. As determined by the Natural Resources Conservation Service (NRCS) Web Soil Survey conducted for the Annexation Area, it is subject to the same geologic conditions as the previously evaluated THSP Area.[10] The nearest mapped active fault is the Carmegie/Corral Hollow Fault, located approximately 4.5 miles southeast of the Annexation Area.[11] At this distance, the impact of groundshaking to people or property caused by seismic activity would be increased by the addition of residential units within the Annexation Area. However, development within the Annexation Area would be subject to requirements of the CBC and General Plan to reduce potential impacts associated with seismic hazards. Further, Project implementation would not increase the developable acres within the THSP Area or result in increased development intensity that could expose a greater number of people to substantial adverse effects involving fault rupture or strong seismic ground shaking.

Based on geologic surveys conducted for the 1998 THSP EIR and geologic resource consistency analyses completed for the THSP SEIR, steep slopes within the THSP and surrounding area were noted as having high landslide potential. A review of the NCRS Web Soil Survey confirmed the presence of steep slopes ranging from eight to thirty percent. However, these slopes remain fairly stable due to existing vegetation.

[10] United States Department of Agriculture, Natural Resources Conservation Service. Web Soil Survey. Available at: https://websoilsurvey.sc.egov.usda.gov/App/WebSoilSurvey.aspx. Accessed February 4, 2021.
[11] https://usgs.maps.arcgis.com/apps/webappviewer/index.html?id=5a6038b3a1684561a9b0aadf88412fcf

If future vegetation removal or ground disturbance would occur, implementation of construction BMPs and post-construction revegetation as required by the Project Stormwater Pollution Prevention Plan (SWPPP), further discussed in Section X. Hydrology and Water Quality, would reduce risks associated with landslides.

Given that the number of people utilizing the THSP Area daily would remain consistent with the THSP SEIR, the impacts on humans associated with seismic hazards and landslides would not be any greater than previously analyzed in the THSP SEIR. Further, with implementation of the requirements of the CBC, the General Plan and Project SWPPP, Project implementation would not expose persons or structures to seismic hazards and impacts associated with the proposed Project would be less than significant. The proposed Project would not result in a new specific impact or an increase in the severity of an impact that was identified in the THSP SEIR and would therefore be consistent with the effects of implementation of the THSP and no further analysis is required.

Threshold (b) Result in substantial soil erosion or the loss of topsoil?

The THSP SEIR concluded that implementation of the THSP would have a less than significant impact related to erosion or loss of topsoil. As construction of the THSP occurs, ground surfaces exposed through the removal of vegetation could be susceptible to erosion from wind, water, and air quality. The use of Best Management Practices during construction as required by the Project Stormwater Pollution Prevention Plan would reduce impacts to a less than significant level.

The construction of new buildings and structures as part of the proposed Project would also create new impervious areas, such as walkways, driveways, parking lots, and rooftops. These impervious areas often result in increased stormwater runoff which can exacerbate soil erosion. However, the proposed Project would not increase developable acres compared to what was previously analyzed in the THSP SEIR. Further, the Project would not result in increased development intensity within the THSP Area. With implementation of the Best Management Practices during construction as required by the Project Stormwater Pollution Prevention Plan, the proposed Project's impact on soil erosion would be less than significant, similar to those impacts previously analyzed in the THSP SEIR. This would not be a new specific impact or an increase in the severity of an impact that was identified in the THSP SEIR and would therefore be consistent with the effects of implementation of the THSP and no further analysis is required.

Threshold (c) Would the project be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?

Typically, subsidence occurs in areas underlain by soils that are highly compressible, such as soft clays or silts and unconsolidated sand or fill material. As discussed above, the THSP SEIR determined that landslide and liquefaction potential for the THSP Area is considered low due to existing soil types and vegetative cover. Potential impacts would be further reduced through compliance with Objective SA-1.1 Policy 1 of the City's General Plan which requires that geotechnical engineering studies be undertaken for any development in areas where potentially serious geologic risks exist. Therefore ,the THSP SEIR concluded

that implementation of the THSP would have a less than significant impact related to landslide, lateral spreading, subsidence, liquefaction and/or collapse.

Similar to the THSP Area, the proposed Project would have the potential to be located on a geologic unit or soil that would become unstable and potentially result in on- or off-site impacts related to landslide, lateral spreading, subsidence, liquefaction and/or collapse due to steep slopes and proximity to a known earthquake fault. However, future development within the Annexation Area would be required to comply with Objective SA-1.1, Policy 1 of the City's General Plan, as required by the THSP SEIR. With implementation of this policy, impacts would be less than significant, similar to the previously certified THSP SEIR. This would not be a new specific impact or an increase in the severity of an impact that was identified in the THSP SEIR and would therefore be consistent with the effects of implementation of the THSP and no further analysis is required.

Threshold (d) Would the project be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?

As discussed in the THSP SEIR, the THSP Area contains soils that are highly expansive and subject to significant volume changes due to moisture fluctuations. The THSP SEIR concluded that, with compliance with CBC requirements and implementation of Mitigation Measure GEO 4.6-4 and geotechnical recommendations, implementation of the THSP would have a less than significant impact related to expansive soils.

The following mitigation measure incorporated herein from the previously certified THSP SEIR is applicable to the proposed Project:

> ***Mitigation Measure GEO 4.6-4:*** *During excavation activities and prior to the placement of fill on the site, a certified geotechnical engineer shall be retained by the Project applicant/future Project applicants to evaluate subgrade soils for the extent of their expansive potential. For areas found to contain soft, potentially expansive clays, the soil shall be removed (i.e., over excavated) and/or stabilized prior to the placement and compaction of fill. Stabilization techniques include, but are not limited to, the placement of 18 inches of ½-inch to ¾-inch crushed rock over stabilization fabric (such as Mirafi 500X or equivalent), placement of larger, angular stabilization rock (1-inch to 3-inch, clean) and use of chemical treatments such as lime to reduce the soil's expansive potential. In addition, building construction alternatives, such as the use of alternative foundation types (i.e., post-tension, piles, etc.) versus end-bearing foundations, shall be considered and implemented where appropriate. Final techniques shall be (a) developed by a certified geotechnical engineer or engineering geologist and (b) reviewed and approved by the City prior to issuance of a grading permit. [This is Mitigation Measure 4.6-4 in the THSP SEIR]*

A review of the NCRS Web Soil Survey revealed that the Annexation Area is underlain by soils comprising primarily of clay loam.[12] Expansive soils are typically very fine-grained with a high to very high percentage of clay. The clay loam soil types present in the Annexation Area are consistent with the soil types identified

[12] United States Department of Agriculture, Natural Resources Conservation Service. Web Soil Survey. Available at: https://websoilsurvey.sc.egov.usda.gov/App/WebSoilSurvey.aspx. Accessed February 4, 2021.

in the THSP SEIR and have a similar medium to high plasticity and moderate to high expansion potential. Therefore, there is potential for post-construction ground surface movement due to expansive soils. However, with implementation of above mitigation measure, the proposed Project's impact as a result of expansive soils would be less than significant. This would not be a new specific impact or an increase in the severity of an impact that was identified in the THSP SEIR and would therefore be consistent with the effects of implementation of the THSP and no further analysis is required.

Threshold (e) Would the project have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?

No septic tanks would be used as part of the proposed Project. As a result, no impacts associated with the use of septic tanks would occur as part of the proposed Project's implementation. Thus, no further analysis is required.

Cumulative Impacts

As discussed above, the proposed Project would not cause a new geologic impact to occur, nor an increase in the severity of a geologic impact previously disclosed in the THSP SEIR, with implementation of the mitigation measures discussed in this section. Therefore, the proposed Project would not cause either a new cumulative impact to occur, nor an increase in the severity of a cumulative impact previously disclosed.

VIII. GREENHOUSE GAS EMISSIONS

WOULD THE PROJECT:

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact	Reviewed Under Previous Document
a. Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?	☐	☐	☐	☐	☒
b. Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?	☐	☐	☐	☐	☒

RESPONSES TO CHECKLIST QUESTIONS

Threshold (a) Would the project generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?

The THSP SEIR found that GHG emissions generated by the proposed Specific Plan (both construction and operational-related) would exceed the applicable threshold set forth in SJVAPCD's guidance because the proposed Project's GHG emissions cannot feasibly be reduced to a less than significant level despite the incorporation of numerous sustainability measures. The impact was identified as significant and unavoidable. Mitigation Measure GHG 4.7-1 in the THSP SEIR would reduce but would not eliminate the significant impact.

The following mitigation measure incorporated herein from the previously certified THSP SEIR is applicable to the proposed Project:

> ***Mitigation Measure GHG 4.7-1:*** *The Project shall include, but not be limited to, the following list of design features. These features shall be incorporated into the design of the Project to ensure consistency with adopted statewide plans and programs to the extent feasible. Project applicants shall demonstrate the incorporation of design features of the Project prior to the issuance of building or occupancy permits, as noted below.*
>
> *Transportation*
>
> - *Provide pedestrian connections to the off-site circulation network (building permit triggers).*
> - *For commercial uses, implement a trip reduction program, for which all employees shall be eligible to participate (occupancy permit).*
> - *Provide a ride sharing program, for which all employees shall be eligible to participate (occupancy permit).*
> - *Provide amenities for non-motorized transportation (i.e., secure bicycle storage, changing rooms, and showers) (building permit).*

- *Provide transit shelters for all transit stops within the Project (building permit triggers and coordination with TRACER.).*
- *Include traffic calming measures at Project intersections and on roadways where feasible (tentative map).*
- *Employers shall provide parking cash-out programs for employees (100 percent of employees eligible).*

Energy Efficiency

- *Design buildings to be energy efficient and meet or exceed Title 24 requirements (per Measure E-1 of the City's Sustainability Action Plan (building permit).*
- *Install "cool" roofs and cool pavements, and strategically placed trees as applicable.*
- *Install high efficiency lighting, and energy efficient heating and cooling systems (building permit).*
- *Install high energy efficient appliances (clothes washers, dishwashers, fan, and refrigerators) (occupancy permit).*
- *Install programmable thermostats (building permit).*
- *Design buildings to reduce energy use through solar orientation and take advantage of landscaping and sun screens (building permit).*
- *Reduce unnecessary outdoor lighting (building permit).*

Water Conservation and Efficiency

- *Install water-efficient irrigation systems (building permit).*
- *Landscaping shall consist of drought tolerant native species with water-efficient characteristics (building permit).*
- *Comply with Municipal Code Section 21.20.050, Efficient Landscape Standards (building permit).*
- *Install water-efficient fixtures (e.g., faucets, toilets, showers) (building permit).*
- *Install infrastructure for recycled water per the City's Infrastructure Master Plan (building permits).*

Solid Waste

- *Reuse and recycle construction and demolition waste (including, but not limited to, soil, vegetation, concrete, lumber, metal, and cardboard) (building permit).*
- *Provide interior and exterior storage areas for recyclables and adequate recycling containers located in public areas (occupancy permit). [This is Mitigation Measure 4.7-1 in the THSP SEIR]*

The proposed Project would not change the amount of development, compared to what was previously analyzed in the THSP SEIR. As such, despite the implementation of the above mitigation measure, the impact would be the same as identified in the THSP SEIR, which is significant and unavoidable. This finding is supported by the THSP SEIR because the proposed Project is consistent with the overall land use density and intensity allowed by the THSP. Thus, the proposed Project would not result in a new specific impact or an increase in the severity of an impact that was identified in the THSP SEIR and would therefore be consistent with the effects of implementation of the THSP.

Threshold (b) Would the project conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?

According to the THSP SEIR, full buildout of the Project would potentially conflict with or otherwise interfere with achievement of CARB's Scoping Plan, the City's Sustainability Action Plan, the California Attorney General's Office, or the California Air Pollution Control Officer's Association (CAPCOA) applicable measures. However, THSP SEIR Mitigation Measure AQ 4.7-1 would lessen the impact to less than significant. This is consistent with the impact conclusions of the THSP SEIR. No new specific impact would result, nor would the impact previously identified be any more severe as a result of the proposed Project. Therefore, the proposed Project would be consistent with the effects of implementation of the THSP.

The following mitigation measure incorporated herein from the previously certified THSP SEIR is applicable to the proposed Project:

See Mitigation Measure GHG 4.7-1 above.

The proposed Project would not result in a potentially significant conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of GHGs. The proposed Project would not increase developable acres or development intensity compared to what was previously analyzed in the THSP SEIR. With implementation of the mitigation from the THSP SEIR, the proposed Project would be consistent with local and regional plans designed to reduce GHG emissions. Therefore, the proposed Project would not conflict or interfere with the achievement of an applicable GHG emissions reduction plan. With implementation of the above mitigation measure, impacts would not be altered any greater than what was previously analyzed and remain less than significant.

Cumulative Impacts

As discussed above, the proposed Project would not cause a new greenhouse gas impact to occur, nor an increase in the severity of a greenhouse gas impact previously disclosed in the THSP SEIR, with implementation of the mitigation measures discussed in this section. Therefore, the proposed Project would not cause either a new cumulative impact to occur, nor an increase in the severity of a cumulative impact previously disclosed.

IX. HAZARDS AND HAZARDOUS MATERIALS

WOULD THE PROJECT:

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact	*Reviewed Under Previous Document*
a. Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	☐	☐	☐	☐	☒
b. Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	☐	☐	☐	☐	☒
c. Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	☐	☐	☐	☐	☒
d. Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	☐	☐	☐	☐	☒
e. For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?	☐	☐	☐	☐	☒
f. For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?	☐	☐	☐	☐	☒
g. Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	☐	☐	☐	☐	☒
h. Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?	☐	☐	☐	☐	☒

RESPONSES TO CHECKLIST QUESTIONS

Threshold (a) Would the project create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?

As identified in the THSP SEIR, implementation of the THSP would have a less than significant impact related to the public with respect to hazardous materials with mitigation incorporated. The types of uses and facilities allowed in the THSP Area may generate, store, use, distribute or dispose of hazardous materials such as industrial waste, oils, solvents, paints, diesel fuel, hydraulic fluid and corrosives. With implementation of Mitigation Measure HAZ 4.8-1, implementation of the THSP would have a less than significant impact. Mitigation Measure HAZ 4.8-1 would require facilities that exceed the threshold specified by Health & Safety Code Section 25532(l) to prepare and implement a Risk Management Plan.

The following mitigation measure incorporated herein from the previously certified THSP SEIR is applicable to the proposed Project:

> ***Mitigation Measure HAZ 4.8-1:*** *Facilities that store, handle or use regulated substances as defined in the California Health and Safety Code 25532 (g) in excess of threshold quantities shall prepare and implement, as necessary, risk management plans (RMP) for determination of risks to the community. The RMP will be reviewed and approved by the San Joaquin County Environmental Health Department (EHD) through the Certified Unified Program Agencies (CUPA) process. [This is Mitigation Measure 4.8-1 in the THSP SEIR]*

The Project would include the same residential uses currently allowed by the THSP. Upon development of the Annexation Area, hazardous materials would be limited to those associated with common household fertilizers, pesticides, paint, solvent, and petroleum products. Because these materials would be used in very limited quantities, they are not considered a significant hazard to the public. With Implementation of the above mitigation measure, the proposed Project's impact on creating significant hazards to the public or the environment through the routine transport, use, or disposal of hazardous materials would be less than significant. This is consistent with the impact conclusions of the THSP SEIR. No new specific impact would result, nor would the impact previously identified be any more severe as a result of the proposed Project. Therefore, the proposed Project would be consistent with the effects of implementation of the THSP.

Threshold (b) Would the project create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the likely release of hazardous materials into the environment?

As identified in the THSP SEIR, implementation of the THSP would have a less than significant impact related to release of hazardous materials into the environment. A review of regulatory databases maintained by County, State, and Federal agencies found no documentation of hazardous materials violations or discharge on the THSP Area. The Phase I and II ESAs completed for the THSP SEIR identified two underground crude oil pipelines (both located within the THSP Area) and adjacent former sanitary landfills and former gasoline service stations that may have the potential to impact the THSP Area. The THSP SEIR concluded that with implementation of Mitigation Measure HAZ 4.8-2a and 4.8-2b,

implementation of the THSP would have a less than significant impact. Mitigation Measure HAZ 4.8-2a and 4.8-2b would require a qualified Site Characterization specialist to conduct a site characterization at the Project regarding the active pipelines prior to issuance of building permits, in consultation with Conoco Phillips, Shell and the San Joaquin Environmental Hazards Division.

The following mitigation measures incorporated herein from the previously certified THSP SEIR are applicable to the proposed Project:

> ***Mitigation Measure HAZ 4.8-2a:*** *Prior to issuance of grading permits, a Phase II ESA focused on soil sampling and soil vapor sampling shall be conducted near the location of the underground crude oil pipelines, as determined by a qualified Phase II/Site Characterization specialist. Upon completion of site characterization activities, the Site Characterization specialist shall recommend remedial activities, if necessary, subject to approval of the City of Tracy Engineering Division. [This is Mitigation Measure 4.8-2a in the THSP SEIR]*

As identified in Figure 4.8-4 on the THSP SEIR, several pipelines bisect the THSP development area. However, no pipelines are recorded within the Annexation Area. Additionally, review of the Regional Water Quality Control Board's Geotracker database and Department of Toxic Substances Control's Envirostor database found no records pertaining to open cases of a leaking underground storage tanks (LUSTs), toxic releases, or site cleanup requirements within the 35.7-acre annexation area.[13,14] With implementation of the above mitigation measures, the proposed Project's impact on release of hazardous materials into the environment would be less than significant. This is consistent with the impact conclusions of the THSP SEIR. No new specific impact would result, nor would the impact previously identified be any more severe as a result of the proposed Project. Therefore, the proposed Project would be consistent with the effects of implementation of the THSP.

Threshold (c) Would the project emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?

As identified in the THSP SEIR, three active crude oil pipelines (Chevron 18-inch pipeline, PPL 16-inch pipeline, Shell 20-inch pipeline) and two natural gas pipelines (26-inch natural gas pipeline and 36-inch natural gas pipeline) traverse the THSP Area. The proposed school site that was evaluated in the THSP SEIR is in close proximity to the Conoco pipeline and the Shell pipeline as shown in Figure 4.8-3 of the THSP SEIR. The Conoco pipeline is located approximately 680-700 feet southwest of the proposed school site boundary. The Shell pipeline is located approximately 2,250 feet southwest of the proposed school site. The THSP SEIR concluded that even though the Shell pipeline is at a significant distance from the proposed school site, the main risk issue is the surface flow of crude oil could enter existing drainage culverts. The THSP determined that in the future condition, these drainage culverts would be connected to the development surface drainage (streets) or underground drainage (subdrains). With implementation

[13] State of California, Department of Toxic Substances Control. EnviroStor. Available at: https://www.envirostor.dtsc.ca.gov/public/map/?myaddress=Tracy%2C+CA. Accessed February 4, 2021.
[14] State of California, Water Resources Control Board. GeoTracker. Available at: https://geotracker.waterboards.ca.gov/map/?CMD=runreport&myaddress=Tracy%2C+CA. Accessed February 4, 2021.

of Mitigation Measure HAZ 4.8-3, potential impacts associated with flash fire and pool fire heat risk to the proposed school would be reduced to less than significant levels.

The THSP SEIR analyzed the risk analysis for all five pipelines in the THSP Area. The calculated risk for each pipeline was determined to be less than significant and the total cumulative risk for all pipelines within the corridor was also determined to be less than significant. With implementation of setback mitigation, Mitigation Measure HAZ 4.8-4, pipeline risk to proposed development within the THSP Area would be reduced to less than significant levels.

The following mitigation measures incorporated herein from the previously certified THSP SEIR are applicable to the proposed Project:

> ***Mitigation Measure HAZ 4.8-3:*** *The proposed underground storm drain system, roadways, graded slopes, and final surface topography shall be designed and constructed in accordance with the recommendations outlined in the Liquid Petroleum Pipeline Risk and California Aqueduct Flood Risk for the Proposed Tracy Hills School Site, Jefferson School District, City of Tracy, San Joaquin County, California prepared by Wilson Geosciences, Inc. dated May 2013 and to the satisfaction of the City of Tracy Engineering Division. [This is Mitigation Measure 4.8-3 in the THSP SEIR]*
>
> ***Mitigation Measure HAZ 4.8-4:*** *In accordance with the Pipeline Safety Hazard Assessment, Tracy Hills Specific Plan prepared by PlaceWorks dated September 2014, proposed development adjacent to the natural gas and/or crude oil pipelines shall implement the following measures:*
>
> 1. *Incorporate a minimum 13-foot setback distance from the centerline of the Phillips 66 pipeline to the nearest buildings/structures in the proposed development.*
> 2. *Incorporate a minimum setback distance of 25 feet from the centerline of any pipeline within the two natural gas pipelines and the Chevron crude oil pipeline. This would result in an additional 15 feet on the northeast side of the PG&E easement and an additional 20 feet on the southwest side of the easement to be dedicated as open space or public space or used for landscaping.*
> 3. *Incorporate designated land uses over the pipeline easements, such as public space, open space, or green space, to minimize the potential for third party damage.*
> 4. *Mark the pipeline locations prior to THSP development, maintaining the markings throughout the development process, and installing final markings after the work is complete.*
> 5. *Coordinate with the pipeline operators when development calls for excavation or utility trenching near the pipelines.*
> 6. *All contractors must initially pothole or hand dig to the proposed depth of the utility trench or excavation if working within 25 feet of the pipeline easements.*

7. *Consult with the pipeline operators on whether heavy construction vehicles with axle loads greater than 15,000 pounds would create stress on the pipelines at their current burial depths when crossing the lines and/or easements. Establish temporary fill or other protective measures as needed and establish permanent crossing areas for vehicles in excess of 15,000 pounds.*

8. *Avoid placing new utilities and services within the pipeline easements and minimize utility crossings over the pipeline easements to the extent feasible.*

9. *Select landscaping vegetation with shallow root structures within the setback zone to avoid root structures that damage pipeline coatings.*

10. *Avoid planting trees that prevent direct observation of the pipelines by aerial patrol.*

11. *Use non-flammable fencing along the pipeline easement.*

12. *Manage storm water runoff to prevent erosion of the pipeline bedding.*

13. *Maintain access to the pipelines by pipeline personnel and first responders in the event of an emergency.*

14. *Project applicants or sales representatives shall disclose to potential occupants regarding the proximity of the natural gas and crude oil pipelines, as required in accordance with Assembly Bill 1511 – Real Property: Disclosures: Transmission Pipeline.*

15. *Home Owners Associations (HOA) shall maintain an emergency contact list with phone numbers of the local police, fire department, and pipeline operators (PG&E, Chevron, Phillips 66, and Shell).*

16. *Coordinate with the pipeline companies so that the property occupants are notified if excavation or maintenance activities for the pipelines are planned along the pipeline easements.*

17. *Report any roadwork or underground utility work that involves digging in or near the pipelines to the pipeline companies.*

18. *Report immediately any odors or leakage from the pipelines to the pipeline operator and local emergency response personnel (i.e., the Tracy Fire Department).*

19. *HOAs shall maintain at an appropriate on-site location an emergency response plan that outlines emergency procedures to be followed in the event of a pipeline release.*

For additional detail refer to the September 2014 Pipeline Safety Hazard Assessment, Tracy Hills Specific Plan. [This is Mitigation Measure 4.8-4 in the THSP SEIR]

The Annexation Area would be located approximately 0.8 miles southwest of the proposed school site previously identified in the THSP SEIR. As shown in Figure 4.8-4 of the THSP SEIR, the closest pipeline to

the Annexation Area, is the 20-Foot Shell Easement with 20-inch Crude Oil Pipeline, which is located approximately 0.30 miles northeast of the annexation area. In the event a full pipeline rupture from the pipeline were to occur, the THSP SEIR considered hypothetical flow paths that could result in "pools" of crude oil. If a full pipeline rupture were to occur, no impact to the proposed Project would occur since the Annexation Area is at a higher elevation and outside the mapped pool areas. Given the type of land uses proposed on the Annexation Area, and the distance to the nearest school, the Project would not involve a significant transport, use, storage, or risk of upset of hazardous materials within one-quarter mile of any schools. With implementation of the mitigation measures described above, the proposed Project's impact in regard to emitting hazardous emissions or handling hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of a proposed school would be less than significant. This is consistent with the impact conclusions of the THSP SEIR. No new specific impact would result, nor would the impact previously identified be any more severe as a result of the proposed Project. Therefore, the proposed Project would be consistent with the effects of implementation of the THSP.

Threshold (d) Would the project be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and as a result, would create a significant hazard to the public or the environment?

As identified in the THSP SEIR, the THSP Area is not included on a hazardous sites list compiled pursuant to California Government Code Section 65962.5. The Annexation Area was not previously examined in the THSP SEIR since it is currently outside the THSP boundaries. However, review of the Cortese List on the DTSC Envirostor database determined the Annexation Area is not included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5. Therefore, the proposed Project would not be located on a site that is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and there would be no impact and no further analysis is required.

Threshold (e) Would the project be located within an airport land use plan, or where such a plan has not been adopted, within two miles of a public airport or public use airport, result in a safety hazard for people residing or working in the project area?

A portion of the THSP Area is located within the Tracy Municipal Airport, Traffic Pattern Zone 7 in the 2009 San Joaquin Airport Land Use Compatibility Plan (ALUCP) as shown in Figure 4.10-2 of the THSP SEIR. As identified in the THSP SEIR, the San Joaquin ALUCP specifies sensitive land uses and structure heights which are restricted within these zones. Given the conflict of allowable land uses within the M-1 Light Industrial designation, the Inner Approach/Departure Zone 2 and the Inner Turning Zone 3, the THSP SEIR concluded there would be a potentially significant impact with implementation of the THSP Area. With implementation of Mitigation Measure LU 4.10-1, potential impacts regarding compatibility with the existing land use plans and policies would be reduced to a less- than- significant level by ensuring that tentative and final maps comply with 2009 ALUCP. With implementation of Mitigation Measure HAZ 4.8-6, potential impacts regarding retention basins attracting wildlife that could be hazardous to aircrafts associated with the Tracy Municipal Airport would be less-than-significant.

The following mitigation measures incorporated herein from the previously certified THSP SEIR is applicable to the proposed Project:

> ***Mitigation Measure HAZ 4.8-6:*** *The proposed retention basins have been designed and constructed in accordance with the recommendations outlined in the Federal Aviation Administration Advisory Circular No. 150/5200-33B to control hazardous wildlife. In the event that the basins do not have a drawdown time of 48 hours following a storm event, the Project applicant shall fund and the City shall use physical barriers, such as bird balls, wires, grids, pillows or netting, to prevent access of hazardous wildlife to open water and minimize aircraft-wildlife interactions which shall be approved and inspected by the City. In addition, all vegetation in or around the basins that provide food or cover for hazardous wildlife should be eliminated. [This is Mitigation Measure 4.8-6 in the THSP SEIR]*
>
> *Refer to* ***Mitigation Measure LU 4.10-1*** *in Section X, Land Use.*

As identified in Figure 4.10-2 of the THSP SEIR, the Annexation Area would be within the Airport Influence Area Zone 8. Future development within the Annexation Area would not be greater than 100 feet tall and comply with height restrictions within the San Joaquin ALUCP. The conservation easement and the annexation portion both fall within the Safety Area Zone 8 and proposed land uses would be compatible with the San Joaquin ALUCP. In addition, any future development including retention basins associated with the proposed Project would be required by Mitigation Measure HAZ 4.8-6 to be designed and constructed in accordance with the recommendations outlined in the Federal Aviation Administration Advisory Circular No. 150/5200-33B to control against wildlife that could be hazardous to aircrafts associated with the Tracy Municipal Airport. With implementation of the above mitigation measures, the proposed Project's impact on the San Joaquin ALUCP would be less- than- significant. This is consistent with the impact conclusions of the THSP SEIR. No new specific impact would result, nor would the impact previously identified be any more severe as a result of the proposed Project. Therefore, the proposed Project would be consistent with the effects of implementation of the THSP.

Threshold (f) Would the project be located within the vicinity of a private airstrip, result in a safety hazard for people residing or working in the project area?

The proposed Project area is not located within 2 miles of a private airstrip. Based on the nature of the proposed Project, and given that the THSP site is not located within two miles of a private airstrip, no impact would occur. The proposed Project would not cause a new impact to occur and no further analysis is required.

Threshold (g) Would the project impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?

The City's General Plan Safety Element includes policies that require the City to provide fire and emergency response facilities and personnel necessary to meet residential and employment growth in the City. Mitigation Measures PSR 4.12-1, 4.12-2, and 4.12-3 in the Public Services Section of the THSP SEIR require future Project applicants within the THSP to pay the applicable impact fees, which ensure payment of a proportionate share toward the planned facilities. With the Project's compliance with the General Plan and provision of adequate emergency planned facilities within and near the THSP Area,

implementation of the THSP would result in a less than significant impact with respect to interference with an adopted emergency response plan or emergency evacuation plan.

The following mitigation measures incorporated herein from the previously certified THSP SEIR are applicable to the proposed Project:

> *Refer to **Mitigation Measures PSR 4.12-1, 4.12-2, and 4.12-3** in Section XII, Public Services and Utilities.*

As discussed in the THSP SEIR, the Project applicant would be required to pay applicable impact fees to ensure payment of a proportionate share toward the planned facilities. With implementation of the above mitigation measures, the proposed Project's impact on interference with an adopted emergency response plan or emergency evacuation plan would be less than significant. This is consistent with the impact conclusions of the THSP SEIR. No new specific impact would result, nor would the impact previously identified be any more severe as a result of the proposed Project. Therefore, the proposed Project would be consistent with the effects of implementation of the THSP.

Threshold (h) Would the project expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas?

The THSP area is zoned "Moderate" in the Local Responsibility Area and "Un-zoned" in the State Responsibility Area, which represent the lowest fire severity. Although the THSP Area is within a low fire severity zone, the THSP Area is adjacent to conservation easements, which are covered primarily with grass and brush, which is considered a flammable material. The City requires brush management of any land that is covered with flammable material such as grass, brush, or forest covered land and adjacent to structures. With implementation of Mitigation Measures HAZ 4.8-8a, 4.8-8b and 4.8-8c in the THSP SEIR, grasses and brush within 100 feet of structures would be required to be mowed to a height of no more than 4 inches or disced in order to minimize the amount of fuel to sustain or allow the spread of fire, reducing potential impacts to a less than significant level.

The following mitigation measures incorporated herein from the previously certified THSP SEIR are applicable to the proposed Project:

To mitigate the fire protection hazards associated with wildland fires, the Applicant shall:

> ***Mitigation Measure HAZ 4.8-8a:** Provide a 100-foot firebreak between developed areas and any land that is covered with flammable material such as grass, brush, or forest covered land, including conservation easements (including but not limited to CE 1, CE 2, and CE 3), but excluding conservation corridors. Grasses or weeds including the conservation corridor, that can be expected to burn shall be cattle grazed, disked or mowed to a height of no more than 4 inches pursuant to the terms of the adopted Preserve Management Plan (dated October 2011), and in accordance with City of Tracy Municipal Code in order to minimize the amount of fuel to sustain or allow the spread of fire. [This is Mitigation Measure 4.8-8a in the THSP SEIR]*

Mitigation Measure HAZ 4.8-8b: *Provide fire department access to all easement corridors and conservation easements (including but not limited CE 1, CE 2, and CE 3) for the purpose of suppressing wildland fires outside of firebreaks. [This is Mitigation Measure 4.8-8b in the THSP SEIR]*

Mitigation Measure HAZ 4.8-8c: *All new buildings that are located on the south side of I-580 and immediately adjacent to conservation easements (including but not limited to portions of CE 1, Southern CE 2, and CE 3) shall include measures that increase the likelihood that a structure would withstand intrusion by fire. This shall be accomplished by constructing those buildings on the edge of development to the standards of the California Building Code, Chapter 7A, Building and Construction Methods for Exterior Wildfire Exposure. [This is Mitigation Measure 4.8-8c in the THSP SEIR]*

Similar to the THSP Area analyzed in the THSP SEIR, the Annexation Area is zoned "Moderate" in the Local Responsibility Area and "Un-zoned" in the State Responsibility Area. Under existing conditions, the Annexation Area is split into two parcels: one currently within the jurisdiction of CAL FIRE and the other within the Tracy Rural Fire Protection District. Upon annexation into the City, based on current LAFCo policy, the Annexation Area would be within the jurisdictional area of the South San Joaquin County Fire Authority for fire protection.

No net change to the amount of residential structures, compared to what was analyzed in in the THSP SEIR, would occur. The proposed Project would provide a larger buffer between the THSP development footprint and the existing surrounding conservation easements to the northwest of the THSP. The proposed annexation would allow for residential estate development to occur within the Annexation Area which is already surrounded by the THSP development footprint, and therefore would concentrate more housing away from areas along the foothills that may be at higher risk of wildfire. Furthermore, as identified in the previously certified THSP SEIR, there is only a limited fire threat to the THSP Area. Although the proposed Project would modify the THSP boundaries, the result would create larger buffers between open space and development. With implementation of the above mitigation measures, the proposed Project's impact in regards to exposing people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas would be less than significant. This is consistent with the impact conclusions of the THSP SEIR. No new specific impact would result, nor would the impact previously identified be any more severe as a result of the proposed Project. Therefore, the proposed Project would be consistent with the effects of implementation of the THSP.

Cumulative Impacts

As discussed above, the proposed Project would not cause a new hazardous materials impact to occur, nor an increase in the severity of a hazardous material impact previously disclosed in the THSP SEIR, with implementation of the mitigation measures discussed in this section. Therefore, the proposed Project would not cause either a new cumulative impact to occur, nor an increase in the severity of a cumulative impact previously disclosed.

X. HYDROLOGY AND WATER QUALITY

WOULD THE PROJECT:

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact	Reviewed Under Previous Document
a. Violate any water quality standards or waste discharge requirements?	☐	☐	☐	☐	☒
b. Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?	☐	☐	☐	☐	☒
c. Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site?	☐	☐	☐	☐	☒
d. Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?	☐	☐	☐	☐	☒
e. Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?	☐	☐	☐	☐	☒
f. Otherwise substantially degrade water quality?	☐	☐	☐	☐	☒
g. Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?	☐	☐	☐	☐	☒
h. Place within a 100-year flood hazard area structures which would impede or redirect flood flows?	☐	☐	☐	☐	☒
i. Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?	☐	☐	☐	☐	☒
j. Inundation by seiche, tsunami, or mudflow?	☐	☐	☐	☐	☒

RESPONSES TO CHECKLIST QUESTIONS

Threshold (a) Would the project violate any water quality standards or waste discharge requirements?

As determined in the THSP SEIR, the buildout of the THSP would have a less than significant impact in respect to violation of water quality with the implementation of the terminal retention/percolation basins or other facilities. Construction activities for buildout of the THSP Area, which would include site development, infrastructure, and the storm drain system would require a National Pollutant Discharge Elimination System (NPDES) permit. As determined in the THSP SEIR, future development of the THSP Area would be responsible for obtaining and complying with NPDES permit requirements. Implementation of BMPs during construction, would minimize water quality impacts to a less- than- significant level.

After construction, stormwater from buildout of the THSP Area could have the potential to degrade water quality to open space along the I-580, California Aqueduct and/or Delta Mendota Canal. Retention basins would provide attenuation storage and opportunities for pollutants to settle and be retained within the basin and provide opportunities for recharge. As determined in the THSP SEIR, retention basins would be utilized to satisfy the requirements set forth in the City's Storm Water Quality Control Manual (SWQC) and NPDES for new development areas. In addition, proposed open channels and existing drainage swales would be used for storm runoff from some of the upslope offsite sub-basins to downstream terminal retention/percolation basins or other facilities. Thus, impacts to water quality would be less- than-significant with the implementation of the terminal retention/percolation basins, open channels and drainage swales as determined in the THSP SEIR.

The proposed Project would not increase the developable acres or development density compared to what was previously analyzed in the THSP SEIR. Potential water quality impacts associated with the proposed Project would include short-term construction-related erosion/sedimentation and long-term operational stormwater discharge. If not managed properly, grading and construction activities could cause soils and other pollutants to enter the storm drain system. During heavy rains, this may degrade stormwater quality at downstream locations. To minimize water quality impacts associated with the proposed Project, construction activities would be required to comply with a SWPPP, consistent with the NPDES. Additionally, the proposed Project would also implement stormwater control measures such as Low Impact Development (LID) and Best Management Practices (BMP's) per the City's Manual of Stormwater Quality Control Standards for New Development and Redevelopment, as analyzed in the THSP SEIR.

After construction, stormwater from the proposed Annexation Area would be directed to the on-site retention basins. Development of the proposed Project would have a decrease in impervious surfaces through construction of buildings, parking areas, roadways, and other improvements because the proposed. The proposed Project would not increase developable acres or development density compared to what was previously analyzed in the THSP SEIR. However, the proposed Project would still be required to incorporate to the extent feasible, low impact development (LID) features, including directing drainage from impervious surfaces to bioswales for infiltration as part of BMPs per the City's Manual of Stormwater

Quality Control Standards. In addition, as required in the THSP, development projects greater than 100,000 square feet are required to implement specific controls, as identified in the City's SWQC Manual, and to submit a Storm Water Quality Control Plan (SWQCP) that demonstrates that the proposed Project would conform to all requirements of the City standards. Compliance with NPDES permit requirements and implementation of BMPs during construction would ensure the proposed Project's impact on water quality standards or waste discharge requirements would be less than significant. This is consistent with the impact conclusions of the THSP SEIR. No new specific impact would result, nor would the impact previously identified be any more severe as a result of the proposed Project. Therefore, the proposed Project would be consistent with the effects of implementation of the THSP.

Threshold (b) Would the project substantially deplete groundwater supplies or interfere with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level?

As identified in the THSP SEIR, implementation of the THSP would not have an adverse impact on groundwater recharge. The Water Supply Assessment prepared for the THSP SEIR concluded that the City's existing and additional planned future water supplies are sufficient to meet the City's existing and projected future water demands, including those future water demands associated with the THSP to the year 2035 under all hydrologic conditions.

The Project would not change the amount of development allowed, and would therefore not change the demand on water supplies. Further, development of the proposed Project would result in the same amount of impervious surfaces through construction of buildings, parking areas, roadways, and other improvements as was previously analyzed in the THSP SEIR. However as identified in the THSP SEIR, on-site bioswales would still be included to facilitate groundwater recharge as part of buildout of the THSP Area in accordance with BMPs set forth in the City's Manual of Stormwater Quality Control Standards. Therefore, similar to the approved THSP, implementation of the proposed Project would not deplete groundwater supplies or interfere with groundwater recharge, any greater than already analyzed in the THSP SEIR and this impact would be less than significant. This is consistent with the impact conclusions of the THSP SEIR. No new specific impact would result, nor would the impact previously identified be any more severe as a result of the proposed Project. Therefore, the proposed Project would be consistent with the effects of implementation of the THSP.

Threshold (c) Would the project substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site?

As identified in the THSP SEIR, with mitigation, implementation of the THSP would have a less than significant impact with respect to substantial erosion or siltation on- or off-site. The Tracy Hills Storm Drainage Master Plan (SDMP) was prepared as a guidance document to identify the primary framework of storm drainage facilities needed to serve future land development under the buildout condition for the THSP Project Area. Individual development projects within the THSP would be required to provide site-specific or project-specific storm drainage solutions that would be consistent with the overall infrastructure approach within the Tracy SDMP. The THSP SEIR determined that buildout of the THSP

would increase erosion and sedimentation through the removal of vegetation during construction of THSP infrastructure. Implementation of the THSP would result in an increase in flow rates and volumes of runoff with an increase in the amount of impervious surface such as buildings, streets and parking areas. However, with implementation of Mitigation Measure HYDRL 4.9-1a and 4.9-2 in the THSP SEIR, potential impacts on erosion and sedimentation would be less than significant.

The following mitigation measures incorporated herein from the previously certified THSP SEIR are applicable to the proposed Project:

> ***Mitigation Measure HYDRL 4.9-1a:*** *Prior to issuance of a grading or building permit, whichever occurs first, all Project applicants shall demonstrate to the City of Tracy compliance with NPDES General Construction Activities Storm Water Permit Requirements established by the Clean Water Act (CWA), including the preparation of a Storm Water Pollution Prevention Plan (SWPPP). The SWPPP shall identify specific types and sources of stormwater pollutants, determine the location and nature of potential impacts, and specify appropriate control measures to eliminate any potentially significant impacts on receiving water quality from stormwater runoff. The SWPPP shall comply with the most current standards established by the Central Valley RWQCB. Best Management Practices shall be selected from a menu according to site requirements and shall be subject to approval by the City Engineer and Central Valley RWQCB. [This is Mitigation Measure 4.9-1a in the THSP SEIR]*
>
> ***Mitigation Measure HYDRL 4.9-2:*** *All Project applicants shall submit and obtain City approval of a drainage plan to the City of Tracy for on-site post-construction BMP drainage improvements consistent with the Tracy Hills Storm Drain Master Plan. Once City approval is received, all Project applicants shall construct the drainage improvements as necessary and in accordance with the timing described in the Tracy Hills Storm Drain Master Plan. [This is Mitigation Measure 4.9-2 in the THSP SEIR]*

Development of the Annexation Area would have the potential to alter drainage patterns, as compared to existing conditions, from increased erosion and sedimentation through the removal of vegetation during construction activities. Development of the proposed Project would result in the same amount of impervious surfaces through construction of buildings, parking areas, roadways, and other improvements as was previously analyzed in the THSP SEIR. With implementation of the above mitigation measures, the proposed Project's impact on the existing drainage pattern of the Annexation Area would be less than significant. This is consistent with the impact conclusions of the THSP SEIR. No new specific impact would result, nor would the impact previously identified be any more severe as a result of the proposed Project. Therefore, the proposed Project would be consistent with the effects of implementation of the THSP.

Threshold (d) Would the project substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding?

As identified in the THSP SEIR, the majority of the THSP Area is not located within the 100-year and 500-year floodplains. Development of the THSP Area would convert a primarily undeveloped site to a

developed one, which would increase flow rates, frequency, and volumes of runoff by introducing streets, buildings, parking areas, and other impervious surfaces within the THSP Area. Flows from the off-site, upstream drainages tributary to the THSP would be intercepted and conveyed through a combination of open channels and underground storm drain system and discharge to the proposed retention basins. The retention basins would capture increases in peak flow as result of development and would substantially reduce or eliminate downstream flow. With implementation of the drainage improvements described in the SDMP, it is unlikely that the THSP Area would result in or be affected by flooding. Therefore, implementation of the THSP would have a less than significant impact on the rate or amount of surface runoff resulting in flooding.

The Biological Technical Report (NOREAS, July 2020) conducted for the proposed Project included review of the National Wetland Inventory and found no records of aquatic resources within the Annexation Area. No riparian habitats were observed within the Annexation Area; however, indicators of ephemeral drainages were observed during field surveys.

Development of the Annexation Area would have the potential to alter drainage pattern through introduction of streets, buildings, parking area, and other impervious surfaces from buildout. Project implementation would not increase developable acres within the THSP SEIR and would result in the same amount of impervious surfaces through construction of buildings, parking areas, roadways, and other improvements as was previously analyzed in the THSP SEIR. With implementation of the drainage improvements as described in the SDMP and THSP SEIR, the proposed Project's impact on surface runoff would be less than significant. This is consistent with the impact conclusions of the THSP SEIR. No new specific impact would result, nor would the impact previously identified be any more severe as a result of the proposed Project. Therefore, the proposed Project would be consistent with the effects of implementation of the THSP.

Threshold (e) Would the project create or contribute runoff water, which would exceed the capacity of existing or planned storm water drainage systems or provide substantial additional sources of polluted runoff?

As identified in the THSP SEIR, with mitigation, implementation of the THSP would have a less than significant impact in respect to runoff water that exceeds the capacity of existing or planned storm water drainage systems. As discussed in Section 4.8, Hazards and Hazardous Materials of the THSP SEIR, the types of uses and facilities allowed in the THSP Area may generate, store, use, distribute or dispose of hazardous materials such as industrial waste, oils, solvents, paints, diesel fuel, hydraulic fluid and corrosives. With implementation of Mitigation Measures HYDRL 4.9-1a, 4.9-1b, 4.9-2, and 4.9-3, potential impacts from polluted runoff would be less than significant.

The following mitigation measures incorporated herein from the previously certified THSP SEIR are applicable to the proposed Project:

> ***See Mitigation Measures HYDRL 4.9-1a and 4.9-2 above.***
>
> ***Mitigation Measure HYDRL 4.9-1b:*** *Prior to issuance of a grading or building permit, whichever occurs first, all Project applicants shall submit to the City Engineer for review a draft copy of the*

Notice of Intent (NOI) and SWPPP. After approval by the City, the NOI and SWPPP shall be sent to the State Water Resources Control Board for approval. [This is Mitigation Measure 4.9-1b in the THSP SEIR]

Mitigation Measure HYDRL 4.9-3: *All Project applicants shall implement the following measures:*

1. *Shall implement sound Integrated Pest Management (IPM) principles and practices in an effort to minimize the use of pesticides in common landscaped areas, open space areas, or park areas. These programs shall include setting acceptable thresholds of infestations and a process for determining the best prevention or treatment method for a given pest. Pest problems in common landscaped areas, open space areas, or park maintenance shall be managed through prevention and treatment using physical, mechanical and biological controls. The use of toxic pesticides will be implemented only after other non-toxic approaches or products have been determined infeasible. Fertilizers shall be applied sparingly, and shall be derived from natural sources, such as fish emulsion or manure.*

2. *Shall cooperate with the City to create a public education program for future business owners to increase their understanding of water quality protection, which should include but not be limited to:*

    - *Hazardous material use controls;*
    - *Hazardous materials exposure controls;*
    - *Hazardous material disposal and recycling.*

3. *Encourage the use of alternative methods to avoid hazardous materials to the extent feasible, and prohibit the dumping of hazardous materials in open space areas or the storm drain system. [This is Mitigation Measure 4.9-3 in the THSP SEIR]*

As discussed in the previously certified THSP SEIR, the THSP would be designed to include storm drainage solutions as part of its land plan to accommodate the THSP's drainage as well as drainage from certain other existing surrounding uses and adhere to the City's Storm Drainage Master Plan, which has plans for improvements that accommodate development proposed under the THSP.

Project implementation would have the potential to increase local runoff volumes, frequency, and flow rates compared to existing conditions. The proposed Project would have the potential to contribute runoff water, which would exceed the capacity of existing or planned storm water drainage systems or provide substantial additional sources of polluted runoff. Development of the proposed Project would result in the same amount of impervious surfaces through construction of buildings, parking areas, roadways, and other improvements as was previously analyzed in the THSP SEIR. With implementation of the above mitigation measures, the proposed Project's impact on increased runoff water would be less than significant. This is consistent with the impact conclusions of the THSP SEIR. No new specific impact would result, nor would the impact previously identified be any more severe as a result of the proposed Project. Therefore, the proposed Project would be consistent with the effects of implementation of the THSP.

Threshold (f) Would the project otherwise substantially degrade water quality?

As identified in the THSP SEIR, with mitigation, implementation of the THSP would have a less than significant impact on degradation of water quality. As discussed above in Threshold (e), with implementation of Mitigation Measures HYDRL 4.9-1a, 4.9-1b, 4.9-2, and 4.9-3, implementation of the THSP would not substantially degrade water quality.

The following mitigation measures incorporated herein from the previously certified THSP SEIR are applicable to the proposed Project:

See Mitigation Measures HYDRL 4.9-1a, 4.9-1b, 4.9-2 and 4.9-3 above.

The proposed Project would have the potential to degrade water quality through erosion or siltation from construction and operation activities. Development of the proposed Project would result in the same amount of impervious surfaces through construction of buildings, parking areas, roadways, and other improvements as was previously analyzed in the THSP SEIR. With implementation of the above mitigation measures, the proposed Project's impact on water quality would be less than significant. This is consistent with the impact conclusions of the THSP SEIR. No new specific impact would result, nor would the impact previously identified be any more severe as a result of the proposed Project. Therefore, the proposed Project would be consistent with the effects of implementation of the THSP.

Threshold (g) Would the project place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?

The THSP SEIR disclosed that a small portion of the THSP Area is located in 100-year and 500-year floodplains areas associated with Corral Hollow Creek (FEMA Flood Insurance Rate Map (FIRM) Panel No. 06077C0740F for San Joaquin County, California and Incorporated Areas dated October 16, 2009). However, as identified in the THSP SEIR, there are no residential uses proposed within the 100-year and 500-year floodplains. Thus, the THSP SEIR identified that no impact would occur.

While Figure 4.9-3A and Figure 4.9-3B of the THSP SEIR mapped a small portion of the THSP as being within the 100-year and 500-year floodplain areas, the Annexation Area is not within any floodplain areas. Thus, there would be no impact associated with placing housing within a 100-year flood hazard area. No new specific impact would result, nor would the impact previously identified be any more severe as a result of the proposed Project. Therefore, the proposed Project would be consistent with the effects of implementation of the THSP.

Threshold (h) Would the project place structures within a 100-year flood hazard area, which would impede or redirect flood flows?

As identified in the THSP SEIR, the majority of the development within the THSP Area would be located outside of the 100-year floodplain and therefore, the floodplain would not impact development. However, as described above, a small portion of the THSP was mapped in the THSP SEIR as being located in 100-year and 500-year floodplains for Corral Hollow Creek. The easternmost edge of the THSP Area where General Highway Commercial land uses encroach into approximately 2.2 acres of the 500-year flood elevation and

0.1 acres of the 100-year flood elevation. Depending on the ground at the proposed building locations, development within this area may need to elevate building finished floors a minimum of 1 foot above the 100-year flood elevation for Corral Hollow Creek, and possibly, meet the requirements to withstand a 200-year flood per the Urban Level of Flood Protection (ULOP) Criteria. Senate Bill 5 establishes a requirement that "urban areas" and "urbanizing areas" apply a 200-year return period storm level of protection standard to new development in locations meeting certain criteria no later than 36 months after the Central Valley Flood Protection Plan is adopted by the State. Additionally, the City's Storm Drain Management Plan has been designated to accommodate the 100-year flood event in accordance with City design standards. With implementation of Mitigation Measure HYDRL 4.9-4 in the THSP SEIR, potential impacts associated with placing structures within the 100-year floodplain were found to be less than significant.

While Figure 4.9-3A and Figure 4.9-3B of the THSP SEIR mapped portions of the THSP as being partially within the 100-year and 500-year floodplain areas, the Annexation Area is not within any mapped floodplains. As such, no impact associated with placing structures within a 100-year flood hazard area would occur. No new specific impact would result, nor would the impact previously identified be any more severe as a result of the proposed Project. Therefore, the proposed Project would be consistent with the effects of implementation of the THSP.

Threshold (i) Would the project expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?

As identified in the THSP SEIR, the THSP is not located within the dam inundation risk areas. As a result, no impacts would occur as a result of the failure of a levee or dam. Since the proposed 35-acre annexation area is surrounded by the THSP development footprint, and would be subject to the same conditions as the THSP Area, no impact would occur and no further analysis is required.

Threshold (j) Would the project result in inundation by seiche, tsunami or mudflow?

As identified in the THSP SEIR, the THSP is located inland across several mountain ranges from the Pacific Ocean and is not downstream of any significant body of water. Therefore, there is no risk of exposure to inundation by seiche or tsunami and no impact would occur. Since the proposed Project is currently surrounded by the THSP development footprint it would be subject to the same conditions as the THSP Area, and the proposed Project would not result in inundation by seiche, tsunami or mudflow. Similar to the THSP, there would be no impact and no further analysis is required.

Cumulative Impacts

As discussed above, the proposed Project would not cause a new hydrological impact to occur, nor an increase in the severity of a hydrological impact previously disclosed in the THSP SEIR, with implementation of the mitigation measures discussed in this section. Therefore, the proposed Project would not cause either a new cumulative impact to occur, nor an increase in the severity of a cumulative impact previously disclosed.

XI. LAND USE AND PLANNING

WOULD THE PROJECT:

Issues	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact	Reviewed Under Previous Document
Would the project:					
a. Physically divide an established community?	☐	☐	☐	☐	☒
b. Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?	☐	☐	☐	☐	☒
c. Conflict with any applicable habitat conservation plan or natural community conservation plan?	☐	☐	☐	☐	☒

RESPONSES TO CHECKLIST QUESTIONS

Threshold (a) Would the project physically divide an established community?

As identified in the THSP SEIR, implementation of the THSP Area would not have the potential to divide an established community. While new development, improvements, and intensification of the THSP Area would occur under the THSP, implementation of the THSP would not physically divide an established community and impacts would be less than significant.

The proposed Project would convert undeveloped land to urbanized development. The Annexation Area is currently vacant and does not have any established communities on site; therefore, Project implementation would not physically divide an established community. Further, the Project would allow development to occur within the Annexation Area, focusing development in a contiguous area and providing for better community cohesion with buildout of the Project and THSP. Thus, impacts would be less than significant. This is consistent with the impact conclusions of the THSP SEIR. No new specific impact would result, nor would the impact previously identified be any more severe as a result of the proposed Project. Therefore, the proposed Project would be consistent with the effects of implementation of the THSP.

Threshold (b) Would the project conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?

As identified in the previously certified EIR for the THSP, implementation of the THSP Area would not conflict with land use plans, policies, or regulations. Implementation of the previously approved THSP required a General Plan Amendment to amend the General Plan Land Use Map to reflect the proposed

land use changes identified in Figure 3-3 of the THSP SEIR. As determined in the THSP SEIR, impacts related to the consistency with General Plan policies relating to environmental issues were found to be less than significant. As determined in the THSP SEIR, zoning districts identified in the THSP Area were determined to be consistent with the City's zoning. As a result, impacts associated with zoning policies relating to environmental issues would be less than significant. As discussed in Section VIII, Hazards and Hazardous Materials of the THSP SEIR, a portion of the northeast corner of the THSP Area is located within the Tracy Municipal Airport, Traffic Pattern Zone 7 in the 2009 San Joaquin ALUCP as shown in Figure 4.10-2 of the THSP SEIR. With implementation of Mitigation Measure LU-4.10-1, potential impacts regarding compatibility with the existing land use plans and policies would be reduced to a less- than- significant level by ensuring that tentative and final maps comply with 2009 ALUCP.

The following mitigation measure incorporated herein from the previously certified THSP SEIR is applicable to the proposed Project:

> ***Mitigation Measure LU 4.10-1:*** *All tentative and final maps within the THSP shall conform to the provisions of the 2009 ALUCP (or the ALUCP in effect at the time of Project applicant submissions), including but not limited to:*
>
> - *Land use restrictions of the ALUCP;*
> - *All proposed school sites within a 2-mile radius of the airport runway must obtain approval by the State Department of Transportation Division of Aeronautics. [This is Mitigation Measure 4.10-1 in the THSP SEIR]*

The previously approved THSP is consistent with the Tracy General Plan designation of THSP Area such that the mix of proposed land uses are consistent with the statistical profile evaluated in the General Plan. Overall, the proposed Project is consistent with the underlying land use and zoning designations that have been included in local and regional planning efforts. As shown in Table 1: Land Use Plan Buildout (2035), the proposed Project would have no change in developable acres compared to what was previously analyzed in the THSP SEIR. The proposed Project would exchange the 35.7 acre Annexation Area with an equivalent 35.7 acre Conservation Easement to allow for more focused development within the southeastern portion of the THSP. The proposed Project would maintain the same acreages for both uses and further create a buffer between the THSP footprint and conservation easements. The proposed Project would not increase development intensity or conflict with any policies outlined in the San Joaquin ALUCP. With implementation of the above mitigation measure, the proposed Project's impact on land use plans, policies, or regulations would be less than significant. This is consistent with the impact conclusions of the THSP SEIR. No new specific impact would result, nor would the impact previously identified be any more severe as a result of the proposed Project. Therefore, the proposed Project would be consistent with the effects of implementation of the THSP.

Threshold (c) Would the project conflict with any applicable habitat conservation plan or natural community conservation plan?

As discussed in Section IV Biological Resources, the Annexation Area is located within Area C of the THSP which falls within the Sphere of Influence of the SJMSCP. Pursuant to THSP SEIR Mitigation Measure 4.4-1h, projects being implemented within Area C shall voluntarily secure Section 7 and/or Section 10 permits

in consultation with the appropriate wildlife agencies. The Project applicant is in consultation with USFWS and CDFW to obtain approval of a HCP for Area C, consistent with the THSP SEIR Mitigation Measure 4.4-1h. As previously noted, the biological setting in the Annexation Area is similar to the previously analyzed THSP Area, and would have the same potential affects as the THSP. As such, with implementation of Mitigation Measure BIO 4.4-1h, 4.4-1j, 4.4-1m, and 4.4-4, no impact relative to inconsistency with habitat conservation plans would occur.

The following mitigation measures incorporated herein from the previously certified THSP SEIR are applicable to the proposed Project:

> ***Refer to Mitigation Measure BIO 4.4-1h, 4.4-1j, 4.4-1m, and 4.4-4a in Section IV, Biological Resources.***

With implementation of the above mitigation measures, the proposed Project's impact concerning applicable conservation plans would be less than significant. This is consistent with the impact conclusions of the THSP SEIR. No new specific impact would result, nor would the impact previously identified be any more severe as a result of the proposed Project. Therefore, the proposed Project would be consistent with the effects of implementation of the THSP.

Cumulative Impacts

As discussed above, the proposed Project would not cause a new land use impact to occur, nor an increase in the severity of a land use impact previously disclosed in the THSP SEIR, with implementation of the mitigation measures discussed in this section. Therefore, the proposed Project would not cause either a new cumulative impact to occur, nor an increase in the severity of a cumulative impact previously disclosed.

XII. MINERAL RESOURCES

WOULD THE PROJECT:

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact	Reviewed Under Previous Document
a. Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?	☐	☐	☐	☐	☒
b. Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?	☐	☐	☐	☐	☒

RESPONSES TO CHECKLIST QUESTIONS

Threshold (a) Would the project result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?

The main mineral resources found in San Joaquin County, and Tracy are sand and gravel (aggregate), which are primarily used for construction materials like asphalt and concrete. The City of Tracy has an adopted Aggregate Mining Overlay zone, which has been approved by the State Division of Mines and Geology (Resolution 2000-12 of State Division of Mines and Geology). In order to protect aggregate land and mitigate conflicts between mining activities and urban uses, the 2011 Tracy General Plan designates lands with production quality mineral reserves as Aggregate in the southern portion of Tracy. Of the area classified by the State Division of Mines and Geology as having potentially significant mineral deposits, the City has designated the bulk of this area as Aggregate in the 2011 General Plan. Some additional areas identified as having potentially significant aggregate deposits are designated as Industrial in the General Plan. The City and State have agreed to protect identified areas south of Linne Road for aggregate uses and allow for urban development north of Linne Road (much of which has already occurred).

There is a small aggregate area south of the California Aqueduct, along Corral Hollow Road that is within the THSP Area. Impacts to mineral resources within the THSP Area was determined to be less than significant in the 2011 General Plan EIR.

The proposed Project is surrounded by the development footprint previously analyzed in the THSP SEIR and would similarly be located inside of the small aggregate area identified in the THSP SEIR. Therefore, the proposed Project would not have the potential for new impacts to mineral resources and impacts in regards to the loss of availability of a known mineral resource would be considered less than significant. This is consistent with the impact conclusions of the THSP SEIR. No new specific impact would result, nor would the impact previously identified be any more severe as a result of the proposed Project. Therefore, the proposed Project would be consistent with the effects of implementation of the THSP.

Threshold (b) Would the project result in the loss of availability of a locally- important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?

The THSP Area, inclusive of the Annexation Area, has not been used for mineral resource recovery and is not delineated as a mineral resource recovery site on any land use plans. As the Annexation Area is not currently used (or planned for use) as a mineral resource recovery site, no impacts to mineral resources would occur. This is consistent with the impact conclusions of the THSP SEIR. No new specific impact would result and no further analysis is required.

Cumulative Impacts

As discussed above, the proposed Project would not cause a new mineral impact to occur, nor an increase in the severity of a mineral impact previously disclosed in the THSP SEIR. Therefore, the proposed Project would not cause either a new cumulative impact to occur, nor an increase in the severity of a cumulative impact previously disclosed.

XIII. NOISE

WOULD THE PROJECT:

Issues	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact	Reviewed Under Previous Document
a. Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	☐	☐	☐	☐	☒
b. Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?	☐	☐	☐	☐	☒
c. A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?	☐	☐	☐	☐	☒
d. A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?	☐	☐	☐	☐	☒
e. For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?	☐	☐	☐	☐	☒
f. For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?	☐	☐	☐	☐	☒

RESPONSES TO CHECKLIST QUESTIONS

A noise impact analysis was performed for the previously certified THSP SEIR to evaluate the potential for noise and vibration impacts resulting from Specific Plan implementation. The results and findings as they apply to the proposed Project are summarized herein.

Noise sources in the THSP Area consist of vehicular traffic on nearby roadways, including I-580, Lammers Road, Corral Hollow Road, Linne Road, Tracy Boulevard, and Eleventh Street. According to the THSP SEIR, on-site noise levels were measured on March 30, 2013 to document noise levels at the existing land uses. Noise levels were based on readings at two Long-Term Locations and four Short Term Locations, which included four locations on roadways near the Phase 1a area. The noise environment of the proposed Annexation Area is dominated by traffic along Interstate 580 and Corral Hollow Road.

The land uses included in the proposed Project are consistent with those analyzed in the THSP SEIR. Therefore, noise sources generated by the proposed Project would also be similar and include sources such as, vehicle traffic, emergency generators, trash compactors, and rooftop mechanical equipment.

Threshold (a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?

According to the THSP SEIR, future mobile traffic noise levels generated along heavily-traveled roadways may result in potentially significant impacts for existing sensitive receptors and future buildings in the THSP Area; [15] refer to Section XII (c) below. THSP SEIR Mitigation Measures NOI 4.11-1; 4.11-3a; 4.11-3b; 4.11-3c; 4.11-3d; and 4.11-3e and adherence to Municipal Code requirements would lessen stationary noise impacts to less than significant.

The following mitigation measures incorporated herein from the previously certified THSP SEIR are applicable to the proposed Project:

> ***Mitigation Measure NOI 4.11-1:*** *Prior to the issuance of demolition permits or ground disturbing activities (whichever occurs first), the Contractor shall demonstrate to the satisfaction of the City of Tracy Engineering and Building Divisions that the Project complies with the following:*
>
> - *Construction contracts specify that all construction equipment, fixed or mobile, shall be equipped with properly operating and maintained mufflers and other state required noise attenuation devices.*
>
> - *Property occupants located adjacent to the Project boundary shall be sent a notice, at least 15 days prior to commencement of construction of each phase, regarding the construction schedule of the Project. A sign, legible at a distance of 50 feet shall also be posted at the Project construction site. All notices and signs shall be reviewed and approved by the City of Tracy Planning Division prior to mailing or posting and shall indicate the dates and duration of construction activities, as well as provide a contact name and a telephone number where residents can inquire about the construction process and register complaints.*
>
> - *The Contractor shall provide evidence that a construction staff member would be designated as a Noise Disturbance Coordinator and would be present on-site during construction activities. The Noise Disturbance Coordinator shall be responsible for responding to any local complaints about construction noise. When a complaint is received, the Noise Disturbance Coordinator shall notify the City within 24-hours of the complaint and determine the cause of the noise complaint (e.g., starting too early, bad muffler, etc.) and shall implement reasonable measures to resolve the complaint, as deemed acceptable by the Planning Division. All notices that are sent to residential units immediately surrounding the construction site and all signs posted at the construction site shall include the contact name and the telephone number for the Noise Disturbance Coordinator.*
>
> - *During construction, stationary construction equipment shall be placed such that emitted noise is directed away from sensitive noise receivers.*

[15] THSP Draft EIR, page 4.11-22.

- *Construction activities shall occur between the hours of 7:00 AM and 10:00 PM daily pursuant to Section 9.12.030 and Section 4.12.820 of the Tracy Municipal Code. [This is Mitigation Measure 4.11-1 in the THSP SEIR]*

Mitigation Measure NOI 4.11-3a*: Prior to issuance of any Building Permit, the Project applicant shall demonstrate, to the satisfaction of the City of Tracy, compliance with the following:*

- *To the extent possible, all mechanical equipment shall be oriented away from the nearest noise sensitive receptors; and*

- *All mechanical equipment shall be screened and enclosed to minimize noise or the equipment shall be factory rated at a noise level that would comply with the noise limits set forth in the City's Municipal Code. [This is Mitigation Measure 4.11-3a in the THSP SEIR]*

Mitigation Measure NOI 4.11-3b: *Where a commercial zone abuts a residential zone or residential use, all deliveries of goods and supplies; trash pick-up (including the use of parking lot trash sweepers); and the operation of machinery or mechanical equipment which emits noise levels in excess of 65 dBA, as measured from the closest property line to the equipment, shall only be allowed between the hours of 7:00 AM and 10:00 PM, unless otherwise specified in an approved conditional use permit or other discretionary approval. [This is Mitigation Measure 4.11-3b in the THSP SEIR]*

Mitigation Measure NOI 4.11-3c: *All feasible sound attenuation shall be incorporated into the parking areas (i.e., landscaping and brushed driving surfaces), such that noise from parking area has been minimized to the greatest extent practicable such that parking lot noise would not exceed the standards indicated in Tracy Municipal Code Section 4.12.750 (General Sound Level Limits). [This is Mitigation Measure 4.11-3c in the THSP SEIR]*

Mitigation Measure NOI 4.11-3d: *Prior to the issuance of Building Permits, any residential development within 2,040 feet of the I-580 centerline shall be designed in compliance with the California Building Code (CBC) and an Acoustical Noise Analysis shall be prepared to ensure that the City of Tracy's exterior and interior noise level standards defined in General Plan Figure 9-3, Land Use Compatibility for Community Noise Environment, are met at all residential, commercial, and recreational land uses. The analysis shall verify that residences are adequately shielded and/or located at an adequate distance from mobile noise sources. Residential buildings or structures shall be designed to ensure interior noise levels do not exceed 45 dBA. In addition, individual developments shall, to the extent feasible, implement site-planning techniques such as the following:*

- *Increasing the distance between the noise source and the receiver;*

- *Using non-noise sensitive structures such as garages to shield noise-sensitive areas;*

- *Orienting buildings to shield outdoor spaces from a noise source;*

- *Incorporating architectural design strategies, which reduce the exposure of noise-sensitive spaces to stationary noise sources (i.e., placing bedrooms or balconies on the side of the house facing away from noise sources). These design strategies shall be implemented as required by the City to comply with City noise standards;*

- *Incorporating noise barriers, walls, or other sound attenuation techniques, as required by the City to comply with City noise standards; and*

- *Modifying elements of building construction (i.e., walls, roof, ceiling, windows, and other penetrations), as necessary to provide sound attenuation. This may include sealing windows, installing thicker or double-glazed windows, locating doors on the opposite side of a building from the noise source, or installing solid-core doors equipped with appropriate acoustical gaskets. [This is Mitigation Measure 4.11-3d in the THSP SEIR]*

Mitigation Measure NOI 4.11-3e: *Prior to the issuance of Grading Permits, any residential development associated with the THSP Buildout (i.e., development other than Phase 1a) located within 260 feet of the Union Pacific Railroad corridor shall have an Acoustical Analysis prepared to fully analyze acoustical impacts and develop measures, if required, to ensure that the City's exterior standards of 70 dBA would be achieved for the proposed land uses that are subject to noise from train pass-bys. The analysis shall conduct detailed train noise modeling to verify that residences are adequately shielded and/or located at an adequate distance from the rail corridor to comply with the City's exterior standards. The analysis shall also ensure that interior noise levels do not exceed 45 dBA. [This is Mitigation Measure 4.11-3e in the THSP SEIR]*

The proposed Project area consists of the an approximately 35-acre portion of Conservation Easement 3 that is surrounded by the previously analyzed boundary of the THSP Area. The nearest sensitive receptors, existing single-family residential uses, are located approximately 1.25 miles northeast of the Annexation Area. At this distance, construction and operational noise levels would remain low. Given that the Project has land uses consistent with the development density previously analyzed in the THSP SEIR, stationary noise impacts would be consistent with stationary noise impacts analyzed in the THSP SEIR. With implementation of the above mitigation measures, impacts to noise levels would not be altered any greater than what was previously analyzed and remain less than significant. This is consistent with the impact conclusions of the THSP SEIR. No new specific impact would result, nor would the impact previously identified be any more severe as a result of the proposed Project. Therefore, the proposed Project would be consistent with the effects of implementation of the THSP.

Threshold (b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?

According to the THSP SEIR, neither the City of Tracy nor the County of San Joaquin establishes thresholds for excessive vibration. Therefore, the United States Department of Transportation (Federal Transit Administration [FTA]) criteria of 2.0 inch-per-second PPV for the evaluation of potential human annoyance and potential for structural damage to result from vibration is used.

Construction of the proposed buildings has the potential to produce short-term construction vibration effects and operational vibration as a result of the proposed Project's traffic and mechanical equipment operations. Construction of the proposed Project would generate short-term construction vibration during site preparation and construction of the buildings, paving and related activities. Vibration from construction activities rarely reaches the levels that can damage structures, but groundborne vibration and noise can reach perceptible and audible levels in buildings that are very close to the construction site. Even with vibration reduction measures, such as use of vibration attenuating construction equipment (static rollers) and discretionary scheduling of the noisiest construction activities, groundborne vibration from construction within the THSP Area when in close proximity to sensitive receptors would be a potentially significant impact relative to perception and annoyance.

With respect to the proposed Project, short-term construction vibration impacts could result at adjacent sensitive receptors (residential uses) in the THSP Area. Vibration effects would be reduced by a combination of appropriate equipment and process selection, as well as implementation of proper administrative controls (refer to Mitigation Measure NOI 4.11-1 above). Even with these vibration reduction approaches, it is still possible that individual, site-specific developments could exceed either the annoyance threshold and/or the architectural damage threshold. This potential situation would be exacerbated with the use of standard pile driving techniques. As such, groundborne vibration from construction could result in a potentially significant impact with respect to perception or architectural damage. The proposed Project would also implement best practices for construction activities (as specified in Mitigation Measure NOI 4.11-1), which would reduce groundborne noise and vibration from construction.

The following mitigation measure incorporated herein from the previously certified THSP SEIR is applicable to the proposed Project:

See Mitigation Measure NOI 4.11-1 above.

With implementation of the above mitigation measure, construction vibration levels as a result of construction for the proposed Project construction would be less than significant. This is consistent with the impact conclusions of the THSP SEIR. No new specific impact would result, nor would the impact previously identified be any more severe as a result of the proposed Project. Therefore, the proposed Project would be consistent with the effects of implementation of the THSP.

Threshold (c) Would the project result in a substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?

As discussed in the previously certified THSP SEIR, Specific Plan implementation would cause a substantial noise increase to most nearby roadways within and in close proximity to the Specific Plan limits during Long Range Plus THSP Buildout Conditions.[16] The Specific Plan impact was identified as significant and unavoidable. According to the THSP SEIR, impacts would occur on off-site roadways where it is infeasible to implement mitigation measures. Therefore, impacts to off-site uses from traffic noise remain significant

[16] THSP Draft EIR, page 4.11-22.

and unavoidable. The proposed Project would include land uses that are equivalent to those analyzed in the THSP SEIR. The Project does not propose an increase in development density within the THSP Area. Similar to the THSP, mitigation measures would not be feasible to apply on off-site roadways and the proposed Project would also result in a significant and unavoidable impact related to future mobile traffic noise. This would not be a new specific impact, nor would it increase the severity of the impact previously identified in the THSP SEIR and would therefore be consistent with the effects of implementation of the THSP.

The previously approved THSP SEIR evaluated stationary source noise impacts such as mechanical equipment, slow moving delivery/supply trucks, activities at the loading docks, parking lots, landscape maintenance, and outdoor pools. As the THSP is primarily vacant, the previously approved EIR found new noise sources would be introduced as a result of the proposed Project and THSP buildout. However, THSP SEIR mitigation measures 4.11-3a; 4.11-3b; 4.11-3c; 4.11-3d; 4.11-3e and adherence to Municipal Code requirements would lessen impacts to less than significant. Given that off-site effects cannot be mitigated, this impact would remain significant and unavoidable overall. This would not be a new specific impact, nor would it increase the severity of the impact previously identified in the THSP SEIR and would therefore be consistent with the effects of implementation of the THSP.

Threshold (d) Would the project result in a substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?

Noise emissions from construction of the proposed Project would be localized and occur intermittently for varying periods of time. The highest construction noise levels associated with construction would be generated during grading, excavation, and foundation work, with lower noise levels occurring during building construction and finishing. According to the THSP SEIR, potentially significant impacts from construction noise could occur with THSP implementation. Construction of the proposed Project would include similar construction equipment and schedule as was previously analyzed in the THSP SEIR. Therefore, notable temporary sound level increases would not be greater than previously evaluated.

The following mitigation measure incorporated herein from the previously certified THSP SEIR is applicable to the proposed Project:

See Mitigation Measure NOI 4.11-1 above.

With implementation of the above mitigation measure, the proposed Project would reduce the potential for a substantial temporary or periodic increase in ambient noise levels to occur by demonstrating compliance with construction-related policies to the satisfaction of the City of Tracy Engineering and Building Division. With mitigation, the impact is less than significant. This is consistent with the impact conclusions of the THSP SEIR. No new specific impact would result, nor would the impact previously identified be any more severe as a result of the proposed Project. Therefore, the proposed Project would be consistent with the effects of implementation of the THSP.

Threshold (e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?

According to the THSP SEIR, the THSP Area is located approximately 0.22 miles west of the Tracy Municipal Airport. The Annexation Area is located approximately 2.0 miles southwest of the Tracy Municipal Airport. According to the San Joaquin County Airport Land Use Compatibility Plan Update (ALUCP) the airport has approximately 59,701 operations, primarily performed by single engine piston aircrafts involved in flight training. The Annexation Area is not located within any CNEL Airport Noise Contours. Therefore, the proposed Project would not expose persons residing or working in the proposed Project area to excessive airport related noise levels and no impact would occur. No further analysis is required.

Threshold (f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?

According to the THSP SEIR, the THSP Area is not located within two miles of a private airstrip. Therefore, the proposed Project is not located within a distance of two miles from a private airstrip. Due to the distance separation, the proposed Project would not expose persons to excessive airport-related noise levels. Similar to the THSP, there would be no impact and no further analysis is required.

Cumulative Impacts

As discussed above, the proposed Project would not cause a new noise impact to occur, nor an increase in the severity of a noise impact previously disclosed in the THSP SEIR, with implementation of the mitigation measures discussed in this section. Therefore, the proposed Project would not cause either a new cumulative impact to occur, nor an increase in the severity of a cumulative impact previously disclosed.

XIV. POPULATION AND HOUSING

WOULD THE PROJECT:

Issues	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact	Reviewed Under Previous Document
a. Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?	☐	☐	☐	☐	☒
b. Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?	☐	☐	☐	☐	☒
c. Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?	☐	☐	☐	☐	☒

RESPONSES TO CHECKLIST QUESTIONS

Threshold (a) Would the project induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?

As identified in the previously certified EIR prepared for the THSP, the THSP would include construction of new residential areas. The THSP SEIR found that buildout of the THSP would not exceed the maximum dwelling units or non-residential square footage already anticipated in the certified 2011 General Plan EIR for the THSP Area. The General Plan EIR did not find any significant impacts related to population, employment or housing, thus implementation of the THSP would not induce population growth which has not already been anticipated in the 2011 General Plan EIR. The THSP SEIR determined that displacement of the five existing houses in the THSP Area would not substantiate the need for construction of replacement housing. As a result, the THSP SEIR found impacts related to population and housing would be less-than-significant.

The Project would not result in any changes to the total amount of housing or jobs within the THSP. As such, the Project is consistent with the impact conclusion of the THSP SEIR. No new specific impact would result, nor would the impact previously identified be any more severe as a result of the proposed Project. Therefore, the proposed Project would be consistent with the effects of implementation of the THSP.

Threshold (b) Would the project displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?

Threshold (c) Would the project displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?

As determined in the previously certified EIR for the THSP, five single-family homes would likely be demolished and replaced with new single family and multi-family homes. Since the THSP includes the

construction of new residential areas, the displacement of the five existing houses would not substantiate the need for construction of replacement housing. Therefore, impacts related to population and housing were determined to be less than significant in the THSP SEIR.

Development of the proposed Project would occur on currently undeveloped land. Thus, impacts related to displacement of people and housing would be less than significant. This is consistent with the impact conclusions of the THSP SEIR. No new specific impact would result, nor would the impact previously identified be any more severe as a result of the proposed Project. Therefore, the proposed Project would be consistent with the effects of implementation of the THSP.

Cumulative Impacts

As discussed above, the proposed Project would not cause a new population and housing impact to occur, nor an increase in the severity of a population and housing impact previously disclosed in the THSP SEIR, with implementation of the mitigation measures discussed in this section. Therefore, the proposed Project would not cause either a new cumulative impact to occur, nor an increase in the severity of a cumulative impact previously disclosed.

XV. PUBLIC SERVICES, RECREATION, AND UTILITIES

WOULD THE PROJECT:

	Potentially Significant Impact	*Less Than Significant with Mitigation Incorporated*	*Less than Significant Impact*	*No Impact*	*Reviewed Under Previous Document*
a. Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:					
i. Fire protection?	☐	☐	☐	☐	☒
ii. Police protection?	☐	☐	☐	☐	☒
iii. Schools?	☐	☐	☐	☐	☒
iv. Parks?	☐	☐	☐	☐	☒
v. Other public facilities?	☐	☐	☐	☐	☒
b. Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?	☐	☐	☐	☐	☒
c. Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?	☐	☐	☐	☐	☒
d. Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?	☐	☐	☐	☐	☒
e. Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	☐	☐	☐	☐	☒
f. Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	☐	☐	☐	☐	☒
g. Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?	☐	☐	☐	☐	☒

WOULD THE PROJECT:

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact	Reviewed Under Previous Document
h. Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	☐	☐	☐	☐	☒
i. Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?	☐	☐	☐	☐	☒
j. Comply with federal, state, and local statutes and regulations related to solid waste?	☐	☐	☐	☐	☒

RESPONSES TO CHECKLIST QUESTIONS

Threshold (a) Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services?

The THSP SEIR identified that development of the THSP would include two fire stations within the THSP Area, which would be adequately equipped to provide fire services for the buildout of the THSP once implemented.[17] As determined in the THSP SEIR, buildout of the THSP would not exceed the City's planned growth level, additional service population was already accounted for in the Citywide Public Safety Master Plan and would not require additional fire protection facilities beyond what has been planned. Additionally, all project applicants of individual projects within the THSP Area would be required to pay a fair and equitable amount to the City's Public Buildings impact fee to offset the capital costs for fire protection and emergency service facilities. As a result, development within the THSP Project Area would not exceed the maximum dwelling units or non-residential square footage approved in 2016, or the maximum dwelling units square footage contemplated by the City's General Plan. Fire protection needs would not be altered by implementation of the THSP with implementation of Mitigation Measures PSR 4.12-1 and 4.12-3. Implementation of Mitigation Measures PSR 4.12-1 and 4.12-3 would reduce potential impacts on fire protection to a less than significant level.

[17] Subsequently, the City of Tracy Fire Department determined, Standards of Response Coverage report, that only one fire station would be needed to serve the THSP Area. Personal communication with Fire Chief Randy Bradley on January 28, 2020.

The following mitigation measures incorporated herein from the previously certified THSP SEIR are applicable to the proposed Project:

> ***Mitigation Measure PSR 4.12-1:*** *As part of the application process for each individual development under the Specific Plan, the Project applicant shall be required to pay the applicable development impact fees. [This is Mitigation Measure 4.12-1 in the THSP SEIR]*
>
> ***Mitigation Measure PSR 4.12-3:*** *As determined by the Fire Chief and in accordance with adopted standards of coverage, a fire station and all related equipment shall be constructed and operational in Phase 1A to serve Tracy Hills in accordance with the Citywide Public Safety Master Plan. [This is Mitigation Measure 4.12-3 in the THSP SEIR]*

Upon annexation, based on current LAFCo policy, the Annexation Area would be within the jurisdictional area of the South San Joaquin County Fire Authority for fire protection. Project implementation would not increase population growth in the THSP Area. Therefore, growth associated with the Project would not exceed the growth planned for the THSP Area in the 2011 General Plan. The proposed Project, with implementation of the mitigation measures identified above, would not result in the need to construct additional fire stations, beyond those identified in the THSP SEIR. Given that no additional fire stations beyond those identified in the THSP would be required to serve the proposed Project, Project implementation would not create substantial adverse physical impacts associated with construction of a new fire station. As such, this impact would be less than significant. No new specific impact would result, nor would the impact previously identified be any more severe as a result of the proposed Project. Therefore, the proposed Project would be consistent with the effects of implementation of the THSP.

ii. Police Protection

As identified in the THSP SEIR, development of the THSP would include construction of a new police substation located closer to the THSP than the current primary station. As determined in the THSP SEIR, buildout of the THSP would not exceed the City's planned growth level, additional service population was already accounted for in the Citywide Public Safety Master Plan, and would not require additional law enforcement facilities beyond what has been planned. Additionally, individual development projects under the THSP would be required to pay the applicable impact fees, which ensure payment of a proportionate share towards the planned facilities. As a result, development within the THSP Area would not exceed the maximum dwelling units or non-residential square footage previously approved in 2016, or the maximum dwelling units square footage contemplated by the City's General Plan. Law enforcement needs would not be altered by implementation of the THSP with implementation of Mitigation Measures PSR 4.12-4a and 4.12-5b. Implementation of Mitigation Measures PSR 4.12-4a and 4.12-5b would reduce potential impacts on fire protection to a less than significant level.

The following mitigation measures incorporated herein from the previously certified THSP SEIR are applicable to the proposed Project:

> ***Mitigation Measure PSR 4.12-4a:*** *The Project applicant of individual projects within the THSP Project Area shall consult with the Police Department during preliminary stages of site design to*

review safety features, determine their adequacy, and suggest design and/or physical improvements to the proposed site plan. This is achieved through the City's development review process, which currently is coordinated with various City Departments' review of new development proposals. [This is Mitigation Measure 4.12-4a in the THSP SEIR]

***Mitigation Measure PSR 4.12-5b:** As part of the application process for each individual development under the Specific Plan, the Project applicant shall be required to pay the applicable development impact fees. [This is Mitigation Measure 4.12-5b in the THSP SEIR]*

The THSP SEIR noted that the Citywide Public Safety Master Plan proposes the construction of a new police substation located closer to the THSP Area than the current primary police station; however the new substation would not be associated with the THSP. The proposed Project would not result in an increase in population growth nor increase the demand for additional police services. Therefore, growth associated with the Project would not exceed the growth planned for the THSP Area in the 2011 General Plan. The proposed Project, with implementation of the mitigation measures identified above, would not result in the need to construct additional police stations, beyond those identified in the THSP SEIR. Given that no additional police stations would be required to serve the proposed Project, beyond those identified in the THSP, the proposed Project would not create substantial adverse physical impacts associated with construction of a new police station. As such, this impact would be less than significant. This is consistent with the impact conclusions of the THSP SEIR. No new specific impact would result, nor would the impact previously identified be any more severe as a result of the proposed Project. Therefore, the proposed Project would be consistent with the effects of implementation of the THSP.

iii. Schools

As identified in the THSP SEIR, implementation of the THSP could substantially increase the population of school children in the City of Tracy, requiring construction of new facilities or modification of existing facilities to accommodate the growth of the student body. Development of the THSP Area was estimated to generate 3,520 new students in grades K–8. As discussed in the THSP SEIR, three elementary schools (K-8) were proposed throughout the THSP Area. Although the final number and locations of the schools will be determined in accordance with the Jefferson School District Facilities Master Plan as the THSP is built out. Implementation of the approved THSP would generate a maximum of 5,499 dwelling units. The Jefferson School District uses an elementary student generation factor of 0.44 grade K-5 students per dwelling unit, 0.2 grade 6-8 students per dwelling unit, and 0.3 grade 9-12 students per dwelling unit to estimate projected student population.[18]

The proposed Project would not result in population changes and therefore demand for additional school facilities would be the same as previously identified in the THSP SEIR. Each individual development application would be subject to the requirement to pay applicable impact fees in accordance with SB 50 or pay applicable fees subject to school mitigation agreements with the Tracy Unified School District and Jefferson School District. Under Section 65996 of the California Government Code, the payment of such

[18] THSP Draft EIR, page 4.12-38

fees is deemed to fully mitigate the impacts of new development on school facilities. Therefore, THSP impacts in this regard were determined to be less than significant.

No new schools would need to be constructed, beyond those identified in the THSP SEIR, and as such no physical impacts associated with constructing additional schools would occur. Therefore, this impact would be less than significant. This is consistent with the impact conclusions of the THSP SEIR. No new specific impact would result, nor would the impact previously identified be any more severe as a result of the proposed Project. Therefore, the proposed Project would be consistent with the effects of implementation of the THSP.

iv-v. Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered parks and other recreational facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios or other performance objectives?

Threshold (b) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?

Threshold (c) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?

As identified in the THSP SEIR, development of the THSP would include up to three acres of neighborhood park land or one acre of community park land per 1,000 population. Neighborhood and community parks would be distributed throughout the residential areas. Active play and sports parks proposed by the THSP may feature play fields, ball fields, children play areas, picnic areas, tennis courts, and open lawns. Park features may be interconnected by nature walks and bikeways within the greenways and parkways. The THSP SEIR determined that new residents in the THSP would use the new parks within the THSP more than the City's existing facilities given proximity to their neighborhoods, condition of the new facilities and the ability to walk or bicycle to many of the parks. Therefore, implementation of the THSP would result in a less than significant impact with regard to the substantial physical deterioration of existing facilities.

Project implementation would not increase population growth and therefore no additional demand for recreational facilities would be needed. The THSP stated that, "each tentative subdivision map shall either include adequate neighborhood park land to bring the total neighborhood park land within the tentative map approved portion of the Specific Plan to three acres per 1,000 population, or the developer shall demonstrate how future tentative map areas of the Specific Plan will include park land to achieve the minimum three acres per 1,000 population requirement, and otherwise comply with the Parks Master Plan." [19] The proposed Project would maintain 35-acres of land designated as Conservation Corridors, which would not permit development. As such, this impact would be less than significant. This is consistent with the impact conclusions of the THSP SEIR. No new specific impact would result, nor would the impact

[19] THSP, page 2-19

previously identified be any more severe as a result of the proposed Project. Therefore, the proposed Project would be consistent with the effects of implementation of the THSP.

Threshold (d) Would the project exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?

The City of Tracy provides wastewater services throughout the City and the THSP Area. Impacts to wastewater treatment requirements were analyzed in the previously certified THSP SEIR for buildout of the THSP Area. As described in the previously certified THSP SEIR, the City's Waste Water Treatment Plant releases effluent into the Old River, therefore the City is subject to NPDES permitting requirements, as implemented by the RWQCB. To accommodate future planned growth, including the buildout of the THSP Area, the City plans to implement a wastewater treatment system upgrade in accordance with the Wastewater Master Plan (WWMP) and as evaluated in the related environmental documentation.

The proposed Project would not be expected to result in an exceedance of any wastewater treatment requirements of the applicable RWQCB any greater than previously analyzed in the THSP SEIR because the Project would change the amount of development allowed the THSP Area. Therefore, impacts would be considered less than significant. This is consistent with the impact conclusions of the THSP SEIR. No new specific impact would result, nor would the impact previously identified be any more severe as a result of the proposed Project. Therefore, the proposed Project would be consistent with the effects of implementation of the THSP.

Threshold (e) Would the project require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?

The City of Tracy provides water and wastewater services throughout the City and the THSP Area. Impacts to existing water and wastewater treatment facilities were analyzed in the previously certified THSP SEIR for buildout of the THSP Area. Although buildout of the THSP Area would require new water facilities and would eventually require the construction of additional wastewater conveyance and wastewater treatment facilities, the environmental impacts that may result from the construction of these facilities were evaluated and mitigated through the environmental review process for the adoption of the City's Water System Master Plan (WSMP) and the Wastewater Master Plan (WWMP). According to the THSP SEIR, because implementation of the THSP would require the construction of yet-to-be-built WSMP facilities, and may require the construction of certain interim improvements pending completion of WSMP improvements, the THSP would have potentially significant impacts. With implementation of Mitigation Measures PSR 4.12-6, 4.12-7a and 4.12-8b, impacts would be reduced to a less than significant impact.

The following mitigation measures incorporated herein from the previously certified THSP SEIR are applicable to the proposed Project:

> ***Mitigation Measure PSR 4.12-6:*** *Developers of subsequent phases of the Project (beyond Phase 1a) will be required to prepare SB 221 analysis for each subsequent phase of development. [This is Mitigation Measure 4.12-6 in the THSP SEIR]*

Mitigation Measure PSR 4.12-7a: *As part of the development process for each individual site-specific development under the Specific Plan, the City shall review flow monitoring, at the applicant's cost, to determine available capacity. If the City determines, based on technical and legal constraints and other relevant data, that existing capacity is available to serve the development at issue, then no further mitigation is required. However, if the City determines, based on technical and legal constraints and other relevant data, that existing capacity is not available to serve the development at issue, then the improvements as identified in the Master Plan must be constructed that are necessary to create the additional capacity required, subject to any applicable credit and/or reimbursement provisions, as determined by the City. [This is Mitigation Measure 4.12-7a in the THSP SEIR]*

Mitigation Measure PSR 4.12-8b: *As part of the development process for each individual site-specific development under the Specific Plan, the applicant shall pay its applicable development impact fees for wastewater facilities prior to issuance of first certificate of occupancy. [This is Mitigation Measure 4.12-8b in the THSP SEIR]*

The City plans to implement a wastewater treatment system upgrade as outlined in the WWMP. Since the proposed Project is immediately surrounded by the existing THSP footprint, these future developments would also be serviced by the wastewater treatment system upgrades. With implementation of the above mitigation measures, the proposed Project's impact on new water or wastewater facilities would be less than significant. This is consistent with the impact conclusions of the THSP SEIR. No new specific impact would result, nor would the impact previously identified be any more severe as a result of the proposed Project. Therefore, the proposed Project would be consistent with the effects of implementation of the THSP.

Threshold (f) Would the project require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?

As discussed in Section IX (Hydrology and Water Quality) and the THSP SEIR, the construction of new stormwater drainage facilities or expansion of existing facilities would be required for buildout of the THSP Area as well as individual development projects. The storm drainage infrastructure within the THSP Area would incorporate terminal retention basins as the means of managing runoff from new development via storage and percolation. These basins are depicted in Figure 4.9-4 of the THSP SEIR. As discussed in the THSP SEIR, storm water runoff generated by buildout of the THSP would be self-contained and would not utilize any existing downstream City storm drainage facilities. The drainage improvements discussed in the THSP SEIR would accommodate projected runoff from the THSP Area. Thus, implementation of the THSP would not exceed the capacity of the proposed stormwater drainage system.

The proposed Project would annex and exchange 35-acres of a conservation easement with 35-acres of THSP land zoned for Residential Estate. The swapped land would locate the future development of residential estates closer to the THSP development footprint, near the footprint as what was previously analyzed in the THSP SEIR. As a result, storm water runoff generated by implementation of the proposed

Project would be self-contained and would not utilize any existing downstream City storm drainage facilities any greater than previously analyzed in the THSP SEIR. The proposed Project would allow for future development in an area that would already be served by drainage facilities as part of the THSP. Implementation of the proposed Project would not require new stormwater drainage facilities, the construction of which would cause significant environmental effects. This would not be a new specific impact or an increase in the severity of an impact that was identified in the THSP SEIR and would therefore be consistent with the effects of implementation of the THSP.

Threshold (g) Would the project have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?

As described in the Water Supply Assessment (WSA) conducted for the previously certified THSP SEIR, the THSP Area would be served by the City from its existing and future portfolio of water supplies. The WSA conducted for the THSP Area concluded that the City's existing and planned water supplies would be sufficient to meet the water demand for any hydrologic conditions to the year 2035. No water supply shortages are anticipated for any hydrologic conditions based on Year 2035 water demands. As determined in the THSP SEIR, for all hydrologic conditions, the City's existing and additional water supplies are sufficient to meet the City's Year 2035 water demands. Thus, implementation of the THSP would result in less than significant impacts regarding water supply.

The City is currently under contract with the United States Bureau of Reclamation (USBR) for the delivery of water to the City from the Central Valley Project (CVP). The City's current contract, an Interim Renewal Contract, is effective January 1, 2014 through February 29, 2016 and includes up to 20,000 af/yr of water supplies. This contract amount includes the initial 10,000 af/yr from the City's initial contract with the USBR (entered into in 1974), 7,500 af/yr from approved assignments from Banta Carbona Irrigation District (BCID) and West Side Irrigation District (WSID), and 2,500 af/yr from an additional assignment from WSID which was exercised in December 2013.

Regarding groundwater, according to the THSP SEIR, a 2,300 af/yr increase of the average annual operational groundwater yield above the groundwater yield recommended in the 1990 Kennedy/Jenks/Chilton study (6,700 af/yr) could be provided within the estimated sustainable yield of the Tracy Sub-basin in the City, without adverse impact to groundwater resources or quality in the City over a 50-year timeframe. This expansion of groundwater usage to 9,000 af/yr would be within the City's estimated share of the aquifer's sustainable yield of 22,000 af/yr of the 28,000 acre feet/year total (which includes groundwater usage within West Side Irrigation District (WSID), Naglee-Burk Irrigation District, Plain View Water District (now part of the Byron Bethany Irrigation District), and BCID. Groundwater Management Policy was adopted by the City in 2001 to establish a maximum annual groundwater extraction rate of 9,000 af/yr.

The proposed Project would not increase population growth previously analyzed in the THSP SEIR. No additional water supplies would be required. Therefore, the City would have sufficient water supplies to serve the proposed Project. This impact would be less than significant. This is consistent with the impact conclusions of the THSP SEIR. No new specific impact would result, nor would the impact previously

identified be any more severe as a result of the proposed Project. Therefore, the proposed Project would be consistent with the effects of implementation of the THSP.

Threshold (h) Would the project result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?

As explained in Threshold (e), the City of Tracy would provide wastewater services to the THSP Area. Buildout of the THSP Area would eventually require the construction of additional wastewater conveyance and wastewater treatment facilities, but not as a result of implementation of the THSP Area solely. Environmental impacts that may result from the construction of these facilities were evaluated and mitigated through the environmental review process for the adoption of the City's Wastewater Master Plan (WWMP).[20]

To avoid impacts associated with wastewater treatment, the THSP SEIR required that the THSP pay appropriate development impact fees. Payment of these development impact fees was determined to reduce this potentially significant impact to a less than significant level. The proposed Project would not increase population growth previously analyzed in the THSP SEIR. No additional wastewater treatment capacities would be required. Future development that may occur under the proposed Project would be surrounded by the original development footprint in the THSP Area. As discussed in the THSP SEIR, the City plans to implement a wastewater treatment system upgrade as outlined in the WWMP. Because future development that may occur under the proposed Project would be located adjacent to the footprint of the THSP, these future developments would also be serviced by the wastewater treatment system upgrades.

The proposed Project would pay the appropriate development impact fees and coordinate with the City to ensure that the City's future wastewater treatment capacity is adequate to service the proposed Project. Regardless of any additional demand on the City's wastewater treatment caused by the proposed Project, payment of development impact fees would ensure this impact is less than significant. This is consistent with the impact conclusions of the THSP SEIR. No new specific impact would result, nor would the impact previously identified be any more severe as a result of the proposed Project. Therefore, the proposed Project would be consistent with the effects of implementation of the THSP.

Threshold (i) Would the project be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?

The THSP Area would be served by the Foothill Sanitary Landfill, which has sufficient capacity to serve the City of Tracy through the year 2082. As determined in the THSP SEIR, the buildout of the THSP Area is considered a small addition to the overall tons per day the City of Tracy currently generates.[21] For these

[20] THSP Draft EIR, page 4.12-44
[21] THSP Draft EIR, page 4.12-47

reasons, solid waste disposal needs from implementation of the THSP can be met and existing landfill and associated impacts are less than significant.

The proposed Project would be surrounded by the original THSP development footprint area and therefore solid waste generated by these future developments would be sent to the same Foothill Sanitary Landfill. No population growth would occur and therefore no additional solid waste would be generated compared to what was previously analyzed in the THSP SEIR. This is consistent with the impact conclusions of the THSP SEIR. No new specific impact would result, nor would the impact previously identified be any more severe as a result of the proposed Project. Therefore, the proposed Project would be consistent with the effects of implementation of the THSP.

Threshold (j) Would the project comply with federal, state, and local statutes and regulations related to solid waste?

The City of Tracy has implemented 43 waste diversion programs and is currently exceeding its State residential disposal rate target by over 50 percent.[22] The THSP SEIR determined that the waste diversion programs, together with adherence to the CALGreen Code, are sufficient to ensure that implementation of the THSP would comply with applicable statutes and regulations and the impact was found to be less than significant.

Similar to the THSP, the proposed Project would comply with applicable statutes and regulations, including the City's waste diversion programs and the CALGreen Code, and the impact would be less than significant. This is consistent with the impact conclusions of the THSP SEIR. No new specific impact would result, nor would the impact previously identified be any more severe as a result of the proposed Project. Therefore, the proposed Project would be consistent with the effects of implementation of the THSP.

Cumulative Impacts

As discussed above, the proposed Project would not cause a new public services, recreation, or utilities impact to occur, nor an increase in the severity of any public services, recreation, or utilities impacts previously disclosed in the THSP SEIR, with implementation of the mitigation measures discussed in this section. Therefore, the proposed Project would not cause either a new cumulative impact to occur, nor an increase in the severity of a cumulative impact previously disclosed.

[22] THSP Draft EIR, page 4.15-45

XVI. TRANSPORTATION/TRAFFIC

WOULD THE PROJECT:

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact	Reviewed Under Previous Document
a. Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit?	☐	☐	☐	☐	☒
b. Conflict with an applicable congestion management program, including, but not limited to level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways?	☐	☐	☐	☐	☒
c. Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?	☐	☐	☐	☐	☒
d. Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	☐	☐	☐	☐	☒
e. Result in inadequate emergency access?	☐	☐	☐	☐	☒
f. Conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities?	☐	☐	☐	☐	☒

RESPONSES TO CHECKLIST QUESTIONS

Threshold (a) Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit?

The traffic impact analysis prepared for THSP SEIR identified that buildout of the Project would require significant improvements to Corral Hollow Road and require the construction of Lammers Road as defined in the City's Traffic Management Plan (TMP) to accommodate the full development of the THSP. This is due to the unique location of the THSP Area, magnitude of the THSP, and access to I-580 at the Corral Hollow Road interchange and the proposed Lammers Road interchange. Both these interchanges are

included in the TMP and the City is currently collecting Transportation Impact Fees (TIFs) and seeking grant funding to implement the planned improvements. The THSP SEIR previously concluded that if, at the time interchange improvements are required to provide adequate capacity to mitigate the project impacts, the City does not have sufficient funds for implementation, the Project applicant may be required to fund the improvements upfront and enter into a reimbursement agreement with the City or receive a TIF credit.

A trigger analysis was performed to determine to what extent the THSP can be developed with TMP identified improvements at the Corral Hollow interchange for 2035 conditions. The analysis indicated that the THSP could generate up to 2,588 AM peak hour trips or build an approximately equivalent number of 2,536 single family dwelling units before the operational degradation along Corral Hollow Road would merit the construction of Lammers Road and the I-580 interchange, or result in major improvements to the Corral Hollow Road interchange. Table 4.13-21 of the THSP SEIR identified buildout of the THSP would result in increased V/C ratios to greater than 0.89 at some locations. Impacts were found to be significant and unavoidable. As identified in the THSP SEIR, implementation of Mitigation Measure 4.13-7b would reduce impacts related to overcapacity traffic conditions, but would still remain significant and unavoidable because the City cannot control the timing of the improvements as they fall outside of their immediate control.

The following mitigation measure incorporated herein from the previously certified THSP SEIR are applicable to the proposed Project:

> ***Mitigation Measure TRANS 4.13-7b****: The Applicant shall pay the applicable City TIF, County TIF, SJCOG RTF, the JPA TIF, and any other applicable transportation fees that may be in place when individual projects are processed under the THSP in accordance with applicable laws and regulations. [This is Mitigation Measure 4.13-7b in the THSP SEIR]*

The proposed Project would not change any land use densities or acreages and therefore would not alter the trip generations previously assumed in the THSP SEIR. The annexation would maintain a conservation easement where development is restricted and allow for low density residential per the zoning designation of Residential Estate – TH. Thus, the impacts to the circulation system would be the same as what was previously analyzed in the THSP SEIR. None of the identified intersection improvements in Table 4.13-68 of the THSP SEIR are anticipated to change nor are any new mitigation measures required as an implementation of the proposed Project. Under cumulative conditions, implementation of the proposed Project would generate the same amount of trips in both the a.m. and p.m. peak hours compared to the previously approved THSP. The Project applicant would still be required to pay the applicable transportation fees as identified in Mitigation Measure TRANS 4.13-7b. In addition, the Project applicant would be required to provide access to the Annexation Area consistent with city standards and the City of Tracy TMP in effect at the time of Project approval. With implementation of Mitigation Measure TRANS 4.13-7b, impacts would not be any greater than previously analyzed in the THSP SEIR. Thus, the proposed Project would cause neither a new impact to occur, nor an increase in the severity of an impact previously disclosed.

Threshold (b) Conflict with an applicable congestion management program, including, but not limited to level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways?

As identified in the previously certified THSP SEIR, the THSP complies with the San Joaquin Congestion Management Program (CMP) and the CMP LOS standard of D or better is maintained on all the CMP routes as identified in Tables 4.13-48 and 4.13-49 in the THSP SEIR. The THSP includes a range of travel demand management (TDM) strategies that are consistent with those identified in the City's station area plans of the General Plan and the San Joaquin Council of Governments (SJCOG) TDM goals. As such, the THSP SEIR concluded that no impacts would result from implementation of the THSP.

Implementation of the proposed Project would not result in a conflict with an applicable CMP or travel demand measure as the proposed Project would generate the same amount of trips in both AM and PM peak hours compared to the previously approved THSP. Thus, the proposed changes would not result in conflict with an applicable CMP or TDM strategies any greater than previously analyzed in the THSP SEIR.

Threshold (c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?

The proposed Project does not include any aviation components or structures where height would be an aviation concern. Additionally, no substantial new air traffic would be generated at the local airports in San Joaquin County as a result of the proposed Project. No associated traffic impacts would occur.

Threshold (d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?

As discussed in the previously certified THSP SEIR, the City reviews each development project, and would require conformance with City standards in terms of driveway design and location, traffic controls, and other traffic engineering requirements. Since roadway and intersection designs would be required to meet the City of Tracy roadway design criteria requirements, hazard impacts are considered less than significant. The proposed Project roadway system, including facilities for vehicles (autos, trucks and buses), bicyclists and pedestrians, would also be required to be designed in conformance with the City of Tracy Transportation Master Plan, including all design guidelines contained therein, as well as in conformance with the City's standard plans. With conformance with the City standards in terms of driveway design and location, traffic controls, and other traffic engineering requirements, the proposed Project's impact on design features would be less-than-significant. This determination of less than significant impact is supported by the previously certified SEIR prepared for the THSP. The proposed Project would cause neither a new impact to occur, nor an increase in the severity of an impact previously disclosed.

Threshold (e) Result in inadequate emergency access?

The previously certified SEIR prepared for the THSP indicated that emergency access during buildout conditions would be significant and unavoidable as a result of future traffic congestion resulting from THSP implementation. Mitigation measures 4.12-1, 4.12-2a and 4.12-2b requires payment of applicable

impact fees, which would go toward development of planned facilities such as adequate emergency routes. The proposed Project would not require new mitigation and emergency access impacts are considered less than significant. This determination of less than significant impact is supported by the previously certified SEIR prepared for the THSP. The proposed Project would cause neither a new impact to occur, nor an increase in the severity of an impact previously disclosed. As such, no further analysis is required.

Threshold (f) Conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities?

As discussed in the THSP, Project applicants are required to work cooperatively with the City to modify and expand transit routes and pedestrian facilities as necessary and when feasible to efficiently accommodate demand. Projected transit route extensions were identified at the time of THSP adoption and future bus stop locations would be determined at the time of Tentative Subdivision Map approval.

The THSP includes design guidelines and elements to promote pedestrian circulation by creating pathways, linkages, and visual connections between buildings; and by including multiple connections to public sidewalks and pathways between buildings and areas throughout the THSP Area to foster connectivity. As discussed in the THSP SEIR, implementation of the THSP Project would result in potentially significant impacts to bicycle and pedestrian modes when developed. The THSP Area would include pedestrian and bicycle facilities internal to the THSP Area and that connect to the existing pedestrian system via street frontage improvements that include sidewalks and bicycle paths. Impacts were found to be less-than-significant. As identified in the THSP SEIR, implementation of Mitigation Measure 4.13-2 would require compliance with Policy P4 and P6 under General Plan Policy CIR-3 so that the bicycle and pedestrian improvement connections would connect from the THSP to the Citywide Network. However, impacts were still found to be significant and unavoidable.

The following mitigation measure incorporated herein from the previously certified THSP SEIR is applicable to the proposed Project:

> ***Mitigation Measure TRANS 4.13-2:*** To achieve compliance with CIR-3 Policy P4 and P6, the bicycle and pedestrian improvement connections from the THSP to the Citywide Network shall be implemented when the roadway infrastructure is required as determined at approval of each final map or issuance of building permits by the City Engineer. The pedestrian and bicycle facilities are included in the City of Tracy's typical cross sections and in the City TIF. Bicycle and pedestrian facilities within the THSP Area shall be implemented with each building permit application/final map approval. Widening Corral Hollow Road and constructing and widening Lammers Road shall be in place when the project generates 2,588 AM peak hour trips. *[This is Mitigation Measure 4.13-2 in the THSP SEIR]*

Under cumulative conditions, the buildout of the proposed Project would generate the same amount of trips compared to the previously approved THSP. The proposed Project would not increase the development acreages compared to the previous THSP. The proposed Project would still be required to achieve compliance with CIR-3 Policy P4 and P6 to improve bicycle and pedestrian improvement

connections from the THSP to the Citywide Network when the road infrastructure is required as determined at approval of each final map or issuance of building permits by the City Engineer. Thus, the proposed Project would not conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities any greater than already analyzed in the THSP SEIR. Further, the Project would not exceed the 2,588 AM peak hour trips identified in Mitigation Measure TRANS 4.13-2, so the widening of Corral Hollow Road and Lammers Road would not be triggered by the Project. The proposed Project would cause neither a new impact to occur, nor an increase in the severity of an impact previously disclosed.

Cumulative Impacts

Under Cumulative Conditions the City of Tracy Transportation Master Plan (TMP) Roadway improvements are assumed to be in place. Project applicants would also pay the City of Tracy Traffic Impact Fees to fund the Cumulative Improvements identified in the City Transportation Master Plan to offset potential cumulative impacts.

Project applicants would also be required to implement the Mitigation Measures identified above from the certified THSP SEIR. Cumulative Project impacts would be considered Significant and Unavoidable since the proposed Project would contribute to the cumulative significant and unavoidable impacts previously identified in the THSP SEIR. Additional environmental review is not required since this impact was addressed and would not exacerbate the previously identified impacts in the THSP SEIR.

XIX. MANDATORY FINDINGS OF SIGNIFICANCE

WOULD THE PROJECT:

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact	Reviewed Under Previous Document
a. Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?	☐	☐	☐	☐	☒
b. Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?	☐	☐	☐	☐	☒
c. Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?	☐	☐	☐	☐	☒

RESPONSES TO CHECKLIST QUESTIONS

a – c. As described throughout the analysis above, the proposed Project would not result in any significant impacts to the environment that cannot be mitigated to a less than significant level through the application of uniformly applied development policies and/or standards that were not already anticipated in the THSP SEIR. The proposed Project is required to implement a range of standard and uniformly applied development policies and standards, as well as any previously identified mitigation measures, all of which are identified in the previously certified THSP SEIR, which would reduce the majority of potentially significant impacts to a less than significant level. The cumulative impacts associated with development of the proposed Project were considered and found not to be cumulatively considerable. Further, cumulative impacts of the proposed Project would be consistent with those analyzed and disclosed in the previously certified THSP SEIR. The proposed Project would not result in any cumulative impacts that were not contemplated in the previously certified THSP SEIR. The proposed Project would not result in any peculiar site-specific impacts, impacts to biological resources or impacts to cultural and/or historical resources that were not contemplated in the previously certified THSP SEIR. The proposed Project would not result in any of the conditions or circumstances described in Section 15162(a) of the CEQA Guidelines.

DETERMINATION OF APPROPRIATE CEQA DOCUMENTATION

Section 15162 – Subsequent EIRs and Negative Declarations

(a) When an EIR has been certified or a negative declaration adopted for a project, no subsequent EIR shall be prepared for that project unless the lead agency determines, on the basis of substantial evidence in light of the whole record, one of more of the following:

(1) Substantial changes are proposed in the project which will require major revisions of the previous EIR or negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects.

The City of Tracy proposes to implement the Amendment within the context of the THSP, as described in this Addendum. As discussed herein, the proposed Project would result in changes to the project evaluated in the THSP SEIR and include an additional 35-acres of land not previously analyzed in the THSP SEIR. However, as discussed in this Addendum, no new or substantially more severe significant environmental effects beyond what was evaluated in the THSP SEIR would occur and Project implementation would not trigger any of the criteria identified in Section 15162(a) of the CEQA Guideline. No major revisions to the Tracy Hills Specific Plan SEIR are required.

(2) Substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous EIR or negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects.

As documented herein, no circumstances associated with the location, type, setting, or operations of the proposed Amendment have substantively changed beyond what was evaluated in the THSP SEIR; and none of the proposed Amendment elements would result in new or substantially more severe significant environmental effects than previously identified. No major revisions to the Tracy Hills Specific Plan SEIR are required.

(3) New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified as complete or the negative declaration was adopted, shows any of the following:

(A) The project will have one or more significant environmental effects not discussed in the previous EIR or negative declaration;

No new significant environmental effects beyond those addressed in the Tracy Hills Specific Plan SEIR were identified. Project implementation would not create significant environmental effects or create a substantial increase in the severity of previously identified significant effects.

(B) Significant effects previously examined will be substantially more severe than shown in the previous EIR.

(C) Mitigation measures or alternatives previously found not to be feasible would in fact be feasible, and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or

No mitigation measures or alternatives were found infeasible in the certified THSP SEIR. Project implementation would not create significant environmental effects or create a substantial increase in the severity of previously identified significant effects.

(D) Mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.

No other mitigation measures or feasible alternatives have been identified that would substantially reduce significant impacts. Project implementation would not create significant environmental effects or create a substantial increase in the severity of previously identified significant effects.

(b) If changes to a project or its circumstances occur or new information becomes available after adoption of a negative declaration, the lead agency shall prepare a subsequent EIR if required under subsection (a). Otherwise, the lead agency shall determine whether to prepare a subsequent negative declaration, an addendum, or no further documentation.

(c) Once a project has been approved, the lead agency's role in project approval is completed, unless further discretionary approval on that project is required. Information appearing after an approval does not require reopening of that approval. If after the project is approved, any of the conditions described in subsection (a) occurs, a subsequent EIR or negative declaration shall only be prepared by the public agency which grants the next discretionary approval for the project, if any. In this situation, no other Responsible Agency shall grant an approval for the project until the subsequent EIR has been certified or subsequent negative declaration adopted.

None of the conditions listed in subsection (a) would occur as a result of the proposed Amendment. No subsequent EIR is required.

Section 15164 – Addendum to an EIR or Negative Declaration

(a) The lead agency or responsible agency shall prepare an addendum to a previously certified EIR if some changes or additions are necessary, but none of the conditions described in Section 15162 calling for preparation of a subsequent EIR have occurred.

As described above, none of the conditions described in the State CEQA Guidelines Section 15162 calling for the preparation of a subsequent EIR have occurred.

(b) An addendum to an adopted negative declaration may be prepared if only minor technical changes or additions are necessary or none of the conditions described in Section 15162 calling for the preparation of a subsequent EIR or negative declaration have occurred.

None of the conditions described in Section 15162 calling for preparation of a subsequent EIR or negative declaration would occur as a result of the proposed Amendment. Project implementation would not create significant environmental effects or create a substantial increase in the severity of previously identified significant effects. Therefore, an Addendum to the certified Final SEIR is the appropriate CEQA document for the proposed Amendment.

(c) An addendum need not be circulated for public review but can be included in or attached to the final EIR or adopted negative declaration.

This Addendum will be attached to the Final SEIR and maintained in the administrative record files at the City of Tracy.

(d) The decision-making body shall consider the addendum with the final EIR or adopted negative declaration prior to making a decision on the project.

The City of Tracy will consider this Addendum with the Final SEIR prior to making a decision on the proposed Amendment.

(e) A brief explanation of the decision not to prepare a subsequent EIR pursuant to Section 15162 should be included in an addendum to an EIR, the lead agency's required findings on the project, or elsewhere in the record. The explanation must be supported by substantial evidence.

This document provides substantial evidence for City of Tracy records to support the preparation of this Addendum for the proposed Amendment.

CONCLUSION

This Addendum has been prepared in accordance with the provisions of the State CEQA Guidelines to document the finding that none of the conditions or circumstances that would require preparation of a subsequent EIR, pursuant to Sections 15162 and 15164 of the State CEQA Guidelines, exist in connection with the proposed Amendment. No major revisions would be required to the Tracy Hills Specific Plan SEIR prepared for the City of Tracy as a result of the proposed Specific Plan Amendment. No new significant environmental impacts have been identified. Since the certification of the Final EIR, there has been no new information showing that mitigation measures or alternatives once considered infeasible are now feasible or showing that there are feasible new mitigation measures or alternatives substantially different from those analyzed in the EIR that the City declined to adopt. Project implementation would not create significant environmental effects or create a substantial increase in the severity of previously identified significant effects. Therefore, preparation of a subsequent EIR is not required and the appropriate CEQA document for the proposed Amendment is this Addendum to the City of Tracy THSP SEIR. No additional environmental analysis or review is required for the proposed Specific Plan Amendment. This document will be maintained in the administrative record files at City of Tracy City Hall.

Attachment A

Biological Technical Report

TRACY HILLS
ANNEXATION PROJECT

July 2020

Biological Technical Report

Prepared By

NOREAS
Environmental Engineering and Science

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DRAFT

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1.0 INTRODUCTION AND SUMMARY

NOREAS Inc. (NOREAS) is pleased to provide this Biological Technical Report for the Tracy Hills Annexation Project (hereafter referred to as the "Project", Figure 1). The aforementioned Project includes roughly 35-acres which are currently held in an existing conservation easement. The aforementioned acreage is a narrow peninsula of unimproved land that is bounded on three sides by developable land. This report summarizes the findings of baseline biological resources[1] surveys that have been prepared for the Project. The intended use of this document is to provide historic and current data that discloses and evaluates land cover types and determines the potential for occurrence of common and special-status species[2], and their habitats[3] within study area limits.

For the purposes of this report, the "study area" includes the Project's approximately 35-acre footprint and a buffer (Figure 2). The study area has very low species richness and diversity, and lacks high quality breeding and refuge habitats for special status species. This is likely a result of the significant cattle grazing that has occurred within it over the past quarter of a century. The aforementioned disturbance within the study area has substantially decreased its value as a migration or overland dispersal corridor, and as habitat for wildlife, as it lacks appropriate vegetative cover for native and migratory species movement and refuge, thereby exposing species to a high risk of desiccation and predation. Generally, the study area has porous soils as well which quickly absorb rainfall. As a result, any flows within it are predominately ephemeral - fast and short lived; ultimately reducing water availability for plants and wildlife within Project boundaries. Accordingly, the study area is lacking in numbers and variety of species – likely attributable to its inability to produce a high enough density of biomass to support a diversity of native flora and fauna.

The study area and surrounding lands have been subjected to an incredibly extensive amount of biological analyses over the last 30 years. To these ends, NOREAS compiled, reviewed, and analyzed historical and current biological resource data relating to the study area to ascertain the presence or absence of special status flora and fauna. The literature reviews, field investigations by credentialed professionals, and 2020 pedestrian survey results indicate that the species within the study area have not changed significantly from those documented in past studies. No State or Federally-listed species have ever been detected within the study area. The study area predominately includes existing livestock grazing, and other activities which have greatly reduced the lands ability to support special status species. The data collected and analyzed herein also suggests that there is extremely low potential for special status species to recruit into the study area.

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[1] "Biological resources" refers to the plants, wildlife, and habitats that occur, or have the potential to occur, within the study area.

[2] For the purposes of this analysis, "special-status species" refers to any species that has been afforded special protection by federal, state, or local resource agencies (e.g., U.S. Fish and Wildlife Service, California Department of Fish and Wildlife) or resource conservation organizations (e.g., California Native Plant Society). The term "special-status species" excludes those avian species solely identified under Section 10 of the Migratory Bird Treaty Act (MBTA) for federal protection. Nonetheless, MBTA Section 10 protected species are afforded avoidance and minimization measures per state and federal requirements.

[3] A "habitat" is defined as the place or type of locale where a plant or animal naturally or normally lives and grows.

2.0 PROJECT LOCATION

The Project location is depicted within Figure 1. For the purposes of this document, the "study area" includes the Project's proposed ground disturbance footprint and a buffer (Figure 2). The Project occurs in the City of Tracy, San Joaquin County, CA. The Project can be found within the Tracy U.S. Geological Survey 7.5-minute Quadrangle Map (USGS 1986) - Sections 18 and 19, of Township 3 South and Range 5 East (Mt. Diablo Base and Meridian [MDB&M).

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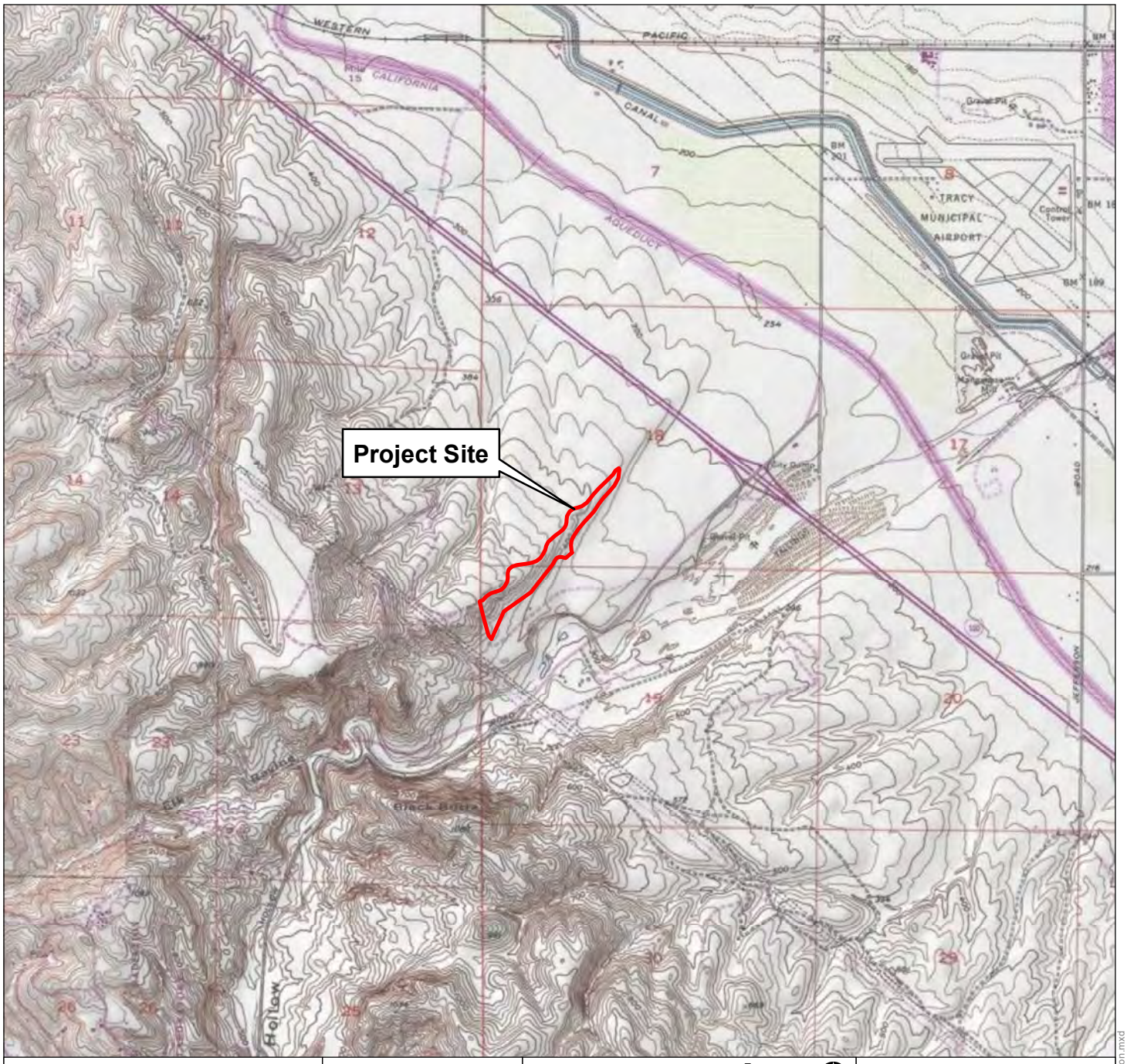


Project Site

Freeway (inset)

Forest or Park (inset)

Water Body (inset)

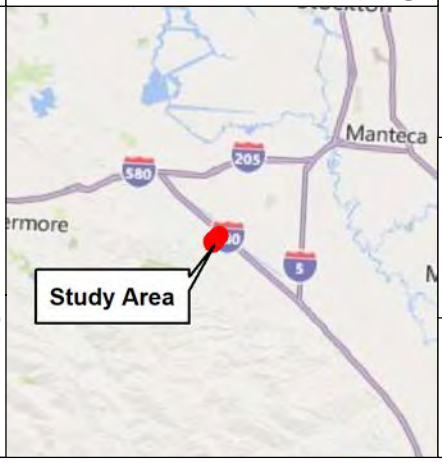
The site is located in San Joaquin County on the Tracy USGS 7.5-minute quadrangle map, Mount Diablo Base and Meridian,Township 3 South, Range 5 East, in Sections 18 and 19 of the quadrangle.PPPPPP

Center coordinates are:
Latitude 37.668, Longitude -121.472

Statewide Location

Regional Location

5 Miles



0 1,500 3,000 Feet

1 inch = 3,000 feet

Data Sources:
- Bing accessed Jun 2020
- Bureau of Land Management Cadastral GIS 2019
- ESRI US Topo Maps accessed June 2020

Map Prepared: 6-30-20

Prepared by:

NOREAS
Environmental Engineering and Science

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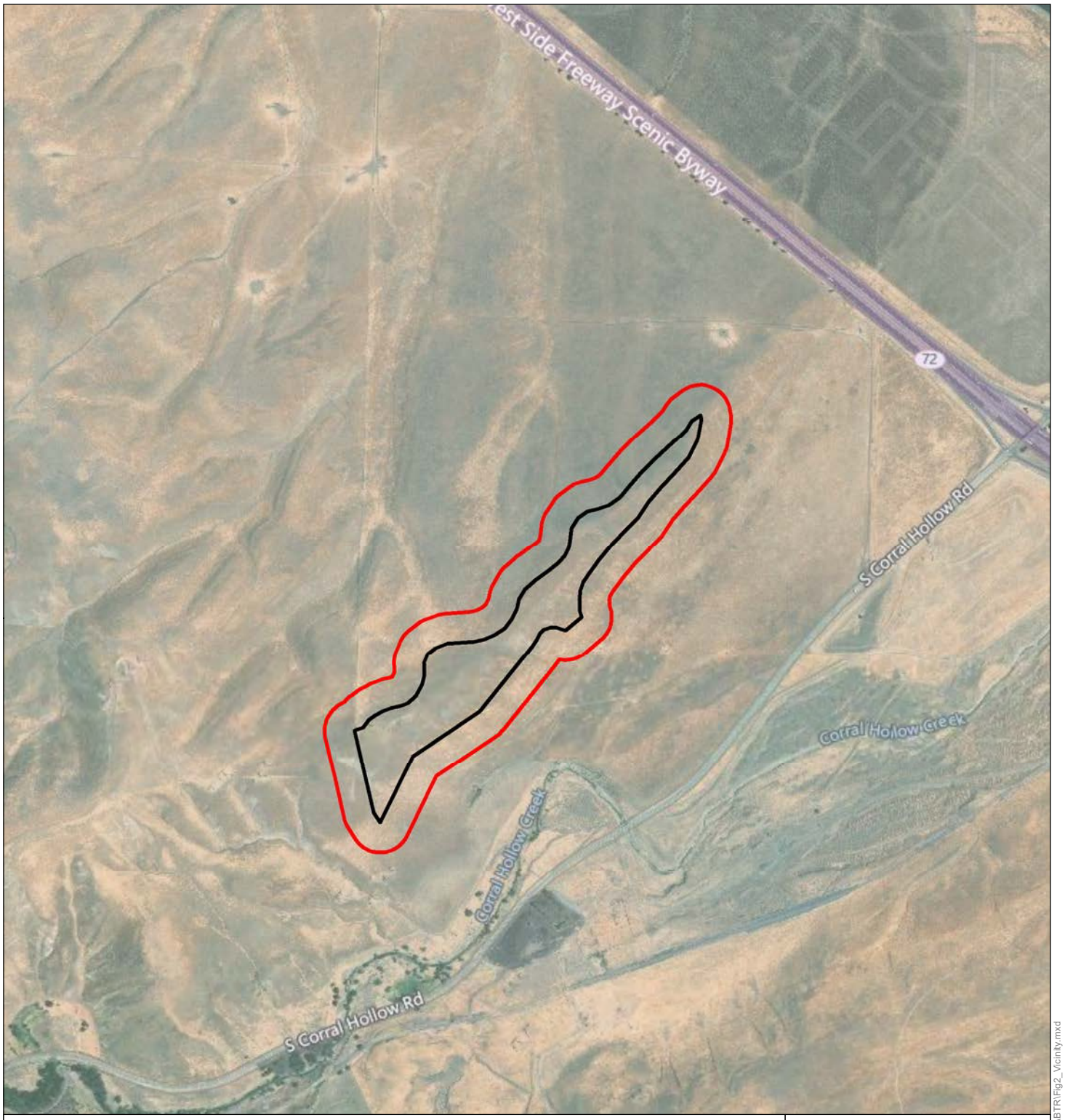
Figure 1. Regional Location



Study Area (92.8 acres)

Project Site (35 acres)

0 600 1,200 Feet

1 inch = 1,166.7 feet

Data Sources:
- Bing Maps Hybrid accessed June 2020

Map Prepared: 6-30-20

Prepared by:
NOREAS
Environmental Engineering and Science

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Figure 2. Site Vicinity

3.0 METHODS

Prior to beginning field surveys, resource specialists were consulted and available information from resource management plans and relevant documents were reviewed to determine the locations and types of biological resources[4] that have the potential to exist within - and adjacent to the study area. Resources were evaluated within several miles of the Project (Figures 4, 5 and 6). The primary materials reviewed included – but were not limited to commercially available databases, and technical studies associated with the presence or absence of common and special status species (flora and fauna) within the study area from 1989 through 2020.

The materials reviewed included the following:

- ✓ Biological Assessment Properties East of California Aqueduct Carnegie Business Park San Joaquin County, CA (LSA 1989);
- ✓ Biological Study, Tracy Hills Community, San Joaquin County California (LSA 1991);
- ✓ Evaluation of a Proposed Corridor for the San Joaquin Kit Fox in the Tracy Hills Development (Jones & Stokes Associates, Inc. 1993);
- ✓ Multi-Species Habitat Management Plan (LSA 1996);
- ✓ Delineation of Waters of the United States – Grupe Property, Tracy, Hills, San Joaquin County California (LSA 1998);
- ✓ Habitat Conservation Plan for Lakeside Tracy Development (LSA 1999b);
- ✓ Habitat Management Plan - Tracy Hills Project (Foothill Associates 2004);
- ✓ Environmental Assessment for the Tracy Hills HCP (Tracy Hills LLC 2004);
- ✓ Tracy Hills San Joaquin Kit Fox Analysis (Berryman Ecological LLC 2006);
- ✓ Tracy Triangle San Joaquin Kit Fox Surveys, Project #2689-01 (H.T. Harvey & Associates 2006);
- ✓ Biological Resources on the Tracy 580 Business Park Property (Berryman Ecological LLC 2010a);
- ✓ Burrowing Owl Surveys for Tracy 580 Business Park (Berryman Ecological LLC 2010b);
- ✓ Preserve Management Plan for the Tracy 580 Business Park Preserve (ICF International 2011);
- ✓ Tracy Hills Project- U.S. Army Corps of Engineers Jurisdiction Assessment (Olberding Environmental, Inc. 2013);
- ✓ Tracy Hills Specific Plan: Habitat Assessment & San Joaquin County Multi-Species Habitat Conservation and Open Space Plan (SJMSCP) Consistency Analysis (RBF Consulting 2014);
- ✓ Scat Detection Dog Surveys for the Endangered San Joaquin Kit Fox (*Vulpes macrotis mutica*) at the Tracy Hills Project Site, San Joaquin County, California (Working Dogs for Conservation Foundation 2010, 2012, 2013 and 2014);
- ✓ U.S Fish and Wildlife Service (USFWS) Critical Habitat Mapper and File Data (USFWS 2020a);
- ✓ USFWS Sacramento Office Species List for San Joaquin County (USFWS 2020b);
- ✓ California Natural Diversity Database (CDFW 2020);
- ✓ San Joaquin Kit Fox (*Vulpes macrotis mutica*) 5-Year Review, Summary and Evaluation (USFWS 2010);
- ✓ Aerial Photographs (Microsoft Corporation 2020);
- ✓ Stanley, R. 2015. California Department of Fish and Wildlife, Napa, California. Personal communications with NOREAS Inc.;
- ✓ Tracy Hills Project General Biological Resources Assessment. (NOREAS, September 2015a);
- ✓ Tracy Hills Project Rare Plant Survey Report. (NOREAS, September 2015b);
- ✓ Tracy Hills Project Burrowing Owl Survey. (NOREAS, September 2015c);
- ✓ Tracy Hills Project California Red-legged Frog Assessment. (NOREAS, September 2015d);
- ✓ Tracy Hills Project California Tiger Salamander Assessment. (NOREAS, September 2015e);
- ✓ Tracy Hills Project California San Joaquin Kit Fox Survey. (NOREAS, September 2015f); and

[4] For the purposes of this analysis, "biological resources" refers to the plants, wildlife, and habitats that occur, or have the potential to occur, within the study area.

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- ✓ Tracy Hills Project Swainson's Hawk Survey. (NOREAS, September 2015g).

To support this analysis, pedestrian-based field surveys were also performed in 2020 to assess general and dominant vegetation community types, community sizes, habitat types, and species present within communities[5]. These field based surveys were conducted pursuant to professional industry standards and published guidelines. Community type descriptions were based on observed dominant vegetation composition, and derived from the criteria and definitions of widely accepted vegetation classification systems (Holland 1986; Sawyer et al. 2009).

Plants were identified to the lowest taxonomic level sufficient to determine whether the species observed were non-native, native, or special-status. Plants of uncertain identity were subsequently identified from taxonomic keys (Baldwin et al. 2012). Scientific and common names of plants were recorded according to Baldwin et al. (2012). The presence of a wildlife species was based on direct observation and/or wildlife sign (e.g., tracks, burrows, nests, scat, or vocalization). Field data compiled for wildlife species included scientific name, and common name. Wildlife of uncertain identity was documented and subsequently identified from specialized field guides and related literature (Burt and Grossenheider 1980; Halfpenny 2000; Sibley 2000 and Stebbins 2003).

All plant communities and land cover types were assessed to determine presence or absence of any special-status species that could be identified within the context of the survey. For species that could not be identified during the survey, the plant communities and land cover types were evaluated for their potential to support targeted special status species of fauna and flora. This evaluation was based on comparisons of observed habitat characteristics with reported occupied habitats and species distributions.

The following definitions were utilized within Appendix A:

- **Absent [A]** – Species distribution is restricted by substantive habitat requirements which do not occur or are negligible within the study area; no further survey or study is necessary to determine likely presence or absence of this species.
- **Habitat Present [HP]** – Species distribution is restricted by substantive habitat requirements which occur within the study area; further study may be necessary to determine likely presence or absence of species.
- **Present [P]** – Species or species sign were observed within the study area or historically have been documented within study area limits.
- **Critical Habitat [CH]** – The study area is located within a USFWS-designated critical habitat unit.

[5] Where 100% pedestrian coverage of the study area was not possible due to limited access (e.g., private property or physical barriers [vegetative cover, health and safety concerns, etc.]), field observations were made from the nearest appropriate vantage points via public right-of-ways with the aid of binoculars and spotting scopes.

4.0 RESULTS

Weather conditions during the June 2020 surveys included clear to partly cloudy skies, temperatures ranging from 72–87 °F, and winds fluctuating from 0 to 10 miles per hour (mph). Representative photos of the study area are provided in Appendix B.

The Project climate is typical of the foothills of the eastern side of the San Francisco Bay Area and the northwestern San Joaquin Valley - with temperatures rarely dropping below freezing for any duration during the winter months, and summer temperatures frequently eclipsing 100° F. This Mediterranean climate (i.e., cool, wet winters and hot dry summers) supports predominantly annual grassland plant communities with small ephemeral drainages. The study area has extremely low species richness and diversity and does not support habitat for any State or Federal-listed species.

Vegetation Communities and Land Cover Type

Annual grassland was the only vegetation communities/land cover type observed within the study area (Figure 3). The annual grassland vegetation community is characterized by a dominance of nonnative grasses and forbs that are being annually grazed. Extensive cattle grazing have occurred for numerous years within this portion of the study area, which has restricted the colonization of native shrubs and trees. Dominant plant species found in this community include wild barley (*Hordeum ssp*.), soft chess (*Bromus hordeaceus*), ripgut (*Bromus diandrus*), and wild oats (*Avena ssp*.). This community also contains small areas of anthropogenic structures that are generally associated with active cattle ranches (i.e., fences, gates, dirt and gravel roads). All plant species observed during the 2020 surveys are listed in Appendix C.

Wildlife

Wildlife species observed within the study area consisted of commonly-occurring species - including, but not limited to, Turkey Vulture (*Cathartes aura*), Common Raven (*Corvus corax*), Western meadowlark (*Sturnella neglecta*), Say's Phoebe (*Sayornis saya*), and Side-blotched Lizard *(Uta stansburiana*). Wildlife detected during the surveys are identified in Appendix D.

Special-Status Plants

No State- or Federally-listed plant species have been detected during any of pedestrian based biological surveys which were performed within discrete portions of the study area from 1989 to 2020. No State- or Federally-listed plant species have been documented within several miles of the Project (Figure 4). The study area includes no USFWS-critical habitat for plants (Figure 5). The data collected and analyzed suggests that there is extremely low potential for special-status plant species to recruit into the study area as well. The habitat within the study area includes existing livestock grazing which has greatly reduced the habitat's ability to support special status species. The study area lacks vernal pools, alkali and clay soils, and serpentine soils. The study area is dominated by non-native vegetation. The absence of the aforementioned unique habitats suggests that special status plants are not likely present within the study area. Special-status plants known to occur within 10 miles of the Project and their potential for occurrence are detailed within Appendix A.

Special-Status Wildlife

No Federal or State listed wildlife species were observed within the study area during the 2020 field survey events. Nonetheless, several have been documented within 10 miles of the Project (Figure 4). It should be noted that a discrete subset of land within the study area is collocated within designated critical habitat for California red-legged Frog (USFWS 2020, Figure 5). Also targeted surveys that were conducted for numerous special status species in 2015 (i.e., Burrowing Owl, California Red-Legged Frog, California Tiger Salamander, San Joaquin Kit Fox And Swainson's Hawk) overlap with significant portions

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of the study area (Appendices E, F, G, H , I and J). Based on the low quality habitat present (i.e., limited prey base, lack of aquatic breeding habitat, lack of native plants and vegetative cover, and the presence of predators), the likelihood of a significant population of special status species being supported within the study area is negligible. Under the appropriate suite of environmental conditions, the study area could possibly support Prairie Falcon (*Falco mexicanus*), California Horned Lark (*Eremophila alpestris actia*), Burrowing Owl (*Athene cunicularia*), Loggerhead Shrike (*Lanius ludovicianus*) and Coast Horned Lizard (*Phrynosoma blainvillii)*. But none of these species are State or Federally-listed. Given the extent of anthropogenic disturbance (i.e., lack of appropriate cover to forage, breed and elude predators, coupled with disked fields, and livestock grazing) and low quality habitat present, the likelihood of any of special status species utilizing locales as functional habitat is slight. That said, special-status wildlife species known to occur within 10 miles of the Project and their potential for occurrence are detailed within Appendix A.

Wetlands and Waterways

The National Wetland Inventory includes no records of aquatic resources within the study area (Figure 6). No riparian habitats were observed within the study area either, however several obvious indicators of ephemeral - fast and short lived water conveyance features (i.e., bed, bank and channel) that would be assumed to provide unique functions to wildlife were detected in 2020.

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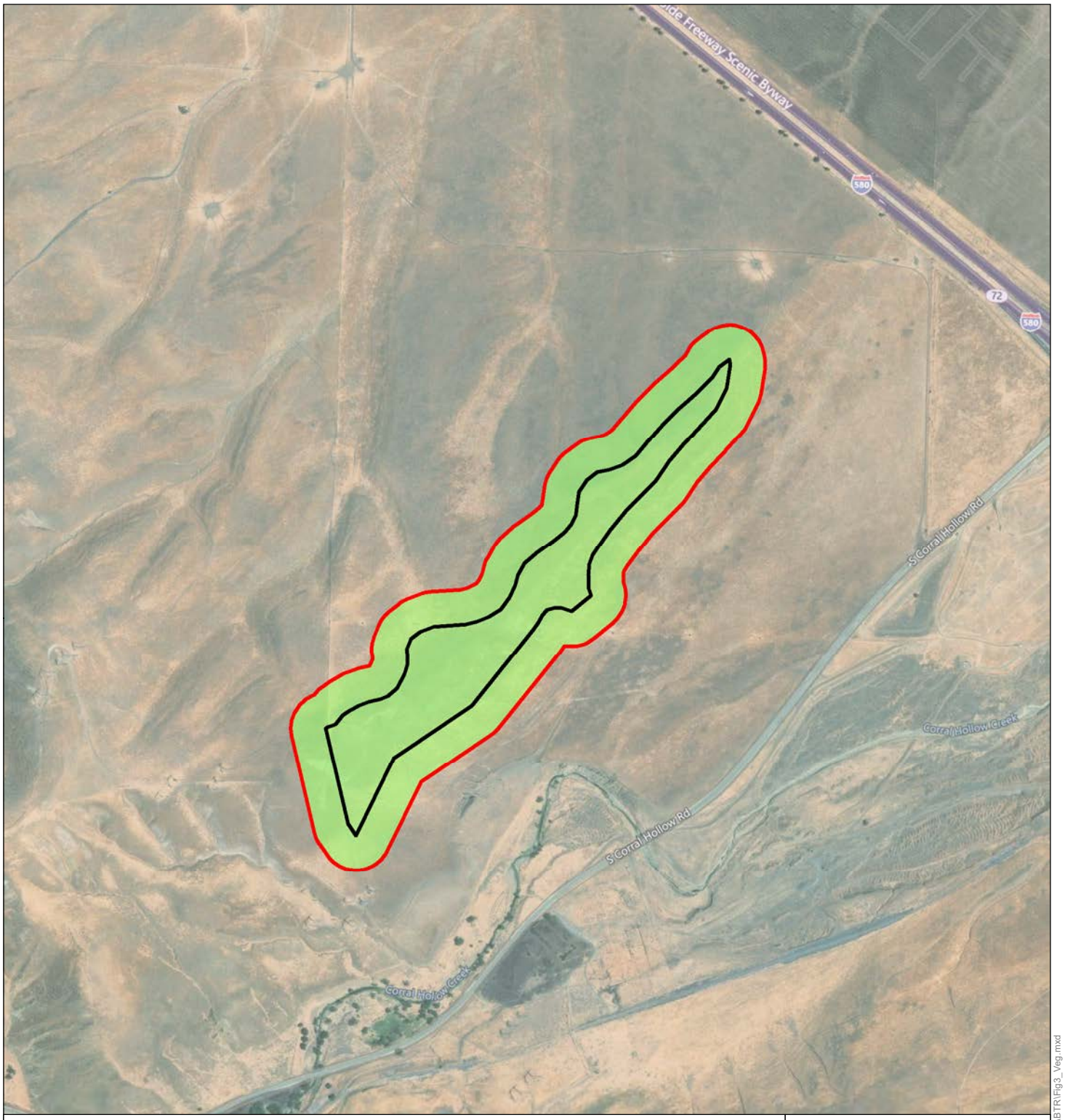


Figure 3. Vegetation Communities and Land Cover Types

Special-Status Species Occurrences

Map Code	Common Name (Scientific Name)
Plants	
P1	Big Tarplant *(Blepharizonia plumosa)*
P2	Brewer's Western Flax *(Hesperolinon breweri)*
P3	Caper-fruited Tropidocarpum *(Tropidocarpum capparideum)*
P4	Chaparral Harebell *(Campanula exigua)*
P5	Chaparral Ragwort *(Senecio aphanactis)*
P6	Diablo Helianthella *(Helianthella castanea)*
P7	Diamond-petaled California Poppy *(Eschscholzia rhombipetala)*
P8	Dwarf Soaproot *(Chlorogalum pomeridianum var. minus)*
P9	Great Valley Valley Oak Riparian Forest
P10	Hospital Canyon Larkspur *(Delphinium californicum ssp. Interius)*
P11	Large-flowered Fiddleneck *(Amsinckia grandiflora)*
P12	Lemmon's Jewelflower *(Caulanthus lemmonii)*
P13	Loma Prieta Hoita *(Hoita strobilina)*
P14	Long-styled Sand-spurrey *(Spergularia macrotheca var. longistyla)*
P15	Mason's Lilaeopsis *(Lilaeopsis masonii)*
P16	Mt. Hamilton Thistle *(Cirsium fontinale var. campylon)*
P17	Northern Claypan Vernal Pool
P18	San Joaquin Spearscale *(Extriplex joaquinana)*
P19	Santa Clara Red Ribbons *(Clarkia concinna ssp. Automixa)*
P20	Sharsmith's Onion *(Allium sharsmithiae)*
P21	Shining Navarretia *(Navarretia nigelliformis ssp. Radians)*
P22	Showy Golden Madia *(Madia radiata)*
P23	Talus Fritillary *(Fritillaria falcata)*
P24	Valley Sink Scrub
Invertebrates	
I1	California Linderiella *(Linderiella occidentalis)*
I2	Crotch Bumble Bee (*Bombus crotchii*)
I3	Curved-foot Hygrotus Diving Beetle *(Hygrotus curvipes)*
I4	Longhorn Fairy Shrimp *(Branchinecta longiantenna)*
I5	Sacramento Anthicid Beetle *(Anthicus sacramento)*
I6	Valley Elderberry Longhorn Beetle *(Desmocerus californicus dimorphus)*
I7	Western Bumble Bee *(Bombus occidentalis)*
Reptiles	
R1	Alameda whipsnake *(Masticophis lateralis euryxanthus)*
R2	California Glossy Snake (*Arizona elegans occidentalis*)
R3	Coast Horned Lizard (*Phrynosoma blainvillii*)
R4	Northern California Legless Lizard *(Anniella pulchra)*
R5	San Joaquin Coachwhip *(Masticophis flagellum ruddocki)*
R6	Western Pond Turtle (*Emys marmorata*)
Birds	
B1	Burrowing Owl *(Athene cunicularia)*
B2	California Horned Lark (*Eremophila alpestris actia*)
B3	Ferruginous Hawk *(Buteo regalis)*
B4	Golden Eagle *(Aquila chrysaetos)*
B5	Grasshopper Sparrow *(Ammodramus savannarum)*
B6	Least Bell's Vireo *(Vireo bellii pusillus)*
B7	Loggerhead Shrike *(Lanius ludovicianus)*
B8	Northern Harrier *(Circus hudsonius)*
B9	Prairie Falcon *(Falco mexicanus)*
B10	Short-eared Owl *(Asio flammeus)*
B11	Song Sparrow ("Modesto" population) *(Melospiza melodia)*
B12	Swainson's Hawk *(Buteo swainsoni)*
B13	Tricolored Blackbird *(Agelaius tricolor)*
B14	White-tailed Kite *(Elanus leucurus)*
Mammals	
M1	American Badger *(Taxidea taxus)*
M2	Pallid Bat *(Antrozous pallidus)*
M3	Riparian Brush Rabbit *(Sylvilagus bachmani riparius)*
M4	San Joaquin Kit Fox *(Vulpes macrotis mutica)*
M5	San Joaquin Pocket Mouse *(Perognathus inornatus)*
M6	Townsend's Big-eared Bat (Corynorhinus townsendii)
M7	Western Mastiff Bat *(Eumops perotis californicus)*
Fish	
F1	Steelhead - Southern California DPS *(Oncorhynchus mykiss irideus pop. 11)*
Amphibians	
A1	California Red-legged Frog *(Rana draytonii)*
A2	California Tiger Salamander *(Ambystoma californiense)*
A3	Foothill Yellow-legged Frog *(Rana boylii)*
A4	Western Spadefoot *(Spea hammondii)*

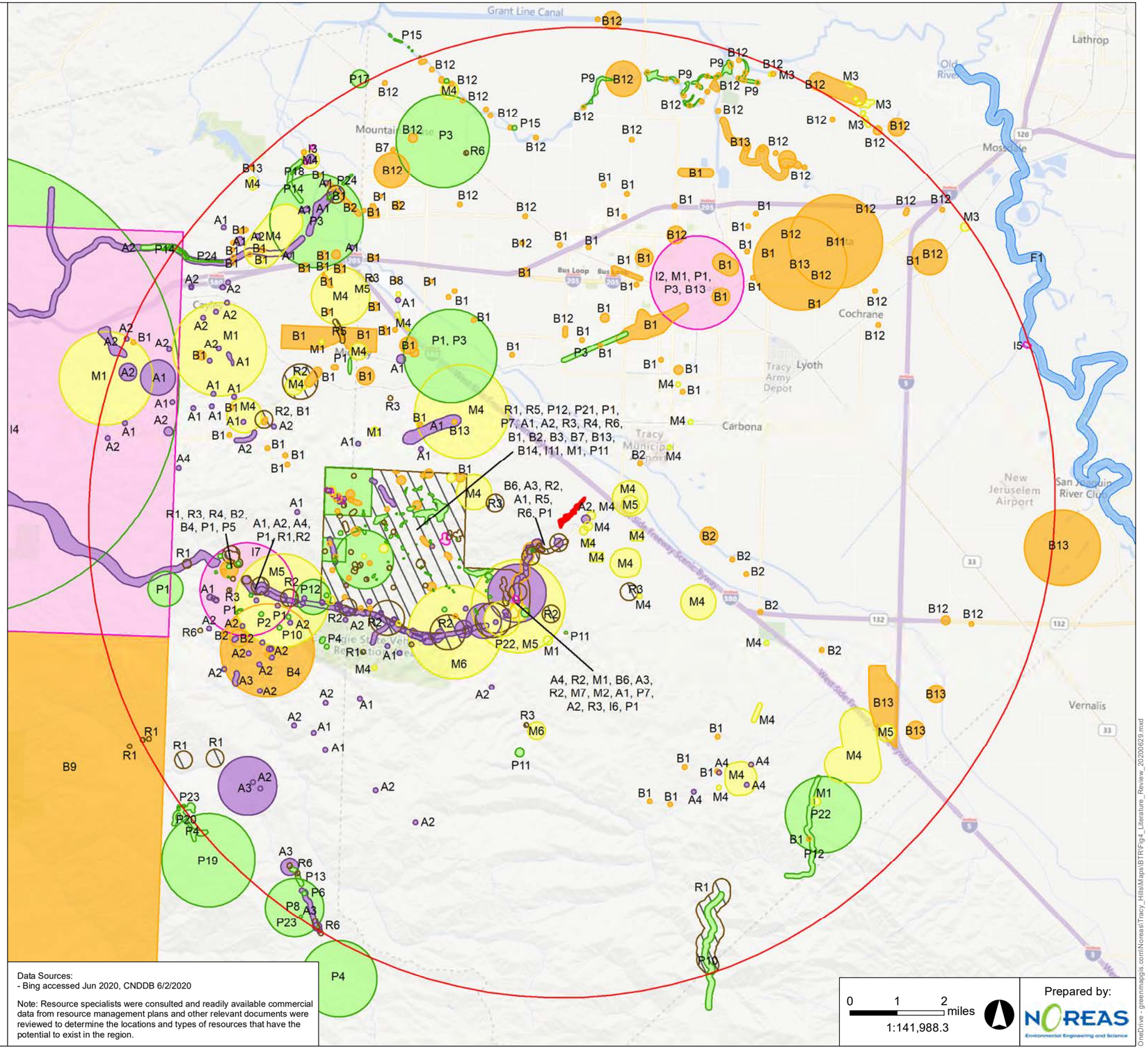
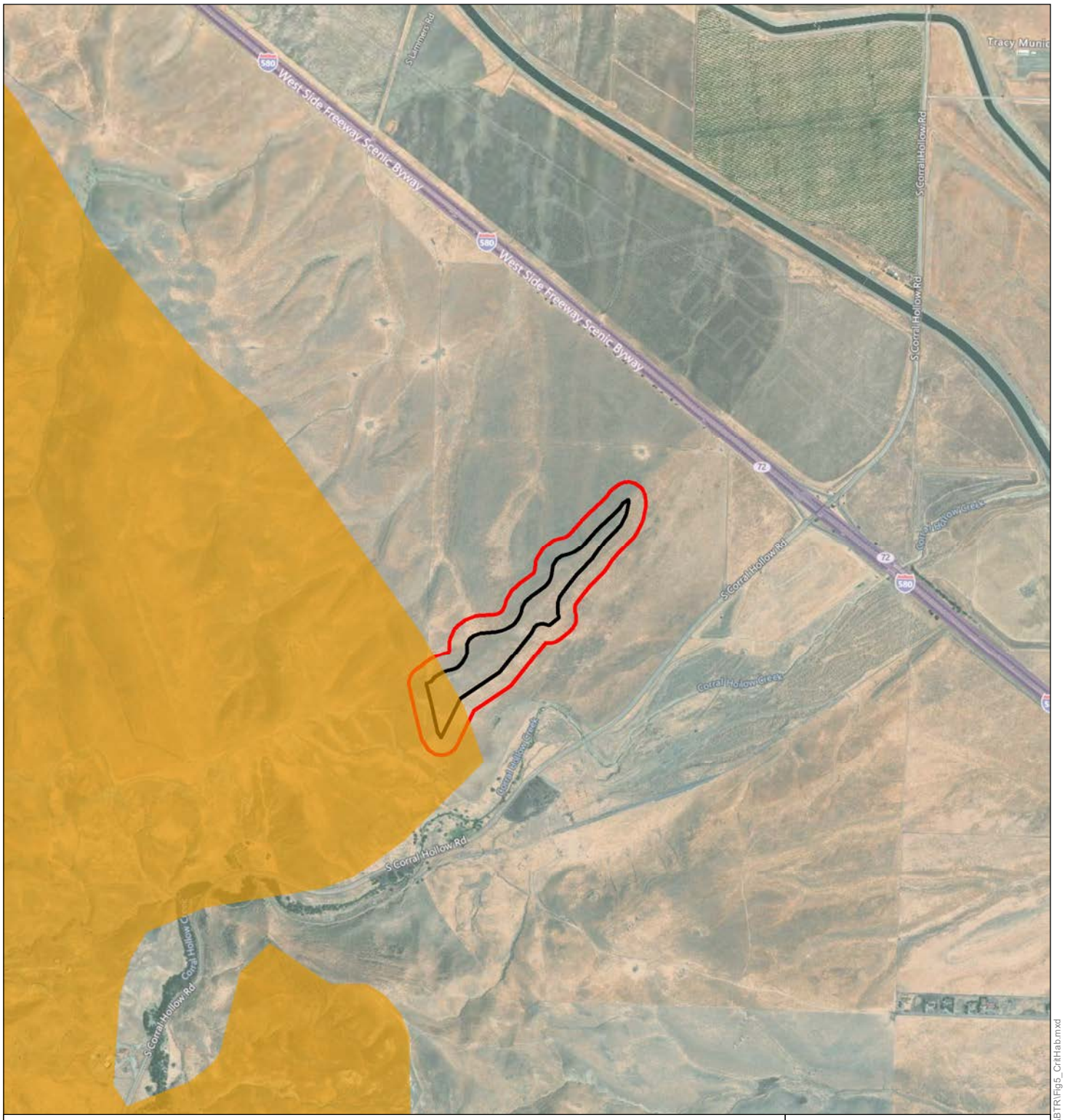


Figure 4. Literature Review



Study Area

Project Site

Critical Habitat -
California Red-legged Frog

0 1,000 2,000 Feet

1 inch = 2,000 feet

Data Sources:
- Bing Maps Hybrid accessed June 2020
- USFWS Critical Habitat (2016)

Map Prepared: 6-30-20

Prepared by:
NOREAS
Environmental Engineering and Science

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Figure 5. Critical Habitat

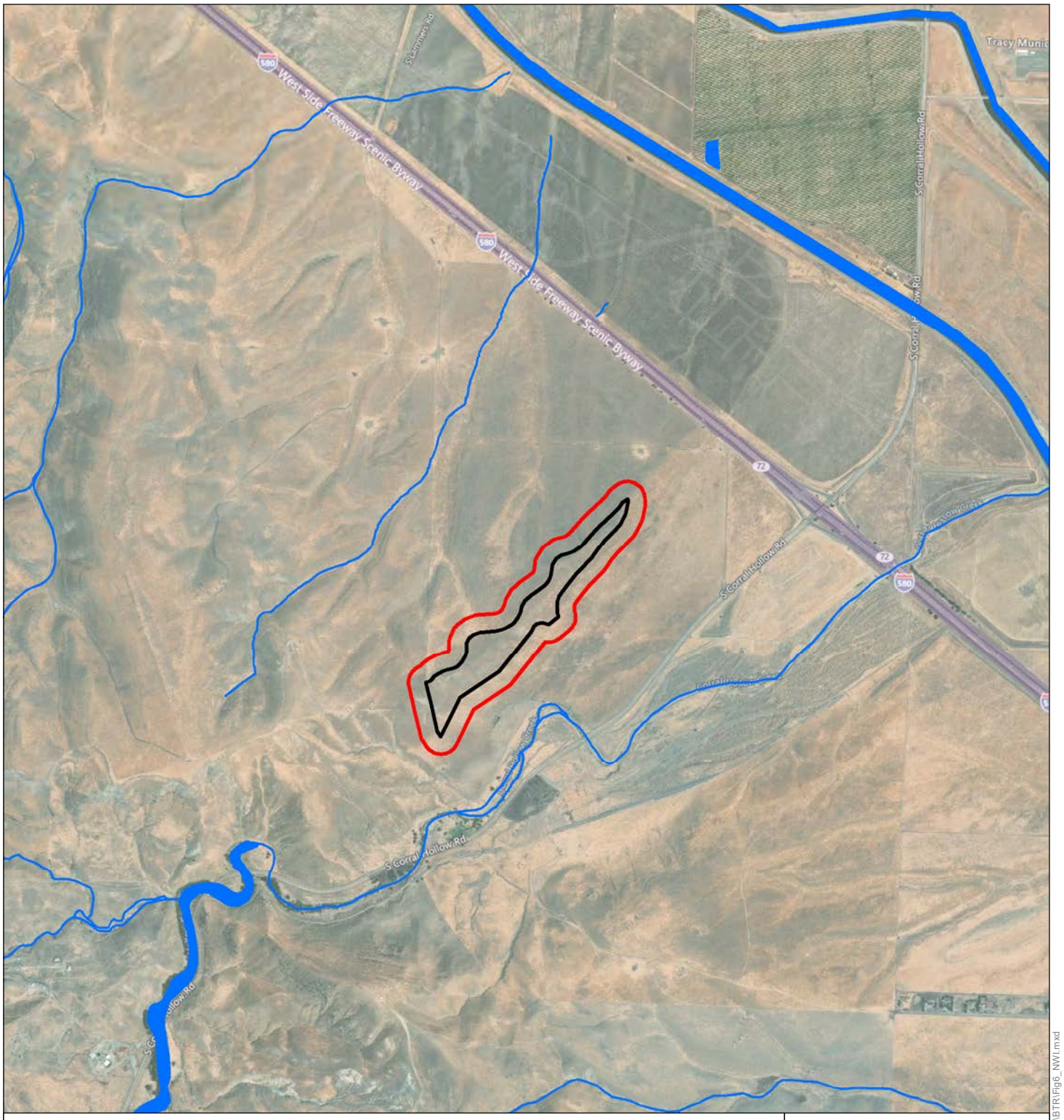

Figure 6. National Wetlands Inventory

5.0 CONCLUSION

The study area predominately consists of non-native annual grassland vegetation and it is therefore assumed that any species currently using these locales are acclimated to the disturbance regime present. Given the extent of anthropogenic influence and low quality habitat present, the likelihood of any special status species utilizing the study area as functional habitat is minor. This is a result of the amount of similar and higher-quality native habitats available within the region. No State or Federally-listed, proposed, or candidate plant or animal species were detected within the study area or on adjacent lands during field surveys from 1989 to 2020.

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APPENDIX A

2015 SPECIAL-STATUS SPECIES POTENTIAL FOR OCCURRENCE WITHIN THE STUDY AREA

Potential for occurrence	Common name (Scientific name)	Federal listing status	State listing status	CNPS list [c]	Records within 10 miles
A	California Glossy Snake (*Arizona elegans occidentalis*)	None	None	--	12
A	California Tiger Salamander *(Ambystoma californiense)*	Threatened	Threatened	--	40
CH	California Red-legged Frog *(Rana draytonii)*	Threatened	None	--	58
A	San Joaquin Kit Fox *(Vulpes macrotis mutica)*	Endangered	Threatened	--	24
A	San Joaquin Coachwhip *(Masticophis flagellum ruddocki)*	None	None	--	3
A	American Badger *(Taxidea taxus)*	None	None	--	17
A	Foothill Yellow-legged Frog *(Rana boylii)*	None	Endangered	--	7
A	Least Bell's Vireo *(Vireo bellii pusillus)*	Endangered	Endangered	--	1
A	Western Pond Turtle (*Emys marmorata*)	None	None	--	9
A	Big Tarplant *(Blepharizonia plumosa)*	None	None	1B.1	18
A	San Joaquin Pocket Mouse *(Perognathus inornatus)*	None	None	--	5
A	Showy Golden Madia *(Madia radiata)*	None	None	1B.1	2
A	Western Spadefoot *(Spea hammondii)*	None	None	--	12
HP	Coast Horned Lizard (*Phrynosoma blainvillii*)	None	None	--	14
HP	California Horned Lark (*Eremophila alpestris actia*)	None	None	--	13
A	Valley Elderberry Longhorn Beetle *(Desmocerus californicus dimorphus)*	Threatened	None	--	2
A	Pallid Bat *(Antrozous pallidus)*	None	None	--	2
A	Western Mastiff Bat *(Eumops perotis californicus)*	None	None	--	1
A	Diamond-petaled California Poppy *(Eschscholzia rhombipetala)*	None	None	1B.1	3
A	Townsend's Big-eared Bat *(Corynorhinus townsendii)*	None	None	--	2
HP	Burrowing Owl *(Athene cunicularia)*	None	None	--	72
A	Large-flowered Fiddleneck *(Amsinckia grandiflora)*	Endangered	Endangered	1B.1	5
A	Tricolored Blackbird *(Agelaius tricolor)*	None	Threatened	--	10
HP	Loggerhead Shrike *(Lanius ludovicianus)*	None	None	--	7
A	Caper-fruited Tropidocarpum *(Tropidocarpum capparideum)*	None	None	1B.1	6

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APPENDIX A

2015 SPECIAL-STATUS SPECIES POTENTIAL FOR OCCURRENCE WITHIN THE STUDY AREA

Potential for occurrence	Common name (Scientific name)	Federal listing status	State listing status	CNPS list [c]	Records within 10 miles
A	Golden Eagle *(Aquila chrysaetos)*	None	None	--	3
A	Ferruginous Hawk *(Buteo regalis)*	None	None	--	2
A	Swainson's Hawk *(Buteo swainsoni)*	None	Threatened	--	55
A	Lemmon's Jewelflower *(Caulanthus lemmonii)*	None	None	1B.2	3
A	Alameda whipsnake *(Masticophis lateralis euryxanthus)*	Threatened	Threatened		11
A	Shining Navarretia *(Navarretia nigelliformis ssp. Radians)*	None	None	1B.2	1
A	Crotch Bumble Bee (*Bombus crotchii*)	None	Candidate Endangered	--	1
A	Northern California Legless Lizard *(Anniella pulchra)*	None	None	--	3
A	California Linderiella *(Linderiella occidentalis)*	None	None	--	1
A	White-tailed Kite *(Elanus leucurus)*	None	None	--	2
A	Short-eared Owl *(Asio flammeus)*	None	None	--	1
A	Chaparral Harebell *(Campanula exigua)*	None	None	1B.2	3
A	Western Bumble Bee *(Bombus occidentalis)*	None	Candidate Endangered	--	1
A	Northern Harrier *(Circus hudsonius)*	None	None	--	1
A	Hospital Canyon Larkspur *(Delphinium californicum ssp. Interius)*	None	None	1B.2	2
A	Brewer's Western Flax *(Hesperolinon breweri)*	None	None	1B.2	1
A	Song Sparrow ("Modesto" population) *(Melospiza melodia)*	None	None	--	1
A	Grasshopper Sparrow *(Ammodramus savannarum)*	None	None	--	1
A	Chaparral Ragwort *(Senecio aphanactis)*	None	None	2B.2	1
A	Mason's Lilaeopsis *(Lilaeopsis masonii)*	None	Rare	1B.1	3
A	Longhorn Fairy Shrimp *(Branchinecta longiantenna)*	Endangered	None	--	1
A	Great Valley Valley Oak Riparian Forest	None	None	--	2
HP	Prairie Falcon *(Falco mexicanus)*	None	None	--	1
A	Long-styled Sand-spurrey *(Spergularia macrotheca var. longistyla)*	None	None	1B.2	2

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APPENDIX A

2015 SPECIAL-STATUS SPECIES POTENTIAL FOR OCCURRENCE WITHIN THE STUDY AREA

Potential for occurrence	Common name (Scientific name)	Federal listing status	State listing status	CNPS list [c]	Records within 10 miles
A	Loma Prieta Hoita *(Hoita strobilina)*	None	None	1B.1	1
A	Curved-foot Hygrotus Diving Beetle *(Hygrotus curvipes)*	None	None	--	2
A	Dwarf Soaproot *(Chlorogalum pomeridianum var. minus)*	None	None	1B.2	1
A	Talus Fritillary *(Fritillaria falcata)*	None	None	1B.2	2
A	San Joaquin Spearscale *(Extriplex joaquinana)*	None	None	1B.2	1
A	Santa Clara Red Ribbons *(Clarkia concinna ssp. Automixa)*	None	None	4.3	1
A	Diablo Helianthella *(Helianthella castanea)*	None	None	1B.2	1
A	Sharsmith's Onion *(Allium sharsmithiae)*	None	None	1B.3	1
A	Riparian Brush Rabbit *(Sylvilagus bachmani riparius)*	Endangered	Endangered	--	3
A	Sacramento Anthicid Beetle *(Anthicus sacramento)*	None	None	--	1
A	Steelhead - Southern California DPS (*Oncorhynchus mykiss irideus pop. 11*)	Threatened	None	--	1
A	Mt. Hamilton Thistle *(Cirsium fontinale var. campylon)*	None	None	1B.2	2
A	Northern Claypan Vernal Pool	None	None	--	1

List 1A: Plants presumed extinct in California
List 1B.1: Plants rare, threatened, or endangered in California and elsewhere; seriously threatened in California
List 1B.2: Plants rare, threatened, or endangered in California and elsewhere, fairly threatened in California
List 1B.3: Plants rare, threatened, or endangered in California and elsewhere, not very threatened in California
List 2.1: Plants rare, threatened, or endangered in California, but more common elsewhere; seriously threatened in California
List 2.2: Plants rare, threatened, or endangered in California, but more common elsewhere; fairly threatened in California
-- Data not available

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APPENDIX A

2015 SPECIAL-STATUS SPECIES POTENTIAL FOR OCCURRENCE WITHIN THE STUDY AREA

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APPENDIX B

2020 PHOTOGRAPHIC LOG

	Photograph 1. Facing east.
	Photograph 2. Facing west.

APPENDIX B

2020 PHOTOGRAPHIC LOG

	Photograph 3. Facing east.
	Photograph 4. Facing west.

APPENDIX C

2020 PLANT SPECIES OBSERVED WITHIN THE STUDY AREA

SCIENTIFIC NAME	COMMON NAME
Achyrachaena mollis	Blow wives
*Avena fatua**	Wild oat
*Brassica nigra**	Black mustard
*Bromus diandrus**	Ripgut Brome
*Bromus hordeaceus**	Soft chess
*Carduus pycnocephalus**	Italian thistle
*Cerastium arvense**	Cerastium arvense
*Chenopodium sp.**	Pig weed
*Convolvulus arvensis**	Bindweed
*Croton setigerus**	Dove weed
*Erodium botrys**	Long-beaked stork's bill
*Heterotheca grandiflora**	Telegraph weed
*Hirschfeldia incana**	Mustard
Hordeum marinum ssp. gussoneanum	Mediterranean barley
*Hordeum murinum ssp. Leporinum**	Farmer's Foxtail
*Hypochaeris radicata**	Catsear
*Lactuca serrola**	Wild lettuce
*Lepidium latifolium**	Pepper weed
*Malva parviflora**	Cheeseweed
*Sonchus oleraceus**	Sow thistle
*Stellaria media**	Chickweed
*Trichostema lanceolatum**	Vinegar weed
*Vicia sativa**	Vetch
Achyrachaena mollis	Blow wives
*Avena fatua**	Wild oat
*Brassica nigra**	Black mustard
*Bromus diandrus**	Ripgut Brome
*Bromus hordeaceus**	Soft chess
*Carduus pycnocephalus**	Italian thistle
*Cerastium arvense**	Cerastium arvense
*Chenopodium sp.**	Pig weed
*Convolvulus arvensis**	Bindweed
*Croton setigerus**	Dove weed
*Erodium botrys**	Long-beaked stork's bill
*Heterotheca grandiflora**	Telegraph weed
*Hirschfeldia incana**	Mustard
Hordeum marinum ssp. gussoneanum	Mediterranean barley
*Hordeum murinum ssp. Leporinum**	Farmer's Foxtail
*Hypochaeris radicata**	Catsear
*Lactuca serrola**	Wild lettuce
*Lepidium latifolium**	Pepper weed
*Malva parviflora**	Cheeseweed

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APPENDIX C

2020 PLANT SPECIES OBSERVED WITHIN THE STUDY AREA

SCIENTIFIC NAME	COMMON NAME
*Sonchus oleraceus**	Sow thistle
*Stellaria media**	Chickweed
*Trichostema lanceolatum**	Vinegar weed
*Vicia sativa**	Vetch

"*" non-native plant species.

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APPENDIX D

2020 WILDLIFE SPECIES OBSERVED WITHIN THE STUDY AREA

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Scientific name	Common name
Reptiles	
Uta stansburiana	Common Side-blotched Lizard
Birds	
Buteo jamaicensis	Red-Tailed Hawk
Carpodacus mexicanus	House Finch
Cathartes aura	Turkey Vulture
Corvus corax	Common Raven
Euphagus cyanocephalus	Brewer's Blackbird
Hirundo rustica	Barn Swallow
Icterus bullockii	Bullock's Oriole
Mimus polyglottos	Northern Mockingbird
Myiarchus cinerascens	Ash-throated Flycatcher
Passer domesticus	House Sparrow
Passerculus sandwichensis	Savannah Sparrow
Salpinctes obsoletus	Rock Wren
Sayornis saya	Say's Phoebe
Streptopelia decaocto	Eurasian Collared Dove
Sturnus vulgaris	European Starling
Sturnella neglecta	Western Meadowlark
Tyrannus verticalis	Western Kingbird
Zenaida macroura	Mourning Dove
Zonotrichia leucophrys	White-crowned Sparrow
Mammals	
Otospermophilus beecheyi	California ground squirrel

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APPENDIX E

2015 Burrowing Owl Survey

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TRACY HILLS PROJECT

September 2015

Burrowing Owl Survey Report

Owner
The Tracy Hills Project Owner, LLC
888 San Clemente
Suite 100
Newport Beach, CA 92660

Prepared By

16361 Scientific Way
Irvine, CA 92618
(949) 467-9100

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Appendix A Photograph Log

Appendix B Avian Compendium

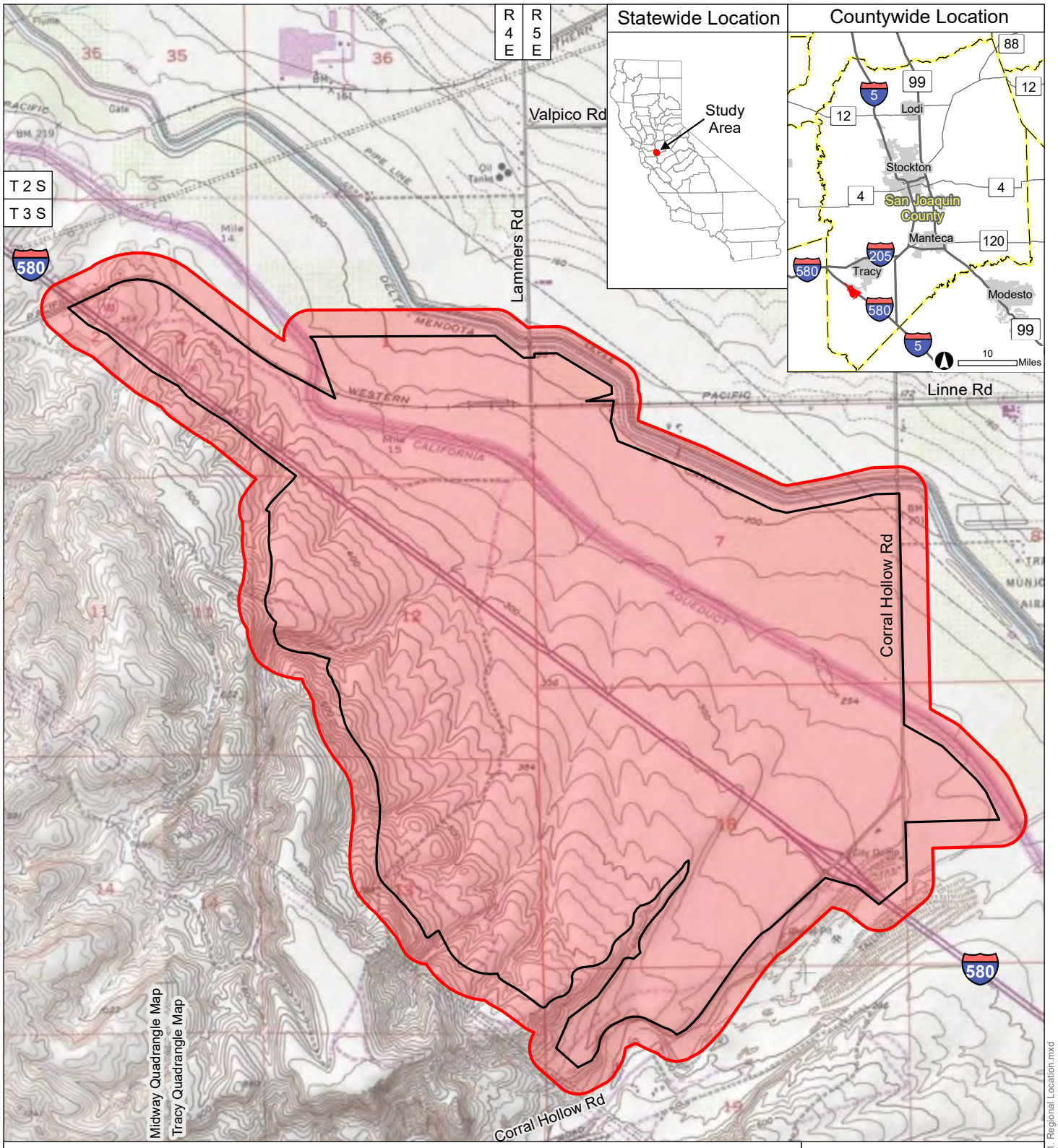
1.0 EXECUTIVE SUMMARY

The Tracy Hills Project Owner LLC (Tracy Hills) is proposing to develop the Tracy Hills Project in Tracy, California (hereafter "Project", Figure 1). The Project includes a revised and updated Specific Plan[1] that authorizes approximately 2,732 acres for development of residential neighborhoods and non-residential uses (e.g., office, commercial, light industrial, parks, schools and open spaces) within existing low quality livestock grazing and agricultural lands. This report provides the methods, assumptions and results of focused surveys for Burrowing Owl (*Athene cunicularia*) conducted within Project limits. Within this document, the study area includes the Project's proposed ground disturbance footprint (Project Site) and a 500-foot buffer. The study area therefore includes all lands to be affected directly or indirectly by the Project, and is not merely the immediate lands involved in the action itself (Figure 2). Six land cover types were observed within the study area in 2015 (NOREAS 2015): agricultural, annual grassland, open water, orchard, non-native grasses, and developed habitats.

Pedestrian-based field surveys for Burrowing Owl within discrete portions of the study area have been conducted from 2010 through the summer of 2015 to ascertain the presence or absence of the species. The results indicate that the biological resources detected within the study area have not changed significantly over the last half decade with deference to Burrowing Owls. Although the study area is large in total size – it has very low species richness and diversity, and is comparatively low quality habitat for Burrowing Owl; as much higher-quality habitats are available within the region. This is a result of the depauperate landscape and the numerous resident Burrowing Owl predators that were routinely detected within the Project Site in 2015 (e.g., American Badger, coyote, Red-Tailed Hawk, and other raptors).

The study area is lacking in numbers and variety of species – likely attributable to its inability to produce a high enough density of biomass to support a substantial population of owls. One pair of Burrowing Owls – which include several juvenile birds, were detected foraging, dispersing and utilizing discrete burrow complexes during the 2015 surveys. It should also be noted that the fossorial mammals which are Burrowing Owl predators that were detected within the study area are capable of digging one or more burrows per day – which would be expected to modify the quantity, distribution and willingness of owls to inhabit burrow complexes within the Project Site over time. Given the low quality habitat present (i.e., limited prey base, absence of irrigated agricultural lands, presence of owl predators), the likelihood of a healthy population of Burrowing Owls being supported by the Project Site is negligible.

[1] RBF Consulting 2014. Tracy Hills Specific Plan: Habitat Assessment & San Joaquin County Multi-Species Habitat Conservation and Open Space Plan Consistency Analysis.



Study Area

Project Site

County Boundary (inset)

Urban Area (inset)

Interstate or State Highway (inset)

0 0.25 0.5 Mile

1 inch = 0.5 mile

Data Sources:
- Bing accessed Jul 2015
- ESRI StreetMap North America 2010
- ESRI US Topo Maps accessed Jul 2015

Map Prepared: 7-15-15

Prepared by:

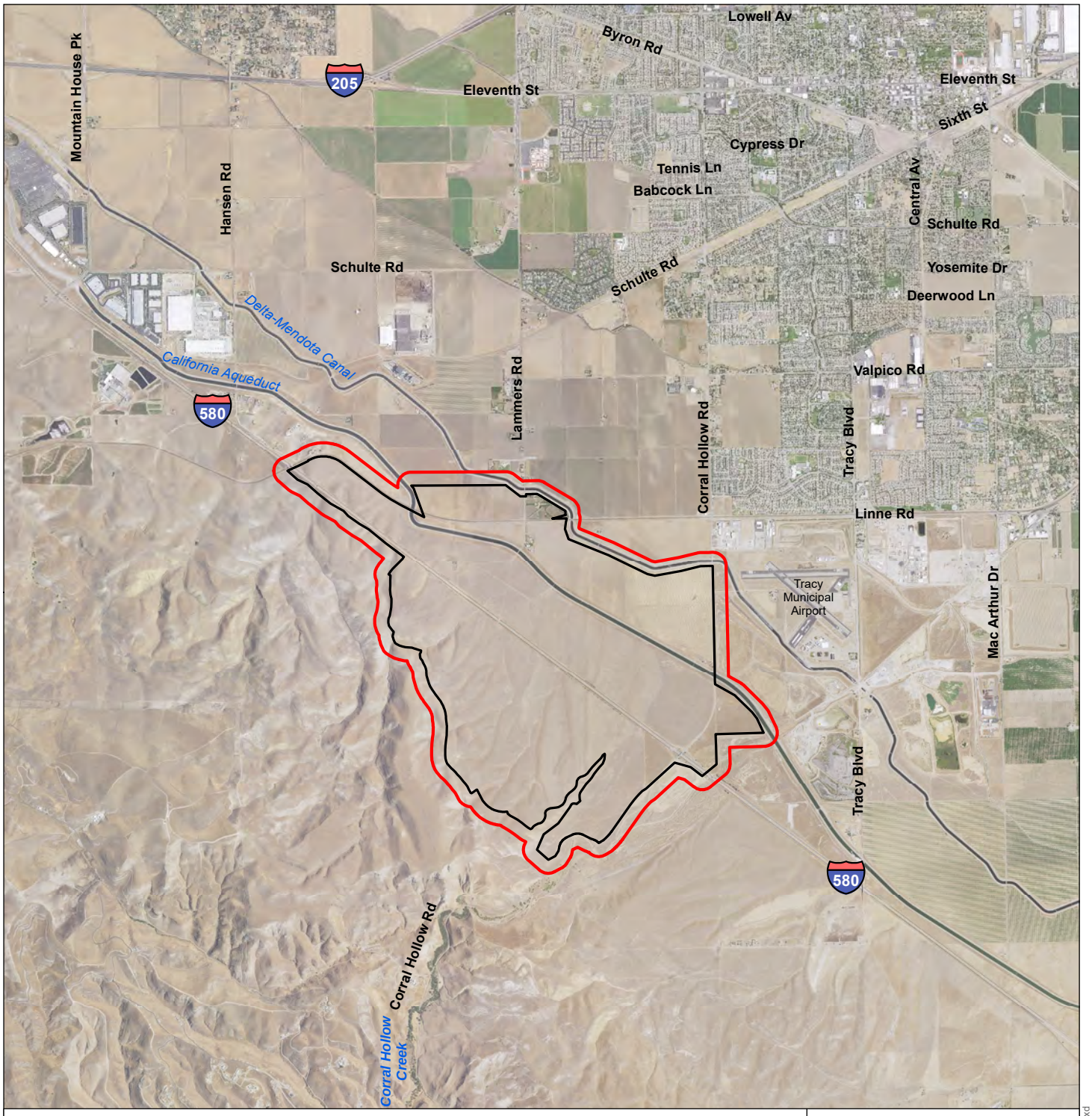
NOREAS
Environmental Engineering and Science

The Study Area is located on the Midway and Tracy USGS 7.5-minute quadrangle maps; Mt. Diablo Base and Meridian,
Township 3 South, Range 4 East, Sections 1, 2, 11, 12, 13 and 24; and
Township 3 South, Range 5 East, Sections 6, 7, 8, 17, 18 and 19.

Center coordinates for the Study Area are: 37.680702, -121.476315.

C:\SRM\Noreas\Tracy Hills\ArcMap\BUOW\Fig1. Regional Location.mxd

Figure 1. Regional Location



Study Area (3,430 which includes a 500-foot buffer and the Project Site)

Project Site (2,729 acres)

0 0.5 1 Mile

1 inch = 1 mile

Data Source:
- USDA-NRCS-AFPO NAIP accessed Jul 2015, image date: 2014

Map Prepared: 7-30-15

Prepared by:

NOREAS
Environmental Engineering and Science

C:\SRM\Noreas\Tracy Hills\ArcMap\BUOW\Fig2. Site Vicinity.mxd

Figure 2. Site Vicinity

2.0 INTRODUCTION AND PROJECT LOCATION

NOREAS Inc. was retained to review historic Burrowing Owl census data and conduct a focused 2015 Burrowing Owl survey for the proposed Project. The Project occurs in Sections 6, 7, 8, 17, 18 and 19 of Township 3 South and Range 5 East (Mt. Diablo Base and Meridian) of the Midway U.S. Geological Survey (USGS 1986) 7.5-Minute Quadrangle Map; and Sections 1, 2, 11, 12, 13 and 24 of Township 3 South, and Range 4 East (Mt. Diablo Base and Meridian) of the Tracy USGS 7.5-Minute Quadrangle Map (USGS 1980).

The primary objective of the literature review and 2015 field surveys was to determine the presence – or to confirm the presumed absence of, Burrowing Owl within study area. For the purposes of this document, the "study area" includes the Project's proposed ground disturbance footprint (Project Site) and a 500-foot buffer. The study area therefore includes all lands to be affected directly or indirectly by the Project, and are not merely the immediate lands involved in the action itself (Figure 2).

3.0 BURROWING OWL BACKGROUND

The Burrowing Owl has been designated by the California Department of Fish and Wildlife as a species of special concern. "State Species of Special Concern" status applies to animals not listed for protection under the federal Endangered Species Act or the California Endangered Species Act. The designation denotes that a species is declining at a rate that could result in State listing or that a species has historically occurred in low numbers and known threats to their persistence currently exist. The designation is intended to result in "special consideration" for these animals during the environmental review and discretionary permitting processes. In addition, the designation is intended to focus research and management attention on poorly-known, potentially at-risk species by stimulating the collection of additional information on their biology, distribution, and status.

Burrowing Owls prefer open, dry annual or perennial grasslands, agricultural and rangelands, deserts, and scrublands characterized by low-growing vegetation. Burrowing Owls also prefer areas inhabited by small mammals as they predominately depend on mammal burrows (particularly ground squirrels) for subterranean nesting. Owls can be found at elevations ranging from 200 feet below sea level to 9,000 feet. above (CDFG 1995). Burrowing Owls commonly perch on fence posts or on mounds outside their burrows. Northern populations of Burrowing Owls are usually migratory, while more southern populations may move short distances or not at all (Haug et al. 1993, Botelho 1996). Little is known about the winter ranges of migratory populations, although migratory Burrowing Owls are believed to mix with resident populations in California during the winter months (Coulombe 1971, Haug et al. 1993).

Burrowing Owls tend to be resident where food sources are stable and available year-round (Rosenberg et al. 1998). Typically, they disperse or migrate south in areas when food becomes seasonally scarce. Burrowing Owls tend to be opportunistic feeders. Large arthropods, mainly beetles and grasshoppers, comprise a substantial portion of their diet (Rosenberg et al. 1998). Small mammals, especially mice, rats, gophers, and ground squirrels, are also important food items. Other prey animals include reptiles and amphibians, scorpions, young cottontail rabbits, bats, and birds such as sparrows and Horned Larks. Consumption of insects increases during the breeding season. Burrowing Owls hover while hunting; after catching their prey they return to perches on fence posts or the ground. Burrowing Owls are primarily active at dusk and dawn, but if necessary will hunt at any time of day (CBOC 1993, CDFG 1995, Rosenberg et al. 1998).

The breeding season for Burrowing Owls is March to late August; the season tends to last later in the northern part of the range (CBOC 1993, CDFG 1995, Klute et al. 2003). Clutch size (number of birds hatched at the same time) ranges from 1 to 12 and averages about 7 (Ehrlich 1988). The incubation period is 28–30 days (Ehrlich 1988). The female performs all the incubation and brooding (sitting on eggs to hatch them by the warmth of the body) and is believed to remain continually in the burrow while the male does all the hunting (Rosenberg et al. 1998). The young fledge (take their first flight out of the nest) at 44 days but remain near the burrow and join the adults in foraging flights at dusk (Ehrlich 1988). The maximum life span recorded for a banded bird in the wild is approximately 8.5 years (Rosenberg et al. 1998).

In resident populations, nest site fidelity is common, with many adults nesting each year in their previous year's burrow; young from the previous year often establish nest sites near (<900 feet) their natal sites (Trulio 1997, Rosenberg et al. 1998). Burrowing Owls in migratory populations also often nest in the same burrow, particularly if the previous year's breeding was successful (Belthoff and King 1997). Other birds in the same population may move to burrows near their previous year's burrow. The species

is threatened primarily by loss, degradation, and fragmentation of habitat, although they do readily inhabit anthropogenic landscapes such as agricultural fields, golf courses, and airport grasslands (Korfanta et al. 2005).

4.0 METHODS

Prior to beginning pedestrian based field surveys in 2015, the following raptor specialists were consulted: Lenny Malo MS, Eric Dugan PhD, Ken Hashagen BS, Wayne Woodroof MS, Richard White MS, Brian Latta BS, and John Sterling BS. Available information from resource management plans and relevant documents were also reviewed to determine the locations and types of avian resources that have the potential to exist within and adjacent to the study area. Resources were evaluated within several miles of the Project. As detailed below, Burrowing Owl field census and analysis activities have occurred within representative portions of the study area for more than 5 years. Accordingly, the primary materials reviewed included, but were not limited to, the following:

- Biological Resources on the Tracy 580 Business Park Property (Berryman Ecological LLC 2010a);
- Burrowing Owl Surveys for Tracy 580 Business Park Property (Berryman Ecological LLC 2010b);
- Preserve Management Plan for the Tracy 580 Business Park Preserve (ICF International 2011);
- U.S. Fish and Wildlife Service (USFWS) Critical Habitat Mapper and File Data (USFWS 2015a);
- USFWS Sacramento Field Office Species List for San Joaquin County (USFWS 2015b);
- California Natural Diversity Database maintained by the California Department of Fish and Wildlife (CDFW 2015);
- General Biological Resources Assessment for the Tracy Hills Project (NOREAS 2015); and
- Aerial Photographs (Microsoft Corporation 2015).

Survey methods were derived from generally accepted professional standards including the 1993 California Burrowing Owl Consortium Survey Protocol and Mitigation Guidelines (CBOC 1993), 1995 and 2012 California Department of Fish and Game Staff Reports on Burrowing Owl Mitigation (CDFG 1995 and 2012). A methodical pedestrian-survey for owls, burrows and their characteristic sign was conducted by walking through areas of suitable habitat within the study (i.e., including evaluations of man-made structures, debris piles, small fossorial mammal burrows, etc.). Survey transects were spaced at approximately 50-foot intervals to allow for complete visual coverage of the study area. Where necessary, transect spacing was reduced or expanded to account for differences in terrain, vegetation density, and visibility.

The presence of a species was based on direct observations of individual(s), sign, and/or vocalization. Avian scientific nomenclature and common names follows Sibley (2000). Field surveys were conducted when weather conditions were conducive to observing birds. Surveys were not performed during rain, extreme temperatures, high winds (> 25 miles per hour), or dense fog. Where access was limited, observations were made from the nearest appropriate vantage points with the use of binoculars and spotting scopes.

5.0 SURVEY RESULTS

Weather conditions during the 2015 surveys included cloudy to clear skies, temperatures ranging from 64–98 degrees Fahrenheit, and winds fluctuating from 0 to 20 miles per hour. Burrowing Owl surveys dates and personnel are detailed in Table 1 below.

Table 1. Burrowing Owl Survey Dates

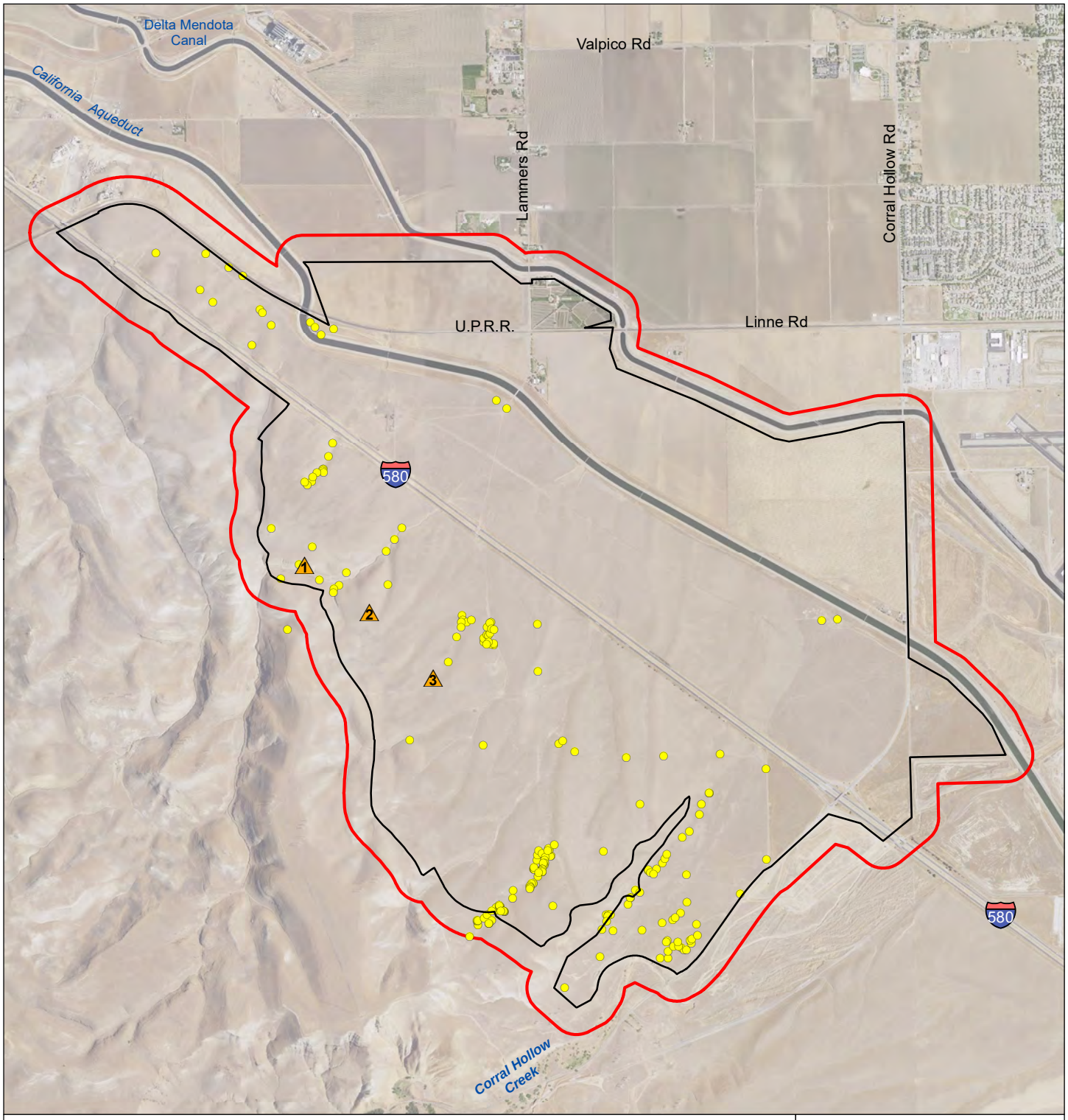
Event #	2015 Survey Dates	Personnel
1	16, 17, 21, 22 January Habitat Assessment	Brent Helm PhD, Lincoln Hulse BS, and Mark Noyes MS
2	14, 15, 16, 17, 18, 19, 24, 25, and 26 March Breeding Season Surveys	Richard White MS, Brent Helm PhD, Brian Latta BS, John Sterling BS, and Mark Noyes MS
3	23, 24, 25, 26, 27 April 5, 6, 7, 8, 9, 10, 11 and 12 May Breeding Season Surveys	Richard White MS, Brent Helm PhD, Brian Latta BS, John Sterling BS, and Theresa Hyde MS
4	5, 6, 7, 8, 9, 10, 11, 12, and 13 JuneBreeding Season Surveys	Richard White MS, Brent Helm PhD, Brian Latta BS, and Theresa Hyde MS
5	5, 6, 7, 8, 9, 10, 11 and 12 July Breeding Season Surveys	Richard White MS, Brent Helm PhD, Brian Latta BS, and Theresa Hyde MS

A habitat assessment of the study area was performed in January 2015 followed by breeding season surveys for Burrowing Owls. Where access to the entire study area was not possible due to private property or physical barriers (i.e., vegetative cover, health and safety concerns, etc.) field observations were made from the nearest appropriate vantage points via public right-of-ways with the aid of binoculars and spotting scopes. The study area predominately consists of non-native vegetation, grasslands, developed and disturbed land cover types. It is therefore assumed that any species currently using these locales are acclimated to the disturbance regime present (i.e., existing livestock grazing activities). Although the study area is large in total size – it has very low species richness and diversity, and is comparatively low quality habitat for Burrowing Owl; as much higher-quality habitats are available within the region.

This is a result of the depauperate landscape and the numerous resident Burrowing Owl predators (e.g., American Badger [*Taxadea taxus*], coyote [*Canis latrans*], Red-Tailed Hawk [*Buteo jamaicensis*], and other raptors) that were routinely detected within the Project Site. The study area is lacking in numbers and variety of species – likely attributable to its inability to produce a high enough density of biomass to support a robust population of owls. One pair of Burrowing Owls – which include several juvenile birds, were detected foraging, dispersing and utilizing discrete burrow complexes during the 2015 surveys (Figure 3). However, given the low quality habitat present (i.e., limited prey base, absence of irrigated agricultural lands, and presence of predators), the likelihood of a significant population of Burrowing Owls being supported by the Project Site is negligible. It should also be noted that the fossorial mammals which are Burrowing Owl predators that were detected within the study area are capable of digging one or more burrows per day – which would be expected to modify the quantity, distribution and willingness of owls to inhabit burrow complexes within the Project Site over time.

As a consequence of poor quality habitat, presence of resident Burrowing Owl predators and existing protections to species in the area, it has been determined that the Project is not likely to adversely affect Burrowing Owls. With the implementation of the measures detailed within Section 6.0 of this report, there is no presumption that the Project would result in the take[2] of Burrowing Owl, loss of high quality functional owl habitat, nor that it would adversely affect local or regional populations of them. Appendix A includes representative photographs of the study area, and Appendix B includes a list of all avian species detected in 2015.

[2] "Take" is defined within California Fish and Game Code Section 86 as hunt, pursue, catch, capture, or kill, or attempt to hunt, pursue, catch, capture, or kill.



Study Area

Project Site

Active Burrow Complex

Inactive Burrow Complex

0 0.25 0.5 Mile

1 inch = 0.5 mile

Data Sources:
- San Joaquin County GIS accessed Sep 2015, data date: Jan 2015
- USDA-NRCS-AFPO NAIP accessed Sep 2015, image date: Jun 2014

Map Prepared: 9-9-15

Prepared by:

NOREAS
Environmental Engineering and Science

C:\SRM\Noreas\Tracy Hills\ArcMap\BUOWFig3. Survey Results.mxd

Figure 3. Survey Results

6.0 RECOMMENDATIONS

The following measures are recommended as a means of avoiding and minimizing adverse impacts to nesting passerines and raptors that have the potential to occur within the study area:

- In order to comply with Section 10 of the Migratory Bird Treaty Act and relevant sections of the California Fish and Game Code, any vegetation clearing within the study area shall take place outside of the typical avian nesting season (e.g., February 1st until September 1st) – to the maximum extent practical.
- If work needs to take place between February 1st and September 1st, a pre-construction survey for nesting birds should be completed prior to the onset of Project activities. If a lapse in Project activity occurs for 7 days or more during the bird nesting season than initial avian clearance surveys shall be repeated. A buffer zone from occupied nests should be maintained during physical ground disturbing activities. Once nesting has ended, the buffer may be removed.
- Burrowing owl survey shall be conducted prior to grading. Pre-construction surveys for burrowing owl shall begin no later than 14 - 30 days prior to construction and ending no earlier than 24 hours prior to the commencement of disturbance.
- The Project shall provide artificial replacement burrows within the conservation easement area, as permitted and in accordance with any applicable Preserve Management Plan, in the event that owls are detected, either as wintering or breeding within Project boundaries. Wintering individuals may be evicted with the use of exclusion devices followed by a period of seven days to ensure that animals have left their burrows. When it can be assured that owls are no longer using the burrows, the burrows can be hand excavated and collapsed under the supervision of the avian biologist.
- Construction activities associated with project features that occur within portions of the project site containing occupied habitat for the burrowing owl and raptor nests shall be restricted to periods outside the breeding season for this species. The breeding season for burring owl runs from February 15 through August 31.

7.0 REFERENCES

Berryman Ecological LLC. 2010a. Biological Resources on the Tracy 580 Business Park Property.

_____. 2010b. Burrowing Owl Surveys for Tracy 580 Business Park Property.

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APPENDIX A

PHOTOGRAPH LOG

APPENDIX A

PHOTOGRAPH LOG

	Photograph: 1. Burrowing owl burrow.
	Photograph: 2. Burrowing owl feather.

APPENDIX A

PHOTOGRAPH LOG

	Photograph: 3. Burrowing owl burrow.
	Photograph: 4. Facing north.

APPENDIX B

AVIAN COMPENDIUM

APPENDIX B

AVIAN COMPENDIUM

Scientific name	Common name
Birds	
Athene cunicularia	Burrowing Owl
Buteo jamaicensis	Red-Tailed Hawk
Carpodacus mexicanus	House Finch
Cathartes aura	Turkey Vulture
Corvus brachyrhynchos	American crow
Corvus corax	Common Raven
Circus cyaneus	Northern harrier
Eremophila alpestris	Horned Lark
Euphagus cyanocephalus	Brewer's blackbird
Falco sparverius	American Kestrel
Lanius ludovicianus	Loggerhead shrike
Mimus polyglottos	Northern mockingbird
Passer domesticus	House sparrow
Passerculus sandwichensis	Savannah sparrow
Salpinctes obsoletus	Rock wren
Sayornis saya	Say's phoebe
Sturnus vulgaris	European starling
Sturnella neglecta	Western Meadowlark
Zenaida macroura	Mourning Dove
Zonotrichia leucophrys	White-crowned sparrow

APPENDIX F
2015 Tracy Hills Project California Red-legged Frog Assessment

DRAFT

TRACY HILLS PROJECT

September 2015

California Red-legged Frog Assessment

Owner
The Tracy Hills Project Owner, LLC
888 San Clemente
Suite 100
Newport Beach, CA 92660

Prepared By

16361 Scientific Way
Irvine, CA 92618
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APPENDICES

Appendix A Photograph Log

1.0 EXECUTIVE SUMMARY

The Tracy Hills Project Owner LLC (Tracy Hills) is proposing to develop the Tracy Hills Project in Tracy, California (hereafter "Project", Figure 1). The Project includes a revised and updated Specific Plan[1] that authorizes approximately 2,732 acres for development of residential neighborhoods and non-residential uses (e.g., office, commercial, light industrial, parks, schools, and open spaces) within existing low quality livestock grazing and agricultural lands. This report provides the methods, assumptions, and results of a U.S. Fish and Wildlife Service (USFWS) protocol-level California Red-legged Frog (*Rana draytonii* [CRLF]) habitat assessment for the Project. Within this document, the study area includes the Project's proposed ground disturbance footprint (Project Site) and a 1-mile buffer. The study area therefore includes all lands to be affected directly or indirectly by the Project and not just the immediate lands involved in the action itself (Figure 2). Six land cover types were observed within the study area in 2015 (NOREAS 2015): agricultural, annual grassland, open water (i.e., California Aqueduct and Delta Mendota Canal), orchard, non-native grasses, and developed habitats.

As required by the *Revised Guidance on Assessments and Field Surveys for the California Red-legged Frog* (USFWS 2005), the data collected and analyzed herein addresses the following three elements relevant to the potential occurrence of CRLF within the Project Site. These parameters include:

1. The Project's position within the current and historic range of the CRLF;

2. Known records of CRLF within the study area; and

3. The existing habitats that occur in the Project Site and within 1-mile of its boundaries.

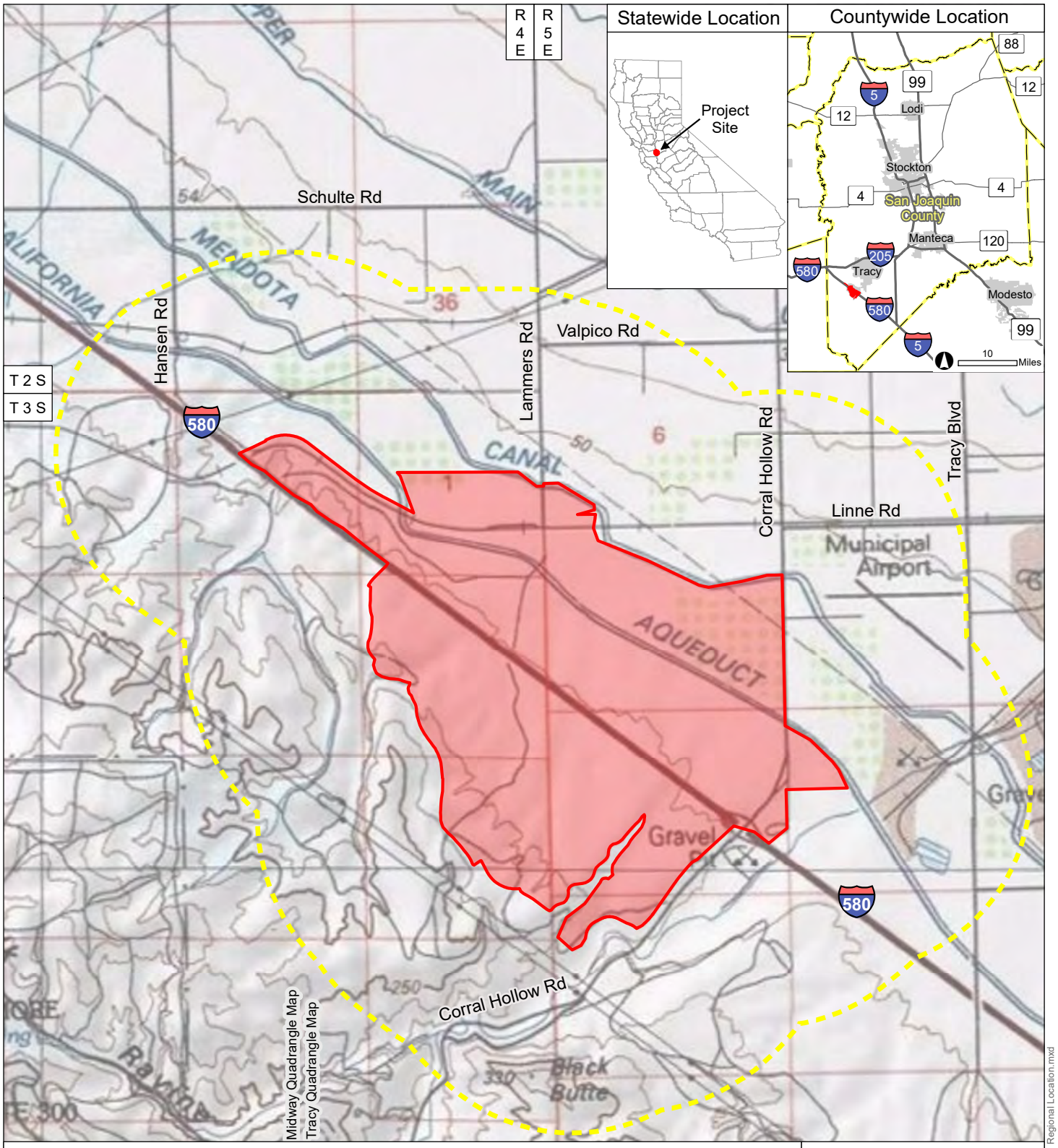
Targeted CRLF field evaluations and analysis have occurred within representative portions of the study area for approximately 16 years. This has been done to account for variations in local weather patterns and to safeguard that field investigations were adequate to maximize the potential for detecting CRLF. The literature reviews, comprehensive field investigations by credentialed biologists, and 2015 assessment results indicate that the herpetofauna within the study area has not changed significantly from those documented in past studies (LSA 1999, Foothill Associates 2004, Berryman Ecological LLC 2010, and ICF International 2011). Given the size of the Project Site, there are relatively few aquatic habitats within it.

To that end, no CRLF aquatic breeding habitat that could support larval development of the species has ever been detected within the Project Site. Nonetheless, a series of ephemeral drainages running south to north - through the southwestern portion off the study area could function as dispersal habitat – albeit extremely low quality (i.e., presumed to be fast–flowing, ephemeral features that only convey water during, and immediately following, storm events), under the appropriate suite of environmental factors. These features value as adult CRLF dispersal habitat is inconsequential because there are no known aquatic breeding habitats within the vicinity of these drainages and they are severely movement constrained (i.e., topography, freeways, aqueducts, lack of appropriate cover to elude predators or exposure to desiccation, disked fields, and livestock grazing) within the study area.

The more factors that constrain CRLF breeding habitats and movement corridors, the less likely individual frogs are to occur or continue to occur within a specific locale. The nearest historic CRLF

[1] RBF Consulting 2014. Tracy Hills Specific Plan: Habitat Assessment & San Joaquin County Multi-Species Habitat Conservation and Open Space Plan Consistency Analysis.

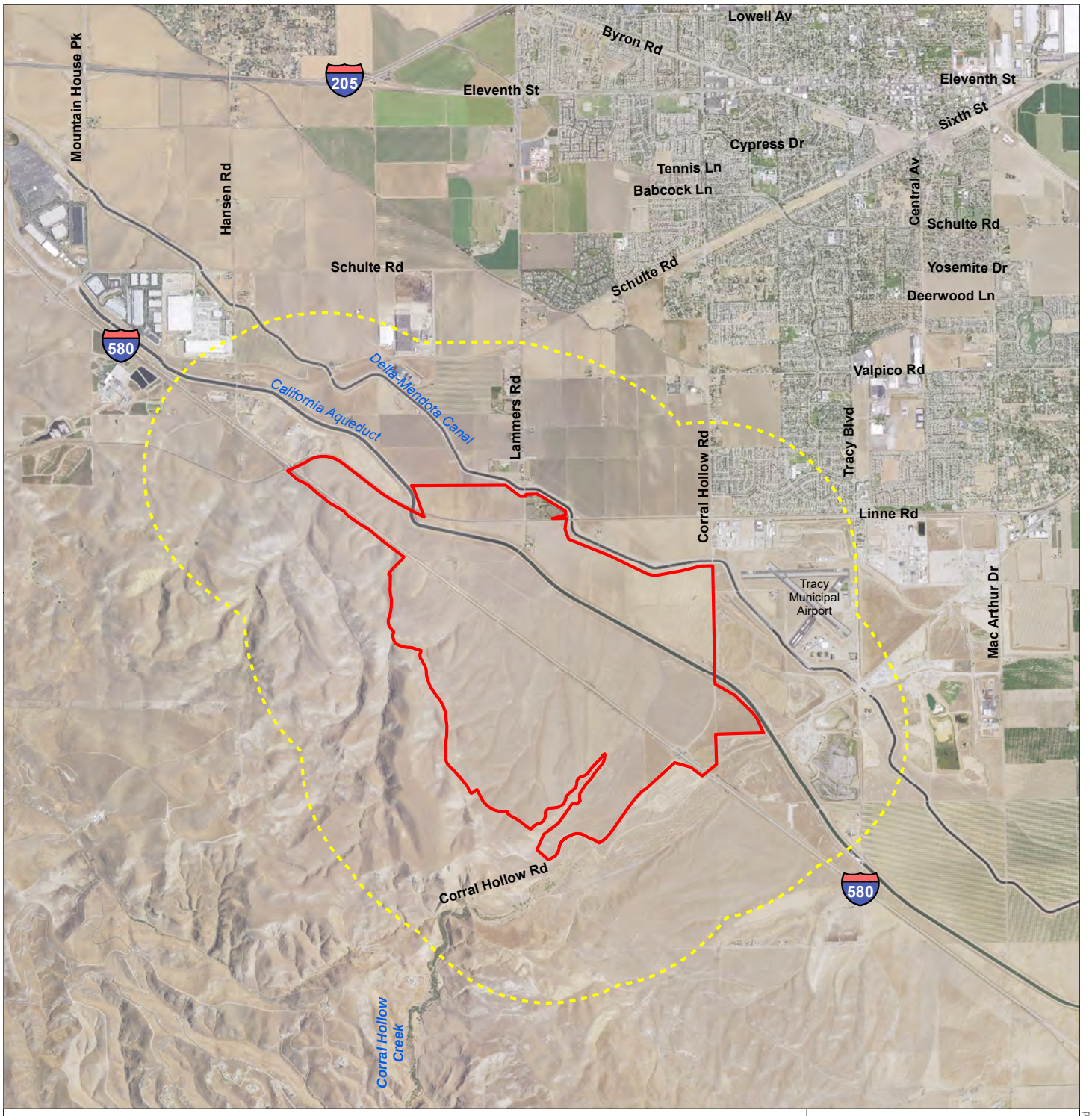
record in the surrounding area of the Project is from 2013; it is roughly 0.2 miles from the Project's southwestern limits. It should also be noted that a discrete subset of land within the Project is collocated with designated critical habitat for CRLF (USFWS 2015). The aforementioned CRLF record is within the study area, but outside the Project's proposed ground disturbance limits. Given the lack of breeding habitat and movement constrained dispersal habitat within the Project Site, the likelihood of CRLF successfully reproducing within it or even utilizing it for dispersal is negligible because much higher quality habitats are available within the region. Observations of CRLF are not uncommon south and west of the Project and within the approximately 3,500-acre open space conservation easement which abuts the study area. The habitat within the study area includes existing livestock grazing agricultural and other anthropogenic undertakings which have greatly reduced the lands ability to support breeding and dispersing CRLF. The data analyzed also suggests that there is extremely low potential for CRLF to recruit into the Project Site.



The Project Site is located on the Midway and Tracy USGS 7.5-minute quadrangle maps; Mt. Diablo Base and Meridian,
Township 3 South, Range 4 East, Sections 1, 2, 12 and 13; and
Township 3 South, Range 5 East, Sections 6, 7, 8, 17, 18 and 19.

Center coordinates for the Project Site are: 37.680702, -121.476315.

Figure 1. Regional Location



Project Site (2,729 acres)

1-mile Radius Around the Project Site (11,150 acres)

0 0.5 1 Mile

1 inch = 1 mile

Data Source:
- USDA-NRCS-AFPO NAIP accessed Aug 2015, image date: 2014

Map Prepared: 8-4-15

Prepared by:

NOREAS
Environmental Engineering and Science

C:\SRM\Noreas\Tracy Hills\ArcMap\CRLF\Fig2. Site Vicinity.mxd

Figure 2. Site Vicinity

2.0 INTRODUCTION AND PROJECT LOCATION

NOREAS Inc. was retained to review historic California red-legged frog (*Rana draytonii* [CRLF]) census data and perform a U.S. Fish and Wildlife Service (USFWS) protocol-level assessment for the Project. The Project occurs in Sections 6, 7, 8, 17, 18, and 19 of Township 3 South and Range 5 East (Mt. Diablo Base and Meridian) of the Midway U.S. Geological Survey (USGS 1986) 7.5-Minute Quadrangle Map; and Sections 1, 2, 11, 12, 13, and 24 of Township 3 South, and Range 4 East (Mt. Diablo Base and Meridian) of the Tracy USGS 7.5-Minute Quadrangle Map (USGS 1980).

The primary objective of the literature review and 2015 field assessment was to determine the presence or to confirm the presumed absence of, CRLF within the study area. For the purposes of this document, the "study area" includes the Project's proposed ground disturbance footprint (Project Site) and a 1-mile buffer (Figure 2).

3.0 CALIFORNIA RED-LEGGED FROG BACKGROUND

On 24 June 1996, the U.S. Fish and Wildlife Service (USFWS) determined the CRLF to be a threatened species, based primarily on range-wide population declines and extirpation from approximately 70% of the historic range in California (USFWS 2002). The CRLF is also listed as a Species of Special Concern by the California Department of Fish and Wildlife (Jennings and Hayes 1994).

The CRLF is a large, brown to reddish-brown frog with prominent dorsolateral folds, moderate-sized dark brown to black dorsal spots, and red-orange coloration on the belly and undersurfaces of the thighs, legs, and feet (Stebbins 2003). CRLF occupy still or slow-moving water features associated with dense riparian vegetation, where permanent streams or ponds provide essential breeding habitat. CRLF requires permanent or nearly permanent ponded-water habitat (including stock ponds or pools within streams) with emergent and submergent vegetation (Storer 1925, Stebbins 1972), but CRLF may disperse far from water following breeding periods (Stebbins 1985, Zeiner et al. 1988). Adult CRLFs are highly aquatic when active, but they are less dependent upon permanent water bodies than other frog species (Brode and Bury 1984). During dry periods, adults may aestivate in rodent holes or cracks in the soil. CRLF occur most frequently in intermittent waters that lack bullfrogs and introduced fish species (Hayes and Jennings 1988). The egg clusters are deposited around aquatic vegetation and require approximately 3-5 months to complete metamorphosis (Storer 1925). CRLF breed from November to April, with males arriving at breeding sites up to a month before females. Females locate the calling males at breeding sites, where they mate and deposit 2,000–6,000 eggs on emergent vegetation. Embryos hatch in approximately 2 weeks. Sexual maturity is reached in 2-3 years, with females attaining a larger adult body size than males. CRLF are known to utilize both aquatic and terrestrial habitats, shifting habitat use between spring and fall seasons, respectively.

The CRLF occurs along Pacific slope drainages from Shasta County, CA, inland to the vicinity of Marin County, CA, southward along the coastal slopes to the vicinity of the Santo Domingo River drainage in northern Baja, Mexico (Linsdale 1932). Historically, CRLF occurred in numerous desert slope drainages in southern California and northern Baja, Mexico; however these populations are thought to be extirpated.

4.0 METHODS

Prior to beginning field surveys, resource specialists were consulted and available information from resource management plans and relevant documents were reviewed to determine the locations and types of herpetofauna that have the potential to exist within and adjacent to the study area; resources were evaluated within several miles of the Project. The primary materials reviewed included, but were not limited to, the following:

- Habitat Conservation Plan for Lakeside Tracy Development (LSA 1999)
- Habitat Management Plan - Tracy Hills Project (Foothill Associates 2004);
- Biological Resources on the Tracy 580 Business Park Property (Berryman Ecological LLC 2010)
- USFWS, Revised Guidance on Site Assessments and Field Surveys for the CRLF (USFWS 2005);
- USFWS, Recovery Plan for the California Red-legged Frog (USFWS 2002);
- Preserve Management Plan for the Tracy 580 Business Park Preserve (ICF International 2011);
- A Guide To The Amphibians And Reptiles Of California (California Herps 2013);
- U.S. Fish and Wildlife Service (USFWS) Critical Habitat Mapper and File Data (USFWS 2015a);
- USFWS Sacramento Field Office Species List for San Joaquin County (USFWS 2015b);
- California Natural Diversity Database maintained by the California Department of Fish and Wildlife (CDFW 2015);
- General Biological Resources Assessment for the Tracy Hills Project (NOREAS 2015); and
- Aerial Photographs (Microsoft Corporation 2015).

Survey methods were derived from generally accepted professional standards for performing visual encounter herpetofauna surveys (Aguirre-Bravo et al. 2006) and followed the *Revised Guidance on Assessments and Field Surveys for the California Red-legged Frog* (USFWS 2005). An assessment for CRLF was performed within 1 mile of the Project Site to characterize the habitats and land cover types to the maximum extent practical with regard upland and aquatic features.

Upland and aquatic types within the study area were mapped and characterized as either not suitable, breeding[2], or dispersal[3] habitat by vegetation communities, land use, and any potential barriers to CRLF and herpetofaunal movements. In order to determine if an aquatic feature within the Project and/or study area could provide suitable CRLF habitat (i.e., breeding and dispersal), sufficient hydrologic periods needed to be observable through time-lapse images over multiple years. Perennial or semi-perennial water features that retained water through most of the year and had associated riparian

[2] CRLF egg clusters are deposited around aquatic vegetation and require approximately 3-5 months to complete metamorphosis (Storer 1925). Therefore - for the purposes of this analysis, breeding habitat for CRLF is defined as any water body that on average ponds or slowly conveys water greater than 1 foot deep for a minimum of 3 consecutive months, and supports a minimum of 10% surface area of aquatic vegetation (emergent plants).

[3] CRLF dispersal habitats are typically lotic (flowing) bodies of water (i.e., creeks and drainages) that contain a sufficient volume of water and a suitable velocity to enable the movement of adult CRLF individuals into new areas. In this instance, ephemeral drainages and intermittent water conveyance features needed to contain sufficient amounts of emergent and/or riparian vegetation to serve as a visual proxy of an adequate hydrologic period and water velocity to serve as potential habitat.

vegetation cover were considered suitable to support CRLF larval development (breeding habitat). Upland habitats were further analyzed for potential movement constraints as described below.

- High constraints to movement are barriers in which the CRLF cannot pass over, though, or under (e.g., sound walls) or that CRLF would most likely perish while trying pass over them (e.g., freeways). The high constraints to CRLF movement include urban residential and commercial development, swift-flowing aqueducts, and freeways.

- Moderate constraints to CRLF movement are those that would greatly increase the likelihood of mortality from exposure to predators or exposure to desiccation by increasing the length of movement or dispersal time. Moderate constraints on site consist of disked fields with no vegetation cover, hay fields, rural development, railroad berms and tracks, and rural paved roads.

- Low constraints are those that slightly increase the likelihood of mortality such as agricultural fields planted with row crops and orchards.

- No constraints are those that do not have permanent or significant barriers to movement, such as routinely grazed annual grasslands.

The presence of a species was based on direct observations of individual(s), sign, and/or vocalization. The assessment was not performed during rain, extreme temperatures, high winds (> 25 miles per hour), or dense fog. Where access was limited, observations were made from the nearest appropriate vantage points by means of public rights-of-way with the use of binoculars and spotting scopes. The following NOREAS biologists either performed the field work and/or contributed to data analysis: Brent Helm PhD, Mark Noyes MS, Eric Dugan PhD, Richard White MS, Jeff Alvarez BS, Lenny Malo MS, Lincoln Hulse BS, Erin Serra BS, and Ken Hashagen BS.

5.0 RESULTS

Weather conditions during the 2015 surveys included cloudy to clear skies, temperatures ranging from 48–74 degrees Fahrenheit, and winds fluctuating from 0 to 15 miles per hour. CRLF assessments were performed on the following dates: 17 and 18 December 2014, 25 and 26 March, 16 April, 14, 15, and 16 May, 5, 6, 7, and 8 June, 2015.

The Project Site predominately consists of upland non-native vegetation, grasslands, and developed and disturbed land cover types (Figure 3). Targeted CRLF field evaluations and analysis have occurred within representative portions of the study area since 1999. This has been done to account for variations in local weather patterns, and to safeguard that field investigations were adequate to maximize the potential for detecting CRLF. The literature reviews, comprehensive field investigations by credentialed biologists, and 2015 assessment results indicate that the herpetofauna within the study area has not changed significantly from those documented in past studies. Given the size of the Project Site, there are relatively few aquatic habitats within it.

No CRLF aquatic breeding habitat that could support larval development of the species has ever been detected within the Project Site. Nonetheless, a series of ephemeral drainages running south to north - through the southwestern portion of the study area could function as dispersal habitat – albeit extremely low quality (i.e., presumed to be fast flowing ephemeral features that only convey water during, and immediately following storm events), under the appropriate suite of environmental factors. These features value as adult CRLF dispersal habitat is inconsequential because there are no known aquatic breeding habitats within the vicinity of these drainages; and they are movement constrained (i.e., topography, freeways, aqueducts, lack of appropriate cover to elude predators or exposure to desiccation, disked and tilled fields, and livestock grazing) within the study area.

The more factors that constrain CRLF breeding habitats and movement corridors, the less likely individual frogs are to occur, or continue to occur within a specific locale. The nearest historic CRLF record in the surrounding area of the Project is from 2013; and it is roughly 0.2 miles outside of the Project Site - within Corral Hollow Creek. The Project completely avoids direct impacts to Corral Hollow Creek. It should also be noted that a discrete subset of land within the Project is collocated with designated critical habitat for CRLF (USFWS 2015). With deference to Corral Hollow Creek, it is bordered to the west by an extremely steep slope that transitions into a vertical cliff. This leaves limited area along Corral Hollow Road accessible to potential migrating or dispersing individuals moving away from aquatic habitats within the creek.

Given the lack of breeding habitat and movement constrained dispersal habitat within the Project Site, the likelihood of CRLF successfully reproducing within it or even utilizing it for dispersal is negligible because much higher quality habitats are available within the region. Observations of CRLF are not uncommon south and west of the Project, and within the approximately 3,500-acre open-space conservation easement which abuts the study area. The habitat within the study area includes existing livestock grazing, agricultural tilling, and other anthropogenic undertakings which have greatly reduced the lands ability to support breeding and dispersing CRLF. The data analyzed also suggests that there is extremely low potential for CRLF to recruit into the Project Site. Appendix A includes a Photograph Log, and Appendix B consists of the Project's California Red-legged Frog Assessment Data Sheets.

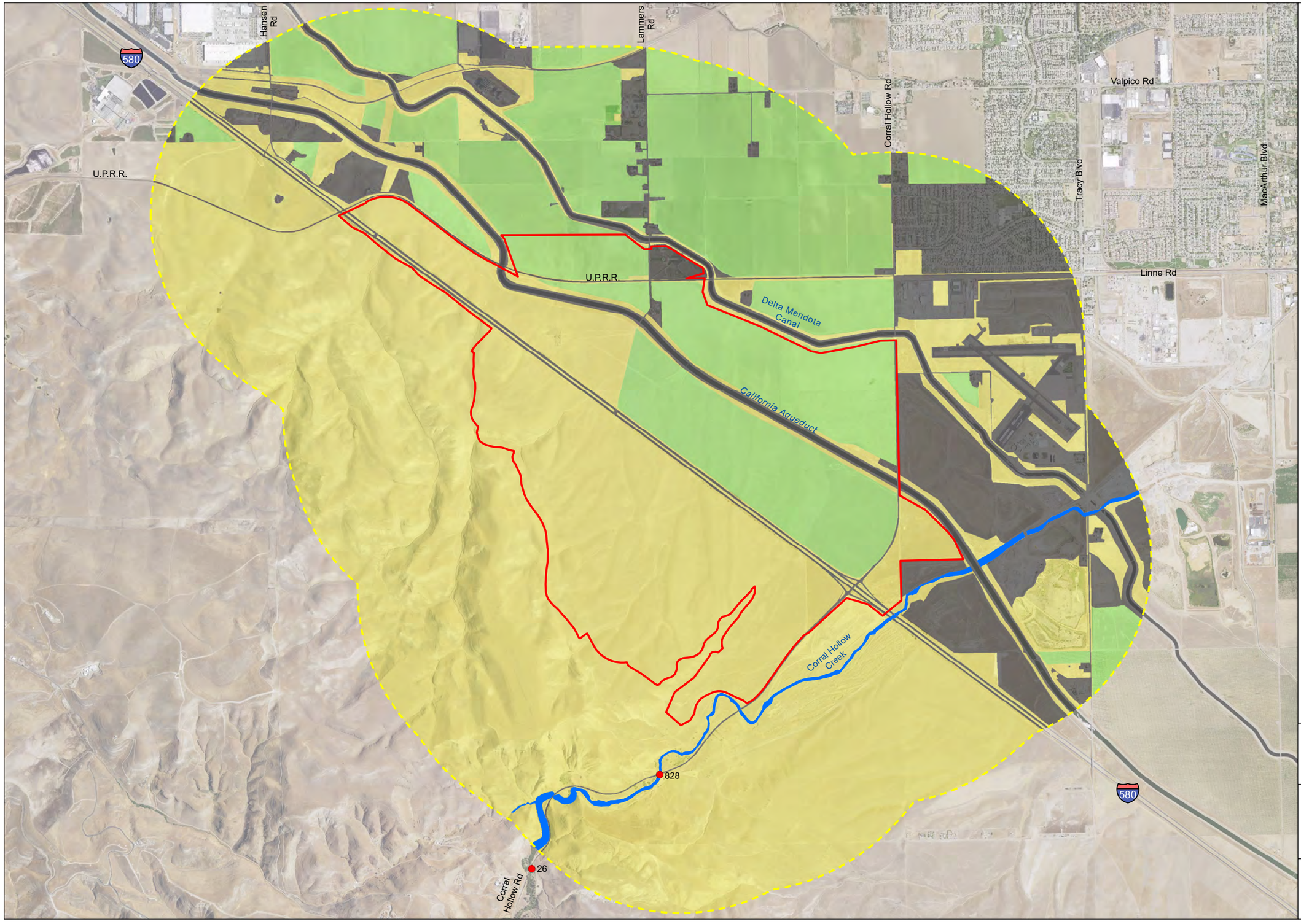
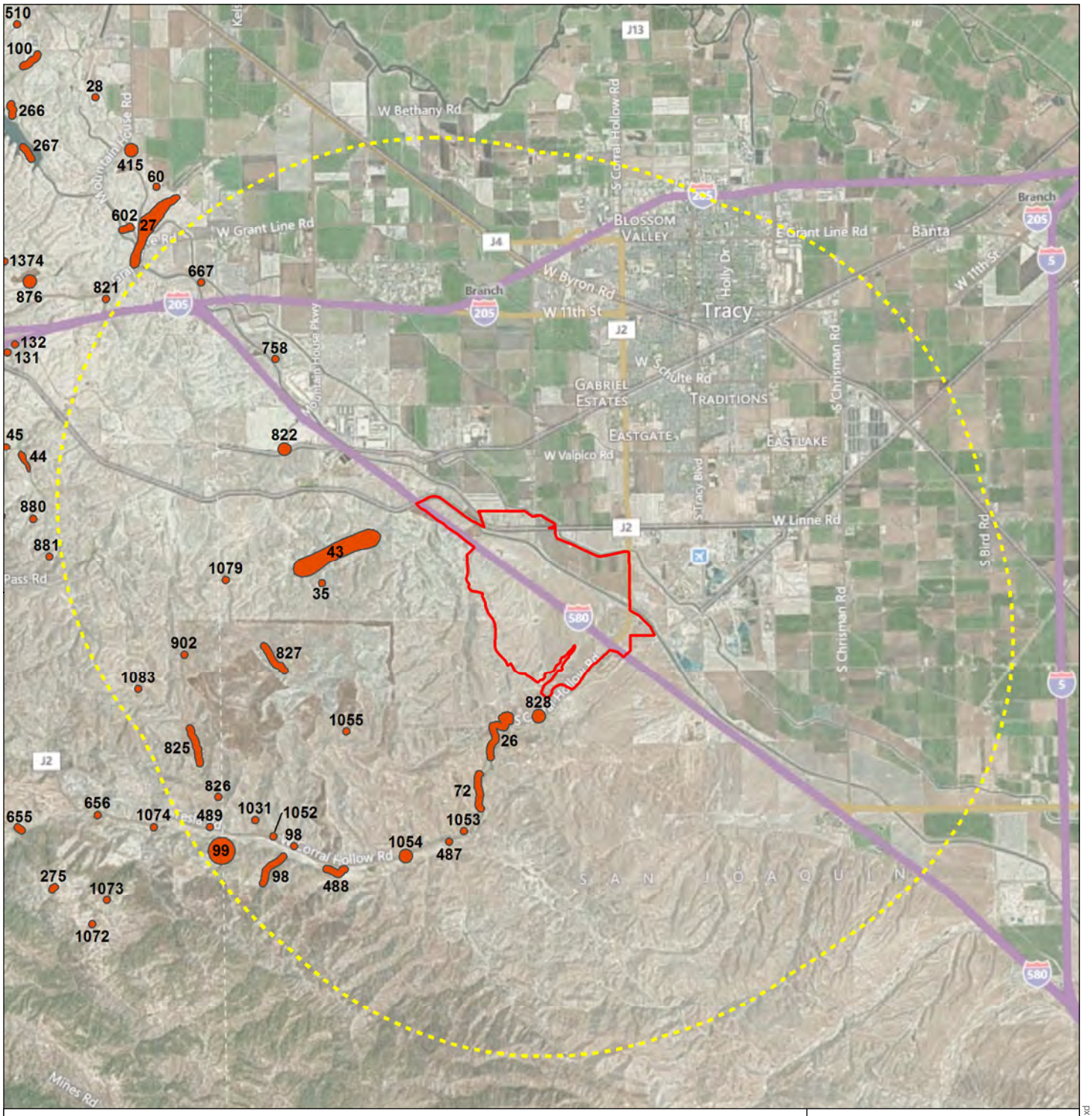


Figure 3. Habitat Assessment



Project Site

5-mile Radius Around the Project Site

California Red-Legged Frog Occurrence (with Occurrence Number)

0 1 2 Miles

1 inch = 2 miles

Data Sources:
- Bing accessed Aug 2015, imagery date range: May - Nov 2010
- California Department of Fish and Wildlife, California Natural Diversity Database (CNDDB), Jul 2015 data release

Map Prepared: 8-4-15

Prepared by:

NOREAS
Environmental Engineering and Science

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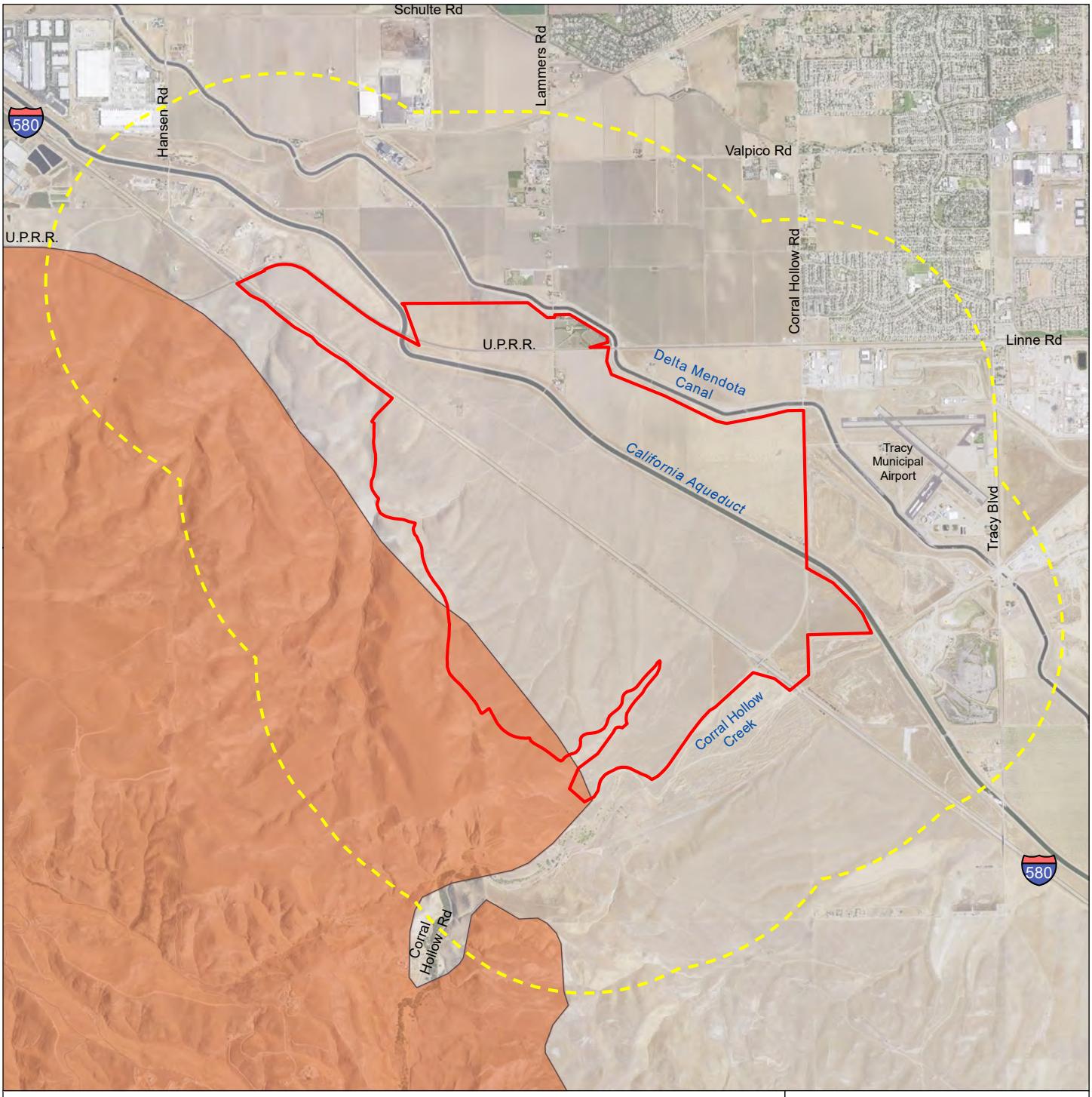
Figure 4. CRLF Occurrences within 5 Miles of the Project Site



Project Site

1-mile Radius Around the Project Site

Critical Habitat for California Red-Legged Frog

0 2,000 4,000 Feet

1 inch = 4,000 feet

Data Sources:
- San Joaquin County GIS accessed Aug 2015, data date: Jan 2015
- USDA-NRCS-AFPO NAIP accessed Aug 2015, image date: Jun 2014
- US Fish and Wildlife Service critical habitat accessed Aug 2015, data date: Aug 2015

Map Prepared: 8-13-15

Prepared by:

NOREAS
Environmental Engineering and Science

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Figure 5. Critical Habitat

6.0 CONCLUSIONS

The habitat within the study area include existing livestock grazing, agricultural tilling and other anthropogenic undertakings which have greatly reduced the lands ability to support breeding and dispersing CRLF. No CRLF aquatic breeding habitat has ever been detected within the Project Site; and the low quality CRLF dispersal habitat present is severely constrained (i.e., freeways, urban residential/commercial development, swift-flowing aqueducts, lack of appropriate cover to elude predators or exposure to desiccation, disked fields, and livestock grazing).

Given that these findings are consistent with other assessments for CRLF within the Project Site, the Project would not be expected to result in the loss of individual CRLF, or adversely affect local or regional populations of them. Furthermore, the Project would not be expected to degrade the long-term preservation value or ecological processes within the Project vicinity, as impacts have been minimized to safeguard the needed habitat, wildlife linkages, and functional connectivity are maintained within the region with deference to CRLF. Accordingly, the habitat loss associated with the Project would be considered an insignificant effect to CRLF as a result of the amount of similar, and higher value vegetation communities and land cover types within the region that are already held in conservation. With the implementation of the measures detailed within Section 7.0 of this report, there is no presumption that the Project would result in the take[4] of CRLF or the loss of valuable breeding habitat.

[4] "Take" is defined within California Fish and Game Code Section 86 as hunt, pursue, catch, capture, or kill, or attempt to hunt, pursue, catch, capture, or kill.

7.0 RECOMMENDATIONS

The following measures are recommended as a means of avoiding and minimizing adverse impacts to CRLF that have the potential to occur within the study area:

- Prior to commencement of ground disturbing activities in all areas of potentially suitable habitat to support CRLF, pre-activity clearance surveys shall be initialed by a qualified biologist to reinforce positive or negative findings with substantial evidence.

- Survey will occur during the wet season (generally October 15 to April 15), no more than 48 hours before any new ground disturbance.

- A worker training program that includes the CRLF will be conducted for construction personnel before groundbreaking at individual redevelopment project sites.

- If a CRLF is found, the construction supervisor shall halt work immediately within an appropriate buffer area of any discovered CRLF. The construction supervisor will also contact the project biologist and will suspend all construction activities in the immediate construction zone until the animal leaves the site voluntarily.

- To prevent entrapment of CRLF during construction, any trenches, holes, or other excavations into which CRLF could fall and become trapped will be covered. The opening will be completely covered at the end of each workday.

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APPENDIX A

PHOTOGRAPH LOG

	Photograph 1 California Aqueduct is an anthropogenic feature that functions as a high movement constraint for CRLF based on the steep sided walls and swift flowing water (facing west).
	Photograph 2 Despite a long hydro period sufficient for CRLF larval development, this feature is not considered suitable for CRLF due to a lack of emergent and/or riparian vegetation within/around the feature (facing north).

	Photograph 3 Agricultural tilling removes potential underground burrows and creates uneven terrain that is difficult for adult CRLF to traverse. Because of this disturbance type, the area cannot provide upland habitat to CRLF (facing east).
	Photograph 4 Due to a lack of vegetation and shallow depths, this feature does not provide breeding habitat to CRLF (facing southwest).

	Photograph 5 Illustration of the large cliff/steep-sloped area southeast of the Project near Corral Hollow Creek. Due to the steep sides of this topographic feature, dispersing CRLF would not be able to reach the Project Site (facing north).

APPENDIX G
2015 Tracy Hills Project California Tiger Salamander Assessment

DRAFT

TRACY HILLS PROJECT

September 2015

California Tiger Salamander Assessment

Owner
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APPENDICES

Appendix A	Photograph Log

1.0 EXECUTIVE SUMMARY

The Tracy Hills Project Owner LLC (Tracy Hills) is proposing to develop the Tracy Hills Project in Tracy, California (hereafter "Project", Figure 1). The Project includes a revised and updated Specific Plan[1] that authorizes approximately 2,732 acres for development of residential neighborhoods and non-residential uses (e.g., office, commercial, light industrial, parks, schools and open spaces) within existing low quality livestock grazing and agricultural lands. This report provides the methods, assumptions and results of a U.S. Fish and Wildlife Service (USFWS) protocol-level California Tiger Salamander *(Ambystoma californiense* [CTS]) habitat assessment for the Project. Within this document, the study area includes the Project's proposed ground disturbance footprint (Project Site) and a 1.24-mile buffer. The study area therefore includes all lands to be affected directly or indirectly by the Project, and is not merely the immediate lands involved in the action itself (Figure 2). Six land cover types were observed within the study area in 2015 (NOREAS 2015): agricultural, annual grassland, open water (i.e., California Aqueduct and Delta Mendota Canal), orchard, non-native grasses, and developed habitats.

As required by the *Interim Guidance on Conducting Site Assessments and Field Surveys for Determining Presence or a Negative Finding of the California Tiger Salamander (CDFG October 2003)* the data collected and analyzed herein addresses the following 3 elements relevant to the potential occurrence of CTS within the Project Site. These parameters include:

1. The Project's position within the current and historic range of the CTS;

2. Known localities of CTS within the study area; and

3. Existing habitats within the Project Site and within 1.24 miles its boundaries.

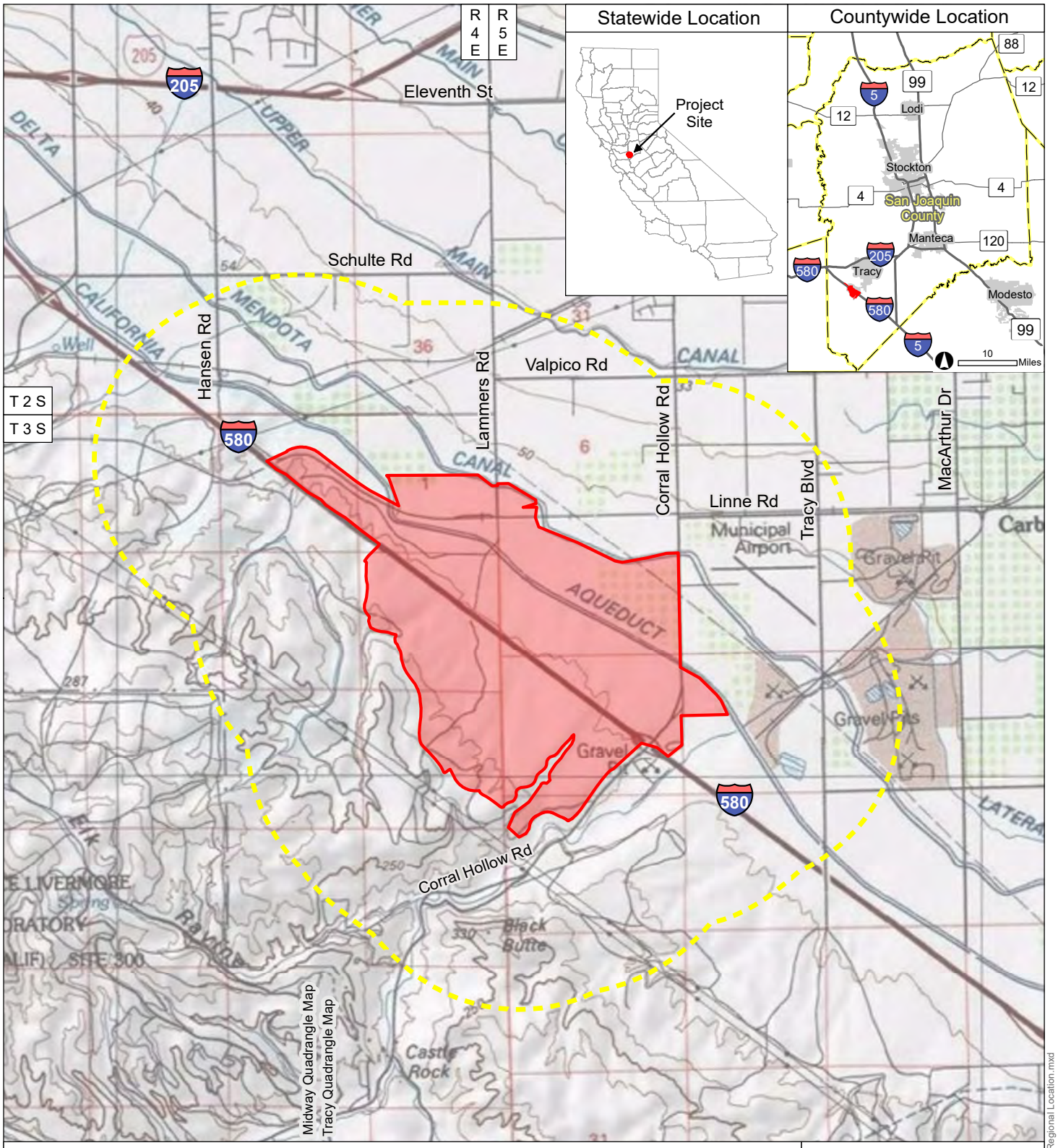
Targeted CTS field evaluations and analysis have occurred within representative portions of the study area for roughly 15 years. This has been done to account for variations in local weather patterns, and to safeguard that field investigations were adequate to maximize the potential for detecting CTS. The literature reviews; comprehensive field investigations by credentialed biologists; and 2015 assessment results indicate that the herpetofauna within the study area has not changed significantly from those documented in past studies (LSA 1999, Foothill Associates 2004, Berryman Ecological LLC 2010, and ICF International 2011). No CTS aquatic breeding habitat that could support larval development of the species has ever been detected within the Project Site.

This is likely a result of the significant ground disturbance (i.e., grading, disking, and deep ripping) associated with crop cultivation and numerous other anthropogenic undertakings that have occurred within the study area (e.g., freeways, paved roads, aqueducts, urban development and other infrastructure related appurtenances). Additionally, soils within the Project Site are generally very well drained, which contributes to the short hydro periods of the few isolated, small, shallow, seasonal depressions that support ponding water for a few weeks out of the frost free growing season – as opposed to the 10 weeks required for successful CTS larval development. Ephemeral features within the Project site are presumed to convey fast flowing water during and immediately following storm events; but they lack drop pools or other lands that could pond water for sufficient durations of time to support CTS larval development. Even concrete-lined stock ponds within the Project Site have high-walls around them that would preclude CTS from utilizing it as breeding habitat. Nonetheless, there are lands within

[1] RBF Consulting 2014. Tracy Hills Specific Plan: Habitat Assessment & San Joaquin County Multi-Species Habitat Conservation and Open Space Plan Consistency Analysis.

the southwestern portion of the Project Site that could be used by adult CTS as potential refuge or as low quality overland dispersal habitats. But these areas value as adult CTS refuge or dispersal habitat is inconsequential because they are isolated from known aquatic breeding habitats within the vicinity; and are severely movement constrained (i.e., topography, freeways, paved roads, aqueducts, lack of appropriate cover or exposure to desiccation, disked fields) within the study area.

The more factors that constrain CTS breeding habitats and movement corridors, the less likely individuals are to occur, or continue to occur within a specific locale. The nearest historic CTS record in the surrounding area is from 1992; and it consists of 1 adult male along the edge of Corral Hollow Road - near the extreme southwestern limits of the Project Site. It should also be noted that these lands are not proposed for development to minimize adverse effects to special status species and their habitats. Given the lack of breeding habitat and movement constrained overland dispersal habitat within the Project Site, the likelihood of CTS successfully reproducing within it or even utilizing it for dispersal is negligible because much higher quality habitats are available within the region. Observations of CTS are not uncommon south of the Project, and within the approximately 3,500-acre open space conservation easement which abuts the study area. The data analyzed also suggests that there is extremely low potential for CTS to recruit into the Project Site.



Project Site

2 Kilometer Radius Around the Project Site

County Boundary (inset)

Urban Area (inset)

Interstate or State Highway (inset)

0 0.5 1 Mile

1 inch = 1 mile

Data Sources:
- Bing accessed Aug 2015
- ESRI StreetMap North America 2010
- ESRI US Topo Maps accessed Aug 2015

Map Prepared: 8-11-15

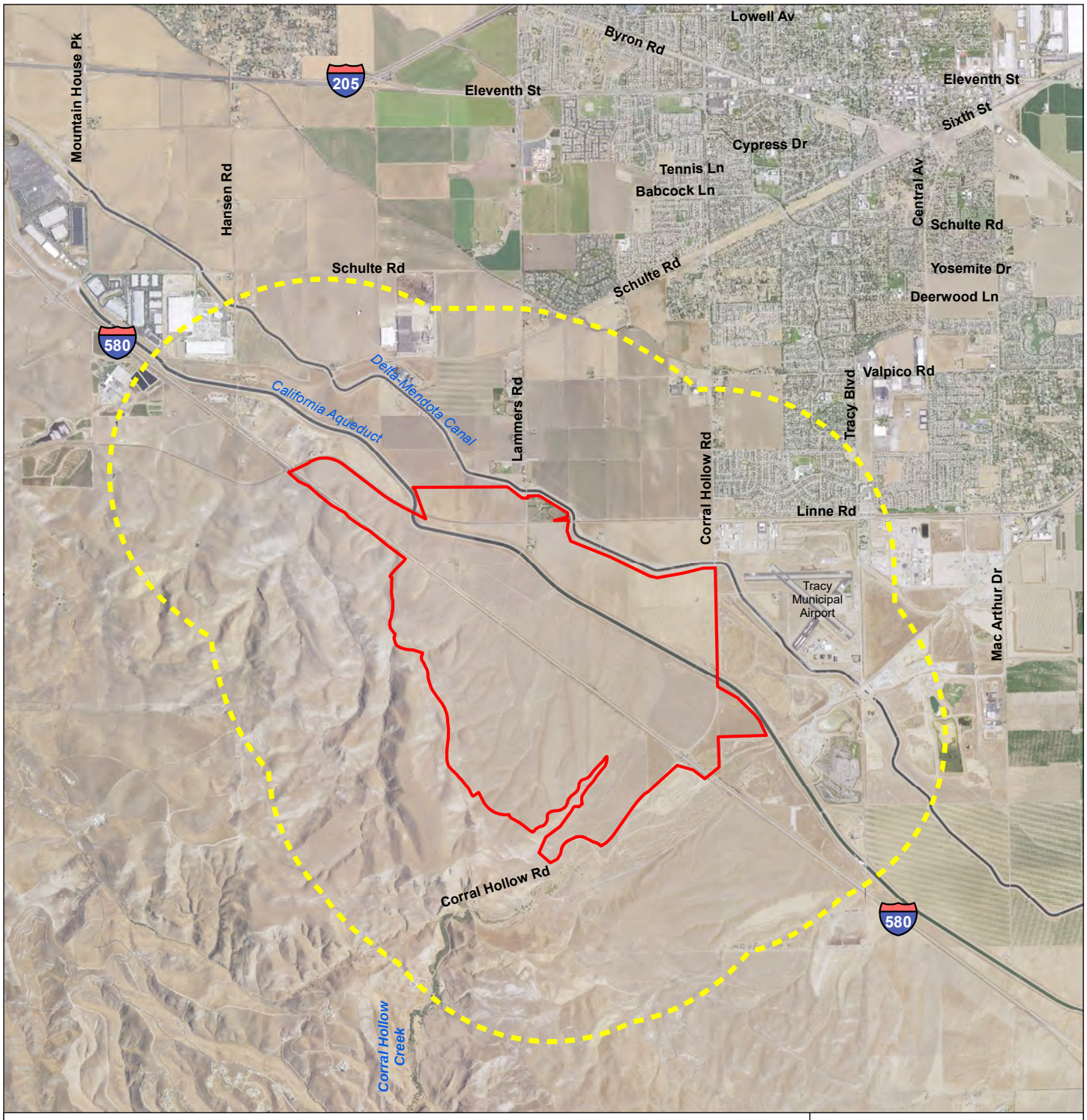
Prepared by:
NOREAS
Environmental Engineering and Science

The Project Site is located on the Midway and Tracy USGS 7.5-minute quadrangle maps; Mt. Diablo Base and Meridian,
Township 3 South, Range 4 East, Sections 1, 2, 12 and 13; and
Township 3 South, Range 5 East, Sections 6, 7, 8, 17, 18 and 19.

Center coordinates for the Project Site are: 37.680702, -121.476315.

C:\SRM\Noreas\Tracy Hills\ArcMap\CTS\Fig1. Regional Location.mxd

Figure 1. Regional Location



Project Site (2,729 acres)

2-kilometer Radius Around the Project Site (13,736 acres)

0 0.5 1 Mile

1 inch = 1 mile

Data Source:
- USDA-NRCS-AFPO NAIP accessed Aug 2015, image date: 2014

Map Prepared: 8-11-15

Prepared by:

NOREAS
Environmental Engineering and Science

C:\SRM\Noreas\Tracy Hills\ArcMap\CTS\Fig2. Site Vicinity.mxd

Figure 2. Site Vicinity

2.0 INTRODUCTION AND PROJECT LOCATION

NOREAS Inc. was retained to review historic California Tiger Salamander *(Ambystoma californiense* [CTS]) census data and perform a U.S. Fish and Wildlife Service (USFWS) protocol-level assessment for the Project. The Project occurs in Sections 6, 7, 8, 17, 18 and 19 of Township 3 South and Range 5 East (Mt. Diablo Base and Meridian) of the Midway U.S. Geological Survey (USGS 1986) 7.5-Minute Quadrangle Map; and Sections 1, 2, 11, 12, 13 and 24 of Township 3 South, and Range 4 East (Mt. Diablo Base and Meridian) of the Tracy USGS 7.5-Minute Quadrangle Map (USGS 1980).

The primary objective of the literature review and 2015 field assessment was to determine the presence or to confirm the presumed absence of, CTS within the study area. For the purposes of this document, the "study area" includes the Project's proposed ground disturbance footprint (Project Site) and a 1.2 mile (2 kilometer) buffer (Figure 2).

3.0 CALIFORNIA TIGER SALAMANDER BACKGROUND

CTS is an endemic species to the lowlands of central California and is listed as threatened under the federal and State Endangered Species Acts. The primary cause of CTS population decline is loss of habitat from development (USFWS 2004). CTS require both terrestrial and aquatic habitats in order to complete its life cycle. Adult salamanders will breed within seasonal ponds and wetlands. During the dry season CTS will move into the surrounding uplands, living underground in fossorial mammalian burrows (Loredo and Van Vuren 1996, Loredo at al. 1996). The CTS larvae develop within aquatic breeding habitat and then move into the adjacent upland habitat as metamorphosed juveniles. Characteristic upland habitat consists of annual grasslands, which are typically grazed by livestock. Upland habitat must also contain mammal burrows or shrink-swell cracks that provide refugia, which is used for the majority of their lifecycle (USFWS 2004).

The breeding period for CTS is generally December through February. Females lay eggs in the water of seasonal to semi-perennial wetlands attached to vegetation, twigs, debris, or in some cases, rocks (Stebbins and McGinnis 2012). The eggs of CTS hatch in approximately 10 to 14 days. Although the larvae of CTS can overwinter in appropriate habitats, the larval stage typically lasts between 3 and 6 months, and is largely dependent on the inundation period of the wetland. CTS movements have been recorded at distances of up to 1.24 miles between upland habitat and breeding ponds (USFWS 2004). However, overland movements are significantly often constrained by urban development and freeways (CDFG 2003).

4.0 METHODS

Prior to beginning field surveys, resource specialists were consulted and available information from resource management plans and relevant documents were reviewed to determine the locations and types of herpetofauna that have the potential to exist within and adjacent to the study area; resources were evaluated within several miles of the Project. The primary materials reviewed included, but were not limited to, the following:

- Habitat Conservation Plan for Lakeside Tracy Development (LSA 1999)
- Habitat Management Plan - Tracy Hills Project (Foothill Associates 2004);
- Biological Resources on the Tracy 580 Business Park Property (Berryman Ecological LLC 2010)
- Preserve Management Plan for the Tracy 580 Business Park Preserve (ICF International 2011);
- A Guide To The Amphibians And Reptiles Of California (California Herps 2013);
- Interim Guidance on Conducting Site Assessments and Field Surveys for Determining Presence or a Negative Finding of the California Tiger Salamander (CDFG October 2003);
- U.S. Fish and Wildlife Service (USFWS) Critical Habitat Mapper and File Data (USFWS 2015a);
- USFWS Sacramento Field Office Species List for San Joaquin County (USFWS 2015b);
- California Natural Diversity Database maintained by the California Department of Fish and Wildlife (CDFW 2015);
- General Biological Resources Assessment for the Tracy Hills Project (NOREAS 2015); and
- Aerial Photographs (Microsoft Corporation 2015).

Survey methods were derived from generally accepted professional standards for performing visual encounter herpetofauna surveys (Aguirre-Bravo et al. 2006) and followed the *Interim Guidance on Conducting Site Assessments and Field Surveys for Determining Presence or a Negative Finding of the California Tiger Salamander (CDFG October 2003).* An assessment for CTS was performed within 1.24 mile of the Project Site to characterize the habitats and land cover types to the maximum extent practical with regard upland and aquatic features.

Upland and aquatic types within the study area were mapped and characterized as either not suitable, breeding[2], or dispersal habitat by vegetation communities, land use, and any potential barriers to CTS movements. In order to determine if an aquatic feature within the Project and/or study area could provide suitable CTS habitat (i.e., breeding and dispersal), sufficient hydrologic periods needed to be observable through time-lapse images over multiple years. Perennial or semi-perennial water features that retained water through most of the year and had associated riparian vegetation cover were considered suitable to support CTS larval development (breeding habitat). Upland habitats were further analyzed for potential movement constraints as described below.

[2] Non-CTS breeding habitats are aquatic habitats that during average precipitation years, do not have sufficient hydrology for CTS larvae to complete metamorphosis. Therefore, for the purposes of this report, CTS breeding aquatic habitat is defined as any body of water deeper than 12 inches that ponds, on average, for longer than 10 weeks.

- High constraints to movement are barriers in which CTS cannot pass over, though, or under (e.g., sound walls) or that CTS would most likely perish while trying pass over them (e.g., freeways). The high constraints to CTS movement include urban residential and commercial development, swift-flowing aqueducts, and freeways.

- Moderate constraints to CTS movement are those that would greatly increase the likelihood of mortality from exposure to predators or exposure to desiccation by increasing the length of movement or dispersal time. Moderate constraints consist of disked fields with no vegetation cover, hay fields, rural development, railroad berms and tracks, and rural paved roads.

- Low constraints are those that slightly increase the likelihood of mortality such as agricultural fields planted with row crops and orchards. No constraints are those that do not have permanent or significant barriers to movement such as routinely grazed annual grasslands. Livestock grazing in annual grassland habitat reduces vegetation heights, encourages fossorial mammal occupation, and can facilitate CTS overland dispersal (Barry and Shaffer 1994).

The presence of a species was based on direct observations of individual(s), sign, and/or vocalization. The assessment was not performed during rain, extreme temperatures, high winds (> 25 miles per hour), or dense fog. Where access was limited, observations were made from the nearest appropriate vantage points by means of public rights-of-way with the use of binoculars and spotting scopes. The following NOREAS biologists either performed the field work and/or contributed to data analysis: Brent Helm PhD, Mark Noyes MS, Eric Dugan PhD, Richard White MS, Jeff Alvarez BS, Lenny Malo MS, Lincoln Hulse BS, Erin Serra BS, and Ken Hashagen BS.

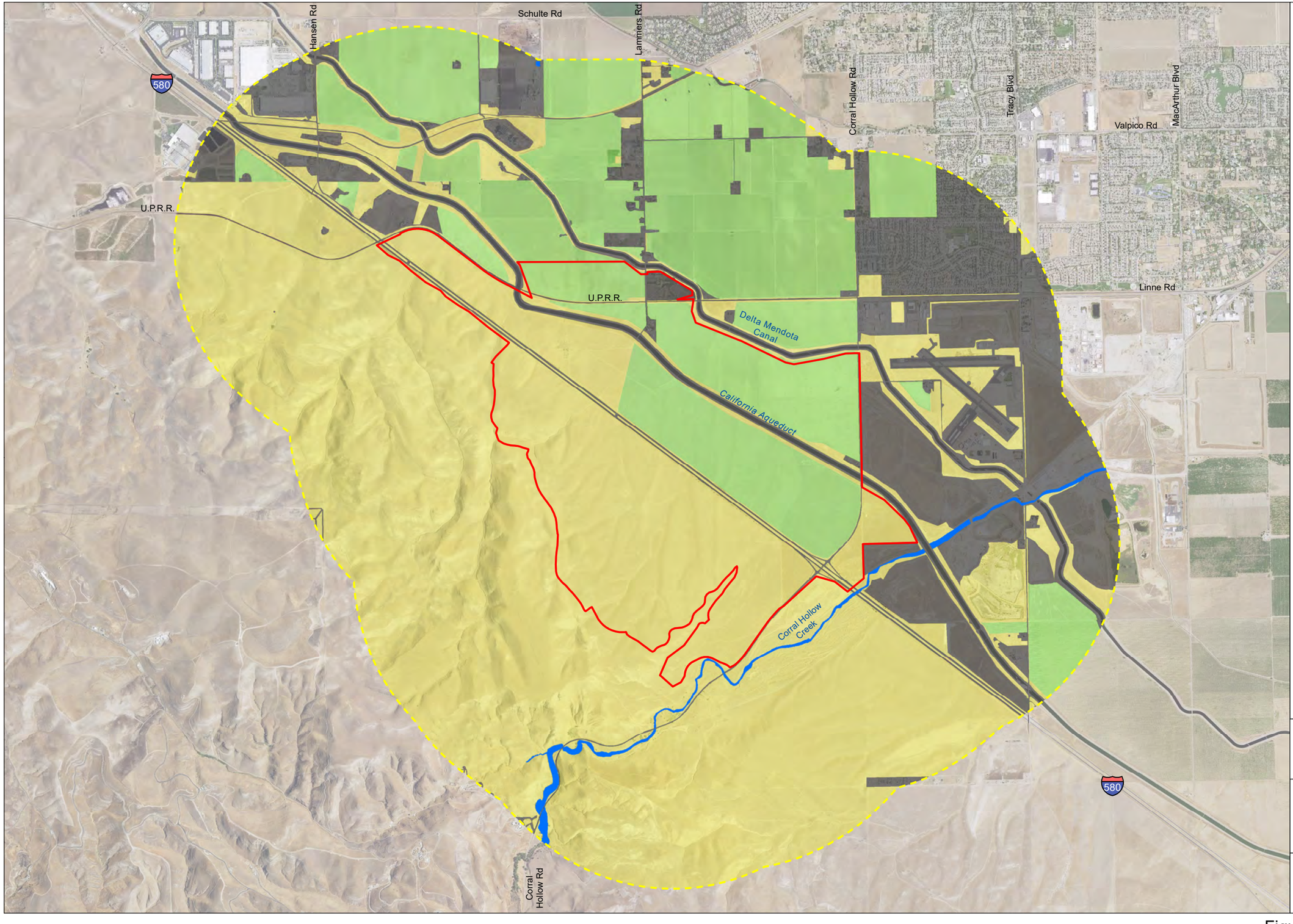
5.0 RESULTS

Weather conditions during the 2015 surveys included cloudy to clear skies, temperatures ranging from 50–75 degrees Fahrenheit, and winds fluctuating from 0 to 15 miles per hour. CTS assessments were performed on the following dates: 17 and 18 December 2014, 25 and 26 March, 16 and 17 April, 16 May, 7 and 8 June, 2015.

The Project Site predominately consists of upland non-native vegetation, grasslands, and developed and disturbed land cover types (Figure 3). Targeted CTS field evaluations and analysis have occurred within representative portions of the study area since 1999. This has been done to account for variations in local weather patterns, and to safeguard that field investigations were adequate to maximize the potential for detecting CTS. The literature reviews; comprehensive field investigations; and 2015 assessment results indicate that the herpetofauna within the study area has not changed significantly from those documented in past studies. Given the size of the Project Site, there are relatively few aquatic habitats within it (Figure 4).

No CTS aquatic breeding habitat that could support larval development of the species has ever been detected within the Project Site. This is likely a result of the substantial ground disturbance (i.e., grading, disking, and deep ripping) associated with crop cultivation and numerous other anthropogenic undertakings that have occurred within the study area (e.g., freeways, paved roads, aqueducts and other infrastructure related appurtenances). Additionally, soils within the Project Site are generally very well drained, which contributes to the short hydro periods of the few isolated, small, shallow, seasonal depressions that support ponding water for a few weeks out of the frost free growing season – as opposed to the 10 weeks required for successful CTS larval development. This is evidenced by a lack of hydrologic indicators (e.g., rack lines, biotic crusts, and salt deposits) and a general lack of hydrophytic vegetation within the Project Site with the exceptions; hydrophytes indicative of short hydroperiods (e.g., including Italian ryegrass [*Festuca perennis*] and Mediterranean barley [*Hordeum marinum ssp. gussoneanum*]) were detected. Ephemeral features within the Project site are presumed to convey fast flowing water during and immediately following storm events; but they lack of drop pools or other lands that could pond water for sufficient durations of time to support CTS larval development. Even concrete-lined stock ponds within the Project Site that are supplemented by pumped-well water have high-walls (>2 feet tall) around them, that would preclude CTS from utilizing it as breeding habitat.

The nearest historic CTS record in the surrounding area is from 1992; and it consists of 1 adult male along the edge of Corral Hollow Road - near the extreme southwestern limits of the Project Site. It should also be noted that these lands are not proposed for development to minimize adverse effects to special status species and their habitats. Nonetheless, there are lands within the southwestern portion of the Project Site that could be used by CTS as potential refuge or as low quality overland dispersal habitats for adults. These areas value as adult CTS refuge or dispersal habitat is inconsequential because they are isolated from known aquatic breeding habitats within the vicinity; and are severely movement constrained (i.e., topography, freeways, paved roads, aqueducts, lack of appropriate cover or exposure to desiccation, disked fields) within the study area. With deference to Corral Hollow Creek, it's bordered to the west by an extremely steep slope that transitions into a vertical cliff. This leaves limited area along Corral Hollow Road accessible to potential migrating or dispersing individuals moving away from aquatic habitats within the creek. The Project Site does not include designated critical habitat for CTS either (USFWS 2015, Figure 5). Appendix A includes a Photograph Log.



Project Site

2-kilometer Radius Around the Project Site

Habitats

- Agricultural (3,196 acres)
- Annual Grassland (7,824 acres)
- Creek/Pond (62 acres)
- Developed (2,654 acres)

0 1,000 2,000 3,000 Feet

1 inch = 3,000 feet

Data Sources:
- San Joaquin County GIS accessed Aug 2015, data date: Jan 2015
- USDA-NRCS-AFPO NAIP accessed Aug 2015, image date: Jun 2014

Map Prepared: 8-17-15

Prepared by:

NOREAS
Environmental Engineering and Science

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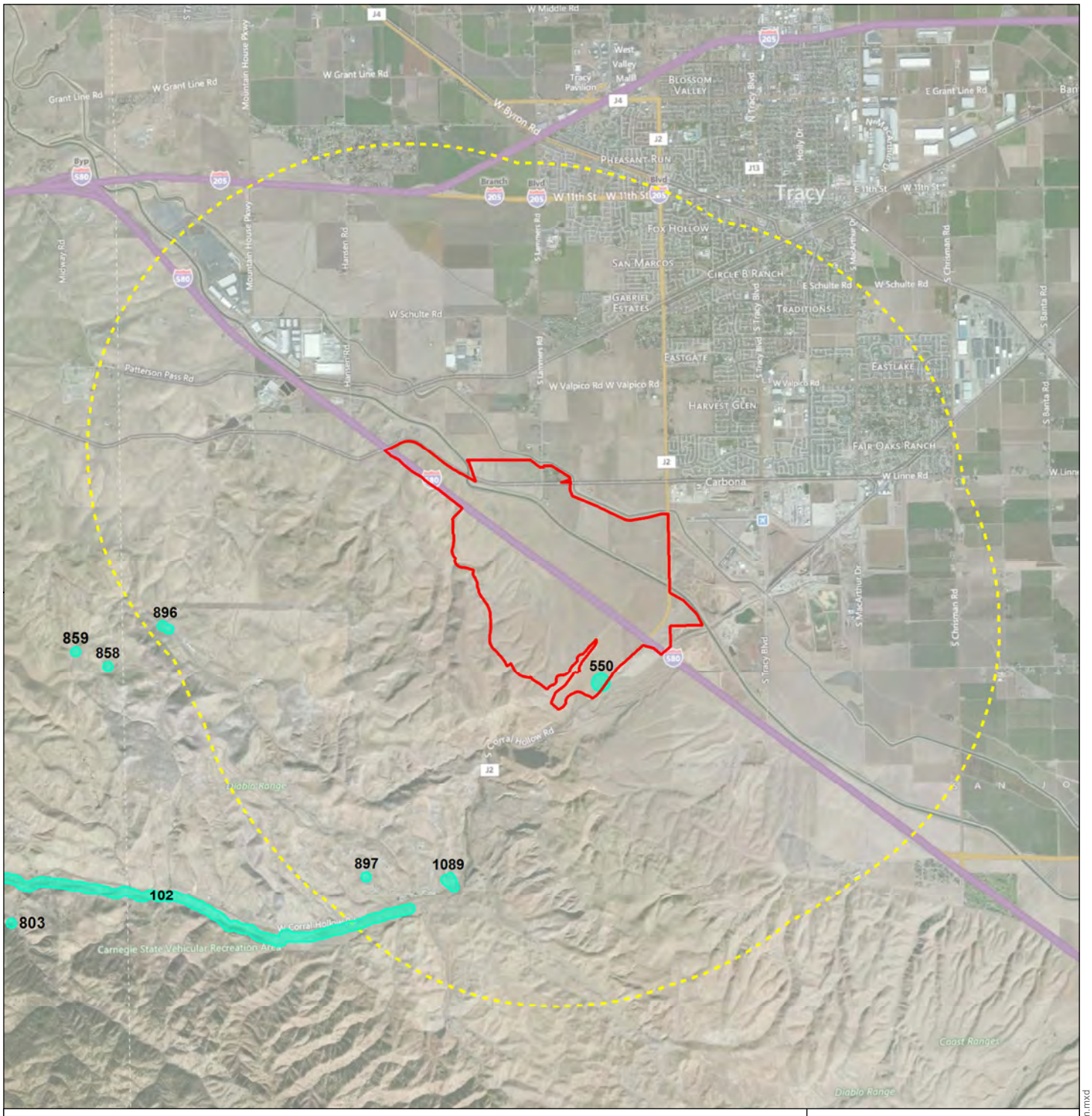
Figure 3. Habitat Assessment



Project Site

5-kilometer Radius Around the Project Site

California Tiger Salamander Occurrence (with Occurrence Number)

0 0.5 1 1.5 Miles

1 inch = 1.5 miles

Data Sources:
- Bing accessed Aug 2015, imagery date range: May - Nov 2010
- California Department of Fish and Wildlife, California Natural Diversity Database (CNDDB), Jul 2015 data release

Map Prepared: 8-11-15

Prepared by:

NOREAS
Environmental Engineering and Science

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Figure 4. CTS Occurrences within 5 Kilometers of the Project Site

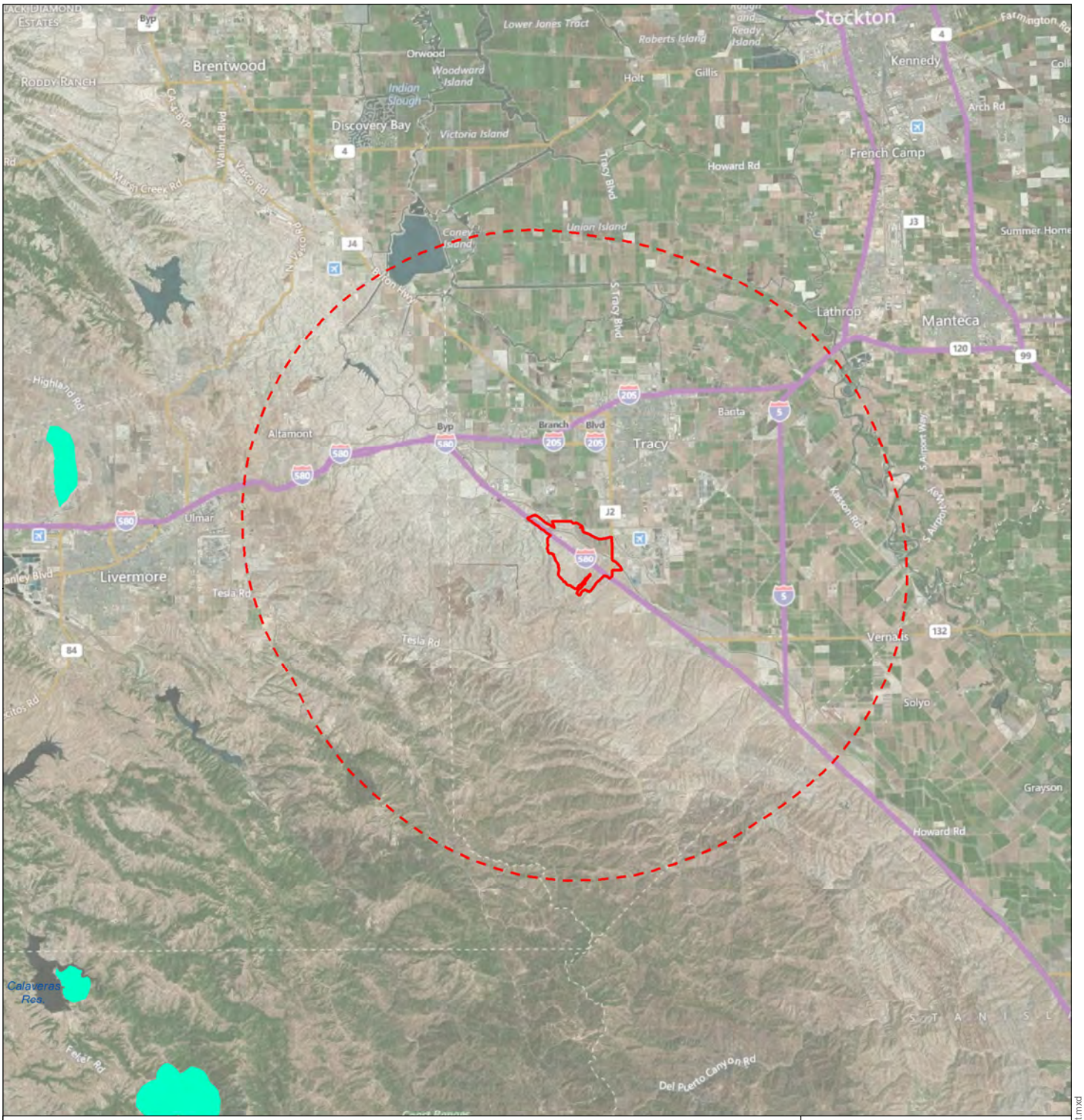

Figure 5. Critical Habitat

6.0 CONCLUSIONS

The Project Site has been exposed to substantial ground disturbance (i.e., grading, disking, tilling and deep ripping) associated with agricultural activities, crop cultivation and numerous other anthropogenic undertakings that have occurred within the study area (e.g., freeways, paved roads, aqueducts and other infrastructure related appurtenances) that have greatly reduced the lands ability to support breeding and dispersing CTS. No CTS aquatic breeding habitat has ever been detected within the Project Site; and only low quality severely constrained CTS dispersal habitat is present. The more factors that constrain CTS breeding habitats and movement corridors, the less likely individuals are to occur, or continue to occur within a specific locale. Given the lack of breeding habitat and movement constrained overland dispersal habitat within the Project Site, the likelihood of CTS successfully reproducing within it or even utilizing it for dispersal is negligible because much higher quality habitats are available within the region. Observations of CTS are not uncommon south of the Project, and within the approximately 3,500-acre open space conservation easement which abuts the study area.

Given that these findings are consistent with other assessments for CTS within the study area, the Project would not be expected to result in the loss of individual CTS, or adversely affect local or regional populations of them. Furthermore, the Project would not be expected to degrade the long-term preservation value or ecological processes within the Project vicinity, as impacts have been minimized to safeguard the needed habitat, wildlife linkages, and functional connectivity are maintained within the region with deference to CTS. Accordingly, the habitat loss associated with the Project would be considered an insignificant effect to CTS as a result of the amount of similar, and higher value vegetation communities and land cover types within the region that are already held in conservation. With the implementation of the measures detailed within Section 7.0 of this report, there is no presumption that the Project would result in the take[3] of CTS, or the loss of valuable breeding habitat.

[3] "Take" is defined within California Fish and Game Code Section 86 as hunt, pursue, catch, capture, or kill, or attempt to hunt, pursue, catch, capture, or kill.

7.0 RECOMMENDATIONS

The following measures are recommended as a means of avoiding and minimizing adverse impacts to CTS that have the potential to occur within the study area:

- Prior to commencement of ground disturbing activities in all areas of potentially suitable habitat to support CTS, pre-activity clearance surveys shall be initialed by a qualified biologist to reinforce positive or negative findings with substantial evidence. If CTS is detected within portions of the study area proposed for development, then avoidance and minimization measures specific to CTS will be incorporated into the Project as necessary to reduce impacts to CTS to less-than significant.

- Temporary construction disturbances to California tiger salamander habitat will be minimized to the extent practicable. All Project-related vehicle traffic will be restricted to established roads, and construction areas.

- A qualified biologist will be on site during all activities that may result in the take of CTS. The biologist will be given the authority to stop any work that may result in the take of this listed species.

- The biologist will be responsible for ensuring that the exclusion fence installed around occupied CTS habitat inspected before the start of each day and remains intact until project construction is complete.

- Plastic monofilament netting (erosion control matting) or similar material will not be used for erosion control or other purposes around occupied CTS habitat because they may become entangled or trapped in it. Acceptable substitutes include coconut coir matting or tackified hydroseeding.

- The project proponent or its contractor will implement BMPs to prevent sediment from entering suitable California tiger salamander habitat through the use of silt fencing and sterile hay bales.

- A worker training program that includes the California tiger salamander will be conducted for construction personnel before groundbreaking at individual redevelopment project sites.

- A speed limit of 20 miles per hour (mph) will be observed within construction areas, particularly on rainy nights when California tiger salamanders are most likely to be moving between their breeding ponds and upland habitat. To the extent possible, nighttime construction will be minimized. Off-road traffic outside designated construction areas will be prohibited.

- To prevent entrapment of California tiger salamanders during construction, any trenches, holes, or other excavations into which California tiger salamander could fall and become trapped will be covered. The opening will be completely covered at the end of each workday.

8.0 REFERENCES

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APPENDIX A

PHOTOGRAPH LOG

	Photograph: 1. California Aqueduct is a anthropogenic feature that functions as a high movement constraint for CTS based on the steep sided walls and swift flowing water (facing west).
	Photograph: 2. Due to a lack of vegetation and shallow depths, this feature does not provide breeding habitat to CTS (facing southwest).

	Photograph: 3. Agricultural tilling removes potential underground burrows and creates uneven terrain that is difficult for adult CTS to traverse (facing east).
	Photograph: 4. Illustration of the large cliff/steep-sloped area southeast of the Project near Corral Hollow Creek. Due to the steep sides of this topographic feature, dispersing CTS would not be able to reach the Project Site (facing north).

APPENDIX H
2015 Tracy Hills Project San Joaquin Kit Fox Survey

DRAFT

TRACY HILLS PROJECT

September 2015

San Joaquin Kit Fox Survey Report

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Appendix B	2015 Digital Imaging Station Data
Appendix C	Photograph Log
Appendix D	California Natural Diversity Database Form

1.0 EXECUTIVE SUMMARY

The Tracy Hills Project Owner LLC (Tracy Hills) is proposing to develop the Tracy Hills Project in Tracy, California (hereafter "Project", Figure 1). The Project includes a revised and updated Specific Plan[1] that authorizes approximately 2,732 acres for development of residential neighborhoods and non-residential uses (e.g., office, commercial, light industrial, parks, schools and open spaces) within existing low quality livestock grazing and agricultural lands. This report documents the findings of protocol level San Joaquin Kit Fox (*Vulpes macrotis mutica*) surveys for the Project. For the purposes of this report, the "study area" includes the Project's proposed ground disturbance footprint (Project Site) (Figure 2). Six land cover types were observed within the study area in 2015: agricultural, annual grassland, open water, orchard, non-native grasses, and developed habitats.

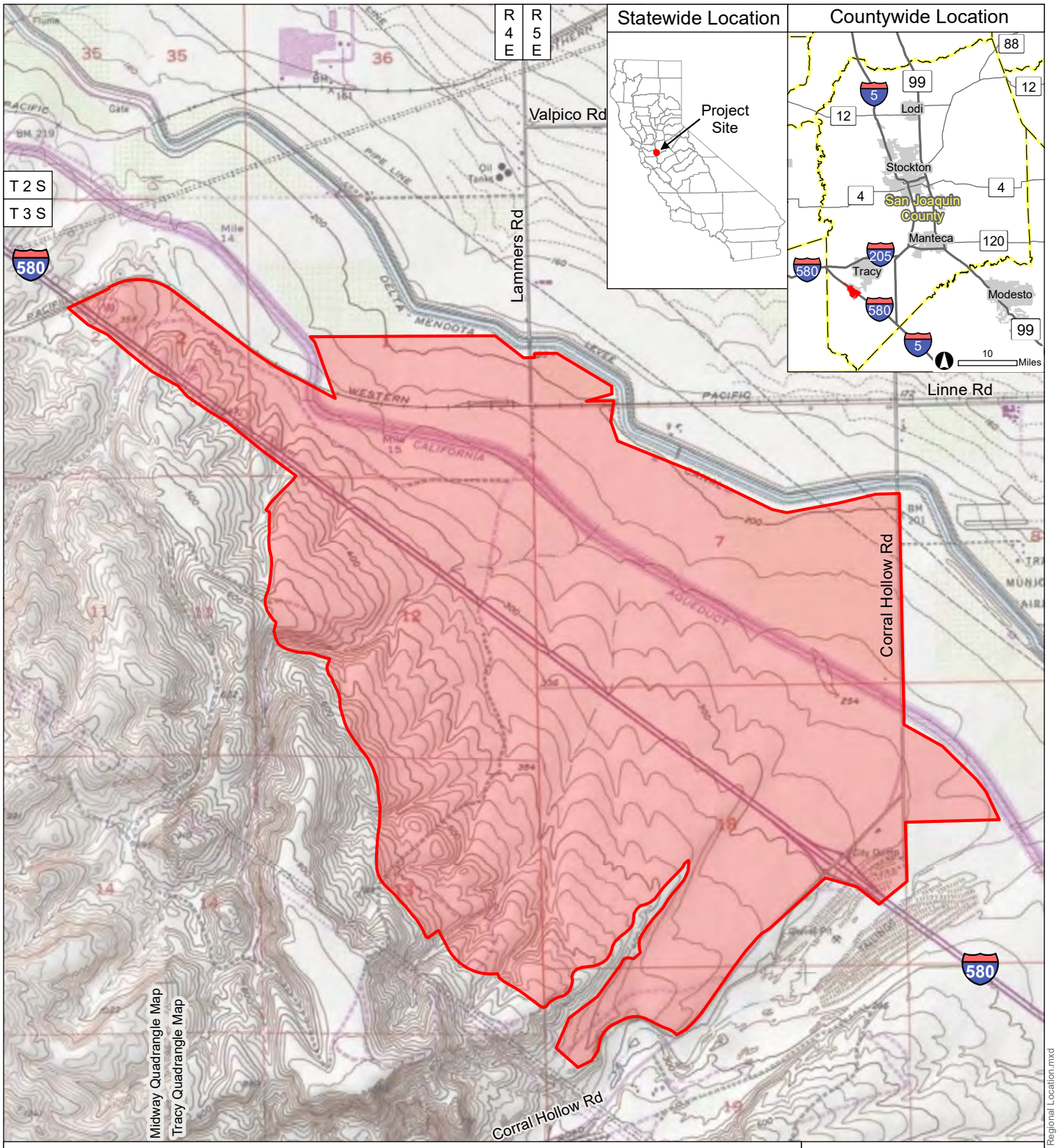
Targeted field surveys and analysis have occurred within representative portions of the study area for more than 25 years. This has been done to account for variations in local weather patterns, and to safeguard that field surveys were adequate to maximize the potential for detecting San Joaquin Kit Fox. The literature reviews; comprehensive field investigations by credentialed and experienced mammalogists; 4 consecutive years of concentrated canine San Joaquin Kit Fox scat detection census activities; and 2015 pedestrian survey results indicate that the small mammal population within the study area has not changed significantly from those documented in past studies over a quarter of a century. The study area is in the northern portion of the range of San Joaquin Kit Fox. As the range extends northward, reported observations of kit fox become fewer and fewer.

No San Joaquin Kit Fox breeding, non-natal or natal den complexes have ever been detected within the study area. No atypical, natal, or known San Joaquin Kit Fox dens have ever been located during surveys of the Project Site either. Although the study area is large in total size – it has very low species richness and diversity, and lacks high quality habitats for San Joaquin Kit Fox. The study area is lacking in numbers and variety of species – likely attributable to its inability to produce a high enough density of biomass to support a substantial rodent population. More specifically, no San Joaquin Kit Fox camera stations or track stations have ever documented the species within the study area.

Nonetheless, during 2015 spotlighting surveys a single San Joaquin Kit Fox was observed. The animal was foraging within the fenced right-of-way of the California Aqueduct; not within the Project Site. This observation lasted approximately 20 seconds, as the fox ultimately moved along the California Aqueduct's gravel security road in a southern direction until it was out of site. No other San Joaquin Kit Fox has ever been detected within the study area. Given the low quality habitat present (i.e., limited rodent population, depauperate landscape, competition and territorialism among other mammals within the study area [i.e., coyote]), the likelihood of San Joaquin Kit Fox successfully establishing a natal den our utilizing the Project Site as valuable foraging habitat is negligible. Although little can be concluded from a single observation of one animal, it is conceivable – albeit unlikely, that the California Aqueduct is functioning as a movement corridor for a small number of San Joaquin Kit Fox. Observations of the species are not uncommon south of Corral Hollow Road and within the approximately 3,500-acre open space conservation easement which abuts the study area.

[1] RBF Consulting 2014. Tracy Hills Specific Plan: Habitat Assessment & San Joaquin County Multi-Species Habitat Conservation and Open Space Plan Consistency Analysis

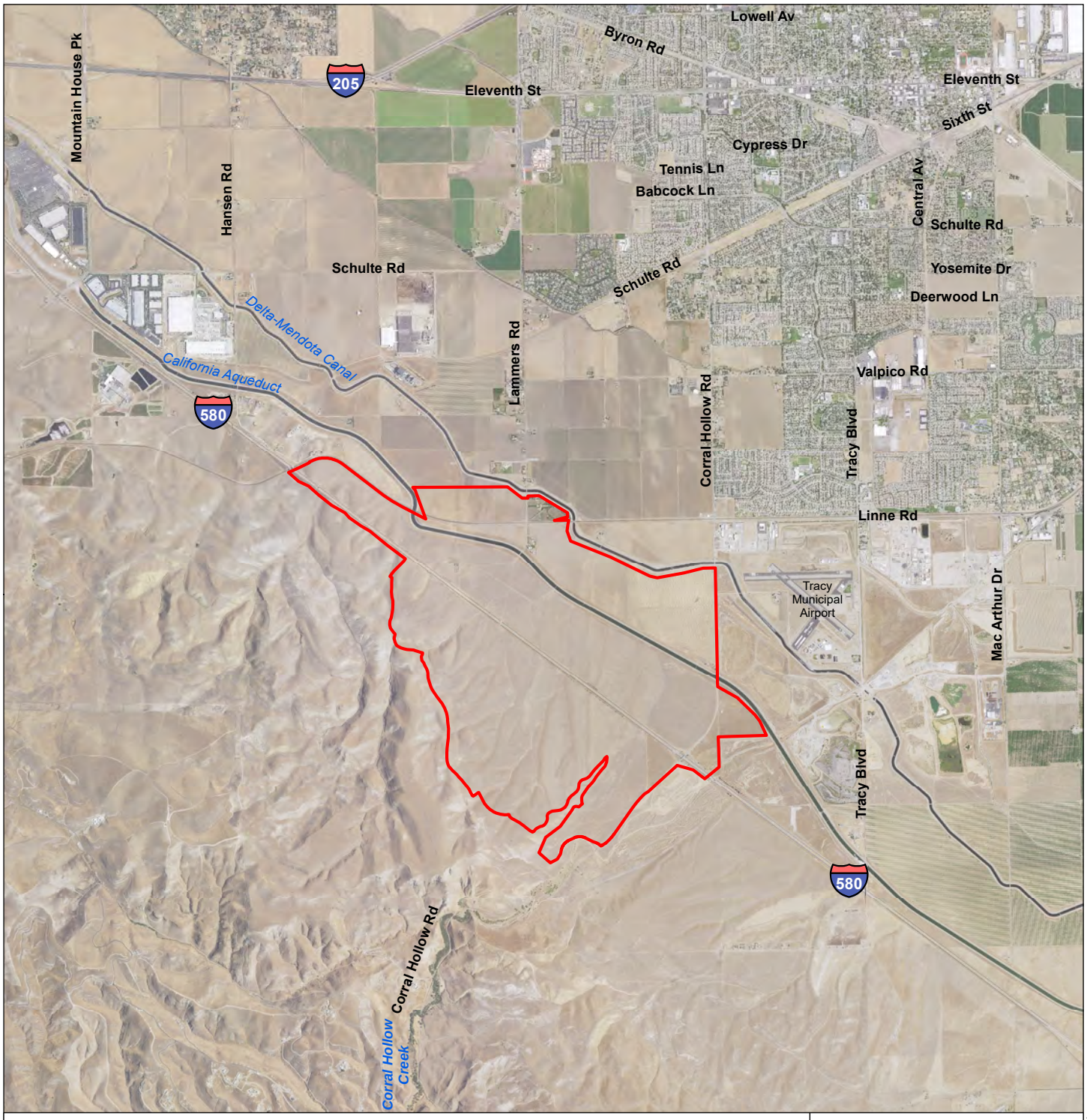
The habitat within the study area includes existing livestock grazing and agricultural undertakings which have greatly reduced the lands ability to support San Joaquin Kit Fox. The data collected and analyzed herein also suggests that there is extremely low potential for San Joaquin Kit Fox to recruit into the Project Site. Given that targeted surveys for San Joaquin Kit Fox have been negative within the Project Site for roughly a quarter century, the Project would not be expected to result in the loss of individual San Joaquin Kit Fox, or adversely affect local or regional populations of them. Furthermore, the Project would not be expected to degrade the long-term preservation value or ecological processes within the Project vicinity, and impacts have been minimized to safeguard the needed habitat, wildlife linkages, and functional connectivity are maintained within the region with deference to San Joaquin Kit Fox. Accordingly, the habitat loss associated with the Project would be considered an insignificant effect to San Joaquin Kit Fox as a result of the amount of similar, and higher value vegetation communities and land cover types within the region that are already held in conservation. Furthermore, the Project does not alter the ultimate land use in any way that would adversely affect the cohesiveness and quality of the surrounding lands ability to sustain their stated ecological and conservation purposes.



The Project Site is located on the Midway and Tracy USGS 7.5-minute quadrangle maps; Mt. Diablo Base and Meridian,
Township 3 South, Range 4 East, Sections 1, 2, 12 and 13; and
Township 3 South, Range 5 East, Sections 6, 7, 8, 17, 18 and 19.

Center coordinates for the Project Site are: 37.680702, -121.476315.

Figure 1. Regional Location



Project Site (2,729 acres)

0 0.5 1 Mile

1 inch = 1 mile

Data Source:
- USDA-NRCS-AFPO NAIP accessed Aug 2015, image date: 2014

Map Prepared: 8-11-15

Prepared by:

NOREAS
Environmental Engineering and Science

C:\SRM\Noreas\Tracy Hills\ArcMap\SJKFVFig2. Site Vicinity.mxd

Figure 2. Site Vicinity

2.0 INTRODUCTION AND PROJECT LOCATION

NOREAS, Inc. was retained to review historic small mammal census data and conduct protocol level San Joaquin Kit Fox surveys for the Project. The Project occurs in Sections 6, 7, 8, 17, 18 and 19 of Township 3 South and Range 5 East (Mt. Diablo Base and Meridian) of the Midway U.S. Geological Survey (USGS 1986) 7.5-minute quadrangle map; and Sections 1, 2, 12 and 13 of Township 3 South, and Range 4 East (Mt. Diablo Base and Meridian) of the Tracy U.S. Geological Survey 7.5 minute quadrangle map (USGS 1980).

The primary objective of the literature review and field surveys was to determine the presence – or to confirm the presumed absence of, San Joaquin Kit Fox and their den complexes within Project boundaries. For the purposes of this document, the "study area" includes the entirety of the Project's possible proposed ground disturbance footprint (Figure 2). Therefore, the study area includes all lands likely to be affected directly by the Project, and is limited to those locales associated with proposed ground disturbances – with few exceptions (e.g., locales within the road right-of-way of the 580 Interstate Highway and the fenced right-of-way and access roads of the California Aqueduct).

3.0 BACKGROUND INFORMATION ON SAN JOAQUIN KIT FOX

The San Joaquin Kit Fox is one of the eight recognized subspecies of kit fox. It resembles a small lanky dog in appearance, is cat-size, and has disproportionately large ears. Total length is about 32 inches, including a 12-inch black-tipped tail. Coloration ranges from light buff to grayish along the back and tail; gray, rust, or yellowish along the sides with white along the belly.

Kit fox dens are typically excavated in loose soil and individual animals may utilize from multiple separate dens. The number of den entrances vary, and they may extend into several individual tunnels and chambers reaching depths of 10 feet. Man-made structures such as culverts and pipes may also be used as dens. The den entrance is characteristically higher than wide, and is sufficiently small to prevent access by large carnivores such as coyotes and dogs. The den entrance holes are generally about 6 to 10 inches in height and less than 8 inches in width, but may be as small as 4 inches in width.

Burrows of other animals particularly California Ground Squirrel, may also be enlarged and utilized as den sites. Although occupied dens commonly show freshly excavated soil, scats, and prey remains, such obvious sign may be inconspicuous or absent. Kit fox forage and live in an area of 1 to 2 square miles. San Joaquin Kit Fox typically hunt for rodents, rabbits, and other prey by night. Typical prey include California Ground Squirrel, Audubon's Cottontail, Black-tailed Hare, kangaroo rats, pocket mice, other small mammals, insects, and ground-nesting birds. Mating occurs in December to January. Pups are born in February to March, and begin to disperse at around five months of age. Survival rates of pups are low, about 75 percent of them die before the age of eight months.

The kit fox is distributed over a large portion of central California, extending roughly from southeastern Contra Costa County south along the eastern edge of the Interior Coast Range to the southern San Joaquin Valley - including major portions of western Kern County and Tulare County. Kit fox are also distributed through adjacent valleys, foothills, and plains, including portions of San Luis Obispo County, Monterey County, and the Santa Clara Valley on the western side of the Interior Coast Range. Mortality to kit fox has been documented from attacks by coyotes, road kills, shooting, drowning, entombment, pneumonia, and starvation. Additionally, widespread use of rodenticides may result in mortality, since kit fox are extremely vulnerable to secondary poisoning through consumption of poisoned ground squirrels or other scavenged rodents.

4.0 METHODS

Prior to beginning pedestrian based field surveys in 2015, mammalogists were consulted and available information from resource management plans and relevant documents were reviewed to determine the locations and types of wildlife that have the potential to exist within and adjacent to the study area. Resources were evaluated within several miles of the Project. As detailed below, field census and analysis activities have occurred within representative portions of the study area for more than 25 years. The primary materials reviewed included, but were not limited to, the following:

- Biological Assessment Properties East of California Aqueduct Carnegie Business Park San Joaquin County, California (LSA 1989);
- Evaluation of a Proposed Corridor for the San Joaquin Kit Fox in the Tracy Hills Development (Jones & Stokes Associates, Inc. 1993);
- Habitat Conservation Plan for Lakeside Tracy Development (LSA 1999);
- Habitat Management Plan – Tracy Hills Project (Foothill Associates 2004);
- Environmental Assessment for the Tracy Hills Habitat Conservation Plan (Tracy Hills LLC 2004);
- Tracy Hills San Joaquin Kit Fox Analysis (Berryman Ecological LLC 2006);
- Tracy Triangle San Joaquin Kit Fox Surveys, Project #2689-01 (H.T. Harvey & Associates 2006);
- Biological Resources on the Tracy 580 Business Park Property (Berryman Ecological LLC 2010);
- Preserve Management Plan for the Tracy 580 Business Park Preserve (ICF International 2011);
- Scat Detection Dog Surveys for the Endangered San Joaquin Kit Fox (*Vulpes macrotis mutica*) at the Tracy Hills Project Site, San Joaquin County, California (Working Dogs for Conservation Foundation 2011, 2012, 2013 and 2014);
- United States Fish and Wildlife Service (USFWS) Critical Habitat Mapper and File Data (USFWS 2015a);
- USFWS Sacramento Field Office Species List for San Joaquin County (USFWS 2015b);
- California Natural Diversity Database maintained by the California Department of Fish and Wildlife (CDFW 2015);
- General Biological Resources Assessment for the Tracy Hills Project (NOREAS 2015); and
- Aerial Photographs (Microsoft Corporation 2015).

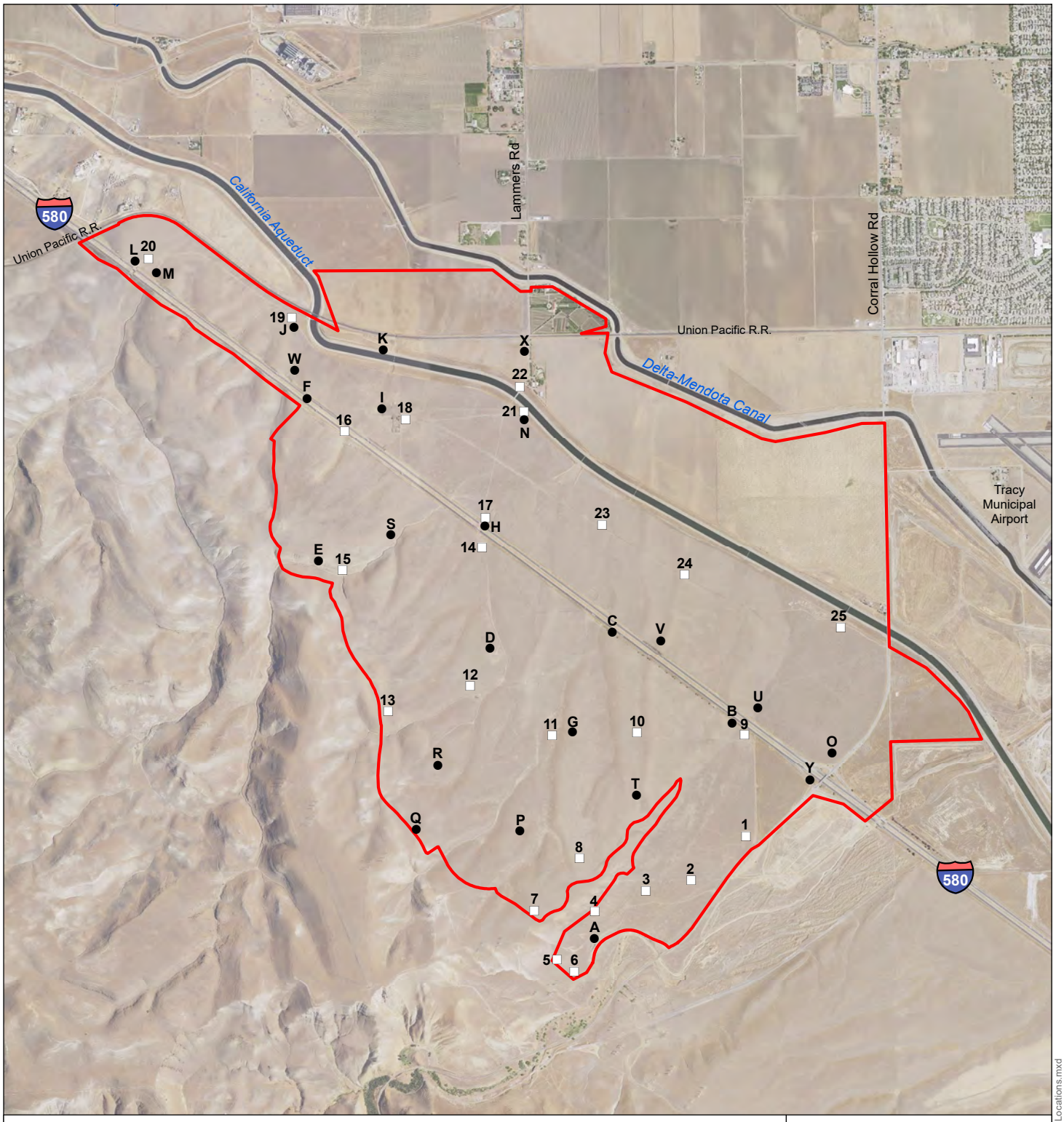
To support the analysis, pedestrian-based field surveys were performed. San Joaquin Kit Fox survey methods were derived from the most current versions of resource agency's recommended survey guidelines for the species[2]; and those special terms and conditions outlined within Jeff A. Alvarez's Federal 10(a)1(A) Recovery Permit and State Scientific Collecting Permit. As such, the study area was slowly and methodically inspected for drainages, wildlife trails, water sources, potential wildlife corridors, waterway crossings, and other micro-habitats that could encourage *Canidae* visitation. The

[2] California Department of Fish and Game 1990 Survey Methodologies for San Joaquin Kit Fox, and the U.S. Fish and Wildlife Service 1999 San Joaquin Kit Fox Survey Protocol For The Northern Range Prepared By The Sacramento Fish And Wildlife Office

aforementioned locales and a series of objectively selected sites, were then chosen for installation of either 1 of 25 digital infrared imaging stations (camera stations), or 1 of 25 wildlife track stations. Digital imaging and track stations were placed separately in areas that included gates, bends in fences (i.e., corners), concentrations of rodent burrow complexes, and were combined with natural and artificial corridors where mammals would be presumed to forage, rest, disperse, breed or otherwise visit (Figure 3). Track and digital imaging stations were baited with canned cat food and refreshed on a daily basis.

Track stations consisted of a 1-square yard area covered in bentonite clay powder, and were visited by biologists on a daily basis. Sign detected was read, recorded and cleared daily. This form of track station is preferable to metal plates, because they don't heat up to more than 150 degrees Fahrenheit during the day. Digital imaging stations included a stake-mounted motion detection infrared camera, and were also visited frequently to refresh bait, download data, check and change batteries. Track and digital imaging stations were maintained for 11 consecutive days in May of 2015, and an additional 6 days following spotlighting surveys.

Spotlighting activities occurred along passable roads within the study area for 10 consecutive nights in May of 2015 as well. Spotlighting was performed beside paved and unpaved roads that were open and accessible within 2-miles of the Project Site to the greatest extent practical (i.e., private property, high-speed roadways and freeways curtailed the amount of lands that could be spotlighted outside of the study area). Due to the limited area outside of the Project Site that could be spotlighted, some portions of the proposed Project were spotlighted twice each night. In order to decrease the potential disturbance to foraging wildlife from the survey effort, the roads that were spotlighted a second time in the same night were alternated with other roads on successive days; such that two passes over a single road in one night did not occur on two consecutive evenings. Spotlighting was conducted by senior-level biologists who have observed San Joaquin Kit Fox - while spotlighting, in the Carrizo Plain within the last 18 months. Surveyors used separate 750,000 candlelight illumination which was directed out either side of a moving vehicle. When animals were encountered, both biologists made independent identifications of the individual, using 8x40 power binoculars or a spotting scope, data was recorded and mapped. Burrow and den complex census activities were performed on foot. Burrows were detected, recorded and mapped. Location of high densities rodent colonies were a focal point for image and tract stations.



Project Site

Station Locations

A Camera

1 Track Station

0 0.25 0.5 Mile

1 inch = 0.5 mile

Data Sources:
- San Joaquin County GIS accessed Aug 2015, data date: Jul 2014
- USDA-NRCS-AFPO NAIP accessed Aug 2015, image date: 2014

Map Prepared: 8-11-15

Prepared by:

NOREAS
Environmental Engineering and Science

C:\SRM\Noreas\Tracy Hills\ArcMap\SJKF\Fig3. Station Locations.mxd

Figure 3. Station Locations

5.0 SURVEY RESULTS

Weather conditions during the 2015 May surveys included cloudy to clear skies, temperatures ranging from 52–94 degrees Fahrenheit, and winds fluctuating from 0 to 20 miles per hour. Surveys were performed on the following dates in 2015: 04, 05, 06, 07, 08, 09, 10, 11, 12, 13, 14, 15, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31 May and 01, 02 and 03 June.

Four hundred and twenty five digital imaging station nights and 425 track station nights of census were performed within the study area in 2015. Track stations detected 12 distinct wildlife species, which included only a single member of the *Canidae* family (i.e., coyote [*Canis latrans*]) (Appendix A). All track stations contained sign during almost every daily visit – with the vast majority of tracks being left by coyote and various rodents. Digital imaging stations produced identifiable photographs of 4 unique species, with a single canid species ass well (i.e., coyote) (Appendix B). Nineteen of the 25 camera stations produced 0 photographs, despite being fully charged, operational and functional.

The study area is in the northern portion of the range of San Joaquin Kit Fox. As the range extends northward, reported observations of kit fox become fewer and fewer. No San Joaquin Kit Fox breeding, non-natal or natal (pups are present) den complexes have ever been detected within the study area. No atypical, natal, or known San Joaquin Kit Fox dens have ever been located during surveys of the Project Site either. Although the study area is large in total size – it has very low species richness and diversity, and lacks high quality habitats for San Joaquin Kit Fox. The study area is lacking in numbers and variety of species – likely attributable to its inability to produce a high enough density of biomass to support a substantial rodent population. More specifically, no San Joaquin Kit Fox camera stations or track stations have ever documented the species within the study area.

Spotlighting surveys produced 10 observations of coyote. Additionally, 4 unknown canids were observed along the California Aqueduct. It is presumed that these 4 individuals were the non-native Red Fox (*Vulpes vulpes*), but observations were extremely brief and not confirmed by both surveyors - which resulted in a classification of "unknown canid." A single San Joaquin Kit Fox was observed by two distinct biologists in May of 2015 with binoculars during spotlighting surveys[3] (Figure 4). The animal was foraging within the fenced right-of-way of the California Aqueduct; not within the Project Site. This observation lasted approximately 20 seconds, as the fox ultimately moved along the California Aqueduct's gravel security road in a southern direction until it was out of site. No other San Joaquin Kit Fox has ever been detected within the study area.

Given the low quality habitat present (i.e., limited rodent population, depauperate landscape, competition and territorialism among other mammals within the study area [i.e., coyote]), the likelihood of San Joaquin Kit Fox successfully establishing a natal den or utilizing the Project Site as valuable foraging habitat is negligible. Although little can be concluded from a single observation of one animal, it is conceivable – albeit unlikely, that the California Aqueduct is functioning as a movement corridor for a small number of San Joaquin Kit Fox. Observations of the species are not uncommon south of Corral Hollow Road and within the approximately 3,500-acre open space conservation easement which abuts the study area. Appendix C includes representative photographs of the study area. A California Natural Diversity Database Form associated with the San Joaquin Kit Fox is provided within Appendix D.

[3] Howard O. Clark, JR in 2007 authored "*Analysis of San Joaquin Kit Fox Element Data with The California Diversity Database: A Case For Data Reliability*" which is a publication that evaluated a subset of existing spotlighting census efforts detailed within the Diversity Database and determined that spotlighting may be less reliable compared to other forms of surveys because it relies on observations made under poor lighting conditions.

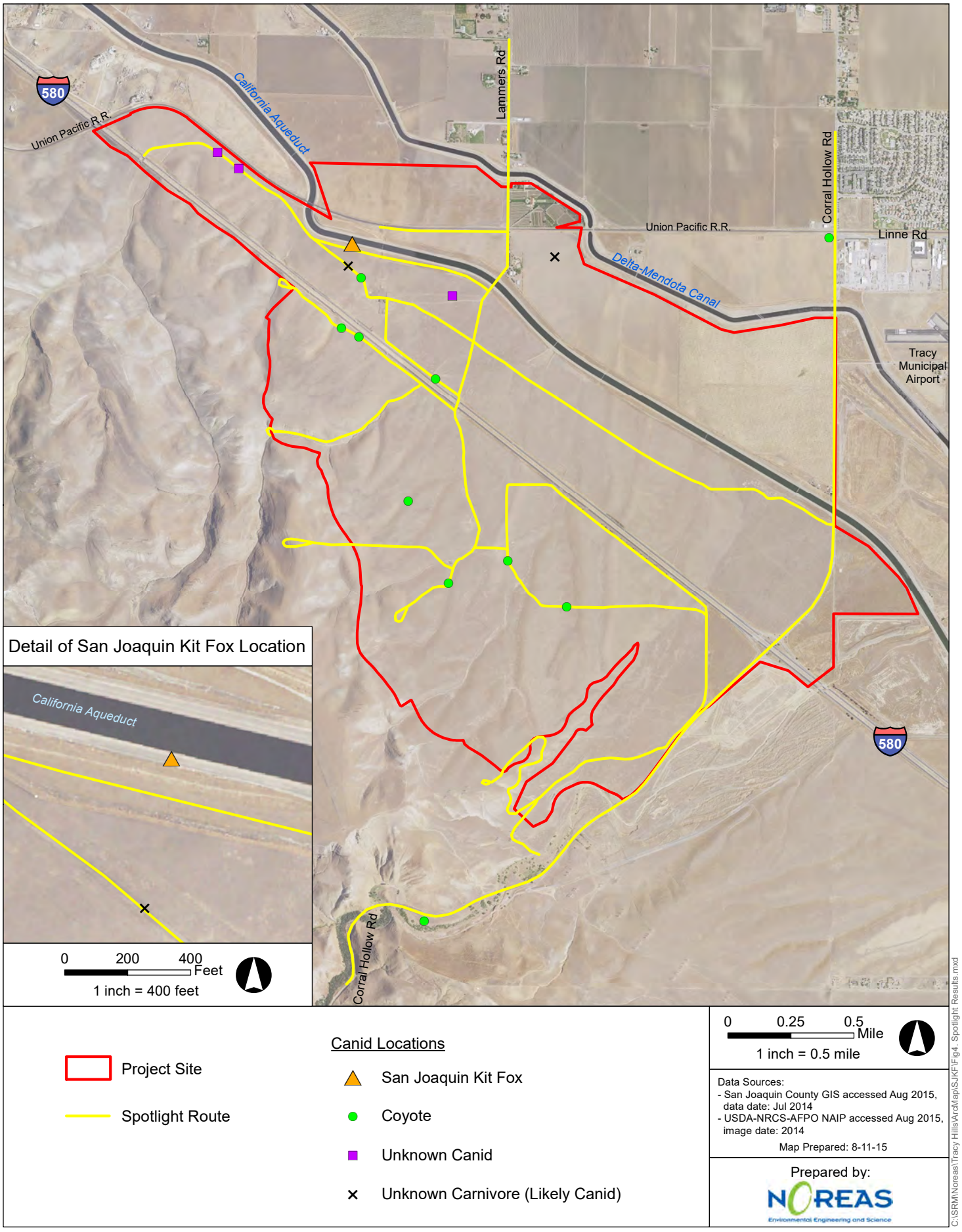


Figure 4. Spotlight Results

6.0 IMPACTS AND RECOMMENDATIONS

The habitat within the study area includes existing livestock grazing and agricultural undertakings which have greatly reduced the lands ability to support San Joaquin Kit Fox. The data collected and analyzed herein also suggests that there is extremely low potential for San Joaquin Kit Fox to recruit into the Project Site. Given that targeted surveys for San Joaquin Kit Fox have been negative within the Project Site for roughly a quarter century, the Project would not be expected to result in the loss of individual San Joaquin Kit Fox, or adversely affect local or regional populations of them.

Furthermore, the Project would not be expected to degrade the long-term preservation value or ecological processes within the Project vicinity, and impacts have been minimized to safeguard the needed habitat, wildlife linkages, and functional connectivity that are maintained within the region with deference to San Joaquin Kit Fox. Accordingly, the habitat loss associated with the Project would be considered an insignificant effect to San Joaquin Kit Fox as a result of the amount of similar, and higher value vegetation communities and land cover types within the region that are already held in conservation. Furthermore, the Project does not alter the ultimate land use in any way that would adversely affect the cohesiveness and quality of the surrounding lands ability to sustain their stated ecological and conservation purposes. No atypical, natal, or known dens were located during surveys of the study area. It should be noted however that several burrows appeared to be constructed by an American Badger (*Taxadea taxus*), which was also detected through track stations within the study area. Badgers are known to dig one or more burrows in a day, which will change the quantity, quality, distribution and willingness of San Joaquin Kit Fox to utilize locales within the study area over time.

To that end, the following measures are recommended as a means of further avoiding, minimizing, and reducing adverse effects to San Joaquin Kit Fox within the study area and on adjacent lands to a less-than-significant level.

- Construction operations will be overseen by an appropriately-credentialed biologist (biological monitor), and the Project will implement a worker environmental awareness training program to reduce the Project's potential adverse effects to special status species.
- Prior to commencement of ground disturbing activities in areas of potentially suitable habitat to support San Joaquin Kit Fox, pre-activity clearance surveys shall be initialed by a qualified biologist to reinforce positive or negative findings with substantial evidence. If San Joaquin Kit Fox are detected within portions of the study area proposed for development, then avoidance and minimization measures specific to San Joaquin kit fox will be incorporated into the Project as described in the USFWS "Standard Recommendations for Protection of the San Joaquin Kit Fox Prior to or During Ground Disturbing Activities (1999)" and the USFWS "San Joaquin Kit Fox Habitat Evaluation Forms (2001)" to reduce impacts to this species to less-than-significant. This measure is specific Area B and C.
- Project-related construction vehicles will observe a daytime speed limit of 20-miles per hour, except on County roads and State and Federal highways.
- Night-time construction will be minimized to the greatest extent feasible. However if it does occur, then the speed limit will be reduced to 10-miles per hour.
- Off-road traffic outside of designated Project areas undergoing construction will be prohibited.
- To prevent inadvertent entrapment of small mammals during construction, excavated, steep-walled holes or trenches more than 2-feet deep will be covered at the close of each

working day by plywood or similar materials. If the trenches cannot be closed, one or more escape ramps constructed of earthen-fill or wooden planks will be installed. Before such holes or trenches are filled, they will be thoroughly inspected for trapped wildlife. If at any time a trapped or injured kit fox is discovered, the USFWS and the CDFW will be contacted.

- Construction pipes, culverts, or similar structures with a diameter of 4-inches or greater that are stored within Project limits for one or more overnight periods will be thoroughly inspected for kit foxes before the pipe is subsequently buried, capped, or otherwise used or moved. If a kit fox is discovered inside a pipe, that section of pipe should not be moved until the USFWS and CDFW has been consulted. If necessary, and under the direct supervision of a biologist, the pipe may be moved only once to remove it from the path of construction activity, until the fox has escaped.
- Use of rodenticides and herbicides within Project limits will be restricted. Uses of such compounds will observe label and other restrictions mandated by the U.S. Environmental Protection Agency, California Department of Food and Agriculture, and other State and Federal legislation, as well as additional project-related restrictions deemed necessary by the USFWS and CDFW. If rodent control must be conducted, zinc phosphide or an equivalent material will be used because of a lower adverse health risk to kit fox.

7.0 REFERENCES

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_____. 2012. Scat Detection Dog Surveys for the Endangered San Joaquin Kit Fox (*Vulpes macrotis mutica*) at the Tracy Hills Project Site, San Joaquin County, California.

_____. 2013. Scat Detection Dog Surveys for the Endangered San Joaquin Kit Fox (*Vulpes macrotis mutica*) at the Tracy Hills Project Site, San Joaquin County, California.

_____. 2014. Scat Detection Dog Surveys for the Endangered San Joaquin Kit Fox (*Vulpes macrotis mutica*) at the Tracy Hills Project Site, San Joaquin County, California.

APPENDIX A

2015 TRACK STATION DATA

APPENDIX A

2015 TRACK STATION DATA

Track Station	Coyote (*Canis latrans*)	San Joaquin Kit Fox (*Vulpes macrotis mutica*)	Feral Cat	Striped Skunk (*Mephitis mephitis*)	American Badger (*Taxidea taxus*)	Black-Tailed Hare (*Lepus californicus*)	Desert Cottontail (*Sylvilagus audubonii*)	Heerman's Kangaroo Rat (*Dipodomys heermanni*)	California Ground Squirrel (*Otospermophilus beecheyi*)	Other Rodent	American Crow (*Corvus brachyrhynchos*)	Unknown	Cattle
1	X		X		X					X			
2	X												
3								X		X	X		
4	X			X		X							
5	X												
6	X			X	X	X	X						
7	X												
8											X		
9										X	X		
10										X	X		
11	X												
12											X		
13	X												
14	X												
15	X											X	
16			X		X				X	X	X		
17	X					X	X			X	X	X	
18								X		X	X		X
19						X	X			X			
20						X		X					
21	X									X			
22										X			
23	X					X						X	
24	X									X			
25	X					X							

APPENDIX B

2015 DIGITAL IMAGING STATION DATA

APPENDIX B

2015 DIGITAL IMAGING STATION DATA

Image Station	No Data	Coyote (*Canis latrans*)	Red Fox (Vulpes vulpes)	San Joaquin Kit Fox (*Vulpes macrotis mutica*)	Striped Skunk (*Mephitis mephitis*)	American Badger (*Taxidea taxus*)	Black-Tailed Hare (*Lepus californicus*)	Desert Cottontail (*Sylvilagus audubonii*)	Heerman's Kangaroo Rat (*Dipodomys heermanni*)	California Ground Squirrel (*Otospermophilus beecheyi*)	American Crow (*Corvus brachyrhynchos*)	Cattle
A	X											
B	X											
C											X	
D	X											
E	X											
F		X										
G		X								X		
H	X											
I												X
J	X											
K		X										
L	X											
M												X
N												X
O	X											
P	X											
Q	X											
R	X											
S	X											
T	X											
U	X											
V	X											
W	X											
X	X											
Y	X											

APPENDIX C

PHOTOGRAPH LOG

APPENDIX C

PHOTOGRAPH LOG

	Photograph: 1. Camera station.
	Photograph: 2. Track Station

APPENDIX C

PHOTOGRAPH LOG

	Photograph: 3. Coyote and cottontail tracks.
	Photograph: 4. Coyote tracks.

APPENDIX D

CALIFORNIA NATURAL DIVERSITY DATABASE FORM

Mail to:
California Natural Diversity Database
California Dept. of Fish & Wildlife
1416 9th Street, Suite 1266
Sacramento, CA 95814
Fax: (916) 324-0475 email: CNDDB@wildlife.ca.gov

Date of Field Work (mm/dd/yyyy): 05/26/2015

For Office Use Only
Source Code: _____ Quad Code: _____
Elm Code: _____ Occ No.: _____
EO Index: _____ Map Index: _____

Clear Form

California Native Species Field Survey Form

Print Form

Scientific Name: *Vulpes macrotis mutica*

Common Name: San Joaquin kit fox

Species Found? (●) Yes ( ) No _____ If not found, why?

Total No. Individuals: 1 Subsequent Visit? ( ) Yes (●) No

Is this an existing NDDB occurrence? _____ Yes, Occ. # ☒ No ☐ Unk.

Collection? If yes: _____ Number _____ Museum / Herbarium

Reporter: NOREAS Inc.
Address: 16361 Scientific Way
Irvine, California 92618
E-mail Address: lincoln.hulse@noreasinc.com
Phone: 949-467-9116

Plant Information

Phenology:

_____ % vegetative _____ % flowering _____ % fruiting

Animal Information

1 # adults _____ # juveniles _____ # larvae _____ # egg masses _____ # unknown

☐ wintering ☐ breeding ☐ nesting ☐ rookery ☐ burrow site ☐ lek ☒ other

Location Description (please attach map AND/OR fill out your choice of coordinates, below)

County: San Joaquin Landowner / Mgr: Unknown

Quad Name: Tracy Elevation: 260

T 3 S R 4 E Sec 1 , SW 1/4 of ___ 1/4, Meridian: H ( ) M (●) S ( ) Source of Coordinates (GPS, topo. map & type): GPS

T ___ R ___ Sec ___ , ___ 1/4 of ___ 1/4, Meridian: H ( ) M ( ) S ( ) GPS Make & Model: Garmin

DATUM: **NAD27** ( ) **NAD83** (●) **WGS84** ( ) Horizontal Accuracy: 3 meters meters/feet

Coordinate System: UTM Zone 10 (●) UTM Zone 11 ( ) ***OR*** Geographic (Latitude & Longitude) ( )

Coordinates: Northing 4173077, Easting 633323

Habitat Description (plants & animals) *plant communities, dominants, associates, substrates/soils, aspects/slope:*
Animal Behavior *(Describe observed behavior, such as territoriality, foraging, singing, calling, copulating, perching, roosting, etc., especially for avifauna):*

During 2015 spotlighting surveys a single San Joaquin Kit Fox was observed. The animal was foraging within the fenced right-of-way of the California Aqueduct. This observation lasted approximately 20 seconds, as the fox ultimately moved along the California Aqueduct's gravel security road in a southern direction until it was out of site.

Please fill out separate form for other rare taxa seen at this site.

Site Information

Overall site/occurrence quality/viability (site + population): ( ) Excellent ( ) Good ( ) Fair (●) Poor

Immediate AND surrounding land use: California Aqueduct right-of-way.

Visible disturbances: _____

Threats: _____

Comments:

Determination: *(check one or more, and fill in blanks)*

☒ Keyed (cite reference): Jameson and Peeters 2004
☐ Compared with specimen housed at: _____
☐ Compared with photo / drawing in: _____
☒ By another person (name): Jeff Alvarez
☒ Other: Mathew Kline

Photographs: *(check one or more)*

	Slide	Print	Digital
Plant / animal	☐	☐	☐
Habitat	☐	☐	☒
Diagnostic feature	☐	☐	☐

May we obtain duplicates at our expense? (●) yes ( ) no

APPENDIX I

2015 Tracy Hills Project Swainson's Hawk Survey

DRAFT

TRACY HILLS PROJECT

September 2015

Swainson's Hawk Survey Report

Owner
The Tracy Hills Project Owner, LLC
888 San Clemente
Suite 100
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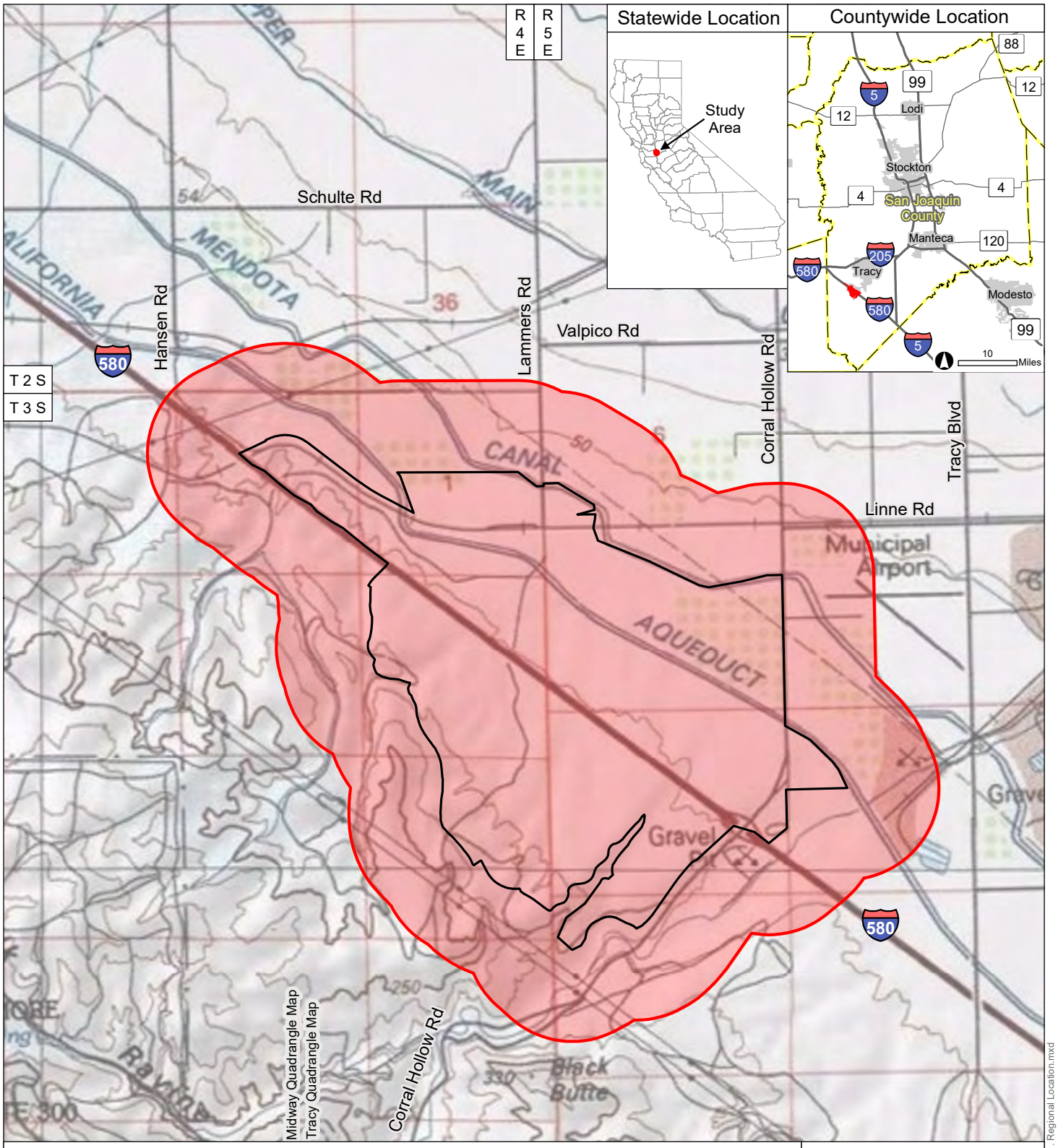
1.0 EXECUTIVE SUMMARY

The Tracy Hills Project Owner LLC (Tracy Hills) is proposing to develop the Tracy Hills Project in Tracy, California (hereafter "Project", Figure 1). The Project includes a revised and updated Specific Plan[1] that authorizes approximately 2,732 acres for development of residential neighborhoods and non-residential uses (e.g., office, commercial, light industrial, parks, schools, and open spaces) within existing low quality livestock grazing and agricultural lands. This report provides the methods, assumptions, and results of protocol surveys for Swainson's Hawk (*Buteo swainsoni*). Within this document, the study area includes the Project's proposed ground disturbance footprint (Project Site), and a ½-mile buffer. The study area therefore includes all lands to be affected directly or indirectly by the Project, and is not merely the immediate lands involved in the action itself (Figure 2). Six land cover types were observed within the study area in 2015 (NOREAS 2015): agricultural, annual grassland, open water, orchard, non-native grasses, and developed habitats.

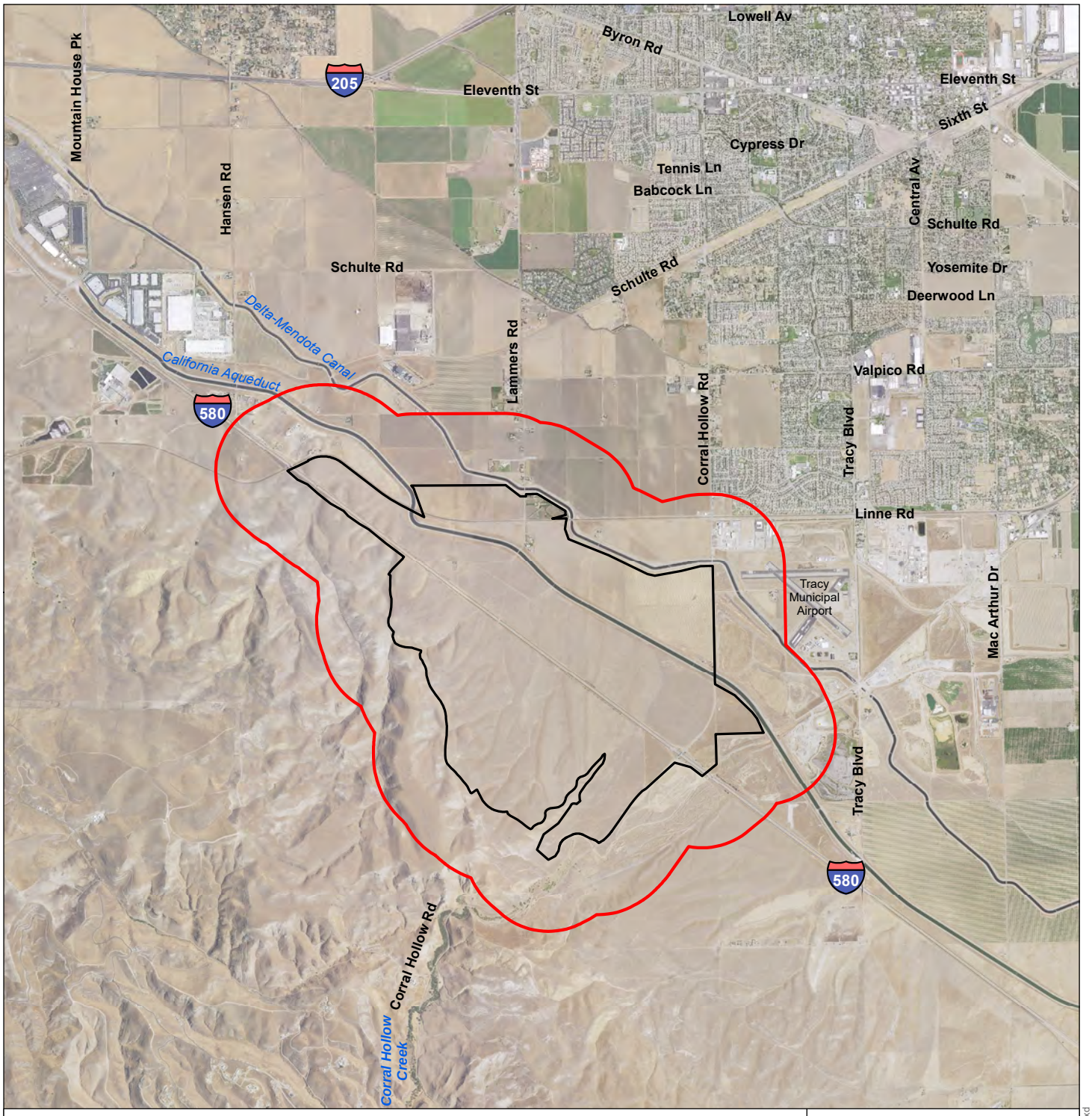
Pedestrian-based field surveys for raptors have been conducted from 2010 through the summer of 2015 within discrete portions of the study area to ascertain the presence or absence of special-status species. The results indicate that the biological resources detected within the study area have not changed significantly over the last half decade. The nearest Swainson's Hawk nest location in the vicinity of the Project is from 2012; and the nest is roughly 1.9 miles from the study area (Figure 3). Although the study area is large in total size, it has very low species richness and diversity, and lacks high quality nesting and foraging habitats for Swainson's Hawk. The study area is lacking in numbers and variety of species – likely attributable to its inability to produce a high enough density of biomass to support a substantial prey population for raptors. More specifically, one unpaired Swainson's Hawk was detected soaring and sitting on a remnant/abandoned nest within the study area in 2015. The abandoned nest was positioned in a Eucalyptus tree, situated within the road right-of-way of Interstate Highway 580, outside of Project Site boundaries (Figure 4). This individual hawk was never observed actively nesting and no mate was detected during any of the 2015 survey events. Given the low quality habitat present (i.e., limited prey base, depauperate landscape, competition, and territorialism among other nesting raptors), the likelihood of Swainson's Hawk successfully nesting or utilizing the Project Site as valuable foraging habitat is negligible as much higher quality habitats are available within the region.

[1] RBF Consulting 2014. Tracy Hills Specific Plan: Habitat Assessment & San Joaquin County Multi-Species Habitat Conservation and Open Space Plan Consistency Analysis.



The Study Area is located on the Midway and Tracy USGS 7.5-minute quadrangle maps; Mt. Diablo Base and Meridian,
Township 2 South, Range 4 East, Sections 35 and 36;
Township 3 South, Range 4 East, Sections 1-3, 11-14 and 24; and
Township 3 South, Range 5 East, Sections 5-8, and 17-20.
Center coordinates for the Study Area are: 37.680702, -121.476315.

Figure 1. Regional Location



Study Area (6,525 acres which includes a 0.5-mile buffer and the Project Site)

Project Site (2,729 acres)

0 0.5 1 Mile

1 inch = 1 mile

Data Source:
- USDA-NRCS-AFPO NAIP accessed Jul 2015, image date: 2014

Map Prepared: 7-30-15

Prepared by:

NOREAS
Environmental Engineering and Science

C:\SRM\Noreas\Tracy Hills\ArcMap\SWHA\Fig2. Site Vicinity.mxd

Figure 2. Site Vicinity

2.0 INTRODUCTION AND PROJECT LOCATION

NOREAS Inc. was retained to review historic raptor census data and conduct a protocol level Swainson's Hawk survey for the proposed Project in 2015. The Project occurs in Sections 5, 6, 7, 8, 17, 18, 19, and 20 of Township 3 South and Range 5 East (Mt. Diablo Base and Meridian) of the Midway U.S. Geological Survey (USGS 1986) 7.5-Minute Quadrangle Map; and Sections 1, 2, 3, 11, 12, 13,14 and 24 of Township 3 South, and Range 4 East and Sections 35 and 36 Township 2 South, and Range 4 East (Mt. Diablo Base and Meridian) of the Tracy USGS 7.5-Minute Quadrangle Map (USGS 1980).

The primary objective of the literature review and the 2015 field surveys was to determine the presence – or to confirm the presumed absence of - Swainson's Hawk within the study area. For the purposes of this document, the "study area" includes the Project's proposed ground disturbance footprint (Project Site) and a ½-mile buffer. The study area therefore includes all lands to be affected directly or indirectly by the Project, and is not merely the immediate lands involved in the proposed project itself (Figure 2).

3.0 SWAINSON'S HAWK BACKGROUND

The Swainson's Hawk breeds in open habitats in western North America from Alaska south to Mexico. In California, it is found mainly in the Central Valley, Klamath Basin, Northeastern Plateau, and Mojave Desert. It winters primarily in southern South America, and Mexico, but a few winter in California, the southwestern U.S., and Florida. It is absent from most of its former range in California, where its population has declined by more than 90 percent (CDFG 1994). In California, Swainson's Hawk usually arrives in March and leave in September or October.

This species forages in grassland or areas of sparse trees or shrubs, and often forages in agricultural areas in the Central Valley. It nests in scattered trees within these habitats, particularly those along waterways. During the breeding season, it feeds primarily on small mammals and reptiles. During other seasons, large insects (e.g., dragonflies) are the bulk of its diet. The following vegetation types are considered small mammal and insect foraging habitat for Swainson's Hawk: alfalfa; fallow fields; beet, tomato, and other crops, dry-land and irrigated pasture, rice land (when not flooded), and cereal grain crops (including corn after harvest) (CDFG 1994).

Irrigated agricultural lands (e.g., alfalfa and hay) are widely recognized as an essential element of viable Swainson's Hawk foraging habitat, and hawks are highly dependent upon it to support their prey populations. Irrigated agricultural lands support the abundant small mammal (i.e., pocket gophers and voles) and the invertebrate prey base that Swainson's Hawks need to subsist. Alfalfa production – and other similar low-growing row or field crops contribute substantial amounts of nitrogen to the soil; high nitrogen content promotes invertebrate growth and increases their protein content. Alfalfa production also supports high densities of voles and pocket gophers. Swainson's Hawks subsequently exploit the prey base typical of irrigated agricultural lands with limited effort; the regular harvesting and irrigating makes prey items available for capture with decreased energy expenditure.

4.0 METHODS

Prior to beginning pedestrian-based field surveys in 2015, raptor specialists were consulted and available information from resource management plans and relevant documents were reviewed to determine the locations and types of avian resources that have the potential to exist within and adjacent to the study area. Resources were evaluated within several miles of the Project. As detailed below, raptor field census and analysis activities have occurred within representative portions of the study area for more than 5 years. Accordingly, the primary materials reviewed included, but were not limited to, the following:

- Biological Resources on the Tracy 580 Business Park Property (Berryman Ecological LLC 2010a);
- Preserve Management Plan for the Tracy 580 Business Park Preserve (ICF International 2011);
- U.S. Fish and Wildlife Service (USFWS) Critical Habitat Mapper and File Data (USFWS 2015a);
- USFWS Sacramento Field Office Species List for San Joaquin County (USFWS 2015b);
- California Natural Diversity Database maintained by the California Department of Fish and Wildlife (CDFW 2015);
- General Biological Resources Assessment for the Tracy Hills Project (NOREAS 2015);
- Aerial Photographs (Microsoft Corporation 2015);
- Home Range and Habitat Use of Breeding Swainson's Hawks in California. Journal of Raptor Research 29:193–197 (Babcock 1995);
- Effect of Vegetative Cover on Foraging Site Selection by Swainson's Hawk. Condor 84:153–159 (Bechard 1982);
- Biology, movements, and habitat relationships of the Swainson's Hawk in California (Estep 1989); and
- Foraging by Swainson's Hawks on the landscape (Swolgaard et al. 2008).

Survey methods were derived from generally accepted professional standards including the 2000 Recommended Timing and Method for Swainson's Hawk Nesting Surveys in California's Central Valley (Swainson's Hawk Technical Advisory Committee 2000). Surveys were conducted in a manner that maximized the potential to observe adult Swainson's Hawks, as well as their nests and chicks. Field surveys were conducted when weather conditions were conducive to observing birds. Surveys were not performed during rain, extreme temperatures, high winds (> 25 miles per hour), or dense fog. Census activities were conducted within a ½ mile of the Project Site. All avian species detected were noted. When a raptor was detected, either binoculars or a spotting scope was employed to identify the species. Behavior was also noted. The presence of a species was based on direct observations of individual(s), sign, and/or vocalization. Avian scientific nomenclature and common names follows Sibley (2000). Where access was limited, observations were made from the nearest appropriate vantage points within public rights-of-way. The following NOREAS biologists either performed the field work and/or contributed to data analysis: John Sterling BS, Brian Latta BS, Richard White MS, Lenny Malo MS, Lincoln Hulse BS, Erin Serra BS, Ken Hashagen BS, Eric Dugan PhD, Brent Helm PhD, and Wayne Woodroof MS.

5.0 SURVEY RESULTS

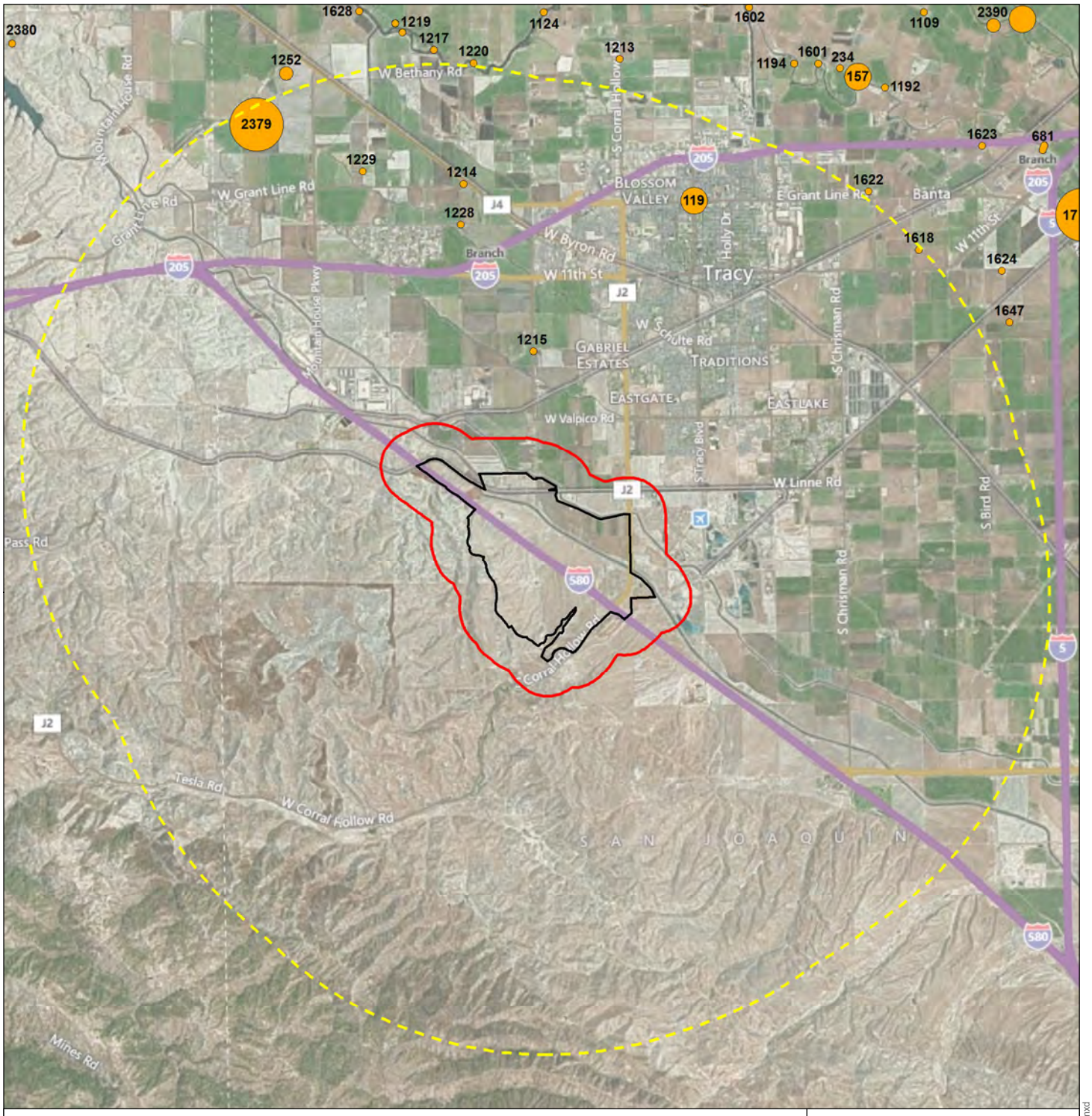
Weather conditions during the 2015 surveys included cloudy to clear skies, temperatures ranging from 65–90 degrees Fahrenheit, and winds fluctuating from 0 to 15 miles per hour. Swainson's Hawk surveys were performed on the following dates: 14, 15, 16, 17, 18, 19, 24, 25, and 26 March, 17, 18, 23, 24, 25, 26, 27, and 30 April, 5, 6, 7, 8, 9, 10, 11, 12, and 15 May, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 23, and 30 June, 5, 6, 7, 8, 9, 10, 11, and 12 July 2015.

The study area predominately consists of non-native vegetation, grasslands, developed and disturbed land cover types. It is assumed that any species currently using these locales are acclimated to the disturbance regime present (i.e., existing livestock and grazing activities). The nearest Swainson's Hawk nest record location in the vicinity of the Project is from 2012 and is roughly 1.9 miles from the study area (Figure 3). Although the study area is large in total size, it has very low species richness and diversity and lacks high quality nesting and foraging habitats for Swainson's Hawk. The study area is lacking in numbers and variety of species – likely attributable to its inability to produce a sufficient density of biomass to support a substantial prey population for raptors. Great-Horned Owls (*Bubo virginianus*) and other species of raptors were detected nesting within the study area. Due to competition and territorialism, Swainson's Hawk will typically not nest immediately adjacent to another raptor.

To that end, one unpaired Swainson's Hawk was detected soaring and sitting on a remnant/abandoned nest within the study area in 2015 (Figure 4). The abandoned nest was positioned in a Eucalyptus tree – situated within the road right-of-way of Interstate Highway 580, outside of the Project Site boundaries. This individual hawk was never observed actively nesting and no mate was detected during any of the 2015 survey events. Given the low quality habitat present (i.e., limited prey base, depauperate landscape, competition, and territorialism among nesting raptors), the likelihood of Swainson's Hawk successfully nesting or utilizing the Project Site as valuable foraging habitat is negligible; much higher quality habitats are available within the region.

As a consequence of poor-quality habitat and existing protections to Swainson's Hawk in the area, it has been determined that the Project is not likely to adversely affect the species. With the implementation of the measures detailed within Section 6.0 of this report, there is no presumption that the Project would result in the take[2] of Swainson's Hawk, loss of valuable functional habitat within the area, nor that it would adversely affect local or regional populations of them. Appendix A includes representative photographs of the study area, and Appendix B includes a list of avian species detected in 2015. A California Natural Diversity Database Form associated with the Swainson's Hawk abandoned nest is provided within Appendix C.

[2] "Take" is defined within California Fish and Game Code Section 86 as hunt, pursue, catch, capture, or kill, or attempt to hunt, pursue, catch, capture, or kill.



Study Area

Project Site

5-Mile Radius Around the Study Area

Swainson's Hawk Nest with Occurrence Number

0 1 2 Miles

1 inch = 2 miles

Data Sources:
- Bing accessed Aug 2015
- California Department of Fish and Wildlife, California Natural Diversity Database, Jul 2015 data release
- USDA-NRCS-AFPO NAIP accessed Aug 2015, image date: 2014

Map Prepared: 8-12-15

Prepared by:

NOREAS
Environmental Engineering and Science

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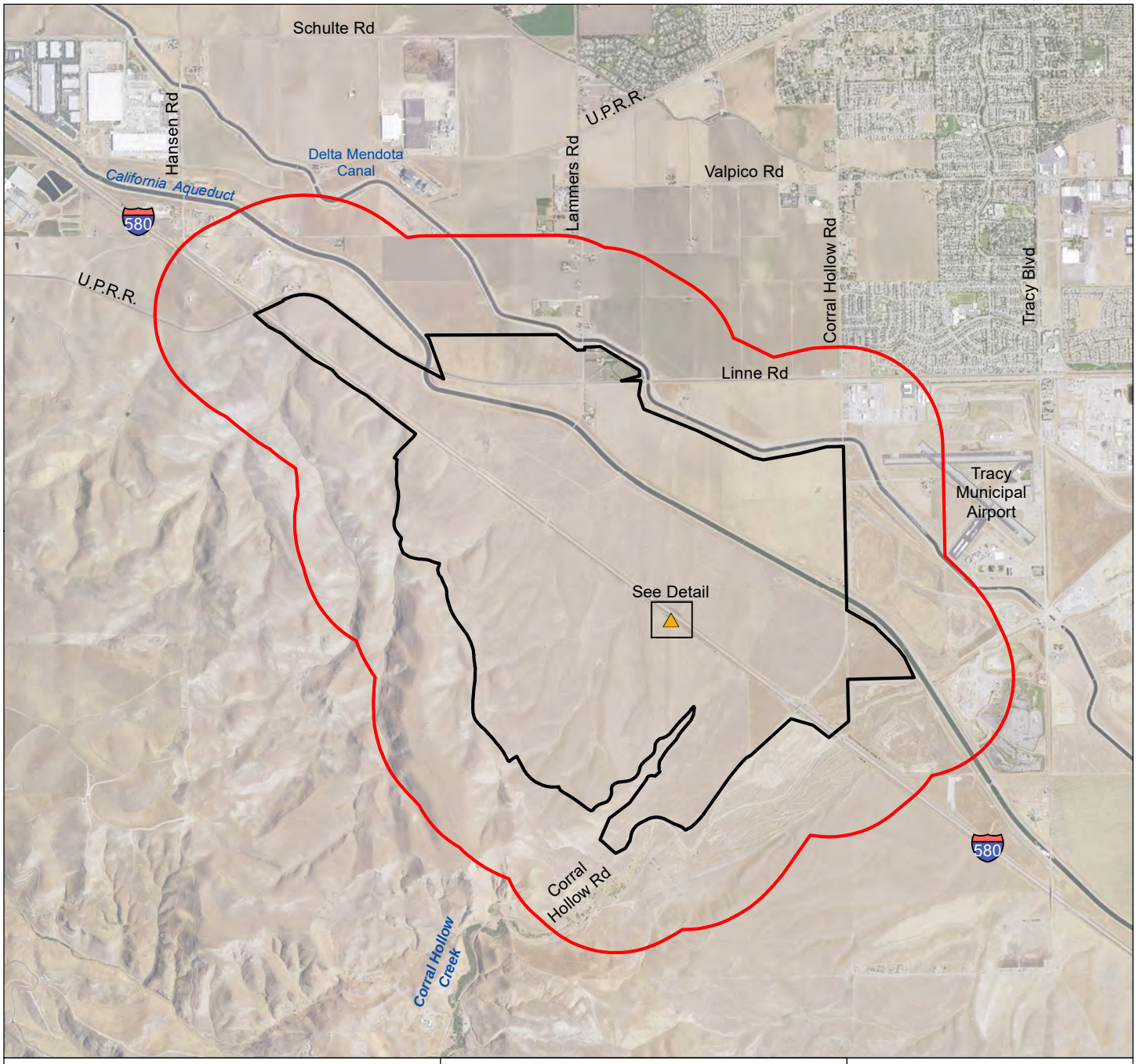
Figure 3. Occurrences within 5 Miles of the Study Area



Study Area

Project Site

Abandoned Swainson's Hawk Nest

Detail

0 200 Feet

1 inch = 400 feet

0 2,000 4,000 Feet

1 inch = 4,000 feet

Data Sources:
- San Joaquin County GIS accessed Aug 2015, data date: Jan 2015
- USDA-NRCS-AFPO NAIP accessed Aug 2015, image date: Jun 2014

Map Prepared: 8-12-15

Prepared by:

NOREAS
Environmental Engineering and Science

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Figure 4. Survey Results

6.0 RECOMMENDATIONS

The following measures are recommended as a means of avoiding and minimizing adverse impacts to nesting raptors that have the potential to occur within the study area:

- Prior to commencement of ground disturbing activities in areas of potentially suitable habitat to support Swainson's Hawk, pre-activity clearance surveys shall be initiated by a qualified biologist to reinforce positive or negative findings with substantial evidence. If Swainson's Hawk is detected within portions of the Project Site proposed for development, then avoidance and minimization measures specific to Swainson's Hawk will be incorporated into the Project as described in the 2012 California Department of Fish and Wildlife (CDFW) Staff Report on Mitigation for Impacts to Swainson's Hawk to reduce impacts to Swainson's Hawk to less-than significant.

- If an active nest site is found within the Project Site, the Project will allow sufficient foraging and fledging area to maintain the nest.

- The Project will not remove historic or known Swainson's Hawk nest trees unless avoidance measures are determined to be infeasible. Removal of such trees should occur only during the timeframe of October 1 and the last day in February.

7.0 REFERENCES

Babcock. 1995. Home Range and Habitat Use of Breeding Swainson's Hawks in California. Journal of Raptor Research 29:193–197

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Swolgaard, Reeves, and Bell. 2008. Foraging by Swainson's Hawks on the landscape

United States Geological Service (USGS). 1980. 7.5-Minute Quadrangle Tracy, California.

_____. 1986. 7.5-Minute Quadrangle Midway, California.

United States Fish and Wildlife Service (USFWS). 2015a. Critical Habitat Portal.

_____. 2015b. Sacramento Fish and Wildlife Office. Endangered and Threatened Species List for San Joaquin County.

APPENDIX A

PHOTOGRAPH LOG

APPENDIX A

PHOTOGRAPH LOG

	Photograph: 1. Location of abandoned Swainson's Hawk nest in a Eucalyptus tree – situated within the road right-of-way of Interstate Highway 580, outside of Project Site boundaries.
	Photograph: 2. Swainson's hawk was observed perched on left tree and abandoned nest was identified within the tree on the right.

APPENDIX B

AVIAN COMPENDIUM

APPENDIX B

Scientific name	Common name
Avian Compendium	
Athene cunicularia	Burrowing Owl
Buteo jamaicensis	Red-Tailed Hawk
Buteo swainsoni	Swainson's Hawk
Carpodacus mexicanus	House Finch
Cathartes aura	Turkey Vulture
Corvus brachyrhynchos	American Crow
Corvus corax	Common Raven
Circus cyaneus	Northern Harrier
Eremophila alpestris	Horned Lark
Euphagus cyanocephalus	Brewer's Blackbird
Falco mexicanus	Prairie Falcon
Falco sparverius	American Kestrel
Hirundo rustica	Barn Swallow
Icterus bullockii	Bullock's Oriole
Lanius ludovicianus	Loggerhead Shrike
Mimus polyglottos	Northern Mockingbird
Myiarchus cinerascens	Ash-throated Flycatcher
Passer domesticus	House Sparrow
Passerculus sandwichensis	Savannah Sparrow
Salpinctes obsoletus	Rock Wren
Sayornis saya	Say's Phoebe
Streptopelia decaocto	Eurasian Collared Dove
Sturnus vulgaris	European Starling
Sturnella neglecta	Western Meadowlark
Tyrannus verticalis	Western Kingbird
Zenaida macroura	Mourning Dove
Zonotrichia leucophrys	White-crowned Sparrow

APPENDIX C

CALIFORNIA NATURAL DIVERSITY DATABASE FORM

Mail to:
California Natural Diversity Database
California Dept. of Fish & Wildlife
1416 9th Street, Suite 1266
Sacramento, CA 95814
Fax: (916) 324-0475 email: CNDDB@wildlife.ca.gov

Date of Field Work (mm/dd/yyyy): 04/23/2015

For Office Use Only
Source Code: _____ Quad Code: _____
Elm Code: _____ Occ No.: _____
EO Index: _____ Map Index: _____

Clear Form

California Native Species Field Survey Form

Print Form

Scientific Name: *Buteo swainsoni*

Common Name: Swainson's Hawk

Species Found? (●) Yes ( ) No _____ If not found, why?

Total No. Individuals: 1 Subsequent Visit? ( ) Yes (●) No

Is this an existing NDDB occurrence? _____ Yes, Occ. # [X] No [ ] Unk.

Collection? If yes: _____ Number _____ Museum / Herbarium

Reporter: NOREAS Inc.
Address: 16361 Scientific Way
Irvine, California 92618
E-mail Address: lincoln.hulse@noreasinc.com
Phone: 949-467-9116

Plant Information

Phenology:

_____ % vegetative _____ % flowering _____ % fruiting

Animal Information

1 # adults _____ # juveniles _____ # larvae _____ # egg masses _____ # unknown

[ ] wintering [ ] breeding [ ] nesting [ ] rookery [ ] burrow site [ ] lek [X] other

Location Description (please attach map AND/OR fill out your choice of coordinates, below)

County: San Joaquin Landowner / Mgr: Unknown

Quad Name: Tracy Elevation: 320

T 3N R 5E Sec 18, NW 1/4 of ___ 1/4, Meridian: H ( ) M (●) S ( ) Source of Coordinates (GPS, topo. map & type): GPS

T ___ R ___ Sec ___, ___ 1/4 of ___ 1/4, Meridian: H ( ) M ( ) S ( ) GPS Make & Model: Garmin

DATUM: **NAD27** ( ) **NAD83** (●) **WGS84** ( ) Horizontal Accuracy: 3 meters meters/feet

Coordinate System: UTM Zone 10 (●) UTM Zone 11 ( ) ***OR*** Geographic (Latitude & Longitude) ( )

Coordinates: Northing 635026, Easting 4171280

Habitat Description (plants & animals) *plant communities, dominants, associates, substrates/soils, aspects/slope:*
Animal Behavior *(Describe observed behavior, such as territoriality, foraging, singing, calling, copulating, perching, roosting, etc., especially for avifauna):*

One unpaired Swainson's Hawk was detected soaring and sitting on a remnant/abandoned nest within a Eucalyptus tree, situated within the road right-of-way of Interstate Highway 580. This individual hawk was never observed actively nesting and no mate was detected during any of the 2015 survey events.

Please fill out separate form for other rare taxa seen at this site.

Site Information

Overall site/occurrence quality/viability (site + population): ( ) Excellent ( ) Good ( ) Fair (●) Poor

Immediate AND surrounding land use: Eucalyptus tree, situated within the road right-of-way of Interstate Highway 580.

Visible disturbances: _____

Threats: _____

Comments:

Determination: *(check one or more, and fill in blanks)*

- [ ] Keyed (cite reference): _____
- [ ] Compared with specimen housed at: _____
- [ ] Compared with photo / drawing in: _____
- [X] By another person (name): John Sterling
- [X] Other: Richard White

Photographs: *(check one or more)*

	Slide	Print	Digital
Plant / animal	[ ]	[ ]	[ ]
Habitat	[ ]	[ ]	[X]
Diagnostic feature	[ ]	[ ]	[ ]

May we obtain duplicates at our expense? (●) yes ( ) no

APPENDIX J

2015 Tracy Hills Project Rare Plant Survey

DRAFT

TRACY HILLS PROJECT

September 2015

Rare Plant Survey Report

Owner
The Tracy Hills Project Owner, LLC
888 San Clemente
Suite 100
Newport Beach, CA 92660

Prepared By

16361 Scientific Way
Irvine, CA 92618
(949) 467-9100

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APPENDICES

Appendix A Photograph Log
Appendix B 2015 Plant Species Observed within the Study Area

1.0 EXECUTIVE SUMMARY

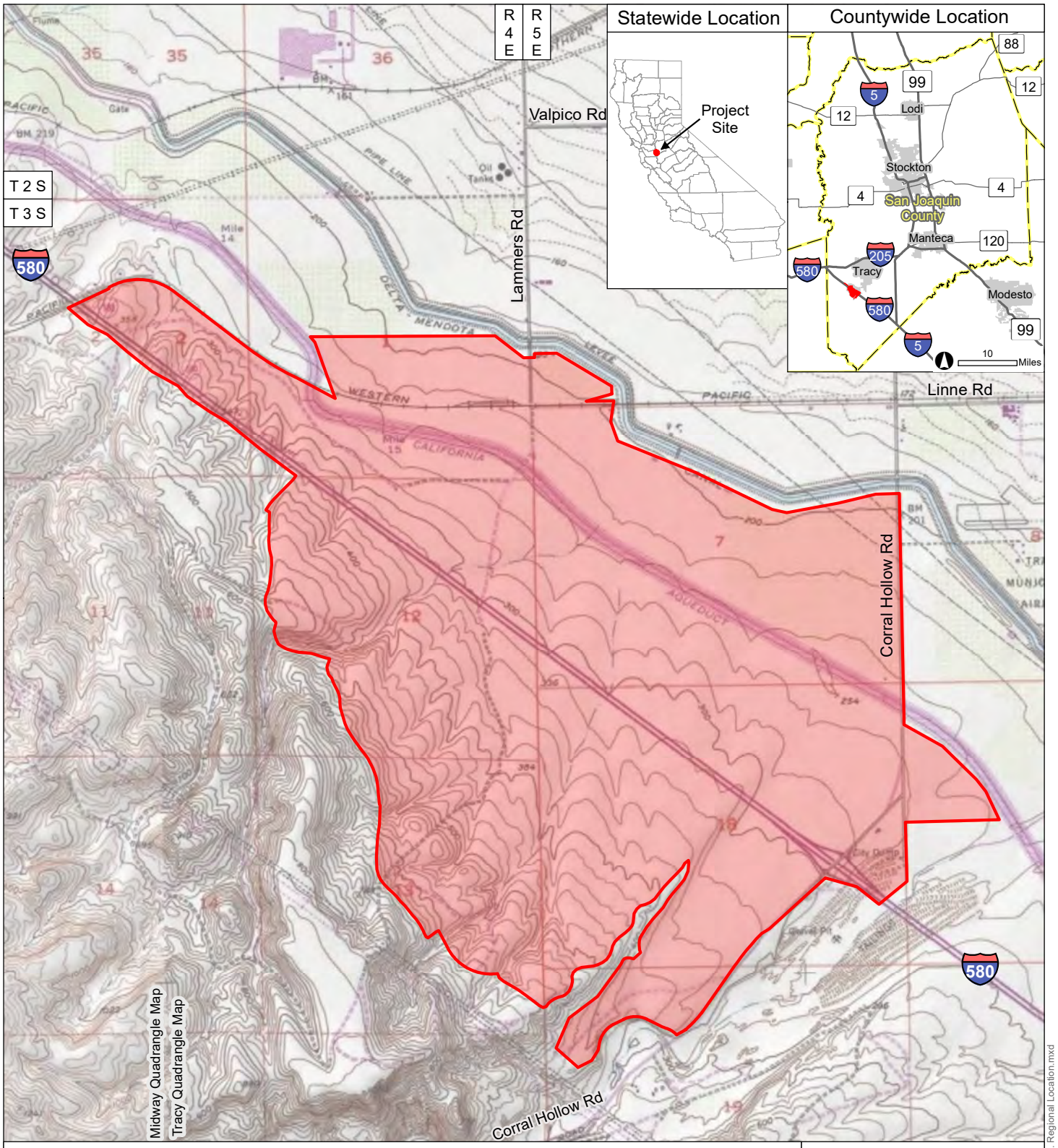
The Tracy Hills Project Owner LLC (Tracy Hills) is proposing to develop the Tracy Hills Project in Tracy, California (hereafter "Project", Figure 1). The Project includes a revised and updated Specific Plan[1] that authorizes approximately 2,732 acres for development of residential neighborhoods and non-residential uses (e.g., office, commercial, light industrial, parks, schools and open spaces) within existing low quality livestock grazing and agricultural lands. This report documents the findings of rare[2] plant surveys for the Project. For the purposes of this report, the "study area" includes the Project's proposed ground disturbance footprint (Project Site) (Figure 2). Six land cover types were observed within the study area in 2015: agricultural, annual grassland, open water, orchard, non-native grasses, and developed habitats. It should also be noted that the study area is not collocated with any U.S. Fish and Wildlife Service (USFWS)-designated critical habitat for plants.

In-depth botanical field census and analysis activities have occurred within representative portions of the study area for more than 25 years to account for variations in local precipitation patterns; and to safeguard that field surveys were conducted during a year when winter/spring rainfall was adequate, to maximize the potential for detecting rare flora. The literature review and 2015 pedestrian survey results indicate that the flora detected within the study area have not changed significantly from those documented in past studies over roughly quarter of a century. Accordingly, roughly 80% of the 58 plant species detected within the study area during 2015 surveys were non-native plants. Although the Project footprint is large in total size, the study area has very low species richness and diversity; and those lands proposed for development do not support habitat for any State- or Federal-listed plant species. To that end, no state- or federally-listed plant species have been detected during any pedestrian-based biological surveys from 1989 through the current 2015 rare plant surveys. Additionally, no state- or federally-listed plant species have been documented within 1 mile of the Project.

Botanical surveys have been conducted to assess overall baseline conditions and evaluate the study area's ability to support special-status plant species. The habitat within the study area includes existing livestock grazing and agricultural undertakings which have greatly reduced the lands ability to support special status species. The surveys performed have been floristic in nature. No state- or federally-listed plant species have ever been detected during surveys within any portion of the study area. The data collected and analyzed herein also suggests that there is extremely low potential for rare plants to recruit into the Project Site. Given that targeted surveys for rare plants are negative within the study area, the Project would not be expected to result in the loss of individual special status plants or that it would adversely affect local or regional populations of them.

[1] RBF Consulting 2014. Tracy Hills Specific Plan: Habitat Assessment & San Joaquin County Multi-Species Habitat Conservation and Open Space Plan Consistency Analysis

[2] For the purposes of this analysis, "rare plants" are defined as any species that have been afforded special protection by federal, state, or local resource agencies (e.g., USFWS, California Department of Fish and Wildlife) or resource conservation organizations (e.g., California Native Plant Society).



Project Site

Urban Area (inset)

County Boundary (inset)

Interstate or State Highway (inset)

0 0.25 0.5 Mile

1 inch = 0.5 mile

Data Sources:
- Bing accessed Jul 2015
- ESRI StreetMap North America 2010
- ESRI US Topo Maps accessed Jul 2015

Map Prepared: 7-15-15

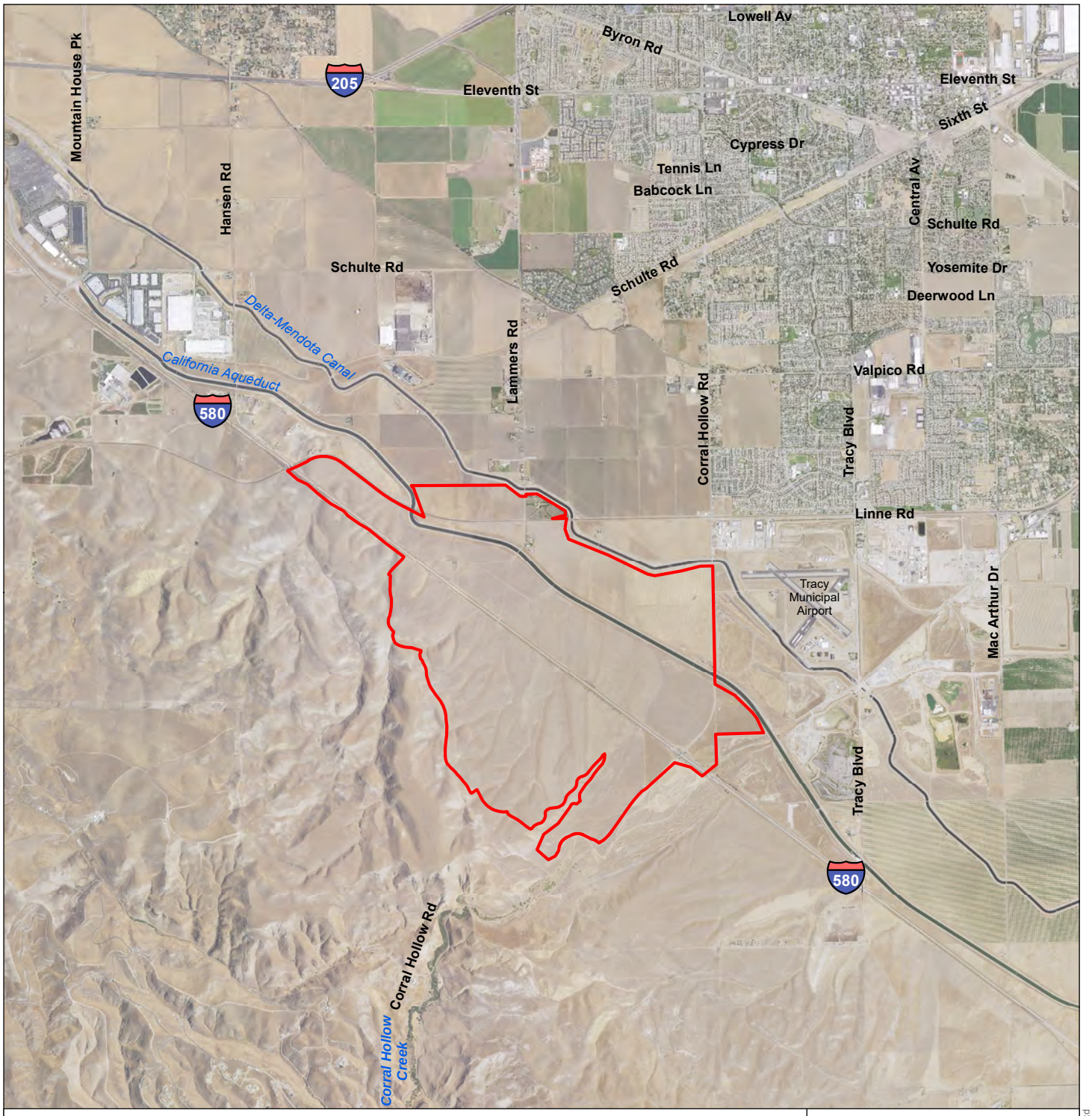
Prepared by:
NOREAS
Environmental Engineering and Science

The Project Site is located on the Midway and Tracy USGS 7.5-minute quadrangle maps; Mt. Diablo Base and Meridian,
Township 3 South, Range 4 East, Sections 1, 2, 12 and 13; and
Township 3 South, Range 5 East, Sections 6, 7, 8, 17, 18 and 19.

Center coordinates for the Project Site are: 37.680702, -121.476315.

C:\SRM\Noreas\Tracy Hills\ArcMap\Plants\Fig1. Regional Location.mxd

Figure 1. Regional Location



Project Site (2,729 acres)

0 0.5 1 Mile

1 inch = 1 mile

Data Source:
- USDA-NRCS-AFPO NAIP accessed Jul 2015, image date: 2014

Map Prepared: 7-15-15

Prepared by:

NOREAS
Environmental Engineering and Science

C:\SRM\Noreas\Tracy Hills\ArcMap\Plants\Fig2. Site Vicinity.mxd

Figure 2. Site Vicinity

2.0 INTRODUCTION AND PROJECT LOCATION

NOREAS, Inc. was retained to review historic floristic census data and conduct rare plant surveys within the development footprint of the proposed Tracy Hills Project. The Project occurs in Sections 6, 7, 8, 17, 18 and 19 of Township 3 South and Range 5 East (Mt. Diablo Base and Meridian) of the Midway U.S. Geological Survey (USGS 1986) 7.5-minute quadrangle map; and Sections 1, 2, 12 and 13 of Township 3 South, and Range 4 East (Mt. Diablo Base and Meridian) of the Tracy U.S. Geological Survey 7.5 minute quadrangle map (USGS 1980).

The primary objective of the literature review and field surveys was to determine the presence – or to confirm the presumed absence of, rare plant species and their habitats within Project boundaries. For the purposes of this document, the "study area" includes the entirety of the Project's possible proposed ground disturbance footprint (Figure 2). Therefore, the study area includes all lands likely to be affected directly by the Project, and is limited to those locales associated with proposed ground disturbances.

3.0 METHODS

Prior to beginning pedestrian based field surveys in 2015, botanical specialists were consulted and available information from resource management plans and relevant documents were also reviewed to determine the locations and types of botanical resources that have the potential to exist within and adjacent to the study area. Resources were evaluated within several miles of the Project. As detailed below, botanical field census and analysis activities have occurred within representative portions of the study area for more than 25 years. The primary materials reviewed included, but were not limited to, the following:

- Biological Assessment Properties East of California Aqueduct Carnegie Business Park San Joaquin County, California (LSA 1989);
- Biological Study, Tracy Hills Community, San Joaquin County California (LSA 1991);
- Multi-Species Habitat Management Plan (LSA 1996);
- Habitat Conservation Plan for Lakeside Tracy Development (LSA 1999);
- Habitat Management Plan - Tracy Hills Project (Foothill Associates 2004);
- Environmental Assessment for the Tracy Hills Habitat Conservation Plan (Tracy Hills LLC 2004);
- Biological Resources on the Tracy 580 Business Park Property (Berryman Ecological LLC 2010);
- USFWS Critical Habitat Mapper and File Data (USFWS 2015a);
- USFWS Sacramento Field Office Species List for San Joaquin County (USFWS 2015b);
- California Natural Diversity Database maintained by the California Department of Fish and Wildlife (CDFW 2015);
- California Native Plant Society Electronic Inventory (CNPS 2015);
- General Biological Resources Assessment for the Tracy Hills Project (NOREAS 2015); and
- Aerial Photographs (Microsoft Corporation 2015).

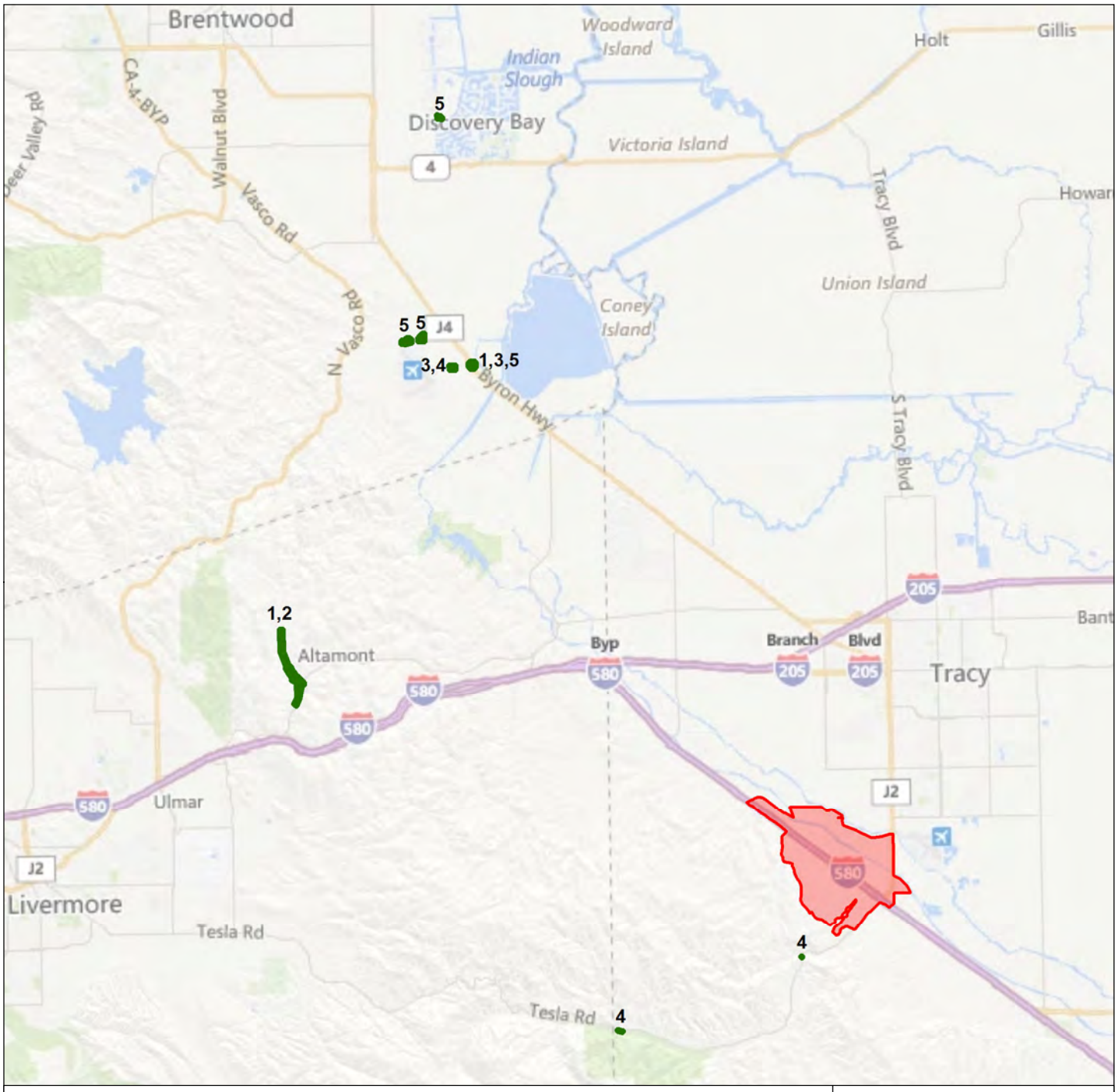
To support the analysis, pedestrian-based field surveys were performed to assess general and dominant vegetation community types, community sizes, habitat types, and plant species present within communities. Community type descriptions are based on observed dominant vegetation composition and derived from the criteria and definitions of widely accepted vegetation classification systems (Holland 1986; Sawyer et al. 2009). Plants were identified to the lowest taxonomic level sufficient to determine whether the species detected were non-native, native, or special-status. Plants of uncertain identity were subsequently identified from taxonomic keys (Baldwin et al. 2012). Scientific and common species names were recorded according to Baldwin et al. (2012).

Focused pedestrian based botanical surveys were conducted within the study area In March, April, May, June and July of 2015. Field survey methods were derived from the standardized guidelines issued by the USFWS (2000), California Department of Fish and Wildlife (CDFW 2009) and the California Native Plant Society (CNPS 2001). The field surveys were conducted to determine the presence/absence of

special-status plant species within the study area, and were conducted during the appropriate blooming period[3] for the majority of annual plant species within the region.

An evaluation of reference populations was also performed prior to initiating surveys in March, April and June 2015 to assess local variations in plant phenology; and to objectively validate survey timing (Figure 3). The field surveys within the study area were completed by walking parallel belt transects spaced approximately 30 feet apart. Where necessary, transect spacing was reduced or expanded to account for differences in terrain, vegetation density and visibility.

[3] Appropriate blooming periods were obtained from the California Native plant Society's Inventory of Rare and Endangered Vascular Plants of California, 1994.



Project Site

Reference Population

Map Code	Common Name (Scientific Name)
1	Lesser Saltscale (*Atriplex miniscula*)
2	Congdon's Tarplant (*Centromadia parryi* ssp. *congdonii*)
3	Recurved Larkspur (*Delphinium recurvatum*)
4	Diamond-Petaled California Poppy (*Eschscholzia rhombipetala*)
5	San Joaquin Spearscale (*Extriplex joaquinana*)

0 1 2 3 Miles

1 inch = 3 miles

Data Source:
- Bing accessed Aug 2015

Map Prepared: 8-4-15

Prepared by:

NOREAS
Environmental Engineering and Science

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Figure 3. Reference Population Map

4.0 BOTANICAL SURVEY RESULTS

Weather conditions during the 2015 surveys included cloudy to clear skies, temperatures ranging from 48–102 degrees Fahrenheit, and winds fluctuating from 0 to 20 miles per hour. Botanical surveys were performed on the following dates in 2015: 18, 19, 24, 25, 26, 27, 30 and 31 March, 01, 02, 03, 04, 16, 17, 18, 20, 21, 22, 23, 24, 27, 28, 29, and 30 April, 07, 08, 09, 25, 26, 27, 28 May, 01, 02, 03, 04, 08, 09, 10, 11, 12, 22, 23, June, 07, 08, 09, 10, 11, 12, 20, 21, 22, 23 July.

4.1 Vegetation Communities and Land Cover Types

Six vegetation communities/land cover types were observed within the study area: agricultural, annual grassland, open water, orchard, non-native grasses, and developed (Figure 4). Cover types are described in detail below.

Agricultural

The agricultural land cover type is actively utilized crop production and includes areas bound by the Union Pacific Railroad and the California Aqueduct to the south, the Delta-Mendota Canal to the north, and the Corral Hollow Road to the east. This type is used for annual and biannual row crops, and an orchard within the study area.

Annual Grassland

The annual grassland vegetation community is characterized by a dominance of nonnative grasses and forbs that are being annually grazed within the study area. Extensive cattle grazing have occurred for numerous years within this portion of the study area as well; which has restricted the colonization of native shrubs and trees. Dominant plant species found in this community include wild barley (*Hordeum ssp*.), soft chess (*Bromus hordeaceus*), ripgut (*Bromus diandrus*), and wild oats (*Avena ssp*.). This community also contains small areas of anthropogenic structures that are generally associated with active cattle ranches (i.e., fences, gates, water tanks, troughs, wells, cattle guards, corrals, dirt and gravel roads). Some structures also occur within the study area (e.g., cabin, out buildings, remnant ornamental trees, power poles and lines).In addition the southeastern portion of this land cover type has been leveled. Therefore remnant berms are present as well; indicating signs of historically irrigated pasture lands. A few ornamental trees, mostly blue gum (*Eucalyptus globulosus*) also occur in this vegetation community. The annual grassland community occurs south of the California Aqueduct and is bisected by Interstate 580 within the study area.

Open Water

Open water occurring within the study area is characterized by deep water (>4 feet in depth) that is general devoid of vegetation. This habitat occurs within the California Aqueduct and is of human construction. It is a maintained water conveyance system positioned within a concrete lined trapezoidal (in cross-section) channel that flows from the northwest to southeast.

Orchard

The orchard land cover type within the study area includes active orchards with regular applications of herbicides to manage weed populations. These orchards include annual and biannual crops.

Non-Native Grasses

The non-native grasses vegetation community is characterized by nonnative – typically early successional plant species within the study area, which are tall and accumulate as thatch due to their

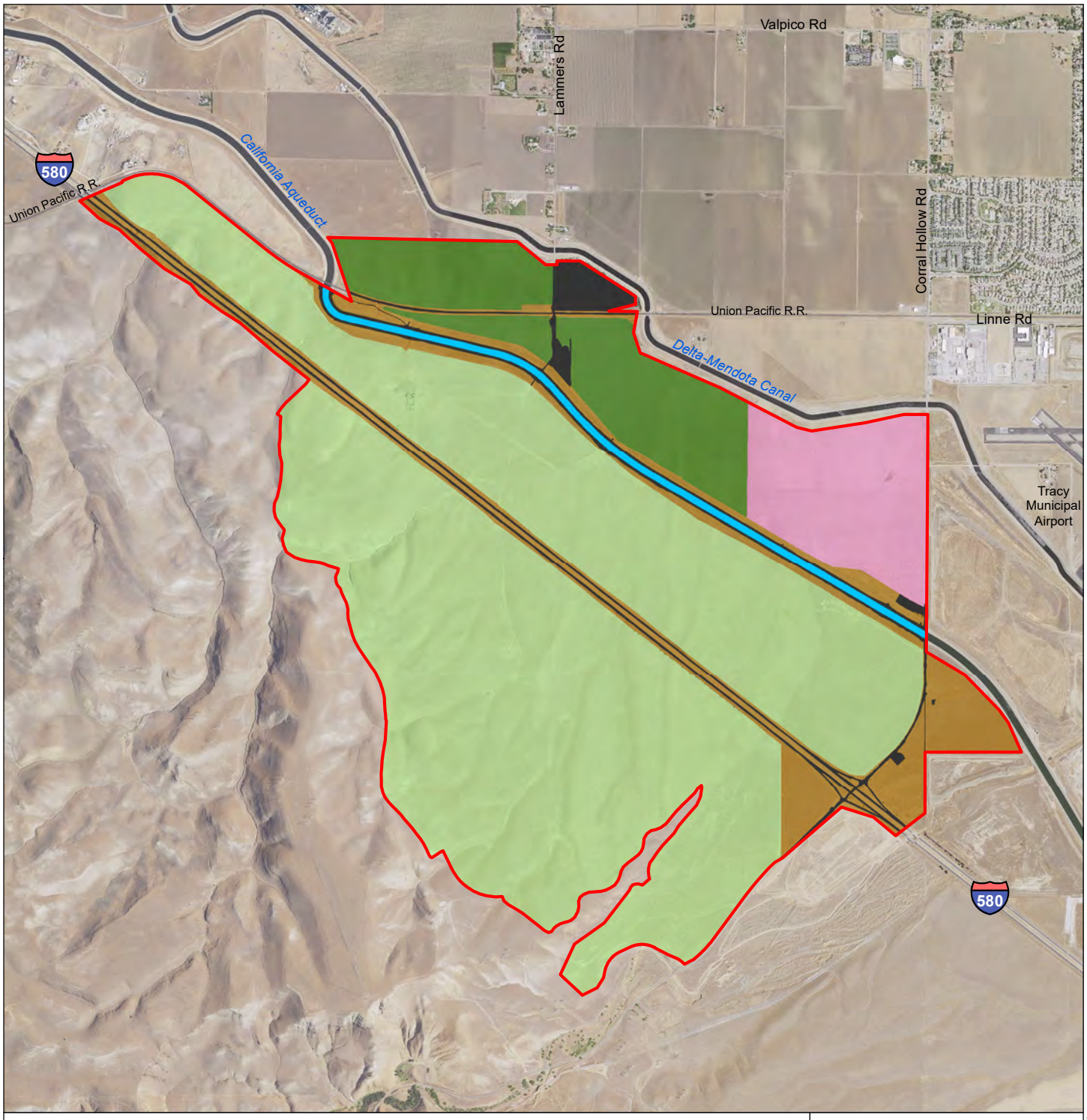
non-grazed condition. This plant community generally occurs on the sides of elevated berms of the California Aqueduct and roads. Dominant plant species observed in this plant community include short-pod mustard (*Hirschfeldia incana*), gumweed (*Grindelia ssp*.) and telegraph weed.

Developed

Developed communities in the study area are characterized by significant anthropogenic structures (i.e., highways, paved surface streets, rail road appurtenances, and residences). This land cover type also includes remnant buildings and foundations not currently associated with a commercial grazing operation.

4.2 Special-Status Plants

No state- or federally-listed plant species have been documented within 1 mile of the Project (Figure 5); and the study area includes no USFWS-critical habitat for plants (Figure 6). Furthermore, no rare plant species were detected during any of the historic, or during the 2015 pedestrian based botanical surveys which were performed within the study area (Figure 7). Representative photographs of the study area are provided in Appendix A. Plant species observed during the surveys are listed in Appendix B. It should also be noted that approximately 80% of the 58 plant species detected within the study area during 2015 surveys are non-native plants.



Project Site

Vegetation Communities/Land Cover Types

- Agricultural (277 acres)
- Annual Grassland (1,821 acres)
- Developed (103 acres)
- Non-Native Grasses (289 acres)
- Open Water (California Aqueduct) [38 acres]
- Orchard (201 acres)

0 0.25 0.5 Mile

1 inch = 0.5 mile

Data Sources:
- San Joaquin County GIS accessed Jul 2015, data date: Jul 2014
- USDA-NRCS-AFPO NAIP accessed Jul 2015, image date: 2014

Map Prepared: 7-31-15

Prepared by:

NOREAS
Environmental Engineering and Science

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Figure 4. Vegetation Communities/Land Cover Types

Project Site

10-Mile Radius Around the Project Site

Freeway

Major Road

Golf Course or Park

Water Body

Special-Status Plant Occurrences

Map Code	Common Name (Scientific Name)
1	Sharsmith's Onion (*Allium sharsmithiae*)
2	Large-Flowered Fiddleneck (*Amsinckia grandiflora*)
3	Heartscale (*Atriplex cordulata* var. *cordulata*)
4	Brittlescale (*Atriplex depressa*)
5	Lesser Saltscale (*Atriplex minuscula*)
6	Big Tarplant (*Blepharizonia plumosa*)
7	Round-Leaved Filaree (*California macrophylla*)
8	Chaparral Harebell (*Campanula exigua*)
9	Lemmon's Jewel-Flower (*Caulanthus lemmonii*)
10	Congdon's Tarplant (*Centromadia parryi* ssp. *congdonii*)
11	Slough Thistle (*Cirsium crassicaule*)
12	Mt. Hamilton Fountain Thistle (*Cirsium fontinale* var. *campylon*)
13	Santa Clara Red Ribbons (*Clarkia concinna* ssp. *automixa*)
14	Hospital Canyon Larkspur (*Delphinium californicum* ssp. *interius*)
15	Recurved Larkspur (*Delphinium recurvatum*)
16	Delta Button-Celery (*Eryngium racemosum*)
17	Diamond-Petaled California Poppy (*Eschscholzia rhombipetala*)
18	San Joaquin Spearscale (*Extriplex joaquinana*)
19	Talus Fritillary (*Fritillaria falcata*)
20	Diablo Helianthella (*Helianthella castanea*)
21	Woolly Rose-Mallow (*Hibiscus lasiocarpos* var. *occidentalis*)
22	Loma Prieta Hoita (*Hoita strobilina*)
23	Mason's Lilaeopsis (*Lilaeopsis masonii*)
24	Showy Golden Madia (*Madia radiata*)
25	Shining Navarretia (*Navarretia nigelliformis* ssp. *radians*)
26	Chaparral Ragwort (*Senecio aphanactis*)
27	Wright's Trichocoronis (*Trichocoronis wrightii* var. *wrightii*)
28	Caper-Fruited Tropidocarpum (*Tropidocarpum capparideum*)

Data Sources:
- Bing accessed Jul 2015

Note: Resource specialists were consulted and readily available commercial data from resource management plans and other relevant documents were reviewed to determine the locations and types of resources that have the potential to exist in the region.

0 1 2 Miles

1:150,000

Prepared by:

NOREAS Environmental Engineering and Science

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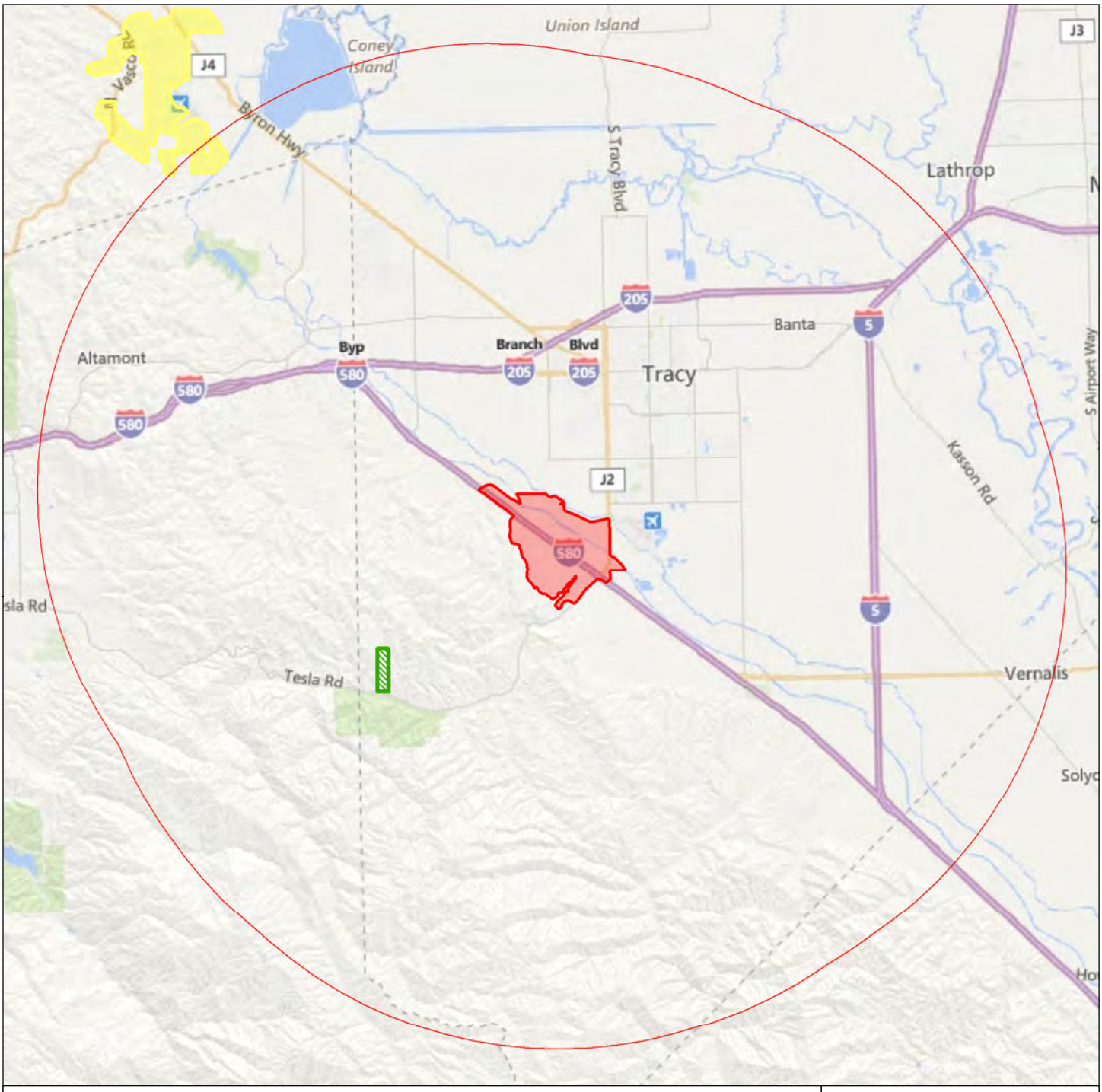
Figure 5. Literature Review



Project Site

10-Mile Radius Around the Project Site

Freeway

Highway

Water Body

Critical Habitat

Large-Flowered Fiddleneck (*Amsinckia grandiflora*)

Contra Costa Goldfields (*Lasthenia conjugens*)

0 1 2 3 Miles

1:210,000

Data Sources:
- Bing accessed Jul 2015
- US Fish and Wildlife Service critical habitat accessed Jul 2015, data date: Jun 2015

Map Prepared: 7-17-15

Prepared by:

NOREAS
Environmental Engineering and Science

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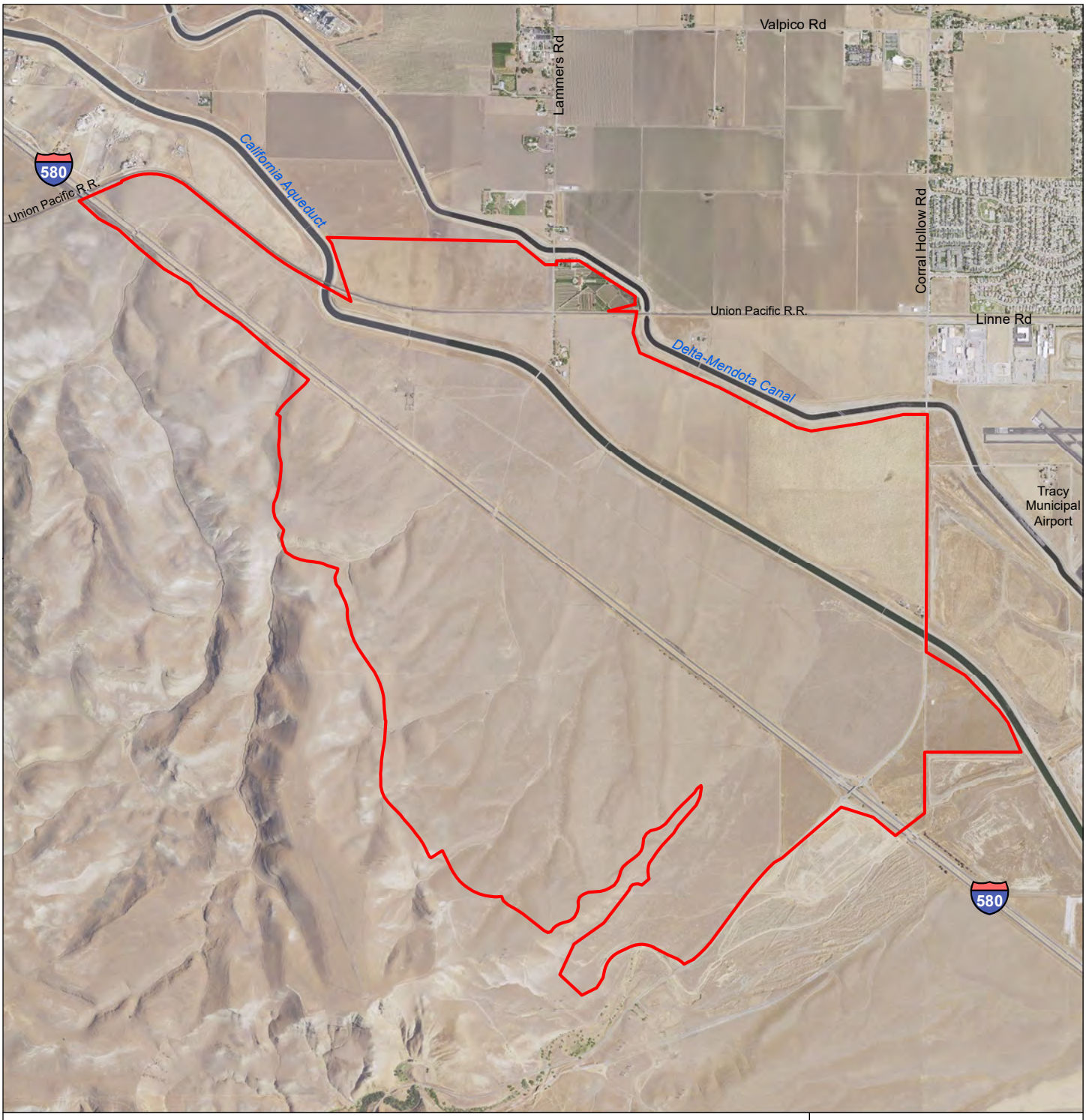
Figure 6. Critical Habitat



Project Site

Note: No rare plants were observed within the Project Site.

0 0.25 0.5 Mile

1 inch = 0.5 mile

Data Sources:
- San Joaquin County GIS accessed Jul 2015, data date: Jul 2014
- USDA-NRCS-AFPO NAIP accessed Jul 2015, image date: 2014

Map Prepared: 7-17-15

Prepared by:

NOREAS
Environmental Engineering and Science

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Figure 7. Results

5.0 IMPACTS AND RECOMMENDATIONS

The study area is not collocated with any USFWS-designated critical habitat for plants. No state- or federally-listed plant species have ever been detected during any pedestrian-based biological surveys from 1989 through the current 2015 rare plant surveys. Additionally, no state- or federally-listed plant species have been documented within 1 mile of the Project. Furthermore, botanical field census and analysis activities have occurred within portions of the study area for more than 25 years to safeguard that field surveys were conducted during a year when winter/spring rainfall was adequate, to maximize the potential for detecting rare flora. The literature review and 2015 pedestrian survey results indicate that the flora detected within the study area have not changed considerably from those documented in past studies. Roughly 80% of the 58 distinct species detected within the study area during 2015 are non-native plants. Although the Project footprint is large in total size, the study area has very low species richness and diversity; and those lands proposed for development do not support habitat for any State or Federal-listed plant species.

The habitat within the study area includes existing livestock grazing and agricultural undertakings which have greatly reduced the lands ability to support special status plants. The surveys performed in 2015 and over the past quarter century have been floristic in nature. The data collected and analyzed implies that there is extremely low potential for rare plants to recruit into the Project Site as well. Given that targeted surveys for rare plants are negative within the study area, the Project would not be expected to result in the loss of individual special status plants or that it would adversely affect local or regional populations of them.

6.0 REFERENCES

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APPENDIX A

PHOTOGRAPH LOG

APPENDIX A

PHOTOGRAPH LOG

	Photograph: 1. Lesser Saltscale (*Atriplex miniscula*) observed at reference site.
	Photograph: 2. San Joaquin Spearscale (*Extriplex joaquinana*) observed at reference site.

APPENDIX A

PHOTOGRAPH LOG

	Photograph: 3. Congdon's Tarplant (*Centromadia parryi ssp. congdonii*) observed at reference site.
	Photograph: 4. Facing South West from the northern portion of the study area.

APPENDIX A

PHOTOGRAPH LOG

	Photograph: 5. Facing South East from the northern portion of the study area.
	Photograph: 6. Facing North from the central portion of the study area.

APPENDIX B

2015 PLANT SPECIES OBSERVED WITHIN THE STUDY AREA

APPENDIX B

2015 PLANT SPECIES OBSERVED WITHIN THE STUDY AREA

SCIENTIFIC NAME	COMMON NAME
Achyrachaena mollis	Blow wives
*Amaranthus blitoides**	Matweed
Amsinckia menziesii	Fiddleneck
*Asclepias fascicularis**	Narrow leaf milkweed
Avena fatua	Wild oat
*Brassica nigra**	Black mustard
*Bromus diandrus**	Ripgut
*Bromus hordeaceus**	Soft chess
*Carduus pycnocephalus**	Italian thistle
*Cerastium arvense**	Cerastium arvense
*Chenopodium sp.**	Pig weed
*Cirsium vulgare**	Spear Thistle
*Capsella bursa-pastoris**	Shepherd's-purse
*Convolvulus arvensis**	Bindweed
*Cynodon dactylon**	Bermuda grass
*Croton setigerus**	Dove weed
*Datura wrightii**	Jimson weed
*Eremocarpus setigerus**	Croton
*Erodium botrys**	Long-beaked stork's bill
*Erodium ssp.**	Filaree
Eucalyptus ssp.*	Eucalyptus
*Festuca perennis**	Italian rye grass
*Grindelia camporum**	Gumweed
Hemizonia fitchii	Fitch spikeweed
*Heterotheca grandiflora**	Telegraph weed
*Hirschfeldia incana**	Mustard
Holocarpha obconica	Tarplant
Hordeum marinum ssp. gussoneanum	Mediterranean barley
*Hordeum murinum ssp. Leporinum**	Farmer's Foxtail
*Hordeum ssp.**	Barley
*Hypochaeris radicata**	Catsear
Lactuca serrola	Wild lettuce
*Lepidium latifolium**	Pepper weed
*Lepidium nitidum**	Shiny pepper grass
*Malva parviflora**	Cheeseweed
*Malva neglecta**	Buttonweed
*Matricaria discoidea**	Pineapple weed
*Marrubium vulgare**	Horehound
*Medicago polymorpha**	Burweed
Myriophyllum sp.	Water milfoil
Phacelia sp.	Phacelia
*Poa annua**	Annual meadow grass
*Polygonum aviculare**	Knotweed
*Polypogon monspelensis**	Rabbitfoot grass
Populus fremontii	Cottonwood
Rumex crispus	Curly dock
Salix gooddingii	Black willow

APPENDIX B

2015 PLANT SPECIES OBSERVED WITHIN THE STUDY AREA

SCIENTIFIC NAME	COMMON NAME
*Salsola tragus**	Tumbleweed
*Schinus molle**	Peruvian pepper
*Silybum marinum**	Milk thistle
*Sonchus oleraceus**	Sow thistle
Spergularia sp.	Sand spurry
*Stellaria media**	Chickweed
*Trichostema lanceolatum**	Vinegar weed
*Trifolium hybridum**	Alsike clover
Typha ssp.	Cattail
*Urtica urens**	Dwarf nettle
*Vicia sativa**	Vetch

An "*" non-native plant species.

Attachment B

CHRIS Search Results

CENTRAL CALIFORNIA INFORMATION CENTER
California Historical Resources Information System
Department of Anthropology – California State University, Stanislaus
One University Circle, Turlock, California 95382
(209) 667-3307

Alpine, Calaveras, Mariposa, Merced, San Joaquin, Stanislaus & Tuolumne Counties

Date: 1/18/2021

Records Search File#: 11638L
Project: Tracy Hills 35.7-Acre Annexation Project, Tracy, San Joaquin County, CA #097008115.3.200

Danae Hall, Project Manager
Kimley-Horn
1300 Clay Street, Suite #325
Oakland, CA 94612
408-785-3523 danae.hall@kimley-horn.com

Dear Ms. Hall:

We have conducted a records search as per your **Priority Response** request for the above-referenced project area located on the Tracy USGS 7.5-minute quadrangle map in San Joaquin County.

Search of our files includes review of our maps for the specific project area and the immediate vicinity of the project area, and review of the following:

National Register of Historic Places (NRHP)
California Register of Historical Resources (CRHR)
California Inventory of Historic Resources (1976)
California Historical Landmarks
California Points of Historical Interest listing
Office of Historic Preservation Built Environment Resource Directory (BERD) and the Archaeological Determinations of Eligibility (ADOE)
Survey of Surveys (1989)
Caltrans State and Local Bridges Inventory
General Land Office Plats
Other pertinent historic data available at the CCaIC for each specific county

The following details the results of the records search:

Prehistoric or historic resources within the project area:

- There are no formally recorded prehistoric or historic archaeological resources within the two project areas.

- There is one recorded historic structural feature, the Tesla-Salado-Manteca Transmission

Line (P-39-005337) within the two project areas.

- The General Land Office Survey Plats for T3S R4E (approximately Sections 11, 13, 14, & 24, dated 1862) and T3S R5E (approximately Section 18 and 19, dated 1860 and 1871) do not show any historic features within the project areas. The sections in T3S R5E have been divided into parcels of various acreages as early as 1860.

- Map Number Four in *History of San Joaquin County, California with Illustrations* (1879; 1968 reprint) references Arroyo Buenos Ayres or "Carral Hollow" south of the project area.

- Map of the County of San Joaquin, California (1883) references numerous historic landowners within the project vicinity:

  P. Fabian & L. Levinsky
  Savings and Loan Society
  C. M. Laughlin
  Mrs. Ann Carroll
  Louis Greenaur
  Mary Peterson
  Edward Wacksmuth

- The 1916 edition of the Tracy USGS quadrangle as well as the 1954 edition show several historic roads with the project area.

Prehistoric or historic resources within the immediate vicinity of the project area: There are both recorded prehistoric and historic archaeological resources as well as historic homesteads recorded within the immediate vicinity of the project area.

Resources that are known to have value to local cultural groups: None has been formally reported to the Information Center.

Previous investigations within the project area: There has been one investigation, referenced as follows:

CCaIC Report #SJ-02857

Foster, J., 1996 An Archaeological and Historical Resource Investigations of the Proposed Tracy Hills Project, Tracy, California (6175 acres). Foothill Archaeological Services.

Recommendations/Comments: Based on existing data in our files the project area is considered to be highly sensitivity in reference to the possible discovery of both prehistoric and historic archaeological resources.

Please be advised that a historical resource is defined as a building, structure, object, prehistoric or historic archaeological site, or district possessing physical evidence of human activities over 45 years old. Since the proposed 35.7 acres has not been subject to project-specific investigations, there may be unidentified features involved in your project that are 45 years or older and considered as historical resources requiring further study and evaluation by a qualified professional of the appropriate discipline.

If the current project does not include ground disturbance, further study for archaeological resources is not recommended at this time. If ground disturbance is considered a part of the current project, we recommend further review for the possibility of identifying prehistoric or historic-era archaeological resources.

If the proposed project contains buildings or structures that meet the minimum age requirement (45 years in age or older) it is recommended that the resource/s be assessed by a professional familiar with architecture and history of the county. Review of the available historic building/structure data has included only those sources listed above and should not be considered comprehensive.

If at any time you might require the services of a qualified professional the Statewide Referral List for Historical Resources Consultants is posted for your use on the internet at http://chrisinfo.org

If archaeological resources are encountered during project-related activities**,** work should be temporarily halted in the vicinity of the discovered materials and workers should avoid altering the materials and their context until a qualified professional archaeologist has evaluated the situation and provided appropriate recommendations. Project personnel should not collect cultural resources.

If human remains are discovered, California Health and Safety Code Section 7050.5 requires you to protect the discovery and notify the county coroner, who will determine if the find is Native American. If the remains are recognized as Native American, the coroner shall then notify the Native American Heritage Commission (NAHC). California Public Resources Code Section 5097.98 authorizes the NAHC to appoint a Most Likely Descendant (MLD) who will make recommendations for the treatment of the discovery.

Due to processing delays and other factors, not all of the historical resource reports and resource records that have been submitted to the State Office of Historic Preservation are available via this records search. Additional information may be available through the federal, state, and local agencies that produced or paid for historical resource management work in the search area. Additionally, Native American tribes have historical resource information not in the CHRIS Inventory, and you should contact the California Native American Heritage Commission for information on local/regional tribal contacts.

The California Office of Historic Preservation (OHP) contracts with the California Historical Resources Information System's (CHRIS) regional Information Centers (ICs) to maintain

information in the CHRIS inventory and make it available to local, state, and federal agencies, cultural resource professionals, Native American tribes, researchers, and the public. Recommendations made by IC coordinators or their staff regarding the interpretation and application of this information are advisory only. Such recommendations do not necessarily represent the evaluation or opinion of the State Historic Preservation Officer in carrying out the OHP's regulatory authority under federal and state law.

We thank you for contacting this office regarding historical resource preservation. Please let us know when we can be of further service. Please sign and return the attached **Access Agreement Short Form.**

Note: Billing will be transmitted separately via email from the Financial Services office ($225.00), payable within 60 days of receipt of the invoice.

If you wish to include payment by Credit Card, you must wait to receive the official invoice from Financial Services so that you can reference the CMP # (Invoice Number), and then contact the link below:

https://commerce.cashnet.com/ANTHROPOLOGY

Sincerely,

E. A. Greathouse

E. A. Greathouse, Coordinator
Central California Information Center
California Historical Resources Information System

Copy of invoice to Laurie Marroquin, Financial Services (lamarroquin@csustan.edu)

ORDINANCE _____

AN ORDINANCE OF THE CITY OF TRACY APPROVING A TRACY HILLS SPECIFIC PLAN AMENDMENT AND PRE-ZONING THE TRACY HILLS 35-ACRE ANNEXATION AREA AS TRACY HILLS SPECIFIC PLAN ZONE FOR APPROXIMATELY 35 ACRES LOCATED SOUTH OF I-580 IN THE VICINITY OF CORRAL HOLLOW ROAD, ASSESSOR'S PARCEL NUMBERS 253-030-13 AND 253-040-10, APPLICATION NUMBERS SPA20-0001 AND AP20-0002

WHEREAS, The Tracy Hills Specific Plan consists of approximately 2,732 acres located in the vicinity of the existing Corral Hollow Road interchange and the proposed Lammers Road interchange on Interstate 580; and

WHEREAS, On April 5, 2016, City Council certified an Environmental Impact Report and approved a General Plan Amendment and a comprehensive update to the Tracy Hills Specific Plan; and

WHEREAS, Applications were submitted regarding the Tracy Hills 35-Acre Annexation Project, which includes an amendment to the Tracy Hills Specific Plan and pre-zoning the Tracy Hills 35-Acre Annexation area as Tracy Hills Specific Plan Zone for approximately 35 acres located south of I-580 in the vicinity of Corral Hollow Road, Assessor's Parcel Numbers 253-030-13 and 253-040-10, Application Numbers SPA20-0001 and AP20-0002; and

WHEREAS, The proposed Tracy Hills Specific Plan Amendment would revise the Specific Plan Area boundary to include the approximately 35-acre annexation area and apply the zoning district of Low Density Residential (LDR-TH) to the subject property, and also change the zoning district from Residential Estate (RE-TH) to Tracy Hills Conservation (C-TH) for an equivalent sized 35-acre area located within the Tracy Hills Specific Plan area, adjacent to the southwestern boundary of the Specific Plan; and

WHEREAS, The overall Specific Plan area would increase by approximately 35 acres from 2,731.6 acres to 2,767.3 acres, but the proposed amendment would result in no change to the number of projected dwelling units for the overall Tracy Hills Specific Plan area, as a result of this 35-acre annexation project, because the Residential Estate (RE-TH) zoning district would be reduced from 95.6 acres to 59.9 acres for a reduction of 35.7 acres, the Low Density Residential (LDR-TH) zoning district would be increased from 1,316.2 acres to 1,351.9 acres for an increase of 35.7 acres, the Tracy Hills Conservation (C-TH) zoning district would be increased from 126.5 acres to 162.2 acres for an increase of 35.7 acres, the projected dwelling units for the Residential Estate (RE-TH) zoning district would be reduced from 122 to 76 for a reduction of 46 dwelling units, and the projected dwelling units for the Low Density Residential (LDR-TH) zoning district would be increased from 3,558 to 3,604 for an increase of 46 dwelling units; and

WHEREAS, The proposal includes pre-zoning the Tracy Hills 35-Acre Annexation Area as Tracy Hills Specific Plan Zone, which would be the pre-zoning for the application for annexation request to Local Agency Formation Commission (LAFCo), and upon annexation, the Tracy Hills 35-Acre Annexation area would be zoned Tracy Hills Specific Plan (THSP) Zone; and

WHEREAS, An Environmental Impact Report (EIR) was certified by the City Council on April 5, 2016 for the Tracy Hills Specific Plan; and

WHEREAS, An Addendum to the EIR has been prepared in accordance with the provisions of the California Environmental Quality Act (CEQA) Guidelines to document the finding that none of the conditions or circumstances that would require preparation of a subsequent EIR, pursuant to Sections 15162 and 15164 of the CEQA Guidelines, exist in connection with the Tracy Hills Specific Plan Amendment regarding the Tracy Hills 35-Acre Annexation Project, and therefore, no further environmental review is required; and

WHEREAS, The Planning Commission considered this matter at a duly noticed public hearing held on May 12, 2021 and recommended that the City Council introduce and adopt an ordinance amending the Tracy Hills Specific Plan and pre-zoning the Tracy Hills 35-Acre Annexation Area as Tracy Hills Specific Plan Zone, Application Numbers SPA20-0001 and AP20-0002; and

WHEREAS, The City Council considered this matter at a duly noticed public hearing held on June 15, 2021;

The City Council of the City of Tracy does ordain as follows:

SECTION 1. The foregoing recitals are true and correct and are incorporated herein as findings.

SECTION 2. The City Council hereby approves the Tracy Hills Specific Plan Amendment, Application Number SPA20-0001, as attached to the June 15, 2021 City Council staff report as Attachment “B”.

SECTION 3. The City Council hereby approves pre-zoning the Tracy Hills 35-Acre Annexation area as Tracy Hills Specific Plan Zone, and upon annexation, the zoning of the Tracy Hills 35-Acre Annexation area shall be Tracy Hills Specific Plan Zone, Application Number AP20-0002.

SECTION 4. This Ordinance shall take effect 30 days after its final passage and adoption.

SECTION 5. This Ordinance shall either (1) be published once in a newspaper of general circulation, within 15 days after its final adoption, or (2) be published in summary form

and posted in the City Clerk's office at least five days before the ordinance is adopted and within 15 days after adoption, with the names of the Council Members voting for and against the ordinance. (Gov't. Code §36933.)

* *

This Ordinance _____ was introduced at a regular meeting of the Tracy City Council on the 15th day of June, 2021, and finally adopted on the _____ day of _____, 2021, by the following vote:

AYES: COUNCIL MEMBERS:
NOES: COUNCIL MEMBERS:
ABSENT: COUNCIL MEMBERS:
ABSTAIN: COUNCIL MEMBERS:

_____
MAYOR

ATTEST:

_____
CITY CLERK

RESOLUTION 2021-_____

APPROVING A GENERAL PLAN AMENDMENT, AN ADDENDUM TO THE ENVIRONMENTAL IMPACT REPORT FOR THE TRACY HILLS SPECIFIC PLAN, AND THE SUBMISSION OF AN APPLICATION TO LAFCO FOR ANNEXATION OF THE TRACY HILLS 35-ACRE ANNEXATION AREA INTO THE TRACY CITY LIMITS WITH PRE-ZONING OF TRACY HILLS SPECIFIC PLAN ZONE FOR APPROXIMATELY 35 ACRES LOCATED SOUTH OF I-580 IN THE VICINITY OF CORRAL HOLLOW ROAD, ASSESSOR'S PARCEL NUMBERS 253-030-13 AND 253-040-10

WHEREAS, The Tracy Hills Specific Plan consists of approximately 2,732 acres located in the vicinity of the existing Corral Hollow Road interchange and the proposed Lammers Road interchange on Interstate 580, and

WHEREAS, On April 5, 2016, City Council certified an Environmental Impact Report and approved a General Plan Amendment and a comprehensive update to the Tracy Hills Specific Plan, and

WHEREAS, Applications were submitted regarding the Tracy Hills 35-Acre Annexation Project, which includes a proposed General Plan Amendment, pre-zoning, and annexation to the City of Tracy of approximately 35 acres located south of I-580 in the vicinity of Corral Hollow Road, Assessor's Parcel Numbers 253-030-13 and 253-040-10, Application Numbers GPA20-0001 and AP20-0002, and

WHEREAS, The proposed General Plan Amendment would change the General Plan land use designation from Open Space to Residential Low for the approximately 35-acre annexation area, and also change the General Plan land use designation from Residential Very Low to Open Space for an equivalent sized 35-acre area located within the Tracy Hills Specific Plan area, adjacent to the southwestern boundary of the Specific Plan area, and

WHEREAS, The proposal includes annexing the Tracy Hills 35-Acre Annexation Area into the Tracy city limits, and upon annexation, the Tracy Hills 35-Acre Annexation area would be zoned Tracy Hills Specific Plan (THSP) Zone, and the Tracy Hills Specific Plan (THSP) Zone would be the pre-zoning for the application for annexation request to Local Agency Formation Commission (LAFCo), and

WHEREAS, Future infrastructure serving the Tracy Hills 35-Acre Annexation Area, including water, sewer, storm drain and roadways, would be provided in accordance with the Tracy Hills Specific Plan and the Citywide Infrastructure Master Plans, and incorporated into the development plans, subdivision maps, and infrastructure designs for the Tracy Hills Phase 2 Area, and

WHEREAS, The Tracy Hills 35-Acre Annexation area is currently split between Tracy Rural Fire Protection District and CAL FIRE (Department of Forestry), and based on current LAFCo policy, the annexation of this area into the City limits is expected to result in this area being detached from Tracy Rural and CAL FIRE jurisdictions and incorporated into the City's fire service jurisdiction, and

WHEREAS, An Environmental Impact Report (EIR) was certified by the City Council on April 5, 2016 for the Tracy Hills Specific Plan, and

WHEREAS, An Addendum to the EIR has been prepared in accordance with the

provisions of the California Environmental Quality Act (CEQA) Guidelines to document the finding that none of the conditions or circumstances that would require preparation of a subsequent EIR, pursuant to Sections 15162 and 15164 of the CEQA Guidelines, exist in connection with the Tracy Hills 35-Acre Annexation Project, and therefore, no further environmental review is required, and

WHEREAS, On May 12, 2021, the Planning Commission conducted a duly noticed public hearing to consider this matter and recommended that the City Council approve the General Plan Amendment and the submission of an application to LAFCo for annexation of the Tracy Hills 35-Acre Annexation area into the Tracy city limits with a pre-zoning of Tracy Hills Specific Plan Zone, and

WHEREAS, The City Council considered this matter at a duly noticed public hearing held on June 15, 2021;

NOW, THEREFORE BE IT RESOLVED as follows:

1. Recitals. The foregoing recitals are true and correct and are incorporated herein as findings.

NOW, THEREFORE BE IT FURTHER RESOLVED that the City Council of the City of Tracy hereby takes the following actions:

1. General Plan Amendment. Approves the General Plan Amendment (Application Number GPA20-0001), as shown in Attachment A of the City Council staff report dated June 15, 2021.

2. Pre-zoning and Annexation. Approves of annexation of the Tracy Hills 35-Acre Annexation area into the Tracy city limits with pre-zoning of Tracy Hills Specific Plan Zone (Application Number AP20-0002).

3. Application for Annexation Request to LAFCo. Directs staff to prepare and submit an application to LAFCo for annexation of the Tracy Hills 35-Acre Annexation area into the Tracy city limits with pre-zoning of Tracy Hills Specific Plan Zone.

* *

The foregoing Resolution 2021-_____ was passed and adopted by the City Council of the City of Tracy on the 15th day of June 2021, by the following vote:

AYES: COUNCIL MEMBERS:
NOES: COUNCIL MEMBERS:
ABSENT: COUNCIL MEMBERS:
ABSTAIN: COUNCIL MEMBERS:

_____
MAYOR

ATTEST:

_____
CITY CLERK

June 15, 2021

AGENDA ITEM 3.E

REQUEST

ACCEPT UPDATE AND RESPONSE TO MARCH 2, 2021 COUNCIL QUESTIONS REGARDING THE SOUTH SAN JOAQUIN COUNTY FIRE AUTHORITY (SSJCFA) PHASE 2 PERSONNEL TRANSITION PLAN FISCAL IMPACT ANALYSIS REPORT AND PROVIDE DIRECTION TO STAFF

EXECUTIVE SUMMARY

In February 2018, the City Council and Tracy Rural Fire District dissolved the South County Fire Authority (SCFA) and formed the South San Joaquin County Fire Authority (SSJCFA). This change created a new governance structure, which would facilitate the Authority's future transition to a "standalone" agency, while helping to preserve the Authority's partnership with Tracy Rural Fire District and create an equitable decision making authority between the member agencies.

On September 1, 2020, South San Joaquin County Fire Authority (SSJCFA) Fire Chief Randy Bradley provided a status update to the City Council about the Phase 2 Personnel Transition Plan, a plan to transition the SSJCFA to a semi-autonomous agency with full authority over fire service and fire employees, including labor negotiations.

In addition, at the September City Council Meeting, Council directed the City Manager to engage a third party to conduct a comprehensive fiscal impact analysis of Phase 2 Personnel Transition Plan and its impact on the Authority and City of Tracy. A comprehensive fiscal impact analysis of the Personnel Transition Plan was conducted by Municipal Resource Group, LLC (MRG) and presented to Council on March 2, 2021. The Council discussed the potential fiscal impacts of the transition and requested that MRG provide additional information regarding health insurance and administrative support function options, analysis regarding revenue projections, and an assessment of the Authority's governance model. This item provides Council with an opportunity to discuss and receive the additional information requested by Council.

DISCUSSION

On March 2, 2021, MRG presented a comprehensive fiscal impact analysis of the SSJCFA Phase 2 Personnel Transition Plan and its impact on the Authority and City of Tracy (Attachment A). MRG found that the transition, as it is currently envisioned, would initially increase operating costs for the Authority and City, which may also increase over time. The majority of these costs relate to the discontinuance of the City's more cost-effective provision of health insurance, administrative services, and similar costs. According to MRG, some of the cost increases could be reduced and recommended that the City consider three areas for discussion or additional analysis:

- *CalPERS Unfunded Liability:* The City and the District will need to confer and agree on a methodology for allocating the existing and future CalPERS UAL. This is a substantial liability that will grow over time, and the City and District would be wise to agree on a funding strategy before the transition.

- *Health Insurance Benefits for Employees:* While the proposal to provide CalPERS health insurance benefits provides new options for employees, it also triggers a requirement for contributions to retiree medical insurance. In the long run, this will increase expenses and, most notably, add considerable liability. Higher annual premium costs from non-CalPERS providers might be justified to avoid this long-term liability.

- *Administrative and Support Services:* The transition to a semi-autonomous Authority will create the need for administrative, legal, technical, fiscal and similar services that are, to some extent, duplicative of services provided by the City. In the long run, the Authority will experience costs in excess of those charged by the City for these services. As new stations and fire personnel are added outside the City's boundaries, the City's proportionate share of costs will be reduced from the current amount of 72%, reducing the City's burden for Authority administrative and overhead costs.

Council subsequently asked for additional information around health insurance options, administrative support services, long-term fiscal forecast assumptions, and the Authority's governance model. The following section provides a summary of the follow-up information requested by Council.

Update and Response to March 2, 2021 Council Questions - SSJCFA Phase 2 Personnel Transition Plan Fiscal Impact Analysis Report

On March 2, 2021, the City Council reviewed the potential fiscal impacts of the SSJCFA Phase 2 Personnel Transition Plan in a report prepared and presented by MRG. Council requested that MRG provide additional analysis concerning options about health insurance and administrative support functions, revenue projections, and effectiveness of the governance model (Attachment B). The section below summarizes MRG's findings and recommendations.

Health Insurance Options. MRG worked with Authority staff to review health insurance options. Because the requirement to contribute toward retiree health insurance premiums would substantially increase City and District long-term liabilities, MRG does not recommend the CalPERS health insurance plans. A health insurance plan from the Fire District Association of California is reasonably priced and a good option. However, because it is unclear how the City's health insurance plan rates may change and implementation time is short, the Authority may consider contracting with the City for employee health insurance through 2022, providing sufficient time to evaluate the impacts on City rates and implement the transition smoothly.

Administrative Support Services. According to MRG, the Authority has made great progress in developing policies and plans needed to provide human resources and payroll services to their employees. Additionally, the Authority has developed a future staffing structure that will provide two employees each to support the finance and human resources functions. MRG believes that these functions will require at least five full time equivalent employees combined. The Authority can substitute on-going contractor support if desired, with associated costs.

The Authority continues to develop implementation plans to provide payroll and human resources services for employees. Given the planned implementation date of October 1, 2021 and the tremendous amount of work that needs to be accomplished to implement these two functions, MRG recommends that the Authority work collaboratively with the City to phase the transition of these services and identify the highest priority services to transition immediately. It is recommended that the Authority explore contracting with the City for services (e.g. payroll) that can be phased in over the next six to twelve months.

Long-Term Fiscal Forecast. The City and District have both prepared revenue projections that appear to reasonably reflect future resources based on development projections and other factors. The Authority, using these projections, prepared a Sustainability Plan that indicates available revenues will be sufficient to pay anticipated Authority operating costs.

However, MRG is concerned that the expense projections prepared by the Authority and its member agencies do not sufficiently represent future cash needs. For example, the expense projections do not appear to include adequate funding for capital replacement of facilities and apparatus, long-term CalPERS liabilities, or the need to set aside and maintain operational reserves. MRG believes that the member agencies should plan for these long-term expenses as well as the operational costs for the Authority. The projections also may not reflect the long-term cost for administrative support services. Until these needs are addressed and quantified, MRG does not believe it is not possible to fully determine if revenues will be sufficient to meet Authority needs.

To avoid temporary swings in member contributions for Authority operations, and help ensure long-term financial stability of the Authority, MRG recommends that the City and District should consider funding an operating reserve. It is also recommended the City, District, and Authority collaboratively develop revenue and expense projections and budgets that include funding plans for long-term liabilities and reserves.

Governance Model. Prior to 1999, the City and District provided fire services to their individual jurisdictions. The City and District could choose to dissolve the JPA and again provide services separately, however, based on MRG's assessment, there would be significant fiscal and operational impacts. For example, each agency would need to hire management staff and provide administrative services, as well as acquire specialty equipment that is currently shared, resulting in increased costs. Additionally, because certain areas in the City limits remain in the District's fire service area, the allocation of

property tax revenue would change after dissolution, with a high risk of revenue loss to one or both of the JPA members. MRG believes that the JPA model provides superior, less costly and more effective services to the community than would be achieved if the participating agencies provided those services separately.

MRG also recommends additional training, orientation and communication with new and current Board members to improve collaboration and help Board members better understand organizational and operational challenges when making critical policy choices.

This staff report is for informational purposes only. There is no action required of Council other than to accept the attached report. Council may provide additional direction if necessary.

STRATEGIC PLAN

This agenda item aligns with the 2021-2023 Council's Strategic Plan, under Public Safety Goal 5: Complete and Present Fiscal Analysis of the SSJCFA Personnel Transition Plan (Phase 2).

FISCAL IMPACT

There is no fiscal impact associated with accepting the update and response to the March 2, 2021 Council questions regarding the SSJCFA Phase 2 Personnel Transition Fiscal Impact Analysis Report.

RECOMMENDATION

It is recommended that City Council accept the update and response, by motion, to the March 2, 2021 Council questions regarding the SSJCFA Phase 2 Personnel Transition Fiscal Analysis Report and provide direction to staff.

Prepared by: Jennifer D. Haruyama, City Manager

Reviewed by: Karin Schnaider, Finance Director

Approved by: Jennifer D. Haruyama, City Manager

ATTACHMENTS

Attachment A - March 2, 2021 Staff Report - Fiscal Impact Analysis Report of the SSJCFA Phase 2 Personnel Transition by MRG, LLC

Attachment B - Update and Response to March 2, 2021 Council Questions Regarding the Fiscal Impact Analysis of SSJCFA Phase 2 Personnel Transition Plan by MRG, LLC

March 2, 2021

AGENDA ITEM 3.B

REQUEST

ACCEPT CITY OF TRACY FISCAL IMPACT ANALYSIS REPORT OF SOUTH SAN JOAQUIN COUNTY FIRE AUTHORITY (SSJCFA) PERSONNEL TRANSITION AND PROVIDE DIRECTION TO STAFF

EXECUTIVE SUMMARY

On September 1, 2020, South San Joaquin County Fire Authority (SSJCFA) Fire Chief Randy Bradley provided an update to the City Council about the status of its Fire Personnel Transition Plan, a plan to transition the SSJCFA to a semi-autonomous agency with full authority over fire service and fire employees, including labor negotiations.

In February 2018, the City Council and Tracy Rural Fire District dissolved the South County Fire Authority (SCFA) and formed the South San Joaquin County Fire Authority (SSJCFA). This change created a new governance structure, which would facilitate the Authority's future transition to a "standalone" agency, while helping to preserve the Authority's partnership with Tracy Rural Fire District and create an equitable decision making authority between the member agencies.

As a follow up to the update, Council directed the City Manager to engage a third party to conduct a comprehensive fiscal impact analysis of the transition plan and its impact on the Authority and City of Tracy.

DISCUSSION

In 1999, the City of Tracy (City) and the Tracy Rural Fire Protection District (District) entered into a joint powers agreement forming the South County Fire Authority (SCFA), with the City providing nearly all administrative and management support. In 2018, the District and the City determined that they would benefit by dissolving the SCFA and creating a new Joint Powers Authority (JPA) that would operate more autonomously (Attachment A).

In February 2018, the City and the District formed the South San Joaquin County Fire Authority (SSJCFA) via a Joint Powers Agreement ("JPA Agreement"), with the future desire to transition the SSJCFA to a semi-autonomous agency with full authority over fire service and fire employees, including labor negotiations.

The transition began with a first phase, in which the SSJCFA would operate under a new governance structure. Under the new structure, the Fire Chief serves as the Authority's Executive Officer in lieu of the City Manager, the Treasurer-Controller is an

employee of the SSJCFA instead of the City Finance Director, and the Authority employs its own legal counsel. The composition of the Authority Board is the same as the previous governance structure; it includes two representatives from the City Council, two representatives from Tracy Rural Fire District, and an option for a 5th at-large Board member. Additionally, the role of the elected officials transitioned from an advisory capacity to one with authority to enter into contracts, leases, and purchases, and collect fees/payments. This phase (Phase 1) has been completed.

The second phase, which is still in process, involves the development of a Personnel Transition Plan that details how SSJCFA will implement the transition of City fire employees to the Authority. The development of a Personnel Transition Plan is required by Section 1.6 of the SSJCFA JPA Agreement. This process requires that the City of Tracy transition its employer of record status of sworn and non-sworn fire employees to the SSJCA. As a result, SSJCFA would become an employer of more than 80 staff and the SSJCFA Board will have full authority over fire service and fire employees, including labor negotiations. The City and the District will continue to fund their share of costs based on an agreed-upon formula and, as future stations and staffing are added outside the City limits, these funding ratios will change, and the City's share reduced.

On September 1, 2020, SSJCFA provided Council with an update about the status of the Fire Personnel Transition Plan (Attachment B). As part of that discussion, Council directed City staff to engage a professional consultant to conduct a comprehensive fiscal impact analysis of the transition plan and its impact on the Authority and City of Tracy. Upon completion of the fiscal analysis, staff indicated it would schedule the Personnel Transition Plan for a future Council meeting. It is anticipated that the Plan will be agendized for Council consideration by late Spring.

Personnel Transition Plan Fiscal Impact Analysis Report

In response to Council's request for a fiscal analysis, the City of Tracy engaged Municipal Resource Group, LLC (MRG) to provide an independent and comprehensive review of the fiscal impacts associated with the personnel transition. The attached report and presentation provides the City with an inventory of potential costs, and suggestions for additional analysis (Attachment C & D). It is important to note that the report does not address revenue projections for the City or its member agency partner.

That being said, as part of its fiscal sustainability efforts, the City developed a 10-year financial forecast, which projects significant challenges for both future revenue and expenditures. Additionally, according to SSJCFA, Tracy Rural recently completed a fiscal assessment which indicated that the District's current situation is stable; however, the study does not address future revenues and expenditure projections.

MRG's report found that the transition could have significant fiscal impacts for the City in three broad categories:

1. Operational costs incurred by the Authority and shared between the District and the City
2. Operational costs incurred directly by the City
3. Long-term liabilities (for both the City and the District)

The fiscal impact analysis report provides a background of the methodology used and provides an overview of the fiscal impact of operational costs and long-term liabilities. Expense categories that were assessed include, but are not limited to the following:

- Authority Health Care Insurance Costs and Long-Term Liabilities
- Administrative & Support Services
- Classification & Compensation
- CalPERS Contribution Rates
- Future City Health Care Expenses
- General Liability and Workers Compensation
- Stations, Apparatus & Equipment Operational Costs and Long Term Liabilities
- CalPers Unfunded Accrued Liabilities
- Retiree Medical Leave Bank

Personnel Transition Plan Fiscal Impact Analysis Report Findings

MRG found that the transition, as it is currently envisioned, will initially increase operating costs for the Authority and City, which may also increase over time. The majority of these costs relate to the discontinuance of the City's more cost-effective provision of health insurance, administrative services, and similar costs. According to MRG, some of the cost increases could be reduced and recommends that the City consider three areas for discussion or additional analysis:

- *CalPERS Unfunded Liability:* The City and the District will need to confer and agree on a methodology for allocating the existing and future CalPERS UAL. This is a substantial liability that will grow over time, and the City and District would be wise to agree on a funding strategy before the transition.

- *Health Insurance Benefits for Employees:* While the proposal to provide CalPERS health insurance benefits provides new options for employees, it also triggers a requirement for contributions to retiree medical insurance. In the long run, this will increase expenses and, most notably, add considerable liability. Higher annual premium costs from non-CalPERS providers might be justified to avoid this long-term liability.

- *Administrative and Support Services:* The transition to a semi-autonomous Authority will create the need for administrative, legal, technical, fiscal and similar

services that are, to some extent, duplicative of services provided by the City. In the long run, the Authority will experience costs in excess of those charged by the City for these services. As new stations and fire personnel are added outside the City's boundaries, the City's proportionate share of costs will be reduced from the current amount of 72%, reducing the City's burden for Authority administrative and overhead costs.

Additionally, as outlined in MRG's report, many details of the transition remain to be resolved; however, as transition details are created, additional impacts may be identified, while others may be resolved. The Authority previously planned to transition to the employer of record by 1Q or 2Q 2021. However, it is MRG's recommendation that the Authority delay this implementation date until the details of the transition are further developed and/or has explored the suggested areas for additional analysis.

STRATEGIC PLAN

This agenda item aligns with the 2021-2023 Council's Strategic Plan, including Multi-Year and Short-Term Priorities under Public Safety: (1) SSJCFA to complete Phase 2 of the Personnel Transition Plan and (2) Complete and Present Fiscal Analysis of the SSJCFA Personnel Transition Plan (Phase 2).

FISCAL IMPACT

There is no fiscal impact associated with accepting the Fiscal Impact Analysis Report of the SSJCFA Phase 2 Personnel Transition.

RECOMMENDATION

It is recommended that City Council accept the Fiscal Impact Analysis Report completed by MRG, LLC and provide direction to staff.

Prepared by: Jennifer D. Haruyama, City Manager

Reviewed by: Leticia Ramirez, City Attorney
Karin Schnaider, Finance Director

Approved by: Jennifer D. Haruyama, City Manager

ATTACHMENTS

A. SSJCFA Joint Powers Agreement
B. September 1, 2020 Staff Report – Receive Update from the SSJFCA on the Employee Transition Plan and Provide Direction to Staff
C. Fiscal Impact Analysis Report of the South San Joaquin County Fire Authority Phase 2 Personnel Transition by MRG, LLC.
D. City of Tracy Fiscal Impact Analysis of SSJCFA Power Point Presentation by MRG, LLC

AMENDMENT NO. 1 TO THE JOINT POWERS AGREEMENT OF THE SOUTH SAN JOAQUIN COUNTY FIRE AUTHORITY

THIS AMENDMENT is entered into by an between the City of Tracy, a municipal corporation ("City"), and the Tracy Rural Fire Protection District, a fire protection district formed pursuant to Health and Safety Code sections 13000 and following ("Fire District"). City and Fire District are collectively referred to as "Member Agencies."

RECITALS

WHEREAS, City and Fire District entered into a "Joint Powers Agreement of the South San Joaquin County Fire Authority" (the "Agreement") on February 20, 2018, and

WHEREAS, The parties wish to amend the Agreement to align with requirements of the California Government Code sections 6508.1-6508.2 regarding joint powers agreements that participate in or contract with a public retirement system and the liability of member agencies upon termination.

NOW, THEREFORE, THE PARTIES MUTUALLY AGREE AS FOLLOWS:

1. **Incorporation by Reference**. This Amendment incorporates by reference all terms and conditions set forth in the Agreement, unless specifically modified by this Amendment. All terms and conditions set forth in the Agreement which are not specifically modified by this Amendment shall remain in full force and effect.

2. **Terms of Amendment.**

A. Section 1.7 "Obligations of Authority" of the Agreement is amended to read as follows:

"Section 1.7 Obligations of Authority

The debts, liabilities, and obligations of the Authority shall not be the debts, liabilities, and obligations of any Member Agency unless otherwise specified in Section 2.11 of this agreement.

B. Subsection (b) "Continued Liabilities" of Section 2.11 of the Agreement is amended to read as follows:

"Section 2.11 Termination of Authority; (b) Continued Liabilities.

Upon termination of this Agreement, unless otherwise determined by a court of competent jurisdiction, any continuing obligations of the Authority shall be borne by the Member Agencies in proportion to their total monetary responsibility for costs of maintenance and operations for the life of the Authority, except as otherwise stated herein.

Each Member's Agency's proportionate share of CalPERS liability is determined by the cost allocation formula defined in Section 5.4 and in effect at the time the Authority is dissolved or insolvent. In the event the Authority is dissolved or becomes insolvent, or the agreement with CalPERS is terminated, each Member Agency is responsible for its

proportionate share of all other outstanding Authority liabilities and obligations incurred during the Member Agency's membership in the Authority, allocated in accordance with the formula defined in Section 5.4 and in effect at the time of said dissolution or insolvency, so that the Member Agencies together have fiscal responsibility for 100% of the Authority's outstanding liabilities and obligations upon dissolution or insolvency."

3. **Modifications**. This Amendment No. 1 may not be modified orally or in any manner other than by agreement in writing signed by both parties, in accordance with the requirements of the Agreement.

4. **Severability**. In the event any term of this Amendment is held invalid by a court of competent jurisdiction, the Amendment shall be construed as not containing that term, and the remainder of this Amendment shall remain in full force and effect.

5. **Signatures**. The individuals executing this Amendment No. 1 represent and warrant that they have the right, power, legal capacity, and authority to enter into and to execute this Amendment No. 1 on behalf of the District and the City. This Amendment No. 1 shall inure to the benefit of and be binding upon the parties thereto and their respective successors and assigns.

IN WITNESS WHEREOF the parties do hereby agree to the full performance of the terms set forth herein.

CITY OF TRACY

By: _____
Robert Rickman
Title: Mayor

Date: 10-17-19

Attest:

By: _____
Adrianne Richardson
Title: City Clerk

Date: 10/18/19

Approved as to form

By: _____
Leticia Ramirez
Title: Interim City Attorney

Date: 10/16/19

TRACY RURAL FIRE PROTECTION DISTRICT

By: _____

Title: Board Chairperson

Date: 10-15-19

Attest:

By: _____
Natalie Bowman
Title: Clerk of the Board

Date: 10-15-19

Approved as to form

By: _____
Mark C. Bowman
Title: Attorney at Law, District Counsel

Date: 10-15-19

JOINT POWERS AGREEMENT OF THE SOUTH SAN JOAQUIN COUNTY FIRE AUTHORITY

THIS AGREEMENT is entered into on this 20th day of February 2018, by and between the City of Tracy, a municipal corporation ("City") and the Tracy Rural Fire Protection District, a Fire Protection District ("District").

RECITALS

WHEREAS, pursuant to Title 1. Division 7, Chapter 5 of the Government Code of the State of California the City and District ("**Initial Member Agencies**") previously entered into an agreement for the joint exercise of any power common to them; and

WHEREAS, the Initial Member Agencies desire to enter this Agreement to exercise the power to provide fire protection services within their jurisdictions under a new joint powers authority (hereinafter "**the South San Joaquin County Fire Authority**" or "**Authority"**); and

WHEREAS, this Agreement sets forth the terms and conditions by which they will exercise their powers for the purpose of improving the provision of fire service with the Authority's jurisdiction.

AGREEMENT

NOW THEREFORE, for and in consideration of the mutual advantages to be derived therefrom and in consideration of the mutual covenants herein contained, it is agreed by and between the parties hereto as follows:

SECTION 1. PURPOSE AND POWERS

1.1 Authority.

South San Joaquin County Fire Authority ("Authority") is formed by this Agreement pursuant to the provisions of Article 1, Chapter 5, Division 7, Title 1 (commencing with section 6500) of the Government Code of the State of California ("Act"). As provided in Government Code section 6507, the Authority shall be a public entity separate from the parties hereto and its debts, liabilities and obligations shall not be the debts, liabilities and obligations of its Member Agencies. The terms "Members" or "Member Agencies" shall mean any public entity or agency that has agreed to this Agreement, including Initial Member Agencies. The term "Initial Member Agencies" shall only mean City and District.

1.2 Purpose.

The purpose of this Agreement is to provide for the joint exercise of powers to provide a full range of fire services ("Fire Protection Services") within the Authority's jurisdictional area including:

(a) Administer and direct the personnel that provides the Fire Protection Services and provide the necessary administrative support for its programs and operations, which shall include, but not be limited to,

(i.) Provide fire safety plan checks and inspections for all commercial, residential and industrial buildings.

(ii.) Coordinate abatement activities for hazardous materials and nuisances.

(iii.) Promote fire prevention.

(iv.) Respond to fire and emergency calls to provide fire suppression, rescue, emergency medical advanced life support, and hazardous materials response services.

(v.) Provide and manage a training program involving all facets of departmental functions and operations, for career, reserve, and volunteer personnel.

(vi.) Contract for or provide fire dispatch services ("Fire Dispatch Services") within the Authority's jurisdictional area.

(b) Adopt performance objectives of the Authority.

1.3 General Powers.

The Authority shall exercise in the manner herein provided the powers common to each of the Member Agencies, and/or inherent to any one Member Agency, as provided by the laws of the State of California, e.g. Fire Protection District Law of 1987, and all incidental, implied, expressed, or necessary powers for the accomplishment of the purposes of this Agreement, subject to the restrictions set forth in this Agreement and shall have the power to manage, maintain, and operate facilities.

1.4 Specified Powers.

The Authority is hereby authorized, in its own name, to do all acts necessary for the exercise of the foregoing powers, including but not limited to, any of the following:

(a) Initiate, alter and otherwise exercise the common powers of its Members in providing fire suppression, protection, prevention and related services, and those powers that may be conferred upon it by subsequently enacted legislation, and to be the exclusive

body to make policy concerning the administration of the provision of fire service by the Authority for Member Agencies including determining if, when and where to place facilities and staff said facilities within the Authority's jurisdiction for services.

(b) Make and enter into contracts, including contracts with its Members; provided, however, the Authority may not enter into real property development agreements pursuant to Government Code Section 65865.

(c) To hire and employ personnel or to contract for personnel to fulfil its mission.

(d) Assume existing contracts relating to fire suppression, protection, prevention and related services.

(e) Lease, acquire, hold and dispose of real and personal property.

(f) Invest reserve funds.

(g) Incur debts, liabilities, or obligations, provided that all long term bonded indebtedness, certificates of participation or other long-term debt financing require the prior consent of the Member Agencies.

(h) Sue and be sued in its own name.

(i) Apply for grants, loans, or other assistance from persons, firms, corporations, or governmental entities.

(j) Use any and all financing mechanisms available to the Authority, subject to the provisions of this Agreement.

(k) Prepare and support legislation related to the purposes of the Agreement.

(l) Lease, acquire, construct, operate, maintain, repair and manage new or existing facilities, apparatus and equipment as well as to close or discontinue the use of such facilities, apparatus and equipment.

(m) Levy and collect payments and fees for Fire Protection Services.

(n) Impose new special taxes or assessments as authorized by law to the extent allowed by law, and in coordination with the underlying jurisdiction(s).

(o) Provide related services as authorized by law including, but not limited to, emergency medical services, emergency preparedness, mitigation of hazardous materials incidents and confined space rescue.

(p) Contract for the services of attorneys, accountants, consultants and other services as needed.

(q) Purchase insurance or to self-insure and to contract for risk management services.

(r) Adopt rules, regulations, policies, bylaws and procedures governing the operation of the Authority, including the determination of compensation of Directors.

(s) Exercise the power of eminent domain.

(t) Advise its Members of the impact of land development on the provision of fire suppression, protection, prevention and related services.

(u) Recommend approval of an annual fire department budget to the Member Agencies, including, but not limited to, staffing levels at each fire station and all related costs for each fire station and the administrative, training and fire prevention budget activities.

(v) Develop finance, procurement and conflict of interest policies.

(w) Establish fire department operational policies for fire protection.

(x) Receive, accept, and utilize the service of personnel offered by the Member Agencies, or their representatives or agents and to receive, accept and utilize real or personal property from the Member Agencies.

(y) Mitigate fire protection impacts caused by development within the jurisdiction of the Authority.

1.5 Restrictions on Exercise of Powers.

The power of the Authority shall be exercised in the manner provided in the Act and, in accordance with §6509 of the Act, shall be subject to the restrictions upon the manner of exercising such powers that are imposed upon general law cities in the State of California in the exercise of similar powers.

1.6 Employment of Personnel and Administration of Services.

Initially, the Authority will contract with a Member Agency to serve as the "Employer of Record" and provide all employees and employee services to the Authority. The Initial Member Agencies desire to transition to having the Authority employ its own personnel to provide any or all of the services the Authority elects to provide. In the event that the Authority elects to employ its own personnel, the Chief Executive Officer shall, with the assistance of the staffs and consultants of the Member Agencies, prepare a personnel plan ("the Personnel Plan") detailing how the Authority would employ its own personnel. The Personnel Plan shall detail the treatment of matters such as transfer of employees from the Member Agencies to the Authority (and the transfer's effect on

existing collective bargaining agreements, the allocation of pension liabilities and obligations, the treatment of accrued leave, civil service and seniority rights, and other employee benefits and rights), risk management, and other administrative matters required at the start-up of new organizations. The Personnel Plan shall be presented to the legislative bodies of the Member Agencies. Upon their receipt of the Personnel Plan, the Member Agencies agree to meet in good faith and negotiate the terms of the Authority employing personnel. Thereafter, Member Agencies and Authority shall enter into an agreement regarding the terms of employing personnel ("the Personnel Agreement").

Until such time as personnel are transferred to the Authority, the Authority's Chief Executive Officer shall be hired as the Fire Chief of the Member Agency that is the "Employer of Record." Until such time as personnel are transferred to the Authority pursuant to this Section, Employer of Record shall assign the functions of its personnel to the Authority.

All of the privileges and immunities from liability, exemptions from laws, ordinances and rules, all wages and benefits, disability, workers compensation, and other benefits which apply to the activities of the officers, agents, or employees of the Member Agencies when performing their respective functions shall apply to them to the same degree and extent while engage in the performance of any of the functions or duties under this Agreement.

1.7 Obligations of Authority.

The debts, liabilities, and obligations of the Authority shall not be the debts, liabilities, and obligations of any Member Agency.

1.8 Conflict of Interest.

The Authority Board shall adopt and, thereafter, maintain a conflict of interest code in compliance with applicable provisions of the Political Reform Act (Gov. Code, §87300 et seq.) and the regulations adopted by the Fair Political Practices Commission (Cal. Code Regs., Title 2, §1870 et seq.).

1.9 Identification.

The Authority's fire stations fire apparatus, vehicles and personnel will be identified as "South County Fire."

SECTION 2. GOVERNANCE.

2.1 Governing Board.

The Authority shall be administered by a Board of Directors (hereinafter, "**Authority Board**" or "**Board**") consisting of members of the legislative bodies of the Member Agencies. The initial Member Agencies, as identified in this agreement, shall each indefinitely be allocated a minimum of two Board positions. Any additional Member Agency that becomes party to this agreement shall be allocated a minimum of one Board position and may not exceed two Board positions.

Each Legislative Body shall appoint an alternate Board member from the Legislative Body who may act in the absence of a member appointed by that Legislative Body. The Board of Directors shall be called the "Board of Directors of the South San Joaquin County Fire Authority." All voting power of the Authority shall reside with the Board of Directors who shall be responsible for setting policy for the Authority including the provision of all Fire Protection Services for its Member Agencies.

All Board members shall serve at the pleasure of the Member Agency that appointed such Board member.

All vacancies on the Board of seats appointed by Member Agencies shall be filled by the appointing Member Agency within thirty (30) calendar days of the vacancy. Each board member shall cease to be member of the Board of Directors when such member ceases to hold office as a member of the Legislative Body appointing entity.

2.2 Officers.

(a) Chief Executive Officer.

The Authority Board of Directors shall select an Chief Executive Officer and the Chief Executive Officer shall serve as the Authority Fire Chief and shall serve at the will of the Authority Board. The Chief Executive Officer shall be responsible for implementing the Authority's policies as well as administration of the Authority's affairs and property as directed by the Authority's Board of Directors.

Initially, as stated in Section 1.6, a Member Agency shall serve as the "Employer of Record" of the Authority's and the Chief Executive Officer shall be employed by the said Member Agency. Although employed by a Member Agency, the Chief Executive Officer shall be selected by and serve at the "will" of the Authority Board of Directors.

The Chief Executive Officer shall have the power:

- To prepare and submit, in consultation with the Member Agencies, to the Board of Directors, an annual budget for the succeeding Fiscal Year;
- To expend funds of the Authority whenever authorized by the Authority's annual budget or the Member Agencies for additional services;
- To retain any consultants, or contractors, as authorized in the Authority's budget, or as may be directed by the Board of Directors;
- To supervise the operation of the Authority's Fire Protection Services and Leased Facilities;

- To make recommendations to the Member Agencies for the purchase or construction of new fire station(s) apparatus and equipment, the replacement of existing property and/or the acquisition of new property; and

- To perform such other duties as directed by the Board of Directors.

The Chief Executive Office shall provide the Authority's Board of Directors a report each quarter of the staffing levels at each fire station and such other details of operational performance of the Authority's services as well as any other reports concerning the Authority as may be requested by the Board of Directors.

(b) Secretary/Clerk.

The Secretary/Clerk shall be appointed by the Board. The Secretary shall countersign all contracts signed by the Chairperson, Vice-Chairperson and/or the Chief Executive Officer on behalf of the Authority, as well as perform such other duties as may be imposed by the Board of Directors.

The Secretary/Clerk shall be responsible for providing notice of, preparing and posting agendas after consulting the Member Agencies, and keeping minutes of regular, adjourned regular, and special meetings of the Board, and shall cause a copy of the minutes to be forwarded to each Director. The Secretary/Clerk shall have charge of, handle and have access to all other records of the Authority. The Secretary/Clerk shall be directed by the Chief Executive Officer.

(c) Controller/Treasurer.

The Controller Treasurer shall be appointed by the Board. The Controller/Treasurer shall be depository and shall have custody of all of the accounts, funds and money of the Authority from whatever source. The Controller/Treasurer shall have the duties and obligations set forth in §§6505 and 6505.5 of the Act, and shall assure that there shall be strict accountability of all funds and reporting of all receipts and disbursements of the Authority.

The Controller/Treasurer shall provide monthly reports of Member Agencies' expenditures and revenue for fire prevention and fire protection services and of the Authority to the Board of Directors in such form as may be specified by the Board.

(d) Officers in Charge of Property.

Pursuant to §6505.6 of the Act, the Controller/Treasurer shall have charge of, handle, and have access to all accounts, funds, and money of the Authority and all records of the Authority relating thereto; the Secretary shall have charge of, handle and have access to all other records of the Authority; and the Chief Executive Officer shall

have charge of, handle, and have access to physical properties of the Authority, in such a manner as may be specified by the Authority's Board of Directors.

(e) Official Bonds.

The Chief Executive Office, Secretary/Clerk, and Controller/Treasurer shall each file an official bond in the penal sum of $25,000 pursuant to §6505.1 of the Act.

(f) Legal Counsel.

The Board of Directors shall have the power to appoint one or more general and/or special legal counsel to the Authority who shall perform such duties as may be prescribed by the Board of Directors. Neither legal counsel, nor his/her firm, shall represent any Member Agency, unless a conflict waiver has been granted by the Authority.

2.3 Meetings of the Board of Directors.

The Board of Directors shall provide for regular meetings at a date, time, and place fixed by resolution of the Board of Directors which shall occur at least monthly. All meetings of the Board of Directors shall be called, noticed, held, and conducted in accordance with the provisions of §§54950, et seq. of the California Government Code (The Ralph M. Brown Act). A proposed agenda shall be sent to all Member Agencies prior to a board meeting, as directed, by resolution of the Board.

A minimum of half of the Board of Directors, plus one Board member, shall constitute quorum for purposes of conducting meetings and transacting business.

2.4 Chairperson and Vice-Chairperson.

The Board of Directors shall elect a Chairperson and Vice-Chairperson from among its members. The Chairperson and Vice-Chairperson shall rotate from each Member Agency annually such that the Chairperson and Vice-Chairperson shall not be appointed from the same Member Agency. In the event of the disqualification or permanent inability to serve as the Chairperson during the year, another member from the same Agency shall be appointed Chairperson to fulfill the one-year term.

The Chairperson shall preside at all Authority Board meetings, may sign all contracts on behalf of the Authority and shall perform such other duties as may be imposed by the Board of Directors.

The Vice-Chairperson shall act, sign contracts, and perform all of the Chairperson's duties in the temporary absence of the Chairperson.

2.5 Required Votes.

The affirmative votes of a majority of members of the Board of Directors shall be required to take any action, provided however, that any vote to incur a debt or to issue bonds respectively, shall require a unanimous vote of all Board members.

2.6 Voting.

Each member of the Board of Directors shall have one vote.

2.7 Minutes.

The Secretary/Clerk shall keep minutes of the meetings of the Board of Directors and forward a copy of the minutes to each Member Agency following board approval.

2.8 Bylaws.

The Board of Directors may adopt Bylaws for the conduct of its meetings and affairs as are necessary for the purposes herein.

2.9 Appointment of Officers/Employees.

Initially, an officer or employee of a Member Agency as specified in Section 2.2(c) may hold the office of Controller/Treasurer of the Authority. Within one (1) year of the Effective Date of this Agreement, the Authority shall select an independent Controller/Treasurer who shall assume the responsibilities within a reasonable period of time. Such person or persons shall possess the powers of and shall perform the Controller/Treasurer functions for the Authority required by Government Code Sections 6505, 6505.5, and 6505.6, including any subsequent amendments thereto. The Controller/Treasurer shall assure that there shall be strict accountability of all funds and reporting of all receipts and disbursements of Authority.

2.10 Expenditures for the Approved Budget.

All expenditures within the amount of the approved general budget shall be made in accordance with the authorization of the Board. Expenditures in excess of any amount approved in the general budget by the Board shall not be made without the approval of a majority of all of the Directors of the Board. A Member Agency incurring obligations to the Authority without Board approval shall be fully liable for said obligation and shall indemnify the Authority and the other Member Agencies from said obligations.

2.11 Termination of Authority.

(a) Notice Required.

This Agreement may be terminated by an affirmative vote of Member Agencies constituting 50% or more of the membership of the Authority. A written Notice of

Termination shall be sent all other Member Agencies following that vote and shall state that the termination date is effective at least twenty four (24) months from the date of the Notice.

(b) Continued Liabilities.

Upon termination of this Agreement, unless otherwise determined by a court of competent jurisdiction, any continuing obligations of the Authority shall be borne by the Member Agencies in proportion to their total monetary responsibility for costs of maintenance and operations for the life of the Authority.

(c) Disposition of Leased Facilities.

Upon termination of this agreement, Authority shall return all Leased Facilities, including any replacements, to the Member Agency on title, reasonable wear and tear excepted.

(d) Surplus Money.

Upon termination of this Agreement, any surplus money on hand shall be returned to the Member Agencies in accordance with the proportion to their total monetary responsibility for costs of maintenance and operations for the life of the Authority

(e) Obligations Survive Termination.

The obligations of Section 2.11 survive termination of this Agreement.

2.13 Dispute Resolution.

In the event the Member Agencies disagree regarding the interpretation or application of this Agreement or cannot agree on the distribution of Leased Facilities and/or other assets of the Authority upon termination, they shall meet during a ninety (90) day period in a good faith effort to resolve the disagreement informally. If the Member Agencies cannot informally resolve the dispute, they shall then attempt to resolve such dispute through either non-binding mediation or arbitration for a period not to exceed sixty (60) calendar days. If the Member Agencies cannot mutually agree upon a mediator, then the presiding judge to the San Joaquin County Superior Court shall designate a mediator. The Member Agency shall contribute equally to the cost of mediation. If mediation is unsuccessful, the disputing Member Agency may pursue litigation or any other remedies to resolve the dispute.

The arbitration shall be conducted in accordance with the California Arbitration Act (Code of Civil Procedure §1280 et seq.). The costs of mediation or arbitration (excluding each Agency's own costs) shall be borne by the Agencies equally.

2.14 Cooperation and Disclosure.

Unless and until the Authority employs its own personnel, the Employer of Record shall keep the Authority informed of any negotiations, agreements or other circumstances that have a significant impact on the operations and/or jurisdiction of the Authority. Member Agencies shall keep the Authority informed of their negotiations with developers and, prior to entering into any agreements with same, shall advise the Authority of any significant impacts to the Authority. Members shall promptly notify the Authority of all annexation or new land development applications that impact the Authority's jurisdiction before filing with any city or county. Members shall consult with the Authority other Members before seeking to raise new revenue (ballot, tax or bond) that impact the provision of fire services. Upon written request, Member Agencies shall, within a reasonable time period, provide the Authority with records necessary to conduct audits of funds used for the provision of fire services.

All Member Agencies shall be notified before any Member Agency approves a formal action by any Member Agency to pursue, financing, purchasing and/or building facilities to be used for Fire Protection Services.

SECTION 3. LEVEL OF SERVICE.

3.1 Basic Services.

A. *List of Services.* The Authority shall provide a uniform, minimum set of basic services to each Member Agency, which shall consist of the following:

1. Responding to fire and emergency calls to provide fire suppression, rescue, emergency medical, and hazardous materials response service.

2. Providing a fire prevention program that includes fire safety plan checks, issuance of fire safety permits and inspections as required by the California Fire Code.

a. The Member Agencies will each adopt the California Fire Code with such modification and amendments deemed appropriate by each Agency. As part of the code adoption process, each Agency will assign the Authority as the "Authority Having Jurisdiction" for all fire protection matters within the Member Agency jurisdictions.

b. The Authority by Member agreement may charge user fees for its fire protection program to the greatest extent possible to fully recover its cost for services. By agreement with the Authority, a Member Agency may elect to fund the aspects of the Authority fire protection program otherwise required to be funded by Authority user fees, in which case the Authority user fees shall not be charged in the territory of the Member Agency as specified in the agreement between the Authority and the Member Agency.

3. Coordinating abatement activities for hazardous materials and nuisances. So as to avoid the inequitable use of Authority resources, the Authority and Member Agencies shall

take commercially reasonable steps to recover the costs of abatement from the parties responsible for the conditions requiring abatement.

4. Ensuring that personnel are trained to provide all facets of Authority functions and operations.

5. Provide or contract for dispatch services within the Authority's jurisdiction area.

B. *Level of Service.* The Member Agencies will indirectly control the level of services, in terms of response times, through their station siting and staffing level decisions. Member Agencies shall also retain the right to elect to close stations within their jurisdictions. Nothing in this Agreement is intended to or shall limit or control the land use power of a municipal corporation or any other Member Agency that is a party to this Agreement.

3.2 Additional Services.

So long as it would be consistent with the Authority's powers set out in Section 1 above, the Authority may perform additional or higher level services within the territory of all or a particular Member Agency, pursuant to an agreement between the Authority and the Member Agencies.

SECTION 4. FACILITIES AND EQUIPMENT.

4.1 Member Agency Ownership

Member Agencies shall, as a condition of membership, make available all its stations, apparatus and equipment to provide fire protection services. Member Agencies shall be responsible for constructing and replacing fire stations within their respective jurisdiction.

Member Agencies that have overlapping jurisdictional boundaries shall enter into a separate agreement to establish ownership of facilities within the overlapped areas.

4.2 Lease of Facilities.

Each Member Agency hereby agrees to lease, by separate agreement, in consideration of the services provided herein, to the Authority the following real and personal property, together with any replacements or new property of a similar nature.

(a) All existing operational fire stations, together with all furniture, computers and furnishings in such stations.

(b) All fire apparatus, together with all equipment located on the apparatus, , which consists of existing fire trucks, engines, and vehicles together with all equipment physically located on each piece of apparatus;

(c) All personal protective equipment listed, such as turnout gear and all other personal protective equipment.

Each Member Agency warrants that its property provided is in good and workable condition.

4.4 New Facilities.

All new station constructed by a Member Agency that are within the Member Agency's jurisdictional boundaries shall be leased to the Authority upon being placed in service in accordance with this Section. Such leases shall be separately negotiated between the Authority and the Member Agency.

4.5 Improvements and Maintenance of Facilities and Apparatus.

A. *Maintenance and Repair.* The Authority shall be responsible for maintenance and ordinary repair of all facilities leased in the provision of services pursuant to this Agreement.

B. *Station Structural Repairs; Replacement.* Members Agencies shall be responsible for capital improvements to the real property owned by each, as used herein, "capital improvements" refers to structural repairs and similar improvements which are the type of improvements that would be added to the tax "basis" if the property were owned by a non-governmental entity. Member Agencies shall be responsible for ensuring that the facilities are replaced at the end of the facility's useful life, including ensuring that financial resources are available for replacement. To facilitate the Member Agencies' duty to replace facilities, the Authority shall maintain and annually update a replacement schedule for all of the leased facilities.

C. *Property Insurance.* The Authority shall maintain in full force and effect, fire insurance and a standard "all risk" policy covering all Leased Facilities. This coverage must (i) name the titled Member Agencies as an additional insureds, (ii) contain a waiver of subrogation endorsement in favor of the titled Member Agencies, (iii) cover loss or damage to the station and any Member Agency-owned personal property in the amount of the full replacement value, (iv) include a deductible no greater than $25,000. Covered perils are to include fire, all risk, vandalism, malicious mischief and sprinkler leakage. The Parties intend that insurance proceeds paid as a result of real property damage be passed through the Authority to the effected Member Agency.

4.6 Authority-Owned Facilities.

With the approval of the legislative bodies of all of the Member Agencies, the Authority may acquire by lease or purchase real and personal property such as administration buildings, training, and other facilities as necessary..

4.7 Authority's Assumption of Liability.

The Authority shall assume responsibility for any and all loss, litigation, liability, injury, damage, claim, demand, and tort or workers compensation incidents that occur for any personnel or contracts assigned to and accepted by the Authority. The Member Agency shall retain responsibility and liability for any and all such incidents not assigned or accepted by the Authority and shall retain all risk management reserves that have been set aside for such prior incidents. The Authority may contract to receive risk management services on such terms as agreed to by the Authority.

4.8 Indemnification and Insurance.

Pursuant to Government Code section 820.9, as may be amended, members of the Board of Directors of the Authority are not vicariously liable for injuries caused by the act or omission of the Authority or any of its Members.

Except as provided herein, the Authority shall defend, indemnify and hold harmless Member Agencies and their officers, employees, agents and representatives with respect to any loss, damage, injury, claim, demand, litigation or liability and all expenses and costs relating thereto (including attorneys' fees) arising out of or in any way related to the performance of services pursuant to this Agreement or an agreement assumed by or otherwise transferred to the Authority or any Member assets to be transferred to the Authority, including but not limited to real property, personal property, equipment and apparatus.

Notwithstanding this Agreement the Members agree that no immunity or defense available to the Member Agencies under State or federal law or regulation shall be waived with respect to any third party claim.

SECTION 5. FINANCES.

5.1 Accounting Procedures.

Full books and accounts shall be maintained for the Authority in accordance with practices established by, or consistent with, those utilized by the Controller of the State of California for like public entities. In particular, the Authority's auditor and treasurer shall comply strictly with requirements governing joint powers agencies, Article 1, Chapter 5, Division 7, Title 1 (commencing with Section 6500) of the Government of Code of the State of California.

The Authority shall keep accurate and correct books of account, showing the cost of providing Fire Protection Services and Fire Dispatch Services within the jurisdictional area, broken down by: jurisdictional areas; Member Agency; locations of calls; number of units sent; cancellation of units; and the identity of responding stations. Said books and records shall be open to inspection at all times during normal business hours by a Member Agency or its designee.

The Controller/Treasurer shall provide monthly reports of expenditures and revenue of all Member Agencies relating to the fire protection and fire prevention services and of the Authority to

the Authority Board and Member Agencies in such form as may be specified by the Board or requested by a Member.

5.2 Audits.

The Controller/Treasurer shall cause the books of account and other financial records of the Authority to be audited by an independent public accountant or certified public accountant in accordance with §§6505 and 6505.6 of the Act.

The records and accounts of the Authority shall be audited annually by an independent certified public accountant and copies of the audited financial reports, with the opinion of the independent certified public accountant, shall be filed with the County Auditor, the State Controller and each Member Agency within six (6) months of the end of the fiscal year under examination.

5.3 Annual Budget.

It shall be the policy of the Authority to approve only those budgets that do not exceed available revenues and neither the Authority nor the Employer of Record shall disburse funds outside of approved budgets or without the prior written approval of all Member Agencies.

At least sixty (60) days prior to the commencement of each fiscal year, the Chief Executive Officer shall meet with each Member Agency to prepare a preliminary budget for the Authority based on the formula identified in Section 5.4. Each Member Agency must approve the preliminary budget prior to May 15th of each year. On or before May 15th, of each year, the Authority Board of Directors shall adopt a preliminary annual budget for maintenance and operation costs of the Authority. On or before September 1, of each fiscal year, the Authority Board shall adopt a final annual budget for maintenance and operation costs of the Authority.

Following approval of the annual budget by the Authority, Member Agencies shall pay their pro rata share 120 days in advance of their expenses as estimated within the current approved budget.

The Chief Executive Officer and the Treasurer shall provide quarterly budget updates to the Authority Board.

5.4 Responsibility for Maintenance and Operations Costs.

The Member Agencies shall share responsibility for the annual costs of maintenance and operations for Fire Protection Services, Fire Dispatch Services, any expenses of the Member Agency pursuant to this Agreement, and any insurance premiums paid by the Member Agency to insure itself against liability arising out of the contract with the Authority for the provision of fire services. Based on the formula in the paragraph below, each Member Agency shall be responsible for all such costs within their jurisdictional fire protection boundaries. Member Agencies with overlapping boundaries shall enter into a separate agreement that establishes fire protection responsibilities.

Prior to December 31 of each year, the Chief Executive Officer and Treasurer shall meet with each Member Agency to provide an accounting of the previous fiscal year. Except as otherwise provided in this Agreement, or pursuant to a resolution adopted by each Member Agency, the cost allocation shall be determined by the following formula:

Divide the total number of daily staffed positions within each Member Agency by the total number of daily staffed positions within the Authority.

Example: If the Authority has a total number of seven (7) daily staffed fire companies, each staffed with three (3) personnel, the total staffed positions for the Authority would be twenty-one (21). If a Member Agency had four (4) companies within their jurisdictional boundaries, the Member Agency would be responsible for twelve (12) daily staffed positions of the total twenty-one (21) daily staffed positions. Twelve (12) divided by twenty-one (21) equals 57.14 percent. The Member Agency with four (4) of the seven (7) companies would be responsible for 57.14 percent of the operating cost of the Authority.

The formula used for cost allocation shall be used for all fire protection and fire prevention services provided by the Authority. Formula shall not apply to:

Station Repairs; Replacement. Members Agencies shall be responsible for capital improvements to the real property owned by each Member Agency. As used herein, "capital improvements" refers to structural repairs and similar improvements which are the type of improvements that would be added to the tax "basis" if the property were owned by a non-governmental entity. Member Agencies shall also be responsible for all facility repairs and replacements costs that exceed $5,000 per occurence.

5.5 Limitations on Exceeding Budget Allocations

Unless and until such time as the Authority employs its own personnel, expenditures by the Employer of Record, shall not exceed the approved Authority annual budget without prior written consent of all Member Agencies. Any expenditures not pre-approved in writing by all Member Agencies, shall be an expense paid by the Member Agency incurring the unauthorized expenditure and shall not be a debt owed by the other Member Agency(s) of the Authority.

5.6 Funding.

Unless otherwise agreed, the Member Agencies agree to each be responsible to fund the replacement of the apparatus and facilities owned by Member Agency, respectively.

The Authority Board shall adopt an "emergency funding" policy for the funding of unforeseen emergencies that must be addressed prior to formal Board approval.

To the extent authorized by law, the Member Agencies agree to impose fire impact fees and/or special taxes necessary to provide funding for the Member Agency's obligations under this Agreement.

5.7 Additional Services.

Either Member Agency may request the Authority to perform additional services in addition to Fire Protection Services, provided such Member Agency provides funding for such additional services or other agreement between the Members.

SECTION 6. MEMBERSHIP.

6.1 Adding Member Agencies.

Any "public agency," as that term is defined in Section 6500 of the Government Code, that is authorized to provide the common powers jointly exercised pursuant to this Agreement is eligible to become an additional party to this Agreement. Member Agencies other than the Initial Member Agencies are referred to herein as "Additional Member Agencies." Eligible agencies may become members by executing this Agreement, satisfying any terms and conditions established by the Board, and upon unanimous approval of the membership of the Board. Upon such approval, this Agreement will then become effective as to that signatory.

6.2 Withdrawal of a Member Agency.

This Agreement shall remain in effect as to all Member Agencies, unless and until it is terminated as to a particular Member Agency by written notice ("Withdrawal Notice") to all other Members. The Withdrawal Notice must be given by the withdrawing Member at least two (2) years in advance of the effective date of such withdrawal. A withdrawing Member Agency shall not be liable for commitments made by the Authority after the Withdrawal Notice is given except that the departing Member Agency shall be liable for its pro rata share up to the Date of Withdrawal. A withdrawing Member Agency shall also be liable for its pro rata share of the Authority's approval contractual commitments made prior to the Withdrawal Notice, excluding automatic renewals, amendments or restatements made subsequent to the Withdrawal Notice. The withdrawing Member Agency may pay the Authority the present value of its pro rata share of all obligations as of the Date of Withdrawal or otherwise refinance its obligations, but in no event pay less than owed at the time payment is due under agreements made before the Withdrawal Notice. Upon termination of this Agreement as to a withdrawing party, the Authority shall return to the Member Agency all of the leased facilities identified in Sections 4.2 above, unless otherwise specified in an agreement between Member Agencies that share territory. A withdrawing agency shall not be entitled to any agency funds upon withdrawal.

SECTION 7. MISCELLANEOUS.

7.1 Conflict of Interest.

The Authority Board shall adopt and, thereafter, maintain a conflict of interest code in compliance with applicable provisions of the Political Reform Act (Gov. Code, §87300 et seq.) and the regulations adopted by the Fair Political Practices Commission (Cal. Code Regs., Title 2, §1870 et seq.).

7.2 Recitals.

The foregoing recitals are true and correct and are made a part hereof.

7.3 Effective Date of Agreement.

This Agreement shall become effective when signed and executed by both Member Agencies.

7.4 Operational Date of Authority.

This Agreement shall become operational on March 1, 2018, following approval and execution by the Initial Member Agencies.

7.5 Term.

This Agreement shall be effective on the effective date and shall continue in effect until terminated pursuant to Sub-section 2.11.

7.6 Headings.

All section headings in this Agreement are for convenience of reference only and are not to be construed as modifying or governing language in the section referred to or to define or limit the scope of any provision of this Agreement.

7.7 Consent.

Whenever in this Agreement any consent or approval is required, the same shall not be unreasonably withheld.

7.8 Law Governing.

This agreement is made under the Constitution and laws of the State of California.

7.9 Amendments.

This Agreement may not be amended or modified except by vote of all Members.

7.10 Severability.

In the event any provision of this Agreement is determined to be illegal or invalid for any reason, all other provisions and sections of this Agreement shall remain in full force and effect unless and until otherwise determined. The illegality of any provision of this Agreement shall in no way affect the legality and enforceability of any other provisions of this Agreement.

7.11 Non-Liability of Agents.

None of the officers or agents of the Authority shall be deemed, by reason of such status, to be officers, agents or employees of either Member Agency or to be subject to any of the requirements of either Member Agency.

7.12 Successors.

This Agreement shall be binding upon and all inure to the benefit of the successors of the Member Agencies. Member Agencies may not assign any right or obligation hereunder without written consent of the Authority.

7.13 Notice.

All notices, demands, or other communications which this Agreement contemplates or authorizes shall be in writing and shall be personally delivered or mailed to the other party at the mailing or electronic addresses listed herein.

To City:	City of Tracy 333 Civic Center Plaza Tracy, California 95376 Manager@cityoftracy.org
With copy to:	City Attorney 333 Civic Center Plaza Tracy, California 95376 attorney@cityoftracy.org
To District:	Bowman & Berreth Tracy Rural Fire Protection District 1820 Kettleman Lane, Suite F Lodi, California 95242

Communications shall be deemed to have been received on the first to occur of: (1) actual receipt at the physical address designated above, or (2) three working days after the deposit of a written

7.14 No Continuing Waiver.

No waiver of any term or condition of this Agreement shall be considered a continuing waiver thereof.

7.15 No Third Party Beneficiary.

The Members agree that the provisions of this Agreement are not intended to directly benefit, and shall not be enforceable by, any person or entity not a party to this Agreement.

7.16 Entire Agreement.

This Agreement contains all the terms agreed to by the Parties relating to its subject matter.

7.17 Construction of Agreement.

Each Member Agency has had an equivalent opportunity to participate in the drafting of this Agreement and to consult with legal counsel. Therefore, the usual construction of an agreement against the drafting party shall not apply hereto.

[SIGNATURES ON NEXT PAGE]

CITY OF TRACY

By: _____
Robert Rickman
Mayor

ATTEST

By: _____
Adrianne Richardson, City Clerk

APPROVED AS TO FORM

By: _____
Thomas Watson, City Attorney

TRACY RURAL FIRE PROTECTION DISTRICT

By: _____ Vice Chair for
Tim Smith
District Chair

ATTEST

By: _____
Ginger Root
District Secretary

APPROVED AS TO FORM

BOWMAN & BERRETH, LLP

By: _____
Mark Charles Bowman
District Counsel

September 1, 2020

AGENDA ITEM 3.C

REQUEST

RECEIVE UPDATE FROM THE SOUTH SAN JOAQUIN COUNTY FIRE AUTHORITY ON THE EMPLOYEE TRANSITION PLAN AND PROVIDE DIRECTION TO STAFF

EXECUTIVE SUMMARY

The City Council will receive an update on the status to the fire employee transition plan to stand alone with South San Joaquin County Fire Authority (SSJCFA).

DISCUSSION

During the May 19, 2020 Council items, Mayor Rickman requested a status update on the employee transition plan from the South San Joaquin County Fire Authority. This request was seconded by Council Member Ransom. The attached report will be presented by the SSJCFA Fire Chief. The report provides information and action steps taken to date by SSJCFA and provides an update on pending information needed to complete a full assessment of the transition.

STRATEGIC PLAN

This agenda item relates to Council's Public Safety Strategy.

FISCAL IMPACT

The fiscal impacts of the fire transition plan are under review by the City. Further information is anticipated from SSJCFA to determine the short-term and long-term costs associated with the transition.

RECOMMENDATION

Receive a report from Fire Chief Randall Bradley.

Prepared by: Karin Schnaider, Finance Director

Reviewed by: Midori Lichtwardt, Assistant City Manager

Approved by: Jenny Haruyama, City Manager

ATTACHMENTS

A - South San Joaquin County Fire Authority Staff Report

SOUTH SAN JOAQUIN COUNTY FIRE AUTHORITY

Fire Administration

In 1999, the City of Tracy (City) and the Tracy Rural Fire Protection District (District) entered into a Joint Powers Agreement (JPA) that formed the South County Fire Authority (SCFA). On the same date SCFA contracted with the City to provide fire protection services within the jurisdictional boundaries of SCFA (City of Tracy and Tracy Rural Fire Protection District). Two Tracy City Council Members and two District Board Members made up the SCFA Board with the Tracy City Manager serving as the Chief Executive Officer for the SCFA. The City of Tracy's Finance Director also served as the Treasurer-Controller of the SCFA. The SCFA was formed to accomplish the following goals:

- To improve fire protection services within the region through improved efficiencies by the elimination of redundant administrative and operational services.
- To limit the impact of annexations to the residents that live in the unincorporated areas.
- To maintain the District ad valorem tax allocation increment (average of approximately 11% of each property tax dollar) and the special fire tax ($0.03 per square foot) in areas that are annexed into the City.

These goals were accomplished through the following administrative agreements between the City and the District:

- Future City annexations would not detach from the District.
- All employees would work for the City and redundant administrative staff would be eliminated through attrition, increasing efficiencies and overall service levels.
- The City would provide administrative services (Human Resources, Budget/Finance/Risk Management and Legal) to SCFA.
- The City would fund any District financial shortfalls (with a reimbursement agreement) until revenues increased to sustainable funding levels through the annexation and development of land that would remain in the District.

In 1999, the expectation was the City of Tracy would continue to grow and the District and the City of Tracy would benefit by securing fire protection property tax revenues through the non-detachment strategy. Limited growth initiatives and economic downturns slowed growth projections through 2014. In 2014, the City of Tracy began to realize extensive growth in the twelve annexed areas that did not detach from the District. Over 30 million square feet of commercial and industrial facilities and over 8,000 residential units have now been built or are entitled to be built in those annexed areas. With the growth in the annexed areas, the District revenues have seen unparalleled growth since 2014 and are expected to triple their 2014 total within the next five to six years.

With extensive growth, additional responsibility and increased revenues, the District Board of Directors requested that the original JPA be revised to allow the District to have

an equal governance footing with the City of Tracy. In 2017, staff completed a study concerning the JPA governance. Staff utilized two previous consultants' studies and developed four different governance options to evaluate. The following were the four options with brief summaries:

1. Dissolving the current JPA and returning to a two-agency model. Under this option revenues would be lost to the County and fire protection efficiencies would be lost and service levels would suffer.

2. The District could contract with the City to provide fire protection services. This option is was very similar to the model that was in effect at the time the study was completed. This model was unacceptable to the District due to a lack of budgetary oversight, collective bargaining influence and a desire for responsibilities to be commensurate with their authorities over fire protection within their jurisdictional boundaries.

3. Annex the City into the District for fire protection. The City would be required to enter into a new tax sharing agreement with the County to fund the newly created District. The outcome of the agreement is unknown and therefore a thorough analysis is not possible. Also, because the District has a special tax that was implemented in 1982, it would be difficult to overlay a special tax on City residents without a vote that would require two-thirds approval. Last, the City would give up control and budgetary flexibility over the portion of the City that is not within the Rural District.

4. Create a strong JPA that operates as an autonomous agency.

Option number four was chosen because it addressed the District's concerns while protecting the City's ability to maintain fire protection revenues and continue to influence public policy and prioritization of fire protection services within the City limits. In 2017, the JPA agreement was reevaluated and in March of 2018 (effective date July 1, 2018) a new agreement was adopted by both agencies. Implementation of the new agreement was divided into two phases:

Phase 1 (complete): Create a stronger semi-autonomous governance and fire protection organization through the implementation of structural, organizational and financial elements. The following are the Phase 1 elements that were completed upon initiation of the new JPA and the associated dissolution agreement:

- Entered into an agreement with the City of Tracy to continue to serve as the employer of record until the new JPA is able to transition all employees to the new JPA.

- The JPA's Board of Directors was provided oversight responsibility for fire protection within the JPA boundaries based on the service levels determined by the member agencies.

- The Board appointed the Fire Chief who serves as the JPA's Chief Executive Officer at the will of the Board. Prior, the Tracy City Manager served as the JPA's Chief Executive Officer.

- Amendments to the previous JPA were removed and incorporated into the new document. The amendments were difficult to interpret, implement and track. The Supplemental Services Agreement (Amendment 3), Smoothing Agreement, and the Pre-paid Services Agreement (Amendment 4 and 6), were all eliminated and replaced with an intuitive, fair and equitable cost allocation model.

- The JPA appointed a Finance Manager with budgetary responsibility and hired an independent auditor. The JPA is in the process of hiring an independent Controller/Treasurer. Previously, the City of Tracy provided these services on behalf of the JPA.

- The JPA has hired an independent Counsel with responsibility to provide legal advice to the JPA independent of member agencies.

- The proposed JPA is designed to add additional member agencies to improve overall service levels by reducing overhead costs through economies of scale.

- With the corresponding dissolution agreement, the proposed JPA addressed fire station ownership concerns.

Phase 2: Transition employees to become employees of the South San Joaquin County Fire Authority (Authority) and the Authority would become a full standalone agency. Phase 2 of the transition plan was codified in Section 1.6 of the new JPA agreement:

> *"The Initial Member agencies desire to transition to having the Authority employ its own personnel to provide any or all of the services the Authority elects to provide. In the event the Authority elects to employ its own personnel, the Chief Executive Officer shall, with the assistance of the staffs and consultants of the Member Agencies, prepare a personnel plan detailing how the Authority would employ its own personnel. The personnel plan shall detail the treatment of matters such as transfer of employees from the Member Agencies to the Authority (and the transfers effect on existing collective bargaining agreements, the allocation of pension liabilities and obligations, the treatment of accrued leave, civil service and seniority rights, and other employee benefits and rights), risk management, and other administrative matters required at the start-up of new organizations".*

For the past 18 months the JPA staff has worked with staff and consultants of the member agencies to develop an employee transition plan. Below is the status and a timeline for implementation of the plan.

Transition Plan Timeline

Date	Milestone
August 15, 2020	Provide completed "Draft" transition plans to staff of member agencies for review and comment.
September 15, 2020	Present transition plan to elected bodies of member agencies for consideration of approval.
October 31, 2020	JPA Board reviews and considers ratification of labor contracts, approval of CalPERS contracts, employee benefits and personnel policies and procedures (including EERR)
November 30, 2020	Lease agreements and liability insurance contract approvals
January 1, 2021	Employees transition to South San Joaquin Fire Authority

Transition Plan Overview

CalPERS Retirement	The Authority submitted an application for a new CalPERS contract on February 1st, 2019. A few months after submitting the application the Authority was advised by CalPERS that the joint powers agreement language would need to be amended. Staff worked with legal counsel from both member agencies to make the necessary amendments which were approved by both elected bodies in October of 2019. Once that language was amended CalPERS conducted a thorough CalPERS Financial Analysis of the Authority. The Authority was given the approval to move to the next stage of contract formation from the CalPERS financial team in February of 2020. Where the COVID-19 pandemic has slowed the final stage of actuarial analysis, progress continues to be made, and we are hopeful to have contract formation complete in September of 2020. The new retirement plan will transition to a Public Employee Pension Reform Act (PEPRA) plan. While all current employees that transfer will maintain their current retirement status (classic or PEPRA) future employees hired will all fall under the PEPRA pension status with reduced pension benefits. The new pension contract will begin with no unfunded liabilities. Current pension liabilities will remain with the member agencies. The District will be required to pay their pro-rata share of the

	City's unfunded liabilities that were created during the time that the City acted as the employer of record.
Workers Compensation / General Liability	Staff worked with the Special District Risk Management Association to obtain comprehensive quotes for both workers' compensation and general liability insurance. The quotes will be codified into coverage policies by the JPA Board when the transition agreement has been approved by member agencies.
Employee Health Benefits	A Health Benefits Committee was established and all fire authority employees were invited to participate. The committee initially met in May of 2019. Staff worked with the committee, CalPERS Health, Keenan Insurance Brokerage and Macleod Watts, Inc. actuarial firm to determine the most cost effective and comprehensive benefit packages available. Those plans have been identified and staff is ready to begin enrollment once the transition plan is approved by the member agencies and the JPA Board approves the Health benefit plans.
Payroll	Denali Fund, the Authority's current financial software, offers a comprehensive payroll module which the Authority will utilize as our payroll platform. This platform is utilized by hundreds of public agencies and non-profit organizations. The Authority's staffing software will be utilized for timekeeping and electronically interfaced with the payroll module. Existing staff will manage the payroll module and bi-weekly payroll processing. Payroll and timekeeping modules and interfaces will begin running in parallel with the City payroll and timekeeping systems within the next 60 days.
Human Resources	Staff has completed a comprehensive review and subsequent transfer of all City personnel policies and procedures that are relevant to the Fire Authority. Fire Administration staff has been working with an HR consultant and City Human Resources personnel to facilitate the personnel transition process. It is the intent of the Authority to utilize the City Human Resources Department to continue to support the Authority post-transition and have the Authority continue to pay the City for that service provision. If the City HR elects not to continue to support the Authority post-transition, then staff will work with the HR consultant to bridge the gap utilizing the existing funding paid to the City for HR services. There is no anticipated cost increase or savings for the provision of HR services.

Labor Agreements	Staff has undergone significant discussions with two bargaining groups that will be transitioning to the Authority. The Authority has worked with the represented labor groups and a City recommended labor attorney to develop labor agreements that mirrors existing pay and benefits for the employee groups. Non-represented employees will be provided pay and benefits that are equivalent to current pay and benefits. The discussions with the employee groups have been one of mutual respect with a focus on long-term sustainability which has yielded a verbal consensus that can be implemented after approval of the transition. The Authority will create a finance oversight committee that will include the Fire Chief, Authority Finance Manager, City Manager (or designee) and a representative from the District.
Financial Policies and Procedures	The Authority created independent financial policies and practices in 2018 once the standalone JPA was created and implemented (Phase 1). Transitioning employees and payroll processing will be the final step in the Authority operating independently from either of its member agencies. As stated above, a finance oversight committee will be developed that will include the Fire Chief, Authority Finance Manager, City Manager (or designee) and a representative from the District.
City/District Financial Impacts	JPA staff completed an analysis of potential City financial impacts from transitioning employees from the City to the JPA. The City continues to evaluate potential impacts and the JPA will continue to support that process. JPA staff has completed a significant analysis of the long-term sustainability of the District. The analysis confirms that the District will have the resources to support future fire protection requirements in the unincorporated areas and the areas that have been annexed but not detached from the District. That analysis has been provided to the Council.

CITY OF TRACY

Fiscal Impact Analysis
South San Joaquin County Fire Authority
Phase 2 Personnel Transition

Prepared by:

Mike Oliver, President
Dana Shigley, Consultant
Brian Kelly, Consultant
Municipal Resource Group, LLC

February 2021

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I. EXECUTIVE SUMMARY

In 1999, the City of Tracy (City) and the Tracy Rural Fire Protection District (District) entered into a joint powers agreement forming the South County Fire Authority (SCFA), with the City providing nearly all administrative and management support. In 2018, the District and the City determined that they would benefit by dissolving the SCFA and creating a new joint powers authority that would govern more autonomously. In February 2018, the City and the District formed the South San Joaquin County Fire Authority (Authority), with the Fire Chief serving as the Authority executive officer. The composition of the Authority Board did not change with the creation of a new JPA. The new agreement calls for the Authority to, over time, provide administrative, legal counsel, and other services separate from the City.

Notably, the Authority plans to become the employer for more than 80 employment positions, transitioning them from the City. The City and the District will each continue to fund their share of costs based on an agreed-upon formula and, as future stations and staffing are added outside the City limits, these funding ratios will change, and the City's share reduced.

This transition could have significant fiscal impacts for the City in three broad categories:

1. Operational costs incurred by the Authority and shared between the District and the City,
2. Operational costs incurred directly by the City, and
3. Long-term liabilities (for both the City and the District).

The City requested that Municipal Resource Group, LLC (MRG) provide an independent and comprehensive review of the fiscal impacts it may face as a result of the transition in order to minimize their potential impact. This report provides the City with an inventory of potential costs, and suggestions for additional analysis the City may consider. This report does not address City nor Authority revenue projections. In evaluating overall fiscal impacts, the City would need to compare projected costs to anticipated revenues. Cost increases may be justified as necessary to support an organization that could generate new revenues and provide expanded and/or improved services.

Operational Costs Incurred by the Authority and shared between the District and City

Authority Health Insurance Costs

The Authority plans to offer employee health insurance through CalPERS. The cost to provide health insurance benefits will increase after the transition, potentially significantly. In the first year, the direct cost for health insurance benefits will be about the same as the City would have incurred; future costs will vary depending on employee enrollment and rates offered by CalPERS. It is likely that, over time, new employees may select more expensive non-Kaiser plans, and fewer may choose to opt out of coverage, increasing costs up to $160,000 per year. The Authority could offer incentives to encourage employees to select less expensive plans and moderate this potential increase. Because additional employees will opt out of insurance coverage and the *Flores* ruling which requires cash in lieu of payments to be factored into overtime rates, the Authority will incur an additional $29,000 in overtime costs in the first year, varying from year to year. Most significantly, the plan to provide medical benefits through CalPERS will result in a requirement to contribute toward retiree health insurance premiums. This will generate significant annual costs as well as long-term liabilities. In the first year, the Authority will incur approximately $124,000 in annual costs to fund required contributions; this amount will increase annually as additional personnel are hired.

First Year: Increased Costs of $153,000
Future Years: Increased costs $153,000 or more, plus up to $160,000 in the long-term

Administrative and Support Services

The Authority currently pays approximately $466,500 to $501,500 for certain administrative, legal, IT and related support costs, including $175,000 paid to the City. The Authority anticipates using existing staff for all finance functions, including payroll. However, we believe the Authority will require additional staff for to perform finance functions, consistent with comparable fire agencies. Adding staff to perform finance and human resources functions could increase costs by an additional $229,000 to $364,000 per year. These costs can be reduced by continuing to contract with the City for some services, including payroll. The Authority and its members would be best served by taking a comprehensive look at how the Authority will provide administrative services in the future so that members can plan for the costs necessary to provide professional administrative support.

First and Future Years: Increased Costs of $229,000 to $364,000

Classification and Compensation

The Authority is proposing the same number of employees as currently employed by the City. However, certain changes to positions and benefits will result in an increase of $50,000 to $75,000 per year.

First and Future Years: Increased Costs of $50,000 to $75,000

***Total** First Year: Authority Increased Costs of $432,000 to $592,000; City share (72%) of $311,000 to $426,200*
***Total** Future Years: Authority Increased Costs up to $592,000 to$ 752,000; City share (72%) of $426,200 to $541,000*

Operational Costs Incurred Directly by the City

CalPERS Contribution Rates

For fiscal year 2021/22, the City will likely experience an increase in total CalPERS costs of approximately $149,000. This increase is attributable to the City's higher employer Normal Cost after removal of fire personnel from the blended rate. However, this analysis looks at a single year and is not reflective of cost differences in future years. Depending on CalPERS actuarial assumptions, benefit changes, and other factors, future Normal Cost rates may be more or less.

First Year: Increased Costs of $149,000.
Future Years: Costs could be more or less, depending on CalPERS contribution rates.

Future City Health Insurance Costs

The City will experience an increase in health insurance rates for its remaining employees after the transition date, as the City's employee pool will be smaller. The City will need to consult with Kaiser and other providers to determine the potential impact on health insurance rates in the future.

First and Future Years: Increased Costs TBD

General Liability and Workers' Compensation Insurance

The Authority expects to realize substantial one-time cost savings in its insurance program in the first year of operation, saving JPA members $282,000. This cost savings is mostly the result of the Authority

insurance provider's lack of claims experience with the Authority, and the cost will increase in the future to levels more consistent with the City's experience. The City will also experience savings with its own insurance bringing the total savings in the first year to $700,000 for the City.

First Year: Decreased Costs of $700,000 (one-time)
Future Years: Over time, Authority costs will increase and this savings will be reduced or eliminated.

Stations, Apparatus and Equipment

Although the lease terms are not yet resolved, it appears that the City and District will largely continue with current practices for facility maintenance with no significant change in maintenance costs. The proposed insurance requirements might result in increased costs as a result of duplicate coverage. This cost could range from $150,000 to $350,000 per year, depending on coverage levels. The potential impacts on costs for insurance coverage should be investigated as the terms of the proposed leases evolve, and the lease terms could be amended to minimize these duplicate costs.

First and Future Years: Increased Costs of $150,000 to $350,000

***Total** First Year: Savings of $201,000 to $401,000, and unknown impacts from health insurance costs*
***Total** Future Years: Increased Costs up to $499,000, depending on CalPERS rates, plus health insurance costs TBD*

Long-term Liabilities

CalPERS Unfunded Accrued Liabilities

The City and the District are each responsible for their share of the City's current $22 million CalPERS unfunded liability for fire personnel, as well as future liabilities that will accrue to the Authority. The City and the District will need to jointly determine an appropriate methodology for allocating the current liability. In the future, the Authority should provide annual actuarial analyses to allocate future liabilities among its members. The transition of employees to the Authority, on its own, does not change the overall amount of the liability. However, decisions made by the Authority in the future can impact the amount of the liability prior to the transition date. For example, if the Authority offers improved retirement benefits to employees who were formerly employed by the City, the City's UAL will increase, along with the City's and the District's share of this liability.

First and Future Years: This is an existing liability; current amount not impacted by transition, unless changes are made to benefits.

Retiree Medical Leave Bank

The City and the District jointly fund their share of the retiree medical leave bank. Current liabilities are fully funded in a trust account, and the City and the District each pay their required share as additional employees retire. While the City and the District will need to plan for these future deposits the contributions do not represent an increase in costs beyond current obligations resulting from current and continuing employee benefits. The medical leave bank program does result in an implicit subsidy of retiree health insurance premiums and, therefore, represents a long-term liability. The present value of these benefits is $4.9 million. After the transition date, future employees will retire from the Authority and this liability will increase.

First and Future Years: This is an existing liability; current amount not impacted by transition.

Authority Health Insurance Costs

The Authority's plan to provide medical benefits through CalPERS will result in a requirement to contribute toward retiree health insurance premiums. This will generate significant annual costs as well as long-term liabilities. The liability for current employees who will retire in the future is estimated to increase from the current liability of $4.9 million to $10.1 million, increasing further as new employees are hired.

First and Future Years: The current liability of $4.9 million will increase to $10.1 million immediately when CalPERS health benefits are contracted, increasing further as new employees are hired.

Stations, Apparatus and Equipment

Additionally, the Authority and its members would benefit by a robust capital improvement plan for long-term replacement of apparatus, vehicles and equipment.

First and Future Years: This is an existing liability; current amount not impacted by transition.

Conclusion

The transition, as it is currently envisioned in the transition plan, will initially increase operating costs for the Authority and City over time. The majority of these costs result from the discontinuance of the City's more cost-effective provision of health insurance, administrative services, and similar costs. However, some of the cost increases can be reduced through careful planning and implementation. For example, the City and the Authority could consider more affordable options for employee health plans and administrative support services.

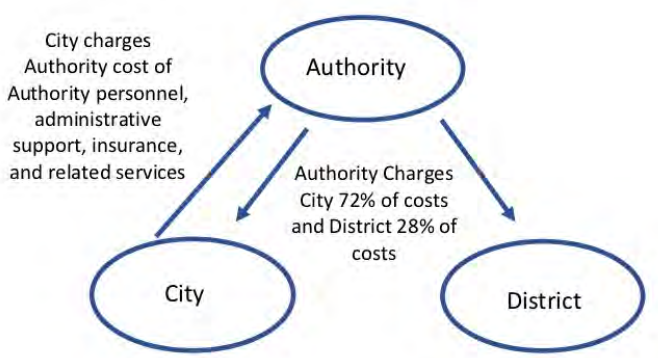
We are recommending three areas the City may want to prioritize for additional discussion or analysis.

- The City and the District funding of current and future CalPERS liabilities;
- Long-term liabilities associated with switching to CalPERS medical insurance, and further consideration of alternatives; and
- A broad look at how the Authority will provide human resources, finance and other administrative support services, and the associated costs and options.

The 2018 JPA Agreement provides a platform for increased independence of the Authority from the City and a reasonable and well-considered solution to long-term fiscal and operational challenges facing the City and the District. However, the devil is in the details, and many details of the transition remain to be resolved, as outlined in this report. As these transition details are created, additional impacts may be identified, while others will be resolved. Additionally, future costs will be impacted by Authority Board actions that cannot be predicted at this time.

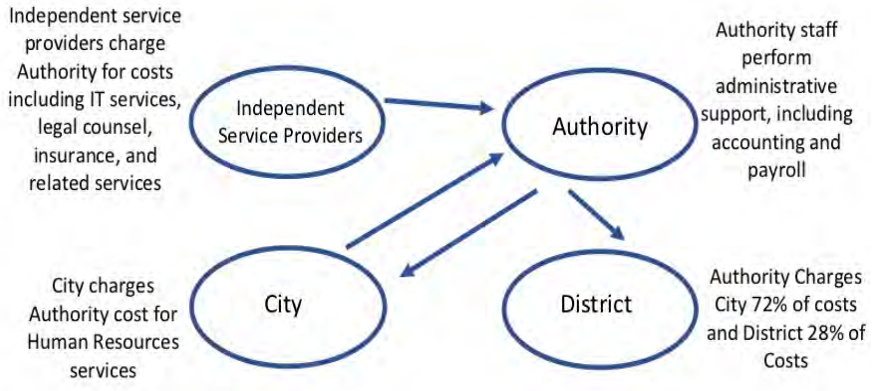
The Authority previously planned to transition to the employer of record on January 1, 2021. However, we recommend that the Authority delay this implementation date until the details of the transition are further developed.

II. BACKGROUND



In 1999, the City and the District entered into a joint powers agreement forming the South County Fire Authority. In order to improve efficiencies, the City and the District agreed that the City would serve as the employer of record for fire personnel, providing compensation and benefits as negotiated in various labor agreements, and through contracts with CalPERS and other providers. The City Manager served as the SCFA executive officer and the City provided all administrative support to the JPA, including finance, human resources, legal counsel, information technology, insurance, and similar support services. In this model, the Authority paid the City for all direct costs, including Authority personnel, finance, human resources, legal counsel, IT support, fleet and facilities support, and related costs. The Authority then charged the City and the District for their shares of the costs, 72% to the City and 28% to the District. The arrangement successfully provided services to City and District customers for many years. However, as growth in the unincorporated area increased revenues to the District, and new fire stations were planned outside the City limits, the District sought a more equal role in governance and administration.

In 2018, the District and the City determined that they would benefit by dissolving and creating a new JPA with a governance structure allowing the Authority to operate more autonomously. In February 2018, the City and the District formally dissolved SCFA and created a new Joint Powers Agreement of the South San Joaquin County Fire Authority (JPA Agreement). The composition of the Authority Board did not change with the creation of a new JPA, and the City and the District continue to each have equal ability to influence policy choices made by the Authority Board. The Fire Chief serves as the Authority executive officer, and the new JPA Agreement calls for the Authority to, over time, provide administrative, legal counsel, insurance and other services separate from the City. Notably, the Authority plans to become the employer of record for the Authority's more than 80 employment positions. As with the former model, the City will fund 72% of Authority costs, and the District will fund 28% of costs. However, as future stations and staffing are added outside the City limits, these ratios will change.



The transition to the new JPA was planned in two phases. Phase 1, which is largely complete, included creating structural, organizational and fiscal changes that shifted responsibilities away from the City and to the Authority. This includes hiring legal counsel, an independent auditor and a controller/ treasurer; transitioning accounting functions and financial systems to the Authority; adopting a standalone budget; hiring a Fire Chief reporting directly to the Authority Board; and adopting various policies and ordinances. Fire stations and apparatus will remain in the ownership of the City and the District and will be leased to the Authority.

During this interim period between the first and second phase, the City continues to serve as the employer of record for Authority personnel.

The second phase is to transition the Authority as the employer of record. This is no small task, and requires extensive preparation and planning. For example, the transition requires:

- New labor agreements with unions and unrepresented employee groups;
- New classification and compensation plans;
- New agreements with CalPERS for retirement benefits;
- New contracts with insurance providers for medical and related insurance benefits;
- New workers' compensation, liability, and related insurance coverage; and
- Creating resources and processes for payroll and human resources support.

Each of these steps involves considerable planning and coordinating with the City, labor groups, CalPERS, legal counsel, contractors and other providers. The Authority created a Phase 2 Personnel Transition Plan and anticipates asking the City Council, District Board, and Authority Board to consider and adopt the plan at future meetings.

This transition could have significant fiscal impacts for the City. While the Authority has provided some analysis of potential fiscal impacts, the City requested that MRG provide an independent review of the fiscal impacts it may face as a result of the transition, identifying key assumptions and areas where additional study is needed.

III. METHODOLOGY AND OVERVIEW OF FISCAL IMPACTS

In order to assist MRG with this analysis, City and Authority staff provided MRG with an extensive array of documents that describe the history, transition plans, and potential fiscal impacts of the new JPA. The City and the Authority also provided supporting information in emails and other correspondence. City and Authority staff were very accommodating with their time, and participated in several phone calls and meetings to answer questions and provide additional information.

In this report, we quantify fiscal impacts where possible. However, quantifying some of the fiscal impacts will require analyses beyond the scope of this study. This report attempts to provide the City with a comprehensive inventory of potential costs, and suggestions for how costs might be quantified. Additionally, while most impacts can be reasonably estimated, ultimately some impacts depend on future actions that are not currently known.

This report does not address City or Authority revenue projections. The City and Authority have completed several reports and analyses that address Authority revenue projections based on anticipated growth. In evaluating overall fiscal impacts, the City would need to compare projected costs to anticipated revenues. Cost increases may be justified as necessary to support an organization that could generate new revenues and provide expanded and/or improved services. However, fiscal prudence is always wise and this report analyzes costs in order to minimize their potential impact.

In our analysis, we found fiscal impacts in three broad categories: Operational costs incurred by the Authority and shared between the District and the City, operational costs incurred directly by the City, and long-term liabilities (for both the City and the District).

Operational Costs Incurred by the Authority and Shared Between the City and the District

The composition of the Authority Board did not change with the creation of a new JPA, and the City and the District continue to each have equal ability to influence policy choices made by the Authority Board. However, the new, semi-autonomous structure will shift administrative decision making, as well as labor negotiations, away from the City and to the Authority. This will shape recommendations to the Board as well as administrative decisions that don't require Board direction. To the extent that the Authority actions are different than the City would have taken, costs could be either more or less than the City would have incurred. Additionally, because the Authority will have fewer employees than the City, it may not receive the same prices for certain benefits. Because the Authority will need to employ its own administrative staff, there may be some duplication of services with City staff in the areas of finance, human resources, legal counsel, and others.

Currently, the City pays 72% of Authority costs, and the District pays 28%. To the extent costs for the Authority are more or less than would have been incurred by the City, the City and the District will either bear or benefit from those cost changes.

Operational Costs Incurred by the City

As a result of the transition to a new JPA, 77 current full-time employees will no longer be employees of the City, and instead will be employees of the Authority. The City organization will be "smaller" than it was, and, as a result, some City costs will either increase or decrease. For example, this could include changes to workers' compensation, liability, health, and property insurance; pension rates; and staffing/contract services for administrative functions that cannot easily be reduced to meet the new, reduced demand for services.

Long-Term Liabilities for the City and the District

The City and the District each have long-term liabilities associated with the employment of personnel, including CalPERS retirement benefits, other post-employment benefits (health insurance), and leave accruals. Prior to 1999, the City and the District were separate entities, and each responsible for their own long-term liabilities. Between 1999 and the transition date for the new JPA, the City is the employer of record, and the City and District liabilities are blended together under the City's purview. The City and the District will need to jointly determine their respective shares of these liabilities and develop a plan to fund associated costs in the future. Finally, after the transition date, the Authority will be responsible for managing the long-term liabilities. The Authority, with the City and the District as Board members, will need to similarly develop a long-term plan for funding the long-term costs associated with CalPERS, health insurance and leave accruals.

Most of these liabilities have existed for many years, and the transition to a new JPA doesn't necessarily impact the amount of the liability. However, dissolution of the previous JPA and creation of a new JPA do bring the issues to the forefront and require the City and the District to develop a funding strategy. Going forward, decisions made by the Authority will impact the amount of these liabilities.

The City and the District also have individual long-term obligations related to facility and apparatus maintenance and replacement. These are managed individually by the City and the District.

This report addresses potential fiscal impacts in each of these three categories.

IV. CalPERS UNFUNDED ACCRUED LIABILITIES

A CalPERS retirement is a tremendous benefit for employees and helps employers attract and retain qualified staff. However, that benefit does not come without substantial cost. Broadly speaking, the amount an agency pays for its CalPERS retirement programs falls into two categories: The Normal Cost and the Unfunded Accrued Liability (UAL). The Normal Cost represents the annual cost of service accrual for the current year for active employees. The Normal Cost is paid as a percentage of payroll, and a portion of the Normal Cost is paid by the employee. Anticipated changes in Normal Cost rates are discussed in detail in the next section.

The Unfunded Accrued Liability is an amortized dollar amount, determined through actuarial analysis, that is needed to fund past service credit earned for members who are currently receiving benefits, active members, and for members entitled to deferred benefits, as of the valuation date. The UAL is expressed as a dollar amount, and the member agency is required to make minimum contributions to the UAL annually. Generally, the payment against the UAL is applied as a percentage of payroll, although it is paid in a fixed sum. This section of the report addresses the anticipated changes in CalPERS Unfunded Accrued Liability as a result of the transition of employees from the City to the Authority.

In 1999, the City and the District entered into an agreement regarding employment of personnel for the provision of fire services. This agreement provides that the City, as the employer of record for the then-new SCFA, would offer employment to the employees of the District. At the time, the District was a CalPERS member providing retirement benefits to its employees. As a result of the agreement, these employees became part of the City's CalPERS plan, including long-term liability for any retirement benefits provided to them. The District's long-term liability associated with its employees prior to 1999 remained with the District and the District continues to pay against this liability when required by CalPERS. Any subsequent employees hired by the City, on behalf of the SCFA, to serve areas outside of the City's jurisdiction, became members of the City's CalPERS plan and received appropriate retirement benefits.

On February 20, 2018, the City and the District entered into a dissolution agreement terminating the 1999 JPA and related agreements, and entered into the new JPA Agreement. This new JPA Agreement indicates that, while the City will continue to serve as employer of record initially, the members intend to transition employees to the Authority, with the Authority serving as employer of record in the future. In anticipation of the transition of employees to the Authority as employer of record, the Authority prepared a proposed Phase 2 Personnel Transition Plan that includes, among other topics, a discussion of future CalPERS benefits. This plan indicates,

> The new CalPERS agreement will require all member agencies to pay their respective share of any future retirement liabilities regardless of Authority status. This required language change identifies and addresses an inequitable liability exposure that exists from the previous JPA. Although an argument can be made that all members have an obligation to fund the pension unfunded accrued liabilities that are created by the employees whom are allocated to service their respective areas, there is no current contract language that codifies such an obligation.

In a report to the Authority Board dated August 18, 2020, the Fire Chief notes that the Authority's "new contract with CalPERS will begin with no unfunded liabilities. However, current unfunded pension liabilities will remain with the member agencies and the District will be required to pay its pro-rata share of the City's unfunded liabilities that were created during the time that the City acted as the employer of

record." Going forward, the Authority will accrue a liability for costs incurred by current and future employees after the transition date, which will be split between the City and District based upon the agreed upon formula.

Allocating Current and Future Liabilities

A portion of the City's current UAL for pension costs is a direct result of the City's employment of personnel serving areas outside the City's jurisdiction. The City's unfunded liability will remain a component of the City's CalPERS contract and will not shift to the Authority with the employee transition. As such, in the future, even after fire personnel are transferred to the Authority, the City will make annual contributions toward this unfunded liability, as required by CalPERS, including costs associated with employees who served within the District's jurisdiction. Just as the District remains responsible for its UAL from benefits provided prior to 1999, the District would share in the responsibility for the long-term liability incurred by the City, which will continue for many years.

After the transition, the Authority will begin with a $0 balance in its UAL, and the current liability will remain with the City. Over time, as employees are hired and actuarial assumptions change, the Authority will also accrue a liability. For example, in the 18-year period from 2001 to 2019, the City's UAL for their safety employees (police and fire) grew by 900%, from $6 million to $54 million. However, the Authority's future liability will represent costs incurred by current and future employees *after* the transition date, while the City's UAL will change as a result of changes in actuarial assumptions and benefits provided to current employees for their service *before* the transition date. Thus, while both the City and the Authority may see their unfunded liabilities grow, there will not be any duplication of unfunded liabilities. The overall long-term liability will not be impacted by the transition alone; however, the liability will be separated into two different accounts (City and Authority).

As employees receive raises in the normal course of employment, the cost of their retirement benefits increases and the liability for both the City (for service before the transition) and the Authority (for service after the transition) increases. If the Authority offers improved retirement benefits to employees who were formerly employed by the City, the City's UAL will increase, along with the City's and the District's share of this liability.

The City has one contract with CalPERS for all its safety employees, including both police and fire personnel. CalPERS combines both unfunded liabilities and contribution rates into one amount for all safety employees, and CalPERS does not determine how much of the unfunded liability is attributable to police and fire personnel. As of June 30, 2019, the City's total combined UAL for safety employees was $53,898,486 and, in the 2021/22 fiscal year, the City will contribute an estimated $4,122,136 toward this liability.

The City will need to complete a two-step calculation to determine the amount of the liability resulting from City versus District operations. The first step is to separate the City's unfunded liability between police and fire personnel. The City recently contracted with Bartel Associates to complete this task. The Bartel Associates analysis indicates that, as of June 30, 2019, 40.8% of the UAL is attributable to fire personnel, or $21,990,582. The relative proportions will change over time based on CalPERS actuarial assumptions, investment results, the number of police and fire personnel, and employee demographics for both police and fire personnel. It will be necessary to update this analysis annually to ensure continued accuracy.

The second step would be to determine how much of this $22 million liability would be the result of City versus District service. One approach might be to apply the 72%/28% ratio; however, there may be other

factors to consider before finalizing a methodology. For example, the UAL includes City service prior to 1999, but does not include the District's similar service liability. It would be beneficial for the City and the District to meet and agree on a methodology for allocating the $22 million liability, consulting with Bartel Associates during the process to assist with education and clarification of issues. Once the City and the District agree on the allocation, they can each make annual contributions based on the annual update from Bartel Associates.

It is important to also recognize that the unfunded liability continues to accrue during this interim period while the City remains the employer of record. The liability is still accruing currently by the City for the benefit of District personnel, and the City and the District should include this interim period in any future discussion about the disposition of the City's unfunded CalPERS liability.

As indicated in the Authority's new CalPERS agreement, the individual JPA members are each responsible for their share of any future liability accrued by the Authority. Going forward, the Authority would be wise to ensure that, after it becomes the CalPERS employer of record, it obtains an annual actuarial report identifying how much of the Authority's CalPERS liability is obligated to each member so each jurisdiction is aware of its share. The Authority could plan carefully to fully fund this obligation, setting aside funds in addition to making required CalPERS contributions, avoid benefit increases or reducing plan liabilities by reducing benefit costs. Before the Authority considers any improvements to retirement benefits offered to current employees, a cost analysis that includes impacts on both the Authority's and the City's (including the District's share) unfunded liability should be considered by the City and the District as members of the Authority Board. The JPA Agreement notes that the personnel plan will "detail the treatment of such matters as…the obligation of pension obligations and liabilities." The proposed Phase 2 Personnel Transition Plan does not provide any details regarding the allocation of these future liabilities, and we recommend the JPA members work out details for addressing these future liabilities before the transition plan is adopted.

Summary

For the period from 1999 to the transition date, the City and the District are each responsible for their share of the City's current $22 million CalPERS unfunded liability for fire personnel. The City and the District will need to meet and discuss how to develop a cost allocation methodology and make payments to CalPERS each year. The transition of employees to the Authority, on its own, does not change the overall amount of the liability. However, decisions made by the Authority in the future can impact the amount of the liability prior to the transition date.

Beginning with the transition date, the Authority will need to obtain annual actuarial reports that establish each member's share of the new liability and make plans to fund this liability over time. To minimize the liability, Authority members could set aside funds in addition to making required CalPERS contributions and avoid offering increased benefits.

V. CALPERS CONTRIBUTION RATES

The City currently provides the following retirement benefits to its employees:

	Tier 1	Tier 2	PEPRA (hires after 1/1/13)
Miscellaneous	2.5%@55 single highest year	2@%55 highest 3 years (hires after 12/17/10)	2@%62 highest 3 years
Safety Police	3%@50 single highest year	3@55 single highest year (hires after 7/2/10)	2.7%57 highest 3 years
Safety Fire	3%55 single highest year	n/a	2.7%@57 highest three years

For purposes of this analysis, we are focusing on fire safety personnel. Safety personnel represent 89% of the full-time employees transitioning to the Authority, and 94% of total salary cost. The weighted average employer contribution rate for City non-safety employees is 9.84% for 2020/21 and 9.83% for the Authority, not significantly different. The transition will not significantly change pension costs for non-safety employees.

The proposed Memoranda of Understanding between the Authority and the South County Fire Chief's Association and the Firefighters Association do not propose any changes to these benefit levels.

For fiscal year 2021/22, the City will pay the following CalPERS Normal Cost contribution rates:

	Police and Fire
Total Normal Cost	31.65%
Less: Employee Contributions	9.76%
Net Employer Normal Contribution Rate	21.89%
City Contribution Amount	$4,499,771

This is in addition to contributions toward the unfunded liability, addressed previously.

As noted previously, the City's safety plan includes both police and fire personnel, and CalPERS does not provide total contribution rates separately for each benefit tier or group. However, the CalPERS actuarial report does include rates for the Total Normal Cost for each benefit group, and the weighted average rates for fire and police personnel are shown below.

	Police	Fire
Weighted Average Normal Cost	33.62%	29.11%
Employee Contribution	9.00%	13.00%
Weighted Average Employer Normal Cost	23.89%	19.37%

After the Authority transitions to the employer of record, the City and the Authority will each have separate contribution rates. For fiscal year 2021/22, the Authority will pay the following weighted average Normal Cost rates:

	Fire
Weighted Average Normal Cost	31.71%
Employee Contribution	9.73%
Weighted Average Employer Normal Cost	21.97%

As noted in the previous discussion concerning CalPERS unfunded liabilities, the Authority will start with a $0 unfunded liability, so, for 2021/22, the above Normal Cost rates are also the total rate paid by the Authority. This will change in the future as the Authority accrues a CalPERS liability.

Anticipated Changes in Normal Cost rates

The Authority's Normal Contribution rate for 2021/22 after employee contributions is 21.97%, approximately equal to the City's current blended rate of 21.89%. Thus, the City's contribution toward fire personnel in the future will be approximately the same as it is currently. However, because the weighted average rate for fire personnel is lower than police personnel, the City's Normal Cost rate for police personnel in the future will be higher after fire personnel are removed from the City's plan.

CalPERS will pool employers with fewer than 100 covered employees together and determine Normal Cost rates based on the pool, rather than each individual employer separately. After the fire personnel are transitioned to the Authority's CalPERS contract, the City will have fewer than 100 employees in its safety contract and it is likely that CalPERS will combine the City into a similar risk pool. The Authority, with fewer than 80 covered employees currently, will also be included in a risk pool with other employers. Although CalPERS has not yet selected a specific risk pool for the City's contract, Bartel Associates estimates the City's employer Normal Cost rate will be 23.23% after the fire personnel transition to the Authority. This rate is 1.34% greater than the City's current rate of 21.89%. The following table summarizes the potential for changes in City costs in the 2021/22 fiscal year.

	Employer Normal Cost	Covered Payroll as of June 30, 2019	Total Normal Cost	City Share (72% or 100%)
Current				
Police	21.89%	10,735,373	2,349,973	2,349,973
Fire	21.89%	8,214,191	1,798,086	1,294,622
				3,644,595
After Transition				
Police	23.23%	10,735,373	2,493,827	2,493,827
Fire	21.97%	8,214,191	1,804,658	1,299,354
				3,793,181
				148,585

For fiscal year 2021/22, the City will likely experience an increase in total CalPERS costs of approximately $149,000. This increase is attributable to the City's higher rate after removal of fire personnel from the blended rate. This analysis looks at a single year, and may not be reflective of cost differences in future years.

Summary

For fiscal year 2021/22, the City will likely experience an increase in total CalPERS costs of approximately $149,000. This increase is attributable to the City's higher employer Normal Cost after removal of fire personnel from the blended rate. However, this analysis looks at a single year and is not reflective of cost differences in future years. Depending on CalPERS actuarial assumptions, benefit changes, and other factors, future Normal Cost rates may be more or less.

VI. HEALTH INSURANCE AND LEAVES

Future City Health Insurance Costs

Public agencies in California have options for providing medical insurance to their employees, which include contracting directly with insurance providers, working with a broker, and joining insurance pools. One of the largest insurance pools for public agencies in California is offered by CalPERS. The City provides medical, vision and dental insurance to its employees directly from insurance providers, not through the CalPERS health insurance program. For medical insurance, the City offers only Kaiser sponsored HMO, POS, and PPO plans that range in cost (for 2021) from $786 to $1,707 monthly for employee only, to $2,044 to $4,438 monthly for employee and family. In 2020, the City contributed a maximum of approximately $2,900 toward the employee's cost of medical, dental and vision insurance; any cost for insurance in excess of that amount is paid by the employee. Nearly all employees have selected plans with costs that are fully covered by the City; only a few employees pay for insurance in excess of the City contribution. In very limited situations, an employee may opt out of the insurance plan and instead receive a monthly stipend ranging from $904 to $996 per month. The City negotiates rates for medical insurance with Kaiser and its rates are based on many factors, including the number of insured employees.

The City currently has approximately 533 employees, including 77 employees planned for transition to the Authority. The City's insurance broker has indicated that the City will experience an increase in insurance rates for its remaining employees as a result of the smaller employee pool; the amount of this increase is unknown at this time. Prior to the transition of employees to the Authority, the City could obtain updated pricing from Kaiser and other providers.

Summary

The City will experience an increase in health insurance rates for its remaining employees after the transition date, as the City's employee pool will be smaller. The City will need to consult with Kaiser and other providers to determine the impact on health insurance rates in the future.

Retiree Medical Leave Bank

The City allows fire personnel, under certain circumstances, to convert their unused accumulated sick leave into cash upon retirement. This cash is held by the City in a medical leave bank and used to pay the premiums for the retiree's health insurance coverage. The City does not contribute directly to the medical leave bank and the retiree is responsible for payment of insurance premiums after the balance in their leave bank is expended. The Authority proposes to continue the same program with employees after the transition.

The dissolution agreement identifies the balance in the medical leave bank, including the City and District shares, as of February 20, 2018 and requires the City and District to pre-fund this liability in cash. Subsequent to the dissolution agreement, additional employees have retired and the City and the District have made the required cash deposit into this fund. Note that, even if the Authority does not continue to offer this benefit to active employees, the current retirees have accrued this benefit and it must be paid pursuant to previous agreements. These funds are held for the benefit of employees who have already retired from the City, and it would likely be easiest for the City to continue to provide their medical insurance and manage their medical leave bank. There may be exceptions, and the City and the Authority will need to discuss and agree on a specific procedure for managing the existing medical leave bank.

After the transition, the Authority will set up a new trust fund and deposit the value of sick leave accruals when employees retire in the future. In order to ensure the cash is available to fund retiree health insurance premiums, the City and the District could consider pre-funding the employee medical leave bank upon each retirement, as they do now. The City indicates that active fire employees have a current sick leave balance of approximately $6.8 million; however, not all employees will retire from the City, nor will all employees be eligible to participate in the medical leave bank program. Nonetheless, the City and the District will each have an obligation to fund a significant cost for this program in the future. While the City and the District will need to plan for these deposits, which could be substantial, the deposits do not represent an increase in costs beyond current obligations.

Although the City does not offer a direct subsidy of retiree health insurance premiums, the current medical leave bank program does result in an implicit subsidy of retiree health insurance premiums and, therefore, represents a long-term liability. An actuarial report prepared by MacLeod Watts dated February 27, 2020 estimates the present value of these benefits to be $4.9 million for employees as of June 30, 2019. This represents the projected value of benefits for current employees who retire. After the transition date, future employees will retire from the Authority and this liability will increase.

Summary

For retirees prior to the transition date, the City and the District jointly fund their share of the retiree medical leave bank. Current liabilities are fully funded in a trust account, and the City and the District each pay their required share as additional employees retire. After the transition, this arrangement may not need to change.

For retirees subsequent to the transition date, the Authority will establish a new trust account to fund the retiree medical leave bank and will make arrangements with member agencies to fund the account as each employee retires.

While the City and the District will need to plan for these future deposits, which could be substantial, the contributions do not represent an increase in costs beyond current obligations.

Authority Health Insurance Costs

The Authority solicited proposals to provide health insurance to its employees and received several price quotes. Because the Authority has relatively few employees, it does not attract the lowest rates and, with the exception of the CalPERS medical insurance plans, all the proposals were considerably more costly than the rates currently paid by the City. As a result, the Authority is proposing to offer medical insurance benefits through CalPERS. CalPERS offers several medical plans for employees, including Kaiser, as well as others. CalPERS rates in 2021 range from $567 to $1,308 monthly for employee only to $1,473 to $3,400 monthly for employee and family. It is difficult to compare the medical plans offered by the City to the plans offered by CalPERS. The City offers Kaiser HMO, POS, and PPO plans only, while CalPERS offers Kaiser HMO (no Kaiser POS or PPO), plus another 13 plans from other providers. Exact benefits vary among plans and providers. For 2021, the Kaiser HMO rate (the only plan offered by both the City and CalPERS) is higher for CalPERS than for the City; however, that may not always be the case in the future.

The overall cost for an employee health insurance program will cost more for the Authority to provide under the CalPERS health program than the City's current cost, for several reasons.

Insurance rates

60% of fire employees are enrolled in the Kaiser HMO plan. The CalPERS rate for this plan in 2021 is 3.5% more than the rate available to the City. The remaining employees are enrolled in the Kaiser POS plan or opt out of insurance coverage. However, employees will have new choices in plans and an increased opportunity to opt out of coverage; comparing costs based on current enrollment may not reflect actual experience. In order to more accurately project costs for the first year, the Authority surveyed employees to determine which plans employees are most likely to choose if given new options from the CalPERS plan. The survey responses indicate that most employees will remain in the Kaiser HMO plan, while additional employees have access to other health care plans and will opt out of Authority coverage altogether, obtaining coverage through a spouse's plan. Based on the employee survey responses, and factoring in the 2021 insurance rates, costs for medical insurance will be approximately equal for the City and the Authority in 2021. Although rates are higher for the Authority, leaving the City's Kaiser plan creates an option for additional employees to opt out of coverage altogether, reducing costs and offsetting the rate increase. The cost savings from an increased number of employees choosing to opt out should be considered a one-time savings; additional opt outs will not likely be sufficient to offset future cost increases.

Looking forward, the costs for health insurance will vary each year depending on the plan each employee selects, how many opt out, and rates negotiated by CalPERS. Because all currently insured employees are enrolled in Kaiser plans, they are more likely to remain with their Kaiser doctor after the transition. As new employees are hired, they are not necessarily loyal to Kaiser and may select a non-Kaiser plan. Kaiser HMO plans are low-cost compared to other plans, and if more employees select non-Kaiser plans, costs will increase over time. Non-Kaiser HMO plans offered by CalPERS cost between $3,600 and $7,200 more per year per employee than Kaiser HMO plans. If employees switch to these plans, insurance costs will increase. (Note that the City also offers more expensive Kaiser POS plans and it is possible that, in the future, employees could switch to these plans, similarly increasing costs.) Additionally, the Authority projects that 25% of the employees will opt out of coverage and receive an in-lieu payment. For single employees, the cost to provide insurance or an in-lieu benefit are approximately equal. However, the cost of insurance for a family exceeds the in-lieu benefit by $14,000 to $24,000 per year, depending on the plan. If fewer employees opt out of coverage than anticipated, costs could increase significantly. Although future costs are difficult to estimate, if 20% of the employees opt out of coverage (rather than 25%) and enrollees are evenly split between Kaiser HMO and other plans, costs could increase by $160,000 per year. The Authority could offer incentives to encourage employees to select less expensive plans and moderate this potential increase.

The *Flores* Ruling

As noted, the Authority plans to allow employees to opt-out of medical insurance coverage and receive a monthly stipend in lieu of insurance. According to the employee survey, 8 additional employees will opt out of coverage and receive a stipend of $904 each month in lieu of insurance. As a result of the ruling in *Flores v. City of Gabriel*, the amount of the stipend must be included in employees regular pay for purposes of calculating overtime pay rates, increasing overtime costs. The Authority has calculated this additional cost at $29,000 per year (split between the City and the District). In the future, this additional cost will vary depending on the number of employees choosing to opt out of insurance, and overtime hours worked.

Retiree Medical Insurance

By joining the CalPERS medical program, the Authority will be required to make certain agreements related to retiree medical insurance. Currently the City does not contribute directly toward the premiums for retiree medical insurance. CalPERS regulations require that employers participating in the CalPERS medical insurance program contribute an amount toward retiree medical insurance premiums, creating both an annual expense as well as a long-term liability for the Authority. Currently, the amount required by CalPERS is $139 per employee per month, and this amount will increase by approximately 4% each year. However, CalPERS allows a lengthy phase-in of these costs. Authority costs would equal only $1 per month per employee in the first year, increasing each year until the minimum (currently $139/month) is reached in 20 years.

In addition to the monthly payments, the Authority will accrue a long-term liability as a result of the new benefit offered to retirees. Currently, the City provides retirees access to discounted group insurance rates, creating an implicit liability for future discounted insurance rates. If the Authority also directly contributes toward retiree health insurance premiums, as would be required by CalPERS, it will also accrue an explicit liability for these future contributions. The Authority contracted with MacLeod Watts to estimate the amount of this liability. The report from MacLeod Watts indicates that the present value of projected benefits in the current plan of $4.9 million will increase to $10.1 million after the transition to CalPERS medical insurance plans. This value reflects the projected value of benefits for *current employees when they retire; it does not include liability for employees hired in the future*. Existing retirees will not participate in the plan. If the Authority chooses to prefund this liability over a 20-year period, the annual payment would be approximately $124,000 in the first year (shared between the City and the District). This amount will increase as new employees are added, if the usage rate increases, if employees switch to more expensive medical plans, as the required minimum contribution increases, and other factors.

Similar to the CalPERS unfunded liability, the Authority would be wise to ensure that it obtains an annual actuarial report that quantifies the current liability, identifies each member's share, and evaluates options for funding this plan. Because the change to CalPERS medical benefits creates this significant long-term liability, the Authority Board should carefully consider the long-term fiscal implications to its member agencies before making a final decision.

Summary

The cost to provide health insurance benefits will increase after the transition, potentially significantly. In the first year, the direct cost for health insurance benefits will be about the same as the City would have incurred; however, future costs will vary depending on employee enrollment and rates offered by CalPERS. Because all insured employees are currently enrolled in Kaiser plans, they are more likely to remain with Kaiser after the transition. However, over time, new employees may select more expensive non-Kaiser plans, increasing future costs by as much as $190,000 per year. Additionally, because additional employees will opt out of insurance coverage and the impacts of the *Flores* ruling, the Authority will incur an additional $29,000 in overtime costs in the first year, and varying from year to year.

Most significantly, the plan to provide medical benefits through CalPERS will result in a requirement to contribute toward retiree health insurance premiums. This will generate significant annual costs as well as long term liabilities. In the first year, the Authority will incur approximately $124,000 (split between the City and the District) in annual costs to fund required contributions; this amount will increase annually as additional personnel are hired. The liability for current employees who will retire in the future is estimated to increase from $4.9 million to $10.1 million, increasing further as new employees are hired.

Higher annual insurance premiums from non-CalPERS providers might be justified to avoid this long-term liability. Because the change to CalPERS medical benefits creates this significant long-term liability, the Authority Board should carefully consider the long-term fiscal implications to its member agencies before making a final decision.

Leave Accruals

The City currently provides fire personnel with certain leave benefits, including vacation and sick leave. If not used, these leaves can be accrued to certain maximum amounts. The Authority proposes to offer the same leave benefits to employees as offered by the City, and to credit each employee with the same leave balance they accumulated while employed by the City. While the normal use of accrued leave is budgeted and paid as part of the ongoing salary expense, in some situations, employees are allowed to cash out portions of their leave bank (either during the year or at termination).

These accumulated leaves represent a liability to the City and the District. The dissolution agreement dated February 20, 2018 indicates that "the City and District shall jointly fund the cost of accumulated leave and any other accruals due to District's Former Employees who separate from the City." This statement only addresses employees who were employed by the District prior to 1999, are still employed by the City, and transition to the Authority (or otherwise leave the City). This section of the dissolution agreement does not indicate the value of the accumulated leave, nor the amounts owed by the City and the District, beyond the expectation that they will jointly fund the costs. Additionally, the dissolution agreement does not address accrued leave for employees working in the District's service area that were hired after 1999. During the term of the 1999 JPA, the District was billed for its share of current salary and benefit costs, including leave taken by employees. However, the District did not contribute toward the long-term liability associated with leave accrued but not yet paid. It is common for agencies to fund employee leave taken on a pay-as-you-go basis and not have funds set aside to fund all future leave.

Upon transition, the Authority will credit each employee with existing leave balances, and will pay employees as they use the leave over time or cash out the leave. The District and the City could jointly determine the value of accumulated leave for all the employees and develop a funding plan for leave balances that are cashed out by the employee. Alternately, the Authority could continue the pay-as-you-go model and invoice each agency for its share of leaves cashed out as part of the normal billing process. The value and cost for these accrued leaves will not increase as a result of the transition unless the Authority changes policies related to use of leave balances.

VII. GENERAL LIABILITY AND WORKERS' COMPENSATION INSURANCE

The City is a member of the Central San Joaquin Valley Risk Management Authority (CSJVRMA) and acquires both liability and workers' compensation insurance as part of its overall insurance program. The coverage for the Authority has been a constituent part of the insurance costs and the City charges the Authority its pro-rata share each year. For fiscal year 2020/21, the City's total cost (for all employees) for workers' compensation insurance is $3.4 million, and $1.4 million for liability insurance. For the 2020/21 fiscal year, the Authority expects to pay approximately $900,000 (or 26.5%) of the City's workers' compensation premium and $122,440 (8.6%) of its liability insurance premium.

As part of the planning for the transition of these insurance coverages, the Authority obtained quotes for liability and workers' compensation insurance from the Special District Risk Management Authority (SDRMA), a statewide insurance risk management joint powers agency. The cost comparison below outlines the cost for the existing and proposed insurance coverages for the first fiscal year.

Current City Workers' Compensation	$900,000
Proposed SDRMA Workers' Compensation	$578,883
Difference	-$332,375
Current City Liability Insurance	$122,440
Proposed SDRMA Liability Insurance	$172,363
	+$ 49,923
Net Insurance Cost Change Year 1 (split between City and District – one time savings)	-$282,452

The cost reduction in workers' compensation insurance is primarily due to the lack of any loss experience with the Authority operations. After the first year, these rates will return to levels more consistent with the City's rates. The liability insurance rate increase is likely due, in part, to the "stand alone" insurance profile the Authority will assume going forward. In addition, the insurance costs may increase further after lease terms between the City and the Authority are fully resolved. The liability rates will also be dependent on the insurer's experience with the Authority.

Comparing rates is difficult because the City is able to obtain rates for the entire organization, and may benefit from the economies of scale. We are unable to confirm that the proposed coverage for liability and workers' compensation insurance are the same for the CSJVRMA and SDRMA, including limits of liability and impacts of self-insured retention. While the insurance proposed by the Authority may be sufficient, it may reflect different coverage levels than the City provides. If a more detailed comparison is needed, the City will need to consult with insurance professionals.

Both the City's insurance provider (CSJVRMA) and the Authority's provider (SDRMA) are large and experienced risk management pools. The CSJVRMA has more than 50 members in its worker's compensation and liability pools, and total revenues of $53 million annually. The SDRMA has 440 members in its workers' compensation pool and more than 500 in its liability pool, with $74 million in annual revenues. The two pools will be able to provide competitive rates to the City and the Authority, and, in the long run, the differences between the rates the City can offer the Authority and the rates the Authority obtains from SDRMA are not likely substantial.

With the transition of employees to the Authority, the City's workers' compensation and liability insurance costs will be reduced. Worker's compensation insurance rates for fire personnel are among the highest of all employees, and the City should see a significant decrease in workers' compensation premiums. The City contacted CSJVRMA and received an initial estimate that premiums for workers' compensation will decrease by $1.154 million and premiums for liability insurance will decrease by $389,000, for a total cost reduction of $1.55 million. While this estimate is subject to change, it does indicate that the City may see significant savings in overall insurance costs. The table below shows current City insurance and anticipated costs for the first year after the transition.

	Workers' Compensation Insurance	Liability Insurance	Total
Current			
City Insurance Cost with CSJVRMA	3,393,636	1,420,255	4,813,891
Less: Amount Reimbursed by Authority	900,000	122,440	1,022,440
Net City Direct Insurance Cost	2,493,636	1,297,815	3,791,451
Plus: City Share of Authority Cost	648,000	88,157	736,157
Total City Insurance Cost	3,141,636	1,385,972	4,527,608
After Transition, Initial Cost			
New City Insurance Cost with CSJVRMA	2,239,746	1,030,984	3,270,730
New Authority Insurance Cost	578,883	172,363	751,246
City share of Authority Cost	416,796	124,101	540,897
Total City Insurance Cost	2,656,542	1,155,085	3,811,627
Savings	485,094	230,886	715,981

In the first year, the City may see a reduction in costs in excess of $700,000. However, this savings should be considered a one-time savings. As the Authority's cost for workers' compensation insurance increases as expected, this savings will be reduced or eliminated.

Although not directly related to future costs, the City and the Authority will need to determine how to handle claims that are received and paid for incidents prior to the transition date.

Summary

The Authority expects to realize substantial cost savings in its insurance program in the first year of operation, saving JPA members $282,000. Savings the City will experience with its own insurance will increase the savings in the first year to more than $700,000 for the City. However, this cost savings is a one-time benefit. As the Authority's cost for workers' compensation insurance increases as expected, this cost savings will be reduced or eliminated.

VIII. STATIONS, APPARATUS AND EQUIPMENT

City and District-Owned Assets

Under the terms of both the former and current joint powers agreements, the District and the City retain ownership of their respective fire stations, buildings and fire apparatus. Each agency has, and will continue to have responsibility for repairs of fire stations and buildings as well as replacement of fire apparatus when needed. In addition to the City and District fire stations and apparatus, the Authority occupies two City-owned properties; one serves as the Authority's administrative offices and the other, a former fire station, is used for equipment and materials storage. Pursuant to the JPA Agreement, the City and the District will lease their fire stations to the Authority, as well as City-owned administrative and storage facilities, to permit continued use by the Authority.

The Authority has prepared two draft leases for review by the City and the District. The City lease includes stations 91, 92, 96 and 97, plus fire the administration building and the storage facility. Similarly, the District will lease its stations 93 and 94 to the Authority. The primary purpose of the leases is to permit

the Authority to use the facilities owned by the City and the District and establish terms and conditions for the performance of the lessor and lessee. The draft leases are currently under review by the City and the District. The Authority proposes the following lease provisions:

- The Authority will have full operational control of the facilities;
- The Authority will continue to pay the City facility maintenance charges (currently $50,000 per year) as rent (presumably for the administration and storage facilities only); the Authority will not pay the District or the City any cash rent for the fire stations;
- For all properties, the Authority will be responsible for routine maintenance and repair in the interior of the buildings, to include plumbing, heating, cooling and electrical systems. The City/District will be responsible for all other maintenance, including capital repairs and maintenance of the building exteriors;
- The City/District are responsible for payment of utilities;
- Both the City/District and the Authority will carry general liability insurance;
- The Authority will provide workers' compensation insurance coverage;
- Fire insurance will be carried by the City/District and the Authority for their own property (i.e., owners cover the buildings, Authority covers contents); and
- The City/District and the Authority mutually indemnify each other and list each other as additional insured on insurance policies.

Some of these lease terms may change after the City and the District complete their reviews. The District and City fire operations have operated as a fully integrated unit for more than 20 years and have an established method of sharing service costs and retained ownership of their stations and apparatus. Leasing the properties to the Authority will not significantly modify longstanding practices nor significantly impact facility maintenance costs.

While the draft leases provide a reasonable framework to articulate responsibilities and document current practices, some of the proposed lease terms could benefit from additional clarity. The leases only directly address the real property; no mention is made of leasing fire apparatus as is required by the JPA Agreement. Clarification regarding City/District and Authority facility maintenance responsibilities could help staff implement the leases. Additionally, there appears to be some inconsistencies in the proposed lease terms in the area of property insurance coverage. Some of these changes should be made directly in the leases; however, a number of related issues could be addressed in memoranda of understanding rather than directly in the lease, as it can be more easily modified as circumstances change.

As noted previously, the act of leasing the properties to the Authority does not change maintenance costs. The City will pay certain maintenance costs directly for its own facilities, and will pay its share of maintenance costs for Authority-performed work. The Authority will pay rent to the City for the administration and storage facilities, which will be shared between the City and the District as a normal operating cost. (It is important that all maintenance costs for the Administration and storage facilities, such as utilities and landscaping, are paid directly by the Authority so they may be split appropriately between the City and District as normal operating expenses.) The Authority currently maintains the apparatus and no change is planned. Insurance costs may increase for the City and the District, as the proposed leases require the City/District and the Authority to provide duplicate liability coverage. This cost could range from $150,000 to $350,000 per year, depending on coverage levels. The potential

impacts on costs for insurance coverage should be investigated as the terms of the proposed leases evolve, and the lease terms could be amended to minimize these duplicate costs.

There are some long-term fiscal planning matters that could benefit from additional discussion and resolution. Fire apparatus purchases represent a significant capital outlay, which occurs on an infrequent basis. Typical engines cost approximately $700,000 each and a ladder truck would cost between $1 and $1.4 million. Apparatus often require a one to two-year lead time for specification development, assembly and delivery. The significant costs associated with this equipment and the projected increase in the number of District stations (and associated apparatus) presents a future liability for the City and the District. The City currently has an equipment replacement reserve to help assure funds are available for timely replacement of these important apparatus, and both the City and the District acquire fire apparatus using a lease-purchase strategy.

Although ultimate responsibility lies with the City and the District for managing their fleet of apparatus, best practice would suggest the Authority could develop a unified master schedule for apparatus replacement and recommend adequate reserves or long-term budget strategies to assure that timely replacements will be provided in the future. In fact, in other joint power fire authorities, ownership of the apparatus is often transferred to the JPA to ensure maintenance and replacements are comprehensively managed. The JPA Agreement requires the Authority to maintain a replacement schedule for all of the leased facilities (both buildings and apparatus). The Authority has prepared an initial equipment replacement schedule for the apparatus only; however, it does not include current fund balances, lease options, or all scheduled replacements. A more comprehensive and integrated approach to planning for apparatus replacement needs is an important element in developing accurate and sustainable long term fiscal stability.

Authority Owned Property

The Authority plans to take ownership of the vehicles and equipment to support fire operations. Equipment such as firefighter pickup trucks, SUVs, turnout gear, defibrillators, breathing apparatus and extraction tools have been purchased over the years, with the cost shared between the City and the District. The City has title to some of these assets, although functionally the Authority controls their usage. The City and the Authority would be best served by developing a schedule of these assets and formally transferring ownership, where appropriate, to avoid any misunderstanding about ownership.

The City maintains a replacement reserve program to depreciate the vehicles used by the Authority staff and provide replacement funding through vehicle use charges. The funding for the replacement reserve is provided by the City and the District in the established formula. As the Authority will take ownership and responsibility for replacing these vehicles, the City should transfer the current reserve funds to the Authority to fund its own replacement reserve.

In addition to vehicles and apparatus, the Authority uses specialized equipment to support fire operations. Most notably these include firefighter turnout gear, defibrillators, breathing apparatus and other expensive items, including extraction (Hurst) tools. The costs for these items are shared between the City and the District, but it is unclear if there are funds set aside for future replacement costs. We recommend the Authority and the City review the City's current capital outlay reserve program to determine whether these items are currently included in the City's capital outlay program and, if so, transfer any funds set aside for replacement to the Authority for its own replacement reserve. Going forward, best practices would suggest the Authority develop a capital replacement plan and set aside funds for replacement of the more expensive items (typically more than $5,000 - $10,000) in the future.

Although the Authority and its members will benefit by a more robust capital replacement plan for equipment, vehicles and apparatus, none of these planning efforts will result in costs that do not currently exist, as the City and the District already have responsibilities to fund replacement of these assets in the future.

Summary

Although the lease terms are not yet resolved, it appears that the City and the District will largely continue with current practices for facility maintenance with no significant change in maintenance costs. The proposed insurance requirements might result in increased costs as a result of duplicate coverage. This cost could range from $150,000 to $350,000 per year, depending on coverage levels. The potential impacts on costs for insurance coverage should be investigated as the terms of the proposed leases evolve, and the lease terms could be amended to minimize these duplicate costs. Additionally, the Authority and its members would benefit by a robust capital improvement plan for long-term replacement of apparatus, vehicles and equipment.

IX. ADMINISTRATIVE AND SUPPORT SERVICES

One of the primary benefits embraced by the City and the District in 1999 when the SCFA was formed was the opportunity to improve efficiency by eliminating redundant administrative and operational services. By combining operations, the City and the District did not need to each hire staff to provide administrative, legal, technical, fiscal and related functions; the City was able to use its existing staff to provide this support to the District. The creation of the new, independent Authority could reverse some of those efficiencies by creating the need for administrative, legal, technical, fiscal and similar services separate from the City. The new JPA model seeks to create a more autonomous government agency, with leadership able to make day-to-day decisions independent of influence from any one Authority member. This would necessitate the creation of separate executive leadership and legal services. However, other joint powers agencies frequently rely on one or more member agencies for professional and technical support services, including human resources, payroll, accounting, information technology, and other support services. From a City perspective, the costs to for the Authority to develop some of its own support services are duplicative with costs to provide service for all City functions; the City will pay 72% of these costs incurred by the Authority, even if City staff could provide the service. As new stations and fire personnel are added outside the City's boundaries, the City's proportionate share of costs will be reduced from 72%, reducing the City's burden for Authority administrative and support costs.

The Authority currently pays the City $175,000 per year for finance, human resources and administrative services support. To the extent the Authority shifts services away from the City, these revenues to the City will be lost and the City may not be able to reduce its staffing costs to offset the reduction in revenues. However, the City may use the newly-available staff capacity to pursue other administrative needs in the City.

At this time, the Authority has pursued a plan to provide these services as follows:

Administrative Function	Currently (or Previously) Performed by…	To Be Performed by After Personnel Transition…
Accounting/Finance	Controller/Treasurer – contract for services with private firm in process (not yet implemented) Payroll – City staff Accounts Payable, Accounts Receivable, Miscellaneous Accounting – Authority staff	Controller/Treasurer – contract for services with private firm Payroll – Authority staff Accounts Payable, Accounts Receivable, Miscellaneous Accounting – Authority staff
Human Resources	Contract with City of Tracy	Contract with City of Tracy
Information Technology Support	City until March 2020, then contract with private firm	Contract with private firm
Legal Counsel	Contract with private firm for both general and special counsel	Contract with private firm for both general and special counsel

Fire agencies, either independent districts or joint powers authorities, can employ different models for providing support services, with varying levels of contracting with cities, contracting with outside firms, and use of agency staff. Joint powers authorities will often rely on member agencies for various support services to avoid duplication of costs. Regardless of how each service is provided, there needs to be sufficient resources committed to be sure the Authority's needs are met. The Authority has indicated it does not anticipate the immediate need for additional support staff after the employee transition. Currently, the Authority has two Division Chiefs and one Executive Assistant assigned to administration. However, one of the Division Chief positions is working only on transition-related projects and the Authority plans to eliminate the position after the transition is complete. This would leave one Division Chief and one Executive Assistant to provide administrative functions. Recognizing this is likely insufficient to provide all needed services, the Authority has indicated an interest in adding a management analyst or similar position in the future, although no plans have been finalized and this position is not reflected in the proposed classification and compensation plan or budget.

Information Technology

Previously, the City's IT Department provided support to the Authority, as it does with all City departments, and the Authority was paying $222,000 annually to the City for these services. As of March 1, 2020, the Authority has contracted with a private firm to provide similar IT support services. The Authority pays $62,400 for these services annually, plus an additional $34,300 for line and network access charges. These costs do not include some equipment replacements that were included in the City's services. The Authority estimates these costs to range from $10,000 to $20,000 per year. The Authority anticipates a total of $107,000 to $117,000 per year in IT-related costs, a savings of $105,000 to $115,000 per year.

Legal Services

Previously, the City Attorney's Office provided general legal support to the Authority, as it does with all City departments. The cost for this service was a component of the City's overhead charge, which included other services, and the specific amount charged for legal services is not available. The Authority has contracted with independent legal counsel on an hourly basis to provide this service and no longer relies on the City Attorney. The Authority's cost for general counsel is approximately $15,000 to $25,000 per

year. In addition, the Authority hires special counsel for labor issues, litigation, and similar needs. The Authority has budgeted $49,500 for legal services in the 2020/21 fiscal year.

Finance and Administration

The City's Finance Department provides payroll services for the Authority, along with administration services, including risk, grant and property management, insurance, audit and general administration. The Authority's need for these services from the City will be reduced over time, but some level of City support for administration is likely to continue for the next year or two.

The Authority has contracted with a private firm to provide financial Controller/Treasurer services at a cost of $36,000 annually. The final scope of work for this contract has not been completed and the Controller/Treasurer's work has not yet begun. For the price contracted, the Authority will receive approximately 120 to 300 hours of support annually, less than 15% of a full-time employee. Additionally, the City's annual audit previously included Authority financial transactions. The Authority has contracted with a CPA firm to complete an annual audit at a cost of $11,500 annually. This low cost reflects the Authority's relatively modest number of financial transactions and could increase after the transition, when the Authority takes on more robust fiscal responsibilities, by an additional $5,000 to $10,000. The Authority has purchased and is installing Cougar Mountain's Denali financial management software, with an ongoing cost of $12,000 per year.

The Authority already uses its own staff (including some sworn staff) to manage banking and cash, revenue and accounts receivable, accounts payable, reporting, and general accounting, and plans to use its own staff to process payroll. Agencies similar in size to the Authority after the transition, including cities and other fire agencies, typically require more staff to provide financial oversight than the Authority currently anticipates. For example, the Novato Fire District has a Finance Director and an Accountant and Purchasing specialist[1], and the Central Fire District (Santa Cruz) has a Finance Director, an Accounting Specialist, and a part-time Administrative Assistant in its Finance Department. The Authority's Controller/Treasurer will provide some of the functions that these two comparable Districts provide in-house; however, these examples are provided to demonstrate that the Authority is likely to need additional staffing for its finance function. While we are not able to make specific staffing recommendations without further study, generally speaking, a full-time accounting assistant or similar position would cost $110,000 including benefits; an analyst or manager-level position would cost approximately $150,000 or more. If the Authority required staffing similar to Novato Fire and Central Fire, it would hire one accounting manager/analyst position and one accounting assistant or specialist, for a total cost of approximately $360,000 annually.

As noted above, the Authority plans to use existing staff to process payroll. Payroll for fire personnel is complex, regulated by numerous state and federal regulations, and, as with all payroll, the consequences of error are severe. Although the use of technology can facilitate the payroll process, it cannot replace the need for human decision making, data entry and processing, and a thorough understanding of applicable laws and regulations. The payroll and human resources functions must be kept distinct, but the two functions must closely and regularly coordinate in order to ensure the accuracy of payroll and compliance with applicable laws. Human resources and payroll staff both need restricted access to the payroll system. The Authority is aware that, in the future, additional staff may be needed for payroll, however, initially no additional resources or expertise are planned.

[1] Note that Novato Fire has several additional finance related employees due to their extensive billing operation. Billing and related staff have been excluded from this analysis, as the Authority does not provide similar services.

The Authority might be best served by reevaluating how it will provide payroll for its employees. For example, it could consider contracting with a payroll service that can provide the necessary expertise. Alternately, it could consider continuing to contract with the City for payroll services. This could be particularly efficient, as the City will also be providing human resources services. Currently, the process of reconciling payroll information each month between the Authority and the City is tedious and time consuming, largely because the City and the Authority have adopted very different charts of accounts and accounting procedures. Because the current process is temporary, staff from the City and the Authority have not actively sought to develop procedures and processes that could streamline the reconciliation process. If the City were to continue processing payroll, the City and the Authority could reevaluate the reconciliation process and develop techniques to improve the process, which may include limited sharing of access to financial information systems. The Authority might consider focusing its attention on other areas of the transition and continue to contract with the City for payroll services until the Authority can better evaluate and implement administrative staffing needs.

Regardless of the option selected, the costs and implementation details need to be addressed thoroughly before the transition. Payroll conversions are complex; require repeated parallel payrolls, adjustments and proofing; and often take many months to complete. If the authority proceeds to accept responsibility for processing payroll in-house, it would be wise to ensure that developing and completing a payroll transition plan is a high priority, and could benefit from the assistance of its new Controller/Treasurer.

Human Resources

The Authority currently contracts with the City for human resources services. The City provides a wide range of general personnel services, including benefits administration; classification and compensation management; disability, leaves, and worker's compensation case management; recruitment and selection; employee relations; discipline; and related services. In addition, the Authority pays separately for investigations, physicals, litigation, recruitment, special counsel, labor negotiators and other services provided by consultants and legal counsel. While it is impossible to predict from year to year, these additional costs could easily reach $75,000 to $100,000 per year. The Authority plans to continue this contract with the City for human resources services.

Similar to finance departments, Agencies comparable in size to the Authority after the transition, including cities and other fire agencies, typically require more staff to provide personnel services than the Authority is currently funding. For example, the Novato Fire District and the Central Fire District (Santa Cruz) each have a full-time Human Resource Manager and administrative support for human resources services. While we are not able to make specific staffing recommendations without further study, generally speaking, a full-time human resources assistant or similar position would cost $110,000 including benefits; an analyst or manager-level position would cost approximately $150,000 or more. If the Authority required staffing similar to Novato Fire and Central Fire, it would hire, at a minimum, one human resource manager/analyst position and one part-time assistant, for a total cost of at least $205,000 annually.

The City is providing services to more than 80 full- and part-time Authority employment positions. In addition to typical personnel services noted earlier, with completion of the employee transition to the Authority, the City may need to provide additional services. For example, human resources staff will fully implement new classification and salary plans, new benefit options, and new employee Memoranda of Understanding. Open enrollment each year will require two different sets of enrollment procedures and forms, payroll may be coordinated with Authority staff rather than City staff, and, if the Authority chooses a worker's compensation plan different than the City's, case management will be through a different plan administrator. As the Authority staff grows, additional employees will increase the need for services. The

City may not be currently recovering its costs to provide human resources services, and, as a result, the Authority's current costs do not realistically reflect actual costs.

The City charge of $175,000 for finance, administration and human resources services was negotiated between the City and the Authority and has not been supported by staffing studies to document actual time spent on Authority services. The City and the Authority will need to better define the services to be provided by the City and renegotiate this agreement, to be documented in a memorandum of understanding, as part of the personnel transition. However, before this effort can proceed, the specific role of the City in the payroll process needs clarification. (Even if the Authority processes payroll, the human resources/payroll integration process will require City staff time). Additionally, the City's role in other administrative tasks may change.

In order to keep costs low for JPA members, the Authority is planning on providing most administrative functions with existing staff. However, after the transition, the need for professional accounting and human resources staff will become apparent and we are concerned that the Authority's plans do not reflect realistic costs for professional administrative support. The following table shows the Authority's currently anticipated cost for administrative services and a more realistic cost, assuming full transition of accounting and human resources functions.

Administrative Function	Authority Anticipated Service Cost	Potential Costs After Transition to Authority
Accounting/Finance Human Resources Administration	• $175,000 paid to City • Additional Human Resources costs of potentially $75,000 to $100,000 per year • Auditor: $11,500 • Controller/Treasurer: $36,000 • Financial Management Software: $12,000 TOTAL: $309,500 to $334,200	• $360,000 Finance Department staffing needs • $205,000 Human Resources Department staffing needs (or continue to contract with City, amount to be negotiated, estimated $75,000 - $100,000) • Additional Human Resources costs of potentially $75,000 to $100,000 per year • Auditor: $16,500 - $21,500 • Financial Management Software: $12,000 • TOTAL: $538,500 to 698,500
Information Technology Support	Pay private firm for support, with total costs of approximately $107,000 to $117,000	Same
Legal Counsel	Contract with legal counsel at a cost of approximately $50,000 per year	Same

For both finance and human resources services, the City and the Authority would be best served by completing a thorough review of the Authority's administrative needs going forward and evaluating options for providing those services. Rather than taking an incremental approach to this analysis, we recommend a more holistic view, including a review of how comparable fire agencies provide these services, their staffing levels and budgets for administrative support. While the Authority might be able to provide services for a short time with its own staff, costs could quickly increase as the need for additional staff becomes apparent. The City and the Authority would be wise to plan for these needs now, rather than wait until the needs become apparent after the transition.

Transition Plans

The Phase 2 Personnel Transition Plan prepared by the Authority takes a broad look at many aspects of the employee transition and includes considerable analysis of the Authority's plans to date. In the area of administrative services, however, there are many details yet to be worked out. The City and the Authority might consider an additional document that includes details of how administrative and finance functions will be implemented and managed after transition. Not only would this set a solid foundation to ensure success after the transition, it would identify any potential costs, and opportunities for reducing costs.

Examples of plans to be addressed might include:

- Details on the billing and reconciliation process between the City and the Authority. When will the JPA members make advances, and how will those advances be reconciled to actual expenses? How can the City and the Authority adjust their accounting procedures to facilitate this process? Can custom programming facilitate reconciliation, reporting and journal entries?
- For payroll processing, who will complete payroll and how will the process integrate with human resources? How will time cards be processed and personnel information entered into the payroll system?
- Who will have access to City and Authority financial management systems, business license software, and development services software? What controls are needed?
- What non-depreciated equipment will be transferred to the Authority (telephones, desk top computers, and so forth)? Will the Authority acquire its own user licenses for software?

Raising these questions, and many others now will help the Authority evaluate options for providing these administrative support services, resolve problems before they occur, and ensure costs are minimized.

Summary

The Authority currently pays approximately $466,500 to $501,500 for identified administrative, legal, IT and related support costs, in addition to the costs of Authority staff. This includes $175,000 paid to the City. Administrative details related to the employee transition need to be worked out, most notably how payroll will be provided and how it will integrate with human resources. The amount the Authority pays to the City could be reevaluated based on proposed services, and documented in a memorandum of understanding. While the amount paid to the City for services will decrease over time, the need for additional administrative support staff could easily exceed this cost savings. If the Authority needs to add staff similar to comparable agencies, costs for finance and human resources services could increase by $229,000 to $364,000 per year.

The Authority and its members would be best served by taking a broader, more comprehensive look at how the Authority will provide administrative services in the future so that members can plan for the costs necessary to provide professional administrative support.

Additionally, the City and the Authority should continue discussions regarding the employee transition, evaluate options for payroll services, and create a detailed transition plan that addresses not only payroll integration, but access to financial and other information systems, the billing and reconciling, and many other details.

X. CLASSIFICATION AND COMPENSATION

As the new employer of record, the Authority will need to adopt compensation and benefit plans and develop a position control roster to track authorized positions. The Authority's proposed classification plan, salary schedule and position control roster are included in the Phase 2 Personnel Transition Plan.

In addition, the Authority will need to work with the Tracy Firefighters Association and the South County Fire Chief Officers Association to develop proposed new memoranda of understanding. The Authority will employ approximately eight employees who are currently members of other bargaining groups and will be unrepresented after the transition. The Authority has created a proposed Unrepresented Compensation and Benefit Plan for these positions.

The Authority's proposed classification plan, salary schedule and position control roster are consistent with the City's current position control roster, with a few exceptions noted below.

Position (excludes part time positions)	**Proposed Authority Number of Positions**	**Current City Number of Positions**	**Proposed Authority CalPERS Safety or Misc.**	**Proposed Authority Bargaining Unit**
Fire Chief	1	1	Safety	Contract
Division Chief	3	3	Safety	Unrepresented
Fire Marshall	1	1	Safety	Unrepresented
Battalion Chief	3	3	Safety	SCFCOA
EMS Manager (Notes 1 and 2)	1	1	Safety	Unrepresented
Fire Captain	22	22	Safety	TFFA
Fire Engineer	21	21	Safety	TFFA
Firefighter	24	24	Safety	TFFA
Executive Assistant	1	1	Miscellaneous	Unrepresented
Administrative Assistant II	2	2	Miscellaneous	Unrepresented
Plans Check Examiner	1	1	Miscellaneous	Unrepresented
Fire Inspector (Note 3)	4	3	Miscellaneous	Unrepresented
Permit Tech (Note 3)	0	1	Miscellaneous	Unrepresented
Project Specialist (Note 4)	1	1	Miscellaneous	Unrepresented
	85	85		

The Authority proposes the following changes or adjustments:

1. The EMS Manager is currently provided a CalPERS Miscellaneous retirement. However, the Authority proposes to move this position to the Safety group. This represents an increase in costs of approximately $13,000 to $17,000 per year.
2. The Unrepresented Compensation and Benefit Plan includes several changes in benefits for the EMS Manager. These include an increase in vacation accrual after 20 years of service, an increase in management leave accrual, and an increase to the maximum leave that may be accrued. At a minimum, this will cost an additional $1,000 to $1,300 per year, or as much as $10,000 to $12,000 per year, depending on leave usage and tenure of the employee.
3. The Authority plans to eliminate the Permit Technician position and add an additional Fire Inspector. This represents approximately $27,000 to $33,000 in additional costs per year.

4. The Project Specialist position has been filled only on a part-time/temporary basis in the past. The Authority plans to continue to fill the position only as needed on a temporary basis.
5. The Authority has included three new positions in its Unrepresented Compensation and Benefits Plan: Management Analyst, Human Resources Analyst, and Accounting Assistant. These positions are not included in the classification plan nor in the salary schedule. The cost for these additional positions could range from $110,000 to $150,000 each, including benefits. (This cost is addressed in more detail earlier in this report).
6. Fire Inspectors will be provided a uniform allowance of $915 per year. Currently, the City provides the Fire Inspectors with shirts and a jacket as needed, but no uniform allowance. The change to an allowance will not likely result in a notable change in overall costs.
7. The Authority plans to offer up to 5% matching funds for employee contributions to a 457 deferred compensation plan for all unrepresented employees. This is consistent with current benefits offered to these employees, except Teamsters who currently receive 2.5%. This will increase costs up to $12,000, depending on the employee pay and amount of voluntary deferral.
8. The Fire Marshall position was omitted from the Unrepresented Compensation and Benefits Plan and the Authority is in the process of adding the position to the Unrepresented – Safety Management group.

The Authority may have implemented some of these changes, and associated costs, regardless of the personnel transition. As noted, there are some inconsistencies between positions and benefits as described in the classification and compensation plans and the Unrepresented Compensation and Benefits Plan. The above list does not represent a comprehensive review of all possible changes. The Authority might consider a more thorough comparison of the current and proposed plans to identify additional differences, if any, and amend the proposed documents as needed to ensure consistency and clarity.

Summary

The Authority is proposing the same number of employees as currently employed by the City. However, certain changes to positions and benefits will result in an increase of $50,000 to $75,000 per year. Changes in classification and compensation, either during the transition process or afterward, will result in additional costs, both in direct salary and benefits, and in long-term liabilities. Some of these costs may have been incurred regardless of the personnel transition.

In order to facilitate additional analysis of the proposed compensation and benefit plans by all stakeholders, the Authority might create worksheets, strikeout versions, or other documents that identify current benefits by group and proposed benefits, as well as proposed changes in compensation and benefits by position, when applicable.

XI. CONCLUSION

The transition, as it is currently envisioned in the transition plan, will initially increase operating costs for the Authority and City over time. The majority of these costs result from the discontinuance of the City's more cost-effective provision of health insurance, administrative services, and similar costs. However, some of the cost increases can be reduced through careful planning and implementation. For example,

the City and the Authority could consider more affordable options for employee health plans and administrative support services.

We are recommending three areas the City may want to prioritize for additional discussion or analysis.

CalPERS Unfunded Liability: The City and the District will need to confer and agree on a methodology for allocating the existing and future CalPERS UAL. This is a substantial liability that will grow over time, and the City and District would be wise to agree on a funding strategy before the transition.

Health Insurance Benefits for Employees: While the proposal to provide CalPERS health insurance benefits provides new options for employees, it also triggers a requirement for contributions to retiree medical insurance. In the long run, this will increase expenses and, most notably, add considerable liability. Higher annual premium costs from non-CalPERS providers might be justified to avoid this long-term liability.

Administrative and Support Services: The creation of the new, independent Authority will create the need for administrative, legal, technical, fiscal and similar services that are, to some extent, duplicative of services provided by the City. In the long run, the Authority will experience costs in excess of those charged by the City for these services. As new stations and fire personnel are added outside the City's boundaries, the City's proportionate share of costs will be reduced from 72%, reducing the City's burden for Authority administrative and support costs.

The 2018 JPA Agreement provides a platform for increased independence of the Authority from the City and a reasonable and well-considered solution to long-term fiscal and operational challenges facing the City and the District. However, the devil is in the details, and many details of the transition remain to be resolved, as outlined in this report. As these transition details are created, additional impacts may be identified, while others will be resolved. Additionally, future costs will be impacted by Authority Board actions that cannot be predicted at this time.

As required by the JPA Agreement, the City and the Authority are meeting to discuss the details of the employee transition. This report might help provide insight into the different impacts facing the City, the District and the Authority to help inform implementation and negotiations. The Authority previously planned to transition to the employer of record on January 1, 2021. However, we recommend that the Authority delay this implementation date until the details of the transition are further developed.

We appreciate the opportunity to work with the City of Tracy and the South San Joaquin County Fire Authority. City and Authority staff were very helpful and insightful, providing considerable information for our review. If we can be of further assistance, please let us know.

City of Tracy Fiscal Impact Analysis South San Joaquin County Fire Authority

Fiscal Impact Analysis South San Joaquin County Fire Authority

Mike Oliver, MRG Partner
Dana Shigley, MRG Consultant
Brian Kelly, MRG Consultant

PROJECT OBJECTIVE

- ✓ Evaluate the potential fiscal impacts which may affect the City of Tracy resulting from the transition of City Fire employees to the Authority.

PRIMARY FOCUS AREAS

- ✓Operational costs incurred by the Authority and shared between the District and the City
- ✓Operational costs incurred directly by the City
- ✓Long-term liabilities for the City and the District

AREA ONE:
OPERATIONAL COSTS INCURRED BY THE AUTHORITY AND SHARED BETWEEN THE DISTRICT AND THE CITY

✓**Authority Health Insurance Costs**

The Authority plans to offer employee health insurance through CalPERS. This will increase costs for the Authority and the City.

- Cost for health insurance plans will initially be about the same, but could increase by as much as $160,000 per year over time depending on plans selected and number of employees electing to opt out

- Overtime costs from the *Flores* Ruling will increase costs by $29,000 per year with future costs contingent upon the number of employees electing to opt out.

AREA ONE:
OPERATIONAL COSTS INCURRED BY THE AUTHORITY AND SHARED BETWEEN THE DISTRICT AND THE CITY

✓Authority Health Insurance Costs (cont.)

- CalPERS will require the Authority provide health insurance coverage to retirees, a new benefit. This will create a long-term liability requiring contributions of $124,000 per year that will will rise year over year.

- Summary
  - First year cost increases: $153,000
  - Future year cost increases of $153,000 plus up to $160,000 per year over the long term

AREA ONE:
OPERATIONAL COSTS INCURRED BY THE AUTHORITY AND SHARED BETWEEN THE DISTRICT AND THE CITY

✓Authority Health Insurance Costs Possible Options to Consider

- Reconsider insurance plans from other providers or insurance pools. Even if the premiums are a little more than CalPERS plans, they might be a better option to avoid the costly long-term liability from the requirement to provide retiree health insurance benefits.
- Create policies and incentives that encourage employees to select less expensive plans to moderate cost increases over time.
- Continue to partner with the City for Kaiser health insurance plans

AREA ONE:
OPERATIONAL COSTS INCURRED BY THE AUTHORITY AND SHARED BETWEEN THE DISTRICT AND THE CITY

✓Administrative and Support Services

- The Authority currently pays approximately $466,500 to $501,500 for administrative, legal, IT support costs—including $175,000 per year to the City.
- The Authority will require additional financial and administrative support positions to provide essential payroll and fiscal support, increasing the Authority's costs.
- The cost increases are estimated to range between $229,000 and $364,000 per year, for up to 3.5 additional support staff.

AREA ONE:
OPERATIONAL COSTS INCURRED BY THE AUTHORITY AND SHARED BETWEEN THE DISTRICT AND THE CITY

✓Administrative and Support Services Possible Options to Consider

- The Authority and its members would be best served by taking a comprehensive look at how the Authority will provide administrative services in the future so that members can plan for the costs necessary to provide professional administrative support.
- It is possible to continue to contract with the City for some administrative support functions while still maintaining the independence desired by the JPA.

AREA ONE:
OPERATIONAL COSTS INCURRED BY THE AUTHORITY AND SHARED BETWEEN THE DISTRICT AND THE CITY

✓**Classification and Compensation**

The Authority is proposing to modify classification and compensation for certain designated employees.

We estimate the increased costs for these changes will range between $50,000 and $75,000 per year

AREA ONE:
OPERATIONAL COSTS INCURRED BY THE AUTHORITY AND SHARED BETWEEN THE DISTRICT AND THE CITY

✓Summary for Area One

We estimate the Authority's increased costs will be approximately:

- First year between $432,000 - $592,000
- Future years between $592,000 - $752,000

The City will pay 72% of these costs increases currently, with their share reducing when the new Tracy Rural station opens.

AREA TWO:
OPERATIONAL COSTS INCURRED DIRECTLY BY THE CITY

✓CalPERS Contribution Rates

Withdrawal of the Authority employees from the City's CalPERS blended rate will increase the City's CalPERS contributions. This analysis looks at a single year, future years may be more or less.

- First Year estimated costs: $149,000
- Future Years estimated costs may be more or less

AREA TWO:
OPERATIONAL COSTS INCURRED DIRECTLY BY THE CITY

✓**Future City Health Insurance Costs**

The City will experience an increase in health insurance rates for its remaining employees due to reductions in the size of the employee pool.

- 1st and Future Years: To Be Determined
- Continuing to provide these benefits to Authority employees after the transition would eliminate this concern.

AREA TWO:
OPERATIONAL COSTS INCURRED DIRECTLY BY THE CITY

✓**General Liability & Worker's Compensation Insurance**

The Authority's withdrawal from the City's insurance coverages will initially result in substantial one time cost savings for the City.

- Authority first year savings: $282,000
- City first year total savings $700,000
- In the future, these savings will be significantly reduced or eliminated.

AREA TWO:
OPERATIONAL COSTS INCURRED DIRECTLY BY THE CITY

✓**Stations, Apparatus & Equipment**

The lease terms between the District and City are not complete, but the current draft agreement could result in duplicate insurance coverage.

- First and future years' cost increase: $150,000 to $350,000
- Option to review the leases and reduce the requirement for duplicate coverage.

AREA TWO:
OPERATIONAL COSTS INCURRED DIRECTLY BY THE CITY

✓Summary for Area Two

We estimate the City's costs will be approximately:

- First year *savings* between $201,000 - $401,000 with unknown health insurance impacts
- Future years increased costs up to $499,000 depending on CalPERS rates and TBD health insurance rates

AREA THREE:
LONG-TERM LIABILITIES

✓CalPERS Unfunded Accrued Liabilities

- The City and District are each responsible for their respective shares of the CalPERS unfunded liability. The District and City should agree on the allocation of this liability and develop plans to fund it. However, the transition of the employees to the JPA will not modify these liabilities.
- If the Authority changes retirement benefits to employees formerly employed by the City, the City's UAL will also change, along with their share of the Authority's liability in the future. The District and City, as governing members of the JPA, could develop policies to address changes to benefit levels in the future that would moderate cost increases.

AREA THREE:
LONG-TERM LIABILITIES

✓Retiree Medical Leave Bank

The City and the District jointly fund their share of the retiree medical leave bank.

This is an existing liability not impacted by the transition unless benefits change.

AREA THREE:
LONG-TERM LIABILITIES

✓Authority Health Insurance Costs

- The Authority's plan to provide medical benefits through CalPERS will result in increased liabilities due to the mandatory contributions to retiree health insurance costs.
- The current liability of $4.9m will increase to $10.1m immediately when benefits are contracted, then continue to increase as employees are hired.
- Selecting a non-CalPERS health insurance would eliminate this additional liability.

AREA THREE:
LONG-TERM LIABILITIES

✓Stations, Apparatus & Equipment

The Authority and its members would benefit from a robust capital improvement program to ensure timely replacement of apparatus, vehicles and equipment.

This is an existing liability not impacted by the transition.

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CITY OF TRACY

Update and Response to City Council Questions

Fiscal Impact Analysis
South San Joaquin County Fire Authority
Phase 2 Personnel Transition

Prepared by:

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June 2021

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I. EXECUTIVE SUMMARY

In 1999 the City of Tracy and the Tracy Rural Fire Protection District entered into a Joint Powers Agreement to provide fire services to their jurisdictions. The JPA contracted with the City of Tracy for the day to day management of fire operations, and all firefighters (and other staff) were employees of the City of Tracy. In 2018 the City and District dissolved the 1999 JPA and create a successor JPA, establishing a new, semi-autonomous government organization (the South San Joaquin County Fire Authority ("Authority")) to oversee fire operations.

Under the terms of the successor JPA, all fire personnel will transition to the Authority as the employer of record. The Authority has prepared a Transition Plan that describes how the Authority will provide insurance, benefits, payroll, human resources support services, retirement programs, and other critical components of the employee transition to the Authority. The City Council reviewed the potential fiscal impacts of this transition in a report prepared by MRG in March 2021. Subsequently, the City asked MRG to provide additional analysis concerning options for health insurance and administrative support functions, revenue projections, and effectiveness of the governance model.

Health Insurance Options

MRG worked with Authority staff to review health insurance options. Because the requirement to contribute toward retiree health insurance premiums would substantially increase City and District long-term liabilities, MRG does not recommend the CalPERS health insurance plans. A health insurance plan from the Fire District Association of California is reasonably priced and a good option. However, because it is unclear how the City's health insurance plan rates may change and implementation time is short, the Authority may consider contracting with the City for employee health insurance through 2022, providing sufficient time to evaluate the impacts on City rates and implement the transition smoothly.

Administrative Support Services

The Authority has made great progress in developing policies and plans needed to provide human resources and payroll services to their employees. Additionally, the Authority has developed a future staffing structure that will provide two employees each to support the finance and human resources functions. We believe that these functions will require at least five full time equivalent employees combined. The Authority can substitute on-going contractor support if desired, with associated costs.

The Authority continues to develop implementation plans to provide payroll and human resources services for employees. Given the planned implementation date of October 1 and the tremendous amount of work that needs to be accomplished to implement these two functions, MRG recommends that the Authority work collaboratively with the City to phase the transition of these services. Together, the Authority and City can identify the highest priority services to transition immediately and the Authority can continue to contract with the City for services, such as payroll, that can be phased in over the next six to twelve months.

Long-Term Fiscal Forecast

The City and District have both prepared revenue projections that appear to reasonably reflect future resources based on development projections and other factors. The Authority, using these projections, prepared a Sustainability Plan that indicates available revenues will be sufficient to pay anticipated Authority operating costs.

However, MRG is concerned that the expense projections prepared by the Authority and its member agencies do not sufficiently represent future cash needs. For example, the expense projections do not appear to include adequate funding for capital replacement of facilities and apparatus, long-term CalPERS liabilities, or the need to set aside and maintain operational reserves. The member agencies should plan for these long-term expenses as well as the operational costs for the Authority. The projections also may not reflect the long-term cost for administrative support services. Until these needs are addressed and quantified, it is not possible to fully determine if revenues will be sufficient to meet Authority needs.

To avoid temporary swings in member contributions for Authority operations, and help ensure long-term financial stability of the Authority, the City and District should also consider funding an operating reserve. MRG recommends the City, District and Authority collaboratively develop revenue and expense projections and budgets, that include funding plans for long-term liabilities and reserves.

Governance Model

Prior to 1999, the City and District provided fire services to their individual jurisdictions. The City and District could choose to dissolve the JPA and again provide services separately, however, there will be significant fiscal and operational impacts. Each agency would need to hire management staff and provide administrative services, as well as acquire specialty equipment that is currently shared, resulting in increased costs. Additionally, because certain areas in the City limits remain in the District's fire service area, the allocation of property tax revenue would change after dissolution, with a high risk of revenue loss to one or both of the JPA members. The JPA model provides superior, less costly and more effective services to the community than would be achieved if the participating agencies provided those services separately.

MRG recommends additional training, orientation and communication with new and current Board members to improve collaboration and help Board members better understand organizational and operational challenges when making critical policy choices.

II. PROJECT BACKGROUND

In 1999 the City of Tracy ("City") and the Tracy Rural Fire Protection District ("District") entered into a Joint Powers Agreement ("JPA") to eliminate duplicative overhead costs and increase service levels to both communities. The JPA contracted with the City for the day-to-day management of fire operations, and all firefighters (and other staff) were employees of the City. In 2018, facing both fiscal and political challenges, the City and the District agreed to dissolve the

1999 JPA and create a successor JPA, establishing a new, semi-autonomous government organization (the South San Joaquin County Fire Authority ("Authority")) to oversee fire operations.

Under the terms of the successor JPA, some administrative services will transition to the Authority while others will remain with the City as contractor to the Authority. Additionally, and most importantly, all fire personnel (approximately 75 employees, increasing to 90 with the planned opening of a new station in the coming months) will transition to the Authority, and the City will no longer serve as the employer of record. The Authority will lease all fire stations from the City and the District. The Authority prepared a Transition Plan that describes how the Authority will provide insurance, benefits, payroll, human resources support services, retirement programs, and other critical components of the employee transition to the Authority.

Implementation of the new JPA could result in substantial fiscal impacts to the City. In order to understand the potential costs, the City contracted with Municipal Resource Group, LLC ("MRG") to analyze and quantify the fiscal impacts of the Authority's draft transition plan. The MRG Fiscal Impact Analysis, presented to the City Council in March 2021, addressed these potential impacts in detail and identified several priority areas for further review. After discussion, the City Council requested further analysis. As a result, the City asked MRG to provide additional analysis in four areas:

Task 1: Analysis and recommendations regarding the costs and long-term liabilities associated with switching to CalPERS medical insurance, and further consideration of alternatives;

Task 2: Take a broad look at how the Authority will provide human resources, finance and other administrative support services, along with the associated costs of each option;

Task 3: Review revenue forecasts and models for City and District property taxes, fire impact fees and related revenue to assist the Council in understanding the long-term revenue outlook for the Authority and its members; and

Task 4: Review available options for the delivery of fire services to the City and the District and discus the policy implications of the current JPA governance model.

Based on feedback from the City Council, the District Board and additional information received from consultants and service providers, the Authority has provided an updated and improved Transition Plan. This revised plan, anticipating a transition date of October 1, 2021, provides more detail and addresses several of the concerns addressed in our previous report and expressed by the City Council. As such, this report addresses the new plan and offers recommendations for further refinement or implementation. In reviewing the new plan, MRG focused on the sections pertinent to the tasks mentioned above.

MRG worked closely with the Authority, the City and the District to explore options in each of these areas, as well as develop recommendations that would help ensure the long-term success

of the Authority. We would like to offer our gratitude to staff in all three agencies for their cooperation, commitment and willingness to consider options.

III. TASK 1 – HEALTH INSURANCE OPTIONS

A. Background

Health insurance premiums represent a growing expense for employers, and costs and benefits provided can vary widely by plan. In the initial draft Phase 2 Transition Plan, the Authority indicated an interest in providing medical benefits for fire employees through CalPERS. However, there are significant long-term liabilities associated with this plan, and the Authority has considered other options. As part of our analysis, MRG worked with the Authority staff to review quotes and evaluate options for health insurance.

B. Premium Quotes

Currently, fire employees receive medical benefits through the City's contract directly with Kaiser, and the most efficient solution would seem to be the Authority contracting with Kaiser as well. However, the Authority cannot contract directly with Kaiser, as Kaiser will not provide the coverage needed by the Authority for a group of fewer than 100 employees. Therefore, the plans evaluated as alternatives to CalPERS are plans that are available through a contract with pools of California public employers (similar to CalPERS).

The Authority, through its broker Keenan and Associates, provided calendar year 2021 health premiums for four (4) potential Kaiser plans. These included the City of Tracy, CalPERS, the Fire Districts Association of California Employee Benefits Authority ("FDAC EBA"), and the Special District Risk Management Authority ("SDRMA")[1]. The 2021 monthly premiums are:

	City of Tracy	CalPERS	FDAC EBA	SDRMA
Employee	$786.27	$813.64	$837.72	$938.00
Employee +1	$1,572.54	$1,627.28	$1,667.20	$1,854.00
Family	$2,044.30	$2,115.46	$2,164.85	$2,402.00

The pooled coverages with FDAC and SDRMA also provide access to dental, vision, and life insurance products not included in the above premiums. In addition to the Kaiser HMO plan, FDAC provides a PPO and an EPO plan through HealthNow/Blue Shield. SDRMA also offers PPO, EPO and High Deductible Health Plan ("HDHP") coverage through Blue Shield and Blue Cross. Quotes were not provided to MRG for these plans. These plans would be available to Authority employees, presumably at a higher premium than the Kaiser plan. For purposes of ensuring equivalent comparison, we are comparing rates only for similar Kaiser plans.

[1] During the April 21, 2021, Tracy Rural Fire District Board meeting a question was raised by a Board member regarding potential coverage through the Peace Office Research Association of California ("PORAC"). The PORAC plan is only available as a component of the CalPERS health insurance plan. Therefore, a quote is not available for consideration.

C. Analysis of the Plan Options

2022 rates are not yet available from any of the plans; the 2021 rates are the only comparative data available. These rates reflect current-year costs, but prices will differ among plans in the future.

1. City of Tracy

For calendar year 2021, the City of Tracy's premiums are the lowest of the options considered. Previously, the Authority had received information that Kaiser would not allow Authority employees to remain on the City's plan after the transition. However, Keenan has now advised that the fire personnel could remain on the City's health plan following conversion of the employer of record by contract between the Authority and the City. This practice is not uncommon with special districts in California.

2. CalPERS

The CalPERS rates are currently the second lowest. However, as was discussed in considerable detail in the February 2021 report, contracting with CalPERS creates a new long-term unfunded liability for retiree health premiums. The Authority would have to eventually make equal contributions for retirees as they do for active employees. (This is addressed in more detail later in this report.)

3. Fire Districts Association of California Employment Benefits Authority

The FDAC EBA rates provided are slightly higher than the City's rates. However, Keenan[2] advised that Kaiser quoted the FDAC rates using the City of Tracy's loss experience, which does not represent the loss experience of the fire personnel exclusively. Therefore, in the event the fire staff were removed from the City's plan and enrolled in a new plan through FDAC, Keenan expects the Authority's rates would be less than the 2021 premiums paid by the City. However, Kaiser cannot determine rates for the Authority until the Authority provides notice to Kaiser that they intend to break away from the existing City plan.

Keenan has indicated that Kaiser requires a minimum of six months' notice to remove employees from the City's Kaiser plan and enroll them in the FDAC plan, giving Kaiser time to calculate the new premiums and enroll employees. As the medical benefit year begins on January 1, the Authority would need to provide notice on June 15, 2021, of its intention to break away from the City's plan and create a new plan effective January 1, 2022 with rates based only on fire employee loss history. If the Authority provides notice of its intent to break away in June, information about 2022 insurance rates would be available in July for planning purposes.

[2] For full disclosure, Keenan & Associates is listed as the endorsed Insurance Broker and Consultant for the FDAC EBA plan.

Another concern is the potential impact on City insurance premiums from the loss of fire employees. As noted previously, Keenan indicates that fire employees have a better loss history than the rest of the City's employee pool. Additionally, the new Authority employee pool would only include active employees and future retirees; existing retirees would remain in the City's pool. Thus, when the fire employees are removed from the City's pool, the City could expect to see premium increases for their non-fire personnel that they would not otherwise realize if the entire group were rated together, as they are currently. Without having the groups separately rated at this time, the aggregate impact of the reduced rates for the fire personnel as compared to the increased rates for the remaining employees is unknown.

4. Special Districts Risk Management Authority

The SDRMA premiums are the most expensive. MRG was not provided with any information, such as enhanced coverage or reduced co-payments, to explain the premium difference. Therefore, coverage under this plan seems less desirable.

D. Employee "Opt Outs"

With the exception of continuing coverage through the City, all the remaining plans would allow employees to opt-out of enrolling in the health plan. As discussed in the February 2021 report, this could result in savings to the Authority, as employees who have dual coverage may opt for the cash-in-lieu payment, currently established at $903.97. The amount of savings depends on the number of employees opting out and the level of coverage they would otherwise have (Employee, Employee+1, or Family). The February 2021 report indicates the Authority projects 25% of employees will opt out of coverage. Assuming the majority would be Employee+1 or Family coverage, the annual savings range could be between $180,000 - $240,000.

As noted in the February 2021 report, the Authority would have to account for the additional overtime costs due to the *Flores* ruling. The Authority has calculated that cost to be approximately $29,000 annually.

E. Retiree Coverage and Future Liabilities

The City's current Retiree Medical Leave Bank plan allows fire personnel to convert unused accumulated sick leave into cash upon retirement, and use that to pay for their health insurance premium after they retire. This plan is expected to continue with transition to the Authority as the employer of record. The City does not provide any direct payment for retiree medical benefits, nor does the Authority plan to do so.

Currently, the City solely provides access to its Kaiser medical plans for retirees. All the plans evaluated would allow the Authority to continue to provide access to coverage at the retirees' expense, except CalPERS. As previously discussed in this report, enrollment in the CalPERS health plan would require the Authority to also contribute to the retiree health plan premium, creating a long-term liability for the Authority members.

As noted in the February 2021 report, an actuarial report from MacLeod Watts indicates that the present value of projected benefits in the current Retiree Medical Leave Bank plan of $4.9 million would increase to $10.1 million under the CalPERS medical plan, as the employer is required to partially fund coverage. And, importantly, this liability represents the projected value of benefits for *current employees* at retirement; the liability will increase with each newly hired employee.

In addition to the annual premiums for active employees, switching to the CalPERS plan would add two costs to the Authority budget each year: the cost of insurance premiums for retirees and the cost to amortize, or "pre-fund," the liability noted above. Assuming an equal dollar contribution over a 20-year amortization period, the annual contribution for the 2022/23 fiscal year would be $144,502. Staff indicated the Authority is prepared to establish a trust fund for these prefunding payments. As noted previously, the value of the liability, as well as the annual payment to pre-fund it, represents only the liability for *current employees* who retire. When new employees are hired, this liability (and annual contribution) will increase, potentially substantially. Additional actuarial analysis would be needed to project future required contributions based on the addition of future employees.

The $10.1 million liability and the $144,502 annual contribution assumes the Authority pays only the CalPERS minimum employer contribution. Should the Authority negotiate with employees for a higher contribution toward retiree medical premiums in the future, these costs would increase accordingly. An updated actuarial report would be required to determine the fiscal impacts at that time.

Recommendation: Based on the benefit plans evaluated, MRG recommends the Authority consider one of two options: contracting with the City of Tracy for continued medical benefits through its contract with Kaiser, or joining the FDAC EBA plan. However, there may be insufficient time to provide notice to Kaiser, particularly considering the City and the District have not formally approved the transition of employees. The deadline to submit a request to break away from the City's plan with Kaiser is June 15, 2021 for a January 1, 2022 implementation date. Therefore, MRG recommends that the Authority contract with the City to provide medical insurance with Kaiser through at least calendar year 2022. This is now possible, as Keenan has recently indicated that Kaiser would allow fire personnel to remain on the City's plan after the Authority becomes the employer of record. Authority staff have indicated they support this option. This time would allow the City to understand how the removal of active fire employees from its pool will impact its rates, and allow the Authority to obtain quotes based on its stand-alone experience, after the transition is implemented. The City should immediately work with its Kaiser representative to determine the best method of continuing to cover fire employees through the City's plan through at least 2022 (or indefinitely, if desired) and develop a contract with the Authority to provide this coverage.

Although the CalPERS health plans offer good benefits and the annual premiums are reasonably priced at this time, MRG cannot recommend enrollment due to the significant increase in the long-term liability associated with the required retiree premium contribution.

Alternately, if the Authority does not want to stay on the City's plan through at least 2022, as described, it may consider contracting with FDAC EBA for health plan coverage effective January 1, 2022, by providing notice by June 15, 2021. The FDAC EBA option provides good health plans

at reasonable rates. Coverage through FDAC EBA also continues availability for retirees at a pooled and equitable premium, while not incurring any additional liability for the employer, and allows employees to opt-out of coverage. This analysis did not include evaluation of dental, vision and life insurance options, but those coverages are also available from the FDAC EBA pool.

Using enrollment data provided by staff, the anticipated total annual increased cost of this coverage at the quoted 2021 rates is $114,665, including the *Flores* impacts. Since rates for the non-Kaiser plans were not evaluated, there could be additional costs for employees who switch to higher priced, non-Kaiser plans. However, as noted, Keenan indicates they expect actual premiums to be less than the City's current rates, which would result in a savings to the Authority and therefore the member agencies. Additionally, with the anticipated savings due to the increase in the number of employees electing to receive the cash-in-lieu payment, even at the quoted rates, there could be an overall annual savings of between $65,000 and $125,000.

This savings for the Authority may come at a cost to the City, which will experience higher rates after the fire employees are removed and, if a decision is made to contract with FDAC EBA immediately, the City may not be able to determine and evaluate these costs.

When, and if, the Authority and the City have obtained updated rate information and decide to proceed to separate the Kaiser plan into two groups so that the Authority can provide benefits under a different plan, it will be important to work with Kaiser carefully to implement the change. Specifically, while the Authority must issue the Notice of Intent to Kaiser, similar to that issued to CalPERS, currently the employees are employees of the City. Therefore, if this action occurs prior to completing the employee transition to the Authority, the City and the Authority should be in agreement regarding the intention to separate.

IV. TASK 2 – ADMINISTRATIVE SUPPORT SERVICES

A. Background

In the Authority's initial transition plan, the Authority indicated its intention for Authority staff to assume all responsibility for finance functions, including payroll, and to contract with the City for human resources services. However, the transition plan offered few details regarding staffing levels or contract costs, and the MRG fiscal impact report dated February 2021 suggests a more thorough analysis of staffing needs and costs for the finance and human resources functions. In the past several months, the Authority has completed numerous key steps and worked out many details needed for the transition of all finance and human resources functions. The revised Transition Plan describes the Authority's most recent plans for providing administrative support services.

The Authority intends to eliminate one current Division Chief position and replace it with two Management Analyst positions (one for finance, one for human resources, as described below). As shown in the Transition Plan, there is a minor cost savings for this change in staffing. However, there will be additional costs, which are described in this report. The proposed staffing structure would include a total of four employees providing finance and human resources functions. Once

the transition is complete, the Authority will terminate its existing agreement with the City for support services currently costing $175,000 per year.

B. Finance Functions

Municipal finance departments provide a wide array of finance and accounting services and play a critical role in safeguarding agency funds and ensuring fiscal transparency. The Authority finance department needs to be staffed and skilled sufficiently to perform the following functions:

- *Accounts Payable* (receive and approve invoices, perform coding and data entry, process payments, create purchase orders);
- *Treasury and Banking* (bank account reconciliation, prepare and make deposits, monitor cash);
- *Accounts Receivable* (calculate, invoice and receive member payments; over the counter fees, perform coding and data entry);
- *Payroll* (coordinate with HR on employee changes, calculate and process payroll, respond to employee changes, make tax payments to state and federal agencies, make CalPERS deposits, pay insurance vendors, year-end processing, etc.);
- *General Ledger* (manage account structure, create and post journal entries, manage asset and liability accounts, prepare year-end adjustments, reconciliations and closing entries);
- *Audit Management and Governmental Accounting Standards Board ("GASB") Compliance* (prepare schedules for outside auditor, post GASB adjustments, manage audits);
- *Operating and Capital Budget Development and Management* (prepare the annual operating and capital budgets for adoption by Board, monitor budget during the year);
- *Reporting and Transparency* (prepare and distribute monthly/quarterly/annual budget and financial reports for management, Board, member agencies and public use);
- *Grant Management* (complete granting agency reports, draw down grant funds, ensure grant funds are used appropriately, account for grant revenues and expenses, close out grants);
- *IT Management* (manage IT contractor, maintain equipment inventory, plan for equipment replacements, manage accounting software);
- *Capital and Fixed Asset Management* (maintain assets schedule, develop and monitor capital replacement schedules and plans, ensure appropriate capital reserves); and
- *Other Finance Management Functions* (develop and implement written finance policies/procedures, create long-term revenue and expense projections, develop fee schedules, debt management (if any), risk management and insurance, manage internal process controls, supervise finance staff, monitor changes in finance best practices and state and federal regulation).

Since the formation of the new JPA in 2018, most of these functions have phased over to Authority staff and are now performed by approximately 1.75 employees, plus a minor amount of administrative support. The Authority is still in the early phases of fully implementing its administrative support functions, and some of the functions described are not yet entirely functional. As the organization matures over time, many of these tasks will evolve and grow. The Authority plans to staff this function after the transition with 2.0 employees (0.5 Division Chief, 1.0 Management Analyst, and 0.5 administrative support). While this may be sufficient initially, MRG believes that the Authority could anticipate needing at least 2.5 full-time staff to handle this robust list of functions (but not including payroll) for an agency of 90+ employees. Alternately, the Authority may rely on consultants to provide technical or specialized support.

Outstanding challenges include capital asset planning and reserves, payroll, budgeting, and finance policy development, as noted below.

Recommendation: Improve Capital Asset Planning and Reserves. The Authority has developed initial capital plans. However, because the stations and apparatus remain owned by the participating members, meaningful capital planning and establishment of reserves must include participation of the City and the District. Additional effort is needed in this area to ensure the District and the City have adequate capital replacement plans and reserves to ensure the long-term sustainability of the Authority.

***Recommendation*:** Increase collaboration during budget development. As noted in a separate section of this report, the Authority, the City and the District each develop their own budgets; however, they are created individually without meaningful collaboration. It would be helpful for each member to develop projections related to fire services in consistent formats and work together to establish operating budgets and long-term projections.

Recommendation: Develop and implement finance operational policies. The Authority Board has adopted several important finance and purchasing policies. However, the finance department would be best served by developing written, internal policies and procedures regarding many aspects of finance functions, including purchasing, internal control, expense reimbursement, transaction approvals, petty cash, and so forth. These policies not only improve operational efficiency and effectiveness, but provide protection against fraud. Many agencies have such policies that could serve as a model for the Authority's assistance.

The Authority has hired James Marta and Company, a CPA firm, to serve as Controller. While the scope of their work has yet to be fully defined, the firm is experienced and can assist the Authority in several ways. In addition to assisting with fiscal reporting, auditing and GASB compliance, they can advise the Authority on matters including internal controls and fiscal policies and procedures.

C. Payroll

The most immediate administrative challenge facing the Authority is the processing of payroll after the employee transition to the Authority as the employer of record. The payroll function is among the most critical services provided by the finance department, as labor-related costs represent 85% of the entire budget. The consequences of payroll errors are significant:

employees aren't paid correctly, state and federal tax deposits are not correct, employees don't receive contracted benefits, etc. None of these errors are easily resolved.

The Authority is currently proposing two options for payroll processing:

1. Authority staff with assistance from payroll consultant

The Authority has purchased a financial management information system that includes a payroll module. The Authority proposes that Authority staff will process payroll with the assistance of a consulting firm specializing in payroll systems. This firm will also play a key role in implementing the new payroll system prior to the transition. Even with the support of an experienced consultant, payroll implementation is complex and requires running multiple parallel payrolls to ensure absolute accuracy. Should the Authority move forward to process payroll with its own staff, the Authority may need to add 0.5 additional staff to the 2.5 already described. Alternately, the Authority can rely on consultants to provide support for the payroll function (with applicable costs).

2. Contract with the City for payroll services

In this option the Authority would contract with the City for payroll services under terms of a professional services agreement. The City would continue to process payroll using City software, but utilize Authority compensation and benefit plans, under the direction of the Authority. It is important to note that the Authority will retain full control over all personnel decisions, pay rates, contracted benefits, disciplinary actions, etc. The contract for services would include only payroll processing using employee and pay data authorized by the Authority.

***Recommendation*:** The Authority would be best serviced by contracting with the City of Tracy for payroll services after the employee transition is complete. This ensures that employees will continue to be paid without interruption or hiccup during the transition, and allows Authority finance staff to focus their attention on other important transition elements. In the future, if the Authority wishes to transfer payroll processing to Authority staff, there will be sufficient time to establish payroll procedures and accounts, process parallel payrolls, and ensure a smooth transition. The Authority has met with City staff to discuss the potential terms of a contract for services and is awaiting a price quote from the City.

D. Human Resources Functions

With more than 90 professional, technical and administrative employees, the Authority will need to provide a wide array of human resources services to its employees. These will include:

- *Benefits Administration* (open enrollment, employee/dependent changes, administration and coordination of services);
- *Classification and Compensation* (classification plan management, including job description updates, position reviews and compensation studies as needed);
- *Disability and Interactive Processing Case Management* (meetings with employees, disability case management, coordination with management staff);

- *Performance Management* (disciplinary and process coordination, performance evaluations);
- *Employee Personnel Action Form Processing* (review, entry and coordination of employee transactions in the human resources/payroll systems);
- *Labor Relations* (oversee administrative coordination on employee/association grievances, communicate inquiries/responses to unions and their members, negotiate terms and conditions of employment with represented employee bargaining units, implement collective bargaining agreements);
- *New Employee Onboarding/Departing Employee Processing* (coordinate pre-employment medical and psychological testing, job offers, employee orientation and training; process terminations, exit interviews);
- *Recruitment and Selection* (plan, coordinate and administer recruitments, manage eligibility lists, ensure compliance with EEO throughout process);
- *Workers' Compensation Processing and Case Management* (manage case files, coordinate with insurance providers and legal counsel, coordinate settlement authority and negotiations);
- *Policy and Procedure Development* (develop numerous policies consistent with state and federal requirements and best practices, monitor and implement changes); and
- *Employee Engagement and Support* (implement programs and policies to ensure employees are engaged, receiving feedback and support, and committed to the Authority mission and vision).

These functions require considerable expertise and knowledge to ensure compliance with state and federal laws, labor agreements and policies, as well as to ensure employees and managers are receiving professional and effective services. Currently, the City Human Resources Department provides these services to all City employees, including fire personnel who will transition to the Authority.

E. Options for Providing Human Resources Services

In recent months, the Authority has made considerable progress toward developing its human resources policies. The Authority has hired an experienced human resources consultant, Deborah Muchmore, who is providing advice and support regarding the many requirements needed to implement a human resources program. Together, Authority staff and Ms. Muchmore have prepared draft personnel rules, employer-employee relations ordinance, compensation and classification systems, and numerous administrative polices. These policies, after Board adoption, will apply to fire personnel after the transition.

Human resources departments often rely on specialized consultants and legal counsel for services, which may include classification analysis, labor negotiations, investigations, case management, and similar services. Just as the City does now, the Authority would also rely on consultants for services in these areas.

In the revised Transition Plan, the Authority indicates the human resources function will be supported by 2.0 Authority employees, including 0.5 Division Chief, 1.0 Management Analyst and 0.5 administrative support. Additionally, Authority consultants, including Ms. Muchmore and her associates, are available to provide additional assistance as needed.

The Authority's strategy as described in the Transition Plan is well considered and reasonable. However, MRG would like to offer the following observations:

1. Role of the City

The Authority has indicated it will ask the City if it is able to provide staffing for the new Analyst position under the terms of a professional services agreement. This option would take advantage of the City's human resources experience with District employees and avoid the need for the Authority to hire and train staff. The City has not yet indicated its interest or a potential price for this service, and may not have an employee available. The price offered by the City may be more or less than the salary anticipated for an Authority Management Analyst position. If the City cannot assign an Analyst full time to the Authority, the Authority could proceed to fill the position independently.

2. Implementation timing

The Authority is proposing to transition fire employees as of October 1, 2021, a little more than three months from now. There is substantial work that needs to be completed before the Authority can have a fully functioning human resources department. The Authority has developed an aggressive implementation schedule and plan; however, the plan's success depends on many factors, including timely decisions from the member agencies and Authority Board, hiring (or contracting for) the Management Analyst position, and other tasks. MRG suggests that the Authority and the City work closely and collaboratively during this time, including making plans for the City to continue to provide some services for several months if needed.

3. Human Resources Information System ("HRIS")

Human resources departments rely heavily on human resources management systems to track employee information and actions. The Authority does not currently have this critical software and is exploring options. This system, ideally, will be implemented with trained staff before the transition date of October 1. However, because of the need to transition data from the current City HRIS, validate the data and train staff, this may not be possible. As noted above, the Authority may need to continue to rely on the City for a short time beyond the transition date. The cost for this software, not currently known, generally incudes both upfront and annual support costs.

4. Staffing levels

As noted, the Authority proposes a total of 2.0 staffing positions for the human resources function. While this may be sufficient in the short term, MRG continues to believe that a fully functioning professional human resources department serving the Authority's 90+ employees would likely require between 2.5 and 3.0 full-time employees, including management, professional and administrative-level support. Within the first few years, the Authority may face the need to add additional staff, particularly if Authority staff are performing payroll functions (addressed separately). In the meantime, however, the Authority has assembled experienced human resources consultants and can rely on them as needed. In either case, the Authority may incur additional costs to support the human resources function in the future beyond those currently anticipated.

Recommendation: Consider a phased-in approach to the transition. The Authority has developed extensive plans and made considerable progress toward full employee transition. However, with only a few months left before the proposed transition, there are many critical tasks remaining to be completed, including payroll implementation and creating a human resources function. MRG is concerned that the Authority may be overly optimistic about full implementation of these functions by October 1. MRG does not suggest delaying the transition date, but rather highly recommends developing and maintaining a collaborative relationship with the City in the coming months and being prepared to phase the human resources and payroll functions in over six to twelve months, allowing current and new finance and human resources staff time to properly implement critical systems and policies.

V. TASK 3 - REVENUES AND LONG-TERM FISCAL FORECAST

A. Background

MRG reviewed the available budgets, revenue and expenditure documents, vehicle, equipment and apparatus programs, and long-term expenditure commitments, to assist in determining the long-term fiscal outlook for the Authority and its members. In addition, we interviewed the financial managers for the Authority and the District as well as the Finance Director for the City. We also interviewed the City's long-range planners to determine the reasonableness of the revenue projections contained in the Authority's sustainability analysis.

Our review has led us to make several specific recommendations for the JPA participants to provide more stable and predictable budgeting and service delivery for the JPA. The recommendations include joint development of five-year cash flow models for the participating agencies and the Authority, enhancements to the budget preparation procedures outlined in the JPA, and regular communication between the staff of the three agencies.

B. Revenue Forecasting

The City and the District are currently using consulting firms to develop long-range revenue projections and other budget models. In 2020 the District engaged Economic and Planning Systems ("EPS") to review the potential impacts of revenue loss in the event a number of

properties not yet annexed to the City were required to detach from the District as a condition of annexation. The EPS study also reviewed the projected revenue and expenditure growth for the District's service area and the adequacy of the potentially reduced revenues to support the District's obligations. The study concluded that the District would operate in 2027 with a $1.1 million to $1.3 million surplus depending on whether the annexing properties were detached (EPS Study, page 4). The District has also used Hinderliter de Llamas and Associates ("HdL") to confirm property tax and fee revenue, and recently engaged HdL to update the District's five-year revenue projections to assist in confirming the District's longer-term sustainability plan.

The City has engaged Management Partners to assist in developing long-range revenue and expenditure forecasts as well as comprehensive budget strategies. These forecasts include a detailed analysis of the City's current and projected financial condition and recommendations for addressing the City's structural budget deficit. These measures include substantial revenue enhancements, cost controls and adherence to rigorous spending moderation. If fully implemented, these recommendations will place the City on a financially sustainable path.

Using growth projections for the City and the District created by the City, the Authority developed a sustainability analysis that projects the Authority's revenues and expenditures for a 10-year period (2018/19 through 2026/27). The most recent version of the analysis was presented to the Authority Board in April of 2020. This model indicates that growth-based revenues will exceed service costs through 2026/27. MRG confirmed the projections with City Planning staff to validate the Authority's revenue projections. We found, generally, that the Authority revenue projections match City staff growth estimates. However, development-based revenue projections are subject to market forces and, although significant growth is projected, actual development activity in the long-run is less certain than shorter-term projections.

Overall, City and District revenue projections appear to reasonably represent available future resources. However, revenue projections alone do not tell the entire story; *the key question for the City, the Authority and the District is whether the projected revenues will be adequate to support the projected expenditures by the Authority.* MRG is concerned that the expense projections prepared by the Authority and its member agencies do not sufficiently represent future cash needs. For example, the expense projections do not appear to include adequate funding for capital replacement of facilities and apparatus, do not address the existing CalPERS retirement unfunded liability (which is shared between the City and the District), a potential unfunded liability for CalPERS health insurance (if that plan is selected), or the need to set aside and maintain operational reserves. Additionally, with remaining uncertainty about the provision of human resources and payroll services, the projections do not appear to fully anticipate these support costs. Until these needs are addressed, it is not possible to fully determine if revenues will be sufficient to meet Authority needs.

Recommendation: The City and the District would be well served by collaboratively developing five-year revenue and expense forecasts. The City's forecasts would include fire-related services only, and both forecasts would employ mutually agreed-upon assumptions and models. These forecasts would provide the City and the District with a commonly understood set of data to

assist them in participating effectively in the annual budget preparation process. Additionally, the forecasts could be used by Authority staff to create cash flow projections and help ensure reliable and consistent service levels. Section 5.1 of the JPA requires monthly reports of fire expenditures for each member agency, which could be combined and presented in a format consistent with the five-year revenue forecasts.

C. Member Funding of the Authority

Although the two contributing agencies are committed to funding their portion of the Authority costs, there is no required commitment for contribution amounts or a specific level of service. Regarding funding commitments by the two agencies, the Agreement—Section 3.1.B - Level of Service states:

> *The Member Agencies will indirectly control the level of services in terms of response times through their station siting and staffing level decisions. Member Agencies shall also retain the right to elect to close stations within their jurisdictions. Nothing in this Agreement is intended to or shall limit or control the land use power of a municipal corporation or any other Member Agency that is a party to this Agreement.*

This language provides both parties flexibility in determining the level of service in their service areas. Presumably the intent is to provide each agency the opportunity to revise or reduce the service levels for its geographic area and reduce its contributions to the Authority accordingly. However, the language does not provide an incremental opportunity for either party to make minor modifications to its funding levels on a year-over-year basis, other than to reduce service levels. Options for reducing costs incrementally include controlling/reducing overtime costs, staffing freezes or other actions to temporarily meet short-term funding constraints. More significant cost saving measures, such as brownouts and station closures, are generally only implemented after a significant effort has been made to find or develop revenues to keep them open. A station closure often involves terminating employees, significantly modifying operating procedures, and interrupting services to the community.

The City and the District have significantly different revenue streams to support their activities and expenditures. The District relies predominantly on property taxes and fire service fees collected that are fully directed toward fire service activities. The City provides a wide variety of municipal services and generates taxes, fees and charges committed to many different functions. The City is restricted to using what are typically called “general funds” and fees and charges directly related to fire services to support fire service activities. The City must balance the needs of numerous municipal services in determining what funding is available for Authority services.

The City is facing significant fiscal challenges, and the City’s proposed budget maintains currently vacant positions and achieves an additional $1 million in salary savings for fiscal year 2021/22, as well as other significant revenue enhancement/cost reduction measures. The City’s budget constraints in recent years have led the City to reduce its contribution to the 2020/21 Authority budget, and the proposed 2021/22 City budget also includes a constrained contribution. Consistent and reliable funding of the Authority is important.

Neither member agency is required to provide a particular level of support for the Authority and, facing other constraints, may direct resources elsewhere. Each agency's ability to determine its level of support each year makes the Authority vulnerable to the fiscal uncertainties faced by member agencies, resulting in unreliable revenue streams to the Authority and inconsistent service levels between member jurisdictions. To help address this challenge, we recommend the City and the District plan to fund and maintain an operating reserve that the Authority could use in the event of short-term revenue shortfalls from member agencies.

Recommendation: Develop an operating reserve for the Authority. The current Authority budget does not include an uncommitted operating reserve. To avoid temporary swings in member contributions for Authority operations, and to help ensure long-term financial stability of the Authority, partners should plan to establish a significant reserve (20% of operating costs). The reserve would be designated for unforeseen events, significant equipment failures, economic downturns, etc., to provide a buffer for the Authority to address these significant challenges. This would also provide stability to the member agencies in the event there was a need to fund unforeseen expenditures. In addition to the uses for the reserve described above, it could serve as a "bridge loan" to offset a temporary shortfall by any of the participating agencies. The reserve could be built over a number of years on an incremental basis until the desired level is reached.

D. Authority Budgeting Procedures

The JPA contains specific language regarding the agency's budget preparation process and the role of the contributing agencies. Section 5.3—Annual Budget states:

> *It shall be the policy of the Authority to approve only those budgets that do not exceed available revenues and neither the Authority nor the Employer of Record shall disburse funds outside of approved budgets or without the prior written approval of all Member Agencies.*
>
> *At least sixty 60 days prior to the commencement of each fiscal year the Chief Executive Officer shall meet with each Member Agency to prepare a preliminary budget for the Authority based on the formula identified in Section 5.4. Each Member Agency must approve the preliminary budget prior to May 15th of each year. On or before May 15th of each year the Authority Board of Directors shall adopt a preliminary annual budget for maintenance and operation costs of the Authority. On or before September 1 of each fiscal year the Authority Board shall adopt a final annual budget for maintenance and operation costs of the Authority.*
>
> *Following approval of the annual Budget by the Authority Member Agencies shall pay their pro rata share 120 days in advance of their expenses as estimated within the current approved budget.*
>
> *The Chief Executive Officer and the Treasurer shall provide quarterly budget updates to the Authority Board.*

This language lays out specific dates and procedures for developing an Authority budget each year. While the Authority is still young and developing procedures, the last two years' budget preparation processes have not followed this prescribed process, resulting in adjustments during the fiscal year. We believe that this language could be improved to better serve the participating agencies, improve communication and meet the Authority's need for reliable revenue and expenditure projections through the preparation of an accurate and timely Authority budget.

***Recommendation*:** Develop a transparent and participative budget development process. The budget process should include commonly shared budget worksheets, a timeline with achievable milestones, and regular reports and meetings to ensure adequate involvement by all member agencies in the budget preparation and management processes. The final budget document would include a detailed line item budget, a five-year revenue and expenditure projection, and adequate descriptions of major issue items and longer-term major expenditures. The budget process could include:

- A detailed preparation and review timeline that begins with a mid-year review in **January/early February** to discuss the current year's first six months' experience and the prospects for any significant revenue or expenditure changes in the upcoming fiscal year. These discussions would include staff from the Authority, the District and the City;
- In **March**, a status briefing with the Authority Board, the District Board and the Tracy City Council regarding the mid-year review and significant issues affecting the Authority, as well as the budget strategies for the upcoming proposed fiscal year;
- In **May**, a draft budget presentation to the Authority Board, the District Board and the Tracy City Council. The Board, the City and the Authority Board then adopt the draft budget; and
- By **September** 1, the Authority Board adopts the Authority budget. The September adoption should only be approved if there are no significant modifications to the draft budget adopted in May. If there are significant changes, the Authority staff should return to the District Board and the City Council and review the document before the Authority Board adopts the final budget.

VI. TASK 4 - GOVERNANCE MODEL

A. Background

MRG conducted a thorough review of the Authority governance documents and service area maps, conducted numerous meetings with the City, the District and the Authority concerning service delivery and functionality of the governance model. The analysis focused on the purpose of the JPA and how it serves both the City and the District. The analysis also reviewed the benefits of sharing services and the potential risks to both service levels and fiscal health should the member agencies decide to provide services separately. We also reviewed the governance aspects of the Authority model, including a discussion of Board member influence and cost control.

B. JPA Governance Structure and Operations

Our data gathering process included interviews with the Tracy City Manager and City Attorney, the Fire Chief, and District and City representatives to the Board. During our interviews, we asked the following questions:

- In your opinion, does the JPA governance structure function effectively?
- Have you identified any issues associated with the current governance structure?
- Does the JPA governance structure serve its intended purpose?
- Will the currently proposed administrative service modifications (HR, Payroll, Finance) meet the needs of the Authority?
- Do the District Board and City Council recognize the benefits and efficiencies achieved through the JPA?
- Are there other efficiencies or improvements that could enhance the JPA relationship?
- Has the Authority Board or the Agency you represent developed costs/impact estimates for either or both parties if the two agencies decided to provide direct services to their required service areas?
- Do you have suggestions for improving the operations/governance and or funding/expenditures by and for the Authority?

The interviews provided valuable insights into the perspectives of the key participants in the JPA, including helpful suggestions for enhancement of the Authority operations and functionality. We found the participants in the interviews to be fully engaged and positive about the benefits of the JPA. All participants expressed the desire to have the employee transfer and related administrative responsibilities completed and fully implemented.

Significant findings include:

- The lack of partisanship on the part of the Board members contributes to the effectiveness and functionality of the Board;
- The current transitional phase has created a lack of clarity in the present operations of the Authority; although specific requirements are contained in the JPA, they have not yet been fully implemented;
- There is a need for adopted Standard Operating Procedures by the Authority that are developed in conjunction with the two partner agencies;
- The Authority, the City and the District need to adopt a common set of norms and values to follow when engaging with one another;
- Creation of a regularly scheduled series of joint meetings between the three agencies on an annual or more frequent basis would permit information sharing, policy discussions and promote common understandings regarding the JPA operations and issues; and

- Difficulties in the budget preparation process, and the lack of effective communication by Authority staff and the member agencies, have created some frustration on the part of the agencies, staff and Board members.

Although those interviewed all supported the JPA, they recognized that the lengthy time period for full implementation of the employee transition and lack of effective communication regarding budget development and implementation have hampered the Board's efforts to be effective and efficient in its actions.

The need for improved communication between the City and the District, as well as increased training for Board members, emerged as a theme during the interviews. The City Council members who are appointed to the Authority Board are newer members on the Council with limited backgrounds in fire services, while the members of the District Board are long tenured, with significant experience. Regardless of the experience of each Board member, all members could benefit from orientation and training on fire service and governance issues.

***Recommendation*:** In addition to annual joint meetings between the City Council and the District Board, the Authority would be best served by enhancing its existing orientation and training process for Authority Board members. This would include one or more orientation meetings for new Board members with the Fire Chief and key management personnel at the Authority, as well as background materials and access to on-line resources to include fire service, leadership, and Authority governance information. Because District representatives on the Board typically have more tenure than City representatives, City representatives sometimes find themselves with less knowledge of key policy and governance issues. It is important that new members are provided sufficient information to understand their role as a Board member and understand the norms for conducting Authority business.

The JPA model forms a partnership that is intended to serve the City and the District for many years. Although City, District and Authority leadership will come and go over the years, it is critical that the partners are committed to finding solutions to challenges and sustaining the relationship in the long-run. For this partnership to succeed, there must be a common understanding of the value derived by participation in the relationship. Continuous and transparent communication among Board members and staff of all involved agencies are necessary to ensure success of the JPA model.

C. Review of Alternative Methods of Service Delivery

MRG broadly reviewed the impacts on services and developed order-of-magnitude cost estimates associated with separate operations, as well as reviewed the advantages of the current joint service delivery model. Specifically, if the JPA were to dissolve and fire services were provided by the City and the District separately, we evaluated the following questions:

What additional staff for each agency would be needed, including Chief and management positions, operations personnel, and administrative support? What additional operational costs would be incurred, including the need to purchase specialized equipment (that is currently shared) and other costs? Separate operations would require each agency to increase its staffing in several

key areas, including a full-time Chief and additional leadership positions, including battalion chief(s), training officers and fire marshals.

Each agency would need to have adequate administrative staff to process payroll, manage the organization's finances and human resources services, and provide administrative support (note the City already has much of this staff in place, but the District does not). Additionally, the City and the District would each need to acquire and maintain certain specialized equipment that is now shared between them.

Our preliminary cost estimates for administration, leadership and fire prevention staffing total approximately $2.6 million for each agency. For example, based on current staffing and operational practices, if the City and the District were to operate separately, MRG believes the additional cost for staffing, equipment, facilities and overhead for the City would be approximately $876,000 for fiscal year 2020/21, $1,106,000 for 2021/22 and increasing to $1,273,000 in 2024/25 as a result of the addition of new stations. The additional cost for staffing, equipment, facilities and overhead for the District would be approximately $679,000 for fiscal year 2020/21, $909,000 for 2021/22, and $1,076,000 for 2024/25.

How would property tax revenues to the City and the District be impacted should the JPA dissolve? The District receives approximately 11% of the property tax receipts generated in the District's jurisdictional boundaries, more than the amount the City receives and is able to commit to fire services. Until recently, the City was able to annex land into the City limits without being required to assume fire service provision for the new territory; the District retained jurisdiction for fire service in these annexed areas, along with its significant share of the property taxes. This benefits the City by allowing the District, with more available tax revenues, to provide fire services. LAFCo has recently indicated that this will not be allowed in the future and that annexations into the City must include fire services. This will significantly shift property taxes previously received by the District to the City's nominal property tax share in the future, but not sufficient to fully fund the City's additional costs to provide fire services (along with all other municipal services). These future annexations will require additional revenue to facilitate the City's provision of fire services.

If the District and City remain in the JPA, the current property tax allocations for the District will remain intact (within current City and District boundaries). If the City and the District dissolve the JPA, each agency will become responsible for fire services within its jurisdictional boundaries and the tax allocation between agencies would adjust. There are several scenarios for determining how the property tax allocations would adjust, and LAFCo would be required to take actions that impact revenues. There is significant risk that either the City or the District, or both, could suffer revenue reductions that would diminish their ability to provide fire services. Dissolution of the JPA would expose both the City and the District to undetermined, but potentially significant, revenue losses, and diminished ability to provide services.

Would there be operational inefficiencies related to station location and equipment availability, including the need to serve discontinuous areas (islands)? Separate operations would require reallocation of resources and inefficient operations. The current and planned station locations were based on the Authority continuing to serve both the City and the District service areas. If

the agencies responded to calls separately, "service islands" would be created, increasing response times, as the closest station would not always be responding to calls.

Would the newly independent partners agree to "border/boundary drops," mutual aid and closest available apparatus response agreements in order to avoid reduced or inconsistent fire, rescue and EMS services? In order to minimize the inefficiencies or interruptions that could occur when services are separated, the City and the District would best serve their communities by entering into agreements to drop boundaries and provide "auto-aid" to one another, providing services more similar to the JPA service model. However, such agreements are not guaranteed and their potential effectiveness would depend on negotiations at the time.

How would the public perceive the separation, and would there be confusion and inconsistencies with service areas and available programs/services? Fire services have been provided by the JPA (in a previous form) since 1999, and termination of the JPA would result in significant confusion on the part of the public regarding service providers. Substantial outreach efforts would be required to educate the community about the separate structure and service boundaries.

Overall, separating operations would create operational issues. If the agencies were dispatching separately and adopted different standards for commonly used equipment or apparatus, joint and reciprocal operating agreements would be difficult to implement, less effective, and potentially less safe. In addition, joint special emergency operations, such as hazardous materials response, technical rescue operations (such as confined space and trench rescue), swift water rescue, wildland operations and urban search and rescue capabilities would be more complex to provide, and require an additional level of coordination at the time of an incident when it is critical.

Recommendation: We believe that the JPA model provides superior, less costly and more effective services to the community than would be provided if the participating agencies provided those services separately. State and national trends in fire suppression services have moved toward shared or fully consolidated services, similar to the SSJC Fire Authority, as a way to improve efficiencies in the face of increasing costs, advancing technology, and improving professional standards.

D. Governance Model and Board Member Influence

The current JPA governance structure is designed to have equal representation from the City and the District. Two members from each agency are appointed to serve on the Board. The Fire Chief is appointed by, and reports to, the Board, and the fire employees will be transferred from the City to the Authority in the coming months. The Board has operated as constituted in the JPA since 2018.

The Authority Board, with equal representation from the City and the District, has an even number of members. The consensus among City and District Board members that we interviewed is that the JPA equal member representation structure serves the Authority well in its current form. While some Board members expressed interest in adding a fifth member to

eliminate voting deadlocks, most members we spoke to value the current 2-2 Board structure, because it encourages a collaborative approach and forces members to work together to reach consensus.

It is important to note that the composition of the Authority Board did not change with the creation of a new JPA. Under the old model, as well as the new model, the City and the District each have equal votes, and neither can "win" or "lose" a vote. Neither the City nor the District can now, nor could they in the past, control critical votes, including labor negotiations and establishing operational policies. Instead, the four Board members must think collaboratively and creatively to develop mutually beneficial policies.

Options to this structure might include adding an additional "impartial" member appointed by the Authority Board or moving toward a "weighted" vote method based on each agency's financial contributions to the JPA. However, each of these options adds additional complexity and may be unnecessary if the current model is effective. Most Board members we spoke to expressed that while the 2-2 voting structure has not been a problem in the past, the structure might have to change if another agency joins the JPA in order to provide representation for the new member agency.

Recommendation: While the equal voting method requires collaboration in order to avoid deadlock, there are ways that Board members can increase their effectiveness and achieve success and outcomes that benefit their agency. Through additional Board training and development, as well as enhanced staff communication, Board members will become more fully apprised of organizational and operational issues before making decisions. Clear communication with and between Board members during meetings and in Board work sessions creates a more effective and efficient Board environment. It is also important for Board representatives to understand and clearly represent their agency's interests and hold the JPA staff accountable for their actions, recommendations and program implementation.

June 15, 2021

AGENDA ITEM 3.F

REQUEST

APPROVE THE SOUTH SAN JOAQUIN COUNTY FIRE AUTHORITY PERSONNEL TRANSITION PLAN

EXECUTIVE SUMMARY

In 2018, the City of Tracy (City) and the Tracy Rural Fire Protection District (District) entered into a new joint powers agreement (JPA) for fire protection services, thereby creating the South San Joaquin County Fire Authority (SSJCFA). Contained within the agreement is a statement on the intention of the member agencies to move toward having the SSJCFA "employ its own personnel to provide any or all of the services the Authority elects to provide."

On March 2, 2021, staff presented an update on the transitional efforts of the SSJCFA and Council received a "Fiscal Impact Analysis Report on Phase 2 Personnel Transition" by consultant Municipal Resource Group (MRG). Council presented staff with additional questions regarding the impacts of transitioning employees to the SSJCFA. MRG was retained to answer the questions posed by Council and complete a more comprehensive analysis of transitioning employees including health insurance options, administrative support services, and long-term revenue forecasts for City and District property taxes.

This item serves to present the analysis completed by MRG and the Personnel Transition Plan for approval as prepared by SSJCFA staff.

DISCUSSION

In 1999, the City and District entered into a joint powers agreement that formed the South County Fire Authority (SCFA). On the same date, the SCFA contracted with the City to provide fire protection services within the jurisdictional boundaries of the SCFA (City of Tracy and Tracy Rural Fire Protection District).

At this time, the City and the District exercised a non-detachment policy, whereby areas annexed by the City would not detach from the District's service area. In 2014, the City experienced exponential growth in areas annexed from the District. The annexation without detachment model allowed the District to continue to provide fire services in those areas and retain the associated property tax revenue.

With extensive growth, the District experienced additional responsibility for fire services and increased revenues, the District Board of Directors requested that the original JPA be revised to allow the District to have an equal governance footing with the City. In 2017, staff completed a study concerning the JPA governance. Staff used two previous consultants' studies and developed four different governance options to evaluate. The following were the four options:

1. Dissolve the JPA and return to a two-agency model
2. District contract with the City for fire services
3. Annex the City into the District
4. Create a strong independent JPA entity

After careful consideration, option four was chosen because it addressed the District's concerns about equity while protecting the City's ability to maintain fire protection revenues and continue to influence public policy and prioritization of fire protection services within the city limits. In 2017, the SCFA JPA agreement was reevaluated and in February of 2018 (with an effective date of July 1, 2018), a new agreement was adopted by both agencies forming the SSJCFA. Implementation of the SSJCFA was divided into two phases:

Phase 1 (complete): Create a stronger semi-autonomous governance and fire protection organization through the implementation of structural, organizational, and financial elements. The following are the Phase 1 elements that were completed upon initiation of the SSJCFA and the associated dissolution agreement:

- Agreement between the SSJCFA and the City to continue to have the City of Tracy serve as the employer of record until the transition of employees to the SSJCFA.
- The SSJCFA Board of Directors was provided oversight responsibility for fire protection within the Authority boundaries.
- The SSJCFA Board appointed the Fire Chief who serves as the Authority's Chief Executive Officer and serves at the will of the Board.
- Amendments to the previous JPA were removed and incorporated within the new agreement if applicable.
- The SSJCFA appointed a Finance Manager with budgetary responsibility, hired independent counsel, engaged the services of an independent auditor and controller/treasurer.
- The SSJCFA is designed to add additional member agencies to improve overall service levels and reduce overhead costs through economies of scale.
- With the corresponding dissolution agreement, the new JPA agreement addressed fire station ownership concerns and the disposition of retiree leave balances.

Phase 2: Transition employees to become employees of the Authority and the SSJCFA would become a full standalone agency.

The implementation of Phase 2 is codified in Section 1.6 of the new JPA agreement of the SSJCFA:

> *"The initial Member agencies desire to transition to having the Authority employ its own personnel to provide any or all of the services the Authority elects to provide. In the event the Authority elects to employ its own personnel, the Chief Executive Officer shall, with the assistance of the staffs and consultants of the Member Agencies, prepare a personnel plan detailing how the Authority would employ its own personnel. The personnel plan shall detail the treatment of*

matters such as transfer of employees from the Member Agencies to the Authority (and the transfers effect on existing collective bargaining agreements, the allocation of pension liabilities and obligations, the treatment of accrued leave, civil service and seniority rights, and other employee benefits and rights), risk management, and other administrative matters required at the start-up of new organizations".

SSJCFA staff has worked with staff and consultants of the member agencies to develop a comprehensive Personnel Transition Plan (Attachment B) detailing the provisions necessary to establish the SSJCFA as the employer of record. The timeline for implementation is listed in the following table:

Date	Personnel Transition Element
June 15, 2021	Present the revised and final draft of the SJC Fire Administrative and Personnel Transition Plan to the City
July 6, 2021	Present Transition Plan to Tracy Rural Fire District Board of Directors
July 13, 2021	Present the revised and final Personnel Transition Plan and Resolutions establishing the Authority's Personnel Systems to the Authority Board for approval: • Classification System (Including Rules for ongoing administration, Classification List and relationships, Classification Specifications) • Compensation System (Including Compensation Policy, Rules for ongoing administration, FY 20-21 master pay schedule, authority to execute benefit fiduciary contracts. • Administrative, Safety, and Personnel Policies • Employer Employee Relations Resolution (EERR) • Proposed Org Chart & Position Control Roster Updated Conflict of Interest Code
(optional update date TBD and next Steps)	• If an update on transition activities is deemed helpful, request an opportunity to make a BRIEF update and presentation to the Tracy City Council, Rural Fire District Board, and the Authority Board; answer questions.
May – August, 2021	Finish negotiations and finalize the Transition Agreement with Tracy Rural Fire District and the City of Tracy (Equipment, Assets, Infrastructure – Maintenance and Repair, Ownership, former EE's–Retirees from 2/2018-9/2021 or Date of Transition, also UAL. Transition Agreement scheduled or approved by all governing bodies.
July 13 – Aug 31, 2021	Get signatures on TAs related to 3/2020 TAs and COT 2021 neg TA Agreements and changes. Set up all personnel related processes, work with the City of Tracy to obtain EE leave accrual balances as of the first day of the first full pay period in August (align with City). Enter leave accrual balances in the payroll system and begin side-by-side payroll effective with the first full Authority pay period in August. OPEN RECRIUTMENTS FOR HR AND FISCAL

	ANALYSTS.
August or September, 2021	**Resolutions JPA Board for consideration of approval:** If not approved earlier, Transition Agreement CalPERS Contract(s) (may include Health and Retiree Health) Tracy Firefighters Association Local 3355 MOU South County Fire Chief Officers Association MOU Fire Chief MOU Unrepresented Personnel Resolution
September 1, 2021	Prepare offer letters for eligible employees. If not completed already, enter leave accruals in the system, process parallel payrolls.
October 1, 2021	Effective date of SSJCFA as Employer of Record

FISCAL IMPACT

The City's consultant, MRG provided an analysis of the fiscal impacts of the Personnel Transition Plan to Council in March 2021. After receiving feedback from the member agencies, impacts were significantly reduced by re-evaluating health care options and consideration of administrative efficiencies.

It is anticipated that additional costs to the City should be offset by the transfer of a greater share of SSJCFA overhead costs to the District as the District adds additional fire stations and the cost allocation formula for the member agencies is adjusted.

Additionally, failure to approve the plan could lead to the termination of the JPA, which would result in the City incurring significant additional costs to provide fire protection services.

STRATEGIC PLAN

This agenda item supports the following Council Strategic Priority, and specifically implements the following goal:

Goal 5: Partner with the South San Joaquin County Fire Authority to complete Phase 2 of the Personnel Transition Plan.

Objectives:

1. Complete and Present Fiscal Analysis of the SSJCFA Personnel Transition Plan (Phase 2) to Council.
2. Coordinate with SSJCFA to present the Personnel Transition Plan (Phase 2) to Council.

RECOMMENDATION

Staff recommends the City Council approve, by resolution, the SSJCFA Personnel Transition Plan.

Prepared by: Randall Bradley, Fire Chief

Reviewed by: Jennifer D. Haruyama, City Manager
Karin Schnaider, Director of Finance

Approved by: Jennifer D. Haruyama, City Manager

ATTACHMENTS:

A: MRG Report – City of Tracy Update and Response to City Council Questions – Fiscal Impact Analysis South San Joaquin County Fire Authority Phase 2 Personnel Transition

B: South San Joaquin County Fire Authority Personnel Transition Plan

Attachment A

CITY OF TRACY

Update and Response to City Council Questions

Fiscal Impact Analysis South San Joaquin County Fire Authority Phase 2 Personnel Transition

Prepared by:

Mike Oliver, President
Dana Shigley, Consultant
Brian Kelly, Consultant
Michelle Fitzer, Consultant
Municipal Resource Group, LLC

June 2021

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I. EXECUTIVE SUMMARY

In 1999 the City of Tracy and the Tracy Rural Fire Protection District entered into a Joint Powers Agreement to provide fire services to their jurisdictions. The JPA contracted with the City of Tracy for the day to day management of fire operations, and all firefighters (and other staff) were employees of the City of Tracy. In 2018 the City and District dissolved the 1999 JPA and create a successor JPA, establishing a new, semi-autonomous government organization (the South San Joaquin County Fire Authority ("Authority")) to oversee fire operations.

Under the terms of the successor JPA, all fire personnel will transition to the Authority as the employer of record. The Authority has prepared a Transition Plan that describes how the Authority will provide insurance, benefits, payroll, human resources support services, retirement programs, and other critical components of the employee transition to the Authority. The City Council reviewed the potential fiscal impacts of this transition in a report prepared by MRG in March 2021. Subsequently, the City asked MRG to provide additional analysis concerning options for health insurance and administrative support functions, revenue projections, and effectiveness of the governance model.

Health Insurance Options

MRG worked with Authority staff to review health insurance options. Because the requirement to contribute toward retiree health insurance premiums would substantially increase City and District long-term liabilities, MRG does not recommend the CalPERS health insurance plans. A health insurance plan from the Fire District Association of California is reasonably priced and a good option. However, because it is unclear how the City's health insurance plan rates may change and implementation time is short, the Authority may consider contracting with the City for employee health insurance through 2022, providing sufficient time to evaluate the impacts on City rates and implement the transition smoothly.

Administrative Support Services

The Authority has made great progress in developing policies and plans needed to provide human resources and payroll services to their employees. Additionally, the Authority has developed a future staffing structure that will provide two employees each to support the finance and human resources functions. We believe that these functions will require at least five full time equivalent employees combined. The Authority can substitute on-going contractor support if desired, with associated costs.

The Authority continues to develop implementation plans to provide payroll and human resources services for employees. Given the planned implementation date of October 1 and the tremendous amount of work that needs to be accomplished to implement these two functions, MRG recommends that the Authority work collaboratively with the City to phase the transition of these services. Together, the Authority and City can identify the highest priority services to transition immediately and the Authority can continue to contract with the City for services, such as payroll, that can be phased in over the next six to twelve months.

Long-Term Fiscal Forecast

The City and District have both prepared revenue projections that appear to reasonably reflect future resources based on development projections and other factors. The Authority, using these projections, prepared a Sustainability Plan that indicates available revenues will be sufficient to pay anticipated Authority operating costs.

However, MRG is concerned that the expense projections prepared by the Authority and its member agencies do not sufficiently represent future cash needs. For example, the expense projections do not appear to include adequate funding for capital replacement of facilities and apparatus, long-term CalPERS liabilities, or the need to set aside and maintain operational reserves. The member agencies should plan for these long-term expenses as well as the operational costs for the Authority. The projections also may not reflect the long-term cost for administrative support services. Until these needs are addressed and quantified, it is not possible to fully determine if revenues will be sufficient to meet Authority needs.

To avoid temporary swings in member contributions for Authority operations, and help ensure long-term financial stability of the Authority, the City and District should also consider funding an operating reserve. MRG recommends the City, District and Authority collaboratively develop revenue and expense projections and budgets, that include funding plans for long-term liabilities and reserves.

Governance Model

Prior to 1999, the City and District provided fire services to their individual jurisdictions. The City and District could choose to dissolve the JPA and again provide services separately, however, there will be significant fiscal and operational impacts. Each agency would need to hire management staff and provide administrative services, as well as acquire specialty equipment that is currently shared, resulting in increased costs. Additionally, because certain areas in the City limits remain in the District's fire service area, the allocation of property tax revenue would change after dissolution, with a high risk of revenue loss to one or both of the JPA members. The JPA model provides superior, less costly and more effective services to the community than would be achieved if the participating agencies provided those services separately.

MRG recommends additional training, orientation and communication with new and current Board members to improve collaboration and help Board members better understand organizational and operational challenges when making critical policy choices.

II. PROJECT BACKGROUND

In 1999 the City of Tracy ("City") and the Tracy Rural Fire Protection District ("District") entered into a Joint Powers Agreement ("JPA") to eliminate duplicative overhead costs and increase service levels to both communities. The JPA contracted with the City for the day-to-day management of fire operations, and all firefighters (and other staff) were employees of the City. In 2018, facing both fiscal and political challenges, the City and the District agreed to dissolve the

1999 JPA and create a successor JPA, establishing a new, semi-autonomous government organization (the South San Joaquin County Fire Authority ("Authority")) to oversee fire operations.

Under the terms of the successor JPA, some administrative services will transition to the Authority while others will remain with the City as contractor to the Authority. Additionally, and most importantly, all fire personnel (approximately 75 employees, increasing to 90 with the planned opening of a new station in the coming months) will transition to the Authority, and the City will no longer serve as the employer of record. The Authority will lease all fire stations from the City and the District. The Authority prepared a Transition Plan that describes how the Authority will provide insurance, benefits, payroll, human resources support services, retirement programs, and other critical components of the employee transition to the Authority.

Implementation of the new JPA could result in substantial fiscal impacts to the City. In order to understand the potential costs, the City contracted with Municipal Resource Group, LLC ("MRG") to analyze and quantify the fiscal impacts of the Authority's draft transition plan. The MRG Fiscal Impact Analysis, presented to the City Council in March 2021, addressed these potential impacts in detail and identified several priority areas for further review. After discussion, the City Council requested further analysis. As a result, the City asked MRG to provide additional analysis in four areas:

Task 1: Analysis and recommendations regarding the costs and long-term liabilities associated with switching to CalPERS medical insurance, and further consideration of alternatives;

Task 2: Take a broad look at how the Authority will provide human resources, finance and other administrative support services, along with the associated costs of each option;

Task 3: Review revenue forecasts and models for City and District property taxes, fire impact fees and related revenue to assist the Council in understanding the long-term revenue outlook for the Authority and its members; and

Task 4: Review available options for the delivery of fire services to the City and the District and discus the policy implications of the current JPA governance model.

Based on feedback from the City Council, the District Board and additional information received from consultants and service providers, the Authority has provided an updated and improved Transition Plan. This revised plan, anticipating a transition date of October 1, 2021, provides more detail and addresses several of the concerns addressed in our previous report and expressed by the City Council. As such, this report addresses the new plan and offers recommendations for further refinement or implementation. In reviewing the new plan, MRG focused on the sections pertinent to the tasks mentioned above.

MRG worked closely with the Authority, the City and the District to explore options in each of these areas, as well as develop recommendations that would help ensure the long-term success

of the Authority. We would like to offer our gratitude to staff in all three agencies for their cooperation, commitment and willingness to consider options.

III. TASK 1 – HEALTH INSURANCE OPTIONS

A. Background

Health insurance premiums represent a growing expense for employers, and costs and benefits provided can vary widely by plan. In the initial draft Phase 2 Transition Plan, the Authority indicated an interest in providing medical benefits for fire employees through CalPERS. However, there are significant long-term liabilities associated with this plan, and the Authority has considered other options. As part of our analysis, MRG worked with the Authority staff to review quotes and evaluate options for health insurance.

B. Premium Quotes

Currently, fire employees receive medical benefits through the City's contract directly with Kaiser, and the most efficient solution would seem to be the Authority contracting with Kaiser as well. However, the Authority cannot contract directly with Kaiser, as Kaiser will not provide the coverage needed by the Authority for a group of fewer than 100 employees. Therefore, the plans evaluated as alternatives to CalPERS are plans that are available through a contract with pools of California public employers (similar to CalPERS).

The Authority, through its broker Keenan and Associates, provided calendar year 2021 health premiums for four (4) potential Kaiser plans. These included the City of Tracy, CalPERS, the Fire Districts Association of California Employee Benefits Authority ("FDAC EBA"), and the Special District Risk Management Authority ("SDRMA")[1]. The 2021 monthly premiums are:

	City of Tracy	CalPERS	FDAC EBA	SDRMA
Employee	$786.27	$813.64	$837.72	$938.00
Employee +1	$1,572.54	$1,627.28	$1,667.20	$1,854.00
Family	$2,044.30	$2,115.46	$2,164.85	$2,402.00

The pooled coverages with FDAC and SDRMA also provide access to dental, vision, and life insurance products not included in the above premiums. In addition to the Kaiser HMO plan, FDAC provides a PPO and an EPO plan through HealthNow/Blue Shield. SDRMA also offers PPO, EPO and High Deductible Health Plan ("HDHP") coverage through Blue Shield and Blue Cross. Quotes were not provided to MRG for these plans. These plans would be available to Authority employees, presumably at a higher premium than the Kaiser plan. For purposes of ensuring equivalent comparison, we are comparing rates only for similar Kaiser plans.

[1] During the April 21, 2021, Tracy Rural Fire District Board meeting a question was raised by a Board member regarding potential coverage through the Peace Office Research Association of California ("PORAC"). The PORAC plan is only available as a component of the CalPERS health insurance plan. Therefore, a quote is not available for consideration.

C. Analysis of the Plan Options

2022 rates are not yet available from any of the plans; the 2021 rates are the only comparative data available. These rates reflect current-year costs, but prices will differ among plans in the future.

1. City of Tracy

For calendar year 2021, the City of Tracy's premiums are the lowest of the options considered. Previously, the Authority had received information that Kaiser would not allow Authority employees to remain on the City's plan after the transition. However, Keenan has now advised that the fire personnel could remain on the City's health plan following conversion of the employer of record by contract between the Authority and the City. This practice is not uncommon with special districts in California.

2. CalPERS

The CalPERS rates are currently the second lowest. However, as was discussed in considerable detail in the February 2021 report, contracting with CalPERS creates a new long-term unfunded liability for retiree health premiums. The Authority would have to eventually make equal contributions for retirees as they do for active employees. (This is addressed in more detail later in this report.)

3. Fire Districts Association of California Employment Benefits Authority

The FDAC EBA rates provided are slightly higher than the City's rates. However, Keenan[2] advised that Kaiser quoted the FDAC rates using the City of Tracy's loss experience, which does not represent the loss experience of the fire personnel exclusively. Therefore, in the event the fire staff were removed from the City's plan and enrolled in a new plan through FDAC, Keenan expects the Authority's rates would be less than the 2021 premiums paid by the City. However, Kaiser cannot determine rates for the Authority until the Authority provides notice to Kaiser that they intend to break away from the existing City plan.

Keenan has indicated that Kaiser requires a minimum of six months' notice to remove employees from the City's Kaiser plan and enroll them in the FDAC plan, giving Kaiser time to calculate the new premiums and enroll employees. As the medical benefit year begins on January 1, the Authority would need to provide notice on June 15, 2021, of its intention to break away from the City's plan and create a new plan effective January 1, 2022 with rates based only on fire employee loss history. If the Authority provides notice of its intent to break away in June, information about 2022 insurance rates would be available in July for planning purposes.

[2] For full disclosure, Keenan & Associates is listed as the endorsed Insurance Broker and Consultant for the FDAC EBA plan.

Another concern is the potential impact on City insurance premiums from the loss of fire employees. As noted previously, Keenan indicates that fire employees have a better loss history than the rest of the City's employee pool. Additionally, the new Authority employee pool would only include active employees and future retirees; existing retirees would remain in the City's pool. Thus, when the fire employees are removed from the City's pool, the City could expect to see premium increases for their non-fire personnel that they would not otherwise realize if the entire group were rated together, as they are currently. Without having the groups separately rated at this time, the aggregate impact of the reduced rates for the fire personnel as compared to the increased rates for the remaining employees is unknown.

4. Special Districts Risk Management Authority

The SDRMA premiums are the most expensive. MRG was not provided with any information, such as enhanced coverage or reduced co-payments, to explain the premium difference. Therefore, coverage under this plan seems less desirable.

D. Employee "Opt Outs"

With the exception of continuing coverage through the City, all the remaining plans would allow employees to opt-out of enrolling in the health plan. As discussed in the February 2021 report, this could result in savings to the Authority, as employees who have dual coverage may opt for the cash-in-lieu payment, currently established at $903.97. The amount of savings depends on the number of employees opting out and the level of coverage they would otherwise have (Employee, Employee+1, or Family). The February 2021 report indicates the Authority projects 25% of employees will opt out of coverage. Assuming the majority would be Employee+1 or Family coverage, the annual savings range could be between $180,000 - $240,000.

As noted in the February 2021 report, the Authority would have to account for the additional overtime costs due to the *Flores* ruling. The Authority has calculated that cost to be approximately $29,000 annually.

E. Retiree Coverage and Future Liabilities

The City's current Retiree Medical Leave Bank plan allows fire personnel to convert unused accumulated sick leave into cash upon retirement, and use that to pay for their health insurance premium after they retire. This plan is expected to continue with transition to the Authority as the employer of record. The City does not provide any direct payment for retiree medical benefits, nor does the Authority plan to do so.

Currently, the City solely provides access to its Kaiser medical plans for retirees. All the plans evaluated would allow the Authority to continue to provide access to coverage at the retirees' expense, except CalPERS. As previously discussed in this report, enrollment in the CalPERS health plan would require the Authority to also contribute to the retiree health plan premium, creating a long-term liability for the Authority members.

As noted in the February 2021 report, an actuarial report from MacLeod Watts indicates that the present value of projected benefits in the current Retiree Medical Leave Bank plan of $4.9 million would increase to $10.1 million under the CalPERS medical plan, as the employer is required to partially fund coverage. And, importantly, this liability represents the projected value of benefits for *current employees* at retirement; the liability will increase with each newly hired employee.

In addition to the annual premiums for active employees, switching to the CalPERS plan would add two costs to the Authority budget each year: the cost of insurance premiums for retirees and the cost to amortize, or "pre-fund," the liability noted above. Assuming an equal dollar contribution over a 20-year amortization period, the annual contribution for the 2022/23 fiscal year would be $144,502. Staff indicated the Authority is prepared to establish a trust fund for these prefunding payments. As noted previously, the value of the liability, as well as the annual payment to pre-fund it, represents only the liability for *current employees* who retire. When new employees are hired, this liability (and annual contribution) will increase, potentially substantially. Additional actuarial analysis would be needed to project future required contributions based on the addition of future employees.

The $10.1 million liability and the $144,502 annual contribution assumes the Authority pays only the CalPERS minimum employer contribution. Should the Authority negotiate with employees for a higher contribution toward retiree medical premiums in the future, these costs would increase accordingly. An updated actuarial report would be required to determine the fiscal impacts at that time.

Recommendation: Based on the benefit plans evaluated, MRG recommends the Authority consider one of two options: contracting with the City of Tracy for continued medical benefits through its contract with Kaiser, or joining the FDAC EBA plan. However, there may be insufficient time to provide notice to Kaiser, particularly considering the City and the District have not formally approved the transition of employees. The deadline to submit a request to break away from the City's plan with Kaiser is June 15, 2021 for a January 1, 2022 implementation date. Therefore, MRG recommends that the Authority contract with the City to provide medical insurance with Kaiser through at least calendar year 2022. This is now possible, as Keenan has recently indicated that Kaiser would allow fire personnel to remain on the City's plan after the Authority becomes the employer of record. Authority staff have indicated they support this option. This time would allow the City to understand how the removal of active fire employees from its pool will impact its rates, and allow the Authority to obtain quotes based on its stand-alone experience, after the transition is implemented. The City should immediately work with its Kaiser representative to determine the best method of continuing to cover fire employees through the City's plan through at least 2022 (or indefinitely, if desired) and develop a contract with the Authority to provide this coverage.

Although the CalPERS health plans offer good benefits and the annual premiums are reasonably priced at this time, MRG cannot recommend enrollment due to the significant increase in the long-term liability associated with the required retiree premium contribution.

Alternately, if the Authority does not want to stay on the City's plan through at least 2022, as described, it may consider contracting with FDAC EBA for health plan coverage effective January 1, 2022, by providing notice by June 15, 2021. The FDAC EBA option provides good health plans

at reasonable rates. Coverage through FDAC EBA also continues availability for retirees at a pooled and equitable premium, while not incurring any additional liability for the employer, and allows employees to opt-out of coverage. This analysis did not include evaluation of dental, vision and life insurance options, but those coverages are also available from the FDAC EBA pool.

Using enrollment data provided by staff, the anticipated total annual increased cost of this coverage at the quoted 2021 rates is $114,665, including the *Flores* impacts. Since rates for the non-Kaiser plans were not evaluated, there could be additional costs for employees who switch to higher priced, non-Kaiser plans. However, as noted, Keenan indicates they expect actual premiums to be less than the City's current rates, which would result in a savings to the Authority and therefore the member agencies. Additionally, with the anticipated savings due to the increase in the number of employees electing to receive the cash-in-lieu payment, even at the quoted rates, there could be an overall annual savings of between $65,000 and $125,000.

This savings for the Authority may come at a cost to the City, which will experience higher rates after the fire employees are removed and, if a decision is made to contract with FDAC EBA immediately, the City may not be able to determine and evaluate these costs.

When, and if, the Authority and the City have obtained updated rate information and decide to proceed to separate the Kaiser plan into two groups so that the Authority can provide benefits under a different plan, it will be important to work with Kaiser carefully to implement the change. Specifically, while the Authority must issue the Notice of Intent to Kaiser, similar to that issued to CalPERS, currently the employees are employees of the City. Therefore, if this action occurs prior to completing the employee transition to the Authority, the City and the Authority should be in agreement regarding the intention to separate.

IV. TASK 2 – ADMINISTRATIVE SUPPORT SERVICES

A. Background

In the Authority's initial transition plan, the Authority indicated its intention for Authority staff to assume all responsibility for finance functions, including payroll, and to contract with the City for human resources services. However, the transition plan offered few details regarding staffing levels or contract costs, and the MRG fiscal impact report dated February 2021 suggests a more thorough analysis of staffing needs and costs for the finance and human resources functions. In the past several months, the Authority has completed numerous key steps and worked out many details needed for the transition of all finance and human resources functions. The revised Transition Plan describes the Authority's most recent plans for providing administrative support services.

The Authority intends to eliminate one current Division Chief position and replace it with two Management Analyst positions (one for finance, one for human resources, as described below). As shown in the Transition Plan, there is a minor cost savings for this change in staffing. However, there will be additional costs, which are described in this report. The proposed staffing structure would include a total of four employees providing finance and human resources functions. Once

the transition is complete, the Authority will terminate its existing agreement with the City for support services currently costing $175,000 per year.

B. Finance Functions

Municipal finance departments provide a wide array of finance and accounting services and play a critical role in safeguarding agency funds and ensuring fiscal transparency. The Authority finance department needs to be staffed and skilled sufficiently to perform the following functions:

- *Accounts Payable* (receive and approve invoices, perform coding and data entry, process payments, create purchase orders);
- *Treasury and Banking* (bank account reconciliation, prepare and make deposits, monitor cash);
- *Accounts Receivable* (calculate, invoice and receive member payments; over the counter fees, perform coding and data entry);
- *Payroll* (coordinate with HR on employee changes, calculate and process payroll, respond to employee changes, make tax payments to state and federal agencies, make CalPERS deposits, pay insurance vendors, year-end processing, etc.);
- *General Ledger* (manage account structure, create and post journal entries, manage asset and liability accounts, prepare year-end adjustments, reconciliations and closing entries);
- *Audit Management and Governmental Accounting Standards Board ("GASB") Compliance* (prepare schedules for outside auditor, post GASB adjustments, manage audits);
- *Operating and Capital Budget Development and Management* (prepare the annual operating and capital budgets for adoption by Board, monitor budget during the year);
- *Reporting and Transparency* (prepare and distribute monthly/quarterly/annual budget and financial reports for management, Board, member agencies and public use);
- *Grant Management* (complete granting agency reports, draw down grant funds, ensure grant funds are used appropriately, account for grant revenues and expenses, close out grants);
- *IT Management* (manage IT contractor, maintain equipment inventory, plan for equipment replacements, manage accounting software);
- *Capital and Fixed Asset Management* (maintain assets schedule, develop and monitor capital replacement schedules and plans, ensure appropriate capital reserves); and
- *Other Finance Management Functions* (develop and implement written finance policies/procedures, create long-term revenue and expense projections, develop fee schedules, debt management (if any), risk management and insurance, manage internal process controls, supervise finance staff, monitor changes in finance best practices and state and federal regulation).

Since the formation of the new JPA in 2018, most of these functions have phased over to Authority staff and are now performed by approximately 1.75 employees, plus a minor amount of administrative support. The Authority is still in the early phases of fully implementing its administrative support functions, and some of the functions described are not yet entirely functional. As the organization matures over time, many of these tasks will evolve and grow. The Authority plans to staff this function after the transition with 2.0 employees (0.5 Division Chief, 1.0 Management Analyst, and 0.5 administrative support). While this may be sufficient initially, MRG believes that the Authority could anticipate needing at least 2.5 full-time staff to handle this robust list of functions (but not including payroll) for an agency of 90+ employees. Alternately, the Authority may rely on consultants to provide technical or specialized support.

Outstanding challenges include capital asset planning and reserves, payroll, budgeting, and finance policy development, as noted below.

Recommendation: Improve Capital Asset Planning and Reserves. The Authority has developed initial capital plans. However, because the stations and apparatus remain owned by the participating members, meaningful capital planning and establishment of reserves must include participation of the City and the District. Additional effort is needed in this area to ensure the District and the City have adequate capital replacement plans and reserves to ensure the long-term sustainability of the Authority.

***Recommendation*:** Increase collaboration during budget development. As noted in a separate section of this report, the Authority, the City and the District each develop their own budgets; however, they are created individually without meaningful collaboration. It would be helpful for each member to develop projections related to fire services in consistent formats and work together to establish operating budgets and long-term projections.

Recommendation: Develop and implement finance operational policies. The Authority Board has adopted several important finance and purchasing policies. However, the finance department would be best served by developing written, internal policies and procedures regarding many aspects of finance functions, including purchasing, internal control, expense reimbursement, transaction approvals, petty cash, and so forth. These policies not only improve operational efficiency and effectiveness, but provide protection against fraud. Many agencies have such policies that could serve as a model for the Authority's assistance.

The Authority has hired James Marta and Company, a CPA firm, to serve as Controller. While the scope of their work has yet to be fully defined, the firm is experienced and can assist the Authority in several ways. In addition to assisting with fiscal reporting, auditing and GASB compliance, they can advise the Authority on matters including internal controls and fiscal policies and procedures.

C. Payroll

The most immediate administrative challenge facing the Authority is the processing of payroll after the employee transition to the Authority as the employer of record. The payroll function is among the most critical services provided by the finance department, as labor-related costs represent 85% of the entire budget. The consequences of payroll errors are significant:

employees aren't paid correctly, state and federal tax deposits are not correct, employees don't receive contracted benefits, etc. None of these errors are easily resolved.

The Authority is currently proposing two options for payroll processing:

1. Authority staff with assistance from payroll consultant

The Authority has purchased a financial management information system that includes a payroll module. The Authority proposes that Authority staff will process payroll with the assistance of a consulting firm specializing in payroll systems. This firm will also play a key role in implementing the new payroll system prior to the transition. Even with the support of an experienced consultant, payroll implementation is complex and requires running multiple parallel payrolls to ensure absolute accuracy. Should the Authority move forward to process payroll with its own staff, the Authority may need to add 0.5 additional staff to the 2.5 already described. Alternately, the Authority can rely on consultants to provide support for the payroll function (with applicable costs).

2. Contract with the City for payroll services

In this option the Authority would contract with the City for payroll services under terms of a professional services agreement. The City would continue to process payroll using City software, but utilize Authority compensation and benefit plans, under the direction of the Authority. It is important to note that the Authority will retain full control over all personnel decisions, pay rates, contracted benefits, disciplinary actions, etc. The contract for services would include only payroll processing using employee and pay data authorized by the Authority.

***Recommendation*:** The Authority would be best serviced by contracting with the City of Tracy for payroll services after the employee transition is complete. This ensures that employees will continue to be paid without interruption or hiccup during the transition, and allows Authority finance staff to focus their attention on other important transition elements. In the future, if the Authority wishes to transfer payroll processing to Authority staff, there will be sufficient time to establish payroll procedures and accounts, process parallel payrolls, and ensure a smooth transition. The Authority has met with City staff to discuss the potential terms of a contract for services and is awaiting a price quote from the City.

D. Human Resources Functions

With more than 90 professional, technical and administrative employees, the Authority will need to provide a wide array of human resources services to its employees. These will include:

- *Benefits Administration* (open enrollment, employee/dependent changes, administration and coordination of services);
- *Classification and Compensation* (classification plan management, including job description updates, position reviews and compensation studies as needed);
- *Disability and Interactive Processing Case Management* (meetings with employees, disability case management, coordination with management staff);

- *Performance Management* (disciplinary and process coordination, performance evaluations);
- *Employee Personnel Action Form Processing* (review, entry and coordination of employee transactions in the human resources/payroll systems);
- *Labor Relations* (oversee administrative coordination on employee/association grievances, communicate inquiries/responses to unions and their members, negotiate terms and conditions of employment with represented employee bargaining units, implement collective bargaining agreements);
- *New Employee Onboarding/Departing Employee Processing* (coordinate pre-employment medical and psychological testing, job offers, employee orientation and training; process terminations, exit interviews);
- *Recruitment and Selection* (plan, coordinate and administer recruitments, manage eligibility lists, ensure compliance with EEO throughout process);
- *Workers' Compensation Processing and Case Management* (manage case files, coordinate with insurance providers and legal counsel, coordinate settlement authority and negotiations);
- *Policy and Procedure Development* (develop numerous policies consistent with state and federal requirements and best practices, monitor and implement changes); and
- *Employee Engagement and Support* (implement programs and policies to ensure employees are engaged, receiving feedback and support, and committed to the Authority mission and vision).

These functions require considerable expertise and knowledge to ensure compliance with state and federal laws, labor agreements and policies, as well as to ensure employees and managers are receiving professional and effective services. Currently, the City Human Resources Department provides these services to all City employees, including fire personnel who will transition to the Authority.

E. Options for Providing Human Resources Services

In recent months, the Authority has made considerable progress toward developing its human resources policies. The Authority has hired an experienced human resources consultant, Deborah Muchmore, who is providing advice and support regarding the many requirements needed to implement a human resources program. Together, Authority staff and Ms. Muchmore have prepared draft personnel rules, employer-employee relations ordinance, compensation and classification systems, and numerous administrative polices. These policies, after Board adoption, will apply to fire personnel after the transition.

Human resources departments often rely on specialized consultants and legal counsel for services, which may include classification analysis, labor negotiations, investigations, case management, and similar services. Just as the City does now, the Authority would also rely on consultants for services in these areas.

In the revised Transition Plan, the Authority indicates the human resources function will be supported by 2.0 Authority employees, including 0.5 Division Chief, 1.0 Management Analyst and 0.5 administrative support. Additionally, Authority consultants, including Ms. Muchmore and her associates, are available to provide additional assistance as needed.

The Authority's strategy as described in the Transition Plan is well considered and reasonable. However, MRG would like to offer the following observations:

1. Role of the City

The Authority has indicated it will ask the City if it is able to provide staffing for the new Analyst position under the terms of a professional services agreement. This option would take advantage of the City's human resources experience with District employees and avoid the need for the Authority to hire and train staff. The City has not yet indicated its interest or a potential price for this service, and may not have an employee available. The price offered by the City may be more or less than the salary anticipated for an Authority Management Analyst position. If the City cannot assign an Analyst full time to the Authority, the Authority could proceed to fill the position independently.

2. Implementation timing

The Authority is proposing to transition fire employees as of October 1, 2021, a little more than three months from now. There is substantial work that needs to be completed before the Authority can have a fully functioning human resources department. The Authority has developed an aggressive implementation schedule and plan; however, the plan's success depends on many factors, including timely decisions from the member agencies and Authority Board, hiring (or contracting for) the Management Analyst position, and other tasks. MRG suggests that the Authority and the City work closely and collaboratively during this time, including making plans for the City to continue to provide some services for several months if needed.

3. Human Resources Information System ("HRIS")

Human resources departments rely heavily on human resources management systems to track employee information and actions. The Authority does not currently have this critical software and is exploring options. This system, ideally, will be implemented with trained staff before the transition date of October 1. However, because of the need to transition data from the current City HRIS, validate the data and train staff, this may not be possible. As noted above, the Authority may need to continue to rely on the City for a short time beyond the transition date. The cost for this software, not currently known, generally incudes both upfront and annual support costs.

4. Staffing levels

As noted, the Authority proposes a total of 2.0 staffing positions for the human resources function. While this may be sufficient in the short term, MRG continues to believe that a fully functioning professional human resources department serving the Authority's 90+ employees would likely require between 2.5 and 3.0 full-time employees, including management, professional and administrative-level support. Within the first few years, the Authority may face the need to add additional staff, particularly if Authority staff are performing payroll functions (addressed separately). In the meantime, however, the Authority has assembled experienced human resources consultants and can rely on them as needed. In either case, the Authority may incur additional costs to support the human resources function in the future beyond those currently anticipated.

Recommendation: Consider a phased-in approach to the transition. The Authority has developed extensive plans and made considerable progress toward full employee transition. However, with only a few months left before the proposed transition, there are many critical tasks remaining to be completed, including payroll implementation and creating a human resources function. MRG is concerned that the Authority may be overly optimistic about full implementation of these functions by October 1. MRG does not suggest delaying the transition date, but rather highly recommends developing and maintaining a collaborative relationship with the City in the coming months and being prepared to phase the human resources and payroll functions in over six to twelve months, allowing current and new finance and human resources staff time to properly implement critical systems and policies.

V. TASK 3 - REVENUES AND LONG-TERM FISCAL FORECAST

A. Background

MRG reviewed the available budgets, revenue and expenditure documents, vehicle, equipment and apparatus programs, and long-term expenditure commitments, to assist in determining the long-term fiscal outlook for the Authority and its members. In addition, we interviewed the financial managers for the Authority and the District as well as the Finance Director for the City. We also interviewed the City's long-range planners to determine the reasonableness of the revenue projections contained in the Authority's sustainability analysis.

Our review has led us to make several specific recommendations for the JPA participants to provide more stable and predictable budgeting and service delivery for the JPA. The recommendations include joint development of five-year cash flow models for the participating agencies and the Authority, enhancements to the budget preparation procedures outlined in the JPA, and regular communication between the staff of the three agencies.

B. Revenue Forecasting

The City and the District are currently using consulting firms to develop long-range revenue projections and other budget models. In 2020 the District engaged Economic and Planning Systems ("EPS") to review the potential impacts of revenue loss in the event a number of

properties not yet annexed to the City were required to detach from the District as a condition of annexation. The EPS study also reviewed the projected revenue and expenditure growth for the District's service area and the adequacy of the potentially reduced revenues to support the District's obligations. The study concluded that the District would operate in 2027 with a $1.1 million to $1.3 million surplus depending on whether the annexing properties were detached (EPS Study, page 4). The District has also used Hinderliter de Llamas and Associates ("HdL") to confirm property tax and fee revenue, and recently engaged HdL to update the District's five-year revenue projections to assist in confirming the District's longer-term sustainability plan.

The City has engaged Management Partners to assist in developing long-range revenue and expenditure forecasts as well as comprehensive budget strategies. These forecasts include a detailed analysis of the City's current and projected financial condition and recommendations for addressing the City's structural budget deficit. These measures include substantial revenue enhancements, cost controls and adherence to rigorous spending moderation. If fully implemented, these recommendations will place the City on a financially sustainable path.

Using growth projections for the City and the District created by the City, the Authority developed a sustainability analysis that projects the Authority's revenues and expenditures for a 10-year period (2018/19 through 2026/27). The most recent version of the analysis was presented to the Authority Board in April of 2020. This model indicates that growth-based revenues will exceed service costs through 2026/27. MRG confirmed the projections with City Planning staff to validate the Authority's revenue projections. We found, generally, that the Authority revenue projections match City staff growth estimates. However, development-based revenue projections are subject to market forces and, although significant growth is projected, actual development activity in the long-run is less certain than shorter-term projections.

Overall, City and District revenue projections appear to reasonably represent available future resources. However, revenue projections alone do not tell the entire story; *the key question for the City, the Authority and the District is whether the projected revenues will be adequate to support the projected expenditures by the Authority.* MRG is concerned that the expense projections prepared by the Authority and its member agencies do not sufficiently represent future cash needs. For example, the expense projections do not appear to include adequate funding for capital replacement of facilities and apparatus, do not address the existing CalPERS retirement unfunded liability (which is shared between the City and the District), a potential unfunded liability for CalPERS health insurance (if that plan is selected), or the need to set aside and maintain operational reserves. Additionally, with remaining uncertainty about the provision of human resources and payroll services, the projections do not appear to fully anticipate these support costs. Until these needs are addressed, it is not possible to fully determine if revenues will be sufficient to meet Authority needs.

Recommendation: The City and the District would be well served by collaboratively developing five-year revenue and expense forecasts. The City's forecasts would include fire-related services only, and both forecasts would employ mutually agreed-upon assumptions and models. These forecasts would provide the City and the District with a commonly understood set of data to

assist them in participating effectively in the annual budget preparation process. Additionally, the forecasts could be used by Authority staff to create cash flow projections and help ensure reliable and consistent service levels. Section 5.1 of the JPA requires monthly reports of fire expenditures for each member agency, which could be combined and presented in a format consistent with the five-year revenue forecasts.

C. Member Funding of the Authority

Although the two contributing agencies are committed to funding their portion of the Authority costs, there is no required commitment for contribution amounts or a specific level of service. Regarding funding commitments by the two agencies, the Agreement—Section 3.1.B - Level of Service states:

> *The Member Agencies will indirectly control the level of services in terms of response times through their station siting and staffing level decisions. Member Agencies shall also retain the right to elect to close stations within their jurisdictions. Nothing in this Agreement is intended to or shall limit or control the land use power of a municipal corporation or any other Member Agency that is a party to this Agreement.*

This language provides both parties flexibility in determining the level of service in their service areas. Presumably the intent is to provide each agency the opportunity to revise or reduce the service levels for its geographic area and reduce its contributions to the Authority accordingly. However, the language does not provide an incremental opportunity for either party to make minor modifications to its funding levels on a year-over-year basis, other than to reduce service levels. Options for reducing costs incrementally include controlling/reducing overtime costs, staffing freezes or other actions to temporarily meet short-term funding constraints. More significant cost saving measures, such as brownouts and station closures, are generally only implemented after a significant effort has been made to find or develop revenues to keep them open. A station closure often involves terminating employees, significantly modifying operating procedures, and interrupting services to the community.

The City and the District have significantly different revenue streams to support their activities and expenditures. The District relies predominantly on property taxes and fire service fees collected that are fully directed toward fire service activities. The City provides a wide variety of municipal services and generates taxes, fees and charges committed to many different functions. The City is restricted to using what are typically called “general funds” and fees and charges directly related to fire services to support fire service activities. The City must balance the needs of numerous municipal services in determining what funding is available for Authority services.

The City is facing significant fiscal challenges, and the City’s proposed budget maintains currently vacant positions and achieves an additional $1 million in salary savings for fiscal year 2021/22, as well as other significant revenue enhancement/cost reduction measures. The City’s budget constraints in recent years have led the City to reduce its contribution to the 2020/21 Authority budget, and the proposed 2021/22 City budget also includes a constrained contribution. Consistent and reliable funding of the Authority is important.

Neither member agency is required to provide a particular level of support for the Authority and, facing other constraints, may direct resources elsewhere. Each agency's ability to determine its level of support each year makes the Authority vulnerable to the fiscal uncertainties faced by member agencies, resulting in unreliable revenue streams to the Authority and inconsistent service levels between member jurisdictions. To help address this challenge, we recommend the City and the District plan to fund and maintain an operating reserve that the Authority could use in the event of short-term revenue shortfalls from member agencies.

Recommendation: Develop an operating reserve for the Authority. The current Authority budget does not include an uncommitted operating reserve. To avoid temporary swings in member contributions for Authority operations, and to help ensure long-term financial stability of the Authority, partners should plan to establish a significant reserve (20% of operating costs). The reserve would be designated for unforeseen events, significant equipment failures, economic downturns, etc., to provide a buffer for the Authority to address these significant challenges. This would also provide stability to the member agencies in the event there was a need to fund unforeseen expenditures. In addition to the uses for the reserve described above, it could serve as a "bridge loan" to offset a temporary shortfall by any of the participating agencies. The reserve could be built over a number of years on an incremental basis until the desired level is reached.

D. Authority Budgeting Procedures

The JPA contains specific language regarding the agency's budget preparation process and the role of the contributing agencies. Section 5.3—Annual Budget states:

> *It shall be the policy of the Authority to approve only those budgets that do not exceed available revenues and neither the Authority nor the Employer of Record shall disburse funds outside of approved budgets or without the prior written approval of all Member Agencies.*
>
> *At least sixty 60 days prior to the commencement of each fiscal year the Chief Executive Officer shall meet with each Member Agency to prepare a preliminary budget for the Authority based on the formula identified in Section 5.4. Each Member Agency must approve the preliminary budget prior to May 15th of each year. On or before May 15th of each year the Authority Board of Directors shall adopt a preliminary annual budget for maintenance and operation costs of the Authority. On or before September 1 of each fiscal year the Authority Board shall adopt a final annual budget for maintenance and operation costs of the Authority.*
>
> *Following approval of the annual Budget by the Authority Member Agencies shall pay their pro rata share 120 days in advance of their expenses as estimated within the current approved budget.*
>
> *The Chief Executive Officer and the Treasurer shall provide quarterly budget updates to the Authority Board.*

This language lays out specific dates and procedures for developing an Authority budget each year. While the Authority is still young and developing procedures, the last two years' budget preparation processes have not followed this prescribed process, resulting in adjustments during the fiscal year. We believe that this language could be improved to better serve the participating agencies, improve communication and meet the Authority's need for reliable revenue and expenditure projections through the preparation of an accurate and timely Authority budget.

***Recommendation*:** Develop a transparent and participative budget development process. The budget process should include commonly shared budget worksheets, a timeline with achievable milestones, and regular reports and meetings to ensure adequate involvement by all member agencies in the budget preparation and management processes. The final budget document would include a detailed line item budget, a five-year revenue and expenditure projection, and adequate descriptions of major issue items and longer-term major expenditures. The budget process could include:

- A detailed preparation and review timeline that begins with a mid-year review in **January/early February** to discuss the current year's first six months' experience and the prospects for any significant revenue or expenditure changes in the upcoming fiscal year. These discussions would include staff from the Authority, the District and the City;
- In **March**, a status briefing with the Authority Board, the District Board and the Tracy City Council regarding the mid-year review and significant issues affecting the Authority, as well as the budget strategies for the upcoming proposed fiscal year;
- In **May**, a draft budget presentation to the Authority Board, the District Board and the Tracy City Council. The Board, the City and the Authority Board then adopt the draft budget; and
- By **September** 1, the Authority Board adopts the Authority budget. The September adoption should only be approved if there are no significant modifications to the draft budget adopted in May. If there are significant changes, the Authority staff should return to the District Board and the City Council and review the document before the Authority Board adopts the final budget.

VI. TASK 4 - GOVERNANCE MODEL

A. Background

MRG conducted a thorough review of the Authority governance documents and service area maps, conducted numerous meetings with the City, the District and the Authority concerning service delivery and functionality of the governance model. The analysis focused on the purpose of the JPA and how it serves both the City and the District. The analysis also reviewed the benefits of sharing services and the potential risks to both service levels and fiscal health should the member agencies decide to provide services separately. We also reviewed the governance aspects of the Authority model, including a discussion of Board member influence and cost control.

B. JPA Governance Structure and Operations

Our data gathering process included interviews with the Tracy City Manager and City Attorney, the Fire Chief, and District and City representatives to the Board. During our interviews, we asked the following questions:

- In your opinion, does the JPA governance structure function effectively?
- Have you identified any issues associated with the current governance structure?
- Does the JPA governance structure serve its intended purpose?
- Will the currently proposed administrative service modifications (HR, Payroll, Finance) meet the needs of the Authority?
- Do the District Board and City Council recognize the benefits and efficiencies achieved through the JPA?
- Are there other efficiencies or improvements that could enhance the JPA relationship?
- Has the Authority Board or the Agency you represent developed costs/impact estimates for either or both parties if the two agencies decided to provide direct services to their required service areas?
- Do you have suggestions for improving the operations/governance and or funding/expenditures by and for the Authority?

The interviews provided valuable insights into the perspectives of the key participants in the JPA, including helpful suggestions for enhancement of the Authority operations and functionality. We found the participants in the interviews to be fully engaged and positive about the benefits of the JPA. All participants expressed the desire to have the employee transfer and related administrative responsibilities completed and fully implemented.

Significant findings include:

- The lack of partisanship on the part of the Board members contributes to the effectiveness and functionality of the Board;
- The current transitional phase has created a lack of clarity in the present operations of the Authority; although specific requirements are contained in the JPA, they have not yet been fully implemented;
- There is a need for adopted Standard Operating Procedures by the Authority that are developed in conjunction with the two partner agencies;
- The Authority, the City and the District need to adopt a common set of norms and values to follow when engaging with one another;
- Creation of a regularly scheduled series of joint meetings between the three agencies on an annual or more frequent basis would permit information sharing, policy discussions and promote common understandings regarding the JPA operations and issues; and

- Difficulties in the budget preparation process, and the lack of effective communication by Authority staff and the member agencies, have created some frustration on the part of the agencies, staff and Board members.

Although those interviewed all supported the JPA, they recognized that the lengthy time period for full implementation of the employee transition and lack of effective communication regarding budget development and implementation have hampered the Board's efforts to be effective and efficient in its actions.

The need for improved communication between the City and the District, as well as increased training for Board members, emerged as a theme during the interviews. The City Council members who are appointed to the Authority Board are newer members on the Council with limited backgrounds in fire services, while the members of the District Board are long tenured, with significant experience. Regardless of the experience of each Board member, all members could benefit from orientation and training on fire service and governance issues.

***Recommendation*:** In addition to annual joint meetings between the City Council and the District Board, the Authority would be best served by enhancing its existing orientation and training process for Authority Board members. This would include one or more orientation meetings for new Board members with the Fire Chief and key management personnel at the Authority, as well as background materials and access to on-line resources to include fire service, leadership, and Authority governance information. Because District representatives on the Board typically have more tenure than City representatives, City representatives sometimes find themselves with less knowledge of key policy and governance issues. It is important that new members are provided sufficient information to understand their role as a Board member and understand the norms for conducting Authority business.

The JPA model forms a partnership that is intended to serve the City and the District for many years. Although City, District and Authority leadership will come and go over the years, it is critical that the partners are committed to finding solutions to challenges and sustaining the relationship in the long-run. For this partnership to succeed, there must be a common understanding of the value derived by participation in the relationship. Continuous and transparent communication among Board members and staff of all involved agencies are necessary to ensure success of the JPA model.

C. Review of Alternative Methods of Service Delivery

MRG broadly reviewed the impacts on services and developed order-of-magnitude cost estimates associated with separate operations, as well as reviewed the advantages of the current joint service delivery model. Specifically, if the JPA were to dissolve and fire services were provided by the City and the District separately, we evaluated the following questions:

What additional staff for each agency would be needed, including Chief and management positions, operations personnel, and administrative support? What additional operational costs would be incurred, including the need to purchase specialized equipment (that is currently shared) and other costs? Separate operations would require each agency to increase its staffing in several

key areas, including a full-time Chief and additional leadership positions, including battalion chief(s), training officers and fire marshals.

Each agency would need to have adequate administrative staff to process payroll, manage the organization's finances and human resources services, and provide administrative support (note the City already has much of this staff in place, but the District does not). Additionally, the City and the District would each need to acquire and maintain certain specialized equipment that is now shared between them.

Our preliminary cost estimates for administration, leadership and fire prevention staffing total approximately $2.6 million for each agency. For example, based on current staffing and operational practices, if the City and the District were to operate separately, MRG believes the additional cost for staffing, equipment, facilities and overhead for the City would be approximately $876,000 for fiscal year 2020/21, $1,106,000 for 2021/22 and increasing to $1,273,000 in 2024/25 as a result of the addition of new stations. The additional cost for staffing, equipment, facilities and overhead for the District would be approximately $679,000 for fiscal year 2020/21, $909,000 for 2021/22, and $1,076,000 for 2024/25.

How would property tax revenues to the City and the District be impacted should the JPA dissolve? The District receives approximately 11% of the property tax receipts generated in the District's jurisdictional boundaries, more than the amount the City receives and is able to commit to fire services. Until recently, the City was able to annex land into the City limits without being required to assume fire service provision for the new territory; the District retained jurisdiction for fire service in these annexed areas, along with its significant share of the property taxes. This benefits the City by allowing the District, with more available tax revenues, to provide fire services. LAFCo has recently indicated that this will not be allowed in the future and that annexations into the City must include fire services. This will significantly shift property taxes previously received by the District to the City's nominal property tax share in the future, but not sufficient to fully fund the City's additional costs to provide fire services (along with all other municipal services). These future annexations will require additional revenue to facilitate the City's provision of fire services.

If the District and City remain in the JPA, the current property tax allocations for the District will remain intact (within current City and District boundaries). If the City and the District dissolve the JPA, each agency will become responsible for fire services within its jurisdictional boundaries and the tax allocation between agencies would adjust. There are several scenarios for determining how the property tax allocations would adjust, and LAFCo would be required to take actions that impact revenues. There is significant risk that either the City or the District, or both, could suffer revenue reductions that would diminish their ability to provide fire services. Dissolution of the JPA would expose both the City and the District to undetermined, but potentially significant, revenue losses, and diminished ability to provide services.

Would there be operational inefficiencies related to station location and equipment availability, including the need to serve discontinuous areas (islands)? Separate operations would require reallocation of resources and inefficient operations. The current and planned station locations were based on the Authority continuing to serve both the City and the District service areas. If

the agencies responded to calls separately, "service islands" would be created, increasing response times, as the closest station would not always be responding to calls.

Would the newly independent partners agree to "border/boundary drops," mutual aid and closest available apparatus response agreements in order to avoid reduced or inconsistent fire, rescue and EMS services? In order to minimize the inefficiencies or interruptions that could occur when services are separated, the City and the District would best serve their communities by entering into agreements to drop boundaries and provide "auto-aid" to one another, providing services more similar to the JPA service model. However, such agreements are not guaranteed and their potential effectiveness would depend on negotiations at the time.

How would the public perceive the separation, and would there be confusion and inconsistencies with service areas and available programs/services? Fire services have been provided by the JPA (in a previous form) since 1999, and termination of the JPA would result in significant confusion on the part of the public regarding service providers. Substantial outreach efforts would be required to educate the community about the separate structure and service boundaries.

Overall, separating operations would create operational issues. If the agencies were dispatching separately and adopted different standards for commonly used equipment or apparatus, joint and reciprocal operating agreements would be difficult to implement, less effective, and potentially less safe. In addition, joint special emergency operations, such as hazardous materials response, technical rescue operations (such as confined space and trench rescue), swift water rescue, wildland operations and urban search and rescue capabilities would be more complex to provide, and require an additional level of coordination at the time of an incident when it is critical.

Recommendation: We believe that the JPA model provides superior, less costly and more effective services to the community than would be provided if the participating agencies provided those services separately. State and national trends in fire suppression services have moved toward shared or fully consolidated services, similar to the SSJC Fire Authority, as a way to improve efficiencies in the face of increasing costs, advancing technology, and improving professional standards.

D. Governance Model and Board Member Influence

The current JPA governance structure is designed to have equal representation from the City and the District. Two members from each agency are appointed to serve on the Board. The Fire Chief is appointed by, and reports to, the Board, and the fire employees will be transferred from the City to the Authority in the coming months. The Board has operated as constituted in the JPA since 2018.

The Authority Board, with equal representation from the City and the District, has an even number of members. The consensus among City and District Board members that we interviewed is that the JPA equal member representation structure serves the Authority well in its current form. While some Board members expressed interest in adding a fifth member to

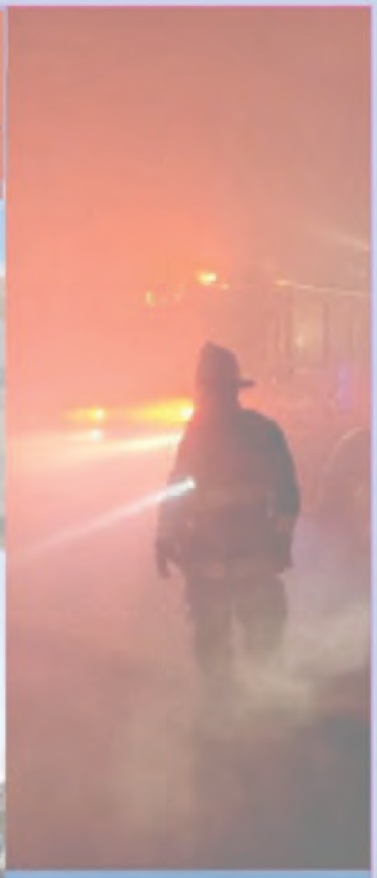
eliminate voting deadlocks, most members we spoke to value the current 2-2 Board structure, because it encourages a collaborative approach and forces members to work together to reach consensus.

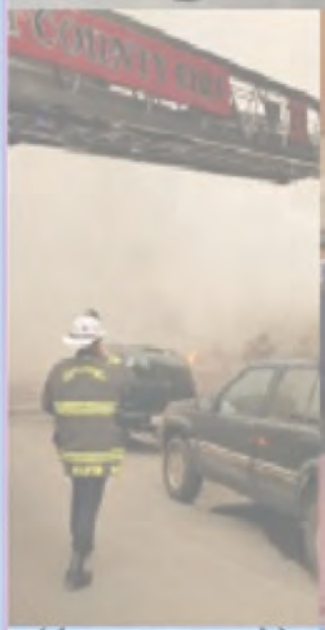
It is important to note that the composition of the Authority Board did not change with the creation of a new JPA. Under the old model, as well as the new model, the City and the District each have equal votes, and neither can "win" or "lose" a vote. Neither the City nor the District can now, nor could they in the past, control critical votes, including labor negotiations and establishing operational policies. Instead, the four Board members must think collaboratively and creatively to develop mutually beneficial policies.

Options to this structure might include adding an additional "impartial" member appointed by the Authority Board or moving toward a "weighted" vote method based on each agency's financial contributions to the JPA. However, each of these options adds additional complexity and may be unnecessary if the current model is effective. Most Board members we spoke to expressed that while the 2-2 voting structure has not been a problem in the past, the structure might have to change if another agency joins the JPA in order to provide representation for the new member agency.

Recommendation: While the equal voting method requires collaboration in order to avoid deadlock, there are ways that Board members can increase their effectiveness and achieve success and outcomes that benefit their agency. Through additional Board training and development, as well as enhanced staff communication, Board members will become more fully apprised of organizational and operational issues before making decisions. Clear communication with and between Board members during meetings and in Board work sessions creates a more effective and efficient Board environment. It is also important for Board representatives to understand and clearly represent their agency's interests and hold the JPA staff accountable for their actions, recommendations and program implementation.

JOINT POWERS AUTHORITY
PHASE 2 PERSONNEL TRANSITION PLAN





SOUTH SAN JOAQUIN COUNTY
FIRE AUTHORITY

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1.0 SUMMARY OF THE SOUTH SAN JOAQUIN COUNTY FIRE AUTHORITY

In 1999, the City of Tracy (City) and the Tracy Rural Fire Protection District (District) entered into a Joint Powers Agreement (JPA) that formed the South County Fire Authority (SCFA). On the same date SCFA contracted with the City to provide fire protection services within the jurisdictional boundaries of SCFA (City of Tracy and Tracy Rural Fire Protection District). Two Tracy City Council Members and two District Board Members made up the SCFA Board with the Tracy City Manager serving as the Chief Executive Officer for the SCFA. The City of Tracy's Finance Director also served as the Treasurer-Controller of the SCFA. The SCFA was formed to accomplish the following goals:

- To improve fire protection services within the region through improved efficiencies by the elimination of redundant administrative and operational services.
- To limit the impact of annexations to the residents that live in the unincorporated areas.
- To maintain the District ad valorem tax allocation increment (average of approximately 11% of each property tax dollar) and the special fire tax ($0.03 per square foot) in areas that are annexed into the City.

These goals were accomplished through the following administrative agreements between the City and the District:

1.1. Future City annexations would not detach from the District.

1.2. All employees would work for the City and redundant administrative staff would be eliminated through attrition, increasing efficiencies and overall service levels.

1.3. The City would provide administrative services (Human Resources, Budget/Finance/Risk Management and Legal) to SCFA.

1.4. The City would fund any District financial shortfalls (with a reimbursement agreement) until revenues increased to sustainable funding levels through the annexation and development of land that would remain in the District.

In 1999, the expectation was the City of Tracy would continue to grow and the District and the City of Tracy would benefit by securing fire protection property tax revenues through the non-detachment strategy. Limited growth initiatives and economic downturns slowed growth projections through 2014. In 2014, the City of Tracy began to realize extensive growth in the twelve annexed areas that did not detach from the District.

In March of 2018, the San Joaquin County Local Agency Formation Commission (LAFCO) adopted a policy that will no longer allow future City annexations to remain in the District. Fortunately, over 30 million square feet of commercial and industrial facilities and over 8,000 residential units have now been built or are entitled to be built in those annexed areas that were not detached from the District prior to LAFCO's change in policy. The Authority staff completed an extensive analysis to ensure that revenues would cover fire protection costs in the twelve annexed/undetached areas. Staff estimates that fire protection revenues could exceed $20 million at full buildout of the twelve annexed undetached areas.

If the District were to detach from the annexed areas, eighty percent of the revenues would be allocated to San Joaquin County under the current tax sharing agreement. The District revenues have seen unparalleled growth since 2014 and are expected to triple their 2014 total within the next five to six years. Under Authority operational oversight, the District will open Station 95, Tracy Hills on September 1, 2021 and plans to open an additional fire station, Station 99, in the next three years. Each new station opened in the District's service are effects a change in the Authority member allocation percentage shifting overhead costs based on the number of personnel hours required to perform services in the member service area. Over time, shifts in the allocation of overhead costs can become significant. In the absence of the Authority, the City is responsible for overhead and staffing for the two new fire stations and staffing a third fire station that is currently operated by the District.

With extensive growth in the annexed undetached areas, additional responsibility, and increased revenues, the District Board of Directors requested that the original JPA be revised to allow the District to have an equal governance footing with the City of Tracy. In 2017, staff completed a study concerning the JPA governance. Staff utilized two previous consultants' studies and developed four different governance options to evaluate. The study produced the following four options presented with brief summaries:

1. Dissolve the current JPA and returning to a two-agency model. Under this option revenues would be lost to the County, fire protection efficiencies would be lost, and service levels could suffer.
2. Develop a District contract with the City to provide fire protection services. This option is very similar to the model that was in effect at the time the study was completed. This model was unacceptable to the District due to the lack of budgetary oversight and, collective bargaining influence available to the District, and a desire for responsibilities to be commensurate with their authorities over fire protection within their jurisdictional boundaries.
3. Annex the City into the District for fire protection. The City would be required to enter into a new tax sharing agreement with the County to fund the newly created District. The outcome of the agreement is unknown and therefore a thorough analysis is not possible. Also, because the District has a special tax that was implemented in 1982, it would be difficult to overlay a special tax on City residents without a vote that would require two-thirds approval. Last, the City would give up control and budgetary flexibility over the portion of the City that is not within the Rural District.
4. Create a strong JPA that operates as an autonomous agency. Option four was chosen because it addressed the District's concerns while protecting the City's ability to maintain fire protection revenues and continue to influence public policy and prioritization of fire protection services within the City limits. Option four was also chosen due to the ability to include future agencies under a shared governance model. In 2017, the JPA agreement was reevaluated and in March of 2018 (effective date July 1, 2018) a new agreement was adopted by both agencies.

Implementation of the new agreement was divided into two phases:

Phase 1 (completed 2-20-2018): Create a stronger semi-autonomous governance and fire protection organization through the implementation of structural, organizational, and financial elements. The following are the Phase 1

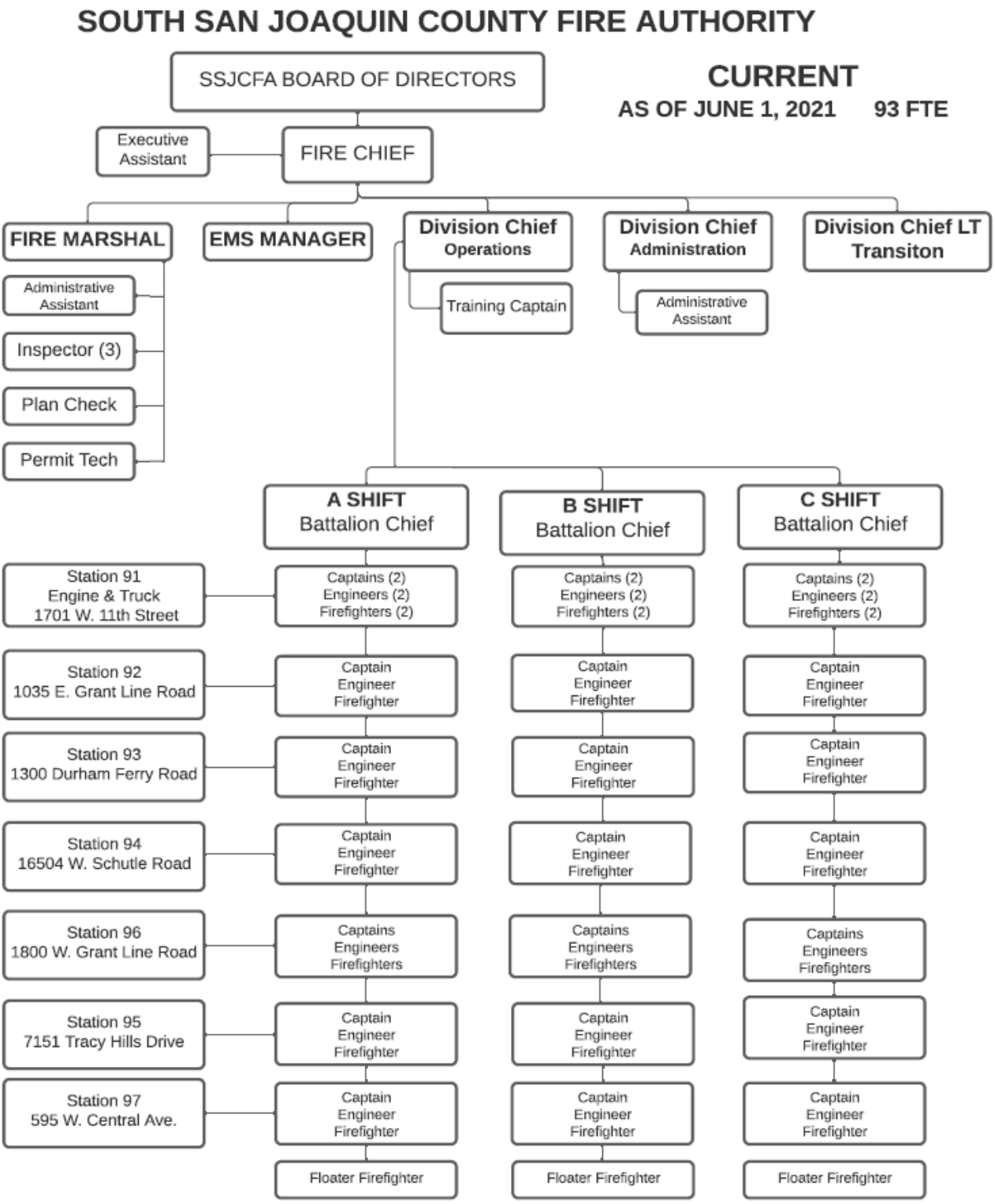
elements that were completed upon initiation of the new JPA and the associated dissolution agreement:

- Entered into an agreement with the City of Tracy to continue to serve as the employer of record until all employees are effectively transitioned to the new JPA.
- The JPA's Board of Directors was provided oversight responsibility for fire protection within the JPA boundaries based on the service levels determined by the member agencies.
- The Board appointed the Fire Chief who serves as the JPA's Chief Executive Officer at the will of the Board. Prior, the Tracy City Manager served as the JPA's Chief Executive Officer.
- Amendments to the previous JPA were removed and incorporated into the new document. The amendments were difficult to interpret, implement and track. The Supplemental Services Agreement (Amendment 3), Smoothing Agreement, and the Pre-paid Services Agreement (Amendment 4 and 6), were all eliminated and replaced with an intuitive, fair, and equitable cost allocation model.
- The JPA appointed a finance administrator with budgetary responsibility and engaged both an independent auditor and a certified public accountancy firm to serve as Controller/Treasurer. Previously, the City of Tracy provided these services on behalf of the JPA.
- The JPA has engaged independent Counsel with responsibility to provide legal advice to the JPA independent of member agencies.
- The proposed JPA is designed to add additional member agencies to improve overall service levels by reducing overhead costs through economies of scale.
- With the corresponding dissolution agreement, the proposed JPA addressed fire station ownership concerns.

Phase 2: Transition employees to become employees of the South San Joaquin County Fire Authority (Authority) and the Authority would become a full agency. Phase 2 of the transition plan was codified in Section 1.6 of the new JPA agreement:

"The Initial Member agencies desire to transition to having the Authority employ its own personnel to provide any or all of the services the Authority elects to provide. In the event the Authority elects to employ its own personnel, the Chief Executive Officer shall, with the assistance of the staffs and consultants of the Member Agencies, prepare a personnel plan detailing how the Authority would employ its own personnel. The personnel plan shall detail the treatment of matters such as transfer of employees from the Member Agencies to the Authority (and the transfers effect on existing collective bargaining agreements, the allocation of pension liabilities and obligations, the treatment of accrued leave, civil service and seniority rights, and other employee benefits and rights), risk management, and other administrative matters required at the start-up of new organizations".

2.0 CURRENT ORGANIZATIONAL CHART (as of 6/1/2021)



3.0 PURPOSE OF PERSONNEL TRANSITION PLAN

The purpose of the Personnel Transition Plan is to complete the second phase of a two-phase process that was agreed upon when the new Joint Powers Authority was reestablished and went into effect on July 1, 2018.

> Phase 1 created the basis for a stronger semi-autonomous governance and fire protection organization through the implementation of structural, organizational, and financial elements.
>
> Phase 2 (Personnel Transition Plan) will transfer fire agency employees from the City of Tracy to the South San Joaquin County Fire Authority (Authority) and the Authority will become a full "standalone" agency.

It should be noted that Phase 1 was a precursor to Phase 2 of the transition. If Phase 2 does not occur, then most of the elements of Phase 1 would no longer be required. The Agreement would be dissolved and the City of Tracy would resume control of the Fire Authority. CalPERS rules do not support a model where personnel who are employed by one agency (City of Tracy) are governed by another agency (South San Joaquin County Fire Authority).

This Personnel Transition Plan provides a roadmap for Phase 2 implementation by establishing the structural components necessary for standalone administration and the employment of personnel, preparing for the adoption and implementation of the listed components, provisioning the transition of all remaining administrative and personnel matters including employees to the Authority, establishing the Authority as Employer of Record and a "standalone" agency employing personnel.

Accordingly, this Personnel Transition Plan also addresses the transfer of employees from the City of Tracy to the Authority, (and the transfer's effect on existing collective bargaining agreements, the allocation of pension liabilities and obligations, the treatment of accrued leave, civil service and seniority rights, and other employee benefits and rights), risk management, and other administrative matters required at the start-up of new organizations.

California Government Code (CCR §53291) governs the transition of employees to the Authority as follows:

> *"*Notwithstanding any law to the contrary, whenever a local agency takes over or assumes any of the functions of another local agency under a law which provides that all or any employees of such other local agency become employees of the local agency assuming the function, the governing body of the local agency assuming the function may prescribe the qualifications and conditions under which such employees will become employees of the local agency. Any employees who do not meet such qualifications or conditions shall not become employees of the local agency.*"*

The original 2018 Joint Powers Agreement established the intent for the Authority to employ personnel. The agreement states, "Initial Member Agencies desire to transition having the Authority employ its own personnel to provide any or all of the services the Authority elects to provide."

Direction for the status of transitioned employees and employee terms and conditions of employment is further defined in California Code. CCR §53292 requires the Authority to provide first choice for positions to currently employed firefighters in the covered districts, provide positions with a rank comparable to that which they held just before transfer, and ensure that the seniority or other employment rights of the employees shall not be impaired because of transfer to the Authority.

CCR 53292, (a) Whenever a special district or joint powers agency that provides fire protection or a city fire department is dissolved or the area it serves is decreased by reason of a consolidation, merger, incorporation, annexation, or contract, and the district, joint powers agency, or city fire department taking over the duties of the dissolved or decreased district, joint powers agency, or department decides to hire additional firefighters, it shall give first choice for the positions to be filled to firefighters employed by the dissolved or decreased district, joint powers agency, or department. As nearly as possible, the firefighters who are hired shall be given positions with a rank comparable to that which they held in the dissolved or decreased district, joint powers agency, or department. No firefighter shall be hired who is over the mandatory retirement age of the district, joint powers agency, or city fire department which is taking over the duties of the dissolved or decreased district, joint powers agency, or department.

(b) Notwithstanding any other provision of law, where firefighters are hired as a result of the consolidation, merger, incorporation, annexation, or contract, the seniority or other employment rights of the employees of the district, joint powers agency, or fire department taking over the duties of the dissolved or decreased district, joint powers agency, or department shall not be impaired as a result of the consolidation, merger, incorporation, annexation, or contract, except as otherwise agreed upon in a county, other than a county of the first class, in a memorandum of understanding with each employee organization, which has been recognized pursuant to Chapter 10 (commencing with Section 3500) of Division 4 of Title 1, and which represents employees of the district, joint powers agency, or department taking over the duties of the dissolved or decreased district, joint powers agency, or department who are in classes affected by the consolidation, merger, incorporation, annexation, or contract.

Pursuant to Government Code Sections 53292 and 53291, and the June 20, 2019 revised JPA Agreement sections 1.3 (e) and 4.3, the Authority has created this Transition Plan to exercise its right to employ personnel and provide the administration for the employment of personnel, and to affect the transition of personnel from the City of Tracy to the Authority, effective October 1, 2021.

4.0 DEVELOPMENT OF PERSONNEL TRANSITION PLAN

In March 2019, a planning team was assembled, and a project management plan was developed. The team consisted of management and labor representatives that utilized consultants to evaluate options and to meet legal requirements. The goal of the planning team was to develop an independent plan that represented each member agency's interest while identifying and communicating impacts to member agencies. The plan focused on all required elements needed for the Authority to become the employer-of-record agency by July 1, 2020. Due to COVID related delays, the start date was revised to January 1, 2021. The Team provided regular updates to the member agencies. The team utilized the following consultants as part of the plan development process. Due to the prolonged and indeterminate nature of the COVID pandemic, further delays have been required. The transition date is currently scheduled for October 1, 2021.

Human Resources:	**Deborah Muchmore, Muchmore Than Consulting, LLC**
Legal Review:	**Che Johnson, Liebert Cassidy Whitmore**
Legal Review	**Erin M. Dervin, Churchwell White**
Actuary:	**Catherine MacLeod, MacLeod Watts, Inc.**
District Sustainability:	**Ellen Martin, Economic & Planning Systems**

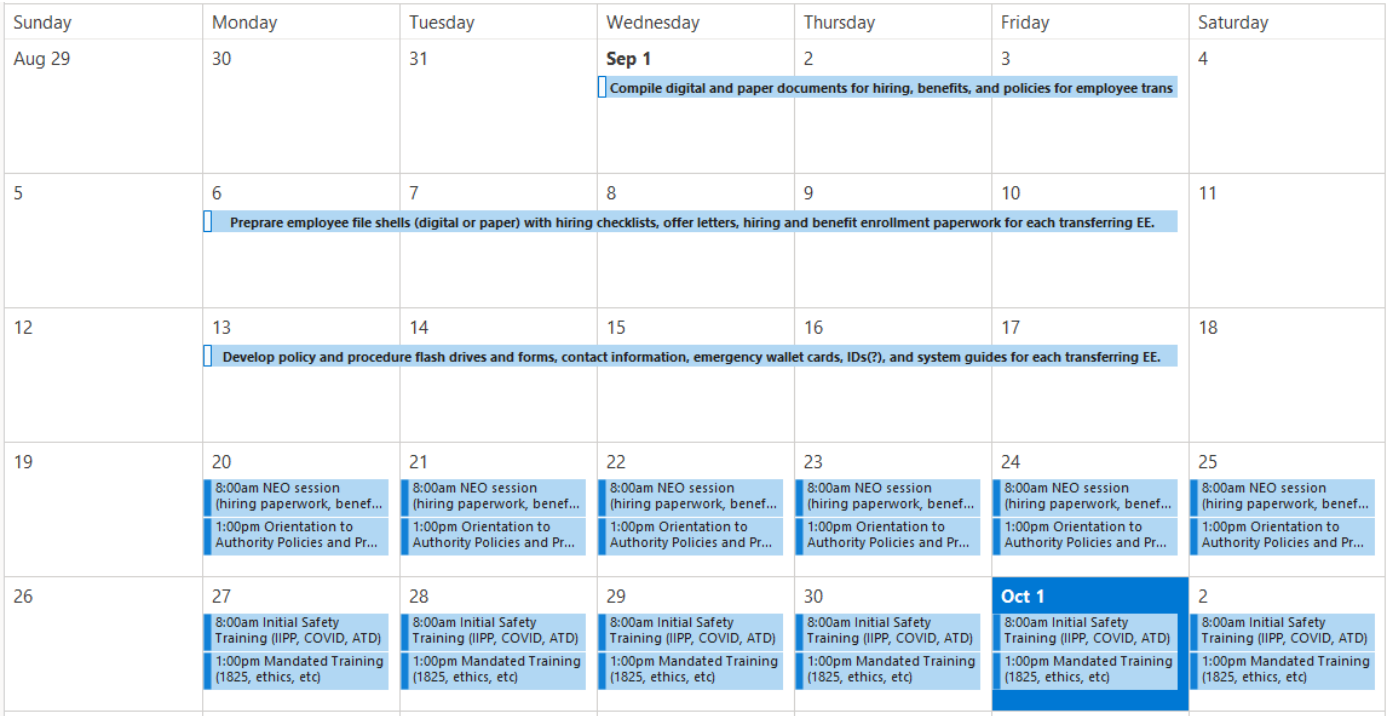
5.0 PERSONNEL PLAN IMPLEMENTATION TIMELINE

Date	Personnel Transition Element
September 3, 2020	Presented "Draft" Personnel Transition Plan to City and District staff for review and comments.
June 15 or July 6, 2021	Present the revised and final draft of the SJC Fire Administrative and Personnel Transition Plan to the City
July 6, 2021	Present Transition Plan to Tracy Rural Fire District Board of Directors
July 13, 2021	Present the revised and final Personnel Transition Plan and Resolutions establishing the Authority's Personnel Systems to the Authority Board for approval: • Classification System (Including Rules for ongoing administration, Classification List and relationships, Classification Specifications) • Compensation System (Including Compensation Policy, Rules for ongoing administration, FY 20-21 master pay schedule, authority to execute benefit fiduciary contracts. • Administrative, Safety, and Personnel Policies • Employer Employee Relations Resolution (EERR) • Proposed Org Chart & Position Control Roster • Updated Conflict of Interest Code
(optional update date TBD and next Steps)	If an update on transition activities is deemed helpful, request an opportunity to make a BRIEF update and presentation to the Tracy City Council, Rural Fire District Board, and the Authority Board; answer questions.
May – August, 2021	Finish negotiations and finalize the Transition Agreement with Tracy Rural Fire District and the City of Tracy (Equipment, Assets, Infrastructure – Maintenance and Repair, Ownership, former EE's–Retirees from 2/2018-9/2021 or Date of Transition, also UAL. Transition Agreement scheduled or approved by all governing bodies.
July 13 – Aug 31, 2021	Get signatures on TAs related to 3/2020 TAs and COT 2021 neg TA Agreements and changes. Set up all personnel related processes, work with the City of Tracy to obtain EE leave accrual balances as of the first day of the first full pay period in August (align with City). Enter leave accrual balances in the payroll system and begin side-by-side payroll effective with the first full Authority pay period in August. OPEN RECRIUTMENTS FOR HR AND FISCAL ANALSYTS.
August or September, 2021	**Resolutions JPA Board for consideration of approval:** If not approved earlier, Transition Agreement CalPERS Contract(s) (may include Health and Retiree Health) Tracy Firefighters Association Local 3355 MOU South County Fire Chief Officers Association MOU Fire Chief MOU Unrepresented Personnel Resolution
September 1, 2021	Prepare offer letters for eligible employees. If not completed already, enter leave accruals in the system, process parallel payrolls.

Date	Personnel Transition Element - Continued
September 1 – 3, 2021	Begin employee onboarding processes: Compile digital and paper documents for employee files, hiring paperwork, and benefits enrollment.
September 6-10, 2021*	Prepare NEO packets, employee file shells, (digital or paper) with hiring checklists, offer letters, hiring and benefit enrollment paperwork for each transferring employee. Schedule employees into NEO meetings
September 13-17	Develop policy and procedure flash drives, contact information, wallet emergency cards, and system guides for each transferring employee. Schedule employees into policy orientation and training meetings.
September 20-24	NEO AM sessions, Policy PM sessions [up to 20/ class, 4 AM/4 PM classes (2 makeup)]
September 27-10/1	IIPP, COVID, ATD, AM & AB1825, ethics PM [up to 20/class 4AM/2-4PM (2 makeup)]
October 1, 2021	1st day of Authority employment for most transitioned employees

*Note: employees will likely remain on City benefits until 1/1/2021 and the City will use late September through late October as an open enrollment period for Authority benefits. Therefore, the benefits portion of the initial NEO meetings may be simply presentations by known Authority benefit providers and paperwork may be collected later.

Hiring and Initial Onboarding Schedule



Additional Onboarding activities may include:

- Quarterly breakfasts or luncheons with the Fire Chief or Division Chiefs
- Tours or shadow opportunities in Divisions other than that to which an employee is assigned.
- Additional training sessions on authority systems for folks desiring more assistance

6.0 AUTHORITY ADMINISTRATIVE SERVICES

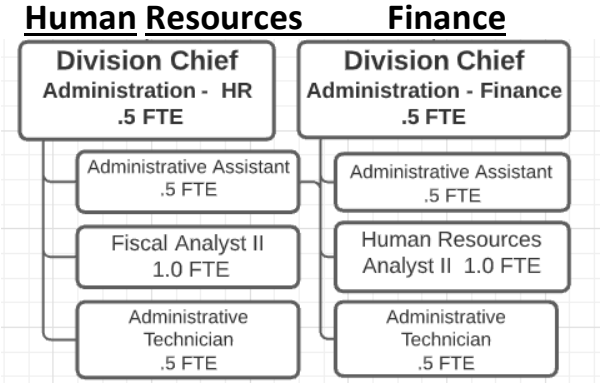
The Authority's Administrative Services functions include finance, payroll, information services, human resources, labor relations, risk management and industrial health and safety. Through the Phase I implementation of the new Joint Powers Agreement and in preparation for Phase II, the Authority has established systems and processes to provide a full complement of administrative services to its employees, District residents, and member agencies. The Authority has prepared this section of the transition plan to outline the systems and processes currently in place and those in development that are, when combined, the Authority Administrative Services.

Training is an integral element of workforce development for every organization, but especially for a fire authority and is typically housed in human resources. The nature of training required for a fire entity is heavily weighted in tactical and operational skill reinforcement and development. Therefore, the Authority has a separate Training Division which not only oversees and ensures all operational and tactical training, but also, through training delivery systems such as Target Solutions, provides job-related safety and other mandated and desirable training for all divisions, personnel, and officials including Directors, Executives, Management, and Administrative Services.

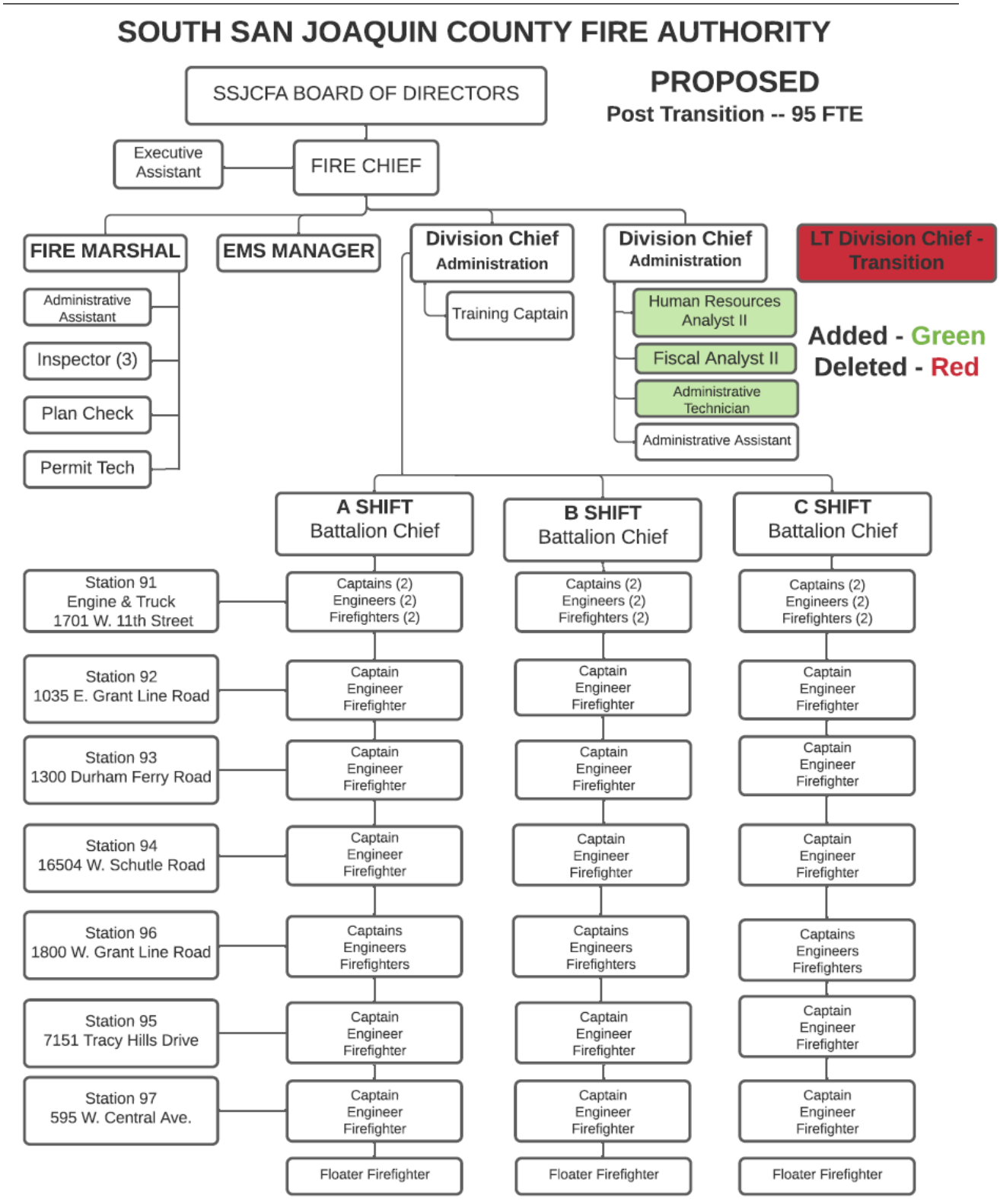
In providing a comprehensive system of Administrative Services, The Authority recognizes its core service as an all-risk fire services agency, providing fire prevention, fire suppression, emergency medical, advanced life support, rescue, hazardous materials response, and other related services. As such, the Authority, at its sole discretion, will in whole or in part utilize a variety of service delivery options including Authority staff, interagency agreements, mutual aid agreements, contracts for professional and technical services, temporary service workers, association memberships, and public/private partnerships to deliver the full complement of Authority services.

There are many ways to deliver services, the Authority desires to deliver its services as a standalone entity in honor of one of the reasons for the 2017 JPA revisions, to allow the Rural Fire District to have an equal governance footing in the JPA. This will also allow all member agencies, current and future to have a more equal contribution in Authority operations. Therefore, The Authority presents this Transition Plan and the following Authority full-service recommendations for the provision of human resources and finance services.

The organizational chart on the next page reflects the Authority's proposed staffing model after transition and includes the following additional classifications: one (1.0) full-time equivalent Fiscal Analyst II, one (1.0) new full-time Administrative Analyst, and one (1.0) full-time equivalent Human Resources Analyst II. These three additional positions support the following current positions to effect two (2.5) full-time equivalent positions in each division, Human Resources and Finance, to round out the Authority's Administrative Services.



6.1 PROPOSED ORGANIZATIONAL CHART (anticipated 10/1/2021)



7.0 HUMAN RESOURCE SERVICES

Since the transition to the new JPA, the City of Tracy has continued to perform all human resource services including retaining the designation of "Employer of Record" on behalf of the Authority. In preparation for Phase II implementation and in accordance with the terms of the new JPA agreement, the Authority prepared this Transition Plan to transfer Administration functions related to the employment of personnel from the City of Tracy to the Authority culminating in the transition of personnel. To date, the Authority has developed and is in the process of adopting personnel systems designed to manage all aspects of personnel administration, establish the Authority as Employer of Record for Authority employees, and facilitate the transition of employees from the City of Tracy to the Authority.

This Personnel Transition Plan, effective October 1, 2021, provides for the ongoing Authority administration of all matters related to operating a standalone agency and employing personnel including, labor relations and negotiations, risk management, industrial safety administration and training, workforce development, disability and leave management, establishment and ongoing management of the compensation and classification plans, adoption of compliant, non-discriminatory, and inclusive personnel, employment, and administrative policies, procedures, and practices, and all other matters related to operating as a Joint Powers Authority for the provision of fire services. The Authority will implement similar labor agreements, personnel policies, and benefit packages, and provide them to those who are currently employed to do Authority work at the City of Tracy in accord with CCR §53292 and to allow for employee transitions that are as smooth as possible.

In accord with CCR §53291 and CCR §53292, all current City of Tracy employees assigned to the Fire Authority that are in good standing, will be offered positions with the Authority. Those current employees that are not deemed in good standing due to investigatory, disciplinary, or fit for duty concerns, will be assessed on a case-by-case basis. The Authority's decision will be final.

This Personnel Transition Plan provides for proposed labor contracts, administrative policies, personnel policies, job classifications, and risk management, and personnel management practices that are materially similar to those of the City of Tracy. By implementing and maintaining similar personnel policies and procedures the Authority, complies with California Government Codes §53291 and §53292 and, through this plan, allows for an employee transition that is as smooth as possible.

In 2019, 2020, early 2021, the Authority engaged in independent contract negotiations with expert providers in the pension, insurance, risk management, payroll, benefit, and human resources disciplines. Today, the Authority has reached the final stages of an agreement for pension services with the California Public Employees' Retirement System (CalPERS).

Recognizing there are many ways to provide benefit services to our employees, the Authority has explored several options including remaining on City benefits and a fiduciary agreement with Keenan and Associates, a public agency benefits broker. The Authority is committed to providing consistent levels and costs of employee benefit options and services including medical, dental, vision, life, long-term and short-term disability, and voluntary plans as employees have currently. For medical benefits, the Authority has accepted bids from three health care providers: CalPERS Health and Retiree Health Benefits, Fire Districts Association of California Employment Benefits Authority (FDAC EBA), and Special Districts Risk Management Association (SDRMA).

After a thorough review of the options available, the Authority has requested to remain on the City of Tracy Health Plan and benefits through a transition agreement between the Authority and the City and until Authority benefits begin.

The Authority is a member of the SDRMA providing risk, general liability, worker's compensation, and industrial health and safety consulting, training, insurance products, and member services.

In early 2020 and again in early 2021, the Authority engaged a firm providing human resources and organizational development consulting, Muchmore Than Consulting, LLC, as part of the transition team (restructured from Deborah Muchmore Consulting in late January of 2020).

The transition of employees to the Authority will require cancellation by mutual agreement of the current agreement for employment services between the City of Tracy and the Authority entitled, "Agreement Between City of Tracy and the South San Joaquin County Fire Authority Regarding the Employment of Personnel" and the Authority will become "Employer of Record" for all transitioned employees.

Responsibilities for the full spectrum of human resources programs and services will be split between the Division Chief of Administration, a full-time Human Resources Analyst, and a shared Administrative Assistant (shared with finance). Duties necessary for administration of personnel include all aspects of:

Classification Administration	Compensation Administration	Recruitment & Selection
Hiring and Onboarding	Benefits Administration	Pay Administration
Workforce Development	Performance Management	Leadership Development
Succession Planning	Employee Relations	Labor Relations
Leave and Disability Administration	Separation and Retirement	Recordkeeping and Filing
Policy and Procedure Admin & Impl	Employee Engagement and Events	Communications – HR Related
Return to Work & Temporary Modified Duty Program	Initial safety orientations	Retiree and Applicant Support

The Authority would add one (1.0) full-time position of Human Resources Analyst II to their current staffing profile and utilize half of the Division Chief – Administration, half of one (1.0) new full-time Administrative Technician, and a shared existing Administrative Assistant to complete this work totaling 2.5 full-time equivalents. The existing administrative support would provide filing, scheduling, administrative support, and records management/retrieval for the team. The Human Resources Analyst II would complete all other transactional and most tactical human resources activities including the creation and routing for approval of personal action notices; upkeep, and maintenance of the Authority's HRIS system, implementation of pay and benefit changes in the payroll and HRIS systems; maintenance of all employee files and confidential files; tracking of performance, merit, and probationary advancement dates; payroll administration; and provide work direction and training for the Administrative Assistant in human resources related tasks. The Administrative Technician would perform day-to-day transactional work, provide service to employees, applicants, and retirees, and assist the Analyst when requested in human resources

related projects. The Division Chief -Administration would set employee rates and charges, oversee all human resources work, perform the tactical and strategic duties related to human resources administration, manage vendor service contracts, serve as a point of escalation for issues, commit payroll, and preside as final approver for payroll and human resources processes. The cost of this change will be offset by the elimination of a limited term Division Chief allocation.

This recommendation assumes the Authority as the custodian of official files for Human Resources and Finance including those for personnel such as confidential medical, payroll, benefits, enrollment, investigation, and other confidential but separate personnel related files.

Option for City Proposal: The Authority will consider proposals from the City of Tracy to provide the 1.0 full-time equivalent Human Resources Analyst through an interagency agreement to perform the above services at the Authority's offices.

Outside services: The Authority will use outside services, like those used by the City of Tracy, to provide expertise in matters such as larger classification and compensation studies, investigations, legal consult, training, reasonable accommodation and disability case management and other complex personnel matters.

- Employee Relations Investigations
- Labor Negotiations/Arbitration
- Pre-Employment background process (including medical and psychological examinations)
- Bi-Annual Fire Physicals
- Recruitment/Assessment Centers
- Disability and Leave Case Management
- Workers' Compensation Litigation
- Training, Workshop, and Development Services

8.0 FINANCE AND PAYROLL

Prior to transitioning to the new Joint Powers Agreement, the City of Tracy performed all financial services on behalf of the Authority. Under Phase I of the implementation of the new JPA Agreement, the Authority developed independent budget and accounting processes and implemented a new independent financial software solution. In 2018, the Authority implemented independent financial policies and practices and procured the services of the CPA firm Fetcher & Company to serve as the Authority's Financial Auditor.

On August 18th, 2020, the Authority Board passed a resolution to contract with James Marta & Company to serve as the Authority's Controller/Treasurer in accordance with the California Government Code §6505.5. Staff is working with their firm to review and provide oversight of the Authority's accounting processes and work collaboratively to further define the scope of the Controller/Treasurer position.

The Authority also implemented Denali Fund Accounting Software to manage and record its financial records including Accounts Receivable (including Point of Sale transactions), Accounts Payable (including Purchase Order tracking), General Ledger, Bank Reconciliation and Financial Reporting. Denali Fund also offers a comprehensive payroll module which the Authority is currently configuring to utilize as the Authority's payroll platform post-transition. This platform is utilized by hundreds of public agencies and non-profit organizations. The platform will meet compliance for CalPERS, state, and federal reporting requirements and all annual employee and vendor forms.

The Authority's current staffing software can be utilized for timekeeping and electronically interfaced with the Authority's financial software payroll module as part of Phase 2 (Employee Transition Process). In anticipation of implementation, Authority staff has developed a relationship with a payroll administration firm, Payroll Consulting Services, to implement the comprehensive employee profiles within the payroll module to meet applicable administrative and regulatory requirements. Authority staff will work with a payroll administration firm to implement the system and processes that will facilitate bi-weekly payroll processing. Then the Authority staff will manage the payroll module and ongoing payroll processing with support from the payroll administration firm. The payroll administration firm will continue to ensure compliance, perform quarterly and annual reporting, and help the Authority to resolve CalPERS upload issues.

The Authority's payroll processing and administration will include all employee transactions, payroll and timekeeping modules, and related interfaces which will begin running in parallel with the City payroll and timekeeping systems prior to September 1, 2021. The greater utilization of technology and the elimination of duplicate financial systems will reduce staff time needed to reconcile payroll data monthly, as well as other efficiencies.

The Authority has assessed the efficiencies and benefits of various administrative services models including proposals for full-service payroll and select service by consultants. The Authority recommends the following model for the provision of financial, accounting, and payroll services:

The Authority will continue to perform the full spectrum of financial and accounting services through audited financial statements as well as payroll processing and administration as outlined above. The Authority's payroll administration firm will not only assist with implementation of the Authority's payroll software, but also ensure compliance, quarterly and annual reporting, CalPERS reporting, and training and support of staff.

Under this model, the Authority would add one (1.0) full-time position of Fiscal and utilize half of one (1.0) New full-time equivalent Administrative Technician to assist the Division Chief – Administration in performing the full spectrum of finance and accounting duties. The cost of this change will be offset by the elimination of a limited term Division Chief allocation.

City Opportunity to Propose: Alternately**,** the Authority has requested the City provide a proposal which if accepted would be executed through an interagency agreement to provide payroll processing services. Under an agreement with the City, the Authority would continue to use ESS for time entry unless or until such time that Telestaff is able to integrate seamlessly with Tyler to import time data for processing. The City would serve as a payroll vendor to accept time inputs and process payroll accordingly then generate reports like the reports we now receive to be entered into the Authority's financial software. Authority staff would assume all traditional employer responsibilities as far as managing employee profiles, onboarding, adjustments to withholding notices, and the maintenance of official employee files, confidential medical files, benefits, and other confidential and non-confidential employment files. The Authority would provide the City with authorized personal action notices to effect changes to employee data, positions, and rates.

A proposal by the City to perform payroll services would not reduce the need for the addition of one (1.0) FTE Fiscal Analyst. The Fiscal Analyst will be supporting the Division Chief – Administration with preparation and monitoring of the Authority's budget, the preparation of schedules and support for the Authority's annual audit, costing and forecasting related to labor proposals and staffing decisions, and oversight and fiscal review of the Authority's payroll systems and processes.

8.1 Estimated Fiscal Impact of Proposed Organizational Changes

The fiscal impact of the proposed staffing, organizational, and programmatic changes to the Authority budget for FY 21-22 are estimated to be $71,698.71. The estimated changes are shown in the chart below and include the annual cost of implementing a full-scale Human Resources Information System with recruitment and onboarding software, payroll and employee self-service modules, related payroll and human resources consulting support for staff, and reduction in services by the City of Tracy.

Staff changes include the addition of one (1.0) FTE Human Resources Analyst II, (one) 1.0 FTE Administrative Technician, one (1.0) FTE Fiscal Analyst II, and the reduction of the one (1.0) FTE Limited-Term Division Chief – Transition. Occupied positions below have been included at their anticipated fully benefited rate at their current salary, vacant positions at their fully benefited rate at the A step salary.

The table below assumes the reduction of the Limited Term Division Chief for a full year. The Limited Term position was established in July of 2019 when it was anticipated that Phase II would complete within two years. The prolonged and indeterminate nature of the COVID pandemic caused unanticipated delays in the project. To ensure continuity in the transition, the Limited Term Division Chief position may need to be extended by the Authority Board. Should this occur, the cost of the organizational changes will increase by a fully burdened $25,253 a month.

Position	Salary	Benefits & Taxes	Retirement	Workers Comp	FICA	Grand Total
Staff Position Impacts						
DIVISION FIRE CHIEF (Avg)	($177,193.99)	($38,861.93)	($70,231.48)	($14,175.52)	($2,569.31)	($303,032.23)
Human Resource Analyst II	$90,607.00	$30,118.43	$21,881.59	$2,174.57	$6,931.44	$151,713.02
Administrative Technician	$65,601.72	$22,265.82	$15,141.27	$1,574.44	$5,018.53	$109,601.78
Fiscal Analyst II	$88,414.92	$30,008.83	$20,406.70	$2,121.96	$6,763.74	$147,716.14
Net Staff Cost/Savings						**$105,998.71**
Non-staff Impacts						
Payroll Consulting Services						$17,700.00
Payroll System						$13,500.00
HR Consulting - Outside						$40,000.00
HRIS, Recruiting & Onboarding						$18,500.00
City Contracts Finance and HR						($125,000.00)
Net Non-Staff Cost/Saving						**($35,300.00)**
Estimated Net Cost/(Savings) from Organizational and Program Changes						**$70,698.71**

The salary for Authority's Fiscal Analyst series is currently aligned with the City of Tracy's Management Analyst series based on similar complexity of work and consequence of error and retains reasonable internal parity between the City's Accounting Technician and Accountant classifications. The wages for the Administrative Technician is set equal to the City's Accounting Technician classification.

9.0 RISK MANAGEMENT, INSURANCE, AND INDUSTRIAL HEALTH AND SAFETY.

The Authority worked with the Special District Risk Management Authority (SDRMA) to obtain rates for workers' compensation and general liability insurance. After some delay, due to the Covid-19 pandemic and the insurance providers timeline to finalize their new rates, the included quote was received in June of 2020 (**Appendix A**). This quote will need to be updated within sixty (60) days of transition. As the Authority is considered by SDRMA as a new entity and therefore, will not have an experience to rate, the transition quote will be determined in the same manner as the June 2020 quote and will therefore, not be materially different. Therefore, for the purposes of this discussion we have used the numbers from the June 2020 quote and the City's 2020 rates in comparison. This alleviates any additional computations that would need to be considered for changed future staffing levels.

In completing the information necessary to ascertain quotes and identify coverage options, staff made assumptions regarding asset ownership. These assumptions were based on several meetings of reciprocal dialogue between City and Authority staff over the last 12 months. Those assumptions include the member agencies maintaining title ownership of their fire stations and responding fire engines/trucks. Staff vehicles and other equipment were assumed to be deeded to the Authority for the Authority to manage those assets, as well as properly schedule and propose any replacement needs. The quotes provided reflect those assumptions and could easily be modified to reflect any changes to those assumptions should the member agencies provide such direction. As shown on the provided quote, liability coverage was included to protect the Authority and its member agencies even while operating those assets not owned by the Authority; however, comprehensive and collision provisions were included for assets anticipated to be transferred to Authority ownership.

As illustrated in the chart below, the net cost for insurance coverages for liability and worker's compensation, represent a post transition savings to the Authority of $303,421.92. While the SDRMA quote for liability insurance coverage exceeds that of our current line-item expenditure paid to the City of Tracy through an annual internal service charge by roughly ($49,923),, the workers compensation policy is less expensive by $353,345 than the annual workers compensation charges paid to the City of Tracy via monthly payroll reconciliations. The resulting $303,422 annual insurance cost savings will help support other administrative transition costs.

City's Current Workers Compensation	$ 932,227.92	
Proposed New SSJCFA Workers Compensation	$ 578,883.12	
Variance		*$ 353,344.80*
City's Current Liability Insurance	$ 122,440.00	
Proposed Liability Insurance	$ 172,362.88	
Variance		*$ (49,922.88)*
(Increase) / Decrease in Insurance Costs		**$ 303,421.92**

Considering the nature of the work done by fire personnel and the resulting workers compensation claims, the assumed impact of the removal of 75+ fire personnel from the City's Workers' Compensation pool would not be negatively significant and may even be a net positive for the City. Under these assumptions, both member agencies would benefit from the transition of employees to a new employer that allows for a reset in experience modification, which is a factor multiplier used to calculate workers compensation rates. Impacts of pre-transition workers compensation claims are already factored into current workers compensation costs and would remain unaffected by transitioning employee to the Authority.

Additional benefits offered to Authority employees with SDRMA membership and insurance services include free access to the Company Nurse telephone triage program, Target Solutions online training and certification, Best Best & Kreiger employment law hotline, and Lapidus Safety Consulting loss prevention and safety services and visits. Company Nurse provides the Authority a 24/7/365 injury reporting hotline, employee referral to a provider in the authorized Medical Provider Network, timely completion, and distribution of 5020 injury reports to all appropriate parties, data reporting, analysis, and creation of mandated OSHA logs (300 and 300A).

Target Solutions, which the Authority already uses, provides an online training and certification tracking program geared toward the requirements of fire, emergency services, risk management, industrial health and safety, and human resources competencies and training mandates, and best practices. These complimentary programs provide a valuable service to the Authority and its employees and include increased compliance assurances and efficiencies that reduce administrative burden on District staff.

The SDRMA Insurance Quote follows on the next page.

9.1 Workers' Compensation / General Liability Quote

SDRMA
SPECIAL DISTRICT RISK MANAGEMENT AUTHORITY

1112 I Street, Suite 300
Sacramento, California 95814-2865
T 916.231.4141 or 800.537.7790 • F 916.231.4111

Maximizing Protection. Minimizing Risk. • www.sdrma.org

June 24, 2020

Chief Tad Nieve
Division Chief
South San Joaquin County Fire Authority
835 Central Avenue
Tracy, California 95376

Dear Chief Nieve,

Thank you for the opportunity to provide South San Joaquin County Fire Authority with this 2020-21 Property/Liability and Workers' Compensation Program quotation. Established in 1986, the Special District Risk Management Authority has a proven reputation for competitive rates, actuarially based fiscal management, and sound underwriting practices. We are confident that our Property/Liability Program offers the highest level of protection and service at the lowest possible rate.

Valid for sixty (60) days from the date of this letter, the following quotation represents twelve (12) months of coverage and is subject to verification and final underwriting review. South San Joaquin County Fire Authority's quotation is as follows:

PROPERTY/LIABILITY PROGRAM QUOTATION Coverage Limits: $2.5 Million - July 1, 2020 through June 30, 2021 (Includes a 5% Multi-Program Discount, based on net package contribution)	$172,362.88
WORKERS' COMPENSATION PROGRAM QUOTATION Coverage: July 1, 2020 through June 30, 2021 (Includes a 5% Multi-Program Discount, based on an experience modification of 100%)	$578,883.12

SCHEDULED PROPERTY

COVERAGE	TOTAL INSURED VALUE	DESCRIPTION
Property Inventory	$0	0 scheduled structures and contents
Vehicle Inventory	$4,389,050	29 scheduled vehicles
Comp and Collision	$390,300	16 scheduled vehicles $250/$500 Comp/Coll Deductibles
Mobile Floater Equipment	$0	0 mobile equipment items
Trailer Inventory	$7,000	2 scheduled trailers
Estimated Payroll	$11,825,000	81 FT EE's

SPECIAL DEDUCTIBLE

Employment Practices Liability	$25,000	Per Occurrence

***see schedule of deductibles on program description**

Members can reduce their future year premiums through SDRMA's Credit Incentive Program (CIP). Credit incentives of up to 15% of the contribution can be earned for completion of approved risk management and training programs.

A proud California Special Districts Alliance partner.

California Special Districts Association
1112 I Street, Suite 200
Sacramento, California 95814-2865
T 877.924.CSDA (2732) • F 916.442.7889

CSDA Finance Corporation
1112 I Street, Suite 200
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SDRMA
SPECIAL DISTRICT RISK MANAGEMENT AUTHORITY

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Please be advised that coverage may be bound upon submitting the following documentation:

- Adoption of a Resolution by the South San Joaquin County Fire Authority Board of Directors approving the form and authorizing the Execution of the Sixth Amended Joint Powers Agreement and agreeing to membership in the SDRMA Property/Liability and Workers' Compensation Programs for an initial 3-year commitment.
- Execution and delivery of the Sixth Amended Joint Powers Agreement of the Special District Risk Management Authority.
- Completion of the Alliant Crime Policy application.
- The Adoption of the Resolution and Approval of the State Application for a Certificate to Self-Insure by South San Joaquin County Fire Authority.
- The Completion of the State Application for a Certificate to Self-Insure by the South San Joaquin County Fire Authority.
- Approval by SDRMA's Board of Directors of South San Joaquin County Fire Authority's membership in the Property/Liability and Workers' Compensation programs. (In the event the South San Joaquin County Fire Authority requires coverage prior to approval by SDRMA's Board of Directors, the SDRMA underwriters are authorized to issue a 60-day conditional binder).
- Annual Membership in California Special Districts Association is required and separate from this quotation.

Upon receipt of all membership documents, SDRMA will forward pro-rated invoices for the annualized Property/Liability and Workers' Compensation Program contributions.

We look forward to South San Joaquin County Fire Authority's participation in the SDRMA Property/Liability and Workers' Compensation Programs. Should you have any questions, or if we can provide any additional information, please do not hesitate to contact us at 800.537.7790. All necessary membership documents will be sent to you upon notification of the District's decision to proceed with membership in the program.

Sincerely,
Special District Risk Management Authority

Ellen Mirabal Doughty, ARM
Chief Member Services Officer

A proud California Special Districts Alliance partner.

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10.0 CLASSIFICATION SYSTEM: PLAN, CLASSIFICATIONS, SPECIFICATIONS, RULES

The Authority has developed a Classification System, including Classification titles, hierarchy, related specifications, and a set of Rules for the ongoing administration of the Classification Plan. The Classification Plan organizes Authority positions into common classifications based on similarities in duties, responsibilities, and requirements; provides a classification specification for each position and sets the structure necessary to transfer, recruit, promote, and establish pay ranges for the transfer and employment of personnel. With few exceptions, the Authority's classifications mirror those of its member agencies for similar positions.

A comprehensive review of all job classifications was conducted by the transition team to ensure that classifications were compliant with federal and state laws, materially similar to current roles at the City of Tracy, and accurately and clearly defined the duties, responsibilities, and minimum qualifications of Authority positions. The Authority Classification Plan anticipates current and possible future needs of the Authority by including entry and journey level classifications for some Administrative and Technical positions even though only one allocation may be approved and funded in any given year. Establishing both an entry and a journey level classification for support positions as part of the Classification System will provide for greater organizational flexibility and agility for the future.

The Authority Classification System includes the following elements:

- Rules for ongoing administration of the Classification Plan
- A list of the Classifications in the Authority's Classification Plan
- Classification Specifications (for each of the classes in the Classification List)
- Position Control Roster (Listing the proposed positions for the current fiscal year)
- Proposed Organizational Chart

The Classification System as listed is included in this Personnel Transition Plan as **Appendix B**.

Establishing the Authority's classification system prior to engaging employees allows the Authority to comply with California Government Code Section 53292 (CCR § 53292) which reads, in part," As nearly as possible, the firefighters who are hired shall be given positions with a rank comparable to that which they held in the dissolved or decreased district, joint powers agency, or department."

Staff has prepared and the Authority Board will consider the establishment of classification specifications, approval of related classification specifications, and the Authority Personnel Rules which include rules for the ongoing administration of the classification plan. Substantive future changes to the Classification System will require adoption or approval by the Authority Board. A Master List of the full complement of proposed classifications for the Authority's classification plan follows. A Position Control Roster listing only those positions the Authority proposes to fund in the coming fiscal year is provided later in this plan.

10.1 Master Pay Schedule

South San Joaquin County Fire Authority MASTER CLASSIFICATION LIST Effective July 1, 2021								
Class Code	Position Title	Unit		Hourly Rate	Recommended Ongoing Admin	Division	Retirement	FLSA
87	Accounting Technician	Unrepresented Admin-Clerical	A	31.5393	B	Administration and Finance	Misc	NE
79	Administrative Assistant I	Unrepresented Admin-Clerical	A	22.9969	10% below Class Code 80	Administration & CCR	Misc	NE
80	Administrative Assistant II	Unrepresented Admin-Clerical	A	25.5323	B	Administration & CCR	Misc	NE
84	Administrative Technician	Unrepresented Admin-Clerical	A	31.5393	Equal to Code 87	Administration		
170	Permit Technician I	Unrepresented Prof-Tech	A	27.8668	8% below Class Code 172	CRR	Misc	NE
172	Permit Technician II	Unrepresented Prof & Technical	A	30.0961	B	CRR	Misc	NE
140	Emergency Medical Services Manager*	Unrepresented Management	A	47.3445	B	Administration	Safety	E
70	Executive Assistant	Unrepresented Admin-Clerical	A	31.0589	B	Administration	Misc	NE
150	Fire Battalion Chief*	SCFCOA	A	59.1423	B	Operations	Safety	E
40	Fire Captain	TFFA	A	45.0055	B	Ops & Trng	Safety	NE
10	Fire Chief*	Unrepresented	Min	86.7174	B	Administration	Safety	E
20	Fire Division Chief*	Unrepresented Management	A	70.8702	B	Ops & Admin	Safety	E
50	Fire Engineer	TFFA	A	39.6099	B	Operations	Safety	NE
100	Fire Inspector	Unrepresented Prof-Tech	A	38.1947	8% below Class Code 160	CRR	Misc	NE
90	Fire Marshal*	Unrepresented Management	A	62.2504	5.5% above Class Code 150	CRR	Safety	E
120	Fire Reserve	Limited Service	A	14.0000	Min Wage	Operations	Safety	NE
60	Firefighter	TFFA	A	35.0914	B	Operations	Safety	NE
62	Firefighter Trainee	Limited Service	A	24.5600	30% below Class Code 60	Operations	Safety	NE
61	Firefighter/Paramedic	TFFA	A	39.4798	B	Operations	Safety	NE
130	Human Resources Analyst I	Unrepresented Management	A	37.8805	15% below Class Code 132	Administration	Misc	E
132	Human Resources Analyst II	Unrepresented Management	A	43.5613	B	Administration	Misc	E
135	Human Resources Manager	Unrepresented Management	A	58.2908	B	Administration	Misc	E
121	Intern-Generalist	Limited Service	A	17.5000	25% above minimum wage	Fire Authority Wide	N/A	NE
180	Fiscal Analyst I*	Unrepresented Admin-Clerical	A	36.9638	13% below Class Code 182	[illegible] and Operations	Misc	E
182	Fiscal Analyst II*	Unrepresented Admin-Clerical	A	42.5072	B	[illegible] and Operations	Misc	E
160	Plan Check Examiner	Unrepresented Prof-Tech	A	41.2023	B	CRR	Misc	NE
125	Project Specialist I/II	Limited Service	Min	14.0000	Min Wage	Fire Authority Wide	N/A	NE
			Max	43.3500				
*	Classifications with asterisks are salaried							

11.0 COMPENSATION SYSTEM: COMPENSATION PLAN/ PAY SCHEDULE

The Authority is committed to maintaining fiscal integrity and high standards of accountability to the public in the expenditure of funds provided by taxpayers. The Authority has established its compensation system in accordance with the principles of public accountability. The Authority has adopted a Compensation Plan that includes the following:

- A Compensation Policy which includes Rules for ongoing administration of the Compensation Plan
- A publicly available Master Pay Schedule with defined pay ranges for all Authority classifications
- A comprehensive benefits package provisioned by labor unit and ongoing benefits administration

The Authority has established a Compensation Policy. The purpose of this policy is to establish objective guidelines to be used in establishing compensation for Authority positions and in maintaining the Authority's Compensation Plan. The policy guidelines are intended to ensure that the Authority's compensation practices are fair and equitable, consistent with its public service mission, reflect its organizational values, and support related strategic plan objectives.

It is the Authority's policy to offer a sustainable compensation package that attracts and retains the highest quality candidates and employees and is interwoven with its commitment to public safety and to serving the public well by maintaining sound fiscal direction.

Periodically, the Human Resources Manager will assess the parity, competitiveness, and the existence of compaction in Authority compensation by classification. Assessments will be conducted using industry best practices and guidelines in the Authority's Compensation Policy. Assessment of compensation may include salary and wage surveys of similar classifications at labor market comparators, internal parity analyses, benefit package assessments and other related practices. The results of each assessment performed will be considered one element of information to be considered during the process of establishing or modifying compensation for a position or classification. The consideration of pay must be viewed in the context of total compensation which includes the value of the benefit package provided to employees.

The Human Resources manager must also determine whether any modifications to any element of the compensation plan are necessary due to recruitment and retention issues, changes to positions or classifications or changes to exempt or non-exempt status for overtime eligibility as defined by the Federal Labor Standards Act. Modifications to the Compensation Plan Policy or Master Pay Schedule must be submitted to the Fire Chief for recommendation to Authority Board for adoption.

The Authority's Master Pay Schedule contains ranges which are identical to the current pay ranges for similar classifications in effect at the City of Tracy. The wages and salaries for represented labor organizations were negotiated through a collective bargaining process at the City of Tracy and are governed upon transition by CCR §53292 and are correspondingly, reviewed and supported by the Authority's labor attorney. The pay ranges for unrepresented employees are also equivalent to the ranges on the current pay schedule for the City of Tracy as it

relates to job classifications. Eligibility for merit increases will be carried over upon employee transition such that employees who have not reached the top step of the salary step structure will be elevated to the next salary step on virtually the same date they would have been granted the next step in their current employment.

Future substantive revisions of the compensation plan, policy, or master pay schedule will require approval by the Authority Board.

The full set of Resolutions related to the Compensation System, establishing Authority Classifications and related specifications, assigning classifications to wage ranges, and adopting the Authority's public Pay Schedule are included as **Appendix C**.

12.0 ADMINSTRATIVE POLICIES AND PERSONNEL RULES

The Authority has developed an initial set of Administrative Policies and Personnel Rules which are substantially similar to and derived from those at the City of Tracy. These policies and rules are recommended for adoption by the Authority Board and are intended to ensure the Authority continues to abide by public agency state and federal regulations while implementing good management practices that will ensure public trust and fiscal responsibility. The Authority's policies and rules are further intended to address and administer personnel matters and provide guidance for procedures and procedural documentation. Combined with and as a part of the Authority's classification and compensation plans, benefit packages, risk management and financial systems and policies, and agreements with recognized employee representative organizations, the Authority's policies and rules will complete the complement of personnel systems that provide structure for personnel related administrative decision-making and processes paving the way for the transition of employees and employer of record status to the Authority.

This initial set of policies and rules is compliant with current laws and regulations and substantially similar to those at the City of Tracy. The Authority has developed an implementation plan and has communicated and disseminated these policies and rules throughout the organization. The Authority has and will continue to consult in good faith regarding the impacts of these rules with all recognized employee organizations. The similarity between the City of Tracy and the Authority policies is one more effort on the part of the Authority to make the transition from City of Tracy employment to Authority employment as smooth as possible for employees.

While not all City of Tracy policies and rules were adopted, core legislated, regulated, and Fire Authority related policies are included. Those policies not included at this time will continue to be assessed for relevance as the Authority grows and can be added at a future date. The following tables list the Administrative Policy and Personnel Rule titles set for adoption by the Authority Board as part of this Phase II Transition Plan. The staff report recommending adoption, resolution, and copies of the policies and rules can be found in **Appendix D**.

12.1 Administrative Policy Table

Administrative Policies	
Communicable Diseases Policy	Conflict of Interest/ Gift Policy
Family and Medical Leave Policy	Catastrophic Leave Policy
Lactation Policy	Employee Performance Evaluations Program
Nepotism Policy	Fitness for Duty Examination Policy
Prevention of Harassment, Discrimination, Retaliation, and Bullying	Modified Duty and Reasonable Accommodation Policy
Injury and Illness Prevention Program	Violence in the Workplace Policy

12.2 Personnel Rule Table

Personnel Rules	
Equal Opportunity Employment	Acting Appointment
Definitions of Key Employment Terms	Temporary Upgrade/Temporary Promotion
Compensation Rules	Position Classification Plan Rules
Examination and Appeal Rules	Recruitment and Applicant Rules
Appointment Rules	Employment List Rules
Use of Authority Property	Outside Employment
Personnel Files	Performance Evaluations
Disciplinary Appeal Process	Disciplinary Actions
Layoff, Displacement, Re-employment	Grievance Procedure for Non-Disciplinary Matters
Vacation and Holidays	Work Week and Attendance
Leaves of Absence Without Pay	Sick Leave
Training and Education Programs	Other Leaves of Absence
Lactation Policy	Pregnancy Disability Leave Policy

13.0 BENEFITS ADMINISTRATION

It is the intention of the Authority to transfer all eligible employees in the same or similar state of employment including benefit eligibility, enrollment, and levels of coverage. This includes Retirement benefits for active and eligible retirees as defined by CalPERS regulations, leaves, health, and other benefits.

All eligible employees who transfer on September 1, 2021 and will continue as Classic members in CalPERS will transfer as Classic members, all other members will transfer as PEPRA level CalPERS members. A discussion of the Authority's CalPERS contracting activities follows.

13.1 Retirement - CalPERS

The Authority applied for a new CalPERS contract on February 1st, 2019. (see **Appendix E**). This was the first step required to initiate the necessary discussions that would determine the new retirement rates and subsequent impacts to the member agencies. The Authority was then contacted by the contract division of CalPERS and advised of the need to amend applicable sections of the Joint Powers Agreement language. Staff worked with legal counsel from both member agencies to make the necessary amendments which were approved by both elected bodies in October of 2019 (see **Appendix F**). This new language obligates all member agencies to pay their respective share of any CalPERS retirement liabilities regardless of Authority status. This required language change identifies and addresses an inequitable liability exposure that exists from the previous JPA. Although an argument can be made that all members have an obligation to fund pension Unfunded Accrued Liability (UAL) that is created by the employees who are allocated to service their respective areas, there is no current contract language that codifies such an obligation. The required CalPERS amendment addresses that inequity at such time the Authority becomes the employer of record (**UAL Is explained at the end of this section**).

After completing the amendment, the application moved past the agreement review and began the next phase, the financial review. Authority staff worked with CalPERS financial analysts to evaluate the fiscal sustainability of the member agencies and the Authority governance model. After months of data exchanges, and the completion of a thorough sustainability evaluation by the CalPERS team of financial analysts, the Authority was approved and moved to the contract formation phase in March of 2020.

Due to the pandemic, the contract phase began slow but ramped up again by May of 2020. After completing the required contract formation package and exchanging information that clarified the goal of mirroring the benefits to the current City of Tracy plans, the CalPERS team began performing the actuarial analysis necessary to form the new Authority retirement contracts. The actuarial analysis work was completed in October of 2020 and the Authorities pers contract was approved to move to contract formation. The Authority Board approved the necessary Letter of Intention required for CALPERS to begin preparing the proposed Final Resolution which, upon its approval and ratification will initiate the Authority's independent PERS contract.

The task of isolating the CalPERS impacts that would result from transitioning the employer of record from a single member agency to the Authority is one that requires a significant amount of time. This is due to several factors including: the blended City safety pool which includes police and fire personnel, the varying benefits between the blended departments, CalPERS actuarial process required to determine new rates,

and the UAL between departments, member agencies as well as pre- and post-1999 consolidation of fire services. With that said, significant progress has been made in understanding these impacts and information learned can be shared.

As demonstrated in section 14.3, within the current City Safety plan, there are two Benefit Groups for fire personnel and three benefit groups for police personnel for a total of five benefit groups. CaIPERS calculates the normal cost for each of the five benefit groups and then uses a weighted average (weighted by total payroll in each group) to calculate a blended rate for the entire pool. As can be seen in the attached tables, the weighted average for the two groups of fire employees is 27.92% and the three groups of police employees have a weighted average of 34.26%. The 6.34% lower rate for the fire groups brings down the higher police group rates to create a combined total weighted average for the pool of 31.48% which is then applied to all employees in the pool.

Although CaIPERS has not completed the actuarial analysis for the new contract, they have shared the Actuarial Valuation Report for the pool that the Authority would be included in should the employer of record be transitioned to the Authority. Utilizing the anticipated pool rate, responsible assumptions can be drawn to identify what the new weighted average would be for safety personnel. In the new pool, the weighted average for fire personnel is 29.05%. That is a reduction of 2.4% from the blended rate currently being charged to the Fire Departments' budget. This decrease would result in an estimated reduction in retirement cost to the fire department of $182,817. This will, however, eliminate the subsidy that was created by pooling the lower fire benefits group with the higher police benefits group. It can be assumed that the police pool will continue to operate at its actual weighted average of 34.26% now paying its full burden for the benefits that department receives. As the included calculation demonstrates, the anticipated increase to the PD normal cost is $267,550.

In summary, the anticipated overall increase to the normal cost, across both the City safety contract and the new Authority safety contract, is $84,733 which represents the difference between the FD savings and subsequent PD increase. There is no projected change to the UAL as a result of the transition. The new Authority contract will be a fresh start and the existing UAL in the City contract will continue to be calculated in the same manner as it is currently.

13.2 Normal Cost

Description	*Rate*		*Fiscal Impact*
Fire Personnel New Normal Cost	29.05%	$	(182,817.00)
Police Personnel New Normal Cost	34.26%	$	267,550.00
Total Normal Cost Increase/(Decrease)		**$**	**84,733.00**

What is Unfunded Accrued Liability?

UAL is the difference between the value of each employee's pension and the market value of the funds CalPERS has invested for each employee's pension. For vested employees with more than five years of

CalPERS service the value of their pension includes a factor from their retirement formula related to their current age, times the number of years of service they have worked multiplied against a highest 12 months of earnings over one or three years on their hire date and formula. And the monies CalPERS uses to pay the pension come from the employee's contributions, their employer's contributions, and investment income earned by CalPERS. For employees with less than five years of service in CalPERS, the value of their pension consists of the money they have personally contributed to their retirement.

While this example is simplified a bit, the combination of the previous employee pension amount values as of a specific valuation date is essentially the "Value of the Agency's (employer's) pension. And, the Market Value of the assets CalPERS have invested at that same valuation date is the amount CalPERS has to meet the pension obligation. The reality is a little more complicated than this which is why we use actuaries to calculate pension obligations.

In plain speak, if every one of an Agency's employees who were eligible to, decided to retire on the same day, and those that were not eligible took the share of their pension they contributed and left that same day also, the value of money CalPERS would need to pay everyone out would materially equal the Accrued value of that agency's Pension Benefits. For the above payout to occur, CalPERS would need to have the funds for that exodus invested and the market value of those investments at sale would need to equal the amount necessary to pay off the exiting employees.

The difference between what the market value of the funds that CalPERS has invested on behalf of an agency's employees "the market value of the CalPERS assets" and the amount it would take to pay everyone the value of their retirement or cash out employee contributions for folks with less than five years as of a specific date, is the agency's Unfunded Accrued Liability. This number can grow in years where investment returns are low. For example, CalPERS has been estimating a 7% return on their investments but posted only a little over 4% last year. Therefore, everyone's UAL will grow in the next actuarial evaluation.

13.2.1 CalPERS Plan Rates

CalPERS Actuarial Valuation - June 30, 2018
Safety Plan of the City of Tracy
CalPERS ID: 3260816880

Required Contributions

		Fiscal Year 2020-21
Required Employer Contribution		
Employer Normal Cost Rate		**21.845%**
Plus, Either		
1) Monthly Employer Dollar UAL Payment	**$**	**271,626**
Or		
2) Annual UAL Prepayment Option*	**$**	**3,151,089**
Required PEPRA Member Contribution Rate		**13.00%**

*The total minimum required employer contribution is the **sum** of the Plan's Employer Normal Cost Rate (expressed as a percentage of payroll) **plus** the Employer Unfunded Accrued Liability (UAL) Contribution Amount (billed monthly in dollars).*

** Only the UAL portion of the employer contribution can be prepaid **(which must be received in full no later than July 31)**. Any prepayment totaling over $5 million requires a 72-hour notice email to FCSD_public_agency_wires@calpers.ca.gov. Plan Normal Cost contributions will be made as part of the payroll reporting process. If there is contractual cost sharing or other change, this amount will change.*

In accordance with Sections 20537 and 20572 of the Public Employees' Retirement Law, if a contracting agency fails to remit the required contributions when due, interest and penalties may apply.

For additional detail regarding the determination of the required contribution for PEPRA members, see Appendix D. Required member contributions for Classic members can be found in Appendix B.

		Fiscal Year 2019-20		Fiscal Year 2020-21
Normal Cost Contribution as a Percentage of Payroll				
Total Normal Cost		30.981%		31.489%
Employee Contribution[1]		9.334%		9.644%
Employer Normal Cost[2]		21.647%		21.845%
Projected Annual Payroll for Contribution Year	$	17,295,970	$	18,538,061
Estimated Employer Contributions Based On Projected Payroll				
Total Normal Cost	$	5,358,464	$	5,837,448
Employee Contribution[1]		1,614,406		1,787,811
Employer Normal Cost[2]		3,744,058		4,049,637
Unfunded Liability Contribution		2,827,833		3,259,512
% of Projected Payroll (illustrative only)		16.350%		17.583%
Estimated Total Employer Contribution	$	6,571,891	$	7,309,149
% of Projected Payroll (illustrative only)		37.997%		39.428%

[1] For classic members, this is the percentage specified in the Public Employees' Retirement Law, net of any reduction from the use of a modified formula or other factors. For PEPRA members, the member contribution rate is based on 50 percent of the normal cost. A development of PEPRA member contribution rates can be found in Appendix D. Employee cost sharing is not shown in this report.

[2] The Employer Normal Cost is a blended rate for all benefit groups in the plan. A breakout of normal cost by benefit group is shown in Appendix D.

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13.2.2 Normal Cost by Benefit Group

CalPERS Actuarial Valuation – June 30, 2018 Appendix D
Safety Plan of the City of Tracy
Participant Data

Normal Cost by Benefit Group

The table below displays the Total Normal Cost broken out by benefit group for Fiscal Year 2020-21. The Total Normal Cost is the annual cost of service accrual for the fiscal year for active employees and can be viewed as the long-term contribution rate for the benefits contracted. Generally, the normal cost for a benefit group subject to more generous benefit provisions will exceed the normal cost for a group with less generous benefits. However, based on the characteristics of the members (particularly when the number of actives is small), this may not be the case. Future measurements of the Total Normal Cost for each group may differ significantly from the current values due to such factors as: changes in the demographics of the group, changes in economic and demographic assumptions, changes in plan benefits or applicable law.

Rate Plan Identifier	Benefit Group Name	Total Normal Cost FY 2020-21	Number of Actives	Payroll on 6/30/2018
4924	Safety Fire First Level	N/A	0	N/A
25160	Safety Fire PEPRA Level	26.487%	13	1,109,853
25161	Safety Police PEPRA Level	30.524%	17	1,611,992
30696	Safety Police Second Level	40.357%	18	1,863,657
30697	Safety Police First Level	33.396%	52	6,154,299
30698	Safety Fire Second Level	28.172%	59	6,403,538

Note that if a Benefit Group above has multiple bargaining units, each of which has separately contracted for different benefits such as Employer Paid Member Contributions, then the Normal Cost split does not reflect those differences. Additionally, if a 2nd Level Benefit Group amended to the same benefit formula as a 1st Level Benefit Group their Normal Costs may be dissimilar due to demographic or other population differences. In these situations you should consult with your plan actuary.

13.3 Health and Other Benefits

The Authority explored several options to provide employee health benefits including remaining on City health benefits, rejoining CalPERS Health Plans, and a fiduciary agreement with Keenan and Associates, a public agency benefits broker. The Authority is committed to providing consistent levels and costs of employee benefit options and services including medical, dental, vision, life, long-term and short-term disability, and voluntary plans as employees have currently. For medical benefits, the Authority has accepted bids from three health care providers: CalPERS Health, Fire Districts Association of California Employment Benefits Authority (FDAC EBA), Special Districts Risk Management Association (SDRMA), and continues to work with the City of Tracy on transitional continuation of benefits through the City.

13.4 Medical Benefits

After careful consideration and evaluation of several employer health plans as identified below, the Authority has determined to remain with the City of Tracy's health plan for all Authority employee groups. The following information summarizes the process of evaluating health plan options for the transition of employees:

Medical benefits were one of the key components which posed significant potential impacts to the transition process in addition to a potential fiscal impact on the member agencies. A Health Benefits Committee was established, and all fire authority employees were invited to participate. The committee initially met in May of 2019 to start collecting information and input from the transitioning employees. Management provided direction to find cost-neutral benefit plan options. The committee explored the feasibility of rejoining the CalPERS Health Benefits program. Committee members attended some CalPERS Health Benefit training workshops and worked with a medical benefit consultant to offer alternative health plan options as well as additional medical benefit plans. The quotes came back with varying levels of premium increases or ongoing minimum employer contributions.

Staff reviewed medical care options and benefits from CalPERS, FDAC-EDA, SDRMA, and an option to remain on the City's current Kaiser plan if allowed under Kaiser's contract for services with the City of Tracy. 2021 rates for the four plans are listed below.

	Employee Only	Employee +1	Employee +2 or more
CalPERS	813.64	1627.28	2115.46
FDAC EBA	837.72	1667.20	2164.85
SDRMA	938.00	1854.00	2402.00
City of Tracy	786.27	1572.54	2044.30

The above chart shows the City of Tracy as the least expensive option for 2021. However, the Authority has learned that 2022 will portray a different relationship between the plans once employee transition is completed. In 2022, it is anticipated that the City of Tracy will experience greater than a 10% increase in health care costs. The underwriters for Kaiser, have shared that the actuarial assumptions used to calculate the rate for the City of Tracy, will yield a smaller increase for the Authority than that of the City of Tracy once the Authority personnel are transitioned. The Authority will be able to obtain quotes related to the transfer upon providing Kaiser with an intention to separate from the City of Tracy group plan. Separation from the Tracy group plan is anticipated to occur on 1/1/2022.

13.4.1 CalPERS Health Plans

In FY 2020 the Authority reviewed CalPERS health plans with coverage benefits most closely resembling the current City plan benefits and had 2020 rates below the City's 2020 plan.

CalPERS Health Program is governed by the Public Employees' Medical & Hospital Care Act (PEHMCA). PEHMCA has provisions that create both additional savings as well as explicit liabilities that non-PEHMCA

plans do not have. This section calculates both the savings and additional costs unique to PEHMCA benefits to identify their true fiscal impacts to accurately compare total plan costs. Although CalPERS Health had the most competitive 2021 rates when compared to the FDAC EBA and SDRMA plans, the PEHMCA regulated explicit subsidy resulted in additional considerations that required an actuarial analysis be performed for accurate comparison which is discussed in more detail later in this report.

Although the 2020 CalPERS health plan rates were less expensive than the current City of Tracy's 2020 health plan rates, the City's ability to maintain no increases for the first time in several years in comparison to CALPERS Health 5.9% increase to their 2021 Kaiser plan rates yielded the City's Kaiser premium just below CALPERS Health's Kaiser rate for the calendar year. Both rates will likely fluctuate from year to year depending on rate adjustments which are negotiated on an annual basis. It can be safely assumed that CalPERS rates are substantially similar to the City of Tracy's negotiated rates.

Along with the explicit subsidy, which is discussed in more detail below, CalPERS uniquely offers additional savings which were also given consideration. Because of their size (roughly 1.5 million participants), CalPERS, unlike all other plan options considered, does not have membership participation requirements. The Authority can realize financial savings by offering the current cash in lieu benefit, (at significant savings to the Authority) to the employees who are currently excluded from utilizing this option due to the City of Tracy's current medical provider's required participation rate. Staff has identified eight employees who currently have access to spousal coverage, yet currently receive additional medical benefits (at a much higher cost to the Authority) because of this in lieu restriction. If provided the ability to offer these employees medical in lieu, the Authority would recognize additional savings. This savings is then reduced by the 2017 US Supreme Court decision to uphold the Ninth Circuit Court of Appeals' decision in Flores v. City of San Gabriel, 824 F.3d 890 (9th Cir. 2016). As illustrated, this ruling erodes $28,845 of the ($59,439) savings anticipated as a result of removing the current medical in-lieu restriction. This reduction leaves a net savings of ($30,594) before factoring in the explicit subsidies unique to PEHMCA benefits.

An **explicit subsidy** occurs when an employer contributes or pays money directly to or on behalf of an employee for a benefit or something of value. The actuarial firm Macleod Watts performed the actuarial analysis necessary to determine the annual impacts of the explicit subsidy which are identified and represented in the following section.

After calculating the annual amount needed to fund the explicit subsidy and offsetting the savings which are unique to the CalPERS plan offerings, it is anticipated the impact of transitioning all medical benefits will result in an annual increase $93,776 if CALPERS Health is chosen and $137,617 If FDAC EBA plans are chosen. The SDRMA quote was not factored as the plans had benefits materially below the current City of Tracy coverages. In addition to decreased benefits, the SDRMA plans cost 17.5% more than current City of Tracy rates and 13.5% more than CALPERS Health premiums. Regardless of which plan is chosen, either of the modest health insurance cost increases will be offset from savings in areas of greater efficiencies such as reduced IT Services and workers compensation costs.

In addition to working with CalPERS Health Benefits Division to procure health plan coverage, Authority Staff worked with Keenan & Associates (a local medical benefit consultant who specializes in health benefit plans for public agencies) to secure the additional medical benefits needed to transition employees. These plans include: Dental, Vision, Life Insurance/Accidental Death and Dismemberment, Section 125 (FSA), Employee Assistance Program, and Employee Paid Voluntary Benefits.

Of the 76 current fire department employees, only 60 currently participate in the Kaiser plans provided by the City. Although Authority staff has no way of recognizing the complete impact of removing those 60 personnel from the City health plans, we have been advised by our consultant that rates are not generally impacted unless the pool fall bellows 100 participants. Removing the 60 fire employees would not place the City in jeopardy of approaching that threshold.

13.4.2 Anticipated Coverage Cost

City Of Tracy Anticipated Coverage Cost

Health

Employee Only			Employee +1		Employee + Family		Total Cost
Kaiser HMO	11	$786.27	1	$1,572.54	48	$2,044.30	$108,347.91
Kaiser POS	0	$1,162.75	6	$2,325.51	3	$3,023.16	$23,022.54
Kaiser PPO	0	$1,707.07	0	$3,414.15	0	$4,438.39	$0.00
Waived					12	$903.67	$10,844.04
						TOTAL	**$142,214.49**

Vision

	Employee + Family		Total Cost
VSP	61	$14.91	**$909.51**

Dental

	Employee + Family		Total Cost
Delta Dental	56	$75.37	$4,220.89
Bright Now Dental	5	$73.13	$365.65
		TOTAL	**$4,586.54**

Life & ADD

	Employee + Family		Total Cost
Supression	68	$11.50	$782.00
Fire Chief	1	$51.75	$51.75
Admin	7	$11.50	$80.50
Confidential	5	$34.50	$172.50
		TOTAL	**$1,086.75**

Total Estimated City of Tracy Monthly Premiums *$ 148,797.29*

FDAC EBA

Health

Employee Only			Employee +1		Employee + Family		Total Cost
Kaiser HMO	11	$837.72	1	$1,667.20	48	$2,164.85	$114,794.92
Blue Shield	0	$1,232.10	6	$2,464.49	3	$3,203.44	$24,397.26
Waived					12	$903.67	$10,844.04
						TOTAL	**$150,036.22**

Vision

		Employee Only		Employee +1		Employee + Family	Total Cost
VSP	9	$8.70	5	$17.41	47	$23.57	**$1,273.14**

Dental

		Employee + Family	Total Cost

	Delta Dental	61	$135.70	**$8,277.70**

Life & ADD

		Employee + Family	Total Cost
Supression	68	$7.15	$486.20
Fire Chief	1	$32.63	$32.63
Admin	7	$7.25	$50.75
Confidential	5	$21.75	$108.75
		TOTAL	**$678.33**

Estimated SSJCFA Monthly Premiums	$	160,265.39
Gross Monthly Cost (Decrease)/Increase	$	11,468.10
Gross Annual Cost (Decrease)/Increase	**$**	**137,617.16**

CALPERS Health Plans

Health

Employee Only		Employee +1		Employee + Family			Total Cost
Kaiser HMO	9	$813.64	0	$1,627.28	45	$2,115.46	$102,518.46
Calpers	0	$799.00	5	$1,725.00	2	$2,199.00	$13,023.00
Calpers Care		$1,294.69		$2,589.38		$3,366.19	$0.00
Waived					20	$903.67	$18,073.40
						TOTAL	**$133,614.86**

Vision

		Employee Only		Employee +1		Employee + Family	Total Cost
VSP	9	$8.70	5	$17.41	47	$23.57	**$1,273.14**

Dental

		Employee + Family	Total Cost
Delta Dental	61	$135.70	**$8,277.70**

Life & ADD

		Employee + Family	Total Cost
Supression	68	$7.15	$486.20
Fire Chief	1	$32.63	$32.63
Admin	7	$7.25	$50.75
Confidential	5	$21.75	$108.75
		TOTAL	**$678.33**

Estimated SSJCFA Monthly Premiums	$	143,844.03
Gross Monthly Cost (Decrease)/Increase	$	(4,953.26)
Gross Annual Cost (Decrease)/Increase	**$**	**(59,439.16)**

14.0 OPEB ACTUARIAL REPORT

As highlighted in the previous section, CalPERS Health Program is governed by the Public Employees' Medical & Hospital Care Act (PEHMCA). PEHMCA has provisions that create both additional savings as well as explicit liabilities that non- PEHMCA plans do not have. This section calculates both the savings and additional costs unique to PEHMCA benefits in order to identify their true costs which allows us to accurately compare total plan costs.

The actuarial report was performed by Macleod Watts to determine the annual impacts of the explicit subsidy. As illustrated below, the normal cost is calculated to be $58,484 annually which after factoring with the aforementioned savings results in a net increase from current benefits in the amount of $27,890. However, since this is a new plan, and employees are transferring with credit for years served as employees of the member agencies, an OPEB UAL expense of $65,886 annually will be owed for the next 20 years (amortization period), at which time it would be 100% funded leaving the $58k normal cost as the sole explicit subsidy expense.

This report represents the actuarial calculation for the existing pool of employees. Where this liability will see additional employees causing increases to the OPEB in future years it will also see a reduction as the UAL is addressed through the calculated 20-year repayment plan which makes up $65,886 (53%) of the identified and listed $124,370 explicit subsidy prefunding. Unlike Pension UAL, the Morgan Stanley trust used to prefund this OPEB uses a more modest anticipated rate of return and includes more reliable and less volatile actuarial assumptions to consider when compared to retirement UAL's.

14.1 Impacts & Costs of Coverage

Monthly Impact From Additional In Lieu (Flores Ruling)		
56 Hour Per Employee	*Qty*	
Overtime (lw/ FLSA)	52 hrs	290.19
Holiday Pay		72.62
FICA		13.10
Monthly Impact		375.91
Total Monthly Impact	*6*	*2,255.43*
40 Hour Per Employee	Qty	
Overtime		31.28
Holiday Pay		29.79
FICA		13.10
Monthly Impact		74.18
Total Monthly Impact	*2*	*148.35*
Combined Monthly Impact	**$**	**2,403.78**

Total Annual Medical Benefits Impact at Transition		
Gross Annual Cost (Decrease)/Increase	$	(59,439.16)
Annual Additional Impact from Flores	$	28,845.41
Ruling Annual Explicit Subsidy Normal Cost	$	58,484.00
Annual Explicit Subsidy UAAL (20 Years)	$	65,886.00
Net Annual Cost (Decrease)/Increase	**$**	**93,776.26**

16.0 DEFERRED COMPENSATION

The City currently offers its employees access to two separate deferred compensation plans, AIG Valic and ICMA. Since over 77% of the fire department employees who participate in a deferred compensation plan do so with AIG Valic, Authority staff decided to establish a contract with AIG Valic to mirror this benefit provision. Authority staff has started the contract formation process with AIG Valic and are awaiting approval from the member agencies to move forward with the transition to finalize those contracts.

17.0 EMPLOYER-EMPLOYEE RELATIONS RESOLUTION

In compliance with California Government Code Section 3507(a), the Authority has developed a resolution with associated reasonable rules and regulations for the administration of employer-employee relations. The Employer-Employee Relations Resolution provides procedures for meeting and conferring in good faith with Recognized Employee Organizations regarding matters that directly and significantly affect and primarily involve the wages, hours, and other terms and conditions of employment of employees in recognized employee organizations. The Authority has consulted in good faith with representatives of recognized employee organizations related to the administration of employer-employee relations**.** The proposed Employer-Employee Relations Resolution is significantly similar to the City of Tracy's Employer-Employee Relations Ordinance.

Staff has prepared for Authority Board adoption, a resolution of the proposed Employer-Employee Relations rules and regulations by the Authority' Board of Directors (**Appendix G**).

18.0 LABOR RELATIONS – TERMS AND CONDITIONS OF EMPLOYMENT

Early in 2020, the Authority's Employee Relations Officer (ERO) identified the following exclusively recognized employee organizations which represent most Authority labor groups: The Tracy Firefighters Association and the South County Fire Chief Officers Association.

Authority Employee Relations Officer (ERO) received direction from the Authority Board of Directors to enter into discussions with the Tracy Firefighters Association (TFAA) and the South County Fire Chief Officers Association (SCFCOA) in preparation for the transition to a standalone agency. Staff met and conferred in good faith and reached tentative agreements with the TFAA and the SCFCOA which are also compliant with California Government Code §53292. It should be noted that the contracts on which the tentative agreements were based expire on June 30, 2021. The Authority ERO will offer to meet again with employee representative organizations once the results of the current negotiations between the City of Tracy and each recognized employee organization are concluded and the resulting agreements ratified. The details of the tentative agreement discussion meetings are reflected below.

18.1 Tracy Firefighters' Association Memorandum of Understanding

The tentative agreement is substantially similar to the current Memorandum of Understanding between the SCFOA and the City of Tracy with the following changes:

- Section 1.3 The following was added "The Authority shall recognize and maintain each employee's rank, date of hire, general seniority, and seniority in rank from the employee's service with the City."
- Section 5.1 Dates of salary increased that have already occurred were removed. There is no additional salary increased identified through the duration of this contract.
- Section 5.8 The language was changed to reflect the new proposed CalPERS contract. Employees hired after January 1, 2020 will fall under PEPRA retirement rules.
- Section 5.11 Changed Deferred compensation language to remove the effective date and to make it continuous per the original agreement.
- Section 11.1 Vacation Leave-added an agreement to discuss vacation conversion from 40 to a 56-hour work week.
- Section 12.2 Changed sick leave accrual language to address change from semi-monthly to bi- weekly per a previous agreement with the City of Tracy.
- Section 16 Health Plan language was changed to reflect the proposed changes in Medical Benefits as proposed in this Employee Transition Plan. Change Health Care Cash out option to allow all members to have access to the cash-out option as presented in the Health Benefits proposal in the Employee Transition Plan.

18.2 South County Fire Chief Officers' Association Memorandum of Understanding

The tentative agreement is substantially similar to the current Memorandum of Understanding between the SCFCOA and the City of Tracy with the following changes:

- Section 1.3 The following was added "The Authority shall recognize each member of the Association's rank, date of hire, general seniority and seniority in rank as utilized and established by the City of Tracy prior to the enactment of this MOU."
- Section 5.1 Dates of salary increased that have already occurred were removed. There is no additional salary increased identified through the duration of this contract.
- Section 5.2 Pay periods were changed from semi-monthly to bi-weekly per a previous agreement with the City of Tracy.
- Section 7.1 Battalion Chief stipends were increased from $60.00 per hour to $77.00 to reflect the salary increases that had occurred in the predecessor contract. Language was also changed to further define when Battalion Chiefs would qualify to receive stipends.
- Section 10.3 Holiday-In-Lie Pay language was changed to reflect the change from semi-monthly to bi-

monthly pay, allowing the checks to be issued on or before December 15th and June 30th.

- Section 11.1 Vacation Leave language was changed remove a one-time vacation sell back option that had expired and to reflect the change from a semi-monthly pay period to a bi-weekly pay period per a previous agreement with the City of Tracy.

- Section 16 Medical Plan language was changed to reflect the proposed changes in Medical Benefits as proposed in this Employee Transition Plan.

18.3 Unrepresented Compensation and Benefits Plan

Staff worked with a Human Recourses consultant to establish the Benefits and Compensation Plan for Unrepresented Units. Staff and the consultant evaluated the City of Tracy pay and benefits for each classification that will transition to the Authority that will not be represented. Unrepresented classifications were divided into the following four units; Professional and Technical, Administrative and Confidential, Non-Safety Management, and Safety Management classifications. Staff and the consultant evaluated the current salaries, benefits, terms and conditions of employment of the City of Tracy classifications that will be transitioning to the Authority. The salaries, benefits, terms and conditions of employment in the proposed Benefits and Compensation Plan for Unrepresented Units are substantially similar to the City of Tracy classifications.

Staff met with all employees that will be unrepresented and discussed the proposed benefit and compensation plan. The staff report recommending adoption by the Authority's Board of Directors, resolution, and a copy of the Compensation and Benefits Plan for Unrepresented Units is included in **Appendix H.**

The Fire Chief was hired by the Authority Board under a separate personnel employment contract.

As mentioned above, the City of Tracy is currently engaged in negotiations on labor agreements that will be effective July 1, 2021. The Authority is committed to honoring its agreement to provide to transitioning employees, materially similar terms and conditions of employment to those negotiated between the City of Tracy and recognized employee representative organizations. Therefore, the Authority ERO will offer representatives of recognized employee organizations who are currently representing members employed by the City of Tracy doing Authority work, to execute transitional agreements prior to October 1, 2021, affirming this intention and adopting similar terms and conditions of employment to those negotiated for the related July 1, 2021, labor agreements. Similar terms and conditions will be evidenced by signed, ratified, and approved, Memorandums of Understanding, Temporary Agreements, or Letters of Agreement between the City of Tracy and the recognized employee representative organizations.

The Authority has created the following draft agreements based on current wages, working conditions, and other terms and conditions of employment and proposed tentative agreements created prior to the current negotiation cycle at the City of Tracy. The Authority is committed to providing as similar as possible terms and conditions of employment to those employees doing Authority work have at the City of Tracy, therefore, the attached agreements will be further amended once negotiations conclude, and the resulting agreements related to Authority recognized employee representative organization are ratified and approved. The below draft agreements can be found in **Appendix H**

Authority and Tracy Fire Fighters Association Agreement
Authority and the SJC Fire Chief Officers Association Agreement

Resolution for the Unrepresented Employee Groups

The Fire Chief is an "at will" employee who serves at the pleasure of the Board of Directors. With the Board of Directors, the Fire Chief has executed a service contract which is also attached in **Appendix H.**

Staff will prepare and the Authority Board will adopt any necessary resolutions to adopt and enact the TFFA and SJCCOA agreements and terms and conditions of employment once amended to align with the conclusion of the City of Tracy negotiations and resulting agreements, as ratified by each organization, and the similarly amended agreement for the Unrepresented Employee Groups to affect compliance with CCR 53292.

19.0 EMPLOYEE TRANSITION

As detailed in the preceding sections of this plan, the Authority is systematically implementing a comprehensive system of Administrative, Fiscal, and Human Resources systems, plans, programs, and processes to prepare for the transition to full-service employer for approximately 80 employees on September 1, 2021. The following plans, as described earlier herein are prepared for Authority Board adoption and subsequent implementation:

- Classification and Compensation Plans
- Finance, Fiscal, Payroll, Auditing, and Internal Controls
- Risk Management, Workers' Compensation, Disability and Leave Management
- Information Systems and Support, Payroll, Compliance, and Reporting
- Financial and Administrative Policies, and Personnel Rules
- Training and Development, Performance Management

The Authority acknowledges that systems of administration, personnel management, and operations are living systems that require effective implementation, training of staff, periodic assessment, maintenance, review, and modification for compliance or improvement on a regular basis. Plans for effective and successful implementation have been or are being developed and processes for ongoing assessment, maintenance, review, and modification have been incorporated into the above systems, plans, and programs. The current implementation processes are a starting point. The organization will continue to be agile and adaptive as conditions change. Staff realize that the Authority may evolve and arrive in a different place in six to twelve months requiring adjustments to the initial system, plan, and program implementations.

Authority employees will transition from employment at the City of Tracy to employment with the Authority in the same or a substantially similar position, rank, rate of pay, and benefits, and terms and conditions of employment, with all leave balances intact.

To transition personnel into Authority's employment and thereby into the Authority personnel management systems the following tasks will need to be completed or confirmed as in process and set for completion before September 30, 2021.

Authority staff will prepare a Resolution to accept the agreements between member agencies for the disposition of Financial Matters as described below including the establishment of post-employment health care accounts; acceptance and memorialization of member agreements regarding the disposition of unfunded liability prior to

transition; disposition of responsibility for the ownership, maintenance, and repair of assets, infrastructure, and equipment.

The Authority and the City of Tracy will need to mutually agree in writing to terminate the Agreement Between City of Tracy and the South San Joaquin County Fire Authority Regarding the Employment of Personnel (Agreement), thereby waiving the 180-day notice period for Authority cancellation of the Agreement and create a new Inter-Agency Agreement for those services the Authority desires to contracted for from the City.

Authority Human Resources and Finance staff will prepare and send offer letters to employees, schedule appointments for hiring and benefits orientation and paperwork, as well as policy and systems training and orientation, provide contact and emergency call lists for all employees, injury and accident procedures, safety and other mandated training as appropriate, and allow for presentations by labor organizations for represented classifications.

19.1 Executed Agreement on Financial Matters

The following section is in accord with the intention and direction laid out in the 2/20/2018 Agenda Item #7,

19.1.1 Matters of Assets, Infrastructure, and Equipment

Authority members will develop and execute an agreement on issues such as asset, infrastructure, and equipment ownership, repair, and maintenance recognizing any existing language in the Dissolution Agreement as amended and any subsequent changes to the related assets, infrastructure, and equipment, ownership, and maintenance or repair responsibilities as a part of this transition process.

19.1.2 Matters of Current and Transitioning Employee Leave Balances

Each employee will be credited with the leave balances they have accumulated while employed at the City of Tracy and at the time of the transition. Prior to transition, staff will work with the City of Tracy to develop an official accounting of leave balances as of the day before transfer to validate the correct leave balances are forwarded and recorded in the employee transition process. Upon separation of employment from the Authority (post transition), employees will be paid for unused vacation and holiday hours.

Currently, collective bargaining agreements between the City and represented groups allow for the conversion of remaining sick leave hours to be monetized and utilized by retired employees for post-employment health care costs. A fund will be established by the Authority to manage post-employment health care accounts for employees that retire after the transition. Post-employment health care accounts for members who retire while employed by the City of Tracy will continue to be managed by the City of Tracy.

The assumption is that Authority salaries will remain consistent relative to City of Tracy salaries, resulting in no negative fiscal impact on member agencies. The cost of leave balances will be the same if the transition were to occur or not occur.

19.1.3 Matters of Former Employee Leave Balances

The 2018 Dissolution Agreement between the City of Tracy and the Tracy Rural Fire District established the leave balance cost allocation related to former employee leave balances for each agency. The following is the language in the February 20, 2018, dissolution agreement, between the City of Tracy and the Tracy Rural Fire District that established the obligations regarding accumulated leave balances:

> **Obligations Regarding Accumulated Leave of Personnel Previously Employed by District**. Concurrently with the establishment of the Authority, the Parties entered into the Employment Agreement to address

their respective obligations regarding the costs of all sick leave and vacation leave accumulated ("**Accumulated Leave**") but not paid for employees who were still employed by District as of September 15, 1999 ("**District's Former Employees**") and subsequently hired by City.

a. Existing Retirees' Accumulated Sick Leave. The current value of the

Accumulated Sick Leave of District's Former Employees who retired while employed by the City prior to the effective date of this Agreement ("**Existing Retirees**"), is $1,612, 026.01 and as further described in Exhibit A. District remains responsible for the total cost of Existing Retirees' Accumulated Sick Leave, including interest at the Local Agency Investment Fund rate earned by City, compounded annually. District shall remit payment to the City for its share of the current value of Existing Retirees' Accumulated Sick Leave by the Effective Date of this Agreement in the amount of $233,214.73. City shall also remit payment for its share of sick leave accumulated by Existing Retirees during their employment with City by the Effective Date of this Agreement in the amount of $957,168.10. The District's and the City's payments shall be deposited and maintained in a trust by City to pay for Existing Retirees' medical premiums. The district shall have no liability or responsibility for vacation accrual on behalf of any existing retirees.

b. Accumulated Leave and Other Accruals of District's Former Employees. City and District shall jointly fund the cost of Accumulated Leave and any other accruals due to District's Former Employees who separate from City. The amount of Accumulated Leave and accruals, and the value of the Accumulated Leave and accruals shall be determined in accordance with the Memorandum of Understanding with the Tracy Firefighters Association ("MOU") in effect at the date of separation of each employee. The City's and District's respective contributions to cover the cost of the Accumulated Leave and accruals shall be in accordance with the MOU or any other agreement entered into by the District and City, in effect at the date of separation of each employee.

c. Termination of Employment Agreement. The Parties further agree to terminate the Employment Agreement, effective July 1, 2018, and to release both Parties from its obligations, except for Section 5 of the Employment Agreement.

19.2 Meetings and Final Agreements with Recognized Employee Organizations

The Authority will sign an agreement with the two recognized employee representative organizations (TFFA and SCFCOA) as to the wages, benefits, and other terms and conditions of employment, seniority in service, seniority in class, and will engage in a meet and confer process over the impacts of this Transition Plan to their members. To accomplish this, the Authority will accept all changes to existing contracts at the City of Tracy that are negotiated during the 2021 negotiations process and engage in meet and confer discussions over matters related to the scope of bargaining and impacts of this Transition Plan including the transition of employees and the transfer of leave balances and seniority.

19.2.1 Seniority Lists

Initial "Seniority in Authority Service" will be based on the employee's continuous time measured from the employee's original hire date into fire service with the City of Tracy or the Tracy Rural Fire District with start dates adjusted to reflect lapse in service. "Seniority in Classification" (rank) will be based on the employee's continuous time in the employee's present classification based on the date they were originally placed in that classification by the City of Tracy or the Tracy Rural Fire District with start dates adjusted to reflect lapse in service. The seniority lists

comply with proposed labor agreements and the Personnel Policies for represented and unrepresented employees. The seniority lists have been provided to transitioning personnel and there have been no challenges to the seniority lists. The Seniority Lists will be adopted as part of the transition plan after meeting and conferring with the Authority recognized labor organizations. 19.3 Separation from City of Tracy and Offers of Employment from Authority

Each transition eligible employee will receive a letter designating some form of separation from the City of Tracy and a corresponding offer of employment from the Authority. In accord with California Government Code §53291, the Authority has prescribed qualifications and conditions under which employees of the City of Tracy may become employees of the Authority. Eligible employees are exclusively performing Authority business in their work with the City of Tracy, are employed by the City in good standing without serious disciplinary or investigatory matters, and are free from other matters that would preclude an employee from returning to the full essential functions of their position within a reasonable time frame as determined by legislation, a court of law, or a medical professional and ruled on by the Fire Chief based on the facts of each case. The decision of the Fire Chief is final in the matter of eligibility and not grievable.

19.4 Proposed Position Control Roster

The Position Control Roster establishes the number of approved positions within each approved job classification. The Position Control Roster identifies each employee who is assigned to an approved position within a classification. The Position Control roster is utilized for budget develop and to forecast future personnel costs. Additions to the Position Control Roster require approval of the Authority Board. The proposed Position Control Roster complies with the proposed Personnel Rules being considered for adoption.

The proposed Position Control Roster mirrors the approved positions that are currently recognized within the City Tracy with the following exceptions. The Authority will utilize a Fiscal Analyst and an Administrative Technician position the City of Tracy does not have. These two positions will give the District greater flexibility in scope than more specialized accounting positions would allow.

The Position Control Roster will be approved as part of the Authority's FY 21-22 budget process and is offered her as information. In September, the Authority will add the Tracy Hills station to the service area which will add 3 three additional firefighters and 3 additional engineers than are currently shown on the organizational chart or position control roster.

The Proposed Position Control Roster follows on the next page.

South San Joaquin County Fire Authority
POSITION CONTROL ROSTER

Class Code	Position Title	Division	CURRENT FY 21-20 w/Tracy Hills	PROPOSED FY 21-22 post transition	FY 21-20 Adopted
FULL TIME REGULAR ALLOCATIONS			**6/1/2021**	**9/1/2021**	
79	Administrative Assistant I	Admin & CRR	0.0	0.0	
80	Administrative Assistant II	Admin & CRR	2.0	2.0	
84	Administrative Technician	Administration	0.0	1.0	
20	Fire Division Chief*	Administration	3.0	2.0	
135	Human Resources Analyst II	Administration	0.0	0.0	
140	Emergency Medical Services Manager*	Administration	1.0	1.0	
132	Human Resources Analyst I	Administration	0.0	1.0	
70	Executive Assistant	Administration	1.0	1.0	
10	Fire Chief*	Administration	1.0	1.0	
182	Fiscal Analyst II*	Administration	0.0	1.0	
170	Building Permit Technician I	CRR	1.0	1.0	
100	Fire Inspector	CRR	3.0	3.0	
160	Plan Check Examiner	CRR	1.0	1.0	
90	Fire Marshal*	CRR	1.0	1.0	
50	Fire Engineer	Operations	24.0	24.0	
60	Firefighter	Operations (3FF/P)	27.0	27.0	
150	Fire Battalion Chief*	Operations	3.0	3.0	
62	Firefighter Trainee	Operations	0.0	0.0	
40	Fire Captain	Operation and Training (1)	25.0	25.0	
	TOTAL FULL-TIME EQUIVALENTS		**93.0**	**95.0**	
LIMITED SERVICE TEMPORARY POSITIONS			**6/1/2021**	**9/1/2021**	
121	Intern-Generalist	Full Authority Wide	2.0	2.0	
125	Project Specialist II	Full Authority Wide	1.0	1.0	
120	Fire Reserve	Operations	12.0	12.0	
	Total PT Temp positions FTE unknown		**15.0**	**15.0**	

*Classifications with asterisks are salaried

APPENDICES

Appendix A **Special District Risk Management Authority (SDRMA) Quote**
Appendix B **Classification System**
Appendix C **Compensation System**
Appendix D **Administrative Policies and Personnel Rules**
Appendix E **New CalPERS Contract**
Appendix F **Amended JPA Agreement**
Appendix G **Employer-Employee Relations Resolution**
Appendix H **Employee Agreements & Terms and Conditions of Employment**
Appendix I **Payroll Processing Information**
Appendix J **Personnel File Structure**

APPENDIX A

Special District Risk Management Authority
(SDRMA) Quote

16.1 WORKERS COMPENSATION/GENERAL LIABILITY QUOTE

SDRMA
SPECIAL DISTRICT RISK MANAGEMENT AUTHORITY

1112 I Street, Suite 300
Sacramento, California 95814-2865
T 916.231.4141 or 800.537.7790 • F 916.231.4111

Maximizing Protection. Minimizing Risk. • www.sdrma.org

June 24, 2020

Chief Tad Nieve
Division Chief
South San Joaquin County Fire Authority
835 Central Avenue
Tracy, California 95376

Dear Chief Nieve,

Thank you for the opportunity to provide South San Joaquin County Fire Authority with this 2020-21 Property/Liability and Workers' Compensation Program quotation. Established in 1986, the Special District Risk Management Authority has a proven reputation for competitive rates, actuarially based fiscal management, and sound underwriting practices. We are confident that our Property/Liability Program offers the highest level of protection and service at the lowest possible rate.

Valid for sixty (60) days from the date of this letter, the following quotation represents twelve (12) months of coverage and is subject to verification and final underwriting review. South San Joaquin County Fire Authority's quotation is as follows:

PROPERTY/LIABILITY PROGRAM QUOTATION Coverage Limits: $2.5 Million - July 1, 2020 through June 30, 2021 (Includes a 5% Multi-Program Discount, based on net package contribution)	$172,362.88
WORKERS' COMPENSATION PROGRAM QUOTATION Coverage: July 1, 2020 through June 30, 2021 (Includes a 5% Multi-Program Discount, based on an experience modification of 100%)	$578,883.12

SCHEDULED PROPERTY

COVERAGE	TOTAL INSURED VALUE	DESCRIPTION
Property Inventory	$0	0 scheduled structures and contents
Vehicle Inventory	$4,389,050	29 scheduled vehicles
Comp and Collision	$390,300	16 scheduled vehicles $250/$500 Comp/Coll Deductibles
Mobile Floater Equipment	$0	0 mobile equipment items
Trailer Inventory	$7,000	2 scheduled trailers
Estimated Payroll	$11,825,000	81 FT EE's

SPECIAL DEDUCTIBLE

Employment Practices Liability	$25,000	Per Occurrence

***see schedule of deductibles on program description**

Members can reduce their future year premiums through SDRMA's Credit Incentive Program (CIP). Credit incentives of up to 15% of the contribution can be earned for completion of approved risk management and training programs.

SDRMA
SPECIAL DISTRICT RISK MANAGEMENT AUTHORITY

1112 I Street, Suite 300
Sacramento, California 95814-2865
T 916.231.4141 or 800.537.7790 • F 916.231.4111

Maximizing Protection. Minimizing Risk. • www.sdrma.org

Please be advised that coverage may be bound upon submitting the following documentation:

- Adoption of a Resolution by the South San Joaquin County Fire Authority Board of Directors approving the form and authorizing the Execution of the Sixth Amended Joint Powers Agreement and agreeing to membership in the SDRMA Property/Liability and Workers' Compensation Programs for an initial 3-year commitment.
- Execution and delivery of the Sixth Amended Joint Powers Agreement of the Special District Risk Management Authority.
- Completion of the Alliant Crime Policy application.
- The Adoption of the Resolution and Approval of the State Application for a Certificate to Self-Insure by South San Joaquin County Fire Authority.
- The Completion of the State Application for a Certificate to Self-Insure by the South San Joaquin County Fire Authority.
- Approval by SDRMA's Board of Directors of South San Joaquin County Fire Authority's membership in the Property/Liability and Workers' Compensation programs. (In the event the South San Joaquin County Fire Authority requires coverage prior to approval by SDRMA's Board of Directors, the SDRMA underwriters are authorized to issue a 60-day conditional binder).
- Annual Membership in California Special Districts Association is required and separate from this quotation.

Upon receipt of all membership documents, SDRMA will forward pro-rated invoices for the annualized Property/Liability and Workers' Compensation Program contributions.

We look forward to South San Joaquin County Fire Authority's participation in the SDRMA Property/Liability and Workers' Compensation Programs. Should you have any questions, or if we can provide any additional information, please do not hesitate to contact us at 800.537.7790. All necessary membership documents will be sent to you upon notification of the District's decision to proceed with membership in the program.

Sincerely,
Special District Risk Management Authority

Ellen Mirabal Doughty, ARM
Chief Member Services Officer

A proud California Special Districts Alliance partner.

California Special Districts Association
1112 I Street, Suite 200
Sacramento, California 95814-2865
T 877.924.CSDA (2732) • F 916.442.7889

CSDA Finance Corporation
1112 I Street, Suite 200
Sacramento, California 95814-2865
T 877.924.CSDA (2732) • F 916.442.7889

APPENDIX B

Classification System

APPENDIX B

Classification System

South San Joaquin County Fire Authority
835 Central Avenue, Tracy, CA 95376 I T el: (209)831-6702 Fax: (209)831-6732

STAFF REPORT

TO: Board of Directors **MEETING DATE: Month XX, 2021**

PREPARED BY: Jackie Heefner, Executive Assistant
APPROVED BY: Randall Bradley, Fire Chief

ITEM: ESTABLISH AND ADOPT A CLASSIFICATION SYSTEM, JOB CLASSIFICATIONS AND ESTABLISH AND APPROVE RELATED CLASSIFICATION SPECIFICATIONS

RECOMMENDATION

It is recommended the Board of Directors establish and adopt the Authority's Classification System by taking the following actions:

1. Approve a Resolution establishing and adopting Job Classifications and establishing and approving related Job Classification Specifications.
2. Review Rules for the ongoing administration of the Authority's Classification Plan which will be adopted and approved in a separate action as part of the Authority's Personnel Rules.

BACKGROUND

In March of 2018 (effective date July 1, 2018), a new Authority Joint Powers Agreement was adopted by both the City of Tracy (City) and Tracy Rural Fire District (Rural). The new agreement expressed the intent of transitioning employees from the current employer of record to become employees of Authority. Memorialized in Section 1.6 of the new JPA agreement were the following words:

> *In the event that the Authority elects to employ its own personnel, the Chief Executive Officer shall, withthe assistance of the staffs and consultants of the Member Agencies, prepare a personnel plan ("the Personnel Plan") detailing how the Authority would employ its own personnel. The Personnel Plan shall detail the treatment of matters such as transfer of employees from the Member Agencies to the Authority (and the transfer's effect on existingcollective bargaining agreements, the allocation of pension liabilities and obligations, the treatment of accrued leave, civil service and seniority rights, and other employee benefits and rights), risk management, and other administrative matters required at the start-up of organizations. The Personnel Plan shall be presented to the legislative bodies of theMember Agencies. Upon their receipt of the Personnel Plan, the Member Agencies agreeto meet in good faith and negotiate the terms of the Authority employing personnel. Thereafter, Member Agencies and Authority shall enter into an agreement regarding theterms of employing personnel ("the Personnel Agreement").*

In mid-2020, Authority staff prepared a draft Personnel Plan signaling the Authority's intent to employ personnel and become a standalone entity. At the November 5, 2020, Board meeting, this Authority Board approved a Resolution of Intention to enter in an employee pension contract with CalPERS.

DISCUSSION

Establishing an employee pension contract with CalPERS is a significant step in establishing a system of compensation and benefits for Authority employees and taking the first steps for the employ of personnel.

As directed by the new JPA Agreement and before any employee may be transferred in or hired by the Authority, an organization must have a personnel system in place that includes a system of job classification, compensation and benefits, risk management, payroll, and other key processes.

Government Code Section 53292 may be construed to require it. The language in CCR §53292 first requires that

> [If a] "*joint powers agency, or department decides to hire additional firefighters, it shall give first choice for the positions to be filled to firefighters employed by the dissolved or decreased district, joint powers agency, or department."*

To provide "first choice" for positions implies that an organization has fair and equitable recruitment policy, procedures, and practices in place.

The following sentence,

> "*As nearly as possible, the firefighters who are hired shall be given positions with a rank comparable to that which they held in the dissolved or decreased district, joint powers agency, or department,"* reinforces the need for such a framework.

Later in subsection (b) of the same section of 53292, the language points to forms of compensation, classification, and labor relations when it reads,

> "*Notwithstanding any other provision of law, where firefighters are hired as a result of the consolidation,… the seniority or other employment rights of the employees of the district, joint powers agency, or fire department taking over the duties of the dissolved or decreased district, joint powers agency, or department shall not be impaired as a result of the consolidation, merger, incorporation, annexation, or contract, except as agreed upon in a memorandum of understanding"* [with each recognized employee organization.]

To continue to accomplish the intent of and mandate in the applicable government code and in the new JPA agreement Authority staff and members of the Transition Team have developed a Personnel Transition Plan that outlines and provides for the personnel system elements necessary to become an employer. Approval of the Resolution attached to this report will establish the Authority's classification plan, consisting of a master list of job classifications and related classification specifications.

Classification System

A classification system organizes Authority positions into standard classifications based on similarities in duties, responsibilities, and requirements; provides a classification specification for each position, and rules for current and ongoing administration of the classification plan. The Authority Classification System includes the following elements:

- Rules for ongoing administration of the Classification Plan (**Appendix A** and included in the Authority Personnel Rules for Adoption)
- A Classification Plan List (showing the hierarchy and title of approved Authority classifications)
- Classification Specifications (for each of the classes in the Classification List)
- Allocated Position Control Roster of currently approved positions
- An Organizational Chart

To comply with Cal. Government Code, §53292, firefighters who are currently employed by a member agency and hired into the Authority, must be given positions with rank and seniority comparable to that which they held in their previous employment. A standardized system of classifying positions allows entities like the Authority and the City of Tracy to know which positions and ranks are similarly classified. Rules of administration provide a roadmap for administering the system and identifying gaps in classification structure between entities. This allows the Authority to provide classifications for transitioning employees into the organization that are substantially like those they are leaving.

The 25 job classifications listed below cover the duties, responsibilities, knowledge, abilities, and complexity of the work completed by current positions at the Authority. For each of the 25 classifications a job classification specification has been created. These job classifications make up the classification plan for the Authority.

LIST OF AUTHORITY CLASSIFICATIONS (27)

Accounting Technician	Fire Marshal
Administrative Assistant I	Fire Reserve
Administrative Assistant II	Firefighter
Administrative Technician	Firefighter Trainee
Permit Technician I	Firefighter/Paramedic
Permit Technician II	Human Resources Analyst I
Emergency Medical Services Manager	Human Resources Analyst II
Executive Assistant	Human Resources Manager
Fire Battalion Chief	Intern-Generalist
Fire Captain	Fiscal Analyst I
Fire Chief	Fiscal Analyst II
Fire Division Chief	Plan Check Examiner
Fire Engineer	Project Specialist I/II
Fire Inspector	

Classification Plans are iterative in nature. Over time, the nature of the work may change, elements of the work change. Part of the administration of a classification plan is a periodic review of the system. From time to time, staff will return to this Board for authority to classify, reclassify, update, eliminate, add to, and improve the classifications, specifications, rules, and processes that make up this system.

For there to be consistency in the application of any system, there must be rules, either written or unwritten to govern processes and practices, and documentation to recall the past and inform the future. The Authority presents as **Attachment 1,** a set of rules for the application and ongoing maintenance of the classification system that include best practices, engagement, and methods of inquiry and appeal. The rules are included in the Authority Personnel Rules and are presented for approval as a separate staff report but included herein for reference.

Each Classification within the system has a written description called a job classification specification. During development of the classification structure for the Authority, the transition team conducted a comprehensive review of all job classifications created by the Authority and the related job classification specifications. Each was compared to those most similar at the City of Tracy and related to Authority work. The Team found that Authority classifications complied with federal and state laws and are materially like City of Tracy classifications assigned to employees currently performing Authority work.

Furthermore, Authority classifications were found to accurately and clearly defined the duties, responsibilities, and minimum qualifications of Authority positions. With few exceptions, the Authority's classifications mirror those of its member agencies for similar positions.

The transition team also reviewed, exempt and non-exempt status under the Federal Labor Standards Act, Equal Opportunity Employer considerations related to essential functions and minimum qualifications, and Workers Compensation class codes or each position. Information on Exempt/Non-Exempt status is also recorded on the Classification List in the packet.

Authority staff held discussions with employee labor organizations and met and conferred in good faith in anticipation of recognizing organizations and employing Authority personnel. The parties have asked questions, offered opinions, and exchanged information. Both parties agree on the classifications assigned to each unit and that they are materially like those at the City of Tracy.

Where there were entry and journey classifications within a series, both will be established to allow for organizational flexibility in the future. Substantive future changes to the Classification Plan will require adoption by the Authority Board.

Staff recommends the Authority Board approve the Establishment of Authority classifications, adoption of related class specifications, and review the rules provided as an appendix to this item. They Rules that govern current and future administration of the classification plan will be approved as part of the Authority Personnel Rules. Authority classification specifications are included in **Appendix A.**

Additional Personnel System Elements

A comprehensive system of personnel administration includes policies and plans and systems for compensation and benefits, risk management, payroll, and other key processes. Two of these items; a compensation plan and personnel policies (Authority Personnel Rules) will be

coming to you as a separate item.
Staff recommends the Authority Board take the following actions:

1. Approve a Resolution establishing and adopting Authority job classifications and establishing and approving related job classification specifications
2. Review Rules for the current and ongoing administration of the Classification Plan that will be adopted and approved as part of the Authority Personnel Rules

FISCAL IMPACTS

There is no fiscal impact related to adopting this resolution.

APPENDIX

1. Rules for Administration of the Authority's Classification Plan

ATTACHMENTS

1. Resolution establishing and adopting Authority classifications and adopting and approving related classification specifications.
   - Job Classification List
   - Job Classification Specifications

DRAFT

South San Joaquin County Fire Authority
MASTER CLASSIFICATION LIST
Effective July 1, 2021

Class Code	Position Title	Unit		Hourly Rate	Recommended Ongoing Admin	Division	Retirement	FLSA
87	Accounting Technician	Unrepresented Admin-Clerical	A	31.5393	B	Administration and Finance	Misc	NE
79	Administrative Assistant I	Unrepresented Admin-Clerical	A	22.9969	10% below Class Code 80	Administration & CCR	Misc	NE
80	Administrative Assistant II	Unrepresented Admin-Clerical	A	25.5323	B	Administration & CCR	Misc	NE
84	Administrative Technician	Unrepresented Admin-Clerical	A	31.5393	Equal to Code 87	Administration		
170	Permit Technician I	Unrepresented Prof-Tech	A	27.8668	8% below Class Code	CRR	Misc	NE
172	Permit Technician II	Prof & Technical	A	30.0961	B	CRR	Misc	NE
140	Emergency Medical Services Manager*	Unrepresented Management	A	47.3445	B	Administration	Safety	E
70	Executive Assistant	Unrepresented Admin-Clerical	A	31.0589	B	Administration	Misc	NE
150	Fire Battalion Chief*	SCFCOA	A	59.1423	B	Operations	Safety	E
40	Fire Captain	TFFA	A	45.0055	B	Opr & Trng	Safety	NE
10	Fire Chief*	Unrepresented	Min	86.7174	B	Administration	Safety	E
20	Fire Division Chief*	Unrepresented Management	A	70.8702	B	Opr & Admin	Safety	E
50	Fire Engineer	TFFA	A	39.6099	B	Operations	Safety	NE
100	Fire Inspector	Unrepresented Prof-Tech	A	38.1947	8% below Class Code	CRR	Misc	NE
90	Fire Marshal*	Unrepresented Management	A	62.2504	5.5% above Class Code	CRR	Safety	E
120	Fire Reserve	Limited Service	A	14.0000	Min Wage	Operations	Safety	NE
60	Firefighter	TFFA	A	35.0914	B	Operations	Safety	NE
62	Firefighter Trainee	Limited Service	A	24.5600	30% below Class Code 60	Operations	Safety	NE
61	Firefighter/Paramedic	TFFA	A	39.4798	B	Operations	Safety	NE
130	Human Resources Analyst I	Unrepresented Management	A	37.8805	15% below Class Code 132	Administration	Misc	E
132	Human Resources Analyst II	Unrepresented Management	A	43.5613	B	Administration	Misc	E
135	Human Resources Manager	Unrepresented Management	A	58.2908	B	Administration	Misc	E
121	Intern-Generalist	Limited Service	A	17.5000	25% above minimum wage	Fire Authority Wide	N/A	NE
180	Fiscal Analyst I*	Unrepresented Admin-Clerical	A	36.9638	13% below Class Code	Administration and Operations	Misc	E
182	Fiscal Analyst II*	Unrepresented Admin-Clerical	A	42.5072	B	Administration and Operations	Misc	E
160	Plan Check Examiner	Unrepresented Prof-Tech	A	41.2023	B	CRR	Misc	NE
125	Project Specialist I/II	Limited Service	Min	14.0000	Min Wage	Fire Authority Wide	N/A	NE
			Max	43.3500				

* Classifications with asterisks are salaried

Class Code	Position Title
87	Accounting Technician
79	Administrative Assistant I
80	Administrative Assistant II
84	Administrative Technician
170	Permit Technician I
172	Permit Technician II
140	Emergency Medical Services Manager*
70	Executive Assistant
150	Fire Battalion Chief*
40	Fire Captain
10	Fire Chief*
20	Fire Division Chief*
50	Fire Engineer
100	Fire Inspector
90	Fire Marshal*
120	Fire Reserve
60	Firefighter
62	Firefighter Trainee
61	Firefighter/Paramedic
130	Human Resources Analyst I
132	Human Resources Analyst II
135	Human Resources Manager
121	Intern-Generalist
180	Fiscal Analyst I*
182	Fiscal Analyst II*
160	Plan Check Examiner
125	Project Specialist I/II

Resolution No. _____

RESOLUTION OF BOARD OF DIRECTORS OF THE SOUTH SAN JOAQUIN COUNTY FIRE AUTHORITY ESTABLISHING AND ADOPTING A CLASSIFICATION SYSTEM AND PLAN, AND AUTHORITY JOB CLASSIFICATIONS, APPROVING RELATED JOB CLASSIFICATION SPECIFICATIONS, AND RULES FOR THE CURRENT AND ONGOING ADMINISTRATION OF THE CLASSIFICATION PLAN

WHEREAS, The Board of Directors of the South San Joaquin County Fire Authority (Authority) desires to become a standalone organization and employ personnel; and

WHEREAS, The Board of Directors of the South San Joaquin County Fire Authority desires to establish, approve, and adopt a uniform set of Job Classifications and related classification specifications for addressing and administering personnel matters; and

WHEREAS, The Job Classifications constitute a portion of the Authority's personnel system and comply with the Classification Plan as set forth by the Authority Personnel Rules (Rules)**;** and

WHEREAS, These Job Classifications supersede any prior Job Classifications and may be changed only upon approval of the Authority Board**;** and

WHEREAS, The Authority has developed rules for ongoing administration of the Classification Plan and an implementation plan and schedule to communicate and disseminate the Job Classifications throughout the organization; and

WHEREAS, As a part of that implementation plan, the Authority has consulted in good faith regarding the impacts of these Job Classifications with recognized employee organizations.

NOW, THEREFORE, BE IT RESOLVED, That the Board of Directors of the South San Joaquin County Fire Authority by this Resolution hereby approves and adopts the Authority's Classification System, establishes and adopts Job Classifications and approves related Job Classification Specifications as set forth in Attachment A, effective Month XX, 2021.

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The foregoing Resolution 2021-_____was adopted by the Board of Directors on the_____day of Month 2021, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

APPROVED: _____

Board Chair

DRAFT

South San Joaquin County Fire Authority
835 Central Avenue, Tracy, CA 95376 I T el: (209)831-6702 Fax: (209)831-6732

STAFF REPORT

TO: Board of Directors **MEETING DATE: Month XX, 2021**

PREPARED BY: Jackie Heefner, Executive Assistant
APPROVED BY: Randall Bradley, Fire Chief

ITEM: ESTABLISH AND ADOPT A CLASSIFICATION SYSTEM, JOB CLASSIFICATIONS AND ESTABLISH AND APPROVE RELATED CLASSIFICATION SPECIFICATIONS

RECOMMENDATION

It is recommended the Board of Directors establish and adopt the Authority's Classification System by taking the following actions:

1. Approve a Resolution establishing and adopting Job Classifications and establishing and approving related Job Classification Specifications.
2. Review Rules for the ongoing administration of the Authority's Classification Plan which will be adopted and approved in a separate action as part of the Authority's Personnel Rules.

BACKGROUND

In March of 2018 (effective date July 1, 2018), a new Authority Joint Powers Agreement was adopted by both the City of Tracy (City) and Tracy Rural Fire District (Rural). The new agreement expressed the intent of transitioning employees from the current employer of record to become employees of Authority. Memorialized in Section 1.6 of the new JPA agreement were the following words:

> *In the event that the Authority elects to employ its own personnel, the Chief Executive Officer shall, withthe assistance of the staffs and consultants of the Member Agencies, prepare a personnel plan ("the Personnel Plan") detailing how the Authority would employ its own personnel. The Personnel Plan shall detail the treatment of matters such as transfer of employees from the Member Agencies to the Authority (and the transfer's effect on existingcollective bargaining agreements, the allocation of pension liabilities and obligations, the treatment of accrued leave, civil service and seniority rights, and other employee benefits and rights), risk management, and other administrative matters required at the start-up of organizations. The Personnel Plan shall be presented to the legislative bodies of theMember Agencies. Upon their receipt of the Personnel Plan, the Member Agencies agreeto meet in good faith and negotiate the terms of the Authority employing personnel. Thereafter, Member Agencies and Authority shall enter into an agreement regarding theterms of employing personnel ("the Personnel Agreement").*

In mid-2020, Authority staff prepared a draft Personnel Plan signaling the Authority's intent to employ personnel and become a standalone entity. At the November 5, 2020, Board meeting, this Authority Board approved a Resolution of Intention to enter in an employee pension contract with CalPERS.

DISCUSSION

Establishing an employee pension contract with CalPERS is a significant step in establishing a system of compensation and benefits for Authority employees and taking the first steps for the employ of personnel.

As directed by the new JPA Agreement and before any employee may be transferred in or hired by the Authority, an organization must have a personnel system in place that includes a system of job classification, compensation and benefits, risk management, payroll, and other key processes.

Government Code Section 53292 may be construed to require it. The language in CCR §53292 first requires that

> [If a] "*joint powers agency, or department decides to hire additional firefighters, it shall give first choice for the positions to be filled to firefighters employed by the dissolved or decreased district, joint powers agency, or department."*

To provide "first choice" for positions implies that an organization has fair and equitable recruitment policy, procedures, and practices in place.

The following sentence,

> "*As nearly as possible, the firefighters who are hired shall be given positions with a rank comparable to that which they held in the dissolved or decreased district, joint powers agency, or department,"* reinforces the need for such a framework.

Later in subsection (b) of the same section of 53292, the language points to forms of compensation, classification, and labor relations when it reads,

> "*Notwithstanding any other provision of law, where firefighters are hired as a result of the consolidation,… the seniority or other employment rights of the employees of the district, joint powers agency, or fire department taking over the duties of the dissolved or decreased district, joint powers agency, or department shall not be impaired as a result of the consolidation, merger, incorporation, annexation, or contract, except as agreed upon in a memorandum of understanding"* [with each recognized employee organization.]

To continue to accomplish the intent of and mandate in the applicable government code and in the new JPA agreement Authority staff and members of the Transition Team have developed a Personnel Transition Plan that outlines and provides for the personnel system elements necessary to become an employer. Approval of the Resolution attached to this report will establish the Authority's classification plan, consisting of a master list of job classifications and related classification specifications.

Classification System

A classification system organizes Authority positions into standard classifications based on similarities in duties, responsibilities, and requirements; provides a classification specification for each position, and rules for current and ongoing administration of the classification plan. The Authority Classification System includes the following elements:

- Rules for ongoing administration of the Classification Plan (**Appendix A** and included in the Authority Personnel Rules for Adoption)
- A Classification Plan List (showing the hierarchy and title of approved Authority classifications)
- Classification Specifications (for each of the classes in the Classification List)
- Allocated Position Control Roster of currently approved positions
- An Organizational Chart

To comply with Cal. Government Code, §53292, firefighters who are currently employed by a member agency and hired into the Authority, must be given positions with rank and seniority comparable to that which they held in their previous employment. A standardized system of classifying positions allows entities like the Authority and the City of Tracy to know which positions and ranks are similarly classified. Rules of administration provide a roadmap for administering the system and identifying gaps in classification structure between entities. This allows the Authority to provide classifications for transitioning employees into the organization that are substantially like those they are leaving.

The 25 job classifications listed below cover the duties, responsibilities, knowledge, abilities, and complexity of the work completed by current positions at the Authority. For each of the 25 classifications a job classification specification has been created. These job classifications make up the classification plan for the Authority.

LIST OF AUTHORITY CLASSIFICATIONS (27)

Accounting Technician	Fire Marshal
Administrative Assistant I	Fire Reserve
Administrative Assistant II	Firefighter
Administrative Technician	Firefighter Trainee
Permit Technician I	Firefighter/Paramedic
Permit Technician II	Human Resources Analyst I
Emergency Medical Services Manager	Human Resources Analyst II
Executive Assistant	Human Resources Manager
Fire Battalion Chief	Intern-Generalist
Fire Captain	Fiscal Analyst I
Fire Chief	Fiscal Analyst II
Fire Division Chief	Plan Check Examiner
Fire Engineer	Project Specialist I/II
Fire Inspector	

Classification Plans are iterative in nature. Over time, the nature of the work may change, elements of the work change. Part of the administration of a classification plan is a periodic review of the system. From time to time, staff will return to this Board for authority to classify, reclassify, update, eliminate, add to, and improve the classifications, specifications, rules, and processes that make up this system.

For there to be consistency in the application of any system, there must be rules, either written or unwritten to govern processes and practices, and documentation to recall the past and inform the future. The Authority presents as **Attachment 1,** a set of rules for the application and ongoing maintenance of the classification system that include best practices, engagement, and methods of inquiry and appeal. The rules are included in the Authority Personnel Rules and are presented for approval as a separate staff report but included herein for reference.

Each Classification within the system has a written description called a job classification specification. During development of the classification structure for the Authority, the transition team conducted a comprehensive review of all job classifications created by the Authority and the related job classification specifications. Each was compared to those most similar at the City of Tracy and related to Authority work. The Team found that Authority classifications complied with federal and state laws and are materially like City of Tracy classifications assigned to employees currently performing Authority work.

Furthermore, Authority classifications were found to accurately and clearly defined the duties, responsibilities, and minimum qualifications of Authority positions. With few exceptions, the Authority's classifications mirror those of its member agencies for similar positions.

The transition team also reviewed, exempt and non-exempt status under the Federal Labor Standards Act, Equal Opportunity Employer considerations related to essential functions and minimum qualifications, and Workers Compensation class codes or each position. Information on Exempt/Non-Exempt status is also recorded on the Classification List in the packet.

Authority staff held discussions with employee labor organizations and met and conferred in good faith in anticipation of recognizing organizations and employing Authority personnel. The parties have asked questions, offered opinions, and exchanged information. Both parties agree on the classifications assigned to each unit and that they are materially like those at the City of Tracy.

Where there were entry and journey classifications within a series, both will be established to allow for organizational flexibility in the future. Substantive future changes to the Classification Plan will require adoption by the Authority Board.

Staff recommends the Authority Board approve the Establishment of Authority classifications, adoption of related class specifications, and review the rules provided as an appendix to this item. They Rules that govern current and future administration of the classification plan will be approved as part of the Authority Personnel Rules. Authority classification specifications are included in **Appendix A.**

Additional Personnel System Elements

A comprehensive system of personnel administration includes policies and plans and systems for compensation and benefits, risk management, payroll, and other key processes. Two of these items; a compensation plan and personnel policies (Authority Personnel Rules) will be

coming to you as a separate item.
Staff recommends the Authority Board take the following actions:

1. Approve a Resolution establishing and adopting Authority job classifications and establishing and approving related job classification specifications
2. Review Rules for the current and ongoing administration of the Classification Plan that will be adopted and approved as part of the Authority Personnel Rules

FISCAL IMPACTS

There is no fiscal impact related to adopting this resolution.

APPENDIX

1. Rules for Administration of the Authority's Classification Plan

ATTACHMENTS

1. Resolution establishing and adopting Authority classifications and adopting and approving related classification specifications.
   - Job Classification List
   - Job Classification Specifications

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ACCOUNTING TECHNICIAN

Class Title:	Accounting Technician	Class Code:	087
Division(s):	Administration and Finance	Unit:	Unrepresented - AC
EEO Code:	80	Effective Date:	7/1/2021
FLSA Status:	Non-Exempt	Revision History:	
Retirement:	Miscellaneous	W/C Code:	9410

DESCRIPTION

Under general supervision, the Accounting Technician performs a variety of technical accounting duties involving the maintenance and operations of the Authority's disbursement system and provides technical assistance to professional level staff in the maintenance and operations of financial systems; provides technical staff assistance to other Authority staff regarding payables or other fiscal data.

DISTINGUISHING CHARACTERISTICS

This is a paraprofessional classification performing complex accounting work, involving the preparation of statistical and analytical reports with technical accounting responsibilities. Accounting Technicians must have a keen sense of detail, perform accurate work, and complete projects accurately under firm deadlines with a fair amount of independence.

SUPERVISION RECEIVED AND EXERCISED

The Accounting Technician receives general supervision from management staff; the Accounting Technician may exercise technical and functional supervision over clerical staff.

EXAMPLES OF TYPICAL DUTIES

This is an illustrative list, duties may include, but are not limited to, the following:

- Provide technical information and instruction regarding applicable procedures and methods; interpret and explain rules and regulations; answer questions and resolve problems or complaints.
- Prepare and monitor Authority disbursements, prepare checks, and oversee distribution and mailing of checks to vendors or claimants.
- Establish and maintain a variety of accounts and records; assign codes and numbers as needed.
- Maintain all payable records including requisitions, purchase orders, invoices, vouchers, check registers, and other files and records for reporting and auditing purposes.
- Audit invoices against purchase orders; verify encumbrances; research discrepancies; prepare payment request vouchers; prepare warrant list for presentation to the Authority

Board of Directors; prepare billings and related correspondence for accounts receivable; institute small claims action when necessary.

- Research and answer vendor, employee, and division questions regarding the status of accounts, payments, and the proper coding of transactions.
- Maintain various ledgers, registers, and journals according to established accounting policies and procedures.
- Maintain Authority fixed asset recording system; impact and update asset data; prepare and reconcile reports; tag asset items; perform field inspection and inventory of fixed assets.
- Assist professional level staff with operations and maintenance of budget, capital improvement program, internal service charging, cash reconciliation and purchasing.
- Perform complex accounting support duties within the Authority's accounting system including the areas of payroll, accounts receivable and accounts payable.
- Open and close accounts; receive and input payments and deposits.
- Maintain records of receivables; prepare invoices; prepare monthly billings for miscellaneous charges including landfill usage, airport rental spaces, damage charges and other services.
- Prepare and monitor the Authority's payroll; audit all time sheets and verify for accuracy including balancing and reconciling payroll and time off reports, deduction reports and payroll tax returns.
- Confer with Authority divisions and individuals regarding changes in payroll status and deduction changes; respond to questions from divisions regarding account numbers, balances, and correction of posting errors; provide technical information and instruction to divisional personnel regarding procedures and methods involved in processing payroll; interpret and explain rules and regulations involving payroll.
- Prepare list and maintain files of Authority vendors and partner agencies, forward copies of listings to other divisions.
- Close cash and receipts register daily, post to financial system.
- Prepare reports on revenues and expenditures.
- Prepare and input journal entries into general ledger system; prepare revenues and expenditure reports as directed.
- Research background information, compile and prepare a variety of statistical and financial reports. Audit and maintain files and records; prepare periodic reports.
- Prepare various reconciliation, such as cash and accounts receivable.
- Operate a variety of computer, office and communication equipment and programs in while performing assigned duties.
- Perform related duties as assigned

MINIMUM QUALIFICATIONS

The minimum knowledge, skills, and abilities necessary to be successful at the position through the probationary or introductory period. Knowledge required for this classification includes:

Demonstrated Knowledge of:

- Generally accepted accounting principles.
- Basic principles and practices of governmental accounting and financial record keeping.
- Advanced bookkeeping principles.
- Modern office procedures, methods, and computer equipment.
- Personal computer applications and programs, such as Microsoft Word and Excel.
- Record keeping practices and procedures.
- Principles of business mathematics.

Demonstrated Ability to:

- Maintain and balance a variety of financial records, ledgers and accounts.
- Perform varied technical accounting work.
- Operate a typewriter, calculator, personal computer, computer terminal and other office equipment.
- Maintain a variety of files.
- Type at a speed necessary for successful job performance.
- Perform procedures in an organized and accurate manner.
- Accurately count, record and balance assigned transactions.
- Understand and carry out oral and written instructions.
- Establish and maintain cooperative working relations with those contacted in the course of work.
- Provide quality customer service.

EXPERIENCE AND EDUCATION

Any combination of experience and training that would likely provide the required knowledge and abilities is qualifying. A typical way to obtain the knowledge and abilities would be:

Experience:

Three (3) years of increasingly responsible clerical accounting and bookkeeping experience. Government accounting experience is desirable.

Education and Training:

Equivalent to completion of the twelfth grade supplemented by two years specialized training or college level accounting courses.

Licenses and Certificates:

Possession of, or ability to obtain and maintain, a valid California Driver's License.

TOOLS

Phones; frequent use of personal computer and printer, including word processing spreadsheet software; statistical computer programs and software; copy machine; postage machine; fax machine; base radio; 10-key calculator, typewriter, shredder, and standard office equipment.

PHYSICAL DEMANDS

The physical demands described here are representative of those that must be met by an employee to successfully perform the essential functions of this job. Reasonable accommodations may be made to enable individuals with disabilities to perform the essential functions.

While performing the duties of this job, the employee is frequently required to sit, talk or hear. The employee is required to use hands to finger, handle, feel or operate objects, tools, or controls; and reach with hands and arms. May be expected to lift and move containers weighing up to 15 pounds. Person must be able to read 8 pitch print and decipher long handwriting of other people.

WORK ENVIRONMENT

The work environment characteristics described here are representative of those an employee encounters while performing the essential functions of this job. Reasonable accommodations may be made to enable individuals with disabilities to perform the essential functions.

The positions work in an office environment where the temperature remains constant. The noise level in the work environment is moderately noisy. There may be intermittent interruptions from phones, public inquiries, and other staff.

This job description does not constitute an employment agreement between the South San Joaquin County Fire Authority and the employee and is subject to change by the Authority as the needs of the Authority and/or the requirements of the job change.

ADMINISTRATIVE ASSISTANT I

Class Title:	Administrative Assistant I	Class Code:	079
Division(s):	Administration and CCR	Unit:	Unrepresented - AC
EEO Code:	80	Effective Date:	07/01/2021
FLSA Status:	Non-Exempt	Revision History:	
Retirement:	Miscellaneous	W/C Code:	9410

DESCRIPTION

Under supervision, to perform a variety of clerical and administrative office support duties that are specialized to an assigned division; to provide receptionist duties, customer service to the public and internal customers, basic clerical accounting support and furnish accurate information and assistance regarding divisional policies and procedures; utilize a variety of computers, office equipment, programs, and software, and communication devices to process data and information, prepare documents, reports, schedules, and presentations; and to perform other related duties as assigned.

DISTINGUISHING CHARACTERISTICS

This is the entry level in the Administrative Assistant classification series. Incumbents perform an assigned range of duties and are expected to become more and more proficient at the full range of duties requiring more specialized knowledge and skills in an assigned area. Incumbents may possess or acquire through the performance of duties, technical or functional expertise in a program area.

SUPERVISION RECEIVED AND EXERCISED

Receives supervision from management or higher-level administrative office support staff. Provides no supervision.

EXAMPLES OF TYPICAL DUTIES

This is an illustrative list, duties may include, but are not limited to, the following:

- Assist the public over the telephone or in person and provide information on divisional policies and procedures in response to inquiries and complaints related to assigned area of responsibility; refer inquiries as appropriate.
- Type, edit, proof, and process a variety of documents including general correspondence, agendas, proclamations, memos, and statistical charts from rough draft, transcribe from recordings or verbal instruction.
- Perform a wide variety of general clerical work including the maintenance of accurate and detailed records and files, verifying accuracy of information, identifying discrepancies, and researching those assigned, and recording information.
- Research and compile information and data, as assigned for statistical and financial reports; update a variety of statistical records; check and tabulate statistical data.

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- Operate a variety of office machines, including computer equipment, multi-line phones, mobile phones, radios, postage meters, fax/print/copy machines.
- Use a variety of computer software and including document, spreadsheet, database, graphic design, communication, publishing, web and social media, photo and imaging, and may use software particular to the area assigned, may be assigned to update web presence or social media.
- Review and maintain a variety of records and files for information and data related to area of responsibility.
- Compile, edit, distribute, and track responses to request for proposal, request for qualifications, and request for information packages using Authority template and information provided by a Division Chief or assignee.
- Provide support for purchasing, solicit prices from vendors, create and update POs, track contract begin and end dates and amounts, file certificates of insurance and track expiration, request renewals, if assigned.
- Compile narratives and articles from gathered materials, combine materials for internal and external media as assigned.
- Contact the public and outside agencies in acquiring and providing information and making referrals.
- Maintain appointment calendars for supervisors.
- Schedule appointments, meetings, and various other divisional activities.
- Prepare support for budget preparation, track and monitor expenditures; prepare supporting schedules and compile budget reports.
- Receive, sort, and distribute incoming and outgoing correspondence and transport mail to Post Office when necessary.
- Provide administrative support to finance and purchasing related to purchase orders, work orders, inventory, and other assigned tasks or functions.
- Order and maintain office supplies.
- Perform related duties as assigned.

MINIMUM QUALIFICATIONS

The minimum knowledge, skills, and abilities necessary to be successful at the position through the probationary or introductory period. Knowledge required for this classification includes:

Demonstrated Knowledge of:

- Modern office practices, policies, procedures, methods.
- Standard office equipment such as telephone, personal computer, printer, typewriter, copier, microfilm, electronic mail, calculator, fax and other standard office machines.

- Computer software such as word processing, data base, and spreadsheet calculations.
- Receptionist and telephone techniques.
- Proper English usage, spelling, grammar, and punctuation including basic mathematics.
- Methods and procedures of purchasing.

Demonstrated Ability to:

- Interpret and apply the policies and procedures of the function to which assigned.
- Perform general clerical work including maintenance of appropriate records and compiling information for reports.
- Operate and use modern office equipment including a word processor and related equipment.
- Transcribe and/or type or use word processing to produce clear, clean, accurate documents in a timely manner.
- Perform basic mathematical calculations.
- Accept fees and charges including making change and deposits and perform basic record keeping duties.
- Establish and maintain effective work relationships with those contacted in the course of work.
- Communicate effectively, both orally and in writing.
- Understand and carry out oral and written directions.
- Maintain a regular and reliable level of attendance.

EXPERIENCE AND EDUCATION

Any combination of experience and training that would likely provide the required knowledge and abilities is qualifying. A typical way to obtain the knowledge and abilities would be:

Experience:

One (1) year of increasingly responsible general office support experience including customer service duties and the use of a variety of office and computer equipment and software.

Education:

High School Diploma or equivalent. Specialized course work in office practices such as computer software packages, typing, filing, and bookkeeping is desirable.

Licenses and Certificates:

Possession of, or ability to obtain and maintain, a valid California Driver's License.

TOOLS

A variety of office machines including single and multi line phones, mobile phones, computer, tablet, printer, copy machine, postage meter, fax machine, base radio, 10-key calculator, typewriter, and shredder.

May be required to drive vehicle to deliver items.

PHYSICAL DEMANDS

The physical demands described here are representative of those that must be met by an employee to successfully perform the essential functions of this job. Reasonable accommodations may be made to enable individuals with disabilities to perform the essential functions.

While performing the duties of this job, the employee is frequently required to walk, sit, talk, and hear. The employee is occasionally required to use hands to operate objects, tools, or controls; and reach with hands and arms. The employee is occasionally required to climb or balance; stoop, kneel, crouch, or crawl.

The employee must occasionally lift and/or move up to 25 pounds. Specific vision abilities required by this job include close vision, the ability to discern colors, and the ability to adjust focus.

WORK ENVIRONMENT

The work environment characteristics described here are representative of those an employee encounters while performing the essential functions of this job. Reasonable accommodations may be made to enable individuals with disabilities to perform the essential functions.

While performing the duties of this job, the employee works inside where the temperature remains constant. The noise level in the work environment is moderate to noisy. There are frequent interruptions from phones, public inquiries, and other staff.

This job description does not constitute an employment agreement between the South San Joaquin County Fire Authority and the employee and is subject to change by the Authority as the needs of the Authority and/or the requirements of the job change.

ADMINISTRATIVE ASSISTANT II

Class Title:	Administrative Assistant II	Class Code:	080
Division(s):	Administration and CCR	Unit:	Unrepresented - AC
EEO Code:	80	Effective Date:	3/16/2021
FLSA Status:	Non-Exempt	Revision History:	
Retirement:	Miscellaneous	W/C Code:	9410

DESCRIPTION

Under general supervision, to perform a wide variety of complex clerical and administrative office support duties that are specialized to an assigned division; to provide receptionist duties, customer service to the public and internal customers, basic clerical accounting support and furnish accurate information and assistance regarding divisional policies and procedures utilize a variety of computers, office equipment, programs, and software, and communication devices to process data and information, prepare documents, reports, schedules, and presentations; and to perform other related duties as assigned.

DISTINGUISHING CHARACTERISTICS

This is a journey level classification in the Administrative Assistant classification series. Incumbents perform the full range of duties requiring more specialized knowledge and training in an assigned area. Incumbents possess technical or functional expertise in a program area and are assigned specialized duties.

An Administrative Assistant II may be filled by external recruitment or by internal promotion of an Administrative Assistant I who has demonstrated successful performance of all duties, responsibilities, and behavioral expectations of an Administrative Assistant I and has met all minimum qualifications for the II level classification.

SUPERVISION RECEIVED AND EXERCISED

Receives supervision from management or higher-level administrative office support staff. Provides no supervision.

EXAMPLES OF TYPICAL DUTIES

This is an illustrative list, duties may include, but are not limited to, the following:

- Assist the public over the telephone or in person and provide information on divisional policies and procedures in response to inquiries and complaints related to assigned area of responsibility; refer inquiries as appropriate.
- Create, edit, type, proof, and process a variety of documents including general correspondence, agendas, proclamations, memos, and statistical charts from rough draft, transcribe from recordings or verbal instruction.

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- Perform a wide variety of general clerical work including the maintenance of accurate and detailed records and files, verifying accuracy of information, researching discrepancies, and recording information.
- Independently research and compile information and data for statistical and financial reports; maintain a variety of statistical records; check and tabulate statistical data.
- Operate a variety of office machines, including computer equipment, multi-line phones, mobile phones, radios, postage meters, fax/print/copy machines.
- Use a variety of computer software and including document, spreadsheet, database, graphic design, communication, publishing, web and social media, photo and imaging, and may use software particular to the area assigned.
- Initiate and maintain a variety of records and files for information and data related to area of responsibility, may be assigned to update web presence or social media.
- Compose narratives and articles regarding assigned area for internal and external media as assigned.
- Contact the public and outside agencies in acquiring and providing information and making referrals.
- Prepare, compile, distribute, and track responses to request for proposal, request for qualifications, and request for information packages using Authority template and information provided by a Division Chief or assignee.
- Provide support for purchasing, solicit prices from vendors, create and update POs, track contract begin and end dates and amounts, file certificates of insurance and track expiration, request renewals, if assigned.
- Maintain appointment calendars for supervisors.
- Schedule appointments, meetings, and various other divisional activities.
- Assist in budget preparation and monitor expenditures; prepare budget reports.
- Receive, sort, and distribute incoming and outgoing correspondence and transport mail to Post Office when necessary.
- Order and maintain office supplies.
- Perform related duties as assigned.

MINIMUM QUALIFICATIONS

The minimum knowledge, skills, and abilities necessary to be successful at the position through the probationary or introductory period. Knowledge required for this classification includes:

Demonstrated Knowledge of:

- Modern office practices, policies, procedures, methods.
- Standard office equipment such as telephone, personal computer, printer, typewriter, copier, microfilm, electronic mail, calculator, fax and other standard office machines.

- Computer software such as word processing, data base, and spreadsheet calculations.
- Receptionist and telephone techniques.
- Proper English usage, spelling, grammar, and punctuation including basic mathematics.
- Methods and procedures of purchasing.

Demonstrated Ability to:

- Interpret and apply the policies and procedures of the function to which assigned.
- Perform general clerical work including maintenance of appropriate records and compiling information for reports.
- Operate and use modern office equipment including a word processor and related equipment.
- Transcribe and/or type or use word processing to produce clear, clean, accurate documents in a timely manner.
- Perform basic mathematical calculations.
- Accept fees and charges including making change and deposits and perform basic record keeping duties.
- Establish and maintain effective work relationships with those contacted in the course of work.
- Communicate effectively, both orally and in writing.
- Understand and carry out oral and written directions.
- Maintain a regular and reliable level of attendance.

EXPERIENCE AND EDUCATION

Any combination of experience and training that would likely provide the required knowledge and abilities is qualifying. A typical way to obtain the knowledge and abilities would be:

Experience:

Two (2) years of increasingly responsible general office support experience including customer service duties and the use of standard computer office software packages.

Education:

High School Diploma or equivalent. Specialized course work in office practices such as computer software packages, typing, filing, and bookkeeping is desirable.

Licenses and Certificates:

Possession of, or ability to obtain and maintain, a valid California Driver's License.

TOOLS

A variety of office machines including single and multi line phones, mobile phones, computer, printer, copy machine, postage meter, fax machine, base radio, 10-key calculator, typewriter, and shredder.

May be required to drive vehicle to deliver items.

PHYSICAL DEMANDS

The physical demands described here are representative of those that must be met by an employee to successfully perform the essential functions of this job. Reasonable accommodations may be made to enable individuals with disabilities to perform the essential functions.

While performing the duties of this job, the employee is frequently required to walk, sit, talk, and hear. The employee is occasionally required to use hands to operate objects, tools, or controls; and reach with hands and arms. The employee is occasionally required to climb or balance; stoop, kneel, crouch, or crawl.

The employee must occasionally lift and/or move up to 25 pounds. Specific vision abilities required by this job include close vision, the ability to discern colors, and the ability to adjust focus.

WORK ENVIRONMENT

The work environment characteristics described here are representative of those an employee encounters while performing the essential functions of this job. Reasonable accommodations may be made to enable individuals with disabilities to perform the essential functions.

While performing the duties of this job, the employee works inside where the temperature remains constant. The noise level in the work environment is moderate to noisy. There are frequent interruptions from phones, public inquiries, and other staff.

This job description does not constitute an employment agreement between the South San Joaquin County Fire Authority and the employee and is subject to change by the Authority as the needs of the Authority and/or the requirements of the job change.

ADMINISTRATIVE TECHNICIAN

Class Title: Accounting Technician Class Code: 084

Division(s): Administration and Finance Unit: Unrepresented - AC

EEO Code: 80 Effective Date:7/1/2021

FLSA Status: Non-Exempt Revision History:

Retirement: Miscellaneous W/C Code: 9410

DESCRIPTION

Under general supervision, performs a variety of technical and administrative support duties requiring the application of procedural, program, and compliance knowledge in support of a department; coordinates assigned programs, projects, and services with other departments, divisions, and outside agencies; performs research and routine analysis on a wide variety of special projects; assumes ongoing, technical responsibilities specific to software systems including developing, integrating, and maintaining data and databases; researches, gathers, and interprets statistical data; performs a variety of office support duties; and performs related duties, as assigned.

DISTINGUISHING CHARACTERISTICS

This is a technical classification providing specialized and deep technical support for an assigned department, division, or program. The work has technical and procedural aspects, requiring the interpretation and application of and ensuring compliance with policies, procedures, requirements, and regulations. Responsibilities include customizing, updating and maintaining critical database and record systems that have extensive impact on departmental operations. Incumbents serve to relieve the supervisor of performing both administrative and technical work and are expected to function with very little direct oversight. Successful performance of the work requires the frequent use of tact, discretion, and independent judgment, knowledge of departmental activities, and extensive staff contact. This class is distinguished from the Administrative Assistant classification in that the latter is responsible for applying clerical and administrative procedures and requirements to perform duties that facilitate the work of an office and/or unit.

SUPERVISION RECEIVED AND EXERCISED

The Accounting Technician receives general supervision from supervisory or management staff; the Accounting Technician may exercise technical and functional supervision over clerical staff.

EXAMPLES OF TYPICAL DUTIES

This is an illustrative list, duties may include, but are not limited to, the following:

- Performs technical work in support of an assigned department; applies technical procedures, methods, and techniques to support program and management analysis

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functions and processes; monitors and explains operational and program requirements and processes to various stakeholders.

- Monitors, coordinates, organizes, and carries out administrative and technical assignments and projects; researches and compiles information and data from internal and external sources on topics related to assigned areas of responsibility; reviews, organizes, and summarizes data collected; compares data to identify trends and discrepancies; presents preliminary findings and recommendations in an appropriate format for review by senior professional, supervisory, or management staff.
- Researches, interprets, and ensures compliance with laws, codes, rules, and regulations, and City program guidelines, policies, and procedures related to assigned areas of responsibility.
- Organizes, coordinates, maintains, and updates City record systems including CMMS, training, asset management registry, GIS, and inventory; enters and updates information with departmental activity, files, and report summaries; prepares documents for imaging; organizes and maintains various administrative, reference, imaging, and follow-up files; periodically reviews and purges files in accordance with the records retention policy.
- Maintains CMMS database, including asset records, system codes, asset repair and maintenance history, work orders, schedules; updates employee rates; performs quality control activities.
- Creates custom reports from the CMMS database that meets the needs of City users and external agencies; ensures quality control of report data.
- Assists with the implementation, administration, and maintenance of the City GIS; provides database coordination and system administration and integration.
- Provides technical support and coordination on capital improvement projects with contractors, utility companies, other agencies and the public on routine capital maintenance projects.
- Assists with special studies and projects; collects and analyzes data using statistical methods and automated software applications.
- Maintains administrative records systems for program/project area to which assigned; collects and inputs program data into automated systems.
- Assists professional staff with grant application and administration.
- Verifies and reviews forms and reports for completeness and conformance with established regulations and procedures; applies departmental and program policies and procedures in determining completeness of applications, records, and files.
- Prepares, processes, and tracks purchase requisitions for services and materials; enters purchase information into computer system; ensures issuance of purchase order; coordinates delivery of services and materials; receives and reconciles vendor invoices.
- Performs other related duties as assigned.

MINIMUM QUALIFICATIONS

The minimum knowledge, skills, and abilities necessary to be successful at the position through the probationary or introductory period. Knowledge required for this classification includes:

Demonstrated Knowledge of:

- Administrative techniques, including the principles of accounting and budget.
- Technology, hardware and software, and current applications related to assignment, including database management, mapping and report generation, and web applications.
- Principles and practices of digitizing, data conversion, and data management.
- Basic principles and techniques of research, data collection, and report preparation.
- Methods and techniques of preparing technical reports.
- Principles and practices of record keeping.
- Business arithmetic and statistical techniques.
- Applicable Federal, State, and local laws, regulatory codes, ordinances, and procedures relevant to assigned area of responsibility.
- Techniques for providing a high level of customer service by effectively dealing with the public, vendors, contractors, and City staff.
- The structure and content of the English language, including the meaning and spelling of words, rules of composition, and grammar.
- Modern equipment and communication tools used for business functions and program, project, and task coordination.
- Computers and software programs (e.g., Microsoft software packages) to conduct, compile, and/or generate documentation.

Demonstrated Ability to:

- Configure, integrate, and maintain data and databases, websites, and related applications to support business needs.
- Prepare clear and concise technical documentation, reports of work performed, and other written materials.
- Perform responsible and difficult administrative work involving the use of independent judgment and personal initiative.
- Establish and maintain a variety of filing, record keeping, and tracking systems.
- Make accurate arithmetic, financial, and statistical computations.
- Understand, interpret, and apply all pertinent laws, codes, regulations, policies and procedures, and standards relevant to work performed.
- Learn and understand the organization and operation of the City and of outside agencies as necessary to assume assigned responsibilities.
- Independently organize work, set priorities, meet critical deadlines, and follow-up on assignments.

- Effectively use computer systems, software applications, and modern business equipment to perform a variety of work tasks.
- Communicate clearly and concisely, both orally and in writing, using appropriate English grammar and syntax.
- Use tact, initiative, prudence, and independent judgment within general policy, procedural, and legal guidelines.
- Establish, maintain, and foster positive and effective working relationships with those contacted in the course of work.

EXPERIENCE AND EDUCATION

Any combination of experience and training that would likely provide the required knowledge and abilities is qualifying. A typical way to obtain the knowledge and abilities would be:

Experience:

Equivalent to an associate degree in business administration, public administration, or a related field and two (2) years of increasingly responsible experience with database administration. Experience with utility or public works infrastructure desirable.

Licenses and Certifications:

- Possession of, or the ability to obtain, a valid Class C California driver's license upon appointment.
- May be required to complete National Incident Management System (NIMS) Training.

Education and Training:

Equivalent to completion of the twelfth grade supplemented by two years specialized training or college level accounting courses.

Licenses and Certificates:

Possession of, or ability to obtain and maintain, a valid California Driver's License.

TOOLS

Phones; frequent use of personal computer and printer, including word processing spreadsheet software; statistical computer programs and software; copy machine; postage machine; fax machine; base radio; 10-key calculator, typewriter, shredder, and standard office equipment.

PHYSICAL DEMANDS

Must possess mobility to work in a standard office setting and use standard office equipment, including a computer, and to operate a motor vehicle to visit various City and meeting sites; climb and descend ladders to reach or inspect equipment located above or below ground; vision to read printed materials and a computer screen; and hearing and speech to communicate in person and over the telephone. Standing in and walking between work areas is frequently required. Finger dexterity is needed to access, enter, and retrieve data using a computer keyboard or calculator and to operate standard office equipment. Positions in this classification frequently bend, stoop, kneel, and reach to perform assigned duties, as well as push and pull drawers open and closed to retrieve and file information. Employees must possess the ability to lift, carry, push, and pull materials and objects up to 25 pounds with the use of proper equipment.

ENVIRONMENTAL CONDITIONS

Employees work in an office environment with moderate noise levels, controlled temperature conditions, and no direct exposure to hazardous physical substances. Employees may work in the field and occasionally be exposed to loud noise levels, cold and hot temperatures, inclement weather conditions, dust, dirt, and hazardous chemical substances and fumes. Employees may interact with upset staff and/or public and private representatives in interpreting and enforcing departmental policies and procedures.

WORKING CONDITIONS

N/A

DISASTER SERVICE WORKER

All City of Tracy employees are, by State and Federal law, Disaster Service Workers. The roles and responsibilities for Disaster Service Workers are authorized by the California Emergency Services Act and are defined in the California Labor Code. In the event of a declaration of emergency, any employee of the City may be assigned to perform activities which promote the protection of public health and safety or the preservation of lives and property. Such assignments may require service at locations, times, and under conditions that are significantly different than the normal work assignments and may continue into the recovery phase of the emergency. If a “Local Emergency” is declared during the employee’s shift, employees will be expected to remain at work to respond to the emergency needs of the community. If a “Local Emergency” is declared outside of the employee’s shift, employees must make every effort to contact their direct supervisor or department head to obtain reporting instructions as Disaster Service Workers.

PERMIT TECHNICIAN I

Class Title:	Permit Technician I	Class Code:	170
Division(s):	CRR	Unit:	Unrepresented - PT
EEO Code:	70	Effective Date:	3/16/2021
FLSA Status:	Non-Exempt	Revision History:	
Retirement:	Miscellaneous	W/C Code:	9410

DESCRIPTION

Under general supervision, performs paraprofessional and administrative duties for the operations of the Community Risk Reduction Division and provides permit-related information to internal and external customers.

DISTINGUISHING CHARACTERISTICS

Incumbents in this class perform a variety of routine and technical tasks issuing and reviewing permit applications.

Initially, work is performed under close supervision; however, as the skill level and experience develops, incumbents are expected to utilize and apply independent judgment in permit intake and processing, interpreting regulations and policies, calculating permit fees, resolving routing, complaint, and related activities. Work is characterized by extensive use of electronic information, permit tracking systems, and substantial direct customer and telephone contact.

SUPERVISION RECEIVED AND EXERCISED

Receives supervision from the Fire Marshal or his/her designee.

Exercises no supervision.

EXAMPLES OF TYPICAL DUTIES

This is an illustrative list, duties may include, but are not limited to, the following:

- Greet customers, schedule inspection appointments, and receive calls for information requests, direct callers and provide the correct information to customers.
- Advise contractors, developers, engineers, architects, and the public on routine and well documented permit process requirements and permit status.
- Verify contractors' licenses, appropriate business licenses, worker's compensation, insurance ,and property ownership
- Calculate permit fees. Ensures all permit fees are paid or, if deferred, that appropriate documentation is recorded.
- Interpret simple blueprints and building plans for processing and code compliance.
- Review applications for completeness so that plans can be review for accuracy and compliance with local, state, and Federal regulations and policies.

- Coordinate daily inspection schedule. Retrieve messages from the inspection message line and log into inspection computer, verify that the inspection requested is the correct inspection needed. Research if necessary the type of inspection required.
- Research permit application status in response to inquiries from staff and the public.
- Update permit applications status in response to inquiries from staff and the public.
- Update permit records and file; enters data into the automated system; logs permit activities.
- Collect and compile data as directed for the preparation of reports and statistical information.
- Circulate permit submittal to other divisions and consultants for review and comment and records responses.
- Issue permits, as directed, that are in compliance with standardized requirements.
- Prepare and issue bills, receipts, letters, statistical reports and other forms, and schedule inspections in compliance with standardized requirements. Respond to public inquiries at the counter, by phone, and in writing.
- Coordinate archiving of records.
- Perform related duties as assigned.

MINIMUM QUALIFICATIONS

The minimum knowledge, skills, and abilities necessary to be successful at the position through the probationary or introductory period. Knowledge required for this classification includes:

Demonstrated Knowledge of:

- Basic mathematics.
- Basic plan check and building permit, fire or hazardous materials permit approval process and procedure.
- Local building and fire codes.
- Basic construction practices and concepts.
- Effective public contact techniques in person, on the telephone, and through written communication.
- Manual and automated filing and permit tracking systems and record keeping.

Demonstrated Ability to:

- Work on several tasks simultaneously, plan and organize workload, and meet deadlines Read and analyze simple plans and blueprints.
- Work independently within established policies and procedures.

- Operate a keyboard utilizing word processing, spreadsheet, e-mail, and permit tracking software.
- Perform detailed review of permit submittal and prepare responses to ensure completeness and conformance to processing requirements.
- Establish and maintain effective working communicationd and relationships with those contacted in the performance of required duties.

EXPERIENCE AND EDUCATION

Any combination of experience and training that would likely provide the required knowledge and abilities is qualifying. A typical way to obtain the knowledge and abilities would be:

Experience:

Two (2) years of responsible administrative experience involving extensive public contact and document processing, preferably one year with a public agency.

Education:

High School Diploma or equivalent.

College-level coursework in building code requirements, fire science, or hazardous materials code requirements are highly desirable.

Licenses and Certificates

Possession of, or ability to obtain an appropriate, valid California drivers' license or the ability to convey oneself timely from one work location to another and maintain expected productivity.

TOOLS

Requires frequent use of personal computer, including word processing, database and spreadsheet programs; electronic scheduling; calculator, telephone, copy machine and fax machine.

PHYSICAL DEMANDS

The physical demands described here are representative of those that must be met by an employee to successfully perform the essential functions of this job. Reasonable accommodations may be made to enable individuals with disabilities to perform the essential functions.

On a continuous basis, sit at a desk and in meetings for long periods of time. Intermittently twist to reach equipment surrounding desk. Perform simple grasping and fine manipulation.

Communicate extensively through the use of a telephone and/or a personal computer, and communicate in written form.

The employee must occasionally lift and/or move up to 20 pounds.

Specific vision abilities required by this job include close vision and the ability to adjust focus.

WORK ENVIRONMENT

The work environment characteristics described here are representative of those an employee encounters while performing the essential functions of this job. Reasonable accommodations may be made to enable individuals with disabilities to perform the essential functions.

The noise level in the work environment is usually moderately quiet.

This job description does not constitute an employment agreement between the South San Joaquin County Fire Authority and the employee and is subject to change by the Authority as the needs of the Authority and/or the requirements of the job change.

PERMIT TECHNICIAN I

Class Title:	Permit Technician I	Class Code:	170
Division(s):	CRR	Unit:	Unrepresented - PT
EEO Code:	70	Effective Date:	3/16/2021
FLSA Status:	Non-Exempt	Revision History:	
Retirement:	Miscellaneous	W/C Code:	9410

DESCRIPTION

Under general supervision performs paraprofessional and administrative duties for the operations of the Community Risk Reduction Division. Provides permit-related information to internal and external customers.

DISTINGUISHING CHARACTERISTICS

Incumbents in this class perform a variety of routine and technical tasks issuing and reviewing permit applications.

Initially, work is performed under close supervision; however, as the skill level and experience develops incumbents are expected to utilize and apply independent judgment in permit intake and processing, interpreting regulations and policies, calculating permit fees, resolving routing complaint and related activities. Work is characterized by extensive use of electronic information, permit tracking systems and substantial direct customer and telephone contact.

SUPERVISION RECEIVED AND EXERCISED

Receives supervision from the Fire Marshal or his/her designee.

Exercises no supervision.

EXAMPLES OF TYPICAL DUTIES

This is an illustrative list, duties may include, but are not limited to, the following:

- Greet customers, schedules inspection appointments, and receives calls for information requests, directs callers and/or provide the correct information to customers.
- Advise contractors, developers, engineers, architects, and the public on routine and well documented permit process requirements and permit status.
- Verifiy contractors' licenses, appropriate business licenses, worker's compensation, insurance and property ownership
- Calculate permit fees. Ensures all permit fees are paid or, if deferred, that appropriate documentation is recorded.
- Interpret simple blueprints and building plans for processing and/or code compliance.
- Review applications for completeness so that plans can be review for accuracy and compliance with local, state, and Federal regulations and policies.
- Coordinate daily inspection schedule. Retrieve messages from the inspection message line and log into computer, verify that the inspection needed is the correct inspection needed. Research if necessary the type of inspection required.

- Research permit application status in response to inquiries from staff and the public.
- Update permit applications status in response to inquiries from staff and the public.
- Update permit records and file; enters data into automated system; logs permit activities.
- Collect and compile data as directed for preparation of reports and statistical information.
- Circulate permit submittal to other divisions and consultants for review and commend, and records responses.
- Issue permits, as directed, that are in compliance with standardized requirements.
- Prepare and issue bill, receipts, letter, statistical reports and other forms, and schedule inspections in compliance with standardized requirements. Respond to public inquiries at counter, by phone and in writing.
- Coordinate archiving of records.
- Perform related duties as assigned.

MINIMUM QUALIFICATIONS

The minimum knowledge, skills, and abilities necessary to be successful at the position through the probationary or introductory period. Knowledge required for this classification includes:

Demonstrated Knowledge of:

- Basic mathematics.
- Basic plan check and building permit, fire or hazardous materials permit approval process and procedure.
- Loal building and fire codes.
- Basic construction practices and concepts.
- Effective public contact techniques in person, on the telephone, and through written communication.
- Manual and automated filing and permit tracking systems and record keeping.

Demonstrated Ability to:

- Work on several tasks simultaneously, plan and organize workload, and meet deadlines Read and analyze simple plans and blueprints.
- Work independently within established policies and procedures.
- Operate a keyboard utilizing word processing, spreadsheet, e-mail, and permit tracking software.
- Perform detailed review of permit submittal and prepare responses to ensure completeness and conformance to processing requirements.

- Establish and maintain effective working communication relationship with those contacted in the performance of required duties.

EXPERIENCE AND EDUCATION

Any combination of experience and training that would likely provide the required knowledge and abilities is qualifying. A typical way to obtain the knowledge and abilities would be:

Experience:

Two (2) years of responsible administrative experience involving extensive public contact and document processing, preferably one year with a public agency.

Education:

High School Diploma or equivalent.

College-level coursework in building code requirements, fire science, or hazardous materials code requirement is highly desirable.

Licenses and Certificates

Possession of, or ability to obtain an appropriate, valid California drivers' license.

TOOLS

Requires frequent use of personal computer, including word processing, database and spreadsheet programs; electronic scheduling; calculator, telephone, copy machine and fax machine.

PHYSICAL DEMANDS

The physical demands described here are representative of those that must be met by an employee to successfully perform the essential functions of this job. Reasonable accommodations may be made to enable individuals with disabilities to perform the essential functions.

On a continuous basis, sit at a desk and in meetings for long periods of time. Intermittently twist to reach equipment surrounding desk. Perform simple grasping and fine manipulation.

Communicate extensively through the use of a telephone and/or a personal computer, and communicate in written form.

The employee must occasionally lift and/or move up to 20 pounds.

Specific vision abilities required by this job include close vision and the ability to adjust focus.

WORK ENVIRONMENT

The work environment characteristics described here are representative of those an employee encounters while performing the essential functions of this job. Reasonable accommodations may be made to enable individuals with disabilities to perform the essential functions.

The noise level in the work environment is usually moderately quiet.

This job description does not constitute an employment agreement between the South San Joaquin County Fire Authority and the employee and is subject to change by the Authority as the needs of the Authority and/or the requirements of the job change.

EMERGENCY MEDICAL SERVICES MANAGER

Class Title:	Emergency Medical Services Manager	Class Code:	140
Division(s):	Administration	Unit:	Safety
EEO Code:	76	Effective Date:	3/16/2021
FLSA Status:	Exempt	Revision History:	
Retirement:	Safety	W/C Code:	7706

DESCRIPTION

Under the Direction of the Fire Chief or designee, assists in administrative operations for pre-hospital emergency medical services, including budget development and overseeing; develops policies and procedures for emergency management programs; develops, reviews, coordinates, monitors and evaluates the Authority's Emergency Medical Services Program(s); exercises quality control over the Authority's Emergency Medical Services program(s); develops and conducts educational training related to the provision of Emergency Medical Services at the Basic and Advanced Life Support levels, including paramedic training program(s); provides emergency response training to Authority employees and citizen's groups; as the Authority's Liaison, provides expertise in program elements and technical assistance to public and private agencies.

DISTINGUISHING CHARACTERISTICS

This is a single incumbent classification which is currently designed for a sworn incumbent but may, if in the interest of the Authority, be filled by a non-sworn employee. The classification is responsible for the daily administrative, analytical and oversight activities associated with ensuring that EMS providers are in conformance with Federal, State, and Local regulations, guidelines and standards related to the delivery of pre-hospital emergency medical care and response to medical emergencies; Coordinates work with suppression personnel, outside agencies, the Prescribing Physician and the general public to effectively deliver the Emergency Medical Services Program.

SUPERVISION RECEIVED AND EXERCISED

The Emergency Medical Services Manager receives supervision from the Chief Officer or designee. May exercise lead functional or technical direction over assigned paramedic staff, contractors, and vendors.

EXAMPLES OF TYPICAL DUTIES

This is an illustrative list, duties may include, but are not limited to, the following:

- Monitors assigned program components and Emergency Medical Services (EMS) personnel for compliance with State and local laws and regulations; develops program objectives; recommends and implements EMS policies, procedures, and protocol standards.
- Evaluates, coordinates, and monitors quality assurance issues; designs and implements quality assurance mechanisms for evaluation of system compliance and patient

outcome; evaluates and analyzes Emergency Medical Services (EMS) needs, trends and system effectiveness and makes recommendations for improvement.

- Investigates and makes recommendations for follow up or corrective action on all citizen and public safety agency complaints or inquiries about Pre-hospital Care System and Emergency Medical Services (EMS) delivery by paramedics and Emergency Medical Technicians (EMTs).
- Monitors changes in local, state, and federal regulations and establishes Authority policies and procedures to assure compliance with standards.
- Participates in the development of budgets and related documents for federal, State and Fire Authority funding, and oversees the expenditure of funds.
- Reviews existing operations; recommends and implements new/revised policies and procedures in response to changing Authority, divisional, organizational, and system needs.
- Advises the division in planning and evaluating the delivery of emergency medical services and assists in the development of policies and procedures to optimize patient care and minimize risk.
- Coordinates and supervises the division's delivery of basic and advanced life support services through development of objectives and implementation of policies, procedures and operating standards.
- Represents the division before civic and community groups; promotes and responds to media and public inquiries; prepares new and revised ordinances or codes to implement emergency medical services programs; increases community participation in the programs via outreach activities
- Represents the division on various county and state committees.
- Serves as liaison to local hospitals and maintains open lines of communication between division and facilities.
- Acts as the chairperson of the division's Continuous Quality Improvement Committee and solicits input from shift representatives.
- Stocks and maintains supplies for the Emergency Medical Services (EMS) Program; schedules regular testing procedures to insure operational efficiency.
- Assesses medical equipment, supplies, and related facilities support services; manages logistics and contracts.
- Prepares draft reports defining medical audit methods and procedures and study results for the San Joaquin County Emergency Medical Services (EMS) Authority.
- Ensures that Authority paramedics and Emergency Medical Technicians (EMTs) are maintaining certifications, licenses, accreditations, and are performing required patient care benchmark skills.
- Oversees the licensing and re-licensing of Authority paramedics and EMT's.
- Evaluates instructional programs and materials for content and results in compliance with Emergency Medical Services (EMS) and Agency requirements.

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- Conduct field observations, including ride-alongs with personnel to observe performance during actual responses and assure compliance with policies and procedures, file reports and recommendations for improvements.
- Participates in Emergency Medical Services (EMS) annual budget planning process.
- May be assigned to negotiate and recommend agreements with public, non-profit, and private agencies in support of Emergency Medical Services (EMS) Program.
- Works with the Division's Prescribing Physician regarding the acquisition, oversight, and maintenance of security compliance for narcotics.
- Manages the controlled substances restock program in collaboration with the Prescribing Physician. Other duties as assigned.

MINIMUM QUALIFICATIONS

The minimum knowledge, skills, and abilities necessary to be successful at the position through the probationary or introductory period. Knowledge required for this classification includes:

Demonstrated Knowledge of:

- EMS terminology and equipment related to the delivery of pre-hospital EMS. Communication techniques required for gathering, evaluating, and transmitting information.
- Effective interviewing, counseling, and instruction techniques.
- Principles and practices of emergency medicine for planning, development, and implementation of comprehensive and effective EMT and Paramedic training programs, including methodologies, techniques, legal and ethical guidelines related to the practice and administration of EMS programs. Federal, State and Local laws, regulations, policies, procedures, and protocol related to the delivery of EMS.
- Office procedures, methods and equipment including computers and applicable software applications. Principles and practices of effective supervision including training, work evaluation and discipline.
- Concepts and principals of EMS quality improvement.
- Communicable diseases, blood borne pathogens and exposure treatment modalities.

Demonstrated Ability to:

- Organize, plan, implement and assume management of the EMS program, including scheduling, coordination, and conflict resolution.
- Assist in planning, coordinating, monitoring, and evaluating the Authority's EMS programs and technical area.
- Perform programmatic and administrative duties involving the use of independent judgment and personal initiative.

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- Understand, interpret, and apply administrative and Authority policies and procedures as well as pertinent Federal, State and Local laws, codes and regulations including those that affect the operation and administration of the Basic and Advanced Life Support Programs.
- Provide support to the EMS training program and evaluation of effectiveness.
- Evaluate the performance of Paramedic and EMT personnel around emergency medical services.
- Evaluate the provision of paramedic and EMT medical care through direct observation and review of medical reports.
- Be proactive in anticipating and preparing for changing trends in the provision of health care in general and EMS.
- Identify and respond to community and organization issues, concerns, and needs.
- Coordinate services with public agencies and groups, physicians and other medical professionals, representatives of interested community groups, institutions, and the public.
- Participate in the preparation and administration of budgets and inventory management.
- Work under steady pressure with frequent interruptions and a high degree of public contact by phone and in person.
- Conduct research, analyze, and prepare statistical and technical reports, and present effective oral and written reports in a clear, logical manner.
- Establish and maintain effective working relationships with those contacted in the course of work.

EXPERIENCE AND EDUCATION

Any combination of experience and training that would likely provide the required knowledge and abilities is qualifying. A typical way to obtain the knowledge and abilities would be:

Experience:

Three (3) years of responsible experience in the administration and/or education of either anemergency medical services or major medical services training program.

Education:

An associate degree from an accredited college with major coursework in healthcare administration, nursing, public health education, public safety, or closely related field.

Licenses and Certificates:

Possession of a valid California Class C driver license and a satisfactory driving record as determined bythe Authority.

Possession of a Paramedic License in the State of California or higher. Possession of a CaliforniaRegistered Nurse license is highly desirable.

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SPECIAL REQUIREMENT:

Must be willing to be on call, when necessary. Must also be able to attend evening and weekendmeetings if needed.

TOOLS

Personal computer, including spreadsheet and word processing software; telephone; copy and fax machine; erase boards and flip charts; emergency medical (Basic Life Support (BLS) & Advanced Life Support (ALS) equipment; city vehicle.

PHYSICAL DEMANDS

The physical demands described here are representative of those that must be met by an employee to successfully perform the essential functions of this job. Reasonable accommodations may be made to enable individuals with disabilities to perform the essential functions.

Primary functions require sufficient physical ability to work in an office setting and operate office equipment and to occasionally perform duties outdoors at emergency scenes with paramedics. CONTINUOUS sitting, upward and downward flexion of neck, side-to-side turning of neck; light grasp and fine finger dexterity to operate office equipment such as computer keyboards, telephones, pencils, and other writing materials; moderate grasp to lift books, manuals, and supplies. FREQUENT walking, bending, and stooping, pushing/pulling.

OCCASIONAL standing, squatting, climbing; lifting objects weighing up to 25 lbs. from below waist to chest level and transporting distances up to two city blocks; moderate to firm twist/torque to manipulate dials, knobs, open compartments in paramedic units.

INFREQUENT reaching at and above shoulder height, kneeling, twisting at waist; lifting objects weighing up to 25 lbs. at and above shoulder level. In emergency situations may be required to operate various medical equipment and/or perform medical procedures consistent with incumbent's level of certification.

WORK ENVIRONMENT

The work environment characteristics described here are representative of those an employee encounters while performing the essential functions of this job. Reasonable accommodations may be made to enable individuals with disabilities to perform the essential functions.

While performing the duties of this job, exposure to temperature swings from indoors to outdoors; extreme noise of sirens and emergency equipment; working outdoors at emergency scenes with paramedics; fumes and odors of medical supplies and chemicals; dust from atmospheric conditions, emergency scenes and excessive paperwork; hazardous materials at emergency scenes, including communicable diseases, blood, and bodily fluids. Work may be performed outside regular working hours with unscheduled breaks. Work may be performed in office or field; some functions of position may be appropriate for telecommuting on approval of a Division Chief. Work environment is both formal and informal, team and autonomy oriented, having both routine and variable tasks, with variable pace and pressure, frequently fast paced.

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Vision: See in the normal visual range with or without correction; vision sufficient to read computer screens and printed documents and to operate equipment.

Hearing: Hear in the normal audio range with or without correction. Frequent hearing and talking, in person and on the phone.

Dexterity: Frequent repetitive motion; frequent writing; frequent grasping, holding, and reaching.

This job description does not constitute an employment agreement between the South San Joaquin County Fire Authority and the employee and is subject to change by the Authority as the needs of the Authority and/or the requirements of the job change.

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EXECUTIVE ASSISTANT

Class Title:	Executive Assistant	Class Code:	70
Division(s):	Administration	Unit:	Unrepresented - AC
EEO Code:	80	Effective Date:	3/16/2021
FLSA Status:	Non-Exempt	Revision History:	
Retirement:	Miscellaneous	W/C Code:	9410

DESCRIPTION

Under general supervision, to plan, organize, coordinate, and manage administrative functions of an assigned department; perform a variety of complex advanced executive support duties for departmental management and assigned department programs; may exercise functional and technical supervision over administrative support staff; and to perform other related duties as assigned.

DISTINGUISHING CHARACTERISTICS

Executive Assistant is an advanced journey level classification in the Administrative support family of positions responsible for providing a full range of advanced administrative and executive support to the Fire Chief and management staff on assignments in a wide variety of departmental areas requiring independent decision making, judgment and initiative, application of in-depth and comprehensive knowledge of department policies and procedures, and the ability to apply critical thinking to complex problems, maintain a calm demeanor, and use sound judgment in decision-making and carrying out the duties of the position.

SUPERVISION RECEIVED AND EXERCISED

Providing lead direction over lower-level administrative office support staff.

EXAMPLES OF TYPICAL DUTIES

This is an illustrative list, duties may include, but are not limited to, the following:

- Participate and assist in the administration of the department and assigned department programs; perform a wide variety of complex, highly responsible administrative duties; meet time sensitive deadlines.

- Interact with the public, all levels of Authority personnel, representatives from businesses and community organizations, Board of Directors, commissions, committees, councils, and advisory bodies in the performance of assigned duties.

- Participate in budget preparation and administration; prepare cost estimates for budget recommendations; submit justifications for budget items; monitor and control expenditures; maintain financial statistics.

- Independently research and compile data for reports and projects, display information in charts and spreadsheets, develop, and maintain various sensitive documents and files, assist in administer department programs and budgets.
- Perform independent complex research; identify sources; collect and assemble detailed data, materials, and manuals; compile, organize and display information for special projects and various reports.
- Prepare comprehensive detailed reports and summaries; display information in charts and spreadsheets; perform arithmetical and statistical calculations.
- Prepare and monitor documents related to contracts, plans, and claims; ensure compliance with agreements, rules, and regulations.
- Enter data into computer; initiate and maintain a variety of detailed and accurate files and records; maintain manuals and update resource material; manage and maintain calendars and schedules.
- Coordinate administrative workflow; organize and evaluate administrative functions; recommend organizational or procedural changes affecting support activities; develop administrative methods for new projects; monitor administrative operations, policies, and procedures.
- Provide direction to administrative support staff including planning, prioritizing, assigning, reviewing, and overseeing work; monitor staff performance; determine work priorities and methods; participate in staff selection and training; provide input to performance evaluations; work with employees to correct deficiencies; recommend corrective action.
- Schedule and coordinate training; manage personnel files and training records.
- Screen calls, visitors, mail, and e-mail; respond to requests for information and assistance; resolve and answer citizen questions, concerns, and complaints; interpret and explain Authority policies, procedures, laws, and regulations.
- Compose a variety of sensitive and detailed documents, letters, memoranda and instructions from brief notes or verbal information.
- Maintain schedules and calendars; plan, schedule, coordinate and oversee meetings, conferences, and civic functions; make travel arrangements.
- Oversee, authorize, and monitor orders for office supplies and other departmental purchases.
- Use standard computer office software and equipment including word processing and spreadsheet packages, databases, graphics, and may use desktop publishing or software particular to the area assigned.
- Perform related duties as assigned.

- **MINIMUM QUALIFICATIONS**

The minimum knowledge, skills, and abilities necessary to be successful at the position through the probationary or introductory period. Knowledge required for this classification includes:

Demonstrated Knowledge of:

- Principles of office management and organizational methods Principles and techniques of research methods.
- Modern office practices, policies, procedures, and methods; standard office equipment and applicable computer software.
- Policies and vision of the Authority; procedures and precedents applicable to the Authority; Organization and procedures of outside organizations dealt with in the course of work.
- Proper English usage, spelling, grammar, punctuation, math; business letter writing, report preparation; proof-reading.
- Principles of bookkeeping, record-keeping, basic accounting and/or basic budgeting Record-keeping and file systems.
- Applicable Federal, State, local laws, codes, and regulations Government contracting procedures.
- Basic principles of lead supervision; personnel practices and procedures Methods of customer service.

Demonstrated Ability to:

- Plan, coordinate, organize, analyze, and perform responsible, detailed, and complex administrative support work using independent judgment and personal initiative.
- Research and analyze information gathered to compose reports and special projects.
- Work cooperatively with member agency departments, the public, and outside agencies; establish and maintain effective relationships.
- Communicate clearly, concisely, and effectively, both verbally and in writing Read, interpret, and apply laws, ordinances, and departmental procedures Evaluate and recommend change to policies, programs, and practices.
- Understand and carry out directions and work effectively under pressure with frequent interruptions.
- Exercise discretion, initiative, and independent judgment; maintain confidential information.
- Compile and maintain accurate, complex, and extensive data and reports; set priorities and meet critical deadlines.
- Effectively operate computers with expertise in applicable programs Assist in the formation of policies, procedures, and budgets.

- Analyze situations and adopt effective, appropriate course of action; analyze, evaluate, and resolve potentially sensitive issues through discussion and persuasion in order to gain concurrence and cooperation.
- Organize, delegate, and direct work of administrative support staff.
- Establish and maintain constructive and harmonious relationships with department heads, coworkers, and the general public.

EXPERIENCE AND EDUCATION

Any combination of experience and training that would likely provide the required knowledge and abilities is qualifying. A typical way to obtain the knowledge and abilities would be:

Experience:

Five (5) years of increasingly responsible administrative support and customer service experience, including one year of experience providing direct support to a senior management level staff and/or serving in a lead or supervisory capacity. Office management experience preferred.

Education:

High School Diploma or equivalent, supplemented by specialized secretarial or college level courses in business, computer software, or courses related to assigned area.

Licenses and Certificates:

Possession of, or ability to obtain, a valid California driver license.

TOOLS

Requires frequent use of personal computer and related software programs; calculator, telephone, copy machine, and fax machine.

PHYSICAL DEMANDS

The physical demands described here are representative of those that must be met by an employee to successfully perform the essential functions of this job. Reasonable accommodations may be made to enable individuals with disabilities to perform the essential functions.

While performing the duties of this job, the employee is frequently required to sit, talk, or hear. The employee is required to use hands to finger, handle, feel, or operate objects, tools, or controls and reach with hands and arms and perform simple grasping and fine manipulation. On a continuous basis the employee must sit at a desk and in meetings for long periods of time. Intermittently the employee must twist to reach equipment surrounding the desk. May be expected to lift and move containers weighing up to 25 lbs. Specific vision abilities required include close vision and the ability to adjust focus.

WORK ENVIRONMENT

The work environment characteristics described here are representative of those an employee encounters while performing the essential functions of this job. Reasonable accommodations may be made to enable individuals with disabilities to perform the essential functions. The positions work in an office environment where the temperature remains constant. The noise level in the work environment is moderate to noisy. There may be intermittent interruptions from phones, public inquiries, and other staff.

This job description does not constitute an employment agreement between the South San Joaquin County Fire Authority and the employee and is subject to change by the Authority as the needs of the Authority and/or the requirements of the job change.

FIRE BATTALION CHIEF

Class Title:	Fire Batttalion Chief	Class Code:	150
Division(s):	Operations	Unit:	SCFCOA
EEO Code:	80	Effective Date:	3/16/2021
FLSA Status:	Exempt	Revision History:	
Retirement:	Safety	W/C Code:	9410

DESCRIPTION

The Battalion Chief performs responsible management, technical, and administrative work in commanding and coordinating emergency operations, hazardous materials mitigation, investigation, inspection, prevention, and personnel training activities; and provides highly responsible and technical assistance to the Fire Chief's management team.

DISTINGUISHING CHARACTERISTICS

This class is required to work a 56-hour workweek, work beyond regularly scheduled hours when required, serve as a strike team leader on extended deployments and provide direction and oversight ofpersonnel assigned to his/her shift. Act as incident commander at emergencies when necessary. As a management level position, manages confidential and sensitive documents and information in an appropriate manner and act on behalf of the Fire Division Chief, in his/her absence. Support and implement Authority goals and objectives. Represents the Authority and Member Agencies in a professional manner.

SUPERVISION RECEIVED AND EXERCISED

- Receives direction and supervision from the Fire Chief or Fire Division Chief.
- Exercises direct, technical, and functional supervision over sworn, technical and clerical personnel.
- When assigned to a program area, responsible for program establishment, supervision, maintenance,and accountability of the program.
- May act on behalf of the Fire Division Chief in his/her absence.
- Act as Incident Commander at emergencies, until/unless relieved by the Fire Division Chief or Fire Chief.

EXAMPLES OF TYPICAL DUTIES

This is an illustrative list, duties may include, but are not limited to, the following:

- Duties may include, but are not limited to the following:
- Plan, develop, and implement assigned program area.
- Plan, coordinate and direct the work assignments of fire personnel.
- Respond to fires and other life and property threatening emergencies and supervises the deployment, coordination, and safety of emergency resources in the mitigation of the emergency.
- Direct and supervise forces in the suppression of fires and in the control of incidents involving hazardous materials; ascertains the need for and type of equipment necessary to mitigate the emergency; makes technical decisions as to the best methods of extinguishing fires and controlling incidents after observing and receiving information about the emergency.
- Supervise, coach, train, mentor, and evaluate subordinate employees. Identify training needs, and recommend how needs can be met.
- Assist and participate in the preparation and administration of the division budget.
- Prepare written and oral reports, as directed by the Fire Division Chief, Fire Chief or designee. Manage sensitive documents and information appropriately.
- Perform research and make recommendations regarding capital purchases and facility improvements.
- Participate in the establishment and monitoring of employee performance objectives; prepare and present employee performance reviews.
- Recommend and provide staff training; work with employees to correct deficiencies. Recommend employee discipline and termination; and, implement discipline procedures.
- Participate as a member of the Fire Chief's management team; assists in the development and administration of division goals, objectives, administrative and operational policies.
- Interpret and enforce applicable rules, regulations and policies.
- Represents the Authority in the community and at professional meetings as required.

OTHER JOB RELATED DUTIES

Provide input to help formulate and improve all areas of Authority goals and objectives. Make public presentations, as assigned. Perform related duties, as assigned. Act as Authority liaison, when assigned.

MINIMUM QUALIFICATIONS

The minimum knowledge, skills, and abilities necessary to be successful at the position through the probationary or introductory period. Knowledge required for this classification includes:

Demonstrated Knowledge of:

- Principles, practices and procedures of modern firefighting and emergency systems management that may be utilized for the protection of lives and property, including knowledge of command strategy and tactics at fires, emergency medical systems, the management of hazardous materials incidents, high rise fire strategies and tactics, wildland fire strategies and tactics and planning for large scale disasters.
- Federal, State, and local laws, codes and regulations pertaining to fire suppression, prevention, hazardous materials and personnel training.
- Labor relations practices and procedures, including the Firefighter Bill of Rights.
- Principles and practices of supervision, training and personnel management.
- Mutual Aid / Automatic Aid agreements.
- Organizational development and human relations.
- Principles and techniques of budget development.
- Systems technology, such as software used to track and account for division resources and programs.
- Modern office practices, procedures, methods and equipment.
- Short, intermediate and long-term strategic planning.

Demonstrated Ability to:

- Make effective use of personnel, equipment and apparatus in emergency situations.
- Analyze, develop and implement solutions essential to the mitigation of emergency events.
- Conduct a thorough fact-finding investigation and enforce regulations firmly, tactfully, and impartially.
- Develop and maintain good employee morale, motivation, discipline and employee relations within the fire authority.
- Work effectively and efficiently as a member of the authority management team.

- Establish, supervise and modify assigned division programs in an effective and efficient manner.
- Prepare, supervise and modify program budget as assigned in an effective and efficient manner.
- Write clear and concise correspondence, reports, policies and procedures.
- Communicate clearly, concisely, and effectively, both orally and in writing to all levels of Fire Authority personnel.
- Develop and conduct training as assigned.
- Supervise, train and evaluate personnel on assigned shift.
- Properly interpret and make decisions in accordance with laws, regulations and policies.
- Establish and maintain effective working relationships with those contacted in the course of work.
- Implement the assigned missions, goals and objectives of the authority as part of the management team.

EXPERIENCE AND EDUCATION

Any combination of experience and training that would likely provide the required knowledge and abilities is qualifying. A typical way to obtain the knowledge and abilities would be:

Experience:

Completion of Six (6) years of full-time suppression experience in a municipal fire department, and Four (4) years of experience as a full-time, paid Fire Captain in a municipal fire department.

Education:

Must possess: as a minimum, the equivalent of an Associate's degree from an accredited post-secondary institution.

Licenses and Certificates:

- Possession of Fire Officer or Company Officer Certificate in accordance with California State Fire Training requirements.
- Possession of or ability to obtain and maintain, an appropriate, valid California Class C Driver License.
- Possession of or ability to obtain and maintain an appropriate, valid Emergency Medical Technician Certificate.
- Shall maintain an appropriate, valid CPR certification.

- Incumbent may have up to three years to complete Chief Fire Officer Certification in accordance with California State Fire Training requirements.
- Incumbent may have up to two years to qualify as a strike team leader.

SPECIAL REQUIREMENTS

On an annual basis, complete and meet the incumbent requirements of an NFPA 1582 physical exam.

In accordance with Authority policy, incumbents in this class are required to be non-smokers, as part of the qualifications for employment.

TOOLS

Emergency medical aid equipment, fire apparatus, radio, pager, personal computer, mobile data computer/tablet, phone, motor vehicle and self-contained breathing apparatus.

PHYSICAL DEMANDS

The physical demands described here are representative of those that must be met by an employee to successfully perform the essential functions of this job. Reasonable accommodation may be made to enable individuals with disabilities to perform the essential functions.

While performing the duties of this job, the employee is frequently required to stand; walk; use hands to finger, handle, or operate objects, tools, or controls; and reach with hands and arms. The employee is occasionally required to sit; climb or balance; stoop, kneel, crouch, or crawl; talk or hear; and taste or smell.

The employee must frequently lift and/or move up to 10 pounds and occasionally lift and/or move up to 100 pounds. Specific vision abilities per DMV requirements.

WORK ENVIRONMENT

The work environment characteristics described here are representative of those an employee encounters while performing the essential functions of this job. Reasonable accommodations may be made to enable individuals with disabilities to perform the essential functions.

While performing the duties of this job, the employee occasionally works in outside weather conditions. The employee is occasionally exposed to wet and/or humid conditions, toxic or caustic chemicals.

The noise level in the work environment is usually quiet while in the office, or moderately loud when in the field.

This job description does not constitute an employment agreement between the South San Joaquin County Fire Authority and the employee and is subject to change by the Authority as the needs of the Authority and/or the requirements of the job change.

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FIRE CAPTAIN

Class Title:	Fire Captain	Class Code:	040
Division(s):	Operations	Unit:	TFFA
EEO Code:	78	Effective Date:	3/16/2021
FLSA Status:	Non-Exempt	Revision History:	
Retirement:	Safety	W/C Code:	7706

DESCRIPTION

To supervise and direct the activities of those career and reserve personnel assigned to a particular site (station) in fire suppression, emergency rescue, fire inspections, fire investigations, and training activities; to serve as incident commander during emergency incidents until relieved by higher ranking officer.

DISTINGUISHING CHARACTERISTICS

Fire Captains are responsible for overseeing, training, supervising, and evaluating lower-level fire personnel, commanding a site, performing ongoing supervisory and administrative duties. Fire Captains differ from Battalion Chiefs in that they are responsible for a single site or engine crew, and are regularly assigned as incident commanders, whereas a Battalion Chief may be responsible for multiple engagements and incidents. Fire Captains may be assigned to shift work, to fill in as an acting Battalion Chief, or to fill an administrative position, such as training, with a regular 40-hour work week. Fire Captains must be able to demonstrate proficient performance in all the essential functions of lower-level fire classifications.

SUPERVISION RECEIVED AND EXERCISED

- Receives direction and supervision from a Battalion Chief or higher-ranking officer.
- Exercises immediate, technical, and functional supervision of subordinate staff including career and reserve personnel.
- As Incident Commander, exercise immediate supervision of all resources necessary to mitigate the emergency until/unless relieved by a higher-ranking officer.

EXAMPLES OF TYPICAL DUTIES

This is an illustrative list, duties may include, but are not limited to, the following:

- Carry out the mission, goals and objectives of the Authority and Division in an effective and efficient manner.

- Recommend and assist in the implementation of goals, objectives, policies and procedures; recommendoperation methods and schedules.
- Plan and supervise the work assignments of fire personnel, including reserves, in an assigned company; provide input to staff and assigned personnel in the evaluation of performance as required by the Division, coach and evaluate staff, monitor employee performance objectives and work with employees to correct deficiencies.
- Direct firefighting and rescue operations until relieved by a superior officer; respond to fire alarms as an incident commander, and assume responsibility for the direction, performance and safety of assigned firefighting personnel at the scene of an emergency incident.
- Provide input for budget preparation; submit for needed equipment, supplies, programs; monitor andcontrol expenditures.
- Assist in the minor maintenance and repair of fire suppression equipment and facilities.
- Maintain discipline and control of all functional elements and efficiently and effectively utilize those resources.
- Establish and regularly measure performance expectations of assigned personnel. Make staff program managers aware of possible methods to increase station or Authority's operational efficiency and effectiveness.
- Instruct and drill assigned personnel in firefighting methods, techniques, and related subjects.
- Enforce applicable rules, regulations, ordinances and laws. Make recommendations for change that maybe necessary or appropriate to assigned area of responsibility.
- See that all reports, forms, recommendations, requisitions, administrative procedures, and requests are accurately prepared and submitted in a timely manner and/or by established deadline.
- Coordinate special projects as directed or assigned.
- Assist management and supervisory staff in the maintenance, revision, and improvement of operations in the Authority or assigned division.

MINIMUM QUALIFICATIONS

The minimum knowledge, skills, and abilities necessary to be successful at the position through the probationary or introductory period. Knowledge required for this classification includes:

Demonstrated Knowledge of:

- Principles, practices, and procedures of modern firefighting and emergency systems that may be utilized for the protection of lives and property, including knowledge of the command principles of company officers, hazardous materials procedures for company officers, basic and advanced instructional techniques, fire cause and determination,

company officer management and supervision, fire inspection practices and code enforcement.

- Fire apparatus, equipment, tools, devices, facilities, and their proper utilization and maintenance.
- Emergency medical services and CPR.
- Local geography, including the location of water mains, hydrants, and the target hazards in the district.
- Preparation of Pre-Incident Assessments, and assures that assigned personnel are fully aware of theelements of those assessments.

Demonstrated Ability to:

- Work effectively and efficiently with other site supervisors, staff and support personnel.
- Make sound decisions and direct fire personnel at the scene of an emergency.
- Effectively interpret and make decisions in accordance with rules, regulations, policies and procedures.
- Suggest program changes that increase Divisional efficiency and effectiveness.
- Communicate clearly and concisely, both orally and in writing.
- Supervise, train, and evaluate assigned personnel.
- Maintain confidentiality as it relates to training documents (when appropriate) and information thereinwhich warrants confidentiality such as evaluations and disciplinary documents.
- Establish and maintain effective working relationships with those contacted in the course of work.

EXPERIENCE AND EDUCATION

Any combination of experience and training that would likely provide the required knowledge and abilities is qualifying. A typical way to obtain the knowledge and abilities would be:

Experience and Training

- Must have a minimum of four (4) years full time suppression experience with the South San Joaquin CountyFire Authority or City of Tracy Fire Department.
- Must have successfully completed initial probation with South San Joaquin County Fire Authority or Cityof Tracy Fire Department.

- Possession of the California State Fire Marshal's Office Fire Officer Certification

OR

- Successful completion of the Company Officer Certification courses as designated by the California State Fire Marshal's Training Division.
- Completion of Company Officer Certification Taskbook as approved by the California State Fire Marshaland signed off by Fire Chief within 12 months of appointment to successfully pass probation.

Licenses and Certificates:

- Possession of or ability to obtain and maintain, a valid California driver license with current DMVrequirements for fire apparatus operation.
- Possess and maintain EMT-B certification or EMT-P at time of application.
- Associate of Science degree in Fire Science is highly desirable.

SPECIAL REQUIREMENTS

In accordance with Authority policy, incumbents in this class must pass an annual agility test as part of the qualifications for employment.

In accordance with Authority policy, incumbents in this class are required to be non-smokers, as part of the qualifications for employment.

TOOLS

Emergency medical aid unit, fire apparatus, fire pumps, hoses, and other standard firefighting equipment, ladders, first aid equipment, radio, pager, personal computer, phone and other applicabletools or equipment used in the Fire Service.

PHYSICAL DEMANDS

The physical demands described here are representative of those that must be met by an employee to successfully perform the essential functions of this job. Reasonable accommodation may be made to enable individuals with disabilities to perform the essential functions.

While performing the duties of this job, the employee is frequently required to stand; walk; use hands tofinger, handle, or operate objects, tools, or controls; and reach with hands and arms. The employee is occasionally required to sit; climb or balance; stoop, kneel, crouch, or crawl; talk or hear; and taste or smell.

The employee must frequently lift and/or move up to 10 pounds and occasionally lift and/or move up to100 pounds. Specific vision abilities per DMV requirements.

WORK ENVIRONMENT

The work environment characteristics described here are representative of those an employee encounters while performing the essential functions of this job. Reasonable accommodation may bemade to enable individuals with disabilities to perform the essential functions.

While performing the duties of this job, the employee regularly works in outside weather conditions. The employee occasionally works near moving mechanical parts and in high, precarious places and isoccasionally exposed to wet and/or humid conditions, fumes or airborne particles, toxic or caustic chemicals, risk of electrical shock, and vibration.

The noise level in the work environment is usually moderate, except during certain firefighting or EMT activities when noise levels may be loud.

This job description does not constitute an employment agreement between the South San Joaquin County Fire Authority and the employee and is subject to change by the Authority as the needs of the Authority and/or the requirements of the job change.

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FIRE CHIEF

Class Title:	Fire Chief	Class Code:	010
Division(s):	Administration	Unit:	Unrepresented- MGT
EEO Code:	70	Effective Date:	3/16/2021
FLSA Status:	Exempt	Revision History:	
Retirement:	Safety	W/C Code:	9410

DESCRIPTION

Plan, direct, organize and review the activities of fire suppression, prevention, and support services; to coordinate activities with other departments and outside organizations; and to provide highly responsible and technical staff assistance to the Joint Powers Authority board.

DISTINGUISHING CHARACTERISTICS

The Fire Chief is distinguished from all other positions in the Authority by the overall authority and responsibility the day-to-day operations and personnel of the Authority, its stations, programs, services, and the effect operations have on the life and safety of life and property within the Authority's service area.

SUPERVISION RECEIVED AND EXERCISED

The Fire Chief receives administrative direction from the Joint Powers Authority board. Exercises direct supervision over sworn, technical, and clerical staff.

EXAMPLES OF TYPICAL DUTIES

This is an illustrative list, duties may include, but are not limited to, the following:

- Develop, plan, and implement goals and objectives; recommend and administer policies and procedures.
- Plan, organize and direct the authority operations of fire suppression, community risk reduction, training, administration, and fire safety activities.
- Coordinate and direct the provision of departmental support services of station, hydrant, and equipment maintenance, in-service training, and fire inspection, maintaining departmental efficiency and effectiveness.
- Supervise and participate in development and administration of the Authority budget; direct the forecast of additional funds needed for staffing, equipment, materials, and supplies; monitor and approve expenditures; implement mid-year adjustments.

- Serve as a member of the Authority's management team; provide information and recommendations regarding operations; assist in making decisions related to all facets of municipal government.
- Respond to major fire alarms and personally direct fire suppression activities as necessary.
- Develop long-range programs and plans for the increased effectiveness of the authority including community risk reduction and suppression programs.
- Direct, coordinate and schedule fire inspection activities and manage the enforcement of fire prevention ordinances and state laws.
- Prepare a variety of technical and departmental activities reports and records.
- Select, train, and evaluate personnel; establish and monitor employee performance objectives; prepare and present employee performance reviews; provide or coordinate staff training; work with employees to correct deficiencies; implement discipline and termination on procedures.
- Respond to the most difficult complaints and requests for information.
- Represent the Authority in relationships with the public, community groups, professional organizations, other departments and divisions, and outside agencies.
- Coordinate Authority activities with other Authority departments and divisions, and with outside agencies including other fire departments involved in a mutual response agreement.
- Attend and participate in professional meetings, conferences, and workshops.
- Review and check building plans and specifications to ensure compliance with fire regulations and requirements.
- Direct and participate in investigations regarding the cause of fires and direct the preservation of evidence.
- Supervise safety and emergency preparedness activities.
- Performs related duties as assigned.

MINIMUM QUALIFICATIONS

The minimum knowledge, skills, and abilities necessary to be successful at the position through the probationary or introductory period. Knowledge required for this classification includes:

Demonstrated Knowledge of:

- Principles and methods of public administration, particularly in the areas of fire protection.
- Principles, practices, methods, and techniques of modern fire prevention and suppression activities.
- Operation, maintenance, and uses of fire-fighting apparatus and equipment.

- Applicable laws, rules, regulations, ordinances, and codes pertaining to fire prevention, inspection, and suppression.
- Principles and techniques of budget development and administration.
- Principles and practices of organization, administration, and personnel management.

Demonstrated Ability to:

- Plan, prioritize, assign, and direct the work of Authority personnel.
- Develop and administer sound authority policies.
- Prepare and administer a budget.
- Plan, direct and organize fire prevention, suppression, and support activities.
- Properly interpret and make decisions in accordance with laws, regulations, and policies
- Meet the physical requirements necessary to perform the assigned duties safely and effectively.
- Communicate clearly and concisely, both orally and in writing.
- Select, supervise, train, and evaluate personnel.
- Establish and maintain cooperative working relationships with those contacted in the course of work.

EXPERIENCE AND EDUCATION

Any combination of experience and training that would likely provide the required knowledge and abilities is qualifying. A typical way to obtain the knowledge and abilities would be:

Experience:

Five (5) years of command experience involving supervisory and administrative work in an organized fire department.

Education:

Equivalent to a Bachelor's degree from an accredited college or university with major course work in fire science, public administration, or a closely related field.

Licenses and Certificates:

Possession of, or ability to obtain an appropriate, valid California drivers' license.

TOOLS

Emergency medical aid unit, fire apparatus, radio, pager, computer, laptop or tablet, phone, motor vehicle.

PHYSICAL DEMANDS

The physical demands described here are representative of those that must be met by an employee to successfully perform the essential functions of this job. Reasonable accommodations may be made to enable individuals with disabilities to perform the essential functions.

While performing the duties of this job, the employee is frequently required to sit; talk or hear; stand; walk; use hands to finger, handle, feel or operate objects, tools, or controls; and reach with hands and arms. The employee is occasionally required to climb or balance; stoop, kneel, crouch, or crawl; and taste or smell.

The employee must occasionally lift and/or move up to 10 pounds and occasionally lift and or move upto 100 pounds. Specific vision abilities required by this job include close vision, distant vision, visual acuity to discern colors, peripheral vision, depth perception, and the ability to adjust focus.

WORK ENVIRONMENT

The work environment characteristics described here are representative of those an employee encounters while performing the essential functions of this job. Reasonable accommodations may be made to enable individuals with disabilities to perform the essential functions.

While performing the duties of this job, the employee occasionally works in outside weather conditions. The employee is occasionally exposed to wet and/or humid conditions, toxic or caustic chemicals.

The noise level in the work environment is usually quiet while in the office, or moderately loud when in the field.

This job description does not constitute an employment agreement between the South San Joaquin County Fire Authority and the employee and is subject to change by the Authority as the needs of the Authority and/or the requirements of the job change.

SOUTH SAN JOAQUIN COUNTY FIRE AUTHROITY

Job Descriptions

FIRE DIVISION CHIEF

Class Title:	Fire Division Chief	Class Code:	020
Division(s):	Administration & Operations	Unit:	Unrepresented - MGT
EEO Code:	75	Effective Date:	3/16/2021
FLSA Status:	Exempt (At Will)	Revision History:	
Retirement:	Safety	W/C Code:	7706

DESCRIPTION

Under direction of the Fire Chief, the Fire Division Chief is responsible for the administration, management, and operation of Authority operations, and may be assigned to direct divisional areas, including, but not limited to, Community Risk Reduction, Suppression, Administration and Training. The Fire Division Chief assumes responsibility for assignment, evaluation, and supervision of sworn and non- sworn personnel; provides highly complex administrative support to the Fire Chief, participates in divisional policy formulating and general planning, acts as Fire Chief in the Fire Chief's absence and performs other related duties as required.

DISTINGUISHING CHARACTERISTICS

The Fire Division Chief class is the principal assistant to the Fire Chief, is a member of the Authority's Management Team and is an "At-Will" employee. Incumbents are responsible for directing the operations of Community Risk Reduction, Suppression, Training and Administration. This class supports the goals, objectives and directives of the Authority, and the Fire Chief. Incumbents in this position also exercise direct supervision over subordinate line officers, support division supervisors and civilian employees while directing day-to-day activities of the Authority or Division.

SUPERVISION RECEIVED AND EXERCISED

Incumbents in this position are directly supervised by the Fire Chief and may exercise direct supervision over sworn, technical, and clerical staff. Incumbents may serve as acting Fire Chief in his/her absence.

EXAMPLES OF TYPICAL DUTIES

This is an illustrative list, duties may include, but are not limited to, the following:

- Directly supervises the major programs areas of the Division including Fire Operations, CommunityRisk Reduction, Administration and Training.
- Plans, assigns, supervises, evaluates and inspects the work of subordinates, provides specialized supportservices, research and planning activities.

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- Supports the Fire Chief in developing, planning, and implementing the goals and objectives of the division; recommend and administer policies and procedures.
- Manages other Division programs such as the fleet and facility maintenance programs, training, EMS program and the equipment replacement program.
- Maintains a variety of records, performs special studies and investigations of operating procedures, memoranda and correspondence. Assists with the preparation of the Authority budget.
- Plans, directs and monitors the daily activities related to Operations including direct supervision of the Suppression Units on one of three shifts.
- Acts as Incident Commander during emergency operations by coordinating and supervising field operations to ensure the appropriate actions are taken to mitigate emergency incidents.
- Establishes work schedules, trains supervisors, coaches and mentors Fire Captains and oversees the development of annual reports related to emergency operations.
- Plans, prepares and presents reports related to Division activities, Division Budgets and annual response activities.
- Assists the Fire Chief in the development of short, medium and long-range organizational plans as well as develop annual Authority and Division goals and objectives.
- Participates in community-based programs and initiatives to meet the needs of the community while anticipating future opportunities for providing effective programs and procedures.
- Works with representatives from other public and private organizations to develop emergency response and emergency preparedness plans and initiatives.
- Acts on behalf of the Fire Chief during his/her absence.
- Other duties as assigned by the Fire Chief.

PERSONAL CHARACTERISTICS

- A dynamic leader, teacher, mentor, and fire service innovator that is approachable, open, and experienced at developing relationships in a team environment.
- An open-minded individual who is able to analyze complex situations and develop workable solutions while working with diverse groups who have varying interests.

- Able to direct subordinate staff in planning, scheduling, and reviewing emergency readiness and training activities.
- A skilled communicator with the ability to provide clear, concise and accurate information while navigating through difficult situations and maintaining confidentiality when necessary.
- A personable individual who is able to work in a team-oriented, learning environment.

MINIMUM QUALIFICATIONS

The minimum knowledge, skills, and abilities necessary to be successful at the position through the probationary or introductory period. Knowledge required for this classification includes:

Demonstrated Knowledge of:

- Principles and methods of administration including program development and implementation, training, organizational dynamics and supervision.
- Current suppression, prevention, training, human resource and budget management principles and practices.
- The development of command strategies and tactics at large-scale emergency incidents.
- Applicable laws, rules, regulations, ordinances and codes pertaining to fire prevention, inspection, suppression, training, and Authority policies.
- Report writing procedures.
- Organizational development and human relations.

Demonstrated Ability to:

- Utilize professional skills to address a variety of Authority needs while developing and recommending practical solutions.
- Plan, organize, assign, and coordinate activities of employees within the scope of the Authority work assignments.
- Establish and maintain effective work relationships with other Fire Division managers, co- workers, subordinates, other Authority representatives and the general public.
- Write clear, concise, correspondence and reports. Communicate effectively both orally and in writing.

- Interpret applicable regulations and policies. Prepare, oversee, and administer budgets.
- Represent the Authority in public meetings including the Authority Board sessions and community events.
- Supervise, coach, train, mentor, and evaluate subordinate employees.
- Assist in the development and implementation of Authority goals and objectives. Handle sensitive and/or confidential information.
- Operate a personal computer and software including word processing, spreadsheets and maintain statistical data.
- Operate a motor vehicle in accordance with local and state laws.

EXPERIENCE AND EDUCATION

Any combination of experience and training that would likely provide the required knowledge and abilities is qualifying. A typical way to obtain the knowledge and abilities would be:

Experience:

Completion of eight (8) years of full-time suppression experience in a municipal fire division, and four (4) years ofexperience as a full-time paid fire captain in a municipal fire division.

Education:

Associate of Arts degree or equivalent from an accredited post-secondary institution with major coursework in fire service, public administration, business administration, or a closely related field is highly desirable. (Bachelor of Arts desirable)

Licenses and Certificates:

- Completion of a minimum of 4 modules towards a California Chief Officers Certification at time ofapplication.
- Completion of Incident Command System (ICS) 400.
- Achievement of certification as a Strike Team Leader Trainee prior to completion of probation. Attainment of a California Chief Officers Certification within two (2) years of appointment Maintain an appropriate, valid CPR certification.
- Possession of a valid California driver license.

SPECIAL REQUIREMENTS

Candidate must be recommended for position as a result of a pre-employment medical examination, aPsychological/Management evaluation, and a background assessment.

Be willing to work flexible hours and/or shifts as determined by the Fire Chief.

Respond to emergency incident scenes as necessary, or as assigned by the Fire Chief within 30 minutesof notification to respond.

Respond to emergency incident scenes as necessary, or as assigned by the Fire Chief Be a non-smoker, in accordance with Authority policy.

TOOLS

Ability to use a personal computer with various software programs, standard office equipment including a copier, fax machine and other equipment.

PHYSICAL DEMANDS

The physical demands described here are representative of those that must be met by an employee to successfully perform the essential functions of this job. Reasonable accommodations may be made to enable individuals with disability to perform the essential functions.

While performing the duties of this job, the employee is frequently required to sit; talk or hear; stand; walk; use hands to finger, handle, feel or operate objects, tools, or controls; and reach with hands and arms. The employee is occasionally required to climb or balance, stoop, kneel, crouch, or crawl; and taste or smell. The employee must occasionally lift and/or move up to 10 pounds and occasionally lift and/or move up to 100 pounds. Specific vision, depth perception, and the ability to adjust focus.

WORK ENVIRONMENT

The work environment characteristics described here are representative of those an employee encounters while performing the essential functions of this job. Reasonable accommodations may be made to enable individuals with disabilities to perform the essential functions.

While performing the duties of this job, the employee occasionally works in outside weather conditions. The employee is occasionally exposed to wet and/or humid conditions, toxic or caustic chemicals. The noise level in the work environment is usually quiet while in the office, or moderately loud when in the field.

This job description does not constitute an employment agreement between the South San Joaquin County Fire Authority and the employee and is subject to change by the Authority as the needs of the Authority and/or the requirements of the job change.

FIRE ENGINEER

Class Title:	Fire Engineer	Class Code:	050
Division(s):	Operations	Unit:	TFFA
EEO Code:	78	Effective Date:	3/16/2021
FLSA Status:	Non-Exempt	Revision History:	
Retirement:	Safety	W/C Code:	7706

DESCRIPTION

To operate and maintain a variety of fire apparatus and firefighting equipment; respond to fire alarmsand other emergency calls; protect life and property; and to participate in community risk reduction, fire investigations, building inspections and station and equipment maintenance.

DISTINGUISHING CHARACTERISTICS

Fire Engineers are distinguished from Firefighter and Firefighter Paramedics by their responsibility to drive and maintain the vehicles and equipment in addition to all other Fire suppression and prevention duties.

SUPERVISION RECEIVED AND EXERCISED

Receives general supervision from a Fire Captain.

May exercise technical supervision over reserves or personnel in training.

EXAMPLES OF TYPICAL DUTIES

This is an illustrative list, duties may include, but are not limited to, the following:

Duties may include, but are not limited to, the following:

- Drive fire-pumping apparatus to alarms, operate a pump at the fire; regulate water pressure through hose lines.
- Assist in minor maintenance of equipment; perform minor mechanical and hydraulic repairs on equipment.
- Operate and oversee the use of numerous types of vehicles, equipment, tools, and apparatus.
- Respond to alarms with the fire company; connect and lay hose lines; enter burning areas or buildings with hose lines; assist in operating nozzles and direct a stream of water on fires; carry and operate chemical fire extinguishers; raise, lower and climb ladders; make forcible entry into buildings when necessary.
- As directed, ventilate buildings; administer first aid; assist in rescue, overhauling, salvage, and clean-up operations.
- Provide emergency medical care to individuals prior to arrival of ambulance and during transportation; provide basic life support to sick and injured.
- Assist in the investigation of fires to determine their origin; preserve evidence, and interview witnesses and suspects.

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- Prepare and maintain fire prevention, fire investigation, and fire inspection activity reports.
- Clean and service firefighting and emergency medical equipment; inspect and test equipment carried on fire trucks.
- Participate in the maintenance of clean and orderly conditions in and about the fire station.
- Study fire authority rules and regulations, fire hazards, and firefighting techniques; attend drills and staff conferences.
- Maintain an awareness of area demographics and water systems. Participate in the Authority's fire prevention program.
- Give demonstrations, classes, and training to the public. Assist with the Weed Abatement program.
- Assist in the inspection of commercial buildings, businesses, restaurants, schools, and other structures for compliance with fire safety codes and Certificate of Occupancy inspections.
- Perform related duties as assigned.

MINIMUM QUALIFICATIONS

The minimum knowledge, skills, and abilities necessary to be successful at the position through the probationary or introductory period. Knowledge required for this classification includes:

Demonstrated Knowledge of:

- Fire equipment and apparatus.
- Purpose and use of a variety of vehicles, equipment, tools, and apparatus used in firefighting,rescue, and medical assistance operations.
- Principles of mechanics, hydraulics, and mathematics as related to Fire Engineer duties.
- Emergency Medical Services and CPR.

Demonstrated Ability to:

- Understand and act in accordance with department policies, rules, instructions and written material in the field of firefighting.
- Demonstrate mechanical aptitude as required in the operation of firefighting equipment.
- Learn emergency medical and life support techniques required for some positions.
- Learn to effectively and safely drive and operate the full range of fire apparatus and equipmentused by the division.

- Perform field calculations of hydraulics for the proper and effective operations of equipment atemergency scenes.
- Demonstrate physical endurance, agility, strength, and stamina in the performance of hazardoustasks under emergency conditions; think and act quickly in emergencies.
- Understand and follow oral and written directions promptly and accurately.
- Communicate effectively, both orally and in writing.
- Establish and maintain effective working relationships with those contacted in the courseof work.

EXPERIENCE AND EDUCATION

Any combination of experience and training that would likely provide the required knowledge and abilities is qualifying. A typical way to obtain the knowledge and abilities would be:

Experience

Twelve (12) months experience in fire suppression comparable to the South San Joaquin County Fire Authority.

Training, Licenses, and Certificates:

Pursuant to California Vehicle Code Section 12804.11(a), possession of, and ability to maintain a non-commercial class A, B, or C license with a Firefighter Endorsement or hold a class A or B non-restricted commercial driver license.

Possession of, or ability to obtain, appropriate, valid EMT and CPR Certification.

Firefighter I Certificate

EMT-B Certificate, required

EMT-P Certificate, desired

California State Fire Marshal's Office Driver/Operator 1A and 1B

SPECIAL REQUIREMENTS

In accordance with Authority policy, incumbents in this class must pass an annual agility test as part of the qualifications for employment.

In accordance with Authority policy, incumbents in this class are required to be non-smokers as part of the qualifications for employment.

TOOLS

Emergency medical aid unit, fire apparatus, fire pumps, hoses, and other standard firefighting equipment, ladders, first aid equipment, radio, pager, personal computer, phone.

PHYSICAL DEMANDS

The physical demands described here are representative of those that must be met by an employee to successfully perform the essential functions of this job. Reasonable accommodation may be made to enable individuals with disabilities to perform the essential functions.

While performing the duties of this job, the employee is frequently required to stand; walk; use hands tofinger, handle, or operate objects, tools, or controls; and reach with hands and arms. The employee is occasionally required to sit; climb or balance; stoop, kneel, crouch, or crawl; talk or hear; and taste or smell.

The employee must frequently lift and/or move up to 10 pounds and occasionally lift and/or move up to 100 pounds. Specific vision abilities per DMV requirements.

WORK ENVIRONMENT

The work environment characteristics described here are representative of those an employee encounters while performing the essential functions of this job. Reasonable accommodation may be made to enable individuals with disabilities to perform the essential functions.

While performing the duties of this job, the employee regularly works in outside weather conditions. The employee occasionally works near moving mechanical parts and in high, precarious places and is occasionally exposed to wet and/or humid conditions, fumes, or airborne particles, toxic or caustic chemicals, risk of electrical shock, and vibration.

The noise level in the work environment is usually moderate, except during certain firefighting or EMT activities when noise levels may be loud.

This job description does not constitute an employment agreement between the South San Joaquin County Fire Authority and the employee and is subject to change by the Authority as the needs of the Authority and/or the requirements of the job change.

FIRE INSPECTOR

Class Title:	Fire Inspector	Class Code:	100
Division(s):	CCR	Unit:	Unrepresented - PT
EEO Code:	76	Effective Date:	3/16/2021
FLSA Status:	Non-Exempt	Revision History:	
Retirement:	Miscellaneous	W/C Code:	7706

DESCRIPTION

Under supervision of the Fire Marshal this non-safety classification performs technical inspections and investigative work in enforcing compliance with laws, ordinances, and regulations by conducting inspections of public and private premises. The Fire Inspector investigates the cause and origin of fires, and educates the public and other agencies on fire safety practices; and performs related work as required.

DISTINGUISHING CHARACTERISTICS

The position of Fire Inspector carries out the provisions of an established fire protection program, performing inspection work, enforces fire laws, ordinances, and regulations; performs fire investigation work, and disseminates fire safety information to the public and other agencies. The incumbent is expected to have sufficient knowledge of the building industry to perform fire inspections and minor plan checks relating to new and remodeled construction. The incumbent is also expected to regularly excise technical judgment and discretion based on their knowledge of fire protection systems. They must exhibit excellent customer service skills. This position is distinguished from the Firefighter classes, which involve general duty firefighting responsibilities. Receives supervision from the Fire Marshal or higher level management staff.

SUPERVISION RECEIVED AND EXERCISED

Receives direction and supervision from the Fire Marshal or higher-ranking officer.
Exercises no supervision or direction over other staff.

EXAMPLES OF TYPICAL DUTIES

This is an illustrative list, duties may include, but are not limited to, the following:

- Interpret and enforce provisions of fire protection and fire safety laws, ordinances, and other regulations.
- Perform periodic and follow-up inspections of new and existing buildings, structures and installations requiring fire clearances, fire protection systems and fire alarms.
- Investigate complaints pertaining to violation of fire prevention laws; give correction orders as necessary including weed abatement.
- Investigate causes of fire; collect, research, prepare and present reports at the direction of the Fire Marshal.

- Inspect commercial, industrial, education and multi-family residential buildings for compliance with local, state and national regulations by;
    - Inspecting and testing for the proper installation and operation of fire protection systems
    - Researching and reviewing regulations, codes and ordinances for application and interpretation in relation to various conditions
    - Assisting in investigating the cause and origin of fires
    - Preparing reports and maintaining records of fire inspections and investigation work
    - Performing technical/special inspections including review of building plans and issuing permits as required
- Provide information to the public concerning fire prevention practices and procedures.
- Develop and conduct training programs and make group presentations relative to fire prevention and fire investigation.
- Maintain and prepare records and reports.
- Check plans, specifications, and calculations on building, fire protection equipment and systems, and hazardous equipment installations.
- Check plans to determine fire and life safety requirements are in accordance with Titles 19 and 24 of the California Administration Code and applicable Fire Protection and Building Code standards.
- Perform related duties and responsibilities as directed.

MINIMUM QUALIFICATIONS

Demonstrated Knowledge of:

- Principles, practices, and techniques of fire protection.
- Federal, state, and local fire prevention codes and ordinances.
- Principles and techniques of building inspection work.
- Authority and Division policies and procedures.
- Practices, procedures, and equipment used in fire investigation, including the recognition and collection of evidence.
- Fire related equipment including fire extinguishers, sprinkler systems and alarm systems.

Demonstrated Ability to:

- Apply technical knowledge, follow proper inspection techniques, and detect deviations from plans regulations and standard safety practices.

- Interpret and enforce federal, state, and local fire prevention codes and ordinances.
- Identify fire hazards and recommend corrective actions.
- Maintain records and prepare reports.
- Communicate clearly and concisely, both orally and in writing.
- Establish, maintain, and foster positive and harmonious working relationships with those contacted in the course of work.
- Operate modern office equipment including computer equipment.
- Operate a motor vehicle safely.

EDUCATION AND EXPERIENCE

Any combination of experience and training that would likely provide the required knowledge and abilities is qualifying. A typical way to obtain the knowledge and abilities would be:

Education:

High School diploma or equivalent supplemented by college level courses in fire science, prevention, building inspection, construction or related course work..

Experience:

A minimum of two (2) years of technical experience in one or more of the following areas: Fire Inspection, Building Inspection, Fire Protection Engineering, Fire Investigation, Fire Protection Installation or Fire Prevention Education.

LICENSES/CERTIFICATES

Possession of, or ability to obtain and maintain a valid Class C California driver's license.

PHYSICAL REQUIREMENTS

The physical demands described here are representative of those that must be met by an employee to successfully perform the essential functions of this job. Reasonable accommodations may be made to enable individuals with disabilities to perform the essential functions.

While performing the duties of this job, the employee is frequently required to stand; walk; use hands to finger, handle, or operate objects, tools, or controls; and reach with hands and arms. The employee is occasionally required to sit; climb or balance; stoop, kneel, crouch, or crawl; talk or hear; and taste or smell.

The employee must frequently lift and/or move up to 10 pounds and occasionally lift and/or move up to 100 pounds. Specific vision abilities as per DMV requirements.

WORK ENVIRONMENT

The work environment characteristics described here are representative of those an employee encounters while performing the essential functions of this job. Reasonable accommodations may be made to enable individuals with disabilities to perform the essential functions.

While performing the duties of this job, the employee occasionally works in outside weather conditions. The employee occasionally works near moving mechanical parts and in high, precarious places and is occasionally exposed to wet and/or humid conditions, fumes or airborne particles, toxic or caustic chemicals, risk of electrical shock, and vibration.

The noise level in the work environment is usually quiet to moderate.

The duties listed above are intended only as illustrations of the various types of work that may be performed. The omission of specific statements of duties does not exclude them from the position if the work is similar, related, or a logical assignment to the position.

This job description does not constitute an employment agreement between the South San Joaquin County Fire Authority and the employee and is subject to change by the Authority as the needs of the Authority and/or the requirements of the job change.

FIRE MARSHAL

Class Title:	Fire Marshal	Class Code:	170
Division(s):	CCR	Unit:	Unrepresented MGT
EEO Code:	70	Effective Date:	3/16/2021
FLSA Status:	Non-Exempt	Revision History:	
Retirement:	Miscellaneous	W/C Code:	9410

DESCRIPTION

Under general direction of the Fire Chief, supervises, plans, organizes, manages, and coordinates the activities of the Fire Prevention Bureau, with responsibilities that encompass fire safety, code compliance, public education, fire cause and arson investigation, building and construction inspections and plan checks for compliance with fire codes and ordinances. Responsible for the enforcement of all laws, ordinances and regulations related to the protection of lives and property from fire, fire origin investigations and public fire prevention education; and provide highly complex assistance to higher level management.

DISTINGUISHING CHARACTERISTICS

The position of Fire Marshal receives general direction from the Fire Chief and is distinguished from the Battalion Chief in that the former coordinates and supervises the activities of the Community Risk Reduction Division to include fire investigations, inspections and prevention, while the later directs the activities of personnel assigned to suppression and emergency rescue operations.

SUPERVISION RECEIVED AND EXERCISED

- Receives direction and supervision from the Fire Chief.
- Supervises personnel assigned to the Fire Prevention Bureau including career and reserve personnel.

EXAMPLES OF TYPICAL DUTIES

This is an illustrative list, duties may include, but are not limited to, the following:

- Serve as a key member of the Fire Authority's Management Team that develops, implements, and maintains a comprehensive fire protection and community risk reduction program,
- Conducts and supervises fire prevention activities including inspections, plan review, and issuance of permits for proposed developments and pre-construction and renovations of new and existing residential, commercial, and industrial occupancies.

- Enforce and supervise those who enforce laws, ordinances and regulations pertaining to the prevention and control of fire and the protection of life and property from the impacts of fire and other emergencies., Inspect and supervise those who inspect the proper installation and maintenance of fire control and fire and life safety systems and the storage and handling of combustible materials which create fire hazards. Establishes policies and develop and implement fire code ordinance adoption process.
- Supervises the maintenance of local fire loss, cause and investigation records, and similar data obtained from state and national records including fire deaths and injuries.
- Performs and supervises activities related to the review of annexations and subdivisions. Coordinates and performs required plans checking functions. Calculates water fire flows for building requirements. Issues warnings and citations for fire code violations; issues burn permits
- Prepares and maintains a variety of reports, records and files related to assigned activities and personnel including emergency incidents, fire prevention, fire investigations, fire training and equipment maintenance.
- Provides public education in fire prevention for schools, community groups, and other organizations or institutions. Develops and maintains a comprehensive training program for personnel assigned to the Community Risk Reduction Division performing inspection duties.
- Communicates with administrators, personnel, the public and outside organizations to coordinate activities, resolve issues and conflicts, and exchanges information.
- Selects, supervises, and evaluates assigned personnel.
- Develops and administers Bureau operating budget.
- Performs related duties as assigned.

MINIMUM QUALIFICATIONS

The minimum knowledge, skills, and abilities necessary to be successful at the position through the probationary or introductory period. Knowledge required for this classification includes:

Demonstrated Knowledge of:

- Principles, methods, and practices of fire loss prevention management.
- Applicable Federal, State, and local codes, laws, ordinances, and fire safety standards.
- Chemical and related characteristics for a wide variety of flammable and explosive materials.
- Fire prevention, suppression, and investigation principles, procedures, methods, practices, and techniques and related ordinances and regulations and equipment.
- Building, electrical, mechanical, and fire codes.
- Principles and practices of supervision, training, and personnel management.

- Budget preparation and administration.

Demonstrated Ability to:

- Plan, organize, administer, evaluate, and participate in comprehensive fire prevention and loss management programs.
- Recognize fire hazards such as structural conditions and hazardous materials and recommend techniques for corrective action.
- Exercise independent judgment in a manner consistent with job duties and divisional or Authority policies; use good judgment in emergency or critical situations; remain calm and work effectively in stressful situations.
- Analyze data, reports and other information.
- Effectively apply standard fire prevention techniques.
- Conduct comprehensive investigations and make sound decisions.
- Prepare and maintain a variety of accurate and thorough records and reports files and reference materials.
- Communicate clearly and concisely both orally and in writing.
- Meet and deal tactfully, and establish and maintain cooperative working relationships with staff, officials, the public, news media, and other governmental agencies.
- Develop and implement policies and procedures.
- Demonstrate problem-solving skills.
- Represent the Authority when meeting with contractors, engineers, and developers and in public meetings.
- Work cooperatively with others; demonstrate interpersonal sensitivity.
- Develop innovative fire prevention solutions that meet code and regulatory requirements while providing the customer with reasonable, obtainable expectations.
- Supervise, train, and evaluate assigned subordinates

EDUCATION AND EXPERIENCE

Any combination of experience and training that would likely provide the required knowledge and abilities is qualifying. A typical way to obtain the knowledge and abilities would be:

Education:

Bachelor of Arts/Science degree, or higher, from an accredited college or university in fire science, fire technology, fire prevention, fire protection engineering, or a closely related field.

Experience:

Equivalent to five (5) full-time years of progressively responsible experience in Fire Prevention and Inspection or building inspection, with at least two years supervisory and budget experience.

LICENSES AND CERTIFICATIONS

This classification requires the use of a personal or Fire Authority vehicle while conducting Authority business. In order to drive, individuals must be physically capable of operating the vehicles safely and must possess and maintain a valid Class C California motor vehicle operator's license.

Possession of CPR certification issued by the American Red Cross or the American Heart Association.

Fire Marshal certifications issued by the Office of the State Fire Marshal are highly desirable.

Possession of California State Fire Training Fire Investigation 2A and 2B certifications are highly desirable.

Possession of a Certificate of Completion (P.C. 832) for course in arrest, search and seizure, as issued by the California Commission on Peace Officer Standards and Training, or is required within one (1) year of appointment.

SPECIAL REQUIREMENTS

Incumbents must be able to comply with the requirements of this position to wear respiratory protective equipment whenever necessary.

Successful completion of a physical examination, DOJ fingerprinting, credit check, and criminal history review.

TOOLS AND EQUIPMENT

Emergency medical and fire apparatus, radio, pager, personal computer, phone.

PHYSICAL DEMANDS

The physical demands described are representative of those that must be met to successfully perform the essential functions of this job. Reasonable accommodation may be made to enable individuals with disabilities to perform the essential functions.

While performing the duties of this position, the employee is frequently required to stand; walk; operate office equipment requiring repetitive arm/hand movements when assigned to the office. The incumbent may also sit for extended periods of time and must have an ability to frequently change positions.

Specific vision abilities are as outlined by DMV requirements. The incumbent must be able to discriminate among colors and shades of color and have hearing sufficient to test alarms and other auditory devices. Must be able to coordinate the movement of more than one limb simultaneously in order to drive in a Code 3 situation. Incumbent occasionally works at heights greater than 10 feet, climb ladders or steps to reach objects, use stomach and lower back muscles to support the body repeatedly or continually over time; and walk over rough, uneven or rocky surfaces.

When responding to emergency incidents, must be able to stand and walk for extended periods of time unable to rest at will, bend and stoop repeatedly; lift and use arms above shoulder level; and, move objects weighing up to 50 pounds.

WORK ENVIRONMENT

The work environment characteristics described here are representative of those an employee encounters while performing the essential functions of this job. Reasonable accommodation may be made to enable individuals with disabilities to perform the essential functions.

When responding to emergency incidents, the incumbent may be exposed to a variety of weather conditions including very hot and cold temperatures and work in small cramped areas.

The incumbent may also wear a self-contained breathing apparatus to move debris, dirt or other materials.

The duties listed above are intended only as illustrations of the various types of work that may be performed. The omission of specific statements of duties does not exclude them from the position if the work is similar, related, or a logical assignment to the position. This job description does not constitute an employment agreement between the South San Joaquin County Fire Authority and the employee and is subject to change by the Authority as the needs of the Authority and/or the requirements of the job change.

RESERVE FIREFIGHTER
(Part time/ Limited Service)

Class Title:	Reserve Firefighter	Class Code:	120
Division(s):	Operations	Unit:	Limited Service
EEO Code:	79	Effective Date:	07/01/2020
FLSA Status:	Non-Exempt	Revision History:	
Retirement:	Safety		

DRAFT

DESCRIPTION

Under the general direction of the Fire Captain or his/her designee, the Reserve Firefighter maintains a variety of firefighting equipment, responds to alarms and other emergencies, protects life and property, participates in activities such as fire prevention, fire investigation, public education, and training sessions, and performs station and equipment maintenance.

DISTINGUISHING CHARACTERISTICS

This is a Limited Service part-time, temporary position. Reserve Firefighters are required to attend at least 25% of "all call-outs" or "call backs" annually.

SUPERVISION RECEIVED AND EXERCISED

Receives general supervision the Fire Captain and/or his designee/Commanding Officer/Company Officer. Reports to anyone of higher rank.

EXAMPLES OF IMPORTANT AND ESSENTIAL DUTIES

- Applies principles and practices of modern firefighting techniques and performs firefighting and other emergency activities as directed.
- Responds to fire alarms, maintains awareness of area streets, special hazards, and water systems.
- Attends drills and staff training activities; participates in fire department activities and readiness.
- Follows and applies Authority and department policies, rules, regulations, and guidelines.
- Applies EMT protocols, CPR, and other medical assistance techniques.
- Uses proper safety techniques in the operation and maintenance of various fire department equipment, tools, and facilities.
- Uses effective communication skills, both oral and written; follows direction.

- Establishes and maintains effective working relationships with those contacted in the course of work.
- Provides community service.

Performs other duties as assigned.

MINIMUM QUALIFICATIONS

Demonstrated Knowledge of:

- Hose sizes and general knowledge of gallons per minute (gpm).
- Salvage and overhaul techniques.
- Stages of fire, fire suppression and building construction.
- Fire behavior.
- The California Vehicle Code.
- Water sources within the South San Joaquin County Fire Authority response area.
- How to establish water sources.
- South San Joaquin County Fire Authority response procedures.
- Adult/child/infant CPR and First Aid procedures.
- Facility maintenance procedures, i.e.: Standard Operating Guidelines (SOGs).
- South San Joaquin County Fire Authority safety guidelines, protocols, and general safety techniques.
- Proper grammar, spelling and documentation.
- Computers, emails, and etiquette.
- Community and community service activities.
- Knowledge and awareness of diversity issues within an organization and community.

Demonstrated Ability to:

- Deploy hose, secure water line, and utilize water supply systems.
- Lift, throw and deploy ground ladder.
- Don and doff Personal Protective Equipment (PPE) within South San Joaquin County Fire Authority standards.
- Operate under stressful situations.
- Possess and maintain a valid California Driver's License, Class C.
- Operate a motor vehicle; also operate and maintain a personal vehicle and have access.

- Read maps, area familiarization, map testing, and studying to learn the South San Joaquin County Fire Authority response area.
- Respond to a minimum of 25% of all call-outs.
- Arrange personal schedule to accommodate trainings/drills/activities/alarms.
- Follow, understand, and retain oral and written instructions, as well as South San Joaquin County Fire Authority Personnel Rules and regulations.
- Speak, understand, and write in the English language.
- Earn and maintain an EMT-B or higher certification.
- Use good judgment.
- Recognize medical emergencies, respond appropriately, and perform treatment within the scope of practice.
- Operate South San Joaquin County Fire Authority tools and equipment.
- Apply safety protocols. Ability to understand and apply social interactions with personnel, the public/customers given the setting.
- Work in a team setting, work well with others, e.g., the public/groups/individuals with differing beliefs or opinions and socioeconomic origins.
- Resolve conflicts respectfully and civilly and know when compromise is prudent.
- Engage in public speaking, interact with, and educate the community.
- Work hard and commit to time demands.
- Adapt and complete any task related to the fire service (within the scope of training)
- Perform administrative tasks.

EDUCATION, EXPERIENCE AND SPECIAL REQUIREMENTS

Any combination of experience and training that would likely provide the required knowledge and abilities is qualifying. A typical way to obtain the knowledge and abilities would be:

Education:

- Education equivalent to completion of the 12th grade (High School Diploma or GED).
- Courses in Fire Sciences desirable.
- A.S. Degree in Fire Sciences desirable.

Experience:

- General work experience. Military, Emergency Medical Service (EMS) and/or hospital experience desirable.
- EMT-B Certificate desirable.
- Minimum of one (1) year full-time or volunteer firefighting desirable.

LICENSES AND CERTIFICATES

- Possession of, and ability to maintain a valid California Class C driver's license.
- Possession of a valid certification in CPR/first aid for the professional rescuer by an approved provider; required at time of application.
- Possession of active credentials for Candidate Physical Agility Test (CPAT) certification is required at time of application.
- Emergency Medical Technician – Basic (EMT-B) or Paramedic (EMT-P) Certification is desirable.
- Firefighter I certification is desirable. For candidates who do not possess the Firefighter I certification, possession of, or ability to obtain Firefighter I certification from the State of California within one year of appointment.
- Completion of a California State Fire Marshal Approved Fire Academy is desirable.

SPECIAL REQUIREMENTS

Must be eighteen (18) years or older upon appointment.

Must reside in the South San Joaquin County Fire Authority response area.

In accordance with Authority policy, appointees to this position are required to be non-smokers.

Vision correctable to at least 20/30 in each eye.

TOOLS AND EQUIPMENT USED

EMS equipment, hoses, radio, computers, telephone, Personal Protective Equipment (PPE), Fire equipment, cutting tools, prying tools, rescue tools, skill saws, chain saws, hydraulics, ladders, pike pool, hydrant wrench, pneumatics, hammer, hurst tools, power tools, other standard firefighting, and emergency tools.

PHYSICAL DEMANDS

The physical demands described here are representative of those that must be met by a Reserve Firefighter to successfully perform the essential functions of this job.

While performing the duties of this job, the Reserve Firefighter is frequently required to stand; walk; use hands to finger, handle or operate objects, tools, or controls; reach with hands and arms; have endurance. The Reserve Firefighter is occasionally required to sit; jump; stand; pull; push; climb; balance; hit; crush; swing; roll; break; run; balance; walk; strength training; stoop, kneel, crouch, or crawl; talk to hear; and taste or smell.

The Reserve Firefighter must frequently lift and/or move up to 25 pounds and occasionally lift and/or move up to 100 pounds. Specific vision abilities required by this job include close vision, distance vision, color vision, peripheral vision, depth perception, and the ability to adjust focus.

WORK ENVIRONMENT

The work environment characteristics described here are representative of those a Reserve Firefighter encounters while performing the essential functions of this job.

While performing the duties of this job, the Reserve Firefighter regularly works in outside weather conditions; extreme conditions; occasionally works near moving mechanical parts and in high, precarious places; occasionally exposed to wet and/or humid conditions, fumes, airborne particles, Bloodborne Pathogens; toxic or caustic chemicals; hazardous environments; confined spaces; tight spaces; steep embankments; heights; dangerous large equipment; traffic and roadway hazards; risk of electrical shock; vibrations.

The noise level in the work environment is usually moderate, except during specific firefighting Emergency Medical Technician (EMT) activities when noise levels may be loud (ear protection provided).

The duties listed above are intended only as illustrations of the various types of work that may be performed. The omission of specific statements of duties does not exclude them from the position if the work is similar, related, or a logical assignment to the position. This job description does not constitute an employment agreement between the South San Joaquin County Fire Authority and the employee and is subject to change by the Authority as the needs of the Authority and/or the requirements of the job change.

FIREFIGHTER

Class Title:	Firefighter	Class Code:	060
Division(s):	Operations	Unit:	TFFA
EEO Code:	78	Effective Date:	3/16/2021
FLSA Status:	Non-Exempt	Revision History:	
Retirement:	Safety	W/C Code:	7706

DESCRIPTION

Under the general direction of the Fire Captain, the firefighter operates and maintains a variety of firefighting equipment; responds to fire alarms and other emergencies; protects lives and property; participates in fire prevention, fire investigation, public education, station and equipment maintenance, and other related assigned duties.

DISTINGUISHING CHARACTERISTICS

Firefighters are distinguished from other positions in the Authority by their sole focus on training, practicing, and executing general duty firefighting responsibilities.

SUPERVISION RECEIVED AND EXERCISED

Works under the general supervision of the Fire Captain. May assist, coordinate, instruct, and/or supervise the work of reserve and other fire personnel as assigned

EXAMPLES OF TYPICAL DUTIES

This is an illustrative list, duties may include, but are not limited to, the following:

- Apply principles and practices of modern firefighting techniques and perform firefighting and other emergency activities as directed.
- Use proper safety techniques in the operation and maintenance of Authority equipment, tools, and facilities.
- Follow and apply Authority policies, rules, regulations, and guidelines.
- Apply EMT-D protocols, CPR, and other medical assistance techniques.
- Use effective communication skills, both oral and written; follow directions.
- Establish and maintain effective working relationships with those contacted in the course of work.
- Attend drills and staff training activities; participate in Authority activities.

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- Respond to alarms; maintain awareness of area streets, special hazards, and water systems.
- Establish and maintain effective training and readiness.
- Assist in minor maintenance to keep the areas in and about the fire house clean and orderly.
- Clean and service firefighting and medical equipment; inspect and test medical equipment.
- Provide community service.
- Perform other related duties as assigned.

MINIMUM QUALIFICATIONS

Demonstrated Knowledge of:

- Principles and practices of fire suppression techniques and their application
- Basic knowledge of hazardous materials management
- Knowledge of applicable local, state, and federal laws, ordinances, and codes
- Hose sizes and general knowledge of gallons per minute (gpm).
- Salvage and overhaul techniques.
- Basic principles of building construction.
- Fire behavior
- The California Vehicle Code.
- Water sources within the South San Joaquin County Fire Authority response area.
- How to establish water sources.
- Adult/child/infant CPR and First Aid procedures.
- Facility maintenance procedures, i.e.: Standard Operating Guidelines (SOGs).
- South San Joaquin County Fire Authority safety guidelines, protocols, and general safety techniques.
- Proper grammar, spelling and documentation.
- Computers, emails, and etiquette.
- Community and community service activities.
- Knowledge and awareness of diversity issues within an organization and community.

Demonstrated Ability to:

- Deploy hose, secure water line, and utilize water supply systems.

- Lift, throw and deploy ground ladder.
- Don and doff Personal Protective Equipment (PPE) within South San Joaquin County Fire Authority standards.
- Operate under stressful situations.
- Operate a motor vehicle; also operate and maintain a personal vehicle and have access.
- Read maps, area familiarization, map testing and studying to learn the South San Joaquin County Fire Authority response area.
- Learn and consistently apply South San Joaquin County Fire Authority response procedures.
- Follow, understand, and retain oral and written instructions, as well as South San Joaquin County Fire Authority Personnel Rules and regulations.
- Speak, understand, and write clearly in the English language.
- Use good judgment.
- Recognize medical emergencies, respond appropriately, and perform treatment within the scope of practice.
- Operate South San Joaquin County Fire Authority tools and equipment.
- Apply safety protocols.
- Understand and apply social interactions with personnel, the public/customers given the setting.
- Work in a team setting, work well with others, i.e.: the public/groups/individuals with differing beliefs or opinions and socioeconomic origins.
- Resolve conflicts in a respectful and civil manner and know when compromise is called for.
- Engage in public speaking, interact with, and educate the community.
- Work hard and commit to time demands.
- Adapt and complete any task related to the fire service (within the scope of training)
- Perform administrative tasks.

EDUCATION AND EXPERIENCE

Any combination of education, experience, and training that would likely provide the required knowledge and abilities if qualifying. A typical way to obtain the knowledge and abilities would be:

Education:

- Education equivalent to completion of the 12th grade (High School Diploma or equivalency certificate).

- Courses in Fire Sciences desirable.
- A.S. Degree in Fire Sciences desirable.

LICENSES AND CERTIFICATES

- Must possess and maintain a valid Class C California Driver License with appropriate endorsements for the assignment.
- Must possess and maintain a valid EMT-B certificate as a condition of employment. An EMT-P Certificate is desirable.
- Must possess a Certificate of Completion from a fire academy (Firefighter 1)
- Must possess a Valid CPAT Certification (within the last 12-months)

PHYSICAL DEMANDS

The physical demands described here are representative of those that must be met by an employee to successfully perform the essential functions of this job. Reasonable accommodation may be made to enable individuals with disabilities to perform the essential functions.

While performing the duties of this job, the employee is frequently required to stand; walk; use hands to finger, handle, or operate objects, tools, or controls; and reach with hands and arms. The employee is occasionally required to sit; climb or balance; stoop, kneel, crouch, or crawl; talk or hear; and taste or smell.

The employee must frequently lift and/or move up to 10 pounds and occasionally lift and/or move up to 100 pounds. Specific vision abilities ~~as~~ per DMV requirements.

WORK ENVIRONMENT

The work environment characteristics described here are representative of those an employee encounters while performing the essential functions of this job. Reasonable accommodation may be made to enable individuals with disabilities to perform the essential functions.

While performing the duties of this job, the employee regularly works in outside weather conditions. The employee occasionally works near moving mechanical parts and in high, precarious places and is occasionally exposed to wet and/or humid conditions, fumes or airborne particles, toxic or caustic chemicals, risk of electrical shock, and vibration.

The noise level in the work environment is usually moderate, except during certain firefighting or EMT activities when noise levels may be loud.

TOOLS AND EQUIPMENT USED

Emergency medical aid unit, fire apparatus, fire pumps, hoses, ladders, first aid equipment, radio, pager, computers, phones and other standard firefighting/emergency tools and equipment.

SPECIAL REQUIREMENTS

In accordance with Authority policy, incumbents in this class must pass an annual agility test as part of the qualifications for employment.

In accordance with Authority policy, incumbents in this class are required to be non-smokers, as part of the qualifications for employment.

The duties listed above are intended only as illustrations of the various types of work that may be performed. The omission of specific statements of duties does not exclude them from the position if the work is similar, related, or a logical assignment to the position. This job description does not constitute an employment agreement between the South San Joaquin County Fire Authority and the employee and is subject to change by the Authority as the needs of the Authority and/or the requirements of the job change.

SOUTH SAN JOAQUIN COUNTY FIRE AUTHROITY
Job Descriptions

FIREFIGHTER TRAINEE

Class Title:	Firefighter Trainee	Class Code:	7102
Division(s):	Operations	Unit:	TFFA
EEO Code:	78	Effective Date:	3/16/2021
FLSA Status:	Non-Exempt	Revision History:	
Retirement:	Safety	W/C Code:	7706

DESCRIPTION

Under the direction of the South San Joaquin County Fire Authority (Authority), and in conjunction withthe designated Fire Academy Training Academy/Program Officer, the Firefighter Trainee will be trained in a wide range of firefighting techniques, knowledge, skills, and abilities in the areas of operations, fire prevention, fire investigation, public education, EMS, operating and maintaining firefighting equipment, station maintenance and other related firefighter skills and duties.

DISTINGUISHING CHARACTERISTICS

This is a temporary Trainee classification. The Trainee who successfully completes the Fire Training Academy Program, will be offered a fulltime position in the Firefighter classification within the Authority.

SUPERVISION RECEIVED AND EXERCISED

Works under the direct supervision of the designated Authority Representative and, while attending academy training, the Academy Training Program Officer.

EXAMPLES OF TYPICAL DUTIES

This is an illustrative list, duties may include, but are not limited to, the following:

- Learn to apply principles and practices of modern firefighting techniques and perform firefighting andother emergency activities as directed.
- Learn the proper safety techniques, in the operation and maintenance of various fire departmentequipment, tools and facilities.
- Learn the Fire Authority policies, rules, regulations, and guidelines.
- Learn to apply EMT protocols, CPR, and other medical assistance techniques.
- Learn to use effective communication skills, both oral and written; follow directions.
- Establish and maintain effective working relationships with those contacted in the course of work. Attend drills and staff training activities; participate in fire department activities.
- Learn area streets, special hazards, and water systems.

- Establish and maintain effective training and readiness.

- Learn to assist in minor maintenance to keep the areas in and about the fire house clean and orderly. Learn to clean and service firefighting and medical equipment; inspect and test medical equipment. Participate in community activities as assigned.
- Perform other related duties as assigned.

MINIMUM QUALIFICATIONS

Knowledge of:

- Basic Knowledge of First Aide and medical assessment techniques
- Applicable local, state, and federal laws, ordinances, and codes
- The California Vehicle Code.
- Proper grammar, spelling and documentation.
- Computers, emails, and etiquette.
- Knowledge and awareness of diversity issues within an organization and community.

Ability to:

- Learn and apply the basic principles of fire suppression
- Learn and apply the basic principles of hazardous material management
- Don and doff Personal Protective Equipment (PPE) within South San Joaquin County Fire Authority standards.
- Operate under stressful situations.
- Operate a motor vehicle; also operate and maintain a personal vehicle and have access.
- Read maps, area familiarization, map testing and studying to learn the South San Joaquin County Fire Authority response area.
- Learn and consistently apply South San Joaquin County Fire Authority response procedures.
- Follow, understand, and retain oral and written instructions, as well as South San Joaquin County Fire Authority Personnel Rules and regulations.
- Speak, understand, and write clearly in the English language.
- Use good judgment.
- Recognize medical emergencies, respond appropriately, and perform treatment within the scope of practice.
- Learn to and operate South San Joaquin County Fire Authority tools and equipment.

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- Apply safety protocols.
- Understand and apply social interactions with personnel, the public/customers given the setting.
- Work in a team setting, work well with others, e.g., the public/groups/individuals with differing beliefs or opinions and socioeconomic origins.
- Resolve conflicts in a respectful and civil manner and know when compromise is called for.
- Engage in public speaking, interact with, and educate the community.
- Work hard and commit to time demands.
- Adapt and complete any task related to the fire service (within the scope of training)
- Perform administrative tasks.

EDUCATION AND EXPERIENCE

Any combination of experience and training that would provide the required knowledge and abilities is qualifying. A typical way to obtain the knowledge and abilities would be:

- High school diploma or equivalent
- Courses in Fire Science or related fields desirable

LICENSES AND CERTIFICATES

- Must possess and maintain a valid Class C California Driver License or higher with Firefighter endorsements.
- Must possess and maintain a valid EMT-B, EMT-I or EMT-P certificate as a condition of employment

ADDITIONAL REQUIREMENTS

Incumbent must be eighteen years of age.

Incumbent must be Candidate Physical Ability Test (CPAT) certified; certification must be valid withinone year of the final submission date of the application period.

PHYSICAL DEMANDS

The physical demands described here are representative of those that must be met by an employee tosuccessfully perform the essential functions of this job. Reasonable accommodation may be made to enable individuals with disabilities to perform the essential functions.

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While performing the duties of this job, the employee is frequently required to stand; walk; use hands tofinger, handle, or operate objects, tools, or controls; and reach with hands and arms. The employee is frequently required to sit; climb or balance; stoop, kneel, crouch, or crawl; talk or hear; and taste or smell.

The employee must frequently lift and/or move 10 to 100 pounds. Specific vision abilities apply per DMVrequirements.

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WORK ENVIRONMENT

The work environment characteristics described here are representative of those an employee encounters while performing the essential functions of this job. Reasonable accommodation may bemade to enable individuals with disabilities to perform the essential functions.

While performing the duties of this job, the employee regularly works in outside weather conditions. The employee occasionally works near moving mechanical parts and in high, precarious places and is occasionally exposed to wet and/or humid conditions, fumes, or airborne particles, toxic orcaustic chemicals, risk of electrical shock, and vibration.

The noise level in the work environment is usually moderate, except during certain firefighting or EMTactivities when noise levels may be loud.

TOOLS AND EQUIPMENT USED

Emergency medical aid unit, fire apparatus, fire pumps, hoses, ladders, first aid equipment, radio, pager,computers, phones and other standard firefighting/emergency tools and equipment.

The duties listed above are intended only as illustrations of the various types of work that may be performed. The omission of specific statements of duties does not exclude them from the position if the work is similar, related, or a logical assignment to the position. This job description does not constitute an employment agreement between the South San Joaquin County Fire Authority and the employee and is subject to change by the Authority as the needs of the Authority and/or the requirements of the job change.

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FIREFIGHTER/ PARAMEDIC

Class Title:	Firefighter/ Paramedic	Class Code:	061
Division(s):	Operations	Unit:	TFFA
EEO Code:	78	Effective Date:	3/16/2021
FLSA Status:	Non-Exempt	Revision History:	
Retirement:	Safety	W/C Code:	7706

DESCRIPTION

Under the general supervision of the Fire Captain, performs firefighting and emergency medical response activities to protect life and property; to respond to a variety of fire, emergency, and non-emergency calls for service; to perform station and equipment maintenance and to perform a variety of other technical and complex tasks relative to assigned area of responsibility.

DISTINGUISHING CHARACTERISTICS

Firefighters/ Paramedics are distinguished from Firefighters by their responsibility to provide emergency medical response in addition to responding to a variety of fire emergencies to protect life and property.

SUPERVISION RECEIVED AND EXERCISED

The firefighter/paramedic works under the general supervision of the Fire Captain and Division Chief. The Firefighter/Paramedic accomplishes a variety of duties in the protection of life and property by combating, extinguishing, and preventing fires as well as providing emergency medical care; rescues or protects individuals from hazardous environments; maintains fire station, grounds and equipment; participates in fire prevention inspections, fire prevention and suppression training programs; and performs other related work as required.

EXAMPLES OF TYPICAL DUTIES

This is an illustrative list, duties may include, but are not limited to, the following:

- Respond to fire and emergency routine alarms as part of a firefighting team; lay hose, set ladders, ventilate building and perform salvage/overhaul functions; provide basic and advanced life support services to ill and injured persons in accordance with policies and protocols for the Authority as well as those of the San Joaquin County EMS Agency.
- Perform emergency medical services as an Emergency Medical Technician - Paramedic (EMT - P).
- Assist in the performance of periodic Uniform Fire Code inspections of industrial and commercial businesses and places of assembly; assist in the enforcement of fire

prevention codes by inspecting and documenting violations that need corrective action, and seek compliance.

- Assist in the performance of routine daily, weekly, and monthly inspections of fire apparatus and equipment; maintain fire station and grounds; perform routine and minor repairs as necessary; inform station Fire Engineer or Captain of major repair work needed; perform inspections and routine maintenance on rescue squad apparatus.
- Complete patient care reports, prepare, write and file reports concerning incidents, autos, light trucks, rescue, and apparatus maintenance, inventory, occupancy survey, notice of violation, supply requisitions, work orders, and other fire related information.
- Perform related duties as assigned.

MINIMUM QUALIFICATIONS

Demonstrated Knowledge of:

- Recognize medical emergencies, respond appropriately, and perform treatment within the scope of practice.
- Principles and practices of emergency medical care and basic life support
- Principles and practices of medical transport
- Principles and practice of medical assessment and site safety assessment.
- Adult/child/infant CPR and First Aid procedures.
- Principles and practices of fire suppression techniques and their application
- Basic knowledge of hazardous materials management
- Knowledge of applicable local, state, and federal laws, ordinances, and codes
- Fire behavior
- The California Vehicle Code.
- South San Joaquin County Fire Authority safety guidelines, protocols, and general safety techniques.
- Proper grammar, spelling and documentation.
- Computers, emails, and etiquette.
- Community and community service activities.
- Knowledge and awareness of diversity issues within an organization and community.

Demonstrated Ability to:

- Apply emergency medical care and life support to ill and injured individuals.
- Don and doff Personal Protective Equipment (PPE) within South San Joaquin County Fire Authority standards.

- Operate under stressful situations.
- Operate a motor vehicle; also operate and maintain a personal vehicle and have access.
- Read maps, area familiarization, map testing and studying to learn the South San Joaquin County Fire Authority response area.
- Learn and consistently apply South San Joaquin County Fire Authority response procedures.
- Follow, understand, and retain oral and written instructions, as well as South San Joaquin County Fire Authority Personnel Rules and regulations.
- Speak, understand, and write clearly in the English language.
- Use good judgment.
- Operate South San Joaquin County Fire Authority tools and equipment.
- Apply safety protocols.
- Understand and apply social interactions with personnel, the public/customers given the setting.
- Work in a team setting, work well with others, i.e.: the public/groups/individuals with differing beliefs or opinions and socioeconomic origins.
- Resolve conflicts in a respectful and civil manner and know when compromise is called for.
- Engage in public speaking, interact with, and educate the community.
- Work hard and commit to time demands.
- Adapt and complete any task related to the fire service (within the scope of training)
- Perform administrative tasks.

EDUCATION AND EXPERIENCE

Any combination of education, experience, and training that would likely provide the required knowledge and abilities if qualifying. A typical way to obtain the knowledge and abilities would be:

- High school diploma or equivalent
- Successful completion of a recognized California State Fire Marshal Accredited Fire Academy (Firefighter I) is required

LICENSES AND CERTIFICATES

- California State Fire Marshall Firefighter 1 Certification
- EMT-P (Must be valid in State of California)
- EMT-P County accreditation within 60 days of appointment

- Proof of current Advanced Cardiac Life Support (ACLS)
- Proof of current Pediatric Advanced Life Support (PALS) or Pediatric Education for Pre-Hospital Professionals (PEPP)
- Proof of Pre-Hospital Trauma Life Support (PHTLS) or Basic Trauma Life Support(BTLS) Current American Heart Association CPR Healthcare Provider or equivalent
- Must possess and provide proof of an appropriate California Driver License
- Incumbent must be Candidate Physical Ability Test (CPAT) certified; certification must be valid within one year of the final submission date of the application period.

PHYSICAL DEMANDS

The physical demands described here are representative of those that must be met by an employee to successfully perform the essential functions of this job. Reasonable accommodation may be made to enable individuals with disabilities to perform the essential functions.

While performing the duties of this job, the employee is frequently required to stand; walk; use hands tofinger, handle, or operate objects, tools, or controls; and reach with hands and arms. The employee is occasionally required to sit; climb or balance; stoop, kneel, crouch, or crawl; talk or hear; and taste or smell.

The employee must frequently lift and/or move up to 10 pounds and occasionally lift and/or move up to100 pounds. DMV will also require you to have specific vision abilities.

WORK ENVIRONMENT

Emergency firefighting environment; exposure to heat, noise, dust, grease, smoke, fumes, gases, radiantenergy, toxic materials and inclement weather conditions; work at heights on scaffolding and ladders and with water; work in confined spaces.

Essential and marginal functions may require maintaining physical condition necessary for heavy, moderate or light lifting; sitting, walking or standing for prolonged periods; climbing with both legs andarms; operating motorized equipment and vehicles.

TOOLS AND EQUIPMENT USED

Fire apparatus, fire pumps, hoses, ladders, Basic and Advanced Life Support medical equipment, radio,pager, computers, phones and other standard firefighting/emergency tools and equipment.

SPECIAL REQUIREMENTS

In accordance with South San Joaquin County Fire Authority policy, incumbents in this class must pass anannual agility test as part of the qualifications for employment.

In accordance with South San Joaquin County Fire Authority policy, incumbents in this class are required to be non-smokers, as part of the qualifications for employment.

The duties listed above are intended only as illustrations of the various types of work that may be performed. The omission of specific statements of duties does not exclude them from the position if the work is similar, related, or a logical assignment to the position. This job description does not constitute an employment agreement between the South San Joaquin County Fire Authority and the employee and is subject to change by the Authority as the needs of the Authority and/or the requirements of the job change.

HUMAN RESOURCES ANALYST I

Class Title:	Human Resources Analyst I	Class Code:	132
Division(s):	Administration	Unit:	Unrepresented - Mgr
EEO Code:	80	Effective Date:	3/16/2021
FLSA Status:	Non-Exempt	Revision History:	
Retirement:	Miscellaneous	W/C Code:	9410

DESCRIPTION

Under direction, the Human Resources Analyst I directs human resources, benefits, and risk management programs, provides analytical support to the Division Chief and other management staff in the areas of recruitment/selection, classification/compensation, benefits administration, training and development, labor relations, policies and procedures; exercises discretion and use of good judgment in working with confidential and sensitive issues on a regular basis; and performs other related duties as required.

DISTINGUISHING CHARACTERISTICS

The Human Resources Analyst I is an entry level classification which may be used as a generalist performing the full range of transactional and technical human resources duties and responsibilities under the direction of a Fire Division Chief, or as a specialist in support of a Human Resources Manager. A Human Resources Analyst I is differentiated from a Human Resources Analyst II in its responsibility to perform the day-to-day duties necessary to support the employment of personnel, pay and leave management, recruitment and selection, onboarding, interpreting policy and labor agreements, benefits administration, may be asked to support payroll processing, and answer employee questions. The Human Resources Analyst II has the added responsibilities for risk management and legal and regulatory compliance in personnel matters, identifies new policy needs and makes related recommendations, makes classification and compensation recommendations after reviewing study information, performs data analysis for various business needs. Human Resources Analysts perform work related to the costing of employee benefits, personnel budgets, and is privy to other aspects of management proposals during negotiations. This work is Confidential under the Meyers-Milias-Brown Act.

SUPERVISION RECEIVED AND EXERCISED

Reports directly to a Division Chief or Human Resources Manager. May provide functional supervision over lower-level support staff, interns, or volunteers.

Incumbents are expected to work independently, exercise sound judgment and apply professional knowledge and skill to various personnel programs and activities.

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EXAMPLES OF TYPICAL DUTIES

This is an illustrative list, duties may include, but are not limited to, the following:

- Performs a wide variety of confidential and sensitive professional personnel work in a variety of personnel program areas including recruitment, selection, classification, compensation, training, benefits administration, and other aspects of personnel.
- Plans and coordinates, executes or directs all facets of the recruitment and selection process including but not limited to developing recruitment strategies, preparing job announcements, screening and accepting or rejecting applications based on qualification standards, administering tests, placing appropriate advertising, scheduling, designing and coordinating the entire interview process; ensures that fair employment practices are followed, performing diversity outreach, maintaining and monitoring the Authority's EEO data for compliance with Federal requirements and assessing the effectiveness of recruitment efforts, including and recommending improvements as necessary.
- Interprets Authority policies, procedures, laws, regulations, and Memorandums of Understanding in response to inquiries and complaints; ensures compliance with FMLA, ADA, EEO statutes; refers inquiries as appropriate.
- Works with employees regarding leave requests and provides notices and acknowledgements of leave entitlements. Makes referrals to legal or disability and leave case management service provider as appropriate. Participates in interactive process discussions as assigned.
- May conduct job analysis or position reviews, makes recommendations, as assigned, for ongoing maintenance activities for the Classification and Compensation plans.
- Answers inquiries and requests for information on subjects such as employment verification, job openings, survey inquiries, and benefits.
- Supplies input for salary and benefit surveys; conducts spot surveys of personnel practices elsewhere and otherwise researches issues upon request.
- Assists in the development and implementation of personnel management policies and practices and language proposals for memorandums of understanding.
- Assists in the development and preparation or revisions of job descriptions and in the administration of class and compensation reviews.
- Monitors compliance with all aspects of the Memorandums of Understanding.
- Works with divisions to determine classification issues and solutions; performs surveys to identify comparative class and compensation data.
- Assists in performing Workers Compensation and Risk management duties, as assigned.
- Provides personnel related schedules, charts, and reports using data from a variety of sources in budget preparation and administration, including preparation of cost estimates and justifications for recommended budget items.
- Assists employees, supervisors, and managers on a variety of personnel issues.

- Participates and assists in the administration of the division; prepares comprehensive reports, compiles information to be used in special projects and reports; and makes recommendations.
- Independently responds to letters and general correspondence of a routine nature; initiates and maintains a variety of files and records for information related to the division; maintains manuals and updates resource materials.
- Receives, investigates, compiles data, documents, and provides support to the Authority.
- Maintains liaison with appropriate government representatives and/or private firms or entities.
- Performs related duties as assigned.

MINIMUM QUALIFICATIONS

The minimum knowledge, skills, and abilities necessary to be successful at the position through the probationary or introductory period. Knowledge required for this classification includes:

Demonstrated Knowledge of:

- Principles, methods, and procedures utilized in personnel management, particularly those related to recruitment/selection, classification, compensation, and salary and benefit administration.
- Principles of management, organization, budgeting, and staffing.
- Principles and techniques of administrative analyses.
- Principles and procedures of record keeping and/or records management.
- Personnel functions and pertinent federal, state, and local laws, codes, and regulations.
- Municipal government organization and operation.
- Communicate effectively in both oral and written form.
- Work effectively with employees, managers and the public.
- Maintain the highly confidential nature of personnel work.
- Convey a positive and professional image to customers, including citizens, employees and officials.

Demonstrated Ability to:

- Evaluate and recommend changes to policies, programs, and practices.
- Research, analyze, interpret, and apply various governing policies, laws, and regulations.
- Conduct research; prepare analytical reports.

EDUCATION AND EXPERIENCE

Any combination of experience and training that would likely provide the required knowledge and abilities is qualifying. A typical way to obtain the knowledge and abilities would be:

Education:

Four (4) years of documented education in an academic course of study or a Bachelor's Degree, supplemented by specialized training or education in public administration, personnel management, risk management or related field.

Experience:

Four (4) years of providing administrative support experience of which at least two years shall have been performing a variety of professional personnel and risk management experience. Lead direction or supervisory experience is desirable.

Licenses and Certificates:

Possession of, or ability to obtain an appropriate, valid California driver license.

TOOLS AND EQUIPMENT

Requires frequent use of personal computer, including word processing, database and spreadsheet programs; electronic scheduling; calculator, telephone, copy machine and fax machine.

PHYSICAL DEMANDS

The physical demands described here are representative of those that must be met by an employee to successfully perform the essential functions of this job. Reasonable accommodations may be made to enable individuals with disabilities to perform the essential functions.

On a continuous basis, sit at a desk and in meetings for long periods of time. Intermittently twist to reach equipment surrounding desk. Perform simple grasping and fine manipulation. Communicate extensively using a telephone and/or a personal computer, and communicate in written form.

Attend evening meetings as required. Travel out of the Authority to attend meetings.

The employee must occasionally lift and/or move up to 10 pounds.
Specific vision abilities required by this job include close vision and the ability to adjust focus.

WORK ENVIRONMENT

The work environment characteristics described here are representative of those an employee encounters while performing the essential functions of this job. Reasonable accommodations may be made to enable individuals with disabilities to perform the essential functions.

The noise level in the work environment is usually moderately quiet.

The duties listed above are intended only as illustrations of the various types of work that may be performed. The omission of specific statements of duties does not exclude them from the position if the work is similar, related, or a logical assignment to the position. This job description does not constitute an employment agreement between the South San Joaquin County Fire Authority and the employee and is subject to change by the Authority as the needs of the Authority and/or the requirements of the job change.

HUMAN RESOURCES ANALYST

Class Title:	Human Resources Analyst II	Class Code:	132
Division(s):	Administration	Unit:	Unrepresented - Mgr
EEO Code:	80	Effective Date:	3/16/2021
FLSA Status:	Non-Exempt	Revision History:	
Retirement:	Miscellaneous	W/C Code:	9410

DESCRIPTION

Under direction, the Human Resources Analyst II directs human resources, benefits, and risk management programs, provides analytical support to the Division Chief and other management staff in the areas of recruitment/selection, classification/compensation, benefits administration, training and development, labor relations, policies and procedures; exercises discretion and use of good judgment in working with confidential and sensitive issues on a regular basis; and performs other related duties as required.

DISTINGUISHING CHARACTERISTICS

The Human Resources Analyst II is a full journey level classification which may be used as a generalist performing the full range of human resources duties and responsibilities under the direction of a Fire Division Chief, or as a specialist in support of a Human Resources Manager. A Human Resources Analyst performs personnel and policy work related to the costing of employee benefits, personnel budgets, and is privy to other aspects of management proposals during negotiations. This work is Confidential under the Meyers-Milias-Brown Act.

SUPERVISION RECEIVED AND EXERCISED

Reports directly to a Division Chief or Human Resources Manager. May provide functional supervision over lower-level support staff, interns, or volunteers.

Incumbents are expected to work independently, exercise sound judgment and apply professional knowledge and skill to various personnel programs and activities.

EXAMPLES OF TYPICAL DUTIES

This is an illustrative list, duties may include, but are not limited to, the following:

- Performs a wide variety of confidential and sensitive professional personnel work in a variety of personnel program areas including recruitment, selection, classification, compensation, training, benefits administration, and other aspects of personnel.
- Plans and coordinates, executes or directs all facets of the recruitment and selection process including but not limited to developing recruitment strategies, preparing job announcements, screening and accepting or rejecting applications based on qualification standards, administering tests, placing appropriate advertising, scheduling, designing and coordinating the entire interview process; ensures that fair employment practices are followed, performing diversity outreach, maintaining and monitoring the Authority's

EEO data for compliance with Federal requirements and assessing the effectiveness of recruitment efforts, including and recommending improvements as necessary.

- Interprets Authority policies, procedures, laws, regulations, and Memorandums of Understanding in response to inquiries and complaints; ensures compliance with FMLA, ADA, EEO statutes; refers inquiries as appropriate.
- Conducts position reviews, makes recommendations and performs, ongoing maintenance activities for the Classification and Compensation plans.
- Answers inquiries and requests for information on subjects such as employment verification, job openings, survey inquiries, and benefits.
- Coordinates and performs all aspects of leave and disability management from coaching employees in entitlements and practice, noticing and acknowledging approved leaves, tracking hours of each leave entitlement, conducting timely and compliant reasonable accommodation, temporary modified duty, and return to work programs.
- Supplies input for salary and benefit surveys; conducts salary surveys and spot surveys of personnel practices elsewhere, oversees multi-position compensation studies, and otherwise researches issues upon request.
- Develops, update, and implements personnel management policies and practices and language proposals for memorandums of understanding.
- Coordinates the development and preparation or revisions of job descriptions and in the administration of class and compensation reviews.
- Monitors compliance with all aspects of the Memorandums of Understanding.
- Works with divisions to determine classification issues and solutions; performs surveys to identify comparative class and compensation data.
- Assists in performing Workers Compensation and Risk management duties, as assigned.
- Provides personnel related schedules, charts, and reports using data from a variety of sources in budget preparation and administration, including preparation of cost estimates and justifications for recommended budget items.
- Assists employees, supervisors, and managers on a variety of personnel issues.
- Participates and assists in the administration of the division; prepares comprehensive reports, compiles information to be used in special projects and reports; and makes recommendations.
- Independently responds to letters and general correspondence of a routine nature; initiates and maintains a variety of files and records for information related to the division; maintains manuals and updates resource materials.
- Receives, investigates, compiles data, documents, and provides support to the Authority.
- Oversees personnel investigations and maintains appropriate confidentiality of reports for safety, performance, conduct, and other issues.

- Maintains liaison with appropriate government representatives and/or private firms or entities.
- Performs related duties as assigned.

MINIMUM QUALIFICATIONS

The minimum knowledge, skills, and abilities necessary to be successful at the position through the probationary or introductory period. Knowledge required for this classification includes:

Demonstrated Knowledge of:

- Principles, methods, and procedures utilized in personnel management, particularly those related to recruitment/selection, classification, compensation, and salary and benefit administration.
- Principles of management, organization, budgeting, and staffing.
- Principles and techniques of administrative analyses.
- Principles and procedures of record keeping and/or records management.
- Personnel functions and pertinent federal, state, and local laws, codes, and regulations.
- Municipal government organization and operation.
- Communicate effectively in both oral and written form.
- Work effectively with employees, managers and the public.
- Maintain the highly confidential nature of personnel work.
- Convey a positive and professional image to customers, including citizens, employees and officials.

Demonstrated Ability to:

- Evaluate and recommend changes to policies, programs, and practices.
- Research, analyze, interpret, and apply various governing policies, laws, and regulations.
- Conduct research; prepare analytical reports.

EDUCATION AND EXPERIENCE

Any combination of experience and training that would likely provide the required knowledge and abilities is qualifying. A typical way to obtain the knowledge and abilities would be:

Education:

Four (4) years of documented education in an academic course of study or a Bachelor's Degree, supplemented by specialized training or education in public administration, personnel management, risk management or related field.

Experience:

Four (4) years of providing administrative support experience of which at least two years shall have been performing a variety of professional personnel and risk management experience. Lead direction or supervisory experience is desirable.

Licenses and Certificates:

Possession of, or ability to obtain an appropriate, valid California driver license.

TOOLS AND EQUIPMENT

Requires frequent use of personal computer, including word processing, database and spreadsheet programs; electronic scheduling; calculator, telephone, copy machine and fax machine.

PHYSICAL DEMANDS

The physical demands described here are representative of those that must be met by an employee to successfully perform the essential functions of this job. Reasonable accommodations may be made to enable individuals with disabilities to perform the essential functions.

On a continuous basis, sit at a desk and in meetings for long periods of time. Intermittently twist to reach equipment surrounding desk. Perform simple grasping and fine manipulation. Communicate extensively using a telephone and/or a personal computer, and communicate in written form.

Attend evening meetings as required. Travel out of the Authority to attend meetings.

The employee must occasionally lift and/or move up to 10 pounds.
Specific vision abilities required by this job include close vision and the ability to adjust focus.

WORK ENVIRONMENT

The work environment characteristics described here are representative of those an employee encounters while performing the essential functions of this job. Reasonable accommodations may be made to enable individuals with disabilities to perform the essential functions.

The noise level in the work environment is usually moderately quiet.

The duties listed above are intended only as illustrations of the various types of work that may be performed. The omission of specific statements of duties does not exclude them from the position if the work is similar, related, or a logical assignment to the position. This job description does not constitute an employment agreement between the South San Joaquin County Fire Authority and the employee and is subject to change by the Authority as the needs of the Authority and/or the requirements of the job change.

HUMAN RESOURCES MANAGER

Class Title:	Human Resources Manager	Class Code:	135
Division(s):	Administration	Unit:	Unrepresented - Mgr
EEO Code:	80	Effective Date:	3/16/2021
FLSA Status:	Non-Exempt	Revision History:	
Retirement:	Miscellaneous	W/C Code:	9410

DESCRIPTION

Under general direction, plans, organizes and directs the day to day operations of human resources work including, but not limited to, recruitment and selection, employee relations, investigation of sensitive personnel situations, classification, compensation, benefits administration, training and development, workers' compensation, risk management, safety, labor relations, coordination of assigned activities with other divisions, provides complex staff assistance as required; performs a wide range of management duties in support of division, division and Authority goals, programs, services, budgets and policies; supervises staff directly or through subordinate supervisors; performs other job related duties as assigned.

DISTINGUISHING CHARACTERISTICS

The Human Resources Manager receives general direction from the Division Chief and policy direction from the Fire Chief through the Board of Directors. This position oversees all activities related to Human Resources.

The Human Resources Manager is distinguished from the next higher class of Fire Division Chief by the latter's responsibility for an entire Division. The Human Resources Manager is distinguished from a Human Resources Analyst by the responsibility for all day-to-day operations and programs of Human Resources, whereas the Human Resources Analyst may be responsible for human resources at the program level.

SUPERVISION RECEIVED AND EXERCISED

The position receives supervision from a Division Chief and exercises direct and indirect supervision over assigned professional, technical, and clerical Human Resources staff.

EXAMPLES OF TYPICAL DUTIES

This is an illustrative list, duties may include, but are not limited to, the following:

- Plan, organize, direct, and manage the operations, staff, and activities of the Authority's Human Resources Section; aid the Fire Division Chief, Fire Chief, and other higher-level management in human resources planning and strategic decision activities.

- Plan, develop, direct, oversee, assess, monitor, revise, and participate in a variety of personnel program areas including recruitment, selection, classification, compensation, training and workforce development, benefits administration, performance management, risk management, disability and leave management, and other aspects of personnel management.

- Develop and implement goals, objectives, policies and priorities of programs and activities; assist the Fire Division Chief in developing and implementing goals, objectives and priorities for Division; support strategic priorities, goals and performance measures of the Authority.

- Communicate and collaborate with other divisions, divisions, committees, consultants, vendors, regulatory officials, public, elected officials, executive management, and outside agencies on human resource related programs

- Determine appropriate courses of action; identify problem areas and issues, and work to resolve; evaluate division programs and activities; make recommendations for improvements; develop, implement, and monitor changes.

- Recommend staffing needs, review staffing plans, and participate in recruitment and selection of staff; provide training, monitor employee performance objectives; coach and evaluate staff; work with employees to correct deficiencies; recommend and implement disciplinary procedures; resolve grievances.

- Prepare, forecast, administer division budget; prepare cost estimates; submit justifications for budget items; monitor and control expenditures; assist in preparation of Authority budget.
- Ensure compliance with Authority ordinance and polices, the Firefighter Bill of Rights and all state and federal employment laws and mandates.

- Monitor legislation and other developments related to Division/Authority programs and operations, evaluate impact, and make recommendations.

- Oversee development of RFP's and bid packages; oversee consultants, grants, and projects.

- Manage special projects, may lead cross divisional project teams and committees.
- Conduct position reviews and classification studies, recommend, and perform ongoing maintenance activities for the Classification and Compensation plans.

- Prepare or oversee the preparation of divisional or Authority-wide communications, Board of Director reports and agenda items, informational pieces; make presentations; represent the division or Authority at Boards, Committees, Commissions, and community groups.

- Perform other duties as assigned.

MINIMUM QUALIFICATIONS

The minimum knowledge, skills, and abilities necessary to be successful at the position through the probationary or introductory period. Knowledge required for this classification includes:

Demonstrated Knowledge of:

- Laws, regulations, and guidelines governing programs, projects and activities of the assigned division.
- Principles and practices of municipal budgeting.
- Principles, structure, and organization of public sector agencies.
- Management and supervisory principles and practices.
- Advanced principles of assigned area of responsibility.

Demonstrated Ability to:

- Interpret laws, policies and procedures pertaining to division/Authority programs.
- Analyze organizational and administrative problems, programs; create, recommend, and implement an effective course of action.
- Analyze legislation related to assigned area of responsibility; evaluate impact and make recommendations.
- Develop and implement goals, objectives, policies, procedures, work standards and management controls.
- Resolve complex issues and build consensus among work groups.
- Maintain effective collaborative working relationships with other Authority staff, and various diverse community, business, and special interest groups.
- Effectively manage assigned staff, multiple programs, a diverse workload; work effectively under pressure, meet deadlines, and adjust to constantly changing priorities.
- Communicate clearly and concisely orally and in writing, make effective presentations, write reports, including reports to the Board of Directors.
- Provide technical assistance and leadership to various boards and committees
- Plan, organize, assign, review, train and evaluate the work of staff, if assigned.
- Prepare or assist with budget preparation and administration.

EDUCATION AND EXPERIENCE

Any combination of experience and training that would likely provide the required knowledge and abilities is qualifying. A typical way to obtain the knowledge and abilities would be:

Education:

Equivalent to a Bachelor's degree from an accredited college or university with a major in human resources management, public business administration, or closely related field.

Experience:

Four (4) years of increasing responsible experience in personnel/labor relations administration including two (2) years of management and supervisory experience in various areas of the personnel field. Experience in a public agency setting is desirable.

LICENSES AND CERTIFICATIONS

Possession of, or ability to obtain an appropriate, valid California driver's license.

TOOLS

Requires frequent use of personal computer, including word processing, database and spreadsheet programs, website programs; calculator, telephone, copy machine and fax machine.

PHYSICAL DEMANDS

The physical demands described here are representative of those that must be met by an employee to successfully perform the essential functions of this job. Reasonable accommodations may be made to enable individuals with disabilities to perform the essential functions.

While performing the duties of this job, the employee is frequently required to walk, sit and talk or hear. On a continuous basis, sit at desk and in meetings for long periods of time. Communicate extensively through the use of a telephone and written means.

Specific vision abilities required include close vision, color vision, and the ability to adjust focus.

WORK ENVIRONMENT

The noise level in the work environment is usually quiet while in the office, or moderately loud when in the field.

The duties listed above are intended only as illustrations of the various types of work that may be performed. The omission of specific statements of duties does not exclude them from the position if the work is similar, related, or a logical assignment to the position. This job description does not constitute an employment agreement between the South San Joaquin County Fire Authority and the employee and is subject to change by the Authority as the needs of the Authority and/or the requirements of the job change.

INTERN – GENERALIST

Class Title:	Intern - Generalist	Class Code:	121
Division(s):	Fire Authority Wide	Unit:	Limited Service
EEO Code:	9	Effective Date:	3/16/2021
FLSA Status:	Non-Exempt	Revision History:	
Retirement:	TBD	W/C Code:	9410

DESCRIPTION

This is a part-time temporary, position. Benefits for this position are limited to those that are required by law such as Healthy Families, Healthy Workplace Paid Sick Leave.

Duties to be determined as assigned by the Authority.

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SOUTH SAN JOAQUIN COUNTY FIRE AUTHROITY
Job Descriptions

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FISCAL ANALYST I

Class Title:	Fiscal Analyst I	Class Code:	180
Division(s):	Administration & Operations	Unit:	Safety
EEO Code:	80	Effective Date:	3/16/2021
FLSA Status:	Exempt	Revision History:	
Retirement:	Miscellaneous	W/C Code:	9410

DESCRIPTION

Under supervision, performs a variety of performs a variety of technical work involving review and analysis of division and consolidated Authority budgets, programs, systems and procedures, data management, reconciliation of accounts, program assessment, grant reporting and compliance, review and oversight of payroll processing activities; performs other duties as assigned.

DISTINGUISHING CHARACTERISTICS

This is an entry level job class and is responsible for gathering, preparing, and the analysis of data relative to organization, operational functions, budget, and other managerial processes of fire operations. This class differs from that of Accounting Technician in that the incumbents in the latter class focus mainly on statistical and analytical reports related to technical accounting functions. It differs from Administrative Assistant I due to the latter class responsibility for administrative and clerical support services. It differs from Fiscal Analyst II in that the employee in the Fiscal Analyst II class performs broader and more responsible assignments in budget, grant, and program assessment analysis requiring a higher level of knowledge of administrative and budgetary policies, practices and techniques. Incumbents serve a one-year probationary period.

SUPERVISION RECEIVED AND EXERCISED

The Fiscal Analyst I receive supervision from a Division Chief or designee, exercises no official supervision, and provide training and direction to lower level support staff.

EXAMPLES OF TYPICAL DUTIES

This is an illustrative list, duties may include, but are not limited to, the following:

- Provide technical information and instruction on routine processes regarding applicable procedures and methods; explain rules and regulations; answer questions on known matters with clear documentation and make referrals when matters are less defined.
- Develop and prepare high-quality, well-written and logical communications, and participate in the provision of well-considered, engaging, and responsive presentations as requested.

- Perform accurate and effective research and analysis of assigned projects, systems, and programs.
- Complete work activities consistent with Authority policies and procedure, and applicable laws, codes, statutes, and regulations.
- Collect, assemble, analyze, and learn to interpret data relating to departmental and inter-departmental operations including policies, functions, organizational structures, forms and procedures, work output and workload, space and physical layouts and effectiveness of equipment; work with other Division and Authority staff to prepare accompanying narrative and statistical reports
- Review federal and state grant programs and coordinating applications for such grants. Submit grant applications, participate in reporting and compliance activities preparing schedules and tracking expenditures and receipts. Represent the Authority at boards, councils, before government agencies and community groups.
- Prepare a variety of statistical, fiscal, payroll, personnel, and related reports; complete and process technical documents related to the work of the department; ensure that documents are complete, accurate and in compliance with program and departmental policies and procedures; enter data into systems, researches and corrects discrepancies.
- Maintain and monitor department, division, or program/project expenses and budget variances; prepare schedules to track and forecast expenditures and revenues against budget; monitor expenses and grants relative to the department budget; compile department or unit budget figures, monitor funds and expenses, reconcile accounts, and create supportive schedules and lists to support budget or audit preparation.
- Become adept at carrying out administrative procedures, develop and maintain tracking and reconciliation schedules, forms, and documents; interface with other Authority staff and outside agencies in obtaining information.
- Prepares narrative and statistical reports in a wide variety of administrative and management areas and makes recommendations in connection with these studies.
- Prepare information on operations and activities of various Authority programs for dissemination to various communications media.
- Compile information for use in operating manuals and organization and workflow charts
- Review completed project files for contract compliance, track contract compliance and insurance certificates.
- Operate standard office equipment, including job-related computer hardware and software applications, facsimile and duplicating equipment, and multi-line telephones; may operate other department-specific equipment.
- May plot data points on a map, prepare graphical representation of Geographic information Systems (GIS) data, enter data into GIS databases, review existing or incoming data for currency, accuracy, usefulness, quality, or completeness.
- May perform a variety of personnel and payroll-related activities, tracking and processing personnel actions and documents, preparing wage schedules and position

control changes; analyzing and tracking departmental payroll; and answering related employee questions.

- Build and maintain positive working relationships with co-workers, other Authority employees and the public using principles of good customer service.
- Perform related duties as assigned.

MINIMUM QUALIFICATIONS

The minimum knowledge, skills, and abilities necessary to be successful at the position through the probationary or introductory period. Knowledge required for this classification includes:

Demonstrated Knowledge of:

- Organization and function of public agencies.
- Basic principles and practices of governmental accounting and financial record keeping.
- Principles and practices of preparing and monitoring budgets.
- Programs and general systems management principles.
- Principles of business mathematics and statistical analysis.
- Modern research practices and methodologies.
- Principles and practices of data collection, quality control, tracking, analysis, manipulation, reconciliation, and report preparation.
- Techniques of report writing, business case structure, and persuasive prose.
- Modern office procedures, methods, and computer equipment.
- Computer applications and programs related to the work, such as Microsoft Word and Excel, databases, and including basic methods of graphic presentations.
- English usage and syntax, grammar, spelling, vocabulary, and punctuation.
- Techniques for effectively representing the Authority in contacts with governmental agencies, community groups, and various business, professional, educational, regulatory, and legislative organizations.
- Techniques for providing a high level of customer service to public and District staff, in person and over the telephone.
- Record keeping practices and procedures.

Demonstrated Ability to:

- Plan and organize research and statistical work.
- Understand, interpret, and apply rules, regulations, ordinances, and federal, state, and local legislation.
- Effectively operate a variety of computer, office and Authority equipment and programs.

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- Persuade, rationalize, and project consequences of decisions and/or recommendations; analyze administrative problems, budget requests, and a variety of programs, systems and procedures perform data collection, interpretation and evaluation pertaining to administrative, fiscal and management matters.
- Perform procedures in an organized and accurate manner.
- Use principles of inductive and deductive reasoning to validate conclusions and recommendations.
- Effectively communicate orally and in writing in English, make a persuasive argument, convey a point of view effectively, and present conclusions before advisory and policy bodies.
- Establish and maintain cooperative working relations with those contacted in the course of work.
- Provide quality customer service.

EXPERIENCE AND EDUCATION

Any combination of experience and training that would likely provide the required knowledge and abilities is qualifying. A typical way to obtain the knowledge and abilities would be:

Experience:

One (1) year of experience related to general administration, accounting, budgetary analysis, or personnel work including research, analysis and preparation of written reports and recommendations

Education:

Equivalent to completion of the twelfth grade supplemented by academic course work at a collegial level in public administration, business administration, management, accounting, political science, economics, statistics, English composition, psychology, or closely related courses would provide such opportunity

Licenses and Certificates:

Possession of, or ability to obtain and maintain, a valid California Driver's License.

TOOLS

Phones; frequent use of computer, laptop, or tablet and printer, including word processing, spreadsheet, and graphics software; statistical computer programs and software; copy machine; postage machine; fax machine; base radio; 10-key calculator, typewriter, shredder, and standard office equipment.

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PHYSICAL DEMANDS

The physical demands described here are representative of those that must be met by an employee to successfully perform the essential functions of this job. Reasonable accommodations may be made to enable individuals with disabilities to perform the essential functions.

While performing the duties of this job, the employee is frequently required to sit, talk or hear. The employee is required to use hands to finger, handle, feel or operate objects, tools, or controls; and reach with hands and arms. May be expected to lift and move containers weighing up to 15 pounds.

WORK ENVIRONMENT

The work environment characteristics described here are representative of those an employee encounters while performing the essential functions of this job. Reasonable accommodations may be made to enable individuals with disabilities to perform the essential functions.

The positions work in an office environment where the temperature remains constant. The noise level in the work environment is moderately noisy. There may be intermittent interruptions from phones, public inquiries, and other staff.

This job description does not constitute an employment agreement between the South San Joaquin County Fire Authority and the employee and is subject to change by the Authority as the needs of the Authority and/or the requirements of the job change.

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FISCAL ANALYST II

Class Title:	Fiscal Analyst II	Class Code:	182
Division(s):	Administration & Operations	Unit:	Safety
EEO Code:	80	Effective Date:	3/16/2021
FLSA Status:	Exempt	Revision History:	
Retirement:	Miscellaneous	W/C Code:	9410

DESCRIPTION

Under supervision, performs a variety of performs a variety of technical work involving review and analysis of division and consolidated Authority budgets, programs, systems and procedures, data management, reconciliation of accounts, program review and assessment, grant reporting and compliance, review and oversight of payroll processing activities; may administer small programs, performs other duties as assigned.

DISTINGUISHING CHARACTERISTICS

Positions in this class are assigned difficult and complex assignments in management and budget analysis requiring a high degree of knowledge of Authority administrative and budgetary policies, practices and techniques. Assignments are usually received with general guidelines requiring incumbents to act with considerable independence. This class is distinguished from Administrative Analyst I in that the latter performs analytical administrative work of average scope and responsibility under continuing supervision. This is the journey-level class in the series. Incumbents serve a one year probationary period.

SUPERVISION RECEIVED AND EXERCISED

The Fiscal Analyst I receive supervision from a Division Chief or designee, exercises no official supervision, and provide training and direction to lower level support staff.

EXAMPLES OF TYPICAL DUTIES

This is an illustrative list, duties may include, but are not limited to, the following:

- Provide technical information and instruction regarding applicable procedures and methods; interpret and explain rules and regulations; answer questions and resolve problems or complaints.
- Develop and prepare high-quality, well-written and logical communications, and provide well-considered, engaging, and responsive presentations as requested.
- Support the development and implementation of the Authority's Strategic Plan by participating in multi-disciplinary division meetings to set and accomplish strategic objectives and goals.

- Perform accurate and effective research and analysis of assigned projects, systems, and programs. Make recommendations for improvement based on results of analysis.
- Complete work activities consistent with Authority policies and procedure, and applicable laws, codes, statutes, and regulations.
- Collect, assemble, analyze, and interpret data relating to departmental and inter-departmental operations including policies, functions, organizational structures, forms and procedures, work output and workload, space and physical layouts and effectiveness of equipment; prepare accompanying narrative and statistical reports
- Review federal and state grant programs and coordinating applications for such grants. Represents the Authority at boards, councils, before government agencies and community groups.
- Prepare a variety of statistical, fiscal, payroll, personnel, and related reports; complete and process technical documents related to the work of the department; ensure that documents are complete, accurate and in compliance with program and departmental policies and procedures; enter data into systems, researches and corrects discrepancies.
- Maintain and monitor department, division, or program/project expenses and budget variances; prepare schedules to track and forecast expenditures and revenues against budget; monitor expenses and grants relative to the department budget; compile department or unit budget figures, monitor funds and expenses, reconcile accounts, and create supportive schedules and lists to support budget or audit preparation.
- Carry out administrative procedures, develop and maintain tracking and reconciliation schedules, forms, and documents; interface with other Authority staff and outside agencies in obtaining information.
- Develop and recommend adoption of improved management and operational practices through research and analysis.
- Prepares narrative and statistical reports in a wide variety of administrative and management areas and makes recommendations in connection with these studies.
- Prepare information on operations and activities of various Authority programs for dissemination to various communications media.
- Prepare operating manuals and organization and workflow charts
- Review completed project files for contract compliance, track contract compliance and insurance certificates.
- Operate standard office equipment, including job-related computer hardware and software applications, facsimile and duplicating equipment, and multi-line telephones; may operate other department-specific equipment.
- May plot data points on a map, prepare graphical representation of Geographic information Systems (GIS) data, enter data into GIS databases, review existing or incoming data for currency, accuracy, usefulness, quality, or completeness.
- May perform a variety of personnel and payroll-related activities, tracking and processing personnel actions and documents, preparing wage schedules and position

control changes; analyzing and tracking departmental payroll; and answering related employee questions.

- Build and maintain positive working relationships with co-workers, other Authority employees and the public using principles of good customer service.
- Perform related duties as assigned.

MINIMUM QUALIFICATIONS

The minimum knowledge, skills, and abilities necessary to be successful at the position through the probationary or introductory period. Knowledge required for this classification includes:

Demonstrated Knowledge of:

- Organization and function of public agencies.
- Basic principles and practices of governmental accounting and financial record keeping.
- Principles and practices of preparing and monitoring budgets.
- Programs and general systems management principles.
- Principles of business mathematics and statistical analysis.
- Modern research practices and methodologies.
- Principles and practices of data collection, quality control, tracking, analysis, manipulation, reconciliation, and report preparation.
- Techniques of report writing, business case structure, and persuasive prose.
- Modern office procedures, methods, and computer equipment.
- Computer applications and programs related to the work, such as Microsoft Word and Excel, databases, and including basic methods of graphic presentations.
- English usage and syntax, grammar, spelling, vocabulary, and punctuation.
- Techniques for effectively representing the Authority in contacts with governmental agencies, community groups, and various business, professional, educational, regulatory, and legislative organizations.
- Techniques for providing a high level of customer service to public and District staff, in person and over the telephone.
- Record keeping practices and procedures.

Demonstrated Ability to:

- Plan and organize research and statistical work.
- Understand, interpret, and apply rules, regulations, ordinances, and federal, state, and local legislation.
- Effectively operate a variety of computer, office and Authority equipment and programs.

- Persuade, rationalize, and project consequences of decisions and/or recommendations; analyze administrative problems, budget requests, and a variety of programs, systems and procedures perform data collection, interpretation and evaluation pertaining to administrative, fiscal and management matters.
- Perform procedures in an organized and accurate manner.
- Use principles of inductive and deductive reasoning to validate conclusions and recommendations.
- Effectively communicate orally and in writing in English, make a persuasive argument, convey a point of view effectively, and present conclusions before advisory and policy bodies.
- Establish and maintain cooperative working relations with those contacted in the course of work.
- Provide quality customer service.

EXPERIENCE AND EDUCATION

Any combination of experience and training that would likely provide the required knowledge and abilities is qualifying. A typical way to obtain the knowledge and abilities would be:

Experience:

One (2) years of experience related to general administration, accounting, budgetary analysis, or personnel work including research, analysis and preparation of written reports and recommendations

Education:

Equivalent to completion of the twelfth grade supplemented by academic course work at a collegial level in public administration, business administration, management, accounting, political science, economics, statistics, English composition, psychology, or closely related courses would provide such opportunity

Licenses and Certificates:

Possession of, or ability to obtain and maintain, a valid California Driver's License.

TOOLS

Phones; frequent use of computer, laptop, or tablet and printer, including word processing, spreadsheet, and graphics software; statistical computer programs and software; copy machine; postage machine; fax machine; base radio; 10-key calculator, typewriter, shredder, and standard office equipment.

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PHYSICAL DEMANDS

The physical demands described here are representative of those that must be met by an employee to successfully perform the essential functions of this job. Reasonable accommodations may be made to enable individuals with disabilities to perform the essential functions.

While performing the duties of this job, the employee is frequently required to sit, talk or hear. The employee is required to use hands to finger, handle, feel or operate objects, tools, or controls; and reach with hands and arms. May be expected to lift and move containers weighing up to 15 pounds.

WORK ENVIRONMENT

The work environment characteristics described here are representative of those an employee encounters while performing the essential functions of this job. Reasonable accommodations may be made to enable individuals with disabilities to perform the essential functions.

The positions work in an office environment where the temperature remains constant. The noise level in the work environment is moderately noisy. There may be intermittent interruptions from phones, public inquiries, and other staff.

This job description does not constitute an employment agreement between the South San Joaquin County Fire Authority and the employee and is subject to change by the Authority as the needs of the Authority and/or the requirements of the job change.

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PLAN CHECK EXAMINER

Class Title:	Plan Check Examiner	Class Code:	160
Division(s):	CCR	Unit:	Unrepresented - PT
EEO Code:	60	Effective Date:	3/16/2021
FLSA Status:	Non-Exempt	Revision History:	
Retirement:	Miscellaneous	W/C Code:	9410

DESCRIPTION

To perform technical plan checking of commercial, industrial, and residential building plans; and to provide information to the public concerning applicable codes and ordinances.

DISTINGUISHING CHARACTERISTICS

The Plan Check Examiner is distinguished from other Authority non-safety classifications by the responsibility to assure the compliance with the Authority's Fire Code by commercial, industrial, and residential developers, architects, and builders, building projects in the Authority's service area, and to receive, coordinate, assemble and assess permit applications, work with builders and architects, and conduct field inspections of construction sites.

SUPERVISION RECEIVED AND EXERCISED

The Plan Check Examiner receives supervision from the Fire Marshal.

May exercise functional or technical supervision over technical and clerical staff.

EXAMPLES OF TYPICAL DUTIES

This is an illustrative list, duties may include, but are not limited to, the following:

- Review and approve construction plan for commercial, industrial, and residential buildings and ordinary standard structures submitted for building permits.
- Resolve problems with permit applicants and other members of the public regarding building code requirements.
- Receive and participate in checking applications and complex engineering and architectural plans submitted for building permits.
- Coordinate plans going to plan check consultant; prepare packet and distribute; receive and review checked plans.
- Conduct field inspections to check building sites prior to construction; conduct building inspections in the absence of inspectors.

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- Review building and construction plans and ascertain whether they conform to building codes and other state regulations and requirements; advise applicants of needed changes and suggest means of changing plans for compliance.
- Compute plan check fees based upon occupancy, square footage of building and valuation.
- Assist in the issuance of building permits; verify relevant information including ownership and contractor's license; coordinate with other divisions for approvals.
- Assist engineers, architects, and the public with interpretation of codes and application of ordinances to specific situations.
- Answer questions regarding code enforcement, process of obtaining permits, cost of permits and zoning requirements; receive and investigate complaints.
- Maintain a log regarding status of various projects from time of submittal to issuance of building permit.
- Prepare reports and maintain necessary correspondence; maintain handouts, drawings, and outlines explaining construction regulations.
- Reviews submitted mechanical, electrical, and plumbing plans and ascertain whether they conform to applicable code requirements; advise applicants of needed changes and suggest means of changing plans for compliance.
- Performs related duties as assigned.

MINIMUM QUALIFICATIONS

Demonstrated Knowledge of:

- Techniques, procedures, and methods utilized in plan check review.
- Standard engineering concepts used in plan check review.
- Engineering mechanics and the mechanics of materials including stress and strength of building materials.
- Building construction methods, practices, and materials.

Demonstrated Ability to:

- Interpret, understand, and apply State and local building construction codes and ordinances, land use regulations and zoning requirements.
- Check structural plans for compliance with State and local building and safety codes ordinances.
- Interpret and check a variety of complex technical engineering plans, specifications, mathematical computations, or studies of a specialized nature.
- Communicate clearly and concisely, both orally and in writing.

- Establish and maintain effective working relationships with those contacted in the course of work.
- Occasionally function under stressful or confrontational situations.

EDUCATION AND EXPERIENCE

Any combination of experience and training that would likely provide the required knowledge and abilities is qualifying. A typical way to obtain the knowledge and abilities would be:

Experience:

Three (3) years of increasingly responsible experience in building inspection. Some experience in the review of technical construction plans is desirable.

Training:

Equivalent to the completion of the twelfth grade supplemented by additional specialized training (or college level course work) in architecture, the construction trade, or a related field.

LICENSES AND CERTIFICATES

Possession of, or ability to obtain an appropriate, valid California driver license.

Possession of, or ability to obtain, an appropriate certificate issued by the International Conference of Building Officials.

TOOLS AND EQUIPMENT USED

Computer, laptop, or tablet, including word processing, GIS, mapping, and permitting software; calculator; pencil; ruler; copy machine scanner; phone.

PHYSICAL DEMANDS

The physical demands described here are representative of those that must be met by an employee to successfully perform the essential functions of this job.

Reasonable accommodations may be made to enable individuals with disabilities to perform the essential functions.

While performing the duties of this job, the employee is frequently required to walk, sit, and talk or hear. The employee is occasionally required to use hands to finger, handle, feel or operate objects, tools, or controls; and reach with hands and arms. The employee is occasionally required to climb or balance; stoop, kneel, crouch, or crawl.

Work is performed mostly in office settings. Some outdoor work is required in the inspection of various land use developments, construction sites. Hand-eye coordination is necessary to operate computers and various pieces of office equipment.

While performing the duties of this job, the employee is occasionally required to stand; walk; talk or hear; use hands to finger, handle, feel or operate objects, tools, or controls; and reach with hands and arms. The employee is frequently required to sit.

The employee must occasionally lift and/or move up to 10 pounds. Specific vision abilities required by this job include close vision, distance vision, color vision, peripheral vision, depth perception, and the ability to adjust focus.

WORK ENVIRONMENT

The work environment characteristics described here are representative of those an employee encounters while performing the essential functions of this job.

Reasonable accommodations may be made to enable individuals with disabilities to perform the essential functions.

While performing the duties of this job, the employee occasionally works in outside weather conditions. The employee is occasionally exposed to wet and/or humid conditions, toxic or caustic chemicals.

The noise level in the work environment is usually quiet while in the office, or moderately loud when in the field.

SELECTION GUIDELINES

Formal application; rating of education and experience; oral interview and reference check; job- related tests may be required.

The duties listed above are intended only as illustrations of the various types of work that may be performed. The omission of specific statements of duties does not exclude them from the position if the work is similar, related or a logical assignment to the position.

This job description does not constitute an employment agreement between the employer and employee and is subject to change by the employer as the needs of the employer and requirements of the job change.

The duties listed above are intended only as illustrations of the various types of work that may be performed. The omission of specific statements of duties does not exclude them from the position if the work is similar, related, or a logical assignment to the position. This job description does not constitute an employment agreement between the South San Joaquin County Fire Authority and the employee and is subject to change by the Authority as the needs of the Authority and/or the requirements of the job change.

PROJECT SPECIALIST I/II

Class Title:	Project Specialist II	Class Code:	125
Department:	Fire Authority Wide	Unit:	Limited Service
EEO Code:	3	Effective Date:	3/16/2021
FLSA Status:	Non-Exempt	Revision History:	

DESCRIPTION

This is a part-time temporary, position. Benefits for this position are limited to those that are required by law such as Healthy Families, Healthy Workplace Paid Sick Leave.

Duties to be determined as assigned by the Authority.

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Resolution No. _____

RESOLUTION OF BOARD OF DIRECTORS OF THE SOUTH SAN JOAQUIN COUNTY FIRE AUTHORITY ESTABLISHING AND ADOPTING A CLASSIFICATION SYSTEM AND PLAN, AND AUTHORITY JOB CLASSIFICATIONS, APPROVING RELATED JOB CLASSIFICATION SPECIFICATIONS, AND RULES FOR THE CURRENT AND ONGOING ADMINISTRATION OF THE CLASSIFICATION PLAN

WHEREAS, The Board of Directors of the South San Joaquin County Fire Authority (Authority) desires to become a standalone organization and employ personnel; and

WHEREAS, The Board of Directors of the South San Joaquin County Fire Authority desires to establish, approve, and adopt a uniform set of Job Classifications and related classification specifications for addressing and administering personnel matters; and

WHEREAS, The Job Classifications constitute a portion of the Authority's personnel system and comply with the Classification Plan as set forth by the Authority Personnel Rules (Rules)**;** and

WHEREAS, These Job Classifications supersede any prior Job Classifications and may be changed only upon approval of the Authority Board**;** and

WHEREAS, The Authority has developed rules for ongoing administration of the Classification Plan and an implementation plan and schedule to communicate and disseminate the Job Classifications throughout the organization; and

WHEREAS, As a part of that implementation plan, the Authority has consulted in good faith regarding the impacts of these Job Classifications with recognized employee organizations.

NOW, THEREFORE, BE IT RESOLVED, That the Board of Directors of the South San Joaquin County Fire Authority by this Resolution hereby approves and adopts the Authority's Classification System, establishes and adopts Job Classifications and approves related Job Classification Specifications as set forth in Attachment A, effective Month XX, 2021.

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* * * * * * * * * * * * * * * * *

The foregoing Resolution 2021-_____was adopted by the Board of Directors on the_____day of Month 2021, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

APPROVED: _____

Board Chair

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APPENDIX C

Compensation System

South San Joaquin County Fire Authority
835 Central Avenue, Tracy, CA 95376 I T el: (209)831-6702 Fax: (209)831-6732

STAFF REPORT

TO: Board of Directors **MEETING DATE: Month XX, 2021**

PREPARED BY: Jackie Heefner, Executive Assistant
APPROVED BY: Randall Bradley, Fire Chief

ITEM: ESTABLISH AND ADOPT A COMPENSATION SYSTEM, A MASTER PAY SCHEDULE, AND A COMPENSATION POLICY

RECOMMENDATION

It is recommended the Board of Directors establish and adopt a compensation system by taking the following actions:

1. Approve a Resolution establishing and adopting the Authority's Compensation Policy and Master Pay Schedule
2. Review Rules for the current and ongoing administration of the Authority's Compensation Plan

BACKGROUND

In March of 2018 (effective date July 1, 2018), a new Authority Joint Powers Agreement was adopted by both the City of Tracy (City) and Tracy Rural Fire District (Rural). The new agreement expressed the intent of transitioning employees from the current employer of record to become Authority employees. Memorialized in Section 1.6 of the new JPA agreement were the following words:

> *In the event that the Authority elects to employ its own personnel, the Chief Executive Officer shall, withthe assistance of the staffs and consultants of the Member Agencies, prepare a personnel plan ("the Personnel Plan") detailing how the Authority would employ its own personnel. The Personnel Plan shall detail the treatment of matters such as transfer of employees from the Member Agencies to the Authority (and the transfer's effect on existingcollective bargaining agreements, the allocation of pension liabilities and obligations, the treatment of accrued leave, civil service and seniority rights, and other employee benefits and rights), risk management, and other administrative matters required at the start-up of organizations. The Personnel Plan shall be presented to the legislative bodies of the Member Agencies. Upon their receipt of the Personnel Plan, the Member Agencies agreeto meet in good faith and negotiate the terms of the Authority employing personnel. Thereafter, Member Agencies and Authority shall enter into an agreement regarding theterms of employing personnel ("the Personnel Agreement").*

In mid-2020, Authority staff prepared a draft Personnel Plan signaling the Authority's intent to employ personnel and become a standalone entity. At the November 5, 2020, Board meeting, this Authority Board approved a Resolution of Intention to enter into an employee pension contract with CalPERS.

DISCUSSION

Establishing an employee pension contract with CalPERS is a major step in establishing a system of compensation and benefits for Authority employees, setting the first steps in place for the employ of personnel.

As directed by the new JPA Agreement and before any employee may be transferred in or hired by the Authority, an organization must have a personnel system in place that includes a system of job classification, compensation and benefits, risk management, payroll, and other key processes.

In fact, Government Code Section 53292 requires that,

> "*As nearly as possible, the firefighters who are hired shall be given positions with a rank comparable to that which they held in the dissolved or decreased district, joint powers agency, or department,"* reinforces the need for such a framework.

Later in subsection (b) of the same section of 53292, the language points to forms of compensation, classification, and labor relations when it reads,

> "*Notwithstanding any other provision of law, where firefighters are hired as a result of the consolidation,… the seniority or other employment rights of the employees of the district, joint powers agency, or fire department taking over the duties of the dissolved or decreased district, joint powers agency, or department shall not be impaired as a result of the consolidation, merger, incorporation, annexation, or contract, except as agreed upon in a memorandum of understanding"* [with each recognized employee organization.]

To continue to accomplish the intent of and mandate in the applicable government code and in the new JPA agreement Authority staff along with members of the Transition Team have developed a Personnel Transition Plan which outlines and provides for the personnel system elements necessary to employ personnel and become and Employer of Record.

Presented below is one of the necessary personnel system elements: A Compensation System with pay ranges for each job classification that are fair and equitable and substantially similar to those at the City of Tracy, the current Employer of Record for Authority staff. To comply with Cal. Government Code, §53292, firefighters who are employed by a member agency and hired into the Authority, must be given positions with rank and seniority comparable to that which they held in their previous employment. In accord with GC §53292, the recommended pay ranges are aligned, wherever possible, with those of the City of Tracy.

Compensation System

The Authority is committed to maintaining fiscal integrity and high standards of accountability to the public in the expenditure of funds provided by taxpayers. The Authority

has established its compensation system in accordance with the principles of public accountability. The Authority has adopted a Compensation Plan that includes the following:

- A Compensation Policy
- Rules for ongoing administration of the Compensation Plan (**Appendix A** and included in the Authority Personnel Rules for adoption)
- A Master Pay Schedule with defined pay ranges for each Authority classification.
- A comprehensive benefits package provisioned by labor unit and ongoing benefits administration which will be substantially like that provided by the City of Tracy and presented to the Board at a future meeting after meet and conferring with recognized employee organizations

To establish objective guidelines for establishing compensation for Authority positions and maintaining the Authority's Compensation Plan, the Authority has established a Compensation Policy. These policy guidelines are intended to ensure that the Authority's compensation practices are consistent with its public service mission, reflect its organizational values, and support related strategic plan objectives.

It is the Authority's policy to offer a sustainable compensation package that attracts and retains the highest quality candidates and employees and is interwoven with its commitment to public safety and to serving the public well by maintaining sound fiscal direction.

Periodically, the Human Resources Manager will assess the parity, competitiveness, and the existence of compaction in Authority compensation by classification. Assessments will be conducted using industry best practices and guidelines in the Authority's Compensation Policy. Assessment of compensation may include salary and wage surveys of similar classifications at labor market comparators, internal parity analyses, benefit package assessments, and other related practices. The results of each assessment performed will be considered as one of several guidelines informing the process of establishing or modifying compensation for a position or classification. The consideration of pay must be viewed in the context of total compensation, which includes the value of the benefit package provided to employees.

The Human Resources manager must also determine whether any modifications are necessary due to recruitment and retention issues, changes to positions or classifications, or changes to exempt or non-exempt status for overtime eligibility as defined by the Federal Labor Standards Act.

Modifications to the Compensation Plan Policy or Master Pay Schedule must be submitted to the Fire Chief for recommendation to Authority Board for adoption.

The adopted master pay schedule contains ranges that are nearly identical to the current pay schedule in effect at the City of Tracy. The wages and salaries for represented labor organizations were negotiated through a collective bargaining process that was reviewed and supported by the Authority's labor attorney. The pay ranges for unrepresented employees are also equivalent to the ranges on the current pay schedule for the City of Tracy as it relates to job classifications. Eligibility for merit increases will be carried over upon employee transition such

that employees who have not reached the top step of the salary step structure will be elevated to the next salary step on the same date they would have been granted the next step in their current employment.

Future revisions of the compensation plan, policy, or master pay schedule will require approval by the Authority Board. The Resolution to adopt the Compensation Policy and Master Pay Schedule and establish the Authority's Compensation System are included as **Attachment 1.**

Staff recommends the Authority Board of Directors establish and adopt a compensation system by taking the following actions:

3. Approve a Resolution establishing and adopting the Authority's Compensation Policy and Master Pay Schedule
4. Review Rules for the current and ongoing administration of the Authority's Compensation Plan

FISCAL IMPACTS

There is no fiscal impact related to adopting this resolution.

APPENDICES

Rules for Administration of the Compensation Plan

ATTACHMENTS

Resolution establishing and adopting the Authority's Master Pay Schedule and Compensation Policy

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5 COMPENSATION PLAN

5.1 Compensation Plan Establishment

The Authority is committed to maintaining fiscal integrity and high standards of accountability to the public in the expenditure of funds provided by taxpayers. The Authority establishes its compensation system in accordance with the principles of public accountability. The Human Resources Manager shall prepare a Compensation Plan that includes the following:

a. A publicly available pay table with salary ranges for all classifications in the Authority, showing the minimum and maximum rates of pay;

b. A designation of the position as full-time, part-time, limited term, or temporary;

c. A designation of the position as paid on an hourly or salary basis.

d. A benefits package that is provided to employees by position

These rules do not preclude the creation of separate management pay plans that, if adopted by the Authority Board, must be administered in accordance with the procedures adopted for such plan(s) by the Authority Board.

To establish objective guidelines to be used in establishing compensation for Authority positions and in maintaining the Authority's Compensation Plan, the Authority has established a Compensation Policy. These policy guidelines are intended to ensure that the Authority's compensation practices are consistent with its public service mission, reflect its organizational values, and support related strategic plan objectives.

It is the Authority's policy to offer a sustainable compensation package that attracts and retains the highest quality candidates and employees and is interwoven with its commitment to public safety and to serving the public well by maintaining sound fiscal direction.

Periodically, the Human Resources manager will assess the parity and competitiveness of Authority compensation by classification. Assessments will be conducted using industry best practices and guidelines in the Authority's Compensation Policy. Assessment of compensation may include salary and wage surveys of similar classifications at labor market comparators, internal parity analyses, benefit package assessments and other related practices. The results of each assessment performed will be considered as one of the pieces of information used as a guideline in establishing or modifying compensation for a position or classification. The consideration of pay must be viewed in the context of total compensation which includes the value of the benefit package provided to employees.

The Human Resources manager must also determine whether any modifications are necessary due to recruitment and retention issues, changes to positions or classifications, including changes to exempt or non-exempt status, resulting from a periodic review of the Classification Plan.

Modifications to the Compensation Plan Policy or Pay Schedules must be submitted to the Fire Chief for recommendation to Authority Board for adoption.

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5.2 Compensation Plan Administration – Wages and Salaries

The authorized pay ranges for the respective classes of positions with such amendments as may be adopted by the Authority Board from time to time by resolution shall be applied as follows:

5.2.1 *Advancement Within a Pay Range*

Generally, upon progress and productivity, employees in the Authority or those occupying an appointed position shall be considered for a step advancement according to the following general plan:

5.2.1.1 *Steps:* There are five steps within each pay range Represented by the letters A-E, respectively.

5.2.1.2 *Step A.* Step "A" shall typically be paid upon initial employment into a five (5) step pay range. If the employee possesses exceptional training or experience, the Fire Chief may approve an initial appointment for step B or higher.

5.2.1.3 *Step Advances.* At the completion of the applicable probationary period of employment (Step Advancement Date), employees appointed at Step A are eligible for a step increase. If employed at other than Step "A" in a five (5) step pay range for the class, then consideration for advancement to the next salary step will take place after twelve months of service (approximately one year) following the date of hire. All step advances will be effective to the beginning of the closest pay period at that time. Additional step advances will be on an annual basis thereafter until the attainment of Step E.

5.2.1.4 *Not Automatic.* All step advances shall be based on satisfactory performance as shown from the evaluation by the employee's Supervisor. Denial of step increases shall be based on documented performance evaluations. Increases of more than one step for superior performance may be provided upon recommendation by the Division Chiefs or Fire Marshal and with approval of the Fire Chief.

5.2.1.5 *Step at Promotion.* When employees are promoted, they shall normally receive the first step in the salary range for their new position. However, if such step results in a salary increase of less than five (5%) percent, they shall receive a minimum five (5%) percent increase, provided that in no event shall the new salary be above Step E of the promoted class. The Fire Chief may authorize an appointment to a position at any higher salary step in the pay range upon the recommendation by the Human Resources manager in consultation with the Division Chiefs or Fire Marshal.

5.2.1.6 *Special Salary Adjustments.* Except as otherwise stated in these Rules, in order to correct gross inequities or to reward outstanding achievement and performance, the Fire Chief may, upon recommendation of the Division Chief or Fire Marshal and the Human Resources manager, adjust the salary step of an incumbent of a particular position to any step within the pay range for the class to which the position is allocated. If a special salary step adjustment is authorized, it shall coincide with the beginning date of a pay period.

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5.2.2 *Calculation of Service Anniversary Dates and/or Step Advancement*

5.2.2.1 *Dates*. Service Anniversary dates shall be established as of the effective date of employment into a regular full- or part-time position. Step Advancement Dates shall be established as of the effective date of the most recent step advancement, promotion, or reinstatement in the Authority service, or the effective date of a special salary adjustment as provided in Section 4.2.1.5 of these Rules. Service anniversary dates of those reemployed shall be established as provided by Section 8.2.2 of these Rules. All step advancements shall be effective the first day of the pay period following the step advance date unless that date falls on the first day of a pay period.

5.2.3 *Applicable Salary Rates Following Pay Range Increases and Decreases.*

5.2.3.1 Same Relative Step. Where a pay range for a given class is revised upward, the incumbents of positions in classes affected shall have their existing salary adjusted to the same relative step in the new pay range (Step B to Step C to Step D, etc.) and their next step advancement date shall not be changed.

5.2.3.2 Retention of Salary and "Y" Rates. When a pay range is adjusted downward, incumbents may, on approval of the Fire Chief, be assigned a "Y"-rate designation to hold the employee at the current salary rate, without increases, until such time as the salary range for the new classification is the same or exceeds the amount of the "Y"-rating. Any such "Y" rate shall be indicated by a capital "Y" following the salary each time it appears on personnel records or transactions. Said "Y" rate shall be canceled on vacancy of the position.

5.2.3.3 Pay Range Change on Step Advancement Date. In the event that a pay range change becomes effective on an employee's step advancement date, the employee shall first receive any within-range adjustment to which entitled and then receive the corresponding step adjustment.

5.2.3.4 *Pay Range Change on Date of Promotion.* In the event that a pay range change becomes effective on the date an employee is promoted to a higher class, the employee shall first receive any corresponding step adjustment to which entitled in the lower class, and then the next higher step promotional adjustment as provided in Section 8.5.1 of these Rules.

5.2.4 *Trainee Salary Range.*

At the recommendation of a Division Chief or Fire Marshal, with concurrence by the Human Resources Manager, and approval by the Fire Chief, Authority non-safety classifications may be under filled by a special class of Trainee under a training program or on-the-job training assignment. Such training program or on-the-job training assignment will provide expectations and milestones for an employee to reach during the training period for said employee to acquire the full range of required skills and abilities within a reasonable and specified time. The salary paid to such employees shall be ten percent (10%) below the salary range provided herein for employees in the classification for which training is being given. The title of such employees shall be the job title provided herein dash (-) Trainee.

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If an employee transfers into a Trainee class, and the employee's former salary range falls between the new class' actual and Trainee (-10%) salary ranges, the Division Chief or Fire Marshal may recommend and seek approval to set the transferred employee's Trainee salary according to the following criteria:

a. The employee's salary placement must be an amount between the new class' actual and "Trainee" (-10%) salary ranges; and
b. The employee's salary placement cannot exceed the employee's former salary.

5.2.5 *Retirement/Resignation Notification Incentive.*

The Authority may offer a Retirement/Resignation Notification Incentive in any fiscal year in which the Fire Chief deems such an incentive is necessary to assist with workforce planning or potential workforce reduction efforts. The incentive will be provided to those employees who notify the Authority during a designated incentive offer period of their retirement/resignation effective no later than the end of that fiscal year or earlier date as determined by the Fire Chief.

Each employee shall receive the same incentive amount during the incentive offer period as designated by the Fire Chief. The amount of the Retirement/Resignation Notification Incentive shall not exceed $1,000 per employee. It will be available only to CalPERS member employees who notify the Authority of their intent to retire or resign and completely separate their employment with the Authority by the end of the specified fiscal year or earlier date as dete1mined by the Fire Chief.

Employees must fill out a Retirement/Resignation Notification Incentive Application and submit it to the Human Resources manager by the deadline specified. The Authority will deem all signed and submitted applications to be an irrevocable letter of intent to retire or resign and payment shall be made to the individual employee.

5.3 Errors in Compensation

Each employee shall review each of his/her paychecks to ensure the employee was paid correctly. If the employee believes an error or irregularity has occurred, the employee must immediately call it to the attention of his/her supervisor who shall, in turn, notify the Administrative Division Chief. The Authority shall document all errors in compensation and the affected employees shall sign an acknowledgment for any corrections made. In the event of any underpayment of which the Authority becomes aware, the employee shall receive any amount due him/her on the next regular paycheck. In the event an employee receives an overpayment by the Authority, the employee shall reimburse the Authority for the total overpayment and the Authority may obtain reimbursement by payroll deduction(s). Typically, such repayment shall occur over a schedule equal to the amount of time over which the overpayment occurred.

5.4 Compensation Plan Administration – Benefit Package

The Human Resources Manager must provide for a benefit plan for each paid Authority position. Benefits for part-time and temporary positions may be limited solely to those benefits provided by state, federal, or local law. The value and cost of benefit plans must be reviewed periodically, and benefits enrollments reconciled with premiums collected annually.

South San Joaquin County Fire Authority

835 Central Avenue, Tracy, CA 95376 I Tel: (209)831-6702 Fax: (209)831-6732

COMPENSATION POLICY

PURPOSE

The purpose of the South San Joaquin County Fire Authority (Authority) Compensation Policy is to establish objective guidelines to be used in establishing compensation for Authority positions. These guidelines are intended to ensure that the Authority's compensation practices are consistent with its public service mission, reflect its organizational values, and support related strategic plan objectives.

The Authority recognizes that compensation practices impact labor costs, and that labor costs account for a significant portion of the total cost to provide safe, reliable services to its community, customers, and residents. The Authority recognizes that the quality and performance of its staff has a significant impact on the Authority's ability to successfully carry out its mission. In establishing a compensation policy, the Authority is balancing its objective to attract, retain, and develop high quality staff with its objective to maintain the financial health and sustainability of the Authority.

POLICY

It is the Authority's policy to offer a sustainable compensation package that attracts and retains the highest quality candidates and employees and is interwoven with its commitment to serve the public well by maintaining sound fiscal direction. Total compensation increases, increases to wages, incentives, and benefits, must never affect the Authority's ability to enhance public safety or result in diminished service to the public or increased budget deficits. Consistent with this policy, the Authority's intention is to consider increasing total compensation through equity adjustments or cost-of-living increases for one or more positions only when the following conditions exist:

- Total compensation is no longer competitive in the marketplace as measured by the appropriate comparators; and/or
- The Authority has experienced significant recruitment and retention problems within the most recent 12 to 18 months; and/or
- Internal parity and/or compaction concerns between supervisory and subordinate classifications have been identified.

If these conditions do not exist, increases will not generally be made. For purposes of this policy, the application of appropriate merit increases will not be considered an increase in total compensation.

It should be noted that Cost of Living Adjustments (COLA) and equity adjustments are not synonymous.

Approved and Adopted: XX/XX/2021

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- Equity adjustments are negotiated with the intent of bringing total compensation for identified classifications in line with the labor market.
- Cost of Living Adjustments, or COLAs, are negotiated with the intent of providing general pay increases to maintain or increase employee buying power in a shifting economy.

FACTORS CONSIDERED IN ESTABLISHING COMPENSATION

In setting compensation levels, Authority considers the following factors. The setting of compensation levels is best done using multiple sources of information. Each of the factors described contribute to the final compensation decision as one tool in the process.

Total Compensation

The Authority considers total compensation to include wages available to be earned by all positions within a classification (as opposed to incentives that may be earned only by qualified positions or individuals within a classification) and the value of those benefits received by employees. Benefits include active employee benefits and post-employment (retirement) benefits. Active employee benefits include examples such as paid vacation, holidays, and sick leave; medical and dental insurance; and related benefits. Post-employment benefits include pre-tax retirement savings benefits, pension benefits, and post-employment medical insurance.

The Authority considers total compensation to ensure meaningful comparison between other similar municipalities and public agencies and to ensure both short- and long-term fiscal impacts are considered. Compensation should be sufficient to attract and retain appropriately skilled employees and be reasonably comparable to similar employees in other public agencies.

Market Competitiveness

The Authority recognizes that in seeking to recruit and retain high quality staff, it is competing with other employers within the proximate region. In evaluating compensation levels, the Authority also evaluates its market competitiveness based on the compensation offered by regional market comparison benchmarks (comparators). The Authority selects comparators based upon the following criteria:

Labor Market Comparators

- Similarity of agencies in terms of revenue mix, size, and services provided.
  - This generally means agencies providing similar services with:
    - comparable funding and revenue growth
    - comparable types and numbers of employees
    - similarly, qualified employees to provide public service
    - comparable population and geographical areas served
    - geographical location and, often, relative proximity to the Authority to establish a labor market from which the Authority draws applicants.
    - regional Economic Area for purposes of establishing the Cost of Living.

Cost of Living Adjustments (COLA's)
COLA's are applied to provide uniform adjustments to wage rates across all job categories, with the intent of maintaining the purchasing value of wages under varying regional economic conditions. The Authority considers the federal US Bureau of Labor Statistics San Francisco Bay Area Consumer Price Index (Bay Area CPI) as one measure in evaluating the need for COLA's.

Regional Market Comparison Benchmarks

Using the concepts outlined above The Authority has selected comparison benchmarks from other similar public entities and periodically conducts compensation surveys to compare its compensation to that of the identified benchmarks. These benchmarking comparison agencies are the Authority's market competition for attracting and retaining high quality staff and will be representative of the public entities and the Authority's employee classifications.

The Authority uses the following comparator agencies:

Stockton Fire	Lathrop-Manteca Fire
Lodi Fire	Manteca Fire
Modesto Fire	Contra Costa County Fire
Gilroy Fire	Turlock

Internal Parity

Another factor to be considered when setting compensation is the relationship between classifications within the compensation plan. In reviewing internal parity, the Authority considers the following:

- Differentials between classification within a classification series (entry or I, journey or II, Senior, Supervisor, Manager). A best practice is to set entry and journey levels at between 8% and 10% apart, supervisor or lead levels at between 10% and 15% apart, and manager levels at 15%-25% above their direct reports.
- Relationships across the classification plan within job families (supervisor, manager, analyst). Classifications in the same family and at the same level of a class series but assigned to different divisions should be compensated similarly.
- Compaction, when two classifications at different levels have pay ranges at the A step that are within 5% of each other, can become an impediment to hiring, promotion, and retention. Some employees believe that 5% is not a sufficient increase to compensation for the extra responsibilities involved in a higher-level position.

As with all other factors in setting compensation, internal parity is just one more factor to consider when setting or adjusting compensation.

Integrity, Fiscal Responsibility, and Sustainability

At the most fundamental level, exemplifying integrity and fiscal responsibility means that overall compensation structures must be sustainable. Prior to making any changes to the total compensation package, the Authority carefully considers:

- The current and anticipated budget
- Organizational staffing and structure issues
- Projections of revenues and expenditures
- Level of service and community demand for services
- The Authority's ability and willingness to pay in the context of competing priorities related to the public interest without sacrificing the level of services, maintenance of the Authority's infrastructure, or prudent reserves

Sustainability and fiscal responsibility require that both the short and long-term impacts of changes to the total compensation package are considered. Decisions about total compensation must meld the need to maintain an engaged and effective workforce with the Authority's duty and responsibility to provide services and programs that the community and the taxpayers pay for and expect.

The Authority manages its compensation and resulting total cost of labor as one of several significant components that influence the Authority's financial sustainability.

Collaboration

Within the limits of sustainable compensation, the Authority is committed to open dialog, innovative approaches, and collaborative efforts with employee groups, benefit providers, and other public agencies. The Authority will anticipate and plan for increases in benefit costs, either through setting aside funds, compensation package redesign, cost-sharing partnerships, or other appropriate methods. The Authority will ensure that compensation information is transparently communicated, so that meaningful collaboration can occur.

Resolution No. _____

RESOLUTION OF BOARD OF DIRECTORS OF THE SOUTH SAN JOAQUIN COUNTY FIRE AUTHORITY ESTABLISHING AND ADOPTING A COMPENSATION SYSTEM AND PLAN, AND APPROVING AND ADOPTING A COMPENSATION POLICY AND MASTER PAY SCHEDULE FOR AUTHORITY CLASSIFICATIONS

WHEREAS, The Board of Directors of the South San Joaquin County Fire Authority (Authority) desires to become a standalone organization and employ personnel; and

WHEREAS, The Board of Directors of the South San Joaquin County Fire Authority desires to establish, approve, and adopt a compensation system and plan consisting of a pay range for each Job Classification and a Compensation Policy to guide compensation decisions; and

WHEREAS, The Board of Directors of the South San Joaquin County Fire Authority desires to establish a Master Pay Schedule to include pay ranges for each of the classifications; and

r**HEREAS,** These Pay Ranges supersede any prior Pay Ranges and may be changed only upon approval of the Authority Board**;** and

WHEREAS, The Authority has developed rules for ongoing administration of the Compensation Plan and an implementation plan and schedule to communicate and disseminate the pay ranges throughout the organization; and

WHEREAS, As a part of the implementation plan, the Authority has consulted in good faith regarding the impacts of these Job Classifications with recognized employee organizations.

NOW, THEREFORE, BE IT RESOLVED, That the Board of Directors of the South San Joaquin County Fire Authority by this Resolution hereby approves and adopts the Authority's Compensation System, Master Pay Schedule, and Compensation Policy as set forth in Attachments 1 and 2 respectfully, effective Month XX, 2021.

* * * * * * * * * * * * * * * * *

The foregoing Resolution 2021-_____was adopted by the Board of Directors on

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the_____day of Month 2021, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

APPROVED: _____

Board Chair

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South San Joaquin County Fire Authority
MASTER PAY SCALE
Effective March 16, 2021

Position Title	Unit		Bi-Weekly Salary	Monthly Salary	Annual Salary	Hourly Rate
Accounting Technician	Unrepresented Admin-Clerical	**A**	2,523.14	5,466.81	65,601.72	31.5393
		B	2,649.31	5,740.18	68,882.16	33.1164
		C	2,781.76	6,027.15	72,325.80	34.7720
		D	2,920.86	6,328.53	75,942.36	36.5108
		E	3,066.91	6,644.98	79,739.76	38.3364
Administrative Assistant I	Unrepresented Admin-Clerical	**A**	1,839.75	3,986.13	47,833.56	22.9969
		B	1,931.75	4,185.46	50,225.52	24.1469
		C	2,028.33	4,394.72	52,736.64	25.3542
		D	2,129.74	4,614.44	55,373.28	26.6218
		E	2,236.25	4,845.21	58,142.52	27.9531
Administrative Assistant II	Unrepresented Admin-Clerical	**A**	2,042.58	4,425.59	53,107.08	25.5323
		B	2,144.70	4,646.85	55,762.20	26.8088
		C	2,251.94	4,879.21	58,550.52	28.1493
		D	2,364.53	5,123.15	61,477.80	29.5566
		E	2,482.75	5,379.30	64,551.60	31.0344
Administrative Technician	Unrepresented Admin-Clerical	A	2,523.14	5,466.81	65,601.72	31.5393
		B	2,649.31	5,740.18	68,882.16	33.1164
		C	2,781.76	6,027.15	72,325.80	34.7720
		D	2,920.86	6,328.53	75,942.36	36.5108
		E	3,066.91	6,644.98	79,739.76	38.3364
Permit Technician **I**	Unrepresented Prof & Technical	**A**	2,229.34	4,830.24	57,962.88	27.8668
		B	2,340.82	5,071.78	60,861.36	29.2603
		C	2,457.85	5,325.35	63,904.20	30.7232
		D	2,580.75	5,591.63	67,099.56	32.2594
		E	2,709.79	5,871.22	70,454.64	33.8724
Permit Technician II	Unrepresented Prof & Technical	**A**	2,407.69	5,216.66	62,599.91	30.0961
		B	2,528.09	5,477.52	65,730.27	31.6011
		C	2,654.48	5,751.38	69,016.54	33.1810
		D	2,787.21	6,038.96	72,467.52	34.8402
		E	2,926.58	6,340.92	76,091.01	36.5822
Emergency Medical Services Manager*	Unrepresented Management	**A**	3,787.56	8,206.38	98,476.56	47.3445
		B	3,976.93	8,616.69	103,400.28	49.7117
		C	4,175.78	9,047.53	108,570.36	52.1973
		D	4,384.58	9,499.93	113,999.16	54.8073
		E	4,603.79	9,974.88	119,698.56	57.5474
Executive Assistant	Unrepresented Admin-Clerical	**A**	2,484.71	5,383.54	64,602.48	31.0589
		B	2,608.94	5,652.71	67,832.52	32.6118
		C	2,739.39	5,935.35	71,224.20	34.2424
		D	2,876.37	6,232.14	74,785.68	35.9547
		E	3,020.18	6,543.73	78,524.76	37.7523
Fire Battalion Chief*	SCFCOA	**A**	4,731.38	10,251.33	123,015.96	59.1423
		B	4,967.93	10,763.85	129,166.20	62.0991
		C	5,216.33	11,302.05	135,624.60	65.2041
		D	5,477.15	11,867.16	142,405.92	68.4644

Employees marked with an * (asterisk) are salaried

South San Joaquin County Fire Authority
MASTER PAY SCALE
Effective March 16, 2021

Position Title	Unit		Bi-Weekly Salary	Monthly Salary	Annual Salary	Hourly Rate
		E	5,751.01	12,460.53	149,526.36	71.8877
Fire Captain	TFFA	A	3,600.44	7,800.96	93,611.52	45.0055
		B	3,780.58	8,191.26	98,295.12	47.2573
		C	3,969.49	8,600.57	103,206.84	49.6187
		D	4,167.96	9,030.58	108,366.96	52.0995
		E	4,376.36	9,482.12	113,785.44	54.7045
Fire Chief*	Unrepresented Management	Min	6,937.39	15,031.02	180,372.24	86.7174
		Max	8,430.97	18,267.11	219,205.32	105.3872
Fire Division Chief*	Unrepresented Management	A	5,669.61	12,284.16	147,409.92	70.8702
		B	5,953.08	12,898.34	154,780.08	74.4135
		C	6,250.75	13,543.30	162,519.60	78.1344
		D	6,563.29	14,220.47	170,645.64	82.0412
		E	6,891.46	14,931.50	179,178.00	86.1433
Fire Engineer	TFFA	A	3,168.79	6,865.72	82,388.64	39.6099
		B	3,327.20	7,208.94	86,507.28	41.5900
		C	3,493.58	7,569.43	90,833.16	43.6698
		D	3,668.26	7,947.90	95,374.80	45.8533
		E	3,851.68	8,345.31	100,143.72	48.1460
Fire Inspector	Unrepresented Prof & Technical	A	3,055.57	6,620.41	79,444.92	38.1947
		B	3,208.36	6,951.45	83,417.40	40.1045
		C	3,368.79	7,299.05	87,588.60	42.1099
		D	3,537.21	7,663.96	91,967.52	44.2152
		E	3,714.08	8,047.18	96,566.16	46.4260
Fire Marshal*	Unrepresented Management	A	4,980.03	10,790.07	129,480.84	62.2504
		B	5,229.02	11,329.55	135,954.60	65.3628
		C	5,490.48	11,896.04	142,752.48	68.6310
		D	5,765.01	12,490.86	149,890.32	72.0627
		E	6,053.25	13,115.38	157,384.56	75.6657
Fire Reserve	Limited Service	A				13.0000
		B				13.6500
		C				14.3300
		D				15.0500
		E				15.8000
Firefighter	TFFA	A	2,807.31	6,082.51	72,990.12	35.0914
		B	2,947.65	6,386.58	76,638.96	36.8457
		C	3,095.05	6,705.95	80,471.40	38.6882
		D	3,249.79	7,041.22	84,494.64	40.6224
		E	3,412.28	7,393.28	88,719.36	42.6535
			426.54	Paramedic Pay (per pay period)		
Firefighter Trainee	Limited Service	A				24.5600
				(70% of Step A, Firefighter)		0.0000
Firefighter/Paramedic (Phasing Out)	TFFA	A	3,158.38	6,843.16	82,117.92	39.4798
		B	3,316.30	7,185.32	86,223.84	41.4538
		C	3,482.12	7,544.60	90,535.20	43.5265
		D	3,656.22	7,921.81	95,061.72	45.7028

Employees marked with an * (asterisk) are salaried

APPENDIX D

D1 Administrative Policies

South San Joaquin County Fire Authority
835 Central Avenue, Tracy, CA 95376 I T el: (209)831-6702 Fax: (209)831-6732

STAFF REPORT

TO: Board of Directors **MEETING DATE: Month XX, 2021**

PREPARED BY: Jackie Heefner, Executive Assistant
APPROVED BY: Randall Bradley, Fire Chief

ITEM:

ITEM: APPROVE AND ADOPT THE NEW ADMINISTRATIVE POLCIES FOR COMMUNICABLE DISEASES, LACTATION, NEPOTISM, VIOLENCE IN THE WORKPLACE, FAMILY MEDICAL LEAVE, NEPOTISM, AND PREVENTION OF HARASSMENT AND DISCRIMINATION, AND THE AUTHORITY'S INJURY AND ILLNESS PREVENTION PROGRAM.

RECOMMENDATION

As part of a comprehensive Personnel Plan, it is recommended the Authority Board of Directors approve and adopt the following legally required policies and programs:

1. Communicable Disease Policy (meets Aerosol Transmissible Disease Protocols)
2. Lactation Policy
3. Nepotism
4. Violence in the Workplace Policy
5. Family Medical Leave Policy
6. Prevention of Harassment, Discrimination, and Retaliation Policy
7. Injury and Illness Prevention Program

BACKGROUND

In March of 2018, (effective date July 1, 2018) a new Authority Joint Powers Agreement was adopted by both the City of Tracy (City) and Tracy Rural Fire District (Rural). The new agreement expressed the intent of transitioning employees from the current employer of record to become employees of Authority. Memorialized in Section 1.6 of the new JPA agreement were the following words:

> *In the event that the Authority elects to employ its own personnel, the Chief Executive Officer shall, withthe assistance of the staffs and consultants of the Member Agencies, prepare a personnel plan ("the Personnel Plan") detailing how the Authority would employ its own personnel. The Personnel Plan shall detail the treatment of matters such as transfer of employees from the Member Agencies to the Authority (and the transfer's effect on existingcollective bargaining agreements, the allocation of pension liabilities and obligations, the treatment of accrued leave, civil service and seniority rights, and*

other employee benefits and rights), risk management, and other administrative matters required at the start-up of organizations. The Personnel Plan shall be presented to the legislative bodies of theMember Agencies. Upon their receipt of the Personnel Plan, the Member Agencies agreeto meet in good faith and negotiate the terms of the Authority employing personnel. Thereafter, Member Agencies and Authority shall enter into an agreement regarding theterms of employing personnel ("the Personnel Agreement").

In mid-2020, Authority staff prepared a draft Personnel Plan signaling the Authority's intent to employ personnel and become a standalone entity. At the November 5, 2020, Board meeting, this Authority Board approved a Resolution of Intention, to enter in an employee pension contract with CalPERS.

DISCUSSION

Establishing an employee pension contract with CalPERS is a major step in establishing a system of compensation and benefits for Authority employees, setting the first steps in place for the employ of personnel.

As directed by the new JPA Agreement and before any employee may be transferred in or hired by the Authority, an organization must have a personnel system in place that includes a system of job classification, compensation and benefits, risk management, payroll, and other key processes.

Communicable Disease Policy (CCR Title 8, Chapter 4, Section 5199)
As a Fire Authority providing emergency response care, the State of California requires compliance with Aerosol Transmissible Disease regulation. Staff has prepared a draft compliant policy for approval. The policy specifies communication, cleaning, reporting, and training protocols related to disease prevention. This policy is a higher standard than that provided for under the CalOSHA emergency rule for Coronavirus and requires an addendum defining the Authority's Coronavirus plan.

The State of California required the following policies be established by all employers:

Lactation Policy (CA Labor Code Section 1030)
To provide a safe, clean, and discreet environment and a reasonable amount of break time to accommodate an employee desiring to express breast milk for the employee's infant child, Authority staff has drafted a Lactation Policy for approval.

Violence in the Workplace (CCR Title 8, Section 3442)
Violence in the workplace is a rising phenomena highest in public faced services and professions. Public safety services is specifically called out on CalOSHA's website describing compliance with Health and Safety regulation Section 3442. Authority staff has developed a compliant policy for approval that includes the following elements:

- Procedures to identify and evaluate risk factors for workplace violence
- Procedures to correct hazards
- Information on preparing for workplace violence emergencies
- Methods of Response and Investigation for violent incidents

Nepotism
Nepotism is expressly prohibited because it is antithetical to the Authority's merit-based system of service. Nepotism is defined as the practice of an employee using his or her influence or power to aid or hinder another in the employment setting because of a personal relationship. This could also be construed as discrimination or retaliation based on gender, familial status, or other protected class which would make nepotism illegal under federal and state statutes. Staff has prepared a draft policy prohibiting nepotism at the Authority for approval.

Family Medical Leave (Govt Code Section 12945.2 and CFR 29)
The Family Leave Policy has been written to comply with a variety of leave laws including the Family Medical Leave Act (FMLA) in accordance with Federal law, which is administered by the U.S. Department of Labor (DOL) and the California Family Rights Act (CFRA), which is administered by the Department of Fair Employment and Housing. CFRA leave was recently amended early this year providing enhanced options for paid leave and leave entitlements, however the Basic leave entitlements are as follows:

Basic leave entitlement
The FMLA/CFRA entitles eligible employees up to twelve (12) workweeks of unpaid, job-protected leave each calendar year (January 1st – December 31st) for specified family and medical reasons. FMLA also includes a special leave entitlement that permits eligible employees to take up to 26 workweeks of leave to care for a covered serviceman during a 12 month period.

Eligibility
Employees are eligible if they have worked for at least one year and for 1,250 hours over the previous 12 months with the same employer (State of California).

Leave must grant unpaid leave to an eligible employee for one or more of the following reasons:

- For the care of the employee's child (birth, placement for adoptions, or foster care);
- For incapacity due to pregnancy, prenatal medical care or child birth;
- For the care of the employee's spouse, son or daughter, or parent, who has a serious health condition;
- For a serious health condition that makes the employee unable to perform his/her job;
- For qualifying exigencies arising out of the fact that the employee's spouse, son, daughter or parent (the covered military member) is on active duty or has been notified of an impending call or order to active duty in support of a contingency operation.

Authority staff has developed a draft Family Medical Leave Policy for approval. A full implementation process with forms and guideline for administration has also been developed but has not been included tonight as it does not require Board approval for

implementation.

Prevention of Harassment, Discrimination, and Retaliation (Govt Code Sections 12900-12966 and CCR 2 Section 11000 – 11141)

It is imperative that the Authority has no tolerance for illegal harassment, discrimination or retaliation. Authority staff has developed a draft policy and training program that is compliant with current law which requires that all staff including Board members be trained once annually for at least one hour and supervisor and managers be trained for two hours annually. Furthermore, the Authority is mandated to investigate any and all reports of illegal harassment, discrimination, or retaliation. This policy applies to staff, officials, contractors, consultants, volunteers, and the public who come in contact with our staff.

Illness and Injury Prevention Program

As part of a comprehensive safety program, Authority staff has prepared a draft Injury and Illness Prevention Policy and Program (IIPP) for the Authority. The program begins with the Board's establishment of a Safety Policy setting direction for a safety mindset and an effective safety program. The IIPP lays out responsibilities at each level of the organization from the Board to each employee for safe work practices, identification of hazards, reporting of injuries and illnesses, and creating a safe environment in which to work.

Staff recommends the Authority Board of Directors approve and adopt the following policies:

1. Communicable Disease Policy (meets Aerosol Transmissible Disease Protocols)
2. Lactation Policy
3. Nepotism
4. Violence in the Workplace Policy
5. Family Medical Leave Policy
6. Prevention of Harassment, Discrimination, and Retaliation Policy
7. Injury and Illness Prevention Program

FISCAL IMPACTS

There is no fiscal impact related to adopting this resolution.

APPENDICES

None

ATTACHMENTS

Resolution approving Personnel Rules and select Administrative Policies and attached policies:

1. Communicable Disease Policy (meets Aerosol Transmissible Disease Protocols)
2. Lactation Policy
3. Nepotism
4. Violence in the Workplace Policy
5. Family Medical Leave Policy
6. Prevention of Harassment, Discrimination, and Retaliation Policy
7. Injury and Illness Prevention Program

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Resolution No. _____

RESOLUTION OF BOARD OF DIRECTORS OF THE SOUTH SAN JOAQUIN COUNTY FIRE AUTHORITY APPROVING AND ADOPTING THE NEW ADMINISTRATIVE POLCIES FOR COMMUNICABLE DISEASES, LACTATION, NEPOTISM, VIOLENCE IN THE WORKPLACE, FAMILY MEDICAL LEAVE, NEPOTISM, AND PREVENTION OF HARASSMENT AND DISCRIMINATION, AND THE AUTHORITY'S NEW INJURY AND ILLNESS PREVENTION PROGRAM

WHEREAS, The Board of Directors of the South San Joaquin County Fire Authority (Authority) desires become a standalone organization and employ personnel; and

WHEREAS, Staff of the Authority has developed a plan to transition employees from the City of Tracy to the Authority; and

WHEREAS, The Board of Directors desire to adopt Administrative Policies to provide guidance for direction for safety, health, and administrative practices are administered; and

WHEREAS, The Authority desires to establish the following legally mandated policies which are materially similar to the City of Tracy's policies (in accord with CCR 53292) except as described below, and

- Communicable Disease Policy (meets Aerosol Transmissible Disease Protocols)
- Lactation Policy
- Nepotism
- Violence in the Workplace Policy
- Family Medical Leave Policy
- Prevention of Harassment, Discrimination, and Retaliation Policy
- Injury and Illness Prevention Program

WHEREAS, The State of California has recently amended section 5199 of the Government Code amending parts of the Aerosol Transmissible Disease and necessitating changes in the Authority's Communicable Disease Policy; and

WHEREAS, The State of California has recently amended sections of the Government Code (Govt Code Sections 12945.6 and 12945.2) thereby amending and

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expanding the California Family Rights Act and necessitating a change in the Authority's Family Leave Policy; and

WHEREAS, The State of California has recently amended section 12950.1 of the Government Code, thereby setting expanded training requirements, and expanding harassment criteria necessitating a change in the Authority's Prevention of Harassment, Discrimination, and Retaliation Policy, and

WHEREAS, The Board of Directors desire to approve said policies; and

WHEREAS, The Authority has met with good faith with the recognized bargaining units regarding the Personnel Rules; and

NOW, THEREFORE, BE IT RESOLVED, That the Board of Directors of the South San Joaquin County Fire Authority by this Resolution approves and adopts the Authority's Communicable Disease Policy, Lactation Policy, Nepotism Policy, Violence in the Workplace Policy, Family Medical Leave Policy, Prevention of Harassment, Discrimination, and Retaliation Policy, and Injury and Illness Prevention Program, and that future changes to the Rules and policies must be approved by the Board of Directors through resolution.

* * * * * * * * * * * * * * * * *

The foregoing Resolution 2021-_____was adopted by the Board of Directors on the_____day of Month 2021, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

APPROVED: _____

Board Chair

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Communicable Disease Policy

1.0 PURPOSE AND SCOPE

This policy provides general guidelines to assist in minimizing the risk of Authority employees contracting and/or spreading communicable diseases.

1.1 DEFINITIONS

Definitions related to this policy include:

Communicable disease - A human disease caused by microorganisms that are present in and transmissible through human blood, bodily fluid, tissue, or by breathing or coughing. These diseases commonly include, but are not limited to, hepatitis B virus (HBV), HIV and tuberculosis.

Aerosol transmissible disease (ATD) - is a disease that is transmitted either by inhalation of infectious particles/droplets or direct contact of the particles/droplets with mucous membranes in the respiratory tract or eyes.

Exposure - When an eye, mouth, mucous membrane, or non-intact skin comes into contact with blood or other potentially infectious materials, or when these substances are injected or infused under the skin; when an individual is exposed to a person who has a disease that can be passed through the air by talking, sneezing or coughing (e.g., tuberculosis), or the individual is in an area that was occupied by such a person. Exposure only includes those instances that occur due to a employee's position at the Authority. (See the specific exposure control plan in the Appendices for further details to assist in identifying whether an exposure has occurred.)

Our employees have occupational exposure to ATDs while conducting their job duties, whether at the work facility or offsite. In accordance with California Code of Regulations, title 8, section 5133, Communicable Diseases, and 5199, Aerosol Transmissible Diseases, we have implemented this written exposure control plan to reduce our employees' risk of contracting these infections, and so that we may respond in an appropriate and timely manner when exposure incidents occur.

2.0 POLICY

The South San Joaquin County Fire Authority (Authority) is committed to providing a safe work environment for its employees. Each employee is ultimately responsible for their own health and safety and for the health and safety of those around them who may be affected by their actions, choices, or behavior.

3.0 EXPOSURE CONTROL OFFICER

The Fire Chief will assign a person as the Exposure Control Officer (ECO). The ECO must develop an exposure control plan that includes:

(a) Exposure-prevention and decontamination procedures.

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(b) Procedures for when and how to obtain medical attention in the event of an exposure or suspected exposure.

(c) The provision that Authority employees will have no-cost access to the appropriate personal protective equipment (PPE) (e.g., gloves, face masks, eye protection, pocket masks) for each employee's position and risk of exposure.

(d) Compliance with all relevant laws or regulations related to communicable diseases, including:

1. Responding to requests and notifications regarding exposures covered under the Ryan White law (42 USC § 300ff-133; 42 USC § 300ff-136).
2. Bloodborne pathogen mandates including (8 CCR 5193):
   (a) Sharps injury log.
   (b) Needleless systems and sharps injury protection.
3. Airborne transmissible disease mandates including (8 CCR 5199):
   (a) Engineering and work practice controls related to airborne transmissible diseases.
   (b) Distribution of appropriate personal protective equipment to minimize exposure to airborne disease.
4. Promptly notifying the appropriate agencies (CalOSHA, Public Health, etc.) regarding employee exposures.
5. Establishing procedures to ensure that employees request exposure notification from health facilities when transporting a person that may have a communicable disease and that the employee is notified of any exposure as required by Health and Safety Code § 1797.188.
6. Informing employees of the provisions of Health and Safety Code § 1797.188 (exposure to communicable diseases and notification).

(e) Provisions for acting as the designated officer liaison with health care facilities regarding communicable disease or condition exposure notification. The designated officer should coordinate with other Authority employees to fulfill the role when not available. The designated officer must ensure that the name, title and telephone number of the designated officer is posted on the Authority website (Health and Safety Code § 1797.188).

The ECO should also act as the liaison with the Division of Occupational Safety and Health (Cal/OSHA) and may request voluntary compliance inspections. The ECO must annually review and update the exposure control plan and review implementation of the plan (8 CCR 5193). Exposure Control Plans are addendums to this policy and any future amendments to this policy.

4.0 EXPOSURE PREVENTION AND MITIGATION

4.1 GENERAL PRECAUTIONS

All employees are expected to use good judgment and follow training and procedures related to mitigating the risks associated with communicable diseases. This includes, but is not limited to (8 CCR 5193):

(a) Stocking disposable gloves, antiseptic hand cleanser, CPR masks or other specialized equipment in the work area or Authority vehicles, as applicable.

(b) Wearing Authority-approved disposable gloves when contact with blood, other potentially infectious materials, mucous membranes, and non-intact skin can be reasonably anticipated.

(c) Washing hands immediately or as soon as feasible after removal of gloves or other PPE.

(d) Treating all human blood and bodily fluids/tissue as if it is known to be infectious for a communicable disease.

(e) Using an appropriate barrier device when providing CPR.

(f) Using a face mask or shield if it is reasonable to anticipate an exposure to an airborne transmissible disease.

(g) Decontaminating non-disposable equipment (e.g., flashlight, control devices, clothing, and portable radio) as soon as possible if the equipment is a potential source of exposure.

1. Clothing that has been contaminated by blood or other potentially infectious materials must be removed immediately or as soon as feasible and stored/ decontaminated appropriately.

(h) Handling all sharps and items that cut or puncture (e.g., needles, broken glass, razors, knives) cautiously and using puncture-resistant containers for their storage and/or transportation.

(i) Avoiding eating, drinking, smoking, applying cosmetics or lip balm, or handling contact lenses where there is a reasonable likelihood of exposure.

(j) Disposing of biohazardous waste appropriately or labeling biohazardous material properly when it is stored.

4.2 POSITIONS WITH POTENTIAL EXPOSURE

All employees of the Authority have the potential to encounter a communicable disease depending on the nature of the emergency or call and the level of emergency or pandemic.

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However, the following positions have the highest risk of contracting an aerosol transmittable disease: paramedics, firefighters, captains, and battalion chiefs.

4.3 IMMUNIZATIONS

Employees who could be exposed to HBV due to their positions may receive the HBV vaccine and any routine booster at no cost (8 CCR 5193).

4.4 OCCUPATIONAL EXPOSURE RISKS

Employees are considered to have occupational exposure to aerosol transmissible diseases if their work activity or work conditions are reasonably anticipated to present an elevated risk of contracting these diseases without protective measures in place. “Elevated” means higher than what is considered ordinary for other employees who have direct contact with the general public in occupations that are not covered under the Aerosol Transmissible Disease Standard (8 CCR 5199), such as bus drivers and retail employees.

The Department has conducted a risk assessment and determined that employees in the following job classifications may have occupational exposure to aerosol transmissible disease while performing their job duties: Firefighters, Fire Engineers, Fire Captains, Fire Chiefs, Fire Reserves, Fire Interns, Fire Trainees.

High hazard procedures are procedures performed on a Communicable Disease “Case” or suspected case, an individual with substantially similar symptoms of or testing positive to a communicable disease, where the potential for being exposed to a communicable disease or aerosol transmissible pathogen is increased due to the reasonably anticipated generation of aerosolized pathogens.

The Department has analyzed the job tasks performed by the job classifications listed in this section and has determined the following high hazard procedures:

(a) Transporting suspected Communicable Disease Cases to a medical care facility or for medical evaluation in a vehicle not covered under (8 CCR 5199 (g)(4)(H) exception 2).

(b) The provision of lifesaving first response medical intervention and treatment.

(c) The retrieval of a Communicable Disease Case from a compromised or burning structure.

(d) A lengthy carry of a suspected positive communicable disease case, primarily in close quarters or less than optimal ventilation conditions.

4.5 ENGINEERING AND WORK PRACTICE CONTROLS

The ECO oversees the execution and assesses the efficacy of the following engineering and work practice controls implemented as part of a wholistic communicable disease prevention program.

(a) The provision of a solid partition separating the passenger from the employees in all transport vehicles (8 CCR 5199 (g)(4)(H) exception 2).

(b) Testing and documenting adequate airflow in transport vehicles and providing trunk-based ventilation systems or requiring open windows during transport where indicated (8 CCR 5199 (g)(4)(H) exception 2).

(c) The provision of respiratory protection during transport of suspected positive cases when

either the above protections are not in place, performance of aerosol generating procedures is present, or the patient is not masked.

5.0 POST EXPOSURE

5.1 INITIAL POST-EXPOSURE STEPS

Employees who experience an exposure or suspected exposure must:

(a) Begin decontamination procedures immediately (e.g., wash hands and any other skin with soap and water, flush mucous membranes with water).

(b) Obtain medical attention as appropriate.

(c) Notify a supervisor as soon as practicable.

5.2 REPORTING REQUIREMENTS

The supervisor on-duty must investigate every exposure or suspected exposure that occurs as soon as possible following the incident. The supervisor must ensure the following information is documented (8 CCR 5193):

(a) Name and Social Security number of the employee exposed

(b) Date and time of the incident

(c) Location of the incident

(d) Potentially infectious materials involved and the source of exposure (e.g., identification of the person who may have been the source)

(e) Work being done during exposure

(f) How the incident occurred or was caused

(g) PPE in use at the time of the incident

(h) Actions taken post-event (e.g., clean-up, notifications)

The supervisor must advise the employee that disclosing the identity and/or infectious status of a source to the public or to anyone who is not involved in the follow-up process is prohibited. The supervisor should complete the incident documentation in conjunction with other reporting requirements that may apply (see the Occupational Illness and Work-Related Injury Reporting Policy).

5.3 MEDICAL CONSULTATION, EVALUATION AND TREATMENT

Authority employees must have the opportunity to have a confidential medical evaluation immediately after an exposure and follow-up evaluations as necessary (8 CCR 5193).

The ECO should request a written opinion/evaluation from the treating medical professional that contains only the following information:

(a) Whether the employee has been informed of the results of the evaluation.

(b) Whether the employee has been notified of any medical conditions resulting from

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exposure to blood or other potentially infectious materials which require further evaluation or treatment.

No other information should be requested or accepted by the ECO.

5.4 COUNSELING

The Authority must provide the employee, and his/her family if necessary, the opportunity for counseling and consultation regarding the exposure (8 CCR 5193).

5.5 SOURCE TESTING

Testing a person for communicable diseases when that person was the source of an exposure should be done when it is desired by the exposed employee or when it is otherwise appropriate (8 CCR 5193). Source testing is the responsibility of the ECO. If the ECO is unavailable to seek timely testing of the source, it is the responsibility of the exposed employee's supervisor to ensure testing is sought.

Source testing may be achieved by:

(a) Obtaining consent from the individual.

(b) Complying with the statutory scheme of Health and Safety Code § 121060. This includes seeking consent from the person who was the source of the exposure and seeking a court order if consent is not given.

(c) Testing the exposed employee for evidence of a communicable disease and seeking consent from the source individual to either access existing blood samples for testing or for the source to submit to testing (Health and Safety Code § 120262).

The ECO is responsible for coordinating the testing to ensure expediency and to prevent unnecessary or duplicate testing. No employee should pay for testing.

The ECO should seek the consent of the individual for testing and consult the Authority's legal representative to discuss other options when no mandate exists for compelling the source of an exposure to undergo testing if he/she refuses.

6.0 CONFIDENTIALITY OF REPORTS

Medical information must remain in confidential files and must not be disclosed to anyone without the employee's written consent (except as required by law). Test results from persons who may have been the source of an exposure are to be kept confidential as well.

7.0 TRAINING

All employees must participate in training regarding communicable diseases commensurate with the requirements of their position. The training (8 CCR 5193):

(a) Must be provided at the time of initial assignment to tasks where an occupational exposure may take place and at least annually after the initial training.

(b) Must be provided whenever the employee is assigned new tasks or procedures

affecting his/her potential exposure to communicable disease.

(c) Should provide guidance on what constitutes an exposure, what steps can be taken to avoid an exposure and what steps should be taken if a suspected exposure occurs.

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FAMILY AND MEDICAL LEAVE POLICY

PURPOSE

To establish a compliant policy and procedures for the provision of family and medical care leaves for Authority personnel the Authority's Family and Medical Leave Policy (hereinafter "FML Policy") is hereby adopted by the South San Joaquin County Fire Authority (hereinafter "Authority") Board of Directors (hereinafter" Authority Board"). This policy replaces and supersede any prior pregnancy disability, family medical, or FMLA/CFRA policies previously in use and may be changed only upon approval of the Authority Board.

FAMILY AND MEDICAL CARE LEAVES

1.1. Statement of Policy; Concurrent Running of FMLA and CFRA Leaves

The South San Joaquin County Fire Protection Authority (Authority) provides family and medical care leave for eligible employees as required by State and federal law. This Policy is supplemented by the Federal Family and Medical Leave Act ("FMLA"), and the California Family Rights Act ("CFRA"). Unless otherwise stated in this Policy, "Leave" means leave pursuant to the FMLA and CFRA. Unless otherwise provided by law, the Authority will run each employee's FMLA and CFRA leaves concurrently.

1.2. Definitions

1.2.1. **"12-Month Period"**
A rolling 12-month period measured backward from the date leave is taken and continuous with each additional leave day taken.

1.2.2. **"Single 12 Month Period" (Care for a Service Member)**
A 12-month period which begins on the first day the eligible employee takes FMLA leave to take care of a covered servicemember and ends 12 months after that date.

1.2.3. **"Child" or "son or daughter"**
A child under the age of 18 years of age, or 18 years of age or older who is incapable of self-care because of a mental or physical disability. An employee's child is one for whom the employee has actual day-to-day responsibility for care, and includes a biological, adopted, foster or stepchild. A child is "incapable of self-

care" if he/she requires active assistance or supervision to provide daily self-care in three or more of the activities of daily living or instrumental activities of daily living, such as caring for grooming and hygiene, bathing, dressing and eating, cooking, cleaning shopping, taking public transportation, paying bills, maintaining a residence, or using telephones and directories.

1.2.4. **"Parent or Legal Guardian"**

The biological parent of an employee or an individual who stands or stood in loco parentis (in place of a parent) to an employee when the employee was a child. This term does not include parents-in-law.

1.2.5. **"Spouse"**

One or two persons to a marriage, regardless of the sex of the persons, and for purposes of CFRA leave, includes a registered domestic partner as defined below.

1.2.6. **"Domestic Partner"**

Another adult with whom the employee has chosen to share their life in an intimate and committed relationship of mutual caring and with whom the employee has filed a Declaration of Domestic Partnership with the Secretary of State, and who meets the criteria specified in California Family Code section 297 or a legal union formed in another state that is substantially equivalent to the California domestic partnership.

1.2.7. **"Serious Health Condition"**

An illness, injury impairment, or physical or mental condition that involves:

1) Inpatient Care in a hospital, hospice, or residential medical care facility, including any period of incapacity (e.g., inability to work or perform other regular daily activities due to the serious health condition, treatment involved, or recovery therefrom). A person is considered "inpatient" when a health care facility admits him or her to the facility with the expectation that he or she will remain at least overnight, even if it later develops that such person can be discharged or transferred to another facility does not actually remain overnight; or

2) Continuing treatment by a health care provider: A serious health condition involving continuing treatment by a health care provider includes any one or more of the following:

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a. A period of incapacity (i.e., inability to work, or perform other regular daily activities) due to serious health condition of more than three consecutive calendar days; and

b. Any subsequent treatment or period of incapacity relating to the same condition, that also involves:

i. Treatment two or more times by a health care provider, by a nurse or physician's assistant under direct supervision

ii. Treatment by a health care provider on at least one occasion which results in a regimen of continuing treatment under the supervision of the health care provider. This includes, for example, a course of prescription medication or therapy requiring special equipment to resolve or alleviate the health condition. If the medication is over the counter and can be initiated without a visit to a health care provider, it does not constitute a regimen of continuing treatment.

3) Any period of incapacity due to pregnancy or for prenatal care. (29 CFR § 825.120; Gov. Code §12945.2(c)(8).) Note that pregnancy is a "serious health condition" only under the FMLA. Under health California law, an employee disabled by pregnancy is entitled to pregnancy leave. (See Policy 808, Leave Because of Pregnancy, Childbirth, or Related Medical Condition.)

4) Any period of incapacity or treatment for such incapacity due to a chronic serious health condition. A chronic serious condition is one which:

a. Requires periodic visits for treatment by a health care provider, or by a nurse or physician's assistant under direct supervision of a health care provider;

b. Continues over an extended period of time (including recurring episodes of a single underlying condition); and

c. May cause episodic rather than a continuing period of incapacity (e.g., asthma, diabetes, epilepsy, etc.). Absences for such incapacity qualify for leave even if the absence lasts only one day.

5) A period of incapacity that is permanent or long-term due to a condition for which treatment may not be effective. The employee or family member must be under the continuing supervision of but need not be receiving active treatment by health care provider.

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6) Any period of absence to receive multiple treatments (including any period of recovery therefrom) by a health care provider or by a provider of health care services under orders of, or on referral by, a health care provider, either for restorative surgery after an accident or other injury, or for a condition that would likely result in a period of incapacity of more than three consecutive calendar days in the absence of medical intervention or treatment. (29 CFR § 825.113; Gov. Code § 12945.2(c)(8); 2 Cal.Code Regs § 11087(q)(1).)

1.2.8. **"Health Care Provider"**

The following if used to refer to the individual(s) who provides health care to the employee:

7) A doctor of medicine or osteopathy who is authorized to practice medicine or surgery in the State of California;

8) Individuals duly licensed as a physician, surgeon, or osteopathic physician or surgeon in another state or jurisdiction, including another country, which directly treats or supervises treatment of a serious health condition;

9) Podiatrists, dentists, clinical psychologists, optometrists, and chiropractors (limited to treatment consisting of manual manipulation of the spine to correct a subluxation as demonstrated by x-ray to exist) authorized to practice in California and performing within the scope of their practice as defined under California State law;

10) Nurse practitioners and nurse-midwives and clinical social workers who are authorized to practice under California State law and who are performing within the scope of their practice as defined under California State law;

11) Christian Science practitioners listed with the First Church of Christ, Scientist in Boston, Massachusetts; and

12) Any health care provider from whom an employer or group health plan's benefits manager will accept certification of the existence of a serious health condition to substantiate a claim for benefits. (29 CFR § 825.102; Gov. Code § 12945.2(c)(6).)

1.2.9. **"Covered active duty"**

A member of the Armed Forces as follows:

1) A member of regular component of the Armed Forces, assigned to duty during deployment of the member with the Armed Forces to a foreign country; or

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2) A member of the reserve component of the Armed Forces, assigned to duty during the deployment of members of the Armed Forces to a foreign country under a call or order to active duty under certain specified provisions

1.2.10. **"Covered Servicemember"**

A member of the Armed Forces in the following capacities:

1) A current member of the Armed Forces, including a member of the National Guard or Reserves, who is undergoing medical treatment, recuperation, or therapy, is otherwise in outpatient status, or is otherwise on the temporary disability retired list, for a serious injury or illness; or

2) A veteran who is undergoing medical treatment, recuperation, or therapy, for a serious injury or illness and who was a member of the Armed Forces, including a member of the National Guard or Reserves, at any time during the period of five years preceding the date on which the veteran undergoes that medical treatment, recuperation, or therapy.

1.2.11. **"Outpatient Status"**

With respect to a covered servicemember, the status of a member of the Armed Forces assigned to either:

1) A military medical treatment facility as an outpatient; or

2) A unit established for the purpose of providing command and control of members of the Armed Forces receiving medical care as outpatients.

1.2.12. **"Next of Kin of a Covered Servicemember"**

1) means the nearest blood relative other than the covered servicemember's spouse, parent, son, or daughter, in the following order of priority: blood relatives who have been granted legal custody of the covered servicemember by court decree or statutory provisions, brothers and sisters, grandparents, aunts and uncles, and first cousins, unless the covered servicemember has specifically designated in writing another blood relative as his or her nearest blood relative for purposes of military caregiver leave under the FMLA.

1.2.13. **"Serious Injury or Illness"**

As applied to members of the Armed Forces in the following capacity:

1) In the case of a member of the Armed forces, including a member of the National Guard or reserves, means an injury or illness that a covered servicemember incurred in the line of duty on active duty in the Armed Forces (or existed before

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the beginning of the member's active duty and was aggravated by the service in the line of duty on active duty in the Armed Forces) and that may render the servicemember medically unfit to perform the duties of the member's office, grade, rank, or rating; or

2) In the case of a veteran who was a member of the Armed Forces, including a member of the National Guard or Reserves, means an injury or illness that was incurred by the member in the line of duty on active duty in the Armed Forces (or existed before the beginning of the member's active duty and was aggravated by service in the line of duty on active duty in the Armed Forces) and that manifested itself before or after the member became a veteran.

1.3. Reasons for Leave

Leave is only permitted for the reasons listed below.

1) The birth of a child or to care for a newborn of an employee; (29 CFR § 825.120; Gov. Code § 12945.2(c)(3)(A));

2) The placement of a child with an employee in connection with the adoption or foster care of a child; (29 CFR § 825.121; Gov. Code § 12945.2(c)(3)(A));

3) Leave to care for a child, parent, spouse, or domestic partner who has a serious health condition; (29 CFR § 825.113; Gov. Code § 12945.2(c)(3)(A) & (B));

4) Leave because of a serious health condition that makes the employee unable to perform any one or more essential functions of his/her position; (29 CFR § 825.113; Gov. Code § 12945.2(c)(3)(C));

5) Leave for a variety of "qualifying exigencies" arising out of the fact that an employee's spouse, son, daughter, or parent is on active duty or call to active duty status in the National Guard or Reserves in support of a contingency operation (29 CFR § 825.126 -- This is a FMLA leave and not a CFRA leave); or

6) Leave to care for a spouse, son, daughter, parent, or "next of kin" who is a covered servicemember of the U.S. Armed Forces who has a serious injury or illness: incurred in the line of duty while on active military duty; or existed before the beginning of the member's active duty and was aggravated by service in the line of duty on active duty in the Armed Forces. This leave can run up to 26 weeks of unpaid leave during a single 12-month period. (29 CFR § 825.127 -- This is a FMLA leave and not a CFRA leave.)

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1.4. Misuse of FML Leave

Employees who misuse or abuse family and medical care leave may be disciplined up to and including termination. Employees who fraudulently obtain or use CFRA leave are not protected by the CFRA's job restoration or maintenance of health benefits provisions.

1.5. Employees Eligible For Leave

An employee is eligible for leave if:

1) The employee has been employed by the Authority for at least 12 months; and

2) The employee has been employed by the Authority for at least 1,250 hours during the 12-month period immediately preceding the commencement of the leave; and

3) The Authority directly employs at least 50 full or part-time employees within a 75-mile radius for each working day during each of 20 or more calendar workweeks in the current or preceding calendar year. The workweeks do not have to be consecutive. The phrase "current or preceding calendar year" refers to the calendar year in which the employee requests the leave or the calendar year preceding this request.

4) NOTE: Employees are eligible for PDL from first date of hire.

An employee is eligible for 12 weeks of parental leave to bond with a new child within one year of the child's birth, adoption or foster care placement if:

1) The employee has been employed by the Authority for at least 12 months; and

2) The employee has been employed by the Authority for at least 1,250 hours during the 12-month period immediately preceding the commencement of the leave; and

3) The Authority directly employs at least 20 full or part-time employees within a 75-mile radius.

1.6. Amount of Leave

Eligible employees are entitled to a total of 12 workweeks (or 26 workweeks to care for a covered servicemember) of leave during any 12-month period. If FMLA leave qualifies as both military caregiver leave, and care for a family member with a serious health condition, the leave will be designated as military caregiver leave first. (29 CFR § 825.127.)

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Pregnancy Disability Leave

Employees who are disabled due to pregnancy, childbirth or a related medical condition are entitled to up to 17 1/3 weeks (approximately four (4) months of unpaid leave during their time of disability. An employee on pregnancy disability leave may use any accrued vacation, sick or other leave in order to receive regular compensation benefits during the absence. This leave may occur pre- and post-partum in conjunction with a physician verified disability due to pregnancy, childbirth, or a related medical condition. Use of this leave does not affect eligibility for parental leave under the FMLA and CFRA to bond with a child.

When both parents are employed at the Authority and desire to use bonding leave, the Authority will require the parents to share on 480 hour leave bank as allowed by law.

1.7. Minimum Duration of Leave

The minimum length of leave allowable for intermittent use of leave is as follows:

1) If leave is requested for the birth, adoption or foster care placement of a child of the employee, leave must be concluded within one year of the birth or placement of the child. In addition, the basic minimum duration of such leave is two weeks. However, an employee is entitled to leave for one of these purposes (e.g. bonding with a newborn) for less than two weeks duration on any two occasions.

2) If leave is requested to care for a child, parent, spouse or the employee him/herself with serious health condition, there is no minimum amount of leave that must be taken. However, compliance with the notice and medical certification provisions in this Policy is required.

1.7.1. Parents both Employed by the Authority

If both parents of a child, adoptee, or foster child are employed by the Authority and are entitled to bonding leave, the aggregate number of workweeks of leave to which both may be entitled may be limited to 12 workweeks during any 12-month period.

If both parents of a covered servicemember are employed by the Authority and are entitled to leave to care for a covered servicemember, the aggregate number of workweeks of leave to which both may be entitled is limited to 26 work weeks during the 12-month period. This limitation does not apply to any other type of leave under this Policy.

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1.8. Employee Benefits While On Leave

Employees while on protected medical leave under FMLA/CFRA will continue to have the following benefits:

1) **Group Health Insurance During Unpaid Leave:** Leave under this Policy is unpaid. While on unpaid leave, employees will continue to be covered by the Authority's group health insurance for up to 12 weeks each leave year to the same extent that coverage is provided while the employee is on the job. If the employee is disabled by pregnancy, coverage will continue up to four months each leave year. If an employee disabled by pregnancy also uses leave under the CFRA for baby-bonding, the Authority will maintain her coverage while she is disabled by pregnancy (up to four months or 17 1/3 weeks) and during her CFRA leave (up to 12 weeks).

2) **Benefit Plans Not Provided through the Authority' Group Health Plan During Unpaid Leave Do Not Continue:** The Authority does not pay for benefit plans that are not part of the group health plan for any employee on unpaid leave. As a result, employees will not continue to be covered under the Authority's benefit plans that are not provided through the Authority's group health plans while the employee is on unpaid leave.

OR …

3) **Benefit Plans Not Provided through the Authority's Group Health Plan During Unpaid Leave Do Continue:** While on unpaid leave, employees will continue to be covered by the Authority's benefits plans that are not part of its group health plan for up to 12 weeks each leave year to the same extent that coverage is provided while the employee is on the job.

4) **Payment of Premiums*:*** Employees may make the appropriate contributions for continued coverage under the health benefits plans by payroll deductions (if the employee is using his or her paid leave) or direct payments (if the employee is not using his or her paid leave). The Authority will inform the employee whether the direct payments for premiums should be paid to the carrier or to the Authority, and the deadlines for paying premiums in order to prevent coverage from being dropped. Employee contribution rates are subject to any changes in rates that occur while employee is on leave.

5) **Recovery of Premium if the Employee Fails to Return from Leave:** If an employee fails to return to work after his/her leave entitlement has been exhausted or expires, the Authority shall have the right to recover its share of health plan

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premiums for the entire leave period, unless the employee does not return because of the continuation, recurrence, or onset of a serious health condition of the employee or his/her family member which would entitle the employee to leave, or because of circumstances beyond the employee's control.

1.9. Substitution of Paid Accrued Leaves

Although family and medical care leave is unpaid, an employee may elect, and the Authority will require an employee, to concurrently use all paid accrued leaves during family and medical care leave as described below.

1.10. Employee's Right to Use Paid Accrued Leave Concurrently with Family Leave

An employee may use any earned or accrued paid leave except sick leave for all or part of any unpaid family and medical care leave. An employee is entitled to use sick leave concurrently with family and medical care leave for the employee's own serious health condition or that of the employee's parent, spouse, domestic partner or child.

1.11. Authority's Right to Require an Employee to use Paid Leave when using FMLA/CFRA Leave

Except as provided for paid leave by law (Paid Emergency Sick Leave Act and Emergency Family Medical Leave Act, both of 2020), employees must use and exhaust their accrued leaves concurrently with family and medical care leave to the same extent that employees have the right to use their accrued leaves concurrently with family and medical care leave with two exceptions:

(a) Employees are not required to use paid leave during leave pursuant to a disability plan that pays a portion of the employee's salary while on leave unless the employee agrees to use paid leave to cover the unpaid portion of the disability leave benefit; and

(b) An employee must agree to use accrued sick leave to care for a child, parent, spouse or domestic partner.

1.12. Authority's Right to Require an Employee to Exhaust FMLA/CFRA Leave Concurrently with Other Leaves

If an employee takes a leave of absence for any purpose which also qualifies under both the FMLA and CFRA, the Authority will designate that leave as running concurrently with the employee's 12-week FMLA/CFRA leave entitlement. The only exception is for **[peace officers and firefighters]** who are on paid industrial injury leave. (Labor Code §4850(e).)

1.13. Authority's and Employee's Rights if an Employee Requests Accrued Leave without Mentioning FMLA or CFRA

If an employee requests to utilize accrued vacation leave or other accrued paid time off without reference to a FMLA/CFRA qualifying purpose, the Authority may not ask the employee if the leave is for a FMLA/CFRA qualifying purpose. However, if the Authority denies the employee's request and the employee provides information that the requested time off is for a FMLA/CFRA qualifying purpose, the Authority may require the employee to exhaust accrued leave as described above.

1.14. Medical Certification/ Recertification

Employees who request leave must provide a medical certification and/or recertification to support the need for the leave as described below:

1) ***Employee's Own Serious Health Condition***: Employees who request leave for their own serious health condition must provide written certification from the health care provider that contains all of the following: the date, if known, on which the serious health condition commenced; the probable duration of the condition; and a statement that, due to the serious health condition, the employee is unable to work at all or is unable to perform any one or more of the essential functions of his or her position. Upon expiration of the time period the health care provider originally estimated that the employee needed for his/her own serious health condition, the employee must obtain recertification if additional leave is requested.

2) ***Family Member Serious Health Condition:*** Employees who request leave to care for a child, parent, domestic partner or a spouse who has serious health condition must provide written certification from the health care provider of the family member requiring care that contains all of the following: the date, if known, on which the serious health condition commenced; the probable duration of the condition; an estimate of the amount of time which the health care provider believes the employee needs to care for the child, parent, domestic partner, or spouse, and a statement that the serious health condition warrants the participation of the employee to provide care during a period of treatment or supervision of the child, parent or spouse. The term "warrants the participation of the employee" includes, but is not limited to, providing psychological comfort, and arranging third party care for the covered family member, as well as directly providing, or participating in, the medical care. Upon expiration of the time period the health care provider originally estimated that the employee needed to care for a covered

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family member, the employer must obtain recertification if additional leave is requested.

3) ***Servicemember Serious Injury or Illness:*** Employees who request FMLA leave to care for a covered servicemember who is a child, spouse, parent or "next of kin" of the employee, must provide written certification from a health care provider regarding the injured servicemember's serious injury or illness. The Authority will verify the certification as permitted by the FMLA regulations.

4) ***Qualifying Exigency:*** The first time an employee requests FMLA leave because of a qualifying exigency, an employer may require the employee to provide a copy of the military member's active duty orders or other documentation issued by the military which indicates that the military member is on covered active duty or call to active duty status in a foreign country, and the dates of the military member's active duty service. A copy of the new active duty orders or similar documentation shall be provided to the Authority if the need for leave because of a qualifying exigency arises out of a different active duty or call to active duty status of the same or a different military member. The Authority will verify the certification as permitted by the FMLA regulations.

1.15. Time to Provide a Medical Certification

When an employee has provided at least 30 days' notice for a foreseeable leave, the employee must provide a medical certification before the leave begins. When this is not possible, the employee must provide the medical certification to the Authority within the time frame requested by the Authority (which must allow at least 15 calendar days after the employer's request), unless it is not practicable under the particular circumstances to do so despite the employee's diligent, good faith efforts.

1.16. Consequences for Failure to Provide an Adequate or Timely Certification

If an employee provides an incomplete medical certification, the employee will be given a reasonable opportunity to cure any such deficiency. (2 Cal.Code Regs § 11091(b)(3); 29 CFR § 825.313(a) & (b).) However, if an employee fails to provide a medical certification within the time frame established in this Policy, the Authority may delay the taking of FMLA/CFRA leave until required certification is provided, or deny FMLA/CFRA protections following the expiration of the time period to provide an adequate certification.

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1.18. Human Resources Director's Review of the Contents of Medical Certification for Employee's Own Serious Health Condition

The Human Resources Director review will consist of the following:

1) **Complete and Sufficient:** The employee must provide a certification for his or her own serious health condition that is complete and sufficient to support the request for leave. A certification is incomplete if one or more of the applicable entries on the certification form have not been completed. A certification is insufficient if the information on the certification form is vague, ambiguous, or not responsive. If the certification is incomplete or insufficient, the Human Resources Director will give the employee written notice of the deficiencies and seven days to cure, unless a longer period is necessary in light of the employee's diligent, good faith efforts to address the deficiencies.

2) **Authentication and Clarification:** After giving the employee an opportunity to cure the deficiencies in a medical certification for the employee's own serious health condition, the Human Resources Director may contact the health care provider who provided the certification to clarify and/or authenticate the certification. "Authentication" means providing the health care provider with a copy of the certification form and requesting verification that the information on the form was completed or authorized by the health care provider who signed the form. "Clarification" means contacting the health care provider to understand the handwriting on the medical certification or to understand the meaning of the response. The Human Resources Director may not ask for additional information beyond that required on the certification form.

1.19. 806.14 Second and Third Medical Opinions For Employee's Own Serious Health Condition

If the Authority has a good faith, objective reason to doubt the validity of a certification for the employee's serious health condition, the Authority may require a medical opinion of a second health care provider chosen and paid for by the Authority. If the second opinion is different from the first, the Authority may require the `opinion of a third provider jointly approved by the Authority and the employee but paid for by the Authority. The opinion of the third provider will be binding. The Authority must provide the employee with a copy of the second and third medical opinions, where applicable, without cost, upon the request of the employee.

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1.21. 806.15 Intermittent Leave or Leave on a Reduced Leave Schedule

If an employee requests leave intermittently (a few days or hours at a time) or on a reduced leave schedule for his or her own serious health condition, or to care for an immediate family member with serious health condition, the employee must provide medical certification that such leave is medically necessary. "Medically necessary" means there must be a medical need for the leave and that the leave can best be accomplished through an intermittent or reduced leave schedule. The Authority may require an employee who certifies the need for a reduced schedule or intermittent leave to temporarily transfer to an alternate position of equivalent pay and benefits that better accommodates the leave schedule.

1.22. Employee Notice of Leave

Although the Authority recognizes that emergencies arise which may require employees to request immediate leave, employees are required to give as much verbal or written notice as possible of their need for leave. If leave is foreseeable, at least 30 days' notice is required. In addition, if an employee knows that he/she will need leave in the future, but does not know the exact day(s) (e.g. for the birth of a child or to take care of a newborn), the employee shall inform his/her supervisor as soon as possible that such leave will be needed. For foreseeable leave due to a qualifying exigency, an employee must provide verbal or written notice of the need for leave as soon as practicable, regardless of how far in advance such leave is foreseeable.

1.23. Reinstatement Upon Return From Leave

1) **Reinstatement to Same or Equivalent Position:** Upon expiration of leave, an employee is entitled to be reinstated to the position of employment held when the leave commenced, or to an equivalent position with equivalent benefits and pay. Employees have no greater rights to reinstatement, benefits, and other conditions of employment than if the employee had been continuously employed during the FMLA/CFRA period.

2) **Date of Reinstatement:** If a definite date of reinstatement has been agreed upon at the beginning of the leave, the employee will be reinstated on the date agreed upon. If the reinstatement date differs from the original agreement of the employee and the Authority, the employee will be reinstated within two business days, where feasible, after the employee notifies the employer of his/her readiness to return.

3) **Employee's Obligation to Periodically Report on Condition:** Employees may be required to periodically report on their status and intent to return to work. This will avoid any delays to reinstatement when the employee is ready to return.

4) **Fitness for Duty Certification:** As a condition of reinstatement of an employee whose leave was due to the employee's own serious health condition, which made the employee unable to perform his or her job, the employee must obtain and present a fitness-for-duty certification from the health care provider stating that the employee is able to resume work. Failure to provide such certification will result in denial of reinstatement. Authority may deny reinstatement to a "key" employee (i.e., an employee who is among the highest paid 10 percent of all employed by the Authority within 75 miles of the worksite) if such denial is necessary to prevent substantial and grievous economic injury to the operations of the Authority, and the employee is notified of the Authority's intent.

5) **Reinstatement of "Key Employees":** The to deny reinstatement on such basis at the time the employer determines that such injury would occur.

Required Forms

Employees must complete the applicable forms to receive family and medical care leave. Please see the Human Resources Manager or your Division Chief for current forms. If forms are available online, the locations will be listed below.

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Lactation Policy

REFERENCE: Labor Code § 1030, 1032 and 29 USC § 207(r)

SECTION 1: PURPOSE

To provide a safe, discreet manner in which a mother may express breast milk for her infant child during her work hours and to meet current legislation.

SECTION 2: POLICY

It is the policy of the Authority to assist new mothers in the care and feeding of their infants promoting health and well being through safe, discreet, places to express milk.

SECTION 3: Lactation Break Time

An overtime-eligible employee who wishes to express breast milk for their infant child for up to a period of one (1) year after the birth of the child, during their scheduled work hours, will receive a reasonable amount of additional unpaid time beyond the 15-minute compensated rest period.

SECTION 4: Request Process

Those desiring to take a lactation break must notify a supervisor prior to taking such a break. The supervisor has an obligation to respond to the request within a reasonable time. Breaks may be reasonably delayed if they would seriously disrupt operations. Once a lactation break has been approved, the break should not be interrupted except for emergency or urgent circumstances.

SECTION 5: Location

The Authority will make reasonable efforts to accommodate employees by providing an appropriate location to express milk in private. The Division Chief - Administration will attempt to find a location very near the employee's work area, and the location will be other than a toilet stall. Employees occupying such private areas shall either secure the door or otherwise make it clear to others through signage that the area is occupied, and the employee should not be disturbed. All other employees should avoid interrupting an employee during an authorized break under this section, except to announce an emergency or other urgent circumstance. Authorized lactation breaks for employees

assigned to the field may be taken at the nearest appropriate private area.

SECTION 6: Complaint Process

Employees should contact the Division Chief - Administration immediately to report any violations of this policy. An employee also has the right to file a complaint directly with the Labor Commissioner for any violation of the law related to lactation accommodations.

Nepotism Policy

SECTION 1: Purpose

The purpose of this policy is to provide guidance regarding South San Joaquin County Fire Authority (Authority) employment practices pertaining to the employment of relatives of Authority employees.

SECTION 2: Policy

It is the policy of the Authority not to discriminate in its employment and personnel actions with respect to its employees, prospective employees, and applicants based on familial or marital status. No employee, prospective employee, or applicant will be denied employment or benefits of employment based on their familial or marital status. This policy applies to the selection of persons for a training program leading to employment in addition to the above-designated persons. This policy applies to all Authority offices and positions, including, but not limited to, full-time, part-time, temporary, provisional, and employment under a contract where the terms of the contract may be influenced by a City official or employee who a relative of the employee in question. The City of Tracy reserves the right to reasonably regulate for reasons of supervision, safety, security, or morale, the working of spouses and relatives in the same division.

SECTION 3: Appointment of Relatives of Officers and Fire Chief

The Authority will prohibit any appointment to a paid position within the Authority of any person or employee who has a marital or familial relationship with the Fire Chief or a member of the Authority's Board of Directors.

SECTION 4: Definitions

Marital status is defined as an individual's state of marriage, non-marriage, divorce or dissolution, separation, widowhood, annulment, or other marital state for the purpose of this anti-discrimination policy.

Spouse is defined as one of two persons to a marriage, or two people who are registered domestic partners, as those terms are defined by California law.

Familial status is defined as the state of an individual's specific relatives working for the Authority and shall include spouse, child, brother, sister, parent or parent-in-law,

stepbrother, stepsister, brother-in-law, sister-in-law, aunt, uncle, niece, nephew, or first cousin.

SECTION 5 Appointments and Promotions

The Authority shall prohibit the initial appointment or advancement of any person or employee to any position within any department within the Authority, wherein that person so appointed or advanced would or may in any manner or form, supervise, public safety dispatch, or evaluate; or wherein that person would or may be supervised, dispatched or evaluated by any person within the same department, where, in either event, there exists a marital, familial status, or dating relationship factor between said persons.

SECTION 6: Employee Marriages and Dating Relationships

In the event two persons employed in the same City department marry each other and would thereby fall within the prohibitions listed in this policy, one of such employees will be transferred to a comparable vacant position, if any exists, in another division or City department. The transfer of such employee shall be done in consultation with the Division Chief – Administration.

If no comparable position is then vacant, the married employees may remain in their respective positions for up to six (6) months. If a conflict still exists at the end of six (6) months, the married employees may designate the one to be terminated, or the employee with less seniority will be terminated.

If the event two employees begin a dating relationship, and one party is in a supervisory position, that person is required to inform management and the Director of Human Resources of the relationship. The employees will have 60 days to resolve the situation on their own. After 60 days, if the employees have not yet resolved the situation on their own by means acceptable to the City, such as a transfer or employment outside the company, the employees' supervisors will work with the Division Chief - Administration to determine the most appropriate action for the specific situation. This may include transfer or, if necessary, termination of one of the employees.

Policy Template

REFERENCE: Government Code Sections, regulation citations, and other governing authority references

SECTION 1: PURPOSE

State in concise terms why a policy is needed for this. What is it intended to do, prevent, clarify, inform, or guide?

SECTION 2: POLICY

State the pure policy, no definitions, explanations, or other nonsense here. Concisely and clearly write what you intend. This is the overarching rule. Most policies will be set by the Board with an Authority-wide focus. Some policies may be Divisional (e.g., the policy for using training rooms and equipment, sleeping quarters, laundry, or food storage areas).

SECTION 3:

Policies may include several sections, especially if they are legislated or are part of a program or plan. Sections may include: Controls, Mitigation Measures, Training, Documentation, Reporting, and other elements that are fixed by law, regulation, ordinance, code, or other, higher rule.

SECTION 4:

Sometimes a section may define who the eligible or required parties are to the policy and it may also list exceptions.

SECTION 5

Tables, resources, and references are most often found in procedures but can be found in policies (e.g., Links to GSA Per Diem tables for travel reimbursement, if applicable).

SECTION 6: PROCEDURE

Procedures are the how, the forms and processes we use to accomplish work within the parameters, rules, and protocols of a policy. Unless mandated by law to be in your policy statement, write administrative and operational procedures separately. This provides organizational agility as work or nomenclature changes or clarity is required.

Most policies will take only 1-3 pages to define.

EXCEPTION[S]

Policies that have been highly legislated or relate to large programs or projects. Policies that should be broken into several policy statements but make organizational sense to string together (e.g., Classification, compensation, grant sub-recipient, inside HazMat plans, or recruitment and selection).

FORMS

A policy may mandate use of a specific form or resource and this should follow the policy as an attachment. Often this happens due to local, state, or federal legislation.

employees to publicly disclose their personal assets and income. They also must disqualify themselves from participating in decisions that may

affect receiving income or gifts from that source on your statement of economic interests; (Government Code Section 89503(c)). Gift limits are effective until December 31 each

SECTION 3: PROCEDURE

Upon being offered or receiving a gift limited by this policy, an individual must notify the gift giver of this policy and graciously decline or return the gift.

Upon being offered or receiving a gift limited by this policy, an individual may elect to pay the market value of the gift. Additionally, this information must be recorded in the Fire

POLICY AND COMPLIANT PROCEDURE FOR THE PREVENTION OF HARASSMENT, DISCRIMINATION, RETALIATION, AND BULLYING

PURPOSE

The purpose of this policy is to establish a strong commitment to prohibit and prevent discrimination, harassment, retaliation, and workplace bullying in South San Joaquin County Fire Authority (Authority) employment; to define those terms; and to set forth a procedure for investigating and resolving internal complaints. The Authority encourages all covered individuals to report, as soon as possible, any conduct that is believed to violate this Policy.

POLICY

It is the policy of the Authority to promote a work environment free from discrimination, harassment, retaliation, and workplace bullying. The Authority has zero tolerance for any conduct that violates this Policy. Conduct need not rise to the level of a violation of law to violate this Policy. A single act can violate this Policy and provide grounds for discipline or other appropriate sanctions.

This Policy prohibits the Authority and its elected or appointed officials, officers, employees, contractors, trainees, volunteers, interns, reserves, and vendors from harassing or discriminating against an applicant, unpaid intern, reserves, volunteers, officer, official, vendor, contractor, or other member of the public, because of:

1. an individual's protected classification.
2. the perceptions that an individual has a protected category; or
3. the individual associates with a person who has or is perceived to have a protected category.

This policy also prohibits the Authority and its elected or appointed officials, officers, employees, contractors, volunteers, interns, trainees, reserves, and vendors from bullying, for any reason, an applicant, unpaid intern, volunteer employee, officer, official, vendor, contractor (or other member of the public),

This Policy applies to all terms and conditions of employment, including, but not limited to, hiring, placement, promotion, disciplinary action, layoff, recall, transfer, leave of absence, compensation, and training.

The District will institute appropriate corrective and disciplinary action or up to and including termination for prohibited behavior as defined below even if the violation does not rise to the level of unlawful conduct.

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Any retaliation against a person for filing a complaint or participating in the complaint resolution process is prohibited. Individuals found to be retaliating in violation of this Policy will be subject to appropriate disciplinary action up to and including termination.

Allegations of harassment, discrimination, bullying or retaliation could be the subject of disciplinary action, up to and including termination from employment, if determined to be frivolous, alleged to avoid one's own discipline, or made in bad faith.

The Authority recognizes and supports the obligation to reasonably accommodate employees with disabilities or religious beliefs or practices to allow those employees to perform the essential functions of their jobs. If an employee believes they need a reasonable accommodation based on disability or a religious belief or practice, the employee should discuss the matter with their supervisor or the human resources unit.

Definitions

The following definitions apply to all sections of this policy.

2.1. Protected Category:

This Policy prohibits harassment or discrimination because of an individual's protected category. "Protected Classification" includes actual or perceived race (including, but not limited to, hair textures and protective hair styles), religious creed (including religious dress and grooming practices), color, sex (including gender, gender identity, gender expression, transgender, pregnancy, and breastfeeding, and medical conditions related to breastfeeding), national origin, ancestry, physical or mental disability[1], medical condition (including cancer), genetic characteristics or information, marital status, age (over 40), sexual orientation (including homosexuality, bisexuality, or heterosexuality), and military or veteran status protected medical leaves (requesting or approved for leave under the Family and Medical Leave Act or the California Family Rights Act), domestic violence victim status, political affiliation, or any other legally protected basis or on the basis of a perception that an individual is associated with a person who has, or is perceived to have, any of these characteristics.

Interpretation and Application of Policy:

This policy shall not be construed to create a private of independent right of action. Although this policy is intended to prohibit discrimination consistent with Title VII of the Civil Rights Act of 1964, the Americans with Disabilities Act, the California Fair Employment and Housing Act, California Labor Code Section 1102.1, and the Affordable Care Act, the Authority reserves the right to interpret and apply this policy to provide greater protection than what is afforded under those laws.

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Policy Coverage:

This Policy prohibits Authority elected or appointed officials, officers, employees, or contractors from harassing or discriminating against applicants, officers, officials, employees, unpaid interns, volunteers, or contractors because of 1) an individual's protected classification; 2) the perception that an individual has a protected classification; or 3) the individual associates with a person who has or is perceived to have a protected classification.

Misconduct:

Harassment and Discrimination are considered serious acts of misconduct and will not be tolerated from or by coworkers, officers, Directors, third parties, supervisors, and managers. Employees who violate this policy and engage in acts of harassment or discrimination of any type, for any duration, must be subject to severe disciplinary action, up to and including termination.

Discrimination:

As used in this policy, discrimination is defined as the unequal treatment of an employee or applicant in any aspect of employment, including discrimination based solely or in part on the employee's, or applicant's, perceived or actual protected category, including unequal treatment based upon the employee or applicant's association with a member of these protected classes. This Policy prohibits treating individuals differently because of the individual's protected category as defined in this Policy.

Discrimination may include, but is not necessarily limited to: hostile or demeaning behavior towards applicants or employees because of their protected category; allowing the applicant's or employee's protected category to be a factor in hiring, promotion, compensation or other employment related decisions unless otherwise permitted by applicable law, and providing unwarranted assistance or withholding work-related assistance, cooperation, and/or information to applicants or employees because of their protected category.

Harassment

As used in this policy, harassment is defined as disrespectful or unprofessional conduct, including disrespectful or unprofessional conduct based on any of the protected categories listed above. Harassment can be verbal (such as slurs, jokes, insults, epithets, gestures, or teasing), visual (such as the posting or distribution of offensive posters, symbols, cartoons, drawings, computer displays, or emails), or physical conduct (such as physically threatening another person, blocking someone's way, making physical contact in an unwelcome manner, etc.).

Harassment may include, but is not limited to, the following types of behavior, if that behavior is taken because of a person's protected classification. Note that harassment is not limited to conduct by AUTHORITY employees. Under certain circumstances, harassment can also include

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conduct taken by those who are not employees, such as elected officials, appointed officials, persons providing services under contracts, or even members of the public:

Speech, such as epithets, derogatory comments or slurs, and propositioning based on a protected classification. This might include inappropriate comments on appearance, including dress or physical features, or dress consistent with gender identification, or race-oriented stories and jokes.

Physical acts, such as assault, impeding or blocking movement, offensive touching, or any physical interference with normal work or movement. This includes pinching, grabbing, patting, propositioning, leering, or making explicit or implied job threats or promises in return for submission to physical acts.

Visual acts, such as derogatory posters, cartoons, emails, pictures, or drawings related to a protected classification.

Unwanted sexual advances, requests for sexual favors and other acts of a sexual nature, where submission is made a term or condition of employment, where submission to or rejection of the conduct is used as the basis for employment decisions, or where the conduct is intended to or actually does unreasonably interfere with an individual's work performance or create an intimidating, hostile, or offensive working environment.

Sexual Harassment:

As used in this policy sexual harassment is defined as harassment based on sex or conduct of a sexual nature, and includes harassment based on sex (including pregnancy, childbirth,

breastfeeding, or related medical conditions), gender, gender identity or gender expression. It may include all of the actions described above as harassment, as well as other unwelcome sex-based conduct, such as unwelcome or unsolicited sexual advances, requests for sexual favors, conversations regarding sexual activities, or other verbal or physical conduct of a sexual nature. Sexually harassing conduct need not be motivated by sexual desire and may include situations that began as reciprocal relationships, but that later cease to be reciprocal.

Sexual harassment is generally categorized into two types:

1. Quid Pro Quo Sexual Harassment ("this for that") - Submission to sexual conduct is made explicitly or implicitly a term or condition of an individual's employment. Submission to or rejection of the conduct by an employee is used as the basis for employment decisions affecting the employee.

2. Hostile Work Environment Sexual Harassment Conduct of a sexual nature or based on sex by any person in the workplace that unreasonably interferes with an

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employee's work performance and/or creates an intimidating, hostile or otherwise offensive working environment. Examples include:

a. Unwelcome sexual advances, flirtation, teasing, sexually suggestive or obscene letters, invitations, notes, emails, voicemails or gifts.

b. Sex, gender or sexual orientation-related comments, slurs, jokes, remarks or epithets. - Leering, obscene, or vulgar gestures or making sexual gestures.

c. Displaying or distributing sexually suggestive or derogatory objects, pictures, cartoons, or posters or any such items.

d. Impeding or blocking movement, unwelcome touching, or assaulting others.

e. Any sexual advances that are unwelcome as well as reprisals or threats after a negative response to sexual advances.

f. Conduct or comments consistently targeted at one gender, even if the content is not sexual.

2.2. Guidelines for Identifying Harassment:

To help clarify what constitutes harassment in violation of this Policy, use the following guidelines:

2.2.1. Harassment includes any conduct which would be "unwelcome" to an individual of the recipient's same protected classification and which is taken because of the recipient's protected classification.

2.2.2. It is no defense that the recipient appears to have voluntarily "consented" to the conduct at issue. A recipient may not protest for many legitimate reasons, including the need to avoid being insubordinate or to avoid being ostracized.

2.2.3. Simply because no one has complained about a joke, gesture, picture, physical contact, or comment does not mean that the conduct is welcome. Harassment can evolve over time. The fact that no one is complaining now does not preclude anyone from complaining if the conduct is repeated in the future.

2.2.4. Even visual, verbal, or physical conduct between two individuals who appear to welcome the conduct can constitute harassment of a third individual who observes the conduct or learns about the conduct later. Conduct can constitute harassment even if it is not explicitly or specifically directed at an individual.

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2.2.5. Conduct can constitute harassment in violation of this Policy even if the individual engaging in the conduct has no intention to harass. Even well-intentioned conduct can violate this Policy if the conduct is directed at, or implicates a protected classification, and if an individual of the recipient's same protected classification would find it offensive (e.g., gifts, over attention, endearing nicknames).

2.3. Retaliation:

As used in this policy retaliation is defined as any adverse conduct or employment action taken against an employee, applicant, or contractor because an applicant, employee, or contractor has reported harassment or discrimination, or has participated in the complaint and investigation process described herein. The SSJCFPA has zero tolerance for any retaliatory behavior or actions. Retaliation is strictly prohibited. "Adverse conduct" includes but is not limited to: taking sides because an individual has reported harassment or discrimination, spreading rumors about a complaint, shunning and avoiding an individual who reports harassment or discrimination, or real or implied threats of intimidation to prevent an individual from reporting harassment or discrimination. The following individuals are protected from retaliation under this Policy: those who make good faith reports of harassment or discrimination, those who associate with an individual who is involved in reporting harassment or discrimination, and those who participate in the complaint or investigation process.

2.4. Workplace Bullying:

The Authority considers workplace bullying unacceptable and will not tolerate it under any circumstances. It is the Authority's Policy that all applicants, officers, officials, employees, unpaid interns, volunteers, contractors, or members of the public should be able to conduct business and work in an environment free of bullying.

Authority expects all communications and interactions between its employees, officers, officials, volunteers, and unpaid interns with each other, vendors, contractors, and members of the public will, always, be professional, courteous, and respectful.

Managers and supervisors must take reasonable measures to prevent workplace bullying, and to respond promptly if it is identified, to address and prevent future instances. All employees are encouraged to report workplace bullying by following the complaint procedure in this Policy.

Workplace Bullying includes but is not limited to behavior that harms, intimidates, offends, degrades, or humiliates an individual, possibly in front of other employees, clients, or members of the public. Examples of bullying include, but are not limited to, profane or disrespectful language; hostile and rude behavior and speech directed at another person; derogatory or sarcastic remarks and comments about another person's appearance or job performance; angry outbursts or yelling; name calling; throwing anything at or toward another person; comments that undermine another person's trust and confidence; and, retaliation against any person who has

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reported disruptive behavior. Bullying does not include adverse comments made by a supervisor as part of an employee's performance evaluation.

Disciplinary action or other appropriate sanctions up to and including termination of employment will be instituted for prohibited behavior as defined in this Policy.

Retaliation against any employee who is a target of bullying behavior, as well as any employee who makes complaints about or participates in any investigation or administrative process related to a complaint of workplace bullying is prohibited.

All employees are expected to assume responsibility for maintaining a work environment that is free from discrimination, harassment, and retaliation. Employees are encouraged to promptly report conduct that they believe violates this policy so that we have an opportunity to address and resolve any concerns. Managers and supervisors are required to promptly report conduct that they believe violates this policy. The Authority is committed to responding to alleged violations.

TRAINING REQUIREMENTS

Every two years, all Authority employees must attend Sexual Harassment Prevention and Workplace Civility training aimed at increasing their understanding of and preventing workplace sexual harassment (including harassment on the basis of sexual orientation, gender identity, and gender expression) and their role in creating an underlying culture of mutual respect in our workplace. As required by AB1343, the training must be interactive and will be provided to all supervisory employees for at least one hour every two years and supervisors for two hours every two years.

Specific components of the supervisor training will include how to promptly and effectively respond to sexual harassment when it occurs, the effects of abusive conduct in the workplace, and ways to appropriately intervene if one witnesses behavior that is not in keeping with this policy. The training must be provided by trainers who, in addition to the other requirements set forth in 2 CCR 11024, have the ability through training or experience to train supervisors on how to identify, investigate, report, and respond to unlawful harassment, discrimination, and retaliation in the workplace.

COMPLAINT PROCEDURE

Any employee or applicant who experiences or witnesses behavior that they believe violates this policy is encouraged to immediately tell the offending individual that the behavior is inappropriate and, if they feel comfortable doing so, to tell the offending individual to stop the behavior. The applicant or employee should also immediately report the alleged violation to his/her supervisor, manager, or the Director of Human Resources. There is no chain of command when contacting the Director of Human Resources; an individual does not need supervisor or manager approval to do this. If the alleged offender is the employee's supervisor or manager, the employee should report the conduct to any other supervisor, manager or the Director of Human

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Resources. A complaint may be brought forward verbally or in writing. Written complaints can be made using the Complaint Form (attached to this policy).

2.3. An employee, job applicant, unpaid intern, volunteer, or contractor who believes they have experiences or witnessed behavior that they believe violates this policy may make a complaint verbally or in writing with any of the following. There is no need to follow the chain of command:

a. Immediate supervisor;

b. Any supervisor or manager within or outside of the department;

c. Any department head; or

d. Director of Human Resources.

2.4. Any supervisor or department head who receives a harassment complaint is required to immediately notify the Director of Human Resources immediately.

2.5. Upon receiving notification of a harassment complaint, the Director of Human Resources shall:

2.5.1. Provide the complainant with a timely response indicating that the complaint has been received and that a fair, timely, and thorough investigation will be conducted.

2.5.2. Timely authorize and supervise a fair and thorough investigation of the complaint by impartial and qualified personnel and/or investigate the complaint. The investigation will afford all parties with appropriate due process and include interviews with:

a. the complainant;

b. the accused harasser; and

c. other persons who have relevant knowledge concerning the allegations in the complaint.

2.5.3. Review the factual information gathered through the investigation to reach a reasonable conclusion as to whether the alleged conduct constitutes harassment, discrimination, or retaliation giving consideration to all factual information, the totality of the circumstances, including the nature of the conduct, and the context in which the alleged incidents occurred.

2.5.4. Timely report a summary of the determination as to whether harassment occurred to appropriate persons, including the complainant, the alleged harasser, the supervisor, and the department head. If discipline is imposed, the level of discipline will not be communicated to the complainant.

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2.5.5. If conduct in violation of this Policy occurred, take or recommend to the appointing authority prompt and effective remedial action. The remedial action will be commensurate with the severity of the offense.

2.5.6. Take reasonable steps to protect the complainant from further harassment, discrimination, or retaliation.

2.5.7. Take reasonable steps to protect the complainant from retaliation as a result of communicating the complaint.

2.6. The Authority takes a proactive approach to potential Policy violations and will investigate if its officers, supervisors, or managers become aware that harassment, discrimination, or retaliation may be occurring, regardless of whether the recipient or third party reports a potential violation.

2.7. The Contact person for complaints about harassment, discrimination, bullying, or retaliation is the Division Chief – Administration.

Employee Name: Chief Tad Neave

Telephone Number: (209) 831-6741

Email Address: tad.neave@sjcfire.org

2.8. Option to report to outside administrative agencies: An individual has the option to report harassment, discrimination, or retaliation to the U.S. Equal Employment Opportunity Commission (EEOC) or the California Department of Fair Employment and Housing (DFEH). These administrative agencies offer legal remedies and a complaint process.

California Department of Fair Employment and Housing
2218 Kausen Drive, Suite 100
Elk Grove, CA 95758
800-884-1684 (voice), 800-700-2320 (TTY)
or California's Relay Service at 711
contact.center@dfeh.ca.gov https://www.dfeh.ca.gov

U.S. Equal Employment Opportunity Commission
450 Golden Gate Avenue 5 West,
P.O Box 36025 San Francisco, CA 94102-3661
1-800-669-4000 or
510-735-8909 (Deaf/hard-of-hearing callers only)
http://www.eeoc.gov/employees

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The nearest offices are listed in the government section of the telephone book or employees can check the posters that are located on employer bulletin boards for office locations and telephone numbers.

Confidentiality

Every possible effort will be made to assure the confidentiality of complaints made under this Policy to the greatest extent allowed by law. Complete confidentiality cannot occur, however, due to the need to fully investigate and the duty to take effective remedial action. An individual who is interviewed during an investigation is prohibited from attempting to influence any potential witness while the investigation is ongoing. However, an employee may discuss the interview with their bargaining unit representative who is not otherwise a party to the complaint The AUTHORITY will not disclose a completed investigation report except as it deems necessary to support a disciplinary action, to take remedial action, to defend itself in adversarial proceedings, or to comply with the law or court order.

DEFINITIONS

7.1. Managers and Supervisors are responsible for:

a. Informing employees of this Policy.

b. Modeling appropriate behavior.

c. Taking all steps necessary to prevent harassment, discrimination, or retaliation from occurring.

d. Receiving complaints in a fair and serious manner, and documenting steps taken to resolve complaints.

e. Monitoring the work environment and taking immediate appropriate action to stop potential violations, such as removing inappropriate pictures or correcting inappropriate language.

f. Following up with those who have complained to ensure that the behavior has stopped and that there are no reprisals.

g. Informing those who complain of harassment or discrimination of their option to contact the EEOC or DFEH regarding alleged Policy violations.

h. Assisting, advising, or consulting with employees and the Human Resources Director regarding this Policy and Complaint Procedure.

i. Assisting in the investigation of complaints involving employee(s) in their departments and, if the complaint is substantiated, recommending appropriate corrective or disciplinary action in accordance with employer Personnel Rules, up to and including discharge.

j. Implementing appropriate disciplinary and remedial actions.

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k. Reporting potential violations of this Policy of which they became aware, regardless of whether a complaint has been submitted, to the Human Resources Department or the department head.

l. Participating in periodic training and scheduling employees for training.

7.2. Each employee or contractor is responsible for:

a. Treating all employees and contractors with respect and consideration.

b. Modeling appropriate behavior.

c. Participating in periodic training.

d. Fully cooperating with the employer's investigations by responding fully and truthfully to all questions posed during the investigation.

e. Maintaining the confidentiality of any investigation that the employer conducts by not disclosing the substance of any investigatory interview, except as directed by the department head or Human Resources Director.

f. Reporting any act, they believe in good faith constitutes harassment, discrimination, or retaliation as defined in this Policy, to their immediate supervisor, or department head, or Human Resources Director.

Dissemination of Policy

All Authority employees shall receive a copy of this Policy when they are hired. The Policy may be updated from time to time and redistributed with a form for the employee to sign and return acknowledging that the employee has received, read, and understands this Policy.

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Workplace Harassment Complaint Form (including Sexual Harassment)

This form is to be used to document any claim of illegal harassment, including sexual harassment, which occurs in the workplace. To ensure that all harassment complaints are managed appropriately, effectively, and in accordance with the organization's policy, harassment complaints, including sexual harassment complaints, will be recorded using this form. Only those individuals authorized to receive such complaints may do so. An individual need not complete this form to report an act of violence but will be contacted by a Division Chief to complete the form as part of an initial review of the matter. If needed, guidance can be obtained from the Division Chief – Administration.

Complainant:	**Dept:**
Name(s) of individual engaged in the harassment:	
Please describe the specific incident of harassment alleged. Describe each incident separately, including dates, times and locations. If you cannot remember exact dates, times or locations, please provide approximations. Use additional pages if necessary.	

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Are there others who may have witnessed this alleged harassment? If so, please provide their name(s).
Are there others who may have experienced similar alleged harassment by the individual named above? If so, please provide their name(s).
Did you tell anyone about your experience after the alleged incident(s)? If yes, please provide their name(s).
Are there others who have witnessed this behavior or others who experienced similar behavior by the individual named above? If so, please provide their name(s) and state whether they are a witness to this behavior or an individual who has experienced similar behavior:
Did you speak to the individual named in this report about the alleged harassment? If yes, what was his or her response?

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Complainant Signature: _____ Date: _____

Print Name: _____

Job Title: _____

*I attest that the information I have provided is a true and accurate description of my complaint and that I have not willfully or deliberately made false statements. I understand that the College of Optometry prohibits any individual from retaliating against me for filing a complaint and that I am to notify my immediate supervisor or Division Chief - Administration that I am a victim of retaliation.

OFFICIAL ONLY:

Signature of person receiving complaint:_____Date: _____

Print Name: _____

Job Title: _____

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INJURY AND ILLNESS PREVENTION PROGRAM

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INJURY AND ILLNESS PREVENTION PROGRAM

This Illness Prevention Program (IIPP) establishes the South San Joaquin County Fire Authority's (Authority) written procedures for the implementation of the Authority Safety Program. The IIPP assigns responsibility towards preventing, controlling, and eliminating hazardous or potentially hazardous conditions in the workplace and serves as the foundation for all Authority Safety Programs.

The Cal/OSHA IIPP requirements are found in Title 8, California Code of Regulations, Section 3203, *Injury and Illness Prevention Program*. This content of this document is organized into the following responsive areas:

- Program Review and Certification
- Purpose and Policy Statement
- Responsibilities
- Compliance
- Communication
- Hazard Assessment
- Accident, Incident and Near Miss Reporting and Investigation
- Hazard Correction
- Training and Instruction
- Record Keeping

This document does not contain the Authority's Hazard Mitigation or Emergency Action Plans. Each Division Fire Chief is responsible to work with the Training Coordinator to prepare and maintain these plans. Division and Station safety plans are incorporated in this document as an addendum and can be viewed at the specific location for which they are written.

The IIPP identifies the divisional requirements for the following safety practices:

- An Authority-wide safety mindset and a commitment that together and as individuals we conduct ourselves in a safe manner and ensure that safe work practices, documentation, protocols, and reporting timely occur.
- Responsibilities for all Authority employees at each level of the organization.
- Accident investigation, documentation, reporting, and correction responsibilities

and procedures for any incident occurring during employment or on an Authority work site.

- Standards and required documentation and reporting for training, communication, and employee access to the IIP Program documentation.
- Hazard identification, assessment, abatement or mitigation, documentation, and reporting standards.
- Standards for safety as a part of performance management and discipline.

SECTION 1: Program Review and Certification

The Authority's Injury and Illness Prevention Program will be reviewed and revised as necessary to ensure the program is current. All revisions are documented on Attachment A, Program Review and Certification Log.

SECTION 2: Purpose and Policy

Purpose: To establish a Cal-OSHA mandated Employee Injury and Illness Prevention Program (IIPP), in accordance with the California Code of Regulations, Title 8, Section 3203.

Policy: The Authority holds the safety of our employees, as well as that of the public we serve, as a high priority. The consideration of worker safety, and the safety of the public, bears as high a priority as the decision to commit funds or complete a task and no function of the Authority is so critical as to require a compromise of safety.

The Authority is committed to providing a place of employment free from health and safety hazards, promoting safe working practices, and complying with all applicable federal, state, and Authority safety requirements.

SECTION 3: Responsibilities

Authority Board: The Authority Board establishes the overall safety policy for the Authority and authorizes sufficient funding to adequately provide for and perform the duties and responsibilities in this plan.

Fire Chief: The Fire Chief has the overall authority and responsibility for implementing the provisions of the IIPP for the Authority. Specific responsibilities include, but are not limited to:

- Ensuring that the program targets losses, exposures, and complies all applicable

government standards.

- Providing active leadership & participation in the safety program.
- Holding those in management or supervisory positions accountable for safety and loss control.
- Establishing and supporting a safety committee, if established.
- Ensuring adequate funding is made available for the successful implementation of this program.
- Ensuring the safety program is fully implemented
- Ensuring policy and procedures are current.

Division Chiefs and Training Manager: The Division Chief serves as a safety liaison between the Board and Chief and mid-management and employees within the Division, and is responsible for administering, designing, and maintaining the safety program for the assigned Division. The Training Manager serves as the main recordkeeper and source of training for the Authority. Their responsibilities include the following:

- Providing support regarding all safety related issues.
- Reviewing, revising, and developing safety policies and procedures in order to keep the safety program updated and in compliance with Cal/OSHA requirements.
- Developing, implementing, and maintaining an effective safety program to prevent accidents, injuries, and illnesses.
- Coordinating with those in leadership roles and positions in the activities required to meet the provisions of the safety program.
- Implementing a training schedule to track and document that safety training and other Cal/OSHA requirements are scheduled and implemented.
- Monitoring and coordinating safety training and events for compliance with the projected training schedule.
- Managing safety record keeping requirements.
- Participating in accident/incident investigations, as necessary.
- Monitoring the effectiveness of the program and making recommendations to reduce risks and eliminate or control unsafe conditions in the workplace.
- Monitoring and tracking periodic safety inspections for compliance with safety program requirements.
- Ensuring that all new employees receive New Employee Safety Orientation.

- Implementing systems to encourage employee participation in the safety program.

Managers, Supervisors, Battalion Chiefs, and Captains: The former positions are responsible to model good safety behavior, hold themselves and other employees responsible for their actions related to safety in the workplace, and for:

- Providing safety information and training through tailgate meetings and during staff meetings
- Evaluating safety practices and behaviors as an element of performance management.
- Helping to develop a cooperative safety attitude by being an example to employees.
- Encouraging employees to report unsafe conditions, practices, and near misses.
- Completing their part of the New Employee Safety Orientation program in a timely manner for employees under their direct supervision.
- When appropriate, discussing safety concerns and safe job procedures as part of section meetings
- Ensuring documented tailgate meetings are occurring as required.
- Coordinating with the Safety Representative (or designee) to schedule, develop, implement, and document all workgroup safety training.
- Reporting & documenting all injuries, property damages, near misses, unsafe conditions, and unsafe practices in accordance with this policy.
- Ensuring unsafe conditions or practices are evaluated and corrected in a timely manner
- Ensuring safety inspections are conducted and documented in accordance with this policy
- Conduct special safety inspections if new substances, job tasks, or equipment introduce new hazards to their employees
- Conducting accident\incident investigations when required by this policy, or as requested
- Ensuring employees receive prompt medical attention for all injuries/illnesses
- Ensuring that employees under their direct supervision know, understand, and follow established safety guidelines
- Providing the necessary personal protective equipment to employees under their direct supervision and train them on its use

Employees: It is the responsibility of each employee to follow safe working practices and comply with safety rules and regulations.

- Specific responsibilities include, but are not limited to:
- Actively contributing to the success of the overall safety program
- Accomplishing their duties using safe work practices
- Reporting unsafe conditions and practices in accordance with Section 6.0 Hazard Assessment
- Conducting safety inspections of their respective work areas and/or equipment when requested
- Correcting any observed unsafe conditions or practices, when and where appropriate
- Immediately reporting all imminent and/or serious safety conditions/practices to their supervisor Maintaining good housekeeping duties pertaining to their work assignments
- Reporting all injuries to a supervisor immediately or as soon as possible
- Protecting themselves from hazardous exposures/conditions by using the proper engineering controls, administrative controls, and /or personal protective equipment when required or necessary
- Maintaining safety equipment in good condition with all safety guards in place when in operation
- Advising management when there is a need for job specific training
- Coaching fellow employees on safe work practices, whenever appropriate
- Participating on the Safety Committee when requested
- Taking the initiative to temporary suspend any work activity or unsafe conditions that they believe is an imminent or serious hazard (I.e. is immediately dangerous to life and health)
- Employee rights include, but are not limited to:
- A safe and healthful working environment.
- Receive information and training in general safety and job specific work practices
- Refuse work that would violate a health and safety standard or order where such violation would pose a real and apparent hazard to his/her safety and health
- To not perform a job until they have received instructions and training on the proper and safe work procedures

- Contact Cal/OSHA about unsafe or unhealthful working conditions. Such complaints are strictly confidential per Cal/OSHA policy
- Have an employee representative accompany Cal/OSHA on an inspection and to talk privately to the Cal/OSHA representative during an inspection

SECTION 4: Compliance

All employees, including managers and supervisors, are responsible for complying with safe and healthful work practices. The Authority's system of ensuring that all employees comply with these practices includes one or more of the following practices:

- Informing workers of the provisions of the IIPP.
- Evaluating the safety performance of all workers.
- Recognizing employees who perform safe and healthful work practices.
- Providing training to workers whose safety performance is deficient.
- Disciplining workers for failure to comply with safe and healthful work practices in accordance with the Authority's disciplinary procedures.

SECTION 5: Communication

The Authority recognizes that open, two-way communication between management and employees on health and safety issues is essential to an injury-free, productive workplace. The following systems of communication at the Authority are designed to facilitate a continuous flow of safety and health information between management and employees in a form that is readily understandable.

5.1 New Employee Orientation:

Safety Orientations will be conducted at the time of hire and include a discussion of safety and health policies relevant to their position that stresses the importance of safety in the workplace. Safety orientation is a combined effort and is documented using the New Employee Orientation Checklist.

5.2 Safety Postings:

All appropriate and required safety information will be posted on Bulletin Boards throughout Authority worksites and stations or in other locations that are highly visible and accessible to all employees.

5.3 Reporting of Unsafe Conditions Or Practices:

Attachment C, Report of Unsafe Condition or Practice is used to report any unsafe conditions, practices, or near misses they may have observed or experienced. Completed forms are given to the Division Chief. Employees may submit completed forms anonymously if they so choose. The Division Chief will review all reports of unsafe conditions and determine the necessary actions needed to correct hazardous conditions in accordance with Section 8.0 Hazard Correction.

5.4 Safety Meetings:

Safety meetings will be held periodically to review and discuss safety issues and to provide relevant safety information. Safety meetings will be documented on Attachment B, Safety Meeting & Training Attendance Form, or equivalent.

5.5 Required Safety Training:

Employees will receive job specific training in accordance with the tasks they are required to perform, the hazards posed and regulatory requirements. This training will be provided either at time of hire as part of the New Employee Orientation, prior to performing the activity or being exposed to the hazard. All safety training will be documented on Attachment B.

5.6 Equipment Safety Training:

Equipment safety training will be provided on all new equipment where training is necessary to prevent employee, coworker or third-party injury or property damage. This training will be documented on Attachment B.

5.7 Special Safety Meetings and Tailgate, or Station Meetings:

As appropriate, supervisors or managers will hold special safety meetings, tailgate or station safety meetings to review and discuss safety issues arising out of any unusual working conditions such new job activities, work procedure, hazardous substance, new equipment, on-site contractor activities, or other non-routine working conditions. All Safety Meetings will be documented on Attachment B.

SECTION 6: Hazard Assessment

Hazard assessment and correction activities include the following programs:

6.1 Periodic Inspections:

The Authority will conduct documented safety inspections of the worksite and job activities in accordance with the following schedule in order to identify, evaluate, and correct workplace hazards and unsafe work practices.

- When the IIPP is first established
- Periodic inspection frequencies are determined by a division's work activities and associated hazards and will be performed quarterly, at a minimum
- When new substances, processes, procedures, or equipment that present potential new hazards are introduced into our workplace
- When new, previously unidentified hazards are recognized
- When occupational injuries and illnesses occur
- When employees are hired and/or reassigned to a process or work task for which a hazard evaluation has not been previously conducted
- Whenever workplace conditions warrant an inspection

6.2 Safety Inspection Documentation and Tracking:

All safety inspections and safety hazards discovered will be documented using Attachment D: Safety Inspection Report. The Division Chief will review all completed inspection reports. Hazards and unsafe conditions will be prioritized for correction by the Division Chief, or designee, according to the Section 8.0: Hazard Correction. The Division Chief, or designee, will monitor the status of these hazards and unsafe conditions until they have been corrected. When hazards have been corrected, the date will be logged onto the corresponding Attachment D.

6.3 Special Safety Inspections:

Special safety inspections will also be performed whenever:

- New substances, processes, or equipment are introduced to the workplace that represents a new occupational safety and health hazard
- The Authority is made aware of a new or previously unrecognized hazard

SECTION 7: Incident and Exposure Investigation

Employees are to report all work-related injuries and illnesses to their immediate supervisor in accordance with Section 7.1. A thorough investigation will be performed depending upon the seriousness of the incident and/or injury as outlined in Section 7.2.

7.1 Occupational Injury and Illness Reporting Procedures:

First Aid Injury:

If the injury or illness is a minor first aid injury, the employee will report the injury or illness to their supervisor. The supervisor will log this information according to the Accident, Incident and Near Miss Investigation Procedures (Attachment F, Accident, Incident, and Near Miss Investigation). Examples of minor first aid injuries include (but are not limited to) minor cuts, abrasions, or other injuries that only require flushing, cleansing, applying ointments, or require a covering such as a bandage, Band-Aid, or gauze pad. The purpose of recording these types of injuries is to ensure that all minor injuries & illnesses are dated in the event the injury/illness requires medical attention and/or becomes recordable (i.e. on the Cal/OSHA 300 Log) at a later date.

Recordable Injury:

If the injury is beyond first aid (e.g. requires outside medical attention) the employee and their supervisor will follow the Authority's Workers' Compensation claims procedures.

7.2 Investigation:

The Authority will perform internal investigations of accidents, incidents and near misses in accordance with Attachment F. The main objective in conducting an investigation is to identify the root cause(s) of the accident or incident and make any changes necessary to prevent the accident or incident from occurring again.

Purpose of the Investigation:

The main objective in investigating is to identify the root cause and any other factors that contributed to the incident so that steps can be taken to prevent the incident from occurring again.

Conditions to Investigate:

All occupational incidents will be evaluated and documented using the Employee Incident Report and the Supervisor's Incident Report. Additionally, the following incidents will require a full investigation:

- Fatalities
- Serious Injury (i.e. inpatient hospitalization for a period of 24 hours for other than medical observation)
- Lost Time Injury
- Vehicle or equipment incidents involving employee or third-party injuries
- Vehicle or equipment incident involving third party property damages

Procedure and Documentation:

An internal investigation of incidents will be performed using the Incident Investigation Report Form (Attachment E).

When to Investigate:

An incident evaluation and/or investigation will be performed as soon as possible after the supervisor has become aware that an incident has occurred.

7.3 Reporting to Cal/OSHA

[in accordance with Title 8, Sections 330(h) and 342]

The Authority's IIPP Administrator, or designee, will **immediately** make a telephone report to the American Canyon District Office of the CA Division of Occupational Safety and Health at (707) 649-3700 to report any **serious occupational injury, illness, or death**.

Immediately means as soon as practically possible but not longer than 8 hours after the Authority knows or with diligent inquiry would have known of the death or serious injury or illness.

Serious injury or illness means any injury or illness occurring in a place of employment or in connection with any employment which requires inpatient hospitalization for a period of 24 hours for other than medical observation or in which an employee suffers a loss of any member of the body or suffers any serious degree of permanent disfigurement.

The following information must be included in the report, if available:

- Time and date of accident
- Employer's name, address, and telephone number
- Name and job title, or badge number of people reporting the accident
- Address of site of accident or event
- Name of person to contact at site of accident
- Name and address of injured employee(s)
- Nature of injury
- Location to where injured employee was moved
- List and identity of other law enforcement agencies present at the site of accident
- Description of accident and whether the accident scene instrumentality has been altered

SECTION 8: Hazard Correction

Whenever possible, workplace hazards and unsafe work practices will be corrected as soon as they are identified. If not corrected the day of discovery, a target date for correction will be established based upon the following criteria:

8.1 Imminent Hazard:

Imminent hazards are those conditions or practices that pose an immediate threat to the life or health of employees, public, or others who may be exposed. If not corrected, this activity or condition will likely cause a serious injury, serious illness, or fatality. If an imminent hazard is present, employees should stop activity and take immediate corrective action. If employees are unable or unsure what action to take, they will notify their supervisor who will take immediate corrective action, if possible. In either case, the employee shall document these condition(s) using Attachment C. If it is necessary for employees to enter the area to correct the hazardous condition, they will be provided with the necessary protection and will be trained to perform these duties. If the imminent hazard cannot be corrected, the hazard area shall be declared "off-limits" until the hazard is corrected.

8.2 Serious Hazard:

Serious hazards are hazards that indicate substantial probability that an employee, public,

or others will suffer physical harm. If a serious hazard is present, employees should stop activity and notify their supervisor. Serious hazards shall be corrected as soon as possible or shall be declared off limits until the hazard is corrected. The employee shall document these condition(s) using Attachment C.

8.3 General Hazard:

General hazards are those that may affect the safety and health of employees. General Hazards are brought to the attention of the supervisor using Attachment C. General Hazards will be corrected as appropriate.

8.4 Regulatory Hazard:

A regulatory hazard pertains to permits, posting, record keeping, reporting requirements, or procedure deficiencies not directly affecting the safety and health of the employees. These deficiencies are noted on Attachment C for further review by the employee's supervisor and is corrected as appropriate.

SECTION 9: Training and Instruction

All employees, including managers and supervisors, shall have training and instruction on general and job-specific safety and health practices. Training and instruction shall be provided as follows and documented using Attachment B or equivalent:

- When the IIPP is first established
- To all new employees
- To all employees given new job assignments for which training has not previously provided
- Whenever new substances, processes, procedures, or equipment are introduced to the workplace and represent a new hazard
- Whenever the employer is made aware of a new or previously unrecognized hazard
- To supervisors to familiarize them with the safety and health hazards to which workers under immediate direction and control may be exposed
- To all employees with respect to hazards specific to each employee's job assignment

SECTION 10: Record Keeping

The following safety records will be kept on file with the Authority for a minimum of 3 years:

- Incident investigations
- Safety Inspections
- Safety training records including the date of the training, the name of the person conducting the training, and a description of training contents
- Staff safety meetings including the names of attendees, the date and any safety items (e.g. topics, discussions, incident recaps, etc.)
- Unsafe Condition/Practice Reports and corrective action(s) taken

Violence in the Workplace

SECTION 1: PURPOSE

The purpose of this policy is to establish a strong commitment to providing a safe and secure work environment that has no tolerance for harassment, intimidation, violence, or threats of violence in all the workplaces of the South San Joaquin County Fire Authority (Authority); to provide for training and education of all employees regarding this policy; and to set forth procedures for reporting, investigating, and resolving incidents and complaints of violence in the workplace.

SECTION 2: POLICY

It is the policy of the Authority to promote a safe and secure work environment that has no tolerance for harassment, intimidation, threats or acts of violence for our employees. Any behavior that raises concerns for the safety of another person's life, health, well-being, family, or property, whether direct or indirect, constitutes unacceptable conduct.

All reports of incidents will be taken seriously, and appropriate actions will be taken to enhance the safety and security, as fully as possible, of Authority employees, contractors, consultants, volunteers, and members of the public from harassment, intimidation, threats, and acts of violence, which may occur at Authority workplaces, and during the performance of Authority duties. This policy covers not only employees of the Authority but individuals from outside the Authority threatening or perpetrating violence against Authority employees, volunteers, contractors, or consultants.

No tolerance means that every act of violence in the workplace, regardless of nature, must be reported to your Division Chief and to the Division Chief – Administration.

All employees are responsible for maintaining a safe work environment. Employees who make threats, exhibit threatening behavior, engage in violent acts against the life, health, well-being, family, or property of others while at work may be removed from the premises, may be subject to disciplinary action, up to and including termination, and may be subject to criminal penalties, or all of these actions.

In addition, employees are prohibited from possessing firearms, weapons, or other dangerous devices in the workplace or at the work site unless expressly authorized by the nature of their work. This prohibition includes any simulated or toy weapons. Employees are prohibited from utilizing work tools and equipment as weapons.

Workplace violence is a serious issue; therefore, joking about violence or making false reports and unsubstantiated allegations about violence in the workplace as determined by the Fire Chief or designee, will not be tolerated, and will be treated as a violation of this policy. In addition, retaliation by employees against other employees, contractors, volunteers, or consultants who report violations of this policy will not be tolerated and will be handled appropriately.

Acts of violence, threats of violence, theft, dishonesty, discrimination, retaliation, and sexual harassment should be considered urgent and will be taken seriously.

If you consider the act or threat of violence as serious, immediately call 911. Then call your manager and the Workplace Violence hotline at (916) 376-5344.

Discrimination, retaliation, and sexual harassment must be reported to your direct supervisor, the Division Chief – Administration, and Human Resources Manager.

It is a violation of this policy for any Authority employee to retaliate, in any form, against any other employee who reports, threatens to report, or files a report of a complaint of violence in the workplace or participates in an investigation alleging violence in the workplace. Acts of retaliation will not and must not be condoned.

SECTION 3: DEFINITIONS

Act of Violence

The attempt (coupled with the ability), or actual use of force or violence with the intent to threaten, harass, intimidate, intentionally commit an injury to self or others, or damage or destroy property.

Harassment

The creation of a hostile work environment through unwelcome words, actions, or physical contact not resulting in physical harm. Verbal harassment may include disparaging or derogatory comments or slurs, unreasonable or excessive criticism, or name calling. An act does not have to be repeated or pervasive to be considered illegal harassment, a single disparaging comment based on a protected class or having such an affect or impact an individual's credibility, stature, reputation, or ability to perform their duties is sufficient to be deemed a violation of this policy.

Intimidate

To make afraid; to frighten, alarm, or scare. To force a person into, or deter them from, some action by inducing concerns for their safety by means of any physical action and/or verbal

comment.

Stalking

Any person willfully, maliciously, and repeatedly harassing another by any means, direct or indirect, that causes a reasonable person fear for his/her safety or the safety of his/her immediate family.

Threat

An action (verbal, written or physical) which is intended to intimidate by expressing the intent to harass, hurt, take the life of another person, or damage or destroy property. This includes threats made in jest, but which others could perceive as serious.

Workplace

Anywhere an Authority employee is conducting Authority business; en route to and from (excluding normal commute) a location where Authority business is being or will be conducted or services performed, while on a working or in service meal break; all Authority-owned buildings or leased spaces, training, and parking facilities, including space within buildings shared with other departments or agencies; any work site or workspace occupied by Authority employees, whether the space is owned or leased by the Authority.

SECTION 4: EXAMPLES OF WORKPLACE VIOLENCE

Examples of workplace violence include but are not limited to:

- Hitting, shoving, or blocking of an individual.
- Shouting, yelling or verbal harassment, directly or indirectly.
- Threatening an individual or his/her family, friends, associates, or property with harm.
- The intentional destruction or threat of destruction of State property.
- Harassing surveillance or stalking.
- The suggestion or intimidation that violence is appropriate.
- Unauthorized possession or inappropriate use of firearms or weapons (see weapons prohibited below).
- Threatening or attempting self-injury or suicide.

SECTION 5: REPORTING

Violence involves the exertion of force or aggression with the intent of causing injury or abuse. The examples listed above are for purposes of illustration. An employee who believes they

have been injured or abused by another employee or member of the public while conducting Authority business should report the act to their direct supervisor, the Division Chief – Administration, and Human Resources Manager, even if the act does not appear to fall into one of the following examples of violent acts and threats.

SECTION 6: HANDLING A WORKPLACE VIOLENCE INCIDENT

KNOW THE WARNING SIGNS

Research into incidents of workplace violence shows the presence of at least several of the following characteristics in a potentially violent individual. Clearly, not everyone who exhibits one or more of these warning signs is potentially violent. Understanding these signs, recognizing them when they occur, and acting on that knowledge and recognition are vital steps in heading off possible tragedy:

- Making direct or indirect threats.
- Intimidating, belligerent, harassing, bullying, or other inappropriate or aggressive behavior.
- Statements showing fascination with incidents of workplace violence, statements indicating approval of the use of violence to resolve a problem, or statements indicating identification with perpetrators of workplace homicides.
- Statements indicating desperation (over family, financial, and other personal problems) to the point of suicide.
- Extreme changes in behavior.
- Numerous conflicts with supervisors and other employees.
- Bringing a weapon to the workplace, brandishing a weapon in the workplace, making inappropriate references to guns, or fascination with weapons.

BE PROACTIVE

Managers and supervisors are accountable for recognizing a potentially threatening situation. Before a potential or actual violent incident occurs, managers and supervisors shall:

- Foster a supportive, harmonious work environment. Mutual respect can help reduce harassment and hostility in the workplace.
- Communicate openly and give employees support and recognition.
- Train managers, supervisors, and employees on how to resolve conflicts.

- Develop skills in effective communication, team building and resolving disputes.
- When appropriate refer employees to EAP.

Should a potential or violent incident occur,

Please do..

- Your best to stay calm.
- Speak to the other person quietly and calmly.
- Try to put some space between yourself and the other person.
- Call 9-1-1 if there is immediate danger or someone is injured; and
- Notify your manager or supervisor when it is safe to do so.

Please do not..

- Escalate the situation;
- Try to shout down the other person or make any aggressive moves toward him/her;
- Argue with the other person;
- Use defensive sprays or weapons;
- Fight with the other person;
- Chase the other person;
- Try to break up or intervene in a violent act; or
- Risk getting hurt yourself.

SECTION 6: RESPONSIBILITIES

Fire Chief

The Fire Chief, or designee is responsible for promulgating and enforcing all policies and procedures established to provide a safe working environment free of violence and threats of violence. This will be carried out by delegating responsibility and accountability for adhering to the City's policy and procedures.

Division Chiefs

Division Chiefs are responsible for implementing this policy, including communicating it to staff, ensuring that managers and supervisors receive training and investigate complaints of

violence or threats of violence, and taking appropriate corrective action. Department heads shall also personally receive and investigate complaints from employees who have experienced or witnessed violent or threatening behavior as defined in this policy if those employees do not want to go to their supervisor or manager.

Battalion Chiefs, Captains, Mid-Managers and Supervisors

Battalion Chiefs, Captains, mid managers, and supervisors shall implement this policy as directed by their department heads and shall receive complaints from employees who have experienced or witnessed violent or threatening behavior in the workplace. Managers and supervisors shall also take proactive steps to prevent behaviors that are listed in the "Definitions" sections as "acts of violence." Such steps would include but are not limited to being alert to communication problems and taking steps to resolve them and working with employees to correct identified behavioral problems. When threats or violent acts take place, managers and supervisors shall investigate and recommend and/or take corrective actions consistent with applicable rules and regulations and authority delegated by the department head.

Each Employee

Each employee has a responsibility to treat all employees and others with whom they have employment contact respectfully and to avoid behaving in an aggressive or threatening manner. Further, employees are prohibited from threatening violence or taking violent action as outlined in the examples in the "definition" section. Each employee also has a responsibility to take steps to avoid situations that might create or increase the risk of harm to themselves or others.

Employees who have been or believe they have been the subject or violence or who witness a violent act against an employee, member of the public, volunteer, contractor, consultant, member of the reserve, intern, or trainee, are encouraged to use the complaint form attached to report the incident.

South San Joaquin County Fire Authority

Workplace Violence Complaint Form

This form is to be used to document any claim of violence including bullying, harassment, or retaliation, which occurs in the workplace. To ensure that all claims of violence are managed appropriately, effectively, and in accordance with the organization's policy, claims of violence, will be recorded using this form. Only those individuals authorized to receive such complaints may do so. An individual need not complete this form to report an act of violence but will be contacted by a Division Chief to complete the form as part of an initial review of the matter. If needed, guidance can be obtained from the Division Chief – Administration.

Complainant:	**Dept:**
Name(s) of individual engaged in the harassment:	

Please describe the specific incident of harassment alleged. Describe each incident separately, including dates, times and locations. If you cannot remember exact dates, times or locations, please provide approximations. Use additional pages if necessary.
Are there others who may have witnessed this alleged harassment? If so, please provide their name(s).
Are there others who may have experienced similar alleged harassment by the individual named above? If so, please provide their name(s).

Did you tell anyone about your experience after the alleged incident(s)? If yes, please provide their name(s).
Are there others who have witnessed this behavior or others who experienced similar behavior by the individual named above? If so, please provide their name(s) and state whether they are a witness to this behavior or an individual who has experienced similar behavior:
Did you speak to the individual named in this report about the alleged harassment? If yes, what was his or her response?
Complainant Signature: _____ Date: _____ Print Name: _____ Job Title: _____ *I attest that the information I have provided is a true and accurate description of my complaint and that I have not willfully or deliberately made false statements. I understand that the College of Optometry prohibits any individual from retaliating against me for filing a complaint and that I am to notify my immediate supervisor or Division Chief - Administration that I am a victim of retaliation.
OFFICIAL ONLY: Signature of person receiving complaint:_____Date: _____ Print Name: _____ Job Title: _____

INJURY AND ILLNESS PREVENTION PROGRAM

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INJURY AND ILLNESS PREVENTION PROGRAM

This Illness Prevention Program (IIPP) establishes the South San Joaquin County Fire Authority's (Authority) written procedures for the implementation of the Authority Safety Program. The IIPP assigns responsibility towards preventing, controlling, and eliminating hazardous or potentially hazardous conditions in the workplace and serves as the foundation for all Authority Safety Programs.

The Cal/OSHA IIPP requirements are found in Title 8, California Code of Regulations, Section 3203, *Injury and Illness Prevention Program*. This content of this document is organized into the following responsive areas:

- Program Review and Certification
- Purpose and Policy Statement
- Responsibilities
- Compliance
- Communication
- Hazard Assessment
- Accident, Incident and Near Miss Reporting and Investigation
- Hazard Correction
- Training and Instruction
- Record Keeping

This document does not contain the Authority's Hazard Mitigation or Emergency Action Plans. Each Division Fire Chief is responsible to work with the Training Coordinator to prepare and maintain these plans. Division and Station safety plans are incorporated in this document as an addendum and can be viewed at the specific location for which they are written.

The IIPP identifies the divisional requirements for the following safety practices:

- An Authority-wide safety mindset and a commitment that together and as individuals we conduct ourselves in a safe manner and ensure that safe work practices, documentation, protocols, and reporting timely occur.
- Responsibilities for all Authority employees at each level of the organization.
- Accident investigation, documentation, reporting, and correction responsibilities

and procedures for any incident occurring during employment or on an Authority work site.

- Standards and required documentation and reporting for training, communication, and employee access to the IIP Program documentation.
- Hazard identification, assessment, abatement or mitigation, documentation, and reporting standards.
- Standards for safety as a part of performance management and discipline.

SECTION 1: Program Review and Certification

The Authority's Injury and Illness Prevention Program will be reviewed and revised as necessary to ensure the program is current. All revisions are documented on Attachment A, Program Review and Certification Log.

SECTION 2: Purpose and Policy

Purpose: To establish a Cal-OSHA mandated Employee Injury and Illness Prevention Program (IIPP), in accordance with the California Code of Regulations, Title 8, Section 3203.

Policy: The Authority holds the safety of our employees, as well as that of the public we serve, as a high priority. The consideration of worker safety, and the safety of the public, bears as high a priority as the decision to commit funds or complete a task and no function of the Authority is so critical as to require a compromise of safety.

The Authority is committed to providing a place of employment free from health and safety hazards, promoting safe working practices, and complying with all applicable federal, state, and Authority safety requirements.

SECTION 3: Responsibilities

Authority Board: The Authority Board establishes the overall safety policy for the Authority and authorizes sufficient funding to adequately provide for and perform the duties and responsibilities in this plan.

Fire Chief: The Fire Chief has the overall authority and responsibility for implementing the provisions of the IIPP for the Authority. Specific responsibilities include, but are not limited to:

- Ensuring that the program targets losses, exposures, and complies all applicable

government standards.

- Providing active leadership & participation in the safety program.
- Holding those in management or supervisory positions accountable for safety and loss control.
- Establishing and supporting a safety committee, if established.
- Ensuring adequate funding is made available for the successful implementation of this program.
- Ensuring the safety program is fully implemented
- Ensuring policy and procedures are current.

Division Chiefs and Training Manager: The Division Chief serves as a safety liaison between the Board and Chief and mid-management and employees within the Division, and is responsible for administering, designing, and maintaining the safety program for the assigned Division. The Training Manager serves as the main recordkeeper and source of training for the Authority. Their responsibilities include the following:

- Providing support regarding all safety related issues.
- Reviewing, revising, and developing safety policies and procedures in order to keep the safety program updated and in compliance with Cal/OSHA requirements.
- Developing, implementing, and maintaining an effective safety program to prevent accidents, injuries, and illnesses.
- Coordinating with those in leadership roles and positions in the activities required to meet the provisions of the safety program.
- Implementing a training schedule to track and document that safety training and other Cal/OSHA requirements are scheduled and implemented.
- Monitoring and coordinating safety training and events for compliance with the projected training schedule.
- Managing safety record keeping requirements.
- Participating in accident/incident investigations, as necessary.
- Monitoring the effectiveness of the program and making recommendations to reduce risks and eliminate or control unsafe conditions in the workplace.
- Monitoring and tracking periodic safety inspections for compliance with safety program requirements.
- Ensuring that all new employees receive New Employee Safety Orientation.

- Implementing systems to encourage employee participation in the safety program.

Managers, Supervisors, Battalion Chiefs, and Captains: The former positions are responsible to model good safety behavior, hold themselves and other employees responsible for their actions related to safety in the workplace, and for:

- Providing safety information and training through tailgate meetings and during staff meetings
- Evaluating safety practices and behaviors as an element of performance management.
- Helping to develop a cooperative safety attitude by being an example to employees.
- Encouraging employees to report unsafe conditions, practices, and near misses.
- Completing their part of the New Employee Safety Orientation program in a timely manner for employees under their direct supervision.
- When appropriate, discussing safety concerns and safe job procedures as part of section meetings
- Ensuring documented tailgate meetings are occurring as required.
- Coordinating with the Safety Representative (or designee) to schedule, develop, implement, and document all workgroup safety training.
- Reporting & documenting all injuries, property damages, near misses, unsafe conditions, and unsafe practices in accordance with this policy.
- Ensuring unsafe conditions or practices are evaluated and corrected in a timely manner
- Ensuring safety inspections are conducted and documented in accordance with this policy
- Conduct special safety inspections if new substances, job tasks, or equipment introduce new hazards to their employees
- Conducting accident\incident investigations when required by this policy, or as requested
- Ensuring employees receive prompt medical attention for all injuries/illnesses
- Ensuring that employees under their direct supervision know, understand, and follow established safety guidelines
- Providing the necessary personal protective equipment to employees under their direct supervision and train them on its use

Employees: It is the responsibility of each employee to follow safe working practices and comply with safety rules and regulations.

- Specific responsibilities include, but are not limited to:
- Actively contributing to the success of the overall safety program
- Accomplishing their duties using safe work practices
- Reporting unsafe conditions and practices in accordance with Section 6.0 Hazard Assessment
- Conducting safety inspections of their respective work areas and/or equipment when requested
- Correcting any observed unsafe conditions or practices, when and where appropriate
- Immediately reporting all imminent and/or serious safety conditions/practices to their supervisor Maintaining good housekeeping duties pertaining to their work assignments
- Reporting all injuries to a supervisor immediately or as soon as possible
- Protecting themselves from hazardous exposures/conditions by using the proper engineering controls, administrative controls, and /or personal protective equipment when required or necessary
- Maintaining safety equipment in good condition with all safety guards in place when in operation
- Advising management when there is a need for job specific training
- Coaching fellow employees on safe work practices, whenever appropriate
- Participating on the Safety Committee when requested
- Taking the initiative to temporary suspend any work activity or unsafe conditions that they believe is an imminent or serious hazard (I.e. is immediately dangerous to life and health)
- Employee rights include, but are not limited to:
- A safe and healthful working environment.
- Receive information and training in general safety and job specific work practices
- Refuse work that would violate a health and safety standard or order where such violation would pose a real and apparent hazard to his/her safety and health
- To not perform a job until they have received instructions and training on the proper and safe work procedures

- Contact Cal/OSHA about unsafe or unhealthful working conditions. Such complaints are strictly confidential per Cal/OSHA policy
- Have an employee representative accompany Cal/OSHA on an inspection and to talk privately to the Cal/OSHA representative during an inspection

SECTION 4: Compliance

All employees, including managers and supervisors, are responsible for complying with safe and healthful work practices. The Authority's system of ensuring that all employees comply with these practices includes one or more of the following practices:

- Informing workers of the provisions of the IIPP.
- Evaluating the safety performance of all workers.
- Recognizing employees who perform safe and healthful work practices.
- Providing training to workers whose safety performance is deficient.
- Disciplining workers for failure to comply with safe and healthful work practices in accordance with the Authority's disciplinary procedures.

SECTION 5: Communication

The Authority recognizes that open, two-way communication between management and employees on health and safety issues is essential to an injury-free, productive workplace. The following systems of communication at the Authority are designed to facilitate a continuous flow of safety and health information between management and employees in a form that is readily understandable.

5.1 New Employee Orientation:

Safety Orientations will be conducted at the time of hire and include a discussion of safety and health policies relevant to their position that stresses the importance of safety in the workplace. Safety orientation is a combined effort and is documented using the New Employee Orientation Checklist.

5.2 Safety Postings:

All appropriate and required safety information will be posted on Bulletin Boards throughout Authority worksites and stations or in other locations that are highly visible and accessible to all employees.

5.3 Reporting of Unsafe Conditions Or Practices:

Attachment C, Report of Unsafe Condition or Practice is used to report any unsafe conditions, practices, or near misses they may have observed or experienced. Completed forms are given to the Division Chief. Employees may submit completed forms anonymously if they so choose. The Division Chief will review all reports of unsafe conditions and determine the necessary actions needed to correct hazardous conditions in accordance with Section 8.0 Hazard Correction.

5.4 Safety Meetings:

Safety meetings will be held periodically to review and discuss safety issues and to provide relevant safety information. Safety meetings will be documented on Attachment B, Safety Meeting & Training Attendance Form, or equivalent.

5.5 Required Safety Training:

Employees will receive job specific training in accordance with the tasks they are required to perform, the hazards posed and regulatory requirements. This training will be provided either at time of hire as part of the New Employee Orientation, prior to performing the activity or being exposed to the hazard. All safety training will be documented on Attachment B.

5.6 Equipment Safety Training:

Equipment safety training will be provided on all new equipment where training is necessary to prevent employee, coworker or third-party injury or property damage. This training will be documented on Attachment B.

5.7 Special Safety Meetings and Tailgate, or Station Meetings:

As appropriate, supervisors or managers will hold special safety meetings, tailgate or station safety meetings to review and discuss safety issues arising out of any unusual working conditions such new job activities, work procedure, hazardous substance, new equipment, on-site contractor activities, or other non-routine working conditions. All Safety Meetings will be documented on Attachment B.

SECTION 6: Hazard Assessment

Hazard assessment and correction activities include the following programs:

6.1 Periodic Inspections:

The Authority will conduct documented safety inspections of the worksite and job activities in accordance with the following schedule in order to identify, evaluate, and correct workplace hazards and unsafe work practices.

- When the IIPP is first established
- Periodic inspection frequencies are determined by a division's work activities and associated hazards and will be performed quarterly, at a minimum
- When new substances, processes, procedures, or equipment that present potential new hazards are introduced into our workplace
- When new, previously unidentified hazards are recognized
- When occupational injuries and illnesses occur
- When employees are hired and/or reassigned to a process or work task for which a hazard evaluation has not been previously conducted
- Whenever workplace conditions warrant an inspection

6.2 Safety Inspection Documentation and Tracking:

All safety inspections and safety hazards discovered will be documented using Attachment D: Safety Inspection Report. The Division Chief will review all completed inspection reports. Hazards and unsafe conditions will be prioritized for correction by the Division Chief, or designee, according to the Section 8.0: Hazard Correction. The Division Chief, or designee, will monitor the status of these hazards and unsafe conditions until they have been corrected. When hazards have been corrected, the date will be logged onto the corresponding Attachment D.

6.3 Special Safety Inspections:

Special safety inspections will also be performed whenever:

- New substances, processes, or equipment are introduced to the workplace that represents a new occupational safety and health hazard
- The Authority is made aware of a new or previously unrecognized hazard

SECTION 7: Incident and Exposure Investigation

Employees are to report all work-related injuries and illnesses to their immediate supervisor in accordance with Section 7.1. A thorough investigation will be performed depending upon the seriousness of the incident and/or injury as outlined in Section 7.2.

7.1 Occupational Injury and Illness Reporting Procedures:

First Aid Injury:

If the injury or illness is a minor first aid injury, the employee will report the injury or illness to their supervisor. The supervisor will log this information according to the Accident, Incident and Near Miss Investigation Procedures (Attachment F, Accident, Incident, and Near Miss Investigation). Examples of minor first aid injuries include (but are not limited to) minor cuts, abrasions, or other injuries that only require flushing, cleansing, applying ointments, or require a covering such as a bandage, Band-Aid, or gauze pad. The purpose of recording these types of injuries is to ensure that all minor injuries & illnesses are dated in the event the injury/illness requires medical attention and/or becomes recordable (i.e. on the Cal/OSHA 300 Log) at a later date.

Recordable Injury:

If the injury is beyond first aid (e.g. requires outside medical attention) the employee and their supervisor will follow the Authority's Workers' Compensation claims procedures.

7.2 Investigation:

The Authority will perform internal investigations of accidents, incidents and near misses in accordance with Attachment F. The main objective in conducting an investigation is to identify the root cause(s) of the accident or incident and make any changes necessary to prevent the accident or incident from occurring again.

Purpose of the Investigation:

The main objective in investigating is to identify the root cause and any other factors that contributed to the incident so that steps can be taken to prevent the incident from occurring again.

Conditions to Investigate:

All occupational incidents will be evaluated and documented using the Employee Incident Report and the Supervisor's Incident Report. Additionally, the following incidents will require a full investigation:

- Fatalities
- Serious Injury (i.e. inpatient hospitalization for a period of 24 hours for other than medical observation)
- Lost Time Injury
- Vehicle or equipment incidents involving employee or third-party injuries
- Vehicle or equipment incident involving third party property damages

Procedure and Documentation:

An internal investigation of incidents will be performed using the Incident Investigation Report Form (Attachment E).

When to Investigate:

An incident evaluation and/or investigation will be performed as soon as possible after the supervisor has become aware that an incident has occurred.

7.3 Reporting to Cal/OSHA

[in accordance with Title 8, Sections 330(h) and 342]

The Authority's IIPP Administrator, or designee, will **immediately** make a telephone report to the American Canyon District Office of the CA Division of Occupational Safety and Health at (707) 649-3700 to report any **serious occupational injury, illness, or death**.

Immediately means as soon as practically possible but not longer than 8 hours after the Authority knows or with diligent inquiry would have known of the death or serious injury or illness.

Serious injury or illness means any injury or illness occurring in a place of employment or in connection with any employment which requires inpatient hospitalization for a period of 24 hours for other than medical observation or in which an employee suffers a loss of any member of the body or suffers any serious degree of permanent disfigurement.

The following information must be included in the report, if available:

- Time and date of accident
- Employer's name, address, and telephone number
- Name and job title, or badge number of people reporting the accident
- Address of site of accident or event
- Name of person to contact at site of accident
- Name and address of injured employee(s)
- Nature of injury
- Location to where injured employee was moved
- List and identity of other law enforcement agencies present at the site of accident
- Description of accident and whether the accident scene instrumentality has been altered

SECTION 8: Hazard Correction

Whenever possible, workplace hazards and unsafe work practices will be corrected as soon as they are identified. If not corrected the day of discovery, a target date for correction will be established based upon the following criteria:

8.1 Imminent Hazard:

Imminent hazards are those conditions or practices that pose an immediate threat to the life or health of employees, public, or others who may be exposed. If not corrected, this activity or condition will likely cause a serious injury, serious illness, or fatality. If an imminent hazard is present, employees should stop activity and take immediate corrective action. If employees are unable or unsure what action to take, they will notify their supervisor who will take immediate corrective action, if possible. In either case, the employee shall document these condition(s) using Attachment C. If it is necessary for employees to enter the area to correct the hazardous condition, they will be provided with the necessary protection and will be trained to perform these duties. If the imminent hazard cannot be corrected, the hazard area shall be declared "off-limits" until the hazard is corrected.

8.2 Serious Hazard:

Serious hazards are hazards that indicate substantial probability that an employee, public,

or others will suffer physical harm. If a serious hazard is present, employees should stop activity and notify their supervisor. Serious hazards shall be corrected as soon as possible or shall be declared off limits until the hazard is corrected. The employee shall document these condition(s) using Attachment C.

8.3 General Hazard:

General hazards are those that may affect the safety and health of employees. General Hazards are brought to the attention of the supervisor using Attachment C. General Hazards will be corrected as appropriate.

8.4 Regulatory Hazard:

A regulatory hazard pertains to permits, posting, record keeping, reporting requirements, or procedure deficiencies not directly affecting the safety and health of the employees. These deficiencies are noted on Attachment C for further review by the employee's supervisor and is corrected as appropriate.

SECTION 9: Training and Instruction

All employees, including managers and supervisors, shall have training and instruction on general and job-specific safety and health practices. Training and instruction shall be provided as follows and documented using Attachment B or equivalent:

- When the IIPP is first established
- To all new employees
- To all employees given new job assignments for which training has not previously provided
- Whenever new substances, processes, procedures, or equipment are introduced to the workplace and represent a new hazard
- Whenever the employer is made aware of a new or previously unrecognized hazard
- To supervisors to familiarize them with the safety and health hazards to which workers under immediate direction and control may be exposed
- To all employees with respect to hazards specific to each employee's job assignment

SECTION 10: Record Keeping

The following safety records will be kept on file with the Authority for a minimum of 3 years:

- Incident investigations
- Safety Inspections
- Safety training records including the date of the training, the name of the person conducting the training, and a description of training contents
- Staff safety meetings including the names of attendees, the date and any safety items (e.g. topics, discussions, incident recaps, etc.)
- Unsafe Condition/Practice Reports and corrective action(s) taken

APPENDIX D

D2 Personnel Rules

South San Joaquin County Fire Authority
835 Central Avenue, Tracy, CA 95376 I T el: (209)831-6702 Fax: (209)831-6732

STAFF REPORT

TO: Board of Directors **MEETING DATE: Month XX, 2021**

PREPARED BY: Jackie Heefner, Executive Assistant
APPROVED BY: Randall Bradley, Fire Chief

ITEM: ADOPT AND APPROVE AUTHORITY PERSONNEL RULES

RECOMMENDATION

It is recommended the Board of Directors adopt and approve the Authority Personnel Rules.

BACKGROUND

In March of 2018, (effective date July 1, 2018) a new Authority Joint Powers Agreement was adopted by both the City of Tracy (City) and Tracy Rural Fire District (Rural). The new agreement expressed the intent of transitioning employees from the current employer of record to become employees of Authority. Memorialized in Section 1.6 of the new JPA agreement were the following words:

> *In the event that the Authority elects to employ its own personnel, the Chief Executive Officer shall, withthe assistance of the staffs and consultants of the Member Agencies, prepare a personnel plan ("the Personnel Plan") detailing how the Authority would employ its own personnel. The Personnel Plan shall detail the treatment of matters such as transfer of employees from the Member Agencies to the Authority (and the transfer's effect on existingcollective bargaining agreements, the allocation of pension liabilities and obligations, the treatment of accrued leave, civil service and seniority rights, and other employee benefits and rights), risk management, and other administrative matters required at the start-up of organizations. The Personnel Plan shall be presented to the legislative bodies of theMember Agencies. Upon their receipt of the Personnel Plan, the Member Agencies agreeto meet in good faith and negotiate the terms of the Authority employing personnel. Thereafter, Member Agencies and Authority shall enter into an agreement regarding theterms of employing personnel ("the Personnel Agreement").*

In mid-2020, Authority staff prepared a draft Personnel Plan signaling the Authority's intent to employ personnel and become a standalone entity. At the November 5, 2020, Board meeting, this Authority Board approved a Resolution of Intention, to enter in an employee pension contract with CalPERS.

DISCUSSION

As part of the Authority's Personnel Plan, staff has developed the Authority Personnel Rules that will be utilized for addressing and administering personnel matters and will be an integral part of the Authority's personnel management system. The Authority has also developed an implementation plan that includes orientation and training sessions for supervisors, managers and all employees on the interpretation and application of these rules and polices.

Authority leadership staff have communicated and disseminated these Policies and Rules throughout the organization. In the case of Rules that have a nexus with wages, hours, and conditions of employment, the Authority has consulted in good faith with recognized employee organizations regarding impacts to their members.

The Personnel Rules are materially like and based on those of the City of Tracy. Recent legislative changes related to pandemic response, family and parental rights, and prevention of harassment, discrimination, and retaliation have been incorporated into the Authority's Personnel Rules.

Staff recommends adoption and approval of the Authority Personnel Rules.

FISCAL IMPACTS

There is no fiscal impact related to adopting this resolution.

APPENDICES

1. Authority Personnel Rules

ATTACHMENTS

1. Resolution adopting and approving the Authority Personnel Rules

DRAFT

Resolution No. _____

RESOLUTION OF BOARD OF DIRECTORS OF THE SOUTH SAN JOAQUIN COUNTY FIRE AUTHORITY APPROVING AND ADOPTING THE AUTHORITY PERSONNEL RULES

WHEREAS, The Board of Directors of the South San Joaquin County Fire Authority (Authority) desires become a standalone organization and employ personnel; and

WHEREAS, Staff of the Authority has developed a plan to transition employees from the City of Tracy to the Authority; and

WHEREAS, The Board of Directors of the South San Joaquin County Fire Authority (Authority) desires to establish, approve, and adopt a uniform set of policies and procedures for addressing and administering personnel matters; and

WHEREAS, The uniform policies and procedures constitute the structure by which the Authority's personnel system is administered and are set forth in the Authority Personnel Rules (Rules) attached to this Resolution**;** and

WHEREAS, These Rules supersede any prior rules and regulations and may be changed only upon approval of the Authority Board**;** and

WHEREAS, The Authority has developed an implementation plan and schedule to communicate and disseminate these Rules throughout the organization; and

WHEREAS, As part of that implementation plan, the Authority has consulted in good faith regarding the impacts of these rules with all recognized employee organizations.

WHEREAS, In accord with CCR 53292, the personnel policies are materially like those at the City of Tracy for both represented and unrepresented employees.

NOW, THEREFORE, BE IT RESOLVED, That the Board of Directors of the South San Joaquin County Fire Authority by this Resolutions hereby approves and adopts the attached Authority Personnel Rules, effective Month XX, 2021.

*** * * * * * * * * * * * * * * * ***

The foregoing Resolution 2021-_____ was adopted by the Board of Directors on the ___ day of Month 2021, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

APPROVED: _____

Board Chair

CLERK ATTEST: _____

DRAFT

Approved as to form: _____

DRAFT

SOUTH SAN JOAQUIN COUNTY FIRE AUTHORITY

PERSONNEL RULES

DRAFT

Effective: Month XX, 2021

Revised: ____

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SOUTH SAN JOAQUIN COUNTY FIRE AUTHORITY

PERSONNEL RULES

1 PURPOSE

To establish a uniform set of policies and procedures for addressing and administering personnel matters, the personnel system set forth in these Personnel Rules (hereinafter "Rules") is hereby adopted by the South San Joaquin County Fire Authority (hereinafter "Authority") Board of Directors (hereinafter" Authority Board"). These Rules supersede any prior rules and regulations and may be changed only upon approval of the Authority Board.

Conflicts between these Rules and other governing documents are addressed in section 1.6 below.

The Authority Board authorizes the Fire Chief to implement administrative policies that shall be supplemental to these Rules.

Each employee shall be given a copy of these Rules and is responsible for reading, comprehending, and complying with these Rules. Should an employee have any question regarding any of these rules, they should discuss the matter with their supervisor.

These Rules may be amended from time to time. However, to be effective, the amendment must be in writing and approved by resolution of the Authority Board. Whenever such amendments affect the wages, hours, or other terms or conditions of employment, they shall be subject to the meet and confer process as required by law.

In the event of an emergency, any part or all these Rules may be suspended by order of the Fire Chief and such suspension shall remain in effect until the Fire Chiefs order is withdrawn.

1.1 Personnel Policy

In accepting employment with the Authority each employee agrees to be governed by and to comply with the Authority's ordinances, protocols, these Rules, the Administrative Policy and Procedures Manual, all rules, regulations, and directives of the Authority, and the memorandum of understanding in effect between the Authority and the appropriate employee organization.

1.2 Equal Employment Opportunity

It is the policy of the Authority to provide equal opportunity in employment for all persons to strictly prohibit unlawful discrimination in employment. This policy of equal employment opportunity applies to and must be an integral part of every aspect of personnel policy and practice related to any employee or applicant for employment on any basis protected by law.

a. This Equal Employment Opportunity policy applies to all applicants, officers, volunteers, and employees without exception,

b. The Authority's employment practices must always be administered without regard to

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actual or perceived race (including hair textures and protective hairstyles), color, religious creed (including religious dress and grooming practices), sex (including gender, gender identity, gender expression, pregnancy, and breastfeeding, and medical conditions relating to breastfeeding) national origin, ancestry, age (over 40), marital status, physical or mental disability, medical condition, genetic characteristics or information, sexual orientation (including homosexuality, bisexuality, or heterosexuality), military or veteran's status, or any other basis protected by law, or on the basis of a perception that an individual is associated with a person who has, or is perceived to have, any of these characteristics.

c. The Authority will make reasonable accommodation for known physical or mental disabilities of any applicant or employee to the extent required by applicable law to ensure equal employment opportunity and non-discrimination for all qualified persons with disabilities in all terms, conditions, and privileges of employment. Any employee or applicant who requires an accommodation to perform the essential functions of his or her job should contact the Human Resources manager to request an accommodation. The Authority will conduct an interactive process with the employee or applicant to determine whether the requested accommodation or an alternative accommodation is reasonable and can be implemented without imposing an undue hardship on the Authority.

d. Employees who believe they have experienced denial of equal employment opportunity or discrimination are encouraged to report this experience immediately to their supervisor or to Human Resources. The Authority shall promptly investigate the report under the Discrimination Complaints Procedure hereof.

1.3 Application of Personnel Rules

The provisions of these Rules shall apply to all offices, positions, and employees of the Authority, except the following positions and except as otherwise indicated within a specific provision of these Rules or as required by state or federal law (as in the case of the prevention of harassment, discrimination, and retaliation):

a. Elected officials;

b. Members of appointed boards, commissions, and committees;

c. Persons engaged under contract to render professional, scientific, technical or expert services for a definite period of time;

d. Volunteer personnel who receive no regular compensation from the Authority;

e. Where a rule or article expressly states it does not apply to certain employees or positions or applies only to certain employees or positions.

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1.4 Adoption of Personnel Rules

The Personnel Rules shall be established by resolution adopted by the Authority Board.

1.5 Amendment and Revision of Personnel Rules

Proposed amendments to/or revisions of the Personnel Rules shall be submitted to the Authority Board in writing by the Human Resources manager after approval of the Fire Chief.

1.6 Conflict of Personnel Rules

In the event that one or more provisions of these Rules contradict provisions included in a memorandum of understanding currently in effect between the Authority and a formally recognized employee organization, the terms of the memorandum of understanding shall prevail. If there is a conflict between these Rules and a federal or state law, that law prevails. If there is a conflict between these Rules and an administrative regulation, these Rules prevail.

1.7 Rights of Management

The adoption of these Rules must not be deemed a waiver or surrender of any management prerogative in relation to the organization or the necessity of any department or position.

1.8 Violation of Personnel Rules

Each employee is responsible to comply with these Rules and any amendments hereto. Violation of the provisions of these Rules shall be grounds for disciplinary action, up to and including dismissal.

2 DEFINITION OF TERMS

All words and terms used in these Rules and in any other resolution, ordinance, or administrative procedures dealing with personnel policies or procedures shall be defined as they are normally and generally defined in the field of personnel administration. For convenience, the words and terms most used in this document are defined as follows:

2.1 General Definitions

2.1.1 *Acting Appointment*

An assignment to perform the full range of duties and responsibilities of a higher job classification during the temporary or permanent absence of an employee. If the assignment is as of a result of a vacancy in the higher-class position, and the Authority is actively recruiting to fill that vacancy, sometimes called an “interim assignment”, such acting assignment will be limited to 960 hours per fiscal year, consistent with CalPERS regulations (Govt Code §20480) and the assigned employee will be relieved of all duties of his/her former position during the term of the acting assignment.

2.1.2 *Advancement*

A salary increase of one or more steps within the limits of an established pay range.

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2.1.3 *Allocation*
The official assignment of an individual position to its appropriate class in accordance with the duties performed and the authority and responsibilities exercised.

2.1.4 *Applicant*
Any person who has made an application for a position.

2.1.5 *Appointment*
Employment of a person in a position

2.1.6 *At will*
The employee serves at the pleasure of the Fire Chief, who retains the authority to terminate any such employee at any time with or without cause. An "at-will" employee has no right of appeal of discipline or termination.

2.1.7 *Base Salary*
The salary range and step established in the Compensation Plan, exclusive of any overtime, shift-differential, incentive, or other excludable pay an employee may receive.

2.1.8 *Candidate*
Any person who has been accepted for participation in a recruitment or promotional examination.

2.1.9 *Certification*
The formal establishment of a listing of eligible candidates from an appropriate employment list, or names of those on a reinstatement or re-employment list.

2.1.10 *Class or Classification*
A group of positions sufficiently and substantially similar in duties, authority, responsibilities, and minimum qualifications for employment to permit combining them under a single title and allowing the application of common standards of selection and compensation.

2.1.11 *Class Series*
Two or more classification levels which have similar duties and responsibilities but are distinguished from each other by degree of difficulty or level of responsibility.

2.1.12 *Classification Plan*
The designation by resolution of the Authority Board of a title for each classification together with the specifications for each classification as prepared and maintained by the Human Resources manager.

2.1.13 *Compensation*
The salary, wage, allowances, and all other forms of valuable consideration earned by or paid to any employee for work performed and services rendered by any position but does not include any allowances authorized and incurred as incidents to employment.

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2.1.14 *Compensatory Time Off*
Paid time off from work in lieu of overtime pay. For use and accrual information, see the applicable employee agreement or wages and benefits resolution.

2.1.15 *Competitive Service*
All positions in the Authority, except for the following positions, which are at-will Elective Offices, the Fire Chief, Division Chiefs, Fire Marshal, and Authority Attorney.

2.1.16 *Competitive Examination*
One or more selection procedures used to assess the relative qualifications of a group of applicants or candidates.

2.1.17 *Continuous Examination*
A competitive examination or a particular class which is designed to be either open or promotional, or both, and the examination consists of the same or comparable tests of fitness which may be administered periodically; and as a result of which names of eligible candidates may be added to an existing employment list for the duration of such list.

2.1.18 *Continuous Service*
Employment without interruption, and includes paid leaves of absence, FMLA/CFRA approved leaves and approved leaves of absence to serve in the armed forces of the United States, as provided by Section 395 of the Military and Veterans Code, as amended.

2.1.19 *Days*
Calendar days unless otherwise noted.

2.1.20 *Demotion*
The voluntary or involuntary movement of an employee from one class to another class having a lower maximum rate of pay.

2.1.21 *Division*
An organizational unit with responsibility for carrying out a function under the supervision of a Division Chief or Fire Marshal.

2.1.22 *Division Chief*
The head of an established office or division having supervision of such division and office.

2.1.23 *Dismissal*
The involuntary separation of an employee from the Authority service.

2.1.24 *Domestic Partner*
"Domestic partner" as defined in California Family Code Section 297.

2.1.25 *Elective Office*
All positions in the Exempt Service held by elected officials.

2.1.26 *Eligible Candidate*
A person who has earned a place on an employment list established by competitive examination.

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2.1.27 *Employment Date*
For retirement, sick leave, and other benefit purposes, the effective date of an employee's initial appointment to a full-time or permanent part-time position within the Authority.

2.1.28 *Employment List*
A list of names of persons who may be considered for employment with the Authority under specific conditions. Such lists may be designated as either a re- employment, reinstatement, promotion, or open employment list.

2.1.29 *Employment Status*
The type of an employee's appointment such as regular, probationary, or limited service. The Authority has the following employment types:

2.1.30 *Examination*
All selection procedures related to recruitment, promotion, or transfer from application to post offer activities used to measure the knowledge, skills, and abilities of the persons applying for positions within the Authority.

2.1.31 *Executive Management*
The group of employees comprised of the Fire Chief, Authority Attorney, Division Chiefs, and Fire Marshal.

2.1.32 *FLSA*
The Fair Labor Standards Act.

2.1.33 *FLSA Exempt*
All employees who meet one or more of the duties test exemptions from overtime under the FLSA (e.g. executive, administrative, professional) and who are paid on a salary basis. FLSA exempt employees are not eligible for overtime compensation.

2.1.34 *FLSA Non-Exempt*
Employees who are eligible for FLSA overtime compensation.

2.1.35 *Grievance*
Defined in Section 13 of these Rules.

2.1.36 *Hours Worked*
All hours in which the employee physically or mentally performed work on behalf of the Authority and does not include any paid or unpaid leave time, including but not limited to vacation, and sick leave.

2.1.37 *Incumbent*
A person legally occupying a position in the Authority Service.

2.1.38 *Layoff*
The termination of an employee from Authority service for reasons of economy, efficiency, reorganization, or other non-disciplinary reason.

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2.1.39 *Limited Service*

Those types of positions which do not provide full-time employment throughout a fiscal year. The kinds of positions assigned to the Limited Service include temporary, part-time, student, intern, and seasonal positions. Appointment to such positions are non-competitive and incumbents do not acquire status in the class to which assigned by virtue of such employment. Limited service positions are "at will" and may be terminated with or without cause and without right of appeal.

2.1.40 *Limited Term Position*

A position in the competitive or competitive (limited) service which is created for a limited term based on funding, seasonal need, or a specific grant or body of work, or for projects funded in one or more contiguous fiscal years.

2.1.41 *Open Examination*

A competitive examination for a classification in which applications are invited from all qualified persons, regardless of whether they are employed by the Authority.

2.1.42 *Overtime Work*

All actual hours worked by a non-exempt employee in excess forty (40) hours in an employee's designated seven (7) day work week, except as otherwise designated by an applicable MOU, or allowed under an FLSA public safety exemption.

2.1.43 *Part-Time Position*

A type of limited service position to which a person is employed in a regularly budgeted position who works less than full-time.

2.1.44 *Pay Range*

A series of base salary steps to which a class may be assigned.

2.1.45 *Permanent Appointment or Permanent Status*

The type of status granted an employee who has successfully completed an official probationary period for a specific classification which is in a regular allocated and budgeted position in the Authority.

2.1.46 *Position*

A combination of duties and responsibilities assigned to a single employee and performed on either a full-time or part-time basis. A position may be occupied or vacant.

2.1.47 *Probationary Appointment*

The initial appointment of an employee into a position in the Authority that begins a probationary period.

2.1.48 *Probationary Period*

The final stage of the recruitment, examination, and selection process where a new or promoted employee is required to demonstrate acceptable standards of conduct and satisfactory or better performance of the position's duties. During this period, the employee may be dismissed at any time with or without cause and without right of appeal or hearing.

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2.1.49 *Promotional Appointment*
The advancement of an employee from a position in one classification to a position in another classification having a higher maximum salary range.

2.1.50 *Promotional Examination*
A competitive examination for the purpose of recruiting for a specific classification which is only available to current employees who meet the qualifications for the class or are otherwise permitted to take such an examination.

2.1.51 *Provisional Appointment*
Appointment of a person possessing the minimum qualifications last established for a classification other than eligibility by examination and who has been appointed to a position in that class in the absence of available eligible candidates.

2.1.52 *Provisional Employee*
An employee appointed to fill a vacancy for a limited time when no valid eligibility list exists for that position. Provisional employees are "at will," and their appointment may be terminated at any time with or without cause and without right of appeal.

2.1.53 *Reclassification*
The permanent reassignment of a position to another classification due to the material change of the job duties or responsibilities of a position.

2.1.54 *Recognized Employee Organization*
An employee organization that has been formally acknowledged by the Authority as the employee organization that represents the employees in an appropriate representation unit.

2.1.55 *Re-employment*
The reappointment of a former employee (from a layoff re-employment list) who had a permanent appointment with the Authority at the time of layoff.

2.1.56 *Regular Employee*
The employment of a person in an authorized full-time position following successful completion of a probationary period in an authorized full-time position in the Authority.

2.1.57 *Regular Position*
A full-time position in the Authority which is established without any limitation as to time.

2.1.58 *Rehire*
The reappointment of a former employee who does not have re-employment or reinstatement rights at the time of returning to the payroll.

2.1.59 *Reinstatement*
The probationary appointment of an employee after the employee resigned in good standing from a permanent regular position or the return of an employee from a non-disciplinary demotion to a position which the employee held not more than one year previously. In either case, reinstatement must occur not more than one (1) year from the date of separation. Such reinstatement may be done so without further competitive examination.

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2.1.60 *Resignation*
The voluntary separation of an employee from Authority employment.

2.1.61 *Safety Sensitive*
A position or duty of a position that the Authority has designated as "safety sensitive" for purposes of implementing its Drug and Alcohol policy.

2.1.62 *Salary Basis*
Compensation in a predetermined amount that is not reduced, regardless of the quality or quantity of work performed, except as required by the Authority's principles of public accountability, for partial-day absences or as otherwise set forth in the FLSA. Exempt employees are expected to use available and applicable leave balances when absent for partial or full days.

2.1.63 *Salary Evaluation Date*
The date on which a probationary or regular employee's performance is evaluated and the date upon which the employee is eligible, based on job performance for a prescribed period, for a merit salary increase within the established salary range.

2.1.64 *Seniority in Authority Service*
Seniority in Authority service is based on the employee's number of continuous years in the Authority measured from the employee's original hire date. Seniority in classification is based on the number of continuous years of service in the present or higher classification.

2.1.65 *Seasonal Position*
A position of limited service status which is recurrent and does not provide full-time employment. Seasonal employees are "at will" and may be terminated at any time with or without cause and without right of appeal.

2.1.66 *Selection Procedure*
The process by which employment decisions are made, including but not limited to application screening, written tests, oral interviews, performance tests, background investigations, assessments of physical or mental condition, and probation periods.

2.1.67 *Separation*
The voluntary or involuntary termination of employment from Authority service. Separation may include death, dismissal, layoff, resignation, retirement, or work completion.

2.1.68 *Service Anniversary Date*
The original date of hire as a full-time employee for purposes of accruing benefits and determining years of service with the Authority.

2.1.69 *Step Advancement*
The merit-based increase of an employee's salary to a higher salary level within the established salary range for the employee's classification.

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2.1.70 *Step Advancement Date*
The date on which an employee may begin to receive a merit increase awarded based on successful overall performance.

2.1.71 *Student Position*
A type of limited service position to which au employee who is also a student pursuing a course of study may be employed part-time during an academic school year and full- time during school vacations and holidays. Employees holding such positions are "at will" and may be terminated at any time with or without cause and without right of appeal.

2.1.72 *Suspension*
The temporary separation without pay of an employee from the Authority for disciplinary purposes.

2.1.73 *Temporary Position*
A type of limited service position to which a person is appointed on a temporary basis and which is not an authorized regular position or a regular position for a limited period of time, either full-time or part-time. Temporary employment that is limited to not more than 999 hours in any fiscal year. This time period includes all time spent in one or more positions.

2.1.74 *Temporary Promotion or Upgrade*
A temporary upgrade assignment of limited duration (CCR §571.3) appointed by the Fire Chief or a Battalion Chief to work on a duty, program, or process or in a position that is out of an employee's classification. Such assignment must be of limited duration, typically for short periods of time, never to exceed one (1) year in duration. Includes assignments made intermittently such as an emergency field promotion to cover for an injured or resting position or during normal operations to cover for a lead or supervisor during short periods of leave.

2.1.75 *Termination*
Involuntary separation of an employee from Authority service.

2.1.76 *Transfer*
The reassignment of an employee from one position to another in the same classification or another classification having the same maximum salary range, involving the performance of basically similar duties, and requiring substantially the same minimum qualifications.

2.1.77 *Vacancy*
A duly created position which is not occupied and for which monies have been appropriated.

2.1.78 *Y-Rated*
Employee's existing salary is frozen until adjustments to the employee's salary cause it to fall within a new salary range.

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3 POSITION CLASSIFICATION

3.1 Classification Plan

The Authority Board, upon recommendation of the Human Resources manager in consultation with the Fire Chief, shall create and adjust classes of positions in the Authority service. These classes shall be known as the "Classification Plan."

3.1.1 *Implementation of the Classification Plan*

The Human Resources manager, in consultation with the Fire Chief and Division Chiefs, shall recommend a Classification Plan for all classifications in the Authority that includes but is not limited to the following for each classification:

a. The classification title;
b. A description of typical duties and responsibilities;
c. A statement of the minimum requirements for training, experience and other qualifications of applicants for the classification;
d. Characteristics that distinguish the class from other classifications within in the Classification Plan
e. Federal Labor Standards Act exempt/non-exempt status
f. Whether the classification is Safety or non-Safety

The Human Resources manager shall ensure that all positions within the same classification are substantially similar with respect to duties, authority, decision-making, character of work, and schedules of compensation.

3.1.2 *Interpretation of Class Specifications*

The class specifications are descriptive and explanatory and not restrictive. They are intended to indicate the kinds of positions allocated to the various classes and should not be construed as limiting the assignment of duties and responsibilities to any position. The use of a particular expression or an illustration as to duties should not be interpreted to exclude others not mentioned that are of similar kind and level of responsibility. The specification for each class should be considered in its entirety and in relation to other classes in the Classification Plan. Consideration should be given to the general duties, specific tasks, responsibilities, qualifications desired, and relation to other positions, as affording together a picture of the kind of employment the class is designed to embrace.

3.1.3 *Periodic Updates*

From time to time the Human Resources manager shall review the Classification Plan to ensure that it is accurate and make amendments to reclassify, add positions or classifications, or make other changes as necessary or appropriate.

3.1.4 *Adoption by Authority Board*

The Classification Plan shall become effective only upon adoption by resolution of the Authority Board. Upon adoption, the Classification Plan shall take immediate effect unless

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otherwise specified.

3.1.5 *Amendments*

The classification or position descriptions may be abolished or amended from time to time by Authority Board action when deemed in the best interest of the Authority service. In addition, new classification or position descriptions may be added to the Authority's Classification Plan. If new positions are added to the Authority services, such positions shall be allocated to an appropriate class by the Human Resources manager.

3.1.6 *Assignment of Classifications to Bargaining Units*

Assignment or reassignment of classifications to employee units of representation shall be at the sole discretion of the Fire Chief and in accordance with the Employer-Employee Relations Rule.

3.2 Positions

In accordance with these Rules, any position may be assigned, reallocated or transferred to a different class by the Human Resources manager, in consultation with the Fire Chief and affected Division Chief or Fire Marshal, whenever there is a need of such action because of change in duties or responsibilities of the position. All positions shall be included in the same class if:

a. They are sufficiently similar in respect to duties and responsibilities so that the same descriptive title may be used; and

b. Substantially the same requirements as to education, experience, knowledge, and ability are required of incumbents; and

c. Substantially the same tests of capacities and fitness may be used in choosing qualified appointees; and

d. The same pay range or salary rate applies.

3.3 Emergency or Temporary Positions

Whenever, in the judgment of the Human Resources manager in consultation with the Fire Chief, it is necessary for the Authority to employ a person or persons on an emergency or temporary basis in a type of position for which there is no classification provided in the Classification Plan, then the Human Resources manager, in consultation with the Fire Chief, may authorize such positions and shall fix the amount of compensation, and may determine the minimum qualifications for such additional employees, and shall limit in advance the period of time the position may be allowed up to a maximum of 999 hours in a fiscal year.

3.4 Classification Review

Review of the classification of a position may occur in the following circumstances:

a. One or more new positions are under consideration for possible establishment;

b. Due to a change in organization or methods, a major change of the duties or responsibilities of an existing position is made which may require reclassification;

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c. A new class is created to which a position may more appropriately be allocated;

d. Due to the abolishment or combination of an existing position or class, an amendment to the Classification Plan is required.

The procedure for classification review is as follows:

a. The Division Chief or Fire Marshal shall report the significant facts relating to such possible changes in writing to the Human Resources manager.

b. The Human Resources manager, upon written request of an employee and his/her Division Chief or Fire Marshal, may undertake an inquiry of the classification of any position.

c. Upon either of the above initiations, the Human Resources manager shall make a study of the assigned duties and responsibilities of any such position and the qualifications required, and of the relationships of such positions to other classes of positions in the Classification Plan.

d. Based on such investigation, the Human Resources manager shall then make a change in the allocation of the position; or reallocate the position to a more appropriate class in the existing Classification Plan; or determine a new class to which the position would be allocated, whichever the Human Resources manager deems is the appropriate action. Whenever a position is reclassified or reallocated, the existing position is to be deleted and a new position created in the class to which the position is to be assigned.

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5 COMPENSATION PLAN

5.1 Compensation Plan Establishment

The Authority is committed to maintaining fiscal integrity and high standards of accountability to the public in the expenditure of funds provided by taxpayers. The Authority establishes its compensation system in accordance with the principles of public accountability. The Human Resources manager shall prepare a Compensation Plan that includes the following:

a. A publicly available pay table with salary ranges for all classifications in the Authority, showing the minimum and maximum rates of pay;

b. A designation of employment type, if applicable, for each range (full-time, part-time, temporary, or other employment type;

c. A designation of the position as paid on an hourly or salary basis.

d. A benefits package that is provided to employees by position

These rules do not preclude the creation of separate management pay plans that, if adopted by the Authority Board, must be administered in accordance with the procedures adopted for such plan(s) by the Authority Board.

The purpose of this policy is to establish objective guidelines to be used in establishing compensation for Authority positions and in maintaining the Authority's Compensation Plan. These policy guidelines are intended to ensure that the Authority's compensation practices are fair and equitable, consistent with its public service mission, reflect its organizational values, and support related strategic plan objectives.

It is the Authority's policy to offer a sustainable compensation package that attracts and retains the highest quality candidates and employees and is interwoven with its commitment to public safety and to serving the public well by maintaining sound fiscal direction,

Periodically, the Human Resources manager will assess the parity and competitiveness of Authority compensation by classification. Assessments will be conducted using industry best practices and guidelines in the Authority's Compensation Policy. Assessment of compensation may include salary and wage surveys of similar classifications at labor market comparators, internal parity analyses, benefit package assessments and other related practices. The results of each assessment performed will be considered as one of the pieces of information used as a guideline in establishing or modifying compensation for a position or classification. The consideration of pay must be viewed in the context of total compensation which includes the value of the benefit package provided to employees.

The Human Resources manager must also determine whether any modifications are necessary due to recruitment and retention issues, changes to positions or classifications, including changes to exempt or non-exempt status, resulting from a periodic review of the Classification Plan.

Modifications to the Compensation Plan Policy or Pay Schedules must be submitted to the Fire Chief for recommendation to Authority Board for adoption.

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5.2 Compensation Plan Administration – Wages and Salaries

The authorized pay ranges for the respective classes of positions with such amendments as may be adopted by the Authority Board from time to time by resolution shall be applied as follows:

5.2.1 *Advancement Within a Pay Range*

Generally, upon progress and productivity, employees in the Authority or those occupying an appointed position shall be considered for a step advancement according to the following general plan:

5.2.1.1 *Steps:* There are five steps within each pay range Represented by the letters A-E, respectively.

5.2.1.2 *Step A.* Step "A" shall typically be paid upon initial employment into a five (5) step pay range. If the employee possesses exceptional training or experience, the Fire Chief may approve an initial appointment for step B or higher.

5.2.1.3 *Step Advances.* At the completion of the applicable probationary period of employment (Step Advancement Date), employees appointed at Step A are eligible for a step increase. If employed at other than Step "A" in a five (5) step pay range for the class, then consideration for advancement to the next salary step will take place after twelve months of service (approximately one year) following the date of hire. All step advances will be effective to the beginning of the closest pay period at that time. Additional step advances will be on an annual basis thereafter until the attainment of Step E.

All step advances shall be based on satisfactory performance as shown from the evaluation by the employee's Supervisor. Denial of step increases shall be based on documented performance evaluations. Increases of more than one step for superior performance may be provided upon recommendation by the Division Chiefs or Fire Marshal and with approval of the Fire Chief.

5.2.1.4 *Step at Promotion.* When employees are promoted, they shall normally receive the first step in the salary range for their new position. However, if such step results in a salary increase of less than five (5%) percent, they shall receive a minimum five (5%) percent increase, provided that in no event shall the new salary be above Step E of the promoted class. The Fire Chief may authorize an appointment to a position at any higher salary step in the pay range upon the recommendation by the Human Resources manager in consultation with the Division Chiefs or Fire Marshal.

5.2.1.5 *Special Salary Adjustments.* Except as otherwise stated in these Rules, in order to correct gross inequities or to reward outstanding achievement and performance, the Fire Chief may, upon recommendation of the Division Chief or Fire Marshal and the Human Resources manager, adjust the salary step of an incumbent of a particular position to any step within the pay range for the class to which the position is allocated. If a

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special salary step adjustment is authorized, it shall coincide with the beginning date of a pay period.

5.2.2 *Calculation of Service Anniversary Dates and/or Step Advancement*

*5.2.2.*1 *Dates.* Service Anniversary dates shall be established as of the effective date of employment into a regular full-time position. Step Advancement Dates shall be established as of the effective date of the most recent step advancement, promotion, or reinstatement in the Authority service, or the effective date of a special salary adjustment as provided in Section 4.2.1.5 of these Rules. Service anniversary dates of those reemployed shall be established as provided by Section 8.2.2 of these Rules. All step advancements shall be effective the first day of the pay period following the step advance date unless that date falls on the first day of a pay period.

5.2.3 *Applicable Salary Rates Following Pay Range Increases and Decreases.*

5.2.3.1 *Same Relative Step.* Where a pay range for a given class is revised upward, the incumbents of positions in classes affected shall have their existing salary adjusted to the same relative step in the new pay range (Step B to Step C to Step D, etc.) and their next step advancement date shall not be changed.

5.2.3.2 *Retention of Salary and "Y" Rates.* When a pay range is adjusted downward, incumbents may, on approval of the Fire Chief, be assigned a "Y"-rate designation to hold the employee at the current salary rate, without increases, until such time as the salary range for the new classification is the same or exceeds the amount of the "Y"-rating. Any such "Y" rate shall be indicated by a capital "Y" following the salary each time it appears on personnel records or transactions. Said "Y" rate shall be canceled on vacancy of the position.

5.2.3.3 *Pay Range Change on Step Advancement Date.* In the event that a pay range change becomes effective on an employee's step advancement date, the employee shall first receive any within-range adjustment to which entitled and then receive the corresponding step adjustment.

5.2.3.4 Pay Range Change on Date of Promotion. In the event that a pay range change becomes effective on the date an employee is promoted to a higher class, the employee shall first receive any corresponding step adjustment to which entitled in the lower class, and then the next higher step promotional adjustment as provided in Section 8.5.1 of these Rules.

5.2.4 *Trainee Salary Range.*

At the recommendation of a Division Chief or Fire Marshal, with concurrence by the Human Resources manager, and approval by the Fire Chief, Authority non-safety classifications within the Authority may be under filled by a special class of Trainee under a training program or on-the-job training assignment. Such training program or on-the-job training assignment will provide expectations and milestones for an employee to reach during the training period for said employee to acquire the full range of required skills and abilities within a reasonable and specified period of time. The salary paid such employees shall be ten percent (I 0%) below the salary range provided herein for employees in the classification

for which training is being given. The title of such employees shall be the job title provided herein dash (-) Trainee.

If an employee transfers into a Trainee class, and the employee's former salary range falls between the new class' actual and Trainee (-10%) salary ranges, the Division Chief or Fire Marshal may recommend and seek approval to set the transferred employee's Trainee salary according to the following criteria:

a. The employee's salary placement must be an amount between the new class' actual and "Trainee" (-10%) salary ranges; and
b. The employee's salary placement cannot exceed the employee's former salary.

5.2.5 *Retirement/Resignation Notification Incentive.*

The Authority may offer a Retirement/Resignation Notification Incentive in any fiscal year in which the Fire Chief deems such an incentive is necessary to assist with workforce planning or potential workforce reduction efforts. The incentive will be provided to those employees who notify the Authority during a designated incentive offer period of their retirement/resignation effective no later than the end of that fiscal year or earlier date as determined by the Fire Chief.

Each employee shall receive the same incentive amount during the incentive offer period as designated by the Fire Chief. The amount of the Retirement/Resignation Notification Incentive shall not exceed $1,000 per employee. It will be available only to CalPERS member employees who notify the Authority of their intent to retire or resign and completely separate their employment with the Authority by the end of the specified fiscal year or earlier date as dete1mined by the Fire Chief.

Employees must fill out a Retirement/Resignation Notification Incentive Application and submit it to the Human Resources manager by the deadline specified. The Authority will deem all signed and submitted applications to be an irrevocable letter of intent to retire or resign and payment shall be made to the individual employee.

5.3 Errors in Compensation

Each employee shall review each of his/her paychecks to ensure the employee was paid correctly. If the employee believes an error or irregularity has occurred, the employee must immediately call it to the attention of his/her supervisor who shall, in turn, notify the Administrative Division Chief. The Authority shall document all errors in compensation and the affected employees shall sign an acknowledgment for any corrections made.

In the event of any underpayment of which the Authority becomes aware, the employee shall receive any amount due him/her on the next regular paycheck.

In the event an employee receives an overpayment by the Authority, the employee shall reimburse the Authority for the total overpayment and the Authority may obtain reimbursement by payroll deduction(s). Typically, such repayment shall occur over a schedule equal to the amount of time over which the overpayment occurred.

5.4 Compensation Plan Administration – Benefit Package

The Human Resources Manager must provide for a benefit plan for each paid Authority position. Benefits for part-time and temporary positions may be limited solely to those benefits provided by state, federal, or local law. The value and cost of benefit plans must be reviewed periodically, and benefits enrollments reconciled with premiums collected annually.

6 RECRUITMENT, APPLICATIONS, AND APPLICANTS

It is the policy of the Authority to recruit and select the most qualified individuals for positions in the Authority's service. Recruitment and selection shall be conducted in a manner that will ensure open competition, provide equal employment opportunity, and prohibit discrimination or favoritism because of race (including hair textures and protective hairstyles), color, religious creed (including religious dress and grooming practices), sex (including gender, gender identity, gender expression, pregnancy and breastfeeding, and medical conditions relating to breastfeeding) national origin or ancestry, age (over 40), marital status, physical or mental disability, medical condition, genetic characteristics or information, sexual orientation (including homosexuality, bisexuality, or heterosexuality), military or veteran's status, or any other basis protected by law, or on the basis of a perception that an individual is associated with a person who has, or is perceived to have, any of these characteristics.

6.1 Recruitment

Positions to be filled in the Authority shall be publicized by distributing announcements to those Authority divisions, surrounding government entities, or other publication/advertising sources as deemed advisable and appropriate within the discretion of the Human Resources manager and in consultation with the affected Division Chief or Fire Marshal. Human Resources shall prepare an official bulletin announcing any proposed examination. The notice shall be posted in public view at all Headquarters and all Fire Stations. The notice shall be posted for a reasonable time based on the type of recruitment and anticipated pool of applicants which is typically in the range of 7-14 calendar days. The Human Resources manager and Division Chief or Fire Marshal may elect to open a position for a longer or shorter number of days as appropriate. The examination announcement shall contain all information of importance for consideration by potential applicants, including whether the examination is to be promotional only, open, both promotional and open, or continuously open.

When the Authority seeks only promotional candidates, distributions will be limited to internal sources. Additionally, when distribution of a job announcement would detrimentally delay the filling of a position, the Authority, at its sole discretion, may opt to fill the position temporarily from immediately available sources.

6.2 Applications

Official application forms shall be available electronically or by paper in the Authority's Headquarters. Applications shall be made as described in the Authorities job announcement. All applications must be submitted, in full, on or before the filing deadline stated in the job announcement. In the best interest of the Authority, the Human Resources manager may permit a letter, resume or other indication of interest to be accepted pending receipt of a properly

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completed application.

When necessary to meet continued requirements for filling positions due to a limited pool of applicants for a classification or position or due to an increased vacancy rate or due to increased Authority needs, the closing date for any selection process may be indefinite and applicants may be tested continuously in such manner and at such times and places as may be provided by the Authority. Applicants who fail to achieve a passing score in such an open continuous examination may not compete again until the lapse of ninety (90) days between the first and second testing and one hundred and twenty (120) days between the second and third such testing unless stipulated to the contrary on the job announcement. The Authority may exclude such applicants from further testing at its discretion.

6.2.1 *Disqualification of Applicants*

The Human Resources manager may disqualify any applicant either before or after examination for any of the following causes:

a) The applicant did not properly complete the application;

b) The application indicates on its face that the applicant does not possess the minimum qualifications for the position;

c) The applicant with or without accommodation, is unable to perform the essential functions of the position sought;

d) The applicant is currently using illegal drugs or prescription drugs that are known to cause such an alteration on cognitive or functional capabilities as to reasonable render the candidate unable to successfully perform the position with or without accommodation or cause an unsafe situation;

e) The applicant has been convicted of a crime that may have an adverse impact on the applicant's ability to perform the job for which the applicant is applying;

f) The applicant is not legally permitted to work within the United States;

g) The applicant has been rude, disruptive, insolent, uncooperative, or has presented other conduct unbecoming of an Authority employee during a recruitment;

h) The applicant has made false statement of any material fact or practiced or attempted to practice deception or fraud in making application for employment; or

i) For any material cause which in the judgment of the Human Resources manager would render the applicant unsuitable for the position, including a prior resignation from Authority service, termination from Authority service, or significant disciplinary action.

6.2.2 *Notice of Rejection*

The Human Resources manager shall mail a notice of any rejection to the mailing address provided by the applicant on the application. Any disqualified applicant may protest his or her rejection as provided by Section 6.7 of these Rules.

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6.2.3 *Incomplete or Late Applications*

Incomplete or improperly completed applications may be returned to the applicant for additional information and/or completion provided the time limit for receiving applications has not expired. Such applications may be resubmitted and accepted by the Human Resources manager. Acceptance, in this case, will be based on such applications being initially received on or before the previously announced final date for filing. Applications received after the announced final date for filing may be accepted by the Human Resources manager. Acceptance, in this case, will be based on a reasonable explanation being given by the applicant which is satisfactory to the Human Resources manager. Such acceptance must take place prior to any scheduled examination for the class in question.

7 EXAMINATIONS RESPONSIBILITY

The Human Resources manager, in consultation with the Division Chief or Fire Marshal, will determine the manner and methods, and by whom examinations shall be given. All examinations and background checks will be job-related and consistent with a business necessity.

All selection procedures are designed to assess the job-related qualifications of each applicant and consistent with merit system principles. The Authority may utilize any legitimate job related objective method to determine the qualifications of applicants, including without limitation, written tests, physical agility tests, oral examinations, training and experience review, panel interviews, assessment centers, and oral interviews. The methods used shall be impartial, inclusive, without disparate treatment, and fairly measure the relative capacities of the candidates to execute the duties and responsibilities of the job. As required by law, reasonable accommodation will be made for applicants with disabilities. The Authority may hold the selection processes itself or contract with any competent organization or individual to prepare and/or administer selections procedures.

7.2 Need for Examinations

The Human Resources manager shall schedule examinations, as necessary. If there is a vacancy or one is anticipated, or if a provisional appointment is made, an examination will be conducted as soon as practicable to establish or supplement an employment list.

7.3 Appraisal Boards

In examinations where appropriate, the education, experience, skills, personal qualifications, and other pertinent information about the candidate may be evaluated by a Qualifications Appraisal Board. The weight to be given the evaluation of the above shall be determined by the Human Resources manager. The Qualifications Appraisal Board will in include a subject matter expert and may be composed of external and internal raters, provided that such persons are neither the manager/supervisor for the positions being examined nor are currently the immediate supervisor or close family member of a candidate. If possible, at least one of the members of the Appraisal Board shall be technically familiar with the character of the work of the class for which the candidates are being examined.

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7.4 Rating

In all examinations, the minimum grade or standing for which eligibility may be earned shall be based upon all factors in the examination, including educational requirements, experience, and other qualifying elements as shown in the application of the candidate or other verified information. At the discretion of the Human Resources Manager, failure in one part of the examination may be grounds for declaring the applicant as failing in the entire examination, or as disqualified for subsequent parts of an examination. The Human Resources Manager may also designate any part of an examination as qualifying only, and no numerical weight need be assigned to passing scores in said part.

7.5 Preparation of Employment Lists

Eligibility lists shall be established and certified by the Human Resources manager or his/her designee following all applicable examinations. If the examination was given on both a promotional and open basis, the names of candidates will be distinguished as promotional or open on the list. Candidates will be placed on eligibility lists in ranked order by final rating score with the most qualified at the top of each list.

7.6 Notification of Examination Results

Every applicant taking part in the examination process shall be given written notice of the results. Any claim of error in rating or grading, must be submitted to the Human Resources manager no later than ten (10) days after the effective date of the eligibility list, to be considered for correction. Applicants shall be provided timely access to all information reasonably necessary to determine if an error in rating or grading has occurred. However, applicants cannot have access to a composite description of the rating sheets. Corrections of errors in grading shall be made within the discretion of the human Resources manager. Applicants have no further right of appeal of examination results.

7.7 Protests/Appeals to Human Resources manager

Within five (5) working days of the date of the notice of disqualification or of final ratings in an examination, an applicant may file an appeal in writing with the Human Resources manager. Such an appeal shall contain information in sufficient detail to enable the Human Resources manager to reevaluate the applicant. Within ten (10) working days of receipt of the appeal, the Human Resources manager shall commence to review the issues involved. and render a decision in writing to the appellant. When the Human Resources Manager has reached a decision, the appellant shall be notified by mail to the last known address of the Human Resources Manager's decision

7.8 Status of Examinations Being Appealed

Normally, scoring of written tests will not be completed pending disposition of an appeal. As the needs of the service may require the Authority to fill vacancies from employment lists, tests may be scored and other parts of the examination, certification, and appointment process completed prior to receipt of or answer to protests. Appointments so made are not subject to change even if subsequent test rescoring should alter the established order of the employment lists.

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8 ESTABLISHMENT AND THE USE OF EMPLOYMENT LISTS

8.1 Types of Lists

The following types of employment lists shall be established by examinations with the type of employment list to be established determined by the Human Resources manager.

8.1.1 *Promotional Employment List*

If there are less than three (3) applicants on a promotional eligibility list, the Human Resources manager, in consultation with the Fire Chief, may declare the list invalid and announce a new recruitment and examination period. In the alternative, the Human Resources manager may make a temporary appointment until eligible candidates can be certified after appropriate examination.

8.1.2 *Open Employment List*

If less than five (5) names of qualified applicants are available for a new appointment, the Human Resources manager may declare the list invalid and announce a new recruitment and examination period.

8.2 Use of Employment Lists

At the discretion of the Human Resources manager in consultation with the Fire Chief, employment lists shall be valid and in effect for a period of one (1) year or until superseded by the completion of a new recruitment process and a more current list. An eligibility list may be extended by action of the Human Resources manager for additional six-month periods, but in no event shall a list remain in effect for more than two (2) years.

8.3 Eligibility for Promotional Examinations

All candidates for promotion must currently work in Authority services, have worked the equivalent of one-half year (1040 hours), and must possess the minimum qualifications as set forth in the specifications of the class to which the promotion is sought.

8.4 Employment Lists Resulting from Continuous Examinations

The Human Resources manager may initiate a continuous examination for a class or add to an existing open or promotional employment list by re-announcing and conducting a continuous examination. Candidates on such an employment list may be referred to hiring managers for selection to fill a current vacancy for a period of one (1) year.

8.5 Restoration of Names of Laid-off Employees to Employment Lists

The names of employees who are laid-off or demoted for lack of work, or lack of funds, shall be restored to the same employment list from which the original appointment was made, provided the original list is still valid. Otherwise, these names will be held on a restoration list.

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8.6 Availability of Candidates

It shall be the responsibility of candidates or those on re-employment or reinstatement lists to notify the Human Resources manager of any change of address or other change affecting availability for appointment. The Human Resources manager may circulate employment, reinstatement, or re-employment lists or use other methods to determine the availability of candidates and may indicate the conditions under which appointment may be offered. Candidates or those on reinstatement lists who decline to be considered or indicate unwillingness to accept employment under the offered conditions will be deemed to be not further considered for that position.

8.7 Removal of Names from Employment, Reinstatement, and Re-employment Lists

The Human Resources manager may remove the name of any eligible candidate from an employment, reinstatement, or re-employment list for any of the following reasons:

8.7.1 *Disqualification.*
As stipulated in Section 5.2 of these Rules.

8.7.2 *No Response.*
On evidence that the eligible candidate cannot be located by postal authorities at the last known address, failure to reply within five (5) working days from the date the letter was mailed requesting information as to availability for appointment, or failure to notify the Human Resources manager of any change of address resulting in the return of letters without forwarding by the United States Post Office, will be considered sufficient evidence. On submission of a request, therefore giving acceptable reasons as to why the notice was not returned or change of address not filed, the Human Resources manager may restore the name of an eligible to the appropriate list.

8.7.3 *Request of Eligible Candidate.*
Upon receipt of a written statement from the eligible candidate requesting his/her name be removed from the employment, reinstatement, or reemployment list.

8.7.4 *Third-Waiver.*
If three offers of regular full-time employment in the class for which the employment, reinstatement, or re-employment list was established have been declined by the eligible candidate.

8.7.5 *Failure to Accept.*
Appointment Offer. If the person selected has been granted at least two (2) weeks to assume the position, and fails to do so, this failure to appear may because to remove that person from the employment, reinstatement, or re-employment list.

8.7.6 *Removal from Promotional Employment List Automatic Upon Termination.*
If an eligible candidate on a promotional employment list resigns from the Authority service or is dismissed for cause, the candidate's name shall automatically be dropped from such list. If an open list from which the candidate was originally hired exists and is still valid, the person who resigns from Authority service may request that his/her name be placed on the open list.

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8.7.7 *Unfit for Duty.*
If an eligible candidate is physically or mentally unable to perform the essential functions of the job, with or without reasonable accommodation.

8.7.8 *Other*
Any other lawful reasons.

8.8 Request to Fill Vacancies

Whenever a position in the Authority is to be filled, the Division Chief or Fire Marshal must approve the request to hire and notify the Human Resources manager by approving a submitted Request to hire form. The Human Resources manager shall advise the Division Chief or Fire Marshal as to the availability of persons for employment in the position.

8.9 Employment List Priority

Subject to the provisions of Section 14.6 of these Rules, priority for consideration for appointment to a regular position shall be given to the various employment lists in the following order: re-employment lists, reinstatement lists, promotional lists, and open lists; however, reinstatement lists may be used instead of any employment list except a re-employment list.

8.9.1 *Re-employment Lists.*
A re-employment list for any class shall consist of the names of employees who have permanent status in that class and who have been issued an Official Notice of Layoff and have been laid-off, or in lieu of layoff, have been demoted, transferred, or resigned from a position in the same class prior to the effective date of their layoff. All names shall be placed on the re-employment list in reverse order of the designated date of layoff. That is, the person who was laid-off, or who demoted, transferred, or resigned in lieu of layoff most recently shall be placed highest on the list. Employees whose positions have been reclassified to a class having a lower maximum salary, but who have not been demoted for cause, shall have their names placed on the re-employment list in order of their service in the class from which their position was reclassified. Names placed on a re-employment list shall remain on such a list for no more than two (2) years from the date of layoff; demotion, transfer, or resignation in lieu of layoff; or the reclassification of the position to a class having a lower maximum salary.

8.9.2 *Reinstatement Lists.*
The Fire Chief may reinstate any person who has either resigned in good standing from a position in which the former employee had permanent status to a position in the same class, or return an employee to a class in which status was held prior to the employee's acceptance of a non-disciplinary demotion, provided that such reinstatement is accomplished within six (6) months of the date of resignation or non-disciplinary demotion. Such reinstatement action may, at the discretion of the Human Resources manager, take precedence over any employment lists, except a re-employment list. Any person so reinstated shall be subject to a new probationary period of the same length as established for new appointees to a position in the class. The order of names on a reinstatement list for a class shall be in order of their resignation or non-disciplinary demotion, with the most recent being last.

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8.9.3 *Promotional Lists. Promotional*
Lists shall consist of the names of employees who have been successful in an examination designated as a promotional examination. Names of employees requesting an approved lateral transfer may also be placed on the promotional list.

8.9.4 *Open Lists.*
Open lists shall consist of the names of persons who have been successful in an examination designated as an open examination. The names of all eligible candidates shall be placed on the open list according to their scores.

8.10 Certification of Employment Lists

When requests for certification of employment list(s) are received, certification shall be made to the Fire Chief by the Human Resources manager in conformance with the following provisions:

8.10.1 *Re-employment List Certification.*
If a re-employment list exists for the class, the highest name on such a list shall be certified for a vacancy to be filled. If more than one vacancy is to be filled, then one more of the highest names shall be certified for each vacancy. If employees on the re-employment list have the same designated date of layoff, ties shall be broken using the criteria specified in Section 14.2 of the Personnel Rules. The principals governing availability of candidates and removal of names from re- employment lists shall be as provided in Section 7.7 of the Personnel Rules.

8.10.2 *Reinstatement List Certification.*
If a reinstatement list exists for the class, all names on such a list shall be certified in addition to an appropriate certification from promotional or open employment lists.

8.10.3 *Promotional List Certification.*
Subject to the provisions of Section 14.6, if no re-employment list for a class exists, then the names from the promotional list(s) for the class shall be certified.

8.10.4 *Open List Certification.*
If no re-employment or promotional list exists for a class, then names from the open list(s) for the class shall be certified. Lists shall be provided to departments according to natural breaks in final ranking. Priority consideration shall be provided to candidates with the highest scores from the selection examinations.

8.10.5 *Vacancy – No Eligible List.*
If a vacancy exists in a classification for which there is no existing eligibility list, an appropriate eligibility list may be prepared for the classification from one or more existing related eligibility lists. For this purpose, the eligibility list may be selected from the classes for which the selection process and qualifications are comparable to or higher than those required for the class for which the vacancy exists.

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9 APPOINTMENTS

The Fire Chief or his/her designee shall make an appointment by extending a conditional offer of employment to an applicant. If the applicant accepts the offer of employment, the appointment shall be deemed completed, subject to successful completion of any required pre-employment examination(s) or assessments. If the applicant does not accept the offer of appointment within the time designated by the Fire Chief or his/her designee, the offer shall expire, and the offer of appointment shall be deemed declined by the applicant. However, an offer of an appointment to an Authority position and acceptance of that appointment does not create a contract of employment between the Authority and appointee. Authority employment is not held by contract but rather is governed by these Rules and Authority Board resolutions.

9.1 Pre-Employment, Post-Offer Screenings

All offers for appointment to a position in the Authority shall be contingent upon the appointee passing all post offer exams. As part of the pre-employment post-offer procedure, applicants may be required to supply references and submit to a background check, including Live Scan fingerprinting. Safety employees shall be subject to a thorough background investigation. Authority hiring managers must check with the Human Resources Manager prior to initiating a reference check. In the case of employees handling money or other valuables in the course of their duties, a credit check may be done in accordance with applicable law.

Offers of employment will also be contingent on job related medical and/or psychological examinations and testing to determine whether the candidate can perform the essential functions of the job, with or without reasonable accommodation. Such pre-employment screenings may also include screening for mind or faculty altering legal or illegal drug use. If the examination reveals that the appointee cannot perform the essential functions of the job, with or without reasonable accommodation, or that the person uses drugs that either cause a danger to himself or other employees or are illegal, the person may be disqualified from consideration for employment.

If a candidate is disqualified from appointment to a position for failing to meet the medical and psychological standards for the job class, the candidate may file a written request to for reasonable accommodation or for a review of the disqualification. Such request must be submitted to the Human Resources manager no later than five (5) working days after the postmarked date of the notification or disqualification. The candidate may submit medical evidence supporting his/her claim that he/she should not have been disqualified. Submittals shall be accepted for a period of fifteen days, commencing with the date of notification of disqualification. The Authority may require the candidate to be examined by a physician or medical evaluator of the Authority's choice. Any such examination shall be paid for by the Authority. The Authority shall make the final determination as whether the candidate can perform the essential functions of the job with or without accommodation based on the totality of information received from the applicant and this examination. If the disqualification is upheld, the candidate has no further right of appeal of the Authority's determination.

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9.2 Applicable Pay Upon Employment

Those appointed to a position in the Authority service shall be paid the designated rate of pay or salary for the class.

9.2.1 *Pay for New Employees.*

Step "A" shall typically be paid upon initial employment into a five (5) step pay range. If the employee possesses exceptional training or experience or if significant impediments to hiring exist in the current labor market for the position under examination, that employee may start at a step B or higher with the approval of the Fire Chief.

9.2.2 *Pay on Re-employment.*

Upon the appointment of an employee from a re-employment list as provided by Section 7.9.1 of these Rules, the employee shall receive not more than the salary step in the pay range the person received prior to layoff and the person's step advance date shall be adjusted to credit Authority service since the most recent salary step advancement, but the employee shall not be credited for the period of separation from Authority employment. If the re-employment results from a reallocation of a position to a class having a lower maximum salary, the salary upon re-employment into the higher class shall be the employee's present salary or the step in the pay range the employee received prior to the reallocation, whichever is higher, and there shall be no change in the employee's step advancement date.

9.2.3 *Pay upon Rehire.*

Upon the rehire of a former employee into the same class as the employee occupied prior to separation, such a person shall receive the same salary step in the pay range for the class as was received prior to separation. If rehired into a related lower class, credit shall be given for prior service in determining the salary step for employment in the lower class. If rehired into a higher class than previously occupied, the rules regarding pay upon promotion shall apply. The employment date for a person rehired into a position shall be established based upon the date of such rehire.

9.2.4 *Pay upon Reinstatement.*

Upon the reinstatement of an employee as provided by Section 7.9.2 herein, the employee shall receive not more than the same salary step in the pay range the employee previously received prior to termination or non-disciplinary demotion and new employment and step advance dates for the employee shall be established based upon the date of such reinstatement.

9.3 Types of Appointments

9.3.1 *Limited Service Appointments.*

Such appointments may, but need not be, made from employment lists. Any person on an employment list who accepts a Limited Service appointment shall nevertheless retain his/her place on such employment list. Employees holding limited service appointments shall be compensated on a straight hourly basis for the actual number of

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hours worked, unless otherwise provided by the Authority through the Human Resources manager. The rate of pay shall be determined by the Authority's compensation plan and shall be within the salary range for the specified position.

Employees in limited service appointments shall work on a schedule determined by the Authority. These positions may be eliminated and/or replaced with full-time positions as determined by the Authority. Employees holding limited service appointments are "at will" and may be terminated at any time with or without cause and without right of appeal.

No limited service employee shall be eligible for a salary adjustment except as provided in an Authority Board approved compensation plan and will receive only those benefits provided for by law. Division Chiefs may make recommendation to the Fire Chief salary adjustments at an earlier date if circumstances warrant such adjustment. Part-time hours worked may be converted to equivalent full-time hours for Authority service credit. Benefits required by law will be provided.

9.3.2 *Provisional Appointments.*

The Division Chiefs and Fire Marshal shall, whenever possible, notify the Human Resources manager of impending or anticipated vacancies sufficiently in advance to allow for the establishment of an appropriate employment list. However, when the demands of the service are such that it is not practicable to give such notification and when no employment list exists or existing lists are insufficient and, if it is not practicable to delay appointment until a new employment list can be prepared and certified, the Division Chief or Fire Marshal may, with the approval of the Fire Chief, make a provisional appointment to a regular position. As soon as practicable after a provisional appointment has been made, the Human Resources manager shall cause an examination to be prepared, and all positions filled provisionally shall be filled by an appointment from an employment list as soon as feasible.

Persons holding provisional appointments are "at will" and may be terminated from those provisional appointments at any time with or without cause and without right of appeal. However, if such employee has attained permanent status in a different position within Authority service, the employee's provisional appointment has been terminated, the employee may revert to the previously held position.

9.3.3 *Emergency Appointments.*

To meet the immediate requirements of an emergency condition, such as major fire, flood, earthquake, or other public calamity that threatens public life or property, the Fire Chief may employ such persons as may be needed for the duration of the emergency without regard to the personnel ordinance, these Rules, or other rules and regulations affecting appointments. Such employees serve at the will of the Fire Chief and may be dismissed with or without cause and without any right of appeal.

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9.4 Probationary Period.

Any person appointed to a position in the Authority shall be placed on probation for a period of one (1) year unless otherwise specified in a Memoranda of Understanding or other Authority Board approved resolution. The probationary period for all promoted employees shall be six (6) months. With the approval of the Human Resources manager and upon written notice to the probationer, the probationary period may be extended up to six (6) months for those on a six-month probation period and up to one (1) year for those who are on a one (1) year probationary period. The probationary period shall be considered a part of the recruitment, examination and selection process and shall not include the time served under any limited service or provisional appointment but shall date from the time of appointment to a regular position after certification. Leaves of absence or assignment out of the class totaling more than thirty (30) calendar days, for any reason, shall not be counted toward completion of the probationary period.

During the probation period, the employee will be evaluated by the supervisor and may be rejected by the Fire Chief as recommended by a Division Chief or Fire Marshal in consultation with the Human Resources manager at any time without cause and without right of appeal or hearing.

9.5 Promotion of an Employee.

The appointment of any employee to a position in a class which has a higher maximum salary than the employee's present position constitutes a promotion. Such an appointment to a position in the Authority shall be made from an employment list established for the class with the higher maximum salary. If no appropriate employment list exists, then a provisional appointment may be made as provided by Section 8.3.2 of these Rules.

9.5.1 *Applicable Pay Following Promotion.*

In the case of the promotion of any employee in the Authority service, such employee shall be entitled to receive the rate of compensation in the entrance step of the pay range for the class to which the employee has been promoted. In cases of promotion where the pay range overlaps, the employee shall be placed at such step in the pay range of the higher class as to provide at least five percent (5%) more basic salary than the employee receives in the lower class. Provided, however, that the application of this provision does not exceed the highest salary step in the authorized pay range for the higher class. The Fire Chief may authorize an appointment to a position at any higher salary step in the pay range upon the recommendation by the Division Chief or Fire Marshal, as outlined in 8.2.1 (Pay for New Employees). Effective on the date of the promotion, a new salary evaluation date shall be established for purposes of eligibility for consideration for future salary step advances within the pay range of the higher class. In the event the promotion occurs within the same month as the employee's salary evaluation date, such employee shall first receive any within-range increase to which the employee is otherwise entitled in the lower class, and then the promotional salary adjustment as provided above.

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9.5.2 *Status of Employee Following Promotion.*

When a promoted employee (excluding at will employees) successfully completes the probationary period for a class he/she then gains permanent status in the new class and gives up permanent status in the former class. Any employee who does not successfully complete the probationary period in the promoted class, may return to the position and status held prior to promotion providing they held permanent status in that position and there is a vacancy, unless the reason for rejecting the promoted employee during the probationary period would have been sufficient to cause dismissal from the former position as well. If no vacancy exists, the employee will be placed number one (1) on the re-employment list.

9.6 Transfer of an Employee.

The Fire Chief, in consultation with the Human Resource Director, at any time and for any reason, may transfer an employee from one position to another position in the same or comparable classification with the same or comparable qualifications and without loss of compensation. An appropriate personnel action form shall be completed and shall include the effective date of the transfer. Whenever possible, an employee being considered for transfer shall be notified within a reasonable period in advance of the effective date of such contemplated transfer and the employee's wishes with respect to this action shall be taken into consideration to whatever extent practicable, consistent with the interest of efficient operations of the Authority.

9.6.1 *Applicable Pay Rates Following Transfer.*

In the case of the transfer of any employee from one position to another in the same class or to another class to which the same pay range is applicable, the employee shall remain at the same salary step and shall retain the salary same evaluation date.

9.6.2 *Status of Employee Following Transfer.*

A transfer of a permanent employee from a position in one class in the Authority to a position in another Authority class having related duties and responsibilities and the same maximum salary shall be made only upon written approval of the Human Resources manager that the employee possesses the qualifications for employment in the new class. In such case, no further competitive examination is required, and the employee shall assume permanent status in the class to which assigned. However, an employee currently serving a probationary period shall not be transferred to a position in another class for which an employment list exists, unless directed by the Human Resources manager. In such case, the employee shall start a new probationary period effective on the date of the transfer.

9.7 Voluntary Transfers

Employees who desire a transfer may submit a request for voluntary transfer to their Fire Chief for consideration. The Fire Chief may deny the transfer request in his/her sole discretion. If an employee voluntarily transfers to another position in the same or comparable classification and is not successful, the employee may, at the discretion of the Fire Chief return to his/her former position if that position has not been filled. The employee's salary evaluation date shall remain the same as it was before the transfer.

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9.8 Qualified Disabled Employees

The Authority may initiate a transfer of a qualified disabled employee to another position as a reasonable accommodation for the employee's disability. Such transfers may have priority over any candidates on an existing eligibility list.

9.9 Demotion of an Employee

An employee may be demoted at his/her request, because of reduction in force, for disciplinary reasons, or for other cause. In all cases, the Fire Chief, in consultation with the Human Resources manager, shall approve the demotion and notify the employee in writing.

A demoted employee shall be required to serve a probationary period in the lower classification unless the lower classification is in the same class series or the employee completed probation in the lower classification. In the event the demoted employee does not pass probation, the employee shall be terminated from employment without right of appeal. The effective date of a demotion shall establish a new salary evaluation date.

An employee may request a voluntary demotion to a lower classification in which the employee meets the minimum qualifications. The request shall be in writing and submitted to the Fire Chief for consideration. The Fire Chief may approve or deny the demotion request in his/her sole discretion. If approved, the employee shall sign an acknowledgement of voluntary demotion and reduction of salary and benefits.

If an employee voluntarily demotes to another position in the same or comparable classification, the employee's salary evaluation date shall remain the same as it was prior to the demotion.

9.9.1 *Applicable Pay Following Demotion.*

An employee who is demoted to a class in the Authority service with a lower maximum salary shall be assigned to a salary step in the lower pay range according to the following rules:

9.9.1.1 Disciplinary Demotion.

If a disciplinary demotion, any designated step in the lower pay range which is at least one (1) step less than the dollar amount received in the pay range for the class from which demoted. A new salary evaluation date shall be established as of the effective date of demotion.

9.9.1.2 Non-Disciplinary Demotion.

If a non-disciplinary demotion, that salary step in the pay range for the lower class which the employee would have received had the employee's service in the class from which demoted been continuous in said lower class. The employee's previous salary evaluation date shall be retained.

9.9.2 *Status of Employee Following Demotion.*

If the demotion involves an employee with permanent status in the Authority, then the demoted employee shall assume permanent status in the class to which demoted and give up permanent status in the class from which demoted only if the findings of

the Human Resources manager are that the employee meets the qualifications of the class to which demoted.

If the employee does not have permanent status in the higher class or in a class comparable to the class to which the employee is demoted, the employee shall serve a new probationary period in the demoted position.

9.10 Reclassification of an Employee's Position

An employee may be reclassified without competitive exam if the Human Resources manager determines the employee has met the minimum qualifications of the new classification and has performed the duties of the reclassified position for a considerable length of time. Reclassification shall not be used for the purpose of avoiding competitive selection processes.

The employee's salary evaluation date shall not change because of the reclassification. When a position is reclassified from one existing class to another existing or new class under Section 3.4. of these Rules, the following shall apply to the incumbent:

9.10.1 *Applicable Pay Following Reclassification.*

If a position is reclassified to a class having the same maximum salary, the salary and the salary evaluation date of the incumbent shall not change. If a position is reclassified to a class which has a higher maximum salary, the salary shall be adjusted in accordance with Sections 4.2.1. 4 and 8.5.1 of these Rules. If a position is reclassified to a class with a lower pay range, the salary of the incumbent shall not change. If such salary is greater than the maximum salary of the lower class, the incumbent be assigned a "Y" rate designation as provided in Section 4.2.3.2 of these Rules.

9.10.2 *Status of Incumbents in Reclassified Positions.*

Whenever reclassification occurs, an employee occupying the position may be retained in the position after it has been reclassified without further competitive examination, provided that the Human Resources manager in consultation with the Fire Chief, finds that:

The reclassification results from an official recognition of a change in duties and responsibilities which has already occurred.

a) The addition of duties and responsibilities (justifying allocation to a different classification) was not the result of planned management action.

b) The performance of the duties and responsibilities of the incumbent has been satisfactory.

c) The incumbent possesses the knowledge, skills, and abilities of the qualifications of the different class.

d) The incumbent has permanent status in the class to which the position was formerly allocated.

9.10.3 *Retention of Status.*

No person having permanent status, who, in addition to regular duties, is given additional or new duties by the Fire Chief shall lose permanent status in the class to which the employee held prior to the assignment of such additional or new duties.

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11 OUTSIDE EMPLOYMENT AND USE OF AUTHORITY PROPERTY

11.1 Prohibited Activity

Full-time employees are expected to devote full time to assigned duties as an Authority employee. An employee shall not engage in any employment, activity or enterprise which is inconsistent, incompatible or in conflict with Authority job duties, functions, or responsibilities, nor shall an employee engage in any outside activity which will directly or indirectly contribute to the lessening of effectiveness as an Authority employee. No employee shall engage in any type of activity relating to an employee organization during such time an employee is on duty, except as expressly provided in these Employer-Employee Relations Rules, Memorandum of Understanding, or by law.

11.2 Outside Employment

Employees may not engage in any employment or activities that create a conflict of interest, is unethical, or otherwise interferes with their Authority employment.

An Authority employee shall not perform any work, service, or consultation for compensation outside of Authority employment where any part of his/her efforts will be subject to approval by any officer, employee, board, or commission of the Authority unless approved in the manner prescribed by these Rules.

Employees occupying Authority's positions, who hold or wish to hold jobs outside their normal Authority employment must make a request to engage in outside employment and submit the request to the Human Resources manager or his/her designee. Division Chiefs or Fire Marshal who wish to engage in outside employment shall submit such requests to the Fire Chief. Outside employment shall not be permitted if it conflicts in any manner with the employee's duties and responsibilities with the Authority or is prohibited by law.

In deciding as to whether an activity creates a conflict or ethical question, the Fire Chief and Human Resources manager shall consider, among other pertinent factors, whether the activity involves:

a) Receipt or acceptance by the employee of any money or other consideration from anyone other than the Authority for the performance of an act that the employee would be required or expected to render in the regular course of Authority employment;

b) The performance of an act or work which may later be directly or indirectly subject to the control, inspection, review, audit or enforcement by such employee or other Authority employees;

c) Conditions or factors which might, directly or indirectly, lessen the efficiency of the employee in regular Authority employment or conditions in which there is a substantial danger of injury or illness to the employee;

d) The use for private gain or advantage of Authority time, facilities, equipment and supplies, prestige, influence, or information obtained through one's Authority office or employment. No Authority-owned facilities, equipment or supplies, including autos,

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trucks, instruments, tools, supplies, machines, badges, identification cards, or other items which are the property of the Authority shall be used by an employee for personal or non-Authority business reasons except upon prior written approval of the Fire Chief;

e) The solicitation of future employment with a business or individual doing business with the Authority over which the employee has some control or influence while performing official duties.

11.3 Authorization of Outside Employment

Notice of authorization of outside employment shall be in writing to the employee involved, with a copy placed in the employee's personnel file. Denial of authorization of outside employment determination may be subject to the Grievance Procedure as set forth in Section 13 of these Rules.

11.4 Violations and Penalties

Any violation of these provisions regarding outside employment shall constitute grounds for disciplinary action up to and including termination.

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13 PERFORMANCE EVALUATIONS

13.1 Frequency

Division Chiefs or their designees shall make a report of performance of each employee after completion of a probationary period and annually thereafter. Unless changed in accordance with these Rules, these evaluation dates shall constitute the employee's salary evaluation date for purposes of eligibility for a merit salary increase. The employee shall continue to receive performance evaluations on said date even after the employee has reached the top of the applicable salary range. In addition, a supplemental performance evaluation may be prepared at any other time at the discretion of the employee's supervisor. Supplemental performance evaluations do not affect salary evaluation dates for purposes of eligibility for a merit salary increase.

The employee shall receive a copy of the performance evaluation and shall have an opportunity to discuss said evaluation with his/her supervisor. The employee may also submit written comments or rebuttal to the evaluation which shall be part of the complete document to be placed in the employee's personnel file.

13.2 PERSONNEL FILES

The Authority shall maintain an official personnel file for each of its employees. Personnel files contain such personnel records as may be deemed necessary for the administration of labor and employment relations in the Authority. Personnel files shall be made available to employees, former employees, (or a representative)for inspection within a reasonable time after an employee's request and without loss of pay, provided that employees shall make arrangements with their supervisor if the inspection occurs while on duty.

The Authority may preclude inspection of certain information in accordance with the law, such as background and other pre-employment information and materials relating to confidential investigations.

The Authority shall maintain separate files for injury reports, confidential medical records, grievances, discrimination complaints, and other matters in accordance with applicable laws.

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15 DISCIPLINARY ACTION

15.1 Authority to Discipline

Employees who hold non-probationary appointments, and are not at will, shall not be disciplined without good cause. At will and probationary employees are subject to dismissal without cause. For purposes of this section, disciplinary action shall be defined to include one or more of the following: oral warnings, written reprimands, suspensions, demotions, reductions in pay, and dismissal. Oral and written reprimands may be initiated at the supervisor/division manager level. Disciplinary action more serious than a written reprimand must be initiated at the Division Chief or Fire Marshal level in consultation with the Human Resources Director. The Human Resources Director shall be notified of any contemplated disciplinary action prior to the time it is taken, provided that in emergency situations or other instances when prior notification is not practicable, the Human Resources Director may be notified as soon as possible subsequent to the time the action is taken.

15.2 Firefighter Procedural Bill of Rights Act

The Firefighter Procedural Bill of Rights (Government Code 3520) shall be followed for any punitive action(s) that may lead to dismissal, demotion, and suspension, reduction in salary, written reprimand, or transfer for purpose of punishment of personnel covered under the Act.

15.3 Grounds for Disciplinary Action

Good cause for disciplinary action exists not only when there has been an improper or illegal act or omission by an employee in the employee's official capacity, but when any conduct by an employee brings discredit to the Authority, affects the employee's ability to perform his or her duties, causes other employees not to be able to perform their duties, or involves any improper use of the employee's position for personal advantage or the advantage of others. Good cause may include non-disciplinary reasons such as, the employee's unwillingness or inability, due to mental or physical disability, and with or without accommodation, to perform the duties of the position for an indefinite period. The type of disciplinary action shall depend on the seriousness of the offense and the relevant employment history of the employee. Causes for disciplinary action against an employee may include, but shall not be limited to, the following:

a) Misstatements or omissions of fact in completion of the employment application or to secure appointment to a position with the Authority;

b) Furnishing knowingly false information in the course of the employee's duties and responsibilities;

c) Inefficiency, incompetence, carelessness or negligence in the performance of duties;

d) Violation of safety rules;

e) Violation of any of the provisions of these personnel rules, department rules and regulations, Authority policies, Protocols, ordinances, or resolutions;

f) Inattention to duty;

g) Tardiness, time or attendance fraud, or overstaying lunch periods;

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h) Being under the influence of an intoxicating beverage or non-prescription drug or prescription drugs not authorized by the employee's physician, while on duty or on Authority property;

i) Disobedience to proper authority, refusal or failure to perform assigned work, to comply with a lawful order, or to accept a reasonable and proper assignment from an authorized supervisor;

j) Any violation of the Authority's Discrimination or Harassment Policies;

k) Unauthorized soliciting on Authority property;

l) Unauthorized absence without leave, excessive use of unprotected leave, failure to report after leave of absence has expired or after a requested leave of absence has been disapproved, revoked, or canceled, or any other unauthorized absence from work;

m) Conviction of a felony, or a misdemeanor involving moral turpitude, or a violation of a federal, state, or local law which negatively impacts the employee's ability to perform his/her job or brings discredit to the Authority. (For purposes of this section, a misdemeanor conviction does not include a conviction based on a plea of nolo contendere;)

n) Discourteous or offensive treatment of the public or other employees;

o) Falsifying any Authority document or record;

p) Misuse of Authority property; improper or unauthorized use of Authority equipment or supplies; damage to or negligence in the care and handling of Authority property;

q) Fighting, assault and/or battery;

r) Working overtime without authorization;

s) Theft or sabotage of Authority property;

t) Sleeping on the job, except as specifically authorized for twenty-four (24) hour duty personnel;

u) Accepting bribes or kickbacks;

v) Gambling on the job;

w) Engaging in outside employment which conflicts with an employee's responsibilities;

x) Intimidation or interference with the rights of any employee;

y) Outside work or any other activity or conduct which creates a conflict of interest with Authority work, which causes discredit to the Authority, negatively impacts the effective performance of Authority functions or is not compatible with good public service or interests of the Authority service;

z) Abusive or intemperate language toward or in the presence of others in the workplace;

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aa) Failure to obtain and/or maintain minimum qualifications for a position, including licenses or certificates;

bb) Any other conduct of equal gravity to the reasons enumerated above as determined by the Authority.

15.4 Types of Discipline

Any authorized supervisory employee may propose disciplinary action for cause against an employee under his/supervision in accordance with the procedures outlined in these Rules. In general, the Authority shall adhere to the principles of progressive discipline.

15.4.1 *Oral Reprimand*

Verbally notifies the employee that his/her performance or behavior must be improved. Oral warnings are generally given by supervisors when counseling has failed to produce the desired changes. The warning defines the areas in which improvement is required, sets up goals leading to this improvement, and informs the employee that failure to improve will result in more serious action. Although the supervisor makes a note of the content of the warning or sends a confirming memo to the employee, no record is placed in the employee's permanent personnel file unless subsequent action is necessary. Oral reprimands are not subject to the disciplinary appeal procedure set forth in these Rules (except as provided under the Procedural Firefighter Bill of Rights Act).

15.4.2 *Written Reprimand*

Official notification to the employee that there is cause for dissatisfaction with the employee's services and that further disciplinary measures may be taken if said cause is not corrected. Written reprimands should be given in consultation with the Human Resources Director. Written reprimands shall be made a part of the employee's official personnel record and may be considered as pertinent evidence or information in any hearing. Written reprimands are not subject to the disciplinary appeal procedure set forth in these Rules (except as provided under the Procedural Firefighter Bill of Rights Act).

15.4.3 *Suspension without pay*

Shall be a temporary separation from Authority service. Certain suspensions are subject to the disciplinary appeal procedure set forth in these Rules.

15.4.4 *Reduction in Step within range as a disciplinary measure*

If the withdrawal of step advancements granted for merit, efficiency, and length of service, reduction in pay shall become effective on the effective date of the disciplinary action. Reduction may be made on permanent or temporary basis. Certain reductions of pay are subject to the disciplinary appeal procedure set forth in these Rules.

15.4.5 *Demotion without consent*

Shall be a reduction in classification to a classification having a lower maximum salary with reduction in salary as provided in Section 8.9.2 of these Rules. Demotion without consent may be made to the classification having the lowest maximum salary in the classification series or a classification series comparable to that within which the employee's position is

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located. Demotion may be made on a permanent or temporary basis. Demotions are subject to the disciplinary appeal procedure set forth in these Rules.

15.4.6 *Dismissal*

The termination of an employee from the Authority service. Dismissals are subject to the disciplinary appeal procedure set forth in these Rules.

15.5 Procedures for Disciplinary Action

In the absence of a process in a Memoranda of Understanding, employees shall be governed by the following provisions:

15.5.1 *Written Notice/Pre-Discipline Meeting/Final Action*

The Authority shall issue a written notice of discipline, describing the intended discipline, the basis for the discipline, and attaching any documents upon which the discipline is based. The Authority shall provide the employee an opportunity to respond to the disciplinary action, either orally or in writing, within ten (10) calendar days of such written notice of discipline. If the employee chooses to respond orally, the Human Resources manager shall designate an Authority official who shall convene a meeting to hear the employee's response. If the employee chooses to respond in writing, the written response shall be logged in the employee's personnel file. No further appeal shall be permitted. In the case of a written reprimand, the employee may respond by submitting a written rebuttal to be logged in the employee's personnel file, but no oral response or appeal is permitted.

For discipline that is greater in severity than a suspension of five (5) working days, (or the equivalent reduction in pay) the Authority shall issue a notice of intent to impose discipline, describing the intended discipline, the basis for the discipline and attaching any documents upon which the discipline is based. The notice shall state that the employee has a right to respond, either orally or in writing before discipline is imposed. The Authority shall set the pre-discipline meeting approximately one (1) week from the date of the notice unless a different time and date is set by mutual agreement.

For discipline that is greater in severity than a suspension of five (5) working days, (or the equivalent reduction in pay) the Human Resources manager shall designate an Authority official who is disinterested in the matter who shall convene a meeting to review the employee's response before imposing discipline. The employee shall be entitled to a representative of his/her choice; provided, however, that the inability of a specified representative to attend the meeting shall not be cause for requiring a continuance of the meeting. At the meeting, the employee shall be provided the opportunity to respond to the charges and to present any new information for consideration by the Authority.

At some reasonable time, but no longer than thirty (30) calendar days, after the employee has been provided an opportunity to respond to the charges, the Authority shall issue a final notice of discipline. The notice shall notify the employee of his/her right of appeal.

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16 DISCIPLINARY APPEAL PROCESS

16.1 Employee's Right to Representation During Appeal Process

At any step in the disciplinary appeal procedure, the employee concerned may choose to represent himself/herself or may be represented by that certified employee organization which has been recognized by the Authority for that representation unit to which the employee's classification is assigned, or by legal counsel. The employee concerned shall be personally present at all stages of the disciplinary appeal process unless that employee specifically waives the right in writing.

16.2 Appeal Process (for discipline greater than 5-day suspension or reduction in pay)

For discipline that is greater in severity than a suspension of five (5) working days (or equivalent reduction in pay), employees shall have the right to appeal from the final notice of discipline. The notice of appeal must be received within seven (7) calendar days from the date of the final notice of discipline, or the right to proceed to the next appeal level under these Rules shall be forfeited and the discipline shall become final.

16.2.1 *Hearing Officer Selection*

The appeal shall be heard by an independent hearing officer. The hearing officer shall be selected from among a list of names not to exceed ten (10) names provided by the California State Mediation and Conciliation Service, or from a similar body mutually agreed to - between the parties. After a toss of a coin to decide which party shall strike first, the representative of the Authority and the employee (or the employee's representative) shall alternately strike one name from the list until one name remains and such person shall act as the hearing officer. This procedure shall be followed until there is an available arbitrator.

16.2.2 *Costs*

The costs of the hearing officer shall be borne by the Authority unless the employee's union has brought the appeal on the employee's behalf, in which case the costs of the hearing officer will be shared equally by the Authority and the union. Both parties may request that the hearing be transcribed, and the requesting party shall bear the expense of the transcript and court reporter's fees. If the transcript is jointly requested by both parties, both parties will share equally in the expense of the transcript and court reporter's fees.

16.2.3 *Hearing Officer Authority*

The hearing officer shall have the authority to convene the hearing, receive evidence through testimony and documents, and make findings of fact and conclusions about the discipline. Within sixty days (60) of the close of the hearing, the hearing officer shall serve a recommended decision on the Fire Chief and the employee. The hearing officer's decision must contain detailed findings of fact relating to the disciplinary charges. The decision may include a recommendation regarding outcome, but the final decision regarding discipline rests with the Fire Chief. After consideration of the hearing officer's recommended decision, the Fire Chief shall issue a final decision in writing. The Fire Chiefs decision may be reviewed by administrative writ of mandamus within the time frames established by California law.

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16.2.4 *Waiver of Steps or Time Limits.*

Notwithstanding any provision in this section, any time limit or stage of procedure specified in this section may be waived upon consent of all parties involved.

17 GRIEVANCE PROCEDURE FOR NON-DISCIPLINARY MATTERS

In the absence of an applicable Memorandum of Understanding, this grievance procedure shall apply. This procedure is intended to ensure that every reasonable effort will be made to resolve problems as near as possible to the point of origin.

17.1 Definition of "Grievance"

Subject to the exclusions listed in this Rule, a grievance is defined as any dispute involving the interpretation, application, or alleged violation of I) the specific express terms of a current Memorandum of Understanding (MOU), between the Authority and a recognized employee organization, or 2) a specific express term of these Rules.

17.2 Eligibility to File a Grievance

Only full-time employees in regular non-probationary appointments who are adversely affected by an act or omission of the Authority are eligible to file a grievance.

17.3 Exclusion from the Grievance Procedure

The following matters are excluded from the definition of a "grievance":

a) Requests for changes in wages, hours, or working conditions;

b) The content of employee evaluations or performance reviews, except those that result in a loss of benefits to the employee;

c) Challenges to reclassification, layoff, transfer, denial of reinstatement;

d) Challenges to examinations or appointment to positions;

e) Challenges to this grievance procedure.

f) Disciplinary Actions

17.4 Group Grievances

In the event more than one employee is directly involved with an issue, they may, at any step in the grievance procedure, name one of the employees to carry the grievance through the procedure as a group grievance and be represented by that employee organization which has been recognized by the Authority for that representation unit to which their classification(s) is/are assigned. In a group grievance, that named employee directly concerned shall be personally present at all stages.

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17.5 Procedure

It is the Authority's intent to deal with and settle complaints and grievances informally and at the nearest practical organizational level and as promptly and fairly as possible. Whenever feasible, complaints and grievances will be handled during the regularly scheduled working hours of the parties involved.

The grievance procedure shall consist of the following steps:

17.5.1 *Informal Grievance Procedure*

A grievance must be filed within thirty (30) calendar days of the act(s) or omission(s) giving rise to the grievance. Failure to file the grievance within this time period shall result in denial of the grievance as null and void. Within thirty (30) working days of the act(s) or omission(s) giving rise to the grievance, the grievant must discuss the grievance with his/her immediate supervisor, who shall investigate and attempt to resolve the matter. The supervisor shall give the grievant an oral or written reply within ten (10) working days after the discussion. If the grievant is not satisfied with the reply, he/she may proceed to the Formal Grievance Procedure.

17.5.2 *Formal Grievance Procedure*

17.5.2.1 Level 1 Review

Any grievance not resolved by the Informal Grievance Procedure may be submitted in writing by the grievant to his/her supervisor along with a copy to the Human Resources manager, no later than ten (10) working days after the date of the supervisor's written reply. A grievance may be submitted directly to the Human Resources manager or, if the grievance slatted at a level above the supervisor or Division Chief or Fire Marshal, the grievance may be submitted at the higher level. The written grievance must contain the following information:

a) Name of grievant and job title;

b) Division in which grievant works;

c) The specific act or omission that gave rise to the alleged violation, misinterpretation, or misapplication and the date or dates of the alleged act or omission;

d) The specific provision(s) of the Memorandum of Understanding, Authority Policy or Personnel Rules alleged to have been violated, misinterpreted, or misapplied;

e) A list of the documents, witnesses or other evidence that support the grievance;

f) Desired solution or remedy;

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g) Name of the grievant representative, if any;

h) Signature of the grievant or representative and date signed.

Within ten (10) working days thereafter, the supervisor shall schedule a meeting with the grievant to work at resolving the grievance. The supervisor shall give the grievant a written reply within ten (10) working days after the meeting and shall file a copy with the Human Resources manager. If the grievant is not satisfied with the response, he/she may proceed to Level 2.

17.5.2.2 Level 2 - Division Chief or Fire Marshal Review

Any grievance not resolved at Level 1 may be submitted to the Division Chief or Fire Marshal no later than ten (10) working days after the date of the supervisor's written reply. The grievant shall provide the Division Chief or Fire Marshal with a copy of the Level 1 response. Within ten (10) working days thereafter, the Division Chief or Fire Marshal shall schedule a meeting with the grievant to work at resolving the grievance. The Division Chief or Fire Marshal shall give the grievant a written reply within ten (10) working days after the meeting and shall file a copy with the Human Resources manager. If the grievant is not satisfied with the response, he/she may proceed to Level 3.

17.5.2.3 Level 3-Fire Chief Review

Any grievance not resolved at Level 2 may be submitted to the Fire Chief no later than ten (10) working days after the date of the Division Chief or Fire Marshal's written reply. The grievant shall provide the Fire Chief with a copy of the Level 1 and Level 2 responses. Within ten (10) working days after receipt of the grievance and the Level 1 and Level 2 responses, the Fire Chief or his/her designee, at his/her discretion, may conduct an informal hearing involving the parties to the dispute. The Fire Chief's decision shall be final and binding.

17.6 Representation

The grievant is entitled to representation of his/her choice at any point in the grievance procedure. If the representative is a fellow employee, that employee shall receive time off from his/her work assignment for the time of the grievance meeting or hearing plus reasonable travel time. The grievant must inform the Human Resources manager whether he/she will be represented at any meeting regarding the grievance, along with the identity of the representative, at least forty-eight (48) hours prior to the grievance meeting.

17.7 Waiver of Steps or Time Limits

Notwithstanding any provision in this section, any time limit or level of procedure specified in this section may be waived upon consent of all parties involved.

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17.8 Waiver of Grievance

Failure by the grievant to appeal his/her grievance to the next level within the specified time limits of this rule shall constitute a waiver of the right to pursue the grievance further, unless the Authority has granted an extension of time to a definite date. Failure by the Authority to respond to the grievance within any of the specified timelines shall entitle the grievant to appeal to the next level of review.

Additionally, failure on the part of an employee or his representative to appear for any scheduled meeting without notification may, in the Authority's discretion, result in the Authority's denial of the grievance.

17.9 No Interruption of Work

During the determination of a grievance herein, the employees involved in pursuing the grievance are required to continue their normal work schedule, unless the Human Resources Manager directs otherwise.

17.10 No Retaliation

Employees shall not be penalized or retaliated against in any way for using the grievance procedures or testifying as a witness in a grievance proceeding.

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19 LAYOFF, DISPLACEMENT, AND RE-EMPLOYMENT

19.1 Notice

Should the Fire Chief determine that reductions in force are necessary due to lack of work, reorganization, or for financial reasons, layoffs may be directed. In the event of layoffs, the Authority shall provide affected employees with as much notice as possible.

19.2 Layoff Order Determination

In determining the order of layoffs, the following rules shall be followed, no permanent employee shall be laid-off while there are temporary employees serving in the same or allied class or position in the Authority service unless that employee has been offered the temporary work. Layoffs shall be made in accordance with California Government code §45100 and the criteria set forth below:

a) Layoffs shall be by job classification, according to reverse order of seniority, as defined by total Authority service.

b) The employee to be laid-off may displace the least senior employee in a lateral or lower classification in which he/she previously held permanent status, provided the displaced employee has less total Authority service. Total Authority service means as a regular full-time employee.

c) An employee may demote or transfer to a vacant position in a classification for which he/she possesses the necessary skills, as determined by the minimum qualifications and job specifications for the position.

d) The name of each laid-off employee shall be entered, in order of seniority, on a Reemployment List for twenty-four (24) months.

e) A former employee appointed from a Reemployment List shall have restored all rights accrued prior to being laid-off, such as sick leave, vacation credits, and credit for years of service. However, such recalled employees shall not be eligible for benefits for which he/she received compensation at the time of, or subsequent to, the date he/she was laid-off.

19.3 Bumping

"Bumping" means the displacement of an employee from his/her position by an employee in a higher classification who formerly held the same position and has received notice of layoff. The laid-off employee must be able to perform the essential job functions of the former position and possess the minimum qualifications of the position as specified by the current job classification specification.

The Authority shall notify laid-off employees in writing of the position and classification into which he/she may bump if any. Following such notification, the employee must notify the Human Resources manager in writing of his/her intent to exercise the bumping rights within seven (7) calendar days of the date of the written notice. Failure to provide such notification shall be deemed a waiver of bumping rights by the employee.

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Where there is more than one employee in a position available for bumping, the determination of which employee will be bumped, if any, will be based on seniority.

Any displaced employee shall be considered as laid-off for the same reason as the person who displaced them and shall, in the same manner, be eligible to displace another employee based on the criteria specified above.

19.4 Layoff List Preparation Procedure

When an Authority position within a classification is abolished, the following general procedure shall be followed:

19.4.1 *Limited Service*

Limited Service employees will be released before an employee in the same classification with probationary or permanent status.

19.4.2 *Lay Off List*

The Human Resources manager shall prepare a layoff list of all those Authority employees (including those who are on Leave of Absence) and vacancies within the classification in which a reduction in the number of positions is to occur.

19.5 Reemployment from Lay-off

Employees who were laid-off may be reinstated within twenty-four (24) months to their former position, if vacant, or to a vacant position in the same classification, without being subject to the application requirement.

19.6 Separations

All employees who separate from Authority service, that is, whose employment with the Authority terminates through separation for cause, layoff, resignation, or retirement must:

a. Return all Authority property to the Human Resources manager or the immediate supervisor prior to receiving the final paycheck.

b. Clear any existing financial obligations with the Authority.

c. If applicable, file a Form 700 with the Authority Clerk.

In addition, employees who resign or retire shall adhere to the following procedures before they will be deemed to have separated in good standing:

a. Submit a written notification stating the intent to resign or retire and the proposed effective date to their immediate supervisor.

b. Provide a minimum notice of two weeks. The Authority encourages employees who become aware of their pending separation from the Authority to let the Human Resources manager know as far in advance as possible.

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19.8 Reinstatement After Separation

A permanent employee who has resigned in good standing may request reinstatement to a position in his/her former classification. The Fire Chief may reinstate such employee to a vacant position pursuant to Authority Policy. Upon reinstatement, the vacation accrual rate shall be restored based upon total city service incurred up to the date of separation of employment from the Authority. The Fire Chief may request such employee to submit to a physical examination, background investigation, and may require the employee to serve a new probationary period.

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21 WORK WEEK AND ATTENDANCE

The Fire Chief shall assign daily hours of work (or shifts) for employees as required to meet operational requirements, requirements under the Federal Labor Standards Act, or the employees' applicable Memorandum of Understanding. The Fire Chief may change an employee's work period, week, or hours at any time to meet the requirements of the Authority. Changes shall be made in accordance with applicable labor laws and Memoranda of Understanding.

Any foreseeable absence or deviation from regular working hours desired by an employee shall be cleared in advance through the employee's supervisor, and such absences shall be noted on the employee's timesheet.

21.1 Work Period, Week, and Schedule

Safety personnel assigned to shifts shall work a forty-eight (48) hours-on and ninety- six (96) hours-off schedule. The work period for the 48:96 schedule is defined by the Authority as a 24-day period under the Fair Labor Standards Act of 1938 (29 U.S.C. 207 (k).

All non-shift employees shall work a 9/80 schedule (nine hours Monday through Thursday, eight hours alternate Friday, and alternate Fridays closed).

The work week for employees on 9:80 and 48:96 schedules must begin and end mid-day on the alternating day off for the schedule.

The work week for 40-hour and all other types of employees other than those on a 9:80 or 48:96 schedule shall begin on Sunday morning at 0700 and end on Sunday morning at 0659. The designated work schedules may be changed only because of major changes in operations, payroll procedures, or as otherwise necessary to deliver services as efficiently and economically as possible. Except under exigent circumstances, changes in work schedules, work weeks, or work periods will be communicated in writing with reasonable prior notice.

21.2 Attendance

Employees are expected to report to work as scheduled, on time, and prepared to start work. Employees are also expected to remain at work for their entire work schedule, except when required to leave on authorized Authority business or some other authorized leave. Employees shall keep daily attendance records which shall be reported on the employee's electronic timesheet.

Employees who anticipate an absence from all or a portion of their regular work schedule and wish to request a form of accrued leave time or unpaid leave time should follow the procedures provided in these Rules or the applicable Memoranda of Understanding for their position and the type of leave that they are requesting.

Employees who anticipate an absence from all or a portion of their regular work schedule and wish to request a form of accrued leave time or unpaid leave time should follow the procedures provided in these Rules or Memoranda of Understanding for the type of leave that they are requesting.

Employees who are unexpectedly unable to report for work as scheduled on any particular day

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must call their immediate supervisor no later than their scheduled time to begin work for that day, or as otherwise required by the Authority. Employees on a 56-hour schedule shall notify the on-duty Battalion Chief. If the employee's immediate supervisor is not available, then the employee must notify the Battalion Chief, Division Chief or Fire Marshal or his/her designee. Employees shall inform their supervisor of the expected duration of any late arrival or absence. Employees who call later than their scheduled time to begin work for their assigned shift shall be deemed to have an unauthorized tardy or absence in violation of this attendance policy. Abuse or misrepresentation of any form of accrued or paid or unpaid leave time will be grounds for discipline.

Failure on the part of an employee, who is absent without notification or authorization, to return to duty within twenty-four (24) hours after a notice to return to duty has been delivered to their last known telephone number and/or address will constitute an automatic resignation effective as of the last day an employee worked. If, within ten (10) days of said notice, the employee can show good cause for the failure to return to duty, the Human Resources Manager, in his/her discretion may, with approval of the Fire Chief, reverse the resignation. In the event that an employee's absence is deemed an "automatic resignation" in accordance with this Rule, the employee shall have the same right to appeal afforded to employees who are terminated for cause under these Rules. However, an employee's absence without notification or authorization for twenty-four (24) hours or more shall be deemed just cause for termination.

21.3 Meals and Rest Periods

Employees not assigned to a shift shall receive a thirty (30) to sixty (60) minute meal period that shall not be compensated. During the meal period, the employee shall be relieved of duties. If the employee is authorized in advance and performs work during the meal period, the employee shall be compensated for such time. Meal periods may not be used to shorten the workday unless the employee obtains express prior approval from his/her supervisor.

Non-exempt employees (excluding safety personnel assigned to a shift) shall have a ten (10) minute rest period for each half of their workday, as scheduled by the supervisor. The rest period may be interrupted or canceled if necessary, to complete work, and shall be compensated time. The rest periods shall not be combined or used to shorten the workday.

21.4 Timekeeping

All employees must enter and accurately record all hours worked and any leave taken on their electronic timesheets. Employees must immediately report any errors on a timesheet that has already been submitted.

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23 VACATION AND HOLIDAYS

23.1 Vacation Accrual

Vacation accrual is specified in a Memorandum of Understanding, Compensation, and Benefits Plan or Authority Board approved resolution.

23.2 Use of Vacation

Unless otherwise specified in a Memorandum of Understanding, Compensation and Benefits Plan or an Authority Board approved resolution after completion of six (6) months of continuous service, an employee may take vacation leave at any time, subject to approval by the employee's supervisor. Approvals shall be based upon workload, staffing coverage, seniority, timing of the request, and any other work- related factors appropriate for consideration by the supervisor. Vacation shall be taken in increments of one- quarter (.25) hour or more. The supervisor, with concurrence of the Human Resources manager, may authorize an employee to take vacation leave prior to completion of six (6) months of continuous service.

23.3 Effect of Sick Leave on Vacation Leave

In the event an employee becomes ill during a vacation period, such time shall not be charged as vacation leave if the following conditions are met:

23.3.1 *Employee Sick Leave Requirements.*

The employee complies with the same notice requirements as required when the employee is not on leave, including notice to the employee's supervisor no later than the start of the employee's regular work shift. If the employee becomes ill after the start of the work shift, then the employee must promptly provide notice on the same day the illness begins. Sick leave shall only be granted for those days on which notice is given; and

23.3.2 *Return to Work Requirements.*

The employee, upon return to work, submits a doctor's certificate for each day the employee was absent from work.

23.4 Compensation for Authority Work During Vacation Prohibited

No person shall be permitted to work for compensation for the Authority in any capacity, except compensation for mandated court appearance, call back, or special duty assignments, during paid vacation time. Exceptions may be made for Reserve Firefighters.

23.5 Vacation Pay-Out Upon Termination

A regular or probationary employee whose employment with the Authority terminates shall be paid for that part of his/her vacation accumulation that remains unused at the time of termination. Payment for unused vacation shall be made at the rate of pay in effect for such employees in the pay period following the time of termination.

Unless otherwise provided by State Law, when termination is caused by the death of the employee, said pay for unused vacation shall be paid to the beneficiary the employee has designated. Such designation shall be in writing, signed by the employee and filed with the

Human Resources Office. In the event an employee has not designated a beneficiary, the payment shall be made to the estate of the employee.

23.6 Holidays

23.6.1 *Authorized Holidays.*

Every full-time probationary and regular employee shall be entitled to the following paid holidays each calendar year and such other days as may be designated by action of the Authority Board:

a) January 1 (New Year's Day)

b) The third Monday in January (Martin Luther King Day)

c) The third Monday in February (Presidents' Day)

d) The last Monday in May (Memorial Day)

e) July 4 (Independence Day)

f) The first Monday in September (Labor Day)

g) November 11 (Veteran's Day)

h) Thanksgiving Day

i) The Friday after Thanksgiving Day

j) December 24 (Christmas Eve)

k) December 25 (Christmas Day)

23.6.2 *Holidays Falling During Vacation.*

When a day designated and observed by the Authority as a holiday occurs on a day on which an employee is taking vacation, such employee shall not be charged as using vacation for that day. The employee's compensation for that day shall be holiday pay and he/she shall not be paid or charged for vacation, except for the additional hour(s) for those employees on a 9/80, 4/10, or another schedule which may be made up from vacation, comp, or floating holiday accrual balances.

23.6.3 *Employees absent from work immediately preceding a holiday.*

Employees who are absent from work on the workday immediately preceding a holiday due to unpaid leave of any form shall not receive reimbursement for the missed holiday.

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25 SICK LEAVE

Sick leave shall be requested only in cases of actual personal sickness or disability, medical or dental treatment, or as authorized in Section 17.6. The employee requesting sick leave shall notify his/her supervisor prior to the start of the employee's regular work shift. 56-hour employees must notify the on-duty Battalion Chief prior to the start of scheduled shift. Sick leave with pay shall not be allowed unless the employee has met and complied with the provisions of these Rules and Regulations and the Fire Chief has approved such payment. Accrued and unused sick leave shall not be paid out when the employee separates from Authority employment.

25.1 Certification

The Fire Chief or designee may request that the employee produce a certificate issued by a licensed physician or other licensed practitioner's satisfactory proof of illness before sick leave is granted when:

a) Verification is required or allowed by state or federal law; or

b) The employee has a demonstrable pattern of sick leave abuse; or

c) The supervisor has good reason to believe the absence was for an unauthorized reason. A supervisor has good reason if a reasonable person would also believe the absence was for an unauthorized reason.

The Authority recognizes the confidential nature of the relationship between the health care provider and patient and if verification is required it shall be limited to the anticipated length of the absence, any restrictions upon return to work that prevents the employee from performing the full range of his/her normal work assignment and anticipated future absences. If the Fire Chief or designee does not consider the verification adequate, the request for sick leave may be disapproved. Upon request, a denial of sick leave shall be in writing stating the reason for denial.

Under certain circumstances and when necessary for the health and safety of the public and other fire personnel, the Fire Chief or designee may also direct an employee to attend a physical examination by an Authority-retained licensed physician, at Authority expense, to ascertain whether the employee is fit to perform the duties of his/her position.

25.2 Prohibited Activity

Any employee who is absent from work on a leave as provided in Section 17 or who is absent after requesting such leave shall not engage in work or other activities at any time which would conflict with the inability to report for work and to perform the duties assigned.

25.3 Eligibility

Regular and probationary employees shall be eligible to accrue sick leave upon commencement of Authority employment.

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Limited service or provisional employees and part-time employees working twenty (20) hours per week or less, or less than forty (40) hours or less in a fourteen (14) calendar day pay cycle, and who have completed 30 calendar days of work since date of hire are eligible for paid sick leave under the Healthy Workplaces, Healthy Families Act

25.4 Accrual

Except as noted in the following paragraph in this section, sick leave shall be accrued at the rate identified in these Rules, each Memorandum of Understanding, Compensation and Benefits Plan, or Authority Board approved resolution per calendar month for each calendar month that an employee has worked regularly scheduled hours and/or has been on an authorized paid leave.

Limited service, Provisional, and Part-Time employees, as described in section 17.3 above, who have worked for the Authority at least 30 days in the 12 months from the beginning of their employment will accrue 24 hours of paid protected sick leave annually, in accordance with the Healthy Workplaces, Health Families Act of 2014. After the initial eligibility period of 30 days, annual accruals will be made available in the first full paid period in January or the first full pay period in July depending on date of initial 24-hour accrual. Employees, as described in this paragraph, may begin to use paid sick leave after 30 days of employment. Accrued sick leave does not carry over from year to year.

25.5 Accumulation

Regular and probationary employees may accrue and accumulate sick leave without limit. Part-time employees, as described in Section 17.3 above, do not accrue or accumulate sick leave outside of the annual allotment provided in section 17.4 above.

25.6 Use

In accordance with California's Paid Sick Leave law, an employee may use paid sick leave for one of the following reasons:

25.6.1 *Authorized Use for Self or Family.*

a) Non-industrial illness or injury when an employee has a medical or dental appointment which cannot be scheduled outside the workday; has a medical emergency or is indisposed by reason of illness, injury, exposure to contagious disease, or trauma from attending work and performing duties; or when an employee's illness would endanger or disturb coworkers;

b) Diagnosis, care, or treatment of the employee's existing health condition or preventive care for an employee; or

c) Diagnosis, care, or treatment, of an existing health condition or preventive care, for an employee's family member. For the purposes of using sick leave under this policy only, "family member" shall mean an employee's parent, parent-in-law, child of any age or dependency status, spouse, registered domestic partner, sibling, grandchild, or grandparent. Sick leave under this paragraph shall not exceed 50% of an employee's annual leave allotment unless extended by the Fire Chief or

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designee upon written request of an employee.

25.6.2 *Use of Sick Leave for Victims of Domestic Violence.*

In addition, with appropriate certification an employee who is a victim of domestic violence, sexual assault, or stalking may use accrued paid sick leave under this policy for the following reasons:

a) To obtain or attempt to obtain any relief, including, but not limited to, a temporary restraining order, restraining order, or other injunctive relief, to help ensure the health, safety, or welfare of the victim or the victim's child;

b) To seek medical attention for injuries caused by domestic violence, sexual assault, or stalking;

c) To obtain services from a domestic violence shelter, program, or rape crisis center;

d) To obtain psychological counseling related to an experience of domestic violence, sexual assault, or stalking; or

e) To participate in safety planning and take other actions to increase safety from future domestic violence, sexual assault, or stalking, including temporary or permanent relocation.

All employees, including part-time, limited service, and provisional employees**,** who use paid leave to address issues related to domestic violence, sexual assault or stalking, and who cannot provide advance notice of their need for leave must provide certification of the need for leave within a reasonable time thereafter. (Labor Code § 230(d)(2).)

25.6.3 *Other Paid Sick Leave*

From time to time, other paid leave options may be available to some or all employees of the Authority based on current legislation or regulation. The Authority will provide employees with notices of new leaves with information on who is eligible, the qualifying reasons for the leaves, and procedures on how to request and use such leaves.

Depending on the event, business need, and in accordance with the language of the legislation or regulation, the Authority, at its own discretion, may exempt certain classifications from benefits under the law.

25.6.4 *Use of Sick Leave Accruals.*

Pay for approved sick leave shall be authorized until the employee's accumulated sick leave hours have been exhausted and at such time the employee shall receive no further pay for sick leave. Employees on designated and approved protected leaves may request use of other accrued leave balances upon exhaustion of sick leave.

25.6.5 *Use of Sick Leave at Separation toward Retirement.*

An employee may not use sick leave to extend a retirement (either disability or service retirement) or separation date, unless specifically provided for in an applicable Memorandum of Understanding, or as required by law.

Unused statutory sick leave, whether mandated paid leave or leave accrual, is not cashed

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out upon termination, resignation, retirement, or other separation from employment. (Labor Code § 246(f)(1).)

25.7 Integration of Benefits

If an employee is on sick leave and is receiving State Disability Insurance (SDI) or temporary Disability payments (including Workers' Compensation payments), the employee may request integration of leave accruals as a supplement to disability or workers' compensation benefits up to the employee's full regular compensation. To exercise this option, the employee must tender a copy of his/her SDI. Workers' Compensation or temporary disability payment award letter and remittances to the Authority. The Authority will then provide a supplemental paycheck for the value of the difference between those payments and the employee's regular pay from the employee's sick leave accruals. Part-time and temporary employees are covered by and shall receive the benefits provided by the Workers' Compensation Insurance Plan of the Authority but shall not be eligible for any other benefits in this section except for those provided by law.

25.8 Catastrophic Leave Program

An employee may be eligible to receive donations of paid vacation leave to be included in the employee's sick leave balance if she/he or an immediate family member has suffered a catastrophic illness or injury which prevents the employee from being able to work. Catastrophic illness or injury is defined as a critical medical condition that is considered terminal, a long-term major physical impairment or disability. (The definition of immediate family member and the usage of sick leave shall be in accordance with California State Law, this Policy, and the employee's applicable MOU.) This program will be administered in accordance with the Authority's Catastrophic Leave Procedure.

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27 LEAVES OF ABSENCE WITHOUT PAY

27.1 Authorization for Leave of Absence Without Pay

At the sole discretion of the Authority, an employee may be granted a leave of absence without pay. An employee's request for leave of absence without pay may be granted by the Fire Chief for a period of up to one (1) year. The Fire Chief must notify the Human Resources manager of any such requests as soon as reasonably possible. The Authority may fill the position with a temporary employee during the term of the leave of absence or undertake any other appropriate measures to address workload needs.

27.2 Leave of Absence Request

Employees who are not already on an approved protected medical leave and are requesting a leave of absence without pay must submit the request in writing to the Human Resources Manager. The request should state the reason for the request and the anticipated beginning and ending dates of the leave. The Human Resources Manager shall evaluate the request and make a recommendation to the Fire Chief. The Fire Chief shall render a decision and transmit in writing the decision to the employee. The decision of the Fire Chief shall be final and is not subject to grievance or appeal.

27.3 Return from Authorized Leave of Absence Without Pay

When an employee intends to return from an authorized leave of absence without pay, the employee shall contact the Human Resources manager as soon as possible but not less than three (3) working days prior to the planned day of return. Upon an employee's notification that he/she intends to return after a leave of absence without pay, the Authority shall make reasonable effort to do so. Failure of an employee to abide by this notification procedure or to report for work promptly at the date of leave expiration shall be grounds for discipline up to and including termination. Employees returning from leave because of illness or disability must first submit to the Human Resources manager a release to work from a physician that satisfactorily certifies the employee can perform the essential functions of the position to which he/he desires to return, with or without accommodation. Further, the employee may be subject to an examination by an Authority retained licensed physician, at Authority expense, to ascertain whether the employee is fit to perform the duties of his/her position.

27.4 Authorized Leave of Absence Without Pay for Job Injury

The Fire Chief may grant a leave of absence without pay for a period of time to any employee who is disabled by job injury or illness. Such leave may be terminated by the Fire Chief when it is determined through a reasonable accommodation process that the employee is disabled for an extended period, the employee is unable to perform the duties of his/her position, and the time necessary for recovery to full duty is indefinite.

27.5 Status of Employee on Authorized Leave of Absence Without Pay

27.5.1 *Break in Service.*

Except as defined by Government Code §7522.02 of the Public Employees' Pension Reform Act (PEPRA), an authorized leave of absence without pay shall not be construed as a break in service, and rights accrued at the time the leave is granted shall

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be retained by the employee. However, vacation credits, sick leave credits, holidays, health benefits, and retirement benefits, increases in salary, and other similar benefits shall not accrue to a person granted such leave during the period of absence unless otherwise expressly provided for and Authority Board-approved action or by law. Employees in such status may be required to pay for all fringe benefits, such as health plan premiums, during the period of their leave without pay.

27.5.2 *Employee Return to Work.*

An employee returning after an authorized leave of absence without pay shall retain the same status and shall be placed at the same salary step in the pay range currently in effect for the class as the employee received when the authorized leave of absence without pay commenced. Time spent on such leave without pay shall not count toward service within the pay range and the employee's salary anniversary date shall be set forward a period of time equal to the employee's total absence as adjusted to the beginning of the closest pay period.

27.5.3 *Return from Authorized Leave of Absence Without Pay for Military Duty.*

Notwithstanding provisions of Section 18.5, 19.5, 19.6, & 19.7 of these Rules, the applicable sections of the Federal and State military leave laws shall apply in determining benefits for those employees returning from an authorized leave of absence without pay for military duty.

28 OTHER LEAVES OF ABSENCE

28.1 Administrative Leave

The Authority, in its discretion, may place an employee on administrative leave with or without pay. Employees on such leave with pay shall be available and are subject to the Authority's instructions during their normal working hours.

28.2 Bereavement Leave

The Authority shall grant leaves of absence with pay when a member of the employee's or employee's spouse or domestic partner's immediate family dies. "Immediate family" means parent, current spouse or domestic partner, child, stepchild, grandparent, grandchild, brother, sister, stepsibling, mother, father, step-parent, parent-in-law, son, son-in-law, daughter, or daughter-in-law, legal guardian, or in loco parentis (in the place of a parent). The Authority, in its discretion, may require some proof that a death in the family has occurred. In the case of death within the immediate family of an employee, such employee shall be entitled to remain absent from duty with pay to attend the funeral or memorial service for up to five (5) consecutive workdays for each such bereavement.

In the event of the death of a relative, not a member of the immediate family, absence from duty shall be allowed not to exceed one (1) day.

28.3 Family and Medical Leave (FMLA/CFRA/PDLL/PLA)

In accordance with federal and state laws and regulations, the Authority shall provide family and medical leave, which is normally unpaid leave, to eligible employees.

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"Family and Medical Leave" under this Rule refers to leave pursuant to the Family and Medical Leave Act of 1993 ("FMLA"), the California Family Rights Act ("CFRA"), the California Pregnancy Disability Leave Law (PDLL, and the California Parental Leave Act (PLA). Employees with any questions or requests for information about family and medical leave should consult the Human Resources manager and the Authority's Family and Medical Leaves Policy.

28.4 Jury Duty

Regular employees, probationary employees and limited services employees who have worked at least 1000 hours in a fiscal year and/or are enrolled in the PERS Retirement System who are required to report for jury duty shall be granted leave for such purpose, upon presentation of the jury notice to the supervisor or Battalion Chief for 56-hour employees. Said employees shall receive full pay for the time served on a jury, provided the employee remits to the Authority all fees as soon as received by the employee for such duties.

Compensation for mileage or subsistence allowances shall not be considered as a fee and shall be retained by the employee. If an employee is required to report to jury duty within two and one-half (2 ½) hours of the scheduled start of the workday, the employee is not required to report to work at the start of the workday but shall report directly to jury duty. If an employee is released from jury duty with more than one-half of his workday remaining, the employee is required to report to work to complete the regularly scheduled workday.

28.5 Military Family Leave

In accordance with the Family and Medical Leave Act (FMLA), eligible employees may use their twelve (12) weeks of FMLA leave for any "qualifying exigency" arising out of a family member's active military duty. Eligible employees are also permitted to take up to twenty-six (26) weeks of leave in a single twelve (12) month period to care for a family member who sustains a serious illness or injury while on active military duty.

28.6 Military Leave

28.6.1 *Military Leave With Pay.*

Shall be granted in accordance Federal and State law. During the first thirty (30) days of any period of temporary military leave employees shall receive compensation in addition to whatever pay is received from the federal government for training. Such compensation shall not exceed, however, more than 30 calendar days in any one fiscal year. After the initial thirty (30) days of temporary military leave, the City will supplement the employee's military income to equal the employee's regular monthly compensation from the City for an additional sixty (60) days. Thus, if an employee is ordered to military leave, that employee will receive full compensation for the first thirty (30) days, and supplemental compensation for the next sixty (60) days.

Military leave with pay is not authorized for periods of inactive military duty, for example, weekend training duty.

Employees who are on military leave with pay, with at least one year of service with the City, or at least one year of combined military/employment service, shall continue to accrue seniority, sick leave, and vacation credits and shall receive holidays as if they had been

present for work for a maximum period of 180 days.

The City will continue to provide Health benefits coverage during the first 90 days of leave at the level and under the conditions coverage is provided prior to the leave. Employees can elect to continue their coverage for up to a 24-month period on a self-pay basis.

An employee returning from active military leave shall be treated as not having incurred a break in service. However, if the employee takes a military leave of absence during their probationary period, the City can require the employee to serve out the remainder of the probationary period when the employee returns.

An employee entitled to military leave shall give the Fire Chief an opportunity, within the limits of military regulations, to determine when such leave shall be taken. Prior to taking such leave, an employee shall present a copy of his/her military orders to the Fire Chief. The Fire Chief shall promptly advise the Human Resources manager of such military orders. The employee's work schedule may be temporarily changed by the Fire Chief to accommodate the leave and department workloads, in accordance with applicable law. Benefits shall continue to accrue to the employee to the extent required by law. Employees on military leave shall be granted promotional opportunities and reinstatement after return from military leave in accordance with applicable law. The Authority offers employees on military leave the option to continue health benefits.

28.6.2 *Leave Accrual.*

As required by law, the Authority will continue leave accruals during paid military leave and make contributions under retirement plans.

28.7 Military Spouse Leave

In accordance with California Military & Veterans Code section 395.10, eligible spouses and domestic partners of active members of the military are entitled to up to ten (10) days of unpaid leave when their spouse or domestic partner, who is in active military service, is on qualified leave.

28.8 Paid Family Leave (PFL)

Employees who are covered by State Disability Insurance (SDI) are eligible to apply for Paid Family Leave (PFL) benefits while taking care of family member(s). These benefits are paid by the State Employment Development Department.

28.9 Pregnancy Disability Leave (PDL)

Any employee who is disabled because of pregnancy, childbirth, or a related medical condition will be entitled to pregnancy disability leave in accordance with state and federal law. The rules for PDL are contained in the Authority's Family and Medical Leaves Policy.

28.10 School Activity Leave

Employees who are parents, guardians, or grandparents of a child in kindergarten through grade 12 may take up to forty (40) hours per year, not to exceed eight (8) hours per month, to participate in the child's school activities. The employee shall use accrued vacation or comp time for this leave. Prior notice of the need for this leave shall be given to the supervisor.

DRAFT

28.11 Voting Leave

Time off with pay to vote in any general, direct primary or presidential primary election shall be granted as provided by state law. Employees must give their supervisors prior notice of the need to take such time off. Paid leave for the purpose of voting shall not exceed two (2) hours and time must be scheduled only at the beginning and end of your work shift. You must notify your supervisor, if you think you will need time off to vote, at least two working days prior to the election.

28.12 Witness Leave

An employee who is subpoenaed to appear in court in a matter regarding an event or transaction which he/she perceived or investigated in the course of his/her employment duties with the Authority shall be allowed to do so without loss of compensation unless it is the employee's own lawsuit.

An employee subpoenaed to appear in court in a matter unrelated to his/her official capacity, or who is appearing in court in a matter initiated by the employee, shall be permitted time off without pay, or if the employee chooses, to use accrued vacation for this purpose.

The employee may be required to present the subpoena to the Fire Chief.

29 EMPLOYEE TRAINING AND EDUCATION PROGRAMS

Employees are encouraged (but not required) to further their education by taking accredited courses which satisfy any of the following criteria are related to the employee's present position with the Authority; related to the employee's potential development with the Authority; part of a program leading to a degree related to the employee's present position or potential for development; or required to obtain a high school diploma. An employee who participates in an educational program may be reimbursed for courses taken on the employee's own time and at his/her expense in accordance with the Authority's Tuition Reimbursement Policy and Procedure.

DRAFT

APPENDIX E

New CalPERS Contract

4. Please indicate whether the members of the Employer's governing board or body are

   ☐ Elected or

   ■ Appointed? If appointed, who has the power to appoint members of the Employer's governing board or body?

   The JPA is administered by the South San Joaquin County Fire Authority (SSJCFA) Board of Directors. The SSJCFA Board consists of four appointed members from the member agencies. Two Board Members are elected Council Members of the City of Tracy and are appointed to the SSJCFA by the City Council. The other two members are elected Directors of the Tracy Rural Fire Protection District and are appointed to the SSJCFA by the TRFPD Board of Directors.

5. Does any person or entity have the power to remove members of the Employer's Governing board or body?

   ☐ No.

   ■ Yes. If yes, please describe in detail and include references to Bylaws, contracts or agreements, or other governing documents:

   Pursuant to Section 2.1 Governing Board of the Joint Powers Agreement of the South San Joaquin County Fire Authority, *"All Board members shall serve at the pleasure of the Member Agency that appointed such Board member".* The same section further states that, *"All vacancies on the Board of seats appointed by Member Agencies shall be filled by the appointing Member Agency within thirty (30) calendar days of the vacancy. Each Board member shall cease to be a member of the Board of Directors when such member ceases to hold office as a member of the Legislative Body appointing entity."*

6. Please list other individuals or entities that have control or voting powers or that have ownership or other interests in the Employer:

   - describe the powers or interests in detail
   - include references to Bylaws, contracts or agreements, or other governing documents.

Individuals/Entities	Powers/Interests	References
City of Tracy	Member Agency of JPA	Joint Powers Agreement
Tracy Rural Fire Protection District	Member Agency of JPA	Joint Powers Agreement

JPA agreement Section 2.5 Required Votes states the following: *The affirmative votes of a majority of members of the Board of Directors shall be required to take any action, provided however, that any*

vote to incur a debt or to issue bonds respectively, shall require a unanimous vote of all Board members." JPA agreement *Section 2.6 Voting* states, *"Each member of the Board of Directors shall have one vote."*

7. Please list:

   - any entity(ies) or organization(s) that is/are related to or affiliated with the Employer
   - describe the relationship between the Employer and such entity(ies) or organization(s) in detail.
   - include references to Bylaws, contracts or agreements, or other governing documents.

Affiliated Entities / Organizations	Relationship	References
City of Tracy	Member Agency of SSJCFA	Joint Powers Agreement
Tracy Rural Fire Protection District	Member Agency of SSJCFA	Joint Powers Agreement

The public entities listed above are signatory members to the Joint Powers Agreement of the South San Joaquin County Fire Authority.

8. Does the State (or a City or County or other political subdivision of the State) have fiscal responsibility for the general debts and other liabilities of the Employer?

   ■ No.

   ☐ Yes. If yes, please describe in detail and include references to Bylaws, contracts or agreements, or other governing documents:

   JPA agreement Section 1.1 Authority states, *"As provided in Government Code section 6507, the Authority shall be a public entity separate from the parties hereto and its debts, liabilities and obligations shall not be the debts, liabilities and obligations of its Member Agencies."*

9. Please describe in detail:

   - All governmental or quasi-governmental powers exercised and functions performed by the Employer. Please make sovereign powers explicit (e.g. police, taxation, eminent domain)
   - Include references to statutes, Bylaws, contracts or agreements, or other governing documents relating to the Employer's powers and functions.

Sovereign Powers	Governmental Functions Performed	References Related to Powers/Functions
Prepare and support legislation related to the JPA	To fulfill JPA mission of fire service delivery to jurisdictional area	JPA Agreement/Govt. Code Section 6502, 6508 & 6546; Health & Safety Code Section 13861 and Sections 13910 et. Seq.
Levy and collect payments and fees for fire protection services	Recovery of partial costs for services provided as allowed by law	JPA Agreement/Govt. Code Section 6502, 6508 & 6546; Health & Safety Code Section 13861 and Sections 13910 et. Seq.
Impose and levy new taxes or assessments as authorized by law	Revenue generation to support fire protection services	JPA Agreement/Govt. Code Section 6502, 6508 & 6546; Health & Safety Code Section 13861 and Sections 13910 et. Seq.
Adopt rules for operations of the JPA	To fulfill JPA mission of fire service delivery to jurisdictional area	JPA Agreement/Govt. Code Section 6502, 6508 & 6546; Health & Safety Code Section 13861 and Sections 13910 et. Seq.
Exercise power of eminent domain	To procure property for the purposes of carrying out JPA mission when necessary	JPA Agreement/Govt. Code Section 6502, 6508 & 6546; Health & Safety Code Section 13861 and Sections 13910 et. Seq.

JPA AGREEMENT DATED FEBRUARY 20, 2018, Gov't Code Section 6502, 6508 and 6546; Health and Safety Code Section 13861 and Sections 13910 et. Seq. .

- Exercise the common powers of its member agencies in providing fire suppression, protection and related services;
- Make and enter into contracts including professional services;
- Hire and employ personnel related to fire suppression, protection, prevention and related services;
- Assume existing contracts related to fire suppression, etc;
- Lease and acquire real and personal property;
- Invest reserve funds;
- Incur debts including bonded indebtedness and other long term financing arrangements;
- Sue and be sued;
- Apply for grants, loans, etc.;
- Use of any financial mechanisms available to the JPA;
- Prepare and support legislation related to the JPA; (a sovereign power);
- Levy and collect payments and fees for fire protection services; (a sovereign power);
- Impose and levy new taxes or assessments as authorized by law; (a sovereign power);
- Provide related services as authorized by law, including but not limited to emergency medical services;
- Purchase insurance and contract for risk management;

- Adopt rules for operations of the JPA; (a sovereign power);
- Exercise power of eminent domain; (a sovereign power);
- Approve and adopt a budget for the JPA;
- Establish operational policies;

10. Was the Employer created by a specific enabling statute that prescribes the purposes, powers, duties, or obligations of the Employer?

☐ No.

■ Yes. If yes, please describe in detail:

Section 1. PURPOSE AND POWERS of the Joint Powers Agreement identifies the authority, purpose, general powers and specified powers of the SSJCFA as follows:

"1.1 Authority. "South San Joaquin County Fire Authority ("Authority") is formed by this Agreement pursuant to the provisions of Article 1, Chapter 5, Division 7, Title 1 (commencing with section 6500) of the Government Code of the State of California ("Act")." As provided in Government Code section 6507, the Authority shall be a public entity separate from the parties hereto and its debts, liabilities and obligations shall not be the debts, liabilities and obligations of its Member Agencies. The terms "Members" or "Member Agencies" shall mean any public entity or agency that has agreed to this Agreement, including Initial Member Agencies. The term "Initial Member Agencies" shall only mean City and District.

1.2 Purpose. The purpose of this Agreement is to provide for the joint exercise of powers to provide a full range of fire services ("Fire Protection Services") within the Authority's jurisdictional area including:

(a) Administer and direct the personnel that provides the Fire Protection Services and provide the necessary administrative support for its programs and operations, which shall include but not be limited to,
  - *(i.) Provide fire safety plan checks and inspections for all commercial, residential and industrial buildings.*
  - *(ii.) Coordinate abatement activities for hazardous materials and nuisances.*
  - *(iii.) Promote fire prevention.*
  - *(iv.) Respond to fire and emergency calls to provide fire suppression, rescue, emergency medical advanced life support, and hazardous materials response services.*
  - *(v.) Provide and manage training program involving all facets of departmental functions and operations, for career, reserve, and volunteer personnel.*
  - *(vi.) Contract for or provide fire dispatch services ("Fire Dispatch Services") within the Authority's jurisdictional area.*

(b) Adopt performance objectives of the Authority.

1.3 General Powers. "The Authority shall exercise in the manner herein provided the powers common to each of the Member Agencies, and/or inherent to any one Member Agency, as provided by the laws of the State of California, e.g. Fire Protection District Law of 1987, and all incidental, implied, expressed, or necessary powers for the accomplishment of the purposes of

this Agreement, subject to the restrictions set forth in this Agreement and shall have the power to manage, maintain, and operate facilities.

1.4 Specified Powers. "The Authority is hereby authorized, in its own name, to do all acts necessary for the exercise of the foregoing powers, including but not limited to, any of the following:

(a) Initiate, alter and otherwise exercise the common powers of its Members in providing fire suppression, protection, prevention and related services, and those powers that may be conferred upon it by subsequently enacted legislation, and to be the exclusive body to make policy concerning the administration of the provision of fire service by the Authority for Member Agencies including determining if, when and where to place facilities and staff said facilities within the Authority's jurisdiction for services.

(b) Make and enter into contracts, including contracts with its Members; provided, however, the Authority may not enter into real property development agreements pursuant to Government Code Section 65865.

(c) To hire and employ personnel or to contract for personnel to fulfil its mission.

(d) Assume existing contracts relating to fire suppression, protection, prevention and related services.

(e) Lease, acquire, hold and dispose of real and personal property.

(f) Invest reserve funds.

(g) Incur debts, liabilities, or obligations, provided that all long term bonded indebtedness, certificates of participation or other long-term debt financing require the prior consent of the Member Agencies.

(h) Sue and be sued in its own name.

(i) Apply for grants, loans, or other assistance from persons, firms, corporations, or governmental entities.

(j) Use any and all financing mechanisms available to the Authority, subject to the provisions of this Agreement.

(k) Prepare and support legislation related to the purposes of the Agreement.

(l) Lease, acquire, construct, operate, maintain, repair and manage new or existing facilities, apparatus and equipment as well as to close or discontinue the use of such facilities, apparatus and equipment.

(m) Levy and collect payments and fees for Fire Protection Services.

(n) Impose new special taxes or assessments as authorized by law to the extent allowed by law, and in coordination with the underlying jurisdiction(s).

(o) Provide related services as authorized by law including, but not limited to, emergency medical services, emergency preparedness, mitigation of hazardous materials incidents and confined space rescue.

(p) Contract for the services of attorneys, accountants, consultants and other services as needed.

(q) Purchase insurance or to self-insure and to contract for risk management services.

(r) Adopt rules, regulations, policies, bylaws and procedures governing the operation of the Authority, including the determination of compensation of Directors.

(s) Exercise the power of eminent domain.

(t) Advise its Members of the impact of land development on the provision of fire suppression, protection, prevention, and related services.

(u) Recommend approval of an annual fire department budget to the Member Agencies, including, but not limited to, staffing levels at each fire station and all related costs for each fire station and the administrative, training and fire prevention budget activities.

(v) Develop finance, procurement and conflict of interest policies.

(w) Establish fire department operational policies for fire protection.

(x) Receive, accept, and utilize the service of personnel offered by Member Agencies, or their representatives or agents and to receive, accept and utilize real or personal property from the Member Agencies.

(y) Mitigate fire protection impacts caused by development within the jurisdiction of the Authority."

1.5 Restrictions on Exercise of Powers. The power of the Authority shall be exercised in the manner provided in the Act and, in accordance with §6509 of the Act, shall be subject to the restrictions upon the manner of exercising such powers that are imposed upon general law cities in the State of California in the exercise of similar powers."

11. Does the State (or a City or County or other political subdivision of the State) exercise control over the Employer's operations or property or have the right to exercise such control?

■ No.

☐ Yes. If yes, please describe in detail and include references to Bylaws, contracts or agreements, or other governing documents:

12. Are the Employer's employees treated the same as State, City or County employees for purposes other than providing employee benefits? Please describe in detail.

☐ No.

■ Yes. If yes, please describe in detail:

The Authority currently obtains personnel via a personnel agreement (enclosed) wherein employment provisions are subject to Memorandum's of Understanding and the personnel rules of the Member Agency serving as the "employer of record" (currently the City of Tracy).

The Authority seeks to employ its own personnel and until such time as stated in the JPA Agreement, *"All of the privileges and immunities from liability, exemptions from laws, ordinances and rules, all wages and benefits, disability, workers compensation, and other benefits which apply to the activities of the officers, agents or employees of the Member Agencies when performing their respective functions shall apply to them to the same degree and extent while engaged in the performance of any of the functions or duties of this Agreement."*

Once the SSJCFA becomes the employer of record, its personnel policies and procedures will be substantially the same as the City of Tracy's.

Examples:

- Are the Employer's hiring practices subject to a competitive examination process? If so, please provide an example.

  Entry-level employees are hired through a competitive examination process that includes verification of physical abilities testing, written examination, oral interviews, selection interviews, pre-employment physicals and psychological examination. Promotional exams are also competitive and may include written examination, assessment center evaluation, oral interviews and psychological examination. The employer considers applicants without regard to race, color, religion, ancestry, national origin, sex, marital status, age, medical condition or disability, or any other status protected by law.

- Are employees subject to civil service law and rules

  Employees fall under the California Government Code which establishes state personnel regulations for public employees.

- Are employees subject to collective bargaining laws (e.g. Meyers-Milias-Brown Act)

  Yes. Employees are subject to the Meyers-Milias Brown Act (Government Code Sections 3500, et. seq.).

  Select Management Staff is exempt from the Fair Labor Standards Act (FLSA) and are covered by the authority of the Personnel Rules and Regulations.

- Are the Employer's employees' salaries and benefits subject to collective bargaining? If so, please provide the name of employee organization group(s) who represent the Employer's employees in collective bargaining.

  The majority of personnel are represented by:

  Tracy Firefighters Association, International Association of Firefighters, Local 3355. *(Fire Captains, Fire Engineers, Firefighter Paramedics, Firefighters)*

  Other employees are represented by the following groups:

  South County Fire Chief Officers Association *(Battalion Chiefs)*

  Tracy Mid-Managers Bargaining Unit *(EMS Manager)*

  Teamsters *(Fire Inspectors)*

  Tracy Technical & Support Services Employee Association *(Executive Assistant, Administrative Assistants)*

  The Fire Chief, Division Fire Chiefs, and Fire Marshal are not represented in collective bargaining.

- What grievance procedures and administrative appeals rights are made available by the Employer?

  The grievance procedures and administrative appeals rights are identified in the Meyers-Milias Brown Act (Government Code Section 3500 et. seq.) and within the collective bargaining agreement(s) (MOU's) which are attached and have been provided to CalPERS.

13. Please provide a detailed description of all sources of revenue or funding, including a description of any non-public sources, received or expected to be received by the Employer to establish or operate the Employer.

- Please include the percentages of total funding coming from all sources.

Sources of Revenue/Funding	Percentage of Total Funding (all)
City of Tracy General Fund	72%
Tracy Rural Fire Protection District	28%
Grant & Fee Revenue	< 1 %

All sources of funding are public. The funding procedures are identified within Section 5. FINANCES of the JPA agreement. The City of Tracy general fund has revenue derived primarily from Property and Sales Tax. The Tracy Rural Fire Protection District is funded through collecting a percentage of the ad valorem property tax as well as a special assessment specifically for fire protection. Both member agencies of the SSJCFA are operating with a surplus of revenues to expenditures and have reserve fund balances.

Is the Employer treated as a governmental entity for any other purposes? Please describe in detail.

☐ No.

■ Yes. If yes, please describe in detail:

Examples:

- For federal employment or income tax purposes (such as the authority to issue tax-exempt bonds under Internal Revenue Code section 103(a))?

  Yes.

- Is the Employer subject to open meeting laws (such as the Brown Act), the California Public Records Act or similar laws?

  Yes. The SSJCFA is subject to the Brown Act and operates its public meetings and noticing in accordance with the Act. The

SSSJCFA is also open to the California Public Records Act and is in compliance.

- Are the Employer's employees subject to the California Political Reform Act?
  - Please provide a copy of the Employer's current Conflict of Interest Code.

    The SSJCFA's Conflict of Interest Policy is enclosed.
- Does the State Attorney General represent the Employer in court under a statute that only permits representation of State entities?

  No.
- Has any State or federal court or administrative agency made a formal written determination that the Employer is a governmental entity for any purpose?

  Yes. The Secretary of State is in receipt of the Notice of Joint Powers Agreement for the South San Joaquin County Fire Authority and assigned the JPA File No 2418 (Filed March 2, 2018).

  The California State Controller has reviewed the Joint Powers Agreement submitted by the SSJCFA and determined that the "South San Joaquin County Fire Authority meets the criteria of a Special District as defined by Government Code (GC) section 12463(d)(2)."

14. Does the Employer currently have employees?

■ No.

☐ Yes. If yes, please address the questions below:

- If yes, how many? Number of current employees:
  N/A
- How many employees does the entity expect to have once it is fully operational?
  The SSJCFA anticipates having 80 employees once it is fully operational.

15. Do any of the Employer's employees perform services for one or more other entities or organizations that are related to or affiliated with the Employer?

☐ No.

■ Yes. If yes, please describe in detail:

The SSJCFA provides fire, rescue, emergency medical, hazardous materials, and associated emergency services for the member agencies.

16. Does any other entity perform Human Resources or Payroll functions for the Employer?

☐ No.

■ Yes. If yes, please describe in detail:

The City of Tracy as a member agency currently provides all Human Resources and payroll functions for the SSJCFA. The scope of services provided includes recruitment, benefits administration, workers' compensation, risk management, labor relations, and payroll processing. The JPA agreement allows the SSJCFA to procure these services independently from any one member agency.

17. Are any of the Employer's employees currently participating in or reported to CalPERS by or through another entity?

☐ No.

■ Yes. If yes, please explain the current arrangement and identify any other entity(ies) or organization(s) involved.

The City of Tracy is the current "employer of record" and administers the CalPERS agreement for retirement benefits of all employees. The SSJCFA procures personnel from the City of Tracy via a Personnel Agreement (enclosed). The City of Tracy reports all transactions to CalPERS regarding employees assigned to the SSJCFA.

The initial member agencies of the SSJCFA desire to transition to having the Authority employ its own personnel. In the event the Authority elects to employ its own personnel, the Chief Executive Officer is to prepare a "Personnel Plan". *Section 1.6 Employment of Personnel and Administration of Services* of the JPA agreement details the process for development of the "Personnel Plan" which includes the allocation of pension liabilities and obligations. This application is a necessary step to transition the "employer of record" from the City of Tracy to the Authority.

18. Please submit your recent Independent Auditor's Report.

Please find the enclosed copies of the Independent Auditor's Reports for both the City of Tracy and the Tracy Rural Fire Protection District.

California Public Employees' Retirement System
Financial Office | Pension Contract Management Services &
Prefunding Programs
P.O. Box 942709
Sacramento, CA 94229-2709
TTY: (877) 249-7442
888 CalPERS (or 888-225-7377) phone • (916) 795-4673 fax
www.calpers.ca.gov

Employer Certification

The undersigned hereby agrees and acknowledges that Employer is aware and understands that the participation of its employees and retirees in one or more of the CalPERS benefit plans (the "CalPERS Plans") is subject to, among other things, the determination of Employer's eligibility to participate in a governmental plan pursuant to the Internal Revenue Code (the "Code"). Employer acknowledges that the Internal Revenue Service (the "IRS") is in the process of drafting regulations under Section 414(d) of the Code and that these regulations, when final, may impact Employer's eligibility to participate in the CalPERS Plans.

Employer understands that even if CalPERS determines that Employer is eligible to participate in the CalPERS Plans based upon its good faith interpretation of existing IRS guidance, upon publication of final Treasury Regulations pursuant to Section 414(d) of the Code (the "Final Regulations"), it may be determined that Employer would not be eligible to participate in a governmental plan under such Final Regulations. Employer further understands that in the event of such a determination, CalPERS will be obligated to comply with the Final Regulations and, if required, terminate the Employer's participation in the CalPERS Plans, including cancellation of all benefits for employees and retirees of the Employer (the "Termination").

By executing this Certification below, the undersigned certifies that all information provided to CalPERS in connection with Employer's application to contract, including all information provided in this Application, is true and correct. The undersigned agrees to update the information contained in this Application within ten (10) calendar days of the date the undersigned knows or should have known of any error or change to any information provided to CalPERS.

The undersigned certifies that he or she has been duly authorized by Employer to execute this Certification on behalf of Employer.

I, the official named below, acknowledge and declare I have read and understand the Application and Employer Certification. I am duly authorized to make this declaration on behalf of the above-named Employer, and declare the foregoing is true and correct as of the date of execution of this document. I further acknowledge my Employer's responsibility to provide updates in the event this information is determined to be incorrect or has changed.

Signature: _____

Name: Randall Bradley

Title: Fire Chief

Date: _____

Privacy Notice

The privacy of personal information is of the utmost importance to CalPERS. The following information is provided to you in compliance with the Information Practices Act of 1977 and the Federal Privacy Act of 1974.

Information Purpose

The information requested is collected pursuant to the Government Code (sections 20000 et seq.) and will be used for administration of Board duties under the Retirement Law, the Social Security Act, and the Public Employees' Medical and Hospital Care Act, as the case may be. Submission of the requested information is mandatory. Failure to comply may result in CalPERS being unable to perform its functions regarding your status.

Please do not include information that is not requested.

Social Security Numbers

Social Security numbers are collected on a mandatory and voluntary basis. If this is CalPERS' first request for disclosure of your Social Security number, then disclosure is mandatory. If your Social Security number has already been provided, disclosure is voluntary. Due to the use of Social Security numbers by other agencies for identification purposes, we may be unable to verify eligibility for benefits without the number.

Social Security numbers are used for the following purposes:

1. Enrollee identification
2. Payroll deduction/state contributions
3. Billing of contracting agencies for employee/ employer contributions
4. Reports to CalPERS and other state agencies
5. Coordination of benefits among carriers
6. Resolving member appeals, complaints, or grievances with health plan carriers

Information Disclosure

Portions of this information may be transferred to other state agencies (such as your employer), physicians, and insurance carriers, but only in strict accordance with current statutes regarding confidentiality.

Your Rights

You have the right to review your membership files maintained by the System. For questions about this notice, our Privacy Policy, or your rights, please write to the CalPERS Privacy Officer at 400 Q Street, Sacramento, CA 95811 or call us at 888 CalPERS (or 888-225-7377).

CalPERS

May 2016

14.2 CALPERS JPA AMENDMENT

AMENDMENT NO. 1 TO THE JOINT POWERS AGREEMENT OF THE SOUTH SAN JOAQUIN COUNTY FIRE AUTHORITY

THIS AMENDMENT is entered into by an between the City of Tracy, a municipal corporation ("City"), and the Tracy Rural Fire Protection District, a fire protection district formed pursuant to Health and Safety Code sections 13000 and following ("Fire District"). City and Fire District are collectively referred to as "Member Agencies."

RECITALS

WHEREAS, City and Fire District entered into a "Joint Powers Agreement of the South San Joaquin County Fire Authority" (the "Agreement") on February 20, 2018, and

WHEREAS, The parties wish to amend the Agreement to align with requirements of the California Government Code sections 6508.1-6508.2 regarding joint powers agreements that participate in or contract with a public retirement system and the liability of member agencies upon termination.

NOW, THEREFORE, THE PARTIES MUTUALLY AGREE AS FOLLOWS:

1. **Incorporation by Reference**. This Amendment incorporates by reference all terms and conditions set forth in the Agreement, unless specifically modified by this Amendment. All terms and conditions set forth in the Agreement which are not specifically modified by this Amendment shall remain in full force and effect.

2. **Terms of Amendment.**

A. Section 1.7 "Obligations of Authority" of the Agreement is amended to read as follows:

"Section 1.7 Obligations of Authority

The debts, liabilities, and obligations of the Authority shall not be the debts, liabilities, and obligations of any Member Agency unless otherwise specified in Section 2.11 of this agreement.

B. Subsection (b) "Continued Liabilities" of Section 2.11 of the Agreement is amended to read as follows:

"Section 2.11 Termination of Authority; (b) Continued Liabilities.

Upon termination of this Agreement, unless otherwise determined by a court of competent jurisdiction, any continuing obligations of the Authority shall be borne by the Member Agencies in proportion to their total monetary responsibility for costs of maintenance and operations for the life of the Authority, except as otherwise stated herein.

Each Member's Agency's proportionate share of CalPERS liability is determined by the cost allocation formula defined in Section 5.4 and in effect at the time the Authority is dissolved or insolvent. In the event the Authority is dissolved or becomes insolvent, or the agreement with CalPERS is terminated, each Member Agency is responsible for its

proportionate share of all other outstanding Authority liabilities and obligations incurred during the Member Agency's membership in the Authority, allocated in accordance with the formula defined in Section 5.4 and in effect at the time of said dissolution or insolvency, so that the Member Agencies together have fiscal responsibility for 100% of the Authority's outstanding liabilities and obligations upon dissolution or insolvency."

3. **Modifications**. This Amendment No. 1 may not be modified orally or in any manner other than by agreement in writing signed by both parties, in accordance with the requirements of the Agreement.

4. **Severability**. In the event any term of this Amendment is held invalid by a court of competent jurisdiction, the Amendment shall be construed as not containing that term, and the remainder of this Amendment shall remain in full force and effect.

5. **Signatures**. The individuals executing this Amendment No. 1 represent and warrant that they have the right, power, legal capacity, and authority to enter into and to execute this Amendment No. 1 on behalf of the District and the City. This Amendment No. 1 shall inure to the benefit of and be binding upon the parties thereto and their respective successors and assigns.

IN WITNESS WHEREOF the parties do hereby agree to the full performance of the terms set forth herein.

CITY OF TRACY

By: _____
Robert Rickman
Title: Mayor

Date: 10-17-19

Attest:

By: _____ for
Adrianne Richardson
Title: City Clerk

Date: 10/18/19

Approved as to form

By: _____
Leticia Ramirez
Title: Interim City Attorney

Date: 10/16/19

TRACY RURAL FIRE PROTECTION DISTRICT

By: _____

Title: Board Chairperson

Date: 10-15-19

Attest:

By: _____
Natalie Bowman
Title: Clerk of the Board

Date: 10-15-19

Approved as to form

By: _____
Mark C. Bowman
Title: Attorney at Law, District Counsel

Date: 10-15-19

14.3 CALPERS PLAN RATES

CalPERS Actuarial Valuation - June 30, 2018
Safety Plan of the City of Tracy
CalPERS ID: 3260816880

Required Contributions

		Fiscal Year 2020-21
Required Employer Contribution		
Employer Normal Cost Rate		**21.845%**
Plus, Either		
1) Monthly Employer Dollar UAL Payment	**$**	**271,626**
Or		
2) Annual UAL Prepayment Option*	**$**	**3,151,089**
Required PEPRA Member Contribution Rate		**13.00%**

*The total minimum required employer contribution is the **sum** of the Plan's Employer Normal Cost Rate (expressed as a percentage of payroll) **plus** the Employer Unfunded Accrued Liability (UAL) Contribution Amount (billed monthly in dollars).*

** Only the UAL portion of the employer contribution can be prepaid **(which must be received in full no later than July 31)**. Any prepayment totaling over $5 million requires a 72-hour notice email to FCSD_public_agency_wires@calpers.ca.gov. Plan Normal Cost contributions will be made as part of the payroll reporting process. If there is contractual cost sharing or other change, this amount will change.*

In accordance with Sections 20537 and 20572 of the Public Employees' Retirement Law, if a contracting agency fails to remit the required contributions when due, interest and penalties may apply.

For additional detail regarding the determination of the required contribution for PEPRA members, see Appendix D. Required member contributions for Classic members can be found in Appendix B.

		Fiscal Year 2019-20		Fiscal Year 2020-21
Normal Cost Contribution as a Percentage of Payroll				
Total Normal Cost		30.981%		31.489%
Employee Contribution[1]		9.334%		9.644%
Employer Normal Cost[2]		21.647%		21.845%
Projected Annual Payroll for Contribution Year	$	17,295,970	$	18,538,061
Estimated Employer Contributions Based On Projected Payroll				
Total Normal Cost	$	5,358,464	$	5,837,448
Employee Contribution[1]		1,614,406		1,787,811
Employer Normal Cost[2]		3,744,058		4,049,637
Unfunded Liability Contribution		2,827,833		3,259,512
% of Projected Payroll (illustrative only)		16.350%		17.583%
Estimated Total Employer Contribution	$	6,571,891	$	7,309,149
% of Projected Payroll (illustrative only)		37.997%		39.428%

[1] For classic members, this is the percentage specified in the Public Employees' Retirement Law, net of any reduction from the use of a modified formula or other factors. For PEPRA members, the member contribution rate is based on 50 percent of the normal cost. A development of PEPRA member contribution rates can be found in Appendix D. Employee cost sharing is not shown in this report.

[2] The Employer Normal Cost is a blended rate for all benefit groups in the plan. A breakout of normal cost by benefit group is shown in Appendix D.

Page 4

Normal Cost by Benefit Group

The table below displays the Total Normal Cost broken out by benefit group for Fiscal Year 2020-21. The Total Normal Cost is the annual cost of service accrual for the fiscal year for active employees and can be viewed as the long-term contribution rate for the benefits contracted. Generally, the normal cost for a benefit group subject to more generous benefit provisions will exceed the normal cost for a group with less generous benefits. However, based on the characteristics of the members (particularly when the number of actives is small), this may not be the case. Future measurements of the Total Normal Cost for each group may differ significantly from the current values due to such factors as: changes in the demographics of the group, changes in economic and demographic assumptions, changes in plan benefits or applicable law.

Rate Plan Identifier	Benefit Group Name	Total Normal Cost FY 2020-21	Number of Actives	Payroll on 6/30/2018
4924	Safety Fire First Level	N/A	0	N/A
25160	Safety Fire PEPRA Level	26.487%	13	1,109,853
25161	Safety Police PEPRA Level	30.524%	17	1,611,992
30696	Safety Police Second Level	40.357%	18	1,863,657
30697	Safety Police First Level	33.396%	52	6,154,299
30698	Safety Fire Second Level	28.172%	59	6,403,538

Note that if a Benefit Group above has multiple bargaining units, each of which has separately contracted for different benefits such as Employer Paid Member Contributions, then the Normal Cost split does not reflect those differences. Additionally, if a 2nd Level Benefit Group amended to the same benefit formula as a 1st Level Benefit Group their Normal Costs may be dissimilar due to demographic or other population differences. In these situations you should consult with your plan actuary.

APPENDIX F

Amended JPA Agreement

AMENDMENT NO. 1 TO THE JOINT POWERS AGREEMENT OF THE SOUTH SAN JOAQUIN COUNTY FIRE AUTHORITY

THIS AMENDMENT is entered into by an between the City of Tracy, a municipal corporation ("City"), and the Tracy Rural Fire Protection District, a fire protection district formed pursuant to Health and Safety Code sections 13000 and following ("Fire District"). City and Fire District are collectively referred to as "Member Agencies."

RECITALS

WHEREAS, City and Fire District entered into a "Joint Powers Agreement of the South San Joaquin County Fire Authority" (the "Agreement") on February 20, 2018, and

WHEREAS, The parties wish to amend the Agreement to align with requirements of the California Government Code sections 6508.1-6508.2 regarding joint powers agreements that participate in or contract with a public retirement system and the liability of member agencies upon termination.

NOW, THEREFORE, THE PARTIES MUTUALLY AGREE AS FOLLOWS:

1. **Incorporation by Reference**. This Amendment incorporates by reference all terms and conditions set forth in the Agreement, unless specifically modified by this Amendment. All terms and conditions set forth in the Agreement which are not specifically modified by this Amendment shall remain in full force and effect.

2. **Terms of Amendment.**

A. Section 1.7 "Obligations of Authority" of the Agreement is amended to read as follows:

"Section 1.7 Obligations of Authority

The debts, liabilities, and obligations of the Authority shall not be the debts, liabilities, and obligations of any Member Agency unless otherwise specified in Section 2.11 of this agreement.

B. Subsection (b) "Continued Liabilities" of Section 2.11 of the Agreement is amended to read as follows:

"Section 2.11 Termination of Authority; (b) Continued Liabilities.

Upon termination of this Agreement, unless otherwise determined by a court of competent jurisdiction, any continuing obligations of the Authority shall be borne by the Member Agencies in proportion to their total monetary responsibility for costs of maintenance and operations for the life of the Authority, except as otherwise stated herein.

Each Member's Agency's proportionate share of CalPERS liability is determined by the cost allocation formula defined in Section 5.4 and in effect at the time the Authority is dissolved or insolvent. In the event the Authority is dissolved or becomes insolvent, or the agreement with CalPERS is terminated, each Member Agency is responsible for its

proportionate share of all other outstanding Authority liabilities and obligations incurred during the Member Agency's membership in the Authority, allocated in accordance with the formula defined in Section 5.4 and in effect at the time of said dissolution or insolvency, so that the Member Agencies together have fiscal responsibility for 100% of the Authority's outstanding liabilities and obligations upon dissolution or insolvency."

3. **Modifications**. This Amendment No. 1 may not be modified orally or in any manner other than by agreement in writing signed by both parties, in accordance with the requirements of the Agreement.

4. **Severability**. In the event any term of this Amendment is held invalid by a court of competent jurisdiction, the Amendment shall be construed as not containing that term, and the remainder of this Amendment shall remain in full force and effect.

5. **Signatures**. The individuals executing this Amendment No. 1 represent and warrant that they have the right, power, legal capacity, and authority to enter into and to execute this Amendment No. 1 on behalf of the District and the City. This Amendment No. 1 shall inure to the benefit of and be binding upon the parties thereto and their respective successors and assigns.

IN WITNESS WHEREOF the parties do hereby agree to the full performance of the terms set forth herein.

CITY OF TRACY

By: _____
Robert Rickman
Title: Mayor

Date: 10-17-19

Attest:

By: _____
Adrianne Richardson
Title: City Clerk

Date: 10/18/19

Approved as to form

By: _____
Leticia Ramirez
Title: Interim City Attorney

Date: 10/16/19

TRACY RURAL FIRE PROTECTION DISTRICT

By: _____

Title: Board Chairperson

Date: 10-15-19

Attest:

By: _____
Natalie Bowman
Title: Clerk of the Board

Date: 10-15-19

Approved as to form

By: _____
Mark C. Bowman
Title: Attorney at Law, District Counsel

Date: 10-15-19

APPENDIX H

Employee Agreements

Terms and Conditions of Employment

(Awaiting conclusion of Tracy negotiations)

APPENDIX I

Payroll Administration Information

Munoz Payroll Services

Helena Munoz
7 Corte Mesa Dr, San Rafael, CA 94901
Hmunoz.payrollsvcs@gmail.com
(415) 342-1730

The estimated work (may change according to the Agency's need)

Staff training Training (2 days/pay period for the process of 2 or 3 payrolls)		$3,600.00
Preparation of Quarter Tax reports 2hrs each quarter Year one		$ 600.00
120 hours for pre-payroll implementation		$9,000.00
Plus 5-10 hours a pay period for the first four to six payroll cycles @ $75 per week	up to	$4,500.00

*The Authority will be billed only for actual hours worked as needed

Total estimated amount $17,700.00

Helena J. Munoz
Payroll and Benefits Advisor

Helena Munoz has over 12 years of experience in public sector payroll and accounts payable and receivable administration as both an employee and as the owner of her own payroll processing firm. She has managed payrolls both large (500 employees) and small which have included safety and non-safety personnel. She is accomplished at running routine payroll reports and producing various state and federal payroll documents, payroll systems implementation, coordination with CalPERS and the State Controller's Office for reporting as well as quarterly an federal remittances and reporting. Helena has provided implementation services for new payroll and time keeping packages and helped has helped to reconcile FLSA issues. She has experience with Eden, Paychex, Springbrook, and Munis (Tyler Technologies) software and possesses strong Excel skills. She has strong customer service skills and possesses superior attention to detail.

PROFESSIONAL EXPERIENCE

REGIONAL GOVERNMENT SERVICES

Payroll and Benefits Advisor

Ms. Munoz is assigned to and providing services for:

- Ross Valley Sanitary District, Payroll and Benefits Advisor
- Coachella Cemetery District, Payroll and Benefits Advisor
- City of Clearlake, Advisor

CITY OF SAUSALITO

Senior Accountant

- Oversee all aspects of Accounts Payable, Accounts Receivable, and Payroll functions for the City.
- Prepared and reconciled CalPERS health and retirement accounts; aligned General Ledger, pay system codes, and CalPERS account strings
- Implemented Paychex and Springbrook Payroll modules and ESS Portals and automated employee's timesheets
- Bank Reconciliation and journal entries for Ross Valley Fire Department
- Prepare State Controllers Report for Transparent California
- Prepare and file Federal and State Returns and reconcile and pay benefit vendors and labor organizations

TOWN OF SAN ANSELMO

Accounting Benefit Technician

- Process Payroll for the Town of San Anselmo and Ross Valley Fire Department on a semi-monthly basis using Incode10 Tyler Technologies.
- Accounts Payable for Ross Valley Fire Department
- Implemented Tyler ESS Portal and automated employee's timesheet for the Town of San Anselmo
- Bank Reconciliation and journal entries for Ross Valley Fire Department

- Prepare State Controllers Report for Transparent California for the Town of San Anselmo and Ross Valley Fire Department
- Prepare and file Federal and State Returns for both locations
- Accounts Receivable for Ross Valley Fire Department

MUNOZ PAYROLL SERVICES

Owner

- Payroll Administrator for Novato Fire Department from May 2018 to October 2019-
- Processed payroll for the Fire Department while they recruit for a full-time position.
- Payroll Administrator for Schell Vista Fire Department – From May 2019 – Present – Assisted on the new MOU implementation and new FLSA rules. Review payroll process twice a month for the Fire Department.

CITY OF SAN RAFAEL

Payroll Administrator

- Managed payrolls for 500 employees on a semi-monthly basis using Eden Tyler Technologies.
- Created a dual calculation report to settle FLSA issues between Fire and Police 7K Schedule and Semi-monthly payroll.
- Implemented Eden HR Web Portal and automated employee's timesheet
- Assist with Journal entries and budget preparations
- Prepare State Controllers Report for Transparent California
- Prepare and file Federal and State Returns for the City
- Produce Compensation reports for Labor Negotiations

CITY OF SAN RAFAEL

Payroll Technician

- Process worker's compensation payments, garnishments, audit new hires paperwork, calculate and pay terminations, process pay increases.
- Review all Personal Actions and hire paperwork for Human Resources to ensure proper employee setup
- Audited online time sheet approvals
- Prepare reports for Retirement, Association Dues, and submit tax deposits
- Managed employee 457, RHS, IRA and 401A plans for those who maximized qualified plan.
- Reconciled quarterly taxes and managed state SUI tax rates.

EDUCATION AND PROFESSIONAL AFFILIATIONS

- Member of CalGogHR since 2020
- Member of CSMFO since 2017
- Member of the American Payroll Association since 2007 - Payroll Processional Certification Course
- Francelina Carneiro Setubal – Vila Velha, Brazil - AS: Early Childhood Education
- Vasco Coutinho – Vila Velha, Brazil - AS: Accounting – not finished
- Contra Costa College -San Pablo, CA - Major: Business Management – in Progress

APPENDIX J

Employee File Structures

Personnel Files Audit and Checklist

Personnel File

Can be viewed by: HR professional staff, supervisors, and employee by request

Section I

- Employment application and/or resume
- Job Offer Letter
- Clearance of pre-employment documentation
- Employee Documents and Orientation Checklist
- Emergency contact information
- Special licenses and certifications

Section II

- Personnel Action Forms
- Status Change Forms
- Address Change Forms
- Payroll Change Forms
- Direct Deposit Forms
- W-4 Federal tax withholding form
- DE-4 State tax withholding form

Section III

- Goal setting
- Performance Evaluations
- Performance Improvement Plans

Section IV

- Training and certification records
- Commendations, awards and other evidence of specific accomplishments

Section V

- Disciplinary Action Documentation – official, documented, and signed
    - Verbal and written warnings with supporting documentation (signed and reviewed) Verbal warning documentation could be a written document sent to the employee summarizing the conversation.

Section VI

- Employee Handbook Acknowledgement – signed copy
- Medical Provider Network Acknowledgement Form
- Sexual Harassment Acknowledgement Form
- Miscellaneous Acknowledgement forms
- Equipment and property check-out forms

Section VII

- Attendance Records

Section VIII

- Resignation letter

- Termination documentation
- Exit interviews
- Separation checklists

Confidential Files

Medical and Medically Related Confidential Folder

Medical files carry special rules of their own. The ADA states that information from medical exams is confidential and must be maintain separately. Access is limited. Supervisors and managers, for example may be informed of necessary restrictions on work; first aid and safety personnel may also need to be informed appropriately. Similarly the FMLA requires that employees' medical records and those of their family members, be kept in separate, secure locations.

Section I
- Benefit Election and Payroll Deduction Authorization Forms
- COBRA Notices

Section II
- Medical Enrollment/ Declination
- H.S.A/HRA Forms

Section III
- Dental Enrollment/Declination
- Vision Enrollment/Declination

Section IV
- Life/ADD/STD Insurance forms

Section V
- Results of any physicals, drug and alcohol testing
- Medical history questionnaires
- Medical evaluations and related documents
- Any documents about past, or present health, mental condition, or disabilities

Section VI
- Requests for FMLA leave and related documents
- Requests for ADA accommodations and related documents
- Notes from doctors

Section VII
- Workers' Compensation history, claims, and related documents

Non-medical Confidential Folder

Section I
- Verifications of Employment
- Garnishments/ Liens

Section II

- Retirement forms

Pre-Employment and Employed File

Not viewed by employee

Section I

- Application
- Resume
- Correspondence
- Results of background checks – Make sure that personal identification such as birthdate, social security number, license or other identification numbers are masked or blocked out on your copies.
- Employment references
- Any testing, exercises or assessments for the employee. A summary or checklist to determine that this candidate was most qualified for the position
- Copies of job advertisements used or job orders submitted to temporary or recruitment firms

Section II

- Any notes and documents related to employee investigation – client, supervisor, or co-worker reports
- Complaints where no action was taken
- Overturned disciplinary actions

Other Folders: Organized by project or function – not for each employee

Again, these folders are only accessible by the HR professional staff or designated management person responsible for securing the information.

Payroll Information

- Copies or originals of all employee tax withholding paperwork – for federal, state, and local taxes
- Timesheets or timecards for hours worked completed by employee
- Records for hours worked, time off taken, per period payroll totals and itemized deductions
- Any garnishment orders

For Each Hire or Recruitment

- Any employment applications, testing, background checks, and assessments on candidates not chosen.
- Any notes or comments about candidates or new employee that is not verifiable or substantial – these should be shredded or destroyed

I-9 Folder

- This should contain the completed I-9 forms or copies for each employee. All employees should have the I-9 forms in the same folder.

RESOLUTION_____

APPROVING THE SOUTH SAN JOAQUIN COUNTY FIRE AUTHORITY PERSONNEL TRANSITION PLAN

WHEREAS, On February 20, 2018, the City of Tracy and the Tracy Rural Fire Protection District entered into the Joint Powers Agreement of the South San Joaquin County Fire Authority (Agreement), and

WHEREAS, the South San Joaquin County Fire Authority (Authority) was formed to provide for the joint exercise of powers to provide a full range of fire services within the Authority's jurisdictional area, and

WHEREAS, the Authority is authorized, in its own name, to do all acts necessary for the exercise of its powers including the hiring and employment of personnel to fulfill its mission, and

WHEREAS, Section 1.6 of the Agreement states that the initial member agencies desire to transition to having the Authority employ its own personnel, and

WHEREAS, Section 1.6 of the Agreement also states that in the event the Authority elects to employ its own personnel, the Chief Executive Officer shall prepare a Personnel Plan detailing how the Authority would employ its own personnel, and

WHEREAS, the Chief Executive Officer and staff have prepared a Personnel Plan identifying the specific components necessary to transition employees from the City of Tracy to the Authority, and

WHEREAS, per the Agreement, after approval of the Personnel Plan, the member agencies of the Authority agree to meet in good faith to negotiate the terms of the Authority employing personnel through the creation of a Personnel Agreement, and

WHEREAS, the specific components identified in the Personnel Plan will require further approval by the member agencies and the Authority prior to implementation;

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Tracy hereby approves the Personnel Transition Plan of the South San Joaquin County Fire Authority.

****

The foregoing Resolution_____was adopted by the Tracy City Council on the 15th day of June, 2021, by the following vote:

AYES: COUNCIL MEMBERS:

NOES: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

ABSTAIN: COUNCIL MEMBERS:

_____
MAYOR

ATTEST:

_____
CITY CLERK

June 15, 2021

AGENDA ITEM 3.G

REQUEST

TAKE ACTION, BY RESOLUTION, TO AUTHORIZE AMENDING THE POSITION CONTROL ROSTER TO EXTEND THE END DATE OF THE LIMITED-TERM DIVISION CHIEF POSITION FOR A SIX-MONTH PERIOD, ENDING ON DECEMBER 31, 2021

EXECUTIVE SUMMARY

This report recommends an extension of the limited-term Fire Division Chief position which was approved by City Council on June 4, 2019. The position was created to provide the required leadership and direction in the management, development and implementation of the Fire Authority's employee transition plan as identified in section 1.6 of the Joint Powers Agreement (JPA). Due to several unanticipated delays, the final development and implementation of the employee transition plan will go beyond the anticipated end date of June 30, 2021 of the limited-term Fire Division Chief position.

The six-month extension will maintain administrative capacity within the Fire Authority management team and allow for completion of the work necessary to accomplish the transition as identified in the JPA. Further, the position will allow current Fire Division Chiefs to continue committing the majority of their time to providing critical administrative and operational support to the Authority.

Funding for the Fire Division Chief position was accounted for and approved by the City Council in the Fire Department Fiscal Year 2021-22 budget. Approving this extension will allow staff to complete the South County Fire Authority's Transition Agreement and the process it identifies.

DISCUSSION

At the February 20, 2018 City Council meeting, council approved the Joint Powers Agreement of the South San Joaquin County Fire Authority. Within the JPA is the expectation for the Chief Executive officer to prepare a personnel plan detailing how the Authority would employ its own personnel. The limited-term Fire Division Chief position was required to support this commitment and was approved by the Authority Board and both member agencies in June of 2019 for a term of two years which concludes on June 30, 2021.

The limited-term Fire Division Chief position has taken a leadership role in the development of the transition plan. The position has been tasked with financial processes of the JPA including analysis related to CalPERS contracts, budget preparation/evaluation processes, and procurement. The position has had the responsibility of evaluation of workers compensation, liability insurance, health insurance options, payroll functions, and human resources policies/procedures. With the six month

extension, the position will assist with the dissolution and development of labor contracts necessary for the JPA to eventually become the employer of record as well as other duties as assigned by the Fire Chief.

It is identified in the Transition Plan that the limited-term Division Chief position will be eliminated in order to redistribute those funds into two non-sworn analyst positions. Authority staff has worked with City of Tracy Finance staff to compare those costs which would result in a $3,603 savings at such time those vacancies are filled and the limited-term Division Chief position is vacated. That transition is anticipated to occur by the requested extension date of December 31, 2021, if approval is given by the Member Agencies of the Authority.

Position	Salary	Benefits	Retirement	Workers Comp	FICA	Grand Total
DIVISION FIRE CHIEF (Avg)	$(177,193.99)	$ (38,861.93)	$ (70,231.48)	$ (14,175.52)	$ (2,569.31)	$ (303,032.23)
Human Resource Analyst	$ 90,607.00	$ 30,118.43	$ 21,881.59	$ 2,174.57	$ 6,931.44	$ 151,713.02
Financial Analyst	$ 88,414.92	$ 30,008.83	$ 20,406.70	$ 2,121.96	$ 6,763.74	$ 147,716.14
Cost / (Savings) to transition from currently funded positions						**$ (3,603.06)**

STRATEGIC PLAN

This agenda item relates to Council's Public Safety Strategy, Goal 2: Align Fire Operations to Match the Needs of the Community.

FISCAL IMPACT

The South San Joaquin County Fire Authority's preliminary FY2021/2022 budget was presented and approved at the May 18, 2021 Authority Board Meeting. Funding for the limited-term Division Chief position falls within the appropriation limits which were approved by the City Council on May 18, 2021 and no additional fiscal impacts are created as a result of this approval.

RECOMMENDATION

Take action, by resolution, to authorize amending the Position Control Roster to extend the end date of the limited-term Fire Division Chief position for a six-month period, ending on December 31, 2021.

Prepared by: Randall Bradley, Fire Chief

Reviewed by: Karin Schnaider, Finance Director

Approved by: Jenny Haruyama, City Manager

RESOLUTION_____

AUTHORIZING AN AMENDMENT TO THE POSITION CONTROL ROSTER TO EXTEND THE LIMITED-TERM DIVISION CHIEF POSITION FOR A SIX-MONTH PERIOD, ENDING ON DECEMBER 31, 2021

WHEREAS, The City of Tracy (City) has Classification and Compensation Plans, and a Position Control Roster, and

WHEREAS, The City has completed classification reviews which establish the classification specification for Fire Division Chief, and

WHEREAS, The position control roster was amended in June of 2019 to include a limited-term Fire Division Chief to provide the fire department with the needed staff within an identified 24-month term, and

WHEREAS, The City is a member agency of the South San Joaquin County Fire Authority (SSJCFA) established February 20, 2018, and currently serves as the employer of record, and

WHEREAS, The limited-term Fire Division Chief has been an essential component in the creation of the employee transition plan as specified in Section 1.6 of the Joint Powers Agreement of the South County Fire Authority, and

WHEREAS, The limited-term Fire Division Chief is still needed for the completion and potential implementation of the employee transition plan as specified in Section 1.6 of the Joint Powers Agreement of the South County Fire Authority, and

WHEREAS, Funding for the position is already allocated within the FY2021-22 preliminary budget as approved by the City Council on May 18, 2021;

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Tracy hereby authorizes an amendment to the City's Position Control Roster to extend the limited-term Fire Division Chief position for a six-month period, ending on December 31, 2021.

****

The foregoing Resolution was adopted by the Tracy City Council on the 15th day of June, 2021, by the following vote:

AYES: COUNCIL MEMBERS:

NOES: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

ABSTAIN: COUNCIL MEMBERS:

_____
MAYOR

ATTEST:

_____
CITY CLERK