

CITY COUNCIL CLOSED & REGULAR SESSION

550 E. 6th Street, Beaumont, CA

Tuesday, August 18, 2020 Closed Session: 5:00 PM | Regular Meeting: 6:00 PM

Materials related to an item on this agenda submitted to the City Council after distribution of the agenda packets are available for public inspection in the City Clerk's office at 550 E. 6th Street during normal business hours

AGENDA

MEETING PARTICIPATION NOTICE

This meeting will be conducted utilizing teleconference communications and will be recorded for live streaming as well as open to public attendance subject to social distancing and applicable health orders. All City of Beaumont public meetings will be available via live streaming and made available on the City's official YouTube webpage. Please use the following link during the meeting for live stream access.

BeaumontCa.gov/Livestream

Public comments will be accepted using the following options.

- Written comments will be accepted via email and will be read aloud during the corresponding item of the meeting. Public comments shall not exceed three (3) minutes unless otherwise authorized by City Council. Comments can be submitted anytime prior to the meeting as well as during the meeting up until the end of the corresponding item. Please submit your comments to: <u>NicoleW@BeaumontCA.gov</u>
- Phone-in comments will be accepted by joining a conference line prior to the corresponding item of the meeting. Public comments shall not exceed three (3) minutes unless otherwise authorized by City Council. Please use the following phone number to join the call: (951) 922-4845
- 3. In person comments subject to the adherence of the applicable health orders and social distancing requirements.

In compliance with the American Disabilities Act, if you require special assistance to participate in this meeting, please contact the City Clerk's office using the above email or call (951) 572-3196. Notification 48 hours prior to a meeting will ensure the best reasonable accommodation arrangements.

CLOSED SESSION - 5:00 PM

A Closed Session of the City Council / Beaumont Financing Authority / Beaumont Utility Authority / Beaumont Successor Agency (formerly RDA)/Beaumont Parking Authority / Beaumont Public Improvement Authority may be held in accordance with state law which may include, but is not limited to, the following types of items: personnel matters, labor negotiations, security matters, providing instructions to real property negotiators and conference with legal counsel regarding pending litigation. Any public comment on Closed Session items will be taken prior to the Closed Session. Any required announcements or discussion of Closed Session items or actions following the Closed Session with be made in the City Council Chambers.

CALL TO ORDER

Mayor Santos, Mayor Pro Tem Lara, Council Member Carroll, Council Member Martinez, Council Member White

Public Comments Regarding Closed Session

1. Conference with Labor Negotiators - Pursuant to Government Code Section 54957.6 City Designated Representatives City Manager Todd Parton and Administrative Services Director Kari Mendoza. Employee Organizations: Beaumont Police Officers Association

Adjourn to Regular Session

REGULAR SESSION - 6:00 PM

CALL TO ORDER

Mayor Santos, Mayor Pro Tem Lara, Council Member Carroll, Council Member Martinez, Council Member White

Report out from Closed Session: Action on any Closed Session items: Action of any requests for Excused Absence: Pledge of Allegiance: Approval / Adjustments to the Agenda: Conflict of Interest Disclosure:

ANNOUNCEMENTS/ RECOGNITION / PROCLAMATIONS / CORRESPONDENCE

PUBLIC COMMENT PERIOD (ITEMS NOT ON THE AGENDA)

Any one person may address the City Council on any matter not on this agenda. If you wish to speak, please fill out a "Public Comment Form" provided at the back table and give it to the City Clerk. There is a three (3) minute time limit on public comments. There will be no sharing or passing of time to another person. State Law prohibits the City Council from discussing or taking actions brought up by your comments.

CONSENT CALENDAR

Items on the consent calendar are taken as one action item unless an item is pulled for further discussion here or at the end of action items.

Approval of all Ordinances and Resolutions to be read by title only.

1. Approval of Minutes

Recommended Action:

Approve Minutes dated August 4, 2020.

2. Acceptance of Dedication of Easement for Drainage, Street and Utility Purposes

Recommended Action:

Approve the acceptance of dedication of above-mentioned easements for drainage, street and utilities.

<u>3.</u> Performance Bond Acceptance and Security Agreement for Plot Plan PP2018-0154 Storage Yard for Construction and Maintenance Materials

Recommended Action:

Accept Performance Bond No. 0207824.

4. Resolution Authorizing the City Manager to Accept Grant Deeds from Pulte Homes for Tract No. 29180 Lots A, B, and C, and Tract No. 29186 Lots I and J

Recommended Action:

Waive the full reading and adopt by title only, "A Resolution of the City Council of the City of Beaumont, California, Authorizing the City Manager to Accept Grant Deeds from Pulte Homes."

5. 2019 General Plan Annual Progress Report

Recommended Action:

Approve the 2019 General Plan Annual Progress Report and direct staff to submit the report to the Governor's Office of Planning and Research.

PUBLIC HEARINGS

Approval of all Ordinances and Resolutions to be read by title only.

ACTION ITEMS

Approval of all Ordinances and Resolutions to be read by title only.

6. First Amendment to Agreement for Independent Contractor between the City of Beaumont and Clinical Laboratory of San Bernardino, INC. and to Increase the Total Contract Fee Amount by \$50,000 and Not to Exceed \$126,800

Recommended Action:

Approve first amendment to Agreement for Independent Contractor between the City of Beaumont and Clinical Laboratory of San Bernardino, INC. and to increase the total contract fee amount by \$50,000 and not to exceed \$126,800.

7. Housing Element and Housing Related Planning Activity Update

Recommended Action:

Receive and file.

8. Update to City Council on Status of FEMA Application Related to the COVID-19 Federal Emergency

Recommended Action:

Receive and file this update regarding the pending application for FEMA reimbursement related to the COVID-19 emergency.

9. Adopt Amendments to the FY2021 Budget and Approve the Implementation of the Business Assistance Program and Household Assistance Program

Recommended Action:

It is recommended the City Council adopt the budget amendments and approve the implementation of business assistance and household assistance programs as follows:

- 1. Adjust the FY 2020-21 budget to include the receipt of CARES Act funds in the amount of \$635,569,
- 2. Adjust the FY 2020-21 budget to include the proposed expenditures for the COVID-19 Relief Program as highlighted in the report totaling \$635,569,
- 3. Adjust the FY 2020-21 budget to include the expenditure of up to \$75,000 from the AQMD fund to purchase two vehicles,
- Adjust the FY 2019-20 budget to cover I.T. expenses related to the COVID-19 emergency using AQMD funds in the amount of \$27,000 and adjust the FY 2020-21 budget to cover I.T. expenses related to the COVID-19 emergency with AQMD funds in the amount of \$5,667,
- 5. Approve the implementation plan for the Business Assistance Program/ Small Business Assistance Grant, and
- 6. Approve the implementation of the Household Assistance Grant Program.

<u>10.</u> Authorize One Additional Part Time On-Call Public Safety Dispatcher Position

Recommended Action:

Authorize one additional part time on-call public safety dispatcher position.

<u>11.</u> Approval of Compensation Plan and Salary Table

Recommended Action:

Approval of the Compensation Plan and Salary Table.

12. Review City Council Policies and Practices Related to the Rules and Procedures for All Meetings of the City Council as Established in Beaumont Municipal Code Section 2.04 Rules of Procedure

Recommended Action:

This item has been placed on the agenda as requested by the City Council and City staff has no recommendations at this time.

<u>13.</u> Approval of City Attorney Invoices for the Month of July 2020

Recommended Action:

Approve invoices in the amount of \$105.469.35.

LEGISLATIVE UPDATES AND DISCUSSION

14. Townsend Legislative Update

COUNCIL REPORTS

- Carroll
- Lara
- Martinez
- Santos
- White

ECONOMIC DEVELOPMENT UPDATE

Economic Development Committee Report Out and City Council Direction

CITY TREASURER REPORT

Finance and Audit Committee Report Out and City Council Direction

CITY CLERK REPORT

CITY ATTORNEY REPORT

CITY MANAGER REPORT

FUTURE AGENDA ITEMS

ADJOURNMENT

The next regular meeting of the Beaumont City Council, Beaumont Financing Authority, the Beaumont Successor Agency (formerly RDA), the Beaumont Utility Authority, the Beaumont Parking Authority and the Beaumont Public Improvement Agency is scheduled for Tuesday, September 1, 2020, at 5:00 p.m. or thereafter as noted on the posted Agenda for Closed Session items in the City Council Board Room No. 5, followed by the regular meeting at 6:00 p.m. or thereafter as noted on the posted Agenda at City Hall.

Beaumont City Hall – Online www.BeaumontCa.gov



CITY COUNCIL CLOSED & REGULAR SESSION

550 E. 6th Street, Beaumont, CA

Tuesday, August 04, 2020 Closed Session: 5:00 PM | Regular Meeting: 6:00 PM

MINUTES

CLOSED SESSION - 5:00 PM

A Closed Session of the City Council / Beaumont Financing Authority / Beaumont Utility Authority / Beaumont Successor Agency (formerly RDA)/Beaumont Parking Authority / Beaumont Public Improvement Authority may be held in accordance with state law which may include, but is not limited to, the following types of items: personnel matters, labor negotiations, security matters, providing instructions to real property negotiators and conference with legal counsel regarding pending litigation. Any public comment on Closed Session items will be taken prior to the Closed Session. Any required announcements or discussion of Closed Session items or actions following the Closed Session with be made in the City Council Chambers.

CALL TO ORDER at 5:07 p.m.

Present: Mayor Santos, Mayor Pro Tem Lara, Council Member Carroll, Council Member Martinez, Council Member White

Public Comments Regarding Closed Session

No speakers.

 Conference with Legal Counsel Regarding Existing Litigation - Pursuant to Government Code Section 54956.9(d)(1): Aguirre et al. v. City of Beaumont et al., Case No. RIC 1810937

Aguirre et al. V. City of Beaumont et al., Case No. RIC 18

No reportable action.

 Conference with Labor Negotiators - Pursuant to Government Code Section 54957.6 City Designated Representatives City Manager Todd Parton and Administrative Services Director Kari Mendoza. Employee Organizations: Beaumont Police Officers Association

No reportable action.

 Conference with Real Property Negotiator Pursuant to Government Code Section 54956.8 for Property Known as Vacant Land APN 418- 190-004, 005, 006, and 007. Agency Negotiator: City Manager Todd Parton or his Designee. Negotiating Parties: City of Beaumont and Embree Asset Group, Inc., Under Negotiation: Price and Terms

No reportable action.

REGULAR SESSION - 6:00 PM

CALL TO ORDER at 6:19 p.m.

Present: Mayor Santos, Mayor Pro Tem Lara, Council Member Carroll, Council Member Martinez, Council Member White

Report out from Closed Session: *see above.* Action on any Closed Session items: **None.** Action of any requests for Excused Absence: **None.** Pledge of Allegiance Approval / Adjustments to the Agenda: **None.** Conflict of Interest Disclosure: **None.**

ANNOUNCEMENTS/ RECOGNITION / PROCLAMATIONS / CORRESPONDENCE

PUBLIC COMMENT PERIOD (ITEMS NOT ON THE AGENDA)

Any one person may address the City Council on any matter not on this agenda. If you wish to speak, please fill out a "Public Comment Form" provided at the back table and give it to the City Clerk. There is a three (3) minute time limit on public comments. There will be no sharing or passing of time to another person. State Law prohibits the City Council from discussing or taking actions brought up by your comments.

No speakers.

CONSENT CALENDAR

Items on the consent calendar are taken as one action item unless an item is pulled for further discussion here or at the end of action items.

Approval of all Ordinances and Resolutions to be read by title only.

1. Ratification of Warrants

Recommended Action:

Ratification of Warrants dated March 16 - May 21, 2020.

2. Approval of Minutes

Recommended Action:

Approve minutes dated July 21, 2020.

 Second Reading and Adoption of an Ordinance Amending and Restating the Development Agreement (PLAN2019-0336) for the Hidden Canyon Specific Plan, a 2.89 Million Square Foot Industrial Business Park (Hidden Canyon Industrial Park); Located at the Western Terminus of Fourth Street, South of State Highway 60, East of Jack Rabbit Trail

Recommended Action:

Waive the second full reading and adopt by title only the "An Ordinance of the City Council of the City of Beaumont, California, Approving an Amended and Restated Development Agreement by and Between the City of Beaumont and MPLD II Inland Empire, LLC."

5. Performance Bond Acceptance and Security Agreement for SDC Fairway Canyon, LLC Tract 31462- Phase 4 Sewer Improvements

Recommended Action:

Accept the following bond and security agreement:

Performance Bond No. 1001124455 for sewer improvements for Tract 31462.

Motion by Council Member White Second by Council Member Carroll

To approve items 1,2,3 and 5.

4. Second Reading and Adoption of an Ordinance Adding Chapter 8.55 Regulation of Shopping Carts to the Beaumont Municipal Code

Public Comment

E. Morgan - Expressed concerns with the shopping cart ordinance and its impacts.

Motion by Council Member Martinez Second by Council Member White

To waive the second full reading and adopt by title only, "An Ordinance of the City Council of the City of Beaumont adding "Chapter 8.55 Regulation of Shopping Carts" to the Beaumont Municipal Code."

Ayes: Council Member White, Council Member Martinez, Council Member Carroll, Mayor Pro Tem Lara, Mayor Santos

Approved by a unanimous vote

PUBLIC HEARINGS

Approval of all Ordinances and Resolutions to be read by title only.

6. Public Hearing to Consider the Placement of Delinquent Solid Waste Handling Service Charges on The Property Tax Roll

Public Hearing opened at 6:33 p.m.

A. Beltran - Shared concerns with an ongoing billing issue with Waste Management.

D. Worthington - Shared a discrepancy with the information that Waste Management has on file regarding his parcel.

M. Neiswender - Clarified that his past due balance has been resolved with Waste Management.

Public Comment closed at 6:38 p.m.

Motion by Council Member White

Second by Mayor Santos

To waive the full reading and adopt by title only, "A Resolution of the City Council of the City of Beaumont, California, Authorizing the Collection of Delinquent Solid Waste Handling Service Charges on the Property Tax Roll."

Ayes: Council Member White, Council Member Martinez, Council Member Carroll, Mayor Pro Tem Lara, Mayor Santos

Approved by a unanimous vote

7. Public Hearing to Consider the Placement of Delinquent Sewer Service Charges on The Property Tax Roll

Public Hearing opened at 6:51 p.m.

No speakers

Public Hearing closed at 6:51 p.m.

Motion by Council Member White

Second by Mayor Pro Tem Lara

To waive the full reading and adopt by title only, "A Resolution of the City Council of the City of Beaumont, California, Authorizing the Collection of Delinquent Sewage Service Fees and Charges on the Property Tax Roll."

Ayes: Council Member White, Council Member Martinez, Council Member Carroll, Mayor Pro Tem Lara, Mayor Santos

Approved by a unanimous vote

ACTION ITEMS

Approval of all Ordinances and Resolutions to be read by title only.

8. Adopt Resolution of the City Council Ordering the Collection of Weed Abatement Charges and Directing the County Auditor to Collect Such Fees on the Tax Rolls

Motion by Mayor Pro Tem Lara Second by Council Member White To waive the full reading and adopt by title only "A Resolution of the City Council of the City of Beaumont, California, Ordering the Collection of Weed Abatement Charges and Directing the County Auditor to Collect Such Fees on the Tax Rolls."

Ayes: Council Member White, Council Member Martinez, Council Member Carroll, Mayor Pro Tem Lara, Mayor Santos

Approved by a unanimous vote

9. Review of Local Emergency Declaration Established via the Adoption of City of Beaumont Resolution No. 2020-07 Adopted on March 17, 2020

Motion by Council Member Martinez Second by Council Member Carroll

To make no change regarding the local emergency declaration.

Ayes: Council Member White, Council Member Martinez, Council Member Carroll, Mayor Pro Tem Lara, Mayor Santos

Approved by a unanimous vote

10. Direction to City Staff Regarding the Establishment of a Business Assistance Program (BAP) for Local Businesses That Have Experiences COVID-19 Related Losses

Consensus by Council to move forward with the program presented.

LEGISLATIVE UPDATES AND DISCUSSION

11. Townsend Legislative Update

COUNCIL REPORTS

- Carroll - No report.

- Lara - Gave a report out from the WRCOG meeting and expressed concerns regarding the Walmart landscape and asked that Code Enforcement follow up.

- Martinez - No report.

- **Santos** - Gave a report out from the In & Out opening and spoke regarding the improvements made on Second Street.

- White - Gave a report out from the RCTC meeting.

CITY TREASURER REPORT

Finance and Audit Committee Report Out and City Council Direction

CITY CLERK REPORT

CITY ATTORNEY REPORT

12. Status of Pending Litigation

CITY MANAGER REPORT

Gave a report out regarding the Apple Fire and thanked all of the fire fighting support from other cities.

FUTURE AGENDA ITEMS - Accessory Dwelling Units update

ADJOURNMENT at 7:34 p.m.



Staff Report

SUBJECT:	Acceptance of Dedication of Easement for Drainage, Street and Utility Purposes
DATE	August 18 2020
FROM:	Jeff Hart, Public Works Director
TO:	City Council

Background and Analysis:

The City of Beaumont is requesting a permanent easement for utility purposes for improvements related to Tract 29267, within the Noble Creek Vistas Specific Plan. These easements are located along Oak Valley Parkway between Beaumont Avenue and Oak View Drive, on land that is currently owned by the Beaumont-Cherry Valley Recreation & Park District.

The attached easement documents (Attachments A & B) are for drainage, street, and utility purposes and have been reviewed and approved by City staff. Attachment A is for a storm drain easement which contains approximately 0.71 acres, and Attachment B is for street and utility purposes which contains approximately 5,775 square feet. In order to comply with the project's conditions of approval, the attached easements need to be executed by the City of Beaumont and recorded with the County of Riverside.

Fiscal Impact:

The cost to prepare this staff report is approximately \$350.

Recommended Action:

Approve the acceptance of dedication of above-mentioned easements for drainage, street and utilities.

Attachments:

- A. Easement for Drainage Purposes 18-D-004
- B. Easement for Street and Utility Purposes 18-D-005

Recording Requested By: City of Beaumont

When Recorded Mail To:

City of Beaumont City Clerk 550 E. Sixth Street Beaumont, CA 92223

APN 400-250-017-

EASEMENT FOR DRAINAGE PURPOSES 18-D-004

FOR A VALUABLE CONSIDERATION, receipt of which is hereby acknowledged, represents that, as the owner(s) of herein property,

Beaumont-Cherry Valley Recreation & Park District (Grantor)

Hereby GRANTS a permanent easement to the **CITY OF BEAUMONT(Grantee)** it successors and assigns, to construct, maintain, operate, inspect, repair, replace, and remove such flood and storm water control facilities and incidental improvements as may be necessary for the conveyance and discharge of drainage, storm water and flood water; which grant includes the right of vehicular and pedestrian ingress and egress, in, over, under, across, along and upon that certain real property situated in the County of Riverside, State of California.

Hereinafter described as attached Exhibits "A" and "B" which are part of this agreement.

SIGNATURE OF RECORD OWNER(S) NOTARIZED	
Owner: Beaumont-Cherry Valley Recreation & Park District By: Cham Burk	EASEMENT IS APPROVED
Name: Duane Burk Title: General Manager Beaumont-Cherry Valley Recreation & Park District	Signature: MAYOR, CITY OF BEAUMONT DATE
	ATTEST:,City Clerk
**SEE ADDITIONAL SHEET(S) FOR NOTARY ACKNOWLEDGEMENT(S)	MAIL TAX STATEMENTS TO: Same as Above

Item 2.

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

CIVIL CODE § 1189

	completing this certificate verifies only the identity of the individual who signed the is attached, and not the truthfulness, accuracy, or validity of that document.
State of California)
County of Kuiside)
On 99 9 4019	before me, Mancy C. Low, Notary Replic
Date	Here Insert Name and Title of the Officer
personally appeared	ine Burt
	Name(s) of Signer(s)

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

10000000000000000000000000000000000000	I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.
NANCY C. LAW Notary Public - California Riverside County	WITNESS my hand and official seal.
Commission # 2161081 My Comm. Expires Jan 23, 2021	Signature MUL
	Signature of Notary Public

Place Notary Seal Above

- OPTIONAL -

Though this section is optional, completing this information can deter alteration of the document or fraudulent reattachment of this form to an unintended document.

Description of Attached Document		
Title or Type of Document:		
Document Date:	Number of Pages:	
Signer(s) Other Than Named Above:		
Capacity(ies) Claimed by Signer(s)		
Signer's Name:	Signer's Name:	
Corporate Officer - Title(s):	Corporate Officer — Title(s):	
Partner — Limited General	Partner — Limited General	
Individual Attorney in Fact	Individual Attorney in Fact	
	□ Trustee □ Guardian or Conservator	
□ Trustee □ Guardian or Conservator		
□ Trustee □ Guardian or Conservator □ Other:	□ Other:	

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Item 2.

EXHIBIT "A" 18-D-004 OFFER OF DEDICATION STORM DRAIN EASEMENT

SEC. 33, T.2S., R.1W., S.B.B.&M.

THAT PORTION OF SECTION 33, TOWNSHIP 2 SOUTH, RANGE 1 WEST, SAN BERNARDINO BASE AND MERIDIAN, IN THE COUNTY OF RIVERSIDE, STATE OF CALIFORNIA, DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF SAID SECTION 33;

THENCE SOUTH 89'52'06" WEST, ALONG THE SOUTHERLY LINE OF SAID SECTION 33, A DISTANCE OF 747.30 FEET TO THE SOUTHEAST CORNER OF THAT CERTAIN PARCEL OF LAND CONVEYED TO THE BEAUMONT-CHERRY VALLEY RECREATION AND PARK DISTRICT BY GRANT DEED RECORDED DECEMBER 10, 1974, AS INSTRUMENT NO. 156561, OFFICIAL RECORDS OF RIVERSIDE COUNTY CALIFORNIA;

THENCE NORTH 17'05'46" WEST, ALONG THE EASTERLY LINE OF SAID PARCEL OF LAND CONVEYED TO THE BEAUMONT-CHERRY VALLEY RECREATION AND PARK DISTRICT, A DISTANCE OF 1628.15 FEET TO THE **POINT OF BEGINNING** OF PARCEL BEING DESCRIBED;

THENCE NORTH 43'35'02" WEST, A DISTANCE OF 101.55 FEET;

THENCE NORTH 73'35'02" WEST, A DISTANCE OF 450.24 FEET TO THE BEGINNING OF A TANGENT CURVE, CONCAVED SOUTHERLY AND HAVING A RADIUS OF 80.00 FEET;

THENCE WESTERLY, ALONG SAID CURVE, THROUGH A CENTRAL ANGLE OF 46°24'37", AN ARC DISTANCE OF 64.80 FEET;

THENCE SOUTH 60'00'21" WEST, A DISTANCE OF 94.19 FEET;

THENCE SOUTH 30'00'21" WEST, A DISTANCE OF 40.00 FEET;

THENCE SOUTH 60'00'21" WEST, A DISTANCE OF 94.79 FEET;

THENCE NORTH 59'59'39" WEST, A DISTANCE OF 23.98 FEET;

THENCE NORTH 30'00'21" EAST, A DISTANCE OF 78.47 FEET;

THENCE NORTH 60°00'21" EAST, A DISTANCE OF 38.82 FEET;

THENCE SOUTH 89'59'59" EAST, A DISTANCE OF 40.00 FEET;

THENCE NORTH 60'00'21" EAST, A DISTANCE 94.19 FEET TO THE BEGINNING OF A TANGENT CURVE, CONCAVED SOUTHERLY AND HAVING A RADIUS OF 100.00 FEET;

THENCE EASTERLY, ALONG SAID CURVE, THROUGH A CENTRAL ANGLE OF 46°24'37", AN ARC DISTANCE OF 81.00 FEET;

THENCE SOUTH 73'35'02" EAST, A DISTANCE OF 1.50 FEET;

THENCE NORTH 61°24'58" EAST, A DISTANCE OF 26.11 FEET TO THE BEGINNING OF A TANGENT CURVE, CONCAVED NORTHWESTERLY, AND HAVING A RADIUS OF 35.00 FEET;

THENCE NORTHEASTERLY, ALONG SAID CURVE, THROUGH A CENTRAL ANGLE OF 26°23'32", AN ARC DISTANCE OF 16.12 FEET;

THENCE NORTH 35'01'26" EAST, A DISTANCE OF 466.61 FEET, TO A POINT LYING ON THE EASTERLY LINE OF SAID PARCEL OF LAND CONVEYED TO THE BEAUMONT-CHERRY VALLEY RECREATION AND PARK DISTRICT;

THENCE SOUTH 17'05'46" EAST, ALONG SAID EASTERLY LINE, A DISTANCE OF 25.34 FEET;

THENCE SOUTH 35'01'26" WEST, A DISTANCE OF 451.05 FEET TO THE BEGINNING OF A TANGENT CURVE, CONCAVED NORTHWESTERLY, AND HAVING A RADIUS OF 55.00 FEET;

SHEET 1 OF 2

EXHIBIT "A" 18-D-004 OFFER OF DEDICATION STORM DRAIN EASEMENT

SEC. 33, T.2S., R.1W., S.B.B.&M.

THENCE SOUTHWESTERLY, ALONG SAID CURVE, THROUGH A CENTRAL ANGLE OF 26'23'32", AN ARC DISTANCE OF 25.33 FEET;

THENCE SOUTH 61'24'58" WEST, A DISTANCE OF 6.11 FEET;

THENCE SOUTH 73'35'02" EAST, A DISTANCE OF 449.80 FEET TO THE BEGINNING OF A TANGENT CURVE, CONCAVED SOUTHWESTERLY AND HAVING A RADIUS OF 100.00 FEET;

THENCE SOUTHEASTERLY, ALONG SAID CURVE, THROUGH A CENTRAL ANGLE OF 07°01'45", AN ARC DISTANCE OF 12.27 FEET TO A POINT LYING ON THE EASTERLY LINE OF SAID PARCEL OF LAND CONVEYED TO THE BEAUMONT-CHERRY VALLEY RECREATION AND PARK DISTRICT;

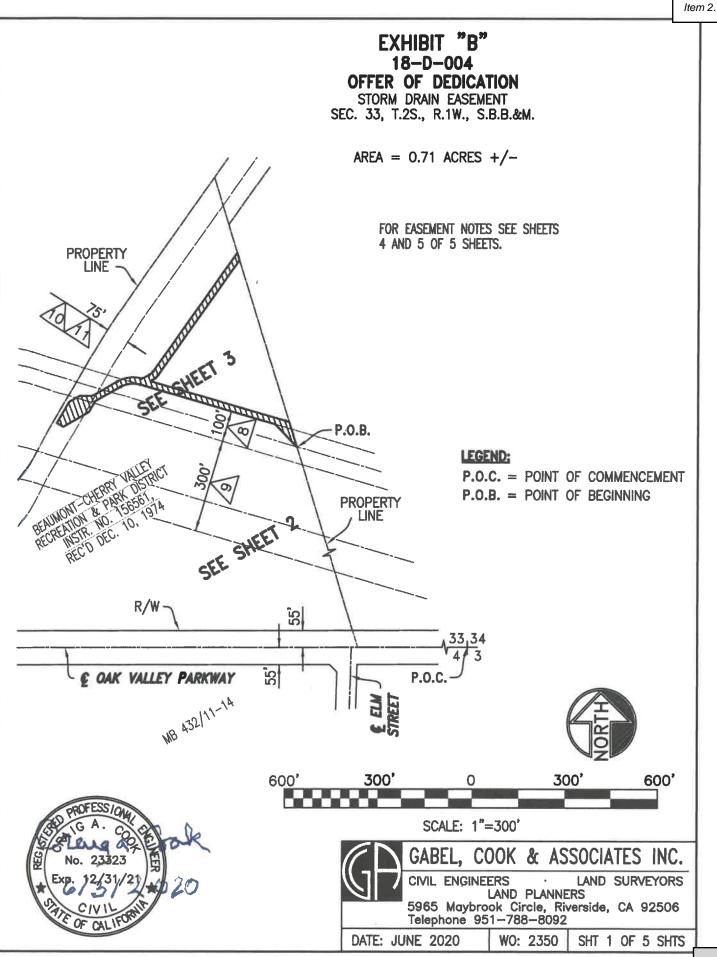
THENCE SOUTH 17'05'46" EAST, ALONG SAID EASTERLY LINE, A DISTANCE OF 83.99 FEET TO THE POINT OF BEGINNING.

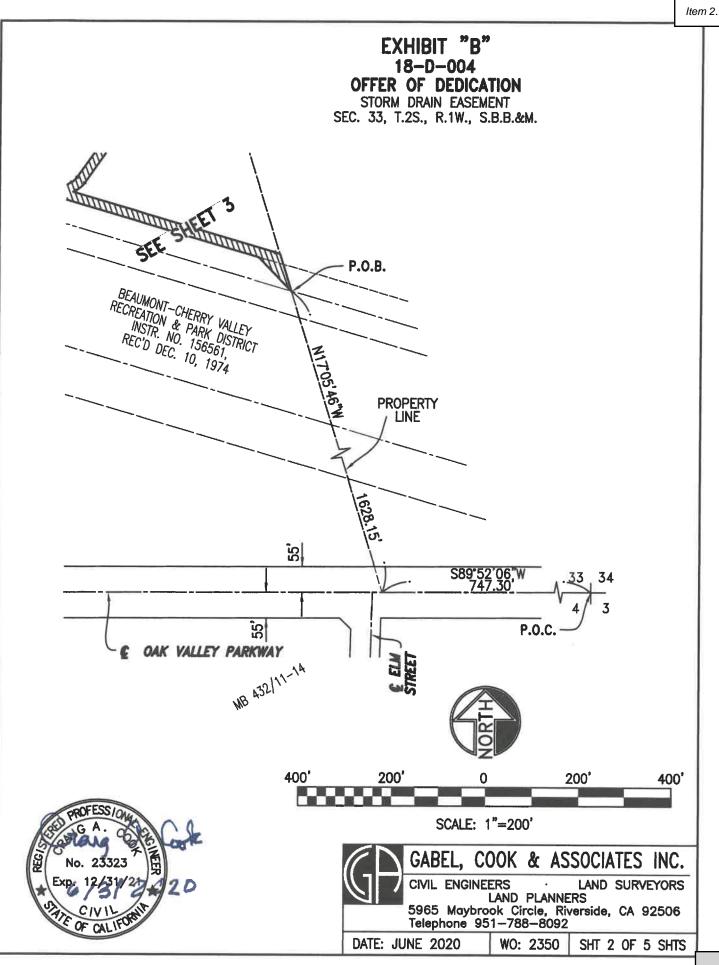
PARCEL CONTAINS 0.71 ACRES, MORE OR LESS.

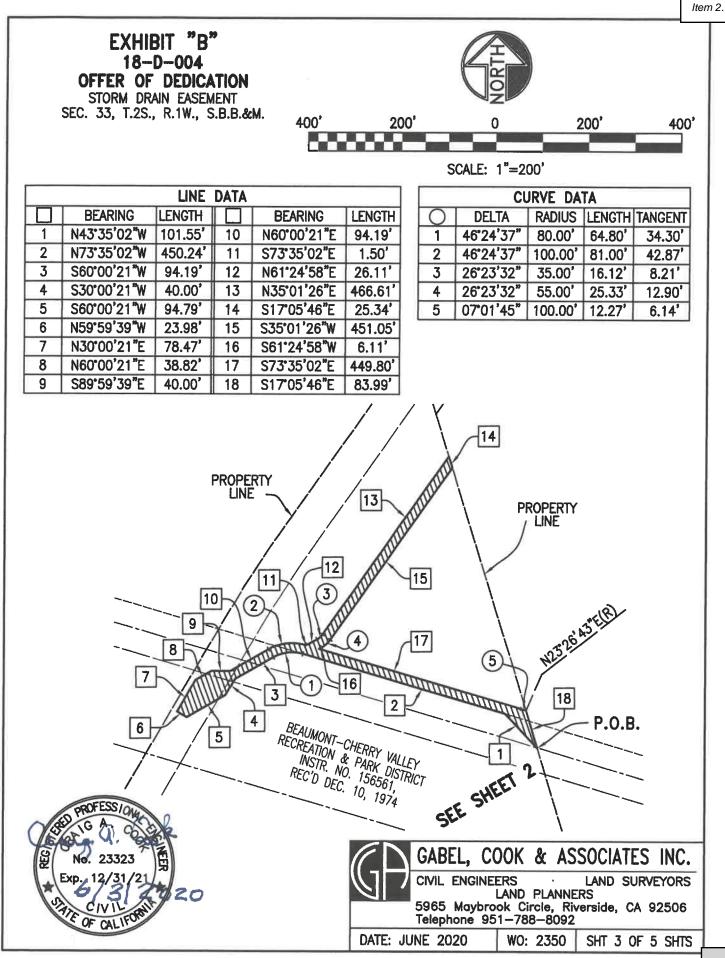


SEE PLAT ATTACHED HERETO AS EXHIBIT "B" AND BY REFERENCE MADE A PART HEREOF.

SHEET 2 OF 2







Item 2.

EXHIBIT "B" 18-D-004 OFFER OF DEDICATION STORM DRAIN EASEMENT

SEC. 33, T.2S., R.1W., S.B.B.&M.

EASEMENT NOTES:

1. A RIGHT OF WAY TO DIVERT, PUMP, TAKE AWAY AND REMOVE ALL SURFACE AND SUB-SURFACE WATER RISING IN OR FLOWING THROUGH LITTLE SAN GORGONIO CREEK, KNOWN AS EDGAR CREEK, AS CONTAINED IN AGREEMENT BY AND BETWEEN THE BEAUMONT LAND AND WATER COMPANY, ET. AL, AND P. J. BOOTH, ET. AL. RECORDED DECEMBER 13, 1909 IN BOOK 294, PAGE 224 OF DEEDS, RIVERSIDE COUNTY, RECORDS.

2. AN EASEMENT IN FAVOR OF THE SOUTHERN CALIFORNIA EDISON COMPANY, ITS SUCCESSORS AND ASSIGNS, FOR UNDERGROUND ELECTRICAL SUPPLY AND COMMUNICATION SYSTEMS AND INCIDENTIAL PURPOSES, RECORDED JULY 7, 1976 AS INSTRUMENT NO. 97921, OFFICIAL RECORDS OF RIVERSIDE COUNTY, CALIFORNIA. THE EASEMENT CANNOT BE LOCATED FROM THE RECORD.

3. AN EASEMENT IN FAVOR OF THE SOUTHERN CALIFORNIA EDISON COMPANY, ITS SUCCESSORS AND ASSIGNS, FOR UNDERGROUND ELECTRICAL SUPPLY AND COMMUNICATION SYSTEMS AND INCIDENTIAL PURPOSES, RECORDED NOVEMBER 15, 1977 AS INSTRUMENT NO. 228332, OFFICIAL RECORDS OF RIVERSIDE COUNTY, CALIFORNIA. THE EASEMENT CANNOT BE LOCATED FROM THE RECORD.

4. AN EASEMENT IN FAVOR OF THE SOUTHERN CALIFORNIA EDISON COMPANY, ITS SUCCESSORS AND ASSIGNS, FOR UNDERGROUND ELECTRICAL SUPPLY AND COMMUNICATION SYSTEMS AND INCIDENTIAL PURPOSES, RECORDED JULY 21, 1993 AS INSTRUMENT NO. 93–280862, OFFICIAL RECORDS OF RIVERSIDE COUNTY, CALIFORNIA. THE EASEMENT CANNOT BE LOCATED FROM THE RECORD. THE TERMS AND PROVISIONS CONTAINED IN THE DOCUMENT ENTITLED "CONSENT TO ENCROACHMENT AGREEMENT" RECORDED NOVEMBER 4, 2015 AS INSTRUMENT NO. 2015–0484179, OFFICIAL RECORDS OF RIVERSIDE COUNTY. CALIFORNIA.

THE TERMS AND PROVISIONS CONTAINED IN THE DOCUMENT ENTITLED "CONSENT TO ENCROACHMENT AGREEMENT" RECORDED NOVEMBER 12, 2015 AS INSTRUMENT NO. 2015-0498857, OFFICIAL RECORDS OF RIVERSIDE COUNTY, CALIFORNIA.

THE TERMS AND PROVISIONS CONTAINED IN THE DOCUMENT ENTITLED "CONSENT TO ENCROACHMENT AGREEMENT" RECORDED NOVEMBER 12, 2015 AS INSTRUMENT NO. 2015-0498858, OFFICIAL RECORDS OF RIVERSIDE COUNTY, CALIFORNIA.

5. ONE-HALF OF ALL OIL, GAS AND MINERIAL RIGHTS AS RESERVED IN DEED FROM R. J. STRUTHERS AND MARGARET E. STRUTHERS, RECORDED AUGUST 28, 1946 IN BOOK 768, PAGE 240 OF OFFICIAL RECORDS OF RIVERSIDE COUNTY, CALIFORNIA.

6 . AN EASEMENT IN FAVOR OF THE SOUTHERN CALIFORNIA GAS COMPANY, ITS SUCCESSORS AND ASSIGNS, FOR UTILITIES AND INCIDENTAL PURPOSES, RECORDED DECEMBER 26 1950 IN BOOK 1230, PAGE 451, OFFICIAL RECORDS OF RIVERSIDE COUNTY, CALIFORNIA. THIS EASEMENT DOES NOT AFFECT THIS OFFER OF DEDICATION.

7. AN OIL AND GAS LEASE EXECUTED BY W. J. SEARS AND MARY SEARS AS LESSOR, AND F. W. BYERS AND M. C. FISCUS AS LESSEE, RECORDED DECEMBER 10, 1924 IN BOOK 10, PAGE 484, OFFICIAL RECORDS OF RIVERSIDE COUNTY, CALIFORNIA.

DEFECTS, LIENS, ENCUMBRANCES OR OTHER MATTERS AFFECTING THE LEASEHOLD ESTATE, WHETHER OR NOT SHOWN BY TH PUBLIC RECORDS.

A EASEMENT IN FAVOR OF THE CALIFORNIA ELECTRIC POWER COMPANY, ITS SUCCESSORS AND ASSIGNS, FOR PUBLIC UTILITIES, RECORDED FEBRUARY 17, 1961 AS INSTRUMENT NO. 14161, OFFICIAL RECORDS OF RIVERSIDE COUNTY, CALIFORNIA.

GA.	
No. 23323	GABEL, COOK & ASSOCIATES INC.
Exp. 12/31/21	CIVIL ENGINEERS LAND SURVEYORS LAND PLANNERS 5965 Maybrook Circle, Riverside, CA 92506
CIVIL CIVIL	Telephone 951-788-8092
COF CALIFU	DATE: JUNE 2020 WO: 2350 SHT 4 OF 5 SHTS

Item 2.

EXHIBIT "B" 18-D-004 OFFER OF DEDICATION STORM DRAIN EASEMENT

SEC. 33, T.2S., R.1W., S.B.B.&M.

EASEMENT NOTES, CONTINUED FROM SHEET 4 OF 5 SHEETS:

<u>AN EASEMENT IN FAVOR OF THE SOUTHERN CALIFORNIA EDISON COMPANY, ITS SUCCESSORS AND ASSIGNS, FOR PUBLIC UTILITIES, RECORDED SEPTEMBER 27, 1945 IN BOOK 695, PAGE 550, OFFICIAL RECORDS OF RIVERSIDE COUNTY, CALIFORNIA.</u>

THE TERMS AND PROVISIONS CONTAINED IN THE DOCUMENT ENTITLED "ENCROACHMENT AGREEMENT" RECORDED DECEMBER 29, 2015 AS INSTRUMENT NO. 2015-0559570, OFFICIAL RECORDS OF RIVERSIDE COUNTY, CALIFORNIA.

ADA AN EASEMENT IN FAVOR OF THE RIVERSIDE COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT FOR INGRESS AND EGRESS AND INCIDENTIAL PURPOSES, RECORDED JANUARY 14, 1947 IN BOOK 800, PAGE 581, OFFICIAL RECORDS OF RIVERSIDE COUNTY, CALIFORNIA.

AN EASEMENT IN FAVOR OF THE RIVERSIDE COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT, FOR NOBEL CREEK CHANNEL AND INCIDENTAL PURPOSES, AS SHOWN OR DEDICATED ON MAP FILED OR RECORDED ON NOVEMEBER 16, 1967 IN BOOK 51, PAGES 88 THROUGH 98, INCLUSIVE, OF RECORD OF SURVEYS, OFFICIAL RECORDS OF RIVERSIDE COUNTY, CALIFORNIA.

12. AN EASEMENT IN FAVOR OF THE SOUTHERN CALIFORNIA EDISON COMPANY, ITS SUCCESSORS AND ASSIGNS, FOR UNDERGROUND ELECTRIC SUPPLY, COMMUNICATION SYSTEMS AND INCIDENTIAL PURPOSES, RECORDED NOVEMBER 3, 1982 AS INSTRUMENT NO. 82–191247, OFFICIAL RECORDS OF RIVERSIDE COUNTY, CALIFORNIA. THIS EASEMENT DOES NOT AFFECT THIS OFFER OF DEDICATION.

13. AN EASEMENT IN FAVOR OF THE SOUTHERN CALIFORNIA EDISON COMPANY, ITS SUCCESSORS AND ASSIGNS, FOR UNDERGROUND ELECTRIC SUPPLY, COMMUNICATION SYSTEMS AND INCIDENTIAL PURPOSES, RECORDED JULY 10, 1984 AS INSTRUMENT NO. 84–148963, OFFICIAL RECORDS OF RIVERSIDE COUNTY, CALIFORNIA. THIS EASEMENT DOES NOT AFFECT THIS OFFER OF DEDICATION.

14. AN EASEMENT AND RIGHT OF WAY IN FAVOR OF THE CITY OF BEAUMONT FOR ROADWAYS, PUBLIC UTILITIES, PIPELINES AND INCIDENTAL PURPOSES, RECORDED JANUARY 10, 2002 AS INSTRUMENT NO. 02-18189, OFFICIAL RECORDS OF RIVERSIDE COUNTY, CALIFORNIA. THIS EASEMENT DOES NOT AFFECT THIS OFFER OF DEDICATION.

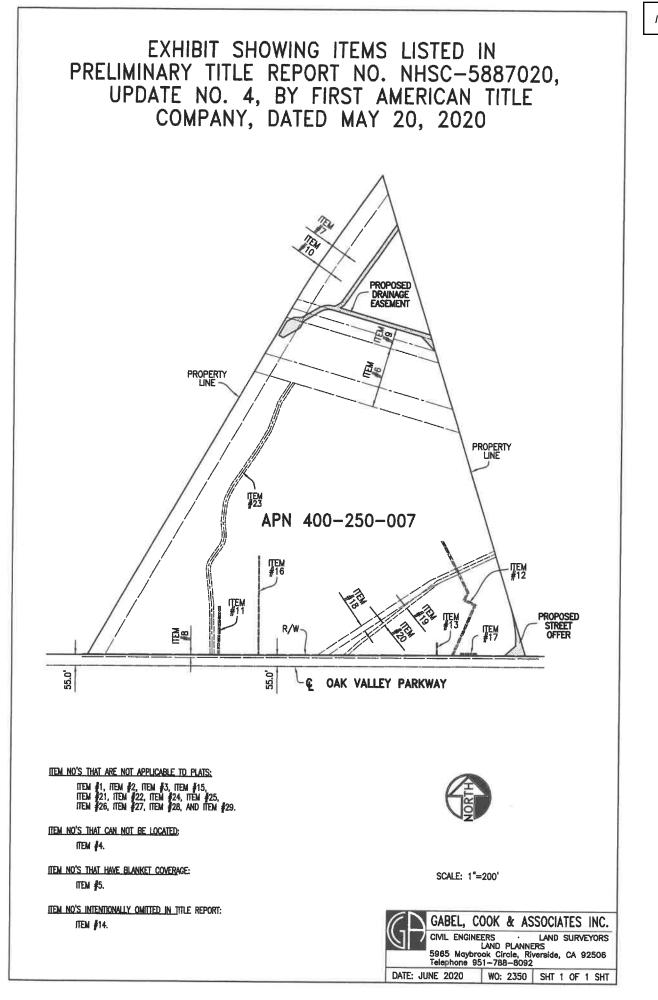
15. A TEMPORARY CONSTRUCTION EASEMENT IN FAVOR OF THE CITY OF BEAUMONT FOR CONSTRUCTION OF A PIPELINE AND INCIDENTAL PURPOSES, RECORDED JANUARY 16, 2002 AS INTRUMENT NO. 02-26489, OFFICIAL RECORDS OF RIVERSIDE COUNTY, CALIFORNIA. THIS EASEMENT DOES NOT AFFECT THIS OFFER OF DEDICATION.

16. AN EASEMENT AND RIGHT OF WAY IN FAVOR OF THE CITY OF BEAUMONT FOR SEWER PIPELINES AND INCIDENTIAL PURPOSES RECORDED JANUARY 16, 2002 AS INSTRUMENT NO. 02-26490, OFFICIAL RECORDS OF RIVERSIDE COUNTY, CALIFORNIA. THIS EASEMENT DOES NOT AFFECT THIS OFFER OF DEDICATION.

17. AN EASEMENT IN FAVOR OF THE SOUTHERN CALIFORNIA EDISON COMPANY, ITS SUCCESSORS AND ASSIGNS, FOR UNDERGROUND ELECTRICAL SUPPLY, COMMUNICATIONS SYSTEMS AND INCIDENTAL PURPOSES RECORDED MARCH 13, 2019 AS INSTRUMENT NO. 2019–0084483, OFFICIAL RECORDS OF RIVERSIDE COUNTY, CALIFORNIA. THIS EASEMENT DOES NOT AFFECT THIS OFFER OF DEDICATION.

PROFESS/O	Cook
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			SSOCIATES	INC.
CIVIL ENGINEERS LAND SURVEYORS LAND PLANNERS				
5965 Maybrook Circle, Riverside, CA 92506 Telephone 951-788-8092				
DATE: JUNE 2	2020 W	0: 2350	SHT 5 OF	5 SHTS



Recording Requested By: City of Beaumont

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When Recorded Mail To: City of Beaumont City Clerk 550 E. Sixth Street Beaumont, CA 92223

007 APN 400-250-017

IRREVOCABLE RIGHT OF WAY OFFER OF DEDICATION 18-D-005

FOR A VALUABLE CONSIDERATION, receipt of which is hereby acknowledged, represents that, as the owner(s) of herein property,

Beaumont-Cherry Valley Recreation & Park District(Grantor)

Hereby GRANTS to the **CITY OF BEAUMONT** (Grantee) its successors and assigns, an irrevocable offer of dedication for right of way for maintenance road and drainage purposes, including public utility and public services purposes together with incidental appurtenances, connection and structures in, over, under, along, through, and across the real property situated in the County of Riverside, State of California.

Hereinafter described as attached Exhibits "A" and "B" which are made part of this agreement.

SIGNATURE OF RECORD OWNER(S) NOTARIZED	
Owner: Beaumont-Cherry Valley Recreation & Park District By:	OFFER OF DEDICATION IS APPROVED
Name. Duale burk	
Title: General Manager Beaumont-Cherry Valley Recreation & Park District	Signature: MAYOR, CITY OF BEAUMONT DATE
	ATTEST:,City Clerk
**SEE ADDITIONAL SHEET(S) FOR NOTARY ACKNOWLEDGEMENT(S)	MAIL TAX STATEMENTS TO: Same as Above

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

CIVIL CODE § 1189

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.
State of California) County of Riverside)
On 992019 before me, Mancy C. Law, Notary Bublic.
Date Here Insert Name and Title of the Officer
personally appeared Duck
Name(s) of Signer(s)

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

NANCY C. LAW Notary Public - California Riverside County. Commission # 2181081 My Comm. Expires Jan 23, 2021 I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal

Signature signature of Notary Public

Place Notary Seal Above

- OPTIONAL -

Though this section is optional, completing this information can deter alteration of the document or fraudulent reattachment of this form to an unintended document.

Description	of Attached Document	
Title or Type	of Document:	

Document Date:	Number of Pages:
Signer(s) Other Than Named Above:	
Capacity(ies) Claimed by Signer(s)	
Signer's Name:	Signer's Name:
Corporate Officer – Title(s):	Corporate Officer — Title(s):
Partner – Limited General	Partner – Limited General
□ Individual □ Attorney in Fact	Individual Attorney in Fact
Trustee Guardian or Conservat	or 🛛 Trustee 🔅 Guardian or Conservator
Other:	Other:
Signer Is Representing:	

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Item 2.

EXHIBIT "A" 18-D-005 OFFER OF DEDICATION STREET AND UTILITIES PURPOSES SEC. 33, T.2S., R.1W., S.B.B.&M.

THAT PORTION OF SECTION 33, TOWNSHIP 2 SOUTH, RANGE 1 WEST, SAN BERNARDINO BASE AND MERIDIAN, IN THE COUNTY OF RIVERSIDE, STATE OF CALIFORNIA, DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF SAID SECTION 33;

THENCE SOUTH 89'52'06" WEST, ALONG THE SOUTHERLY LINE OF SAID SECTION 33, A DISTANCE OF 747.30 FEET TO THE SOUTHEAST CORNER OF THAT CERTAIN PARCEL OF LAND CONVEYED TO THE BEAUMONT-CHERRY VALLEY RECREATION AND PARK DISTRICT BY GRANT DEED RECORDED DECEMBER 10, 1974, AS INSTRUMENT NO. 156561, OFFICIAL RECORDS OF RIVERSIDE COUNTY CALIFORNIA;

THENCE NORTH 17°05'46" WEST, ALONG THE EASTERLY LINE OF SAID PARCEL OF LAND CONVEYED TO THE BEAUMONT-CHERRY VALLEY RECREATION AND PARK DISTRICT, A DISTANCE OF 57.50 FEET TO A POINT LYING ON A LINE PARALLEL WITH AND DISTANT 55.00 FEET NORTHERLY, AS MEASURED AT RIGHT ANGLES, OF THE SOUTHERLY LINE OF SAID SECTION 33, SAID POINT ALSO BEING THE **POINT OF BEGINNING** OF PARCEL BEING DESCRIBED;

THENCE SOUTH 89°52'06" WEST, ALONG SAID PARALLEL LINE, A DISTANCE OF 105.94 FEET;

THENCE NORTH 48'44'35" EAST, A DISTANCE OF 77.15 FEET TO THE BEGINNING OF A NON-TANGENT CURVE, CONCAVED WESTERLY AND HAVING A RADIUS OF 711.00 FEET, A RADIAL LINE TO SAID POINT BEARS NORTH 89'52'06" EAST;

THENCE NORTHERLY, ALONG SAID CURVE, THROUGH A CENTRAL ANGLE OF 16'57'52", AN ARC DISTANCE OF 210.52 FEET, TO A POINT LYING ON THE EASTERLY LINE OF SAID PARCEL OF LAND CONVEYED TO THE BEAUMONT-CHERRY VALLEY RECREATION AND PARK DISTRICT;

THENCE SOUTH 17'05'46" EAST, ALONG SAID EASTERLY LINE, A DISTANCE OF 269.94 FEET TO THE POINT OF BEGINNING.

PARCEL CONTAINS 5,775 SQUARE FEET, MORE OR LESS.



SEE PLAT ATTACHED HERETO AS EXHIBIT "B" AND BY REFERENCE MADE A PART HEREOF.

SHEET 1 OF 1

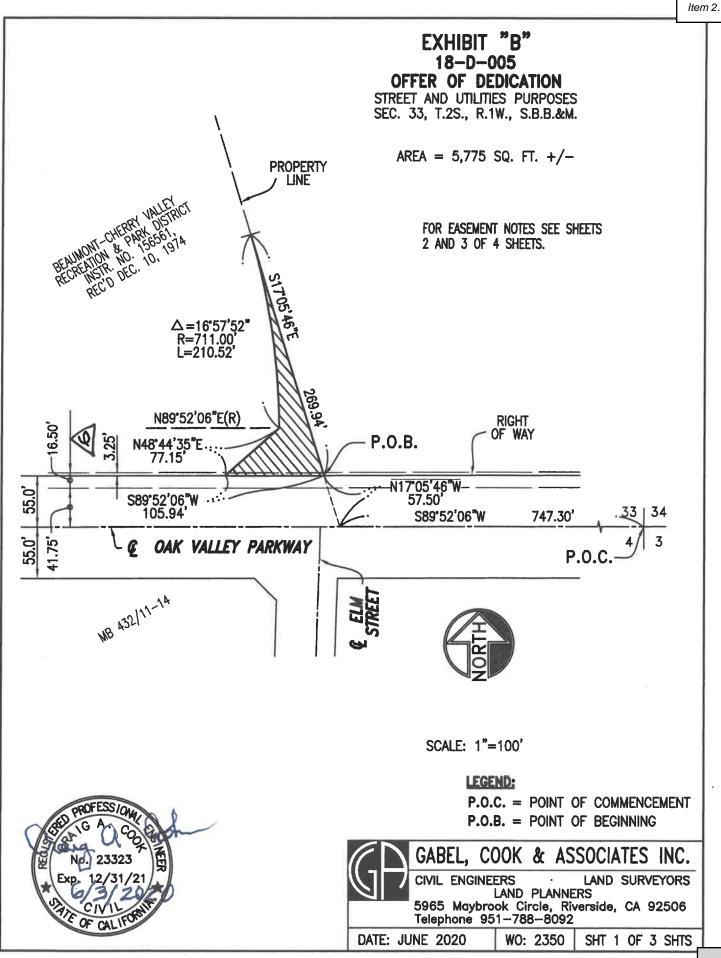


EXHIBIT "B" 18-D-005 OFFER OF DEDICATION STREET AND UTILITIES PURPOSES SEC. 33, T.2S., R.1W., S.B.B.&M.

EASEMENT NOTES:

1. A RIGHT OF WAY TO DIVERT, PUMP, TAKE AWAY AND REMOVE ALL SURFACE AND SUB-SURFACE WATER RISING IN OR FLOWING THROUGH LITTLE SAN GORGONIO CREEK, KNOWN AS EDGAR CREEK, AS CONTAINED IN AGREEMENT BY AND BETWEEN THE BEAUMONT LAND AND WATER COMPANY, ET. AL., AND P. J. BOOTH, ET. AL. RECORDED DECEMBER 13, 1909 IN BOOK 294, PAGE 224 OF DEEDS, RIVERSIDE COUNTY, RECORDS.

2. AN EASEMENT IN FAVOR OF THE SOUTHERN CALIFORNIA EDISON COMPANY, ITS SUCCESSORS AND ASSIGNS, FOR UNDERGROUND ELECTRICAL SUPPLY AND COMMUNICATION SYSTEMS AND INCIDENTIAL PURPOSES, RECORDED JULY 7, 1976 AS INSTRUMENT NO. 97921, OFFICIAL RECORDS OF RIVERSIDE COUNTY, CALIFORNIA. THE EASEMENT CANNOT BE LOCATED FROM THE RECORD.

3. AN EASEMENT IN FAVOR OF THE SOUTHERN CALIFORNIA EDISON COMPANY, ITS SUCCESSORS AND ASSIGNS, FOR UNDERGROUND ELECTRICAL SUPPLY AND COMMUNICATION SYSTEMS AND INCIDENTIAL PURPOSES, RECORDED NOVEMBER 15, 1977 AS INSTRUMENT NO. 228332, OFFICIAL RECORDS OF RIVERSIDE COUNTY, CALIFORNIA. THE EASEMENT CANNOT BE LOCATED FROM THE RECORD.

4. AN EASEMENT IN FAVOR OF THE SOUTHERN CALIFORNIA EDISON COMPANY, ITS SUCCESSORS AND ASSIGNS, FOR UNDERGROUND ELECTRICAL SUPPLY AND COMMUNICATION SYSTEMS AND INCIDENTIAL PURPOSES, RECORDED JULY 21, 1993 AS INSTRUMENT NO. 93–280862, OFFICIAL RECORDS OF RIVERSIDE COUNTY, CALIFORNIA. THE EASEMENT CANNOT BE LOCATED FROM THE RECORD. THE TERMS AND PROVISIONS CONTAINED IN THE DOCUMENT ENTITLED "CONSENT TO ENCROACHMENT AGREEMENT" RECORDED NOVEMBER 4, 2015 AS INSTRUMENT NO. 2015–0484179, OFFICIAL RECORDS OF RIVERSIDE COUNTY, CALIFORNIA.

THE TERMS AND PROVISIONS CONTAINED IN THE DOCUMENT ENTITLED "CONSENT TO ENCROACHMENT AGREEMENT" RECORDED NOVEMBER 12, 2015 AS INSTRUMENT NO. 2015-0498857, OFFICIAL RECORDS OF RIVERSIDE COUNTY, CALIFORNIA.

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6. AN EASEMENT IN FAVOR OF THE SOUTHERN CALIFORNIA GAS COMPANY, ITS SUCCESSORS AND ASSIGNS, FOR UTILITIES AND INCIDENTAL PURPOSES, RECORDED DECEMBER 26 1950 IN BOOK 1230, PAGE 451, OFFICIAL RECORDS OF RIVERSIDE COUNTY, CALIFORNIA.

7. AN OIL AND GAS LEASE EXECUTED BY W. J. SEARS AND MARY SEARS AS LESSOR, AND F. W. BYERS AND M. C. FISCUS AS LESSEE, RECORDED DECEMBER 10, 1924 IN BOOK 10, PAGE 484, OFFICIAL RECORDS OF RIVERSIDE COUNTY, CALIFORNIA.

DEFECTS, LIENS, ENCUMBRANCES OR OTHER MATTERS AFFECTING THE LEASEHOLD ESTATE, WHETHER OR NOT SHOWN BY THE PUBLIC RECORDS.

8. A EASEMENT IN FAVOR OF THE CALIFORNIA ELECTRIC POWER COMPANY, ITS SUCCESSORS AND ASSIGNS, FOR PUBLIC UTILITIES, RECORDED FEBRUARY 17, 1961 AS INSTRUMENT NO. 14161, OFFICIAL RECORDS OF RIVERSIDE COUNTY, CALIFORNIA. THIS EASEMENT DOES NOT AFFECT THIS OFFER OF DEDICATION.

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Item 2.

EXHIBIT "B" 18-D-005 OFFER OF DEDICATION STREET AND UTILITIES PURPOSES

SEC. 33, T.2S., R.1W., S.B.B.&M.

EASEMENT NOTES, CONTINUED FROM SHEET 2 OF 3 SHEETS:

9. AN EASEMENT IN FAVOR OF THE SOUTHERN CALIFORNIA EDISON COMPANY, ITS SUCCESSORS AND ASSIGNS, FOR PUBLIC UTILITIES, RECORDED SEPTEMBER 27, 1945 IN BOOK 695, PAGE 550, OFFICIAL RECORDS OF RIVERSIDE COUNTY, CALIFORNIA. THIS EASEMENT DOES NOT AFFECT THIS OFFER OF DEDICATION.

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12. AN EASEMENT IN FAVOR OF THE SOUTHERN CALIFORNIA EDISON COMPANY, ITS SUCCESSORS AND ASSIGNS, FOR UNDERGROUND ELECTRIC SUPPLY, COMMUNICATION SYSTEMS AND INCIDENTIAL PURPOSES, RECORDED NOVEMBER 3, 1982 AS INSTRUMENT NO. 82–191247, OFFICIAL RECORDS OF RIVERSIDE COUNTY, CALIFORNIA. THIS EASEMENT DOES NOT AFFECT THIS OFFER OF DEDICATION.

13. AN EASEMENT IN FAVOR OF THE SOUTHERN CALIFORNIA EDISON COMPANY, ITS SUCCESSORS AND ASSIGNS, FOR UNDERGROUND ELECTRIC SUPPLY, COMMUNICATION SYSTEMS AND INCIDENTIAL PURPOSES, RECORDED JULY 10, 1984 AS INSTRUMENT NO. 84–148963, OFFICIAL RECORDS OF RIVERSIDE COUNTY, CALIFORNIA. THIS EASEMENT DOES NOT AFFECT THIS OFFER OF DEDICATION.

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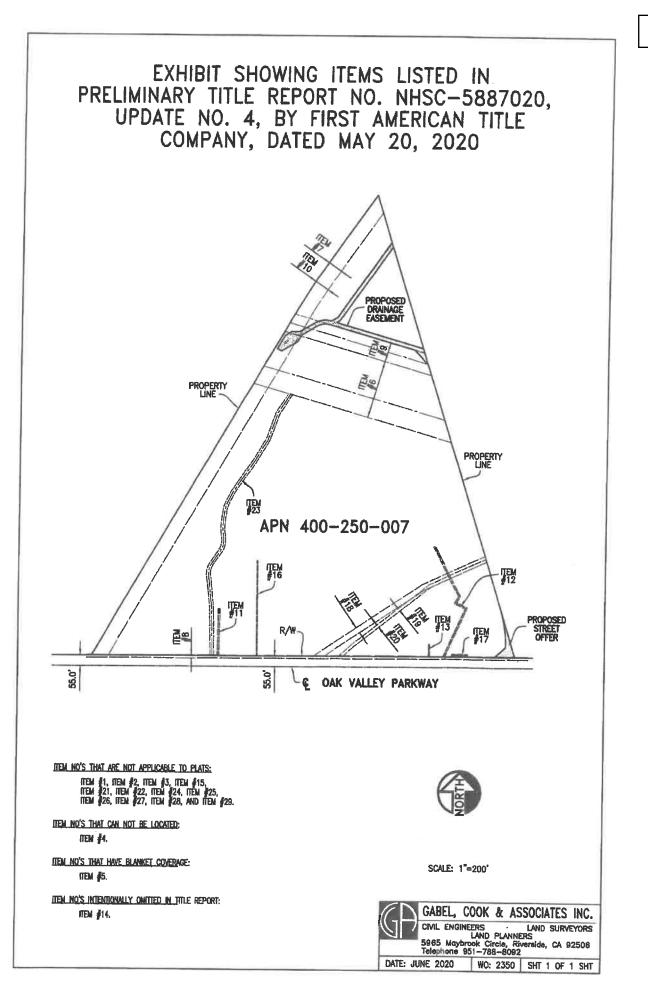
15. A TEMPORARY CONSTRUCTION EASEMENT IN FAVOR OF THE CITY OF BEAUMONT FOR CONSTRUCTION OF A PIPELINE AND INCIDENTAL PURPOSES, RECORDED JANUARY 16, 2002 AS INSTRUMENT NO. 02-26489, OFFICIAL RECORDS OF RIVERSIDE COUNTY, CALIFORNIA. THIS EASEMENT DOES NOT AFFECT THIS OFFER OF DEDICATION.

16. AN EASEMENT AND RIGHT OF WAY IN FAVOR OF THE CITY OF BEAUMONT FOR SEWER PIPELINES AND INCIDENTIAL PURPOSES RECORDED JANUARY 16, 2002 AS INSTRUMENT NO. 02-26490, OFFICIAL RECORDS OF RIVERSIDE COUNTY, CALIFORNIA. THIS EASEMENT DOES NOT AFFECT THIS OFFER OF DEDICATION.

17. AN EASEMENT IN FAVOR OF THE SOUTHERN CALIFORNIA EDISON COMPANY, ITS SUCCESSORS AND ASSIGNS, FOR UNDERGROUND ELECTRICAL SUPPLY, COMMUNICATIONS SYSTEMS AND INCIDENTAL PURPOSES RECORDED MARCH 13, 2019 AS INSTRUMENT NO. 2019–0084483, OFFICIAL RECORDS OF RIVERSIDE COUNTY, CALIFORNIA. THIS EASEMENT DOES NOT AFFECT THIS OFFER OF DEDICATION.

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Staff Report

TO:	City Council
FROM:	Jeff Hart, Public Works Director
DATE	August 18, 2020

SUBJECT: Performance Bond Acceptance and Security Agreement for Plot Plan PP2018-0154 Storage Yard for Construction and Maintenance Materials

Background and Analysis:

The City requires all developers to provide security for public improvements consisting of, but not limited to, sewer improvements, street improvements, storm drain improvements, utility improvements, and monument improvements. The bonded improvements listed in Table 1 will be constructed by 310 Elm, LLC.

310 Elm LLC:

310 Elm, LLC will construct street improvements related to a proposed storage yard for construction and maintenance materials, which is located on 2.83 acres at 310 Elm Avenue. The property is intended to be a storage yard for jobs that will be located throughout Southern California and will store construction related items such as steel beams, k-rails, and limited amounts of smaller construction equipment. The site will take access from both Elm and Olive Avenues and will provide access to each with a 40-foot-wide driveway. The public street improvements will be constructed within the City of Beaumont right of way and will consist of asphalt, sidewalk, commercial driveway approaches, curb, and gutter.

The following table includes the development name, bond number, type of improvement, and the developer submitting the security agreement:

Table 1						
Bond #	Bond Type	Type of Improvement	Development/Tract #	Developer		
0207824	Performance	Street Improvements	310 Elm, LLC	310 Elm, LLC		

Staff has reviewed the security agreement along with the performance and payment bond and determined that they are consistent with the City's municipal code. Staff recommends the City Council accept the bond listed in Table 1.

Fiscal Impact:

The cost to prepare this staff report is approximately \$350

Recommended Action:

Accept Performance Bond No. 0207824.

Attachments:

- A. Bond No. 0207824 and security agreement for street improvements and associated improvement plan
- B. Street improvement plans

Rev. 05 06 2020

PW2019-0380 File # 3313

Item 3.

Basic Gov (Sales Force) # File #

AGREEMENT TO PROVIDE SECURITY FOR IMPROVEMENTS FOR TRACT MAP OR PARCEL MAP OR PLOT PLAN (Tract Map/Parcel Map/Plot Plan No.)

THIS AGREEMENT TO PROVIDE SECURITY FOR IMPROVEMENTS ("Security
Agreement") is made by and between CITY OF BEAUMONT ("CITY") and
310 Elm LLCa California [if other state specify the state] [corporation] or [limited
liability company] or [limited partnership] ("DEVELOPER").

RECITALS

A. DEVELOPER has applied to the CITY for permission to develop certain real property, pursuant to Tract Map/Parcel Map/Plot Plan #_____, ("Map"). DEVELOPER has also asked the CITY to accept the dedication of the street or streets and other proposed public rights-of-way, parks and recreation facilities, and easements as depicted on the Map and to otherwise approve the Map so that it may be recorded as required by law; and

B. The CITY requires, as a condition precedent to the acceptance and approval of the Map and the dedication of the public rights-of-way and easements depicted thereon, that such rights-of-way be improved with (for example) grading, paving, curbs, gutters, sidewalks, street lights, stormdrains, sanitary sewers and appurtenances thereto, street name signs, survey monuments, electrical and telecommunications, water pipes, water mains, fire hydrants and appurtenances thereto, and landscaping, including any warranty work for all such improvements (collectively, "Improvements"); and

C. The Improvements have not yet been constructed and completed and it is the purpose of this Security Agreement to set forth the terms and conditions by which the DEVELOPER shall guarantee that such Improvements shall be constructed and completed within the time set forth herein.

AGREEMENT

NOW, THEREFORE, in consideration of the acceptance of the DEVELOPER's offer of dedication and the approval of the Map for filing and recording as provided and required by law, the CITY and the DEVELOPER hereby agree as follows:

<u>1.</u> <u>Provision of Improvements.</u> DEVELOPER shall provide, at the DEVELOPER's sole cost and expense, all necessary labor and materials to complete the construction of the Improvements depicted on the Map and described in the conditions of approval of the Map within one (1) year of the date of this Security Agreement.

<u>2.</u> <u>Inspection by the CITY</u>. The CITY shall inspect, at the DEVELOPER's sole cost and expense, all of the work, labor and materials performed and provided by the DEVELOPER in connection with the Improvements.

<u>3.</u> <u>Compliance with Plans and Specifications.</u> The Improvements shall be constructed and installed in strict accordance with the CITY-approved plans and specifications.

<u>4.</u> <u>Security for Performance.</u> Concurrently with the execution of this Security Agreement by DEVELOPER, DEVELOPER shall deliver to the CITY a performance bond issued by a corporate surety in substantially the form required by California Government Code 66499.1 and attached hereto as **Exhibit "A"**, in an amount that is not less than 100% of the total estimated cost of the Improvements and any warranty therefor. The performance bond shall be issued by an "admitted" corporate surety insurer authorized to do business in the State of California and the surety insurer shall have an A.M. Best rating of at least "A, XV". The surety insurer shall have assets exceeding its liabilities in the amount equal to or in excess of the amount of the bond, and the bond shall not be in excess of 10% of the surety insurer's assets. The security or bond shall also insure against any and all defects in the Improvements for a period of not less than one full year after the date of acceptance thereof by the CITY. The bond shall be duly executed and shall meet all the requirements of Section 995.660 of the California Code of Civil Procedure.

5. Security for Contractors, Subcontractors, Laborers and Materialmen. The DEVELOPER shall also provide a payment bond issued by a corporate surety for the security of laborers and materialmen, which bond or bonds shall be in substantially the form required by California Government Code Section 66499.2 attached hereto as **Exhibit "B"** and made a part hereof. The amount of the bond(s) shall be no less than 100% of the total estimated amount needed to secure payment to the contractor, to the subcontractors, and to the persons furnishing labor, materials, or equipment to them for the Improvements. The laborers and materialmen bond shall be provided by an "admitted" corporate surety insurer authorized to transact surety insurance in the State of California with an A.M. Best rating of "A, XV", and with assets exceeding its liabilities in the amount equal to or in excess of the amount of the bond, and the bond shall meet all the requirements of Section 995.660 of the California Code of Civil Procedure.

6. General Liability and Worker's Compensation Insurance. The DEVELOPER shall, before commencing any work, obtain commercial general liability insurance (primary) of not less than \$2,000,000.00 per occurrence for all coverages and \$2,000,000.00 general aggregate. The CITY and its employees and agents shall be added as additional insureds. Coverage shall apply on a primary non-contributing basis in relation to any other insurance or self-insurance, primary or excess, available to the CITY or any employee or agent of the CITY. Coverage shall not be limited to the vicarious liability or supervisory role of any additional insured. Coverage shall contain no contractors' limitation endorsement. There shall be no endorsement or modification limiting the scope of coverage for liability arising from pollution, explosion, collapse, underground property damage or employment-related practices. Such insurance shall not prohibit the DEVELOPER, and its employees or agents, from waiving the right of subrogation prior to a loss. The DEVELOPER waives its right of subrogation against the CITY. Unless otherwise approved by the CITY, the DEVELOPER's insurance shall be written by insurers authorized to do business in the State of California and with a minimum A.M. Best rating of "A, XV." Self-insurance shall not be considered to comply with these insurance specifications. The DEVELOPER agrees to require all contractors, subcontractors and other parties hired for the Improvements to purchase and maintain insurance of the types specified herein, naming as additional insureds all of the parties to this Security Agreement. The DEVELOPER shall, before commencing any work, obtain Worker's Compensation Insurance in an amount required by law and, failing to do so, the CITY may procure such insurance at the cost of the DEVELOPER.

<u>7.</u> <u>Comprehensive Commercial General and Automobile Liability Insurance.</u> The DEVELOPER, before commencing any work shall, at its own expense, maintain comprehensive commercial general and automobile liability insurance issued by a California-admitted surety company with an A.M. Best rating of no less than "A, XV" for \$2,000,000 per occurrence. Coverage shall be for the entire duration of the permitted activities. Such liability insurance policy shall name, by endorsement, the City as an additional insured.

8. Indemnification. Notwithstanding the provisions of Government Code, Section 66474.9 or any other statutes of similar import, and to the full extent permitted by law, the DEVELOPER shall defend, indemnify and hold harmless the CITY, its employees, agents, officials and attorneys, from and against any liability, claims, suits, actions, arbitration proceedings, administrative proceedings, regulatory proceedings, losses, expenses or costs of any kind or nature, whether actual, alleged or threatened, reasonable attorneys' fees, court costs, interest, expert witness fees and any other costs or expenses of any kind whatsoever, without restriction or limitation, incurred in relation to, as a consequence of, or arising out of or in any way attributable actually, allegedly or impliedly, in whole or in part, to the Map, the Improvements, this Agreement, or any matter related to the same; provided, however, that the indemnification to be provided by DEVELOPER to the CITY pursuant to the terms of this paragraph shall not be applicable where the aforementioned liability, claim, suit or action is the result of the sole negligence or sole willful misconduct of the CITY.

<u>9.</u> <u>Procedure for Release of Performance Bond Security.</u> The security furnished by the DEVELOPER shall be released in whole or in part in the following manner:

a. Security shall be released upon final completion and acceptance of the Improvements. If the security furnished by the DEVELOPER is a documentary evidence of security, such as a surety bond, the CITY shall release the documentary evidence and return the original to the Surety upon final completion and acceptance of the Improvements. In the event the CITY is unable to return the original documentary evidence to the Surety, the security shall be released by written notice sent by certified mail to the DEVELOPER and to the Surety within 30 days of the City's acceptance of the Improvements. The written notice shall contain a statement that the work for which security was furnished has been completed and accepted, a description of the Improvements, and the notarized signature of an authorized CITY official.

b. At such time as the DEVELOPER believes that the work for which the security was required is complete and makes payment of a partial exoneration fee of \$350 to the CITY, the DEVELOPER shall notify the CITY in writing of the completed work, including a list of work completed. Upon receipt of the written notice, the CITY shall have 45 days to review and comment or approve the completion of the Improvements. If the CITY does not agree that all work has been completed in accordance with the plans

and specifications for the Improvements, it shall supply a list of all remaining work to be completed.

c. Within 45 days of receipt of the CITY's list of remaining work, the DEVELOPER may then provide cost estimates for all remaining work for review and approval by the CITY.

d. Upon receipt of the cost estimates, the CITY shall then have 45 days to review, comment, and approve, modify or disapprove those cost estimates. The CITY shall not be required to engage in this process of partial release more than once between the start of work and the completion and acceptance of all work.

e. The DEVELOPER shall complete the works of Improvement until all remaining items are accepted by the CITY. Upon completion of the Improvements, the DEVELOPER shall be notified in writing by the CITY within 45 days and, within 45 days of the date of the CITY's notice, the release of any remaining performance security shall be made within 60 days of the recording of the Notice of Completion.

<u>10.</u> Procedure for Release of Payment Bond Security. Security securing the payment to the contractor, his or her subcontractors and persons furnishing labor, materials or equipment may, after passage of the time within which mechanic's liens and stop notices are required to be recorded and after acceptance of the Improvements, be reduced by Surety to an amount equal to the total claimed by all claimants for whom mechanic's liens and stop notices have been recorded and notice thereof given in writing to the CITY, and if no claims have been recorded, the security may be released in full.

<u>11.</u> <u>Security for One-Year Warranty Period.</u> The release procedures described in paragraphs 9 and 10 above shall not apply to any required guarantee and warranty period nor to the amount of the performance bond security deemed necessary by the CITY for the guarantee and warranty period nor to costs and reasonable expenses and fees, including reasonable attorneys' fees.

<u>12.</u> <u>Binding Effect.</u> This Security Agreement shall be binding upon and shall inure to the benefit of the parties hereto, their legal representatives and their successors and assigns.

<u>13.</u> <u>Authority to Execute.</u> The DEVELOPER hereby warrants and represents to the CITY that the individual signing this Security Agreement on behalf of the DEVELOPER is vested with the unconditional authority to do so pursuant to, and in accordance with, all applicable legal requirements, and has the authority bind the DEVELOPER hereto.

<u>14.</u> <u>No Assignment.</u> The DEVELOPER may not assign this Security Agreement, or any part thereof, to another without the prior written consent of the CITY.

<u>15.</u> <u>Attorneys' Fees.</u> In the event of legal action to enforce or interpret this Agreement or any of its provisions, the prevailing party shall be entitled, in addition to any other form of relief, to recover its reasonable attorneys' fees and costs of suit.

16. <u>Execution in Counterparts.</u> This Agreement may be executed in counterparts, each of which shall be deemed an original, but which together shall constitute a single agreement.

IN WITNESS WHEREOF, the parties have caused this Agreement to be executed on the dates listed below.

CITY OF BEAUMONT

By Mayor

Date

310 Elm LLC DEVELOPER By

1-13-2020 Date

Title: Managing Partner

Address:

6 Cushing suite 200

Irvine C A92618

EXHIBIT "B"

PAYMENT BOND

WHEREAS, the City Council of the City of Beaumont, State of California, and 310 Elm LLC (hereafter designated as "the Principal") have entered into Agreement To Provide Security For Improvements For Tract Map Or Parcel Map Or Plot Plan, dated 13, 2020, whereby Principal agrees to install and complete certain designated public improvements which is hereby incorporated herein and made a part hereof; and

WHEREAS, under the terms of the said agreement, the Principal is required before entering upon the performance of the work, to file a good and sufficient payment bond with the City of Beaumont to secure the claims to which reference is made in Title 3 (commencing with Section 9000, et seq.) of Part 6 of Division 4 of the Civil Code of the State of California.

NOW, THEREFORE, the Principal and the undersigned as corporate surety, are held firmly bound unto the City of Beaumont and all contractors, subcontractors, laborers, materialmen, and other persons employed in the performance of the said agreement and referred to at Title 3 (commencing with Section 9000, et seq.) of Part 6 of Division 4 of the Civil Code in the sum of Three Hundred Thousand & no/100's dollars (\$300,000.00), for materials furnished or labor thereon of any kind, or for amounts due under the Unemployment Insurance Act with respect to this work or labor, that the Surety will pay the same in an amount not exceeding the amount hereinabove set forth, and also in case suit is brought upon this bond, will pay, in addition to the face amount thereof, costs and reasonable expenses and fees, including reasonable attorney's fees, incurred by the City in successfully enforcing this obligation, to be awarded and fixed by the court, and to be taxed as costs and to be included in the judgment therein rendered.

It is hereby expressly stipulated and agreed that this bond shall inure to the benefit of any and all persons, companies, and corporations entitled to file claims under Title 3 (commencing with Section 9000, et seq.) of Part 6 of Division 4 of the Civil Code, so as to give a right of action to them or their assigns in any suit brought upon this bond.

Should the condition of this bond be fully performed, then this obligation shall become null and void, otherwise it shall be and remain in full force and effect.

The Surety hereby stipulates and agrees that no change, extension of time, alteration, or addition to the terms of the agreement or the specifications accompanying the same shall in any manner affect its obligations on this bond, and it does hereby waive notice of any such change, extension, alteration, or addition.

[signatures on following page]

IN WITNESS WHEREOF, this instrument has been duly executed by the Principal and Surety above named, on _______, 2020.

ç

(Seal)	(Seal)
Berkley Insurance Company SURETY By: By: Name:John G. Kookootsedes	By:PRINCIPAL 310 Elm LLC
Title:Attorney-In-Fact	Title: Managing Partner
Address: 12 Mauchly, Building I	By:
Irvine, CA 92618	Name:
	Title:
	Address: 6 Cushing, Suite 200
	Irvine, CA 92618

ALL SIGNATURES MUST BE ACKNOWLEDGED BEFORE A NOTARY PUBLIC

POWER OF ATTORNEY BERKLEY INSURANCE COMPANY WILMINGTON, DELAWARE

Item 3.

NOTICE: The warning found elsewhere in this Power of Attorney affects the validity thereof. Please review carefully.

KNOW ALL MEN BY THESE PRESENTS, that BERKLEY INSURANCE COMPANY (the "Company"), a corporation duly organized and existing under the laws of the State of Delaware, having its principal office in Greenwich, CT, has made, constituted and appointed, and does by these presents make, constitute and appoint: John G. Kookootsedes; or Mark D. Walling of Infinity Assurance Group d/b/a LAG Insurance Services of Irvine, CA its true and lawful Attorney-in-Fact, to sign its name as surety only as delineated below and to execute, seal, acknowledge and deliver any and all bonds and undertakings, with the exception of Financial Guaranty Insurance, providing that no single obligation shall exceed One Hundred Million and 00/100 U.S. Dollars (U.S.\$100,000,000,00), to the same extent as if such bonds had been duly executed and acknowledged by the regularly elected officers of the Company at its principal office in their own proper persons.

This Power of Attorney shall be construed and enforced in accordance with, and governed by, the laws of the State of Delaware, without giving effect to the principles of conflicts of laws thereof. This Power of Attorney is granted pursuant to the following resolutions which were duly and validly adopted at a meeting of the Board of Directors of the Company held on January 25, 2010:

RESOLVED, that, with respect to the Surety business written by Berkley Surety, the Chairman of the Board, Chief Executive Officer, President or any Vice President of the Company, in conjunction with the Secretary or any Assistant Secretary are hereby authorized to execute powers of attorney authorizing and qualifying the attorney-in-fact named therein to execute bonds, undertakings, recognizances, or other suretyship obligations on behalf of the Company, and to affix the corporate seal of the Company to powers of attorney executed pursuant hereto; and said officers may remove any such attorney-in-fact and revoke any power of attorney previously granted; and further

RESOLVED, that such power of attorney limits the acts of those named therein to the bonds, undertakings, recognizances, or other suretyship obligations specifically named therein, and they have no authority to bind the Company except in the manner and to the extent therein stated; and further

RESOLVED, that such power of attorney revokes all previous powers issued on behalf of the attorney-in-fact named; and further

RESOLVED, that the signature of any authorized officer and the seal of the Company may be affixed by facsimile to any power of attorney or certification thereof authorizing the execution and delivery of any bond, undertaking, recognizance, or other suretyship obligation of the Company; and such signature and seal when so used shall have the same force and effect as though manually affixed. The Company may continue to use for the purposes herein stated the facsimile signature of any person or persons who shall have been such officer or officers of the Company, notwithstanding the fact that they may have ceased to be such at the time when such instruments shall be issued.

IN WITNESS WHEREOF, the Company has caused these presents to be signed and attested by its appropriate officers and its corporate seal hereunto affixed this 24 day of 2019.

(Seal)

WARNING - Any unauthorized reproduction or alteration of this document is prohibited.

certification seal at the bottom is embossed.

This power of attorney is void unless seals are readable and

in blue

e

must

The background imprint, warning and verification instructions (on reverse)

By

Attest:

Ira S. Lederman Executive Vice President & Secretary

) ss:

Berkley Insurance Company

By Jeff M. Hafter Vice President Senior

WARNING: THIS POWER INVALID IF NOT PRINTED ON BLUE "BERKLEY" SECURITY PAPER.

STATE OF CONNECTICUT)

COUNTY OF FAIRFIELD)

Sworn to before me, a Notary Public in the State of Connecticut, this day of 2019, by Ira S. Lederman and and the Senior Vice President, Jeffrey M. Hafter who are sworn to me to be the Executive Vice President/and/Secretary, MARIA C RUNDBAKEN respectively, of Berkley Insurance Company. NOTARY PUBLIC 12

CONNECTICUT COMMISSION EXPIRES APRIL 30, 2024

Notary Public, State of Connecticut

CERTIFICATE

I, the undersigned, Assistant Secretary of BERKLEY INSURANCE COMPANY, DO HEREBY CERTIFY that the foregoing is a true, correct and complete copy of the original Power of Attorney; that said Power of Attorney has not been revoked or rescinded and that the authority of the Attorney-in-Fact set forth therein, who executed the bond or undertaking to which this Power of Attorney is attached, is in full force and effect as of this date.

3th day of Given under my hand and seal of the Company, this

Vincent P. Forte

the

ACKNOWLEDGME	ΝΤ
A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.	
State of California County ofOrange)	
On <u>Fuls</u> 13, 2020 before me, Charloette	e J. Huffman, Notary Public name and title of the officer)
personally appeared <u>John G. Kookootsedes</u> who proved to me on the basis of satisfactory evidence to be subscribed to the within instrument and acknowledged to me his/her/their authorized capacity(ies), and that by his/her/th person(s), or the entity upon behalf of which the person(s) is	ne that he/she/they executed the same in eir signature(s) on the instrument the
I certify under PENALTY OF PERJURY under the laws of t paragraph is true and correct.	he State of California that the foregoing
WITNESS my hand and official seal.	CHARLOETTE J. HUFFMAN Commission No. 2164063 NOTARY PUBLIC-CALIFORNIA ORANGE COUNTY
Signature Charlotte J. Huffman (Seal)	My Comm. Expires SEPTEMBER 3, 2020

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

CIVIL CODE § 1189

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

State of California County of Orange)	
on July 13, 2020	before me,	Crystal Pineda, Notary Public	
Date		Here Insert Name and Title of the Officer	
personally appeared]	Patrick A. Ortiz	
		Name(s) of Signer(s)	

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

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



CRYSTAL PINEDA Notary Public - California Orange County Commission # 2178390 My Comm. Expires Feb 2, 2021

Signature of Notary Public Signature

Place Notary Seal Above

OPTIONAL

Though this section is optional, completing this information can deter alteration of the document or fraudulent reattachment of this form to an unintended document.

Description of Attached Document	
Title or Type of Document:	Document Date:
Number of Pages:Signer(s) Other Than	n Named Above:
Capacity(ies) Claimed by Signer(s)	
Signer's Name:	Signer's Name:
Corporate Officer — Title(s):	Corporate Officer – Title(s):
Partner – Limited General	🔍 🗆 Partner – 🗆 Limited 🛛 General
□ Individual □ Attorney in Fact	Individual 🛛 Attorney in Fact
□ Trustee □ Guardian or Conservator	Trustee Guardian or Conservator
Other:	Other:
Signer Is Representing:	Signer Is Representing:

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Performance Bond No. 0207824 Premium: \$6,480.00 *Premium subject to change based on final contra Basic Gov (Sales Force) # File #

Item 3.

EXHIBIT "A"

PERFORMANCE BOND

WHEREAS, the City Council of the City of Beaumont, State of California, and _________ 310 Elm LLC (hereinafter designated as "Principal") have entered into Agreement To Provide Security For Improvements For Tract Map Or Parcel Map Or Plot Plan, dated _________, 20 20 whereby Principal agrees to install and complete certain designated public improvements itemized and described on Tract Map, Parcel Map or Plot Plan No. , which is hereby incorporated herein and made a part hereof; and

WHEREAS, Principal is required under the terms of the said agreement to furnish a bond for the faithful performance of said agreement.

NOW, THEREFORE, we, the Principal and <u>Berkley Insurance Company</u> as Surety, are held and firmly bound unto the City of Beaumont (hereinafter called "City"), in the penal sum of Three hundred thousand dollars and no/100's------(\$ <u>300,000.00</u>) lawful money of the United States, for the payment of which sum well and truly to be made, we bind ourselves, our heirs, successors, executors and administrators, jointly and severally, firmly by these presents.

The condition of this obligation is such that if the above bounded Principal, his or its heirs, executors, administrators, successors or assigns, shall in all things stand to and abide by, and well and truly keep and perform the covenants, conditions and provisions in the said agreement and any alteration thereof made as therein provided, on his or their part to be kept and performed at the time and in the manner therein specified, and in all respects according to their true intent and meaning, and shall indemnify and save harmless the City, its officers, agents and employees as therein stipulated, then this obligation shall become null and void; otherwise it shall be and remain in full force and effect.

As part of the obligation secured hereby and in addition to the face amount specified therefor, there shall be included costs and reasonable expenses and fees, including reasonable attorney's fees, incurred by the City in successfully enforcing such obligation, all to be taxed as costs and included in any judgment therein rendered.

The Surety hereby stipulates and agrees that no change, extension of time, alteration or addition to the terms of the agreement or to the work to be performed thereunder or the specifications accompanying the same shall in any way affect its obligations on this bond, and it does hereby waive notice of any such change, extension of time, alteration or addition to the terms of the agreement or to the work or to the specifications.

[signatures on following page]

IN WITNESS WHEREOF, this instrument has been duly executed by the Principal and Surety above named, on <u>July 13</u>, 2020.

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(Seal)	(Seal)
Berkley Insurance Company SURETY By: Name:John G. Kookootsedes	310 Elm, ThC - PRINCIPAL By: Name:Patrick A. Ortiz
Title:Attorney-In-Fact	Title: Managing Partner
Address: 12 Mauchly, Building I	By:
Irvine, CA 92618	Name:
	Title:
	Address: 6 Cushing suite 200
	Irvine CA 92618

ALL SIGNATURES MUST BE ACKNOWLEDGED BEFORE A NOTARY PUBLIC

POWER OF ATTORNEY BERKLEY INSURANCE COMPANY WILMINGTON, DELAWARE

Item 3.

NOTICE: The warning found elsewhere in this Power of Attorney affects the validity thereof. Please review carefully.

KNOW ALL MEN BY THESE PRESENTS, that BERKLEY INSURANCE COMPANY (the "Company"), a corporation duly organized and existing under the laws of the State of Delaware, having its principal office in Greenwich, CT, has made, constituted and appointed, and does by these presents make, constitute and appoint: John G. Kookootsedes; or Mark D. Walling of Infinity Assurance Group d/b/a LAG Insurance Services of Irvine, CA its true and lawful Attorney-in-Fact, to sign its name as surety only as delineated below and to execute, seal, acknowledge and deliver any and all bonds and undertakings, with the exception of Financial Guaranty Insurance, providing that no single obligation shall exceed One Hundred Million and 00/100 U.S. Dollars (U.S.\$100,000,000.00), to the same extent as if such bonds had been duly executed and acknowledged by the regularly elected officers of the Company at its principal office in their own proper persons.

This Power of Attorney shall be construed and enforced in accordance with, and governed by, the laws of the State of Delaware, without giving effect to the principles of conflicts of laws thereof. This Power of Attorney is granted pursuant to the following resolutions which were duly and validly adopted at a meeting of the Board of Directors of the Company held on January 25, 2010:

RESOLVED, that, with respect to the Surety business written by Berkley Surety, the Chairman of the Board, Chief Executive Officer, President or any Vice President of the Company, in conjunction with the Secretary or any Assistant Secretary are hereby authorized to execute powers of attorney authorizing and qualifying the attorney-in-fact named therein to execute bonds, undertakings, recognizances, or other suretyship obligations on behalf of the Company, and to affix the corporate seal of the Company to powers of attorney executed pursuant hereto; and said officers may remove any such attorney-in-fact and revoke any power of attorney previously granted; and further

RESOLVED, that such power of attorney limits the acts of those named therein to the bonds, undertakings, recognizances, or other suretyship obligations specifically named therein, and they have no authority to bind the Company except in the manner and to the extent therein stated; and further

RESOLVED, that such power of attorney revokes all previous powers issued on behalf of the attorney-in-fact named; and further

RESOLVED, that the signature of any authorized officer and the seal of the Company may be affixed by facsimile to any power of attorney or certification thereof authorizing the execution and delivery of any bond, undertaking, recognizance, or other suretyship obligation of the Company; and such signature and seal when so used shall have the same force and effect as though manually affixed. The Company may continue to use for the purposes herein stated the facsimile signature of any person or persons who shall have been such officer or officers of the Company, notwithstanding the fact that they may have ceased to be such at the time when such instruments shall be issued.

IN WITNESS WHEREOF, the Company has caused these presents to be signed and attested by its appropriate officers and its corporate seal hereunto affixed this $\frac{\partial Y}{\partial t}$ day of ______2019.

(Seal)

This power of attorney is void unless seals are readable and

in blue

must be

imprint, warning and verification instructions (on reverse)

reproduction or alteration of this document is prohibited.

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bottom is embossed.

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certification seal

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WARNING - Any unauthorized

Ira S. Lederman Executive Vice President & Secretary Berkley Insurance Company

By Hafter Jeff M. Senior Vice President

Notary Public, State of Connecticut

WARNING: THIS POWER INVALID IF NOT PRINTED ON BLUE "BERKLEY" SECURITY PAPER.

STATE OF CONNECTICUT)

Attest:

By

) ss: **COUNTY OF FAIRFIELD**)

Sworn to before me, a Notary Public in the State of Connecticut, this \mathcal{H}^{H} day of \mathcal{H}^{H} , 2019, by Ira S. Lederman and Jeffrey M. Hafter who are sworn to me to be the Executive Vice President and Secretary, and the Senior Vice President, respectively, of Berkley Insurance Company.

NOTARY PUBLIC CONNECTICUT OMMISSION EXPIRES APRIL 30, 2024

CERTIFICATE

day of

I, the undersigned, Assistant Secretary of BERKLEY INSURANCE COMPANY, DO HEREBY CERTIFY that the foregoing is a true, correct and complete copy of the original Power of Attorney; that said Power of Attorney has not been revoked or rescinded and that the authority of the Attorney-in-Fact set forth therein, who executed the bond or undertaking to which this Power of Attorney is attached, is in full force and effect as of this date.

Given under my hand and seal of the Company, this $\sqrt{3^{76}}$

Vincent P. Forte

ACKNOWLEDGME	ENT
A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.	
State of California County ofOrange)	
On <u>Selly 13, 2000</u> before me, <u>Charloet</u> (insert	te J. Huffman, Notary Public
personally appearedJohn G. Kookootsedes who proved to me on the basis of satisfactory evidence to subscribed to the within instrument and acknowledged to r his/her/their authorized capacity(ies), and that by his/her/th person(s), or the entity upon behalf of which the person(s)	me that he/she/they executed the same in heir signature(s) on the instrument the
I certify under PENALTY OF PERJURY under the laws of paragraph is true and correct.	the State of California that the foregoing
WITNESS my hand and official seal.	CHARLOETTE J. HUFFMAN Commission No. 2164063 NOTARY PUBLIC-CALIFORNIA
Signature Charlotte J. Huffman (Seal)	ORANGE COUNTY My Comm. Expires SEPTEMBER 3, 2020

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CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

CIVIL CODE § 1189

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

State of California County of Orange)	
on July 13 2020	before me,	Crystal Pineda, Notary Public	
J Date		Here Insert Name and Title of the Officer	
personally appeared		Patrick A. Ortiz	
• • • • •		Name(s) of Signer(s)	

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

CRYSTAL PINEDA Notary Public - California Orange County Commission # 2178390 My Comm. Expires Feb 2, 2021 I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Enginature of Notary Public Signature

Place Notary Seal Above

OPTIONAL¹

Though this section is optional, completing this information can deter alteration of the document or fraudulent reattachment of this form to an unintended document.

Description of	Attached Document		
Title or Type of	f Document:	Docu	ment Date:
Number of Pag	ges: Signer(s) Other Than	Named Above:	
Capacity(ies)	laimed by Signer(s)		
Signer's Name:		Signer's Name:	
	ficer — Title(s):	Corporate Of	ficer — Title(s):
□ Partner – □	Limited 🗌 General	🗌 🗖 Partner — 🗌	Limited 🗌 General
🗆 Individual	Attorney in Fact	🗆 Individual	Attorney in Fact
Trustee	Guardian or Conservator		Guardian or Conservator
Other:		Other:	
Signer Is Repre	senting:	Signer Is Repre	senting:
-	-	•	0

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SENERAL NOTES

- THIS PLAN SUPERSEDES ALL OTHER PLANS PREVIOUSLY APPROVED BY THE CITY OF BEAUMONT REGARDING IMPROVEMENTS SHOWN ON THIS SET OF PLANS. APPROVAL OF THIS PLAN DOES NOT LESSEN OR WAIVE ANY PORTION OF THE BEAUMONT MUNICIPAL CODE, RESOLUTION OF CONDITIONAL APPROVAL, CITY
- STANDARDS OR OTHER ADDITIONAL DOCUMENTS LISTED HEREIN AS THEY MAY PERTAIN TO THIS PROJECT. THE ENGINEER IN RESPONSIBLE CHARGE SHALL REVISE THESE PLANS WHEN NON-CONFORMANCE IS DISCOVERED. CITY APPROVAL OF PLANS DOES NOT RELIEVE THE DEVELOPER OR ENGINEER-
- OF-WORK FROM RESPONSIBILITY FOR THE CORRECTION OF ERRORS AND OMISSIONS DISCOVERED DURING CONSTRUCTION. ALL PLAN REVISIONS SHALL BE PROMPTLY SUBMITTED TO THE CITY ENGINEER FOR APPROVAL
- A RIGHT-OF-WAY PERMIT FROM THE BUILDING & SAFETY DEPARTMENT WILL BE REQUIRED FOR ANY WORK IN THE PUBLIC RIGHT OF WAY. PRIOR TO PERMIT ISSUANCE, A CERTIFICATE OF INSURANCE MUST BE FILED NAMING THE CITY OF BEAUMONT AS AN ADDITIONAL INSURED ON THE PERMITTEE'S POLICY IN THE MINIMUM AMOUNT OF \$1,000,000.00 FOR EACH OCCURRENCE OF LIABILITY. THE INSURANCE COMPANY WRITING THE POLICY MUST HAVE A RATING OF "A-" OR BETTER AND A SIZE CATEGORY OF CLASS VII OR BETTER AS ESTABLISHED BY "BESTS" KEY RATING GUIDE.
- NO WORK SHALL BE COMMENCED UNTIL ALL PERMITS HAVE BEEN OBTAINED FROM THE CITY AND OTHER APPROPRIATE AGENCIES.
- REVISION OF THESE PLANS MAY BE REQUIRED IF THE PROPOSED IMPROVEMENTS ARE NOT CONSTRUCTED PRIOR TO THE DEADLINE DATE OF THE IMPROVEMENT AGREEMEN1 NO REVISIONS WILL BE MADE TO THESE PLANS WITHOUT THE WRITTEN APPROVAL
- OF THE CITY ENGINEER, NOTED WITHIN THE REVISION BLOCK, ON THE APPROPRIATE SHEET OF THE PLANS AND TITLE SHEET. ORIGINAL DRAWINGS SHALL BECOME THE PROPERTY OF THE CITY UPON BEING
- SIGNED BY THE CITY ENGINEER. THE ORIGINAL DRAWING SHALL BE REVISED TO REFLECT AS-BUILT CONDITIONS BY THE ENGINEER-OF-WORK PRIOR TO FINAL ACCEPTANCE OF THE WORK BY THE
- CITY. 0. ACCESS FOR FIRE AND OTHER EMERGENCY VEHICLES SHALL BE MAINTAINED TO
- THE PROJECT SITE AT ALL TIMES DURING CONSTRUCTION. 1. WHERE TRENCHES ARE WITHIN CITY EASEMENTS, A SOILS REPORT COMPRISED OF: A. SUMMARY SHEET
- B. LABORATORY WORK SHEETS C. COMPACTION CURVES, SHALL BE SUBMITTED BY A PROFESSIONAL ENGINEER OF THE STATE OF CALIFORNIA, PRINCIPALLY DOING BUSINESS IN THE FIELD OF APPLIED SOILS MECHANICS. THE SOILS REPORT WILL BE SUBMITTED TO THE CITY ENGINEERING INSPECTOR WITHIN TWO WORKING DAYS OF COMPLETION OF FIELD TESTS. THE WRITTEN FIELD COMPACTION REPORT(S) SHALL BE IMMEDIATELY SUBMITTED TO THE CITY ENGINEERING INSPECTOR UPON COMPLETION OF THE FIELD TESTS.
- 12. A PRECONSTRUCTION MEETING SHALL BE HELD AT THE SITE PRIOR TO THE BEGINNING OF WORK AND SHALL BE ATTENDED BY ALL REPRESENTATIVES RESPONSIBLE FOR CONSTRUCTION, INSPECTION, SUPERVISION, TESTING AND ALL OTHER ASPECTS OF THE WORK. THE CONTRACTOR SHALL SCHEDULE THE MEETING BY CALLING THE INSPECTION LINE AT (951) 572-3224 AT LEAST FIVE (5) WORKING DAYS PRIOR TO STARTING CONSTRUCTION. APPROVED DRAWINGS MUST BE AVAILABLE PRIOR TO SCHEDULING.
- 3. ALL INSPECTION REQUESTS OTHER THAN FOR THE PRECONSTRUCTION MEETING WILL BE MADE BY CALLING THE BUILDING AND SAFETY INSPECTION REQUEST LINE AT (951) 572-3224. INSPECTION REQUESTS MUST BE RECEIVED PRIOR TO 2:00 P.M. ON THE DAY BEFORE THE INSPECTION IS NEEDED. INSPECTIONS WILL BE MADE THE NEXT WORK DAY UNLESS YOU REQUEST OTHERWISE. REQUESTS MADE AFTER 2:00 P.M. WILL BE SCHEDULED FOR TWO FULL WORK DAYS LATER.
- 4. THE OWNER AND/OR APPLICANT THROUGH THE DEVELOPER AND/OR CONTRACTOR SHALL DESIGN, CONSTRUCT AND MAINTAIN ALL SAFETY DEVICES, INCLUDING SHORING, AND SHALL BE SOLELY RESPONSIBLE FOR CONFORMING TO ALL LOCAL, STATE AND FEDERAL SAFETY AND HEALTH STANDARDS, LAWS AND **REGULATIONS.**
- 5. THE CONTRACTOR SHALL CONFORM TO LABOR CODE SECTION 6705 BY SUBMITTING A DETAIL PLAN TO THE CITY ENGINEER AND/OR CONCERNED AGENCY SHOWING THE DESIGN OF SHORING, BRACING SLOPE OR OTHER PROVISIONS TO BE MADE OF WORKER PROTECTION FROM THE HAZARD OF CAVING GROUND DURING THE EXCAVATION OF SUCH TRENCH OR TRENCHES OR DURING THE PIPE INSTALLATION THEREIN. THIS PLAN MUST BE PREPARED FOR ALL TRENCHES FIVE FEET (5') OR MORE IN DEPTH AND APPROVED BY THE CITY ENGINEER AND/OR CONCERNED AGENCY PRIOR TO EXCAVATION. IF THE PLAN VARIES FROM THE SHORING SYSTEM STANDARDS ESTABLISHED BY THE CONSTRUCTION SAFETY ORDERS, TITLE 8 CALIFORNIA ADMINISTRATIVE CODE, THE PLAN SHALL BE PREPARED BY A REGISTERED ENGINEER AT THE CONTRACTORS EXPENSE. A COPY OF THE OSHA EXCAVATION PERMIT MUST BE SUBMITTED TO THE INSPECTOR PRIOR TO EXCAVATION.
- 6. IF ANY ARCHAEOLOGICAL RESOURCES ARE DISCOVERED WITHIN ANY WORK ZONE DURING CONSTRUCTION, OPERATIONS WILL CEASE IMMEDIATELY, AND THE PERMITTEE WILL NOTIFY THE CITY ENGINEER. OPERATIONS WILL NOT RESTART UNTIL THE PERMITTEE HAS RECEIVED WRITTEN AUTHORITY FROM THE CITY ENGINEER TO DO SO.
- 7. ALL OPERATIONS CONDUCTED ON THE SITE OR ADJACENT THERETO SHALL ADHERE TO THE NOISE ORDINANCE SET FORTH BY THE CITY MUNICIPAL CODE. ALL OPERATIONS SHALL BE LIMITED BY THE NOISE ORDINANCE TO THE LEVEL OF DECIBELS SPECIFIED FOR THE AREA AND TIME PERIOD. CONSTRUCTION ACTIVITIES WILL BE LIMITED TO THE PERIOD BETWEEN 7:00 A.M. AND 6:00 P.M. EACH DAY MONDAY THROUGH FRIDAY, UNLESS OTHERWISE PERMITTED.
- 8. ALL OFF-SITE HAUL ROUTES SHALL BE SUBMITTED BY THE CONTRACTOR TO THE CITY ENGINEER FOR APPROVAL TWO FULL WORKING DAYS PRIOR TO BEGINNING OF WORK. THE CONTRACTOR SHALL BE RESPONSIBLE FOR ANY DEBRIS OR DAMAGE OCCURRING ALONG THE HAUL ROUTE OR ADJACENT STREETS AS A RESULT OF THE GRADING OPERATION.
- 19. NO BLASTING SHALL BE COMMENCED WITHOUT A CITY ENGINEER APPROVED BLASTING PROGRAM AND BLASTING PERMIT.
- 20. THE EXISTENCE AND LOCATION OF UTILITY STRUCTURES AND FACILITIES SHOWN ON THE CONSTRUCTION PLANS WERE OBTAINED BY A SEARCH OF THE AVAILABLE RECORDS. ATTENTION IS CALLED TO THE POSSIBLE EXISTENCE OF OTHER UTILITY FACILITIES OR STRUCTURES NOT SHOWN OR IN A LOCATION DIFFERENT FROM THAT SHOWN ON THE PLANS. THE CONTRACTOR IS REQUIRED TO TAKE DUE PRECAUTIONARY MEASURES TO PROTECT THE UTILITIES SHOWN ON THE PLANS AND ANY OTHER EXISTING FACILITIES OR STRUCTURES NOT SHOWN.
- 1. THE CONTRACTOR SHALL VERIFY THE LOCATION OF ALL EXISTING FACILITIES (ABOVEGROUND AND UNDERGROUND) WITHIN THE PROJECT SITE SUFFICIENTLY AHEAD OF THE CONSTRUCTION TO PERMIT THE REVISIONS OF THE CONSTRUCTION PLANS IF IT IS FOUND THAT THE ACTUAL LOCATIONS ARE IN CONFLICT WITH THE PROPOSED WORK.
- 22. THE CONTRACTOR SHALL NOTIFY AFFECTED UTILITY COMPANIES (SEE BELOW) AT LEAST TWO FULL WORKING DAYS PRIOR TO STARTING CONSTRUCTION NEAR THEIR FACILITIES AND SHALL COORDINATE WORK WITH A COMPANY REPRESENTATIVE.

UNDERGROUND SERVICE ALERI	(800) 422-4133
SOUTHERN CALIFORNIA EDISON	(800) 409-2365
ΑΤ&Τ	(800) 892-0123
TIME WARNER CABLE	(760) 340-2225
COX COMMUNICATIONS	(888) 423–3913
ACCORDANCE THE CITY STORM WATER	STANDARDS ALL STORM D

23. IN ACCORDANCE THE CITY STORM WATER STANDARDS ALL STORM DRAIN INLETS CONSTRUCTED BY THIS PLAN SHALL INCLUDE "STENCILS" BE ADDED TO PROHIBIT WASTE DISCHARGE DOWNSTREAM. STENCILS SHALL BE ADDED TO THE SATISFACTION OF THE CITY ENGINEER.

<u>WORK TO BE DONE</u>

THE IMPROVEMENT WORK SHALL BE PERFORMED IN ACCORDANCE WITH THE FOLLOWING DOCUMENTS, CURRENT AT THE TIME OF CONSTRUCTION, AS DIRECTED BY 1. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE CLEARING OF THE PROPOSED WORK AREA AND RELOCATION COSTS THE CITY ENGINEER.

- 1. BEAUMONT MUNICIPAL CODE. 2. FOR STREETS: RIVERSIDE COUNTY ORDINANCE NO. 461. CONSERVATION DISTRICT'S STANDARDS FOR FLOOD CONTROL FACILITIES. SANITARY SEWER FACILITIES: THE EASTERN MUNICIPAL WATER DISTRICT'S STANDARDS FOR SANITARY SEWER FACILITIES. ALL OTHER PUBLIC WORKS: THE STANDARD SPECIFICATIONS FOR PUBLIC WORKS CONSTRUCTION (GREEN BOOK)
- THIS SET OF PLANS.
- RESOLUTION NO <u>PP2018-0154</u>, DATED <u>5/28/2019</u>. SOILS REPORT AND RECOMMENDATIONS BY GEOCON WEST, INC, DATED JULY 22, <u>2019</u>

PRIVATE ENGINEERS NOTICE TO CONTRACTOR(S)

- 1. THE EXISTENCE AND LOCATION OF ANY UNDERGROUND UTILITIES OR STRUCTURES SHOWN ON THESE PLANS ARE OBTAINED BY A SEARCH OF AVAILABLE RECORDS. TO THE BEST OF OUR KNOWLEDGE, THERE ARE NO EXISTING UTILITIES EXCEPT THOSE SHOWN ON THESE PLANS. THE CONTRACTOR IS REQUIRED TO TAKE ALL PRECAUTIONARY MEASURES TO PROTECT THE UTILITIES SHOWN, AND ANY OTHER LINES OR STRUCTURES NOT SHOWN ON THESE PLANS AND IS RESPONSIBLE FOR THE PROTECTION OF, AND ANY DAMAGE TO THESE LINES OR STRUCTURES
- 2. IT SHALL BE THE CONTRACTORS RESPONSIBILITY TO NOTIFY THE OWNER OF
- ALL UTILITIES OR STRUCTURES CONCERNED BEFORE STARTING WORK. 3. QUANTITIES SHOWN HEREON ARE PROVIDED FOR BIDDING PURPOSES ONLY. CONTRACTOR SHALL BE RESPONSIBLE FOR VERIFYING ALL QUANTITIES PRIOR TO BIDDING FOR CONSTRUCTION.
- 4. THE PRIVATE ENGINEER SIGNING THESE PLANS IS RESPONSIBLE FOR ASSURING THE ACCURACY AND ACCEPTABILITY OF THE DESIGN HEREON. IN THE EVENT OF DISCREPANCIES ARISING AFTER CITY APPROVAL OR DURING CONSTRUCTION, THE PRIVATE ENGINEER SHALL BE RESPONSIBLE FOR DETERMINING AN ACCEPTABLE SOLUTION AND REVISING THE PLANS FOR APPROVAL BY THE CITY.

<u>NOTE</u>

- APPROVAL OF THESE PLANS APPLIES ONLY WITHIN THE JURISDICTION OF THE CITY OF BEAUMONT.
- 2. TRENCHING FOR UTILITIES AND STRUCTURES IS NOT ALLOWED UNTIL SOIL COMPACTION REPORT IS SUBMITTED AND APPROVED BY THE PUBLIC WORKS DEPARTMENT.
- 3. THE CITY RESERVES THE RIGHT TO REQUIRE REVISION OF THE APPROVED PLANS TO CONFORM WITH CURRENT STANDARDS AND TO POST A NEW BOND IF CONSTRUCTION HAS NOT COMMENCED WITHIN TWO YEARS AFTER PLANS WERE APPROVED.
- 4. SIDEWALK AND DRIVEWAY APPROACHES WILL BE POURED/CONSTRUCTED ONLY AFTER DRIVEWAY LOCATIONS ARE DETERMINED.

<u>"DECLARATION OF RESPONSIBLE CHARGE"</u>

HEREBY DECLARE THAT I AM THE ENGINEER OF WORK FOR PROJECT, THAT I HAVE EXERCISED RESPONSIBLE CHARGE OVER THE DESIGN OF THE PROJECT AS DEFINED IN SECTION 6703 OF THE BUSINESS AND PROFESSIONS CODE, AND THAT THE DESIGN IS CONSISTENT WITH CURRENT STANDARDS. I UNDERSTAND THAT THE CHECK OF PROJECT DRAWINGS AND SPECIFICATIONS BY THE CITY OF BEAUMONT DOES NOT RELIEVE ME AS ENGINEER OF WORK OF MY RESPONSIBILITIES FOR PROJECT DESIGN.

FIRM: HUNSAKER & ASSOCIATES IRVINE, INC.

ADDRESS: 2900 ADAMS STREET, STE. A-15

CITY, ST.: RIVERSIDE, CA 92504

TELEPHONE: (951) 509-7047 BY: Jamielle l. tugos

DANIELLE S. FREGOSO RCE 65501

BASIS OF BEARINGS:

THE BASIS OF BEARINGS FOR THIS SURVEY IS THE CALIFORNIA STATE PLANE COORDINATE SYSTEM, CCS83, ZONE 6, BASED LOCALLY ON CONTROL STATIONS "P584", "PPBF" AND "P612" NAD 83 (NSRS2011) [2010.00 EPOCH] AS SHOWN HEREON. ALL BEARINGS SHOWN ON THIS MAP ARE GRID. QUOTED BEARINGS AND DISTANCES FROM REFERENCE MAPS OR DEEDS ARE AS SHOWN PER THAT RECORD REFERENCE. ALL DISTANCES SHOWN ARE GROUND DISTANCES UNLESS SPECIFIED OTHERWISE. GRID DISTANCES, MAY BY OBTAINED BY MULTIPLYING THE GROUND DISTANCE BY A COMBINATION FACTOR OF 1.0001096. CALCULATIONS ARE MADE AT THE CENTERLINE INTERSECTION OF ELM AVENUE AND 4TH STREET WITH COORDINATES

N: 2281468.958, E: 6338113.865, USING AN ELEVATION OF 2552.46.

	BENCHMARK:					
044	NATIONAL GEODETIC SURVEY DESIGNATION "L 1311"					
	DESCRIBED BY NATIONAL GEODETIC SURVEY 1988. AT THE JUNCTION OF CALIFORNIA AVENUE					
	AND FIFTH PLACE, 28.9 M (94.8 FT) WEST OF THE					
	AVENUE CENTERLINE, 7.7 M (25.3 FT) SOUTH OF THE CENTERLINE OF FIFTH PLACE, 1.1 M (3.6 FT)					
	NORTH OF A GUY WIRE, 0.79 M (2.6 FT) SOUTH OF					
Know what's below.	A POWER POLE, 0.18 M (0.6 FT) EAST OF A WITNESS POST. MARK IS 0.6 METERS W FROM A					
Call 811 before you dig.	SECOND WITNESS POST. A 3-1/2" BRASS DISK IN A 4" P.V.C. PIPE DN. 0.3' STAMPED L 1311 1978.	BY	MARK	DESCRIPTION	APPR.	DAT
	ELEVATION 2579.30' NAVD 88	ENG	INEER	REVISIONS	C	NTY

CITY OF BEAUMONT, CALIFORNIA IMPROVEMENT PLANS FOR STREET PLAN PP2018-0154

- 9. ASPHALTIC EMULSION (FOG SEAL) SHALL BE APPLIED NOT LESS THAN FOURTEEN DAYS FOLLOWING PLACEMENT OF THE ASPHALT SURFACING. FOG SEAL AND PAINT BINDER SHALL BE APPLIED AT A RATE OF 0.05 AND 0.03 GALLON PER SQUARE YARD RESPECTIVELY. ASPHALTIC EMULSION SHALL CONFORM TO SECTIONS 37, 39 AND 94 OF THE STATE STANDARD SPECIFICATIONS.
- 10. PRIME COAT IS REQUIRED PRIOR TO PAVING ALL GRADES IN EXCESS OF TEN PERCENT
- 11. CONSTRUCTION PROJECTS DISTURBING MORE THAN ONE ACRE MUST OBTAIN A NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES PERMIT) OWNERS/DEVELOPERS ARE REQUIRED TO FILE A NOTICE OF INTENT (NOI) WITH THE STATE WATER RESOURCES CONTROL BOARD (SWRCB), PREPARE A STORM WATER POLLUTION PREVENTION PLAN (SWPPP) AND MONITORING PLAN FOR THE SITE.
- 12. THE DEVELOPER SHALL BE RESPONSIBLE FOR THE INSTALLATION OF ADDITIONAL SIGNS AND MARKINGS NOT INCLUDED IN THE SIGNING AND STRIPING PLAN WITHIN THE PROJECT AREAS, OR ON ROADWAYS ADJACENT TO THE PROJECT BOUNDARIES, UPON THE REQUEST OF THE DIRECTOR OF PUBLIC WORKS OR HIS DESIGNEE TO IMPROVE TRAFFIC SAFETY ON THE ROADS UNDER THE JURISDICTION OF THE DEVELOPER.
- 13. IT SHALL BE THE RESPONSIBILITY OF THE DEVELOPER/CONTRACTOR TO APPLY TO THE RIVERSIDE COUNTY FLOOD CONTROL (RCFC) FOR PERMITS WHEN ANY STORM DRAIN PIPE NEEDS TO BE CONNECTED WITH A RCFC FACILITY AND ADD PERMITEE #____ ____ ON THE PLAN.
- 14. IT SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR OR DEVELOPER TO APPLY TO THE CALIFORNIA DEPARTMENT OF TRANSPORTATION (CALTRANS) FOR AN ENCROACHMENT PERMIT FOR ALL WORK PERFORMED WITHIN STATE RIGHT-OF-WAY.
- 15. CURB DEPRESSIONS AND DRIVEWAY APPROACHES WILL BE INSTALLED AND CONSTRUCTED ACCORDING TO COUNTY STANDARDS NO. 206 AND/OR 207, AS DIRECTED IN THE FIELD.
- 16. STREET LIGHTS SHALL BE INSTALLED IN ACCORDANCE WITH THE APPROVED STREET LIGHTING PLAN PER CITY OF BEAUMONT'S APPROVED STREET LIGHTING SPECIFICATIONS.
- 17. FOR ALL DRIVEWAY RECONSTRUCTION BEYOND RIGHT-OF-WAY, PROOF OF DRIVEWAY OWNER NOTIFICATION IS REQUIRED PRIOR TO CONSTRUCTION. 18. INSTALL STREET TREES IN ACCORDANCE WITH ORDINANCE 461 AND THE COMPREHENSIVE LANDSCAPING GUIDELINES
- (CHOOSE THREE SPECIES AND NAME THEM HERE). 19. THE DEVELOPER SHALL HAVE GEOTECHNICAL/SOILS ENGINEERING FIRM OBSERVE TRENCHING, BACKFILLING, & SOIL COMPACTION OF ALL UTILITY TRENCHES WITHIN ALL EASEMENTS & ROAD RIGHTS OF WAY. TWO SETS OF COMPACTION REPORTS CERTIFYING THAT WORKS WERE DONE IN CONFORMANCE TO STANDARDS & GEOTECHNICAL REPORT SHALL BE SUBMITTED AFTER EACH UTILITY TRENCH IS COMPLETED & CERTIFIED. COMPACTION REPORT MUST BE SUBMITTED TO THE DEPT. OF PUBLIC WORKS AT LEAST TWO WORKING DAYS BEFORE AGGREGATE BASE MATERIALS ARE PLACED ONSITE.

DATE: Jul 15, 2020



STREET NOTES

OF ALL EXISTING UTILITIES. THIS INCLUDES UNDERGROUNDING OF EXISTING OVERHEAD LINES ALONG THE PROJECT FRONTAGE AS REQUIRED BY THE CONDITIONS OF APPROVAL. PERMITTEE MUST INFORM CITY OF CONSTRUCTION SCHEDULE AT LEAST 48 HOURS PRIOR TO BEGINNING OF CONSTRUCTION AT (951) 769-8520. FLOOD CONTROL FACILITIES: THE RIVERSIDE COUNTY FLOOD CONTROL AND WATER 2. ALL WORK SHALL CONFORM TO THE REQUIREMENTS OF THE STANDARD SPECIFICATIONS FOR PUBLIC WORKS

CONSTRUCTION, GREENBOOK, LATEST EDITION AND THE RIVERSIDE COUNTY TRANSPORTATION DEPARTMENT IMPROVEMENT STANDARDS AND SPECIFICATIONS, "LATEST EDITION," COUNTY ORDINANCE NO. 461 AND SUBSEQUENT AMENDMENTS. 3. ALL UNDERGROUND FACILITIES, WITH LATERALS, SHALL BE IN PLACE PRIOR TO PAVING THE STREET SECTION INCLUDING BUT NOT LIMITED TO, THE FOLLOWING: SEWER, WATER, ELECTRIC, GAS AND STORM DRAIN.

4. IT SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR OR DEVELOPER TO INSTALL AND MAINTAIN ALL CONSTRUCTION, REGULATORY, GUIDE AND WARNING SIGNS WITHIN THE PROJECT LIMITS AND ITS SURROUNDINGS TO PROVIDE SAFE PASSAGE FOR THE TRAVELING PUBLIC AND WORKERS UNTIL THE FINAL COMPLETION AND ACCEPTANCE OF THE PROJECT BY THE CITY. A TRAFFIC CONTROL PLAN MUST BE SUBMITTED WITH APPROVED STREET PLAN FOR REVIEW TO THE PERMITS SECTION OR INSPECTION SECTION (FOR MAP CASES) PRIOR TO OBTAINING AN ENCROACHMENT PERMIT. 5. ANY PRIVATE DRAINAGE FACILITIES SHOWN ON THESE PLANS ARE FOR INFORMATION ONLY. BY SIGNING THESE

IMPROVEMENT PLANS, NO REVIEW OR APPROVAL OF THESE PRIVATE FACILITIES ARE IMPLIED OR INTENDED BY CITY OF BEAUMONT PUBLIC WORKS DEPT.

6. THE DEVELOPER WILL INSTALL STREET NAME SIGNS CONFORMING TO R.C.T.D. STANDARD NO. 816. 7. ALL STREET SECTIONS ARE TENTATIVE. ADDITIONAL SOIL TESTS SHALL BE TAKEN AFTER ROUGH GRADING TO DETERMINE

THE EXACT STREET SECTION REQUIREMENTS. USE R.C.T.D. STANDARD NO. 401 IF EXPANSIVE SOILS ARE ENCOUNTERED. 8. IT SHALL BE THE RESPONSIBILITY OF THE DEVELOPER TO NOTIFY THE ENGINEER TO INSTALL STREET CENTERLINE MONUMENTS AS REQUIRED BY RIVERSIDE COUNTY ORDINANCE NO. 461. IF CONSTRUCTION CENTERLINE DIFFERS, PROVIDE A TIE TO EXISTING CENTERLINE OF RIGHT-OF-WAY. PRIOR TO ROAD CONSTRUCTION, SURVEY MONUMENTS INCLUDING CENTERLINE MONUMENTS, TIE POINTS, PROPERTY CORNERS AND BENCH MARKS SHALL BE REFERENCED OUT AND CORNER RECORDS FILED WITH THE COUNTY SURVEYOR PURSUANT TO SECTION 8771 OF THE BUSINESS & PROFESSIONAL CODE. SURVEY POINTS DESTROYED DURING CONSTRUCTION SHALL BE RESET, AND A SECOND CORNER RECORD FILED FOR THOSE POINTS PRIOR TO COMPLETION AND ACCEPTANCE OF THE IMPROVEMENTS.

VICINITY MAP



Item 3.

CONS	TRUCTION NOTES	QNTY	UNITS
(1A)	INSTALL 3" A.C. OVER 9.5" COMPACTED AGGREGATE BASE CL II PER TYPICAL SECTION ON SHEET 2	17,362 313 509	SF TONS(AC) CY (AB)
(1B)	INSTALL 3" A.C. OVER 6" COMPACTED AGGREGATE BASE CL II PER TYPICAL SECTION ON SHEET 2	6,140 111 114	SF TONS(AC) CY (AB)
2	CONSTRUCT CURB AND GUTTER TYPE "A-6" PER RIVERSIDE COUNTY STANDARD NO. 200	695	LF
3	CONSTRUCT 4" P.C.C. SIDEWALK PER RIVERSIDE COUNTY STANDARD NO. 401	3,877	SF
4	CONSTRUCT CROSS GUTTER PER RIVERSIDE COUNTY STANDARD NO. 209	673	SF
5	INSTALL 3" A.B. OVER 95% COMPACTED SOIL	3,600 33	SF CY (AB)
6	CONSTRUCT COMMERCIAL DRIVEWAY PER RIVERSIDE COUNTY STANDARD NO. 207A	2	EA
7	COLD PLANE GRIND 0.17' MIN. EXISTING PAVEMENT AND JOIN PER DETAIL ON SHEET 2	500	SF
8	REMOVE EXISTING CONCRETE DRIVEWAY	1,885	SF
9	REMOVE EXISTING CHAIN LINK FENCE	445	LF
10	REMOVE EXISTING CURB AND GUTTER	80	LF
(11)	CONSTRUCT TYPE "D" CURB (6" CURB FACE) PER RIVERSIDE COUNTY STANDARD NO. 204	80	LF
(12)	CONSTRUCT CURB TO MOUNTABLE DIKE TRANSITION PER DETAIL 12 ON SHEET 2	23	LF
(13)	REMOVE EXISTING PAVEMENT	1,785	SY
(14)	CONSTRUCT 6" THICK CONCRETE DRIVEWAY WITH #4 REBAR @ 18" OC BOTH WAYS	3,535	SF
(15)	CONSTRUCT CONCRETE RIBBON GUTTER PER DETAIL 15 ON SHEET 2	480	SF
(16)	CONSTRUCT UNDER SIDEWALK DRAIN (W=33") PER RIVERSIDE COUNTY STANDARD NO. 309	2	EA
(17)	CONSTRUCT CURB AND GUTTER TO BERM TRANSITION PER DETAIL 17 ON SHEET 4	10	LF
(18)	INSTALL 3" ROCK (10'X10'X6" THICK)	8	CY

OWNER/APPLICANT:

OR IIZ EN IERPRISES, INC 6 CUSHING, SUITE 200 IRVINE, CA 92618 (949) 753–1414 JEFF MCDERMOTT JMCDERMOTT@ORTIZENT.COM

SOILS ENGINEER:

GEOCON WEST, INC. 41571 CORNING PLACE, STE 101 MURRIETA, CA 92562-7065 PHONE: (951) 304-2300 FAX: (951) 304-2392

LEGAL DESCRIPTION:

ASSESSOR'S PARCEL NOS .: 41/-110-02.

417-110-022 417-130-013

SITE ADDRESS:

310 ELM AVENUE BEAUMONT, CA 92223

LOTS 3, 4 AND THE EAST 1 ACRE OF LOT 5 IN BLOCK 138, AS SHOWN BY THE AMENDED MAP OF THE TOWN OF BEAUMONT, IN THE CITY OF BEAUMONT, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA, AS PER MAP RECORDED IN BOOK 6. PAGES 16 AND 17 OF MAPS, RECORDS OF SAN BERNARDINO COUNTY CALIFORNIA.

EXCEPT THAT PORTION OF LOT 3 DESCRIBED IN THE GRANT DEED TO JOSIAH P. WATTS AND PATRICIA WATTS, HUSBAND AND WIFE AS JOINT TENANTS, RECORDED APRIL 23, 1974 AS INSTRUMENT NO. 47197 OFFICIAL RECORDS.

TOGETHER WITH THAT PORTION OF THE UNNAMED ALLEY IN BLOCK 138, VACATED BY NOTICE OF STREET VACATION NO. 17-SV-001, RECORDED JANUARY 8, 2018 AS INSTRUMENT NO. 2018-0008025 OFFICIAL RECORDS, WHICH WOULD PASS WITH A CONVEYANCE OF LOTS 3 AND 4 HEREIN BY OPERATION OF LAW.

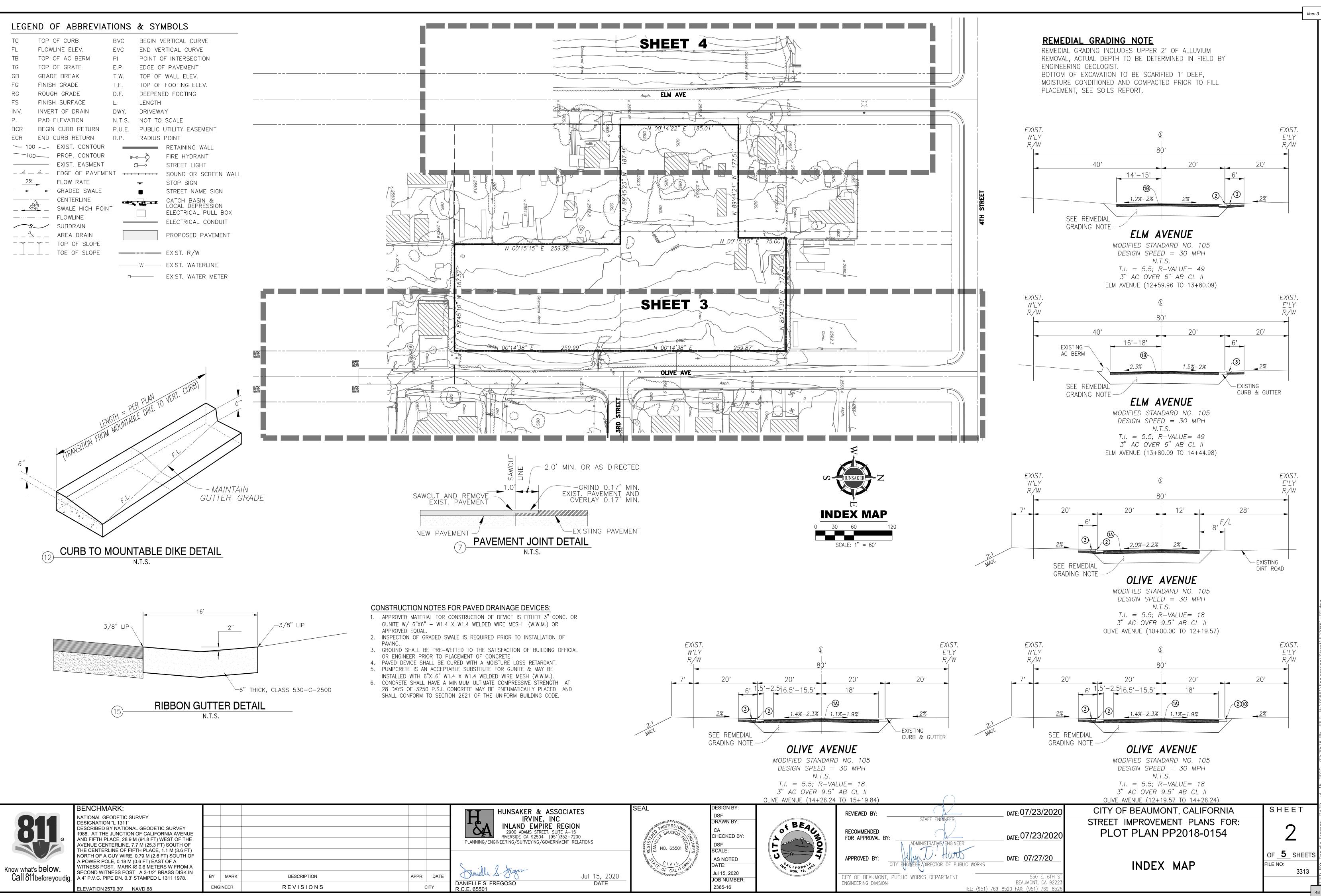
INDEX OF SHEETS

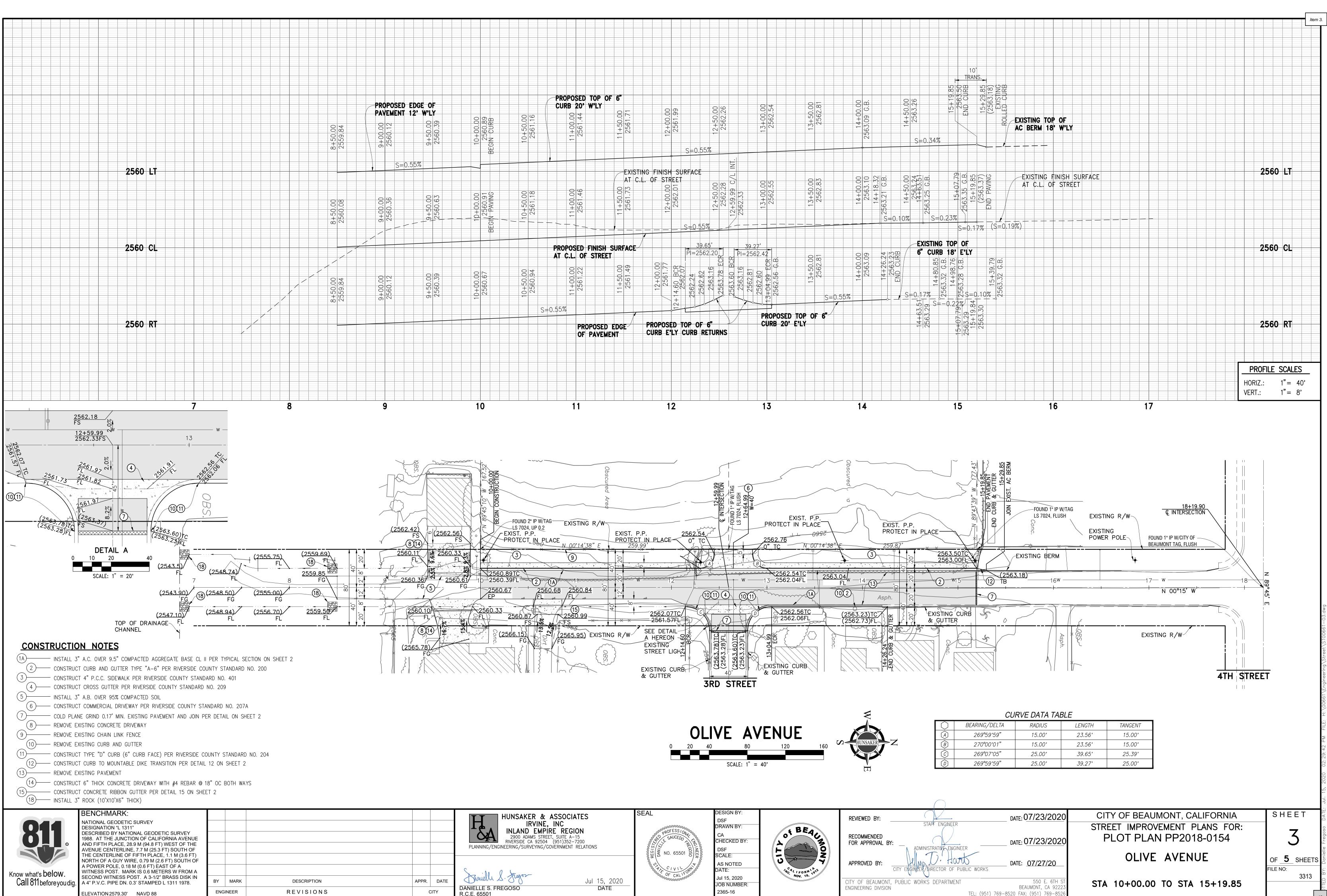
DESCRIPTION		SHEET NO
TITLE SHEET	GENERAL NOTES & VICINITY MAP	1
INDEX MAP	INDEX MAP, QUANTITIES, LOCAL DEPRESSION DETAILS & LEGEND	2
OLIVE AVENUE	STA 10+00.00 TO STA 15+19.84	3
ELM AVENUE	STA 12+59.96 TO STA 14+44.98	4
CROSS SECTIONS		5

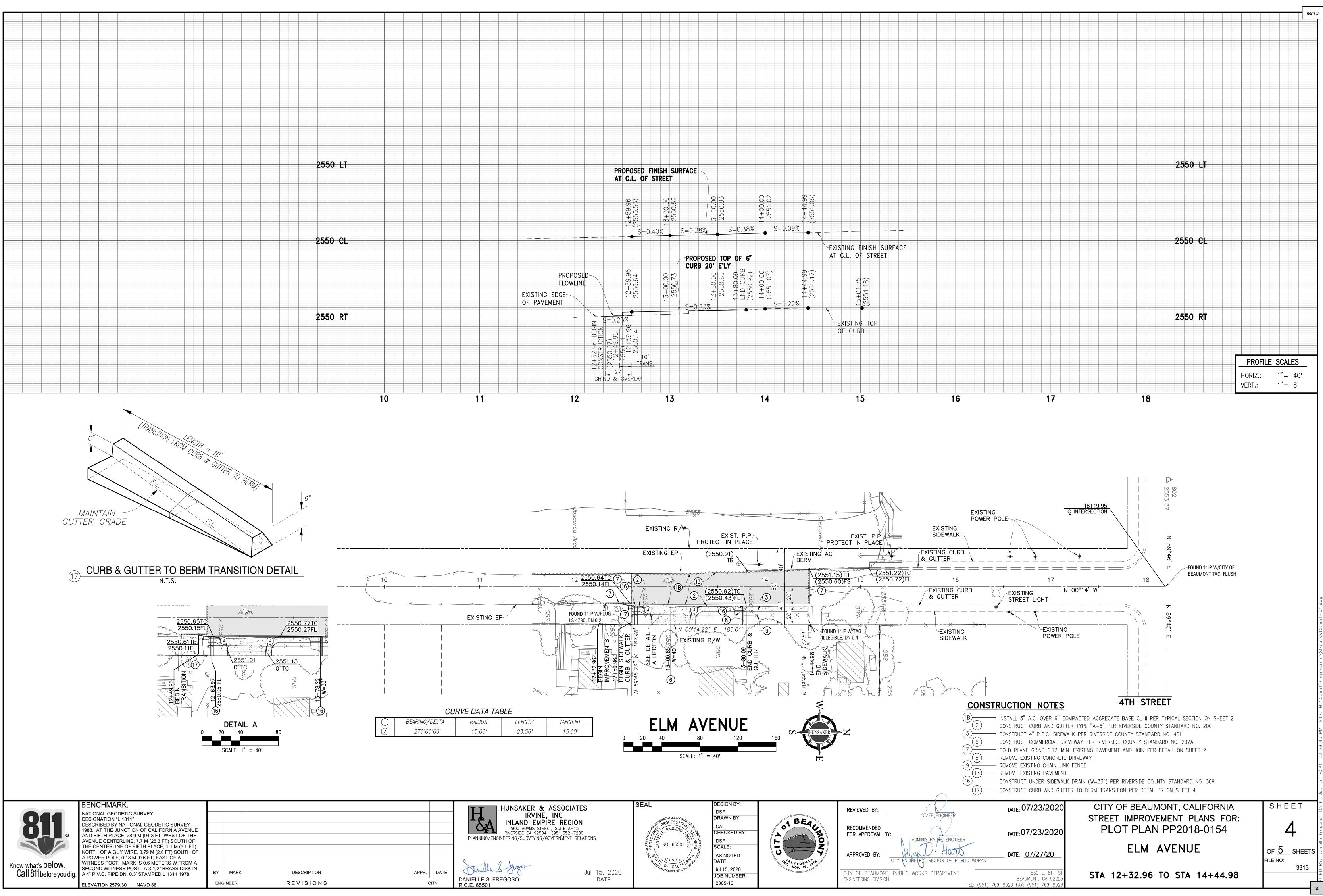
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** EMWD SEWER STANDARD DRAWINGS *** STANDARD PLANS FOR PUBLIC WORKS CONSTRUCTION

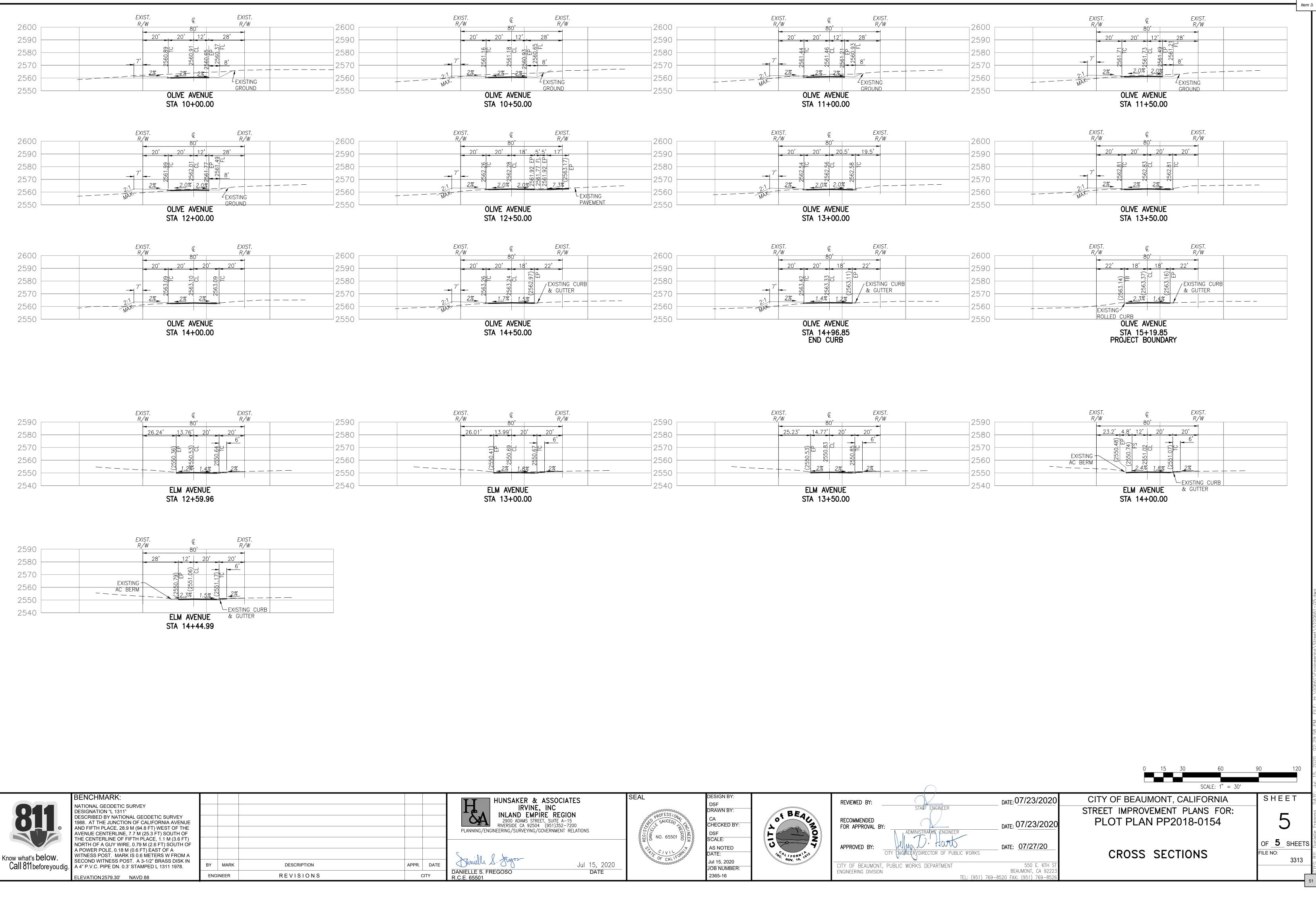
	_{DATE:} 07/23/2020	CITY OF BEAUMONT, CALIFORNIA	SHEET
	DATE: 07/23/2020	STREET IMPROVEMENT PLANS FOR: PLOT PLAN PP2018-0154	1
DIRECTOR OF PUBLIC WORKS	date: <u>07/27/20</u>	TITLE SHEET	OF <u>5</u> SHEETS FILE NO: 3313
(S DEPARTMENT TEL: (951) 7	550 E. 6TH ST BEAUMONT, CA 92223 69–8520 FAX: (951) 769–8526		







CU ELTA	RVE DATA TA	BLE LENGTH	TANGENT	E1	_M AV			
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DATE	PLANNING/ENGI DANIELLE S. FRI R.C.E. 65501	S- Jugor	ASSOCIATES INC RE REGION et, suite A-15 (951)352-7200 government relations Jul 15, 2 DATE	S S I PAC	NO. 65501 C / V I L OF CAL IFORM	DESIGN BY: DSF DRAWN BY: CA CHECKED BY: DSF SCALE: AS NOTED DATE: Jul 15, 2020 JOB NUMBER: 2365-16	A BEACHORY BEACHORY 14C4L/FORMASY NOV. 18, 1912	REVIEWED BY: RECOMMENDED FOR APPROVAL BY: APPROVED BY: CITY ENGINEE CITY OF BEAUMONT, PUBLIC WOR ENGINEERING DIVISION



I EVATION 2579.30'	NAVD



Staff Report

TO:	City Council
FROM:	Elizabeth Gibbs, Community Services Director
DATE	August 18. 2020

SUBJECT: Resolution Authorizing the City Manager to Accept Grant Deeds from Pulte Homes for Tract No. 29180 Lots A, B, and C, and Tract No. 29186 Lots I and J

Background and Analysis:

Pulte Home Company, LLC has executed grant deeds to the City of Beaumont for lettered lots located in Oak Valley Greens, specifically Tract No. 29180 lots A, B, and C, and Tract No. 29186 lots I and J.

Improvements to these lettered lots have been completed and are ready to accept. Government Code Section 27281 provides that instruments conveying an interest in real property to the City may not be recorded without a Certificate of Acceptance approved by the City Council. It also provides that City Council may adopt a resolution authorizing one or more officers to execute the Certificate of Acceptance, in this case the City Manager.

The City Attorney has drafted the attached resolution for Council consideration and Pulte Home Company, LLC has provided signed and notarized grant deeds, a recent preliminary title report, and a commitment for title insurance (Attachment A).

Fiscal Impact:

Government Code Sections 6103 and 27383 waive recordation fees. Maintenance costs associated with accepting these lettered lots is included in the Fiscal Year 2021 adopted budget.

Recommended Action:

Waive the full reading and adopt by title only, "A Resolution of the City Council of the City of Beaumont, California, Authorizing the City Manager to Accept Grant Deeds from Pulte Homes."

Attachments:

A. Resolution

RESOLUTION NO.

A RESOLUTION OF THE CITY OF BEAUMONT AUTHORIZING THE CITY MANAGER TO ACCEPT GRANT DEEDS FROM PULTE HOMES

WHEREAS, Pulte Home Company, LLC, a Michigan limited liability company has executed Grant Deeds to the City of Beaumont for the following real property:

LOT A OF TRACT NO. 29180, AS SHOWN BY MAP ON FILE IN BOOK 326, PAGE(S) 99 THROUGH 103 OF MAPS, AMENDED PURSUANT TO CERTIFICATE OF CORRECTION RECORDED SEPTEMBER 17, 2008 AS INSTRUMENT NO. 2008-507533, RECORDS IN RIVERSIDE COUNTY. CALIFORNIA.

LOT B OF TRACT NO. 29180, AS SHOWN BY MAP ON FILE IN BOOK 326, PAGE(S) 99 THROUGH 103 OF MAPS, AMENDED PURSUANT TO CERTIFICATE OF CORRECTION RECORDED SEPTEMBER 17, 2008 AS INSTRUMENT NO. 2008-507533, RECORDS IN RIVERSIDE COUNTY, CALIFORNIA.

LOT C OF TRACT NO. 29180, AS SHOWN BY MAP ON FILE IN BOOK 326, PAGE(S) 99 THROUGH 103 OF MAPS, AMENDED PURSUANT TO CERTIFICATE OF CORRECTION RECORDED SEPTEMBER 17, 2008 AS INSTRUMENT NO. 2008-507533, RECORDS IN RIVERSIDE COUNTY, CALIFORNIA.

LOT I OF AMENDING MAP TRACT NO. 29186, AS SHOWN BY MAP ON FILE IN BOOK 337, PAGE(S) 63 THROUGH 68 OF MAPS, AMENDED PURSUANT TO CERTIFICATE OF CORRECTION RECORDED SEPTEMBER 17, 2008 AS INSTRUMENT NO. 2008-507535, RECORDS IN RIVERSIDE COUNTY, CALIFORNIA.

LOT J OF AMENDING MAP TRACT NO. 29186, AS SHOWN BY MAP ON FILE IN BOOK 337, PAGE(S) 63 THROUGH 68 OF MAPS, AMENDED PURSUANT TO CERTIFICATE OF CORRECTION RECORDED SEPTEMBER 17, 2008 AS INSTRUMENT NO. 2008-507535, RECORDS IN RIVERSIDE COUNTY,

WHEREAS, the improvements have been completed and are ready to accept; and

WHEREAS, Government Code Section 27281 provides that instruments conveying an interest in real property to the City may not be recorded without a Certificate of Acceptance approved by the City Council; and

WHEREAS, Government Code Section 27281 also provides that the City Council may, by a resolution, authorize one or more officers to accept instruments conveying an interest in real property by executing a Certificate of Acceptance; and

WHEREAS, the City Council desires to delegate to the City Manager the authority to accept the within described real property interests on behalf of the City.

WHEREAS, a certificate of acceptance for accepting the aforementioned Lots will be recorded with the Riverside County Clerk Recorder's Office once this resolution is adopted by City Council; and

NOW, THEREFORE, BE IT RESOLVED, that the City of Beaumont does authorize accepting Grant Deeds for the following real property provided that the Grantor obtains at its sole cost and expense policies of title insurance in favor of the City on each property for the estimated fair market value showing no monetary liens or encumbrances against the title of each of the properties:

LOT A OF TRACT NO. 29180, AS SHOWN BY MAP ON FILE IN BOOK 326, PAGE(S) 99 THROUGH 103 OF MAPS, AMENDED PURSUANT TO CERTIFICATE OF CORRECTION RECORDED SEPTEMBER 17, 2008 AS INSTRUMENT NO. 2008-507533, RECORDS IN RIVERSIDE COUNTY. CALIFORNIA.

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LOT J OF AMENDING MAP TRACT NO. 29186, AS SHOWN BY MAP ON FILE IN BOOK 337, PAGE(S) 63 THROUGH 68 OF MAPS, AMENDED PURSUANT TO CERTIFICATE OF CORRECTION RECORDED SEPTEMBER 17, 2008 AS INSTRUMENT NO. 2008-507535, RECORDS IN RIVERSIDE COUNTY, **Provision 1**. Recordation of the aforementioned certificate of acceptance shall be executed by the City Manager and recorded with the Riverside County Clerk Recorder's Office.

MOVED, PASSED AND ADOPTED this _____day of August 2020.

AYES:

NOES:

ABSTAIN:

ABSENT:

By:_____, Mayor, City of Beaumont

ATTEST:

Steven Mehlman CITY CLERK

By:_____



Staff Report

SUBJECT:	2019 General Plan Annual Progress Report
DATE	August 18, 2020
FROM:	Christina Taylor, Community Development Director
TO:	City Council

Background and Analysis:

California Government Code Section 65300 requires each city and county to adopt a general plan for the physical development of the jurisdiction. The City of Beaumont General Plan establishes a vision for the City's long-term growth and enhancement and provides strategies with implementing actions to achieve this vision. State law requires that general plans include seven elements which must cover the following topics: land use, circulation, housing, safety, noise, conservation, and open space.

The City of Beaumont adopted its general plan in 2007; the housing element update was subsequently adopted in 2013. Section 65400 of the California Government Code requires the City to prepare an annual report addressing the status of the general plan and progress made toward implementing its goals and policies, including the City's progress in meeting its share of regional housing needs. The progress report must be submitted to the City Council, the Governor's Office of Planning and Research (OPR), and the Housing and Community Development Department (HCD). The section of this report pertaining to the housing element has already been submitted to the HCD.

The 2019 General Plan Annual Progress Report is attached for Council's review. The Annual Housing Element Progress Report is included with the General Plan Annual Progress Report. Progress on the other general plan elements, is contained in the body of the report. The OPR requires that the City Council review and approve the General Plan Annual Plan Annual Progress Report prior to staff submitting it to the State.

Fiscal Impact:

None.

Recommended Action:

Approve the 2019 General Plan Annual Progress Report and direct staff to submit the report to the Governor's Office of Planning and Research.

Attachments:

- A. 2019 General Plan Annual Progress Report Resolution
- B. 2019 General Plan Annual Progress Report

RESOLUTION 2020-

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BEAUMONT TO APPROVE THE 2019 GENERAL PLAN ANNUAL PROGRESS REPORT.

WHEREAS Government Code 65400(a)(2) mandates that all cities and counties provide an annual report to their legislative bodies, the Office of Planning and Research (OPR), and the Department of Housing and Community Development (HCD) on the status of the General Plan and the progress of its implementation, including the progress on meeting its share of regional housing needs pursuant to Section 65584 and local efforts to remove governmental constraints to the maintenance, improvement, and development of housing pursuant to Government Code Section 65583(c)(3); and

WHEREAS, the report is not subject to the California Environmental Quality Act (CEQA) because the report does not meet the definition of a "project" per Section 21065 of the CEQA Guidelines; and

WHEREAS, on August 18, 2020 a public meeting was held by the Beaumont City Council; and

WHEREAS, the City Council has reviewed the 2019 General Plan Annual Progress Report and finds that it accurately reflects the status of the City's General Plan implementation.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF BEAUMONT, CALIFORNIA, RESOLVES AS FOLLOWS:

Section 1. The 2019 General Plan Annual Progress Report, as set forth in Exhibit "A" attached hereto, is hereby approved.

<u>Section 2.</u> The City Council directs staff to submit the Report to the Office of Planning and Research (OPR) and the Department of Housing and Community Development (HCD).

MOVED, PASSED, and ADOPTED this 18th day of August, 2020 by the following roll call vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

Rey Santos, Mayor

ATTEST:

APPROVED AS TO FORM:

Steven Mehlman, City Clerk

John Pinkney, City Attorney

CITY OF BEAUMONT

GENERAL PLAN ANNUAL PROGRESS REPORT

Calendar Year 2019

Prepared by the Community Development Department



Government Code Section 65400(b)(1) mandates that all cities and counties submit to their legislative bodies an annual report on the status of the general plan and progress in its implementation. This document satisfies the Government Code requirement.

City of Beaumont

General Plan Annual Progress Report Calendar Year 2019

City Council

Mayor Rey Santos Mayor Pro Tempore Mike Lara Council Member Lloyd White Council Member Nancy Carroll Council Member Julio Martinez III

City Manager

Todd Parton

Assistant City Manager

Kristine Day

Community Development Director

Christina Taylor

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Appendix AGovernment Code Section 65400Appendix BAnnual Housing Element Progress Report

INTRODUCTION

Government Code Section 65400 (b)(1) mandates that all cities and counties submit to their legislative bodies an annual report (Progress Report) on the status of the general plan and progress in its implementation. Only charter cities are exempt from the requirement to prepare progress reports. A copy of this progress report must be sent to the Governor's Office of Planning and Research (OPR) and the Department of Housing and Community Development (HCD).

The General Plan Annual Progress Report summarizes the City of Beaumont's progress towards implementing the goals, policies and programs of the City's 2007 General Plan. This report covers the period of January 1, 2019, through December 31, 2019. The report also provides an overview of the activities of the Community Development Department which includes Planning and Building and Safety.

Review and Acceptance by Local Legislative Body

The State of California Governor's Office of Planning and Research and the State Department of Housing and Community Development will also receive a copy of The City of Beaumont's General Plan progress report after it is reviewed and accepted by the Beaumont City Council. The City Council can accept this on consent, or as a discussion item.

BACKGROUND

The City of Beaumont was incorporated on November 18, 1912. Beaumont is a General Law City under the Council/Manager form of government. Located in the Riverside County, Beaumont is located 110 miles north of San Diego, 50 miles east of Los Angeles, 50 miles northeast of the heart of Orange County and 15 miles west of the City of San Bernardino.

The City and its designated sphere of influence, encompass approximately 48 square miles. The land area within the City's corporate boundaries is approximately 26 square

miles. In the coming years, the City will likely be among the fastest growing areas of the Southern California region due to the availability of developable land, the relatively low housing costs, and its desirability as a retirement community. The City's location in relation to the major regional transportation facilities that include the I-10 and SR-60 freeway and the Union Pacific railroad, has also enhanced its desirability as an industrial location.

The geographic area governed by the Beaumont General Plan includes the City's corporate boundaries as they existed in 2005 and the City's established Sphere of Influence. Because there is considerable variation within the area governed by this General Plan, the larger Beaumont Planning Area has been subdivided into eight smaller Planning Areas. These planning areas are described below:

Town Center Planning Area. This planning area corresponds to the original, older residential section of the City. The Planning Area is bounded by 8th Street on the south, Cherry Avenue on the east, Elm Avenue on the west, and Oak Valley Parkway on the north. Residential development within this Planning Area largely consists of single- family residential development with multiple family residential development occupying infill lots.

Oak Valley Planning Area. This Planning Area is dominated by the Oak Valley development, located north of the Oak Valley Parkway and east of the I-10Freeway and the Three Rings Ranch and Kirkwood developments located to the south of Oak Valley Parkway. The Planning Area is bounded by the I-10 Freeway on the west and south, Elm Avenue on the east, and Brookside Avenue on the north.

North Beaumont Planning Area. This Planning Area is also dominated by residential land uses generally characterized by newer single-family developments such as the Mountain Meadows and Cougar Ranch developments. The Planning Area is bounded by Beaumont Avenue on the west, Cherry Avenue on the east, the Oak Valley Parkway on the south, and Brookside Avenue on the north. *East Beaumont Planning Area.* This Planning Area includes the Sundance development. The Planning Area is generally bounded by Brookside Avenue on the north, Cherry Avenue on the west, 8th Street on the south, and Highland Springs Avenue on the east. The Highland Springs resort is also included in this Planning Area.

6th Street Corridor Planning Area. This Planning Area is bounded by 8th Street on the north, the I-10 Freeway on the south, Highland Springs Avenue on the east, and the I-10 and the SR-60 interchange on the west. Commercial and industrial uses located along the 6th Street frontage are the predominant land uses within this Planning Area. A large number of homes are also found in the Planning Area, south of 8th Street.

Southeast Beaumont Planning Area. This Planning Area is located to the south of the I-10 Freeway and east of Highway 79 (Beaumont Avenue) and contains large tracts of undeveloped land and farmland. Industrial development is located south of the I-10 Freeway and Union Pacific railroad. The Planning Area is bounded by the I-10 Freeway on the north and Highland Springs Road on the east.

Southwest Beaumont Planning Area. This Planning Area is located to the south of the I-10 Freeway and west of Highway 79 (Beaumont Avenue). This Planning Area contains large tracts of undeveloped land, farmland, and industrial development located south of the I-10 Freeway and Union Pacific railroad. The Planning Area is bounded by the I-10 and the SR-60 Freeways on the north.

West Beaumont Planning Area. This large Planning Area is located west of the I-10 Freeway and includes the areas located north of the SR-60 Freeway. The majority of the Planning Area is currently undeveloped though new residential projects are planned.

PLANNING

This section outlines the activities of the Planning Department from January 2019, through December 2019. The day-to-day planning activities include:

- Administrating the City's Zoning Ordinance
- Answering public inquiries on the telephone and over the public counter
- Processing planning applications for the Planning Commission and City Council
- Reviewing and approving business license applications for zoning compliance
- Preparing reports for the Planning Commission and City Council
- Reviewing development plans for compliance with City standards

During calendar year 2019, the City of Beaumont had no updates to the General Plan. The City had no new specific plans and one (1) completed specific plan amendment. The following list included applications that were processed and completed through Planning during 2019:

- Three (3) Parcel Map Applications
- Three (3) Tract Map Applications
- Seventy-nine (79) Home Occupation Permits
- Nineteen (19) Conditional Use Permits
- Eighty-six (86) Plot Plan Applications
- Twenty-four (24) Variance Applications

BUILDING AND SAFETY

Building and Safety is responsible for a variety of tasks that include issuing permits, processing plan check submittals, and inspections. The Building and Safety Department reviews all plans and permits for compliance with California building codes. New building construction and tenant improvements require plan check review for zoning and building code compliance.

During calendar year 2019, the City of Beaumont Building and Safety Department issued a total of 2,230 permits as follows:

- 124 New Non-Residential Construction Permits
- 2,106 Residential Permits

HOUSING ELEMENT REPORTING REQUIREMENTS

The State Department of Housing and Community Development (HCD) has standardized forms for addressing the Housing Element portion of this Annual Progress Report, which is contained in Appendix B.

GENERAL PLAN IMPLEMENTATION

The City's General Plan is made up of six (6) elements that include the seven (7) elements required by State Law:

- Community Development
 - o Land Use
- Housing
- Transportation and Circulation
- Resource Management
 - o Open Space
 - o Conservation
- Population and Housing
- Safety
 - o Safety
 - o Noise

Community Development - Land Use

The Community Development-Land Use Element guides the City's land use policy and insures that appropriate development takes place, with adequate provision of public services and utilities. Land use designations are defined and mapped. The land use designations roughly correspond to the City's zoning designations. Although development throughout the City is encouraged, most of the new activity the City experienced was in the East and Southeast Beaumont Planning Areas.

The Community Development Element sets policies and priorities for how the City will develop and takes into account many facets involved in growing a community. The

element goals include preserving existing residential neighborhoods and promoting the development of more housing; expanding the City's commercial, industrial and other employment generating land uses; and ensuring timely provision of services through maintenance and improvement of infrastructure.

As required by law, potential impacts from new development are assessed under CEQA. Additional conditions of approval and mitigation may be required if deemed necessary to provide for issues such as screening, habitat conservation, parking, noise-reduction (etc.), or otherwise address issues per the General Plan's direction.

Population and Housing

The City of Beaumont Housing Element was certified by the State Department of Housing and Community Development on December 17, 2013, for the 2013-2021 planning period. The Housing Element was not amended during Calendar Year 2019.

Pursuant to Government Code Section 65400, the City Council is required to prepare an annual report on the status and progress in implementing the City's Housing Element using forms and definitions adopted by the Department of Housing and Community Development. This report has been submitted for 2019 and is required to be used for the Annual Progress Report. The completed forms for Calendar Year 2019 are attached as Appendix B to this report.

Transportation and Circulation

The Transportation and Circulation Element guides the City's decision making regarding transportation, roadways and performance standards. Through the goals and policies of the Transportation and Circulation Element, the City strives to improve both local and regional transportation systems.

This element was not updated during the 2019 calendar year. Several major transportation projects were either started or completed this year:

 Oak Valley Signalization - The project included installing signals at Oak Valley Parkway and I-10, re-paving and re-striping the overpass and adjacent street areas. Completing this project has improved traffic flow along Oak valley Parkway and the overpass serving developments north and south of I-10 in the City of Beaumont.

 Potrero Interchange Project – Phase I was completed in 2019 with the bridge opening and providing additional connectivity north and south of SR-60. Phase II being readied and will consist of east and westbound on and off ramps.

Resource Management

The Resource Management Element indicates those policies that are relevant to the preservation, conservation, or management of important natural and man-made resources. The Element addresses soil, hydrology, biology, air quality, cultural resource management and open space. The Land Use Map was not updated in 2019. The Element goals and policies for Resource Management focus on balancing the natural and the built environments. The City works toward achieving this balance through the following:

- Promoting the maintenance of open space and agricultural resources
- Implementing best practices for soil and water conservation
- Encouraging environmentally sensitive development
- Continuing work on local and regional parks and trails

The City continues working toward implementation of the Resource Management Element goals through management, preservation or protection of our resources while still providing a robust environment for our residents to enjoy.

Safety and Noise

The Safety and Noise Element was not amended during calendar year 2019.

Due to the nature of the policies of the Safety and Noise Element, efforts to implement this Element of the General Plan are on-going. Projects are reviewed on a case-by-case basis for adverse impacts to the environment and sensitive receptors.

The Safety Element establishes City policy relative to the reduction and mitigation of natural and manmade hazards that must be considered in future planning and decision-

making. The public's health and safety is an important component of the General Plan due to the City's location in a seismically active region. This Element's scope has been expanded to include noise exposure and abatement.

The Element is concerned with identifying existing hazards and ways to reduce the risk from the hazards on persons and on property. State law requires that every safety element include the following components:

- The identification, mapping, and appraisal of seismic hazards of concern to planning and future development, including areas subject to liquefaction, groundshaking, surface rupture, or seismic sea waves (Section 65302(f);
- An appraisal of mudslides, landslides, and slope stability that might occur as a result of a seismic disturbance (Section 65302(f); and,
- The identification of the potential for fires and other natural and manmade disasters and measures designed to reduce the loss of life, injury, and damage to property (Section 65302(i).

The State guidelines are also very specific as to the content of noise elements. Government Code Section 65302(f) indicates that the noise element should be prepared according to guidelines established by the State Department of Health Services. At a minimum, the Government Code requires that the Element analyzes and projects noise levels for:

- Highways and freeways;
- Primary arterials and major local streets;
- Passenger and freight on-line railroad operations and ground rapid transit systems;
- Commercial, general aviation, heliport, helistop, and military airport operations; aircraft over flights, jet engine test stands, and all other ground facilities and maintenance functions related to airport operations;
- Local industrial plants, including, but not limited to, railroad classification yards; and,

• Other ground stationary sources identified by local agencies as contributing to the community noise environment.

The City's Safety Element takes all of these requirements into account and adheres to the standards for safety and noise as identified in the General Plan and as required by law.

GENERAL PLAN UPDATE

The General Plan is the guiding land development document and blueprint of the City. The City of Beaumont General Plan was last updated in March 2007. Although it has served the community well, the City has experienced tremendous growth within the past decade and new development patterns have evolved. Statewide, most developing cities update their general plans every ten years to ensure their plans are up to date to better streamline development and protect themselves from legal challenges due to out of date planning documents. The General Plan needs to be updated in order to provide comprehensive direction, relevant goals, policies, and implementation programs that can effectively guide the City forward for the next ten to twenty years. In 2016, the City sent out a RFP (Request for Proposals) to update the City's General Plan and in 2017 began the process of updating the General Plan. The comprehensive General Plan Update will be released for public review in mid-August and is anticipated to be adopted by the end of 2020.

Jurisdiction	Beaumont	
Reporting Year	2019	(Jan. 1 - Dec. 31)

Building Permits Issued by Affordability Summary			
Income Leve	əl	Current Year	
Verylew	Deed Restricted	0	
Very Low	Non-Deed Restricted	0	
Low	Deed Restricted	0	
Low	Non-Deed Restricted	0	
Madarata	Deed Restricted	0	
Moderate	Non-Deed Restricted	0	
Above Moderate		528	
Total Units		528	

Note: Units serving extremely low-income households are included in the very low-income permitted units totals

Housing Applications Summary	
Total Housing Applications Submitted:	6
Number of Proposed Units in All Applications Received:	355
Total Housing Units Approved:	354
Total Housing Units Disapproved:	1

Use of SB 35 Streamlining Provisions	
Number of Applications for Streamlining	2
Number of Streamlining Applications Approved	94
Total Developments Approved with Streamlining	2
Total Units Constructed with Streamlining	0

Units Constructed - SB 35 Streamlining Permits						
Income	Rental Ownership Total					
Very Low	0	0	0			
Low	0	0	0			
Moderate	0	0	0			
Above Moderate	0	0	0			
Total	0	0	0			

Cells in grey contain auto-calculation formulas



Staff Report

TO: City Council

FROM: Thaxton Van Belle, Chief Plant Operator

DATE August 18, 2020

SUBJECT: First Amendment to Agreement for Independent Contractor between the City of Beaumont and Clinical Laboratory of San Bernardino, INC. and to Increase the Total Contract Fee Amount by \$50,000 and Not to Exceed \$126,800

Background and Analysis:

Clinical Laboratory of San Bernardino, INC. is contracted with the City of Beaumont to perform laboratory services for the wastewater treatment plant. The current contract was based on the testing parameters required by the plant's NPDES permit in 2019.

With the upgrade and expansion of the wastewater treatment plant and the addition of a brine line and its associated discharge, further testing is now required beyond the current laboratory contract. SAWPA requires a startup analysis consisting of testing the first 24 hours of discharge, continuing with six weekly tests, followed by quarterly testing in perpetuity. The plant process related to the new MBR system will require additional testing related to start up, followed by process control testing to monitor the health of the new plant. The new reverse osmosis system will also require start up testing and monitoring. Finally, in anticipation of producing recycled water, an allotment was added for Title 22 panel testing. The total requested increase to the contract is \$50,000.

Fiscal Impact:

The cost of preparing the staff report is estimated to be \$750. Not to exceed \$50,000 in additional testing and analysis costs/fees added to existing Clinical Laboratories of San Bernardino, INC. agreement.

Recommended Action:

Approve first amendment to Agreement for Independent Contractor between the City of Beaumont and Clinical Laboratory of San Bernardino, INC. and to increase the total contract fee amount by \$50,000 and not to exceed \$126,800.

Attachments:

A. First Amendment to Agreement for Independent Contractor

FIRST AMENDMENT TO AGREEMENT FOR INDEPENDENT CONTRACTOR

THIS FIRST AMENDMENT TO AGREEMENT OF SERVICES BY INDEPENDENT CONTRACTOR ("Amendment") is made and effective as of the 18th day of August, 2020 by and between the CITY OF BEAUMONT ("CITY"), a general law city, and Clinical Lab of San Bernardino, INC., a California Corporation ("CONTRACTOR") in consideration of the mutual promises and purpose contained herein, the parties agree as follow:

RECITALS

This First Amendment is made with respect to the following facts and purpose that the parties agree are true and correct:

A. On January 2, 2019 the CITY and CONTRACTOR entered into that certain agreement entitled "Agreement of Services by Independent Contractor" ("Agreement").

AMENDMENT

Section 2 of the Agreement is hereby amended to extend the 'Services to be Performed' Agreement to provide the services as follows: additional analyses as required by the Brine Line Permit, operation of the new wastewater treatment plant, and Title 22 compliance as provided in the proposal.

Section 4 of the Agreement is hereby amended to increase the 'Compensation' Agreement an additional Fifty Thousand dollars (\$50,000.00). Notwithstanding anything in the Agreement shall not exceed a total contract amount of One Hundred Twenty Six Thousand Eight Hundred dollars (\$126,800.00).

The recitals to this Amendment are deemed incorporated herein by this reference. All other terms of the Agreement not expressly amended by this Amendment shall remain in full force and effect. In the event of a conflict between the Agreement and this Amendment, this Amendment shall control.

[Signatures on following page]

Item 6.

SIGNATURE PAGE TO

CITY OF BEAUMONT FIRST AMENDMENT

CITY:

CONTRACTOR:

CITY OF BEAUMONT

CLINICAL LAB OF SAN BERNARDINO, INC., a California corporation

By: ______ Rey Santos, Mayor

Print Name: _____

By: _____

Title: _____

ATTEST:

By:_____

Steven Mehlman, City Clerk

APPROVED AS TO FORM:

By: _____

John O. Pinkney, City Attorney

vity Update



Staff Report

SUBJECT:	Housing Element and Housing Related Planning Acti
DATE	August 18, 2020
FROM:	Christina Taylor, Community Development Director
TO:	City Council

Background and Analysis:

Accessory Dwelling Unit Ordinance

January 2, 2020, SB 13, AB 68, AB 670, and AB 881 all became effective. These laws enacted changes to accessory dwelling unit (ADU) regulations currently in effect in most cities throughout California.

The City of Beaumont ADU regulations are found in the Beaumont Municipal Code Chapter 17.03.060 Residential Single-Family Zone (RSF). The City's ADU requirements are not fully consistent with the State's new requirements. The biggest areas of inconsistency are size regulations, setbacks and parking replacement. Since the new ADU regulation took effect, staff has been utilizing the State guidelines for review of ADU proposals. In calendar year 2019, the City did not receive any applications for ADUs. To date in 2020, staff has received two ADU applications which have been reviewed per State regulations.

Housing Element Update

The fifth Regional Housing Needs Assessment (RHNA) cycle is in its final year. The Southern California Association of Governments (SCAG) has provided cities with their sixth cycle allocations. The sixth RHNA cycle will cover the planning period from October 2021 through October 2029. Cities have until October 2021 to update their housing elements and submit them to the State for certification. The City of Beaumont's fifth RHNA cycle allocation was 5,415 units. The City's allocation for the sixth RHNA cycle is 4,201dispersed into the following categories:

- Very-Low Income: 1,225 units,
- Low Income: 719 units,
- Moderate Income: 722 units, and
- Above Moderate Income: 1,535 units.

Grant Funding Awarded

In an effort to help facilitate housing development, the State of California made two rounds of grant funding available. The funds must be used to develop, revise and/or implement policies and procedures that directly help improve or increase housing development. The funding formula was based on population. The City of Beaumont was eligible for up to \$160,000 in the first round and \$150,000 in the second round. Planning staff applied for and received the full amount of funding in each cycle for a total of \$210,000. These funds will be used to update the City's Housing Element, prepare a stand-alone State compliant ADU ordinance and update the zoning code to ensure consistency with the new housing element.

Fiscal Impact:

None.

Recommended Action:

Receive and file.

Attachments:

A. Summary of Key ADU Provisions

- Cities must approve ADU applications within 60 days, without a hearing or discretionary review.¹
- For ADUs permitted by 2025, cities cannot require the owner to live at the property.²
- Cities cannot charge any impact fees for ADUs under 750 sqft; fees for larger ADUs are limited.³
- Homeowners associations must allow the construction of ADUs.⁴
- ADUs can be developed at the same time as a primary unit, under most of the same rules.⁵
- A city must delay code enforcement against an existing unlawful ADU to allow it to be legalized.⁶

ADUs Subject to Automatic Approval — <u>No</u> Local Limits

Cities must permit certain categories of ADU without applying any local development standards (e.g., limits on lot size, unit size, parking, height, setbacks, landscaping, or aesthetics), if proposed on a lot developed with one single-family home.⁷ ADUs eligible for this automatic approval include:

- An ADU converted from existing space in the home or another structure (e.g., a garage), so long as the ADU can be accessed from the exterior and has setbacks sufficient for fire safety.⁸
- A new detached ADU that is no larger than 800 sqft, has a maximum height of 16 feet, and has rear and side setbacks of 4 feet.⁹
- Both of the above options (creating two ADUs), if the converted ADU is smaller than 500 sqft.¹⁰

ADUs Subject to Ministerial Approval — <u>Minimal</u> Local Limits

Even if not subject to automatic approval, a city generally must approve any attached or detached ADU under 1,200 sqft unless the city adopts a new ADU ordinance setting local development standards for ADUs.¹¹ If a city adopts such an ordinance, it must abide by the following restrictions:

- No minimum lot size requirements.¹²
- No maximum unit size limit under 850 sqft (or 1,000 sqft for a two-bedroom ADU).¹³
- No required replacement parking when a parking garage is converted into an ADU.¹⁴
- No required parking for an ADU created through the conversion of existing space or located within a half-mile walking distance of a bus stop or transit station. ¹⁵
- If the city imposes a floor area ratio limitation or similar rule, the limit must be designed to allow the development of at least one 800 sqft attached or detached ADU on every lot.¹⁶

Adding Units to Multifamily Properties

The new laws allow units to be added to multifamily buildings. Cities must permit these types of units in multifamily buildings without applying any local development standards:

- New units within the existing non-living space of a building (e.g., storage rooms, basements, or garages). At least one unit and up to ¼ of the existing unit count may be created this way.¹⁷
- Two new homes on the same lot as the multifamily building but detached from it, with 4-foot side and rear setbacks and a 16-foot maximum height.¹⁸

80

Unless otherwise noted, references are to Gov. Code § 65852.2 as amended in Section 1.5 of AB 881, Stats. 2019 c. 659. 1 § 65852.2(a)(3); 2 § 65852.2(a)(6). 3 § 65852.2(f)(3)(A). 4 AB 670, Stats. 2019 c. 178. 5 § § 65852.2(a)(3); (j)(1); (j)(9) 6 § 65852.2(n). 7 § 65852.2(e)(1). 8 § 65852.2(e)(1)(A). 9 § 65852.2(e)(1)(B). 10 § 65852.2(e)(1)(B); AB 68 (Ting), Stats. 2019 c. 655 § 2 (amending Gov. Code § 65852.2(a)(1)). 11 § 65852.2(a)(4). 12 § 65852.2(a)(1)(B)(i). 13 § 65852.2(c)(2)(B). 14 § 65852.2(a)(1)(D)(xi). 15 § § 65852.2(d)(1), (d)(3), (j)(10) 16 § 65852.2(c)(2)(C). 17 § 65852.2(e)(1)(C). 18 § 65852.2(e)(1)(D).



Staff Report

TO:	City Council
FROM:	Jeff Mohlenkamp, Finance Director
DATE	August 18, 2020

SUBJECT: Update to City Council on Status of FEMA Application Related to the COVID-19 Federal Emergency

Background and Analysis:

On March 13, 2020, the COVID-19 pandemic was declared a national emergency. This set in motion the ability of governmental entities to seek funding from the Federal Emergency Management Agency (FEMA). The emergency declaration established that costs associated with responding the COVID-19 emergency from the declaration date would be eligible for potential reimbursement through FEMA. There has been no identified ending date to the emergency. The City submitted an application that was approved on April 8, 2020. FEMA provides reimbursement funding totaling 75% of eligible expenses.

The City has been tracking expenditures that directly relate responses to the emergency. This includes identifying specific invoices to its items purchased such as protective equipment, sanitizing supplies and overtime costs directly tied to the response efforts. To date, the City has costs of approximately \$20,000 that appear to be clearly reimbursable by FEMA. The City has plans to spend approximately \$100,000 for items that staff believes will likely qualify for reimbursement. This includes costs for expanded sanitization as City operations continue to re-open for more direct public service. There may be additional items related to the COVID-19 pandemic response for which the potential exists for FEMA reimbursement eligibility. City staff feels it to be prudent to submit these costs for reimbursement separately from those items which are clearly eligible. This will help ensure that Beaumont may maximize all of its eligible reimbursements and provide the maximum benefit to the local tax payers. These items will be submitted as a separate FEMA project application.

Staff has received guidance from the California Office of Emergency Services that the City can submit multiple projects under the FEMA application. Staff intends to submit the first application for reimbursement in September 2020. Additional projects will be

submitted as expenditures are incurred and as guidance regarding the incident end date is received.

Staff will advise the Council once an application is submitted and seek approval for the receipt of funds when a funding decision is made by FEMA.

Fiscal Impact:

There is no financial impact at this time. This is an informational item. Costs related to responding to COVID-19 have been occurring since March 2020, and will continue as needed to assure safe conditions for staff and the public. The FEMA application will allow for the reimbursement of 75% of eligible expenses.

Recommended Action:

Receive and file this update regarding the pending application for FEMA reimbursement related to the COVID-19 emergency.

Attachments:

- A. FEMA Fact Sheet regarding the Covid-19 Public Health Emergency
- B. FEMA Streamlined Project Application description

FEMA FACT SHEET

Coronavirus Disease 2019 (COVID-19) Public Health Emergency: Coordinating Public Assistance and Other Sources of Federal Funding

The President's March 13, 2020, COVID-19 nationwide emergency declaration and subsequent major disaster declarations authorize the Federal Emergency Management Agency (FEMA) to provide Public Assistance (PA) Program funding under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (Stafford Act) to state, local, tribal, and territorial (SLTT) government entities and certain private nonprofit (PNP) organizations for emergency protective measures. For COVID-19, Congress authorized over \$3 trillion to multiple federal agencies for them to provide assistance to SLTTs in addressing the effects of this public health emergency pandemic. The extensive COVID-19 authority of other federal agencies in some cases overlaps with FEMA's authority.

Multiple Sources of Funding – Given the need of SLTTs to quickly address the public health threats of the COVID-19 pandemic and that Congress has made funding available to several federal agencies for this purpose, potential applicants for PA have the flexibility to determine which source of funding to use for their costs in order to best meet their needs in response to the COVID-19 pandemic, subject to the purpose and eligibility requirements of each of the federal programs and funding sources. Given the multiple overlapping authorities and funding for the federal response to COVID-19, FEMA may provide PA funding to applicants for eligible costs under the COVID-19 declarations that may also be eligible for funding under another federal agency's authorities. FEMA will not deny a PA eligible cost under a COVID-19 declaration solely because that cost may be eligible under another federal agency's authorities, except as described in the next section. (A list of federal funding for COVID-19 is available at: https://www.usa.gov/coronavirus.)

Coordination of Funding – To avoid confusion and streamline options amongst multiple funding sources, FEMA may decide not to pay for certain types of work and may direct SLTTs to another agency with more subject matter expertise or with a more flexible funding source. For example, contact tracing is potentially an eligible PA emergency protective measure, in coordination with the U.S. Department of Health and Human Services (HHS) and the Department of the Treasury (Treasury); however, FEMA has determined that those agencies are the most appropriate for SLTTs seeking funding for contact tracing. As FEMA continues to coordinate with our federal partners to ensure coordination of funding, we will provide additional guidance to SLTTs for where they can seek funding. If an applicant applies to FEMA for PA funding and then determines it no longer wants the funding for the cost of certain activities from FEMA and will instead seek funding from another federal agency, the applicant should notify FEMA as soon as possible. Applicants should notify FEMA by withdrawing or amending their PA project application if funding has not been awarded yet or request an updated version to amend their PA project if funding has been awarded.

Duplication of Benefits – Section 312 of the Stafford Act prohibits all federal agencies from duplicating benefits for disaster relief. Multiple agencies having authority to expend funds for the same purpose is not, by itself, a duplication of





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benefits under Section 312. However, all federal agencies are prohibited by Section 312 from paying SLTTs for the work twice. FEMA is coordinating closely with other federal agencies to provide information about the eligible use of various COVID-19 funding resources. Recipients and subrecipients are ultimately responsible for ensuring that they do not accept payment for the same item of work twice. FEMA applicants will certify in the PA application process that assistance is not being duplicated.

Cost Share – For COVID-19, PA funding is authorized at 75% federal cost share. Generally, other federal agency funding cannot be used to meet the FEMA non-federal share requirement. For COVID-19, there are two exceptions: Treasury's CARES Act Coronavirus Relief Fund and the Department of Housing and Urban Development's Community Disaster Block Grant (CDBG-CV) can be used to meet the PA non-federal share. Cost share requirements vary from agency-to-agency and program-to-program; however, many of the programs funded by the CARES Act and the other supplemental appropriations do not require a non-federal share.

COVID-19 Streamlined Project Application

FEMA developed the COVID-19 streamlined project application to simplify the application process for <u>Public Assistance</u> funding under the COVID-19 pandemic declarations. This document is a reference guide

that Applicants may use when completing their project application. FEMA's Applicant Quick Guide: *Completing and Submitting the COVID-19 Project Application* provides instructions for completing the project application online in the Public Assistance Grants Portal.

Overview

FEMA may provide funding to eligible Applicants for costs related to emergency protective measures¹ conducted as a result of the COVID-19 pandemic. Emergency protective measures are activities conducted to address immediate threats to life, public health, and safety. Eligible Applicants may submit funding requests to the Recipient and FEMA through the Public Assistance Grants Portal. FEMA provides funding through Recipients to eligible Applicants.

Prerequisites

Prior to submitting the project application, Applicants must submit and receive approval of a Request for Public Assistance. To submit a request, visit the Public Assistance Grants Portal at <u>grantee.fema.gov</u>.

Public Assistance Funding Considerations

<u>Public Assistance funding is subject to a cost share</u>: The assistance FEMA provides through its Public Assistance program is subject to a cost share. The federal share is not less than 75 percent of eligible costs. The federal cost share may be increased in limited circumstances if warranted. The Recipient determines how much of the non-federal share the Applicant must fund.

Public Assistance cannot duplicate funding from another federal source:

Some activities may be eligible for funding through both FEMA and other federal agency funding sources for COVID-19 including the U.S. Department of Health and Human Services' Centers for Disease Control and Prevention (CDC) and Office of the Assistant Secretary for Preparedness and Response (ASPR). The Applicant should not request funding for activities where the costs have been or will be claimed from another federal funding source.²

<u>Some activities may be completed through direct federal assistance</u>: Some eligible activities may be completed directly by the Federal Government rather than provided as financial assistance to Applicants to complete those activities. If an Applicant does not have the capacity to directly complete the activity or

Recipients are state, <u>tribal</u>, or territorial entities that receive and administer Public Assistance federal awards.

Applicants

are state, <u>tribal</u>, territorial, or local governments or private non-profit entities that may request and receive subawards under a Recipient's award.

Grants Portal

is the system used by Recipients and Applicants to manage PA grant applications.

Projects & Subawards

Projects are groupings of activities that become a subaward under the Recipient's award when approved.



¹ The latest updated guidance on emergency protective measures eligible for Public Assistance reimbursement for COVID-19 can be found at https://www.fema.gov/coronavirus.

² Including any costs that have been or will be claimed through another funding source will delay the Recipient's and FEMA's processing of this funding request. If FEMA or the Recipient later determines the Applicant requested funding for activities where costs were funded by another federal agency, FEMA may de-obligate all funding until the Applicant can specifically demonstrate that duplicate funding was not provided. If another federal agency has *denied* a funding request, the Applicant may submit the funding request to the Recipient and FEMA for consideration. May 1, 2020

oversee activity completion through contract or mutual aid, the Applicant may request that FEMA or another federal agency directly conduct the activity. Applicants seeking direct federal assistance should not use this project application but instead request assistance from the FEMA Regional Administrator through the Recipient's emergency manager.

For more guidance: The following FEMA guidance defines activities and associated costs that are eligible for Public Assistance funding:

- FEMA's Public Assistance Program and Policy Guide (PAPPG)
- FEMA Fact Sheet: <u>Coronavirus (COVID-19) Pandemic: Eligible Emergency Protective Measures</u>
- FEMA Fact Sheet: Coronavirus (COVID-19) Pandemic: Emergency Medical Care
- FEMA Fact Sheet: <u>Public Assistance: Non-Congregate Sheltering Delegation of Authority</u>
- FEMA Fact Sheet: <u>Coronavirus (COVID-19) Pandemic: Non-Congregate Sheltering- FAQ</u>
- FEMA Fact Sheet: <u>Procurement Under Grants: Under Exigent or Emergency Circumstances</u>
- FEMA Fact Sheet: Coronavirus (COVID-19) Pandemic: FEMA Assistance for Tribal Governments
- FEMA Fact Sheet: Coronavirus (COVID-19) Pandemic: Private Nonprofit Organizations

What information is required?

Applicants will need the following information about their activities and costs to complete the application:

- A description of the activities including when, where, and by whom the activities were completed or will be completed.
- An itemized summary of how much the activities cost, including costs associated with contract, labor, equipment, supply, material, and other cost types.
- Documentation supporting the activities completed and costs claimed, as detailed below.

How does the Applicant complete the project application?

Applicants will complete and submit the project application online in the FEMA <u>Public Assistance Grants</u> <u>Portal</u>. FEMA will <u>not</u> accept paper submissions of this project application. The application is being provided to Applicants and Recipients in paper form here to provide guidance on what information FEMA will require from Applicants if they seek reimbursement for COVID-19 related activities.

FEMA will process each project application submitted as a separate funding request. <u>To reduce funding</u> <u>delays and maximize the Applicant's administrative flexibilities to track costs</u>, <u>Applicants should generally</u> <u>report all activities on one project application</u>. However, submitting a separate project application for distinct activities or time periods is advisable in certain scenarios:

- When an Applicant needs to be reimbursed immediately and cannot wait to gather all information to submit a full claim for all their activities and costs, the Applicant may:
 - Request expedited funding to receive an award of 50% of the total cost based on limited documentation;³ or
 - Limit an initial project application to certain activities or an initial time period and follow up later with an additional project application for other activities or time periods.⁴
- Certain activities may require FEMA to complete a more in-depth environmental or historic
 preservation review, for example: ground disturbance, hazardous materials, modifications to
 buildings, or new construction. For these activities, the Applicant should submit one project
 application for activities with environmental or historic preservation considerations and another
 project application with their remaining activities. For additional information, see the <u>COVID-19 Fact</u>

³ Applicants should use Schedule A of the project application to request expedited funding. FEMA may provide remaining 50% of funds through a project amendment, which will require the Applicant to provide documentation to support expenditures of the entire claimed cost, including the first 50%. Because expedited funding is awarded based on reduced documentation requirements, FEMA will only fund these projects for specific time periods.

⁴ If the follow-up funding request is for the same activities and time periods, the original project application will be amended. If the follow-up funding request is for distinguishable activities or time periods an additional project application may be submitted. May 1, 2020

Sheet: Environmental and Historic Preservation and Emergency Protective Measures for COVI and the <u>Coronavirus (COVID-19) Pandemic: Floodplain Considerations for Temporary Critical</u> <u>Facilities Fact Sheet</u>.

The project application has four sections and six supplemental schedules. All Applicants must complete sections I, II, III, and IV and one or more of the following schedules:

- Schedule A, B, C, or EZ depending on the cost and activity status.
- Schedule D when claiming costs equal to or greater than \$131,100⁵ for certain activities.
- Schedule F when claiming costs for activities that may have environmental and historic preservation concerns.

Table 1 illustrates the circumstances under which each schedule should be completed.

Cost	Funding	Work	'k Cost Basis		Sche	dules	s Rec	uire	
COSL	Request Type	Status		Α	В	С	D	ΕZ	F*
Between \$3,300 and \$131,100	Small	Any	Any					x	x
	Large Expedited	Any	Applicant-Provided Information	x					x
Equal to or greater		Complete	Actual Costs		x		Х		x
than \$131,100	Large Regular	In-progress	Actual Costs & Applicant-Provided Information			x	х		x
	_	Not started	Applicant-Provided Information			x	х		x

*Schedule F may be required based on specific activities.

What happens after submitting the project application?

FEMA and the Recipient will review the information in the project application and may follow up with limited requests for additional information as part of the process outlined in the FEMA Fact Sheet *Coronavirus (COVID-19) Pandemic: Public Assistance Simplified Application.* After submission:

- FEMA and the Recipient review the project application and validate information and documentation
 provided to ensure compliance with all federal laws and regulations. If there are additional
 questions to evaluate the eligibility of the project application, FEMA and the Recipient will contact
 the Applicant to discuss. This may include contacting the Applicant by phone or through the <u>Public</u>
 <u>Assistance Grants Portal.</u>
- 2. Upon completion of these reviews, the Applicant will be notified that funding for their project application is ready to be awarded. The Applicant will be required to review, agree to terms and conditions, and sign to accept the subaward in the <u>Public Assistance Grants Portal</u>.
- 3. Once the Applicant signs the subaward, FEMA makes funding available to the Recipient for disbursement to the Applicant.
- 4. Once FEMA obligates and transfers funding for the subaward, the Applicant will become a Subrecipient in the Public Assistance program. The Recipient may request additional information before disbursing funds to the Subrecipient.
- 5. The Recipient will work directly with the Subrecipient to: monitor and report on the status of the activities, comply with federal and Recipient grant requirements, and close the subaward in accordance with 44 C.F.R. § 206.204-209, 2 C.F.R. Part 200, FEMA's *Public Assistance Program and Policy Guide (PAPPG)*, and FEMA's *Program Management and Grant Closeout SOP*.

⁵ FEMA establishes a threshold to categorize projects as large or small based on the final approved amount of eligible costs after any cost adjustments, including insurance deductions. The threshold is adjusted for each federal fiscal year. For more details, see https://www.fema.gov/public-assistance-indicator-and-project-thresholds. May 1, 2020

FEMA COVID-19 Project Application

Section I – Project Application Information

and FEMA PA code. T	nts must complete this section and should refer he Applicant must assign a unique title and nun nnect this project application to their accounting application should include the project a	nber for each project ap g or other systems. Any	oplication. This title and number car documents attached to this project
Declaration #:	Name of Organization Applying:	FEMA PA Code:	Applicant-Assigned Project Application #:
Project Application	on Title:	1	1
	Continue to Section II –	Scope of Work.	
	Section II – Scor	be of Work	
	ants must complete this section and describe the OVID-19. For certain activities Applicants must p		
	1. DESCRIPTION (brief description of the activities the Ap		
-			
Please select all	the activities the Applicant conducted o	r will conduct:	
 Emergence Training Facility dis Technical Dissemina Pre-position Purchase Security, I Storage or Other. Plead 	assistance on emergency management ation of information to the public to prov oning or movement of supplies, equipme and distribution of food, water, or ice and distribution of other commodities aw enforcement, barricading, and patro f human remains or mass mortuary serv ase describe:	ide warnings and g ent, or other resourc	uidance
□ <u>In vitro</u> □ <u>Persor</u> □ Re □ <u>N9</u> □ <u>Me</u> □ <u>Su</u> □ <u>Me</u>	and distribution/use of <u>medical supplie</u> o <u>diagnostic</u> supplies <u>nal protective equipment</u> including: spirators <u>25 Respirators</u> edical gloves rgical masks edical gowns veralls	<u>s & equipment</u> inclu	uding:

Face	shie	lds

□ Other Personal Protective Equipment (PPE). *Please describe*:

Decontamination systems

Ventilators and products modified for use as ventilators

□ Therapeutics

□ Other. Please describe:

 $\hfill\square$ Provision of $\underline{\text{medical services}}$ including:

□ <u>Disease testing</u>

□ Treatment

Diagnosis

Emergency medical transport

□ Medical waste disposal

□ Other. Please describe:

□ Enhanced <u>medical facilities</u> including:

□ <u>Alternate Care Sites</u> or other temporary medical facilities

 \Box Expansion of capacity within an existing medical facility

□ <u>Community-based testing sites</u>

 \Box Other. Please describe:

Sheltering

- □ Isolation-related temporary lodging
- □ Quarantine-related temporary lodging
- □ High-risk population sheltering
- □ Healthcare worker and first responder temporary lodging
- □ Household pet or assistance animal or service animal sheltering
- \Box Other. Please describe:

Other

□ Other activity. Please describe:

Complete Schedule F if any of the following activities are reported above: storage of human remains or mass mortuary services, decontamination systems, or medical waste disposal.

Please select the method(s) of work the Applicant used or will use to complete the activities reported above:

□ Establishment of temporary facilities, including:

 \Box Repurposing, renovating, or reusing existing facilities.

- \Box Placing prefabricated facilities on a site.
- □ Constructing new temporary medical or sheltering facilities.
- \Box Staging resources at an undeveloped site.
- □ Purchase of meals for emergency workers
- □ Purchase of supplies or equipment
- □ Purchase of land or buildings

Complete Schedule F if any of the following activities are reported above: establishment of temporary facilities or staging resources at an undeveloped site.

FEMA COVID-19 Project Application	Applicant-Assigned Project Application #	Item 8.
	2. LOCATIONS	
Please select the locations where the activ	ities reported above were or will be conducted:	
□ Geographic area(s). Please attach a list of	all areas.	
□ Specific sites. Please attach a list of all add	Iresses or GPS coordinates.	
Continue to Section	III – Cost and Work Status Information.	
Section III – Co	st and Work Status Information	
	n and provide the costs of the activities reported in Section II. Applica 3, C, or EZ as instructed below to estimate a project cost.	nts
1. GENERAL	COST & WORK STATUS QUESTIONS	
for funding to continue life-saving emergency pro FEMA-confirmed project cost based on initial doo <u>information</u> , including all documentation to supp receiving <u>any additional funding</u> . Applicants will the program's terms and conditions. In general, <u>do not have significant experience with federal g</u>	I funding from the Recipient and FEMA if they have an immediate need otective measures. If approved, the Applicant will be awarded 50% of cumentation. However, the Applicant will then be required to provide a port actual incurred costs, to support the initial 50% of funding before be required to return any funds that were not spent in compliance wit Applicants who have never received FEMA Public Assistance funding grant requirements should avoid expedited funding or, at a minimum, mergency management office <i>prior</i> to requesting expedited funding. completed during specific time periods.	the all_ h
Does the Applicant want to request expedit	ed funding?	
\Box No. Continue to the next question.		
\Box Yes. Please complete Schedule A to request	an expedited project from FEMA and return to Section IV.	
Is the Applicant's estimated cost for activit	ies reported in Section II greater than or equal to \$131,10)0?
\Box Yes. Continue to the next question.		
\square No. Please complete Schedule EZ to provide	e a small project estimate and return to Section III Part 2.	
incident period. This question should be answern start date and the latest end date). If FEMA's elig FEMA will ask for the time period that a particula Activities started (MM/DD/YY Please complete Schedule B to provide actu Activities started (MM/DD/YY Please complete Schedule C to provide a de Activities started (MM/DD/YY Please complete Schedule C to provide a de Activities started (MM/DD/YY Please complete Schedule C to provide a de Activities have not started.	es conducted prior to January 20, 2020, the beginning of the COVID-1 ed once to describe all the activities reported in Section II (i.e. the ear gibility criteria for certain activities are limited to specific time periods ar activity was or will be conducted.	liest ,
2	. PROJECT COST	
What is the total net cost? Please enter the to	otal net cost from Schedule B, C or EZ. \$	
funding, please complete Sched If the total net cost is less than \$131,10	al to \$131,100 and the Applicant is not requesting expedule D and return to Section IV – Project Certifications. 00 or the Applicant is requesting expedited funding, pleas ection IV – Project Certifications.	

FEMA COVID-19 Project Application

Section IV – Project Certifications

Instructions: Applicants must complete this section to certify that the activities and costs reported in this project application comply with applicable federal, state, tribal, territorial, and local laws and regulations.

CERTIFICATION THAT BENEFITS WILL NOT BE DUPLICATED

Has the Applicant applied for any funding for COVID-19 from any other federal program?

An Applicant may request funding from other programs but may not receive funding for the same costs from multiple programs.

 \Box No.

 \Box Yes. Please list other programs:

1.

If yes, has the Applicant applied for any funding from any other federal program for the activities reported in Section II?

 \Box No.

□ Yes, but the other federal program has not yet approved the funding. The Applicant must inform FEMA if funding is approved and either (a) withdraw the FEMA project application for any non-obligated subaward or (b) request to close the subaward and return withdrawn funding for any obligated subaward.

□ Yes, but the other federal program has conclusively denied the funding. *Please attach denial.*

I certify that the specific activities and costs in this project application were not requested from another funding source or, if they were requested, that other source has not yet approved the funding. Further, I certify that if the Applicant does receive funding for the specific activities and costs in this project application, I must notify the Recipient and FEMA, and funding will be reconciled to eliminate duplication.

Applicant Authorized Representative	Title	Signature
2	GENERAL CERTIFICATION	
l certify the following:		

Activity Certifications

As required by Title 44 Code of Federal Regulations (C.F.R.) §§ 206.223 and 206.225 and in accordance with the *Public Assistance Program and Policy Guide* (PAPPG), the Emergency Protective Measures described in this project were or are:

- The Applicant's legal responsibility;
- Undertaken in response to the COVID-19 threat caused by the declared event; and
- Undertaken because they were necessary to eliminate threats to life, public health, and safety.

Any activity claimed has to have been performed or is being performed at the direction of or pursuant to guidance of state, local, tribal, or territorial public health officials (such as an executive order or other official order signed by a public health official).

If any activity was or will be occurring on private property: For each property, the Applicant (A) had or has a legal basis and authority to conduct the activities; and (B) completed or will complete the following actions for each property for which supporting documentation will be maintained: (i) obtained a right-of-entry, (ii) signed an agreement with the property owner to indemnify and hold harmless the Federal Government, and (iii) made efforts to identify any known insurance proceeds for the same activities.

Cost Certifications

As required by 44 C.F.R. § 206.228 and 2 C.F.R. Part 200 and in accordance with the PAPPG, the costs for which the Applicant is claiming reimbursement were or are:

- Of a type generally recognized as ordinary and necessary for the type of facility or activities;
- Reduced by applicable credits, such as insurance proceeds and salvage values; and
- Reasonable as demonstrated by the method selected in *Schedule A, B, C or EZ* of this project application. As required by the Stafford Act § 312, 42 U.S. Code § 5155, and 2 C.F.R. §200.406 and in accordance with the PAPPG, the Applicant has either:
 - Informed FEMA of all insurance proceeds; or

FEMA COVID-19	Project Application
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• Did not have insurance coverage in place for the claimed costs at the time of the declaration.

If claiming contract costs: The Applicant complied with federal, Recipient, and Applicant procurement requirements.

If claiming equipment costs: The Applicant complied with all FEMA policies regarding equipment rates in accordance with the PAPPG.

If claiming labor costs: The Applicant complied with all FEMA policies regarding labor in accordance with the PAPPG.

Environmental and Historic Preservation Compliance Certifications

In accordance with the PAPPG, the Applicant will comply with applicable federal, state, and local laws; will provide all documentation requested to allow FEMA to ensure project applications comply with federal Environmental and Historic Preservation (EHP) laws, implementing regulations, and Executive Orders; and will comply with any EHP compliance conditions placed on the grant.

Documentation Certifications

In accordance with 2 C.F.R. §200.333 as well as state and local record retention requirements, the Applicant will maintain all documentation that supports this project application in its own files. This documentation will be required if the Applicant submits an appeal for additional funding, as well as in the case of any audits.

It is important to know that upon submittal your project application becomes a legal document. The Recipient or FEMA may use external sources to verify the accuracy of the information you enter. It is a violation of Federal law to intentionally makes false statements or hide information when applying for Public Assistance. This can carry severe criminal and civil penalties including a fine of up to \$250,000, imprisonment, or both. (18 U.S.C. §§ 287, 1001, 1040, and 3571). I certify that all information I have provided regarding the project application is true and correct to the best of my knowledge. I understand that, if I intentionally make false statements or conceal any information in an attempt to obtain Public Assistance, it is a violation of federal laws, which carry severe criminal and civil penalties.

Applicant Authorized Representative	Title	Signature				
3.	PREPARER CERTIFICATION					
Did the Applicant Authorized Representative receive consultant support or technical assistance in preparing this project application from anyone not directly employed by the Applicant?						
Preparer's Company or Firm Name	Preparer's Company or Firm Name Preparer's Company or Firm EIN					
Preparer's Company or Firm Address						
By signing below, I certify all information provided in this project application is true and correct based on all information of which I have any knowledge. I understand that causing the Applicant to make false certification or statements or conceal any information in an attempt to obtain disaster aid is a violation of federal laws, which carry severe criminal and civil penalties, including a fine of up to \$250,000, imprisonment, or both (18 U.S.C. Part 287, 1001, 1040 and 3571).						
Preparer's Name	Preparer's Title	Preparer's Signature				
Please ensure that you have completed all schedules applicable to the activities you performed. You have completed the project application. Thank you.						

FEMA COVID-19 Project Applica	ation	Applicant-Assigned Project Application # ^{Iten}
SC	HEDULE	A – Expedited Funding Estimate
Instructions: The Applicant must co	mplete this s	ection if requesting expedited funding in Section III of the project application.
Expedited funding is only a	vailable if the	e total net cost for the request is greater than or equal to \$131,100.
	· · · ·	1. GENERAL ELIGIBILITY
Please explain why there is an	immediate	e need for funding:
	6	
reported in Section II:	for which t	he Applicant is requesting expedited funding for the activities
Because expedited funding is aw	arded based	on reduced documentation requirements, FEMA funds these projects for
specific time periods.		
Start Date: (MN	//DD/YY)	•
		☐ 30 days □ 60 days
		\square 90 days
		Another time-period:
health, or safety:	nies report	ed in Section II address an immediate threat to life, public
		health, or safety exists, or that the activity is necessary to cope with the threa
FEMA may request documentation t public health officials. See PAPPG a		te that the Applicant conducted the activities at the direction or guidance of 42-43, and 57.
		es reported in Section II are the legal responsibility of the
Applicant:		
	-	nization and the state's, tribe's, or territory's constitution or laws
delegate jurisdictional powe		incorporation, charter, or other legal document makes the
		ctivities for the general public. Please describe:
□ For other reasons. Please of	describe:	
To determine legal responsibility for	Emergency	Protective Measures, FEMA evaluates whether the Applicant requesting the
assistance either had jurisdiction ov	er the area in	n which work was performed or the legal authority to conduct the activities. In
		y to conduct Emergency Protective Measures within its jurisdiction. If an
responsibility to conduct those activ		res outside its jurisdiction, it must demonstrate its legal basis and PPG at pp. 20-21 and 41-42.
		DJECT COST & COST ELIGIBILITY
	-	complete the activities reported in Section II. For each resource
selected, please provide the c	ost or othe	r information FEMA can use to estimate the cost.

Item 8.

\Box Contracts.

Please enter the total cost of contracts and provide copies of the request for proposals, bid documents or signed contracts. If contracts are not available, please provide a unit price estimate and the basis for the unit prices (for example, historic price documentation, or vendor quotes).

FEMA provides funding for contract costs based on the terms of the contract if the Applicant meets federal procurement and contracting requirements. See PAPPG at pp. 30-33. The federal procurement under grant rules are found at <u>2 C.F.R. §§ 200.317-200.326</u>. Different sets of procurement rules apply depending on whether you are a state or a nonstate entity. For additional information see FEMA's <u>Procurement Under Grants Public Assistance Policy</u> and FEMA Fact Sheet: <u>Procurement Under Grants: Under Exigent or Emergency Circumstances</u>.

Labor. Including the Applicant's own staff, Mutual Aid, prison labor, or National Guard.

Cost

Cost

Cost

\$

Please enter the total cost of labor and provide a copy of the calculation. If not available, please provide the following (attach a list if necessary):

- Number of personnel:
- Average hours per day:
- Average days per week:
- Average pay rate:

If the personnel were or will be provided through mutual aid, please provide the written mutual aid agreement.

FEMA reimburses force account labor costs based on actual hourly rates plus the cost of the employee's actual fringe
benefits. FEMA determines the eligibility of overtime, premium pay, and compensatory time costs based on the Applicant's
pre-disaster written labor policy. For Emergency Work activities conducted by budgeted employees, FEMA will only
reimburse overtime salary costs. See PAPPG at pp. 23-26 and 33-35.

Equipment. Including applicant owned, purchased, or rented.

Please enter the total cost of equipment. If Applicant's own equipment, provide the following (attach a list if necessary):

- Number and types of equipment used:
- Average hours used per day:
- Average days per week:
- Average hourly rate:

If purchased, enter the purchase price.

If rented, provide the rental agreement and enter the rental price.

FEMA provides funding for the use of Applicant-owned equipment based on hourly rates. If an Applicant does not have sufficient equipment to effectively respond to an incident, FEMA may provide funding for purchased or leased equipment. Costs are eligible if the Applicant performed an analysis of the cost of leasing versus purchasing the equipment. FEMA funds the least costly option. See *PAPPG* at pp. 26-28.

Materials and Supplies.	Cost \$			
 Please enter the total cost of materials and supplies and provide the following (attach a list if necessary): Amount of materials and supplies, by type: Purchase or stock replenishment cost: 				
The cost of materials and supplies is eligible if (1) the materials or supplies were purchased and justifiably needed to effectively address threats caused by COVID-19 or (2) the materials or supplies were taken from an Applicant's stock and used to address threats caused by COVID-19. The Applicant needs to track items taken from stock with inventory withdrawal and usage records. FEMA will also consider escalation of costs (such as due to shortages) or exigent circumstances in evaluating cost reasonableness. See PAPPG at p. 22 and p. 28.				
\Box Other costs. Including travel costs, utilities and any other expenses not listed above.	Cost \$			
Please enter the total cost and provide high-level information which can substantiate costs:				
Other costs may include travel costs, utilities and other expenses directly tied to the performance of eligible v costs incurred as a result of the incident are eligible. See PAPPG at pp. 21-22, and 41-42.	vork. Not all			
Subtotal Please add together costs of contracts, labor, equipment, materials and other costs.	\$			

FEMA COVID-19 Project Application	Applicant-Assigned Project Application #	ltem 8.
3.	DEDUCTIONS	
Please select the credits available to offset co please provide the deduction or other informa	sts of activities reported in Section II. For each selected tion FEMA can use to estimate the deduction.	ed,
□ No.	that might cover any activities reported in Section II?	ction
 Yes, the Applicant anticipates receivin Yes, the Applicants has actually received of the second second	ved a payment from its insurance carrier.	
	e proceeds. FEMA requires the Applicant to take reasonable effo Applicant is entitled to receive from its insurer(s). See FEMA's Pl	
\Box Disposition.	bedu \$	ction
Please enter the total salvage value of purchased equ	ipment and supplies (if greater than \$5,000).	
eligible funding by the fair market value of each piece	e no longer needed for federally funded projects, FEMA reduces of equipment valued at \$5,000 or more and unused residual e Applicant acquires or improves real property with funds, dispos 9-30.	sition
Medical Payments.	Dedu \$	ction
Please enter the total amount of medical payments re pre-existing private payment agreement.	ceived or expected from for-profit entities, Medicare, Medicaid,	or a
insurance, Medicare, Medicaid, or a pre-existing privat Sheet: <u>Coronavirus (COVID-19) Pandemic: Emergency</u>	care costs if they are covered by another source, including privat the payment agreement. See PAPPG at pp. 63-64 and FEMA Fact <u>Medical Care</u> . It is extremely important that Private Non-Profit and	<u>nd</u>
caution to capture and document these cost deduction	er Applicant completing Emergency Medical Care activities, take ns. If clear documentation is not available to show how medical ant may not receive funding for otherwise eligible activities.	<u>)</u>
\Box Other Deductions.	Dedu \$	ction
Please enter the total amount of other goods and serv received or expected.	ices provided to for-profit entities or any other proceeds or payn	nents
NET TOTAL Ple	ase subtract all proceed deductions from the subtotal.	
You have completed this schedule. Return	n to Section IV to certify and sign this project applicati	on.

FEMA COVID-19 Project Application	Applicant-Assigned Project Application #	ltem
	 Completed Work Estimate 	
	if the Applicant (1) has completed the activities reported in Section actual costs, and (3) the cost of the activities is over \$131,100.	II, (2)
	ECT COST & COST ELIGIBILITY	
-	mplete the activities reported in Section II. For each reso de the cost and requested information.	ource
\Box Contracts.	Cos	it.
Please enter the total cost of contracts. To calculate Report (attached) or provide all information contained	the total cost, complete FEMA Public Assistance COVID-19 Contrac ed therein.	cts
 The Applicant's procurement policy Other procurement documents that support bids, selection process, or justification for no 	250,000, the federal simplified acquisition threshold) the that the cost was reasonable (for example, requests for propose on-competitive procurement) gree of contractor oversight, such as daily or weekly logs, records of	
and contracting requirements. See PAPPG at pp. 30 <u>2 C.F.R. §§ 200.317-200.326</u> . Different sets of pro-	the terms of the contract if the Applicant meets federal procurement-33. The federal procurement under grant rules are found at curement rules apply depending on whether the Applicant is a state A's <u>Procurement Under Grants Public Assistance Policy</u> and FEMA F	ora
	ff, mutual aid, prison labor, and National Guard.	,t
	total cost, complete <u>FEMA Form 009-0-123 Force Account Labor</u> enefit Calculation Worksheet or provide all information contained the	erein.
 National Guard pay policy (required for Natio Mutual aid agreement (required for mutual a Timesheets (please provide either (1) a sum copies of a limited number of time sheets; or sampling methodology you used to select the Daily logs or activity reports (please provide a sample and request copies of a limited number of the sampling methodology you 	aid labor) mary list of all your timesheets, which FEMA will sample and reques r (2) a sample set of timesheets and a detailed explanation of the e representative sample) either (1) a summary list of all your logs or reports, which FEMA will ber of logs or reports; or (2) a sample set of logs or reports and a de	

FEMA reimburses force account labor costs based on actual hourly rates plus the cost of the employee's actual fringe benefits. FEMA determines the eligibility of overtime, premium pay, and compensatory time costs based on the Applicant's pre-disaster written labor policy. For Emergency Work activities conducted by budgeted employees, FEMA will only reimburse overtime salary costs. See PAPPG at pp. 23-26 and 33-35.

Item 8.

Equipment. Including applicant owned, purchased, or rented.	Cost s
Please enter the total cost of equipment. To calculate the total cost, complete <u>FEMA Form 009-0-127 Force</u> . Equipment Summary and <u>FEMA Form 009-0-125 Rented Equipment Summary Record</u> or provide all informat therein. Please also answer the following questions: How did the Applicant acquire the equipment? Owned prior to January 20, 2020. Purchased. Please provide invoices or receipts, and a rental vs. purchase cost comparison. Rented. Please provide rental agreement, invoices or receipts, and a rental vs. purchase cost of the second cost of the	tion contained
What was the basis of the rate used in the summary? Please select all that apply.	
Applicant's Equipment Rates. Note, If the Applicant is not a state- or territory-level entity, th use the lesser of their own rate or FEMA's rate.	ey typically must
 No rate is available, and the Applicant would like FEMA to calculate an Equipmer equipment where a rate is requested, please provide the original purchase price and documentation purchased, and the total useful lifetime hours. Other. Please describe: 	
If purchase or rental was over \$250,000, the federal simplified acquisition threshold, please also provide all requested of contracts above.	information
FEMA provides funding for the use of Applicant-owned equipment based on hourly rates. If an Applicant does sufficient equipment to effectively respond to an incident, FEMA may provide funding for purchased or leased Costs are eligible if the Applicant performed an analysis of the cost of leasing versus purchasing the equipment funds the least costly option. See PAPPG at pp. 26-28.	d equipment.
\Box Materials and supplies.	Cost \$
Please enter the total cost of materials and supplies. To calculate the total cost, complete <u>FEMA Form 009-</u> <u>Summary Record</u> or provide all information contained therein.	0-124 Materials
How did the Applicant acquire the materials or supplies?	
From stock. Please provide cost documentation such as original invoices or other historical cost r inventory records, and—if available–supporting documentation such as daily logs.	
\Box Purchased. Please provide invoices or receipts, and justification if purchased materials or supplied used. If purchase was over \$250,000, the federal simplified acquisition threshold, please also provide requested of contracts above.	
The cost of materials and supplies is eligible if (1) the materials or supplies were purchased and justifiably ne effectively address threats caused by COVID-19 or (2) the materials or supplies were taken from an Applicant used to address threats caused by COVID-19. The Applicant needs to track items taken from stock with inver and usage records. FEMA will also consider escalation of costs (such as due to shortages) or exigent circums evaluating cost reasonableness. See PAPPG at pp. 22 and 28.	's stock and itory withdrawal tances in
\Box Other costs. Including travel costs, utilities and any other expenses not listed above.	Cost \$
Please enter the total cost. Please also describe the costs:	<u> </u>
Please also provide invoices or receipts. If claiming travel expenses, please provide a travel policy.	
Other costs may include travel costs, utilities and other expenses directly tied to the performance of eligible v costs incurred as a result of the incident are eligible. See PAPPG at pp. 21-22, and 41-42.	vork. Not all
Subtotal Please add together costs of contracts, labor, equipment, materials and other costs.	\$

EEMA COVID 10 Project Application
FEMA COVID-19 Project Application Applicant-Assigned Project Application #" 2. DEDUCTIONS
Please select the credits available to offset costs of activities reported in Section II. For each selected, please provide the deduction or other information FEMA can use to estimate the deduction.
 Insurance Proceeds. This does <u>not</u> include payment from patient insurance; for that, continue to medical payments below.
Does the Applicant have insurance coverage that might cover any activities reported in Section II?
\Box Yes, but the Applicant has not filed a claim yet.
□ Yes, the Applicant <i>anticipates</i> receiving a payment from its insurance carrier.
☐ Yes, the Applicants has actually received a payment from its insurance carrier. If yes, please enter the total amount of insurance proceeds and provide copy of insurance documentation.
FEMA cannot provide funding that duplicates insurance proceeds. FEMA requires the Applicant to take reasonable efforts t pursue claims to recover insurance proceeds that the Applicant is entitled to receive from its insurer(s). See FEMA's <u>Public</u> <u>Assistance Policy on Insurance</u> .
□ Disposition. Deduction
Please enter the total salvage value of purchased equipment and supplies (if greater than \$5,000) and answer additional questions in Schedule D.
When purchased equipment, supplies, or materials are no longer needed for federally funded projects, FEMA reduces eligible funding by the fair market value of each piece of equipment valued at \$5,000 or more and unused residual supplies and materials that total \$5,000 or more. If the Applicant acquires or improves real property with funds, disposition and reporting requirements apply. See PAPPG at pp. 29-30.
□ Medical Payments. Deduction \$
Please enter the total amount of medical payments received or expected from for-profit entities, Medicare, Medicaid, or a pre-existing private payment agreement.
FEMA cannot provide funding for emergency medical care costs if they are covered by another source, including private insurance, Medicare, Medicaid, or a pre-existing private payment agreement. See PAPPG at pp. 63-64 and FEMA Fact Shee Coronavirus (COVID-19) Pandemic: Emergency Medical Care. It is extremely important that Private Non-Profit and governm medical care providers, as well as any other Applicant completing Emergency Medical Care activities, take caution to capture and document these cost deductions. If clear documentation is not available to show how medical payments are deducted and be applicant the Applicant for otherwise clicible activities.
and not duplicated, the Applicant may not receive funding for otherwise eligible activities. Deduction
□ Other Deductions. \$
Please enter the total amount of other goods and services provided to for-profit entities or any other proceeds or payments received or expected.
NET TOTAL Please subtract all proceed deductions from the subtotal.
You have completed this schedule. Return to Section III.

SCHEDULE C – In Progress Work Estimate

Instructions: Applicants must complete this schedule if the Applicant (1) has not started or is in the process of completing the activities reported in Section II and (2) the cost of the activities reported in Section II is over \$131,100.

1. BUDGET ESTIMATE

Please attach an itemized budget estimate created using standard procedures the Applicant would use absent federal funding.

The itemized estimate needs to be a unit price estimate broken down by the type and number of resources necessary to complete the work (contracts, labor, equipment, materials & supplies, and other costs) and within those areas broken down further by the costs completed and future costs.

What is the basis for the Applicant's cost estimate? (select all that apply)

 \Box Extrapolation of completed costs.

□ Historical unit costs.

 \Box Average costs for similar work in the area.

 $\hfill\square$ Published unit costs from national cost estimating database.

 \Box Contractor or vendor quotes.

 \Box Other. *Please describe:*

2. PROJECT COST & COST ELIGIBILITY

Please select the resources necessary to complete the activities reported in Section II. For each resource selected, please provide the cost incurred to date and estimated future costs. Please also provide the other requested information.

□ Contracts.	Completed Cost	+	Future Cost	Total Cost \$
	\$		\$	φ

Please enter the completed cost of contracts. If no contracts-related costs are complete enter 0. To calculate the completed cost, complete FEMA Public Assistance COVID-19 Contracts Report (attached) or provide all information contained therein. For completed costs, please also provide:

- $\hfill\square$ Contracts, change orders, and summary of invoices
- □ Cost or price analysis (for contracts above \$250,000, the federal simplified acquisition threshold)
- □ The Applicant's procurement policy
- □ Other procurement documents that support that the cost was reasonable (for example, requests for proposals, bids, selection process, or justification for non-competitive procurement)
- □ Documentation that substantiates a high degree of contractor oversight, such as daily or weekly logs, records of performance meetings (required for time and materials contracts)

Please enter the estimated future cost of contracts. To calculate the future cost, please use the procedures the Applicant would normally use to create a budget estimate and answer the following questions:

Is the estimate based on awarded contracts?

□ Yes. Please complete the FEMA Public Assistance COVID-19 Contracts Report (attached) and provide:

- □ Cost or price analysis (for contracts above \$250,000, the federal simplified acquisition threshold)
- □ The Applicant's procurement policy
- □ Other procurement documents that support the that the cost will be reasonable (for example, requests for proposals, bids, selection process, or justification for non-competitive procurement)

□ No. Please provide:

- Cost or price analysis (for projected contracts above \$250,000, the federal simplified acquisition threshold)
- □ The Applicant's procurement policy

Please add the completed to the future costs and enter result as the total cost.

FEMA provides funding for contract costs based on the terms of the contract if the Applicant meets federal procurement and contracting requirements. See PAPPG at pp. 30-33. The federal procurement under grant rules are found at <u>2 C.F.R. §§ 200.317-200.326</u>. Different sets of procurement rules that apply depending on whether you are a state or a non-state entity. For additional information see FEMA's <u>Procurement Under Grants Public Assistance Policy</u> and FEMA Fact Sheet: <u>Procurement Under Grants: Under Exigent or Emergency Circumstances</u>.

EMA COVID-19 Project Application	Applicant-As	signed Projec	t Applicatio	on #	Item 8.
□ Labor. Including the Applicant's own staff, mutua		Completed Cost	Future + Cost		l Cost
 labor, and National Guard. Please enter the completed cost of labor. If no labor-related cocomplete <u>FEMA Form 009-0-123 Force Account Labor Summa</u> <u>Worksheet</u> or provide all information contained therein. Please Justification for any standby time claimed Labor pay policy (must cover each employee type used National Guard pay policy (required for National Guard Mutual aid agreement (required for mutual aid labor) Timesheets (please provide either (1) a summary list of copies of a limited number of time sheets; or (2) a sam sampling methodology you used to select the represent Daily logs or activity reports (please provide either (1) a sample and request copies of a limited number of logs explanation of the sampling methodology you used to select the represent Please describe any labor that was not Applicant's own staff, the provide and the sampling methodology is a sample and request copies of a labor. To calculate the sample and request future cost of labor. 	osts are complete ary and <u>FEMA For</u> e also provide: , for example part) f all your timeshee ple set of timeshee tative sample) a summary list of a or reports; or (2) select the represe mutual aid, prison	\$ enter 0. To calo <u>m 009-0-128 A</u> time, full time, ets, which FEMA eets and a detai all your logs or r a sample set of ntative sample) b labor, or Nation ase use the pro	\$ sulate the con oplicants Ben and tempora will sample a led explanation eports, which logs or report nal Guard:	spleted cos efit Calcula ry) and reques on of the FEMA will ts and a de	<u>ation</u> st etailed
normally use to create a budget estimate and provide the follo Labor pay policy (must cover each employee type used National Guard pay policy (required for National Guard Mutual aid agreement (required for mutual aid labor)	, for example part		and tempora	ry)	
Please add the completed costs to the future costs and enter	result as the total	cost.			
FEMA reimburses force account labor costs based on actual hourly rates plus the cost of the employee's actual fringe benefits. FEMA determines the eligibility of overtime, premium pay, and compensatory time costs based on the Applicant's pre-disaster written labor policy. For Emergency Work activities conducted by budgeted employees, FEMA will only reimburse overtime salary costs. See PAPPG at pp. 23-26 and 33-35.					
Equipment. Including applicant owned, purchase	d, or rented.	Completed Cost	+ Cost	= ^{Tota} \$	l Cost
 Please enter the completed cost of equipment. If no equipment completed cost, complete <u>FEMA Form 009-0-127 Force Account</u> <u>Equipment Summary Record</u> or provide all information contain How did the Applicant acquire the equipment? Owned prior to January 20, 2020. Purchased. Please provide invoices or receipts, Rented. Please provide rental agreement, invoice 	<u>unt Equipment Sun</u> ned therein. Pleas and a rental vs. p	<u>mmary</u> and <u>FEN</u> e also answer to urchase cost co	er 0. To calcul <u>1A Form 009-</u> he following q omparison.	<u>0-125 Ren</u> juestions:	
What was the basis of the rate used in the sumr	narv? Please sel	ect all that ann	V		
□ FEMA Equipment Rates.		eot an that appi	y.		
Applicant's Equipment Rates. If the Applicant their own rate or FEMA's rate.	t is not a State-lev	vel entity, they t	ypically must	use the les	sser of
 No rate is available, but the Applicant woule equipment where a rate is requested, please documentation, the year purchased, and the Other. Please describe: 	e provide the or	riginal purcha			or all
If purchase or rental was over \$250,000, the federal simplifie requested of contracts above.	d acquisition thre	shold, please al	so provide all	informatio	on
Please enter the estimated future cost of equipment. To calcu would normally use to create a budget estimate.	late the future cos	st, please use th	ne procedures	s the Applic	ant

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Please add the completed to the future costs and enter result as the total cost.

FEMA provides funding for the use of Applicant-owned equipment based on hourly rates. If an Applicant does not have sufficient equipment to effectively respond to an incident, FEMA may provide funding for purchased or leased equipment. Costs are eligible if the Applicant performed an analysis of the cost of leasing versus purchasing the equipment. FEMA funds the least costly option. See *PAPPG* at pp. 26-28.

\Box Materials and supplies.

Completed Cost	+	Future Cost	=	Total Cost
\$		\$		Þ

Please enter the completed cost of materials and supplies. If no materials- or supplies-related costs are complete enter 0. To calculate the completed cost, complete <u>FEMA Form 009-0-124 Materials Summary Record</u> or provide all information contained therein. Please also answer the following questions:

How did the Applicant acquire the materials or supplies?

- □ From stock. Please provide cost documentation such as original invoices or other historical cost record, inventory records, and—if available—support documentation such as daily logs.
- □ Purchased. Please provide invoices or receipts, and justification if purchased materials or supplies were not used. If purchase was over \$250,000, the federal simplified acquisition threshold, please also provide all information requested of contracts above.

Please enter the estimated future cost of materials and supplies. To calculate the future cost, please use the Applicants standard procedures the Applicant would use to create a budget estimate and provide the following information:

Please add the completed costs to the future costs and enter result as the total cost.

The cost of materials and supplies is eligible if (1) the materials or supplies were purchased and justifiably needed to effectively address threats caused by COVID-19 or (2) the materials or supplies were taken from an Applicant's stock and used to address threats caused by COVID-19. The Applicant needs to track items taken from stock with inventory withdrawal and usage records. FEMA will also consider escalation of costs (such as due to shortages) or exigent circumstances in evaluating cost reasonableness. See *PAPPG* at p. 22 and p. 28.

□ **Other costs.** Including travel costs, utilities and any other expenses not listed above.

Completed Cost	+	Future Cost	=	Total Cost
\$		\$		ቅ
	-			

Please enter the completed other costs. If no other costs are complete enter 0. To calculate the other costs, please use the cost incurred and describe why it is reasonable:

Please also provide invoices or receipts. If claiming travel costs provide a travel policy.

Please enter the estimated future other costs. To calculate the future cost, please use the procedures the Applicant would normally use to create a budget estimate.

Please add the completed costs to the future costs and enter result as the total cost.

Other costs may include travel costs, utilities and other expenses directly tied to the performance of eligible work. Not all costs incurred as a result of the incident are eligible. See PAPPG at pp. 21-22, and 41-42.

Subtotal Please add together costs of contracts, labor, equipment, materials and other costs.

3. DEDUCTIONS

Please select the credits available to offset costs of activities reported in Section II. For each selected,	
please provide the deduction.	

	Insurance	Proceeds.
--	-----------	-----------

This does <u>not</u> include payment from patient insurance; for that, continue to medical payments below.

Does the Applicant have insurance coverage that might cover any activities reported in Section II?

□ No.

 \Box Yes, but has not filed a claim yet.

□ Yes, the Applicant *anticipates* receiving a payment from its insurance carrier.

□ Yes, the Applicants has *actually* received a payment from its insurance carrier.

Deduction

\$

FEMA COVID-19 Project Application

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If yes, please enter the total amount of insurance proceeds and provide copy of insurance documentation.

FEMA cannot provide funding that duplicates insurance proceeds. FEMA requires the Applicant to take reasonable efforts to pursue claims to recover insurance proceeds that the Applicant is entitled to receive from its insurer(s). See FEMA's <u>Public</u> <u>Assistance Policy on Insurance</u>.

Deduction \$
Please enter the total salvage value of purchased equipment and supplies (if greater than \$5,000) and answer additional questions in Schedule D.
When purchased equipment, supplies, or materials are no longer needed for federally funded projects, FEMA reduces eligible funding by the fair market value of each piece of equipment valued at \$5,000 or more and unused residual supplies and materials that total \$5,000 or more. If the Applicant acquires or improves real property with funds, disposition and reporting requirements apply. See <i>PAPPG</i> at pp. 29-30.
□ Medical Payments.
Please enter the total amount of medical payments received or expected from for-profit entities, Medicare, Medicaid, or a pre-existing private payment agreement.
FEMA cannot provide funding for emergency medical care costs if they are covered by another source, including private insurance, Medicare, Medicaid, or a pre-existing private payment agreement. See <i>PAPPG</i> at pp. 63-64 and FEMA Fact Sheet: <u>Coronavirus (COVID-19) Pandemic: Emergency Medical Care</u> . It is extremely important that Private Non-Profit and government medical care providers, as well as any other Applicant completing Emergency Medical Care activities, take caution to capture and document these cost deductions. If clear documentation is not available to show how medical payments are deducted and not duplicated, the Applicant may not receive funding for otherwise eligible activities.
□ Other Deductions. Deduction \$
Please enter the total amount of other goods and services provided to for-profit entities or any other proceeds or payments received or expected.
NET TOTAL Please subtract all proceed deductions from the subtotal. \$
You have completed this schedule. Return to Section III.

FEMA COVID-19 Project Application	Applicant-Assigned Project Application #	Item 8.			
SCHEDULE D – Large Pro	biect Eligibility Questions				
Instructions: Applicants must complete part 1 of this schedule if the total net cost reported in Section III is greater than or equal to \$131,100. Additionally, if any of the following activities were reported in Section II, Applicants must answer the corresponding question:					
 Purchase of supplies or equipment-Complete part 2. Purchase of land or buildings-Complete part 3. 	 Pre-positioning or movement of supplies, equipr or other resources-Complete part 6. 	nent,			
 Purchase and distribution of food, water, ice, or other commodities-Complete part 4 Purchase of meals for emergency workers-Complete part 	 Emergency medical care-Complete part 7 and 8 Sheltering-Complete part 9. 	3.			
	AL ELIGIBILITY				
Are all activities reported in Section II only being perf		?			
□ Yes.					
□ No. Please explain:					
FEMA can only provide funding for costs that are a result of CC incurs during its normal course of business. See PAPPG at pp.		(
Is the Applicant legally responsible for performing the	e activities reported in Section II?				
Yes, the Applicant is a government organization a laws delegate jurisdictional powers to the Applicant	•	ı or			
□ Yes, a statute, order, contract, articles of incorporation, charter, or other legal document makes the Applicant responsible to conduct the activities for the general public. <i>Please attach and describe:</i>					
\Box Yes, for other reasons. Please attach supporting docu	imentation and describe:				
\Box No. Please describe how the Applicant is eligible for fund	ing:				
To determine legal responsibility for Emergency Protective Mea assistance either had jurisdiction over the area in which work general, an Applicant only has legal responsibility to conduct E Applicant conducts Emergency Protective Measures outside its responsibility to conduct those activities. See PAPPG at pp. 20	was performed or the legal authority to conduct the activit mergency Protective Measures within its jurisdiction. If an s jurisdiction, it must demonstrate its legal basis and	ties. In			
Please describe how the activities reported in Section health, or safety:	n II address an immediate threat to life, public				
If it is not clear that a direct threat to life, public health or safe FEMA may request documentation to demonstrate that the Ap public health officials.					
Did or will any of the activities reported in Section II r Leasing a private facility is not considered accessing a resident □ No.					
\Box Yes. Please identify and describe the activities taking place	ce on private property:				
FEMA may request additional information to demonstrate the <i>p</i> property, the basis for the determination that a threat exists to of-entry and agreements to indemnify and hold harmless the F	the general public in that community, and copies of the r				

For activities that involve the creation of a new program, please describe or attach the internal control plan the Applicant executed or will execute to ensure costs incurred remain reasonable in accordance with 2 C.F.R. Part 200, the FEMA Public Assistance Program and Policy Guide, and applicable Recipient and Applicant requirements:

2. PURCHASE OF SUPPLIES OR EQUIPMENT

Please provide approximate quantities and unit costs for each type of supply or equipment reported in Section II:

Supply or Equipment	Quantity	Unit Cost	Total Cost
In vitro diagnostic supplies		\$	\$
Respirators		\$	\$
N95 Respirators		\$	\$
Medical gloves		\$	\$
Surgical masks		\$	\$
Medical gowns		\$	\$
Coveralls		\$	\$
Face shields		\$	\$
Other Personal Protective Equipment (PPE)		\$	\$
Decontamination systems		\$	\$
Ventilators and products modified for use as ventilators		\$	\$
Therapeutics		\$	\$
Other		\$	\$

Did or will the Applicant purchase equipment or supplies with a total cost of greater than \$5,000?

 \Box No. Please skip the remaining questions in this part.

 \Box Yes. Please proceed to the next question.

If yes to the previous question, is the aggregate value or will the aggregate value of unused supplies be greater than \$5,000 after use for federal projects concludes?

Unsure. Please skip the remaining question in this part. Please ensure you keep accurate records of unused supplies as the Recipient or FEMA may request this information during an audit or when closing the Applicant's subaward(s).

 \Box No. Please skip the remaining questions in this part.

□ Yes. Please ensure the Applicant included disposition proceeds in Schedule B or C as applicable.

If the aggregate total of unused supplies is less than \$5,000, FEMA does not reduce funding. See PAPPG at pp. 29-30.

(Tribal, local, and non-profit entities only) Does the Applicant anticipate any piece of equipment they purchased will have fair market value of greater than \$5,000 after its use for federal projects concludes?

 \Box No.

□ Yes. Please ensure the Applicant included disposition proceeds in Schedule B or C as applicable.

(State- and Territory Applicants only) Did the Applicant dispose of equipment in accordance with state or territorial laws and procedures?

□ No.

□ Yes. Please ensure the Applicant included disposition proceeds in Schedule B or C as applicable.

Did or will the Applicant distribute supplies or equipment to for-profit entities?
\Box Yes. Please describe how the Applicant will seek reimbursement for the fair market value of the supplies or equipment:
In certain cases, FEMA requires that funding be reduced by the remaining value of supplies and equipment after they are no longer needed for federally funded projects. When equipment or supplies (including materials) purchased with PA funding are no longer needed for response to or recovery from the incident, the Applicant may use the items for other federally funded programs or projects, provided the Applicant informs FEMA. For more information on these requirements, see PAPPG at pp. 29-30.
3. PURCHASE OF LAND OR BUILDINGS
Did or will the Applicant acquire or improve any real property? FEMA defines real property as "Land, including land improvements, structures, and appurtenances thereto." Real property acquired with FEMA funds is subject to specific disposition and reporting requirements. □ No.
☐ Yes. The Applicant must obtain specific disposition instructions from FEMA. The Applicant should work through their Recipient to obtain specific instructions when the acquired or improved property is no longer needed for the original authorized purpose.
4. PURCHASE AND DISTRIBUTION OF FOOD, WATER, ICE, OR OTHER COMMODITIES
When did or will purchase and distribution of food, water, ice or other commodities start and end? Activities started (MM/DD/YY) and completed (MM/DD/YY). Please attach any written requests and approvals for the activity given by the FEMA Regional Administrator or Recipient.
 Please select and describe the work necessary to purchase and distribute food, water, ice or other commodities: Purchasing and packaging. Please describe: Acquiring distribution and storage space. Please describe: Delivery and distribution. Please describe: Other. Please describe:
 Did or will the Applicant distribute food, water, ice or other commodities to for-profit entities? □ No. □ Yes. Please describe how the Applicant will seek reimbursement for the fair market value of the food, water, ice or
other commodity:
Did or will the Applicant enter into a formal agreement or contract for the provision of food, water, ice or other commodities through a private organization?
\Box Yes. Please ensure contract costs are captured and associated questions answered in Schedule B or C as applicable.
 If the purchase and distribution involved food, how is food security negatively impacted, making food distribution necessary to protect public health and safety? Please select all that apply. □ Reduced mobility of those in need due to government-imposed restrictions. □ Marked increase or atypical demand for feeding resources. □ Disruptions to the typical food supply chain within the relevant jurisdiction.
□ Disruptions to the typical food supply chain within the relevant junstiction. □ Other. Please describe:

FEMA COVID-19 Project Application	Applicant-Assigned Project Application #	Item
	FOR EMERGENCY WORKERS	
Why are meals for emergency workers being claimed	? Please select all that apply.	
□ A labor policy or written agreement requires the	e provision of meals. Please attach.	
□ Conditions constituted a level of severity that re	-	vork
hours without a reasonable amount of time to pro		
□ Food or water was or is not reasonably availabl	e for employees to purchase. Please describe:	
□ Other. Please describe:		
Discos shock have to confirm that mode wave provid	led in coordence with the following FEMA policy	
Please check here to confirm that meals were provid		• 🗆
No meals claimed for reimbursement were provided:		
To individuals receiving a per diem		
• At a restaurant		
 For individual meals 		
For more information on these requirements, see PAPPG at p.	63.	
	UPPLIES, EQUIPMENT, OR OTHER RESOURCES	
Please describe the resources the Applicant pre-position		
Please describe the activities that were or will be cor	nducted using the pre-positioned resources:	
For more information on these requirements, see PAPPG at p. 6		
	CARE – GENERAL ELIGIBILITY	0.
Please describe how the emergency medical care ac	uvities in Section if directly relate to the COVID-1	.9:
Did or will the Applicant contract for the provision of	emergency medical care?	
\Box No, the Applicant directly provided the care.		
☐ Yes. Please ensure contract costs are captured and ass	sociated questions answered in Schedule B or C as applica	able.
Ware the medical supplies & equipment convises of	r facilition provided to ar used by for profit optitio	~~~~
Were the medical supplies & equipment, services, or	Tacinities provided to of used by for-profit entitie	51
□ No.		
\Box Yes. Please describe how the Applicant will seek reimbu	irsement for the fair market value of the emergency medic	cal
care:		
Discondensities how the Applicant has and will cont	inus to numero normant from notionts' minoto	
Please describe how the Applicant has, and will cont		
insurance, Medicaid, Medicare, or any other source	or runding:	
It is extremely important that Private Non-Profit and governme	ent medical care providers, as well as any other Applicant	
completing Emergency Medical Care activities, take caution to		<u>e B</u>
or C. If clear documentation is not available to show how med		
may not receive funding for otherwise eligible activities.		

Item 8.

8. EMERGENCY MEDICAL CARE – MEDICAL SERVICES
Is the Applicant requesting funding to expand existing medical care capacity in response to COVID-19? This does not include set-up costs for alternate care sites, other temporary medical facilities, or expansion of existing medical facilities, which are covered under "Establishment of Temporary Facilities."
Yes. If yes, when did or will the medical service activities start and end? Activities started (MM/DD/YY) and completed (MM/DD/YY). Please attach any written requests and approvals for the activity given by the FEMA Regional Administrator or Recipient.
If yes, please describe how the emergency medical delivery system within a declared area was or is overwhelmed, severely compromised, or destroyed:
When the emergency medical delivery system within a declared area is destroyed, severely compromised, or overwhelmed, FEMA may fund extraordinary costs associated with providing temporary facilities for emergency medical care or expanding existing medical care capacity in response to the declared incident. Temporary facilities and expansions may be used to treat COVID-19 patients or non-COVID-19 patients, as appropriate. For COVID-19 declarations where temporary facilities and expansions require additional health care workers, state, tribal, territorial, and local governments may contract with medical providers to provide medical services in these facilities. FEMA may provide assistance and approve funding for an initial 30 days, from the date that the facility is operational, as an immediate need notwithstanding that the services may be covered by another source. If additional time is needed, the Applicant should request FEMA re-assess before the end of the 30 days and FEMA may grant another 30-day extension as warranted. FEMA cannot duplicate funding provided by another source and will reconcile final funding based on any funding provided by another agency or covered by insurance. Applicable requirements for labor and contracting under federal grants apply. For more information on these requirements, see fema.gov/coronavirus and the <i>PAPPG</i> at pp. 63-64.
9. SHELTERING
When did or will the sheltering activities start and end? Activities started (MM/DD/YY) and completed (MM/DD/YY).
Please describe how the sheltering was or is directly related to COVID-19:
Please describe how sheltering was or is being conducted in accordance with standards and guidance approved by public health officials including social distancing measures:
Was the sheltering conducted in a non-congregate environment? Congregate sheltering is sheltering in facilities with large open spaces. Non-congregate sheltering is sheltering in which each individual or household has living space that offers some level of privacy. For more information, see <i>PAPPG</i> at pp. 66-67.
\Box No. Please skip the remaining questions in this part.
Did the Applicant receive prior approval for non-congregate sheltering from FEMA?
\Box Yes. Please attach your request, all supporting documentation, and a copy of the FEMA approval.
No. This activity requires the FEMA approval. Please submit a request through the Recipient directly to the FEMA Regional Administrator. For more information on these requirements, see fema.gov/coronavirus.

Are the non-congregate sheltering activities completed?

 \Box No.

- □ Yes. The Applicant needs to provide sufficient documentation to establish eligibility, including the following information:
 - Specific need for each individual sheltered
 - Length of stay for each individual sheltered
 - Age of each individual sheltered
 - If applicable, number of meals provided for each individual sheltered. Please also answer questions in part 4 related to the purchase and distribution of food, water, ice, or other commodities
 - If applicable, number of individuals with access or functional needs sheltered
 - If applicable, number of household pets sheltered
 - If applicable, number of assistance and service animals sheltered
 - If applicable, type of shelter provided for animals as stand-alone, co-located, co-habitational
 - Description of services provided to sheltered individuals

For more information on these requirements, see PAPPG at p. 67 and FEMA Fact Sheet: <u>Coronavirus (COVID-19) Pandemic:</u> <u>Non-Congregate Sheltering-FAQ</u>.

You have completed this schedule. Return to Section II.

Schedule EZ - Small Project Estimate

Item 8. Instructions: Applicants must complete this schedule if the total project cost is less than \$131,100 and provide the costs of the Please attach an itemized budget estimate created using standard procedures the Applicant would use absent federal funding. The itemized estimate needs to be broken down by the type and number of resources necessary

If the activities are complete, please attach the corresponding summary records:

to complete the work (contracts, labor, equipment, materials & supplies, and other costs).

□ FEMA Public Assistance COVID-19 Contracts Report (attached)

□ FEMA Form 009-0-123 Force Account Labor Summary

□ FEMA Form 009-0-128 Applicants Benefit Calculation Worksheet

□ FEMA Form 009-0-127 Force Account Equipment Summary

□ FEMA Form 009-0-125 Rented Equipment Summary Record

□ FEMA Form 009-0-124 Materials Summarv Record

If the activities are not yet complete, what is the basis for the estimate? (select all that apply)

activities reported in Section II. **1. BUDGET ESTIMATE**

□ Extrapolation of completed costs.

□ Historical unit costs.

□ Average costs for similar work in the area.

□ Published unit costs from national cost estimating database.

□ Contractor or vendor quotes.

□ Other. Please describe:

2. PROJECT COST

Please select the resources necessary to complete the activities reported in Section II. For each resource selected, please provide the cost.

□ Contracts.

Please enter the total cost of contracts from your estimate.

FEMA provides funding for contract costs based on the terms of the contract if the Applicant meets federal procurement and contracting requirements. See PAPPG at pp. 30-33. The federal procurement under grant rules are found at 2 C.F.R. §§ 200.317-200.326. Different sets of procurement rules that apply depending on whether you are a state or a non-state entity. For additional information see FEMA's Procurement Under Grants Public Assistance Policy and FEMA Fact Sheet: Procurement Under Grants: Under Exigent or Emergency Circumstances.

Labor. Including the Applicant's own staff, Mutual Aid, prison labor, National Guard.

Please enter the total cost of labor from your estimate.

FEMA reimburses force account labor costs based on actual hourly rates plus the cost of the employee's actual fringe benefits. FEMA determines the eligibility of overtime, premium pay, and compensatory time costs based on the Applicant's pre-disaster written labor policy. For Emergency Work activities conducted by budgeted employees, FEMA will only reimburse overtime salary costs. See PAPPG at pp. 23-26 and 33-35.

Equipment. Including applicant owned, purchased, or rented.

Cost

\$

Cost

Cost

Please enter the total cost of equipment from your estimate.

FEMA provides funding for the use of Applicant-owned equipment based on hourly rates. If an Applicant does not have sufficient equipment to effectively respond to an incident, FEMA may provide funding for purchased or leased equipment. Costs are eligible if the Applicant performed an analysis of the cost of leasing versus purchasing the equipment. FEMA funds the least costly option. See PAPPG at pp. 26-28.

FEMA COVID-19 Project Application		Item
	Applicant-Assigned Project Application #	
\Box Materials and Supplies.	Cos	st
Please enter the total cost of materials and supplies from y	vour estimate.	
The cost of materials and supplies is eligible if (1) the mate effectively address threats caused by COVID-19 or (2) the n used to address threats caused by COVID-19. The Applicar withdrawal and usage records. FEMA will also consider esc circumstances in evaluating cost reasonableness. See PAP	naterials or supplies were taken from an Applicant's stock a nt needs to track items taken from stock with inventory alation of costs (such as due to shortages) or exigent	and
\Box Other costs. Including travel costs, utilities and	d any other expenses not listed above. 💲 Co	st
Please enter any other costs from your estimate and descr	ibe:	
Other costs may include travel costs, utilities and other exp costs incurred as a result of the incident are eligible. See P		all
Subtotal Please add together costs of contracts	s, labor, equipment, materials and other costs. \$	
3. [DEDUCTIONS	
Please select the credits available to offset costs of	of activities reported in Section II. For each select	ed,
please provide the deduction.		
\Box Insurance Proceeds.	Deduc	ction
This does <u>not</u> include payment from patient insurance; for Does the Applicant have insurance coverage that		
Yes, the Applicants has actually received a paymer If yes, please enter the total amount of insurance proceeds FEMA cannot provide funding that duplicates insurance pro	s and provide copy of insurance documentation.	
pursue claims to recover insurance proceeds that the Appli Assistance Policy on Insurance.		
pursue claims to recover insurance proceeds that the Appli		<u>ublic</u>
pursue claims to recover insurance proceeds that the Appli Assistance Policy on Insurance.	icant is entitled to receive from its insurer(s). See FEMA's P	<u>ublic</u>
pursue claims to recover insurance proceeds that the Appli Assistance Policy on Insurance.	ent and supplies (if greater than \$5,000). Ionger needed for federally funded projects, FEMA reduces quipment valued at \$5,000 or more and unused residual plicant acquires or improves real property with funds, dispo	ublic ction sition
 pursue claims to recover insurance proceeds that the Appli <u>Assistance Policy on Insurance</u>. Disposition. Please enter the total salvage value of purchased equipmer When purchased equipment, supplies, or materials are no eligible funding by the fair market value of each piece of ecosupplies and materials that total \$5,000 or more. If the Applies and materials that total \$5,000 or more. 	Deduce the formation of the formation o	ublic ction sition
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SCHEDULE F - Environmental and Historic Preservation Questions

Instructions: Applicants must complete this schedule if any of the following activities are reported in Section II:

- Staging resources at an undeveloped site-Complete part 1.
- Storage of human remains or mass mortuary services-Complete part 2.
- Medical waste disposal-Complete part 3.
- Decontamination systems-Complete part 4.
- Establishment of temporary facilities-Complete part 5. \bullet

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For additional information on EHP requirements, see the <u>Environmental and Historic Preservation (EHP) and Emergence</u> <u>Protective Measures for COVID-19 Fact Sheet</u> and the <u>Floodplain Considerations for Temporary Critical Facilities Fact Sheet</u>	
1. STAGING RESOURCES AT AN UNDEVELOPED SITE	
Please describe the staging activities:	
The description should include if an asphalt or concrete pad was built or if other ground disturbing occurred. If ground disturbing occurred, provide a general description of the disturbance, the general area and depth of the ground disturbing and the equipment used. Ground disturbing activities may also include site preparation and clearing.	
Provide the GPS coordinates for each site (decimal degrees with five decimal places): Latitude: Longitude:	
2. STORAGE OF HUMAN REMAINS OR MASS MORTUARY SERVICES	
Please describe activities related to the storage or treatment of human remains or mass mortuary services:	
Please select the locations where the activities reported above were or will be conducted:	
□ Jurisdiction-wide	
\Box Geographic area(s). Please attach a list of all areas.	
Specific sites. Please attach a list of all addresses or GPS coordinates.	
Provide the GPS coordinates for each site (decimal degrees with five decimal places): Latitude: Longitude:	
3. MEDICAL WASTE DISPOSAL	
What is the intended method of disposal?	
Using an existing licensed disposal site.	
Provide the GPS coordinates for each site (decimal degrees with five decimal places): Latitude: Longitude:	
Creating a new disposal site. Please select one of the following:	
Provide the GPS coordinates for each site (decimal degrees with five decimal places): Latitude: Longitude:	
□ Incinerator	
Provide the GPS coordinates for each site (decimal degrees with five decimal places): Latitude: Longitude:	
4. DECONTAMINATION SYSTEMS	
Please describe decontamination activities:	
Provide the GPS coordinates for each site (decimal degrees with five decimal places): Latitude: Longitude:	
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5. ESTABLISHMENT OF TEMPORARY FACILITIES

In Section II, Establishment of Temporary Facilities was selected as a method of work. To provide information regarding these temporary facilities, you must submit a separate Temporary Facilities form for each temporary facility. A copy of the Temporary Facility Survey in attached or you may download a blank <u>Temporary Facility Survey</u> in Grants Portal.

You have completed this schedule. Return to Section II.

FEMA COVID-19 Projec	t Application	Applicant-Assigned Project Appl	ication #	ltem 8.
set-up or operation of a ter For more information Preservation and	nust complete this survey if the ad mporary facility. The Applicant mu on on these requirements, see the <u>Emergency Protective Measures</u> <u>iderations for Temporary Critical</u>	RY FACILITY SURVEY ctivities reported in Section II of the project a ust submit the information in this survey for e e <u>Coronavirus (COVID-19) Pandemic: Environ</u> <u>Fact Sheet</u> , the <u>Coronavirus (COVID-19) Pandemic</u> <u>Facilities Fact Sheet</u> , and the PAPPG at pp. 7 LITY INFORMATION	each temporary fa mental and Histo demic: Floodplair	acility. oric
What is the name of	this temporary facility?			_
	vill the temporary facility use (MM/DD/YY)	ed? End date:(MM/	/DD/YY)	
What services did or		rovide?		
Please describe the t	emporary facility:			
Please provide the GPS of Latitude:		al degrees with five decimal places): Longitude:		
 Existing facilitien facilitien need. Quarantine of 0 	COVID-19 affected individua ce needed to accommodate	b become overloaded and cannot acco als. 9 COVID-19 related response activities		!
Americans with Disat ☐ Yes, the existin were or will be red ☐ Yes, the Applic compliance with t	bilities Act? ng facility is in compliance w quired to make the facility A	all required alterations to ensure that ies Act.	t and no altera	
For additional inform	ation on Americans with Disabilit	ies Act, see PAPPG at pp. 95-96.		

Please indicate how the Applicant did or will establish the temporary facility and attach a cost analysis justifying the selection. Please select all that apply.

□ Rent a facility. Please provide a lease agreement.

□ Purchase a facility. Please provide documentation to support the purchase price.

 \Box Construct a new facility.

□ Modify/expand an existing facility.

If purchasing or constructing a new facility, has the Applicant completed its use of the temporary facility?

□ No.

 \Box Yes. If the Applicant purchased or constructed a temporary facility, it must return to FEMA the federal share of the equity in the facility. The Applicant must report the equity to FEMA when the approved deadline has expired or when the facility is no longer needed for the authorized purpose, whichever occurs first. For more information on this requirement, see *PAPPG* at pp. 79-80. *Please ensure disposition proceeds are captured and associated questions answered in Schedule B or C as applicable.*

What method(s) of work did or will the Applicant use to establish the temporary facility:

□ Repurposing, renovating, or reusing existing facilities.

□ Placing prefabricated facilities on a site.

□ Constructing new temporary medical or sheltering facilities.

Will the Applicant only repurpose or reuse an existing facility?

 \Box Yes, and the temporary use is <u>the same</u> as the most recent use of the facility. Please skip the remaining questions in this survey.

 \Box Yes, but the temporary use is <u>not the same</u> as the most recent use of the facility. Please describe the temporary use and the most recent use of the facility:

Please skip the remaining questions in this survey.

□ No, the temporary use required renovation, placing prefabricated facilities, or new construction. *Please continue to the next section in this survey.*

B. RENOVATION AND CONSTRUCTION INFORMATION

If the facility is not new construction, what year was the facility built?

Please describe the work in detail or attach plans or other documentation describing the work:

The description should include a description of the following: For existing buildings, interior and exterior modification descriptions including quantities, dimensions, and material types; and utility upgrade descriptions. For construction of new facilities, a description of site activities and new construction. For placement of prefabricated facilities on sites, a description of the prefabricated facility and any site work to be carried out.

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Will the activity occur entirely within an already-developed area? Examples of developed areas include an existing parking lot, a lot previously developed for construction with existing utility
tie-ins, an existing asphalt or concrete pad, or an artificial playing field.
□ Yes.
 No. If no, will the activity require the construction of a concrete or asphalt pad? No.
\Box Yes. If yes, will the pad be removed when the temporary facility is no longer needed?
\Box No.
☐ Yes. Please describe planned demolition activities:
Will any ground disturbing activities occur as part of construction? Ground disturbing activities may include site clearing and preparation, laying utilities, or expanding of existing utilities.
\Box Yes. Please attach a site plan for the temporary facility, including GPS coordinates and dimensions (length, width, and depth) of the ground disturbance.
If yes, will the ground disturbance occur outside of an existing footprint or previously disturbed Right-of-Way?
\Box No.
Yes. If yes, will rooted vegetation be removed or cleared? No.
Yes. Please provide the GPS coordinates (decimal degrees with five decimal places): Latitude: Longitude:
If yes, will trees be removed?
\Box No.
Yes. Please provide the GPS coordinates (decimal degrees with five decimal places): Latitude: Longitude:
Number of trees:
Diameter of trees (approximate): Units:
Will the activities include the use of staging areas for equipment or materials?
Yes. Please provide the GPS coordinates for each site (decimal degrees with five decimal places): Latitude: Longitude:
What surface does each staging area have (paved, gravel, grass field, etc.)? Please describe:
Will the activities include expansion of parking facilities?
□ Yes.
Will the activities involve the disposal of any existing materials as part of site preparation or construction?
\Box No.
 Yes. If yes, what are the types of debris? Please select all that apply. Vegetative
Construction and demolition

□ Hazardous Materials
Large Appliances
Electronics
□ Other. Please describe:
If yes, how will debris be removed?
Using a contractor. Please provide the name of the vendor:
Using other non-contracted resources.
If yes, where will the debris be disposed? Please provide permits (if available) and the GPS coordinates (decimal degrees with five decimal places): Latitude: Longitude:
Will there be any temporary staging of debris?
☐ Yes. Please provide permits (if available) and the GPS coordinates (decimal degrees with five decimal places): Latitude: Longitude:
If vegetative was selected above, will any vegetative debris be burned?
 Yes. If yes, what is the method of ash disposal? Please provide permits, if available. Disposing in a Landfill. Spreading. Burying. Other. Please describe:
Will fill or borrow material be used for site preparation?
□ No.
□ Yes. If yes, what is the quantity of fill?Units: □ Cubic yards □ Tons □ Other:
If yes, what is the type of fill and borrow material?
□ Sand
Other material. Please describe:
If yes, what is the source of the fill and borrow material? Commercial. Please provide name of vendor: Private Municipal Other location. Please describe: Please provide the GPS coordinates (decimal degrees with five decimal places) of the fill and borrow sources: Latitude: Longitude:

FEMA COVID-19 Project Application App	licant-Assigned Project Application #	Ite
Are there any large, undeveloped or undisturbed areas on Select yes if there are large tracts of forestland, farmland, grassland,	, or near, the site?	_
□ No.		
□ Yes. Please describe:		
Are any of the following environmental issues associated Conservation Area or Wildlife Refuge Non-Attainment Area (Clean Air Act) Underground storage tanks	with the site or facility? Select all that apply.	
 Old gas stations or other potential toxic substance glandfills, dumps, industrial sites Brownfield or Superfund sites Fuel or oil spills Other. <i>Please describe</i>: None apply Unsure if any apply 	generators like dry cleaning, laboratories,	
Are there any of the following known hazardous materials	at or adjacent to the site? If any are selecte	d.
please attach applicable permits, if available.		u,
\Box Solvents (thinners, cleaners, varnishes, and adhesi	ves)	
□ Oil/Fuel/Hydraulics		
□ Chemical, pesticide or fuel storage tanks (above or	below ground)	
□ Lead based paints, solder, flashing		
Pesticides Moreury containing waste (moreury owitches, fluere)	eccent hulbo thermeetete etc.)	
 Mercury containing waste (mercury switches, fluore PCB containing materials (transformers, caulking, e 		
Hazardous Medical Waste		
\Box Asbestos containing products (sealants, insulation,	tile, etc.)	
□ No.		
Will any of the activities described in Section II be perform A facility listed in or eligible for listing in a local, stat	· ·	pply.
□ A site in or adjacent to a historic district. <i>Please descr</i>	'ibe:	
□ A locally recognized landmark. <i>Please describe:</i>		
A National Historic Landmark. Please describe:		
□ No.		

Item 8.

If the Applicant selected any of the facility types listed above, and/or the facility is more than 45 years old: Will the Applicant be requiring interior installations or exterior modifications?	
\Box No.	
\Box Yes. Please describe:	

Please provide the following documentation, if available, to aid FEMA's review of temporary facility activities. Check each box if the referenced documentation is provided.

□ Site map showing the location of all proposed areas where the Applicant will conduct site work or construction and the extent of ground disturbance (including staging areas, access roads, parking, landscaping, grading or utilities)

 \Box Photographs of the site

You have completed this survey. Please save and upload this file in Grants Portal.

Item 8.

FEMA Public Assistance COVID-19 Contracts Report

Instructions: Applicants should complete one form for each PA COVID-19 project application.

					S	ection I – Project Applicat	ion Information				
Declaration :	#:			Applic	ant Name:		FEMA PA Code:		Applicant-As	signed Project A	Application #:
Instructio	ns: Applicants	must	comple	te this s	ection to provid	Section II – Contract de contract information for con		the project ap	plication indic	ated in Section	l of this form.
						1. CONTRACT INFO					
Name of Contractor	Contractor EIN	Contract Award Date	Contract Start Date	Contract End Date	Was the contract awarded through a competitive bidding process?	If not competitively bid, please provide justification. Please select one of the following and write in the box below:	Type of Contract Please select one of the following options and write in the box below:	Scope of Cor For example of temporary emergency r transport.	, construction facility or	Total Contract Award Please indicate dollar amount.	Amount requested for funding on this project application Please indicate dollar amount.
					☐ Yes ☐ No	 Only available from single source Public exigency or emergency FEMA authorized Recipient authorized Inadequate competition Other: 	 □ Fixed price □ Cost-reimbursement □ Time and materials □ Cost-plus % of cost □ Other: 				
					☐ Yes ☐ No	 Only available from single source Public exigency or emergency FEMA authorized Recipient authorized Inadequate competition Other: 	 Fixed price Cost-reimbursement Time and materials Cost-plus % of cost Other: 				
					☐ Yes ☐ No	 Only available from single source Public exigency or emergency FEMA authorized Recipient authorized Inadequate competition Other: 	 Fixed price Cost-reimbursement Time and materials Cost-plus % of cost Other: 				
									TOTAL		
			Location	that the	o obovo inform	2. CERTIFIC		that are ave!	ble for and		
Applicant Auth	norized Represe	entative	-	y that th	<u>e above inform</u> Title	nation is accurate and was obta e	amed from documents	Signature	ivie for audit.		



Staff Report

- TO: City Council
- **FROM:** Jeff Mohlenkamp, Finance Director

DATE August 18, 2020

SUBJECT: Adopt Amendments to the FY2021 Budget and Approve the Implementation of the Business Assistance Program and Household Assistance Program

Background and Analysis:

During its July 7, 2020, and July 21, 2020, regular meetings, City Council discussed implementing a local COVID-19 Relief Program. The discussions focused on two separate categories of expenditures. First, is the need to maintain City services in a safe manner. Second, is assisting businesses and residents impacted by the emergency.

During the July 21, 2020, meeting City Council voted unanimously to apply for CARES Act funding in the amount of \$635,569 and to use them to reimburse payroll and payroll related expenses incurred since March 1, 2020. These funds were earmarked for the City of Beaumont through the State's adopted budget for FY2021. A budget amendment is needed to recognize the CARES Act fund allocations from the State.

Additionally, a budget amendment is necessary to allocate the funds required to fund the local COVID-19 Relief Program.

Outlined below are the components of the City of Beaumont COVID-19 Relief Program:

Elements Needed to Maintain City Services in a Safe Manner

Program Element	Amount	Description
Facility Costs	\$ 70,000	This provides funding for social distancing modifications necessary to maintain services. This includes dividers, plastic barriers,

		redesign of flow of foot traffic, retrofit of
		bathrooms, etc.
Police Salaries	\$ 60,000	This covers the salary costs of School
		Resource Officer staff due to schools
		operating remotely.
Information	\$ 38,000	This covers I.T. that is not deemed eligible for
Technology		the FEMA application but is needed to
Related Costs		maintain data security and reliability.
Police Lobby Kiosk	\$ 7,000	This provides for the ability to have the public
		conduct business with the police department
		with less physical interaction.
Legal Expenses	\$ 20,000	This covers legal costs for guidance received
		regarding the COVID-19 emergency.
Sanitization	\$ 75,000	This provides three foggers to complete
Foggers		enhanced sanitization of buses and buildings.
FEMA Matching	\$ 31,000	This sets funds aside to cover the 25% not
Funds		paid by FEMA.
Subtotal	\$301,000	

Elements Designed to Assist the Business Community and Residents

Program	Amount	Description
Element		
Business	\$ 142,069	This provides assistance to businesses that
Assistance		have suffered losses due to the emergency.
Program/ Small		This will be administered as a grant program.
Business		Details are included in Attachment C of this
Assistance Grant		report.
Housing	\$ 100,000	This provides assistance to residents
Assistance Grant		impacted by the emergency. Details are
Program		included in Attachment D of this report.
Restaurant Support	\$ 35,000	This provides for purchasing shade and
Program		barriers to help restaurants remain
		operational during outdoor dining
		requirements.
Child Care	\$ 50,000	This provides assistance to the Boys and
Assistance		Girls club to allow them to expand the number
Program		

		of children in their program during the COVID-
		19 emergency.
Senior Outreach	\$ 5,000	This provides funds to improve outreach to
Program		our seniors during this emergency.
Business	\$ 2,500	This provides branded posters to businesses
Confidence		to assist in social distancing guidelines.
Subtotal	\$334,569	
Total	\$635,569	

If approved, projects will be established for each of these uses of funds to track expenditures. City staff will provide reports to City Council regarding the program expenditures. Where the potential exists for FEMA reimbursement eligibility, City staff will submit expenditures for consideration. Any reimbursed funds would be available to the City Council for allocations to other uses.

In addition to the General Fund COVID-19 Relief Program described above, staff is recommending the use of Air Quality Management District (AQMD) funds to further augment the City's response to the emergency. These funds are available to help the City move to business practices that reduce carbon emissions. AQMD funds are a recommended source of funds to address some specific needs during this emergency. Specifically, the City has the need for some additional vehicles to allow for improved social distancing for the Beaumont Police Department citizen patrol program and for permitting/inspection activities. As a result, staff is requesting the use of AQMD funds to purchase two energy efficient vehicles in FY 2021 in the aggregate amount not to exceed \$75,000. If this use of funds is approved, the AQMD funds currently available will be reduced from \$461,079 to \$386,079.

Lastly, during FY 2020, the City spent \$27,000 on information technology (I.T.) costs to mitigate the immediate technology needs to continue City business after the declared pandemic. This included computers, tablets, teleconference software, monitors, etc. City staff has received guidance that AQMD funds are eligible to support remote working requirements. Since AQMD funds are eligible to cover these costs, but they are not likely eligible for FEMA reimbursement, City staff is requesting that these costs be covered using AQMD funds. To make this change in funding source from the General Fund to AQMD, a budget amendment for FY 2020 is required. The City has also spent \$5,667 on I.T. related items to allow for social distancing during FY 2021. These adjustments further reduce the balance of available AQMD funds from \$386,079 to \$353,412.

Fiscal Impact:

If the City Council approves the receipt of CARES Act funds and launches the proposed COVID-19 Relief Program, the net impact to the General fund is zero as the City's CARES Act allocation will be equal to the City's COVID-19 Relief Program budget.

If the City Council approves the proposed budget adjustment for FY 2021 to purchase two vehicles using AQMD funds, the net cost is a use of available funds in from this source in an amount not to exceed \$75,000.

If the City Council approves the proposed budget adjustments for FY 2020 in the amount of \$32,667 in FY 2021 to cover I.T. costs with AQMD funds, the result is a reduction in General Fund expenditures of \$32,667 and an increase in expenditures from AQMD funds of the same amount.

Recommended Action:

It is recommended the City Council adopt the budget amendments and approve the implementation of business assistance and household assistance programs as follows:

- 1. Adjust the FY 2020-21 budget to include the receipt of CARES Act funds in the amount of \$635,569,
- 2. Adjust the FY 2020-21 budget to include the proposed expenditures for the COVID-19 Relief Program as highlighted in the report totaling \$635,569,
- 3. Adjust the FY 2020-21 budget to include the expenditure of up to \$75,000 from the AQMD fund to purchase two vehicles,
- Adjust the FY 2019-20 budget to cover I.T. expenses related to the COVID-19 emergency using AQMD funds in the amount of \$27,000 and adjust the FY 2020-21 budget to cover I.T. expenses related to the COVID-19 emergency with AQMD funds in the amount of \$5,667,
- 5. Approve the implementation plan for the Business Assistance Program/ Small Business Assistance Grant, and
- 6. Approve the implementation of the Household Assistance Grant Program.

Attachments

- A. Proposed Budget Adjustments
- B. Project Setup for City COVID-19 Relief Program
- C. Business Assistance Program/ Small Business Grant Program
- D. Household Assistance Grant Program



Adjustment Number

City of Beaumont, CA

Description

Budget Code

Budget Adjustment Re

Adjustment Detail

Adjustment Date

Packet: GLPKT13135 - 8/18/20 Council Budget Adjustment FY20/21

BA0000059	VERSION 1	8/18/20 Court	coil Budget Adjustment for EV 20/21			8/18/2020
Summary Description		8/18/20 COUR	ncil Budget Adjustment for FY 20/21			6/16/2020
Summary Description						
Account Number 100-0000-6010-00 Period 02:		Account Name SALARIES	Adjustment Description 8/18/20 Council Budget Adjustment for FY 20/	Before 0.00	Adjustment 60,000.00	After 60,000.00
<u>100-0000-7040-00</u> Period 02:	000 5,000.00	RECREATION PROGRAMS	8/18/20 Council Budget Adjustment for FY 20/	0.00	5,000.00	5,000.00
<u>100-0000-7068-00</u> Period 02:	<u>000</u> 20,000.00	CONTRACTUAL SERVICES	8/18/20 Council Budget Adjustment for FY 20/	0.00	20,000.00	20,000.00
<u>100-0000-7072-00</u> Period 02:	<u>000</u> 38,000.00	COMPUTER SUPPLIES/MAINT	8/18/20 Council Budget Adjustment for FY 20/	0.00	38,000.00	38,000.00
<u>100-0000-7085-00</u> Period 02:	<u>000</u> 70,000.00	BUILDING SUPPLIES/MAINT	8/18/20 Council Budget Adjustment for FY 20/	0.00	70,000.00	70,000.00
<u>100-0000-7096-00</u> Period 02:	<u>000</u> 2,500.00	COMMUNITY PROGRAM	8/18/20 Council Budget Adjustment for FY 20/	0.00	2,500.00	2,500.00
<u>100-0000-7096-00</u> Period 02:	<u>000</u> 35,000.00	COMMUNITY PROGRAM	8/18/20 Council Budget Adjustment for FY 20/	0.00	35,000.00	35,000.00
<u>100-0000-7096-00</u> Period 02:	<u>000</u> 100,000.00	COMMUNITY PROGRAM	8/18/20 Council Budget Adjustment for FY 20/	0.00	100,000.00	100,000.00
<u>100-0000-7096-00</u> Period 02:	<u>000</u> 142,069.00	COMMUNITY PROGRAM	8/18/20 Council Budget Adjustment for FY 20/	0.00	142,069.00	142,069.00
<u>100-0000-7096-00</u> Period 02:	<u>000</u> 50,000.00	COMMUNITY PROGRAM	8/18/20 Council Budget Adjustment for FY 20/	0.00	50,000.00	50,000.00
<u>100-0000-8040-00</u> Period 02:	<u>000</u> 75,000.00	EQUIPMENT	8/18/20 Council Budget Adjustment for FY 20/	0.00	75,000.00	75,000.00
<u>100-0000-8040-00</u> Period 02:	<u>000</u> 7,000.00	EQUIPMENT	8/18/20 Council Budget Adjustment for FY 20/	0.00	7,000.00	7,000.00
<u>100-0000-9950-00</u> Period 02:	<u>000</u> -635,569.00	TRANSFERS IN	8/18/20 Council Budget Adjustment for FY 20/	-7,164,012.00	-635,569.00	-7,799,581.00
<u>100-0000-9960-00</u> Period 02:	<u>000</u> 31,000.00	TRANSFERS OUT	8/18/20 Council Budget Adjustment for FY 20/	0.00	31,000.00	31,000.00
205-0000-7072-00 Period 02:	<u>000</u> 5,667.00	COMPUTER SUPPLIES/MAINT	8/18/20 Council Budget Adjustment for FY 20/	0.00	5,667.00	5,667.00
205-0000-8060-00 Period 02:	<u>000</u> 75,000.00	VEHICLES	8/18/20 Council Budget Adjustment for FY 20/	0.00	75,000.00	75,000.00
215-0000-4356-00 Period 02:	000 -635,569.00	CARES	8/18/20 Council Budget Adjustment for FY 20/	0.00	-635,569.00	-635,569.00
215-0000-9960-00 Period 02:	<u>000</u> 635,569.00	TRANSFERS OUT	8/18/20 Council Budget Adjustment for FY 20/	0.00	635,569.00	635,569.00

Budget Adjustment Register

Packet: GLPKT13135 - 8/18/20 Council Budget Adjus Item 9.

/21 Summary

Budget	Budget Description	Account	A
V1 2020-2021	VERSION 1	100-0000-6010-0000	S
		100-0000-7040-0000	R
		100-0000-7068-0000	С
		100-0000-7072-0000	С
		100-0000-7085-0000	В
		100-0000-7096-0000	С
		100-0000-8040-0000	E
		100-0000-9950-0000	т
		100-0000-9960-0000	т
		205-0000-7072-0000	C
		205-0000-8060-0000	V
		215-0000-4356-0000	C
		215-0000-9960-0000	т

Account Description	Before	Adjustment	After
SALARIES	0.00	60,000.00	60,000.00
RECREATION PROGRAMS	0.00	5,000.00	5,000.00
CONTRACTUAL SERVICES	0.00	20,000.00	20,000.00
COMPUTER SUPPLIES/MAINT	0.00	38,000.00	38,000.00
BUILDING SUPPLIES/MAINT	0.00	70,000.00	70,000.00
COMMUNITY PROGRAM	0.00	329,569.00	329,569.00
EQUIPMENT	0.00	82,000.00	82,000.00
TRANSFERS IN	-7,164,012.00	-635,569.00	-7,799,581.00
TRANSFERS OUT	0.00	31,000.00	31,000.00
COMPUTER SUPPLIES/MAINT	0.00	5,667.00	5,667.00
VEHICLES	0.00	75,000.00	75,000.00
CARES	0.00	-635,569.00	-635,569.00
TRANSFERS OUT	0.00	635,569.00	635,569.00
V1 2020-2021 Total:	-7,164,012.00	80,667.00	-7,083,345.00
Grand Total:	-7,164,012.00	80,667.00	-7,083,345.00

Budget Adjustment Register

Packet: GLPKT13135 - 8/18/20 Council Budget Adjustm

ltem 9. Summary

Budget	Budget Description	Account	Account Description	Before	Adjustment	After
V1 2020-2021	VERSION 1	100-0000-6010-0000	SALARIES	0.00	60,000.00	60,000.00
		100-0000-7040-0000	RECREATION PROGRAMS	0.00	5,000.00	5,000.00
		100-0000-7068-0000	CONTRACTUAL SERVICES	0.00	20,000.00	20,000.00
		100-0000-7072-0000	COMPUTER SUPPLIES/MAINT	0.00	38,000.00	38,000.00
		100-0000-7085-0000	BUILDING SUPPLIES/MAINT	0.00	70,000.00	70,000.00
		100-0000-7096-0000	COMMUNITY PROGRAM	0.00	329,569.00	329,569.00
		100-0000-8040-0000	EQUIPMENT	0.00	82,000.00	82,000.00
		100-0000-9950-0000	TRANSFERS IN	-7,164,012.00	-635,569.00	-7,799,581.00
		100-0000-9960-0000	TRANSFERS OUT	0.00	31,000.00	31,000.00
		205-0000-7072-0000	COMPUTER SUPPLIES/MAINT	0.00	5,667.00	5,667.00
		205-0000-8060-0000	VEHICLES	0.00	75,000.00	75,000.00
		215-0000-4356-0000	CARES	0.00	-635,569.00	-635,569.00
		215-0000-9960-0000	TRANSFERS OUT	0.00	635,569.00	635,569.00
			V1 2020-2021 Total:	-7,164,012.00	80,667.00	-7,083,345.00
			Grand Total:	-7,164,012.00	80,667.00	-7,083,345.00

80,667.00

8/12/2020 4:52:07 PM

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Budget Adjustment Re



City of Beaumont, CA

Adjustment Detail

Packet: GLPKT13134 - 8/18/20 Council Budget Adjustment

Adjustment Number	Budget Code	Description				Adj	ustment Date
BA0000058 Summary Description:	BUDGET - REVISION 2	8/18/20 Cour	ncil Budget Adj				6/30/2020
Account Number 205-0000-7072-0000 Period 12: 27	Account Name COMPUTER SUP	PLIES/MAINT	Adjustment Description 8/18/20 Council Budget Adj	B	Before 0.00	Adjustment 27,000.00	After 27,000.00

Budget Adjust	tment Register		Packet: GLPKT13134 - 8/18/20 Council Budg Item 9. ne		ltem 9. hent	
					Su	ummary
Budget	Budget Description	Account	Account Description	Before	Adjustment	After
REV 2	BUDGET - REVISION 2	205-0000-7072-0000	COMPUTER SUPPLIES/MAINT	0.00	27,000.00	27,000.00
			REV 2 Total:	0.00	27,000.00	27,000.00
			Grand Total:	0.00	27,000.00	27,000.00

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Summary

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Budget	Rudget Decemintion					
suger	Budget Description	Account	Account Description	Before	Adjustment	After
REV 2	BUDGET - REVISION 2	20E 0000 7072 0000				
	202021 - NEVISION 2	205-0000-7072-0000	COMPUTER SUPPLIES/MAINT	0.00	27,000.00	27,000.00
			REV 2 Total:	0.00	27,000.00	
				0.00	27,000.00	27,000.00
			Grand Total:	0.00		
			Grand Total:	0.00	27,000.00	27,000.00

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Project Budget Report

City of Beaumont, CA

Project Number CITY COVID RELIEF

BEAUMONT

Project Name CITY COVID RELIEF PROGRAM Expense		
Account Key CCRPA	Account Name CITY COVID RELIEF PROGRAM - LEGAL	Total Budget 20,000.00
<u>CCRPB</u>	CITY COVID RELIEF PROGRAM - BOYS AND GIRLS CLUB	50,000.00
<u>CCRPC</u>	CITY COVID RELIEF PROGRAM - FACILITY COSTS	70,000.00
CCRPD	CITY COVID RELIEF PROGRAM - SALARIES	60,000.00
<u>CCRPE</u>	CITY COVID RELIEF PROGRAM - POLICE KIOSK	7,000.00
CCRPF	CITY COVID RELIEF PROGRAM - SENIOR OUTREACH	5,000.00
CCRPG	CITY COVID RELIEF PROGRAM - IT RELATED COSTS	38,000.00
<u>CCRPH</u>	CITY COVID RELIEF PROGRAM - SANITATION FOGGERS	75,000.00
<u>CCRPI</u>	CITY COVID RELIEF PROGRAM - FEMA MATCH	31,000.00
<u>CCRPJ</u>	CITY COVID RELIEF PROGRAM - BUSINESS SUPPORT	142,069.00
<u>CCRPK</u>	CITY COVID RELIEF PROGRAM - RESIDENT SUPPORT	100,000.00
CCRPL	CITY COVID RELIEF PROGRAM - RESTAURANT SUPPORT	35,000.00
CCRPM	CITY COVID RELIEF PROGRAM - BUSINESS CONFIDENCE	2,500.00 635,569.00

635,569.00

Business Assistance Program (BAP) Program Outline – Reviewed by City Council on 7/30/2020

Qualified Businesses:

•

- Physical Location within the City of Beaumont
 - o Store Front
 - Office Space
 - Commercial Building
 - Excludes Home-Based Businesses
- Excludes Non-Profit or Religious-Based Organizations
- Current, Valid Business License Required
 - Business Must in Good Standing with the City of Beaumont
 - No Active Code Enforcement Actions
 - No Violations of any Applicable Law, Ordinance, etc.
- Maximum of 15 Full-Time Employee Equivalents
 - o Verifiable Payroll Records Required Upon Request of Ad Hoc Committee
- Business Must Pledge to Participate in the Beaumont Shop Safe Program
- Businesses Must Demonstrate COVID-19 Related Losses from March 1, 2020 to Present
- Businesses Not Disqualified if Other Financial Assistance has been Received
 - Priority Given to Businesses That Have Not Already Received Financial Assistance through Another County, State or Federal Program
 - Once Funds Have Been Allocated to All Businesses Who Have Not Received Other Assistance, Grants to be Considered for Remaining Qualified Applicants

Grant Funding:

- Allocations of \$3,000 Made to Each Qualifying Business
 - Automatic Award of Funds if Adequate Funds are Available
 - o Drawing for Funds Should Requests Exceed Available Funds
 - Grant Funds to be Applied Toward Direct Business-Related Expenses
 - Payroll and Payroll Related Costs
 - Equipment Purchases/Repairs
 - Supply Purchases
 - Rent/Mortgage Payments
 - o Loan Payments
 - Mandatory Financial Report due to City by January 31, 2021
 - Verify Use of Funds
- First Call for Grant Applications
 - September 1 through September 15, 2020
 - o Grant Awards by October 1, 2020
 - o Supplemental Call for Grant Applications Should Funds Remain After First Call
- Grants Awarded on Basis of Qualification (Non-Competitive Grant)
 - Drawing Conducted Should Applications Exceed Available Resources
 - Random Process
 - Conducted via YouTube
 - Grant Recipients to Maintain Financial Records for A Minimum of 5 Years
 - Must be Produced at Request of the City of Beaumont

City of Beaumont Business Assistance Program Small Business Assistance Grant

Introduction

Beginning in March 2020, the City of Beaumont began to feel the significant economic impacts and hardships caused by the COVID-19 pandemic. Many businesses were forced to close their doors due primarily to State and County health orders. Even though these orders have been abated to some degree over the past couple of months, many businesses remain closed or remain subject to severe restrictions on operations which continue to exacerbate economic hardships and threaten business viability.

Small, locally owned retail storefronts and commercial businesses comprise a critical segment of Beaumont's local economy. They are also the most vulnerable business sectors to the economic impacts of the COVID-19 pandemic. The Beaumont City Council has created a Small Business Assistance Grant program to aid certain small, locally owned business who have experienced negative economic impacts since March 1, 2020, and has made \$142,000 available for disbursement through the program.

This grant program is targeted toward businesses of 15 or fewer employees who are in good standing with the City of Beaumont can demonstrate financial losses since March 1, 2020. Qualified businesses may be eligible to receive a one-time grant in the amount of \$3,000 to applied toward certain direct, business related expenses.

Home based business as well as non-profit or religious organizations are ineligible.

Who Qualifies?

Businesses must meet specific criteria including those listed below to be eligible for consideration:

- 1. Must have a physical location with the City of Beaumont.
 - a. Store Front,
 - b. Office Space, or
 - c. Commercial Structure.
- 2. Must be in good standing with the City of Beaumont.
 - a. Current, Valid Business License;
 - b. No Outstanding Code Enforcement Actions;
 - c. No Violations of Any Applicable Law, Ordinance, Etc.; or
 - d. Not Engaged in Any Unlawful Activities, Adult Entertainment, or Cannabis Industry.
- 3. Must Have a Maximum of 15 Full-Time Employees as of March 1, 2020.
 - a. Verifiable Payroll Records Required.
- 4. Must Pledge to Participate in the Beaumont Shop Safe Program.
- 5. Must be Willing to Enter into a Grant Acceptance Agreement with the City of Beaumont.
- 6. Must be Able to Demonstrate COVID-19 Related Losses Since March 1, 2020.

What Kind of Assistance is Provided?

Successful grant recipients will receive \$3,000 of financial assistance. Use of these funds is restricted to the following direct business-related needs:

- 1. Payroll and Payroll Related Expenses,
- 2. Equipment Purchases/Repairs,

- 3. Supply Purchases,
- 4. Rent/Mortgage Payments, or
- 5. Loan Payments.

Use of funds for any other purpose(s) are prohibited.

When Will Grants be Awarded?

Grant applications will be accepted from September 1, 2020, through the close of business on September 15, 2020. Grant funds will be disbursed to the successful applicants by October 1, 2020.

How Will Grants be Awarded?

This is a non-competitive grant with awards being made based on qualifications. A random drawing will be conducted should the number of qualified applicants exceed the funding available. Should a drawing be required it will be conducted on a random basis via YouTube.

Is A Business Disqualified If It Has Received County, State or Federal Financial Assistance?

Businesses who have already received financial assistance from any other County, State or Federal program (i.e. PPP, Riverside County Small Business Grant, CARES Act) are not disqualified. However, preference will be given to those business who have not received financial assistance through one of these programs.

What Else Do I Need to Know?

Grant recipients will be required to maintain financial records for a minimum of 5 years. These records must be produced at the request of the City of Beaumont.

Additional criteria and requirements may be found in the Grant Application and the Small Business Grant Agreement document.

What Must be Submitted?

The following items must be submitted for an application to be considered complete and eligible for consideration:

- 1. Completed Grant Application with Signature(s),
- 2. All Documents/Evidence to Support Information Provided by the Applicant on the Grant Application,
- 3. Executed Copy of the Grant Agreement,
- 4. Copy of a 12/31/2019 Profit and Loss Statement OR the First Page of a 2018 or 2019 business tax return, and
- 5. Completed W-9 IRS Request for Taxpayer Identification Number and Certification Form.

Who May I Contact?

For more information contact Mr. Kyle Warsinski, Economic Development Manager, at www.kwarsinski@beaumontca.gov or call 951-769-8527.

City of Beaumont Business Assistance Program COVID-19 Small Business Assistance Grant Application

Dat	e Application Submitted:					
	Business Name Business Sector					
	Dhusian Rusinger Adduser					
	Physical Business Address					
	Business Number Business E-Mail					
	Business Ownership					
	Name of Owner					
	Address of Owner					
	Owner Number Owner E-Mail					
	Questions					
Plea	se reply to each question below. By providing an affirmative response to any of these questions you signify that you can verify the					
	corresponding information for the City of Beaumont Business Assistance Program.					
1	What is the current status of your business?					
2	What date was the business established?					
2						
3	What date did the business establish a physical location within the Beaumont corporate limits?					
4	Does the business have a valid Business License issued by the City of Beaumont?					
5	Is the business in good standing with the City of Beaumont? (No outstanding code violations, compliance orders, etc.)					
6	Did the business have fewer than 15 full time employees as of March 1, 2020?					
7	How many full time employees did the business have as of the date of this application?					
8	Has the business received assistance from any other County, State or Federal Program?					
9	Can verification be provided that demonstrates that the business was negatively impacted by COVID-19?					
10	Is the business home-based?					
11	Is the business engaged in any illegal activities, the adult entertainment, gambling, or cannibas industries?					
	What are the sources of revenues for the business?					
12						
13	Is a 12/31/2019 Internal Profit and Loss Statement OR THE FIRST PAGE OF A 2018 OR 2019 business tax return available? This information will be required with the submission of this application.					
	anomation wai be required with the submission of this application.					

14 Is the business willing to participate in the City of Beaumont Safe Business Pledge program?

15 Is the business willing to complete a Grant Agreement with the City of Beaumont obligating the use of the grant funds for the intended purpose? (An executed copy of the agreement is required with this application.)

BUSINESS OWNER: I declare that I am the owner of the business applying for this grant. I have read the foregoing City of Beaumont Business Assistance Program Small Business Assistance Grant Application and understand the questions and requirements. I declare under penalty of perjury under the laws of the Sate of California that the foregoing is true and correct. I acknowledge that the completion of this application does not in any way indicate eligibility or approval. I acknowledge that, due to the limited funds available for the program, some qualifying applications including this one may not be funded.

Name:

Title:

City of Beaumont Business Assistance Program Small Business Assistance Grant Agreement

This Business Assistance Program Small Business Assistance Grant Agreement ("Agreement") is between the City of Beaumont, a political subdivision of the State of California ("City"), and ______, a business licensed to operate within the City of Beaumont ("Business").

- 1. Overview:
 - Purpose The City of Beaumont Business Assistance Program ("Grant Program") provides financial assistance to City-based small businesses impacted by the COVID-19 pandemic.
 - b. Program Funding The Beaumont City Council has agreed to appropriate from the City's General Fund an amount not to exceed \$142,009 which is to be utilized to provide financial assistance to certain, qualified small businesses within the City.
 - c. Grant Amount Pursuant to this Agreement, the City will disburse \$3,000 to the Business ("Grant").
 - d. Grant Use Grant awards must be applied toward direct expenses of the Business related to payroll and payroll related expenses, equipment purchases/repairs, supply purchases, rent/mortgage payments, or loan payments.
 - e. Grant Disbursement The City will disburse the Grant to the Business within ten (10) business days after all the following have been completed:
 - i. Grant application has received final approval,
 - ii. All parties have signed this Agreement, and
 - iii. All required information has been provided to the City.
 - f. Grant Term This Agreement will take effect on the execution date and terminate on February 1, 2021 ("Grant Term").
 - g. Final Report
 - i. By January 31, 2021 ("Reporting Deadline"), the Business must provide the City with a Final Report on the operational status of the Business, the number of current employees as of the date of the report, and an accounting of the use of the Grant as of December 31, 2020. The Business must submit a hard copy of the report on a form provided by the City with wet signatures.
 - ii. As an attachment to the Final Report, the Business must provide documentation of its reported Grant use, such as expense receipts and payroll filings for the period cover the Effective Date through December 31, 2020.
 - h. Repayment of Grant Funds -
 - Should Business fail to use the Grant as required by Section 1d., then Business must repay \$3,000 to the City by the end of the business day of February 28, 2021.
 - ii. Should the Business cease operations prior to the end of the Grant Term, Business must notify the City immediately and must complete the Final Report

and repay any unused portion of the Grant to the City within thirty (30) calendar days of the business closure.

- Should ownership of Business be sold or transferred prior to the end of the Grant Term, Business must notify City immediately and must complete the Final Report and repay any unused portion of the Grant to the City within ten (10) calendar days of the business transfer of ownership.
- Retention of Financial Records All financial records related to the receipt and the use of Grant funds must be retained by the Business for a period of not less than five (5) years from the termination of the Grant Term and must make said records available to the City of Beaumont immediately upon written request of the City Manager or his/her designee.
- 2. General Provisions:
 - a. Notices, Demands and Communications Between the Parties Formal notices, demands, and communications between the parties shall be given by (i) personal service; (ii) reputable document delivery service, such as Federal Express, with a receipt showing date and time of delivery; or (iii) certified or first-class United States mail, postage prepaid, with a receipt showing date and time of delivery to:

To the City:	City Manager City of Beaumont 550 East Sixth Street Beaumont, CA 92223
To the Business:	
	Attn.: Email:

Written notices, demands, and communications shall be sent in the same manner to other addresses that any party designates in writing.

- b. Entire Agreement; Amendments This Agreement constitutes the entire agreement among the parties as to the Grant and may not be amended or modified, except in writing signed by each of the parties. Business may not assign or transfer its rights and interests in this Agreement to any other person, business, or entity.
- c. No Third-Party Beneficiaries This Agreement is not intended to create any rights or benefits for a person or entity who is not a party, whether as a third-party beneficiary or otherwise.
- d. Governing Laws; Venue This Agreement shall be governed by the laws of the State of California. Any legal action related to the performance or interpretation of this Agreement shall be filed only in the Superior Court of the State of California located in Riverside, California, and the parties waive any provision of law providing for a change

of venue to another location. In the event any provision in this Agreement is held by a court of competent jurisdiction to be invalid, void, or unenforceable, the remaining provisions will nevertheless continue in full force without being impaired or invalidated in any way.

- e. Severability If any term of this Agreement is held by a court of competent jurisdiction to be invalid, void, or unenforceable, the other provisions will remain in force to the extent practicable and taking into consideration the purposes of this Agreement.
- f. Interpretation The terms of this Agreement shall be construed in accordance with the meaning of the language used and not for or against any party by reason of authorship or any other rule of construction that might otherwise apply. The Section headings are for purposes of convenience only and shall not be construed to limit or extend the meaning of this Agreement.
- g. Determinations; Disbursements
 - i. Any determination by the City Manager, or his/her designee, of fulfillment or non-fulfillment of the terms of this Agreement by Business shall be binding on City. City may request such determinations by the City Manager as necessary.
 - ii. City shall have no responsibility to disburse any funds beyond the amount that the City Council has itself allocated for the purpose of the Grant Program.
- h. Non-Liability of Officials, Employees, and Agents No member, official, employee, or agent of the City or of the Business shall be personally liable to the Business in the event of any default or breach by the City Council or by the City or for any amount that may become due to the Business or its successors or assigns under the terms of this Agreement.
- i. Attorney's Fees Each party shall pay its own attorney's fees.
- j. Business Day Convention If the date of any required action falls upon a weekend day or a holiday when the City is not open for business, the required action may be deferred to the next business day.
- k. Force Majeure No party will be held responsible for failing to perform its responsibilities under this Agreement if the failure results from any act of nature or other cause that is beyond the reasonable control of the party and that makes performance impossible or illegal.
- Confidentiality Unless otherwise required by acceptable law or regulation, the City will
 use best efforts to keep all reports and other information submitted by the Business as
 confidential and will not make such information available publicly, except that the City
 (i) will include a list of all businesses that received Grants and the individual grant
 amounts, (ii) may report to the City Council the Business's reported information
 concerning the operational status of the Business and aggregate job data on jobs, tax
 and revenue data of all businesses that received Grants. Business shall identify any such
 records by clearly labeling each document with the asserted privilege, such as

confidential or trade secret, to notify City when an such privileges are to be asserted by the Business.

- m. Counterparts This Agreement may be executed in one or more counterparts, each of which shall be an original and all of which together shall be one and the same instrument. A facsimile, pdf copy or other electronic signature (i.e. Docusign) of this Agreement, when signed in compliance with this Section, is an enforceable, original Agreement for all purposes.
- Dispute Resolution In the event that an issue regarding or arising under this Agreement cannot be resolved by the parties, the issue will be brought to the City Council for final decision.
- o. Non-Discrimination The Business will not discriminate against any individual with regard to employment or participation or in any other manner for reasons of race, color, religion, gender or gender identification, sexual identity, pregnancy, childbirth or related medical conditions, national origin, marital status, disability, or any other characteristic that is protected by local, state, or federal law.
- p. Administration The City Council, by a vote of the majority of its duly elected membership, is the only authorized City representatives who may at any time, by written order, alter this Agreement. The City manager, or his/her designee, shall administer this Agreement on behalf of the City.

DISCLAIMER: THIS DOES NOT CREATE A BINDING CONTRACT UNTIL THE BUSINESS HAS BEEN APPROVED AND SELECTED FOR THE GRANT FUNDING. THIS IS ONLY A CONDITIONAL ACCEPTANCE OF A GRANT APPLICATION. GRANT AWARD IS CONTINGENT UPON VERIFICATION OF ALL INFORMATION THAT HAS BEEN PROVIDED BY THE APPLICANT, APPROVAL AND SELECTION OF THE APPLICATION BY THE CITY, AND CONFIRMATION TO THE APPLICANT THAT THE APPLICATION HAS BEEN SELECTED FOR GRANT FUNDING.

Business:

Ву:_____

Date:	

City of Beaumont, California:

By:____

Rey Santos, Mayor

Date:_____

Household Assistance Program Options for Implementation

The Local COVID-19 Relief Program contemplates the allocation of \$100,000 to a Household Assistance Program. This program is intended to provide financial relief to Beaumont households who have experienced economic hardships related to job loss, furlough, or significant reduction of income due to the pandemic.

City staff has developed two program options for City Council consideration and is requesting direction. Final program details will be presented to the City Council for final action at its meeting of September 8, 2020.

Option 1 – Household Rental or Mortgage Assistance

<u>Intent</u> – Provide direct payment to landlord or mortgage companies on behalf of grant recipients to be applied to overdue rent or mortgage payments.

- 1. Eligibility
 - a. Beaumont Address Must be Primary Place of Residency
 - i. Utility Bill (City sewer, BCVWD, SoCalGas Bill)
 - ii. Driver's License/Cal ID
 - iii. Redacted Bank Statement
 - iv. Other Forms of Verification
 - b. Have a Current Lease Agreement that Extends Through December 31, 2020
 - i. Applicant Must be Named on Lease Document
 - ii. Applicant Must Provide Evidence of Outstanding Rental Payments Owed
 - c. Have a Current Mortgage
 - i. Applicant Must be a Signatory on the Mortgage
 - ii. Applicant Must Provide Evidence of Outstanding Mortgage Payments Owed
 - d. Household Income is 50% or Less of the Riverside County Median Income
 - e. Provide Documentation of Loss of Income after March 1, 2020
 - i. Copy of Personal Tax Return for 2019
 - ii. Employer Letter Documenting Furlough/Layoff
 - iii. Other Pertinent Information
 - f. Limited to Late Rental/Mortgage Payments Occurring AFTER March 1, 2020
 - i. Applicant Must Have Been in Good Standing at Least One Year Prior to March 1, 2020
 - g. Applicant Must be In Good Standing with the City of Beaumont
 - i. No Outstanding Code Actions
 - ii. Not Subject to Litigation, Directly or Indirectly, with the City of Beaumont
 - iii. No Outstanding Tax or Utility Payments
 - h. Applicants Must Not Have Received Rental Assistance Through Any Other Program
- 2. Direct Payments to Landlord/Mortgage Company
 - a. Maximum Payment of \$3,500
 - b. ACH Transfer
 - c. W-9 Required of Payee
 - d. Late Fees/Penalties Waived for That Portion of Late Rental/Mortgage Payments Made by the City
 - e. Any Eviction Processes Initiated After March 1, 2020 to be Terminated

f. Landlord/Mortgage Company to Sign an Agreement with the City of Beaumont

Option 2 – Household Subsidy

<u>Intent</u> – Provide direct payment to grant recipients who have either lost income or have experienced a significant reduction of income after March 1, 2020. City would not impose restrictions on the personal use of the grant funds.

- 1. Eligibility
 - a. Beaumont Address Must be Primary Place of Residency
 - i. Utility Bill (City sewer, BCVWD, SoCalGas Bill)
 - ii. Driver's License/Cal ID
 - iii. Redacted Bank Statement
 - iv. Other Forms of Verification
 - b. Household Income is 25% or Less of the Riverside County Median Income
 - c. Provide Documentation of Loss of Income after March 1, 2020
 - i. Copy of Personal Tax Return for 2019
 - ii. Employer Letter Documenting Furlough/Layoff
 - iii. Other Pertinent Information
 - d. Applicant Must be In Good Standing with the City of Beaumont
 - i. No Outstanding Code Actions
 - ii. Not Subject to Litigation, Directly or Indirectly, with the City of Beaumont
 - iii. No Outstanding Tax or Utility Payments
- 2. Grant Awards
 - a. \$300 for Single Member Households
 - b. \$1,000 for Multi-Member Households

Grant Selection Process

Grants would be awarded on a non-competitive, qualification basis. Should the number of qualified applicants exceed revenues available, a randomized selection process would be utilized.



Staff Report

SUBJECT:	Authorize One Additional Part Time On-Call Public Safety Dispatcher Position
DATE	August 18, 2020
FROM:	Kari Mendoza, Administrative Services Director
TO:	City Council

Background and Analysis:

The Beaumont Police dispatch communications center is a 24-hour operation staffed by two dispatchers on four separate shifts, seven days a week. In 2019, the communications center processed over 61,000 administrative line phone calls, 9,000 911 calls and dispatched 27,000 calls for service. To properly staff the communications center during each shift, one dispatcher is assigned to the radio operations that handle incoming and outgoing radio communications with the officers, and one dispatcher handles all 911 emergency calls and general telephone lines. Both dispatchers handle many various tasks that support both radio and phone operations.

There is currently one (1) part time and ten (10) full-time public safety dispatchers, which includes one lead position. One of the full-time positions is currently in training with an estimated completion date of early 2021. Currently shift vacancies are covered by the Lead Dispatcher, part time dispatcher and/or through overtime of full time dispatchers. In Fiscal Year 2020, the communication center spent over \$102,000 in overtime salary costs. As of July 1, 2021, the City has already spent \$10,500 in overtime costs.

Staff recommends the addition of one part time on-call public safety dispatcher position be authorized from the projected overtime savings for Fiscal Year 2021. The part time on call position would have no guarantee of hours and be authorized to work no more than twenty-eight (28) hours per week or fifty-six (56) hours in a pay period. An average on call dispatcher could work ninety-six (96) hours per month at a cost of \$4,750 or \$57,000 a year, fully burdened. This position could save more than \$4,300 per month in overtime costs covering dispatch vacancies. A part time dispatcher also allows more

flexibility so that full time dispatchers can attend continuous professional training and utilize their vacation allowance without burdening other dispatchers.

Fiscal Impact:

The cost of a part time on-call public safety dispatcher position is estimated at \$57,000 fully burdened per year. The position can be funded from projected overtime savings for Fiscal Year 2021.

Recommended Action:

Authorize one additional part time on-call public safety dispatcher position.



Staff Report

TO: City Council
FROM: Kari Mendoza, Administrative Services Director
DATE August 18, 2020
SUBJECT: Approval of Compensation Plan and Salary Table

Background and Analysis:

The attached compensation plan has been adjusted to account for all 2020, salary increases negotiated in current labor agreements between SEIU Local 721, Police Managers as Individuals, and Managers/Professional/Technical as Individuals and the City of Beaumont. These groups were given a 2.5% across the board increase pursuant to their current memorandum of understandings.

Fiscal Impact:

All negotiated salary increases were adopted in FY 20/21 budget.

Recommended Action:

Approval of the Compensation Plan and Salary Table.

Attachments:

A. Compensation Plan and Salary Table



- COMPENSATION PLAN -

Adopted by City Council August 18, 2020

Position	MOU Assigned To	Salary Range		
		First Step	Top Step	
Account Technician	SEIU	44	55	
Administrative Services Director	Employment Contract	84	94	
Administrative Services Manager	Professional/Technical/Manager	63	73	
Animal Control Officer I	SEIU	44	54	
Animal Control Officer II	SEIU	48	58	
Assistant City Manager	Employment Contract	95	105	
Assistant Director of Community Services	Professional/Technical/Manager	70	80	
Assistant Director of Public Works	Professional/Technical/Manager	60	70	
Assistant Engineer	SEIU	58	68	
Assistant Fire Marshal	Professional/Technical/Manager	61	71	
Assistant Planning Director	Professional/Technical/Manager	60	70	
Assistant to the City Manager I/II/III	Professional/Technical/Manager	48	70	
Associate Planner	SEIU	57	67	
Budget Specialist	Professional/Technical/Manager	59	69	
Building/Grounds/Maintenance Supervisor	Professional/Technical/Manager	56	66	
Building/Grounds/Maintenance Worker	SEIU	38	48	
Building Inspector	SEIU	52	62	
Building Permit Technician I	SEIU	40	50	
Building Permit Technician II	SEIU	46	56	
Building Plans Examiner	SEIU	54	64	
Bus Driver – Lead	SEIU	38	48	
Bus Driver I	SEIU	32	42	
Bus Driver II	SEIU	38	48	
Chief Building Official	Professional/Technical/Manager	80	90	
Chief of Police	Employment Contract	94	104	
Chief Plant Operator – Wastewater	Professional/Technical/Manager	76	86	
City Engineer / Public Works Director	Employment Contract	92	102	
City Manager	Employment Contract	102	112	
Communications Supervisor	Professional/Technical/Manager	48	58	
Community Enhancement Officer I	SEIU	46	56	
Community Enhancement Officer II	SEIU	50	60	
Collection Crew Supervisor	Professional/Technical/Manager	51	61	
Community Development Analyst	Professional/Technical/Manager	54	64	
Community Development Director	Employment Contract	84	94	
Community Services Director	Employment Contract	82	94	
Community Services Manager	Professional/Technical/Manager	57	67	
Customer Service Coordinator I	SEIU	37	42	
Customer Service Coordinator II	SEIU	32		
Customer Service Coordinator III	SEIU	43	48	
Customer Service Coordinator IV	Professional/Technical/Manager	43 54	53	
Customer Service Coordinator Lead	Professional/Technical/Manager	50	64	

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Position	MOU Assigned To	Salary Range		
Deputy Chief of Police	Police Management	First Step 91	Top Step 101	
Deputy City Clerk	Professional/Technical/Manager	63	73	
Deputy City Manager	Professional/Technical/Manager	78	88	
Economic Development Manager	Professional/Technical/Manager	71	81	
Engineering Development Technician I	SEIU	40	50	
Engineering Development Technician II	SEIU	46	56	
Equipment Operator	SEIU	39	49	
Executive Assistant	Professional/Technical/Manager	43	53	
Finance Director	Employment Contract	84	94	
Information Technology Manager	Professional/Technical/Manager	72	82	
HR/Payroll Technician	SEIU	42	52	
IT Analyst I	SEIU	41	51	
IT Analyst II	SEIU	49	59	
Lead Building/Grounds Maint Worker	SEIU	44	54	
Lead Dispatcher	РОА	47	57	
Lead Recreation Specialist	SEIU	22	32	
Lifeguard I/II/III	SEIU	19	29	
Maintenance Helper	SEIU	23	33	
Mechanic	SEIU	44	54	
Management Analyst	SEIU	58	68	
Planning Director	Professional/Technical/Manager	66	76	
Police Cadet		24	24	
Police Commander	Police Management	83	93	
Police Corporal	Police Officers Association	63	73	
Police Lieutenant	Police Management	82	92	
Police Officer	Police Officers Association	57	67	
Police Records Specialist	Police Officers Association	32	42	
Police Sergeant	Police Officers Association	69	79	
Police Services Analyst	Police Officers Association	55	65	
Principal Engineer	Professional/Technical/Manager	69	79	
Public Safety Dispatcher I	Police Officers Association	35	45	
Public Safety Dispatcher II	Police Officers Association	41	51	
Police Trainee		43	43	
Public Works Inspector	SEIU	57	67	
Public Works Manager	Professional/Technical/Manager	69	79	
Quality of Life Officer I	SEIU	40	50	
Quality of Life Officer II	SEIU	44	54	
Quality of Life Officer III	SEIU	48	58	
Quality of Life Officer Trainee	SEIU	30	30	
Records Supervisor	Professional/Technical/Manager	48	58	
Recreation Specialist	SEIU	19	29	
Resources Director	Professional/Technical/Manager	66	76	
Resources Manager	Professional/Technical/Manager	54	64	
Senior Accountant	Professional/Technical/Manager	67	77	
Senior Center Manager	Professional/Technical/Manager	54	64	
Solid Waste Recycling Manager	Professional/Technical/Manager	59	69	

ltem 11.

			Item 1
Position	MOU Assigned To		Range
		First Step 59	Top Step 69
Special Projects/PIO	Professional/Technical/Manager		
Senior Planner	Professional/Technical/Manager	67	77
Support Services Director	Professional/Technical/Manager	66	76
Street Maintenance Supervisor	Professional/Technical/Manager	49	59
Street Maintenance Worker	SEIU	44	54
Support Services Supervisor	Police Officers Association	55	65
Support Services Specialist I	Police Officers Association	29	39
Support Services Specialist II	Police Officers Association	35	45
Support Services Trainee	Police Officers Association	28	38
Transit Director	Professional/Technical/Manager	74	84
Transit Operations Supervisor	Professional/Technical/Manager	56	66
Vehicle Maintenance Supervisor	Professional/Technical/Manager	49	59
Wastewater Collection System Worker I	SEIU	44	54
Wastewater Collection System Worker II	SEIU	48	58
Wastewater Plant Operator I	SEIU	45	55
Wastewater Plant Operator II	SEIU	51	61
Wastewater Plant Operator III	SEIU	55	65
Wastewater Plant Operator IV	SEIU	59	69
Wastewater Plant Operator V	SEIU	63	73
Wastewater Plant Supervisor	Professional/Technical/Manager	64	74

Unfunded

City of Beaumont

Salary Range Table Effective 8/18/2020

Step		Annual	N	Ionthly	Bi	-Weekly		Hourly
0	S	17.638.44	S	1.469.87	5	678,40	5	8.48
1	S	18.075.24	5	1.506.27	N.	695.20	5	8.69
2	S	18.532.80	S	1.544.40	S	712.80	5	8,91
3	S	18.990.36	S	1.582.53	S	730.40	5	0 3
4	S	19.468.80	\$	1,622.40	S	748,80	5	9.36
16,	S	19,947.24	\$	1.662.27	5	767.20	S	0,50
6	S	20.446.44	S	1.703.87	S	786,40	S	9.83
7	S	20,966.40	S	1.747,20	\$	806.40	5	10.08
8	S	21.486.36	S	1.79().53	S	826.40	5	10.33
9	S	22.027.20	S	1.835.60	5	847.20	5	10.59
1()	S	22.588.80	S	1.882.40	5	868.80	S	10.86
11	S	23.150.40	S	1.929.20	5	89().4()	S	11.13
12	S	23,712,00	8	1,976.00	\$	912.00	S	11,4()
13	S	24,315.24	S	2.026.27	8	935.20	5	11.69
and the	S	24.918.36	S	2.076.53	\$	958.40	5	11.98
15	S	25.542.36	S	2.128.53	\$	982.40	5	12.28
16	S	26.187.24	S	2.182.27	5	1,007.20	5	12.59
17	S	26,832,00	S	2.236.00	S	1.()32.()()	S	2.9()
18	\$	27,518.40	\$	2,293.20	\$	1,058.40	\$	13.23
19	\$	28,204.80	\$	2,350.40	\$	1,084.80	\$	13.56
20	\$	28,911.96	\$	2,409.33	\$	1,112.00	\$	13.90
21	\$	29,619.24	\$	2,468.27	\$	1,139.20	\$	14.24
22	\$	30,368.04	\$	2,530.67	\$	1,168.00	\$	14.60
23	\$	31,116.84	\$	2,593.07	\$	1,196.80	\$	14.96
24	\$	31,907.16	\$	2,658.93	\$	1,227.20	\$	15.34
25	\$	32,697.60	\$	2,724.80	\$	1,257.60	\$	15.72
26	\$	33,508.80	\$	2,792.40	\$	1,288.80	\$	16.11
27	\$	34,361.64	\$	2,863.47	\$	1,321.60	\$	16.52
28	\$	35,214.36	\$	2,934.53	\$	1,354.40	\$	16.93
29	\$	36,087.96	\$	3,007.33	\$	1,388.00	\$	17.35
30	\$	37,003.20	\$	3,083.60	\$	1,423.20	\$	17.79
31	\$	37,918.44	\$	3,159.87	\$	1,458.40	\$	18.23
32	\$	38,875.20	\$	3,239.60	\$	1,495.20	\$	18.69
33	\$	39,852.84	\$	3,321.07	\$	1,532.80	\$	19.16
34	\$	40,830.36	\$	3,402.53	\$	1,570.40	\$	19.63
35	\$	41,849.64	\$	3,487.47	\$	1,609.60	\$	20.12
36	\$	42,910.44	\$	3,575.87	\$	1,650.40	\$	20.63
37	\$	43,971.24	\$	3,664.27	\$	1,691.20	\$	21.14
38	\$	45,073.56	\$	3,756.13	\$	1,733.60	\$	21.67
39	\$	46,196.76	\$	3,849.73	\$	1,776.80	\$	22.21
40	\$	47,361.60	\$	3,946.80	.\$	1,821.60	\$	22.77
41	\$	48,547.20	\$	4,045.60	\$	1,867.20	-	
42	\$	49,753.56	\$	4,146.13	*		\$	23.92
43	\$	51,001.56	\$	4,250.13	\$	1,961.60	\$	24.52
44	\$	52,270.44	\$	4,355.87	\$	2,010.40	\$	25.13
45	\$	53,580.84	\$	4,465.07	\$	2,060.80	\$	25.76
46	\$	54,932.76	\$	4,577.73	\$	2,112.80	\$	26.41
47	\$	56,305.56	\$	4,692.13	\$	2,165.60	\$	27.07
48	\$	57,699.24	\$	4,808.27	\$	2,219.20	\$	27.74
49	\$	59,155.20	\$	4,929.60	\$	2,275.20	\$	28.44
50	\$	60,632.04	\$	5,052.67	\$	2,332.00	\$	29.15
51	\$	62,150.40	\$	5,179.20	\$	2,390.40	\$	29.88
52	\$	63,689.64	\$	5,307.47	\$	2,449.60	\$	30.62
53	\$	65,291.16	\$	5,440.93	\$	2,511.20	\$	31.39
54	\$	66,913.56	\$	5,576.13	\$	2,573.60	\$	32.17
55	\$	68,598.36	\$	5,716.53	\$	2,638.40	\$	32.98
56	\$	70,304.04	\$	5,858.67	\$	2,704.00	\$	33.80

Cham	Annual	T	Monthly	D	i-Weekly	110	Hourly
Step	Annual		6,006.00			\$	34.65
57	\$ 72,072.00	\$		\$	2,772.00	\$	35.51
58	\$ 73,860.84	\$	6,155.07	\$	2,840.80	\$	
59	\$ 75,711.96	S	6,309.33	\$	2,912.00	_	36.40
60	\$ 77,604.84	\$	6,467.07	\$	2,984.80	\$	37.31
61	\$ 79,539.24	\$	6,628.27	S	3,059.20	\$	38.24
62	\$ 81,536.04	\$	6,794.67	\$	3,136.00	\$	39.20
63	\$ 83,574.36	\$	6,964.53	\$	3,214.40	\$	40.18
64	\$ 85,654.44	\$	7,137.87	\$	3,294.40	\$	41.18
65	\$ 87,796.80	\$	7,316.40	\$	3,376.80	\$	42.21
66	\$ 90,001.56	\$	7,500.13	\$	3,461.60	\$	43.27
67	\$ 92,247.96	\$	7,687.33	\$	3,548.00	\$	44.35
68	\$ 94,556.76	S	7,879.73	\$	3,636.80	\$	45.46
69	\$ 96,927.96	\$	8,077.33	\$	3,728.00	\$	46.60
70	\$ 99,361.56	\$	8,280.13	S	3,821.60	\$	47.77
71	\$ 101,816.04	\$	8,484.67	\$	3,916.00	\$	48.95
72	\$ 104,374.44	S	8,697.87	\$	4,014.40	\$	50.18
73	\$ 106,974.36	\$	8,914.53	S	4,114.40	\$	51.43
74	\$ 109,657.56	\$	9,138.13	\$	4,217.60	\$	52.72
75	\$ 112,403.16	\$	9,366.93	S	4,323.20	\$	54.04
76	\$ 115,211.16	\$	9,600.93	\$	4,431.20	\$	55.39
77	\$ 118,081.56	\$	9,840.13	\$	4,541.60	\$	56.77
78	\$ 121,035.24	\$	10,086.27	\$	4,655.20	\$	58.19
79	\$ 124,071.96	\$	10,339.33	\$	4,772.00	\$	59.65
80	\$ 127,171.20	\$	10,597.60	\$	4,891.20	\$	61.14
81	\$ 130,353.60	\$	10,862.80	\$	5,013.60	\$	62.67
82	\$ 133,598.40	\$	11,133.20	\$	5,138.40	\$	64.23
83	\$ 136,947.24	\$	11,412.27	\$	5,267.20	\$	65.84
84	\$ 140,358.36	\$	11,696.53	S	5,398.40	\$	67.48
85	\$ 143,873.64	\$	11,989.47	\$	5,533.60	\$	69.17
86	\$ 147,471.96	\$	12,289.33	\$	5,672.00	\$	70.90
87	\$ 151,153.56	\$	12,596.13	\$	5,813.60	\$ \$	72.67
88	\$ 154,939.20	\$	12,911.60	\$	5,959.20		74.49
89	\$ 158,808.00	\$	13,234.00	\$	6,108.00	\$ \$	76.35
90	\$ 162,780.84	\$ \$	13,565.07	\$ \$	6,260.80	\$	78.26
91 92	\$ 166,857.60 \$ 171,017.64	5	13,904.80	\$	6,417.60 6,577.60	\$	80.22 82.22
92	\$ 175,302.36	S	14,231.47	\$ \$	6,742.40	\$	84.28
		<u> </u>		-		<u> </u>	
94	\$ 179,691.24	\$	14,974.27	\$	6,911.20	\$	86.39
95	\$ 184,163.16	\$	15,346.93	\$	7,083.20	\$	88.54
96	\$ 188,780.76	\$	15,731.73	S	7,260.80	\$	90.76
97	\$ 193,502.40	\$	16,125.20	\$	7,442.40	\$	93.03
98	\$ 198,327.96	\$	16,527.33	\$	7,628.00	\$	95.35
99	\$ 203,299.20	\$	16,941.60	\$	7,819.20	\$	97.74
100	\$ 208,374.36	\$	17,364.53	\$	8,014.40	\$	100.18
101	\$ 213,574.44	\$	17,797.87	\$	8,214.40	\$	102.68
102	\$ 218,919.96	\$	18,243.33	\$	8,420.00	\$	105.25
103	\$ 224,390.40	\$	18,699.20	\$	8,630.40	\$	107.88
104	\$ 230,006.40	\$	19,167.20	\$	8,846.40	\$	110.58
105	\$ 235,747.20	\$	19,645.60	\$	9,067.20	\$	113.34
106	\$ 241,633.56	\$	20,136.13	\$	9,293.60	\$	116.17
107	\$ 247,665.60	\$	20,638.80	\$	9,525.60	\$	119.07
108	\$ 253,863.96	S	21,155.33	S	9,764.00	\$	122.05
109	\$ 260,208.00	\$	21,684.00	\$	10,008.00	\$	125.10
110	\$ 266,718.36	S	22,226.53	\$	10,258.40	\$	128.23
111	\$ 273,395.16	\$	22,782.93	\$	10,515.20	\$	13
112	\$ 280,238.40	S	23,353.20	\$	10,778.40	\$	13 149
113	\$ 287,247.96	S	23,937.33	\$	11,048.00	\$	138.10
	\$ 201,241.70	Ψ	-0,001.00	Ψ	11,0 10.00	Ψ	150.10



Staff Report

TO: City Council

FROM: Todd Parton, City Manager

DATE August 18, 2020

SUBJECT: Review City Council Policies and Practices Related to the Rules and Procedures for All Meetings of the City Council as Established in Beaumont Municipal Code Section 2.04 Rules of Procedure

Background and Analysis:

At a prior regular City Council meeting, City staff was directed to place an item before the City Council to review and discuss the policies and practices related to the following:

- Conducting public meetings,
- Placing items on an agenda,
- Making board/committee appointments (including ad hoc committee assignments), and
- Making reorganizations.

Section 2.04.040 of the Beaumont Municipal Code was adopted by the approval of Ordinance No. 1059 and sets forth the rules of procedure for all meetings of the City Council and states that those rules are supplemented by Rosenberg's Rules of Order. A copy of Ordinance No. 1059 is attached to this report.

Fiscal Impact:

City estimates that preparation of this report cost approximately \$150.

Recommended Action:

This item has been placed on the agenda as requested by the City Council and City staff has no recommendations at this time.

Attachments:

A. Ordinance No. 1059

ORDINANCE NO. 1059

AN ORDINANCE OF THE CITY OF BEAUMONT APPROVING AMENDMENTS TO THE CITY OF BEAUMONT MUNICIPAL CODE PERTAINING TO CITY COUNCIL MEETINGS

WHEREAS the City Council of the City of Beaumont, California, wishes to update the rules of parliamentary procedure to facilitate the orderly and timely conduct of meetings, to foster discussion and decision making, and to promote wider understanding and participation; and

WHEREAS Section 2.04.040 of Chapter 2.04 of Title 2 of the Beaumont Municipal Code currently mandates that Robert's Rules of Order supplemented by Parliamentary Procedures at a Glance constitute the rules of order for all meetings of the City Council; and

WHEREAS the City Council finds that Robert's Rules of Order are better suited to larger bodies than to city council meetings; and

WHEREAS the City Council finds that more modern rules tailored to city council meetings will better serve to facilitate the orderly and timely conduct of meetings, to foster discussion and decision making, and to promote wider understanding and participation;

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

SECTION 1. <u>CEQA</u>. The City Council finds that the actions contemplated by this Ordinance are exempt from the California Environmental Quality Act ("CEQA") pursuant to Section 15060(c)(2) (the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment) and 15060(c)(3) (the activity is not a project as defined in Section 15378) of the CEQA Guidelines, California Code of Regulations, Title 14, Chapter 3, because it has no potential for resulting in physical change to the environment, directly or indirectly.

. SECTION 2. <u>Severability</u>. The City Council hereby declares that if any provision, section, paragraph, sentence, or word of this Ordinance is rendered or declared to be invalid or unconstitutional by any final court action in a court of competent jurisdiction, or by reason of any preemptive legislation, such invalidity shall not affect the other provisions, sections, paragraphs, sentences or words of this Ordinance, and to this end the provisions of this Ordinance are severable. The City Council declares that it would have adopted 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. The City Council hereby amends Title 2, Chapter 2.04, "City Council Meetings" to read as follows:

Chapter 2.04 CITY COUNCIL MEETINGS

Sections:	
2.04.010	Time and place – Generally.
2.04.020	Time and place – Holiday.
2.04.030	Notice not required.
2.04.040	Rules of Procedure.
2.04.041	Presiding Officer.
2.04.042	Maintenance of Order.
2.04.043	Decorum.
2.04.044	Time Limitation.

<u>2.04.010.</u> <u>Time and Place – Generally.</u> Regular meetings of the city council shall be held at such times and places as may be fixed by resolution duly adopted by the city council. (Ord. 303 §1, 1959)

<u>2.04.020.</u> <u>Time and Place – Holiday.</u> If a regular meeting of the city council falls on a legal holiday, such meeting shall be held on the next Wednesday not a legal holiday. (Ord. 303 §2, 1959)

<u>2.04.030.</u> <u>Notice not required.</u> No notice shall be required for any regular meeting of the city council. (Ord. 303 §3, 1959)

<u>2.04.040.</u> <u>Rules of Procedure</u>. The rules of order set forth in this section, supplemented by Rosenberg's Rules of Order, shall constitute the rules of order for all meetings of the City Council.

2.04.041. <u>Presiding Officer.</u> The Mayor shall be the Presiding Officer at all City Council meetings. In the absence of the Mayor, the Mayor Pro Temp shall be the Presiding Officer. In the absence of both the Mayor and the Mayor Pro Temp, the City Council shall elect a temporary Presiding Officer to serve until the arrival of the Mayor or Mayor Pro Temp, or until adjournment.

2.04.042. <u>Maintenance of Order.</u> The Mayor or Presiding Officer is responsible for the maintenance of order and decorum at all times. No person should be allowed to speak without first being recognized by the Mayor or Presiding Officer. All questions and remarks should be addressed to the Mayor or Presiding Officer.

2.04.043. <u>Decorum.</u> No City Council member shall be allowed to speak more than once upon any one subject until every other City Council member wishing to speak thereon shall have had the opportunity to speak.

2.04.044. <u>Time Limitation.</u>

(a) The staff or other report and recommendations on an agenda item shall not exceed minutes (suggestion: 10 minutes). If the staff member or other person making the report and recommendations on an agenda item believes that his/her report and recommendations will exceed [10] minutes, he/she shall request permission from the Mayor or Presiding Officer for extended presentation time. A majority of the quorum present may over-ride permission granted by the Mayor or Presiding Officer to extend the presentation time.

- (b) The City Council discussion and debate on an agenda item shall not collectively exceed minutes (suggestion: 30 minutes). If a City Council member believes that Council discussion and debate will exceed [30] minutes, he/she may request that the Mayor or Presiding Officer extend the time for Council discussion/debate on an agenda item. A majority or the quorum may over-ride the Mayor's or Presiding Officer's decision to extend discussion/debate time on an agenda item.
- (c) Public comments shall be limited to 3 minutes per person per agenda item.

SECTION 4. Effective Date and Publication. The Mayor shall sign and the City Clerk shall certify to the passage of this Ordinance and cause the same or a summary thereof to be published within 15 days after adoption in accordance with Government Code Section 36933. This Ordinance shall take effect 30 days after adoption in accordance with Government Code Section 36937.

INTRODUCED AND READ for the first time and ordered posted at a regular meeting of the City Council of the City of Beaumont, California, held on the 7th day of July, 2015, by the following roll call vote:

AYES: Fox, Lara, Knight, Orozco, White NOES: None ABSENT: None ABSTAIN: None

PASSED, APPROVED AND ADOPTED at a regular meeting of the City Council of the City of Beaumont, California, held on the 21st day of July, 2015.

AYES: Fox, Lara, Knight, Orozco, White NOES: None ABSENT: None **ABSTAIN:** None

Brenda Knight

Attest:

Julio Martinez, City Clerk

Approved as to form:

John O. Pinkney, Interim City Attorney

Rosenberg's Rules of Order: Simple Parliamentary Procedures for the 21st Century





MISSION:

To restore and protect local control for cities through education and advocacy to enhance the quality of life for all Californians.

VISION:

To be recognized and respected as the leading advocate for the common interests of California cities.



About the League of California Citics

Established in 1898, the League of California Giries is a member organization that represents California's incorporated ciries. The League strives to protect the local authority and autonomy of city government and help California's ciries effectively serve their residents. In addition to advocating on ciries' behalf at the state capitol, the League provides its members with professional development programs and information resources, conducts educational conferences and research, and publishes *Western City* magazine.

About Western City Magazine

Weitern City is the League of California Cities' monthly magazine. Weitern City provides lively, interdisciplinary analyses of issues affecting local governance. Its goal is to offer immediately practical ideas, information and bigger-picture policy issues and trends. For more information, visit www.westerneiry.com.

"Rosenberg's Rules of Order" first appeared in Weitern City magazine in August and September 2003.

About the Author

Dave Rosenberg is an elected county supervisor representing the 4th District in Yolo County. He also serves as director of community and intergovernmental relations, director of operations, and senior advisor to the governor of California. He has served as a member and chair of numerous state and local boards, both appointed and elected, and also served on the Davis City Council for 12 years, including two terms as mayor. He has taught classes on parliamentary procedure and has served as parliamentarian for large and small governing bodies. In the fall of 2003, Gov. Davis appointed Rosenberg as a judge of the Yolo County Superior Court.

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Rosenberg's Rules of Order: Simple Parliamentary Procedures for the 21st Century

by Dave Rosenberg

he rules of procedure at meetings he rules of procedure at meetings people to understand. Unfortunately, that hasn't always been the case. Virtually all clubs, associations, boards, councils and bodies follow a set of rules, *Robert's Rules of Order*, which are embodied in a small but complex book. Virtually no one I know has actually read this book cover to cover.

Worse yet, the book was written for another time and purpose. If you are running the British Parliament, *Robert's Rules of Order* is a dandy and quite useful handbook. On the other hand, if you're running a meeting of a fivemember body with a few members of the public in attendance, a simplified version of the rules of parliamentary procedure is in order. Hence, the birth of "Rosenberg's Rules of Order."

This publication covers the rules of parliamentary procedure based on my 20 years of experience chairing meetings in state and local government. These rules have been simplified and slimmed down for 21st century meetings, yet they retain the basic tenets of order to which we are accustomed.

"Rosenberg's Rules of Order" are supported by the following four principles:

 Rules should establish order. The first purpose of the rules of parliamentary procedure is to establish a framework for the orderly conduct of meetings.

- 2. Rules should be clear. Simple rules lead to wider understanding and participation. Complex rules create two classes: those who understand and participate and those who do not fully understand and do not fully participate.
- 3. Rules should be user-friendly. That is, the rules must be simple enough that citizens feel they have been able to participate in the process.
- 4. Rules should enforce the will of the majority while protecting the rights of the minority. The ultimate purpose of the rules of procedure is to encourage discussion and to facilitate decision-making by the body. In a democracy, the majority rules. The rules must enable the majority to express itself and fashion a result, while permitting the minority to also express itself (but not dominate) and fully participate in the process.

The Chairperson Should Take a Back Seat During Discussions

While all members of the governing body should know and understand the rules of parliamentary procedure, it is the chairperson (chair) who is charged with applying the rules of conduct. The chair should be well versed in those

There are exceptions to the general rule of free and open debate on motions. The exceptions all apply when there is a desire to move on. rules, because the chair, for all intents and purposes, makes the final ruling on the rules. In fact, all decisions by the chair are final unless overruled by the governing body itself.

Because the chair conducts the meeting, it is common courtesy for the chair to take a less active role than other members of the body in debates and discussions. This does *not* mean that the chair should not participate in the debate or discussion. On the contrary, as a member of the body, the chair has full rights to participate in debates, discussions and decision-making. The chair should, however, strive to be the last to speak at the discussion and debate stage, and should not make or second a motion unless he or she is convinced that no other member of the body will do so.

The Basic Format for an Agenda Item Discussion

Formal meetings normally have a written, published agenda; informal meetings may have only an oral or understood agenda. In either case, the meeting is governed by the agenda and the agenda constitutes the body's agreed-upon road map for the meeting. And each agenda item can be handled by the chair in the following basic format.

First, the chair should clearly announce the agenda item number and should clearly state what the subject is. The chair should then announce the format that will be followed.

Second, following that agenda format, the chair should invite the appropriate people to report on the item, including any recommendation they might have. The appropriate person may be the chair, a member of the governing body, a staff person, or a committee chair charged with providing information about the agenda item.

Third, the chair should ask members of the body if they have any technical questions for clarification. At this point, members of the governing body may ask clarifying questions to the people who reported on the item, and they should be given time to respond.

Fourth, the chair should invite public comments or, if appropriate at a formal meeting, open the meeting to public input. If numerous members of the public indicate a desire to speak to the subject, the chair may limit the time of each public speaker. At the conclusion of the public comments, the chair should announce that public input has concluded (or that the public hearing, as the case may be, is closed).

Fifth, the chair should invite a motion from the governing body members. The chair should announce the name of the member who makes the motion.

Sixth, the chair should determine if any member of the body wishes to second the motion. The chair should announce the name of the member who seconds the motion. It is normally good practice for a motion to require a second before proceeding with it, to ensure that it is not just one member of the body who is interested in a particular approach. However, a second is not an absolute requirement, and the chair can proceed with consideration and a vote on the motion even when there is no second. This is a matter left to the discretion of the chair.

Seventh, if the motion is made and seconded, the chair should make sure everyone understands the motion. This is done in one of three ways:

- The chair can ask the maker of the motion to repeat it;
- 2. The chair can repeat the motion; or
- 3. The chair can ask the secretary or the clerk of the body to repeat the motion.

Eighth, the chair should now invite discussion of the motion by the members of the governing body. If there is no desired discussion or the discussion has ended, the chair should announce that the body will vote on the motion. If there has been no discussion or a very brief discussion, the vote should proceed immediately, and there is no need to repeat the motion. If there has been substantial discussion, it is normally best to make sure everyone understands the motion by repeating it.

Motions are made in a simple two-step process. First, the chair recognizes the member. Second, the member makes a motion by preceding the member's desired approach with the words: "I move ..." A typical motion might be: "I move that we give 10 days' notice in the future for all our meetings."

The chair usually initiates the motion by:

1. Inviting the members to make a motion: "A motion at this time would be in order."

Debate on policy is healthy; debate on personalities is not. The chair has the right to cut off discussion that is too personal, too loud or too crude.

Ninth, the chair takes a vote. Simply asking for the "ayes" and then the "nays" is normally sufficient. If members of the body do not vote, then they "abstain." Unless the rules of the body provide otherwise or unless a super-majority is required (as delineated later in these rules), a simple majority determines whether the motion passes or is defeated.

Tenth, the chair should announce the result of the vote and should announce what action (if any) the body has taken. In announcing the result, the chair should indicate the names of the members, if any, who voted in the minority on the motion. This announcement might take the following form: "The motion passes by a vote of 3-2, with Smith and Jones dissenting. We have passed the motion requiring 10 days' notice for all future meetings of this governing body."

Motions in General

Motions are the vehicles for decisionmaking. It is usually best to have a motion before the governing body prior to discussing an agenda item, to help everyone focus on the motion before them.

- Suggesting a motion to the members: "A motion would be in order that we give 10-days' notice in the future for all our meetings."
- 3. Making the motion.

As noted, the chair has every right as a member of the body to make a motion, but normally should do so only if he or she wishes a motion to be made but no other member seems willing to do so.

The Three Basic Motions

Three motions are the most common:

- The basic motion. The basic motion is the one that puts forward a decision for consideration. A basic motion might be: "I move that we create a five-member committee to plan and put on our annual fundraiser."
- 2. The motion to amend. If a member wants to change a basic motion that is under discussion, he or she would move to amend it. A motion to amend might be: "I move that we amend the motion to have a 10member committee." A motion to amend takes the basic motion that is before the body and seeks to change it in some way.

3. The substitute motion. If a member wants to completely do away with the basic motion under discussion and put a new motion before the governing body, he or she would "move a substitute motion." A substitute motion might be: "I move a substitute motion that we cancel the annual fundraiser this year."

Motions to amend and substitute motions are often confused. But they are quite different, and so is their effect, if passed.

A motion to amend seeks to retain the basic motion on the floor, but to modify it in some way.

A substitute motion seeks to throw out the basic motion on the floor and substitute a new and different motion for it.

The decision as to whether a motion is really a motion to amend or a substitute motion is left to the chair. So that if a member makes what that member calls a motion to amend, but the chair determines it is really a substitute motion, the chair's designation governs.

When Multiple Motions Are Before The Governing Body

Up to three motions may be on the floor simultaneously. The chair may reject a fourth motion until the three that are on the floor have been resolved.

When two or three motions are on the floor (after motions and seconds) at the same time, the first vote should be on the last motion made. So, for example, assume the first motion is a basic "motion to have a five-member committee to plan and put on our annual fundraiser." During the discussion of this motion, a member might make a second motion to "amend the main motion to have a 10-member committee, not a five-member committee, to plan and put on our annual fundraiser." And perhaps, during that discussion, a member makes yet a third motion as a "substitute motion that we not have an annual fundraiser this year." The proper procedure would be as follows.

First, the chair would deal with the third (the last) motion on the floor, the substitute motion. After discussion and debate, a vote would be taken first on the third motion. If the substitute motion passes, it would be a substitute for the basic motion and would eliminate it. The first motion would be moot, as would the second motion (which sought to amend the first motion), and the action on the agenda item would be complete. No vote would be taken on the first or second motions. On the other hand, if the substitute motion (the third motion) failed, the chair would proceed to consideration of the second (now the last) motion on the floor, the motion to amend.

If the substitute motion failed, the chair would then deal with the second (now the last) motion on the floor, the motion to amend. The discussion and debate would focus strictly on the amendment (should the committee be five or 10 members). If the motion to amend *passed*, the chair would now move to consider the main motion (the first motion) as *amended*. If the motion to amend failed, the chair would now move to consider the main motion (the first motion) in its original format, not amended.

To Debate or Not to Debate

The basic rule of motions is that they are subject to discussion and debate. Accordingly, basic motions, motions to amend, and substitute motions are all eligible, each in their turn, for full discussion before and by the body. The debate can continue as long as members of the body wish to discuss an item, subject to the decision of the chair that it is time to move on and take action.

There are exceptions to the general rule of free and open debate on motions. The exceptions all apply when there is a desire of the body to move on. The following motions are *not* debatable (that is, when the following motions are made and seconded, the chair must immediately call for a vote of the body without debate on the motion):

A motion to adjourn. This motion, if passed, requires the body to immediately adjourn to its next regularly scheduled meeting. This motion requires a simple majority vote.

A motion to recess. This motion, if passed, requires the body to immediately take a recess. Normally, the chair determines the length of the recess, which may range from a few minutes to an hour. It requires a simple majority vote.

The challenge for anyone chairing a public meeting is to accommodate public input in a timely and time-sensitive way, while maintaining steady progress through the agenda items.

Third, the chair would now deal with the first motion that was placed on the floor. The original motion would either be in its original format (five-member committee) or, if amended, would be in its amended format (10-member committee). And the question on the floor for discussion and decision would be whether a committee should plan and put on the annual fundraiser. A motion to fix the time to adjourn.

This motion, if passed, requires the body to adjourn the meeting at the specific time set in the motion. For example, the motion might be: "I move we adjourn this meeting at midnight." It requires a simple majority vote.

A motion to table. This motion, if passed, requires discussion of the agenda item to be halted and the agenda item to be placed on "hold." The motion may contain a specific time in which the item can come back to the body: "I move we table this item until our regular meeting in October." Or the motion may contain no specific time for the return of the item, in which case a motion to take the item off the table and bring it back to the body will have to be taken at a future meeting. A motion to table an item (or to bring it back to the body) requires a simple majority vote.

A motion to limit debate. The most common form of this motion is to say: "I move the previous question" or "I move the question" or "I call for the question." When a member of the body makes such a motion, the member is really saying: "I've had enough debate. Let's get on with the vote." When such a motion is made, the chair should ask for a second to the motion, stop debate, and vote on the motion to limit debate. The motion to limit debate requires a two-thirds vote of the body. Note that a motion to limit debate could include a time limit. For example: "I move we limit debate on this agenda item to 15 minutes." Even in this format, the

the motion fails. If one member is absent and the vote is 3-3, the motion still fails.

All motions require a simple majority, but there are a few exceptions. The exceptions occur when the body is taking an action that effectively cuts off the ability of a minority of the body to take an action or discuss an item. These extraordinary motions require a two-thirds majority (a super-majority) to pass:

Motion to limit debate. Whether a member says, "I move the previous question," "I move the question," "I call for the question" or "I move to limit debate," it all amounts to an attempt to cut off the ability of the minority to discuss an item, and it requires a two-thirds vote to pass.

Motion to close nominations. When choosing officers of the body, such as the chair, nominations are in order either from a nominating committee or from the floor of the body. A motion to close nominations effectively cuts off the right of the minority to nominate officers, and it requires a two-thirds vote to pass.

If you are running the British Parliament, *Robert's Rules of Order* is a dandy and quite useful handbook.

motion to limit debate requires a twothirds vote of the body. A similar motion is a *motion to object to consideration* of an item. This motion is not debatable, and if passed, precludes the body from even considering an item on the agenda. It also requires a two-thirds vote.

Majority and Super-Majority Votes

In a democracy, decisions are made with a simple majority vote. A tie vote means the motion fails. So in a seven-member body, a vote of 4-3 passes the motion. A vote of 3-3 with one abstention means Motion to object to the consideration of a question. Normally, such a motion is unnecessary, because the objectionable item can be tabled or defeated straight up. However, when members of a body do not even want an item on the agenda to be considered, then such a motion is in order. It is not debatable, and it requires a two-thirds vote to pass.

Motion to suspend the rules. This motion is debatable, but requires a twothirds vote to pass. If the body has its own rules of order, conduct or procedure, this motion allows the body to suspend the rules for a particular purpose. For example, the body (a private club) might have a rule prohibiting the attendance at meetings by non-club members. A motion to suspend the rules would be in order to allow a non-club member to attend a meeting of the club on a particular date or on a particular agenda item.

The Motion to Reconsider

There is a special and unique motion that requires a bit of explanation all by itself: the motion to reconsider. A tenet of parliamentary procedure is finality. After vigorous discussion, debate and a vote, there must be some closure to the issue. And so, after a vote is taken, the matter is deemed closed, subject only to reopening if a proper motion to reconsider is made.

A motion to reconsider requires a majority vote to pass, but there are two special rules that apply only to the motion to reconsider.

First is the matter of timing. A motion to reconsider must be made at the meeting where the item was first voted upon or at the very next meeting of the body. A motion to reconsider made at a later time is untimely. (The body, however, can always vote to suspend the rules and, by a two-thirds majority, allow a motion to reconsider to be made at another time.)

Second, a motion to reconsider may be made only by certain members of the body. Accordingly, a motion to reconsider may be made only by a member who voted in the majority on the original motion. If such a member has a change of heart, he or she may make the motion to reconsider (any other member of the body may second the motion). If a member who voted in the minority seeks to make the motion to reconsider, it must be ruled out of order. The purpose of this rule is finality. If a member of the minority could make a motion to reconsider, then the item could be brought back to the body again and again, which would defeat the purpose of finality.

Rosenberg's Rules of Order: Simple Parliamentary Procedure for the 21st Century

If the motion to reconsider passes, then the original matter is back before the body, and a new original motion is in order. The matter may be discussed and debated as if it were on the floor for the first time.

Courtesy and Decorum

The rules of order are meant to create an atmosphere where the members of the body and the members of the public can attend to business efficiently, fairly and with full participation. And at the same time, it is up to the chair and the members of the body to maintain common courtesy and decorum. Unless the setting is very informal, it is always best for only one person at a time to have the floor, and it is always best for every It is usually best to have a motion before the governing body prior to discussing an agenda item, to help everyone focus.

lege relate to anything that would interfere with the normal comfort of the meeting. For example, the room may be too hot or too cold, or a blowing fan might interfere with a person's ability to hear.

Order. The proper interruption would be: "Point of order." Again, the chair would ask the interrupter to "state your point." Appropriate points of order

Motions to amend and substitute motions are often confused. But they are quite different, and so is their effect, if passed.

speaker to be first recognized by the chair before proceeding to speak.

The chair should always ensure that debate and discussion of an agenda item focus on the item and the policy in question, not on the personalities of the members of the body. Debate on policy is healthy; debate on personalities is not. The chair has the right to cut off discussion that is too personal, too loud or too crude.

Debate and discussion should be focused, but free and open. In the interest of time, the chair may, however, limit the time allotted to speakers, including members of the body. Can a member of the body interrupt the speaker? The general rule is no. There are, however, exceptions. A speaker may be interrupted for the following reasons:

Privilege. The proper interruption would be: "Point of privilege." The chair would then ask the interrupter to "state your point." Appropriate points of privirelate to anything that would not be considered appropriate conduct of the meeting; for example, if the chair moved on to a vote on a motion that permits debate without allowing that discussion or debate.

Appeal. If the chair makes a ruling that a member of the body disagrees with, that member may appeal the ruling of the chair. If the motion is seconded and after debate, if it passes by a simple majority vote, then the ruling of the chair is deemed reversed.

Call for orders of the day. This is simply another way of saying, "Let's return to the agenda." If a member believes that the body has drifted from the agreed-upon agenda, such a call may be made. It does not require a vote, and when the chair discovers that the agenda has not been followed, the chair simply reminds the body to return to the agenda item properly before them. If the chair fails to do so, the chair's determination may be appealed.

Withdraw a motion. During debate and discussion of a motion, the maker of the motion on the floor, at any time, may interrupt a speaker to withdraw his or her motion from the floor. The motion is immediately deemed withdrawn, although the chair may ask the person who seconded the motion if he or she wishes to make the motion, and any other member may make the motion if properly recognized.

Special Notes About Public Input

The rules outlined here help make meetings very public-friendly. But in addition, and particularly for the chair, it is wise to remember three special rules that apply to each agenda item:

Rule One: Tell the public what the body will be doing.

Rule Two: Keep the public informed while the body is doing it.

Rule Three: When the body has acted, tell the public what the body did.

Public input is essential to a healthy democracy, and community participation in public meetings is an important element of that input. The challenge for anyone chairing a public meeting is to accommodate public input in a timely and time-sensitive way, while maintaining steady progress through the agenda items. The rules presented here for conducting a meeting are offered as tools for effective leadership and as a means of developing sound public policy.

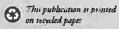
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CITY OF BEAUMONT

LEGAL NOTICE

NOTICE IS HEREBY GIVEN, that the Beaumont City Council will conduct a public hearing on Tuesday, July 7, 2015 in room 5 at the Beaumont Civic Center, 550 E. 6th Street, Beaumont, California 92223, to receive testimony and comments from all interested persons regarding the adoption of the following matter(s):

AN ORDINANCE OF THE CITY OF BEAUMONT APPROVING AMENDMENTS TO THE CITY OF BEAUMONT MUNICIPAL CODE PERTAINING TO CITY COUNCIL MEETINGS

The ordinance to be considered for adoption is summarized as follows:

Ordinance amends Title 2, Chapter 2.04 of the City of Beaumont Municipal Code relating to the rules of order for City Council meetings. This ordinance amends existing law pertaining to City Council meetings rules of order, and specifies that the Presiding Officer at each meeting will be the Mayor, or the Mayor Pro Tem if the Mayor is absent, or a temporary Presiding Officer if both the Mayor and Mayor Pro Tem are absent. This ordinance specifies that the Presiding Officer is responsible for maintenance of order and decorum, and that all speakers must be recognized by the Presiding Officer. This ordinance requires City Council members to refrain from speaking more than once on an issue until all council members who want to speak have had the opportunity to do so. This ordinance would place time limitations on reports and recommendations, discussion and debate, and public comments. The time limitations may be extended if necessary. Pursuant to this ordinance, these sections, supplemented by Rosenberg's Rules of Order, will constitute the rules of order for all City Council meetings.

Date: June 8, 2015

Publish one time only in the Record Gazette on June 19, 2015

Staff Report

To:	City Council of the City of Beaumont, California
From:	Interim City Attorney
Date:	July 7, 2015
Re:	Rosenberg's Rules of Order
Subject:	Ordinance of the City Council of the City of Beaumont approving amendments to the City of Beaumont Municipal Code Pertaining to the City Council Meetings

Introduction

Judge David (Dave) Rosenberg served as county supervisor (Yolo), mayor (Davis) and city council member (Davis) prior to his appointment to the bench in 2003. Judge Rosenberg authored Rosenberg's Rules of Order ("Rosenberg's Rules") to create parliamentary procedures "simplified for the smaller bodies we chair or in which we participate, slimmed down for the 21st Century, yet retaining the basic tenets of order to which we have grown accustomed."¹ The four pillars of Rosenberg's Rules are that rules of parliamentary procedure should: 1) establish order; 2) be clear; 3) be user friendly; and 4) enforce the will of the majority while protecting the rights of the minority.²

Rosenberg's Rules provide a modern alternative to Robert's Rules of Order ("Robert's Rules"), which were originally published in 1876 and modeled after the parliamentary procedures used by the U.S. House of Representatives. Below is a summary of the parliamentary procedures set forth in Rosenberg's Rules.

Establishing a Quorum

Establishing a quorum, i.e. the minimum number of members required for business to be legally transacted, is the starting point of a meeting. In the absence of a specific rule of the body, the default rule is that quorum is one more than half the members of the body. Quorum can be lost during a meeting if a member departs and the remaining number of members falls below half of the members of the body. Business cannot be legally transacted if quorum is not established or is lost. Pursuant to the default rule, quorum for the five-member Beaumont City Council is three members.

The Role of the Chair

The chair is charged with applying the rules of conduct of a meeting, and all decisions by the chair are final unless overruled by the body itself. As such, the chair should try to be the last Item 12.

¹ David Rosenberg, Rosenberg's Rules of Order: Simple Parliamentary Procedures for the 21st Century (Rev. 2011). ² *Ibid.*

to speak at the discussion and debate stage, and should not make or second a motion unless convinced that no other member will do so.

In the case of the Beaumont City Council, the Presiding Officer (the Mayor, or Vice Mayor if the Mayor is absent, or the appointed Presiding Officer if both the Mayor and Vice Mayor are absent) will fulfill the role of the chair.

The Basic Format for an Agenda Item Discussion

The agenda is the roadmap for a meeting, and each item can be handled by the chair as follows:

- 1. Announce the agenda item clearly by stating its number and subject.
- 2. Invite the appropriate person(s) to <u>report and make recommendations</u>, if any, on the item.
- 3. <u>Ask members of the body if they have technical questions</u>; members may ask such questions of the person(s) reporting and making recommendations, and such person(s) should be given time to answer.
- 4. <u>Invite public comments or open for public input</u>, and announce when the period therefore has concluded or closed; if necessary, the chair may limit the time for public speakers.
- 5. Invite a motion and announce the name of the member making the motion.
- Determine if any member wishes to second the motion and announce his/her name. NOTE: a second is good practice, but not an absolute requirement; in his/her discretion, the chair can proceed with consideration and vote even when there is no second.
- 7. Make sure that everyone understands the motion, in one of three ways:
 - (i) Ask the maker of the motion to repeat it; or
 - (ii) Repeat the motion; or
 - (iii) Ask the secretary or the clerk to repeat the motion.
- 8. <u>Invite discussion of the motion by the body and, when concluded, announce that</u> <u>the body will vote on the motion</u>. If there has been little or no discussion, then the vote on the motion should proceed right away, and there is no need to repeat the motion; if there has been substantial discussion, it is best to repeat the motion.
- 9. Take a vote.
- 10. <u>Announce the result of the vote</u>, indicating the names of those who voted in the *minority* on the motion, and announce what action the body has taken.

Motions in General

Motions are made in a two-step process: 1) the chair recognizes the member of the body; and 2) the member makes a motion starting with the words "I move ..." The chair usually initiates the motion by inviting the members to make a motion; suggesting a motion to the members; or making the motion if convinced that no other member will do so.

The Three Basic Motions

- I. The basic motion: puts forward a decision for the body's consideration.
- II. *The motion to amend*: takes the basic motion before the body and seeks to change it in some way.
 - A "friendly amendment" is an informal amendment which, if accepted by the maker and the member who seconded the motion pending on the floor, then becomes the pending motion on the floor. If either the maker or the member who seconded the motion rejects it, the proposer can make a formal motion to amend.
- III. *The substitute motion*: completely does away with the basic motion before the body and puts **a** new motion before the body.

NOTE: the determination of whether a motion is a motion to amend or a substitute motion is up to the chair.

Multiple Motions Before the Body

There can be up to three (3) motions of the floor at the same time. If there are multiple motions on the floor, the vote should start on the last motion that is made.

To Debate or Not to Debate

The general rule is that a debate can continue as long as members wish to discuss an item, subject to the chair's decision that it is time to move on and take action. The following motions are *exceptions to the general rule*, and if made and seconded, the chair must immediately call for a vote of the body without debate:

- 1. *Motion to adjourn*: if passed, the body must immediately adjourn to its next regularly scheduled meeting; requires a simple majority vote.
- 2. *Motion to recess*: if passed, the body must immediately take a recess the duration of which is normally determined by the chair; requires a simple majority vote.
- 3. *Motion to fix the time to adjourn:* if passed, the body must adjourn the meeting at the specific time set in the motion; requires a simple majority vote.
- 4. *Motion to table*: if passed, the discussion of the item must stop and the item must be placed on hold. If the motion does not contain a specific time for the return of the item, a motion to take the item off the table and bring it back must be made at a future meeting; both require a simple majority vote.
- 5. Motion to limit debate: requires a two-thirds vote.
- 6. *Motion to object to consideration of an item*: if passed, the body is precluded from considering an item; requires a two-thirds vote.

Majority and Super Majority Votes

Usually, a simple majority is sufficient to pass a motion; however a two-thirds majority (a super majority) is necessary to pass the following motions:

1. Motion to limit debate

- 2. Motion to close nominations
- 3. Motion to object to the consideration of an item
- 4. *Motion to suspend the rules*: if the body has its own rules of order, conduct, or procedure, it allows the body to suspend the rules for a particular purpose.

Counting Votes

- I. Simple majority: requires 50% + 1
- II. Super majority: requires 2/3 (i.e. count the "no" votes and double that count to determine how many "yes" votes are needed to pass)
- III. Tie: motion fails

To determine how to count abstentions, consult state statutes and then the rules of the body. If these are silent, the default rule is that all votes "present and voting" are counted, which means that abstentions are not counted on a vote on a motion. However, if the rules specify that all votes "present" are counted, abstentions are counted on a vote on a motion and, in effect, act as a no vote.

Any answer other than a "yes" or "no" may be treated by the chair as an abstention. In the case of written ballots, a blank or unreadable ballot is treated as an abstention. Whether a member may vote as "absent" is up to the chair; the better approach is to treat this as an actual absence (which affects quorum), but the chair may treat it as an abstention.

Some examples for a five-member body with all five members present:

- (i) <u>Default rule</u> ("present and voting") applies and the motion requires a simple majority
 → 3-2 with no abstentions passes the motion, 2-2 with one abstentions fails
- (ii) <u>Default rule</u> ("present and voting") applies and the motion requires a super majority
 → 4-1 with no abstentions passes the motion or 3-1 with one abstention passes the motion
- (iii) <u>Rules specify that all votes present are counted</u> and the motion requires a super majority
 - \rightarrow 3-1-1 (3 yes, 1 no, 1 abstention) fails the motion

Motion to Reconsider

Requires a simple majority, but two special rules apply:

- 1. Timing: a motion to reconsider must be made at the meeting where the item was first considered (<u>unless</u> the body votes to suspend the rules and by a super majority vote allows a motion to reconsider to be made at another time).
- 2. Maker: a motion to reconsider may be made only by a member who voted in the *majority* on the original motion; any member may second it.

Courtesy and Decorum

Best practice is to be first recognized by the chair, and for only one speaker to have the floor at a time. The chair may cut off overly personal, loud, or crude discussion, and may limit the time allotted to speakers.

A speaker may usually not be interrupted, subject to the following exceptions:

- 1. *Privilege*: anything that would interfere with the normal comfort of the meeting. The proper interruption is "point of privilege," and the proper response from the chair is "state your point."
- 2. Order: anything that would not be considered appropriate conduct for the meeting. The proper interruption is "point of order," and the proper response from the chair is "state your point."
- 3. *Appeal*: if the chair makes a ruling that a member of the body disagrees with. Requires a simple majority vote, and the ruling of the chair is deemed reversed.
- 4. *Call for orders of the day:* if a member feels that the body has departed from the agenda. Does not require a vote, and the chair simply reminds the body to return to the agenda.
- 5. *Withdraw a motion*: the maker may interrupt to withdraw his/her motion. The motion is immediately deemed withdrawn, but then any other member may make the motion if properly recognized.

Special Notes About Public Input

Three rules for the chair for each item: 1) tell the public what the body will be doing; 2) keep the public informed; and 3) tell the public what the body did.

Conclusion

The above summarizes Rosenberg' Rules to provide a quick reference for the City Council. These rules were revised in 2011 to simplify parliamentary procedures for smaller bodies, such as city councils, and to provide an alternative to the more complex Robert's Rules of Order. A copy of Rosenberg's Rules is attached for further reference. This memorandum and Rosenberg's Rules are designed to supplement the rules of order set forth in the Ordinance amending section 2.04.040 of the Beaumont Municipal Code.



ANGIE ARCILLA arcilla@sbemp.com FIRM Assistant to Roxann Votaw REPLY TO: Palm Springs, California

AUGUST 6, 2020

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Sincerely, SBEMP, LLP

By: Angie Arcilla

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> Our file no: City of Beaumont*Wallis Receiv

Professional services through: 7/31/2020:

Invoice # 59412

Amount

BALANCE DUE - PLEASE SUBMIT PAYMENT:

\$797.50

SLOVAK BARON EMPEY MURPHY & PINKNEY LLP

1800 E. Tahquitz Canyon Way Palm Springs, Californla 92262 Tel. (760) 322-2275 • Fax (760) 322-2107 650 Town Center Drive, Ste. 1400 Costa Mesa, California 92626 Tel. (714) 435-9592 • Fax (714) 850-9011 103 Carnegie Center Blvd., Ste. 101 Princeton, New Jersey 08540 Tel. (609) 955-3393 • Fax (609) 520-8731 2240 Fifth Avenue. San Diego, California 92101 Tel. (619) 501-4540

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August 6, 2020

City of Beaumont E-MAIL INVOICES

> Our file no: City of Beaumont-OverRetainer

Professional services through: 7/31/2020:

Invoice # 59415

Amount

BALANCE DUE - PLEASE SUBMIT PAYMENT:

\$10,062.20

SLOVAK BARON EMPEY MURPHY & PINKNEY LLP

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August 6, 2020

City of Beaumont E-MAIL INVOICES

> Our file no: City of Beaumont-PW2020-0438

Invoice # 59416

Professional services through: 7/31/2020:

Amount

BALANCE DUE - PLEASE SUBMIT PAYMENT:

\$358.50

SLOVAK BARON EMPEY MURPHY & PINKNEY LLP

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August 6, 2020

City of Beaumont E-MAIL INVOICES

> Our file no: City of Beaumont-Retainer

Professional services through: 7/31/2020:

Invoice # 59537

Amount

BALANCE DUE - PLEASE SUBMIT PAYMENT:

\$7,590.00

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August 6, 2020

City of Beaumont E-MAIL INVOICES

> Our file no: City of Beaumont-Serrato

Professional services through: 7/31/2020:

Invoice # 59418

Amount

BALANCE DUE - PLEASE SUBMIT PAYMENT:

\$2,092.00

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T OWNSEND PUBLIC AFFAIRS EST TPA 1998

MEMORANDUM

To:	City of Beaumont
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From: Townsend Public Affairs

Date: August 13, 2020

Subject: Monthly Report for the City of Beaumont — August 2020

State Legislative Update

The Legislature is into their final month of the 2020 legislative session. The last day of session is August 31 when members will return to their districts in preparation of the November election. Following adjournment on August 31, Governor Newsom will have 30 day to sign or veto legislation. Assembly and Senate Leaders are discussing the possibility of a special legislative session with the Administration; however, any decisions will likely depend on the growing number of COVID-19 cases throughout the state.

Governor's COVID-19 Action Summary

• Efforts on Evictions: Governor Newsom noted that his Administration is working closely with the Legislature to address the issue of eviction protections for tenants who are impacted by coronavirus. To date, the State has issued Executive Orders on this topic and the Legislature has introduced several proposals to build upon those orders. Earlier in the year, Judicial Council issued a moratorium that prevented the State's courts from processing cases related to evictions. The Judicial Council eviction moratorium expires this month, and they have requested that the Legislature and Governor take statutory action. The Legislature is currently working with the Administration on bills to address the looming eviction issues for both renters and property owners. The Administration had previously issued Executive Orders providing local governments with the authority to issue their own eviction moratorium orders. The State Executive Orders have since been extended through September 30th

Housing Legislation

On July 28, the Assembly Housing and Community Development Committee met to consider 10 housing bills and on August 11, the Assembly Local Government Committee met to consider several housing bills. Below is a summary of the relevant legislation that passed those committees and has been referred to the Appropriations Committee:

 State Capitol Office • 925 L Street • Suite 1404 • Sacramento, CA 95814 • Phone (916) 447-4086 • Fax (916) 444-0383

 Southern California Office • 1401 Dove Street • Suite 330 • Newport Beach, CA 92660 • Phone (949) 399-9050 • Fax (949) 476-8215

 Central California Office • 744 P Street • Suite 308 • Fresno, CA 93721 • (949) 399-9050 • Fax (949) 476-8215

 Federal Office • 600 Pennsylvania SE • Suite 207 • Washington, DC 20003 • Phone (202) 546-8696 • Fax (202) 546-4555

 Northern California Office • 300 Frank Ogawa Plaza • Suite 204 • Oakland, CA 94612 • Phone (510) 835-9050 • Fax (510) 835-9030

- SB 795 (Beall): Economic development: housing: workforce development: climate change infrastructure
 - This bill allocates \$10 billion over five years to several existing housing, homelessness, and pre-apprenticeship programs, as well as creating two new infrastructure financing programs at the Governor's Office of Business and Economic Development (Go-Biz).
- SB 899 (Wiener): Planning and zoning: housing development: higher education institutions, nonprofit hospitals, or religious institutions
 - This bill provides that housing is a use by right on land owned by a religious institution, nonprofit hospital, or nonprofit college, as specified.
- SB 902 (Weiner): Planning and zoning: housing development: density
 - This bill allows counties and cities to pass ordinances to zone any parcel for up to 10 units of residential density per parcel in transit-rich or jobs-rich areas or urban infill sites, and exempts these ordinances from the California Environmental Quality Act (CEQA). The bill took an amendment in its policy committee hearing to remove the authority of city councils to pass a housing/zoning ordinance, in spite of restrictions enacted by a local voter initiative.
- SB 1120 (Atkins): Subdivisions: tentative maps
 - This bill requires ministerial approval of housing developments with two units (duplexes) and subdivision maps that meet certain conditions and increases the length of time that cities and counties can extend the validity of existing subdivision maps.
- SB 1138 (Wiener): Housing element: emergency shelters: rezoning of sites
 - This bill makes changes to housing element law with regards to where shelters may be zoned, as specified. This bill also requires localities that fail to adopt a legally compliant housing element within 120 days of the statutory deadline, to complete a rezone program within one year instead of the current three-year requirement.
- SB 1299 (Portantino): Housing development: incentives: rezoning of idle retail sites
 - This bill requires the California Housing and Community Development Department (HCD) to administer a program to provide grants to local governments that rezone idle sites used for a big box commercial shopping center to instead allow the development of workforce housing, as defined.

Similarly, the Senate Housing Committee met on August 6 and considered 16 housing bills. A summary of the legislation that passed and been referred to the Appropriations Committee is below.

- AB 725 (Wicks): General plans: housing element: moderate-income and above moderateincome housing: suburban and metropolitan jurisdictions.
 - Amends Housing Element law to require certain jurisdictions to zone for multifamily moderate and above-moderate income housing.

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- AB 2345 (Gonzalez): Planning and zoning: density bonuses: annual report: affordable housing
 - Revises Density Bonus Law to increase the maximum allowable density and the number of concessions and incentives a developer can seek.
- AB 3040 (Chiu): Local planning: regional housing need assessment.
 - Allows cities and counties to receive a specified credit towards meeting their Regional Housing Needs Allocation (RHNA) for rezoning single-family neighborhoods to allow four units per parcel.
- AB 3269 (Chiu): State and local agencies: homelessness plan.
 - Creates the Office of the Housing and Homelessness Inspector General to provide accountability for state and local actions to address homelessness, imposes new requirements on local governments to develop actionable plans to address homelessness, and creates a public right of action for the Inspector General to compel compliance with those new plans.

TPA will continue to advocate on behalf of the City as the Legislature considers these housing measures in the coming weeks.

Public Safety

Since the death of George Floyd, the Legislature has been focused on several bills that would address police reform, use of force, and public safety across the State. The Legislature will spend the next four weeks debating a variety of public safety bills, including bills that will ban the use of tear gas and rubber bullets, change immunity protections for peace officers, and increase the transparency of use-of-force cases.

Last year, the Legislature took action to change the use of force standards in the State while providing training protocols for officers to adhere to the updated standards. The legislation (AB 396: Weber, D-San Diego) was seen as the most significant use-of-force reform passed by the Legislature in recent memory. After months of negotiating with police advocates, the bill eventually passed with bipartisan support in both houses. In the wake of recent national calls for police reforms and the condensed timeline to pass legislation due to COVID-19, police reform bills will be hotly debated in the coming weeks. The below bills are moving through the legislative process.

- AB 66 (Gonzalez) Police/Use of Force
 - The purpose of this legislation is to limit the use of kinetic energy projectiles and chemical agents to disperse lawful assemblies, enforce curfews, in response to verbal threats, or to enforce mere non-compliance with law enforcement directives.
- AB 767 (Grayson) Victim compensation
 - The purpose of this bill is to expand eligibility for compensation under the Victims Compensation Program for injuries or death caused by use of force by a police officer.
- AB 1022 (Holden) Peace officers: use of force
 - The purpose of this legislation is to; 1) clarify and strengthen policies related to law enforcement officers' duty to intervene when force is used, 2) prohibit retaliation

for reporting on a fellow officer and 3) impose additional penalties for specified uses of force and for failure to intervene when excessive force is used.

- AB 1196 (Gipson) Peace officers: use of force. (Urgency)
 - The purpose of this legislation is to prohibit law enforcement agencies from authorizing 1) carotid restraint holds; 2) choke holds, and 3) techniques or transport methods that involve a substantial risk of positional asphyxia.
- AB 2655 (Gipson) Invasion of privacy: first responders.
 - The purpose of this legislation is to create a misdemeanor for any first responder who photographs a deceased purpose other than for an official purpose or for a genuine public interest.
- AB 1506 (McCarty) Police use of force
 - The purpose of this legislation is to allow law enforcement agencies and district attorneys to request a new division of the Attorney General's office to investigate, report on, and potentially prosecute a criminal case when there is an officer involved shooting that results in a death of a member of the public.
- AB 2342 (McCarty) Parole
 - The purpose of this bill is to create a program through which parolees are able to earn "reintegration credits" to reduce the length of their parole term.
- AB 1775 (Jones Sawyer) 911 emergency system: harassment
 - The purpose of this bill is to make a number of changes in criminal and civil law to discourage individuals from using 911 or other communications with law enforcement to harass a person because that person belongs to a protected class.
- AB 2338 (Weber) Courts: contempt orders
 - The purpose of this bill is to provide an alternative punishment of probation or a conditional sentence for parties found in contempt of a family law court order or judgement.
- AB 2542 (Kalra) Criminal procedure: discrimination
 - The purpose of this bill is to prohibit the state from seeking or upholding a conviction or sentence that is discriminatory based on race, ethnicity, or national origin as specified.

Federal Legislative Update

Over the past month, Congressional lawmakers were quite active in passing several major pieces of legislation. COVID-19 relief funding remained was the primary point of concern, however, as many provisions from the previously passed CARES ACT, including federal supplements for unemployment insurance, expired on July 31. Both chambers are now on their annual August Recess. The House is scheduled to return on September 14 and the Senate will return on September 8.

Executive Orders

President Trump took steps to try to mitigate the economic impact caused by the impasse in the Phase 4 negotiations. The President, though limited in the legislative actions he can take, signed a series of directives in an attempt to fill in gaps left by the lack of a negotiated Congressional package.

The actions contained in the Executive Orders signed by President Trump included a President Memorandum, which directs the Department of Education to extend the student loan relief granted in the CARES Act until the end of the year.

The President also issued an Executive Order directing Health and Human Services and Center for Disease Control (CDC) to consider whether any measures temporarily halting residential evictions of any tenants for failure to pay rent are reasonably necessary.

Third, the President issued Presidential Memorandum deferring payroll tax for Americans earning under \$100,000 per year ear until December. The expectation is that taxes must be paid at the end of the year unless Congress passes law forgiving. This would potentially provide an additional \$600, at most, to employees and would equate to a \$300 billion tax cut. The payroll tax deferral has been criticized by Democrats as a backhanded way to defund Social Security and Medicare. President Trump has indicated that if he is re-elected in November, he may extend the deferral and terminate the tax for some workers altogether.

Finally, the mandates also included a redirection of \$44 million in Federal Emergency Mangement Agency (FEMA) money for a new "low-wage assistance" under the Stafford Act, which reduces the CARES Act's \$600 per week in federal unemployment to \$300 with a \$100 state match. In the coming weeks, the Executive Orders are likely to be tied up in litigation over whether they violate core constitutional principles such as the separation of powers.

Governor Newsom addressed the Presidential Memorandum on Unemployment Insurance and stated that it would cost California at least \$700 million per week, for the state's match, to access the low-wage assistance. In this plan, the Federal government would only provide 75% of the money for the supplemental assistance while the remainder of the funding would need to provided by the State. Although CARES Act funding could be used for the state match, over 75% of the California's share of CARES Act funding has already been allocated for pandemic response (schools, health, social programs, local government assistance, etc.)

Any funding that cannot be covered through CARES Act funding would ultimately need to come from the State's general fund. Under this proposal, the State would exhaust the entire 2020-21 Budget reserve in approximately three weeks. Like many other states, California will not be able to handle the expense that the Federal proposal would impose without significant cuts to important services or by raising revenue.

Appropriations

The House has finished the bulk of its initial Fiscal 2021 appropriations work. House lawmakers recently voted to pass a six-bill spending package (H.R. 7617) including \$1.3 trillion in discretionary spending. The minibus is the second of two appropriations packages and it included funding for Transportation, Defense, Education, Housing and other agencies. The first package of fiscal 2021 appropriations bills (H.R. 7608), includes \$259.5 billion in spending for Agriculture-FDA, Interior-Environment, Military Construction-Veterans Affairs, and State-Foreign Operations programs.

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The passage of both packages means that the House has funded everything except Homeland Security and Legislative Branch appropriations. However, House Democrats did add a measure to the H.R. 7617 package to include language from the Legislative Branch bill (H.R. 7611) that would require statues and busts of Confederate leaders to be removed from the U.S. Capitol.

The House and Senate will finalize funding levels for each line item. TPA advocates for the Senate and the House to fully fund these programs in order to increase the likelihood of funding opportunities.

<u>Census</u>

The Census Bureau recently announced it would end its decennial count of the U.S. population on September 30, a month earlier than expected. This decision raised concerns about the accuracy of the survey, which serves as the basis for congressional and state legislative district boundaries and government funding. The agency said 63 percent of the estimated 121 million U.S. households have responded to the census by phone, mail or online, and that it will hire additional data collectors to maximize responses by the end of next month. Previously, the Census Bureau said it would need an extra 4 months to overcome hurdles created by coronavirus

The move is already receiving pushback from Congress in addition to President Trump's recently signed Apportionment Memorandum to exclude undocumented immigrants from census population counts. As you may recall, in June 2019, the Supreme Court blocked an effort to include a question on citizenship in the census, ruling it a violation of the constitution's enumeration clause, which mandates Congressional representation, but sent it back to a district court for further deliberation. The Administration ended its effort to pursue the citizenship question through the courts last July due to printing deadlines, but President Trump vowed to find a workaround

The 14th Amendment states that the Census must count the "whole number of persons in each state" for Congressional representation, which includes undocumented immigrants. The order cites estimates that "one state" (apparently referring to California) has more than 2.2 million illegal immigrants, six percent of its population. It argues that, as a result, including illegal immigrants in the population for apportionment could result in the allocation of two or three more congressional seats than if they were not included.

Land and Water Conservation Fund

On July 22, the House passed the "Great American Outdoors Act" (H.R. 1957), which provides mandatory annual funding of \$900 million to the Land and Water Conservation Fund (LWCF) and allocates billions toward fixing national parks and public lands. The bill passed the House on a bipartisan vote of 310-107. Since it previously passed the Senate, it was sent to President Trump who signed it into law. The \$900 million provided to the LWCF annually will now fall outside of the appropriations process, making the program and its funding less dependent on the political winds of any given year.

Wireless Infrastructure

The U.S. Court of Appeals for the Ninth Circuit recently upheld a Federal Communications Commission (FCC) order that limits local governments' authority to regulate the installation of 5G cell towers in their communities.

In a 2-1 decision, the panel of judges ruled that the order is largely "in accord with the congressional directives" and "not otherwise contrary to law." The order in question originates from a 2018 decision by FCC to cap fees for wireless carriers to deploy "small cells" essential to the adoption of next generation 5G networks. The 2018 FCC order limited local governments' ability to regulate telecommunications providers and prevented owners and operators of utility poles from discriminatorily denying or delaying 5G and broadband service providers access to poles. The appeals court upheld the orders, except in reference to a provision dealing with local governments' authority on aesthetic regulations.

FCC commissioners have said the United States will need to install as many 800,000 small cells for 5G networks over the next decade. The FCC has claimed that some 5G services will provide data speeds 100 times faster than current service and create faster response times. The FCC continued on indicating that 5G networks could eventually lead to capabilities such as remote surgical procedures. There is the belief that this decision may ultimately be appealed at some point in the future.

<u>WRDA</u>

On July 29, the House of Representatives passed H.R. 7575, the "Water Resources Development Act of 2020." WRDA 2020 was quickly introduced and passed by the House Transportation & Infrastructure Committee Chairman DeFazio (D-OR) on July 15, who introduced the bill just two days earlier. The bill authorizes the U.S. Army Corps of Engineers to start several navigation, flood control, storm damage, and other water-related infrastructure projects.

The modified version included an additional project modification authorization and language regarding the bill's budgetary effects:

- **Project Authorizations:** The measure would authorize funding for construction of 34 projects nationwide, including \$1.22 billion, with a federal share of \$314.5 million, for flood risk management in Westminster and East Garden Grove, CA.
- Feasibility Studies: Under Section 7001 of the Water Resources Reform and Development Act of 2014, the Secretary of the Army would be allowed to conduct a feasibility study on the impacts of projects reducing coastal storm damage for nearly all of Southern California.
- Harbor Maintenance Trust Fund (HMTF): The bill also would adjust the treatment of \$10 billion in spending from the Harbor Maintenance Trust Fund. Under the CARES Act (Public Law 116-136), those amounts won't count against future annual discretionary spending caps. Under WRDA 2020, only amounts Congress appropriates into certain accounts and designates as being for harbor operations and maintenance activities would be cap exempt. The bill also would increase the share of inland water infrastructure project costs from 50% from the general Treasury fund to 65%, while the remaining 35% would be funded by the Inland Waterways Trust Fund, which is based on fees levied on barge operators.
- PFAS: The Corps of Engineers would have to compile an inventory of its facilities that are or could become contaminated by per- and polyfluoroalkyl substances (PFAS), often called "forever chemicals." It would include the nature and extent of any existing and

potential contamination, pathways for human exposure, response measures taken, the entities responsible for any contamination, and the costs to remediate and reduce the risk of human exposure.

- Flood Control Pumps: The bill would authorize \$60 million for rehabilitation of flood control pump stations necessary for the function of flood risk management projects. Funds could be used to upgrade the design, capacity, and reliability of the stations
- Repetitive Flooding: The bill would authorize the Corps to conduct a program to study, design, and construct new flood control works, modify existing works, and incorporate natural and nature-based features to control flooding in areas that have received emergency flood-fighting assistance from the Corps related to multiple flooding events over a ten-year period. Separate authorization wouldn't be required under the program for projects with a federal share of \$15 million or less.

The bill now moves to the Senate, who passed related legislation earlier this year. The Senate Environment and Public Works Committee approved its own 2020 WRDA legislation, called the "America's Water Infrastructure Act of 2020," by a vote of 21-0 on May 6. The Senate has yet to consider that measure. Current WRDA funding expires on September 30, so Congress must agree on a package by that deadline to prevent any lapse in funding.

Title XVI Grant Announcement

The Bureau of Reclamation has published a funding opportunity for Title XVI Water Reclamation and Reuse Research Projects. This opportunity is for research sponsors to submit proposals to cost-share Title XVI Research activities that seek to address water supply challenges by establishing or expanding the use of water reclamation and reuse, improving existing water reuse facilities, and/or streamlining the implementation of state-of-the-art technology for new facilities.

Title XVI of P.L. 102-575, as amended (Title XVI), provides authority for Reclamation's water recycling and reuse program, titled "Title XVI." Through the Title XVI program, Reclamation identifies and investigates opportunities to reclaim and reuse wastewaters and impaired ground and surface water in the 17 Western States and Hawaii. Title XVI includes funding for the planning, design, and construction of water recycling and reuse projects in partnership with local government entities. Title XVI funding can be used for water projects focused on the following:

- Expanding the use of water reclamation and reuse
- Improving existing water reuse facilities
- Streamlining the implementation of state-of-the-art technology for new facilities.

Fiscal year (FY) 2020 appropriations include \$63.617 million for the Title XVI Program. It is estimated that up to \$3 million will be available for development of new water reclamation and reuse research studies under this opportunity. Applications submitted under this opportunity also may be considered if other funding becomes available in FY 2020 or thereafter. TPA is prepared to work with the City on this application.