



# City of San Juan Bautista

The "City of History"

[www.san-juan-bautista.ca.us](http://www.san-juan-bautista.ca.us)

## AGENDA

### CITY COUNCIL REGULAR MEETING

**TUESDAY ~ SEPTEMBER 20, 2022 ~ 6:00 P.M.**

CITY HALL COUNCIL CHAMBERS  
311 Second Street  
San Juan Bautista, California

## **- HYBRID MEETING - PUBLIC PARTICIPATION BY ZOOM AND IN PERSON**

**THIS MEETING WILL BE CONDUCTED PURSUANT TO GOVT. CODE §54953(e)(1)(A).**  
In order to minimize the spread of the COVID 19 virus the City Council is conducting this meeting by Zoom webinar and will be offering alternative options for public participation. You are encouraged to watch the meeting live on Zoom or Facebook.

### **THIS MEETING WILL BE OPEN TO THE PUBLIC UNDER THE FOLLOWING CONDITIONS:**

All Attendees must comply and wear a face covering if not fully vaccinated and show proof. If providing proof attendees will not need to wear a face covering. If you are exempt from the state face covering guidance or not fully vaccinated, you will be required to wear a mask to attend the meeting; All attendees must comply with any other rules of procedures/instructions announced by the Mayor and/or City Staff. Any violations of the above may result in the Mayor closing the meeting, effective immediately, or clearing the room, as well as other enforcement actions. The meeting will be available through Zoom for those who wish to join or require accommodations with the instructions below:

The meeting can also be accessed by the public in the following methods: Through Zoom (<https://zoom.us/join>) per the instruction stated below, and on Facebook.

**Join Zoom Webinar** <https://us02web.zoom.us/j/89657069195>

**or call 1 (669) 900-6833**

**Webinar ID: 896 5706 9195**

**PUBLIC COMMENTS WILL BE TAKEN ON AGENDA ITEMS BEFORE ACTION IS TAKEN BY THE CITY COUNCIL. DURING THE MEETING: TO PROVIDE VERBAL PUBLIC COMMENTS ON AN AGENDA ITEM DURING THIS MEETING CALL THE PHONE NUMBER LISTED ABOVE OR LOG INTO ZOOM AND ENTER THE MEETING ID NUMBER AS LISTED ABOVE.**

When the Mayor announces public comment is open for the item which you wish to speak, press \*9 on your telephone keypad or if joining by Zoom, use the raise your hand icon. When called to speak, please limit your comments to three (3) minutes, or such other time as the Mayor may decide, consistent with the time limit for all other speakers for the particular agenda item. Comments from other platforms will not be considered during the meeting. If you would like to participate during the meeting you MUST use Zoom.

If you are unable to join the meeting, written comments may be mailed to the Deputy City Clerk at City Hall (P.O. Box 1420, San Juan Bautista, CA 95045), or emailed to [deputycityclerk@san-juan-bautista.ca.us](mailto:deputycityclerk@san-juan-bautista.ca.us) not later than 5:00 p.m. on September 19, 2022, and will be read into the record during public comment on the item.

In compliance with the Americans with Disabilities Act, the City will make reasonable arrangements to ensure accessibility to this meeting. If you need special assistance to participate in this meeting, please contact the Deputy City Clerk a minimum of 48 hours prior to the meeting at (831) 623-4661.

If you challenge any planning or land use decision made at this meeting in court, you may be limited to raising only those issues you or someone else raised at the public hearing held at this meeting, or in written correspondence delivered to the City Council at, or prior to, the public hearing. Please take notice that the time within which to seek judicial review of any final administrative determination reached at this meeting is governed by Section 1094.6 of the California Code of Civil Procedure.

A Closed Session may be called during this meeting pursuant to Government Code §54956.9 (d)(2) if a point has been reached where, in the opinion of the legislative body of the City on the advice of its legal counsel, based on existing facts and circumstances, there is a significant exposure to litigation against the City.

Materials related to all items on this agenda are available in the agenda packet on the City website [www.san-juan-bautista.ca.us](http://www.san-juan-bautista.ca.us) subject to Staff's ability to post the documents before the meeting, or by emailing [deputycityclerk@san-juan-bautista.ca.us](mailto:deputycityclerk@san-juan-bautista.ca.us) or calling the Deputy Clerk (831) 623-4661 during normal business hours.

**1. Call to Order**

**Pledge of Allegiance  
Roll Call**

**2. Public Comment**

This portion of the meeting is reserved for persons desiring to address the Council on matters not on this agenda. The law does not permit Council action or extended discussion of any item not on the agenda except under special circumstances. If Council action is requested, the Council may place the matter on a future agenda.

**3. Consent Items**

All matters listed under the Consent Agenda may be enacted by one motion authorizing actions indicated for those items so designated. There will be no separate discussion of these items unless requested by a member of the City Council, a staff member, or a citizen.

- A. Adopt a Resolution of the City Council of the City of San Juan Bautista Making Findings and Determinations Under Government Code §54953 for Continuing Virtual and Hybrid Meetings**
- B. Approve the Affidavit of Posting Agenda**
- C. Adopt an Ordinance Amending Section 3-5-155 of the San Juan Bautista Municipal Code and Increasing Water Rates (Second Reading and Adoption)**
- D. Adopt a Resolution of the City Council of the City of San Juan Bautista Authorizing Street Closures in the City of San Juan Bautista**
- E. Adopt a Resolution of the City Council of the City of San Juan Bautista Updating the COVID Protection Plan ("CPP")**
- F. Adopt a Resolution of the City Council of the City of San Juan Bautista Extending the COVID-19 Sick Leave Program Established by Resolution 2022-15 and Authorize the City Manager to Approve Up To Eighty Hours of Sick Leave for COVID-19 Related Illness Until June 30, 2023**
- G. Approve the Minutes for the July 19, 2022 City Council Regular Meeting**
- H. Approve the Minutes for the August 9, 2022 City Council Special Meeting**
- I. Approve the Minutes for the August 16, 2022 City Council Regular Meeting**
- J. Waive Reading of Ordinances and Resolutions on the Agenda Beyond Title**
- K. Adopt a Resolution of the City Council of the City of San Juan Bautista Proclaiming and Reaffirming the Existence of a Local Emergency**

**4. Presentations, Proclamations, Informational Items and Reports**

**A. San Benito County Habitat Conservation Plan Presentation by  
Arielle Goodspeed, San Benito County Principal Planner**

**B. City Council and Staff Announcements**

This is an opportunity for Council and staff to share the community calendar and announce upcoming dates of interest to the general public.

**B. Reports from City Council Representatives to Regional Organizations and  
Committees**

**C. Treasurer's Report and Monthly Financial Statements by City Treasurer  
Michelle Sabathia**

**D. City Manager's Report**

**a. Fire Department Update**

**b. Sheriff Department Update**

**5. Action Items**

**A. Approve a Resolution of the City Council of the City of San Juan Bautista  
Establishing Guiding Principles for the Community Plan Authorized by  
Resolution 2022-13**

**B. Approve a Resolution of the City Council of the City of San Juan Bautista  
Approving the First Amendment to the Reimbursement Agreement Between  
the City and SJB Alameda Enterprises, LLC, for Construction of a Right Turn  
Lane on State Route 156 at Its Intersection With The Alameda**

**C. Approve a Resolution of the City Council of the City of San Juan Bautista  
Amending Rule II by Adding Section 20 to Its Personnel Policies: Teleworking  
Policy and Procedure**

**D. Reject Bids for the 2022 Pavement Management Program Project and Re-Bid  
the Project with Modifications**

**E. Introduce an Ordinance Rescinding Section 5-1-165 ("Fireworks") of Chapter  
5.1 ("California Fire Code – 2001 Edition") and Rescinding Chapter 5-16  
("Fireworks"), of the Municipal Code; and Adding a New Chapter 5-16  
("Fireworks") to the Municipal Code to Prohibit the Sale, Use, Possession and  
Discharge of All Fireworks Within the City and Imposing Host Liability For  
Allowing Same**

**F. Introduce an Ordinance to Add Sections 7-04-106 and 7-04-107 to the San  
Juan Bautista Municipal Code to Authorize Exceptions to Subsections (E)(1)  
And (F) of Section 22500 of the California Vehicle Code Regarding,  
Respectively, Parking in Front of Driveways and Parking on Sidewalks**

**G. Consider the Status of the Urban Growth Boundary/Sphere of Influence Ad  
Hoc Committee**

**H. Report by Planning Commissioner Selection Ad Hoc Committee**

**6. Discussion Items**

**A. Establish a Golf Cart Transportation Plan in San Juan Bautista**

**B. Consider Changes to the City Sign Ordinance**

**C. Consider a Noise Ordinance**

**D. Consider a RV Trailer Parking Ordinance**

**E. Municipal Election Update (Candidates Running for Office, Process for Write  
In candidate period open, Measure for appointing City Clerk and City  
Treasurer, forums announced)**

**7. Adjournment**

**RESOLUTION NO. 2022-XX**

**A RESOLUTION OF THE CITY COUNCIL  
OF THE CITY OF SAN JUAN BAUTISTA  
MAKING FINDINGS AND DETERMINATIONS  
UNDER GOVERNMENT CODE §54953 FOR CONTINUING  
VIRTUAL AND HYBRID MEETINGS**

**WHEREAS**, COVID-19 is a viral respiratory disease from which variants have emerged and which has now spread across the world as a pandemic with multiple confirmed cases in California and, as of September 14, 2022, the federal Centers for Disease Control and Prevention (CDC) rated the risk level for community transmission of COVID-19 in San Benito County as Low; and

**WHEREAS**, under authority provided by Government Code section 8625 on March 4, 2020, Governor Newsom issued a Proclamation of State of Emergency in response to the COVID-19 pandemic that remains in effect; and

**WHEREAS**, on March 17, 2020, the City Council declared a State of Emergency in the City of San Juan Bautista due to COVID-19 that remains in effect; and

**WHEREAS**, on April 12, May 10, July 8, and October 19, 2021, Governor Newsom proclaimed states of emergency that remain in effect across all counties of California due to extreme and expanding drought conditions; and

**WHEREAS**, on April 19, 2022, the City Council declared the City of San Juan Bautista to be in a state of emergency pursuant to Water Code section 350 due to the severity of the drought and directed commencement of certain water conservation regulations as provided by Municipal Code Section 6-4-116; and

**WHEREAS**, the City Council is committed to preserving and nurturing public access and participation in its public meetings; and

**WHEREAS**, the Legislature enacted Assembly Bill 361 (AB 361), approved by the Governor and filed with the California Secretary of State on September 16, 2021, which amended Government Code section 54953 of the Brown Act (Government Code sections 54950-54963) to allow local agencies to meet fully virtually or in a hybrid format (that is, a meeting format containing both virtual and in-person components) without fully complying with the teleconference rules set forth in Government Code section 54953(b)(3) during a proclaimed state of emergency if state or local officials have imposed or recommended measures to promote social distancing; and

**WHEREAS**, the Health & Human Services Agency of the County of San Benito has issued a health advisory entitled "COVID-19 What you need to know" that recommends social distancing as a way to slow the spread of a virus including keeping a distance of approximately three feet from the nearest person while in a workplace; and

**WHEREAS**, The California Department of Industrial Relations Division of Occupational Safety and Health (Cal/OSHA) has promulgated Section 3205 of Title 8 of the California Code of Regulations, which requires most employers in California, including the City, to train and instruct employees about measures, including physical distancing, that can decrease the spread of COVID-19; and

**WHEREAS**, the City Council authorized the City Manager to enforce the provisions of Municipal Code Section 6-4-116 as of May 1, 2022, until such time as the drought has ended; and

**WHEREAS**, the City Council desires that the City of San Juan Bautista, including all commissions, committees, and other Brown Act bodies shall continue to be able to hold virtual or hybrid meetings pursuant to AB 361 and Government Code section 54953(e)(1)(A).

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of San Juan Bautista as follows:

**Section 1.** The City Council has reconsidered the circumstances of the local states of emergency in accordance with Government Code sections 8630(c) and 54953(e)(3)(A), the information related to these matters and the Recitals set forth above are true and correct and are incorporated as findings into this Resolution by this reference.

**Section 2.** The City Council finds state and local officials continue to recommend measures to promote social distancing and water conservation.

**Section 3.** The City Council and all other commissions, committees or other Brown Act bodies of the City shall be authorized to continue to meet virtually in accordance with Government Code section 54953(e)(1)(A) without compliance with section 54953(b)(3).

**Section 4.** This Resolution does not prevent or prohibit the City Council or any commission, committee or other Brown Act body of the City from holding virtual or hybrid meetings (containing both virtual and in person components) provided such meetings comply with Government Code section 54953(e)(2)(A-G) and with all state and local health orders.

Commissions, committees and other Brown Act bodies shall comply with all rules established by the City Council and/or City Manager for attendance at meetings.

**Section 5.** The City Council shall take action to renew this Resolution every thirty days for as long as any state or local officials continue to recommend any measures to promote social distancing, but the City Council may terminate the Resolution at any time. In the event that more than 30 days pass between regular City Council meetings, the City Council shall take action at a virtual or a hybrid meeting to renew this Resolution before deliberating, either at the beginning of the next regular meeting or at a special meeting.

**Section 6.** If any provision of this Resolution or the application of such provision to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of this Resolution that can be given effect without the invalid provision or application, and to this end the provisions of this Resolution are severable. The City Council declares that it would have adopted this Resolution irrespective of the invalidity of any particular portion of this Resolution.

**Section 7.** This Resolution shall take effect immediately upon its adoption.

PASSED AND ADOPTED by the City Council of the City of San Juan Bautista at a regular meeting duly held this 20th day of September 2022, by the following vote:

AYES, COUNCIL MEMBERS:

NOES, COUNCIL MEMBERS:

ABSENT, COUNCIL MEMBERS:

ABSTAIN, COUNCIL MEMBERS:

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Leslie Q. Jordan, Mayor

ATTEST:

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Don Reynolds, City Manager  
Acting Deputy City Clerk

### AFFIDAVIT OF POSTING

I, TRISH PAETZ, DO NOW DECLARE, UNDER THE PENALTIES OF PERJURY THAT I AM THE ACTING ADMINISTRATIVE SERVICES MANAGER FOR THE CITY OF SAN JUAN BAUTISTA, AND THAT I POSTED THREE (3) TRUE COPIES OF THE ATTACHED CITY COUNCIL MEETING AGENDA. I FURTHER DECLARE THAT I POSTED SAID AGENDA ON THE 16<sup>th</sup> DAY OF SEPTEMBER 2022, AND I POSTED THEM IN THE FOLLOWING LOCATIONS IN SAID CITY OF SAN JUAN BAUTISTA, COUNTY OF SAN BENITO, CALIFORNIA.

1. ON THE BULLETIN BOARD AT CITY HALL, 311 SECOND STREET.
2. ON THE BULLETIN BOARD AT THE CITY LIBRARY, 801 SECOND STREET.
3. ON THE BULLETIN BOARD AT THE ENTRANCE TO THE UNITED STATES POST OFFICE, 301 THE ALAMEDA

SIGNED AT SAN JUAN BAUTISTA, COUNTY OF SAN BENITO, CALIFORNIA,  
ON THE 16<sup>th</sup> DAY OF SEPTEMBER 2022.



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TRISH PAETZ  
ACTING ADMINISTRATIVE SERVICES MANAGER

**ORDINANCE NO. 2022-03**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN JUAN  
BAUTISTA AMENDING SECTION 3-5-155 OF THE SAN JUAN BAUTISTA MUNICIPAL CODE AND  
INCREASING WATER RATES**

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**WHEREAS**, the City provides its water customers with water service; and

**WHEREAS**, the City funds this service, including associated operations, maintenance, improvement, and debt service costs, with water rates that are collected from water customers on their monthly municipal utility bills; and

**WHEREAS**, the existing rates are not sufficient to fully fund anticipated expenses; and

**WHEREAS**, the City engaged Bartle Wells & Associates ("BWA") to recommend a schedule of water rates that would fully fund the City's anticipated water system operational and capital improvement costs and would spread those costs amongst water customers in a manner consistent with the requirements of Article XIII D, Section 6 of the California Constitution ("Proposition 218"); and

**WHEREAS**, on May 24<sup>th</sup>, 2022, by its Resolution No. 2022-38 (the "Resolution of Intention"), the City Council, following the recommendation of BWA, proposed to increase the City's water rates over a five year period; and

**WHEREAS**, on July 19, 2022, the City Council held a public hearing (the "Public Hearing") regarding the proposed increase; and

**WHEREAS**, notice of the Public Hearing was mailed to water customers in the manner required by Proposition 218, Section 53755 of the Government Code, and applicable law; and

**WHEREAS**, at the public hearing, all interested persons had the opportunity to provide oral and written testimony regarding the proposed rates; and

**WHEREAS**, through the close of the public input portion of the public hearing, written protests against the proposed schedule of rate increases were accepted by the City pursuant to the Guidelines for the Acceptance and Tabulation of Protests (the "Guidelines") set forth in Attachment "B" to the Resolution of Intention, which Guidelines are on file in the Office of the City Clerk, available for public inspection, and incorporated herein by reference; and

**WHEREAS**, on July 19, 2022, at the close of the public input portion of the public hearing, it was determined that the written protests received by the City did not constitute a majority protest against the proposal; and

**WHEREAS**, the City Council has reviewed BWA's Water Rate Study, dated May 21, 2022, which is on file in the Office of the City Clerk, available for public inspection, and incorporated herein by reference; and

**WHEREAS**, the City Council desires to adopt the proposed schedule of rate increases; and

**WHEREAS**, the City Council desires to amend the Municipal Code to permit future water rate increases to be adopted by resolution.

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SAN JUAN BAUTISTA  
HEREBY ORDAINS AS FOLLOWS:**

**Section 1.** The City Council finds and declares as follows:

- A. The forgoing recitals are true and correct.
- B. No majority protest, as defined in the Guidelines, exists against the proposed rate increase.
- C. Revenues derived from the proposed rates are not anticipated to exceed the funds required to provide water service.
- D. Revenues derived from the proposed rates will not be used for any purpose other than providing water service.
- E. The amount of the proposed rates imposed upon any parcel or person as an incident of property ownership will not exceed the proportional cost of the service attributable to the parcel.
- F. Water service is actually used by, or immediately available to customers subject to the rates.

**Section 2.** The rates set forth in Attachment "A" to this Ordinance, which is attached hereto and incorporated herein by reference, are hereby adopted. Each of the Rates set forth in Attachment "A" shall go into effect as set forth therein, without further action of the City Council. The Council may, by ordinance or resolution, reduce any rate set forth in Attachment "A" but may not increase any rate about what is shown in Attachment "A" without complying with the notice, protest and hearing provisions of Proposition 218.

**Section 3.** Section 3-5-155 of the Municipal Code is amended to read:

3-5-155. Water Rates

Subject to the notice, protest and hearing requirements of Article XIII D, Section 6 of the California Constitution, the City Council may adopt and revise water rates by ordinance or resolution.

**Section 4. Environmental Assessment.** The City Council declares that the approval of this ordinance is not subject to the California Environmental Quality Act ("CEQA") because pursuant to CEQA Guidelines Sections 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. Alternatively, the approval of this ordinance is not a "Project" under CEQA Regulation Section 15061(b)(3) because it has no potential for causing a significant effect on the environment.

**Section 5. Severability.** This Ordinance and the various parts thereof are hereby declared to be severable. Should any section of the Ordinance be declared by a court to be unconstitutional or invalid, such decisions shall not affect the validity of the Ordinance as a whole, or any parts thereof, so declared unconstitutional or invalid.

**Section 6. Effective Date.** This Ordinance shall go into effect thirty (30) days after the date of its adoption.

**THE FOREGOING ORDINANCE** was first read at a regular meeting of the San Juan Bautista City Council on the 16<sup>th</sup> day of August, 2022, and adopted at a regular meeting of the San Juan Bautista City Council on the 20<sup>th</sup> day of September, 2022 by the following vote:

**AYES:**

**NOES:**

**ABSENT:**

**ABSTAIN:**

\_\_\_\_\_  
Leslie Q. Jordan, Mayor

**ATTEST:**

\_\_\_\_\_  
Don Reynolds, Interim Deputy City Clerk

Attachment A

New Schedule of Water Rates

	Effective 11/1/2022	Effective 7/1/2023	Effective 7/1/2024	Effective 7/1/2025	Effective 7/1/2026
Monthly Base Chg	\$65.91	\$75.15	\$85.68	\$89.97	\$94.47
Volumetric Rates (\$/1,000 Gal)	\$7.05	\$8.04	\$9.17	\$9.63	\$10.12

Each customer pays both a flat monthly base charge and a volumetric charge based on their metered water usage.

Pass Through:

The San Benito County Water District will charge volumetric and fixed charges to the City to supply the City with treated water. The City will automatically “pass through” to its customers increases or decreases in this SBCWD wholesale rates.

The City anticipates water purchases will begin in January of 2025. The rates set forth above project that: (i) SBCWD volumetric charges will be \$768.77 per Acre Foot in FY 2024/25, \$800.19 per Acre Foot in FY 2025/26, and \$832.90 per Acre Foot in FY 2026/27 and (ii) SBCWD fixed charges will be \$88,150 in FY 2024/25, \$183,352 in FY 2025/26, and \$190,686 in FY 2026/27. If SBCWD’s rates are higher or lower than these amounts, a pass-through adjustment will occur, as set forth below, to the rates set forth in the rate table set forth at the top of this page

The portion of the proposed volumetric rates charged by the City that recover the cost of the SBCWD volumetric charges are \$0.86 per 1,000 gallons in FY 2024/25, \$1.79 per 1,000 gallons in FY 2025/26, and \$1.87 per 1,000 gallons in in FY 2026/27. This portion of the maximum rate will, as a pass-through, be adjusted proportionately to the difference between the projected SBCWD volumetric rates and actual SBCWD rates. For example, if the SBCWD volumetric charge in FY 2024/25 is 10% higher than anticipated (\$845.64 per Acre Foot rather than \$768.77 per Acre Foot), the pass through would increase the maximum volumetric rate charged by the City by 9 cents (10% of \$0.86), leading to an overall maximum volumetric rate of \$9.26 per 1,000 gallons rather than the \$9.17 rate shown in the table.

The portion of the proposed volumetric rates charged by the City that recover the cost of the SBCWD fixed charges are \$0.89 per 1,000 gallons in FY 2024/25, \$1.84 per 1,000 gallons in FY 2025/26, and \$1.91 per 1,000 gallons in in FY 2026/27. This portion of the maximum rate will, as a pass-through, be adjusted proportionately to the difference between the projected SBCWD fixed rates and actual SBCWD rates.

**RESOLUTION NO. 2022-XX**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN  
JUAN BAUTISTA**

**AUTHORIZING CLOSURE OF SECOND STREET BETWEEN  
WASHINGTON AND MARIPOSA STREETS FOR THE “MOVIE IN  
THE PARK” SCREENING OF THE FILM “VERTIGO”**

**AND**

**AUTHORIZING CLOSURE OF THE ALAMEDA AND THIRD  
STREET FROM NYLAND DRIVE TO MUCKELEMI STREET FOR  
A HOMECOMING PARADE**

**BE IT RESOLVED** that the State of California Parks Dept is authorized to close Second Street from Washington to Mariposa Street on Saturday, September 24, 2022 from 6:00 PM until 11 PM for a screening of the film “Vertigo”.

**BE IT FURTHER RESOLVED** that the Aromas – San Juan School District is authorized to close The Alameda and Third Street for the purpose of a Home Coming Parade from the intersection of Nyland Drive to Muckelemi Street on October 21, 2022 from 4:30 – 5:30 PM via a “rolling” closure method.

**PASSED AND ADOPTED** this 20<sup>th</sup> day of September 2022 by the following vote:

**AYES:**

**NOES:**

**ABSENT:**

**ABSTAIN:**

\_\_\_\_\_  
**Leslie Jordan, Mayor**

**ATTEST:**

\_\_\_\_\_  
**Don Reynolds, Acting City Clerk**



## CITY OF SAN JUAN BAUTISTA CITY COUNCIL REPORT

**AGENDA TITLE:** UPDATE THE COVID PREVENTION PLAN (“CPP”)

**MEETING DATE:** SEPTEMBER 20, 2022

**DEPARTMENT HEAD:** DON REYNOLDS, CITY MANAGER

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### **RECOMMENDED ACTION(S):**

It is recommended that the City Council adopt a resolution updating current COVID-19 Prevention Plan, approved originally by the City Council January 18, 2022.

### **BACKGROUND INFORMATION:**

Before December 7, 2021, City staff was advised to follow the CDC protocols in regards to anything to do with COVID-19 safety. The City Manager and the Assistant both tested voluntarily when they had a cold or other related symptoms to assure that they were not positive for COVID. Others were also asked to voluntarily tests if they felt flu symptoms. After December 7, 2021, the attached COVID-19 and Return to Work Policy was provided to all City employees with CDC protocols attached.

The Federal Occupational Safety and Health Administration (OSHA) had established an “Emergency Temporary Standard” for workplace safety standards related to COVID-19 prevention and spread. These mandates are being challenged in court and may be tied up for several months. An Appeals Court re-instated the vaccine and testing requirements December 17<sup>th</sup>, while the case made it through the system.

As a “State Plan State,” California is required to adopt its own OSHA regulations that are at least as restrictive as the Federal OSHA policy. California has 30 days to adopt a policy after the federal policy is adopted. As of December 21, 2021, the Cal OSHA Board had postponed the adoption of the Federal regulation. If ultimately approved, any employer with more than 100 employees would need to require every employee to be vaccinated, or conduct weekly testing.

In anticipation of having a federal OSHA policy, working with the California Department of Public Health (CDPH), Cal/OSHA has developed a “COVID Prevention Plan” (“CPP”) for businesses with more than 100 employees. It went into effect January 14, 2022. This is a twenty-page comprehensive strategy for all varieties of employees in a workplace, as it relates to vaccinations, and exposure to those who are positive for COVID. It defines how and when testing is required

under many different scenarios. It stipulates when and for how long quarantines have to be observed. It defines various forms of testing, and defines “face coverings.”

Although the City is exempt from these policies, it is beneficial to have this administrative policy to be certain that the employees follow the correct protocols, and are treated fairly. Note that the employer is required to pay for testing and time needed to have the tests taken.

In May, CIRA provided an updated CPP. Last month, the law firm Liebert Cassidy and Whitmore provided an even larger, more detailed, version. It includes a telework policy as well as other updates.

### **DISCUSSION:**

The attached CPP is basically the updated May version from CIRA. Staff had Regional Government Services review the two CPP’s and agreed that the more simple May policy is better for our City.

This update provides a clear description of how the City will respond to employees reportedly in contact with others, asymptomatic but COVID-19 positive, and when they are sick with COVID-19. Some of these updates are now required by Cal OSHA and State Labor law and formal notices are required if possibly more than one employee was in close contact with another that is now testing positively. When the State of Emergency ends, the need for this policy will also end.

### **ATTACHMENTS**

Resolution and Covid Prevention Policy Updated September 20, 2022

**RESOLUTION NO. 2022 - XX**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN JUAN BAUTISTA UPDATING THE COVID PROTECTION PLAN ("CPP")**

**WHEREAS**, on January 18, 2022, the City received a report announcing the establishment of a COVID Prevention Plan for the City and its employees; and

**WHEREAS**, subsequently, several CAL-OSHA and Labor laws, procedures, and safety protocols have been updated; and

**WHEREAS**, the City is fortunate that it has been able to maintain a steady workforce despite being in the State of Emergency caused by the highly contagious virus COVID-19; and

**WHEREAS**, the City's insurance carrier recommends that the CPP be updated to assure the safety of the public and its employees, and to follow the new laws; and

**WHEREAS**, the City Council has reviewed the updated CPP, and agrees that by adopting the updated CPP, it will improve the safety of its employees and the public they encounter; and

**WHEREAS**, the City Council agrees to adopt a resolution and update its CPP.

**NOW, THEREFORE, BE IT RESOLVED THAT THE CITY COUNCIL OF THE CITY OF SAN JUAN BAUTISTA NOW HEREBY FINDS:**

1. That the recitals in this Resolution and accompanying staff report are true and correct and are hereby made a part of this Resolution.
2. It agrees to adopt the attached Resolution and update its COVID Prevention Policy.

**PASSED AND ADOPTED** by the City Council of the City of San Juan Bautista at a regular meeting held on the 20<sup>th</sup> day of September, 2022, by the following vote:

**AYES:**

**NOES:**

**ABSENT:**

**ABSTAIN:**

**ATTEST:**

\_\_\_\_\_  
Leslie Q. Jordan, Mayor

\_\_\_\_\_  
Don Reynolds. Acting Deputy City Clerk

# City of San Juan Bautista

## COVID-19 Prevention Program

Revised 09/20/2022

## **PURPOSE:**

The purpose of the City's COVID-19 Prevention Program ("CPP") is control exposures to the SARS-CoV-2 virus that may occur at City worksites.

## **AUTHORITY AND RESPONSIBILITY**

This CPP applies to all employees except for employees who do not have contact with other persons, employees who are teleworking, or who are covered under the City's Aerosol Transmissible Disease (ATD) program.

**[Enter name or job title of the person(s)]** has overall authority and responsibility for implementing the provisions of this CPP. In addition, all managers and supervisors are responsible for implementing and maintaining the CPP in their assigned work areas and for ensuring employees receive answers to questions about the program in a language they understand.

All employees are responsible for using safe work practices, following all directives, policies and procedures, and assisting in maintaining a safe work environment.

## **DEFINITIONS:**

For the purposes of the CPP, the following definitions shall apply:

**"Close Contact"** [S]omeone sharing the same indoor airspace (e.g., home, clinic waiting room, airplane etc.) for a cumulative total of 15 minutes or more over a 24-hour period (for example, three individual 5-minute exposures for a total of 15 minutes) during an infected person's (laboratory-confirmed or a clinical diagnosis) infectious period.

Exception: Employees have not had a close contact if they wore a respirator required by employer and used in compliance with section 5144, whenever they were within six feet of the COVID-19 case during the infectious period.

**"COVID-19"** means coronavirus disease, an infectious disease caused by the severe acute respiratory syndrome coronavirus 2 (SARS-CoV-2).

**"COVID-19 case"** A person who: (1) Has a positive COVID-19 test; or (2) Has a positive COVID-19 diagnosis from a licensed health care provider; or (3) Is subject to COVID-19-related order to isolate issued by a local or state health official; or (4) Has died due to COVID-19, in determination of a local health department or per inclusion in the COVID-19 statistics of a county.

**"COVID-19 hazard"** means potentially infectious material that may contain SARS-CoV-2, the virus that causes COVID-19. Potentially infectious materials include airborne droplets, small particle aerosols, and airborne droplet nuclei, which most commonly result from a person or persons exhaling, talking or

vocalizing, coughing, or sneezing, or from procedures performed on persons which may aerosolize saliva or respiratory tract fluids.

**“COVID-19 symptoms”** means one of the following: (1) fever of 100.4 degrees Fahrenheit or higher or chills; (2) cough; (3) shortness of breath or difficulty breathing; (4) fatigue; (5) muscle or body aches; (6) headache; (7) new loss of taste or smell; (8) sore throat; (9) congestion or runny nose; (10) nausea or vomiting; or (11) diarrhea, unless a licensed health care professional determines the person’s symptoms were caused by a known condition other than COVID-19.

**“COVID-19 test”** means a viral test for SARS-CoV-2 that is: (1) Approved by the United States Food and Drug Administration (FDA) or has an Emergency Use Authorization from the FDA to diagnose current infection with the SARS-CoV-2 virus; and (2) Administered in accordance with the FDA approval or the FDA Emergency Use Authorization as applicable. To meet the return to work criteria set forth in subsection (c)(10), a COVID-19 test may be **self-administered and self-read only if another means of independent verification of the results can be provided (e.g., a time-stamped photograph of the results).**

**“Exposed Group”** All employees at a work location, working area, or a common area at work, where an employee was present at any time during the infectious period. A common area at work includes bathrooms, walkways, hallways, aisles, break or eating areas, and waiting areas. The following exceptions apply;

A) For the purpose of determining the exposed group, a place where persons momentarily pass through while everyone is wearing face coverings, without congregating, is not a work location, working area, or a common area at work.

B) If the COVID-19 case was part of a distinct group of employees who are not present at the workplace at the same time as other employees, for instance a work crew or shift that does not overlap with another work crew or shift, only employees within that distinct group are part of the exposed group.

C) If the COVID-19 case visited a work location, working area, or a common area at work for less than 15 minutes during the infectious period, and all persons were wearing face coverings at the time the COVID-19 case was present, other people at the work location, working area, or common area are not part of the exposed group.

NOTE: An exposed group may include the employees of more than one employer.

**“Face covering”** A surgical mask, a medical procedure mask, a respirator worn voluntarily, or a tightly woven fabric or non-woven material of at least two layers that completely covers the nose and mouth and is secured to the head with ties, ear loops, or elastic bands that go behind the head. If gaiters are worn, they shall have two layers of fabric or be folded to make two layers. A face covering is a solid piece of material without slits, visible holes, or punctures, and must fit snugly over the nose, mouth, and chin with no large gaps on the outside of the face. A face covering does not include a scarf, ski mask, balaclava, bandana,

turtleneck, collar, or single layer of fabric. This definition includes clear face coverings or cloth face coverings with a clear plastic panel that otherwise meet this definition and which may be used to facilitate communication with people who are deaf or hard-of-hearing or others who need to see a speaker's mouth or facial expressions to understand speech or sign language respectively.

**“Infectious period”** means for symptomatic infected persons, 2 days before the infected person had any symptoms through Day 10 after symptoms first appeared (or through Days 5-10 if testing negative on Day 5 or later), and 24 hours have passed with no fever, without the use of fever-reducing medications, and symptoms have improved, OR

For asymptomatic infected persons, 2 days before the positive specimen collection date through Day 10 after positive specimen collection date (or through Days 5-10 if testing negative on Day 5 or later) after specimen collection date for their first positive COVID-19 test.

**“Respirator”** A respiratory protection device approved by the National Institute for Occupational Safety and Health (NIOSH) to protect the wearer from particulate matters, such as an N95 filtering facepiece respirator.

**“Returned case”** A COVID-19 case who returned to work pursuant to subsection (c)(10) and did not develop any COVID-19 symptoms after returning. A person shall only be considered a returned case for 90 days after the initial onset of COVID-19 symptoms or, if the person never developed COVID-19 symptoms, for 90 days after the first positive test. If a period of other than 90 days is required by a CDPH regulation or order, that period shall apply.

**“Worksite”** For the limited purposes of sections 3205 through 3205.4 only, means the building, store, facility, agricultural field, or other location where a COVID-19 case was present during the infectious period. It does not apply to buildings, floors, or other locations of the employer that a COVID-19 case did not enter, locations where the worker worked by themselves without exposure to other employees, or to a worker's personal residence or alternative work location chosen by the worker when working remotely.

## **IDENTIFICATION AND EVALUATION OF COVID-19 HAZARDS**

The City will implement the following at our worksites:

- Conduct worksite-specific evaluations using the Appendix A: Identification of COVID-19 Hazards form or similar form.
- Evaluate employees' potential worksite exposures to all persons at, or who may enter, our worksite.

- Review applicable orders and general and industry-specific guidance from the State of California, Cal/OSHA, and the local health department related to COVID-19 hazards and prevention.
- Evaluate existing COVID-19 prevention controls at our worksites and the need for different or additional controls.
- Conduct periodic inspections to identify unhealthy conditions, work practices, and work procedures related to COVID-19 and to ensure compliance with our COVID-19 policies and procedures.

### ***Screening Employees for COVID-19 Symptoms***

The City possesses authority to require employees to be screened for COVID-19 symptoms prior to entering a worksite. Each worksite will either require employees to self-screen according to CDPH guidelines or will direct screen employees when they come to work by taking employee temperatures and asking about potential symptoms prior to entering a worksites. When direct screening is used indoors, face coverings will be worn by both the screener and unvaccinated employees using a non-contact thermometer used.

Should an employee present COVID-19 symptoms during an administered screening or a self-screen, the City will instruct the employee to remain at or return to their home or place of residence and not report to work until such time as the employee satisfies the minimum criteria to return to work. The City will advise employees of any leaves to which they may be entitled during this self-quarantine period. Further, the City has adopted policies and procedures that ensure the confidentiality of employees and comply with the CMIA, and will not disclose to other employees the fact that the employees presented COVID-19 symptoms.

### ***Ventilation and Filtration Efficiency***

For indoor locations, we will evaluate how to maximize ventilation with outdoor air to the highest level of filtration efficiency compatible with the existing ventilation system and whether the use of portable or mounted high efficiency particulate air (HEPA) filtration units, or other air cleaning systems, would reduce the risk of COVID-19 transmission.

We will review applicable orders and guidance from the State of California and the local health department related to COVID-19 hazards and prevention. These orders and guidance are both information of general application, including Interim Guidance for Ventilation, Filtration, and Air Quality in Indoor Environments by CDPH and information specific to our industry, location, and operations.

### **CORRECTION OF COVID-19 HAZARDS**

The City will implement effective policies and/or procedures for correcting unsafe or unhealthy conditions, work practices, policies and procedures in a timely manner based on the severity of the hazard.

This includes, but is not limited to, implementing controls and/or policies and procedures in response to the evaluations conducted related to the identification and evaluation of COVID-19 hazards and investigating and responding to COVID-19 cases at City worksites.

## **CONTROL OF COVID-19 HAZARDS**

### ***Face Coverings***

The City shall provide face coverings to all employees upon request and ensure they are worn by employees when required by orders from CDPH. We will ensure required face coverings are clean and undamaged, and they are worn over the nose and mouth.

When employees are required to wear face coverings, the following exceptions apply:

- A. When an employee is alone in a room or vehicle.
- B. While eating or drinking at the workplace, provided employees are at least six feet apart and outside air supply to the area, if indoors, has been maximized to the extent feasible.
- C. Employees wearing respirators required by the employer and used in compliance with CCR Title 8 section 5144.
- D. Employees who cannot wear face coverings due to a medical or mental health condition or disability or who are hearing-impaired or communicating with a hearing-impaired person. Alternatives will be considered on a case-by-case basis.
- E. Specific tasks that cannot feasibly be performed with a face covering. This exception is limited to the time period in which such tasks are actually being performed.

Any employee not wearing a face covering, pursuant to the exceptions listed in items (d) and (e) above, and not wearing a non-restrictive alternative when allowed by Section 3205 (c)(6)(E) shall be tested at least weekly for COVID-19 during employee paid time and at no cost to the employee.

### ***Hand sanitizing***

In order to implement effective hand sanitizing procedures, the City will

- Evaluate handwashing facilities.
- Determine the need for additional facilities.
- Encourage and allow time for employee handwashing.
- Provide employees with an effective hand sanitizer, and prohibit hand sanitizers that contain methanol (i.e. methyl alcohol).
- Encourage employees to wash their hands for at least 20 seconds

### ***Personal protective equipment (PPE)***

The City will evaluate the need for PPE (such as gloves, goggles, and face shields) as required by CCR Title 8, section 3380, and provide such PPE as needed.

Upon request, we will provide respirators for voluntary use, in compliance with subsection 5144 (c)(2) to all employees who are working indoors or in vehicles with more than one person. We will encourage their use and ensure employees are provided with a respirator of the correct size.

The City provides eye protection and respiratory protection in accordance with section 5144 when employees are exposed to procedures that may aerosolize potentially infectious material such as saliva or respiratory tract fluids.

Additional measures will be utilized as required by state and local health departments.

We will make COVID-19 testing available, during employee paid time, at no cost to employees with COVID-19 symptoms.

### **INVESTIGATING AND RESPONDING TO COVID-19 CASES**

In the event that employees test positive for COVID-19 or are diagnosed with COVID-19 by a health care provider, the City will instruct the employees to remain at or return to their home or place of residence and not report to a worksite until such time as the employees satisfy the minimum criteria to return to work. An investigation will be conducted to determine who may have had close contact with COVID-19 case.

All employees who had potential COVID-19 close contact in our workplace will be:

- Informed of their possible exposure to COVID-19 in the workplace while maintaining confidentiality
- Offered COVID-19 testing through their health provider or if not covered by insurance offered testing through another provider at no cost during their working hours
- Provided information on benefits as outlined in the Training and Instruction section

The City will protect the confidentiality of the COVID-19 cases and will not disclose to other employees the fact that the employees tested positive for or were diagnosed with COVID-19. The City will keep confidential all personal identifying information of COVID-19 cases unless expressly authorized by the employees to disclose such information or as other permitted or required under the law.

### ***Contact Tracing***

The City will utilize Appendix C: Investigating COVID-19 Cases for or similar form in order to determine:

1. The date on which the employees tested positive, if asymptomatic, or the date on which the employees first presented COVID-19 symptoms, if symptomatic;

2. The COVID-19 cases recent work history, including the day and time they were last present at a **City** worksite; and
3. The nature and circumstances of the COVID-19 cases' contact with other employees during the infectious period, including whether there were any COVID-19 close contacts.

If the **City** determines that there were any COVID-19 close contacts, the **City** will review and follow current CDPH guidance for quarantine and other measures to reduce transmission.

### ***Reporting the Potential Exposure to Other Employees***

The **City** will comply with all reporting and recording obligations as required under the law, including, but not limited to, reporting the COVID-19 case to the following individuals and institutions as required based on the individual circumstances: (1) employees who were present at a worksite when the COVID-19 case was present; and (2) subcontracted employees who were present at the worksite.

The **City** will provide COVID-19 testing at no cost to employees during their working hours to all employees who had potential COVID-19 close contact at a worksite. The **City** will provide these employees with information regarding COVID-19-related benefits to which the employees may be entitled under applicable federal, state, or local laws. This includes any benefits available under workers' compensation law, the federal Families First Coronavirus Response Act (FFCRA), Labor Code sections 248.1 and 248.5, Labor Code sections 3212.86 through 3212.88, local governmental requirements, the **City's** own leave policies, and leave guaranteed by contract.

The **City** will continue to provide and will maintain these employees' earnings, seniority, and all other employee rights and benefits, including the employees' right to their former job status, as if the employees had not been removed from their jobs.

The **City** may require that these employees use employer-provided employee sick leave benefits for this purpose and consider benefit payments from public sources in determining how to maintain earnings, rights and benefits, where permitted by law and when not covered by workers' compensation.

### ***Investigation to Determine Whether Workplace Conditions Contributed to COVID-19 Exposure***

The **City** will conduct an investigation in order to determine whether any worksite conditions could have contributed to the risk of COVID-19 exposure and what could be done to reduce exposure to COVID-19 hazards.

## **SYSTEM FOR COMMUNICATING**

The **City's** goal is to ensure there is effective two-way communication with our employees, in a form they can readily understand, and that it includes the following information:

- City policy requires that employees immediately report to their manager or supervisor or to the Department of Human Resources any of the following: (1) the employee's presentation of COVID-19 symptoms; (2) potential close contact to a person with COVID-19; (3) possible COVID-19 hazards at worksites. Any employee making such a report can do so without fear of reprisal.
- City policy provides for an accommodation process for employees who have a medical or other condition identified by the Centers for Disease Control and Prevention ("CDC") or the employees' health care provider as placing or potentially placing the employees at increased risk of severe COVID-19 illness.
  - To request an accommodation under the **CCP** policy, employees may make a request with their manager or supervisor or the Department of Human Resources.
- Where testing is not required, how employees can access COVID-19 testing
- In the event the City is required to provide testing because of a worksite exposure or outbreak, the City will communicate the plan for providing testing and inform affected employees of the reason for the testing and the possible consequences of a positive test.
- COVID-19 testing is not required for employees for COVID-19 cases who have returned to work and have remained free of COVID-19 symptoms, for 90 days after the initial onset of COVID-19 symptoms or, for COVID-19 cases who never developed symptoms, for 90 days after their first positive test.
- Information about COVID-19 hazards employees (including other employers and individuals in contact with our workplace) may be exposed to, what is being done to control those hazards, and our COVID-19 policies and procedures.

## **TRAINING AND INSTRUCTION OF EMPLOYEES**

The City will provide training and instruction that includes:

- COVID-19 policies and procedures to protect employees from COVID-19 hazards.
- Information regarding COVID-19-related benefits to which the employee may be entitled under applicable federal, state, or local laws. This includes any benefits available under legally mandated sick and vaccination leave, if applicable, workers' compensation law, local governmental requirements, our leave policies, and leave guaranteed by contract, and Section 3205.

- The fact that:
  - COVID-19 is an infectious disease that can be spread through the air.
  - COVID-19 may be transmitted when a person touches a contaminated object and then touches their eyes, nose, or mouth.
  - An infectious person may have no symptoms.
- Our policy for providing respirators, and the right of employees who are not fully vaccinated to request a respirator for voluntary use as stated in this program, without fear of retaliation and at no cost to employees. Whenever respirators are provided for voluntary use under this section or section 3205.1 through 3205.4, training will be provided on how to properly wear the respirator, and how to perform a seal check according to the manufacturer's instructions each time a respirator is worn, and the fact that facial hair interferes with the seal.
- The fact that particles containing the virus can travel more than six feet, especially indoors, so physical distancing must be combined with other controls, including face coverings and hand hygiene, to be effective.
- The importance of frequent hand washing with soap and water for at least 20 seconds and using hand sanitizer when employees do not have immediate access to a sink or hand washing facility, and that hand sanitizer does not work if the hands are soiled.
- Proper use of face coverings and the fact that face coverings are not respiratory protective equipment. COVID-19 is an airborne disease. N95s and more protective respirators protect the users from airborne disease while face coverings are intended to primarily protect people around the user.
- COVID-19 symptoms, and the importance of obtaining a COVID-19 test and not coming to work if the employee has COVID-19 symptoms.
- Information on our COVID-19 policy, how to access COVID-19 testing and vaccination; and the fact that vaccination is effective at preventing COVID-19, protecting against both transmission and serious illness or death.
- The conditions under which face coverings must be worn at the workplace and that face coverings are additionally recommended outdoors for people who are not fully vaccinated if six feet of distance cannot be maintained. Employees can request face coverings from the employer at no cost to the employee and can wear them at work, regardless of vaccination status, without fear of retaliation.

## REPORTING, RECORDKEEPING, AND ACCESS

It is the City's policy to:

- Report information about COVID-19 cases at a City worksite to the local health department whenever required by law, and provide any related information requested by the local health department.
- Maintain records of the steps taken to implement our written COVID-19 Prevention Program in accordance with CCR Title 8 section 3203(b).
- Make our written COVID-19 Prevention Program available at the worksite to employees, authorized employee representatives, and to representatives of Cal/OSHA immediately upon request.
- Use the **Appendix C: Investigating COVID-19 Cases** form to keep a record of and track all COVID-19 cases. The information will be made available to employees, authorized employee representatives, or as otherwise required by law, with personal identifying information removed.

## EXCLUSION OF COVID-19 CASES

Where we have a COVID-19 case in our workplace and employees who had a close contact, we will limit transmission by following CDPH guidance for persons who had close contacts and ensuring COVID-19 cases are excluded from the workplace until our return-to-work requirements are met.

Additionally, we will continue and maintain an employee's earnings, seniority, and all other employee rights and benefits whenever we've demonstrated that the COVID-19 exposure is work related.

## RETURN-TO-WORK CRITERIA

The City will ensure that COVID-19 cases are excluded from the worksite until the individual satisfies the minimum return to work criteria as noted below or as issued by the CDPH pursuant to the Governor's executive order, whichever is shorter.

- COVID-19 cases, regardless of vaccination status or previous infection, who do not develop COVID-19 symptoms or whose COVID-19 symptoms are resolving, shall not return to work until:
  - At least 24 hours have passed since a fever of 100.4 or higher has resolved without the use of fever-reducing medications;
  - At least five days have passed from the date that COVID-19 symptoms began or, if the person does not develop COVID-19 symptoms, from the date of first positive COVID-19 test;
  - A negative COVID-19 test from a specimen collected on the fifth day or

later is obtained; or, if unable to test or the employer chooses not to require a test, 10 days have passed from the date that COVID-19 symptoms began or, if the person does not develop COVID-19 symptoms, from the date of first positive COVID-19 test.

- Close contacts, the City will review current CDPH guidance regarding quarantine periods and other measures to reduce transmission.

Regardless of vaccination status, previous infection, or lack of COVID-19 symptoms, a COVID-19 case shall wear a face covering in the workplace until 10 days have passed since the date that COVID-19 symptoms began or, if the person did not have COVID-19 symptoms, from the date of their first positive COVID-19 test.

If an order to isolate or quarantine an employee is issued by a local or state health official, the employee will not return to work until the period of isolation or quarantine is completed or the order is lifted. If no period was specified, then the period will be 10 days from the time the order to isolate was effective.

#### ***Provision of Information Concerning Benefits to Excluded Employees***

At the time of exclusion, the City will provide the excluded employees the information on benefits to which the employees may be entitled under applicable federal, state, or local laws.

This includes any benefits available under workers' compensation law, the FFCRA, Labor Code sections 248.1 and 248.5, Labor Code sections 3212.86 through 3212.88, the City's own leave policies, and leave guaranteed by contract.

#### ***Allowance by Cal/OSHA for an Employee to Return to Work***

If there are no violations of state or local health officer orders for isolation or quarantine, Cal/OSHA may, upon request, allow employees to return to a worksite on the basis that the removal of employees would create undue risk to a community's health and safety.

In such cases, the City will develop, implement, and maintain effective control measures to prevent transmission in the workplace including providing isolation for the employees at the worksite and, if isolation is not possible, the use of respiratory protection in the workplace.

### ***Exclusion of COVID-19 cases***

The City will ensure COVID-19 cases and employees who had COVID-19 exposure are excluded from the worksite in accordance with our CPP **Exclusion of COVID-19 Cases and Return to Work Criteria** requirements, and local health officer orders if applicable.

### ***COVID-19 investigation, review and hazard correction***

In addition to the CPP **Identification and Evaluation of COVID-19 Hazards and Correction of COVID-19 Hazards**, the City will immediately perform a review of potentially relevant COVID-19 policies, procedures, and controls and implement changes as needed to prevent further spread of COVID-19.

The investigation and review will be documented and include:

- Investigation of new or unabated COVID-19 hazards including:
  - Our leave policies and practices and whether employees are discouraged from remaining home when sick.
  - Our COVID-19 testing policies.
  - Insufficient outdoor air.
  - Insufficient air filtration.
  - Lack of physical distancing.
- Updating the review:
  - Every thirty days that the outbreak continues.
  - In response to new information or to new or previously unrecognized COVID-19 hazards.
  - When otherwise necessary.
- Implementing changes to reduce the transmission of COVID-19 based on the investigation and review. We will consider:
  - Moving indoor tasks outdoors or having them performed remotely.
  - Increasing outdoor air supply when work is done indoors.
  - Improving air filtration.
  - Increasing physical distancing as much as possible.
  - Respiratory protection.

In buildings or structures with mechanical ventilation, we will filter recirculated air with minimum efficiency reporting value (MERV) 13 or higher efficiency filters if compatible with the ventilation system. If MERV-13 or higher filters are not compatible with the ventilation system, we will use filters with the highest compatible filtering efficiency. We will also evaluate whether portable mounted high efficiency particulate air (HEPA) filtration units or other air cleaning systems would reduce the risk of transmission and, if so, will implement their use to the degree feasible.

## **MULTIPLE COVID-19 INFECTIONS AND COVID-19 OUTBREAKS**

If there are three or more COVID-19 cases within a 14-day period or a worksite is identified by the local health department as the location of an outbreak, this section of CPP will stay in effect until there are no new COVID-19 cases detected at that worksite for a 14-day period.

### ***COVID-19 testing***

We will make COVID-19 testing available at no cost to all employees within the exposed group except for employees who were not present during the period of an outbreak identified by a local health department or the relevant 14-day period, or for COVID-19 cases who did not develop symptoms after returning to work, no testing is required for 90 days after the initial onset of COVID-19 symptoms or, for COVID-19 cases who never developed symptoms, 90 days after the first positive test. COVID-19 testing will be provided at no cost to employees during employees' working hours.

COVID-19 testing consists of the following:

- Testing shall be made available to all employees in the exposed group and then again one week later. Negative COVID-19 test results of employees with COVID-19 exposure will not impact the duration of any quarantine period required by, or orders issued by, the local health department.
- After the first two COVID-19 tests, we will continue to make COVID-19 testing available once a week at no cost to all employees in the exposed group who remain at the workplace at least once per week, or more frequently if recommended by the local health department, until this section no longer applies, pursuant to more protective stringent state or local health department mandates or guidance. Any employees in the exposed group who are not wearing respirators required by this policy and used in compliance with section 5144 shall be separated from other persons by at least six feet, except where it can be demonstrated that six feet of separation is not feasible, and except for momentary exposure while persons are in movement. When it is not feasible to maintain a distance of at least six feet, individuals shall be as far apart as feasible.

All employees in the exposed group shall wear face coverings when indoors or when outdoors and less than six feet from another person.

Notice shall be given to employees in the exposed group of their right to request a respirator for voluntary use if they are not fully vaccinated.

An evaluation of the worksite will be completed to determine whether to implement physical distancing of at least six feet between persons or, where six feet of physical distancing is not feasible, the use of cleanable solid partitions of sufficient size to reduce COVID-19 transmission.

## **MAJOR COVID-19 OUTBREAKS**

If there are 20 or more COVID-19 cases within a 30-day period, this section of CPP will stay in effect until there are no new COVID-19 cases detected at that worksite for a 14-day period.

### ***COVID-19 testing***

In addition to outbreak testing requirements, testing will be required of all employees in the exposed group, regardless of vaccination status twice a week, or more frequently if recommended by the local health department. COVID-19 testing will be provided at no cost to employees during employees' working hours. Employees in the exposed group shall be tested or shall be excluded and follow the return to work requirements of subsection 3205(c)(10) starting from the date that the outbreak begins

The City will provide a respirator for voluntary use in compliance with subsection 5144 (c)(2) to employees in the exposed groups and will determine the need for a respiratory protection program or changes to an existing respiratory protection program under section 5144 to address COVID-19 hazards.

Any employees in the exposed group who are not wearing respirators required by this policy and used in compliance with section 5144 shall be separated from other persons by at least six feet, except where it can be demonstrated that six feet of separation is not feasible, and except momentary exposure while persons are in movement. Methods of physical distancing include: telework or other remote work arrangements; reducing the number of persons in an area at one time, including visitors; staggered arrival, departure, work, and break times; and adjusted work processes or procedures, such as reducing production speed, to allow greater distance between employees. When it is not feasible to maintain a distance of at least six feet, individuals shall be as far apart as feasible.

The City will evaluate whether to halt some or all operations at the workplace until COVID-19 hazards have been corrected.

### ***Exclusion of COVID-19 cases***

The City will ensure COVID-19 cases and employees with COVID-19 exposure are excluded from the worksite in accordance with our CPP **Exclusion of COVID-19 Cases** and **Return to Work Criteria**, and any relevant local health department orders.

### ***Investigation of workplace COVID-19 illnesses***

The City will comply with the requirements of the CPP **Investigating and Responding to COVID-19 Cases**.

## Appendix A

### Current CDPH Quarantine Guidance as of 5/11/22

For employees who had a close contact, employers must review CDPH guidance and implement quarantine and other measures to prevent COVID-19 transmission in the workplace. Please refer to table 2 and table 3 below for CDPH quarantine guidance after close contact. Where the tables refer to action to be taken on a specified day (e.g. “day 5” or “day 10”), day 1 is the first day following the onset of symptoms or, if no symptoms develop, the day following the first positive test.

**Table 1: Exclusion Requirements for Employees Who Test Positive for COVID-19**

Requirements apply to **all** employees, regardless of vaccination status, previous infection, or lack of symptoms.

- Employees who test positive for COVID-19 must be excluded from the workplace for at least 5 days after start of symptoms or after date of first positive test if no symptoms.
- Isolation can end and employees may return to the workplace after day 5 if symptoms are not present or are resolving, **and** a diagnostic specimen\* collected on day 5 or later tests negative.
- If an employee’s test on day 5 (or later) is positive, isolation can end and the employee may return to the workplace after day 10 if they are fever-free for 24 hours without the use of fever reducing medications.
- If an employee is unable or choosing not to test, isolation can end and the employee may return to the workplace after day 10 if they are fever-free for 24 hours without the use of fever reducing medications.
- If an employee has a fever, isolation must continue, and the employee may not return to work until 24 hours after the fever resolves without the use of fever reducing medications.
- If an employee’s symptoms other than fever are not resolving, they may not return to work until their symptoms are resolving or until after day 10.
- Employees must wear face coverings around others for a total of 10 days.

\*Antigen test preferred.

**Table 2: Employees Who Are Exposed to Someone with COVID-19 – Asymptomatic**

For employees who are **asymptomatic**.

Applies to all employees, regardless of vaccination status.

- Exposed employees must test within three to five days after their last close contact. Persons infected within the prior 90 days do not need to be tested unless symptoms develop.
- Employees must wear face coverings around others for a total of 10 days after exposure
- If an exposed employee develops symptoms, they must be excluded pending the results of a test.
- If an exposed employee who develops symptoms is unable to test or choosing not to test, they must be excluded until 10 days after the date of symptom onset.
- If an exposed employee tests positive for COVID-19, they must follow the isolation requirements above in Table 1.
- Employees are strongly encouraged to get vaccinated and boosted.

Antigen test preferred.

**Table 3: Employees Who Are Exposed to Someone with COVID-19 - Symptomatic**

For employees who are **symptomatic**.

Applies to all employees, regardless of vaccination status.

- Symptomatic employees must be excluded and test as soon as possible. Exclusion must continue until test results are obtained.
- If the employee is unable to test or choosing not to test, exclusion must continue for 10 days.
- If the employee tests negative and returns to work earlier than 10 days after the close contact, the employee must wear a face covering around others for 10 days following the close contact.
- CDPH recommends continuing exclusion and retesting in 1-2 days if testing negative with an antigen test, particularly if tested during the first 1-2 days of symptoms.
- For symptomatic employees who have tested positive within the previous 90 days, using an antigen test is preferred.



## CITY OF SAN JUAN BAUTISTA CITY COUNCIL REPORT

**AGENDA TITLE:**                   **EXTEND THE COVID-19 SICK-LEAVE POLICY OF UP TO EIGHTY HOURS FOR EMPLOYEES ABSENT DUE TO COVID-19**

**MEETING DATE:**               September 20, 2022

**DEPARTMENT HEAD:**       Don Reynolds, City Manager

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### **RECOMMENDED ACTION:**

It is recommended that the City Council adopt the attached Resolution extending the COVID-19 sick leave program approved by the City Council by adoption of Resolution 2022-15, from September 30, 2022 to June 30, 2023.

### **BACKGROUND INFORMATION:**

The City adopted its COVID Prevention Plan ("CPP") January 18, 2022. It establishes safety protocols for COVID related exposures or sickness. The CPP is recommended to be updated on this Agenda in a separate report.

The City's personnel policies address the definition, verification and general use of Sick Leave consistent with the State's Healthy Workplace, Healthy Families Act of 2014. It authorizes the City Manager to approve and regulate the use of sick leave by City employees.

Cal OSHA in its COVID Prevention Plan describes paid sick leave for employees who are exposed on the job. But the State laws regarding any exposure for employees expired in 2021, as did the federal laws.

On February 15, 2022, the Council adopted Resolution 2022-15 consistent with RULE X: LEAVE Section 2 of its Personnel Policies, and authorized the City Manager to approve the use of up to 80 hours of sick leave for COVID-related employee illnesses. In August, the City had three employees on leave due to COVID-19. One was able to do some work from home, the two others were unable to work from home. To date, five employees have missed work due to COVID-19, and 166 hours have been provided to employees thanks to the current policy. Needless to say, COVID-19 continues to threaten the population, and must be closely monitored. The policy expires September 30, 2022.

under many different scenarios. It stipulates when and for how long quarantines have to be observed. It defines various forms of testing, and defines “face coverings.”

Although the City is exempt from these policies, it is beneficial to have this administrative policy to be certain that the employees follow the correct protocols, and are treated fairly. Note that the employer is required to pay for testing and time needed to have the tests taken.

In May, CIRA provided an updated CPP. Last month, the law firm Liebert Cassidy and Whitmore provided an even larger, more detailed, version. It includes a telework policy as well as other updates.

### **DISCUSSION:**

The attached CPP is basically the updated May version from CIRA. Staff had Regional Government Services review the two CPP’s and agreed that the more simple May policy is better for our City.

This update provides a clear description of how the City will respond to employees reportedly in contact with others, asymptomatic but COVID-19 positive, and when they are sick with COVID-19. Some of these updates are now required by Cal OSHA and State Labor law and formal notices are required if possibly more than one employee was in close contact with another that is now testing positively. When the State of Emergency ends, the need for this policy will also end.

### **ATTACHMENTS**

Resolution and Covid Prevention Policy Updated September 20, 2022

**RESOLUTION NO. 2022- XX**

**A RESOLUTION OF THE CITY OF SAN JUAN BAUTISTA EXTENDING THE COVID-19 SICK LEAVE PROGRAM ESTABLISHED BY RESOLUTION 2022-15 AND AUTHORIZE THE CITY MANAGER TO APPROVE UP TO EIGHTY-HOURS OF SICK LEAVE FOR COVID-19 RELATED ILLNESS UNTIL JUNE 30, 2023**

**WHEREAS**, the State's "Healthy Workplace, Healthy Families Act of 2014" generally requires all employers to provide sick leave to their employees; and

**WHEREAS**, the City Personnel Policies "RULE X: LEAVE Section 2 Sick Leave" defines in Section 2.3 when employees are eligible to use their accrued sick leave, and in Section 2.4 defines use of sick leave to care for sick family members, Section 2.5 requires the City Manager's authorization, and 2.7 describes how to verify the illness; and

**WHEREAS**, the City is fortunate that it has been able to maintain a steady work-force despite being in the State of Emergency caused by the highly contagious virus COVID-19, and on January 18, 2022, approved its COVID Prevention Plan, ("CPP") in-line with Cal-OSHA requirements; and

**WHEREAS**; in 2021, both the State and Federal governments have enacted special leave provisions for paid sick leave when caused by COVID-19, and many of these policies have expired; and

**WHEREAS**, other cities in the region have also established a special COVID-19 sick leave program, and authorized city managers to approve up to 80-hours of paid sick leave due to COVID 19, consistent with their CPP in an effort to promote a safe working environment and healthy families, and these principals apply to San Juan Bautista employees as well; and

**WHEREAS**, on February 9, 2022, the Governor signed legislation re-establishing paid sick leave due to COVID-19 related illness for businesses that employ more than 25-employees between January 1, 2022 and September 30, 2022; and

**WHEREAS** on February 15, 2022, the City Council adopted Resolution 2022-15, establishing a special COVID-19 sick-leave program, consistent with the provisions in its RULE X: LEAVE Section 2 of its Personnel Policies, and authorize the City Manager to approve the use of up to 80-hours of sick leave for COVID related illness that expires September 30, 2022; and

**WHEREAS**, City employees continue to be exposed to others with COVID-19, contract the virus, or have required extra leave to care for sick family members and some of these employees do not have adequate accrued sick-leave to cover their absence; and

**WHEREAS**, the Council agrees to extend the COVID-19 Sick Leave policy until June 30, 2023.

**NOW, THEREFORE, BE IT RESOLVED THAT THE CITY COUNCIL OF THE CITY OF SAN JUAN BAUTISTA NOW HEREBY FINDS:**

1. That the recitals in this Resolution and accompanying staff report are true and correct and are hereby made a part of this Resolution.
2. It agrees that the due to the continuing fast spread of COVID 19, that a special use of sick leave be established for up to eighty-hours of leave to be applied using the same parameters as those defined in RULE X: LEAVE Section 2 (et, all) of the City's Personnel Policies.
3. Authorize the City Manager to approve the use of the COVID-19 Sick Leave for employees up to 80-hours, between January 1, 2022, **and June 30, 2023.**

**PASSED AND ADOPTED** by the City Council of the City of San Juan Bautista at a regular meeting held on the 20<sup>th</sup> day of September, 2022, by the following vote:

**AYES:**

**NOES:**

**ABSENT:**

**ABSTAIN:**

**ATTEST:**

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Leslie Q. Jordan, Mayor

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Don Reynolds. Acting Deputy City Clerk

**CITY OF SAN JUAN BAUTISTA  
REGULAR CITY COUNCIL MEETING  
JULY 19, 2022, at 6:00 P.M.**

**DRAFT MINUTES**

1. **CALL TO ORDER** – Mayor Leslie Jordan called the meeting to order at 6:00 p.m. in the City Council Chambers at 311 2<sup>nd</sup> Street, San Juan Bautista, California. This is the first hybrid meeting in 2022, as such, some members were in attendance at a zoom location.

**PLEDGE OF ALLEGIANCE** – Council Member Freeman led the Pledge of Allegiance.

**ROLL CALL**

**Present:** Mayor Jordan, Vice Mayor Flores, Council Members Edge, Freels and Freeman

**Staff Present:** City Manager Reynolds, General Counsel Rathie, Assistant City Manager Foucht, City Treasurer Michelle Sabathia

2. **PUBLIC COMMENT**

Mayor Jordan called for public comments.

Darlene Boyd spoke regarding the Planning Commissioners issues and noted her complaints. She asked Council to appoint qualified citizens.

Andy Moore asked if anything could be done with the speed of traffic on Second Street and asked for speed mats to be placed at the location.

Michael Ponce asked for a timeline for completing the park restrooms.

David Medeiros spoke regarding an open letter from Council to the Planning Commission. He noted critical concerns with the letter.

At this time, Attorney Rathie reported out of Closed Session and noting that information was given, no reportable action was taken.

3. **CONSENT ITEMS**

- A. **Approve the Affidavit of Posting Agenda**
- B. **Approve the Affidavit of Posting Public Hearing Notice**
- C. **Approve the Minutes for the June 30, 2022 Special Meeting**
- D. **Adopt a Resolution of the City Council of the City of San Juan Bautista Proclaiming and Reaffirming the Existence of a Local Emergency in the City**
- E. **Adopt a Resolution of the City Council of the City of San Juan Bautista Making Findings and Determinations Under AB 361 for Continuing Virtual Meetings and Commencing Hybrid Meetings**
- F. **Adopt a Resolution of the City Council of the City of San Juan Bautista Authorizing Closure of Streets for San Juan Days**

- G. Adopt a Resolution of the City Council of the City of San Juan Bautista Authorizing Financial Support of the San Benito County Economic Development Corporation (SBC EDC) to Ensure Continued SBC EDC Advisory Support and Guidance to the San Juan Bautista Economic Development Citizens Advisory Committee**

Note: This item was pulled and heard under separate action.

- H. Waive Reading of Ordinances and Resolutions on the Agenda Beyond Title**  
**I. Approve the Minutes for the June 14, 2022 Special Meeting**

Mayor Jordan requested item 3.C. be pulled for separate consideration.

Mayor Jordan called for public comments, seeing none, she closed the public comments.

A motion was made by Council Member Edge to approve the Consent Calendar Items A, B, C, D, E, F, H, and I. The motion was seconded by Council Member Freels. The motion passed on a roll call vote of 5-0.

Mayor Jordan requested the resolution title to Item 3.C. read "Adopt a Resolution of the City Council of the City of San Juan Bautista Authorizing Financial Support of the San Benito County Economic Development Corporation (SBC EDC)".

A motion was made by Mayor Jordan to approve the resolution with the new recommended title. The motion was seconded by Council Member Edge. The motion passed on a roll call vote of 5-0.

#### **4. PRESENTATIONS, PROCLAMATIONS, INFORMATIONAL ITEMS AND REPORTS**

- A. Proclamations for the San Benito Health Foundation for National Health Center Week and Agricultural Worker Health Day**

Mayor Jordan read the proclamation into the record.

- B. Presentation by Clean California on State Hwy Beautification**

A PowerPoint presentation was given regarding State Highway Beautification project.

- C. City Council and Staff Announcements**

Each Council Member shared updates on meetings they attended and announced upcoming meetings and events.

- A. Treasurer's Report and Monthly Financial Statements by City Treasurer – Sabathia**

City Treasurer Michelle Sabathia provided a brief summary of the financial statements and fielded questions from the Council.

Mayor Jordan called for public comments, seeing none, she closed the public comments.

- B. City Manager's Report**

City Manager Reynolds gave a PowerPoint presentation regarding the updates to city activities and fielded questions from the Council.

Fire Chief Bob Martin Del Campo provided a brief update on the Fire Department.

Sheriff's Deputy Ryan Miller provided a brief update on the Sheriff's Office.

Mayor Leslie called for public testimony.

Cara Vonk testified on public bathroom and electric car plug-ins.

Teresa Lavagnino testified on school playgrounds being open to the public.

**C. Reports from City Council Representatives to Regional Organizations and Committees**

This item was addressed under Item 4C.

**5. PUBLIC HEARING ITEMS**

**A. Introduce an Ordinance of the City Council of the City of San Juan Bautista Amending Section 3-5-155 of the San Juan Bautista Municipal Code and Increasing Water Rates**

City Manager Reynolds, legal counsel Mark Mandell, and consultant from Bartle Wells & Associates, Erik Helgeson, gave the staff report and fielded questions from the Council.

Mayor Jordan opened the public hearing for comments.

Andy Moore made comments regarding the 65% water from out of area.

Cheri Foletta asked if city has resolved issues with Earthbound Farm/Taylor Farms.

Michael Ponce asked if SJB permits well 6 with nitrate problem be resolved.

Seeing no one else come forward, Mayor Jordan closed the public comment and public hearing.

Legal counsel Mark Mandell announced this was the last opportunity to file a protest.

Attorney Rathie counted the protests and announced there were five, which did not constitute a majority.

It was noted that this item would be brought back for first reading at the August meeting, with second reading at the September meeting, and will become effective 30 days after the September meeting.

**B. Adopt a Resolution of the City Council of the City of San Juan Bautista Levying the Annual Special Tax for Community Facilities District No. 2018-01 for Fiscal Year 2022/23**

City Manager Reynolds provided the staff report and fielded questions from the Council.

Mayor Jordan called for public comments, seeing none, she closed the public comments.

A motion was made by Council Member Flores to approve the resolution levying the Annual Special Tax for Community Facilities District No. 2018-01 for Fiscal Year 2022-23. The motion was seconded by Council Member Freeman. The motion passed on a roll call vote of 5-0.

**6. ACTION ITEMS**

**A. Designate a Voting Delegate and Alternate for the League of California Cities Annual Conference & Expo September 7-9, 2022**

A motion was made by Council Member Edge to designate the Voting Delegate as Mayor Jordan and Alternate as Vice Mayor Flores for the League of California Cities Annual Conference. The motion was seconded by Council Member Freels. The motion passed on a roll call vote of 5-0.

## **7. DISCUSSION ITEMS**

### **A. Recology Rate Increase**

Celina Stotler of the San Benito County Integrated Waste Management Agency and Mike Kelly of Recology presented a brief report on waste rate increases.

Mayor Jordan called for public comments, seeing none, she closed public comments.

### **B. Fireworks**

City Manager Reynolds presented the staff report.

Mayor Jordan asked for public comments.

Tyler Jordan read part of the resolution and asked for clarification, he also noted the city had less security than the year before. Cara Vonk noted if only two citations were given and the city spent \$8,000, she felt it was a waste of city funds.

### **C. Path Forward for the City's Sphere of Influence**

Assistant City Manager Brian Foucht presented the staff report.

Mayor Jordan called for public comments.

EJ Sabathia testified there was confusion at the public meetings regarding the map and stated there was good information sharing from staff. Cara Vonk stated the plan should be community driven and suggested reviving the Ad Hoc Committee to let the community members decide the direction of planning. Jackie Morris-Lopez stated she felt this should be community driven.

### **D. Update on Process for Filling Vacant Seat on Planning Commission**

City Manager Reynold noted there had been one citizen interested.

Mayor Jordan called for public comments.

Jackie Morris-Lopez spoke to issues with absences on the Commission.

Tony Correia stated he submitted his application. Staff noted their receipt of the application.

### **E. General and Municipal Election Update**

City Manager Reynolds provided an update on the number of open seats, ballot measures, and candidate filing deadlines.

## **8. ADJOURNMENT**

Mayor Jordan adjourned the meeting at 10:06 p.m.

Respectfully submitted,

---

Don Reynolds, City Manager/Acting City Clerk



**City of San Juan Bautista**  
*The "City of History"*  
**SPECIAL CITY COUNCIL MEETING**  
**MINUTES**

**Item #3H**

**THURSDAY ~ AUGUST 9, 2022**

**1. Call to Order**

Mayor Jordan called the meeting to order at 12:04 p.m.

Pledge of Allegiance was led by Council Member Edge

**Roll Call**

**Present:** Mayor Jordan, Council Member Freeman and Council Member Edge

**Absent:** Vice Mayor Flores and Council Member Freels

**2. Public Comment**

Mayor Jordan announced that public comments will be at the time the item comes up for discussion.

**3. Action Items**

**A. Approve Affidavit of Posting Agenda.**

**Motion by Council Member Freeman, seconded by Council Member Edge to Approve the Affidavit of Posting Agenda.**

**Motion passes by roll call vote, 3-0-0-2 with Council Members Flores and Freels absent.**

**B. Adopt a Resolution of the City Council of the City of San Juan Bautista Amending Resolution 2022-55 to Set Forth the Manner of Their Election and the Term of Office for Persons Elected to the City Council, to the Office of Clerk, and to the Office of City Treasurer at the November 8, 2022, General Municipal Election**

City Attorney Rathie noted the following correction: in the draft resolution as presented, Section 4 incorrectly stated the Office of City Clerk and Section 5 incorrectly stated the Office of City Treasurer. Section 4 correctly stated is office of City Treasurer and Section 5 correctly stated is Office of City Clerk.

Mayor Jordan asked for public comments, seeing none, she closed the public comments.

**Motion by Council Member Freeman, seconded by Council Member Edge to adopt Resolution 2022-62 Amending Resolution 2022-55 to Set Forth the Manner of Their Election and the Term of Office for Persons Elected to the City Council, to the Office of Clerk, and to the Office of City Treasurer at the November 8, 2022, General Municipal Election, to include the following**

**amendments: Section 4 correctly stated is Office of City Treasurer and Section 5 correctly stated is Office of City Clerk. Motion passes by roll call vote, 3-0-0-2 with Council Members Flores and Freels absent.**

- C. Request the Mayor to draft arguments for the appointment of City Clerk and City Treasurer for the ballot before the August 12, 2022 deadline**

Mayor Jordan asked for public comments. Jackie Morris-Lopez spoke in support.

**Motion by Council Member Edge, seconded by Council Member Freeman to adopt Resolution 2022-63 requesting the Mayor to draft arguments for the appointment of City Clerk and City Treasurer for the ballot before the August 12, 2022 deadline.**

**Motion passes by roll call vote, 3-0-0-2 with Council Members Flores and Freels absent.**

- 4. Adjournment**

**There being no further business the meeting was adjourned at 12:23 p.m.**

**Respectfully submitted  
Melissa Lee, Deputy City Clerk**

**CITY OF SAN JUAN BAUTISTA  
REGULAR CITY COUNCIL MEETING  
AUGUST 16, 2022, at 6:00 P.M.**

**DRAFT MINUTES**

1. **CALL TO ORDER** – Mayor Leslie Jordan called the meeting to order at 6:00 p.m.

**PLEDGE OF ALLEGIANCE** – Council Member Flores led the Pledge of Allegiance.

**ROLL CALL**

**Present:** Mayor Jordan, Vice Mayor Flores, Council Members Freels and Freeman

**Absent:** Council Member Edge

**Staff Present:** City Manager Reynolds, General Counsel Rathie, Assistant City Manager Foucht, City Treasurer Michelle Sabathia, Deputy City Clerk Lee

2. **PUBLIC COMMENT**

Mayor Jordan called for public comments.

Steve Harris spoke about the local food pantry and the community need.

David Medeiros commented on the open letter received by the Planning Commission.

Emily Gottlieb commented on the need to reduce carbon emissions.

Wanda Guibert commented on general matters and concerns facing the community.

Seeing no other comments, Mayor Jordan closed the public comments.

3. **CONSENT**

- A. **Approve Affidavit of Posting Agenda**
- B. **Approve the Minutes for the July 19, 2022, Regular Meeting**
- C. **Adopt Resolution 2022-64 of the City Council of the City of San Juan Bautista Proclaiming and Reaffirming the Existence of a Local Emergency in the City**
- D. **Waive Reading of Ordinances and Resolutions on the Agenda Beyond**

Mayor Jordan called for public comments, seeing none, she closed the public comments.

A motion was made by Council Member Flores to approve the Consent Calendar in its entirety. The motion was seconded by Council Member Freeman. The motion passed on a roll call vote of 4 Yes/0 No/1 Absent (Edge).

4. **PRESENTATIONS, PROCLAMATIONS, INFORMATIONAL ITEMS AND REPORTS**

A. **City Council and Staff Announcements**

Council Members shared announced upcoming meetings and events.

**B. Reports from City Council Representatives to Regional Organizations and Committees**

Council Members shared updates on meetings they attended.

**C. Treasurer's Report and Monthly Financial Statements by City Treasurer Michelle Sabathia**

City Treasurer Sabathia provided a brief summary of the staff report and fielded questions from the Council.

**D. City Manager's Report**

**A. Fire Department Update**

Fire Chief Bob Martin Del Campo reported on general fire matters accompanied by a PowerPoint presentation and fielded questions from the Council.

Mayor Jordan called for public comments.

Jackie Morris-Lopez spoke on matters concerning fire safety.

Seeing no other comments, Mayor Jordan closed the public comments.

**B. Sheriff Department Update**

County Sherriff's Office Deputy Ryan Miller reported on general police matters concerning the community and surrounding areas.

Mayor Jordan called for public comment. Seeing no comment, she closed the public comments.

City Manager Reynolds presented the staff report accompanied by a PowerPoint presentation and fielded questions by the Council.

Discussion ensued amongst the Council.

Mayor Jordan called for public comment.

Steve Harris testified on the need for speed humps/bumps and traffic mediation.

Michael Ponce testified on traffic mediation and speed humps and bumps.

David Medeiros spoke of concerns regarding traffic signs.

Jackie Morris-Lopez spoke con concerns regarding development.

Seeing no other comments, Mayor Jordan closed the public comments.

**5. ACTION ITEMS**

**A. Appointment of Tony Correia to the Planning Commission**

Mayor Jordan called for public comments.

Jackie Morris-Lopez spoke on the matter of the appointment process.

David Medeiros spoke on the matter of the appointment process.

Tony Correia thanked the Council for their consideration and looks forward to serving the community.

Seeing no other comments, Mayor Jordan closed the public comments.

A motion was made by Council Member Flores to appoint Toney Correia to the Planning Commission. The motion was seconded by Council Member Freels. The motion passed on a roll call vote of 4 Yes/0 No/1 Absent (Edge).

**B. Approve a Resolution adopting Community Plan Guiding Principles**

Assistant City Manager Foucht presented the staff report and fielded questions from the Council.

Mayor Jordan called for public comments.

Deputy Clerk Lee read a public comment from Cara Vonk into the record.

Michael Groves, Wanda Guibert, Jackie Morris-Lopez, Danny Joe, and David Medeiros all presented concerns regarding the Community Plan Guiding Principles.

Seeing no other comments, Mayor Jordan closed the public comments.

A motion was made by Council Member Flores to postpone this item to the September 20, 2022, City Council meeting. The motion was seconded by Council Member Freels. The motion passed on a roll call vote of 4 Yes/0 No/1 Absent (Edge).

**C. Establishing a Public Safety Standing Committee**

City Manager Reynolds presented the staff report and fielded questions from the Council.

Mayor Jordan called for public comments.

Jackie Morris-Lopez and David Medeiros spoke in favor of the Committee and the community need.

Seeing no other comments, Mayor Jordan closed the public comments.

A motion was made by Council Member Freels to adopt a resolution establishing a Public Safety Standing Committee. The motion was seconded by Council Member Freeman. The motion passed on a roll call vote of 4 Yes/0 No/1 Absent (Edge).

**D. Consider requesting the Board of Supervisor's approval on 2 positions:**  
**1. A new Sheriff Deputy position**

City Manager Reynolds presented the staff report accompanied by a PowerPoint presentation and fielded questions by the Council.

Mayor Jordan called for public comments.

Michael Ponce spoke on the matter of additional public safety help in the community.

Seeing no other comments, Mayor Jordan closed the public comments.

A motion was made by Council Member Freels to adopt a resolution requesting the Board of Supervisor's approval on a new Sheriff Deputy position. The motion was seconded by Council Member Freeman. The motion passed on a roll call vote of 4 Yes/0 No/1 Absent (Edge).

**2. A New Sheriff Multifunctional Services Officer ("MSO")**

No action was taken.

**E. Consider introduction of an ordinance amending section 3-5-155 of the San Juan Bautista Municipal Code and increasing water rates**

City Manager Reynolds provided the staff report accompanied by a PowerPoint presentation and fielded questions from the Council.

Mayor Jordan called for public comments.

Michael Ponce spoke on the process and increase in water rates.

Jackie Morris-Lopez expressed concern of the process for the increase in the water rates.

Seeing no other comments, Mayor Jordan closed the public comments.

A motion was made by Council Member Freeman to approve an ordinance amending the Municipal Code Section 3-5-155 and increasing water rates. The motion was seconded by Council Member Freels. The motion passed on a roll call vote of 4 Yes/0 No/1 Absent (Edge).

**6. DISCUSSION ITEMS**

**A. General and Municipal Election Update**

City Manager Reynolds provided an update on the number of candidates filed, ballot measures, and filing deadlines.

**B. Open Recruitment for Planning Commission**

City Manager Reynolds reported the filing deadline is Tuesday, September 19 at 5:00 p.m.

**C. Microvi System Permitting Report**

Ned Samhouri provided the staff report and fielded questions from the Council.

Mayor Jordan called for public comment.

Michael Ponce provided general comments regarding the system.

Seeing no other comments, Mayor Jordan closed the public comments.

**D. 2022 Pavement Management Program Project, San Juan Bautista**

City Manager Reynolds and Ned Samhouri presented the staff report and fielded questions from the Council.

Mayor Jordan asked for public comments.

Michael Ponce provided comments and concerns regarding the Program and the impact to the community.

Jackie Morris-Lopez provided comments and concerns regarding the Program and the impact to the community.

Seeing no other comments, Mayor Jordan closed the public comments.

**7. ADJOURNMENT**

Mayor Jordan adjourned the meeting at 9:41 p.m.

Respectfully submitted,

---

Don Reynolds, City Manager/Acting City Clerk

## WAIVER OF READING OF ORDINANCES

State law requires that an ordinance be read in its entirety prior to adoption unless the City Council waives reading beyond the title. Reading an entire ordinance at the meeting is extremely time-consuming; reading of the title alone usually gives the audience sufficient understanding of what the Council is considering.

To ensure that this waiver is consistently approved by the Council, Council should make the waiver at each meeting, thus, you should do it at this point on the Consent Agenda. The Council then does not have to worry about making this motion when each ordinance comes up on the agenda.

GC36934

**RESOLUTION 2022-XX**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN JUAN BAUTISTA,  
COUNTY OF SAN BENITO, STATE OF CALIFORNIA, PROCLAIMING AND REAFFIRMING  
THE EXISTENCE OF A LOCAL EMERGENCY**

**WHEREAS**, the San Juan Bautista Municipal Code Section 5-33-040 empowers the City Council to proclaim the existence or threatened existence of a local emergency when said City is affected or likely to be affected by a public calamity and the City Council is not in session, subject to ratification by the City Council within seven days; and

**WHEREAS**, the San Juan Bautista City Council has been requested by the Director of Emergency Services (City Manager) of the City of San Juan Bautista to proclaim and reaffirm the existence of a local emergency therein; and

**WHEREAS**, conditions of disaster or extreme peril to the safety of persons and property have arisen within the City caused by a pandemic commencing on or about 8:00 a.m. on the 13<sup>th</sup> day of March, 2020, at which time the City Council of the City of San Juan Bautista was not in session; and

**WHEREAS**, said City Council does hereby find that the aforesaid conditions of extreme peril did warrant and necessitate the proclamation of the existence of a local emergency.

**NOW, THEREFORE, IT IS HEREBY PROCLAIMED** that a local emergency now exists throughout the City of San Juan Bautista on the 13<sup>th</sup> day of March, 2020; and

**IT IS FURTHER PROCLAIMED, REAFFIRMED AND ORDERED** that during the existence of said local emergency, organization of this City shall be prescribed by law, by Ordinances and Resolutions of the City, and approved by the City Council; and

**IT IS FURTHER PROCLAIMED AND ORDERED** that said local emergency shall be deemed to continue to exist until its termination is proclaimed by the City Council of the City of San Juan Bautista, State of California.

Dated this 20<sup>TH</sup> day of September 2022 by the following vote:

**AYES:**

**NOES:**

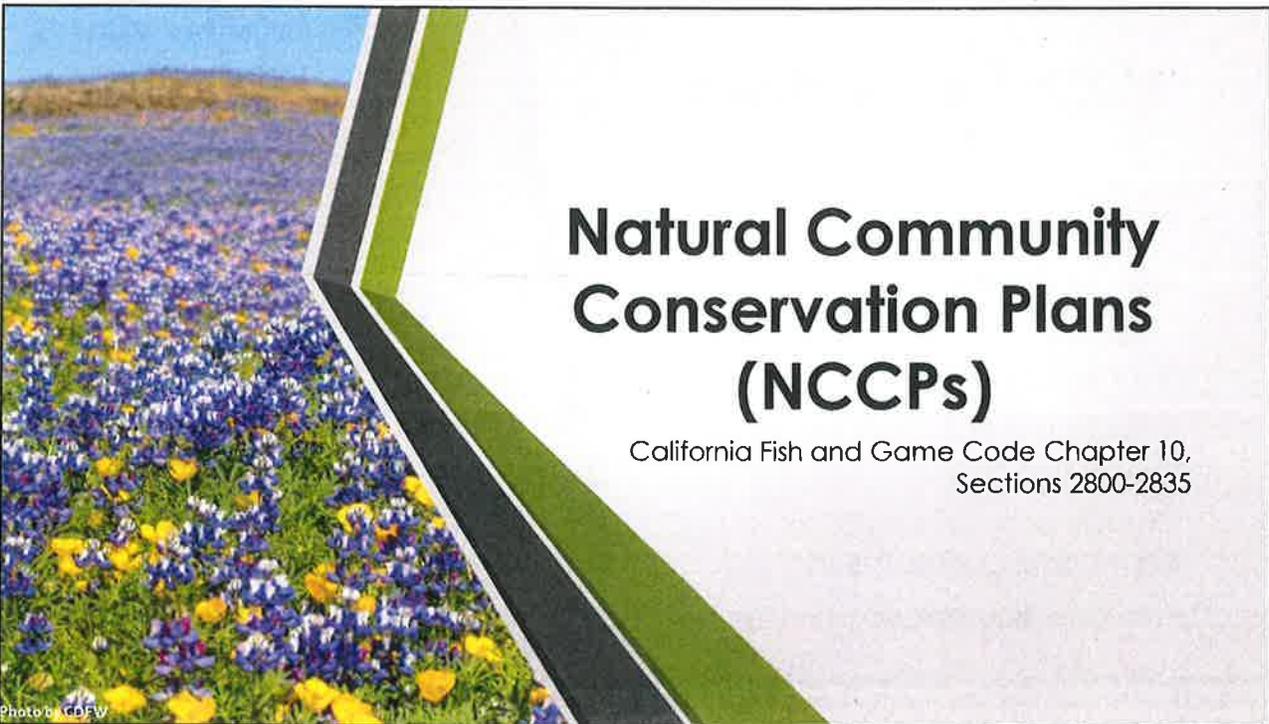
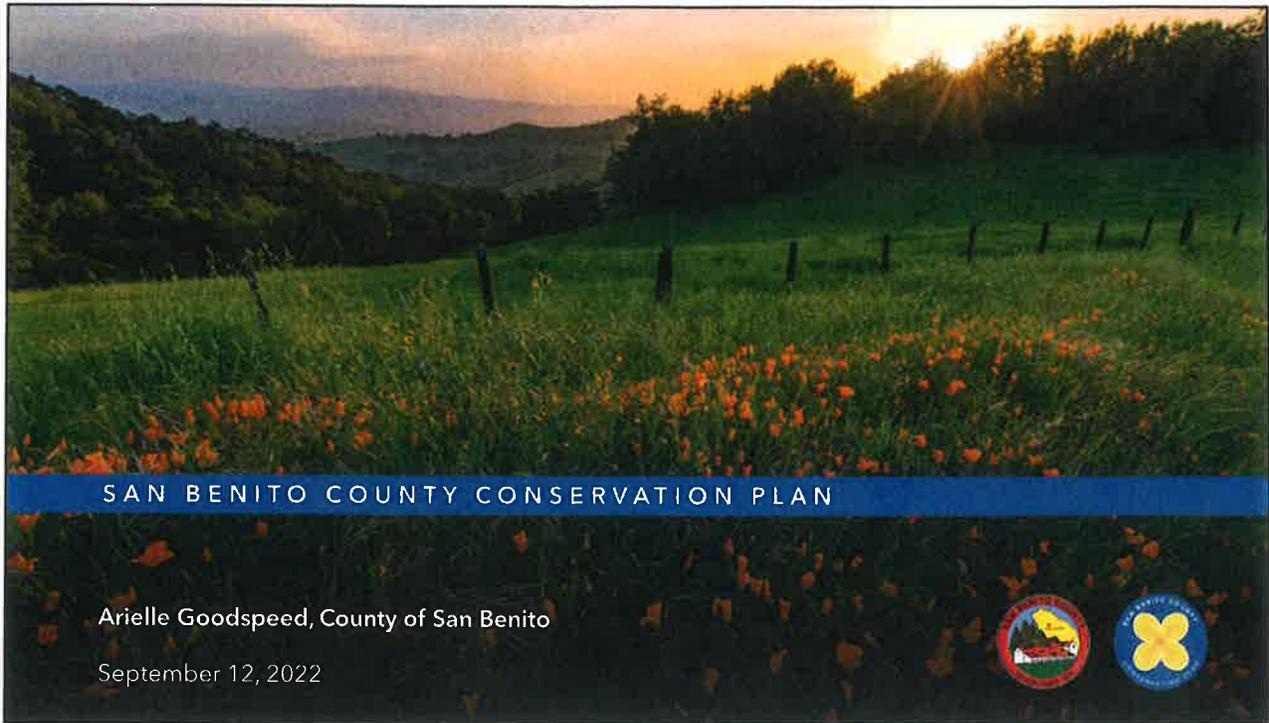
**ABSENT:**

**ABSTAIN:**

\_\_\_\_\_  
**Leslie Q. Jordan, Mayor**

**ATTEST:**

\_\_\_\_\_  
**Don Reynolds, Acting Deputy City Clerk**

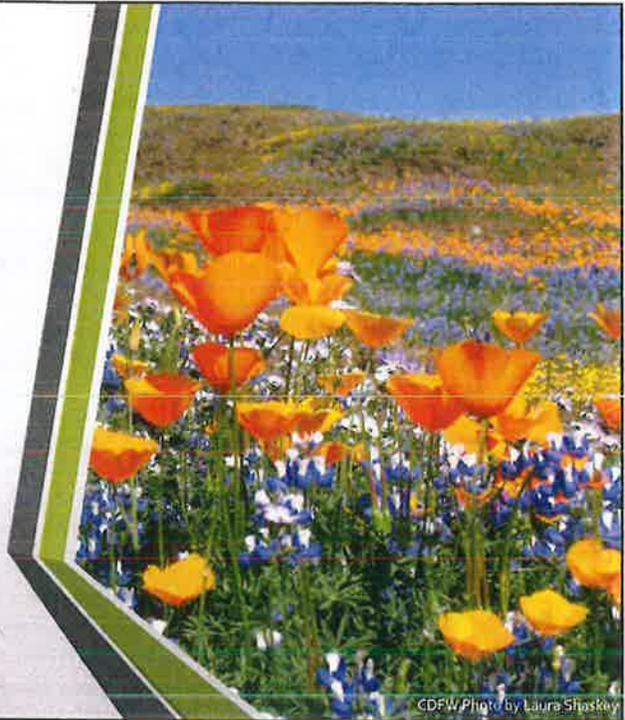


## NCCP Purpose

- Avoid uncoordinated project-by-project permitting and mitigation
- Plan for conservation over a large region

### Results in...

- *Conservation of species and natural communities in a large and interconnected reserve system*
- *Streamlined species permitting for compatible development projects*



CDFW Photo by Laura Shasky

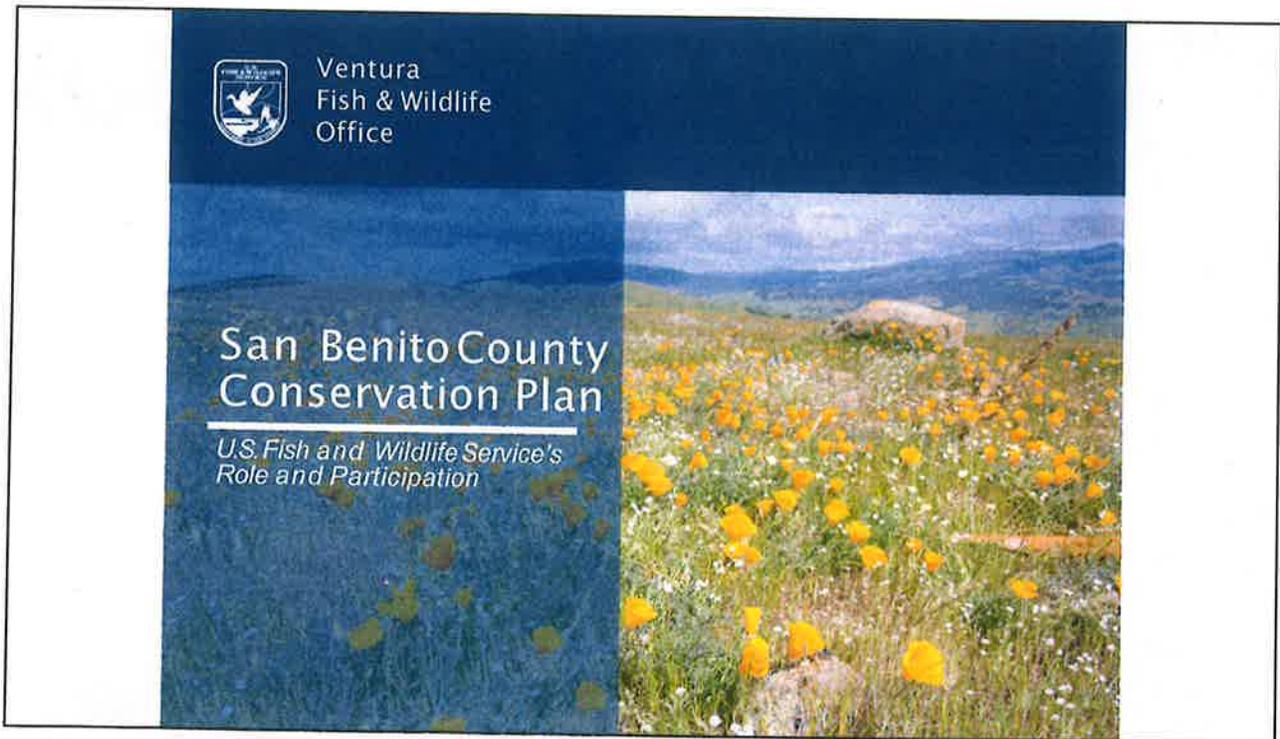
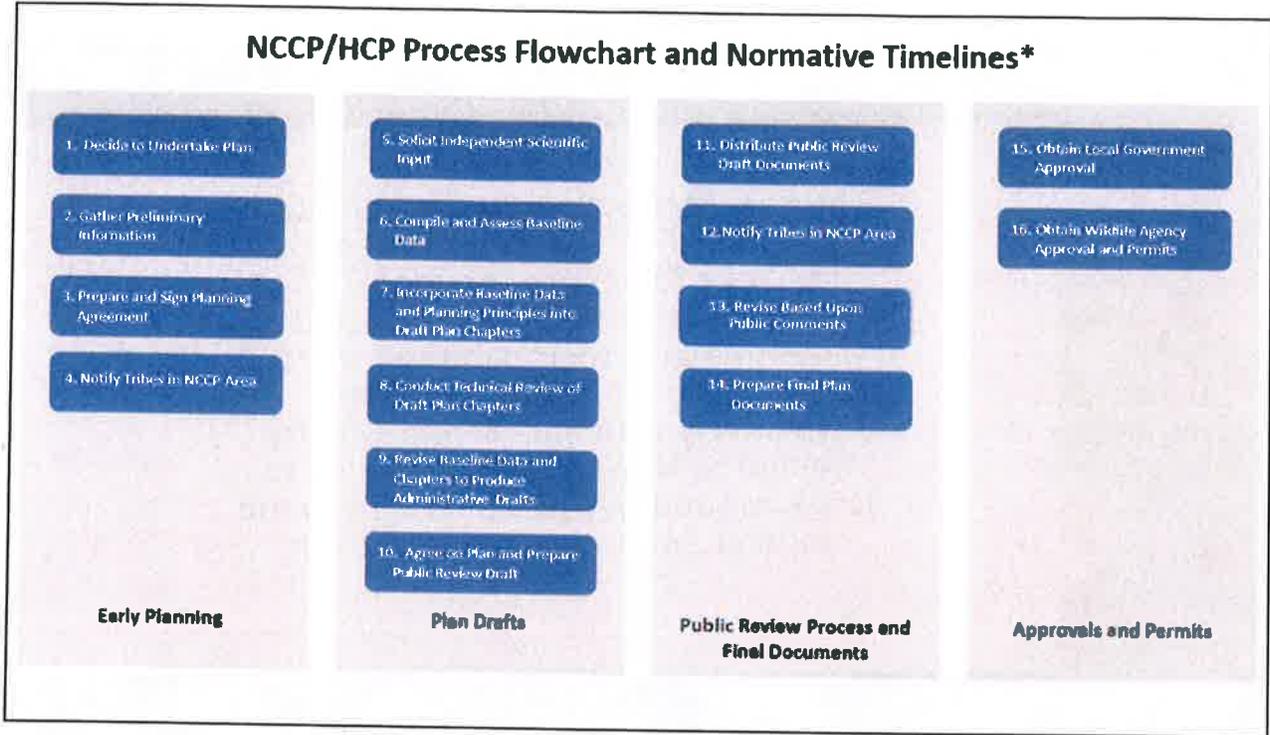
## NCCP Key Features

- Ecosystem approach
- Take of listed (CESA), non-listed, and Fully Protected Species
- Independent scientific input
- Public participation throughout process
- "Rough proportionality" of impacts to conservation
- Provides assurances



Badger is a covered species in only 2 approved NCCPs

Photo by CDFW





## San Benito County Conservation Plan

The San Benito County Conservation Plan (SBCCP) is a comprehensive strategy to ensure the long-term conservation of federally listed species and their habitats, while working more efficiently and effectively with San Benito County Resource Management Agency to issue needed permits pursuant to the federal Endangered Species Act.



Ventura  
Fish & Wildlife  
Office



## San Benito County Conservation Plan (SBCCP)

The SBCCP will:

- Protect listed species and their habitats
- Standardize conservation measures
- Ensure compliance with the Endangered Species Act
- Streamline permitting procedures
- Reduce regulatory timelines and costs

The SBCCP will not:

- Approve/deny projects
- Replace or change the County's permitting/planning process
- Add/Reduce permitting requirements
- Weaken existing protections for listed species



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Fish & Wildlife  
Office



The slide features a background image of a large, dark-colored salamander resting on a bed of green plants with small purple and white flowers. A dark blue semi-transparent box is overlaid on the left side of the image, containing the title and a list of benefits. At the bottom left of the slide, there is a small logo of the Ventura Fish & Wildlife Office.

### SBCCP Ancillary Benefits

- Leverage federal funding
- Support opportunities for conservation
  - Grants
  - Conservation Easements
  - Conservation Banks
- Open space protection
- Recreational opportunities
- Reduce costs
- Save time
- Provide clarity

Ventura Fish & Wildlife Office

## Frequently Asked Questions (FAQs)

- Circulated with meeting agenda and to be available on SBCCP website
- “Living document”
- Two parts
  - General Habitat Conservation Plan/Natural Community Conservation Plan (HCP/NCCP) FAQs
  - SBCCP-specific FAQs





## Purpose of SBCCP – Reminder

San Benito County is developing the SBCCP to protect and preserve its rich natural resources, including sensitive species and habitats, while supporting the County's agricultural economy and future growth.

## Objectives of SBCCP - Reminder

- Develop and implement a **regional approach to habitat conservation**
- **Collaborative partnerships** with landowners, Tribes, conservation organizations and others to protect and enhance County habitats and working lands
- Provide a **programmatic process** for the mitigation of impacts
- Authorize the use of **Incidental Take Permits** for development and other projects that potentially affect sensitive species and their habitats
- Provide **local control to the County** to implement a streamlined endangered species permitting process for activities to be described in the SBCCP



## SBCCP Development Roles

- **County** – responsible for development of the SBCCP and submission of the SBCCP (HCP/NCCP) and Incidental Take Permit applications to:
- **USFWS and CDFW** – the federal and state wildlife agencies responsible for reviewing and approving the SBCCP and Incidental Take Permit applications
- **Planning Team** – County, USFWS, CDFW, consultant (ICF). Provides direction, guidance, and assistance in developing the SBCCP
- **Public Advisory Committee (PAC)**- a forum for broad community participation; provides feedback to Planning Team on SBCCP



## Role of Public Advisory Committee

- **Overarching goal:** help inform the development of a quality SBCCP that meets San Benito County's biological conservation goals while supporting planned development with a streamlined endangered species permitting process, and that reflects the broadest possible set of community interests and concerns.
- **PAC's function:** serve as a sounding board with the specific charge to review, consider, and comment upon the components that make up the SBCCP document as they are developed and as presented to the PAC for review.



## Role of Public Advisory Committee

- Platform to discuss and inform development of the SBCCP.
- Participation on PAC at discretion of the County to ensure balanced and broad representation of diverse constituency.
- PAC members participate collaboratively and respectfully and shall strive in their recommendations to be objective, balanced, and constructive.
- PAC operates by consensus. When consensus cannot be reached, the various positions will be reported to County staff and will be taken under consideration by the Planning Team.
- PAC meetings open to the public to attend and provide comment.



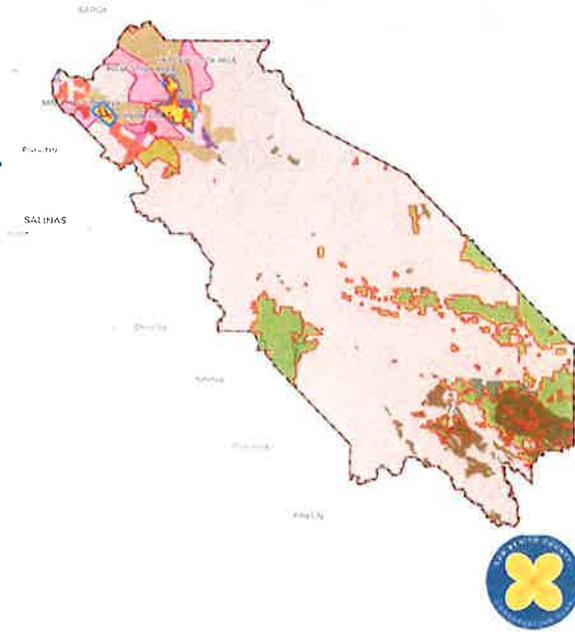
## Public Advisory Committee Responsibilities

- Review and provide feedback on SBCCP draft material (e.g., memos, draft chapters).
- Seek to understand the issues presented and perspectives and interests of other PAC members and their constituencies.
- Inform, educate, and involve their constituencies on a regular basis, including providing notification of upcoming PAC meetings and information on how to attend such meetings.
- Synthesize input from their constituencies and effectively represent their viewpoints, interests, and concerns.
- Work cooperatively with other PAC members.
- Commit to attending PAC meetings until completion of the Plan.



## Project Updates

- Information and data gathering. Examples
  - Jurisdiction boundaries
  - Existing protected areas
  - Parks
  - Public lands
  - Community study areas
  - Zoning designations
  - Soils
- Mapping vegetation



## Next Steps

- Planning Agreement will be available for public review (~Sept.-Oct. 2022)
  - Meeting will be noticed
  - Planning Agreement will be available on SBCCP website: <https://www.cosb.us/departments/resource-management-agency/planning-and-land-use-division/san-benito-county-conservation-plan-sbccp>
- Q4 Public Advisory Meeting on Wednesday November 30, 4:00 pm
- For more information, please contact Arielle Goodspeed, Principal Planner, County of San Benito Resource Management Agency
  - [Agoodspeed@cosb.us](mailto:Agoodspeed@cosb.us)



# THANK YOU

- Questions or Comments



**Treasurer's Report**  
**For the One Month Period Ended July 31, 2022**  
**(8% of fiscal year)**

**General Fund ~**

General revenues are running at 18% for the year to date. Correspondingly, general fund expenditures are at 11% for the year to date. The net effect is a positive change in general fund balance of \$233k. Of this positive change in fund balance \$251k is from the second payment of the American Recovery funds.

**Water Enterprise Fund ~**

The water enterprise fund revenues are running at 9% for the year to date, and expenses are at 9%. The net effect is a positive change in the water enterprise fund of \$31k.

**Sewer Enterprise Fund ~**

The sewer enterprise fund revenues are running at 11% for the year to date, and expenses are at 7%. The net effect is a positive change in the sewer enterprise fund of \$67k.

**City of San Juan Bautista**  
**Expenditures ~ Budget Vs. Actual**

City Council Meeting  
September 20, 2022

**For the Month Period Ended July 31, 2022**

<b>EXPENDITURES</b>	<b>FY22</b>	<b>FY23</b>	<b>Annual</b>		<b>YTD</b>	
<u>Fund</u>	<u>Actuals</u>	<u>Actuals</u>	<u>Budget</u>	<u>Variance</u>	<u>8%</u>	<u>Note</u>
<b>General Fund</b>	215,455	272,444	2,425,349	(2,152,905)	11%	
<b>Special Revenue Funds:</b>						
Capital Projects Fund	16,385	118,700	525,708	(407,008)	23%	A
Community Development	42,061	41,769	671,289	(629,520)	6%	
COPS	8,333	8,333	100,000	(91,667)	8%	
Parking & Restroom Fd	2,410	-	2,500	(2,500)	0%	A
Gas Tax Fund	1,228	1,325	19,000	(17,675)	7%	
Valle Vista LLD	1,850	3,737	26,529	(22,792)	14%	B
Rancho Vista CFD	2,118	3,765	66,521	(62,756)	6%	
Copperleaf CFD	913	2,266	22,650	(20,384)	10%	
<b>Development Impact Fee Funds</b>						
Public/Civic Facility	225	225	2,700	(2,475)	8%	A
Library	370	370	4,440	(4,070)	8%	A
Storm Drain	286	286	3,432	(3,146)	8%	A
Park In-Lieu	25	25	300	(275)	8%	A
Public Safety	71	71	852	(781)	8%	A
Traffic	36	36	432	(396)	8%	A
<b>Enterprise Funds:</b>						
Water:						
Operations	68,775	75,296	805,232	729,936	9%	
Capital	8,136	4,359	79,350	74,991	5%	A
Sewer						
Operations	67,256	65,633	923,911	858,278	7%	
Capital	7,359	21,275	484,352	463,077	4%	
<b>TOTAL Funds</b>	<b>277,351</b>	<b>347,471</b>	<b>6,164,547</b>	<b>5,817,076</b>	<b>6%</b>	

**Footnotes:**

**A** ~ Capital fund transfers/costs are budgeted to be incurred by these funds. Since the costs/transfers occur sporadically during the year, they do not always align with the to date percentages, or prior year amounts. Additionally, some projects have been moved to the next fiscal year.

**B** ~ Cost are greater than budget due to one time maintenance, paid through assessment reserves.

**City of San Juan Bautista**  
**Revenues ~ Budget Vs. Actual**  
**For the One Month Period Ended July 31, 2022**

City Council Meeting  
September 20, 2022

<b>REVENUES</b>	<b>FY22</b>	<b>FY23</b>	<b>Annual</b>		<b>YTD</b>	
<b>Fund</b>	<b>Actuals</b>	<b>Actuals</b>	<b>Budget</b>	<b>Difference</b>	<b>8%</b>	<b>Notes</b>
<b>General Fund</b>	221,705	505,439	2,737,935	(2,232,496)	18%	<b>A</b>
<b>Special Revenue Funds:</b>						
Capital Projects Fund	16,385	118,700	525,701	(407,001)	23%	<b>C</b>
Community Development	21,033	8,123	404,514	(396,391)	2%	<b>B</b>
COPS	20,577	8,333	100,000	(91,667)	8%	
Parking & Restroom Fd	963	4,120	26,000	(21,880)	16%	
Gas Tax Fund	6,529	8,163	98,520	(90,357)	8%	
Valle Vista LLD	1,759	2,211	26,529	(24,318)	8%	
Rancho Vista CFD	5,377	5,543	66,521	(60,978)	8%	
Copperleaf CFD	1,746	1,888	22,650	(20,763)	8%	
<b>Internal Service Funds:</b>						
Blg Rehab. & Replace	3,167	3,167	38,000	(34,833)	8%	
Vehicle Replacement	5,000	5,000	60,000	(55,000)	8%	
<b>Enterprise Funds:</b>						
<b>Water</b>						
Operations	104,919	105,886	1,213,800	(1,107,914)	9%	
Capital	-	-	79,350	(79,350)	0%	<b>C</b>
<b>Sewer</b>						
Operations	110,594	132,549	1,185,000	(1,052,451)	11%	
Capital	-	-	484,352	(484,352)	0%	<b>C</b>
<b>TOTAL Funds</b>	<b>298,049</b>	<b>403,682</b>	<b>7,068,872</b>	<b>6,665,190</b>	<b>6%</b>	

A ~ Current year revenue was higher due to a \$251k grant from Federal government for COVID relief from the American Recovery funds.

B ~ These funds are developer derived and are recognized when received.

C ~ The timing of the projects and the related revenue does not always align with the year-to-date percentages.

# City of San Juan Bautista

## Warrant Listing

As of August 31, 2022

Date	Num	Name	Amount
<b>101.000 - Union Bank</b>			
<b>101.001 - Operating Acct. 1948</b>			
08/04/2022	215886	Kysment Security & Patrol Inc	-9,330.00
08/04/2022	215887	4Leaf, Inc.	-10,475.09
08/04/2022	215888	Amaya's Locating Services	-3,000.00
08/04/2022	215889	Animal Damage Management Inc	-1,575.00
08/04/2022	215890	Brigantino Irrigation, Inc.	-158.75
08/04/2022	215891	CIRA - California Intergovernmental Risk	-39.90
08/04/2022	215892	Clark Pest Control	-102.00
08/04/2022	215893	Cypress Water Services	-11,175.00
08/04/2022	215894	KBA Docusys	-917.70
08/04/2022	215895	Kysment Security & Patrol Inc	-13,283.00
08/04/2022	215896	Landscape Design By Rosemary Bridwell CCN	-250.00
08/04/2022	215897	Mc Kinnon Lumber Co., Inc.	-79.39
08/04/2022	215898	Monterey Bay Analytical Services	-2,034.90
08/04/2022	215899	Pacific Crest Engineering Inc.	-1,315.00
08/04/2022	215900	Pinnacle Healthcare Medical Group	-200.00
08/04/2022	215901	Ricardo Bautista.	-58.56
08/04/2022	215902	San Benito County Sheriff	-33,497.23
08/04/2022	215903	Sheehy Strategy Group	-488.00
08/04/2022	215904	Smith & Enright Landscaping	-2,392.00
08/04/2022	215905	Sound Design A/V Contractors	-5,775.04
08/04/2022	215906	True Value Hardware	-303.46
08/04/2022	215907	Wallace Group	-3,820.75
08/04/2022	215908	Wendy L. Cumming, CPA	-4,001.25
08/05/2022	215909	Stiles Truck Body & Equipment, Inc	-20,486.65
08/05/2022	215910	All Clear Water Services	-4,100.00
08/05/2022	215911	Code Publishing Company	-243.00
08/05/2022	215912	Department of Transportation	-453.07
08/05/2022	215913	Design Line & Granger	-311.36
08/05/2022	215914	Lautzenhiser's Stationery, Inc.	-303.54
08/05/2022	215915	Monterey Bay Air Resources Dist.	-1,046.50
08/11/2022	215916	4Leaf, Inc.	-2,331.94
08/11/2022	215917	Charter Communications	-572.13
08/11/2022	215918	Data Ticket Inc.	-200.00
08/11/2022	215919	Department of Conservation	-118.50
08/11/2022	215920	El Teatro Campesino.	-2,100.00
08/11/2022	215921	Harris & Associates	-2,150.00
08/11/2022	215922	Joaquin Bautista	-700.00
08/11/2022	215923	Jose Fletes.	-230.00
08/11/2022	215924	Mary V. Edge	-139.21
08/11/2022	215925	Patricia Paetz	-288.19
08/11/2022	215926	Pet Waste Co	-246.33
08/11/2022	215927	Platt	-2,478.87
08/11/2022	215928	Sergio Torres.	-625.00

**City of San Juan Bautista**  
**Warrant Listing**  
**As of August 31, 2022**

<u>Date</u>	<u>Num</u>	<u>Name</u>	<u>Amount</u>
08/11/2022	215929	US Bank	-1,195.25
08/11/2022	215930	US Bank	-2,600.68
08/11/2022	215931	SJB Business Association Inc.	-2,500.00
08/16/2022	215932	Monterey Bay Analytical Services	-209.00
08/16/2022	215933	Wellington & Rathie	-9,896.00
08/16/2022	215934	att.com	-62.08
08/16/2022	215935	AVAYA	-250.66
08/16/2022	215936	Carlos Figueroa.	-87.38
08/16/2022	215937	GCMF City Management Foundation	-400.00
08/16/2022	215938	Design Line & Granger	-434.82
08/16/2022	215939	EMC Planning Group Inc.	-44,052.17
08/16/2022	215940	Hollister Auto Parts, Inc.	-36.65
08/16/2022	215941	Monterey Bay Analytical Services	-3,372.30
08/16/2022	215942	Oppenheimer Investigations Group LLP	-4,945.50
08/16/2022	215943	P G & E	-17,448.78
08/16/2022	215944	Postmaster	-1,000.00
08/16/2022	215945	Rx-Tek	-40.00
08/16/2022	215946	Stantec Consulting Services Inc.	-7,586.83
08/16/2022	215947	Tham Nguyen.	-230.00
08/16/2022	215948	Toro Petroleum Corp.	-575.10
08/16/2022	215949	Univar Solutions	-956.79
08/16/2022	215950	Valero Wex Bank	-1,264.85
08/16/2022	215951	ACWA Health Benefits Authority	-34,801.83
08/26/2022	215952	4Leaf, Inc.	-11,372.00
08/26/2022	215953	AFLAC	-210.58
08/26/2022	215954	Aida Lona.	-700.00
08/26/2022	215955	Areli Martinez.	-700.00
08/26/2022	215956	at&t	-101.85
08/26/2022	215957	CALNET	-294.59
08/26/2022	215958	CMAP	-80.00
08/26/2022	215959	CSG Consultants, Inc.	-79,137.50
08/26/2022	215960	Dale Coke.	-500.00
08/26/2022	215961	Data Ticket Inc.	-200.00
08/26/2022	215962	Downey Brand	-1,763.00
08/26/2022	215963	Kent L. Seavey	-500.00
08/26/2022	215964	Mandell Municipal Counseling	-986.00
08/26/2022	215965	Michelle Sabathia.	-100.00
08/26/2022	215966	Monterey Bay Analytical Services	-704.90
08/26/2022	215967	Patricia Smith	0.00
08/26/2022	215968	Ready Refresh	-137.80
08/26/2022	215969	Regional Government Services	-5,086.74
08/26/2022	215970	Robert Vasquez	-1,200.00
08/26/2022	215971	rrm design group	-187.50
08/26/2022	215972	San Benito County Assessor	-13.11
08/26/2022	215973	San Benito County Business Council	-500.00

**City of San Juan Bautista**  
**Warrant Listing**  
**As of August 31, 2022**

<u>Date</u>	<u>Num</u>	<u>Name</u>	<u>Amount</u>
08/26/2022	215974	Sound Design A/V Contractors	-1,949.10
08/26/2022	215975	Sprint	-445.60
08/26/2022	215976	State Compensation Insurance Fund	-5,338.75
08/26/2022	215977	Trenton Reynolds.	-56.59
08/26/2022	215978	United Site Services of California, Inc.	-737.30
08/26/2022	215979	US Bank Equipment Finance	-249.61
08/31/2022	215980	CSG Consultants, Inc.	-46,285.00
08/31/2022	215981	Hamner Jewell Associates	-2,453.00
08/31/2022	215982	Home Depot Credit Services	-1,302.14
08/31/2022	215983	Iconix Waterworks (US) inc.	-337.20
08/31/2022	215984	Kimley-Horn and Associates, Inc.	-1,050.00
08/31/2022	215985	Melissa Lee	-43.66
08/31/2022	215986	New SV Media	-6,084.30
08/31/2022	215987	P G & E	-1,166.08
08/31/2022	215988	Patricia Smith	-500.00
08/31/2022	215989	Rossi's Tire & Auto Service	-30.00
08/31/2022	215990	Smith & Enright Landscaping	-3,927.12
08/31/2022	215991	Sound Design A/V Contractors	-900.11
08/31/2022	215992	Stantec Consulting Services Inc.	-9,073.50
08/31/2022	215993	Staples	-283.56
08/31/2022	215994	True Value Hardware	-76.65
08/31/2022	215995	Univar Solutions	-532.06
Total 101.001 - Operating Acct. 1948			<u>-464,639.88</u>
Total 101.000 - Union Bank			<u>-464,639.88</u>
<b>TOTAL</b>			<b><u>-464,639.88</u></b>

## City Manager Monthly Status Report

County Board of Supervisors approves vape and Tabaco sales ban

County Public Health – and Code Enforcement working together – 4 retail establishments in SJB

Monthly Sheriff Meeting 9/7/22

Dedicated Deputy working Monday-Thursday until November

Reviewed City staff towing abilities; MSO

Access to CLETS and NET-COM (911)

License Plate Reader cameras

LIDAR Training for traffic enforcement

## City Manager Monthly Status Report

Emergency Response Management Training

Attended the regional OES Training at the County 8.17.22

New Regional Hazard Plan- Staff training w/County OES (9.13-9.22)

Fire Advisory Committee

Monthly meeting 8.18.2022 slides shared with City Council

Approved the Feasibility Study proposal

City Resolution 2016-46 (OK on District formation?)

New Fire Inspector BC Bettencourt

## City Manager Monthly Status Report

### Developers-

- Loayza- no security deposited for public improvements yet
- Orchards Development- scheduling PC/Informal Project Review
- Historic Building compliance- one red-tag, Casa Rosa update
- Sign Ordinance enforcement on this agenda
- Planning Commission meeting – ADUs and Rozas House

## City Manager Monthly Status Report

### Re-opened Deputy Clerk Recruitment

#### HR on this Agenda-

- Telework Policy
- COVID Sick Leave program extension
- COVID Prevention Plan (“CPP”) Update
- Retained Liebert, Cassidy and Whitmore for Workers Compensation

#### Future HR

- Administrative Leave differential pay
- Bi-Lingual Certification/pay

## City Manager Monthly Status Report

### Public Works

- City Engineer RFQs due 9.27.22
- Pavement Management Bid Award Status
- Initiated traffic study/commercial trucks for San Juan highway & round-about
- Accessibility Study made part of the Active Transportation Plan
- A City-wide ADA/Accessibility Study
- Initiated the Community Center Acoustics Project
- Completing the Joint Use School Fencing project (week of 9.12)
- Franklin Park and Verruti Park 10.15 completion goal

## City Manager Monthly Status Report

### Water

- Received SBCWD draft Agreements
  - 1) Capital Improvements
  - 2) Buy-in to Regional Water Program
- HDR submits proposal to complete design/sharing CEQA work
- Signed Change Order w/HDR for Microvi/Well 6 Permitting
- Met with Water Board to discuss permitting
- Requested schedule update

## City Manager Monthly Status Report

### Wastewater

EPA Approves Schedule extension for 6-months (due 7.1.24)

Design at 100% completed

Expedited Permitting Request approved by USFWS

Support from USDA

Bio-Report completed in 30-days (not 130 days)

Submitted Completed USDA Funding Application

Completed USDA Underwriting last week

State Revolving Loan Fund-

on the list but not funded (update in October)

Spoke on behalf of the City at 9.8.22 Water Board meeting



## CITY OF SAN JUAN BAUTISTA CITY COUNCIL STAFF REPORT

AGENDA TITLE: Community Plan – Sphere of Influence Study  
Guiding Principles

MEETING DATE: September 20, 2022

SUBMITTED BY: Brian Foucht, Community Development Director

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### **RECOMMENDED ACTION:**

Staff recommends that the City Council consider the following alternatives

- 1) Adopt a resolution establishing Guiding Principles to be used to inform preparation of the Community Plan authorized by the City Council via Resolution 2022-13. Or
- 2) Direct staff to take the steps necessary to complete the Community Plan Scope of Work authorized via City Council Resolution 2022-13 without Guiding Principles;

### **BACKGROUND INFORMATION:**

The City Council approved a two-tiered concept for Sphere of Influence/ Urban Growth Boundary as the starting point for a community conversation and eventual adoption of a Community Plan (City Council Resolution 2022-13).

A public engagement program was conducted in accordance with the adopted Community plan Scope of Work involving subject-oriented groups, a community meeting in a charrette format, and a joint City Council - Planning Commission meeting on June 13, 2022. A series of maps will be prepared, using information from public engagement showing residential/commercial/preservation area alternatives for prospective Sphere of Influence and Planning Area boundaries. The overarching concern expressed during these sessions was the effect of new development on community character.

Staff published a memo to the City Council (July 22, 2022) recommending that the City Council may consider Guiding Principles for the Community Plan that would affirmatively address these concerns. Such Guidelines referenced in the attached resolution are based upon community engagement, the City of San Juan Bautista Design Guidelines, the Historic San Juan Bautista Plan, and the General Plan Elements Framework. If adopted, the Community Plan will continue in accordance with the approved scope of work, and these principles will be used as a general framework for evaluating the plan.

An alternative, the Community Plan program will continue in accordance with the scope of work without guiding principles.

**Attachments:**

1. Resolution

**RESOLUTION 2022-XX**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF  
SAN JUAN BAUTISTA ESTABLISHING GUIDING PRINCIPLES  
FOR THE COMMUNITY PLAN AUTHORIZED BY CITY  
COUNCIL RESOLUTION 2022-13**

**WHEREAS**, following adoption of the 2035 General Plan in 2016 a Sphere of Influence coordinated with General Plan growth assumptions was not established. Accordingly, the City Council established the Urban Growth Boundary Committee (UGBC) to recommend a preferred Urban Growth Boundary/Sphere of Influence configuration as a means of initiating the Sphere of Influence discussion with San Benito County and LAFCO; and

**WHEREAS**, On February 15, 2022 the City Council approved Resolution 2022-13 authorizing preparation of a Community Plan program to amend the General Plan as necessary to prepare a specific plan for South San Juan Bautista and to adopt a Sphere of Influence/potential Urban Growth Boundary for presentation to the County of San Benito and approval by LAFCO; and

**WHEREAS** the Community Plan program has conducted a community engagement effort May 3 – 5, 2022 and a joint City Council / Planning Commission meeting on June 13, 2022; and

**WHEREAS**, the City Council is aware that there are concerns in the community regarding the effect of the Community Plan on community character extending from implementation of goals, policies and standards developed through the Community Plan program; and

**WHEREAS** the City Council desires to set forth a definitive basis, or principles, upon which the Plan will be prepared that are derived from the General Plan, Historic San Juan Bautista Plan, Design Guidelines and public input; and

**WHEREAS**, the City Council intends that these principles will be adhered to by staff and consultants authorized to prepare the Community Plan; and

**WHEREAS**, the City Council acknowledges that the Planning Commission will consider and recommend adoption of a Community Plan based on these guiding principles and, in so doing, will evaluate and interpret the application of guidelines for the purpose of preparing the Commission's recommendation to the City Council;

**THEREFORE, BE IT RESOLVED:** that the City Council direct that the principles contained in the attached Exhibit A shall be Community Plan Guiding Principles upon which the Community Plan will be prepared, reviewed, recommended for adoption and adopted;

**BE IT FUTHER RESOLVED** that the City Council directs the Planning Commission to review and consider Guiding Principles contained in Exhibit A as the Commission undertakes

review of alternatives, preferred and preliminary plans, diagrams, and narrative for recommendation to the City Council for adoption.

**THE FOREGOING RESOLUTION** was adopted by the City Council of the City of San Juan Bautista at its regular meeting held on the 20<sup>th</sup> day of September 2022, by the following vote:

**AYES:**

**NOES:**

**ABSENT:**

**ABSTAIN:**

\_\_\_\_\_  
Mayor Leslie Jordan

**ATTEST:**

\_\_\_\_\_  
Don Reynolds, Acting Deputy City Clerk

**EXHIBIT A**  
GUIDING PRINCIPLES FOR  
PREPARATION OF THE CITY OF SAN JUAN BAUTISTA COMMUNITY PLAN  
August 16, 2022

1. The Community Plan shall evolve concepts such Sphere of Influence, Urban Growth Boundary, Planning Area and Municipal Service Area and configure corresponding areas in a manner that preserves, protects and enhances San Juan Bautista's unique and special character in the region. The Community Plan shall contain provisions to extend, concentrate and further this unique character so that it can continue to serve as the City's strength.
2. The Community Plan shall accomplish overall preservation, conservation and development policies, guidelines, standards and implementation programs consistent with the General Plan.
3. The Community Plan shall develop guidelines and measures designed to accomplish protection, preservation and enhancement of the essential, historical character of San Juan Bautista. To achieve this, the Community Plan shall develop overall guidelines that will apply to all areas and also guidelines that will apply to four (4) discrete community design subareas surrounding the City on the North, South, East and West. Community plan overall and subarea provisions shall address:
  - agriculture preservation;
  - visual resource protection;
  - natural resource conservation;
  - archaeological zone conservation
  - a commitment to interconnectivity with the fabric of historic San Juan Bautista;
  - historical, institutional and cultural resource relationships;
  - interconnected mobility;
  - cultural and historical resource enhancement; and
  - balanced and integrated open space, cultural, recreational, entertainment, hospitality, industrial, recreational and residential development in the overall context of conservation, preservation and enhancement of the character of the community.
4. The Community Plan shall take into account and utilize natural and cultural features and resources including watersheds, habitats, faults, farmland, recognized archaeological zones, groves, outcroppings and topography to configure areas for preservation, conservation, and development within areas of the City's Sphere of Influence and Planning Area.
5. San Juan Bautista does not sprawl. Compatibility between existing and newly developing areas shall be fostered by requirements in the Community Plan that new development be logical and reasonably contiguous with existing developed areas.

6. Community Plan design principles and standards shall emphasize compatibility between existing patterns and forms of land use. The Community plan shall emphasize that compatible, contiguous development will not involve a repetition of neighborhood designs that are inconsistent with existing or proposed new guidelines.
7. The Community Plan shall build upon the Historic San Juan Bautista Plan, Design Guidelines and General Plan Elements Framework, and relevant Municipal Code provisions, including but not limited to, development in relation to natural landscapes and historic preservation to establish new design principles and guidelines, thereby ensuring consistency with existing design principles and standards.
8. The Community Plan shall incorporate and refer to design principles, measures and methods to preserve, conserve, protect and enhance visual and physical access to iconic natural resource and open space areas at the landscape level.
9. The Community Plan shall incorporate concepts to guide preservation, conservation, and development in new growth areas, including:
  - a) Gateways
  - b) Edges
  - c) Neighborhood patterns and design
  - d) Complete neighborhoods and streets
  - e) Shared parking
  - f) Housing choice
  - g) Architecture that celebrates local history, climate, ecology, and building practice
10. The Community Plan shall reference required guidelines and standards that are not addressed, or not sufficiently emphasized, in existing guidelines to ensure the character of the community is enhanced and strengthened via newly developed areas. Such references shall include required standards and measures that will foster creative place-making and shared, common civic and community values and experiences.
11. The Community Plan shall reference policies, design guidelines and programs to reduce unnecessary automobile trips, ease the traffic flow, reduce household transportation costs, reduce greenhouse gas emissions, and free up parking supply to serve those coming to work, shop, worship and play in San Juan Bautista.
12. The Community Plan shall incorporate provisions for a healthy, varied balance of modes that emphasize active transportation (bicycling and walking) for trips within incorporated areas of San Juan Bautista. The Community Plan will evolve principles to ensure that every resident within the city, now and in the future, should be able to access the shops downtown comfortably by foot in less than fifteen minutes.



## CITY OF SAN JUAN BAUTISTA CITY COUNCIL REPORT

### **Action Item Regarding A Resolution Approving The First Amendment To The Reimbursement Agreement For Construction Of A Right Turn Lane On State Route 156 At Its Intersection With The Alameda**

**This item has been continued to a future meeting.**



## CITY OF SAN JUAN BAUTISTA CITY COUNCIL REPORT

**AGENDA TITLE:** TELEWORKING POLICY AND PROCEDURE

**MEETING DATE:** September 20, 2022

**DEPARTMENT HEAD:** Don Reynolds, City Manager

---

### **RECOMMENDED ACTION:**

It is recommended that the City Council adopt the attached Resolution adding Section 20 “Telework Policy and Procedures” to Rule II of the City’s Personnel Policies.

### **BACKGROUND INFORMATION:**

The City’s Personnel Policies adopted by Resolution 2018-26 do not include a telework policy. Telework practices have been expanding rapidly as a result of the COVID-19 Pandemic. A large portion of public sector employees is now teleworking. According to the 2020 federal Telework Enhancement Act of 2010, the definition of “Telework:”

“*“Telework’ or ‘teleworking’ refers to a work flexibility arrangement under which an employee performs the duties and responsibilities of such employee’s position, and other authorized activities, from an approved worksite other than the location from which the employee would otherwise work.”*

The two attached articles from CivicWell (formally known as the Local Government Commission, the not-for-profit organization working with the City on the Active Transportation Plan), and from “Virtual Vocations” describe the fast growing Telework trends and benefits. Governments around the country are moving from temporary telework assignments to becoming a regular part of the duties.

The International City Manager’s Association (ICMA) tried to help smaller cities adopt these telework policies, and found that many small cities already had the tools: policies, an upgraded network, and the equipment and software licenses in place to facilitate the transition. These adjustments were made in San Juan Bautista in the summer of 2020. The City Manager began working from the home office 3-days a week in the summer of 2020. Currently the City Manager

and Assistant City Manager will work from home to accommodate personal appointments and other logistical issues, maximizing the use of time away from the office by working from home.

The benefits of teleworking are wide and far reaching to employers especially those in rural areas where close proximity to the workplace and affordable housing options may conflict. The attached articles describe obvious benefits to communities (reduced traffic, air pollution, etc.) when commuters are taken off the road. Human Resource Departments support the policy because it helps retain skilled workers longer, by being flexible and able to accommodate unique personal situations. Productivity is often 35-40% higher, and 70% of federal teleworkers state they are 70% more productive. Teleworkers are often more committed to the agency's mission, more motivated to meet expectations, and have more trust in their colleagues. It becomes a low-cost recruiting incentive.

### **DISCUSSION:**

The attached Resolution includes a draft telework policy, and administrative process. Starting with the definition provided above, the draft policy clearly describes what positions are eligible for routine telework, and situational telework (not otherwise previously approved, for cases that may include doctor's appointments, sick family members, and the like).

It is essential that all "departments" be fully staffed during business hours. Telework is not an employee right, and those that take advantage of it will adhere to strict rules and guidelines.

Employee job duties and a demonstrated ability to meet expectations both on the job and while teleworking is essential. The employee must be self-motivated, and be highly dependable. The telework cannot reduce services to the public or the City.

The guidelines in the Policy address wages and benefits, that remain unchanged. Work hours, overtime, and vacation time earned shall all conform to the City's Policies. Just as when not teleworking, flexible hours can be approved by the supervisor or City Manager. City equipment that may include a city-issued laptop computer can only be used for City business. Lastly, the employee will request a teleworking schedule, subject to acknowledgement of this Policy, and mutually agreed upon between the City Manager (or supervisor) before initiating routine telework.

### **ATTACHMENTS:**

- 1) Resolution and Draft Telework Policy
- 2) Two articles describing the benefits of telework

**RESOLUTION NO. 2022- XX**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN JUAN BAUTISTA AMENDING “RULE II” BY ADDING “SECTION 20” TO ITS PERSONNEL POLICIES: “TELEWORKING POLICY AND PROCEDURE”**

**WHEREAS**, the City Council adopted Resolution 2018-26 on June 19, 2018, and established formal Personnel Policies for City staff; and

**WHEREAS**, these comprehensive policies guide the City through the legally complicated framework of State and Federal fair labor practices, recruitment, and staff expectations; and

**WHEREAS**, telework has evolved in the office work-environment to become an integral part of assisting staff adjust their personal obligations with professional priorities and work more efficiently either from home or from the office, reduces the cost of traveling as well as the air-quality impact, as dictated by a formal policy that sets forth guidelines and an agreement to be followed between employer and employee; and

**WHEREAS**, “Telework” is defined by the Telework Enhancement Act of 2010, “telework” or “teleworking” refers to a work flexibility arrangement under which an employee performs the duties and responsibilities of such employee’s position and other authorized activities from an approved worksite other than the location from which the employee would otherwise work; and

**WHEREAS**, over the past two years, certain fulltime regular administrative staff members learned to work from home during the height of the pandemic, and currently do telework on occasion, and to better accommodate personal appointments into the work schedule and while quarantined but asymptomatic from COVID-19; and

**WHEREAS**, attached is a complete telework policy and procedures that sets forth those positions eligible to telework, defines telecommuting, specifies the conditions for which telecommuting may be approved by the City Manager after receiving an application to work from home; and

**WHEREAS**, the City Council has considered and concluded from staff’s report that the benefits of telework outweigh negative consequences; and

**WHEREAS**, the City Council agrees that the proposed addition of this telework policy and procedure as a new Section 20 to Rule II of the Personnel Policies will be of benefit to the City and its employees in allowing more flexibility to the work schedule and reduce reliance on vehicles to transport employees that may be as or more productive working from home.

**NOW, THEREFORE, BE IT RESOLVED THAT THE CITY COUNCIL OF THE CITY OF SAN JUAN BAUTISTA NOW HEREBY FINDS:**

1. That the recitals in this Resolution and accompanying staff report are true and correct and are hereby made a part of this Resolution.
2. It agrees to add the attached Telework Policy and Procedures as “Section 20” to Rule II in the Personnel Policies is of benefit to the City and its employees.
3. Approves the attached Policy addition to the Personnel Policies, and adopts and incorporates it into a new amended Personnel Policies.

**PASSED AND ADOPTED** by the City Council of the City of San Juan Bautista at a regular meeting held on the 20<sup>th</sup> day of September 2022, by the following vote:

**AYES:**

**NOES:**

**ABSENT:**

**ABSTAIN:**

**ATTEST:**

\_\_\_\_\_  
Leslie Q. Jordan, Mayor

\_\_\_\_\_  
Don Reynolds, Acting Deputy City Clerk

Attachment: Telecommute Policy and Procedures

**Policy: Teleworking Policy and Procedure**  
**Rule II, Section 20 of the Personnel Policies**

**Date Adopted:**

**Definition**

“Telework” is defined by the Telework Enhancement Act of 2010. “Telework” or “teleworking” refers to a work flexibility arrangement under which an employee performs the duties and responsibilities of such employee’s position and other authorized activities from an approved worksite other than the location from which the employee would otherwise work.”

**Purpose**

The teleworking schedule allows full time regular employees and supervisors (as defined in Sections 23 and 36 of its Personnel Policies), to mutually agree upon a varied distribution of their normal work hours. It does not change the number of hours worked, but simply allows everyone the flexibility to rearrange their work schedule to better meet their personal needs while considering the needs of the office.

**Policy**

The City of San Juan Bautista provides a teleworking program as an alternative to the traditional work location. The program is designed to achieve increased productivity and effective use of staff work time, promote efficient use of resources, and assist in reducing traffic and air quality hazards.

Telework refers to a work flexibility arrangement under which an employee performs the duties and responsibilities of the employee's position, and other authorized activities, from an approved worksite other than the location from which the employee would otherwise work.

There are three types of telework.

1. Routine telework in which telework occurs as part of an ongoing, regular schedule. A regular schedule must be established prior to the start of the work arrangement and must be mutually agreed to by the employee and the supervisor.
2. Situational telework that is approved by the employees Manager on a case-by-case basis, where the hours worked were NOT part of a previously approved, ongoing, and regular telework schedule. Situational telework should be used seldomly for cases of doctors’ appointments, road hazards, inclement weather, sick family members, or emergencies. Situational telework may also be occasionally used to promote staff and resource efficiency, particularly for offsite meetings or appointments where telework would increase staff efficiency. Situational telework is allowed at a maximum of five (5) days a month unless an emergency arises or in cases of a medical nature.

Situational telework of a medical nature requires written documentation approving the telework arrangement provided by a licensed medical provider. Circumstances would include convalescence from injury or illness; while a family member is recovering from and needs at home assistance; or during the last few weeks of pregnancy, and/or following the birth of a child.

3. Management telework in which management employees notify their staff that they are working off site for the day(s).

### **Applicability**

It is essential that each department be staffed during normal business hours Monday through Friday (except during the noon hour for lunch).

The selected employees must have job duties appropriate for teleworking. Certain positions may be ineligible for participation due to business necessities. The City holds the final determination of an employee's position being appropriate for teleworking and if the employee meets the eligibility standards.

Teleworking is not an employee right but may be offered by the City based upon business needs. If at any time the City determines the work schedules and/or workweek periods offered must be changed, affected employees will be notified of the change at least one pay period in advance of the change.

### **Teleworking Eligibility**

Eligibility to participate in the teleworking program is always subject to the needs of the City and may be modified as needs dictate.

This policy applies to selected employees who meet specific work standards and the employees' job duties are appropriate for teleworking. Meeting one or more of the eligibility requirements does not guarantee approval of teleworking. The City has final determination of an employee's position as appropriate for teleworking and if the employee meets the specific work standards. Minimum work standard eligibility requirements include, but are not limited to:

1. Regular status full time employees who have worked at the City for at least one (1) year;
2. Prior annual job performance evaluation and/or job performance that meets or exceeds standards across all listed performance measures and demonstrates employee ability to work independently;
3. The employee is self-motivated and demonstrates high dependability;
4. Job duties and requirements allow the employee to be away from the City's worksite for a period during the work week;
5. Teleworking does not impede other employees or work groups from performing their job duties, impact the City's business needs, or diminish the operations of the City;
6. Teleworking does not reduce service to internal or external customers; and
7. The supervisor can manage the employee remotely.

### **Participation Guidelines**

#### **1. Employee Wages and Benefits**

The duties, obligations, responsibilities, and conditions of City employee are not changed by teleworking. Employee's wage, retirement, benefits, and insurance coverage remain unchanged.

The teleworking employee remains obligated to comply with all City rules, policies, practices, and instructions. Violations may result in preclusion from teleworking and/or disciplinary action, up to and including termination of employment. The City's Workers Compensation liability for job-related accidents will continue to apply during the employee's telecommuting work hours.

Work hours, overtime compensation, and vacation schedule will conform to City policies and practices, Fair Labor Standards Act (FLSA), and to any other terms agreed upon by the employee's supervisor, except that, those terms may not violate the laws/provisions stated above. Hours of work can be arranged flexibly with the supervisor.

Employees will work at a designated location during hours agreed upon. Arrangements for flexible work schedules are subject to the supervisor's approval.

## 2. Performance Expectations

Expectations must be pre-established between telecommuters and supervisors regarding work assignment(s), productivity level, and productivity measurements to be used when employee is teleworking. Timeliness, quality, and quantity of work must be maintained.

Attendance and punctuality that observes scheduled hours on a regular basis is an essential function of each classification and must be maintained during teleworking, unless otherwise approved in advance.

The employee agrees not to engage in employment activities other than City assignments during teleworking hours.

## 3. Equipment

City provided equipment is not an entitlement for teleworkers. The City may provide equipment but is not obligated to do so. Office supplies needed by the teleworker will be provided by the City. All requests must be pre-approved by the responsible supervisor. The City retains ownership of all equipment and/or licenses provided.

Use of City equipment and supplies is limited to authorized persons for purposes relating to City business. The employee is responsible for ensuring that equipment is used properly. The City will provide for maintenance and repairs to City equipment.

When using their own equipment for teleworking, the employee is responsible for maintenance and repair of equipment.

The City is not responsible for the payment of utilities (heat, electricity, etc.) or home maintenance costs. Telephone charges related to City business will be paid by the City.

In the event of delay in repair or replacement of equipment or any other circumstance under which it would be ineffective for the employee to telework, the employee will return to the City workplace.

## 4. Remote Work Location

The employee must designate a workspace at home or another location that is maintained in a safe condition, free from hazards. The teleworker will be responsible for completing a workspace safety review. Any accident must be brought to the immediate attention of the supervisor.

As part of teleworking responsibilities, the teleworker must ensure that safety and ergonomic standards are met in their workspace. Although the workspace does not have to be a separate room, it must have adequate lighting, ventilation, and furniture that is ergonomically comfortable and safe to use.

Teleworkers must have a method for expediently receiving and responding to communications (phone calls, messages, mail, etc.) from other staff, supervisors, and when applicable, clients and/or the public. Communication method(s) will be incorporated into the written agreement between the supervisor and the employee.

The teleworker remains solely liable for injuries to third persons and/or members of employee's family on employee's premises. The City is not liable for damage to the employee's real property.

Teleworkers will take all reasonable precautions necessary to secure City information and equipment in their workspace and prevent unauthorized access to any City system or information. Data and information used by teleworkers must be treated with the same caution and respect that confidential material is given in the office. In some cases, teleworkers will need to take a few added precautions.

#### **Request for a Telecommuting Schedule**

Employees who would like Routine and/or Situational Telework must submit a Telework Request form to their immediate supervisor for approval. The employee's Manager and the City Manager must approve a request for a telework schedule. This request form will be held in the employees personnel file and will cover all future teleworking.

Employees who anticipate using Situational Teleworking, in addition to the (one time) request form, need to send an email request to their Manager for every situational teleworking occurrence. Management must reply by email with their approval or denial before staff can telecommute that day(s).

All telework (whether routine, situational, or management) must be added to the employee's shared Outlook 365 calendar before the work-week has begun. Employees who do not have access to their work Calendars email the Deputy City Clerk and ask to be added.

**Telework Request Form**

A telework schedule will be considered for full-time employees of the City of San Juan Bautista. Management reserves the right to establish work schedules based upon City business necessity and to approve, deny, modify, or terminate a teleworking work schedule, at any time. Employees are required to complete this form to request a telework schedule and must be approved by the employee's Manager and the City Manager.

**Requested Telework Schedule**

Day requested:  Monday     Tuesday     Wednesday     Thursday     Friday  
 Weekly     Bi-Weekly     Situationally as needed

Telework schedule become effective the first day of the pay period beginning: \_\_\_\_\_

**Acknowledgement:** I agree to work the approved telework schedule and will be available to work these hours unless otherwise approved in advance by my manager(s). I agree to maintain a safe and secure workspace, protect City information/date and equipment, if provided. I understand this teleworking work schedule may change due to unforeseen circumstances. I acknowledge that this request form will be placed in my personnel file.

\_\_\_\_\_  
Employee Signature

\_\_\_\_\_  
Employee's Name (Please print)

\_\_\_\_\_  
Date

**Approve Telework Schedule**

Approved     Disapproved

\_\_\_\_\_  
Manager's Signature

\_\_\_\_\_  
Date

Approved     Disapproved

\_\_\_\_\_  
City Manager's Signature

\_\_\_\_\_  
Date

## Benefits of Maintaining Telework Policies

Livable Places Update

Article



Amid nationwide shelter-in-place orders during the pandemic, businesses and organizations have significantly changed their operations, including implementing telework policies at an unprecedented scale. Adoption of telework measures have shown to have economic, equity and environmental benefits for organizations, employees and local governments.

A recent [survey](#) by Global Workplace Analytics found 77% of office-based workers are now working from home five days a week, compared to only 9% before the start of the pandemic. Nearly 75 million U.S. employees (56% of the workforce) could work from home, up from 5 million (3.6%) who worked from home at least half-time in 2018.

Along with this economic shift, increased telework has also been instrumental in the fight against climate change. Although not all VMTs avoided during this period are directly tied to telecommuting policies, researchers at the [UC Davis Road Ecology Center](#) [found](#) that, after California's statewide stay-at-home order in March and mid-April, total vehicle miles traveled fell by 75%, with a corresponding drop in pollution levels.



### Good for Business

Telework can boost productivity, improve performance and reduce absenteeism. [Teleworkers are an average of 35-40% more productive than their office counterparts, and have measured an output increase of at least 6.4%](#). With stronger autonomy via location independence [workers produce results with 40% fewer quality defects](#). Because workers are more engaged, [absenteeism is also down 41%](#).

More than one-half of employees (54%) say they would change jobs for one that offered them more flexibility, which results in an average of 12% turnover reduction after a remote work agreement is offered.

["Many workers view telecommuting as a job perk, with more than half seeking the arrangement as a way to improve work-life balance.](#) People choose to work remotely to avoid daily commutes, reduce workplace distractions and fulfill family-care responsibilities," Laurel Farrer writes in [Forbes](#).

"Employers can hire geographically distributed talent and reduce overhead expenses, while employees can gain flexibility, save time, and reduce transportation and some child-care costs," according to the [American Psychological Association](#).

Telework can also help the bottom line. Global Workplace Analytics estimates that [organizations save an average of \\$11,000 per year per part-time telecommute, or 21% higher profitability](#) as a result of savings in real estate, absenteeism, turnover and increased productivity. Telecommuting can help reduce the capital drain of owning or leasing a building, while also saving on parking-lot leases, furniture, supplies, maintenance, security, janitorial, insurance, taxes, common area and other related costs as well as reduce compliance costs.

### Benefits for Employees

Telework is a win-win for businesses and their employees. Due to [reduced cost for travel, parking and food, employees could expect to save between \\$2,500 and \\$4,000 a year](#) by teleworking at least half the time. Some insurance companies also offer [special telecommuter rates saving as much as 15%](#), reports Matthew Sims in [autoinsurance.org](#).

Workers save time as well as money. By reducing their commute driving by 75%, the [half time teleworker saves the equivalent of 11 work days per year](#).

By significantly reducing driving time, teleworkers are also less at-risk of being in a traffic accident and have less exposure to harmful pollutants, pathogens and stress that could lead to a multitude of related illnesses.

Telework can also help achieve social-equity goals. If jobs are less dependent on location, a greater diversity of individuals could have access to job opportunities, bolstering a more equitable distribution of wealth, according to [Global Workplace Analytics](#). Telework jobs also offer [better employment options to rural workers](#) (in locations with access to broadband connectivity).

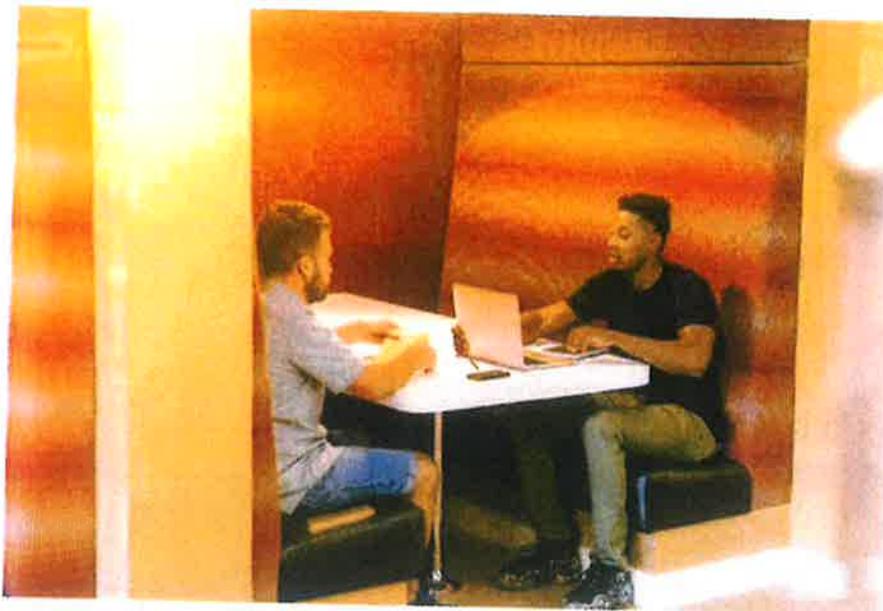
### Embedding Telework in Everyday Operations

Brookings Institute research shows that one step to reduce congestion, deliver a safer and greener transportation system, and still bring the economy back to full-capacity is demand management, allowing employees to work from home more often, and with more flexible work schedules where possible. The researchers also recommend implementing VMT fees to account for the losses in gas-tax revenues (from less driving), promoting public transit, and redesigning streets for more sustainable uses like walking and biking to promote active transportation and dissuade citizens from using their cars as their primary means of transportation.

[Economists](#) recommend directing post-recovery spending on embedding climate positive behaviors, by supporting teleworking, high-speed broadband connectivity and residential energy efficiency.

"The COVID-19 crisis has encouraged a rapid shift to digital and remote working practices in many countries (WHO, 2020) and reduced aviation (UNICAO, 2020) and car transportation (IMF, 2020b)," said Nobel laureate [Joseph Stiglitz](#).

"If leaders take the right steps – encouraging telework, altering revenue structures, and retrofitting roadways – the nation can emerge from the COVID-19 pandemic with a stronger and safer transportation outlook. It's now up to society to remake itself in the image it wants," concluded [Brookings Institute researchers](#). "Employers will need to rethink their telecommuting practices, government officials will need to accelerate adoption of new revenue sources, and entire communities must be willing to redesign their roads for greener and



Research shows that telework policies can help employees, save costs, and improve productivity. (Source: Institute of Transportation Engineers)

### Government Support to Advance Telework

Telework policies can help fulfill a range of local-government goals, from infrastructure and climate-change impacts to improved health outcomes. Decentralized labor and reduced commutes associated with [telework reduces strain on public infrastructure](#). Between December 1, 2019, and March 31, 2020, there was a 30-40% drop in VMT in Los Angeles and Ventura counties, according to [Institute of Transportation Engineers data](#).

[U.N. data](#) shows there has also been a 5.5 to 5.7 fall in CO2 emissions due to the pandemic. Continuing VMT-reducing telework policies would also help maintain the [reductions in GHG emissions](#) during the pandemic.

We would prevent almost 95,000 traffic-related injuries and deaths, and save more than \$11 billion a year in related costs by shifting the 50 million Americans with compatible jobs and a desire to [work from home at least part of the time](#) to half-time telework.

A number of states and cities have recognized the benefits of telecommuting and have provided assistance for private-sector initiatives that benefit both employers and employees.

In Virginia, businesses that promote telecommuting can get up to \$50,000 in tax credits for spending at most \$1,200 in telework expenses for each employee. Meanwhile in Washington, [Senate Bill 6016](#) has been introduced to give businesses up to \$250 in tax credits for each remote employee who telecommutes at least 12 days per month, with a maximum credit of \$10,000 per year.

[Georgia's Commuters Choice tax benefits program](#) offers financial incentives to both employers and employees for using alternative commute modes, such as carpooling, cleaner transportation vehicles or teleworking. The state also hosts an annual [Georgia Telework Week](#), which includes cash prizes and financial incentives to promote telecommuting and other sustainable commute options.

Some policymakers are betting on programs that tap digital technologies to entice skilled workers to relocate. In 2018, the Governor of Vermont enacted the [Remote Workers Grant](#) to [attract full-time remote workers to the State by offering a variety of incentives](#), including up to \$10,000 in relocation expenses. In Oklahoma, – the George Kaiser Family Foundation [paying telecommuters \\$10,000 to relocate to Tulsa, Oklahoma](#), in addition to providing a housing stipend and coworking membership.

### Making It Work for Everybody

Given the severe economic hardship and budget constraints facing government, businesses and families across the nation, we need creative solutions to bring back jobs in ways that support our equally urgent social-equity and climate-resilience imperatives. Advancing telework policies and incentives can increase employee satisfaction and productivity, reduce costs for employers and local governments, and offer a myriad of social equity, public health, air quality and climate benefits – a rare win-win-win strategy that we've already proved capable of advancing

- [5 Proven Benefits of Remote Work for Companies](#)
- [Telecommuting Statistics](#)
- [Coronavirus has shown us a world without traffic. Can we sustain it?](#)
- [California Remote Work Resources](#)
- [Remote Work States: 7 Locations That Incentivize Telecommuting](#)
- [One way to help restaurants in the future? Go alfresco by opening roads and lots to diners](#)
- [How Smaller Cities are Trying to Plug America's Brain Drain](#)

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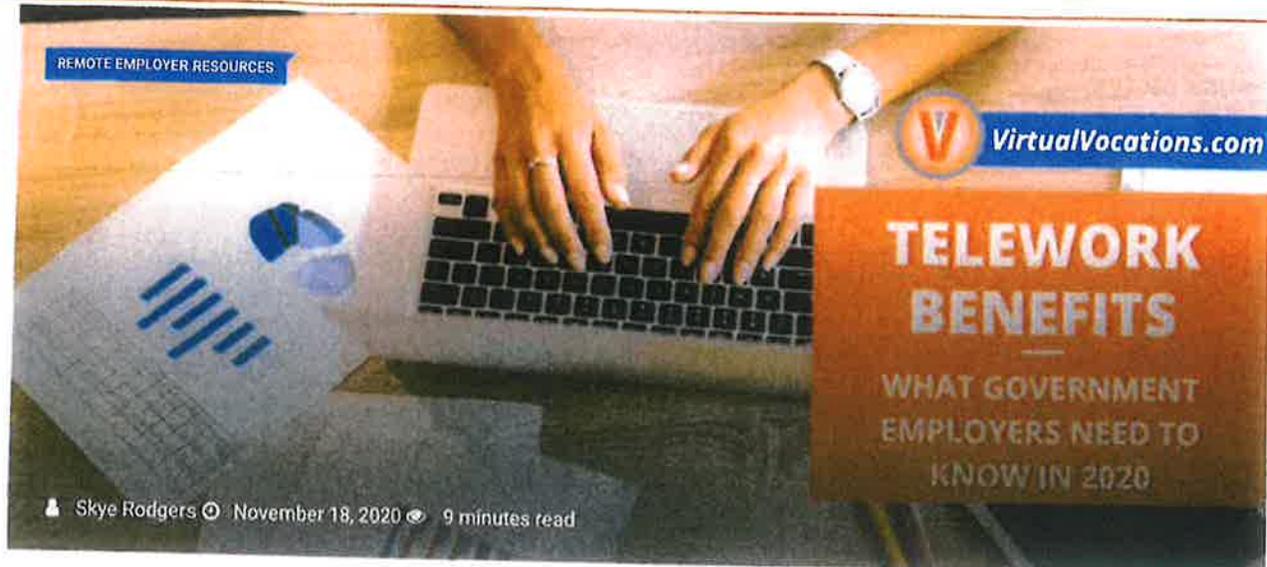


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## Telework Benefits: What Government Employers Need to Know



Telework programs at the federal, state, and local levels are expanding rapidly due to the COVID pandemic. While these programs had been slowly increasing over the past decade, efforts were stalled at the federal level until this spring. Due to stay at home orders issued last March, a large portion of public sector employees is now teleworking. So, what has this year taught us about telework programs? What do public sector employers need to know moving forward? Here's what government employers need to know about the future of telework and telework benefits.

### Definition of Telework

According to the [Telework Enhancement Act of 2010](#):

“Telework’ or ‘teleworking’ refers to a work flexibility arrangement under which an employee performs the duties and responsibilities of such employee’s position, and other authorized activities, from an approved worksite other than the location from which the employee would otherwise work.”



This legislation was specifically geared toward federal employees and agencies. However, many state and local governments also use telework to refer to employees working from alternative worksites during regular hours. The private sector has taken up slightly different terminology to mean the same, including “telecommuting” and “flexible workplace.”

### Federal Telework Programs and Legislation

Before COVID

Need Help?

The federal government has offered programs and legislation encouraging telecommuting since the 1990s. However, the Telework Enhancement Act of 2010 was the first comprehensive legislation to require telework policies. The act directs all federal agencies to identify employees eligible to telework and offer them opportunities to participate. The goal of the legislation was to contribute to Continuity of Operations (COOP) plans and improve responsiveness during crisis events. The intent was to help agencies achieve recruitment goals, retention targets, and enhance the work-life balance of federal employees.

In practice, the program has experienced some success. According to the 2019 Telework Report to Congress, prior to the pandemic, the number of eligible employees was 905,897, or about 42% of government employees. Of that total, 183,333, or 20% of eligible teleworkers, had telework opportunities as 22% of the entire federal workforce.

Unfortunately, the congressional report also indicated a stagnant growth rate over the previous three years. This is primarily due to the reliance of telework policies on the attitudes of supervisors and agency management. Indeed, several large agencies including the Social Security Administration and Department of Education recently attempted to reduce or eliminate programs. However, the roll-backs didn't result in productivity or accountability increases.

## After COVID

The COVID pandemic changed the rules of the game, sending most federal employees into telework status almost overnight. More than six months later, around 75% remain in telework status according to a survey by the Government Accountability Office. The report also noted that the federal government had implemented a number of policies to support telework, including providing equipment and software licenses.

Leadership has been spotty during this effort with most agencies implementing or expanding their telework programs with little direction. Initial guidance was delivered March 15, 2020 via memorandum to department and agency heads. The memo requested that employers allow eligible employees to maximize their telework flexibility and telework-enable as many employees as possible.

Lawmakers are lending support to strengthen and continue telework policies with two pieces of bipartisan legislation. These are the Emergency Telework Act of 2020 (S.3561) and the Pandemic Federal Telework Act (S. 4518). The goal of the legislation is to allow eligible federal employees to telework until the COVID national emergency ends.

## State & Local Government Programs

### Before COVID

In response to the 2010 federal legislation, most states introduced their own telework-friendly policies. While the uptake rate varies, almost all have provisions to support telework that predate the current pandemic. In addition, many cities and counties also created similar policies. Policies at the state and local level can also include private sector incentives to encourage telework for non-government employees.

The goals of these programs usually include same goals as the federal policies. For example, continuity of operations, ability to attract top talent, and improving work-life balance for employees. However, there are additional goals for teleworking at the state and local level. These can include reducing stress on aging infrastructure, traffic congestion, and pollution levels caused by commuting. Also, telework is being explored as an effort to maintain population levels where there is a lack of jobs for young, educated professionals.

### After COVID

Beginning with New Jersey and North Carolina in early March, state governments around the country moved employees to telework status. In addition, organizations like the International City/County Management Association sought to assist smaller governments in implementing effective telework policies and procedures. Fortunately, many governments were ahead of the game. One example is Fresno, California. The city government already had policies, an upgraded network, and the equipment and software licenses in place to facilitate the transition.

## Benefits of Telework

The COVID pandemic is a trial-by-fire to find if current telework policies are adequate and the ostensible benefits are proven true. The challenge in quantifying benefits within the federal government is setting and data collection. The goals set by each





department are different, supported by various strategies, and may or may not include a way to track success. However, below are the most commonly reported benefits of telework along with a brief summary of any current research.

### Emergency Preparedness Telework Benefits

Front and center right now is the continuity of operations (COOP) aspect of telework programs. A main reason the federal telework legislation passed was to ensure the government maintains operations in the event of a crisis. At that time, legislative bodies felt that telework was a key component of any disaster planning strategy.

Judging by anecdotal evidence to date, this strategy is working well. In fact, some federal departments successfully responded to vastly increased demand during the pandemic. For example, the **Small Business Administration** hired and onboarded thousands of new virtual employees to manage pandemic loan programs. In addition, the **Social Services Administration** reduced its backlog of pending cases by 11% after only three months of teleworking.

### Productivity Telework Benefits

An increase in productivity is the most often-cited of telework benefits. However, many are skeptical at best. Critics of telework feel that unless a manager is present to supervise, the employee will not work as hard. As mentioned earlier, department heads of agencies that scaled back on telework said they did so primarily to increase productivity.

However, in-house research prior to the pandemic called that rationale into question. In addition, private sector research repeatedly finds a boost in productivity from work from home employees. This includes studies that find **teleworkers are an average of 35-40% more productive** than their office counterparts.

Early indications from the federal government are that despite the rushed transition, there is no loss of productivity. This is backed up by a survey of federal workers by Eagle Hill Consulting in July. Results revealed that **70% of federal employees say they are actually more productive** while teleworking during the COVID pandemic.

### Cost Savings Telework Benefits

Telework programs are frequently touted as money-savers due to reduced overhead. According to calculations in the **Federal Times**, if all 900,000 eligible employees telecommuted half-time, office space could be reduced by 25%. The overall estimated savings is \$1.75 billion in real estate and \$11 billion in total costs.

Tracking actual cost savings in the federal government is uneven and ad hoc. But according to the 2019 Telework Report to Congress, 54% of agencies indicated their telework program achieved cost savings. The highest reported savings were in transit/commuting costs (18%), rent/office space (13%), and reduced absences (10%). Examples include:

- ✓ **The General Services Administration saving \$24.6 million**
- ✓ **The Patent and Trademark Office saving \$49.8 million**

### Telework Benefits for Human Resources

The perks realized by teleworking employees result in benefits for the entirety of the organization when it comes to employee hiring and performance. A **2018 study by the Federal Office of Personnel Management (FOPM)** found that:

Specific results included

- ✓ **78% of teleworkers were satisfied with their job compared with 68% of non-teleworkers**
- ✓ **76% of teleworkers received high performance on their evaluations compared to 72% of their office-bound colleagues**
- ✓ **68% indicated an intent to stay at their current position compared to 62% of non-participants**



The jury is still out regarding any benefits for human resources during the COVID pandemic. However, the **results** of reducing the telework program by the Department of Education are clear. Most employees reported decreases in productivity and requirements to use more sick and annual leave. In addition, 87% of respondents reported decreased morale and 86% knew someone who had or was considering leaving the department. In addition, most supervisors also did not see any positive impact from the program's reduction either.

## Telework Benefits for the Community

One of the most impactful byproducts of telework programs are those that benefit the community at large. These benefits are especially important to meet the goals of state and **local governments**. Expectations are that increases in telework will:

- ✓ **Reduce the strain on infrastructure**
- ✓ **Lower pollutions levels**
- ✓ **Improve public health outcomes**

Clearly, there has been a reduction in commuter traffic due to COVID restrictions. While country-wide data is not currently available, Los Angeles and Ventura Counties reported a 30% to 40% drop in vehicle miles travelled (VMT) between December 1, 2019, and March 31, 2020, according to Institute of Transportation Engineers data.

The impact of the COVID-induced shift to telework on air pollution is indisputable. Cities across the country and around the world **reported drastic decreases in common chemicals associated with vehicle emissions**. This includes dips in nitrogen dioxide (NO<sub>2</sub>) and particulate matter (PM). For example, the EPA confirmed a year-to-year drop of over 30% in pollution levels in San Francisco following the shelter-in-place order.

On the public health side, an estimated 50 million people with telework-compatible positions would prevent 95,000 traffic-related injuries and deaths per year and save more than \$11 billion. Moreover, a study released by the **Road Ecology Center** at the University of California-Davis found traffic accidents and crash-related injuries and deaths dropped 50% during the first three weeks of California's shelter-in-place order.

## Employee Telework Benefits

Employees also report numerous **benefits of telework**. In addition to increased productivity, telework employees enjoy cost savings, improved job satisfaction, and a better work-life balance among other aspects.

The cost savings that telework can bring include reduced requirements for gas, clothes, food, parking, and in some cases childcare. According to **Global Workplace Analytics**, the average savings for a half-time worker would come to \$2,000 to \$6,500 per year.

Does teleworking still result in improvements in how employees view their jobs, even with the added stress of a pandemic? The answer seems to be a resounding yes. The Eagle Hill study cited above found that since working virtually due to COVID had the following effects:

- ✓ **79% of federal workers are more committed to their agency's mission**
- ✓ **76% are more motivated to meet expectations**
- ✓ **70% have more trust in their colleagues**

## How Telework Measures Up

The COVID pandemic has resulted in a forced and hurried transition to telework for most of the public sector workforce. Yet despite the nature of the transition, early results show that agency leaders and their employees responded successfully to the challenge. In most cases, productivity has not suffered, and employees are feeling positive about their work status. In addition, the community benefits of traffic reduction are also becoming more apparent. With these results in mind, public sector leaders can feel confident that telework programs will result in multiple positive outcomes. The key is to develop strategic goals with measurable outcomes to prove their value in the long run.

*What are your thoughts on telework benefits? Have you noticed any improvement in productivity or morale since moving to remote work? Connect with Virtual Vocations on [Facebook](#), [Twitter](#), [LinkedIn](#), [Instagram](#), and [YouTube](#) to share your advice. We*

 Need Help?



# CITY OF SAN JUAN BAUTISTA STAFF REPORT

**AGENDA TITLE:** REJECT BIDS FOR THE **2022 PAVEMENT MANAGEMENT PROGRAM PROJECT** AND REBID THE PROJECT WITH MODIFICATIONS

**MEETING DATE:** September 20, 2022

**SUBMITTED BY:** Julie Behzad, PE  
Acting City Engineer

**DEPARTMENT HEAD:** Don Reynolds, City Manager

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## RECOMMENDED ACTION(S):

City Staff recommends City Council to:

1. Authorize City Manager to reject all bids for the **2022 Pavement Management Program Project**.
2. Approve a rebid of the project with modifications.

## REPORT NARRATIVE:

### Project Description

The proposed 2022 Pavement Management Program Project (“Project”) proposes pavement milling and edge grinding, hot mix asphalt concrete (AC) overlay, full depth AC pavement repairs, micro surfacing, crack sealing, replacement of all existing traffic delineation and markings, utility adjustments, and all related work on various streets within the City limits. The Project is located on the following streets as shown on Table 1: Franklin St., North St., Monterey St., The Alameda, Polk St., Second St., Fourth St., Fifth St., Sixth St., Seventh St., and Church Street.

This project also includes installing new sidewalks and curb and gutter, as well as installing new ADA ramps, as shown on Exhibits 2 and 3.

The bid opening for the project was held on August 30, 2022, and the bids received are listed below:

Graniterock	\$1,195,290.00
Don Chapin Company	\$1,189,875.00
Precision Grade	\$1,202,542.50
McKim Corporation	\$1,193,745.50

During the bidding process, it has come to staff's attention that there may have been an error in the bid schedule. Upon further evaluation, staff discovered that there was a math error which resulted in the wrong quantity of Hot Mix Asphalt Concrete. Due to lack of time to notify all the plan-rooms and plan holders, the bids were open per schedule. All the bids received were well over the Engineer's estimate of \$850,000.

Upon further review of the bid package and consulting with the City Attorney, Staff feels confident that the City will receive more competitive bids if the project is rebid with minor revisions to the project plans and specifications. Therefore, Staff recommends that the City Council reject all bids and rebid the project.

This will delay the construction start date by approximately four weeks. If the project is rebid, construction would begin in late October 2022 and anticipated to be substantially complete by end of December weather permitting and assuming no project delays. The asphalt pavement coating portion of the project may have to be postponed until Spring due to the suppliers shutting down their plants in late fall.

**RECOMMENDATION:**

Staff recommends that the City Council reject all bids and rebid the 2022 Pavement Management Program Project.

**SCHEDULE:**

The following is the tentative schedule for this project. Actual schedule will be developed and confirmed with the contractor based upon completion of the required contract documents, approval of pre-submittals, and their availability.

Award Construction Contract	October 2022
Begin Construction	October 2022
Construction Completion	Spring 2023

**FISCAL IMPACT:**

There is no direct fiscal impact related to the recommended Council action.

**ATTACHMENTS**

1. Table 1 : Project Locations Map
2. Exhibit 2
3. Exhibit 3

**PMP – Pavement Rehabilitation Project, City of SJB**

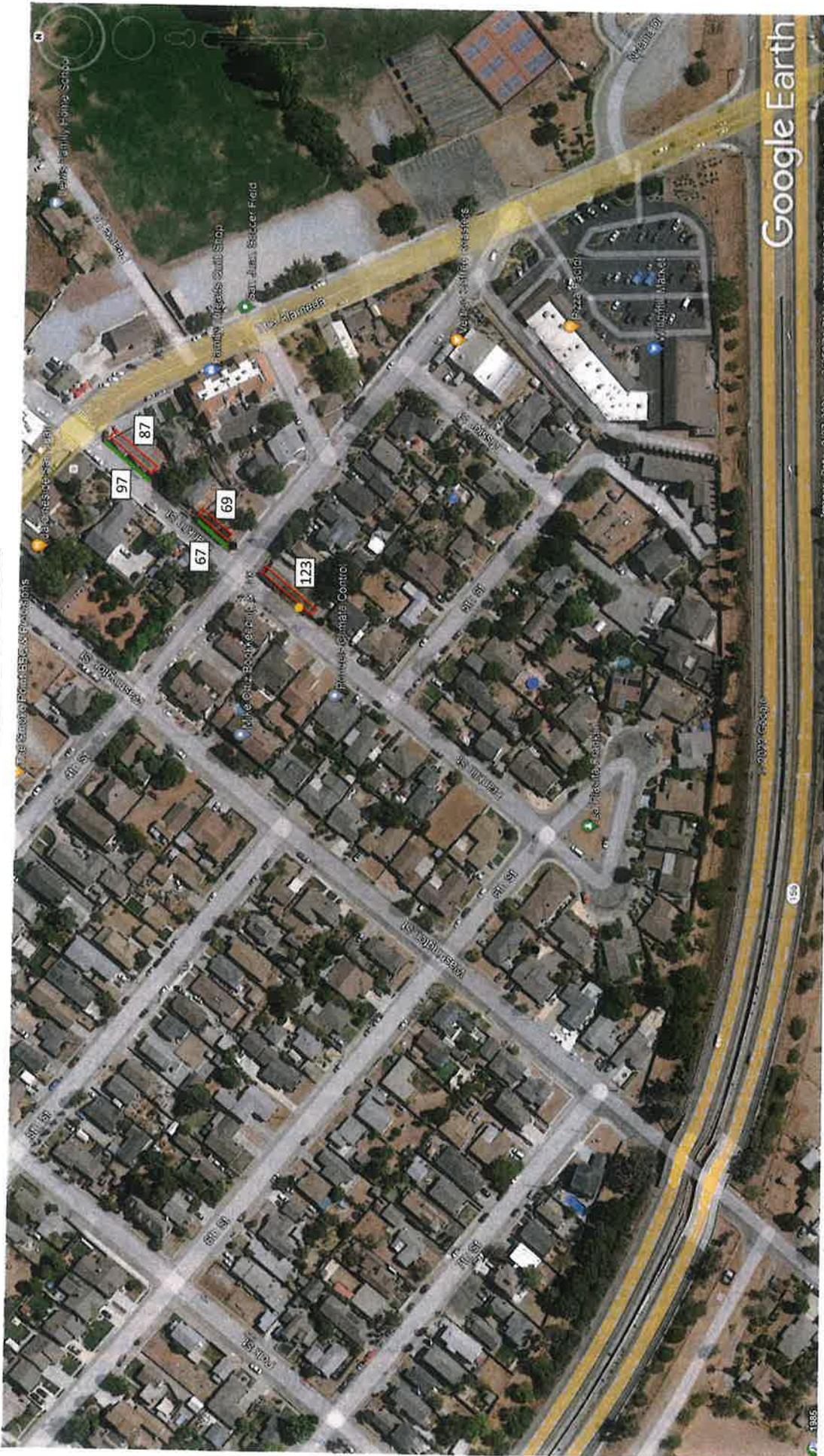
**Table 1: Street Pavement**

Street Name	Beg Loc	End Loc	Surface Area sq. ft. (Approx.)	Treatment
a) Franklin St.	6 <sup>th</sup> St.	4 <sup>th</sup> St.	17,200	6 ft. Edge Grind & 2-inch Overlay Including intersection at 6 <sup>th</sup> St.
b) Franklin Circle	Franklin St.	6 <sup>th</sup> St.	24,250	6 ft. Edge Grind & 2-inch Overlay
c) Franklin St.	4 <sup>th</sup> St.	3 <sup>rd</sup> St.	7,560	6 ft. Edge Grind & 2-inch Overlay
North St.	3 <sup>rd</sup> St.	1 <sup>st</sup> St.	17,710	6 ft. Edge Grind & 2-inch Overlay including Dig-out
Second St.	Monterey St.	San Jose St.	25,050	6 ft. Edge Grind & 2-inch Overlay
a) Monterey St.	Church St.	4 <sup>th</sup> St.	19,530	Type 2 Micro Surfacing
b) Monterey St.	Church St.	Cemetery Ent	11,480	6 ft. Edge Grind & 2-inch Overlay including Dig-out
The Alameda	Pearce St.	Hwy. 156	24,080	Crack Sealing & Type 2 Micro Surfacing
Polk St.	4 <sup>th</sup> St.	2 <sup>nd</sup> St.	20,350	10 ft. Edge Grind & 2-inch Overlay including Dig-out

Street Name	Beg Loc	End Loc	Surface Area sq. ft. (Approx.)	Treatment
Fifth St	Muckelemi St.	Polk St.	17,800	6 ft. Edge Grind & 2-inch Overlay including Dig-out
Seventh St.	San Antonio	Polk St.	23,900	6 ft. Edge Grind & 2-inch Overlay
a) Church St.	Cemetery Entrance	3 <sup>rd</sup> St.	21,450	6 ft. Edge Grind & 2-inch Overlay
b) Church St.	3 <sup>rd</sup> St.	1 <sup>st</sup> St.	17,900	6 ft. Edge Grind & 2-inch Overlay including Dig-out and intersections
Fourth St.	Monterey	The Alameda	92,950	Type 2 Micro Surfacing
Sixth St.	Washington St.	Franklin Circle	8,200	6 ft. Edge Grind North side & 2-inch Overlay/Micro Surface Remaining
Seventh St.	Polk St.	Washington St.	22,650	6 ft. Edge Grind & 2-inch Overlay including Petro-mat

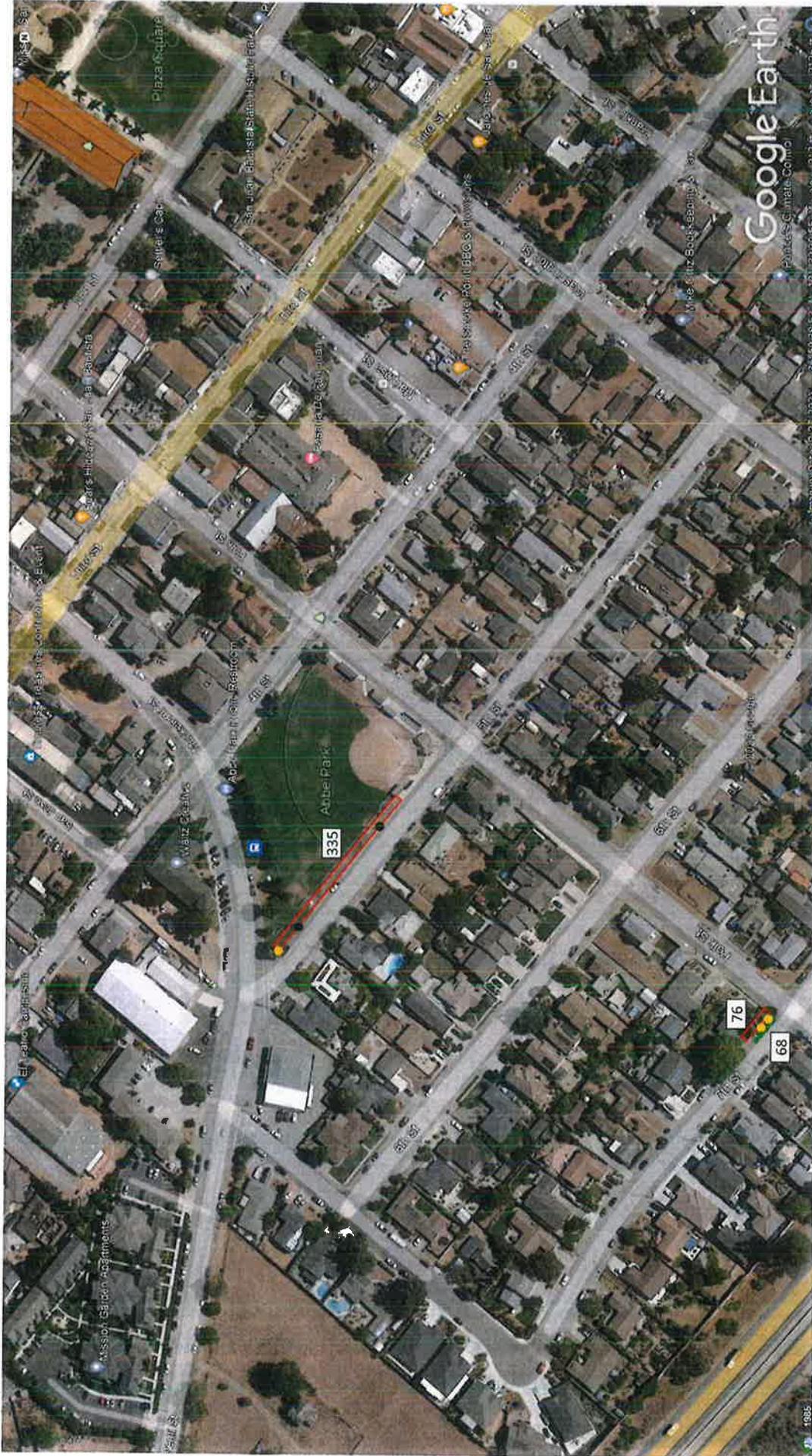
**Total Pavement Surface Area = 372,060 sq. ft. (Approx.)**

**EXHIBIT 2 SIDEWALK, CURB & GUTTER**



- Legend:**
- Public Sidewalk is missing (LF)
  - Public curb & gutter is missing (LF)
  - Damaged existing public curb & gutter due to tree roots (LF)
  - Linear Feet (LF)
  - Existing Tree
  - Existing Overhead Utility Post

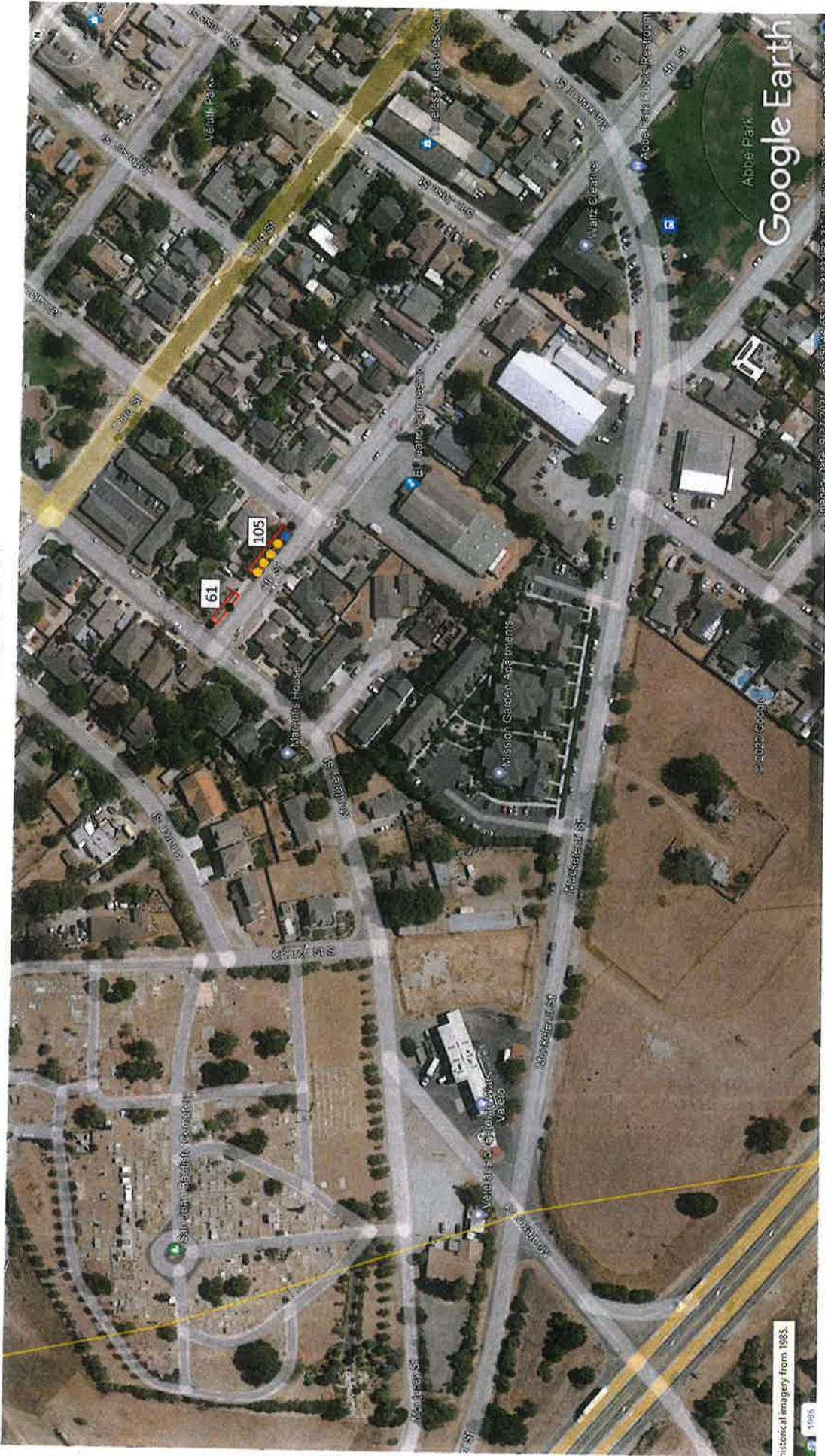
EXHIBIT 2 SIDEWALK, CURB & GUTTER



Legend:

- Public Sidewalk is missing (LF)
- Public curb & gutter is missing (LF)
- Damaged existing public curb & gutter due to tree roots (LF)
- Linear Feet (LF)
- Existing Tree
- Existing Overhead Utility Post

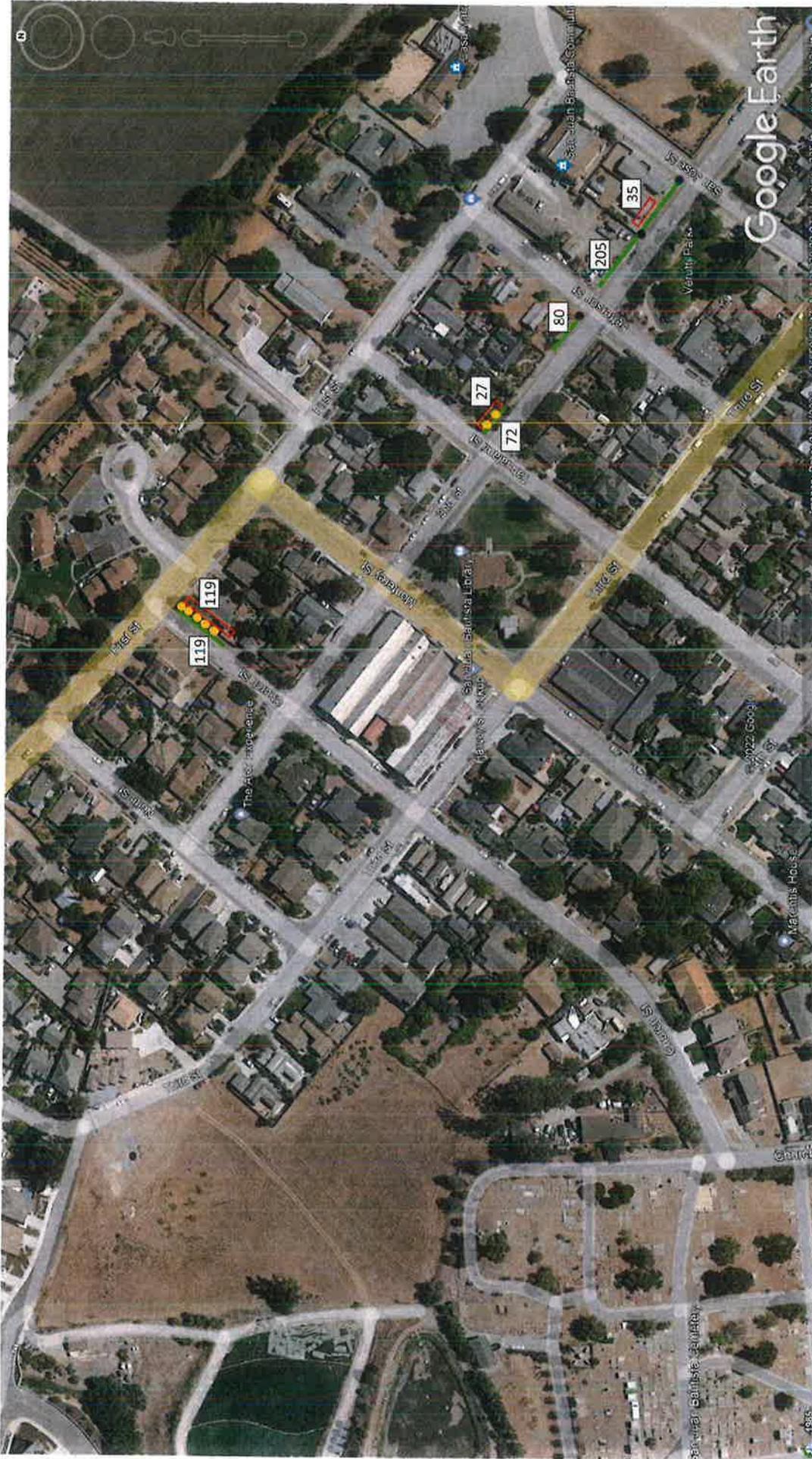
EXHIBIT 2 SIDEWALK, CURB & GUTTER



**Legend:**

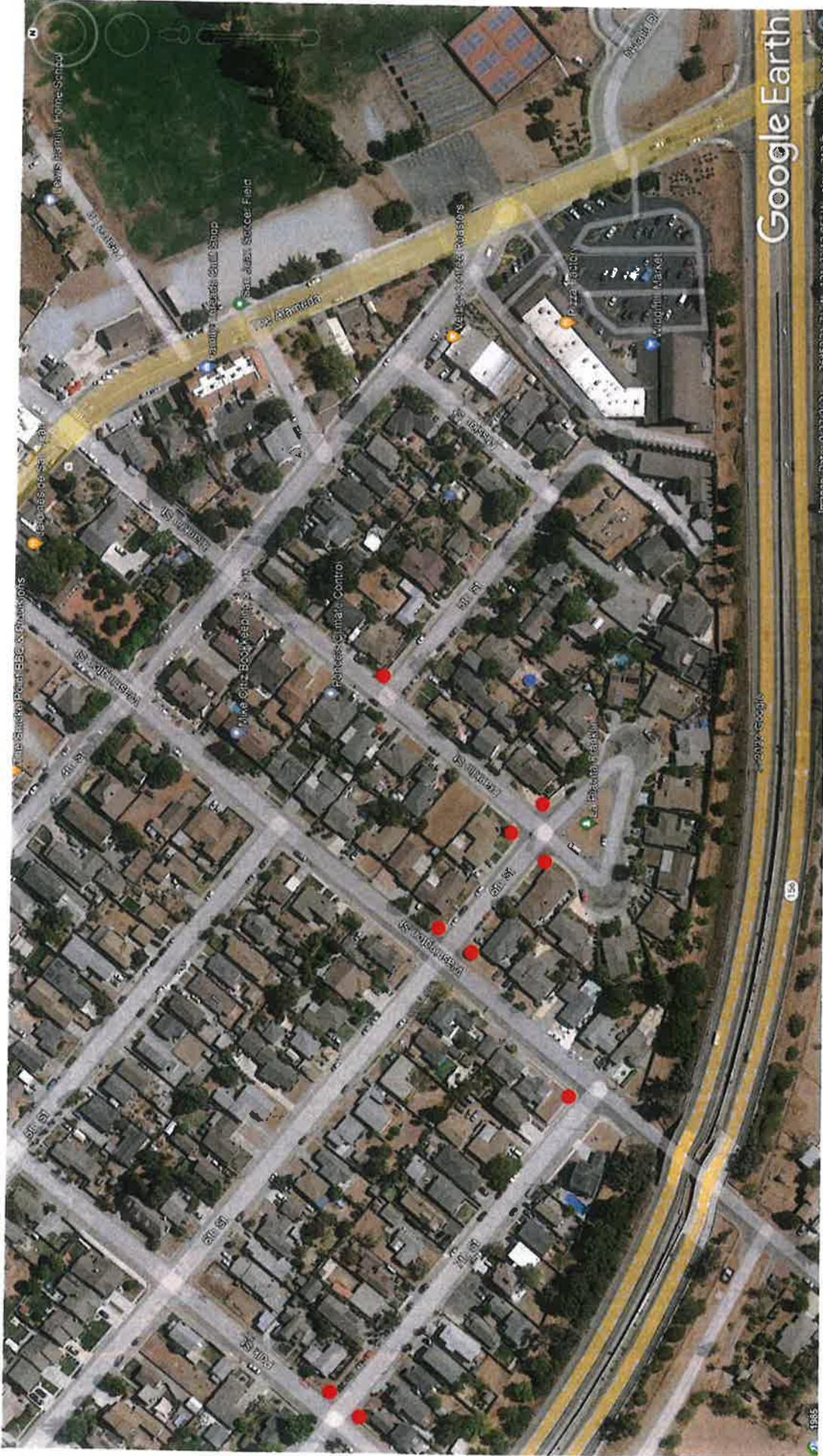
- Public Sidewalk is missing (LF)
- Public curb & gutter is missing (LF)
- Damaged existing public curb & gutter due to tree roots (LF)
- Linear Feet (LF)
- Existing Tree
- Existing Overhead Utility Post
- Existing Fire Hydrant

**EXHIBIT 2 SIDEWALK, CURB & GUTTER**



- Legend:**
- ▬ Public Sidewalk is missing (LF)
  - ▬ Public curb & gutter is missing (LF)
  - ▬ Damaged existing public curb & gutter due to tree roots (LF)
  - XX Linear Feet (LF)
  - Existing Tree
  - Existing Overhead Utility Post
  - Existing Fire Hydrant

EXHIBIT 3 - URB RAMP

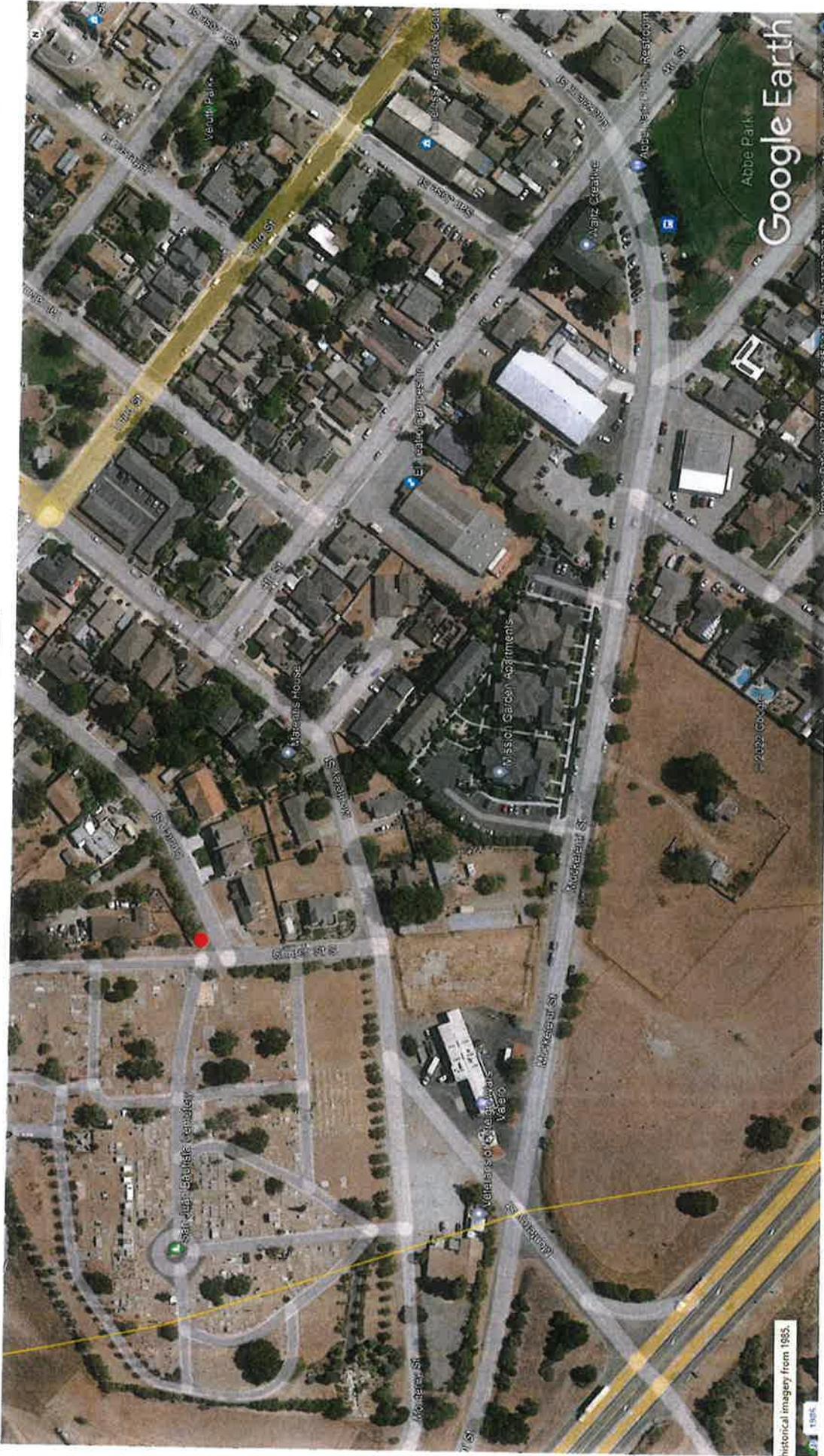


Legend:

- Street corner which ADA Ramp is missing or needs improvements



EXHIBIT 3 RB RAMPS



Legend:

- Street corner which ADA Ramp is missing or needs improvements



**ORDINANCE NO. 2022-XX**

**ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN JUAN BAUTISTA  
RESCINDING SECTION 5-1-165 ("FIREWORKS") OF CHAPTER 5.1 ("CALIFORNIA FIRE CODE – 2001  
EDITION") AND RESCINDING CHAPTER 5-16 ("FIREWORKS"), OF THE SAN JUAN BAUTISTA  
MUNICIPAL CODE; AND ADDING A NEW CHAPTER 5-16 ("FIREWORKS")  
TO THE SAN JUAN BAUTISTA MUNICIPAL CODE TO PROHIBIT THE SALE, USE, POSSESSION AND  
DISCHARGE OF ALL FIREWORKS WITHIN THE CITY OF SAN JUAN BAUTISTA AND IMPOSING HOST  
LIABILITY FOR ALLOWING SAME**

**WHEREAS**, by Ordinance No. 2003-04 this Council added Section 5-1-165 ("Fireworks") to the San Juan Bautista Municipal Code; and

**WHEREAS**, by Ords. 2 (no date), 27a this Council added Chapter 5-16 ("Fireworks") to the San Juan Bautista Municipal Code; and

**WHEREAS**, the City of San Juan Bautista may adopt regulations to protect the health, safety, and welfare of the public under California Constitution Article XI, §7 and California Government Code §37100, and thereby is authorized to declare what use or condition constitutes a public nuisance; and

**WHEREAS**, the City of San Juan Bautista has the authority under California Government Code §53069.4 to issue administrative citations for violation of the City's ordinances, and

**WHEREAS**, pursuant to Section 5-1-165 (Fireworks) and Section 5-16-100 (Fireworks) the City of San Juan Bautista has prohibited the sale, possession and use of "dangerous fireworks," as defined by state law, within the City but permitted the sale and discharge of legal "safe and sane" fireworks, as defined by state law, within the City only during certain days and hours in connection with the July 4<sup>th</sup> Independence Day holiday; and

**WHEREAS**, the City Council periodically reviews City ordinances to ensure they are achieving their aims, while continuing to adhere to legal requirements; and

**WHEREAS**, the City Council of the City of San Juan Bautista finds that due to the continued threat of wildland fire and wind events that increase fire risk to properties within and adjacent to the City limits there is no assurance that a fire from whatever source will not exceed the capabilities of the fire services and reach catastrophic proportions; and

**WHEREAS**, the City Council of the City of San Juan Bautista finds the goal of eliminating a risk of fire resulting from the use of dangerous or of safe and sane fireworks, and thereby protect the public health, safety and welfare, would be best served by holding responsible not only those individuals who use fireworks in violation of the San Juan Bautista Municipal Code but also those individuals who allow such illegal use on property that they either own or control; and

**WHEREAS**, the City Council of the City of San Juan Bautista desires to amend and update the City of San Juan Bautista Municipal Code to reflect the current needs of the City and to ensure the health, safety and welfare of the public and the fire protection and law enforcement personnel who serve and protect the citizens of the City of San Juan Bautista public and the general public.

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SAN JUAN BAUTISTA ORDAINS AS FOLLOWS:**

**SECTION 1:** Section 5-1-165 (“Fireworks”) of Chapter 5.1 (“California Fire Code – 2001 Edition”) of the San Juan Bautista Municipal Code is hereby rescinded.,

**SECTION 2:** Chapter 5-16 of the San Juan Bautista Municipal Code hereby is hereby rescinded.

**SECTION 3:** Chapter 5-16 is hereby added to the San Juan Bautista Municipal Code to read in its entirety as shown on **Exhibit A**, attached hereto and incorporated herein by reference.

**SECTION 4:** CEQA. The City Council hereby finds that the action to adopt this Ordinance to rescind Section 5-1-165 and Chapter 5-16 and to add a new Chapter 5-16 and the implementation of that Chapter are exempt from the provisions of the California Environmental Quality Act under section 15061(b)(3) in that the City Council finds there is no possibility that the implementation of Chapter 5-16 may have significant effects on the environment.

**SECTION 5:** Severability. This ordinance and the various parts thereof are hereby declared to be severable. Should any section of this ordinance be declared by a court to be unconstitutional or invalid, such decision shall not affect the validity of the ordinance as a whole, or any portion thereof other than the section, or part thereof, so declared to be unconstitutional or invalid.

**SECTION 6:** Effective Date. This ordinance shall go into effect thirty (30) days after the date of its adoption.

**THE FOREGOING ORDINANCE** was first read at a regular meeting of the San Juan Bautista City Council on the 20th day of September , 2022, and was adopted at a regular meeting of the San Juan Bautista City Council on the \_\_\_\_\_ day of \_\_\_\_\_, 2022, by the following vote:

**AYES:**

**NOES:**

**ABSENT:**

**ABSTAIN:**

\_\_\_\_\_  
**Mayor Leslie Q. Jordan**

**ATTEST:**

\_\_\_\_\_  
**Don Reynolds, City Manager,  
Acting Deputy City Clerk**

**APPROVED AS TO FORM:**

\_\_\_\_\_  
**Robert W. Rathie, City Attorney**

## EXHIBIT A

### Chapter 5.16

### FIREWORKS

#### Sections:

- 5-16.100 Purpose and Findings.
- 5-16-200 Definitions.
- 5-16-300 Prohibition.
- 5-16-400 Seizure of Fireworks.
- 5-16-500 Host Liability.
- 5-16-600 Exceptions.
- 5-16-700 Violation Penalty.
- 5-16-800 No Mandatory Duty of Care.

#### 5-16-100 Purpose and Findings.

(A) Fireworks present a significant hazard to the City of San Juan Bautista, the environment and the safety of its citizens.

(B) It is in the city's best interest to prohibit the sale, use, possession and discharge of fireworks, including illegal and "dangerous fireworks" and legal fireworks also known as "safe and sane fireworks."

(C) The purpose of this chapter is to establish a prohibition on the sale, use, possession and discharge of fireworks in the city of San Juan Bautista.

(D) California Health and Safety Code Section 12500 et seq. provides for regulation of the manufacture, classification and, in part, sales of safe and sane fireworks by the California State Fire Marshal and California Health and Safety Code Sections 12541 and 12541.1 allow local jurisdictions to prohibit or otherwise regulate sale based upon local conditions.

(E) In 2022 and previously, California has experienced devastating wildfires. The City of San Juan Bautista is surrounded by brush-covered lands so that fireworks present a significant fire hazard to the environment and the safety of its citizens.

(F) Many jurisdictions elsewhere have already banned fireworks.

#### 5-16-.200 Definitions

(A) As used herein, the words and phrases "fireworks," "dangerous fireworks," and "safe and sane fireworks" shall have the meanings ascribed to them in Section 12500 et seq. of the California Health and Safety Code.

(B) As used herein, the word "host" means a person who either is in charge of private property, including, but not limited to, an owner, tenant, landlord, or property manager of the property; or who organizes, supervises, officiates, conducts, controls, or is otherwise in charge of the activity on the property.

(C) As used herein, the phrase "response costs" means costs associated with law enforcement, fire, medical, or other emergency personnel responding to, remaining at, and leaving the scene of a gathering, including but not limited to: salaries and benefits of law enforcement, fire, medical, or other emergency personnel; administrative costs; the cost of any medical treatment of injuries to any law enforcement, fire, medical or other emergency personnel; the cost of using any city equipment; the cost of repairing any damaged city equipment or property; and any other costs related to enforcement of this Chapter.

#### 5-16-300 Prohibition.

The sale, use, possession and discharge of fireworks, including, but not limited to legal fireworks, sometimes also known as safe and sane fireworks, and dangerous fireworks, are prohibited within the city of San Juan Bautista. It shall be unlawful for any person to sell, offer for sale, purchase, discharge or otherwise use fireworks within the City of San Juan Bautista except as provided in this Chapter. Each day of recurrence of any violation shall constitute a separate offense and may be treated as such pursuant to this Section.

#### 5-16-400 Seizure of Fireworks.

The County Sheriff, County Fire Chief, or designee, may seize, take, remove or cause to be removed, at the expense of the owner, all fireworks possessed or displayed in violation of this Chapter.

#### 5-16-500 Host's Liability.

(A) No host shall allow any person to violate a provision of this Chapter on the host's private property, except as provided below in Subsection C.

(B) Whenever a host is present at the private property while another person violates a provision of this Chapter, there shall be a rebuttable presumption that the host knew or should have known of the violation.

(C) The provisions of this Section shall not apply to a host who initiates contact with law enforcement or fire officials to assist in removing any person from the property or terminating the activity in order to comply with this Chapter, if the request for assistance is made before any other person contacts law enforcement or fire officials to complain about the violation of this Chapter.

(D) No host shall aid or abet another person's violation of a provision of this Chapter in a public right-of-way adjacent to the host's private property. A host aids and abets another person's violation of a provision of this Chapter if he or she knows of the other person's unlawful purpose and the host specifically intends to, and does in fact, aid, facilitate, promote, encourage, or instigate the other person's commission of that violation.

#### 5-16-600 Exceptions.

(A) Nothing in this chapter shall be construed as prohibiting the sale, use, or discharge of any of the following: torpedoes (impact sensitive fireworks), flares, or fuses by transportation or law enforcement agencies for signal purposes or illumination; blank cartridges for ceremonial purposes, athletic, or sports events or military ceremonies or demonstrations; fireworks by permittees having a permit as hereinafter provided; agricultural and wildlife fireworks as defined in California Health and Safety Code Section 12503; or to those subjects identified in California Health and Safety Code Sections 12540 (a) through (d).

(B) Public displays of fireworks may be conducted by permit granted pursuant to Title 19 of the California Code of Regulations.

#### 5.-16-700 - Violation Penalty.

(A) In addition to any other remedy allowed by law, any person who violates a provision of this Chapter is subject to criminal sanctions, civil actions, and administrative penalties pursuant to Chapter 2-7.

(B) Notwithstanding the provisions of Chapters 13-1 or 2-7, the amount of the bail schedule for citations for enforcement of a violation of this Chapter shall be set by the City Council by resolution. As of June 29, 2021, per Resolution 2021-34A the bail schedule upon adoption of his ordinance is one thousand dollars (\$1,000.00) for the first violation, two thousand five hundred dollars (\$2,500.00) for a second violation within twelve months of a first violation, and five thousand dollars (\$5,000.00) for a third or subsequent violation within twelve months of the last violation. The above-listed amounts may be changed by the City Council by resolution.

(C) In the event the fireworks are confiscated and have to be disposed of by the County Sheriff of County Fire Department, there shall be an additional charge of two hundred and fifty dollars (\$250.00) assessed for disposal fee.

(D) Any person who violates Section 5-16-300 and any host who violates Section 5-16-500 shall be liable for the response costs relating to the violation. All hosts who violate Section 5.16.500 in the same incident are jointly and severally liable for the response costs relating to the violation. The amount of response costs constitutes a debt owed to the city.

(E) Notice of the response costs shall be served by first-class mail on the person or hosts liable for such costs. The notice shall contain the following information:

The name of the person or host who is liable for the response costs;

The address of the private property where the incident occurred;

The date and time of the response;

The law enforcement, fire, or other emergency response personnel who responded; and

An itemized list of the response costs.

(F) Payment for response costs shall be remitted to the City of San Juan Bautista within thirty (30) calendar days of the date of the notice. The payment of any such costs shall be stayed upon the filing of a timely appeal.

(G) A person or host charged with response costs may, within ten (10) calendar days of the date of the notice of response costs, appeal the response costs in accordance with Section 2-7-130 of Chapter 2-7. The appeal hearing shall be scheduled and conducted in the manner prescribed in Chapter 2-7. Failure to timely file an appeal constitutes a failure to exhaust available administrative remedies, and bars any further review or administrative appeal of the response costs.

(H) Violations of this Chapter are hereby declared to be a public nuisance.

(I) All remedies prescribed under this Chapter are cumulative and the election of one or more remedies does not bar the city from the pursuit of any other remedy to enforce this Chapter.

#### 5-16-800 No Mandatory Duty of Care.

This Chapter is not intended to and shall not be construed or given effect in a manner that imposes upon the City or any officer or employee thereof a mandatory duty of care towards persons and property within or without the City, so as to provide a basis for civil liability for damages, except as otherwise imposed by law.

**ORDINANCE 2022-XX**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN JUAN  
BAUTISTA TO ADD SECTIONS 7-04-106 AND 7-04-107 TO THE  
SAN JUAN BAUTISTA MUNICIPAL CODE TO AUTHORIZE EXCEPTIONS TO  
SUBSECTIONS (e)(1) AND (f) OF SECTION 22500 OF THE CALIFORNIA  
VEHICLE CODE REGARDING, RESPECTIVELY, PARKING IN FRONT OF  
DRIVEWAYS AND PARKING ON SIDEWALKS**

**THE CITY COUNCIL OF THE CITY OF SAN JUAN BAUTISTA HEREBY ORDAINS AS  
FOLLOWS:**

**SECTION 1:** The City Council finds and determines as follows:

A. Section 22500 ("Prohibited stopping, standing, or parking") of the California Vehicle Code includes in its listing of prohibited acts subsections (e)(1) (no parking in front of public or private driveway), and subsection (f) (no parking on or over sidewalks or portions of sidewalks). Each of the subsections authorizes local authorities, by ordinance, to enact specified exceptions to said prohibited acts.

B. This Council, in the interest of public safety and convenience, desires to exercise the authority included in each of the noted Vehicle Code subsections, (1) to provide that certain vehicles may park in front of driveways for strictly limited purposes, and (2) to provide that certain vehicles (described by reference to California Vehicle Code Section 21114.5) may park on sidewalks, all as more particularly described in the additions to the Municipal Code written below.

**SECTION 2:** Sections 7-4-106 and 7-4-107 are hereby added to the San Juan Bautista Municipal Code, to read as follows:

"7-4-106. Parking in front of driveways. It shall be unlawful for the operator of a vehicle to stop, park or leave standing said vehicle in front of a public or private driveway, whether attended or unattended, except that a bus engaged as a common carrier, school bus, or a taxicab may stop in front of a public or private driveway to load or unload passengers."

"7-4-107. Parking on sidewalks. It shall be unlawful for any person to stop, park, or leave standing any vehicle, whether attended or unattended, on any portion of a sidewalk, or with the body of said vehicle extending over a portion of a sidewalk, except for (1) electric carts operated by physically disabled persons, (2) electric carts operated by persons 50 years of age or older, or (3) while in the course of their employments electric carts operated by employees of the United States Postal Service, state and local government, utility companies, on public sidewalks. Disabled persons and persons 50 years of age or older, in order to qualify for their exceptions hereunder, shall apply for and obtain from the City Manager a permit to operate on

and over sidewalks, and an identification sticker. Such permits and stickers shall become void once and if the permit holder ceases to operate, own or lease the cart.”

**SECTION 3:** Environmental determination. In the exercise of their independent judgment, this Council hereby determines that enactment of this ordinance is exempt from California Environmental Quality Act (CEQA) review and therefore not required, because there is no possibility that enactment will or may have a significant effect on the environment, and that enactment is therefore not a project because it will not cause a direct judgment physical change on the environment.

**SECTION 4:** Effective date. This Ordinance shall take effect 30 days after its adoption the City Council.

**THE FOREGOING ORDINANCE** was first read at a regular meeting of the San Juan Bautista City Council on the 20th day of September , 2022, and was adopted at a regular meeting of the San Juan Bautista City Council on the \_\_\_\_\_ day of \_\_\_\_\_, 2022, by the following vote:

**AYES:**

**NOES:**

**ABSENT:**

**ABSTAIN:**

---

**Mayor Leslie Q. Jordan**

**ATTEST:**

---

**Don Reynolds, City Manager  
Acting Deputy City Clerk**

**APPROVED AS TO FORM:**

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**Robert W. Rathie, City Attorney**



## CITY OF SAN JUAN BAUTISTA CITY COUNCIL REPORT

**AGENDA TITLE:** URBAN GROWTH BOUNDARY – SPHERE OF INFLUENCE AD HOC COMMITTEE STATUS

**MEETING DATE:** September 20, 2022

**DEPARTMENT HEAD:** Don Reynolds, City Manager

---

### **RECOMMENDED ACTION(S):**

It is recommended that the City Council consider the status of the Urban Growth Boundary – Sphere of Influence Ad Hoc Committee, consider reconvening the Ad Hoc Committee and sending the attached letter to affected property owners outside of and surrounding the City limits.

### **BACKGROUND INFORMATION:**

The Local Agency Formation Commission (“LAFCo”) informed the City Council that the current General Plan’s “Sphere of Influence” (“SOI”) and Urban Growth Boundary was never adopted by LAFCO, in 2016 when it was approved by the City. The 1998 General Plan SOI remains as the City’s guide for future growth. **Attachment B** to this report provides the definitions of Sphere of Influence, the LAFCO SOI application process, and a definition of Urban Growth Boundary (“UGB”).

In June 2020 the City agreed to establish an Ad Hoc Committee to study the SOI and UGB status and recommend changes to better control growth. Councilmember Dan DeVries and Mayor Mary Edge, joined Planning Commission Chair Scott Freels and Historic Resources Board Chair Luis Matchain. Jackie Morris Lopez was appointed as the “Member at Large.” The first meeting was August 18, 2020. By November 2020, the Committee had met six times. The Committee met in the library and each member drew its preferred scope of influence on the map.

There was a lot of discussion about preventing sprawl and whether or not the City’s growth could be better controlled using a large SOI including more parcels, or a small SOI excluding most parcels. The City can establish strong limited land uses for those within the SOI. But some felt that a large SOI is dangerous, and invites developers to exploit land for development that is intended for preservation.

Following the election, Dan Devries termed out, and Commissioner Freels replaced him as the new City Council representative. Jackie Morris Lopez was appointed to the Planning Commission

and replaced Scott Freels. E.J. Sabathia was appointed as the Member at Large. This Ad Hoc Committee met twice, in November 2021 and December 2021. A two-tiered map shared with the Committee in November and was discussed. An Email summary of the two-tiered map provided to the Ad Hoc Committee as Attachment C.

Staff took the feedback from the December 2021 Ad Hoc Committee meeting, and finalized the two-tier map and interpreted this meeting to be the Ad Hoc Committee's final decision. Both the parcels to be preserved for conservation ("yellow") and the parcels to be considered for development ("orange") are indicated as being within the SOI. But apparently, although the Committee discussed the two tiers and the SOI, the Committee did not conclude that both tiers be contained within the SOI before it went out to the public.

The "draft" map became part of the scope of work to be completed as a Community Plan by EMC that was approved by the Council February 15, 2022. This Community Plan will help inform the LAFCO application by defining land uses within the proposed sphere of influence. EMC's scope of work is part of the definitions provided on the second page in **Attachment C**.

In order to meet the State grant deadline of September 2022, the City then embarked on an aggressive public outreach campaign, inviting the community and surrounding property owners to meetings about the two-tier map during the week of May 4, 2022. These meetings were then interpreted by staff and EMC and presented to the community June 13, at the VFW Hall. Despite staff's good intentions, the meeting became contentious, several left early, leaving no quorum of either the City Council or Planning Commission, and leaving some feeling ignored or left out of the decisions represented by the map. Because of lack of quorum, some expressed feelings that the conclusions from that meeting (adding or not adding parcels to the SOI) are illegitimate.

**Attachment D** is the chronology of significant events and outreach since August 2020. The video and records from this outreach effort and maps are all available on the City Website:  
[https://www.san-juan-bautista.ca.us/departments/planning/projects\\_of\\_community\\_interest.php](https://www.san-juan-bautista.ca.us/departments/planning/projects_of_community_interest.php)

### **DISCUSSION:**

The map has two tiers: one for those specific properties to be included in the SOI and a second yellow-colored tier to designate as parcels for conservation and cultural preservation.

***The issue is that the map states that both tiers are to be included within the SOI.***

The Ad Hoc Committee did not have the opportunity to discuss this recommendation. Chair Scott Freels and Ad Hoc Committee Member Edge have requested that the Ad Hoc Committee not be disbanded, and meet to discuss this issue, as well as coming to a final decision about which parcels to include in the first tier.

This is a critical question that requires more deliberation because if these yellow parcels are inside the SOI, then it would be substantially larger than the 2016 General Plan, and may be interpreted by developers as a larger development opportunity for them. Perhaps that can be avoided with a recommendation to zone these preservation parcels for rural uses including agricultural, and restricting residential to one home per 40-acres. Regardless, this discussion needs to occur before the Ad Hoc Committee recommended map can come forward.

Chair Scott Freels and Ad Hoc Committee Member Edge have asked three fundamental questions:

1. Remove the “maps” from public circulation and the City’s website, and remove any reference to the yellow parcels being included in the SOI;
2. Send the letter provided as Attachment A to property owners in both proposed tiers on the map to confirm their interest to be part of the SOI, or remain as stated, or changed;
3. Reconvene the Ad Hoc Committee to bring a recommended map to the Planning Commission this fall.

**FISCAL IMPACT:**

The City appealed to the State Department of Housing and Community Development and received approval for a one-year extension of the September 2022 deadline for the \$160,000 grant funds used to finance this project.

**ATTACHMENTS:**

- A) Proposed Letter to Affected Property Owners
- B) Definitions
- C) Summaries of the Ad Hoc Committee’s last two meetings November and December 2021
- D) Project Milestones and Chronology



# City of San Juan Bautista

*The "City of History"*

Office of the City Manager

P.O. Box 1420, 311 Second Street

San Juan Bautista CA 95045

(831) 623-4661 x 14 C (831) 594-6322 (New!)

September 23, 2022

To property owners outside the City limits:

The City embarked on a challenging project in 2020, to examine and re-define how its population will grow between now and 2035. Although the City has attempted to be transparent in this process there are many that feel left out of the conversation. The City is inviting all of those who are concerned or have questions about the City's future population growth to attend a work-shop Saturday October 29, 2022 at 10AM, at \_\_\_\_\_, San Juan Bautista, CA 95045.

The question is: *how fast shall the City grow, and shall this growth occur within the current sphere of influence ("SOI"), or shall the SOI be changed?*

As defined by CAL-LAFCo:

A sphere of influence is a planning boundary outside of an agency's legal boundary (such as the city limit line) that designates the agency's probable future boundary and service area. Factors considered in a sphere of influence review focus on the current and future land use, the current and future need and capacity for service, and any relevant communities of interest.

The City's sphere of influence did not change when the City adopted its General Plan in 2016. Instead, the 1998 SOI remains as the guide for growth. The General Plan SOI is much smaller. If adopted, the General Plan SOI will limit city growth to 3% a year (which is still very fast growth). The Council appointed an "Urban Growth Boundary Committee" in August 2020 to weigh the options. They met several times and produced a map where each member drew their own SOI around the City limits. When they met in-person a second time in December 2021, a map with two tiers was proposed by the consulting team and staff: 1) one tier with an SOI like the 2016 General Plan, and 2) a second larger planning area that would serve as preservation easements (cultural, historical, agricultural) to buffer the City from sprawl development and preserve its cultural integrity (the purpose of the UGB).



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There are advantages and disadvantages to owning a parcel within the SOI or outside and adjacent to it. Committee did consider an UGB that is the same as the SOI rather than larger as it was in 1998.

There is still time to debate whether the yellow parcels to be preserved will be included, or be outside the SOI in a separate "Planning Area." The Ad Hoc Committee has not had that discussion.

Since the Ad Hoc Committee last met, the City sent invitations to all property owners within the City limits and around the City limits to attend community meetings in May and June. The video of the May 4 meeting, and notes from the other meetings are all on the City's website. The two-tier map is also there with other mapping options to consider. This background and history can be found here:

[https://www.san-juan-bautista.ca.us/departments/planning/projects\\_of\\_community\\_interest.php](https://www.san-juan-bautista.ca.us/departments/planning/projects_of_community_interest.php)

If you own property within the City limits or around the City limits, this work may directly impact your property's value and development potential. The Chair of the Ad Hoc, Councilmember Scott Freels, would like to invite anyone not familiar with this project to attend this meeting October 29<sup>th</sup> to learn more and share concerns, comments and questions. It is important to provide your feedback and contribute now, before the application is sent to the Planning Commission, then City Council and eventually to LAFCo.

Thank you again for your help in moving this project forward. Feel free to reach me at [citymanager@san-juan-bautista.ca.us](mailto:citymanager@san-juan-bautista.ca.us) or call if you need anything from the City.

Sincerely,

Don Reynolds  
City Manager

cc: City Council  
Planning Commission

## Attachment B

### Definitions:

#### SPHERE OF INFLUENCE

As defined by CAL-LAFCo:

A sphere of influence is a planning boundary outside of an agency's legal boundary (such as the city limit line) that designates the agency's probable future boundary and service area. Factors considered in a sphere of influence review focus on the current and future land use, the current and future need and capacity for service, and any relevant communities of interest.

THE APPLICATION TO LAFCo TO ESTABLISH A SOI, is a General Plan Amendment. *Corteze/Knox Herzberg (CA Code) Section 56425(e)* describes this application criteria:

- (1) The present and planned land uses in the area, including agricultural and open-space lands.
- (2) The present and probable need for public facilities and services in the area.
- (3) The present capacity of public facilities and adequacy of public services that the agency provides or is authorized to provide.
- (4) The existence of any social or economic communities of interest in the area if the commission determines that they are relevant to the agency.
- (5) ... the present and probable need for those public facilities and services of any disadvantaged unincorporated communities within the existing sphere of influence.

AN URBAN GROWTH BOUNDARY can also be established and was part of the previous General Plan. It would establish a buffer around the City that limits development. This is the general definition of an Urban Growth Boundary:

An **urban growth boundary**, or **UGB**, is a regional boundary, set in an attempt to control urban sprawl by, in its simplest form, mandating that the area inside the boundary be used for urban development and the area outside be preserved in its natural state or used for agriculture. Legislating for an "urban growth boundary" is one way, among many others, of managing the major challenges posed by unplanned urban growth and the encroachment of cities upon agricultural and rural land.<sup>[1]</sup>

An urban growth boundary circumscribes an entire urbanized area and is used by local governments as a guide to zoning and land use decisions, and by utilities and other infrastructure providers to improve efficiency through effective long term planning (e.g. optimizing sewerage catchments, school districts, etc.).

If the area affected by the boundary includes multiple jurisdictions a special urban planning agency may be created by the state or regional government to manage the boundary. In a rural context, the terms town boundary, village curtilage or village envelope may be used to apply the same constraining principles. Some jurisdictions refer to the area within an urban growth boundary as an urban growth area (UGA) or urban service area, etc. While the names are different, the concept is the same.

The scope approved February 15, 2022 for EMC's work on the "Community Plan" required by the intended to be part of the LAFCo - SOI Application:

Per our most recent phone conversation (12-23-21), EMC Planning Group has prepared a scope of work and budget for a San Juan Bautista Community Plan, intended to incorporate the current City work effort on the "Urban Growth Boundary or City Sphere of Influence", the "Active Transportation Plan", and the planning effort for the "South San Juan area". It is intended that the South side planning effort provide the City with additional residential development area to assist in meeting the City's RHNA Allocation. We propose to team with Dan Burden and the Built Environment Team at Blue Zones, LLC who would lead the public participation effort, collaborate on design guidelines, and ensure that a strong emphasis is placed on creating a healthy, livable environment in the new City growth areas and connection those new growth areas to the communities urban corp. The team has expertise in building collaboration through community-informed processes, and bringing together diverse stakeholders to embrace healthy community design principles. In the work program presented below, tasks that include Blue Zones participation are in blue lettering. We also propose to bring in AMBG Consulting, a Colorado firm that specializes in online engagement, to lead the online engagement effort. In our current and ongoing pandemic environment, this online engagement piece has become essential.

## ATTACHMENT C

### Chronology:

March 10, 2020	Introduction of issues to the Planning Commission
April 21, 2020	City Council introduction to the issues
August 2020	Harris and Associates Contract awarded
August 17, 2020	1 <sup>st</sup> Meeting of Ad-Hoc Committee
August 31, 2020	2 <sup>nd</sup> meeting of Ad-Hoc Committee
September 9, 2020	3 <sup>rd</sup> meeting of Ad-Hoc Committee
October 5, 2020	4 <sup>th</sup> meeting of Ad-Hoc Committee
October 19, 2020	5 <sup>th</sup> meeting of Ad-Hoc Committee
November 2, 2020	6 <sup>th</sup> meeting of Ad-Hoc Committee – draft map for SOI Election and City Council re-organization
November 10, 2020	Planning Commission status report
February 16, 2021	Advertise to fill Ad-Hoc Committee vacancy
March- July 2021	Recruit, on-board new Assistant City Manager – Community Development Director
November 22 2021:	Staff presents the two-tier concept for consideration by the UGB
December 3, 2021:	UGB Committee meets in person and reviews the two- tier map concept and SOI configuration as a preliminary. (Staff email to PC/CC/UGB prior to 12/3 meeting.)
December 14, 2021:	Staff suggests combined SOI and So. SJB Specific Plan to EMC. EMC begins to develop a scope of work.
January 18, 2022:	HCD approves grant contract amendment to prepare Community Plan per draft scope of work.
February 8, 2022:	1) the Planning Commission reviews the recommendation of the Urban Growth Boundary Committee; and 2) recommends that the City Council Review the recommendation of the Urban Growth Boundary Committee and approve a contract with EMC Planning Group to develop a Sphere of

Influence proposal for presentation to San Benito County and San Benito County LAFCO, as contained in attachment 1.

- February 15, 2022: City Council adopts Resolution 2022-13 to “develop and prepare a General Plan – level Community Plan incorporating a South San Juan Area Plan and Sphere Of influence study in an amount not to exceed \$259,457.56 as outlined in the attached EMC Scope of Work dated January 12, 2022. “
- March 4, 2022: CM signs the contract for professional services enabling the Community Plan
- May 3 – 5 2022: Consultants and City staff host community meetings at City Hall and charette at school gym (see video)
- June 13, 2022: Planning Commission and City Council joint meeting.

## Don Reynolds

---

**From:** Brian Foucht  
**Sent:** Monday, November 22, 2021 5:38 PM  
**To:** Ej.sabathia@gmail.com; sf9101@hotmail.com; Mary Edge; Commissioner Jackie Morris-Lopez; LUIS matchain  
**Cc:** Mayor Jordan; Don Reynolds  
**Subject:** Memo re Sphere of Influence and Municipal Service Review process and information  
**Attachments:** UGB.SOI.Committee Agenda.11.23.21.pdf

Hi All - I've attached the complete agenda for tomorrow night. I will have a maps and will facilitate your discussion regarding the preliminary boundary you would like to us to start analyzing. The map will look very similar (there are still a few tweaks to make) to this interactive map that we have asked the County GIS staff to prepare for us: <https://cosb.maps.arcgis.com/apps/View/index.html?appid=72dd937b3ddf40098583ead9062fc89b>. A few features: The colors orange, yellow and purple representing a staff recommended starting point for a prospective sphere and to be used to start an analysis.

Orange colored parcels are "First Tier", that is, parcels that are adjacent to our current boundary within which a reasonable, expanded urban service boundary might be considered. The Yellow are "Second Tier" which are parcels that we would want to exert influence over and for which we would likely plan as open space (agriculture, recreation, conservation, managed resource production). These two areas may shrink and become more nuanced with the evaluation of employment, residential growth and conservation proceeds. The Purple parcels are proposed to be outside our Sphere of Influence and seek to influence County land use policies to preserve these prime farm lands.

The green line, which becomes easier to read as you focus in on certain parcels or areas with your mouse or cursor, delineate parcels owned by the same entity. I will be making a few minor changes to this map for discussion tomorrow evening.

Brian

Brian Foucht, AICP  
Asst. City Manager / CD Director  
311 Second St. – PO Box 1420  
San Juan Bautista, CA 95045  
831-623-4661 x 20 (office)  
831-207-5430 (cell)

[ACM-CDDirector@san-juan-bautista.ca.us](mailto:ACM-CDDirector@san-juan-bautista.ca.us)



**From:** Brian Foucht  
**Sent:** Friday, November 19, 2021 5:49 PM

To: 'Ej.sabathia@gmail.com' <[Ej.sabathia@gmail.com](mailto:Ej.sabathia@gmail.com)>; 'sf9101@hotmail.com' <[sf9101@hotmail.com](mailto:sf9101@hotmail.com)>; Mary Edge <[m.edge@san-juan-bautista.ca.us](mailto:m.edge@san-juan-bautista.ca.us)>; Commissioner Jackie Morris-Lopez <[J.MorrisLopez@san-juan-bautista.ca.us](mailto:J.MorrisLopez@san-juan-bautista.ca.us)>; 'LUIS matchain' <[lmachain@gmail.com](mailto:lmachain@gmail.com)>; Don Reynolds <[citymanager@san-juan-bautista.ca.us](mailto:citymanager@san-juan-bautista.ca.us)>  
Cc: Leslie Jordan <[L.jordan@san-juan-bautista.ca.us](mailto:L.jordan@san-juan-bautista.ca.us)>; Don Reynolds <[citymanager@san-juan-bautista.ca.us](mailto:citymanager@san-juan-bautista.ca.us)>  
Subject: Memo re Sphere of Influence and Municipal Service Review process and information

Hi All – apologies for the extremely dry subject matter in the attached memo. Not much can be done about that. However, our discussion on the 23<sup>rd</sup> at 5Pm at the Library should be interesting because we'll start looking at the map in earnest to identify areas where we will need to do further study. Thank you, Brian

Brian Foucht, AICP  
Asst. City Manager / CD Director  
311 Second St. – PO Box 1420  
San Juan Bautista, CA 95045  
831-623-4661 x 20 (office)  
831-207-5430 (cell)

[ACM-CDDirector@san-juan-bautista.ca.us](mailto:ACM-CDDirector@san-juan-bautista.ca.us)





## CITY OF SAN JUAN BAUTISTA CITY COUNCIL REPORT

**AGENDA TITLE:** UPDATE ON RECRUITMENT EFFORTS TO FILL A VACANCY ON THE PLANNING COMMISSION

**MEETING DATE:** SEPTEMBER 20, 2022

**SUBMITTED BY:** PLANNING COMMISSION SECRETARY TRISH PAETZ

---

### **RECOMMENDED ACTION(S):**

Receive the information and consider input from the Ad Hoc Committee to Select a Planning Commissioner.

### **BACKGROUND INFORMATION:**

At the City Council meeting on June 14, 2022 Council was asked to select an Ad Hoc Committee to select a Planning Commissioner, in accordance with Municipal Code Section 2-3-110. Whereupon, it was agreed that Mayor Jordan and Vice Mayor Flores would serve on the Ad Hoc Committee. Since that meeting, Tony Correia was selected to serve on the Planning Commission. Subsequently, another seat on the Planning Commission became vacant. Staff advertised the vacancy by posting a new notice with a new deadline of Friday, September 16. Staff received two (2) applications; specifically, Mischele NewKirk-Smith and Dan DeVries. The applications were forwarded to the Ad Hoc Committee for their review and consideration.

Attachments:

Notice/Flyer of Vacancy on the Planning Commission  
SJB Municipal Code Section 2-3-110

AUG 16 2022

### CITY OF SAN JUAN BAUTISTA APPLICATION FOR COMMISSIONS AND BOARDS

Check one:  Planning Commission  Historic Resources Board

1. Applicant Name: Mishele Newkirk - Smith

2. Current Residence: 2 Donner St. SJB

Mailing Address: PO Box 53 SJB

E-mail Address: MisheleNewkirkSmith4@gmail.com

3. Telephone Number: (Home) \_\_\_\_\_ (Work) \_\_\_\_\_ (Cell) 971-295-464

4. How long have you been a resident of San Juan Bautista? 2y 4m

5. Are you currently serving or have you served on a City of San Juan Bautista Board, Commission, or City Council?

If yes, which one? N/A Term currently serving \_\_\_\_\_

\_\_\_\_\_ Term currently serving \_\_\_\_\_

6. What motivated you to apply for this Board or Commission? You may attach a separate sheet of paper.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

7. What skills or attributes can you bring to this Board or Commission? You may attach a separate sheet of paper.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

8. The primary role of a Board or Commission member is to provide advice to the City Council on policy issues that are within the scope of that Board or Commission. With this in mind, what steps would you take to effectively exercise this specific Board or Commission role? You may attach a separate sheet of paper.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

9. List any relevant education, training or experience that demonstrates your ability to effectively serve on this Board or Commission. You may attach a separate sheet of paper.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Applicant's Name Mishele Newkirk-Smith

10. List and provide a brief description of your current or last occupation.  
For the past 25 years, I have been a high school science teacher.

11. Have you attended a City Council, Board or Commission meeting, Town Hall meeting or Public Workshop? If so, please describe what you learned and what improvements you would suggest the City consider.  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

12. Describe your involvement in community activities, volunteer and civic organizations.  
\_\_\_\_\_  
\_\_\_\_\_

13. Do you have any physical or mental constraints which may limit your ability to perform the duties of a Board or Commission member? If yes, what can be done to accommodate these constraints?  
N/A

*(Note: Pursuant to the Americans with Disabilities Act, the City of San Juan Bautista will make reasonable efforts to accommodate persons with qualified disabilities during the Boards and Commissions interview process. If you require special accommodations, please contact the City Clerk at least five days in advance of any scheduled interview.)*

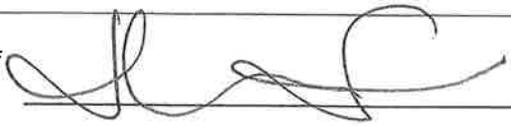
I certify under penalty of perjury that all statements I have made on this application are true and correct. I hereby authorize the City of San Juan Bautista to investigate the accuracy of this information from any person or organization, and I release the City of San Juan Bautista and all persons and organizations from all claims and liabilities arising from such investigation or the supplying of information for such investigation. I acknowledge that any false statement or misrepresentation on this application or supplementary materials will be cause for refusal of appointment or immediate dismissal at any time during the period of my appointment.

**YOUR APPLICATION IS NOT COMPLETE UNTIL IT IS SIGNED AND RETURNED.**

**IMPORTANT NOTICE**

A Board or Commission member is a public official. As such, it is necessary to provide contact information to the public. Please note that all information provided on this form becomes a public record after it is officially filed. Please do not include any information on this form that you do not want posted on the City's web site and the City's Official Roster.

Applicants appointed to the Planning Commission and Historical Resources Board are required to file the Fair Political Practices Commission (FPPC) Statements of Economic Interest (Form 700), which are also a public record. A copy of this form is available in the City Clerk's office or by visiting [www.fppc.ca.gov](http://www.fppc.ca.gov).

Signature of Applicant 

Date 8/12/22

Please mail, fax, or deliver to: City Hall, P.O. Box 1420, 311 Second St., San Juan Bautista, CA 95045, FAX: 623-4093.

**Mishele Newkirk-Smith: Planning Commission**

**6. What motivated you to apply for this Board or Commission?**

When my husband and I started to look for a home to buy a few years ago, we had many requirements for the neighborhood and very few for the actual house. We wanted to be a part of a small rural community where we could make friends with our neighbors and help each other. San Juan Bautista is everything we hoped for in our new community. Even though we moved in during the beginning of the pandemic, we were welcomed into Creek Bridge by our neighbors and the people we met on our daily walks. Now that the city is opening back up, I want to take an active role in planning the future of San Juan Bautista.

**7. What skills or attributes can you bring to this Board or Commission?**

Having lived in multiple countries and states, I have experienced key elements that make a small town appealing, such as walkable, friendly neighbors, unifying building front, cleanliness, communicative local government, and citizens who desire to embrace controlled change for the benefit of all. As a teacher, I value knowledge and understanding of topics and am not quick to pass judgment. I am a conscious listener, well organized, and educated. I respect all options and am to professionally disagree with someone.

**8. The primary role of a Board or Commission is to provide advice to the City Council on policy issues that are within the scope of that Board or Commission. With this in mind, what steps would you take to effectively exercise the specific Board or Commission role?**

The steps I would take to effectively exercise the role is to be well informed on the topics and how the project will affect San Juan Bautista and its citizens. I feel it is very important to talk to all people living in SJB to be able to represent everyone's voices and not just friends. My advice and recommendations will be well thought out and articulated.

**9. List any relevant education, training, or experience that demonstrates your ability to effectively serve on this Board or Commission.**

As an experienced science educator, I am well versed in environmental concerns that can affect a project and the importance of preserving nature. My years in the classroom have taught me conflict resolution, multicultural understanding, and problem-solving. I can understand reports and maps as well as technical drawings. I can process information and form an option taking in the recommendations and voices of others.

**10. List and briefly describe your current or last occupation.**

For the past 25 years, I have been a high school science teacher.

**Mishele Newkirk-Smith: Planning Commission**

**11. Have you attended a City Council, Board or Commission meeting, Town Hall meeting or Public Workshop? If so, please describe what you learned and what improvements you would suggest the City consider.**

While I have not attended a live meeting, I have watched a few of the recorded City Council and Commission meetings. It is important for those citizens watching from home to feel a part of the live meetings. In the meetings I watched, the cameras were not directed toward the speaker's face but overhead, and the speaker's voice was not always clear. I would also implement a maximum time for each speaker to shorten the meeting length. The time limit would also encourage the speaker to condense comments into concise statements.

**12. Describe your involvement in community activities and volunteer and civic organizations.**

As a teacher, I believe in the importance of teaching children to give back to their community. There is no better way to teach than to show by example. For the past 30 years, I have volunteered for animal rescue organizations and local zoos. While my sons were boys, I worked with Boy Scouts of America in many roles for 16 years. I am a club advisor for Science Olympiad and Animal Lover's Club. I have volunteered at food distributions, food banks, and beach clean-ups. As a homeowner for the past 20 years in Port Ludlow, Washington, I have followed and participated in the very active Port Ludlow Commission which governs the resort community.

SEP 15 2022

OFFICE OF THE CITY CLERK

CITY OF SAN JUAN BAUTISTA  
APPLICATION FOR COMMISSIONS AND BOARDS

Check one:  Planning Commission  Historic Resources Board

1. Applicant Name: DAN DE VRIES

2. Current Residence: 405 6TH STREET

Mailing Address: P.O. BOX 29, SSB CA 95045

E-mail Address: djdv@devrieslawgroup.com

3. Telephone Number: (Home) N/A (Work) N/A (Cell) 931.917.4061

4. How long have you been a resident of San Juan Bautista? 32 yrs.

5. Are you currently serving or have you served on a City of San Juan Bautista Board, Commission, or City Council?

If yes, which one? CITY COUNCIL Term currently serving \_\_\_\_\_

PLANNING COMMA Term currently serving \_\_\_\_\_

6. What motivated you to apply for this Board or Commission? You may attach a separate sheet of paper.

TO KEEP SAN JUAN BAUTISTA SMALL, HISTORIC,  
AESTHETIC AND ECONOMICALLY PROSPEROUS.

7. What skills or attributes can you bring to this Board or Commission? You may attach a separate sheet of paper.

14 YEARS SJB PLANNING COMMISSION; 14 YEARS  
SAN BENITO COUNTY PLANNING COMMISSION DIST. 2;  
CITY COUNCIL; REAL ESTATE/LAND USE ATTORNEY

8. The primary role of a Board or Commission member is to provide advice to the City Council on policy issues that are within the scope of that Board or Commission. With this in mind, what steps would you take to effectively exercise this specific Board or Commission role? You may attach a separate sheet of paper.

TO ENGAGE IN THE "HEAVY LIFTING" OF A PROJECT OR  
APPLICATION, WITH FACTUAL AND REGULATORY ANALYSIS, IN THE  
CONTEXT OF FULL PUBLIC PARTICIPATION.

9. List any relevant education, training or experience that demonstrates your ability to effectively serve on this Board or Commission. You may attach a separate sheet of paper.

SEE, ABOVE.

Applicant's Name DAN DE VRIES

10. List and provide a brief description of your current or last occupation.

LICENSED CA ATTORNEY.

11. Have you attended a City Council, Board or Commission meeting, Town Hall meeting or Public Workshop? If so, please describe what you learned and what improvements you would suggest the City consider.

I HAVE ATTENDED A FEW MEETINGS.

IMPROVEMENTS MIGHT TAKE PLACE IN THE AREA  
OF KEEPING THE DISCUSSION/ANALYSIS/DELIBERATION  
FOCUSED AND "ON TRACK."

12. Describe your involvement in community activities, volunteer and civic organizations.

SEE, ATTACHED.

13. Do you have any physical or mental constraints which may limit your ability to perform the duties of a Board or Commission member? If yes, what can be done to accommodate these constraints?

NO.

*(Note: Pursuant to the Americans with Disabilities Act, the City of San Juan Bautista will make reasonable efforts to accommodate persons with qualified disabilities during the Boards and Commissions interview process. If you require special accommodations, please contact the City Clerk at least five days in advance of any scheduled interview.)*

I certify under penalty of perjury that all statements I have made on this application are true and correct. I hereby authorize the City of San Juan Bautista to investigate the accuracy of this information from any person or organization, and I release the City of San Juan Bautista and all persons and organizations from all claims and liabilities arising from such investigation or the supplying of information for such investigation. I acknowledge that any false statement or misrepresentation on this application or supplementary materials will be cause for refusal of appointment or immediate dismissal at any time during the period of my appointment.

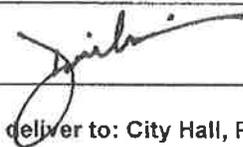
**YOUR APPLICATION IS NOT COMPLETE UNTIL IT IS SIGNED AND RETURNED.**

**IMPORTANT NOTICE**

A Board or Commission member is a public official. As such, it is necessary to provide contact information to the public. Please note that all information provided on this form becomes a public record after it is officially filed. Please do not include any information on this form that you do not want posted on the City's web site and the City's Official Roster.

Applicants appointed to the Planning Commission and Historical Resources Board are required to file the Fair Political Practices Commission (FPPC) Statements of Economic Interest (Form 700), which are also a public record. A copy of this form is available in the City Clerk's office or by visiting [www.fppc.ca.gov](http://www.fppc.ca.gov).

Signature of  
Applicant



Date SEPT. 13, 2022

Please mail, fax, or deliver to: City Hall, P.O. Box 1420, 311 Second St., San Juan Bautista, CA 95045,  
FAX: 623-4093.

## DANIEL J. DE VRIES



**EDUCATION:** *San Jose State University*  
Bachelor of Arts, Economics;  
Bachelor of Arts, Literature.

*University of the Pacific*  
Juris Doctor

### EMPLOYMENT:

1990 – 2000 *Hoge, Fenton, Jones & Appel, Inc., San Jose, CA*

Civil litigation and transactional: Phillips Petroleum, Bartlesville, OK;  
Goodyear Tire & Rubber Company, Akron OH; Sears Roebuck and Co.,  
Chicago IL; Schnitzer Steel Corporation, Portland OR.

2000 – 2004 *Fenton & Keller, Inc., Monterey CA*

Civil litigation, transactional, construction, real estate: Pebble Beach  
Company, Pacific Grove, CA; Schnitzer Steel Corporation, Portland, OR.

2004 – present *De Vries Law Group, San Juan Bautista, CA*

Land use, agriculture, transactional, civil litigation: Earthbound Farm, San  
Juan, CA; Reiter Affiliated, Oxnard, CA; Driscoll's, Watsonville, CA;  
Sunset Bay Farms, Inc., Watsonville, CA; Schnitzer Steel Corporation,  
Portland, OR; Leal Vineyards, Hollister, CA; Pisoni Vineyards, Gonzales,  
CA; Calera Vineyards, Hollister, CA; Bonny Doon Vineyards, Santa Cruz,  
CA; agriculture.

### COMMUNITY:

San Juan Bautista Planning Commission, 1990 – 2004; San Benito County  
Planning Commission, 2004 – 2016; San Juan Bautista City Council, 2016  
– 2020; San Juan Fire Dept.; Co-founder, San Benito Arts Council;  
Founder, "Save San Juan Valley"; Founding Member, San Juan Rotary  
Club; Board Member, San Benito Health Foundation; Board Member,  
Community Media Access Partnership (CMAP); San Juan Aromas Little  
League; Board Member, Marle Holte Holiday Dinners.

**City of San Juan Bautista**  
**Planning Commission/Historic Resources Board**  
**Notice of Open Seats**

*City Leaders are seeking qualified community members  
to help shape our future.*

The City Council of the City of San Juan Bautista is now accepting applications to fill a vacancy on the San Juan Bautista Planning Commission and Historic Resources Board. The unexpired term ends December 2024, with the option to apply again.

Position requirements, as established in the San Juan Bautista Municipal Code, include San Juan Bautista residency and must be registered to vote in the City of San Juan Bautista. Additionally, Planning Commissioners are required to attend training, and should have an interest and knowledge in historic preservation.

Planning Commission/Historic Resources Board meetings are held the first Tuesday of each month at 6:00 p.m. in City Hall or remotely, by Zoom video conferencing.

To apply for the position please submit an application (available on the city website at [san-juan-bautista.ca.us](http://san-juan-bautista.ca.us)) and a letter of interest to the City Manager's office in City Hall by **Friday, September 16, 2022 at 5:00 p.m.** Letters of interest will be kept on file for one (1) year.

***City Hall - 311 Second Street - P.O. Box 1420 - San Juan Bautista, CA 95045***



## CITY OF SAN JUAN BAUTISTA CITY COUNCIL REPORT

**AGENDA TITLE:** DISCUSS ESTABLISHING A GOLF CART  
TRANSPORTATION PLAN IN SAN JUAN BAUTISTA

**MEETING DATE:** September 20, 2022

**DEPARTMENT HEAD:** Don Reynolds, City Manager

---

### **RECOMMENDED ACTION:**

No action is recommended on this matter. It is recommended that the City Council receive and file this Report.

### **BACKGROUND INFORMATION:**

Golf Carts (aka Neighborhood Electric Vehicle or “NEV”) have advanced quickly since their introduction to America in 1954. They were the only form of multi-passenger motored transportation in Avalon on Catalina Island until 2018. In the 1990’s cities were designed to accommodate golf carts, the largest of which is Del Web’s Sun City, north of Sacramento in Lincoln Hills. This is a retirement community with a large golf course. Streets were designed and built with golf cart lanes, and special designated pathways to connect between homes and buildings. Every garage is designed for a golf cart (2 cars + 1). Many other cities have since adopted policies and plans to include this form of “multi-modal transportation.”

The original laws can be found in the State’s Streets and Highways Code (Division 2.5 Chapter 6, sections 1950-1961, allowing the use of NEV’s in cities that have adopted a Golf Cart Transportation Plan. Then in 2005, AB2353 was approved expanding the NEV legislation to include the definitions within the Vehicle Code and the Streets and Highways code. Shortly thereafter, the City of Lincoln adopted the attached “NEV Transportation Plan.”

Without having to delve into too much detail, Lincoln’s NEV Plan does an excellent job describing the many benefits of accommodating NEVs. This Plan expands on the work done previously in Lincoln’s Sun City neighborhood. Below is a summary of benefits.

B. **Impact and Benefits**

1. **General**

Many other entities in the region will benefit from the City of Lincoln's experience in implementing an NEV transportation plan. When the plan is complete, the process will be made available to other entities to help facilitate their own NEV transportation plan. Here are a few of the benefits of the Lincoln NEV Project:

- The emergence of an NEV friendly Lincoln has allowed home builders in Lincoln to customize new development to accommodate NEVs.
- Lincoln plans to include NEV routes in their General Plan update.
- NEV routes can double as bicycle routes with proper design, thus the miles of bike trails will increase within the City.
- Accommodating NEVs is more effective and less costly than dial-a-ride programs for unmet transit needs.
- Air Quality improvements result from the use of small electric motors that emit no pollutants in the local atmosphere. Over half of the otherwise short cold-start automobile trips in cities the size of Lincoln are within the range of NEVs.
- NEVs can achieve the energy equivalent of over 150 mpg for a standard gasoline powered vehicle.
- NEV use provides for a more cohesive community due to their limited travel range.
- NEV travel encourages residents to support their local businesses.
- NEVs provide mobility for people who cannot drive an automobile, including aging drivers.
- NEVs are affordable and can reduce personal travel cost.
- The NEV industry is seeing an increase in the use of these vehicles for use beyond the golf course.

In 2010, AB584 was signed into law, refining, and further defining the two pre-existing laws. In summary, the laws require:

- A NEV Plan that defines what a legal NEV is
- Requires a California Driver's License and insurance to operate one
- Identifies where golf cart lanes can be developed within the city by a traffic engineer and restricts the use of a golf cart to these special designated areas. It defines three types of golf cart lanes, the most protective is a Class "I," then "II" and "III." Class III lanes are the simplest, and provide for shared use with automobile traffic on streets with speeds of 35 miles or less. Every street in San Juan Bautista meets this criterion. They can cross state highways where traffic is controlled.

Developing the Plan seeks input from the community, COG, CalTrans and law enforcement. The City Council must make specific findings addressing safety. The Lincoln Plan agrees that NEVs are safe, and summarizes other benefits:

NEVs are a desirable new form of transportation for many reasons:

- NEVs have a great safety record.
- NEVs are zero emission electric vehicles.
- NEVs improve air quality.
- The energy consumption of an NEV is less than 1/5 that of a conventional automobile.
- NEVs provide freedom and continued mobility for aging or impaired drivers.
- NEVs are affordable.
- NEVs support the local economy by encouraging residents to shop locally.
- NEVs encourage use of existing public transportation.

Here are the steps Lincoln took to implement the NEV Transportation Plan:

**C. Project Status**

The following steps having been taken by the City in order to implement the NEV transportation plan:

- Placer County Air Pollution Control District (PCAPCD) approved \$10,000.00 on August 14, 2003 towards Lincoln's NEV transportation plan.
- The City has reviewed the Draft Twelve Bridges Golf Cart Transportation Plan (Fehr & Peers) in order to coordinate that plan within the proposed NEV transportation plan.
- SACOG funding guidelines have been altered to include NEVs per the City's request. Prior to the City's input, SACOG's funding guidelines did not mention NEVs.
- The City has coordinated with PCAPCD to include NEV questions to be included in PCAPCD semi-annual transportation survey.
- The City has coordinated with Assemblyman Tim Leslie's office regarding AB 2353.
- The City has submitted NEV funding requests to SACOG through PCTPA, and to date has received funding approval for over \$270,000 from SACOG.
- AB 2353 signed into Law on January 1, 2005.
- Public Workshop held on August 30, 2005
- MUTCD approved experimental signage and striping.
- Developed NEV Standards.
- NEV Standards shared with the City of Rocklin
- Putnam Award for Excellence recipient 2006.

In 2020, the City received a \$180,000 grant from CalTrans to develop an active transportation plan ("ATP"). The application was submitted with the help of non-profit Civic Well. Civic Well conducted extensive public outreach the week of June 26-28, 2022. Later a design charette was held at the VFW. Since then, the City added an accessibility assessment to the draft "Existing Conditions" report to address the need for better pedestrian accessibility where there are no sidewalks or where there are barriers.

**DISCUSSION:**

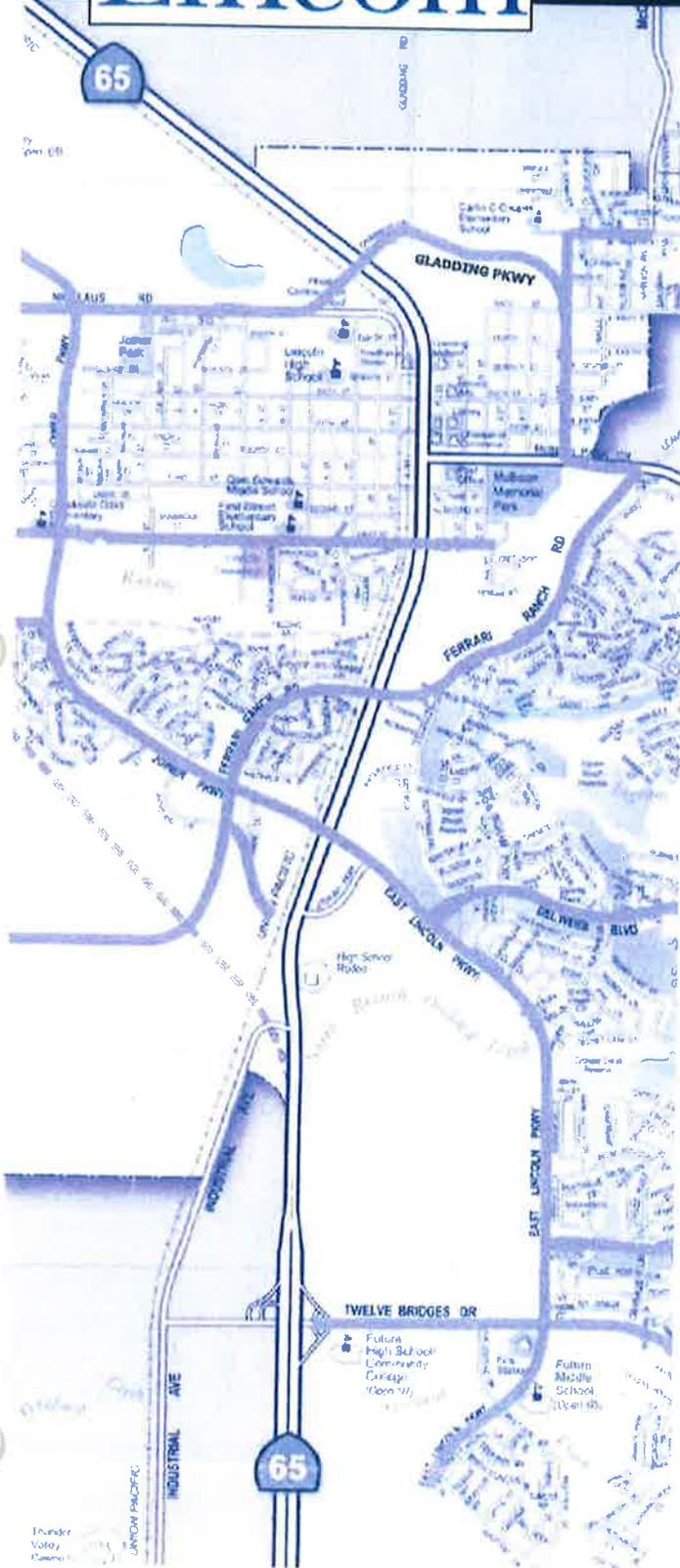
The background describes the benefits of opening streets to accommodate Neighborhood Electric Vehicles, the safety of modern designs, legal framework, and provides an example of how to draft an NEV Transportation Plan. It updates the City Council on the current effort to draft an ATP. If the City Council agrees with these assertions and would like to move forward with this idea, staff will describe its understanding of the path forward.

Some form of preliminary review needs to be completed to establish the feasibility of taking such action to adopt and implement a NEV Transportation Plan. The City may be best served to tap into the team effort currently underway within the scope of the ATP. The City can approve the budget for a change order to that existing scope, and seek funding from COG or other resources to help pay for the work.

If this preliminary plan meets the expectations of the City Council, and the City approves moving forward, then the project becomes part of the Strategic Plan, is budgeted and an RFP is sent to various engineering firms. After a review of the benefits, this action would easily fit into a "Quality of Life" category. It also supports the Climate Action Plan being drafted, to reduce greenhouse gasses, and reliance on fossil fuel. It will have economic benefits if it truly helps the community "shop locally." There are several different funding opportunities mentioned in the Lincoln process provided below that would include locally, the COG, Monterey Bay Air Quality Control Board, and Cal Trans.

As the City implements its Pavement Management Plan, it has been able to use the Gas Tax and SB1 funding from the State, with local Measure G monies to pay for more than \$1 million in street improvements. The NEV Transportation Plan (as well as the ATP) can then be considered together with the next phase of streets to be resurfaced so they can be striped to accommodate NEV's.

The Lincoln NEV Transportation Plan and the relevant State laws are attached for reference.



# NEV Transportation Plan



Prepared by MHM Engineers & Surveyors

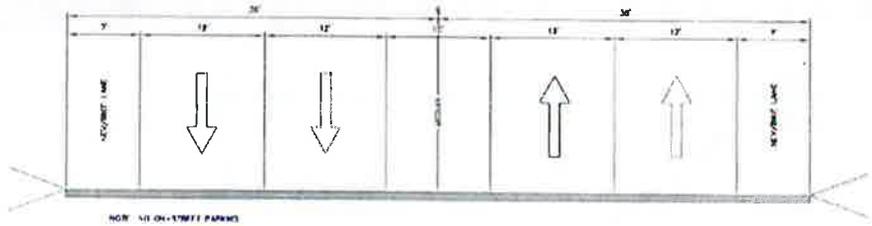
FINAL - August 2006

**M·H·M**

ENGINEERS & SURVEYORS SINCE 1887



**Four Lane Arterial with  
Class II NEV/Bike Lanes**



**City of Lincoln**

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Director of Public Works

Carl Walker, P.E.,  
Senior Engineer

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Lincoln, CA 95648  
(916) 645-8576

**Sage Community Group**  
Annie R. Embree, Esq.,  
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Legal Consultant  
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Air Quality  
(916) 663-6353

**MHM Engineers & Surveyors**

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Project Engineer

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Project Manager

Robert O. Watkins, P.E.,  
Principal Investigator

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Roseville, CA 95661  
(916) 783-4100

**Fehr & Peers**

Rich Ledbetter,  
Transportation/Planning  
(916) 773-1900

# NEIGHBORHOOD ELECTRIC VEHICLES (NEV) TRANSPORTATION PLAN

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## NEIGHBORHOOD ELECTRIC VEHICLES (NEV) TRANSPORTATION PLAN



### Chapter I - Project Overview

#### A. Program Description

The City of Lincoln has requested city-wide NEV routes that would "enable any resident to travel from their home to Downtown Lincoln" reports Councilmember Tom Cosgrove.

The City of Lincoln NEV project is an effort to accommodate the City's changing urban lifestyle by encouraging the use of Neighborhood Electric Vehicles, or NEVs for short. This effort will result in air quality improvements, community cohesion, energy savings, reduced travel costs, increased mobility, independence for aging drivers, and greater use of public transit. NEVs are small, electric powered personal vehicles. They have a limited range and can travel up to speeds of 25 mph. They are an ideal transportation alternative for short, (up to 30 miles) local trips. While they may look like a golf-cart to the casual observer, they are actually a motor vehicle requiring a driver's license, registration, and insurance. NEVs such as the Chrysler GEM are specifically designed to meet federal safety standards for low-speed vehicles as defined in Section 571.500, Title 49 Code of Federal Regulations.

NEVs are a desirable new form of transportation for many reasons:

- NEVs have a great safety record.
- NEVs are zero emission electric vehicles.
- NEVs improve air quality.
- The energy consumption of an NEV is less than 1/5 that of a conventional automobile.
- NEVs provide freedom and continued mobility for aging or impaired drivers.
- NEVs are affordable.
- NEVs support the local economy by encouraging residents to shop locally.
- NEVs encourage use of existing public transportation.

California's first major citywide NEV transportation project is well underway in the City of Lincoln. Lincoln plans relatively minor modifications to accommodate NEVs. The city will implement signing and striping improvements, create special parking spaces, and build an NEV crossing at the Auburn Ravine, a stream that divides this fast-growing city. Businesses have already begun to accommodate and encourage NEV transportation by providing special parking for their NEV customers.

The City of Lincoln is in a very favorable position to accommodate the beneficial use of NEVs. NEVs are already circulating in the *Sun City Lincoln Hills* development and special parking areas are provided in the adjacent Safeway and Raley's shopping center. The City believes that with the advent of a comprehensive NEV circulation system, the number of NEVs users will dramatically increase.

To accommodate use of NEVs, the City of Lincoln must become "NEV Ready". An NEV ready city can be defined as having the necessary infrastructure, including charging facilities, striping, signage, parking, and education to safely accommodate NEV travel. The City intends to implement these changes in stages. This plan will allow limited NEV use in the near future, culminating in a comprehensive NEV travel plan throughout the City.

In accordance with Assembly Bill (AB 2353), the City of Lincoln plan envisions three levels of NEV routes:

Class I NEV Route:

Class I NEV routes provide a completely separate right-of-way for the exclusive use of NEVs, pedestrians and bikes with cross-flow minimized. The minimum paved width for a Class I NEV route is 14-feet (for two way travel) with a minimum 2-foot wide graded area provided adjacent to the pavement. The proposed bridge over Auburn Ravine connecting Sun City Lincoln Hills area to E Street is an example of a Class I NEV route. It is the intent to design all Class I NEV routes to allow combined NEV/bicycle use.

Class II NEV Route:

Class II NEV routes are designated as a separate striped lane adjacent to traffic. There is one striped lane for each travel direction. The desirable minimum width for a Class II NEV route is 7-feet. Del Webb Blvd. is an example of a Class II NEV lane. It is the intent to design all Class II NEV routes to allow combined NEV/bicycle use.

Class III NEV Route:

Class III NEV routes provide for shared use with automobile traffic on streets with a posted speed limit of 35 mph or less. All residential streets within Sun City Lincoln Hills are Class III NEV routes. The City will provide signage to direct NEVs to preferred streets. Some streets within the City that are posted 35 mph may be designated as not appropriate for NEV use.

(NEV Route plans are shown in Appendix A.)

**B. Impact and Benefits**

**1. General**

Many other entities in the region will benefit from the City of Lincoln's experience in implementing an NEV transportation plan. When the plan is complete, the process will be made available to other entities to help facilitate their own NEV transportation plan. Here are a few of the benefits of the Lincoln NEV Project:

- The emergence of an NEV friendly Lincoln has allowed home builders in Lincoln to customize new development to accommodate NEVs.
- Lincoln plans to include NEV routes in their General Plan update.
- NEV routes can double as bicycle routes with proper design, thus the miles of bike trails will increase within the City.
- Accommodating NEVs is more effective and less costly than dial-a-ride programs for unmet transit needs.
- Air Quality improvements result from the use of small electric motors that emit no pollutants in the local atmosphere. Over half of the otherwise short cold-start automobile trips in cities the size of Lincoln are within the range of NEVs.
- NEVs can achieve the energy equivalent of over 150 mpg for a standard gasoline powered vehicle.
- NEV use provides for a more cohesive community due to their limited travel range.
- NEV travel encourages residents to support their local businesses.
- NEVs provide mobility for people who cannot drive an automobile, including aging drivers.
- NEVs are affordable and can reduce personal travel cost.
- The NEV industry is seeing an increase in the use of these vehicles for use beyond the golf course.

## 2. **NEVs Promote Safety and Provide Independence for Aging Drivers**

With the State's aging population, we are confronted with the conflicting interest of providing continued mobility to aging drivers while promoting a safe driving environment for all drivers. The State has implemented a process that will result in new driver testing, which will result in the suspension of automobile driver's licenses' for some people. The City's plan includes a proposal for a separate classification of driver's license for NEVs.

The loss of a driver's license often brings lifestyle changes that make it hard to cope. Understandably, no one wants to feel isolated and dependent on others for their personal mobility. NEVs are an ideal solution to meet the States competing interest between mobility and safety. NEVs will provide personal mobility to local stops including the grocery store, bus stops and the doctor's office. An NEV commute beats the alternatives of risking a high-speed accident in a conventional automobile or sitting at home waiting for a ride from a friend or relative.

## 3. **Taking the Lead**

The City of Lincoln, the fastest growing city in the west, has fostered the use of NEVs within Sun City Lincoln Hills, but that is not enough. The City envisions a plan to promote NEV travel throughout the City. With the City's growing retirement population, the opportunity to accommodate NEV travel is at hand. City engineers have already signed and striped some City streets for NEV use. Merchants are providing special parking and charging stations. The City is planning for a pathway and bridge across the Auburn Ravine to accommodate NEV travel on both sides of town. While the City of Lincoln appears to be ahead of the rest of the state, the City is not ahead of their people. More NEVs are on City streets every day. There are NEVs in Rocklin, Roseville, Auburn, and Folsom today and their presence is expanding.

### C. **Project Status**

The following steps having been taken by the City in order to implement the NEV transportation plan:

- Placer County Air Pollution Control District (PCAPCD) approved \$10,000.00 on August 14, 2003 towards Lincoln's NEV transportation plan.
- The City has reviewed the Draft Twelve Bridges Golf Cart Transportation Plan (Fehr & Peers) in order to coordinate that plan within the proposed NEV transportation plan.
- SACOG funding guidelines have been altered to include NEVs per the City's request. Prior to the City's input, SACOG's funding guidelines did not mention NEVs.
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- AB 2353 signed into Law on January 1, 2005.
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- MUTCD approved experimental signage and striping.
- Developed NEV Standards.
- NEV Standards shared with the City of Rocklin
- Putnam Award for Excellence recipient 2006.

**D. Reporting Requirements of Assembly Bill No. 2353**

City of Lincoln and Rocklin shall jointly submit a report to the Legislature on or before January 1, 2008, in consultation with the Department of Transportation, the Department of the California Highway Patrol, and local law enforcement agencies.

The report shall include the following:

- A description of all NEV transportation plans and their elements that have been authorized up to that time.
- An evaluation of the effectiveness of the NEV transportation plans, including their impact on traffic flows and safety.
- A recommendation as to whether Chapter 7 should be terminated, continued in existence applicable solely to the City of Lincoln and the City of Rocklin in the County of Placer, or expanded statewide.

Chapter 7 shall remain in effect only until January 1, 2009, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2009, deletes or extends that date.

**E. Reporting Requirements of CTCDC for experimental signage and striping**

Reporting requirements for the CTCDC are similar to the requirements of AB 2353, as stated above. It is recommended the report be submitted to both agencies at the same time.



## **Chapter II - Legal Constraints / Opportunities**

This section will outline the current federal, state, and local laws and ordinances relative to implementing a comprehensive NEV transportation plan as well as define the terms necessary to describe such a program. While the existing regulatory framework (AB 2353) allows for NEV travel within the City of Lincoln and Rocklin, an expansion of AB 2353 statewide would facilitate and promote the use of NEVs throughout the State.

### **A. Definitions**

1. **“Low Speed Vehicle” or “LSV”** is defined as a motor vehicle, other than a motor truck, having four wheels on the ground and an unladen weight of 1,800 pounds or less, that is capable of propelling itself at a minimum speed of 20 miles per hour and a maximum speed of 25 miles per hour, on a paved level surface. A ‘low speed vehicle’ is not considered a golf cart, except when operated pursuant to Section 21115 or 21115.1 of the California Vehicle Code (CVC) pertaining to operations within a golf course facility/community. (CVC Section 385.5)

Low-speed vehicle is a relatively new motor vehicle classification created by the National Highway Traffic Safety Administration (NHTSA) in 1998 to permit the manufacture and circulation of small, four-wheeled motor vehicles with top speeds of 20-25 miles per hour. This new classification is codified as Section 571.500 Title 49 code of Federal Regulations and California Vehicle Code Section 385.5. LSVs are required to have California license plates in order to utilize public roads.

2. **“Neighborhood Electric Vehicle” (NEV)** is an electrically powered LSV. They are manufactured by car companies and meet federal safety standards for low speed vehicles. Examples include the Daimler Chrysler “GEM” car. While “low-speed vehicle” is technically the correct term, NEV is the more popularly used and recognized term. NEVs are required to have a California license plate in order to utilize public roads.
3. **“Conventional Golf Cart”** is a motor vehicle having not less than three wheels in contact with the ground, weighs less than 1,300 pounds, is designed to be operated at no more than 15 miles per hour, is designed to carry golf equipment and not more than two persons, including the driver. CVC Section 345. A conventional-golf cart is not a low-speed vehicle.
4. **“Speed-modified Golf Cart”** means a golf cart that is modified to meet the safety requirements of Section 571.500 of Title 49 of the code of Federal Requirements and designed to travel at not more than 20 miles per hour. A modified golf-cart must be inspected and approved as meeting all the safety requirements for a low-speed vehicle and is required to have a California license plate in order to utilize public roads.
5. **“City”** means the City of Lincoln.
6. **“Study Area”** means the City of Lincoln’s sphere of influence.
7. **“NEV Lanes”** means all publicly owned facilities that provide for NEV travel including roadways designated by signs or permanent marking which are shared with pedestrian, bicyclists, and other motorists in the plan area.

**B. Summary of AB 2353 Introduced by Assemblyman Leslie**

1. "It is the intent of the Legislature, in enacting this chapter, to authorize the City of Lincoln and the City of Rocklin in the County of Placer to establish a neighborhood electric vehicle (NEV) transportation plan for a plan area in the city. It is the further intent of the Legislature that this transportation plan be designed and developed to best serve the functional travel needs of the plan area, to have a physical safety of the NEV driver's person and property as a major planning component, and to have the capacity to accommodate NEV drivers of every legal age and range of skills. It is the intent of the Legislature, in enacting this chapter, to encourage discussions between the Legislature, the Department of Motor Vehicles, and the California Highway Patrol regarding the adoption of a new classification for licensing motorists who use neighborhood electric vehicles." – 1963, Chapter 7, AB 2353
2. For the cities of Lincoln and Rocklin, AB 2353 brings California Law up to date with the new Federal Regulations governing Low Speed Vehicles including Neighborhood Electric Vehicles. AB 2353 provides a formal process for Lincoln and Rocklin to obtain agency approvals to bridge the legal gaps that currently exist for extensive use of Neighborhood Electric Vehicles. In doing this, AB 2353 provides a tool for planning, design, and implementation of a comprehensive NEV transportation program.
3. The current Street and Highways Code Section 1951, which applies to golf carts, was enacted prior to federal legislation designating a low-speed motor vehicle category and prior to the popular emergence of NEVs. NEVs are a safer mode of transportation than golf-carts as they have stricter safety requirements. Further, unlike golf-carts, NEVs are motor vehicles subject to same rules and regulations governing motor vehicles.
4. A key aspect of AB 2353 is it provides local jurisdictions with choice. Federal Law allows NEVs on all streets posted 35 mph or less. AB 2353 allows Lincoln and Rocklin to determine which streets posted 35mph and under are appropriate for NEVs. The City of Lincoln is supporting NEV use, but has some streets posted 35 mph that are deemed unsafe for NEVs.
5. Until now NEVs were prohibited from streets posted above 35 mph. AB 2353 allows NEVs on streets posted above 35 mph where designated NEV lanes are available. Similar to bicycle laws, the bill describes three classes of NEV lanes.
6. AB 2353 allows NEVs to use and cross State highways where deemed safe and appropriate by the City and the State Department of Transportation
7. According to a recent survey of NEV owners, NEV users in the City of Lincoln drive an average of 1000 miles per year per NEV. That is 1000 miles of otherwise short cold start automobile trips. AB 2353 lets the cities of Lincoln and Rocklin accommodate the expanding popularity of low cost Neighborhood Electric Vehicles, and reap the transportation and air quality improvement benefits.
8. NEVs are also an ideal transportation option for aging drivers. As low-speed vehicles with a top speed of 25 mph and a limited travel range, NEVs have the ability to provide continued mobility and independence to aging and disabled drivers. Through AB 2353 the DMV committed to work with Assemblyman Leslie's office and the City of Lincoln to explore the feasibility of offering separate category of driver's license to NEV drivers.
9. AB 2353 was signed by the governor and became law January 1, 2005.

**C. Existing Regulations for NEVs**

1. NEVs must comply with all the rules and regulations for a motor vehicle as set for in the California Vehicle Code. Vehicle Code §21251 provides in relevant part that:

“...a low-speed vehicle is subject to all the provisions applicable to a motor vehicle, and the driver of a low-speed vehicle is subject to all the provisions applicable to the driver of a motor vehicle or other vehicle, when applicable, by this code or any other code, with the exception of those provisions which, by their very nature, can have no application.”

2. NEVs must be registered with the State Department of Motor Vehicles and the driver must hold a valid California driver's license and be insured.
3. NEVs may travel on any street with a posted speed limit of 35 miles per hour or less. However, the City, by local ordinance or resolution, may restrict or prohibit the use of NEVs. CVC §21266(a). The City plans to designate approved NEV travel routes to direct NEV traffic to the safest available route.
4. NEVs may cross state-highways at controlled intersections only. Crossing at uncontrolled intersections is permitted with the approval of the agency with primary responsibility for that intersection. CVC §21260(2).

**D. Safety Standards**

NEVs must meet all safety standards for low-speed vehicles as defined by NTHSA. All vehicles sold as NEVs, such as the GEM, already meet these safety standards. Modified golf carts must include these safety modifications to comply with federal safety mandates. All NEVs must be equipped with:

- Seat belts (lap only, or lap and shoulder)
- Brake lights
- Rear lights
- Headlights
- Mirrors, one of the following selection; (1) left side and right side mirrors, (2) left-side and rear-view mirrors, or (3) multi-directional cross bar window.
- Windshield
- Horn
- Front and rear turn signal indicators
- Rear red-reflectors
- Parking brake
- Covered passenger compartment.

**E. NEVs in Golf Cart Lanes**

Current Law in Lincoln and Rocklin per AB 2353 allows dual use; however, outside of Lincoln and Rocklin, a conflict still exists.

**F. NEV/Bicycle Lane Compatibility**

NEV travel is permitted by AB 2353 on roads with speed limits in excess of 35 mph where there is a designated Class II NEV lane on the right shoulder. Bicycles are permitted to travel in these designated NEV lanes.



**Chapter III - Energy/Cost Considerations**

- A. **Energy Consumption**
  - 1. Standard Car (27.5 mpg)
  - 2. NEV (Equivalent to 150mpg, 0.223 kwh/mile)
- B. **Operational Costs** (For standard fleet car and NEV)

**Table 1 – Annual Operating Costs**

<b>Annual Operating Costs *</b>					
<b>Vehicle Type</b>	<b>Insurance</b>	<b>Registration</b>	<b>Fuel Costs</b>	<b>Maintenance</b>	<b>Total</b>
NEV	\$200	\$50	\$16.90	\$293.00	\$559.90
Gas Auto	\$1,200	\$600	\$292.40	\$1,428.00	\$3,520.40

**Table 2 – Operating Costs per Mile**

<b>* Based on Data from the Luke AFB 9/14/2000 Report (1998 figures)</b>								
<b>Vehicle Type</b>	<b>Cost New</b>	<b>Annual Operating Costs</b>	<b>Yrs</b>	<b>Salvage Value</b>	<b>10-YEAR COST</b>	<b>10-Year Total Miles</b>	<b>Average Operating Cost per Mile</b>	<b>Vehicle Cost per Mile</b>
NEV	\$7,560	\$560	10	\$1,500	\$11,659	13,000	\$0.043	\$0.90
Gas Auto	\$18,500	\$3,520	10	\$1,850	\$51,854	34,000	\$0.104	\$1.53

- C. **Potential Energy Sources**
  - 1. Photovoltaic Cells/Batteries
  - 2. Fuel Cells
  - 3. Utility/Batteries

D. **Energy Benefits**  
 The cost to operate an NEV is less than 1/5 that required for a conventional automobile. In accordance with the July 1, 2002 report to CEC (p600-02-020F) demonstration of NEVs, NEVs achieve an equivalent mpg of 150. The actual measured energy use is 0.223 kwh/mile. The average auto mpg is 27.5 as of 2002, and less in urban traffic.

- E. **Incentives/Subsidies**
  - 1. Federal: 2.5% of purchase price tax credit
  - 2. Local: designated parking spaces and lanes, free charging stations.



## Chapter IV - Air Quality Benefits

### A. Air Quality Setting

The city of Lincoln is located within the Sacramento Federal Non-attainment Area (SFNA), a region federally designated as “severe non-attainment” of federal air quality standards for ozone air pollution. Only the Los Angeles basin in California is designated as “extreme” with worse air quality. Under federal law, the SFNA must demonstrate attainment by 2005, then maintain healthy air thereafter. NEVs will provide real, quantifiable emission benefits for local and regional air attainment strategies.

NEV trips made possible by the development of this project will produce a variety of air emission benefits to Lincoln and its citizens, and to the five-county air basin. Ozone air pollution is formed by “tailpipe” oxides of nitrogen (NO<sub>x</sub>) and reactive organic gases (ROG) mixing in the presence of sunlight. The great majority of local ozone air pollution comes from “mobile sources”, with the largest portion resulting from light-duty on-road vehicle use. Some air pollution also comes from evaporative (fuel) emissions that escape from the vehicle during fueling and operation. In winter, carbon monoxide (CO), a product of incomplete combustion that increases as temperatures drop, can be a problem near heavily traveled intersections and in lower lying areas that tend to trap air pollutants in stagnant weather conditions.

Vehicle exhaust also contains toxic air contaminants, such as benzene and formaldehyde. Emission control systems take time to come up to operating temperature, especially in winter. A recent report to the California Energy Commission (TIAX, LLC) stated:

“It is well documented that cold-start emissions have significant impact on air quality. Due to cold-start fuel enrichment, subsequent quenching of hydrocarbons in a cold engine, and the delayed attainment of proper operating temperatures of the catalytic converter, between 60 and 80% of the toxic air emissions from automobiles occur during the cold-start period.”

The good news is that NEVs eliminate the issue of cold starts, with their high rates of toxic and criteria pollutant emissions.

### B. NEV Emission Benefits to Lincoln and the Air Basin

NEVs eliminate NO<sub>x</sub>, CO, ROG and toxics emissions that otherwise result from internal combustion-powered vehicle. NEVs operating in Lincoln will displace gasoline vehicle trips. To demonstrate the emission benefits of a successful NEV program, the following assumptions were used to model the most important emission benefits with the URBEMIS2002 mobile source emissions estimation program:

- 5000 NEVs at program buildout
- 2008 is the modeling year
- Each NEV will travel 1000 miles/year
- NO<sub>x</sub> is primary target; emission reductions annualized from summer conditions
- Only vehicle emissions were calculated with URBEMIS2002 (no area or construction emissions)
- Trip characteristics derived as 2.78 miles/each for 1000 mile/year
- Trips calculated as home to work
- 95% light duty passenger car and 5% light duty truck ratio assumed

**Table 3 – Lbs/Day Emissions Reduced with 5000 /NEVs**

ROG lbs/day	NOx lbs/day	CO lbs/day	SO2 lbs/day	PM10 lbs/day
<b>86.80</b>	<b>15.35</b>	<b>286.90</b>	<b>.14</b>	<b>20.87</b>

**Table 4 – Tons/Year Emissions Reduced with 5000 NEVs**

ROG tons/year	NOx tons/year	CO tons/year	SO2 tons/year	PM10 tons/year
<b>15.84</b>	<b>2.8</b>	<b>52.36</b>	<b>.026</b>	<b>3.8</b>

**C. Cost-Effectiveness of NEV Air Emission Benefits for Lincoln**

The cost of reducing air pollution is often calculated in units of dollars spent per unit of emission reduction received. In simple terms, when the local Placer Air Pollution Control District calculates the value of funding it provides “mobile source” (vehicle) emission reduction projects, including NEVs, it divides the tons of emissions reduced by what it spent to achieve them.

The NEV project does NOT require large investments by air agencies, in spite of the considerable emission reductions that will occur. This is because NEVs will take advantage of existing roadway improvements and infrastructure. Since NEVs have a much lower cost to operate, and even “green image” environmental benefits important to increasing numbers of drivers and local businesses, the “costs” for the emission reductions produced by the NEVs will be substantially underwritten by the vehicle buyer. Therefore, the cost-effectiveness of the emission benefits to Lincoln and the broader Sacramento air basin is a bargain.

Because NEVs operate at essentially zero emissions, (using grid power) vehicles with an internal combustion engine will operate with greater emissions. No grid power in the Sacramento region is generated in the local air basin, and it is reasonable to argue that because NEVs produce a wide range of emission benefits to society they should be able to claim that their grid power comes from hydroelectric or other environmentally benign sources.

**D. Luke Air Force Base NEV Fleet Demonstration Program Report**

The September 14, 2000 Luke Air Force Base NEV Fleet Demonstration Program report provided the following air quality benefits for each of their NEVs:

**Table 5 – Air Quality Benefits**

Vehicle Type	10-Year Total Miles	10-Yr VOC lb	10-Yr CO lb	10-Yr NOX lb
NEV Elect.	13,000	(52.0)	(390.0)	(67.6)
Gas Auto	34,000	136.0	1,020.0	176.8

**E. Community Design Benefits**

The NEV program represents "inside out transportation planning"; or planning from the user's perspective.

**F. Environmental Justice**

The City of Lincoln's proposed NEV transportation plan will enhance the quality of life for aging, disabled, and low-income persons within the City.

**1. NEVs Will Provide Inexpensive Mobility for Low-Income Drivers**

The high cost of a conventional automobile can be a barrier to independence and mobility for low or fixed income persons. The initial and operating costs of an NEV are substantially less than those of a conventional automobile.

A new NEV retails for approximately \$7,560.00. Used NEVs are also available for less. The least expensive conventional automobile is at least three times the amount of a new NEV.

The operating costs of an NEV are also substantially lower than those of a conventional automobile. The average annual operating cost for an NEV including insurance, registration, fuel, and maintenance is \$559.00. The same costs for a conventional automobile are \$3,520.00; over six times the operating costs of an NEV.

**2. NEVs Will Promote Safety and Provide Independence for Aging and Disabled Drivers**

With the State's aging population, we are confronted with the conflicting interest of providing continued mobility to aging drivers while promoting a safe driving environment for all drivers. After the tragic accident in Southern California, where an elderly driver crashed into a farmers market killing several bystanders, the State's population has become acutely aware of the dangers of drivers with diminished skills often brought on by old age. After the accident, the State immediately began considering new driver's license testing, a move that will inevitably result in the loss of a driver's license for drivers with diminished driving skills, including the elderly and disabled.

The loss of a driver's license can lead to isolation and dependence on others for mobility. The proposed NEV transportation plan will provide for a special driver's permit, issued by the local jurisdiction, which will allow aging or disabled persons to drive an NEV in designated NEV routes. Since NEVs are smaller, have a limited travel range, and a top speed of 25 miles-per-hour, they provide a safe alternative to impaired drivers when compared to a conventional high-speed automobile. The emergence of an NEV transportation plan in the City of Lincoln will provide continued mobility and independence to aging or disabled drivers, allowing them to access businesses, medical centers, and visit friends while driving an NEV.

NEVs also will reduce the need for comparatively expensive and under-funded dial-a-ride programs.

In conclusion, the City's proposed NEV transportation plan will enhance the lives of low-income, elderly, and disabled persons throughout the City by providing them with affordable transportation options. The City plans to conduct outreach to all members of the community, including the elderly, disabled, low-income, and other minority groups to determine their transportation needs when preparing the City's comprehensive NEV transportation plan.

**G. Conclusion – Air Quality Benefits**

Facilitating NEV operation will result in substantial air quality benefits to Lincoln, while providing extremely cost-effective pollutant reductions to assist the air basin in attaining and then maintaining federally enforced ambient air quality standards. Cost-effectiveness per ton of emission reduced will be unsurpassed, since air agencies will not be expected to provide per-vehicle subsidies. With deployment of 5000 NEVs as a result of this proposal, nearly eighteen tons per year of ozone pre-cursor emissions will be avoided based on URBEMIS estimation. Moreover, once this NEV pilot study is completed for Lincoln, results will be made available to other communities similarly interested in reducing dependence on petroleum products while simultaneously reducing vehicle-caused air pollution.



## **Chapter V - Community Considerations**

The NEV program represents "inside out transportation planning"; or planning from the user's perspective.

### **A. NEVs Provide Multiple Community Benefits**

NEVs are already in use in Lincoln and Rocklin areas within a limited radius of golf courses. NEV users are asking officials of both Lincoln and Rocklin "how can I legally get to a shopping area in my NEV?" The NEV project is designed to accommodate NEV use and is already successful at eliminating automobile trips.

NEVs travel at a slower speed than autos and provide opportunity to develop a more friendly cohesive community at the neighborhood level than fast autos. The slower speed also contributes to NEV safety for impaired drivers.

As discussed in Chapter II, Legal Constraints, the NEV project included legislation (AB 2353) that has a requirement for DMV to work with the California Highway Patrol and the Legislature to create a new driver's license classification for NEV operation. With an "NEV operators permit" a person who no longer felt comfortable to drive an automobile could continue to be independent. NEVs will provide individual transportation to public transit systems and satisfy some of the more costly unmet transit needs.

NEVs operate for about 20% of the cost of owning and operating automobiles. For low income families that live near their work, an NEV could replace a gross polluting auto. Part of the NEV project includes proposals to include NEVs in State incentive, grant and rebate programs.

### **B. Discussion of other NEV/Golf Cart Communities**

The City of Lincoln's efforts to accommodate and encourage NEVs has many of its roots in other electric vehicle communities. With the advent of the active adult communities, (age 55 or older) golf carts and electric vehicles have become a common sight.

Other Sun City communities have long encouraged the use of electric vehicles. That is certainly the case in *Lincoln Hills* where the use of electric vehicles in local neighborhoods has increased over the years, since first being introduced in the spring of 1999. Rush hour in *Lincoln Hills* isn't necessarily at 8 a.m. and 5 p.m., it is more likely at 10 a.m. after the morning softball game, or 2:30 p.m. after golf as the NEVs and golf cart vehicles make their way to the neighborhood shops.

Every day in *Lincoln Hills* numerous electric vehicles make their way through neighborhood connections to get a cup of coffee from Starbuck's, or go to Safeway for groceries or do their banking at any of the four neighborhood banks. NEVs are convenient, safe, affordable, non-polluting and good for the local economy. Business owners near *Sun City Lincoln Hills* and other Sun City communities appreciate electric vehicle users patronizing their businesses and accommodate NEV and Golf Cart use with special parking spaces.

As a part of this study and proposed pilot program for the City of Lincoln, it might be helpful to review some other electric vehicle plans over the past 10 to 15 years. Electric vehicle activities have been taking place in California and Arizona Sun City communities for quite some time now. NEVs have proven to be natural, efficient alternative forms of transportation in many active adult communities.

These programs were started for ease of accessibility to neighborhood activities through use of an electric vehicle. The various community programs started with golf cart transportation plans, which still exist and now include a good amount of NEV use as well, depending on the community and access to roadways and commercial centers. It is worth a quick review and look at other Sun City/Del Webb communities.

**CONCLUSION:**

NEVs are an affordable, safe, non-polluting alternative to traditional modes of transportation. It is apparent that as communities make commercial and downtown business sites available and accessible, the use of NEVs increases. NEVs have proven to be natural, efficient alternative forms of transportation and will provide a multitude of benefits to the City of Lincoln.



## Chapter VI - NEV Transportation Planning

### **Background**

Existing law (Chapter 6, Streets and Highways Code, Section 1950 – 1965) authorizes a city or county to establish a golf cart transportation plan subject to the review of the appropriate transportation planning agency and traffic law enforcement agency. Assembly Bill 2353 adds Chapter 7 (commencing with Section 1963) to Division 2.5 of the Streets and Highways Code to authorize the City of Lincoln (until January 1, 2009) to establish a neighborhood electric vehicle (NEV) transportation plan subject to the same review process established for a golf cart transportation plan (GCTP). The bill defines “neighborhood electric vehicle (NEV)” the same as a “low speed vehicle.” Within California, only electric powered LSVs can be sold. Therefore, all LSVs in the state of California are NEVs.

In enacting Chapter 7, it is the intent of the Legislature to authorize the City of Lincoln and Rocklin in the County of Placer to establish a neighborhood electric vehicle (NEV) transportation plan. It is the further intent of the Legislature that this transportation plan be designed and developed to best serve the functional travel needs of the plan area, to have the physical safety of the NEV driver’s person and property as a major planning component, and to have the capacity to accommodate NEV drivers of every legal age and range of skills.

The City of Lincoln NEV project is an effort to accommodate the City’s changing urban lifestyle by encouraging the use of bicycles and NEVs to travel from their home to the downtown Lincoln commercial areas. This effort will result in air quality improvements, energy savings, reduced travel costs, and increased mobility and independence for aging and impaired drivers.

Minor modifications to the existing street and circulation system are needed to accommodate NEVs. The City plans to implement signing and striping improvements consistent with this report, create special parking spaces, and develop a Class II NEV path system to facilitate access to the City of Lincoln, and to increase safety.

The City of Lincoln is well positioned to integrate the beneficial use of NEVs with their existing golf cart transportation system. NEVs are already circulating in the Sun City – Lincoln Hills development and special parking areas are provided in the adjacent Safeway shipping center. The overall goal is to complete a comprehensive NEV circulation system so that the number of users will increase commensurate with the amount of new development planned for Twelve Bridges and the City of Lincoln proper. Figure 1 shows the project study area.

### **B. Data Collection and Review**

We reviewed the following materials in preparation of this report.

- The Revised Twelve Bridges Specific Plan EIR (August 1997)
- City of Lincoln, *NEV Transportation Plan*, CMAQ Application to SACOG, 1-15-04
- Administrative Draft – Transportation and Circulation Section 4.2 (May 2000)
- The City of Lincoln General Plan
- The Sun City – Lincoln Hills Golf Cart Transportation Plan (2001)
- City of Lincoln Parkway Pointe Offsite Improvement Plans (November 2004)

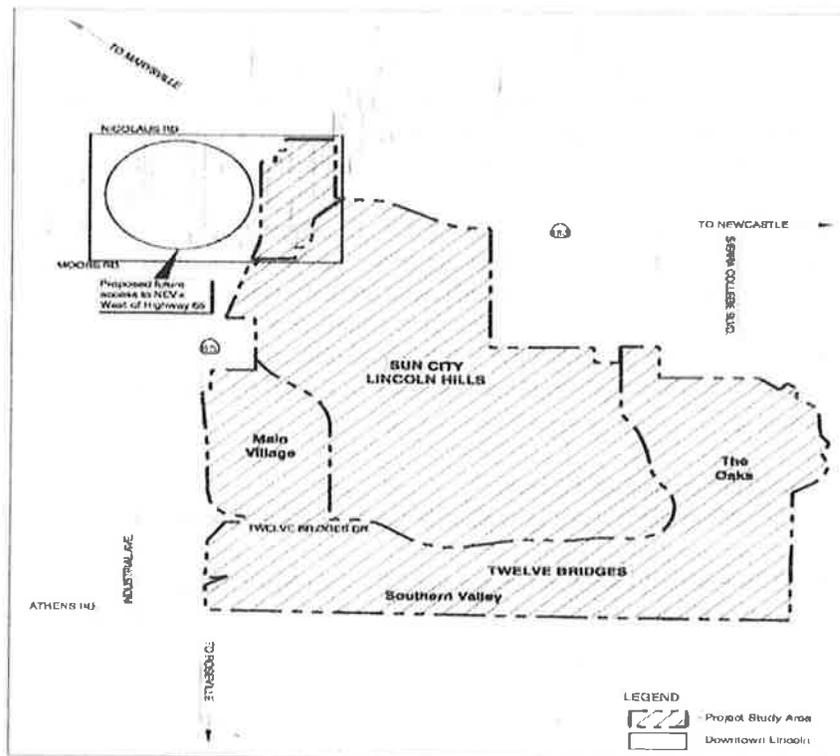
- The City of Lincoln current street design standards (2003)
- City of Palm Desert Golf Cart Transportation Plan (1999)
- 2000 Census journey-to-work data
- AB 2353 (signed into law)
- California Vehicle Code (CVC) (2003)
- Manufactures brochures and dimensions for typical golf carts and NEVs
- City of Lincoln *Neighborhood Electric Vehicle Transportation Program Draft #2 Report* prepared by MHM Engineers & Surveyors, 12-2-03.

This information provides a basis for determining the feasibility of integrating NEVs into the existing golf cart circulation system within the City of Lincoln, identifying key crossing points that allow access to planned retail, commercial, educational, and medical facilities in Twelve Bridges, and recommending street standards, crossing design, and signage to accommodate NEVs. The existing golf cart facilities and circulation routes in the City of Lincoln are summarized below along with their feasibility of accommodating NEVs.

**C. Mode Share and Trip Generation Summary**

Table 9 provides information from the 2000 Census on the mode shares for journey-to-work for Placer County, City of Lincoln and City of Rocklin. For the City of Lincoln (including Twelve Bridges) the automobile continues to be the primary mode of travel to work. Drive alone and carpool account for approximately 96 percent of all work trips.

**Figure 1 – Project Study Area**



**Table 6 – Mode Shares from the 2000 Census Journey to Work**

City	Drive Alone	Carpool	Transit	Bicycle	Walk	Other Means	Subtotal
Lincoln CA	79.8%	16.5%	0.0%	0.4%	3.0%	0.2%	100.0%
Rocklin CA	86.9%	9.9%	0.8%	0.6%	1.5%	0.4%	100.0%
Roseville CA	86.4%	10.3%	1.4%	0.4%	1.0%	0.4%	100.0%
Lincoln CA	3,395	701	0	18	129	10	4,253
Rocklin CA	14,574	1,661	129	95	244	60	16,763
Roseville CA	29,809	3,565	485	145	332	153	34,489

Table 7 summarizes the number of dwelling units and daily person trips for Sun City – Lincoln Hills and for the remainder of Twelve Bridges. Recent data (September 2004) from the City of Lincoln shows that since 1998, there have been 3,356 building permits issued for the City of Lincoln excluding Sun City – Lincoln Hills. This represents approximately 50% of the adopted General Plan build-out. The Del Webb community (Sun City – Lincoln Hills) has received 5,521 building permits during the same time frame, which represents approximately 80 percent of plan build-out.

**Table 7 – Trip Generation Summary for Sun City - Lincoln Hills and Twelve Bridges**

Land Use Category	Daily Trip Rate <sup>1</sup>	Total Daily Trips		
		Twelve Bridges	Sun City - Lincoln Hills	Total
Low Density Residential	9.0/d.u.	33,525	0	33,525
High Density Residential	6.5/d.u.	6,825	0	6,825
Age-Restricted Residential	4.6/d.u.	0	31,280 <sup>1</sup>	31,280
Commercial	525/acre	26,075	14,700	40,775
Employment Center	230/acre	18,860	0	18,860
Schools	50/acre	3,750	0	3,750
Golf Course	37.6/hole	677	1,354	2,031
<b>Total</b>		<b>89,712</b>	<b>47,334</b>	<b>137,046</b>

Source: City of Lincoln Traffic Model; Del Webb Specific Plan DEIR, 1993; Revised Twelve Bridges Specific Plan EIR (1997); City of Lincoln Building Permit Section  
<sup>1</sup> Revised consistent with recent building permit data

**Feasibility:** There is ample opportunity to increase non-auto mode shares within the City of Lincoln based on recent census data. Walking already shows a higher percentage of work trips than either Roseville or Rocklin. The use of golf carts and/or NEVs is captured in the “Other” category (0.2 percent). The potential for mode shifting to bike, walk or NEV travel within the City of Lincoln will depend on several factors including, a well connected on-street and off-street system, jobs-housing balance (for work related trips), adequate parking and major attractors and activity centers, and appropriate safety measures. The City of Lincoln has taken important steps to improve these elements through adoption of their bicycle master plan, development of a citywide extended golf cart transportation plan, and development of the main village and surrounding commercial, retail and employment areas. If NEV travel accounted for just one percent of the current Del Webb generated trips, there would be a potential of 400 daily trips by this efficient non-polluting mode. If the same one percent is applied to the total trips generated by Del Webb and Twelve Bridges, over 1,000 daily trips by NEV are possible.

New NEV trips resulting from the development of the circulation plan will produce a variety of air emission benefits to Lincoln and its citizens, and to the five-county air basin. The great majority of local ozone air pollution comes from “mobile sources”, with the largest portion resulting from light-duty on-road vehicle use. In winter, carbon monoxide (CO) can be a problem near heavily traveled intersections and in lower lying areas that tend to trap air pollutants. The good news is that NEVs eliminate toxic emissions that otherwise result from these mobile sources.

Although trip length information is difficult to establish, a neighborhood electric vehicle program questionnaire was distributed to NEV owners in the City of Lincoln in 2003 as part of the MHM Draft NEV Report, in an attempt to refine usage and trip length information. The results from 35 responses showed the following trends:

- 77% of respondents use their NEV at least 5-days a week
- 70% of respondents drive their NEV more than 500 miles per year and 23% drive more than 1,000 miles per year
- 62% of respondents use their NEV for purposes other than recreation or golf
- 38% indicated they would drive at least 50 additional miles per week if they were allowed to drive anywhere within the City of Lincoln, and if it were safe to do so

The City of Lincoln – NEV Transportation Plan CMAQ application provided an estimate of the air quality benefits available from a mode shift to NEVs and bicycles within the downtown area based on the survey results. Table 8 provides a summary of the information. The calculation methodology is detailed in the application.

**Table 8 – Air Quality Benefits of NEV and Bicycle Use**

Air Quality Benefits of NEV and Bicycle Use				
Category	NEV	Bike	Combined	Notes
Annual Auto Trip Reduced	312,732	28,322	341,054	Trips/year
Annual Auto VMT Reduced	2,501,856	56,644	2,558,500	Miles/year
Ozone (ROG)	4,146	174	4,320	Lbs/year
Nitrous Oxide (NOx)	3,636	114	3,750	Lbs/year
Particulates (PM10)	1,245	29	1,274	Lbs/year
Annual Emission Reduction	9,027	317	9,343	Lbs/year
Source: NEV Transportation Plan CMAQ Application to SACOG 1/04				

**Feasibility:** The potential for NEV and bicycle use resulting from an approved NEV circulation plan results in very positive air quality benefits for the City of Lincoln and ultimately the 5-county region.

**D. Traffic Volume Data**

The feasibility of using NEVs on the study area roadways considered “level of service (LOS)” and traffic volume thresholds. Table 9 provides the average daily traffic (ADT) volume LOS for various roadway types. These thresholds have been established for previous environmental analyses in the Cities of Lincoln, Rocklin and the Counties of Placer and Sacramento. LOS is measured quantitatively and reported on a scale from A to F, with A representing the best performance and F the worst in terms of congestion and delay.

**Table 9 – Average Daily Traffic Volume Level of Service Thresholds**

Facility Type	Average Daily Traffic Volume Threshold				
	LOS A	LOS B	LOS C	LOS D	LOS E
Two-Lane Street	9,000	10,700	12,000	13,500	15,000
Four-Lane Undivided Arterial	18,000	21,300	24,000	27,000	30,000
Four-Lane Divided Arterial	20,250	23,625	27,000	30,375	33,750
Four-Lane Restricted-Access Arterial	21,600	25,200	28,800	32,400	36,000
Six-Lane Divided Arterial	30,315	36,000	40,500	45,560	50,525
Six-Lane Restricted-Access Arterial	32,400	37,800	43,200	48,600	54,000
Two-Lane Freeway	18,800	26,400	34,000	38,000	40,000
Four-Lane Freeway	37,600	52,800	68,000	76,000	80,000
Six-Lane Freeway	56,400	79,200	102,000	114,000	120,000
Two-Lane Conventional Highway	3,100	4,800	7,900	13,500	22,900

Sources: *Sunset West Development Plan EIR (1995)*, *Draft Subsequent Twelve Bridges Specific Plan EIR, (1997)*, *Placer County General Plan Update DEIR (1994)*, and *Sacramento County Traffic Impact Guidelines (1997)*.

The City of Lincoln has adopted LOS C as their minimum criteria for urban area intersections and roadways. The feasibility of allowing NEVs to travel on area roadways were evaluated by comparing ADT to the daily volume LOS thresholds in Table 10. Figure 2 shows 2025 traffic volumes for the Main Village including Twelve Bridges Drive and East Lincoln Parkway. The future (2025) traffic forecasts are based on trip generation estimates for proposed General Plan Amendment land uses, prepared by Fehr & Peers for the Main Village.

**Feasibility:** The feasibility of operating NEVs on roadways within the City of Lincoln and Twelve Bridges based on speed limits and volumes is shown in Table 10.

**Table 10 – Operational Feasibility of NEVs on Study Roadways**

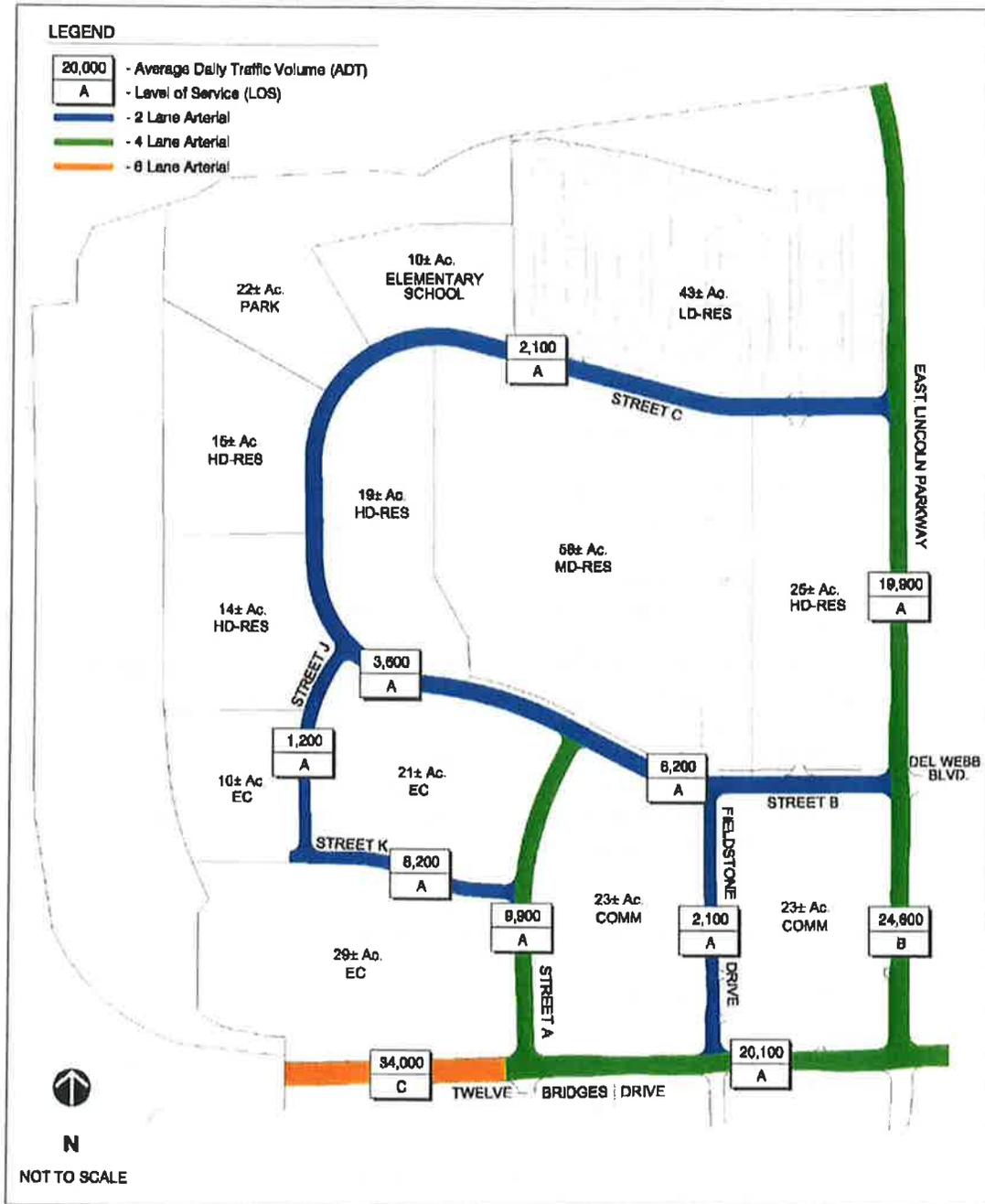
Facility (Speed Limit)	Roadway Speed Limit	2020 Traffic Volume	LOS C Threshold	Operational Feasibility
SR 193	35 mph	18,000	12,000	Limited <sup>1</sup>
Ferrari Ranch Road	35 mph	19,000	24,000	Yes <sup>2</sup>
Sterling Parkway	35 mph	17,000	24,000	Yes
E. Lincoln Parkway	35 mph	22,000	24,000	Yes
Twelve Bridges Drive*	35 mph	20,000	24,000	Yes
Street C (Main Village)	35 mph	2,100	12,000	Yes
Street B (Main Village)	25 mph	6,200	12,000	Yes
Fieldstone Drive (Main Village)	25 mph	2,100	12,000	Yes
Street A (Main Village)	25 mph	9,900	24,000	Yes
Street K (Main Village)	25 mph	8,200	12,000	Yes
Street J (Main Village)	25 mph	1,200	12,000	Yes
Downtown Lincoln (Residential Streets) east of Highway 65	25 mph	No recent estimates	Not expected to exceed 12,000	Yes

Source: Fehr & Peers 2004

\*The segment of Twelve Bridges Drive between State Route 65 and East Lincoln Parkway has a posted speed limit of 35 mph. Other portions of Twelve Bridges Drive are currently posted at 45 mph.

NEVs would be allowed to travel on SR 193 between Ferrari Ranch Road and A Street to access the downtown residential streets in Lincoln. NEVs will not be allowed on SR 193 east of Ferrari Ranch Road. Although NEVs are legal to operate on Ferrari Ranch Road, a separate Class II path system is proposed when the road is built out to complete width.

Figure 2 – Average Daily Traffic Volumes



FEHR & PEERS  
TRANSPORTATION CONSULTANTS

**AVERAGE DAILY TRAFFIC VOLUMES -  
GENERAL PLAN AMENDMENT  
CUMULATIVE YEAR (2025) CONDITIONS**

Figure 2

### E. **Standard NEV Signage and Street markings**

The standard NEV signage and street markings are shown in Appendix B. These signs and markings are consistent with the MUTCD 2003 California Supplement, May 20, 2004 issued by the California Department of Transportation. The size and general design of signage for the NEV plan is consistent with Part 9 of the MUTCD for bicycles and with the adopted 2001 Golf Cart Transportation Plan (GTCP) for Sun City – Lincoln Hills.

The following standards and policies for NEV signing and pavement markings are recommended for use within the plan area.

1. **Combination NEV/Bike Lane Sign.** The Combination NEV/Bike Lane sign should be placed on NEV Lanes where a Class II Bike Lane is also provided. The sign should be placed at the far side of collector street intersections and at a minimum of one-half mile intervals on all continuous residential streets. (Appendix B Figure 1)
2. **NEV Pavement Marking.** The Pavement Marking should be placed on local streets, which have been designated as NEV Routes. (Appendix B Figure 2)
3. **NEV Lane Striping.** The stripe is to be placed between the traffic lane and the NEV/Bike lane. (Appendix B Figure 3)
4. **NEVs Prohibited Beyond This Point.** The NEV Prohibited Beyond This Point educational plate may be placed at entrances to public streets that will not accommodate NEV travel. This sign may be placed on the right-hand side of the roadway approximately 25 feet past the intersection so it is visible to operators before they enter that portion of the public right-of-way (Appendix B Figure 4)
5. **NEV Route.** The NEV Route sign should be placed on local streets, which have been designated as NEV Routes. The sign should be placed at the far side of collector street intersections and at a maximum of one-half mile intervals on all continuous **residential** streets. (Appendix B Figure 5)

### F. **NEV Standards: Lane Widths and Parking Requirements**

#### 1. **Functional Classification of NEV Facilities**

- a. **Two-Way Paths** are defined for the purposes of this study as an off-street path with a minimum width of 14 feet plus a one foot shoulder on each side (total right-of-way width of 16 feet). This width is deemed necessary to allow NEVs to pass safely in the opposite direction considering their size and speed (See Table 13). NEV paths are designed to provide access between residential areas and commercial/retail areas, and between public streets and private property. The multi-modal design of the paths is intended for pedestrians, bicyclists, skateboarders and roller-bladders to share the facility. Note: The minimum path width may be reduced to 12-feet at the discretion of the Director of Public Works.
- b. **One-Way Paths** are defined for the purposes of this study as an off-street path with a minimum width of 8 feet plus a one foot shoulder on each side (total right-of-way width of 10 feet). The 8 feet width is deemed necessary to allow pedestrians, bicyclists, skateboarders and roller-bladders to share the facility.

c. **Class II NEV/Bike Lanes:** NEV/bike lanes are portions of public roadways that are designated by signs and pavement markings for NEV/bike travel. NEV/bike lanes should be 7 feet wide and allow NEVs, bikes and golf carts (within the Golf Cart Transportation Plan) to travel adjacent to automobile traffic but within a striped separated space. Bicyclists may share NEV lanes if there is not a separate bicycle lane on the roadway. In addition, NEV/bike lanes may be reduced to 6-feet at the discretion of the Director of Public Works. NEV/bike lanes are appropriate on arterials and collector streets that meet the following design criteria:

- Road Design Speed – 45 miles per hour or less
- Automobile Traffic Volume – Streets should be capable of providing a high level of service to insure that adequate capacity exists for automobiles, bicyclists and NEVs. The City of Lincoln Public Facilities Element (PFE Policy 5-1) of the General Plan requires streets and intersections to operate at no worse than LOS “C”. Based on the traffic volume thresholds shown in Table 12, a two lane collector street suggests a target vehicular threshold of 12,000 vehicles per day to maintain LOC C.

d. **Class III NEV Routes** provide for shared use by NEVs with conventional vehicle traffic on streets with a posted speed limit of 35 miles per hour or less.

**2. Minimum Street Standards**

The minimum street standards and typical cross-sections are shown in Appendix A. These cross-sections are based on existing City of Lincoln standards and reflect similar design widths for NEV and/or golf cart travel in Sun City – Lincoln Hills and the City of Palm Desert. Included are:

- Two lane residential collector streets with Class II NEV/Bike lanes
- Four lane arterials with Class II NEV/Bike lanes
- Residential streets (shared use)
- One-way Class 1 NEV/Golf Cart Path (off-road)
- Two-way Class 1 NEV/Golf Cart Path (off-road)

Table 11 provides a physical and operational comparison of NEVs and Golf Carts based on manufacturer specifications. The additional width and speed of the NEV requires Class I paths to be a minimum of 14-feet of pavement with at least a one foot shoulder on each side for a total right-of-way width of 16 feet. Similarly, one way Class 1 NEV/Golf Cart paths are recommended to be 8 feet of pavement with at least a one foot shoulder on each side for a total right-of-way width of 10 feet. This will allow for multi-modal travel and passing in the same direction.

**Table 11 – NEV vs. Golf Cart Specifications and Comparisons**

Neighborhood Electric Vehicle (NEV) vs. Standard Golf Cart Specifications and Comparisons				
CATEGORY	NEV (GEMCO)		GOLF CART (CLUB CAR)	
	2 Passenger	4 Passenger	2 Passenger	4 Passenger
Curb Weight	1,100 lbs	1,280 lbs	495 lbs	500 lbs
GVW	1,600 lbs	2,100 lbs	NA	NA
Length	98.5"	126.5"	91.5"	91.5"
Height	68"	69.75"	68.5"	68.5"

Width	55"	55"	47.25"	47.25"
Wheelbase	71.1"	101"	65.5"	65.5"
Tires	10-inch	12-inch	8.5-inch	8.5-inch
Rating	Street/Turf	Street	Street/Turf	Street
Speed	15/30 mph	30 mph	15 mph	15 mph

Source: Manufacturer specifications for GEMCO and CLUB CAR

Table 12 provides a comparison of operational characteristics across various “low-speed” modes. All of these modes should be able to use the Class I NEV/Golf Cart paths within the plan area.

**Table 12 – Operational Characteristics Across Low-Speed Modes**

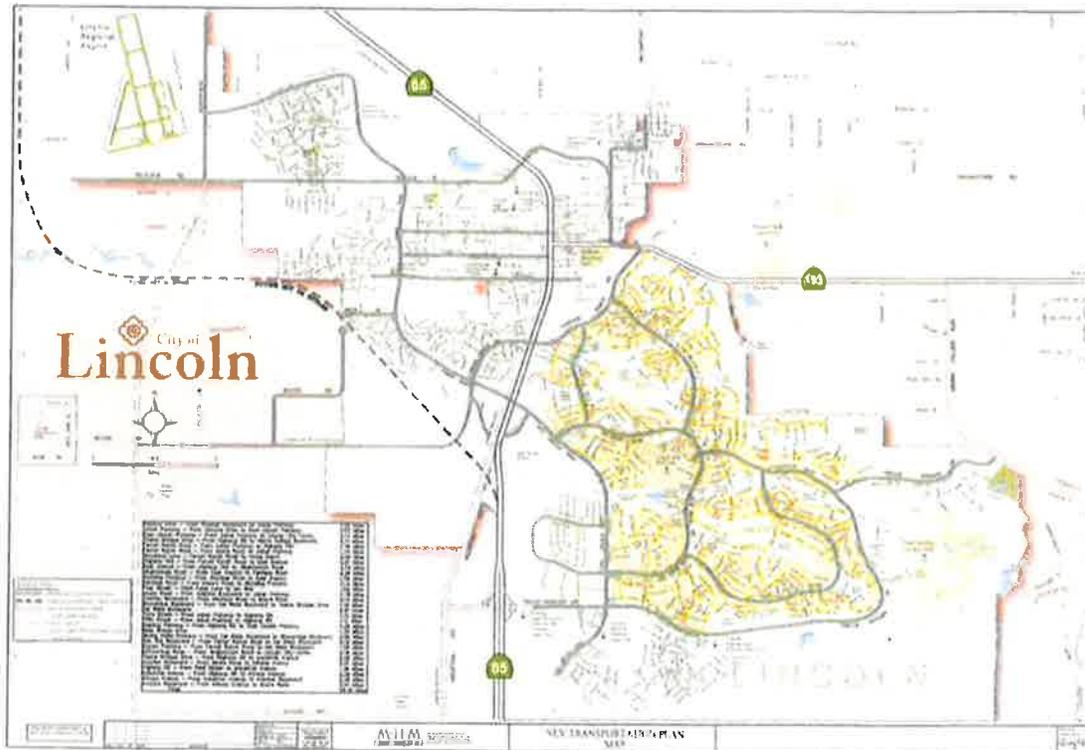
Operational Characteristics Across Low-Speed Modes					
Low Mode	Speed	Speed (mph)	Width (feet)	Braking Distance (feet)	Turning Radius (feet)
Pedestrians		2.7	NA	NA	NA
Bicycles		15	3.3	15	56.3
Skates		10.5	4	20	NA
Skateboards		NA	NA	NA	NA
Scooters		5 to 8	1.2	25	NA
Wheelchairs		4 to 7	2.5	NA	2 to 4
Golf Carts		5 to 15	3.9	NA	NA
NEVs		5 to 30	4.6	NA	NA

Source: TRB Paper “What the Literature Says about Low Speed Modes,” Rodier, Shaheen, and Chung, August 2003; Manufacturer specifications for GEMCO and CLUB CAR

### 3. Proposed NEV Circulation Plan

The proposed NEV Transportation Plan is illustrated in Figure 3.

Figure 3 – Proposed Circulation Plan



The following outlines the NEV routes included in the NEV Transportation Plan:

1. Venture Drive – From Aviation Boulevard to Joiner Parkway
2. Joiner Parkway – From Venture Drive to East Lincoln Parkway
3. East Lincoln Parkway – From Joiner Parkway to Lincoln City Limits
4. Twelve Bridges Drive – From Highway 65 to Sierra College Boulevard
5. Ferrari Ranch Road - From Joiner Parkway to Highway 193
6. Ferrari Ranch Road – From Moore Road to Joiner Parkway
7. Groveland Lane – Ferrari Ranch Road to Home Depot
8. Highway 193 – From Ferrari Ranch Road to East Avenue
9. East Avenue – From Highway 193 to Virginiatown Road
10. Virginiatown Road – From East Avenue to Harrison Road
11. Gladding Parkway – From Nicolaus Road to East Avenue
12. Nicolaus Road – From Airport Road to Gladding Parkway
13. First Street – From Fuller Lane to Ian Way
14. Moore Road – From Aviation Boulevard to Joiner Parkway
15. Aviation Boulevard – From Nicolaus Road to Lincoln City Limits
16. Stoneridge Boulevard – From Del Webb Boulevard to Twelve Bridges Drive
17. Del Webb Boulevard
18. Third Street – From Joiner Parkway to Highway 65
19. Fifth Street – From Joiner Parkway to Highway 65
20. Sterling Parkway – From Highway 65 to East Lincoln Parkway
21. Bella Breeze Drive
22. Spring Valley Parkway – From Del Webb Boulevard to Stoneridge Boulevard

23. Sun City Boulevard – From Ferrari Ranch Road to Del Webb Boulevard
24. Ingram Parkway – From Ferrari Ranch Road to Del Webb Boulevard
25. McCourtney Road – From Virginiatown Road to Lincoln City Limits

Future routes outside of City of Lincoln limits but within the sphere of influence:

1. Twelve Bridges Drive – From Highway 65 to Industrial Avenue
2. Aviation Boulevard – From Nicolaus Road to Athens Avenue
3. Highway 65 – From First Street to Industrial Avenue
4. Industrial Avenue – From Highway 65 to Athens Avenue
5. Athens Avenue – From Industrial Avenue to Aviation Boulevard

#### **G. NEV/Golf Cart Parking Facilities**

In order to promote NEV travel, NEVs/golf carts should be given preferential parking at all common facilities, including retail centers, commercial centers, parks, medical facilities and educational facilities. Although no industry or local standards exist, we recommend the following minimum number of spaces based on our experience with other Golf Cart communities and plans, and our site review of existing parking stalls for NEVs and golf carts in the City of Lincoln:

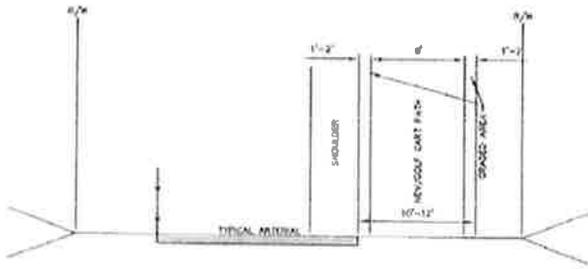
- Retail Centers – 2 to 3 spaces (7 feet x 15 feet) per 100,000 square feet plus one additional space for each additional 30,000 square feet.
- Commercial Centers – 2 to 3 spaces (7 feet x 15 feet) per 100,000 square feet plus one additional space for each additional 30,000 square feet
- Private Neighborhood Parks – four to six spaces (7 feet x 15 feet)
- Medical Facilities – Four to six spaces (7 feet x 15 feet)
- Educational Facilities – Six to eight spaces (7 feet x 15 feet)

**Note:** The number of spaces suggested above, are guidelines. Larger facilities may require more parking spaces.

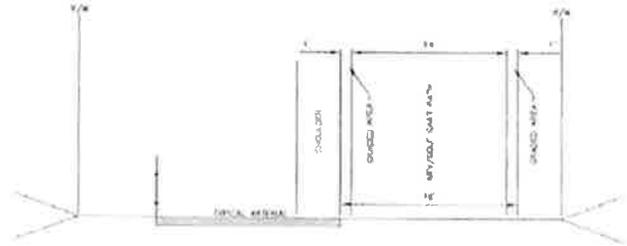
# **APPENDIXES**

## APPENDIX A STREET CROSS SECTIONS

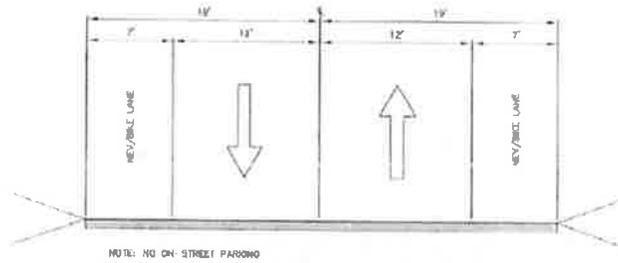
**One-way Class I  
NEV/Golf Cart Path**



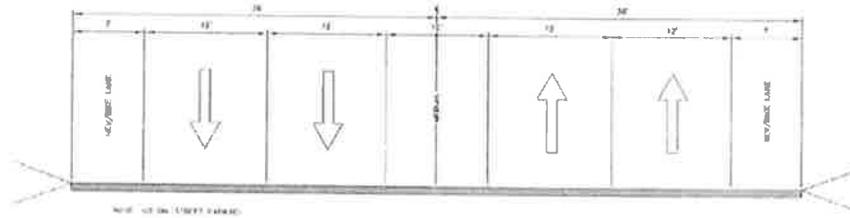
**Two-way Class I  
NEV/Golf Cart Path**



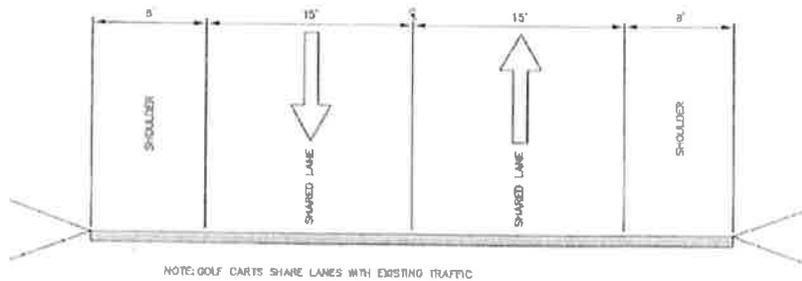
**Collector Street with  
Class II NEV/Bike Lane**



**Four Lane Arterial with  
Class II NEV/Bike Lanes**



**Residential Street with  
Class III NEV/Golf Cart Route**



Images courtesy of: **FEIR & PEERS**  
TRANSPORTATION CONSULTANTS

APPENDIX B

STANDARD SIGNS AND MARKINGS

Figure 1

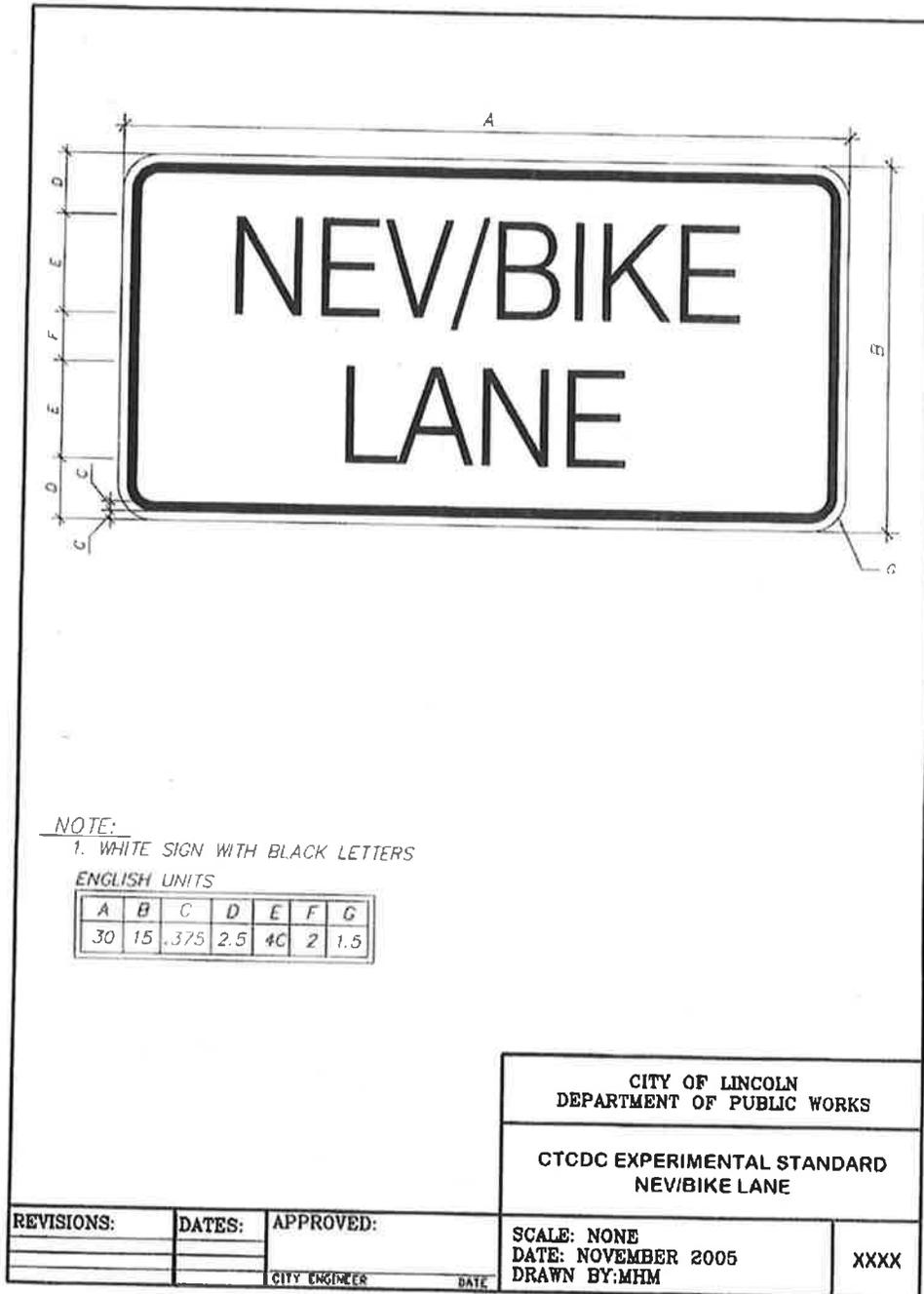


Figure 2

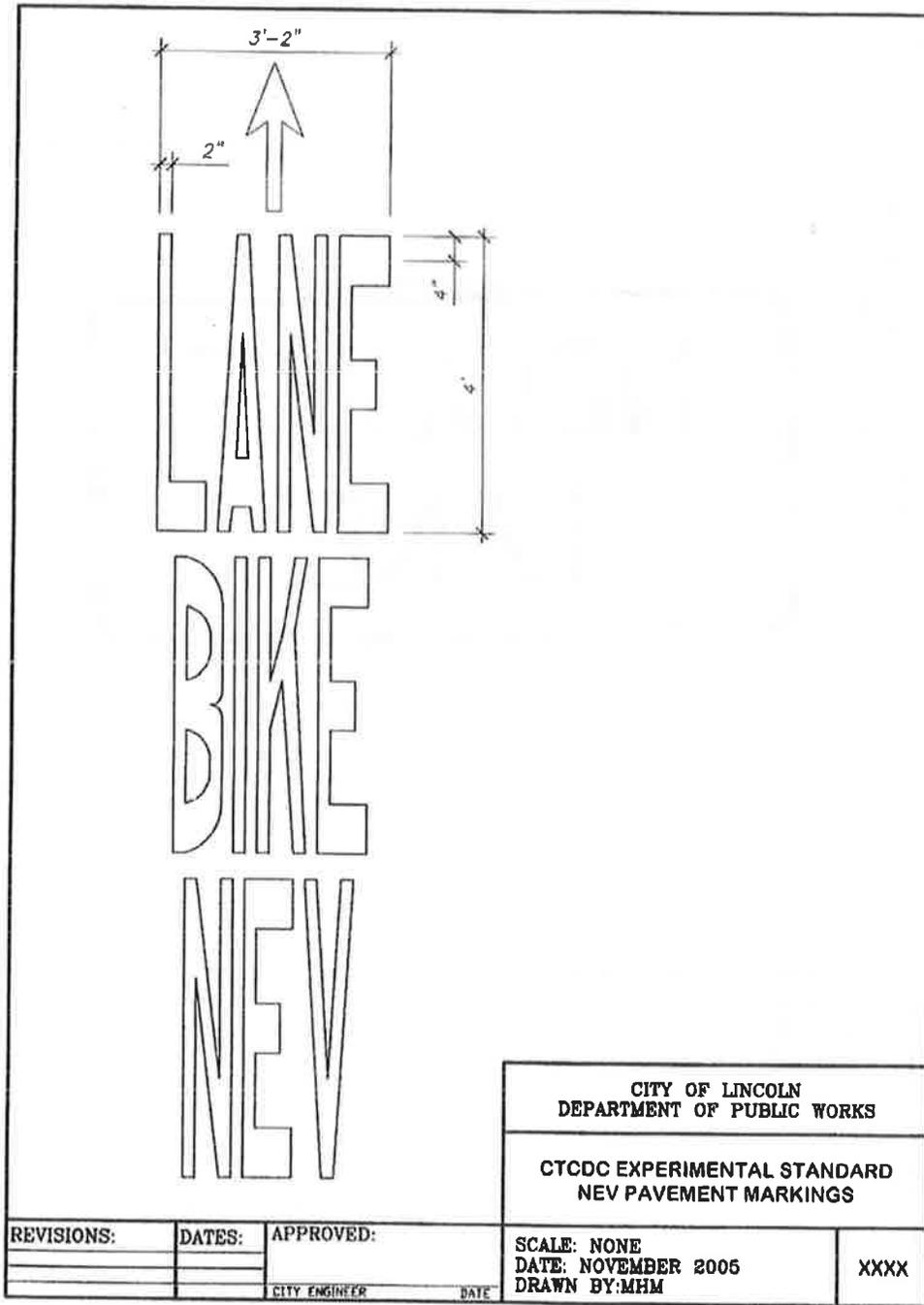


Figure 3

DETAIL 39EX-NEV/BIKE LANE LINE

150mm (6in.) WHITE LINE

NOTES:

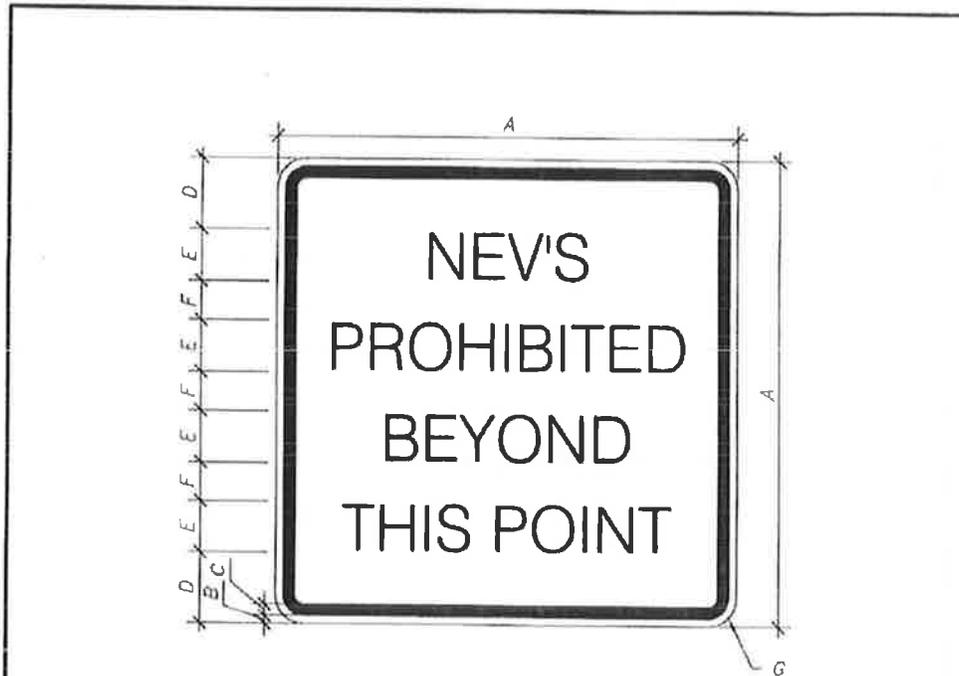
1. NEV LANES AND COMBINED NEV/BIKE LANES ARE TO BE A MINIMUM OF SEVEN (7) FEET IN WIDTH.
2. THE STRIPE IS TO BE PLACED BETWEEN THE TRAFFIC LANE AND THE NEV/BIKE LANE.

CITY OF LINCOLN  
DEPARTMENT OF PUBLIC WORKS

CTCDC EXPERIMENTAL STANDARD  
NEV LANE STRIPING

REVISIONS:	DATES:	APPROVED:	SCALE: NONE	XXXX
			DATE: NOVEMBER 2005	
		CITY ENGINEER	DRAWN BY:MHM	
			DATE	

Figure 4



NOTE:

1. WHITE SIGN WITH BLACK LETTERS

ENGLISH UNITS

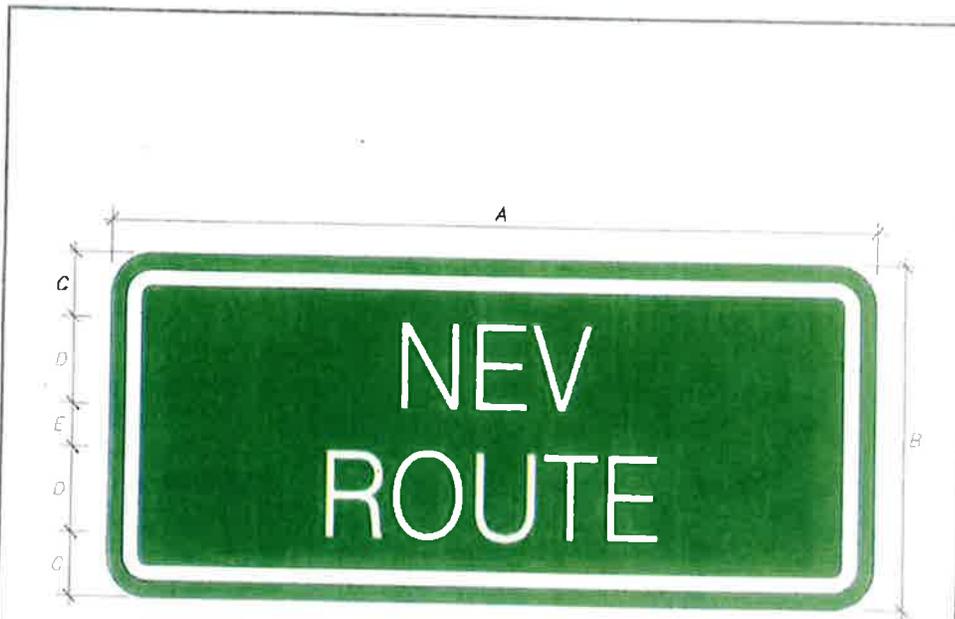
A	B	C	D	E	F	G
30	.625	.875	5.5	4C	3	2.25

CITY OF LINCOLN  
DEPARTMENT OF PUBLIC WORKS

CTCDC EXPERIMENTAL STANDARD  
NEV'S PROHIBITED BEYOND THIS POINT

REVISIONS:	DATES:	APPROVED:	SCALE: NONE	XXXX
			DATE: NOVEMBER 2005	
		CITY ENGINEER	DRAWN BY:MHM	
		DATE:		

Figure 5



NOTE:

1. GREEN SIGN WITH WHITE LETTERS

A	B	C	D	E
30"	15"	2.5"	4"	2"

CITY OF LINCOLN  
DEPARTMENT OF PUBLIC WORKS

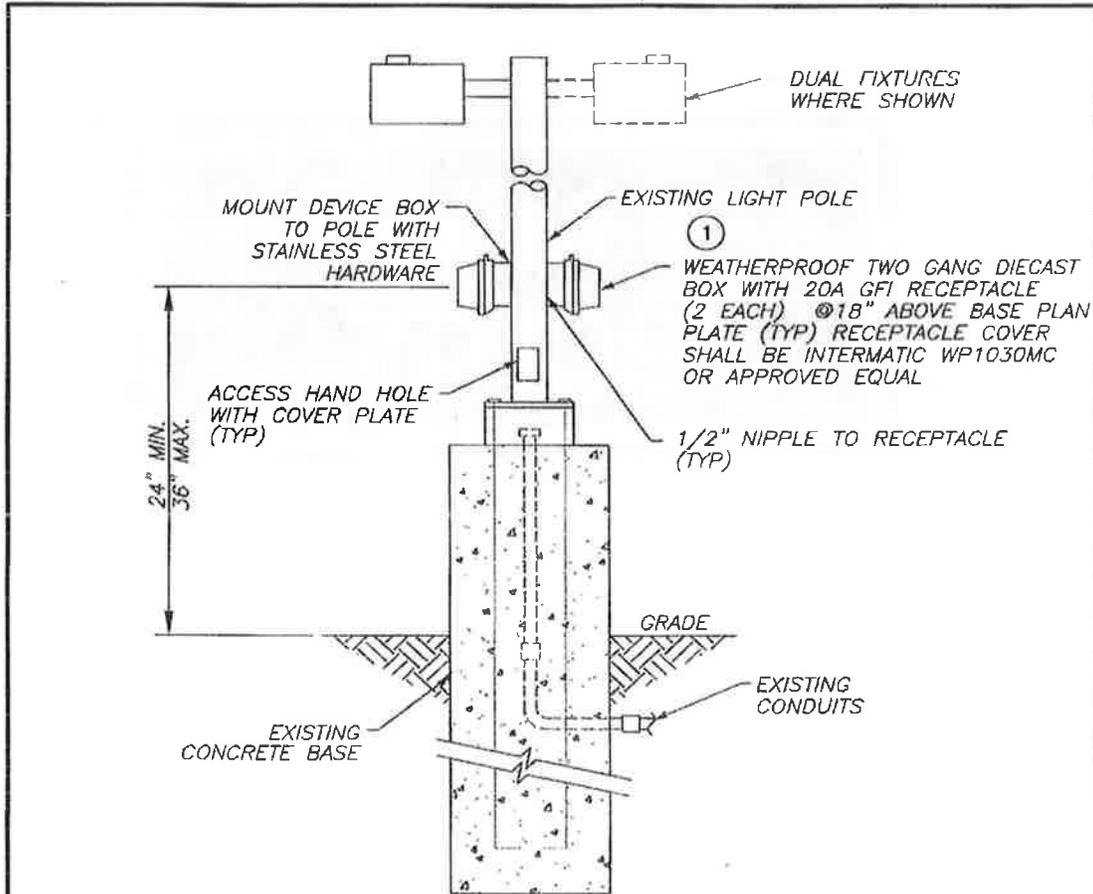
CTCDC EXPERIMENTAL STANDARD  
NEV ROUTE

REVISIONS:	DATES:	APPROVED:	SCALE: NONE	XXXX
		CITY ENGINEER _____ DATE _____	DATE: NOVEMBER 2005 DRAWN BY:MHM	

## APPENDIX C

### PARKING AND CHARGING STATION STANDARDS

**Figure 1**



**NOTES:**

- ① WHERE LIGHTS ARE CONTROLLED BY REMOTE LIGHTING CONTACTORS:
  - Ⓐ INSTALL ONE 15A/1P CIRCUIT BREAKER IN EXISTING LIGHTING PEDESTAL FOR EACH RECEPTACLE (TOTAL 4).
  - Ⓑ PULL 2#12 & #12 GND FROM PEDESTAL TO LIGHT POLE IN EXISTING CONDUIT.
  - Ⓒ MOUNT RED PHENOLIC NAMEPLATE TO EACH RECEPTACLE COVER READING "RECEPTACLE POWERED FROM FOREIGN SOURCE" AND LABEL DEVICE COVER WITH PANELBOARD NAME AND CIRCUIT NUMBER.

<b>CITY OF LINCOLN DEPARTMENT OF PUBLIC WORKS</b>	
<b>NEV CHARGING STATION DETAIL</b>	
<b>REVISIONS:</b>	<b>SCALE: NONE</b>
<b>DATES:</b>	<b>DATE: NOVEMBER 2005</b>
<b>APPROVED:</b>	<b>DRAWN BY:ATEEM</b>
CITY ENGINEER	DATE
	<b>XXXX</b>

Figure 2



NOTE:

1. WHITE SIGN WITH BLACK LETTERS

ENGLISH UNITS

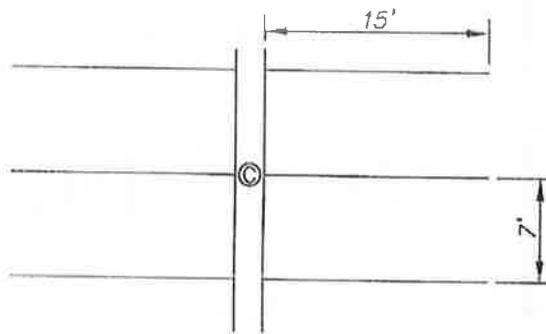
A	B	C	D	E	F
18	16.5	.375	2.5	4C	2

CITY OF LINCOLN  
DEPARTMENT OF PUBLIC WORKS

STANDARD NEV SIGNS  
NEV PARKING ONLY

REVISIONS:	DATES:	APPROVED:	SCALE: NONE	XXXX
			DATE: NOVEMBER 2005	
		CITY ENGINEER	DRAWN BY:MHM	
		DATE		

Figure 3



- © • NEV CHARGING STATION LOCATION 1-4PLEX CHARGING STATION FOR EVERY 8 SPACES.
- LOCATE CHARGING STATION(S) NEAR CENTER OF STALLS AT NORMAL LIGHT POLE LOCATIONS

NUMBER OF SPACES:

- RETAIL & COMMERCIAL: MINIMUM 2 SPACES FOR THE FIRST 10,000 SQUARE FEET OF BUILDING AREA PLUS ONE ADDITIONAL SPACE FOR EACH ADDITIONAL 6,000 SQUARE FEET.
- MEDICAL FACILITIES: MINIMUM 4 SPACES
- EDUCATIONAL FACILITIES: MINIMUM 8 SPACES
- NEIGHBORHOOD PARKS: MINIMUM 4 SPACES

CITY OF LINCOLN  
DEPARTMENT OF PUBLIC WORKS

NEV PARKING STANDARDS  
STALL NUMBER AND SIZE

REVISIONS:	DATES:	APPROVED:	SCALE: NONE	XXXX
			DATE: NOVEMBER 2005	
		CITY ENGINEER	DRAWN BY:MHM	
		DATE		

## APPENDIX D

### ASSEMBLY BILL NO. 2353

#### Assembly Bill No. 2353

#### CHAPTER 422

An act to add and repeal Chapter 7 (commencing with Section 1963) of Division 2.5 of the Streets and Highways Code, and to amend Sections 385.5, 21250, 21251, and 21260 of the Vehicle Code, relating to neighborhood electric vehicles.

[Approved by Governor September 9, 2004. Filed with Secretary of State September 9, 2004.]

#### LEGISLATIVE COUNSEL'S DIGEST

AB 2353, Leslie. Neighborhood Electric Vehicles.

Existing law defines "low-speed vehicle" for purposes of the Vehicle Code as a motor vehicle, other than a motor truck, with 4 wheels on the ground that is capable of a minimum speed of 20 miles per hour and a maximum speed of 25 miles per hour on a paved level surface and that has an unladen weight of 1800 pounds or less. Existing law imposes certain restrictions on the use of low-speed vehicles on public streets and highways, and generally requires an operator of a low-speed vehicle to have a driver's license. A violation of the Vehicle Code is an infraction, unless otherwise specified.

Existing law authorizes a city or county to establish a golf cart transportation plan subject to the review of the appropriate transportation planning agency and traffic law enforcement agency. Existing law provides that operating a golf cart other than on an authorized roadway is an infraction punishable by a fine not exceeding \$100.

This bill would authorize, until January 1, 2009, the City of Lincoln and the City of Roeklin in the County of Placer to establish a neighborhood electric vehicle (NEV) transportation plan subject to the same review process established for a golf cart transportation plan. The bill would define "neighborhood electric vehicle" for these purposes to have the same meaning as the above definition of "low-speed vehicle." The bill, among other things, would provide for the plan to authorize the use of state highways by NEVs under certain conditions. The bill would require a report to the Legislature by January 1, 2008. The bill would enact other related provisions. Because the bill would revise the definition of a crime, it would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state.

Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

*The people of the State of California do enact as follows:*

SECTION 1. Chapter 7 (commencing with Section 1963) is added to Division 2.5 of the Streets and Highways Code, to read:

CHAPTER 7. NEIGHBORHOOD ELECTRIC VEHICLE TRANSPORTATION  
PLAN

1963. It is the intent of the Legislature, in enacting this chapter, to authorize the City of Lincoln and the City of Rocklin in the County of Placer to establish a neighborhood electric vehicle (NEV) transportation plan for a plan area in the city. It is the further intent of the Legislature that this transportation plan be designed and developed to best serve the functional travel needs of the plan area, to have the physical safety of the NEV driver's person and property as a major planning component, and to have the capacity to accommodate NEV drivers of every legal age and range of skills. It is the intent of the Legislature, in enacting this chapter, to encourage discussions between the Legislature, the Department of Motor Vehicles, and the California Highway Patrol regarding the adoption of a new classification for licensing motorists who use neighborhood electric vehicles.

1963.1. The following definitions apply to this chapter:

(a) "Plan area" means that territory under the jurisdiction of the City of Lincoln or the City of Rocklin designated by the city for a NEV transportation plan, including the privately owned land of any owner that consents to its inclusion in the plan.

(b) "Neighborhood electric vehicle" or "NEV" means a low-speed vehicle as defined by Section 385.5 of the Vehicle Code.

(c) "NEV lanes" means all publicly owned facilities that provide for NEV travel including roadways designated by signs or permanent markings which are shared with pedestrians, bicyclists, and other motorists in the plan area.

(d) "Speed-modified golf cart" means a golf cart that is modified to meet the safety requirements of Section 571.500 of Title 49 of the Code of Federal Regulations.

1963.2. (a) The City of Lincoln and the City of Rocklin may, by ordinance or resolution, adopt a NEV transportation plan.

(b) The transportation plan shall have received a prior review and the comments of the appropriate transportation planning agency designated under subdivision (a) or (b) of Section 29532 of the Government Code and any agency having traffic law enforcement responsibilities in the City of Lincoln or the City of Rocklin.

(c) The transportation plan may include the use of a state highway, or any crossing of the highway, subject to the approval of the Department of Transportation.

1963.3. The transportation plan shall include, but is not limited to, all of the following elements:

(a) Route selection, which includes a finding that the route will accommodate NEVs without an adverse impact upon traffic safety, and will consider, among other things, the travel needs of commuters and other users.

(b) Transportation interfacing, which shall include, but not be limited to, coordination with other modes of transportation so that a NEV driver may employ multiple modes of transportation in reaching a destination in the plan area.

(c) Citizens and community involvement in planning.

(d) Flexibility and coordination with long-range transportation planning.

(e) Provision for NEV related facilities including, but not limited to, special access points and NEV crossings.

(f) Provisions for parking facilities, including, but not limited to, community commercial centers, golf courses, public areas, parks, and other destination locations.

(g) Provisions for special paving, road markings, signage and striping for NEV travel lanes, road crossings, parking, and circulation.

(h) Provisions for NEV electrical charging stations.

(i) NEV lanes for the purposes of the transportation plan shall be classified as follows:

(1) Class I NEV routes provide for a completely separate right-of-way for the use of NEVs.

(2) Class II NEV routes provide for a separate striped lane adjacent to roadways with speed limits of 55 miles per hour or less.

(3) Class III NEV routes provide for shared use by NEVs with conventional vehicle traffic on streets with a posted speed limit of 35 miles per hour or less.

1963.4. If the City of Lincoln or the City of Rocklin adopts a NEV transportation plan, it shall do both of the following:

(a) Establish minimum general design criteria for the development, planning, and construction of separated NEV lanes, including, but not

limited to, the design speed of the facility, the space requirements of the NEV, and roadway design criteria.

(b) In cooperation with the department, establish uniform specifications and symbols for signs, markers, and traffic control devices to control NEV traffic; to warn of dangerous conditions, obstacles, or hazards; to designate the right-of-way as between NEVs, other vehicles, and bicycles; to state the nature and destination of the NEV lane; and to warn pedestrians, bicyclists, and motorists of the presence of NEV traffic.

1963.5. If the City of Lincoln or the City of Rocklin adopts a NEV transportation plan, each city may do the following:

(a) Acquire, by dedication, purchase, or condemnation, real property, including easements or rights-of-way, to establish NEV lanes.

(b) Establish a NEV transportation plan as authorized by this chapter.

1963.6. If the City of Lincoln or the City of Rocklin adopts a NEV transportation plan, each city shall also adopt all of the following as part of the plan:

(a) NEVs eligible to use NEV lanes shall meet the safety requirements for low-speed vehicles as set forth in Section 571.500 of Title 49 of the Code of Federal Regulations.

(b) A permit process for golf carts that requires speed-modified golf carts to meet minimum design criteria adopted pursuant to subdivision

(a). The permit process may include, but not be limited to, permit posting, permit renewal, operator education, and other related matters.

(c) Minimum safety criteria for NEV operators, including, but not limited to, requirements relating to NEV maintenance and NEV safety. Operators shall be required to possess a valid California driver's license and to comply with the financial responsibility requirements established pursuant to Chapter 1 (commencing with Section 16000) of Division 7.

(d) (1) Restrictions limiting the operation of NEVs to separated NEV lanes on those roadways identified in the transportation plan, and allowing only those NEVs and speed-modified golf carts that meet the safety equipment requirements specified in the plan to be operated on separated NEV lanes of approved roadways in the plan area.

(2) Any person operating a NEV in the plan area in violation of this subdivision is guilty of an infraction punishable by a fine not exceeding one hundred dollars (\$100).

1963.7. (a) If the City of Lincoln or the City of Rocklin adopts a NEV transportation plan pursuant to this chapter, the cities shall jointly submit a report to the Legislature on or before January 1, 2008, in consultation with the Department of Transportation, the Department of the California Highway Patrol, and local law enforcement agencies.

(b) The report shall include all of the following:

(1) A description of all NEV transportation plans and their elements that have been authorized up to that time.

(2) An evaluation of the effectiveness of the NEV transportation plans, including their impact on traffic flows and safety.

(3) A recommendation as to whether this chapter should be terminated, continued in existence applicable solely to the City of Lincoln and the City of Rocklin in the County of Placer, or expanded statewide.

1963.8. This chapter shall remain in effect only until January 1, 2009, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2009, deletes or extends that date.

SEC. 2. Section 385.5 of the Vehicle Code is amended to read:

385.5. A "low-speed vehicle" is a motor vehicle, other than a motor truck, having four wheels on the ground and an unladen weight of 1,800 pounds or less, that is capable of propelling itself at a minimum speed of 20 miles per hour and a maximum speed of 25 miles per hour, on a paved level surface. For the purposes of this section, a "low-speed vehicle" is not a golf cart, except when operated pursuant to Section 21115 or 21115.1. A "low-speed vehicle" is also known as a "neighborhood electric vehicle."

SEC. 3. Section 21250 of the Vehicle Code is amended to read:

21250. For the purposes of this article, a low-speed vehicle means a vehicle as defined in Section 385.5. A "low-speed vehicle" is also known as a "neighborhood electric vehicle."

SEC. 4. Section 21251 of the Vehicle Code is amended to read:

21251. Except as provided in Sections 1963 to 1963.8, inclusive, of the Streets and Highways Code, and Sections 4023, 21115, and 21115.1, a low-speed vehicle is subject to all the provisions applicable to a motor vehicle, and the driver of a low-speed vehicle is subject to all the provisions applicable to the driver of a motor vehicle or other vehicle, when applicable, by this code or any other code, with the exception of those provisions which, by their very nature, can have no application.

SEC. 5. Section 21260 of the Vehicle Code is amended to read:

21260. (a) Except as provided in paragraph (1) of subdivision (b), or in an area where a neighborhood electric vehicle transportation plan has been adopted pursuant to Chapter 7 (commencing with Section 1963) of Division 2.5 of the Streets and Highways Code, the operator of a low-speed vehicle shall not operate the vehicle on any roadway with a speed limit in excess of 35 miles per hour.

(b) (1) The operator of a low-speed vehicle may cross a roadway with a speed limit in excess of 35 miles per hour if the crossing begins and ends on a roadway with a speed limit of 35 miles per hour or less and occurs at an intersection of approximately 90 degrees.

(2) Notwithstanding paragraph (1), the operator of a low-speed vehicle shall not traverse an uncontrolled intersection with any state highway unless that intersection has been approved and authorized by the agency having primary traffic enforcement responsibilities for that crossing by a low-speed vehicle.

SEC. 6. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the only costs that may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.

## APPENDIX E

### CTCDC APPROVAL MINUTES

#### MINUTES

##### CALIFORNIA TRAFFIC CONTROL DEVICES COMMITTEE (CTCDC) MEETING

Sacramento, July 28, 2005

The second CTCDC meeting of year 2005 was held in Sacramento, on July 28, 2005.

Chairman John Fisher opened the meeting at 9:10 a.m. with the introduction of Committee Members and guests. Chairman Fisher thanked Caltrans for hosting the meeting. The following Members, alternates and guests were in attendance:

<u>ATTENDANCE</u>	<u>ORGANIZATION</u>	<u>TELEPHONE</u>
<b>Members (Voting)</b>		
John Fisher Chairman	League of CA Cities City of Los Angeles	(213) 972-8424
Farhad Mansourian Vice Chairman	CA State Association of Counties Marin County	(415) 499-6570
Gerry Meis	Caltrans	(916) 654-4551
Lenley Duncan	CHP	(916) 657-7222
Ed von Borstel	League of CA Cities City of Modesto	(209) 577-5266
Merry Banks	California State Automobile Association	(415) 241-8904
Jacob Babico	CA State Association of Counties San Bernardino County	(909) 387-8186
Hamid Bahadori	Auto Club of Southern California	(714) 885-2326
<u>ALTERNATES</u>	<u>ORGANIZATION</u>	<u>TELEPHONE</u>
Gain Aggarwal	League of CA Cities City of Vacaville	(707) 449-5349

<u>ATTENDEES</u>	<u>ORGANIZATION</u>	<u>TELEPHONE/E-Mail</u>
Matt Schmitz	FHWA	<a href="mailto:matthew.schmitz@fhwa.dot.gov">matthew.schmitz@fhwa.dot.gov</a>
Kent Milton	CHP Head Quarter	<a href="mailto:Krmilton@CHP.CA.GOV">Krmilton@CHP.CA.GOV</a>
Bret Goss	FCF Inc.	<a href="mailto:Bret@FirstCallFlagging.com">Bret@FirstCallFlagging.com</a>
Steve Ainsworth	City of Lincoln	<a href="mailto:SAINSWORTH@MHMENGRCO">SAINSWORTH@MHMENGRCO</a>
Chad Dornsife	Highway Safety Group	<a href="mailto:cdornsife@highwaysafety.us">cdornsife@highwaysafety.us</a> (858) 673-1926
Richard Haggstorm	Caltrans	<a href="mailto:richard_haggstorm@dot.ca.gov">richard_haggstorm@dot.ca.gov</a> (916) 654-6600
Walter Laabs	City of Santa Rosa	<a href="mailto:wlaabs@srcity.org">wlaabs@srcity.org</a>
Keith Lee	LA County, DPW	<a href="mailto:klee@ladpw.org">klee@ladpw.org</a>
Dwight Ku	CSAA	<a href="mailto:DWIGHT-KU@CSAA.com">DWIGHT-KU@CSAA.com</a>
Joe Jeffrey	Road-Tech Safety	<a href="mailto:joe@roadtech.com">joe@roadtech.com</a> (530) 676-7797
Don Howe	Caltrans	<a href="mailto:dhowe@dot.ca.gov">dhowe@dot.ca.gov</a>
Ken Kochevar	FHWA	<a href="mailto:KenKochevar@fhwa.dot.gov">KenKochevar@fhwa.dot.gov</a> (916) 498-5853
Nancy Dean	National Weather Service	<a href="mailto:nancy.dean@noaa.gov">nancy.dean@noaa.gov</a> (707) 443-5610 x222
Barb Alberson	Co Dept. of Health Services	<a href="mailto:barberso@dhs.ca.gov">barberso@dhs.ca.gov</a>
Ginny Mecham	CHP	<a href="mailto:Gmecham@chp.ca.gov">Gmecham@chp.ca.gov</a>
Meriko Hoshida	CHP	<a href="mailto:mhoshida@chp.ca.gov">mhoshida@chp.ca.gov</a>
Roger M. Bazeley	SF PTA	<a href="mailto:GAZeleg@designstrategy-usa.com">GAZeleg@designstrategy-usa.com</a>
Craig A. Copelan	Caltrans	<a href="mailto:craig_copelen@dot.ca.gov">craig_copelen@dot.ca.gov</a>
Carl Walker	City of Lincoln	<a href="mailto:cwalker@ci.Lincoln.ca.us">cwalker@ci.Lincoln.ca.us</a>
Jesse Bhullar	Caltrans	<a href="mailto:jesse-bhullar@dot.ca.gov">jesse-bhullar@dot.ca.gov</a>
Ricardo Olea	City of San Francisco	<a href="mailto:ricardo.olea@sfgov.org">ricardo.olea@sfgov.org</a>
Bond M. Yee		<a href="mailto:bond.yee@sfgov.org">bond.yee@sfgov.org</a>
Robert Anderson	CSSC	<a href="mailto:anderson@stateseismic.com">anderson@stateseismic.com</a>
Ken Coleman	LA Safe	<a href="mailto:colemank@metro.net">colemank@metro.net</a> (213) 922-2951
Ahmad Rastegarpour	CT	<a href="mailto:ahmud_rastegarpour@dot.ca.gov">ahmud_rastegarpour@dot.ca.gov</a>
Dennis Anderson	3M	<a href="mailto:d-anderson@mmm.com">d-anderson@mmm.com</a>
Tedi Jackson	CSD	<a href="mailto:Tjackson@sandiego.gov">Tjackson@sandiego.gov</a> (619) 527-3121
Mark Stone	City of San Diego	<a href="mailto:mstone@sandiego.gov">mstone@sandiego.gov</a>
Kevin Taber	County of Placer	<a href="mailto:ktaber@placer.ca.gov">ktaber@placer.ca.gov</a>

**05-5 Proposal for Experimentation Use of a Nonstandard Signage for Neighborhood Electric Vehicles (NEV).**

Chairman Fisher asked Gerry Meis to introduce item 05-5 experiment with Signage for Neighborhood Electric Vehicle (NEV) requested by the City of Lincoln.

Gerry introduced Carl Walker, City of Lincoln and asked him to present his experiment proposal to the Committee.

Carl Walker, City of Lincoln, stated that the City of Lincoln and City of Rockln are 6 months into a five-year pilot program for NEV travel within the city. The five-year trial is a result of AB2353 which became law as of January 1, 2005. Carl explained about NEVs and how they differ from golf carts. NEV is a compact vehicle, one to four passenger vehicles powered by rechargeable batteries and an electric motor. NEV are classified as a "low speed vehicle" (LSV) under Title 49 C.F.R Part 571.500. Because NEVs are classified as LSVs, they must meet all safety standards such as seat belts, brake lights, rear lights, headlights, mirrors and windshield. NEVs must comply with all the rules and regulations for a motor vehicle as set for in the California Vehicle Code. NEVs must be registered with the State Department of Motor Vehicles and the driver must hold a valid California driver's license and be insured. NEVs may travel on any street with a posted speed limit of 35 miles per hour or less. NEVs may cross state-highways at controlled intersections only. Golf carts are designed to carry golf equipment and not more than two persons, including the driver. Golf carts are not required to possess the safety equipment required of a low speed vehicle and have a top speed 15-mph. State law prohibits use of golf carts on public roadways outside of a "Golf Cart Transportation Plan".

Carl also pointed out a PowerPoint slide containing the specifications of the NEV. Carl added that the benefits of NEV uses are for short distance at low speeds where traffic, parking and air pollution might be of concern. NEV can travel 150 miles per gallon and it supports local businesses. NEV can reduce personal travel cost and provide mobility for people who cannot drive an automobile. A critical element of the NEV Transportation Plan includes the development of special paving, road markings, signage and striping for NEV travel lanes. Carl added that there are currently no State or Federal standards for NEV lane widths. The City of Lincoln's goal is to provide a safe NEV lane width without the lane being so wide that it encourages automobile use.

Carl also discussed different alternatives for NEV travel lanes, such as Class I NEV lanes, Class II NEV lanes and Class III NEV routes. Class II NEV lanes would be a portion of public roadways that are designated by signs and pavement markings for NEV travel. Class III NEV routes are mixed with traffic on most streets posted 35 mph or less. Carl also discussed different striping patterns which he shares with the Committee members by a Power Point Presentation. Carl also showed a proposed new symbol for the NEV, however he informed the Committee that the City will approach FHWA for symbol approval. In closing, Carl stated that the State of California would benefit from to the City of Lincoln's experience in implementing an NEV transportation plan. The City will identify the hurdles that will be encountered during the implementation of the NEV plan.

Chairman Fisher stated that the presentation showed marking and striping in addition to the signage. However the proposal in the agenda packet only talked about signs.

Carl responded that the City does not have the complete package for application submittal.

Farhad Mansourian stated that the proposed signage does not cover under Section 1A.3 which was recommended to include in the California Supplement earlier by the Committee.

Gerry Meis responded no, the earlier recommendation allows addition of date, extra timing, not to create a verbal message sign.

Hamid Bahadori stated that a golf cart is allowed on roadways with 25 mph or less speeds, so why is there a need to create new signs and striping.

Carl responded that the NEV could operate on roadways with speeds up to 35 mph. The purpose of a separate lane is that if a roadway has a speed higher than 35 mph, then the NEV will have their own travel lane.

Hamid asked whether the City would collect data to determine if NEVs are acceptable to travel on roadways having speeds over 35 mph as long as they have their own travel lanes.

Carl responded that AB2353 allows NEVs on roadways with speeds over 35 mph as long as there is proper signing, striping and a separate travel lane.

Chairman Fisher asked about the Vehicle Code allowing the establishment of separate bus lanes, bicycle lanes, then does this legislation allow the development of separate NEV lanes.

Carl responded yes.

Jacob Babico asked about the sign specification shown on page 32 of 60 shows "NEV Lane", in his opinion the sign should be "NEV Route".

Carl responded that is correct, it should be "NEV Route".

Chairman Fisher suggested that "NEV Route" sign should be "White on Green".

Hamid added that the request is also for authorization of new pattern of striping.

Gerry Meis added that he was not aware if there would be a request for a marking and striping approval.

Chairman Fisher asked any other comments from the audience and from Committee members.

Roger Bazeley stated that if the proposal is proven to be successful, then it could be expanded throughout California.

**Motion:** Moved by Farhad Mansourian, seconded by John Fisher, to authorize experimentation with the signage package with the change of "NEV Lane" to "NEV Route" with the use of existing striping details available. Experiment will be conducted on Class II NEV Routes.

Motion carried 8-0.

**Action:** Item approved for experimentation.

**APPENDIX F**  
**PHOTOGRAPHS**



"The GEM (Global Electric Motorcar) is manufactured in Fargo, North Dakota and sold by Chrysler dealers. It is a street legal electric vehicle with 3-point seat belts, safety glass windshield, head and tail lights, turn signals, four wheel hydraulic brakes, independent front suspension, 72-volt motor, six 12-volt batteries, approximate driving range is 30 miles on one charge."

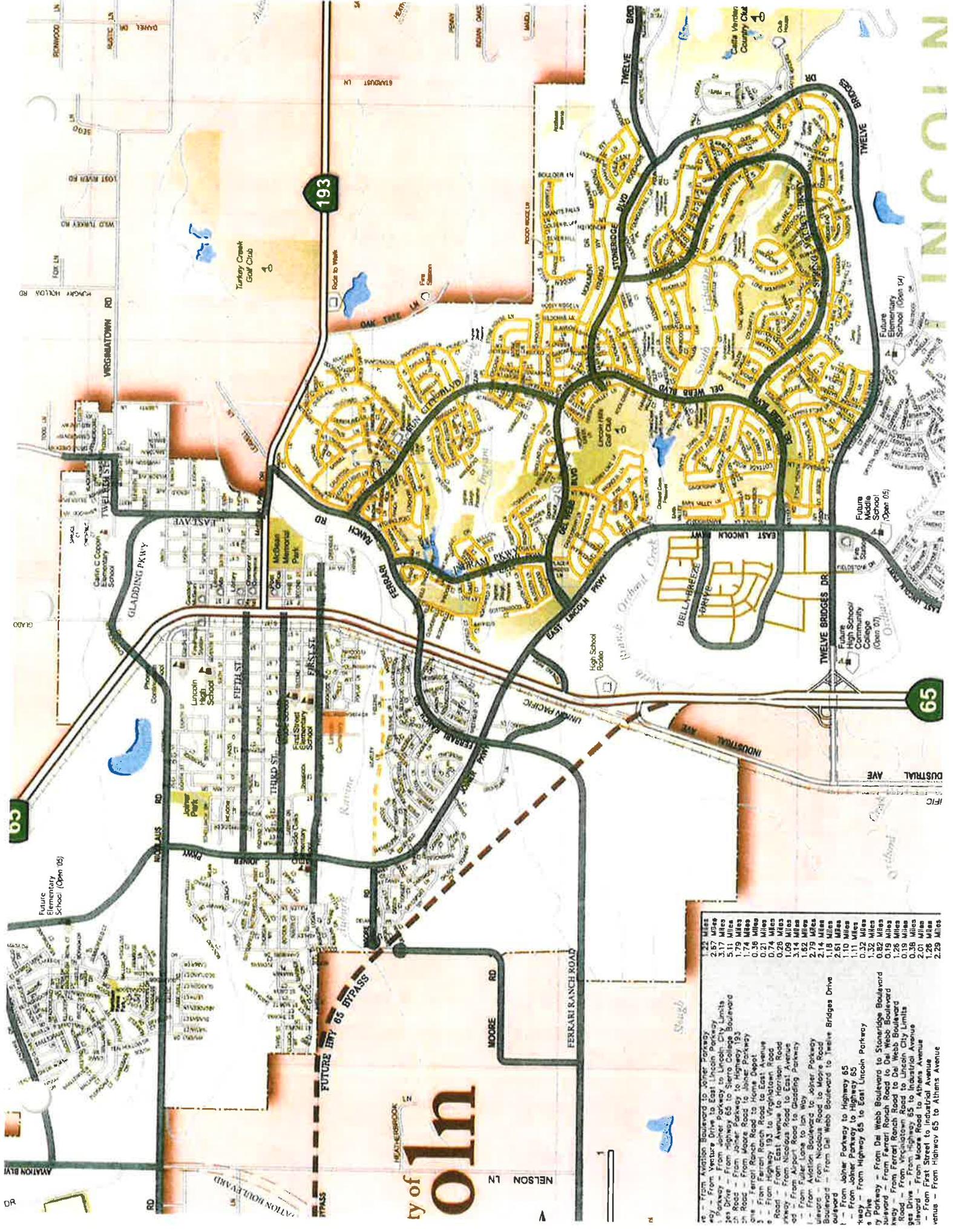




GEM Photos courtesy of:  
Roger Oldencamp







City of **Lincoln**

- 1.21 Miles - From Aviation Boulevard to Joier Parkway
- 1.41 Miles - From Venture Drive to East Lincoln Parkway
- 3.17 Miles - From Joier Parkway to Lincoln City Limits
- 2.90 Miles - From Highway 65 to Sierra College Boulevard
- 1.79 Miles - From Moore Road to Highway 193
- 0.36 Miles - From Ferrari Ranch Road to Home Depot
- 0.21 Miles - From Ferrari Ranch Road to East Avenue
- 0.26 Miles - From Ferrari Ranch Road to Harrison Road
- 1.09 Miles - From East Avenue to East Avenue
- 3.15 Miles - From Nicolaus Road to East Avenue
- 2.75 Miles - From Euler Lane to Joier Parkway
- 1.18 Miles - From Aviation Boulevard to Joier Parkway
- 2.61 Miles - From Nicolaus Road to Moore Road
- 1.10 Miles - From Dal Webb Boulevard to Twelve Bridges Drive
- 1.11 Miles - From Joier Parkway to Highway 65
- 1.12 Miles - From Highway 65 to East Lincoln Parkway
- 0.82 Miles - From Dal Webb Boulevard to Stoneridge Boulevard
- 0.19 Miles - From Ferrari Ranch Road to Dal Webb Boulevard
- 1.26 Miles - From Ferrari Ranch Road to Dal Webb Boulevard
- 0.19 Miles - From Virginia Road to Lincoln City Limits
- 0.36 Miles - From Moore Road to Industrial Avenue
- 1.26 Miles - From First Street to Industrial Avenue
- 2.29 Miles - From Highway 65 to Athens Avenue

Lincoln

West's Annotated California Codes  
Streets and Highways Code (Refs & Annos)  
Division 2.5. City Streets (Refs & Annos)  
Chapter 6. Golf Cart Transportation Plan (Refs & Annos)

West's Ann. Cal. Str. & H. Code § 1950

§ 1950. Legislative intent

Currentness

It is the intent of the Legislature, in enacting this chapter, to authorize any city or county to establish a golf cart transportation plan for a plan area in the city or county. It is the further intent of the Legislature that this transportation plan be designed and developed to best serve the functional travel needs of the plan area, to have the physical safety of the golf cart driver's person and property as a major planning component, and to have the capacity to accommodate golf cart drivers of every legal age and range of skills.

**Credits**

(Added by Stats. 1994, c. 598 (S.B. 2016), § 1. Amended by Stats. 1995, c. 334 (A.B. 110), § 3.)

West's Ann. Cal. Str. & H. Code § 1950, CA STR & HWY § 1950

Current with urgency legislation through Ch. 168 of 2022 Reg. Sess. Some statute sections may be more current, see credits for details.

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Division 2.5. City Streets (Refs & Annos)  
Chapter 6. Golf Cart Transportation Plan (Refs & Annos)

West's Ann. Cal. Str. & H. Code § 1951

## § 1951. Definitions

### Currentness

The following definitions apply to this chapter:

- (a) "Plan area" means that territory under the jurisdiction of a city or county designated by the city or county for a golf cart transportation plan, including the privately owned land of any owner that consents to its inclusion in the plan.
- (b) "Golf cart" means a motor vehicle having not less than three wheels in contact with the ground and unladen weight less than 1,300 pounds which is designed to be and is operated at not more than 25 miles per hour and is designated to carry golf equipment and not more than two persons, including the driver.
- (c) "Golf cart lanes" means all publicly owned facilities that provide for golf cart travel including roadways designated by signs or permanent markings which are shared with pedestrians, bicyclists, and other motorists in the plan area.

### Credits

(Added by Stats.1994, c. 598 (S.B.2016), § 1. Amended by Stats.1995, c. 334 (A.B.110), § 4.)

West's Ann. Cal. Str. & H. Code § 1951, CA STR & HWY § 1951

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Chapter 6. Golf Cart Transportation Plan (Refs & Annos)

West's Ann.Cal.Str. & H.Code § 1953

§ 1953. Plan adoption; review; state highways

Effective: January 1, 2005

Currentness

- (a) A city or county may, by ordinance or resolution, adopt a golf cart transportation plan.
- (b) The transportation plan shall have received a prior review and the comments of the appropriate transportation planning agency designated under subdivision (a) or (b) of Section 29532 of the Government Code and any agency having traffic law enforcement responsibilities in that city or county.
- (c) The transportation plan shall not include the use of any state highway, or any portion thereof, except that a crossing of, or a golf cart lane along, a state highway may be included in the plan, if authorized by the department and the law enforcement agency having primary traffic enforcement responsibility of that highway or portion thereof.

**Credits**

(Added by Stats.1994, c. 598 (S.B.2016), § 1. Amended by Stats.1995, c. 334 (A.B.110), § 5; Stats.2004, c. 615 (S.B.1233), § 16.)

West's Ann. Cal. Str. & H. Code § 1953, CA STR & HWY § 1953

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Chapter 6. Golf Cart Transportation Plan (Refs & Annos)

West's Ann.Cal.Str. & H.Code § 1955

§ 1955. Plan elements

Currentness

The transportation plan shall include, but is not limited to, all of the following elements:

- (a) Route selection, which includes a finding that the route will accommodate golf carts without an adverse impact upon traffic safety, and will consider, among other things, the travel needs of commuters and other users.
- (b) Transportation interfacing, which shall include, but not be limited to, coordination with other modes of transportation so that a golf cart driver may employ multiple modes of transportation in reaching a destination in the plan area.
- (c) Citizens and community involvement in planning.
- (d) Flexibility and coordination with long-range transportation planning.
- (e) Provision for golf cart related facilities including, but not limited to, special access points and golf cart crossings.
- (f) Provisions for parking facilities, including, but not limited to, community commercial centers, golf courses, public areas, parks, and other destination locations.
- (g) Provisions for special paving, road markings, signage and striping for golf cart travel lanes, road crossings, parking, and circulation.
- (h) No adopted transportation plan shall include the establishment of a golf cart lane along, or that cross, a state highway unless authorized by the department.

**Credits**

(Added by Stats.1994, c. 598 (S.B.2016), § 1.)

West's Ann. Cal. Str. & H. Code § 1955, CA STR & HWY § 1955

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West's Annotated California Codes  
Streets and Highways Code (Refs & Annos)  
Division 2.5. City Streets (Refs & Annos)  
Chapter 6. Golf Cart Transportation Plan (Refs & Annos)

West's Ann.Cal.Str. & H.Code § 1957

§ 1957. City or county duties; golf cart lane design;  
traffic controls; street or highway segment requirements

Effective: January 1, 2017

Currentness

(a) If a city or county adopts a golf cart transportation plan, it shall do both of the following:

(1) Establish minimum general design criteria for the development, planning, and construction of separated golf cart lanes, including, but not limited to, the design speed of the facility, the space requirements of the golf cart, and roadway design criteria.

(2) In cooperation with the department, establish uniform specifications and symbols for signs, markers, and traffic control devices to control golf cart traffic; to warn of dangerous conditions, obstacles, or hazards; to designate the right-of-way as between golf carts, other vehicles, and bicycles; to state the nature and destination of the golf cart lane; and to warn pedestrians, bicyclists, and motorists of the presence of golf cart traffic.

(b) The construction of separated golf cart lanes, as required under paragraph (1) of subdivision (a), does not apply in any of the following locations:

(1) A residence district, as defined in Section 515 of the Vehicle Code, located within any city containing a population of less than 50,000 residents with a geographical area of more than 20 square miles in which city there are at least 20 golf courses, if the speed limit in that district is 25 miles per hour or less.

(2)(A) The City of La Verne, on those street and highway segments for which the city council makes a finding that the street or highway segment is suitable to safely permit the use of regular vehicular traffic and also the driving of golf carts, and makes a separate finding that the construction of separated golf cart lanes is infeasible given the physical space limitations of the street or highway segment. In addition, these street or highway segments shall meet all of the following requirements:

(i) Have speed limits of 25 miles per hour or less, as established by an engineering and traffic survey.

(ii) Be immediately adjacent to or surrounded by the campus of a university or a retirement community.

(iii) Provide a route between unconnected portions of the campus of a university or the real property of a retirement community, or provide direct access to an otherwise inaccessible portion of the campus of a university or the real property of a retirement community.

(iv) Be approved for purposes of this paragraph by the law enforcement agency with primary traffic jurisdiction over the street or highway segments.

(v) Accommodate golf carts without adversely impacting traffic safety or the travel needs of commuters and other users, according to a safety determination made by a traffic engineer.

(vi) Be limited to golf carts owned by the university or retirement community and equipped with a windshield, headlights, brake lights, and seatbelts.

(vii) Limit the use of golf carts to employees of the university or retirement community acting within the scope and course of employment for the maintenance or security of the university or the retirement community.

(B) Notwithstanding Section 1951 of this code and Section 345 of the Vehicle Code, for purposes of this paragraph, "golf cart" includes, but is not limited to, a utility style golf cart, used for transporting maintenance equipment, and a shuttle style golf cart.

#### **Credits**

(Added by Stats.1994, c. 598 (S.B.2016), § 1. Amended by Stats.1995, c. 334 (A.B.110), § 6; Stats.1997, c. 536 (S.B.525), § 1; Stats.2008, c. 6 (A.B.963), § 2; Stats.2015, c. 65 (A.B.173), § 1, eff. Jan. 1, 2016; Stats.2016, c. 101 (A.B.2073), § 1, eff. Jan. 1, 2017.)

West's Ann. Cal. Str. & H. Code § 1957, CA STR & HWY § 1957

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West's Annotated California Codes  
Streets and Highways Code (Refs & Annos)  
Division 2.5. City Streets (Refs & Annos)  
Chapter 6. Golf Cart Transportation Plan (Refs & Annos)

**West's Ann.Cal.Str. & H.Code § 1959**

**§ 1959. City or county powers**

Currentness

A city or county that adopts a golf cart transportation plan may do the following:

- (a) Acquire, by dedication, purchase, or condemnation, real property, including easements or rights-of-way, to establish golf cart lanes.
  
- (b) Establish a golf cart transportation plan as authorized by this chapter.

**Credits**

(Added by Stats.1994, c. 598 (S.B.2016), § 1. Amended by Stats.1995, c. 334 (A.B.110), § 7.)

**West's Ann. Cal. Str. & H. Code § 1959, CA STR & HWY § 1959**

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Division 2.5. City Streets (Refs & Annos)  
Chapter 6. Golf Cart Transportation Plan (Refs & Annos)

West's Ann.Cal.Str. & H.Code § 1961

§ 1961. Plan contents; golf cart design criteria; permits; safety issues

Currentness

A city or county that adopts a golf cart transportation plan shall adopt all of the following as part of the plan:

(a) Minimum design criteria for golf carts, that may include, but not be limited to, headlights, turn signals, safety devices, mirrors, brake lights, windshields, and other devices. The criteria may include requirements for seatbelts and a covered passenger compartment.

(b) A permit process for golf carts that requires permitted golf carts to meet minimum design criteria adopted pursuant to subdivision (a). The permit process may include, but not be limited to, permit posting, permit renewal, operator education, and other related matters.

(c) Minimum safety criteria for golf cart operators, including, but not limited to, requirements relating to golf cart maintenance and golf cart safety. Operators shall be required to possess a valid California driver's license and to comply with the financial responsibility requirements established pursuant to Chapter 1 (commencing with Section 16000) of Division 7.

(d)(1) Restrictions limiting the operation of golf carts to separated golf cart lanes on those roadways identified in the transportation plan, and allowing only those golf carts that have been retrofitted with the safety equipment specified in the plan to be operated on separated golf cart lanes of approved roadways in the plan area.

(2) Any person operating a golf cart in the plan area in violation of this subdivision is guilty of an infraction punishable by a fine not exceeding one hundred dollars (\$100).

**Credits**

(Added by Stats.1994, c. 598 (S.B.2016), § 1. Amended by Stats.1995, c. 334 (A.B.110), § 8; Stats.1997, c. 536 (S.B.525), § 1.5.)

West's Ann. Cal. Str. & H. Code § 1961, CA STR & HWY § 1961

Current with urgency legislation through Ch. 168 of 2022 Reg.Sess. Some statute sections may be more current, see credits for details.



# California

## LEGISLATIVE INFORMATION

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### AB-584 Neighborhood electric vehicles. (2009-2010)

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#### Assembly Bill No. 584

#### CHAPTER 437

An act to add and repeal Chapter 8.1 (commencing with Section 1966) of Division 2.5 of the Streets and Highways Code, and to amend Sections 21251 and 21260 of the Vehicle Code, relating to neighborhood electric vehicles.

[ Approved by Governor September 29, 2010. Filed with Secretary of State September 29, 2010. ]

#### LEGISLATIVE COUNSEL'S DIGEST

AB 584, Huber. Neighborhood electric vehicles.

Existing law defines "low-speed vehicle" for purposes of the Vehicle Code as a motor vehicle, other than a motortruck, with 4 wheels that is capable of a minimum speed of 20 miles per hour and a maximum speed of 25 miles per hour on a paved level surface and that has a gross vehicle weight rating of less than 3,000 pounds. Existing law imposes certain restrictions on the use of low-speed vehicles on public streets and highways, and generally requires an operator of a low-speed vehicle to have a driver's license. A low-speed vehicle is also known as a neighborhood electric vehicle. A violation of the Vehicle Code is an infraction, unless otherwise specified.

Existing law authorizes a city or county to establish a golf cart transportation plan subject to the review of the appropriate transportation planning agency and traffic law enforcement agency. Existing law provides that operating a golf cart other than on an authorized roadway is an infraction punishable by a fine not exceeding \$100. Existing law authorizes, until January 1, 2012, the City of Lincoln and the City of Rocklin in the County of Placer to establish a neighborhood electric vehicle transportation plan and authorizes, until January 1, 2013, the County of Orange to establish a neighborhood electric vehicle transportation plan for the Ranch Plan Planned Community in that county. A person operating a neighborhood electric vehicle in a plan area in violation of certain provisions is guilty of an infraction punishable by a fine not exceeding \$100.

This bill, until January 1, 2016, would authorize the County of Amador and the Cities of Jackson, Sutter Creek, and Amador City, jointly or individually, to establish a similar neighborhood electric vehicle transportation plan, and would make a person in violation of certain provisions subject to the same penalties. The bill would also require the plan to be submitted to the Director of Transportation for approval. The bill would require a report to the Legislature by January 1, 2015. Because the bill would create a new crime, it would impose a state-

mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

This bill would incorporate additional changes to Sections 21251 and 21260 of the Vehicle Code made by this bill and AB 1781 to take effect if both bills are chaptered and this bill is chaptered last.

Vote: majority Appropriation: no Fiscal Committee: yes Local Program: yes

## THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

**SECTION 1.** Chapter 8.1 (commencing with Section 1966) is added to Division 2.5 of the Streets and Highways Code, to read:

### **CHAPTER 8.1. Neighborhood Electric Vehicle Transportation Plan for the County of Amador and the Cities of Jackson, Sutter Creek, and Amador City**

**1966.** It is the intent of the Legislature, in enacting this chapter, to authorize the County of Amador and the Cities of Jackson, Sutter Creek, and Amador City to establish a neighborhood electric vehicle (NEV) transportation plan. The purpose of this NEV transportation plan is to further the vision of creating a sustainable development that reduces gasoline demand and vehicle emissions by offering a cleaner, more economical means of local transportation within the plan area. It is the further intent of the Legislature that this NEV transportation plan be designed and developed to best serve the functional travel needs of the plan area, to have the physical safety of the NEV driver's person and property as a major planning component, and to have the capacity to accommodate NEV drivers of every legal age and range of skills.

**1966.1.** The following definitions apply to this chapter:

(a) "Plan area" means any portion of the unincorporated area of the County of Amador, and of the Cities of Jackson, Sutter Creek, and Amador City, and any streets and roads under the jurisdiction of any of those entities, to the extent the entity has adopted a NEV transportation plan pursuant to Section 1966.2, including the privately owned land of any owner that consents to its inclusion in the plan.

(b) "Neighborhood electric vehicle" or "NEV" means a low-speed vehicle as defined by Section 385.5 of the Vehicle Code.

(c) "NEV lanes" means all publicly or privately owned facilities that provide for NEV travel including roadways designated by signs or permanent markings which are shared with pedestrians, bicyclists, and other motorists in the plan area.

**1966.2.** (a) The County of Amador, and the Cities of Jackson, Sutter Creek, and Amador City, jointly, or any of these entities individually, may, by ordinance or resolution, adopt a NEV transportation plan for the plan area.

(b) The transportation plan shall have received a prior review and the comments of the Amador County Transportation Commission and any agency having traffic law enforcement responsibilities in an entity adopting a plan.

(c) The transportation plan may include the use of a state highway, or any crossing of the highway, subject to the approval of the Department of Transportation.

**1966.3.** The transportation plan shall include, but need not be limited to, all of the following elements:

(a) Route selection, which includes a finding that the route will accommodate NEVs without an adverse impact upon traffic safety, and will consider, among other things, the travel needs of commuters and other users.

(b) Transportation interfacing, which shall include, but not be limited to, coordination with other modes of transportation so that a NEV driver may employ multiple modes of transportation in reaching a destination in the plan area.

(c) Provision for NEV-related facilities, including, but not limited to, special access points, special NEV turnouts, and NEV crossings.

(d) Provisions for parking facilities at destination locations, including, but not limited to, community commercial centers, golf courses, public areas, and parks.

(e) Provisions for special paving, road markings, signage, and striping for NEV travel lanes, road crossings, parking, and circulation, as appropriate.

(f) Provisions for NEV electrical charging stations.

(g) NEV lanes for the purposes of the transportation plan shall be classified as follows:

(1) Class I NEV routes provide for a completely separate right-of-way for the use of NEVs.

(2) Class II NEV routes provide for a separate striped lane adjacent to roadways with speed limits of 55 miles per hour or less.

(3) Class III NEV routes provide for shared use by NEVs with conventional vehicle traffic on streets with speed limits of 35 miles per hour or less.

**1966.4.** If an entity adopts a NEV transportation plan for the plan area pursuant to Section 1966.2, it shall do all of the following:

(a) Establish minimum general design criteria for the development, planning, and construction of separated NEV lanes, including, but not limited to, the design speed of the facility, the space requirements of the NEV, and roadway design criteria, if the plan envisions separated NEV lanes.

(b) In cooperation with the department, establish uniform specifications and symbols for signs, markers, and traffic control devices to control NEV traffic; to warn of dangerous conditions, obstacles, or hazards; to designate the right-of-way as between NEVs, other vehicles, and bicycles, as may be applicable; to state the nature and destination of the NEV lane; and to warn pedestrians, bicyclists, and motorists of the presence of NEV traffic.

(c) Submit the transportation plan to the director for approval following a review and recommendation by the California Traffic Control Devices Committee.

**1966.5.** If an entity adopts a NEV transportation plan for the plan area pursuant to Section 1966.2, it shall also adopt all of the following as part of the plan:

(a) NEVs eligible to use NEV lanes shall meet the safety requirements for low-speed vehicles as set forth in Section 571.500 of Title 49 of the Code of Federal Regulations.

(b) Minimum safety criteria for NEV operators, including, but not limited to, requirements relating to NEV maintenance and NEV safety. Operators shall be required to possess a valid California driver's license and to comply with the financial responsibility requirements established pursuant to Chapter 1 (commencing with Section 16000) of Division 7 of the Vehicle Code.

(c) (1) Restrictions limiting the operation of NEVs to NEV routes identified in the transportation plan, and allowing only those NEVs that meet the safety equipment requirements specified in the plan to be operated on those routes.

(2) Any person operating a NEV in the plan area in violation of this subdivision is guilty of an infraction punishable by a fine not exceeding one hundred dollars (\$100).

**1966.6.** (a) If any of the entities described in subdivision (a) of Section 1966.2 adopt a NEV transportation plan pursuant to this chapter, the adopting entity or entities shall submit a report to the Legislature on or before January 1, 2015, in consultation with the Department of Transportation, the Department of the California Highway Patrol, and local law enforcement agencies.

(b) The report shall include all of the following:

- (1) A description of the NEV transportation plan and its elements that have been authorized up to that time.
- (2) An evaluation of the effectiveness of the NEV transportation plan, including its impact on traffic flows and safety.
- (3) A recommendation as to whether this chapter should be terminated, continued in existence applicable solely to the County of Amador and the Cities of Jackson, Sutter Creek, and Amador City, or expanded statewide.

**1966.7.** This chapter shall remain in effect only until January 1, 2016, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2016, deletes or extends that date.

**SEC. 2.** Section 21251 of the Vehicle Code is amended to read:

**21251.** Except as provided in Chapter 7 (commencing with Section 1963), Chapter 8 (commencing with Section 1965), and Chapter 8.1 (commencing with Section 1966) of Division 2.5 of the Streets and Highways Code, and Sections 4023, 21115, and 21115.1, a low-speed vehicle is subject to all the provisions applicable to a motor vehicle, and the driver of a low-speed vehicle is subject to all the provisions applicable to the driver of a motor vehicle or other vehicle, when applicable, by this code or another code, with the exception of those provisions that, by their very nature, can have no application.

**SEC. 2.5.** Section 21251 of the Vehicle Code is amended to read:

**21251.** Except as provided in Chapter 7 (commencing with Section 1963), Chapter 7.1 (commencing with Section 1964), Chapter 8 (commencing with Section 1965), and Chapter 8.1 (commencing with Section 1966) of Division 2.5 of the Streets and Highways Code, and Sections 4023, 21115, and 21115.1, a low-speed vehicle is subject to all the provisions applicable to a motor vehicle, and the driver of a low-speed vehicle is subject to all the provisions applicable to the driver of a motor vehicle or other vehicle, when applicable, by this code or another code, with the exception of those provisions that, by their very nature, can have no application.

**SEC. 3.** Section 21260 of the Vehicle Code is amended to read:

**21260.** (a) Except as provided in paragraph (1) of subdivision (b), or in an area where a neighborhood electric vehicle transportation plan has been adopted pursuant to Chapter 7 (commencing with Section 1963), Chapter 8 (commencing with Section 1965), or Chapter 8.1 (commencing with Section 1966) of Division 2.5 of the Streets and Highways Code, the operator of a low-speed vehicle shall not operate the vehicle on any roadway with a speed limit in excess of 35 miles per hour.

(b) (1) The operator of a low-speed vehicle may cross a roadway with a speed limit in excess of 35 miles per hour if the crossing begins and ends on a roadway with a speed limit of 35 miles per hour or less and occurs at an intersection of approximately 90 degrees.

(2) Notwithstanding paragraph (1), the operator of a low-speed vehicle shall not traverse an uncontrolled intersection with any state highway unless that intersection has been approved and authorized by the agency having primary traffic enforcement responsibilities for that crossing by a low-speed vehicle.

**SEC. 3.5.** Section 21260 of the Vehicle Code is amended to read:

**21260.** (a) Except as provided in paragraph (1) of subdivision (b), or in an area where a neighborhood electric vehicle transportation plan has been adopted pursuant to Chapter 7 (commencing with Section 1963), Chapter 7.1 (commencing with Section 1964), Chapter 8 (commencing with Section 1965), or Chapter 8.1 (commencing with Section 1966) of Division 2.5 of the Streets and Highways Code, the operator of a low-speed vehicle shall not operate the vehicle on any roadway with a speed limit in excess of 35 miles per hour.

(b) (1) The operator of a low-speed vehicle may cross a roadway with a speed limit in excess of 35 miles per hour if the crossing begins and ends on a roadway with a speed limit of 35 miles per hour or less and occurs at an intersection of approximately 90 degrees.

(2) Notwithstanding paragraph (1), the operator of a low-speed vehicle shall not traverse an uncontrolled intersection with any state highway unless that intersection has been approved and authorized by the agency having primary traffic enforcement responsibilities for that crossing by a low-speed vehicle.

**SEC. 4.** Section 2.5 of this bill incorporates amendments to Section 21251 of the Vehicle Code proposed by both this bill and AB 1781. It shall only become operative if (1) both bills are enacted and become effective on or before January 1, 2011, (2) each bill amends Section 21251 of the Vehicle Code, and (3) this bill is enacted after AB 1781, in which case Section 2 of this bill shall not become operative.

**SEC. 5.** Section 3.5 of this bill incorporates amendments to Section 21260 of the Vehicle Code proposed by both this bill and AB 1781. It shall only become operative if (1) both bills are enacted and become effective on or before January 1, 2011, (2) each bill amends Section 21260 of the Vehicle Code, and (3) this bill is enacted after AB 1781, in which case Section 3 of this bill shall not become operative.

**SEC. 6.** No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the only costs that may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.

Discussion Item: Consider Changes to the City Sign Ordinance

No staff report available.

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Stephanie Atigh  
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Item# 6C  
City Council Meeting  
September 20, 2022

## AGENDA TITLE

DISCUSSION, RECEIVE COMMENTS FROM THE PUBLIC AND PROVIDE DIRECTION CONCERNING A DRAFT ORDINANCE THAT, IF SUBSEQUENTLY ENACTED, WOULD PROHIBIT LOUD, UNNECESSARY OR UNUSUAL NOISE FROM DISTURBING THE PEACE OF CITY RESIDENTS

## MEETING DATE:

SEPTEMBER 20, 2022

## RECOMMENDED ACTION:

1. Discuss, receive comments from members of the public, and provide City Council direction concerning an ordinance that, if subsequently enacted, would prohibit and make unlawful making, continuing, or causing any loud, unnecessary or unusual noise which disturbs the peace and quiet of a neighborhood or which causes annoyance or discomfort to a person or normal sensitivities.

## BACKGROUND INFORMATION:

The San Juan Bautista Municipal Code presently does not include a chapter specifically addressing the effects of noise in residential or other neighborhoods. This proposed ordinance would prohibit excessive, unnecessary and unreasonably loud noises which disturb the peace of any neighborhood, except in the Industrial Zone, or causes discomfort or annoyance on a "reasonable person" standard

The ordinance provides a nonexclusive list of sources from whence such prohibited noise may emanate including:

- From construction-related noise within 500' of a residence before 7:00 a.m. or after 7:00 p.m. on a weekday or before 9:00 a.m. and after 6:00 p.m. on a Saturday or a holiday, with no construction activities producing such noise to take place on a Sunday;
- From construction-related noise more than 500' from a residence before 6:00 a.m. or after 10:00 p.m. on a weekday or before 8:00 a.m. or after 8:00 p.m. on a weekend or a holiday;
- From electric or gas powered motors or auto repair before 8:00 a.m. and after 9:00 p.m. on any day;
- From noise produced by individuals before 7:00 a.m. and after 10:00 p.m. on any day.
- From disturbing, excessive or offensive noise produced by animals, excepting for legitimate reasons;

- From amplified sources before 7:00 a.m. and after 10:00 p.m. on any day;

The Ordinance provides for reasonable exemptions, including:

- For emergency alerts or for official personnel performing emergency work;
- For entertainment if not after 10 p.m. or before 7:00 a.m. and for entertainment events conducted with a permit;
- For noise regulated by state or federal authority;
- For noise produced through the maintenance of residential property if not before 7:00 a.m. or after 10:00 p.m.
- For garbage removal.
- For activities by public agencies or franchisees to protect the public health, welfare, and safety.

The Ordinance is not intended to affect the application of Title 11 Zoning as it currently applies to noise in the commercial and industrial zoning districts and it does not apply to the Industrial District.

The draft ordinance is brought to you for discussion purposes and to allow the Council to receive public comment. It is not proposed for introduction at this time and the Council may propose revision as may be appropriate.

An ordinance adding Chapter 5-35 to Title 5 "Public Health Safety and Welfare" of the Municipal Code to prohibit loud, unnecessary or unusual noise would require two readings and would not go into effect for 30 days' thereafter. The adoption of such ordinance is not a project under Section 15061(b)(3) of the California Environmental Quality Act Guidelines, and as such is exempt from environmental review.

RWR

## Chapter 5.35

### NOISE

#### Sections:

5-35-100 Policy and purpose.

5-35-200 General prohibition.

5-35-300 Prohibited acts

5-35-400 Exemptions.

5-35-500 Enforcement.

#### **5-35-100 Policy and purpose.**

(A) It is hereby declared to be the policy of the City of San Juan Bautista in the exercise of its police power to protect the peace, health, safety and general welfare of the citizens of San Juan Bautista from excessive, unnecessary and unreasonable noises from any and all sources in the community. It is the intention of the City Council to control the adverse effect of such noise sources on the citizens by prescribing standards prohibiting detrimental levels of noise and by providing a remedy for violations. The provisions of this chapter and the remedies contained in this code shall be cumulative and are not intended to replace any otherwise available remedies for public or private nuisances, nor any other civil or criminal remedies otherwise available. In addition, the regulations contained herein are not intended to substitute for any noise analysis conducted as a part of the city's environmental review process for discretionary permit approvals, nor are they intended to limit more strict noise control requirements for discretionary permit approvals should more strict measures be found to be necessary in order to maintain noise levels below adopted thresholds of significance.

(B) Among common noise sources are mobile sources such as airplanes and highway traffic and other sources which are regulated exclusively by the federal or the state government. While in most instances the city may not intervene to address these problems directly, it is the policy of the city to work with responsible government agencies and elected officials to reduce the real and damaging effects of these noise-producing activities on the quality of life of the city's residents.

(C) The provisions of this Ordinance do not and are not intended to supersede the application of "Community Noise Equivalent Levels" as defined in Title 11 Zoning, Chapter 11-29 "Definitions" or of Chapter 11-04 "Additional Development Standards" Subsection 11-04-030 (E) applicable to noise levels for commercial and industrial uses.

#### **5-35-200 General prohibition.**

(A) Notwithstanding any other provisions of this chapter and in addition thereto, it is unlawful for any person to willfully make or continue, or cause to be made or continued, any loud, unnecessary or unusual noise which disturbs the peace and quiet of any neighborhood or which causes discomfort or annoyance to any reasonable person of normal sensitiveness residing in the area. Each day of recurrence of any violation shall constitute a separate offense and may be treated as such pursuant to this Section.

(B) The standards which shall be considered in determining whether a violation of the provisions of this section exists shall include, but not be limited to, the following:

- (1) The sound level of the objectionable noise;
- (2) The sound level of the ambient noise;
- (3) The proximity of the noise to residential sleeping facilities;
- (4) The nature and zoning of the area within which the noise emanates;
- (5) The density of the inhabitation of the area within which the noise emanates;
- (6) The time of day or night the noise occurs;
- (7) The duration of the noise and its tonal informational or musical content;
- (8) Whether the noise is continuous, recurrent or intermittent; and
- (9) Whether the noise is produced by a commercial or noncommercial activity.

**5-35-300 Prohibited acts.**

(A) It is the intent of this chapter to prohibit all disturbing, excessive and offensive noises except those permitted under another provision of this code or those exempt pursuant to Section 5-35-400. Notwithstanding any other provisions of this chapter, the following acts, which are not in any way exclusive, are declared to be disturbing, excessive and offensive noises in violation of Section 5-35-200:

(1) **Noises by Animals.** The permitting, by any person having charge, care, custody, or control of any animal, of such animal to emit any noise which is disturbing, excessive or offensive. For the purposes of this subsection, the animal noise shall not be deemed a disturbance if the animal is emitting the noise in response to a person trespassing or threatening to trespass upon private property in or upon which the animal is situated or if the noise is for any other legitimate cause, such as someone teasing or provoking the animal.

(2) **Construction-Related Noise near Residential Uses.** Construction work or related activity in any zoning district on any property within 500 feet of one or more residences, lodging facilities, nursing homes or inpatient hospitals is limited to the hours between 7:00 a.m. and 7:00 p.m. on weekdays and on Saturday or holidays between the hours of 9:00 a.m. to 6:00 p.m., while Sunday construction is not allowed. Construction activity for projects not located within 500 feet of residences, lodging facilities, nursing homes or inpatient hospitals shall be limited to

the weekday hours of 6:00 a.m. to 10:00 p.m. and the weekend or holiday hours of 8:00 a.m. to 8:00 p.m.. As used in this chapter, "construction work" or "construction activity" shall mean any site preparation, assembly, erection, substantial repair, alteration, demolition or similar action, for or on any private property, public or private right-of-way, streets, structures, utilities, facilities, or other similar property. Construction activities carried on in violation of this chapter may be enforced as provided in Section 5-35-500, and may also be enforced by issuance of a stop work order and/or revocation of any or all permits issued for such construction activity.

(3) Conflicts with Residential Uses. Subject to the restrictions on construction contained in subsection (2) of this section, the sustained operation or use between the hours of 9:00 p.m. and 8:00 a.m. of any electric or gasoline powered motor or engine or the repair, modification, reconstruction, testing or operation of any automobile, motorcycle, sweeper, vacuum, public address system, whistle, muffler, motorized scooter, machine or mechanical device or other contrivance or facility unless such motor, engine, automobile, motorcycle, sweeper, vacuum, public address system, whistle, muffler, motorized scooter, machine or mechanical device is enclosed within a sound insulated structure so as to prevent noise and sound from being plainly audible from any residential property line.

(4) Loud Music or Other Noise by People. The use of electronic equipment (including but not limited to amplifiers, radio loudspeakers, phonographs, tape, digital systems), electronically operated or acoustic musical instruments, other device of like design used for producing sound, or singing, chanting, or yelling in or upon any public street, park or grounds, or any other open area to which the public has access, whether publicly or privately owned, between the hours of 10:00 p.m. and 7:00 a.m. is unlawful. At any other time of day, such equipment or noise production may not be used in a manner which disturbs the peace, quiet and comfort of neighboring residents or persons of normal sensitivity who are using such areas.

(5) Music, Stereos and Electronics.

(A) Operating, playing or permitting the operation or playing of any radio, television set, audio equipment, drum, musical instrument, or similar device which produces or reproduces sound at any time of day in such a manner as to disturb the peace, quiet and comfort of neighboring residents or persons of normal sensitivity. The operation of any such instrument, audio equipment, television set, machine or similar device between the hours of 10:00 p.m. and 7:00 a.m. in such manner as to be plainly audible at a distance of 50 feet from the building, structure or vehicle in which it is located shall be prima facie evidence of a violation of this subsection.

(B) The conducting of or carrying on of band or orchestral concerts, rehearsals or practice between the hours of 10:00 p.m. and 7:00 a.m. sufficiently loud as to disturb the peace, quiet or repose of persons of ordinary and normal sensitivity who reside in the immediate vicinity of such band or orchestral concerts or rehearsals or practice.

(C) Using, or operating, or permitting to be used or operated, for any purpose, any loudspeaker, loudspeaker system, public address or similar device between the hours of 10:00 p.m. and 7:00 a.m. in such a manner as to disturb the peace, quiet and comfort of neighboring

residents or persons of normal sensitivity, except for any noncommercial public speaking, public assembly or other activity for which a permit has been issued pursuant to Section 5-15-200 of Chapter 5-15 "Parades and Public Gatherings."

**5-35-400 Exemptions.**

(A) The following activities shall be exempt from the provisions of this title:

(1) **Emergency Work.** The provisions of this title shall not apply to the emission of sound for the purpose of alerting persons to the existence of an emergency or in the performance of emergency work, and activities involving the execution of the duties of duly authorized governmental personnel and others providing emergency response to the general public, including but not limited to sworn peace officers, emergency personnel, utility personnel, and the operation of emergency response vehicles and equipment.

(2) **Entertainment Events and Operations.** The provisions of this chapter shall not apply to those reasonable sounds emanating from authorized school bands, school athletic and school entertainment events and occasional public and private outdoor or indoor gatherings, public dances, shows, bands, sporting and entertainment events conducted between the hours of 7:00 a.m. and 10:00 p.m., and special events for which a permit has been issued pursuant to Section 5-15-200 of Chapter 5-15 "Parades and Public Gatherings." In addition, noise associated with activities of places of entertainment that are in compliance with a conditional use permit.

(3) **Federal or State Preempted Activities.** The provisions of this chapter shall not apply to any other activity the noise level of which is regulated by state or federal law.

(4) **Maintenance of Residential Property.** The provisions of this chapter shall not apply to noise sources associated with maintenance of property used for residential purposes, provided the activities take place between the hours of 7:00 a.m. and 10:00 p.m.

(5) **Garbage Removal.** The provisions of this chapter shall not apply to garbage removal services in commercial and mixed-use districts, even if the garbage services are located adjacent to residential districts.

(6) **Industrial Districts.** The provisions of this chapter shall not apply to the Industrial Zoning District, Zone I.

(7) **Public Health, Welfare and Safety Activities.** The provisions of this chapter shall not apply to construction, maintenance and repair operations conducted by public agencies, franchisees of the city and/or utility companies or their contractors which are deemed necessary to serve the best interests of the public and to protect the public health, welfare and safety, including but not limited to trash collection, street sweeping, tree removal, debris and limb removal, removal of downed wires, restoring electrical service, repairing traffic signals, unplugging sewers, vacuuming catch basins, repairing of damaged poles, removal of abandoned vehicles,

repairing of water hydrants and mains, gas lines, oil lines, sewers, storm drains, roads, sidewalks, etc.

**5-35-500 Enforcement.**

Any violations of the provisions of this chapter are expressly deemed and declared to be a public nuisance, and such violation shall be abated in any manner provided by the Municipal Code including criminal sanctions, civil actions, and administrative penalties pursuant to Chapter 2.7.

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Stephanie Atigh  
Robert W. Rathie  
Robert R. Wellington

Item #6D  
City Council Meeting  
September 20, 2022

## AGENDA TITLE

DISCUSSION, RECEIVE COMMENTS FROM THE PUBLIC AND PROVIDE DIRECTION . CONCERNING A DRAFT ORDINANCE THAT, IF SUBSEQUENTLY ENACTED, WOULD ALLOW CITY RESIDENTS TO PARK THEIR RECREATIONAL VEHICLES AND TRAILERS ON THEIR STREET FOR A LIMITED PERIOD UPON RECEIVING A PERMIT FROM THE CITY MANAGER

## MEETING DATE:

SEPTEMBER 20, 2022

## RECOMMENDED ACTION:

1. Discuss, receive comments from members of the public, and provide City Council direction concerning an ordinance that, if subsequently enacted, would allow a city resident to park their recreational vehicle or trailer on the street where they reside subject to receiving a permit for same from the City Manager.

## BACKGROUND INFORMATION:

San Juan Bautista Municipal Code §10-5-100(A) now prohibits a recreational vehicle or a trailer from parking on any lot, city street or public place except such vehicles may be parked at the owner's residence, that is, on the owner's lot.

This ordinance would allow the city manager to issue a permit to a city resident who owns a recreational vehicle or a trailer, including a boat trailer, to allow that resident to park the vehicle on their street between the hours of 7 a.m. and 10 p.m. for certain purposes related to preparing the vehicle for travel.

The draft ordinance is brought to you for discussion purposes and to allow the Council to receive public comment. It is not proposed for introduction at this time and the Council may propose revision as may be appropriate.

An ordinance adding two subsections to Section 10-5-100 of the Municipal Code to allow residents to park recreational vehicles and trailers on their street would require two readings and would not go into effect for 30 days' thereafter. The adoption of such ordinance is not a project under Section 15061(b)(3) of the California Environmental Quality Act Guidelines, and as such is exempt from environmental review.

RWR

**ORDINANCE 2022-XX**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN JUAN  
BAUTISTA TO ADD SECTIONS 10-5-100 (E) AND (F) TO THE  
SAN JUAN BAUTISTA MUNICIPAL CODE TO AUTHORIZE  
PARKING OF TRAILERS AND RECREATIONAL VEHICLES BY CITY RESIDENTS**

**THE CITY COUNCIL OF THE CITY OF SAN JUAN BAUTISTA HEREBY ORDAINS AS  
FOLLOWS:**

Section 1: The City Council finds and determines as follows:

A. California Vehicle Code Section 22507(a) allows the City to prohibit or restrict stopping, parking, or standing of vehicles on certain streets or highways or portions thereof during all hours of the day.

B. Section 10-5-100 A of San Juan Bautista Municipal Code Chapter 10-5 "Mobile Homes" prohibits parking of recreational vehicles on any lot or street, excepting, however, the owner of such a vehicle may park same at his or her residence when the vehicle is not in use.

C. California Vehicle Code Section 22507(a) allows for preferential parking privileges to be given to residents for their use under which the resident may be issued a permit that exempts them from prohibitions.

D. The Council, in the interest of public safety and convenience, desires to exercise its authority under Section 22507(a) of the California Vehicle Code to extend preferential parking privileges to residents upon obtaining a permit for same from the City Manager.

**SECTION 2:** Subsections 10-5-100 (E) and (F) are hereby added to the San Juan Bautista Municipal Code, to read as follows:

"10-5-100 (E) The prohibition on the parking of trailers and recreational vehicles on the street does not apply if the registered owner of a trailer or recreational vehicle is a resident of a residence on the public street where the trailer or recreational vehicle is parked between the hours of seven a.m. and ten p.m. for the purpose of loading, unloading, cleaning (as permitted by this code), battery changing, or other activity preparatory or incident to travel. In order to qualify for this exception hereunder a resident shall apply for and obtain from the City Manager a permit and an identification sticker to park on the street. Such permits and stickers shall become void on the permit holder ceases to reside at the residence for which the permit and sticker are issued.

"10-5-100 (F) For purposes of this Chapter:

(i) "Recreational vehicle" shall be as defined in Chapter 12, Article 1, Section 12-1-100 of the San Juan Bautista Municipal Code. Passenger vans which have been converted for use as a recreational vehicle and do not exceed nine feet in height are exempt from this section. This section shall not apply to commercial or construction vehicles otherwise regulated by this Code.

(ii) "Trailer" shall be as defined by California Vehicle Code Section 630, including trailers for vehicles, boats or personal watercraft."

**SECTION 3:** Environmental determination. In the exercise of their independent judgment, this Council hereby determines that enactment of this ordinance is exempt from California Environmental Quality Act (CEQA) review and therefore not required, because there is no possibility that enactment will or may have a significant effect on the environment, and that enactment is therefore not a project because it will not cause a direct judgment physical change on the environment.

**SECTION 4:** Effective date. This Ordinance shall take effect 30 days after its adoption the City Council.

**THE FOREGOING ORDINANCE** was first read at a regular meeting of the San Juan Bautista City Council on the \_\_\_\_ day of \_\_\_\_\_, 2022, and was adopted at a regular meeting of the San Juan Bautista City Council on the \_\_\_\_ day of \_\_\_\_\_, 2022, by the following vote:

**AYES:**

**NOES:**

**ABSENT:**

**ABSTAIN:**

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**Mayor Leslie Q. Jordan**

**ATTEST:**

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**Don Reynolds, City Manager  
Acting Deputy City Clerk**

**APPROVED AS TO FORM:**

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**Robert W. Rathie, City Attorney**

**City of San Juan Bautista  
November 8, 2022 General Municipal Election**

**Candidates Running**

**Office of City Council Member – 3 Seats Open, Full 4-year Terms**

- **Leslie Jordan (Incumbent)**      **P.O. Box 517, SJB 95045**  
[L.Jordan@san-juan-bautista.ca.us](mailto:L.Jordan@san-juan-bautista.ca.us)
- **Edwin J. Sabathia**                      **1111 Rancho Way, SJB 95045**  
[EJ.Sabathia@gmail.com](mailto:EJ.Sabathia@gmail.com)  
**(408) 418-6709**
- **Jackie Morris-Lopez**                      **P.O. Box 519, SJB 95045**  
[J.MorrisLopez@san-juan-bautista.ca.us](mailto:J.MorrisLopez@san-juan-bautista.ca.us)
- **Steven Harris**                              **705 First Street, SJB 95045**  
[SteveHarris1957@gmail.com](mailto:SteveHarris1957@gmail.com)  
**(831) 333-6615**
- **Jose Aranda**                                [josearanda6@yahoo.com](mailto:josearanda6@yahoo.com)  
**(408) 823-1947**

**Office of City Clerk – 1 Seat Open, Partial 4-year Term Ending Nov. 2024**

**No filings were received for the Office of City Clerk. Please contact the City Clerk's Office for more information if you are interested in the position.**

**Office of City Treasurer – 1 Seat Open, Partial 4-year Term Ending Nov. 2024**

**No filings were received for the Office of City Treasurer. Please contact the City Clerk's Office for more information if you are interested in the position.**

*Posted by the  
San Juan Bautista  
City Clerk's Office  
City Hall  
311 Second Street  
San Juan Bautista  
(831) 623-4661, ext. 13*

# NOTICE

## WRITE-IN CANDIDACY FOR THE NOVEMBER 8, 2022 ELECTION IN THE CITY OF SAN JUAN BAUTISTA

On November 8, 2022, a General Municipal Election will be conducted at which time voters will have an opportunity to elect three members of the City Council, a City Clerk and a City Treasurer. Although the nomination period has closed, there still remains the opportunity to run as a write-in candidate.

### WRITE – IN CANDIDATES

***FILING DATES: SEPTEMBER 12 THROUGH OCTOBER 25, 2022***

Candidates who desire to be a write-in candidate and have his or her name written on the ballot of the General Municipal Election on November 8, 2022 can do so by fulfilling the requirements of the Elections Code.

### *Write-In Candidacy Procedure*

Persons who did not file a Declaration of Candidacy and fulfill their nomination requirements to place their name on the ballot may run for office as a write-in candidate. Write-in votes will be counted and certified in the Statement of Vote only for **qualified write-in candidates** who file the required forms with the San Benito County Elections Office no later than 14 days prior to Election Day.

To qualify as a write-in candidate, a person must file with the County Elections Office the following documents:

- A “**Statement of Write-in Candidacy**” containing the candidate’s name, address, a declaration stating that he or she is a write-in candidate, and the title of the office for which he or she is running.
- A “**Nomination Petition**” with the requisite number of sponsor signatures required for the office sought.

Signers of nomination petition for write-in candidates shall be voters in the City of San Juan Bautista. No filing fee or charge shall be required of a write-in candidate.

Write-in candidates are subject to the same requirements as other candidates with regard to disclosure of economic interest and campaign disclosure.

The County Elections Office will provide polling places with a list of qualified write-in candidates.

If interested in becoming a write-in candidate in the November 8, 2022 General Municipal Election, **please contact the City Clerk’s Office** to make an appointment to receive nomination documents. **(831) 623-4661, extension 13.**

**CITY ATTORNEY'S IMPARTIAL ANALYSIS  
MEASURE V**

The City Council of the City of San Juan Bautista has submitted this measure to the electors of the City. California law provides that at any municipal election, the City Council may present to the electorate the question of whether certain elective offices, including that of City Treasurer, shall instead be appointed by the City Council.

A "yes" vote on Measure V favors changing the currently elective position of City Treasurer to a position appointed by the City Council. Approval of the measure would result in the termination of the elected position at the expiration of the term, in November of 2024, of a City Treasurer elected at the November 2022 general municipal election. The City Council would then have the authority to appoint a City Treasurer who would serve at the pleasure of the City Council. Notwithstanding otherwise applicable requirements of state law, the appointed City Treasurer would not be required to be an elector or resident of the City. Approval of the measure would also authorize the City to adopt an ordinance authorizing the City Manager to appoint the City Treasurer.

Robert W. Rathie  
City Attorney

## **ARGUMENT FOR MEASURE V**

It is time to take politics out of the city treasurer position, and appoint rather than elect our city treasurer. The Appointment process is simply superior to the Election process in vetting the best candidate for this very specialized position. In California over 80% of its 400 cities do not elect their treasury managers. This is no accident.

The Appointed process works best for them. First, only specialists, money managers, apply. Applicants are rated and interviewed, resulting in the best qualified candidate being hired as the best fit for the job.

The Election process works best for selecting Council candidates who are generalists. Candidates offer voters their vision for the future of our city. Successful candidates need to have better vote getting skills to sell their message. Voters understand. They are electing policy makers who operate in the public eye.

Our city treasurer position is a money specialist job; it should not be a political office. The voting booth is not the place to determine the technical skill set for a money specialist. This full-time job needs to attract specialists who have the skill set to manage our \$10 million city portfolio. Being a money manager is a career choice, a profession. Skilled money managers will apply for job openings that are Appointed. Few would consider becoming a political candidate to run for Elected Office to do their job.

San Juan Bautista needs to join most cities in California by approving Measure V, and free its voters from having to judge who would make our best money specialist.

Mayor Leslie Q Jordon  
On behalf of the City Council, Resolution 2022-63

## Argument For Measure W

California Government Code Section 36501 requires that all California cities have a City Clerk. City Clerk is currently elected in San Juan Bautista. In 2018, there was one candidate that was elected, that had never clerked for a city before. Appointed staff supported her while she learned the job. In 2021 there were no candidates on the ballot, and a write-in candidate was elected. In January 2022, the elected City Clerk resigned, no new candidates have stepped up, leaving appointed staff to fill the vacancy.

The City Clerk's job requires specialized professional training and keeping up with law changes is critical. The City Clerk is responsible for understanding and implementing State Laws relating to the Public Records Act, Brown Act, Maddy Act, Conflict of Interest and Campaign Law under the Political Reform Act and the Fair Political Practices Commission, Election Law, amongst others.

The City Clerk must be an experienced Elections Official who conducts the Municipal Elections for City Council and for Initiative, Referendum and Recall petitions.

It is unreasonable to expect an elected City Clerk to have or be able to quickly obtain the specialized professional skills and training necessary to do this. Furthermore, an elected City Clerk may be unable to or be unwilling to spend the number of hours necessary to perform these duties. Unlike an appointed City Clerk, an elected City Clerk can only be removed from office by vote or be recalled from office.

Voting in favor of Measure W will assure that the San Juan Bautista's City government processes and transparency are managed by a trained, professional City Clerk, that meets the letter of the law, and improves the stability of its administration.

Vote Yes on Measure W

Mayor Leslie Q Jordon  
On behalf of the City Council, Resolution 2022-63

**CITY ATTORNEY'S IMPARTIAL ANALYSIS  
MEASURE W**

The City Council of the City of San Juan Bautista has submitted this measure to the electors of the City. California law provides that at any municipal election, the City Council may present to the electorate the question of whether certain elective offices, including that of City Clerk, shall instead be appointed by the City Council.

A "yes" vote on Measure W favors changing the currently elective position of City Clerk to a position appointed by the City Council. Approval of the measure would result in the termination of the elected position at the expiration of the term, in November of 2024, of a City Clerk elected at the November 2022 general municipal election. The City Council would then have the authority to appoint a City Clerk who would serve at the pleasure of the City Council. Notwithstanding otherwise applicable requirements of state law, the appointed City Clerk would not be required to be an elector or resident of the City. Approval of the measure would also authorize the City to adopt an ordinance authorizing the City Manager to appoint the City Clerk.

Robert W. Rathie  
City Attorney

## Trish Paetz

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**From:** Beverley Meamber <bmeamber@aol.com>  
**Sent:** Tuesday, September 6, 2022 8:48 AM  
Trish Paetz  
**Cc.** jill.pagaran@gmail.com; Don Reynolds  
**Subject:** Council Candidates Contact Information

Hi Melissa -

Welcome! I'll look forward to meeting you.

In the meantime, the San Juan Committee dba San Juan Bautista Business Association is working on a meet and greet for San Juan's City Council candidates on Saturday, October 15 from 10 - 12:30 if all candidates participate. We will be using Brewery 25 Parklet. I tried to get our candidates contact information on the Elections Department website and got an error. Do you have contact information for all 5 candidates so we can contact them? If not, do you know where I can get it?

Thanks!  
Bev Meamber  
623-2356