



**NOTICE: THIS MEETING WILL BE HELD IN ACCORDANCE WITH THE GOVERNOR'S NEW EXECUTIVE ORDER N-29-20, ISSUED ON MARCH 17, 2020, REGARDING THE OPEN MEETING REQUIREMENTS OF THE RALPH M. BROWN ACT (CALIFORNIA GOVERNMENT CODE SECTION 54950, ET SEQ.), AND THE FEDERAL AMERICANS WITH DISABILITIES ACT IN AN EFFORT TO HELP AVOID THE SPREAD OF COVID-19, TO MAXIMIZE TRANSPARENCY, AND PROVIDE PUBLIC ACCESS TO CITY COUNCIL MEETINGS.**

**THE CITY OF RIVERBANK REGULAR CITY COUNCIL AND  
LOCAL REDEVELOPMENT AUTHORITY BOARD MEETINGS**

(City Council also serves as the LRA Board)

**TUESDAY, NOVEMBER 10, 2020 – 6:00 P.M.**

**VIA TELECONFERENCE OR VIRTUAL PLATFORM ONLY – NO OPEN PUBLIC LOCATION  
(CITY HALL IS LOCATED AT 6707 THIRD STREET, RIVERBANK, CA 95367)**

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## **A G E N D A**

(THE AGENDA PACKET IS AT [HTTP://WWW.RIVERBANK.ORG/AGENDACENTER](http://www.riverbank.org/agendacenter))

- CALL TO ORDER:** Mayor/Chair Richard D. O'Brien
- FLAG SALUTE:** Mayor/Chair Richard D. O'Brien
- INVOCATION:** Riverbank Ministerial Association
- ROLL CALL:** Mayor/Chair Richard D. O'Brien  
Vice Mayor/Chair Luis Uribe (CM-D1)  
Council/Authority Member District 2 Cindy Fosi  
Council/Authority Member District 3 Cal Campbell  
Council/Authority Member District 4 Darlene Barber-Martinez
- CHANGES TO THE AGENDA:** Mayor/Chair Richard D. O'Brien

|                             |
|-----------------------------|
| <b>CONFLICT OF INTEREST</b> |
|-----------------------------|

|                                                                                                                                                                      |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Any Council/Authority Member or Staff who has a direct Conflict of Interest on any scheduled agenda item to be considered is to declare their conflict at this time. |
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- 1. PRESENTATIONS** There are no presentations.

**2. PUBLIC COMMENTS (No Action Can Be Taken)**

At this time, members of the public may comment on any item not appearing on the agenda, and within the subject matter jurisdiction of the City Council/LRA Board. Individual comments will be limited to a **maximum of 3 minutes or as stated by the presiding Officer**. Under State Law, matters presented during the public comment period cannot be discussed or acted upon.

**Refer to the last page of this agenda for the Public Comment Procedures.**

### **3. CONSENT CALENDAR**

*All items listed on the Consent Calendar are to be acted upon by a single action of the City Council/LRA Board unless requested by an individual Council/Authority Member or member of the public for special consideration. Otherwise, the recommendation of staff will be accepted and acted upon by motion of the City Council/LRA Board.*

**Item 3.A:** Waive Readings. All Readings of ordinances and resolutions, except by title, are waived.

**Item 3.B:** Approval of the August 25, 2020 City Council and Local Redevelopment Authority Board Minutes.

**Recommendation:** Approval of the Consent Calendar items by roll call vote.

### **4. WORKSHOPS**

Information and educational presentation of a subject matter to receive direction and to prepare for its future consideration and decisions by the City Council.

**Item 4.1:** **River Cove River Access Nuisance – Workshop / Discussion and Direction** – It is recommended that the City Council receive the staff report which details the specifics of the nuisance issues within River Cove and possible long-term solutions.

**5. PUBLIC HEARINGS** There are no public hearings.

### **6. NEW BUSINESS**

**Item 6.1:** **Provide Direction to City Staff Regarding Establishing Contribution Limits for Candidates for City Office** – It Provide direction to City staff to do one of the following:

- (1) Prepare an ordinance or resolution for the Council's consideration establishing contribution limits for candidates for City office; or
- (2) Do nothing and default to contribution limits for candidates for City office established by state law.

**Item 6.2:** **Resolution Authorizing the Amendment of the Public Benefit Fund Expenditure Policy** – It is recommended that the City Council adopt a Resolution amending the Public Benefit Fund Expenditure Policy.

### **7. COMMENTS/REPORTS**

A brief report on notable attendance of a meeting or conference or other notable topics of City business shall be made. The Brown Act does not allow for discussion or action of items by the City Council during this time.

**Item 7.1:** Staff

**Item 7.2:** Council/Authority Member

**Item 7.3:** Mayor/Chair

**8. CLOSED SESSION**

The public will have a **limit of 3 minutes** to comment on Closed Session item(s) as set forth on the agenda prior to the City Council/LRA Board recessing to Closed Session.

**Item 8.1:**     **CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION**  
pursuant to paragraph (4) of subdivision (d) of Section 54956.9  
Number of cases: (1) potential case

**ADJOURNMENT – THE PUBLIC PORTION OF THE MEETING**

- The next regular meeting on November 24<sup>th</sup> is **canceled**; *Happy Thanksgiving!*
- The next open meeting will be on Tuesday, December 8<sup>th</sup> @ 6:00 p.m.
- The last regular meeting of the year on Tuesday, December 22<sup>nd</sup> is canceled.

**9. REPORT FROM CLOSED SESSION**

*The Mayor's report on the Closed Session Items will be made to the City Clerk, and the report will be reflected in the Minutes of this meeting. Anyone interested in obtaining the report from Closed Session may contact the City Clerk at [cityclerk@riverbank.org](mailto:cityclerk@riverbank.org) or call (209) 863-7198.*

**ADJOURNMENT OF CLOSED SESSION****AFFIDAVIT OF POSTING**

I hereby certify under penalty of perjury, under the laws of the State of California that the foregoing agenda was posted on an accessible public location, and the City's website 72 hours prior to the meeting in accordance to the California Ralph M. Brown Act.

Posted this 5<sup>th</sup> day of November, 2020.

/s/ *Annabelle H. Aguilar, CMC, City of Riverbank*

**ADA COMPLIANCE STATEMENT**

In compliance with the Americans with Disabilities Act, and the Governor's Executive Order N-29-20, the City will make every effort to make reasonable modifications or accommodations from individuals with disabilities. Contact the Administration Dept. at (209) 863-7122 or the City Clerk at [aaquilar@riverbank.org](mailto:aaquilar@riverbank.org) at least (48) hours prior to the meeting to enable the City to make reasonable arrangements for accessibility.

**NOTICE REGARDING NON-ENGLISH SPEAKERS**

Pursuant to California Constitution Article III, Section IV, establishing English as the official language for the State of California, and in accordance with California Code of Civil Procedures Section 185, which requires proceedings before any State Court to be in English, notice is hereby given that all proceedings before the City of Riverbank City Council/LRA Board shall be in English and anyone wishing to address the Council is required to have a translator present who will take an oath to make an accurate translation from any language not English into the English language.



**PUBLIC PARTICIPATION PROCEDURES  
FOR THE CITY COUNCIL/LRA MEETINGS HELD IN A  
TELECONFERENCE OR VIRTUAL PLATFORM IN CONFORMANCE WITH  
THE GOVERNOR'S EXECUTIVE ORDER N-29-20**

**CHANGES TO THIS NOTICE OF PROCEDURES**

In accordance with the Governor's Executive Order, should the meeting procedures change, the City may use the most rapid means of communication available at the time including, but not limited to, posting the notice of changes on the City's website.

**PUBLIC "LIVE" VIEWING**

- Charter Government Channel - 2
- AT&T U-VERSE Government Channel - 99
- YouTube Live <https://www.youtube.com/channel/UCq2x8QChEcknBq7uuJLcZow>
- Via ZOOM Platform (See instructions below)

**SUBMITTING PUBLIC COMMENTS**

- **Via Mail Service:** Mail comments to City of Riverbank, Attn. City Clerk, 6707 Third Street, Suite A, Riverbank, CA 95367. (Must be received **by 4:00 p.m.** on the day of the meeting.)
- **Via Email to [cityclerk@riverbank.org](mailto:cityclerk@riverbank.org):**
  - o Written comments via Email received before the meeting: (Will be distributed to the City Council)
  - o **Submit No later than 4:00 p.m.** on the day of the meeting; and
  - o Indicate Agenda Item # in the ***subject line***.

**Join via ZOOM Platform:**

- Visit <https://zoom.us/j/94943925973?status=success> for a free account or to download the app.
- Join by this link: <https://us02web.zoom.us/j/84186613975>
- Join by accessing website: <https://zoom.us/join>
  - o **Webinar ID: 841 8661 3975**
- Join by telephone: **+1 669 900 9128** or **+1 346 248 7799** plus Webinar ID

**HOW DO I COMMENT?** The Mayor will announce when public comment may be made for the agenda item, at which time you will:

- o Using a computer - click on the "raise hand" feature in the webinar controls. This will let us know you wish to speak.
  - Once you confirm that you want to be unmuted, your 3 minutes will begin for you to make your comments.
- o Using a Phone - Dial **\*9**, which will notify us that you have a "raised hand"
  - Once you are told "you may make your comments" you will have 3 minutes to make your comments.

Learn about using ZOOM - Visit <https://support.zoom.us/hc/en-us/categories/201146643>

## **RIVERBANK CITY COUNCIL / LRA AGENDA ITEM NO. 3.A**

### **SECTION 3: CONSENT CALENDAR**

|                      |                                                   |
|----------------------|---------------------------------------------------|
| <b>Meeting Date:</b> | November 10, 2020                                 |
| <b>Subject:</b>      | Waiver of Readings                                |
| <b>From:</b>         | Sean Scully, City Manager                         |
| <b>Submitted by:</b> | Annabelle Aguilar, CMC, City Clerk / LRA Recorder |

#### **RECOMMENDATION**

It is recommended that the City Council / LRA Board approve the waiver of readings of any proposed ordinances and resolutions for consideration, except by title.

#### **SUMMARY**

In lieu of reading the entire text of a proposed ordinance or resolution that is introduced for consideration for adoption and approval, by majority vote, the City Council/LRA Board may waive the reading of the text and introduce the ordinance or resolution by title only for the record.

The full text of the proposed ordinances and resolutions, and any related documents that are part of the agenda packet, are available for review by the public on the City's website and in the City Clerk's office at City Hall (North) upon distribution to a majority of the City Council/LRA Board; typically 72 hours prior to the scheduled date and time of the meeting.

#### **FINANCIAL IMPACT**

There is no financial impact to this item.

#### **ATTACHMENTS**

There are no attachments to this report.

**RIVERBANK CITY COUNCIL / LOCAL REDEVELOPMENT AUTHORITY  
AGENDA ITEM NO. 3.B**

**SECTION 3: CONSENT CALENDAR**

|                      |                                                                                               |
|----------------------|-----------------------------------------------------------------------------------------------|
| <b>Meeting Date:</b> | November 10, 2020                                                                             |
| <b>Subject:</b>      | Approval of the August 25, 2020, City Council and Local Redevelopment Authority Board Minutes |
| <b>From:</b>         | Sean Scully, City Manager                                                                     |
| <b>Submitted by:</b> | Annabelle Aguilar, CMC, City Clerk / LRA Recorder                                             |

**RECOMMENDATION**

It is recommended that the City Council / Local Redevelopment Authority Board approve the City Council /LRA Meeting Minutes as presented.

**SUMMARY**

The Draft Minutes of the August 25, 2020, regular City Council and the Local Redevelopment Authority Board meetings have been prepared for review and approval.

**FINANCIAL IMPACT**

There is no financial impact to this item.

**ATTACHMENT**

1. August 25, 2020, City Council and LRA Minutes



(BY VIRTUAL PLATFORM ONLY)  
City of Riverbank  
REGULAR CITY COUNCIL AND  
LOCAL REDEVELOPMENT AUTHORITY BOARD MEETINGS  
(The City Council also serves as the LRA Board)  
Conducted from various local virtual locations

Verbatim proceedings of the meetings may be viewed on-line or a copy may be provided for a fee.

**MINUTES OF  
TUESDAY, AUGUST 25, 2020**

**Notice:** *This meeting was held in accordance with the Governor's Executive Order N-29-20, issued on March 12, 2020, in regards to the open meeting requirements of the Ralph M. Brown Act (California Government Code Section 54950, et seq.), and the Federal Americans With Disabilities Act.*

**CALL TO ORDER**

The City Council and Local Redevelopment Authority Board of the City of Riverbank met at 6:00 p.m. on this date by virtual platform with Mayor/Chair Richard D. O'Brien presiding and announced the public meeting process.

**FLAG SALUTE**

Mayor/Chair Richard D. O'Brien

**INVOCATION**

There was no invocation.

**ROLL CALL**

Present via  
Virtual platform:

Mayor/Chair Richard D. O'Brien  
Vice Mayor/Chair (CM-D1) Luis Uribe  
Council/Authority Member District 2 Cindy Fosi  
Council/Authority Member District 3 Cal Campbell  
Council/Authority Member District 4 Darlene Barber-Martinez

*Staff Present: City Manager Sean Scully, Asst. City Manager/ASD Marisela Garcia (who served as the meeting recorder), City Attorney Tom Hallinan, Police Chief Ed Ridenour, Public Works Director/Interim LRA Director Michael Riddell, and Parks and Recreation Director Sue Fitzpatrick.*

**AGENDA CHANGES:** Mayor/Chair Richard D. O'Brien – *There were no changes.*

**CONFLICT OF INTEREST**

Any Council/Authority Member or Staff who has a direct Conflict of Interest on any scheduled agenda item to be considered is to declare their conflict at this time.

***Councilmember Barber-Martinez declared recusal for Items 3.C and 6.6.***

## **1. PRESENTATIONS**

**Item 1.1:** Recycled Water / Wastewater Master Plan Status Update

*[THERE WERE AUDIO DIFFICULTIES; MAYOR O'BRIEN CONTINUED TO # 3. CONSENT CALENDAR ITEMS]*

*[THERE WAS AN ATTEMPT TO RECEIVE THIS PRESENTATION, TECHNICAL DIFFICULTIES CONTINUED WITH CONSULTANT KNS ENGINEERING NEAL COLWELL, AND THEREFORE RETURNED TO ITEM 6.2.]*

*[AFTER CONSIDERATION OF ITEM 6.2] Consultant KNS Engineering Neal Colwell made the presentation and stated additional information would be presented at a future Council meeting for their input.*

*[Mayor O'Brien proceeded to Item 6.3]*

## **2. PUBLIC COMMENTS (No Action Can Be Taken)**

At this time, members of the public may comment on any item not appearing on the agenda, and within the subject matter jurisdiction of the City Council/LRA Board. Individual comments will be limited to a **maximum of 3 minutes or as stated by the presiding Officer**. Under State Law, matters presented during the public comment period cannot be discussed or acted upon.

**Refer to Page 6 for the public comment instructions.**

*[Mayor O'Brien returned to this Item after consideration of Item 6.7.]*

*There were no public comments.*

## **3. CONSENT CALENDAR**

All items listed on the Consent Calendar are to be acted upon by a single action of the City Council/LRA Board unless otherwise requested by an individual Council/Authority Member for special consideration. Otherwise, the recommendation of staff will be accepted and acted upon by roll call vote.

**Item 3.A:** Waive Readings. All Readings of ordinances and resolutions, except by title, are waived.

**Item 3.B:** A **Resolution [No. 2020-069]** Adopting by Reference Fair Political Practices Commission Title 2, Division 6, California Code Sections 18730 and 18730.1; the 2020 Conflict of Interest Code List of Designated City Positions; and the Related Economic Interest Disclosure Categories.

**Item 3.C:** A **Resolution [No. 2020-070]** to Affirm the CARES Coronavirus Relief Fund (CRF) Allocation Spending Plan.

**Recommendation:** Approval of the Consent Calendar items by roll call vote.

**ACTION:**     *By motion moved and seconded (Uribe / Barber-Martinez / passed 5-0) to approve Consent Calendar Items 3.A and 3.B as presented; Motion carried by unanimous City Council roll call vote.*

*AYES: Fosi, Campbell, Barber-Martinez, Uribe, and Mayor O'Brien*

*NAYS: None / ABSENT: None / ABSTAINED: None*

*Councilmember Barber-Martinez had declared a conflict with Item 3.C and recused herself from consideration of this Item.*

**ACTION:**     *By motion moved and seconded (Uribe / Campbell / passed 4-0) to approve Consent Calendar Items 3.A and 3.B as presented; Motion carried by unanimous City Council roll call vote.*

*AYES: Fosi, Campbell, Uribe, and Mayor O'Brien*

*NAYS: None / ABSENT: None / ABSTAINED: None*

*[MAYOR O'BRIEN CONTINUED WITH ITEM 6.1]*

**4. UNFINISHED BUSINESS**                      There are no items to consider.

**5. PUBLIC HEARINGS**                      There are no items to consider.

**6. NEW BUSINESS**

**Item 6.1:**     **Citywide Park Master Plan Final Draft Presentation** – It is recommended that the City Council receive the presentation of the final draft of the City's Citywide Park Master Plan and provide direction. With its acceptance, it is further recommended, that a resolution approving the Master Plan would then be developed and scheduled for adoption at the September 22, 2020 City Council meeting.

*Parks and Recreation Director Sue Fitzpatrick reported that this was the final presentation and introduced Mike Svetz, Pros Consulting who presented the Master Plan.*

*City Council and Staff discussed the plan.*

**ACTION:**     *By motion moved and seconded (Fosi / Uribe / passed 5-0) to approve the Citywide Park Master Plan Final Draft.*

*Motion carried by unanimous City Council roll call vote.*

*AYES: Fosi, Campbell, Barber-Martinez, Uribe, and Mayor O'Brien*

*NAYS: None / ABSENT: None / ABSTAINED: None*

*[MAYOR O'BRIEN RETURNED TO PRESENTATION ITEM 1.1; TECHNICAL DIFFICULTIES CONTINUED, ITEM 6.2 WAS CONSIDER.]*

**Item 6.2:**     **Authorization for Peace Officer Memorial – Volunteer Project** – It is recommended that the City Council authorize a Peace Officer Memorial Plaque to be placed at the Police Department by volunteer Joey Timpone and staff.

*City Manager Sean Scully presented the staff Report.*

*Joey Timpone, Eagle Scout Candidate of Troup 1100, presented the proposed memorial plaque project to honor Riverbank Peace Officers, and to achieve the highest and final level of an Eagle Scout.*

*City Council spoke in support of the project.*

**ACTION:**     *By motion moved and seconded (Barber-Martinez / Fosi / passed 5-0) to approve the initiation and completion of the Peace Officer Memorial Plaque and its placement at the Police Services building.*

*Motion carried by unanimous City Council roll call vote.*

*AYES: Fosi, Campbell, Barber-Martinez, Uribe, and Mayor O'Brien*

*NAYS: None / ABSENT: None / ABSTAINED: None*

*[MAYOR O'BRIEN AGAIN RETURNED TO PRESENTATION ITEM 1.1; THE PRESENTATION WAS MADE, AND THEREAFTER RETURNED TO THE FOLLOWING AGENDA ITEM 6.3.]*

**Item 6.3:**     **A Resolution [No. 2020-066] Authorizing the Approval of a Subrecipient Agreement between the City of Riverbank and the County of Stanislaus for the Community Development Block Grant Program for FY 2020-2021** – It is recommended that the City Council authorize the approval of a Subrecipient Agreement between the City of Riverbank and the County of Stanislaus for the Community Development Block Grant Program for FY 2020-2021.

*Assistant City Manager/ASD Marisela Garcia presented the staff report, stating approximately \$147,00 program funds and additional \$13,000 in administration plan would be received this fiscal year 2020-2021. In March, City Council received the 5-year action plan and funding will be going towards the completion of the rehabilitation of the Park Trail at Castleberg Park, and ADA improvements at both Castleberg and Pioneer Parks.*

*Councilmember Barber-Martinez commented in regards to making sure ADA includes adaptable equipment such as swings, ramps for wheelchairs, and adaptable surfaces.*

**ACTION:**     *By motion moved and seconded (Uribe / Barber-Martinez / passed 5-0) to adopt Resolution No. 2020-066 Authorizing the Approval of a Subrecipient Agreement between the City of Riverbank and the County of Stanislaus for the Community Development Block Grant Program for FY 2020-2021 as presented.*

*Motion carried by unanimous City Council roll call vote.*

*AYES: Fosi, Campbell, Barber-Martinez, Uribe, and Mayor O'Brien*

*NAYS: None / ABSENT: None / ABSTAINED: None*

**Item 6.4:**     **A Resolution [No. 2020-067] Approving an Application for Funding and the Execution of a Grant Agreement and any Amendments Thereto from 2020 Community Development Block Grant Program – Coronavirus Response Round 1 (CDBG-CV1) NOFA Dated June 5, 2020** – It is recommended that the City Council consider approving a resolution authorizing the submittal of a grant application and the execution of a grant agreement and any amendments thereto (if awarded) for the 2020 Community Development Block Grant Program – Coronavirus Response Round 1 (CDBG-CV1) Notice of Funding Availability.

*Assistant City Manager/ASD Marisela Garcia presented the staff report. This is to apply for funding due to the Coronavirus to mitigate the effects to the City's residents and provide assistance for utility payments.*

*Mayor O'Brien inquired about adding rent assistance; rent assistance could and would be added to the application; no one objected.*

**ACTION:**     *By motion moved and seconded (Barber-Martinez / Fosi / passed 5-0) to adopt Resolution No. 2020-067 Approving an Application for Funding and the Execution of a Grant Agreement and any Amendments Thereto from 2020 Community Development Block Grant Program – Coronavirus Response Round 1 (CDBG-CV1) NOFA Dated June 5, 2020 as presented. Motion carried by unanimous City Council roll call vote.*  
*AYES: Fosi, Campbell, Barber-Martinez, Uribe, and Mayor O'Brien*  
*NAYS: None / ABSENT: None / ABSTAINED: None*

**Item 6.5:**     **A Resolution [No. 2020-068] Authorizing Up To \$90,000 In Budgetary Authority to Initiate Design Engineering for the Sewer Collection Capacity Upgrade on Roselle and Crawford (Crossroads West Development)** – It is recommended that the City Council consider approving the attached resolution authorizing budgetary authority in an amount not to exceed \$90,000 for the City Manager to initiate design phase engineering for the Sewer Collection Upgrade Project on Roselle and Crawford to create sufficient sewer collection capacity for the Crossroads West Development.

*City Manager Sean Scully presented the staff report. Time is of the essence; the City will recuperate the cost of this upgrade through the System Development Fees from the Developer.*

**ACTION:**     *By motion moved and seconded (Uribe / O'Brien / passed 5-0) to adopt Resolution No. 2020-068 authorizing budgetary authority in an amount not to exceed \$90,000 for the City Manager to initiate design phase engineering for the Sewer Collection Upgrade Project on Roselle and Crawford to create sufficient sewer collection capacity for the Crossroads West Development as presented. Motion carried by unanimous City Council roll call vote.*

**AYES:** Fosi, Campbell, Barber-Martinez, Uribe, and Mayor O'Brien

**NAYS:** None / **ABSENT:** None / **ABSTAINED:** None

**Item 6.6:**     **Riverbank Business Assistance Grant Program – Update** – It is recommended that the City Council receive an update, discuss the matter, and provide any direction to staff as deemed necessary.

*Councilmember Barber-Martinez had declared a conflict with this Item and therefore recused herself; she was placed in a waiting room and temporarily removed from the meeting.*

*City Manager Sean Scully presented the staff report. A collaborative effort with Stanislaus Opportunity (for creation of the program) and Final Cut Media (for a stand-alone website) to create and implement the Grant Program. The program process was presented.*

**Components considered:**

- *Non-Profits? -*
- *Corporate owned Chains? Insurance Brokers? Financial Institutions?*
- *Grant Limits (\$10,000 - \$20,000)*
- *Other criteria important to the City Council?*

**City Council and Staff discussed the Items and provided direction.**

- *Non-Profits – they have the potential to receive other funding; but may consider needs.*
- *Corporate owned Chains – may consider assistance for a local franchise owner; Brokers/Financial Institutions are doing well.*
- *Grant Limits – limits are good; try to assist as many businesses as possible; may not want to set a minimum limit but rather indicate up to \$20,000.*

**ACTION:**     *By motion moved and seconded (Uribe / Campbell / passed 4-0) as presented with direction. Motion carried by unanimous City Council roll call vote.*

**AYES:** Fosi, Campbell, Barber-Martinez, Uribe, and Mayor O'Brien

**NAYS:** None / **ABSENT:** None / **ABSTAINED:** None

**Item 6.7:**     **General Local Public Health COVID-19 Update** – It is recommended that the City Council receive an update, discuss the matter, and provide any direction to staff as deemed necessary.

*City Manager Sean Scully presented the staff report with the latest COVID-19 local and State data from the Stanislaus County's dashboard. Positive is that the numbers are expected to drop; possibly opening up the schools for K-6<sup>th</sup> grades.*

**Some of the initiatives implemented by the City:**

- *Mask Program (give away)*
- *Enforcement Efforts*
- *Business Assistance Program*
- *Limitation of Capacity at Jacob Myers Park*
- *Cancellation of a number of recreation events and programs.*

- *Ongoing closure of offices, rotating staff schedules.*
- *Physical workspace changes to accommodate distancing, customer interaction, and remote work.*

**Items considered:**

- *Jacob Myers Park – continue direction?*
- *Christmas Parade*
- *Ongoing enforcement*
- *Other items to consider for the next agenda?*

**City Council and Staff discussed the items:**

- *Jacob Myers Park – continue direction? - Council agreed with continued direction under the Park and Recreation Director's oversight.*
- *Christmas Parade – consider a drive-thru so that residents remain in their cars.*
- *Ongoing enforcement*
- *Other items to consider for the next agenda?*

**[Mayor O'Brien returned to #2 – Public Comments.]**

## **7 COMMENTS/REPORTS**

A brief report on attendance of a meeting or conference or other notable topics of business shall be made. The Brown Act does not allow for discussion or action by the City Council.

**Item 7.1:** Staff

- *City Manager Sean Scully announced that the electronic sign [located at the fountain] would be installed on Thursday, and live on Friday with two City announcements; one with a "Welcome to Riverbank" and one with a COVID advisory in English and Spanish. Announced that the City has a partnership with the Hispanic Chamber of Commerce who will have office hours on Thursday in the City's Council Chambers.*

**Item 7.2:** Council/Authority Member

- *Council/Authority Member Fosi encouraged everyone to continue the COVID-19 precautions.*
- *Council/Authority Member Campbell reminded everyone to continue to follow the COVID-19 rules during Labor Day Holiday.*
- *Council/Authority Member Barber-Martinez thanked Development Services staff Kathleen Cleek, and Laura Graybill for implementing an on-line [construction projects] bid process; reminded everyone that the Riverbank Library was a cooling center if needed; encouraged everyone to save lives by wearing a mask; announced that August 26<sup>th</sup> is equality day for women, marking the 100<sup>th</sup> year for the voting rights of women; and remember to register to vote by October 19<sup>th</sup>.*
- *Vice Mayor/Chair Uribe recognized Riverbank community members and businesses that fundraised to provide items and help Oakdale families that had been displaced; announced that in light of COVID-19, he and Police Chief [Ridenour] will be putting together a BBQ*

*drive-thru event for anyone in the City at Scout Hall on September 4<sup>th</sup>; and reported on the Stanislaus County Homeless Alliance meeting.*

**Item 7.3:** Mayor/Chair

*Mayor/Chair O'Brien: 1) spoke in regards to an initiative for air quality monitoring; 2) inquired finding out the number of COVID deaths specifically in Riverbank; 3) Parks Master Plan – consider writing a news article on Parks and Recreation business and have a theme for Facilities Maintenance Design and Construction; 4) Parking for the homeless that were evacuated and look into providing restroom portables.*

**8. CLOSED SESSION**

The public will have a limit of 5 minutes to comment on Closed Session item(s) as set forth on the agenda prior to the City Council/LRA Board recessing into Closed Session.

**Item 8.1:** CONFERENCE WITH REAL PROPERTY NEGOTIATORS

Pursuant to Government Code Section 54956.8  
Property APN: 062-031-005, 062-031-006, 062-031-007  
Agency Negotiator: Sean Scully, City Manager  
Property Negotiator: Aemetis, Inc.  
Under Negotiation: Price, terms of payment, or both

**Item 8.2:** CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION

Pursuant to Government Code § 54956.9(a)  
Name of Case: Stanislaus Consolidated Fire Protection District v. City of Riverbank and (Others) DOES 1-20  
Stanislaus County Superior Court Case No. CV-19-004402

*Mayor/Chair O'Brien announced the Closed Session Item(s) and opened the Item(s) for public comment; no one spoke.*

**ADJOURNMENT – THE PUBLIC PORTION OF THE MEETING**

*The Mayor announced the next regular meeting was scheduled on September 9<sup>th</sup> at 6:00 pm.*

There being no further open public business, Mayor/Chair O'Brien adjourned the public portion of the meetings at 8:49 p.m.

**9. REPORT FROM CLOSED SESSION**

*Mayor/Chair O'Brien reported that direction was provided to staff for Item 8.1.*

*Mayor O'Brien reported that direction was provided to staff for Items 8.2.*

## **ADJOURNMENT**

There being no further business, Mayor/Chair O'Brien adjourned the Closed Session meeting at 8:58 p.m.

**ATTEST:** *(Adopted 11/10/2020)*

**APPROVED:**

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**Annabelle H. Aguilar, CMC**  
City Clerk / LRA Recorder

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**Richard D. O'Brien**  
Mayor / Chair

DRAFT

## RIVERBANK CITY COUNCIL AGENDA ITEM NO. 4.1

### SECTION 4: WORKSHOP

|                      |                                                                        |
|----------------------|------------------------------------------------------------------------|
| <b>Meeting Date:</b> | November 10, 2020                                                      |
| <b>Subject:</b>      | River Cove River Access Nuisance – Workshop / Discussion and Direction |
| <b>From:</b>         | Sean Scully, City Manager                                              |

#### **RECOMMENDATION**

It is recommended that the City Council receive the staff report which details the specifics of the nuisance issues within River Cove and possible long-term solutions.

#### **SUMMARY**

Over the summer season of 2020, the City of Riverbank staff and elected officials have been actively engaged in discussions with residents in the River Cove neighborhood regarding a number of nuisance issues related to the increased use of the river access along River Cove Drive. A variety of concerns have been raised by some residents related to increased traffic, litter, destruction of natural habitat, and illegal activities associated with the large numbers of visitors accessing the river in the River Cove area over the summer. These concerns are not a recent development, depending on the river conditions of any given year the nuisance related issues have been a concern for the neighborhood for many years, with discussions on this matter happening for well over a decade. It appears as though the problems within the area increase during hot summers when the river levels are low. When the river levels are low there are a variety of sandy banks available along the river's edge which are attractive to visitors and rafters.

This year, in response to the community concerns, the City of Riverbank allocated significant resources to addressing these issues including; increased law enforcement patrol, private security patrol, surveillance cameras, and increased trash dumping and cleanup. Despite these efforts, reports from the community have indicated that the nuisances continued throughout the summer season. It should be stated that the nuisance issues are not a result of every visitor to the river access area, typically the worse nuisances are the result of a small percentage of visitors who refuse to follow the guidelines for use of the area. Staff have continued to meet and communicate with community members in the River Cove area to discuss alternatives to the measures attempted this summer. The intent of these discussions was to find a long term solution that is achievable, affordable and will help mitigate the longstanding nuisances within the area.

The City has been in communication with the Army Corps of Engineers to discuss what options would and would not be allowed to address these issues at the riverfront (along River Cove Dr). In addition, staff has spoken with other communities along the Stanislaus River to see what other innovative solutions may exist. The following are some generally feasible options that have been developed, the intention of these measures would not be to completely eliminate access at this location permanently, but rather to more closely regulate it so that the massive crowds during peak visiting times do not overwhelm the river access area or the local community.

## **OPTIONS**

1. Fence or similar physical barrier (with lockable gates) along the northern edge of River Cove drive which would allow regulation of entry into the river access area. Essentially a barrier such as this would allow the City to create and manage specific hours of use which would (theoretically) provide more ability to ensure that the rules and regulations using the area are being followed. This is the most expensive option, it is estimated that an appropriate fence with gates would cost approximately \$80,000. There is not a specific identified funding source for this improvement at this time.
2. Create seasonal parking restrictions along River Cove Drive which would limit the duration of parking within this area during times when the river access tends to become overcrowded. It should be noted that staff believes that this solution would very likely have unintended consequences. It would be likely that river goers would simply park further away in order to still access the river at the same location they do today. Staff observed some evidence of this in other communities that have enacted parking restrictions. This could potentially increase parking demand within the more dense residential area within River Cove.
3. The Army Corps has advised that if the City makes a finding that the riparian/natural habitat is being negatively affected due to significant use, the City may choose to close access to all individuals to allow a reasonable time period for the natural area to regrow and be repaired. It is clear based on review of the area that some damage has been created. Some of this damage is related to the normal use and other damage is clearly related to illegal activity (i.e. littering) in this area. Closure of this area could occur for the 2021 summer season which would provide over a year to allow the habitat to regrow and repairs to be made. The City would post and enforce the closure during the 2021 season redirecting anyone who is seeking River access to the Jacob Meyers Park side of the River.

Of the developed options, staff's recommended option would be Option 3. This option provides the City the best opportunity to decrease the large number of visitors to this location while at the same time reminding potential visitors of their ability to access the River across the way at Jacob Meyers Park which is more appropriately designed for River access. Since the highest use timelines for this area are typically during the

summer months it would not be necessary to close the river access area for the entire year due to the fact that off season use of the river access is typically minimal and does not generally generate the same volume of nuisance complaints as it does within the summer.

Property owners of the River Cove neighborhood were notified that the City Council would be discussing this matter this evening. Council may consider the options presented or brainstorm additional solutions. When direction is given staff will return with a formal policy for Council adoption.

### **FINANCIAL IMPACT**

Financial impact of this direction is highly dependent on which option is chosen. The City is already committed to funding enforcement within this area, options 1 and 2 would likely result in increased capital and staff costs for administration/enforcement. Options 3 will also require enforcement but it is unclear how much will be needed depending on compliance with the closure.

## RIVERBANK CITY COUNCIL AGENDA ITEM NO. 6.1

### SECTION 6: NEW BUSINESS

|                        |                                                                                                           |
|------------------------|-----------------------------------------------------------------------------------------------------------|
| <b>Meeting Date:</b>   | November 10, 2020                                                                                         |
| <b>Subject/ Title:</b> | Provide Direction to City Staff Regarding Establishing Contribution Limits for Candidates for City Office |
| <b>From:</b>           | Sean Scully, City Manager                                                                                 |
| <b>Submitted by:</b>   | Tom Hallinan, City Attorney                                                                               |

#### **RECOMMENDATION**

Provide direction to City staff to do one of the following:

- (1) Prepare an ordinance or resolution for the Council's consideration establishing contribution limits for candidates for City office; or
- (2) Do nothing and default to contribution limits for candidates for City office established by state law.

#### **BACKGROUND / SUMMARY**

Candidates running for office in the City of Riverbank ("City") are not subject to contribution limits. In October 2019, the Governor approved Assembly Bill ("AB") 571. AB 571 establishes contribution limits for candidates for City office, effective on January 1, 2021. Under AB 571, candidates for City office will be subject to a four thousand seven hundred-dollar (\$4,700) contribution limit from a single source per election.<sup>1</sup> The Fair Political Practices Commission (the "FPPC") will periodically adjust this limit to account for inflation.<sup>2</sup>

AB 571 establishes default contribution limits. The City can establish contribution limits by ordinance or resolution that differ from the contribution limits established by AB 571. If the City establishes its own contribution limits, candidates for City office will not be subject to the contribution limits established by AB 571. The City must establish contribution limits by January 1, 2021 or default to the contribution limits established by AB 571.

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1 Assem. Bill No. 571 (2019-2020 Reg. Sess.) § 4.); Gov.Code, § 18545.

2 Assem. Bill No. 571 (2019-2020 Reg. Sess.) § 4.); Gov. Code, § 83124.

## **ANALYSIS**

Given the effects of AB 571, City staff seeks direction from the City Council regarding whether the City should establish its own contribution limits. The City Council has two (2) options:

1. **Do Nothing.** If the City Council takes no action, AB 571 will take effect on January 1, 2021 and candidates for City office will be subject to a four thousand seven hundred-dollar (\$4,700) contribution limit.
  - a. By defaulting to AB 571, candidates for City office will also face (2) additional limitations on contributions: (1) AB 571 limits transfers of campaign funds from one controlled committee to another controlled committee of the same candidate; and (2) AB 571 limits loans to a candidate's campaign.
  - b. AB 571, however, provides three (3) exemptions from contribution limits: (1) candidates facing a recall can establish a committee to oppose the recall and can accept contributions in excess of the contribution limits established by AB 571; (2) candidates may accept contributions after an election to pay off debts from the election; and (3) candidates can carry over contributions from one election to pay for expenses for a subsequent election for the same office.
  - c. If the City defaults to the contribution limits established by AB 571, the FPPC will enforce the contribution limits.<sup>3</sup> Violation of those contribution limits will be subject to the penalty provisions of the Political Reform Act.<sup>4</sup> Violations of the contribution limits will be punishable as misdemeanors.<sup>5</sup>
2. **Set Own Contribution Limits.** If the City Council does not wish the City to be subject to AB 571 contribution limits, the City Council can adopt its own contribution limits and can establish limits higher or lower than the FPPC limits. If the City Council decides to go down this route, City staff will prepare an ordinance or resolution for City Council consideration.

By establishing contribution limits, candidates for City office will not be subject to state limitations on contributions. However, the exemptions from the contribution limits described above will not apply. In addition, **the City Council must establish penalties for violations of the contribution limits and bear the cost of the enforcement.**<sup>6</sup> The FPPC will not enforce the City's contribution limits. Penalties for violating the City's contribution limits can include civil penalties, fines, or criminal charges. In establishing

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<sup>3</sup> Gov. Code, §§ 83116, 91001.

<sup>4</sup> Gov. Code, § 91000 et seq.

<sup>5</sup> Gov. Code, § 91000.

<sup>6</sup> Assem. Bill No. 571 (2019-2020 Reg. Sess.) § 19).

contribution limits, the City must ensure that it complies with the First Amendment. Accordingly, the City must ensure that contribution limits are not too low as to prevent candidates for City office from conducting an effective campaign.<sup>7</sup>

## **ALTERNATIVES**

The City Council's options are:

1. Do nothing and accept the contribution limits established by AB 571.
2. Direct City Staff to prepare an ordinance and resolution establishing contribution limits for candidates for City office.

## **ENVIRONMENTAL DETERMINATION**

The California Environmental Quality Act requires environmental review only if a public agency action constitutes a “project.” (Pub. Resources Code, § 21065.) Providing direction to City staff regarding AB 571 is not a “project”, since it does not have the potential to cause a direct or reasonably foreseeable indirect physical change in the environment. (Cal. Code Regs., tit. 14, § 15064, subd. (d).)

## **FINANCIAL IMPACT**

There will be no fiscal impact to the City if the City elects to default to the state’s contribution limits. The City will bear enforcement costs if it establishes different contribution limits.

## **ATTACHMENTS**

AB 571

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<sup>7</sup> *Randall v. Sorrell* (2006) 548 U.S. 230, 249 [establishing factors to consider in determining whether a contribution limit complies with the First Amendment], *Buckley v. Valeo* (1976) 424 U.S. 1, 21; *California Prolife Council Political Action Committee v. Scully* (E.D. Cal. 1998) 989 F.Supp. 1282, 1298, aff’d (9th Cir. 1999) 164 F.3d 1189 [noting that contribution limits are reviewed based on facts pertinent to the jurisdiction such as size, cost of media, staff support and news media coverage].

## **Assembly Bill No. 571**

### **CHAPTER 556**

An act to amend and repeal Sections 10003 and 10202 of the Elections Code, and to amend Section 85301 of, to amend, repeal, and add Sections 85305, 85306, 85307, 85315, 85316, 85317, and 85318 of, and to add Section 85702.5 to, the Government Code, relating to the Political Reform Act of 1974.

[Approved by Governor October 8, 2019. Filed with Secretary  
of State October 8, 2019.]

#### **LEGISLATIVE COUNSEL'S DIGEST**

AB 571, Mullin. Political Reform Act of 1974: contribution limits.

The Political Reform Act of 1974 prohibits a person, other than a small contributor committee or political party committee, from making to a candidate for elective state office, for statewide elective office, or for the office of Governor, and prohibits those candidates from accepting from a person, a contribution totaling more than a specified amount per election. For a candidate for elective state office other than a candidate for statewide elective office, the limitation on contributions is \$3,000 per election, as that amount is adjusted by the Fair Political Practices Commission in January of every odd-numbered year.

Existing law authorizes a county, city, or district to limit campaign contributions in local elections. Existing law authorizes the governing board of a school district or of a community college district to limit campaign expenditures or contributions in elections to district offices. The act specifies that it does not prevent the Legislature or any other state or local agency from imposing additional requirements on a person if the requirements do not prevent the person from complying with the act, and that the act does not nullify contribution limitations or prohibitions by any local jurisdiction that apply to elections for local elective office, as specified.

This bill, commencing January 1, 2021, instead would prohibit a person from making to a candidate for elective county or city office, and would prohibit a candidate for elective county or city office from accepting from a person, a contribution totaling more than the amount set forth in the act for limitations on contributions to a candidate for elective state office. This bill would also authorize a county or city to impose a limitation that is different from the limitation imposed by this bill. This bill would make specified provisions of the act relating to contribution limitations applicable to a candidate for a elective county or city office, except as specified.

The act makes a violation of its provisions punishable as a misdemeanor and subject to specified penalties.

This bill would add the contribution limitation imposed by the bill to the act's provisions, thereby making a violation of the limitation punishable as a misdemeanor and subject to specified penalties. However, the bill would specify that a violation of a limitation imposed by a local government is not subject to the act's enforcement provisions. The bill would authorize a local government that imposes a limitation that is different from the limitation imposed by this bill to adopt enforcement standards for a violation of the limitation imposed by the local government agency, including administrative, civil, or criminal penalties. By expanding the scope of an existing crime with regard to a violation of a contribution limitation imposed by the bill, the bill 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 Political Reform Act of 1974, an initiative measure, provides that the Legislature may amend the act to further the act's purposes upon a  $\frac{2}{3}$  vote of each house of the Legislature and compliance with specified procedural requirements.

This bill would declare that it furthers the purposes of the act.

*The people of the State of California do enact as follows:*

SECTION 1. The Legislature finds and declares all of the following:

(a) Most states impose limitations on contributions to candidates for elective county and city offices. California is among the minority of states without these contribution limitations.

(b) Most counties and cities in this state have not independently imposed limitations on contributions to candidates for elective offices in those jurisdictions.

(c) In counties and cities in this state that have not imposed limitations on contributions, candidates for elective offices in those jurisdictions often receive contributions that would exceed the limitations for a state Senate campaign, even though most counties and cities contain far fewer people than the average state Senate district.

(d) In counties and cities in this state that have not imposed limitations on contributions, candidates for elective office in those jurisdictions sometimes raise 40 percent or more of their total campaign funds from a single contributor.

(e) A system allowing unlimited contributions to a candidate for elective county or city office creates the risk and the perception that elected officials in those jurisdictions are beholden to their contributors and will act in the best interest of those contributors at the expense of the people.

(f) This state has a statewide interest in preventing actual corruption and the appearance of corruption at all levels of government.

(g) This act establishes a limitation on contributions to a candidate for elective office in a city or county in which the local government has not established a limitation. However, a local government may establish a different limitation that is more precisely tailored to the needs of its communities.

SEC. 2. Section 10003 of the Elections Code is amended to read:

10003. (a) A county may by ordinance or resolution limit campaign contributions in county elections.

(b) This section shall remain in effect only until January 1, 2021, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2021, deletes or extends that date.

SEC. 3. Section 10202 of the Elections Code is amended to read:

10202. (a) A city may, by ordinance or resolution, limit campaign contributions in municipal elections.

(b) This section shall remain in effect only until January 1, 2021, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2021, deletes or extends that date.

SEC. 4. Section 85301 of the Government Code is amended to read:

85301. (a) A person, other than a small contributor committee or political party committee, shall not make to a candidate for elective state office other than a candidate for statewide elective office, and a candidate for elective state office other than a candidate for statewide elective office shall not accept from a person, a contribution totaling more than three thousand dollars (\$3,000) per election.

(b) Except to a candidate for Governor, a person, other than a small contributor committee or political party committee, shall not make to a candidate for statewide elective office, and except a candidate for Governor, a candidate for statewide elective office shall not accept from a person other than a small contributor committee or a political party committee, a contribution totaling more than five thousand dollars (\$5,000) per election.

(c) A person, other than a small contributor committee or political party committee, shall not make to a candidate for Governor, and a candidate for Governor shall not accept from any person other than a small contributor committee or political party committee, a contribution totaling more than twenty thousand dollars (\$20,000) per election.

(d) (1) A person shall not make to a candidate for elective county or city office, and a candidate for elective county or city office shall not accept from a person, a contribution totaling more than the amount set forth in subdivision (a) per election, as that amount is adjusted by the Commission pursuant to Section 83124. This subdivision does not apply in a jurisdiction in which the county or city imposes a limit on contributions pursuant to Section 85702.5.

(2) This subdivision shall become operative on January 1, 2021.

(e) The provisions of this section do not apply to a candidate's contributions of the candidate's personal funds to the candidate's own campaign.

SEC. 5. Section 85305 of the Government Code is amended to read:

85305. (a) A candidate for elective state office or committee controlled by that candidate shall not make any contribution to any other candidate for elective state office in excess of the limits set forth in subdivision (a) of Section 85301.

(b) This section shall remain in effect only until January 1, 2021, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2021, deletes or extends that date.

SEC. 6. Section 85305 is added to the Government Code, to read:

85305. (a) A candidate for elective state, county, or city office or committee controlled by that candidate shall not make a contribution to any other candidate for elective state, county, or city office in excess of the limits set forth in subdivision (a) of Section 85301. This section does not apply in a jurisdiction in which the county or city imposes a limit on contributions pursuant to Section 85702.5.

(b) This section shall become operative on January 1, 2021.

SEC. 7. Section 85306 of the Government Code is amended to read:

85306. (a) A candidate may transfer campaign funds from one controlled committee to a controlled committee for elective state office of the same candidate. Contributions transferred shall be attributed to specific contributors using a “last in, first out” or “first in, first out” accounting method, and these attributed contributions when aggregated with all other contributions from the same contributor may not exceed the limits set forth in Section 85301 or 85302.

(b) Notwithstanding subdivision (a), a candidate for elective state office, other than a candidate for statewide elective office, who possesses campaign funds on January 1, 2001, may use those funds to seek elective office without attributing the funds to specific contributors.

(c) Notwithstanding subdivision (a), a candidate for statewide elective office who possesses campaign funds on November 6, 2002, may use those funds to seek elective office without attributing the funds to specific contributors.

(d) This section shall remain in effect only until January 1, 2021, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2021, deletes or extends that date.

SEC. 8. Section 85306 is added to the Government Code, to read:

85306. (a) A candidate may transfer campaign funds from one controlled committee to a controlled committee for elective state, county, or city office of the same candidate. Contributions transferred shall be attributed to specific contributors using a “last in, first out” or “first in, first out” accounting method, and these attributed contributions when aggregated with all other contributions from the same contributor shall not exceed the limits set forth in Section 85301 or 85302.

(b) Notwithstanding subdivision (a), a candidate for elective state office, other than a candidate for statewide elective office, who possesses campaign funds on January 1, 2001, may use those funds to seek elective office without attributing the funds to specific contributors.

(c) Notwithstanding subdivision (a), a candidate for statewide elective office who possesses campaign funds on November 6, 2002, may use those funds to seek elective office without attributing the funds to specific contributors.

(d) This section does not apply in a jurisdiction in which the county or city imposes a limit on contributions pursuant to Section 85702.5.

(e) This section shall become operative on January 1, 2021.

SEC. 9. Section 85307 of the Government Code is amended to read:

85307. (a) The provisions of this article regarding loans apply to extensions of credit, but do not apply to loans made to a candidate by a commercial lending institution in the lender's regular course of business on terms available to members of the general public for which the candidate is personally liable.

(b) Notwithstanding subdivision (a), a candidate for elective state office shall not personally loan to the candidate's campaign, including the proceeds of a loan obtained by the candidate from a commercial lending institution, an amount, the outstanding balance of which exceeds one hundred thousand dollars (\$100,000). A candidate shall not charge interest on any loan the candidate made to the candidate's campaign.

(c) This section shall remain in effect only until January 1, 2021, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2021, deletes or extends that date.

SEC. 10. Section 85307 is added to the Government Code, to read:

85307. (a) The provisions of this article regarding loans apply to extensions of credit, but do not apply to loans made to a candidate by a commercial lending institution in the lender's regular course of business on terms available to members of the general public for which the candidate is personally liable.

(b) Notwithstanding subdivision (a), a candidate for elective state, county, or city office shall not personally loan to the candidate's campaign, including the proceeds of a loan obtained by the candidate from a commercial lending institution, an amount, the outstanding balance of which exceeds one hundred thousand dollars (\$100,000). A candidate shall not charge interest on any loan the candidate made to the candidate's campaign. This subdivision does not apply to a jurisdiction in which the county or city imposes a limit on contributions pursuant to Section 85702.5.

(c) This section shall become operative on January 1, 2021.

SEC. 11. Section 85315 of the Government Code is amended to read:

85315. (a) Notwithstanding any other provision of this chapter, an elected state officer may establish a committee to oppose the qualification of a recall measure, and the recall election. This committee may be established when the elected state officer receives a notice of intent to recall pursuant to Section 11021 of the Elections Code. An elected state officer may accept campaign contributions to oppose the qualification of a recall measure, and if qualification is successful, the recall election, without regard to the campaign contributions limits set forth in this chapter. The voluntary

expenditure limits do not apply to expenditures made to oppose the qualification of a recall measure or to oppose the recall election.

(b) After the failure of a recall petition or after the recall election, the committee formed by the elected state officer shall wind down its activities and dissolve. Any remaining funds shall be treated as surplus funds and shall be expended within 30 days after the failure of the recall petition or after the recall election for a purpose specified in subdivision (b) of Section 89519.

(c) This section shall remain in effect only until January 1, 2021, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2021, deletes or extends that date.

SEC. 12. Section 85315 is added to the Government Code, to read:

85315. (a) Notwithstanding any other provision of this chapter, an elected state, county, or city officer may establish a committee to oppose the qualification of a recall measure, and the recall election. This committee may be established when the elected state, county, or city officer receives a notice of intent to recall pursuant to Section 11021 of the Elections Code. An elected state, county, or city officer may accept campaign contributions to oppose the qualification of a recall measure, and if qualification is successful, the recall election, without regard to the campaign contribution limits set forth in this chapter. The voluntary expenditure limits do not apply to expenditures made to oppose the qualification of a recall measure or to oppose the recall election.

(b) After the failure of a recall petition or after the recall election, the committee formed by the elected state, county, or city officer shall wind down its activities and dissolve. Any remaining funds shall be treated as surplus funds and shall be expended within 30 days after the failure of the recall petition or after the recall election for a purpose specified in subdivision (b) of Section 89519.

(c) This section does not apply in a jurisdiction in which the county or city imposes a limit on contributions pursuant to Section 85702.5.

(d) This section shall become operative on January 1, 2021.

SEC. 13. Section 85316 of the Government Code is amended to read:

85316. (a) Except as provided in subdivision (b), a contribution for an election may be accepted by a candidate for elective state office after the date of the election only to the extent that the contribution does not exceed net debts outstanding from the election, and the contribution does not otherwise exceed the applicable contribution limit for that election.

(b) Notwithstanding subdivision (a), an elected state officer may accept contributions after the date of the election for the purpose of paying expenses associated with holding the office provided that the contributions are not expended for any contribution to any state or local committee. Contributions received pursuant to this subdivision shall be deposited into a bank account established solely for the purposes specified in this subdivision.

(1) A person shall not make, and an elected state officer shall not receive from a person, a contribution pursuant to this subdivision totaling more than the following amounts per calendar year:

(A) Three thousand dollars (\$3,000) in the case of an elected state officer of the Assembly or Senate.

(B) Five thousand dollars (\$5,000) in the case of a statewide elected state officer other than the Governor.

(C) Twenty thousand dollars (\$20,000) in the case of the Governor.

(2) An elected state officer shall not receive contributions pursuant to paragraph (1) that, in the aggregate, total more than the following amounts per calendar year:

(A) Fifty thousand dollars (\$50,000) in the case of an elected state officer of the Assembly or Senate.

(B) One hundred thousand dollars (\$100,000) in the case of a statewide elected state officer other than the Governor.

(C) Two hundred thousand dollars (\$200,000) in the case of the Governor.

(3) Any contribution received pursuant to this subdivision shall be deemed to be a contribution to that candidate for election to any state office that the candidate may seek during the term of office to which the candidate is currently elected, including, but not limited to, reelection to the office the candidate currently holds, and shall be subject to any applicable contribution limit provided in this title. If a contribution received pursuant to this subdivision exceeds the allowable contribution limit for the office sought, the candidate shall return the amount exceeding the limit to the contributor on a basis to be determined by the Commission. None of the expenditures made by elected state officers pursuant to this subdivision shall be subject to the voluntary expenditure limitations in Section 85400.

(4) The Commission shall adjust the calendar year contribution limitations and aggregate contribution limitations set forth in this subdivision in January of every odd-numbered year to reflect any increase or decrease in the Consumer Price Index. Those adjustments shall be rounded to the nearest one hundred dollars (\$100).

(c) This section shall remain in effect only until January 1, 2021, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2021, deletes or extends that date.

SEC. 14. Section 85316 is added to the Government Code, to read:

85316. (a) Except as provided in subdivision (b), a contribution for an election may be accepted by a candidate for elective state, county, or city office after the date of the election only to the extent that the contribution does not exceed net debts outstanding from the election, and the contribution does not otherwise exceed the applicable contribution limit for that election.

(b) Notwithstanding subdivision (a), an elected state officer may accept contributions after the date of the election for the purpose of paying expenses associated with holding the office provided that the contributions are not expended for any contribution to any state or local committee. Contributions received pursuant to this subdivision shall be deposited into a bank account established solely for the purposes specified in this subdivision.

(1) A person shall not make, and an elected state officer shall not receive from a person, a contribution pursuant to this subdivision totaling more than the following amounts per calendar year:

(A) Three thousand dollars (\$3,000) in the case of an elected state officer of the Assembly or Senate.

(B) Five thousand dollars (\$5,000) in the case of a statewide elected state officer other than the Governor.

(C) Twenty thousand dollars (\$20,000) in the case of the Governor.

(2) An elected state officer shall not receive contributions pursuant to paragraph (1) that, in the aggregate, total more than the following amounts per calendar year:

(A) Fifty thousand dollars (\$50,000) in the case of an elected state officer of the Assembly or Senate.

(B) One hundred thousand dollars (\$100,000) in the case of a statewide elected state officer other than the Governor.

(C) Two hundred thousand dollars (\$200,000) in the case of the Governor.

(3) Any contribution received pursuant to this subdivision shall be deemed to be a contribution to that candidate for election to any state office that the candidate may seek during the term of office to which the candidate is currently elected, including, but not limited to, reelection to the office the candidate currently holds, and shall be subject to any applicable contribution limit provided in this title. If a contribution received pursuant to this subdivision exceeds the allowable contribution limit for the office sought, the candidate shall return the amount exceeding the limit to the contributor on a basis to be determined by the Commission. The expenditures made by elected state officers pursuant to this subdivision shall not be subject to the voluntary expenditure limitations in Section 85400.

(4) The Commission shall adjust the calendar year contribution limitations and aggregate contribution limitations set forth in this subdivision in January of every odd-numbered year to reflect any increase or decrease in the Consumer Price Index. Those adjustments shall be rounded to the nearest one hundred dollars (\$100).

(c) This section does not apply in a jurisdiction in which the county or city imposes a limit on contributions pursuant to Section 85702.5.

(d) This section shall become operative on January 1, 2021.

SEC. 15. Section 85317 of the Government Code is amended to read:

85317. (a) Notwithstanding subdivision (a) of Section 85306, a candidate for elective state office may carry over contributions raised in connection with one election for elective state office to pay campaign expenditures incurred in connection with a subsequent election for the same elective state office.

(b) This section shall remain in effect only until January 1, 2021, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2021, deletes or extends that date.

SEC. 16. Section 85317 is added to the Government Code, to read:

85317. (a) Notwithstanding subdivision (a) of Section 85306, a candidate for elective state, county, or city office may carry over contributions raised in connection with one election for elective state, county, or city office to pay campaign expenditures incurred in connection with a subsequent election for the same elective state, county, or city office. This section does not apply

in a jurisdiction in which the county or city imposes a limit on contributions pursuant to Section 85702.5.

(b) This section shall become operative on January 1, 2021.

SEC. 17. Section 85318 of the Government Code is amended to read:

85318. (a) A candidate for elective state office may raise contributions for a general election before the primary election, and for a special general election before a special primary election, for the same elective state office if the candidate sets aside these contributions and uses these contributions for the general election or special general election. If the candidate for elective state office is defeated in the primary election or special primary election, or otherwise withdraws from the general election or special general election, the general election or special general election funds shall be refunded to the contributors on a pro rata basis less any expenses associated with the raising and administration of general election or special general election contributions. Notwithstanding Section 85201, candidates for elective state office may establish separate campaign contribution accounts for the primary and general elections or special primary and special general elections.

(b) This section shall remain in effect only until January 1, 2021, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2021, deletes or extends that date.

SEC. 18. Section 85318 is added to the Government Code, to read:

85318. (a) A candidate for elective state, county, or city office may raise contributions for a general election before the primary election, and for a special general election before a special primary election, for the same elective state, county, or city office if the candidate sets aside these contributions and uses these contributions for the general election or special general election. If the candidate for elective state, county, or city office is defeated in the primary election or special primary election, or otherwise withdraws from the general election or special general election, the general election or special general election funds shall be refunded to the contributors on a pro rata basis less any expenses associated with the raising and administration of general election or special general election contributions. Notwithstanding Section 85201, candidates for elective state, county, or city office may establish separate campaign contribution accounts for the primary and general elections or special primary and special general elections.

(b) This section does not apply in a jurisdiction in which the county or city imposes a limit on contributions pursuant to Section 85702.5.

(c) This section shall become operative on January 1, 2021.

SEC. 19. Section 85702.5 is added to the Government Code, to read:

85702.5. (a) A county or city may, by ordinance or resolution, impose a limit on contributions to a candidate for elective county or city office that is different from the limit set forth in subdivision (d) of Section 85301. The limitation may also be imposed by means of a county or city initiative measure.

(b) A county or city that establishes a contribution limit pursuant to subdivision (a) may adopt enforcement standards for a violation of that limit, which may include administrative, civil, or criminal penalties.

(c) The Commission is not responsible for the administration or enforcement of a contribution limit adopted pursuant to subdivision (a).

(d) This section shall become operative on January 1, 2021. A county or city's limit on contributions to a candidate for elective county or city office that is in effect on the operative date of this section shall be deemed to be a limit imposed pursuant to subdivision (a).

SEC. 20. 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.

SEC. 21. The Legislature finds and declares that this bill furthers the purposes of the Political Reform Act of 1974 within the meaning of subdivision (a) of Section 81012 of the Government Code.

## RIVERBANK CITY COUNCIL AGENDA ITEM NO. 6.2

### SECTION 6: NEW BUSINESS

|                      |                                                                                           |
|----------------------|-------------------------------------------------------------------------------------------|
| <b>Meeting Date:</b> | November 10, 2020                                                                         |
| <b>Subject:</b>      | <b>Resolution</b> Authorizing the Amendment of the Public Benefit Fund Expenditure Policy |
| <b>From:</b>         | Sean Scully, City Manager                                                                 |
| <b>Submitted by:</b> | Marisela H. Garcia, Assistant City Manager/Admin. Services Director                       |

#### **RECOMMENDATION**

It is recommended that the City Council adopt a Resolution amending the Public Benefit Fund Expenditure Policy.

#### **SUMMARY**

This item was discussed at the October 13, 2020 City Council meeting. Based on feedback received from the City Council, staff is presenting amendments to the Public Benefit Fund Expenditure Policy.

#### **BACKGROUND**

On August 22, 2017, the City Council adopted Ordinance No. 2017-007 to revise the Riverbank Municipal Code to establish a Cannabis Business Pilot Program to regulate all Cannabis businesses within the City. Prior to the adoption of this ordinance, the City Council held multiple public hearings regarding the various types of cannabis-related businesses (i.e. manufacturing, distribution, dispensaries, etc.).

Since that time a number of successful cannabis related businesses have chosen to make Riverbank their home. These include dispensaries and a distribution facility. Additionally (if approved), the former cannery site will be a large scale industrial cannabis cultivation, manufacturing and distribution operation. Each of these businesses have development agreements which lay out the terms of operation as well as the specific amount of public benefit fees to be paid to the City.

In June of 2018 the City Council adopted Resolution 2018-039, which set forth an expenditure policy that details specifically how public benefit revenues could be spent. The approved policy prioritized the following expenditure types:

1. Public Safety – i.e. Additional Deputy Sheriff's or enhancements to our Law Enforcement Contract.
2. Code Enforcement – i.e. Additional Code Enforcement Officers to monitor the activities under the Administrative Cultivation Permits.
3. Service Enhancements – i.e. Provide grant opportunities to our residents for Recreation Programs.
4. Offsets to other city departments for the administration of the fund (i.e. Finance).

Thus far, the fund has committed to funding two additional deputy positions (including the upcoming community resource officer position), a part time code enforcement position, the citywide security camera system, additional infrastructure improvement for public safety, and minor offsets to the Finance Department for processing payments and accounting of the public benefit fund.

### **PROPOSED AMENDMENTS**

At the October 13, 2020 Council Meeting the City Council provided direction regarding interest in expanding the policy. Based on that feedback, staff is recommending the following two amendments (additions) to the current Policy:

1. One-time strategic capital expenditures in support of public safety & public services (i.e. reducing homelessness in our city) or Recreation (i.e. provide enhanced service options and activities); and
2. New expenditures that exceed \$25,000 are **only** authorized with Council approval on a project by project basis (this would ensure that Council is making an informed decision with regard to the Public Benefit fund balance and future anticipated expenditures within that account).

### **FINANCIAL IMPACT**

Expansion of the policy may reduce the fund balance of the Public Benefit Fee, however new cannabis related businesses will likely increase the overall fund balance in the Public Benefit fund in future years.

### **ATTACHMENTS**

1. Resolution

## CITY OF RIVERBANK

### RESOLUTION

#### A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVERBANK, CALIFORNIA, AUTHORIZING THE AMENDMENT OF THE PUBLIC BENEFIT FUND EXPENDITURE POLICY

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**WHEREAS,** On August 22, 2017 the City Council adopted Ordinance No. 2017-007 which established a Cannabis Business Pilot Program; and

**WHEREAS,** The City Council has approved Development Agreements with various parties to operate cannabis-type businesses within the city limits; and

**WHEREAS,** The Development Agreements established a Public Benefit Fee to be remitted by the cannabis dispensaries to the City of Riverbank; and

**WHEREAS,** The City Council created the Public Benefit Fund to account for all current and future cannabis-related revenue including, but not limited to, Public Benefit Fee, Non-Performance Penalties, Interest, & Fines, Administrative Cultivation Permit Fees, any other cannabis related fees, fines & penalties; and

**WHEREAS,** The City Council adopted Resolution 2018-039 that established an expenditure policy for the Public Benefit Fund; and

**WHEREAS,** The City Council desires to amend the original expenditure policy to allow for additional expenditure types in support of services to Riverbank.

**NOW, THEREFORE, BE IT RESOLVED** that the City Council of the City of Riverbank hereby authorizes the amendment of the Public Benefit Fund Expenditure Policy to prioritize the expenditures from this fund as follows:

1. Public Safety – i.e. Additional Deputy Sheriff's or enhancements to our Law Enforcement Contract.
2. Code Enforcement – i.e. Additional Code Enforcement Officers to monitor the activities under the Administrative Cultivation Permits.
3. Service Enhancements – i.e. Provide grant opportunities to our residents for Recreation Programs.
4. Offsets to other city departments for the administration of the fund (i.e. Finance).
5. One-time strategic capital expenditures in support of public safety and public services (i.e. reducing homelessness in our city) or Recreation (i.e. to provide enhanced service options and activities).
6. New expenditures that exceed \$25,000 are **only** authorized with Council approval on a project by project basis.

**PASSED AND ADOPTED** by the City Council of the City of Riverbank at a regular meeting held on the 10<sup>th</sup> day of November, 2020; motioned by Councilmember , seconded by Councilmember , and upon roll call was carried by the following City Council vote of :

**AYES:**

**NAYS:**

**ABSENT:**

**ABSTAINED:**

**ATTEST:**

**APPROVED:**

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**Annabelle H. Aguilar, CMC**  
City Clerk

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**Richard D. O'Brien**  
Mayor