

CITY COUNCIL / LRA BOARD

Mayor/Chair

Richard D. O'Brien

Vice Mayor/Chair (CM-D3) Cal Campbell

Council/Authority Members:

District 1 Luis Uribe

District 2 Rachel Hernandez

District 4 Darlene Barber-Martinez



City of Riverbank
Regular City Council and
Local Redevelopment Authority
Board Hybrid Meetings
(In-Person: Face Covering Required)
(Virtual via ZOOM)

Council Chambers, 6707 Third St., Suite B
Riverbank, CA 95367



REVISED

AGENDA

TUESDAY, JANUARY 25, 2022– 6:00 P.M.

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

NOTICE: THIS MEETING WILL BE HELD IN ACCORDANCE WITH CALIFORNIA GOVERNMENT CODE SECTION 59453, SUBDIVISION (e) OF THE RALPH M. BROWN ACT (CALIFORNIA GC § 54950, ET SEQ.), THE FEDERAL AMERICANS WITH DISABILITIES ACT AND THE RECENT STANISLAUS COUNTY HEALTH OFFICER'S MANDATORY FACE COVERING ORDER (Sept.2, 2021). WHILE THIS MEETING WILL BE PHYSICALLY OPEN TO THE PUBLIC, GIVEN THE STATE OF EMERGENCY REGARDING THE THREAT OF COVID-19, MEMBERS OF THE PUBLIC MAY ALSO PARTICIPATE AND COMMENT VIA THE ZOOM VIRTUAL PLATFORM. REFER TO THE LAST PAGE OF THE AGENDA FOR PARTICIPATION INFORMATION.

1. CALL TO ORDER

2. FLAG SALUTE

3. ROLL CALL

4. INVOCATION

5. AGENDA CHANGES

6. 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.*

7. 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)** and time cannot be yielded to another person. 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 via ZOOM.

8. PRESENTATIONS (Informational only)

Item 8.1 Presentation to Annabelle Aguilar, City Clerk/Elections Official in Appreciation of Her Services to the City of Riverbank.

9. 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 9.1 Waive Readings. All Readings of ordinances and resolutions, except by title, are waived.

- Item 9.2** Acceptance of the Topeka Street Improvements between 3rd and 5th Streets Construction Project Completed by George Reed, Inc. and Authorization to File a Notice of Completion.
- Item 9.3** Consideration of a **Resolution** Authorizing the City to Implement Teleconferenced Public Meetings Pursuant to Assembly Bill 361 Allowing the City to Continue a Hybrid Virtual Meeting Environment
- Item 9.4** **Resolution** Authorizing the Interim City Manager to Execute New Signature Cards & Facsimile Signatures with WestAmerica Bank and Bank of America
- Item 9.5** A **Resolution** Adopting a Formal Financial Policy and Procedure for Returned Checks
- Item 9.6** **Resolution** Authorizing the Addition of the Public Works Superintendent Job Classification to the Public Works Organizational Chart and Allocating up to \$9,100 in Additional Funds for a Potential Promotion for Fiscal Year 2021-22.

10. UNFINISHED BUSINESS

- Item 10.1** **Resolution Rescinding Resolution No. 2021-116 and Authorizing the Application and Adopting the PLHA Plan for the Permanent Local Housing Allocation Program** – It is recommended that the City Council consider adopting a Resolution that will rescind Resolution 2021-116 and authorize the City to submit an application and adopt the amended PLHA Plan for the Permanent Local Housing Allocation Program.

11. NEW BUSINESS

- Item 11.1** **A Resolution Authorizing the City of Riverbank to Jointly Apply for the Homekey Program Funds Not to Exceed \$3,200,000 with Central Valley Community Resources, Inc. and for the City Manager to Execute a Standard Agreement and Any Necessary Related Documents to Jointly Participate in the Homekey Program** – It is recommended that the City Council consider adoption of a Resolution which will allow the submittal of a joint application between the City of Riverbank and Central Valley Community Resources, Inc. for the State of California Homekey Program.
- Item 11.2** **A Resolution to Enter into a Municipal Advisory Agreement with McLiney and Company (A Division of SAMCO Capital) for the Issuance of Debt or Lease Obligations Related to the Riverbank Efficiency Project with SitelogIQ and to Authorize the Interim City Manager to Execute Said Agreement** – It is recommended that the City Council adopt the proposed resolution to provide authorization to the Interim City Manager

to enter into a Municipal Advisory Agreement with McLiney and Company for the issuance of debt or lease obligations related to the Riverbank Energy Efficiency Project with SitelogIQ.

Item 11.3 **Adjustments to 2022 City Council Meeting Schedule** – It is recommended that the City Council by roll call vote:

- 1) Cancel the meetings of July 12, August 9, November 22, and December 27, for a modified summer schedule and to minimize conflicts with Holiday activities.

Item 11.4 **Annual Consideration of City Council Appointments to Intergovernmental Boards and Committees and Appointments to Internal City Committees for the Year 2022** – It is recommended that the City Council:

- 1) Review the appointment lists; and
- 2) Consider the rotation of appointments by volunteer or nomination of a Member of the Council to serve as the representative; and
- 3) By roll call vote, ratify the appointments for the year 2022.

Added

Item 11.5 **Resolution Appointing Kathy Teixeira as Interim City Clerk Pursuant to California Government Code Section 21221(h)** – It is recommended that the City Council consider approving a resolution appointing Mrs. Kathy Teixeira as Interim City Clerk.

12. 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/LRA Board during this time.

Item 12.1 Staff

Item 12.2 Council/Authority Member

Item 12.3 Mayor/Chair

13. 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 13.1 **CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION**
(Pursuant to Government Code § 54956.9(b))
Number of cases: 1 potential case

Item 13.2 **CONFERENCE WITH LABOR NEGOTIATORS**
(Pursuant to Government Code § 54957.6)
Agency representative: Interim City Manager Marisela Garcia
Employee organizations: Riverbank Miscellaneous Employees
Riverbank Mid-Management Bargaining Unit

14. RECONVENE – REPORT FROM CLOSED SESSION

Report on Item 13.1 - CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION: 1 potential case

Report on Item 13.2 - CONFERENCE WITH LABOR NEGOTIATORS

15. ADJOURNMENT

- The next regular City Council meeting will be on February 8th at 6 pm.

AFFIDAVIT OF POSTING

I hereby certify under penalty of perjury, under the laws of the State of California that the foregoing *Revised* agenda was posted at the meeting location, on the North City Hall public exterior bulletin board, and the City's website 72 hours prior to the meeting in accordance to the California Ralph M. Brown Act.

Posted this 21st day of January, 2022

/s/ Annabelle H. Aguilar, CMC, City Clerk of the 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 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.



**TELECONFERENCE/VIRTUAL PLATFORM PUBLIC PARTICIPATION COMMENT
PROCEDURES FOR THE HYBRID CITY COUNCIL MEETING HELD IN
CONFORMANCE WITH THE BROWN ACT AS AMENDED BY SB 361**

PUBLIC “LIVE” VIEWING

- Government Channels: Charter– 2 and AT&T U-VERSE – 99
- YouTube Live – is no longer available due to technical difficulties, which is being worked on.
- Via ZOOM Platform (See instructions below)

SUBMITTING PUBLIC COMMENTS FOR THE RECORD

Written comments must be received before 4:00 p.m. on the date of the meeting in order for them to be distributed to the Council prior to consideration of the matter. Written comments will not be read aloud at the meeting, but will be reported as received for the record. If you do not receive an acknowledgement of receipt within an hour of submission or by 5:00 pm, please call the City Clerk’s Office at (209) 863-7198 or the Administration Dept. at (209) 863-7122.

ACCEPTABLE METHODS OF SUBMITTING COMMENTS BEFORE THE 4:00 PM DEADLINE

- **Via Mail Service:** Mail comments to City of Riverbank, Attn. City Clerk, 6707 Third Street, Suite A, Riverbank, CA 95367. (Call 209-863-7198 / 209-863-7122 to ensure they were received.)
- **Via Email:** Mail to cityclerk@riverbank.org (Note: This technology is not a guaranteed method.)
 - Indicate Agenda Item # in the **subject line**. (Call 209-863-7198 /209-863-7122 to ensure receipt)
- **Oral Comments In-Person:** The Mayor will ask the audience if anyone wishes to comment, at that time you may approach the podium. (A Spanish language interpreter is available for assistance.)
- **Oral Comments Via Zoom:** The Mayor will announce when public comments may be made for a limit of 3 minutes on the agenda item being considered, at which time you will:
(please make sure the volume on your video device or any nearby device is turned down.)
 - **Using a computer** – click on the “raise hand” feature in the webinar controls. This will alert staff that you wish to speak, and you will be unmuted.
 - **Using a Phone** – press *9 to “raise the hand”. This will alert staff that you wish to speak, and you will be unmuted.

Teleconference Phone Number (This system is a backup for ZOOM technical difficulties only when providing oral comments.) If there are technical difficulties or disconnection with ZOOM while making oral comments, please immediately call the teleconference phone number (209) 863-7151 so that Council may receive your comments. Council will be waiting for your call. Thank you

JOIN THE MEETING VIA ZOOM PLATFORM

- Join by this link: <https://us02web.zoom.us/j/88233760610>
- Join by accessing website: <https://zoom.us/join>, enter **Webinar ID: 882 3376 0610**
- Join by telephone: **1 669 900 9128 or 1 346 248 7799, plus Webinar ID**

Learn about using ZOOM - Visit <https://zoom.us/j/94943925973?status=success> for a free account or to download the app.

RIVERBANK CITY COUNCIL AGENDA ITEM NO. 8.1

SECTION 8: PRESENTATIONS

Meeting Date:	January 25, 2022
Subject:	Presentation to Annabelle Aguilar, City Clerk/Elections Official in Appreciation of Her Services to the City of Riverbank
From:	Marisela H. Garcia, Interim City Manager

RECOMMENDATION

It is recommended that the City Council conduct a presentation in honor of City Clerk/Elections Official, Annabelle Aguilar in appreciation for her years of service to the City of Riverbank.

SUMMARY

On December 21, 2021 Mrs. Aguilar provided her Letter of Resignation to the City Manager to be effective February 1, 2022. Tonight, the City Council will conduct a presentation to show their appreciation to Annabelle for the years of service she has provided to the City Council and the Riverbank Community.

BACKGROUND

Annabelle first began her tenure with the City on November 2, 2006 as an Administrative Intern in our Public Works Department. She quickly became a valuable member of the City of Riverbank team and in March of 2007 she was promoted to the Deputy City Clerk position. In 2012, Annabelle was once again promoted to the City Clerk/Elections Official position.

During her time with the City, Annabelle initiated multiple municipal code updates, led the City in implementing by-district elections, successfully organized and managed a Special Election in 2013 to fill a Council vacancy. Annabelle will be sorely missed and we wish her well in her future endeavors.

FINANCIAL IMPACT

None.

ATTACHMENT

There are no attachments to this item.

RIVERBANK CITY COUNCIL / LRA AGENDA ITEM NO. 9.1

SECTION 9: CONSENT CALENDAR

Meeting Date:	January 25, 2022
Subject:	Waiver of Readings
From:	Marisela H. Garcia, Interim City Manager
Submitted by:	Annabelle H. Aguilar, City Clerk/LRA Secretary

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 AGENDA ITEM NO. 9.2

SECTION 9: CONSENT CALENDAR

Meeting Date:	January 25, 2022
Subject:	Acceptance of the Topeka Street Improvements between 3 rd and 5 th Streets Construction Project Completed by George Reed, Inc. and Authorization to File a Notice of Completion
From:	Marisela H. Garcia, Interim City Manager
Submitted by:	Kathleen Cleek, Development Services Administration Manager Laura Graybill, Project Coordinator

RECOMMENDATION:

It is recommended that the City Council accept the completion of the Topeka Street Improvements between 3rd and 5th Streets Project and authorize staff to file a Notice of Completion.

SUMMARY:

George Reed, Inc. completed the construction of the Topeka Street Improvements between 3rd and 5th Streets Project. William Kull, City Engineer and City staff have completed a final inspection and determined that construction has been completed per the plans and specifications.

The contract was awarded on July 27, 2021 to George Reed, Inc. in the amount of \$440,970.00. Three contract change orders were issued for this project in the amount of \$246,712.42. On November 3, 2021 at a Special City Council Meeting a Resolution to Address an Emergency Situation and to Approve the Appropriation of Additional Funds to the Topeka Street Improvements Project was approved.

It is recommended that the Council accept the Eighth Street Overlay Project as complete and authorize the Project Coordinator to record the Notice of Completion.

FISCAL IMPACT:

Funding has been programmed for this project with SB 1 Funds. The total cost of construction is \$687,682.42.

ATTACHMENTS:

1. Notice of Completion and site map

RECORDING REQUESTED BY

AND WHEN RECORDED MAIL TO

NAME
STREET
ADDRESS
CITY &
STATE

CITY OF RIVERBANK
ATTN: DEVELOPMENT SERVICES
6707 THIRD STREET
RIVERBANK, CA 95367

SPACE ABOVE THIS LINE
FOR RECORDER'S USE

NOTICE OF COMPLETION

NOTICE IS HEREBY GIVEN THAT:

1. The undersigned is the owner of the interest or estate stated below in the property hereinafter described.

2. The full name of the undersigned is City of Riverbank
(Print Full Name)

3. The complete address of the undersigned is 6707 Third Street, Riverbank, CA 95367
(Address, City, State, Zip)

4. The nature of the title of the undersigned is:

☒ Owner in Fee, **or**

☐ Vendee (Buyer) under Contract of Purchase, **or**

☐ Lessee, **or**

☐ Other

If "Other," briefly list or describe appropriate designation or title _____

5. The full names and complete addresses of all persons, if any, who hold title with the undersigned as joint tenants or as tenants in common are:

Co-owner's Name(s)

Co-owner's Complete Address (Number and Street, City, State, Zip)

N/A

6. The names of the predecessors in interest of the undersigned, if the property was transferred subsequent to the commencement of the work of improvement herein referred to, include, but are not limited to the following individual(s) (if no transfer was made, insert the word "none"):

Co-owner's Name(s)

Co-owner's Complete Address (Number and Street, City, State, Zip)

N/A

7. A work of improvement on the property described below was completed on January 25, 2022
(Date of Completion)

This document is only a general form which may be proper for use in simple transactions and in no way acts, or is intended to act, as a substitute for the advice of an attorney. The printer does not make any warranty, either expressed or implied, as to the merchantability or fitness for a particular purpose, or as to the legal validity of any provision or the suitability of these forms in any specific transaction.

Cowdery's Form No. 34809 • NOTICE OF COMPLETION (Civil Code Section 3093) • (Revised 12.03) • © Cowdery's 2005



8. The name of the original contractor, if any, for the work of improvement was (if no contractor for the work of improvement as a whole, insert the word "none") George Reed, Inc.

If notice covers completion of contract for only part of the work of improvement, check box and complete:

☐ The kind of work done or finished was pavement removal, grading, pavement installation,
(Give General Description of Work Completed, e.g., Furnishing of Concrete for Sidewalks, etc.)
and installation of new striping, traffic control and all other work included on the plans.

9. The property on which the work of improvement was completed is in the City of Riverbank,
County of Stanislaus, State of California, and is described as follows:

Topeka Street Improvement Project between 3rd and 5th Streets

(Set Forth Description of Jobsite Sufficient for Identification, Using Legal Description if Possible)

10. The street address of the said property is Topeka Street between 3rd and 5th Streets

(Address, City, State, Zip, or if No Official Street Address, Insert the Word "None")

in Riverbank, CA 95367

Dated this 25th day of January, 2022
(Day) (Month) (Year)

City of Riverbank
Laura Graybill, Project Coordinator

(Owner's Signature)

(Owner's Typed or Printed Name)

VERIFICATION

I the undersigned, say:

I am the person who signed the foregoing notice. I have read and understand the above notice and know its contents, and the facts stated therein are true and correct to the best of my knowledge.

I declare under penalty of perjury that the foregoing is true and correct.

Executed in City of Riverbank, County of Stanislaus, State of California

on this 25th day of January, 2022
(Day) (Month) (Year)

(Signature of Person Signing Notice of Completion)

City of Riverbank
Laura Graybill, Project Coordinator

This form is the notice of completion that a property owner may record to limit the time in which mechanics' liens may be recorded against a construction project (see CA Civil Code § 3093). For this purpose an "owner" is the person who causes a building, improvement, or structure to be constructed, altered, or repaired, whether the interest or estate is in fee, as a vendee (buyer) under contract or purchase, as lessee, or other interest or estate less than fee. If the interest is held by two or more persons as joint tenants or tenants in common, any one or more of the co-tenants may be deemed to be the owner. (CA Civil Code §§ 3092(g), 3093). **This form is for use with a private work of improvement only, and is not intended for public sector applications.**

If the owner records the notice within the applicable time period, the original contractor has sixty (60) days from the day the notice is recorded to record a claim of lien against

the project (CA Civil Code § 3115); and all other persons who furnished labor, services, equipment, or materials must record their liens within thirty (30) days after the notice of completion is recorded (CA Civil Code § 3116). Otherwise, all persons who furnished labor, services, equipment, or materials have ninety (90) days after completion of the work of improvement in which to record their liens (CA Civil Code §§ 3115, 3116).

The owner must record the notice in the office of the county recorder of the county where the site is located within ten (10) days after the work of improvement is completed (CA Civil Code § 3093(e)). This applies equally to the project which is completed in phases. A notice of completion must be filed within ten (10) days after the completion of each phase of the project to shield owner properly (CA Civil Code § 3117).

Site Map
Topeka Street Improvement Project between 3rd and 5th Streets



VICINITY MAP
NOT TO SCALE



RIVERBANK CITY COUNCIL AGENDA ITEM NO. 9.3

SECTION 9: CONSENT CALENDAR

Meeting Date:	January 25, 2022
Subject:	Consideration of a Resolution Authorizing the City to Implement Teleconferenced Public Meetings Pursuant to Assembly Bill 361 Allowing the City to Continue a Hybrid Virtual Meeting Environment
From:	Tom Hallinan, City Attorney
Submitted by:	Tom Hallinan, City Attorney

RECOMMENDATION

Staff recommends Council adopt a Resolution authorizing the City to Implement Teleconferenced Public Meetings Pursuant to Assembly Bill 361 Allowing the City to Continue a Virtual Meeting Environment.

SUMMARY

NOTE: This report is generally the same staff report presented at the November 9th Council meeting. As the resolution only extends the allowance for teleconferenced meetings for a 30 day period it is necessary to re-agendize this item for approval at the first meeting in December as the second meeting in December is cancelled for the Christmas Holiday.

On September 16, 2021 Governor Newsom signed Assembly Bill ("AB") 361 which allows cities to continue to meet remotely during proclaimed states of emergency under modified Ralph M. Brown Act requirements that are similar but not identical to the rules and procedures established by the previous Executive Orders temporarily suspending provisions of the Brown Act. On September 20, 2021, Governor Newsom signed Executive Order N-15-21 to suspend AB 361 until October 1, 2021. Over the past year, City Council meetings have been held with virtual teleconference components.

AB 361, until January 1, 2024, would authorize a local agency to use teleconferencing without complying with the teleconferencing requirements imposed by the Brown Act when a local legislative body holds a meeting during a declared state of emergency by the governor and when state of local health officials have imposed or recommended measures to promote social distancing.

On June 11, 2021, Governor Newsom issued Executive Order N-08-21, which among other things rescinded his prior Executive Order N-29-20 and set a date of October 1, 2021, for public agencies to transition back to public meetings held in full compliance with the Brown Act.

As the Delta variant has surged in California, the Legislature has taken action to extend the COVID-19 exceptions to the Brown Act's teleconference requirements, subject to some additional safeguards. AB 361 allows a local agency to use teleconferencing without complying with the Brown Act provisions in any of the following circumstances:

- The local legislative body holds a meeting during a proclaimed state of emergency by the governor, and state or local officials have imposed or recommended measures to promote social distancing.
- The local legislative body holds a meeting during a proclaimed state of emergency by the governor for the purpose of determining, by majority vote, whether as a result of the emergency, meeting in person would present imminent risks to the health or safety of attendees.
- The local legislative body holds a meeting during a proclaimed state of emergency by the governor and has determined, by majority vote that, as a result of the emergency, meeting in person would present imminent risks to the health or safety of attendees.

A local agency that holds a meeting under these circumstances would be required by AB 361 to do all of the following, in addition to giving notice of the meeting and posting agendas as required under the Brown act. These additional requirements are intended to protect the public's right to participate in the meetings of local agency legislative bodies.

Pursuant to AB 361 local agencies are required to do all of the following in addition to meeting notice requirements under the Brown Act:

- Allow the public to access the meeting and require that the agenda provide an opportunity for the public to directly address the legislative body pursuant to the Brown Act's other teleconferencing provisions.
- In each instance when the local agency provides notice of the teleconferenced meeting or posts its agenda, give notice for how the public can access the meeting and provide public comment.
- Identify and include in the agenda an opportunity for all persons to attend via a call-in or an internet-based service option; the legislative body need not provide a physical location for the public to attend or provide comments.
- Conduct teleconference meetings in a manner that protects the statutory and constitutional rights of the public.
- Stop the meeting until public access is restored in the event of a service disruption that either prevents the local agency from broadcasting the meeting to the public using the call-in or internet-based service option or is within the local agency's control and prevents the public from submitting public comments (any actions taken during such a service disruption can be challenged under the Brown Act's existing challenge provisions).
- Not require comments be submitted in advance (though the legislative body may provide that as an option) and provide the opportunity to comment in real time.

- Provide adequate time for public comment, either by establishing a timed public comment period or by allowing a reasonable amount of time to comment.
- If the legislative body uses a third-party website or platform to host the teleconference, and the third-party service requires users to register to participate, the legislative body must provide adequate time during the comment period for users to register and may not close the registration comment period until the comment period has elapsed.

AB 361 also provides that if a local agency conducts teleconference meetings in reliance on AB 361, the local agency must make the following findings by majority vote every 30 days to continue using the bill's exemption to the Brown Act teleconferencing rules:

- The legislative body has reconsidered the circumstances of the emergency; and
- Either of the following circumstances exist: The state of emergency continues to directly impact the ability of members to meet safely in person, or State or local officials continue to impose or recommend social distancing measures.

The goal of AB 361 is “to improve and enhance public access to local agency meetings during the COVID-19 pandemic and future applicable emergencies, by allowing broader access through teleconferencing options” consistent with Executive Order N-29-20. AB 361 contains an urgency clause which became effective upon signing with a sunset of January 1, 2024. However, shortly after signing AB 361, Governor Newsom signed Executive Order N-15-21 to suspend AB 361 until October 1, 2021.

At the October 12th City Council meeting, Council considered whether or not to continue with the hybrid meeting format. During that meeting difficulties were experienced in receiving a specific comment on an agenda item. As such, the Council chose to only extend the hybrid meeting allowance for 2 weeks to determine alternate options for accepting comments or dealing with technical issues. **At the October 26th Council meeting staff gave out the phone number at the dais for any member of the public that had technical issues providing comment by zoom. Two comments were received via this method, if this resolution is approved staff will continue with this measure until it is no longer needed.** Staff is currently in the process of soliciting bids for technological upgrades to the Council Chamber technology setup which will provide improved ability for hybrid and streamed meetings.

Alternatively the Council could choose to no longer allow hybrid meetings in which case Councilmembers would attend in person or would have to follow the original Brown Act requirements for a remote meeting (public posting etc). Some local communities still live stream meetings but do not allow remote public comment as an option.

If the Resolution is adopted the City Council will continue to hold in person meetings with a virtual hybrid component. The City Council will revisit the need to conduct meetings remotely within 30 days of the adoption of this Resolution, it is staff's intention to reevaluate options for hybrid meetings during that time period for future Council consideration.

FINANCIAL IMPACT:

None at this time.

Attachments:

1. Resolution 2021-XXXX
2. Letter from Stanislaus County Public Health Officer RE: Social Distancing Recommendation

CITY OF RIVERBANK

RESOLUTION

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVERBANK, CALIFORNIA, PROCLAIMING A LOCAL EMERGENCY AND AUTHORIZING REMOTE TELECONFERENCE MEETINGS OF THE LEGISLATIVE BODIES OF THE CITY OF RIVERBANK PURSUANT TO ASSEMBLY BILL 361 AND BROWN ACT PROVISIONS

WHEREAS, the City Council of the City of Riverbank (the “City”) is committed to preserving public access and participation in meetings of the City Council; and

WHEREAS, all meetings of the City’s legislative bodies are open and public, as required by the Ralph M. Brown Act (Gov. Code, §§ 54950 – 54963), so that any member of the public may attend, participate, and watch the City’s legislative bodies conduct their business; and

WHEREAS, on September 16, 2021, Governor Newsom signed Assembly Bill (“AB”) 361, amending Government Code section 54953, subdivision (e) to allow for remote teleconferencing participation in meetings by members of a legislative body without compliance with the requirements of Government Code section 54953, subdivision (b)(3), subject to the existence of certain conditions; and

WHEREAS, a required condition for remote teleconferencing participation in meetings by members of a legislative body is that a state of emergency is declared by the Governor, pursuant to Government Code section 8625, proclaiming the existence of conditions of disaster or of extreme peril to the safety of persons and property within the state caused by conditions as described in Government Code section 8558; and

WHEREAS, a proclamation is made when there is an actual incident, threat of disaster, or extreme peril to the safety of persons and property within the jurisdictions that are within the City’s boundaries, caused by natural, technological, or human-caused disasters; and

WHEREAS, it is further required that state or local officials have imposed or recommended measures to promote social distancing or the legislative body meeting in person would present imminent risks to the health and safety of attendees; and

WHEREAS, such conditions now exist in the City, specifically, on March 4, 2020, Governor Gavin Newsom proclaimed a State of Emergency to exist in California as a

result of the threat of COVID-19; despite sustained efforts, the virus continues to spread and is impacting nearly all sectors of California; and

WHEREAS, the Stanislaus County Public Health Officer issued an order on September 2, 2021 regarding the highly transmissible Delta Variant and recommending face coverings indoors; and

WHEREAS, there has been a significant increase in COVID-19 cases in Stanislaus County due primarily to the Delta variant of SARS-CoV-2, the virus that causes COVID-19. Emerging evidence indicates that the Delta variant is far more transmissible than prior variants of the virus, may cause more severe illness, and can be spread by fully vaccinated individuals; and

WHEREAS, as a consequence of the declared emergency, the City Council does hereby find that the legislative body of the City shall conduct their meetings without compliance with Government Code section 54953, subdivision (b)(3), as authorized by Section 54953, subdivision (e), and that such legislative bodies shall comply with the requirements to provide the public with access to the meetings as prescribed in Section 54953, subdivision (e)(2); and

WHEREAS, pursuant to Government Code section 54953, subdivision (e)(3), in order to continue to teleconference without compliance with Government Code section 54953, subdivision (b)(3), the City Council shall, not later than 30 days after teleconferencing for the first time pursuant to this Resolution, and every 30 days thereafter, make the following findings by majority vote: The legislative body has reconsidered the circumstances of the state of emergency and any of the following conditions exist: (1) the state of emergency continues to directly impact the ability of the members to meet safely in person or (2) state or local officials continue to impose or recommend measures to promote social distancing; and

WHEREAS, the City reserves the option to hold in-person meetings, consistent with local health officer directives, or to continue a practice of remote meetings that still allow multiple options for public participation.

NOW, THEREFORE, THE CITY OF COUNCIL OF THE CITY OF RIVERBANK DOES HEREBY RESOLVE AS FOLLOWS:

Section 1. Recitals. The Recitals set forth above are true and correct and are incorporated into this Resolution by this reference.

Section 2. Proclamation of Local Emergency. The City Council hereby proclaims that a local emergency exists throughout the City, and that the legislative body meeting in person could present imminent risks to the health and safety of attendees due to the prevalence of COVID-19 in Stanislaus County and the state, such that the City reserves the right to continue virtual meetings or conduct in-person meetings, consistent with local health guidance or duly issued orders.

Section 3. Remote Teleconference Meetings. The legislative body and designees of the City are hereby authorized and directed to take all actions necessary to carry out the intent and purpose of this Resolution, including conducting open and public meetings in accordance with Government Code section 54953, subdivision (e), and other applicable provisions of the Brown Act.

Section 4. Effective Date of Resolution. This Resolution shall take effect immediately upon its adoption and shall be effective until the earlier of (i) October 30, 2021, or (ii) such time the City Council makes a subsequent finding by majority vote in accordance with Government Code section 54953, subdivision (e)(3), to extend the time during which the legislative bodies of the City may continue to teleconference without compliance with paragraph (3) of subdivision (b) of section 54953.

PASSED AND ADOPTED by the City Council of the City of Riverbank at a regular meeting held on the _____ day of _____, 2021; 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:

Annabelle H. Aguilar, CMC
City Clerk

Richard D. O'Brien
Mayor

Attachment:



HEALTH SERVICES AGENCY

Public Health Services

917 Oakdale Road, Modesto, CA 95353

Julie Vaishampayan, MD, MPH

Public Health Officer

Phone: 209.558.8804 Fax: 209.558.7286

www.hsahealth.org

September 22, 2021

To Whom It May Concern:

I recommend that physical/social distancing measures be practiced throughout our Stanislaus County communities to minimize the spread of COVID-19, including implementation of the newly enacted AB 361 to maintain social distancing by legislative bodies of our local agencies. This recommendation is made due to the continued threat of COVID-19 to the community.

I will continue to evaluate this recommendation on an ongoing basis and will communicate when there is no longer such a recommendation.

Julie Vaishampayan, MD, MPH
Public Health Officer
Stanislaus County

RIVERBANK CITY COUNCIL AGENDA ITEM NO. 9.4

SECTION 9: CONSENT CALENDAR

Meeting Date:	January 25, 2022
Subject/ Title:	Resolution Authorizing the Interim City Manager to Execute New Signature Cards & Facsimile Signatures with WestAmerica Bank and Bank of America
From:	Marisela H. Garcia, Interim City Manager

RECOMMENDATION:

On Consent Calendar, City Council to consider approval of a **Resolution** by roll call vote authorizing the Interim City Manager to execute new signature cards with WestAmerica Bank and Bank of America.

SUMMARY:

With the departure of the former City Manager, staff will need to execute new signature cards and create a new facsimile signature to be used on all City Accounts Payable and Payroll Checks. Staff requests City Council's authorization to remove the former City Manager from our signature card and add the Assistant Finance Director, Tamera Alcantor, to the signature card in order to continue using the dual signature method to sign checks. The second signature will continue to be the Interim City Manager, Marisela H. Garcia.

FINANCIAL IMPACT:

There is no financial impact associated with this request.

ATTACHMENTS:

1. Resolution

CITY OF RIVERBANK

RESOLUTION

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVERBANK
AUTHORIZING WESTAMERICA BANK AND BANK OF AMERICA TO EXECUTE A
NEW SIGNATURE CARD AND TO HONOR AS GENUINE ANY AND ALL CHECK
AND DRAFTS DRAWN IN THE NAME OF THE CITY OF RIVERBANK
THAT HAVE BEEN SIGNED WITH THE NEW FACSIMILE SIGNATURE**

The City Council of the city of Riverbank Resolves as Follows:

1. The Interim City Manager is authorized to execute new signature cards with WestAmerica Bank, and Bank of America to remove the signature of the former City Manager, Sean Scully, and include the signature of Assistant Finance Director, Tamera Alcantor, as the second signatory on the City's Accounts, and
2. The Director of Finance is authorized to execute an agreement with WestAmerica Bank wherein they will be Authorized to honor as genuine any and all checks, drafts or other orders for the payment of money drawn in the name of the City of Riverbank which have been signed with the new Facsimile Signature.

PASSED AND ADOPTED by the City Council of the City of Riverbank at a regular meeting held on the 25th day of January, 2022; motioned by Councilmember _____, seconded by Councilmember _____, and upon roll call was carried by the following vote of ____:

AYES:

NAYS:

ABSENT:

ABSTAIN:

ATTEST:

APPROVED:

Annabelle Aguilar, CMC
City Clerk

Richard D. O'Brien
Mayor

RIVERBANK CITY COUNCIL AGENDA ITEM NO. 9.5

SECTION 9: CONSENT CALENDAR

Meeting Date:	January 25, 2021
Subject:	A Resolution Adopting a Formal Financial Policy and Procedure for Returned Checks
From:	Marisela Garcia, Interim City Manager
Submitted by:	Tammy Alcantor, Assistant Finance Director

RECOMMENDATION

It is recommended that the City Council approve a Resolution revising the Financial Policy titled Returned Check Policy.

SUMMARY

The Returned Check Policy is being revised to reflect current fees imposed by our online payment gateway, Xpress Bill Pay.

BACKGROUND

The last revision of the Returned Check policy took place September 11, 2018. At that time, an increase in fees imposed by our financial institution necessitated a revision to the policy for cost recovery reasons. The policy was also adjusted to reduce the number of returned checks a customer is allowed from three (3) to two (2) prior to being placed on a "cash or credit card" only basis as a form of payment. At the present time, our financial institution Xpress Bill Pay has increased its processing fees on return items. Staff feels it appropriate to modify the resolution to reflect that customer be responsible for the fees charged through the City's financial processor.

STRATEGIC PLAN

This policy revision will help support the City's strategic plan goal of achieving and maintaining financial stability and sustainability.

FINANCIAL IMPACT

Transaction fees imposed by on returned checks will remain the same. Current transaction fees imposed by Xpress Bill Pay will now be reflected in the revised return

check policy and will be adjusted with future increases. This enables the City to recoup the cost for these transactions.

ATTACHMENT

1. Proposed Resolution
2. Returned Check Policy
3. WestAmerica returned item fee Schedule
4. Xpress Bill Pay returned item fee Schedule

CITY OF RIVERBANK

RESOLUTION

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVERBANK, CALIFORNIA,
ADOPTING A FORMAL FINANCIAL POLICY AND PROCEDURE TITLED RETURNED
CHECK POLICY**

WHEREAS, on September 11, 2018, the Riverbank City Council adopted Resolution No. 2018-064, which established a formal policy regarding returned checks; and

WHEREAS, the authority to establish said policy is given by Section 1719 of the State of California Civil Code; and

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Riverbank hereby adopts the formal Financial Policy and Procedure for Returned Checks as set forth in Exhibit A.

PASSED AND ADOPTED by the City Council of the City of Riverbank at a regular meeting held on the 25th day of January, 2022; motioned by Councilmember ____, seconded by Councilmember ____, and upon roll call was carried by the following City Council vote of 5-0:

AYES:

NAYS:

ABSENT:

ABSTAINED:

ATTEST:

APPROVED:

Annabelle H. Aguilar, CMC
City Clerk

Richard D. O'Brien
Mayor

Attachment: Exhibit A: Financial Policy and Procedure: Returned Checks

Section: Finance	Date: January 2022
Subject: Returned Check Policy	
Applies To: All Persons remitting payments to the City	City Manager Approval:

Purpose

The purpose of the Returned Check Policy is to establish a procedure for City staff regarding returned checks due to insufficient funds, closed accounts, stop payments and other means that would cause a check to be returned to the City. In addition, the adoption of the Returned Check Policy allows for communication of current industry fees imposed for such said items, including State regulations of such fees.

Policy Procedures and Associated Fees for Checks Returned to the City

The City of Riverbank Finance Department Fees for Returned Checks:

- 1st Returned Check \$25.00*
- 2nd Returned Check \$35.00*
- Subsequent Returned Checks \$35.00*

*These fees are regulated (capped) by the State of California, pursuant to California Civil Code Section 1719.

1719. (a) (1) Notwithstanding any penal sanctions that may apply, any person who passes a check on insufficient funds shall be liable to the payee for the amount of the check and a service charge payable to the payee for an amount not to exceed twenty-five dollars (\$25) for the first check passed on insufficient funds and an amount not to exceed thirty-five dollars (\$35) for each subsequent check to that payee passed on insufficient funds.

For Returned Checks (electronic funds transfers-hereunto referred to as EFTs) processed through Xpress Bill Pay, the City's current payment gateway, the following fees shall be applied for the first and subsequent returned checks/EFTs:

- Invalid account number or unable to locate account \$6.00*
- NSF or closed account \$12.00*
- Customer stop payment \$27.00*

* Fees are subject to adjustment to reflect the actual cost from Xpress Bill Pay

If further collection is required for the returned check/EFT, the City will adhere to the collections amount allowed under California Civil Code Section 1719, including treble damages when necessary.

Any return check/EFT and associated returned item fee must be paid for in full, in accordance to the direction provided by the Finance Department, with cash, cashier's check, money order, or credit card. Personal checks will not be accepted to pay for check/EFTs items that have been returned to the City. All customers doing business with the City of Riverbank will be placed on a "cash or credit card" only basis after two (2) returned checks/EFTs have been received by the City.

In addition to full payment of the return item and fee, utility customers who have presented two (2) returned checks/EFTs for payments to the City will need to satisfy a minimum of twelve (12) consecutive months (at the discretion of the Finance Department) of no late payments on the utility account before personal checks will be accepted. If a customer closes an account and establishes a new account within this time frame, the returned check history will be imposed on the new account requiring the customer to continue the satisfactory completion of a minimum of twelve (12) consecutive months of on-time payment history. Failure to pay for the returned check/EFT may result in service disconnection. Upon restoration of satisfactory payment history, and check writing privileges reinstated, the first returned item received will immediately place the account back on a "cash only basis" in which no personal checks will be accepted, until advised by the Finance Department.

For all customers of the City, failure to pay the returned item and fee may result in service disconnection, or cancellation of service or activity of what the original payment was for. Failure to pay the returned item and fee may result in further collection action, such as, but not limited to: collection by a third-party debt collection agency and any collection activity authorized by the California Civil Code Section 1719.

Business Banking

SCHEDULE OF FEES AND CHARGES



BUSINESS BANKING

CHECKING, SAVINGS, ACCOUNT ANALYSIS,
SAFE DEPOSIT BOXES AND MISCELLANEOUS FEES



OVERDRAFT AND INSUFFICIENT FUNDS

Overdrafts

\$35.00 per paid item

We impose Overdraft fees when we pay an item presented against insufficient available funds in your account and our payment creates an overdraft (exceeding \$2.00 for non-analyzed accounts) which includes, but is not limited to, overdrafts created by check, in-person withdrawal, ATM withdrawal, or other electronic means. For non-analyzed accounts, the maximum number of items for which these fees will be charged is ten (10) paid items per day. For analyzed accounts, there is no maximum fee charged per day.

Insufficient Funds

\$35.00 per returned item

We impose Insufficient Funds (NSF) fees when we return an item unpaid presented against insufficient available funds in your account (even though our return of the unpaid item does not create an overdraft in your account). For non-analyzed accounts, the maximum number of items for which these fees will be charged is ten (10) returned items per day. For analyzed accounts, there is no maximum fee charged per day.

Linked Overdraft Protection

\$12.00 per transfer

WIRE TRANSFERS

Incoming Wire Transfers

\$15.00 per transfer

Outgoing Wire Transfers

Domestic

\$25.00 per transfer

International

\$45.00 per transfer

[REDACTED]

From: Kempton Schmitz <kschmitz@xpressbillpay.com>
Sent: Tuesday, January 18, 2022 9:39 AM
To: [REDACTED]
Subject: Xpress Bill Pay | Returned Check Fees

[REDACTED]

Below are the fees that Xpress Bill Pay charges for returned checks. These are the amounts that we charge the city and this is how they appear on the monthly invoices you receive from us.

EFT Returned Item Basic: \$6

This includes anytime a customer enters in their account number incorrectly (unable to locate account). We do require customers to enter in their account number twice (and the two entries must match) to try to prevent typing errors. However, if the customer enters an incorrect account number twice, we have no way of validating through the ACH network whether that account number actually exists. If it does not exist, the payment will be returned by the bank. (Fortunately, we don't have the same issue with bank routing numbers. Each bank has a known routing number which our system verifies before a payment can be submitted. If a customer enters an invalid bank routing number our system notifies the customer of the error so they can fix it before their payment is allowed to be submitted).

EFT Return NSF or Account Closed: \$12

This includes any payment that will try to go through and the customer does not have sufficient funds or they have closed the account. Unfortunately, the ACH network is not a real-time validation of funds. This is the most common type of return we see.

EFT Return Stop Payment or Charge Back: \$27

This is when a customer knowingly contacts their bank and requests a stop payment of the funds, this withholds the payment on the EFT. These types of returns are pretty rare, but they can occur.

Let me know if you have any questions.

Thanks,

Kempton Schmitz

Manager of Customer Experience
kschmitz@xpressbillpay.com



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RIVERBANK CITY COUNCIL AGENDA ITEM NO. 9.6

SECTION 9: CONSENT CALENDAR

Meeting Date: January 25, 2022

Subject: **Resolution** Authorizing the Addition of the Public Works Superintendent Job Classification to the Public Works Organizational Chart and Allocating up to \$9,100 in Additional Funds for a Potential Promotion for Fiscal Year 2021-22

From: Marisela H. Garcia, Interim City Manager

RECOMMENDATION

It is recommended that the City Council consider adopting a Resolution which will allow the Human Resources Department to add the Public Works Superintendent Job Classification to the Public Works Organizational Chart.

SUMMARY

Over the past year, City staff have been making strides to review current departmental organizational charts in an effort to implement staffing succession plans. The Public Works Superintendent will assist the Public Works Director in planning, managing, and providing direction on the operations of the Public Works Department.

BACKGROUND

The Public Works Superintendent job classification was created in 2011. This position served as an assistant to the Public Works Director. Due to budget constraints the position was re-classified several times and eventually was no longer filled in order to achieve savings within the sewer, water, and gas tax division budgets.

Over the course of the past several years, the City Council has made it a Strategic Plan priority to implement succession planning within each of the City's departments. Each department head and manager has begun to develop their plan which will prioritize key positions that should be filled in order to continue serving our growing community.

The Public Works Director has begun to develop his Succession Plan for the Public Works Department. In an effort to provide a continuity of oversight to the Public Works Department, we have the opportunity to add the Public Works Superintendent Classification back to the City's Organizational Chart. Some of the major duties of the position will include (but are not limited to):

1. Assist the Public Works Director in the operations of the Public Works Department,
2. Serve as Public Works Director in his absence,
3. Develop program goals,
4. Assist in the development of capital improvement projects related to their specific field,
5. Meet with developers and contractors to facilitate projects, and
6. Manage Public Works related budgets and prepare forecasts

As this position is designed to assist the Public Works Director we expect that this individual will possess or have the ability to possess the necessary licensing to oversee the Water and Waste Water utilities.

STRATEGIC PLAN

This action is directly related to the City Council's Strategic Plan Goal to "Encourage Employee Development" which has the following strategy in place in order to achieve this goal:

"Develop & implement organization wide staff succession planning"

FINANCIAL IMPACT

The addition of this position to the Public Works Department would allow for a potential promotional opportunity to current staff. Annual impact to the Water and/or Sewer fund of \$23,500 and a Fiscal Year 21-22 Impact of \$9,100.

ATTACHMENT

1. Resolution
2. Job Description

CITY OF RIVERBANK

RESOLUTION

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVERBANK,
CALIFORNIA, AUTHORIZING THE ADDITION OF THE PUBLIC WORKS
SUPERINTENDENT JOB CLASSIFICATION TO THE PUBLIC WORKS
ORGANIZATIONAL CHART AND ALLOCATING UP TO \$9,100 IN FUNDING FROM
THE WATER AND SEWER OPERATING FUNDS FOR ADDITIONAL SALARY AND
BENEFIT COSTS**

WHEREAS, The City has begun to experience significant growth with the approval of new housing and commercial development; and

WHEREAS, this has led to an increase in population being served by city staff and new infrastructure improvements that require tracking and maintenance; and

WHEREAS, in order to provide excellent customer service to our residents we are evaluating staffing levels in all departments; and

WHEREAS, the addition of the Public Works Superintendent position will allow for a continuity in providing assistance to our residents and allow for cross training of staff in an effort to implement succession planning, particularly in the Management Levels of Public Works; and

WHEREAS, the addition of this position will allow for a promotional opportunity in the Public Works Department; and

WHEREAS, the fiscal impact for Fiscal Year 2021-22 of \$9,100 will be funded via the Sewer and/or Water Operating Fund.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Riverbank authorize the addition of the Public Works Superintendent position to the Public Works Department Organizational Chart, and also authorizes the allocation of \$9,100 to be shared evenly by the Sewer and Water Operating Funds.

PASSED AND ADOPTED by the City Council of the City of Riverbank at a regular meeting held on the 25th day of January, 2022; motioned by Councilmember _____, seconded by Councilmember _____, and upon roll call was carried by the following City Council vote of _____ :

AYES:

NAYS:

ABSENT:

ABSTAINED:

ATTEST:

Annabelle H. Aguilar, CMC
City Clerk

APPROVED:

Richard D. O'Brien
Mayor

Attachment: Public Works Superintendent Job Classification

CITY OF RIVERBANK

PUBLIC WORKS SUPERINTENDENT

*Class specifications are only intended to present a descriptive summary of the range of duties and responsibilities associated with specified positions. Therefore, specifications **may not include all** duties performed by individuals within a classification. In addition, specifications are intended to outline the **minimum** qualifications necessary for entry into the class and do not necessarily convey the qualifications of incumbents within the position.*

DEFINITION:

Under direction from the Public Works Director, exercises direct supervision over management, supervisory, professional, technical and administrative support personnel. Assists the Public Works Director in planning, managing, overseeing, and direction of the operations and services of the assigned divisions or programs in the Public Works Department. These services include Street, Storm Drain, Sewer, Motor Pool, Wastewater, Graffiti Abatement, and Water Division; manages inspection and process of capital construction projects; coordinates activities with other City officials, departments, outside agencies, contractors, organizations, and the public; provides responsible and complex staff support to the Director of Public Works; serves as the Director of Public Works in his or her absence; performs other related duties as required.

DISTINGUISHING CHARACTERISTICS:

The **Public Works Superintendent** is management level class responsible for the overall management and operations of assigned divisions and projects within the Public Works Department, including Street, Storm Drain, Sewer, Motor Pool, Wastewater, and Water Divisions. This position is responsible for the discrete sub-departmental organizational components and programs/functions involving the management and coordination of the City-wide utilities maintenance and operations programs and functions. In addition the job incumbent has direct responsibilities for overseeing and directing the work of subordinate staff. This position differs from other positions involved in utilities maintenance and operations functions in the broader responsibility for developing and implementing programs, systems and procedures. This classification is distinguished from the next higher classification of Director of Public Works in that the latter is responsible for the overall management of the Department.

SUPERVISION RECEIVED/EXERCISED:

Receives administrative direction from the Director of Public Works. The job incumbent is expected to work with minimal direct supervision, exercising independent judgment and initiative in a number of complex responsible and sensitive areas. The Public Works Superintendent supervises skilled crafts and craft staff directly or through subordinate supervisory staff.

ESSENTIAL FUNCTIONS: *(include but are not limited to the following)*

- Accepts full responsibility for assigned divisions or programs in the Public Works Department activities and services, including the management of Street, Storm Drain, Sewer, Motor Pool, Wastewater, and Water Divisions and capital improvement project management; coordinates activities with other City officials, departments, outside agencies, and the public.

- Develops, implements, and maintains divisional and program goals, objectives, policies, and procedures; reviews and evaluates work methods and procedures for improving organizational performance, enhancing services, and meeting goals; ensures that goals are achieved.
- Assists in the administration and oversight of the design, construction, and maintenance contracts and contractors; ensures compliance with performance and cost agreements; evaluates the cost effectiveness of agreements.
- Plans, directs, and develops assigned divisions and makes recommendation on the Department's work plan; assigns work activities and responsibilities to appropriate department personnel; reviews and evaluates organizational effectiveness and productivity; identifies and resolves problems and/or issues.
- Oversees the selection, training, and evaluation programs for assigned divisions' personnel; provides or coordinates in-service training; identifies and resolves staff deficiencies; fulfills discipline procedures; reviews the work of department personnel to ensure compliance with applicable federal, state, and local laws, codes, and regulations.
- Participate in recommending the appointment of personnel; provide or coordinate staff training; work with employees to correct deficiencies; implement discipline procedures; recommend employee terminations.
- Monitors the condition of the City's infrastructure, including streets, sidewalks, curbs, gutters, buildings, storm drains, and other related facilities and equipment for maintenance, repair, and replacement.
- Meets with developers and contractors to facilitate projects and resolve issues; coordinates projects with other City departments and outside agencies.
- Manages the City's streets, storm water, water, and wastewater operations to ensure compliance with state and federal regulations.
- Prepares, manages, and coordinates the development of assigned divisions and the Public Works budget; prepares forecasts of necessary funds for staffing, materials, and supplies; presents, justifies, and defends programs, operation, and activities; monitors and approves expenditures; discusses and resolves budget issues with appropriate staff; implements adjustments as necessary.
- Serves as a resource for department personnel, City staff, other organizations, and the public; coordinates pertinent information, resources, and work teams necessary to support a positive and productive environment; coordinates project reviews with other departments; serves as the Director of Public Works in his or her absence.
- Attends and participates in professional and community meetings; stays current on issues relative to the field of public works and related service delivery responsibilities; responds to and resolves sensitive and complex community and organizational inquiries, issues, and complaints.
- Confers with and represents the department and the City in meetings with members of the City Council, members of boards and commissions, various governmental agencies, developers, contractors, business and industrial groups and the public.

- Prioritizes and allocates available resources; reviews and evaluates program and service delivery, makes recommendations for improvement and ensures maximum effective service provision.
- Prepares and directs the preparation of a variety of written correspondence, reports, procedures, ordinances, and other written materials.
- Research and analyze complex problems, evaluate varied information and data; prepare a variety of comprehensive reports and documents as necessary.
- Establishes positive working relationships with representatives of community organizations, state/local agencies and associations, City management and staff, and the public.

PHYSICAL, MENTAL AND ENVIRONMENTAL WORKING CONDITIONS:

Position requires prolonged sitting, standing, walking, kneeling, squatting, and stooping in the performance of daily activities. The position also requires repetitive hand movement and fine coordination in preparing reports using a computer keyboard. Additionally, the position requires both near and far vision in reading written reports and work related documents. Acute hearing is required when providing phone and personal service. Additionally, the incumbent in this position works outdoors in all weather conditions, including wet, hot, and cold. The nature of the work also requires the incumbent to drive motorized vehicles. The need to lift, drag, and push files, paper, and documents weighing up to 25 pounds is also required.

Some of these requirements may be accommodated for otherwise qualified individuals requiring and requesting such accommodations.

QUALIFICATIONS: *(The following are minimal qualifications necessary for entry into the classification.)*

Education and/or Experience:

Any combination of education and experience that has provided the knowledge, skills, and abilities necessary for a –**Public Works Superintendent**. A typical way of obtaining the required qualifications is to possess the equivalent of five years of broad and extensive experience in public works or related service delivery operations, including at least two years in a responsible supervisory capacity, and a bachelor's degree in business administration, public administration, civil engineering, or a related field is desirable.

License/Certificate:

Possession of a valid class C California driver's license at the time of appointment, to be maintained as a condition of continued employment.

Possession of a Grade III Wastewater Certification issued by the California State Water Resources Control Board.

Possession of a Grade II Water Treatment Certification issued by the California State Water Resources Control Board.

Possession of a Grade II Water Distribution Certification issued by the California State Water Resources Control Board

KNOWLEDGE/ABILITIES/SKILLS: *(The following are a representative sample of the KAS's necessary to perform essential duties of the position.*

Knowledge of:

Principles and practices of built environment and supporting infrastructure management; principles of administration, organization, and operation; principles, basic practices, and techniques of civil engineering, including the construction, contract management, and inspection of municipal public works projects; principles and practices of funding and budget development, administration, and evaluation; principles and practices of street maintenance, equipment maintenance, facilities maintenance, and capital projects for assigned program areas; methods and techniques of supervision, training, and motivation; basic principles of mathematics; applicable federal, state, and local laws, codes, and regulations; methods and techniques of scheduling work assignments; standard office procedures, practices, and equipment; modern office practices, methods, and equipment, including a computer and applicable software; methods and techniques for record keeping and report preparation and writing; proper English, spelling, and grammar; occupational hazards and standard safety practices.

Ability to:

Plan, direct, manage, and coordinate the work of assigned divisions and programs in the Public Works Department; read and interpret maps, sketches, drawings, specifications, and technical manuals; develop and administer sound departmental goals, objectives, policies, and methods for evaluating achievement and performance levels; develop, present, and administer a program budget; facilitate group participation and consensus building; plan, organize, train, evaluate, and direct work of assigned staff; perform mathematical calculations quickly and accurately; interpret, explain, and apply applicable laws, codes, and regulations; read, interpret, and record data accurately; organize, prioritize, and follow-up on work assignments; work independently and as part of a team; meet the public in situations requiring diplomacy and tact; deal constructively with conflict and develop effective resolutions; make sound decisions within established guidelines; analyze a complex issue and develop and implement an appropriate response; follow written and oral directions; observe safety principles and work in a safe manner; communicate clearly and concisely, both orally and in writing; establish and maintain effective working relationships.

Skill to:

Operate an office computer and a variety of word processing and software applications; safely and effectively operate engineering tools and equipment.

RIVERBANK CITY COUNCIL AGENDA ITEM NO. 10.1

SECTION 10: UNFINISHED BUSINESS

Meeting Date: January 25, 2022

Subject: **Resolution** Rescinding Resolution No. 2021-116 and Authorizing the Application and Adopting the PLHA Plan for the Permanent Local Housing Allocation Program

From: Marisela H. Garcia, Assistant City Manager

RECOMMENDATION

It is recommended that the City Council consider adopting a Resolution that will rescind Resolution 2021-116 and authorize the City to submit an application and adopt the amended PLHA Plan for the Permanent Local Housing Allocation Program.

SUMMARY

On December 14, 2021 the City Council held a public meeting to review the proposed amendment to the PLHA Plan that had originally been adopted in July 2020. The Amended Plan was submitted and reviewed by the State of California and they have recommended changes to the language within the Resolution to reflect their current regulations. Therefore, we are requesting that Resolution No. 2021-116 be rescinded and a new Resolution be adopted. There have been no changes to the Plan submitted for review on December 14, 2021.

BACKGROUND

The City submitted an application for Permanent Local Housing Allocation funds in July 2020 and was successfully awarded funds to be expended over a five-year period. The City's Allocation Plan detailed which eligible activities the program funding may be used for. Initially, the City desired that the funds be used for any combination of the following:

1. Ward Avenue Affordable Housing Project. Funds to assist with the costs of the offsite improvements in order to maintain housing affordability for future buyers.
2. Assisting persons who are experiencing or at risk of homelessness, including, but not limited to, providing rapid rehousing, rental assistance, supportive/case management services that allow people to obtain and retain housing, operating and capital costs for navigation centers and emergency shelters, and the new

construction, rehabilitation, and preservation of permanent and transitional housing.

3. Accessibility modifications in Lower-income Owner-occupied housing.
4. Efforts to acquire and rehabilitate foreclosed or vacant homes and apartments.
5. Homeownership opportunities, including, but not limited to, down payment assistance.

As such, staff created, and the City Council approved, the following five year plan:

Funding Year	Activity	% Allocation
2019	Affordable Rental or Housing Ownership	100%
2020	Transitional Housing	20%
	Housing Rehab Program	20%
	Housing Acquisition & Rehab	20%
	First-Time Homebuyers	40%
2021	Transitional Housing	20%
	Housing Rehab Program	20%
	Housing Acquisition & Rehab	20%
	First-Time Homebuyers	40%
2022	Transitional Housing	20%
	Housing Rehab Program	20%
	Housing Acquisition & Rehab	20%
	First-Time Homebuyers	40%
2023	Transitional Housing	20%
	Housing Rehab Program	20%
	Housing Acquisition & Rehab	20%
	First-Time Homebuyers	40%

In further discussions with the development team of Ward Villas, the City Council approved a Memorandum of Understanding with Cary Pope (DBA: Ammo Plant Management, Inc. in order to provide financial assistance to this project via the PLHA funding allocated to the City. The city has committed to providing funding for a three-year period thus necessitating an amendment to the original plan. In addition, the City has received funding from other sources, such as the CDBG & HOME Consortium that will provide funds for other activities initially anticipated in the plan (such as the First-Time

Home Buyer) and therefore we will remove the funding allocation from the amended plan to provide for other project opportunities.

As such, City staff proposes the following amended plan for approval and submittal to the State of California Department of Housing and Community Development:

Funding Year	Activity	% Allocation
2019	Affordable Rental or Housing Ownership	100%
2020	Affordable Rental or Housing Ownership	100%
2021	Affordable Rental or Housing Ownership	100%
2022	Transitional Housing	20%
	Housing Rehab Program	20%
	Housing Acquisition & Rehab	60%
2023	Transitional Housing	20%
	Housing Rehab Program	20%
	Housing Acquisition & Rehab	60%

Approval of this amended plan will allow for the City to “apply” for the future funding for the Ward Villas Project in order to continue assisting with the project.

FINANCIAL IMPACT

If awarded, the City is eligible to receive approximately \$732,382 over five years (\$193,000 in year one) in PLHA formula funds.

ATTACHMENTS

1. Resolution

CITY OF RIVERBANK

RESOLUTION

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVERBANK, CALIFORNIA, RESCINDING RESOLUTION NO. 2021-116 AND AUTHORIZING THE APPLICATION AND ADOPTING THE PLHA PLAN FOR THE PERMANENT LOCAL HOUSING ALLOCATION PROGRAM

WHEREAS, the Department is authorized to provide up to \$304 million under the SB 2 Permanent Local Housing Allocation Program Formula Component from the Building Homes and Jobs Trust Fund for assistance to Cities and Counties (as described in Health and Safety Code section 50470 et seq. (Chapter 364, Statutes of 2017 (SB 2)); and

WHEREAS, the State of California (the "State"), Department of Housing and Community Development ("Department") issued a Notice of Funding Availability ("NOFA") dated 5/3/2021 under the Permanent Local Housing Allocation (PLHA) Program; and

WHEREAS, the City of Riverbank is an eligible Local government who has applied for program funds to administer one or more eligible activities, or a Local or Regional Housing Trust Fund to whom an eligible Local government delegated its PLHA formula allocation; and

WHEREAS, the Department may approve funding allocations for PLHA Program, subject to the terms and conditions of the Guidelines, NOFA, Program requirements, the Standard Agreement, and other contracts between the Department and PLHA grant recipients.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Riverbank:

1. If Applicant receives a grant of PLHA funds from the Department pursuant to the above referenced PLHA NOFA, it represents and certifies that it will use all such funds in a manner consistent and in compliance with all applicable state and federal statutes, rules, regulations, and laws, including without limitation all rules and laws regarding the PLHA Program, as well as any and all contracts Applicant may have with the Department.
2. Applicant is hereby authorized and directed to receive a PLHA grant, in an amount not to exceed the five-year estimate of the PLHA formula allocations, as stated in Appendix of the current NOFA \$732,382 in accordance with all applicable rules and laws.
3. Applicant hereby agrees to use the PLHA funds for eligible activities as approved by the Department and in accordance with all Program requirements, Guidelines, other rules and laws, as well as in a manner consistent and in compliance with the

Standard Agreement and other contracts between the Applicant and the Department.

4. Pursuant to Section 302(c)(4) of the Guidelines, Applicant's PLHA Plan for the 2019-2023 Allocations is attached to this resolution, and Applicant hereby adopts this PLHA Plan and certifies compliance with all public notice, public comment, and public hearing requirements in accordance with the Guidelines.
5. Pursuant to Applicant's certification in this resolution, the PLHA funds will be expended only for eligible Activities and consistent with all program requirements.
6. Applicant certifies that, if funds are used for the acquisition, construction or rehabilitation of for-sale housing projects or units within for-sale housing projects, the grantee shall record a deed restriction against the property that will ensure compliance with one of the requirements stated in Guidelines Section 302(c)(6)(A),(B) and (C).
7. Applicant shall be subject to the terms and conditions as specified in the Standard Agreement, the PLHA Program Guidelines and any other applicable SB 2 Guidelines published by the Department.
8. The City Manager is authorized to execute the PLHA Program Application, the PLHA Standard Agreement and any subsequent amendments or modifications thereto, as well as any other documents which are related to the Program or the PLHA grant awarded to Applicant, as the Department may deem appropriate.

PASSED AND ADOPTED by the City Council of the City of Riverbank at a regular meeting held on the _____ day of _____, 2022; 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:

Annabelle H. Aguilar, CMC
City Clerk

Richard D. O'Brien
Mayor

Attachment: PLHA §302(c)(4) Plan

§302(c)(4) Plan													Rev. 5/7/21	
§302(c)(4)(A) Describe the manner in which allocated funds will be used for eligible activities. The amendment is requesting the allocation of the 2020 and 2021 funds to be used for the following activities: 1) To provide assistance for the development of low-income owner-occupied housing. This 28 lot single family home development has requested assistance with off-site infrastructure costs in order to allow for the homes to be affordably priced. It is the developer's intention that the affordability of these homes will allow our lower-income residents the opportunity to purchase their first home in conjunction with the City's First Time Home Buyer Program, 2) to assist persons who are experiencing homelessness by providing rental assistance, supportive/case management services, and the ability to acquire/rehabilitate homes for a transitional housing program within the City of Riverbank, 3) to enhance the City's current Owner Occupied Housing Rehabilitation Program to assist residents with ADA accessibility upgrades to their homes, 4) to acquire/rehabilitate foreclosed or vacant homes that can be sold to a low-income resident via the City's First Time Homebuyer Program, and 5) to enhance the City's First Time Home Buyer Program by having additional funds available for low-to no-interest loans for the purchase of an applicant's first home.														
§302(c)(4)(B) Provide a description of the way the Local government will prioritize investments that increase the supply of housing for households with incomes at or below 60 percent of Area Median Income (AMI). The City's first priority for funding is the ability to assist the Ward Villas Project. This project is a 28 lot single family infill home development located in Riverbank. This project has requested funding to assist with offsite development costs such as water, sewer, storm, and street improvements. This assistance will allow the developer to price these homes affordably so that residents in the 80% AMI and lower brackets can purchase their home with the assistance of Riverbank's First Time Homebuyer Program. The First Time Home Buyer Program provides Gap Financing to residents for the purchase of their first home. The City utilizes Community Development Block Grant (CDBG) and HOME Investment Partnership funding from the State of California to fund this program. The program provides 30 year deferred loans with low-to-no interest charges. The City has also prioritized this funding to assist our homeless population by providing transitional housing opportunities where residents will be able to receive case management services.														
§302(c)(4)(C) Provide a description of how the Plan is consistent with the programs set forth in the Local Government's Housing Element. The plan has been designed to achieve the following goals established in the 2014-2023 City of Riverbank Housing Element: 1) GOAL 2: Encourage and assist in the development of adequate housing to meet the needs of extremely low-, low-, and very low-income households particularly as it relates to Program 2.1b: Continue to assist developers of extremely low-, low-, and very low-income housing in the grant preparation process to help fund their developments. Funding will be prioritized for the development of housing affordable to extremely low-income households. The City assists developers by expediting review and approval of development applications to meet funding deadlines and providing information needed to support funding requests; 2) GOAL 4: Conserve and Improve the Condition of Existing Affordable Housing Stock as it relates to Program 4.1a which states that the City will continue to actively seek State and federal funding for the rehabilitation of homes; and 3) GOAL 5: Promote Housing Opportunities for All Persons Regardless of Race, Religion, Sex, Marital Status, Ancestry, National Origin, Color, Familial Status, or Disability as it relates to Program 5.1a which is to promote equal housing opportunities for all persons by having additional funding for the development of affordable housing and our housing programs.														
Activities Detail (Activities Detail (Must Make a Selection on Formula Allocation Application worksheet under Eligible Activities, §301))														
§301(a)(1) The predevelopment, development, acquisition, rehabilitation, and preservation of multifamily, residential live-work, rental housing that is affordable to extremely low-, very low-, low-, or moderate-income households, including necessary Operating subsidies.														
§301(a)(2) The predevelopment, development, acquisition, rehabilitation, and preservation of Affordable rental and ownership housing, including Accessory Dwelling Units (ADUs), that meets the needs of a growing workforce earning up to 120 percent of AMI, or 150 percent of AMI in high-cost areas. ADUs shall be available for occupancy for a term of no less than 30 days.														
§302(c)(4)(E)(i) Provide a detailed and complete description of how allocated funds will be used for each proposed Affordable Rental and Ownership Housing Activity.												Percentage of Funds Allocated for Affordable Owner-occupied Workforce Housing	50%	
The Ward Villas Project is a 28 lot project seeking funding that will allow the developer to offset costs associated with offsite development improvements (such as water, sewer, streets, and storm infrastructure). Offsetting such costs will allow the developer to keep the project affordable. It is their intent to sell these homes and for the purchaser's to be able to utilize the City of Riverbank's First Time Homebuyer Program which is funded by Program Income received from CDBG & HOME funds.														
Complete the table below for each proposed Affordable Rental and Ownership Housing Activity to be funded with 2019-2023 PLHA allocations. If a single Activity will be assisting households at more than one level of Area Median Income, please list the Activity as many times as needed to capture all of the AMI levels that will be assisted, but only show the percentage of annual funding allocated to the Activity one time (to avoid double counting).														
Funding Allocation Year	2019	2020	2021											
Type of Affordable Housing Activity	Ownership: Development	Ownership: Development	Ownership: Development											
§302(c)(4)(E)(ii) Area Median Income Level Served	80%	80%	80%											TOTAL
§302(c)(4)(E)(ii) Unmet share of the RHNA at AMI Level Note: complete for year 2019 & 2020 only	25	25												50
§302(c)(4)(E)(i) Percentage of Funds Allocated for Each Affordable Housing Activity	100%	100%	100%											
§302(c)(4)(E)(ii) Projected Number of Households Served	9	9	10											28

§302(c)(4)(E)(iv) Period of Affordability for the Proposed Activity (55 years required for rental housing projects)	30	30	30												
§302(c)(4)(E)(iii) A description of major steps/actions and a proposed schedule for the implementation and completion of each Affordable Rental and Ownership Housing project.															
Major steps/actions for the completion of the Ward Villas Affordable Housing Project include: 1) Developer to submit on- and off-site improvement plans for approval, 2) Finalize Memorandum of Understanding between the City and the Developer, 3) Develop draft Lien to be placed on each property.															
§301(a)(3) Matching portions of funds placed into Local or Regional Housing Trust Funds.															
§301(a)(4) Matching portions of funds available through the Low- and Moderate-Income Housing Asset Fund pursuant to subdivision (d) of HSC Section 34176.															
§301(a)(5) Capitalized Reserves for Services connected to the preservation and creation of new permanent supportive housing.															
§301(a)(6) Assisting persons who are experiencing or At risk of homelessness, including, but not limited to, providing rapid rehousing, rental assistance, supportive/case management services that allow people to obtain and retain housing, operating and capital costs for navigation centers and emergency shelters, and the new construction, rehabilitation, and preservation of permanent and transitional housing.															
§302(c)(4)(E)(i) Provide a detailed and complete description of how allocated funds will be used for the proposed Activity.															
The City of Riverbank intends to use a portion of the funding received in order to rehabilitate homes so that they may be used as transitional housing for the City's homeless population. In conjunction with Stanislaus County, we intend to provide homeless residents with necessary case management services that will provide them with the necessary resources to transition from homelessness to full-time employment.															
Complete the table below for each proposed Activity to be funded with 2019-2023 PLHA allocations. If a single Activity will be assisting households at more than one level of Area Median Income, please list the Activity as many times as needed to capture all of the AMI levels that will be assisted, but only show the percentage of annual funding allocated to the Activity one time (to avoid double counting).															
Funding Allocation Year	2022	2023													
Type of Activity for Persons Experiencing or At Risk of Homelessness	Transitional Housing: Rehabilitation	Transitional Housing: Rehabilitation													
§302(c)(4)(E)(i) Percentage of Funds Allocated for the Proposed Activity	20.00%	20.00%													
§302(c)(4)(E)(ii) Area Median Income Level Served	30%	30%													TOTAL
§302(c)(4)(E)(ii) Unmet share of the RHNA at AMI Level Note: complete for year 2019 & 2020 only	23	23													46
§302(c)(4)(E)(ii) Projected Number of Households Served	2	2													4
§302(c)(4)(E)(iv) Period of Affordability for the Proposed Activity (55 years required for rental housing projects)	55	55													
§302(c)(4)(E)(iii) A description of major steps/actions and a proposed schedule for the implementation and completion of the Activity.															
City to continue working with the local Stanislaus County Homeless Alliance and non-profit organizations for the development of a transitional housing program to provide much needed case management services to our local homeless population. Finalize contract with Cambridge Academies (501(c)(3)) who provides services to homeless individuals. Draft contract was approved on October 26, 2021 by the Riverbank City Council. Cambridge Academies will provide outreach, education, and operation services for the City's first Homeless Shelter.															
§301(a)(7) Accessibility modifications in Lower-income Owner-occupied housing.															
§302(c)(4)(E)(i) Provide a detailed and complete description of how allocated funds will be used for the proposed Activity.											Percentage of Funds Allocated for Affordable Owner-occupied Workforce Housing		50%		

The City currently has an existing owner-occupied Housing Rehabilitation Program which is designed to assist property owners with funds to address health and safety needs as well as ADA accessibility upgrades to their homes. All repairs will meet local and state building code requirements. Funds are made through low- to no-interest loans for residents that fall within the State established income levels.

Complete the table below for each proposed Activity to be funded with 2019-2023 PLHA allocations. If a single Activity will be assisting households at more than one level of Area Median Income, please list the Activity as many times as needed to capture all of the AMI levels that will be assisted, but only show the percentage of annual funding allocated to the Activity one time (to avoid double counting).

Funding Allocation Year	2022	2023													
§302(c)(4)(E)(i) Percentage of Funds Allocated for the Proposed Activity	20.00%	20.00%													
§302(c)(4)(E)(ii) Area Median Income Level Served	80%	80%													TOTAL
§302(c)(4)(E)(ii) Unmet share of the RHNA at AMI Level Note: complete for year 2019 & 2020 only															0
§302(c)(4)(E)(ii) Projected Number of Households Served	1	1													2
§302(c)(4)(E)(iv) Period of Affordability for the Proposed Activity	30	30													

§302(c)(4)(E)(iii) A description of major steps/actions and a proposed schedule for the implementation and completion of the Activity.

This program is already active within the City of Riverbank and would be implemented upon receipt of funding.

§301(a)(8) Efforts to acquire and rehabilitate foreclosed or vacant homes and apartments.

§302(c)(4)(E)(i) Provide a detailed and complete description of how allocated funds will be used for the proposed Activity.

Percentage of Funds Allocated for Affordable Owner-occupied Workforce Housing (AOWH)

50%

In order to eliminate blight within low-income sections of town, the City would like to acquire and rehabilitate foreclosed homes. This will allow for the home to be either 1) sold to a low-income resident who can participate in the City's First Time Home Buyer Program or 2) provide a location to provide transitional housing and case management services to the homeless population.

Complete the table below for each proposed Activity to be funded with 2019-2023 PLHA allocations. If a single Activity will be assisting households at more than one level of Area Median Income, please list the Activity as many times as needed to capture all of the AMI levels that will be assisted, but only show the percentage of annual funding allocated to the Activity one time (to avoid double counting).

Funding Allocation Year	2022	2023													
Type of Activity	Ownership: Acquisition	Ownership : Acquisition													
§302(c)(4)(E)(i) Percentage of Funds Allocated for the Proposed Activity	60.00%	60.00%													

§302(c)(4)(E)(ii) Area Median Income Level Served	80%	80%														TOTAL
§302(c)(4)(E)(ii) Unmet share of the RHNA at AMI Level Note: complete for year 2019 & 2020 only																0
§302(c)(4)(E)(iii) Projected Number of Households Served	1	1														2
§302(c)(4)(E)(iv) Period of Affordability for the Proposed Activity (55 years required for rental housing projects)	30	30														
§302(c)(4)(E)(iii) A description of major steps/actions and a proposed schedule for the implementation and completion of the Activity. The City will need to work with a local real estate agent in order to determine homes that will be suitable for this purpose or attend actions of foreclosed homes that fit the parameters set by the City.																
§301(a)(9) Homeownership opportunities, including, but not limited to, down payment assistance.																
§301(a)(10) Fiscal incentives made by a county to a city within the county to incentivize approval of one or more affordable housing Projects, or matching funds invested by a county in an affordable housing development Project in a city within the county, provided that the city has made an equal or greater investment in the Project. The county fiscal incentives shall be in the form of a grant or low-interest loan to an affordable housing Project. Matching funds investments by both the county and the city also shall be a grant or low-interest deferred loan to the affordable housing Project.																

RIVERBANK CITY COUNCIL AGENDA ITEM NO. 11.1

SECTION 11: NEW BUSINESS

Meeting Date: January 25, 2022

Subject: A **Resolution** Authorizing the City of Riverbank to Jointly Apply for the Homekey Program Funds Not to Exceed \$3,200,000 with Central Valley Community Resources, Inc. and for the City Manager to Execute a Standard Agreement and Any Necessary Related Documents to Jointly Participate in the Homekey Program

From: Marisela H. Garcia, Interim City Manager

RECOMMENDATION

It is recommended that the City Council consider adoption of a Resolution which will allow the submittal of a joint application between the City of Riverbank and Central Valley Community Resources, Inc. for the State of California Homekey Program.

SUMMARY

The City of Riverbank and the Central Valley Community Resources, Inc. (CVCR) non-profit organization are interested in jointly applying for funding via the State of California Homekey Program. The program is designed to provide funds to expand housing opportunities for persons experiencing homelessness or At Risk of homelessness. This item will allow the City and CVCR to apply for funding in an effort to expand transitional housing opportunities.

BACKGROUND

On January 14, 2022 the California Department of Housing and Community Development (HCD) issued an Amended Notice of Funding Availability (NOFA) for Round 2 of funding available under this program. HCD announced the availability of approximately \$1.45 billion of Homekey Program (Homekey) grant funding through this Round 2 Notice of Funding Availability (NOFA). Homekey Round 2 builds on the success of both Project Roomkey and the first round of Homekey, this significant investment continues a statewide effort to sustain and rapidly expand housing for persons experiencing homelessness or At Risk of Homelessness, and who are, thereby, inherently impacted by or at increased risk for medical diseases or conditions due to the COVID-19 pandemic.

Homekey is an opportunity for state, regional, and local public entities to develop a broad range of housing types, including but not limited to hotels, motels, hostels, single-family homes and multifamily apartments, adult residential facilities, and manufactured housing,

and to convert commercial properties and other existing buildings to Permanent or Interim Housing for the Target Population.

Eligible uses of the funds include:

- i. Acquisition or Rehabilitation, or acquisition and Rehabilitation, of motels, hotels, hostels, or other sites and assets, including apartments or homes, adult residential facilities, residential care facilities for the elderly, manufactured housing, commercial properties, and other buildings with existing uses that could be converted to permanent or interim housing.
- ii. Master leasing of properties for non-congregate housing.
- iii. Conversion of units from nonresidential to residential.
- iv. New construction of dwelling units.
- v. The purchase of affordability covenants and restrictions for units.
- vi. Relocation costs for individuals who are being displaced as a result of the Homekey Project.
- vii. Capitalized operating subsidies for units purchased, converted, constructed, or altered with funds provided pursuant to HSC section 50675.1.3

Over the past year Riverbank has been successful in receiving grant funding for a variety of projects which seek to address the homeless population within our City, including the purchase of our first homeless shelter, currently known as the Sierra House. In an effort to continue expanding the services offered, Central Valley Community Resources, Inc. reached out to the City to propose a joint project which will serve as a second stepping stone in offering transitional housing for our homeless population.

Central Valley Community Resources, Inc. (CVCR) is a non-profit organization located in the city of Riverbank. CVCR was founded in 2011 and is currently operating a transitional housing program in Stanislaus County for at-risk young adults. CVCR will be the Co-applicant on the application for the NOFA Homekey grant. The purpose of grant will be to purchase (2) four- bedroom homes on the property on Ward Ave. in Riverbank for transitional housing of the homeless. CVCR will have transitional housing available for twelve to eighteen months. CVCR's transitional housing program will prepare the client for permanent housing.

CVCR's transitional housing program will assist clients with job interviews skills, hunting for jobs, resume writing, computer skills, budgeting, paying bills, shopping, and other skills that are needed to be successful in life. CVCR's transitional housing program will assist to illuminate challenges and to overcome barriers. In addition, CVCR will assist to help connect with health and mental health professionals.

FUNDING REQUEST

Homekey will fund a maximum grant amount per door, pursuant to the conditions of this section, which includes both the acquisition cost and any needed Rehabilitation or new construction. In our proposal, the joint application is being made to serve those individuals who are experiencing Chronic Homelessness. Based on this classification, the City and CVCR may apply for up to \$200,000 in baseline funding per door. The project

proposes the purchase of 2 homes, each with four bedrooms, therefore the Maximum Grant Amount has been calculated as follows:

Homes to Purchase	2
Bedrooms Per Home	4
Total Bedrooms	8
Funding per Bedroom	\$200,000
Total Funding All Bedrooms	\$1,600,000

While the maximum award for 8 Rooms is \$1.6 million, HCD recommends identifying an authorized dollar amount that is at least double the anticipated award (based on current formula calculations), therefore the total request will be made for \$3.2 million.

STRATEGIC PLAN

This item is directly associated with the City Council's Strategic Plan Goal to "Enhance Quality of Life". One of the strategies developed to achieve this goal is item 8.6 Engage the community and non-profit partners in the development of programs, facilities, transitional housing and/or solutions for homeless services.

FINANCIAL IMPACT

There is no financial impact associated with the participation in this program.

ATTACHMENT

1. Resolution

CITY OF RIVERBANK

RESOLUTION

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVERBANK, CALIFORNIA, AUTHORIZING THE CITY OF RIVERBANK TO JOINTLY APPLY FOR THE HOMEKEY PROGRAM FUNDS NOT TO EXCEED \$3,200,000 WITH CENTRAL VALLEY COMMUNITY RESOURCES, INC. AND FOR THE CITY MANAGER TO EXECUTE A STANDARD AGREEMENT AND ANY NECESSARY RELATED DOCUMENTS TO JOINTLY PARTICIPATE IN THE HOMEKEY PROGRAM

WHEREAS, The Department of Housing and Community Development ("Department") has issued a Notice of Funding Availability, dated September 9, 2021 ("NOFA"), for the Homekey Program ("Homekey" or "Program"). The Department has issued the NOFA for Homekey grant funds pursuant to Health and Safety Code section 50675.1.3 (Assem. Bill No. 140 (2021-2022 Reg. Sess.), § 20); and

WHEREAS, the City of Riverbank ("Co-Applicant") desires to jointly apply for Homekey grant funds with Central Valley Community Resources, Inc. ("Corporation"). Therefore, Co-Applicant is joining Corporation in the submittal of an application for Homekey funds ("Application") to the Department for review and consideration; and

WHEREAS, The Department is authorized to administer Homekey pursuant to the Multifamily Housing Program (Chapter 6.7 (commencing with Section 50675) of Part 2 of Division 31 of the Health and Safety Code). Homekey funding allocations are subject to the terms and conditions of the NOFA, the Application, the Department-approved STD 213, Standard Agreement ("Standard Agreement"), and all other legal requirements of the Homekey Program.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Riverbank

1. Co-Applicant is hereby authorized and directed to submit a joint Application to the Department in response to the NOFA, and to jointly apply for Homekey grant funds in a total amount not to exceed \$3,200,000.
2. If the Application is approved, Co-Applicant is hereby authorized and directed to enter into, execute, and deliver a Standard Agreement in a total amount not to exceed \$3,200,000, any and all other documents required or deemed necessary or appropriate to secure the Homekey funds from the Department and to participate in the Homekey Program, and all amendments thereto (collectively, the "Homekey Documents").
3. Co-Applicant acknowledges and agrees that it shall be subject to the terms and conditions specified in the Standard Agreement, and that the NOFA and Application will be incorporated in the Standard Agreement by reference and made a part thereof. Any and all activities, expenditures, information, and timelines

represented in the Application are enforceable through the Standard Agreement. Funds are to be used for the allowable expenditures and activities identified in the Standard Agreement.

4. The City Manager, or his or her designee, is authorized to execute the Application and the Homekey Documents on behalf of Co-Applicant for participation in the Homekey Program.

PASSED AND ADOPTED by the City Council of the City of Riverbank at a regular meeting held on the 25th day of January, 2022; 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:

Annabelle H. Aguilar, CMC
City Clerk

Richard D. O'Brien
Mayor

RIVERBANK CITY COUNCIL AGENDA ITEM NO. 11.2

SECTION 11: NEW BUSINESS

Meeting Date: January 25, 2022

Subject: A **Resolution** to Enter into a Municipal Advisory Agreement with McLiney and Company (A Division Of SAMCO Capital) for the Issuance of Debt or Lease Obligations Related to the Riverbank Efficiency Project with SitelogIQ and to Authorize the Interim City Manager to Execute Said Agreement

From: Marisela H. Garcia, Interim City Manager

RECOMMENDATION

It is recommended that the City Council adopt the proposed resolution to provide authorization to the Interim City Manager to enter into a Municipal Advisory Agreement with McLiney and Company for the issuance of debt or lease obligations related to the Riverbank Energy Efficiency Project with SitelogIQ.

SUMMARY

At the January 11, 2022 meeting the City Council selected a funding strategy for the proposed improvements as part of the Riverbank Energy Efficiency Project with SitelogIQ. The Council selected a funding strategy which included American Rescue Plan Act (ARPA) funding of \$2,000,000 with an additional \$4,379,901 to be financed for a total project cost of \$6,379,901. Today's action allows for the City to enter into a contract with McLiney and Company to direct and coordinate the financing portion of this project.

BACKGROUND

At the 2021 Riverbank City Council Strategic Planning Session the Council expressed a desire to consider new innovative energy efficiency and micro grid projects. Similarly, many times over the past number of years Council has discussed a desire to see developments as well as City operations find alternative sources of energy in addition to finding ways to lower the City of Riverbank's carbon footprint. Additionally, staff is always tasked with staying aware of opportunities to reduce costs for more efficient municipal operations. In conjunction with SitelogIQ, staff was able to develop an energy efficiency project which would allow the City Council to achieve this goal.

On January 11, 2022 the City Council reviewed and authorized the final project scope in addition to the financing strategy. This finance strategy included an allocation of ARPA funding of \$2,000,000 with the balance to be financed via bond debt or lease obligations.

McLiney and Company has provided municipal advisory services to organizations to obtain the best financing options available to cities. Initial projections assume a 2.75% interest rate for a 20-year debt or lease obligation but the market will dictate the rates available to the City.

McLiney and Company will be responsible for all services related to the development and implementation of a debt and/or lease management plan. These services include, but are not limited to, the structuring of a bond model, the formulation of a bond program, the analysis and completion of refunding programs (if any), consultation regarding bond elections, consultation regarding bond ratings, consultation regarding the available types of financings, etc. The services also will include communicating and coordinating with other professionals involved in bond transactions and related services (e.g. bond counsel, rating agent, credit enhancement providers, verification agent, arbitrage rebate provider, etc.). The advice and assistance include serving as a fiduciary to the Issuer and representing the Issuer's interest in the sale and distribution of any debt or lease obligations. The fee for these services is set to not exceed \$40,000.

STRATEGIC PLAN

This item is directly related to the City Council's Strategic Plan Goal to "Ensure Financial Stability".

FINANCIAL IMPACT

Fee associated with this agreement is set to not exceed \$40,000. It is anticipated that this Project will allow the City to realize energy efficiency savings of \$9,057,798.

ATTACHMENT

1. Resolution
2. Municipal Advisory Agreement

CITY OF RIVERBANK

RESOLUTION

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVERBANK, CALIFORNIA, TO ENTER INTO A MUNICIPAL ADVISORY AGREEMENT WITH MCLINEY AND COMPANY (A DIVISION OF SAMCO CAPITAL) FOR THE ISSUANCE OF DEBT OR LEASE OBLIGATIONS RELATED TO THE RIVERBANK EFFICIENCY PROJECT WITH SITELOGIQ AND TO AUTHORIZE THE INTERIM CITY MANAGER TO EXECUTE SAID AGREEMENT

WHEREAS, at the 2021 Riverbank City Council Strategic Planning Session the Council expressed a desire to consider new innovative energy efficiency and micro grid projects; and

WHEREAS, in conjunction with SitelogIQ, staff was able to develop an energy efficiency project, that would allow the City Council to achieve this goal; and

WHEREAS, on January 11, 2022, the City Council reviewed and authorized the final project scope in addition to the financing strategy, which included an allocation of America Rescue Plan Act (ARPA) funding of \$2,000,000 with the balance to be financed via bond debt or lease obligations; and

WHEREAS, McLiney and Company has provided municipal advisory services to organizations to obtain the best financing options available to cities; and

WHEREAS, McLiney and Company will be responsible for all services related to the development and implementation of a debt and/or lease management plan; and

WHEREAS, services rendered will include, but are not limited to the following:

- The structuring of a bond model;
- The formulation of a bond program;
- The analysis and completion of refunding programs (if any);
- Consultation regarding bond elections;
- Consultation regarding bond ratings;
- Consultation regarding the available types of financings, etc.;
- Communicating and coordinating with other professionals involved in bond transactions and related services (e.g. bond counsel, rating agent, credit enhancement providers, verification agent, arbitrage rebate provider, etc.); and

- The advice and assistance include serving as a fiduciary to the Issuer and representing the Issuer's interest in the sale and distribution of any debt or lease obligations.

The fee for these services is set to not exceed \$40,000 (forty thousand dollars).

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Riverbank hereby approves entering into a Municipal Advisory Agreement with McLiney and Company (a division of SAMCO Capital) for the issuance of debt or lease obligations related to the Riverbank Efficiency Project with SitelogIQ and authorizes the Interim City Manager to execute said Agreement.

PASSED AND ADOPTED by the City Council of the City of Riverbank at a regular meeting held on the 25th day of January, 2022; motioned by _____, seconded by _____, and upon roll call was carried by the following City Council vote of _____ :

AYES:

NAYS:

ABSENT:

ABSTAINED:

ATTEST:

APPROVED:

Annabelle H. Aguilar, CMC
City Clerk

Richard D. O'Brien
Mayor



MUNICIPAL ADVISORY AGREEMENT

Mayor and City Council
City Hall
6707 3rd Street, Suite B
Riverbank, California

Dear Mayor and Council:

1. McLiney And Company, a division of SAMCO Capital Markets Inc., understands that your City, from time to time, will consider the issuance of debt or lease obligations and that in connection with the authorization, issuance, sale and delivery of such obligations you desire the McLiney And Company Municipal Advisory Team to perform professional services in the capacity of Municipal Advisors for your City.
2. We agree to provide all services related to the development and implementation of a debt and/or lease management plan. These services include, but are not limited to, the structuring of a bond model, the formulation of a bond program, the analysis and completion of refunding programs (if any), consultation regarding bond elections, consultation regarding bond ratings, consultation regarding the available types of financings, etc. The services also will include communicating and coordinating with other professionals involved in bond transactions and related services (e.g. bond counsel, rating agent, credit enhancement providers, verification agent, arbitrage rebate provider, etc.). The advice and assistance include serving as a fiduciary to the Issuer and representing the Issuer's interest in the sale and distribution of any debt or lease obligations.
3. We agree to direct and coordinate the entire program of financing herein contemplated. It is specifically understood and agreed, however, that this obligation on our part shall not cover payment of any expenses associated with the issuance of the obligations or the expenses of any litigation, if such would occur.
4. As consideration for the services rendered by us and as reimbursement for the expenses which we are to incur, it is understood and agreed that the City is to pay a cash fee for such professional services in accordance with the fee schedule set forth on the following page. Such fee shall become due and payable simultaneously with the delivery of the bonds to the purchaser. It is understood that a miscellaneous expense will be added to the fee to cover reimbursables. This amount shall be capped at \$4,000.

FEE SCHEDULE

The following schedule is an estimate of fees due for Municipal Advisory work. The actual fee will be more or less based upon work performed.

Base Fee – Any issue		\$5,000					
Plus \$12.50	per \$1,000 next	\$500,000	or	\$11,250	for	\$500,000	Bonds
Plus \$8.00	per \$1,000 next	\$500,000	or	\$15,250	for	\$1,000,000	Bonds
Plus \$5.50	per \$1,000 next	\$1,500,000	or	\$23,500	for	\$2,500,000	Bonds
Plus \$3.50	per \$1,000 next	\$2,500,000	or	\$32,250	for	\$5,000,000	Bonds
Plus \$2.00	per \$1,000 next	\$5,000,000	or	\$42,250	for	\$10,000,000	Bonds
Plus \$1.50	per \$1,000 next	\$10,000,000					

Fees for Refunding Bonds, Revenue Bonds, Lease Purchases, Certificates of Participation or Bonds issued to State or Federal Agencies shall be computed from the above schedule, plus 25%. For any issue of Refunding Bonds and/or other Debt Instruments *involving Escrow Agreements*, it is understood and agreed that our fee will be the fee schedule set out above plus 10%.

McLiney And Company will bill the Issuer at Closing for each issue of obligations a net amount which will include a fee calculated on the above schedule as well as costs and expenses, where applicable, incurred on behalf of the Issuer for the Bond Attorneys, preparation, printing and distribution of the Notice of Sale, Official Statement, Uniform Bid Form or Private Placement Memorandum, independent consultants, information meetings, if any, presentations to rating agencies and rating fees, if any, printing of Obligations, and all appropriate costs and expenses associated with the closing and delivery of the Obligations.

5. If appropriate, we will assist with the annual filing of all documents related to the Securities Exchange Commission Rule 15c2-12 (Continuing Disclosure). It is understood that we are not your agent for Continuing Disclosure because McLiney And Company cannot be assured of being informed on a timely manner of all material events that require filing during the year. It is further understood that any fees due us for our work in this capacity will be determined on a case-by-case basis.
6. This Agreement will commence on the date of acceptance and shall remain in effect until terminated or replaced with a subsequent agreement. This Agreement can be terminated at any time, with or without cause, with simple written notice.

Respectfully submitted,



G. Joseph McLiney
Senior Managing Director

ACCEPTANCE

ACCEPTED and adopted by the of the on this the ____ day of _____, 2022

Authorized

Witness

RIVERBANK CITY COUNCIL AGENDA ITEM NO. 11.3

SECTION 11: NEW BUSINESS

Meeting Date:	January 25, 2022
Subject:	Adjustments to 2022 City Council Meeting Schedule
From:	Marisela H. Garcia, Interim City Manager

RECOMMENDATION

It is recommended that the City Council by roll call vote:

- 1) Cancel the meetings of July 12, August 9, November 22, and December 27, for a modified summer schedule and to minimize conflicts with Holiday activities.

SUMMARY

Summer 2022

It is not uncommon for agencies to set up a schedule that includes adjustments for summer vacations. The City has in the past, adopted a modified summer schedule which allowed staff, as well as the members of the City Council, to more effectively coordinate their vacation plans and minimize scheduling conflicts. In consideration of the number of projects moving forward, it is proposed that the City once again hold only one meeting in July and August rather than cancel both meetings in one of the summer months

This is consistent with the meeting schedule from 2021 and previous years. The Labor Day Holiday does not fall on City Council meetings in 2022, so no changes to the September City Council meeting schedule are proposed. However, if Council would like to consider alternate or additional Council meeting closures to accommodate summer plans it is within Council's authority to do so. In previous years Council has elected to cancel both a meeting in July and a meeting in August. The proposed cancellation dates should Council elect to continue this practice would be **July 12th and August 9th**.

Fall/Winter 2022

It is also recommended that Council cancel the **November 22nd and December 27th** meetings. The November 22nd date is right in the middle of frequent Council, Staff, and Community Thanksgiving holiday travel schedules. Similarly, the December 27th date falls on the week between the Christmas and New Year holiday and therefore is recommended for cancellation. As always, in the event that issues arise that need to be attended to between regularly scheduled meetings, a special meeting can be held.

FINANCIAL IMPACT

No direct fiscal impact.

STRATEGIC PLAN

Since the City Council meetings play an integral role in the delivery of the strategic plan, establishing a clear Council meeting schedule relates directly to most aspects of the strategic plan.

RIVERBANK CITY COUNCIL AGENDA ITEM NO. 11.4

SECTION 11: NEW BUSINESS

Meeting Date:	January 25, 2022
Subject:	Annual Consideration of City Council Appointments to Intergovernmental Boards and Committees and Appointments to Internal City Committees for the Year 2022
From:	Marisela H. Garcia, Interim City Manager
Submitted by:	Annabelle H. Aguilar, CMC, City Clerk

RECOMMENDATION

It is recommended that the City Council:

- 1) Review the appointment lists; and
- 2) Consider the rotation of appointments by volunteer or nomination of a Member of the Council to serve as the representative; and
- 3) By roll call vote, ratify the appointments for the year 2022.

SUMMARY

One of the first orders of business of each year is for the City Council to review the prior year's Board and Committee appointment lists as adopted, consider the rotation of representation, nominate someone or volunteer for an appointment, and ratify the changes agreed upon by roll call vote.

The City's participation in various intergovernmental boards and committees provides a valuable opportunity for the City's legislative body to actively engage in the discussion and decisions that affect the residents of Riverbank, and ensure the City's best interests are taken into consideration.

In addition, Members of the City Council function in a liaison role to internal City committees which provides the opportunity for Members to share their perspectives and recommendations on matters to be addressed while, simultaneously, foster open communication and collaboration with a diverse committee of various community interests and expertise.

Intergovernmental Boards/Committees List

Stanislaus County Workforce Development Board. As a reminder, this Board has been on the list for several years due to the understanding that a Member of the Council would

have the opportunity to be designated to the Government seat on the Board. After further inquiry of this seat, it was determined that this seat is typically held by a County Representative, and is filled by the predecessor. To stay informed of the Agency and the Board's activities and decisions, other cities have appointed a Council Member to a separate "Interest Group". The Interest Group members receive notifications of the Board's meetings, the agenda, materials provided to the Board, and may participate as an attendee of the meeting.

Stanislaus Homeless Alliance Board. According to the bylaws, the East County Cities of Oakdale, Hughson, Riverbank, and Waterford are to decide among themselves which two (2) cities will represent the region. Riverbank has been one of the representatives since 2019. At the writing of this report, the City Clerk had not been informed of any changes that may have occurred. Councilmember Darlene Barber-Martinez is currently serving on the Board and may provide clarification on the status of whether Riverbank will continue to serve as a representative of the region.

Lower Stanislaus River Trail Improvement Plan Committee. This Committee was formulated in 2013 with Representatives of the Cities of Riverbank, Oakdale, and Ripon and the Local Government Commission and the National Park Service to work together to enhance public use and stewardship of the lower Stanislaus River. Vice Mayor Cal Campbell has been designated as the Riverbank representative and may provide clarification as to its current status of activity.

Internal City Committees

Budget Advisory Committee (BAC). This is a (7) resident member advisory committee, including (1) non-voting Council representative and a Council alternate, tasked to review and discuss the City's operating budget and makes recommendations on projects, programs, and policies to the City Council. This committee has been inactive for the past (3) years. Interim City Manager (Director of Finance) Marisela Garcia may provide additional information on its continued existence.

The 2021 ratified list of External Intergovernmental Boards and Internal City Boards is provided for review and ratification of any changes made for the year 2022.

STRATEGIC PLAN

City Council and Staff serve as city representatives fostering relationships with external agencies and community members, and at times may involve collaborating joint efforts on accomplishing various aspects of the strategic plan.

ATTACHMENTS

1. Prior year 2021 adopted Boards and Committees lists.

RIVERBANK CITY COUNCIL
INTERGOVERNMENTAL BOARDS & COMMITTEES
 (Last revised and ratified on 01/12/2021)

BOARD / COMMITTEE	COUNCIL REPRESENTATIVE (2021 - Appointments)
<u>LEAGUE OF CALIFORNIA CITIES</u> <u>CENTRAL VALLEY DIVISION EXECUTIVE COMMITTEE</u> <u>Meets:</u> Quarterly, TBD when scheduled <u>Location:</u> It rotates among the Northern and Southern central valley cities, TBD. (Annual breakfast meeting of the year takes place at the League's Annual Conference in September) The Central Valley Division (CVD) is led by an executive committee made up of local government officials who provide overall guidance and direction for CVD activities. These activities provide a variety of avenues for individuals to take the opportunity to exchange ideas and information and share the advantages of cooperative advocacy.	Councilmember Cal Campbell (Primary) Vice Mayor Luis Uribe (Alternate)
<u>San Joaquin Valley Air Pollution Control District</u> <u>Special City Selection Committee</u> <u>Meets:</u> At least once annually and as needed <u>Location:</u> Northern Region Office, 4800 Enterprise Way, Modesto This Committee's purpose is to appoint (5) Council Members to the San Joaquin Valley Air Pollution Control District's Governing Board.	Councilmember Darlene Barber-Martinez (Primary) Vice Mayor Luis Uribe (Alternate)
<u>STANCOG – POLICY BOARD</u> <u>Meets:</u> The 3rd Wednesday of each month; 6:pm <u>Location:</u> 1111 I Street, Suite 308, Modesto To work together with local cities to enhance communication, cooperation and comprehensive planning in dealing with regional issues.	Mayor Richard D. O'Brien (Primary) Councilmember Cal Campbell (Alternate)

RIVERBANK CITY COUNCIL
INTERGOVERNMENTAL BOARDS & COMMITTEES
 (Last revised and ratified on 01/12/2021)

BOARD / COMMITTEE	COUNCIL REPRESENTATIVE (2021 - Appointments)
<u>STANISLAUS HOMELESS ALLIANCE BOARD</u> <u>(RESOLUTION NO. 2019-032)</u> <u>Meets:</u> 1st Wednesday of Each Month at 5:30 pm <u>Location:</u> Tenth Street Place, Board Chambers, 1010 10th Street (Basement), Modesto The Alliance Is A Collaborative Board Formed to Align Homeless Service, Planning, And Funding Among Stakeholders in Stanislaus County. The Board Consists of Several Community Leaders of Governmental and Nongovernmental Entities. A Primary Voting Member Is Appointed by The City Council Annually. <u>Update:</u> Per the bylaws, East County Cities of Oakdale, Hughson, Riverbank, and Waterford are to decide among themselves which (2) cities will represent this region. This seat may eventually be represented by another city in 2021.	Councilmember Darlene Barber Martinez *(primary) *If and when the final decision is made by the East County Cities to assign Riverbank as the second representative city. City Manager (per bylaws serves as the Alternate)
<u>STANISLAUS OFFICE OF EMERGENCY SERVICES</u> <u>DISASTER COUNCIL</u> <u>Meets:</u> Once a year or as necessary (tentative April 13th) <u>Location</u> Harvest Hall Cornucopia Way, Modesto To make recommendations to local governing agencies on matters pertinent to development of mitigation, disaster preparedness, response & recovery plans, and programs for any potential local emergency.	Councilmember Rachel Hernandez (*Primary) Vice Mayor Luis Uribe (Alternate) (*Note: The appointed Councilmember serves a 2-year term; ending 12/2022.)

RIVERBANK CITY COUNCIL
INTERGOVERNMENTAL BOARDS & COMMITTEES
 (Last revised and ratified on 01/12/2021)

BOARD / COMMITTEE	COUNCIL COUNCIL REPRESENTATIVE (2021 - Appointments)
<u>(NEW) “INTEREST GROUP MEMBER” OF THE STANISLAUS COUNTY WORKFORCE DEVELOPMENT BOARD</u> (formerly the Stanislaus Business Alliance Board that ended 6/2016) http://stanworkforce.com/board <u>Meets:</u> The 1st Monday of the 1st month of every quarter. <u>Location:</u> 251 E. Hackett Road, Modesto. The WDB is a business led public body whose members are appointed by the Board of Supervisors to oversee activities funded by the Workforce Innovation and Opportunity Act. The WDB is responsible for shaping and strengthening local and regional workforce development efforts to support small, medium and large business job growth by providing services such as job search assistance, resume development, career counseling, and job placement assistance. <u>Update:</u> The designated Government Seat of the Board is typically held by a County Representative and when vacant appointed by the predecessor. The City Council has the option to appoint a Council Member to the “Interest Group” who will be notified of the meetings and provided with agenda materials to participate as an attendee of the meeting; in turn may report back to the City Council. This is how other cities have participated to keep abreast of the Agency and Board’s activities and decisions.	Councilmember Cal Campbell (Primary) Vice Mayor Luis Uribe (Alternate) <i>(Note: The Stanislaus County Workforce Development Agency is a County Agency; not to be confused with Opportunity Stanislaus Agency, which is a nonprofit organization; a separate entity.)</i>
<u>Lower Stanislaus River Trail Improvement Plan Committee</u> (Resolution No. 2013-069) <u>Meets:</u> TBD <u>Location:</u> TBD Representatives of the Cities of Riverbank, Oakdale, and Ripon and the Local Government Commission and the National Park Service will be working together to enhance public use and stewardship of the lower Stanislaus River.	*Councilmember Cal Campbell will remain the appointed Representative.

CITY OF RIVERBANK CITY COUNCIL
INTERNAL CITY COMMITTEES
 (Last revised and ratified on 01/12/2021)

CITY/LRA COMMITTEES	COUNCIL/LRA LIAISON (2021 – Appointments)
<u>BUDGET ADVISORY COMMITTEE (BAC)</u> <u>Meets:</u> As needed <u>Location:</u> City Hall Council Chambers or City Hall South Conference Room This (7) resident member advisory committee, including (1) non-voting Council representative and a Council alternate, reviews and discusses the City's operating budget and makes recommendations on projects, programs, and policies to the City Council.	Vice Mayor Luis Uribe (Primary) Councilmember Rachel Hernandez (Alternate) (Note: This committee has been inactive for the past (3) years.)
<u>FRIENDS OF JACOB MYERS PARK (JMP)</u> (A non-profit organization) <u>Meets:</u> On a monthly basis <u>Location:</u> City Hall Council Chambers Works on projects, park planning, and fundraising events.	Councilmember Cal Campbell (Primary) Councilmember Darlene Barber-Martinez (Alternate) Councilmember Rachel Hernandez (2nd Alternate)

ADDED

RIVERBANK CITY COUNCIL AGENDA ITEM NO. 11.5

SECTION 11: CONSENT CALENDAR

Meeting Date: January 25, 2022

Subject: **Resolution** Appointing Kathy Teixeira as Interim City Clerk Pursuant to California Government Code Section 21221(h)

From: Marisela H. Garcia, Interim City Manager

RECOMMENDATION

It is recommended that the City Council consider approving a resolution appointing Mrs. Kathy Teixeira as Interim City Clerk.

SUMMARY

On December 21, 2021 City Clerk, Annabelle Aguilar submitted her Letter of Resignation to the City Manager effective February 1, 2022. The City Clerk position will experience a vacancy as a result of her resignation. State law provides that cities such as Riverbank, that are part of the CalPERS retirement system, can appoint CalPERS retirees to fill vacant positions, such as City Clerk, on an interim basis. This allows cities to obtain the services of experienced professionals to manage key municipal operations during the period while an open recruitment is underway to fill the vacant position.

BACKGROUND

Mrs. Kathy Teixeira, a retired City Clerk with extensive experience and a former Certified Municipal Clerk, has agreed to serve as Interim City Clerk in Riverbank on a part-time basis. Mrs. Teixeira retired as City Clerk in Oakdale in 2019. After discussions regarding this interim appointment, Mrs. Teixeira demonstrated excellent knowledge and organizational skills with regards to all aspects of the City Clerk's traditional duties.

As Interim City Clerk, Mrs. Teixeira's duties will include primary responsibilities for producing Council meeting agenda packets, attendance at City Council meetings, taking and producing City Council minutes, ensuring that proper and timely public noticing requirements are met, preparation of approved Resolutions and Ordinances, and assisting with other daily operations, such as public records requests.

While the City Clerk position in Riverbank is appointed and supervised by the City Manager state law, enacted as part of retirement system reforms, requires that the City Council make the appointment of CalPERS retirees to interim management positions such as the City Clerk. This PERS appointment process does not modify the municipal

code, pursuant to which the Interim City Clerk reports to and is supervised by the City Manager.

The terms of this at-will appointment are as follow:

1. Appointment Date: February 1, 2022
2. Duration of Appointment: To June 30, 2022 (state law requires specific end date)
3. Hourly Pay: \$50.00 per hour (top step of City Clerk pay range 156)
4. Benefits: None

The open recruitment to fill the City Clerk position on a permanent basis is underway with initial notification of the opening on the City's website. The duration of Mrs. Teixeira's interim appointment should provide sufficient time to complete the recruitment and selection process. State law does not allow an interim appointment of this type to be extended.

FINANCIAL IMPACT

Since the position is being filled on a part-time basis and no benefits are provided, there will be sufficient savings in the City Clerk's salary and benefit budget accounts to cover the cost of this appointment.

ATTACHMENT

1. Resolution

CITY OF RIVERBANK

RESOLUTION

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVERBANK, CALIFORNIA, APPOINTING KATHY TEIXEIRA AS INTERIM CITY CLERK PURSUANT TO CALIFORNIA GOVERNMENT CODE SECTION 21221(H)

WHEREAS, the City Council of the City of Riverbank hereby appoints Kathy Teixeira as an interim appointment retired annuitant to the vacant position of City Clerk for the City of Riverbank under California Government Code Section 21221(h), effective February 1, 2022; and

WHEREAS, an appointment under Government Code Section 21221(h) requires an active, publicly posted recruitment for a permanent replacement; and

WHEREAS, the current status of this recruitment is open; and

WHEREAS, this section 21221(h) appointment shall only be made once and therefore will end on June 30, 2022; and

WHEREAS, the employment will be limited to 960 hours per fiscal year; and

WHEREAS, the compensation paid to retirees cannot be less than the minimum nor exceed the maximum monthly base salary paid to other employees performing comparable duties, divided by 173.333 to equal the hourly rate; and

WHEREAS, the maximum base salary for this position is \$8,667.45 per month and the hourly equivalent to \$50.00, and therefore Kathy Teixeira will be paid an hourly rate of \$50.00, and

WHEREAS, Kathy Teixeira has not and will not receive any other benefit, incentive, compensation in lieu of benefit or other form of compensation in addition to this hourly pay rate.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Riverbank hereby authorizes the appointment of Kathy Teixeira as described herein and that this appointment is necessary to fill the critically needed position of City Clerk for the City of Riverbank by June 30, 2022 because she possesses specialized skills required for the position.

PASSED AND ADOPTED by the City Council of the City of Riverbank at a regular meeting held on the 25th day of January, 2022; 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:

Annabelle H. Aguilar, CMC
City Clerk

Richard D. O'Brien
Mayor