



Regular Meeting Agenda

City Council

Rich Constantine - Mayor
John McKay - Mayor Pro Tem
Gino Borgioli - Council Member
Yvonne Martinez Beltran - Council Member
Rene Spring - Council Member

Wednesday, May 5, 2021 7:00 p.m.

Virtual Meeting

VIRTUAL MEETING GUIDELINES AND PUBLIC COMMENT

In accordance with Executive Order N-25-20 and guidance from the California Department of Public Health on gatherings, remote public participation is allowed. Physical meetings will not be in the City Council Chamber until further notice.

City Council meetings will be live streamed on Channel 17, on the City's website and on the City's Facebook page. Those members of the community that would like to participate in the meetings remotely may do so by joining the virtual meeting at: <https://bit.ly/MHCityCouncilMeeting> or by calling in to: (669) 900-9128, then enter the webinar id: 873 3200 8380#.

Public comment may be provided in the following ways:

- Join the virtual City Council meeting via the link above, when public comment is opened, raise your virtual hand and be called upon to speak for up to 3 minutes
 - In order to speak, please be sure that your version of Zoom is up to date.
- Join the virtual meeting by calling in to the number above, dial *9 to raise your hand and be called upon to speak for up to 3 minutes
- Send public comments in writing to the City Clerk at ccpubliccomment@morganhill.ca.gov [<mailto:ccpubliccomment@morganhill.ca.gov>](mailto:ccpubliccomment@morganhill.ca.gov)

* Please note that comments made on Facebook are not considered public comment.

The City Council has adopted a policy that regular meetings shall not continue beyond 11:00 p.m. unless extended by a majority of the City Council.

CALL TO ORDER

Mayor Constantine

ROLL CALL ATTENDANCE

City Clerk Michelle Bigelow

DECLARATION OF POSTING AGENDA

Per Government Code Section 54954.2

City Clerk Michelle Bigelow

PROCLAMATIONS

Proclaiming the month of May 2021 as Affordable Housing Month

Proclaiming the month of May 2021 as Aquatics Month

Proclaiming the month of May 2021 as Older Americans Month

Proclaiming the month of May 2021 as Wildfire Awareness Month

CITY COUNCIL REPORTS

Mayor Constantine

CITY MANAGER'S REPORT

City Manager Christina Turner

CITY ATTORNEY'S REPORT

City Attorney Donald Larkin

OTHER REPORTS

PUBLIC COMMENT

Members of the public are entitled to address the City Council concerning any item within the Morgan Hill City Council's subject matter jurisdiction. Public comments are limited to no more than three minutes. Except for certain specific exceptions, the City Council is prohibited from discussing or taking action on any item not appearing on the posted agenda. (See additional noticing at the end of this agenda)

ADOPTION OF AGENDA

CONSENT CALENDAR

Items appearing on the Consent Calendar are considered routine and may be approved by one motion. Pursuant to City Council Policies and Procedures (CP 97-01), any member of the Council or public may request to have an item removed from the Consent Calendar for comment and action.

Time Estimate for Consent Calendar: 1 - 10 Minutes

1. ADOPT RESOLUTION APPROVING FY2021-22 LIST OF STREET REHABILITATION PROJECTS FUNDED BY SENATE BILL (SB) 1: THE ROAD REPAIR AND ACCOUNTABILITY ACT

Recommendation:

Adopt resolution approving a list of street rehabilitation projects funded by SB 1, The Road Repair and Accountability Act of 2017.

2. APPROVE AN IMPACT FEE FREEZE AGREEMENT WITH LEVEL 10 CONSTRUCTION LP FOR A NEW 79,000 SQUARE FOOT INDUSTRIAL BUILDING ON 3.67 ACRES LOCATED ON RAILROAD AVENUE

Recommendation:

Direct the City Manager to execute an Impact Fee Freeze Agreement with Level 10 Construction, LP for the development of a new 79,000 square foot industrial building located on Railroad Avenue.

3. APPROVE CALIFORNIA CLIMATE INVESTMENTS - DEPARTMENT OF FORESTRY AND FIRE PROTECTION (CAL FIRE) FIRE PREVENTION GRANT APPLICATION

Recommendation:

Adopt resolution authorizing the City Manager to apply for and accept a grant application to the California Climate Investments-Department of Forestry and Fire Protection (CAL FIRE) Fire Prevention Grant Program.

4. APPROVE RE-FUNDING OF AN ACCOUNTING ASSISTANT POSITION

Recommendation:

Approve re-funding of an Accounting Assistant position.

5. APPROVE THE APRIL 21, 2021 MEETING MINUTES

Recommendation:

Approve Minutes.

6. AWARD STREET LIGHTING AND TRAFFIC SIGNAL MAINTENANCE SERVICE AGREEMENT

Recommendation:

1. Award a two-year contract with three one-year extensions to Cal-West Lighting and Signal Maintenance, Inc. in the amount of \$387,600; and
2. Authorize the City Manager to execute and administer the Maintenance Service Agreement with Cal-West Lighting and Signal Maintenance, Inc.

7. RATIFY CITY POSITION ON PENDING LEGISLATION SB 612 ELECTRICAL CORPORATIONS AND OTHER LOAD-SERVING ENTITIES: ALLOCATION OF LEGACY RESOURCES AND AB 125 EQUITABLE ECONOMIC RECOVERY, HEALTHY FOOD ACCESS, CLIMATE RESILIENT FARMS, AND WORKER PROTECTION BOND ACT OF 2022

Recommendation:

1. Receive legislative correspondence in support of SB 612 Electrical corporations and other load-serving entities: allocation of legacy resources and AB 125 Equitable Economic Recovery, Healthy Food Access, Climate Resilient Farms, and Worker Protection Bond Act of 2022; and
2. Ratify City's position.

PUBLIC HEARING

8. RATIFY URGENCY ORDINANCE 2320 AND EXTEND THE TERM OF THE INTERIM MEASURES FOR A FULL YEAR

Recommendation:

Ratify Interim Urgency Ordinance 2320 and extend its term for an additional 22 months and 15 days.

Estimated Time: 5 Minutes

OTHER BUSINESS

9. ADOPT URGENCY ORDINANCE REQUIRING HAZARD PAY OR VACCINE INCENTIVES FOR GROCERY WORKERS

Recommendation:

1. Adopt urgency ordinance; OR
2. Waive first and second reading; AND
3. Introduce ordinance requiring hazard pay or vaccine incentives for grocery store employees.

Estimated Time: 45 Minutes

10. PROVIDE DIRECTION REGARDING REDISTRICTING PROCESS FOR COUNCILMEMBER DISTRICT BOUNDARIES

Recommendation:

Determine the process for redistricting boundary lines for district-based elections of four Council seats, with the following options:

1. Use a City staff-led process without a redistricting commission, with a community outreach plan to encourage substantial public participation;
2. Establish an Advisory Redistricting Commission; or
3. Establish a Hybrid or Independent Redistricting Commission.

Estimated Time: 30 Minutes

11. INTRODUCE ORDINANCE REQUIRING WATER EFFICIENT FIXTURES TO BE INSTALLED ON SALE OF PROPERTY AND INTRODUCE ORDINANCE REQUIRING INSPECTION AND MAINTENANCE OF PRIVATE SEWER LATERALS

Recommendation:

1. Waive first and second reading of the Private Sewer Ordinance;
2. Introduce the Private Sewer Ordinance;
3. Waive first and second reading of the Water Conservation Ordinance;
4. Introduce the Water Conservation Ordinance; and
5. Direct staff to include funding for ordinance implementation in the midcycle budget update.

Estimated Time: 30 Minutes

12. INITIATE ANNUAL ASSESSMENT PROCESS FOR LANDSCAPE ASSESSMENT DISTRICT NUMBER 1

Recommendation:

Adopt resolutions approving the following actions:

1. Initiate the proceedings for the levy of assessments for Fiscal Year 2021-22;
2. Approve the Engineer's Annual Report and the proposed assessment levy; and
3. Declare the City Council's intention to levy the assessments in the District and to set the Public Hearing date for June 2, 2021.

Estimated Time: 15 Minutes

13. INTRODUCE ORDINANCE REVISING CITY PROCUREMENT LIMITS FOR COUNTYWIDE PURCHASES

Recommendation:

1. Waive the first and second reading of the ordinance; and
2. Introduce the ordinance.

Estimated Time: 15 Minutes

14. RECEIVE UPDATE ON SIGNIFICANT DEVELOPMENT PROJECTS

Recommendation:

Receive update.

Estimated Time: 45 Minutes

FUTURE COUNCIL INITIATED AGENDA ITEMS

Note: in accordance with Government Code Section 54954.2(a), there shall be no discussion, debate and/or action taken on any request other than providing direction to staff to place the matter of business on a future agenda.

ADJOURNMENT

NOTICE

Any documents produced by the City and distributed to the majority of the City Council less than 72 hours prior to an open meeting, will be made available for public inspection at the City Clerk's Counter at City Hall located at 17575 Peak Avenue, Morgan Hill, CA, 95037 and at the Morgan Hill Public Library located at 660 West Main Avenue, Morgan Hill, California, 95037 during normal business hours. (Pursuant to Government Code 54957.5)

PUBLIC COMMENT

Members of the Public are entitled to directly address the City Council concerning any item that is described in the notice of this meeting, before or during consideration of that item. If you wish to address the Council on any issue that is on this agenda, please complete a speaker request card located in the foyer of the Council Chambers and deliver it to the Minutes Clerk prior to discussion of the item. You are not required to give your name on the speaker card in order to speak to the Council, but it is very helpful. When you are called, proceed to the podium and the Mayor will recognize you. If you wish to address the City Council on any other item of interest to the public, you may do so during the public comment portion of the meeting following the same procedure described above. Please limit your comments to three (3) minutes or less.

Please submit written correspondence to the Minutes Clerk, who will distribute correspondence to the City Council.

Persons interested in proposing an item for the City Council agenda should contact a member of the City Council who may plan an item on the agenda for a future City Council meeting. Should your comments require Council action, your request may be placed on the next appropriate agenda. Council discussion or action may not be taken until your item appears on an agenda. This procedure is in compliance with the California Public Meeting Law (Brown Act) Government Code §54950.

City Council Policies and Procedures (CP 03-01) outlines the procedure for the conduct of public hearings. Notice is given, pursuant to Government Code Section 65009, that any challenge of Public Hearing Agenda items in court, may be limited to raising only those issues raised by you or on your behalf at the Public Hearing described in this notice, or in written correspondence delivered to the City Council at, or prior to the Public Hearing on these matters.

The time within which judicial review must be sought of the action by the City Council, which acted upon any matter appearing on this agenda is governed by the provisions of Section 1094.6 of the California Code of Civil Procedure.

For a copy of City Council Policies and Procedures CP 97-01, please contact the City Clerk's office (408) 779-7259, (408) 779-3117 (fax) or by email cityclerk@morganhill.ca.gov.

AMERICANS WITH DISABILITIES ACT (ADA)

In compliance with the Americans with Disabilities Act, if you are a disabled person and you need a disability-related modification or accommodation to participate in this meeting, please contact the City Clerk's Office at (408)779-7259, (408)779-3117 (fax) or by email cityclerk@morganhill.ca.gov. Requests must be made as early as possible and at least two-full business days before the start of the meeting.

SUSTAINABLE MORGAN HILL



VISION

To sustain a safe, equitable, inclusive, socially responsible, environmentally conscious, and economically sound community

Choose Morgan Hill

The City of Morgan Hill is the best community for people to live, work, visit, and operate their businesses.

City Council Ongoing Priorities

- Enhancing Public Safety
- Protecting the Environment and Preserving Open Space and Agricultural Land
- Maintaining Infrastructure
- Supporting our Youth, Seniors, and Entire Community
- Fostering a Positive Organizational Culture
- Preserving and Cultivating Public Trust
- Preserving our Community History
- Enhancing Equity, Diversity, and Inclusiveness
- Advancing Regional Initiatives
- Advocating for Local Control

2020-2021 Strategic Priorities

- **Fiscal Sustainability**
- Affordable Housing and Homelessness
- Community Outreach, Engagement, and Messaging
- Economic Development
- Transportation



These strategic priorities were established prior to the COVID-19 pandemic. In light of recent events, we recognize that all of these goals and priorities will be viewed through the lens of the global pandemic, and we will continue to have equity, public health, and financial responsibility in mind.





CITY COUNCIL STAFF REPORT

MEETING DATE: May 5, 2021

PREPARED BY: Lynette Kong, Associate Engineer
APPROVED BY: City Manager

ADOPT RESOLUTION APPROVING FY2021-22 LIST OF STREET REHABILITATION PROJECTS FUNDED BY SENATE BILL (SB) 1: THE ROAD REPAIR AND ACCOUNTABILITY ACT

RECOMMENDATION(S)

Adopt resolution approving a list of street rehabilitation projects funded by SB 1, The Road Repair and Accountability Act of 2017.

COUNCIL PRIORITIES, GOALS & STRATEGIES

Ongoing Priorities

Enhancing Public Safety
Maintaining Infrastructure

2020-2021 Strategic Priorities

Fiscal Sustainability
Transportation

REPORT NARRATIVE:

City staff are in the process of bidding for the 2021 Pavement Rehabilitation Project and planning for the 2022 Pavement Rehabilitation Project. Both projects will continue specific spot repairs and crack seal maintenance throughout the City. The 2021 project will include rehabilitation of the following streets:

- Tennant Avenue from Vineyard Avenue to Monterey Road
- Peak Avenue from West Dunne Avenue to West Main Avenue
- Wright Avenue from Monterey Road to Peak Avenue
- Alkire Drive from Dewitt Avenue to Peak Avenue
- Dewitt Avenue from Alkire Drive to West Main Avenue
- Farallon Drive from Peak Avenue to Alkire Drive
- Torrey Court from Farallon Drive to end
- West Main Avenue from Dewitt Avenue to Peak Avenue

The 2022 project is scheduled to include the rehabilitation of the following streets:

- East Dunne Avenue from Hill Road to lower Thomas Grade; from Flaming Oak Lane to upper Thomas Grade; and 2500' east of Holiday Drive to the eastern City limit
- Hill Road from East Dunne Avenue to the southern City limit
- Murphy Avenue from San Pedro Avenue to the southern City limit
- Jackson Oaks Drive
- Jackson Meadows neighborhood

As planned, the project prioritizes the repair of the City's arterial and collector roadways, while allocating some of the available funds to the resurfacing of residential streets. With annual contributions from State Senate Bill 1 (SB1), and Measure B (2016 voter approved countywide half-cent tax to enhance transportation), the City has been able to resurface a greater number of roadways than in the past. However, even with this funding it is anticipated that the City streets will continue to degrade. The Council will receive a more comprehensive infrastructure update, including pavement management, as part of the upcoming budget process. This update is provided now to meet timing requirements associated with the requirements of SB 1.

SB 1, which is known as the Road Repair and Accountability Act of 2017, established a tax that formed the Road Maintenance and Rehabilitation Account (RMRA). The RMRA is intended to fund basic road maintenance and rehabilitation needs on the local street and road systems within the State. Prior to receiving RMRA funds for the Fiscal Year (FY) 2021-22, the City must submit a list of projects proposed to be funded with RMRA funds, adopted by resolution, to the California Transportation Commission (CTC) by July 1, 2021. The list of projects proposed to be funded must include a description and the location of each proposed project, a proposed project schedule, and the estimated useful life of the improvement (Streets and Highways Code Section 2034(a)).

To ensure that the City is eligible for FY 2021-22 SB 1 RMRA funding, the proposed resolution (Attachment 1) identifies the City street locations proposed to be funded by FY 2021-22 SB 1 RMRA funds. These streets include the project streets for the 2021 and 2022 Pavement Resurfacing Projects to ensure full utilization of the FY 2021-22 funding. The proposed resolution is expected to fulfill the CTC's requirement that the City Council adopt, via resolution, a list of projects proposed for the next fiscal year's SB 1 RMRA funds and meets the intention of prioritizing these funds for basic road maintenance and rehabilitation projects, and on critical safety projects. If the 2021 Pavement Project expends the majority of the FY 2021-22 RMRA funding, the 2022 Pavement Project may be relisted on subsequent fiscal year resolutions to adopt the project and reaffirm to the State the City's intent to fund the project with future SB 1 RMRA funding.

COMMUNITY ENGAGEMENT: Inform

City staff are working on a significant communication planning effort to be implemented ahead of the work, which is planned to occur during the summer months.

ALTERNATIVE ACTIONS:

The Council could direct staff to submit a funding request for an alternative project.

PRIOR CITY COUNCIL AND COMMISSION ACTIONS:

- On June 17, 2020, City Council adopted the FY 2020-21 through 2025-26 Capital Improvement Budget
- On March 6, 2019, City Council passed Resolution No. 20-023 adopting a list of street rehabilitation projects for FY 2020-21 funded by SB 1

FISCAL AND RESOURCE IMPACT:

The FY 2021-22 SB 1 RMRA projected revenues of \$894,013 will be included as a revenue source for Fund 308 (Street CIP) in the City's CIP under Pavement Rehabilitation Program (Project No. 519000) as part of the FY 2021-22 project budget.

CEQA (California Environmental Quality Act): Categorical Exemption.

The activities described in this Staff Report are categorically exempt under CEQA, specifically pursuant to Section 15301 of the CEQA Guidelines (Existing Facilities), as the subject work involves the repair, maintenance, or minor alteration of existing City facilities involving negligible or no expansion of use of those facilities.

LINKS/ATTACHMENTS:

1. FY 21-22 SB 1 Project List Resolution

RESOLUTION NO. _____

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY
OF MORGAN HILL ADOPTING A LIST OF PROJECTS
FOR FISCAL YEAR 2021-22 FUNDED BY SB 1: THE ROAD
REPAIR AND ACCOUNTABILITY ACT OF 2017**

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

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

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

WHEREAS, the City, will receive an estimated \$894,013 in RMRA funding in Fiscal Year 2021-22 from SB 1; and

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

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

WHEREAS, the City used a Pavement Management System to develop the SB 1 project list to ensure revenues are being used on the most high-priority and cost-effective projects that also meet the communities priorities for transportation investment; and

WHEREAS, the funding from SB 1 will help the City maintain and rehabilitate portions of East Dunne and Tennant Avenues, Hill Road, and Murphy Avenue, four of the City's main arterial streets, Peak and Wright Avenues, two very deteriorated collector streets, and Alkire, Farallon, and Jackson Oaks Drives, portions of Dewitt and West Main Avenues, Torrey Court, and

the Jackson Meadows neighborhood, multiple deteriorated residential streets, this year, and multiple similar projects into the future; and

WHEREAS, the 2018 California Statewide Local Streets and Roads Needs Assessment found that the City’s streets and roads are in an “at-risk” condition and this revenue will help us increase the overall quality of our road system and over the next decade will bring our streets and roads into a “good” condition; and

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

NOW, THEREFORE IT IS HEREBY RESOLVED, ORDERED AND FOUND by the City Council of the City of Morgan Hill, State of California, as follows:

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

1) **Project Title:** 2021 Pavement Resurfacing Project

Project Description: The removal and replacement of failed pavement sections, pavement milling and conform grinding, cold-in-place recycling (CIR) rehabilitation treatment, a full pavement grind and hot mix asphalt concrete pavement fill, hot mix asphalt concrete overlay, utility box adjustments, restoration of thermoplastic striping and traffic loop detectors.

Project Locations: 1) Tennant Avenue from east of Monterey Road to west of Vineyard Boulevard; 2) Peak Avenue from Wright Avenue to Dunne Avenue; 3) Wright Avenue from Monterey Road to Peak Avenue; 4) Alkire Drive from Dewitt Avenue to Peak Avenue; 5) Dewitt Avenue from Alkire Drive to West Main Avenue; 6) Farallon Drive; 7) Torrey Court; and 8) West Main Avenue from Dewitt Avenue to Peak Avenue.

Estimated Project Schedule: Start (July 2021)– Completion (October 2021) based on the component being funded with RMRA funds.

Estimated Project Useful Life: The City’s Pavement Management System calculates a new useful life of 20 years for this roadway.

2) **Project Title:** 2022 Pavement Resurfacing Project

Project Description: The removal and replacement of failed pavement sections, pavement milling and conform grinding, cold-in-place recycling (CIR) rehabilitation treatment, a full pavement grind and hot mix asphalt concrete pavement fill, hot mix asphalt concrete

overlay, slurry sealing, utility box adjustments, restoration of thermoplastic striping and traffic loop detectors.

Project Locations: 1) East Dunne Avenue from Hill Road to lower Thomas Grade; Flaming Oak Lane to upper Thomas Grade; 2500' east of Holiday Drive to the eastern City limit 2) Hill Road from south of East Dunne Avenue to the southern City limit; 3) Jackson Oaks Drive; 4) Murphy Avenue from San Pedro Avenue to the southern City limit; and 5) various residential streets in the Jackson Meadows neighborhood.

Estimated Project Schedule: Start (June 2022)– Completion (September 2022) based on the component being funded with RMRA funds.

Estimated Project Useful Life: The City's Pavement Management System calculates a new useful life of 20 years for this roadway.

PASSED, APPROVED, AND ADOPTED by the City Council of the City of Morgan Hill at its meeting held on this 5th day of May, 2021, by the following vote:

AYES: COUNCIL MEMBERS:

NOES: COUNCIL MEMBERS:

ABSTAIN: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

APPROVED:

ATTEST:

RICH CONSTANTINE, Mayor

MICHELLE BIGELOW, City Clerk

∞ CERTIFICATION ∞

I, Michelle Bigelow, City Clerk of the City of Morgan Hill, California, do hereby certify that the foregoing is a true and correct copy of Resolution No. 21-XXX adopted by the City Council at the meeting held on the 5th day of May 2021.

WITNESS MY HAND AND THE SEAL OF THE CITY OF MORGAN HILL.

DATE: _____

MICHELLE BIGELOW, City Clerk



CITY COUNCIL STAFF REPORT

MEETING DATE: May 5, 2021

PREPARED BY: John Lang, Economic Development Manager
APPROVED BY: City Manager

APPROVE AN IMPACT FEE FREEZE AGREEMENT WITH LEVEL 10 CONSTRUCTION LP FOR A NEW 79,000 SQUARE FOOT INDUSTRIAL BUILDING ON 3.67 ACRES LOCATED ON RAILROAD AVENUE

RECOMMENDATION(S)

Direct the City Manager to execute an Impact Fee Freeze Agreement with Level 10 Construction, LP for the development of a new 79,000 square foot industrial building located on Railroad Avenue.

COUNCIL PRIORITIES, GOALS & STRATEGIES

Ongoing Priorities

Maintaining Infrastructure

2020-2021 Strategic Priorities

Economic Development

GUIDING DOCUMENTS

Economic Blueprint

REPORT NARRATIVE:

In January 2019, the City of Morgan Hill began conversations with Level 10 Construction (Level 10) about the possibility of them developing a satellite office/maintenance facility on an underutilized parcel along Railroad Avenue. After conducting due diligence on the property located at the corner of Railroad and Barrett Avenues, Level 10 purchased the 3.67 acres in Summer 2019 (Attachment 1).

In October 2019, Level 10 filed for a design permit for a 78,700 sq. ft. industrial building. The design certificate 20-017 was approved in October 2020. Level 10 is finalizing their offsite improvements and will be issued a building permit in the next couple of months.

To create certainty for the operator/developer, staff is recommending the City Council approve a Fee Freeze Agreement (Attachment 2) to lock development impact fees for the construction of a new industrial building for the operations of Level 10 Construction prior to execution of construction permits. Consistent with the program guidelines (Attachment 3), the Impact Fee Freeze Agreement will utilize the Fiscal Year (FY) 2019-20 development impact fee schedule through June 30, 2024. The developer will have until June 30, 2024 to apply for, and receive building permits, to benefit from the impact fee freeze. The estimated development impact fees for the full development of the 3.67 acres, using the FY 2019-20 fee schedule, are \$738,854.

Analysis

Once fully operational, it is estimated that the industrial building will generate approximately \$2,600 annually in direct on-going property tax and sales tax revenue to the City's General Fund. Additionally, staff estimates the City will receive a one-time construction benefit, in the form of property and sales tax, of \$34,000.

Since the developer has an approved design permit and is prepared to pull a building permit, it is anticipated the developer will commence construction shortly.

Impact Fee Benefit to Developer

Year		2021
Impact Fee Schedule	2019-20	2020-2021
Impact Fee Estimate	\$738,854	\$846,601
Potential Savings to Development		(\$107,747)

COMMUNITY ENGAGEMENT: Inform

Approving a Fee Freeze Agreement with Level 10 Construction, LP is consistent with the Impact Fee Freeze Program and aligns with the Economic Blueprint Strategy #3 "Attract New Development", Action #5, "Explore Incentive Programs to Attract Industry Specific Development."

ALTERNATIVE ACTIONS:

The City of Morgan Hill could choose to not enter into a Fee Freeze Agreement with Level 10 Construction, LP to freeze impact fees. This option allows the City to collect \$107,747 more in impact fees should the developer move forward with the development of the industrial building. Staff recommends not exercising the alternative action as both this agreement and use align with and are consistent with the goals and objectives of the Impact Fee Freeze Program and Economic Blueprint.

PRIOR CITY COUNCIL AND COMMISSION ACTIONS:

On June 21, 2017, City Council approved the Citywide Impact Fee Freeze Program establishing Fiscal Year 2016-17 Development Impact Fees as the basis for the three-year term for any new commercial/industrial development project that enters into a Development Agreement for an Impact Fee Freeze approved by City Council.

On February 21, 2018, City Council made a minor adjustment to the Impact Fee Freeze Program by changing the agreement structure to an Impact Fee Freeze Agreement from a Development Agreement.

On June 17, 2020, City Council made additional adjustments to the Impact Fee Freeze Program by changing allowed uses and providing additional authority to the City Manager to amend agreements (Attachment 3).

FISCAL AND RESOURCE IMPACT:

The City expects to receive one-time impact fees of \$738,854 from this development. The potential loss of impact fee revenue to the City from this agreement is expected to be \$107,747. The City expects to receive one-time construction benefit, in the form of property and sales tax of about \$34,000. Once fully built out and operational, the City will receive an ongoing net benefit of approximately \$2,600 in direct property tax and sales tax to the City's General Fund as well benefits from local spending from new employees. It is important to note that intent of the Impact Fee Freeze Program is to support new commercial and industrial development and support the City's long-term economic sustainability goals identified in the City's General Plan and Economic Blueprint by growing jobs, retaining and attracting new companies and generate positive tax revenue to the City caused by the development through new property and/or sales taxes. While the payback period from the project will take time, the project does result in both greater jobs and general fund revenue than the prior storage use that existed at the location for numerous years.

CEQA (California Environmental Quality Act):

An Environmental Impact Report (EIR) for the Morgan Hill 2035 Project, which included the General Plan Update, was prepared in accordance with the California Environmental Quality Act (CEQA) and certified by the Morgan Hill City Council on July 27, 2016. Commercial and industrial development as discussed above is consistent with the general plan policies for which the EIR was certified. There is no substantial evidence that freezing impact fees will have a significant effect on the environment beyond that already analyzed in the certified EIR; therefore, no further environmental analysis is required.

The related Level 10 Construction development project conducted project specific independent analysis pursuant to the requirements of CEQA.

LINKS/ATTACHMENTS:

1. Map Level 10 Construction LP
2. Impact Fee Freeze Agreement Level 10 Construction LP
3. Impact Fee Freeze Program Guidelines

Level 10 Construction
Railroad Avenue



IMPACT FEE FREEZE AGREEMENT

BY AND BETWEEN

THE CITY OF MORGAN HILL

AND

LEVEL 10 CONSTRUCTION, LP

Attachment: Impact Fee Freeze Agreement Level 10 Construction LP [Revision 3] (3055 : Impact Fee Freeze Agreement)

IMPACT FEE FREEZE AGREEMENT
BY AND BETWEEN
THE CITY OF MORGAN HILL
AND
LEVEL 10 CONSTRUCTION, LP

This Impact Fee Freeze Agreement (the "Agreement") is entered into as of _____, 2021, by LEVEL 10 CONSTRUCTION, LP, a Limited Partnership and its successors and assigns (the "Developer") and the City of Morgan Hill, a municipal corporation duly organized and existing under the laws of the State of California (the "City"), with reference to the following facts and purposes:

RECITALS

A. Pursuant to the authority of Morgan Hill Municipal Code Sections 3.56.095, 12.02.115, the City has established an Impact Fee Freeze Program (the "Program") to freeze Development Impact Fees to the Fiscal Year 2019-2020 Fee Schedule for new commercial/industrial construction.

B. Developer owns certain real property in the City described in the attached Exhibit A, with the street address of 16290 Railroad Avenue, (the "Subject Property") upon which improvements are to be made for a new or expanding industrial or commercial business (the "Project").

C. On _____, 2021, the City Council of the City granted a request of the Developer to be a Program participant with respect to locking in Development Impact Fees at the Fiscal Year 2019-2020 Impact Fee Schedule in the attached Exhibit B.

D. Developer and City have determined that the Project is the type of development for which this Agreement is appropriate. This Agreement will help to eliminate uncertainty in annual changes to Development Impact Fees, provide for the orderly development of the Project consistent with the planning goals, policies, and other provisions of the City's General Plan and City's Municipal Code, and otherwise achieve the goals and purposes for which the Development Impact Fee Program was adopted.

ARTICLE 1

ADMINISTRATION

1.01 Definitions.

(a) The following terms, phrases and words shall have the meanings and be interpreted as set forth in this Section:

(1) **"Existing City Laws"** shall mean all City ordinances, resolutions, rules, regulations, guidelines, motions, practices and official policies governing land use, zoning and development, permitted uses, density and intensity of use, maximum height, bulk and size of proposed buildings, and other City land use regulations in force and effect on the Effective Date of this Agreement.

(2) **"Impact Fees"** shall mean those fees imposed so that developments bear a proportionate share of the cost of public facilities and service improvements that are reasonably related to the impacts and burdens of the Project, adopted pursuant to Morgan Hill Municipal Code Chapter 3.56 and California Government Code Section 66001 et seq.

(3) **"Legal Effect"** shall mean the ordinance, resolution, permit, license or other grant of approval has been adopted by City and has not been overturned or otherwise rendered without legal and/or equitable force and effect by a court of competent jurisdiction, and all applicable administrative appeal periods and statutes of limitations have expired.

(4) **"New City Laws"** shall mean any and all City ordinances, resolutions, orders, rules, official policies, standards, specifications and other regulations, whether adopted or enacted by City, its staff or its electorate (through their powers of initiative, referendum, recall or otherwise) that is not a Subsequent Approval, that takes **"Legal Effect"** after the Effective Date of this Agreement, and that applies City wide.

(5) **"Project Approvals"** mean, collectively, the Project's existing approvals and the Subsequent Approvals.

(6) **"Property"** shall mean that certain real property consisting of approximately 3.67 acres located within the City, as more particularly described and shown on **Exhibit A** to this Agreement, and also defined as the Subject Property in the Recitals hereto.

(7) **"Subsequent Approvals" and "Subsequent Approval"** mean those City permits, entitlements, approvals or other grants of authority (and all text, terms and conditions of approval related thereto), that may be necessary or desirable for the development of the Project, that are sought by Developer, and that are granted by City.

(b) To the extent that any defined terms contained in this Agreement are not defined above, then such terms shall have the meaning otherwise ascribed to them elsewhere in this Agreement, or if not in this Agreement, by controlling law.

1.02 Term.

The term ("**Term**") of this Agreement shall commence on the Effective Date, and then shall continue (unless this Agreement is otherwise terminated, modified or extended as provided in this Agreement) until the earliest of (1) the issuance of a certification of occupancy for the Project or (2) June 30, 2024.

ARTICLE 2

APPLICABLE LAW

2.01 Applicable Law—Generally.

(a) As used in this Agreement, "**Applicable Law**" shall mean all of the items listed below in this Section 2.01. The order of their importance is the order in which they are listed (with highest importance listed first, second most important listed second, etc.); in the event of a conflict between them, their order shall determine which one controls (the one listed higher controlling over the one listed lower):

(1) All the provisions, terms and conditions of this Agreement.

(2) The Existing Approvals. Developer hereby waives any legal or equitable right to challenge administratively or judicially any Existing Approvals including conditions of those Existing Approvals. Such waiver includes any requirements for notice, acts of protest and/or right to litigation pursuant to the Mitigation Fee Act and/or any other applicable law.

(3) The Subsequent Approvals, provided such Subsequent Approvals are:

- (i) In compliance with all controlling California law;
- (ii) Mutually agreed to by the Parties; and
- (iii) Duly enacted by City.

(4) The "Existing City Laws" that are not in conflict with this Agreement and the Project Approvals.

(5) Any "New City Laws" Developer is subject to under this Agreement; for example, as provided in, but not limited to, Section 2.05. Additionally, any New City Laws to which Developer elects to be subject pursuant to Section 2.05(d).

(b) The Parties acknowledge that the Subsequent Approvals may be processed in stages and therefore one or more Subsequent Approvals may be adopted and approved before other Subsequent Approvals needed for development of the Project are adopted and approved by City.

(c) The Parties shall cooperatively assemble all of the necessary documents to memorialize, to the best of their abilities, the Project Approvals, Existing City Laws, and the terms and conditions contained in this Agreement to assist Developer to maintain the documents assembled and to provide a continuing reference source for the approvals granted and the ordinances, policies and regulations in effect on the Effective Date of this Agreement.

2.02 Project Impacts and Costs.

(a) Agreement Subject to Project Mitigation Requirements. Notwithstanding any other express or implied term or condition of this Agreement (or the Approvals) to the contrary, throughout the Term of this Agreement, the full and complete mitigation of all environmental (including any mitigation measure adopted pursuant to CEQA), physical, fiscal and other impacts of the Project and the Property on the community and on the City of Morgan Hill and its services, facilities, operations and maintenance (collectively, "**Project Mitigation**") shall be borne by and shall be the sole and exclusive responsibility of the Project (and the Developer who is the owner of same). Such Project Mitigation may be conditions of any Applicable Law or Project Approval and may include a mix of different approaches, including without limitation, Developer construction of and/or financing of such services, facilities, operations and maintenance through the payment of impact fees or other fees, taxes, levies, assessments, or other financing mechanisms including without limitation, reimbursement agreements, Landscaping and Lighting Districts, Mello-Roos Districts, Community Facilities Districts, Assessment Districts, Tax-Exempt and Taxable Financing Mechanisms, Maintenance Districts and participation in the Statewide Communities Infrastructure Program (collectively, "**Financing Mechanisms**"). The necessary scope and extent of such Project Mitigation, and which combination of Financing Mechanisms should be employed relating to such Project Mitigation to assure success of the Project Mitigation, shall be determined by City, pursuant to appropriate City ordinance, resolution, regulations or procedures, taking into account and guided by the pre-existing rights of others in the existing and future public services and facilities (including their operations and maintenance) that Developer may seek to use. If no Financing Mechanism is available to fund the Project Mitigation, then the Project shall not progress forward.

(b) Impact Fees. As part of the Project's sole and exclusive obligation (and the Developer's as the owner of same) to cover Project Mitigation, Developer shall pay all Impact Fees as described in Exhibit B at the time any such Impact Fees become due and payable as provided for in the City's Municipal Code or as agreed between Developer and City.

(c) Processing Fees. The Project (including Developer as owner of same) shall be responsible for the costs to City of processing any and all Developer-requested land use approvals, including without limitation, building permits, plan checks, environmental studies required under CEQA and other similar requests for City permits and entitlements, when such costs are incurred by City. City shall impose those funding requirements needed to ensure that the processing costs to the City are fully covered by the Project (including Developer as owner of same). Further, if additional, accelerated, or more frequent inspections are requested by Developer of City than would otherwise take place in City's ordinary course of business, then City may either hire additional contract inspectors, plan checkers, engineers or planners, or City may hire a full or part time employee. If City hires additional contractors, then Developer shall reimburse City, on a monthly basis in arrears, the cost to City of hiring such additional contract inspectors, plus Developer shall pay to City an additional ten percent (10%) of such cost to City on the same payment schedule. City shall use such additional 10% to defray administrative costs. If City hires a full or part time employee, then Developer shall reimburse City, on a monthly basis, in arrears, for a pro rata share of the total cost to the City of such employee, plus ten percent (10%) for administrative costs, for the period from hire to the end of the Term of this Agreement.

2.03 Construction Codes.

With respect to the development of any or all of the Project or the Property, Developer shall be subject to the California Building Code and all those other State-adopted construction, fire and other codes applicable to improvements, structures, and development, and the applicable version or revision of said codes by local City action (collectively referred to as "**Construction Codes**") in place at that time that a plan check application for a building, grading or other permit subject to such Construction Codes is submitted to City for approval, provided that such Construction Codes have been adopted by City and are in effect on a City-wide basis.

2.04 Timing of Development.

Developer agrees to secure building permits and to begin construction of the Project in accordance with the time requirements set forth in the Construction Codes, as these exist on the Effective Date. In the event Developer fails to comply with the above permit issuance and beginning construction by June 30, 2024 the Impact Fee Freeze Program shall expire.

2.05 New City Laws.

(a) City may apply any New City Law to the Project that is not in conflict with this Agreement and the Applicable Law it describes. City shall not apply any New City Law to the Project that is in conflict with this Agreement and the Applicable Law it describes, nor otherwise reduces the development rights or assurances provided by this Agreement. City shall not apply to the Project nor Property any no-growth or slow-growth ordinance, measure, policy, regulation or development moratorium either adopted by City or by a vote of the electorate and whether or not by urgency ordinance, interim ordinance, initiative, referendum or any other change in the laws of the City by any method or name which would alter the Applicable Law that may stop, delay, or effect the rate, timing or sequence of development.

(b) Without limiting the generality of the foregoing, and except as otherwise provided in this Agreement, a New City Law shall be deemed to be in conflict with this Agreement or the Applicable Law or to reduce the development rights provided hereby if the application to the Project would accomplish any of the following results, either by specific reference to the Project or as part of a general enactment which affects or applies to the Project:

(1) Change any land use designation or permitted use of the Property allowed by the Applicable Law or limit or reduce the density or intensity of the Project, or any part thereof, or otherwise require any reduction in the square footage, floor area ratio, height of buildings, or number of proposed non-residential buildings, or other improvements;

(2) Limit or control the availability of public utilities, services, or facilities otherwise allowed by the Applicable Law;

(3) Limit or control the rate, timing, phasing or sequencing of the approval, development, or construction of all or any part of the Project in any manner, or take any action or refrain from taking any action that results in Developer having to substantially delay

construction of the Project or require the acquisition of additional permits or approvals by the City other than those required by the Applicable Law;

(4) Limit or control the location of buildings, structures, grading, or other improvements of the Project in a manner that is inconsistent with or more restrictive than the limitations in the Existing Approvals and the Subsequent Approvals (as and when they are issued);

(5) Limit the processing of Subsequent Approvals.

(c) If City determines that it has the right under this Agreement to impose/apply a New City Law on the Property/Project, it shall send written notice to Developer of that City determination ("**Notice of New City Law**"). Upon receipt of the Notice of New City Law, if Developer believes that such New City Law is in conflict with this Agreement, Developer may send written notice to the City of the alleged conflict within thirty (30) days of receipt of City's Notice of New Law ("**Objection to New City Law**"). Developer's Objection to New City Law shall set forth the factual and legal reasons why Developer believes City cannot apply the New City Law to the Property/Project. City shall respond to Developer's Objection to New City Law ("**City Response**") within thirty (30) days of receipt of said Developer Objection to New City Law. The City Response shall set forth the factual and legal reasons why City believes it can apply the New City Law to the Project. Thereafter, the Parties shall meet and confer within thirty (30) days of the date of Developer's receipt of the City Response (the "**Meet and Confer Period**") with the objective of attempting to arrive at a mutually acceptable solution to this disagreement. Within fifteen (15) days of the conclusion of the Meet and Confer Period, City shall make its determination, and shall send written notice to Developer of that City determination. If City determines to "impose/apply" the New City Law to the Project, then Developer shall have a period of ninety (90) days from the date of receipt of such City determination within which to file legal action challenging such City action. In other words, a 90-day statute of limitations regarding Developer's right to judicial review of the New City Law shall commence upon Developer's receipt of City's determination following the conclusion of the Meet and Confer Period. If upon conclusion of judicial review of the New City Law (at the highest judicial level sought and granted), the reviewing court determines that Developer is not subject to the New City Law, such New City Law shall cease to be a part of the Applicable Law, and City shall return Developer to the position Developer was in prior to City's application of such New City Law (*e.g.*, City return fees, return dedications, etc.). The above-described procedure shall not be construed to interfere with City's right to adopt or apply the New City Law with regard to all other areas of City (excluding the Project).

(d) Developer in its sole and absolute discretion may elect to have applied to the Project a New City Law that is not otherwise a part of the Applicable Law, subject to the limitations set forth in this subdivision (d). In the event Developer so elects to be subject to a New City Law that is not otherwise a part of the Applicable Law, Developer shall provide notice to City of that election and thereafter such New City Law shall be part of the Applicable Law. In no event shall any New City Law become part of the Applicable Law if it would relieve Developer from, or impede Developer's compliance with, Developer's obligations under this Agreement.

(e) City shall not be precluded from adopting and applying New City Laws to the Project to the extent that such New City Laws are specifically required to be applied by State

or Federal laws or regulations, and implemented through the Federal, State, regional and/or local level) ("**Mandated New City Laws**"), including without limitation those provisions in the Development Agreement Statute concerning property located in a flood hazard zone (Gov. Code § 65865.5), or that such New City Laws are necessitated by or arise from a declaration of City, local, state or federal declaration of a state of emergency.

(f) In the event that an administrative challenge and/or legal challenge (as appropriate) to a Mandated New City Laws preventing compliance with this Agreement is brought and is successful in having the Mandated New City Law determined to not apply to this Agreement, this Agreement shall remain unmodified and in full force and effect.

ARTICLE 3

PROCESSING

3.01 Processing.

(a) This Agreement does not provide Developer with any right to the approval of Subsequent Approvals nor to develop or construct the Project beyond that which is authorized in the Existing Approvals. For any Subsequent Approvals necessary for the Project, this Agreement simply provides a process by which such Subsequent Approvals may be processed by Developer, and later included into this Agreement, if and only if such Subsequent Approvals are compliant with all controlling California law (including proper Planning and Zoning Law and CEQA compliance), have secured approval of the Parties, and are adopted/approved by City, which shall retain all lawful discretion in this regard. That public review process is ongoing, and following the City's adoption of this Agreement, that public review process shall continue. Nothing in this Agreement shall be construed to limit the authority or obligation of City to hold necessary public hearings, or to limit the discretion of City or any of its officers or officials with regard to the Project Approvals that legally require the exercise of discretion by City. City's discretion as to the granting of Subsequent Approvals shall be the discretion afforded by the Applicable Law.

(b) Upon submission by Developer of any and all necessary and required applications for Subsequent Approvals and payment of any and all appropriate processing and other fees as provided in this Agreement, City shall use its best efforts to promptly commence and diligently complete all steps necessary to acting on the requested Subsequent Approvals, including, but not limited to, (i) the holding of any and all required public hearings and notice for such public hearings, and (ii) the granting of the requested approval to the extent that it is consistent with Applicable Law.

3.02 Significant Actions by Third Parties Necessary to Implement the Approvals.

(a) At Developer's sole discretion, Developer shall apply for such other permits, grants of authority, agreements, and other approvals from other private and/or public and quasi-public agencies, organizations, associations or other entities ("**Other Entity**") as may be necessary to the development of, or the provision of services and facilities to, the Project ("**Other Permits**").

(b) City shall cooperate with Developer in its endeavors to obtain any Other Permits and shall, from time to time, at the request of Developer, join with Developer in the execution of such permit applications and agreements as may be required to be entered into with any such other agency.

(c) In the event that any such Other Permit is not obtained from an Other Entity within the time permitted by law for such other entity to act and such circumstance materially deprives Developer of the ability to proceed with development of the Project or any portion thereof, or materially deprives City of a bargained-for public benefit of this Agreement, then, in such case, and at the election of either party, Developer and City shall meet and confer with the objective of attempting to mutually agree on solutions that may include alternatives, Subsequent Approvals, or an amendment(s) to this Agreement to allow the development of the Project to proceed with each Party substantially realizing its bargained-for benefit therefrom.

3.03 Administrative Amendments.

(a) Upon the written request of Developer for an amendment or modification of this Agreement or a Project Approval, the City Manager or designee shall determine: (1) whether the requested amendment or modification is minor; and (2) whether the requested amendment or modification is consistent with this Agreement and the Applicable Law. If the City Manager or designee finds that the proposed amendment or modification is both minor and consistent with this Agreement and the Applicable Law, and provided further that the Project and the Developer are otherwise in compliance with all agreements and approvals related to the project, the City Manager or designee may approve the proposed amendment or modification without notice. Such minor amendments or modifications approved pursuant to this Section shall not constitute subsequent discretionary approvals triggering further CEQA review. Any minor amendment must be made in writing signed by the City Manager (and approved by the City Attorney) of the City and by the Developer.

(b) For the purpose of this Agreement, a “minor amendment” shall not include any of the following:

- (i) Any material amendment or modification, or elimination of provisions required pursuant to the Morgan Hill Municipal Code or by California law, including provisions relating to: (1) the duration or term of this Agreement, (2) the permitted uses of the subject property, (3) the density or intensity of uses, (4) the maximum height and size of proposed buildings, (5) provisions for reservation or dedication of land for public purposes, (6) general location of the uses or proposed buildings or (7) the relation of the project to adjacent properties; or
- (ii) Any material amendment or modification, or elimination of provisions set forth in Article 2 of this Agreement.

3.04 Amendments.

Any request by Developer for an amendment or modification to this Agreement or a Project Approval that is determined to be not minor by the City Manager or designee shall be subject to the applicable substantive and procedural provisions of the City's General Plan, zoning, subdivision, and other applicable land use ordinances and regulations (i.e., City review and approval) in effect when such an amendment or modification request is approved.

ARTICLE 4

DEFAULT, VALIDITY PROVISIONS, ASSIGNMENT

4.01 Resolution of Disputes.

(a) In the event either Party is in default under the terms of this Agreement, the other Party may elect, in its sole and absolute discretion, to pursue any of the following courses of action: (i) waive such default; (ii) pursue administrative remedies as provided herein; (iii) pursue judicial remedies as provided for herein; and/or (iv) terminate this Agreement.

(b) Except as otherwise specifically stated in this Agreement, either Party may, in addition to any other rights or remedies, institute legal action to cure, correct, or remedy any default by another Party to this Agreement, to enforce any covenant or agreement herein, to enjoin any threatened or attempted violation hereunder, or to seek specific performance. It is expressly understood and agreed that the sole legal remedy available to Developer for a breach or violation of this Agreement by City shall be a legal action in mandamus, specific performance, and/or other injunctive or declaratory relief to enforce the provisions of this Agreement, and that Developer shall not be entitled to bring an action for damages including, but not limited to, lost profits, consequential damages or other economic damages. For purposes of instituting a legal action under this Agreement, any City Council determination under this Agreement shall be deemed a final agency action.

(c) The Parties agree to meet and confer regarding any dispute, in an effort to agree on utilizing Judicial Arbitration Mediation Services ("JAMS") for Alternative Dispute Resolution ("ADR"). However, no party shall be required to use JAMS or ADR.

4.02 Force Majeure Delay, Extension of Times of Performance.

(a) Performance by any Party hereunder shall be excused, waived or deemed not to be in default where delays or defaults are due to acts beyond a Party's control such as war, insurrection, strikes, walkouts, riots, floods, earthquakes, fires, casualties, acts of God, unexpected acts of governmental entities other than City, including revisions to capacity ratings of the wastewater plant by the Regional Water Quality Control Board, the State Water Resources Board, enactment of conflicting State or Federal laws or regulations, or litigation (including without limitation litigation contesting the validity, or seeking the enforcement or clarification of this Agreement whether instituted by the Developer, City, or any other person or entity) (each a "Force Majeure Event").

(b) Any Party claiming a delay as a result of a Force Majeure Event shall provide the other Party with written notice of such delay and an estimated length of delay. Upon the other Party's receipt of such notice, an extension of time shall be granted in writing for the period of the Force Majeure Event, or longer as may be mutually agreed upon by the Parties, unless the other Party objects in writing within ten (10) days after receiving the notice. In the event of such objection, the Parties shall meet and confer within thirty (30) days after the date of objection to arrive at a mutually acceptable solution to the disagreement regarding the delay. If no mutually acceptable solution is reached, any Party may take action as permitted in this Agreement.

4.03 Third Party Legal Actions.

(a) In the event of any administrative, legal or equitable action or other proceeding instituted by any person, entity or organization (that is not a Party to this Agreement) challenging the validity of this Agreement, any Project Approvals, or the sufficiency of any environmental review under CEQA ("**Third Party Challenge**"), the Parties shall cooperate with each other in good faith in the defense of any such challenge.

(b) City shall have the option to defend such Third Party Challenge or to tender the complete defense of such Third Party Challenge to the Developer ("**Tender**"). If City chooses to defend the Third Party Challenge or Developer refuses City's Tender, City shall control all aspects of the defense and Developer shall pay City's attorneys fees and costs (including related court costs).

(c) If Developer accepts City's Tender, Developer shall control all aspects of the defense and shall pay its own attorneys fees and costs (including related court costs), and shall indemnify and hold harmless City against any and all third-party fees and costs arising out of such Third Party Challenge. If City wishes to assist Developer when Developer has accepted the Tender, Developer shall accept that assistance and City shall pay City's own attorneys fees and costs (including related court costs) ("**City Costs**"), and Developer shall pay its own attorneys fees and costs (including related court costs), and shall indemnify and hold harmless City against any and all third-party fees and costs arising out of such Third Party Challenge (such third party fees and costs shall not include City Costs).

(d) If any part of this Agreement or any Project Approval is held by a court of competent jurisdiction to be invalid, the City shall: (1) use its best efforts to sustain and/or re-enact that part of this Agreement and/or Project Approval; and (2) take all steps possible to cure any inadequacies or deficiencies identified by the court in a manner consistent with the express and implied intent of this Agreement, and then adopting or re-enacting such part of this Agreement and/or Project Approval as necessary or desirable to permit execution of this Agreement and/or Project Approval.

4.04 Estoppel Certificate.

(a) Any Party may, at any time, and from time to time, deliver written notice to any other Party, and/or to the Developer's lender, requesting such Party to certify in writing that, to the knowledge of the certifying Party:

(1) This Agreement has not been amended or modified either orally or in writing or if so amended, identifying the amendments.

(2) The Agreement is in effect and the requesting Party is not known to be in default of the performance of its obligations under this Agreement, or if in default, to describe therein the nature and amount of any such defaults.

(b) This written certification shall be known as an "**Estoppel Certificate.**" A Party receiving a request hereunder shall execute and return such Estoppel Certificate within ten (10) days following the receipt of the request, unless the Party, in order to determine the appropriateness of the Estoppel Certificate, promptly commences and proceeds to conclude an Annual Review. The Parties acknowledge that an Estoppel Certificate may be relied upon by Assignees and other persons having an interest in the Project, including holders of mortgages and deeds of trust. The City Manager shall be authorized to execute an Estoppel Certificate for City.

(c) If a Party fails to deliver an Estoppel Certificate within the ten (10) day period, as provided for in Section 4.04(b) above, the Party requesting the Estoppel Certificate may deliver a second notice (the "**Second Notice**") to the other Party stating that the failure to deliver the Estoppel Certificate within ten (10) working days following the receipt of the Second Notice shall constitute conclusive evidence that this Agreement is without modification and there are no unexcused defaults in the performance of the requesting Party. Failure to deliver the requested Estoppel Certificate within the ten (10) working day period shall then constitute conclusive evidence that this Agreement is in full force and effect without modification and there are no unexcused defaults in the performance of the requesting Party.

4.05 Assignment.

Developer may assign its rights and obligations under this Agreement to third-parties who apply to purchase or construct a portion or all of the Project with no additional fees or costs to Developer or Assignee so long as the uses are allowed and/or proposal remains consistent with the uses currently allowed for the subject property or as otherwise allowed in the future.

4.06 Termination.

This Agreement shall terminate upon the expiration of the Term, as set forth in Section 1.02, or at such other time as this Agreement is terminated in accordance with the terms hereof, whichever occurs first.

ARTICLE 5

GENERAL PROVISIONS

5.01 Miscellaneous.

(a) Preamble, Recitals, Exhibits. References herein to "this Agreement" shall include the Preamble, Recitals and all of the exhibits of this Agreement.

(b) Requirements of Development Agreement Statute. The permitted uses, density and/or intensity of use, maximum height and size of buildings and other structures, provisions for reservation or dedication of land, and other terms and conditions applicable to the Project shall be those set forth in the Applicable Law. As Subsequent Approvals are adopted and therefore become part of the Applicable Law, the Subsequent Approvals will refine the permitted uses, density and/or intensity of use, maximum height and size of buildings and other structures, provisions for reservation or dedication of land, and other terms and conditions applicable to the Project.

(c) Governing Law and Attorneys' Fees. This Agreement shall be construed and enforced in accordance with the laws of the State of California and legal actions commenced under or pursuant to this Agreement shall be brought in Santa Clara Superior Court. Should any legal action be brought by a Party for breach of this Agreement or to enforce any provision herein, the prevailing party of such action shall be entitled to reasonable attorneys' fees, court costs, and such other costs as may be fixed by the court.

(d) Project as a Private Undertaking. No partnership, joint venture, or other association of any kind between Developer, on the one hand, and City on the other hand, is formed by this Agreement. The development of the Property is a separately undertaken private development. The only relationship between City and Developer is that of a governmental entity regulating the development of private Property and the owners of such private Property.

(e) Indemnification. Developer shall hold City, its elective and appointive boards, commissions, officers, agents, and employees, harmless from any liability for damage or claims for damage for personal injury, including death, as well as from claims for property damage which may arise from Developer's contractors, subcontractors', agents' or employees' operations on the Project, whether such operations be by Developer or by any Developer's contractors, subcontractors, or by any one or more persons directly or indirectly employed by, or acting as agent for Developer or any of Developer's contractors or subcontractors. Developer shall indemnify and defend City and its elective and appointive boards, commissions, officers, agents and employees from any suits or actions at law or in equity for damages caused, or alleged to have been caused, by reason of any of the aforesaid operations and Developer shall pay all reasonable attorney's fees and costs that the City may incur. City does not, and shall not, waive any rights against Developer which it may have by reason of the aforesaid hold-harmless requirement of Developer because of the acceptance of improvements by City, or the deposit of security with City by Developer. The aforesaid hold-harmless requirement of Developer shall apply to all damages and claims for damages of every kind suffered, or alleged to have been suffered, by reason of any of the aforesaid operations referred to in this subsection, regardless of whether or not City has prepared, supplied or approved of, plans and/or specifications for the Project. Notwithstanding anything herein to the contrary, Developer's indemnification of City shall not apply to the extent that such action, proceedings, demands, claims, damages, injuries or liability is based upon the active negligence of the City.

(f) Interpretation/Construction. This Agreement has been reviewed and revised by legal counsel for both Developer and City, and any rule or presumption that ambiguities shall be construed against the drafting Party shall not apply to the interpretation or enforcement of this Agreement. The standard of review of the validity and meaning of this Agreement shall be

that accorded legislative acts of City. As used in this Agreement, and as the context may require, the singular includes the plural and vice versa, and the masculine gender includes the feminine and neuter and vice versa.

(g) Notices.

(1) All notices, demands, or other communications that this Agreement contemplates or authorizes shall be in writing and shall be personally delivered or mailed to the respective Party as follows:

If to City: City Clerk
17575 Peak Avenue
Morgan Hill, CA 95037
Tel: (408) 779-7259
Fax: (408) 779-3117

With a Copy To: City Attorney
17575 Peak Avenue
Morgan Hill, CA 95037
Tel: (408) 779-7271
Fax: (408) 779-1592

If to Developer: Level 10 Construction, LP
1050 Enterprise Way, Suite 250
Sunnyvale, CA 94089

(2) Any Party may change the address stated herein by giving notice in writing to the other Parties, and thereafter notices shall be addressed and transmitted to the new address. Any notice given to the Developer as required by this Agreement shall also be given to any lender which requests that such notice be provided. Any lender requesting receipt of such notice shall furnish in writing its address to the Parties to this Agreement.

(h) Severability. If any term or provision of this Agreement, or the application of any term or provision of this Agreement to a specific situation, is found to be invalid, void, or unenforceable, the remaining terms and provisions of this Agreement, or the application of this Agreement to other situations, shall continue in full force and effect.

(i) Jurisdiction. The interpretation, validity, and enforcement of the Agreement shall be governed by and construed under the laws of the State of California.

(j) Entire Agreement. This Agreement, including these pages and all the exhibits (set forth below) inclusive, and all documents incorporated by reference herein, constitute the entire understanding and agreement of the Parties; however, the payment, if any, of the Storm Drain Impact Fee and Storm Drain Frontage Charge shall be determined by separate agreement between the Parties

(k) Signatures. The individuals executing this Agreement represent and warrant that they have the right, power, legal capacity, and authority to enter into and to execute this Agreement on behalf of the respective legal entities of Developer and City. This Agreement may be executed in multiple originals, each of which is deemed to be an original.

(l) Counterparts. This Agreement may be executed in several counterparts, each of which shall be deemed an original, and all such counterparts shall together constitute one and the same instrument.

(m) Exhibits. The following exhibits are attached to this Agreement and are hereby incorporated herein by this reference for all purposes as if set forth herein in full:

Exhibit A Legal Description of Lot on Which Project is to be Located.

Exhibit B 2019/2020 Impact Fee Schedule

IN WITNESS WHEREOF, City and Developer have executed this Agreement as of the date first hereinabove written.

CITY OF MORGAN HILL:

s/ _____

Christina J. Turner
City Manager

Date: _____

Attest:

s/ _____

Deputy City Clerk

Approved as to Form:

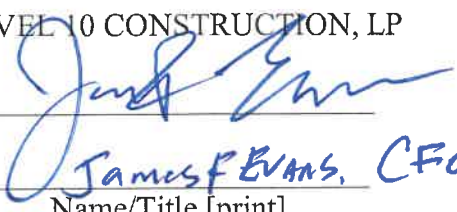
s/ _____

Donald A. Larkin
City Attorney

Date: _____

DEVELOPER:

LEVEL 10 CONSTRUCTION, LP

s/ 
James EVANS, CFO
Name/Title [print]

Corporate entities must provide a second signature:

s/ _____

Name/Title [print]

Date: _____

EXHIBIT A

LEGAL DESCRIPTION OF THE PROPERTY ON WHICH

PROJECT IS BE LOCATED

Real property in the City of Morgan Hill, County of Santa Clara, State of California, described as follows:

PARCEL A, AS SHOWN ON THAT CERTAIN CERTIFICATE OF COMPLIANCE LOT LINE ADJUSTMENT EVIDENCED BY DOCUMENT RECORDED JUNE 3, 2008 AS DOCUMENT NO. 19873084 OF OFFICIAL RECORDS, AND BEING MORE PARTICULARLY DESCRIBED IN THE DOCUMENT AS FOLLOWS:

BEING ALL OF PARCEL 1 AND A PORTION OF PARCEL 2 AS SAID PARCELS ARE DESCRIBED AND DELINEATED IN THAT 'CERTIFICATE OF COMPLIANCE - LOT LINE ADJUSTMENT', RECORDED JANUARY 10, 2001 AS DOCUMENT NO. 15522920, SANTA CLARA COUNTY RECORDS AND MORE SPECIFICALLY BEING ALL OF PARCEL B AS SHOWN UPON THAT PARCEL MAP FILED JULY 13TH, 1977 IN BOOK 400 OF MAPS AT PAGE 21, SANTA CLARA COUNTY RECORDS, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT IN THE EASTERLY BOUNDARY LINE OF THAT ABOVE REFERRED TO PARCEL B AT THE SOUTHERN MOST CORNER OF PARCEL C AS SAID PARCEL C IS SHOWN UPON THAT PARCEL MAP FILED AUGUST 19TH, 1986 IN BOOK 563 OF MAPS AT PAGE 35, SANTA CLARA COUNTY RECORDS AND RUNNING THENCE FROM SAID POINT OF BEGINNING ALONG THE SAID EASTERLY BOUNDARY LINE OF PARCEL B, SOUTH 25° 28' 27" EAST, 95.69 FEET

TO THE SOUTHEASTERN CORNER THEREOF; THENCE ALONG THE SOUTHERLY BOUNDARY LINE OF SAID PARCEL B, SOUTH 64° 31' 00" WEST, 319.75 FEET

TO THE SOUTHWESTERN CORNER OF SAID PARCEL B ON THE SOUTHWESTERLY RIGHT-OF-WAY LINE OF RAILROAD AVENUE, AS SAID AVENUE IS SHOWN UPON THAT ABOVE REFERRED TO PARCEL MAP FILED IN BOOK 400 OF MAPS AT PAGE 21; THENCE ALONG SAID SOUTHWESTERLY RIGHT-OF-WAY LINE, BEING COINCIDENT WITH THE SOUTHWESTERLY BOUNDARY LINE OF SAID PARCEL B, NORTH 39° 25' 02" WEST, 545.75 FEET

TO THE NORTHWEST CORNER OF SAID PARCEL B AT THE POINT OF INTERSECTION OF THE SAID SOUTHWESTERLY RIGHT-OF-WAY LINE OF RAILROAD AVENUE WITH THE CENTERLINE OF BARRETT AVENUE, AS SAID BARRETT AVENUE IS SHOWN UPON THAT LAST MENTIONED PARCEL MAP; THENCE ALONG SAID CENTERLINE, NORTH 64° 31' 00" EAST, 451.25 FEET

TO THE NORTHERN MOST CORNER OF SAID PARCEL B; THENCE LEAVING SAID CENTERLINE AND RUNNING ALONG THE SAID EASTERLY BOUNDARY LINE OF PARCEL B, SOUTH 25° 28' 27" EAST, 434.00 FEET TO THE POINT OF BEGINNING.

APN: 817-32-057

ARB NO. 817-9-6.01, 6.01.01

EXHIBIT B
2019-2020 Impact Fee Schedule



CITY OF MORGAN HILL PUBLIC WORKS DEPARTMENT

17575 Peak Avenue Morgan Hill CA 95037 - Office (408)778-6480 Fax (408)779-7236

FEE SCHEDULE: 01.15.2019		
DATE	PER RESOLUTION 5902, EFFECTIVE JULY 1, 2006 AND PER RESOLUTION 5592, INCREASED JANUARY 15, 2009 AND PER RESOLUTION 6082, EFFECTIVE FEBRUARY 5, 2007 **SEE BACK PAGE FOR ADDITIONAL FEE RESOLUTIONS	NAME
TRACT / APN		MAILING ADDRESS
ADDRESS / LOT		CITY, STATE, ZIP CODE
PROJECT DESCRIPTION	FEE SCHEDULE EXPIRATION DATE	PHONE NUMBER

NOTES:

1. PRESSURE REGULATORS ARE REQUIRED ON ALL WATER SERVICES.
2. BACKFLOW PREVENTORS ARE REQUIRED ON ALL NON-RESIDENTIAL WATER SERVICES & FIRE SPRINKLER SERVICES. BACKFLOW INSPECTION FEE SHALL BE PAID PRIOR TO INSPECTION.
3. **MULTI-FAMILY** IS DEFINED AS ANY UNIT WITH TWO BEDROOMS OR LESS.
SINGLE FAMILY IS DEFINED AS ANY UNIT WITH 3 BEDROOMS OR MORE.

☐ **THIS FEE SCHEDULE IS ESTIMATE ONLY**

CALCULATED BY

CHECKED BY

BUILDING PERMIT #

DATE BLD PERMIT ISSUED

SEWER IMPACT FEES WITHIN RDA BOUNDARY

CHECK APPLICABLE SCENARIO BELOW

☐ **COMMERCIAL OR INDUSTRIAL WITHIN RDA BOUNDARY**

SEWER IMPACT FOR COMMERCIAL & INDUSTRIAL PROJECTS
 TEMPORARILY ADJUSTED TO \$0 EFFECTIVE 02/05/07 PER RES# 6082.

☐ **RESIDENTIAL PROJECTS WITHIN RDCA DOWNTOWN AREA**

SEWER IMPACT FOR SINGLE-FAMILY AND MULTI-FAMILY RESIDENTIAL
 TEMPORARILY ADJUSTED TO \$0 EFFECTIVE 02/05/07.

☒ **NOT IN RDA AREA BOUNDARY**

** BOTH NORMAL FEES AND ADJUSTED FEES ARE SUBJECT
 TO ANNUAL CPI INCREASES.

☐ **COMMERCIAL OR INDUSTRIAL SHELL**

**RDA SEWER ALLOCATION
 COMPLETED BY:**

(write Initials below)

version 01.15.19 std

WATER FEES:**1. METER DEPOSIT: 650-37672**

(Authority: Res. #5658 approved 03.19.03, Updated 07.01.18)

1"	\$493	x		=	
1 1/2"	\$1,737	x		=	
2"	\$2,134	x		=	
3" or larger-Time & Material + Meter Cost				=	

METER CREDITS

	x		=	
SUBTOTAL =				

2. BACKFLOW CONST. INSPECTION: 650-37859

(Authority: Res. #5658 approved 03.19.03, Updated 07.01.18)

\$66	x		Each	=	
------	---	--	------	---	--

3. WATER FRONTAGE CHARGE: 650-37663

(Authority: Res. #5658 approved 03.19.03, Updated 07.01.18)

1 Side	\$70	x		LF	=	
2 Sides	\$39	x		LF	=	

4. WATER IMPACT FEE: 651-37648

(Auth: Res. #5592 approved 08.21.02, Increased 01.15.19)

a) Residential					
\$3,902 /DU	x		DU	=	
(Single Family)					
\$3,520 /DU	x		DU	=	
(Multi Family)					

b) Commercial & Industrial					
(Includes Landscape Service)					
\$11,076 /AC	x		AC	=	

WATER CREDITS

	x		=	
SUBTOTAL =				

WATER FEE TOTALS =**5. ENGINEERING & INSPECTION FEE: 206-38734**

(Minimum \$500.00):

(Authority: Res. #5902 approved 05.04.05, Updated 07.01.09)

ENGINEERING ESTIMATE:**DATE ENGINEERING EST. SUBMITTED:****% APPLIES TO ENGINEER'S ESTIMATE**

13.3%	\$1	to	\$100,000	=	
11.8%	\$100,001	to	\$200,000	=	
10.3%	\$200,001	to	\$500,000	=	
8.8%	OVER		\$500,000	=	
ENGINEERING FEE				=	
DEPOSIT PAID				=	

ENGINEERING FEE TOTAL =**5A. LONG RANGE PLANNING FEE: 207-37912**

LONG RANGE PLANNING FEE (15% of E&I) =

SEWER FEES:**6. SEWER FRONTAGE CHARGE: 640-37663**

(Authority: Res. #5658 approved 03.19.03, Updated 07.01.18)

1 Side	\$70	/LF	x		LF	=	
2 Sides	\$39	/LF	x		LF	=	

7. SEWER IMPACT FEE: 641-37648

(Auth: Res. #6082 approved 02.05.07 &

Res. #5592 approved 08.21.02, Increased 01.15.19).

a) Residential					
\$15,269 /DU	x		DU	=	
(Single Family)					
\$12,923 /DU	x		DU	=	
(Multi Family)					
b) Commercial & Industrial					
\$52.28 /GPD	x		GPD	=	
\$52.28 /GPD	x		GPD	=	

SEWER CREDITS

	x		=	
--	---	--	---	--

RDA ASSUMED SEWER OBLIGATION

\$15,269 /DU	x		DU	=	
(Single Family)					
\$12,923 /DU	x		DU	=	
(Multi Family)					
\$52.28 /GPD	x		GPD	=	
(Commercial & Industrial)					

SUBTOTAL =**SEWER FEE TOTALS =****STORM DRAIN FEES:****8. STORM FRONTAGE CHARGE: 304-37663**

(Authority: Res. #5658 approved 03.19.03, Updated 07.01.18)

1 Side	\$116	/LF	x		LF	=	
2 Sides	\$57	/LF	x		LF	=	

9. STORM DRAIN IMPACT FEE: 303-37648

(Auth: Res. #5592 approved 8.21.02, Amdd by Res. 6326 4.28.10, Increased 01.15.19)

\$4,142 /DU	x		DU	=	
(Single Family)					
\$2,154 /DU	x		DU	=	
(Multi Family)					
\$45,106 /ACRE	x		AC	=	
(Commercial)					
\$32,840 /ACRE	x		AC	=	
(Industrial)					
\$56,384 /ACRE	x		AC	=	
(Auto Dealership)					
\$1,372 /ROOM	x		RM	=	
(Hotel)					

STORM CREDITS

	x		=	
--	---	--	---	--

SUBTOTAL =**STORM DRAIN FEE TOTALS =**

10a. PARK IMPACT FEE: 301-37648

(Auth: Res. #5592 appr'd 8.21.02, Amdd by Res. 6326 4.28.10, Increased 01.15.19)

\$5,790 /DU	x	_____ DU	=	_____
(Single Family - Sub)				
\$4,210 /DU	x	_____ DU	=	_____
(Single Family - No Sub)				
\$5,578 /DU	x	_____ DU	=	_____
(Multi Family - Sub)				
\$4,060 /DU	x	_____ DU	=	_____
(Multi Family - No Sub)				

10b. PARK MAINTENANCE DEV. FEE: 302-37649

_____	x	_____ EACH	=	_____
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PARK CREDITS

_____	x	_____	=	_____
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PARK FEE TOTAL = _____**11. TRAFFIC IMPACT FEE: 309-37648**

(Auth: Res. #15-152 approved 06.17.15 & Res. #5592 approved 08.21.02, Increased 01.15.19)

\$2,005 /DU	x	_____ DU	=	_____
(Single Family)				
\$1,244 /DU	x	_____ DU	=	_____
(Multi Family)				
\$2,005 /PHT	x	_____ PHT	=	_____
(Commercial)				
\$2,005 /PHT	x	_____ PHT	=	_____
(Industrial)				

TRAFFIC CREDITS

_____	x	_____	=	_____
-------	---	-------	---	-------

TRAFFIC FEE TOTAL = _____**12. LIBRARY IMPACT FEE: 348-37648**

(Auth: Res. #5837 appr'd 09.01.04, Amdd by Res. 6326 4.28.10, Increased 01.15.19)

\$2,126 /DU	x	_____ DU	=	_____
(Single Family)				
\$2,048 /DU	x	_____ DU	=	_____
(Multi Family)				

LIBRARY CREDITS

_____	x	_____	=	_____
-------	---	-------	---	-------

LIBRARY FEE TOTAL = _____**13. COMMNTY/REC CTRS IMPACT FEE: 360-37648**

(Auth: Res. #15-152 appr'd 8.17.15, increased 01.15.19)

\$3,943 /DU	_____ DU	=	_____
(Single Family)			
\$3,460 /DU	0 _____ DU	=	_____
(Multi Family)			

COMMUNITY/REC CENTERS CREDITS

_____	x	_____	=	_____
-------	---	-------	---	-------

PUBLIC FACILITIES FEE TOTAL = _____**14. POLICE IMPACT FEE: 311-37648**

(Auth: Res. #5686 appr'd 06.18.03, Amdd by Res. 6326 4.28.10, Increased 01.15.19)

\$826 /DU	x	_____ DU	=	_____
(Single Family)				
\$798 /DU	x	_____ DU	=	_____
(Multi Family)				
\$1,793 /ACRE	x	_____ AC	=	_____
(Commercial)				
\$2,512 /ACRE	x	_____ AC	=	_____
(Industrial)				
\$2,145 /ACRE	x	_____ AC	=	_____
(Office)				
\$715 /ACRE	x	_____ AC	=	_____
(Auto Dealership)				
\$21 /ROOM	x	_____ RM	=	_____
(Hotel)				

POLICE CREDITS

_____	x	_____	=	_____
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POLICE FEE TOTAL = _____**15. FIRE IMPACT FEE: 313-37648**

(Auth: Res. #6671 approved 07.17.13, Increased 01.15.19)

\$127 /DU	x	_____ DU	=	_____
(Single Family)				
\$121 /DU	x	_____ DU	=	_____
(Multi Family)				
\$1,668 /ACRE	x	_____ AC	=	_____
(Commercial)				
\$1,668 /ACRE	x	_____ AC	=	_____
(Industrial)				
\$2,022 /ACRE	x	_____ AC	=	_____
(Office)				
\$546 /ACRE	x	_____ AC	=	_____
(Auto Dealership)				
\$5 /ROOM	x	_____ RM	=	_____
(Hotel)				

FIRE CREDITS

_____	x	_____	=	_____
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FIRE FEE TOTAL = _____**16. PUBLIC FACILITIES IMPACT FEE: 347-37648**

(Auth: Res. #5592 appr'd 8.21.02, Amdd by Res. 6326 4.28.10, Increased 01.15.19)

\$551 /DU	x	_____ DU	=	_____
(Single Family)				
\$530 /DU	x	_____ DU	=	_____
(Multi Family)				
\$1,214 /ACRE	x	_____ AC	=	_____
(Commercial)				
\$1,214 /ACRE	x	_____ AC	=	_____
(Industrial)				
\$1,443 /ACRE	x	_____ AC	=	_____
(Office)				
\$487 /ACRE	x	_____ AC	=	_____
(Auto Dealership)				
\$14 /ROOM	x	_____ RM	=	_____
(Hotel)				

PUBLIC FACILITIES CREDITS

_____	x	_____	=	_____
-------	---	-------	---	-------

PUBLIC FACILITIES FEE TOTAL = _____

City of Morgan Hill
Impact Fee Freeze Program Guidelines
July 2020

The Impact Fee Freeze Program establishes and locks City's Impact Fees using the FY 2019-20 (July 1, 2019) rates for new industrial and commercial development provided the prospect development secures entitlements and submits for building permits within three years of the date of the agreement.

The Impact Fee Freeze Program is intended to support new commercial and industrial development that support the City's long-term economic sustainability goals identified in the City's General Plan and Economic Blueprint by growing jobs, retaining and attracting new companies and generate positive tax revenue to the City caused by the development through new property, sales, and/or transient occupancy taxes.

Eligibility:

The Impact Fee Freeze Program is eligible for new commercial and industrial development within the City's limits, except for developments that only support uses such as Mini-Storage Units, Stand-Alone Carwashes, Assisted Living, Memory Care, and Congregate Care Facilities or similar uses that do not generate added revenue for the City of Morgan Hill. Applicants must be a fee title owner or be under contract to purchase land.

Program Requirements:

1. Program participants must submit a request in writing indicating interest in the Impact Fee Freeze Program and identify goals of the speculative development, including type, size, location, and general timeframe of development.
2. Applicant must enter into a Fee Freeze Financing Agreement with the City of Morgan Hill agreeing to secure entitlements and submit for building permits for prospect development within three years of the executed agreement.
3. Applicant must provide the City with estimates of construction valuation, projected number of jobs and revenue generated by the uses.
4. Project must be able to generate revenue to repay the 'savings' caused by the Fee Freeze Agreement within 10 years of receiving a completion of the project and receipt of Certificate of Occupancy.

Other:

1. Impact Fee Freeze Agreements generating net savings of up to \$100,000 can be approved by the City Manager; Impact Fee Freeze Agreements generating net savings more than \$100,000 must be approved by the City Council.
2. The City Manager has the authority to modify the Agreement provisions except for the maximum amount, which requires City Council approval.
3. The City Manager may suspend this program at any time if it is determined that the Impact Fee Fund is negatively affected by continuation of the program.
4. Impact Fee Freeze Agreements are assignable.
5. City Manager has the authority to amend Impact Fee Freeze Agreements for minor modifications and provide necessary extensions that do not exceed 24 months.
6. Staff will provide an annual update to City Council on the status of the program, allowing for Council consideration to suspend or terminate the program.



CITY COUNCIL STAFF REPORT

MEETING DATE: May 5, 2021

PREPARED BY: Chris Ghione, Public Services Director
APPROVED BY: City Manager

APPROVE CALIFORNIA CLIMATE INVESTMENTS - DEPARTMENT OF FORESTRY AND FIRE PROTECTION (CAL FIRE) FIRE PREVENTION GRANT APPLICATION

RECOMMENDATION(S)

Adopt resolution authorizing the City Manager to apply for and accept a grant application to the California Climate Investments-Department of Forestry and Fire Protection (CAL FIRE) Fire Prevention Grant Program.

COUNCIL PRIORITIES, GOALS & STRATEGIES

Ongoing Priorities

Enhancing Public Safety

REPORT NARRATIVE:

The purpose of this staff report is to request the City Council's authorization to submit a grant application and accept the grant (if awarded) for improvements to evacuation routes and for fire prevention outreach to residents on the west side of Morgan Hill.

CAL FIRE's Fire Prevention Grants Program provides funding for local projects and activities that address the risk of wildfire and reduce wildfire potential to forested and forest adjacent communities. Funded activities include hazardous fuel reduction, fire prevention planning, and fire prevention education with an emphasis on improving public health and safety while reducing greenhouse gas emissions.

The Santa Clara County Community Wildfire Protection Plan (CWPP) from 2016 identified strategic goals and specific mitigation projects for the City of Morgan Hill. This document serves as a reference framework for the City to address and remedy noted wildfire hazard assessments. City Staff has determined that the FY 20/21 CAL FIRE grant opportunity will support the development of a plan to eliminate a grove of highly flammable eucalyptus trees along Llagas Road, to reduce wildfire risk and create a safer ingress and egress along this key wildfire evacuation route. Fire prevention education will be supported through this effort, with a goal of creating a Firewise community on the West side of the City similar to the Holiday Lakes and Jackson Oaks Firewise Communities established on the East side of the City. This will be a critical first step in furthering the City's efforts related to community-wide wildfire protection and risk mitigation.

It is believed the overall grant proposal for the purposes outlined will be much more

competitive than the previous grant proposal for a more general planning grant.

COMMUNITY ENGAGEMENT: Not Applicable/Involve

No community outreach has occurred in the preparation for this grant proposal. City staff have relied on experts within the Morgan Hill Fire Department/CALFire and the expertise of the staff at the Santa Clara County FireSafe Council in identifying the most competitive grant proposal possible.

ALTERNATIVE ACTIONS:

The City Council could choose to not approve the grant application. The Council may provide City staff with additional direction on the grant.

PRIOR CITY COUNCIL AND COMMISSION ACTIONS:

The City Council previously authorized a grant application for this program on November 6, 2019. That application was not successful.

FISCAL AND RESOURCE IMPACT:

The grant does not require matching funding and administrative costs are eligible for reimbursement, so it is not anticipated that there will be a significant fiscal impact associated with the grant. The resources for developing the grant application are included in the Community Services Department's work program.

CEQA (California Environmental Quality Act): Categorical Exemption

The submission of a grant application is an administrative action and does not constitute a project under CEQA. However, should a grant agreement be executed with CAL FIRE, proof of adequate compliance with CEQA is required within one year of that execution. The grant can support the funding of the environmental work necessary for the CEQA clearance.

LINKS/ATTACHMENTS:

1. Resolution CALFire Grant

RESOLUTION NO: XX-XXX

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MORGAN HILL APPROVING THE SUBMITTAL OF A CALIFORNIA CLIMATE INVESTMENTS FIRE PREVENTION GRANT APPLICATION TO THE CALIFORNIA DEPARTMENT OF FORESTRY & FIRE PROTECTION AND AUTHORIZING THE CITY MANAGER TO EXECUTE DOCUMENTS REQUIRED TO APPLY AND ACCEPT THE GRANT FOR THE CITY, IF AWARDED, AND DIRECTING CERTAIN ACTIONS IN CONNECTION THEREWITH

WHEREAS, the City of Morgan Hill, is a municipal corporation and general law city duly organized and existing under and pursuant to the Constitution and laws of the State of California (“City”); and

WHEREAS, the Governor of the State of California in cooperation with the California State Legislature has enacted State of California **Climate Investment**, which provides funds to the State of California and its political subdivisions for **fire prevention programs**; and

WHEREAS, the State Department of Forestry and Fire Protection (CAL FIRE) has been delegated the responsibility for the administration of the program within the State, setting up necessary procedures governing the application by local agencies, non-profit organizations, and others under the program; and

WHEREAS, said procedures established by the State Department of Forestry and Fire Protection require the Applicant to certify by resolution the approval of the application before submission of said application to the State; and

WHEREAS, successful Applicants will enter into a contract with the State of California to complete the Grant Scope project; and

WHEREAS, the City desires to apply for the grant funds through the State of California, Department of Forestry and Fire Protection; and

WHEREAS, the City Council determines that adoption of this Resolution is in the public interest.

NOW, THEREFORE, BE IT RESOLVED, THE CITY COUNCIL OF THE CITY OF MORGAN HILL DOES HEREBY: APPROVES THE FILING OF AN APPLICATION FOR THE MORGAN HILL WILDFIRE MITIGATION PLAN; AND

Section 1. Recitals. The City Council does hereby find, determine and resolve that all of the foregoing recitals are true and correct.

Section 2. Approval and Authorization. The City Council does further resolve, order and or direct as follows:

1. Certifies the approval of the filing of an application for “**California Climate Investment Fire Prevention Grant Program**”; and
2. Certifies that if the project is awarded, the Applicant has or will have sufficient funds to operate and maintain the project; and
3. Certifies that said Applicant has or will have available, prior to commencement of any work on the project included in this application, the sufficient funds to complete the project; and
4. Certifies that the Applicant will expend grant funds prior to the Grant Deadline of March 15, 2025; and
5. Delegates the authority to the City Manager to conduct all negotiations, sign and submit all documents, including, but not limited to applications, agreements, amendments, and payment requests, which may be necessary for the completion of Grant Scope;

Section 3. This resolution shall take effect immediately upon adoption.

PASSED, APPROVED AND ADOPTED by the City Council of the City of Morgan Hill at a regular meeting held on the May 5, 2021.

0002

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

APPROVED:

ATTEST:

RICH CONSTANTINE, Mayor

MICHELLE BIGELOW, City Clerk

∞ CERTIFICATION ∞

I, Michelle Bigelow, City Clerk of the City of Morgan Hill, California, do hereby certify that the foregoing is a true and correct copy of Resolution No. xx-xxx, adopted by the City Council at a regular meeting held on May 5, 2021.

WITNESS MY HAND AND THE SEAL OF THE CITY OF MORGAN HILL.

DATE: _____

MICHELLE BIGELOW, City Clerk



CITY COUNCIL STAFF REPORT

MEETING DATE: May 5, 2021

PREPARED BY: Dat Nguyen, Finance Director
APPROVED BY: City Manager

APPROVE RE-FUNDING OF AN ACCOUNTING ASSISTANT POSITION

RECOMMENDATION(S)

Approve re-funding of an Accounting Assistant position.

COUNCIL PRIORITIES, GOALS & STRATEGIES

Ongoing Priorities

Preserving and Cultivating Public Trust

2020-2021 Strategic Priorities

Fiscal Sustainability

REPORT NARRATIVE:

Prior to the COVID-19 pandemic, the Utility Billing Division was a team of five (5) with four (4) Accounting Assistants and one (1) Accountant Manager. In addition to managing the utility billing, the division also manages accounts receivable as well as business licenses. During Fiscal Year (FY) 2018-19, the Accounting Manager was transitioned to the City Manager's Office as Assistant to the City Manager and one of the Accounting Assistants was promoted to Accountant to help oversee the division. Streamlining of business licenses and various business process improvements had helped the division absorb the reduction of one position. Due to the unknown fiscal challenges brought on by the COVID-19 pandemic, the division also lost funding to an Accounting Assistant position. The lost position was partially supplemented by the transfer of a part-time, benefited Office Assistant and usage of part-time temporary staff.

The team has been fortunate to have experienced temporary staff filling the need. However, it is apparent that the current staffing level is no longer sustainable. The staff is recommending the City Council approve the re-funding of one Accounting Assistant position. This position will be majority funded by the enterprise funds, with a small percentage funded by the Development Services Fund and General Fund for the front desk tasks.

COMMUNITY ENGAGEMENT: Inform

This staff report serves to inform the community of the proposed re-funding of an Accounting Assistant position within the Utility Division.

ALTERNATIVE ACTIONS:

The City Council could decide not to re-fund the position and/or direct staff to incorporate the request into the mid-cycle budget. However, the potential loss of an experienced part-time temporary staff who has been with the City over five years is too much for the team and time consuming to fill.

PRIOR CITY COUNCIL AND COMMISSION ACTIONS:

The Council adopted the current biennial budget with the requested position unfunded on June 17, 2020.

FISCAL AND RESOURCE IMPACT:

There is sufficient savings to fund the position for the remainder of FY 2020-21. Future funding for the position will be presented to the Council during the mid-cycle budget review.

CEQA (California Environmental Quality Act):

Not a Project - Organizational or administrative activities of governments that will not result in direct or indirect physical changes in the environment.

DRAFT



Meeting Minutes City Council

Rich Constantine - Mayor
John McKay - Mayor Pro Tem
Gino Borgioli - Council Member
Yvonne Martinez Beltran - Council Member
Rene Spring - Council Member

Wednesday, April 21, 2021 5:30 pm

Virtual Meeting

SPECIAL/REGULAR MEETING

A special meeting of the City Council was called at 5:30 p.m. for the purpose of conducting a closed session and commission interviews.

5:30 p.m. Closed Session

6:00 p.m. Commission Interviews

7:00 p.m. Regular Meeting

SPECIAL MEETING

5:30 p.m. Closed session

6:00 p.m. Commission Interviews

CALL TO ORDER

Mayor Constantine called the meeting to order at 5:30 p.m.

ROLL CALL ATTENDANCE

City Clerk Michelle Bigelow called the roll.

Attendee Name	Title	Status	Arrived
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Minutes Acceptance: Minutes of Apr 21, 2021 5:30 PM (CONSENT CALENDAR)

Rich Constantine	Mayor	Remote	
John McKay	Mayor Pro Tem	Remote	
Gino Borgioli	Council Member	Remote	
Yvonne Martinez Beltran	Council Member	Remote	
Rene Spring	Council Member	Remote	

DECLARATION OF POSTING AGENDA

City Clerk Michelle Bigelow declared the posting of the agenda.

CLOSED SESSION

City Attorney Donald Larkin announced the closed session item.

OPPORTUNITY FOR PUBLIC COMMENT

Public comment opened at 5:31 p.m. There being no requests to speak, public comment closed.

ADJOURN TO CLOSED SESSION

The meeting adjourned to closed session at 5:32 p.m.

CONFERENCE WITH LEGAL COUNSEL--ANTICIPATED LITIGATION:

Significant exposure to litigation pursuant to § 54956.9(b)

One case

The meeting reconvened at 6:03 p.m.

COMMISSION INTERVIEWS

1. CONDUCT INTERVIEWS TO FILL ONE (1) VACANCY ON THE LIBRARY, CULTURE, AND ARTS COMMISSION

Recommendation:

1. Discuss the characteristics/traits that a successful applicant would possess;
2. Conduct interviews;
3. Identify top applicant and provide recommendation to the Mayor; and
4. Discuss and/or appoint applicant.

Mayor Constantine invited the City Council to share what they are looking for in a Library, Culture, and Arts Commission applicant.

The Council interviewed the following applicants:

Jessica Arciga
Darcy Foster
John Kelly
Amanda Santiago
Thomas Spitters

The Meeting recessed at 7:12 p.m and reconvened at 7:17 p.m.

Mayor Constantine announced that the City Council selected Amanda Santiago to fill the available seat on the Library, Culture, and Arts Commission with a term ending April 1, 2024.

RESULT:	APPOINT
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REGULAR MEETING

7:00 p.m.

PROCLAMATIONS

Proclaiming the week of April 11-17, 2021 as Telecommunicators Week
Proclaiming the month of May, 2021 as Monarch Month

CITY COUNCIL REPORTS

Council Member Spring spoke regarding the South County Regional Wastewater Authority which is a Joint Powers Authority between Gilroy and Morgan Hill that handles operations relating to our sewer treatment system. Lately they have been talking about the facility expansion. He stated that it is great to work with the Gilroy Council Members on the board. He spoke regarding the Governing and Implementation Boards of the Santa Clara Valley Habitat Agency. He shared that he really enjoys being a part of the boards and that there is a lot of great work done by the Agency. Morgan Hill is one of the areas that really benefits from the Habitat Agency and they have been able to protect and secure a lot of open space around our area including thousands of acres of Tilton Ranch. He is on an Elected Leaders Board with Valley Water and shared that the Anderson Dam does not have much water in it and there probably won't be much water until the dam project is complete and they are able to build it in a secure way. The Flood Control project has started, he encouraged everyone to go take a look at the progress. He thanked Jefferey Prickett and his team for volunteering to clean up many areas of town.

CITY MANAGER'S REPORT

City Manager Christina Turner gave a few updates.

Virtual Town Hall

Thursday, April 22, 2021 at 5:30 p.m. The City has partnered with CONCERN EAP to bring the community a Resiliency Building Workshop. In this workshop people will learn several strategies to strengthen resilience during this time, to learn to be more productive and effective while experiencing less stress.

Friday, April 23, 2021 the City is hosting a Hybrid in person and virtual event to discuss how to create a more walkable, safer, and accessible downtown. There will be a panel of six people who will provide their experience and success stories on transforming downtowns and we will hear from a few business owners and entrepreneurs on their long-term vision.

Monday, April 26, 2021 at 7:00 p.m. we will have a Water Conservation and Supply Protection Community Meeting. Teammates will be there to provide information regarding two new ordinances relating to conserving and protecting our local water supplies.

Wednesday, April 28, 2021 at 7:00 p.m. we will have our third Community/City Council Broadband Workshop. The focus will be on what residents can do to improve their home service.

Vaccinations

All individuals that are age 16 or older who live or work in Santa Clara County are eligible for a vaccine. To schedule an appointment, you can visit the County's website at sccfreevax.org or call 211. In addition, we continue to partner with Safeway/Albertsons to provide vaccination clinics at the Community and Cultural Center. They will be here April 24th - 27th from 10-5:30. They have increased the number of dosages and appointments available. For more information you can visit our website. She thanked former Council Member Larry Carr for bringing these clinics to Morgan Hill through his employer, Albertsons. She also thanked Council Member John McKay for coordinating the volunteer efforts, OES Coordinator Jennifer Ponce who has put into action our Community Emergency Response Team (CERT) to help with

Minutes Acceptance: Minutes of Apr 21, 2021 5:30 PM (CONSENT CALENDAR)

the volunteer efforts. She highlighted Volunteer Extraordinaire Ken Hulick for his volunteer efforts.

CITY ATTORNEY'S REPORT

City Attorney Donald Larkin reported on two closed sessions. On April 7th the Council met on a real estate item and today the Council met on one item of anticipated litigation. There was no reportable action from either item.

OTHER REPORTS

Martinez Beltran reported that Denim Day is on April 28th and encouraged everyone's support. She has asked that the City and Police Department allow employees to wear denim on April 28th. Denim day is to bring awareness and support to victims of sexual assault.

She also shared that SVCE will be having a hearing on April 26th for SB612.

YAC PRESENTATION- ASSET #38- SELF ESTEEM

PUBLIC COMMENT

Public comment for items not on the agenda opened at 7:54 p.m. There being no requests to speak, public comment closed.

ADOPTION OF AGENDA

MOTION:

Adopting the agenda as posted.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Rene Spring, Council Member
SECONDER:	Rich Constantine, Mayor
AYES:	Constantine, McKay, Borgioli, Martinez Beltran, Spring

CONSENT CALENDAR

MOTION:

Approving consent calendar items 2, 3, and 5.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Rene Spring, Council Member
SECONDER:	John McKay, Mayor Pro Tem
AYES:	Constantine, McKay, Borgioli, Martinez Beltran, Spring

2. APPROVE NEW UTILITY BOX ART

Recommendation:

1. Approve public art at one new utility box location; and
2. Authorize the City Manager to enter and administer necessary agreements to complete the project.

3. APPROVE THE APRIL 7, 2021 MEETING MINUTES

Recommendation:

Approve Minutes.

4. ITEM PULLED FOR DISCUSSION

5. APPROVE COUNTYWIDE AB 939 AND HOUSEHOLD HAZARDOUS WASTE COLLECTION AGREEMENTS

Recommendation:

Authorize the City Manager to execute the Countywide AB 939 and Household Hazardous Waste Collection agreements.

6. ITEM PULLED FOR DISCUSSION

7. ITEM PULLED FOR DISCUSSION

ITEMS PULLED FOR DISCUSSION

4. APPROVE AGREEMENT WITH CIVIC FOUNDRY, LLC FOR INFORMATION TECHNOLOGY SERVICES

Recommendation:

Approve and authorize the City Manager to execute and administer consultant agreement with Civic Foundry, LLC for an amount not to exceed \$1,029,269 over three years.

Police Chief Shane Palsgrove provided a report and answered questions.

Public comment opened at 8:15 p.m.

Joe Baranowski was called to speak.

There being no further requests to speak, public comment closed.

MOTION:

Approving the recommended action.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Yvonne Martinez Beltran, Council Member
SECONDER:	Gino Borgioli, Council Member
AYES:	Constantine, McKay, Borgioli, Martinez Beltran, Spring

6. APPROVE A GOVERNMENT CODE 65915 DENSITY BONUS AT 80 PERCENT AND FOUR CONCESSIONS FOR A 100 PERCENT AFFORDABLE HOUSING PROJECT (SR2021-0005 MONTEREY-FIRST COMMUNITY HOUSING (MAGNOLIAS))

Recommendation:

Adopt resolution approving the request for the following, pursuant to Government Code 65915:

1. Density bonus at 80 percent.
2. Affordable housing concessions to the Residential Development Design and Development Standards:
 - a. Design Standard No. 26: Exterior Treatments and Materials;
 - b. Design Standard No. 30: Building Colors;

- c. Design Standard No. 31: Window Design; and
- d. Design Standard No. 39: Multi-family roof form.

Items 6 and 7 were presented and discussed together.

City Attorney Donald Larkin and Development Services Director Jennifer Carman provided a presentation and report for items 6 and 7.

Public comment for item 6 opened at 9:15 p.m. The following people were called to speak:

Armando Benavides

Geoffrey Morgan, First Community Housing

Suman Ganapthy

There being no further requests to speak, public comment closed.

MOTION:

Approving recommended action.

RESULT:	ADOPTED [3 TO 2]
MOVER:	Yvonne Martinez Beltran, Council Member
SECONDER:	Rich Constantine, Mayor
AYES:	Constantine, McKay, Martinez Beltran
NAYS:	Borgioli, Spring

7. APPROVE A GOVERNMENT CODE 65915 DENSITY BONUS AT 80 PERCENT AND THREE CONCESSIONS FOR A 100 PERCENT AFFORDABLE HOUSING PROJECT (SR2020-0027 MONTEREY-MINER (JEMCOR))

Recommendation:

Adopt resolution approving the request for the following, pursuant to Government Code 65915:

1. Density bonus at 80 percent.
2. Affordable housing concessions:
 - a.Reduced parking space dimensions for enclosed garages;
 - b.Eliminate requirement for covered bicycle parking and long-term bicycle storage; and
 - c.Reduction in use of decorative pavement material.

Public comment for item 7 opened at 9:42 p.m. The following people were called to speak:

Joe Baranowski

Armando Benavides

Tracy Harthurn

Brian Sullivan

There being no further requests to speak, public comment closed.

MOTION:

Approving recommended action.

RESULT:	ADOPTED [4 TO 1]
MOVER:	John McKay, Mayor Pro Tem
SECONDER:	Yvonne Martinez Beltran, Council Member
AYES:	Constantine, McKay, Martinez Beltran, Spring
NAYS:	Borgioli

MOTION:

Moving item 10 ahead of item 8.

RESULT:	MOVED [UNANIMOUS]
MOVER:	Rich Constantine, Mayor
SECONDER:	Yvonne Martinez Beltran, Council Member
AYES:	Constantine, McKay, Borgioli, Martinez Beltran, Spring

OTHER BUSINESS**8. RECEIVE UPDATE ON SIGNIFICANT DEVELOPMENT PROJECTS**

Moving item 8 to a future meeting.

RESULT:	MOVED [UNANIMOUS]
MOVER:	Rich Constantine, Mayor
SECONDER:	Gino Borgioli, Council Member
AYES:	Constantine, McKay, Borgioli, Martinez Beltran, Spring

9. RECEIVE MONTHLY BUDGET UPDATE, MARCH 2021 FINANCIAL AND INVESTMENT REPORTS, AND CITY MANAGER AUTHORITY REPORTS

Recommendation:

Accept and file report.

Finance Director Dat Nguyen provided a presentation and report.

Public comment opened at 11:34 p.m. There being no requests to speak, public comment closed.

Report received.

RESULT:	ACCEPT REPORT
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10. CONSIDER COUNCIL INITIATED AGENDA ITEM TO REVISIT COMMERCIAL CANNABIS

Recommendation:

Consider whether to direct staff to return with a Council Agenda Item to discuss allowing commercial cannabis in Morgan Hill City limits.

City Manager Christina Turner provided a report.

The meeting recessed at 10:25 p.m and reconvened at 10:30 pm.

Public comment opened at 10:32 p.m. The following people were called to speak:

Steve Malech

Matt Wendt

Dave Mathews

Tom Guinane

Tak Allen

There being no further requests to speak, public comment closed

MOTION:

Extending the meeting to 11:45 p.m.

RESULT:	EXTENDED [UNANIMOUS]
MOVER:	Rene Spring, Council Member
SECONDER:	John McKay, Mayor Pro Tem
AYES:	Constantine, McKay, Borgioli, Martinez Beltran, Spring

Directing staff to move forward.

RESULT:	FAILED [2 TO 3]
MOVER:	Rene Spring, Council Member
SECONDER:	Rich Constantine, Mayor
AYES:	Constantine, Spring
NAYS:	McKay, Borgioli, Martinez Beltran

FUTURE COUNCIL INITIATED AGENDA ITEMS

Council Member Martinez Beltran requested a community meeting on housing, SB 330 streamlining, housing bonus density law. She also requested that a letter of support be drafted for SB 612. Look at drafting a letter or outreach for dollars for infrastructure and public safety to be included in the density bonus law.

Mayor Pro Tem McKay asked that the City issue a position letter on SB556. We should be pushing legislators to consider broadband a utility not a convenience, would like to start issuing letters. He also asked for a review of landscaping requirements on developments along freeways and major arteries to include more trees.

Council Member Borgioli asked staff to provide a definition of safety and health standards.

ADJOURNMENT

There being no further business, the meeting adjourned at 11:39 p.m.

MINUTES PREPARED BY:

Michelle Bigelow, City Clerk



CITY COUNCIL STAFF REPORT

MEETING DATE: May 5, 2021

PREPARED BY: Cynthia Iwanaga, Management Analyst
APPROVED BY: City Manager

AWARD STREET LIGHTING AND TRAFFIC SIGNAL MAINTENANCE SERVICE AGREEMENT

RECOMMENDATION(S)

1. Award a two-year contract with three one-year extensions to Cal-West Lighting and Signal Maintenance, Inc. in the amount of \$387,600; and
2. Authorize the City Manager to execute and administer the Maintenance Service Agreement with Cal-West Lighting and Signal Maintenance, Inc.

COUNCIL PRIORITIES, GOALS & STRATEGIES

Ongoing Priorities

Enhancing Public Safety
Maintaining Infrastructure

2020-2021 Strategic Priorities

Fiscal Sustainability

GUIDING DOCUMENTS

Public Safety Master Plan

REPORT NARRATIVE:

The City has contracted for traffic signal and lighting services for many years and does not have the staffing resources or equipment to perform the work internally. Services provided under this contract include streetlight, parking lot light, and traffic signal bulb replacements, equipment troubleshooting, emergency response services, and consultation services. The City's current contract expires on June 30, 2021.

The purpose of this report is to summarize the results of the recent Request for Proposals (RFP) process and request authorization for the City Manager to enter into a new agreement for these needed services. The proposed term of the new service agreement is two years, starting on July 1, 2021, with an option to extend for three additional one-year terms.

The RFP was issued on February 26, 2021, and four proposals were received on April 12, 2021. In soliciting proposals for this contract, the City advertised in the Morgan Hill Times, posted on the City website, and two online plan services, Public Purchase and the Online Plan Service, whose subscribers include multiple Northern California Builders' Exchanges.

The City evaluated the proposals using a "Best Value," methodology in which contractors meeting the minimum threshold score in the Qualifications, Experience and References narrative, were then evaluated based upon their cost proposals. A team of

evaluators from the Community Services Department independently evaluated and scored the proposals based on the contractors' narrative, qualifications, experience and references. All four contractors exceeded the minimum qualifying score of 30 out of 40 points.

Staff then compared the four contractors' cost proposals. Cal-West Lighting and Signal was the lowest cost qualified bidder. They proposed the lowest rates for the annual routine maintenance scope of work, and on average the lowest rates for labor and equipment costs. A complete summary of all the contractors' proposed rates is attached to this staff report.

The "total annual routine maintenance costs" category accounted for 80 of the 100 points available for the cost proposal scoring. Below is a summary of the total annual routine maintenance costs proposed by each contractor:

Contractor	Annual Routine Maintenance Pricing
Cal-West Lighting and Signal Maintenance, Inc.	\$43,800.00
St. Francis Electric, LLC	\$44,520.00
Bear Electrical Solutions, Inc.	\$51,040.00
Econolite Systems, Inc.	\$67,699.53

Cal-West Lighting and Signal has been the City's traffic signal and streetlighting contractor since 2007. They have provided excellent and efficient service during that time. The company has over 17 years of experience in the traffic signal and streetlight business. Reference checks with other jurisdictions confirmed that they are also responsive to and provide excellent workmanship to their other clients.

Staff recommends entering into a two-year not-to-exceed contract with Cal-West Lighting and Signal for \$387,600 to provide traffic signal and streetlighting services to the City. The \$387,600 includes \$87,600 for routine maintenance plus \$300,000 in additional maintenance and repair costs to be performed on an as-needed basis and pre-approved by City Maintenance Staff. The contract could be extended for three one-year terms per City Manager authority.

COMMUNITY ENGAGEMENT: Not Applicable

As traffic signal and streetlight maintenance services are expected to be performed within the City, no community engagement was completed for this contract.

ALTERNATIVE ACTIONS:

The City Council could elect not to award this maintenance service agreement and request that the services be rebid in hopes of obtaining a lower cost proposal. This action would require the extension of the current traffic signaling and streetlighting contract until December 31, 2021 in order to allow enough time to rebid services. It is unlikely that a lower bid could be obtained since it is a specialized service and four firms responded to this RFP.

PRIOR CITY COUNCIL AND COMMISSION ACTIONS:

The Council has previously approved contracts for traffic signaling and streetlighting services for over a decade. The City's current agreement was approved by the City Council on June 20, 2018.

FISCAL AND RESOURCE IMPACT:

If approved, the total funding authorization for this agreement will be \$387,600. Funding for the traffic signaling and streetlighting services is accounted for in the Streets Maintenance Fund (010.6100) and Downtown Maintenance Fund (010.5460) in the FY 2021-2022 Budget.

CEQA (California Environmental Quality Act): Categorical Exemption

The activities described in this Staff Report are categorically exempt under CEQA, specifically pursuant to Section 15301 of the CEQA Guidelines (Existing Facilities), as the subject work involves the repair, maintenance or minor alteration of existing City facilities involving negligible or no expansion of use of those facilities.

LINKS/ATTACHMENTS:

1. [REVISED_Cal-West_Lighting_and_Signal_Maintenance_07012021_executed](#)
2. [Traffic Signal RFP Scoring Summary Matrix_04152021](#)

MAINTENANCE SERVICE AGREEMENT Cal-West Lighting and Signal Maintenance, Inc.

THIS AGREEMENT is entered into and becomes effective on _____ (Effective Date), by and between the CITY OF MORGAN HILL, a municipal corporation, ("CITY"), and Cal-West Lighting and Signal Maintenance, Inc. a California corporation ("SERVICE PROVIDER") hereinafter referred to collectively as "Parties." In consideration of the promises and the mutual covenants contained in this Agreement, the Parties agree as follows:

1. **City Authority.** This Agreement is entered into pursuant to the action of the Morgan Hill City Council taken on _____, _____, 20____.
2. **Term of Agreement.** This Agreement shall cover services rendered from the Effective Date of this Agreement until June 30, 2023 at which time SERVICE PROVIDER'S services shall be completed. The City Manager is authorized to extend the term of this Agreement for a maximum of three one-year extensions. Any such extension shall be in writing and signed by both Parties to this Agreement.
3. **Scope of Service.** The services to be performed by SERVICE PROVIDER shall be street lighting and signal maintenance as further described in **Exhibit A.**
4. **Compensation.** SERVICE PROVIDER shall be compensated as follows:
 - 4.1. **Amount.** \$387,600.00. Total compensation to SERVICE PROVIDER under this Agreement during its initial term set forth in Section 2 above shall not exceed Three Hundred Eighty Seven Thousand and Six Hundred dollars and shall be billed based on the rate and basis set forth in **Exhibit B.** If the City Manager extends the term of this Agreement pursuant to the provisions of Section 2 above, the City Manager shall have the authority to increase the maximum compensation allowed to be paid to SERVICE PROVIDER during that extended term period, so long as City Council has appropriated sufficient funds therefor, the Parties mutually agree to such amount in a writing signed by both Parties to this Agreement and provided further that in no event shall such maximum compensation allowed for each subsequent extended one-year term exceed 105% of the maximum compensation allowed to be paid to SERVICE PROVIDER for one year of service during the immediately preceding prior year of service.
 - 4.2. **Billing.** SERVICE PROVIDER shall provide CITY with an invoice containing the dated, detailed, and itemized descriptions of all services performed and expenses incurred (if such expenses are reimbursable pursuant to Exhibit B) by SERVICE PROVIDER on a monthly basis unless otherwise specified in Exhibit B. All invoices shall be sent to the CITY addressed to the department head or project manager identified below in Section 14 Notices. Payment will be made to SERVICE PROVIDER within thirty (30) days of receipt of invoice by CITY. Any rate charged shall be prorated where services are interrupted or not provided for any rate period (for example, any monthly rate charge should be prorated when services were interrupted or provided for only part of the month). For services billed on an hourly rate, the minimum unit of billed time shall not exceed one tenth of one hour. CITY shall pay for services and expenses (if so provided in Exhibit B) up to the limit of compensation set forth above, that in the CITY's judgment were necessary and reasonable. Services for work performed and expenses incurred in excess of the total compensation set forth in paragraph 4.1 above shall be at no cost to CITY.
5. **Termination.** CITY or SERVICE PROVIDER shall have the right to terminate this Agreement, without cause, by giving thirty (30) days' written notice or less under urgent circumstances. Upon such termination,

SERVICE PROVIDER shall submit to CITY an itemized statement of services performed for which compensation has not been paid. CITY may require SERVICE PROVIDER to complete certain work product or documents and SERVICE PROVIDER shall deliver to CITY all documents in its possession without additional compensation to SERVICE PROVIDER. The City Manager is authorized to terminate this Agreement, in whole or in part, on behalf of CITY.

- 5.1. **Non-Appropriations.** Notwithstanding anything contained in this Agreement to the contrary, if insufficient funds are appropriated, or funds are otherwise unavailable in the budget for CITY for any reason whatsoever in any fiscal year, for payments due under this Agreement, CITY will immediately notify SERVICE PROVIDER of such occurrence, and this Agreement shall terminate after the last day during the fiscal year for which appropriations shall have been budgeted for CITY or are otherwise available for payments.
- 5.2. **Temporary Suspension of Services.** CITY'S need for services may be suspended due to unforeseeable or unavoidable circumstances beyond its control. Such circumstances include, but are not limited to, earthquake, fire, explosion, flood or other natural catastrophe; governmental legislation, condemnation, acts, orders, or regulation; war or acts of terrorism; strikes or labor difficulties; and quarantine, epidemic, or pandemic. CITY shall provide a 5-days' written notice or less under urgent circumstances to temporarily suspend services at specific CITY facilities. CITY reserves the right to request which CITY facilities are to be serviced or not serviced due to unforeseeable or unavoidable circumstances; and the level of service at each CITY facility. Upon suspension, SERVICE PROVIDER shall submit to CITY an itemized statement of services performed for which compensation has not been paid up to the date of the suspension. No further payments will be made for services provided after the date of the suspension. CITY shall provide 5 days' written notice when the circumstances for the suspension of specific facilities' services are removed for SERVICE PROVIDER to commence providing services.

6. **Performance of Work.** SERVICE PROVIDER represents that it is qualified by virtue of experience, training, education, and expertise to accomplish these services. Services shall be performed by SERVICE PROVIDER in accordance with professional practices in a manner consistent with a level of care, competence and skill exercised by qualified members of SERVICE PROVIDER'S profession. By delivery of completed work, SERVICE PROVIDER certifies that the work conforms to the requirements of this Agreement and all applicable federal, state and local laws. SERVICE PROVIDER shall perform all work and services under this Agreement in conformance with the time schedule set forth on **Exhibit C**, "Schedule of Performance," attached hereto and incorporated herein by this reference. The City Manager is authorized on behalf of CITY to modify the timeframes set forth on the Schedule of Performance within the term of this Agreement. If SERVICE PROVIDER desires to leave or store any of SERVICE PROVIDER's equipment at a CITY site while SERVICE PROVIDER is performing work or service pursuant to this Agreement, SERVICE PROVIDER will first obtain the consent of the City Manager, or his/her delegate, to do so, and any such storage shall occur only in the manner and location allowed by such CITY official and entirely at SERVICE PROVIDER's sole risk.

7. **Hazardous Materials.** Without limiting any other requirement or obligation of SERVICE PROVIDER under this Agreement, if SERVICE PROVIDER needs to use any material or chemical considered to be a hazardous material under any federal, state or local law, regulation or policy, SERVICE PROVIDER agrees to fully and timely abide by and comply with all laws, regulations and policies pertaining to the use, transport, removal, handling, disposal or other activity related to any and all such materials or chemicals. Prior to commencement of work or services under this Agreement, SERVICE PROVIDER shall provide CITY with a complete list of the hazardous materials SERVICE PROVIDER reasonably anticipates it may need to use to

provide the services of SERVICE PROVIDER under this Agreement, together with the reasonably anticipated quantities thereof, if requested by CITY.

8. **Insurance Requirements.** SERVICE PROVIDER shall procure and provide proof of the insurance coverage required by this section in the form of certificates and endorsements. The required insurance must cover the activities of SERVICE PROVIDER, including its subcontractors, employees and agents, relating to or arising from the performance of any work or service under this Agreement, and must remain in full force and effect at all times during the period covered by this Agreement. The coverages may be arranged under a single policy for the full limits required or by a combination of underlying policies with the balance provided by excess or “umbrella” policies, provided each such policy complies with the requirements set forth herein. Any deductibles or self-insured retentions must be declared to and approved by City. SERVICE PROVIDER further understands that CITY reserves the right to modify the insurance requirements set forth herein, with thirty (30) days’ notice provided to SERVICE PROVIDER, at any time as deemed necessary to protect the interests of CITY.

8.1. **Insurance Types and Amounts.**

- 8.1.1. **Commercial General Liability (CGL).** SERVICE PROVIDER shall maintain CGL against claims and liabilities for personal injury, death, or property damage providing protection in the minimum amount of: (i) one million dollars (\$1,000,000.00) combined single limit for any one accident or occurrence, or (ii) the maximum amount of such insurance available to SERVICE PROVIDER under SERVICE PROVIDER’s combined insurance policies (including any excess or “umbrella” policies), whichever is greater.
- 8.1.2. **Automobile Liability.** SERVICE PROVIDER shall maintain Automobile Liability covering all owned, non-owned and hired automobiles (if SERVICE PROVIDER does not own automobiles, then SERVICE PROVIDER shall maintain Hired/Non-owned Automobile Liability) against claims and liabilities for personal injury, death, or property damage providing protection in the minimum amount of: (i) one million dollars (\$1,000,000.00) combined single limit for any one accident or occurrence, or (ii) the maximum amount of such insurance available to SERVICE PROVIDER under SERVICE PROVIDER’s combined insurance policies (including any excess or “umbrella” policies), whichever is greater.
- 8.1.3. **Workers’ Compensation Insurance and Employer’s Liability.** SERVICE PROVIDER shall maintain Workers Compensation coverage, as required by law, in the minimum amount of: (i) one million dollars (\$1,000,000.00) for any one accident or occurrence, or (ii) the maximum amount of such insurance available to SERVICE PROVIDER under SERVICE PROVIDER’s combined insurance policies (including any excess or “umbrella” policies), whichever is greater. If SERVICE PROVIDER is self-insured, SERVICE PROVIDER shall provide its Certificate of Permission to Self-Insure, duly authorized by the Department of Industrial Relations.
- 8.1.4. **Pollution (Environmental) Liability.** If the performance of SERVICE PROVIDER’s work or service under this Agreement involves hazardous materials, contaminated soil disposal, and/or a risk of accidental release of fuel oil, chemicals or other toxic gases or hazardous materials, SERVICE PROVIDER shall procure and maintain Pollution Liability covering the SERVICE PROVIDER’S liability for bodily injury, property damage and environmental damage resulting from pollution and related cleanup costs arising out of the work or services to be performed under this Agreement. Coverage shall be provided for both work performed on site, as well as during the transport of hazardous

materials. Such coverage shall be in the minimum amount of: (i) one million dollars (\$1,000,000.00) for any one accident or occurrence, or (ii) the maximum amount of such insurance available to SERVICE PROVIDER under SERVICE PROVIDER's combined insurance policies (including any excess or "umbrella" policies), whichever is greater.

8.1.5. Professional Liability.

8.1.5.1. If the performance of SERVICE PROVIDER's work or service under this Agreement involves professional and/or technical services (examples include, but are not limited to, architects, engineers, land surveyors, and appraisers), SERVICE PROVIDER shall procure and maintain either a claims made or occurrence Errors and Omission liability insurance in the minimum amount of: (i) one million dollars (\$1,000,000.00) each claim, or (ii) the maximum amount of such insurance available to SERVICE PROVIDER under SERVICE PROVIDER's combined insurance policies (including any excess or "umbrella" policies), whichever is greater. Further, if SERVICE PROVIDER maintains a claims-made policy, SERVICE PROVIDER shall provide written evidence of such insurance to CITY for at least five (5) years after the completion of work performed under this Agreement.

8.1.5.2. If the performance of SERVICE PROVIDER's work or service under this Agreement relates to Information Technology or related services (examples include, but are not limited to computer programmers, software designers, hardware engineers, or other systems consultants), SERVICE PROVIDER shall procure and maintain a claims made Errors and Omission liability insurance, including Cyber Liability and Data Breach, in the minimum amount of: (i) one million dollars (\$1,000,000.00) each claim, or (ii) the maximum amount of such insurance available to SERVICE PROVIDER under SERVICE PROVIDER's combined insurance policies (including any excess or "umbrella" policies), whichever is greater.

8.1.6. Sexual Abuse/Molestation Liability (SML): If the performance of SERVICE PROVIDER's work or service under this Agreement involves contact with minors, SERVICE PROVIDER shall procure and maintain Sexual Abuse and Molestation insurance in the minimum amount of: (i) two hundred thousand dollars (\$200,000.00) each claim, or (ii) the maximum amount of such insurance available to SERVICE PROVIDER under SERVICE PROVIDER's combined insurance policies (including any excess or "umbrella" policies), whichever is greater.

8.2. **Endorsements.** SERVICE PROVIDER shall provide proof of the following endorsements, listed for each policy for which endorsements are required, as outlined below:

8.2.1. General Liability and pollution liability (when pollution liability applies).

8.2.1.1. The City of Morgan Hill, its elected or appointed officials, boards, agencies, officers, agents, employees, and volunteers are named as additional insureds;

8.2.1.2. The insurer waives the right of subrogation against the City of Morgan Hill and CITY's elected or appointed officials, boards, agencies, officers, agents, employees, and volunteers; and,

8.2.1.3. Insurance shall be primary non-contributing.

8.2.2. Workers Compensation.

If the performance of SERVICE PROVIDER'S work or service under this Agreement involves access to or activity on any property or premises owned or occupied by the CITY, including, but not limited to, SERVICE PROVIDER'S presence during site visits and meetings, then insurer waives the right of subrogation against the City of Morgan Hill and the CITY's elected or appointed officials, boards, agencies, officers, agents, employees, and volunteers.

8.3. **Qualification of Insurers.** All insurance required pursuant to this Agreement must be issued by a company licensed and admitted, or otherwise legally authorized to carry out insurance business in the State of California, and each insurer must have a current A.M. Best's financial strength rating of "A" or better and a financial size rating of "VII" or better.

8.4. **Certificates.** SERVICE PROVIDER shall furnish CITY with copies of all certificates as outlined herein, whether new or modified, promptly upon receipt. In the event of a claim or legal action, SERVICE PROVIDER shall promptly furnish CITY of Morgan Hill with copies of all policies outlined herein. No policy subject to SERVICE PROVIDER's agreement with CITY shall be canceled or materially changed except after thirty (30) days' notice by the insurer to CITY. A "material change" is a change that results in non-compliance with any insurance requirements in this section 8. Certificates, including renewal certificates, may be mailed electronically to riskmgmt@morganhill.ca.gov or delivered to the Certificate Holder address provided herein.

Certificate Holder address:

City of Morgan Hill
Attn: Risk Management
17575 Peak Avenue
Morgan Hill, CA 95037

9. **Non-Liability of Officials and Employees of CITY.** No official or employee of CITY shall be personally liable for any default or liability under this Agreement.

10. **Compliance with Law.**

10.1. SERVICE PROVIDER and its officers, employees, agents, and subcontractors shall comply with all applicable laws, ordinances, administrative regulations, and permitting requirements in carrying out their obligations under this Agreement. SERVICE PROVIDER and its officers, employees, agents, and subcontractors covenant there shall be no discrimination based upon race, color, creed, religion, gender, marital status, age, sexual orientation, national origin, mental disability, physical disability, medical condition, or ancestry, in any activity pursuant to this Agreement.

10.2. Without limiting the provisions of Section 10.1 above, each worker performing work under this Agreement shall be paid at a rate not less than the prevailing wage as defined in Sections 1771 and 1774 of the Labor Code. The prevailing wage rates are available online at <http://www.dir.ca.gov/dlsr>. SERVICE PROVIDER shall post a copy of the applicable prevailing rates at the Worksite. Pursuant to Labor Code Section 1775, SERVICE PROVIDER and any Subcontractor shall forfeit to CITY as a penalty up to two hundred dollars (\$200.00) for each calendar day, or portion thereof, for each worker paid less than the applicable prevailing wage

rate. SERVICE PROVIDER shall also pay each worker the difference between the applicable prevailing wage rate and the amount actually paid to that worker.

- 10.3. DIR Registration. CITY will not accept a Bid Proposal from or enter into a contract with a SERVICE PROVIDER, without first receiving proof to the satisfaction of CITY that SERVICE PROVIDER and its subcontractors are registered with the California Department of Industrial Relations to perform public work under Labor Code Section 1725.5, subject to limited legal exceptions. Under Labor Code section 1771.4, this Agreement is subject to compliance monitoring and enforcement by the California Department of Industrial Relations.
- 10.4. Compliance with Wage and Hour Laws: SERVICE PROVIDER, and any subcontractor it employs to complete work under this Agreement, shall comply with all applicable federal, state and local wage and hour laws. Applicable laws may include, but are not limited to, the Federal Fair Labor Standards Act and the California Labor Code.

Final Judgments, Decisions, and Orders: For purposes of this Section, a “final judgment, decision, or order” refers to one for which all appeals have been exhausted or the time to appeal has expired. Relevant investigatory government agencies include: the federal Department of Labor, the California Division of Labor Standards Enforcement, or any other governmental entity or division tasked with the investigation and enforcement of wage and hour laws.

Prior Judgments against SERVICE PROVIDER and/or its Subcontractors: BY SIGNING THIS AGREEMENT, SERVICE PROVIDER AFFIRMS THAT IT HAS DISCLOSED ANY FINAL JUDGMENTS, DECISIONS OR ORDERS FROM A COURT OR INVESTIGATORY GOVERNMENT AGENCY FINDING – IN THE FIVE (5) YEARS PRIOR TO EXECUTING THIS AGREEMENT – THAT SERVICE PROVIDER OR ITS SUBCONTRACTOR(S) HAS VIOLATED ANY APPLICABLE WAGE AND HOUR LAWS. SERVICE PROVIDER FURTHER AFFIRMS THAT IT OR ITS SUBCONTRACTOR(S) HAS SATISFIED AND COMPLIED WITH – OR HAS REACHED AGREEMENT WITH THE CITY REGARDING THE MANNER IN WHICH IT WILL SATISFY – ANY SUCH JUDGMENTS, DECISIONS OR ORDERS.

Judgments or Decisions During Term of Contract: If at any time during the term of this Agreement, a court or investigatory government agency issues a final judgment, decision or order finding that SERVICE PROVIDER or any subcontractor it employs to perform work under this Agreement has violated any applicable wage and hour law, or SERVICE PROVIDER learns of such a judgment, decision, or order that was not previously disclosed, SERVICE PROVIDER shall inform the City Attorney, no more than fifteen (15) days after the judgment, decision or order becomes final or of learning of the final judgment, decision or order. SERVICE PROVIDER and its subcontractors shall promptly satisfy and comply with any such judgment, decision, or order, and shall provide the City Attorney with documentary evidence of compliance with the final judgment, decision or order within five (5) days of satisfying the final judgment, decision or order. CITY reserves the right to require SERVICE PROVIDER to enter into an agreement with CITY regarding the manner in which any such final judgment, decision, or order will be satisfied.

City’s Right to Withhold Payment: Where SERVICE PROVIDER or any subcontractor it employs to perform work under this Agreement has been found in violation of any applicable wage and hour law by a final judgment, decision or order of a court or government agency, CITY reserves the right to withhold payment to SERVICE PROVIDER until such judgment, decision or order has been satisfied in full.

Material Breach: Failure to comply with any part of this Section constitutes a material breach of this Agreement. Such breach may serve as a basis for immediate termination of this Agreement and/or any other remedies available under this Agreement and/or law.

Notice to City Related to Wage Theft Prevention: Notice provided to the City Attorney as required under this Section shall be addressed to: City Attorney, City of Morgan Hill, 17575 Peak Avenue, Morgan Hill, CA 95037. The Notice provisions of this Section are separate from any other notice provisions in this Agreement and, accordingly, only notice provided to the above address satisfies the notice requirements in this Section.

11. **Independent Contractor.** SERVICE PROVIDER is an independent contractor and not an agent or employee of CITY.

12. **Confidentiality.** All data, documents, or other information received by SERVICE PROVIDER from CITY or prepared in connection with SERVICE PROVIDER'S services under this Agreement are deemed confidential and shall not be disclosed to any third party by SERVICE PROVIDER without prior written consent by CITY.

13. **Conflict of Interest and Reporting.** SERVICE PROVIDER shall at all times avoid conflict of interest or appearance of conflict of interest in performance of this Agreement.

14. **Notices.** All notices shall be personally delivered or mailed, via first class mail to the below listed address. These addresses shall be used for delivery of service of process. Notices shall be effective five (5) days after date of mailing, or upon date of personal delivery.

Address of SERVICE PROVIDER is as follows:

Cal-West Lighting and Signal Maintenance, Inc.
P.O. Box 612035
San Jose, CA 95161-2035

Address of CITY is as follows:

Dale Dapp, Maint. Mgrn.	with a copy to:
City of Morgan Hill	City Clerk
17575 Peak Avenue	City of Morgan Hill
Morgan Hill, CA 95037	17575 Peak Avenue
	Morgan Hill, CA 95037

15. **Licenses, Permits and Fees.** SERVICE PROVIDER shall obtain a City of Morgan Hill Business License, all permits and licenses to the extent required by ordinances, codes and regulations of the federal, state and local government.

16. **Service Provider's Proposal.** If applicable, this Agreement shall include SERVICE PROVIDER'S proposal or bid which is incorporated herein. In the event of any inconsistency between the terms of the proposal and this Agreement, this Agreement shall govern.

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17. **Maintenance of Records.**

- 17.1. **Maintenance.** SERVICE PROVIDER shall prepare, maintain, and preserve all reports and records that may be required by federal, state, and CITY rules and ordinances related to services provided under this Agreement. SERVICE PROVIDER shall maintain records for a period of at least 3 years after receipt of final payment under this Agreement. If any litigation, claim, negotiation, audit exception, or other action relating to this Agreement is pending at the end of the 3-year period, then SERVICE PROVIDER shall retain said records until such action is resolved.
- 17.2. **Access to and Audit of Records.** CITY shall have the right to examine, monitor and audit all records, documents, conditions, and activities of SERVICE PROVIDER and its subcontractors related to services under this Agreement. Pursuant to Government Code Section 8546.7, if this Agreement involves the expenditure of public funds in excess of \$10,000, the Parties to this Agreement may be subject, at the request of CITY or as part of any audit of CITY, to the examination and audit of the State Auditor pertaining to matters connected with the performance of this Agreement for a period of three years after final payment under the Agreement.
- 17.3. **Ownership of Work Product.** All documents or other information developed or received by SERVICE PROVIDER for work performed under this Agreement shall be the property of CITY. SERVICE PROVIDER shall provide CITY with copies of these items upon demand or upon termination of this Agreement.

18. **Familiarity with Work.** By executing this Agreement, SERVICE PROVIDER represents that: (1) it has investigated the work to be performed; (2) it has investigated the site of the work and is aware of all conditions there; and (3) it understands the difficulties and restrictions of the work under this Agreement. Should SERVICE PROVIDER discover any conditions materially differing from those inherent in the work or as represented by CITY, it shall immediately inform CITY and shall not proceed, except at SERVICE PROVIDER'S risk, until written instructions are received from CITY.

19. **Time of Essence.** Time is of the essence in the performance of this Agreement.

20. **No Assignment.** Neither this Agreement nor any portion shall be assigned by SERVICE PROVIDER, without prior written consent of CITY. Any attempted assignment not first approved by CITY shall be void and, at CITY's option, shall terminate this Agreement effective as of the date of such attempted assignment.

21. **Attorney Fees.** In any legal action, dispute or arbitration arising out of or relating to this Agreement, the prevailing party shall be entitled to an award of its reasonable attorney fees, costs and expenses incurred.

22. **Defense and Indemnification.**

22.1. **Defense and Indemnification.** SERVICE PROVIDER shall, to the fullest extent permitted by law, indemnify, defend and hold harmless CITY, its elected or appointed officials, boards, agencies, officers, agents, employees, and volunteers ("INDEMNITEES") from and against any and all claims, liabilities, expenses, liens, or damages of any nature, including liability for bodily injury, property damage or personal injury, and including reasonable attorneys' fees and expenses, that arise out of, pertain to, or relate to the performance of this Agreement or the failure to comply with any obligations

contained in this Agreement by SERVICE PROVIDER, and/or its agents, officers, employees, subcontractors, or independent contractors ("CLAIM").

22.2. Exceptions. SERVICE PROVIDER is not required to indemnify INDEMNITEES against liability for bodily injury, property damage or personal injury, or any other loss, damage or expense arising from the sole negligence or willful misconduct of CITY.

22.3. Not limited by insurance. The indemnity, defense and hold harmless provisions of this Agreement apply to all CLAIMS alleged against an INDEMNITEE, regardless of whether any insurance policies are applicable. Policy limits do not act as a limitation upon the amount of indemnification or defense to be provided by SERVICE PROVIDER.

22.4. Right to Offset. CITY shall have the right to offset against any compensation due SERVICE PROVIDER under this Agreement any amount due CITY from SERVICE PROVIDER as a result of SERVICE PROVIDER's failure to pay CITY promptly any indemnification arising under this Section (22) and any amount due CITY from SERVICE PROVIDER arising from SERVICE PROVIDER's failure either to (i) pay taxes on amounts received pursuant to this Agreement or (ii) comply with applicable workers' compensation laws.

22.5. Interpretation. This Section shall constitute an agreement or contract of indemnity, incorporating the interpretations under California Civil Code Section 2778. It is expressly understood and agreed that the obligation of SERVICE PROVIDER to indemnify the INDEMNITEE shall be as broad and inclusive as permitted by the laws of the State of California and shall survive termination of this Agreement.

23. Entire Agreement; Modification; Conflicting Provisions. This Agreement constitutes the entire Agreement between the Parties and supersedes any previous agreements, oral or written. This Agreement may be modified or provisions waived only by a subsequent mutual written agreement executed by CITY and SERVICE PROVIDER. If the provisions contained in the main body of this Agreement conflict with any provision contained in an exhibit to this Agreement, the provisions of the main body of this Agreement shall govern and control over any provision contained in an exhibit to this Agreement.

24. Governing Law and Venue. This Agreement shall be construed in accordance with the laws of the State of California. This Agreement was entered into and is to be performed in the County of Santa Clara. Any action or dispute arising out of this Agreement shall only be brought in Santa Clara County.

25. Interpretation. This Agreement is a negotiated document and shall be deemed to have been drafted jointly by the Parties, and no rule of construction or interpretation shall apply against any particular Party based on a contention that the Agreement was drafted by one of the Parties including, but not limited to, California Civil Code § 1654, the provisions of which are hereby waived. This Agreement shall be construed and interpreted in a neutral manner.

26. Preservation of Agreement. If any term, provision, covenant, or condition of this Agreement is held by a court of competent jurisdiction to be invalid or unenforceable, the rest of the Agreement shall remain in full force and effect and shall in no way be affected or invalidated.

27. Binding Agreement. Notwithstanding the provisions of Section 20 above, this Agreement shall bind any and all successors in interest, legal representatives and/or other permitted assignees or transferees of SERVICE PROVIDER in the same manner as if those successors in interest, legal representatives or other permitted assignees or transferees had entered into this Agreement originally.

28. **Authority to Execute.** Those individuals who are signing this Agreement on behalf of entities represent and warrant that they are, respectively, duly authorized to sign on behalf of the entities and to bind the entities fully to each and all of the obligations set forth in this Agreement.

IN WITNESS THEREOF, these Parties have executed this Agreement on the day and year shown below.

AS SET FORTH IN CA. CORP. CODE § 313, TWO SIGNATURES ARE REQUIRED FOR CALIFORNIA CORPORATIONS:

- (1) CHAIRPERSON OF THE BOARD, PRESIDENT, OR VICE PRESIDENT; AND
 (2) SECRETARY, ASSISTANT SECRETARY, CHIEF FINANCIAL OFFICER OR ASSISTANT TREASURER.

ATTEST:

CITY OF MORGAN HILL

City Clerk/Deputy City Clerk

City Manager

Michelle Bigelow
 Print Name

Christina J. Turner
 Print Name

Date: _____

Date: _____

APPROVED AS TO FORM:

CAL-WEST LIGHTING & SIGNAL
 MAINTENANCE, INC.

City Attorney

By:

Donald A. Larkin
 Print Name

Craig H. Geis, Jr. - President

Print Name and Title of Signer.
 If Corporate: Chairman, President or
 Vice President

Date: _____

Date: April 20, 2021

By:

Frank A. Garcia - Treasurer

Print Name and Title of Signer.
 If Corporate: Secretary, Assistant
 Secretary, Chief Financial Officer or
 Assistant Treasurer

Date: April 20, 2021

847901

1000023113

Contractor's License Number(s) (if applicable)

Contractor's DIR Registration Number(s) (if
 applicable)

Expiration Date(s) 10/31/2022

Expiration Date(s) 06/30/2022

Seal:

U:\Legal Forms\Consultant Agreements\City Maintenance Service Agreement.Docx

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EXHIBIT A SCOPE OF SERVICES

Street Lighting and Traffic Signal Scope of Work

Provide maintenance services for the City's traffic signals and lighting, streetlights, flashing beacons, lighted crosswalks, and other City equipment. The scope of work will include maintenance, emergency repair, non-emergency routine inspections and new equipment upgrade and installation work. The City operates and maintains 43 traffic signaled intersections with a variety of signal controllers, flashing beacons and lighted crosswalks.

Maintain EMTRAC Signal-Priority System on an annual basis.

Total amount of work available will be a function of routine traffic signal maintenance plus the amount of work that is required due to normal "wear and tear," collision damage, vandalism, and other factors that may result in the need for emergency response maintenance services. The City expects traffic signal technicians to be regularly assigned to the City as necessary to provide preventative maintenance and to respond to unscheduled/emergency work.

Scope of Work:

1-1 SCOPE OF SERVICE:

The Contractor will furnish all tools, equipment, apparatus, facilities, labor, service, and materials to perform all work necessary to maintain traffic signal facilities and streetlights in good and workmanlike manner. All labor, services, materials, and equipment shall be furnished and said work performed and completed by the Contractor as an independent contractor, subject to the inspection and approval of the Community Services Director of the City of Morgan Hill, or his representative.

Preventative Maintenance:

The Contractor shall provide a routine, comprehensive preventative maintenance program designed to minimize the incidence of outages and malfunction; reduce complaints; and extend the useful life of the traffic signal equipment. The Contractor will be required to furnish and use a preventative maintenance checklist form approved by the City. The Contractor shall provide one electronic copy of the maintenance checklist to the City following each inspection, to maintain a copy of the checklist in the traffic signal controller cabinet, and to maintain a copy of the maintenance checklist at the Contractor's office. The program shall include monthly inspections of each signalized intersection.

Each controller unit shall be inspected, cleaned, and adjusted during a routine inspection one time per month. This includes all accessory items such as the Emtrac system and signal interconnect systems. Each controller conflict monitor shall be tested once yearly during the month of July.

All traffic signal detection loops shall be maintained and repaired as needed.

All incandescent lamps in all signals shall be replaced based on an eighty percent (80%) depletion period. Contractor shall use only standard traffic signal lamps as manufactured by General Electric Company or Sylvania Company.

All light emitting diode (LED) modules in all signals shall be replaced when more than two percent (2%) of the LEDs have failed. Contractor shall only use standard LED traffic signal modules approved by the California Department of Transportation (Caltrans).

The Contractor shall replace or repair any and all defective parts of the controller mechanism as needed. All lenses and reflectors shall be cleaned and polished once a year. At this time, all broken parts shall be replaced.

Contractor shall maintain the appearance of all traffic signals monthly including graffiti removal, and removal of stickers, etc.

All fixed time, semi-actuated and fully actuated signal which are installed from time to time shall be added to those already maintained by the Contractor as City notifies the Contractor of the installation thereof. These signals shall be maintained at the same rate and in the same manner as those covered by the maintenance agreement. In the event notification is made at other than the beginning of the monthly contract period, payment for that month shall be prorated from the day the Contractor is notified. The Contractor is to be at all new installation turn-on to provide technical assistance and guidance.

Contractor is to maintain by quarterly testing all Emtrac systems throughout the city at locations.

School/PED flashing beacons are to be adjusted regarding Daylight Savings Time and Pacific Standard Time as needed twice a year.

Scheduled Repair:

The Contractor shall investigate and determine the corrective requirements for each reported malfunction, failure, or outage of the traffic signal system. The Contractor shall repair or replace equipment and components that have failed, deteriorated, or malfunctioned from the normal operation of the traffic signal system. Replacement of controllers and battery backup systems will require approval of City staff prior to replacement.

Based on a Street Light Repair list sent weekly, repairs would be made within fourteen (14) calendar days. The price is for the electrician, bucket truck, and lamp. Additional items are extra cost. Lights needing a quicker response will be billed based on labor and material.

No permanent change shall be done without prior approval of the City. Whenever equipment is removed, the City representative shall be notified by phone and e-mail within twenty-four (24) hours, except weekends and holidays (where the firm shall wait until the next calendar day to notify the City Representative).

The Contractor may be requested to input timing changes provided by the City.

Emergency Response Work:

The Contractor may be called upon from time to time by the City to repair, replace, or refurbish equipment which has been damaged by vehicle accidents, acts of God, malicious damage, natural causes, or need to install new appurtenances. In this case Contractor shall make emergency service calls when necessary to make temporary or permanent repairs or installation to signal equipment and appurtenances such as: safety lighting, traffic signs, pedestrian signals, flashing beacons, streetlights, detector devices external to the cabinet or failure of the controller.

The City's streetlights are maintained by the City. The Contractor shall, upon request, make emergency calls to remove streetlights that have been knocked down, and deliver same to the City

corporation yard. The Contractor may be requested to replace and install a new streetlight and possibly, depending upon extent of damage, repair or replace the street light pole pedestal. Contractor shall maintain a 24 hour per day emergency service for the replacement of burned-out lamps or controller malfunctions. A maximum response time of two (2) hours will be required of the Contractor. When traveling to and from the locations of the equipment to be serviced, Contractor's representative shall observe traffic signals at other designated intersections for possible malfunctions.

1-2. TERM OF SERVICE The term of the contract will be from July 1, 2021 through June 30, 2023. The contract may be canceled or any portion thereof at any time during the term of service and such cancellations shall be effective upon giving sixty (60) days written notice. The City, at its option, may renew this contract for up to one additional year beginning on July 1, 2023. This option will be exercised only if the contractor has demonstrated superior performance in provision of traffic signal and street light maintenance services to the City.

Pricing entries in Bid Schedule of Proposal Package applies to the period of July 1, 2021 to June 30, 2023. For services beginning on July 1, 2023, the Contractor may request a percentage adjustment to the pricing for all services equal to the Consumer Price Index (CPI) for the San Francisco Bay Area Counties. This request must be in writing ninety (90) days prior to the end of July 1, 2023.

1-3 WORK HOURS

The work hours for any, and all traffic signal and street light preventative maintenance and repairs will be scheduled with City Maintenance Staff during regular business hours (7:00 a.m. to 5:00 p.m. Monday through Friday). As authorized by the City, the Contractor may perform Unscheduled and Emergency Response Work on the traffic signal system not covered by preventative maintenance and scheduled repairs.

Deviation from the above will not be permitted except by written permission of the City Maintenance Coordinator or designated representative from the facility.

From time to time, the City may take on improvement projects or other construction. The Contractor shall cooperate with the City or its agents while said work is underway.

1-4 WORKMANSHIP AND QUALITY LEVEL

All work shall be performed by staff directly employed and supervised by the Contractor. The Contractor shall provide management and technical supervision through competent supervisors as required to provide the specified traffic signal and street light maintenance. The Contractor shall be responsible for the skills, methods and actions of all employees, subcontractors and for all work done.

The Contractor shall cooperate with the representative authorized by the City to enable them to determine the Contractor's conformity with these specifications and the adequacy of the work being performed. The Contractor shall give personal supervision to the work and will meet with the Maintenance Manager or designated City representative, a minimum of once per month, at a schedule mutually agreed upon.

1-5. LOCATIONS

A list of signalized intersections is included at the end of the Technical Specifications.

1-6. MONTHLY ACTIVITY REPORT

The Contractor shall provide a computerized monthly activity report to the City by the fifteenth (15) working day of each month for the previous month. A monthly report shall be sent via e-mail to the City with the monthly invoice. No payment will be made without submittal of the report: The report shall include:

- i. **Unscheduled and Emergency Response Work:** Time the service calls were received, names of City staff who made the service call, time arrived at intersection, response time, nature of problem, the number of hours spent for each repair, materials used, whether the activity related to accident or vandalism, and a special listing of intersections with three or more calls in one month.
- ii. **Scheduled Repairs:** A complete record of all work that was performed on the traffic signal equipment during the previous month including the date and time, make model, and serial number of any major components or other equipment that was newly installed at each intersection.
- iii. **Preventative Maintenance:** Time and date the preventative maintenance work was performed.
- iv. **Pending Repair List:** Provide a monthly report of all pending repair work needed at each intersection. The intersection name should be listed along with a description of the repair required, problem that created the repair and level of severity (high priority repair, medium priority repair, low priority repair).

1-8. SIGNAL SHUT DOWN AND SIGNAL ON FLASH

The Contractor shall immediately notify the City's Community Services Department and Police Department of any signal turn-offs or signal-on-flash necessitated by their operation. Signal shut down of any duration and sign-on-flash operation in excess of fifteen (15) minutes must be first authorized by the Community Services Dept.-Maintenance Division.

1-9. SPARE EQUIPMENT

The Contractor shall maintain adequate storage and shop facilities and sufficient stock of spare parts and signal equipment to effectively maintain the traffic signals. The Contractor shall maintain at least one fully tested standby controller that is compatible with the City's system. The Contractor will own and maintain all spare parts until installation in the City.

1-10. SALVAGED EQUIPMENT

The Contractor shall store any designated equipment, as designated by the City, at the Contractor's storage yard at no additional cost to the City. Components such as mast arms and luminaires that are undamaged may be re-used at the direction of the City. Any material or equipment declared as non-salvageable by the Community Services Department shall be taken from the City and disposed of properly by the Contractor at Contractor's cost.

1-11. SAFETY

The Contractor and staff shall follow all established safety procedures and shall take special care not to endanger the public in any way.

1-12. EMERGENCY SITUATIONS

For medical or public safety emergencies call 9-1-1. For all emergencies contact the Maintenance Manager or designated staff to report the issue immediately (24-hours/day).

ATTACHMENT A:
BID SCHEDULE-TRAFFIC SIGNAL AND STREET LIGHT MAINTENANCE
Items in Red are items that have been added to this schedule.

Current as of 4/4/21

CITY OF MORGAN HILL SIGNALIZED INTERSECTIONS TO BE SERVICED BY THIS CONTRACT

- 1 Monterey/Tilton
- 2 Monterey/Burnett
- 3 Monterey/Peebles
- 4 Monterey/Madrone Parkway
- 5 Monterey/Cochrane
- 6 Cochrane/Cochrane Circle
- 7 Cochrane/Butterfield
- 8 **Cochrane/Woodview (to be activated)**
- 9 Cochrane/Sutter Boulevard
- 10 Cochrane/Cochrane Plaza/Madrone
- 11 Cochrane/DePaul
- 12 Cochrane/Mission View
- 13 Monterey/Old Monterey
- 14 Monterey/Wright
- 15 Monterey/Main
- 16 Main/Butterfield
- 17 Main/Calle Mazatan
- 18 Monterey / 2nd
- 19 Monterey/4th
- 20 Monterey/Dunne
- 21 Dunne/Church
- 22 Dunne/Butterfield
- 23 Dunne/Walnut Grove
- 24 Dunne/Condit
- 25 Dunne/Murphy
- 26 Dunne/Peppertree
- 27 Dunne/Hill
- 28 Monterey/Spring
- 29 Monterey/Cosmo
- 30 Monterey/Tennant-Edmundson
- 31 Tennant/Church
- 32 Tennant/Vineyard
- 33 Tennant/Butterfield
- 34 Tennant/Juan Hernandez
- 35 Monterey/Vineyard
- 36 Monterey/Watsonville-Butterfield
- 37 Monterey/John Wilson Way
- 38 Butterfield/Sutter
- 39 Butterfield/Digital
- 40 Butterfield/Central Ave
- 41 Butterfield/Diana
- 42 Butterfield/San Pedro
- 43 Butterfield/Barrett

RAPID FLASHING BEACONS:

- 1 **East Main/Grand Prix**
- 2 Monterey / Central
- 3 Main/Del Monte
- 4 W Dunne/Del Monte
- 5 W Edmundson/Trail Crossing
- 6 W Edmundson/Community Park Drive
- 7 Burnett Ave. at Sobrato High School

FLASHING BEACONS:

- 1 Tilton / Dougherty
- 2 17660 Monterey
- 3 17775 Monterey
- 4 Nordstrom on Dunne
- 5 Dunne / Saddleback
- 6 Edes Ct/Trail Crossing
- 7 Cosmo/Trail Crossing

ADVANCE SIGNAL FLASHING BEACONS:

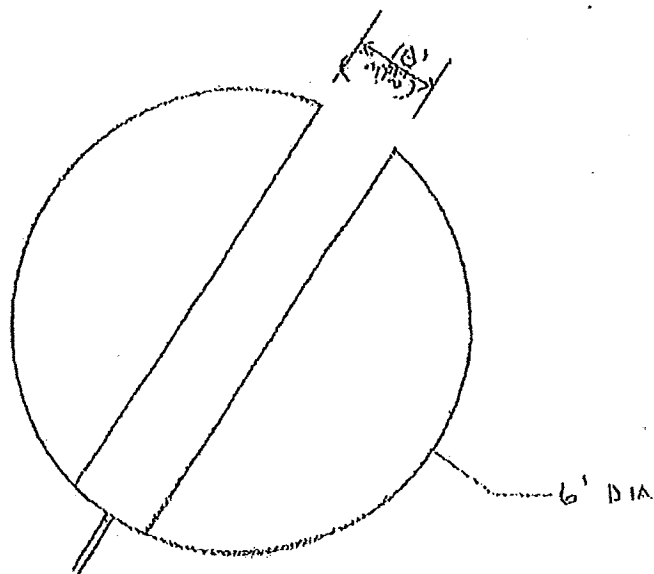
- 1 Monterey / Tilton
- 2 Monterey / Old Monterey
- 3 Monterey/John Wilson Way

LIGHTED CROSS WALKS:

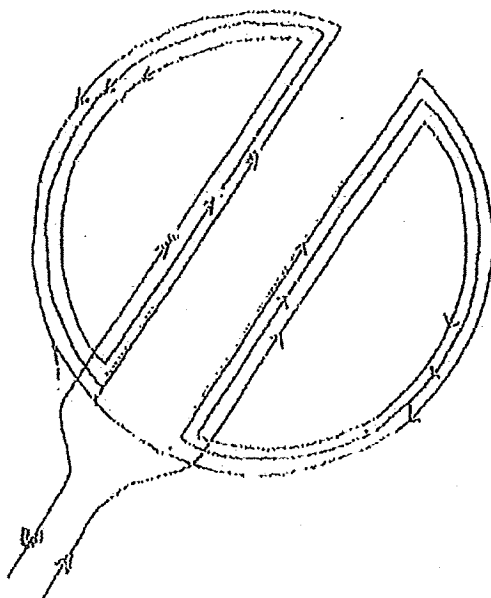
- 1 Monterey/Third Street
- 2 **Monterey/First Street**
- 3 **Monterey/Fifth Street**

ATTACHMENT B-FORWARD LOOP

ALL FRONT LOOPS



Modified Type "E" Loop
(Sawoui Detail)



(Wiring Detail)

449



1. Round corners of acute angle sawcuts to prevent damage to conductors.
2. Install 3 turns when only one Type D loop is on a sensor unit channel. Install 5 turns when one Type D loop is connected with 3 additional 6'-0" x 6'-0" loops on a sensor unit.
3. Typical distance separating loops from edge to edge is 10' for Type A, B and E installation. In single loops.

DIST	COUNTY	ROUTE	POST MILES	SHEET TOTAL
			TOTAL PROJECT	NO. SHEETS

Arthur E. McPee
 REGISTERED ELECTRICAL ENGINEER

May 20, 2011
 PLANS APPROVAL DATE

THE STATE OF CALIFORNIA OR ITS OFFICERS
 OR AGENTS SHALL NOT BE RESPONSIBLE FOR
 THE ACCURACY OR COMPLETENESS OF SCANNED
 COPIES OF THIS PLAN.

Arthur E. McPee
 REGISTERED PROFESSIONAL ENGINEER
 No. E14512
 Exp. 6-30-12
 CIVIL
 STATE OF CALIFORNIA

2010 STANDARD PLAN ES-5B

**EXHIBIT B
SCHEDULE OF COMPENSATION RATES**

Please see attached Bid Schedule

Attachment 1 : Bid Schedule

City of Morgan Hill Traffic Signal and Street Lighting Maintenance
Annual Routine Maintenance
(Task Rate Schedule A)

	Annual Amount				
1. Monthly Maintenance Fee Per Intersection*					
\$ <u>70.00</u> /month x 12 months = x 43 intersections =					\$ <u>36,120.00</u>
2. Emtrac System Maintenance Annually*					
\$ <u>0.00</u> /annual x 1 per annum =					\$ <u>included</u>
3. Rapid Flashing, Flashing Beacons, and Advance Signal Flashing Beacons*					
\$ <u>32.00</u> / month x 12 months = x 7 rapid and 7 flashing beacons and 3 advance signal					\$ <u>6528.00</u>
4. Lighted Crosswalk					
<u>32.00</u> /month x 12 months=x 3 lighted crosswalks =					\$ <u>1152.00</u>
TOTAL (annual)					\$ <u>43,800.00</u>
Based on attached Revised Intersection List (Attachment A)					

Time and Materials - Service Repairs

(Task Rate Schedule B)

1.	LABOR AND EQUIPMENT RATES FOR MAINTENANCE			
		STRAIGHT TIME	OVERTIME	
	LABOR SCHEDULE			
	Signal Maintenance Supervisor	\$ <u>125.00</u>	\$ <u>195.00</u>	
	Signal Maintenance Technician	\$ <u>125.00</u>	\$ <u>195.00</u>	
	Traffic Signal Staff	\$ <u>75.00</u>	\$ <u>105.00</u>	
	Laborer	\$ <u>75.00</u>	\$ <u>105.00</u>	
		HOURLY RATE	DAY RATE	JOB TRIP RATE
	EQUIPMENT			
	Utility Vehicle	\$ <u>0.00</u>	\$ <u>0.00</u>	\$ <u>0.00</u>
	Service Vehicle	\$ <u>25.00</u>	\$ <u>100.00</u>	\$ <u>50.00</u>
	Boom Truck	\$ <u>30.00</u>	\$ <u>120.00</u>	\$ <u>60.00</u>
	Hydraulic Lift	\$ <u>30.00</u>	\$ <u>120.00</u>	\$ <u>60.00</u>
	Air Compressor	<u>0.00</u>	<u>0.00</u>	<u>0.00</u>
A.	Total for 2 Hour Emergency Service Call for Pole Knockdown			\$ <u>310.00</u>
B.	Timing Input Call			\$ <u>155.00</u>
2.	LOOP REPAIR			
	As it is deemed necessary to replace damaged detection loops, contractor (Includes all labor, material, and equipment)			\$ <u>550.00</u>
	Cost for 1 each forward loop (Attachment B)			\$ <u>550.00</u>
	All others (1 each) (CalTrans Standard Plan ES-5B / Attachment C)			\$ <u>500.00</u>
3.	NEW SIGNAL TURN-ON			\$ <u>500.00</u>
	1 each occurrence			\$ <u>500.00</u>
4.	STREET LIGHT MAINTENANCE			\$ <u>70.00</u>
	1 each occurrence			\$ <u>70.00</u>
5.	MARK-UP ON PARTS AND MATERIALS (% PERCENTAGE MARK-UP)			<u>10</u> %

Name of Company: Cal-West Lighting & Signal Maintenance, Inc.

Signature

April 5, 2021

Date

THIS FORM MUST BE USED WHEN SUBMITTING PROPOSAL

EXHIBIT C SCHEDULE OF PERFORMANCE

1-7. RESPONSE AND SERVICE

i. The Contractor shall provide response and service on a twenty-four (24) hour, seven (7) day per week basis. Immediate action shall be taken to safeguard the public any time a signal installation becomes partly or totally inoperative from any cause whatsoever. The maximum response times shall be as follows:

- a. Emergency and accident maintenance – one (1) hour
- b. Replacement of burnt-out signal faces
 - 1. Red faces on mast arms – two (2) hours
 - 2. Red faces on poles – two (2) hours
 - 3. Green and yellow faces – two (2) hours
- c. All other signal maintenance – twenty-four hours
- d. Safety Lighting – forty-eight (48) hours

ii. Signal on-flash, signal blackout not caused by a power outage, and any malfunction of pedestrian signals shall constitute an emergency. The City may extend the maximum response time for maintenance on a case-by-case basis if the signal remains operational in a satisfactory manner and the condition poses no immediate hazard to the public.

iii. Permanent work shall be completed as soon as possible and, in all cases, no less than fourteen (14) calendar days, unless extended in writing by the City and as agreed upon by City and Contractor.

iv. Failure to meet the response time requirements by the Contractor shall be sufficient cause for the City to authorize maintenance to be completed by others and deduct the costs of said maintenance from payments due the Contractor. Repetitive failure shall be deemed sufficient cause for the City to terminate the contract.

City of Morgan Hill Street Lighting and Traffic Signal RFP SCORING SUMMARY

						3	1	4	2	
NARRATIVE SCORING: 40 points total						NARRATIVE SCORING				
		Bear Electrical Solutions	Cal-West Lighting	Econolite	St. Francis Electric	Points Available	Bear Electrical Solutions	Cal-West Lighting	Econolite	St. Francis Electric
Previous Experience						15.0	13.5	13.5	13.3	11.8
References & Work Quality						10.0	9.0	9.0	9.0	8.5
Qualifications of Staff						5.0	4.5	4.5	4.5	3.8
Organized Communication Systems						10.0	9.0	8.5	9.0	8.0
NARRATIVE POINTS TOTAL						40.0	36.0	35.5	35.8	32.0
COST PROPOSALS						COST PROPOSALS SCORING				
Item	Price from Lowest Bidder	Bear Electrical Solutions	Cal-West Lighting	Econolite	St. Francis Electric	Points Available	Bear Electrical Solutions	Cal-West Lighting	Econolite	St. Francis Electric
Task A:										
Total Annual Routine Maintenance	43,800.00	51,040.00	43,800.00	67,699.53	44,520.00	80.0	68.7	80.0	51.8	78.7
Task B:										
Average of Labor Costs	125.00	142.50	125.00	157.31	132.50	2.0	1.8	2.0	1.6	1.9
Average of Equipment and Trip Costs	39.67	98.00	39.67	102.16	46.67	2.0	0.8	2.0	0.8	1.7
Total for 2-Hour Emergency Service	290.00	310.00	310.00	1,235.24	290.00	3.0	2.8	2.8	0.7	3.0
Timing Input Call	155.00	160.00	155.00	520.92	155.00	2.0	1.9	2.0	0.6	2.0
Cost for 1 Each Forward Loop	550.00	650.00	550.00	1,234.44	635.00	1.0	0.8	1.0	0.4	0.9
All Other Loops	550.00	650.00	550.00	1,234.44	635.00	1.0	0.85	1.00	0.45	0.87
New Signal Turn-On	480.00	1,080.00	500.00	1,666.93	480.00	1.0	0.4	1.0	0.3	1.0
Street Light Maintenance	70.00	80.00	70.00	478.74	70.00	4.0	3.5	4.0	0.6	4.0
Mark-up on Parts	10.00	10.00	10.00	15.00	10.00	4.0	4.0	4.0	2.7	4.0
COST PROPOSALS POINTS TOTAL						100.0	85.6	99.8	59.9	98.0
Point Score is lowest bidder's item price divided by each Contractor's item price times the number of points available. For example, St. Francis' Annual Maintenance Price = 44,520/43,800 X 80 points = 78.7 points										
GRAND TOTAL						140.0	121.6	135.3	95.6	130.0



CITY COUNCIL STAFF REPORT

MEETING DATE: May 5, 2021

PREPARED BY: Hilary Holeman, Administrative Analyst
APPROVED BY: City Manager

RATIFY CITY POSITION ON PENDING LEGISLATION SB 612 ELECTRICAL CORPORATIONS AND OTHER LOAD-SERVING ENTITIES: ALLOCATION OF LEGACY RESOURCES AND AB 125 EQUITABLE ECONOMIC RECOVERY, HEALTHY FOOD ACCESS, CLIMATE RESILIENT FARMS, AND WORKER PROTECTION BOND ACT OF 2022

RECOMMENDATION(S)

1. Receive legislative correspondence in support of SB 612 Electrical corporations and other load-serving entities: allocation of legacy resources and AB 125 Equitable Economic Recovery, Healthy Food Access, Climate Resilient Farms, and Worker Protection Bond Act of 2022; and
2. Ratify City's position.

COUNCIL PRIORITIES, GOALS & STRATEGIES

Ongoing Priorities

Supporting Our Youth

Seniors

and Entire Community

Preserving and Cultivating Public Trust

REPORT NARRATIVE:

Per Resolution No. 20-010 (Attachment No. 1), the City Council recognizes occasional situations arise where communication indicating support or opposition on pending State legislation is timely and may occur prior to the next scheduled City Council meeting. Under these circumstances, the Mayor or City Manager is delegated the authority to prepare, execute and transmit written or verbal communications indicating a City's position on pending legislation as long as the following criteria are met: a) the League of California Cities has requested the City to comment or take a position, b) the timing to express a position occurs prior to the next scheduled Council meeting, and c) the pending State legislation clearly supports or clearly hinders the implementation or fulfillment of an adopted City Council Priority, Goal, or Strategy. When this occurs, a written report to the City Council for comment and acceptance is required at the next possible meeting.

In order to express the City's position in a timely manner, the Mayor and City Manager, provided direction to submit letters of support for SB 612 and AB 125 via the California

Legislature Advocates Portal on Tuesday, April 27, 2021 (Attachments No. 3 and No. 5).

SB 612 (Portantino) Electrical corporations and other load-serving entities: allocation of legacy resources

Bill Analysis Attachment No. 2

This bill requires the California Public Utilities Commission (CPUC) to require electric investor-owned utilities (IOUs) to offer to community choice aggregators (CCAs) and electric service providers (ESPs) an allocation of product attributes from legacy electrical resources paid for through exit fees of the departing load. The bill defines these product attributes as requirements of the Renewable Portfolio Standard (RPS) Program, resource adequacy (RA), resources that do not emit greenhouse gases (GHG), and other attributes that have regulatory compliance or other identified market value.

AB 125 (R. Rivas) Equitable Economic Recovery, Healthy Food Access, Climate Resilient Farms, and Worker Protection Bond Act of 2022

Bill Analysis Attachment No. 4

Proposes the Equitable Economic Recovery, Healthy Food Access, Climate Resilient Farms, and Worker Protection Bond Act of 2021 (EER Bond) authorizes \$3.302 billion in general obligation bonds. The EER Bond would finance a variety of projects that focus on improving Agriculture resilience and sustainability, protecting the health of farmworkers, expanding health food access and combating hunger, improving regional food economies, supporting Sustainable Groundwater Management Act (SGMA) planning, aid in pest management, reduce food waste and improve state and county fairgrounds.

COMMUNITY ENGAGEMENT: Inform

This report serves to inform the community of the letters that the City sent regarding SB 612 and AB 125.

ALTERNATIVE ACTIONS:

1. Council could rescind position taken on SB 612.
2. Council could rescind position taken on AB 125.

PRIOR CITY COUNCIL AND COMMISSION ACTIONS:

None.

FISCAL AND RESOURCE IMPACT:

No fiscal impact at this time. Tracking legislation is an activity included in the annual workplan of the City Manager's Office.

CEQA (California Environmental Quality Act):

Not a Project - Proposals for legislation to be enacted by the State Legislature.

LINKS/ATTACHMENTS:

1. Resolution 20-010
2. SB 612 Bill Analysis
3. SB 612 Ratepayer Equity.Letter of Support
4. AB 125 Bill Analysis
5. AB 125 Equitable Economic Recovery.Letter of Support

RESOLUTION NO. 20-010

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MORGAN HILL AUTHORIZING THE MAYOR OR CITY MANAGER TO PREPARE, EXECUTE AND TRANSMIT COMMUNICATIONS INDICATING A POSITION ON PROPOSED STATE, COUNTY, OR OTHER REGIONAL BOARDS' LEGISLATION OR ACTION ON CERTAIN MATTERS THAT MAY HAVE IMPACTS UPON THE CITY IN CERTAIN CIRCUMSTANCES AND DIRECTING A REPORT BACK TO CITY COUNCIL ON ANY SUCH COMMUNICATIONS TRANSMITTED. (THIS RESOLUTION RESCINDS RESOLUTION NO. 6851)

WHEREAS, the City of Morgan Hill, a municipal corporation and general law city duly organized and existing under and pursuant to the Constitution and laws of the State of California ("City"), is authorized to indicate City's position on proposed legislation of the State of California and is sometimes requested to so indicate City's position on such legislation for the benefit of the City; and

WHEREAS, the reasons supporting the adoption of this Resolution are set forth in detail in that certain City Council Staff Report submitted for City Council consideration at its meeting of February 5, 2020, submitted to the City Council by the City Manager (the "Staff Report"), the contents of which Staff Report are incorporated herein by this reference; and

WHEREAS, the consideration by City Council of the adoption of this Resolution has been duly noticed pursuant to applicable laws and has been placed upon the City Council Meeting Agenda on the date set forth in the Staff Report, or to such date that the City Council may have continued or deferred consideration of this Resolution, and on such date the City Council conducted a duly noticed public meeting at which meeting the City Council provided members of the public an opportunity to comment and be heard and considered any and all testimony and other evidence provided in connection with the adoption of this Resolution; and

WHEREAS, the activities allowed under this Resolution do not constitute a project under the provisions of California Environmental Quality Act of 1970; and

WHEREAS, the City Council determines that adoption of this Resolution is in the public interest.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF MORGAN HILL DOES HEREBY FIND, DETERMINE, RESOLVE AND ORDER AS FOLLOWS:

Section 1. **Recitals.** The City Council does hereby find, determine and resolve that all of the foregoing recitals are true and correct.

Section 2. Approval and Authorization. The City Council prefers, whenever possible, that determinations on whether to take a position on pending State, County, or other regional boards' legislation or action be brought before the City Council as a whole for consideration and action. However, the City Council recognizes that occasional, limited situations arise where communications indicating support or opposition on pending State, County, or other regional boards' legislation or action that could be important to City are requested from cities within timeframes that have deadlines occurring prior to the next scheduled meeting of the City Council as a whole at which the City Council could consider and determine City's position on such pending legislation. For these reasons, the City Council does further resolve, order and/or direct as follows:

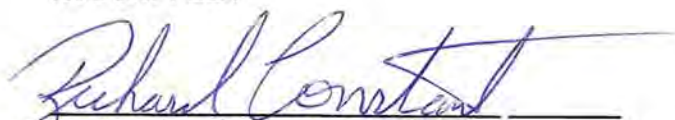
- a. That the Mayor and/or the City Manager is delegated authority to and is authorized to prepare, execute and transmit written or verbal communications indicating a City position on proposed pending State, County or other regional boards' legislation or action that may have impacts upon City when any of the following criteria are met:
 - i. The League of California Cities, or a successor or similar organization, has requested City comment or position on a piece of pending legislation or action, or the City has otherwise become aware of such pending legislation or action;
 - ii. A public hearing and an opportunity for City to comment or take a position upon such pending legislation or action is occurring in a timeframe and with a deadline to comment or express a position that occurs prior to the next scheduled meeting of the City Council at which the City Council could consider and determine City's comment or position on such pending legislation or action; or
 - iii. The pending legislation or action clearly supports or clearly hinders the implementation or fulfillment of an adopted City Council Priority, Goal or Strategy in a substantial manner such that it is in the best interests of City to indicate its comment or position on such pending legislation or action.
- b. That the Mayor and/or City Manager is hereby directed to provide a written report to the City Council for the Council's comment and acceptance at the City Council's next possible meeting whenever the Mayor or City Manager prepares, executes and transmits a communication indicating a comment or position on pending legislation or action pursuant to the authority delegated under this Resolution, which report shall include a copy of such pending legislation or action, and the comment or position transmitted.

Section 3. This Resolution shall take effect immediately upon adoption.

PASSED AND ADOPTED by the City Council of the City of Morgan Hill at its meeting held on this 5th day of February 2020 by the following vote:

AYES:	COUNCIL MEMBERS:	Yvonne Martinez Beltran, Rene Spring, John McKay, Larry Carr, Rich Constantine
NOES:	COUNCIL MEMBERS:	None
ABSTAIN:	COUNCIL MEMBERS:	None
ABSENT:	COUNCIL MEMBERS:	None

APPROVED:



RICH CONSTANTINE, Mayor

ATTEST:



IRMA TORREZ, City Clerk

∞ CERTIFICATION ∞

I, **Irma Torrez, City Clerk of the City of Morgan Hill, California**, do hereby certify that the foregoing is a true and correct copy of Resolution No. 20-010, adopted by the City Council at the meeting held on the 5th day of February 2020.

WITNESS MY HAND AND THE SEAL OF THE CITY OF MORGAN HILL.

DATE:

3/3/2020



Irma Torrez, CITY CLERK

**SENATE COMMITTEE ON ENERGY, UTILITIES AND
COMMUNICATIONS**
Senator Ben Hueso, Chair
2021 - 2022 Regular

Bill No:	SB 612	Hearing Date:	4/26/2021
Author:	Portantino		
Version:	4/13/2021 Amended		
Urgency:	No	Fiscal:	Yes
Consultant:	Nidia Bautista		

SUBJECT: Electrical corporations and other load-serving entities: allocation of legacy resources

DIGEST: This bill requires the California Public Utilities Commission (CPUC) to require electric investor-owned utilities (IOUs) to offer to community choice aggregators (CCAs) and electric service providers (ESPs) an allocation of product attributes from legacy electrical resources paid for through exit fees of the departing load. The bill defines these product attributes as requirements of the Renewable Portfolio Standard (RPS) Program, resource adequacy (RA), resources that do not emit greenhouse gases (GHG), and other attributes that have regulatory compliance or other identified market value.

ANALYSIS:

Existing law:

- 1) Establishes the California Public Utilities Commission (CPUC) has regulatory authority over public utilities, including electrical corporations. (California Constitution Article XII, §1-6)
- 2) Authorizes the CPUC to fix the rates and charges for every public utility and requires that those rates and charges be just and reasonable. (Public Utilities Code §451)
- 3) Requires the CPUC to authorize and facilitate direct transactions between electric service providers (ESPs) and retail end-use customers, but suspends direct transactions except as expressly authorized. (Public Utilities Code §365.1)
- 4) Requires the CPUC to authorize direct transactions for nonresidential end-use customers, subject to an annual maximum allowable total kilowatt hour (kWh) limit established, as specified, for each electrical corporation, to be achieved

following a now-completed three-to-five-year phase-in period. (Public Utilities Code §365.1(b))

- 5) Requires the CPUC, on or before June 1, 2019, to issue an order specifying, among other things, an increase in the annual maximum allowable total kWh limit by 4,000 gigawatt hours (GWh) and to apportion that increase among the service territories of the electrical corporations. (Public Utilities Code §365.1(e))
- 6) Requires the CPUC, by June 1, 2020, to provide the Legislature with recommendations on the adoption and implementation of a 2nd direct transactions reopening schedule and requires that the CPUC make specified findings with respect to those recommendations, including that the recommendations do not cause undue shifting of costs to bundled service customers of an electrical corporation or to direct transaction customers. (Public Utilities Code §365.1(f))
- 7) Requires that the bundled retail customers of an electrical corporation not experience any cost increase as a result of retail customers electing service from another provider or from implementation of a community choice aggregator (CCA) program. Requires the CPUC to ensure that the departing load does not experience any cost increases as a result of an allocation of costs that were not incurred on behalf of the departing load. (Public Utilities Code §365.2 and 366.3)
- 8) Authorizes a CCA to aggregate the electrical load of interested electricity consumers within its boundaries and requires a CCA to file an implementation plan with the CPUC in order for the CPUC to determine a cost-recovery mechanism to be imposed on the CCA to prevent a shifting of costs to an electrical corporation's bundled customers. (Public Utilities Code §366.2)

This bill:

- 1) Requires an electric IOU, by July 1, 2022, and, not less than once every three years thereafter, to offer an allocation of each product, as defined, arising from legacy resources, as defined, to its bundled customers and to other LSEs, defined to include ESPs and CCAs, serving-departing load customers, as defined, who bear cost responsibility for those resources.
- 2) Authorizes a LSE within the service territory of the electric IOU to elect to receive all or a portion of the vintaged proportional share of products allocated to its end-use customers and, if so, require it to pay to the electric IOU the

CPUC-established market price benchmark for the vintage proportional share of products received.

- 3) Requires that an electric IOU offer the products allocated to departing load customers that a LSE declines to elect to receive in the wholesale market through regular solicitations and requires that all revenues received through these solicitations be credited toward reducing any nonbypassable charge paid by bundled and departing load customers to recover the costs of legacy resources.
- 4) Requires the CPUC to recognize and account for the value of all products in the electric IOU's legacy resource portfolio in determining the nonbypassable charge to be paid by bundled and departing load customers to recover the costs of legacy resources.

Background

Electric utilities: There are two main types of electric utilities serving customers in the state, one is an investor-owned utility (IOU) and the other is a publicly owned utility (POU).

- IOUs: privately owned electrical corporations, such as Southern California Edison (SCE), that provide monopoly services in distinct, defined geographic territories. Customers of IOUs who receive both energy procurement and distribution services from the utility are considered “bundled-customers.” IOUs are rate-regulated by the CPUC to ensure they provide service at a just and reasonable rate. IOUs also have an obligation to serve all customers in their service territory and serve as providers-of-last-resort.
- POUs: publicly owned utilities, such as Los Angeles Department and Water, are governed by a local governing board, perhaps a city council or other elected body. Similar to IOUs, POUs provide monopoly services in distinct defined geographic areas. However, unlike IOU customers, POU customers can not receive energy procurement services from an entity that is not the POU.

Load-serving entities (LSEs). Several other types of entities, referred to in statute as, LSEs, procure electric generation resources and services on behalf of customers within the service territory of electric IOUs. In addition to electric IOUs, California's LSEs include:

- Electric Service Providers (ESPs): procure electricity to end-use customers who choose the services of the ESP instead of the incumbent electric IOU. An

ESP uses the transmission and distribution infrastructure of the electric IOU to deliver electricity to the customer. Customers of ESPs are considered direct access (DA) customers. They are often large companies or entities who likely have staff whose responsibility it is to manage the entity's electricity (such as, a college campus, medical campus, etc.). Statute directs the CPUC to establish a maximum load cap in each electric IOU's service territory to limit DA customers. With few exceptions, the number of DA customers has been mostly stable since the program was capped after the California energy crisis in the early 2000s when some ESPs went out-of-business and customers had to be unexpectedly defaulted back to the electric IOU.

- **Community Choice Aggregators (CCAs):** local government entities, such as Marin Clean Energy, by which local governments choose to procure or generate electricity on behalf of local residents while using the incumbent electric IOU's transmission and distribution infrastructure and billing services. An individual customer within the territory of a CCA is automatically opted-in to have energy procured from the CCA, based on the implementation schedule, when the customer's local government elects to join or establish the CCA. However, the customer retains the option to return to the procurement service of the incumbent electric IOU. Notwithstanding CCA outreach, customers of CCAs may never notice they have been opted-in to the CCA, as the electric utility bill continues to be sent by the electric IOU for both the energy procurement and the distribution and transmission services. However, a close inspection of the utility bill would show a line item that notes the procurement of energy resources coming from the CCA.

Departing load. The CPUC has regulated electric IOUs for about a century. However, the CPUC's experience regulating CCAs is much more limited. In 2002, statute first allowed the formation of CCAs. It was not until nearly a decade later that the first CCA—Marin Clean Energy—came into existence. The motivation for a local government to join or create a CCA can be many, but, in general, there is an element of local control and, to varying degrees, a belief that rates would be lower as compared to the electric IOU. Today, there are over 20 CCAs operating in the state with over 11 million customers (per estimates from California Community Choice Association (CalCCA)), with an expectation that the number of customers served by CCAs is likely to continue to grow.

Power Charge Indifference Adjustment (PCIA). When customers migrate away from the procurement services of the incumbent electric IOU as either a DA or CCA customer, statute requires the CPUC to ensure that customers leaving the utility do not burden remaining utility customers with costs which were incurred to serve the departing customers. Statute also requires the CPUC to ensure that

departing load customers do not experience any cost increases as a result of an allocation of costs that were not incurred on behalf of the departing load. In order to ensure this “customer indifference,” CCAs and DA customers are required to pay an exit fee – the PCIA – to account for the costs incurred on their behalf and to ensure remaining customers are not affected by the choice of these customers (or their local governments) to depart their load. The PCIA is the mechanism to ensure that the customers who remain with the utility do not end up taking on the long-term financial obligations the utility incurred on behalf of now-departed customers. Examples of such financial obligations include utility expenditures to build power plants and, more commonly, long-term power purchase contracts with independent power producers. These departing load customers may represent a significant fraction of the customers within the electric IOU service territory. Without the PCIA, the remaining percent of customers would need to assume financial obligations incurred in anticipation of serving those customers that now receive energy procurement services from a CCA or DA customer.

Calculating the PCIA. The PCIA is calculated by taking the difference between the “actual portfolio cost,” which represents the costs related to the utility’s energy procurement and the “market value” of the portfolio. The market value is measured by a CPUC-approved methodology, known as the market price benchmark, for calculating the current market cost of renewable energy and natural gas-fueled power. If the IOU’s actual portfolio cost is above-market value, the departing load customers pay their share of the difference based on their power consumption. In instances where the PCIA may be negative, departing load customers receive a credit to offset against a departing load customer’s future positive PCIA. PCIA revenue does not represent a profit, rather these are customer costs, as such, any changes to the PCIA affect customers, and not the profit of any entity. Additionally, the PCIA will vary depending on when a customer departed from the electric IOU and the procurement portfolio at the time. As such, each customer pays the assigned vintage PCIA, depending on the year when the customer departed.

CPUC PCIA Rulemaking Proceeding (R. 17-06-026). In 2017, the CPUC opened a proceeding to consider alternatives to the amount that CCA and DA customers pay in order to keep remaining IOU customers financially unaffected by their departure, as required by statute. Additionally, the CPUC is required by statute to ensure departing customers do not experience cost increases, as a result of an allocation of costs that were not incurred on behalf of the departing load. In addition to the central cost allocation question, the proceeding also examines data transparency, cost stability, mechanisms to verify prudent portfolio management, and other relevant matters. The proceeding has many phases, with some earlier issues resolved in Phase 1, such as the treatment of customers who participate in

low-income rate assistance programs. In a 2018 CPUC PCIA Phase 1 Decision (D.18-10-019) focused on the equitable distribution of costs, the CPUC established a PCIA cap on rate increases, established an annual true-up, made several adjustments to the methodology to better achieve the indifference policy, and opened a second phase of the proceeding to address issues left unresolved in Phase 1, including electric IOUs' portfolio optimization. Many of the parties, including the sponsors of this bill proposed a phased approach to the proceeding with the first phase focused on correcting the PCIA methodology in the near-term and "transitioning over the next 2-3 years to a more durable framework for the future" (CCA comments, p. 19 of D. 18-10-019). The CPUC Decision stated:

We conclude that the best course of action that is consistent with California's ambitious public policy goals, ensures compliance with the law, and protects customers is the approach that reflects the view shared among many parties: adopt a corrected benchmark methodology to determine the PCIA and the inputs thereto, while opening a second phase of this proceeding to consider the development and implementation of a comprehensive solution to the issue of excess resources in utility portfolios, one that is based on voluntary, market-based resource redistribution. (p. 72 of D. 18-10-019)

Additionally, the decision anticipated that there would likely need to be coordination with other CPUC proceedings, including the Integrated Resource Planning (IRP), Resource Adequacy (RA), and Renewable Portfolio Standard (RPS) proceedings.

CPUC tasks Working Group 3 to develop proposals. In February 2019, a Scoping Memo and Ruling was released which established a working group process, scope, and schedule for Phase 2 of the proceeding. The memo organized Phase 2 into three working groups, including Working Group 3 focused on portfolio optimization. Working Group 3 designated SCE (an electric IOU), CalCCA (representing CCAs), and Commercial Energy (an ESP) as co-chairs and listed tasks for the working group to complete. Specifically, the CPUC tasked Working Group 3 to propose: (1) an approach to the electric IOUs portfolio optimization "in order to address excess resources in utility portfolios" in a manner that is "structured so as to be compatible" with the CPUC's ongoing compliance programs; and (2) standards "for more active management of the utilities' portfolios in response to departing load in the future in order to minimize further accumulation of uneconomic costs."

Working Group 3 issues a report. The Working Group began meeting in March 2019 and, on February 21, 2020, they filed a 350+ page report, which included the specific proposals of the co-chairs. The Working Group 3 co-chairs recommended

adopting a Voluntary Allocation and Market Offer (VAMO) framework for disposition of the utilities' PCIA-eligible products – Local RA, System and Flexible RA, GHG-free energy, and RPS-eligible energy. The co-chairs proposed that electric IOUs offer PCIA-eligible LSEs voluntary allocations of PCIA-eligible resources, and then sell any unallocated resources through an annual market offer process. Parties to the proceeding provided comments to the Working Group's report with many parties expressing significant concerns or outright opposition to the proposals in the report, including several parties that argue that the Working Group's proposal for portfolio optimization does not comply with the direction to the Working Group in the Scoping Memo regarding excess resources.

CPUC issues Proposed Decision (PD). Just a few weeks ago, on April 5th, a PD was issued to address many of the recommendations in the report and the multitude of comments from parties. The recently issued PD seeks to adopt only some of the recommendations from the Working Group 3 report, in some cases outright declining to approve specific proposals, and in other cases recommending further review with other related proceedings. The PD raises overall concerns that "CalCCA's interpretation of the 'excess resources' conflicts with the plain language of our decision [reference to previous decision]." Parties and the CPUC argued that the CPUC had previously specifically declined to create a long-term claim on low-cost utility owned generation by DA customers simply because those resources were included in the indifference portfolio." (p. 13 of the PD). The PD is currently open for comments from parties, and an expected final decision can happen as early as May 6th, although, it is more likely in June.

SB 612. This bill seeks to adopt, in principle, the overall nature of the Working Group 3 proposals. SB 612 would require the CPUC to require electric IOUs, by July 1, 2022, and not less than once every three years, to offer an allocation of each product from legacy resources to its bundled customers and to other LSEs serving departing load who bear cost responsibility for those resources. The specific products, as defined in the bill, include: renewable energy resources that help satisfy RPS requirements, including requirement for long-term contracts, resources to meet RA, GHG-free resources, or any future generating attributes that have regulatory compliance. This bill also includes additional direction to the CPUC and electric IOUs regarding the approach to allocating these products. Specified approaches include mandating electric IOUs to offer products in the wholesale market through regular solicitations, for products were LSEs declined to elect to receive their portion of the vintage proportional share of products allocated to its end use customers, as proposed by this bill.

SB 612 v. CPUC PD. SB 612 was introduced in early March, prior to a CPUC PD being issued. Currently, key provisions of this bill run counter to the PD. These include mandating electric IOUs to offer allocations related to resource adequacy,

GHG-free, elements of RPS products. The CPUC notes the expectation of a voluntary, market-based allocation based on previous CPUC decisions and adopted principles for the PCIA proceeding.

With regards to RA: the PD expresses concerns that there is no expectation that “any of the [electric] IOUs will have excess RA in the near future,” citing the pending retirement of Diablo Canyon Nuclear Power Plant as a significant factor in the need to preserve RA resources. The PD also notes that based on the CPUC’s review of IRP filings, they “find that each of the electric IOUs will need to procure additional resources to meet 2024-2026 reliability needs.” Additionally, the PD expresses the need to ensure compatibility with the ongoing efforts to ensure reliable access to electricity and the many existing CPUC RA compliance proceedings. Moreover, the PD states that the Working Group “proposal is not properly tailored to minimize the risks that [electric] IOUs will not be able to comply with RA requirements, or that the allocations would create market inefficiencies for RA.”

With regards to RPS products: the PD approves the Working Group’s proposal for a voluntary allocation and market offers of PCIA-eligible RPS resources to the extent that it is consistent with CPUC’s compliance program and proceedings and tailored to mitigate risks. However, the PD declines to adopt some of the specific elements of the Working Group 3 proposal. Parties acknowledge that electric IOUs’ RPS portfolios include significant amounts of uneconomic RPS resources that were contracted for in the early days of the RPS program when contract prices were much higher. As a result, the market values for the RPS portfolios have declined over time as the market price of renewable energy has decreased. The unsold RPS results in a zero valuation and, consequently, associated PCIA increases. In the case of long-term sales, the PD declines to direct electric IOUs to structure long-term sales in a particular manner and suggested market offers would be reviewed in the RPS proceeding.

With regards to GHG-free resources: The PD acknowledged the potential of undervaluing of GHG-Free resources in the PCIA methodology but stated it was “outside the scope of this phase of the proceeding as set forth in the 2019 Scoping Memo and 2020 Scoping Memo.” However, the PD proposes to incorporate the issue into a later point of the proceeding. The PD recommends in the interim that the CPUC extend, through the end of 2023, SCE’s approach to GHG-free resources approved in a previous resolution.

Comments. CalCCA also does not agree with the CPUC’s legal interpretation in the proceeding. Additionally, CalCCA would like the CPUC to resolve all the RPS issues in the PCIA proceeding, instead of punting to the RPS proceeding. CalCCA

expresses frustration with the delays of the CPUC PCIA proceeding to resolve the issues related to allocation of attributes from PCIA-products. In that regard, CalCCA is not alone. However, as noted above, many of the parties, including CalCCA, supported a phased process of the PCIA proceeding. Nonetheless, there was an expectation that once the Working Group 3 report was issued, in February 2020, it would be months, not over a year, before the CPUC would issue a proposed decision for that portion of the proceeding. It is noteworthy that the release of the report occurred just weeks prior to the COVID-19 pandemic shelter-at-home orders and related impacts of the pandemic which likely affected the workload and pace of the CPUC proceeding. However, there is validity to the concerns that the lack of resolution on these issues poses challenges for all customers, both bundled and unbundled, as LSEs make decisions about procuring energy resources to meet their compliance obligations for RA, RPS, and GHG-free resources and to serve their customers. These obligations include the long-term contracting requirements included in RPS whereby LSEs must demonstrate that 65 percent of their RPS procurement resources are composed of long-term contracts (of 10 years or longer) over the course of the current and future compliance periods. However, the Legislature should proceed with caution as these decisions involve numerous complexities and intricacies that may have unintended consequences for customers – both bundled and departing load customers. In this respect, these decisions may be better addressed at the CPUC which is tasked with ensuring affordable, safe, and reliable service and can consider the full implications of these decisions. Nonetheless, the timing of the PD soon after the introduction of this bill, may have spurred action by the CPUC. As such, the Legislature may find value in a bill to direct the CPUC to resolve these issues by a specified dates. *In order to allow the CPUC to determine how best to resolve some of these issues, the author and committee may wish to remove some of the specifics about how to allocate these attributes in subdivisions (c) and (d) of this bill, while preserving the thrust of this bill.*

Prior/Related Legislation

SB 520 (Hertzberg, Chapter 408, Statutes of 2019) provided that the electric IOU is the provider of last resort (POLR), as defined, in its electric utility service territory unless provided otherwise in a service territory boundary agreement approved by the CPUC or unless the CPUC designates a LSE, as defined, for all or a portion of that service territory. The bill establishes specified requirements for the process of designating and the qualifications required of the POLR.

SB 237 (Hertzberg, Chapter 600, Statutes of 2018) directed the CPUC to make changes to the existing DA service program, which authorizes direct energy transactions between electricity suppliers and retail end-use customers. Among the

proposed changes is a requirement to increase the annual maximum allowable limit of the DA service program by 4,000 GWh for non-residential customers. The bill also directs the CPUC to provide recommendations to the Legislature, with specified findings, on the adoption and implementation of a second direct service transactions reopening schedule.

SB 350 (De León, Chapter 547, Statutes of 2015), among other things, increased the RPS and directed the CPUC to develop a process by which LSEs submit IRPs to the CPUC for review or for certification.

AB 117 (Migden, Chapter 838, Statutes of 2002) allowed cities and counties to aggregate their electric loads and provide service directly to their residents through formation of CCAs.

FISCAL EFFECT: Appropriation: No Fiscal Com.: Yes Local: Yes

SUPPORT:

California Community Choice Association, Sponsor
 Mayor Libby Schaaf, Oakland
 Mayor London Breed, San Francisco
 Mayor Sam Liccardo, San Jose
 Mayor Sasha Renée Pérez, Alhambra
 Supervisor Brad Wagenknecht, Napa County District 1
 Councilmember Bill Baber, La Mesa
 350 Silicon Valley
 American Clean Power - California
 Butte Choice Energy Authority
 California Choice Energy Authority
 City of Agoura Hills
 City of Arcadia
 City of Auburn
 City of Berkeley
 City of Beverly Hills
 City of Camarillo
 City of Carlsbad
 City of Carson
 City of Chula Vista
 City of Daly City
 City of Davis
 City of Downey
 City of Encinitas

SB 612 (Portantino)

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City of Foster City
City of Fremont
City of Half Moon Bay
City of Hayward
City of Imperial Beach
City of La Mesa
City of Moorpark
City of Paramount
City of Pleasanton
City of Rocklin
City of San Jose
City of San Carlos
City of San Mateo
City of Santa Barbara
City of Thousand Oaks
City of West Hollywood
City of Winters
City of Woodland
Clean Power Alliance
Climate Action Campaign
Contra Costa County Board of Supervisors
County of Butte
County of El Dorado
County of San Diego
County of Santa Clara
County of Yolo
Desert Community Energy
East Bay Community Energy
eBay
Elders Climate Action, NorCal Chapter
Elders Climate Action, SoCal Chapter
League of California Cities
Local Government Commission
Los Angeles County Board of Supervisors
Marin Clean Energy
Marin County Board of Supervisors
Peninsula Clean Energy Authority
Pioneer Community Energy
Placer County Board of Supervisors
San Diego Community Power
San Mateo County Board of Supervisors
San Francisco Public Utilities Commission

San Jose Community Energy Advocates
 Silicon Valley Clean Energy
 Silicon Valley Leadership Group
 Sonoma Clean Power Authority
 Sustainable Silicon Valley
 The Climate Center
 Town of Colma
 Town of Fairfax
 Town of Loomis
 Valley Clean Energy
 Ventura Council of Governments
 Ventura County Board of Supervisors
 5 Individuals

OPPOSITION:

Pacific Gas and Electric Company
 Southern California Edison
 The Utility Reform Network

ARGUMENTS IN SUPPORT: As sponsors of this bill, CalCCA states:

While CCA customers must pay their fair share of the contracts, they do not have fair access to the full range of beneficial resources these contracts provide as those benefits are retained by the IOU for their customers. As a result, CCA customers must turn to increasingly scarce markets to procure resources to serve their customers while IOU customers have a full portfolio of resources at their disposal. There is no good policy rationale for this inequitable treatment of CCA customers versus their IOU counterparts. SB 612 is simply about fairness by ensuring that both IOU and CCA customers are treated equally.

In support of this bill, East Bay Community Energy states:

SB 612 (Portantino) will ensure that EBCE's customers have the ability to access their proportionate share of the benefits of PG&E legacy contracts they are already paying for. It would also ensure that PG&E manage its legacy contracts to maximize their value for PG&E and EBCE customers alike. At a time when our communities are facing unprecedented economic hardships, it is more important than ever that we reduce utility bills by maximizing the benefits of energy already purchased. While legacy resources produce high costs, they also produce valuable products such as

renewable energy, hydroelectric energy, and resource adequacy. Though all customers bear cost responsibility for these legacy resources, CCA customers do not have access to any of the beneficial attributes they are paying for. SB 612 (Portantino) will address this inequity by providing fair and equal access to the benefits of legacy resources for all customers.

ARGUMENTS IN OPPOSITION: Southern California Edison expresses the following concerns regarding this bill: (1) it interferes and undermines an ongoing CPUC proceeding, (2) it conflicts with and leaves out key provisions of the existing working group joint proposal from the proceeding, and (3) this bill attempts to reopen issues that have already been decided. SCE specifically notes:

SB 612 ignores the nuances of issues that have already been decided and circumvents the compromises that have already been agreed to... SB 612 would undermine the extensive time and resources devoted to this issue and tie the CPUC's hands on key customer protection issues, that will – and must – require input from all relevant stakeholders. To achieve the state's clean energy goals and protect California's electric customers, the State should allow these discussions to continue at the regulatory level.

The Utility Reform Network (TURN) states it does not believe this bill is “necessary or appropriate at this time.” TURN notes they have been an active participant in all phases of the current PCIA rulemaking proceeding at the CPUC. They argue that while they share concerns regarding the CPUC's excessive delays in the proceeding, they do not believe the Legislature should take actions to overturn a CPUC decision. They state that “this bill seeks to require the CPUC to adopt the preferred policy outcomes of one stakeholder group in resolving a complex set of issues.”

-- END --



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www.morganhill.ca.gov

April 26, 2021

The Honorable Ben Hueso
Chair, Senate Energy, Utilities and Communications Committee
State Capitol, Room 4035
Sacramento, CA 95814

RE: SB 612 (Portantino) – Letter of Support

Dear Chair Hueso,

The City of Morgan Hill is pleased to submit a letter of support for SB 612 (Portantino), which would ensure that resources held in the Investor Owned Utility (IOU) portfolios are managed to maximize value for all customers, and would ensure fair and equal access to the benefits of these legacy resources.

Over the last ten years, millions of utility customers have transitioned from IOUs to Community Choice Aggregators (CCAs). The majority of Santa Clara County is served by two CCAs, Silicon Valley Clean Energy and San Jose Clean Energy. The City of Morgan Hill is a proud member of Silicon Valley Clean Energy.

When a customer transitions to a CCA, the customer continues to pay for resources, like energy, that were procured on their behalf through the Power Charge Indifference Adjustment (or PCIA). However, unlike a utility customer, CCA customers receive no benefits from these resources. This inequity has been exacerbated in recent years as the cost of this payment has risen by hundreds of millions of dollars, with no sign of decreasing. The impacts of COVID-19 have made the importance of righting this inequity and lowering costs for all customers even more urgent.

This bill would ensure fair and equal access to the benefits of the resources that all customers pay for and would ensure that these legacy contracts are managed in a way that maximizes benefits for everyone. The bill would also require the California Public Utilities Commission (CPUC) to recognize the value of clean energy in legacy contracts. However, time is of the essence. The longer the legislature takes to act, the less valuable these legacy contracts will be, and the less value customers will gain from access to them.

That is why we strongly support this bill and encourage your aye vote.

If you have questions, or wish to discuss our position, please do not hesitate to contact Anthony Eulo at anthony.eulo@morganhill.ca.gov or 408-310-4179.

Sincerely,

Rich Constantine
Mayor

cc: The Honorable Anthony Portantino
Assemblymember Robert Rivas
Senator John Laird
Seth Miller, Regional Public Affairs Manager, League of California Cities, smiller@cacities.org
Meg Desmond, League of California Cities, cityletters@cacities.org

Attachment: SB 612 Ratepayer Equity.Letter of Support (3079 : City Position on Pending Legislation SB 612 and AB 125)

Date of Hearing: April 15, 2021

ASSEMBLY COMMITTEE ON AGRICULTURE

Robert Rivas, Chair

AB 125 (Robert Rivas) – As Amended April 12, 2021

SUBJECT: Equitable Economic Recovery, Healthy Food Access, Climate Resilient Farms, and Worker Protection Bond Act of 2022

SUMMARY: Proposes the Equitable Economic Recovery, Healthy Food Access, Climate Resilient Farms, and Worker Protection Bond Act of 2021 (EER Bond) authorizes \$3.302 billion in general obligation bonds. The EER Bond would finance a variety of projects that focus on improving Agriculture resilience and sustainability, protecting the health of farmworkers, expanding health food access and combating hunger, improving regional food economies, supporting Sustainable Groundwater Management Act (SGMA) planning, aid in pest management, reduce food waste and improve state and county fairgrounds. Specifically, *this bill*:

- 1) Makes legislative findings that a secure, resilient, sustainable, and equitable food and farming system is essential for the economic and social well-being of the people of California. The COVID-19 public health pandemic has laid bare the vulnerabilities of this system, which is increasingly threatened by climate change. The scale of these challenges requires a comprehensive approach to achieve sustainability and resiliency, including investments in infrastructure, farms, farmworkers, distribution systems, and food access.
- 2) Defines the following:
 - a) Committee means the Equitable Economic Recovery, Healthy Food Access, Climate Resilient Farms, and Worker Protection Finance Committee, as specified.
 - b) Cultural burn means understory burning consistent with practices used by indigenous peoples, as specified.
 - c) “Disadvantaged community” means any of the following:
 - i) A community located in a census tract in which the median household income of less than 80 percent of the area median income as determined by the Department of Housing and Community Development.
 - ii) A municipality with a population of 20,000 persons or less, a rural county, or a reasonably isolated and divisible segment of a larger municipality where the segment of the population is 20,000 persons or less, with an annual median household income that is less than 85 percent of the statewide median household income.
 - iii) A community located in a census tract in which the household income of at least 20 percent of the population is at or below the federal poverty level based on family size.
 - d) Food hub means a centrally located facility with a business management structure facilitating the aggregation, storage, processing, and distribution of locally or regionally produced food products.

- e) Fund means the Equitable Economic Recovery, Healthy Food Access, Climate Resilient Farms, and Worker Protection Fund, as specified.
- f) Heat-island effect means the effect of increased temperatures in urbanized areas caused by structures, such as buildings, roads, and other infrastructure, that absorb and re-emit the sun's heat more than natural landscapes such as farms, forests, and water bodies.
- g) Local educational agency means a charter school, school district, or county office of education.
- h) Nonprofit organization means a nonprofit corporation qualified to do business in California and qualified, as specified.
- i) Prescribed burn means planned fire that is used as a land management and fire prevention tool, as specified.
- j) Priority Population means any of the following:
 - i) A community defined as a disadvantaged community, as specified.
 - ii) A low incomes community, as specified.
- k) Producer means a person, partnership, corporation, or otherwise legally formed farm or ranch that produces agricultural products through agricultural arts on land that the entity owns, rents, leases, sharecrops, or otherwise controls and has the documented legal right to possess. An entity that rents, leases, or otherwise acquires the right to possess property only during the harvest season for the agricultural products produced on that property is not a producer.
- l) Resilience means the ability of an entity or system, including an individual, community, or natural system, and its component parts to absorb, accommodate, or recover from the effects of a hazardous event in a timely and efficient manner, including through ensuring the preservation, restoration, or improvement of its essential basic structures and functions. In the case of natural and working lands, resilience includes the preservation, restoration, and enhancement of the lands' ability to sequester carbon.
- m) School food authorities has the same meaning as defined in Section 49563 of the Education Code.
- n) Small- and medium-sized farms means farms and ranches of 500 acres or less.
- o) Socially disadvantaged farmer or rancher has the same meaning as defined in Section 512 of the Food and Agricultural Code.
- p) State-designated fair means a state-designated fair as defined in Sections 19418, 19418.1, 19418.2, and 19418.3 of the Business and Professions Code.
- q) State General Obligation Bond Law means the State General Obligation Bond Law.
- r) Technical assistance means outreach, education, project planning assistance, project design assistance, grant application assistance, project implementation assistance, and

project reporting assistance provided to project applicants.

- s) Tribal government means the government of a tribe, tribal agency, or subdivision thereof.
 - t) Tribal organization means any of the following:
 - i) A tribal government.
 - ii) A legally established organization of natives that is controlled, sanctioned, or chartered by a tribal government, is democratically elected by the adult members of the tribal community to be served by the legally established organization, and maximizes participation of natives in all phases of its activities.
 - iii) A nonprofit organization chartered under tribal government law or state law that is primarily led by and serves tribal communities.
 - u) Tribal produce means either of the following:
 - i) A member of a tribe who is involved in agricultural production or traditional tending, gathering, hunting, or fishing.
 - ii) A cultural practitioner who manages land traditionally for food, fiber, ceremonial, or other culture-based purposes.
 - v) Tribe means a federally recognized Native American tribe or a nonfederally recognized Native American tribe, band, nation, or other organized group or community listed on the California tribal consultation list maintained by the Native American Heritage Commission.
 - w) Vulnerable population means a subgroup of a population within a region or community that faces a disproportionately heightened risk of, or increased sensitivity to, impacts of climate change and that lacks adequate resources to cope with, adapt to, or recover from those impacts.
- 3) Proposes the EER Bond that would generally would finance projects improving agriculture resilience and sustainability, protecting the health of farmworkers, expanding health food access and combating hunger, improving regional food economies, supporting Sustainable Groundwater Management Act (SGMA) planning, aid in pest management, reduce food waste and improve state and county fairgrounds.
 - 4) Authorizes an amount of not more than 5% of the funds allocated for a grant program to be used to pay administrative costs.
 - 5) Authorizes up to 10% of the funds to be used for planning and monitoring necessary for the successful design and implementation of projects.
 - 6) Allows grants to disadvantaged communities or socially disadvantaged farmers and ranchers to exceed the 10% threshold.

- 7) Prohibits grants to be used to fulfill any environmental mitigation requirements imposed by law.
- 8) Authorizes advance payments of up to 50% of a grant for projects that serve disadvantaged communities or socially disadvantaged farmers and ranchers.
- 9) Requires agencies who receive EER Bond fund to allocated funds to socially disadvantaged farmers or ranchers, disadvantaged communities, and vulnerable populations, as specified.
- 10) Proposes the following categorical funding:
 - a) \$780 million to improve agriculture resilience and sustainability, as follows:
 - i) \$482 million for California Department of Food and Agriculture (CDFA) to make grants to improves soil health (\$175 million), water use efficiency (\$100 million) , methane reduction (\$100 million), transition to organics (35 million), prescribed grazing (\$40 million), demonstration project (\$18 million) and technical assistance (\$14 million).
 - ii) \$273 million for the Department of Conservation (DOC) to make grants
 - b) \$637 million to protect the health of farmworkers, as follows.
 - i) \$450 million for the Strategic Growth Council to award grants through the Affordable Housing and Sustainable Communities Program for projects that include the development of multiunit affordable housing for farmworker families and households.
 - ii) \$50 million for the Department of Community Services and Development for grants to improve the energy efficiency, indoor air quality, renewable energy use, and climate resilience of farmworker housing, including single-family homes and multiunit buildings.
 - iii) \$25 million for the Division of Occupational Safety and Health for the creation of a stockpile of personal protection equipment for farmworkers use during emergencies.
 - iv) \$100 million for State Water Resources Control Board for grants to provide safe drinking water and promote public health for farmworker families for projects that include improving septic systems to prevent water contamination and projects that improve wastewater treatment facilities at risk from sea level rise or saltwater intrusion.
 - v) \$12 million for the Office of Emergency Services to expand its California State Warning Center, as specified.
 - c) \$750 million to increase healthy food access and address food insecurity, as follows:
 - i) \$230 million for the Department of General Services to provide funding to specified educational agencies and centers to improve kitchen, meal preparation, meal service, and dining infrastructure used for school nutrition programs, as specified.
 - ii) \$150 million for the State Department of Social Services to provide aid to participants in the Emergency Food Assistance Program, as specified.

- iii) \$270 million for CDFA for grants to ensure communities and tribes are able to obtain or produce foods that are healthy, nutritious, culturally relevant that are grown in California, as specified.
 - iv) \$100 million to the California Department of Aging to fund infrastructure that will expand senior nutrition programs, as specified.
- d) \$700 million to strengthen regional food economies, as follows:
 - i) \$500 million for CDFA for grants to enhance local and regional food and fiber infrastructure, such as processing, cooling and storage facilities, and supply chain infrastructure, as specified.
 - ii) \$30 million to the California Coastal Conservancy for grants for the development, restoration, and reconstruction of fishing facilities and related infrastructure serving the commercial fishing industry in urban coastal waterfront areas.
 - iii) \$60 million to CDFA for grants to develop meat-processing facilities and expand or upgrade meat-processing facilities to increase meat-processing capacity, as specified.
 - iv) \$10 million to CDFA for grants to specified educational institutions to provide workforce safety and development training for the meat and poultry processing industry.
 - v) \$100 million to the State Energy Resources Conservation and Development Commission for allocation to accelerate the adoption of energy efficiency and renewable energy technologies at California food processing plants. These funds will help California food processors work towards a low-carbon future, and benefit disadvantaged communities and priority populations by reducing emissions of greenhouse gases.
- e) \$75 million to plan for the impact of SMGA, as follows:
 - i) \$ 50 million to DOC for grants to programs supporting or facilitating reduced use of groundwater and multi-benefit land repurposing at the basin scale.
 - ii) \$12.5 million to CDFA for technical assistance grants to support farmers and ranchers located in critically overdrafted basins in the San Joaquin Valley to reach water use reduction goals established under SGMA.
 - iii) \$12.5 million to the Department of Water Resources for grants assisting small- and medium-sized farms, socially disadvantaged farmers or ranchers, and farmers and ranchers located in disadvantaged communities in meeting their requirements under SGMA.
- f) \$10 million to CDFA for grants to produce beneficial organisms in support of ecological integrated pest management.
- g) \$200 million to the Department of Resources Recycling and Recovery for grants or performance payments to support the development and implementation of projects to improve outdoor air quality through increased diversion of organics from combustion or

landfill disposal.

- h) \$100 million to CDFA for allocation to projects to restore, upgrade, modernize, and improve state and county fairgrounds to serve as community centers, exposition sites, emergency and evacuation shelters, food and agriculture education centers, and farm incubator and food business centers.
 - i) \$50 million for prevention of wildfires and promote fire reliance as follows:
 - i) \$20 million to the California Department of Forestry for prescribed and cultural burns to promote wildfire protections and reliance.
 - ii) \$30 million to the Department of Housing and Community Development for support of year-round housing for land management workers on tribal lands, forestlands, and remote watersheds, or for workers involved in wildfire prevention, as specified.
- 11) Provides for standard provisions in general obligation bond law, either explicitly or by reference, with some modifications.
- 12) Specifies the EER bond will be on the November 8, 2022 ballot.

EXISTING LAW:

- 1) Allows the Legislature to place general obligation bonds on the ballot for specific purposes with a two-thirds vote of the Assembly and Senate.
- 2) Requires bonds to be ratified by majority vote in state election.

FISCAL EFFECT: Unknown.

COMMENTS: According to the author, the coronavirus pandemic has laid bare the vulnerabilities of California's communities, exacerbating food insecurity and exposing essential frontline workers to disproportionate health risks. The impacts of the pandemic have been many and diverse, and have fallen heavily on people of color, including the farmworker communities who harvest our food and essential workers throughout our food supply chains. Farmers have lost large percentages of crops due to volatile demand within a rigid supply chain. Shattered food supply chains have resulted in farm products rotting in the fields as millions of Californians go hungry. It is clear that we need to invest in the food and farming systems in California to combat hunger, create and restore jobs, support agricultural businesses, and build resilient communities.

This bond will invest \$3.302 billion over five years to accelerate California's economic recovery from the COVID-19 pandemic while combating climate change, improving food security, and protecting our essential farmworkers. It aims to do this by investing in many parts of the food supply chain from field to table.

California needs many more food hubs to aggregate supply from producers, as well as food processing, meat processing and livestock slaughter facilities, cold storage, and distribution facilities – all with an eye towards building sustainable and resilient local and regional food systems. EER bond addresses farmworker health and safety such as safe and affordable housing,

energy efficiency and renewable energy projects on farmworker homes, and personal protective equipment for wildfires and COVID.

EER bond invest in infrastructure to combat hunger and improve on farm climate reliance and sustainably. With an estimated 6.4 million food insecure Californians, improves food access for the most vulnerable Californians to combat hunger. Furthermore, the EER bond invest in diverse, organic, and regenerative cropping systems help reduce farmers' economic vulnerabilities by expanding market opportunities. EER bond investments also modernize fairground infrastructure, protect groundwater resources, generate more compost, rebuild soil health and improve on-farm resilience to droughts, floods, and pest outbreaks.

Supporters state this bill would direct significant resources to farmers, ranchers, fishers, communities of color, and Tribes who have historically been excluded from many state programs. With this bill, there is a unique opportunity to create an equitable and resilient food and farming system. Increasing access to healthy food; combating hunger in our communities; building resilient and reliable regional food supply chains; supporting small and mid-sized farmers and ranchers; expanding climate-smart farming practices, including organic; and protecting workers in our fields, kitchens, schools, and grocery stores are the investments we need to create a bright future for all Californians.

Furthermore supporters state we cannot afford to delay badly needed investments in our state's food support programs. This bill proposes just such an investment. By including specific, systemic objectives like rebuilding regional food infrastructure investments to increase healthy food access, especially for children, seniors and other vulnerable populations, your bill provides a viable and comprehensive approach for achieving dramatically improved food security in California well into the future. supporters especially appreciate the bill's provisions expressly targeting nutrition programs for our most vulnerable seniors with \$100 million in funding for grants to allow senior nutrition programs to purchase improved kitchen equipment, updated warming, refrigeration, or freezer capacity, refrigerated vehicles, building improvements, and technological and data improvements.

Organizations associated with commercial fishers are in support but have asked for amendments. "There are numerous sections of AB 125 that provide funding support to farmers' markets and the use of agricultural product for programs feeding the food insecure". They request that fisher markets and seafood be added into these sections of this bill.

Opponents state, *"While AB-125 is in many respects a good piece of legislation, one section of it must be stripped from the bill. Section 80721 (3) of Assembly Bill 125 allocates one hundred million dollars for grants to livestock and dairy producers to subsidize waste management and storage, compost bedded pack barns, and other costs associated with the mass production of dairy and meat products. Huge factory farms are attempting to paint this provision as a climate solution that reduces methane emissions. However, there is plentiful evidence that these measures can backfire. ... Factory farms are asking taxpayers to spend one hundred million dollars to help with waste management and pollution problems that the industry created as a result of consolidation and mass production. The industry must bear responsibility for its own pollution. Section 80721 (3) cannot be allowed to remain in the bill."* Section 80721(3) relates to this bill's funding for the Alternative Manure Management program housed in CDFA's Office of Environmental Farming & Innovation.

General Obligation Bonds: When public agencies issue bonds, they borrow money from investors, who provide cash in exchange for the agencies' commitment to repay the principal amount of the bond plus interest. Bonds are usually either revenue bonds, which repay investors out of revenue generated from the project the agency buys with bond proceeds, or general obligation bonds, which the public agency pays out of general revenues and are guaranteed by its full faith and credit.

Section One of Article XVI of the California Constitution and the state's General Obligation Bond Law guide the issuance of the state's general obligation debt. The Constitution allows the Legislature to place general obligation bonds on the ballot for specific purposes with a two-thirds vote of the Assembly and Senate. Voters also can place bonds on the ballot by initiative, as they have for parks, water projects, high-speed rail, and stem cell research, among others. Either way, general obligation bonds must be ratified by majority vote of the state's electorate. Unlike local general obligation bonds, approval by the state's electorate does not automatically trigger an increased tax to repay the bond. The Constitution commits the state to repay investors from general revenues above all other claims, except payments to public education.

REGISTERED SUPPORT / OPPOSITION:

Support

Agricultural Institute of Marin (Co-Sponsor)
 American Farmland Trust (Co-Sponsor)
 California Climate & Agricultural Network
 (CALCAN) (Co-Sponsor)
 Californians for Pesticide Reform
 (Co-Sponsor)
 Carbon Cycle Institute (Co-Sponsor)
 CCOF (Co-Sponsor)
 Center for Food Safety; the (Co-Sponsor)
 Central California Environmental Justice
 Network (Co-Sponsor)
 Centro Binacional Para El Desarrollo
 Indígena Oaxaqueno (Co-Sponsor)
 Community Alliance With Family Farmers
 (Co-Sponsor)
 Monterey Bay Central Labor Council,
 AFL-CIO (Co-Sponsor)
 Natural Resources Defense Council (NRDC)
 (Co-Sponsor)
 Pesticide Action Network (Co-Sponsor)
 Roots of Change (Co-Sponsor)
 Sustainable Agriculture Education
 (Co-Sponsor)
 A Better Course – for Alemany Farmers
 Market
 Acterra: Action for a Healthy Planet
 Agriculture & Land Based Training
 Association (ALBA)

Alameda County Board of Supervisors
 Alameda County Community Food Bank
 Alianza Ecologista
 Alliance of Communities for Sustainable
 Fisheries
 Asian Business Institute and Resource
 Center
 Bay Area Ranchers' Cooperative, INC
 CA4health
 California Alliance of Nurses for Healthy
 Environments
 CAP OC Food Bank
 CAUSE
 CUESA
 California Association of Area Agencies on
 Aging
 California Association of Food Banks
 California Cattlemen's Association
 California Community Colleges – Employer
 Engagement for Agriculture, Water &
 Environmental Programs
 California Compost Coalition
 California FarmLink
 California Food and Farming Network
 California Institute for Rural Studies
 California Interfaith Power & Light
 California Rural Legal Assistance
 Foundation

California State Grange
 Californians Against Waste
 Capay Valley Farm Shop
 Cardoza and Cardoza Farming Co.
 Center for Biological Diversity
 Center for Ecoliteracy
 Center for Environmental Health
 Center for Good Food Purchasing
 Center for Land-Based Learning
 Center for Regenerative Agriculture &
 Resilient Systems
 Center for Wellness and Nutrition
 Central Coast Ag Network & City Farm
 SLO
 Central Valley Partnership
 Ceres Community Project
 Chez Panisse
 Clean Water and Air Matter
 Coastside Farmers Market
 Common Table Creative
 Community Alliance with Family Farmers
 Community Environmental Council
 Cooperation Humboldt
 Cultiva La Salud
 Dock to Dish LA
 Double OG
 Ecology Center
 Environmental Working Group
 Everyone's Harvest
 FACTS: Families Advocating for Chemical
 and Toxins Safety
 Farm to Pantry
 Fibershed
 Fillmore Farms
 Food Forward
 Food Share of Ventura County
 Food System Coalition of San Luis Obispo
 County
 Food for People
 Fresh Approach
 Friends of the Earth
 Full Belly Farm
 Full Circle Wool
 GMO Free California
 GMO Science
 Good Eggs
 Green Foothills
 Greenbelt Alliance
 Guru Ram Das Orchards

Health Care Without Harm
 Hercules Farm
 House Farm Workers!
 IRM, Inc (Fresno Interdenominational
 Refugee Ministries)
 Innovative Health Solutions
 Interfaith Sustainable Food Collaborative
 Intertribal Agriculture Council
 Kiss the Ground
 L.A. Compost
 LaRocaa Vineyards
 Latino Coalition for a Healthy California
 Little Manila Rising
 Little Paradise Farm
 Los Angeles Food Policy Council
 Los Angeles Regional Food Bank
 Madera Coalition for Community Justice
 Manzanita Manor Organics
 Marin Agricultural Land Trust
 Matthiasson Family Vineyards
 McGrath Family Farms
 Meals on Wheels California
 Mount Shasta Farmers' Market
 National Young Farmers Coalition
 North Coast Growers Association
 North County Farmers Market Association
 Nourish California
 Occidental Arts and Ecology Center
 One Fair Wage
 Open Silo
 Organic Farming Research Foundation
 Organic Pastures
 PT Ranch
 Pacific Coast Farmers' Market Association
 Paicines Ranch
 Pitzer College
 Point Blue Conservation Science
 Prevention Institute
 Public Health Institute
 Republic Services
 Repurpose, Inc.
 Riverside Food Cooperative, Inc.
 Riverside Unified School District
 Robert Skinskey Vineyards
 Rustic Canyon Family
 Sacramento Food Bank & Family Services
 Sacramento Food Policy Council
 San Bernardino Valley Concert Association
 San Diego Fishermen's Working Group

San Diego Food Bank
 San Diego Roots Sustainable Food Project
 San Francisco Bay Physicians for Social
 Responsibility
 Santa Clara Valley Open Space Authority
 Save Mount Diablo
 Second Harvest Food Bank Santa Cruz
 County
 Second Harvest of Silicon Valley
 Second Harvest of the Greater Valley
 Sierra Harvest
 Sierra Orchards
 Slow Food California
 Social Justice Learning Institute
 Solano Land Trust
 Sonoma Safe Ag Safe Schools
 Sunrise Movement Orange County
 Sustainable Agriculture Education

Sustainable Economic Enterprises of Los
 Angeles
 Sustainable Economies Law Center
 Taylor Farm Retail Inc.
 The Climate Center
 The Cloverleaf Farm
 The Edible Schoolyard Project
 The Praxis Project
 The SF Market
 True Grass Farms
 United Food and Commercial Workers
 (WFCW) Western States Council
 Vineyard Team
 Western United Dairies
 Wild Farm Alliance
 Yolo Food Bank
 Zero Foodprint

Support If Amended

Alliance for Communities for Sustainable Fisheries
 San Diego Fishermen's Working Group

Oppose Unless Amended

Coalition for Sustainable Food Practices
 Eat for the Earth
 Physicians Against Red Meat

Opposition

None on file

Other

Leadership Counsel for Justice and Accountability

Analysis Prepared by: Victor Francovich / AGRI. / (916) 319-2084



17575 Peak Avenue
Morgan Hill, CA 95037-4128
TEL: (408) 779-7271
FAX: (408) 779-3117
www.morganhill.ca.gov

April 27, 2021

The Honorable Luz Rivas
Chair, Committee on Natural Resources
State Capitol/1020 N Street, Room 164
Sacramento, CA 95814

RE: Assembly Bill 125 (R. Rivas) – SUPPORT

Dear Assembly Member L. Rivas,

The undersigned organizations respectfully request your support for AB 125 (R. Rivas), the Equitable Economic Recovery, Healthy Food Access, Climate Resilient Farms and Worker Protection Bond Act. This bond includes \$3.122 billion in investments that will accelerate California's economic recovery and improve the state's climate resilience while also increasing healthy food access, protecting essential food and farm system workers, investing in regional food processing and market infrastructure, and promoting sustainable agricultural practices.

The bond will invest \$3.122 billion over five years to accelerate California's economic recovery from COVID-19, earmarking investments in four key areas:

- Regional and local food processing, distribution, and market infrastructure, especially for the state's most vulnerable communities.
- Safety and well-being for farm and food system workers.
- Combatting hunger and improving healthy food access.
- Promoting sustainable agriculture and climate resilience.

The time is now to scale up just solutions to bolster economic recovery and withstand a looming climate crisis. Assembly Bill 125 will strengthen recovery efforts by bringing jobs to our communities, protect our essential frontline workers, and create a secure and resilient food and farming system. Together, these important efforts will accelerate our state's economic recovery from the COVID-19 pandemic while combating climate change, improving food security, and protecting our essential food and farm system workers.

For these reasons, we respectfully request your "Aye" vote for AB 125.

Sincerely,

Rich Constantine
Mayor

cc: Assemblymember Robert Rivas
Senator John Laird
Seth Miller, Regional Public Affairs Manager, League of California Cities, smiller@cacities.org
Meg Desmond, League of California Cities, cityletters@cacities.org



CITY COUNCIL STAFF REPORT

MEETING DATE: May 5, 2021

PREPARED BY: Jennifer Carman, Community Development Director
APPROVED BY: City Manager

RATIFY URGENCY ORDINANCE 2320 AND EXTEND THE TERM OF THE INTERIM MEASURES FOR A FULL YEAR

RECOMMENDATION(S)

Ratify Interim Urgency Ordinance 2320 and extend its term for an additional 22 months and 15 days.

COUNCIL PRIORITIES, GOALS & STRATEGIES

Ongoing Priorities

Preserving and Cultivating Public Trust

REPORT NARRATIVE:

On April 7, 2021, the City Council adopted Interim Urgency Ordinance 2320. This ordinance further protects Morgan Hill from potential large truck/high traffic uses by creating a maximum dock high door ratio and amending the City's Land Use Definitions and General Terms to clarify industrial use terms. The interim urgency ordinance was developed as part of the collaborative solution developed between the City and the Morgan Hill Responsible Growth Coalition (MHRGC). Under Government Code section 65858, the interim urgency may only remain in effect for 45 days. However, the Government code allows the interim urgency ordinance to be extended for a total of 22 months and 15 days following noticed public hearings. This hearing will extend the ordinance by 10 months and 15 days for a total of one year. Extending the ordinance will allow it to remain in place while a permanent ordinance is considered by the Planning Commission and City Council. The ratification requested in this agenda item will provide the Planning Commission up to a year to consider a permanent ordinance that the City Council will consider placing on the November 2022 ballot.

COMMUNITY ENGAGEMENT: Involve

This item was noticed in accordance with Government Code 65090 and City of Morgan Hill Municipal Code Section 18.194.090.B.2 and B3.

ALTERNATIVE ACTIONS:

The City Council could choose not to extend the urgency ordinance. Under this alternative, the City Council could direct staff to forward a draft ordinance to the Planning Commission for standard ordinance processing. This would delay the new language from going into effect for 3-4 months.

PRIOR CITY COUNCIL AND COMMISSION ACTIONS:

On September 22, 2020, the Planning Commission recommended changes to the Zoning Ordinance that included language implementing provisions of the Initiative related to the review of large projects. The September 22 recommendation also prohibited all large-scale e-commerce distribution uses but would have allowed some local delivery.

On October 28, 2020, the City Council introduced a Zoning Ordinance amendment adopting the Planning Commission's recommendations and prohibiting local e-commerce delivery uses. This ordinance was adopted on November 18, 2020.

On April 7, 2020, the City Council placed the MHRGC Citizen Initiative on the November 2022 ballot and adopted Interim Urgency Ordinance 2320.

FISCAL AND RESOURCE IMPACT:

Thus far, staff has been able to accommodate the additional work from the petition within its existing workplan. There are no fiscal impacts associated with extending the urgency ordinance.

CEQA (California Environmental Quality Act):

Adoption of an urgency ordinance is not a project under CEQA.

LINKS/ATTACHMENTS:

1. 2320 Urgency Ordinance

URGENCY ORDINANCE NO. 2320

AN URGENCY ORDINANCE OF THE CITY OF MORGAN HILL ADDING SECTION 18.76.140 ("MAXIMUM DOCK HIGH DOOR RATIO") TO CHAPTER 18.76 ("PERFORMANCE STANDARDS") AND AMENDING SECTIONS 18.124.050 ("INDUSTRIAL USES") OF CHAPTER 18.124 ("LAND USE DEFINITIONS") AND 18.128.020 ("DEFINITIONS") OF CHAPTER 18.128 ("GENERAL TERMS") OF TITLE 18 ("ZONING") OF THE MORGAN HILL MUNICIPAL CODE TO CREATE A MAXIMUM DOCK-HIGH-DOOR RATIO FOR CERTAIN STRUCTURES AND TO ADD DEFINITIONS

THE CITY COUNCIL OF THE CITY OF MORGAN HILL DOES ORDAIN AS FOLLOWS:

Section 1. The Council finds and declares that this urgency ordinance is necessary to protect the public safety, health, and welfare, and to prevent the development of uses that may be in conflict with a contemplated general plan or zoning proposal that the legislative body, planning commission or the planning department is considering or studying or intends to study within a reasonable time.

Section 2. Section 18.76.140 ("Maximum Dock High Door Ratio") of Chapter 18.76 ("Performance Standard") of Title 18 ("Zoning") is hereby added to read as follows (additions in underline, deletions in strikeout):

18.76.140 – Maximum Dock High Door Ratio

The maximum Dock High Door to Square Foot Ratio for a facility that has a floor area of seventy-five thousand (75,000) square feet or greater and a ceiling height of more than thirty-four (34) feet over more than twenty-five (25) percent of the floor area is 1:25,000.

Section 3. Subsection (D) ("Manufacturing, Light") of Section 18.124.050 ("Industrial Uses") of Chapter 18.124 ("Land Use Definitions") of Title 18 ("Zoning") is hereby amended to read as follows:

D. Manufacturing, Light. The manufacture, predominantly from previously prepared materials, of finished products or parts, including processing, fabrication, assembly, treatment, and packaging of such products, and incidental storage, sales and distribution of such products, but excluding basic industrial processing and custom manufacturing. Includes manufacture of electric and electronic instruments and devices. Excludes saw and planing mill sand manufacturing uses involving primary production of wood, metal or chemical products from raw materials. For purpose of this definition, the term "Assembly" includes creation of a component or end item made from a number of parts and subassemblies. Assembly does not include the putting together of kits, gift baskets, or packaging items produced elsewhere for purposes of e-commerce or

City of Morgan Hill
Ordinance No. 2320, New Series
Page 2 of 4

wholesale trading.

Section 4. Subsection (C) ("C' Terms") of Section 18.128.020 ("Definitions") of Chapter 18.128 ("General Terms") of Title 18 ("Zoning") is hereby amended to read as follows:

C. "C" Terms.

1. California Room. A room or space in a building where one or more sides is open and exposed (without a wall or windows) to adjacent outdoor space.
2. Ceiling Height. The clear vertical distance from the finished floor to the finished ceiling. If the ceiling is unfinished, the ceiling height is the distance from the floor to the lowest projecting beams, joists, or truss work.
3. Cessation of Use. The discontinuation of a use, either temporarily or permanently, whether with the intent to abandon such use or not.
4. City Geologist. A registered professional geologist certified by the state of California in the specialty of engineering geology (C.E.G.) who is either a city staff member or a consultant retained by the city.
5. Clear Triangle. A triangular area bounded by the street right-of-way lines of a corner lot and a line joining points along said street lines 20 feet from the point of intersection.
6. Commercial. Any activity on or use of land which involves the buying, selling, processing or improving of things not produced on the land, and having financial gain as the primary aim of the activity or use, whether or not such activity or use is for hire or on account of the buyer, seller, processor or improver.
7. Conditional Use. A use that requires approval of a conditional use permit or an administrative use permit.
8. Condominium. Individual ownership of a dwelling unit within a multiple-unit structure exclusive of the land underlying such structure.
9. Condominium Development. A structure and appurtenant premises divided in ownership by the existence of the condominiums as defined in Section 783 of the California Civil Code. Includes instances where ownership is divided following prior single ownership of the entire structure and premises, as well as new structures divided in ownership.

Section 5. Subsection (D) ("D' Terms") of Section 18.128.020 ("Definitions") of Chapter 18.128 ("General Terms") of Title 18 ("Zoning") is hereby amended to read as follows:

D. "D" Terms.

City of Morgan Hill
Ordinance No. 2320, New Series
Page 3 of 4

1. Deck. A platform, either freestanding or attached to a building, that is supported by piers, pillars or posts.
2. Dock-High-Door. An opening to the outside of a building used to interface with trucks for the loading and/or unloading of goods, products, merchandise or wares of any type and where the bottom of the opening is not at ground level but rather elevated by twenty-four (24) inches or more.
3. Dock-High-Door-to-Square-Foot Ratio. The ratio of the total number of Dock-High-Doors that a building has to the total square feet of building floor area.
4. Driveway. A permanently surfaced area on a lot designed and required to provide direct access for vehicles between a street and a private garage, carport or other parking space, parking area, or loading area.
5. Driveway Aisle, Major. A driveway providing principal access to the parking area or the driveway providing principal circulation throughout the parking areas or premises.
6. Driveway Apron. A paved area providing principal access from a drive aisle or street right-of-way to a garage or other covered parking space.
7. Dwelling. A building or portion thereof designed or used exclusively as the residence or sleeping place of one or more persons. Excludes tents, cabins, trailers and trailer coaches.
8. Dwelling Unit. A room or group of rooms including living, sleeping, eating, cooking and sanitation facilities, constituting a separate and independent housekeeping unit, occupied or intended for occupancy by one family on a non-transient (less than thirty-day stay) basis and having not more than one kitchen.
9. Density. The number of dwelling units permitted per net lot area.

Section 6. **Severability.** Should any provision of this ordinance be deemed unconstitutional or unenforceable by a court of competent jurisdiction, such provision shall be severed from the ordinance, and such severance shall not affect the remainder of the ordinance.

Section 7. **Effective Date; Posting.** This Ordinance shall take effect on immediately upon adoption. The City Clerk is hereby directed to publish this Ordinance or a summary thereof in the manner required by law.

City of Morgan Hill
Ordinance No. 2320, New Series
Page 4 of 4

THE FORGOING ORDINANCE WAS DULY ADOPTED AT A MEETING HELD ON THE 7TH DAY OF APRIL 2021, AND SAID ORDINANCE WAS DULY PASSED AND ADOPTED IN ACCORDANCE WITH LAW BY THE FOLLOWING VOTE:

AYES:	COUNCIL MEMBERS:	Gino Borgioli, Rich Constantine, Yvonne Martinez Beltran, John McKay, Rene Spring
NOES:	COUNCIL MEMBERS:	None
ABSTAIN:	COUNCIL MEMBERS:	None
ABSENT:	COUNCIL MEMBERS:	None

APPROVED:

DocuSigned by:
Rich Constantine
02EAF59057984E7...

RICH CONSTANTINE, Mayor

ATTEST:

DocuSigned by:
Michelle Bigelow
C0FCB7EABA7C4C8...

MICHELLE BIGELOW, City Clerk

∞ **CERTIFICATE OF THE CITY CLERK** ∞

I, **MICHELLE BIGELOW, CITY CLERK OF THE CITY OF MORGAN HILL, CALIFORNIA**, do hereby certify that the foregoing is a true and correct copy of Ordinance No. 2320, New Series, adopted by the City Council of the City of Morgan Hill, California at their regular meeting held on the 7th day of April 2021.

WITNESS MY HAND AND THE SEAL OF THE CITY OF MORGAN HILL.

DATE: 4/21/2021

DocuSigned by:
Michelle Bigelow
C0FCB7EABA7C4C8...

MICHELLE BIGELOW, City Clerk

Attachment: 2320 Urgency Ordinance (3070 : Extension of Urgency Ordinance 2320)



CITY COUNCIL STAFF REPORT

MEETING DATE: May 5, 2021

PREPARED BY: Donald Larkin, City Attorney
APPROVED BY: City Manager

ADOPT URGENCY ORDINANCE REQUIRING HAZARD PAY OR VACCINE INCENTIVES FOR GROCERY WORKERS

RECOMMENDATION(S)

1. Adopt urgency ordinance; OR
2. Waive first and second reading; AND
3. Introduce ordinance requiring hazard pay or vaccine incentives for grocery store employees.

COUNCIL PRIORITIES, GOALS & STRATEGIES

Ongoing Priorities

Enhancing Public Safety
Supporting Our Youth
Seniors
and Entire Community

POLICY CONSIDERATIONS:

Should the Council require specific financial payment to all grocery store and pharmacy employees?

REPORT NARRATIVE:

On March 17, 2021, the City Council directed the City Attorney to prepare a draft hazard pay ordinance for City Council consideration.

California has identified thirteen categories of essential workers. Essential workers are employees who are unable to work from home. Essential workers fall into the following sectors: Healthcare; emergency services; food and agriculture; energy; water and wastewater; transportation and logistics; communication and information technology; government operations, and community-based services; critical manufacturing; financial services; chemical and hazardous materials; defense and industrial; and construction. A detailed description of the essential workforce can be found at <https://covid19.ca.gov/essential-workforce/>.

The food and agriculture sector of the essential workforce includes “[w]orkers supporting groceries, pharmacies, convenience stores, and other retail that sells food or beverage products, and animal/pet food, retail customer support service, information technology support staff, for online orders, pickup/takeout or delivery.”

As a subcategory of this group, grocery workers endure hazardous conditions to provide essential goods that the community needs to sustain itself through the COVID-19 pandemic. Grocery workers job functions involve in-person, face to face, high frequency contact. This contact primarily occurs indoors, which further increases the risk of COVID-19 infection and transmission.

Litigation Risk:

At least 24 other California jurisdictions have adopted some form of hazard pay ordinance. In Santa Clara County, San Jose and the County are the only jurisdictions that have adopted such ordinances. It is unclear whether Santa Clara County's ordinance actually applies to any employer.

San Jose, as well as most other jurisdictions that have adopted hazard pay ordinances are in litigation over their ordinances. As of the date of this report, no court in California has made a final decision on the legality of hazard pay ordinances.

While we believe that our proposed ordinance is legally defensible, there is always a risk of lawsuit from impacted employers.

Hazard Pay:

With some exceptions, the proposed ordinance requires grocery stores and pharmacies with 500 or more employees nationwide to pay a "hazard pay" premium to employees who perform work within the City of Morgan Hill. As defined, grocery stores would include retail stores that derive a substantial portion of their gross receipts from the sale of groceries.

Hazard pay adopted by other jurisdictions ranges from \$3/hr (San Jose is at this level) to \$5/hr (Santa Clara County is at this level). We have recommended \$4/hr as the middle ground. The Council could consider a lower or higher amount, but we would not recommend any hazard pay in excess of \$5/hr.

An employer would be allowed to deduct the amount of premium pay that they already pay to employees due to the impacts of COVID-19.

Alternative to Hazard Pay:

There are currently three vaccines that the Centers for Disease Control have determined are safe and effective at preventing infection from COVID-19. These vaccines are now widely available in Santa Clara County. Many grocery and pharmacy workers are able to receive vaccination at their place of work. In addition, Safeway has partnered with the City of Morgan Hill, the Morgan Hill School District, and others to provide local vaccination clinics that targeted the food service and education sectors.

Widespread vaccination is the most effective way to mitigate the risks to essential workers from COVID-19. In lieu of providing hazard pay, staff proposes allowing

covered employers to pay a \$250 vaccination incentive as an alternative. Depending on the length of time hazard pay is in place, a \$250 incentive may be more or less than the hazard pay compensation available to an individual employee.

Length of Hazard Pay:

While the ordinances adopted by many jurisdictions end on a specific date, we recommend that the effectiveness relate directly to the level of risk incurred by covered employees. Under the draft ordinance, the requirements would expire on the date that Santa Clara County goes to the “minimal risk” (yellow) tier set by the California Department of Public Health. It is important to note that Santa Clara County is currently on track to enter the “minimal risk” tier within the next several weeks.

COMMUNITY ENGAGEMENT: Inform

If adopted, staff will conduct outreach to grocery stores and pharmacies in Morgan Hill to inform them of the new requirements.

ALTERNATIVE ACTIONS:

The Council could decide to not move forward with an ordinance requiring hazard pay or vaccination incentives.

PRIOR CITY COUNCIL AND COMMISSION ACTIONS:

On March 17, 2021, Council directed the City Attorney to prepare a draft ordinance and make recommendations regarding hazard pay for grocery workers.

FISCAL AND RESOURCE IMPACT:

Significant staff resources will be required to educate employers and employees about these regulations. Staff does not propose that any City resources will be spent on enforcement of the ordinance, but the draft ordinance allows a private right of action by covered employees.

CEQA (California Environmental Quality Act):

Not a Project. General policy and procedure making is not a project for purposes of environmental review, except where the policies and procedures may result in a change to the physical environment.

LINKS/ATTACHMENTS:

1. Urgency Ordinance--Hazard

URGENCY ORDINANCE NO.

AN UNCODIFIED URGENCY ORDINANCE OF THE CITY OF MORGAN HILL, CALIFORNIA, RELATED TO GROCERY STORE EMPLOYEE HAZARD PAY

THE CITY COUNCIL OF THE CITY OF MORGAN HILL DOES ORDAIN AS FOLLOWS:

Section 1. The Council finds and declares that this urgency ordinance is necessary to protect the public safety, health, and welfare.

Section 2. Hazard Pay for Grocery Store Employees.

A. Purpose. As a result of the COVID-19 pandemic, this Ordinance aims to protect and promote the public health, safety, and welfare during the remainder of the COVID-19 emergency by requiring grocery stores to provide premium pay for grocery workers performing work in the City. Requiring grocery stores to provide premium pay to grocery workers compensates grocery workers for the risks of working during a pandemic. Grocery workers face magnified risks of catching or spreading COVID-19 because the nature of their work involves close contact with the public, including members of the public who are not showing symptoms of COVID-19 but who can spread the disease. Alternatively, this Ordinance would provide a minimum level of access to healthcare for essential grocery workers that will have long-term effects beyond the COVID-19 pandemic.

B. Definitions. For purposes of this section, the following definitions apply:

1. "Base Wage" means the regular rate of pay earned by a Covered Employee. "Base Wage" excludes any Employer-Initiated Hazard Pay and the Hazard Premium to which the Covered Employee is entitled under this Ordinance.
2. "Covered Employer" means:
 - a. A Grocery Store, as defined herein, that employs 500 or more employees nationwide, regardless of where those employees are employed, including but not limited to chains, integrated enterprises, or Franchises associated with a Franchisor or network of Franchises with Franchisees that employ more than 500 employees in the aggregate, regardless of where those employees are employed.
3. "Covered Employee" means any person who:
 - a. In a calendar week, performs at least two hours of work for a Covered Employer within the geographic boundaries of the City; and
 - b. Qualifies as an employee entitled to payment of a minimum wage from any

Covered Employ under the California minimum wage law, as provided under Section 1197 of the California Labor Code and wage orders published by the California Industrial Welfare Commission.

4. “Employer-Initiated Hazard Pay” shall mean any other monetary premium already paid by a Covered Employer solely to compensate Covered Employees for working during the pandemic.
5. “Franchise” means a written agreement by which:
 - a. A person is granted the right engage in the business of offering, selling, or distributing goods or services under a marketing plan prescribed or suggested in substantial part by a Franchisor or its affiliates; and
 - b. The operation of a business is substantially associated with a trademark, service mark, trade name, advertising, or other commercial symbol; designating, owned by, or licensed by a Franchisor or its affiliates; and
 - c. The person pays, agrees to pay, or is required to pay, directly or indirectly, a fee for the rights granted to the person under such written agreement.
6. “Franchisee” means a person to whom a Franchise is offered or granted.
7. “Franchisor” means a person who grants a Franchise to another person.
8. “Holiday Premium” means the hourly wage paid to Covered Employees for performing work during a holiday or holiday season.
9. “Hazard Premium Pay” means a \$4.00 per hour premium for each Hour Worked that is above, beyond, and not a part of the regular rate of pay for an employee. Hazard Premium Pay does not include tips, gratuities, service- charge distributions, commissions, bonuses, overtime premiums, split-shift premiums, reporting time pay, or any other compensation owed to Covered Employees. The Hazard Premium shall be \$4.00 per hour, and not a greater amount, for each Hour Worked for which a Covered Employee is entitled to overtime compensation (including, but not limited to, Hours Worked in excess of eight hours in one workday, in excess of 40 hours in any one workweek, or on any seventh day of work in any one workweek).
10. “Hours Worked” has the same meaning as that term is used in Chapter 1 of Part 2 of Division 2 (commencing with section 500) of the Labor Code.
11. “Grocery Store” means a retail store in the City for which a substantial portion of gross receipts is derived from the sale of household foodstuffs for offsite consumption, including the sale of fresh produce, meats, poultry, fish, deli products, dairy products, canned foods, dry foods, beverages, baked foods, or prepared foods. “Grocery Store” also means a drug retail store in the City that sells a variety of prescription and nonprescription medicines and miscellaneous items, including but

not limited to drugs, pharmaceuticals, sundries, fresh produce, meats, poultry, fish, deli products, dairy products, canned foods, dry foods, beverages, prepared foods, and other merchandise. For purpose of this definition, a “substantial portion” of gross receipts means 15% or more of the retail store’s gross receipts for the most recently concluded fiscal year.

C. Payment of Hazard Premium to Covered Employees.

1. Except as otherwise provided in this Ordinance, each Covered Employer shall pay a Hazard Premium to all Covered Employees for all Hours Worked in the City of Morgan Hill following adoption of this Ordinance.
2. A Covered Employer may reduce the Hazard Premium paid to a Covered Employee under this Ordinance by the amount of Employer-Initiated Hazard Pay the Covered Employer has paid to the Covered Employee for the same Hours Worked.
3. No Covered Employer shall reduce the compensation or limit the earning capacity of a Covered Employee because of this Ordinance. If the Ordinance was a motivating factor in the Covered Employer's decision to reduce compensation or limit earning capacity, a violation has occurred.

D. Alternative to Hazard Premium Pay. As an alternative to providing a Hazard Premium, a Covered Employer may opt to provide financial incentives to Covered Employees who are fully vaccinated for COVID-19. A Covered Employer who opts to pay a financial vaccination incentive to all qualified Covered Employees as set forth below in subparagraph D(2) is exempt from any Hazard Pay requirements. For purposes of this alternative:

1. A Covered Employee is fully vaccinated when the Covered Employee has received two doses of the Moderna or Pfizer COVID-19 vaccine, or one shot of the Johnson & Johnson COVID-19 vaccine.
2. A financial incentive for vaccination must include a one-time payment of at least \$250 in addition to any other state or federal requirements. A Covered Employer may reduce the vaccine incentive by the amount any financial vaccination incentive already paid to a Covered Employee above any state or federal requirements.

E. Enforcement. A Covered Employee aggrieved by a Covered Employer's violation of this Ordinance may bring a civil action for actual damages; treble damages in the case of a willful, knowing, or reckless violation; other legal or equitable relief the court may deem appropriate; reasonable attorneys' fees and costs; and interest on all amounts due and unpaid at the rate specified in subdivision (b) of Civil Code section 3289.

Section 3. Expiration; Repeal. Unless earlier repealed, modified, or extended by the City Council, this Ordinance shall expire and be automatically repealed on the date that Santa Clara County enters a “Minimal” (yellow) Risk Level under the State of California Health Orders.

Section 4. Effective Date; Posting. This Ordinance shall take effect on immediately upon adoption. The City Clerk is hereby directed to publish this Ordinance or a summary thereof in the manner required by law.

Section 5. Severability. Should any provision of this ordinance be deemed unconstitutional or unenforceable by a court of competent jurisdiction, such provision shall be severed from the ordinance, and such severance shall not affect the remainder of the ordinance.

This ordinance was duly adopted at a meeting held on the ____ day of _____, 2021, and said ordinance was duly passed and adopted in accordance with law by the following vote:

AYES: COUNCIL MEMBERS:

NOES: COUNCIL MEMBERS:

ABSTAIN: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

ATTEST:

APPROVED:

MICHELLE BIGELOW, City Clerk

RICH CONSTANTINE, Mayor

CERTIFICATE OF THE CITY CLERK

I, MICHELLE BIGELOW, CITY CLERK OF THE CITY OF MORGAN HILL, CALIFORNIA, do hereby certify that the foregoing is a true and correct copy of Ordinance No. _____, New Series, adopted by the City Council of the City of Morgan Hill, California at their regular meeting held on the ____ day of _____, 2021.

WITNESS MY HAND AND THE SEAL OF THE CITY OF MORGAN HILL.

DATE: _____

MICHELLE BIGELOW, City Clerk

Attachment: Urgency Ordinance--Hazard [Revision 4] (3076 : Hazard Pay Ordinance)



CITY COUNCIL STAFF REPORT

MEETING DATE: May 5, 2021

PREPARED BY: Angie Gonzalez, Council Services Assistant
APPROVED BY: City Manager

PROVIDE DIRECTION REGARDING REDISTRICTING PROCESS FOR COUNCILMEMBER DISTRICT BOUNDARIES

RECOMMENDATION(S)

Determine the process for redistricting boundary lines for district-based elections of four Council seats, with the following options:

1. Use a City staff-led process without a redistricting commission, with a community outreach plan to encourage substantial public participation;
2. Establish an Advisory Redistricting Commission; or
3. Establish a Hybrid or Independent Redistricting Commission.

COUNCIL PRIORITIES, GOALS & STRATEGIES

Ongoing Priorities

Supporting Our Youth
Seniors
and Entire Community
Preserving and Cultivating Public Trust
Enhancing Equity
Diversity and Inclusiveness

2020-2021 Strategic Priorities

Community Outreach
Engagement and Messaging

REPORT NARRATIVE:

Cities with district-based elections are required to update (redistrict) the district boundaries every ten years, following the receipt of updated population data from each federal decennial census. It is anticipated that the 2020 federal census will be published and available to the City sometime around July to August 2021. Since the City of Morgan Hill has district-based elections for four Council Seats, the City is required to redistrict the district boundaries prior to the next election of Council Members in 2022.

Council Districts A and C were on the ballot on November 3, 2020, and Council Districts B and D will be on the ballot on November 8, 2022. Although the City established the district boundaries less than ten years ago, on September 6, 2017, for the November 2018 election, the boundaries are based on the 2010 federal census, which means the City must now update the boundaries through the redistricting process based on the 2020 federal census data.

As summarized in this report, State law establishes minimum procedural requirements for redistricting that the City must follow. The minimum procedural requirements are similar to the staff-led processes the City followed in 2017, when the City conducted a

series of public hearings and community workshops with substantial public input to convert from the previous at-large elections to the current district-based elections for the four Council seats. However, the City Council has discretion to include supplemental procedures for redistricting that do not conflict with the minimum requirements. One such supplemental process is to establish a redistricting commission, which may be one of three different types of commissions identified in State law: Advisory Redistricting Commission, Hybrid Redistricting Commission, or Independent Redistricting Commission.

Overview of Minimum Procedural Requirements for Redistricting

Before adopting a final map of district boundaries for the redistricting process, the City must hold at least four public hearings for the public to provide input regarding the composition of the Council districts (see California Elections Code Sections 21620-21629). These hearings shall include:

- At least one public hearing before maps are drawn. This hearing may be conducted by City staff, a consultant, or a redistricting commission.
- At least two public hearings after maps are drawn.
- At least one public hearing or public workshop shall be held on a Saturday, on a Sunday or after 6 p.m. on a weekday Monday through Friday.

The City Council must take steps to encourage residents, including those in underrepresented communities and non-English speaking communities, to participate in the redistricting public review process. A good faith effort satisfies the requirement and includes:

- Providing information to media organizations that provide City news coverage, including media organizations that serve language minority communities.
- Providing information through local community groups and organizations.
- Additionally, the City is required, upon request, to conduct the public hearings with live translation in “an applicable language.”

The City is required to publish information regarding draft maps and the redistricting process on the City’s website in English and Spanish. These publications are required to notify the public of upcoming hearings and explain the process, and to be maintained for at least ten years after the redistricting process is completed.

Generally, the City is prohibited from releasing any draft updated district boundary map until at least three weeks after the 2020 federal census data is published by the State. Again, it is currently anticipated that the census data will be published between July and August of 2021. The redistricting process must be completed, and a new district boundary map must be adopted, no later than April 17, 2022.

Overview of Substantive Requirements for Redistricting Boundary Lines

The substantive requirements of the Fair and Inclusive Redistricting for Municipalities and Political Subdivisions (“FAIR MAPS”) Act for drawing district boundaries are set forth in California Elections Code Section 21621, as summarized below:

- Substantially equal population of residents (+/- 10%) in each district based on census data.
- Compliance with the Constitutions of the United States and California, and with the Federal Voting Rights Act ("FVRA"). These criteria are satisfied by developing districts that have substantially equal populations, are not designed with discriminatory intent, and are not designed with race as the predominant consideration.
- Geographically contiguous, to the extent practicable. A district is not contiguous if it includes areas that: (a) meet only at the point of adjoining corners, or (b) are separated by water and not connected by a bridge.
- Geographic integrity of any local neighborhood or local community of interest shall be respected in a manner that minimizes its division, to the extent practicable. A "community of interest" is a population that shares common social or economic interests that should be included within a single district for purposes of its effective and fair representation.
- Boundaries should be easily identifiable and understandable by residents. To the extent practicable, districts shall be bounded by natural and artificial barriers, by streets, or by the boundaries of the City.
- Districts shall be geographically compact in a manner that nearby areas of population are not bypassed in favor of more distant populations, to the extent practicable.
- Districts must not be adopted for the purpose of favoring or discriminating against a political party.

Process Options for Establishing District Boundaries

For the 2021-2022 redistricting process, there are several optional methods available for updating district boundaries, including:

1. the City Council may direct staff to lead a public outreach process without a redistricting commission with the final district boundaries approved by City Council.
2. the City Council may appoint an Advisory Redistricting Commission to recommend district boundaries for City Council adoption.
3. the City Council may establish a Hybrid Redistricting Commission to approve two or more maps, one of which must be selected by the City Council.
4. the City Council may establish an Independent Redistricting Commission with authority to approve the final district boundary map.

These four options are described below. A chart comparing some of the key differences among the various types of redistricting commissions has been provided as Attachment 1 for reference.

Option #1: City Staff-Led Community Outreach Plan

The City Council has complete discretion to direct staff to lead the redistricting process without a redistricting commission. During that 2017 process, City staff (with assistance from expert consultants) led a successful community outreach process over a four-month period that included a series of four public hearings and a community workshop. Many public comments and approximately 44 proposed district boundary maps from members of the public were submitted, reviewed, and considered, resulting in City

Council's approval of the current district maps on September 6, 2017. (See Morgan Hill Municipal Code Chapter 1.16 Elections)

It is staff's recommendation to pursue redistricting without a commission and implement a community outreach plan utilizing an increased number of community workshops along with various other mechanisms to encourage a substantial amount of public participation. One benefit of conducting community workshops without a commission is that the meetings may be much less formal, and conducive to direct interactions between the public and technical experts; such as the City's consulting demographer. Staff would build on the successes of the 2017 process, which received high praise from the public regarding the extent to which all members of the public were encouraged to (and did) participate.

The City Clerk's Office and Communications Team is proposing the following community outreach plan:

Public Messaging via Social Media, City's Website, Press Releases, newsletters, and other public communications, in English and Spanish, including:

- Social media engagement on Facebook, Instagram, Twitter, and NextDoor in both English and Spanish
- Updated webpage on City's website for redistricting updates and information
- Information provided via website newsflashes, eblasts, "Morgan Hill Weekly 411," and print
- Press releases sent to various outlets and groups, including individuals and churches who have connections to our Spanish speaking community
- Public notices posted at City facilities
- Display advertisements on local public access network by using Channel 17
- Mailers, infographics, and videos

Online Interactive Tools:

- An updated online interactive mapping tool will be established to allow residents to draw their own lines. The City's consulting demographer will provide training for the public on how to use the new online mapping tool
- A designated email address will be established for members of the public to provide input and comments: redistricting@cityofmorganhill.ca.gov
- An online form will be developed to encourage electronic submissions for "Community of Interest Worksheets" in both English and Spanish

City staff will lead (with assistance from expert consultants, including a demographer) at least one public hearing before district boundary maps are drawn, a least two after of draft maps, at least one hearing in the evening or on a weekend. Spanish interpretation services will be offered at all public hearings and community meetings. The timeline for scheduling public hearings to consider re-drawing district boundaries is dependent on the dates the 2020 census is completed and the population data is delivered to the states and individual counties. The outline provided below is based on the assumption that the City will receive the 2020 census data by August 2021.

- **July 2021 - August 2021:** The U.S. Census Bureau sends federal census data to the State, then the State releases the census data to the public for use by the City in the redistricting process.
- **August 2021 - September 2021:** The City will hold its first public hearing before maps are drawn.
- **September 2021 - February 2022:** Between this time period, the City will hold at least one community workshop to solicit input and prepare draft maps; and at least four public hearings with maps leading to adoption of a final map. Depending on the status of COVID-19 health orders restricting public gatherings, City staff will propose holding up to four additional community workshops throughout the City (or virtually) to encourage maximum public participation.
- **April 17, 2022:** The City must complete its redistricting process by adopting a final map of district boundaries.

Option #2: Advisory Redistricting Commission

The process for establishing an Advisory Redistricting Commission is similar to other local boards and commissions which means that the City Council will establish the commission and appoint its members. Thus, if the City Council directs staff to pursue the creation of an Advisory Redistricting Commission, in addition to the steps outlined in Option #1, additional public meetings would need to be scheduled in order for the City Council to first establish the Advisory Redistricting Commission (including scope of responsibilities and membership requirements), and then to select the members of the Commission. For example, interviews may need to be scheduled during regular or special City Council meetings to select commissioners.

If an Advisory Redistricting Commission is formed, it could conduct the hearing without a map, but all other meetings of the commission are in addition to the minimum of three public hearings that must be held by Council. The Advisory Redistricting Commission recommends one or more district boundary maps to the City Council; however, the Council retains discretion to approve the final map.

If Council decides to proceed with an Advisory Redistricting Commission, then the proposed community outreach plan would need to be amended in order to accommodate the additional number of public meetings to establish the commission and select its members. For example, the City may need to hold fewer community workshops in order to dedicate resources and staff time towards the Advisory Redistricting Commission.

Option #3 and Option #4: Independent or Hybrid Redistricting Commissions

State law establishes parameters for the City Council to transfer redistricting authority to an Independent Redistricting Commission or a Hybrid Redistricting Commission. Both of these types of commissions conduct all of the public hearings following the procedural and substantive requirements summarized in this report, above. The main difference between these two types of commissions is: (1) if an Independent Redistricting Commission is established, the Council has no authority to review or approve any maps, and the Independent Redistricting Commission draws and approves the final district boundary map; and (2) if a Hybrid Redistricting Commission is formed, the

Hybrid Redistricting Commission is required to submit two or more district boundary maps to the City Council, and the City Council must select one of the submitted maps. Independent Redistricting Commissions have typically been used in very large counties such as Los Angeles, Santa Barbara, and San Diego, along with the cities of Berkeley, Long Beach, Oakland, Sacramento, San Diego, San Francisco, and Santa Barbara.

For both Independent and Hybrid Redistricting Commissions, State law establishes an extensive list of qualifications for membership, and there are post-service limitations on their ability to run for local office, serve on a local board or commission, seek city employment, or otherwise contract with the City. While the City may establish stricter requirements for membership on any redistricting commission, the State law limitations on membership are summarized on Attachment 1, and generally include the following requirements:

- must be a resident of City;
- all members cannot be registered to only one political party;
- cannot be candidate/elected to Council for past 8 years (for commissioner or family member), or 5 years after serving (for commissioner);
- cannot have previously held a “disqualifying position” for past 8 years (for commissioner or spouse) or past 4 years (for a commissioner’s non-spouse family member), and a “disqualifying position” includes: (a) officer, employee, or consultant for a candidate, campaign committee, or political party; or (b) contributed \$500 or more to a Councilmember candidate;
- cannot participate in campaigns for Council while on the commission;
- cannot be candidate to serve in a district that was drawn by the commissioner;
- cannot be hired by City as employee or “no bid” consultant/contractor for 4 years;
- cannot be appointed to any other City commission for 2 years

Process for Appointing Commission Members

There are three main approaches to appointing persons to serve on a Redistricting Commission, as summarized below:

1. Appointment by Council

The City Council may directly appoint the commissioners. This selection method is typically used for an Advisory Redistricting Commission. This approach must not be used if the City Council decides to appoint an independent or hybrid commission.

2. Independent Appointment

The City Council may appoint an independent selection body, such as a panel of retired judges; and that selection body directly appoints the commissioners after an open selection process. One of the greatest challenges with using an independent appointment selection method is the level of difficulty in identifying a truly impartial independent selection body. This selection method is typically used for an Independent or Hybrid Redistricting Commission.

3. Random Draw and Commission Appointment

After an open application process, an independent selection body reviews the applicants/applications and creates a pool of qualified applicants. A subset of

applicants is selected at random from that pool. That subset of applicants then selects the final commissioners from the remaining applicants in the pool. This method follows the model of the State Redistricting Commission and is intended to prevent the governing board from influencing who serves on the commission. However, the random draw selection method is one of the most time-consuming methods and has the potential to lead to the most qualified candidates being selected as a part of the subset, which means those most qualified candidates would not be available to be chosen as a commissioner.

Summary of Options for Council's Consideration

For the 2021-2022 redistricting process, staff recommends the City Council provide direction to staff regarding the following:

1. Direct staff to conduct a staff-led community outreach plan without a commission; or direct staff to start the process of establishing a redistricting commission;
2. If a commission will be used, provide direction regarding the type of commission (advisory, hybrid, or independent), as well as any other parameters for staff to consider when returning to Council to establish the commission (e.g., membership, scope of authority, or budgetary).
3. Provide input on the community outreach plan.

If Council directs staff to establish an Advisory Redistricting Commission or some other redistricting commission, then staff will bring this matter back for further discussion at a future City Council meeting for final direction regarding the parameters for the commission.

COMMUNITY ENGAGEMENT: Collaborate

The City Clerk's Office and Communications Team is proposing the following community outreach plan:

Public Messaging via Social Media, City's Website, Press Releases, newsletters, and other public communications, in English and Spanish, including:

- Social media engagement on Facebook, Instagram, Twitter, and NextDoor in both English and Spanish
- Updated webpage on City's website for redistricting updates and information
- Information provided via website newsflashes, eblasts, "Morgan Hill Weekly 411," and print
- Press releases sent to various outlets and groups, including individuals and churches who have connections to our Spanish speaking community
- Public notices posted at City facilities
- Display advertisements on local public access network by using Channel 17
- Mailers, infographics, and videos

Online Interactive Tools:

- An updated online interactive mapping tool will be established to allow residents to draw their own lines. The City's consulting demographer will provide training for the public on how to use the new online mapping tool

- A designated email address will be established for members of the public to provide input and comments: redistricting@cityofmorganhill.ca.gov
- An online form will be developed to encourage electronic submissions for “Community of Interest Worksheets” in both English and Spanish

ALTERNATIVE ACTIONS:

Not Applicable

PRIOR CITY COUNCIL AND COMMISSION ACTIONS:

- May 17, 2017 City Council directed the team to bring the matter of district elections to the City Council for consideration in open session
- June 7, 2017 City Council adopted a resolution of intent to transition to by-district elections
- June 21, 2017 City Council public hearing to receive input from the community
- June 28, 2017 City Council public hearing to receive input from the community
- July 26, 2017 City Council public hearing to receive input from the community
- August 23, 2017 City Council held a public hearing and introduced ordinance 2259. The motion passed by a 5-0-0 vote.
- September 6, 2017 City Council Adopted Ordinance 2259. The motion passed by a 5-0-0 vote.
- January 29, 2021 Annual Goal Setting Workshop - City Council received presentation outlining the requirements and process for redistricting.

FISCAL AND RESOURCE IMPACT:

For the 2021-2022 redistricting process staff estimates that the currently budgeted funds will be sufficient to pay the costs of staff’s recommended approach summarized in this report.

If the Council decides to establish a redistricting commission, then the costs will be higher than moving forward without a commission. In order to demonstrate the cost differences between a staff led process and one in which a commission is established, staff has provided tables below outlining the two scenarios. This information is intended to identify an estimated range of estimated costs to assist Council in providing direction to staff. However, if Council directs staff to take steps to establish a redistricting commission, the first step will be to return to Council with additional information regarding anticipated costs. As an example, for consultant costs, City staff is not able to obtain realistic proposals for estimated costs since the scope of services is not known. Similarly, staff time and overtime costs have not been included since the amount of time will vary depending on the desired option. It is expected that additional staff will be needed on a temporary basis if Council decides to implement a Redistricting Commission.

Estimated Costs - WITHOUT a Redistricting Commission

Consultant - Outreach	\$23,000
Consultant - Demographer Services Additional Charges: Online Mapping Tool	\$37,000 (covers five public hearings and one community workshop)

and Training Additional Virtual Presentations/Workshops Additional In-person Presentations/Workshops	
Miscellaneous costs (translations, advertising, site fees, etc.)	\$14,000
	TOTAL: \$74,000

*The above cost estimates are based on holding five community workshops and maximum of five public hearings during City Council meetings.

Estimated Costs - WITH a Redistricting Commission

Consultant - Outreach	\$23,000
Consultant - Demographer Services Additional Charges: Online Mapping Tool and Training Additional Virtual Presentations/Workshops Additional In-person Presentations/Workshops Additional Hearings and Training for Commissioners Recruitment and Selection Process	\$50,000 (covers five public hearings and one community workshop)
Miscellaneous costs (translations, advertising, site fees, etc.)	\$14,000
Temporary Staffing in the City Clerk's Office	\$10,000 - \$20,000
	TOTAL: \$97,000-\$107,000

*The above cost estimates are based on holding a maximum of twelve Advisory Redistricting Commission meetings, one community workshop, and six City Council meetings (two meetings to select an Advisory Redistricting Commission and four public hearings to adopt a map).

Under both the Hybrid/Independent Redistricting Commission models, the Council establishes a budget to cover the City's costs of providing services to the Commission (including consultants and lawyers). City staff will be required to provide some support to the Commission (e.g., administrative staff, and posting information on the City's website), but the City has no authority to direct the Commission's actions. It is important to note the practical challenges of this approach since, although the commission takes actions independently, the commission relies on funding and staff support from the City. Most jurisdictions adopt ordinances and require the appropriation of funds to be "sufficient", "reasonable", or "adequate," but an exact amount is not included.

If Council proceeds with either of the redistricting commission options, it will require staff to return to Council to discuss the additional funding required. Because the City has demonstrated the ability to successfully conduct a staff-led process to inclusively invite, receive, and consider valuable public input during the 2017 process to create district-based elections, and to be fiscally conservative and accommodate staff's increased

workload, staff is recommending that Council proceed with the redistricting process without establishing a redistricting commission. Staff estimates that the cost differences between moving forward with a redistricting commission would be approximately \$23,000-\$33,000 more than without a redistricting commission. Costs could be even higher once staff time and overtime is factored into the calculations.

CEQA (California Environmental Quality Act):

Not a Project.

The reformatting of electoral districts is not a project as defined in Section 15060(c) of the State CEQA Guidelines

LINKS/ATTACHMENTS:

1. Methods Available for Establishing District Boundaries
2. Ordinance 2258 (weblink)
3. District Map

Comparison Chart – Methods Available for Establishing District Boundaries

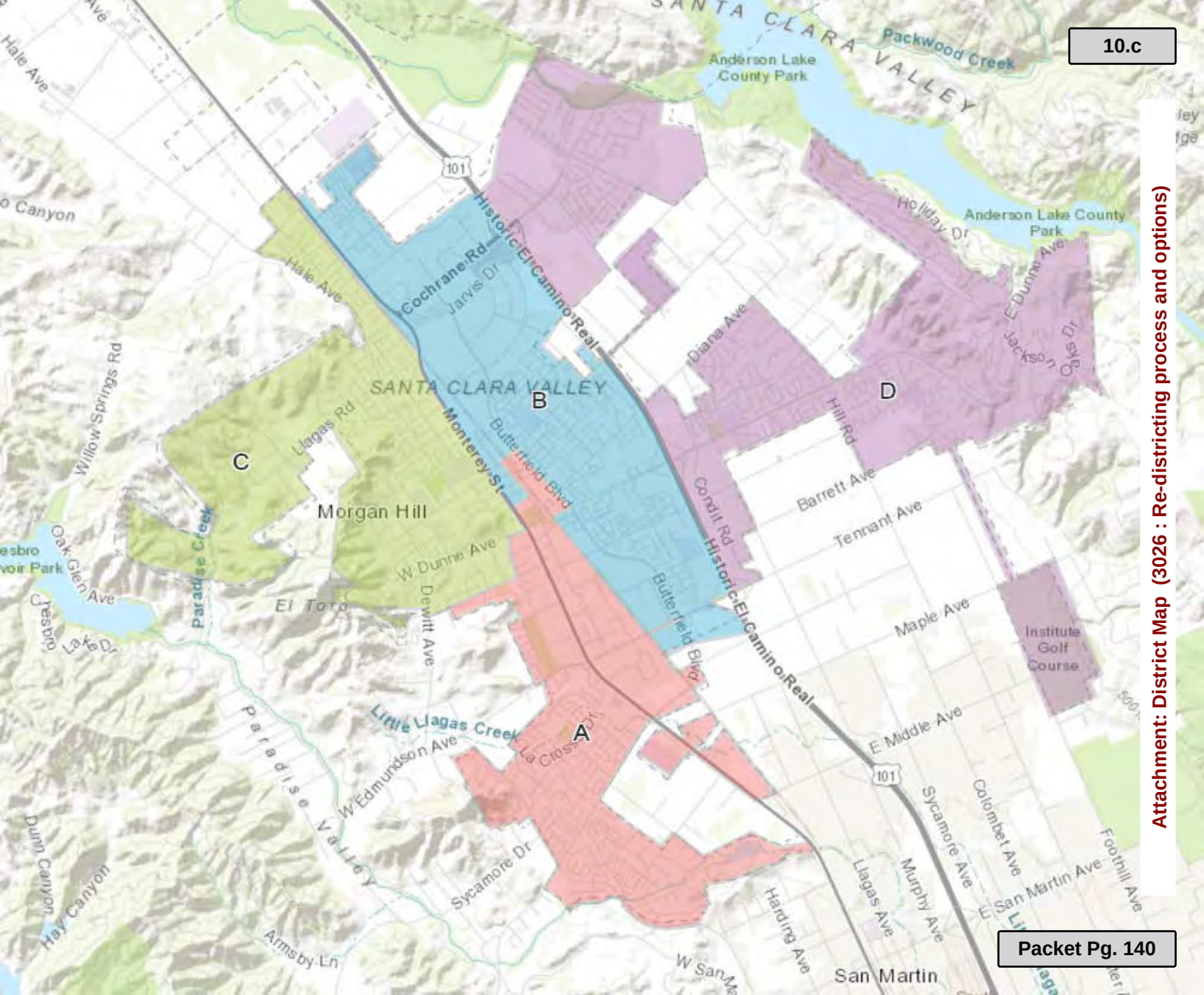
	Staff led process without a commission	Advisory Commission	Independent Commission	Hybrid Commission
Statutory Authority	Elections Code Sections 21620-21629	Elections Code 23002	Elections Code 23003	Elections Code 23003
Scope	Staff led process with increased community outreach and workshops held throughout the city. City Council holds required hearings and adopts final boundary map.	Commission conducts meetings and recommends a boundary map to the City Council. City Council holds required hearings and adopts final boundary map.	Commission has authority to independently adopt the final boundary map.	Commission conducts meetings and recommends two or more boundary maps to the City Council. The City Council must select and adopt one of the recommended boundary maps.
Regular or Special Council Meetings required to establish the Redistricting Commission	N/A (no commission) Staff will, however, schedule community workshops in advance to ensure proper noticing and outreach efforts.	Two to Five City Council conducts meeting(s) to decide on commission composition and scope, and make appointments	Two to Three Commissioners are not appointed directly by City Council; however, Council will need to decide on commission scope, method of selecting commissioners by others (e.g., a panel), and select members of the panel.	Two to Three Commissioners are not appointed directly by City Council; however, Council will need to decide on commission scope, method of selecting commissioners by others (e.g., a panel), and select members of the panel.
Pre-Selection Process by Council, City Staff and Consultant	N/A (no commission) Staff will, however, schedule community workshops in advance to ensure proper noticing and outreach efforts.	- City Staff conducts recruitment process - Creates an application form - Processes applications and corresponds with applicants - Consultant assists City staff to ensure a diverse pool of applicants - Schedules interviews and evaluation of candidates - Council selects commissioners during a City Council Meeting	- City Staff conducts recruitment process - Creates an application form - Processes applications and corresponds with applicants - Consultant assists City staff to ensure a diverse pool of applicants - Schedules interviews and evaluation of candidates "Panel" selects commissioners	- City Staff conducts recruitment process - Creates an application form - Processes applications and corresponds with applicants - Consultant assists City staff to ensure a diverse pool of applicants - Schedules interviews and evaluation of candidates "Panel" selects commissioners

Post-Selection Process by City Staff and Consultant	N/A (no commission) Staff will, however, schedule community workshops in advance to ensure proper noticing and outreach efforts.	• Consultant will provide a training program for new Commissioners • Former State Commissions will share their expertise with new Commissioners • City will rely on Policy Resolution 10 for Rules of Conduct by commissioners • City Staff will design a new agenda template and webpage for meeting materials • City Staff will administer oaths of office for new Commissioners • City Staff will post meeting materials such as agendas, staff reports, and minutes	• Consultant will provide a training program for new Commissioners • Former State Commissions will share their expertise with new Commissioners • Consultant will advise City staff on setting up rules of conduct for commissioners • City Staff will design a new agenda template and webpage for meeting materials • City Staff will administer oaths of office for new Commissioners • City Staff will post meeting materials such as agendas, staff reports, and minutes	• Consultant will provide a training program for new Commissioners • Former State Commissions will share their expertise with new Commissioners • Consultant will advise City staff on setting up rules of conduct for commissioners • City Staff will design a new agenda template and webpage for meeting materials • City Staff will administer oaths of office for new Commissioners • City Staff will post meeting materials such as agendas, staff reports, and minutes
Commission Meetings	N/A (no commission) Staff will, however, schedule community workshops in advance to ensure proper noticing and outreach efforts.	Approximately Ten to Twelve • 1-3 meetings for governance items such as training, approving a calendar, and appointing a Chair/Vice Chair • At least 5 meetings for public outreach in order to have locations throughout the City • 1-2 meetings to draw maps • At least 1 meeting to recommend a map	Approximately Ten to Twelve • 1-3 meetings for governance items such as training, approving a calendar, and appointing a Chair/Vice Chair • At least 5 meetings for public outreach in order to have locations throughout the City • 1-2 meetings to draw maps • At least 1 meeting to adopt a map	Approximately Ten to Twelve • 1-3 meetings for governance items such as training, approving a calendar, and appointing a Chair/Vice Chair • At least 5 meetings for public outreach in order to have locations throughout the City • 1-2 meetings to draw maps • At least 1 meeting to recommend two or more maps
Required Public Meetings by City Council	Minimum of four City Council meetings with public hearings: • One public hearing before maps are drawn • Three public hearings with maps drawn	Three or Four Council meetings: Two public hearings are required after maps are drawn. The fourth required hearing can be added before or after maps are drawn. Advisory commission may conduct one pre-map hearing on behalf of Council.	Not applicable • Commission conducts all hearings • Commission draws and approves the final boundary map, with no review by Council	Two (at least) • Commission conducts all hearings • Commissioners recommends two or more maps to City Council • Council must select one of the boundary maps selected by the Commission, to be adopted by ordinance with first and second reading

Qualifications/ Selection Process	N/A (no commission)	• City may prescribe the manner in which members are appointed to the commission. • State law prohibits person who is elected city official, or a family member, staff member or paid campaign staff of elected official of city shall not be eligible. • City may impose additional requirements and restrictions on members of the commission in excess of those prescribed by State law.	• Must be resident of City. • Commissioners may not be comprised entirely of members from same political party preference. • City may prescribe the manner in which members are appointed to the commission, provided it uses an application process open to all eligible residents and not appointed by City Council. • City may also impose additional qualifications and restrictions on members of the commission in excess of those prescribed by State law.	• Must be resident of City. • Commissioners may not be comprised entirely of members from same political party preference. • City may prescribe the manner in which members are appointed to the commission, provided it uses an application process open to all eligible residents and not appointed by City Council. • City may also impose additional qualifications and restrictions on members of the commission in excess of those prescribed by State law.
Member Disqualification	N/A (no commission)	• A person who is an elected official of the City • A family member, staff member, or paid campaign staff of an elected official of the City	• A person who is an elected official of the City • A family member, staff member, or paid campaign staff of a city councilmember. • A person, or the person's spouse, who has done any of the following in the preceding <u>eight years</u> (or a non-spouse family member in the preceding <u>four years</u>) shall not be appointed to serve on a commission: (A) Served as an officer of, employee of, or paid consultant to, a campaign committee or a candidate for city council. (B) Served as an officer of, employee of, or paid consultant to, a political party or as an elected or appointed member of a political party central committee. (C) Served as a staff member or a consultant to, or who has contracted with, a currently serving city councilmember. (D) Been registered to lobby the city.	• A person who is an elected official of the City • A family member, staff member, or paid campaign staff of an elected official of the City • A person, or the person's spouse, who has done any of the following in the preceding <u>eight years</u> (or a non-spouse family member in the preceding <u>four years</u>) shall not be appointed to serve on a commission: (A) Served as an officer of, employee of, or paid consultant to, a campaign committee or a candidate for city council. (B) Served as an officer of, employee of, or paid consultant to, a political party or as an elected or appointed member of a political party central committee. (C) Served as a staff member or a consultant to, or who has contracted with, a currently serving city councilmember. (D) Been registered to lobby the city. (E) Contributed five hundred dollars (\$500) or more in a year to any city council candidate.

			Contributed five hundred dollars (\$500) or more in a year to any city council candidate.	
Conduct Prohibitions While Serving on Committee	N/A (no commission)	TBD based upon Council's established guidelines	While serving on the commission, members may not: Endorse, work for, volunteer for, or make a campaign contribution to, a candidate for city council.	While serving on the commission, members may not: Endorse, work for, volunteer for, or make a campaign contribution to, a candidate for city council.
Post-Service Conduct Prohibitions	N/A (no commission)	TBD based upon Council's established guidelines	- For <u>5 years</u> commencing on appointment to the commission, a commission member is prohibited from being a candidate for an elective office of the City if: - The election for that office will be conducted using district boundaries adopted by the commission on which the member served - The election for that office will be conducted using district boundaries adopted by the City pursuant to recommendations by the commission on which the member served - For <u>4 years</u> commencing with appointment to the commission, a commission member may not: - Accept employment as a staff member of, or consultant to, an elected official or candidate for elective office of the City. - Receive a noncompetitively bid contract with the City. - Register as a lobbyist for the City. For <u>2 years</u> commencing with	- For <u>5 years</u> commencing on appointment to the commission, a commission member is prohibited from being a candidate for an elective office of the City if: - The election for that office will be conducted using district boundaries adopted by the commission on which the member served - The election for that office will be conducted using district boundaries adopted by the City pursuant to recommendations by the commission on which the member served - For <u>4 years</u> commencing with appointment to the commission, a commission member may not: - Accept employment as a staff member of, or consultant to, an elected official or candidate for elective office of the City. - Receive a noncompetitively bid contract with the City. - Register as a lobbyist for the City. For <u>2 years</u> commencing with appointment to the commission, a commission member may not accept an appointment to an office of the City.

			appointment to the commission, a commission member may not accept an appointment to an office of the City.	
Commission Requirements	N/A (no commission)	• Form 700 likely required • Subject to the Brown Act • Subject to Public Records Act	• Must file Form 700 • Subject to the Brown Act • Subject to Public Records Act • Commission shall be subject to same redistricting deadlines, requirements and restrictions that would otherwise apply to the City Council	• Must file Form 700 • Subject to the Brown Act • Subject to Public Records Act • Commission shall be subject to same redistricting deadlines, requirements and restrictions that would otherwise apply to the City Council; with additional time included for City Council to take final action to approve one of the boundary maps recommended by the commission



Attachment: District Map (2026 : Re-districting process and options)



CITY COUNCIL STAFF REPORT

MEETING DATE: May 5, 2021

PREPARED BY: Anthony Eulo, Program Administrator
APPROVED BY: City Manager

INTRODUCE ORDINANCE REQUIRING WATER EFFICIENT FIXTURES TO BE INSTALLED ON SALE OF PROPERTY AND INTRODUCE ORDINANCE REQUIRING INSPECTION AND MAINTENANCE OF PRIVATE SEWER LATERALS

RECOMMENDATION(S)

1. Waive first and second reading of the Private Sewer Ordinance;
2. Introduce the Private Sewer Ordinance;
3. Waive first and second reading of the Water Conservation Ordinance;
4. Introduce the Water Conservation Ordinance; and
5. Direct staff to include funding for ordinance implementation in the midcycle budget update.

COUNCIL PRIORITIES, GOALS & STRATEGIES

Ongoing Priorities

Protecting the Environment and Preserving
Open Space and Agricultural Land

REPORT NARRATIVE:

The purpose of this agenda item is to introduce a package of two ordinances that are designed to reduce stormwater infiltration into the sewer system, thereby reducing the potential for sewer overflows, and to conserve water in older homes. Both ordinances are drafted to take effect on January 1, 2022 in order to provide several months of education and ramp-up for the community.

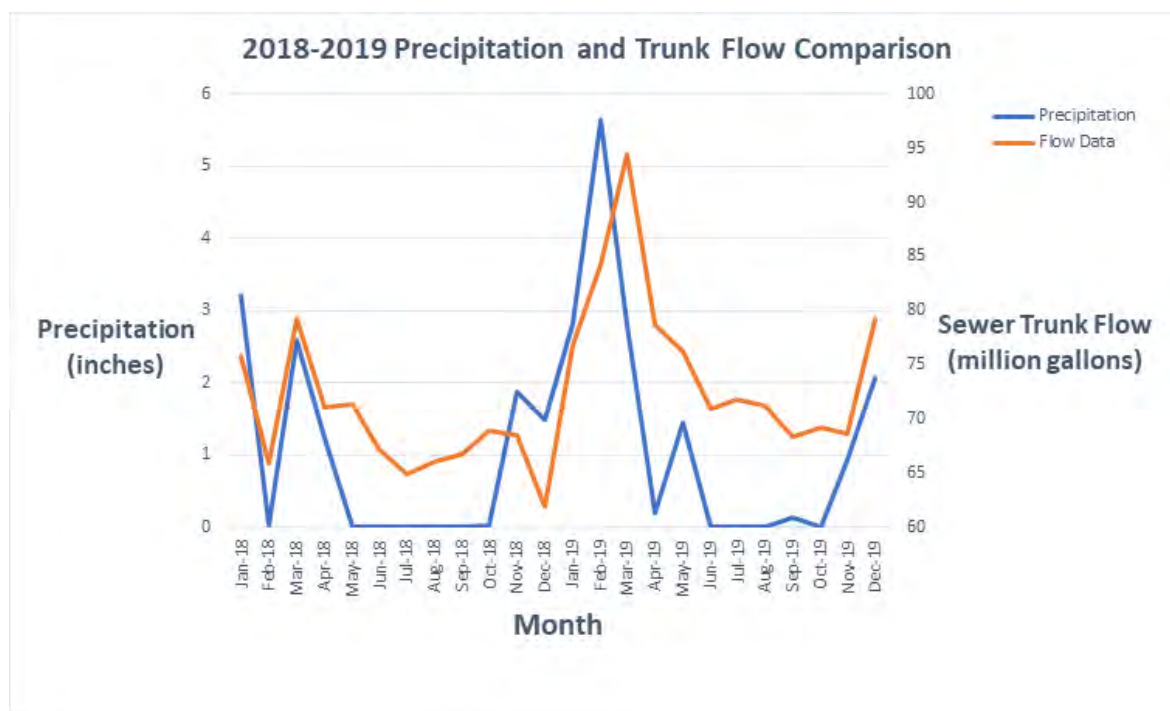
Ordinance 1: Ensuring Private Sewer Infrastructure is Sound

The following developments have precipitated Ordinance 1:

- While the City conducts routine inspection and repair to the publicly-owned sections of the sewer collection system, most privately-owned laterals and private sanitary sewer collection systems are not routinely inspected nor maintained. These privately-owned sewer lines account for roughly 50% of the sewer lines that run through the City of Morgan Hill.
- Stormwater intrusion has contributed to sewage overflows in the trunk line that have polluted local properties and could ultimately compromise drinking water quality.

- After large storms repeatedly created sanitary sewer overflows in San Martin, the City was sued and entered into settlement agreements to reduce sewer overflows resulting from these storms and is aggressively reducing the inflow and infiltration of stormwater into the sanitary sewer system. The City is legally obligated to establish an inspection program to prevent stormwater intrusion into the sewer collection system. For the portions of the system that are owned by the City, nearly \$3 million has been spent repairing and replacing public sewer infrastructure and the City is planning to spend millions of dollars more over the next several years to prevent infiltration and inflow.

The graph below demonstrates the significant impact that stormwater infiltration has on the flow in the City's sewer trunk line as it heads to Gilroy. While normal flows are in the 65-70 million gallons per month range, monthly flows during the rainy season can exceed 90 million gallons.



The purpose and intent of this ordinance (Attachment 1) is to prevent sewage overflows by amending Chapter 13.20 (Sewers and Industrial Waste) to require property owners to inspect and repair (as needed) private sewer laterals prior to the resale of the property and to require the owners of private sanitary sewer collection systems to periodically inspect and repair these systems. (Private sanitary sewer collection systems are privately-owned systems that serve more than one building and are often found in business and multifamily complexes.)

If approved, the mechanics of the ordinance for single-family homes will include:

- Property owners selling property obtain an inspection (using the City form) from a qualified contractor. Since deficiencies are not likely to be present in newer homes, properties less than 15-years old are exempt from the requirement.
- Any deficiencies (cracks, roots, etc.) are repaired prior to the property sale.
- Upon passing of inspection, the property owner obtains a Certificate of Compliance (Certificate) from the City. This certificate is valid for ten years and an owner reselling the property within ten years would not need to perform an additional inspection.
- The Certificate is passed to the buyer during escrow and is used by the buyer when signing up for new water service. New water customers will need a Certificate in order to sign up for new water service. This will essentially be the City's "enforcement port" for this ordinance.
- The selling property owner could potentially negotiate and complete a Transfer of Responsibility to Repair form to pass these requirements onto the buyer who would then have 180 days to obtain a Certificate.

For owners and managers of private sanitary sewer collection systems, an inspection must be performed by a qualified contractor every two years (for large complexes) or every five years (for smaller complexes) and all necessary repairs performed in order to obtain a Certificate. If approved, this inspection requirement will be implemented similarly to the City's current implementation of water backflow device inspection requirements.

For property owners, inspections of private sewer laterals typically cost from \$300-\$500 depending on the Qualified Contractor chosen. If the private sewer lateral lines cannot be accessed, it may be necessary to install a new cleanout pipe, which can range from \$2,000 to \$4,000 plus the inspection cost. Fixing serious structural or operational defects can vary widely in cost, with a full lateral replacement including new clean-out costing on average between \$10,000 - \$15,000. The vast majority of property owners will not be facing bills anything like this. It is worth noting that imposing this requirement at the time of sale ensures that these repairs are happening while the property owner is already engaging in the home repairs (pest control and otherwise) needed to sell the property.

The City's proposed ordinance is modeled after the ordinances found in other communities including jurisdictions surrounding Monterey Bay and the entire service territory of the East Bay Municipal Utility District. Many realtors working in Morgan Hill have successfully closed transactions in these nearby areas. This type of ordinance is frequently suggested by the environmental organizations concerned with sewer overflows and water quality.

Ordinance 2: Water-Efficient Fixtures for All

While it is commonly known that modern toilets and faucets achieve the same result with substantially less water than their ancient counterparts, there is no City requirement to retrofit outdated plumbing fixtures with high-efficiency ones. There is a State law that requires buildings to be retrofit and it requires a disclosure about the status of the retrofit

during real estate transactions. These requirements are not enforced locally and are not administered by the State in any substantial way. The purpose of this ordinance (Attachment 2) is to reduce long-term demand for potable water within the city water service area in order to ensure a reliable and adequate public water supply by establishing water efficiency standards for interior plumbing fixtures when changes in ownership of real property occur.

Similar to the private sewer lateral ordinance, if approved, compliance with this ordinance will consist of the property owner having their plumbing fixtures inspected for compliance in the event of a resale. An inspection form would be provided by the City. Upon passing of inspection, the property owner would receive a Water Conservation Certificate. This certificate would then be shown to the Utility Billing department upon signing up for new water service. The property owner could potentially negotiate and complete a Transfer of Responsibility to Retrofit form to pass these requirements onto the buyer. Since the State Plumbing Code has required homes built after 1993 to exclusively use lower flow toilets and customers have not been able to purchase older toilets since the 1990's, this ordinance is drafted to exempt all buildings constructed after 1993.

Costs for retrofitting a home with more water-efficient fixtures vary depending on the number of fixtures needed. It is generally something that can be accomplished for hundreds, not thousands, of dollars.

COMMUNITY ENGAGEMENT: Collaborate

Protecting our water quality and conserving water on private properties is definitely an “it takes a village” effort that will involve City staff, real estate professionals, contractors, and property owners.

Prior to this Council meeting, staff met with a small focus group of realtors from March 2020 through April 2021. Additionally, more input was gathered from a larger group of realtors to gain as much insight from the community as possible prior to bringing these ordinances to Council. Since realtors are intimately involved in real estate transactions, getting their input and knowledge was essential to the process. They will also become “education agents” about the ordinances to their customers after the ordinances take effect.

A community meeting was held on April 26th to obtain community input for both ordinances. This meeting was highly marketed to the community through a variety of platforms to increase awareness and attendance rates for a larger discussion. Likely owners of private sewer collection systems were sent a letter informing them about the community meeting. Those attending asked a few clarifying questions and did not raise any unforeseen concerns.

While substantial community engagement occurred prior to tonight's meeting, the engagement effort is far from over. If the ordinances are approved, there will be substantial community education efforts conducted focused on the general community, the broader audience of Bay Area realtors, and local plumbers and contractors that will

be involved in performing inspections. It is expected that Environmental Services staff will need to be available to support Utility Billing staff with some customer conversations and to provide some customers with additional support during the transition.

While there will be an extensive public engagement effort over the next two years, it is expected that the implementation of these ordinances will require some level of ongoing public education and implementation support.

ALTERNATIVE ACTIONS:

Members of the real estate community have suggested delaying the effective date of the ordinances to January 1, 2023 in order to provide more opportunity for community education and preparation and to avoid “flash sales” by property owners trying to avoid the 2022 effective date. This additional year of preparation could include extra City programs to encourage repairs prior to a property sale in order to facilitate a faster reduction in infiltration. The Council may want to consider delaying the effective date of the ordinances by six months or a year if a longer ramp up education period is desired.

PRIOR CITY COUNCIL AND COMMISSION ACTIONS:

While this is the first opportunity that the City Council has had to consider these ordinances, they are consistent with many prior Council decisions including:

- Numerous refinements and revisions to the City’s Water Waste Ordinance;
- Council approvals of the City’s Urban Water Management Plans that support water efficiency;
- Approvals of the two settlement agreements that the City has entered into as a result of sewer overflows; and
- Approvals of numerous projects to identify and reduce infiltration and inflow for the publicly-owned portions of the sewer collection system.

FISCAL AND RESOURCE IMPACT:

While fiscal impacts will be felt by property owners, there are impacts to the City’s operations as well. Staff implementation efforts will involve the Utility Billing, Sewer Operations, and Environmental Services Divisions. Utility Billing staff will be involved with checking for Compliance Certificates and the Transfer of Responsibility process. Sewer Operations staff will oversee the program for the private sewer collection system inspections. Environmental Services staff will be involved with the initial program setup, the public education efforts, realtor education, and facilitating training opportunities for local businesses that will enable them to become qualified contractors. At this time, it is anticipated that the Sewer Operations staff will be able to incorporate these activities within their work program. A quarter-time part-time temporary employee (Environmental Technician) at an estimated annual cost of \$14,000 for Environmental Services Division as well as additional resources for Utility Billing will be proposed to be included in the FY 2021/2022 recommended budget for the Stormwater Program (232.5810) and Utility Billing (650.5750) at the midcycle budget review process.

Implementation costs of \$10,000 in services and supplies are anticipated to conduct the initial public education and contractor training programs during the first year. In addition,

the City is currently evaluating additional programs to assist customers, either via loans, matching funds, etc. to further address this problem. These programs would be additive to the ordinance requirements and beneficial to the City as it reduces sewer flows. This evaluation will be completed in the coming month and presented to the Council as an option in the midcycle budget review process.

While there are costs to these ordinances, there is also anticipated to be a reduction in the City's sewer treatment costs as the City's costs to operate the treatment facility with Gilroy are primarily based on each city's contribution to the facility's flow. As sewer infiltration is reduced, the City of Morgan Hill's costs will be reduced as well, which will directly benefit all Morgan Hill ratepayers.

CEQA (California Environmental Quality Act): Categorical Exemption

The activities described in this Staff Report are categorically exempt under CEQA, specifically pursuant to Section 15301 of the CEQA Guidelines (Existing Facilities), as the subject work involves the repair, maintenance or minor alteration of existing facilities involving negligible or no expansion of use of those facilities.

LINKS/ATTACHMENTS:

1. Attachment 1: Private Sewer Ordinance
2. Attachment 2: Water Conservation Ordinance

ORDINANCE NO. XXXX, NEW SERIES

AN ORDINANCE OF THE CITY OF MORGAN HILL AMENDING CHAPTER 13.20 (“SEWERS AND INDUSTRIAL WASTE”) OF TITLE 13 (“PUBLIC SERVICES”) TO REQUIRE THE INSPECTION AND REPAIR OF PRIVATE SEWER LATERALS AND PRIVATE SANITARY SEWER COLLECTION SYSTEMS

THE CITY COUNCIL OF THE CITY OF MORGAN HILL DOES HEREBY
ORDAIN AS FOLLOWS:

Section 1. Section 13.20.030 (Definitions) of Chapter 13.20 (Sewers and Industrial Waste) of Title 13 (Public Services) is hereby amended to read as follows (additions in underline, ~~deletions are in strikethrough~~):

13.20.030 Definitions

For the purpose of this chapter, the following words shall have the meanings set forth below:

1. "Act" or "the Act" means the Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 U.S.C. 1251, et seq.
2. "Categorical standards" means National Categorical Pretreatment Standards or Pretreatment Standard.
- 2.3. "City certified contractor" means a contractor that is certified by an accredited agency along with the City of Morgan Hill to perform inspection and repair on private sewer lateral and sanitary sewer collection system.
- 3.4. "Common interest development" means a development managed or governed by a homeowners' association. Examples of common interest developments may include condominium projects (in which the individual units are owned), planned unit developments, community apartment projects (in which the individual units are leased to tenants), and stock cooperatives.
- 4.5. "Domestic waste" means a combination of liquid or water carrying human or kitchen waste conducted away from residential, business or institutional buildings.
- 5.6. "Environmental Protection Agency" or "EPA" means the U.S. Environmental Protection Agency; or, where appropriate, the term may also be used as a designation for the administrator or other duly authorized official of said agency.
- 6.7. "Garbage," "refuse" and all other terms used in this chapter shall have the same meaning given to them in Ordinance No. 129, New Series.
8. "Homeowners' association" means a nonprofit corporation or unincorporated association created for the purpose of managing or governing a common interest development and that operates in accordance with governing documents, whether or not the corporation or association is formally designated or commonly referred to as a homeowners' association.

- ~~7.9.~~ "Industrial waste" means a combination of liquid or water-carried waste resulting from the processes employed in commercial or industrial establishments, including the washing, cleaning or drain water from such processes.
- ~~8.10.~~ "Inspector" means the authorized inspector or representative of the city engineer.
- ~~9.11.~~ "Interceptor" means a device used to separate and retain from waste, deleterious or undesirable matter, including grease and sand.
- ~~10.12.~~ "National Categorical Pretreatment Standard" or "pretreatment standard" means any regulation containing pollutant discharge limits promulgated by the EPA in accordance with Section 307(b) and (c) of the Act (33 U.S.C. 1347) which applies to a specific category of industrial users.
- ~~11.13.~~ "National Prohibitive Discharge Standard" or "prohibitive discharge standard" means any regulation developed under the authority of Section 307(b) of the Act and 40 Codified Federal Regulations (CFR), Section 403.5.
- ~~12.14.~~ "New source" means any source, the construction of which is commenced after the publication of proposed regulations prescribing a Section 307 (c) (33 U.S.C. 1317) Categorical Pretreatment Standard.
- ~~13.15.~~ "Permittee" means the person to whom a permit has been issued pursuant to this chapter.
- ~~14.16.~~ "Person" means an individual, firm, partnership, corporation, or government agency, and their heirs, assigns or agents.
- ~~15.17.~~ "Pretreatment" or "standard" means the reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutants' properties in wastewater to a less harmful state prior to or in lieu of discharging or otherwise introducing such pollutants into a publicly-owned treatment works (POTW). The reduction or alteration can be obtained by physical, chemical or biological processes, or process changes other means, except as prohibited by 40 CFR Section 403.6(d).
18. "Pretreatment requirements" means any substantive or procedural requirement related to pretreatment, other than a National Pretreatment Standard imposed on an industrial user.
- ~~16.19.~~ "Private sanitary sewer collection system" shall mean any sanitary sewer pipe originating or located at least partially on a common interest development collecting wastewater from more than one building sanitary sewer, including but not limited to: apartment buildings, business complexes, mobile home parks, condominiums, or townhomes. This excludes single-family residential property with an accessory dwelling unit.
- ~~17.20.~~ "Private sewer lateral" means the sewer pipeline from the plumbing of a building to a public sewer collection line, including portions that extend across public rights-of-way and the Saddle, wye or other physical connection to the collection line. Private sewer laterals are privately owned and maintained.
- ~~18.21.~~ "Public sewer" means a main or collector sanitary sewer dedicated to public use.
22. "Qualified Contractor" means, for the purposes of private sewer lateral inspection or repair and private sanitary sewer collection system inspection or repair, a licensed plumbing

contractor with a City of Morgan Hill business license and an active pipeline or lateral assessment certification from the National Association of Sewer Service Companies.

19.23. "Sale of property" means a change in ownership by purchase or otherwise involving a transfer of legal title to real property, except for any transfer excluded from property tax reassessment by Revenue and Taxation Code Section 60 et seq. and/or as determined by the Santa Clara County assessor. "Significant industrial user" means any industrial user of the city's wastewater disposal system who (a) has a discharge flow of ten thousand gallons or more per average workday; or (b) has a flow greater than five percent of the flow in the city's wastewater treatment system; or (c) has wastes which are toxic pollutants as defined pursuant to Section 307 of the Act or State of California Statutes and rules; or (d) is found by the city, state control agency or the U.S. Environmental Protection Agency (EPA) to have significant impact, either singly or in combination with other contributing industries, on the wastewater treatment system, the quality of sludge, the system's effluent quality, or air emissions generated by the system."

Section 2. Section 13.20.070 (Property owner's ownership and obligation to inspect, maintain, repair, and replace private sewer laterals) of Chapter 13.20 (Sewers and Industrial Waste) of Title 13 (Public Services) is hereby amended to read as follows:

13.20.070 Property Owner's Ownership and Obligation to Inspect, Maintain, Repair and Replace Private Sewer Laterals

- A. Private Ownership. ~~Private sewer laterals not part of public sewer.~~ The private sewer laterals are the property of the property owner and are not part of the public sewer system. Nothing in this chapter shall be interpreted as changing the private nature of the private sewer laterals or incorporating them into the public sewer.
- B. **Property Owners' Obligations.** Each property owner shall, at the property owner's expense, inspect, maintain in good working order, repair and replace, as necessary, the private sewer lateral so that it does not cause or contribute to any sewage overflow from either the private sewer lateral or the public sewer. The private sewer lateral shall be free of displaced joints, open joint, root intrusion, substantial deterioration of the line, cracks, leaks, inflow, infiltration of extraneous water, fats, oils and grease, sediment deposit or any other similar conditions, defects or obstructions likely to cause or contribute to blockage of the private sewer lateral or the public sewer.
- C. Inspection and Repair Prior to Sale of Property. All residential, commercial, and industrial buildings shall have the private sewer lateral inspected by a Qualified Contractor for any defects and any repairs needed shall be completed prior to the sale of property to meet the city's standards as specified by the City's Private Sewer Lateral and Private Sewer System Inspection Report, unless otherwise specified in this section or exempted under Section 13.20.070(H).
- D. Responsibilities of Seller. The seller, prior to the sale of property, shall be responsible for complying with the requirements of this chapter and for obtaining a Compliance Certificate for Private Sewer Lateral before the conclusion of the sale of property, unless otherwise specified in this section.

- E. Option to Transfer Seller's Responsibility to Buyer. Before the sale of property, the seller and buyer of any property may mutually agree to transfer responsibility for making any needed repairs to the private sewer lateral in compliance with this chapter to the buyer. In the event the buyer agrees to assume responsibility for repairing the private sewer lateral, the seller shall provide proof of inspection of the private sewer lateral to the buyer which indicates the repairs needed to meet the city's standards. The buyer must then complete the repairs to meet the city's standards no later than one hundred eighty calendar days after the date of the sale. Before the time of sale, the seller and buyer shall complete the following procedures:
1. The seller shall have had the private sewer lateral inspected by a Qualified Contractor.
 2. Both the seller and buyer must sign a Transfer of Responsibility to Repair Form certifying that the seller has completed an inspection and that the buyer has assumed responsibility for any repairs.
 3. The signed Transfer of Responsibility to Repair Form must be submitted to the City before the sale of property and included in the real estate transfer documentation.
- F. Verification of Compliance. The seller must verify compliance with this chapter by submitting a completed Private Sewer Lateral and Private Sewer System Inspection Report prior to the sale of the property unless an agreement with the property's buyers has been reached and validated with a Transfer of Responsibility to Repair Form. Once compliance with the requirements of this chapter has been submitted to the City and verified, a Compliance Certificate for Private Sewer Lateral will be issued within five business days. Opening a new water service following the sale of a property will require a Compliance Certificate for Private Sewer Lateral issued within the past ten years, a valid Transfer of Responsibility to Repair Form, or documentation that the private sewer lateral is less than fifteen years old or otherwise exempt from the inspection and repair requirement per Section 13.20.070(H).
- G. New Building Connections. Before any new building is connected to an existing private sewer lateral, the property owner must have the private sewer lateral inspected by Qualified Contractor for any defects and any repairs needed must be completed to meet the city's standards to satisfy the requirements of this chapter as a condition passing the final building permit inspection, unless exempted under Section 13.20.070(H).
- H. Exempt Properties. A property is exempt from these inspection requirements if any of the following applies and verifiable evidence thereof is submitted to the city's satisfaction:
- (a) The transfer of title to real property does not meet the definition of "sale of property" as set forth in Section 13.20.030(22), and is excluded from property tax reassessment by Revenue and Taxation Code Section 60 et seq. and/or as determined by the Santa Clara County assessor.
 - (b) The private sewer lateral was constructed or completely replaced fifteen years or less prior to the property sale date.

(c) The private sewer lateral was inspected and met city standards less than ten years prior to the property sale date.

(d) The property is a single-family unit connected to a private sanitary sewer collection system subject to Section 13.20.075.

Section 3. Section 13.20.073 (Inspection and repair of private sanitary sewer collection system) of Chapter 13.20 (Sewers and Industrial Waste) of Title 13 (Public Services) is hereby added in its entirety to read as follows:

13.20.073 Inspection and Repair of Private Sanitary Sewer Collection System

- A. Private Ownership. Private sanitary sewer collection systems are the property of a common interest development and are not part of the public sewer. Nothing in this chapter shall be interpreted as changing the private nature of the private sanitary sewer collection system or incorporating them into the public sewer.
- B. Property Owners' Obligation. Owners of private sanitary sewer collection systems, such as multifamily complexes, common interest developments or entities managing a common interest development (such as Homeowner's Association) shall, at the owners' expense, have a Qualified Contractor inspect, maintain in good working order, repair and replace, as necessary, the private sanitary sewer collection system so that it does not cause or contribute to any sewage overflow from either the private sanitary sewer collection system or the public sewer. The private sanitary sewer collection system shall be free of displaced joints, open joint, root intrusion, substantial deterioration of the line, cracks, leaks, inflow, infiltration of extraneous water, fats, oils and grease, sediment deposit or any other similar conditions, defects or obstructions likely to cause or contribute to blockage of the private sanitary sewer collection system or the public sewer.
- C. Inspection and Repair of Private Sanitary Sewer Collection Systems. All private sanitary sewer collection systems shall be inspected for any defects and any repairs needed by a Qualified Contractor every two years if the system collects wastewater from ten or more building sanitary sewers, or every five years if the system collects wastewater from less than ten building sanitary sewers, to meet the city's standards as specified by the Private Sewer Lateral and Private Sewer System Inspection Report, unless otherwise specified in this section or is less than fifteen years old.
- D. Private Sanitary Sewer Collection System Verification of Compliance. Owners of private sanitary sewer collection systems shall verify compliance with this chapter by submitting a completed City Private Sewer Lateral and Private Sewer System Inspection Report within the time limit specified above. Once compliance with the requirements of this chapter has been verified, a Compliance Certificate for Private Sewer Lateral for the property will be issued within five business days.

Section 4. Section 13.20.076 (Enforcement of private sewer lateral and private sanitary sewer collection system retrofit) of Title 13 (Public Services) is hereby added in its entirety to read as follows:

13.20.076 Enforcement of Private Sewer Lateral and Private Sanitary Sewer Collection System

- A. In addition to the enforcement remedies provided in Title 1 of the Morgan Hill Municipal Code, the City Council finds and declares that instituting additional enforcement remedies specifically applicable to the inspection and repair of private sewer laterals and sanitary sewer collection systems is in the public interest.
- B. Water and sewer utility service may not be started at a property that has been sold and does not have a valid Compliance Certificate for Private Sewer Lateral or an executed Transfer of Responsibility to Repair Form or is otherwise exempt per Section 13.20.070(H).
- C. To the extent allowed by law, water and sewer utility service may be discontinued to any property at which service was initiated using a Transfer of Responsibility to Repair Form if one hundred eighty days has elapsed since the start of service, and a Compliance Certificate for Private Sewer Lateral has not been submitted to the City.

Section 5. CEQA Exemption

The city finds that this Ordinance and actions taken hereafter pursuant to this Ordinance are exempt from the California Environmental Quality Act per the California Environmental Quality Act Guidelines Section 15307 (protection and preservation of natural resources). The City Clerk is hereby authorized and directed to file a Notice of Exemption as soon as possible following adoption of this Ordinance.

Section 6. Severability

If any section, subsection, sentence, clause or phrase in this Ordinance is for any reason held invalid, the validity of the remainder of the Ordinance will not be affected. The city council hereby declares it would have passed this Ordinance and each section, subsection, sentence, clause or phrase thereof, irrespective of the fact that one or more sections, subsections, sentences, clauses, or phrases or is declared invalid.

Section 7. Effective Date; Posting

This Ordinance shall take effect on January 1, 2021. The City Clerk is hereby directed to publish this Ordinance or a summary thereof pursuant to Government Code Section 36933.

THE FOREGOING ORDINANCE WAS INTRODUCED AT A REGULAR MEETING OF THE CITY COUNCIL HELD ON THE 5th DAY OF MAY 2021, AND WAS FINALLY ADOPTED AT A MEETING OF THE CITY COUNCIL HELD ON THE 19th DAY OF MAY 2021, AND SAID ORDINANCE WAS DULY PASSED AND ADOPTED IN ACCORDANCE WITH LAW BY THE FOLLOWING VOTE:

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

APPROVED:

ATTEST:

RICH CONSTANTINE, Mayor

MICHELLE BIGELOW, City Clerk

☞ CERTIFICATE OF THE CITY CLERK ☞

I, MICHELLE BIGELOW, CITY CLERK OF THE CITY OF MORGAN HILL, CALIFORNIA, do hereby certify that the foregoing is a true and correct copy of Ordinance No. XXXX, New Series, adopted by the City Council of the City of Morgan Hill, California at their regular meeting held on the 19th day of May 2021.

WITNESS MY HAND AND THE SEAL OF THE CITY OF MORGAN HILL.

DATE: _____

MICHELLE BIGELOW, City Clerk

Attachment: Attachment 1: Private Sewer Ordinance [Revision 4] (3065 : Introduce water and sewer ordinances)

ORDINANCE NO. XXXX, NEW SERIES

**AN ORDINANCE OF THE CITY OF MORGAN HILL
ADDING SECTION, 13.04.335 (“PLUMBING FIXTURE
RETROFIT REGULATIONS”) OF CHAPTER 13.04
 (“WATER SYSTEM”) OF TITLE 13 (“PUBLIC SERVICES”),
ESTABLISHING WATER EFFICIENCY STANDARDS FOR
INTERIOR PLUMBING FIXTURES WHEN CHANGES IN
OWNERSHIP OF REAL PROPERTY OCCUR**

**THE CITY COUNCIL OF THE CITY OF MORGAN HILL DOES HEREBY
ORDAIN AS FOLLOWS:**

Section 1. Section 13.04.335 (Plumbing Fixture Retrofit Regulations) of Chapter 13.04 (Water System) of Title 13 (Public Services) is hereby added in its entirety to read as follows:

13.04.335 Plumbing Fixture Retrofit Regulations

A. Applicability. The provisions of this chapter shall apply to all residential (mobile homes included), commercial, and industrial buildings served by the City of Morgan Hill water utility within the City that use water in showers, toilets, and urinals whenever the title to real property is conveyed from a seller to a buyer, for consideration, by means of a grant deed.

B. Definitions. For the purpose of this chapter, the following words shall have the meanings set forth below:

1. “Buyer” means the person, persons, or entity to whom the title to real property is conveyed.
2. “High efficiency plumbing fixtures” means any fixture that is designated as an USEPA WaterSense fixture; or any showerhead rated to use a maximum of 1.8 gallons of water per minute, any high efficiency toilet rated to use a maximum of 1.28 gallons of water per flush, and any urinal and associated flush valve rated to use a maximum of 0.125 gallons of water per flush.
3. “Retrofit” means the replacement of conventional plumbing fixtures with high efficiency plumbing fixtures. Pre-existing toilets that use not more than 1.6 gallons per flush shall be considered to meet the requirements of this code.
4. “Seller” means the owner of real property prior to the time of sale.
5. “Time of sale” means the date of the recording of the deed transferring legal title to real property to implement the sale of the property.
6. “Transfer of Responsibility to Retrofit Form” means a form provided by the City that certifies that the seller and buyer mutually agree that the responsibility for compliance with the retrofit requirements in this chapter is assumed by the buyer.
7. “Water Conservation Certificate” means a form provided by the City certifying compliance with the plumbing fixture requirements specified by this chapter.

C. Retrofit Requirements Upon Sale of Real Property

1. When Required. All existing residential (mobile homes included), commercial, and industrial buildings shall, at the time of sale, be retrofitted, if not already so,

- exclusively with high efficiency plumbing fixtures. Pre-existing toilets that use 1.6 gallons or less per flush shall be considered to meet the requirements of this code.
2. Responsibilities of Seller. The seller shall be responsible for complying with the requirements of this chapter and for obtaining a Water Conservation Certificate in accordance with Section 13.04.335(E) before the time of sale.
 3. Disclosure of Retrofit Requirement. The seller and/or the seller's real estate agent or broker shall give a written statement to the prospective buyer of the requirements of this chapter as soon as practicable prior to the transfer of title. The statement shall either be included in the receipt for deposit in a real estate transaction, an addendum to the real estate transfer disclosure statement, or a separate document. A signed copy of the Water Conservation Certificate and the statement of retrofit requirements shall be included in the transfer documentation.

D. Exemptions

1. The City Manager or designee may grant an exemption to the provisions of this chapter to any person if the City Manager or designee determines that the unique configuration of a building drainage system or portions of a public sewer, or both, are incompatible with high efficiency toilet specifications and require a greater quantity of water to flush the system in a manner that is consistent with public health.
2. Structures that are considered architecturally significant and which are listed as such in a recognized federal, state, or local historic registry or in the city's general plan are exempt from the requirements of this chapter when both of the following circumstances exist: authentic historic plumbing fixtures are presently in place in the structure, and the plumbing fixtures cannot be replaced by matching high efficiency fixtures.

E. Verification of Compliance

1. Upon retrofitting with high efficiency plumbing fixtures, prior to time of sale, the seller shall verify compliance by one of the following methods:
 - a. Physical inspection of the building by a licensed plumber to perform an on-site property inspection and to certify that the plumbing fixture requirements specified in this chapter have been satisfied;
 - b. Participation in the city toilet rebate program, where documentation of an inspection demonstrates that the retrofit requirements of this chapter have been satisfied;
 - c. Documentation that all structures that include plumbing fixtures on the property changing ownership were constructed or renovated in 1994 or later
2. Once compliance with the requirements of this chapter has been verified, a Water Conservation Certificate will be issued to the seller within two business days.
3. The City Manager or designee may waive re-inspection and/or further proof of retrofit when a property already certified undergoes a subsequent sale. Water Conservation Certificates shall be maintained on file at the department in order to provide future verification that high efficiency plumbing fixtures have been installed.

F. Persons Authorized to Perform Plumbing Fixture Inspections

The following persons shall be authorized to perform an inspection of plumbing fixtures for the purpose of verifying compliance with the provisions of this chapter:

1. A plumbing contractor who holds a valid contractor's license issued by the state of California;
2. Other persons approved by the City Manager or designee to perform plumbing fixture inspections.

G. Option to Transfer Responsibility for Retrofitting

Before the time of sale, the seller and buyer of any property may mutually agree to transfer responsibility for compliance with this chapter to the buyer. In the event the buyer agrees to assume responsibility for retrofitting, the buyer shall complete the retrofit within one hundred eighty (180) calendar days from the date of the sale. Before the time of sale, the seller and buyer shall complete all of the following procedures:

1. The seller shall request from the department a Transfer of Responsibility to Retrofit Form. Both the seller and buyer shall sign the form certifying that the buyer has assumed responsibility for the retrofit;
2. The seller shall file the signed Transfer of Responsibility to Retrofit Form with the department and include it in the real estate transfer documentation in lieu of the Water Conservation Certificate;
3. Upon completing the retrofit, the buyer shall contact the department to verify compliance. A Water Conservation Certificate shall be issued to the buyer upon verification of compliance in accordance with Section 13.04.335(E).

H. Penalties for Violation – Enforcement

1. Violation. It is unlawful for any person, firm, partnership, association, or corporation to fail to comply with the retrofit requirements of this chapter, or to alter or replace high efficiency plumbing fixtures required by the chapter with other than high efficiency plumbing fixtures.
2. Notice of Correction. Whenever the City Manager or designee determines that there is a property where high efficiency plumbing fixtures have not been installed as required by this chapter or where such fixtures have been removed since initial installation and replaced with other than high efficiency plumbing fixtures or a Water Conservation Certificate is not on file, the City Manager or designee may serve a notice of correction on the owner(s) of the property on which the violation is situated and any other person responsible for the violation. The owner of record shall have ninety days to take corrective action.
4. Persons Liable. No liability shall arise, nor shall any action be brought or maintained against, any agent of any party to a transfer of title, including any person or entity acting in the capacity of escrow officer, for any error, inaccuracy, or omission relating to compliance with this chapter. However, this section does not apply to a licensee, as defined in Section 10011 of the California Business and Professions Code, where the licensee participates in the making of the disclosure required to be made pursuant to this chapter with actual knowledge of the falsity of the disclosure. Except as otherwise provided in this chapter, this section shall not

be deemed to create or imply a duty upon a licensee, as defined in Section 10011 of the California Business and Professions Code, or upon any agent of any party to a transfer of title, including any person or entity acting in the capacity of an escrow officer, to monitor or ensure compliance with this chapter, or to notify any person of requirements to comply with this chapter.

5. A transfer of title is not invalidated on the basis of failure to comply with this chapter.
6. Enforcement through water service installation;
 - a. In addition to the enforcement remedies provided in Title 1 of the Morgan Hill Municipal Code, the City Council finds and declares that instituting additional enforcement remedies specifically applicable to the inspection of retrofit fixtures and high efficiency plumbing fixtures are in the public's interest.
 - b. Water and sewer utility service may not be started at a property that has been sold and does not have a valid Water Conservation Certificate or an executed Transfer of Responsibility to Retrofit Form or is otherwise exempt per Section 13.20.070(H).
 - c. To the extent allowed by law, water and sewer utility service may be discontinued to any property at which service was initiated using a Transfer of Responsibility to Retrofit Form once one hundred eighty (180) days has elapsed since the start of service and a Water Conservation Certificate has not been obtained and verified.

I. Civil Remedy

If the seller fails to comply with the retrofit requirements, the buyer shall install the high efficiency plumbing fixtures and verify compliance in accordance with Section 13.04.335(E) within ninety days from the notice of correction. Any seller who fails to comply with the requirements of this chapter is liable to the buyer in the amount of two hundred and fifty dollars for each fixture that does not comply with this chapter at the time of sale, or the actual costs of the buyer to comply with this chapter, whichever amounts are greater.

Section 2. CEQA Exemption

The city finds that this Ordinance and actions taken hereafter pursuant to this Ordinance are exempt from the California Environmental Quality Act per the California Environmental Quality Act Guidelines Section 15307 (protection and preservation of natural resources). The City Clerk is hereby authorized and directed to file a Notice of Exemption as soon as possible following adoption of this Ordinance.

Section 3. Severability

If any section, subsection, sentence, clause or phrase in this Ordinance is for any reason held invalid, the validity of the remainder of the Ordinance will not be affected. The city council hereby declares it would have passed this Ordinance and each section, subsection, sentence, clause or phrase thereof, irrespective of the fact that one or more sections, subsections, sentences, clauses, or phrases or is declared invalid.

Section 4. Effective Date; Posting

This Ordinance shall take effect on January 1, 2022. The City Clerk is hereby directed to publish this Ordinance or a summary thereof pursuant to Government Code Section 36933.

THE FOREGOING ORDINANCE WAS INTRODUCED AT A REGULAR MEETING OF THE CITY COUNCIL HELD ON THE 5th DAY OF MAY 2021, AND WAS FINALLY ADOPTED AT A MEETING OF THE CITY COUNCIL HELD ON THE 19th DAY OF MAY 2021, AND SAID ORDINANCE WAS DULY PASSED AND ADOPTED IN ACCORDANCE WITH LAW BY THE FOLLOWING VOTE:

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

APPROVED:

ATTEST:

RICH CONSTANTINE, Mayor

MICHELLE BIGELOW, City Clerk

⌘ CERTIFICATE OF THE CITY CLERK ⌘

I, MICHELLE BIGELOW, CITY CLERK OF THE CITY OF MORGAN HILL, CALIFORNIA, do hereby certify that the foregoing is a true and correct copy of Ordinance No. XXXX, New Series, adopted by the City Council of the City of Morgan Hill, California at their regular meeting held on the 19th day of May 2021.

WITNESS MY HAND AND THE SEAL OF THE CITY OF MORGAN HILL.

DATE: _____

MICHELLE BIGELOW, City Clerk



CITY COUNCIL STAFF REPORT

MEETING DATE: May 5, 2021

PREPARED BY: Keri Russell, Maintenance Services Coordinator
APPROVED BY: City Manager

INITIATE ANNUAL ASSESSMENT PROCESS FOR LANDSCAPE ASSESSMENT DISTRICT NUMBER 1

RECOMMENDATION(S)

Adopt resolutions approving the following actions:

1. Initiate the proceedings for the levy of assessments for Fiscal Year 2021-22;
2. Approve the Engineer's Annual Report and the proposed assessment levy; and
3. Declare the City Council's intention to levy the assessments in the District and to set the Public Hearing date for June 2, 2021.

COUNCIL PRIORITIES, GOALS & STRATEGIES

Ongoing Priorities

Maintaining Infrastructure

2020-2021 Strategic Priorities

Fiscal Sustainability

REPORT NARRATIVE:

Landscape Assessment District No. 1 (District) was created to pay for the maintenance of the parks and common area landscaping in new neighborhoods benefiting from the open space. Per Government Code Sections 22623 to 22631, an Engineer's Annual Report (Attachment 1) is required to set the annual assessments in the Landscaping Assessment District and establish a Public Hearing date. This Public Hearing date has been scheduled for the City Council meeting of June 2, 2021.

In May 2011, reserve targets for each subarea were recommended and approved by the Council. The recommended assessment rate for each subarea, which is reflected in the Annual Report, has been proposed at a level that will enable the City to maintain each subarea and make reasonable improvements during the fiscal year. In April 2019, property owners in the Parsons Corner Zone voted to detach from the District. Therefore, there is no assessment for the Parsons Corner Zone. The Engineer's Annual Report details the proposed Fiscal Year 2021-22 assessments.

In the case of multiple subareas where the assessment cap does not increase annually, and funding is limited, maintenance services continue to be minimized. The Landscape Assessment District law requires property owners in these areas to vote to improve assessment increases. In some cases, property owners are not willing to increase their assessments. Staff will continue to look for alternatives to effectively manage the District and plans to engage residents in many of the underfunded sub-areas over the next year to look for solutions.

COMMUNITY ENGAGEMENT:

Ongoing resident outreach is occurring in several of the subareas and City staff are striving to increase the resident outreach. Some areas have more active resident groups that work with City staff in planning maintenance projects for their subareas, while residents of other subareas are less engaged. In recent years, City staff have successfully outreached to several areas. City staff are closely working with active resident groups on the ongoing maintenance and the budgets for their subareas. Although outreach with residents is typically positive, not all residents are satisfied with the service being provided within their subarea. This dissatisfaction is often due to the limitations of funding available to the subarea without the associated increase in assessments levied. Additionally, recent limitations relating to Covid-19 have resulted in only limited services being provided, most notably significant weeds in most subareas.

Staff is not proposing increases or decreases to assessments in any areas, so no direct mailing has occurred in relation to this report.

ALTERNATIVE ACTIONS:

There is no other practical alternative action. The City Council could choose to provide staff with further direction on management of the District.

PRIOR CITY COUNCIL AND COMMISSION ACTIONS:

In 1991, the City Council, under the Landscaping and Lighting Act of 1972, created the Fox Hollow/Murphy Springs Landscape Assessment District, and in 2010 chose to rename it to the City of Morgan Hill Landscape Assessment District No. 1. In May 2011, reserve targets for each subarea were established by the Council.

The City Council adopts the annual assessments and the ordering of the levy for assessments for the District each year. This occurred most recently on June 3, 2020.

FISCAL AND RESOURCE IMPACT:

The cost for preparation of the Engineer's Annual Report will be paid for by the Landscape Assessment District Fund (229). It is anticipated that the District will generate \$188,552 in revenues in Fiscal Year 2021-22. Expenses are budgeted at \$174,829 meaning that overall; the District's reserves are projected to be increased by \$13,723 in the upcoming fiscal year. Providing administrative oversight to the District is a core activity of the Community Services Department's work program.

CEQA (California Environmental Quality Act): Categorical Exemption

The planned maintenance and management of the subareas within the lighting and landscape assessment district fall within the CEQA categorical exemption of Class 1, Existing Facilities.

LINKS/ATTACHMENTS:

1. Fiscal Year 2021-22 Engineer's Report
2. Reso1_InitiateProceedings_21-22
3. Reso2_ApproveReport_21-22
4. Reso3_IntentPubHearing_21-22

CITY OF MORGAN HILL

Fiscal Year 2021/22 Engineer's Report For:

Landscape Assessment District No. 1

May 2021

Prepared by:



Corporate Headquarters
32605 Temecula Parkway, Suite 100
Temecula, CA 92592
Toll free: 800.676.7516

CITY OF MORGAN HILL
17575 Peak Avenue
Morgan Hill, CA 95037-4128
Phone: (408) 779-7271
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CITY COUNCIL

Rich Constantine, Mayor
John K. McKay, Mayor Pro Tem
Gino Borgioli, Council Member
Yvonne Martinez Beltran, Council Member
Rene Spring, Council Member

CITY STAFF

Christina Turner, City Manager
Chris Ghione, Public Services Director
Keri Russell, Maintenance Coordinator

NBS

Greg Davidson, Client Service Director
Kristin Harvey, Senior Consultant

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1. ENGINEER'S LETTER

WHEREAS, the City Council of the City of Morgan Hill (the "City"), State of California, directed NBS to prepare and file a report, in accordance with Chapter 1, Article 4 of the Landscaping and Lighting Act of 1972 (the "Act"), presenting the plans and specifications describing the general nature, location and extent of the improvements to be maintained, an estimate of the costs of the maintenance, operations and servicing of the improvements for the City's Landscape Assessment District No. 1 (the "District") for Fiscal Year 2021/22. The report includes a diagram for the District, showing the area and properties proposed to be assessed, an assessment of the estimated costs of the maintenance, operations and servicing the improvements, and the net amount upon all assessable lots and/or parcels within the District in proportion to the special benefit received and;

WHEREAS, the assessment for each parcel is in compliance with the Proposition 218 Omnibus Implementation Act and Section 4 of Article XIII D of the California Constitution. The proposed assessments are not proposed to increase by more than the approved maximum allowable increases.

NOW THEREFORE, assessments have been levied in accordance with the assessment methodology adopted and approved by the City Council at the time of District formation, and are made to cover the portion of the estimated costs of maintenance, operation, and servicing of the improvements, to be paid by the assessable real property within the District in proportion to the special benefit received:

Zone	Units	FY 2021/22 Maximum Assessment Rate	FY 2021/22 Actual Assessment Rate	Total Assessment ⁽¹⁾
Belle Estates	36	\$502.22	\$320.00	\$11,520.00
Chang/Bertelone	8	1,215.00	550.00	4,400.00
Conte Gardens	11	477.82	365.00	4,015.00
Diana Estates	64	139.39	139.39	8,920.96
Fox Hollow ⁽²⁾	75	226.42	173.53	13,014.75
Hamilton Square	38	425.54	325.00	12,350.00
Jackson Meadows #6	70	108.10	108.00	7,560.00
Jackson Meadows #7	10	314.58	100.00	1,000.00
La Grande Estates	32	88.00	88.00	2,816.00
Lacrosse/Gera	24	142.99	50.00	1,200.00
Llagas Creek ⁽²⁾	71	304.89	233.67	16,590.57
Llagas/Obata	5	629.16	400.00	2,000.00
Mill Creek ^(2,4)	84	293.55	285.00	23,940.00
Oak Creek I, II, III	119	453.82	350.00	41,650.00
Parsons Corner ⁽³⁾	NOT APPLICABLE			
Rose Haven	27	488.47	400.00	10,800.00
Sandalwood ⁽⁴⁾	11	450.00	450.00	4,950.00
Sparhawk ⁽²⁾	18	324.66	248.82	4,478.76
Stone Creek ⁽²⁾	35	506.84	388.46	13,596.10
Sunnyside/Stonegate ⁽²⁾	10	742.78	375.00	3,750.00
Totals:	748			\$188,552.14

⁽¹⁾ Actual amount placed on secured tax roll may be less due to Santa Clara County submittal requirements. Amounts placed on the tax roll must be rounded down to an even number.

⁽²⁾ Maximum Assessment Rate increases by 3% annually.

⁽³⁾ Detachment of Parsons Corner Zone was approved in April 2019.

⁽⁴⁾ Includes increased maximum assessment rate approved by property owners.



2. OVERVIEW

2.1 Introduction

In 1991, the City Council created the Fox Hollow/Murphy Springs Landscape Assessment District, under the Act, and in 2010 chose to rename it to the City of Morgan Hill Landscape Assessment District No. 1. The District was formed in order to provide for the continued maintenance, operation, and administration of various improvements within the boundaries of the District. Following the initial formation, additional territory was annexed to the District as separate Zones. Currently, the District is comprised of 19 Zones (which decreased from 20 as a result of property owners within Parsons Corner electing to detach from the District in April 2019).

The District provides for and ensures the continued maintenance, servicing, administration, and operation of various landscaping improvements and associated appurtenances located within the public right-of-way and dedicated easements within the boundaries of the District.

2.2 Description of Boundaries

Exhibits from the Engineer's Report at the formation of the District define the boundaries and maintenance areas of each Zone within the District. These exhibits are on file and available for review at the Office of the City Engineer and, in conjunction with the County of Santa Clara (the "County") Assessor's maps of the areas annexed, comprise the assessment diagrams for the respective annexations. The Assessor's maps are on file in the office of the County Assessor and are, by reference, made a part of this Report.

2.3 Description of Improvements and Services

The improvements include the construction, operation, maintenance, and servicing of landscaping and appurtenant facilities; including, but not limited to, personnel, electrical energy, utilities such as water and gas, materials, contracting services, and other items necessary for the satisfactory operation of the following services:

"Landscape improvements provided within the District may include, but are not limited to: ground cover, shrubs, plants and trees, irrigation and drainage systems, graffiti removal, entry monuments, and associated appurtenant facilities. Services provided include all necessary service, operations, administration, and maintenance required to keep the above-mentioned improvements in a healthy, vigorous, and satisfactory condition."

Reference is made to the Plans and Specifications for the improvements, which is on file with the City.

3. ESTIMATE OF COSTS

3.1 Definitions of Budget Items

The following definitions describe some of the services and costs that may be included in the Zone Budgets:

Direct Expenses

Maintenance: Includes all regularly scheduled labor, material (i.e. pipe, fertilizer, insecticides, paint, etc.) and equipment required to properly maintain and ensure the satisfactory condition of all landscaping, irrigation and drainage systems, and appurtenant facilities.

Extra Contract Costs: Includes all labor, equipment, and material costs associated with unscheduled repairs and improvements needed to ensure the satisfactory condition of all landscaping, irrigation and drainage systems, and appurtenant facilities.

Water/Sewer: Includes the furnishing of water required for the operation and maintenance of the landscaping facilities.

Electricity Costs: Includes the furnishing of electricity required for irrigation systems for the operation and maintenance of the landscaping facilities.

Other Supplies: Includes costs that are generally unforeseen and not normally included in the yearly maintenance contract costs. This may include repair of damaged amenities due to vandalism, storms, heavy frost, etc. Also included may be planned upgrades that provide a direct benefit to the District. These upgrades could include replacing plant materials and/or renovation of irrigation systems.

Administrative Expenses

Salaries: Includes the cost to particular departments and staff of the City to provide the coordination of District services, operations, and maintenance of the improvements, response to public concerns and education, and procedures associated with the levy and collection of assessments.

Postage/Advertising: Includes the cost of providing any mailed notice to the property owners and publishing and posting the Resolution of Intention as required by the Act.

Internal Services: Includes overhead costs allocated to the District for various City staff services.

Administrative/Engineering Contract: Includes the costs associated with contracting with professionals to provide services specific to the administration of the levy.

Contingency/Capital Replacement Fund Balance (Reduction)/Reserve

Positive amounts are collected for various reasons that include, but are not limited to, any or all of the following:

- To maintain reserves which enable the City to pay for costs associated with the District during the first six months of the fiscal year,

Contingency/Capital Replacement Fund Balance (Reduction)/Reserve (continued)

- To reduce the current fund balance deficit (if any) that exists as of the beginning of the fiscal year, and
- To plan for the replacement of capital improvements in the future.

3.2 Zone Budgets

The estimated costs of servicing, maintaining, repairing, and replacing the actual improvements for each Zone for Fiscal Year 2021/22 are shown on the following pages.

City of Morgan Hill
Landscape Assessment District No. 1
Fiscal Year 2021/22 Budget by Zone

	<u>Belle Estates</u>
DIRECT EXPENSES	
Maintenance	\$3,750.00
Extra Contract Costs	1,000.00
Water/Sewer	2,600.00
Electricity Costs	0.00
Other Supplies	525.00
Subtotal Direct Expenses	\$7,875.00
ADMINISTRATIVE EXPENSES	
Salaries	\$1,037.92
Postage/Advertising	10.03
Internal Services	714.52
Administrative/Engineering Contract	354.62
Subtotal Administrative Expenses	\$2,117.08
SUBTOTAL ZONE COST	\$9,992.08
Fund Balance (Reduction)/Reserve	1,527.92
TOTAL BALANCE TO LEVY	\$11,520.00
Number of Assessable Units	36
Assessment Rate per Unit	\$320.00
Estimated Beginning Fund Balance July 1, 2021	\$13,276.40
Fund Balance Change	1,527.92
Estimated Ending Fund Balance June 30, 2022	\$14,804.32

Attachment: Fiscal Year 2021-22 Engineer's Report (3063 : INITIATE LAD ANNUAL ASSESSMENT PROCESS)



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City of Morgan Hill
Landscape Assessment District No. 1
Fiscal Year 2021/22 Budget by Zone

	<u>Chang / Bertelone</u>
DIRECT EXPENSES	
Maintenance	\$2,154.00
Extra Contract Costs	0.00
Water/Sewer	1,000.00
Electricity Costs	0.00
Other Supplies	400.00
Subtotal Direct Expenses	\$3,554.00
ADMINISTRATIVE EXPENSES	
Salaries	\$230.65
Postage/Advertising	2.23
Internal Services	158.78
Administrative/Engineering Contract	78.80
Subtotal Administrative Expenses	\$470.46
SUBTOTAL ZONE COST	\$4,024.46
Fund Balance (Reduction)/Reserve	375.54
TOTAL BALANCE TO LEVY	\$4,400.00
Number of Assessable Units	8
Assessment Rate per Unit	\$550.00
Estimated Beginning Fund Balance July 1, 2021	\$10,263.14
Fund Balance Change	375.54
Estimated Ending Fund Balance June 30, 2022	\$10,638.68

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City of Morgan Hill
Landscape Assessment District No. 1
Fiscal Year 2021/22 Budget by Zone

	<u>Conte Gardens</u>
DIRECT EXPENSES	
Maintenance	\$0.00
Extra Contract Costs	1,000.00
Water/Sewer	1,500.00
Electricity Costs	200.00
Other Supplies	500.00
Subtotal Direct Expenses	\$3,200.00
ADMINISTRATIVE EXPENSES	
Salaries	\$317.14
Postage/Advertising	3.06
Internal Services	218.33
Administrative/Engineering Contract	108.36
Subtotal Administrative Expenses	\$646.89
SUBTOTAL ZONE COST	\$3,846.89
Fund Balance (Reduction)/Reserve	168.11
TOTAL BALANCE TO LEVY	\$4,015.00
Number of Assessable Units	11
Assessment Rate per Unit	\$365.00
Estimated Beginning Fund Balance July 1, 2021	\$13,618.01
Fund Balance Change	168.11
Estimated Ending Fund Balance June 30, 2022	\$13,786.13

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City of Morgan Hill
Landscape Assessment District No. 1
Fiscal Year 2021/22 Budget by Zone

	<u>Diana Estates</u>
DIRECT EXPENSES	
Maintenance	\$3,737.00
Extra Contract Costs	500.00
Water/Sewer	800.00
Electricity Costs	0.00
Other Supplies	0.00
Subtotal Direct Expenses	\$5,037.00
ADMINISTRATIVE EXPENSES	
Salaries	\$1,845.18
Postage/Advertising	17.83
Internal Services	1,270.26
Administrative/Engineering Contract	630.43
Subtotal Administrative Expenses	\$3,763.70
SUBTOTAL ZONE COST	\$8,800.70
Fund Balance (Reduction)/Reserve	120.26
TOTAL BALANCE TO LEVY	\$8,920.96
Number of Assessable Units	64
Assessment Rate per Unit	\$139.39
Estimated Beginning Fund Balance July 1, 2021	7,685.86
Fund Balance Change	120.26
Estimated Ending Fund Balance June 30, 2022	\$7,806.11

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City of Morgan Hill
Landscape Assessment District No. 1
Fiscal Year 2021/22 Budget by Zone

	Fox Hollow
DIRECT EXPENSES	
Maintenance	\$2,154.00
Extra Contract Costs	2,500.00
Water/Sewer	2,150.00
Electricity Costs	0.00
Other Supplies	500.00
Subtotal Direct Expenses	\$7,304.00
ADMINISTRATIVE EXPENSES	
Salaries	\$2,162.32
Postage/Advertising	20.89
Internal Services	1,488.59
Administrative/Engineering Contract	738.79
Subtotal Administrative Expenses	\$4,410.59
SUBTOTAL ZONE COST	\$11,714.59
Fund Balance (Reduction)/Reserve	1,300.16
TOTAL BALANCE TO LEVY	\$13,014.75
Number of Assessable Units	75
Assessment Rate per Unit	\$173.53
Estimated Beginning Fund Balance July 1, 2021	\$17,091.64
Fund Balance Change	1,300.16
Estimated Ending Fund Balance June 30, 2022	\$18,391.80

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City of Morgan Hill
Landscape Assessment District No. 1
Fiscal Year 2021/22 Budget by Zone

	<u>Hamilton Square</u>
DIRECT EXPENSES	
Maintenance	\$8,148.21
Extra Contract Costs	0.00
Water/Sewer	4,268.00
Electricity Costs	265.00
Other Supplies	1,000.00
Subtotal Direct Expenses	<u>\$13,681.21</u>
ADMINISTRATIVE EXPENSES	
Salaries	\$1,095.58
Postage/Advertising	10.58
Internal Services	754.22
Administrative/Engineering Contract	374.32
Subtotal Administrative Expenses	<u>\$2,234.70</u>
SUBTOTAL ZONE COST	\$15,915.91
Fund Balance (Reduction)/Reserve	(3,565.91)
TOTAL BALANCE TO LEVY	<u>\$12,350.00</u>
Number of Assessable Units	38
Assessment Rate per Unit	\$325.00
Estimated Beginning Fund Balance July 1, 2021	\$18,012.19
Fund Balance Change	<u>(3,565.91)</u>
Estimated Ending Fund Balance June 30, 2022	\$14,446.28

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City of Morgan Hill
Landscape Assessment District No. 1
Fiscal Year 2021/22 Budget by Zone

	Jackson Meadows #6
DIRECT EXPENSES	
Maintenance	\$905.36
Extra Contract Costs	1,350.00
Water/Sewer	400.00
Electricity Costs	380.00
Other Supplies	0.00
Subtotal Direct Expenses	\$3,035.36
ADMINISTRATIVE EXPENSES	
Salaries	\$2,018.17
Postage/Advertising	19.50
Internal Services	1,389.35
Administrative/Engineering Contract	689.54
Subtotal Administrative Expenses	\$4,116.55
SUBTOTAL ZONE COST	\$7,151.91
Fund Balance (Reduction)/Reserve	408.09
TOTAL BALANCE TO LEVY	\$7,560.00
Number of Assessable Units	70
Assessment Rate per Unit	\$108.00
Estimated Beginning Fund Balance July 1, 2021	424.89
Fund Balance Change	408.09
Estimated Ending Fund Balance June 30, 2022	\$832.98

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City of Morgan Hill
Landscape Assessment District No. 1
Fiscal Year 2021/22 Budget by Zone

	<u>Jackson Meadows #7</u>
DIRECT EXPENSES	
Maintenance	\$0.00
Extra Contract Costs	350.00
Water/Sewer	0.00
Electricity Costs	0.00
Other Supplies	0.00
Subtotal Direct Expenses	\$350.00
ADMINISTRATIVE EXPENSES	
Salaries	\$288.31
Postage/Advertising	2.79
Internal Services	198.48
Administrative/Engineering Contract	98.51
Subtotal Administrative Expenses	\$588.08
SUBTOTAL ZONE COST	\$938.08
Fund Balance (Reduction)/Reserve	61.92
TOTAL BALANCE TO LEVY	\$1,000.00
Number of Assessable Units	10
Assessment Rate per Unit	\$100.00
Estimated Beginning Fund Balance July 1, 2021	4,795.47
Fund Balance Change	61.92
Estimated Ending Fund Balance June 30, 2022	\$4,857.39

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City of Morgan Hill
Landscape Assessment District No. 1
Fiscal Year 2021/22 Budget by Zone

	<u>La Grande Estates</u>
DIRECT EXPENSES	
Maintenance	\$0.00
Extra Contract Costs	0.00
Water/Sewer	0.00
Electricity Costs	0.00
Other Supplies	0.00
Subtotal Direct Expenses	<u>\$0.00</u>
ADMINISTRATIVE EXPENSES	
Salaries	\$922.59
Postage/Advertising	8.91
Internal Services	635.13
Administrative/Engineering Contract	315.22
Subtotal Administrative Expenses	<u>\$1,881.85</u>
SUBTOTAL ZONE COST	\$1,881.85
Fund Balance (Reduction)/Reserve	934.15
TOTAL BALANCE TO LEVY	<u>\$2,816.00</u>
Number of Assessable Units	32
Assessment Rate per Unit	\$88.00
Estimated Beginning Fund Balance July 1, 2021	(9,289.96)
Fund Balance Change	<u>934.15</u>
Estimated Ending Fund Balance June 30, 2022	<u>(\$8,355.81)</u>

Attachment: Fiscal Year 2021-22 Engineer's Report (3063 : INITIATE LAD ANNUAL ASSESSMENT PROCESS)



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City of Morgan Hill
Landscape Assessment District No. 1
Fiscal Year 2021/22 Budget by Zone

	<u>Lacrosse/Gera</u>
DIRECT EXPENSES	
Maintenance	\$0.00
Extra Contract Costs	0.00
Water/Sewer	0.00
Electricity Costs	0.00
Other Supplies	0.00
Subtotal Direct Expenses	\$0.00
ADMINISTRATIVE EXPENSES	
Salaries	\$345.97
Postage/Advertising	3.34
Internal Services	238.17
Administrative/Engineering Contract	118.21
Subtotal Administrative Expenses	\$705.69
SUBTOTAL ZONE COST	\$705.69
Fund Balance (Reduction)/Reserve	494.31
TOTAL BALANCE TO LEVY	\$1,200.00
Number of Assessable Units	24
Assessment Rate per Unit	\$50.00
Estimated Beginning Fund Balance July 1, 2021	2,241.65
Fund Balance Change	494.31
Estimated Ending Fund Balance June 30, 2022	\$2,735.95

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**City of Morgan Hill
Landscape Assessment District No. 1
Fiscal Year 2021/22 Budget by Zone**

	<u>Llagas Creek</u>
DIRECT EXPENSES	
Maintenance	\$6,018.00
Extra Contract Costs	2,000.00
Water/Sewer	3,500.00
Electricity Costs	0.00
Other Supplies	0.00
Subtotal Direct Expenses	\$11,518.00
ADMINISTRATIVE EXPENSES	
Salaries	\$2,047.00
Postage/Advertising	19.78
Internal Services	1,409.20
Administrative/Engineering Contract	699.39
Subtotal Administrative Expenses	\$4,175.36
SUBTOTAL ZONE COST	\$15,693.36
Fund Balance (Reduction)/Reserve	897.21
TOTAL BALANCE TO LEVY	\$16,590.57
Number of Assessable Units	71
Assessment Rate per Unit	\$233.67
Estimated Beginning Fund Balance July 1, 2021	8,283.53
Fund Balance Change	897.21
Estimated Ending Fund Balance June 30, 2022	\$9,180.74

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**City of Morgan Hill
Landscape Assessment District No. 1
Fiscal Year 2021/22 Budget by Zone**

	<u>Llagas/Obata</u>
DIRECT EXPENSES	
Maintenance	\$1,267.00
Extra Contract Costs	0.00
Water/Sewer	300.00
Electricity Costs	0.00
Other Supplies	0.00
Subtotal Direct Expenses	\$1,567.00
ADMINISTRATIVE EXPENSES	
Salaries	\$144.15
Postage/Advertising	1.39
Internal Services	99.24
Administrative/Engineering Contract	49.25
Subtotal Administrative Expenses	\$294.04
SUBTOTAL ZONE COST	\$1,861.04
Fund Balance (Reduction)/Reserve	138.96
TOTAL BALANCE TO LEVY	\$2,000.00
Number of Assessable Units	5
Assessment Rate per Unit	\$400.00
Estimated Beginning Fund Balance July 1, 2021	399.05
Fund Balance Change	138.96
Estimated Ending Fund Balance June 30, 2022	\$538.01

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City of Morgan Hill
Landscape Assessment District No. 1
Fiscal Year 2021/22 Budget by Zone

	<u>Mill Creek</u>
DIRECT EXPENSES	
Maintenance	\$9,053.57
Extra Contract Costs	500.00
Water/Sewer	3,000.00
Electricity Costs	200.00
Other Supplies	750.00
Subtotal Direct Expenses	<u>\$13,503.57</u>
ADMINISTRATIVE EXPENSES	
Salaries	\$2,421.80
Postage/Advertising	23.40
Internal Services	1,667.22
Administrative/Engineering Contract	827.45
Subtotal Administrative Expenses	<u>\$4,939.86</u>
SUBTOTAL ZONE COST	\$18,443.43
Fund Balance (Reduction)/Reserve	5,496.57
TOTAL BALANCE TO LEVY	<u>\$23,940.00</u>
Number of Assessable Units	84
Assessment Rate per Unit	\$285.00
Estimated Beginning Fund Balance July 1, 2021	8,018.41
Fund Balance Change	<u>5,496.57</u>
Estimated Ending Fund Balance June 30, 2022	<u>\$13,514.98</u>

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**City of Morgan Hill
Landscape Assessment District No. 1
Fiscal Year 2021/22 Budget by Zone**

	<u>Oak Creek I, II, III</u>
DIRECT EXPENSES	
Maintenance	\$14,485.70
Extra Contract Costs	2,000.00
Water/Sewer	10,000.00
Electricity Costs	3,650.00
Other Supplies	3,000.00
Subtotal Direct Expenses	\$33,135.70
ADMINISTRATIVE EXPENSES	
Salaries	\$3,430.89
Postage/Advertising	33.15
Internal Services	2,361.89
Administrative/Engineering Contract	1,172.21
Subtotal Administrative Expenses	\$6,998.14
SUBTOTAL ZONE COST	\$40,133.84
Fund Balance (Reduction)/Reserve	1,516.16
TOTAL BALANCE TO LEVY	\$41,650.00
Number of Assessable Units	119
Assessment Rate per Unit	\$350.00
Estimated Beginning Fund Balance July 1, 2021	42,950.37
Fund Balance Change	1,516.16
Estimated Ending Fund Balance June 30, 2022	\$44,466.53

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City of Morgan Hill
Landscape Assessment District No. 1
Fiscal Year 2021/22 Budget by Zone

	<u>Rose Haven</u>
DIRECT EXPENSES	
Maintenance	\$7,242.85
Extra Contract Costs	500.00
Water/Sewer	1,500.00
Electricity Costs	215.00
Other Supplies	400.00
Subtotal Direct Expenses	<u>\$9,857.85</u>
ADMINISTRATIVE EXPENSES	
Salaries	\$778.44
Postage/Advertising	7.52
Internal Services	535.89
Administrative/Engineering Contract	265.96
Subtotal Administrative Expenses	<u>\$1,587.81</u>
SUBTOTAL ZONE COST	\$11,445.66
Fund Balance (Reduction)/Reserve	(645.66)
TOTAL BALANCE TO LEVY	<u>\$10,800.00</u>
Number of Assessable Units	27
Assessment Rate per Unit	\$400.00
Estimated Beginning Fund Balance July 1, 2021	21,388.92
Fund Balance Change	<u>(645.66)</u>
Estimated Ending Fund Balance June 30, 2022	<u>\$20,743.25</u>

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City of Morgan Hill
Landscape Assessment District No. 1
Fiscal Year 2021/22 Budget by Zone

	<u>Sandalwood</u>
DIRECT EXPENSES	
Maintenance	\$317.00
Extra Contract Costs	0.00
Water/Sewer	0.00
Electricity Costs	0.00
Other Supplies	0.00
Subtotal Direct Expenses	\$317.00
ADMINISTRATIVE EXPENSES	
Salaries	\$317.14
Postage/Advertising	3.06
Internal Services	218.33
Administrative/Engineering Contract	108.36
Subtotal Administrative Expenses	\$646.89
SUBTOTAL ZONE COST	\$963.89
Fund Balance (Reduction)/Reserve	3,986.11
TOTAL BALANCE TO LEVY	\$4,950.00
Number of Assessable Units	11
Assessment Rate per Unit	\$450.00
Estimated Beginning Fund Balance July 1, 2021	5,019.53
Fund Balance Change	3,986.11
Estimated Ending Fund Balance June 30, 2022	\$9,005.64

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City of Morgan Hill
Landscape Assessment District No. 1
Fiscal Year 2021/22 Budget by Zone

	<u>Sparhawk</u>
DIRECT EXPENSES	
Maintenance	\$2,154.00
Extra Contract Costs	0.00
Water/Sewer	1,750.00
Electricity Costs	0.00
Other Supplies	0.00
Subtotal Direct Expenses	\$3,904.00
ADMINISTRATIVE EXPENSES	
Salaries	\$518.96
Postage/Advertising	5.01
Internal Services	357.26
Administrative/Engineering Contract	177.31
Subtotal Administrative Expenses	\$1,058.54
SUBTOTAL ZONE COST	\$4,962.54
Fund Balance (Reduction)/Reserve	(483.78)
TOTAL BALANCE TO LEVY	\$4,478.76
Number of Assessable Units	18
Assessment Rate per Unit	\$248.82
Estimated Beginning Fund Balance July 1, 2021	2,021.11
Fund Balance Change	(483.78)
Estimated Ending Fund Balance June 30, 2022	\$1,537.33

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City of Morgan Hill
Landscape Assessment District No. 1
Fiscal Year 2021/22 Budget by Zone

	<u>Stone Creek</u>
DIRECT EXPENSES	
Maintenance	\$5,796.00
Extra Contract Costs	1,800.00
Water/Sewer	3,000.00
Electricity Costs	0.00
Other Supplies	0.00
Subtotal Direct Expenses	<u>\$10,596.00</u>
ADMINISTRATIVE EXPENSES	
Salaries	\$1,009.08
Postage/Advertising	9.75
Internal Services	694.67
Administrative/Engineering Contract	344.77
Subtotal Administrative Expenses	<u>\$2,058.28</u>
SUBTOTAL ZONE COST	\$12,654.28
Fund Balance (Reduction)/Reserve	941.82
TOTAL BALANCE TO LEVY	<u>\$13,596.10</u>
Number of Assessable Units	35
Assessment Rate per Unit	\$388.46
Estimated Beginning Fund Balance July 1, 2021	2,597.49
Fund Balance Change	<u>941.82</u>
Estimated Ending Fund Balance June 30, 2022	<u>\$3,539.31</u>

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City of Morgan Hill
Landscape Assessment District No. 1
Fiscal Year 2021/22 Budget by Zone

	<u>Sunnyside / Stone Gate</u>
DIRECT EXPENSES	
Maintenance	\$1,810.71
Extra Contract Costs	400.00
Water/Sewer	500.00
Electricity Costs	0.00
Other Supplies	400.00
Subtotal Direct Expenses	\$3,110.71
ADMINISTRATIVE EXPENSES	
Salaries	\$288.31
Postage/Advertising	2.79
Internal Services	198.48
Administrative/Engineering Contract	98.51
Subtotal Administrative Expenses	\$588.08
SUBTOTAL ZONE COST	\$3,698.79
Fund Balance (Reduction)/Reserve	51.21
TOTAL BALANCE TO LEVY	\$3,750.00
Number of Assessable Units	10
Assessment Rate per Unit	\$375.00
Estimated Beginning Fund Balance July 1, 2021	13,213.07
Fund Balance Change	51.21
Estimated Ending Fund Balance June 30, 2022	\$13,264.28

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City of Morgan Hill
Landscape Assessment District No. 1
Fiscal Year 2021/22 Budget by Zone

	<u>Total of all Zones</u>
DIRECT EXPENSES	
Maintenance	\$68,993.40
Extra Contract Costs	13,900.00
Water/Sewer	36,268.00
Electricity Costs	4,910.00
Other Supplies	7,475.00
Subtotal Direct Expenses	\$131,546.40
ADMINISTRATIVE EXPENSES	
Salaries	\$21,219.60
Postage/Advertising	205.00
Internal Services	14,608.00
Administrative/Engineering Contract	7,250.00
Subtotal Administrative Expenses	\$43,282.60
SUBTOTAL ZONE COST	\$174,829.00
Fund Balance (Reduction)/Reserve	13,723.14
TOTAL BALANCE TO LEVY	\$188,552.14
Number of Assessable Units	748
Assessment Rate per Unit	N/A
Estimated Beginning Fund Balance July 1, 2021	\$182,010.76
Fund Balance Change	13,723.14
Estimated Ending Fund Balance June 30, 2022	\$195,733.90

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4. ASSESSMENTS

The amount of the actual assessment for the Fiscal Year 2021/22 apportioned to each parcel, as shown on the latest equalized roll at the County Assessor's office, is listed in Section 6 of this Report. The description of each lot or parcel is part of the records of the County Assessor and such records are, by reference, made part of this Report.

4.1 Method of Apportionment

The assessments are levied in accordance with the assessment methodology adopted and approved by the City Council at the time of District formation.

Pursuant to the Act and Article XIII D of the Constitution of the State of California, all parcels that have special benefit conferred upon them as a result of the maintenance and operation of improvements shall be identified and the proportionate special benefit derived by each identified parcel shall be determined in relation to the entire cost of the maintenance and operation of the improvements. Only parcels that receive direct special benefit are assessed, and each parcel is assessed in proportion to the estimated benefit received.

Several Zones have been annexed into the District and it has been determined that by reason of variations in the nature, location, and extent of the improvements, those areas will receive differing degrees of benefit from the improvements.

Within the Zones, each parcel is allocated a number of units, where each such unit is deemed to receive the same proportional special benefit from the maintenance and operation of the improvements within that Zone. The typical parcel, with a single-family residential use, will have one unit assigned. If the use or nature of a parcel confers special benefit in a greater or lesser degree than that typical use, that parcel may have greater than or less than one unit assigned.

4.2 Belle Estates Zone

The assessment rate originally approved at the time of annexing this Zone into the District was \$502.22 per unit. There is currently no inflator associated with the Belle Estates Zone assessments.

There are currently 36 parcels within this Zone, and the total Zone costs are spread to each of the 36 units as follows:

Estimated Fiscal Year 2021/22 Costs and Fund Adjustment	\$11,520.00
Total Units	36
Fiscal Year 2021/22 Actual Assessment Per Unit	\$320.00
Fiscal Year 2021/22 Maximum Assessment Per Unit	\$502.22

Any change in the assessment rate from the previous fiscal year is identified below:

Fiscal Year 2020/21 Actual Assessment Per Unit	\$320.00
Fiscal Year 2021/22 Actual Assessment Per Unit	\$320.00
Change in the Actual Assessment Rate	\$0.00

4.3 Chang/Bertelone Zone

The assessment rate originally approved at the time of annexing this Zone into the District was \$1,215.00 per unit. There is currently no inflator associated with the Chang/Bertelone Zone assessments.

There are currently eight (8) parcels within this Zone, and the total Zone costs are spread to each of the eight (8) units as follows:

Estimated Fiscal Year 2021/22 Costs and Fund Adjustment	\$4,400.00
Total Units	8
Fiscal Year 2021/22 Actual Assessment Per Unit	\$550.00
Fiscal Year 2021/22 Maximum Assessment Per Unit	\$1,215.00

Any change in the assessment rate from the previous fiscal year is identified below:

Fiscal Year 2020/21 Actual Assessment Per Unit	\$550.00
Fiscal Year 2021/22 Actual Assessment Per Unit	\$550.00
Change in the Actual Assessment Rate	\$0.00

4.4 Conte Gardens Zone

The assessment rate originally approved at the time of annexing this Zone into the District was \$477.82 per unit. There is currently no inflator associated with the Conte Gardens Zone assessments.

There are currently 11 parcels within this Zone, and the total Zone costs are spread to each of the 11 units as follows:

Estimated Fiscal Year 2021/22 Costs and Fund Adjustment	\$4,015.00
Total Units	11
Fiscal Year 2021/22 Actual Assessment Per Unit	\$365.00
Fiscal Year 2021/22 Maximum Assessment Per Unit	\$477.82

Any change in the assessment rate from the previous fiscal year is identified below:

Fiscal Year 2020/21 Actual Assessment Per Unit	\$365.00
Fiscal Year 2021/22 Actual Assessment Per Unit	\$365.00
Change in the Actual Assessment Rate	\$0.00

4.5 Diana Estates Zone

The assessment rate originally approved at the time of annexing this Zone into the District was \$139.39 per unit. There is currently no inflator associated with the Diana Estates Zone assessments.

There are currently 64 parcels within this Zone, and the total Zone costs are spread to each of the 64 units as follows:

Estimated Fiscal Year 2021/22 Costs and Fund Adjustment	\$8,920.96
Total Units	64
Fiscal Year 2021/22 Actual Assessment Per Unit ⁽¹⁾	\$139.39
Fiscal Year 2021/22 Maximum Assessment Per Unit	\$139.39

(1) May be rounded down to even cents per parcel for County Tax Roll purposes.

Any change in the assessment rate from the previous fiscal year is identified below:

Fiscal Year 2020/21 Actual Assessment Per Unit	\$139.39
Fiscal Year 2021/22 Actual Assessment Per Unit	\$139.39
Change in the Actual Assessment Rate	\$0.00

4.6 Fox Hollow/Murphy Springs Zone

The assessment rate originally approved at the time of District formation was \$106.15 per unit. In July 2005, the City conducted Proposition 218 proceedings to increase the maximum assessment rate and add an annual inflator of 3% for the Zone. Property owners approved the rate increase and the inflator. Each year the maximum assessment rate is increased by 3% over the previous year's maximum assessment rate. The rate increase took effect in Fiscal Year 2005/06 and the 3% inflator took effect in Fiscal Year 2006/07.

There are currently 75 parcels within this Zone, and the total Zone costs are spread to each of the 75 units as follows:

Estimated Fiscal Year 2021/22 Costs and Fund Adjustment	\$13,014.75
Total Units	75
Fiscal Year 2021/22 Actual Assessment Per Unit ⁽¹⁾	\$173.53
Fiscal Year 2021/22 Maximum Assessment Per Unit	\$226.42

(1) May be rounded down to even cents per parcel for County Tax Roll purposes.

Any change in the assessment rate from the previous fiscal year is identified below:

Fiscal Year 2020/21 Actual Assessment Per Unit	\$173.53
Fiscal Year 2021/22 Actual Assessment Per Unit	\$173.53
Change in the Actual Assessment Rate	\$0.00

4.7 Hamilton Square Zone

The assessment rate originally approved at the time of annexing this Zone into the District was \$425.54 per unit. There is currently no inflator associated with the Hamilton Square Zone assessments.

There are currently 38 parcels within this Zone, and the total Zone costs are spread to each of the 38 units as follows:

Estimated Fiscal Year 2021/22 Costs and Fund Adjustment	\$12,350.00
Total Units	38
Fiscal Year 2021/22 Actual Assessment Per Unit	\$325.00
Fiscal Year 2021/22 Maximum Assessment Per Unit	\$425.54

Any change in the assessment rate from the previous fiscal year is identified below:

Fiscal Year 2020/21 Actual Assessment Per Unit	\$325.00
Fiscal Year 2021/22 Actual Assessment Per Unit	\$325.00
Change in the Actual Assessment Rate	\$0.00

4.8 Jackson Meadows 6A/6B Zone

The assessment rate originally approved at the time of annexing this Zone into the District was \$108.10 per unit. There is currently no inflator associated with the Jackson Meadows 6A/6B Zone assessments.

There are currently 70 parcels within this Zone, and the total Zone costs are spread to each of the 70 units as follows:

Estimated Fiscal Year 2021/22 Costs and Fund Adjustment	\$7,560.00
Total Units	70
Fiscal Year 2021/22 Actual Assessment Per Unit	\$108.00
Fiscal Year 2021/22 Maximum Assessment Per Unit	\$108.10

Any change in the assessment rate from the previous fiscal year is identified below:

Fiscal Year 2020/21 Actual Assessment Per Unit	\$108.00
Fiscal Year 2021/22 Actual Assessment Per Unit	\$108.00
Change in the Actual Assessment Rate	\$0.00

4.9 Jackson Meadows Number 7 Zone

The assessment rate originally approved at the time of annexing this Zone into the District was \$314.58 per unit. There is currently no inflator associated with the Jackson Meadows Number 7 Zone assessments.

There are currently 10 parcels within this Zone, and the total Zone costs are spread to each of the 10 units as follows:

Estimated Fiscal Year 2021/22 Costs and Fund Adjustment	\$1,000.00
Total Units	10
Fiscal Year 2021/22 Actual Assessment Per Unit	\$100.00
Fiscal Year 2021/22 Maximum Assessment Per Unit	\$314.58

Any change in the assessment rate from the previous fiscal year is identified below:

Fiscal Year 2020/21 Actual Assessment Per Unit	\$100.00
Fiscal Year 2021/22 Actual Assessment Per Unit	\$100.00
Change in the Actual Assessment Rate	\$0.00

4.10 La Grande Estates Zone

The assessment rate originally approved at the time of annexing this Zone into the District was \$88.00 per unit. There is currently no inflator associated with the La Grande Estates Zone assessments.

There are currently 32 parcels within this Zone, and the total Zone costs are spread to each of the 32 units as follows:

Estimated Fiscal Year 2021/22 Costs and Fund Adjustment	\$2,816.00
Total Units	32
Fiscal Year 2021/22 Actual Assessment Per Unit	\$88.00
Fiscal Year 2021/22 Maximum Assessment Per Unit	\$88.00

Any change in the assessment rate from the previous fiscal year is identified below:

Fiscal Year 2020/21 Actual Assessment Per Unit	\$88.00
Fiscal Year 2021/22 Actual Assessment Per Unit	\$88.00
Change in the Actual Assessment Rate	\$0.00

4.11 Lacrosse/Gera Zone

The assessment rate originally approved at the time of annexing this Zone into the District was \$142.99 per unit. There is currently no inflator associated with the Lacrosse/Gera Zone assessments.

There are currently 24 parcels within this Zone, and the total Zone costs are spread to each of the 24 units as follows:

Estimated Fiscal Year 2021/22 Costs and Fund Adjustment	\$1,200.00
Total Units	24
Fiscal Year 2021/22 Actual Assessment Per Unit	\$50.00
Fiscal Year 2021/22 Maximum Assessment Per Unit	\$142.99

Any change in the assessment rate from the previous fiscal year is identified below:

Fiscal Year 2020/21 Actual Assessment Per Unit	\$50.00
Fiscal Year 2021/22 Actual Assessment Per Unit	\$50.00
Change in the Actual Assessment Rate	\$0.00

4.12 Llagas Creek Estates Zone

The assessment rate originally approved at the time of annexing this Zone into the District was \$140.84 per unit. In July 2005, the City conducted Proposition 218 proceedings to increase the maximum assessment rate and add an annual inflator of 3% for the Zone. Property owners approved the rate increase and the inflator. Each year the maximum assessment rate is increased by 3% over the previous year's maximum assessment rate. The rate increase took effect in Fiscal Year 2005/06 and the 3% inflator took effect in Fiscal Year 2006/07.

There are currently 71 parcels within this Zone, and the total Zone costs are spread to each of the 71 units as follows:

Estimated Fiscal Year 2021/22 Costs and Fund Adjustment	\$16,590.57
Total Units	71
Fiscal Year 2021/22 Actual Assessment Per Unit	\$233.67
Fiscal Year 2021/22 Maximum Assessment Per Unit	\$304.89

Any change in the assessment rate from the previous fiscal year is identified below:

Fiscal Year 2020/21 Actual Assessment Per Unit	\$233.67
Fiscal Year 2021/22 Actual Assessment Per Unit	\$233.67
Change in the Actual Assessment Rate	\$0.00

4.13 Llagas/Obata Zone

The assessment rate originally approved at the time of annexing this Zone into the District was \$629.16 per unit. There is currently no inflator associated with the Llagas/Obata Zone assessments.

There are currently five (5) parcels within this Zone, and the total Zone costs are spread to each of the five (5) units as follows:

Estimated Fiscal Year 2021/22 Costs and Fund Adjustment	\$2,000.00
Total Units	5
Fiscal Year 2021/22 Actual Assessment Per Unit	\$400.00
Fiscal Year 2021/22 Maximum Assessment Per Unit	\$629.16

Any change in the assessment rate from the previous fiscal year is identified below:

Fiscal Year 2020/21 Actual Assessment Per Unit	\$400.00
Fiscal Year 2021/22 Actual Assessment Per Unit	\$400.00
Change in the Actual Assessment Rate	\$0.00

4.14 Mill Creek Zone

The assessment rate originally approved at the time of annexing this Zone into the District was \$186.82 per unit. In February 2020, the City conducted Proposition 218 proceedings to increase the maximum assessment rate and add an annual inflator of 3% for the Zone. Property owners approved the assessment rate increase to \$285.00 per unit and the inflator. The rate increase took effect in Fiscal Year 2020/21 and the 3% inflator takes effect in Fiscal Year 2021/22.

There are currently 84 parcels within this Zone, and the total Zone costs are spread to each of the 84 units as follows:

Estimated Fiscal Year 2021/22 Costs and Fund Adjustment	\$23,940.00
Total Units	84
Fiscal Year 2021/22 Actual Assessment Per Unit	\$285.00
Fiscal Year 2021/22 Maximum Assessment Per Unit ⁽¹⁾	\$293.55

(1) Assessment Rate increase approved by property owners in February 2020.

Any change in the assessment rate from the previous fiscal year is identified below:

Fiscal Year 2020/21 Actual Assessment Per Unit	\$285.00
Fiscal Year 2021/22 Actual Assessment Per Unit	\$285.00
Change in the Actual Assessment Rate	\$0.00

4.15 Oak Creek I, II, III

The assessment rate originally approved at the time of annexing this Zone into the District was \$453.82 per unit. There is currently no inflator associated with the Oak Creek I, II, III Zone assessments.

There are currently 119 parcels within this Zone, and the total Zone costs are spread to each of the 119 units as follows:

Estimated Fiscal Year 2021/22 Costs and Fund Adjustment	\$41,650.00
Total Units	119
Fiscal Year 2021/22 Actual Assessment Per Unit	\$350.00
Fiscal Year 2021/22 Maximum Assessment Per Unit	\$453.82

Any change in the assessment rate from the previous fiscal year is identified below:

Fiscal Year 2020/21 Actual Assessment Per Unit	\$350.00
Fiscal Year 2021/22 Actual Assessment Per Unit	\$350.00
Change in the Actual Assessment Rate	\$0.00

4.16 Parsons Corner Zone

In April 2019, property owners in the Parsons Corner Zone voted to detach from the District. Therefore, there is no assessment for the Parsons Corner Zone.

4.17 Rose Haven Zone

The assessment rate originally approved at the time of annexing this Zone into the District was \$488.47 per unit. There is currently no inflator associated with the Rose Haven Zone assessments.

There are currently 24 parcels with a total of 27 units within this Zone, and the total Zone costs are spread to each of the 27 units as follows:

Estimated Fiscal Year 2021/22 Costs and Fund Adjustment	\$10,800.00
Total Units	27
Fiscal Year 2021/22 Actual Assessment Per Unit	\$400.00
Fiscal Year 2021/22 Maximum Assessment Per Unit	\$488.47

Any change in the assessment rate from the previous fiscal year is identified below:

Fiscal Year 2020/21 Actual Assessment Per Unit	\$400.00
Fiscal Year 2021/22 Actual Assessment Per Unit	\$400.00
Change in the Actual Assessment Rate	\$0.00

4.18 Sandalwood Zone

The assessment rate originally approved at the time of annexing this Zone into the District was \$192.39 per unit. In April 2018, property owners approved the assessment rate increase to \$450.00 per unit. There is currently no inflator associated with the Sandalwood Zone assessments.

There are currently 11 parcels within this Zone, and the total Zone costs are spread to each of the 11 units as follows:

Estimated Fiscal Year 2021/22 Costs and Fund Adjustment	\$4,950.00
Total Units	11
Fiscal Year 2021/22 Actual Assessment Per Unit	\$450.00
Fiscal Year 2021/22 Maximum Assessment Per Unit ⁽¹⁾	\$450.00

(1) Assessment Rate increase approved by property owners in April 2018.

Any change in the assessment rate from the previous fiscal year is identified below:

Fiscal Year 2020/21 Actual Assessment Per Unit	\$450.00
Fiscal Year 2021/22 Actual Assessment Per Unit	\$450.00
Change in the Actual Assessment Rate	\$0.00

4.19 Sparhawk Zone

The assessment rate originally approved at the time of annexing this Zone into the District was \$174.77 per unit. In July 2005, the City conducted Proposition 218 proceedings to increase the maximum assessment rate and add an annual inflator of 3% for the Zone. Property owners approved the rate increase and the inflator. Each year the maximum assessment rate is increased by 3% over the previous year's maximum assessment rate. The rate increase took effect in Fiscal Year 2005/06 and the 3% inflator took effect in Fiscal Year 2006/07.

There are currently 18 parcels within this Zone, and the total Zone costs are spread to each of the 18 units as follows:

Estimated Fiscal Year 2021/22 Costs and Fund Adjustment	\$4,478.76
Total Units	18
Fiscal Year 2021/22 Actual Assessment Per Unit	\$248.82
Fiscal Year 2021/22 Maximum Assessment Per Unit	\$324.66

Any change in the assessment rate from the previous fiscal year is identified below:

Fiscal Year 2020/21 Actual Assessment Per Unit	\$248.82
Fiscal Year 2021/22 Actual Assessment Per Unit	\$248.82
Change in the Actual Assessment Rate	\$0.00

4.20 Stone Creek Zone

The assessment rate originally approved at the time of annexing this Zone into the District was \$306.66 per unit. In July 2005, the City conducted Proposition 218 proceedings to add an annual inflator of 3% for the

Zone. Property owners approved the inflator. Each year the maximum assessment rate is increased by 3% over the previous year's maximum assessment rate. The inflator took effect in Fiscal Year 2005/06.

There are currently 35 parcels within this Zone, and the total Zone costs are spread to each of the 35 units as follows:

Estimated Fiscal Year 2021/22 Costs and Fund Adjustment	\$13,596.10
Total Units	35
Fiscal Year 2021/22 Actual Assessment Per Unit	\$388.46
Fiscal Year 2021/22 Maximum Assessment Per Unit	\$506.84

Any change in the assessment rate from the previous fiscal year is identified below:

Fiscal Year 2020/21 Actual Assessment Per Unit	\$388.46
Fiscal Year 2021/22 Actual Assessment Per Unit	\$388.46
Change in the Actual Assessment Rate	\$0.00

4.21 Sunnyside/Stone Gate Zone

The assessment rate originally approved at the time of annexing this Zone into the District was \$449.40 per unit. In July 2005, the City conducted Proposition 218 proceedings to add an annual inflator of 3% for the Zone. Property owners approved the inflator. Each year the maximum assessment rate is increased by 3% over the previous year's maximum assessment rate. The inflator took effect in Fiscal Year 2005/06.

There are currently 10 parcels within this Zone, and the total Zone costs are spread to each of the 10 units as follows:

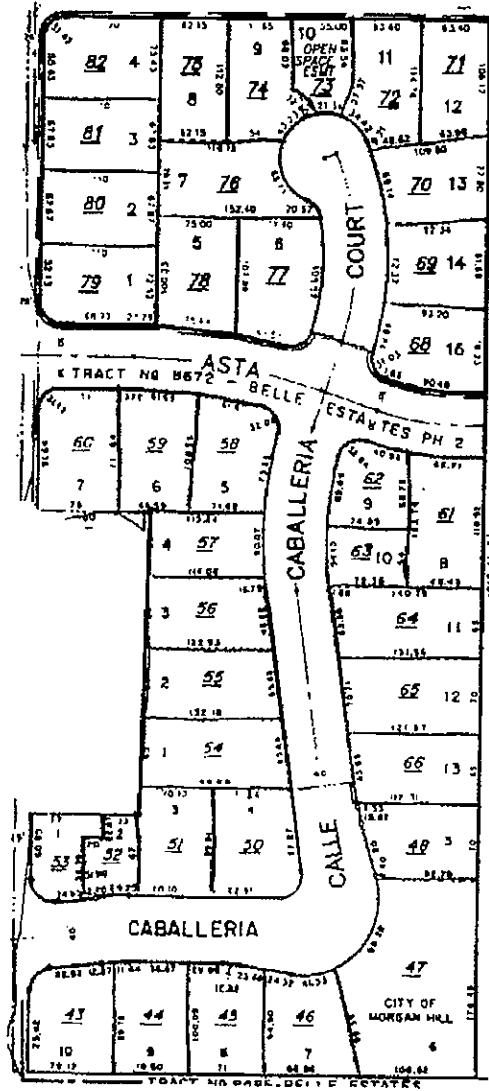
Estimated Fiscal Year 2021/22 Costs and Fund Adjustment	\$3,750.00
Total Units	10
Fiscal Year 2021/22 Actual Assessment Per Unit	\$375.00
Fiscal Year 2021/22 Maximum Assessment Per Unit	\$742.78

Any change in the assessment rate from the previous fiscal year is identified below:

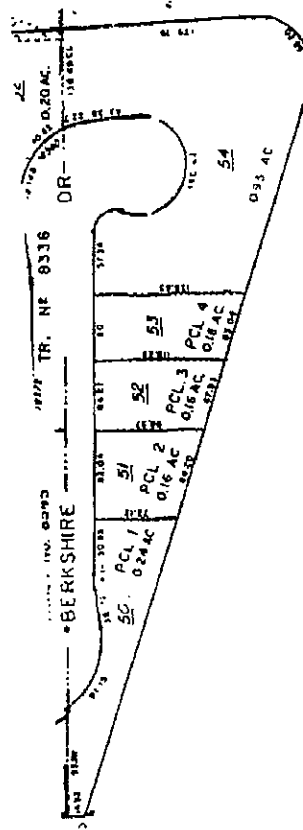
Fiscal Year 2020/21 Actual Assessment Per Unit	\$375.00
Fiscal Year 2021/22 Actual Assessment Per Unit	\$375.00
Change in the Actual Assessment Rate	\$0.00

5. ASSESSMENT DIAGRAMS

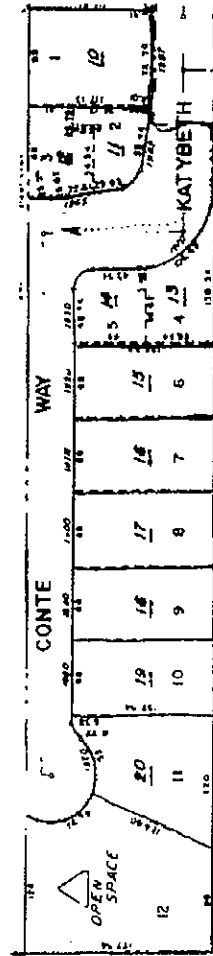
The Assessment Diagrams for each Zone in the District have been submitted to the City Clerk in the format required under the provisions of the Act. Copies of the diagrams are included herein. The lines and dimensions shown on maps of the County Assessor for the current year are, by reference, made part of this Report as well.



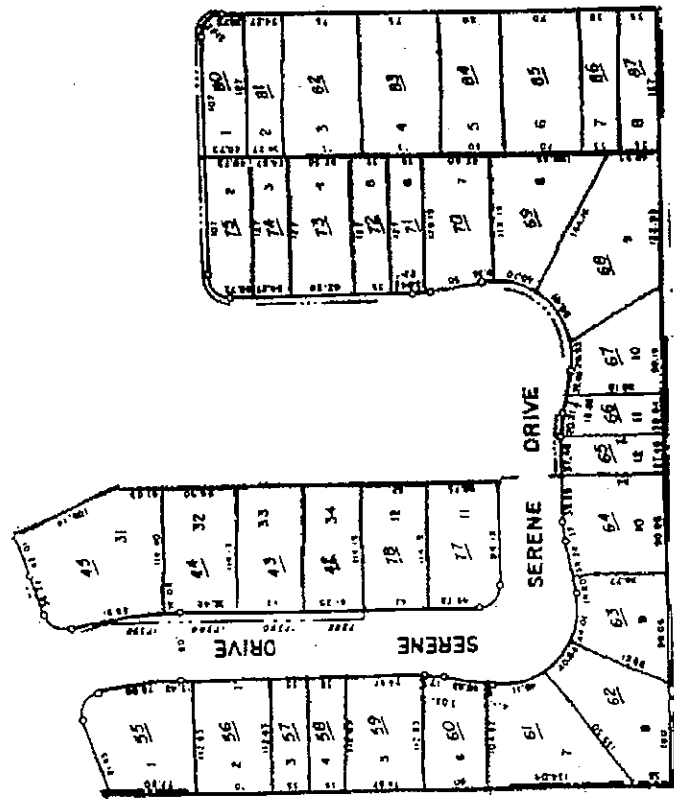
BELLE ESTATES ZONE



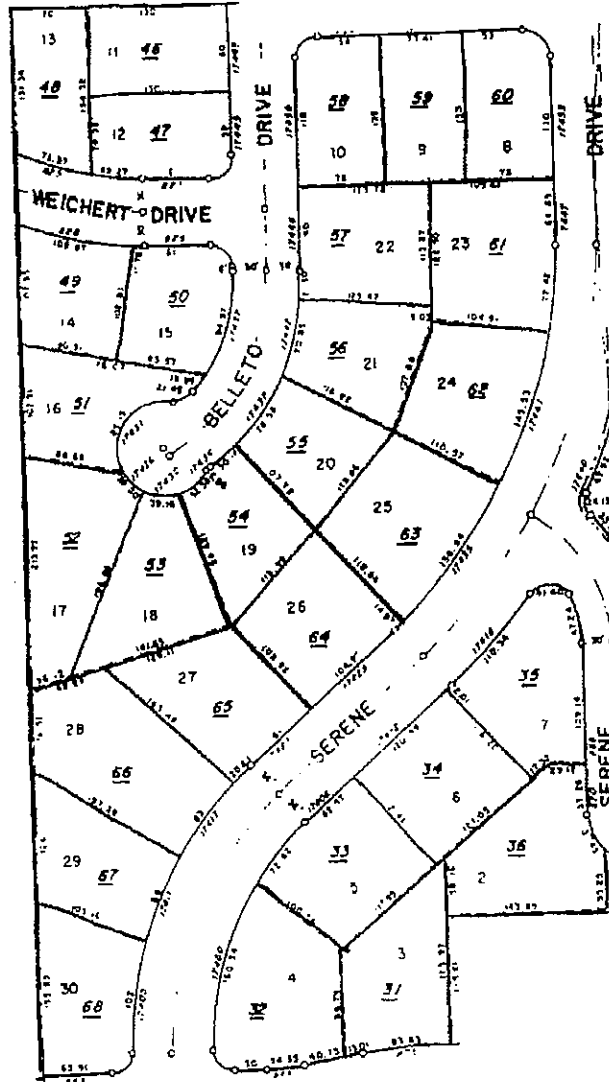
CHIANG/BERTELOONE ZONE



CONTE GARDENS ZONE

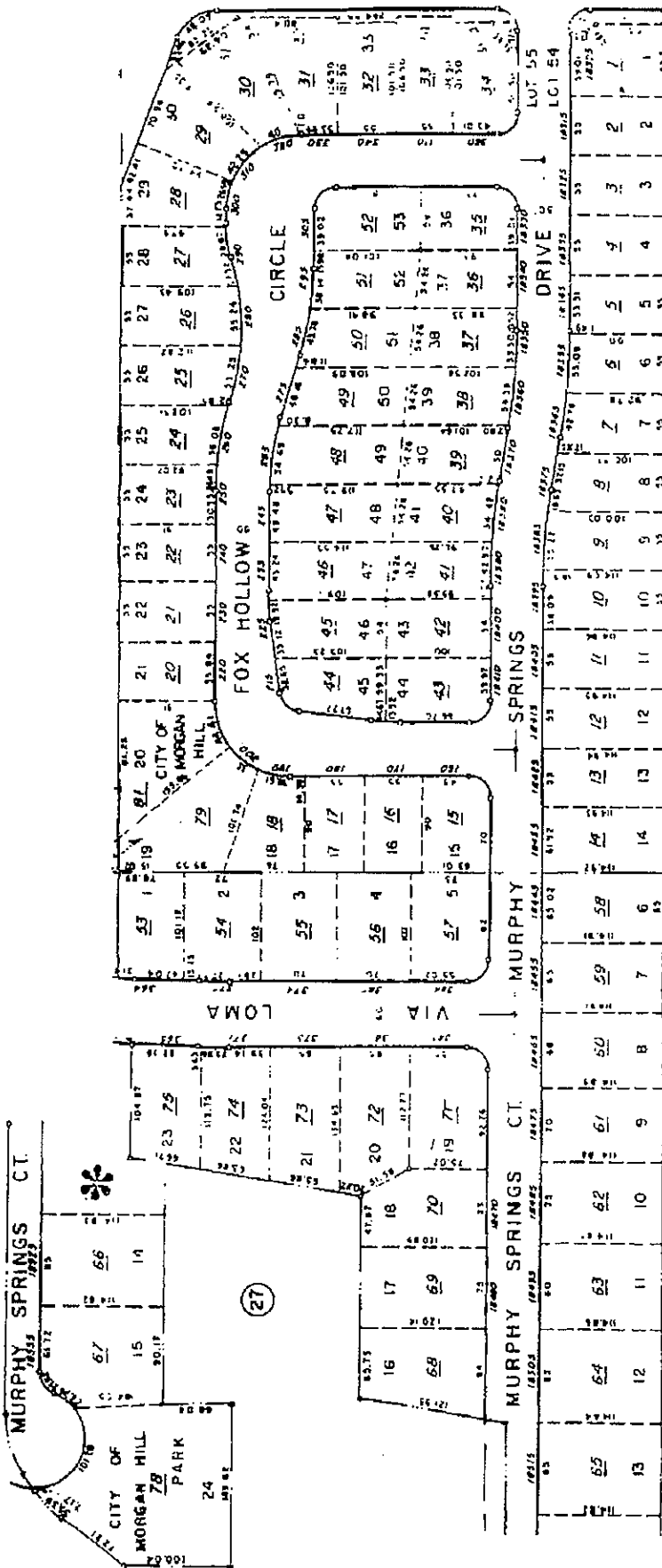


DIANA ESTATES ZONE SHEET 1

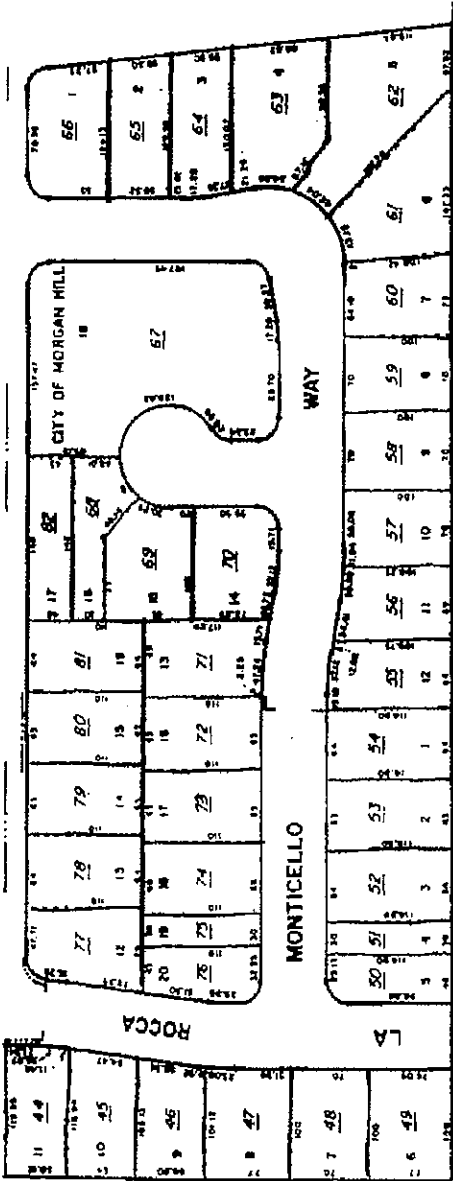


SHEET 2

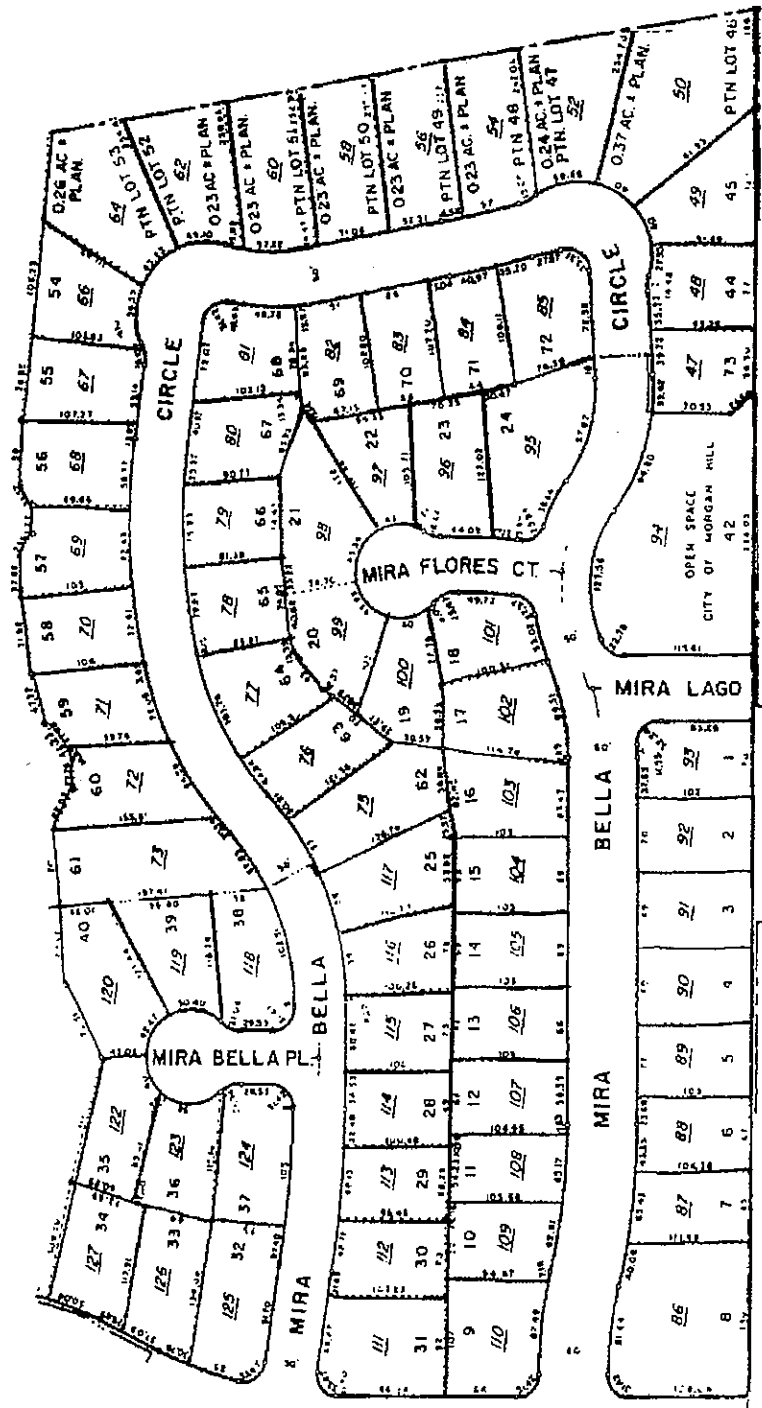
DIANA ESTATES ZONE



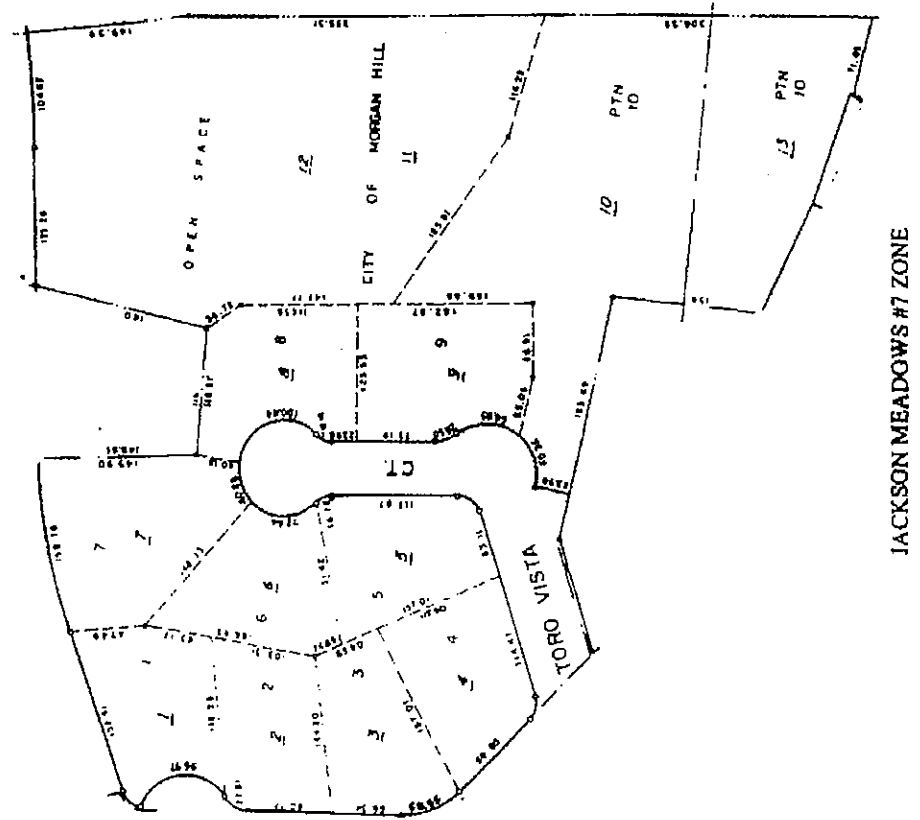
FOX HOLLOW/MURPHY SPRINGS ZONE

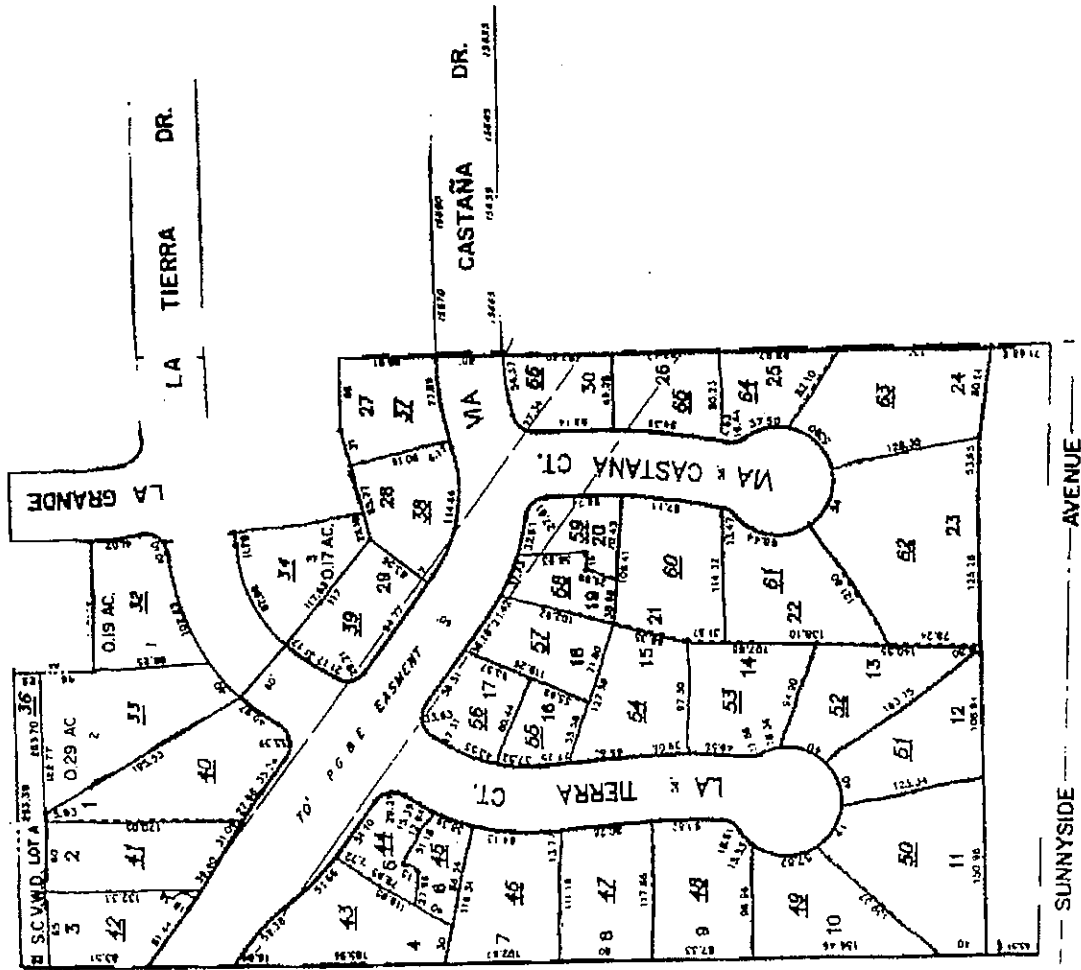


HAMILTON SQUARE ZONE

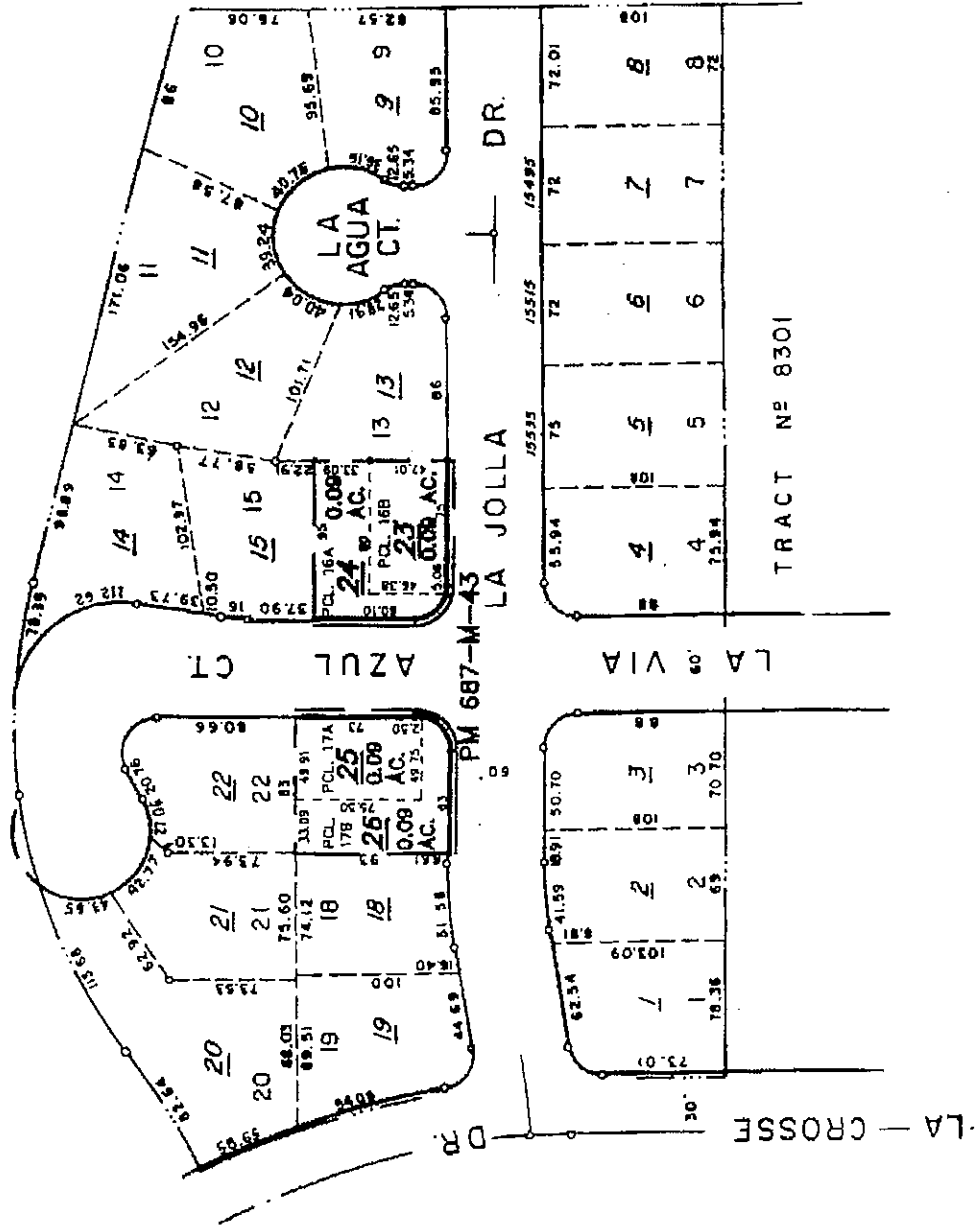


JACKSON MEADOWS #6 ZONE

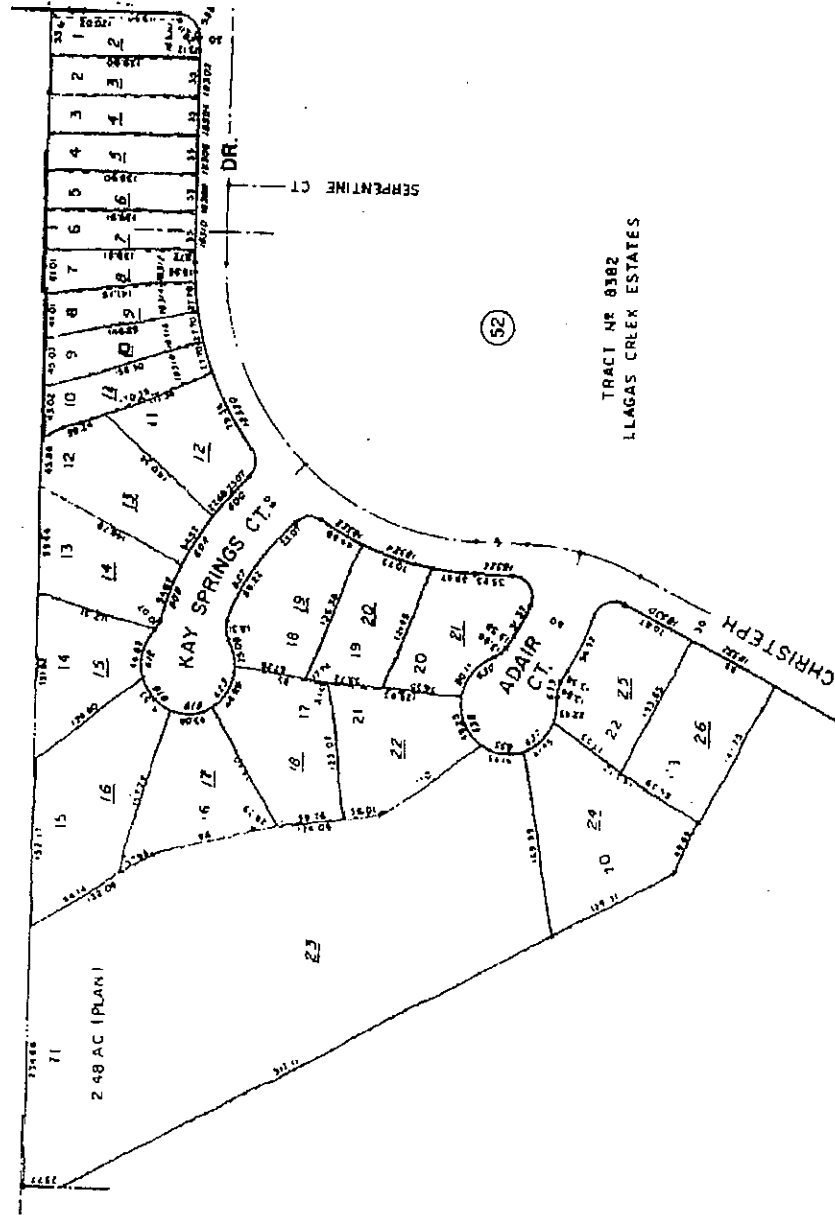




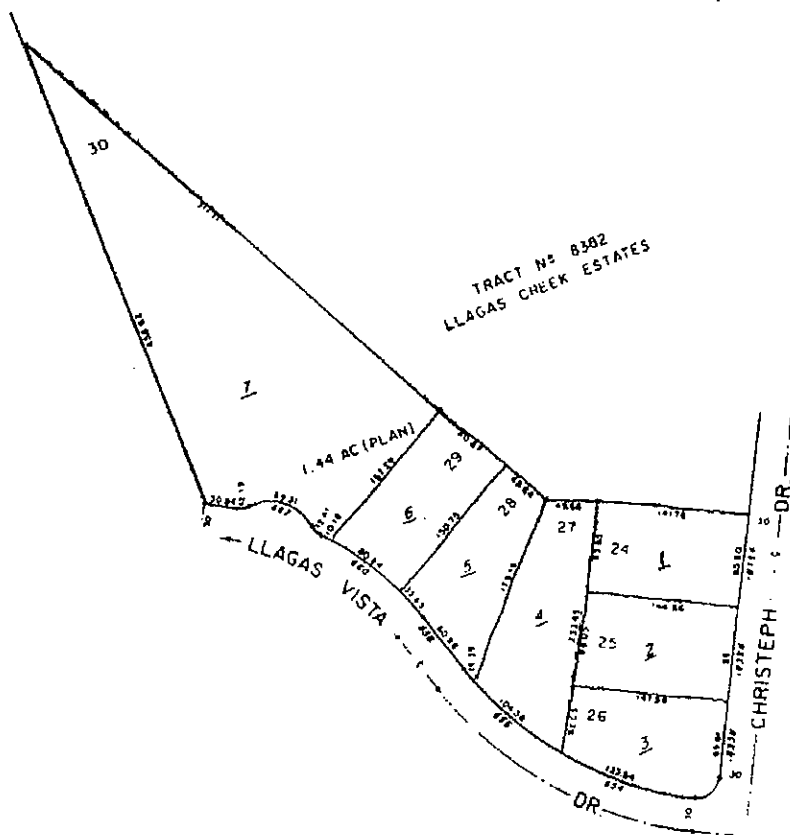
LA GRANDE ESTATES ZONE



LACROSSE/GERA ZONE

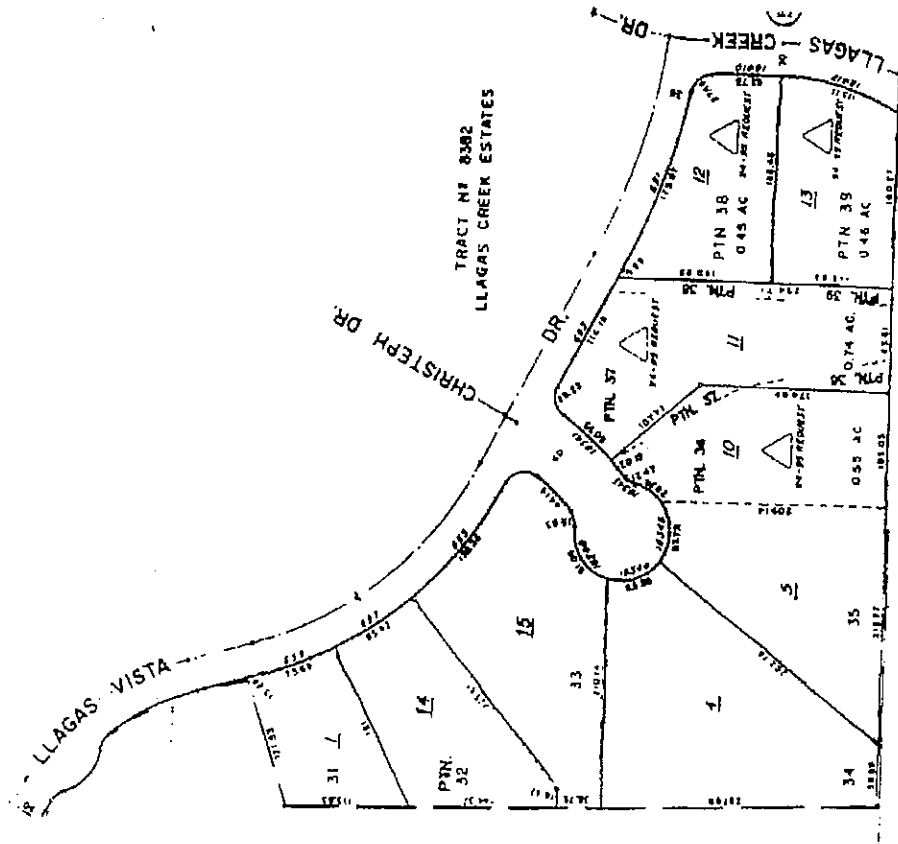


LLAGAS CREEK ESTATES ZONE SHEET 1

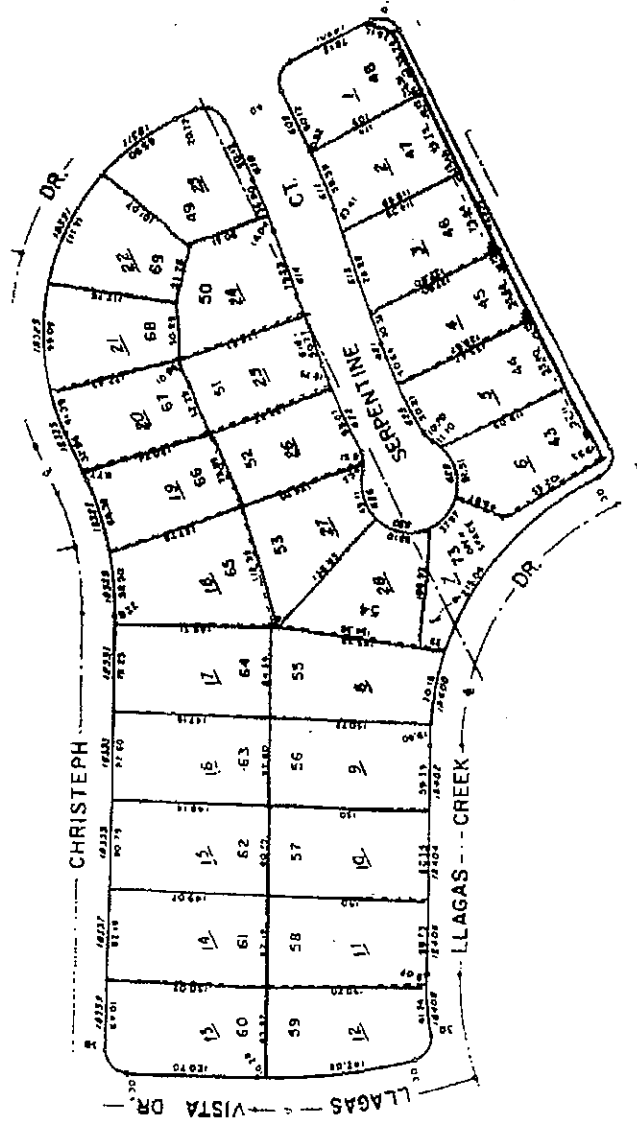


SHEET 2

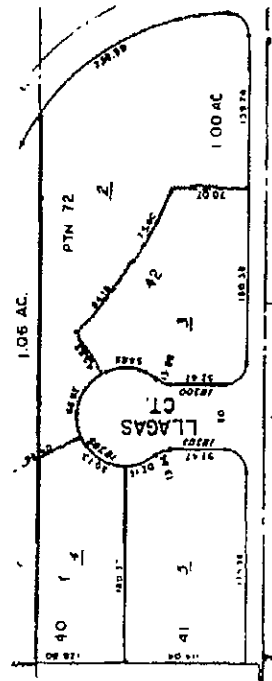
LLAGAS CREEK ESTATES ZONE



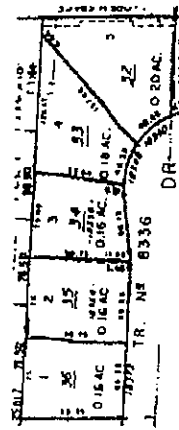
LLAGAS CREEK ESTATES ZONE SHEET 3



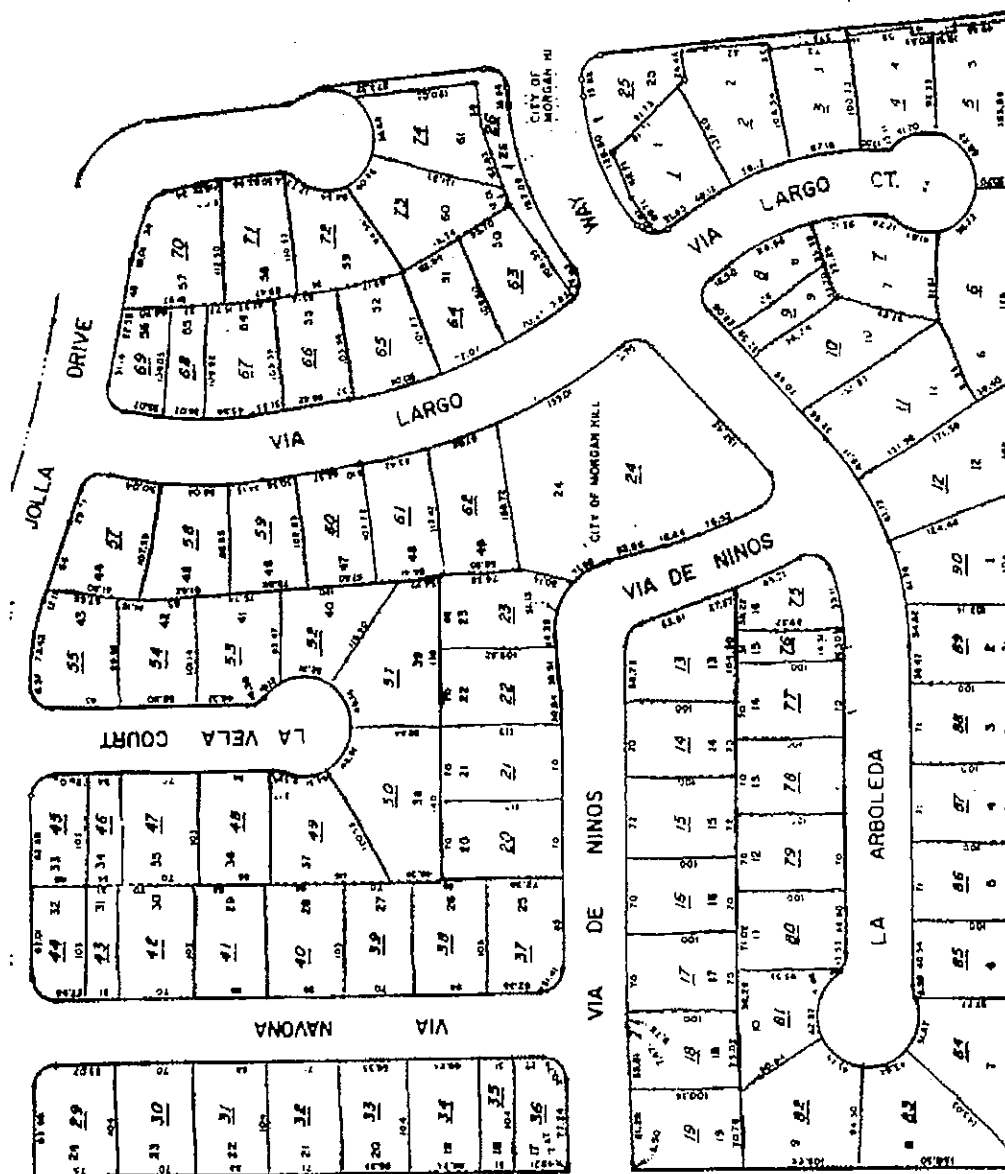
LLAGAS CREEK ESTATES ZONE SHEET 4

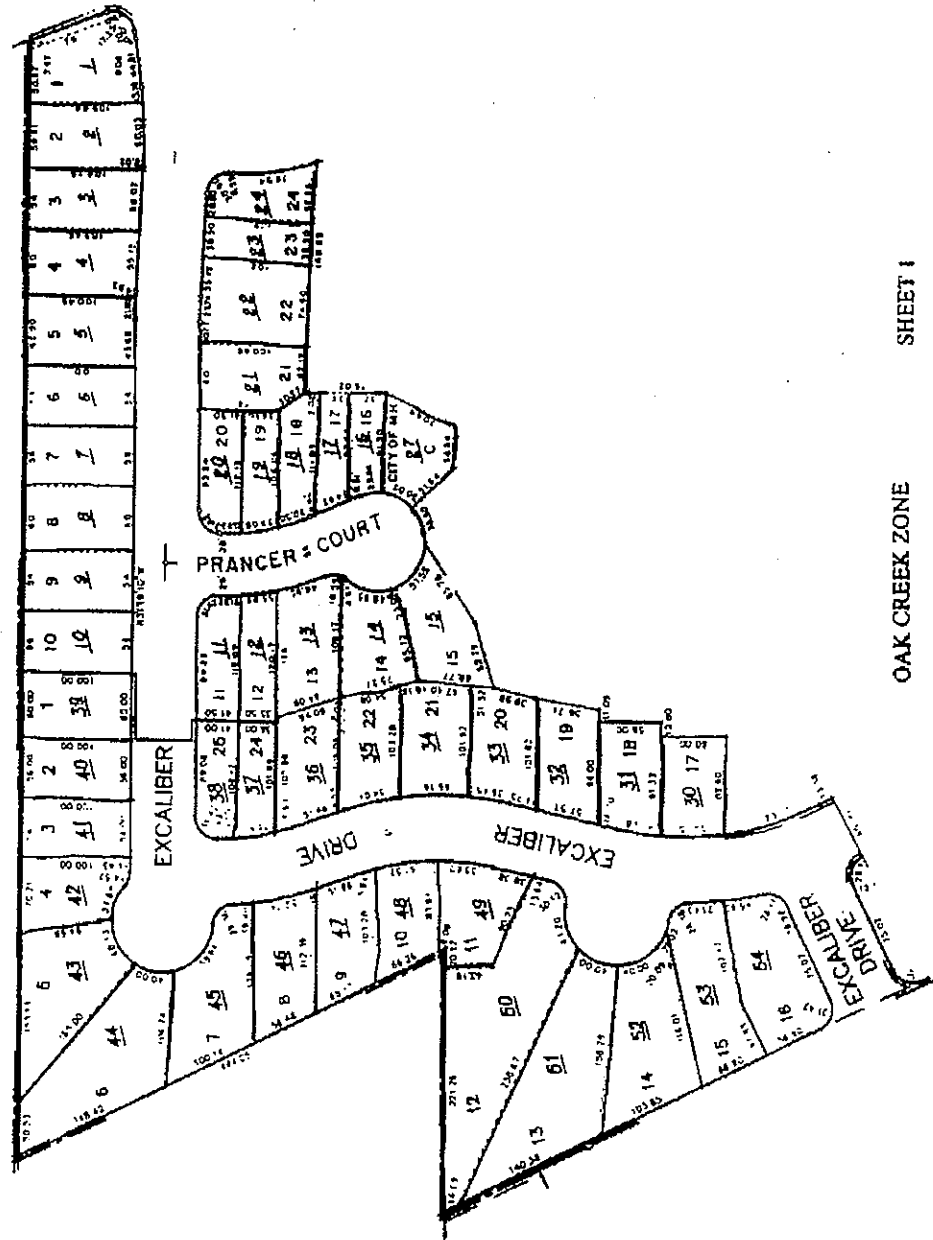


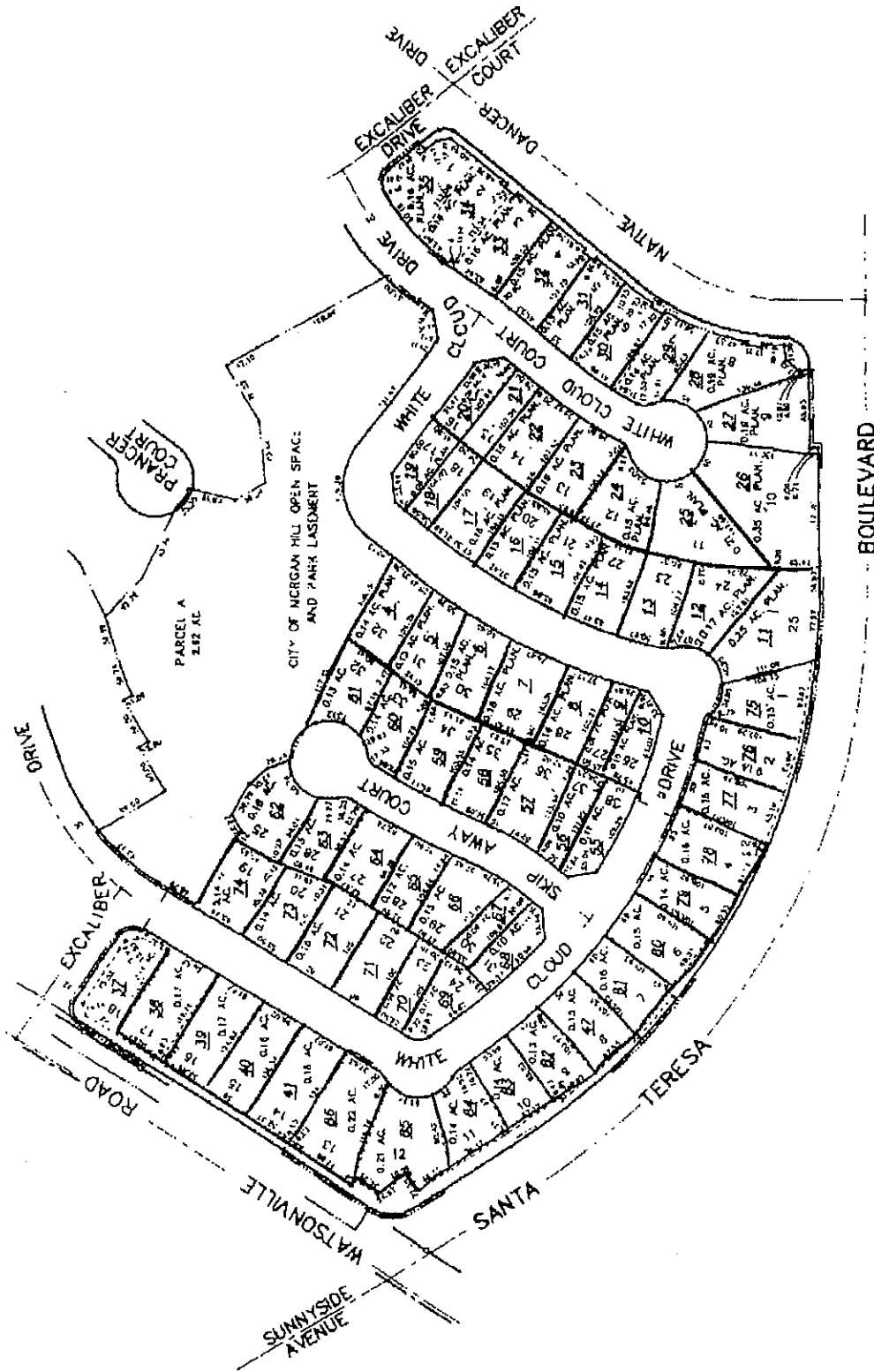
LLAGAS CREEK ESTATES ZONE SHEET 5



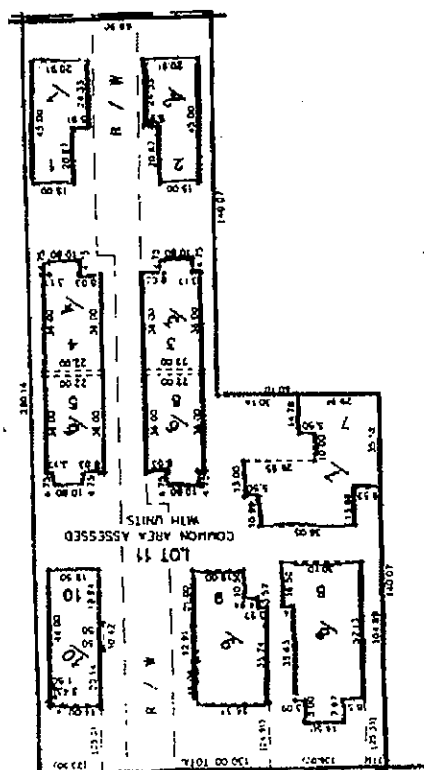
LLAGAS/OBATA ZONE



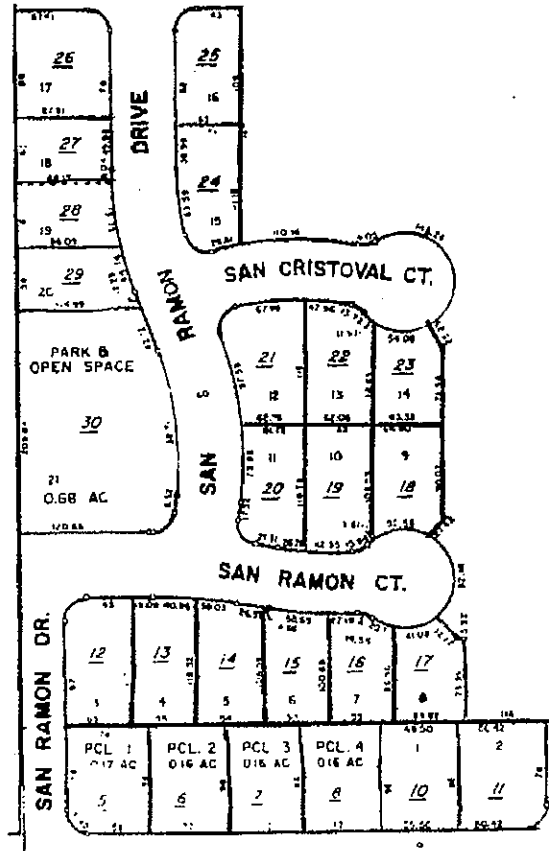




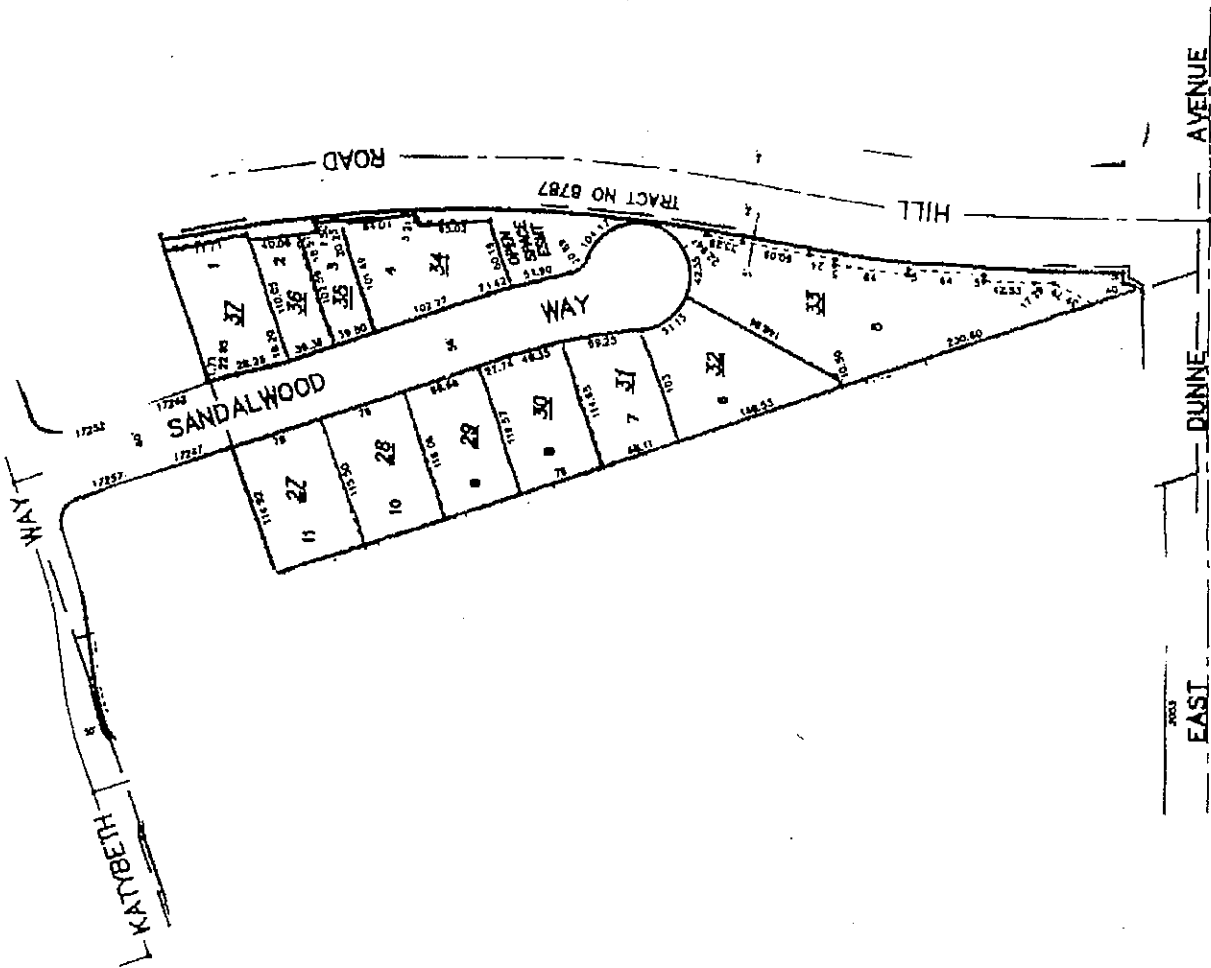
OAK CREEK ZONE SHEET 2



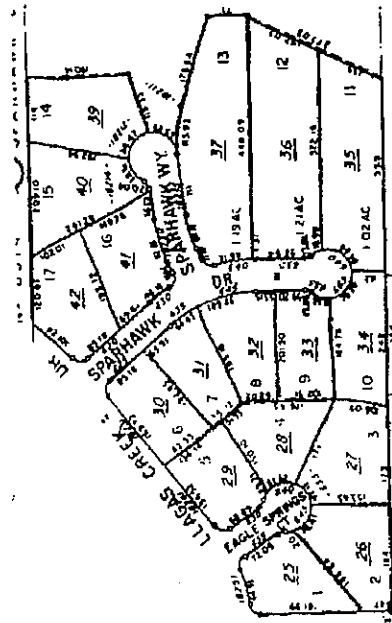
PARSONS CORNER ZONE



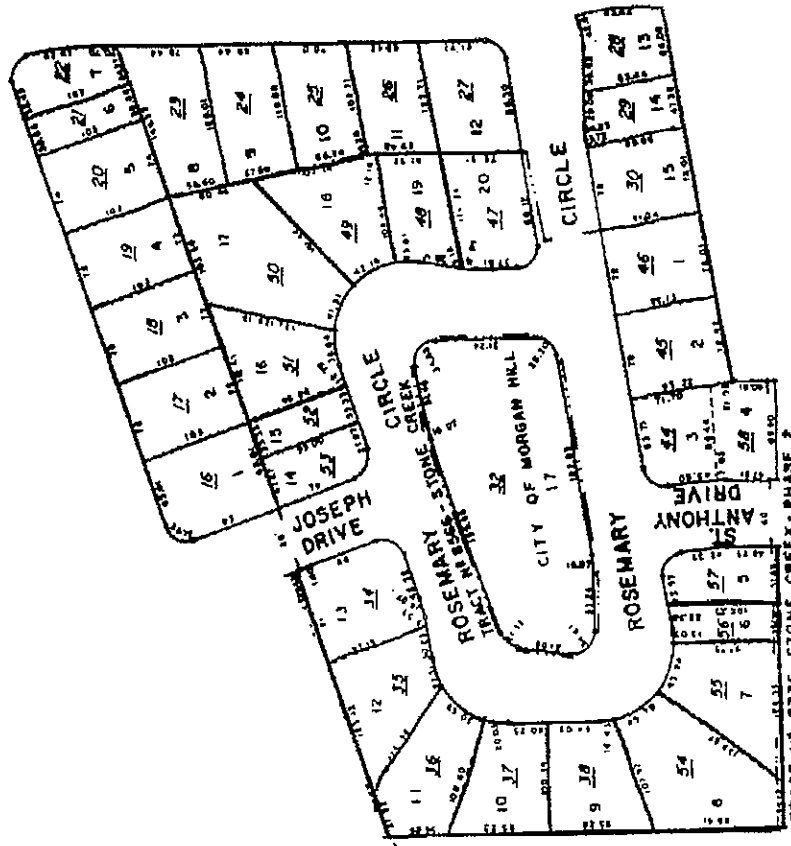
ROSEHAVEN ZONE



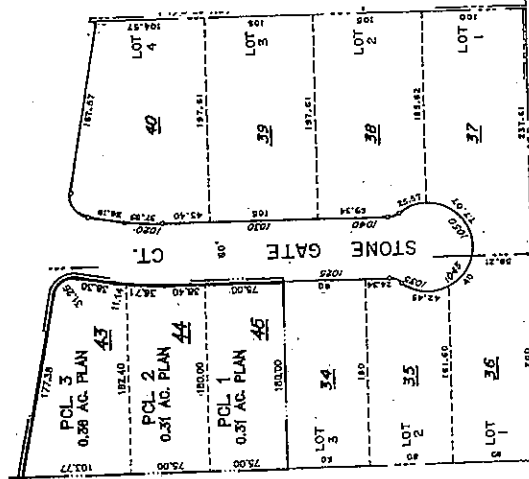
SANDALWOOD ZONE



SPARHAWK ZONE



STONE CREEK ZONE



SUNNYSIDE/STONEGATE ZONE

6. ASSESSMENT ROLL

The listing of Fiscal Year 2021/22 assessments is provided per Zone on the following pages. The description of each lot or parcel as part of the records of the County Assessor are, by reference, made part of this Report as well.

City of Morgan Hill
Landscape Assessment District No. 1
Fiscal Year 2021/22
Assessment Roll

Zone	APN	Rate Per Unit	Units	Rounding Adjustment	2021/22 Assessment (1)
Belle Estates	726-16-043	\$320.00	1.00	0.00	\$320.00
Belle Estates	726-16-044	320.00	1.00	0.00	320.00
Belle Estates	726-16-045	320.00	1.00	0.00	320.00
Belle Estates	726-16-046	320.00	1.00	0.00	320.00
Belle Estates	726-16-048	320.00	1.00	0.00	320.00
Belle Estates	726-16-050	320.00	1.00	0.00	320.00
Belle Estates	726-16-051	320.00	1.00	0.00	320.00
Belle Estates	726-16-052	320.00	1.00	0.00	320.00
Belle Estates	726-16-053	320.00	1.00	0.00	320.00
Belle Estates	726-16-054	320.00	1.00	0.00	320.00
Belle Estates	726-16-055	320.00	1.00	0.00	320.00
Belle Estates	726-16-056	320.00	1.00	0.00	320.00
Belle Estates	726-16-057	320.00	1.00	0.00	320.00
Belle Estates	726-16-058	320.00	1.00	0.00	320.00
Belle Estates	726-16-059	320.00	1.00	0.00	320.00
Belle Estates	726-16-060	320.00	1.00	0.00	320.00
Belle Estates	726-16-061	320.00	1.00	0.00	320.00
Belle Estates	726-16-062	320.00	1.00	0.00	320.00
Belle Estates	726-16-063	320.00	1.00	0.00	320.00
Belle Estates	726-16-064	320.00	1.00	0.00	320.00
Belle Estates	726-16-065	320.00	1.00	0.00	320.00
Belle Estates	726-16-066	320.00	1.00	0.00	320.00
Belle Estates	726-16-068	320.00	1.00	0.00	320.00
Belle Estates	726-16-069	320.00	1.00	0.00	320.00
Belle Estates	726-16-070	320.00	1.00	0.00	320.00
Belle Estates	726-16-071	320.00	1.00	0.00	320.00
Belle Estates	726-16-072	320.00	1.00	0.00	320.00
Belle Estates	726-16-074	320.00	1.00	0.00	320.00
Belle Estates	726-16-075	320.00	1.00	0.00	320.00
Belle Estates	726-16-076	320.00	1.00	0.00	320.00
Belle Estates	726-16-077	320.00	1.00	0.00	320.00
Belle Estates	726-16-078	320.00	1.00	0.00	320.00
Belle Estates	726-16-079	320.00	1.00	0.00	320.00
Belle Estates	726-16-080	320.00	1.00	0.00	320.00
Belle Estates	726-16-081	320.00	1.00	0.00	320.00
Belle Estates	726-16-082	320.00	1.00	0.00	320.00
Chang/Bertelone	764-23-050	550.00	1.00	0.00	550.00
Chang/Bertelone	764-23-051	550.00	1.00	0.00	550.00
Chang/Bertelone	764-23-052	550.00	1.00	0.00	550.00
Chang/Bertelone	764-23-053	550.00	1.00	0.00	550.00
Chang/Bertelone	764-23-057	550.00	1.00	0.00	550.00
Chang/Bertelone	764-23-058	550.00	1.00	0.00	550.00

Attachment: Fiscal Year 2021-22 Engineer's Report (3063 : INITIATE LAD ANNUAL ASSESSMENT PROCESS)

City of Morgan Hill
Landscape Assessment District No. 1
Fiscal Year 2021/22
Assessment Roll

Zone	APN	Rate Per Unit	Units	Rounding Adjustment	2021/22 Assessment (1)
Chang/Bertelone	764-23-059	550.00	1.00	0.00	550.00
Chang/Bertelone	764-23-060	550.00	1.00	0.00	550.00
Conte Gardens	728-10-010	365.00	1.00	0.00	365.00
Conte Gardens	728-10-011	365.00	1.00	0.00	365.00
Conte Gardens	728-10-012	365.00	1.00	0.00	365.00
Conte Gardens	728-10-013	365.00	1.00	0.00	365.00
Conte Gardens	728-10-014	365.00	1.00	0.00	365.00
Conte Gardens	728-10-015	365.00	1.00	0.00	365.00
Conte Gardens	728-10-016	365.00	1.00	0.00	365.00
Conte Gardens	728-10-017	365.00	1.00	0.00	365.00
Conte Gardens	728-10-018	365.00	1.00	0.00	365.00
Conte Gardens	728-10-019	365.00	1.00	0.00	365.00
Conte Gardens	728-10-020	365.00	1.00	0.00	365.00
Diana Estates	726-07-042	139.39	1.00	(0.01)	139.38
Diana Estates	726-07-043	139.39	1.00	(0.01)	139.38
Diana Estates	726-07-044	139.39	1.00	(0.01)	139.38
Diana Estates	726-07-045	139.39	1.00	(0.01)	139.38
Diana Estates	726-07-055	139.39	1.00	(0.01)	139.38
Diana Estates	726-07-056	139.39	1.00	(0.01)	139.38
Diana Estates	726-07-057	139.39	1.00	(0.01)	139.38
Diana Estates	726-07-058	139.39	1.00	(0.01)	139.38
Diana Estates	726-07-059	139.39	1.00	(0.01)	139.38
Diana Estates	726-07-060	139.39	1.00	(0.01)	139.38
Diana Estates	726-07-061	139.39	1.00	(0.01)	139.38
Diana Estates	726-07-062	139.39	1.00	(0.01)	139.38
Diana Estates	726-07-063	139.39	1.00	(0.01)	139.38
Diana Estates	726-07-064	139.39	1.00	(0.01)	139.38
Diana Estates	726-07-065	139.39	1.00	(0.01)	139.38
Diana Estates	726-07-066	139.39	1.00	(0.01)	139.38
Diana Estates	726-07-067	139.39	1.00	(0.01)	139.38
Diana Estates	726-07-068	139.39	1.00	(0.01)	139.38
Diana Estates	726-07-069	139.39	1.00	(0.01)	139.38
Diana Estates	726-07-070	139.39	1.00	(0.01)	139.38
Diana Estates	726-07-071	139.39	1.00	(0.01)	139.38
Diana Estates	726-07-072	139.39	1.00	(0.01)	139.38
Diana Estates	726-07-073	139.39	1.00	(0.01)	139.38
Diana Estates	726-07-074	139.39	1.00	(0.01)	139.38
Diana Estates	726-07-075	139.39	1.00	(0.01)	139.38
Diana Estates	726-07-077	139.39	1.00	(0.01)	139.38
Diana Estates	726-07-078	139.39	1.00	(0.01)	139.38
Diana Estates	726-07-080	139.39	1.00	(0.01)	139.38
Diana Estates	726-07-081	139.39	1.00	(0.01)	139.38

Attachment: Fiscal Year 2021-22 Engineer's Report (3063 : INITIATE LAD ANNUAL ASSESSMENT PROCESS)

City of Morgan Hill
Landscape Assessment District No. 1
Fiscal Year 2021/22
Assessment Roll

Zone	APN	Rate Per Unit	Units	Rounding Adjustment	2021/22 Assessment (1)
Diana Estates	726-07-082	139.39	1.00	(0.01)	139.38
Diana Estates	726-07-083	139.39	1.00	(0.01)	139.38
Diana Estates	726-07-084	139.39	1.00	(0.01)	139.38
Diana Estates	726-07-085	139.39	1.00	(0.01)	139.38
Diana Estates	726-07-086	139.39	1.00	(0.01)	139.38
Diana Estates	726-07-087	139.39	1.00	(0.01)	139.38
Diana Estates	726-08-031	139.39	1.00	(0.01)	139.38
Diana Estates	726-08-032	139.39	1.00	(0.01)	139.38
Diana Estates	726-08-033	139.39	1.00	(0.01)	139.38
Diana Estates	726-08-034	139.39	1.00	(0.01)	139.38
Diana Estates	726-08-035	139.39	1.00	(0.01)	139.38
Diana Estates	726-08-036	139.39	1.00	(0.01)	139.38
Diana Estates	726-08-046	139.39	1.00	(0.01)	139.38
Diana Estates	726-08-047	139.39	1.00	(0.01)	139.38
Diana Estates	726-08-048	139.39	1.00	(0.01)	139.38
Diana Estates	726-08-049	139.39	1.00	(0.01)	139.38
Diana Estates	726-08-050	139.39	1.00	(0.01)	139.38
Diana Estates	726-08-051	139.39	1.00	(0.01)	139.38
Diana Estates	726-08-052	139.39	1.00	(0.01)	139.38
Diana Estates	726-08-053	139.39	1.00	(0.01)	139.38
Diana Estates	726-08-054	139.39	1.00	(0.01)	139.38
Diana Estates	726-08-055	139.39	1.00	(0.01)	139.38
Diana Estates	726-08-056	139.39	1.00	(0.01)	139.38
Diana Estates	726-08-057	139.39	1.00	(0.01)	139.38
Diana Estates	726-08-058	139.39	1.00	(0.01)	139.38
Diana Estates	726-08-059	139.39	1.00	(0.01)	139.38
Diana Estates	726-08-060	139.39	1.00	(0.01)	139.38
Diana Estates	726-08-061	139.39	1.00	(0.01)	139.38
Diana Estates	726-08-062	139.39	1.00	(0.01)	139.38
Diana Estates	726-08-063	139.39	1.00	(0.01)	139.38
Diana Estates	726-08-064	139.39	1.00	(0.01)	139.38
Diana Estates	726-08-065	139.39	1.00	(0.01)	139.38
Diana Estates	726-08-066	139.39	1.00	(0.01)	139.38
Diana Estates	726-08-067	139.39	1.00	(0.01)	139.38
Diana Estates	726-08-068	139.39	1.00	(0.01)	139.38
Fox Hollow	764-47-001	173.53	1.00	(0.01)	173.52
Fox Hollow	764-47-002	173.53	1.00	(0.01)	173.52
Fox Hollow	764-47-003	173.53	1.00	(0.01)	173.52
Fox Hollow	764-47-004	173.53	1.00	(0.01)	173.52
Fox Hollow	764-47-005	173.53	1.00	(0.01)	173.52
Fox Hollow	764-47-006	173.53	1.00	(0.01)	173.52
Fox Hollow	764-47-007	173.53	1.00	(0.01)	173.52

Attachment: Fiscal Year 2021-22 Engineer's Report (3063 : INITIATE LAD ANNUAL ASSESMENT PROCESS)

City of Morgan Hill
Landscape Assessment District No. 1
Fiscal Year 2021/22
Assessment Roll

Zone	APN	Rate Per Unit	Units	Rounding Adjustment	2021/22 Assessment (1)
Fox Hollow	764-47-008	173.53	1.00	(0.01)	173.52
Fox Hollow	764-47-009	173.53	1.00	(0.01)	173.52
Fox Hollow	764-47-010	173.53	1.00	(0.01)	173.52
Fox Hollow	764-47-011	173.53	1.00	(0.01)	173.52
Fox Hollow	764-47-012	173.53	1.00	(0.01)	173.52
Fox Hollow	764-47-013	173.53	1.00	(0.01)	173.52
Fox Hollow	764-47-014	173.53	1.00	(0.01)	173.52
Fox Hollow	764-47-015	173.53	1.00	(0.01)	173.52
Fox Hollow	764-47-016	173.53	1.00	(0.01)	173.52
Fox Hollow	764-47-017	173.53	1.00	(0.01)	173.52
Fox Hollow	764-47-018	173.53	1.00	(0.01)	173.52
Fox Hollow	764-47-020	173.53	1.00	(0.01)	173.52
Fox Hollow	764-47-021	173.53	1.00	(0.01)	173.52
Fox Hollow	764-47-022	173.53	1.00	(0.01)	173.52
Fox Hollow	764-47-023	173.53	1.00	(0.01)	173.52
Fox Hollow	764-47-024	173.53	1.00	(0.01)	173.52
Fox Hollow	764-47-025	173.53	1.00	(0.01)	173.52
Fox Hollow	764-47-026	173.53	1.00	(0.01)	173.52
Fox Hollow	764-47-027	173.53	1.00	(0.01)	173.52
Fox Hollow	764-47-028	173.53	1.00	(0.01)	173.52
Fox Hollow	764-47-029	173.53	1.00	(0.01)	173.52
Fox Hollow	764-47-030	173.53	1.00	(0.01)	173.52
Fox Hollow	764-47-031	173.53	1.00	(0.01)	173.52
Fox Hollow	764-47-032	173.53	1.00	(0.01)	173.52
Fox Hollow	764-47-033	173.53	1.00	(0.01)	173.52
Fox Hollow	764-47-034	173.53	1.00	(0.01)	173.52
Fox Hollow	764-47-035	173.53	1.00	(0.01)	173.52
Fox Hollow	764-47-036	173.53	1.00	(0.01)	173.52
Fox Hollow	764-47-037	173.53	1.00	(0.01)	173.52
Fox Hollow	764-47-038	173.53	1.00	(0.01)	173.52
Fox Hollow	764-47-039	173.53	1.00	(0.01)	173.52
Fox Hollow	764-47-040	173.53	1.00	(0.01)	173.52
Fox Hollow	764-47-041	173.53	1.00	(0.01)	173.52
Fox Hollow	764-47-042	173.53	1.00	(0.01)	173.52
Fox Hollow	764-47-043	173.53	1.00	(0.01)	173.52
Fox Hollow	764-47-044	173.53	1.00	(0.01)	173.52
Fox Hollow	764-47-045	173.53	1.00	(0.01)	173.52
Fox Hollow	764-47-046	173.53	1.00	(0.01)	173.52
Fox Hollow	764-47-047	173.53	1.00	(0.01)	173.52
Fox Hollow	764-47-048	173.53	1.00	(0.01)	173.52
Fox Hollow	764-47-049	173.53	1.00	(0.01)	173.52
Fox Hollow	764-47-050	173.53	1.00	(0.01)	173.52

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Zone	APN	Rate Per Unit	Units	Rounding Adjustment	2021/22 Assessment (1)
Fox Hollow	764-47-051	173.53	1.00	(0.01)	173.52
Fox Hollow	764-47-052	173.53	1.00	(0.01)	173.52
Fox Hollow	764-47-053	173.53	1.00	(0.01)	173.52
Fox Hollow	764-47-054	173.53	1.00	(0.01)	173.52
Fox Hollow	764-47-055	173.53	1.00	(0.01)	173.52
Fox Hollow	764-47-056	173.53	1.00	(0.01)	173.52
Fox Hollow	764-47-057	173.53	1.00	(0.01)	173.52
Fox Hollow	764-47-058	173.53	1.00	(0.01)	173.52
Fox Hollow	764-47-059	173.53	1.00	(0.01)	173.52
Fox Hollow	764-47-060	173.53	1.00	(0.01)	173.52
Fox Hollow	764-47-061	173.53	1.00	(0.01)	173.52
Fox Hollow	764-47-062	173.53	1.00	(0.01)	173.52
Fox Hollow	764-47-063	173.53	1.00	(0.01)	173.52
Fox Hollow	764-47-064	173.53	1.00	(0.01)	173.52
Fox Hollow	764-47-065	173.53	1.00	(0.01)	173.52
Fox Hollow	764-47-066	173.53	1.00	(0.01)	173.52
Fox Hollow	764-47-067	173.53	1.00	(0.01)	173.52
Fox Hollow	764-47-068	173.53	1.00	(0.01)	173.52
Fox Hollow	764-47-069	173.53	1.00	(0.01)	173.52
Fox Hollow	764-47-070	173.53	1.00	(0.01)	173.52
Fox Hollow	764-47-071	173.53	1.00	(0.01)	173.52
Fox Hollow	764-47-072	173.53	1.00	(0.01)	173.52
Fox Hollow	764-47-073	173.53	1.00	(0.01)	173.52
Fox Hollow	764-47-074	173.53	1.00	(0.01)	173.52
Fox Hollow	764-47-075	173.53	1.00	(0.01)	173.52
Fox Hollow	764-47-079	173.53	1.00	(0.01)	173.52
Hamilton Square	767-36-044	325.00	1.00	0.00	325.00
Hamilton Square	767-36-045	325.00	1.00	0.00	325.00
Hamilton Square	767-36-046	325.00	1.00	0.00	325.00
Hamilton Square	767-36-047	325.00	1.00	0.00	325.00
Hamilton Square	767-36-048	325.00	1.00	0.00	325.00
Hamilton Square	767-36-049	325.00	1.00	0.00	325.00
Hamilton Square	767-36-050	325.00	1.00	0.00	325.00
Hamilton Square	767-36-051	325.00	1.00	0.00	325.00
Hamilton Square	767-36-052	325.00	1.00	0.00	325.00
Hamilton Square	767-36-053	325.00	1.00	0.00	325.00
Hamilton Square	767-36-054	325.00	1.00	0.00	325.00
Hamilton Square	767-36-055	325.00	1.00	0.00	325.00
Hamilton Square	767-36-056	325.00	1.00	0.00	325.00
Hamilton Square	767-36-057	325.00	1.00	0.00	325.00
Hamilton Square	767-36-058	325.00	1.00	0.00	325.00
Hamilton Square	767-36-059	325.00	1.00	0.00	325.00

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Zone	APN	Rate Per Unit	Units	Rounding Adjustment	2021/22 Assessment (1)
Hamilton Square	767-36-060	325.00	1.00	0.00	325.00
Hamilton Square	767-36-061	325.00	1.00	0.00	325.00
Hamilton Square	767-36-062	325.00	1.00	0.00	325.00
Hamilton Square	767-36-063	325.00	1.00	0.00	325.00
Hamilton Square	767-36-064	325.00	1.00	0.00	325.00
Hamilton Square	767-36-065	325.00	1.00	0.00	325.00
Hamilton Square	767-36-066	325.00	1.00	0.00	325.00
Hamilton Square	767-36-068	325.00	1.00	0.00	325.00
Hamilton Square	767-36-069	325.00	1.00	0.00	325.00
Hamilton Square	767-36-070	325.00	1.00	0.00	325.00
Hamilton Square	767-36-071	325.00	1.00	0.00	325.00
Hamilton Square	767-36-072	325.00	1.00	0.00	325.00
Hamilton Square	767-36-073	325.00	1.00	0.00	325.00
Hamilton Square	767-36-074	325.00	1.00	0.00	325.00
Hamilton Square	767-36-075	325.00	1.00	0.00	325.00
Hamilton Square	767-36-076	325.00	1.00	0.00	325.00
Hamilton Square	767-36-077	325.00	1.00	0.00	325.00
Hamilton Square	767-36-078	325.00	1.00	0.00	325.00
Hamilton Square	767-36-079	325.00	1.00	0.00	325.00
Hamilton Square	767-36-080	325.00	1.00	0.00	325.00
Hamilton Square	767-36-081	325.00	1.00	0.00	325.00
Hamilton Square	767-36-082	325.00	1.00	0.00	325.00
Jackson Meadows #6	817-26-047	108.00	1.00	0.00	108.00
Jackson Meadows #6	817-26-048	108.00	1.00	0.00	108.00
Jackson Meadows #6	817-26-049	108.00	1.00	0.00	108.00
Jackson Meadows #6	817-26-066	108.00	1.00	0.00	108.00
Jackson Meadows #6	817-26-067	108.00	1.00	0.00	108.00
Jackson Meadows #6	817-26-068	108.00	1.00	0.00	108.00
Jackson Meadows #6	817-26-069	108.00	1.00	0.00	108.00
Jackson Meadows #6	817-26-070	108.00	1.00	0.00	108.00
Jackson Meadows #6	817-26-071	108.00	1.00	0.00	108.00
Jackson Meadows #6	817-26-072	108.00	1.00	0.00	108.00
Jackson Meadows #6	817-26-073	108.00	1.00	0.00	108.00
Jackson Meadows #6	817-26-075	108.00	1.00	0.00	108.00
Jackson Meadows #6	817-26-076	108.00	1.00	0.00	108.00
Jackson Meadows #6	817-26-077	108.00	1.00	0.00	108.00
Jackson Meadows #6	817-26-078	108.00	1.00	0.00	108.00
Jackson Meadows #6	817-26-079	108.00	1.00	0.00	108.00
Jackson Meadows #6	817-26-080	108.00	1.00	0.00	108.00
Jackson Meadows #6	817-26-081	108.00	1.00	0.00	108.00
Jackson Meadows #6	817-26-082	108.00	1.00	0.00	108.00
Jackson Meadows #6	817-26-083	108.00	1.00	0.00	108.00

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Zone	APN	Rate Per Unit	Units	Rounding Adjustment	2021/22 Assessment (1)
Jackson Meadows #6	817-26-084	108.00	1.00	0.00	108.00
Jackson Meadows #6	817-26-085	108.00	1.00	0.00	108.00
Jackson Meadows #6	817-26-086	108.00	1.00	0.00	108.00
Jackson Meadows #6	817-26-087	108.00	1.00	0.00	108.00
Jackson Meadows #6	817-26-088	108.00	1.00	0.00	108.00
Jackson Meadows #6	817-26-089	108.00	1.00	0.00	108.00
Jackson Meadows #6	817-26-090	108.00	1.00	0.00	108.00
Jackson Meadows #6	817-26-091	108.00	1.00	0.00	108.00
Jackson Meadows #6	817-26-092	108.00	1.00	0.00	108.00
Jackson Meadows #6	817-26-093	108.00	1.00	0.00	108.00
Jackson Meadows #6	817-26-095	108.00	1.00	0.00	108.00
Jackson Meadows #6	817-26-096	108.00	1.00	0.00	108.00
Jackson Meadows #6	817-26-097	108.00	1.00	0.00	108.00
Jackson Meadows #6	817-26-098	108.00	1.00	0.00	108.00
Jackson Meadows #6	817-26-099	108.00	1.00	0.00	108.00
Jackson Meadows #6	817-26-100	108.00	1.00	0.00	108.00
Jackson Meadows #6	817-26-101	108.00	1.00	0.00	108.00
Jackson Meadows #6	817-26-102	108.00	1.00	0.00	108.00
Jackson Meadows #6	817-26-103	108.00	1.00	0.00	108.00
Jackson Meadows #6	817-26-104	108.00	1.00	0.00	108.00
Jackson Meadows #6	817-26-105	108.00	1.00	0.00	108.00
Jackson Meadows #6	817-26-106	108.00	1.00	0.00	108.00
Jackson Meadows #6	817-26-107	108.00	1.00	0.00	108.00
Jackson Meadows #6	817-26-108	108.00	1.00	0.00	108.00
Jackson Meadows #6	817-26-109	108.00	1.00	0.00	108.00
Jackson Meadows #6	817-26-110	108.00	1.00	0.00	108.00
Jackson Meadows #6	817-26-111	108.00	1.00	0.00	108.00
Jackson Meadows #6	817-26-112	108.00	1.00	0.00	108.00
Jackson Meadows #6	817-26-113	108.00	1.00	0.00	108.00
Jackson Meadows #6	817-26-114	108.00	1.00	0.00	108.00
Jackson Meadows #6	817-26-115	108.00	1.00	0.00	108.00
Jackson Meadows #6	817-26-116	108.00	1.00	0.00	108.00
Jackson Meadows #6	817-26-117	108.00	1.00	0.00	108.00
Jackson Meadows #6	817-26-118	108.00	1.00	0.00	108.00
Jackson Meadows #6	817-26-119	108.00	1.00	0.00	108.00
Jackson Meadows #6	817-26-120	108.00	1.00	0.00	108.00
Jackson Meadows #6	817-26-122	108.00	1.00	0.00	108.00
Jackson Meadows #6	817-26-123	108.00	1.00	0.00	108.00
Jackson Meadows #6	817-26-124	108.00	1.00	0.00	108.00
Jackson Meadows #6	817-26-125	108.00	1.00	0.00	108.00
Jackson Meadows #6	817-26-126	108.00	1.00	0.00	108.00
Jackson Meadows #6	817-26-127	108.00	1.00	0.00	108.00

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Zone	APN	Rate Per Unit	Units	Rounding Adjustment	2021/22 Assessment (1)
Jackson Meadows #6	817-26-129	108.00	1.00	0.00	108.00
Jackson Meadows #6	817-26-130	108.00	1.00	0.00	108.00
Jackson Meadows #6	817-26-131	108.00	1.00	0.00	108.00
Jackson Meadows #6	817-26-132	108.00	1.00	0.00	108.00
Jackson Meadows #6	817-26-133	108.00	1.00	0.00	108.00
Jackson Meadows #6	817-26-134	108.00	1.00	0.00	108.00
Jackson Meadows #6	817-26-135	108.00	1.00	0.00	108.00
Jackson Meadows #6	817-26-136	108.00	1.00	0.00	108.00
Jackson Meadows #7	817-70-001	100.00	1.00	0.00	100.00
Jackson Meadows #7	817-70-002	100.00	1.00	0.00	100.00
Jackson Meadows #7	817-70-003	100.00	1.00	0.00	100.00
Jackson Meadows #7	817-70-004	100.00	1.00	0.00	100.00
Jackson Meadows #7	817-70-005	100.00	1.00	0.00	100.00
Jackson Meadows #7	817-70-006	100.00	1.00	0.00	100.00
Jackson Meadows #7	817-70-007	100.00	1.00	0.00	100.00
Jackson Meadows #7	817-70-008	100.00	1.00	0.00	100.00
Jackson Meadows #7	817-70-009	100.00	1.00	0.00	100.00
Jackson Meadows #7	817-70-017	100.00	1.00	0.00	100.00
La Grande Estates	767-45-032	88.00	1.00	0.00	88.00
La Grande Estates	767-45-033	88.00	1.00	0.00	88.00
La Grande Estates	767-45-034	88.00	1.00	0.00	88.00
La Grande Estates	767-45-037	88.00	1.00	0.00	88.00
La Grande Estates	767-45-038	88.00	1.00	0.00	88.00
La Grande Estates	767-45-039	88.00	1.00	0.00	88.00
La Grande Estates	767-45-040	88.00	1.00	0.00	88.00
La Grande Estates	767-45-041	88.00	1.00	0.00	88.00
La Grande Estates	767-45-042	88.00	1.00	0.00	88.00
La Grande Estates	767-45-043	88.00	1.00	0.00	88.00
La Grande Estates	767-45-044	88.00	1.00	0.00	88.00
La Grande Estates	767-45-045	88.00	1.00	0.00	88.00
La Grande Estates	767-45-046	88.00	1.00	0.00	88.00
La Grande Estates	767-45-047	88.00	1.00	0.00	88.00
La Grande Estates	767-45-048	88.00	1.00	0.00	88.00
La Grande Estates	767-45-049	88.00	1.00	0.00	88.00
La Grande Estates	767-45-050	88.00	1.00	0.00	88.00
La Grande Estates	767-45-051	88.00	1.00	0.00	88.00
La Grande Estates	767-45-052	88.00	1.00	0.00	88.00
La Grande Estates	767-45-053	88.00	1.00	0.00	88.00
La Grande Estates	767-45-054	88.00	1.00	0.00	88.00
La Grande Estates	767-45-055	88.00	1.00	0.00	88.00
La Grande Estates	767-45-056	88.00	1.00	0.00	88.00
La Grande Estates	767-45-057	88.00	1.00	0.00	88.00

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Zone	APN	Rate Per Unit	Units	Rounding Adjustment	2021/22 Assessment (1)
La Grande Estates	767-45-058	88.00	1.00	0.00	88.00
La Grande Estates	767-45-059	88.00	1.00	0.00	88.00
La Grande Estates	767-45-060	88.00	1.00	0.00	88.00
La Grande Estates	767-45-061	88.00	1.00	0.00	88.00
La Grande Estates	767-45-062	88.00	1.00	0.00	88.00
La Grande Estates	767-45-063	88.00	1.00	0.00	88.00
La Grande Estates	767-45-064	88.00	1.00	0.00	88.00
La Grande Estates	767-45-065	88.00	1.00	0.00	88.00
Lacrosse/Gera	767-46-001	50.00	1.00	0.00	50.00
Lacrosse/Gera	767-46-002	50.00	1.00	0.00	50.00
Lacrosse/Gera	767-46-003	50.00	1.00	0.00	50.00
Lacrosse/Gera	767-46-004	50.00	1.00	0.00	50.00
Lacrosse/Gera	767-46-005	50.00	1.00	0.00	50.00
Lacrosse/Gera	767-46-006	50.00	1.00	0.00	50.00
Lacrosse/Gera	767-46-007	50.00	1.00	0.00	50.00
Lacrosse/Gera	767-46-008	50.00	1.00	0.00	50.00
Lacrosse/Gera	767-46-009	50.00	1.00	0.00	50.00
Lacrosse/Gera	767-46-010	50.00	1.00	0.00	50.00
Lacrosse/Gera	767-46-011	50.00	1.00	0.00	50.00
Lacrosse/Gera	767-46-012	50.00	1.00	0.00	50.00
Lacrosse/Gera	767-46-013	50.00	1.00	0.00	50.00
Lacrosse/Gera	767-46-014	50.00	1.00	0.00	50.00
Lacrosse/Gera	767-46-015	50.00	1.00	0.00	50.00
Lacrosse/Gera	767-46-018	50.00	1.00	0.00	50.00
Lacrosse/Gera	767-46-019	50.00	1.00	0.00	50.00
Lacrosse/Gera	767-46-020	50.00	1.00	0.00	50.00
Lacrosse/Gera	767-46-021	50.00	1.00	0.00	50.00
Lacrosse/Gera	767-46-022	50.00	1.00	0.00	50.00
Lacrosse/Gera	767-46-023	50.00	1.00	0.00	50.00
Lacrosse/Gera	767-46-024	50.00	1.00	0.00	50.00
Lacrosse/Gera	767-46-025	50.00	1.00	0.00	50.00
Lacrosse/Gera	767-46-026	50.00	1.00	0.00	50.00
Llagas Creek	764-49-002	233.67	1.00	(0.01)	233.66
Llagas Creek	764-49-003	233.67	1.00	(0.01)	233.66
Llagas Creek	764-49-004	233.67	1.00	(0.01)	233.66
Llagas Creek	764-49-005	233.67	1.00	(0.01)	233.66
Llagas Creek	764-49-006	233.67	1.00	(0.01)	233.66
Llagas Creek	764-49-007	233.67	1.00	(0.01)	233.66
Llagas Creek	764-49-008	233.67	1.00	(0.01)	233.66
Llagas Creek	764-49-009	233.67	1.00	(0.01)	233.66
Llagas Creek	764-49-010	233.67	1.00	(0.01)	233.66
Llagas Creek	764-49-011	233.67	1.00	(0.01)	233.66

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Llagas Creek	764-49-012	233.67	1.00	(0.01)	233.66
Llagas Creek	764-49-013	233.67	1.00	(0.01)	233.66
Llagas Creek	764-49-014	233.67	1.00	(0.01)	233.66
Llagas Creek	764-49-015	233.67	1.00	(0.01)	233.66
Llagas Creek	764-49-016	233.67	1.00	(0.01)	233.66
Llagas Creek	764-49-017	233.67	1.00	(0.01)	233.66
Llagas Creek	764-49-018	233.67	1.00	(0.01)	233.66
Llagas Creek	764-49-019	233.67	1.00	(0.01)	233.66
Llagas Creek	764-49-020	233.67	1.00	(0.01)	233.66
Llagas Creek	764-49-021	233.67	1.00	(0.01)	233.66
Llagas Creek	764-49-022	233.67	1.00	(0.01)	233.66
Llagas Creek	764-49-023	233.67	1.00	(0.01)	233.66
Llagas Creek	764-49-024	233.67	1.00	(0.01)	233.66
Llagas Creek	764-49-025	233.67	1.00	(0.01)	233.66
Llagas Creek	764-49-026	233.67	1.00	(0.01)	233.66
Llagas Creek	764-50-001	233.67	1.00	(0.01)	233.66
Llagas Creek	764-50-002	233.67	1.00	(0.01)	233.66
Llagas Creek	764-50-003	233.67	1.00	(0.01)	233.66
Llagas Creek	764-50-004	233.67	1.00	(0.01)	233.66
Llagas Creek	764-50-005	233.67	1.00	(0.01)	233.66
Llagas Creek	764-50-006	233.67	1.00	(0.01)	233.66
Llagas Creek	764-50-007	233.67	1.00	(0.01)	233.66
Llagas Creek	764-51-001	233.67	1.00	(0.01)	233.66
Llagas Creek	764-51-004	233.67	1.00	(0.01)	233.66
Llagas Creek	764-51-005	233.67	1.00	(0.01)	233.66
Llagas Creek	764-51-010	233.67	1.00	(0.01)	233.66
Llagas Creek	764-51-011	233.67	1.00	(0.01)	233.66
Llagas Creek	764-51-012	233.67	1.00	(0.01)	233.66
Llagas Creek	764-51-013	233.67	1.00	(0.01)	233.66
Llagas Creek	764-51-014	233.67	1.00	(0.01)	233.66
Llagas Creek	764-51-015	233.67	1.00	(0.01)	233.66
Llagas Creek	764-52-001	233.67	1.00	(0.01)	233.66
Llagas Creek	764-52-002	233.67	1.00	(0.01)	233.66
Llagas Creek	764-52-003	233.67	1.00	(0.01)	233.66
Llagas Creek	764-52-004	233.67	1.00	(0.01)	233.66
Llagas Creek	764-52-005	233.67	1.00	(0.01)	233.66
Llagas Creek	764-52-006	233.67	1.00	(0.01)	233.66
Llagas Creek	764-52-008	233.67	1.00	(0.01)	233.66
Llagas Creek	764-52-009	233.67	1.00	(0.01)	233.66
Llagas Creek	764-52-010	233.67	1.00	(0.01)	233.66
Llagas Creek	764-52-011	233.67	1.00	(0.01)	233.66
Llagas Creek	764-52-012	233.67	1.00	(0.01)	233.66

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City of Morgan Hill
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Zone	APN	Rate Per Unit	Units	Rounding Adjustment	2021/22 Assessment (1)
Llagas Creek	764-52-013	233.67	1.00	(0.01)	233.66
Llagas Creek	764-52-014	233.67	1.00	(0.01)	233.66
Llagas Creek	764-52-015	233.67	1.00	(0.01)	233.66
Llagas Creek	764-52-016	233.67	1.00	(0.01)	233.66
Llagas Creek	764-52-017	233.67	1.00	(0.01)	233.66
Llagas Creek	764-52-018	233.67	1.00	(0.01)	233.66
Llagas Creek	764-52-019	233.67	1.00	(0.01)	233.66
Llagas Creek	764-52-020	233.67	1.00	(0.01)	233.66
Llagas Creek	764-52-021	233.67	1.00	(0.01)	233.66
Llagas Creek	764-52-022	233.67	1.00	(0.01)	233.66
Llagas Creek	764-52-023	233.67	1.00	(0.01)	233.66
Llagas Creek	764-52-024	233.67	1.00	(0.01)	233.66
Llagas Creek	764-52-025	233.67	1.00	(0.01)	233.66
Llagas Creek	764-52-026	233.67	1.00	(0.01)	233.66
Llagas Creek	764-52-027	233.67	1.00	(0.01)	233.66
Llagas Creek	764-52-028	233.67	1.00	(0.01)	233.66
Llagas Creek	764-53-003	233.67	1.00	(0.01)	233.66
Llagas Creek	764-53-004	233.67	1.00	(0.01)	233.66
Llagas Creek	764-53-005	233.67	1.00	(0.01)	233.66
Llagas/Obata	764-23-032	400.00	1.00	0.00	400.00
Llagas/Obata	764-23-033	400.00	1.00	0.00	400.00
Llagas/Obata	764-23-034	400.00	1.00	0.00	400.00
Llagas/Obata	764-23-035	400.00	1.00	0.00	400.00
Llagas/Obata	764-23-036	400.00	1.00	0.00	400.00
Mill Creek	767-47-001	285.00	1.00	0.00	285.00
Mill Creek	767-47-002	285.00	1.00	0.00	285.00
Mill Creek	767-47-003	285.00	1.00	0.00	285.00
Mill Creek	767-47-004	285.00	1.00	0.00	285.00
Mill Creek	767-47-005	285.00	1.00	0.00	285.00
Mill Creek	767-47-006	285.00	1.00	0.00	285.00
Mill Creek	767-47-007	285.00	1.00	0.00	285.00
Mill Creek	767-47-008	285.00	1.00	0.00	285.00
Mill Creek	767-47-009	285.00	1.00	0.00	285.00
Mill Creek	767-47-010	285.00	1.00	0.00	285.00
Mill Creek	767-47-011	285.00	1.00	0.00	285.00
Mill Creek	767-47-012	285.00	1.00	0.00	285.00
Mill Creek	767-47-013	285.00	1.00	0.00	285.00
Mill Creek	767-47-014	285.00	1.00	0.00	285.00
Mill Creek	767-47-015	285.00	1.00	0.00	285.00
Mill Creek	767-47-016	285.00	1.00	0.00	285.00
Mill Creek	767-47-017	285.00	1.00	0.00	285.00
Mill Creek	767-47-018	285.00	1.00	0.00	285.00

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Zone	APN	Rate Per Unit	Units	Rounding Adjustment	2021/22 Assessment (1)
Mill Creek	767-47-019	285.00	1.00	0.00	285.00
Mill Creek	767-47-020	285.00	1.00	0.00	285.00
Mill Creek	767-47-021	285.00	1.00	0.00	285.00
Mill Creek	767-47-022	285.00	1.00	0.00	285.00
Mill Creek	767-47-023	285.00	1.00	0.00	285.00
Mill Creek	767-47-029	285.00	1.00	0.00	285.00
Mill Creek	767-47-030	285.00	1.00	0.00	285.00
Mill Creek	767-47-031	285.00	1.00	0.00	285.00
Mill Creek	767-47-032	285.00	1.00	0.00	285.00
Mill Creek	767-47-033	285.00	1.00	0.00	285.00
Mill Creek	767-47-034	285.00	1.00	0.00	285.00
Mill Creek	767-47-035	285.00	1.00	0.00	285.00
Mill Creek	767-47-036	285.00	1.00	0.00	285.00
Mill Creek	767-47-037	285.00	1.00	0.00	285.00
Mill Creek	767-47-038	285.00	1.00	0.00	285.00
Mill Creek	767-47-039	285.00	1.00	0.00	285.00
Mill Creek	767-47-040	285.00	1.00	0.00	285.00
Mill Creek	767-47-041	285.00	1.00	0.00	285.00
Mill Creek	767-47-042	285.00	1.00	0.00	285.00
Mill Creek	767-47-043	285.00	1.00	0.00	285.00
Mill Creek	767-47-044	285.00	1.00	0.00	285.00
Mill Creek	767-47-045	285.00	1.00	0.00	285.00
Mill Creek	767-47-046	285.00	1.00	0.00	285.00
Mill Creek	767-47-047	285.00	1.00	0.00	285.00
Mill Creek	767-47-048	285.00	1.00	0.00	285.00
Mill Creek	767-47-049	285.00	1.00	0.00	285.00
Mill Creek	767-47-050	285.00	1.00	0.00	285.00
Mill Creek	767-47-051	285.00	1.00	0.00	285.00
Mill Creek	767-47-052	285.00	1.00	0.00	285.00
Mill Creek	767-47-053	285.00	1.00	0.00	285.00
Mill Creek	767-47-054	285.00	1.00	0.00	285.00
Mill Creek	767-47-055	285.00	1.00	0.00	285.00
Mill Creek	767-47-057	285.00	1.00	0.00	285.00
Mill Creek	767-47-058	285.00	1.00	0.00	285.00
Mill Creek	767-47-059	285.00	1.00	0.00	285.00
Mill Creek	767-47-060	285.00	1.00	0.00	285.00
Mill Creek	767-47-061	285.00	1.00	0.00	285.00
Mill Creek	767-47-062	285.00	1.00	0.00	285.00
Mill Creek	767-47-063	285.00	1.00	0.00	285.00
Mill Creek	767-47-064	285.00	1.00	0.00	285.00
Mill Creek	767-47-065	285.00	1.00	0.00	285.00
Mill Creek	767-47-066	285.00	1.00	0.00	285.00

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Zone	APN	Rate Per Unit	Units	Rounding Adjustment	2021/22 Assessment (1)
Mill Creek	767-47-067	285.00	1.00	0.00	285.00
Mill Creek	767-47-068	285.00	1.00	0.00	285.00
Mill Creek	767-47-069	285.00	1.00	0.00	285.00
Mill Creek	767-47-070	285.00	1.00	0.00	285.00
Mill Creek	767-47-071	285.00	1.00	0.00	285.00
Mill Creek	767-47-072	285.00	1.00	0.00	285.00
Mill Creek	767-47-073	285.00	1.00	0.00	285.00
Mill Creek	767-47-074	285.00	1.00	0.00	285.00
Mill Creek	767-47-075	285.00	1.00	0.00	285.00
Mill Creek	767-47-076	285.00	1.00	0.00	285.00
Mill Creek	767-47-077	285.00	1.00	0.00	285.00
Mill Creek	767-47-078	285.00	1.00	0.00	285.00
Mill Creek	767-47-079	285.00	1.00	0.00	285.00
Mill Creek	767-47-080	285.00	1.00	0.00	285.00
Mill Creek	767-47-081	285.00	1.00	0.00	285.00
Mill Creek	767-47-082	285.00	1.00	0.00	285.00
Mill Creek	767-47-083	285.00	1.00	0.00	285.00
Mill Creek	767-47-084	285.00	1.00	0.00	285.00
Mill Creek	767-47-085	285.00	1.00	0.00	285.00
Mill Creek	767-47-086	285.00	1.00	0.00	285.00
Mill Creek	767-47-087	285.00	1.00	0.00	285.00
Mill Creek	767-47-088	285.00	1.00	0.00	285.00
Mill Creek	767-47-089	285.00	1.00	0.00	285.00
Mill Creek	767-47-090	285.00	1.00	0.00	285.00
Oak Creek I, II, III	779-51-001	350.00	1.00	0.00	350.00
Oak Creek I, II, III	779-51-002	350.00	1.00	0.00	350.00
Oak Creek I, II, III	779-51-003	350.00	1.00	0.00	350.00
Oak Creek I, II, III	779-51-004	350.00	1.00	0.00	350.00
Oak Creek I, II, III	779-51-005	350.00	1.00	0.00	350.00
Oak Creek I, II, III	779-51-006	350.00	1.00	0.00	350.00
Oak Creek I, II, III	779-51-007	350.00	1.00	0.00	350.00
Oak Creek I, II, III	779-51-008	350.00	1.00	0.00	350.00
Oak Creek I, II, III	779-51-009	350.00	1.00	0.00	350.00
Oak Creek I, II, III	779-51-010	350.00	1.00	0.00	350.00
Oak Creek I, II, III	779-51-011	350.00	1.00	0.00	350.00
Oak Creek I, II, III	779-51-012	350.00	1.00	0.00	350.00
Oak Creek I, II, III	779-51-013	350.00	1.00	0.00	350.00
Oak Creek I, II, III	779-51-014	350.00	1.00	0.00	350.00
Oak Creek I, II, III	779-51-015	350.00	1.00	0.00	350.00
Oak Creek I, II, III	779-51-016	350.00	1.00	0.00	350.00
Oak Creek I, II, III	779-51-017	350.00	1.00	0.00	350.00
Oak Creek I, II, III	779-51-018	350.00	1.00	0.00	350.00

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Zone	APN	Rate Per Unit	Units	Rounding Adjustment	2021/22 Assessment (1)
Oak Creek I, II, III	779-51-019	350.00	1.00	0.00	350.00
Oak Creek I, II, III	779-51-020	350.00	1.00	0.00	350.00
Oak Creek I, II, III	779-51-021	350.00	1.00	0.00	350.00
Oak Creek I, II, III	779-51-022	350.00	1.00	0.00	350.00
Oak Creek I, II, III	779-51-023	350.00	1.00	0.00	350.00
Oak Creek I, II, III	779-51-024	350.00	1.00	0.00	350.00
Oak Creek I, II, III	779-51-030	350.00	1.00	0.00	350.00
Oak Creek I, II, III	779-51-031	350.00	1.00	0.00	350.00
Oak Creek I, II, III	779-51-032	350.00	1.00	0.00	350.00
Oak Creek I, II, III	779-51-033	350.00	1.00	0.00	350.00
Oak Creek I, II, III	779-51-034	350.00	1.00	0.00	350.00
Oak Creek I, II, III	779-51-035	350.00	1.00	0.00	350.00
Oak Creek I, II, III	779-51-036	350.00	1.00	0.00	350.00
Oak Creek I, II, III	779-51-037	350.00	1.00	0.00	350.00
Oak Creek I, II, III	779-51-038	350.00	1.00	0.00	350.00
Oak Creek I, II, III	779-51-039	350.00	1.00	0.00	350.00
Oak Creek I, II, III	779-51-040	350.00	1.00	0.00	350.00
Oak Creek I, II, III	779-51-041	350.00	1.00	0.00	350.00
Oak Creek I, II, III	779-51-042	350.00	1.00	0.00	350.00
Oak Creek I, II, III	779-51-043	350.00	1.00	0.00	350.00
Oak Creek I, II, III	779-51-044	350.00	1.00	0.00	350.00
Oak Creek I, II, III	779-51-045	350.00	1.00	0.00	350.00
Oak Creek I, II, III	779-51-046	350.00	1.00	0.00	350.00
Oak Creek I, II, III	779-51-047	350.00	1.00	0.00	350.00
Oak Creek I, II, III	779-51-048	350.00	1.00	0.00	350.00
Oak Creek I, II, III	779-51-049	350.00	1.00	0.00	350.00
Oak Creek I, II, III	779-51-050	350.00	1.00	0.00	350.00
Oak Creek I, II, III	779-51-051	350.00	1.00	0.00	350.00
Oak Creek I, II, III	779-51-052	350.00	1.00	0.00	350.00
Oak Creek I, II, III	779-51-053	350.00	1.00	0.00	350.00
Oak Creek I, II, III	779-51-054	350.00	1.00	0.00	350.00
Oak Creek I, II, III	779-52-004	350.00	1.00	0.00	350.00
Oak Creek I, II, III	779-52-005	350.00	1.00	0.00	350.00
Oak Creek I, II, III	779-52-006	350.00	1.00	0.00	350.00
Oak Creek I, II, III	779-52-007	350.00	1.00	0.00	350.00
Oak Creek I, II, III	779-52-008	350.00	1.00	0.00	350.00
Oak Creek I, II, III	779-52-009	350.00	1.00	0.00	350.00
Oak Creek I, II, III	779-52-010	350.00	1.00	0.00	350.00
Oak Creek I, II, III	779-52-011	350.00	1.00	0.00	350.00
Oak Creek I, II, III	779-52-012	350.00	1.00	0.00	350.00
Oak Creek I, II, III	779-52-013	350.00	1.00	0.00	350.00
Oak Creek I, II, III	779-52-014	350.00	1.00	0.00	350.00

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Zone	APN	Rate Per Unit	Units	Rounding Adjustment	2021/22 Assessment (1)
Oak Creek I, II, III	779-52-015	350.00	1.00	0.00	350.00
Oak Creek I, II, III	779-52-016	350.00	1.00	0.00	350.00
Oak Creek I, II, III	779-52-017	350.00	1.00	0.00	350.00
Oak Creek I, II, III	779-52-018	350.00	1.00	0.00	350.00
Oak Creek I, II, III	779-52-019	350.00	1.00	0.00	350.00
Oak Creek I, II, III	779-52-020	350.00	1.00	0.00	350.00
Oak Creek I, II, III	779-52-021	350.00	1.00	0.00	350.00
Oak Creek I, II, III	779-52-022	350.00	1.00	0.00	350.00
Oak Creek I, II, III	779-52-023	350.00	1.00	0.00	350.00
Oak Creek I, II, III	779-52-024	350.00	1.00	0.00	350.00
Oak Creek I, II, III	779-52-025	350.00	1.00	0.00	350.00
Oak Creek I, II, III	779-52-026	350.00	1.00	0.00	350.00
Oak Creek I, II, III	779-52-027	350.00	1.00	0.00	350.00
Oak Creek I, II, III	779-52-028	350.00	1.00	0.00	350.00
Oak Creek I, II, III	779-52-029	350.00	1.00	0.00	350.00
Oak Creek I, II, III	779-52-030	350.00	1.00	0.00	350.00
Oak Creek I, II, III	779-52-031	350.00	1.00	0.00	350.00
Oak Creek I, II, III	779-52-032	350.00	1.00	0.00	350.00
Oak Creek I, II, III	779-52-033	350.00	1.00	0.00	350.00
Oak Creek I, II, III	779-52-034	350.00	1.00	0.00	350.00
Oak Creek I, II, III	779-52-035	350.00	1.00	0.00	350.00
Oak Creek I, II, III	779-52-037	350.00	1.00	0.00	350.00
Oak Creek I, II, III	779-52-038	350.00	1.00	0.00	350.00
Oak Creek I, II, III	779-52-039	350.00	1.00	0.00	350.00
Oak Creek I, II, III	779-52-040	350.00	1.00	0.00	350.00
Oak Creek I, II, III	779-52-041	350.00	1.00	0.00	350.00
Oak Creek I, II, III	779-52-047	350.00	1.00	0.00	350.00
Oak Creek I, II, III	779-52-055	350.00	1.00	0.00	350.00
Oak Creek I, II, III	779-52-056	350.00	1.00	0.00	350.00
Oak Creek I, II, III	779-52-057	350.00	1.00	0.00	350.00
Oak Creek I, II, III	779-52-058	350.00	1.00	0.00	350.00
Oak Creek I, II, III	779-52-059	350.00	1.00	0.00	350.00
Oak Creek I, II, III	779-52-060	350.00	1.00	0.00	350.00
Oak Creek I, II, III	779-52-061	350.00	1.00	0.00	350.00
Oak Creek I, II, III	779-52-062	350.00	1.00	0.00	350.00
Oak Creek I, II, III	779-52-063	350.00	1.00	0.00	350.00
Oak Creek I, II, III	779-52-064	350.00	1.00	0.00	350.00
Oak Creek I, II, III	779-52-065	350.00	1.00	0.00	350.00
Oak Creek I, II, III	779-52-066	350.00	1.00	0.00	350.00
Oak Creek I, II, III	779-52-067	350.00	1.00	0.00	350.00
Oak Creek I, II, III	779-52-068	350.00	1.00	0.00	350.00
Oak Creek I, II, III	779-52-069	350.00	1.00	0.00	350.00

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Zone	APN	Rate Per Unit	Units	Rounding Adjustment	2021/22 Assessment (1)
Oak Creek I, II, III	779-52-070	350.00	1.00	0.00	350.00
Oak Creek I, II, III	779-52-071	350.00	1.00	0.00	350.00
Oak Creek I, II, III	779-52-072	350.00	1.00	0.00	350.00
Oak Creek I, II, III	779-52-073	350.00	1.00	0.00	350.00
Oak Creek I, II, III	779-52-074	350.00	1.00	0.00	350.00
Oak Creek I, II, III	779-52-075	350.00	1.00	0.00	350.00
Oak Creek I, II, III	779-52-076	350.00	1.00	0.00	350.00
Oak Creek I, II, III	779-52-077	350.00	1.00	0.00	350.00
Oak Creek I, II, III	779-52-078	350.00	1.00	0.00	350.00
Oak Creek I, II, III	779-52-079	350.00	1.00	0.00	350.00
Oak Creek I, II, III	779-52-080	350.00	1.00	0.00	350.00
Oak Creek I, II, III	779-52-081	350.00	1.00	0.00	350.00
Oak Creek I, II, III	779-52-082	350.00	1.00	0.00	350.00
Oak Creek I, II, III	779-52-083	350.00	1.00	0.00	350.00
Oak Creek I, II, III	779-52-084	350.00	1.00	0.00	350.00
Oak Creek I, II, III	779-52-085	350.00	1.00	0.00	350.00
Oak Creek I, II, III	779-52-086	350.00	1.00	0.00	350.00
Rosehaven	817-10-005	400.00	1.00	0.00	400.00
Rosehaven	817-10-006	400.00	1.00	0.00	400.00
Rosehaven	817-10-007	400.00	1.00	0.00	400.00
Rosehaven	817-10-008	400.00	1.00	0.00	400.00
Rosehaven	817-10-010	400.00	1.00	0.00	400.00
Rosehaven	817-10-011	400.00	2.00	0.00	800.00
Rosehaven	817-10-012	400.00	1.00	0.00	400.00
Rosehaven	817-10-013	400.00	1.00	0.00	400.00
Rosehaven	817-10-014	400.00	1.00	0.00	400.00
Rosehaven	817-10-015	400.00	1.00	0.00	400.00
Rosehaven	817-10-016	400.00	1.00	0.00	400.00
Rosehaven	817-10-017	400.00	1.00	0.00	400.00
Rosehaven	817-10-018	400.00	1.00	0.00	400.00
Rosehaven	817-10-019	400.00	1.00	0.00	400.00
Rosehaven	817-10-020	400.00	1.00	0.00	400.00
Rosehaven	817-10-021	400.00	2.00	0.00	800.00
Rosehaven	817-10-022	400.00	1.00	0.00	400.00
Rosehaven	817-10-023	400.00	1.00	0.00	400.00
Rosehaven	817-10-024	400.00	1.00	0.00	400.00
Rosehaven	817-10-025	400.00	1.00	0.00	400.00
Rosehaven	817-10-026	400.00	2.00	0.00	800.00
Rosehaven	817-10-027	400.00	1.00	0.00	400.00
Rosehaven	817-10-028	400.00	1.00	0.00	400.00
Rosehaven	817-10-029	400.00	1.00	0.00	400.00
Sandalwood	728-11-027	450.00	1.00	0.00	450.00

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Fiscal Year 2021/22
Assessment Roll

Zone	APN	Rate Per Unit	Units	Rounding Adjustment	2021/22 Assessment (1)
Sandalwood	728-11-028	450.00	1.00	0.00	450.00
Sandalwood	728-11-029	450.00	1.00	0.00	450.00
Sandalwood	728-11-030	450.00	1.00	0.00	450.00
Sandalwood	728-11-031	450.00	1.00	0.00	450.00
Sandalwood	728-11-032	450.00	1.00	0.00	450.00
Sandalwood	728-11-033	450.00	1.00	0.00	450.00
Sandalwood	728-11-034	450.00	1.00	0.00	450.00
Sandalwood	728-11-035	450.00	1.00	0.00	450.00
Sandalwood	728-11-036	450.00	1.00	0.00	450.00
Sandalwood	728-11-037	450.00	1.00	0.00	450.00
Sparhawk	764-31-025	248.82	1.00	0.00	248.82
Sparhawk	764-31-026	248.82	1.00	0.00	248.82
Sparhawk	764-31-027	248.82	1.00	0.00	248.82
Sparhawk	764-31-028	248.82	1.00	0.00	248.82
Sparhawk	764-31-029	248.82	1.00	0.00	248.82
Sparhawk	764-31-030	248.82	1.00	0.00	248.82
Sparhawk	764-31-031	248.82	1.00	0.00	248.82
Sparhawk	764-31-032	248.82	1.00	0.00	248.82
Sparhawk	764-31-033	248.82	1.00	0.00	248.82
Sparhawk	764-31-034	248.82	1.00	0.00	248.82
Sparhawk	764-31-035	248.82	1.00	0.00	248.82
Sparhawk	764-31-036	248.82	1.00	0.00	248.82
Sparhawk	764-31-037	248.82	1.00	0.00	248.82
Sparhawk	764-31-038	248.82	1.00	0.00	248.82
Sparhawk	764-31-039	248.82	1.00	0.00	248.82
Sparhawk	764-31-040	248.82	1.00	0.00	248.82
Sparhawk	764-31-041	248.82	1.00	0.00	248.82
Sparhawk	764-31-042	248.82	1.00	0.00	248.82
Stone Creek	726-06-016	388.46	1.00	0.00	388.46
Stone Creek	726-06-017	388.46	1.00	0.00	388.46
Stone Creek	726-06-018	388.46	1.00	0.00	388.46
Stone Creek	726-06-019	388.46	1.00	0.00	388.46
Stone Creek	726-06-020	388.46	1.00	0.00	388.46
Stone Creek	726-06-021	388.46	1.00	0.00	388.46
Stone Creek	726-06-022	388.46	1.00	0.00	388.46
Stone Creek	726-06-023	388.46	1.00	0.00	388.46
Stone Creek	726-06-024	388.46	1.00	0.00	388.46
Stone Creek	726-06-025	388.46	1.00	0.00	388.46
Stone Creek	726-06-026	388.46	1.00	0.00	388.46
Stone Creek	726-06-027	388.46	1.00	0.00	388.46
Stone Creek	726-06-028	388.46	1.00	0.00	388.46
Stone Creek	726-06-029	388.46	1.00	0.00	388.46

Attachment: Fiscal Year 2021-22 Engineer's Report (3063 : INITIATE LAD ANNUAL ASSESSMENT PROCESS)

City of Morgan Hill
Landscape Assessment District No. 1
Fiscal Year 2021/22
Assessment Roll

Zone	APN	Rate Per Unit	Units	Rounding Adjustment	2021/22 Assessment (1)
Stone Creek	726-06-030	388.46	1.00	0.00	388.46
Stone Creek	726-06-034	388.46	1.00	0.00	388.46
Stone Creek	726-06-035	388.46	1.00	0.00	388.46
Stone Creek	726-06-036	388.46	1.00	0.00	388.46
Stone Creek	726-06-037	388.46	1.00	0.00	388.46
Stone Creek	726-06-038	388.46	1.00	0.00	388.46
Stone Creek	726-06-044	388.46	1.00	0.00	388.46
Stone Creek	726-06-045	388.46	1.00	0.00	388.46
Stone Creek	726-06-046	388.46	1.00	0.00	388.46
Stone Creek	726-06-047	388.46	1.00	0.00	388.46
Stone Creek	726-06-048	388.46	1.00	0.00	388.46
Stone Creek	726-06-049	388.46	1.00	0.00	388.46
Stone Creek	726-06-050	388.46	1.00	0.00	388.46
Stone Creek	726-06-051	388.46	1.00	0.00	388.46
Stone Creek	726-06-052	388.46	1.00	0.00	388.46
Stone Creek	726-06-053	388.46	1.00	0.00	388.46
Stone Creek	726-06-054	388.46	1.00	0.00	388.46
Stone Creek	726-06-055	388.46	1.00	0.00	388.46
Stone Creek	726-06-056	388.46	1.00	0.00	388.46
Stone Creek	726-06-057	388.46	1.00	0.00	388.46
Stone Creek	726-06-058	388.46	1.00	0.00	388.46
Sunnyside/Stonegate	773-31-034	375.00	1.00	0.00	375.00
Sunnyside/Stonegate	773-31-035	375.00	1.00	0.00	375.00
Sunnyside/Stonegate	773-31-036	375.00	1.00	0.00	375.00
Sunnyside/Stonegate	773-31-037	375.00	1.00	0.00	375.00
Sunnyside/Stonegate	773-31-038	375.00	1.00	0.00	375.00
Sunnyside/Stonegate	773-31-039	375.00	1.00	0.00	375.00
Sunnyside/Stonegate	773-31-040	375.00	1.00	0.00	375.00
Sunnyside/Stonegate	773-31-043	375.00	1.00	0.00	375.00
Sunnyside/Stonegate	773-31-044	375.00	1.00	0.00	375.00
Sunnyside/Stonegate	773-31-045	375.00	1.00	0.00	375.00
Totals:			748.00	(2.10)	188,550.04

(1) Amounts placed on the tax roll must be rounded down to an even number. The Assessment includes the rounding adjustment.

Attachment: Fiscal Year 2021-22 Engineer's Report (3063 : INITIATE LAD ANNUAL ASSESSMENT PROCESS)

7. HISTORICAL ASSESSMENT RATES

The historical assessment rates per Zone are identified on the following pages.

City of Morgan Hill
Landscape Assessment District No. 1
Actual Historical Assessment Rates Per Zone

Zone	Belle Estates	Chang/Bertelone	Conte Gardens	Diana Estates	Fox Hollow / Murphy Sp.	Hamilton Square	Jackson Meadows #6	Jackson Meadows #7	La Grande Estates	Lacrosse/Gera
Annexation Number	93-03	93-05	92-10	94-01	Original	94-03	93-06	91-03	95-03	91-04
Original Rate	\$502.22	\$1,215.00	\$477.82	\$139.39	\$106.15	\$425.54	\$108.10	\$314.58	\$88.00	\$142.99
Unit Count	36	8	11	64	75	38	70	10	32	24
1991/92	-	-	-	\$139.39	-	-	-	\$314.58	-	\$142.99
1992/93	-	-	-	-	-	-	-	-	-	-
1993/94	-	-	-	69.80	-	-	-	77.35	-	8.93
1994/95	-	-	-	69.80	\$106.15	-	-	77.35	-	8.93
1995/96	\$502.00	\$1,215.00	\$285.98	54.14	79.92	\$425.54	\$108.10	88.66	-	8.93
1996/97	71.00	8.93	477.82	21.94	49.11	214.08	76.04	194.70	-	8.93
1997/98	71.00	8.93	477.82	21.94	49.11	214.08	76.04	194.70	-	8.93
1998/99	71.00	8.93	477.82	21.94	49.11	214.08	76.04	194.70	-	8.93
1999/00	147.81	8.93	477.82	81.03	49.11	399.71	108.10	314.50	\$88.00	8.93
2000/01	147.81	8.93	477.82	81.03	49.11	399.71	108.10	314.50	88.00	8.93
2001/02	147.80	8.92	477.82	54.80	49.10	399.70	86.38	314.50	88.00	8.92
2002/03	147.80	8.92	477.82	70.00	101.10	399.70	104.18	314.50	88.00	8.92
2003/04	175.00	8.92	477.82	80.00	101.10	399.70	104.18	314.50	88.00	8.92
2004/05	180.00	8.92	477.82	80.00	101.10	399.70	108.10	314.50	88.00	8.92
2005/06	180.00	94.92	477.82	105.00	141.10	399.70	108.10	314.50	88.00	8.92
2006/07	180.00	94.92	477.82	105.00	141.10	399.70	108.10	314.50	88.00	8.92
2007/08	194.00	94.92	477.82	135.00	141.10	399.70	108.10	314.50	88.00	8.92
2008/09	234.00	94.92	477.82	139.39	149.69	425.54	108.10	314.50	88.00	130.00
2009/10	234.00	200.00	477.82	139.39	149.69	425.54	108.10	314.50	88.00	130.00
2010/11	234.00	300.00	477.82	139.39	149.69	425.54	108.10	314.50	88.00	130.00
2011/12	282.00	400.00	477.82	139.39	168.48	425.54	108.10	314.50	88.00	50.00
2012/13	282.00	400.00	477.82	139.39	173.53	425.54	98.10	140.00	88.00	50.00
2013/14	320.00	500.00	477.82	139.39	173.53	425.54	98.10	140.00	88.00	50.00
2014/15	320.00	500.00	477.82	139.39	173.53	425.54	98.10	140.00	88.00	50.00
2015/16	320.00	550.00	400.00	139.39	173.53	425.54	108.00	140.00	88.00	50.00
2016/17	320.00	550.00	400.00	139.39	173.53	425.54	108.00	100.00	88.00	50.00
2017/18	320.00	550.00	400.00	139.39	173.53	325.00	108.00	100.00	88.00	50.00
2018/19	320.00	550.00	365.00	139.39	173.53	325.00	108.00	100.00	88.00	50.00
2019/20	320.00	550.00	365.00	139.39	173.53	325.00	108.00	100.00	88.00	50.00
2020/21	320.00	550.00	365.00	139.39	173.53	325.00	108.00	100.00	88.00	50.00
2021/22	320.00	550.00	365.00	139.39	173.53	325.00	108.00	100.00	88.00	50.00

City of Morgan Hill
Landscape Assessment District No. 1
Actual Historical Assessment Rates Per Zone

Zone	Llagas Creek Estates	Llagas/Obata	Mill Creek	Oak Creek	Parsons Corner	Rose Haven	Sandalwood	Sparhawk	Stone Creek	Sunnyside / Stone Gate
Annexation Number	91-05	91-07	93-01	94-04	95-02	95-01	96-01	91-06	94-02	91-01
Original Rate	\$140.84	\$629.16	\$186.82	\$453.82	\$568.32	\$488.47	\$192.39	\$174.77	\$306.66	\$449.40
Unit Count	71	5	84	119	10	27	11	18	35	10
1991/92	\$140.85	\$629.16	-	-	-	-	-	\$174.77	-	\$449.40
1992/93	-	-	-	-	-	-	-	-	-	-
1993/94	19.13	335.37	-	-	-	-	-	93.03	-	15.05
1994/95	19.13	15.05	-	-	-	-	-	308.84	-	15.04
1995/96	76.60	15.05	\$186.82	\$453.82	-	-	-	226.46	\$306.66	15.04
1996/97	59.54	8.93	64.57	47.67	\$568.32	\$488.47	-	147.33	146.66	8.93
1997/98	59.54	8.93	64.57	47.67	457.40	189.73	-	147.33	146.66	8.93
1998/99	59.54	8.93	64.57	337.09	457.40	189.73	-	147.33	146.66	8.93
1999/00	140.85	8.93	95.83	320.52	457.40	189.73	\$192.36	147.33	275.00	8.93
2000/01	140.85	8.93	158.64	245.16	457.40	189.73	192.36	147.33	275.00	8.93
2001/02	105.86	8.92	158.64	150.00	457.40	189.72	192.36	147.32	275.00	8.92
2002/03	140.00	8.92	182.64	250.00	300.00	300.00	192.36	147.32	275.00	275.00
2003/04	140.00	8.92	120.00	300.00	300.00	300.00	192.36	147.32	275.00	192.50
2004/05	140.00	8.92	120.00	300.00	300.00	300.00	192.36	147.32	306.66	192.50
2005/06	190.00	53.92	138.00	300.00	430.00	300.00	192.36	202.32	306.66	332.50
2006/07	190.00	53.92	138.00	300.00	430.00	300.00	192.36	202.32	306.66	332.50
2007/08	190.00	53.92	168.00	300.00	460.00	330.00	192.36	208.38	306.66	332.50
2008/09	195.70	53.92	186.82	300.00	460.00	370.00	192.36	214.64	306.66	332.50
2009/10	195.70	53.92	186.82	300.00	460.00	370.00	192.36	214.64	306.66	332.50
2010/11	195.70	53.92	186.82	300.00	460.00	370.00	192.36	214.64	306.66	332.50
2011/12	195.70	53.92	186.82	350.00	250.00	450.00	192.36	241.58	306.66	332.50
2012/13	195.70	53.92	186.82	350.00	250.00	450.00	192.36	248.82	388.46	332.50
2013/14	233.67	53.92	186.82	350.00	250.00	450.00	192.36	248.82	388.46	412.50
2014/15	233.67	53.92	186.82	350.00	250.00	450.00	192.36	248.82	388.46	412.50
2015/16	233.67	143.92	186.82	350.00	250.00	450.00	192.36	248.82	388.46	375.00
2016/17	233.67	143.92	186.82	350.00	250.00	488.00	192.36	248.82	388.46	375.00
2017/18	233.67	143.92	186.82	350.00	250.00	488.00	192.36	248.82	388.46	375.00
2018/19	233.67	400.00	186.82	350.00	250.00	400.00	450.00	248.82	388.46	375.00
2019/20	233.67	400.00	186.82	350.00	0.00	400.00	450.00	248.82	388.46	375.00
2020/21	233.67	400.00	285.00	350.00	0.00	400.00	450.00	248.82	388.46	375.00
2021/22	233.67	400.00	285.00	350.00	0.00	400.00	450.00	248.82	388.46	375.00

RESOLUTION NO. _____

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
MORGAN HILL, INITIATING PROCEEDINGS FOR THE
LEVY AND COLLECTION OF ASSESSMENTS FOR THE
CITY OF MORGAN HILL LANDSCAPE ASSESSMENT
DISTRICT NO. 1 FOR FISCAL YEAR 2021-22**

WHEREAS, the Council previously completed its proceedings in accordance with and pursuant to the Landscaping and Lighting Act of 1972, Part 2, Division 15 of the California Streets and Highways Code (commencing with Section 22500) (the “Act”) to establish the City’s Fox Hollow/Murphy Springs Landscape Assessment District and has by previous resolution changed the name to the City of Morgan Hill Landscape Assessment District No. 1 (the “Assessment District”); and,

WHEREAS, the City has retained NBS for the purpose of assisting with the annual levy of the Assessment District, and to prepare and file an Annual Report.

NOW, THEREFORE BE IT RESOLVED, DETERMINED, AND ORDERED BY THE COUNCIL, AS FOLLOWS:

- 1. Annual Report:** The Council hereby orders NBS to prepare and file with the City Clerk the Annual Report concerning the levy and collection of assessments within the Assessment District for the fiscal year commencing July 1, 2021 and ending June 30, 2022.
- 2. New Improvements or Changes to Existing Improvements:** There are no changes to existing improvements nor are there any items being added to the list of improvements previously approved at the formation of the Assessment District.

PASSED, APPROVED AND ADOPTED by the City Council of Morgan Hill at a regular meeting held on the 5th day of May 2021.

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

APPROVED:

ATTEST:

RICH CONSTANTINE, Mayor

MICHELLE BIGELOW, City Clerk

Attachment: Reso1_InitiateProceedings_21-22 (3063 : INITIATE LAD ANNUAL ASSESSMENT PROCESS)

CERTIFICATION

I, **Michelle Bigelow, City Clerk of the City of Morgan Hill, California**, do hereby certify that the foregoing is a true and correct copy of Resolution No. ____, adopted by the City Council at the meeting held on May 5, 2021.

WITNESS MY HAND AND THE SEAL OF THE CITY OF MORGAN HILL.

DATE: _____

Michelle Bigelow, CITY CLERK

RESOLUTION NO. _____

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
MORGAN HILL, APPROVING THE ANNUAL REPORT FOR
THE CITY OF MORGAN HILL LANDSCAPE ASSESSMENT
DISTRICT NO. 1 FOR FISCAL YEAR 2021-22**

WHEREAS, the Council previously completed its proceedings in accordance with and pursuant to the Landscaping and Lighting Act of 1972, Part 2, Division 15 of the California Streets and Highways Code (commencing with Section 22500) (the “Act”) to establish the City’s Fox Hollow/Murphy Springs Landscape Assessment District and has by previous resolution changed the name to the City of Morgan Hill Landscape Assessment District No. 1 (the “Assessment District”); and,

WHEREAS, the City has retained NBS for the purpose of assisting with the annual levy of the Assessment District, and to prepare and file an Annual Report; and

WHEREAS, the Council has, by previous resolution, ordered NBS to prepare and file such Annual Report; and

WHEREAS, NBS has prepared and filed such Annual Report with the City Clerk.

NOW, THEREFORE BE IT RESOLVED, DETERMINED, AND ORDERED BY THE COUNCIL, AS FOLLOWS:

- 1. Approval of Report:** The Council approves the Annual Report concerning the levy of assessments for the fiscal year commencing July 1, 2021 and ending June 30, 2022.

PASSED, APPROVED AND ADOPTED by the City Council of Morgan Hill at a regular meeting held on the 5th day of May 2021.

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

APPROVED:

ATTEST:

RICH CONSTANTINE, Mayor

MICHELLE BIGELOW, City Clerk

Attachment: Reso2_ApproveReport_21-22 (3063 : INITIATE LAD ANNUAL ASSESSMENT PROCESS)

CERTIFICATION

I, **Michelle Bigelow, City Clerk of the City of Morgan Hill, California**, do hereby certify that the foregoing is a true and correct copy of Resolution No. ____, adopted by the City Council at the meeting held on May 5, 2021.

WITNESS MY HAND AND THE SEAL OF THE CITY OF MORGAN HILL.

DATE: _____

Michelle Bigelow, CITY CLERK

Attachment: Reso2_ApproveReport_21-22 (3063 : INITIATE LAD ANNUAL ASSESSMENT PROCESS)

RESOLUTION NO. _____

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
MORGAN HILL, DECLARING ITS INTENTION TO LEVY
AND COLLECT ASSESSMENTS FOR THE CITY OF
MORGAN HILL LANDSCAPE ASSESSMENT DISTRICT NO. 1
FOR FISCAL YEAR 2021-22**

WHEREAS, the Council previously completed its proceedings in accordance with and pursuant to the Landscaping and Lighting Act of 1972, Part 2, Division 15 of the California Streets and Highways Code (commencing with Section 22500) (the “Act”) to establish the City’s Fox Hollow/Murphy Springs Landscape Assessment District and has by previous resolution changed the name to the City of Morgan Hill Landscape Assessment District No. 1 (the “Assessment District”); and

WHEREAS, the City has retained NBS for the purpose of assisting with the annual levy of the Assessment District, and to prepare and file an Annual Report.

NOW, THEREFORE BE IT RESOLVED, DETERMINED, AND ORDERED BY THE COUNCIL, AS FOLLOWS:

1. **Intention:** The Council hereby declares its intention to levy and collect assessments within the Assessment District to pay the costs of the Improvements for the fiscal year commencing July 1, 2021 and ending June 30, 2022. The Council finds that the public’s best interest requires such action.
2. **Improvements:** The Improvements include, but are not limited to: ground cover, shrubs, plants and trees, irrigation and drainage systems, graffiti removal, entry monuments, and associated appurtenant facilities. Services provided include all necessary service, operations, administration and maintenance required to keep the above mentioned improvements in a healthy, vigorous and satisfactory condition.
3. **Assessment District Boundaries:** The boundaries of the Assessment District are as shown by the assessment diagram filed in the offices of the City Clerk, which map is made a part hereof by reference.
4. **Annual Report:** Reference is made to the Annual Report prepared by NBS, on file with the Clerk, for a full and detailed description of the improvements, the boundaries of the Assessment District and the zones therein, and the proposed assessments upon assessable lots and parcels of land within the Assessment District.
5. **Notice of Public Hearing:** The Council hereby declares its intention to conduct a Public Hearing concerning the levy of assessments in accordance with Section 22629 of the Act. All objections to the assessment, if any, will be considered by the Council. The Public Hearing will be held on **Wednesday June 2, 2021 at 7:00 PM** or as soon thereafter as is feasible virtually at <https://bit.ly/MHCityCouncilMeeting> or by calling in to: (669) 900-

9128, then enter the webinar id: 873 3200 8380 #. The Council further orders the City Clerk to publish notice of this resolution in accordance with Section 22626 of the Act.

- 6. Increase of Assessment:** The maximum assessment is not proposed to increase from the previous year above that previously approved by the property owners (as “increased assessment” is defined in Section 54954.6 of the Government Code).

PASSED, APPROVED AND ADOPTED by the City Council of Morgan Hill at a regular meeting held on the 5th day of May 2021.

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

APPROVED:

ATTEST:

RICH CONSTANTINE, Mayor

MICHELLE BIGELOW, City Clerk

CERTIFICATION

I, Michelle Bigelow, City Clerk of the City of Morgan Hill, California, do hereby certify that the foregoing is a true and correct copy of Resolution No. ____, adopted by the City Council at the meeting held on May 5, 2021.

WITNESS MY HAND AND THE SEAL OF THE CITY OF MORGAN HILL.

DATE: _____

Michelle Bigelow, CITY CLERK



CITY COUNCIL STAFF REPORT

MEETING DATE: May 5, 2021

PREPARED BY: Anthony Eulo, Program Administrator
APPROVED BY: City Manager

INTRODUCE ORDINANCE REVISING CITY PROCUREMENT LIMITS FOR COUNTYWIDE PURCHASES

RECOMMENDATION(S)

1. Waive the first and second reading of the ordinance; and
2. Introduce the ordinance.

COUNCIL PRIORITIES, GOALS & STRATEGIES

2020-2021 Strategic Priorities

Fiscal Sustainability

REPORT NARRATIVE:

The purpose of the item is to introduce the attached ordinance amending the City's Purchasing Ordinance (Chapter 3.04 of the Municipal Code) to increase the City Manager's authority for purchases exclusively relating to the City's role as Contracting Agent for the Countywide Integrated Waste Management Program.

The City Council considered and approved the City's new work activity serving as the Contracting Agent and Administrator for countywide integrated waste activities. During this discussion, staff explained that the Implementation Committee (the Countywide Body that accepted the City's proposal for this work) expressed concern that any contract over \$60,000 issued for countywide work would need to be approved by the Morgan Hill City Council even though the source of funding for the contract would be countywide fees, not City funds.

Staff recommended, and the Council approved, that purchases up to \$300,000 could be made under the City Manager's purchasing authority if they were being made exclusively with countywide funds for the administration of the integrated waste management program. Staff has drafted an ordinance that reflects this limited change and recommends that the Council introduce the ordinance.

COMMUNITY ENGAGEMENT: Not Applicable

As this work does not directly impact the Morgan Hill community, no community engagement efforts were made.

ALTERNATIVE ACTIONS:

The Council could decline to introduce the ordinance as written and/or could edit the purchasing limits to different levels.

PRIOR CITY COUNCIL AND COMMISSION ACTIONS:

This change was approved by the City Council at the March 3, 2021 Council Meeting.

FISCAL AND RESOURCE IMPACT:

This ordinance does not have a direct fiscal impact and no budget amendment is requested. Implementing the Council-authorized actions relating to the Countywide program is now part of the work program of the Community Services Department.

CEQA (California Environmental Quality Act): Not a Project

This is an administrative activity that will not result in a physical change to the environment making the action not subject to CEQA.

LINKS/ATTACHMENTS:

1. Purchasing Ordinance Revision

ORDINANCE NO. XXXX, NEW SERIES

**AN ORDINANCE OF THE CITY OF MORGAN HILL
ADDING SECTION 3.04.145 TO CHAPTER 3.04
("PURCHASING") TO TITLE 3 ("REVENUE AND
FINANCE") OF THE MORGAN HILL MUNICIPAL CODE
INCREASING THE CITY MANAGER'S AUTHORITY TO
PROCURE GOODS AND SERVICES THAT ARE
EXCLUSIVELY RELATED TO THE CITY'S ROLE AS
CONTRACTING AGENT USING COUNTYWIDE SOLID
WASTE PLANNING FEE PROCEEDS**

THE CITY COUNCIL OF THE CITY OF MORGAN HILL DOES ORDAIN AS
FOLLOWS:

Section 1. Section 3.01.145 ("Competitive bid purchases over twenty-five thousand dollars and up to three hundred thousand dollars for services and goods exclusively relating to the City's role as contracting agent for the countywide integrated waste program") of Chapter 3 ("Purchasing") of Title 3 ("Revenue and Finance") is hereby added to read as follows:

3.04.145 - Competitive bid purchases over twenty-five thousand dollars and up to three hundred thousand dollars for services and goods exclusively relating to the City's role as contracting agent for the countywide integrated waste program.

Where the total amount or value of a purchase is twenty-five thousand dollars or more, but not over three hundred thousand dollars, the goods or services purchased are exclusively relating to the City's role as contracting agent for the countywide integrated waste program, and the purchase is funded entirely by countywide solid waste planning fee proceeds that have been transferred from Santa Clara County to the City for the purchase, the purchase shall be made by the city manager through competitive bid, upon notice as required by Section 3.04.190 of this chapter, provided however, the city manager may elect to make any purchase up to three hundred thousand dollars for these purposes (except as the laws of the state otherwise require) in the following cases:

1. By city manager approval upon a determination that competitive bids upon notice would not be likely to result in a lower price to the city from a responsible bidder or would cause unnecessary expense or delay under the circumstances;
2. By city manager approval that said purchase may be made cooperatively, as provided in Section 3.04.180 of this chapter, upon a determination that competitive bids upon notice would not be likely to result in a lower price to the city from a responsible bidder or would cause unnecessary expense or delay under the circumstances;

3. By city manager approval upon a determination that the immediate preservation of the public peace, health or safety requires said purchase to be made without competitive bids upon notice; or

4. By city manager approval upon a determination that there is only one source for the required supply or service based on a review of available sources by the purchasing officer and written recommendation therefor.

Section 2. **Severability.** Should any provision of this ordinance be deemed unconstitutional or unenforceable by a court of competent jurisdiction, such provision shall be severed from the ordinance, and such severance shall not affect the remainder of the ordinance.

Section 3. **Effective Date; Posting.** This Ordinance shall take effect (30) days after the date of its adoption. The City Clerk is hereby directed to publish this Ordinance or a summary thereof pursuant to Government Code Section 36933.

THE FOREGOING ORDINANCE WAS INTRODUCED AT A REGULAR MEETING OF THE CITY COUNCIL HELD ON THE 5th DAY OF MAY 2021, AND WAS FINALLY ADOPTED AT A MEETING OF THE CITY COUNCIL HELD ON THE 19th DAY OF MAY 2021, AND SAID ORDINANCE WAS DULY PASSED AND ADOPTED IN ACCORDANCE WITH LAW BY THE FOLLOWING VOTE:

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

APPROVED:

ATTEST:

RICH CONSTANTINE, Mayor

MICHELLE BIGELOW, City Clerk

⌘ CERTIFICATE OF THE CITY CLERK ⌘

I, MICHELLE BIGELOW, CITY CLERK OF THE CITY OF MORGAN HILL, CALIFORNIA, do hereby certify that the foregoing is a true and correct copy of Ordinance No. XXXX, New Series, adopted by the City Council of the City of Morgan Hill, California at their regular meeting held on the 19th day of May 2021.

WITNESS MY HAND AND THE SEAL OF THE CITY OF MORGAN HILL.

DATE: _____

MICHELLE BIGELOW, City Clerk

Attachment: Purchasing Ordinance Revision [Revision 3] (3056 : Revised Procurement Ordinance)

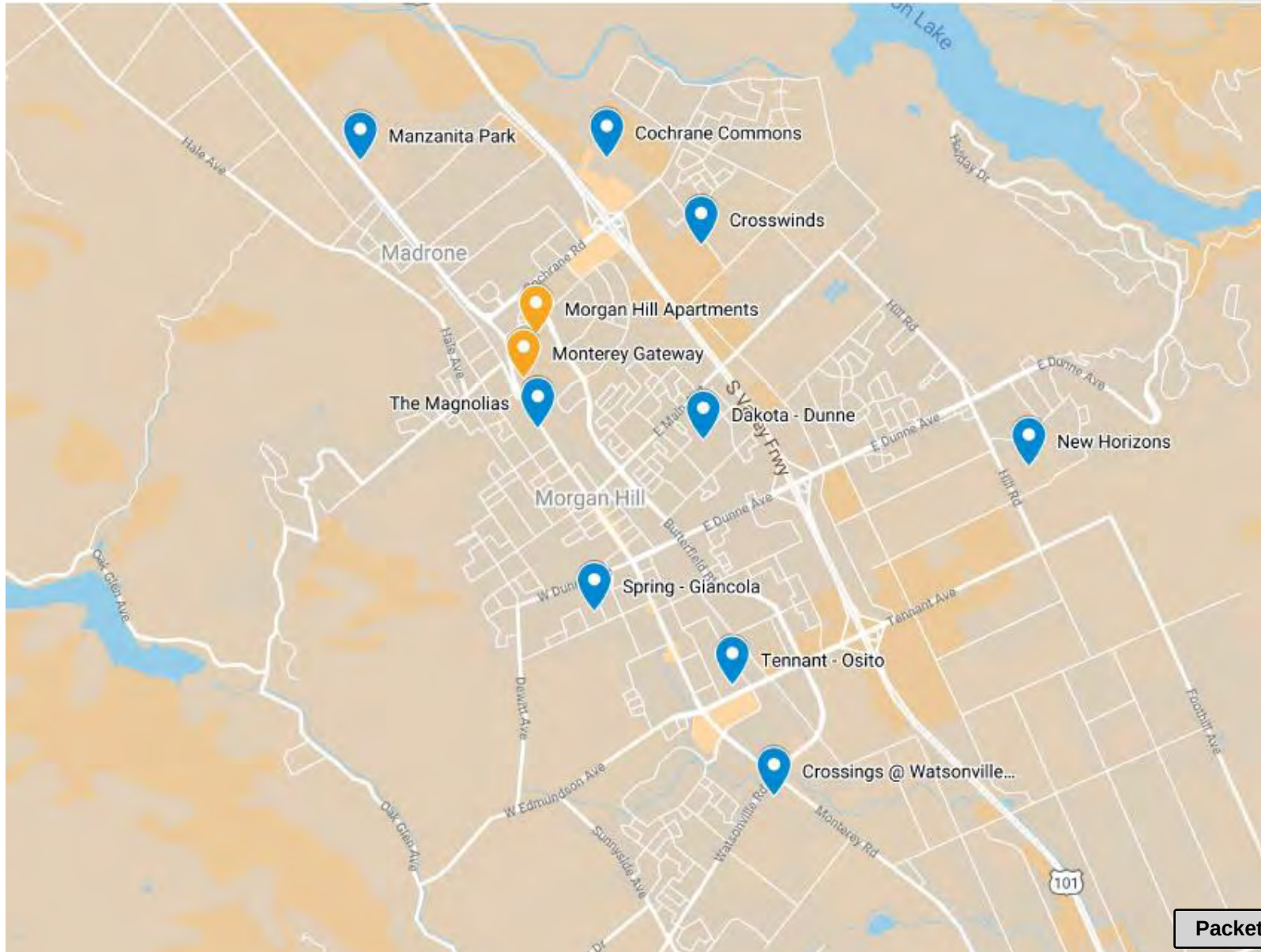
Significant Project Updates May 2021



Housing Projects Underway

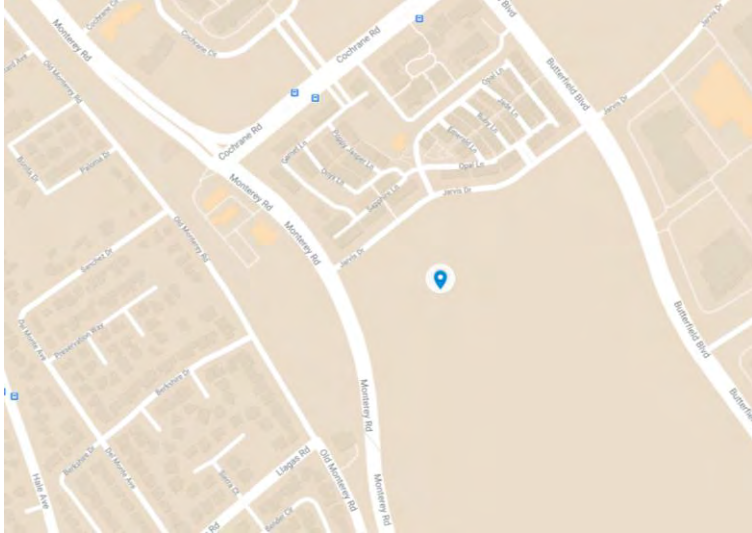


Housing Projects



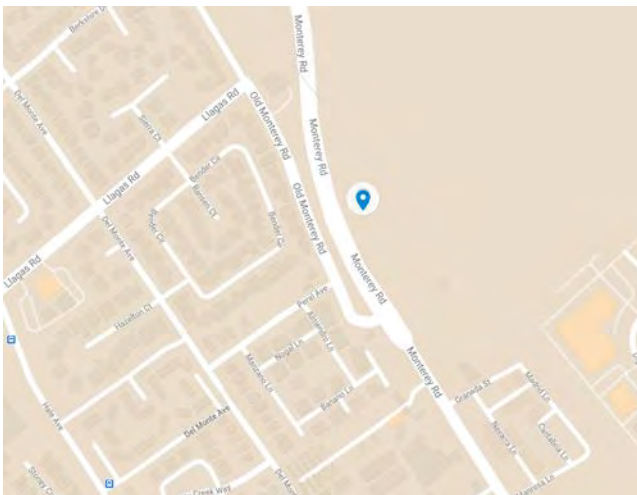
Morgan Hill Apartments (Braddock and Logan)

- 389 Apartments, including 78 very low-income
- Design Permit approved, grading underway
- <http://www.morgan-hill.ca.gov/1959/Morgan-Hill-Apartments>



Monterey Gateway (City Ventures)

- 101 Townhomes
- Design Permit and Building Permits approved
- Construction underway
- <http://www.morgan-hill.ca.gov/1978/Monterey---City-Ventures>



Housing Projects Submitted or Pending



Monterey-Madrone (Jemcor)

- 249 units - 100% Affordable – Density Bonus & SB330
- Application Complete – next step CEQA review
- <http://www.morgan-hill.ca.gov/2096/Monterey-Madrone-Affordable-Housing-Deve>



Crossings at Watsonville Road (UHC)

- 73 units - 100% Affordable – Density Bonus & SB330 (no density bonus, only concessions)
- Application Complete – CEQA underway
- <http://www.morgan-hill.ca.gov/2082/Watsonville-Hordness-Crossings-Monter>



The Magnolias

(First Community Housing)

- 66 units - 100% Affordable – Density Bonus and SB350
- Application under review - next step CEQA review
- <http://www.morgan-hill.ca.gov/2142/Monterey---First-Community-Housing-Magno>



Monterey-Manzanita Park (Dividend)

- 67 units
- Application Complete – CEQA review underway
- <http://www.morgan-hill.ca.gov/2074/Manzanita-Park>



Morgan Hill Senior Housing (Beacon)

- 82 units – 100% affordable - low-income senior apartment
- Design Permit Approved
- Demolition Permit approved
- <http://www.morgan-hill.ca.gov/2016/Morgan-Hill-Senior-Housing>



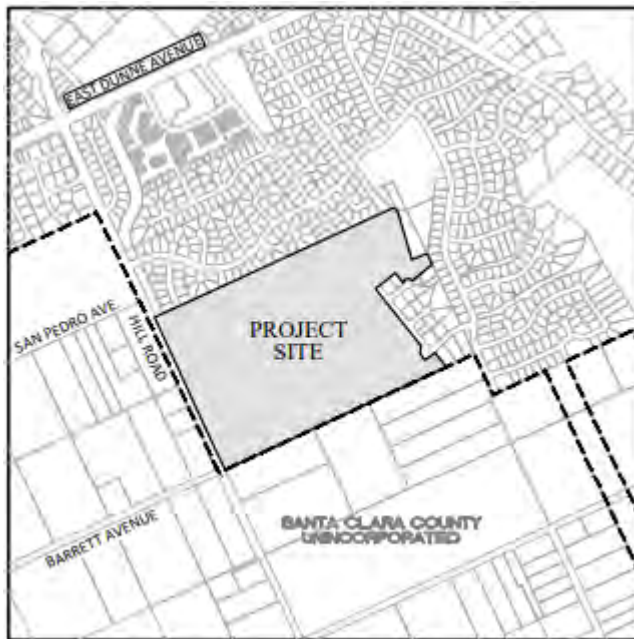
Crosswinds (Dividend)

- 269 units
- Environmental review underway
- <http://www.morgan-hill.ca.gov/2042/Half-Dividend-Crosswinds-Residential-Dev>

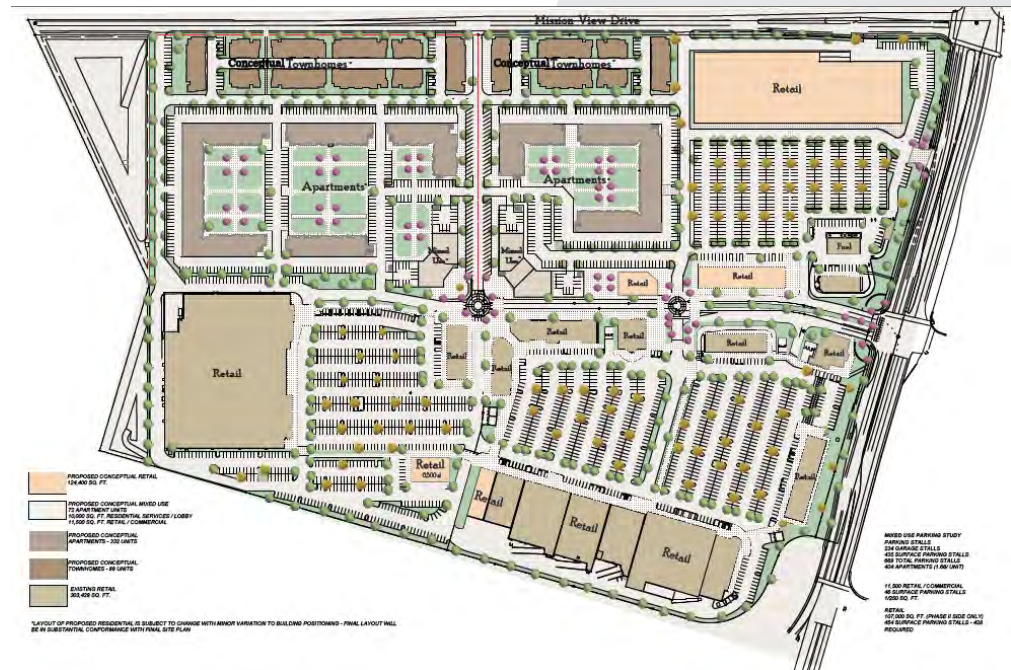


New Horizons (Morgan Hill Devco)

- Proposed General Plan & Zoning amendments
- Environmental underway
- <http://www.morgan-hill.ca.gov/2041/Hill---Morgan-Hill-Devco-LLC>



- Proposed General Plan amendment and additional housing units as part of Planned Development Amendment for Phase 2
- Environmental Review underway

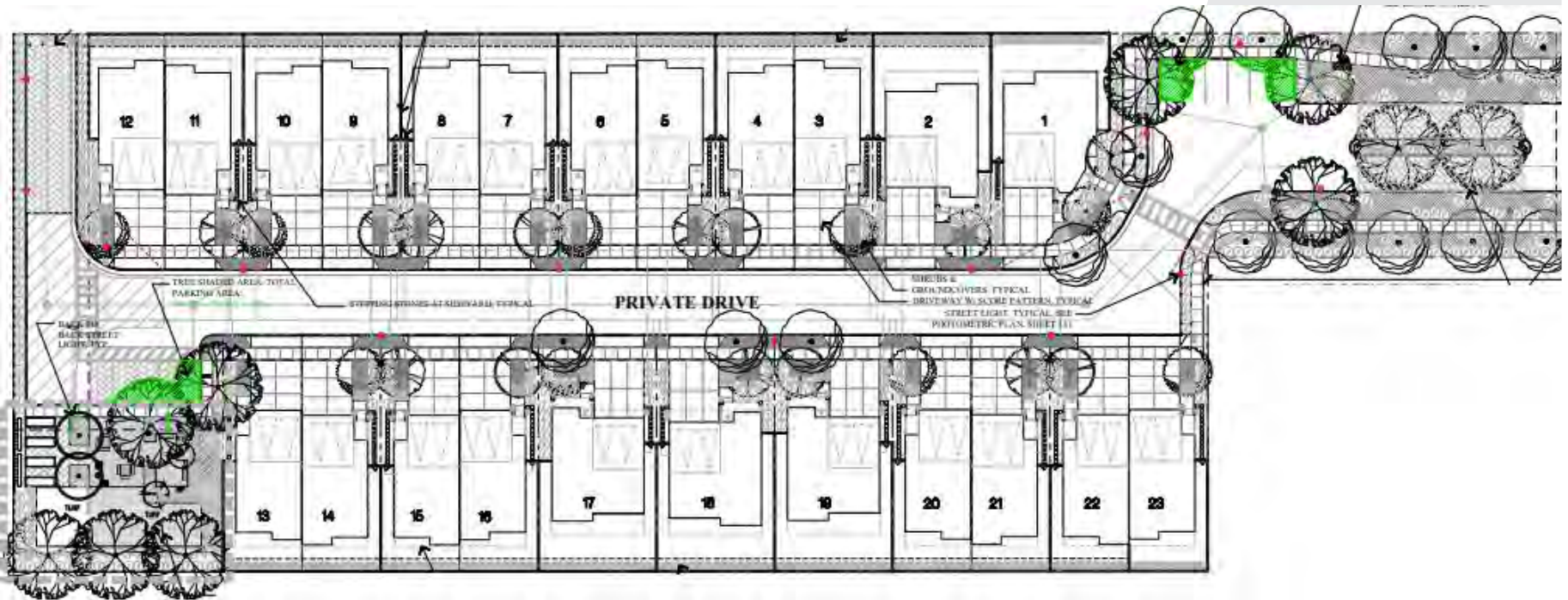


Communication: RECEIVE UPDATE ON SIGNIFICANT DEVELOPMENT PROJECTS

- <http://www.morgan-hill.ca.gov/2069/Cochrane-Commons>

Spring - Giancola

- 23 units
- Application Incomplete



Tennant - Osito

- 16 units
- Design Permit approved
- <http://www.morgan-hill.ca.gov/2066/Tennant-Osito>



Other Housing Projects

Dakota-Dunne – 4 units

- Application pending

Projects Currently Processing



Voices Charter School

- Approved Conditional Use Permit
- Approved Design Permit
- Building Permit issued
- Modular Construction
- <http://www.morgan-hill.ca.gov/1962/Voices-Charter-School>



DePaul Center

De Paul Health Center opened December 2020 to treat non-acute step-down patients during the current Covid-19 surge.



Redwood Tech 101

- Five (5) industrial buildings totaling 501K SF on 29 acres
- Application for Design Review Permit and Vesting Tentative Map complete
- Proposal conforms to what is allowed in Zoning Code – no zoning or General Plan changes proposed
- <http://www.morgan-hill.ca.gov/2128/Redwood-Tech-at-101>



Golden State Assembly Expansion

- 40K SF
- Manufacturing, warehouse, and distribution
- Grading completed, finalizing building permits



Techcon

- 45,000 SF R&D, manufacturing and office facility
- Approved Design Permit
- Building permit processing
- <http://www.morgan-hill.ca.gov/1963/Cochrane-Monument-Land-Co-Techcon>



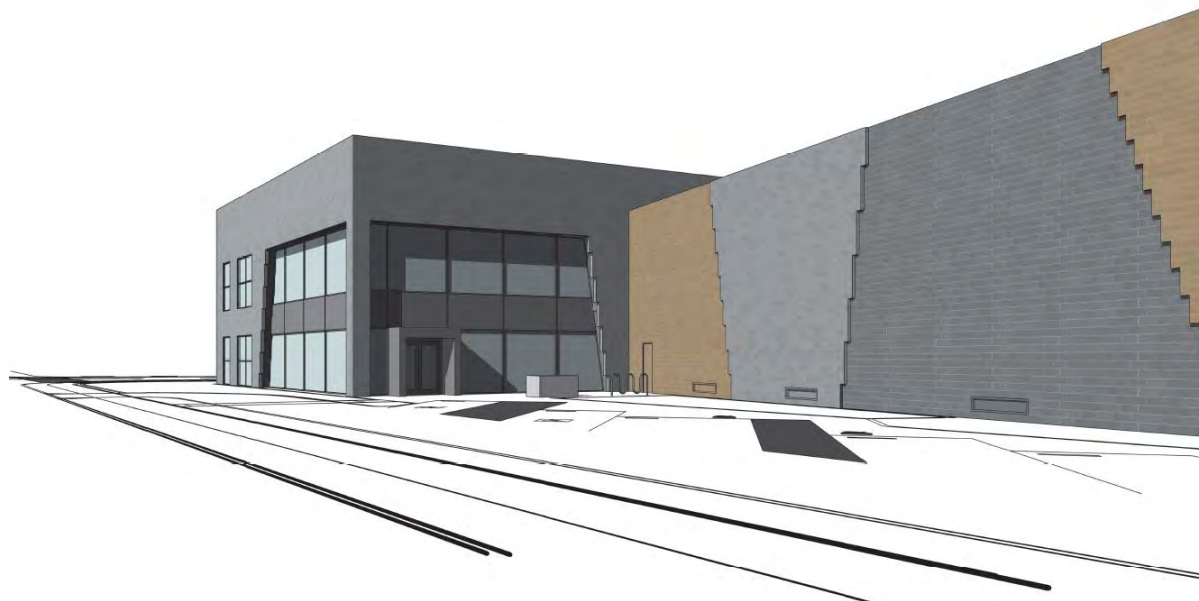
Lillian Commons

- Proposal includes a 55-bed hospital, a 10,000 SF medical office building, a 4,000 SF urgent care facility, 10,000 SF of retail space, open space and up to 150 multifamily units
- PC Reviewed September/October
- City Council approved December 2020
- <http://www.morgan-hill.ca.gov/1961/Lillian-Commons>



Level 10 Construction

- 79K SF Office and Warehouse building
- Approved Design permit
- Demolition Permit issued for existing building
- Building permit processing
- <http://www.morgan-hill.ca.gov/2055/Railroad-Level-10-Construction>



Cardinale Automotive

- Temporary Use operational
- Design Permit amendment and Building Permit for permanent structure processing



Railroad - Goyal

- 22.4K SF
- 2 Industrial buildings
- Approved Conditional Use Permit
- Approved Design Permit
- Building permit under review
- <http://www.morgan-hill.ca.gov/2018/Railroad---Goyal>



Railroad - Goyal

- 22.4K SF
- 2 Industrial buildings
- Approved Conditional Use Permit
- Approved Design Permit
- Building permit under review
- <http://www.morgan-hill.ca.gov/2018/Railroad---Goyal>



Downtown Gallery – W. 2nd St.

- Approved Design Permit
- 2-story Gallery



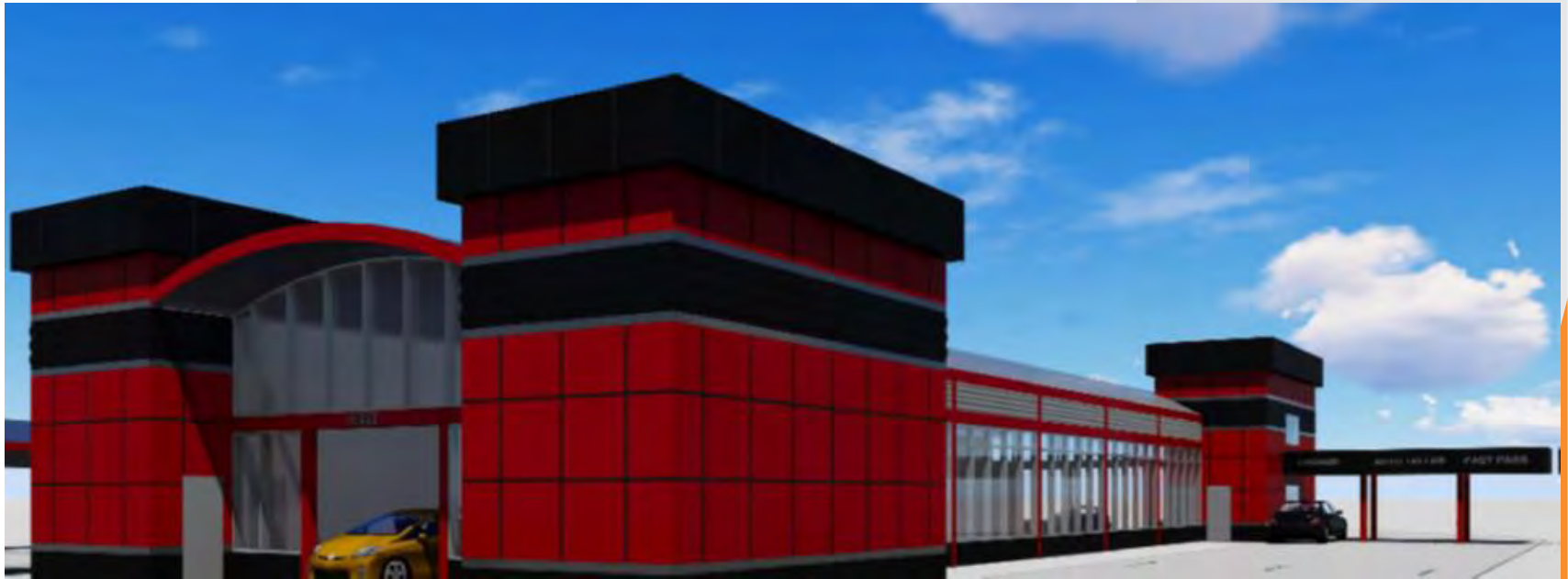
Depot-Latale/The Lumber Yard

- Approved Design permit
- Final street improvement design underway



Zip Thru Car Wash

- Approved Design permit
- Approved Conditional Use Permit
- Building permit processing



Coming Soon...

- Redeveloped World Oil site at Monterey and San Pedro
- 965 San Pedro – 8 Single Story building business park

Projects Under Construction



Butterfield Technology Park

- 600K SF Industrial Park
- Five (5) industrial buildings totaling 410K SF
- Design Permit approved
- Construction underway
- <http://www.morgan-hill.ca.gov/2087/Butterfield-Technology-Park>



Shoe Palace Expansion

- 503K SF
- Shoe Palace Headquarters
- Shell construction complete, landscaping complete, tenant improvements underway
- <http://www.morgan-hill.ca.gov/1960/Shoe-Palace>



Granada Hotel and Market Hall

- 60-Room Boutique Hotel, Market Hall, Spa
- Phase I concrete construction complete
- Phase II framing last 2 floors of construction delayed by COVID 19



Silicon Valley Glass Relocation

- 31K SF new industrial building
- Under construction



Applied Motion Products

- 24K SF Phase I
- Office, R&D, Manufacturing and Assembly
- Under construction



Carpenters Training Center Expansion

- 55K SF Training facility
- Under construction



Evergreen Village Shopping Center

- 20-Acre Commercial Development
- Hotel, Gas Station, Skilled Nursing approved
- Entitlements processing for retail/food
- Developer working with potential future tenants
- Off site improvements completed
- <http://www.morgan-hill.ca.gov/2068/Evergreen-Village>



Recently Completed Projects



Sunsweet Mixed-Use Project

- 83-market rate apartments
- 8K SF of retail
- Construction complete, leasing underway



Depot Station Mixed-Use Project



- 29 Housing Units and 8K SF of Retail Condominiums
- Construction complete



Granary Expansion

- 5K SF Retail space
- Construction complete



Ceballos Construction

- 17K SF Industrial Building
- Construction complete



May 4, 2021

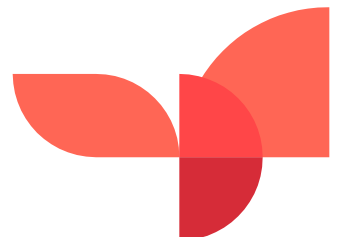
Dear Morgan Hill City Council Members;

We want to thank the council for the opportunity to provide you with some further information about Raley's and our Morgan Hill store, as it relates to the proposed hazard pay ordinance.

Raley's celebrated its 85th anniversary this past year. We are a family-owned, independent grocery with 131 stores largely based in California. I've been employed with Raley's since I joined as a Courtesy Clerk in 1978 and now serve as our Chief Operations Officer.

Our team members are our most important asset and our store in Morgan Hill has employed 113 team members during the COVID-19 pandemic. From the outset of the pandemic we have invested in protecting our team members and our customers in Morgan Hill and across our store footprint. Some examples of these activities are outlined here:

- To protect our team members and customers, we have implemented enhanced safety and sanitation standards, such as continuous surface cleanings; additional deep cleaning in the event of a COVID positive case; protective plexiglass shields and barriers; posters, PSAs, and other signage; ensuring face coverings are available for team members and customers; and other actions such as air filtration. Taken together, we have invested more than \$115 Million in these protections and related labor since the onset of COVID. Of that total spend, \$414,000 Million has been spent on protections and labor for our Morgan Hill store.
- We have focused on ensuring that our team members are able to stay home when they need to. With this in mind, we provide flexible and generous paid leave options to team members for a variety of reasons related to COVID prevention, including providing paid leave to team members who are feeling sick, those who might have been exposed and/or those who are not able to work due to family circumstances. We have invested more than \$6.3 million in paid leave related to COVID.
- Some assume that providing a substantial amount of COVID related paid leave means that we've had a large number of COVID cases. That is a misunderstanding. In fact, most employees who take COVID leave do not themselves have COVID, they take leave for the other reasons noted above. For example, across our total store footprint, 32% of our employees have taken a COVID related leave, while 5% of our employees have been COVID positive.
- In addition to paid leave, we have provided four bonuses to our hourly team members to recognize their contributions during the pandemic. These include bonus payments paid in April, June, August, and December of 2020. In Morgan Hill, these bonus payments totaled \$70,000 and resulted, on average, in a \$1,100 value to each hourly team member.



- We are committed to continuing to protect our employees and our communities and we provide up to two weeks of paid leave time to team members to get vaccinated.

We are grateful for our team members and we are committed to their safety. As we continue to focus on safety, we look to external information to help us understand and measure the effectiveness of our practices. This includes looking at community infection rates. With respect to Santa Clara County, the COVID infection rate is approximately 7% (assumes 1.928M total population and 135,840 COVID cases as of April 30, 2021 as reported on the Santa Clara County case tracker). With respect to Raley's, we've employed 113 team members in the Morgan Hill store since the outset of the pandemic. During that period, we have had 4 COVID positive cases in Morgan Hill. That is an infection rate of 4%. When there is a COVID positive case, we follow a detailed contact tracing process, including asking whether the team member believes they contracted COVID at work. In connection with that process generally 50% of team members indicate they contracted COVID outside of work, which would in turn place Morgan Hill at a 2% infection rate as to COVID contracted in the workplace. The suggestion that grocery stores are less safe or present a hazard that is greater than the community overall, simply is not accurate in our experience.

We are also deeply committed to our purpose and to our communities, and we are pleased to be an active part of the Morgan Hill community. While working through the pandemic in 2020, we continued our focus on community including in Morgan Hill. As examples:

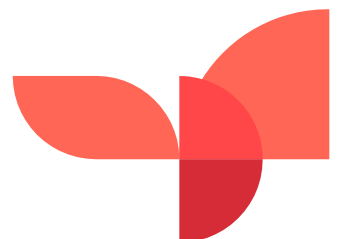
- In 2020 in Morgan Hill, we have invested more than \$2,000 via various partnerships including:
 - Taste and Teach with Ag in the Classroom (specifically Live Oak High School)
 - Eat REAL
 - Special Olympics
 - Child Abuse Prevention Center
- We've donated 5,228 pounds of food (4,357 meals) via our Food Rescue Program.
- Our customers, vendors and team members have donated more than \$600,000 via FFF to Second Harvest Food Bank of Silicon Valley (Santa Clara and San Mateo Counties).

We are proud to serve you and your community, we are committed to our team members and their safety, and we are grateful for the opportunity to share this information with you.

Sincerely,



Kevin Konkel
Chief Operations Officer



May 4, 2021

The Honorable Rich Constantine
Mayor
City of Morgan Hill
17575 Peak Avenue
Morgan Hill, CA 95037

Dear Mayor Constantine and Members of the City Council:

Californians for a Safe and Rapid Recovery represents a diverse and growing coalition that opposes government-mandated premium pay ordinances (see attached for a full list of our coalition members). While mandated premium pay ordinances vary, the effects and unintended consequences of increasing labor costs on retailers by as much as 30 percent are the same:

Counterproductive for Workers

- 66,000 Californians could lose their jobs if premium pay mandates are enacted statewide on top of postponing hiring, promotions, and raises for employees.¹
- Five grocery stores have already closed in other cities as a result of government-mandated premium pay.

Increases the Cost of Living

- Adds about \$400 to the annual cost of food and household supplies for the typical family of four in California.²
- Higher costs for food, diapers, and clothes will disproportionately impact those who can least afford it.

Hurt Communities

- A final blow to stores under financial pressure – forcing them to close and creating voids for the communities that rely on them.
- Vacant storefronts will further depress struggling neighborhoods and worsen pressing issues like homelessness.
- Local retail stores are part of the fabric of communities — often giving back to schools, supporting food banks, and contributing to non-profits.

Reports of windfall profits are over simplified. In 2020, food retailers supported employees by providing over \$17 billion in added benefits, bonuses and voluntary premium pay on top of regular wages, while also hiring a record number of new employees.³ Retailers also invested \$4 billion in personal protective equipment and other safeguards to protect both their workers and customers.⁴ Further, the [City of Los Angeles's economic impact report](#)

¹ ["Consumer and Community Impacts of Hazard Pay Mandates,"](#) Capitol Matrix Consulting, January 2021

² ["Consumer and Community Impacts of Hazard Pay Mandates,"](#) Capitol Matrix Consulting, January 2021

³ ["New FMI Report Finds Grocers Invested \\$24 Billion To Meet Increased Consumer Demands And Operate Safely Amid Covid-19,"](#) By The Food Industry Association, March 31, 2021

⁴ ["New FMI Report Finds Grocers Invested \\$24 Billion To Meet Increased Consumer Demands And Operate Safely Amid Covid-19,"](#) By The Food Industry Association, March 31, 2021

found mandated premium pay would “eliminate all current profit margin” for retailers — forcing them to raise prices or close stores.

Premium pay mandates put local governments in the middle of employer and labor bargaining processes. Rather, local governments should be focusing on quickly administering vaccinations to keep California’s COVID-19 positivity rate low, while ensuring a rapid economic recovery.

With [70% of Santa Clara County residents](#) over 16 years old receiving at least one shot of the vaccine, now is not the time to risk the unintended consequences of government-mandated premium pay.

We are encouraged by the cities of Arcata, Eureka, Fresno, Pasadena and San Carlos who recognized that government-mandated premium pay is counterproductive.

Please feel free to reach out if you have any questions.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Rachel Michelin', with a stylized, cursive script.

Rachel Michelin
President
California Retailers Association

Attached:

- Californians for a Safe and Rapid Recovery coalition list

Coalition Members

The following organizations are members of Californians for a Safe and Rapid Recovery and opponents of government-mandated premium pay that is counterproductive for workers and hurts consumers and our communities.

Organizations

- Anaheim Chamber of Commerce
- Antelope Valley Chamber of Commerce
- Beverly Hills Chamber of Commerce
- Brea Chamber of Commerce
- Building Owners and Managers Association, Orange County
- California African American Chamber of Commerce
- California Asian Pacific Chamber of Commerce
- California Business Properties Association
- California Business Roundtable
- California Chamber of Commerce
- California Hispanic Chambers of Commerce
- California Retailers Association
- California Taxpayers' Coalition
- California Taxpayer Protection Committee
- Carlsbad Chamber of Commerce
- Central Valley Business Federation
- Central Valley Taxpayers Association
- Century City Chamber of Commerce
- Chamber of Commerce and Civic Association of Pasadena
- Consumer Choice Center
- Culver City Chamber of Commerce
- Family Business Association of California
- Fountain Valley Chamber of Commerce
- Fresno Chamber of Commerce
- Fresno County Farm Bureau
- Gardena Valley Chamber of Commerce
- Gilroy Chamber of Commerce
- Greater San Fernando Valley Chamber of Commerce
- Kern County Taxpayers Association
- LAX Coastal Chamber of Commerce
- Long Beach Area Chamber of Commerce
- Los Angeles County Business Federation
- Murrieta/Wildomar Chamber of Commerce
- National Association of Chain Drug Stores
- National Federation of Independent Business - California
- National Retail Federation
- Norco Area Chamber of Commerce
- Oceanside Chamber of Commerce
- Orange County Business Council
- Orange County Taxpayers Association
- Placer County Taxpayers Association
- San Diego Tax Fighters
- San Gabriel Valley Economic Partnership
- San Leandro Chamber of Commerce
- San Pedro Chamber of Commerce
- Santa Maria Valley Chamber of Commerce
- Silicon Valley Taxpayers Association
- South Orange County Economic Coalition
- Southwest California Legislative Council
- Torrance Area Chamber of Commerce
- Valley Industry and Commerce Association
- West Hollywood Chamber of Commerce
- Wilmington Chamber of Commerce
- Yorba Linda Chamber of Commerce

Item # 9

AGENDA DATE: 05/05/2021
SUPPLEMENT # 3



3/12/2021

ATTN: Morgan Hill City Councilmembers

Mayor Rich Constantine

Councilmembers: John McKay, Gino Borgioli, Rene Spring and Yvonne Martinez Beltran

The Morgan Hill Chamber of Commerce has been representing business and building community since 1958. Being an advocate of the business and workforce communities, our organization supports actions that satisfy the following measures: SMART Growth, Economic Sustainability, Quality Jobs and Tax Revenue, while keeping the character of our community intact.

Last month, Santa Clara County Supervisors received, reviewed and declined a County-wide Hazard Pay Proposal. The Morgan Hill Chamber of Commerce, alongside the Silicon Valley Chamber Coalition, opposed the proposal on the grounds that it would inflict an undue burden on business owners and could cause devastating unintended consequences to the workforce. The Morgan Hill Chamber of Commerce supports fair and equal wages but does not feel that a wage increase (on top of the recent minimum wage increase that already took effect earlier this year) is supportive of the business community, especially during a pandemic. A Mandatory Hazard Pay would increase the suffering of our businesses who are still trying to staunch the flow of financial bleeding and would also lead to a reduction in jobs, especially in the restaurant and retail industries, which would disproportionately effect minority and low-income workers citywide. Mandatory Hazard Pay is a short-term band-aid for a long-term problem, imposed at a time when the businesses hardest hit by the pandemic cannot afford it.

Approving and enforcing a Mandatory Hazard Pay on Morgan Hill businesses in the midst of a pandemic will cause more harm than good and could actually result in making income insecurity and food insecurity worse. In attempting to address one systemic inequity, you may be creating new disparities instead. We urge you to instead focus your energies on increasing the quantity and accelerating the timeline of available vaccinations and developing a Recovery Campaign for our business community.

Sincerely,

Brittney Sherman

Brittney Sherman
CEO/President

From: [Yolanda](#)
To: [CC Public Comment](#)
Subject: Hazard pay
Date: Wednesday, May 5, 2021 12:41:54 PM

That's a yes, especially because now we have to handle their bags.
Yolanda Orta

Sent from my iPhone

WARNING: This message is from an external user. Confidential information such as social security numbers, credit card numbers, bank routing numbers, gift card numbers, wire transfer information and other personally identifiable information should not be transmitted to this user. For question, please contact the Morgan Hill IT Department by opening a new helpdesk request online or call 408-909-0055.



Morgan Hill

Redistricting Commissions: Options and Timing

Dr. Justin Levitt
May 5, 2021

City Redistricting Commission Options

2

- ❑ **Option 1: City Council Manages** the process
- ❑ **Option 2: Advisory Commission** – Chosen by Council Members with prohibition of staff, family members or campaign staff.
- ❑ **Option 3: Hybrid Commission** – Not chosen by Council Members, but by a pre-defined process open to all city residents. Recommends two or more maps to the Council, one of which must be adopted without modification.
- ❑ **Option 4: Independent Commission** – Not chosen by the council, but by a pre-defined process open to all city residents. A separate group must be created to choose members. Adopts new districts without approval from the current Council members.

Commission Timing

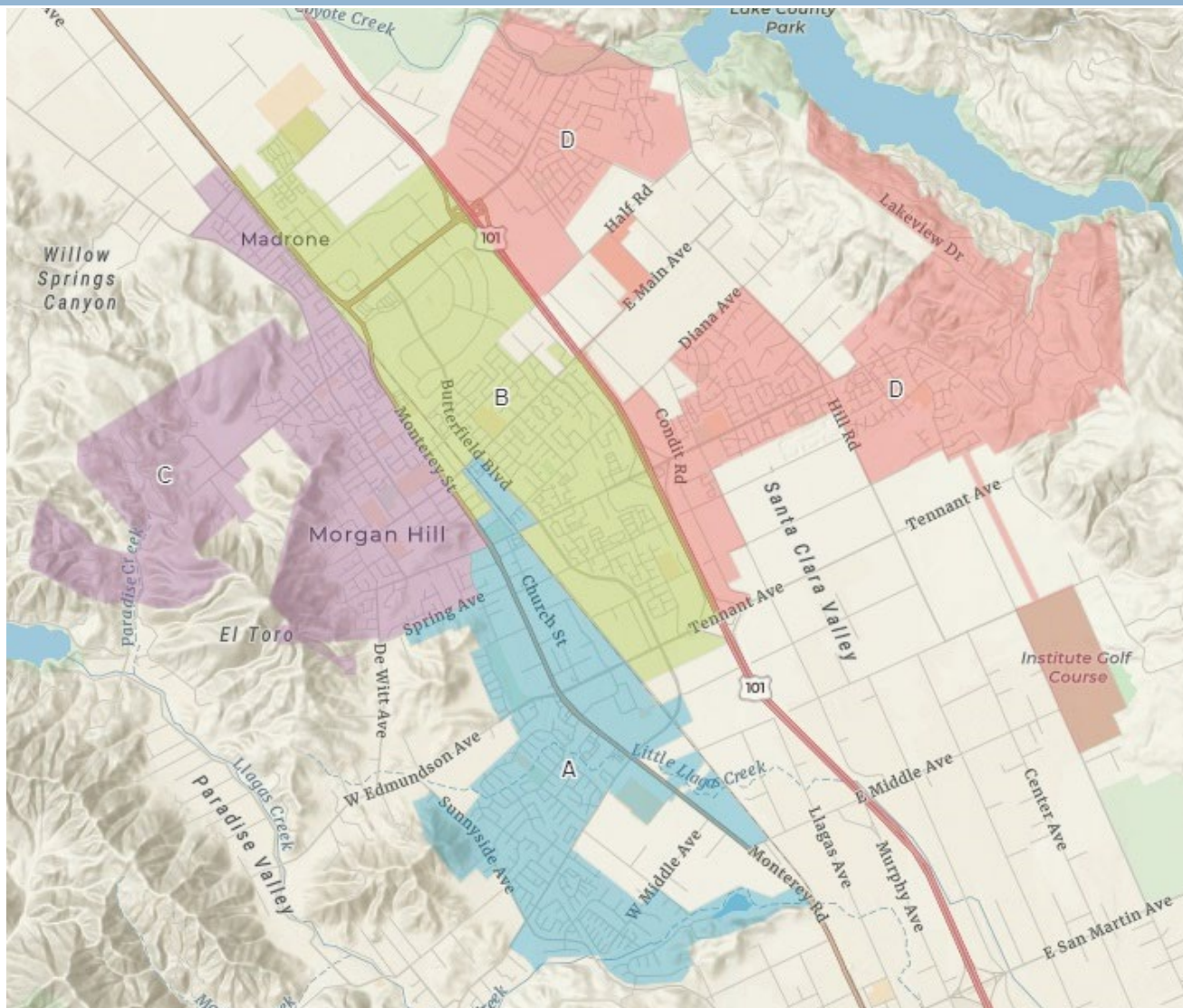
3

- ❑ **Advisory: Estimated time for setup: 4 weeks.**
 - ❑ Requires time for developing application, open application period, application reviews, and Council selection
 - ❑ Council must still hold three hearings after Commission finishes

- ❑ **Hybrid and Independent: Estimated time for setup: 6-8 weeks.**
 - ❑ Requires Council to establish a commission selection method and time for staff to set up the chosen selection system
 - ❑ Requires developing application and open application period
 - ❑ Requires time for the chosen selection system to choose commission
 - ❑ Hybrid requires Council action after commission selects two preferred maps

Discussion

4



Morgan Hill

Redistricting Commissions: Options and Timing

Dr. Justin Levitt
May 5, 2021



City Redistricting Commission Options

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Commission Timing

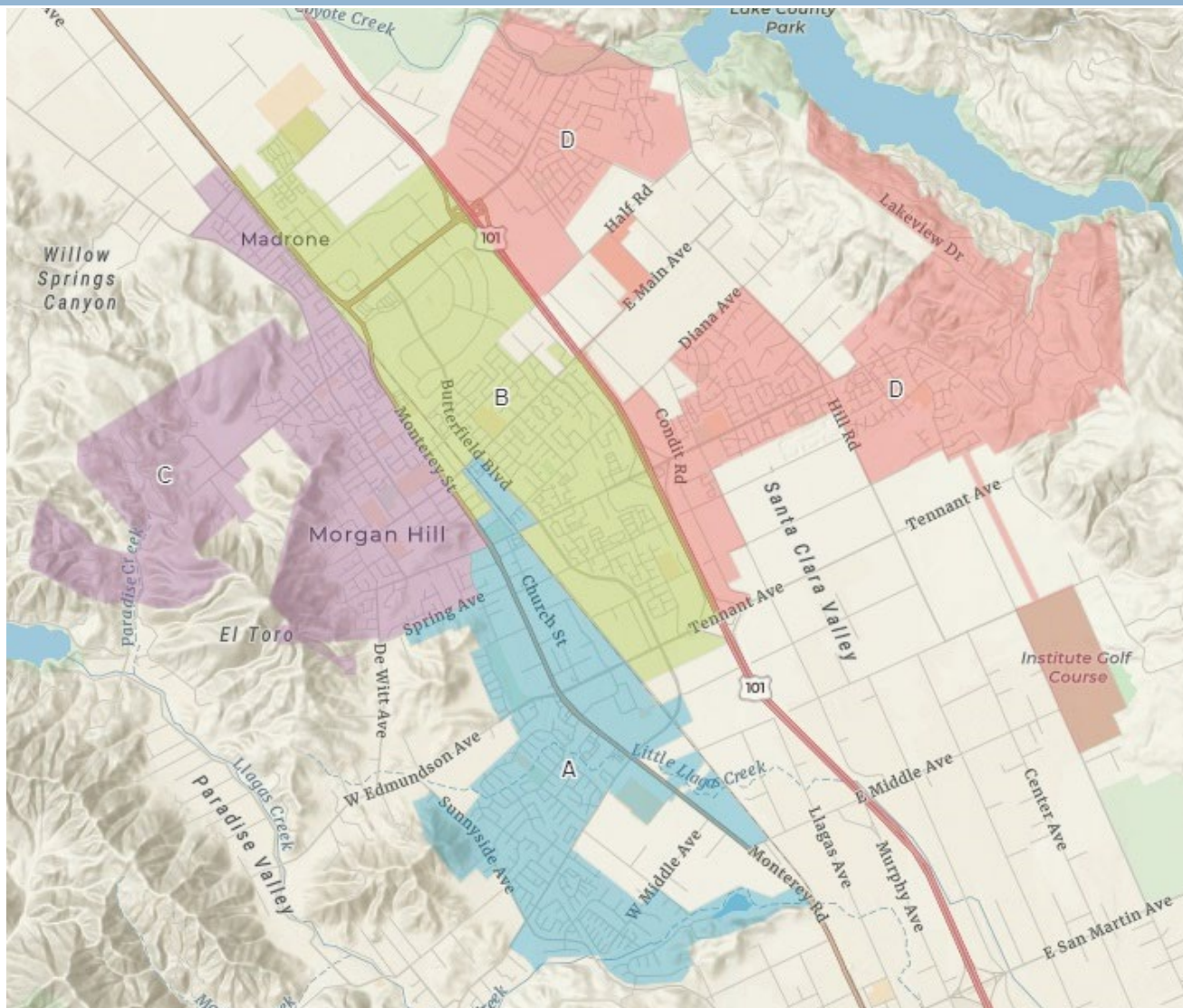
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 - ❑ Hybrid requires Council action after commission selects two preferred maps

Discussion

4



From: [Michelle Bigelow](#)
To: [D. Muirhead](#); [CC Public Comment](#)
Subject: RE: Comment City Council Meeting May 5, 2021 Item #10: Council District redistricting process
Date: Tuesday, May 4, 2021 4:26:02 PM

Hello Doug,

Thank you for all of the feedback and insight. I appreciate the information about communities of interest. As with the process last time, there will be significant community engagement and involvement, including identifying various communities of interest and neighborhoods. However, different from the last time, the laws that govern the redistricting process have changed significantly. As such, Morgan Hill's current Council Districts will likely change significantly. As you pointed out, one of the existing districts is not compact. Additionally, two of the current Council Districts are not geographically contiguous, which is another requirement of the current redistricting laws. Lastly, although consideration of incumbents was a determining factor in the last process, the new laws have changed so that consideration of an incumbent can only be done after all other considerations.

Michelle Bigelow, MMC, CPMC
City Clerk/Interim Communications & Engagement Director
she | her | hers

City of Morgan Hill
City Clerk's Office
17575 Peak Avenue, Morgan Hill, CA 95037

D: 408.310.4678 O: 408.779.7259
michelle.bigelow@morganhill.ca.gov
morganhill.ca.gov | [facebook](#) | [twitter](#)

-----Original Message-----

From: D. Muirhead <[REDACTED]>
Sent: Sunday, May 2, 2021 2:02 PM
To: CC Public Comment <CCPublicComment@morganhill.ca.gov>
Subject: Comment City Council Meeting May 5, 2021 Item #10: Council District redistricting process

Dear Morgan Hill City Council,

Comments for your City Council Meeting May 5, 2021
Item #10: Redistricting process for Council Member district boundaries

I have a comment on why I prefer an Advisory or a Hybrid/Independent Redistricting Commission.
I have a recommendation on how to slice-and-dice our community to form four districts.

Advocates for Independent Redistricting Commissions often say that our representatives should not pick the people, but that the people should pick our representatives.

I participated in the first drawing of council member district boundaries, which was a City staff-led process with the assistance of an outside consultant. I was very satisfied with the process (led by (then-Deputy) City Clerk Bigalow) but not the final choice of maps.

The law allowed, and the Council took advantage of, including a criteria that I called "incumbent protection". My district now has a gerrymandered tail into downtown so that the sitting Council Member could have a seat without competition from another sitting Council Member.

It is for this reason that I strongly prefer a separate Redistricting Commission. Whether it chooses a final map or

offers the choice to the City Council is not as important to me.

The staff report includes a summary of substantive requirements for Redistricting Boundary Lines. I commented at the end of the previous process that I wanted us to have more visibility about the categories that were included in the composition of the districts.

I offer a somewhat broader illustration of "community of interest"

developed by the County Library District to help them understand their customers. Market segmentation takes data to create a model of how people behave, their attitudes, and things they care about.

The Library District worked with Civic Technologies to develop a market segmentation process and to apply that to Morgan Hill.

According to Community Librarian Heather Geddes (Jun 19, 2017), the Library District wanted to answer the questions:

Who are our best customers?

What are they like?

How do we communicate with them?

Where can we find more like them?

I have attached the segment map to illustrate their approach.

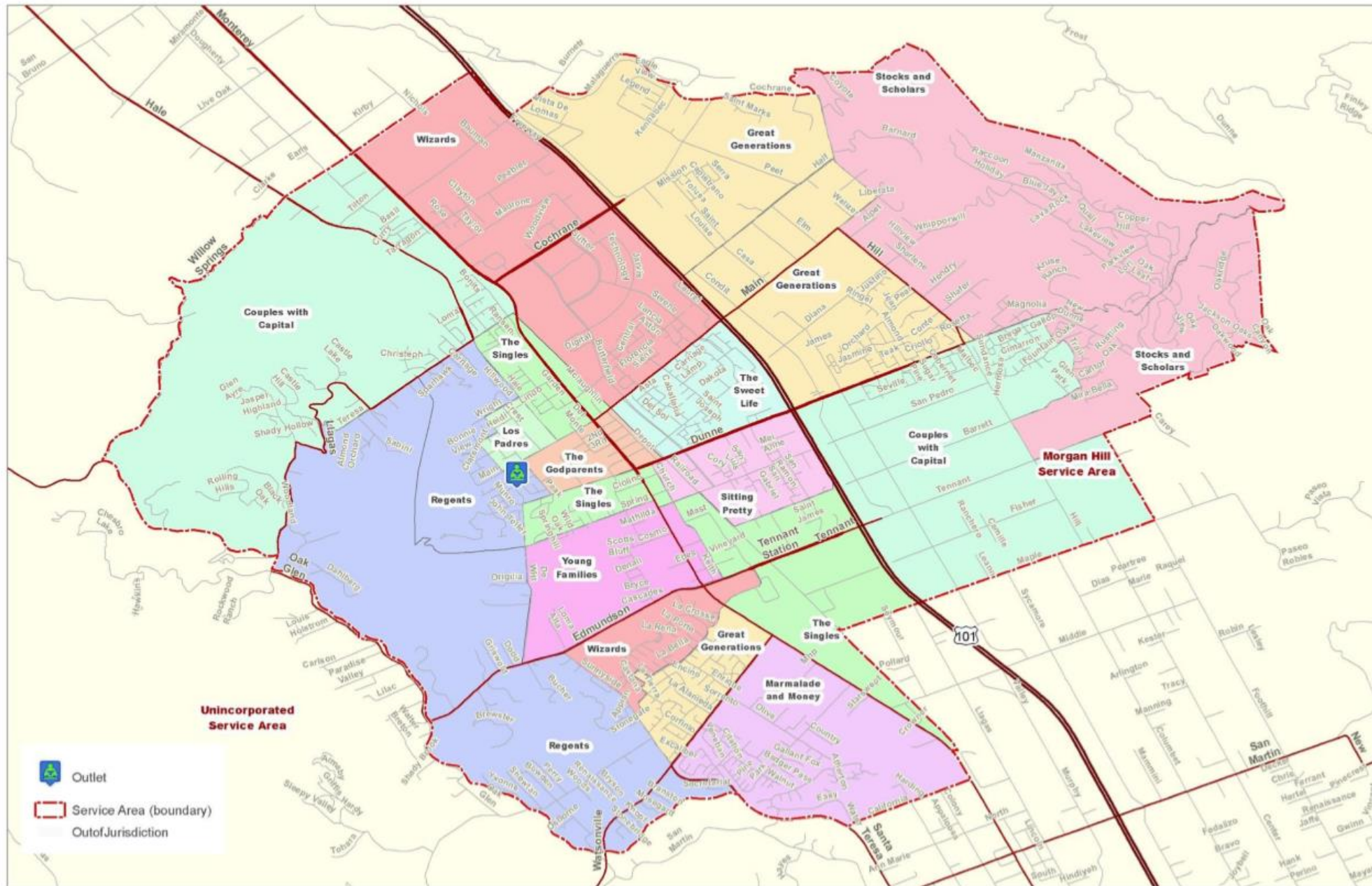
I hope we have more depth in our analysis for our next round.

Thank you for your consideration,

Doug Muirhead, Morgan Hill

[include mh.profile.market_segments.scc1 map.pdf]

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Morgan Hill Service Area with Segments

From: [Christina Turner](#)
To: [Michelle Bigelow](#); [Angie Gonzalez](#)
Subject: Fwd: Item #10
Date: Wednesday, May 5, 2021 6:51:19 PM

Please supplement.

Begin forwarded message:

From: Armando Be <[REDACTED]>
Date: May 5, 2021 at 6:50:08 PM PDT
To: Rich Constantine <Rich.Constantine@morganhill.ca.gov>, Yvonne Martinez Beltran <yvonne.martinezbeltran@morganhill.ca.gov>, Rene Spring <Rene.Spring@morganhill.ca.gov>, John McKay <john.mckay@morganhill.ca.gov>, Christina Turner <christina.turner@morganhill.ca.gov>, Gino Borgioli <Gino.Borgioli@morganhill.ca.gov>
Subject: Item #10

City Mayor, Council Members, and City Manager.

This will be the second round for selecting the boundaries for our four election Districts. The most important component for me is that the City retains the services of a knowledgeable demographer who will take the lead and give advice as to the process. A demographer has a comprehensive knowledge of election laws and will ensure that the boundaries are within the law.

In the current council, only the Mayor participated in the process in the initial establishment of district boundaries. Council member Borgioli participated in the process that established boundaries for the Morgan Hill Unified School District. The City Manager and her staff have the experience and expertise and know the community well enough that it makes sense to just let them drive the process and work with the city council to hire the best demographer to advise the city council.

I do not see a need for an advisory committee or advisory or independent commission. It will take too much time to set up and it will lead to additional costs.

My preference is for Council to adopt the recommendation of the City Staff and let the City run the process.

Regards,

Armando Benavides

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helpdesk request online or call 408-909-0055.



Reducing Infiltration and Inflow into Morgan Hill Sanitary Sewer System and Conserving Water Supply

May 5, 2021

Item #11

Ordinance 1: Ensuring Private Sewer Infrastructure is Sound



Gaining Community Input:

So far, we have met with groups of realtors

- 4 Realtor Focus Group Meetings (March 2020 – March 2021)
- Big Realtor Meeting (March 31)

We held a meeting for the whole community

- Community Meeting (April 26)

Moving Forward:

- Council Meeting (May 5)
- Effective Date (January 1, 2022)

Ordinance 1: Ensuring Private Sewer Infrastructure is Sound

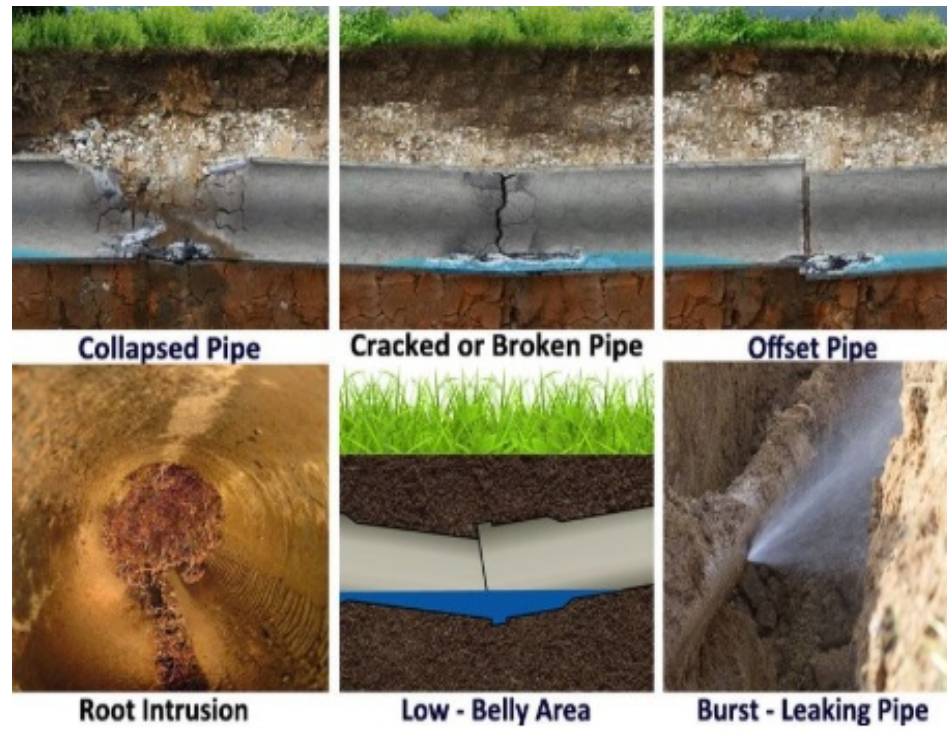


Wastewater from homes and businesses in Morgan Hill flows in private pipes (laterals) and is ultimately carried to the main trunk line.

As the pipes have aged, cracks and breaks in the system have developed.

This allows stormwater to enter the system.

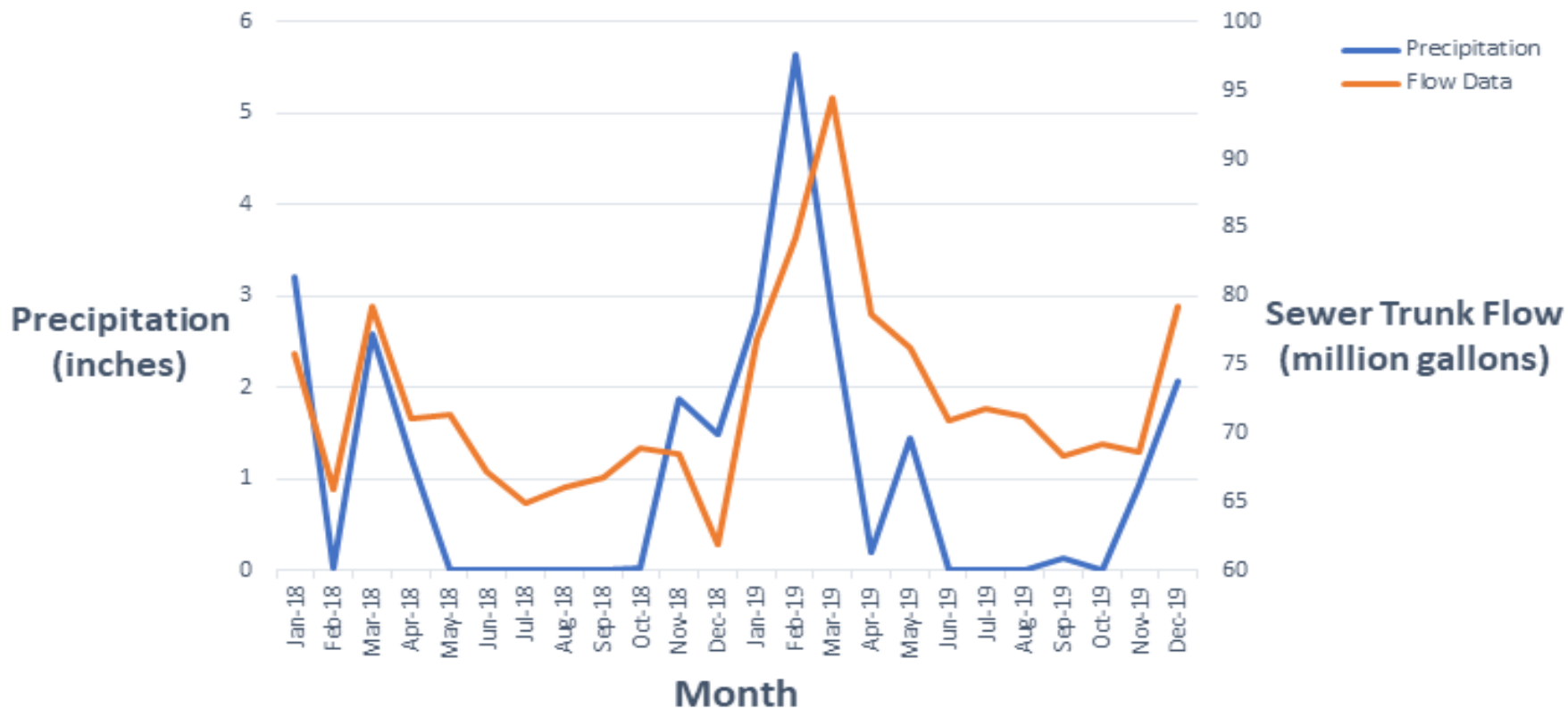
Due to the addition of stormwater in the pipes, sewage overflows have resulted. This can pollute local creeks and rivers and could ultimately compromise drinking water quality.



Infiltration and Inflow: Stormwater Enters Sanitary Sewer System During Large Storms



2018-2019 Precipitation and Trunk Flow Comparison



Sanitary Sewer System



- System consists of network of laterals, mains, and trunk line in Morgan Hill that leads to the South County Regional Wastewater Authority plant in Gilroy. This facility is jointly owned by the cities of Gilroy and Morgan Hill.
- Collection system in Morgan Hill is roughly 50% publicly-owned and 50% privately-owned.
- Sewer fees paid by ratepayers solely fund operation of sewer system and plant.
- Developers pay impact fees that fund system expansions.

Solutions: Publicly-Owned System



- City spending millions of dollars of ratepayer money reducing infiltration and inflow in the City's sewer main and trunk lines (video & repair). \$6 Million in contracts issued to date.
- Master assessment (videoing) of 158-mile system is underway and will be completed this year.
- 29 separate repairs completed with 1,730 feet of pipe repaired.
- Recently-awarded contract for an additional 21 locations and 7,000 additional feet of pipe.

Solutions: Privately-Owned System



- Municipal Code (13.20.070) specifies that property owners are responsible to inspect, maintain, and repair private sewer laterals
- Small private sanitary sewer collection systems (commercial and multifamily) scheduled to be required to submit periodic inspections of their private laterals
- Single private sewer laterals (3 options)
 - City inspection
 - Mandated periodic property owner inspection
 - Inspection and repair at resale

Solutions



Private Sanitary Sewer Collection Systems

- inspection completed and any deficiencies repaired
- every two years if the system collects wastewater from ten or more building sanitary sewers (large systems)
- every five years if the system collects wastewater from less than ten building sanitary sewers (small systems)

Single private sewer laterals (3 options)

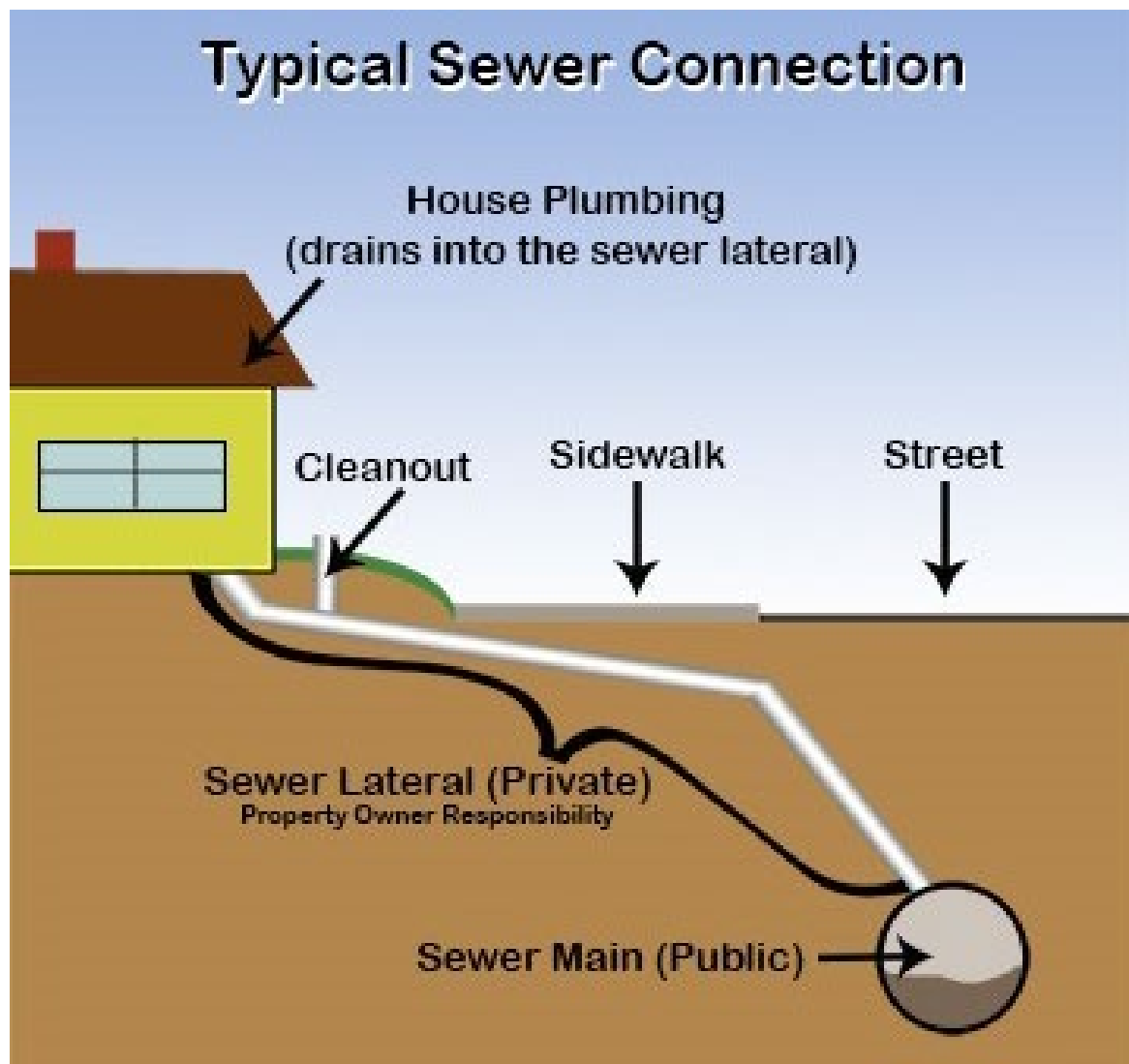
- City inspection – costly to all ratepayers and would require City to access privately-owned infrastructure
- Mandated periodic property owner inspection – would be disruptive and very unpopular essentially requiring property owners to complete during normal times
- Inspection and repair at resale – staff recommended approach because it is normal in many other cities and occurs at a time when the property owner is already engaged in inspection and repair activities + no ratepayer impacts

Anatomy of a Private Sewer Lateral (PSL) Line



A PSL consists of the sewer pipeline from the plumbing of a building to a public sewer collection line, **including portions that extend across public rights-of-way and the Saddle, wye or other physical connection to the collection line.**

Private sewer laterals are privately owned and maintained.

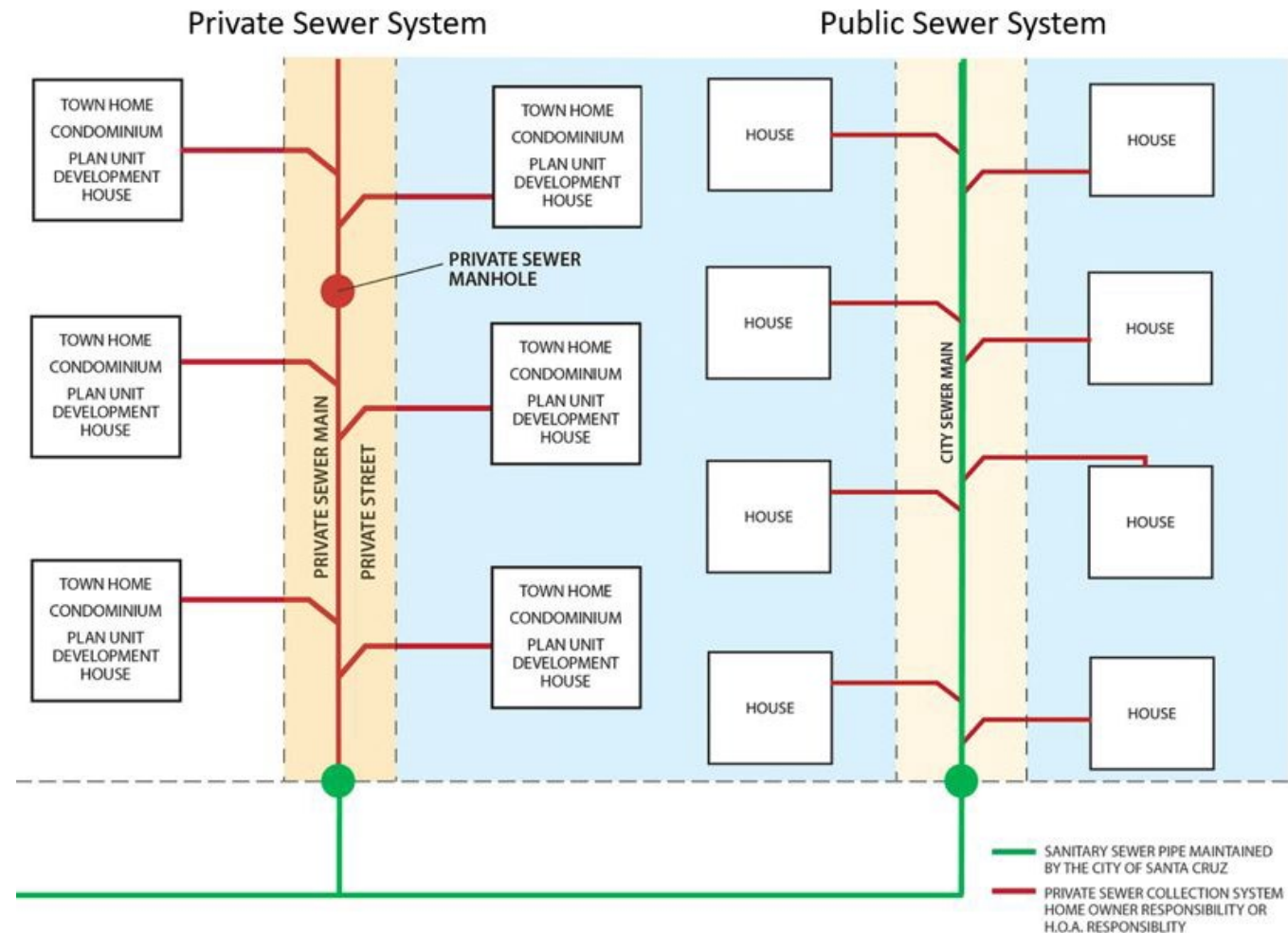


Private Sanitary Sewer Collection System



A sanitary sewer pipeline system collecting wastewater from more than one building sanitary sewer.

- Apartment buildings
- Business complexes
- Mobile home parks
- Condominiums
- Townhomes



PSL Inspection and Repair at Resale

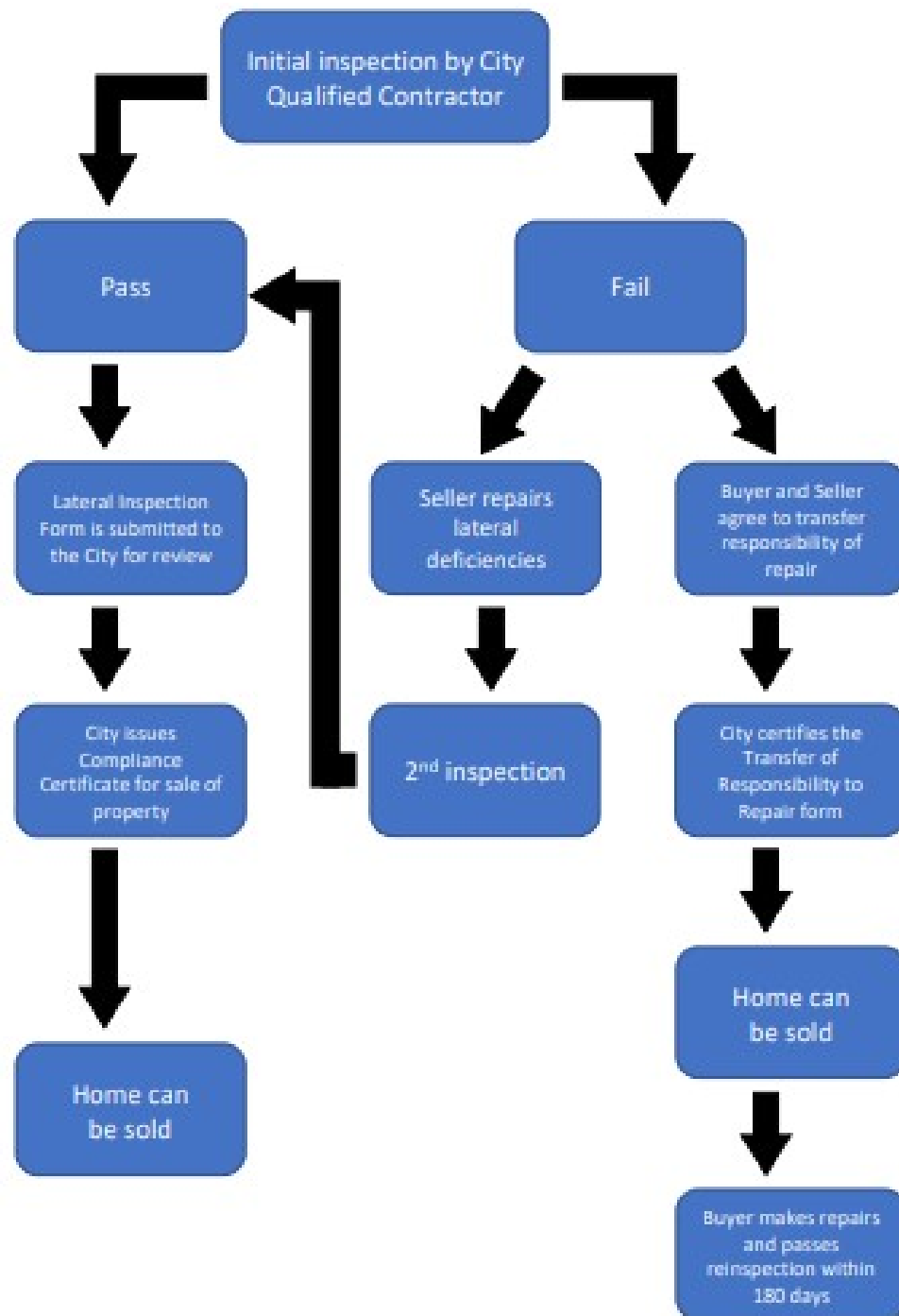


- Forms developed
 - Inspection Report Form
 - Transfer of Responsibility to Repair Form
 - Certificate of Compliance Form
- Plumber list being developed
- Allows for transfer of responsibility to repair if negotiated between seller and buyer
- Cost assistance options are being researched

Inspection and Repair Process



1. Upon the sale of property, complete an inspection of the sewer lateral performed by a Qualified Contractor
2. Review the Qualified Contractor list provided by the City and schedule the inspection.
3. The inspection consists of a Closed-Circuit Television Video (CCTV) and a completed Private Sewer Lateral Inspection Form provided by the City.
4. Bring the Inspection Form and a copy of the video to the Morgan Hill Utility Billing front desk.
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7. Keep this certificate for any future real estate transactions.



Ordinance 2: Water-Efficient Fixtures for All



The purpose is to reduce water consumption within Morgan Hill through conservation, enable effective water supply planning, assure reasonable and beneficial use of water, prevent waste of water, and maximize the efficient use of water.

Using high-efficient fixtures is already a California state law and common in newly built homes.



High-Efficiency Plumbing Fixtures



- Toilet = any high efficiency toilet rated to use a maximum of 1.28 gallons of water per flush
- Shower Head = any showerhead rated to use a maximum of 1.8 gallons of water per minute
- Urinal = any urinal and associated flush valve rated to use a maximum of 0.125 gallons of water per flush



Water Conservation Inspection and Retrofit at Resale



California Civil Code §1101.1-1101.9 require water-conserving plumbing fixtures be installed in residential and commercial properties built before January 1, 1994.

- Forms developed
 - Inspection Form
 - Transfer of Responsibility to Retrofit Form
 - Water Conservation Certificate
- Allows for transfer of responsibility to retrofit the plumbing fixtures if negotiated between seller and buyer
- Timeline
 - Community Meeting (April 26)
 - Council Meeting (May 5)
 - Effective Date (January 1)

Ordinance 1:

**Ensuring Private Sewer Infrastructure is Sound
(*Private Sewer Lateral and
Sanitary System Ordinance*)**

Ordinance 2:

**Water-Efficient Fixtures for All
(*Water Conservation Ordinance*)**

Thank You



CITY OF MORGAN HILL

**Reducing Infiltration
and Inflow into
Morgan Hill Sanitary
Sewer System
and
Conserving Water
Supply
Item #11**

Ordinance 1: Ensuring Private Sewer Infrastructure is Sound



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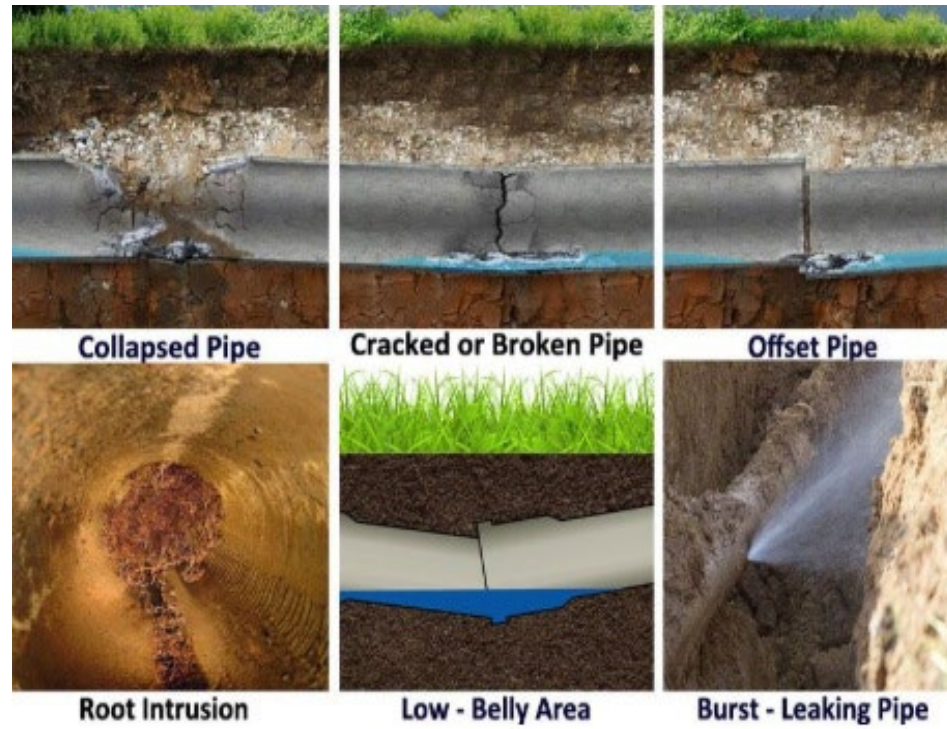


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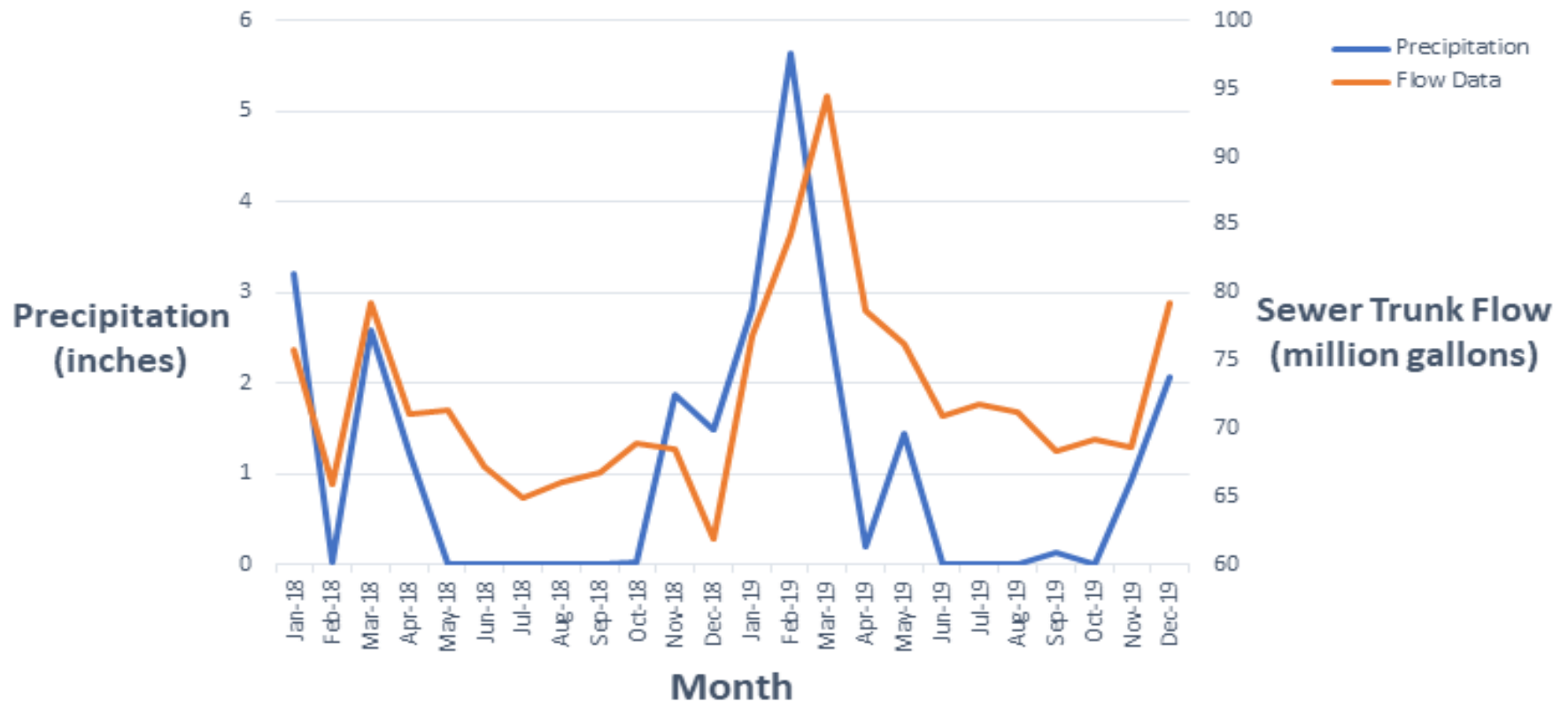
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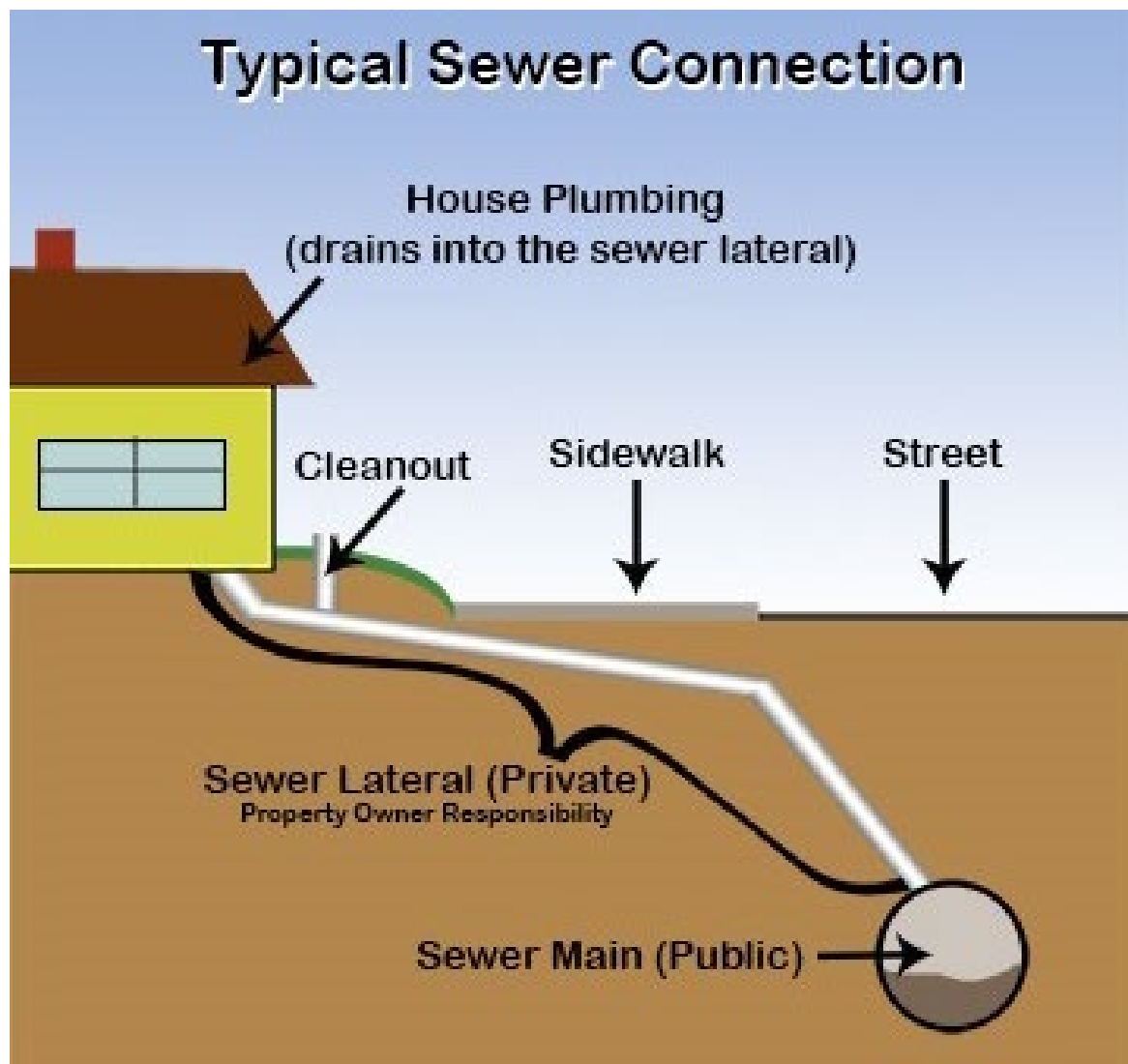
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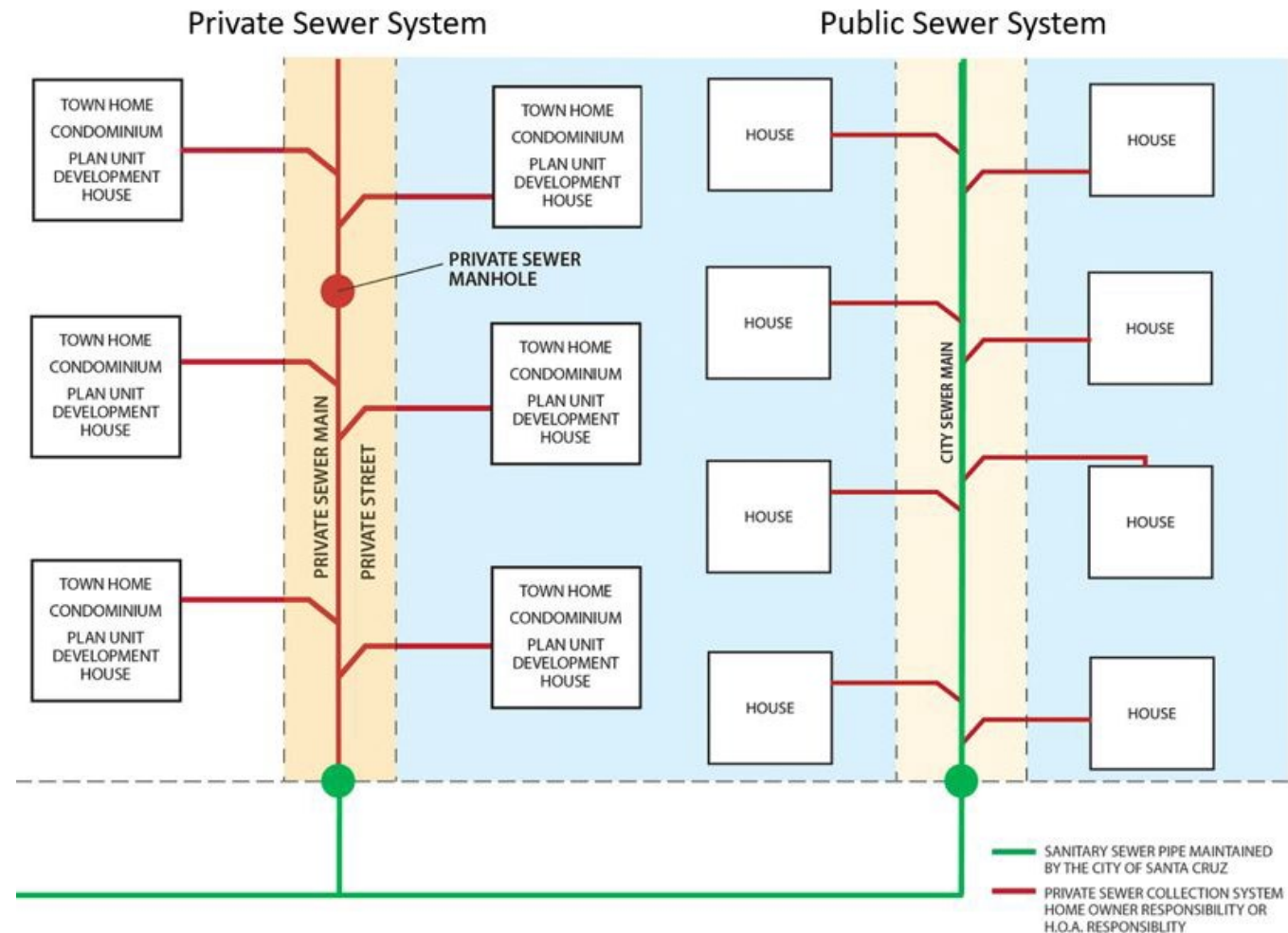


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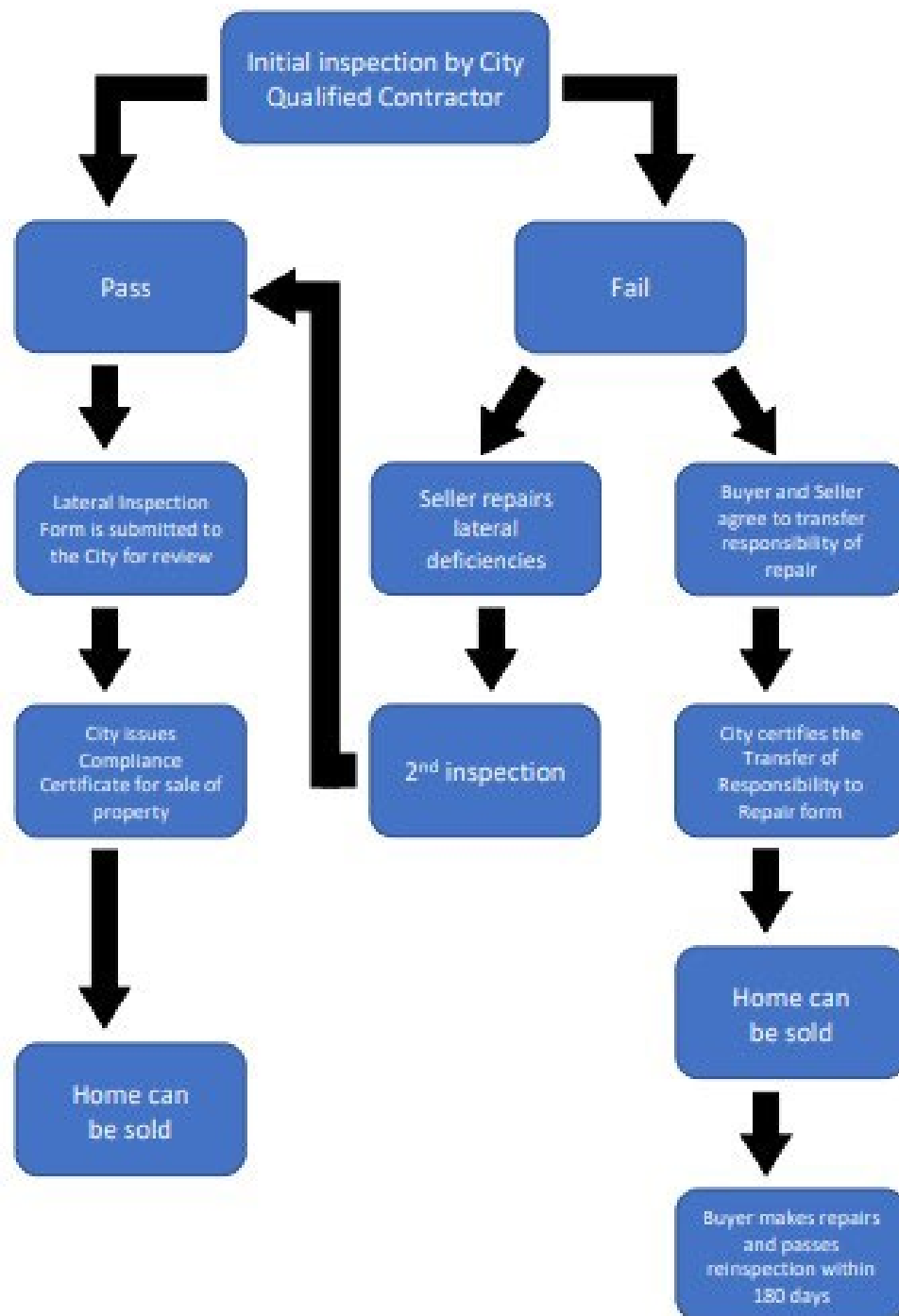


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Ordinance 1:

Ensuring Private Sewer Infrastructure is Sound
(Private Sewer Lateral and
Sanitary System Ordinance)

Ordinance 2:

Water-Efficient Fixtures for All
(Water Conservation Ordinance)

Thank You



CITY OF MORGAN HILL

From: [Lynn Kaminski](#)
To: [CC Public Comment](#)
Subject: Comment re: Sewer Lateral Point-of-Sale Ordinance
Date: Tuesday, May 4, 2021 4:41:48 PM

We urge the City Council to adopt the alternative action proposed by staff regarding a potential Sewer Lateral Point-of-Sale Ordinance. We strongly support this course of action to delay the effective date of the point-of-sale mandate until January 1, 2023.

We understand the importance and environmental concerns of implementing a sewer lateral ordinance but mandating a point of sale in a short seven months is not the best approach. Potential sellers will rush to list properties before the effective date, exempting the property for several years from repair until sold again. This not only limits the intended result of the ordinance, to repair sewer laterals citywide but will also adversely impact the real estate market.

Due to current market conditions inspections and possible repairs will often be burdened by the buying party, increasing purchase prices. In the short term before the ordinance goes into effect, it will increase demand in Morgan Hill to avoid the mandate, raising prices and further decreasing affordability. In the long term, it will decrease desirability to sell or purchase in Morgan Hill relative to neighboring jurisdictions, limiting potential property tax revenue gains.

This is why we support a delayed point of sale mandate until 2023. During this extra year, a proactive program that incentivizes homeowners to repair sewer laterals will achieve the best result. Programs such as free city inspections on private sewer laterals will incentivize homeowners to repair sewer laterals before selling properties. This will increase sewer quality citywide and limit the negative impacts of a point of sale mandate.

We encourage the City Council to delay the point-of-sale mandate until January 1, 2023, to provide a proper time period for proactive city-incentivized inspections and a robust educational campaigns

Regards,
Lynn Kaminski and Tony Kaminski

Morgan Hill

Sent from my iPhone

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Angie Gonzalez

From: [REDACTED] on behalf of Jennifer Rutherford
Sent: Tuesday, May 4, 2021 4:06 PM
To: Michelle Bigelow
Subject: Proposed Morgan Hill Sewer Lateral Ordinance

Dear City Clerk Michelle Bigelow,

I urge the City Council to adopt the alternative action proposed by staff regarding a potential Sewer Lateral Point-of-Sale Ordinance. I strongly support this course of action to delay the effective date of the point-of-sale mandate until January 1, 2023.

I understand the importance and environmental concerns of implementing a sewer lateral ordinance but mandating a point of sale in a short seven months is not the best approach. Potential sellers will rush to list properties before the effective date, exempting the property for several years from repair until sold again. This not only limits the intended result of the ordinance, to repair sewer laterals citywide but will also adversely impact the real estate market.

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As a REALTOR® I also understand the difficulty and importance of creating the necessary disclosures and properly educating the public. Especially when many potential agents and buyers live and work outside the City of Morgan Hill. The extra year of delayed implementation will provide beneficial educational opportunities as REALTORS® partners with the City on implementation.

I encourage the City Council to delay the point-of-sale mandate until January 1, 2023, to provide a proper time period for proactive city-incentivized inspections and a robust educational campaign.

Sincerely,
Jennifer Rutherford

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Angie Gonzalez

From: [REDACTED] on behalf of Paul Maida [REDACTED] >
Sent: Tuesday, May 4, 2021 4:03 PM
To: Michelle Bigelow
Subject: Proposed Morgan Hill Sewer Lateral Ordinance

Dear City Clerk Michelle Bigelow,

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I understand the importance and environmental concerns of implementing a sewer lateral ordinance but mandating a point of sale in a short seven months is not the best approach. Potential sellers will rush to list properties before the effective date, exempting the property for several years from repair until sold again. This not only limits the intended result of the ordinance, to repair sewer laterals citywide but will also adversely impact the real estate market.

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Sincerely,
Paul Maida

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Angie Gonzalez

From: [REDACTED] on behalf of Olivia Sahagun <[REDACTED]>
Sent: Tuesday, May 4, 2021 4:03 PM
To: Michelle Bigelow
Subject: Proposed Morgan Hill Sewer Lateral Ordinance

Dear City Clerk Michelle Bigelow,

I urge the City Council to adopt the alternative action proposed by staff regarding a potential Sewer Lateral Point-of-Sale Ordinance. I strongly support this course of action to delay the effective date of the point-of-sale mandate until January 1, 2023.

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I encourage the City Council to delay the point-of-sale mandate until January 1, 2023, to provide a proper time period for proactive city-incentivized inspections and a robust educational campaign.

Sincerely,
Olivia Sahagun

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Angie Gonzalez

From: [REDACTED] on behalf of Dennis Badagliacco
Sent: Tuesday, May 4, 2021 4:09 PM
To: Michelle Bigelow
Subject: Proposed Morgan Hill Sewer Lateral Ordinance

Dear City Clerk Michelle Bigelow,

As a citizen of Morgan Hill, I urge the City Council to adopt the alternative action proposed by staff regarding a potential Sewer Lateral Point-of-Sale Ordinance. I strongly support this course of action to delay the effective date of the point-of-sale mandate until January 1, 2023.

I understand the importance and environmental concerns of implementing a sewer lateral ordinance but mandating a point of sale in a short seven months is not the best approach. Potential sellers will rush to list properties before the effective date, exempting the property for several years from repair until sold again. This not only limits the intended result of the ordinance, to repair sewer laterals citywide but will also adversely impact the real estate market.

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Sincerely,
Dennis Badagliacco

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From: [REDACTED] on behalf of James Endo <[REDACTED]>
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I understand the importance and environmental concerns of implementing a sewer lateral ordinance but mandating a point of sale in a short seven months is not the best approach. Potential sellers will rush to list properties before the effective date, exempting the property for several years from repair until sold again. This not only limits the intended result of the ordinance, to repair sewer laterals citywide but will also adversely impact the real estate market.

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Sincerely,
James Endo

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Angie Gonzalez

From: [REDACTED] on behalf of Jacob Gilford
<[REDACTED]>
Sent: Tuesday, May 4, 2021 3:53 PM
To: Michelle Bigelow
Subject: Proposed Morgan Hill Sewer Lateral Ordinance

Dear City Clerk Michelle Bigelow,

I urge the City Council to adopt the alternative action proposed by staff regarding a potential Sewer Lateral Point-of-Sale Ordinance. I strongly support this course of action to delay the effective date of the point-of-sale mandate until January 1, 2023.

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Sincerely,
Jacob Gilford

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Angie Gonzalez

From: [REDACTED] on behalf of David Frazer [REDACTED] >
Sent: Tuesday, May 4, 2021 3:53 PM
To: Michelle Bigelow
Subject: Proposed Morgan Hill Sewer Lateral Ordinance

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Sincerely,
David Frazer

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Angie Gonzalez

From: [REDACTED] on behalf of Richard MacKie <[REDACTED]>
Sent: Tuesday, May 4, 2021 3:47 PM
To: Michelle Bigelow
Subject: Proposed Morgan Hill Sewer Lateral Ordinance

Dear City Clerk Michelle Bigelow,

I urge the City Council to adopt the alternative action proposed by staff regarding a potential Sewer Lateral Point-of-Sale Ordinance. I strongly support this course of action to delay the effective date of the point-of-sale mandate until January 1, 2023.

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Sincerely,
Richard MacKie

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Angie Gonzalez

From: [REDACTED] on behalf of Dawn O'Neal <[REDACTED]>
Sent: Tuesday, May 4, 2021 3:44 PM
To: Michelle Bigelow
Subject: Proposed Morgan Hill Sewer Lateral Ordinance

Dear City Clerk Michelle Bigelow,

I urge the City Council to adopt the alternative action proposed by staff regarding a potential Sewer Lateral Point-of-Sale Ordinance. I strongly support this course of action to delay the effective date of the point-of-sale mandate until January 1, 2023.

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Sincerely,
Dawn O'Neal

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Angie Gonzalez

From: [REDACTED] on behalf of Jacquelyn Ramsdell <[REDACTED]>
Sent: Tuesday, May 4, 2021 3:40 PM
To: Michelle Bigelow
Subject: Proposed Morgan Hill Sewer Lateral Ordinance

Dear City Clerk Michelle Bigelow,

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Sincerely,
Jacquelyn Ramsdell

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Angie Gonzalez

From: [REDACTED] on behalf of Regina Zabarte
<[REDACTED]>
Sent: Tuesday, May 4, 2021 3:39 PM
To: Michelle Bigelow
Subject: Proposed Morgan Hill Sewer Lateral Ordinance

Dear City Clerk Michelle Bigelow,

I urge the City Council to adopt the alternative action proposed by staff regarding a potential Sewer Lateral Point-of-Sale Ordinance. I strongly support this course of action to delay the effective date of the point-of-sale mandate until January 1, 2023.

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Sincerely,
Regina Zabarte

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Angie Gonzalez

From: [REDACTED] on behalf of jennifer long <[REDACTED]>
Sent: Tuesday, May 4, 2021 3:39 PM
To: Michelle Bigelow
Subject: Proposed Morgan Hill Sewer Lateral Ordinance

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Sincerely,
jennifer long

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Angie Gonzalez

From: [REDACTED] on behalf of Denean Richards
>
Sent: Tuesday, May 4, 2021 3:18 PM
To: Michelle Bigelow
Subject: Proposed Morgan Hill Sewer Lateral Ordinance

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I urge the City Council to adopt the alternative action proposed by staff regarding a potential Sewer Lateral Point-of-Sale Ordinance. I strongly support this course of action to delay the effective date of the point-of-sale mandate until January 1, 2023.

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Sincerely,
Denean Richards

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Angie Gonzalez

From: [REDACTED] on behalf of Valeri Huxley
<[REDACTED]>
Sent: Tuesday, May 4, 2021 3:18 PM
To: Michelle Bigelow
Subject: Proposed Morgan Hill Sewer Lateral Ordinance

Dear City Clerk Michelle Bigelow,

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Sincerely,
Valeri Huxley

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Angie Gonzalez

From: [REDACTED] on behalf of Hassan Sabbagh [REDACTED] >
Sent: Tuesday, May 4, 2021 3:15 PM
To: Michelle Bigelow
Subject: Proposed Morgan Hill Sewer Lateral Ordinance

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I urge the City Council to adopt the alternative action proposed by staff regarding a potential Sewer Lateral Point-of-Sale Ordinance. I strongly support this course of action to delay the effective date of the point-of-sale mandate until January 1, 2023.

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Sincerely,
Hassan Sabbagh

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Angie Gonzalez

From: [REDACTED] on behalf of Lisa Xu <[REDACTED]>
Sent: Tuesday, May 4, 2021 3:15 PM
To: Michelle Bigelow
Subject: Proposed Morgan Hill Sewer Lateral Ordinance

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Sincerely,
Lisa Xu

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Angie Gonzalez

From: [REDACTED] on behalf of Aldo Gonzalez
>
Sent: Tuesday, May 4, 2021 3:37 PM
To: Michelle Bigelow
Subject: Proposed Morgan Hill Sewer Lateral Ordinance

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Sincerely,
Aldo Gonzalez

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Angie Gonzalez

From: [REDACTED] on behalf of Carl San Miguel <[REDACTED]>
Sent: Tuesday, May 4, 2021 3:36 PM
To: Michelle Bigelow
Subject: Proposed Morgan Hill Sewer Lateral Ordinance

Dear City Clerk Michelle Bigelow,

I urge the City Council to adopt the alternative action proposed by staff regarding a potential Sewer Lateral Point-of-Sale Ordinance. I strongly support this course of action to delay the effective date of the point-of-sale mandate until January 1, 2023.

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Sincerely,
Carl San Miguel

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Angie Gonzalez

From: [REDACTED] on behalf of Marisa Nevarez
Sent: Tuesday, May 4, 2021 3:34 PM
To: Michelle Bigelow
Subject: Proposed Morgan Hill Sewer Lateral Ordinance

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I understand the importance and environmental concerns of implementing a sewer lateral ordinance but mandating a point of sale in a short seven months is not the best approach. Potential sellers will rush to list properties before the effective date, exempting the property for several years from repair until sold again. This not only limits the intended result of the ordinance, to repair sewer laterals citywide but will also adversely impact the real estate market.

Due to current market conditions inspections and possible repairs will often be burdened by the buying party, increasing purchase prices. In the short term before the ordinance goes into effect, it will increase demand in Morgan Hill to avoid the mandate, raising prices and further decreasing affordability. In the long term, it will decrease desirability to sell or purchase in Morgan Hill relative to neighboring jurisdictions, limiting potential property tax revenue gains.

This is why I support a delayed point of sale mandate until 2023. During this extra year, a proactive program that incentivizes homeowners to repair sewer laterals will achieve the best result. Programs such as free city inspections on private sewer laterals will incentivize homeowners to repair sewer laterals before selling properties. This will increase sewer quality citywide and limit the negative impacts of a point of sale mandate.

As a REALTOR® I also understand the difficulty and importance of creating the necessary disclosures and properly educating the public. Especially when many potential agents and buyers live and work outside the City of Morgan Hill. The extra year of delayed implementation will provide beneficial educational opportunities as REALTORS® partners with the City on implementation.

I encourage the City Council to delay the point-of-sale mandate until January 1, 2023, to provide a proper time period for proactive city-incentivized inspections and a robust educational campaign.

Sincerely,
Marisa Nevarez

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Angie Gonzalez

From: [REDACTED] on behalf of Cheryl Cardamon
Sent: Tuesday, May 4, 2021 3:33 PM
To: Michelle Bigelow
Subject: Proposed Morgan Hill Sewer Lateral Ordinance

Dear City Clerk Michelle Bigelow,

I urge the City Council to adopt the alternative action proposed by staff regarding a potential Sewer Lateral Point-of-Sale Ordinance. I strongly support this course of action to delay the effective date of the point-of-sale mandate until January 1, 2023.

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Sincerely,
Cheryl Cardamon

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Angie Gonzalez

From: [REDACTED] on behalf of Kip Barnard [REDACTED] >
Sent: Tuesday, May 4, 2021 3:33 PM
To: Michelle Bigelow
Subject: Proposed Morgan Hill Sewer Lateral Ordinance

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I urge the City Council to adopt the alternative action proposed by staff regarding a potential Sewer Lateral Point-of-Sale Ordinance. I strongly support this course of action to delay the effective date of the point-of-sale mandate until January 1, 2023.

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Sincerely,
Kip Barnard

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Angie Gonzalez

From: [REDACTED] on behalf of Greg Gardner <[REDACTED]>
Sent: Tuesday, May 4, 2021 3:26 PM
To: Michelle Bigelow
Subject: Proposed Morgan Hill Sewer Lateral Ordinance

Dear City Clerk Michelle Bigelow,

I urge the City Council to adopt the alternative action proposed by staff regarding a potential Sewer Lateral Point-of-Sale Ordinance. I strongly support this course of action to delay the effective date of the point-of-sale mandate until January 1, 2023.

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Sincerely,
Greg Gardner

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Angie Gonzalez

From: [REDACTED] on behalf of Primo Guzman
<[REDACTED]>
Sent: Tuesday, May 4, 2021 3:23 PM
To: Michelle Bigelow
Subject: Proposed Morgan Hill Sewer Lateral Ordinance

Dear City Clerk Michelle Bigelow,

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Primo Guzman

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Angie Gonzalez

From: [REDACTED] on behalf of Twila Salvador
<[REDACTED]>
Sent: Tuesday, May 4, 2021 3:22 PM
To: Michelle Bigelow
Subject: Proposed Morgan Hill Sewer Lateral Ordinance

Dear City Clerk Michelle Bigelow,

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Sincerely,
Twila Salvador

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Angie Gonzalez

From: [REDACTED] on behalf of Rosa Young <[REDACTED]>
Sent: Tuesday, May 4, 2021 3:21 PM
To: Michelle Bigelow
Subject: Proposed Morgan Hill Sewer Lateral Ordinance

Dear City Clerk Michelle Bigelow,

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Sincerely,
Rosa Young

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Angie Gonzalez

From: [REDACTED] on behalf of Suzan Vainberg <[REDACTED]>
Sent: Tuesday, May 4, 2021 3:19 PM
To: Michelle Bigelow
Subject: Proposed Morgan Hill Sewer Lateral Ordinance

Dear City Clerk Michelle Bigelow,

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Sincerely,
Suzan Vainberg

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Angie Gonzalez

From: [REDACTED] on behalf of W.HUNT
<[REDACTED]>
Sent: Tuesday, May 4, 2021 3:18 PM
To: Michelle Bigelow
Subject: Proposed Morgan Hill Sewer Lateral Ordinance

Dear City Clerk Michelle Bigelow,

I urge the City Council to adopt the alternative action proposed by staff regarding a potential Sewer Lateral Point-of-Sale Ordinance. I strongly support this course of action to delay the effective date of the point-of-sale mandate until January 1, 2023.

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Sincerely,
W. HUNT

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Angie Gonzalez

From: [REDACTED] on behalf of Celia Gilford <[REDACTED]>
Sent: Tuesday, May 4, 2021 3:08 PM
To: Michelle Bigelow
Subject: Proposed Morgan Hill Sewer Lateral Ordinance

Dear City Clerk Michelle Bigelow,

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Sincerely,
Celia Gilford

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Angie Gonzalez

From: [REDACTED] on behalf of Julie Bruns [REDACTED] >
Sent: Tuesday, May 4, 2021 3:06 PM
To: Michelle Bigelow
Subject: Proposed Morgan Hill Sewer Lateral Ordinance

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Sincerely,
Julie Bruns

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Angie Gonzalez

From: [REDACTED] on behalf of Kelly Hunt <[REDACTED]>
Sent: Tuesday, May 4, 2021 3:05 PM
To: Michelle Bigelow
Subject: Proposed Morgan Hill Sewer Lateral Ordinance

Dear City Clerk Michelle Bigelow,

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Sincerely,
Kelly Hunt

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Angie Gonzalez

From: [REDACTED] on behalf of Robert Heath
<[REDACTED]>
Sent: Tuesday, May 4, 2021 3:05 PM
To: Michelle Bigelow
Subject: Proposed Morgan Hill Sewer Lateral Ordinance

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Sincerely,
Robert Heath

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Angie Gonzalez

From: [REDACTED] on behalf of Christina Morales
<[REDACTED]>
Sent: Tuesday, May 4, 2021 3:03 PM
To: Michelle Bigelow
Subject: Proposed Morgan Hill Sewer Lateral Ordinance

Follow Up Flag: Follow up
Flag Status: Flagged

Dear City Clerk Michelle Bigelow,

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Sincerely,
Christina Morales

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Angie Gonzalez

From: [REDACTED] on behalf of Milen Tobagi
<[REDACTED]>
Sent: Tuesday, May 4, 2021 4:06 PM
To: Michelle Bigelow
Subject: Proposed Morgan Hill Sewer Lateral Ordinance

Dear City Clerk Michelle Bigelow,

I urge the City Council to adopt the alternative action proposed by staff regarding a potential Sewer Lateral Point-of-Sale Ordinance. I strongly support this course of action to delay the effective date of the point-of-sale mandate until January 1, 2023.

I understand the importance and environmental concerns of implementing a sewer lateral ordinance but mandating a point of sale in a short seven months is not the best approach. Potential sellers will rush to list properties before the effective date, exempting the property for several years from repair until sold again. This not only limits the intended result of the ordinance, to repair sewer laterals citywide but will also adversely impact the real estate market.

Due to current market conditions inspections and possible repairs will often be burdened by the buying party, increasing purchase prices. In the short term before the ordinance goes into effect, it will increase demand in Morgan Hill to avoid the mandate, raising prices and further decreasing affordability. In the long term, it will decrease desirability to sell or purchase in Morgan Hill relative to neighboring jurisdictions, limiting potential property tax revenue gains.

This is why I support a delayed point of sale mandate until 2023. During this extra year, a proactive program that incentivizes homeowners to repair sewer laterals will achieve the best result. Programs such as free city inspections on private sewer laterals will incentivize homeowners to repair sewer laterals before selling properties. This will increase sewer quality citywide and limit the negative impacts of a point of sale mandate.

As a REALTOR® I also understand the difficulty and importance of creating the necessary disclosures and properly educating the public. Especially when many potential agents and buyers live and work outside the City of Morgan Hill. The extra year of delayed implementation will provide beneficial educational opportunities as REALTORS® partners with the City on implementation.

I encourage the City Council to delay the point-of-sale mandate until January 1, 2023, to provide a proper time period for proactive city-incentivized inspections and a robust educational campaign.

Sincerely,
Milen Tobagi

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Angie Gonzalez

From: [REDACTED] on behalf of TINA L BROYLES BROYLES
Sent: Tuesday, May 4, 2021 3:00 PM
To: Michelle Bigelow
Subject: Proposed Morgan Hill Sewer Lateral Ordinance

Follow Up Flag: Follow up
Flag Status: Flagged

Dear City Clerk Michelle Bigelow,

I urge the City Council to adopt the alternative action proposed by staff regarding a potential Sewer Lateral Point-of-Sale Ordinance. I strongly support this course of action to delay the effective date of the point-of-sale mandate until January 1, 2023.

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Sincerely,
TINA L BROYLES BROYLES

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Angie Gonzalez

From: [REDACTED] on behalf of Steve Garrido <[REDACTED]>
Sent: Tuesday, May 4, 2021 3:13 PM
To: Michelle Bigelow
Subject: Proposed Morgan Hill Sewer Lateral Ordinance

Dear City Clerk Michelle Bigelow,

I urge the City Council to adopt the alternative action proposed by staff regarding a potential Sewer Lateral Point-of-Sale Ordinance. I strongly support this course of action to delay the effective date of the point-of-sale mandate until January 1, 2023.

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Sincerely,
Steve Garrido

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Angie Gonzalez

From: [REDACTED] on behalf of Loren Burks
<[REDACTED]>
Sent: Tuesday, May 4, 2021 3:12 PM
To: Michelle Bigelow
Subject: Proposed Morgan Hill Sewer Lateral Ordinance

Dear City Clerk Michelle Bigelow,

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Sincerely,
Loren Burks

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Angie Gonzalez

From: [REDACTED] on behalf of DUNG TRUONG >
Sent: Tuesday, May 4, 2021 3:10 PM
To: Michelle Bigelow
Subject: Proposed Morgan Hill Sewer Lateral Ordinance

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Angie Gonzalez

From: [REDACTED] on behalf of Jackie Purvis [REDACTED] >
Sent: Tuesday, May 4, 2021 3:10 PM
To: Michelle Bigelow
Subject: Proposed Morgan Hill Sewer Lateral Ordinance

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Sincerely,
Jackie Purvis

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Angie Gonzalez

From: [REDACTED] on behalf of Lisa Grisalin <[REDACTED]>
Sent: Tuesday, May 4, 2021 3:09 PM
To: Michelle Bigelow
Subject: Proposed Morgan Hill Sewer Lateral Ordinance

Dear City Clerk Michelle Bigelow,

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Sincerely,
Lisa Grisalin

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Angie Gonzalez

From: [REDACTED] on behalf of Nadi Akhter
<[REDACTED]>
Sent: Tuesday, May 4, 2021 3:09 PM
To: Michelle Bigelow
Subject: Proposed Morgan Hill Sewer Lateral Ordinance

Dear City Clerk Michelle Bigelow,

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Sincerely,
Nadi Akhter

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Angie Gonzalez

From: [REDACTED] on behalf of Sandra Flansburg
Sent: Tuesday, May 4, 2021 4:24 PM
To: Michelle Bigelow
Subject: Proposed Morgan Hill Sewer Lateral Ordinance

Dear City Clerk Michelle Bigelow,

I urge the City Council to adopt the alternative action proposed by staff regarding a potential Sewer Lateral Point-of-Sale Ordinance. I strongly support this course of action to delay the effective date of the point-of-sale mandate until January 1, 2023.

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Sincerely,
Sandra Flansburg

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Angie Gonzalez

From: [REDACTED] on behalf of Paul Nogosek <[REDACTED]>
Sent: Tuesday, May 4, 2021 4:22 PM
To: Michelle Bigelow
Subject: Proposed Morgan Hill Sewer Lateral Ordinance

Dear City Clerk Michelle Bigelow,

I urge the City Council to adopt the alternative action proposed by staff regarding a potential Sewer Lateral Point-of-Sale Ordinance. I strongly support this course of action to delay the effective date of the point-of-sale mandate until January 1, 2023.

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Sincerely,
Paul Nogosek

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Angie Gonzalez

From: [REDACTED] on behalf of Jean Chase <[REDACTED]>
Sent: Tuesday, May 4, 2021 4:17 PM
To: Michelle Bigelow
Subject: Proposed Morgan Hill Sewer Lateral Ordinance

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Sincerely,
Jean Chase

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Angie Gonzalez

From: [REDACTED] on behalf of Lori LoBue <[REDACTED]>
Sent: Tuesday, May 4, 2021 4:25 PM
To: Michelle Bigelow
Subject: Proposed Morgan Hill Sewer Lateral Ordinance

Dear City Clerk Michelle Bigelow,

I urge the City Council to adopt the alternative action proposed by staff regarding a potential Sewer Lateral Point-of-Sale Ordinance. I strongly support this course of action to delay the effective date of the point-of-sale mandate until January 1, 2023.

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Sincerely,
Lori LoBue

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From: [REDACTED] on behalf of [Eric Giuffrida](#)
To: [Michelle Bigelow](#)
Subject: Proposed Morgan Hill Sewer Lateral Ordinance
Date: Tuesday, May 4, 2021 3:01:19 PM

Dear City Clerk Michelle Bigelow,

I urge the City Council to adopt the alternative action proposed by staff regarding a potential Sewer Lateral Point-of-Sale Ordinance. I strongly support this course of action to delay the effective date of the point-of-sale mandate until January 1, 2023.

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Angie Gonzalez

From: [REDACTED] on behalf of Randy Basso
Sent: Wednesday, May 5, 2021 8:43 AM
To: Michelle Bigelow
Subject: Proposed Morgan Hill Sewer Lateral Ordinance

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I urge the City Council to adopt the alternative action proposed by staff regarding a potential Sewer Lateral Point-of-Sale Ordinance. I strongly support this course of action to delay the effective date of the point-of-sale mandate until January 1, 2023.

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Sincerely,
Randy Basso

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Angie Gonzalez

From: [REDACTED] on behalf of Tam Le [REDACTED]
Sent: Wednesday, May 5, 2021 8:46 AM
To: Michelle Bigelow
Subject: Proposed Morgan Hill Sewer Lateral Ordinance

Dear City Clerk Michelle Bigelow,

I urge the City Council to adopt the alternative action proposed by staff regarding a potential Sewer Lateral Point-of-Sale Ordinance. I strongly support this course of action to delay the effective date of the point-of-sale mandate until January 1, 2023.

I understand the importance and environmental concerns of implementing a sewer lateral ordinance but mandating a point of sale in a short seven months is not the best approach. Potential sellers will rush to list properties before the effective date, exempting the property for several years from repair until sold again. This not only limits the intended result of the ordinance, to repair sewer laterals citywide but will also adversely impact the real estate market.

Due to current market conditions inspections and possible repairs will often be burdened by the buying party, increasing purchase prices. In the short term before the ordinance goes into effect, it will increase demand in Morgan Hill to avoid the mandate, raising prices and further decreasing affordability. In the long term, it will decrease desirability to sell or purchase in Morgan Hill relative to neighboring jurisdictions, limiting potential property tax revenue gains.

This is why I support a delayed point of sale mandate until 2023. During this extra year, a proactive program that incentivizes homeowners to repair sewer laterals will achieve the best result. Programs such as free city inspections on private sewer laterals will incentivize homeowners to repair sewer laterals before selling properties. This will increase sewer quality citywide and limit the negative impacts of a point of sale mandate.

As a REALTOR® I also understand the difficulty and importance of creating the necessary disclosures and properly educating the public. Especially when many potential agents and buyers live and work outside the City of Morgan Hill. The extra year of delayed implementation will provide beneficial educational opportunities as REALTORS® partners with the City on implementation.

I encourage the City Council to delay the point-of-sale mandate until January 1, 2023, to provide a proper time period for proactive city-incentivized inspections and a robust educational campaign.

Sincerely,
Tam Le

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Angie Gonzalez

From: [REDACTED] on behalf of Mary Ann Wallace
<[REDACTED]>
Sent: Wednesday, May 5, 2021 8:56 AM
To: Michelle Bigelow
Subject: Proposed Morgan Hill Sewer Lateral Ordinance

Dear City Clerk Michelle Bigelow,

I urge the City Council to adopt the alternative action proposed by staff regarding a potential Sewer Lateral Point-of-Sale Ordinance. I strongly support this course of action to delay the effective date of the point-of-sale mandate until January 1, 2023.

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Sincerely,
Mary Ann Wallace

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Angie Gonzalez

From: [REDACTED] on behalf of Nicolette Virgilio
<[REDACTED]>
Sent: Wednesday, May 5, 2021 8:56 AM
To: Michelle Bigelow
Subject: Proposed Morgan Hill Sewer Lateral Ordinance

Dear City Clerk Michelle Bigelow,

I urge the City Council to adopt the alternative action proposed by staff regarding a potential Sewer Lateral Point-of-Sale Ordinance. I strongly support this course of action to delay the effective date of the point-of-sale mandate until January 1, 2023.

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Sincerely,
Nicolette Virgilio

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Angie Gonzalez

From: [REDACTED] on behalf of Doug Goss <[REDACTED]>
Sent: Wednesday, May 5, 2021 8:57 AM
To: Michelle Bigelow
Subject: Proposed Morgan Hill Sewer Lateral Ordinance

Dear City Clerk Michelle Bigelow,

I urge the City Council to adopt the alternative action proposed by staff regarding a potential Sewer Lateral Point-of-Sale Ordinance. I strongly support this course of action to delay the effective date of the point-of-sale mandate until January 1, 2023.

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Sincerely,
Doug Goss

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Angie Gonzalez

From: [REDACTED] on behalf of Christina McDermott
<[REDACTED]>
Sent: Wednesday, May 5, 2021 9:04 AM
To: Michelle Bigelow
Subject: Proposed Morgan Hill Sewer Lateral Ordinance

Dear City Clerk Michelle Bigelow,

I urge the City Council to adopt the alternative action proposed by staff regarding a potential Sewer Lateral Point-of-Sale Ordinance. I strongly support this course of action to delay the effective date of the point-of-sale mandate until January 1, 2023.

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Sincerely,
Christina McDermott

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Angie Gonzalez

From: [REDACTED] on behalf of Jane McKinna
<[REDACTED]>
Sent: Wednesday, May 5, 2021 9:10 AM
To: Michelle Bigelow
Subject: Proposed Morgan Hill Sewer Lateral Ordinance

Dear City Clerk Michelle Bigelow,

I urge the City Council to adopt the alternative action proposed by staff regarding a potential Sewer Lateral Point-of-Sale Ordinance. I strongly support this course of action to delay the effective date of the point-of-sale mandate until January 1, 2023.

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Sincerely,
Jane McKinna

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Angie Gonzalez

From: [REDACTED] on behalf of Chika Mori <[REDACTED]>
Sent: Wednesday, May 5, 2021 8:14 AM
To: Michelle Bigelow
Subject: Proposed Morgan Hill Sewer Lateral Ordinance

Dear City Clerk Michelle Bigelow,

I urge the City Council to adopt the alternative action proposed by staff regarding a potential Sewer Lateral Point-of-Sale Ordinance. I strongly support this course of action to delay the effective date of the point-of-sale mandate until January 1, 2023.

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Sincerely,
Chika Mori

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Angie Gonzalez

From: [REDACTED] on behalf of JOSE JAQUEZ [REDACTED] >
Sent: Tuesday, May 4, 2021 4:52 PM
To: Michelle Bigelow
Subject: Proposed Morgan Hill Sewer Lateral Ordinance

Dear City Clerk Michelle Bigelow,

I urge the City Council to adopt the alternative action proposed by staff regarding a potential Sewer Lateral Point-of-Sale Ordinance. I strongly support this course of action to delay the effective date of the point-of-sale mandate until January 1, 2023.

I understand the importance and environmental concerns of implementing a sewer lateral ordinance but mandating a point of sale in a short seven months is not the best approach. Potential sellers will rush to list properties before the effective date, exempting the property for several years from repair until sold again. This not only limits the intended result of the ordinance, to repair sewer laterals citywide but will also adversely impact the real estate market.

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Sincerely,
JOSE JAQUEZ

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Angie Gonzalez

From: [REDACTED] on behalf of Callie Curry
Sent: Wednesday, May 5, 2021 7:27 AM
To: Michelle Bigelow
Subject: Proposed Morgan Hill Sewer Lateral Ordinance

Dear City Clerk Michelle Bigelow,

Once again the city fathers are putting the monkey on the back of homeowners for the cost of long-delayed infrastructure improvements, this time attention to the sewer system. (Wait! Do we/did we not already pay for the lawsuit also!) In addition, it is ludicrous government overreach to that you plan to further dig into homeowner's pocketbooks to cover any sewer lateral defect beyond private property line!

I urge the City Council to adopt the alternative action proposed by staff regarding a potential Sewer Lateral Point-of-Sale Ordinance. I strongly support this course of action to delay the effective date of the point-of-sale mandate until January 1, 2023.

I understand the importance and environmental concerns of implementing a sewer lateral ordinance but mandating a point of sale in a short seven months is not the best approach. Potential sellers will rush to list properties before the effective date, exempting the property for several years from repair until sold again. This not only limits the intended result of the ordinance, to repair sewer laterals citywide but will also adversely impact the real estate market.

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Sincerely,
Callie Curry

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Angie Gonzalez

From: [REDACTED] on behalf of Carla Griffin [REDACTED] >
Sent: Wednesday, May 5, 2021 7:21 AM
To: Michelle Bigelow
Subject: Proposed Morgan Hill Sewer Lateral Ordinance

Dear City Clerk Michelle Bigelow,

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Sincerely,
Carla Griffin

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Angie Gonzalez

From: [REDACTED] on behalf of Abida Syed [REDACTED] >
Sent: Tuesday, May 4, 2021 9:42 PM
To: Michelle Bigelow
Subject: Proposed Morgan Hill Sewer Lateral Ordinance

Dear City Clerk Michelle Bigelow,

I urge the City Council to adopt the alternative action proposed by staff regarding a potential Sewer Lateral Point-of-Sale Ordinance. I strongly support this course of action to delay the effective date of the point-of-sale mandate until January 1, 2023.

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Sincerely,
Abida Syed

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Angie Gonzalez

From: [REDACTED] on behalf of Melanie Griswold <[REDACTED]>
Sent: Tuesday, May 4, 2021 9:13 PM
To: Michelle Bigelow
Subject: Proposed Morgan Hill Sewer Lateral Ordinance

Dear City Clerk Michelle Bigelow,

I urge the City Council to adopt the alternative action proposed by staff regarding a potential Sewer Lateral Point-of-Sale Ordinance. I strongly support this course of action to delay the effective date of the point-of-sale mandate until January 1, 2023.

I understand the importance and environmental concerns of implementing a sewer lateral ordinance but mandating a point of sale in a short seven months is not the best approach. Potential sellers will rush to list properties before the effective date, exempting the property for several years from repair until sold again. This not only limits the intended result of the ordinance, to repair sewer laterals citywide but will also adversely impact the real estate market.

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Sincerely,
Melanie Griswold

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Angie Gonzalez

From: [REDACTED] on behalf of Zeanna Bunch
Sent: Tuesday, May 4, 2021 9:08 PM
To: Michelle Bigelow
Subject: Proposed Morgan Hill Sewer Lateral Ordinance

Dear City Clerk Michelle Bigelow,

I've lived in MH for 34 years and love it here! I urge the City Council to adopt the alternative action proposed by staff regarding a potential Sewer Lateral Point-of-Sale Ordinance. I strongly support this course of action to delay the effective date of the point-of-sale mandate until January 1, 2023.

I understand the importance and environmental concerns of implementing a sewer lateral ordinance but mandating a point of sale in a short seven months is not the best approach. Potential sellers will rush to list properties before the effective date, exempting the property for several years from repair until sold again. This not only limits the intended result of the ordinance, to repair sewer laterals citywide but will also adversely impact the real estate market.

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Sincerely,
Zeanna Bunch

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Angie Gonzalez

From: [REDACTED] on behalf of Martin Chavez
Sent: Tuesday, May 4, 2021 8:35 PM
To: Michelle Bigelow
Subject: Proposed Morgan Hill Sewer Lateral Ordinance

Dear City Clerk Michelle Bigelow,

I urge the City Council to adopt the alternative action proposed by staff regarding a potential Sewer Lateral Point-of-Sale Ordinance. I strongly support this course of action to delay the effective date of the point-of-sale mandate until January 1, 2023.

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As a REALTOR® I also understand the difficulty and importance of creating the necessary disclosures and properly educating the public. Especially when many potential agents and buyers live and work outside the City of Morgan Hill. The extra year of delayed implementation will provide beneficial educational opportunities as REALTORS® partners with the City on implementation.

I encourage the City Council to delay the point-of-sale mandate until January 1, 2023, to provide a proper time period for proactive city-incentivized inspections and a robust educational campaign.

Sincerely,
Martin Chavez

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Angie Gonzalez

From: [REDACTED] on behalf of Vito Lippolis [REDACTED]
Sent: Wednesday, May 5, 2021 6:05 AM
To: Michelle Bigelow
Subject: Proposed Morgan Hill Sewer Lateral Ordinance

Dear City Clerk Michelle Bigelow,

I urge the City Council to adopt the alternative action proposed by staff regarding a potential Sewer Lateral Point-of-Sale Ordinance. I strongly support this course of action to delay the effective date of the point-of-sale mandate until January 1, 2023.

I understand the importance and environmental concerns of implementing a sewer lateral ordinance but mandating a point of sale in a short seven months is not the best approach. Potential sellers will rush to list properties before the effective date, exempting the property for several years from repair until sold again. This not only limits the intended result of the ordinance, to repair sewer laterals citywide but will also adversely impact the real estate market.

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Sincerely,
Vito Lippolis

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Angie Gonzalez

From: [REDACTED] on behalf of David H Truong
Sent: Tuesday, May 4, 2021 9:38 PM
To: Michelle Bigelow
Subject: Proposed Morgan Hill Sewer Lateral Ordinance

Dear City Clerk Michelle Bigelow,

I urge the City Council to adopt the alternative action proposed by staff regarding a potential Sewer Lateral Point-of-Sale Ordinance. I strongly support this course of action to delay the effective date of the point-of-sale mandate until January 1, 2023.

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Sincerely,
David H Truong

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Angie Gonzalez

From: [REDACTED] on behalf of Eric Sjoberg [REDACTED] >
Sent: Tuesday, May 4, 2021 9:32 PM
To: Michelle Bigelow
Subject: Proposed Morgan Hill Sewer Lateral Ordinance

Dear City Clerk Michelle Bigelow,

I urge the City Council to adopt the alternative action proposed by staff regarding a potential Sewer Lateral Point-of-Sale Ordinance. I strongly support this course of action to delay the effective date of the point-of-sale mandate until January 1, 2023.

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Sincerely,
Eric Sjoberg

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Angie Gonzalez

From: [REDACTED] on behalf of Kim Ngoc Ngo <[REDACTED]>
Sent: Tuesday, May 4, 2021 9:27 PM
To: Michelle Bigelow
Subject: Proposed Morgan Hill Sewer Lateral Ordinance

Dear City Clerk Michelle Bigelow,

I urge the City Council to adopt the alternative action proposed by staff regarding a potential Sewer Lateral Point-of-Sale Ordinance. I strongly support this course of action to delay the effective date of the point-of-sale mandate until January 1, 2023.

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Sincerely,
Kim Ngoc Ngo

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Angie Gonzalez

From: [REDACTED] on behalf of Steve Pierce <[REDACTED]>
Sent: Tuesday, May 4, 2021 8:47 PM
To: Michelle Bigelow
Subject: Proposed Morgan Hill Sewer Lateral Ordinance

Dear City Clerk Michelle Bigelow,

I urge the City Council to adopt the alternative action proposed by staff regarding a potential Sewer Lateral Point-of-Sale Ordinance. I strongly support this course of action to delay the effective date of the point-of-sale mandate until January 1, 2023.

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Sincerely,
Steve Pierce

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Angie Gonzalez

From: [REDACTED] on behalf of Victor San Vicente
Sent: Wednesday, May 5, 2021 1:01 AM
To: Michelle Bigelow
Subject: Proposed Morgan Hill Sewer Lateral Ordinance

Dear City Clerk Michelle Bigelow,

I urge the City Council to adopt the alternative action proposed by staff regarding a potential Sewer Lateral Point-of-Sale Ordinance. I strongly support this course of action to delay the effective date of the point-of-sale mandate until January 1, 2023.

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Sincerely,
Victor San Vicente

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Angie Gonzalez

From: [REDACTED] on behalf of Khalid Mahmud
Sent: Tuesday, May 4, 2021 11:30 PM
To: Michelle Bigelow
Subject: Proposed Morgan Hill Sewer Lateral Ordinance

Dear City Clerk Michelle Bigelow,

I urge the City Council to adopt the alternative action proposed by staff regarding a potential Sewer Lateral Point-of-Sale Ordinance. I strongly support this course of action to delay the effective date of the point-of-sale mandate until January 1, 2023.

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Sincerely,
Khalid Mahmud

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Angie Gonzalez

From: [REDACTED] on behalf of Sadie Karpf [REDACTED]
Sent: Tuesday, May 4, 2021 11:11 PM
To: Michelle Bigelow
Subject: Proposed Morgan Hill Sewer Lateral Ordinance

Dear City Clerk Michelle Bigelow,

I urge the City Council to adopt the alternative action proposed by staff regarding a potential Sewer Lateral Point-of-Sale Ordinance. I strongly support this course of action to delay the effective date of the point-of-sale mandate until January 1, 2023.

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Sincerely,
Sadie Karpf

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Angie Gonzalez

From: [REDACTED] on behalf of Nicki Banucci <[REDACTED]>
Sent: Tuesday, May 4, 2021 10:38 PM
To: Michelle Bigelow
Subject: Proposed Morgan Hill Sewer Lateral Ordinance

Dear City Clerk Michelle Bigelow,

I urge the City Council to adopt the alternative action proposed by staff regarding a potential Sewer Lateral Point-of-Sale Ordinance. I strongly support this course of action to delay the effective date of the point-of-sale mandate until January 1, 2023.

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Sincerely,
Nicki Banucci

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Angie Gonzalez

From: [REDACTED] on behalf of Kinnaly Vongsa
<[REDACTED]>
Sent: Tuesday, May 4, 2021 10:02 PM
To: Michelle Bigelow
Subject: Proposed Morgan Hill Sewer Lateral Ordinance

Dear City Clerk Michelle Bigelow,

I urge the City Council to adopt the alternative action proposed by staff regarding a potential Sewer Lateral Point-of-Sale Ordinance. I strongly support this course of action to delay the effective date of the point-of-sale mandate until January 1, 2023.

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Sincerely,
Kinnaly Vongsa

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Angie Gonzalez

From: [REDACTED] on behalf of Elvia Reyna
<[REDACTED]>
Sent: Tuesday, May 4, 2021 9:45 PM
To: Michelle Bigelow
Subject: Proposed Morgan Hill Sewer Lateral Ordinance

Dear City Clerk Michelle Bigelow,

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Sincerely,
Elvia Reyna

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Angie Gonzalez

From: [REDACTED] on behalf of Veronika Suess
Sent: Tuesday, May 4, 2021 6:46 PM
To: Michelle Bigelow
Subject: Proposed Morgan Hill Sewer Lateral Ordinance

Dear City Clerk Michelle Bigelow,

I urge the City Council to adopt the alternative action proposed by staff regarding a potential Sewer Lateral Point-of-Sale Ordinance. I strongly support this course of action to delay the effective date of the point-of-sale mandate until January 1, 2023.

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Sincerely,
Veronika Suess

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Angie Gonzalez

From: [REDACTED] on behalf of Tami Lantis <[REDACTED]>
Sent: Tuesday, May 4, 2021 6:14 PM
To: Michelle Bigelow
Subject: Proposed Morgan Hill Sewer Lateral Ordinance

Dear City Clerk Michelle Bigelow,

I urge the City Council to adopt the alternative action proposed by staff regarding a potential Sewer Lateral Point-of-Sale Ordinance. I strongly support this course of action to delay the effective date of the point-of-sale mandate until January 1, 2023.

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Sincerely,
Tami Lantis

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Angie Gonzalez

From: [REDACTED] on behalf of Narges Valikhani
<[REDACTED]>
Sent: Tuesday, May 4, 2021 6:10 PM
To: Michelle Bigelow
Subject: Proposed Morgan Hill Sewer Lateral Ordinance

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As a REALTOR® I also understand the difficulty and importance of creating the necessary disclosures and properly educating the public. Especially when many potential agents and buyers live and work outside the City of Morgan Hill. The extra year of delayed implementation will provide beneficial educational opportunities as REALTORS® partners with the City on implementation.

I encourage the City Council to delay the point-of-sale mandate until January 1, 2023, to provide a proper time period for proactive city-incentivized inspections and a robust educational campaign.

Sincerely,
Narges Valikhani

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Angie Gonzalez

From: [REDACTED] on behalf of NICOLE GURRIES
>
Sent: Tuesday, May 4, 2021 6:06 PM
To: Michelle Bigelow
Subject: Proposed Morgan Hill Sewer Lateral Ordinance

Follow Up Flag: Follow up
Flag Status: Flagged

Dear City Clerk Michelle Bigelow,

I urge the City Council to adopt the alternative action proposed by staff regarding a potential Sewer Lateral Point-of-Sale Ordinance. I strongly support this course of action to delay the effective date of the point-of-sale mandate until January 1, 2023.

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Sincerely,
NICOLE GURRIES

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Angie Gonzalez

From: [REDACTED] on behalf of Peter Suess
>
Sent: Tuesday, May 4, 2021 6:46 PM
To: Michelle Bigelow
Subject: Proposed Morgan Hill Sewer Lateral Ordinance

Dear City Clerk Michelle Bigelow,

I urge the City Council to adopt the alternative action proposed by staff regarding a potential Sewer Lateral Point-of-Sale Ordinance. I strongly support this course of action to delay the effective date of the point-of-sale mandate until January 1, 2023.

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Sincerely,
Peter Suess

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Angie Gonzalez

From: [REDACTED] on behalf of Jennifer Saulala
>
Sent: Tuesday, May 4, 2021 6:08 PM
To: Michelle Bigelow
Subject: Proposed Morgan Hill Sewer Lateral Ordinance

Dear City Clerk Michelle Bigelow,

I urge the City Council to adopt the alternative action proposed by staff regarding a potential Sewer Lateral Point-of-Sale Ordinance. I strongly support this course of action to delay the effective date of the point-of-sale mandate until January 1, 2023.

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Sincerely,
Jennifer Saulala

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Angie Gonzalez

From: [REDACTED] on behalf of Gema Smith
<[REDACTED]>
Sent: Tuesday, May 4, 2021 7:02 PM
To: Michelle Bigelow
Subject: Proposed Morgan Hill Sewer Lateral Ordinance

Dear City Clerk Michelle Bigelow,

I urge the City Council to adopt the alternative action proposed by staff regarding a potential Sewer Lateral Point-of-Sale Ordinance. I strongly support this course of action to delay the effective date of the point-of-sale mandate until January 1, 2023.

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Sincerely,
Gema Smith

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From: [REDACTED] on behalf of [Elise Erwin](#)
To: [Michelle Bigelow](#)
Subject: Proposed Morgan Hill Sewer Lateral Ordinance
Date: Tuesday, May 4, 2021 4:48:05 PM

Dear City Clerk Michelle Bigelow,

Dear Members of the City Council and Mayor,

I urge the City Council to adopt the alternative action proposed by staff regarding a potential Sewer Lateral Point-of-Sale Ordinance. I strongly support this course of action to delay the effective date of the point-of-sale mandate until January 1, 2023.

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Sincerely,
Elise Erwin

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From: [REDACTED] on behalf of [Dave Walsh](#)
To: [Michelle Bigelow](#)
Subject: Proposed Morgan Hill Sewer Lateral Ordinance
Date: Tuesday, May 4, 2021 3:46:38 PM

Dear City Clerk Michelle Bigelow,

I urge the City Council to adopt the alternative action proposed by staff regarding a potential Sewer Lateral Point-of-Sale Ordinance. I strongly support this course of action to delay the effective date of the point-of-sale mandate until January 1, 2023.

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Sincerely,
Dave Walsh

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From: [REDACTED] on behalf of [James Dill](#)
To: [Michelle Bigelow](#)
Subject: Proposed Morgan Hill Sewer Lateral Ordinance
Date: Tuesday, May 4, 2021 3:39:27 PM

Dear City Clerk Michelle Bigelow,

I urge the City Council to adopt the alternative action proposed by staff regarding a potential Sewer Lateral Point-of-Sale Ordinance. I strongly support this course of action to delay the effective date of the point-of-sale mandate until January 1, 2023.

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Sincerely,
James Dill

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Angie Gonzalez

From: [REDACTED] on behalf of Lisa Faria [REDACTED]
Sent: Tuesday, May 4, 2021 4:58 PM
To: Michelle Bigelow
Subject: Proposed Morgan Hill Sewer Lateral Ordinance

Dear City Clerk Michelle Bigelow,

I urge the City Council to adopt the alternative action proposed by staff regarding a potential Sewer Lateral Point-of-Sale Ordinance. I strongly support this course of action to delay the effective date of the point-of-sale mandate until January 1, 2023.

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Sincerely,
Lisa Faria

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Angie Gonzalez

From: [REDACTED] on behalf of John Dass
<[REDACTED]>
Sent: Tuesday, May 4, 2021 4:47 PM
To: Michelle Bigelow
Subject: Proposed Morgan Hill Sewer Lateral Ordinance

Dear City Clerk Michelle Bigelow,

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John Dass

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Angie Gonzalez

From: [REDACTED] on behalf of Janette Dass
>
Sent: Tuesday, May 4, 2021 4:46 PM
To: Michelle Bigelow
Subject: Proposed Morgan Hill Sewer Lateral Ordinance

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Sincerely,
Janette Dass

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Angie Gonzalez

From: [REDACTED] on behalf of Alla Petrashen
Sent: Tuesday, May 4, 2021 4:38 PM
To: Michelle Bigelow
Subject: Proposed Morgan Hill Sewer Lateral Ordinance

Dear City Clerk Michelle Bigelow,

I urge the City Council to adopt the alternative action proposed by staff regarding a potential Sewer Lateral Point-of-Sale Ordinance. I strongly support this course of action to delay the effective date of the point-of-sale mandate until January 1, 2023.

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Sincerely,
Alla Petrashen

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Angie Gonzalez

From: [REDACTED] on behalf of Ivonne Valdes
Sent: Tuesday, May 4, 2021 4:30 PM
To: Michelle Bigelow
Subject: Proposed Morgan Hill Sewer Lateral Ordinance

Dear City Clerk Michelle Bigelow,

I urge the City Council to adopt the alternative action proposed by staff regarding a potential Sewer Lateral Point-of-Sale Ordinance. I strongly support this course of action to delay the effective date of the point-of-sale mandate until January 1, 2023.

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Sincerely,
Ivonne Valdes

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Angie Gonzalez

From: [REDACTED] on behalf of Robert Matusich
>
Sent: Tuesday, May 4, 2021 5:26 PM
To: Michelle Bigelow
Subject: Proposed Morgan Hill Sewer Lateral Ordinance

Dear City Clerk Michelle Bigelow,

I urge the City Council to adopt the alternative action proposed by staff regarding a potential Sewer Lateral Point-of-Sale Ordinance. I strongly support this course of action to delay the effective date of the point-of-sale mandate until January 1, 2023.

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Sincerely,
Robert Matusich

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Angie Gonzalez

From: [REDACTED] on behalf of Donna Castillo <[REDACTED]>
Sent: Tuesday, May 4, 2021 5:20 PM
To: Michelle Bigelow
Subject: Proposed Morgan Hill Sewer Lateral Ordinance

Dear City Clerk Michelle Bigelow,

I urge the City Council to adopt the alternative action proposed by staff regarding a potential Sewer Lateral Point-of-Sale Ordinance. I strongly support this course of action to delay the effective date of the point-of-sale mandate until January 1, 2023.

I understand the importance and environmental concerns of implementing a sewer lateral ordinance but mandating a point of sale in a short seven months is not the best approach. Potential sellers will rush to list properties before the effective date, exempting the property for several years from repair until sold again. This not only limits the intended result of the ordinance, to repair sewer laterals citywide but will also adversely impact the real estate market and all of the industry professionals that support it.

Due to current market conditions, inspections and possible repairs will often be burdened by the buying party, increasing purchase prices. In the short term before the ordinance goes into effect, it will increase demand in Morgan Hill to avoid the mandate, raising prices and further decreasing affordability. In the long term, it will decrease desirability to sell or purchase in Morgan Hill relative to neighboring jurisdictions, limiting potential property tax revenue gains.

This is why I support a delayed point of sale mandate until 2023. During this extra year, a proactive program that incentivizes homeowners to repair sewer laterals will achieve the best result. Programs such as free city inspections on private sewer laterals will incentivize homeowners to repair sewer laterals before selling properties. This will increase sewer quality citywide and limit the negative impacts of a point of sale mandate.

As a REALTOR® I also understand the difficulty and importance of creating the necessary disclosures and properly educating the public. Especially when many potential agents and buyers live and work outside the City of Morgan Hill. The extra year of delayed implementation will provide beneficial educational opportunities as REALTORS® partners with the City on implementation.

I encourage the City Council to delay the point-of-sale mandate until January 1, 2023, to provide a proper time period for proactive city-incentivized inspections and a robust educational campaign.

Sincerely,
Donna Castillo

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Angie Gonzalez

From: [REDACTED] on behalf of Colleen Badagliacco
<[REDACTED]>
Sent: Tuesday, May 4, 2021 4:58 PM
To: Michelle Bigelow
Subject: Proposed Morgan Hill Sewer Lateral Ordinance

Dear City Clerk Michelle Bigelow,

I urge the City Council to adopt the alternative action proposed by staff regarding a potential Sewer Lateral Point-of-Sale Ordinance. I strongly support this course of action to delay the effective date of the point-of-sale mandate until January 1, 2023.

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Sincerely,
Colleen Badagliacco

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Angie Gonzalez

From: [REDACTED] on behalf of Jason Noriega <[REDACTED]>
Sent: Tuesday, May 4, 2021 4:53 PM
To: Michelle Bigelow
Subject: Proposed Morgan Hill Sewer Lateral Ordinance

Dear City Clerk Michelle Bigelow,

I urge the City Council to adopt the alternative action proposed by staff regarding a potential Sewer Lateral Point-of-Sale Ordinance. I strongly support this course of action to delay the effective date of the point-of-sale mandate until January 1, 2023.

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Sincerely,
Jason Noriega

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Angie Gonzalez

From: [REDACTED] on behalf of Ralph Rodriguez [REDACTED] >
Sent: Tuesday, May 4, 2021 4:46 PM
To: Michelle Bigelow
Subject: Proposed Morgan Hill Sewer Lateral Ordinance

Dear City Clerk Michelle Bigelow,

I urge the City Council to adopt the alternative action proposed by staff regarding a potential Sewer Lateral Point-of-Sale Ordinance. I strongly support this course of action to delay the effective date of the point-of-sale mandate until January 1, 2023.

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I encourage the City Council to delay the point-of-sale mandate until January 1, 2023, to provide a proper time period for proactive city-incentivized inspections and a robust educational campaign.

Sincerely,
Ralph Rodriguez

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Angie Gonzalez

From: [REDACTED] on behalf of Grace Vaccaro <[REDACTED]>
Sent: Tuesday, May 4, 2021 5:16 PM
To: Michelle Bigelow
Subject: Proposed Morgan Hill Sewer Lateral Ordinance

Dear City Clerk Michelle Bigelow,

I urge the City Council to adopt the alternative action proposed by staff regarding a potential Sewer Lateral Point-of-Sale Ordinance. I strongly support this course of action to delay the effective date of the point-of-sale mandate until January 1, 2023.

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I encourage the City Council to delay the point-of-sale mandate until January 1, 2023, to provide a proper time period for proactive city-incentivized inspections and a robust educational campaign.

Sincerely,
Grace Vaccaro

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Angie Gonzalez

From: [REDACTED] on behalf of Kimberly Leiser
<[REDACTED]>
Sent: Tuesday, May 4, 2021 5:08 PM
To: Michelle Bigelow
Subject: Proposed Morgan Hill Sewer Lateral Ordinance

Dear City Clerk Michelle Bigelow,

I urge the City Council to adopt the alternative action proposed by staff regarding a potential Sewer Lateral Point-of-Sale Ordinance.

I understand the importance and environmental concerns of implementing a sewer lateral ordinance but mandating a point of sale in a short seven months is not the best approach. Potential sellers will rush to list properties before the effective date, exempting the property for several years from repair until sold again. This not only limits the intended result of the ordinance, to repair sewer laterals citywide but will also adversely impact the real estate market.

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This is why I do not support a delayed point of sale. Keep the inspections separate from the sale of property. If there is leakage do not wait for a homeowner to sell to address it.

I would like to recommend that the city conduct the inspections and charge a homeowner for the inspection only if their line is leaking. Suggest that the City of Morgan Hill look at all properties to determine where the issues and problems are. Do not make this part of the home selling process. Keep the two separate.

As a REALTOR® I also understand the difficulty and importance of creating the necessary disclosures and properly educating the public. Let sellers decide if they want to provide an inspection when selling or the buyers to order one. I encourage the City Council to NOT implement the point-of-sale mandate. Suggest city conduct their own inspections.

Sincerely,
Kimberly Leiser

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Angie Gonzalez

From: [REDACTED] on behalf of Ana Maria Russo [REDACTED] >
Sent: Tuesday, May 4, 2021 4:59 PM
To: Michelle Bigelow
Subject: Proposed Morgan Hill Sewer Lateral Ordinance

Dear City Clerk Michelle Bigelow,

I urge the City Council to adopt the alternative action proposed by staff regarding a potential Sewer Lateral Point-of-Sale Ordinance. I strongly support this course of action to delay the effective date of the point-of-sale mandate until January 1, 2023.

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I encourage the City Council to delay the point-of-sale mandate until January 1, 2023, to provide a proper time period for proactive city-incentivized inspections and a robust educational campaign.

Sincerely,
Ana Maria Russo

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From: [REDACTED] on behalf of [jill uda](#)
To: [Michelle Bigelow](#)
Subject: Proposed Morgan Hill Sewer Lateral Ordinance
Date: Wednesday, May 5, 2021 10:15:09 AM

Dear City Clerk Michelle Bigelow,

I urge the City Council to adopt the alternative action proposed by staff regarding a potential Sewer Lateral Point-of-Sale Ordinance. I strongly support this course of action to delay the effective date of the point-of-sale mandate until January 1, 2023.

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Sincerely,
jill uda

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From: [REDACTED] on behalf of [Jacqueline Walker](#)
To: [Michelle Bigelow](#)
Subject: Proposed Morgan Hill Sewer Lateral Ordinance
Date: Wednesday, May 5, 2021 10:45:41 AM

Dear City Clerk Michelle Bigelow,

I urge the City Council to adopt the alternative action proposed by staff regarding a potential Sewer Lateral Point-of-Sale Ordinance. I strongly support this course of action to delay the effective date of the point-of-sale mandate until January 1, 2023.

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Sincerely,
Jacqueline Walker

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From: [REDACTED] on behalf of [Robin Realini](#)
To: [Michelle Bigelow](#)
Subject: Proposed Morgan Hill Sewer Lateral Ordinance
Date: Wednesday, May 5, 2021 11:11:40 AM

Dear City Clerk Michelle Bigelow,

I urge the City Council to adopt the alternative action proposed by staff regarding a potential Sewer Lateral Point-of-Sale Ordinance. I strongly support this course of action to delay the effective date of the point-of-sale mandate until January 1, 2023.

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Robin Realini

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From: [REDACTED] on behalf of [Ed Bangle](#)
To: [Michelle Bigelow](#)
Subject: Proposed Morgan Hill Sewer Lateral Ordinance
Date: Wednesday, May 5, 2021 7:40:12 AM

Dear City Clerk Michelle Bigelow,

I urge the City Council to adopt the alternative action proposed by staff regarding a potential Sewer Lateral Point-of-Sale Ordinance. I strongly support this course of action to delay the effective date of the point-of-sale mandate until January 1, 2023.

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Sincerely,
Ed Bangle

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From: [REDACTED] on behalf of [PEDRO MORALES](#)
To: [Michelle Bigelow](#)
Subject: Proposed Morgan Hill Sewer Lateral Ordinance
Date: Wednesday, May 5, 2021 12:08:53 PM

Dear City Clerk Michelle Bigelow,

I urge the City Council to adopt the alternative action proposed by staff regarding a potential Sewer Lateral Point-of-Sale Ordinance. I strongly support this course of action to delay the effective date of the point-of-sale mandate until January 1, 2023.

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Sincerely,
PEDRO MORALES

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From: [REDACTED] on behalf of [Suzanne Stone](#)
To: [Michelle Bigelow](#)
Subject: Proposed Morgan Hill Sewer Lateral Ordinance
Date: Wednesday, May 5, 2021 11:26:37 AM

Dear City Clerk Michelle Bigelow,

I urge the City Council to adopt the alternative action proposed by staff regarding a potential Sewer Lateral Point-of-Sale Ordinance. I strongly support this course of action to delay the effective date of the point-of-sale mandate until January 1, 2023.

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Sincerely,
Suzanne Stone

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From: [REDACTED] on behalf of [Heidi Theodore](#)
To: [Michelle Bigelow](#)
Subject: Proposed Morgan Hill Sewer Lateral Ordinance
Date: Wednesday, May 5, 2021 1:30:34 PM

Dear City Clerk Michelle Bigelow,

I urge the City Council to adopt the alternative action proposed by staff regarding a potential Sewer Lateral Point-of-Sale Ordinance. I strongly support this course of action to delay the effective date of the point-of-sale mandate until January 1, 2023.

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Sincerely,
Heidi Theodore

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From: [REDACTED] on behalf of [Gina Marciano](#)
To: [Michelle Bigelow](#)
Subject: Proposed Morgan Hill Sewer Lateral Ordinance
Date: Wednesday, May 5, 2021 1:19:00 PM

Dear City Clerk Michelle Bigelow,

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Due to current market conditions inspections and possible repairs will often be burdened by the buying party, increasing purchase prices. In the short term before the ordinance goes into effect, it will increase demand in Morgan Hill to avoid the mandate, raising prices and further decreasing affordability. In the long term, it will decrease desirability to sell or purchase in Morgan Hill relative to neighboring jurisdictions, limiting potential property tax revenue gains.

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I encourage the City Council to delay the point-of-sale mandate until January 1, 2023, to provide a proper time period for proactive city-incentivized inspections and a robust educational campaign.

Sincerely,
Gina Marciano

WARNING: This message is from an external user. Confidential information such as social security numbers, credit card numbers, bank routing numbers, gift card numbers, wire transfer information and other personally identifiable information should not be transmitted to this user. For question, please contact the Morgan Hill IT Department by opening a new helpdesk request online or call 408-909-0055.

From: Richard Matusich <[REDACTED]>
Date: May 5, 2021 at 1:53:34 PM PDT
To: Rene Spring <Rene.Spring@morganhill.ca.gov>
Subject: Proposed Morgan Hill Sewer Lateral Ordinance
Reply-To: [REDACTED]

Dear Councilmember, District C Rene Spring,

I urge the City Council to adopt the alternative action proposed by staff regarding a potential Sewer Lateral Point-of-Sale Ordinance. I strongly support this course of action to delay the effective date of the point-of-sale mandate until January 1, 2023.

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Sincerely,
Richard Matusich

From: Silvia Cerda <[REDACTED]>
Date: May 5, 2021 at 1:56:34 PM PDT
To: Rene Spring <Rene.Spring@morganhill.ca.gov>
Subject: Proposed Morgan Hill Sewer Lateral Ordinance
Reply-To: [REDACTED]

Dear Councilmember, District C Rene Spring,

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Sincerely,
Silvia Cerda

From: Randy Basso <[REDACTED]>
Date: May 5, 2021 at 8:43:05 AM PDT
To: Rene Spring <Rene.Spring@morganhill.ca.gov>
Subject: Proposed Morgan Hill Sewer Lateral Ordinance
Reply-To: [REDACTED]

Dear Councilmember, District C Rene Spring,

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Sincerely,
Randy Basso

From: Mary Ann Wallace <[REDACTED]>
Date: May 5, 2021 at 8:56:23 AM PDT
To: Rene Spring <Rene.Spring@morganhill.ca.gov>
Subject: Proposed Morgan Hill Sewer Lateral Ordinance
Reply-To: [REDACTED]

Dear Councilmember, District C Rene Spring,

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Sincerely,
Mary Ann Wallace

From: Nicolette Virgilio <[REDACTED]>

Date: May 5, 2021 at 8:56:32 AM PDT

To: Rene Spring <Rene.Spring@morganhill.ca.gov>

Subject: Proposed Morgan Hill Sewer Lateral Ordinance

Reply-To: [REDACTED]

Dear Councilmember, District C Rene Spring,

I urge the City Council to adopt the alternative action proposed by staff regarding a potential Sewer Lateral Point-of-Sale Ordinance. I strongly support this course of action to delay the effective date of the point-of-sale mandate until January 1, 2023.

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Sincerely,
Nicolette Virgilio

From: Christina McDermott <[REDACTED]>
Date: May 5, 2021 at 9:04:04 AM PDT
To: Rene Spring <Rene.Spring@morganhill.ca.gov>
Subject: Proposed Morgan Hill Sewer Lateral Ordinance
Reply-To: [REDACTED]

Dear Councilmember, District C Rene Spring,

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Sincerely,
Christina McDermott

From: Jane McKinna <[REDACTED]>
Date: May 5, 2021 at 9:09:54 AM PDT
To: Rene Spring <Rene.Spring@morganhill.ca.gov>
Subject: Proposed Morgan Hill Sewer Lateral Ordinance
Reply-To: [REDACTED]

Dear Councilmember, District C Rene Spring,

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Sincerely,
Jane McKinna

From: Kelly Le Le <[REDACTED]>
Date: May 5, 2021 at 7:37:58 AM PDT
To: Rene Spring <Rene.Spring@morganhill.ca.gov>
Subject: Proposed Morgan Hill Sewer Lateral Ordinance
Reply-To: [REDACTED]

Dear Councilmember, District C Rene Spring,

I urge the City Council to adopt the alternative action proposed by staff regarding a potential Sewer Lateral Point-of-Sale Ordinance. I strongly support this course of action to delay the effective date of the point-of-sale mandate until January 1, 2023.

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Sincerely,
Kelly Le Le

From: Callie Curry <[REDACTED]>
Date: May 5, 2021 at 7:27:11 AM PDT
To: Rene Spring <Rene.Spring@morganhill.ca.gov>
Subject: Proposed Morgan Hill Sewer Lateral Ordinance
Reply-To: [REDACTED]

Dear Councilmember, District C Rene Spring,

Once again the city father's are putting the monkey on the back of homeowners for the cost of long-delayed infrastructure improvements, this time attention to the sewer system. (Wait! Do we/did we not already pay for the lawsuit also!) In addition, it is ludicrous government overreach to that you plan to further dig into homeowner's pocketbooks to cover any sewer lateral defect beyond private property line!

I urge the City Council to adopt the alternative action proposed by staff regarding a potential Sewer Lateral Point-of-Sale Ordinance. I strongly support this course of action to delay the effective date of the point-of-sale mandate until January 1, 2023.

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Sincerely,
Callie Curry

From: Martin Chavez <[REDACTED]>

Date: May 4, 2021 at 8:35:03 PM PDT

To: Rene Spring <Rene.Spring@morganhill.ca.gov>

Subject: Proposed Morgan Hill Sewer Lateral Ordinance

Reply-To: [REDACTED]

Dear Councilmember, District C Rene Spring,

I urge the City Council to adopt the alternative action proposed by staff regarding a potential Sewer Lateral Point-of-Sale Ordinance. I strongly support this course of action to delay the effective date of the point-of-sale mandate until January 1, 2023.

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Sincerely,
Martin Chavez

From: Zeanna Bunch <[REDACTED]>

Date: May 4, 2021 at 9:08:34 PM PDT

To: Rene Spring <Rene.Spring@morganhill.ca.gov>

Subject: Proposed Morgan Hill Sewer Lateral Ordinance

Reply-To: [REDACTED]

Dear Councilmember, District C Rene Spring,

I've lived in MH for 34 years and love it here! I urge the City Council to adopt the alternative action proposed by staff regarding a potential Sewer Lateral Point-of-Sale Ordinance. I strongly support this course of action to delay the effective date of the point-of-sale mandate until January 1, 2023.

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Sincerely,
Zeanna Bunch

From: David H Truong <[REDACTED]>
Date: May 4, 2021 at 9:37:59 PM PDT
To: Rene Spring <Rene.Spring@morganhill.ca.gov>
Subject: Proposed Morgan Hill Sewer Lateral Ordinance
Reply-To: [REDACTED]

Dear Councilmember, District C Rene Spring,

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Sincerely,
David H Truong

From: Elvia Reyna <[REDACTED]>
Date: May 4, 2021 at 9:44:39 PM PDT
To: Rene Spring <Rene.Spring@morganhill.ca.gov>
Subject: Proposed Morgan Hill Sewer Lateral Ordinance
Reply-To: [REDACTED]

Dear Councilmember, District C Rene Spring,

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Sincerely,
Elvia Reyna

From: Kinnaly Vongsa <[REDACTED]>
Date: May 4, 2021 at 10:01:56 PM PDT
To: Rene Spring <Rene.Spring@morganhill.ca.gov>
Subject: Proposed Morgan Hill Sewer Lateral Ordinance
Reply-To: [REDACTED]

Dear Councilmember, District C Rene Spring,

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Sincerely,
Kinnaly Vongsa

From: Khalid Mahmud <[REDACTED]>
Date: May 4, 2021 at 11:30:32 PM PDT
To: Rene Spring <Rene.Spring@morganhill.ca.gov>
Subject: Proposed Morgan Hill Sewer Lateral Ordinance
Reply-To: [REDACTED]

Dear Councilmember, District C Rene Spring,

I urge the City Council to adopt the alternative action proposed by staff regarding a potential Sewer Lateral Point-of-Sale Ordinance. I strongly support this course of action to delay the effective date of the point-of-sale mandate until January 1, 2023.

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Due to current market conditions inspections and possible repairs will often be burdened by the buying party, increasing purchase prices. In the short term before the ordinance goes into effect, it will increase demand in Morgan Hill to avoid the mandate, raising prices and further decreasing affordability. In the long term, it will decrease desirability to sell or purchase in Morgan Hill relative to neighboring jurisdictions, limiting potential property tax revenue gains.

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As a REALTOR® I also understand the difficulty and importance of creating the necessary disclosures and properly educating the public. Especially when many potential agents and buyers live and work outside the City of Morgan Hill. The extra year of delayed implementation will provide beneficial educational opportunities as REALTORS® partners with the City on implementation.

I encourage the City Council to delay the point-of-sale mandate until January 1, 2023, to provide a proper time period for proactive city-incentivized inspections and a robust educational campaign.

Sincerely,
Khalid Mahmud

From: Peter Suess <[REDACTED]>
Date: May 4, 2021 at 6:45:38 PM PDT
To: Rene Spring <Rene.Spring@morganhill.ca.gov>
Subject: Proposed Morgan Hill Sewer Lateral Ordinance
Reply-To: [REDACTED]

Dear Councilmember, District C Rene Spring,

I urge the City Council to adopt the alternative action proposed by staff regarding a potential Sewer Lateral Point-of-Sale Ordinance. I strongly support this course of action to delay the effective date of the point-of-sale mandate until January 1, 2023.

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Sincerely,
Peter Suess

From: Veronika Suess <[REDACTED]>
Date: May 4, 2021 at 6:46:09 PM PDT
To: Rene Spring <Rene.Spring@morganhill.ca.gov>
Subject: Proposed Morgan Hill Sewer Lateral Ordinance
Reply-To: [REDACTED]

Dear Councilmember, District C Rene Spring,

I urge the City Council to adopt the alternative action proposed by staff regarding a potential Sewer Lateral Point-of-Sale Ordinance. I strongly support this course of action to delay the effective date of the point-of-sale mandate until January 1, 2023.

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Sincerely,
Veronika Suess

From: Narges Valikhani <[REDACTED]>

Date: May 4, 2021 at 6:10:25 PM PDT

To: Rene Spring <Rene.Spring@morganhill.ca.gov>

Subject: Proposed Morgan Hill Sewer Lateral Ordinance

Reply-To: [REDACTED]

Dear Councilmember, District C Rene Spring,

I urge the City Council to adopt the alternative action proposed by staff regarding a potential Sewer Lateral Point-of-Sale Ordinance. I strongly support this course of action to delay the effective date of the point-of-sale mandate until January 1, 2023.

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Sincerely,
Narges Valikhani

From: Jennifer Saulala <[REDACTED]>
Date: May 4, 2021 at 6:08:15 PM PDT
To: Rene Spring <Rene.Spring@morganhill.ca.gov>
Subject: Proposed Morgan Hill Sewer Lateral Ordinance
Reply-To: [REDACTED]

Dear Councilmember, District C Rene Spring,

I urge the City Council to adopt the alternative action proposed by staff regarding a potential Sewer Lateral Point-of-Sale Ordinance. I strongly support this course of action to delay the effective date of the point-of-sale mandate until January 1, 2023.

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Sincerely,
Jennifer Saulala

From: NICOLE GURRIES <[REDACTED]>

Date: May 4, 2021 at 6:06:33 PM PDT

To: Rene Spring <Rene.Spring@morganhill.ca.gov>

Subject: Proposed Morgan Hill Sewer Lateral Ordinance

Reply-To: [REDACTED]

Dear Councilmember, District C Rene Spring,

I urge the City Council to adopt the alternative action proposed by staff regarding a potential Sewer Lateral Point-of-Sale Ordinance. I strongly support this course of action to delay the effective date of the point-of-sale mandate until January 1, 2023.

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Sincerely,
NICOLE GURRIES

From: Colleen Badagliacco <[REDACTED]>

Date: May 4, 2021 at 4:58:38 PM PDT

To: Rene Spring <Rene.Spring@morganhill.ca.gov>

Subject: Proposed Morgan Hill Sewer Lateral Ordinance

Reply-To: [REDACTED]

Dear Councilmember, District C Rene Spring,

I urge the City Council to adopt the alternative action proposed by staff regarding a potential Sewer Lateral Point-of-Sale Ordinance. I strongly support this course of action to delay the effective date of the point-of-sale mandate until January 1, 2023.

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I encourage the City Council to delay the point-of-sale mandate until January 1, 2023, to provide a proper time period for proactive city-incentivized inspections and a robust educational campaign.

Sincerely,
Colleen Badagliacco

From: Ana Maria Russo <[REDACTED]>
Date: May 4, 2021 at 4:58:56 PM PDT
To: Rene Spring <Rene.Spring@morganhill.ca.gov>
Subject: Proposed Morgan Hill Sewer Lateral Ordinance
Reply-To: [REDACTED]

Dear Councilmember, District C Rene Spring,

I urge the City Council to adopt the alternative action proposed by staff regarding a potential Sewer Lateral Point-of-Sale Ordinance. I strongly support this course of action to delay the effective date of the point-of-sale mandate until January 1, 2023.

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Sincerely,
Ana Maria Russo

From: Kimberly Leiser <[REDACTED]>
Date: May 4, 2021 at 5:07:43 PM PDT
To: Rene Spring <Rene.Spring@morganhill.ca.gov>
Subject: Proposed Morgan Hill Sewer Lateral Ordinance
Reply-To: [REDACTED]

Dear Councilmember, District C Rene Spring,

I urge the City Council to adopt the alternative action proposed by staff regarding a potential Sewer Lateral Point-of-Sale Ordinance.

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This is why I do not support a delayed point of sale. Keep the inspections separate from the sale of property. If there is leakage do not wait for a homeowner to sell to address it.

I would like to recommend that the city conduct the inspections and charge a homeowner for the inspection only if their line is leaking. Suggest that the City of Morgan Hill look at all properties to determine where the issues and problems are. Do not make this part of the home selling process. Keep the two separate.

As a REALTOR® I also understand the difficulty and importance of creating the necessary disclosures and properly educating the public. Let sellers decide if they want to provide and inspection when selling or the buyers to order one.

I encourage the City Council to NOT impliment the point-of-sale mandate. Suggest city conduct their own inspections.

Sincerely,
Kimberly Leiser

From: Robert Matusich <[REDACTED]>
Date: May 4, 2021 at 5:26:18 PM PDT
To: Rene Spring <Rene.Spring@morganhill.ca.gov>
Subject: Proposed Morgan Hill Sewer Lateral Ordinance
Reply-To: [REDACTED]

Dear Councilmember, District C Rene Spring,

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I encourage the City Council to delay the point-of-sale mandate until January 1, 2023, to provide a proper time period for proactive city-incentivized inspections and a robust educational campaign.

Sincerely,
Robert Matusich

From: Janette Dass <[REDACTED]>
Date: May 4, 2021 at 4:45:46 PM PDT
To: Rene Spring <Rene.Spring@morganhill.ca.gov>
Subject: Proposed Morgan Hill Sewer Lateral Ordinance
Reply-To: [REDACTED]

Dear Councilmember, District C Rene Spring,

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Sincerely,
Janette Dass

From: Ralph Rodriguez <[REDACTED]>
Date: May 4, 2021 at 4:45:56 PM PDT
To: Rene Spring <Rene.Spring@morganhill.ca.gov>
Subject: Proposed Morgan Hill Sewer Lateral Ordinance
Reply-To: [REDACTED]

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Sincerely,
Ralph Rodriguez

From: John Dass <[REDACTED]>
Date: May 4, 2021 at 4:46:46 PM PDT
To: Rene Spring <Rene.Spring@morganhill.ca.gov>
Subject: Proposed Morgan Hill Sewer Lateral Ordinance
Reply-To: [REDACTED]

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Sincerely,
John Dass

From: JOSE JAQUEZ <[REDACTED]>
Date: May 4, 2021 at 4:52:27 PM PDT
To: Rene Spring <Rene.Spring@morganhill.ca.gov>
Subject: Proposed Morgan Hill Sewer Lateral Ordinance
Reply-To: [REDACTED]

Dear Councilmember, District C Rene Spring,

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Sincerely,
JOSE JAQUEZ

From: Patricia Casas <[REDACTED]>
Date: May 4, 2021 at 4:29:41 PM PDT
To: Rene Spring <Rene.Spring@morganhill.ca.gov>
Subject: Proposed Morgan Hill Sewer Lateral Ordinance
Reply-To: [REDACTED]

Dear Councilmember, District C Rene Spring,

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Sincerely,
Patricia Casas

From: Gabriele Sheahan <[REDACTED]>
Date: May 4, 2021 at 4:31:12 PM PDT
To: Rene Spring <Rene.Spring@morganhill.ca.gov>
Subject: Proposed Morgan Hill Sewer Lateral Ordinance
Reply-To: [REDACTED]

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As a REALTOR® I also understand the difficulty and importance of creating the necessary disclosures and properly educating the public. Especially when many potential agents and buyers live and work outside the City of Morgan Hill. The extra year of delayed implementation will provide beneficial educational opportunities as REALTORS® partners with the City on implementation.

I encourage the City Council to delay the point-of-sale mandate until January 1, 2023, to provide a proper time period for proactive city-incentivized inspections and a robust educational campaign.

Sincerely,
Gabriele Sheahan

From: Alvaro Nevarez <[REDACTED]>
Date: May 4, 2021 at 4:32:12 PM PDT
To: Rene Spring <Rene.Spring@morganhill.ca.gov>
Subject: Proposed Morgan Hill Sewer Lateral Ordinance
Reply-To: [REDACTED]

Dear Councilmember, District C Rene Spring,

I urge the City Council to adopt the alternative action proposed by staff regarding a potential Sewer Lateral Point-of-Sale Ordinance. I strongly support this course of action to delay the effective date of the point-of-sale mandate until January 1, 2023.

I understand the importance and environmental concerns of implementing a sewer lateral ordinance but mandating a point of sale in a short seven months is not the best approach. Potential sellers will rush to list properties before the effective date, exempting the property for several years from repair until sold again. This not only limits the intended result of the ordinance, to repair sewer laterals citywide but will also adversely impact the real estate market.

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I encourage the City Council to delay the point-of-sale mandate until January 1, 2023, to provide a proper time period for proactive city-incentivized inspections and a robust educational campaign.

Sincerely,
Alvaro Nevarez

From: Lynn Kaminski <[REDACTED]>
Date: May 4, 2021 at 4:33:59 PM PDT
To: Rene Spring <Rene.Spring@morganhill.ca.gov>
Subject: Proposed Morgan Hill Sewer Lateral Ordinance
Reply-To: [REDACTED]

Dear Councilmember, District C Rene Spring,

I urge the City Council to adopt the alternative action proposed by staff regarding a potential Sewer Lateral Point-of-Sale Ordinance. I strongly support this course of action to delay the effective date of the point-of-sale mandate until January 1, 2023.

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I encourage the City Council to delay the point-of-sale mandate until January 1, 2023, to provide a proper time period for proactive city-incentivized inspections and a robust educational campaign.

Sincerely,
Lynn Kaminski

From: Ryan Alter <[REDACTED]>
Date: May 4, 2021 at 4:34:30 PM PDT
To: Rene Spring <Rene.Spring@morganhill.ca.gov>
Subject: Proposed Morgan Hill Sewer Lateral Ordinance
Reply-To: [REDACTED]

Dear Councilmember, District C Rene Spring,

I urge the City Council to adopt the alternative action proposed by staff regarding a potential Sewer Lateral Point-of-Sale Ordinance. I strongly support this course of action to delay the effective date of the point-of-sale mandate until January 1, 2023.

I understand the importance and environmental concerns of implementing a sewer lateral ordinance but mandating a point of sale in a short seven months is not the best approach. Potential sellers will rush to list properties before the effective date, exempting the property for several years from repair until sold again. This not only limits the intended result of the ordinance, to repair sewer laterals citywide but will also adversely impact the real estate market.

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I encourage the City Council to delay the point-of-sale mandate until January 1, 2023, to provide a proper time period for proactive city-incentivized inspections and a robust educational campaign.

Sincerely,
Ryan Alter

From: Michael Dececco <[REDACTED]>
Date: May 4, 2021 at 4:35:28 PM PDT
To: Rene Spring <Rene.Spring@morganhill.ca.gov>
Subject: Proposed Morgan Hill Sewer Lateral Ordinance
Reply-To: [REDACTED]

Dear Councilmember, District C Rene Spring,

I urge the City Council to adopt the alternative action proposed by staff regarding a potential Sewer Lateral Point-of-Sale Ordinance. I strongly support this course of action to delay the effective date of the point-of-sale mandate until January 1, 2023.

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I encourage the City Council to delay the point-of-sale mandate until January 1, 2023, to provide a proper time period for proactive city-incentivized inspections and a robust educational campaign.

Sincerely,
Michael Dececco

From: Karen Martin <[REDACTED]>
Date: May 4, 2021 at 4:35:29 PM PDT
To: Rene Spring <Rene.Spring@morganhill.ca.gov>
Subject: Proposed Morgan Hill Sewer Lateral Ordinance
Reply-To: [REDACTED]

Dear Councilmember, District C Rene Spring,

I urge the City Council to adopt the alternative action proposed by staff regarding a potential Sewer Lateral Point-of-Sale Ordinance. I strongly support this course of action to delay the effective date of the point-of-sale mandate until January 1, 2023.

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I encourage the City Council to delay the point-of-sale mandate until January 1, 2023, to provide a proper time period for proactive city-incentivized inspections and a robust educational campaign.

Sincerely,
Karen Martin

From: Alla Petrashen <[REDACTED]>
Date: May 4, 2021 at 4:38:09 PM PDT
To: Rene Spring <Rene.Spring@morganhill.ca.gov>
Subject: Proposed Morgan Hill Sewer Lateral Ordinance
Reply-To: [REDACTED]

Dear Councilmember, District C Rene Spring,

I urge the City Council to adopt the alternative action proposed by staff regarding a potential Sewer Lateral Point-of-Sale Ordinance. I strongly support this course of action to delay the effective date of the point-of-sale mandate until January 1, 2023.

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I encourage the City Council to delay the point-of-sale mandate until January 1, 2023, to provide a proper time period for proactive city-incentivized inspections and a robust educational campaign.

Sincerely,
Alla Petrashen

From: Sandra Flansburg <[REDACTED]>
Date: May 4, 2021 at 4:24:08 PM PDT
To: Rene Spring <Rene.Spring@morganhill.ca.gov>
Subject: Proposed Morgan Hill Sewer Lateral Ordinance
Reply-To: [REDACTED]

Dear Councilmember, District C Rene Spring,

I urge the City Council to adopt the alternative action proposed by staff regarding a potential Sewer Lateral Point-of-Sale Ordinance. I strongly support this course of action to delay the effective date of the point-of-sale mandate until January 1, 2023.

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I encourage the City Council to delay the point-of-sale mandate until January 1, 2023, to provide a proper time period for proactive city-incentivized inspections and a robust educational campaign.

Sincerely,
Sandra Flansburg

From: Milen Tobagi <[REDACTED]>
Date: May 4, 2021 at 4:05:49 PM PDT
To: Rene Spring <Rene.Spring@morganhill.ca.gov>
Subject: Proposed Morgan Hill Sewer Lateral Ordinance
Reply-To: [REDACTED]

Dear Councilmember, District C Rene Spring,

I urge the City Council to adopt the alternative action proposed by staff regarding a potential Sewer Lateral Point-of-Sale Ordinance. I strongly support this course of action to delay the effective date of the point-of-sale mandate until January 1, 2023.

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I encourage the City Council to delay the point-of-sale mandate until January 1, 2023, to provide a proper time period for proactive city-incentivized inspections and a robust educational campaign.

Sincerely,
Milen Tobagi

From: Jennifer Rutherford <[REDACTED]>
Date: May 4, 2021 at 4:05:59 PM PDT
To: Rene Spring <Rene.Spring@morganhill.ca.gov>
Subject: Proposed Morgan Hill Sewer Lateral Ordinance
Reply-To: [REDACTED]

Dear Councilmember, District C Rene Spring,

I urge the City Council to adopt the alternative action proposed by staff regarding a potential Sewer Lateral Point-of-Sale Ordinance. I strongly support this course of action to delay the effective date of the point-of-sale mandate until January 1, 2023.

I understand the importance and environmental concerns of implementing a sewer lateral ordinance but mandating a point of sale in a short seven months is not the best approach. Potential sellers will rush to list properties before the effective date, exempting the property for several years from repair until sold again. This not only limits the intended result of the ordinance, to repair sewer laterals citywide but will also adversely impact the real estate market.

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I encourage the City Council to delay the point-of-sale mandate until January 1, 2023, to provide a proper time period for proactive city-incentivized inspections and a robust educational campaign.

Sincerely,
Jennifer Rutherford

From: Dennis Badagliacco <[REDACTED]>
Date: May 4, 2021 at 4:09:25 PM PDT
To: Rene Spring <Rene.Spring@morganhill.ca.gov>
Subject: Proposed Morgan Hill Sewer Lateral Ordinance
Reply-To: [REDACTED]

Dear Councilmember, District C Rene Spring,

As a citizen of Morgan Hill, I urge the City Council to adopt the alternative action proposed by staff regarding a potential Sewer Lateral Point-of-Sale Ordinance. I strongly support this course of action to delay the effective date of the point-of-sale mandate until January 1, 2023.

I understand the importance and environmental concerns of implementing a sewer lateral ordinance but mandating a point of sale in a short seven months is not the best approach. Potential sellers will rush to list properties before the effective date, exempting the property for several years from repair until sold again. This not only limits the intended result of the ordinance, to repair sewer laterals citywide but will also adversely impact the real estate market.

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I encourage the City Council to delay the point-of-sale mandate until January 1, 2023, to provide a proper time period for proactive city-incentivized inspections and a robust educational campaign.

Sincerely,
Dennis Badagliacco

From: Jacob Gilford <[REDACTED]>
Date: May 4, 2021 at 3:53:35 PM PDT
To: Rene Spring <Rene.Spring@morganhill.ca.gov>
Subject: Proposed Morgan Hill Sewer Lateral Ordinance
Reply-To: [REDACTED]

Dear Councilmember, District C Rene Spring,

I urge the City Council to adopt the alternative action proposed by staff regarding a potential Sewer Lateral Point-of-Sale Ordinance. I strongly support this course of action to delay the effective date of the point-of-sale mandate until January 1, 2023.

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I encourage the City Council to delay the point-of-sale mandate until January 1, 2023, to provide a proper time period for proactive city-incentivized inspections and a robust educational campaign.

Sincerely,
Jacob Gilford

From: Aldo Gonzalez <[REDACTED]>
Date: May 4, 2021 at 3:37:34 PM PDT
To: Rene Spring <Rene.Spring@morganhill.ca.gov>
Subject: Proposed Morgan Hill Sewer Lateral Ordinance
Reply-To: [REDACTED]

Dear Councilmember, District C Rene Spring,

I urge the City Council to adopt the alternative action proposed by staff regarding a potential Sewer Lateral Point-of-Sale Ordinance. I strongly support this course of action to delay the effective date of the point-of-sale mandate until January 1, 2023.

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I encourage the City Council to delay the point-of-sale mandate until January 1, 2023, to provide a proper time period for proactive city-incentivized inspections and a robust educational campaign.

Sincerely,
Aldo Gonzalez

From: Regina Zabarte <[REDACTED]>
Date: May 4, 2021 at 3:39:18 PM PDT
To: Rene Spring <Rene.Spring@morganhill.ca.gov>
Subject: Proposed Morgan Hill Sewer Lateral Ordinance
Reply-To: [REDACTED]

Dear Councilmember, District C Rene Spring,

I urge the City Council to adopt the alternative action proposed by staff regarding a potential Sewer Lateral Point-of-Sale Ordinance. I strongly support this course of action to delay the effective date of the point-of-sale mandate until January 1, 2023.

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I encourage the City Council to delay the point-of-sale mandate until January 1, 2023, to provide a proper time period for proactive city-incentivized inspections and a robust educational campaign.

Sincerely,
Regina Zabarte

From: Marisa Nevarez <[REDACTED]>
Date: May 4, 2021 at 3:33:45 PM PDT
To: Rene Spring <Rene.Spring@morganhill.ca.gov>
Subject: Proposed Morgan Hill Sewer Lateral Ordinance
Reply-To: [REDACTED]

Dear Councilmember, District C Rene Spring,

I urge the City Council to adopt the alternative action proposed by staff regarding a potential Sewer Lateral Point-of-Sale Ordinance. I strongly support this course of action to delay the effective date of the point-of-sale mandate until January 1, 2023.

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I encourage the City Council to delay the point-of-sale mandate until January 1, 2023, to provide a proper time period for proactive city-incentivized inspections and a robust educational campaign.

Sincerely,
Marisa Nevarez

From: Cheryl Cardamon <[REDACTED]>

Date: May 4, 2021 at 3:34:01 PM PDT

To: Rene Spring <Rene.Spring@morganhill.ca.gov>

Subject: Proposed Morgan Hill Sewer Lateral Ordinance

Reply-To: [REDACTED]

Dear Councilmember, District C Rene Spring,

I urge the City Council to adopt the alternative action proposed by staff regarding a potential Sewer Lateral Point-of-Sale Ordinance. I strongly support this course of action to delay the effective date of the point-of-sale mandate until January 1, 2023.

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Sincerely,
Cheryl Cardamon

From: Twila Salvador <[REDACTED]>
Date: May 4, 2021 at 3:22:37 PM PDT
To: Rene Spring <Rene.Spring@morganhill.ca.gov>
Subject: Proposed Morgan Hill Sewer Lateral Ordinance
Reply-To: [REDACTED]

Dear Councilmember, District C Rene Spring,

I urge the City Council to adopt the alternative action proposed by staff regarding a potential Sewer Lateral Point-of-Sale Ordinance. I strongly support this course of action to delay the effective date of the point-of-sale mandate until January 1, 2023.

I understand the importance and environmental concerns of implementing a sewer lateral ordinance but mandating a point of sale in a short seven months is not the best approach. Potential sellers will rush to list properties before the effective date, exempting the property for several years from repair until sold again. This not only limits the intended result of the ordinance, to repair sewer laterals citywide but will also adversely impact the real estate market.

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As a REALTOR® I also understand the difficulty and importance of creating the necessary disclosures and properly educating the public. Especially when many potential agents and buyers live and work outside the City of Morgan Hill. The extra year of delayed implementation will provide beneficial educational opportunities as REALTORS® partners with the City on implementation.

I encourage the City Council to delay the point-of-sale mandate until January 1, 2023, to provide a proper time period for proactive city-incentivized inspections and a robust educational campaign.

Sincerely,
Twila Salvador

From: Primo Guzman <[REDACTED]>
Date: May 4, 2021 at 3:23:13 PM PDT
To: Rene Spring <Rene.Spring@morganhill.ca.gov>
Subject: Proposed Morgan Hill Sewer Lateral Ordinance
Reply-To: [REDACTED]

Dear Councilmember, District C Rene Spring,

I urge the City Council to adopt the alternative action proposed by staff regarding a potential Sewer Lateral Point-of-Sale Ordinance. I strongly support this course of action to delay the effective date of the point-of-sale mandate until January 1, 2023.

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Sincerely,
Primo Guzman

From: Greg Gardner <[REDACTED]>
Date: May 4, 2021 at 3:25:41 PM PDT
To: Rene Spring <Rene.Spring@morganhill.ca.gov>
Subject: Proposed Morgan Hill Sewer Lateral Ordinance
Reply-To: [REDACTED]

Dear Councilmember, District C Rene Spring,

I urge the City Council to adopt the alternative action proposed by staff regarding a potential Sewer Lateral Point-of-Sale Ordinance. I strongly support this course of action to delay the effective date of the point-of-sale mandate until January 1, 2023.

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Sincerely,
Greg Gardner

From: Valeri Huxley <[REDACTED]>
Date: May 4, 2021 at 3:17:38 PM PDT
To: Rene Spring <Rene.Spring@morganhill.ca.gov>
Subject: Proposed Morgan Hill Sewer Lateral Ordinance
Reply-To: [REDACTED]

Dear Councilmember, District C Rene Spring,

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Sincerely,
Valeri Huxley

From: Denean Richards <[REDACTED]>

Date: May 4, 2021 at 3:17:52 PM PDT

To: Rene Spring <Rene.Spring@morganhill.ca.gov>

Subject: Proposed Morgan Hill Sewer Lateral Ordinance

Reply-To: [REDACTED]

Dear Councilmember, District C Rene Spring,

I urge the City Council to adopt the alternative action proposed by staff regarding a potential Sewer Lateral Point-of-Sale Ordinance. I strongly support this course of action to delay the effective date of the point-of-sale mandate until January 1, 2023.

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Sincerely,
Denean Richards

From: "W.HUNT" <[REDACTED]>
Date: May 4, 2021 at 3:18:05 PM PDT
To: Rene Spring <Rene.Spring@morganhill.ca.gov>
Subject: Proposed Morgan Hill Sewer Lateral Ordinance
Reply-To: [REDACTED]

Dear Councilmember, District C Rene Spring,

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Sincerely,
W. HUNT

From: Loren Burks <[REDACTED]>
Date: May 4, 2021 at 3:11:51 PM PDT
To: Rene Spring <Rene.Spring@morganhill.ca.gov>
Subject: Proposed Morgan Hill Sewer Lateral Ordinance
Reply-To: [REDACTED]

Dear Councilmember, District C Rene Spring,

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Sincerely,
Loren Burks

From: Nadi Akhter <[REDACTED]>
Date: May 4, 2021 at 3:09:08 PM PDT
To: Rene Spring <Rene.Spring@morganhill.ca.gov>
Subject: Proposed Morgan Hill Sewer Lateral Ordinance
Reply-To: [REDACTED]

Dear Councilmember, District C Rene Spring,

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Sincerely,
Nadi Akhter

From: DUNG TRUONG <[REDACTED]>
Date: May 4, 2021 at 3:10:29 PM PDT
To: Rene Spring <Rene.Spring@morganhill.ca.gov>
Subject: Proposed Morgan Hill Sewer Lateral Ordinance
Reply-To: [REDACTED]

Dear Councilmember, District C Rene Spring,

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Sincerely,
DUNG TRUONG

From: Will Carrillo <[REDACTED]>
Date: May 4, 2021 at 2:47:04 PM PDT
To: Rene Spring <Rene.Spring@morganhill.ca.gov>
Subject: Proposed Morgan Hill Sewer Lateral Ordinance
Reply-To: [REDACTED]

Dear Councilmember, District C Rene Spring,

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Sincerely,
Will Carrillo

From: Donna Brusaschetti <[REDACTED]>
Date: May 4, 2021 at 2:50:01 PM PDT
To: Rene Spring <Rene.Spring@morganhill.ca.gov>
Subject: Proposed Morgan Hill Sewer Lateral Ordinance
Reply-To: [REDACTED]

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Sincerely,
Donna Brusaschetti

From: Cindy Simon <[REDACTED]>
Date: May 4, 2021 at 2:50:41 PM PDT
To: Rene Spring <Rene.Spring@morganhill.ca.gov>
Subject: Proposed Morgan Hill Sewer Lateral Ordinance
Reply-To: [REDACTED]

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Sincerely,
Cindy Simon

From: James Aguilera <[REDACTED]>
Date: May 4, 2021 at 2:50:51 PM PDT
To: Rene Spring <Rene.Spring@morganhill.ca.gov>
Subject: Proposed Morgan Hill Sewer Lateral Ordinance
Reply-To: [REDACTED]

Dear Councilmember, District C Rene Spring,

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Sincerely,
James Aguilera

From: Helen Gardin <[REDACTED]>
Date: May 4, 2021 at 2:51:10 PM PDT
To: Rene Spring <Rene.Spring@morganhill.ca.gov>
Subject: Proposed Morgan Hill Sewer Lateral Ordinance
Reply-To: [REDACTED]

Dear Councilmember, District C Rene Spring,

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Sincerely,
Helen Gardin

From: Cristiane Eissmann <[REDACTED]>
Date: May 4, 2021 at 2:52:14 PM PDT
To: Rene Spring <Rene.Spring@morganhill.ca.gov>
Subject: Proposed Morgan Hill Sewer Lateral Ordinance
Reply-To: [REDACTED]

Dear Councilmember, District C Rene Spring,

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Sincerely,
Cristiane Eissmann

From: Cristina Gonzalez <[REDACTED]>
Date: May 4, 2021 at 2:52:15 PM PDT
To: Rene Spring <Rene.Spring@morganhill.ca.gov>
Subject: Proposed Morgan Hill Sewer Lateral Ordinance
Reply-To: [REDACTED]

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This is why I support a delayed point of sale mandate until 2023. During this extra year, a proactive program that incentivizes homeowners to repair sewer laterals will achieve the best result. Programs such as free city inspections on private sewer laterals will incentivize homeowners to repair sewer laterals before selling properties. This will increase sewer quality citywide and limit the negative impacts of a point of sale mandate.

As a REALTOR® I also understand the difficulty and importance of creating the necessary disclosures and properly educating the public. Especially when many potential agents and buyers live and work outside the City of Morgan Hill. The extra year of delayed implementation will provide beneficial educational opportunities as REALTORS® partners with the City on implementation.

I encourage the City Council to delay the point-of-sale mandate until January 1, 2023, to provide a proper time period for proactive city-incentivized inspections and a robust educational campaign.

Sincerely,
Cristina Gonzalez

From: Al Motley <[REDACTED]>
Date: May 4, 2021 at 2:52:21 PM PDT
To: Rene Spring <Rene.Spring@morganhill.ca.gov>
Subject: Proposed Morgan Hill Sewer Lateral Ordinance
Reply-To: [REDACTED]

Dear Councilmember, District C Rene Spring,

I urge the City Council to adopt the alternative action proposed by staff regarding a potential Sewer Lateral Point-of-Sale Ordinance. I strongly support this course of action to delay the effective date of the point-of-sale mandate until January 1, 2023.

I understand the importance and environmental concerns of implementing a sewer lateral ordinance but mandating a point of sale in a short seven months is not the best approach. Potential sellers will rush to list properties before the effective date, exempting the property for several years from repair until sold again. This not only limits the intended result of the ordinance, to repair sewer laterals citywide but will also adversely impact the real estate market.

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I encourage the City Council to delay the point-of-sale mandate until January 1, 2023, to provide a proper time period for proactive city-incentivized inspections and a robust educational campaign.

Sincerely,
Al Motley

From: April McNicholas <[REDACTED]>
Date: May 4, 2021 at 2:53:02 PM PDT
To: Rene Spring <Rene.Spring@morganhill.ca.gov>
Subject: Proposed Morgan Hill Sewer Lateral Ordinance
Reply-To: [REDACTED]

Dear Councilmember, District C Rene Spring,

I urge the City Council to adopt the alternative action proposed by staff regarding a potential Sewer Lateral Point-of-Sale Ordinance. I strongly support this course of action to delay the effective date of the point-of-sale mandate until January 1, 2023.

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I encourage the City Council to delay the point-of-sale mandate until January 1, 2023, to provide a proper time period for proactive city-incentivized inspections and a robust educational campaign.

Sincerely,
April McNicholas

From: Marietta Beldad <[REDACTED]>
Date: May 4, 2021 at 2:53:02 PM PDT
To: Rene Spring <Rene.Spring@morganhill.ca.gov>
Subject: Proposed Morgan Hill Sewer Lateral Ordinance
Reply-To: [REDACTED]

Dear Councilmember, District C Rene Spring,

I urge the City Council to adopt the alternative action proposed by staff regarding a potential Sewer Lateral Point-of-Sale Ordinance. I strongly support this course of action to delay the effective date of the point-of-sale mandate until January 1, 2023.

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Sincerely,
Marietta Beldad

From: Elizabeth Monley Monley <[REDACTED]>
Date: May 4, 2021 at 2:53:11 PM PDT
To: Rene Spring <Rene.Spring@morganhill.ca.gov>
Subject: Proposed Morgan Hill Sewer Lateral Ordinance
Reply-To: [REDACTED]

Dear Councilmember, District C Rene Spring,

I urge the City Council to adopt the alternative action proposed by staff regarding a potential Sewer Lateral Point-of-Sale Ordinance. I strongly support this course of action to delay the effective date of the point-of-sale mandate until January 1, 2023.

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Sincerely,
Elizabeth Monley Monley

From: John Kolstad <[REDACTED]>
Date: May 4, 2021 at 2:53:20 PM PDT
To: Rene Spring <Rene.Spring@morganhill.ca.gov>
Subject: Proposed Morgan Hill Sewer Lateral Ordinance
Reply-To: [REDACTED]

Dear Councilmember, District C Rene Spring,

I urge the City Council to KEEP THE CURRENT PROPOSAL proposed by MH staff regarding a potential Sewer Lateral Point-of-Sale Ordinance. It is the right thing to do.

I believe that Prop 19 pushed by the real estate agents on the last vote was a selfish move just to sell houses which has become a great expense to people who are or have left their property to their children.

Real Estate agents should be ashamed of themselves. Regarding these two items I am ashamed to call myself a Realtor.

John Kolstad
DRE# 00697472

Sincerely,
John Kolstad

From: Chandru Bhambhra <[REDACTED]>

Date: May 4, 2021 at 2:53:46 PM PDT

To: Rene Spring <Rene.Spring@morganhill.ca.gov>

Subject: Proposed Morgan Hill Sewer Lateral Ordinance

Reply-To: [REDACTED]

Dear Councilmember, District C Rene Spring,

I urge the City Council to adopt the alternative action proposed by staff regarding a potential Sewer Lateral Point-of-Sale Ordinance. I strongly support this course of action to delay the effective date of the point-of-sale mandate until January 1, 2023.

I understand the importance and environmental concerns of implementing a sewer lateral ordinance but mandating a point of sale in a short seven months is not the best approach. Potential sellers will rush to list properties before the effective date, exempting the property for several years from repair until sold again. This not only limits the intended result of the ordinance, to repair sewer laterals citywide but will also adversely impact the real estate market.

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Sincerely,
Chandru Bhambhra

From: David Giarritta <[REDACTED]>
Date: May 4, 2021 at 2:53:47 PM PDT
To: Rene Spring <Rene.Spring@morganhill.ca.gov>
Subject: Proposed Morgan Hill Sewer Lateral Ordinance
Reply-To: [REDACTED]

Dear Councilmember, District C Rene Spring,

I urge the City Council to adopt the alternative action proposed by staff regarding a potential Sewer Lateral Point-of-Sale Ordinance. I strongly support this course of action to delay the effective date of the point-of-sale mandate until January 1, 2023.

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I encourage the City Council to delay the point-of-sale mandate until January 1, 2023, to provide a proper time period for proactive city-incentivized inspections and a robust educational campaign.

Sincerely,
David Giarritta

From: Desiree Stanley <[REDACTED]>
Date: May 4, 2021 at 2:54:38 PM PDT
To: Rene Spring <Rene.Spring@morganhill.ca.gov>
Subject: Proposed Morgan Hill Sewer Lateral Ordinance
Reply-To: [REDACTED]

Dear Councilmember, District C Rene Spring,

I urge the City Council to adopt the alternative action proposed by staff regarding a potential Sewer Lateral Point-of-Sale Ordinance. I strongly support this course of action to delay the effective date of the point-of-sale mandate until January 1, 2023.

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Sincerely,
Desiree Stanley

From: Matt Tenczar <[REDACTED]>
Date: May 4, 2021 at 2:57:53 PM PDT
To: Rene Spring <Rene.Spring@morganhill.ca.gov>
Subject: Proposed Morgan Hill Sewer Lateral Ordinance
Reply-To: [REDACTED]

Dear Councilmember, District C Rene Spring,

I urge the City Council to adopt the alternative action proposed by staff regarding a potential Sewer Lateral Point-of-Sale Ordinance. I strongly support this course of action to delay the effective date of the point-of-sale mandate until January 1, 2023.

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Sincerely,
Matt Tenczar

From: Marcie Paul <[REDACTED]>
Date: May 4, 2021 at 2:58:01 PM PDT
To: Rene Spring <Rene.Spring@morganhill.ca.gov>
Subject: Proposed Morgan Hill Sewer Lateral Ordinance
Reply-To: [REDACTED]

Dear Councilmember, District C Rene Spring,

I urge the City Council to adopt the alternative action proposed by staff regarding a potential Sewer Lateral Point-of-Sale Ordinance. I strongly support this course of action to delay the effective date of the point-of-sale mandate until January 1, 2023.

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Sincerely,
Marcie Paul

From: TINA L BROYLES BROYLES <[REDACTED]>

Date: May 4, 2021 at 3:00:26 PM PDT

To: Rene Spring <Rene.Spring@morganhill.ca.gov>

Subject: Proposed Morgan Hill Sewer Lateral Ordinance

Reply-To: [REDACTED]

Dear Councilmember, District C Rene Spring,

I urge the City Council to adopt the alternative action proposed by staff regarding a potential Sewer Lateral Point-of-Sale Ordinance. I strongly support this course of action to delay the effective date of the point-of-sale mandate until January 1, 2023.

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I encourage the City Council to delay the point-of-sale mandate until January 1, 2023, to provide a proper time period for proactive city-incentivized inspections and a robust educational campaign.

Sincerely,

TINA L BROYLES BROYLES

From: Christina Morales <[REDACTED]>

Date: May 4, 2021 at 3:04:17 PM PDT

To: Rene Spring <Rene.Spring@morganhill.ca.gov>

Subject: Proposed Morgan Hill Sewer Lateral Ordinance

Reply-To: [REDACTED]

Dear Councilmember, District C Rene Spring,

I urge the City Council to adopt the alternative action proposed by staff regarding a potential Sewer Lateral Point-of-Sale Ordinance. I strongly support this course of action to delay the effective date of the point-of-sale mandate until January 1, 2023.

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I encourage the City Council to delay the point-of-sale mandate until January 1, 2023, to provide a proper time period for proactive city-incentivized inspections and a robust educational campaign.

Sincerely,
Christina Morales

From: Robert Heath <[REDACTED]>
Date: May 4, 2021 at 3:04:53 PM PDT
To: Rene Spring <Rene.Spring@morganhill.ca.gov>
Subject: Proposed Morgan Hill Sewer Lateral Ordinance
Reply-To: [REDACTED]

Dear Councilmember, District C Rene Spring,

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I encourage the City Council to delay the point-of-sale mandate until January 1, 2023, to provide a proper time period for proactive city-incentivized inspections and a robust educational campaign.

Sincerely,
Robert Heath

From: Karen Ginkel <[REDACTED]>
Date: May 4, 2021 at 2:43:52 PM PDT
To: Rene Spring <Rene.Spring@morganhill.ca.gov>
Subject: Proposed Morgan Hill Sewer Lateral Ordinance
Reply-To: [REDACTED]

Dear Councilmember, District C Rene Spring,

I urge the City Council to adopt the alternative action proposed by staff regarding a potential Sewer Lateral Point-of-Sale Ordinance. I strongly support this course of action to delay the effective date of the point-of-sale mandate until January 1, 2023.

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I encourage the City Council to delay the point-of-sale mandate until January 1, 2023, to provide a proper time period for proactive city-incentivized inspections and a robust educational campaign.

Sincerely,
Karen Ginkel

From: tony ambriz <[REDACTED]>

Date: May 4, 2021 at 2:44:02 PM PDT

To: Rene Spring <Rene.Spring@morganhill.ca.gov>

Subject: Proposed Morgan Hill Sewer Lateral Ordinance

Reply-To: [REDACTED]

Dear Councilmember, District C Rene Spring,

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Sincerely,
tony ambriz

From: Rick Smith <[REDACTED]>
Date: May 4, 2021 at 2:44:13 PM PDT
To: Rene Spring <Rene.Spring@morganhill.ca.gov>
Subject: Proposed Morgan Hill Sewer Lateral Ordinance
Reply-To: [REDACTED]

Dear Councilmember, District C Rene Spring,

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Due to current market conditions inspections and possible repairs will often be burdened by the buying party, increasing purchase prices. In the short term before the ordinance goes into effect, it will increase demand in Morgan Hill to avoid the mandate, raising prices and further decreasing affordability. In the long term, it will decrease desirability to sell or purchase in Morgan Hill relative to neighboring jurisdictions, limiting potential property tax revenue gains.

This is why I support a delayed point of sale mandate until 2023. During this extra year, a proactive program that incentivizes homeowners to repair sewer laterals will achieve the best result. Programs such as free city inspections on private sewer laterals will incentivize homeowners to repair sewer laterals before selling properties. This will increase sewer quality citywide and limit the negative impacts of a point of sale mandate.

As a REALTOR® I also understand the difficulty and importance of creating the necessary disclosures and properly educating the public. Especially when many potential agents and buyers live and work outside the City of Morgan Hill. The extra year of delayed implementation will provide beneficial educational opportunities as REALTORS® partners with the City on implementation.

I encourage the City Council to delay the point-of-sale mandate until January 1, 2023, to provide a proper time period for proactive city-incentivized inspections and a robust educational campaign.

Sincerely,
Rick Smith

From: Terry Jarrouche <[REDACTED]>
Date: May 4, 2021 at 2:44:20 PM PDT
To: Rene Spring <Rene.Spring@morganhill.ca.gov>
Subject: Proposed Morgan Hill Sewer Lateral Ordinance
Reply-To: [REDACTED]

Dear Councilmember, District C Rene Spring,

I urge the City Council to adopt the alternative action proposed by staff regarding a potential Sewer Lateral Point-of-Sale Ordinance. I strongly support this course of action to delay the effective date of the point-of-sale mandate until January 1, 2023.

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Sincerely,
Terry Jarrouche

From: James Matzen <[REDACTED]>
Date: May 4, 2021 at 2:44:41 PM PDT
To: Rene Spring <Rene.Spring@morganhill.ca.gov>
Subject: Proposed Morgan Hill Sewer Lateral Ordinance
Reply-To: [REDACTED]

Dear Councilmember, District C Rene Spring,

I urge the City Council to adopt the alternative action proposed by staff regarding a potential Sewer Lateral Point-of-Sale Ordinance. I strongly support this course of action to delay the effective date of the point-of-sale mandate until January 1, 2023.

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Sincerely,
James Matzen

From: Ryan Iwanaga <[REDACTED]>
Date: May 4, 2021 at 2:45:58 PM PDT
To: Rene Spring <Rene.Spring@morganhill.ca.gov>
Subject: Proposed Morgan Hill Sewer Lateral Ordinance
Reply-To: [REDACTED]

Dear Councilmember, District C Rene Spring,

I urge the City Council to adopt the alternative action proposed by staff regarding a potential Sewer Lateral Point-of-Sale Ordinance. I strongly support this course of action to delay the effective date of the point-of-sale mandate until January 1, 2023.

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Sincerely,
Ryan Iwanaga

From: Michelle Crowe <[REDACTED]>
Date: May 4, 2021 at 2:46:02 PM PDT
To: Rene Spring <Rene.Spring@morganhill.ca.gov>
Subject: Proposed Morgan Hill Sewer Lateral Ordinance
Reply-To: [REDACTED]

Dear Councilmember, District C Rene Spring,

I urge the City Council to adopt the alternative action proposed by staff regarding a potential Sewer Lateral Point-of-Sale Ordinance. I strongly support this course of action to delay the effective date of the point-of-sale mandate until January 1, 2023.

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Sincerely,
Michelle Crowe

From: Sandy Sicsko <[REDACTED]>
Date: May 4, 2021 at 2:47:15 PM PDT
To: Rene Spring <Rene.Spring@morganhill.ca.gov>
Subject: Proposed Morgan Hill Sewer Lateral Ordinance
Reply-To: [REDACTED]

Dear Councilmember, District C Rene Spring,

I urge the City Council to adopt the alternative action proposed by staff regarding a potential Sewer Lateral Point-of-Sale Ordinance. I strongly support this course of action to delay the effective date of the point-of-sale mandate until January 1, 2023.

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Sincerely,
Sandy Sicsko

From: Will Carrillo <[REDACTED]>
Date: May 4, 2021 at 2:47:04 PM PDT
To: Rene Spring <Rene.Spring@morganhill.ca.gov>
Subject: Proposed Morgan Hill Sewer Lateral Ordinance
Reply-To: [REDACTED]

Dear Councilmember, District C Rene Spring,

I urge the City Council to adopt the alternative action proposed by staff regarding a potential Sewer Lateral Point-of-Sale Ordinance. I strongly support this course of action to delay the effective date of the point-of-sale mandate until January 1, 2023.

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Sincerely,
Will Carrillo

From: Yajnes R Rai <[REDACTED]>
Date: May 4, 2021 at 2:46:36 PM PDT
To: Rene Spring <Rene.Spring@morganhill.ca.gov>
Subject: Proposed Morgan Hill Sewer Lateral Ordinance
Reply-To: [REDACTED]

Dear Councilmember, District C Rene Spring,

I urge the City Council to adopt the alternative action proposed by staff regarding a potential Sewer Lateral Point-of-Sale Ordinance. I strongly support this course of action to delay the effective date of the point-of-sale mandate until January 1, 2023.

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I encourage the City Council to delay the point-of-sale mandate until January 1, 2023, to provide a proper time period for proactive city-incentivized inspections and a robust educational campaign.

Sincerely,
Yajnes R Rai

From: Jack Lin <[REDACTED]>
Date: May 4, 2021 at 2:46:35 PM PDT
To: Rene Spring <Rene.Spring@morganhill.ca.gov>
Subject: Proposed Morgan Hill Sewer Lateral Ordinance
Reply-To: [REDACTED]

Dear Councilmember, District C Rene Spring,

Hello!

I urge the City Council to adopt the alternative action proposed by staff regarding a potential Sewer Lateral Point-of-Sale Ordinance. I strongly support this course of action to delay the effective date of the point-of-sale mandate until January 1, 2023.

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Sincerely,
Jack Lin

From: Mary Squier <[REDACTED]>
Date: May 4, 2021 at 2:46:04 PM PDT
To: Rene Spring <Rene.Spring@morganhill.ca.gov>
Subject: Proposed Morgan Hill Sewer Lateral Ordinance
Reply-To: [REDACTED]

Dear Councilmember, District C Rene Spring,

I urge the City Council to adopt the alternative action proposed by staff regarding a potential Sewer Lateral Point-of-Sale Ordinance. I strongly support this course of action to delay the effective date of the point-of-sale mandate until January 1, 2023.

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Sincerely,
Mary Squier

From: Tom Beck <[REDACTED]>
Date: May 4, 2021 at 2:45:22 PM PDT
To: Rene Spring <Rene.Spring@morganhill.ca.gov>
Subject: Proposed Morgan Hill Sewer Lateral Ordinance
Reply-To: [REDACTED]

Dear Councilmember, District C Rene Spring,

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Sincerely,
Tom Beck

From: Jeff Cole <[REDACTED]>
Date: May 4, 2021 at 2:44:47 PM PDT
To: Rene Spring <Rene.Spring@morganhill.ca.gov>
Subject: Proposed Morgan Hill Sewer Lateral Ordinance
Reply-To: [REDACTED]

Dear Councilmember, District C Rene Spring,

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Sincerely,
Jeff Cole

From: Maureen Caldwell-Meurer <[REDACTED]>
Date: May 5, 2021 at 3:20:20 PM PDT
To: Rene Spring <Rene.Spring@morganhill.ca.gov>
Subject: Proposed Morgan Hill Sewer Lateral Ordinance
Reply-To: [REDACTED]

Dear Councilmember, District C Rene Spring,

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Sincerely,
Maureen Caldwell-Meurer

From: [REDACTED] > on behalf of Karen Ginkel
<[REDACTED]>
Sent: Tuesday, May 4, 2021 2:43 PM
To: Yvonne Martinez Beltran <yvonne.martinezbeltran@morganhill.ca.gov>
Subject: Proposed Morgan Hill Sewer Lateral Ordinance

Dear Councilmember, District B Yvonne Martinez Beltran,

I urge the City Council to adopt the alternative action proposed by staff regarding a potential Sewer Lateral Point-of-Sale Ordinance. I strongly support this course of action to delay the effective date of the point-of-sale mandate until January 1, 2023.

I understand the importance and environmental concerns of implementing a sewer lateral ordinance but mandating a point of sale in a short seven months is not the best approach. Potential sellers will rush to list properties before the effective date, exempting the property for several years from repair until sold again. This not only limits the intended result of the ordinance, to repair sewer laterals citywide but will also adversely impact the real estate market.

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I encourage the City Council to delay the point-of-sale mandate until January 1, 2023, to provide a proper time period for proactive city-incentivized inspections and a robust educational campaign.

Sincerely,
Karen Ginkel

From: Will Carrillo <[REDACTED]>
Date: May 4, 2021 at 2:47:04 PM PDT
To: Rene Spring <Rene.Spring@morganhill.ca.gov>
Subject: Proposed Morgan Hill Sewer Lateral Ordinance
Reply-To: [REDACTED]

Dear Councilmember, District C Rene Spring,

I urge the City Council to adopt the alternative action proposed by staff regarding a potential Sewer Lateral Point-of-Sale Ordinance. I strongly support this course of action to delay the effective date of the point-of-sale mandate until January 1, 2023.

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Sincerely,
Will Carrillo

Item # 11

AGENDA DATE: 05/05/2021
SUPPLEMENT # 5

From: Diana Dufur <[REDACTED]>
Date: May 5, 2021 at 6:08:58 PM PDT
To: Rene Spring <Rene.Spring@morganhill.ca.gov>
Subject: Proposed Morgan Hill Sewer Lateral Ordinance
Reply-To: [REDACTED]

Dear Councilmember, District C Rene Spring,

I urge the City Council to adopt the alternative action proposed by staff regarding a potential Sewer Lateral Point-of-Sale Ordinance. I strongly support this course of action to delay the effective date of the point-of-sale mandate until January 1, 2023.

I understand the importance and environmental concerns of implementing a sewer lateral ordinance but mandating a point of sale in a short seven months is not the best approach. Potential sellers will rush to list properties before the effective date, exempting the property for several years from repair until sold again. This not only limits the intended result of the ordinance, to repair sewer laterals citywide but will also adversely impact the real estate market.

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This is why I support a delayed point of sale mandate until 2023. During this extra year, a proactive program that incentivizes homeowners to repair sewer laterals will achieve the best result. Programs such as free city inspections on private sewer laterals will incentivize homeowners to repair sewer laterals before selling properties. This will increase sewer quality citywide and limit the negative impacts of a point of sale mandate.

As a REALTOR® I also understand the difficulty and importance of creating the necessary disclosures and properly educating the public. Especially when many potential agents and buyers live and work outside the City of Morgan Hill. The extra year of delayed implementation will provide beneficial educational opportunities as REALTORS® partners with the City on implementation.

I encourage the City Council to delay the point-of-sale mandate until January 1, 2023, to provide a proper time period for proactive city-incentivized inspections and a robust educational campaign.

Sincerely,
Diana Dufur

From: Julie Wiser <[REDACTED]>
Date: May 5, 2021 at 5:39:55 PM PDT
To: Rene Spring <Rene.Spring@morganhill.ca.gov>
Subject: Proposed Morgan Hill Sewer Lateral Ordinance
Reply-To: [REDACTED]

Dear Councilmember, District C Rene Spring,

I urge the City Council to adopt the alternative action proposed by staff regarding a potential Sewer Lateral Point-of-Sale Ordinance. I strongly support this course of action to delay the effective date of the point-of-sale mandate until January 1, 2023.

I understand the importance and environmental concerns of implementing a sewer lateral ordinance but mandating a point of sale in a short seven months is not the best approach. Potential sellers will rush to list properties before the effective date, exempting the property for several years from repair until sold again. This not only limits the intended result of the ordinance, to repair sewer laterals citywide but will also adversely impact the real estate market.

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Sincerely,
Julie Wiser



Regular Meeting Agenda

City Council

Rich Constantine - Mayor
John McKay - Mayor Pro Tem
Gino Borgioli - Council Member
Yvonne Martinez Beltran - Council Member
Rene Spring - Council Member

Wednesday, May 5, 2021 7:00 p.m.

Virtual Meeting

VIRTUAL MEETING GUIDELINES AND PUBLIC COMMENT

In accordance with Executive Order N-25-20 and guidance from the California Department of Public Health on gatherings, remote public participation is allowed. Physical meetings will not be in the City Council Chamber until further notice.

City Council meetings will be live streamed on Channel 17, on the City's website and on the City's Facebook page. Those members of the community that would like to participate in the meetings remotely may do so by joining the virtual meeting at: <https://bit.ly/MHCityCouncilMeeting> or by calling in to: (669) 900-9128, then enter the webinar id: 873 3200 8380#.

Public comment may be provided in the following ways:

- Join the virtual City Council meeting via the link above, when public comment is opened, raise your virtual hand and be called upon to speak for up to 3 minutes
 - In order to speak, please be sure that your version of Zoom is up to date.
- Join the virtual meeting by calling in to the number above, dial *9 to raise your hand and be called upon to speak for up to 3 minutes
- Send public comments in writing to the City Clerk at ccpubliccomment@morganhill.ca.gov [<mailto:ccpubliccomment@morganhill.ca.gov>](mailto:ccpubliccomment@morganhill.ca.gov)

* Please note that comments made on Facebook are not considered public comment.

The City Council has adopted a policy that regular meetings shall not continue beyond 11:00 p.m. unless extended by a majority of the City Council.

CALL TO ORDER

Mayor Constantine

ROLL CALL ATTENDANCE

City Clerk Michelle Bigelow

DECLARATION OF POSTING AGENDA

Per Government Code Section 54954.2

City Clerk Michelle Bigelow

PROCLAMATIONS

Proclaiming the month of May 2021 as Affordable Housing Month

Proclaiming the month of May 2021 as Aquatics Month

Proclaiming the month of May 2021 as Older Americans Month

Proclaiming the month of May 2021 as Wildfire Awareness Month

CITY COUNCIL REPORTS

Mayor Constantine

CITY MANAGER'S REPORT

City Manager Christina Turner

CITY ATTORNEY'S REPORT

City Attorney Donald Larkin

OTHER REPORTS

PUBLIC COMMENT

Members of the public are entitled to address the City Council concerning any item within the Morgan Hill City Council's subject matter jurisdiction. Public comments are limited to no more than three minutes. Except for certain specific exceptions, the City Council is prohibited from discussing or taking action on any item not appearing on the posted agenda. (See additional noticing at the end of this agenda)

ADOPTION OF AGENDA

CONSENT CALENDAR

Items appearing on the Consent Calendar are considered routine and may be approved by one motion. Pursuant to City Council Policies and Procedures (CP 97-01), any member of the Council or public may request to have an item removed from the Consent Calendar for comment and action.

Time Estimate for Consent Calendar: 1 - 10 Minutes

1. ADOPT RESOLUTION APPROVING FY2021-22 LIST OF STREET REHABILITATION PROJECTS FUNDED BY SENATE BILL (SB) 1: THE ROAD REPAIR AND ACCOUNTABILITY ACT

Recommendation:

Adopt resolution approving a list of street rehabilitation projects funded by SB 1, The Road Repair and Accountability Act of 2017.

2. APPROVE AN IMPACT FEE FREEZE AGREEMENT WITH LEVEL 10 CONSTRUCTION LP FOR A NEW 79,000 SQUARE FOOT INDUSTRIAL BUILDING ON 3.67 ACRES LOCATED ON RAILROAD AVENUE

Recommendation:

Direct the City Manager to execute an Impact Fee Freeze Agreement with Level 10 Construction, LP for the development of a new 79,000 square foot industrial building located on Railroad Avenue.

3. APPROVE CALIFORNIA CLIMATE INVESTMENTS - DEPARTMENT OF FORESTRY AND FIRE PROTECTION (CAL FIRE) FIRE PREVENTION GRANT APPLICATION

Recommendation:

Adopt resolution authorizing the City Manager to apply for and accept a grant application to the California Climate Investments-Department of Forestry and Fire Protection (CAL FIRE) Fire Prevention Grant Program.

4. APPROVE RE-FUNDING OF AN ACCOUNTING ASSISTANT POSITION

Recommendation:

Approve re-funding of an Accounting Assistant position.

5. APPROVE THE APRIL 21, 2021 MEETING MINUTES

Recommendation:

Approve Minutes.

6. AWARD STREET LIGHTING AND TRAFFIC SIGNAL MAINTENANCE SERVICE AGREEMENT

Recommendation:

1. Award a two-year contract with three one-year extensions to Cal-West Lighting and Signal Maintenance, Inc. in the amount of \$387,600; and
2. Authorize the City Manager to execute and administer the Maintenance Service Agreement with Cal-West Lighting and Signal Maintenance, Inc.

7. RATIFY CITY POSITION ON PENDING LEGISLATION SB 612 ELECTRICAL CORPORATIONS AND OTHER LOAD-SERVING ENTITIES: ALLOCATION OF LEGACY RESOURCES AND AB 125 EQUITABLE ECONOMIC RECOVERY, HEALTHY FOOD ACCESS, CLIMATE RESILIENT FARMS, AND WORKER PROTECTION BOND ACT OF 2022

Recommendation:

1. Receive legislative correspondence in support of SB 612 Electrical corporations and other load-serving entities: allocation of legacy resources and AB 125 Equitable Economic Recovery, Healthy Food Access, Climate Resilient Farms, and Worker Protection Bond Act of 2022; and
2. Ratify City's position.

PUBLIC HEARING

8. RATIFY URGENCY ORDINANCE 2320 AND EXTEND THE TERM OF THE INTERIM MEASURES FOR A FULL YEAR

Recommendation:

Ratify Interim Urgency Ordinance 2320 and extend its term for an additional 22 months and 15 days.

Estimated Time: 5 Minutes

OTHER BUSINESS

9. ADOPT URGENCY ORDINANCE REQUIRING HAZARD PAY OR VACCINE INCENTIVES FOR GROCERY WORKERS

Recommendation:

1. Adopt urgency ordinance; OR
2. Waive first and second reading; AND
3. Introduce ordinance requiring hazard pay or vaccine incentives for grocery store employees.

Estimated Time: 45 Minutes

10. PROVIDE DIRECTION REGARDING REDISTRICTING PROCESS FOR COUNCILMEMBER DISTRICT BOUNDARIES

Recommendation:

Determine the process for redistricting boundary lines for district-based elections of four Council seats, with the following options:

1. Use a City staff-led process without a redistricting commission, with a community outreach plan to encourage substantial public participation;
2. Establish an Advisory Redistricting Commission; or
3. Establish a Hybrid or Independent Redistricting Commission.

Estimated Time: 30 Minutes

11. INTRODUCE ORDINANCE REQUIRING WATER EFFICIENT FIXTURES TO BE INSTALLED ON SALE OF PROPERTY AND INTRODUCE ORDINANCE REQUIRING INSPECTION AND MAINTENANCE OF PRIVATE SEWER LATERALS

Recommendation:

1. Waive first and second reading of the Private Sewer Ordinance;
2. Introduce the Private Sewer Ordinance;
3. Waive first and second reading of the Water Conservation Ordinance;
4. Introduce the Water Conservation Ordinance; and
5. Direct staff to include funding for ordinance implementation in the midcycle budget update.

Estimated Time: 30 Minutes

12. INITIATE ANNUAL ASSESSMENT PROCESS FOR LANDSCAPE ASSESSMENT DISTRICT NUMBER 1

Recommendation:

Adopt resolutions approving the following actions:

1. Initiate the proceedings for the levy of assessments for Fiscal Year 2021-22;
2. Approve the Engineer's Annual Report and the proposed assessment levy; and
3. Declare the City Council's intention to levy the assessments in the District and to set the Public Hearing date for June 2, 2021.

Estimated Time: 15 Minutes

13. INTRODUCE ORDINANCE REVISING CITY PROCUREMENT LIMITS FOR COUNTYWIDE PURCHASES

Recommendation:

1. Waive the first and second reading of the ordinance; and
2. Introduce the ordinance.

Estimated Time: 15 Minutes

14. RECEIVE UPDATE ON SIGNIFICANT DEVELOPMENT PROJECTS

Recommendation:

Receive update.

Estimated Time: 45 Minutes

FUTURE COUNCIL INITIATED AGENDA ITEMS

Note: in accordance with Government Code Section 54954.2(a), there shall be no discussion, debate and/or action taken on any request other than providing direction to staff to place the matter of business on a future agenda.

ADJOURNMENT

NOTICE

Any documents produced by the City and distributed to the majority of the City Council less than 72 hours prior to an open meeting, will be made available for public inspection at the City Clerk's Counter at City Hall located at 17575 Peak Avenue, Morgan Hill, CA, 95037 and at the Morgan Hill Public Library located at 660 West Main Avenue, Morgan Hill, California, 95037 during normal business hours. (Pursuant to Government Code 54957.5)

PUBLIC COMMENT

Members of the Public are entitled to directly address the City Council concerning any item that is described in the notice of this meeting, before or during consideration of that item. If you wish to address the Council on any issue that is on this agenda, please complete a speaker request card located in the foyer of the Council Chambers and deliver it to the Minutes Clerk prior to discussion of the item. You are not required to give your name on the speaker card in order to speak to the Council, but it is very helpful. When you are called, proceed to the podium and the Mayor will recognize you. If you wish to address the City Council on any other item of interest to the public, you may do so during the public comment portion of the meeting following the same procedure described above. Please limit your comments to three (3) minutes or less.

Please submit written correspondence to the Minutes Clerk, who will distribute correspondence to the City Council.

Persons interested in proposing an item for the City Council agenda should contact a member of the City Council who may plan an item on the agenda for a future City Council meeting. Should your comments require Council action, your request may be placed on the next appropriate agenda. Council discussion or action may not be taken until your item appears on an agenda. This procedure is in compliance with the California Public Meeting Law (Brown Act) Government Code §54950.

City Council Policies and Procedures (CP 03-01) outlines the procedure for the conduct of public hearings. Notice is given, pursuant to Government Code Section 65009, that any challenge of Public Hearing Agenda items in court, may be limited to raising only those issues raised by you or on your behalf at the Public Hearing described in this notice, or in written correspondence delivered to the City Council at, or prior to the Public Hearing on these matters.

The time within which judicial review must be sought of the action by the City Council, which acted upon any matter appearing on this agenda is governed by the provisions of Section 1094.6 of the California Code of Civil Procedure.

For a copy of City Council Policies and Procedures CP 97-01, please contact the City Clerk's office (408) 779-7259, (408) 779-3117 (fax) or by email cityclerk@morganhill.ca.gov.

AMERICANS WITH DISABILITIES ACT (ADA)

In compliance with the Americans with Disabilities Act, if you are a disabled person and you need a disability-related modification or accommodation to participate in this meeting, please contact the City Clerk's Office at (408)779-7259, (408)779-3117 (fax) or by email cityclerk@morganhill.ca.gov. Requests must be made as early as possible and at least two-full business days before the start of the meeting.

SUSTAINABLE MORGAN HILL



VISION

To sustain a safe, equitable, inclusive, socially responsible, environmentally conscious, and economically sound community

Choose Morgan Hill

The City of Morgan Hill is the best community for people to live, work, visit, and operate their businesses.

City Council Ongoing Priorities

- Enhancing Public Safety
- Protecting the Environment and Preserving Open Space and Agricultural Land
- Maintaining Infrastructure
- Supporting our Youth, Seniors, and Entire Community
- Fostering a Positive Organizational Culture
- Preserving and Cultivating Public Trust
- Preserving our Community History
- Enhancing Equity, Diversity, and Inclusiveness
- Advancing Regional Initiatives
- Advocating for Local Control

2020-2021 Strategic Priorities

- **Fiscal Sustainability**
- Affordable Housing and Homelessness
- Community Outreach, Engagement, and Messaging
- Economic Development
- Transportation



These strategic priorities were established prior to the COVID-19 pandemic. In light of recent events, we recognize that all of these goals and priorities will be viewed through the lens of the global pandemic, and we will continue to have equity, public health, and financial responsibility in mind.



From: [D. Muirhead](#)
To: [CC Public Comment](#)
Cc: editor@morganhilllife.com; [MHTimes Editor](#)
Subject: Non-agenda comment City Council Meeting May 5 Flood Emergency Action Plan Exercise
Date: Monday, May 3, 2021 1:04:38 PM

Dear Morgan Hill Community,

A comment for the Morgan Hill City Council Meeting May 5, 2021
Item: Non-agenda comment

Of possible interest to our Morgan Hill Community.
Regards, Doug Muirhead, Morgan Hill

Since City staff do not have the same public disclosure requirements as do elected officials under the Open Meeting Act, residents do not see many of the activities staff engage in on our behalf with other agencies. The following item discusses planning and exercises for flood water emergencies.

Valley Water CEO BULLETIN Weeks of April 9 - April 22, 2021

9. South County Emergency Action Plans Training and Tabletop Exercise 4/15/21

On April 15, 2021, Valley Water conducted a virtual inter-agency training and tabletop exercise based on the Flood Emergency Actions Plans (EAPs) for West Little Llagas Creek and Uvas Creek. Participating agencies included multi-department staff from cities of Morgan Hill and Gilroy, County of Santa Clara and CALFIRE. This South County training and exercise supports Valley Water's commitment to the public and the Safe, Clean Water program - Project E2. It is within this program that Emergency Response Planning is executed by working directly with local municipalities to exercise roles and responsibilities for flood emergency management. These procedures also include communication processes that are tested during these multi-agency engagement events (exercises). Training on Emergency Action Plans was provided prior to the exercise and focused on key aspects including agency roles and responsibilities, monitoring and response, as well as communications. Valley Water also shared EAP Training Supplements, which are tools to become more familiar with the plans. External agencies were encouraged to share the Training Supplements with other agency staff to help in their preparedness efforts. The Tabletop Exercise was a facilitated discussion where all agencies worked through a developing flood scenario. The focus revolved around operational coordination, operational communication, and resource management. The exercise was successful in bringing response partners together in a no-fault environment, which included law enforcement, fire department, public works and engineering subject-matter experts, emergency management, and executive leadership. Valley Water will continue to develop, train and exercise Flood EAPs with our partner agencies. These efforts will continue to improve preparedness of our agencies and provide for a coordinated response to floods. For further information, please contact Alexander Gordon at (408) 630-2637.

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Supplement & Presentation List

May 5, 2021

City Council Meeting

Supplements

Public Comment- Supplement 1 – Email from Doug Muirhead

Item 09- Supplement 1–Hazardous Pay – Letter from Raley’s

Item 09- Supplement 2 –Hazardous Pay – Letter from CA Retailers Association

Item 09- Supplement 3 – Hazardous Pay – Letter from MH Chamber of Commerce

Item 09- Supplement 4 – Hazardous Pay – Email from Yolanda Orta

Item 10- Supplement 1 – Re-districting –Email from Doug Muirhead w/ responses

Item 11- Supplement 1 – Water and Sewer Ordinances – Email from Lynn Kaminski

Item 11- Supplement 2 – Water and Sewer Ordinances – Emails from the community

Item 11- Supplement 3 – Water and Sewer Ordinances – Emails from the community

Presentations

Item 10- Redistricting - Consultant Presentation

Item 11- Water and Sewer Ordinances - Staff Presentation