



CITY COUNCIL
HOUSING AUTHORITY AND
SUCCESSOR AGENCY TO THE EL CAJON
REDEVELOPMENT AGENCY

Council Chamber
200 Civic Center Way
El Cajon, CA 92020

Agenda

MARCH 10, 2020, 3:00 p.m.

Bill Wells, Mayor
Phil Ortiz, Deputy Mayor
Steve Goble, Councilmember
Gary Kendrick, Councilmember
Bob McClellan, Councilmember

Graham Mitchell, City Manager
Vince DiMaggio, Assistant City Manager
Morgan Foley, City Attorney
Angela Cortez, City Clerk

CALL TO ORDER: Mayor Bill Wells

ROLL CALL: City Clerk Angela Cortez

PLEDGE OF ALLEGIANCE TO FLAG AND MOMENT OF SILENCE

POSTINGS: The City Clerk posted Orders of Adjournment of the February 25, 2020, Meetings and the Agenda of the March 10, 2020, Meeting in accordance to State Law and Council/Authority/Successor Agency to the Redevelopment Agency Policy.

PRESENTATIONS:

AGENDA CHANGES:

CONSENT ITEMS:

Consent Items are routine matters enacted by one motion according to the RECOMMENDATION listed below. With the concurrence of the City Council, a Council Member or person in attendance may request discussion of a *Consent Item* at this time.

1. Minutes of the City Council/Housing Authority/Successor Agency to the El Cajon Redevelopment Agency Meetings

RECOMMENDATION:

That the City Council/Housing Authority/Successor Agency to the El Cajon Redevelopment Agency approves Minutes of the February 25, 2020 Meetings of the El Cajon City Council/Housing Authority/Successor Agency to the El Cajon Redevelopment Agency.

2. Warrants

RECOMMENDATION:

That the City Council approves payment of Warrants as submitted by the Finance Department.

3. Approval of Reading Ordinances by Title Only

RECOMMENDATION:

That the City Council approves the reading by title and waives the reading in full of all Ordinances on the Agenda.

4. Updates to City Council Policy A-29

RECOMMENDATION:

That the City Council approves the modifications to City Council Policy A-29.

5. Termination of Emergency Storm Damage Repairs

RECOMMENDATION:

That the City Council:

1. Adopts the next Resolution, in order, proclaiming the termination of emergency storm damage repairs in the City of El Cajon; and
2. Approves an additional \$23,177.29 for repairs in Capital Improvement Program Project Sewer & Storm Drain Repair and Replacement 2015 (WW3519) to cover the cost of the emergency work.

6. Contract Amendment for Slurry (Various Locations) Multi-year Contract

RECOMMENDATION:

That the City Council adopts the next Resolution, in order, to:

1. Exercise the City's option to renew the contract with American Asphalt South, Inc., for one (1) additional year;
2. Increase the slurry multi-year contract in the not-to-exceed amounts of \$600,912.28 for Option Period 1; and
3. Authorize the City Manager to approve options to renew the contract in the amounts of \$814,951.53 for Option Period 2, \$805,250.56 for Option Period 3, and \$795,355.57 for Option Period 4.

PUBLIC COMMENT:

At this time, any person may address a matter within the jurisdiction of the City Council/Housing Authority/Successor Agency to the El Cajon Redevelopment Agency that is not on the Agenda. Comments relating to items on today's docket are to be taken at the time the item is heard. State law prohibits discussion or action on items not on the Agenda; however, Council, Authority and Agency Members may briefly respond to statements or questions. An item may be placed on a future Agenda.

WRITTEN COMMUNICATIONS:

PUBLIC HEARINGS:

7. Public Hearing to Consider Placing Sewer Charges on the San Diego County Tax Roll

RECOMMENDATION:

That the City Council:

1. Opens the Public Hearing and receives testimony related to this report;
2. Closes the Public Hearing;
3. Adopts the next Resolution, in order, to (1) determine the lack of a majority protest, (2) overrule objections to the report, and (3) authorize the collection of sewer service charges as a fixed special assessment on the county property tax bill beginning Fiscal Year 2021; and
4. Awards a sole source contract to NV5, Inc., for sewer billing support and tax roll charges preparation in the not-to-exceed amount of \$194,251 for FY21.

ADMINISTRATIVE REPORTS:

8. Subsidy Request for Use of The Magnolia

RECOMMENDATION:

That the City Council authorizes up to \$6,000 in assistance for Christian Youth Theater to access The Magnolia for the annual *Traditions of Christmas* shows between December 7 and 13, 2020.

9. Project Assistance Center Online

RECOMMENDATION:

That the City Council accepts the report.

10. Opportunity Zones and Enhanced Infrastructure Financing Districts

RECOMMENDATION:

That the City Council receives a report about Opportunity Zones and Enhanced Infrastructure Financing Districts, and provides direction.

11. Legislative Report

RECOMMENDATION:

This is an information item only. No City Council action is required at this time.

COMMISSION REPORTS:

ACTIVITIES REPORTS/COMMENTS OF MAYOR WELLS:

SANDAG (San Diego Association of Governments) Board of Directors; SANDAG – Audit Committee; San Diego Division; Heartland Fire Training JPA – Alternate; LAFCO.

12. Council Activity Report

ACTIVITIES REPORTS/COMMENTS OF COUNCILMEMBERS:

13. COUNCILMEMBER GARY KENDRICK

METRO Commission/Wastewater JPA; Heartland Communications; Heartland Fire Training JPA; East County Advance Water Purification Joint Powers Authority Board.

14. COUNCILMEMBER BOB MCCLELLAN

MTS (Metropolitan Transit System Board); Harry Griffen Park Joint Steering Committee; Heartland Communications – Alternate.

15. COUNCILMEMBER STEVE GOBLE

SANDAG – Board of Directors – Alternate; SANDAG Public Safety Committee – Alternate; METRO Commission/Wastewater JPA – Alternate; Chamber of Commerce – Government Affairs Committee; MTS (Metropolitan Transit System Board) – Alternate; East County Advance Water Purification Joint Powers Authority Board - Alternate.

16. DEPUTY MAYOR PHIL ORTIZ

East County Economic Development Council; League of California Cities, San Diego Division.

JOINT COUNCILMEMBER REPORTS:

GENERAL INFORMATION ITEMS FOR DISCUSSION:

ORDINANCES: FIRST READING

17. Introduction of an Ordinance Amending Chapter 9.30 of the El Cajon Municipal Code – Social Host of Parties

RECOMMENDATION:

That the City Council considers approving the attached Ordinance amending Chapter 9.30 of the El Cajon Municipal Code ("ECMC") related to Social Host of Parties and, if approved, take the following actions:

1. By Motion, Second and Vote, moves to introduce the Ordinance; and
2. Directs the City Clerk to read the title of the Ordinance.

ORDINANCES: SECOND READING AND ADOPTION

CLOSED SESSIONS:

18. Closed Session - Conference with Real Property Negotiators - pursuant to Government Code section 54956.8:

Property

1034 N. Magnolia Avenue

Negotiating Party

Crisis House

Agency Negotiators

City Manager

Assistant City Manager

City Attorney

Under negotiation: Price and terms for lease of all or part of the property.

19. Closed Session - Conference with Legal Counsel - Existing Litigation - pursuant to paragraph (1) of subdivision (d) of Government Code section 54956.9: Climate Action Campaign v. City of El Cajon, et al.
San Diego Superior Court Case No. 37-2019-00041565-CU-TT-CTL

ADJOURNMENT: The Regular Joint Meeting of the El Cajon City Council/ El Cajon Housing Authority/Successor Agency to the El Cajon Redevelopment Agency held this 10th day of March 2020, is adjourned to Tuesday, March 24, 2020, at 3:00 p.m.



City Council
Agenda Report

Agenda Item 1.

DATE: March 10, 2020

TO: Honorable Mayor and City Councilmembers

FROM: Angela Cortez, City Clerk

SUBJECT: Minutes of the City Council/Housing Authority/Successor Agency to the El Cajon Redevelopment Agency Meetings

RECOMMENDATION:

That the City Council/Housing Authority/Successor Agency to the El Cajon Redevelopment Agency approves Minutes of the February 25, 2020 Meetings of the El Cajon City Council/Housing Authority/Successor Agency to the El Cajon Redevelopment Agency.

Attachments

02-25-20 DRAFT Minutes - 3PM

02-25-20 DRAFT Minutes - 7PM

JOINT MEETING OF THE EL CAJON CITY COUNCIL/HOUSING AUTHORITY/SUCCESSOR AGENCY TO THE EL CAJON REDEVELOPMENT AGENCY



MINUTES

CITY OF EL CAJON EL CAJON, CALIFORNIA

February 25, 2020

An Adjourned Regular Joint Meeting of the El Cajon City Council/Housing Authority/ Successor Agency to the El Cajon Redevelopment Agency, held Tuesday, February 25, 2020, was called to order by Mayor/Chair Bill Wells at 3:01 p.m., in the Council Chambers, 200 Civic Center Way, El Cajon, California.

ROLL CALL

Council/Agencymembers present: Goble, Kendrick, and McClellan
Council/Agencymembers absent: None
Deputy Mayor/Vice Chair present: Ortiz
Mayor/Chair present: Wells
Other Officers present: Mitchell, City Manager/Executive Director
DiMaggio, Assistant City Manager
Foley, City Attorney/General Counsel
Cortez, City Clerk/Secretary

Mayor Wells invited Joel Scalzitti, to lead the PLEDGE OF ALLEGIANCE TO THE FLAG and MOMENT OF SILENCE. (The Courts have concluded that sectarian prayer as part of City Council Meetings is not permitted under the Constitution).

POSTINGS: The City Clerk posted Orders of Adjournment of the February 11, 2020, Meetings and the Agenda of the February 25, 2020, Meetings in accordance with State Law and El Cajon City/Housing Authority/Successor Agency to the El Cajon Redevelopment Agency Policy.

PRESENTATIONS: None

AGENDA CHANGES: None

CONSENT ITEMS: (1 – 8)

MOTION BY WELLS, SECOND BY KENDRICK, to APPROVE Consent Items 1 to 9.

MOTION CARRIED BY UNANIMOUS VOTE.

1. Minutes of El Cajon City Council/Housing Authority/Successor Agency to the El Cajon Redevelopment Agency Policy

Approves Minutes of the February 11, 2020, Meetings of the El Cajon City Council/Housing Authority/Successor Agency to the El Cajon Redevelopment Agency.

2. Warrants

Approves payment of Warrants as submitted by the Finance Department.

3. Approval of Reading Ordinances by Title only

Approves the reading by title and waives the reading in full of all Ordinances on the Agenda.

4. Award of Bid No. 020-20 – Pipeline Replacement 2019

1. Adopts Resolution No. 014-20, to approve Plans and Specifications for Pipeline Replacement 2019, Bid No. 020-20; and
2. Adopts Resolution No. 015-20, to award the bid to the lowest responsive, responsible bidder, Tri-Group Construction & Development, Inc., in the amount of \$859,765.

5. Award of RFP No. 018-20 – Safety and Environmental Justice General Plan Amendment

Adopts Resolution No. 016-20, to enter into an agreement with Dudek in an amount not to exceed \$104,640 for a one-year term with the option to renew for an additional one-year term.

CONSENT ITEMS: (Continued)

6. Award of RFP No. 017-20 – Housing Element Update

Adopts Resolution No. 017-20, to enter into an agreement with Veronica Tam and Associates, Inc., in an amount not to exceed \$84,900 for a one-year term with the option to renew for an additional one-year term.

7. Progress Report - Emergency Storm Damage Repairs

Determines that there continues to be a State of Emergency to facilitate repairs to sinkhole conditions at the intersection of Jackman Street and Petree Street, and that the necessity requires the immediate expenditure of public money to safeguard life, health, and property per Public Contract Code Section 22050.

8. CalRecycle Beverage Container Recycling Grant

1. Adopts Resolution No. 018-20, and authorizes the City Manager to apply for Beverage Container Recycling Grant funds in the amount of \$26,073 from the State of California Department of Resources Recycling and Recovery (CalRecycle);
2. Appropriates Beverage Container Recycling Grant funds in the amount of \$26,073 for Recycled Beverage Container diversion; and
3. Authorizes the City Manager, or such person designated by the City Manager, to execute the grant agreement and all such other documents necessary to obtain the grant funds, in such form as approved by the City Manager with the approval of the City Attorney.

PUBLIC COMMENT:

Jim Juengst expressed concerns over traffic issues at Chase and Magnolia, located near an elementary school. Mr. Juengst thanked the Police Department and the Traffic Engineering Division for their assistance with homeless individuals and some illegal activity in his neighborhood.

City Manager Mitchell advised that a signal modification adjustment is taking place in the area, and that the city will assess the matter before investing additional capital.

Joel Scalzitti, Mary's Donut and Deli business owner, addressed a sign citation issued to him by the City. He requested assistance from city staff to find a solution for the violation.

PUBLIC COMMENT: (Continued)

In response to Mr. Scalzitti's concern, City Manager Mitchell stated that he does not believe a citation was issued to Mr. Scalzitti, and explained the sign standards regulations for the downtown business area. Mr. Mitchell recommended Mr. Scalzitti engages with the Downtown Business Partnership to review and recommend updates to the sign ordinance for the downtown area.

WRITTEN COMMUNICATIONS: None

PUBLIC HEARINGS:

9. Delinquent Refuse Collection Charges

RECOMMENDATION:

That the City Council:

1. Opens the Public Hearing and considers public testimony;
2. Closes the Public Hearing;
3. Adopts the next Resolution, in order, confirming the list of property owners as delinquent in the payment of their mandatory trash service bills; and
4. Authorizes the City Clerk to record the amount owed as a lien on the property and forward the list to the County Tax Assessor for billing on the next property tax bill.

DISCUSSION

Director of Public Works, Dirk Epperson, provided a summary of the Item.

Mayor Wells opened the public hearing.

No one came forward to speak.

No discussion ensued among Council and Staff.

MOTION BY WELLS, SECOND BY KENDRICK, to CLOSE the Public Hearing.

MOTION CARRIED BY UNANIMOUS VOTE.

PUBLIC HEARINGS: (Continued)

MOTION BY McCLELLAN, SECOND BY ORTIZ, to ADOPT Resolution No. 019-20A through 019-20F, confirming the list of property owners as delinquent in the payment of their mandatory trash service bills; and authorizes the City Clerk to record the amount owed as a lien on the property and forward the list to the County Tax Assessor for billing on the next property tax bill.

MOTION CARRIED BY UNANIMOUS VOTE.

ADMINISTRATIVE REPORTS:

10. Strategies to Address Unfunded Pension Liabilities

RECOMMENDATION:

That the City Council:

1. Directs staff to commence judicial validation proceedings in order to obtain authority to issue Pension Obligation Bonds in the future;
2. Directs City Manager to enter into a professional services agreement with Stradling, Yocca, Carlson & Rauth to file the judicial validation proceedings;
3. Directs staff to establish a Public Agency Retirement Services (PARS) Section 115 Trust to fund employee benefit costs and serve as pension stabilization fund; and
4. Directs staff to draft Pension Funding Policies to document long-term financing plan to address unfunded retirement costs and to bring draft policies back for City Council adoption.

DISCUSSION

City Manager Mitchell provided a summary of the Item and introduced Julio Morales, Director of Urban Future, Inc.

Mr. Morales and Brian Forbath of the Stradling, Yocca, Carlson & Rauth Law Firm, provided the basic fundamental approach and specific recommendations of the Item.

Discussion ensued among Council, Mr. Forbath, Mr. Morales, and staff concerning pension bonds programs and liabilities.

Bonnie Price inquired how long the unfunded situation has been in existence, and when the last time property taxes were increased to pay for it.

In response to Ms. Price's question, City Manager Mitchell advised that State law prohibits the use of property tax to pay for unfunded pension obligations. Mr. Mitchell stated the problem has been in existence for a long time, but it has come to light as a result of the Public Employee Pension Reform Act (PEPRA) most recent requirements.

ADMINISTRATIVE REPORTS: (Continued)

MOTION BY KENDRICK, SECOND BY ORTIZ, to DIRECT staff to commence judicial validation proceedings in order to obtain authority to issue Pension Obligation Bonds in the future; Direct City Manager to enter into a professional services agreement with Stradling, Yocca, Carlson & Rauth to file the judicial validation proceedings; Adopt Resolution No. 020-20 to establish a Public Agency Retirement Services (PARS) Section 115 Trust to fund employee benefits costs and serve as pension stabilization fund; and Direct staff to draft Pension Funding Policies to document long-term financing plan to address unfunded retirement costs and to provide draft policies for City Council adoption.

MOTION CARRIED BY UNANIMOUS VOTE.

COMMISSION REPORTS: None

ACTIVITIES REPORTS/COMMENTS OF MAYOR WELLS:

SANDAG (San Diego Association of Governments) Board of Directors; SANDAG – Audit Committee; League of California Cities, San Diego Division; Heartland Fire Training JPA – Alternate; LAFCO.

11. Council Activities Report/Comments

Report as stated.

12. Legislative Update – None

ACTIVITIES REPORTS OF COUNCILMEMBERS:

13. COUNCILMEMBER GARY KENDRICK

METRO Commission/Wastewater JPA; Heartland Communications; Heartland Fire Training JPA; East County Advance Water Purification Joint Powers Authority Board.

Council Activities Report/Comments.

Report as stated.

ACTIVITIES REPORTS OF COUNCILMEMBERS: (Continued)

14. COUNCILMEMBER BOB MCCLELLAN
MTS (Metropolitan Transit System Board); Harry Griffen Park Joint Steering Committee; Heartland Communications – Alternate.

Council Activities Report/Comments.

Report as stated.

15. COUNCILMEMBER STEVE GOBLE
SANDAG – Board of Directors – Alternate; SANDAG Public Safety Committee – Alternate; METRO Commission/Wastewater JPA – Alternate; Chamber of Commerce – Government Affairs Committee; MTS (Metropolitan Transit System Board) – Alternate; East County Advance Water Purification Joint Powers Authority Board – Alternate.

Council Activities Report/Comments.

Report as stated.

16. DEPUTY MAYOR PHIL ORTIZ
East County Economic Development Council; League of California Cities, San Diego Division.

Council Activities Report/Comments.

In addition to the report submitted, Deputy Mayor Ortiz advised of an event involving 10 future U.S. Army soldiers who will be sworn in live from the International Space Station, by the El Cajon recruitment station center. The event will take place at the Council Chamber.

JOINT COUNCILMEMBER REPORTS: None

GENERAL INFORMATION ITEMS FOR DISCUSSION:

17. El Cajon Animal Shelter Donations for January 2020

RECOMMENDATION:

In accordance with City Council Policy B-2, staff informs the City Council about receiving the following donations for the El Cajon Animal Shelter for the month of January:

United Way - Anonymous	\$524.24
Rancho Santee Lions Association	\$200.00
Total	\$724.24

ORDINANCES: FIRST READING – None

ORDINANCES: SECOND READING AND ADOPTION – None

DRAFT

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CLOSED SESSIONS:

RECOMMENDATION: That the City Council/Housing Authority/Successor Agency to the El Cajon Redevelopment Agency adjourned Closed Session as follows:

18. Closed Session - Conference with Real Property Negotiators - pursuant to Government Code section 54956.8:

Property

1373 N. Marshall Avenue

Negotiating Party

San Diego Humane Society

Agency

Negotiators

City Manager

Assistant City Manager

City Attorney

Under negotiation: Price and terms for lease of all or part of the property.

MOTION BY WELLS, SECOND BY KENDRICK, to ADJOURN to Closed Session at 4:23 p.m.

MOTION CARRIED BY UNANIMOUS VOTE.

RECONVENE TO OPEN SESSION AT 4:39 p.m.

City Attorney Foley reported the following actions:

- City Council gave direction to its negotiators.

Adjournment: Mayor Wells adjourned the Adjourned Regular Joint Meeting of the El Cajon City Council/Housing Authority/Successor Agency to the El Cajon Redevelopment Agency held this 25th day of February, 2020, at 4:39 p.m., to Tuesday, February 25, 2020, at 7:00 p.m.

ANGELA L. CORTEZ, CMC
City Clerk/Secretary

JOINT MEETING OF THE EL CAJON CITY COUNCIL/HOUSING AUTHORITY/SUCCESSOR AGENCY TO THE EL CAJON REDEVELOPMENT AGENCY



MINUTES

CITY OF EL CAJON EL CAJON, CALIFORNIA

February 25, 2020

An Adjourned Regular Joint Meeting of the El Cajon City Council/Housing Authority/ Successor Agency to the El Cajon Redevelopment Agency, held Tuesday, February 25, 2020, was called to order by Mayor/Chair Bill Wells at 7:02 p.m., in the Council Chambers, 200 Civic Center Way, El Cajon, California. This meeting was adjourned from the Adjourned Regular Joint Meeting held at 3:00 p.m., Tuesday, February 25, 2020, by order of the El Cajon City Council/Housing Authority/Successor Agency to the El Cajon Redevelopment Agency.

ROLL CALL

Council/Agencymembers present:

Goble, Kendrick, and McClellan

Council/Agencymembers absent:

None

Deputy Mayor/Vice Chair present:

Ortiz

Mayor/Chair present:

Wells

Other Officers present:

Mitchell, City Manager/Executive Director

DiMaggio, Assistant City Manager

Foley, City Attorney/General Counsel

Cortez, City Clerk/Secretary

Mayor Wells invited Harold Brown, Chief Executive Officer of the East County Transitional Living Center, to lead the PLEDGE OF ALLEGIANCE TO THE FLAG and MOMENT OF SILENCE. (The Courts have concluded that sectarian prayer as part of City Council Meetings is not permitted under the Constitution).

PRESENTATIONS:

Commendation: Veronica Longoria

AGENDA CHANGES: None

PUBLIC COMMENT: None

PUBLIC HEARINGS:

100. FY 2020-21 CDBG and HOME Allocations for One Year Action Plan

RECOMMENDATION:

That the City Council:

1. Opens the public hearing and accepts testimony;
2. Accepts public input for the FY 2020-21 One Year Action Plan;
3. Closes the public hearing; and
4. Allocates funds to projects and programs that will be funded from the FY 2020-21 Community Development Block Grant (CDBG) and HOME grant programs.

Staff will prepare a preliminary funding schedule reflecting the City Council's decisions from the public hearing relative to the FY 2020-21 One Year Action Plan, and will resent it for final adoption at the second public hearing scheduled for April 28, 2020.

DISCUSSION

Community Development Director, Anthony Shute, introduced MaryBrook Cox, Housing Specialist, who provided detailed information on the Item.

Discussion ensued among Council and Staff concerning the total number of organizations that will receive funds.

Mayor Wells opened the public hearing.

The following people spoke in support of their requests for funding:

Tim Ray - Meals on Wheels

Estela De Los Rios – Center for Social Advocacy Greater San Diego Area. Ms. De Los Rios commended Building Inspector, LC Wright, for his assistance on inhabatability issues.

PUBLIC HEARINGS: (Continued)

Harold Brown – East County Transitional Living Center

Mr. Brown provided updates in reference to the new building at ECTLC.

Claudia Gavin – ElderHelp of San Diego

Christina Piranio – Voices for Children

MOTION BY WELLS, SECOND BY KENDRICK, to CLOSE the Public Hearing.

MOTION CARRIED BY UNANIMOUS VOTE.

Discussion continued among Council and Staff concerning allocation for Voices for Children and how City programs can never be augmented once funding is reduced.

MOTION BY WELLS, SECOND BY KENDRICK, to REOPEN the Public Hearing.

MOTION CARRIED BY UNANIMOUS VOTE.

Discussion continued among Council, Ms. Piranio, and Staff concerning Voices for Children’s funding sources.

MOTION BY WELLS, SECOND BY KENDRICK, to CLOSE the Public Hearing.

MOTION CARRIED BY UNANIMOUS VOTE.

Discussion continued among Council and Jamie Van Ravesteyn, Housing Manager concerning:

- Contribution restrictions by the Federal Government;
- Current recommendations by staff; and
- Request for Voices for Children to update staff on reporting requirements for their agency.

MOTION BY WELLS, SECOND BY KENDRICK, to REOPEN the Public Hearing.

MOTION CARRIED BY UNANIMOUS VOTE.

Discussion continued among Council and Ms. Piranio in reference to Government’s reporting requirements.

MOTION BY WELLS, SECOND BY KENDRICK, to CLOSE the Public Hearing.

MOTION CARRIED BY UNANIMOUS VOTE.

PUBLIC HEARINGS: (Continued)

MOTION BY McCLELLAN, SECOND BY KENDRICK, to ALLOCATE funds to projects and programs that will be funded from the FY 2020-21 Community Development Block Grant (CDBG) and HOME grant programs.

MOTION CARRIED BY UNANIMOUS VOTE.

ADJOURNMENT: Mayor Wells adjourned the Adjourned Regular Joint Meeting of the El Cajon City Council/Housing Authority/Successor Agency to the El Cajon Redevelopment Agency, held this 25th of February, 2020, at 7:46 p.m., to Tuesday, March 10, 2020, at 3:00 p.m.

ANGELA L. CORTEZ, CMC
City Clerk/Secretary

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City Council
Agenda Report

DATE: March 10, 2020
TO: Honorable Mayor and City Councilmembers
FROM: Marisol Thorn, Director of Human Resources
SUBJECT: Updates to City Council Policy A-29

RECOMMENDATION:

That the City Council approves the modifications to City Council Policy A-29.

BACKGROUND:

As part of the ongoing maintenance of the classification system the City recommends the following, for the classifications that are newly listed in the attachment:

- Add to the unrepresented group, and
- Remove from the Mid Management and Professional Employees' Group.

The impacted bargaining group was given notice of these proposed changes and concurs with the City's recommendation.

Separately, the City is proposing to restructure the positions in the Information Technology Department as listed in the attachment.

Lastly the City is proposing clean-up language for the part-time recreation pay table. This change aligns with the current practice which was adopted in December.

FISCAL IMPACT:

There are no fiscal impacts as a result of the proposed changes.

Prepared By: Marisol Thorn, Director of Human Resources

Reviewed By:

Approved By: Graham Mitchell, City Manager

Attachments

Track Changes A-29 City Council Plan

Accepted Changes A-29 City Council Plan

DRAFT

**CITY OF EL CAJON
CITY COUNCIL POLICY**

SUBJECT: Compensation Plan for Executive and Unrepresented Employees

POLICY
A-29

REFERENCE:

EFFECTIVE
~~December 14,~~
~~2019~~ March 10,
2020

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PURPOSE

To outline in one document the salary and benefits of employees who work in positions not represented by a recognized bargaining group.

A. SALARY – Effective pay period beginning on December 14, 2019

REQUIRED EDUCATION FOR BASE HOURLY/BIWEEKLY RATE:

1. The required education for Assistant City Manager pay ranges are defined as follows:

Level II: Must possess the following

- Master's degree directly related to the position with the City, but not required by the classification specification applicable to position; or
- Current California registration certificate as a Professional Civil or Traffic Engineer which is directly related to the position, but not required by the classification specification applicable to the position; or
- Current California designation as a Certified Public Accountant which is directly related to the position, but not required by the classification specification applicable to the position; or
- Current ICMA designation as Credentialed City Manager.

Level III: Must possess the following

- Master's degree directly related to the position with the City, but not required by the classification specification applicable to position; or
 - Current California registration certificate as a Professional Civil or Traffic Engineer which is directly related to the position, but not required by the classification specification applicable to the position; or
 - Current California designation as a Certified Public Accountant which is directly related to the position, but not required by the classification specification applicable to the position.
- AND
- Current ICMA designation as Credentialed City Manager.

**CITY OF EL CAJON
CITY COUNCIL POLICY**

SUBJECT: Compensation Plan for Executive and Unrepresented Employees

POLICY
A-29

REFERENCE:

EFFECTIVE

~~December 14,~~
~~2019~~ March 10,
2020

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2. The required education for Executive and Unrepresented Management (excludes Assistant City Manager) pay ranges are defined as follows:

Level II: Must possess one of the following

- Master's degree directly related to the position with the City, but not required by the classification specification applicable to position; or
- Current California registration certificate as a Professional Civil or Traffic Engineer which is directly related to the position, but not required by the classification specification applicable to the position; or
- Current California designation as a Certified Public Accountant which is directly related to the position, but not required by the classification specification applicable to the position.

3. The required education for Fire Chief and Fire Division Chief pay ranges are defined as follows:

Level II: Must possess the following

- Associate's degree in Fire Science or a related field.

Level III: Must possess the following

- Bachelor's degree in any related field.

4. The required education for Police Chief pay ranges are defined as follows:

Level II: Must possess the following

- P.O.S.T. Management Certificate AND
- Completion of one of the following:
 - FBI Academy;
 - P.O.S.T. Command College;
 - Senior Management Institute for Police; or
 - Other management classes/educational programs as approved by the City Manager, AND
- Bachelor's degree.

**CITY OF EL CAJON
CITY COUNCIL POLICY**

SUBJECT: Compensation Plan for Executive and Unrepresented Employees

POLICY
A-29

REFERENCE:

EFFECTIVE
~~December 14,~~
~~2019~~ March 10,
2020

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Level III: Must possess the following

- P.O.S.T. Management Certificate AND
- Completion of one of the following:
 - FBI Academy;
 - P.O.S.T. Command College;
 - Senior Management Institute for Police; or
 - Other management classes/educational programs as approved by the City Manager, AND
- Bachelor's degree, AND
- Master's degree or other advanced degree related to the position.

Level IV: Must possess the following

- Advanced P.O.S.T certificate, AND
- P.O.S.T. Management Certificate, AND
- Completion of one of the following:
 - FBI Academy;
 - P.O.S.T. Command College;
 - Senior Management Institute for Police; or
 - Other management classes/educational programs as approved by the City Manager, AND
- Bachelor's degree.

Level V: Must possess the following

- Advanced P.O.S.T certificate, AND
- P.O.S.T. Management Certificate and completion of one of the following:
 - FBI Academy;
 - P.O.S.T. Command College;
 - Senior Management Institute for Police; or
 - Other management classes/educational programs as approved by the City Manager, AND
- Bachelor's degree, AND
- Master's degree or other advanced degree related to the position.

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EXECUTIVE MANAGEMENT CLASSIFICATION PAY RANGES ARE AS FOLLOWS:

<u>CLASSIFICATION</u>	<u>RANGE</u>	<u>HOURLY/BI-WEEKLY</u>
Assistant City Manager I	137.5	\$85.12 - \$103.71/ \$6,786.37 - \$8,268.50
Assistant City Manager II	139.5	\$89.43 - \$108.96/ \$7,129.99 - \$8,687.06
Assistant City Manager III	141.5	\$93.96 - \$114.48/ \$7,491.16 - \$9,127.16
City Clerk I	117.2	\$51.56 - \$62.82/ \$4,110.73 - \$5,008.46
City Clerk II	119.2	\$54.17 - \$66.00/ \$4,318.82 - \$5,261.99
Director of Community Development I	129.5	\$69.86 - \$85.12/ \$5,569.73 - \$6,786.37
Director of Community Development II	131.5	\$73.40 - \$89.43/ \$5,851.97 - \$7,129.99
Director of Finance/City Treasurer I	128.3	\$67.82 - \$82.63/ \$5,407.09 - \$6,587.85
Director of Finance/City Treasurer II	130.3	\$71.25 - \$86.82/ \$5,680.56 - \$6,921.91
Director of Human Resources I	125.9	\$63.93 - \$77.89/ \$5,096.95 - \$6,209.94
Director of Human Resources II	127.9	\$67.16 - \$81.83/ \$5,354.47 - \$6,524.07
Director of Information Technology I	127.6	\$66.66 - \$81.22/ \$5,314.61 - \$6,475.43
Director of Information Technology II	129.6	\$70.04 - \$85.33/ \$5,584.09 - \$6,803.11
Director of Parks and Recreation I	122.6	\$58.92 - \$71.79/ \$4,697.52 - \$5,723.61

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Director of Parks and Recreation II	124.6	\$61.90 - \$75.42/	\$4,935.11 - \$6,013.02
Director of Public Works I	128.8	\$68.67 - \$83.67/	\$5,474.86 - \$6,670.77
Director of Public Works II	130.8	\$72.15 - \$87.91/	\$5,752.31 - \$7,008.81
Fire Chief I	135.4	\$80.82 - \$98.47/	\$6,443.54 - \$7,850.73
Fire Chief II	136.4	\$82.84 - \$100.93/	\$6,604.59 - \$8,046.85
Fire Chief III	137.4	\$84.91 - \$103.45/	\$6,769.63 - \$8,247.77
Police Chief I	138.4	\$87.03 - \$106.04/	\$6,938.65 - \$8,454.26
Police Chief II	140.4	\$91.44 - \$111.41/	\$7,290.24 - \$8,882.39
Police Chief III	141.6	\$94.19 - \$114.77/	\$7,509.49 - \$9,150.28
Police Chief IV	143.6	\$98.96 - \$120.58/	\$7,889.79 - \$9,613.49
Police Chief V	144.8	\$101.94 - \$124.21/	\$8,127.38 - \$9,902.90

UNREPRESENTED MANAGEMENT CLASSIFICATION PAY RANGES ARE AS FOLLOWS:

<u>CLASSIFICATION</u>	<u>RANGE</u>	<u>HOURLY/BI-WEEKLY</u>
Administrative Analyst I (City Manager and Human Resources)	87.4	\$24.70 - \$30.10/ \$1,969.26 - \$2,399.79
Administrative Analyst II (City Manager and Human Resources)	89.4	\$25.96 - \$31.62/ \$2,069.72 - \$2,520.97
<u>Building Official I</u>	<u>117.5</u>	<u>\$51.95 - \$63.29/ \$4,141.82 - \$5,045.93</u>
<u>Building Official II</u>	<u>119.5</u>	<u>\$54.58 - \$66.50/ \$4,351.50 - \$5,301.85</u>

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<u>City Engineer/Deputy Director of Public Works I</u>	<u>122.5</u>	<u>\$58.77 - \$71.61/</u>	<u>\$4,685.56 - \$5,709.26</u>
<u>City Engineer/Deputy Director of Public Works II</u>	<u>124.5</u>	<u>\$61.75 - \$75.24/</u>	<u>\$4,923.15 - \$5,998.67</u>
<u>Deputy City Clerk I</u>	<u>93.5</u>	<u>\$28.72 - \$34.99/</u>	<u>\$2,289.76 - \$2,789.65</u>
<u>Deputy City Clerk II</u>	<u>95.5</u>	<u>\$30.18 - \$36.77/</u>	<u>\$2,406.16 - \$2,931.57</u>
<u>Deputy Director of Community Development I</u>	<u>117.7</u>	<u>\$52.21 - \$63.61/</u>	<u>\$4,162.55 - \$5,071.44</u>
<u>Deputy Director of Community Development II</u>	<u>119.7</u>	<u>\$54.85 - \$66.83/</u>	<u>\$4,373.03 - \$5,328.16</u>
<u>Deputy Director of Public Works I</u>	<u>118.6</u>	<u>\$53.38 - \$65.04/</u>	<u>\$4,255.83 - \$5,185.45</u>
<u>Deputy Director of Public Works II</u>	<u>120.6</u>	<u>\$56.08 - \$68.33/</u>	<u>\$4,471.10 - \$5,447.75</u>
Financial Operations Manager I	119.2	\$54.17 - \$66.00/	\$4,318.82 - \$5,261.99
Financial Operations Manager II	121.2	\$56.91 - \$69.34/	\$4,537.27 - \$5,528.28
Fire Division Chief I	124.5	\$61.75 - \$75.24/	\$4,923.15 - \$5,998.67
Fire Division Chief II	125.5	\$63.29 - \$77.12/	\$5,045.93 - \$6,148.55
Fire Division Chief III	126.5	\$64.88 - \$79.04/	\$5,172.69 - \$6,301.63
Human Resources Analyst I	99.0	\$32.90 - \$40.08/	\$2,623.02 - \$3,195.46
Human Resources Analyst II	101.0	\$34.56 - \$42.11/	\$2,755.37 - \$3,357.31
<u>Information Technology Analyst I</u>	<u>97.4</u>	<u>\$31.62 - \$38.53/</u>	<u>\$2,520.97 - \$3,071.88</u>
<u>Information Technology Analyst II</u>	<u>99.4</u>	<u>\$33.23 - \$40.48/</u>	<u>\$2,649.33 - \$3,227.35</u>
Management Analyst I (City Manager	96.3	\$30.78 - \$37.50/	\$2,454.00 - \$2,989.77

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and Human Resources)

Management Analyst II (City Manager and Human Resources)	98.3	\$32.33 - \$39.40/	\$2,577.58 - \$3,141.25
<u>Network Administrator I</u>	<u>104.6</u>	<u>\$37.78 - \$46.03/</u>	<u>\$3,012.09 - \$3,669.84</u>
<u>Network Administrator II</u>	<u>106.6</u>	<u>\$39.69 - \$48.36/</u>	<u>\$3,164.37 - \$3,855.60</u>
<u>Planning Manager I</u>	<u>114.8</u>	<u>\$48.60 - \$59.22/</u>	<u>\$3,874.74 - \$4,721.44</u>
<u>Planning Manager II</u>	<u>116.8</u>	<u>\$51.06 - \$62.21/</u>	<u>\$4,070.87 - \$4,959.82</u>
<u>Recreation Services Manager I</u>	<u>105.3</u>	<u>\$38.44 - \$46.83/</u>	<u>\$3,064.71 - \$3,733.62</u>
<u>Recreation Services Manager II</u>	<u>107.3</u>	<u>\$40.38 - \$49.20/</u>	<u>\$3,219.38 - \$3,922.57</u>
Senior Human Resources Analyst I	106.2	\$39.30 - \$47.88/	\$3,133.27 - \$3,817.33
Senior Human Resources Analyst II	108.2	\$41.29 - \$50.31/	\$3,291.93 - \$4,011.07
Senior Management Analyst I (City Manager and Finance)	106.2	\$39.30 - \$47.88/	\$3,133.27 - \$3,817.33
Senior Management Analyst II (City Manager and Finance)	108.2	\$41.29 - \$50.31/	\$3,291.93 - \$4,011.07
Senior Risk Management Analyst I	106.2	\$39.30 - \$47.88/	\$3,133.27 - \$3,817.33
Senior Risk Management Analyst II	108.2	\$41.29 - \$50.31/	\$3,291.93 - \$4,011.07

CONFIDENTIAL CLASSIFICATION PAY RANGES ARE AS FOLLOWS:

<u>CLASSIFICATION</u>	<u>RANGE</u>	<u>HOURLY/BI-WEEKLY</u>
Confidential Secretary (City	85.0	\$23.28 - \$28.37/ \$1,856.05 - \$2,261.86

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Manager's Office, Human Resources
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Executive Assistant to the City Manager/City Attorney	95.1	\$29.88 - \$36.40/	\$2,382.25 - \$2,902.07
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Executive Assistant to the Police Chief	89.9	\$26.28 - \$32.02/	\$2,095.23 - \$2,552.86
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<u>Information Technology Specialist</u>	<u>90.2</u>	<u>\$26.47 – \$32.25/</u>	<u>\$2,110.38 - \$2,571.20</u>
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Senior Accounting Technician	83.7	\$22.55 - \$27.47/	\$1,797.85 - \$2,190.10
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UNREPRESENTED GENERAL CLASSIFICATION PAY RANGES ARE AS FOLLOWS:

<u>CLASSIFICATION</u>	<u>RANGE</u>	<u>HOURLY</u>
Police Recruit	96.0	\$30.55 - \$37.22

PART-TIME / SEASONAL TEMPORARY (PST) CLASSIFICATIONS ARE AS FOLLOWS:

**PST classifications do not receive any benefits described in this policy with the exception of the City contribution to the appropriate retirement plan in lieu of CalPERS/Social Security and sick leave benefits required by Labor Code §233.*

All PST step increases are 2.5% unless noted otherwise.

<u>CLASSIFICATION</u>	<u>RANGE</u>	<u>HOURLY</u>
Administrative Intern	70.9	\$16.44 - \$20.03
Public Safety Aide	61.4	\$13.00 - \$15.84
Weed Abatement Inspector	88.3	\$25.26 - \$30.78

Effective January 1, 2020 (Recreation PSTs Only)

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Job Class	Range @ 2.5%	Step A	Step A'	Step B	Step B'	Step C	
Recreation Specialist I	61.4	\$ 13.00	\$ 13.33	\$ 13.66	\$ 14.00	\$ 14.35	
Recreation Specialist II	66.4	\$ 14.71	\$ 15.08	\$ 15.45	\$ 15.84	\$ 16.24	
Recreation Specialist III	71.4	\$ 16.64	\$ 17.06 17. 31	\$ 17.74 18. 19	\$ 18.64 19. 11	\$ 19.59 20. 08	701.0
Recreation Specialist IV	80.0	\$ 20.58	\$ 21.09 62	\$ 22.16 7	\$ 23.28 86	\$ 24.46 25. 07	79.080. 0
Recreation Specialist V	88.9	\$ 25.64	\$ 26.28 93	\$ 27.61 28. 30	\$ 29.00 73	\$ 30.47 31. 23	878.9
		Range @ 5%	Step B	Step C	Step D	Step E	Range

B. HEALTH AND WELFARE BENEFITS

1. Cafeteria Plan

The City's cafeteria plan benefits are primarily designated for enrollment in any of the City's CalPERS' health plans or other eligible benefit programs (e.g., dental, vision, etc.). The cost of the premium for the City's health plan will be deducted from the employee's cafeteria plan allocation. If there is a difference, the employee will be responsible for the remainder of the premiums through payroll deductions. Any cafeteria plan balances that remain after an employee has paid for his or her health insurance premiums and other eligible benefit programs benefits may be received as "cash in lieu", up to a maximum of \$1,150 per month (excludes Police Recruit). For Police Recruit the maximum "cash in lieu" is \$287.50 per month. Cash in lieu payments are taxable income and not PERSable.

Any employee who is not enrolled in a City CalPERS health insurance plan, and does not provide proof of enrollment in another group health insurance plan (e.g., coverage under a spouse's employer plan) within 30 days from the beginning of the new plan year will not be eligible to receive cash in lieu.

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All benefitted employees must enroll in an available City health program unless they opt out. An employee may receive cash in lieu for opting out of the City's health program if he/she:

- (1) Provides proof that the employee and all individuals for whom the employee intends to claim a personal exemption deduction for the taxable year or years that begin or end in or with the City's plan year to which the opt out applies ("tax family"), have or will have minimum essential coverage through another source (other than coverage in the individual market, whether or not obtained through Covered California) for the plan year to which the opt out arrangement applies ("opt out period"); and
- (2) Signs an attestation that the employee and his/her tax family have or will have such minimal essential coverage for the opt out period. An employee must provide the attestation every plan year at open enrollment or within 30 days after the start of the plan year. The opt out payment cannot be made and the City will not in fact make payment if the employer knows or has reason to know that the employee or tax family member doesn't have such alternative coverage, or if the conditions in this paragraph are not otherwise satisfied.

The City may modify health insurance benefits or cafeteria plan (including, as to both, but not limited to, plan benefits or structure, City or employee contributions and/or opt out amount or requirements) in order to avoid penalties or taxes under the ACA or other statutory scheme that may result from an interpretation of the ACA or other statutory scheme by the Internal Revenue Service or other federal agency (including, but not limited to, a revenue ruling, regulation or other guidance) or state agency, or a ruling by a court of competent jurisdiction.

From January 1, 2020 through June 30, 2020, the amount of the cafeteria benefit, excluding Police Recruit, shall be \$1,200 per month (\$14,400 per calendar year). For Police Recruit, the cafeteria benefit shall be \$1,300 per month (\$15,600).

2. Medical Insurance

The City is continuing the CalPERS' Health Benefits program that was adopted on January 1, 1986. From the total allotted under the cafeteria plan, the City will pay to CalPERS the statutorily required minimum employer contribution per month toward the cost of any CalPERS' health plan that the employee chooses to enroll. The employee agrees to be liable for the difference between the total cost of the health plan chosen and the City's contribution if he/she elects to obtain coverage under the CalPERS' health program. This amount shall

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be included in the total amount of the City's contribution to the employee's Section 125 Cafeteria Plan.

Employees who elect not to be covered under the City's medical insurance plan must have on file with the City a signed waiver of medical benefits. Employees will be provided an opportunity at least once annually to enroll in the City's medical insurance plan.

3. Retirement Benefits

All Executive, Unrepresented, and Confidential employees are members of the California Public Employees' Retirement System (CalPERS). Those employees who are "classic members" as defined under the Public Employees' Pension Reform Act of 2013 (PEPRA) pay the employee's share of the retirement cost (8% for Miscellaneous and 9% for Safety Employees), and receive the following contracted benefits:

Miscellaneous Employees <i>("Classic" Members)</i>	Safety Employees <i>("Classic" Members Hired on or before March 10, 2011)</i>
A. 3% at 60 Benefit Formula (§21354.3)	A. 3% at 50 Benefit Formula (§21362.2)
B. Final Compensation: One Year (§20042)	B. Final Compensation: One Year (§20042)
C. Prior Service (§20055)	C. Prior Service (§20055)
D. [Reserved]	D. [Reserved]
E. Additional Service Credit 2 Years (§20903)	E. [Reserved]
F. Unused Sick Leave Credit (§20965)	F. Unused Sick Leave Credit (§20965)
G. Military Service Credit as Public Service (§21024)	G. Military Service Credit as Public Service (§21024)
H. 2% Annual Cost of Living Allowance Increase (§21329)	H. 2% Annual Cost of Living Allowance Increase (§21329)
I. Pre-Retirement Death Benefits to Continue After Remarriage of Survivor (§21551)	I. Pre-Retirement Death Benefits to Continue After Remarriage of Survivor (§21551)

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J. 1959 Survivor Benefit Level Four (\$21574)	J. 1959 Survivor Benefit Level Three (\$21573)
K. \$5,000 Retired Death Benefit (\$21623.5)	K. \$500 Retired Death Benefit (\$21620)
L. [Reserved]	L. Post-Retirement Survivor Allowance (\$21624/26/28)
M. [Reserved]	M. Post-Retirement Survivor Allowance to Continue After Remarriage (\$21635)
	Local Safety Employees (Hired on or after March 11, 2011)
	A. 3% at 55 Benefit Formula (\$21362.2)
	B. Final Compensation: Three Years – Career Average (\$20042)

Those employees who are “new members” as defined under the Public Employees’ Pension Reform Act of 2013 (PEPRA) pay the employee contributions equal to 50% of normal cost (currently 6.25% for Miscellaneous and 12.25% for Safety Employees), and receive the above listed benefits with the exception of the following:

Miscellaneous Employees <i>(“New” Members Hired on or after January 1, 2013)</i>	Safety Employees <i>(“New” Members Hired on or after January 1,</i>
A. 2% at 62 Benefit Formula (\$7522.20)	A. 2.7% at 57 Benefit Formula (\$7522.25(d))
B. Final Compensation: Three Years – Career Average (\$20037)	B. Final Compensation: Three Years – Career Average (\$20037)

PST Employees: In lieu of enrollment in the CalPERS’ retirement program, PST employees will be enrolled in an IRS §457 retirement plan. The City contributes 7.5% of the employee’s salary to the IRS §457 plan in lieu of CalPERS and Social Security. PST employees who qualify for membership will be enrolled in the CalPERS retirement program and City contributions to the IRS §457 plan will terminate.

4. Deferred Compensation

All Executive, Unrepresented and Confidential employees are eligible to participate in any of the City’s Internal Revenue Code Section 457 Deferred Compensation Plan(s). Participation is handled through payroll deductions.

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The City shall contribute \$300 per month (\$3,600 per year) in deferred compensation on behalf of the Assistant City Manager to one of the City approved plans as selected by the Assistant City Manager. Amounts contributed by the City shall be to the benefit of the Assistant City Manager in accordance with the Deferred Compensation Plan participation agreement.

5. Disability Insurance

The City provides Executive Management employees and Unrepresented Management employees with fully paid short-term and long-term disability plans.

Exclusion: Confidential employees, PST employees, and Police Recruit(s) participate in the State Disability Insurance (SDI) Program at their expense.

6. Life and Accidental Death & Dismemberment (AD&D) Insurance [Applies to City Attorney]

The City provides fully paid life insurance and AD&D to Executive and Unrepresented Management employees in the amount of one and one half times the employee's annual salary plus \$25,000.

The City provides fully paid life insurance and AD&D to Confidential and Part-time benefitted employees in the amount of \$25,000.

C. LEAVES

1. Vacation Accrual

All Executive, Unrepresented and Confidential employees shall accrue vacation in accordance with the following schedule:

- a. 3.07 hours of vacation accrued and credited bi-weekly from the date of hire until completion of the 36th month;
- b. 4.60 hours of vacation accrued and credited bi-weekly following completion of the 36th month through the 108th month;

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- c. 5.52 hours of vacation accrued and credited bi-weekly following completion of the 108th month through the 156th month;
- d. 6.14 hours of vacation accrued and credited bi-weekly following completion of the 156th month.

New hires in Executive and Unrepresented Management classifications may accrue vacation leave at a rate greater than the entry rate at the discretion of the City Manager.

Vacation accrual shall be capped at 620 hours for all executive and unrepresented management employees, and 560 hours for all confidential employees. No employee shall accrue vacation beyond the established cap unless specifically authorized by the City Manager.

Employees have the option of 100% cash reimbursement for unused paid vacation at any time provided that they have used at least 80 hours of vacation/administrative leave during the preceding year (26 pay periods).

2. Administrative Leave

Executive Management employees receive eighty (80) hours administrative leave per year accrued as vacation leave.

Unrepresented Management employees receive sixty (60) hours administrative leave per year accrued as vacation leave.

3. Holidays

Executive and Unrepresented Management and Confidential employees (excluding the City Attorney) receive the following paid holidays:

New Years' Day	January 1
Martin Luther King's Birthday	Third Monday in January

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President's Day	Third Monday in February
Memorial Day	Last Monday in May
Independence Day	July 4
Labor Day	First Monday in September
Admissions Day*	September 9 (floating holiday)
Columbus Day*	Second Monday in October (floating holiday)
Veterans Day	November 11
Thanksgiving Day	Fourth Thursday in November
Day after Thanksgiving	Friday after Thanksgiving
Christmas Eve	December 24
Christmas Day	December 25
New Year's Eve	December 31

And every day proclaimed by the City Council as a public holiday.

*Two (2) floating holidays in lieu of celebrating Columbus Day and Admissions Day. City facilities shall remain open on both days.

Vacation shall accrue and be credited bi-weekly to compensate for the two floating holidays based on regularly scheduled work shift (permanent shift):

5-8 Schedules: 0.62 hours; **9/80 Schedules:** 0.69 hours; **4/10 Schedules:** 0.77 hours

City Hall will be closed between the observed Christmas Eve holiday in 2019 and the observed New Years' Day holiday in 2020. Use of paid leave will be required for December 26, 2019 (9 hours) and December 30, 2019 (9 hours).

An EMPLOYEE whose day off falls on an observed City holiday (e.g., Friday holiday) will accrue their regularly scheduled hours of vacation leave.

4. Sick Leave

Executive, Unrepresented and Confidential employees accrue sick leave at the rate of 3.68 hours per bi-weekly pay period. Accrual is unlimited. Part-Time/Seasonal/Temporary employees accrue and use sick leave upon commencement of employment at the rate prescribed by Labor Code § 246. PST employees are entitled to no other leave benefits

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under this policy.

Sick leave with pay shall be granted to all EMPLOYEES covered by this Policy in accordance with this section. Sick leave shall not be considered as a right which an EMPLOYEE may use at his/her discretion, but shall be allowed only in case of necessity and actual personal sickness or disability or (2) to attend to an illness or injury, including time for scheduled doctor or dentist appointment, of a person who is in the relationships to the employee as described in the California Labor Code §233, which currently includes:

Child	Parent	Spouse
Grand Child	Foster Child	Adopted Child
Step Child	Legal Ward	Child of Domestic Partner
Step Parent	Legal Guardian	Adoptive Parent
Foster Parent	Sibling	Parent-in-Law
Grand Parent	Registered Domestic Partner	Child of Person Standing in Loco Parentis

a. Sick Leave Conversion Privileges

Any EMPLOYEE who has taken 40 hours sick leave or less during the calendar year ending December 30 of each year shall be entitled to either convert up to 40 hours of unused sick leave to vacation or receive a cash payment for up to 24 hours, based upon the current compensation rate on an hour-for-hour basis.

In no event may an EMPLOYEE select a combination of two options or reduce the accumulated sick leave balance below 192 hours. No prorations shall be made for EMPLOYEES terminating on or before December 30 of the calendar year.

b. Unused Sick Leave at Retirement for Health Insurance

For employees hired before July 1, 2013, upon retirement from City employment within 120 days of separation, for service or disability, an employee may elect to use unused sick leave at its dollar value at retirement (hourly base rate plus any regularly recurring bi-weekly premium pay, i.e., differential pay for Master's Degrees) to pay health insurance premiums in retirement according to the following schedule:

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10 through 14 years of service: 25% of the sick leave balance at retirement;

15 through 19 years of service: 50% of the sick leave balance at retirement;

20 + years of service: 75% of the sick leave balance at retirement.

This benefit will be in addition to the monthly contribution the City makes, as determined by PERS, to the Public Employees' Retirement System for retiree health insurance benefits. The supplemental benefits described above shall be used to pay health insurance premiums for the retiree and dependents, if applicable. However, if the employee is deceased before the funds are exhausted, the supplemental benefits shall cease and the remaining funds shall be the City's property.

The City elects to self-administer this plan at this time. The City will pay the annualized dollar equivalent of the Kaiser two-party health insurance premium once per year in January of each year.

This benefit may be used in combination with service credit for unused sick leave as described in Section C – Health and Welfare Benefits – Retirement Benefits.

5. Bereavement Leave

Up to twenty-four hours special leave with pay may be granted to Executive and Unrepresented Management and Confidential employees in order to discharge the customary obligations arising from the death of a relative who is a member of employee's household or a parent, step-parent, grandparent, sibling or child of the employee or the employee's spouse/domestic partner (not required to be a member of the household). Sixteen (16) additional hours to be charged to sick leave may be approved at the discretion of the City Manager.

6. Military Leave

Any employee who is or becomes a member of the Armed Services, Militia or Organized Reserves of California or the United States shall be entitled to the leaves of absence and employment rights and privileges provided by the Uniformed Services Employment and Reemployment Rights Act (USERRA) and the Military and Veterans Code of the State of California.

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7. Jury and Witness Leave

All Executive, Unrepresented and Confidential employees are entitled to be absent from duty when called to serve as a trial juror or as a witness called by a subpoena before a court of law. Under such circumstances, the EMPLOYEE is paid the difference between full salary and any payment received by them, except travel pay, for such duty.

8. Stand-by Time

The Fire Chief and Fire Division Chief shall receive eight (8) hours of vacation leave for every week he/she is required to participate in the back-up duty chief rotation for Heartland Fire & Rescue. For each holiday occurring during the assigned week, (Saturdays and Sundays are not considered holidays), an additional four (4) hours of vacation will be credited.

D. UNIFORM AND EQUIPMENT ALLOWANCE

The Police Chief, Fire Chief and Fire Division Chief receive an annual uniform and equipment allowance of \$675. Yearly distribution will be issued the second paycheck in July.

Newly Hired Police Recruits: The annual uniform and equipment allowance for newly hired Police Recruits shall be \$775 per year. The uniform allowance shall be prorated over the twelve month period beginning from the actual hire date to the following July 1st. Yearly distribution will be issued the second paycheck in July.

E. TUITION AND BOOK REIMBURSEMENT

The City provides an allowance of \$750 per fiscal year for Executive, Unrepresented and Confidential employees to use to defray the cost of attendance at seminars, workshops, conferences and/or classes, which promote professional growth. Executive and Unrepresented Management employees may use this allowance for lodging, meals, and other travel expenses.

Executive and Unrepresented Management employees may also use the allowance to cover the costs of membership fees for job related professional associations.

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F. OTHER CERTIFICATIONS AND SPECIAL COMPENSATION

1. Notary Public Pay

Positions designated by the department director shall receive Notary Public Pay in the amount of \$75/month if he/she is a Notary Public in the State of California. The City shall also pay the cost of bonding of this employee while he/she is serving as Notary Public for the benefit of the City. Employees in designated positions shall perform notary services only as directed by his/her supervisor.

2. Automobile Allowance

Executive Management employees shall be provided a monthly automobile allowance of \$300 in exchange for making a vehicle available for his/her own use and for City-related business and/or functions during, before and after normal work hours. The Assistant City Manager shall be provided an additional \$100, to total a monthly automobile allowance of \$400.

3. Cellular Telephone Allowance

The Assistant City Manager shall receive as compensation the sum of \$120 per month for use as an allowance for his/her cellular telephone service.

4. Technology Allowance

The Assistant City Manager shall be provided with an amount not to exceed \$2,500 every two years, beginning with the year of his/her initial appointment, for use to purchase technology equipment such as a personal laptop computer, etc. The payment shall be made upon submission of receipts documenting the purchase(s). The equipment purchased shall become the property of the Assistant City Manager.

5. Non-PERSable Stipend

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A non-PERSable stipend of \$6,000/Police Chief, \$6,000/Fire Chief, and \$4,200/Fire Division Chief. One-half of stipend payment to be issued on the second pay check in July 2019 and one-half issued on the first pay check in December 2019.

G. RELOCATION ALLOWANCE

The City Manager may authorize an allowance up to \$10,000 for relocation expenses to the San Diego area.

Approved by City Council 12/10/19

FINAL

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PURPOSE

To outline in one document the salary and benefits of employees who work in positions not represented by a recognized bargaining group.

A. SALARY – Effective pay period beginning on December 14, 2019

REQUIRED EDUCATION FOR BASE HOURLY/BIWEEKLY RATE:

1. The required education for Assistant City Manager pay ranges are defined as follows:

Level II: Must possess the following

- Master's degree directly related to the position with the City, but not required by the classification specification applicable to position; or
- Current California registration certificate as a Professional Civil or Traffic Engineer which is directly related to the position, but not required by the classification specification applicable to the position; or
- Current California designation as a Certified Public Accountant which is directly related to the position, but not required by the classification specification applicable to the position; or
- Current ICMA designation as Credentialed City Manager.

Level III: Must possess the following

- Master's degree directly related to the position with the City, but not required by the classification specification applicable to position; or
 - Current California registration certificate as a Professional Civil or Traffic Engineer which is directly related to the position, but not required by the classification specification applicable to the position; or
 - Current California designation as a Certified Public Accountant which is directly related to the position, but not required by the classification specification applicable to the position.
- AND
- Current ICMA designation as Credentialed City Manager.

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2. The required education for Executive and Unrepresented Management (excludes Assistant City Manager) pay ranges are defined as follows:

Level II: Must possess one of the following

- Master's degree directly related to the position with the City, but not required by the classification specification applicable to position; or
- Current California registration certificate as a Professional Civil or Traffic Engineer which is directly related to the position, but not required by the classification specification applicable to the position; or
- Current California designation as a Certified Public Accountant which is directly related to the position, but not required by the classification specification applicable to the position.

3. The required education for Fire Chief and Fire Division Chief pay ranges are defined as follows:

Level II: Must possess the following

- Associate's degree in Fire Science or a related field.

Level III: Must possess the following

- Bachelor's degree in any related field.

4. The required education for Police Chief pay ranges are defined as follows:

Level II: Must possess the following

- P.O.S.T. Management Certificate AND
- Completion of one of the following:
 - FBI Academy;
 - P.O.S.T. Command College;
 - Senior Management Institute for Police; or
 - Other management classes/educational programs as approved by the City Manager, AND
- Bachelor's degree.

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Level III: Must possess the following

- P.O.S.T. Management Certificate AND
- Completion of one of the following:
 - FBI Academy;
 - P.O.S.T. Command College;
 - Senior Management Institute for Police; or
 - Other management classes/educational programs as approved by the City Manager, AND
- Bachelor's degree, AND
- Master's degree or other advanced degree related to the position.

Level IV: Must possess the following

- Advanced P.O.S.T certificate, AND
- P.O.S.T. Management Certificate, AND
- Completion of one of the following:
 - FBI Academy;
 - P.O.S.T. Command College;
 - Senior Management Institute for Police; or
 - Other management classes/educational programs as approved by the City Manager, AND
- Bachelor's degree.

Level V: Must possess the following

- Advanced P.O.S.T certificate, AND
- P.O.S.T. Management Certificate and completion of one of the following:
 - FBI Academy;
 - P.O.S.T. Command College;
 - Senior Management Institute for Police; or
 - Other management classes/educational programs as approved by the City Manager, AND
- Bachelor's degree, AND
- Master's degree or other advanced degree related to the position.

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EXECUTIVE MANAGEMENT CLASSIFICATION PAY RANGES ARE AS FOLLOWS:

<u>CLASSIFICATION</u>	<u>RANGE</u>	<u>HOURLY/BI-WEEKLY</u>
Assistant City Manager I	137.5	\$85.12 - \$103.71/ \$6,786.37 - \$8,268.50
Assistant City Manager II	139.5	\$89.43 - \$108.96/ \$7,129.99 - \$8,687.06
Assistant City Manager III	141.5	\$93.96 - \$114.48/ \$7,491.16 - \$9,127.16
City Clerk I	117.2	\$51.56 - \$62.82/ \$4,110.73 - \$5,008.46
City Clerk II	119.2	\$54.17 - \$66.00/ \$4,318.82 - \$5,261.99
Director of Community Development I	129.5	\$69.86 - \$85.12/ \$5,569.73 - \$6,786.37
Director of Community Development II	131.5	\$73.40 - \$89.43/ \$5,851.97 - \$7,129.99
Director of Finance/City Treasurer I	128.3	\$67.82 - \$82.63/ \$5,407.09 - \$6,587.85
Director of Finance/City Treasurer II	130.3	\$71.25 - \$86.82/ \$5,680.56 - \$6,921.91
Director of Human Resources I	125.9	\$63.93 - \$77.89/ \$5,096.95 - \$6,209.94
Director of Human Resources II	127.9	\$67.16 - \$81.83/ \$5,354.47 - \$6,524.07
Director of Information Technology I	127.6	\$66.66 - \$81.22/ \$5,314.61 - \$6,475.43
Director of Information Technology II	129.6	\$70.04 - \$85.33/ \$5,584.09 - \$6,803.11
Director of Parks and Recreation I	122.6	\$58.92 - \$71.79/ \$4,697.52 - \$5,723.61
Director of Parks and Recreation II	124.6	\$61.90 - \$75.42/ \$4,935.11 - \$6,013.02
Director of Public Works I	128.8	\$68.67 - \$83.67/ \$5,474.86 - \$6,670.77
Director of Public Works II	130.8	\$72.15 - \$87.91/ \$5,752.31 - \$7,008.81

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Fire Chief I	135.4	\$80.82 - \$98.47/	\$6,443.54 - \$7,850.73
Fire Chief II	136.4	\$82.84 - \$100.93/	\$6,604.59 - \$8,046.85
Fire Chief III	137.4	\$84.91 - \$103.45/	\$6,769.63 - \$8,247.77
Police Chief I	138.4	\$87.03 - \$106.04/	\$6,938.65 - \$8,454.26
Police Chief II	140.4	\$91.44 - \$111.41/	\$7,290.24 - \$8,882.39
Police Chief III	141.6	\$94.19 - \$114.77/	\$7,509.49 - \$9,150.28
Police Chief IV	143.6	\$98.96 - \$120.58/	\$7,889.79 - \$9,613.49
Police Chief V	144.8	\$101.94 - \$124.21/	\$8,127.38 - \$9,902.90

UNREPRESENTED MANAGEMENT CLASSIFICATION PAY RANGES ARE AS FOLLOWS:

<u>CLASSIFICATION</u>	<u>RANGE</u>	<u>HOURLY/BI-WEEKLY</u>	
Administrative Analyst I (City Manager and Human Resources)	87.4	\$24.70 - \$30.10/	\$1,969.26 - \$2,399.79
Administrative Analyst II (City Manager and Human Resources)	89.4	\$25.96 - \$31.62/	\$2,069.72 - \$2,520.97
Building Official I	117.5	\$51.95 - \$63.29/	\$4,141.82 - \$5,045.93
Building Official II	119.5	\$54.58 - \$66.50/	\$4,351.50 - \$5,301.85
City Engineer/Deputy Director of Public Works I	122.5	\$58.77 - \$71.61/	\$4,685.56 - \$5,709.26
City Engineer/Deputy Director of Public Works II	124.5	\$61.75 - \$75.24/	\$4,923.15 - \$5,998.67
Deputy City Clerk I	93.5	\$28.72 - \$34.99/	\$2,289.76 - \$2,789.65

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Deputy City Clerk II	95.5	\$30.18 - \$36.77/	\$2,406.16 - \$2,931.57
Deputy Director of Community Development I	117.7	\$52.21 - \$63.61/	\$4,162.55 - \$5,071.44
Deputy Director of Community Development II	119.7	\$54.85 - \$66.83/	\$4,373.03 - \$5,328.16
Deputy Director of Public Works I	118.6	\$53.38 - \$65.04/	\$4,255.83 - \$5,185.45
Deputy Director of Public Works II	120.6	\$56.08 - \$68.33/	\$4,471.10 - \$5,447.75
Financial Operations Manager I	119.2	\$54.17 - \$66.00/	\$4,318.82 - \$5,261.99
Financial Operations Manager II	121.2	\$56.91 - \$69.34/	\$4,537.27 - \$5,528.28
Fire Division Chief I	124.5	\$61.75 - \$75.24/	\$4,923.15 - \$5,998.67
Fire Division Chief II	125.5	\$63.29 - \$77.12/	\$5,045.93 - \$6,148.55
Fire Division Chief III	126.5	\$64.88 - \$79.04/	\$5,172.69 - \$6,301.63
Human Resources Analyst I	99.0	\$32.90 - \$40.08/	\$2,623.02 - \$3,195.46
Human Resources Analyst II	101.0	\$34.56 - \$42.11/	\$2,755.37 - \$3,357.31
Information Technology Analyst I	97.4	\$31.62 - \$38.53/	\$2,520.97 - \$3,071.88
Information Technology Analyst II	99.4	\$33.23 - \$40.48/	\$2,649.33 - \$3,227.35
Management Analyst I (City Manager and Human Resources)	96.3	\$30.78 - \$37.50/	\$2,454.00 - \$2,989.77
Management Analyst II (City Manager and Human Resources)	98.3	\$32.33 - \$39.40/	\$2,577.58 - \$3,141.25
Network Administrator I	104.6	\$37.78 - \$46.03/	\$3,012.09 - \$3,669.84

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Network Administrator II	106.6	\$39.69 - \$48.36/	\$3,164.37 - \$3,855.60
Planning Manager I	114.8	\$48.60 - \$59.22/	\$3,874.74 - \$4,721.44
Planning Manager II	116.8	\$51.06 - \$62.21/	\$4,070.87 - \$4,959.82
Recreation Services Manager I	105.3	\$38.44 - \$46.83/	\$3,064.71 - \$3,733.62
Recreation Services Manager II	107.3	\$40.38 - \$49.20/	\$3,219.38 - \$3,922.57
Senior Human Resources Analyst I	106.2	\$39.30 - \$47.88/	\$3,133.27 - \$3,817.33
Senior Human Resources Analyst II	108.2	\$41.29 - \$50.31/	\$3,291.93 - \$4,011.07
Senior Management Analyst I (City Manager and Finance)	106.2	\$39.30 - \$47.88/	\$3,133.27 - \$3,817.33
Senior Management Analyst II (City Manager and Finance)	108.2	\$41.29 - \$50.31/	\$3,291.93 - \$4,011.07
Senior Risk Management Analyst I	106.2	\$39.30 - \$47.88/	\$3,133.27 - \$3,817.33
Senior Risk Management Analyst II	108.2	\$41.29 - \$50.31/	\$3,291.93 - \$4,011.07

CONFIDENTIAL CLASSIFICATION PAY RANGES ARE AS FOLLOWS:

<u>CLASSIFICATION</u>	<u>RANGE</u>	<u>HOURLY/BI-WEEKLY</u>
Confidential Secretary (City Manager's Office, Human Resources and Police Chief Administration)	85.0	\$23.28 - \$28.37/ \$1,856.05 - \$2,261.86
Executive Assistant to the City Manager/City Attorney	95.1	\$29.88 - \$36.40/ \$2,382.25 - \$2,902.07
Executive Assistant to the Police Chief	89.9	\$26.28 - \$32.02/ \$2,095.23 - \$2,552.86

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Information Technology Specialist	90.2	\$26.47 – \$32.25/	\$2,110.38 - \$2,571.20
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Senior Accounting Technician	83.7	\$22.55 - \$27.47/	\$1,797.85 - \$2,190.10
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UNREPRESENTED GENERAL CLASSIFICATION PAY RANGES ARE AS FOLLOWS:

CLASSIFICATION

RANGE

HOURLY

Police Recruit

96.0

\$30.55 - \$37.22

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PART-TIME / SEASONAL TEMPORARY (PST) CLASSIFICATIONS ARE AS FOLLOWS:

**PST classifications do not receive any benefits described in this policy with the exception of the City contribution to the appropriate retirement plan in lieu of CalPERS/Social Security and sick leave benefits required by Labor Code §233.*

All PST step increases are 2.5% unless noted otherwise.

<u>CLASSIFICATION</u>	<u>RANGE</u>	<u>HOURLY</u>
Administrative Intern	70.9	\$16.44 - \$20.03
Public Safety Aide	61.4	\$13.00 - \$15.84
Weed Abatement Inspector	88.3	\$25.26 - \$30.78

Effective January 1, 2020 (Recreation PSTs Only)

Job Class	Range @ 2.5%	Step A	Step A'	Step B	Step B'	Step C	
Recreation Specialist I	61.4	\$ 13.00	\$ 13.33	\$ 13.66	\$ 14.00	\$ 14.35	
Recreation Specialist II	66.4	\$ 14.71	\$ 15.08	\$ 15.45	\$ 15.84	\$ 16.24	
Recreation Specialist III	71.4	\$ 16.64	\$ 17.31	\$ 18.19	\$ 19.11	\$ 20.08	71.0
Recreation Specialist IV	80.0	\$ 20.58	\$ 21.62	\$ 22.17	\$ 23.86	\$ 25.07	80.0
Recreation Specialist V	88.9	\$ 25.64	\$ 26.93	\$ 28.30	\$ 29.73	\$ 31.23	88.9
	Range @ 5%		Step B	Step C	Step D	Step E	Range

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B. HEALTH AND WELFARE BENEFITS

1. Cafeteria Plan

The City's cafeteria plan benefits are primarily designated for enrollment in any of the City's CalPERS' health plans or other eligible benefit programs (e.g., dental, vision, etc.). The cost of the premium for the City's health plan will be deducted from the employee's cafeteria plan allocation. If there is a difference, the employee will be responsible for the remainder of the premiums through payroll deductions. Any cafeteria plan balances that remain after an employee has paid for his or her health insurance premiums and other eligible benefit programs benefits may be received as "cash in lieu", up to a maximum of \$1,150 per month (excludes Police Recruit). For Police Recruit the maximum "cash in lieu" is \$287.50 per month. Cash in lieu payments are taxable income and not PERSable.

Any employee who is not enrolled in a City CalPERS health insurance plan, and does not provide proof of enrollment in another group health insurance plan (e.g., coverage under a spouse's employer plan) within 30 days from the beginning of the new plan year will not be eligible to receive cash in lieu.

All benefitted employees must enroll in an available City health program unless they opt out. An employee may receive cash in lieu for opting out of the City's health program if he/she:

- (1) Provides proof that the employee and all individuals for whom the employee intends to claim a personal exemption deduction for the taxable year or years that begin or end in or with the City's plan year to which the opt out applies ("tax family"), have or will have minimum essential coverage through another source (other than coverage in the individual market, whether or not obtained through Covered California) for the plan year to which the opt out arrangement applies ("opt out period"); and
- (2) Signs an attestation that the employee and his/her tax family have or will have such minimal essential coverage for the opt out period. An employee must provide the attestation every plan year at open enrollment or within 30 days after the start of the plan year. The opt out payment cannot be made and the City will not in fact make payment if the employer knows or has reason to know that the employee or tax family member doesn't have such alternative coverage, or if the conditions in this paragraph are not otherwise satisfied.

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The City may modify health insurance benefits or cafeteria plan (including, as to both, but not limited to, plan benefits or structure, City or employee contributions and/or opt out amount or requirements) in order to avoid penalties or taxes under the ACA or other statutory scheme that may result from an interpretation of the ACA or other statutory scheme by the Internal Revenue Service or other federal agency (including, but not limited to, a revenue ruling, regulation or other guidance) or state agency, or a ruling by a court of competent jurisdiction.

From January 1, 2020 through June 30, 2020, the amount of the cafeteria benefit, excluding Police Recruit, shall be \$1,200 per month (\$14,400 per calendar year). For Police Recruit, the cafeteria benefit shall be \$1,300 per month (\$15,600).

2. Medical Insurance

The City is continuing the CalPERS' Health Benefits program that was adopted on January 1, 1986. From the total allotted under the cafeteria plan, the City will pay to CalPERS the statutorily required minimum employer contribution per month toward the cost of any CalPERS' health plan that the employee chooses to enroll. The employee agrees to be liable for the difference between the total cost of the health plan chosen and the City's contribution if he/she elects to obtain coverage under the CalPERS' health program. This amount shall be included in the total amount of the City's contribution to the employee's Section 125 Cafeteria Plan.

Employees who elect not to be covered under the City's medical insurance plan must have on file with the City a signed waiver of medical benefits. Employees will be provided an opportunity at least once annually to enroll in the City's medical insurance plan.

3. Retirement Benefits

All Executive, Unrepresented, and Confidential employees are members of the California Public Employees' Retirement System (CalPERS). Those employees who are "classic members" as defined under the Public Employees' Pension Reform Act of 2013 (PEPRA) pay the employee's share of the retirement cost (8% for Miscellaneous and 9% for Safety Employees), and receive the following contracted benefits:

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Miscellaneous Employees <i>("Classic" Members)</i>	Safety Employees <i>("Classic" Members Hired on or before March 10, 2011)</i>
A. 3% at 60 Benefit Formula (§21354.3)	A. 3% at 50 Benefit Formula (§21362.2)
B. Final Compensation: One Year (§20042)	B. Final Compensation: One Year (§20042)
C. Prior Service (§20055)	C. Prior Service (§20055)
D. [Reserved]	D. [Reserved]
E. Additional Service Credit 2 Years (§20903)	E. [Reserved]
F. Unused Sick Leave Credit (§20965)	F. Unused Sick Leave Credit (§20965)
G. Military Service Credit as Public Service (§21024)	G. Military Service Credit as Public Service (§21024)
H. 2% Annual Cost of Living Allowance Increase (§21329)	H. 2% Annual Cost of Living Allowance Increase (§21329)
I. Pre-Retirement Death Benefits to Continue After Remarriage of Survivor (§21551)	I. Pre-Retirement Death Benefits to Continue After Remarriage of Survivor (§21551)
J. 1959 Survivor Benefit Level Four (§21574)	J. 1959 Survivor Benefit Level Three (§21573)
K. \$5,000 Retired Death Benefit (§21623.5)	K. \$500 Retired Death Benefit (§21620)
L. [Reserved]	L. Post-Retirement Survivor Allowance (§21624/26/28)
M. [Reserved]	M. Post-Retirement Survivor Allowance to Continue After Remarriage (§21635)
	Local Safety Employees <i>(Hired on or after March 11, 2011)</i>
	A. 3% at 55 Benefit Formula (§21362.2)
	B. Final Compensation: Three Years – Career Average (§20042)

Those employees who are “new members” as defined under the Public Employees’ Pension Reform Act of 2013 (PEPRA) pay the employee contributions equal to 50% of normal cost (currently 6.25% for Miscellaneous and 12.25% for Safety Employees), and receive the above listed benefits with the exception of the following:

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Miscellaneous Employees <i>("New" Members Hired on or after January 1, 2013)</i>	Safety Employees <i>("New" Members Hired on or after January 1,</i>
A. 2% at 62 Benefit Formula (\$7522.20)	A. 2.7% at 57 Benefit Formula (\$7522.25(d))
B. Final Compensation: Three Years – Career Average (\$20037)	B. Final Compensation: Three Years – Career Average (\$20037)

PST Employees: In lieu of enrollment in the CalPERS' retirement program, PST employees will be enrolled in an IRS §457 retirement plan. The City contributes 7.5% of the employee's salary to the IRS §457 plan in lieu of CalPERS and Social Security. PST employees who qualify for membership will be enrolled in the CalPERS retirement program and City contributions to the IRS §457 plan will terminate.

4. Deferred Compensation

All Executive, Unrepresented and Confidential employees are eligible to participate in any of the City's Internal Revenue Code Section 457 Deferred Compensation Plan(s). Participation is handled through payroll deductions.

The City shall contribute \$300 per month (\$3,600 per year) in deferred compensation on behalf of the Assistant City Manager to one of the City approved plans as selected by the Assistant City Manager. Amounts contributed by the City shall be to the benefit of the Assistant City Manager in accordance with the Deferred Compensation Plan participation agreement.

5. Disability Insurance

The City provides Executive Management employees and Unrepresented Management employees with fully paid short-term and long-term disability plans.

Exclusion: Confidential employees, PST employees, and Police Recruit(s) participate in the State Disability Insurance (SDI) Program at their expense.

6. Life and Accidental Death & Dismemberment (AD&D) Insurance [Applies to City Attorney]

The City provides fully paid life insurance and AD&D to Executive and Unrepresented Management employees in the amount of one and one half times the employee's annual salary plus \$25,000.

**CITY OF EL CAJON
CITY COUNCIL POLICY**

SUBJECT: Compensation Plan for Executive and Unrepresented Employees

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The City provides fully paid life insurance and AD&D to Confidential and Part-time benefitted employees in the amount of \$25,000.

C. LEAVES

1. Vacation Accrual

All Executive, Unrepresented and Confidential employees shall accrue vacation in accordance with the following schedule:

- a. 3.07 hours of vacation accrued and credited bi-weekly from the date of hire until completion of the 36th month;
- b. 4.60 hours of vacation accrued and credited bi-weekly following completion of the 36th month through the 108th month;
- c. 5.52 hours of vacation accrued and credited bi-weekly following completion of the 108th month through the 156th month;
- d. 6.14 hours of vacation accrued and credited bi-weekly following completion of the 156th month.

New hires in Executive and Unrepresented Management classifications may accrue vacation leave at a rate greater than the entry rate at the discretion of the City Manager.

Vacation accrual shall be capped at 620 hours for all executive and unrepresented management employees, and 560 hours for all confidential employees. No employee shall accrue vacation beyond the established cap unless specifically authorized by the City Manager.

Employees have the option of 100% cash reimbursement for unused paid vacation at any time provided that they have used at least 80 hours of vacation/administrative leave during the preceding year (26 pay periods).

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2. Administrative Leave

Executive Management employees receive eighty (80) hours administrative leave per year accrued as vacation leave.

Unrepresented Management employees receive sixty (60) hours administrative leave per year accrued as vacation leave.

3. Holidays

Executive and Unrepresented Management and Confidential employees (excluding the City Attorney) receive the following paid holidays:

New Years' Day	January 1
Martin Luther King's Birthday	Third Monday in January
President's Day	Third Monday in February
Memorial Day	Last Monday in May
Independence Day	July 4
Labor Day	First Monday in September
Admissions Day*	September 9 (floating holiday)
Columbus Day*	Second Monday in October (floating holiday)
Veterans Day	November 11
Thanksgiving Day	Fourth Thursday in November
Day after Thanksgiving	Friday after Thanksgiving
Christmas Eve	December 24
Christmas Day	December 25
New Year's Eve	December 31

And every day proclaimed by the City Council as a public holiday.

*Two (2) floating holidays in lieu of celebrating Columbus Day and Admissions Day. City facilities shall remain open on both days.

Vacation shall accrue and be credited bi-weekly to compensate for the two floating holidays based on regularly scheduled work shift (permanent shift):

5-8 Schedules: 0.62 hours; **9/80 Schedules:** 0.69 hours; **4/10 Schedules:** 0.77 hours

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City Hall will be closed between the observed Christmas Eve holiday in 2019 and the observed New Years' Day holiday in 2020. Use of paid leave will be required for December 26, 2019 (9 hours) and December 30, 2019 (9 hours).

An EMPLOYEE whose day off falls on an observed City holiday (e.g., Friday holiday) will accrue their regularly scheduled hours of vacation leave.

4. Sick Leave

Executive, Unrepresented and Confidential employees accrue sick leave at the rate of 3.68 hours per bi-weekly pay period. Accrual is unlimited. Part-Time/Seasonal/Temporary employees accrue and use sick leave upon commencement of employment at the rate prescribed by Labor Code § 246. PST employees are entitled to no other leave benefits under this policy.

Sick leave with pay shall be granted to all EMPLOYEES covered by this Policy in accordance with this section. Sick leave shall not be considered as a right which an EMPLOYEE may use at his/her discretion, but shall be allowed only in case of necessity and actual personal sickness or disability or (2) to attend to an illness or injury, including time for scheduled doctor or dentist appointment, of a person who is in the relationships to the employee as described in the California Labor Code §233, which currently includes:

Child	Parent	Spouse
Grand Child	Foster Child	Adopted Child
Step Child	Legal Ward	Child of Domestic Partner
Step Parent	Legal Guardian	Adoptive Parent
Foster Parent	Sibling	Parent-in-Law
Grand Parent	Registered Domestic Partner	Child of Person Standing in Loco Parentis

a. Sick Leave Conversion Privileges

Any EMPLOYEE who has taken 40 hours sick leave or less during the calendar year ending December 30 of each year shall be entitled to either convert up to 40 hours of unused sick leave to vacation or receive a cash payment for up to 24 hours, based upon the current compensation rate on an hour-for-hour basis.

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In no event may an EMPLOYEE select a combination of two options or reduce the accumulated sick leave balance below 192 hours. No prorations shall be made for EMPLOYEES terminating on or before December 30 of the calendar year.

b. Unused Sick Leave at Retirement for Health Insurance

For employees hired before July 1, 2013, upon retirement from City employment within 120 days of separation, for service or disability, an employee may elect to use unused sick leave at its dollar value at retirement (hourly base rate plus any regularly recurring bi-weekly premium pay, i.e., differential pay for Master's Degrees) to pay health insurance premiums in retirement according to the following schedule:

10 through 14 years of service: 25% of the sick leave balance at retirement;

15 through 19 years of service: 50% of the sick leave balance at retirement;

20 + years of service: 75% of the sick leave balance at retirement.

This benefit will be in addition to the monthly contribution the City makes, as determined by PERS, to the Public Employees' Retirement System for retiree health insurance benefits. The supplemental benefits described above shall be used to pay health insurance premiums for the retiree and dependents, if applicable. However, if the employee is deceased before the funds are exhausted, the supplemental benefits shall cease and the remaining funds shall be the City's property.

The City elects to self-administer this plan at this time. The City will pay the annualized dollar equivalent of the Kaiser two-party health insurance premium once per year in January of each year.

This benefit may be used in combination with service credit for unused sick leave as described in Section C – Health and Welfare Benefits – Retirement Benefits.

5. Bereavement Leave

Up to twenty-four hours special leave with pay may be granted to Executive and Unrepresented Management and Confidential employees in order to discharge the customary obligations arising from the death of a relative who is a member of employee's household or a parent, step-parent, grandparent, sibling or child of the employee or the

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employee's spouse/domestic partner (not required to be a member of the household). Sixteen (16) additional hours to be charged to sick leave may be approved at the discretion of the City Manager.

6. Military Leave

Any employee who is or becomes a member of the Armed Services, Militia or Organized Reserves of California or the United States shall be entitled to the leaves of absence and employment rights and privileges provided by the Uniformed Services Employment and Reemployment Rights Act (USERRA) and the Military and Veterans Code of the State of California.

7. Jury and Witness Leave

All Executive, Unrepresented and Confidential employees are entitled to be absent from duty when called to serve as a trial juror or as a witness called by a subpoena before a court of law. Under such circumstances, the EMPLOYEE is paid the difference between full salary and any payment received by them, except travel pay, for such duty.

8. Stand-by Time

The Fire Chief and Fire Division Chief shall receive eight (8) hours of vacation leave for every week he/she is required to participate in the back-up duty chief rotation for Heartland Fire & Rescue. For each holiday occurring during the assigned week, (Saturdays and Sundays are not considered holidays), an additional four (4) hours of vacation will be credited.

D. UNIFORM AND EQUIPMENT ALLOWANCE

The Police Chief, Fire Chief and Fire Division Chief receive an annual uniform and equipment allowance of \$675. Yearly distribution will be issued the second paycheck in July.

Newly Hired Police Recruits: The annual uniform and equipment allowance for newly hired Police Recruits shall be \$775 per year. The uniform allowance shall be prorated over the twelve month period beginning from the actual hire date to the following July 1st. Yearly distribution will be issued the second paycheck in July.

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E. TUITION AND BOOK REIMBURSEMENT

The City provides an allowance of \$750 per fiscal year for Executive, Unrepresented and Confidential employees to use to defray the cost of attendance at seminars, workshops, conferences and/or classes, which promote professional growth. Executive and Unrepresented Management employees may use this allowance for lodging, meals, and other travel expenses.

Executive and Unrepresented Management employees may also use the allowance to cover the costs of membership fees for job related professional associations.

F. OTHER CERTIFICATIONS AND SPECIAL COMPENSATION

1. Notary Public Pay

Positions designated by the department director shall receive Notary Public Pay in the amount of \$75/month if he/she is a Notary Public in the State of California. The City shall also pay the cost of bonding of this employee while he/she is serving as Notary Public for the benefit of the City. Employees in designated positions shall perform notary services only as directed by his/her supervisor.

2. Automobile Allowance

Executive Management employees shall be provided a monthly automobile allowance of \$300 in exchange for making a vehicle available for his/her own use and for City-related business and/or functions during, before and after normal work hours. The Assistant City Manager shall be provided an additional \$100, to total a monthly automobile allowance of \$400.

3. Cellular Telephone Allowance

The Assistant City Manager shall receive as compensation the sum of \$120 per month for use as an allowance for his/her cellular telephone service.

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4. Technology Allowance

The Assistant City Manager shall be provided with an amount not to exceed \$2,500 every two years, beginning with the year of his/her initial appointment, for use to purchase technology equipment such as a personal laptop computer, etc. The payment shall be made upon submission of receipts documenting the purchase(s). The equipment purchased shall become the property of the Assistant City Manager.

5. Non-PERSable Stipend

A non-PERSable stipend of \$6,000/Police Chief, \$6,000/Fire Chief, and \$4,200/Fire Division Chief. One-half of stipend payment to be issued on the second pay check in July 2019 and one-half issued on the first pay check in December 2019.

G. RELOCATION ALLOWANCE

The City Manager may authorize an allowance up to \$10,000 for relocation expenses to the San Diego area.

Approved by City Council 03/10/20



City Council
Agenda Report

Agenda Item 5.

DATE: March 10, 2020
TO: Honorable Mayor and City Councilmembers
FROM: Dirk Epperson, Director of Public Works
SUBJECT: Termination of Emergency Storm Damage Repairs

RECOMMENDATION:

That the City Council:

1. Adopts the next Resolution, in order, proclaiming the termination of emergency storm damage repairs in the City of El Cajon; and
2. Approves an additional \$23,177.29 for repairs in Capital Improvement Program Project Sewer & Storm Drain Repair and Replacement 2015 (WW3519) to cover the cost of the emergency work.

BACKGROUND:

This report is intended to provide a final update to the City Council on the status of emergency storm drain repairs performed at the intersection of Jackman Street and Petree Street. Following an emergency declaration by the City Manager, the emergency was brought to the City Council on January 28, 2020 for approval of the declaration. After City Council declared the emergency, City staff proceeded to make immediate repairs to portions of storm drain systems that had been compromised. The root cause of the issues was surface water running through gaps in existing storm drain pipes, which eroded soil and caused sinkholes at two locations.

Following approval of the emergency declaration, the City's contractor completed repairs to the storm drain system, replacing two segments of pipes and reconnecting existing storm drain laterals, along with necessary surface improvements to allow traffic to resume. Several unforeseen conditions were encountered during construction, which included: removal of an existing concrete grade beam, and trench sloughing, all of which have been addressed. All contract work, including general cleanup, has been completed to the City's satisfaction.

The City Council approved Resolution No. 007-20 declaring a State of Emergency and authorizing expenditures to make needed repairs for the subject project.

FISCAL IMPACT:

Funding in the amount of \$75,000 was approved for these repairs at the January 28, 2020 City Council Meeting. Due to several unforeseen conditions, the final cost was \$98,177.29, which exceeds the original amount.

Prepared By: Dirk Epperson, Director of Public Works
Reviewed By: Vince DiMaggio, Assistant City Manager
Approved By: Graham Mitchell, City Manager

Attachments

Resolution

RESOLUTION NO. __-20

A RESOLUTION OF THE
CITY COUNCIL OF THE CITY OF EL CAJON
PROCLAIMING THE TERMINATION
OF A LOCAL EMERGENCY

WHEREAS, during the week of December 2, 2019, City of El Cajon ("City") staff discovered two (2) sink holes and soil erosion due to surface water running through gaps in existing storm drain pipes at the intersection of Jackman Street and Petree Street, caused by heavy storms in November and December 2019; and

WHEREAS, it was determined that it was necessary to invoke the City's emergency declaration to take immediate measures to prevent further damage, including traffic control to provide safety for vehicles as well; and

WHEREAS, the City Council approved Resolution No. 007-20 on January 28, 2020, declaring an emergency and authorizing expenditures to make the needed repairs; and

WHEREAS, S. C. Valley Engineering, Inc. ("SC Valley") was contacted and available to immediately commence on the repairs of the storm drain system, to include replacing damaged storm drain pipes, backfilling voids, and restoring surface improvements, for a total estimated cost of \$75,000.00; and

WHEREAS, all work on the storm drain system, including replacement of two segments of pipes and reconnection of existing storm drain laterals, along with necessary surface improvements to allow traffic to resume, has now been completed to the City's satisfaction; and

WHEREAS, due to unforeseen conditions encountered during the emergency repairs, such as removal of an existing concrete grade beam and trench sloughing, the final cost exceeded the original budget; and

WHEREAS, City staff recommends that the City Council appropriate an additional \$23,177.29 to cover the total cost of the emergency work.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL CAJON AS FOLLOWS:

1. The above recitals are true and correct, and are the findings of the City Council.
2. That the City Council hereby proclaims the termination of the local emergency.

3. That the City Council hereby authorizes appropriation of funds from Account No. 650900, CIP Project No. WW3519) to cover the additional costs of the emergency repairs.

03/10/20 CC Agenda

Reso - Proclaiming Emergency Declaration Termination for Storm Damage Repairs (Jackman & Petree) 030320



City Council
Agenda Report

Agenda Item 6.

DATE: March 10, 2020
TO: Honorable Mayor and City Councilmembers
FROM: Nahid Razi, Purchasing Agent
SUBJECT: Contract Amendment for Slurry (Various Locations) Multi-year Contract

RECOMMENDATION:

That the City Council adopts the next Resolution, in order, to:

1. Exercise the City's option to renew the contract with American Asphalt South, Inc., for one (1) additional year;
2. Increase the slurry multi-year contract in the not-to-exceed amounts of \$600,912.28 for Option Period 1; and
3. Authorize the City Manager to approve options to renew the contract in the amounts of \$814,951.53 for Option Period 2, \$805,250.56 for Option Period 3, and \$795,355.57 for Option Period 4.

BACKGROUND:

On February 12, 2019, the City Council awarded Bid No. 024-19 – Slurry (Various Locations) Multi-year Contract to American Asphalt South, Inc. for a one-year term in the amount of \$466,213.45, with the option to renew for four (4) additional one-year periods.

On August 29, 2019, the contract was increased by Contract Change Order No. 1 to add more streets to the scope of work, in accordance with City Council Policy B-4 which grants the City Manager authority to execute a change order in an amount not to exceed 25% of the original contract value.

Since the initial award, the City received additional funding related to Senate Bill 1 (SB1) to address basic road maintenance and rehabilitation on local streets. On June 25, 2019, the City Council appropriated the additional funding toward the Slurry 2020 project. Due to this funding, the City is now able to increase the annual scope of work for the remaining optional renewal periods to add more streets to be resurfaced. The added funds are estimated to rehabilitate approximately 2,000,000 square feet of roads per year.

As detailed in the attached memorandum, staff is requesting annual increases in the following amounts:

	Original Award Amount	Requested Increase	Total Amount with Increase
Initial Year	\$466,213.45	\$23,556.96	\$489,770.41
Optional Renewal Period 1	\$475,537.72	\$600,912.28	\$1,076,450
Optional Renewal Period 2	\$485,048.47	\$814,951.53	\$1,300,000
Optional Renewal Period 3	\$494,749.44	\$805,250.56	\$1,300,000
Optional Renewal Period 4	\$504,644.43	\$795,355.57	\$1,300,000

FISCAL IMPACT:

Approval of the \$600,912.28 increase will supplement Optional Renewal Period 1, for a total annual amount of \$1,076,450 for the term. Sufficient funds are available in Fiscal Year 2019-20 Annual Budget: Slurry 2020 project (PW51020).

If approved, the increases in the amount of \$814,951.53 for Option Period 2, \$805,250.56 for Option Period 3, and \$795,355.57 for Option Period 4 will result in remaining 3-years costs to be \$2,415,557.66 if all renewal options are exercised.

Prepared By: Nahid Razi, Purchasing Agent

Reviewed By: Dirk Epperson, Director of Public Works

Approved By: Graham Mitchell, City Manager

Attachments

Resolution

Memorandum

RESOLUTION NO. __-20

A RESOLUTION OF THE CITY COUNCIL
OF THE CITY OF EL CAJON
APPROVING AMENDMENT OF THE
SLURRY (VARIOUS LOCATIONS) MULTI-YEAR CONTRACT
(Bid 024-19)

WHEREAS, on February 12, 2019, the City Council awarded a public works contract (the "Contract") to American Asphalt South, Inc. ("the Contractor") to provide preventative maintenance of roads by using slurry seals to resurface street collectors and residential streets in the City of El Cajon (the "City") for a term of one (1) year, in the not-to-exceed amount of \$466,213.45, with the option to renew for four (4) additional one-year renewal periods (the "Project"); and

WHEREAS, on August 28, 2019, by Contract Change Order No. 1, the Contract was increased to add more streets to the scope of work and provide additional compensation in the amount of \$23,556.96, for a total amount of \$489,770.41 for the current term, in accordance with City Council Policy B-4, which grants the City Manager authority to execute a change order in an amount not to exceed twenty-five percent (25%) of the original contract value; and

WHEREAS, since the initial award, the City has received additional funding related to Senate Bill 1 ("SB1") in order to address basic road maintenance and rehabilitation, and on June 25, 2019, the City Council appropriated the additional funding towards the Slurry 2020 project; and

WHEREAS, due to this funding the City will now be able to increase the annual scope of work for the remaining optional renewal periods to add more streets to be resurfaced, which will allow rehabilitation of approximately 2,000,000 square feet of roads per year; and

WHEREAS, the City desires to approve the first option to renew the Contract for an additional year, and to authorize an additional \$600,912.28 for the first optional renewal period.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL CAJON AS FOLLOWS:

1. The above recitals are true and correct, and are the findings of the City Council.
2. The City Council hereby approves a first amendment of the City's Contract with the Contractor for the Project to exercise its option for the first renewal period, and authorizes an increase of the slurry multi-year contract in the not-to-exceed amount of \$600,912.28 for Optional Renewal Period 1, for a total annual amount of \$1,076,450.00.

3. The City Council further approves increases to the not to exceed amounts of optional renewal periods 2 through 4, as follows:

- a. \$814,951.53 for Optional Renewal Period 2, for a total annual amount of \$1,300,000.00;
- b. \$805,250.56 for Optional Renewal Period 3, for a total annual amount of \$1,300,000.00; and
- c. \$795,355.57 for Optional Renewal Period 4, for a total annual amount of \$1,300,000.00.

4. The City Manager, or the City Manager's designee, is hereby authorized to execute such amendments to the Contract as may be necessary to approve any renewal terms as contemplated therein, and to make such other changes as may be necessary, in the determination of the City Manager.

03/10/20 CC Agenda

Reso – American Asphalt - Slurry (Various Locations) Multi-Year Contract – Amend Contract 030320

CITY OF EL CAJON



MEMORANDUM

DATE: March 2, 2020

TO: Nahid Razi, Purchasing Agent

FROM: Christian Felix, Assistant Engineer

VIA: Yazmin Arellano,
Deputy Director of Public Works/City Engineer

SUBJECT: Contract Amendment to Slurry (Various Locations) Multi-year Contract
Bid No. 024-19

On February 12, 2019 American Asphalt South Inc. was awarded Bid No. 024-19 – Slurry (Various Locations) Multi-Year Contract. The initial contract was for one year in the amount of \$489,770.41, with a renewal option that includes up to four additional one-year extensions.

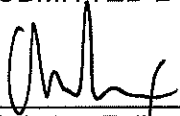
Since the initial contract award, the City has received additional funding from State Bill 1 (SB1) to address road maintenance and rehabilitation on local streets. The additional funding was appropriated and approved by City Council on June 25, 2019. As a result, staff is able to increase the scope of work in the subject project by means of adding more streets to receive resurfacing. The added funds are estimated to rehabilitate approximately 2,000,000 SF per year.

The Public Works Department requests to amend the contract amounts of financial capacity of the Slurry (Various Locations) Multi-year Contract in accordance with funds newly appropriated in the budget.

With the additional funding it is projected at the end of 5 years, this contract be valued at \$5,466,220.41 based on the additional projection of 2,000,000 SF.

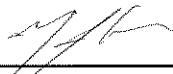
	<u>Current</u>	<u>Requested Increase</u>	<u>Total Amount with increase</u>
Option Year 2 (Slurry 2020)	\$475,537.72	\$600,912.28	\$1,076,450.00
Option Year 3 (Slurry 2021)	\$485,048.47	\$814,951.53	\$1,300,000.00
Option Year 4 (Slurry 2022)	\$494,749.44	\$805,250.56	\$1,300,000.00
Option Year 5 (Slurry 2023)	\$504,644.44	\$795,355.56	\$1,300,000.00

SUBMITTED BY:



 Christian Felix
 Assistant Engineer

APPROVED BY:



 Yazmin Arellano
 Deputy Director of Public Works/
 City Engineer



City Council Agenda Report

Agenda Item 7.

DATE: March 10, 2020
TO: Honorable Mayor and City Councilmembers
FROM: Dirk Epperson, Director of Public Works
SUBJECT: Public Hearing to Consider Placing Sewer Charges on the San Diego County Tax Roll

RECOMMENDATION:

That the City Council:

1. Opens the Public Hearing and receives testimony related to this report;
2. Closes the Public Hearing;
3. Adopts the next Resolution, in order, to (1) determine the lack of a majority protest, (2) overrule objections to the report, and (3) authorize the collection of sewer service charges as a fixed special assessment on the county property tax bill beginning Fiscal Year 2021; and
4. Awards a sole source contract to NV5, Inc., for sewer billing support and tax roll charges preparation in the not-to-exceed amount of \$194,251 for FY21.

BACKGROUND:

On January 14, 2020, staff presented several options to address long-term billing solutions for sewer services. At that meeting, the City Council gave staff direction to explore placing the sewer bill on the property tax roll and to schedule a public hearing to consider additional information before making a final decision. The intent of this agenda item is to present the requested information to the City Council and to recommend a long-term billing solution for City Council consideration. This agenda item also summarizes background information presented to the City Council on January 14th.

City's Billing Contractor Ends Service

On Saturday, November 9, 2019, City staff received an email from Global Water Management, LLC (Fathom), the City's sewer billing provider at the time, advising they were going out of business and their services would abruptly conclude on November 30, 2019.

An emergency agenda item was added to the November 12th City Council meeting in which staff briefed the City Council on Fathom's impending termination. At that meeting, the City Council granted the City Manager authority to execute agreements to maintain sewer billing services. Staff was also directed to return in January 2020 to report on the status and present long-term solutions.

On January 14, 2020, City staff presented three potential long-term solutions for City Council consideration:

- Continue contracting with multiple billing service providers at an approximate cost of \$824,000 annually (approximately \$48.47 annually per customer);
- Have the City internally provide all billing services at an approximate cost of \$890,000 annually (approximately \$52.35 annually per customer); or
- Place sewer charges on the County tax roll program for customers to pay with their property taxes at an approximate cost of \$400,000 annually (approximately \$23.53 annually per customer).

After consideration, City Council directed staff to further develop the County tax roll option. Staff has completed its research and is prepared to recommend this option for City Council consideration.

San Diego Tax Roll Option

Staff believes that the recommendation to consider using the property tax roll for sewer billing benefits the majority of sewer customers, takes a fiscally conservative approach, reduces the City's bureaucratic process, and minimizes City personnel cost and additional pension liability.

In preparation for this agenda item, staff met with sewer customers, the Greater San Diego Association of Realtors, the Southern California Rental Housing Association, the Pacific Southwest Association of Realtors, and the East County Chamber of Commerce. Staff has also interviewed representatives at the cities of La Mesa, National City, and Chula Vista (which currently use the tax roll for sewer billing). Based on those conversations, staff has prepared a recommended plan that eases the transition to a new billing system and mitigates concerns expressed during the investigative period.

This section outlines some of the reasons for staff recommendation, mitigation measures necessary to implement this option, and details of the transition plan.

Rationale

Several factors influenced staff's recommendation to place the City's sewer bill on the County property tax roll. First, of the options available, this option will save our sewer customers the most. Because sewer operational costs (including sewer billing costs) are passed directly to the consumer, staff relied on cost savings as a significant factor in its recommendation. This option will save approximately \$471,000 over the next least expensive option. This is an annual savings per customer of approximately \$27.70.

Second, this is an option being used by other sewer agencies in San Diego County. Of the agencies similar to El Cajon, 75 percent rely on property tax billing. These cities include: Chula Vista, Coronado, Encinitas, Imperial Beach, La Mesa, Lemon Grove, National City, San Diego County, San Marcos, Solana Beach, and Vista. In fact, El Cajon is the only agency without in-house water that does not charge for sewer on the property tax bill.

Third, this option is perhaps the most stable of the three options without hiring a significant number of staff. To contract out billing services, the City would be placed in a similar position as it was with Fathom. To bring billing in-house, the City would be required to increase staffing by four positions. These four positions would manage sewer charge calculations, customer service questions/call center, updating the customer database, and preparing, printing, mailing, and

collecting bills.

Fourth, after the first year, this option provides monthly stability for the majority of the City's sewer customers. More than 70 percent of mortgages have impound or escrow accounts. These accounts would adjust to include the sewer charges and be billed monthly with mortgage payments.

Billing Process

If the City Council directs staff to implement the property tax roll option, the City would annually submit sewer charges to the San Diego County Tax Assessor's Office and customers would pay their sewer charges with their property taxes.

Prior to the City providing the sewer charges to the County, each property owner would receive a summary of charges. This document, sent out 30 days before the County's deadline, allows customers to know next year's sewer bill, can serve as a record for those leasing property, and can be used to determine if an error exists. This process is similar to many other cities in the County.

The sewer bill will then appear on the property tax bill as a separate line item. For those with impound accounts, this amount will be calculated as part of the monthly mortgage payment. Customers can elect to pay all or half of the sewer bill when the December property tax bill is due.

Feedback

As mentioned in this staff report, staff met with various stakeholder groups in preparation for this agenda item, including the Greater San Diego Association of Realtors, the Southern California Rental Housing Association, the Pacific Southwest Association of Realtors, and the East County Chamber of Commerce. During those meetings, staff received both positive and negative feedback. Some of the positive feedback included:

- This is the most cost effective solution over the long term;
- It is more convenient for customers by not having multiple bills;
- It avoids passing additional billing service costs on to customers;
- The annual summary of sewer charges is a really good idea as this ensures that sewer charges will not be hidden in the property tax bill;
- This is just a new way of collecting the same bill; and
- Eliminates the need for the City to lien properties for nonpayment of sewer fees.

Representatives from these groups were grateful that staff reached out to them ahead of time to solicit their feedback. They appreciated the materials shared with them and the approach of engaging with customers through social media and other forms of communication.

Through these meetings, staff also heard some negative feedback. Prior to and after meeting with these groups, staff developed some mitigation measures to address some of the comments expressed, which are shown after the hyphen.

- Sewer bill is being turned into a tax -- The sewer bill collected on the property tax bill is not a tax. It is another way of collecting the same charge for service.
- When the sewer bill is in the tenant's name they have more responsibility to pay since they don't want their service disconnected -- Unlike other utilities, sewer connections cannot be turned off. If the sewer bill is not paid, a lien is placed against the property,

which in turn becomes the responsibility of the property owner.

- Affect how owners of commercial properties pay their taxes -- This is true. Many commercial property owners who pay their property tax bill once per year will have to weigh how the addition of the sewer charges will affect budgeting. Property owners are encouraged to talk with a tax lawyer or CPA to determine their best options.
- Rentals – At the beginning of the year, the California Tenant Protection Act of 2019 took effect, which, under certain specific circumstances, caps annual rent increases at 3 percent annually. The law does not specifically define the term “rent.” However, the law does not prohibit the landlord from requiring the tenant to pay the cost of utilities, if kept separate from the contractual rent amount.
- Sewer charge could have a mistake in it and changes would not be able to be made -- The City will send out a bill summary with how the sewer charge was calculated prior to sending the charges to the County. This will allow customers the opportunity to review their sewer charges and ask questions, if any.
- Potential Impact on mortgage qualifications -- A concern expressed is that when a loan officer considers an individual's ability to secure a mortgage, the sewer bill on the property tax bill will have a negative impact. According to a mortgage expert, this is not the case for someone qualifying to purchase a home. However, including the sewer bill on the property tax could potentially adversely impact refinancing a mortgage by the amount of the annual sewer bill. According to the mortgage expert, there was more concern expressed about the HERO program (solar financing).

Tax Roll Preparation

Staff estimates that this billing option will cost \$353,000 annually. This option is even less expensive than the City's contract with Fathom. This new cost includes the use of a consultant to calculate annual sewer charges, prepare the file to be sent to the County Assessor's office, and send out the annual summary to customers. In addition to approving the report and placing the charges on the tax rolls, staff recommends awarding a sole source contract to NV5, Inc. in the amount of \$194,251 due to the consultant's familiarity with the complexity of the project.

Conclusion

To ensure sewer customers and property owners were informed of this public hearing, the City sent a letter with information about the Public Hearing and frequently asked questions. The City's website was also updated with the same information.

This Public Hearing to approve the report is the final procedure required to place the sewer service charges on the property tax bill for next fiscal year. In accordance with section 5473 of the California Health and Safety Code, the City must provide written notice to affected property owners and hold a Public Hearing prior to approving the report. If objections or protests are made by a majority of affected property owners, the proposed billing change can't be implemented. Only written objections or protests from property owners will be counted. If by the end of the Public Hearing, objections or protests against the placement of sewer service charges on the property tax roll do not represent a majority of the affected parcel owners, the City Council may adopt the report and authorize the placement of sewer charges on the property tax bills for all property owners.

Additional outreach efforts are planned if the City Council directs staff to implement the property tax roll option. These include direct mailing, social media, videos, updates to our City website, and working with the real estate community to share the information.

FISCAL IMPACT:

It is estimated that implementing the property tax roll option will cost the City approximately \$353,000 annually. This option results in a savings of approximately between \$471,000 and \$537,000 annually over the alternative options. Funds will be available with the adoption of the FY2020-2021 budget.

Prepared By: Dirk Epperson, Director of Public Works

Reviewed By: Vince DiMaggio, Assistant City Manager

Approved By: Graham Mitchell, City Manager

Attachments

Resolution

Mailer

Proposal NV5

RESOLUTION NO. __-20

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF EL CAJON ACCEPTING THE EL CAJON CITY 2019/2020 TAX ROLL SEWER SERVICE FEES REPORT, WHICH IDENTIFIES BY PARCEL NUMBER, EACH PARCEL OF REAL PROPERTY RECEIVING SEWER SERVICES AND THE AMOUNT OF SEWER CHARGES FOR EACH PARCEL FOR FISCAL YEAR 2019-2020; DIRECTING THE CITY CLERK TO FILE THE REPORT WITH THE SAN DIEGO COUNTY AUDITOR; AND DIRECTING THE CITY ENGINEER TO FILE A CERTIFICATION OF THE SEWER SERVICE CHARGES WITH THE SAN DIEGO COUNTY AUDITOR

WHEREAS, pursuant to Ordinance No. 4989, which amended section 13.44.070 to the El Cajon Municipal Code, the City Council elected to allow sewer service charges to be collected on the tax roll, as authorized by California Health and Safety Code sections 5473, et seq.; and

WHEREAS, California Health and Safety Code section 5473 requires a written report (the "Report") to be prepared each year and filed with the City Clerk, and requires that the Report contains a description of each parcel of real property receiving sewer service and the amount of the sewer service charges for each parcel for the year; and

WHEREAS, California Health and Safety Code section 5473.2 requires that prior to adopting the Report the City hold a public hearing where the City Council will hear and consider all objections or protests to the Report, if any; and

WHEREAS, if the City Council finds that a protest is made by the owners of a majority of separate parcels of property described in the Report, then the Report shall not be adopted and the charges shall be collected separately from the tax roll and shall not constitute a lien against any parcel or parcels of land; and

WHEREAS, upon conclusion of the public hearing, the City Council may adopt, revise, change, reduce or modify any charge, or overrule any or all objections and shall make its determination upon each charge as described in the Report; and

WHEREAS, California Health and Safety Code section 5473.4 provides that on or before August 10 of each year, the City Clerk shall file a copy of the Report with the San Diego County Auditor with a statement endorsed on the Report over the City Clerk's signature that the Report has been adopted by the City Council.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL CAJON AS FOLLOWS:

1. On March 10, 2020, all necessary and timely notice having been given, the City Council held a public hearing where the City Council heard and considered all objections or protests, if any, to the Report.

2. No majority protest has been made by the owners of separate parcels of property described in the Report.

3. The City Council overrules any and all objections to the Report.

4. The City Council hereby adopts the Report required by California Health and Safety Code section 5473, et seq., for Fiscal Year 2019-2020, and directs the City Clerk to keep the Report on file in her office.

5. The City Clerk is directed to file a copy of the Report with the San Diego County Auditor with a statement that the Report has been adopted by the City Council.

6. The City Engineer is directed to file a certification of the City of El Cajon sewer service charges with the San Diego County Auditor.

03/10/20 CC Agenda

Reso – Sewer Billing Update 022820



200 Civic Center Way
El Cajon, CA 92020



**PUBLIC HEARING:
ALTERNATIVE SEWER BILLING METHOD**

March 10, 2020

at 3:00 PM

El Cajon City Council Chambers

200 Civic Center Way

El Cajon, CA 92020

NOTICE OF PUBLIC HEARING

A Public Hearing will be held on March 10, 2020 to discuss placing sewer charges on the San Diego County tax roll.

The City has been researching sewer billing options since November, when the previous sewer billing vendor, Fathom, went out of business. On January 14, 2020, City Council considered three potential long-term solutions:

- Continue contracting with multiple billing service providers (\$824,000 annually)
- Have the City internally provide all billing services (\$890,000 annually)
- Place sewer charges on the County tax roll program for customers to pay with their property taxes (\$353,000 annually)

After consideration, City Council directed staff to further develop the county tax roll option.

If the City Council approves this option, bi-monthly billing to account holders will end in June 2020. The City will provide the County an annualized total of individual property owner bills for the coming Fiscal Year 20/21.

Property owners will pay sewer charges via the property tax bills received in October, which are due in December and April.

Seventy-five percent of the agencies in San Diego County already bill for sewer services on the property tax bill, including La Mesa, Coronado, Encinitas, Imperial Beach, Lemon Grove, National City, San Marcos, Solana Beach, Vista, and all unincorporated County areas.

To assure sewer customers/property owners are informed, the City will also send a letter to all property owners with this information annually so they can budget and inform tenants accordingly. Property owners with multiple tenants with separate water usage will receive an additional breakdown of charges from the City so that they can properly bill their tenants based upon water use. Landlords may also use this letter to bill their tenants for the sewer costs directly.

continued on other side



FREQUENTLY ASKED QUESTIONS

Why is the City considering an alternative sewer billing method?

The City has been researching sewer service billing options since November, when the previous sewer billing vendor, Fathom, went out of business. Changing the current bi-monthly sewer charge bill collection method to one where sewer charges will be included on the County property tax invoice sent to property owners twice a year is good for rate payers. Any savings could be applied to other expenses and potentially reduce future rate increases.

What is the timeline for considering this change?

City Council will hold a Public Hearing on March 10, 2020 at 3:00 PM at El Cajon City Council Chambers, 200 Civic Center Way, El Cajon, CA 92020 to consider the billing method change. City Council will then authorize billing amounts to be sent to the County Assessor in late June or Early July. The City will mail a letter to every property owner showing their annual sewer charges and how they were calculated. Current bi-monthly billing will end in June of 2020.

What other agencies bill sewer customers on the property tax bill?

Seventy-five percent of the agencies in San Diego County already bill for sewer services on the property tax bill, including: La Mesa, Coronado, Encinitas, Imperial Beach, Lemon Grove, National City, San Marcos, Solana Beach, Vista, and all unincorporated County areas.

How would sewer bill collection change if Council adopts moving it to the County tax roll program?

If the alternative method is adopted, sewer charges would be included on the County tax roll for customers to pay their sewer service charges twice a year with their property taxes.

How will these changes affect landlords?

In most cases landlords will not need to modify, amend, or renew rent/lease agreements to include sewer costs. Most rental agreements which require the tenant to pay sewer charges do not specify how or to whom they are paid. Landlords would use the sewer charges summary sent annually by the City to request payment from the tenant. Notice is being given now to allow landlords sufficient time, if needed, to modify any agreements. Bi-monthly billing will stop in June of 2020 and the bills will be annualized for charges from July 1, 2020, moving forward.

Would the way sewer bills are calculated change?

No – Sewer bills would continue to be calculated based on the current formula using water use from the last calendar year (Jan – Dec). Residential customers would utilize the fixed winter average from the prior calendar year.

If adopted, how will a property owner know what their sewer service charges are going to be?

If the alternative billing method is adopted, sewer charges would be included on the County tax roll program for customers to pay twice a year with their property taxes. The City will mail a letter to every property owner showing their annual sewer charges and how they were calculated. The property owner can use this information for budgeting purposes, to adjust their impound account, or to estimate rental charges, if necessary.

What if my property taxes are paid by my escrow company through an impound account?

In most cases, impound accounts will be adjusted automatically when the sewer charges appear on the property tax bill. You may want to call your escrow company and confirm that the additional charges are included. The City will mail a letter to every property owner showing their annual sewer charges and how they were calculated. These charges are not tax-deductible on your income tax return and therefore should not be used to reduce your tax burden.

What if there is a mistake on my bill?

The City will mail a letter to every property owner, which will show their annual sewer charges and how they were calculated. Time will be allowed for property owners to contact the City to ask questions or make corrections before charges transfer over to your property tax bill. Adjustments can also be made later through a process with the City and County.

What should I do if I am a tenant/renter?

Renters or lease holders would need to make arrangements to pay sewer charges directly to the property owner as opposed to the City.

How Can I get More Information?

Visit: cityofelcajon.us/sewer



BENEFITS OF PLACING SEWER BILLING ON THE PROPERTY TAX INVOICE

- Most cost-effective solution over the long term
- Streamlines sewer billing process
- Avoids passing additional billing service costs on to customers
- Consolidates bill collection
- Guarantees payment of sewer fees



PUBLIC HEARING

March 10, 2020
at 3:00 PM
*El Cajon City Council
Chambers
200 Civic Center Way
El Cajon, CA 92020*



COUNCIL AUTHORIZES BILLING AMOUNTS TO THE TAX ROLL –

Late June / Early July



CITY SENDS LETTER TO ALL PROPERTY OWNERS



ADOPTED BILLING WILL SHOW ON TAX BILLS RECEIVED FROM THE COUNTY IN OCTOBER

MORE INFORMATION:

Visit: cityofelcajon.us/sewer
Email questions:
sewerbilling@cityofelcajon.us

January 27 2020

Yazmin Arellano
 City Engineer
City of El Cajon
 200 Civic Center Way
 El Cajon, CA 92020

Subject: Sewer User Survey and Tax Roll

Dear Ms. Arellano:

NV5 is pleased to be able to work with the City of El Cajon (City) to assist in the transition from bimonthly billing to the County of San Diego Tax Roll. This includes transitioning data from the City’s software, updating use information, supporting the public outreach effort and developing an updated Tax Roll list and report for Fiscal Year (FY) 2021. This list is to be filed with the City Clerk for approval by City Council. In addition, NV5 will submit the approved list to the County of San Diego for processing on the property tax roll.

The City’s recent wastewater rate study was adopted in October of 2019, which established recommended charges and fees for sewer service. The rate structure for these fees is based on the cost of providing sewer service to residential and commercial users. Residential rates are based on actual low winter water use. Commercial/industrial rates are based on actual flow volume throughout the year and classification. Commercial/industrial users are grouped based on their estimated sewage strengths into three (3) classes of users. The objective is to provide updated user data that reflects current users, flows and develop an annual tax roll report required by the California Health and Safety Code, Section 5473.

Task 1: Project Planning Phase

Project Management: NV5 will perform general administrative duties including client correspondence, billing, project documentation, and coordination with City staff and their other consultants/vendors on data collection.

Meetings: The project team will conduct a kick-off meeting to review the scope of services and provide an opportunity for the City staff to provide input regarding the goals and objectives for the project. This meeting will be used to finalize the project schedule, task priorities, and identify the lines of communication.

NV5 assumes one (1) meeting with City staff to complete this update. NV5 has also anticipated multiple phone/conference calls with staff to gain input and discuss issues.

Data Collection: NV5 will prepare an initial request for data and other pertinent information such as building permit, business license, and industrial/commercial user parcel data prior to the first meeting with City staff. NV5 anticipates this information will be provided electronically in a format that can be integrated into the Microsoft Excel and GIS models. A preliminary list of typical information and data in electronic format required for the updates includes the following:

Sewer System User Data:

- Commercial/Industrial sewer users' building permits and business licenses.
- Commercial/Industrial sewer users' parcel and zoning data.
- Commercial/Industrial sewer users' water consumption and wastewater flow rates.
- GIS database of sewer customers.
- Information on approved sewer user rates for the fiscal year.

Task 2: Evaluation of Sewer Users

NV5 will review and evaluate building permits, business licenses, parcel, zoning of real property, water consumption and sewage strength data of the City's users of the City's sewer collection system and facilities. Through this evaluation NV5 will:

- Verify and update the classifications of users and determine which users will be included in the FY 2021 tax roll.
- Calculate sewer service charges for users with updated information provided by the City based on approved sewer rates for the fiscal year.
- Review, verify and update the GIS database of sewer users to reconcile and validate existing tax roll data.

Task 3: Tax Roll Update

NV5 will develop the GIS database of sewer users with verified and corrected user classifications and sewer service charges to be submitted in the City's FY 2021 tax roll.

NV5 will prepare a report required by the California Health and Safety Code, Section 5473. The report will provide a list of the annual fee for each parcel of real property utilizing sewer collection services and facilities provided by the City. Following review of the data with the City, NV5 will prepare a draft report for the City's review and a final report will be produced to be filed with the City Clerk.

Upon approval of the tax roll report and list by City Council, NV5 will submit the approved list to the County of San Diego for processing on property tax rolls. Government agencies that are not billed on the property tax rolls will be billed separately. NV5 will prepare a separate list of these users for the City to bill the appropriate agencies.

Deliverables as a result of Task 3:

- Draft Tax Roll Report.
- Final Tax Roll Report.
- Final Tax Roll List and Report submission, to City Council for approval.
- Approved Tax Roll List to the County of San Diego.
- Handbills for those properties that do not receive property tax bills (governmental entities). NV5 will prepare the invoices for the City to mail and track payment.

Task 4: As-Needed Services

The NV5 team will review the City's Tax Roll public notice prepared by the City's attorney.

The current proposal includes budget for as-needed services to answer questions and splits of sewer bills for property owners with multiple tenants and/or to assist with property owners that want a bill that can be sent to the leasees. Based upon the number of property owners that have requested this additional information, an allowance of 120 hours has been included in the not-to-exceed fee.

City Staff Responsibilities

A defensible and comprehensive evaluation and report requires input from those who know your utility system the best among City staff. To perform a defensible analysis, NV5 will utilize means and methods recognized as industry standards. NV5 will seek the input of City staff in the evaluation who will have the opportunity to review and adjust the report. In addition, to meet or exceed the project schedule, it is expected that City staff will respond to our questions and data/information needs in a timely manner.

NV5 shall be entitled to rely upon the accuracy and completeness of the data provided by the City in performing its services, without liability. Unless requested in writing by the City, NV5 will not, and has no obligation to, perform any manner of check, review, or verification of the accuracy or completeness of the data provided.

Fees

NV5 will complete the above scope of services on a time and materials basis not-to-exceed amount of \$194,251 per the attached previously approved rate schedule.


Summary

NV5 welcomes the opportunity to work with the City staff on this update. If you have any questions, please contact me at 858-385-2131 or carmen.kasner@NV5.com.

Sincerely,
NV5



Carmen Kasner, PE
Regional Managing Director
P27520-0001217.00



Cynthia Peraza, PE
Engineering Manager

OCTOBER 2019 - OCTOBER 2020 CHARGE RATE SCHEDULE

OFFICE:

Technical Services

Engineering Aide/Planning Aide _____	\$72.00/hour
Project Assistant _____	\$90.00/hour
Project Administrator _____	\$124.00/hour
CADD Technician I _____	\$108.00/hour
CADD Technician II _____	\$134.00/hour
CADD Technician III _____	\$140.00/hour
Sr. CADD Technician/Designer _____	\$149.00/hour
Design Supervisor _____	\$175.00/hour
Plan Check Services _____	\$155.00/hour
Conditions of Approval Development _____	\$175.00/hour

Professional

Junior Engineer/Planner/Scientist/Surveyor _____	\$129.00/hour
Assistant Engineer/Planner/ Scientist/Surveyor _____	\$149.00/hour
Associate Engineer/Planner/ Scientist/Surveyor _____	\$170.00/hour
Senior Engineer/Planner/ Scientist/Surveyor _____	\$185.00/hour
Manager _____	\$201.00/hour
Associate _____	\$206.00/hour
Principal _____	\$217.00/hour

EXPENSES:

Plotting and In-House Reproduction _____	1.10 x Cost
Subsistence _____	1.10 x Cost
Other Expenses - Including Subconsultants & Purchased Services through Subcontracts _____	1.10 x Cost
GIS Web Hosting _____	1.10 x Cost

Mileage - Outside Local Area _____ Per Accepted IRS Rate

Rates will be effective through 10/31/2020 and will increase by 3% each subsequent year of the contract.



City Council
Agenda Report

DATE: March 10, 2020
TO: Honorable Mayor and City Councilmembers
FROM: Graham Mitchell, City Manager
SUBJECT: Subsidy Request for Use of The Magnolia

RECOMMENDATION:

That the City Council authorizes up to \$6,000 in assistance for Christian Youth Theater to access The Magnolia for the annual *Traditions of Christmas* shows between December 7 and 13, 2020.

BACKGROUND:

On August 13, 2019, the City Council established policy objectives which outline rental rates for use of The Magnolia for events which are not negotiated by Live Nation, but by the City. Under this policy, various portions of the venue may be rented (for example, to rent out the entire venue is \$6,000 per day for community groups). The policy allows for other subsidies to be considered. Also, as part of the FY 2019-20 budget, the City Council allocated \$15,000 to help community groups access The Magnolia. These funds are utilized to subsidize events. This staff report outlines a request from Christian Youth Theater (CYT) and makes a recommendation for City Council consideration.

Since the opening of The Magnolia, various groups have or will be taking advantage of the community/non-profit rate, including the lighting of the Menorah on December 22, 2019 in Centennial Plaza, an upcoming fundraiser event for ECTLC, and the Miss El Cajon pageant.

CYT has hosted an annual Christmas concert (*Traditions of Christmas*) for the past 24 years. This concert has deep roots in El Cajon, with the former ECPAC hosting the event for many of those years. After ECPAC closed, CYT held the annual show at various theaters around the County: Balboa Theater, Symphony Hall, San Diego State University, and Lincoln High School.

CYT proposes using The Magnolia on December 7, 2020 through December 13, 2020 for a total of seven days, with the option to book the venue on Sunday, December 6th in the event of no other booking by Live Nation. CYT proposes using The Magnolia for rehearsals for the first four to five days and running five shows on Friday, Saturday, and Sunday, with an average show attendance of 800 (or 62 percent capacity of the venue).

The week being requested is a potential high revenue generating period for The Magnolia. As such, because of opportunity costs, staff recommends granting the community rental rate of \$6,000 for six days and charging the full rental rate of \$8,500 for one day. In the event CYT can reserve the theater on Sunday, December 6th, the rate for that date would be \$6,000. In order

to generate sufficient funds to pay for production costs, including a prorated share of personnel costs, and to generate some revenue to help support future CYT activities, CYT has requested a subsidy.

Staff and CYT staff have determined that a subsidy of \$1 per ticket sold, with the subsidy capped at \$6,000, would accomplish their needs. CYT aims to sell a minimum of 4,000 tickets. However, under the proposed scenario, CYT can achieve 50 percent more subsidy by selling more tickets to reach the \$6,000 capped amount.

Staff seeks City Council authorization to allocate up to \$6,000 to assist CYT's access to The Magnolia.

FISCAL IMPACT:

The fiscal impact will be no greater than \$6,000, depending on the number of tickets sold by CYT. The FY 2019-20 budget allocates \$15,000 for this purpose and there are sufficient funds in the Council Contingency Annual Budget (104000).

Prepared By: Graham Mitchell, City Manager

Reviewed By: N/A

Approved By: Graham Mitchell, City Manager



City Council
Agenda Report

DATE: March 10, 2020
TO: Honorable Mayor and City Councilmembers
FROM: Sara Diaz, Director of Information Technology
SUBJECT: Project Assistance Center Online

RECOMMENDATION:

That the City Council accepts the report.

BACKGROUND:

In an effort to continue to improve the permitting and planning experience for developers, businesses and citizens in El Cajon, the Project Assistance Center (PAC) has launched an online portal. This web-based system allows applicants to apply online, pay fees, view documents, schedule inspections, and review inspection results. The new webpage is called the Project Assistance Center Online, or PACO.

PACO is just another step in the City's continued effort to improve the permitting and planning process. In 2014, the City created the Project Assistance Center (PAC). The PAC is a whole systems approach to project approval and development. No longer is an applicant dealing with different City Departments to gain approval for their project. Development teams were consolidated into a single Project Assistance Center that includes fully integrated Planning, Engineering, Building and Housing Services.

In October of 2019, the PAC implemented Tyler Technologies' Energov Community Development Suite of products for Permitting, Community Planning, Code Enforcement, Inspections, and Plan Check. The PAC has been very successful in streamlining the planning and permitting process, both answering questions, accepting applications, as well as issuing permits. The October Energov implementation continued this work by putting all staff on a common system and standardizing workflow to ensure that applications could be moved through the approval process in a manner where all parties had visibility into the approval process and multiple subject matter experts could be reviewing components of the application simultaneously. Staff also took advantage of Energov's out of the box capabilities to automate rote tasks, as well as increase communications with the applicants.

By adding an online component with PACO, users conducting routine PAC tasks no longer have to come in to City Hall to conduct business. This saves time for the applicants, and also frees up more staff time for answering questions and reviewing applications. PACO represents the next stage in the City's commitment toward providing efficient quality services. It results in the fastest and most effective permit processing times of projects anywhere in San Diego County.

The Project Assistance Center, located at El Cajon City Hall , on the third floor, allows applicants to still come to the counter to conduct business. Staff welcomes the opportunity to talk through projects and make sure that projects are done correctly. But for those that frequently use the PAC services, PACO is an opportunity to avoid wait times and quickly conduct their business with the City.

Services available on PACO include:

- Apply for permits and plans
- Request inspections
- Pay Fees
- Upload permit documents
- Review inspection results

To access PACO, applicants may navigate to www.cityofelcajon.us/PACO.

FISCAL IMPACT:

The initial cost for PACO was \$27,100. This expense was budgeted in the Fiscal Year 2019-2020 IT Capital Outlay budget. Subsequent years' service for PACO will cost \$15,000 annually and will be budgeted as part of Citywide IT Services Supplies and Services budget, approved by the City Council each year.

Prepared By: Sara Diaz, Director of Information Technology

Reviewed By: Anthony Shute, Director of Community Development

Approved By: Graham Mitchell, City Manager



City Council
Agenda Report

DATE: March 10, 2020
TO: Honorable Mayor and City Councilmembers
FROM: Graham Mitchell, City Manager
SUBJECT: Opportunity Zones and Enhanced Infrastructure Financing Districts

RECOMMENDATION:

That the City Council receives a report about Opportunity Zones and Enhanced Infrastructure Financing Districts, and provides direction.

BACKGROUND:

In 2019, the City entered into agreements with Kosmont Companies and Kosmont Real Estate Services (collectively “Kosmont”) to study how the City can take advantage of both the Opportunity Zone (OZ) program and Enhanced Infrastructure Financing Districts (EIFDs) to attract development to the City. Part of the study focused on possible projects to market to investors or opportunities for existing developers, and included analysis of City-owned property within the Opportunity Zones that could be used to stimulate investment. Kosmont also identified potential infrastructure needs to support development in the Opportunity Zones, and conducted a preliminary feasibility analysis of the possible financing capacity from EIFDs.

The purpose of this agenda report is to receive a report from Kosmont Companies about the first phase of work completed. Depending on direction from the City Council, a second phase of due diligence and marketing activities could occur.

As a reminder, Kosmont Companies is a leader in real estate and economic development advisory, specializing in public-private transactions. Kosmont has also been at the forefront of Opportunity Zone investment opportunities and redevelopment concepts in Southern California. The business provides real estate, financial advisory, and economic development services to cities around the State. Also, El Cajon is one of only three cities in San Diego County with Opportunity Zones, giving El Cajon a potential advantage to attract development/redevelopment if these tools are effectively maximized.

The majority of information will be provided during the presentation of the agenda item. However, this agenda report serves as a primer on Opportunity Zones and Enhanced Infrastructure Financing Districts.

Opportunity Zones

Opportunity Zones are low-income census tracts, nominated by states and certified by the Treasury Department, that are eligible areas for Opportunity Zone tax benefits included under the Tax Cuts and Jobs Act of 2017. Qualifying business and real property investments in those designated areas that meet federal regulatory criteria may be eligible for preferential tax treatment (as further described below). The timing requirements of the program encourage investors to pursue projects as soon as possible to maximize the potential tax benefit. El Cajon has five contiguous designated Opportunity Zone census tracts near the downtown area. Attached is a map that shows the boundaries of the five Opportunity Zones. Also, the San Diego Regional Chamber of Commerce's website has a helpful interactive map of Opportunity Zones in the State.

The Opportunity Zone program is designed to stimulate investment in economically-distressed communities by providing capital gains tax benefits to investors. First, investors can defer tax on any prior gains invested in a Qualified Opportunity Fund (QOF) until the investment in a QOF is sold or December 31, 2026, whichever occurs first. A QOF is an investment vehicle that is set up as either a partnership or corporation for investing in eligible property that is located in a OZ. Second, if the QOF investment is held for longer than five years, there is a 10 percent exclusion of the deferred gain (*the deadline for this benefit is 12/31/21*). If held for more than seven years, the 10 percent becomes 15 percent (*the deadline for this benefit was 12/31/19*). Third, if the investor holds the investment in the Opportunity Fund for at least ten years, there are no capital gains taxes on the post-reinvestment gains. In short, the intent of an Opportunity Zone is to attract as well as promote and guide the direction of private sector investment toward development opportunities within OZ designated areas in the City.

Enhanced Infrastructure Financing District

Enhanced Infrastructure Financing Districts (EIFDs) are tax increment financing tools used by some cities and counties to fund infrastructure projects. An EIFD provides the City with another tool—similar to redevelopment tax increment financing—to catalyze development. An EIFD can finance traditional infrastructure projects, such as transportation/circulation improvements, parks, water and sewer facilities, flood control, etc. EIFDs can also fund affordable housing. Under an EIFD, taxing entities (city, county, and special districts) can form a joint powers authority to work together to share the increase in property tax revenue for the financing of tax increment bonds to pay for the designated projects. These partnerships can also leverage additional grants / loans from state and federal programs.

Prepared By: Graham Mitchell, City Manager

Reviewed By: N/A

Approved By: Graham Mitchell, City Manager



City Council
Agenda Report

DATE: March 10, 2020
TO: Honorable Mayor and City Councilmembers
FROM: Vince DiMaggio, Assistant City Manager
SUBJECT: Legislative Report

RECOMMENDATION:

This is an information item only. No City Council action is required at this time.

BACKGROUND:

On January 6, 2020, the new state legislative session opened. Between January 6 and February 21, over 2,000 bills had been submitted in the legislature. Over the last several weeks, staff has been reviewing and analyzing bills that may have an impact on city government. At this point, the vast majority of bills are being scheduled for their first committee hearings and may undergo substantial change before they are considered by the full Senate or Assembly, or may "die" in the committee process.

Included below are bills staff believe may, if not substantially amended, have an impact on municipal governments. The League of California Cities has not taken a position on any of these bills yet.

AB 725 (Wicks) – Mandates that 25% of RHNA for a given city within a metropolitan area be of a density that permits at least 2 units.

AB 646 (McCarty) – allow parolees convicted of felonies to vote.

AB 953 (Ting/Bloom) – declares a permit for an ADU automatically approved if not acted on by the city within 60 days of a completed application.

AB 1484 (Grayson) – Limits a city's ability to enact development impact fees.

AB 1639 (Gray, et al.) – Requires retailers to use age verification software when selling tobacco and vape products. Increases civil penalties for violators.

AB 2070 (Levine) – Requires a person who is registered to vote, to cast a ballot. Does not propose any penalties for lack of compliance.

AB 2077 (Ting) – Where existing law makes it a misdemeanor to obtain or use a syringe for other than the purpose for which it was obtained, this bill removes those penalties.

AB 2122 (Rubio) – Imposes civil penalties of \$30,000 per offense for anyone "aiding or abetting" unlicensed commercial cannabis activity.

AB 2151 (Gallagher) – Requires local governments to post on its internet website statements, reports, and other documents required to be filed in accordance with the Political Reform Act of 1974.

AB 2168 (McCarty, et al.) – Requires that cities make a determination on completeness of an application for an electric charging station within 5 days of application submittal and approve same within 15 days of submittal.

AB 2186 (Grayson) – Eliminates the limitation on a city’s authority on how they prescribe payments on public works contracts.

AB 2216 (Chin) – Removes nunchaku (commonly known as “nunchucks”) from the list of prohibited weapons to buy, sell, possess.

SB 592 (Weiner) – Significant changes to the Permit Streamlining Act.

SB 793 (Hill, et al.) – Prohibits the sale of flavored tobacco and vape products. This includes flavored cigars, hookah, and flavored vape products.

ACA 12 (Ballot measure) – Constitutional amendment to outlaw the death penalty in California for all crimes.

Staff will continue to monitor the progress of these and other bills and will periodically report their progress to the City Council.

Prepared By: Vince DiMaggio, Assistant City Manager

Reviewed By: N/A

Approved By: Graham Mitchell, City Manager



**City Council
Agenda Report**

DATE: March 10, 2020
TO: Honorable Mayor and City Councilmembers
FROM: Mayor Wells
SUBJECT: Council Activity Report

RECOMMENDATION:

That the City Council accepts and files the following report of Council/Mayor activities attended during the current agenda period.

BACKGROUND:

Government Code Section 53232.3(d) requires members of a legislative body to provide brief reports on meetings attended at the expense of the local agency at the next regular meeting of the legislative body.

REPORT:

Since the last City Council meeting, I have attended the following events on behalf of the City of El Cajon:

- March 9 – Meeting with Bob Taylor of Taylor Guitars
- March 10 – Meeting with Property Owners of 231 W. Main Street
- March 10 – City Council Meeting(s)

I am available to answer questions.

Submitted By: Bill Wells, Mayor



City Council
Agenda Report

DATE: March 10, 2020
TO: Honorable Mayor and City Councilmembers
FROM: Councilmember Kendrick
SUBJECT: COUNCILMEMBER GARY KENDRICK
METRO Commission/Wastewater JPA; Heartland Communications;
Heartland Fire Training JPA; East County Advance Water Purification Joint
Powers Authority Board.

RECOMMENDATION:

That the City Council accepts and files the following report of Council/Mayor activities attended during the current agenda period.

BACKGROUND:

Government Code Section 53232.3(d) requires members of a legislative body to provide brief reports on meetings attended at the expense of the local agency at the next regular meeting of the legislative body.

REPORT:

Since the last City Council meeting, I have attended the following events on behalf of the City of El Cajon:

- March 3 - Panelist for El Cajon Collaborative re: Tobacco and Vaping
- March 5 - Metro Wastewater JPA
- March 10 - City Council Meeting(s)

I am available to answer questions.

Submitted By: Gary Kendrick, Councilmember



City Council
Agenda Report

Agenda Item 14.

DATE: March 10, 2020
TO: Honorable Mayor and City Councilmembers
FROM: Councilmember McClellan
SUBJECT: COUNCILMEMBER BOB MCCLELLAN
MTS (Metropolitan Transit System Board); Harry Griffen Park Joint Steering Committee; Heartland Communications – Alternate.

RECOMMENDATION:

That the City Council accepts and files the following report of Council/Mayor activities attended during the current agenda period.

BACKGROUND:

Government Code Section 53232.3(d) requires members of a legislative body to provide brief reports on meetings attended at the expense of the local agency at the next regular meeting of the legislative body.

REPORT:

Since the last City Council meeting, I have attended the following events on behalf of the City of El Cajon:

March 10 - Council Meeting(s)

I am available to answer questions.

Submitted By: Bob McClellan, Councilmember



City Council Agenda Report

Agenda Item 15.

DATE: March 10, 2020

TO: Honorable Mayor and City Councilmembers

FROM: Councilmember Goble

SUBJECT: COUNCILMEMBER STEVE GOBLE

SANDAG – Board of Directors – Alternate; SANDAG Public Safety Committee – Alternate; METRO Commission/Wastewater JPA – Alternate; Chamber of Commerce – Government Affairs Committee; MTS (Metropolitan Transit System Board) – Alternate; East County Advance Water Purification Joint Powers Authority Board - Alternate.

RECOMMENDATION:

That the City Council accepts and files the following report of Council/Mayor activities attended during the current agenda period.

BACKGROUND:

Government Code Section 53232.3(d) requires members of a legislative body to provide brief reports on meetings attended at the expense of the local agency at the next regular meeting of the legislative body.

REPORT:

Since the last City Council meeting, I have attended the following events on behalf of the City of El Cajon:

February 25 - Meeting with City Manager re: Storage Facilities
February 28 - SANDAG Board of Directors Meeting
February 28 - Email with Todd S. re: 2nd St drug activity
February 28 - NMA Annual Banquet
February 29 - East County Chamber Annual Awards Dinner
March 1 - Meeting with residents re: thefts near/on S Ivory St
March 3 - Phone call with Joel Scalzitti re: PBID
March 3 - Email with D. Shoney re: Cannabis/Social Host Ordinance
March 5 - Meeting with PSAR re: sewer billing
March 5 - Meeting with City Manager and ASAP Towing
March 6 - East County Chamber 1st Friday Breakfast
March 9 - Meeting with City Manager
March 10 - City Council Meeting(s)

I am available to answer questions.

Submitted By: Steve Goble, Councilmember



City Council
Agenda Report

DATE: March 10, 2020
TO: Honorable Mayor and City Councilmembers
FROM: Deputy Mayor Phil Ortiz
SUBJECT: DEPUTY MAYOR PHIL ORTIZ
East County Economic Development Council; League of California Cities,
San Diego Division.

RECOMMENDATION:

That the City Council accepts and files the following report of Council/Mayor activities attended during the current agenda period.

BACKGROUND:

Government Code Section 53232.3(d) requires members of a legislative body to provide brief reports on meetings attended at the expense of the local agency at the next regular meeting of the legislative body.

REPORT:

Since the last City Council meeting, I have attended the following events on behalf of the City of El Cajon:

February 26 – Mollison Adult Day Health Center Grand Opening
March 3 - Lincoln Club Election Celebration
March 10 – City Council Meeting(s)

I am available to answer questions.

Submitted By: Phil Ortiz, Deputy Mayor



City Council
Agenda Report

DATE: March 10, 2020
TO: Honorable Mayor and City Councilmembers
FROM: Morgan Foley, City Attorney
SUBJECT: Introduction of an Ordinance Amending Chapter 9.30 of the El Cajon Municipal Code – Social Host of Parties

RECOMMENDATION:

That the City Council considers approving the attached Ordinance amending Chapter 9.30 of the El Cajon Municipal Code ("ECMC") related to Social Host of Parties and, if approved, take the following actions:

1. By Motion, Second and Vote, moves to introduce the Ordinance; and
2. Directs the City Clerk to read the title of the Ordinance.

BACKGROUND:

On May 27, 2003, the City of El Cajon (the "City") adopted an urgency ordinance for the immediate preservation of the public peace, health and safety, by Ordinance No. 4734, amending the ECMC to add Chapter 9.30 relating to prohibitions against allowing or hosting gatherings where minors are consuming alcoholic beverages.

On June 24, 2003, Ordinance No. 4741 was adopted to amend the Chapter 9.30 of the ECMC and include criminal liability on adults who control the property on which such parties occur who fail to properly supervise or stop them.

On November 13, 2007, Ordinance 4902 was adopted to amend sections 9.30.010, 9.30.020, 9.30.030, 9.30.040, and 9.30.070 of ECMC to incorporate additional definitions and include reasonable steps for preventing alcoholic beverage or controlled substance consumption by minors at gatherings.

City staff is now recommending that Chapter 9.30 of the ECMC be amended to add cannabis and cannabis products to the current prohibition of possession and use of alcoholic beverages and controlled substances by minors attending a party or gathering as defined in the current ordinance.

DISCUSSION:

On November 8, 2016, California voters passed Proposition 64, the Adult Use of Marijuana Act ("AUMA") that authorized adults to legally grow, possess, and use marijuana for non-medicinal purposes, with certain restrictions. The AUMA also makes it legal to sell and distribute marijuana through a properly regulated business. However, a city may still regulate the use and sale of marijuana within its jurisdiction, except as otherwise specifically and expressly provided.

The AUMA limits the consumption of marijuana to adults 21 years of age or older. Chapter 9.30 of the ECMC currently imposes civil and criminal liability, including the recovery of the costs of enforcement services and to provide for the recovery of reasonable attorney fees in the event of litigation on persons who are aware or should be aware of illegal conduct yet fail to prevent it.

The proposed amendments add consumption of marijuana by minors at a gathering to the substances regulated by Chapter 9.30 in addition to alcoholic beverages and controlled substances. Even though the AUMA did not legalize the consumption of marijuana by minors, the passage of this state law has made marijuana, like alcohol, legally available to persons over 21 years of age in California and as a result, the need to amend the City's "Social Host of Parties" ordinance has arisen.

In addition, the proposed ordinance would amend Chapter 9.30 by adding language to the existing provisions to extend the scope of the current prohibitions. Language defining "marijuana" and "controlled substance" has been added to section 9.30.020. Other than minor clerical revisions, the proposed ordinance would not affect the existing provisions of Chapter 9.30 in any other manner.

CALIFORNIA ENVIRONMENTAL QUALITY ACT:

The proposed ordinance is not a project subject to CEQA review because it has no potential for resulting in physical change to the environment, directly or indirectly.

FISCAL IMPACT:

None.

Attachments

Ordinance

Redlined Changes to ECMC Chapter 9.30

ORDINANCE NO. ____

AN ORDINANCE AMENDING CHAPTER 9.30 OF
THE EL CAJON MUNICIPAL CODE TO INCLUDE A
PROHIBITION OF CONSUMPTION OF MARIJUANA
BY MINORS AT SOCIAL GATHERINGS

WHEREAS, on November 8, 2016, California voters passed Proposition 64, the Adult Use of Marijuana Act ("AUMA") authorizing persons 21 years of age or older to legally grow, possess, and use marijuana for non-medicinal purposes with certain restrictions; and

WHEREAS, AUMA took effect January 1, 2018, and it expressly authorized cities to regulate the use and sale of marijuana within their jurisdiction except as otherwise specifically and expressly provided; and

WHEREAS, the City Council desires to prohibit the consumption of marijuana in addition to present prohibitions regarding consumption of alcohol and drugs at social gatherings hosted by person(s) having control of a residence or premises, and who is present at that residence or premises at the time that a minor possesses or consumes any alcoholic beverage or controlled substance; and

WHEREAS, the City Council desires to prohibit the consumption of alcohol, marijuana, and controlled substances at social gatherings in compliance with state law; and

WHEREAS, the existing provisions of Chapter 9.30 of the El Cajon Municipal Code ("ECMC") entitled "Social Host of Parties" impose criminal and civil liability, including enforcement costs and attorney fees, on social hosts who are or should be aware of the consumption of alcoholic beverages or possession or use of drugs by minors under their control at a residence or premises under their control yet fail to prevent it; and

WHEREAS, the City Council's purpose in enacting existing Chapter 9.30 was to curtail the consumption of alcohol and drugs by minors in order to prevent the many adverse side effects of alcoholic beverage and drug consumption including juvenile delinquency, victimization, and adverse health effects; and

WHEREAS, the City Council declares that consumption of marijuana presents many of the same adverse effects as alcoholic beverage and drug consumption by minors; and

WHEREAS, the City Council desires to amend Chapter 9.30 to impose criminal and civil liability, including enforcement costs and attorney fees, on social hosts who are or should be aware of the consumption of marijuana by minors under their control at a residence or premises under their control yet fail to prevent it; and

WHEREAS, the City Council further declares that the regulations enacted by this Ordinance are intended and necessary to ensure the public welfare.

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF EL CAJON DOES ORDAIN AS FOLLOWS:

SECTION 1: Sections 9.30.010, 9.30.020, 9.30.030, 9.30.040, and 9.30.070 of Chapter 9.30 of the El Cajon Municipal Code are hereby repealed.

SECTION 2: A new section 9.30.010 is hereby added to read as follows:

9.30.010 Purpose and intent.

The city council finds and determines that youth often obtain alcoholic beverages or possess and use marijuana or controlled substances at parties or other gatherings held at private residences or at rented residential and commercial premises which are under the control of a person or persons who knows or should know of the illegal conduct and fails to stop it. The city council further finds and determines that persons who will be held responsible for abetting or tolerating such conduct will be more likely to properly supervise or stop such parties or gatherings on property under their control. It is the purpose of this chapter to impose criminal liability on persons who are aware of, or should be aware of, the illegal conduct yet fail to prevent it. It is the further purpose of this chapter to impose civil liability for the recovery of the costs of enforcement services and to provide for the recovery of reasonable attorney fees in the event of litigation.

SECTION 3: A new section 9.30.020 is hereby added to read as follows:

9.30.020 Definitions.

Terms used in this chapter shall have the meaning given to them by state law except as expressly provided herein.

- A. "Adult" shall mean a person who is twenty-one years of age or older.
- B. "Alcoholic Beverage" shall mean any liquid or solid material intended to be ingested by a person, which contains ethanol, also known as ethyl alcohol, drinking alcohol, or alcohol, including but not limited to alcoholic beverages as defined in section 23004 of the Business and Professions Code, and which contains one percent (1%) or more of alcohol by volume; any intoxicating liquor; any malt beverage, beer, wine, spirits, liqueur, whiskey, rum, vodka, cordials, gin, and brandy; and any mixture containing one or more alcoholic beverages. Alcoholic beverage includes a mixture of one or more alcoholic beverages whether found or ingested separately or as a mixture.
- C. "Control" shall mean any form of dominion including ownership, tenancy, or other possessory right.
- D. "Controlled substance" shall mean a drug or substance whose possession and use is regulated under the schedules set out in California Health &

Safety Code section 11007 and includes, without limitation, "synthetic stimulants" and "synthetic cannabinoids" as those terms are defined in section 8.30.020(a) and (b) of this code. Such term does not include any drug or substance for which the individual found to have possessed or consumed such substance has a valid prescription issued by a licensed medical practitioner authorized to issue such prescription.

- E. "Enforcement services" shall mean the salaries and benefits of police officers or other code enforcement personnel for the amount of time actually spent in responding to, or in remaining at, the gathering; the administrative costs attributable to the incident; the actual cost of any medical treatment to injured police officers or other code enforcement personnel; the cost of repairing any damaged city equipment or property; and the cost arising from the use of any damaged city equipment in responding to or remaining at the gathering.
- F. "Gathering" shall mean a party, gathering, or event, where a group of three or more persons have assembled or are assembling for a social occasion or social activity at a residence or premises.
- G. "Marijuana" shall mean *cannabis* and *cannabis* products as described in California Health and Safety Code sections 11018 and 11018.1, and includes, without limitation, in leaf form, including flowers from the female plant; in edible or drinkable forms, including as an additive to consumable products; the oils and resins of marijuana; or in pills or other ingestible products.
- H. "Minor" shall mean a person under the age of twenty-one years.
- I. "Residence or premises" shall mean a hotel or motel room, home, yard, apartment, condominium, or other dwelling unit, or a hall or meeting room, whether occupied on a temporary or permanent basis, whether occupied as a dwelling or for a party or other social function, and whether owned, leased, rented, or used with or without compensation.
- J. "Social host" shall mean a person who permits a gathering where one or more minors consume one or more alcoholic beverages on property owned or controlled by the persons.

SECTION 4: A new section 9.30.030 is hereby added to read as follows:

9.30.030 Prohibition.

- A. It shall be the duty of any person having control of any residence or premises, who knowingly hosts, permits, or allows a gathering to take place at said residence or premises to take all reasonable steps to prevent the consumption of alcoholic beverages, marijuana, or controlled substances by any minor at the gathering. Whenever the person having control of the

residence or premises either knows or should know a minor has consumed an alcoholic beverage, marijuana, or controlled substance at the residence or premises in violation of this chapter it is presumed that the person had the ability to take all reasonable steps to prevent the consumption of an alcoholic beverage, marijuana, or controlled substances by a minor as set forth in subsection (B)(2) of this section; it is further presumed that the person has the ability to terminate the illegal conduct once it is, or should reasonably have been, discovered.

- B. No person who owns or has control of any residence or premises shall knowingly allow a gathering to take place or continue at the residence or premises if:
 - 1. At the gathering any minor possesses or consumes any alcoholic beverage, marijuana, or controlled substance; and
 - 2. The person knows or reasonably should know by taking all reasonable steps to prevent alcoholic beverage, marijuana, or controlled substance consumption by any minor, that a minor possesses or is consuming any alcoholic beverage, marijuana, or controlled substance at the gathering. Reasonable steps are (a) controlling access to alcoholic beverages, marijuana, or controlled substances at the gathering; (b) controlling the quantity of alcoholic beverages, marijuana, or controlled substances present at the gathering; (c) verifying the age of persons attending the gathering by inspecting drivers' licenses or other government-issued identification cards to ensure that persons under the age of twenty-one years do not consume alcoholic beverages or marijuana while at the gathering; and (d) supervising the activities of minors at the gathering.
- C. This section does not apply to any location or place regulated by the California Department of Alcoholic Beverage Control.
- D. This section shall not apply to conduct involving the use of alcoholic beverages that occurs exclusively between a minor and his or her parent or legal guardian, as permitted by Article I, Section 4, of the California Constitution.

SECTION 5: A new section 9.30.040 is hereby adopted to read as follows:

9.30.040 Prima facie evidence.

Whenever an person having control of a residence or premises is present at that residence or premises at the time that a minor possesses or consumes any alcoholic beverage, marijuana, or controlled substance thereon, it shall be prima facie evidence that such person had the knowledge or should have had the knowledge specified in section 9.30.030 (A) or (B)(2) above.

SECTION 6: A new section 9.30.070 is hereby adopted to read as follows:

9.30.070 Civil liability for enforcement services.

When a gathering prohibited by section 9.30.030 occurs and a police officer or code enforcement officer is called to the scene, the person or persons having control of the residence or premises shall be liable for the cost of providing enforcement services during the second or a follow up response by the police, after a first warning to the person or persons having such control.

SECTION 7. This ordinance shall become effective thirty (30) days following its passage and adoption.

03/10/20 CC Agenda – 1st Reading
03/24/20 CC Agenda – 2nd Reading

Ord - Amend ECMC Chapter 9.30 – Social Host of Parties 030520

Chapter 9.30 SOCIAL HOST OF PARTIES

9.30.010 Purpose and intent.

The city council finds and determines that youth often obtain alcoholic beverages or possess and use [marijuana or controlled substances](#)~~drugs~~ at parties or other gatherings held at private residences or at rented residential and commercial premises which are under the control of a person or persons who knows or should know of the illegal conduct and fails to stop it. The city council further finds and determines that persons who will be held responsible for abetting or tolerating such conduct will be more likely to properly supervise or stop such parties or gatherings on property under their control. It is the purpose of this chapter to impose criminal liability on persons who are aware of, or should be aware of, the illegal conduct yet fail to prevent it. It is the further purpose of this chapter to impose civil liability for the recovery of the costs of enforcement services and to provide for the recovery of reasonable attorneys' fees in the event of litigation.

9.30.020 Definitions.

Terms used in this chapter shall have the meaning given to them by state law except as expressly provided herein.

- A. "Adult" shall mean a person who is twenty-one years of age or older.
- B. "Alcoholic Beverage" shall mean any liquid or solid material intended to be ingested by a person, which contains ethanol, also known as ethyl alcohol, drinking alcohol, or alcohol, including but not limited to alcoholic beverages as defined in section 23004 of the Business and Professions Code, and which contains one percent (1%) or more of alcohol by volume; any intoxicating liquor; any malt beverage, beer, wine, spirits, liqueur, whiskey, rum, vodka, cordials, gin, and brandy; and any mixture containing one or more alcoholic beverages. Alcoholic beverage includes a mixture of one or more alcoholic beverages whether found or ingested separately or as a mixture.
- C. "Control" shall mean any form of dominion including ownership, tenancy, or other possessory right.
- D. "Controlled substance" shall mean a drug or substance whose possession and use is regulated under the schedules set out in California Health & Safety Code section 11007 and includes, without limitation, "synthetic stimulants" and "synthetic cannabinoids" as those terms are defined in section 8.30.020(a) and (b) of this code. Such term does not include any drug or substance for which the individual found to have possessed or consumed such substance has a valid prescription issued by a licensed medical practitioner authorized to issue such prescription.
- ~~D~~E. "Enforcement services" shall mean the salaries and benefits of police officers or other code enforcement personnel for the amount of time actually spent in responding to, or in remaining at, the gathering; the administrative costs attributable to the incident; the

actual cost of any medical treatment to injured police officers or other code enforcement personnel; the cost of repairing any damaged city equipment or property; and the cost arising from the use of any damaged city equipment in responding to or remaining at the gathering.

EF. "Gathering" shall mean a party, gathering, or event, where a group of three or more persons have assembled or are assembling for a social occasion or social activity at a residence or premises.

G. "Marijuana" shall mean *cannabis* and *cannabis* products as described in California Health and Safety Code sections 11018 and 11018.1, and includes, without limitation, in leaf form, including flowers from the female plant; in edible or drinkable forms, including as an additive to consumable products; the oils and resins of marijuana; or in pills or other ingestible products.

FH. "Minor" shall mean a person under the age of twenty-one years.

GI. "Residence or premises" shall mean a hotel or motel room, home, yard, apartment, condominium, or other dwelling unit, or a hall or meeting room, whether occupied on a temporary or permanent basis, whether occupied as a dwelling or for a party or other social function, and whether owned, leased, rented, or used with or without compensation.

HJ. "Social host" shall mean a person who permits a gathering where one or more minors consume one or more alcoholic beverages on property owned or controlled by the persons.

9.30.030 Prohibition.

A. It shall be the duty of any person having control of any residence or premises, who knowingly hosts, permits, or allows a gathering to take place at said residence or premises to take all reasonable steps to prevent the consumption of alcoholic beverages, marijuana, or ~~and~~ controlled substances by any minor at the gathering. Whenever the person having control of the residence or premises either knows or should know a minor has consumed an alcoholic beverage, marijuana, or controlled substance at the residence or premises in violation of this chapter it is presumed that the person had the ability to take all reasonable steps to prevent the consumption of an alcoholic beverage, marijuana, or controlled substances by a minor as set forth in subsection (B)(2) of this section; it is further presumed that the person has the ability to terminate the illegal conduct once it is, or should reasonably have been, discovered.

B. No person who owns or has control of any residence or premises shall knowingly allow a gathering to take place or continue at the residence or premises if:

1. At the gathering any minor possesses or consumes any alcoholic beverage, marijuana, or controlled substance; and

2. The person knows or reasonably should know by taking all reasonable steps to prevent alcoholic beverage, [marijuana](#), or controlled substance consumption by any minor, that a minor possesses or is consuming any alcoholic beverage, [marijuana](#), or controlled substance at the gathering. Reasonable steps are (a) controlling access to alcoholic beverages, [marijuana, or controlled substances](#) at the gathering; (b) controlling the quantity of alcoholic beverages, [marijuana, or controlled substances](#) present at the gathering; (c) verifying the age of persons attending the gathering by inspecting drivers' licenses or other government-issued identification cards to ensure that persons under the age of twenty-one years do not consume alcoholic beverages [or marijuana](#) while at the gathering; and (d) supervising the activities of minors at the gathering.

C. This section does not apply to any location or place regulated by the California Department of Alcoholic Beverage Control.

D. This section shall not apply to conduct involving the use of alcoholic beverages that occurs exclusively between a minor and his or her parent or legal guardian, as permitted by Article I, Section 4, of the California Constitution.

9.30.040 Prima facie evidence.

Whenever an person having control of a residence or premises is present at that residence or premises at the time that a minor possesses or consumes any alcoholic beverage, [marijuana](#), or controlled substance thereon, it shall be prima facie evidence that such person had the knowledge or should have had the knowledge specified in ~~Section~~ [section](#) 9.30.030 (A) or (B)(2) above.

9.30.070 Civil liability for enforcement services.

When a gathering prohibited by ~~Section-section~~ [section](#) 9.30.030 occurs and a police officer or code enforcement officer is called to the scene, the person or persons having control of the residence or premises shall be liable for the cost of providing enforcement services during the second or a follow up response by the police, after a first warning to the person or persons having such control.



City Council
Agenda Report

DATE: March 10, 2020

TO: City Clerk

FROM: City Attorney/General Legal Counsel

SUBJECT: Closed Session - Conference with Real Property Negotiators - pursuant to Government Code section 54956.8:

Property
1034 N. Magnolia Avenue

Negotiating Party
Crisis House

Agency Negotiators
City Manager
Assistant City Manager
City Attorney

Under negotiation: Price and terms for lease of all or part of the property.

RECOMMENDATION:

That the following Closed Session be scheduled for the Joint City Council/Housing Authority/Successor Agency to El Cajon Redevelopment Agency agenda on March 10, 2020, at 3:00 p.m.

Morgan L. Foley
City Attorney/General Legal Counsel

MLF:hms



City Council
Agenda Report

Agenda Item 19.

DATE: March 10, 2020

TO: City Clerk

FROM: City Attorney/General Legal Counsel

SUBJECT: Closed Session - Conference with Legal Counsel - Existing Litigation - pursuant to paragraph (1) of subdivision (d) of Government Code section 54956.9: Climate Action Campaign v. City of El Cajon, et al. San Diego Superior Court Case No. 37-2019-00041565-CU-TT-CTL

RECOMMENDATION:

That the following Closed Session be scheduled for the Joint City Council/Housing Authority/Successor Agency to El Cajon Redevelopment Agency agenda on Tuesday, March 10, 2020, at 3:00 p.m.

CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION – pursuant to paragraph (1) of subdivision (d) of Government Code section 54956.9:

NAME OF CASE:

Climate Action Campaign v. City of El Cajon, et al.
San Diego Superior Court
Case No. 37-2019-00041565-CU-TT-CTL

Morgan L. Foley
City Attorney/General Legal Counsel

MLF:hms
