



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

Council Chamber
200 Civic Center Way
El Cajon, CA 92020

Agenda

MAY 10, 2022, 3:00 p.m.

Bill Wells, Mayor

Michelle Metschel, Deputy Mayor

Steve Goble, Councilmember

Gary Kendrick, Councilmember

Phil Ortiz, 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 April 26, 2022, Meeting and the Agenda of the May 10, 2022, Meeting in accordance to State Law and Council/Authority/Successor Agency to the Redevelopment Agency Policy.

PRESENTATIONS:

- **Presentation: El Cajon Library**
- **Presentation: TEDxKids@ElCajon**
- **Proclamation: National Public Works Week**
- **Presentation: Bike to Work Day**

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 Meeting

RECOMMENDATION:

That the City Council/Housing Authority/Successor Agency to the El Cajon Redevelopment Agency approves Minutes of the April 26, 2022, Meeting 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. Termination of Emergency Storm Damage Repairs on Fanita Drive

RECOMMENDATION:

That the City Council adopts the next Resolution, in order, proclaiming the Termination of Emergency for storm damage repairs in the City of El Cajon.

5. Purchase of Microsoft Licenses and Software Assurance Enterprise Agreement

RECOMMENDATION:

That the City Council adopts the next Resolution, in order, to authorize the Purchasing Agent to waive bidding requirements in accordance with Municipal Code 3.20.010(C)(5) to execute a new Microsoft License and Software Assurance Enterprise Agreement with Software One, Inc., (SOI) for a three-year agreement in the estimated amount of \$331,863.84

6. Approval of Title Change and Revisions to the Engineering Technician Classification Specification

RECOMMENDATION:

That the City Council approves the title change and classification specification revisions as described the report.

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. Delinquent Refuse/Recycling Collection Charges

RECOMMENDATION:

That the City Council:

1. Opens the Public Hearing and receives 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 refuse/recycling 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.

8. Adoption of the Proposed 2023 Five-Year Program of Projects for the SANDAG Regional Transportation Improvement Program (RTIP)

RECOMMENDATION:

That the City Council:

1. Opens the Public Hearing and receives testimony;
2. Closes the Public Hearing; and
3. Adopts the next Resolution, in order, for the adoption of the Proposed 2023 Five-Year Program of Projects for the SANDAG Regional Transportation Improvement Program (RTIP).

ADMINISTRATIVE REPORTS:

9. East County Advanced Water Purification Program Informational Update

RECOMMENDATION:

That the City Council receives the East County Advanced Water Purification Program Update.

10. Support for Governor Newsom's Proposed CARE Court Legislation

RECOMMENDATION:

That the City Council adopts the next Resolution, in order, supporting SB-1338, Community Assistance, Recovery, and Empowerment (CARE) Court Program.

11. Fourth Amendment to City Manager Employment Agreement

RECOMMENDATION:

That the Mayor provides an oral report summarizing the recommended change in compensation for the City Manager and, following the report, that the City Council adopts the next Resolution, in order, approving the amendment to the employment contract with the City Manager and authorizing the Mayor to execute the amendment, substantially in the form as presented.

12. Update on Expenditures Related to the American Rescue Plan Act

RECOMMENDATION:

That the City Council:

1. Receives the report and provides feedback, and
2. Accepts the adjustment to the total American Rescue Plan Act appropriations to align with the total allocated amount to the City by the U.S. Treasury.

COMMISSION REPORTS:

ACTIVITIES REPORTS/COMMENTS OF MAYOR WELLS

SANDAG (San Diego Association of Governments) Board of Directors; SANDAG – Audit Committee, San Diego Division; LAFCO.

13. Council Activity Report

ACTIVITIES REPORTS/COMMENTS OF COUNCILMEMBERS:

14. **COUNCILMEMBER STEVE GOBLE**
MTS (Metropolitan Transit System Board); East County Advanced Water Purification Joint Powers Authority Board; Chamber of Commerce – Government Affairs Committee; SANDAG – Board of Directors – Alternate; SANDAG Public Safety Committee – Alternate; METRO Commission/Wastewater JPA – Alternate.
15. **COUNCILMEMBER GARY KENDRICK**
METRO Commission/Wastewater JPA; Heartland Communications; Heartland Fire Training JPA.
16. **DEPUTY MAYOR MICHELLE METSCHEL**
Harry Griffen Park Joint Steering Committee; Heartland Communications – Alternate; Heartland Fire Training JPA – Alternate.
17. **COUNCILMEMBER PHIL ORTIZ**
League of California Cities, San Diego Division; East County Economic Development Council; MTS (Metropolitan Transit System Board) – Alternate; East County Advanced Water Purification Joint Powers Authority Board – Alternate; Chamber of Commerce – Government Affairs Committee – Alternate.

JOINT COUNCILMEMBER REPORTS:

GENERAL INFORMATION ITEMS FOR DISCUSSION:

ORDINANCES: FIRST READING

ORDINANCES: SECOND READING AND ADOPTION

CLOSED SESSIONS:

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 May 2022, is adjourned to Tuesday, May 24, 2022, at 3:00 p.m.



City Council
Agenda Report

Agenda Item 1.

DATE: May 10, 2022

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 Meeting

RECOMMENDATION:

That the City Council/Housing Authority/Successor Agency to the El Cajon Redevelopment Agency approves Minutes of the April 26, 2022, Meeting of the El Cajon City Council/Housing Authority/Successor Agency to the El Cajon Redevelopment Agency.

Attachments

04-26-22DRAFTminutes - 3PM

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

April 26, 2022

An Adjourned Regular Joint Meeting of the El Cajon City Council/Housing Authority/ Successor Agency to the El Cajon Redevelopment Agency, held Tuesday, April 26, 2022, was called to order by Mayor/Chair Bill Wells at 3:02 p.m., in the Council Chambers, 200 Civic Center Way, El Cajon, California.

ROLL CALL

Council/Agencymembers present: Goble, Kendrick, and Ortiz
Council/Agencymembers absent: None
Deputy Mayor/Vice Chair present: Metschel
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

PLEDGE OF ALLEGIANCE TO FLAG led by Mayor Wells 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 April 12, 2022, meeting and the Agenda of the April 26, 2022, meeting in accordance with State Law and El Cajon City/Housing Authority/Successor Agency to the El Cajon Redevelopment Agency Policy.

AGENDA CHANGES:

City Manager Mitchell informed the City Council that the TEDxKids@EICajon has been postponed to a future Council Meeting.

MOTION BY KENDRICK, SECOND BY ORTIZ, to POSTPONE the presentation by TEDxKids@EICajon.

MOTION CARRIED BY UNANIMOUS VOTE.

PRESENTATIONS:

- **Presentation: Youth of the Year Award**
- **Presentation: TEDxKids@EICajon**

CONSENT ITEMS: (1 – 7)

MOTION BY WELLS, SECOND BY ORTIZ, to APPROVE Consent Items 1 to 7.

MOTION CARRIED BY UNANIMOUS VOTE.

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

Approve Minutes of the April 12, 2022, Meeting of the El Cajon City Council/ Housing Authority/Successor Agency to the El Cajon Redevelopment Agency.

2. Warrants

Approve payment of Warrants as submitted by the Finance Department.

3. Approval of Reading Ordinances by Title Only

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

CONSENT ITEMS: (Continued)

4. Fire Engine Purchase WEAP Grant

Adopt Resolution No. 029-22 to:

1. Approve the capital expenditure of approximately \$770,000 to purchase a Fire Engine using the Wildfire and Forest Resilience Program (WEAP21) grant funding, including City Manager authority to approve increases of up to 25% if necessary.
2. Authorize the Purchasing Agent to execute a purchase agreement with South Coast Fire Equipment Inc. (South Coast) for the acquisition of a Pierce Triple Combination Pumper for approximately \$770,000.

5. Purchase of Factory Loaded Ammunition

Adopt Resolution No. 030-22 to authorize the Purchasing Agent to waive bidding requirements in accordance with El Cajon Municipal Code (ECMC) section 3.20.010(C)(5), to execute a purchase agreement with Dooley Enterprises, Inc. for the purchase of factory loaded ammunition in the amount of \$24,784.30.

6. Acceptance of Public Improvements for Tentative Subdivision Map (TSM) 661

Accept the improvements and authorizes the City Clerk to release the security guaranteeing the improvements in accordance with the subdivision agreement, and requires the developer to maintain insurance in force until the release of all bonds for the project.

7. Progress Report for Emergency Storm Damage Repairs

Determine that there continues to be a State of Emergency to facilitate repairs to a sinkhole on Fanita Drive, and that the necessity requires the immediate expenditure of public money to safeguard life, health, and property, per Public Contract Code section 22050.

PUBLIC COMMENT: None

WRITTEN COMMUNICATIONS: None

PUBLIC HEARINGS:

8. Adoption of FY 2022-2023 One-Year Action Plan (CDBG and HOME) and Fourth Amendment to FY 2019-2020 One-Year Action Plan (CDBG-CV)

RECOMMENDATION:

That the City Council:

1. Opens the public hearing and accepts public testimony for the adoption of the FY 2022-2023 One-Year Action Plan and Fourth Amendment to FY 2019-2020 One-Year Action Plan;
2. Closes the public hearing;
3. Finalizes the allocations of CDBG and HOME funds as a part of the FY 2022-2023 One-Year Action Plan;
4. Adopts the next Resolution, in order, approving and adopting the FY 2022-2023 One-Year Action Plan in the form presented, with such monetary and non-monetary changes as approved by the City Manager, and authorizes the City Manager or designee to submit the Plan to HUD, to make any necessary or needed corrections or adjustments to allocations and to execute all affiliated documents; and
5. Adopts the next Resolution, in order, amending the FY 2019-2020 One-Year Action Plan to:
 - a) Re-allocate \$240,691 in available CDBG CARES Act (CDBG-CV) funds from completed projects to Outreach Support Services, the expansion of the Emergency Shelter Program and the expansion of the Home-Delivered Meal Service to continue to address the ongoing and long-term effects of the coronavirus pandemic; and
 - b) Make the necessary changes to the One-Year Action Plan, and submit all required documentation to the U.S. Department of Housing and Urban Development.

DISCUSSION

Housing Specialist, Deyanira Pelayo-Brito, introduced Housing Manager, Jose Dorado, and provided a summary of the Item.

Mayor Wells opened the Public Hearing.

Ivan Andujar, representing the East County Transitional Living Center, shared that many people benefit from the continued support provided by the City.

In answer to a question by Mayor Wells, Ms. Pelayo-Brito clarified that the amounts presented for adoption are the same amounts previously approved by the City Council.

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

MOTION CARRIED BY UNANIMOUS VOTE.

PUBLIC HEARINGS: (Item 8 – Continued)

Councilmember Goble mentioned the substantial increase to HOME funds for street light improvements to increase safety in the City.

MOTION BY ORTIZ, SECOND BY KENDRICK, to FINALIZE the allocations of CDBG and HOME funds as a part of the FY 2022-2023 One-Year Action Plan.

MOTION CARRIED BY UNANIMOUS VOTE.

MOTION BY ORTIZ, SECOND BY METSCHEL, to ADOPT Resolution No. 031-22, to approve and adopt the FY 2022-2023 One-Year Action Plan in the form presented, with such monetary and non-monetary changes as approved by the City Manager, and authorize the City Manager or designee to submit the Plan to HUD, to make any necessary or needed corrections or adjustments to allocations and to execute all affiliated documents.

MOTION CARRIED BY UNANIMOUS VOTE.

MOTION BY ORTIZ, SECOND BY METSCHEL, to ADOPT Resolution No. 032-22 to amend the FY 2019-2020 One-Year Action Plan to: a) Re-allocate \$240,691 in available CDBG CARES Act (CDBG-CV) funds from completed projects to Outreach Support Services, the expansion of the Emergency Shelter Program and the expansion of the Home-Delivered Meal Service to continue to address the ongoing and long-term effects of the coronavirus pandemic, and b) Make the necessary changes to the One-Year Action Plan, and submit all required documentation to the U.S. Department of Housing and Urban Development.

MOTION CARRIED BY UNANIMOUS VOTE.

9. Adoption of New Fees; Modification and Elimination of Existing Fees; and Amendment of Schedule of Miscellaneous Fees

RECOMMENDATION:

That the City Council:

1. Opens the Public Hearing and receives testimony;
2. Closes the Public Hearing; and
3. Adopts the next Resolution, in order, to modify certain existing fees, add and delete certain fees, and amend the City's Schedule of Miscellaneous Fees.

PUBLIC HEARINGS: (Item 9 – Continued)

DISCUSSION

City Attorney Foley provided detailed information on the Item.

Mayor Wells opened the Public Hearing.

No public comment was received.

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

MOTION CARRIED BY UNANIMOUS VOTE.

MOTION BY WELLS, SECOND BY KENDRICK, to ADOPT Resolution No. 033-22 to modify certain existing fees, add and delete certain fees, and amend the City's Schedule of Miscellaneous Fees.

MOTION CARRIED BY UNANIMOUS VOTE.

ADMINISTRATIVE REPORTS:

10. Homeless Services Memorandum of Understanding

RECOMMENDATION:

That the City Council adopts the next Resolution, in order, approving a Memorandum of Understanding between cities in east San Diego County and the County of San Diego and authorizing the City Manager to execute said Memorandum of Understanding or other instrument substantially in the form as presented, with such changes as may be approved by the City Manager.

DISCUSSION

City Manager Mitchell provided detailed information of the Item.

Discussion ensued among Council and Staff concerning the following:

- Most affordable housing available in the City of El Cajon;
- Showcase the City's efficiency to help the homeless population on the City's webpage; and
- Most State funding being allocated to the County, not the individual cities.

No public comment was received.

ADMINISTRATIVE REPORTS: (Item 10 – Continued)

MOTION BY ORTIZ, SECOND BY METSCHEL, to ADOPT Resolution No. 034-22, approving a Memorandum of Understanding between cities in east San Diego County and the County of San Diego and authorizing the City Manager to execute said Memorandum of Understanding or other instrument substantially in the form as presented, with such changes as may be approved by the City Manager.

MOTION CARRIED BY UNANIMOUS VOTE.

11. New Classification Specification & Salary Setting for the Marketing & Engagement Manager Classification

RECOMMENDATION:

That the City Council approves the classification specification and salary setting for the Marketing & Engagement Manager classification.

DISCUSSION

Human Resources Analyst, Chelsea Pullen, provided detailed information of the Item.

Discussion ensued among Council and Staff concerning the following:

- Proposed new position would help promote the City's image to the public;
- Graphic Designer qualifications are included in the job specifications; and
- Invest in the economic development of the City.

No public comment was received.

MOTION BY ORTIZ, SECOND BY KENDRICK, to APPROVE the classification specification and salary setting for the Marketing & Engagement Manager classification.

MOTION CARRIED BY UNANIMOUS VOTE.

12. Legislative Update

DISCUSSION

Assistant City Manager DiMaggio provided detailed information of the Item.

Discussion ensued among Council and Staff regarding Assembly Bill 2237 (Friedman), an act to amend Section 65082 of, and to add Sections 65080.05 and 65082.5 to, the Government Code, relating to transportation planning.

ADMINISTRATIVE REPORTS: (Item 12 – Continued)

No public comment was received.

The City Council directed staff to submit a letter of opposition to AB2237 to Governor Newsom.

13. Approve the 2022 El Cajon Active Transportation Plan Final Report

RECOMMENDATION:

That the City Council adopts the next Resolution, in order, approving the 2022 El Cajon Active Transportation Plan Final Report.

DISCUSSION

Deputy Director of Public Works, Mario Sanchez, introduced Andrew Prescott from CRA Associates who provided a summary of the Item.

Discussion ensued among Council, Mr. Prescott and Staff concerning the following:

- Education phase for the public on the Active Transportation Plan (ATP);
- Timeline for implementing the ATP;
- Cars parked on bicycle lanes;
- Areas of the city without sidewalks and or bicycle lanes; and
- Opposition to converting public parking to bicycle lanes.

Moline Schrader acknowledged Mario Sanchez for taking her up on a bicycle challenge. She is pleased with the modifications made to the ATP and mentioned the numerous trucks that park on Broadway Street, blocking bicycle lanes.

Will Rhatigan, representing San Diego County Bicycle Coalition, stated that adding a parking lane between the street and the bicycle lane would make it safer for cyclists.

Discussion continued among Council and Staff concerning the following:

- Accidents occurring in city streets are mostly due to pedestrian negligence;
- Nighttime accidents; and
- Request for data that shows the number of accidents involving homeless population.

MOTION BY GOBLE, SECOND BY METSCHEL, to ADOPT Resolution No. 035-22 approving the 2022 El Cajon Active Transportation Plan Final Report.

MOTION CARRIED BY UNANIMOUS VOTE.

ADMINISTRATIVE REPORTS: (Continued)

14. Discussion - East County Advanced Water Purification Update Preparation

RECOMMENDATION:

That the City Council provides feedback on questions or topics to be researched by staff before the May 10, 2022 meeting.

DISCUSSION

Director of Public Works, Yazmin Arellano, provided a summary of the Item.

Discussion ensued among Council, Mr. Prescott and Staff concerning the following:

- Concern of a timely completion of the water treatment facility;
- Cost of construction materials;
- Future water rates;
- Future water restriction;
- Padre Dam education efforts on water conservation; and
- Alternatives if the water treatment facility is not constructed.

No public comment was received.

COMMISSION REPORTS: None

ACTIVITIES REPORTS/COMMENTS OF MAYOR WELLS:

SANDAG (San Diego Association of Governments) Board of Directors; SANDAG – Audit Committee; LAFCO.

15. Council Activities Report/Comments

Report as submitted.

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ACTIVITIES REPORTS OF COUNCILMEMBERS:

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

Council Activities Report/Comments.

Report as submitted.

- 17. COUNCILMEMBER GARY KENDRICK
METRO Commission/Wastewater JPA; Heartland Communications; Heartland Fire Training JPA.

Council Activities Report/Comments.

Report as submitted.

- 18. MAYOR PRO TEM MICHELLE METSCHEL
Harry Griffen Park Joint Steering Committee; Heartland Communications – Alternate; Heartland Fire Training JPA – Alternate.

Council Activities Report/Comments.

In addition to the submitted report, Councilmember Metschel stated she attended the Lemon Grove Task Force meeting.

- 19. COUNCILMEMBER PHIL ORTIZ
League of California Cities, San Diego Division; East County Economic Development Council; MTS (Metropolitan Transit System Board) – Alternate; East County Advanced Water Purification Joint Powers Authority Board – Alternate; Chamber of Commerce – Government Affairs Committee – Alternate.

Council Activities Report/Comments.

Report as submitted.

JOINT COUNCILMEMBER REPORTS: None

GENERAL INFORMATION ITEMS FOR DISCUSSION: None

ORDINANCES: FIRST READING - None

ORDINANCES: SECOND READING AND ADOPTION

20. An Ordinance to Adopt a District Map for Councilmember Elections in El Cajon

RECOMMENDATION:

That Mayor Wells requests the City Clerk to recite the title.

DISCUSSION

No public comment was received.

The City Clerk recited the title of the ordinance for a second reading.

An Ordinance of the City Council of the City of El Cajon, California, Approving Four Council Districts Following the 2020 Decennial Federal Census, and Adopting a New Map Describing the Boundaries of Each of the Districts

MOTION BY WELLS, SECOND BY KENDRICK, to ADOPT Ordinance No. 5118, An Ordinance of the City Council of the City of El Cajon, California, Approving Four Council Districts Following the 2020 Decennial Federal Census, and Adopting a New Map Describing the Boundaries of Each of the Districts.

MOTION CARRIED BY UNANIMOUS VOTE.

21. An Ordinance to Amend ECMC Ch. 3.20 – Bidding and Written Contracts

RECOMMENDATION:

That Mayor Wells requests the City Clerk to recite the title.

DISCUSSION

No public comment was received.

The City Clerk recited the title of the ordinance for a second reading.

ORDINANCES: SECOND READING AND ADOPTION (Continued)

An Ordinance to Amend Sections 3.20.005, 3.20.010, 3.20.020, 3.20.120 and 3.20.130 of Chapter 3.20 of Title 3 of the El Cajon Municipal Code to Restrict the City Manager's Powers and Duties Relating to Purchases of Military Equipment, Supplies, or Other Property for Law Enforcement Use

MOTION BY WELLS, SECOND BY KENDRICK, to ADOPT Ordinance No. 5119, Amending Sections 3.20.005, 3.20.010, 3.20.020, 3.20.120 and 3.20.130 of Chapter 3.20 of Title 3 of the El Cajon Municipal Code to Restrict the City Manager's Powers and Duties Relating to Purchases of Military Equipment, Supplies, or Other Property for Law Enforcement Use.

MOTION CARRIED BY UNANIMOUS VOTE.

CLOSED SESSIONS: None

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 26th day of April, 2022, at 5:12 p.m., to Tuesday, May 10, 2022, at 3:00 p.m.

DRAFT

ANGELA L. CORTEZ, CMC
City Clerk/Secretary



City Council
Agenda Report

Agenda Item 4.

DATE: May 10, 2022
TO: Honorable Mayor and City Councilmembers
FROM: Michael James, Deputy Director of Public Works - Operations
SUBJECT: Termination of Emergency Storm Damage Repairs on Fanita Drive

RECOMMENDATION:

That the City Council adopts the next Resolution, in order, proclaiming the Termination of Emergency for storm damage repairs in the City of El Cajon.

BACKGROUND:

This report is intended to provide an update to the City Council on the status of emergency storm drain repairs performed on Fanita Drive. Following the update provided to the City Council on April 26, 2022, the City's contractor (SC Valley) completed the replacement of approximately 40 feet of corrugated metal arch pipe (38" X 57") on Fanita Drive. This repair consisted of pipe replacement, installation of crushed rock in the pipe zone, proper backfill, Class 2 Base, and asphalt to repair the street.

The project repairs were inspected and deemed complete as of May 3, 2022. Final project acceptance and total construction costs will be presented at the next City Council meeting.

FISCAL IMPACT:

Funding in the amount of \$60,000 is available through Activity 650720 (Wastewater Operations) and was approved at the April 12, 2022, City Council meeting.

Prepared By: Monica Martinez, Sr. Management Analyst

Reviewed By: Yazmin Arellano, Director of Public Works

Approved By: Graham Mitchell, City Manager

Attachments

Resolution

RESOLUTION NO. __-22

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

WHEREAS, on the morning of March 17, 2022, a sinkhole was discovered at Fanita Drive, north of Weld Boulevard (the "Property") near the city limits of the City of El Cajon (the "City"), due to water flowing through gaps in existing pipes and leading to soil erosion, which required immediate repairs to protect adjacent public improvements, maintain critical street thoroughfares, and preserve life and safety; and

WHEREAS, on March 30, 2022, the City Manager declared an emergency and authorized expenditures to make the needed repairs in order to take immediate measures to prevent further collapse to the remaining utilities, street, and sidewalk infrastructure; and

WHEREAS, the City Council has ratified the actions of the City Manager and proclaimed the local emergency by Resolution No. 025-22, adopted on April 12, 2022; and

WHEREAS, on April 26, 2022, City staff presented a report to the City Council that the repairs were approximately fifty percent (50%) complete and were anticipated to be fully completed within two (2) weeks, and City Council therefore determined that the local emergency was on-going; and

WHEREAS, the replacement of approximately 40 feet of corrugated metal arch pipe (38" X 57"), installation of crushed rock in the pipe zone, proper backfill, Class 2 Base, and asphalt repair of the street has been completed to the City's satisfaction and approved as of May 3, 2022.

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 proclaims the termination of the local emergency.



City Council Agenda Report

Agenda Item 5.

DATE: May 10, 2022
TO: Honorable Mayor and City Councilmembers
FROM: Mara Romano, Purchasing Agent
SUBJECT: Purchase of Microsoft Licenses and Software Assurance Enterprise Agreement

RECOMMENDATION:

That the City Council adopts the next Resolution, in order, to authorize the Purchasing Agent to waive bidding requirements in accordance with Municipal Code 3.20.010(C)(5) to execute a new Microsoft License and Software Assurance Enterprise Agreement with Software One, Inc., (SOI) for a three-year agreement in the estimated amount of \$331,863.84

BACKGROUND:

Microsoft software is used in every aspect of the City of El Cajon's computer environment, from server operating systems to end user software such as MS Office. Enterprise Agreements spread licensing costs over a three-year period and enable agencies to upgrade to the latest software as needed. The City initially entered into a multi-year Enterprise Agreement (EA) in May 2010 and renewed the agreement in 2013, 2016, and 2019. The City's current agreement expires May 31, 2022.

The County of Riverside has extended its three-year Microsoft License and Software Assurance Enterprise Agreement with SOI through October 31, 2024. The three-year term of the EA is in accordance with the Microsoft Volume Licensing State and Local Enterprise Enrollment under the County of Riverside Enterprise Master Agreement No. 8084445.

Municipal Code section 3.20.010(C)(3) authorizes the City to acquire supplies in cooperation with another governmental agency. By proceeding with the agreement now, the City is able to lock in pricing at the Riverside County's current three-year contract rate for the City's renewal term over the next three years.

Staff recommends this purchase from SOI in accordance with the County of Riverside Enterprise Master Agreement, as being in the best interest of the City.

FISCAL IMPACT:

The fiscal impact for the initial one-year term is \$110,621.28. Sufficient funds are available in Fiscal Year 2021-22 Annual Budget: IT Services - Citywide (615110). Subsequent 2-year costs are estimated to total \$221,242.56.

Prepared By: Mara Romano, Purchasing Agent

Reviewed By: Sara Diaz, Director of Information Technology

Approved By: Graham Mitchell, City Manager

Attachments

Resolution

RESOLUTION NO. ____-22

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF EL CAJON
APPROVING THE PURCHASE OF MICROSOFT LICENSES AND
SOFTWARE ASSURANCE ENTERPRISE AGREEMENT

WHEREAS, Microsoft software is used in every aspect of the computer environment for the City of El Cajon (the "City"), from server operating systems to end-user software such as MS Office; and

WHEREAS, a Microsoft License and Software Assurance Enterprise Agreement (the "EA") spreads licensing costs over a three-year period and enables agencies to upgrade to the latest software as needed; and

WHEREAS, the City initially entered into a multi-year EA in May 2010, which was renewed in 2013, 2016, and 2019, and the City's current EA expires on May 31, 2022; and

WHEREAS, El Cajon Municipal Code ("ECMC") section 3.20.010(C)(3) authorizes the City to acquire supplies in cooperation with another governmental agency; and

WHEREAS, the County of Riverside ("Riverside") has previously extended its EA with Software One, Inc. ("SOI") for an additional three-year term, which is in accordance with the Microsoft Volume Licensing State and Local Enterprise Enrollment under the County of Riverside Enterprise Master Agreement No. 8084445; and

WHEREAS, the City is currently able to lock in pricing, at the current Riverside contract rate, for a new EA with SOI for the next three years in the estimated amount of \$331,863.84; and

WHEREAS, the fiscal impact for the initial one-year term is \$110,621.28, and subsequent costs for two one-year terms are estimated to total \$221,242.56, with sufficient funds available in Fiscal Year 2021-22 Annual Budget: IT Services – Citywide; and

WHEREAS, staff recommends that bidding requirements be waived in accordance with ECMC section 3.20.010(C)(5), and that the City executes a new three-year EA in accordance with the terms and pricing of Riverside's EA; and

WHEREAS, the City Council believes it to be in the City's best interest to waive bidding requirements in accordance with ECMC section 3.20.010(C)(5) and approve the execution of a new EA with SOI in accordance with Riverside's EA, for a three-year estimated amount of \$331,863.84.

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 waiving the bidding requirements in accordance with ECMC section 3.20.010(C)(5), and authorizes the execution of a new EA with SOI in accordance with Riverside's EA pricing, for a three-year estimated amount of \$331,863.84, with an initial one-year cost of \$110,621.28, and subsequent costs for two one-year terms estimated to total \$221,242.56.

3. The City Council hereby authorizes the City Manager, or such person as is designated by the City Manager, to execute the EA, with any such changes and refinements as may be necessary and approved by the City Manager.

4. The City Manager, or such person as is designated by the City Manager, is hereby authorized and directed to execute any subsequent amendments to the EA, or other documents necessary, as may be approved by the City Manager, on behalf of the City of El Cajon.



City Council
Agenda Report

DATE: May 10, 2022
TO: Honorable Mayor and City Councilmembers
FROM: Marisol Thorn, Director of Human Resources
SUBJECT: Approval of Title Change and Revisions to the Engineering Technician Classification Specification

RECOMMENDATION:

That the City Council approves the title change and classification specification revisions as described in the report.

BACKGROUND:

On April 13, 2022, the El Cajon Municipal Employee Association (ECMEA) reviewed and approved the proposed title change and classification specification revisions for Engineering Technician. City Council review and approval is now requested. The Public Works Department initiated the request to update the title of Engineering Technician to Project Assistant. In addition, they proposed changes to the classification specification which will allow the City to better align the current duties being performed with the specification, as well as be in a better marketing position.

FISCAL IMPACT:

There is no fiscal impact.

Prepared By: Marisol Thorn, Director of Human Resources

Reviewed By:

Approved By: Graham Mitchell, City Manager

Attachments

Proposed Spec

CITY OF EL CAJON

Project Assistant

CLASSIFICATION DESCRIPTION:

Function: Under general supervision, performs journey level engineering support work in the field or office; performs related work as required.

In the Capital Improvement Projects (CIP) Assignment:

- Prepares layouts, drawings, and supporting data for the preparation of preliminary and final engineering plans and specifications;
- Produces exhibits, detailed plots, maps, and other drawings as required;
- Calculates bid quantities, drainage, sewer systems, horizontal and vertical street grades;
- Supports project managers with plan reviews, drafting and compiling of specifications, construction documents, and planning/feasibility studies;
- Assists with Engineer's Estimates, both in the preparation and review of prepared documents;
- Utilizes computer-aided drafting (CAD) software, geographic information systems (GIS), and other software pertinent to the section.

In the Private Development Assignment:

- Reviews legal descriptions, maps, plats, and deeds;
- Verifies need for public improvements with building permits;
- Reviews construction plans, maps, and specifications;
- Checks ownership and location of property for lien contracts and grant deeds;
- Utilizes City's electronic permitting and development review software;
- Issues permits, processes fees, and monitors overall intake and production;
- Responds to inquiries from the public pertaining to engineering records, procedures, and policies;
- Operates software utilized in the section, including permitting software, GIS and ;
- Processes Planning Actions for Department of Public Works comments;
- Conducts basic research related to the issuance of encroachment permits, preparation of deeds and proper descriptions and related documents;
- Answers questions and provides information to the public concerning permits and encroachments.

In the Traffic Engineering Assignment:

- Conducts, prepares, and analyzes traffic engineering studies;
- Performs routine design of traffic signal systems;

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City Council Agenda Report

Agenda Item 7.

DATE: May 10, 2022
TO: Honorable Mayor and City Councilmembers
FROM: Michael James, Deputy Director of Public Works - Operations
SUBJECT: Delinquent Refuse/Recycling Collection Charges

RECOMMENDATION:

That the City Council:

1. Opens the Public Hearing and receives 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 refuse/recycling 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.

BACKGROUND:

On January 1, 2021, the City began its new refuse/recycling franchise agreement with EDCO Disposal (EDCO) for all residential and commercial refuse/recycling services to El Cajon residents. Residents who provide an exemption from the mandatory refuse/recycling services that EDCO provides are excluded. Examples of exemptions may include residents taking their refuse/recycling to their private business located in the City limits of El Cajon or hauling their refuse/recycling to a City-approved collection alternative and providing receipts for such service.

As a component of the new franchise agreement, EDCO is allowed to bill for regular service and the City assumes responsibility for placing liens on delinquent single-family dwelling accounts. Once collected through the tax lien process, the City is then obligated to remit the funds collected to EDCO. This allows the City to use the enforcement power of a property lien, when necessary, to collect past due amounts. Additionally, the lien process is a cost-effective way for the City to ensure payment of delivered services.

This is the City's first lien process with EDCO. Attached is the list of properties that are delinquent in payments for refuse/recycling collection services from January 1, 2021 through December 31, 2021. Shown below is a summary of notices regarding possible liens:

- Throughout 2021 - Invoices, reminder letters, ROBO calls, and carts were tagged by EDCO to remind customers of their past due balances,
- February 2022 - Emails were sent by EDCO,
- March 24, 2022 - Personal calls were made by EDCO, and
- April 8, 2022 - Public hearing notices sent.

EDCO provided several notices and opportunities to pay any delinquent amount before the lien process was brought before the City Council. This is evidenced in the 33 percent decrease in delinquent accounts in the past month. As of April 8, 2022, 236 customers owed a combined total of \$51,236.90. On May 2, 2022, there were 157 delinquent accounts that totaled \$36,352.52. This final total is the amount staff recommends to the City Council to consider implementing liens against.

FISCAL IMPACT:

Per Municipal Code 8.24.080, the City will receive 10 percent of the delinquent total, which as of May 2, 2022, equals \$3,635.25.

List of Delinquent Refuse/Recycling Collection Accounts is available for review in the City Clerk's Office during regular business hours.

Prepared By: Sara Marshall, Sr. Management Analyst
Reviewed By: Yazmin Arellano, Director of Public Works
Approved By: Graham Mitchell, City Manager

Attachments

Resolution

RESOLUTION NO. ___-22

RESOLUTION APPROVING REPORT AND ACCOUNT OF
DELINQUENT REFUSE COLLECTION SERVICE FEES AND CHARGES;
AND CONFIRMING ASSESSMENTS AS LIENS PURSUANT TO
CHAPTER 8.24 OF THE EL CAJON MUNICIPAL CODE

WHEREAS, pursuant to the provisions of Chapter 8.24 of the El Cajon Municipal Code, a public hearing was held on May 10, 2022, for the purpose of hearing objections or protests to a report and account of delinquent refuse collection service fees and charges; and

WHEREAS, protests and objections of the owners of the properties liable to be assessed for said delinquent charges have been heard and considered by said City Council, and said accounts have been approved as submitted.

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

1. In accordance with the provisions of Title 4, Division 3, Chapter 10, section 38791 and Title 3, Division 2, Chapter 8, section 25831 of the Government Code of the State of California, and section 8.24.090 of Chapter 8.24 of the El Cajon Municipal Code, the report and account of delinquent refuse collection service fees and charges (Exhibit "A") considered at the hearing held on May 10, 2022, on file in the office of the City Clerk, is approved, and the unpaid amounts designated in said report and account shall be a charge to the owners of the properties on the next regular tax bill, and shall be liens upon the properties involved.

2. The sums herein assessed remaining unpaid after thirty (30) days from the date of this resolution shall bear interest at the rate of seven percent (7%) per annum, as set forth in section 8.24.100 of Chapter 8.24 of the El Cajon Municipal Code.

3. The designation of said parcels is shown by Assessor's parcel numbers, and the initial amounts plus interest to be assessed and imposed as liens are designated thereafter on Exhibit "A," on file in the Office of the City Clerk.

4. Said liens shall be of no further force or effect upon the confirmation of the Tax Collector that said assessments have been added to the tax rolls.

5. The City Clerk is hereby directed to record one or more certified copies of this resolution, which shall collectively include all of Exhibit "A," in the office of the County Recorder of San Diego County.

6. The City Clerk is hereby authorized to discharge and release any such lien when the claim under said lien has been fully satisfied.

7. The decision in your matter is final on this date, and by this notice, you have 90 calendar days from the date of the mailing of this notice to seek judicial

review of this decision pursuant to California Code of Civil Procedure sections 1094.5 and 1094.6, and El Cajon Municipal Code Chapter 1.32.

05/10/22 CC Agenda
Reso - Delinquent Refuse Liens (May 2022) 050322



City Council
Agenda Report

DATE: May 10, 2022
TO: Honorable Mayor and City Councilmembers
FROM: Yazmin Arellano, Director of Public of Works
SUBJECT: Adoption of the Proposed 2023 Five-Year Program of Projects for the SANDAG Regional Transportation Improvement Program (RTIP)

RECOMMENDATION:

That the City Council:

1. Opens the Public Hearing and receives testimony;
2. Closes the Public Hearing; and
3. Adopts the next Resolution, in order, for the adoption of the Proposed 2023 Five-Year Program of Projects for the SANDAG Regional Transportation Improvement Program (RTIP).

BACKGROUND:

Regulations of the local San Diego Association of Governments (SANDAG) TransNet (one-half cent County sales tax) require that a five-year list of proposed projects for funding be approved by City Council and submitted to SANDAG. The proposed 2023 RTIP includes the attached list of projects, which corresponds to the City's Capital Improvement Program for fiscal years 2023 through 2027. The RTIP is updated bi-annually (every two years) and requires a public hearing to be held prior to approval from SANDAG.

CALIFORNIA ENVIRONMENTAL QUALITY ACT:

The 2023 RTIP program of projects is categorically exempt from the provisions of the California Environmental Quality Act (CEQA), according to section 15301, Class 1(c) of the CEQA guidelines. Section 15301 contains an exemption for the maintenance of public roadways.

FISCAL IMPACT:

The City will receive an estimated \$16,282,000 in TransNet funds over the next five years for transportation-related capital projects on all major and local streets.

Prepared By: Mario Sanchez, City Engineer

Reviewed By: Yazmin Arellano, Director of Public Works

Approved By: Graham Mitchell, City Manager

Attachments

Resolution

RESOLUTION NO. ____-22

RESOLUTION OF THE CITY OF EL CAJON AMENDING THE
TRANSNET LOCAL STREET IMPROVEMENT PROGRAM OF
PROJECTS FOR FISCAL YEARS 2023 THROUGH 2027

WHEREAS, on November 4, 2004, the voters of San Diego County approved the San Diego Transportation Improvement Program Ordinance and Expenditure Plan (*TransNet* Extension Ordinance); which has been amended from time to time in accordance with the applicable amendment requirements; and

WHEREAS, the *TransNet* Extension Ordinance provides that San Diego Association of Governments ("SANDAG"), acting as the Regional Transportation Commission, shall approve on a biennial basis a multi-year program of projects submitted by local jurisdictions identifying those transportation projects eligible to use transportation sales tax (*TransNet*) funds; and

WHEREAS, the City of El Cajon was provided with an estimate of annual *TransNet* local street improvement revenues for fiscal years 2023 through 2027; and

WHEREAS, the City of El Cajon has held a noticed public hearing with an agenda item that clearly identified the proposed list of projects prior to approval of the projects by its authorized legislative body in accordance with Section 5(A) of the *TransNet* Extension Ordinance and Rule 7 of SANDAG Board Policy No. 31.

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

1. Pursuant to Section 2(C)(1) of the *TransNet* Extension Ordinance, the City of El Cajon certifies that no more than 30 percent of its cumulative revenues shall be spent on local street and road maintenance-related projects, or that its expenditures are consistent with the most recent *TransNet* Extension Ordinance requirements adopted by SANDAG.

2. Pursuant to Section 4(E)(3) of the *TransNet* Extension Ordinance, the City of El Cajon certifies that all new projects, or major reconstruction projects, funded by *TransNet* revenues shall accommodate travel by pedestrians and bicyclists, and that any exception to this requirement permitted under the Ordinance and proposed shall be clearly noticed as part of the City of El Cajon's public hearing process.

3. Pursuant to Section 8 of the *TransNet* Extension Ordinance, the City of El Cajon certifies that the required minimum annual level of local discretionary funds to be expended for street and road purposes will be met throughout the 5-year period consistent with the most recent Maintenance of Effort Requirements adopted by SANDAG.

4. Pursuant to Section 9A of the *TransNet* Extension Ordinance, the City of El Cajon certifies that it will exact \$2,688.21 plus all applicable annual increases, from the private sector for each newly constructed residential housing unit in that jurisdiction (unless exempted under the *TransNet* Extension Ordinance,) and shall contribute such exactions to the Regional Transportation Congestion Improvement Program (RTCIP).

5. Pursuant to Section 13 of the *TransNet* Extension Ordinance, the City of El Cajon certifies that it has established a separate Transportation Improvement Account for *TransNet* revenues with interest earned expended only for those purposes for which the funds were allocated.

6. Pursuant to Section 18 of the *TransNet* Extension Ordinance, the City of El Cajon certifies that each project of \$250,000 or more will be clearly designated during construction with *TransNet* project funding identification signs.

7. The City of El Cajon does hereby certify that all other applicable provisions of the *TransNet* Extension Ordinance and SANDAG Board Policy No. 31 have been met.

8. The City of El Cajon continues to agree to indemnify, hold harmless, and defend SANDAG, the San Diego County Regional Transportation Commission, and all officers and employees thereof against all causes of action or claims related to City of El Cajon's *TransNet* funded projects.

9. The City Council hereby approves adoption of the proposed 2023 five-year program of projects for the SANDAG Regional Transportation Improvement Program ("RTIP") that was formally adopted by the City Council on April 26, 2022, as recommended by staff.

Table 1
2023 Regional Transportation Improvement Program
San Diego Region (in \$000s)

El Cajon, City of

MPO ID: EL03		ADOPTION: 23-00									
Project Title:	Overlay/Reconstruction Projects								RAS (M-39)		
Project Description:	Various locations per the attached list - street reconstruction and overlays greater than 1" thick, including thoroughfares, collectors & residential streets								TransNet - LSI: CR		
Change Notes:	Capacity Status: NCI Exempt Category: Safety - Pavement resurfacing and/or rehabilitation										
Est Total Cost: \$46,183											
	TOTAL	PRIOR	22/23	23/24	24/25	25/26	26/27	FUTURE	PE	RW	CON
TransNet - L	\$6,747	\$6,747									\$6,747
TransNet - L (Cash)	\$2,541	\$2,541									\$2,541
TransNet - LSI	\$18,521	\$11,107	\$1,636	\$1,600	\$1,178	\$1,500	\$1,500				\$18,521
TransNet - LSI (Cash)	\$416	\$416									\$416
TransNet - LSI Carry Over	\$8,871	\$8,871									\$8,871
Local Funds	\$8,807	\$4,457	\$1,450	\$1,450	\$1,450						\$8,807
Local RTCIP	\$280	\$280									\$280
TOTAL	\$46,183	\$34,419	\$3,086	\$3,050	\$2,628	\$1,500	\$1,500				\$46,183

MPO ID: EL06		ADOPTION: 23-00									
Project Title:	Traffic Signals Projects								RAS (T2-2)		
Project Description:	Various locations in the City - upgrade or modification of existing traffic signals and the Traffic Management Center, including rewire, new fiber-optic signal interconnect cable, wireless video monitoring cameras, and other necessary equipment to improve traffic flow and safety.....								TransNet - LSI: CR		
Change Notes:	Capacity Status: NCI Exempt Category: Other - Traffic signal synchronization projects										
Est Total Cost: \$4,464											
	TOTAL	PRIOR	22/23	23/24	24/25	25/26	26/27	FUTURE	PE	RW	CON
TransNet - L	\$580	\$580									\$580
TransNet - L (Cash)	\$380	\$380									\$380
TransNet - LSI	\$2,917	\$1,716	\$400	\$200	\$200	\$200	\$200		\$49		\$2,868
TransNet - LSI (Cash)	\$8	\$8									\$8
TransNet - LSI Carry Over	\$579	\$579									\$579
TOTAL	\$4,464	\$3,263	\$400	\$200	\$200	\$200	\$200		\$49		\$4,415

* Pending final SANDAG approval

Table 1
2023 Regional Transportation Improvement Program
San Diego Region (in \$000s)

El Cajon, City of

MPO ID: EL11			ADOPTION: 23-00								
Project Title: Sidewalk, Curb and Gutter, and Pedestrian Ramp Repairs			<i>TransNet - LSI: Maint</i>								
Project Description: Various locations as shown on the Maintenance Zone Map - repair damaged sidewalk, curb and gutter, pedestrian ramps, driveways, etc.											
Change Notes:											
Capacity Status: NCI			Exempt Category: Air Quality - Bicycle and pedestrian facilities								
Est Total Cost: \$6,381											
	TOTAL	PRIOR	22/23	23/24	24/25	25/26	26/27	FUTURE	PE	RW	CON
<i>TransNet - L</i>	\$450	\$450							\$150		\$300
<i>TransNet - L (Cash)</i>	\$250	\$250									\$250
<i>TransNet - LSI</i>	\$3,783	\$2,604	\$215	\$364	\$100	\$250	\$250				\$3,783
<i>TransNet - LSI (Cash)</i>	\$8	\$8									\$8
<i>TransNet - LSI Carry Over</i>	\$615	\$615									\$615
Local Funds	\$1,275	\$525	\$250	\$250	\$250						\$1,275
TOTAL	\$6,381	\$4,452	\$465	\$614	\$350	\$250	\$250		\$150		\$6,231

MPO ID: EL18			ADOPTION: 23-00								
Project Title: Street Light Installation Projects			<i>TransNet - LSI: CR</i>								
Project Description: Various locations in the City - provide for new street lights which includes removing existing wooden pole mounted lights for the City's underground utility district projects and the retro-fit of existing high pressure sodium street lights with energy efficient LED street lights											
Change Notes:											
Capacity Status: NCI			Exempt Category: Safety - Lighting improvements								
Est Total Cost: \$2,385											
	TOTAL	PRIOR	22/23	23/24	24/25	25/26	26/27	FUTURE	PE	RW	CON
<i>TransNet - L (Cash)</i>	\$37	\$37									\$37
<i>TransNet - LSI</i>	\$1,300	\$400	\$100	\$300	\$100	\$200	\$200				\$1,300
<i>TransNet - LSI Carry Over</i>	\$1,048	\$1,048									\$1,048
TOTAL	\$2,385	\$1,485	\$100	\$300	\$100	\$200	\$200				\$2,385

MPO ID: EL21			ADOPTION: 23-00								
Project Title: Street Resurfacing with Slurry Seals			<i>TransNet - LSI: Maint</i>								
Project Description: Various locations in the City - as grouped by the maintenance zone map for street resurfacing with rubber polymer modified slurry (RPMS) seals less than 1" thick											
Change Notes:											
Capacity Status: NCI			Exempt Category: Safety - Pavement resurfacing and/or rehabilitation								
Est Total Cost: \$11,394											
	TOTAL	PRIOR	22/23	23/24	24/25	25/26	26/27	FUTURE	PE	RW	CON
<i>TransNet - LSI</i>	\$4,575	\$2,075	\$500	\$500	\$500	\$500	\$500				\$4,575
<i>TransNet - LSI (Cash)</i>	\$5	\$5									\$5
<i>TransNet - LSI Carry Over</i>	\$3,814	\$3,814									\$3,814
Local Funds	\$3,000	\$1,200	\$600	\$600	\$600						\$3,000
TOTAL	\$11,394	\$7,094	\$1,100	\$1,100	\$1,100	\$500	\$500				\$11,394

* Pending final SANDAG approval

Table 1
2023 Regional Transportation Improvement Program
San Diego Region (in \$000s)

El Cajon, City of

MPO ID: EL29		ADOPTION: 23-00									
Project Title:	Traffic Safety/Calming							<i>TransNet - LSI: CR</i>			
Project Description:	Various locations in the City - install traffic safety and calming improvements such as street striping, stop signs, speed cushions, and radar speed feedback signs										
Change Notes:	Capacity Status: NCI Exempt Category: Safety - Safer non-Federal-aid system roads										
Est Total Cost: \$1,699											
	TOTAL	PRIOR	22/23	23/24	24/25	25/26	26/27	FUTURE	PE	RW	CON
<i>TransNet - LSI</i>	\$1,468	\$968	\$100	\$100	\$100	\$100	\$100				\$1,468
<i>TransNet - LSI (Cash)</i>	\$11	\$11									\$11
<i>TransNet - LSI Carry Over</i>	\$220	\$220									\$220
TOTAL	\$1,699	\$1,199	\$100	\$100	\$100	\$100	\$100				\$1,699

MPO ID: EL32		ADOPTION: 23-00									
Project Title:	Pavement Management System							<i>TransNet - LSI: Maint</i>			
Project Description:	Various streets in the City - the Pavement Management System provides a comprehensive inventory of the City's roadway assets. The system is used to track conditions, inspections, create resurfacing budgets and rankings, and house city-wide condition assessments. The system enables City Staff to better manage roadway system assets and make better, more informed decisions on capital and maintenance resurfacing projects.										
Change Notes:	Capacity Status: NCI Exempt Category: Other - Engineering studies										
Est Total Cost: \$700											
	TOTAL	PRIOR	22/23	23/24	24/25	25/26	26/27	FUTURE	PE	RW	CON
<i>TransNet - LSI</i>	\$505	\$5	\$100	\$100	\$100	\$100	\$100		\$505		
<i>TransNet - LSI Carry Over</i>	\$195	\$195							\$195		
TOTAL	\$700	\$200	\$100	\$100	\$100	\$100	\$100		\$700		

* Pending final SANDAG approval

Table 1
2023 Regional Transportation Improvement Program
San Diego Region (in \$000s)

El Cajon, City of

MPO ID: EL40		ADOPTION: 23-00									
Project Title:	El Cajon Transit Center Community Connection Improvements (part of Lump Sum V10)								SANDAG ID: 1224067		
Project Description:	El Cajon - El Cajon Boulevard between Chamberlain Avenue and Lexington Avenue, along Palm Avenue between Marshall Avenue and El Cajon Boulevard, and along Johnson Avenue approaching El Cajon Boulevard. - This project is the first phase of proposed improvements that will revitalize the Transit District by creating a sense of place and providing a direct link to transit by installing elements that will encourage smart growth such as wide sidewalks, enhanced crosswalks, thematic lighting, LID basins, streets trees, site furniture, a roundabout, bulb-outs, signage, and Class I bikeway approaches along Johnson Ave.										
Change Notes:	Capacity Status: NCI Exempt Category: Other - Transportation enhancement activities										
Est Total Cost: \$6,701											
	TOTAL	PRIOR	22/23	23/24	24/25	25/26	26/27	FUTURE	PE	RW	CON
<i>TransNet</i> - SGIP	\$2,500	\$517	\$1,983						\$475		\$2,025
Local Funds	\$4,201	\$2,201	\$2,000						\$50		\$4,151
TOTAL	\$6,701	\$2,718	\$3,983						\$525		\$6,176

MPO ID: EL41		ADOPTION: 23-00									
Project Title:	Main Street - Green Street Gateway (part of Lump Sum V10)								SANDAG ID: 1224068		
Project Description:	El Cajon - Main St between Marshall Ave and El Cajon Blvd, and also along Marshall Ave between Palm Ave and the El Cajon Transit Center access driveway. - Main St. is the primary access from the Transit Center to downtown El Cajon. To revitalize the corridor into an attractive "urban-forest" gateway, tree-lined widened sidewalks and Class IV bikeways, LID planters, signage, thematic site furnishing, and lighting are proposed. Also, upgraded bike and ped links to the transit center along Marshall will transform the corridor into an accessible and multi-modal Ave.										
Change Notes:	Capacity Status: NCI Exempt Category: Other - Transportation enhancement activities										
Est Total Cost: \$2,651											
	TOTAL	PRIOR	22/23	23/24	24/25	25/26	26/27	FUTURE	PE	RW	CON
<i>TransNet</i> - SGIP	\$2,500	\$281	\$2,219						\$281		\$2,219
Local Funds	\$151	\$51	\$100								\$151
TOTAL	\$2,651	\$332	\$2,319						\$281		\$2,370

* Pending final SANDAG approval

Table 1
2023 Regional Transportation Improvement Program
San Diego Region (in \$000s)

RTIP Fund Types

Local Funding	
Local Funds AC	Local Funds - Advanced Construction; mechanism to advance local funds to be reimbursed at a later fiscal year with federal/state funds
RTCIP	Regional Transportation Congestion Improvement Program
<i>TransNet-L</i>	Prop. A Local Transportation Sales Tax - Local Streets & Roads
<i>TransNet-L (Cash)</i>	TransNet - L funds which agencies have received payment, but have not spent
<i>TransNet-LSI</i>	Prop. A Extension Local Transportation Sales Tax - Local System Improvements
<i>TransNet-LSI Carry Over</i>	TransNet - LSI funds previously programmed but not requested/paid in year of allocation
<i>TransNet-LSI (Cash)</i>	TransNet - LSI funds which agencies have received payment, but have not spent
<i>TransNet-SGIP</i>	Prop. A Extension Local Transportation Sales Tax - Regional Smart Growth Incentive Program

* Pending final SANDAG approval



City Council
Agenda Report

DATE: May 10, 2022
TO: Honorable Mayor and City Councilmembers
FROM: Yazmin Arellano, Director of Public of Works
SUBJECT: East County Advanced Water Purification Program Informational Update

RECOMMENDATION:

That the City Council receives the East County Advanced Water Purification Program Update.

BACKGROUND:

The City of El Cajon (City) is a member agency of the Metropolitan Wastewater Joint Powers Authority (Metro), a coalition of municipalities and special districts that share in the use of the City of San Diego's regional wastewater facilities. All wastewater from the City is transported, treated, and disposed of by Metro facilities. Since 2014, the City has participated with Padre Dam Municipal Water District (Padre Dam), San Diego County Sanitation District (San Diego County), and Helix Water District (Helix Water) to explore the feasibility of the East County Advanced Water Purification Program (Program). The Program will divert wastewater flows from Metro and create a new, local, sustainable, and drought-proof drinking water supply by treating wastewater from member agencies. This Program will provide up to 30 percent of East County's drinking water demands while reducing wastewater discharge into the ocean.

On November 5, 2019, the three agencies providing wastewater services, including the City, Padre Dam, and San Diego County Sanitation District (Member Agencies), established the East County Advanced Water Purification Joint Powers Authority (ECAWP JPA) as a separate public entity for the purpose of planning for, designing, constructing, owning, and operating wastewater treatment and advanced water purification facilities (Project). The ECAWP JPA will be the owner and operator of the Program. Construction of the facilities to implement the Program is anticipated to be completed and fully operational by 2025. Funding for procurement, construction, and commissioning will be provided through state and federal loans, grants, and debt financing issued by the JPA. These funding sources will be secured and repaid through revenue collected for the provision of wastewater services and the sale of treated water produced by the Program after it is operational.

Padre Dam will administer and manage the Program development work. Padre Dam, Program Administrator, will provide a Program update on the latest cost projection and project completion schedule. The presentation will include the Program overview, a description of the Program's governance structure, the Program's financial model update, a description of the Program's public outreach to date, and the next steps.

Prepared By: Yazmin Arellano, Director of Public Works

Reviewed By:

Approved By: Graham Mitchell, City Manager



City Council Agenda Report

Agenda Item 10.

DATE: May 10, 2022
TO: Honorable Mayor and City Councilmembers
FROM: Graham Mitchell, City Manager
SUBJECT: Support for Governor Newsom's Proposed CARE Court Legislation

RECOMMENDATION:

That the City Council adopts the next Resolution, in order, supporting SB-1338, Community Assistance, Recovery, and Empowerment (CARE) Court Program.

BACKGROUND:

From staff's experience in assisting homeless individuals in our community, it is evident that debilitating drug addiction and mental illness are barriers to leading individuals from the streets to emergency shelter and permanent housing. Governor Gavin Newsom presented legislation that is being introduced by State Senators Umberg and Eggman. This legislation is known as SB-1338, Community Assistance, Recovery, and Empowerment (CARE) Court Program (attached).

CARE Court intends to assist individuals living with untreated mental health and substance abuse challenges. It helps individuals access housing, treatment, and care in times of mental health crises. It also provides accountability for individuals and local governments with court orders for services. The legislation provides individuals with a clinically appropriate, community-based, and court-ordered Care Plan which includes mental health treatment and substance abuse treatment services.

The legislation allows medical professionals, first responders, and family members to file a petition for an individual suffering from severe mental health issues. If granted under a CARES Court, the individual would receive clinical evaluation that could result in court-ordered mental health holds and the creation of a customized mental health plan. The court-ordered plan could require behavioral health treatment, stabilization medication, and a housing plan. If someone in mental health crisis were to not participate in their CARE plan, it could result in them being referred to an LPS conservatorship, which could span for up to 12 months.

Mayor Wells and staff met with the Governor's Office regarding the proposed legislation. Staff believes that this is the State's first serious effort in decades to address mental illness of those experiencing homelessness. As such, staff recommends that the City Council adopts the resolution (attached) supporting the CARES Court legislation and authorizes staff and individual City Councilmembers to support this legislation on behalf of the City.

Prepared By: Graham Mitchell, City Manager

Reviewed By:

Approved By: Graham Mitchell, City Manager

Attachments

Resolution

SB-1338 (CARE Court) Legislation

RESOLUTION NO. ____-22

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF EL CAJON
SUPPORTING SB-1338, COMMUNITY ASSISTANCE, RECOVERY,
AND EMPOWERMENT (CARE) COURT PROGRAM

WHEREAS, the 2020 Point-in-Time Count of the City of El Cajon (the "City") showed that the City has a higher percentage of homeless (sheltered and unsheltered) per capita in the County; and

WHEREAS, addressing the challenges of homelessness results in significant costs to the residents of the City; and

WHEREAS, mental illness and drug addiction are root causes for many experiencing homelessness, and until the challenges of mental illness and drug addiction of those experience homelessness are addressed, homelessness will remain a challenge for the City and other communities in California; and

WHEREAS, Governor Gavin Newsom has presented legislation that will address mental illness and drug use—the legislation is referred to as SB-1338 Community Assistance, Recovery, and Empowerment (CARE) Court Program ("SB-1338"), which will serve as an important tool to help in the City's effort to help secure permanent housing for those experiencing homelessness.

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 supports SB-1338, and authorizes staff and individual City Councilmembers to support SB-1338 on behalf of the City.

AMENDED IN SENATE APRIL 7, 2022
AMENDED IN SENATE MARCH 16, 2022

SENATE BILL

No. 1338

Introduced by Senators Umberg and Eggman

February 18, 2022

An act to add Part 1.3 (commencing with Section 5565) to Division 5 of Section 1374.723 to the Health and Safety Code, to amend Section 1370.01 of the Penal Code, and to add Part 8 (commencing with Section 5970) to Division 5 of the Welfare and Institutions Code, relating to mental health.

LEGISLATIVE COUNSEL'S DIGEST

SB 1338, as amended, Umberg. Community Assistance, Recovery, and Empowerment (CARE) Court Program.

Existing

(1) *Existing* law, the Assisted Outpatient Treatment Demonstration Project Act of 2002, known as Laura's Law, requires each county to offer specified mental health programs, unless a county or group of counties opts out by a resolution passed by the governing body, as specified. Existing law defines "assisted outpatient treatment" to mean categories of outpatient services that have been ordered by a court, as prescribed; law, the Lanterman-Petris-Short Act, provides for short-term and longer-term involuntary treatment and conservatorships for people who are determined to be gravely disabled.

This bill would establish the Community Assistance, Recovery, and Empowerment (CARE) Court Program to connect a person struggling with untreated mental illness and substance use disorders with a court-ordered CARE plan. The bill would authorize a court to order an adult person who is suffering from a mental illness and a substance use

~~disorder and who lacks medical decisionmaking capacity to obtain treatment and services under a CARE plan that is managed by a CARE team, as specified. The bill would require each county to participate in providing services under the program. By imposing new duties on counties, the bill would impose a state-mandated local program.~~

~~The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.~~

~~This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.~~

This bill would enact the Community Assistance, Recovery, and Empowerment (CARE) Act, which would authorize specified people to petition a civil court to create a CARE plan and implement services, to be provided by county behavioral health agencies, to provide behavioral health care, stabilization medication, and housing support to adults who are suffering from schizophrenia spectrum and psychotic disorders and who lack medical decisionmaking capacity. The bill would specify the process by which the petition is filed and reviewed, including requiring the petition to be signed under penalty of perjury, and to contain specified information, including the acts that support the petitioner's belief that the respondent meets the CARE criterion. The bill would also specify the schedule of review hearings required if the respondent is ordered to comply with a one-year CARE plan by the court. The bill would authorize the CARE plan to be extended for up to one year and prescribes the requirement for the graduation plan that is required upon leaving the CARE program. By expanding the crime of perjury and imposing additional duties on the county behavioral health agencies, this bill would impose a state-mandated local program.

This bill would include in the CARE program the respondent's right to have a supporter and counsel at all proceedings. The bill would require the California Health and Human Services Agency, subject to appropriation, to administer the CARE Supporter program, which would make available a trained supporter to each respondent.

This bill would authorize the court, at any time during the proceedings if it finds the county not complying with court orders, to fine the county up to \$1,000 per day and, if the court finds persistent noncompliance, to appoint a receiver to secure court-ordered care for the respondent at the county's cost.

(2) Existing law, the Knox-Keene Health Care Service Plan Act of 1975, provides for the licensure and regulation of health care service plans by the Department of Managed Health Care. Existing law requires health care service plans to provide coverage for medically necessary treatment of mental health and substance use disorders. Violation of the Knox-Keene Act is a crime.

This bill would require health care service plans to cover the cost of developing an evaluation for CARE services and the provision of all health care services for an enrollee when required or recommended for the enrollee pursuant to a CARE plan, as specified, without cost sharing. By creating a new crime, this bill would impose a state-mandated local program.

(3) Existing law prohibits a person from being tried or adjudged to punishment while that person is mentally incompetent. Existing law establishes a process by which a defendant's mental competency is evaluated and by which the defendant receives treatment, with the goal of returning the defendant to competency. Existing law suspends a criminal action pending restoration to competency.

This bill, for misdemeanor defendants who have been determined to be incompetent to stand trial, would authorize the court to refer the defendant to the CARE program.

(4) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that with regard to certain mandates no reimbursement is required by this act for a specified reason.

With regard to any other mandates, this bill would provide that, if the Commission on State Mandates determines that the bill contains costs so mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

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

- 1 SECTION 1. The Legislature finds and declares all of the
- 2 following:
- 3 (a) Thousands of Californians are suffering from untreated
- 4 schizophrenia spectrum and psychotic disorders, leading to risks

1 to their health and safety and increased homelessness,
2 incarceration, hospitalization, conservatorship, and premature
3 death. These individuals, families, and communities deserve a path
4 to care and wellness.

5 (b) With advancements in behavioral health treatments, many
6 people with untreated schizophrenia spectrum and psychotic
7 disorders can stabilize, begin healing, and thrive in
8 community-based settings, with the support of behavioral health
9 services, stabilizing medications, and housing. But too often this
10 comprehensive care is only provided after arrest, conservatorship,
11 or institutionalization.

12 (c) A new approach is needed to act earlier and to provide
13 support and accountability, both to individuals with these untreated
14 severe mental illnesses and to local governments with the
15 responsibility to provide behavioral health services. California's
16 civil courts will provide a new process for earlier action, support,
17 and accountability, through a new Community Assistance,
18 Recovery, and Empowerment (CARE) Court Program.

19 (d) Self-determination and civil liberties are important
20 California values that can be advanced and protected for
21 individuals with these untreated severe mental illnesses and without
22 current capacity for medical decisionmaking, with the
23 establishment of a new CARE Supporter role, in addition to legal
24 counsel, for CARE proceedings.

25 (e) California continues to act with urgency to expand
26 behavioral health services and to increase housing choices and
27 end homelessness for all Californians. CARE provides a vital
28 solution for some of the most ill and most vulnerable Californians.

29 SEC. 2. Section 1374.723 is added to the Health and Safety
30 Code, to read:

31 1374.723. (a) A health care service plan contract issued,
32 amended, renewed, or delivered on or after July 1, 2023, that
33 covers hospital, medical, or surgical expenses shall cover the cost
34 of developing an evaluation pursuant to Section 5977 of the
35 Welfare and Institutions Code and the provision of all health care
36 services for an enrollee when required or recommended for the
37 enrollee pursuant to a care plan approved by a court in accordance
38 with the court's authority under Sections 5977 and 5982 of the
39 Welfare and Institutions Code.

1 (b) (1) A health care service plan shall not require prior
2 authorization for services provided pursuant to a care plan
3 approved by a court under the CARE program.

4 (2) A health care service plan may conduct a postclaim review
5 to determine appropriate payment of a claim. Payment for services
6 subject to this section may be denied only if the health care service
7 plan reasonably determines the enrollee was not enrolled with the
8 plan at the time the services were rendered, the services were never
9 performed, or the services were not provided by a health care
10 provider appropriately licensed or authorized to provide the
11 services.

12 (3) Notwithstanding paragraph (1), a health care service plan
13 may require prior authorization for services as permitted by the
14 department pursuant to subdivision (e).

15 (c) (1) A health care service plan shall provide for
16 reimbursement of services provided to an enrollee pursuant to this
17 section at the greater of either of the following amounts:

18 (A) The health plan's contracted rate with the provider.

19 (B) The fee-for-service or case reimbursement rate paid in the
20 Medi-Cal program for the same or similar services, including
21 prescription drugs, as identified by the State Department of Health
22 Care Services.

23 (2) A health care service plan shall provide reimbursement for
24 services provided pursuant to this section in compliance with the
25 requirements for timely payment of claims, as required by this
26 chapter.

27 (d) Services provided to an enrollee pursuant to a CARE plan
28 shall not be subject to copayment, coinsurance, deductible, or any
29 other form of cost sharing. An individual or entity shall not bill
30 the enrollee or subscriber, nor seek reimbursement from the
31 enrollee or subscriber, for services provided pursuant to a CARE
32 plan.

33 (e) No later than July 1, 2023, the director of the Department
34 of Managed Health Care may issue guidance to health care service
35 plans regarding compliance with this section. This guidance shall
36 not be subject to the Administrative Procedure Act (Chapter 3.5
37 (commencing with Section 11340) of Part 1 of Division 3 of Title
38 2 of the Government Code). Guidance issued pursuant to this
39 subdivision shall be effective only until the director adopts
40 regulations pursuant to the Administrative Procedure Act.

1 (f) *This section does not apply to Medi-Cal managed care*
2 *contracts entered pursuant to Chapter 7 (commencing with Section*
3 *14000), Chapter 8 (commencing with Section 14200), or Chapter*
4 *8.75 (commencing with Section 14591) of Part 3 of Division 9 of*
5 *the Welfare and Institutions Code, between the State Department*
6 *of Health Care Services and a health care service plan for enrolled*
7 *Medi-Cal beneficiaries.*

8 (g) *This section shall become operative on July 1, 2023.*

9 SEC. 3. *Section 1370.01 of the Penal Code is amended to read:*

10 1370.01. (a) *If the defendant is found mentally competent, the*
11 *criminal process shall resume, and the trial on the offense charged*
12 *or hearing on the alleged violation shall proceed.*

13 (b) *If the defendant is found mentally incompetent, the trial,*
14 *judgment, or hearing on the alleged violation shall be suspended*
15 *and the court may do either of the following:*

16 (1) (A) *Conduct a hearing, pursuant to Chapter 2.8A*
17 *(commencing with Section 1001.35) of Title 6, and, if the court*
18 *deems the defendant eligible, grant diversion pursuant to Section*
19 *1001.36 for a period not to exceed one year from the date the*
20 *individual is accepted into diversion or the maximum term of*
21 *imprisonment provided by law for the most serious offense charged*
22 *in the misdemeanor complaint, whichever is shorter.*

23 (B) *If the court opts to conduct a hearing pursuant to this*
24 *paragraph, the hearing shall be held no later than 30 days after the*
25 *finding of incompetence. If the hearing is delayed beyond 30 days,*
26 *the court shall order the defendant to be released on their own*
27 *recognizance pending the hearing.*

28 (C) *If the defendant performs satisfactorily on diversion pursuant*
29 *to this section, at the end of the period of diversion, the court shall*
30 *dismiss the criminal charges that were the subject of the criminal*
31 *proceedings at the time of the initial diversion.*

32 (D) *If the court finds the defendant ineligible for diversion based*
33 *on the circumstances set forth in subdivision (b) or (d) of Section*
34 *1001.36, the court may, after notice to the defendant, defense*
35 *counsel, and the prosecution, hold a hearing to determine whether*
36 *to do any of the following:*

37 (i) *Order modification of the treatment plan in accordance with*
38 *a recommendation from the treatment provider.*

39 (ii) *Refer the defendant to assisted outpatient treatment pursuant*
40 *to Section 5346 of the Welfare and Institutions Code. A referral*

1 to assisted outpatient treatment may only occur in a county where
2 services are available pursuant to Section 5348 of the Welfare and
3 Institutions Code, and the agency agrees to accept responsibility
4 for treatment of the defendant. A hearing to determine eligibility
5 for assisted outpatient treatment shall be held within 45 days after
6 the date of the referral. If the hearing is delayed beyond 45 days,
7 the court shall order the defendant, if confined in county jail, to
8 be released on their own recognizance pending that hearing. If the
9 defendant is accepted into assisted outpatient treatment, the charges
10 shall be dismissed pursuant to Section 1385.

11 (iii) Refer the defendant to the county conservatorship
12 investigator in the county of commitment for possible
13 conservatorship proceedings for the defendant pursuant to Chapter
14 3 (commencing with Section 5350) of Part 1 of Division 5 of the
15 Welfare and Institutions Code. A defendant shall only be referred
16 to the conservatorship investigator if, based on the opinion of a
17 qualified mental health expert, the defendant appears to be gravely
18 disabled, as defined in subparagraph (A) of paragraph (1) of
19 subdivision (h) of Section 5008 of the Welfare and Institution
20 Code. Any hearings required in the conservatorship proceedings
21 shall be held in the superior court in the county of commitment.
22 The court shall transmit a copy of the order directing initiation of
23 conservatorship proceedings to the county mental health director
24 or the director's designee and shall notify the county mental health
25 director or their designee of the outcome of the proceedings. Before
26 establishing a conservatorship, the public guardian shall investigate
27 all available alternatives to conservatorship pursuant to Section
28 5354 of the Welfare and Institutions Code. If a petition is not filed
29 within 60 days of the referral, the court shall order the defendant,
30 if confined in county jail, to be released on their own recognizance
31 pending conservatorship proceedings. If the outcome of the
32 conservatorship proceedings results in the establishment of
33 conservatorship, the charges shall be dismissed pursuant to Section
34 1385.

35 (iv) *Refer the defendant to the CARE program pursuant to*
36 *Section 5978 of the Welfare and Institutions Code. A hearing to*
37 *determine eligibility for CARE shall be held within 14 days after*
38 *the date of the referral. If the hearing is delayed beyond 14 days,*
39 *the court shall order the defendant, if confined in county jail, to*
40 *be released on their own recognizance pending that hearing. If*

1 *the defendant successfully completes CARE, the charges shall be*
 2 *dismissed pursuant to Section 1385.*

3 (2) Dismiss the charges pursuant to Section 1385. If the criminal
 4 action is dismissed, the court shall transmit a copy of the order of
 5 dismissal to the county mental health director or the director's
 6 designee.

7 (c) If the defendant is found mentally incompetent and is on a
 8 grant of probation for a misdemeanor offense, the court shall
 9 dismiss the pending revocation matter and may return the defendant
 10 to supervision. If the revocation matter is dismissed pursuant to
 11 this subdivision, the court may modify the terms and conditions
 12 of supervision to include appropriate mental health treatment.

13 (d) It is the intent of the Legislature that a defendant subject to
 14 the terms of this section receive mental health treatment in a
 15 treatment facility and not a jail. A term of four days will be deemed
 16 to have been served for every two days spent in actual custody
 17 against the maximum term of diversion. A defendant not in actual
 18 custody shall otherwise receive day for day credit against the term
 19 of diversion from the date the defendant is accepted into diversion.
 20 "Actual custody" has the same meaning as in Section 4019.

21 (e) This section shall apply only as provided in subdivision (b)
 22 of Section 1367.

23 *SEC. 4. Part 8 (commencing with Section 5970) is added to*
 24 *Division 5 of the Welfare and Institutions Code, to read:*

25
 26 *PART 8. THE COMMUNITY ASSISTANCE, RECOVERY, AND*
 27 *EMPOWERMENT ACT*

28
 29 *CHAPTER 1. GENERAL PROVISIONS*

30
 31 *5970. This part shall be known, and may be cited, as*
 32 *Community Assistance, Recovery, and Empowerment (CARE) Act.*

33 *5971. Unless the context otherwise requires, the following*
 34 *definitions shall govern the construction of this part.*

35 (a) "Court-ordered evaluation" means an evaluation ordered
 36 by a superior court pursuant to Section 5977.

37 (b) "CARE plan" means an individualized, clinically
 38 appropriate range of behavioral health related services and
 39 supports provided by a county behavioral health agency, including,

1 *but not limited to, clinical care, stabilization medications, and a*
2 *housing plan, pursuant to Section 5982.*

3 (c) *“Graduation plan” means a plan that is developed by the*
4 *person who is the subject of the petition, with assistance from a*
5 *supporter, as needed, and the person’s treatment team. The*
6 *graduation plan shall include a strategy to support a successful*
7 *transition out of court jurisdiction and may include a psychiatric*
8 *advance directive. The graduation plan may also include, but is*
9 *not limited to, on-going behavioral health services, including*
10 *medication management, peer support services, housing and*
11 *related support services, vocational or educational services, and*
12 *psychoeducation.*

13 (d) *“Psychiatric advance directive” means a legal document*
14 *that allows a person with mental illness to protect their autonomy*
15 *and ability to self-direct care by documenting their preferences*
16 *for treatment in advance of a mental health crisis.*

17 (e) *“Respondent” means the person who is subject to the petition*
18 *for CARE court proceedings.*

19 (f) *“Supporter” means an adult, trained pursuant to Chapter*
20 *4 (commencing with Section 5980), who assists the person who is*
21 *the subject of the petition, which may include supporting the person*
22 *to understand, make, communicate, implement, or act on their own*
23 *life decisions.*

24
25 *CHAPTER 2. PROCESS*
26

27 5972. *A court may order a respondent to participate in CARE*
28 *proceedings if the court finds, by clear and convincing evidence,*
29 *that the facts stated in the petition are true and establish that the*
30 *requisite criteria set forth in this section are met, including all of*
31 *the following:*

32 (a) *The person is 18 years of age or older.*

33 (b) *The person has a diagnosis of schizophrenia spectrum or*
34 *other psychotic disorder, as defined in the most current version*
35 *of the Diagnostic and Statistical Manual of Mental Disorders.*

36 (c) *The person is not clinically stabilized in on-going treatment*
37 *with the county behavioral health agency.*

38 (d) *The person currently lacks medical decisionmaking capacity.*

39 5973. *Proceedings under this part may be commenced in any*
40 *of the following:*

- 1 (a) *The county in which the respondent resides.*
2 (b) *The county where the respondent is found.*
3 (c) *The county where the respondent is facing criminal or civil*
4 *proceedings.*
5 5974. *The following persons may file a petition to initiate CARE*
6 *proceedings:*
7 (a) *A person 18 years of age or older with whom the respondent*
8 *resides.*
9 (b) *A spouse, parent, sibling, or adult child of the respondent.*
10 (c) *The director of a hospital, or their designee, in which the*
11 *respondent is hospitalized, including hospitalization pursuant to*
12 *Section 5150 or 5250.*
13 (d) *The director of a public or charitable organization, agency,*
14 *or home, or their designee, currently or previously providing*
15 *behavioral health services to the respondent or in whose institution*
16 *the respondent resides.*
17 (e) *A qualified behavioral health professional, or their designee,*
18 *who is, or has been, either supervising the treatment of, or treating*
19 *the respondent for a mental illness.*
20 (f) *A first responder, including a peace officer, firefighter,*
21 *paramedic, emergency medical technician, mobile crisis response*
22 *worker, or homeless outreach worker.*
23 (g) *The public guardian or public conservator, or their designee,*
24 *of the county in which the respondent is present or reasonably*
25 *believed to be present.*
26 (h) *The director of a county behavioral health agency, or their*
27 *designee, of the county in which the respondent is present or*
28 *reasonably believed to be present.*
29 5975. *The petition shall be signed under the penalty of perjury*
30 *and contain all of the following:*
31 (a) *The name of the court to which it is addressed.*
32 (b) *The title of the proceeding.*
33 (c) *The name, age, and address, if any, of the respondent.*
34 (d) *The code section and the subdivision under which the*
35 *proceedings are instituted.*
36 (e) *The petitioner's relationship with the respondent.*
37 (f) *Facts that support the petitioner's belief that the respondent*
38 *meets the CARE criterion, including identification of the county*
39 *behavioral health agency with responsibility for providing care*
40 *to the respondent, if known.*

1 (g) *Either of the following:*

2 (1) *An affirmation or affidavit of a qualified behavioral health*
3 *professional, stating that the qualified behavioral health*
4 *professional or their designee has examined the respondent within*
5 *three months of the submission of the petition, or has made*
6 *appropriate attempts, but has not been successful, in eliciting the*
7 *cooperation of the respondent to submit to an examination, and*
8 *that the qualified behavioral health professional had determined*
9 *that, based on an examination or a review of records and collateral*
10 *interviews, the respondent meets, or is likely to meet, the diagnostic*
11 *criteria for CARE proceedings.*

12 (2) *Evidence that the respondent was detained for intensive*
13 *treatment pursuant to Article 4 (commencing with Section 5250)*
14 *of Chapter 2 of Part 1 within the previous 90 days.*

15 5976. *The respondent shall have all of the following rights:*

16 (a) *To receive notice of the hearings.*

17 (b) *To receive a copy of the court-ordered evaluation.*

18 (c) *To be represented by counsel at all stages of a proceeding*
19 *commenced under this chapter.*

20 (d) *To a supporter, as described in Section 5982.*

21 (e) *To be present at the hearing unless the respondent waives*
22 *the right to be present or the court makes a finding described in*
23 *Section 5977 or appears remotely.*

24 (f) *To present evidence.*

25 (g) *To call witnesses.*

26 (h) *To cross-examine witnesses.*

27 (i) *To appeal decisions, and to be informed of the right to*
28 *appeal.*

29 5977. (a) (1) *Upon receipt by the court of a petition, the court*
30 *shall set an initial hearing not later than 14 days from the date*
31 *the petition is filed with the court.*

32 (2) *The court shall appoint counsel and a supporter within five*
33 *calendar days of filing.*

34 (3) *The petitioner shall be responsible for providing notice of*
35 *the hearing to the respondent, the respondent's counsel and*
36 *supporter; and the county behavioral health agency in the county*
37 *where the respondent resides.*

38 (b) (1) *At the initial hearing, which shall occur 14 days after*
39 *the petition is filed with the court, the court shall determine if the*
40 *respondent meets the CARE criteria.*

- 1 (2) All of the following shall be required for the hearing:
2 (A) The petitioner shall be present. If the petitioner is not
3 present, the matter shall be dismissed.
4 (B) The respondent may waive their appearance and appear
5 through their counsel. If the respondent does not waive their
6 appearance and does not appear at the hearing, and appropriate
7 attempts to elicit the attendance of the respondent have failed, the
8 court may conduct the hearing in the respondent's absence. If the
9 hearing is conducted without the respondent present, the court
10 shall set forth the factual basis for doing so.
11 (C) A representative from the county behavioral health agency
12 shall be present.
13 (D) The supporter shall be allowed to be present.
14 (3) (A) The court shall determine if the petitioner has presented
15 prima facie evidence that respondent meets the CARE criteria.
16 (B) If the court finds that the petitioner has not presented
17 sufficient prima facie evidence, the court shall dismiss the case
18 without prejudice, unless the court makes a finding on the record
19 that the petitioner's filing was not in good faith.
20 (C) If the court finds that the petitioner has submitted prima
21 facie evidence that the respondent meets the CARE criteria, the
22 court shall order the county behavioral health agency to work with
23 the respondent and the respondent's counsel and supporter to
24 determine if the respondent shall engage in a treatment plan. A
25 case management conference shall be set for no later than 14 days
26 after the court makes its finding.
27 (c) (1) At the case management conference hearing, the court
28 shall determine if a settlement agreement may be entered into by
29 the parties.
30 (2) The case management conference may be continued for up
31 to 14 days upon stipulation of the respondent and the county
32 behavioral health agency.
33 (3) The court's findings that a settlement agreement may be
34 entered into by the parties shall require a recitation of all terms
35 and conditions on the record.
36 (4) If the court finds that parties have agreed to a settlement
37 agreement, and the court agrees with the terms of the agreement,
38 the court shall stay the matter and set a progress hearing for 60
39 days.

1 (5) (A) If the court finds that the parties are not likely to reach
2 a settlement agreement, the court shall order a clinical evaluation
3 of the respondent unless the parties stipulate otherwise.

4 (B) The court shall order the county behavioral health agency
5 to conduct the evaluation unless the parties stipulate otherwise.

6 (C) The court shall set a hearing to review the evaluation within
7 14 days.

8 (D) The evaluation shall be confidential pursuant to Section
9 5200.

10 (d) (1) At the evaluation review hearing, the court shall review
11 the evaluation and any other evidence from all interested
12 individuals, including, but not limited to, evidence from the
13 petitioner; the county behavioral health agency, the respondent,
14 and the supporter.

15 (2) The hearing may be continued a maximum of 14 days upon
16 stipulation of the respondent and the county behavioral health
17 agency.

18 (3) (A) If the court finds that the evaluation and other evidence
19 demonstrate by clear and convincing evidence that the respondent
20 meets the CARE criteria, the court shall order the county
21 behavioral health agency, the respondent, and the respondent's
22 counsel and supporter to jointly develop a CARE plan.

23 (B) The respondent and the county behavioral health agency
24 may request appellate writ review of the order to develop a CARE
25 plan.

26 (C) A hearing to approve the CARE plan shall be set not more
27 than 14 days from the date of the order to develop a CARE plan.

28 (4) If the court finds that the evidence does not, by clear and
29 convincing evidence, support that the respondent meets the CARE
30 criteria, the court shall dismiss the petition without prejudice.

31 (e) (1) The plan approval and implementation hearing to
32 approve the CARE plan shall occur within 14 days after date of
33 the order to develop a CARE plan.

34 (2) The CARE plan may be presented by both or either of the
35 parties. After presentation, the court may do any of the following:

36 (A) Approve the plan as presented and make any orders
37 necessary for the implementation of the plan.

38 (B) Order the plan modified to better meet the needs of the
39 parties, approve the plan as modified, within the scope of the

- 1 county behavioral health agency's services, and make any orders
2 necessary for the implementation of the plan.
- 3 (C) Reject the plan and order the parties to continue to work
4 on the plan. The court shall set a subsequent hearing for no more
5 than 14 days after rejecting the proposed plan.
- 6 (3) (A) If the court rejects the plan or if there is no CARE plan
7 because the parties have not had sufficient time to complete it, the
8 court may grant a continuance for no more than 14 days.
- 9 (B) At the subsequent CARE plan approval and implementation
10 hearing, the court shall review the CARE plan, at which time the
11 court may do either of the following:
- 12 (i) Approve the plan as presented and make any orders
13 necessary to implement the plan.
- 14 (ii) Order the plan modified, within the scope of the county
15 behavioral health agency's services, to better meet the needs of
16 the parties, approve the plan as modified, and make any orders
17 necessary to implement the plan.
- 18 (4) Court approval of the CARE plan begins the one-year CARE
19 program timeline.
- 20 (f) The court shall schedule a status conference for 60 days after
21 the approval of the CARE plan to review the progress of the CARE
22 plan's implementation.
- 23 (g) (1) The 60-day status conference shall be followed by
24 regular status conferences set by the court, at least every 180 days.
- 25 (2) Intermittent lapses or setbacks experienced by the respondent
26 shall be reviewed by the court.
- 27 (h) (1) In the 11th month of the program timeline, the court
28 shall hold a one-year status hearing. At that hearing, the court
29 shall determine whether to graduate the respondent from the
30 program with a graduation plan or reappoint the respondent to
31 the program for another term, not to exceed one year.
- 32 (2) The one-year status hearing shall be an evidentiary hearing.
33 All parties shall be permitted to speak, present evidence, and the
34 court shall hear recommendations from the county behavioral
35 health agency.
- 36 (3) If the respondent has successfully completed participation
37 in the one-year CARE program, the respondent shall not be
38 reappointed to the program.
- 39 (4) At the one-year status hearing, the respondent may request
40 graduation or reappointment to the CARE program. If the

1 *respondent elects to accept voluntary reappointment to the*
2 *program, the respondent may request any amount of time, up to*
3 *and including one additional year, to be reappointed to the CARE*
4 *program.*

5 *(5) If the respondent requests to be graduated from, or times*
6 *out of, the program, the court shall officially graduate the*
7 *respondent and terminate its jurisdiction with a graduation plan.*

8 *(6) Upon completion, for a respondent who was transferred*
9 *from another court, the referring court shall be given notice of*
10 *completion and the underlying matter shall be terminated.*

11 *(i) The hearings described in this section shall occur in-person*
12 *unless the court, in its discretion, determines that a party may*
13 *appear remotely through the use of remote technology.*

14 *(j) Consistent with its constitutional rulemaking authority, the*
15 *Judicial Council shall adopt rules to implement the policies and*
16 *provisions in this section to promote statewide consistency,*
17 *including, but not limited to, what is included in the petition form*
18 *packet, the clerk's review of the petition, and the process by which*
19 *counsel and supporter will be appointed.*

20 *5978. (a) A court may refer an individual from assisted*
21 *outpatient treatment and conservatorship proceedings to CARE*
22 *proceedings.*

23 *(b) A court may refer an individual from misdemeanor*
24 *proceedings pursuant to Section 1370.01 of the Penal Code.*

25
26 *CHAPTER 3. ACCOUNTABILITY*

27
28 *5979. (a) If, at any time during the proceedings, the court*
29 *determines by a preponderance of evidence that the respondent is*
30 *not participating in CARE proceedings, after the respondent*
31 *receives notice, or is failing to comply with their CARE plan, the*
32 *court may terminate the respondent's participation in the CARE*
33 *program. The court may utilize existing legal authority pursuant*
34 *to Article 4 (commencing with Section 5200) of Chapter 2 of Part*
35 *1, to ensure the respondent's safety. The subsequent proceedings*
36 *may use the CARE proceedings as a factual presumption that no*
37 *suitable community alternatives are available to treat the*
38 *individual.*

39 *(b) If, at any time during the proceedings, the court finds that*
40 *the county is not complying with court orders, the court may fine*

1 the county up to one thousand dollars (\$1,000) per day for
2 noncompliance. If a county is found to be persistently
3 noncompliant, the court may appoint a receiver to secure
4 court-ordered care for the respondent at the county's cost.

5 (c) Either the respondent or the county behavioral health agency
6 may appeal an adverse court determination to the appellate
7 division of the superior court.

8
9 CHAPTER 4. THE SUPPORTER

10
11 5980. (a) Subject to appropriation, the California Department
12 of Aging shall administer the CARE Supporter program, which
13 shall make available a trained supporter to the respondent. The
14 department shall train the supporter on supported decisionmaking
15 with individuals who have behavioral health conditions and on
16 the use of psychiatric advance directives, with support and input
17 from peers, family members, disability groups, providers, and
18 other relevant stakeholders. The department may enter into a
19 technical assistance and training agreement to provide trainings
20 either directly to supporters or to the contracted entities who will
21 be responsible for hiring and matching supporters to respondents.
22 The CARE Supporter program contracts shall include labor
23 standards.

24 (b) The CARE Supporter program shall be designed to do all
25 of the following:

26 (1) Offer the respondent a flexible and culturally responsive
27 way to maintain autonomy and decisionmaking authority over
28 their own life by developing and maintaining voluntary supports
29 to assist them in understanding, making, communicating, and
30 implementing their own informed choices.

31 (2) Strengthen the respondent's capacity and prevent or remove
32 the need to use more restrictive protective mechanisms, such as
33 conservatorship.

34 (3) Assist the respondent with understanding, making, and
35 communicating decisions and expressing preferences throughout
36 the CARE court process.

37 (c) If the respondent chooses to have a supporter who was not
38 trained pursuant to this section, that person may serve as a
39 supporter without compensation.

1 5981. (a) Notwithstanding any other provision of this part,
2 the respondent may have their supporter present, if available, in
3 any meeting, judicial proceeding, or communication related to
4 any of the following:

5 (1) An evaluation.

6 (2) Creation of a CARE plan.

7 (3) Establishing a psychiatric advance directive.

8 (4) Development of a graduation plan.

9 (b) A supporter shall do all the following, to the best of their
10 ability and to the extent reasonably possible:

11 (1) Support the will and preferences of the respondent.

12 (2) Respect the values, beliefs, and preferences of the
13 respondent.

14 (3) Act honestly, diligently, and in good faith.

15 (4) Avoid, to the greatest extent possible, and disclose, minimize,
16 and manage, conflicts of interest.

17 (c) Unless explicitly authorized, a supporter shall not do any
18 of the following:

19 (1) Make decisions for, or on behalf of, the respondent, except
20 when necessary to prevent imminent bodily harm or injury.

21 (2) Sign documents on behalf of the respondent.

22 (3) Substitute their own judgment for the decision or preference
23 of the respondent.

24 (d) In addition to the obligations in this section, a supporter
25 shall be bound by all existing obligations and prohibitions
26 otherwise applicable by law that protect people with disabilities
27 and the elderly from fraud, abuse, neglect, coercion, or
28 mistreatment. This section does not limit a supporter's civil or
29 criminal liability for prohibited conduct against the respondent,
30 including liability for fraud, abuse, neglect, coercion, or
31 mistreatment, including liability under the Elder Abuse and
32 Dependent Adult Civil Protection Act (Chapter 11 (commencing
33 with Section 15600) of Part 3 of Division 9), including, but not
34 limited to, Sections 15656 and 15657.

35
36 CHAPTER 5. CARE PLAN

37
38 5982. The CARE plan shall be created by the respondent, their
39 supporter and counsel, and the county behavioral health agency.
40 The plan shall include all of the following components:

1 (a) (1) Behavioral health treatment, which includes medically
2 necessary mental health or substance use disorder treatment, or
3 both.

4 (2) If the respondent is enrolled in the Medi-Cal program, the
5 county shall provide all medically necessary specialty mental
6 health and substance use disorder treatment services, as those
7 services are defined in the Medi-Cal program and consistent with
8 their responsibilities thereunder, to a respondent when included
9 in their court ordered CARE plan. Specialty mental health services
10 and substance use disorder treatment services may be included in
11 the CARE plan if they are determined to be medically necessary
12 by the clinical evaluation. If the respondent is an enrollee in a
13 health care service plan, other than a Medi-Cal managed care
14 plan, the services shall be provided and reimbursed pursuant to
15 Section 1374.723 of the Health and Safety Code.

16 (3) Counties are encouraged to employ medically necessary,
17 evidence-based practices and promising practices supported with
18 community-defined evidence, which may include assertive
19 community treatment, peer support services, and psychoeducation.

20 (b) (1) As part of the provision of behavioral health care, the
21 care plan may include medically necessary stabilization
22 medications, including antipsychotic medications. If medically
23 necessary, medications may be provided as long-acting injections.

24 (2) Court ordered stabilization medications shall not be forcibly
25 administered, absent a separate order by the court pursuant to
26 Sections 5332 to 5336, inclusive.

27 (3) Medically necessary stabilization medications may be
28 prescribed by the treating licensed behavioral health care provider
29 and medication support services shall be offered. The respondent,
30 in the development and on-going maintenance of the plan, shall
31 work with their behavioral health care provider and their supporter
32 to address medication concerns and make changes to the treatment
33 plan.

34 (c) A housing plan that describes the housing needs of the
35 respondent and the housing resources that will be considered in
36 support of an appropriate housing placement. The respondent
37 shall have diverse housing options, including, but not limited to,
38 housing in clinically enhanced interim or bridge housing, licensed
39 adult and senior care settings, and supportive housing. Counties
40 may offer appropriate housing placements in the region as early

1 *as feasible in the engagement process. This section does not allow*
2 *the court to order housing or to require the county to provide*
3 *housing.*

4
5 *CHAPTER 6. TECHNICAL ASSISTANCE AND ADMINISTRATION*
6

7 5983. (a) *Subject to appropriation, the State Department of*
8 *Health Care Services shall provide technical assistance to county*
9 *behavioral health agencies to support the implementation of this*
10 *part, including trainings regarding the CARE model and statute*
11 *and data collection.*

12 (b) *Subject to appropriation, the State Department of Health*
13 *Care Services shall administer the Behavioral Health Bridge*
14 *Housing program to provide funding for clinically enhanced bridge*
15 *housing settings to serve individuals who are experiencing*
16 *homelessness and have behavioral health conditions. Individuals*
17 *who are CARE program participants shall be prioritized for any*
18 *appropriate bridge housing funded by the Behavioral Health*
19 *Bridge Housing program.*

20 (c) *Subject to appropriation, the Judicial Council shall provide*
21 *technical assistance to judges to support the implementation of*
22 *this part, including trainings regarding the CARE model and*
23 *statutes, working with the supporter, best practices, and*
24 *evidence-based models of care for people with severe behavioral*
25 *health conditions.*

26 5984. (a) *For purposes of implementing this part, the*
27 *California Health and Human Services Agency, the State*
28 *Department of Health Care Services, and the California*
29 *Department of Aging may enter into exclusive or nonexclusive*
30 *contracts, or amend existing contracts, on a bid or negotiated*
31 *basis. Contracts entered into or amended pursuant to this part*
32 *shall be exempt from Chapter 6 (commencing with Section 14825)*
33 *of Part 5.5 of Division 3 of Title 2 of the Government Code, Section*
34 *19130 of the Government Code, Part 2 (commencing with Section*
35 *10100) of Division 2 of the Public Contract Code, and the State*
36 *Administrative Manual, and shall be exempt from the review or*
37 *approval of any division of the Department of General Services.*

38 (b) *Notwithstanding Chapter 3.5 (commencing with Section*
39 *11340) of Part 1 of Division 3 of Title 2 of the Government Code,*
40 *the California Health and Human Services Agency, the State*

1 Department of Health Care Services, and the California
2 Department of Aging may implement, interpret, or make specific
3 this part, in whole or in part, by means of plan letters, information
4 notices, provider bulletins, or other similar instructions, without
5 taking any further regulatory action.

6 SEC. 5. No reimbursement is required by this act pursuant to
7 Section 6 of Article XIII B of the California Constitution for certain
8 costs that may be incurred by a local agency or school district
9 because, in that regard, this act creates a new crime or infraction,
10 eliminates a crime or infraction, or changes the penalty for a crime
11 or infraction, within the meaning of Section 17556 of the
12 Government Code, or changes the definition of a crime within the
13 meaning of Section 6 of Article XIII B of the California
14 Constitution.

15 However, if the Commission on State Mandates determines that
16 this act contains other costs mandated by the state, reimbursement
17 to local agencies and school districts for those costs shall be made
18 pursuant to Part 7 (commencing with Section 17500) of Division
19 4 of Title 2 of the Government Code.

20 SECTION 1. ~~Part 1.3 (commencing with Section 5565) is~~
21 ~~added to Division 5 of the Welfare and Institutions Code, to read:~~

22
23 ~~PART 1.3. COMMUNITY ASSISTANCE, RECOVERY, AND~~
24 ~~EMPOWERMENT (CARE) COURT PROGRAM~~
25

26 5565. ~~(a) The Community Assistance, Recovery, and~~
27 ~~Empowerment (CARE) Court Program is hereby established to~~
28 ~~connect a person struggling with untreated mental illness and~~
29 ~~substance use disorders with a court-ordered CARE plan.~~

30 ~~(b) (1) A court may order a person who is the subject of a~~
31 ~~petition filed pursuant to this section to obtain treatment and~~
32 ~~services under a CARE plan if the court finds that the facts stated~~
33 ~~in the verified petition are true and established and the criteria set~~
34 ~~in this section are met, including, but not limited to, each of the~~
35 ~~following:~~

36 ~~(A) The person is 18 years of age or older.~~

37 ~~(B) The person is suffering from a mental illness and a substance~~
38 ~~use disorder.~~

39 ~~(C) The person lacks medical decisionmaking capacity.~~

1 ~~(2) A court may order the person to have a CARE plan for up~~
2 ~~to 12 months, and may renew the plan for up to another 12 months.~~
3 ~~The court shall conduct periodic review hearings.~~

4 ~~(3) A person who is ordered under a CARE plan who does not~~
5 ~~complete the plan may be referred to conservatorship pursuant to~~
6 ~~Chapter 3 (commencing with Section 5350) of Part 1, and it shall~~
7 ~~be presumed that there are no suitable alternatives to~~
8 ~~conservatorship available to the person~~

9 ~~(c) A petition for an order authorizing a CARE plan may be~~
10 ~~filed by a family member, county representative, community-based~~
11 ~~social services provider, behavioral health provider, or first~~
12 ~~responder in the superior court in the county in which the person~~
13 ~~who is the subject of the petition is present or reasonably believed~~
14 ~~to be present.~~

15 ~~(d) (1) A CARE plan shall be managed by a CARE team in the~~
16 ~~community, and may include clinically prescribed and~~
17 ~~individualized interventions with several supportive services,~~
18 ~~including, but not limited to, medication and housing.~~

19 ~~(2) The CARE team shall consist of clinical team members, a~~
20 ~~public defender, and a support person to help make self-directed~~
21 ~~care decisions.~~

22 ~~(c) (1) Each county shall participate in providing services under~~
23 ~~the program.~~

24 ~~(2) The court may order sanctions or appoint an agent to ensure~~
25 ~~the county provides services under the program.~~

26 ~~SEC. 2. If the Commission on State Mandates determines that~~
27 ~~this act contains costs mandated by the state, reimbursement to~~
28 ~~local agencies and school districts for those costs shall be made~~
29 ~~pursuant to Part 7 (commencing with Section 17500) of Division~~
30 ~~4 of Title 2 of the Government Code.~~



City Council
Agenda Report

Agenda Item 11.

DATE: May 10, 2022
TO: Honorable Mayor and City Councilmembers
FROM: Marisol Thorn, Director of Human Resources
SUBJECT: Fourth Amendment to City Manager Employment Agreement

RECOMMENDATION:

That the Mayor provides an oral report summarizing the recommended change in compensation for the City Manager and, following the report, that the City Council adopts the next Resolution, in order, approving the amendment to the employment contract with the City Manager and authorizing the Mayor to execute the amendment, substantially in the form as presented.

BACKGROUND:

SB 1436, adopted in 2016, requires that the City Council provide an oral report with a summary of recommendations for a final action on the salaries or compensation of certain “local agency executives.” This oral report must be given by the Mayor during the open meeting in which the final action on compensation, salaries, and benefits is to be taken. A “local agency executive” is defined as those employees of a local agency not subject to the Meyers-Millias-Brown Act and who is either (1) the chief executive officer, deputy or assistant chief executive officer, (2) the head of a department of a local agency, or (3) is employed under a contract with the local agency. For the City, the “local agency executives” subject to SB 1436 includes the City Manager. As authorized in closed session, the City Manager will receive a performance increase of 3%, effective April 13, 2022. The salary modification requires an amendment to the City Manager Employment Agreement. A resolution and amendment are included as part of this agenda item.

FISCAL IMPACT:

Compensation changes are within the legislative authority as provided by the City Council.

Attachments

Resolution
4th Amendment

RESOLUTION NO. __-22

RESOLUTION APPROVING FOURTH AMENDMENT TO
CITY MANAGER EMPLOYMENT AGREEMENT

WHEREAS, on April 24, 2018, the City of El Cajon (the "City") and the City Manager entered into that certain "City Manager Employment Agreement Between the City of El Cajon and Graham Mitchell" (the "Agreement"), which established the terms and conditions for employment as the City Manager for the City, and provides, among other things, benefits and compensation payable to the City Manager; and

WHEREAS, on January 14, 2020, the City Council approved the First Amendment to City Manager Employment Agreement (the "First Amendment") to more accurately describe the City Manager's Base Salary as part of his Compensation and Required Employer Costs in paragraph (1)(a) of subsection (A) of Section 4 of the Agreement, effective January 1, 2020; and

WHEREAS, on June 23, 2020, the City Council approved the Second Amendment to City Manager Employment Agreement (the "Second Amendment") to increase benefits and compensation to the City Manager consistent with the Compensation Plan for Executive Employees effective the pay period of June 13, 2020 through June 26, 2020; and

WHEREAS, on June 22, 2021, the City Council approved the Third Amendment to City Manager Employment Agreement (the "Third Amendment") to increase benefits and compensation to the City Manager consistent with the Compensation Plan for Executive Employees effective the pay period of June 12, 2021 through June 25, 2021, and to extend the one-time benefit of moving expenses if the City Manager were to relocate his household within 15 miles of City Hall to April 24, 2026; and

WHEREAS, the parties now desire to enter into a Fourth Amendment to City Manager Employment Agreement (the "Fourth Amendment") to more accurately describe the City Manager's Base Salary as part of his Compensation and Required Employer Costs in paragraph (1)(a) of subsection (A) of Section 4 of the Agreement, effective April 13, 2022.

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

1. The City Council hereby approves the execution of the Fourth Amendment substantially in the form as presented to the City Council in this meeting, with such changes as may be approved by the City Council.
2. The Mayor and City Clerk are authorized and directed to execute said Fourth Amendment on behalf of the City of El Cajon.

**FOURTH AMENDMENT TO
CITY MANAGER EMPLOYMENT AGREEMENT**

This FOURTH AMENDMENT TO CITY MANAGER EMPLOYMENT AGREEMENT is made and entered into effective the _____ day of _____, 2022, by and between the City of El Cajon, California, a charter city and municipal corporation (the "City") and Graham Mitchell, an individual (the "City Manager").

RECITALS

1. City and City Manager entered into that certain "City Manager Employment Agreement Between the City of El Cajon, a charter city and municipal corporation and Graham Mitchell," dated April 24, 2018 (the "Agreement"), by which the City and the City Manager established the terms and conditions for the employment of City Manager as the City Manager for the City.

2. The terms of the Agreement provide, among other things, benefits and compensation payable to the City Manager.

3. The Agreement provides that it may amended at any time by mutual agreement of the City and the City Manager, with any amendments to be in writing, and adopted by the City Council following negotiations between the parties.

4. On January 1, 2020, the City and the City Manager instituted that certain "First Amendment to City Manager Employment Agreement" (the "First Amendment") to more accurately describe the City Manager's Base Salary as part of his Compensation and Required Employer Costs in paragraph (1) of subsection (A) of Section 4 of the Agreement.

5. On July 1, 2020, the City and the City Manager instituted that certain "Second Amendment to City Manager Employment Agreement" (the "Second Amendment") to more accurately describe the City Manager's Base Salary as part of his Compensation and Required Employer Costs in paragraph (1)(a) of subsection (A) of Section 4 of the Agreement.

6. On July 1, 2021, the City and the City Manager instituted that certain "Third Amendment to City Manager Employment Agreement" (the "Third Amendment") to more accurately describe the City Manager's Base Salary as part of his Compensation and Required Employer Costs in paragraph (1)(a) of subsection (A) of Section 4 of the Agreement, and to extend the term for relocation compensation as listed in paragraph (6) of subsection (B) of Section 4.

7. This "Fourth Amendment to City Manager Employment Agreement" (the "Fourth Amendment") is necessary to more accurately describe the City Manager's Base Salary as part of his Compensation and Required Employer Costs in paragraph (1)(a) of subsection (A) of Section 4 of the Agreement.

NOW, THEREFORE, IT IS HEREBY AGREED AS FOLLOWS:

Section 1. Paragraph (1)(a) of subsection (A) of Section 4 of the Agreement is hereby amended to read as follows:

A. Compensation & Required Employer Costs

(1) Base Salary

- (a) The salary for the position of City Manager, effective the first pay period that compensates the City Manager by paycheck issued on or after April 13, 2022, shall be \$11,377.59 every two (2) weeks (i.e., bi-weekly).

Section 2. Except as otherwise amended by the First Amendment, the Second Amendment, the Third Amendment, and this Fourth Amendment, all remaining terms and conditions of the Agreement not in conflict herewith remain in full force and effect.

[Remainder of page intentionally left blank]


IN WITNESS WHEREOF, the parties hereto have executed this Fourth Amendment the day and year first above written.

City

City Manager

CITY OF EL CAJON, a charter city
and municipal corporation

By _____
Bill Wells, Mayor

By  _____
Graham Mitchell

ATTEST:

By _____
Angela L. Cortez, CMC, City Clerk

APPROVED AS TO FORM:

By _____
Morgan L. Foley, City Attorney



City Council
Agenda Report

DATE: May 10, 2022
TO: Honorable Mayor and City Councilmembers
FROM: Ryan Villegas, Management Analyst
SUBJECT: Update on Expenditures Related to the American Rescue Plan Act

RECOMMENDATION:

That the City Council:

1. Receives the report and provides feedback, and
2. Accepts the adjustment to the total American Rescue Plan Act appropriations to align with the total allocated amount to the City by the U.S. Treasury.

BACKGROUND:

The City Council received the last American Rescue Plan Act (ARPA) update on January 11, 2022. This agenda item provides the latest update on ARPA spending and progress toward projects identified by the City Council on June 22, 2021.

The following table identifies the appropriated projects, the amount of funding allocated for each project, and the amount of funds expended or encumbered (items that are italicized and in red are completed):

PROJECTS	APPROPRIATED	EXPENDED/ ENCUMBERED*
Assistance to Households & Businesses		
Street Beautification/Safety Projects	\$5,000,000	
Small Business Grant Program	\$4,904,751	\$3,366,469⁺
Economic Development/Appraisal Services**	\$40,000	
Cool Zones/Evacuation Site Upgrades at Recreation Centers	\$3,000,000	\$371
Public Improvements (Economic Development)	\$3,000,000	
Park Amenities	\$2,925,000	
"Dollar Days" Recreation Program	\$700,000	\$458,050
Social Worker Response Team Pilot Program***	\$500,000	
Business License Assistance Program	\$225,000	\$194,936
Economic Development Studies/Efforts	\$200,000	\$73,650
El Cajon Foodie Fest	\$150,000	\$264,141
COVID-19 Response & Mitigation		
Reimbursement for Mitigation Efforts	\$1,000,000	

<i>Reduce Vaccine Barriers</i>	<i>\$100,000</i>	<i>\$6,088</i>
Replace Revenue & Reinvest in City Infrastructure		
Solar/Battery Project	\$5,000,000	\$852,095
City Network/Cybersecurity/Video Equipment Upgrades	\$1,355,000	\$868,971
Infrastructure		
Expand Broadband/Fiber Network	\$2,300,000	\$161,250
TOTAL	\$30,399,751	\$6,246,021

**as of March 31, 2022*

***this is a new expenditure item as a result of City Council action on February 22, 2022*

****on hold to determine the effectiveness of the County's Mobile Crisis Response Team*

†through April 15, 2022 (the closing date of the Business Grant Program)

Staff will provide an update on many of the projects during the presentation. The Small Business Grant Program officially ended on April 15, 2022 and staff is still processing payments eligible under the program. Under this program, the City was able to assist 277 businesses. Per City Council action, \$40,000 of remaining funds for the Small Business Grant Program was allocated for economic development/appraisal services. Finally, an adjustment was made to the remaining funds of the Small Business Grant Program so that the total sum of the project appropriations reflects the exact dollar amount allocated to the City by the U.S. Treasury.

Prepared By: Ryan Villegas, Management Analyst

Reviewed By: Vince DiMaggio, Assistant City Manager

Approved By: Graham Mitchell, City Manager



City Council
Agenda Report

DATE: May 10, 2022
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:

April 20, 2022- Interview with Channel 8
April 21, 2022 – Veterans Stand Down
April 25, 2022 – Governor’s Office Zoom Call
April 26, 2022 – Speak at Foothills Church
April 27, 2022 – Interview with KUSI
April 28, 2022 – Interview with KUSI
April 28, 2022 – Golden Watchdog and Fleece Awards
May 3, 2022 – Governor’s Office Zoom Call
May 3, 2022 – Interview with KUSI
May 10, 2022 – City Council Meeting(s)

I am available to answer questions.

Submitted By: Bill Wells, Mayor



City Council
Agenda Report

Agenda Item 14.

DATE: May 10, 2022

TO: Honorable Mayor and City Councilmembers

FROM: Councilmember Goble

SUBJECT: COUNCILMEMBER STEVE GOBLE

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

April 22, 2022 - Email to MTS re: resident request for help
April 22, 2022 - Email to Khaled M re: USPS problems
April 27, 2022 - City Manager re: Homeless Data Availability
April 27, 2022 - Attend ECPD Citizens Academy Graduation
April 29, 2022 - Emails with Mike Allen at East County Mag re: AWP project
April 30, 2022 - Participate in Amikas Cabin Build
May 3, 2022 - Email to Jessica A re: barking dog
May 3, 2022 - Meeting with AWP Administrator
May 3, 2022 - Community Trash Pickup
May 3, 2022 - Attend Chamber's Gov't Affairs Committee Meeting
May 10, 2022 – City Council Meeting(s)

I am available to answer questions.

Submitted By: Steve Goble, Councilmember



City Council
Agenda Report

Agenda Item 15.

DATE: May 10, 2022
TO: Honorable Mayor and City Councilmembers
FROM: Councilmember Kendrick
SUBJECT: COUNCILMEMBER GARY KENDRICK
METRO Commission/Wastewater JPA; Heartland Communications;
Heartland Fire Training JPA.

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:

April 28, 2022 - Metro Wastewater JPA Ad Hoc Committee Meeting
May 4, 2022 - Metro Wastewater JPA Ad Hoc Committee Meeting
May 5, 2022 – Heartland Communications Facility Authority Meeting
May 10, 2022 – City Council Meeting(s)

I am available to answer questions.

Submitted By: Gary Kendrick, Mayor Pro Tem



City Council
Agenda Report

Agenda Item 16.

DATE: May 10, 2022

TO: Honorable Mayor and City Councilmembers

FROM: Deputy Mayor Metschel

SUBJECT: DEPUTY MAYOR MICHELLE METSCHEL

Harry Griffen Park Joint Steering Committee; Heartland Communications – Alternate; Heartland Fire Training JPA – 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:

April 27, 2022 - Citizens Police Academy graduation

April 28, 2022 - Chamber of Commerce ribbon cutting for new business- Virtual Reality on Main Street

April 29, 2022 - Albondigas lunch

April 30, 2022 - TEDx Kids event at the Magnolia

May 5, 2022 - Chamber of Commerce Cinco de Mayo event @Jamul Casino

May 10, 2022 - City Council meeting

I am available to answer questions.

Submitted By: Michelle Metschel, Councilmember



City Council
Agenda Report

Agenda Item 17.

DATE: May 10, 2022

TO: Honorable Mayor and City Councilmembers

FROM: Councilmember Ortiz

SUBJECT: COUNCILMEMBER PHIL ORTIZ

League of California Cities, San Diego Division; East County Economic Development Council; MTS (Metropolitan Transit System Board) – Alternate; East County Advanced Water Purification Joint Powers Authority Board – Alternate; Chamber of Commerce – Government Affairs Committee – 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:

April 28, 2022 – East County Chamber of Commerce Ribbon Cutting

April 30, 2022 – TEDxKids@EICajon 2022 Event

May 3, 2022 – East County Chamber Government Affairs Committee Meeting

May 10, 2022 – City Council Meeting(s)

I am available to answer questions.

Submitted By: Phil Ortiz, Councilmember
