



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

Council Chamber
200 Civic Center Way
El Cajon, CA 92020

Agenda

OCTOBER 10, 2023, 3:00 p.m.

Bill Wells, Mayor

Steve Goble, Deputy Mayor

Gary Kendrick, Councilmember

Michelle Metschel, 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 THE FLAG AND MOMENT OF SILENCE

POSTINGS: The City Clerk posted Orders of Adjournment of the September 26, 2023, Meeting and the Agenda of the October 10, 2023, Meeting in accordance to State Law and City Council/Housing Authority/Successor Agency to the Redevelopment Agency Policy.

PRESENTATIONS:

- Proclamation: Fire Prevention Week
- Proclamation: HR Professionals Day
- Proclamation: National Community Planning Month
- Presentation: HauntFest on Main

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 September 26, 2023, 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. 2021 Operation Stonegarden Grant (OPSG) – Amendment No. 1, Increase in Funding Reallocation

RECOMMENDATION:

That the City Council takes the following actions:

1. Authorizes the City Manager or designee to accept the 2021 Operation Stonegarden Grant (OPSG) Amendment No. 1, allocating the additional funding of \$110,000, and to execute any grant documents and agreements necessary for the receipt and use of these funds; and
2. Appropriates \$110,000 of additional funding to reimburse the El Cajon Police Department for overtime (\$106,065) and fringe benefits (\$3,935) costs while participating in OPSG coordinated operations.

5. Contract Amendment for RFP No. 020-17, Interview Room Recording System & Consolidated Video Management System

RECOMMENDATION:

That the City Council:

1. Determines that the contract amendment is exempt from the California Environmental Quality Act (CEQA) subject to section 15301 (Existing Facilities) of the State CEQA Guidelines; and
2. Adopts the next Resolution, in order, to extend the current agreement and compensation for the Interview Room Recording System with Axon Enterprise, Inc., for one year and authorizes the City Manager to approve up to four additional one-year options, each in the annual not-to-exceed amount of \$17,168.10.

6. FY 2023 U.S. Department of Justice Edward Byrne Memorial Justice Assistance Grant (JAG23) Award

RECOMMENDATION:

That the City Council takes the following actions:

1. Authorizes the City Manager, or designee, to accept the FY 2023 U.S. Department of Justice Edward Byrne Memorial Justice Assistance Grant (JAG23) in the amount of \$44,545.00 and to execute any grant documents and agreements necessary for the receipt and use of these funds; and
2. Appropriates \$44,545.00 of the FY 2023 U.S. Department of Justice Assistance Grant (JAG23) to purchase Inspection, Training, and Personnel software, 2 E-bikes, 25 Red Dot Sight Optics & accessories, and 25 holsters.

7. Professional Services Agreement for Continued Assessment of Existing Box Culverts

RECOMMENDATION:

That the City Council:

1. Determines that the service is exempt from the California Environmental Quality Act (CEQA) in accordance with section 15309 of the State CEQA Guidelines; and
2. Adopts the next Resolution, in order, to execute a Professional Services Agreement (PSA) with Kleinfelder, Inc., for a one-year term in the not-to-exceed amount of \$25,000.

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:

ADMINISTRATIVE REPORTS:

8. Downtown El Cajon Business Partners Annual Financial Statement and Audit

RECOMMENDATION:

That the City Council receives the annual financial statement and audit, and provides feedback.

9. Annual Report on the El Cajon Animal Shelter

RECOMMENDATION:

That the City Council receives the report from the San Diego Humane Society as an informational item.

10. Bonfire at Foothills Christian Church

RECOMMENDATION:

That the City Council considers the allowance of a bonfire at Foothills Christian Church on October 13, 2023.

COMMISSION REPORTS:

ACTIVITIES REPORTS/COMMENTS OF MAYOR WELLS

SANDAG (San Diego Association of Governments) Board of Directors.

11. Council Activity Report

ACTIVITIES REPORTS/COMMENTS OF COUNCILMEMBERS:

12. **DEPUTY MAYOR 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.

13. **COUNCILMEMBER GARY KENDRICK**

METRO Commission/Wastewater JPA; Heartland Communications; Heartland Fire Training JPA.

14. **COUNCILMEMBER MICHELLE METSCHEL**

Harry Griffen Park Joint Steering Committee; METRO Commission/Wastewater JPA – Alternate; Heartland Communications – Alternate; Heartland Fire Training JPA – Alternate.

15. **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

16. First Reading of the proposed Ordinance Amending Title 15 (Buildings and Construction) and adopting amendments to the California Building Code, 2022 Edition and the California Fire Code, 2022 Edition by Reference

RECOMMENDATION:

That the City Council:

1. Introduces the Ordinance and holds first reading;
2. Requests the City Clerk to recite the title of the Ordinance; and
3. Directs the City Clerk to schedule a public hearing for a second reading and adoption of the Ordinance on October 24, 2023.

ORDINANCES: SECOND READING AND ADOPTION

CLOSED SESSIONS:

17. Closed Session - CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION
Initiation of litigation pursuant to paragraph (4) of subdivision (d) of section 54956.9:
One (1) potential case

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 October 2023, is adjourned to Tuesday, October 24, 2023, at 3:00 p.m.



City Council
Agenda Report

Agenda Item 1.

DATE: October 10, 2023

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 September 26, 2023, Meeting of the El Cajon City Council/Housing Authority/Successor Agency to the El Cajon Redevelopment Agency.

Attachments

09-26-23DRAFTminutes - 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

September 26, 2023

An Adjourned Regular Joint Meeting of the El Cajon City Council/Housing Authority/ Successor Agency to the El Cajon Redevelopment Agency, held Tuesday, September 26, 2023, was called to order by Mayor/Chair Bill Wells at 3:00 p.m., in the Council Chambers, 200 Civic Center Way, El Cajon, California.

ROLL CALL

Council/Agencymembers present:

Kendrick, Metschel, and Ortiz

Council/Agencymembers absent:

None

Deputy Mayor/Vice Chair present:

Goble

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 THE FLAG led by Mayor Wells and MOMENT OF SILENCE.

POSTINGS: The City Clerk posted Orders of Adjournment of the September 12, 2023, meeting and the Agenda of the September 26, 2023, meeting in accordance with State Law and El Cajon City Council/Housing Authority/Successor Agency to the El Cajon Redevelopment Agency Policy.

PRESENTATIONS:

- Proclamation: German American Month

AGENDA CHANGES: None

CONSENT ITEMS: (1 – 10)

MOTION BY WELLS, SECOND BY METSCHEL, to APPROVE Consent Items 1 to 10.

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 September 12, 2023, 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.

4. Board of Supervisors Appointment to Gillespie Field Development Council

Ratify the Board of Supervisors appointment of James Sly to the Gillespie Field Development Council for a term to expire August 6, 2027.

5. El Cajon Housing Authority Annual Report (Fiscal Year 2022-2023)

Acting as the El Cajon Housing Authority, approve the 2022-2023 Annual Report; and Authorize the Executive Director or designee to transmit it, in the form substantially as presented, to the California Department of Housing and Community Development as required by State Law.

CONSENT ITEMS: (Continued)

6. Youth League Utility Support Fiscal Year 2023/2024

Approve the Recreation Council's recommendation to provide utility support, in the amount of \$2,100 per league, to eight Executive Member youth leagues.

7. Encroachment Agreement with Pacific Wyyerd, LLC for Installation and Operation of Fiber Optic Network in the City's Right-of-Way

Adopt Resolution No. 082-23 authorizing an Encroachment Agreement with Pacific Wyyerd, LLC for the installation and operation of a fiber optic telecommunications network within the City's right-of-way.

8. Appropriate \$50,000 Additional TransNet (EL03) Funds to the Luke Lane Drainage Improvements Project (223748PWCP)

Adopt Resolution No. 083-23 to appropriate \$50,000 of additional TransNet (EL03) funds for the purpose of increasing the Luke Lane Drainage Improvements CIP project (223748PWCP).

9. Award of Bid No. 015-24 – Alarm System Monitoring, Annual Inspections & Repairs

1. Determine that the project is exempt from the California Environmental Quality Act (CEQA) in accordance with section 15301 of the State CEQA Guidelines; and
2. Adopt Resolution No. 084-23 to Approve Plans and Specifications for Alarm System Monitoring, Annual Inspections & Repairs, Bid No. 015-24; and Adopt Resolutions No. 085-23 to Award the bid to the sole responsive, responsible bidder, Progressive Technology Security Systems, Inc. (PTSSI), in the amount of \$39,898.

10. Award of Bid No. 012-24 – Weed Abatement & Channel Clearing

1. Determines that the project is exempt from the California Environmental Quality Act (CEQA) in accordance with sections 15307 and 15308 of the State CEQA Guidelines; and
2. Adopt Resolution No. 086-23 to Approve Plans and Specifications for Weed Abatement & Channel Clearing, Bid No. 012-24; and Adopt Resolution No. 087-23 to Award the bid to the lowest responsive, responsible bidder, Habitat Restoration Sciences, Inc., in the amount of \$199,546.50.

PUBLIC COMMENT:

Taylor Abeel spoke about the improvements and issues on the Luke Lane project, and praised Assistant Engineer, Christine Jaboro for her customer service skills.

Brenda Hammond spoke about the County of San Diego having ‘paid agitators’ harassing citizens.

WRITTEN COMMUNICATIONS: None

PUBLIC HEARINGS: None

ADMINISTRATIVE REPORTS:

11. Update on The Magnolia’s Financial Performance

RECOMMENDATION:

That the City Council receives an update on The Magnolia’s financial performance.

DISCUSSION

Assistant to the City Manager, David Richards, and The Magnolia’s General Manager, Paris Landen, provided detailed information of the Item.

Discussion ensued among Council and Staff concerning the following:

- Local businesses not taking advantage of the influx of people attending shows at The Magnolia;
- Advertising local businesses during the performances at The Magnolia;
- Solar panels are not an option for the current infrastructure; and
- Food vendor considerations.

No public comment was received.

MOTION BY ORTIZ, SECOND BY KENDRICK, to ACCEPT the update on The Magnolia’s Financial Performance.

MOTION CARRIED BY UNANIMOUS VOTE.

ADMINISTRATIVE REPORTS: (Continued)

12. Operating Covenant with CarMax Auto Superstores, Inc.

RECOMMENDATION:

That the City Council adopts the next Resolution, in order, approving an Operating Covenant with CarMax Auto Superstores, Inc. and authorizing the City Manager to execute the agreement with such minor changes as may be approved by the City Manager.

DISCUSSION

City Manager Mitchell provided detailed information of the Item.

CarMax representative, Whitney Hodges, was available for questions from the City Council.

Discussion ensued among Council and Staff concerning the following:

- Unrealized gains; and
- Incentives to bring new businesses into the City.

No public comment was received.

MOTION BY GOBLE, SECOND BY ORTIZ, to ADOPT Resolution No. 088-23, approving an Operating Covenant with CarMax Auto Superstores, Inc. and authorizing the City Manager to execute the agreement with such minor changes as may be approved by the City Manager.

MOTION CARRIED BY UNANIMOUS VOTE.

13. Permanent Local Housing Allocation Funding and Program Approval

RECOMMENDATION:

That the City Council:

1. Accepts staff recommendations for projects and programs funded by the Permanent Local Housing Allocation (PLHA) grant program;
2. Approves the Program Guidelines for the Accessory Dwelling Unit (ADU) Loan Program; and
3. Adopts the next Resolution, in order, to:
 - a) Approve and adopt the PLHA recommendations, and authorize the City Manager to enter into Agreements with three non-profit organizations;
 - b) Accept, appropriate, allocate, and expend an additional \$137,620 for a total of \$2,752,411 from the State of California Department of Housing and Community Development's (HCD) PLHA grant award (22-PLHA-17775); and

ADMINISTRATIVE REPORTS: (Item 13 - Continued)

- c) Approve the Accessory Dwelling Unit Loan Program as presented and authorize the City Manager or designee to make any necessary updates to the program guidelines and sign any necessary agreements with homeowners to secure the City's financial interest.

DISCUSSION

Housing Manager, Jose Dorado, provided detailed information of the Item.

Discussion ensued among Council and Staff concerning the following:

- Clarification of the requested funds;
- Funds previously allocated to service providers;
- Stipulations to serve El Cajon's Homeless before others who come into the City; and
- Create rental opportunities in the City.

Crystal Pugh, the new Director at Home Start, introduced herself to the City Council.

MOTION BY GOBLE, SECOND BY ORTIZ, to ACCEPT staff recommendations for projects and programs funded by the Permanend Local Housing Allocation (PLHA) grant Program; APPROVE the Program Guidelines for the Accessory Dwelling Unit (ADU) Loan Program; and ADOPT Resolution No. 089-23, to Approve and adopt the PLHA recommendations, and authorize the City Manager to enter into Agreements with three non-profit organizations; Accept, appropriate, allocate, and expend an additional \$137,620 for a total of \$2,752,411 from the State of California Department of Housing and Community Development's (HCD) PLHA grant award (22-PLHA-17775); and Approve the Accessory Dwelling Unit Loan Program as presented and authorize the City Manager or designee to make any necessary updates to the program guidelines and sign any necessary agreements with homeowners to secure the City's financial interest.

MOTION CARRIED BY UNANIMOUS VOTE.

COMMISSION REPORTS: None

ACTIVITIES REPORTS/COMMENTS OF MAYOR WELLS:

SANDAG (San Diego Association of Governments) Board of Directors.

14. Council Activities Report/Comments

Report as submitted.

ACTIVITIES REPORTS OF COUNCILMEMBERS:

15. DEPUTY MAYOR 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.

Council Activities Report/Comments.

In addition to the submitted report, Deputy Mayor Goble spoke about a Home Start event at the MTS Transit Center.

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

Council Activities Report/Comments.

Report as submitted.

17. COUNCILMEMBER MICHELLE METSCHEL
Harry Griffen Park Joint Steering Committee; Heartland Communications – Alternate; Heartland Fire Training JPA – Alternate; METRO Commission/Wastewater JPA – Alternate.

Council Activities Report/Comments.

Councilmember Metschel stated she did not attend the Kidinnu Academy Grand Opening as previously stated in the submitted Report.

18. 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:

19. Sheltering Pets of Homeless Individuals

RECOMMENDATION:

That the City Council direct City staff to prepare an analysis of a program that would offer free shelter for pets of homeless individuals while they are participating in a program, and its potential cost and funding source.

DISCUSSION

Councilmembers Kendrick and Metschel provided detailed information of the Item.

Discussion ensued among Council and Staff concerning the following:

- Ideas for funding the proposed program;
- Partnering with rescue organizations;
- Reach out to service providers for ideas;
- Parting from pets is not a popular choice for those experiencing homelessness;
- Option of using the animal shelter; and
- Reach out to neighboring cities for input.

MOTION BY WELLS, SECOND BY METSCHEL, to PREPARE an analysis of a program that would offer free shelter for pets of homeless individuals while they are participating in a program, and its potential cost and funding source.

MOTION CARRIED BY UNANIMOUS VOTE.

GENERAL INFORMATION ITEMS FOR DISCUSSION: None

ORDINANCES: FIRST READING - None

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ORDINANCES: SECOND READING AND ADOPTION

20. Approve Amendments to Section 10.20.130 of Chapter 10.20 of the El Cajon Municipal Code

RECOMMENDATION:

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

An Ordinance Amending Section 10.20.130 of Chapter 10.20 of the El Cajon Municipal Code to Establish a New Speed Limit on a Portion of Washington Avenue from El Cajon Boulevard to Granite Hills Drive.

The proposed speed limit will improve public safety and is therefore exempt from the provisions of the California Environmental Quality Act pursuant to CEQA Guidelines section 15301(c).

DISCUSSION

No comments were received for the Item.

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

An Ordinance Amending Section 10.20.130 of Chapter 10.20 of the El Cajon Municipal Code to Establish a New Speed Limit on a Portion of Washington Avenue from El Cajon Boulevard to Granite Hills Drive.

MOTION BY WELLS, SECOND BY KENDRICK, to ADOPT Ordinance No. 5138, An Ordinance Amending Section 10.20.130 of Chapter 10.20 of the El Cajon Municipal Code to Establish a New Speed Limit on a Portion of Washington Avenue from El Cajon Boulevard to Granite Hills Drive.

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 September, 2023, at 4:22 p.m., to Tuesday, October 10, 2023, at 3:00 p.m.

ANGELA L. CORTEZ, CMC
City Clerk/Secretary



City Council Agenda Report

Agenda Item 4.

DATE: October 10, 2023

TO: Honorable Mayor and City Councilmembers

FROM: Mike Moulton, Chief of Police

SUBJECT: 2021 Operation Stonegarden Grant (OPSG) – Amendment No. 1, Increase in Funding Reallocation

RECOMMENDATION:

That the City Council takes the following actions:

1. Authorizes the City Manager or designee to accept the 2021 Operation Stonegarden Grant (OPSG) Amendment No. 1, allocating the additional funding of \$110,000, and to execute any grant documents and agreements necessary for the receipt and use of these funds; and
2. Appropriates \$110,000 of additional funding to reimburse the El Cajon Police Department for overtime (\$106,065) and fringe benefits (\$3,935) costs while participating in OPSG coordinated operations.

BACKGROUND:

Operation Stonegarden Grant (OPSG) is funded by the U.S. Department of Homeland Security and administered by the San Diego County Sheriff's Department. Through a partnership with the Office of Homeland Security, Customs and Border Protection/Border Patrol, and several local law enforcement agencies, the Stonegarden mission is to:

- disrupt and degrade targeted transnational criminal organizations (TCOs),
- expand opportunities to work cooperatively with several regional agencies on border-related crime, and
- maximize intelligence gathering and enforcement opportunities targeting drug and weapons smuggling, criminal transportation cells, and other border-related crimes.

Multi-agency operations, funded through OPSG, will saturate areas known to be used by transnational drug and smuggling groups. The large law enforcement presence will serve as a criminal deterrent and help to maintain secure borders. These operations promote cooperation in the region and lead to drug and vehicle seizures, as well as arrests. These operations include target-based, intelligence-led operations, high-profile saturation patrols, undercover operations and interdiction details. The primary areas of focus will be the I-8 egress and the surrounding feeder roads and areas. The El Cajon Police Department previously used 2021 OPSG funds of \$109,100 for overtime, fringe benefits and the purchase of a new police vehicle. The additional OPSG funds received in Amendment No. 1 will be used for overtime and fringe benefits to continue participating in multi-agency coordinated operations.

CALIFORNIA ENVIRONMENTAL QUALITY ACT:

The proposed amendment to increase funding for Operation Stonegarden is exempt from the California Environmental Quality Act (CEQA) subject to section 15321 (Enforcement Actions) of the State CEQA Guidelines. Law enforcement activities are exempt from CEQA.

FISCAL IMPACT:

This amendment, increasing the funding by \$110,000, will provide an overall funding of \$219,100 from the 2021 Stonegarden Grant to the Police Special Revenue Fund (226380) and will not impact the General Fund. No matching funds are required for this grant. These funds will be used by the El Cajon Police Department for the projects listed above or as modified in the grant workbook and approved by the granting agency.

Prepared By: Jennifer Lytle, Management Analyst

Reviewed By: Mike Moulton, Police Chief

Approved By: Graham Mitchell, City Manager

Attachments

2021 OPSG MOA Amendment

**AGREEMENT FOR THE
FISCAL YEAR 2021 OPERATION STONEGARDEN (OPSG) GRANT**

AMENDMENT NO. 1

RECITALS

- 1. Original Agreement** – On or about January 24, 2023, the PARTIES to the Agreement listed in Amendment Recital 2 below, entered into the AGREEMENT FOR THE FISCAL YEAR 2021 OPERATION STONEGARDEN (OPSG) Grant (“Agreement”) with an operational project period for PARTIES effective retroactively to July 18, 2022, through February 29, 2024, subject to various provisions of the Agreement.

- 2. Parties to the Agreement** -- The Agreement is among the COUNTY OF SAN DIEGO (“COUNTY”), the CITY OF CHULA VISTA, CITY OF EL CAJON, CITY OF ESCONDIDO, CITY OF LA MESA, CITY OF OCEANSIDE, CITY OF SEAL BEACH, CITY OF HUNTINGTON BEACH (collectively the “CITIES”), the SAN DIEGO UNIFIED PORT DISTRICT (“SDUPD”), the SYCUAN BAND OF THE KUMEYAA Y NATION (“SBKN”), the UNIVERSITY OF CALIFORNIA SAN DIEGO (“UCSD”), the COUNTY OF RIVERSIDE (“RC”), the COUNTY OF ORANGE (“OC”), the COUNTY OF LOS ANGELES (“LAC”), the COUNTY OF SAN LUIS OBISPO (“SLOC”), the COUNTY OF SANTA BARBARA (“SBC”), the COUNTY OF VENTURA (“VC”), the COUNTY OF MONTEREY (“MC”), the COUNTY OF SAN MATEO (“SMC”), the CALIFORNIA HIGHWAY PATROL (“CHP”), the DEPARTMENT OF FISH AND WILDLIFE (“DFW”), and the CALIFORNIA DEPARTMENT OF PARKS AND RECREATION (“DPR”), each a “PARTY” and collectively the “PARTIES”, for support of the Operation Stonegarden (“OPSG”) grant program.

- 3. Party Departments or Agencies Participating in the Agreement** – For the COUNTY, the sole participating agency is the Sheriff’s Department (“SHERIFF”). For the CITIES, SDUPD, SBKN, and UCSD, participating agencies are their respective police department. For RC, OC, LAC, SLOC, SBC, VC, MC, and SMC, participating agencies are their respective Sheriff’s department. CHP, DFW, and DPR do not have subordinate agencies or department participants.

- 4. Authority to Amend the Agreement** – COUNTY, by action of the Board of Supervisors Resolution No. 21-011 dated January 26, 2021, authorized the SHERIFF to execute funding reallocation for Fiscal Year (FY) 2021 OPSG grant funding between OPSG agencies, including amendments, revisions, and/or extensions thereof that do not materially impact or alter the services or funding level. The persons signing this Amendment No. 1 on behalf of the PARTIES, represent that they have the authority to do so.

5. **Increase in Funding Reallocation** – The FY 2021 OPSG grant allocation for the City of El Cajon and the County of Orange will be increased by the amounts below and as reflected in the REVISED Exhibit A v.1 – Budget Worksheet attached hereto.
- a) The City of El Cajon's \$109,100 grant allocation will be increased by \$110,000 from other Friendly Forces' allocation to be appropriated to its Operational OT and Fringe Benefit budget categories. The City of El Cajon's new budget total: \$219,100.
 - b) The County of Orange's \$314,700 grant allocation will be increased by \$27,880 from other Friendly Forces' allocation to be appropriated to its Operational OT, Fringe Benefit and Mileage budget categories. The County of Orange's new budget total: \$342,580.

THEREFORE, the PARTIES agree to the following:

AMENDMENTS TO THE AGREEMENT

- I. **The original Exhibit A - Budget Worksheet, is replaced with a REVISED Exhibit A v.1, attached hereto, which reflects the respective increased budget allocation for the City of El Cajon and the County of Orange.**
- II. **Except as otherwise provided by this AMENDMENT NO. 1, the Agreement and each other term and condition therein shall remain in full force and effect. Terms and conditions of the AGREEMENT not specified herein remain unmodified.**

This AMENDMENT NO. 1 may be signed in one or more counterparts, each of which shall be deemed to be an original, but all of which together shall constitute one and the same instrument.

IN WITNESS WHEREOF, the PARTIES hereto approve and agree to the terms of this AMENDMENT NO. 1 to the original AGREEMENT, such AMENDMENT NO. 1 effective July 13, 2023.

**COUNTY OF SAN DIEGO
SHERIFF'S DEPARTMENT**

Kelly A. Martinez
Sheriff

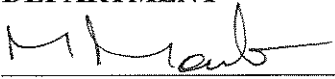
**Approved as to form and legality:
CLAUDIA G. SILVA
OFFICE OF COUNTY COUNSEL
COUNTY OF SAN DIEGO**

Mark Day
Senior Deputy

**ORANGE COUNTY
SHERIFF'S DEPARTMENT**

Don Barnes
Sheriff-Coroner

**EL CAJON POLICE
DEPARTMENT**



Mike Moulton
Chief

**Approved as to form:
LEON J. PAGE
OFFICE OF COUNTY COUNSEL
COUNTY OF ORANGE**

Nicole A. Sims
Supervising Deputy



City Council Agenda Report

Agenda Item 5.

DATE: October 10, 2023
TO: Honorable Mayor and City Councilmembers
FROM: Mara Romano, Purchasing Agent
SUBJECT: Contract Amendment for RFP No. 020-17, Interview Room Recording System & Consolidated Video Management System

RECOMMENDATION:

That the City Council:

1. Determines that the contract amendment is exempt from the California Environmental Quality Act (CEQA) subject to section 15301 (Existing Facilities) of the State CEQA Guidelines; and
2. Adopts the next Resolution, in order, to extend the current agreement and compensation for the Interview Room Recording System with Axon Enterprise, Inc., for one year and authorizes the City Manager to approve up to four additional one-year options, each in the annual not-to-exceed amount of \$17,168.10.

BACKGROUND:

The El Cajon Police Department requests the renewal of the hardware, software, installation, maintenance, and training contract for an additional one-year term with the option to renew for four additional one-year periods. The intent of the renewal is to maintain ease of use and advanced functionality for the police department's interview room recording system.

On June 27, 2017, the City Council awarded the contract for the Interview Room Recording System portion of the Interview Room Recording System & Consolidated Video Management System to Axon Enterprise, Inc., in the not-to-exceed amount of \$61,923.36.

The annual amount of the requested extension and renewals is \$17,168.10 resulting in a total not-to-exceed amount of \$85,840.50.

CALIFORNIA ENVIRONMENTAL QUALITY ACT:

The proposed contract amendment to extend the current agreement and compensation for the Interview Room Recording System with Axon Enterprise, Inc. for five additional one-year options at the Public Safety Center is exempt from the California Environmental Quality Act (CEQA) subject to section 15301 (Existing Facilities) of the State CEQA Guidelines. Section 15301 provides an exemption for replacement of equipment involving negligible or no expansion of existing use.

FISCAL IMPACT:

Approval of the annual amount of \$17,168.10 (\$85,840.50 for a total of five years) will supplement the renewal contract and renewal options, for a total not-to-exceed amount of \$147,763.86. Funds are available in Fiscal Year 2023-24 Annual Budget – Police Department Investigations (101320) and contingent upon subsequent fiscal year budget approvals.

Prepared By: Mara Romano, Purchasing Agent

Reviewed By: Mike Moulton, Police Chief

Approved By: Graham Mitchell, City Manager

Attachments

Resolution

RESOLUTION NO. __-23

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF EL CAJON
TO EXTEND THE CITY OF EL CAJON'S CURRENT AGREEMENT
WITH AXON ENTERPRISE, INC. AND PROVIDE ADDITIONAL
COMPENSATION FOR MAINTENANCE OF THE EL CAJON POLICE
DEPARTMENT INTERVIEW ROOM RECORDING SYSTEM
(RFP No. 020-17)

WHEREAS, on June 27, 2017, the City Council awarded the contract for the Interview Room Recording System portion of the Interview Room Recording System & Consolidated Video Management System (the "Project") to Axon Enterprise, Inc., for the not-to-exceed amount of \$61,923.36 (the "Contract"); and

WHEREAS, the El Cajon Police Department (the "Department") now requests the renewal of the Contract for an additional one-year term (the "First Renewal Term") with the option to renew for up to four additional one-year renewal terms (each, a "Renewal Option") in order to maintain ease of use and advanced functionality for the Project; and

WHEREAS, City of El Cajon staff has requested that City Council approve the additional compensation for the requested First Renewal Term and all Renewal Options, each in the amount of \$17,168.10, for a total cumulative increase in the Contract amount of \$85,840.50; and

WHEREAS, the proposed action to increase funds for the Project is exempt from the California Environmental quality Act (CEQA) subject to section 15301 (Existing Facilities) of the State CEQA Guidelines, which provides an exemption for replacement of equipment involving negligible or no expansion of an existing use; and

WHEREAS, the City Council believes it to be in the best interests of the City to approve the requested contract First Renewal Term and authorize any or all of the Renewal Options, each for the additional compensation of \$17,168.10, for a total cumulative not-to-exceed increase in the Contract amount of \$85,840.50.

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 the extending the Contract for the First Renewal Term, for the additional compensation of \$17,168.10, and hereby authorizes the City Manager to approve up to four (4) additional Renewal Options, each for the additional compensation of \$17,168.10, for a total cumulative not-to-exceed increase in the Contract amount of \$85,840.50.
3. The City Council hereby authorizes the City Manager, or such person as is designated by the City Manager, to execute an amendment to the Contract providing for the First Renewal Term and any or all of the Renewal Options, with any such changes as may be necessary and approved by the City Manager.



City Council Agenda Report

Agenda Item 6.

DATE: October 10, 2023
TO: Honorable Mayor and City Councilmembers
FROM: Mike Moulton, Chief of Police
SUBJECT: FY 2023 U.S. Department of Justice Edward Byrne Memorial Justice Assistance Grant (JAG23) Award

RECOMMENDATION:

That the City Council takes the following actions:

1. Authorizes the City Manager, or designee, to accept the FY 2023 U.S. Department of Justice Edward Byrne Memorial Justice Assistance Grant (JAG23) in the amount of \$44,545.00 and to execute any grant documents and agreements necessary for the receipt and use of these funds; and
2. Appropriates \$44,545.00 of the FY 2023 U.S. Department of Justice Assistance Grant (JAG23) to purchase Inspection, Training, and Personnel software, 2 E-bikes, 25 Red Dot Sight Optics & accessories, and 25 holsters.

BACKGROUND:

FY 2023 marks the 19th year the City of El Cajon Police Department has participated in the U.S. Department of Justice Edward Byrne Memorial Justice Assistance Grant Program. This grant is awarded annually to state and local government agencies to support a broad range of criminal justice-related activities. Grant funds can be used for state and local initiatives, technical assistance, training, personnel, equipment, supplies, and information systems for criminal justice programs. Over the years, these grant funds have been used by the El Cajon Police Department to fund specialized training and equipment. This grant does not require local match funding or a public hearing.

On August 16, 2023, an informational notice for public review was posted regarding our JAG23 grant application which included a request for \$44,545.00 to purchase Inspection, Training, and Personnel software, 2 E-bikes, 25 Red Dot Sight Optics and accessories, and 25 holsters. On September 22, 2023, we received formal notification that our JAG23 grant application was approved and council action is now needed to accept and appropriate the grant funding.

CALIFORNIA ENVIRONMENTAL QUALITY ACT:

The proposed grant award to purchase holsters, software, E-bikes, optics and accessories, is exempt from the California Environmental Quality Act (CEQA) in accordance with section 15378(b)(2) of the State CEQA Guidelines.

FISCAL IMPACT:

The City of El Cajon has been awarded the U.S. Department of Justice Assistance (JAG23) Grant in the amount of \$44,545.00. Approval of this action will increase Department of Justice Assistance (JAG23) Grant appropriations by this amount. There will be no impact on the City's General Fund.

Prepared By: Julie Cotton, Management Assistant

Reviewed By: Mike Moulton, Police Chief

Approved By: Graham Mitchell, City Manager

Attachments

Award Letter



Department of Justice (DOJ)

Office of Justice Programs

Bureau of Justice Assistance

Washington, D.C. 20531

Name and Address of Recipient:	CITY OF EL CAJON 200 CIVIC CENTER WAY, 5TH FLR	
City, State and Zip:	EL CAJON, CA 92020	
Recipient UEI:	GUANBKQWK6J3	
Project Title: To purchase Inspection, Training & Personnel Software, 2 ebikes, 25 Sights & Accessories, and 25 Holsters.	Award Number: 15PBJA-23-GG-03155-JAGX	
Solicitation Title: BJA FY 23 Edward Byrne Memorial Justice Assistance Grant (JAG) Program - Local Solicitation		
Federal Award Amount: \$44,545.00	Federal Award Date: 9/22/23	
Awarding Agency:	Office of Justice Programs Bureau of Justice Assistance	
Funding Instrument Type:	Grant	
Opportunity Category: D		
Assistance Listing: 16.738 - Edward Byrne Memorial Justice Assistance Grant Program		
Project Period Start Date: 10/1/22	Project Period End Date: 9/30/26	
Budget Period Start Date: 10/1/22	Budget Period End Date: 9/30/26	
Project Description: The City of El Cajon's Police Department will use JAG funds to purchase equipment that will help modernize the City's efforts in providing public safety. The purchase of personnel management software will ensure each employee receives the necessary training and development for a growing and diverse range of employees. The procurement of E-bikes will allow officers to obtain enhanced maneuverability and maximum coverage for patrol and special events by allowing for better navigation of crowded or narrow spaces. Additional pistol sights and accessories will improve accuracy and target acquisition, increasing the level of safety in firearms usage.		

Award Letter

September 22, 2023

Dear Bill Wells,

On behalf of Attorney General Merrick B. Garland, it is my pleasure to inform you the Office of Justice Programs (OJP) has approved the application submitted by CITY OF EL CAJON for an award under the funding opportunity entitled 2023 BJA FY 23 Edward Byrne Memorial Justice Assistance Grant (JAG) Program - Local Solicitation. The approved award amount is \$44,545.

Review the Award Instrument below carefully and familiarize yourself with all conditions and requirements before accepting your award. The Award Instrument includes the Award Offer (Award Information, Project Information, Financial Information, and Award Conditions) and Award Acceptance. For COPS Office and OVW funding the Award Offer also includes any Other Award Documents.

Please note that award requirements include not only the conditions and limitations set forth in the Award Offer, but also compliance with assurances and certifications that relate to conduct during the period of performance for the award. These requirements encompass financial, administrative, and programmatic matters, as well as other important matters (e.g., specific restrictions on use of funds). Therefore, all key staff should receive the award conditions, the assurances and certifications, and the application as approved by OJP, so that they understand the award requirements. Information on all pertinent award requirements also must be provided to any subrecipient of the award.

Should you accept the award and then fail to comply with an award requirement, DOJ will pursue appropriate remedies for non-compliance, which may include termination of the award and/or a requirement to repay award funds.

Prior to accepting the award, your Entity Administrator must assign a Financial Manager, Grant Award Administrator, and Authorized Representative(s) in the Justice Grants System (JustGrants). The Entity Administrator will need to ensure the assigned Authorized Representative(s) is current and has the legal authority to accept awards and bind the entity to the award terms and conditions. To accept the award, the Authorized Representative(s) must accept all parts of the Award Offer in the Justice Grants System (JustGrants), including by executing the required declaration and certification, within 45 days from the award date.

To access your funds, you will need to enroll in the Automated Standard Application for Payments (ASAP) system, if you haven't already completed the enrollment process in ASAP. The Entity Administrator should have already received an email from ASAP to initiate this process.

Congratulations, and we look forward to working with you.

Maureen Henneberg
Deputy Assistant Attorney General
Office for Civil Rights Notice for All Recipients

The Office for Civil Rights (OCR), Office of Justice Programs (OJP), U.S. Department of Justice (DOJ) has been delegated the responsibility for ensuring that recipients of federal financial assistance from the OJP, the Office of Community Oriented Policing Services (COPS), and the Office on Violence Against Women (OVW) are not engaged in discrimination prohibited by law. Several federal civil rights laws, such as Title VI of the Civil Rights Act of 1964 and Section 504 of the Rehabilitation Act of 1973, require recipients of federal financial assistance to give assurances that they will comply with those laws. Taken together, these civil rights laws prohibit recipients of federal financial assistance from DOJ from discriminating in services and employment because of race, color, national origin, religion, disability, sex, and, for grants authorized under the Violence Against Women Act, sexual orientation and gender identity. Recipients are also prohibited from discriminating in services because of age. For a complete review of these civil rights laws and nondiscrimination requirements, in connection with DOJ awards, see <https://ojp.gov/funding/Explore/LegalOverview/CivilRightsRequirements.htm>.

Under the delegation of authority, the OCR investigates allegations of discrimination against recipients from individuals, entities, or groups. In addition, the OCR conducts limited compliance reviews and audits based on regulatory criteria.

These reviews and audits permit the OCR to evaluate whether recipients of financial assistance from the Department are providing services in a nondiscriminatory manner to their service population or have employment practices that meet equal-opportunity standards.

If you are a recipient of grant awards under the Omnibus Crime Control and Safe Streets Act or the Juvenile Justice and Delinquency Prevention Act and your agency is part of a criminal justice system, there are two additional obligations that may apply in connection with the awards: (1) complying with the regulation relating to Equal Employment Opportunity Programs (EEOs); and (2) submitting findings of discrimination to OCR. For additional information regarding the EEO requirement, see 28 CFR Part 42, subpart E, and for additional information regarding requirements when there is an adverse finding, see 28 C.F.R. §§ 42.204(c), .205(c)(5).

The OCR is available to help you and your organization meet the civil rights requirements that are associated with DOJ grant funding. If you would like the OCR to assist you in fulfilling your organization's civil rights or nondiscrimination responsibilities as a recipient of federal financial assistance, please do not hesitate to contact the OCR at askOCR@ojp.usdoj.gov.

Memorandum Regarding NEPA

NEPA Letter Type

OJP - Ongoing NEPA Compliance Incorporated into Further Developmental Stages

NEPA Letter

The Edward Byrne Memorial Justice Assistance Grant Program (JAG) allows states and local governments to support a broad range of activities to prevent and control crime and to improve the criminal justice system, some of which could have environmental impacts. All recipients of JAG funding must assist BJA in complying with NEPA and other related federal environmental impact analyses requirements in the use of grant funds, whether the funds are used directly by the grantee or by a subgrantee or third party. Accordingly, prior to obligating funds for any of the specified activities, the grantee must first determine if any of the specified activities will be funded by the grant.

?

The specified activities requiring environmental analysis are:

- a. New construction;
- b. Any renovation or remodeling of a property located in an environmentally or historically sensitive area, including properties located within a 100-year flood plain, a wetland, or habitat for endangered species, or a property listed on or eligible for listing on the National Register of Historic Places;
- c. A renovation, lease, or any proposed use of a building or facility that will either (a) result in a change in its basic prior use or (b) significantly change its size;
- d. Implementation of a new program involving the use of chemicals other than chemicals that are (a) purchased as an incidental component of a funded activity and (b) traditionally used, for example, in office, household, recreational, or education environments; and
- e. Implementation of a program relating to clandestine methamphetamine laboratory operations, including the identification, seizure, or closure of clandestine methamphetamine laboratories.

Complying with NEPA may require the preparation of an Environmental Assessment and/or an Environmental Impact Statement, as directed by BJA. Further, for programs relating to methamphetamine laboratory operations, the preparation of a detailed Mitigation Plan will be required. For more information about Mitigation Plan requirements, please see <https://www.bja.gov/Funding/nepa.html>.

NEPA Coordinator

First Name

Orbin

Middle Name**Last Name**

Terry

Award Information

This award is offered subject to the conditions or limitations set forth in the Award Information, Project Information, Financial Information, and Award Conditions.

Recipient Information**Recipient Name**

CITY OF EL CAJON

UEI

GUANBKQWK6J3

Street 1

200 CIVIC CENTER WAY, 5TH FLR

Street 2**City**

EL CAJON

State/U.S. Territory

California

Zip/Postal Code

92020

Country

United States

County/Parish**Province****Award Details****Federal Award Date**

9/22/23

Award Type

Initial

Award Number

15PBJA-23-GG-03155-JAGX

Supplement Number

00

Federal Award Amount

\$44,545.00

Funding Instrument Type

Grant

**Assistance Listing
Number****Assistance Listings Program Title**

16.738

Edward Byrne Memorial Justice Assistance Grant Program

Statutory Authority

Title I of Public Law 90-351 (generally codified at 34 U.S.C. 10101-10726), including subpart 1 of part E (codified at 34 U.S.C. 10151-10158); see also 28 U.S.C. 530C(a)

[]

I have read and understand the information presented in this section of the Federal Award Instrument.

Project Information

This award is offered subject to the conditions or limitations set forth in the Award Information, Project Information, Financial Information, and Award Conditions.

Solicitation Title

2023 BJA FY 23 Edward Byrne Memorial Justice Assistance Grant (JAG) Program - Local Solicitation

Awarding Agency

OJP

Program Office

BJA

Application Number

GRANT13958954

Grant Manager Name

Fadumo Tahlil

Phone Number

[202-598-9805](tel:202-598-9805)

E-mail Address

Fadumo.Tahlil@usdoj.gov

Project Title

To purchase Inspection, Training & Personnel Software, 2 ebikes, 25 Sights & Accessories, and 25 Holsters.

Performance Period Start

Date

10/01/2022

Performance Period End Date

09/30/2026

Budget Period Start Date

10/01/2022

Budget Period End Date

09/30/2026

Project Description

The City of El Cajon's Police Department will use JAG funds to purchase equipment that will help modernize the City's efforts in providing public safety. The purchase of personnel management software will ensure each employee receives the necessary training and development for a growing and diverse range of employees. The procurement of E-bikes will allow officers to obtain enhanced maneuverability and maximum coverage for patrol and special events by allowing for better navigation of crowded or narrow spaces. Additional pistol sights and accessories will improve accuracy and target acquisition, increasing the level of safety in firearms usage.

[]

I have read and understand the information presented in this section of the Federal Award Instrument.

Financial Information

This award is offered subject to the conditions or limitations set forth in the Award Information, Project Information, Financial Information, and Award Conditions.

[]

I have read and understand the information presented in this section of the Federal Award Instrument.

Award Conditions

This award is offered subject to the conditions or limitations set forth in the Award Information, Project Information, Financial Information, and Award Conditions.

1

Compliance with restrictions on the use of federal funds--prohibited and controlled equipment under OJP awards

Consistent with Executive Order 14074, "Advancing Effective, Accountable Policing and Criminal Justice Practices To Enhance Public Trust and Public Safety," OJP has prohibited the use of federal funds under this award for purchases or transfers of specified equipment by law enforcement agencies. In addition, OJP requires the recipient, and any subrecipient ("subgrantee") at any tier, to put in place specified controls prior to using federal funds under this award to acquire or transfer any property identified on the "controlled equipment" list. The details of the requirement are posted on the OJP web site at <https://www.ojp.gov/funding/explore/prohibited-and-controlled-equipment> (Award condition: Compliance with restrictions on the use of federal funds--prohibited and controlled equipment under OJP awards), and are incorporated by reference here.

2

Compliance with DOJ regulations pertaining to civil rights and nondiscrimination - 28 C.F.R. Part 54

The recipient, and any subrecipient ("subgrantee") at any tier, must comply with all applicable requirements of 28 C.F.R. Part 54, which relates to nondiscrimination on the basis of sex in certain "education programs."

3

Compliance with 41 U.S.C. 4712 (including prohibitions on reprisal; notice to employees)

The recipient (and any subrecipient at any tier) must comply with, and is subject to, all applicable provisions of 41 U.S.C. 4712, including all applicable provisions that prohibit, under specified circumstances, discrimination against an employee as reprisal for the employee's disclosure of information related to gross mismanagement of a federal grant, a gross waste of federal funds, an abuse of authority relating to a federal grant, a substantial and specific danger to public health or safety, or a violation of law, rule, or regulation related to a federal grant.

The recipient also must inform its employees, in writing (and in the predominant native language of the workforce), of employee rights and remedies under 41 U.S.C. 4712.

Should a question arise as to the applicability of the provisions of 41 U.S.C. 4712 to this award, the recipient is to contact the DOJ awarding agency (OJP or OVW, as appropriate) for guidance.

4

Applicability of Part 200 Uniform Requirements

The Uniform Administrative Requirements, Cost Principles, and Audit Requirements in 2 C.F.R. Part 200, as adopted and supplemented by DOJ in 2 C.F.R. Part 2800 (together, the "Part 200 Uniform Requirements") apply to this FY 2022 award from OJP.

The Part 200 Uniform Requirements were first adopted by DOJ on December 26, 2014. If this FY 2022 award supplements funds previously awarded by OJP under the same award number (e.g., funds awarded during or before December 2014), the Part 200 Uniform Requirements apply with respect to all funds under that award number (regardless of the award date, and regardless of whether derived from the initial award or a supplemental award) that are obligated on or after the acceptance date of this FY 2022 award.

For more information and resources on the Part 200 Uniform Requirements as they relate to OJP awards and subawards ("subgrants"), see the OJP website at <https://ojp.gov/funding/Part200UniformRequirements.htm>.

Record retention and access: Records pertinent to the award that the recipient (and any subrecipient ("subgrantee") at any tier) must retain -- typically for a period of 3 years from the date of submission of the final expenditure report (SF

425), unless a different retention period applies -- and to which the recipient (and any subrecipient ("subgrantee") at any tier) must provide access, include performance measurement information, in addition to the financial records, supporting documents, statistical records, and other pertinent records indicated at 2 C.F.R. 200.334.

In the event that an award-related question arises from documents or other materials prepared or distributed by OJP that may appear to conflict with, or differ in some way from, the provisions of the Part 200 Uniform Requirements, the recipient is to contact OJP promptly for clarification.

5

Compliance with applicable rules regarding approval, planning, and reporting of conferences, meetings, trainings, and other events

The recipient, and any subrecipient ("subgrantee") at any tier, must comply with all applicable laws, regulations, policies, and official DOJ guidance (including specific cost limits, prior approval and reporting requirements, where applicable) governing the use of federal funds for expenses related to conferences (as that term is defined by DOJ), including the provision of food and/or beverages at such conferences, and costs of attendance at such conferences.

Information on the pertinent DOJ definition of conferences and the rules applicable to this award appears in the DOJ Grants Financial Guide (currently, as section 3.10 of "Postaward Requirements" in the "DOJ Grants Financial Guide").

6

Requirement for data on performance and effectiveness under the award

The recipient must collect and maintain data that measure the performance and effectiveness of work under this award. The data must be provided to OJP in the manner (including within the timeframes) specified by OJP in the program solicitation or other applicable written guidance. Data collection supports compliance with the Government Performance and Results Act (GPRA) and the GPRA Modernization Act of 2010, and other applicable laws.

7

Compliance with DOJ Grants Financial Guide

References to the DOJ Grants Financial Guide are to the DOJ Grants Financial Guide as posted on the OJP website (currently, the "DOJ Grants Financial Guide" available at <https://ojp.gov/financialguide/DOJ/index.htm>), including any updated version that may be posted during the period of performance. The recipient agrees to comply with the DOJ Grants Financial Guide.

8

Compliance with general appropriations-law restrictions on the use of federal funds (FY 2022)

The recipient, and any subrecipient ("subgrantee") at any tier, must comply with all applicable restrictions on the use of federal funds set out in federal appropriations statutes. Pertinent restrictions, including from various "general provisions" in the Consolidated Appropriations Act, 2022, are set out at <https://www.ojp.gov/funding/Explore/FY22AppropriationsRestrictions.htm>, and are incorporated by reference here.

Should a question arise as to whether a particular use of federal funds by a recipient (or a subrecipient) would or might fall within the scope of an appropriations-law restriction, the recipient is to contact OJP for guidance, and may not proceed without the express prior written approval of OJP.

9

Compliance with DOJ regulations pertaining to civil rights and nondiscrimination - 28 C.F.R. Part 38

The recipient, and any subrecipient ("subgrantee") at any tier, must comply with all applicable requirements of 28 C.F.R. Part 38 (as may be applicable from time to time), specifically including any applicable requirements regarding written notice to program beneficiaries and prospective program beneficiaries.

Currently, among other things, 28 C.F.R. Part 38 includes rules that prohibit specific forms of discrimination on the

basis of religion, a religious belief, a refusal to hold a religious belief, or refusal to attend or participate in a religious practice. Part 38, currently, also sets out rules and requirements that pertain to recipient and subrecipient ("subgrantee") organizations that engage in or conduct explicitly religious activities, as well as rules and requirements that pertain to recipients and subrecipients that are faith-based or religious organizations.

The text of 28 C.F.R. Part 38 is available via the Electronic Code of Federal Regulations (currently accessible at <https://www.ecfr.gov/cgi-bin/ECFR?page=browse>), by browsing to Title 28-Judicial Administration, Chapter 1, Part 38, under e-CFR "current" data.

10

Effect of failure to address audit issues

The recipient understands and agrees that the DOJ awarding agency (OJP or OVW, as appropriate) may withhold award funds, or may impose other related requirements, if (as determined by the DOJ awarding agency) the recipient does not satisfactorily and promptly address outstanding issues from audits required by the Part 200 Uniform Requirements (or by the terms of this award), or other outstanding issues that arise in connection with audits, investigations, or reviews of DOJ awards.

11

Requirements of the award; remedies for non-compliance or for materially false statements

The conditions of this award are material requirements of the award. Compliance with any assurances or certifications submitted by or on behalf of the recipient that relate to conduct during the period of performance also is a material requirement of this award.

Limited Exceptions. In certain special circumstances, the U.S. Department of Justice ("DOJ") may determine that it will not enforce, or enforce only in part, one or more requirements otherwise applicable to the award. Any such exceptions regarding enforcement, including any such exceptions made during the period of performance, are (or will be during the period of performance) set out through the Office of Justice Programs ("OJP") webpage entitled "Legal Notices: Special circumstances as to particular award conditions" (ojp.gov/funding/Explore/LegalNotices-AwardReqs.htm), and incorporated by reference into the award.

By signing and accepting this award on behalf of the recipient, the authorized recipient official accepts all material requirements of the award, and specifically adopts, as if personally executed by the authorized recipient official, all assurances or certifications submitted by or on behalf of the recipient that relate to conduct during the period of performance.

Failure to comply with one or more award requirements -- whether a condition set out in full below, a condition incorporated by reference below, or an assurance or certification related to conduct during the award period -- may result in OJP taking appropriate action with respect to the recipient and the award. Among other things, the OJP may withhold award funds, disallow costs, or suspend or terminate the award. DOJ, including OJP, also may take other legal action as appropriate.

Any materially false, fictitious, or fraudulent statement to the federal government related to this award (or concealment or omission of a material fact) may be the subject of criminal prosecution (including under 18 U.S.C. 1001 and/or 1621, and/or 34 U.S.C. 10271-10273), and also may lead to imposition of civil penalties and administrative remedies for false claims or otherwise (including under 31 U.S.C. 3729-3730 and 3801-3812).

Should any provision of a requirement of this award be held to be invalid or unenforceable by its terms, that provision shall first be applied with a limited construction so as to give it the maximum effect permitted by law. Should it be held, instead, that the provision is utterly invalid or -unenforceable, such provision shall be deemed severable from this award.

12

Compliance with DOJ regulations pertaining to civil rights and nondiscrimination - 28 C.F.R. Part 42

The recipient, and any subrecipient ("subgrantee") at any tier, must comply with all applicable requirements of 28

C.F.R. Part 42, specifically including any applicable requirements in Subpart E of 28 C.F.R. Part 42 that relate to an equal employment opportunity program.

13

Requirements related to "de minimis" indirect cost rate

A recipient that is eligible under the Part 200 Uniform Requirements and other applicable law to use the "de minimis" indirect cost rate described in 2 C.F.R. 200.414(f), and that elects to use the "de minimis" indirect cost rate, must advise OJP in writing of both its eligibility and its election, and must comply with all associated requirements in the Part 200 Uniform Requirements. The "de minimis" rate may be applied only to modified total direct costs (MTDC) as defined by the Part 200 Uniform Requirements.

14

Employment eligibility verification for hiring under the award

1. The recipient (and any subrecipient at any tier) must--

A. Ensure that, as part of the hiring process for any position within the United States that is or will be funded (in whole or in part) with award funds, the recipient (or any subrecipient) properly verifies the employment eligibility of the individual who is being hired, consistent with the provisions of 8 U.S.C. 1324a(a)(1).

B. Notify all persons associated with the recipient (or any subrecipient) who are or will be involved in activities under this award of both--

(1) this award requirement for verification of employment eligibility, and

(2) the associated provisions in 8 U.S.C. 1324a(a)(1) that, generally speaking, make it unlawful, in the United States, to hire (or recruit for employment) certain aliens.

C. Provide training (to the extent necessary) to those persons required by this condition to be notified of the award requirement for employment eligibility verification and of the associated provisions of 8 U.S.C. 1324a(a)(1).

D. As part of the recordkeeping for the award (including pursuant to the Part 200 Uniform Requirements), maintain records of all employment eligibility verifications pertinent to compliance with this award condition in accordance with Form I-9 record retention requirements, as well as records of all pertinent notifications and trainings.

2. Monitoring

The recipient's monitoring responsibilities include monitoring of subrecipient compliance with this condition.

3. Allowable costs

To the extent that such costs are not reimbursed under any other federal program, award funds may be obligated for the reasonable, necessary, and allocable costs (if any) of actions designed to ensure compliance with this condition.

4. Rules of construction

A. Staff involved in the hiring process

For purposes of this condition, persons "who are or will be involved in activities under this award" specifically includes (without limitation) any and all recipient (or any subrecipient) officials or other staff who are or will be involved in the hiring process with respect to a position that is or will be funded (in whole or in part) with award funds.

B. Employment eligibility confirmation with E-Verify

For purposes of satisfying the requirement of this condition regarding verification of employment eligibility, the recipient (or any subrecipient) may choose to participate in, and use, E-Verify (www.e-verify.gov), provided an appropriate person authorized to act on behalf of the recipient (or subrecipient) uses E-Verify (and follows the proper E-Verify

procedures, including in the event of a "Tentative Nonconfirmation" or a "Final Nonconfirmation") to confirm employment eligibility for each hiring for a position in the United States that is or will be funded (in whole or in part) with award funds.

C. "United States" specifically includes the District of Columbia, Puerto Rico, Guam, the Virgin Islands of the United States, and the Commonwealth of the Northern Mariana Islands.

D. Nothing in this condition shall be understood to authorize or require any recipient, any subrecipient at any tier, or any person or other entity, to violate any federal law, including any applicable civil rights or nondiscrimination law.

E. Nothing in this condition, including in paragraph 4.B., shall be understood to relieve any recipient, any subrecipient at any tier, or any person or other entity, of any obligation otherwise imposed by law, including 8 U.S.C. 1324a(a)(1).

Questions about E-Verify should be directed to DHS. For more information about E-Verify visit the E-Verify website (<https://www.e-verify.gov/>) or email E-Verify at E-Verify@dhs.gov. E-Verify employer agents can email E-Verify at E-VerifyEmployerAgent@dhs.gov.

Questions about the meaning or scope of this condition should be directed to OJP, before award acceptance.

15

OJP Training Guiding Principles

Any training or training materials that the recipient -- or any subrecipient ("subgrantee") at any tier -- develops or delivers with OJP award funds must adhere to the OJP Training Guiding Principles for Grantees and Subgrantees, available at <https://www.ojp.gov/funding/implement/training-guiding-principles-grantees-and-subgrantees>.

16

Determination of suitability to interact with participating minors

SCOPE. This condition applies to this award if it is indicated -- in the application for the award (as approved by DOJ)(or in the application for any subaward, at any tier), the DOJ funding announcement (solicitation), or an associated federal statute -- that a purpose of some or all of the activities to be carried out under the award (whether by the recipient, or a subrecipient at any tier) is to benefit a set of individuals under 18 years of age.

The recipient, and any subrecipient at any tier, must make determinations of suitability before certain individuals may interact with participating minors. This requirement applies regardless of an individual's employment status.

The details of this requirement are posted on the OJP web site at <https://ojp.gov/funding/Explore/Interact-Minors.htm> (Award condition: Determination of suitability required, in advance, for certain individuals who may interact with participating minors), and are incorporated by reference here.

17

Potential imposition of additional requirements

The recipient agrees to comply with any additional requirements that may be imposed by the DOJ awarding agency (OJP or OVW, as appropriate) during the period of performance for this award, if the recipient is designated as "high-risk" for purposes of the DOJ high-risk grantee list.

18

Required training for Grant Award Administrator and Financial Manager

The Grant Award Administrator and all Financial Managers for this award must have successfully completed an "OJP financial management and grant administration training" by 120 days after the date of the recipient's acceptance of the award. Successful completion of such a training on or after October 15, 2020, will satisfy this condition.

In the event that either the Grant Award Administrator or a Financial Manager for this award changes during the period of performance, the new Grant Award Administrator or Financial Manager must have successfully completed an "OJP

financial management and grant administration training" by 120 calendar days after the date the Entity Administrator enters updated Grant Award Administrator or Financial Manager information in JustGrants. Successful completion of such a training on or after October 15, 2020, will satisfy this condition.

A list of OJP trainings that OJP will consider "OJP financial management and grant administration training" for purposes of this condition is available at <https://onlinegfmt.training.ojp.gov/>. All trainings that satisfy this condition include a session on grant fraud prevention and detection.

The recipient should anticipate that OJP will immediately withhold ("freeze") award funds if the recipient fails to comply with this condition. The recipient's failure to comply also may lead OJP to impose additional appropriate conditions on this award.

19

Restrictions and certifications regarding non-disclosure agreements and related matters

No recipient or subrecipient ("subgrantee") under this award, or entity that receives a procurement contract or subcontract with any funds under this award, may require any employee or contractor to sign an internal confidentiality agreement or statement that prohibits or otherwise restricts, or purports to prohibit or restrict, the reporting (in accordance with law) of waste, fraud, or abuse to an investigative or law enforcement representative of a federal department or agency authorized to receive such information.

The foregoing is not intended, and shall not be understood by the agency making this award, to contravene requirements applicable to Standard Form 312 (which relates to classified information), Form 4414 (which relates to sensitive compartmented information), or any other form issued by a federal department or agency governing the nondisclosure of classified information.

1. In accepting this award, the recipient--

a. represents that it neither requires nor has required internal confidentiality agreements or statements from employees or contractors that currently prohibit or otherwise currently restrict (or purport to prohibit or restrict) employees or contractors from reporting waste, fraud, or abuse as described above; and

b. certifies that, if it learns or is notified that it is or has been requiring its employees or contractors to execute agreements or statements that prohibit or otherwise restrict (or purport to prohibit or restrict), reporting of waste, fraud, or abuse as described above, it will immediately stop any further obligations of award funds, will provide prompt written notification to the federal agency making this award, and will resume (or permit resumption of) such obligations only if expressly authorized to do so by that agency.

2. If the recipient does or is authorized under this award to make subawards ("subgrants"), procurement contracts, or both--

a. it represents that--

(1) it has determined that no other entity that the recipient's application proposes may or will receive award funds (whether through a subaward ("subgrant"), procurement contract, or subcontract under a procurement contract) either requires or has required internal confidentiality agreements or statements from employees or contractors that currently prohibit or otherwise currently restrict (or purport to prohibit or restrict) employees or contractors from reporting waste, fraud, or abuse as described above; and

(2) it has made appropriate inquiry, or otherwise has an adequate factual basis, to support this representation; and

b. it certifies that, if it learns or is notified that any subrecipient, contractor, or subcontractor entity that receives funds under this award is or has been requiring its employees or contractors to execute agreements or statements that prohibit or otherwise restrict (or purport to prohibit or restrict), reporting of waste, fraud, or abuse as described above, it will immediately stop any further obligations of award funds to or by that entity, will provide prompt written notification to the federal agency making this award, and will resume (or permit resumption of) such obligations only if expressly authorized to do so by that agency.

20

Reclassification of various statutory provisions to a new Title 34 of the United States Code

On September 1, 2017, various statutory provisions previously codified elsewhere in the U.S. Code were editorially reclassified (that is, moved and renumbered) to a new Title 34, entitled "Crime Control and Law Enforcement." The reclassification encompassed a number of statutory provisions pertinent to OJP awards (that is, OJP grants and cooperative agreements), including many provisions previously codified in Title 42 of the U.S. Code.

Effective as of September 1, 2017, any reference in this award document to a statutory provision that has been reclassified to the new Title 34 of the U.S. Code is to be read as a reference to that statutory provision as reclassified to Title 34. This rule of construction specifically includes references set out in award conditions, references set out in material incorporated by reference through award conditions, and references set out in other award requirements.

21

Requirement to report actual or imminent breach of personally identifiable information (PII)

The recipient (and any "subrecipient" at any tier) must have written procedures in place to respond in the event of an actual or imminent "breach" (OMB M-17-12) if it (or a subrecipient) -- (1) creates, collects, uses, processes, stores, maintains, disseminates, discloses, or disposes of "Personally Identifiable Information (PII)" (2 CFR 200.1) within the scope of an OJP grant-funded program or activity, or (2) uses or operates a "Federal information system" (OMB Circular A-130). The recipient's breach procedures must include a requirement to report actual or imminent breach of PII to an OJP Program Manager no later than 24 hours after an occurrence of an actual breach, or the detection of an imminent breach.

22

Requirement to disclose whether recipient is designated "high risk" by a federal grant-making agency outside of DOJ

If the recipient is designated "high risk" by a federal grant-making agency outside of DOJ, currently or at any time during the course of the period of performance under this award, the recipient must disclose that fact and certain related information to OJP by email at OJP.ComplianceReporting@ojp.usdoj.gov. For purposes of this disclosure, high risk includes any status under which a federal awarding agency provides additional oversight due to the recipient's past performance, or other programmatic or financial concerns with the recipient. The recipient's disclosure must include the following: 1. The federal awarding agency that currently designates the recipient high risk, 2. The date the recipient was designated high risk, 3. The high-risk point of contact at that federal awarding agency (name, phone number, and email address), and 4. The reasons for the high-risk status, as set out by the federal awarding agency.

23

Encouragement of policies to ban text messaging while driving

Pursuant to Executive Order 13513, "Federal Leadership on Reducing Text Messaging While Driving," 74 Fed. Reg. 51225 (October 1, 2009), DOJ encourages recipients and subrecipients ("subgrantees") to adopt and enforce policies banning employees from text messaging while driving any vehicle during the course of performing work funded by this award, and to establish workplace safety policies and conduct education, awareness, and other outreach to decrease crashes caused by distracted drivers.

24

All subawards ("subgrants") must have specific federal authorization

The recipient, and any subrecipient ("subgrantee") at any tier, must comply with all applicable requirements for authorization of any subaward. This condition applies to agreements that -- for purposes of federal grants administrative requirements -- OJP considers a "subaward" (and therefore does not consider a procurement "contract").

The details of the requirement for authorization of any subaward are posted on the OJP web site at <https://ojp.gov/funding/Explore/SubawardAuthorization.htm> (Award condition: All subawards ("subgrants") must have specific federal authorization), and are incorporated by reference here.

25

Specific post-award approval required to use a noncompetitive approach in any procurement contract that would exceed \$250,000

The recipient, and any subrecipient ("subgrantee") at any tier, must comply with all applicable requirements to obtain specific advance approval to use a noncompetitive approach in any procurement contract that would exceed the Simplified Acquisition Threshold (currently, \$250,000). This condition applies to agreements that -- for purposes of federal grants administrative requirements -- OJP considers a procurement "contract" (and therefore does not consider a subaward).

The details of the requirement for advance approval to use a noncompetitive approach in a procurement contract under an OJP award are posted on the OJP web site at <https://ojp.gov/funding/Explore/NoncompetitiveProcurement.htm> (Award condition: Specific post-award approval required to use a noncompetitive approach in a procurement contract (if contract would exceed \$250,000)), and are incorporated by reference here.

26

Requirements pertaining to prohibited conduct related to trafficking in persons (including reporting requirements and OJP authority to terminate award)

The recipient, and any subrecipient ("subgrantee") at any tier, must comply with all applicable requirements (including requirements to report allegations) pertaining to prohibited conduct related to the trafficking of persons, whether on the part of recipients, subrecipients ("subgrantees"), or individuals defined (for purposes of this condition) as "employees" of the recipient or of any subrecipient.

The details of the recipient's obligations related to prohibited conduct related to trafficking in persons are posted on the OJP web site at <https://ojp.gov/funding/Explore/ProhibitedConduct-Trafficking.htm> (Award condition: Prohibited conduct by recipients and subrecipients related to trafficking in persons (including reporting requirements and OJP authority to terminate award)), and are incorporated by reference here.

27

Requirement to report potentially duplicative funding

If the recipient currently has other active awards of federal funds, or if the recipient receives any other award of federal funds during the period of performance for this award, the recipient promptly must determine whether funds from any of those other federal awards have been, are being, or are to be used (in whole or in part) for one or more of the identical cost items for which funds are provided under this award. If so, the recipient must promptly notify the DOJ awarding agency (OJP or OVW, as appropriate) in writing of the potential duplication, and, if so requested by the DOJ awarding agency, must seek a budget-modification or change-of-project-scope Grant Award Modification (GAM) to eliminate any inappropriate duplication of funding.

28

Reporting potential fraud, waste, and abuse, and similar misconduct

The recipient, and any subrecipients ("subgrantees") at any tier, must promptly refer to the DOJ Office of the Inspector General (OIG) any credible evidence that a principal, employee, agent, subrecipient, contractor, subcontractor, or other person has, in connection with funds under this award-- (1) submitted a claim that violates the False Claims Act; or (2) committed a criminal or civil violation of laws pertaining to fraud, conflict of interest, bribery, gratuity, or similar misconduct.

Potential fraud, waste, abuse, or misconduct involving or relating to funds under this award should be reported to the OIG by--(1) online submission accessible via the OIG webpage at <https://oig.justice.gov/hotline/contact-grants.htm> (select "Submit Report Online"); (2) mail directed to: U.S. Department of Justice, Office of the Inspector General, Investigations Division, ATTN: Grantee Reporting, 950 Pennsylvania Ave., NW, Washington, DC 20530; and/or (3) by facsimile directed to the DOJ OIG Investigations Division (Attn: Grantee Reporting) at (202) 616-9881 (fax).

Additional information is available from the DOJ OIG website at <https://oig.justice.gov/hotline>.

29

Requirements related to System for Award Management and Universal Identifier Requirements

The recipient must comply with applicable requirements regarding the System for Award Management (SAM), currently accessible at <https://www.sam.gov/>. This includes applicable requirements regarding registration with SAM, as well as maintaining the currency of information in SAM.

The recipient also must comply with applicable restrictions on subawards ("subgrants") to first-tier subrecipients (first-tier "subgrantees"), including restrictions on subawards to entities that do not acquire and provide (to the recipient) the unique entity identifier required for SAM registration.

The details of the recipient's obligations related to SAM and to unique entity identifiers are posted on the OJP web site at <https://ojp.gov/funding/Explore/SAM.htm> (Award condition: System for Award Management (SAM) and Universal Identifier Requirements), and are incorporated by reference here.

This condition does not apply to an award to an individual who received the award as a natural person (i.e., unrelated to any business or non-profit organization that he or she may own or operate in his or her name).

30

Restrictions on "lobbying"

In general, as a matter of federal law, federal funds awarded by OJP may not be used by the recipient, or any subrecipient ("subgrantee") at any tier, either directly or indirectly, to support or oppose the enactment, repeal, modification, or adoption of any law, regulation, or policy, at any level of government. See 18 U.S.C. 1913. (There may be exceptions if an applicable federal statute specifically authorizes certain activities that otherwise would be barred by law.)

Another federal law generally prohibits federal funds awarded by OJP from being used by the recipient, or any subrecipient at any tier, to pay any person to influence (or attempt to influence) a federal agency, a Member of Congress, or Congress (or an official or employee of any of them) with respect to the awarding of a federal grant or cooperative agreement, subgrant, contract, subcontract, or loan, or with respect to actions such as renewing, extending, or modifying any such award. See 31 U.S.C. 1352. Certain exceptions to this law apply, including an exception that applies to Indian tribes and tribal organizations.

Should any question arise as to whether a particular use of federal funds by a recipient (or subrecipient) would or might fall within the scope of these prohibitions, the recipient is to contact OJP for guidance, and may not proceed without the express prior written approval of OJP.

31

Justice Information Sharing

Information sharing projects funded under this award must comply with DOJ's Global Justice Information Sharing Initiative (Global) guidelines. The recipient (and any subrecipient at any tier) must conform to the Global Standards Package (GSP) and all constituent elements, where applicable, as described at: https://it.ojp.gov/gsp_grantcondition. The recipient (and any subrecipient at any tier) must document planned approaches to information sharing and describe compliance with the GSP and appropriate privacy policy that protects shared information, or provide detailed justification for why an alternative approach is recommended.

32

Avoidance of duplication of networks

To avoid duplicating existing networks or IT systems in any initiatives funded by BJA for law enforcement information sharing systems which involve interstate connectivity between jurisdictions, such systems shall employ, to the extent possible, existing networks as the communication backbone to achieve interstate connectivity, unless the recipient can demonstrate to the satisfaction of BJA that this requirement would not be cost effective or would impair the functionality of an existing or proposed IT system.

33

Law enforcement task forces - required training

Within 120 days of award acceptance, each current member of a law enforcement task force funded with award funds who is a task force commander, agency executive, task force officer, or other task force member of equivalent rank, must complete required online (internet-based) task force training. Additionally, all future task force members must complete this training once during the period of performance for this award, or once every four years if multiple OJP awards include this requirement.

The required training is available free of charge online through the BJA-funded Center for Task Force Integrity and Leadership (www.ctfli.org). The training addresses task force effectiveness, as well as other key issues including privacy and civil liberties/rights, task force performance measurement, personnel selection, and task force oversight and accountability. If award funds are used to support a task force, the recipient must compile and maintain a task force personnel roster, along with course completion certificates.

Additional information regarding the training is available through BJA's web site and the Center for Task Force Integrity and Leadership (www.ctfli.org).

34

Required monitoring of subawards

The recipient must monitor subawards under this award in accordance with all applicable statutes, regulations, award conditions, and the DOJ Grants Financial Guide, and must include the applicable conditions of this award in any subaward. Among other things, the recipient is responsible for oversight of subrecipient spending and monitoring of specific outcomes and benefits attributable to use of award funds by subrecipients. The recipient agrees to submit, upon request, documentation of its policies and procedures for monitoring of subawards under this award.

35

Any written, visual, or audio publications funded in whole or in part under this award, with the exception of press releases, shall contain the following statements: "This project was supported by Grant No. <AWARD_NUMBER> awarded by the Bureau of Justice Assistance. The Bureau of Justice Assistance is a component of the Department of Justice's Office of Justice Programs, which also includes the Bureau of Justice Statistics, the National Institute of Justice, the Office of Juvenile Justice and Delinquency Prevention, the Office for Victims of Crime, and the SMART Office. Points of view or opinions in this document are those of the author and do not necessarily represent the official position or policies of the U.S. Department of Justice." The current edition of the DOJ Grants Financial Guide provides guidance on allowable printing and publication activities.

36

Any Web site that is funded in whole or in part under this award must include the following statement on the home page, on all major entry pages (i.e., pages (exclusive of documents) whose primary purpose is to navigate the user to interior content), and on any pages from which a visitor may access or use a Web-based service, including any pages that provide results or outputs from the service: "This Web site is funded in whole or in part through a grant from the Bureau of Justice Assistance, Office of Justice Programs, U.S. Department of Justice. Neither the U.S. Department of Justice nor any of its components operate, control, are responsible for, or necessarily endorse, this Web site (including, without limitation, its content, technical infrastructure, and policies, and any services or tools provided)." The full text of the foregoing statement must be clearly visible on the home page. On other pages, the statement may be included through a link, entitled "Notice of Federal Funding and Federal Disclaimer," to the full text of the statement.

37

Verification and updating of recipient contact information

The recipient must verify its Grant Award Administrator, Financial Manager, and Authorized Representative contact information in JustGrants, including telephone number and e-mail address. If any information is incorrect or has changed, the award recipient's Entity Administrator must make changes to contact information through DIAMD. Instructions on how to update contact information in JustGrants can be found at <https://justicegrants.usdoj.gov/training/training-entity-management>.

38

Compliance with National Environmental Policy Act and related statutes

Upon request, the recipient (and any subrecipient at any tier) must assist BJA in complying with the National Environmental Policy Act (NEPA), the National Historic Preservation Act, and other related federal environmental impact analyses requirements in the use of these award funds, either directly by the recipient or by a subrecipient. Accordingly, the recipient agrees to first determine if any of the following activities will be funded by the grant, prior to obligating funds for any of these purposes. If it is determined that any of the following activities will be funded by the award, the recipient agrees to contact BJA.

The recipient understands that this condition applies to new activities as set out below, whether or not they are being specifically funded with these award funds. That is, as long as the activity is being conducted by the recipient, a subrecipient, or any third party, and the activity needs to be undertaken in order to use these award funds, this condition must first be met. The activities covered by this condition are:

- a. New construction;
- b. Minor renovation or remodeling of a property located in an environmentally or historically sensitive area, including properties located within a 100-year flood plain, a wetland, or habitat for endangered species, or a property listed on or eligible for listing on the National Register of Historic Places;
- c. A renovation, lease, or any proposed use of a building or facility that will either (a) result in a change in its basic prior use or (b) significantly change its size;
- d. Implementation of a new program involving the use of chemicals other than chemicals that are (a) purchased as an incidental component of a funded activity and (b) traditionally used, for example, in office, household, recreational, or education environments; and
- e. Implementation of a program relating to clandestine methamphetamine laboratory operations, including the identification, seizure, or closure of clandestine methamphetamine laboratories.

The recipient understands and agrees that complying with NEPA may require the preparation of an Environmental Assessment and/or an Environmental Impact Statement, as directed by BJA. The recipient further understands and agrees to the requirements for implementation of a Mitigation Plan, as detailed at <https://bja.gov/Funding/nepa.html>, for programs relating to methamphetamine laboratory operations.

Application of This Condition to Recipient's Existing Programs or Activities: For any of the recipient's or its subrecipients' existing programs or activities that will be funded by these award funds, the recipient, upon specific request from BJA, agrees to cooperate with BJA in any preparation by BJA of a national or program environmental assessment of that funded program or activity.

39

Recipients utilizing award funds for forensic genealogy testing must adhere to the United States Department of Justice Interim Policy Forensic Genealogical DNA Analysis and Searching (<https://www.justice.gov/olp/page/file/1204386/download>), and must collect and report the metrics identified in Section IX of that document to BJA.

40

Establishment of trust fund

If award funds are being drawn down in advance, the recipient (or a subrecipient, with respect to a subaward) is required to establish a trust fund account. Recipients (and subrecipients) must maintain advance payments of federal awards in interest-bearing accounts, unless regulatory exclusions apply (2 C.F.R. 200.305(b)(8)). The trust fund, including any interest, may not be used to pay debts or expenses incurred by other activities beyond the scope of the Edward Byrne Memorial Justice Assistance Grant Program (JAG). The recipient also agrees to obligate the award funds in the trust fund (including any interest earned) during the period of performance for the award and expend within 90 days thereafter. Any unobligated or unexpended funds, including interest earned, must be returned to OJP at the time of closeout.

41

All State and Local JAG recipients must submit quarterly Federal Financial Reports (SF-425). Additionally, State JAG and Local JAG Category Two (\$25K or more) must submit semi-annual performance reports through JustGrants and Local JAG Category One (Less than \$25K) must submit annual performance reports through JustGrants. Consistent with the Department's responsibilities under the Government Performance and Results Act (GPRA) and the GPRA Modernization Act of 2010, the recipient must provide data that measure the results of its work. The recipient must submit quarterly performance metrics reports through BJA's Performance Measurement Tool (PMT) website: <https://bjapmt.ojp.gov/>. For more detailed information on reporting and other JAG requirements, refer to the JAG reporting requirements webpage (<https://bjapmt.ojp.gov/help/jagdocs.html>). Failure to submit required JAG reports by established deadlines may result in the freezing of grant funds and future High Risk designation.

42

Required data on law enforcement agency training

Any law enforcement agency receiving direct or sub-awarded funding from this JAG award must submit quarterly accountability metrics data related to training that officers have received on the use of force, racial and ethnic bias, de-escalation of conflict, and constructive engagement with the public.

43

Authorization to obligate (federal) award funds to reimburse certain project costs incurred on or after October 1, 2022

The recipient may obligate (federal) award funds only after the recipient makes a valid acceptance of the award. As of the first day of the period of performance for the award (October 1, 2022), however, the recipient may choose to incur project costs using non-federal funds, but any such project costs are incurred at the recipient's risk until, at a minimum - (1) the recipient makes a valid acceptance of the award, and (2) all applicable withholding conditions are removed by OJP (via an Award Condition Modification (ACM)). (A withholding condition is a condition in the award document that precludes the recipient from obligating, expending, or drawing down all or a portion of the award funds until the condition is removed.)

Except to the extent (if any) that an award condition expressly precludes reimbursement of project costs incurred "at-risk," if and when the recipient makes a valid acceptance of this award and OJP removes each applicable withholding condition through an Award Condition Modification (ACM), the recipient is authorized to obligate (federal) award funds to reimburse itself for project costs incurred "at-risk" earlier during the period of performance (such as project costs incurred prior to award acceptance or prior to removal of an applicable withholding condition), provided that those project costs otherwise are allowable costs under the award.

44

If award funds are used for DNA testing of evidentiary materials, any resulting eligible DNA profiles must be uploaded to the Combined DNA Index System ("CODIS," the DNA database operated by the FBI) by a government DNA laboratory with access to CODIS. With the exception of Forensic Genetic Genealogy, no profiles generated under this award may be entered or uploaded into any non-governmental DNA database without prior express written approval from BJA. Award funds may not be used for the purchase of DNA equipment and supplies unless the resulting DNA profiles may be accepted for entry into CODIS. Booking agencies should work with their state CODIS agency to ensure all requirements are met for participation in Rapid DNA (see National Rapid DNA Booking Operational Procedures Manual).

45

Submission of eligible records relevant to the National Instant Background Check System

Consonant with federal statutes that pertain to firearms and background checks -- including 18 U.S.C. 922 and 34 U.S.C. ch. 409 -- if the recipient (or any subrecipient at any tier) uses this award to fund (in whole or in part) a specific project or program (such as a law enforcement, prosecution, or court program) that results in any court dispositions, information, or other records that are "eligible records" (under federal or State law) relevant to the National Instant Background Check System (NICS), or that has as one of its purposes the establishment or improvement of records systems that contain any court dispositions, information, or other records that are "eligible records" (under federal or

State law) relevant to the NICS, the recipient (or subrecipient, if applicable) must ensure that all such court dispositions, information, or other records that are "eligible records" (under federal or State law) relevant to the NICS are promptly made available to the NICS or to the "State" repository/database that is electronically available to (and accessed by) the NICS, and -- when appropriate -- promptly must update, correct, modify, or remove such NICS-relevant "eligible records".

In the event of minor and transitory non-compliance, the recipient may submit evidence to demonstrate diligent monitoring of compliance with this condition (including subrecipient compliance). DOJ will give great weight to any such evidence in any express written determination regarding this condition.

46

Prohibition on use of award funds for match under BVP program

JAG funds may not be used as the 50% match for purposes of the DOJ Bulletproof Vest Partnership (BVP) program.

47

Certification of body armor "mandatory wear" policies, and compliance with NIJ standards

If recipient uses funds under this award to purchase body armor, the recipient must submit a signed certification that each law enforcement agency receiving body armor purchased with funds from this award has a written "mandatory wear" policy in effect. The recipient must keep signed certifications on file for any subrecipients planning to utilize funds from this award for ballistic-resistant and stab-resistant body armor purchases. This policy must be in place for at least all uniformed officers before any funds from this award may be used by an agency for body armor. There are no requirements regarding the nature of the policy other than it be a mandatory wear policy for all uniformed officers while on duty.

Ballistic-resistant and stab-resistant body armor purchased with award funds may be purchased at any threat level, make or model, from any distributor or manufacturer, as long as the body armor has been tested and found to comply with applicable National Institute of Justice ballistic or stab standards, and is listed on the NIJ Compliant Body Armor Model List. In addition, ballistic-resistant and stab-resistant body armor purchased must be made in the United States and must be uniquely fitted, as set forth in 34 U.S.C. 10202(c)(1)(A). The latest NIJ standard information and the NIJ Compliant Body Armor List may be found by following the links located on the NIJ Body Armor page: <https://nij.ojp.gov/topics/equipment-and-technology/body-armor>

48

Extreme risk protection programs funded by JAG must include, at a minimum: pre-deprivation and post-deprivation due process rights that prevent any violation or infringement of the Constitution of the United States, including but not limited to the Bill of Rights, and the substantive or procedural due process rights guaranteed under the Fifth and Fourteenth Amendments to the Constitution of the United States, as applied to the States, and as interpreted by State courts and United States courts (including the Supreme Court of the United States). Such programs must include, at the appropriate phase to prevent any violation of constitutional rights, at minimum, notice, the right to an in-person hearing, an unbiased adjudicator, the right to know opposing evidence, the right to present evidence, and the right to confront adverse witnesses; the right to be represented by counsel at no expense to the government; pre-deprivation and post-deprivation heightened evidentiary standards and proof which mean not less than the protections afforded to a similarly situated litigant in Federal court or promulgated by the State's evidentiary body, and sufficient to ensure the full protections of the Constitution of the United States, including but not limited to the Bill of Rights, and the substantive and procedural due process rights guaranteed under the Fifth and Fourteenth Amendments to the Constitution of the United States, as applied to the States, and as interpreted by State courts and United States courts (including the Supreme Court of the United States). The heightened evidentiary standards and proof under such programs must, at all appropriate phases to prevent any violation of any constitutional right, at minimum, prevent reliance upon evidence that is unsworn or unaffirmed, irrelevant, based on inadmissible hearsay, unreliable, vague, speculative, and lacking a foundation; and penalties for abuse of the program.

49

Expenditures prohibited without waiver

No funds under this award may be expended on the purchase of items prohibited by the JAG program statute, unless,

as set forth at 34 U.S.C. 10152, the BJA Director certifies that extraordinary and exigent circumstances exist, making such expenditures essential to the maintenance of public safety and good order.

50

FFATA reporting: Subawards and executive compensation

The recipient must comply with applicable requirements to report first-tier subawards ("subgrants") of \$30,000 or more and, in certain circumstances, to report the names and total compensation of the five most highly compensated executives of the recipient and first-tier subrecipients (first-tier "subgrantees") of award funds. The details of recipient obligations, which derive from the Federal Funding Accountability and Transparency Act of 2006 (FFATA), are posted on the OJP web site at <https://ojp.gov/funding/Explore/FFATA.htm> (Award condition: Reporting Subawards and Executive Compensation), and are incorporated by reference here.

This condition, including its reporting requirement, does not apply to-- (1) an award of less than \$30,000, or (2) an award made to an individual who received the award as a natural person (i.e., unrelated to any business or non-profit organization that he or she may own or operate in his or her name).

51

Exceptions regarding Prohibited and Controlled Equipment under OJP awards

Notwithstanding any provision to the contrary in the other terms and conditions of this award, including in the condition regarding "Compliance with restrictions on the use of federal funds--prohibited and controlled equipment under OJP awards," the requirements for the "Transfer/Sale of Award-Funded Controlled Equipment to Other LEAs" and the requirements for the "Transfer/Sale of Award-Funded Controlled Equipment to NON-LEAs" do not apply to this award.

52

The recipient agrees that no funds under this grant award (including via subcontract or subaward, at any tier) may be used for unmanned aircraft systems (UAS), which includes unmanned aircraft vehicles (UAV), or for any accompanying accessories to support UAS.

53

Initial period of performance; requests for extension.

The recipient understands that for award amounts of less than \$25,000 under JAG (Category 1), the initial period of performance of the award is two years. The recipient further understands that any requests for an extension of the period of performance for an award of less than \$25,000 will be approved automatically for up to a total of two additional years, pursuant to 34 U.S.C. 10152(f) and in accordance with the program solicitation associated with this award.

Any request for an extension of the period of performance beyond a four-year award period will require approval, and the approval (if any) will be at the discretion of the Director of BJA.

54

Applicants must ensure that Limited English Proficiency persons have meaningful access to the services under this program(s). National origin discrimination includes discrimination on the basis of limited English proficiency (LEP). To ensure compliance with Title VI and the Safe Streets Act, recipients are required to take reasonable steps to ensure that LEP persons have meaningful access to their programs. Meaningful access may entail providing language assistance services, including oral and written translation when necessary. The U.S. Department of Justice has issued guidance for grantees to help them comply with Title VI requirements. The guidance document can be accessed on the Internet at www.lep.gov.

55

Cooperating with OJP Monitoring

The recipient agrees to cooperate with OJP monitoring of this award pursuant to OJP's guidelines, protocols, and

procedures, and to cooperate with OJP (including the grant manager for this award and the Office of Chief Financial Officer (OCFO)) requests related to such monitoring, including requests related to desk reviews and/or site visits. The recipient agrees to provide to OJP all documentation necessary for OJP to complete its monitoring tasks, including documentation related to any subawards made under this award. Further, the recipient agrees to abide by reasonable deadlines set by OJP for providing the requested documents. Failure to cooperate with OJP's monitoring activities may result in actions that affect the recipient's DOJ awards, including, but not limited to: withholdings and/or other restrictions on the recipient's access to award funds; referral to the DOJ OIG for audit review; designation of the recipient as a DOJ High Risk grantee; or termination of an award(s).

56

Use of program income

Program income (as defined in the Part 200 Uniform Requirements) must be used in accordance with the provisions of the Part 200 Uniform Requirements. Program income earnings and expenditures both must be reported on the quarterly Federal Financial Report, SF 425.

57

Compliance with 28 C.F.R. Part 23

With respect to any information technology system funded or supported by funds under this award, the recipient (and any subrecipient at any tier) must comply with 28 C.F.R. Part 23, Criminal Intelligence Systems Operating Policies, if OJP determines this regulation to be applicable. Should OJP determine 28 C.F.R. Part 23 to be applicable, OJP may, at its discretion, perform audits of the system, as per the regulation. Should any violation of 28 C.F.R. Part 23 occur, the recipient may be fined as per 34 U.S.C. 10231(c)-(d). The recipient may not satisfy such a fine with federal funds.

58

Protection of human research subjects

The recipient (and any subrecipient at any tier) must comply with the requirements of 28 C.F.R. Part 46 and all OJP policies and procedures regarding the protection of human research subjects, including obtainment of Institutional Review Board approval, if appropriate, and subject informed consent.

59

Confidentiality of data

The recipient (and any subrecipient at any tier) must comply with all confidentiality requirements of 34 U.S.C. 10231 and 28 C.F.R. Part 22 that are applicable to collection, use, and revelation of data or information. The recipient further agrees, as a condition of award approval, to submit a Privacy Certificate that is in accord with requirements of 28 C.F.R. Part 22 and, in particular, 28 C.F.R. 22.23.

60

The recipient agrees to cooperate with any assessments, national evaluation efforts, or information or data collection requests, including, but not limited to, the provision of any information required for the assessment or evaluation of any activities within this project.

61

The recipient understands that, in accepting this award, the Authorized Representative declares and certifies, among other things, that he or she possesses the requisite legal authority to accept the award on behalf of the recipient entity and, in so doing, accepts (or adopts) all material requirements that relate to conduct throughout the period of performance under this award. The recipient further understands, and agrees, that it will not assign anyone to the role of Authorized Representative during the period of performance under the award without first ensuring that the individual has the requisite legal authority.

62

In accepting this award, the recipient agrees that grant funds cannot be used for Facial Recognition Technology (FRT)

unless the recipient has policies and procedures in place to ensure that the FRT will be utilized in an appropriate and responsible manner that promotes public safety, and protects privacy, civil rights, and civil liberties and complies with all applicable provisions of the U.S. Constitution, including the Fourth Amendment's protection against unreasonable searches and seizures and the First Amendment's freedom of association and speech, as well as other laws and regulations. Recipients utilizing funds for FRT must make such policies and procedures available to DOJ upon request.

[]

I have read and understand the information presented in this section of the Federal Award Instrument.

Award Acceptance

Declaration and Certification to the U.S. Department of Justice as to Acceptance

By checking the declaration and certification box below, I--

- A. Declare to the U.S. Department of Justice (DOJ), under penalty of perjury, that I have authority to make this declaration and certification on behalf of the applicant.
- B. Certify to DOJ, under penalty of perjury, on behalf of myself and the applicant, to the best of my knowledge and belief, that the following are true as of the date of this award acceptance: (1) I have conducted or there was conducted (including by applicant's legal counsel as appropriate and made available to me) a diligent review of all terms and conditions of, and all supporting materials submitted in connection with, this award, including any assurances and certifications (including anything submitted in connection therewith by a person on behalf of the applicant before, after, or at the time of the application submission and any materials that accompany this acceptance and certification); and (2) I have the legal authority to accept this award on behalf of the applicant.
- C. Accept this award on behalf of the applicant.
- D. Declare the following to DOJ, under penalty of perjury, on behalf of myself and the applicant: (1) I understand that, in taking (or not taking) any action pursuant to this declaration and certification, DOJ will rely upon this declaration and certification as a material representation; and (2) I understand that any materially false, fictitious, or fraudulent information or statement in this declaration and certification (or concealment or omission of a material fact as to either) may be the subject of criminal prosecution (including under 18 U.S.C. §§ 1001 and/or 1621, and/or 34 U.S.C. §§ 10271-10273), and also may subject me and the applicant to civil penalties and administrative remedies under the federal False Claims Act (including under 31 U.S.C. §§ 3729-3730 and/or §§ 3801-3812) or otherwise.

Agency Approval

Title of Approving Official	Name of Approving Official	Signed Date And Time
Deputy Assistant Attorney General	Maureen Henneberg	9/18/23 9:36 PM

Authorized Representative

Entity Acceptance

Title of Authorized Entity Official
Mayor

Signed Date And Time



City Council Agenda Report

Agenda Item 7.

DATE: October 10, 2023
TO: Honorable Mayor and City Councilmembers
FROM: Mara Romano, Purchasing Agent
SUBJECT: Professional Services Agreement for Continued Assessment of Existing Box Culverts

RECOMMENDATION:

That the City Council:

1. Determines that the service is exempt from the California Environmental Quality Act (CEQA) in accordance with section 15309 of the State CEQA Guidelines; and
2. Adopts the next Resolution, in order, to execute a Professional Services Agreement (PSA) with Kleinfelder, Inc., for a one-year term in the not-to-exceed amount of \$25,000.

BACKGROUND:

On December 12, 2017, the City Council authorized the City Manager to negotiate/execute a civil engineering PSA with Kleinfelder, Inc. to perform an assessment of the Forester Creek and Washington Channel box culverts in the amount of \$199,944. The agreement expired April 20, 2023, however, the Public Works Department requires the continued services of Kleinfelder, Inc. to analyze and assess the condition of the aged box culverts.

The initial agreement in the amount of \$199,944 combined with the continuation of services in the amount of \$25,000 will result in the total not-to-exceed amount of \$224,944 for these services.

CALIFORNIA ENVIRONMENTAL QUALITY ACT:

The proposed contract amendment to increase funding for the continued service of analyzing and assessing existing box culverts is exempt from the California Environmental Quality Act (CEQA). In accordance with State CEQA Guidelines section 15309, the analysis and assessment of existing public infrastructure is exempt from CEQA.

FISCAL IMPACT:

Approval of the not-to-exceed amount of \$25,000 will supplement the remaining work for a total not-to-exceed amount of \$224,944. Funds are available in Fiscal Year 2023-24 Annual Budget – Box Culvert Assessment & Repairs (183611PWCP).

Prepared By: Mara Romano, Purchasing Agent
Reviewed By: Yazmin Arellano, Director of Public Works
Approved By: Graham Mitchell, City Manager

Attachments

Resolution

RESOLUTION NO. ____-23

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF EL CAJON
AUTHORIZING A PROFESSIONAL SERVICES AGREEMENT
WITH KLIENFELDER, INC. TO COMPLETE WORK IN ANALYZING
AND ASSESSING EXISTING BOX CULVERTS IN FORESTER CREEK
AND WASHINGTON CHANNEL AS A PART OF THE BOX CULVERT
CONDITION ASSESSMENT AND REPAIRS PROJECT

WHEREAS, on December 12, 2017, the City Council authorized the City Manager to negotiate and execute a professional services agreement with Kleinfelder, Inc., (the "Consultant") in order to provide an analysis and assessment of the conditions of box culverts in both Forester Creek and Washington Channel as a part of the Box Culvert Condition Assessment and Repairs (the "Project"); and

WHEREAS, the City entered into a professional services agreement with the Consultant for the Project, in the amount of \$199,944 (the "Contract"), which was extended but expired by its terms on April 20, 2023, leaving a portion of the Project incomplete and the compensation to be paid to the Consultant exhausted; and

WHEREAS, the City and the Consultant agree that the Project can be completed in one (1) year at an additional cost of \$25,000, which time and costs are more efficient than engaging a new professional to finalize the Project having to rely on the substantial work already performed by the Consultant, and likely duplicating some of the work of the Consultant; and

WHEREAS, approval of the supplemental work for \$25,000 as additional compensation to the Consultant will result in a total cost for the Project of \$224,944, and funds are available in Fiscal Year 2023-24 Annual Budget – Box Culvert Assessment & Repairs (183611PWCP), contingent upon approval of additional funding; and

WHEREAS, in accordance with the California Environmental Quality Act ("CEQA"), the Project is exempt in accordance with CEQA Guidelines, section 15309 (Class 9), as it involves the analysis and assessment of existing public infrastructure; and

WHEREAS, the City Council believes it to be in the best interests of the City to approve a supplemental contract to allow the Consultant to complete the scope of work for an additional not-to-exceed amount of \$25,000, and to authorize an additional one (1) year term.

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

1. The above recitals are true and correct, and are the findings of the City Council.
2. The City Council hereby approves a professional services agreement with Kleinfelder, Inc., in the not-to-exceed amount of \$25,000, for a term not to exceed one (1) year, in order to complete the Project.

3. The City Council hereby authorizes the City Manager, or such person as is designated by the City Manager, to execute a supplemental professional services agreement with the Consultant in accordance with Section 2, above, with such changes as may be necessary and approved by the City Manager.

10/10/23 CC Agenda

Reso – Approve Supplemental Contract (Kleinfelder, Inc.) Box Culver & Repairs 101023



City Council
Agenda Report

Agenda Item 8.

DATE: October 10, 2023
TO: Honorable Mayor and City Councilmembers
FROM: Vince DiMaggio, Assistant City Manager
SUBJECT: Downtown El Cajon Business Partners Annual Financial Statement and Audit

RECOMMENDATION:

That the City Council receives the annual financial statement and audit, and provides feedback.

BACKGROUND:

In June 2011, the City Council approved a resolution that reauthorized the special assessment district for certain properties in the downtown area. In December 2011, the City Council approved an agreement with the Downtown El Cajon Business Partners to manage and operate the district and to conduct various activities to benefit the district with the proceeds from the special assessment. This agreement requires the Downtown El Cajon Business Partners to provide an annual report and a financial statement and audit of the district's activities over the previous year.

Attached is the annual Financial Report and Audit. The annual report on the various programs and activities of the District was not completed in time for inclusion in this report and will be presented to the Council upon its completion at a later date.

CALIFORNIA ENVIRONMENTAL QUALITY ACT:

This is an informational item being considered by the City Council. Therefore, it is exempt from the California Environmental Quality Act (CEQA) because it is not a "project" under Section 15378(b)(5) of CEQA Guidelines. It is an organizational or administrative activity of government that will not result in a direct or indirect physical change in the environment.

Prepared By: Vince DiMaggio, Assistant City Manager

Reviewed By:

Approved By: Graham Mitchell, City Manager

Attachments

Financial Statement

Financial Audit

DOWNTOWN EL CAJON BUSINESS
PARTNERS, INC.

FINANCIAL STATEMENTS

JUNE 30, 2023

(AUDITED)



CASHUK, WISEMAN, GOLDBERG, BIRNBAUM, & SALEM, LLP
Certified Public Accountants

DOWNTOWN EL CAJON BUSINESS PARTNERS, INC.
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Certified Public Accountants
Telephone (619) 563-0145
Fax (619) 563-9584 • www.cwgepa.com



PARTNERS

Richard A. Goldberg, CPA
Wes L. Salem, CPA
Ma. Lolita Cremat, CPA
Michael Selamet Kwee, CPA



Certified Public Accountants



OFFICE MANAGER

Tanya Davis

INDEPENDENT AUDITOR'S REPORT

To the Board of Directors of
Downtown El Cajon Business Partners, Inc.

Opinion

We have audited the accompanying financial statements of Downtown El Cajon Business Partners, Inc. (a California nonprofit organization), which comprise the statement of financial position as of June 30, 2023, and the related statements of activities, functional expenses, and cash flows for the year then ended, and the related notes to the financial statements.

In our opinion, the financial statements referred to above present fairly, in all material respects, the financial position of Downtown El Cajon Business Partners, Inc. as of June 30, 2023, and the changes in its net assets and its cash flows for the year then ended in accordance with accounting principles generally accepted in the United States of America.

Basis for Opinion

We conducted our audit in accordance with auditing standards generally accepted in the United States of America. Our responsibilities under those standards are further described in the Auditor's Responsibilities for the Audit of the Financial Statements section of our report. We are required to be independent of Downtown El Cajon Business Partners, Inc. and to meet our other ethical responsibilities in accordance with the relevant ethical requirements relating to our audit. We believe the audit evidence we have obtained is sufficient and appropriate to provide a basis for our audit opinion.

Responsibilities of Management for the Financial Statements

Management is responsible for the preparation and fair presentation of the financial statements in accordance with accounting principles generally accepted in the United States of America, and for the design, implementation, and maintenance of internal control relevant to the preparation and fair presentation of financial statements that are free from material misstatement, whether due to fraud or error.

In preparing the financial statements, management is required to evaluate whether there are conditions or events, considered in the aggregate, that raise substantial doubt about Downtown El Cajon Business Partners, Inc.'s ability to continue as a going concern within one year after the date that the financial statements are available to be issued.



Auditor's Responsibilities for the Audit of the Financial Statements

Our objectives are to obtain reasonable assurance about whether the financial statements as a whole are free from material misstatement, whether due to fraud or error, and to issue an auditor's report that includes our opinion. Reasonable assurance is a high level of assurance but is not absolute assurance and therefore is not a guarantee that an audit conducted in accordance with generally accepted auditing standards will always detect a material misstatement when it exists. The risk of not detecting a material misstatement resulting from fraud is higher than from one resulting from error, as fraud may involve collusion, forgery, intentional omissions, misrepresentations, or the override of internal control. Misstatements are considered material if there is a substantial likelihood that, individually or in the aggregate, they would influence the judgment made by a reasonable user based on the financial statements.

In performing an audit in accordance with generally accepted auditing standards, we:

- Exercise professional judgment and maintain professional skepticism throughout the audit.
- Identify and assess the risks of material misstatement of the financial statements, whether due to fraud or error, and design and perform audit procedures responsive to those risks. Such procedures include examining, on a test basis, evidence regarding the amounts and disclosures in the financial statements.
- Obtain an understanding of internal control relevant to the audit in order to design audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of Downtown El Cajon Business Partners, Inc.' internal control. Accordingly, no such opinion is expressed.
- Evaluate the appropriateness of accounting policies used and the reasonableness of significant accounting estimates made by management, as well as evaluate the overall presentation of the financial statements.
- Conclude whether, in our judgment, there are conditions or events, considered in the aggregate, that raise substantial doubt about Downtown El Cajon Business Partners, Inc.'s ability to continue as a going concern for a reasonable period of time.

Report on Summarized Comparative Information

We have previously audited the Downtown El Cajon Business Partners, Inc.'s 2022 financial statements, and we expressed an unmodified opinion on those financial statements in our report dated August 10, 2022. In our opinion, the summarized comparative information presented herein as of and for the year ended June 30, 2022, is consistent, in all material respects, with the audited financial statements from which it has been derived.

Cashuk, Wiseman, Koble, Birnbaum + Salem, LLP

CASHUK, WISEMAN, GOLDBERG, BIRNBAUM AND SALEM, LLP

San Diego, California
August 7, 2023

DOWNTOWN EL CAJON BUSINESS PARTNERS, INC.
STATEMENT OF FINANCIAL POSITION
June 30, 2023 with Comparative Totals for June 30, 2022

	2023			2022 Total
	Without Donor Restrictions	With Donor Restrictions	Total	
<u>ASSETS</u>				
CURRENT ASSETS				
Cash and Cash Equivalents (Note A)	\$ 488,341	\$ -	\$ 488,341	\$ 684,693
Accounts Receivable (Note A)	177,098	-	177,098	41,431
Prepaid Expenses	2,061	-	2,061	3,631
	667,500	-	667,500	729,755
PROPERTY AND EQUIPMENT				
Property and Equipment, net of accumulated depreciation of \$188,163 and \$171,204 in 2023 and 2022 (Notes A & C)	148,849	-	148,849	136,188
OTHER ASSETS				
Security Deposits	4,180	-	4,180	4,180
	\$ 820,529	\$ -	\$ 820,529	\$ 870,123
<u>LIABILITIES AND NET ASSETS</u>				
CURRENT LIABILITIES				
Accounts Payable	\$ 17,485	\$ -	\$ 17,485	\$ 10,050
Accrued Recertification Fees (Note G)	37,800	-	37,800	32,800
	55,285	-	55,285	42,850
NET ASSETS				
Without Donor Restrictions (Note A)	765,244	-	765,244	827,273
With Donor Restrictions (Note A)	-	-	-	-
	765,244	-	765,244	827,273
	\$ 820,529	\$ -	\$ 820,529	\$ 870,123

The accompanying notes are an integral part of these financial statements.



DOWNTOWN EL CAJON BUSINESS PARTNERS, INC.
STATEMENT OF ACTIVITIES

For the Year Ended June 30, 2023 with Comparative Totals for the Year Ended June 30, 2022

	2023			2022 Total
	Without Donor Restrictions	With Donor Restrictions	Total	
REVENUE AND OTHER SUPPORT				
Property Taxes	\$ 427,845	\$ -	\$ 427,845	\$ 439,463
In Lieu Payments	132,604	-	132,604	132,604
Event Sponsorship	13,500	-	13,500	13,750
Fundraisers and Other Event Revenues	25,696	-	25,696	38,512
Miscellaneous Income	235	-	235	-
TOTAL REVENUES AND OTHER SUPPORT	599,880	-	599,880	624,329
EXPENSES				
Program Services				
Economic Enhancements	347,275	-	347,275	271,723
Environmental Enhancements	198,550	-	198,550	175,032
Management Services	116,084	-	116,084	98,911
TOTAL EXPENSES	661,909	-	661,909	545,666
Release of restrictions on net assets with donor restrictions	-	-	-	-
INCREASE (DECREASE) IN NET ASSETS	(62,029)	-	(62,029)	78,663
NET ASSETS - BEGINNING OF YEAR	827,273	-	827,273	748,610
NET ASSETS - END OF YEAR	\$ 765,244	\$ -	\$ 765,244	\$ 827,273

The accompanying notes are an integral part of these financial statements.



DOWNTOWN EL CAJON BUSINESS PARTNERS, INC.
STATEMENT OF FUNCTIONAL EXPENSES
For the Year Ended June 30, 2023 with Comparative Totals for the Year Ended June 30, 2022

	2023				2022 Total
	Program Services		Management Services	Total	
	Economic Enhancements	Environmental Enhancements			
EXPENSES					
Accounting	\$ -	\$ -	\$ 4,908	\$ 4,908	\$ 3,591
Bank Charges	-	-	252	252	311
Depreciation	8,727	6,105	2,127	16,959	14,041
Equipment Rental	-	-	-	-	6,505
Event Sponsorship	37,083	1,000	-	38,083	13,525
Insurance	8,654	-	2,160	10,814	11,283
Legal	-	-	24,555	24,555	8,838
Lease Expenses (Notes A & E)	-	-	9,000	9,000	9,000
Licenses and Fees	9,039	-	29	9,068	9,129
Marketing	17,109	-	1,535	18,644	16,794
Memberships	30	-	-	30	30
Office	499	-	543	1,042	692
Outside Contract Services	255,324	191,445	38,179	484,948	415,044
Printing	999	-	296	1,295	6,527
Promotional	4,154	-	-	4,154	2,172
Recertification	-	-	5,000	5,000	5,000
Settlement (Note F)	-	-	27,500	27,500	-
Supplies	5,657	-	-	5,657	23,184
TOTAL EXPENSES	<u>\$ 347,275</u>	<u>\$ 198,550</u>	<u>\$ 116,084</u>	<u>\$ 661,909</u>	<u>\$ 545,666</u>

The accompanying notes are an integral part of these financial statements.



DOWNTOWN EL CAJON BUSINESS PARTNERS, INC.
STATEMENT OF CASH FLOWS
For the Year Ended June 30, 2023 with Comparative Totals for the Year Ended June 30, 2022

	2023			2022 Total
	Without Donor Restrictions	With Donor Restrictions	Total	
CASH FLOWS FROM OPERATING ACTIVITIES				
Increase (Decrease) in Net Assets	\$ (62,029)	\$ -	\$ (62,029)	\$ 78,663
Adjustments to Reconcile Net Income to Net Cash				
Provided(Used) by Operating Activities:				
Depreciation	16,959	-	16,959	14,041
Cash Provided(Used) by Changes in:				
Accounts Receivable	(135,667)	-	(135,667)	5,299
Prepaid Expenses	1,570	-	1,570	(455)
Security Deposits	-	-	-	(1,350)
Accounts Payable & Accrued Expenses	7,435	-	7,435	(8,087)
Accrued Recertification Fees	5,000	-	5,000	5,000
CASH PROVIDED BY (USED FOR) OPERATING ACTIVITIES	(166,732)	-	(166,732)	93,111
INVESTING ACTIVITIES				
Purchases of Property & Equipment	(29,620)	-	(29,620)	(96,942)
DECREASE IN CASH AND CASH EQUIVALENTS	(196,352)	-	(196,352)	(3,831)
Cash and Cash Equivalents at Beginning of Year	684,693	-	684,693	688,524
CASH AND CASH EQUIVALENTS AT END OF YEAR	<u>\$ 488,341</u>	<u>\$ -</u>	<u>\$ 488,341</u>	<u>\$ 684,693</u>

The accompanying notes are an integral part of these financial statements.



DOWNTOWN EL CAJON BUSINESS PARTNERS, INC.
NOTES TO THE FINANCIAL STATEMENTS
June 30, 2023

NOTE A-NATURE OF ACTIVITIES AND SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES:

1. Downtown El Cajon Business Partners, Inc. dba Downtown El Cajon Promenade District (“The District”) was incorporated under the laws of the State of California on May 16, 2011. The District has adopted a June 30 fiscal year end for reporting requirements. The District was established as a Property Based Improvement District (PBID) under Article XIII(d) of the State Constitution. The purpose of a PBID is to allow a group of real property owners to assess themselves additional property taxes that is to be used to provide specific benefits for the properties and businesses located within the assessment district.

The District is governed by a board of real property owners pursuant to Section 36650 and 36651 of the Streets and Highway Code of the State of California.

2. Downtown El Cajon Business Partners, Inc. is a California nonprofit public benefit organization whose purpose is to create awareness about the downtown El Cajon, California area and its associated businesses with enhanced services including:
 - a. Economic Enhancements to keep and attract jobs, investment and new businesses to downtown El Cajon.
 - b. Environmental Enhancements to visually improve downtown El Cajon and provide added security.

3. Financial Statement Presentation-The District reports information regarding its financial position and activities according to two classes of net assets; net assets without donor restrictions and net assets with donor restrictions.

Net Assets without Donor Restrictions-are part of the net assets that are not restricted by donor-imposed stipulations, and which are available, at the discretion of management and the Board of Directors for the District to utilize in any of its programs or supporting services.

Net Assets with Donor Restrictions-Net assets resulting from contributions and other inflows of assets whose use by the District is limited by donor-imposed stipulations that either expire by passage of time or can be fulfilled and removed by actions of the District pursuant to those stipulations. When such stipulations end or are fulfilled, such net assets with donor restrictions are reclassified to net assets with donor restrictions and reported in the statement of activities and changes in net assets. The District had no net assets with donor restrictions as of June 30, 2023.

4. Cash & Cash Equivalents for purposes of the statement of cash flows, include cash on hand, cash in checking and savings accounts with banks. All short-term debt securities with a maturity of three months or less are considered cash equivalents.



DOWNTOWN EL CAJON BUSINESS PARTNERS, INC.
NOTES TO THE FINANCIAL STATEMENTS
June 30, 2023

NOTE A-NATURE OF ACTIVITIES AND SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES-CON'T:

5. Accounts Receivable consisted primarily of amounts due from the City of El Cajon. Management determined that all receivables at year end are collectable. No allowance for doubtful accounts was considered necessary at June 30, 2023 and 2022.
6. Use of Estimates-The preparation of financial statements in conformity with generally accepted accounting principles requires management to make estimates and assumptions that affect the reported amounts of assets and liabilities and disclosure of contingent assets and liabilities at the date of the financial statements and the reported amounts of revenues and expenses during the reporting period. Actual results could differ from the estimates.
7. Revenue Recognition-Property Taxes represent assessments levied against property owners located within the district to provide the special benefits described in Note A2. The assessments are based on the square footage of the building and lots. The tax rates assessed are determined by the location of the real property within the district and the presumed benefits received, with those real properties receiving a greater benefit being charged a higher tax rate. Property tax revenue is recognized in the fiscal year that taxes are levied, provided that the taxes are received within 60 days of the end of the fiscal year. Property taxes received 60 days after year end or later are not considered available as a resource for the current year operations of the district and therefore are not recorded as revenue until collected. For the years ended June 30, 2023 and 2022, all levied property taxes were received within 60 days of the fiscal year end.

In Lieu Property Tax Payments represent payments received from the City of El Cajon, the County of San Diego and other state and federal governmental agencies on real estate owned by these governmental bodies within the District and that are not normally assessed property taxes on properties owned. The District records as revenue in the fiscal year earned. Any payments received in advance are recorded as deferred revenue until earned.

Event Sponsorship represents revenues received from special event sponsors and are recognized when earned.

Fundraisers and Other Event revenues represent revenues received from fund raising and special events and are recognized when earned.

8. Concentration of Cash and Credit Risk-The District maintains deposits in financial institutions that at times may exceed the insured amount of \$250,000 provided by the U.S. Federal Deposit Insurance Corporation (FDIC). At year end, the District's uninsured cash balance totaled \$267,691.
9. Advertising Costs-The District follows the policy of charging the costs of advertising to expense as incurred. The District incurred no advertising expenses for the years ended June 30, 2023 and 2022, respectively.



DOWNTOWN EL CAJON BUSINESS PARTNERS, INC.
NOTES TO THE FINANCIAL STATEMENTS
June 30, 2023

NOTE A-NATURE OF ACTIVITIES AND SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES-CON'T:

10. Leases-Effective July 1, 2022, the District adopted the requirements of Financial Accounting Standards Board (“FASB”) Accounting Standards Update (“ASU”) 2016-02 “Leases (Topic 842)” and all related amendments. The District elected to apply the practical expedient of foregoing the restatement of comparative periods. In addition, the District elected the practical expedients permitted under transition guidance to not reassess leases entered into prior to adoption. As permitted under ASC 842, the District made an accounting policy election to exempt leases with an initial term of 12 months or less from statement of financial position recognition. Instead, short-term leases are expensed over the lease term with no impact to the statement of financial position. Under this approach, operating leases are measured and recorded as operating leases as of July 1, 2022 and existing capital leases are carried over at their carrying value and classified as finance leases. The District’s operating lease at June 30, 2023 is a short-term lease and has been elected to be exempt from statement of financial position recognition. The District had no finance leases as of June 30, 2023.

11. Property and Equipment are recorded at cost, or if donated, at approximate value at the date of the gift. The District’s policy is to capitalize fixed asset purchases in excess of \$500. The straight line method of depreciation is followed for financial reporting purposes and for federal income tax purposes. Depreciation is provided in amounts sufficient to relate the cost of assets to operations over their estimated service lives or the lives of the respective leases, whichever is shorter. Maintenance and repairs are charged to expense. Gains and losses on dispositions are credited or charged to earnings as incurred. Depreciation is provided at rates based on the following estimated useful lives:

Leasehold Improvements	39 years
Furniture and Equipment	3-7 years

Depreciation expense for the years ended June 30, 2023 and 2022 totaled \$14,041 and \$13,772, respectively.

12. Functional Allocation of Expenses-Costs to provide various activities and programs have been summarized on a functional basis in the statement of functional expenses. Direct costs are allocated to the activities that incurred the costs. General and other certain costs are allocated among the programs that received the benefits.

13. Contributed Services-During the year ended June 30, 2023, the value of contributed services meeting the requirements for recognition in the financial statements were not material and have not been recorded. In addition, many individuals volunteer their time and perform a variety of tasks that assist the district at its events, but these services do not meet the criteria for recognition as contributed services.



DOWNTOWN EL CAJON BUSINESS PARTNERS, INC.
 NOTES TO THE FINANCIAL STATEMENTS
 June 30, 2023

NOTE A-NATURE OF ACTIVITIES AND SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES-CON'T:

14. Fair Value of Financial Instruments-Financial Accounting Standards Board (FASB) Accounting Standards Codification (ASC) Topic 820, "*Fair Value Measurements and Disclosures*", defines fair value as the price that would be received upon sale of an asset or paid upon transfer of a liability in an orderly transaction between market participants at the measurement date and in the principal or most advantageous market for that asset or liability. The fair value should be calculated based on assumptions that market participants would use in pricing the asset or liability, not on assumptions specific to the entity.

Cash and Cash Equivalents, Accounts Receivable, Prepaid Expenses, Accounts Payable and Accrued Liabilities-The carrying amounts reported on the statement of financial position for these items are a reasonable estimate of fair value.

NOTE B-INCOME TAXES:

The District is exempt from federal income taxes under Section 501(c)(6) of the Internal Revenue Code and state income taxes under Section 23701(d) of the California Revenue Taxation Code. Accordingly, no provision for income taxes has been made in the accompanying financial statements.

The District adopted the provisions of FASB ASC Topic 740-10, "*Income Taxes*" regarding accounting for uncertain income tax positions. Management is not aware of any tax positions that are more likely than no to change in the next 12 months, or that would sustain an examination by applicable taxing authorities.

The District recognizes penalties and interest arising from uncertain tax positions as incurred in the statement of activities, which totaled \$0 and \$0, during the years ended June 30, 2023 and 2022, respectively.

The federal and state income tax returns of the District are subject to examination by the IRS and state taxing authorities, generally for three years after they are filed.

NOTE C-PROPERTY AND EQUIPMENT:

At June 30, 2023 and 2022, the District had the following property and equipment:

	2023	2022
Furniture & Equipment	\$ 244,622	\$ 215,002
Leasehold Improvements	92,390	92,390
Total	337,012	307,392
Accumulated Depreciation	(188,163)	(171,204)
Net Property & Equipment	\$ 148,849	\$ 136,188



DOWNTOWN EL CAJON BUSINESS PARTNERS, INC.
NOTES TO THE FINANCIAL STATEMENTS
June 30, 2023

NOTE D-SUBSEQUENT EVENT:

In preparing these financial statements, the District has evaluated events and transactions for potential recognition or disclosure through August 7, 2023, the date the financial statements were available to be issued. There were no subsequent events that requiring adjustments to and disclosures in the financial statements as of and for the year ended June 30, 2023.

NOTE E-LEASES:

As of June 30, 2023, the District leases office facilities on a month-to-month basis. Lease rental expense totaled \$9,000 for the year ended June 30, 2023. The office lease is classified as short-term based on its terms.

NOTE F-LITIGATION:

On March 8, 2023, the District, as the defendant, settled a claim in the amount of \$27,500 in which the plaintiff claimed that the District violated the Ralph M. Brown act regarding the noticing, conducting of meetings and approving actions.

NOTE G-DISTRICT RECERTIFICATION/SIGNIFICANT EVENTS:

The El Cajon City Council adopted a resolution for the recertification of the El Cajon Property and Business Improvement District. The duration of the recertification is 10 years beginning on January 1, 2017. In five years, the Downtown El Cajon Business Partners and downtown property owners will undertake a review of the Management District Plan and PBID programs. Any new or increased assessments that are not consistent with the provisions of the current Management District Plan will require a new mail ballot process.

Management has estimated recertification costs to be as much as \$50,000 and is accruing \$5,000 per year toward these costs.

NOTE H-FAIR VALUE MEASUREMENTS:

FASB ASC Topic 820 specifies a hierarchy of valuation techniques based upon whether the inputs to those valuation techniques reflect assumptions other market participants would use based upon market data obtained from independent sources (observable inputs). In accordance with FASB ASC Topic 820, the following summarizes the fair value hierarchy:

Level 1 Inputs—Unadjusted quoted market prices for identical assets and liabilities in an active market that the Company has the ability to access.

Level 2 Inputs—Inputs other than the quoted prices in active markets that are observable either directly or indirectly.



DOWNTOWN EL CAJON BUSINESS PARTNERS, INC.
NOTES TO THE FINANCIAL STATEMENTS
June 30, 2023

NOTE H-FAIR VALUE MEASUREMENTS-CON'T:

Level 3 Inputs—Inputs based on prices or valuation techniques that are both unobservable and significant to the overall fair value measurements.

FASB ASC Topic 820 requires the use of observable market data, when available, in making fair value measurements. When inputs used to measure fair value fall within different levels of the hierarchy, the level within which the fair value measurement is categorized is based on the lowest level input that is significant to the fair value measurements. Valuation techniques used need to maximize the use of observable inputs and minimize the use of unobservable inputs.

As of June 30, 2023, there were no assets and liabilities measured at fair value.

NOTE I-RETIREMENT PLAN:

The District does not have any employees, and currently, does not sponsor any retirement plans.

NOTE J-NET ASSETS WITHOUT DONOR RESTRICTIONS:

The District has several board policies that affect the presentation of board designations on net assets. As of June 30, 2023, the Board of Directors designated self-imposed restrictions on the use of net assets without donor restrictions for the district recertification (Note G) in the amounts of \$37,800.

NOTE K-LIQUIDITY AND AVAILABILITY OF FINANCIAL ASSETS:

The following reflects Downtown El Cajon Business Partners, Inc. financial assets as of the balance sheet date, reduced by amounts not available for general use within one year of the balance sheet date because of donor or self-imposed restrictions.

Cash and Cash Equivalents	\$ 488,341
Accounts Receivable	<u>177,098</u>
Total Financial Assets	665,439
Subtract: Financial assets not available for general expenditures due to self-imposed restrictions	<u>37,800</u>
Financial assets available to meet cash needs for general expenditures within one year	<u>\$ 627,639</u>



DOWNTOWN EL CAJON BUSINESS PARTNERS, INC.
NOTES TO THE FINANCIAL STATEMENTS
June 30, 2023

NOTE L-NEW ACCOUNTING STANDARDS:

In March 2016, the FASB issued ASU 2016-02, "*Leases (Topic 842)*", which provides guidance for accounting for leases. ASU 2016-02 requires lessees to classify leases as either finance or operating leases and to record a right-of-use asset and a lease liability for all leases with a term greater than 12 months regardless of the lease classification. The lease classification will determine whether the lease expense is recognized based on an effective interest rate method or on straight-line basis over the term of the lease. Accounting for lessors remains largely unchanged from current GAAP.

Effective July 1, 2022, the District adopted the requirements of ASU 2016-02 and all related amendments. The impact of the adoption of ASU 2016-02 in the District's financial statements are presented in Notes A & E.



Client: 43594 - Downtown El Cajon Business Partners, Inc.
 Engagement: AUD - 6/30/23-Downtown El Cajon Business Partners, Inc.
 Trial Balance: TB
 Workpaper: 3700.01 - Adjusting Journal Entries Report

Account	Description	W/P Ref	Debit	Credit
Adjusting Journal Entries JE # 1				
TIE TO 6/30/2022 ISSUED STATEMENTS				
1350	PREPAID EXPENSES		1,646.01	
1420	EQUIPMENT		5,297.55	
1430	LEASEHOLD IMPROVEMENTS		88,399.56	
1100	ACCOUNTS RECEIVABLE			5,021.58
1500	ACCUMULATED DEPRECIATION			27,813.00
2000	ACCOUNTS PAYABLE			503.00
3200	UNRESTRICTED NET ASSETS			62,005.29
5600-MNGT	OFFICE EXPENSE			0.25
Total			95,343.12	95,343.12
Adjusting Journal Entries JE # 2				
RECORD PBID ALLOCATIONS #7 - #12 RECEIVABLE				
1100	ACCOUNTS RECEIVABLE		750.99	
1100	ACCOUNTS RECEIVABLE		5,343.09	
1100	ACCOUNTS RECEIVABLE		11,016.86	
1100	ACCOUNTS RECEIVABLE		24,701.55	
1100	ACCOUNTS RECEIVABLE		37,154.75	
1100	ACCOUNTS RECEIVABLE		86,575.92	
4400-MNGT	PBID TAX INCOME			750.99
4400-MNGT	PBID TAX INCOME			5,343.09
4400-MNGT	PBID TAX INCOME			11,016.86
4400-MNGT	PBID TAX INCOME			24,701.55
4400-MNGT	PBID TAX INCOME			37,154.75
4400-MNGT	PBID TAX INCOME			86,575.92
Total			165,543.16	165,543.16
Adjusting Journal Entries JE # 3				
TIE TO PBC AP SCHEDULE				
2000	ACCOUNTS PAYABLE		503.00	
5540-CCC	MARKETING			503.00
Total			503.00	503.00
Adjusting Journal Entries JE # 4				
TIE TO 6/30/23 PREPAID EXPENSES				
5620-COP	OUTSIDE CONTRACT SERVICES		2,150.00	
1350	PREPAID EXPENSES			1,570.26
5500-MNGT	INSURANCE			579.74
Total			2,150.00	2,150.00
Adjusting Journal Entries JE # 5				
RECLASS MISPOSTING OF BANK REIMBURSEMENT FOR LOST CHECK				
5270-MNGT	BANK CHARGES		1,190.00	
5510-MNGT	LEGAL EXPENSE			1,190.00
Total			1,190.00	1,190.00
Adjusting Journal Entries JE # 6				
RECLASSIFY SETTLEMENT				
5515-MNGT	SETTLEMENTS		27,500.00	
5510-MNGT	LEGAL EXPENSE			27,500.00
Total			27,500.00	27,500.00

Client: **43594 - Downtown El Cajon Business Partners, Inc.**
 Engagement: **AUD - 6/30/23-Downtown El Cajon Business Partners, Inc.**
 Trial Balance: **TB**
 Workpaper: **3700.01 - Adjusting Journal Entries Report**

Account	Description	W/P Ref	Debit	Credit
Adjusting Journal Entries JE # 7				
RECORD CURRENT YEAR DEPRECIATION				
5400-BEAU	DEPRECIATION		4,286.00	
5400-C&S	DEPRECIATION		1,819.00	
5400-COP	DEPRECIATION		7,815.00	
5400-I&M	DEPRECIATION		418.00	
5400-MNGT	DEPRECIATION		2,127.00	
5400-SPE	DEPRECIATION		494.00	
1500	ACCUMULATED DEPRECIATION			16,959.00
Total			16,959.00	16,959.00

Client: 43594 - Downtown El Cajon Business Partners, Inc.
 Engagement: AUD - 6/30/23-Downtown El Cajon Business Partners, Inc.
 Trial Balance: TB
 Workpaper: 3600.01 - Financial Statement Grouping Report

Account	Description	1st PP-FINAL 6/30/2022	UNADJ 06/30/2023	JE Ref #	AJE	FINAL 06/30/2023
Group : [4100]	Cash & Equivalents					
Subgroup : [4100.00]	Cash and Equivalents					
1030	FIRST CITIZENS 8971 SAVINGS	106,083.51	106,083.51		0.00	106,083.51
1040	FIRST CITIZENS BANK	523,551.54	327,117.71		0.00	327,117.71
1050	FIRST CITIZENS BANK-NON-PBID	54,662.68	53,984.57		0.00	53,984.57
1060	PETTY CASH	395.00	1,155.00		0.00	1,155.00
	Subtotal [4100.00] Cash and Equivalents	684,692.73	488,340.79		0.00	488,340.79
	Total [4100] Cash & Equivalents	684,692.73	488,340.79		0.00	488,340.79
Group : [4200]	Receivables					
Subgroup : [4200.00]	Accounts Receivable					
1100	ACCOUNTS RECEIVABLE	41,431.35	16,576.34		160,521.58	177,097.92
				AJE - 1	(5,021.58)	
				AJE - 2	24,701.55	
				AJE - 2	11,016.86	
				AJE - 2	86,575.92	
				AJE - 2	37,154.75	
				AJE - 2	750.99	
				AJE - 2	5,343.09	
	Subtotal [4200.00] Accounts Receivable	41,431.35	16,576.34		160,521.58	177,097.92
	Total [4200] Receivables	41,431.35	16,576.34		160,521.58	177,097.92
Group : [4400]	Prepaid Expenses					
Subgroup : [4400.05]	Prepaid Insurance					
1350	PREPAID EXPENSES	3,631.26	1,985.25		75.75	2,061.00
				AJE - 1	1,646.01	
				AJE - 4	(1,570.26)	
	Subtotal [4400.05] Prepaid Insurance	3,631.26	1,985.25		75.75	2,061.00
	Total [4400] Prepaid Expenses	3,631.26	1,985.25		75.75	2,061.00
	Current Assets	729,755.34	506,902.38		160,597.33	667,499.71
Group : [4600]	Property, Plant and Equipment					
Subgroup : [4600.10]	Leasehold Improvements					
1430	LEASEHOLD IMPROVEMENTS	92,389.56	3,990.00		88,399.56	92,389.56
				AJE - 1	88,399.56	
	Subtotal [4600.10] Leasehold Improvements	92,389.56	3,990.00		88,399.56	92,389.56
Subgroup : [4600.25]	Machinery and Equipment					
1400	FIXED ASSETS	31,731.76	31,731.76		0.00	31,731.76
1410	COMPUTER EQUIPMENT	7,424.45	7,424.45		0.00	7,424.45
1420	EQUIPMENT	172,478.78	196,800.73		5,297.55	202,098.28
				AJE - 1	5,297.55	
1440	ORIGINAL COST	3,368.00	3,368.00		0.00	3,368.00
	Subtotal [4600.25] Machinery and Equipment	215,002.99	239,324.94		5,297.55	244,622.49
Subgroup : [4600.80]	Accumulated Depreciation					
1500	ACCUMULATED DEPRECIATION	(171,204.41)	(143,391.41)		(44,772.00)	(188,163.41)
				AJE - 1	(27,813.00)	
				AJE - 7	(16,959.00)	
	Subtotal [4600.80] Accumulated Depreciation	(171,204.41)	(143,391.41)		(44,772.00)	(188,163.41)
	Total [4600] Property, Plant and Equipment	136,188.14	99,923.53		48,925.11	148,848.64
Group : [4800]	Other Long-Term Assets					
Subgroup : [4800.10]	Security Deposits					
1300	DEPOSITS	2,850.00	2,850.00		0.00	2,850.00
1700	SECURITY DEPOSIT ASSET	1,330.00	1,330.00		0.00	1,330.00
	Subtotal [4800.10] Security Deposits	4,180.00	4,180.00		0.00	4,180.00
	Total [4800] Other Long-Term Assets	4,180.00	4,180.00		0.00	4,180.00
	Non-Current Assets	140,368.14	104,103.53		48,925.11	153,028.64
	TOTAL ASSET	870,123.48	611,005.91		209,522.44	820,528.35

Client: 43594 - Downtown El Cajon Business Partners, Inc.
 Engagement: AUD - 6/30/23-Downtown El Cajon Business Partners, Inc.
 Trial Balance: TB
 Workpaper: 3600.01 - Financial Statement Grouping Report

Account	Description	1st PP-FINAL 6/30/2022	UNADJ 06/30/2023	JE Ref #	AJE	FINAL 06/30/2023
Group : [5200]	Accrued Liabilities					
Subgroup : [5200]	Accrued Expenses					
2000	ACCOUNTS PAYABLE	(9,779.60)	(12,806.10)		0.00	(12,806.10)
				AJE - 1	(503.00)	
				AJE - 3	503.00	
2140	FIRST CITIZENS CREDIT CARD 4610	(270.55)	(4,678.56)		0.00	(4,678.56)
Subtotal [5200.00]	Accrued Expenses	(10,050.15)	(17,484.66)		0.00	(17,484.66)
Total [5200]	Accrued Liabilities	(10,050.15)	(17,484.66)		0.00	(17,484.66)
	Current Liabilities	(10,050.15)	(17,484.66)		0.00	(17,484.66)
Group : [5700]	Reserves & Other LT Liabilities					
Subgroup : [5700]	Reserves					
2500	ACCRUED RECERTIFICATION FEES	(32,800.08)	(37,800.12)		0.00	(37,800.12)
Subtotal [5700.00]	Reserves	(32,800.08)	(37,800.12)		0.00	(37,800.12)
Total [5700]	Reserves & Other LT Liabilities	(32,800.08)	(37,800.12)		0.00	(37,800.12)
	Non-Current Liabilities	(32,800.08)	(37,800.12)		0.00	(37,800.12)
	TOTAL LIABILITY	(42,850.23)	(55,284.78)		0.00	(55,284.78)
Group : [6100]	Equity					
Subgroup : [6100]	Unrestricted Net Assets					
3200	UNRESTRICTED NET ASSETS	(748,610.00)	(765,267.71)		(62,005.29)	(827,273.00)
Subtotal [6100.00]	Unrestricted Net Assets	(748,610.00)	(765,267.71)		(62,005.29)	(827,273.00)
Total [6100]	Equity	(748,610.00)	(765,267.71)		(62,005.29)	(827,273.00)
	Equity	(748,610.00)	(765,267.71)		(62,005.29)	(827,273.00)
	NET (INCOME) LOSS	(78,663.25)	209,546.58		(147,517.15)	62,029.43
	TOTAL EQUITY	(827,273.25)	(555,721.13)		(209,522.44)	(765,243.57)
	TOTAL LIABILITY AND EQUITY	(870,123.48)	(611,005.91)		(209,522.44)	(820,528.35)
Group : [7100]	Revenue					
Subgroup : [7100]	Property Taxes					
4400-MNGT	PBID TAX INCOME	(439,462.83)	(262,301.58)		(165,543.16)	(427,844.74)
				AJE - 2	(24,701.55)	
				AJE - 2	(11,016.86)	
				AJE - 2	(86,575.92)	
				AJE - 2	(37,154.75)	
				AJE - 2	(750.99)	
				AJE - 2	(5,343.09)	
Subtotal [7100.00]	Property Taxes	(439,462.83)	(262,301.58)		(165,543.16)	(427,844.74)
Subgroup : [7100]	In Lieu Payments					
4300-MNGT	PBID DIRECT INCOME	(132,604.14)	(132,604.14)		0.00	(132,604.14)
Subtotal [7100.01]	In Lieu Payments	(132,604.14)	(132,604.14)		0.00	(132,604.14)
Subgroup : [7100]	Event Sponsorship					
4500-CCC	SPONSOR INCOME	(13,750.00)	(11,500.00)		0.00	(11,500.00)
4500-NS	SPONSOR INCOME	0.00	(2,000.00)		0.00	(2,000.00)
Subtotal [7100.05]	Event Sponsorship	(13,750.00)	(13,500.00)		0.00	(13,500.00)
Subgroup : [7100]	Fund Raiser & Other Event Rev					
4600-CCC	T SHIRT	(7,748.00)	(5,600.00)		0.00	(5,600.00)
4650-COP	HAT SALES	(5,383.36)	(13,896.45)		0.00	(13,896.45)
4650-NS	HAT SALES	0.00	(754.00)		0.00	(754.00)
4650-POL	HAT SALES	0.00	(3,108.00)		0.00	(3,108.00)
4700-CCC	VENDOR INCOME	(3,299.50)	(1,438.00)		0.00	(1,438.00)
4700-COP	VENDOR INCOME	(2,450.00)	(900.00)		0.00	(900.00)
4700-FDF	VENDOR INCOME	(9,286.20)	0.00		0.00	0.00
4700-HOM	VENDOR INCOME	(3,860.13)	0.00		0.00	0.00

Client: 43594 - Downtown El Cajon Business Partners, Inc.
 Engagement: AUD - 6/30/23-Downtown El Cajon Business Partners, Inc.
 Trial Balance: TB
 Workpaper: 3600.01 - Financial Statement Grouping Report

Account	Description	1st PP-FINAL	UNADJ	JE Ref #	AJE	FINAL
		6/30/2022	06/30/2023			06/30/2023
4700-POL	VENDOR INCOME	(6,485.00)	0.00		0.00	0.00
Subtotal [7100.03]	Fund Raiser & Other Event Rev	(38,512.19)	(25,696.45)		0.00	(25,696.45)
Subgroup : [7100: Other Misc Income						
4999-SPE	UNCATERGORIZED INCOME	0.00	(235.00)		0.00	(235.00)
Subtotal [7100.06]	Other Misc Income	0.00	(235.00)		0.00	(235.00)
Total [7100] Revenue						
		(624,329.16)	(434,337.17)		(165,543.16)	(599,880.33)
	Revenues	(624,329.16)	(434,337.17)		(165,543.16)	(599,880.33)
	Other Income	0.00	0.00		0.00	0.00
	TOTAL REVENUE	(624,329.16)	(434,337.17)		(165,543.16)	(599,880.33)
	Cost of Sales	0.00	0.00		0.00	0.00
Group : [7300] Expenses						
Subgroup : [7300: Management Services						
5200-MNGT	ACCOUNTING EXPENSE	3,591.00	4,907.76		0.00	4,907.76
5270-MNGT	BANK CHARGES	220.00	(1,053.00)		1,190.00	137.00
				AJE - 5	1,190.00	
5270-NS	BANK CHARGES	90.80	114.56		0.00	114.56
5400-MNGT	DEPRECIATION	2,018.00	0.00		2,127.00	2,127.00
				AJE - 7	2,127.00	
5420-MNGT	EQUIPMENT RENTAL	1,194.97	0.00		0.00	0.00
5500-MNGT	INSURANCE	3,107.83	2,740.00		(579.74)	2,160.26
				AJE - 4	(579.74)	
5510-MNGT	LEGAL EXPENSE	8,837.56	53,245.36		(28,690.00)	24,555.36
				AJE - 5	(1,190.00)	
				AJE - 6	(27,500.00)	
5515-MNGT	SETTLEMENTS	0.00	0.00		27,500.00	27,500.00
				AJE - 6	27,500.00	
5520-MNGT	LICENSES & FEES	4,254.00	29.00		0.00	29.00
5540-MNGT	MARKETING	6,588.50	1,535.00		0.00	1,535.00
5600-MNGT	OFFICE EXPENSE	692.45	543.58		(0.25)	543.33
				AJE - 1	(0.25)	
5620-MNGT	OUTSIDE CONTRACT SERVICES	50,751.46	37,993.87		0.00	37,993.87
5620-NS	OUTSIDE CONTRACT SERVICES	3,222.80	185.00		0.00	185.00
5640-MNGT	PRINTING	340.76	296.16		0.00	296.16
5660-MNGT	RECERTIFICATION EXP ACCRUE	5,000.04	5,000.04		0.00	5,000.04
5680-MNGT	RENT	9,000.00	9,000.00		0.00	9,000.00
Subtotal [7300.01]	Management Services	98,910.17	114,537.33		1,547.01	116,084.34
Subgroup : [7300: Economic Enhancements						
5400-COP	DEPRECIATION	7,708.00	0.00		7,815.00	7,815.00
				AJE - 7	7,815.00	
5400-I&M	DEPRECIATION	418.00	0.00		418.00	418.00
				AJE - 7	418.00	
5400-SPE	DEPRECIATION	0.00	0.00		494.00	494.00
				AJE - 7	494.00	
5420-POL	EQUIPMENT RENTAL	(53.89)	0.00		0.00	0.00
5440-CCC	EVENT SPONSOR	600.00	3,107.10		0.00	3,107.10
5440-COP	EVENT SPONSOR	0.00	611.78		0.00	611.78
5440-HOM	EVENT SPONSOR	925.00	23,364.20		0.00	23,364.20
5440-MG	EVENT SPONSOR	10,000.00	10,000.00		0.00	10,000.00
5500-CCC	INSURANCE	0.00	1,968.00		0.00	1,968.00
5500-COP	INSURANCE	0.00	3,821.00		0.00	3,821.00
5501-CCC	INSURANCE-EVENT	4,829.00	2,318.00		0.00	2,318.00
5501-COP	INSURANCE-EVENT	2,768.00	0.00		0.00	0.00
5501-POL	INSURANCE-EVENT	578.00	547.00		0.00	547.00
5520-CCC	LICENSES & FEES	0.00	4,882.00		0.00	4,882.00
5520-COP	LICENSES & FEES	4,876.00	4,158.32		0.00	4,158.32
5540-CCC	MARKETING	1,370.00	12,296.00		(503.00)	11,793.00
				AJE - 3	(503.00)	
5540-COP	MARKETING	925.00	0.00		0.00	0.00
5540-I&M	MARKETING	7,859.84	5,315.84		0.00	5,315.84
5540-POL	MARKETING	50.00	0.00		0.00	0.00
5560-CCC	MEMBERSHIPS	30.00	30.00		0.00	30.00

Client: 43594 - Downtown El Cajon Business Partners, Inc.
 Engagement: AUD - 6/30/23-Downtown El Cajon Business Partners, Inc.
 Trial Balance: TB
 Workpaper: 3600.01 - Financial Statement Grouping Report

Account	Description	1st PP-FINAL	UNADJ	JE Ref #	AJE	FINAL
		6/30/2022	06/30/2023			06/30/2023
5600-I&M	OFFICE EXPENSE	0.00	499.00		0.00	499.00
5620-CCC	OUTSIDE CONTRACT SERVICES	79,772.38	104,472.00		0.00	104,472.00
5620-COP	OUTSIDE CONTRACT SERVICES	84,669.81	94,956.96		2,150.00	97,106.96
				AJE - 4	2,150.00	
5620-HOM	OUTSIDE CONTRACT SERVICES	15,620.00	3,740.00		0.00	3,740.00
5620-I&M	OUTSIDE CONTRACT SERVICES	0.00	7,850.00		0.00	7,850.00
5620-POL	OUTSIDE CONTRACT SERVICES	27,907.40	42,154.97		0.00	42,154.97
5620-SPE	OUTSIDE CONTRACT SERVICES	235.00	0.00		0.00	0.00
5640-CCC	PRINTING	1,540.08	247.89		0.00	247.89
5640-COP	PRINTING	4,381.93	425.68		0.00	425.68
5640-POL	PRINTING	263.52	325.00		0.00	325.00
5650-CCC	PROMOTIONAL	852.86	0.00		0.00	0.00
5650-COP	PROMOTIONAL	1,318.90	4,154.11		0.00	4,154.11
5780-CCC	SUPPLIES	6,529.91	4,948.94		0.00	4,948.94
5780-COP	SUPPLIES	850.18	708.13		0.00	708.13
5780-HOM	SUPPLIES	4,632.03	0.00		0.00	0.00
5780-POL	SUPPLIES	110.60	0.00		0.00	0.00
5780-SPE	SUPPLIES	155.83	0.00		0.00	0.00
Subtotal [7300.04] Economic Enhancements		271,723.38	336,901.92		10,374.00	347,275.92
Subgroup : [7300] Environmental Enhancements						
5400-BEAU	DEPRECIATION	283.00	0.00		4,286.00	4,286.00
				AJE - 7	4,286.00	
5400-C&S	DEPRECIATION	3,614.00	0.00		1,819.00	1,819.00
				AJE - 7	1,819.00	
5420-BEAU	EQUIPMENT RENTAL	1,682.08	0.00		0.00	0.00
5420-C&S	EQUIPMENT RENTAL	3,627.77	0.00		0.00	0.00
5440-BEAU	EVENT SPONSOR	2,000.00	1,000.00		0.00	1,000.00
5620-BEAU	OUTSIDE CONTRACT SERVICES	25,570.00	26,465.00		0.00	26,465.00
5620-C&S	OUTSIDE CONTRACT SERVICES	127,350.69	164,979.50		0.00	164,979.50
5780-BEAU	SUPPLIES	9,980.65	0.00		0.00	0.00
5780-C&S	SUPPLIES	924.17	0.00		0.00	0.00
Subtotal [7300.08] Environmental Enhancements		175,032.36	192,444.50		6,105.00	198,549.50
Total [7300] Expenses		545,665.91	643,883.75		18,026.01	661,909.76
	Operating Expenses	545,665.91	643,883.75		18,026.01	661,909.76
	Other Expenses	0.00	0.00		0.00	0.00
	TOTAL EXPENSE	545,665.91	643,883.75		18,026.01	661,909.76
	NET (INCOME) LOSS	(78,663.25)	209,546.58		(147,517.15)	62,029.43
	Sum of Account Groups	0.00	0.00		0.00	0.00



City Council
Agenda Report

DATE: October 10, 2023
TO: Honorable Mayor and City Councilmembers
FROM: Vince DiMaggio, Assistant City Manager
SUBJECT: Annual Report on the El Cajon Animal Shelter

RECOMMENDATION:

That the City Council receives the report from the San Diego Humane Society as an informational item.

BACKGROUND:

In 2020, the City of El Cajon contracted with the San Diego Humane Society (SDHS) to operate the City's animal shelter. Each year, the SDHS provides a report on the various programs and activities undertaken to serve the animals in the City. The report will be given by Michael Lowry, the Chief Financial Officer of the SDHS and will highlight issues such as the number of animals sheltered, vaccinations, spay and neuter services, and other community activities.

CALIFORNIA ENVIRONMENTAL QUALITY ACT:

This is an informational item being considered by the City Council. Therefore, it is exempt from the California Environmental Quality Act (CEQA) because it is not a "project" under Section 15378(b)(5) of CEQA Guidelines. It is an organizational or administrative activity of government that will not result in a direct or indirect physical change in the environment.

Prepared By: Vince DiMaggio, Assistant City Manager

Reviewed By:

Approved By: Graham Mitchell, City Manager

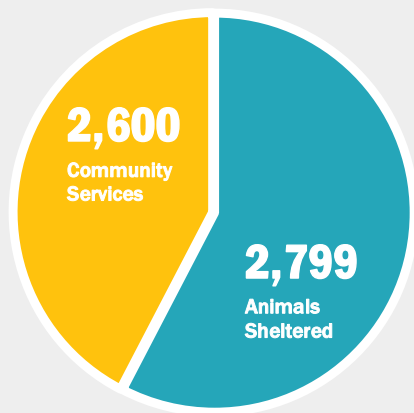
Attachments

Fy 22-23 Report

City of El Cajon Annual Report



July 1, 2022 - June 30, 2023



El Cajon Total Animals Helped 5,399

ANIMALS SHELTERED 2,799
COMMUNITY SERVICES* 2,600

*Spay/Neuter; Vaccinated/Microchipped; Owner Requested Euthanasia



SAN DIEGO CAMPUS
5500 Gaines St.
San Diego, CA 92110
619-299-7012

EL CAJON CAMPUS
1373 N. Marshall Ave.
El Cajon, CA 92020
619-299-7012

ESCONDIDO CAMPUS
3500 Burnet Drive
Escondido, CA 92027
619-299-7012

OCEANSIDE CAMPUS
2905 San Luis Rey Road
572 Airport Road
Oceanside, CA 92058
619-299-7012

Animals Sheltered & Outgoing Animals

INCOMING DOGS

Stray: 697 Owner Surrender: 565 Seizure: 55

INCOMING CATS

Stray: 541 Owner Surrender: 634 Seizure: 14

INCOMING OTHER

Stray: 137 Owner Surrender: 150 Seizure: 6

OUTGOING DOGS

Adopted: 860 Returned to Owner: 295 Transferred Out: 57 Euthanized: 84 Other Outcomes: 9

OUTGOING CATS

Adopted: 954 Returned to Owner: 38 Transferred Out: 68 Euthanized: 90 Other Outcomes: 6

OUTGOING OTHER

Adopted: 215 Returned to Owner: 7 Transferred Out: 13 Euthanized: 15 Other Outcomes: 13

Community Services

LICENSES: 2,427

VACCINATIONS: 3,063 MICROCHIPS: 384

SPAY/NEUTER SURGERIES: 329 PUBLIC VACCINATED/MICROCHIPPED ANIMALS: 1,858

Humane Law Enforcement

ENFORCEMENT ACTIVITIES

Priority 1: 455

Average Response Time: 52 minutes

Priority 2: 694

Average Response Time: 68 minutes

Priority 3: 62

Average Response Time: 216 minutes

Priority 4: 235

Average Response Time: 418 minutes

Priority 5: 262

Average Response Time: 39 minutes

Total Calls: 1,708

BITE REPORTS: 75 NOTICE OF COMPLAINTS: 74 CITATIONS: 24

PARK PATROLS: 5 BARKING DOG CALLS: 126





City Council
Agenda Report

DATE: October 10, 2023
TO: Honorable Mayor and City Councilmembers
FROM: Graham Mitchell, City Manager
SUBJECT: Bonfire at Foothills Christian Church

RECOMMENDATION:

That the City Council considers the allowance of a bonfire at Foothills Christian Church on October 13, 2023.

BACKGROUND:

Foothills Christian Church has organized an event scheduled for Friday, October 13, 2023 (between 6:00 to 9:00 PM), which includes a bonfire to be held in the interior parking lot of their property. In pursuit of this plan, Foothills Christian Church has been connected with the City's Fire Department and Fire Department is determining conditions as it learns more about the event.

Applicable Municipal Code

A bonfire activity within the City is governed by El Cajon Municipal Code 8.04.010, titled "Burning restricted generally." This specific Code section, as it stands, prohibits bonfires, except under the following relevant conditions:

1. The burning is conducted within a gas combustion chamber.
2. The fire has obtained explicit permission from the City Council. The Code articulates that "Such permission shall be granted only upon a determination that unusual circumstances creating a hardship exist."
3. The fire is contained within an exterior fireplace, barbeque device, or other burner designated for cooking or entertainment purposes.

As the proposed bonfire would not occur in a gas combustion chamber or in a fireplace or barbeque device, staff's interpretation is that the City Council's authorization is required. Considering the time of year and San Diego County's historical susceptibility to fires during October, the Fire Department's expertise has been relied on during the planning of this event. If the City Council were to grant permission for the bonfire, Fire Department conditions will be required, which could include up to having an overtime funded fire engine on standby duty and a fire inspector to inspect the site.

CALIFORNIA ENVIRONMENTAL QUALITY ACT:

The proposed bonfire activity is exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to CEQA section 15304(e) because it is a minor temporary use of private land having negligible or no permanent effects on the environment.

Prepared By: Graham Mitchell, City Manager

Reviewed By:

Approved By: Graham Mitchell, City Manager



**City Council
Agenda Report**

DATE: October 10, 2023
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. This City Administrative Activity is not a project and therefore not subject to CEQA.

REPORT:

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

September 21, 2023 – Spoke at Afghan Resettlement Rally – USS Midway
September 30, 2023 – Mayor and Friends Benefit Concert
September 30, 2023 – Interview with Fox Business
September 20, 2023 – Interview with Newsmax
October 3, 2023 – Business Town Hall on Homelessness
October 4, 2023 – Senator Brian Jones Open House
October 5, 2023 – Volunteers in Medicine – San Diego, Inc. 20th Anniversary
October 5, 2023 – Interview with Newsmax
October 10, 2023 – City Council Meeting(s)

I am available to answer questions.

Submitted By: Bill Wells, Mayor



City Council
Agenda Report

DATE: October 10, 2023

TO: Honorable Mayor and City Councilmembers

FROM: Deputy Mayor Goble

SUBJECT: DEPUTY MAYOR 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.

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. This City Administrative Activity is not a project and therefore not subject to CEQA.

REPORT:

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

- September 26, 2023 - Emails with Santee Councilmember Hall re: Flock ALPR system
- September 26, 2023 - Emails with MTS Security Director re: El Cajon pilot event
- October 6, 2023 - Attend Chamber First Friday Breakfast
- October 6, 2023 - Volunteer at Oktoberfest
- October 7, 2023 - Attend Dump Day
- October 7, 2023 - Volunteer at Oktoberfest
- October 8, 2023 - Volunteer at Oktoberfest
- October 9, 2023 - Meeting with City Manager
- October 10, 2023 - Attend City Council Meeting(s)

I am available to answer questions.

Submitted By: Steve Goble, Deputy Mayor



City Council
Agenda Report

Agenda Item 13.

DATE: October 10, 2023
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. This City Administrative Activity is not a project and therefore not subject to CEQA.

REPORT:

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

October 10, 2023 - Attend City Council Meeting(s)

I am available to answer questions.

Submitted By: Gary Kendrick, Councilmember



City Council
Agenda Report

Agenda Item 14.

DATE: October 10, 2023

TO: Honorable Mayor and City Councilmembers

FROM: Councilmember Metschel

SUBJECT: COUNCILMEMBER MICHELLE METSCHEL

Harry Griffen Park Joint Steering Committee; METRO
Commission/Wastewater JPA – Alternate; 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. This City Administrative Activity is not a project and therefore not subject to CEQA.

REPORT:

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

September 27, 2023 – Interview with Voice of San Diego
September 29, 2023 – Attend Opening ceremony for Oktoberfest in El Cajon
September 30, 2023 – Attend Mayor Wells and Friends Benefit Concert
October 3, 2023 – Attend Grossmont College Manufacturing Expo
October 4, 2023 – Attend Senator Brian Jones Open House
October 5, 2023 – Attend Volunteers in Medicine – San Diego, Inc. 20th Anniversary
October 10, 2023 – Attend City Council Meeting(s)

I am available to answer questions.

Submitted By: Michelle Metschel, Councilmember



City Council
Agenda Report

Agenda Item 15.

DATE: October 10, 2023

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. This City Administrative Activity is not a project and therefore not subject to CEQA.

REPORT:

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

September 27, 2023 – Foothills Church Town Hall

September 29, 2023 – German American Societies of El Cajon Oktoberfest Opening Ceremony

October 3, 2023 – Business Town Hall on Homelessness

October 10, 2023 – Attend City Council Meeting(s)

I am available to answer questions.

Submitted By: Phil Ortiz, Councilmember



City Council
Agenda Report

Agenda Item 16.

DATE: October 10, 2023

TO: Honorable Mayor and City Councilmembers

FROM: Andre Sanchez, Building Official

SUBJECT: First Reading of the proposed Ordinance Amending Title 15 (Buildings and Construction) and adopting amendments to the California Building Code, 2022 Edition and the California Fire Code, 2022 Edition by Reference

RECOMMENDATION:

That the City Council:

1. Introduces the Ordinance and holds first reading;
2. Requests the City Clerk to recite the title of the Ordinance; and
3. Directs the City Clerk to schedule a public hearing for a second reading and adoption of the Ordinance on October 24, 2023.

BACKGROUND:

Every three years, the California Building Standards Commission updates the California Building Codes for local adoption and implementation. The City Council last adopted applicable ordinances on November 8, 2022. Typically, in accordance with state law, local jurisdictions incorporate additional regulations that address special circumstances in the community or area provided. Such special regulations are based on geographical, topographical, climatic, or environmental findings. Local amendments to the model codes are proposed by amending Title 15, and adopting amendments to the California Building Code, 2022 Edition and the California Fire Code, 2022 Edition by Reference with the following:

1. Appendix O of the California Building Code makes reference to Emergency Sleeping Cabins, which was changed to Appendix P.
2. Appendix D of the California Fire Code limits the Fire Marshal's ability to approve infill developments. With the removal of Appendix D, the Fire Marshal will be able to incorporate fire access with flexibility while still compliant with the California Fire Code.
3. Clean up edits aligning Building and Fire code sections with those referenced in Title 15.

Amending the California Building Codes requires the City to first introduce the proposed ordinance and then hold a public hearing for a second reading and ordinance adoption.

CALIFORNIA ENVIRONMENTAL QUALITY ACT:

The proposed Ordinances are exempt from environmental review, in accordance with the provisions of Section 15061(b)(3) of the California Environmental Quality Act ("CEQA"), as amended. The proposed Ordinances do not have the potential to cause a significant effect on the environment because the Building Codes ensure that property improvements meet the State of California's health and safety requirements. New property improvements undergo their own environmental clearance when proposed.

Prepared By: Andre Sanchez, Building Official

Reviewed By: Anthony Shute, Director of Community Development

Approved By: Graham Mitchell, City Manager

Attachments

Ordinance - Title 15

ORDINANCE NO. _____

AN ORDINANCE AMENDING SECTION 15.04.105 OF CHAPTER 15.04, AND SECTIONS 15.56.010, 15.56.070 AND 15.56.080 OF CHAPTER 15.56, OF TITLE 15 OF THE EL CAJON MUNICIPAL CODE; ADOPTING AMENDMENTS TO THE CALIFORNIA BUILDING CODE, 2022 EDITION AND THE CALIFORNIA FIRE CODE, 2022 EDITION BY REFERENCE

THE CITY COUNCIL OF THE CITY OF EL CAJON DOES ORDAIN AS FOLLOWS:

SECTION 1. The purpose of this ordinance is to update the minimum requirements for the protection of life, limb, health, property, safety and welfare of the general public, and of the owners and occupants of residential buildings in the City of El Cajon (the "City"); maintenance of all buildings and structures within the city; and incidental matters relating thereto through the adoption of the California Building Code, 2022 Edition, with such modifications as set forth in Chapter 15.04 and Chapter 15.56 of the El Cajon Municipal Code.

SECTION 2. Pursuant to Health and Safety Code sections 17958.5 and 17958.7, the City Council makes the following finding: Local climatic, geographical and topographical conditions, specifically the terrain, excessively high temperatures during summer months, and parts of the spring and autumn months, rate of population growth, housing and occupancy conditions and needs, and the environment existing in the City constitute conditions which require that the California Building Code be modified as set forth herein.

SECTION 3. Section 15.04.105 of Chapter 15.04 of Title 15 of the El Cajon Municipal Code hereby repealed.

SECTION 4. A new section 15.04.105 is hereby added to Chapter 15.04 of Title 15 of the El Cajon Municipal Code to read as follows:

15.04.105 Appendix P "Emergency Housing."

Appendix P of the CBC, "Emergency Housing," including sections P101 through P110 and each and every subsection contained therein, is hereby included in the building code for the city and is hereby adopted by reference as if fully set forth in this chapter.

SECTION 5. Section 15.56.010 of Chapter 15.56 of Title 15 of the El Cajon Municipal Code is hereby repealed.

SECTION 6. A new section 15.56.010 is hereby added to Chapter 15.56 of Title 15 of the El Cajon Municipal Code to read as follows:

15.56.010 California Fire Code, 2022 Edition—Adopted by reference.

The California Fire Code, 2022 Edition, excluding sections 111 and

113.4 of Chapter 1, but including Appendix Chapters 4, B, BB, C, CC, H, and O, as published by the International Code Council, is adopted by reference as the fire code of the city (the "fire code"), for protecting the interests of health, life, and safety as they relate to the use or occupancy of buildings or premises. All of the regulations, provisions, penalties, conditions and terms of the California Fire Code, 2022 Edition, are referred to, adopted and made a part of this chapter as though fully set out in this chapter, excepting such portions as are added, deleted, modified or amended by this chapter. The California Fire Code is referred to in this chapter as the "CFC," and one copy is on file in the office of the city clerk.

SECTION 7. Section 15.56.050 of Chapter 15.56 of Title 15 of the El Cajon Municipal Code is hereby repealed.

SECTION 8. A new section 15.56.050 is hereby added to Chapter 15.56 of Title 15 of the El Cajon Municipal Code to read as follows:

15.565.050 Section 111 amended—Board of Appeals.

Section 111 of the CFC is amended to read as follows:

Appeals Board. Appeals to the decisions or determinations made by the building official/fire marshal, or fire code official relative to the application and interpretation of the fire code adopted by the City, shall be heard in accordance with the board of appeals procedure as outlined in the California Building Code as amended by Chapter 15.04 of the El Cajon Municipal Code.

SECTION 9. Section 15.56.070 of Chapter 15.56 of Title 15 of the El Cajon Municipal Code is hereby repealed.

SECTION 10. A new section 15.56.070 is hereby added to Chapter 15.56 of Title 15 of the El Cajon Municipal Code read as follows:

15.56.070 Section 503.2.1 amended—Dimensions.

Section 503.2.1 of the CFC is amended to read as follows:

503.2.1 Dimensions. Fire apparatus access roads shall have an unobstructed improved width of not less than 20 feet, except that single family residential driveways not exceeding 150 feet in length from the public right-of-way and serving no more than two single family dwellings, shall have a minimum of 16 feet unobstructed improved width. Any of the following, which have separated lanes of one-way traffic: gated entrances with card readers; guard stations or center medians, are allowed, provided that each lane is not less than 14 feet wide. All fire apparatus access roads shall have an unobstructed vertical clearance of not less than thirteen feet six inches

(13'6"). Vertical clearance or road widths shall be increased when, in the opinion of the fire code official, vertical clearances or road widths are not adequate to provide fire apparatus access.

SECTION 11. Section 15.56.080 of Chapter 15.56 of Title 15 of the El Cajon Municipal Code is hereby repealed.

SECTION 12. A new section 15.56.080 is hereby added to Chapter 15.56 of Title 15 of the El Cajon Municipal Code to read as follows:

15.56.080 Section 5.03.2.2 added—Fire Lane Designation.

Section 503.3.2.2 of the CFC is added to read as follows:

503.2.2 Fire lane designation. Where the fire code official determines that it is necessary to ensure adequate fire access, the fire code official may designate existing roadways as fire access roadways as provided by Vehicle Code section 22500.1 (public) or 22658(a) (private).

SECTION 13. This ordinance shall go into effect thirty (30) days following its passage and adoption.

10/10/23 CC Agenda – 1st Reading
10/24/23 CC Agenda – 2nd Reading

Ord - Amend ECMC Title 15 – Chapters 15.04 & 15.56 (CBC & CFC) 100223



City Council
Agenda Report

Agenda Item 17.

DATE: October 10, 2023

TO: City Clerk

FROM: City Attorney/General Legal Counsel

SUBJECT: Closed Session - CONFERENCE WITH LEGAL COUNSEL -
ANTICIPATED LITIGATION

Initiation of litigation pursuant to paragraph (4) of subdivision (d) of section
54956.9:

One (1) potential case

RECOMMENDATION:

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

CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION – pursuant to paragraph (4) of subdivision (d) of Government Code section 54956.9:

Number of Potential cases: 1

Morgan L. Foley
City Attorney/General Legal Counsel

MLF:hms
