



## **CITY COUNCIL REGULAR MEETING AGENDA JANUARY 18, 2022 7:00 P.M.**

**NOTICE: IN ORDER TO MINIMIZE THE SPREAD OF THE COVID-19 VIRUS, THIS MEETING WILL BE CONDUCTED PURSUANT TO THE PROVISIONS OF THE GOVERNOR'S EXECUTIVE ORDER N-08-21, WHICH SUSPENDED CERTAIN REQUIREMENTS OF THE BROWN ACT.**

**WE ENCOURAGE ALL MEMBERS OF THE PUBLIC TO PARTICIPATE IN THE MEETING VIA TELECONFERENCE BY CALLING (520) 525-8911. ANY MEMBER OF THE PUBLIC PARTICIPATING VIA TELECONFERENCE WILL BE GIVEN THE OPPORTUNITY TO PROVIDE PUBLIC COMMENT.**

**ADDITIONALLY, THE MEETING WILL BE STREAMED ON YOUTUBE LIVE**  
[https://www.youtube.com/channel/UCB\\_ZmQZIHlH-ECEPZ2VwZg](https://www.youtube.com/channel/UCB_ZmQZIHlH-ECEPZ2VwZg)

**IF YOU CHOOSE TO ATTEND THE COUNCIL MEETING IN PERSON, YOU WILL BE REQUIRED TO MAINTAIN APPROPRIATE SOCIAL DISTANCING, INCLUDING, MAINTAINING A SIX-FOOT DISTANCE BETWEEN YOURSELF AND OTHER INDIVIDUALS, AND WEAR A FACE COVERING. PLEASE NOTE, SEATING IS LIMITED.**

**PURSUANT TO STATE ORDER, ALL MEMBERS OF THE PUBLIC ARE REQUIRED TO WEAR A FACE COVERING WHILE INSIDE CITY FACILITIES.**

*(Some Councilmembers may be participating in the meeting remotely via teleconferencing consistent with the Governor's Executive Order N-08-21.)*

**Notice is hereby given that the City Council will hold a Regular Meeting on January 18, 2022, at the City Council Chambers, 663 Main Street, Livingston, California or conducted pursuant to the provisions of the Governor's Executive Order N-08-21. Assistance will be provided to those requiring accommodations for disabilities in compliance with the Americans with Disabilities Act of 1990. Persons requesting accommodation should contact the Deputy City Clerk at least 24 hours prior to this meeting at (209) 394-8041, Ext. 121. Any writings or documents pertaining to an Open Session item provided to a majority of the members of the legislative body less than 72 hours prior to the**

meeting shall be made available for public inspection by email if requested. Public comments can be submitted via emailed at [citycouncil@livingstoncity.com](mailto:citycouncil@livingstoncity.com). Comments must be received by 2:00 p.m. on the day of the City Council meeting. You will need to provide: Meeting date, item number, name, email and comment (please limit to 300 words or 3 minutes). Please include: PUBLIC COMMENT in the subject for the email.

## **REGULAR MEETING**

### **CALL TO ORDER**

**Next Resolution No.: 2022-01**  
**Next Ordinance No.: 645**

Pledge of Allegiance.

Moment of Silence – First Responders and Military Members.

Roll Call.

Closed Session Announcements.

Changes to the Agenda.

### **CITIZEN COMMENTS**

**MEMBERS OF THE PUBLIC WISHING TO ADDRESS THE CITY COUNCIL WILL BE GIVEN THE SAME TIME ALLOTMENT FOR COMMENTS (3 MINUTES) AS NORMALLY ALLOWED FOR MEETINGS SUBJECT TO THE PROVISIONS OF EXECUTIVE ORDER N-08-21**

*This section of the agenda allows members of the public to address the City Council on any item NOT otherwise on the agenda. Members of the public, when recognized by the Mayor, should come forward to the lectern, and identify themselves. Comments are normally limited to three (3) minutes. In accordance with State Open Meeting Laws, no action will be taken by the City Council this evening. For items which are on the agenda this evening members of the public will be provided an opportunity to address the City Council as each item is brought up for discussion.*

### **ANNOUNCEMENTS AND REPORTS**

City Staff Announcements and Reports.

City Manager Announcements and Reports.

City Council Members' Announcements and Reports.

Mayor's Announcements and Reports.

### **CONSENT AGENDA**

*Items on the Consent Calendar are considered routine or non-controversial and will be enacted by one vote, unless separate action is requested by the City Manager or City Council Member. There will be no separate discussion of these items unless members of the City Council or City Manager request that specific items be removed.*

1. **WAIVING OF READING OF ORDINANCE AND RESOLUTIONS**  
City Council Waive the Reading in Full of Ordinances and Resolutions on Agenda and Adopt by Reading the Title only, Unless Otherwise Requested by the Mayor or a Council Member.
2. **AUTHORIZE REMOTE TELECONFERENCE MEETINGS**  
Resolution Proclaiming a Local Emergency and Authorizing Remote Teleconference Meetings of the Legislative Bodies of the City of Livingston Pursuant to Brown Act Provisions.
3. **RATIFY CHECK WARRANTS**  
Ratify Warrant Register Dated January 14, 2022.
4. **APPROVE MINUTES OF MEETING**  
Approval of Minutes of Meeting Held on September 21, 2021
5. **APPROVE MINUTES OF MEETING**  
Approval of Minutes of Meeting Held on October 5, 2021.
6. **APPROVE MINUTES OF MEETING**  
Approval of Minutes of Meeting Held on November 2, 2021.
7. **APPROVE MINUTES OF MEETING**  
Approval of Minutes of Meeting Held on November 15, 2021.
8. **AUTHORIZE NEW COPIER LEASE AGREEMENT**  
Resolution to Authorize New Copier Lease Agreement with the Ray Morgan Company for Public Works Department.
9. **APPROVE SUPPLEMENTAL APPROPRIATION FOR THE AMERICAN RESCUE PLAN ACT FUNDS**  
Resolution Amending the City's 2021-22 Fiscal Year Budget.
10. **CONSIDER OPTING INTO SETTLEMENT AGREEMENTS WITH OPIOID DISTRIBUTORS AND OPIOID MANUFACTURER**  
Resolution Opting into Settlement Agreements with Opioid Distributors, Amerisource Bergen, Cardinal Health, and Mckesson; and Opting into Settlement Agreement with Opioid Manufacturer, Janssen, Whereby the County of Merced will Receive the City's Designated Share of Settlement Funds.

**PUBLIC HEARINGS**

11. Public Hearing – Resolution to Adopt Fee Increases To The Recreation Programs.

**DISCUSSION AND POTENTIAL ACTION ITEMS**

12. City Council to Provide Staff Direction for Appointments to the Parks and Recreation Commission.

13. Status Update to the Council Concerning Recall Petition.

**COUNCIL DIRECTION ON FUTURE AGENDA ITEMS**

**ADJOURNMENT**



# STAFF REPORT

**AGENDA ITEM:** Warrant Register dated January 14, 2022

**MEETING DATE:** January 18, 2022

**PREPARED BY:** Nancy Fuentes, Accounting Technician

**REVIEWED BY:** Vanessa Portillo, Interim City Manager

**RECOMMENDATION:**

Ratify the warrant register dated January 14, 2022

**DISCUSSION:**

Government Code sections 37208(b) and 37209 provide that accounts payable warrants or checks drawn in payment of demands certified or approved by the finance director as conforming to a budget approved by ordinance or resolution of the legislative body need not be audited by the legislative body prior to payment.

In addition, Government Code section 37208(a) provides that payroll warrants or checks need not be audited by the legislative body prior to payment. Payrolls shall be presented to the legislative body for ratification and approval at the first meeting after delivery of the payroll warrants or checks. The sum total of any payroll checks issued within the week prior to the date of the check register is also noted on the accompanying check register.

The following checks have been certified to be in accordance with the City's approved budget. The checks have been issued and the check register is presented to the City Council for ratification:

**December 16, 2021- January 14, 2022**

<b>GENERAL WARRANTS.....\$</b>	<b>1,241,742.17</b>	<b>5937-6055</b>
<b>PAYROLL/WIRE WARRANTS.....\$</b>	<b>379,874.67</b>	<b>1909-1952</b>
<b>TOTAL WARRANTS.....\$</b>	<b>1,621,616.84</b>	

**ATTACHMENTS:**

Warrant Register (summarized by date and check number)

# Accounts Payable

## Checks by Date - Summary by Check Date

User: nfuentes  
 Printed: 1/14/2022 10:34 AM



**City of Livingston**  
 1416 C Street  
 Livingston, CA 95334

Check No	Vendor No	Vendor Name	Check Date	Check Amount
5937	250	Alhambra	12/22/2021	243.54
5938	736	ARA, Inc.	12/22/2021	2,843.80
5939	282	AT&T Mobility	12/22/2021	1,224.79
5940	193	BSK Associates	12/22/2021	1,211.00
5941	508	City of Livingston (Petty Cash)	12/22/2021	923.92
5942	480	Costco Wholesale Membership	12/22/2021	120.00
5943	777	David G. Alexander, Inc.	12/22/2021	29,240.69
5944	449	Fineline Striping	12/22/2021	13,740.00
5945	262	Gilton Solid Waste	12/22/2021	28,587.60
5946	356	Gouveia Engineering, Inc.	12/22/2021	72,416.76
5947	469	Hewlett Packard Financial Services Co.	12/22/2021	901.99
5948	358	Hilmar Ready Mix Rockery Nursery, LLC	12/22/2021	263.99
5949	359	Hinderliter, de Llamas & Associates	12/22/2021	999.49
5950	267	Hoffman Security	12/22/2021	657.92
5951	501	Hunt & Sons, Inc.	12/22/2021	5,548.97
5952	458	IEH- Aquatic Research	12/22/2021	116.00
5953	296	Image Source	12/22/2021	1,125.60
5954	676	M4 Concrete and Drywall, Inc.	12/22/2021	143,206.47
5955	278	Merced Irrigation District	12/22/2021	30,791.16
5956	180	Mission Linen Service	12/22/2021	460.13
5957	507	Muniquip,LLC	12/22/2021	140.78
5958	763	NBS Government Finance Group	12/22/2021	500.00
5959	199	Northstar Chemical	12/22/2021	2,677.85
5960	302	Office Depot, Inc.	12/22/2021	133.64
5961	430	Quadient Finance USA, Inc.	12/22/2021	175.73
5962	808	Robert Half	12/22/2021	259.92
5963	779	SALEM Engineering Group, Inc.	12/22/2021	595.00
5964	307	Shred-It, C/O Stericycle, Inc.	12/22/2021	583.22
5965	271	State Water Resources Control Board	12/22/2021	112,744.12
5966	836	State Water Resources Control Board	12/22/2021	46,212.00
5967	529	Sterling Codifiers/American Legal Publishi	12/22/2021	500.00
5968	814	Town and Country Fence, Inc	12/22/2021	11,467.00
5969	531	University of Southern California	12/22/2021	144.00
5970	409	Willdan Financial Services	12/22/2021	9,919.73
Total for 12/22/2021:				520,676.81
5971	251	ABS Direct, Inc.	01/06/2022	116.40
5972	250	Alhambra	01/06/2022	218.86
5973	396	American Fidelity Assurance	01/06/2022	3,600.58
5974	397	American Fidelity Assurance Company	01/06/2022	418.73
5975	736	ARA, Inc.	01/06/2022	925.44
5976	UB*01973	BRECKENRIDGE PROPERTY FUND 201	01/06/2022	42.26
5977	193	BSK Associates	01/06/2022	1,053.00
5978	398	Central SanJoaquin Valley Risk Manageme	01/06/2022	26,014.00
5979	399	Central SanJoaquin Valley Risk Manageme	01/06/2022	14,623.00
5980	291	City of Livingston c/o L & L District Irrigati	01/06/2022	5,489.40

Check No	Vendor No	Vendor Name	Check Date	Check Amount
5981	837	City of Los Banos	01/06/2022	350.00
5982	189	ComTech21 LLC	01/06/2022	38.72
5983	757	Anita Dhillon	01/06/2022	351.50
5984	549	Vanessa Belen Echevarria	01/06/2022	532.00
5985	455	Ernest Packaging Solutions	01/06/2022	3,700.19
5986	641	Ferguson Enterprises LCC #686	01/06/2022	1,285.35
5987	260	First Communications, LLC	01/06/2022	21.92
5988	188	Frontier	01/06/2022	5,704.75
5989	387	Frontier Communications Corp Frontier Co	01/06/2022	151.32
5990	164	Garza Tire & Wheel, Inc	01/06/2022	1,197.86
5991	262	Gilton Solid Waste	01/06/2022	95,010.34
5992	356	Gouveia Engineering, Inc.	01/06/2022	572.26
5993	267	Hoffman Security	01/06/2022	36.95
5994	501	Hunt & Sons, Inc.	01/06/2022	1,596.14
5995	400	In-Shape Health Clubs	01/06/2022	115.00
5996	388	Interstate Battery System of Fresno	01/06/2022	299.28
5997	UB*01972	MANDEEP KAUR	01/06/2022	173.40
5998	318	La Rue Communications	01/06/2022	113,066.12
5999	838	Cynthia Medrano	01/06/2022	200.00
6000	522	Merced County Assessor's Office	01/06/2022	365.00
6001	559	Merced County Environmental Health	01/06/2022	3,250.00
6002	269	Merced Pest Control	01/06/2022	80.00
6003	180	Mission Linen Service	01/06/2022	537.48
6004	194	Modesto Welding Products	01/06/2022	21.00
6005	197	N & S Tractor	01/06/2022	10.80
6006	632	National Business Furniture, LLC	01/06/2022	5,711.96
6007	302	Office Depot, Inc.	01/06/2022	112.98
6008	203	PG&E	01/06/2022	103.49
6009	405	Premier Access Insurance Company	01/06/2022	12,559.51
6010	554	Alvaro Ramirez	01/06/2022	64.00
6011	392	Randik Paper	01/06/2022	152.55
6012	561	Safe-T-Lite of Modesto, Inc.	01/06/2022	685.56
6013	499	Safety-Kleen Systems, Inc.	01/06/2022	453.77
6014	589	Shannon Pump Co.	01/06/2022	2,256.78
6015	307	Shred-It, C/O Stericycle, Inc.	01/06/2022	260.82
6016	308	Sprint	01/06/2022	125.98
6017	309	St. Francis Electric	01/06/2022	2,041.85
6018	598	Standard Insurance Company RB	01/06/2022	4,732.06
6019	393	State of California	01/06/2022	635.83
6020	738	TimeClock Plus, LLC	01/06/2022	474.98
6021	313	U.S. Bank Equipment Finance	01/06/2022	141.79
6022	249	United Site Services	01/06/2022	608.77
6023	314	Valley Coffee	01/06/2022	67.95
6024	210	WGR Southwest, Inc.	01/06/2022	1,119.00
6025	597	Work Wellness	01/06/2022	376.00
Total for 1/6/2022:				313,854.68
6026	736	ARA, Inc.	01/14/2022	1,542.40
6027	411	Harpreet Bains	01/14/2022	25.00
6028	162	Steve Bassi	01/14/2022	25.00
6029	538	Adanan Bath	01/14/2022	25.00
6030	272	Charter Communications	01/14/2022	202.50
6031	293	Department of Justice Accounting Office	01/14/2022	229.64
6032	387	Frontier Communications Corp Frontier Co	01/14/2022	151.32
6033	159	Andres Fuentes	01/14/2022	25.00
6034	839	HolidayGoo	01/14/2022	647.52

Check No	Vendor No	Vendor Name	Check Date	Check Amount
6035	296	Image Source	01/14/2022	258.41
6036	786	J.B, Anderson Land Use Planning	01/14/2022	16,609.50
6037	676	M4 Concrete and Drywall, Inc.	01/14/2022	48,459.09
6038	576	Mid Cal Pipeline & Utilities, Inc.	01/14/2022	252,481.67
6039	389	Mid Valley IT	01/14/2022	1,436.06
6040	797	Midland Tractor Company	01/14/2022	35,126.50
6041	197	N & S Tractor	01/14/2022	30.20
6042	792	Never Boring	01/14/2022	312.50
6043	205	Paramount Pest Services	01/14/2022	233.00
6044	428	Manuel Prado	01/14/2022	122.38
6045	535	Jason Roth	01/14/2022	25.00
6046	779	SALEM Engineering Group, Inc.	01/14/2022	3,415.00
6047	407	San Joaquin Valley Air Pollution Control D	01/14/2022	290.00
6048	836	State Water Resources Control Board	01/14/2022	10,602.00
6049	527	SWRCB Accounting Office	01/14/2022	20,485.78
6050	590	T- Mobile USA, Inc.	01/14/2022	60.00
6051	422	U.S. Bank Corporate Payment Systems	01/14/2022	13,008.02
6052	314	Valley Coffee	01/14/2022	54.65
6053	367	Verizon Wireless	01/14/2022	1,277.54
6054	818	Renee Waite-Mendonca	01/14/2022	25.00
6055	536	Robert Wallis	01/14/2022	25.00
Total for 1/14/2022:				407,210.68
Report Total (119 checks):				1,241,742.17





## MEETING MINUTES

### **CLOSED SESSION/REGULAR MEETING LIVINGSTON CITY COUNCIL SEPTEMBER 21, 2021**

A Closed Session/Regular Meeting of the Livingston City Council was held on September 21, 2021, in the City Council Chambers, with Mayor Aguilar presiding.

#### **CALL TO ORDER**

Mayor Aguilar called the meeting to order at 6:00 p.m.

#### **ROLL CALL**

- Mayor Juan Aguilar Jr.
- Mayor Pro-Tem Raul Garcia
- Council Member Maria Baptista-Soto
- Council Member Jose A. Moran
- Council Member Gagandeep Kang

#### **CLOSED SESSION**

Mayor Aguilar opened the meeting for public comments at 6:02 p.m. There were no comments, and the Council went into Closed Session immediately thereafter to discuss the following matters:

3. Conference with Labor Negotiator  
(Government Code Section 54957.6)  
Labor Negotiator: Vanessa Portillo, Interim City Manager  
Employee Organizations:  
OE3 - Police Supervisory Employees Association  
OE3- Livingston Police Officer Association  
OE3- Management/Confidential Bargaining Unit  
OE3- Clerical Bargaining Unit  
AFSCME- Public Works and Park Unit
4. Conference with Legal Counsel – Potential Litigation- Significant Exposure to Litigation  
(Government Code Section 54956.9(d) (2))  
Number of Cases: 2

## **REGULAR MEETING**

Mayor Aguilar called the meeting to order at 7:00 p.m.

## **PLEDGE OF ALLEGIANCE**

The pledge of allegiance to the flag was recited.

## **ROLL CALL**

- Mayor Juan Aguilar Jr.
- Mayor Pro-Tem Raul Garcia
- Council Member Maria Baptista-Soto
- Council Member Jose A. Moran
- Council Member Gagandeep Kang

## **CLOSED SESSION ANNOUNCEMENTS**

Council will resume to closed session after the regular meeting.

## **CHANGES TO THE AGENDA**

None.

## **CITIZEN COMMENTS**

Mayor Aguilar opened Citizen Comments at 7:03 p.m.

### Citizen Comments:

Katherine Schell-Rodriguez  
Mike Torres  
Leticia Vasquez  
Jose Flores  
Gurpal Samra  
Colette Alvernaz  
Wapinder Kang  
Yesenia Ceja  
Dwight Larks  
Jasmin Lopez  
Liliana Fernandez  
Karl Schottler (by teleconference)

### Public Comments by email or letter:

Dulce Galvan  
Paula Martinez

Council responded to citizen comments.

Mayor responded to Council Member Moran's questions.

Mayor Aguilar closed Citizen Comments at 7:43 p.m., as there were no further comments from the public.

## ANNOUNCEMENTS AND REPORTS

There was no report from County Supervisor Rodrigo Espinoza.

### City Staff and City Manager Announcements and Reports

- Public Works Superintendent Avina
- Recreation Superintendent Benoit

### City Council Members and Mayor's Announcements and Reports

- Council Member Soto
- Mayor Pro-Tem Garcia

Staff responded to Council questions.

### Public Comments:

Katherine Schell-Rodriguez

Wapinder Kang (translated for two attendees that did not state their names)

At 8:22 p.m., Mayor Aguilar called for a brief recess.

At 8:34 p.m., the meeting was reconvened.

## CONSENT AGENDA

### 1. WAIVING OF READING OF ORDINANCE AND RESOLUTIONS

City Council Waive the Reading in Full of Ordinances and Resolutions on Agenda and Adopt by Reading the Title only, Unless Otherwise Requested by the Mayor or a Council Member.

There was a brief discussion between Council and staff regarding the waiving of reading of ordinance and resolutions.

Mayor Aguilar opened Public Comments at 8:38 p.m.

### Public Comments:

Katherine Schell- Rodriguez

City Attorney responded to public comments.

Mayor Aguilar closed Public Comments at 8:40 p.m. as there were no further comments from the public.

Motion: M/S Moran/Garcia to Waive the Reading in Full of Ordinances and Resolutions on Agenda and Adopt by Reading the Title only, Unless Otherwise Requested by the Mayor or a Council Member. The motion carried 5-0-0 by the following roll call vote:

AYES:	Council Members:	Soto, Moran, Kang, Garcia, and Aguilar
NOES:	Council Members:	None
ABSENT:	Council Members:	None

### 2. RATIFY CHECK WARRANTS

Ratify Warrant Register Dated September 16, 2021.

There was a brief discussion between Council and staff regarding invoices.

Mayor Aguilar opened Public Comments at 8:45 p.m.

Public Comments:

Katherine Schell-Rodriguez  
Colette Alvernaz

Mayor Aguilar closed Public Comments at 8:48 p.m., as there were no further comments from the public.

Motion: M/S Garcia/Kang to Ratify Warrant Register Dated September 16, 2021. The motion carried 5-0-0 by the following roll call vote:

AYES:	Council Members:	Soto, Moran, Kang, Garcia, and Aguilar
NOES:	Council Members:	None
ABSENT:	Council Members:	None

7. APPROVE CITY HALL LOBBY REMODEL  
Resolution Approving the City Hall Lobby Remodel.

There was a brief discussion between Council and staff regarding the City Hall lobby remodel.

Mayor Aguilar opened Public Comments at 8:59 p.m.

Public Comments:

Katherine Schell-Rodriguez  
Colette Alvernaz

Mayor Aguilar closed Public Comments at 9:01 p.m., as there were no further comments from the public.

Motion: M/S Garcia/Moran to adopt Resolution No. 2021-64, Approving the City Hall Lobby Remodel. The motion carried 5-0-0 by the following roll call vote:

AYES:	Council Members:	Soto, Moran, Kang, Garcia, and Aguilar
NOES:	Council Members:	None
ABSENT:	Council Members:	None

9. APPROVE DECLARATION OF CERTAIN PROPERTY AS SURPLUS  
Resolution Approving the Declaration of Certain Property as Surplus and Authorizing its Disposal.

There was a brief discussion between Council and Interim City Manager Portillo.  
Mayor Aguilar opened Public Comments at 9:04 p.m.

Public Comments:

Katherine Schell-Rodriguez

Mayor Aguilar closed Public Comments at 9:06 p.m. as there were no further comments from the public.

Motion: M/S Garcia/Moran to adopt Resolution No. 2021-65, Approving the Declaration of Certain Property as Surplus and Authorizing its Disposal. The motion carried 5-0-0 by the following roll call vote:

AYES:	Council Members:	Soto, Moran, Kang, Garcia, and Aguilar
NOES:	Council Members:	None
ABSENT:	Council Members:	None

10. APPROVE AWARD OF AGREEMENT FOR PLANNING SERVICES

Resolution Approving Award of Agreement for Planning Services to J. B. Anderson Land Use Planning.

There was a brief discussion between Council and staff regarding the agreement for planning services to J.B Anderson.

Mark Niskanen, Vice President at J.B. Anderson, provided the company's background, history, service rate, and services they will provide. In addition, he responded to Council questions.

Mayor Aguilar opened Public Comments at 9:20 p.m.

Public Comments:

Katherine Schell-Rodriguez  
Gurpal Samra  
Colette Alvernaz  
Leticia Vasquez

Mark Niskanen responded to public comments.

Mayor Aguilar closed Public Comments at 9:33 p.m. as there were no further comments from the public.

Motion: M/S Garcia/Kang to adopt Resolution No. 2021-66, Approving Award of Agreement for Planning Services to J. B. Anderson Land Use Planning. The motion carried 4-0-0-1 by the following roll call vote:

AYES:	Council Members:	Soto, Kang, Garcia, and Aguilar
NOES:	Council Members:	None
ABSENT:	Council Members:	None
ABSTAIN:	Council Members:	Moran

3. RATIFY CONTRACT WITH ROLFE CONSTRUCTION

Resolution Ratifying the Contract Execution with Rolfe Construction for the Sidewalk Repair on Main and D Street.

4. AWARD A CONTRACT TO VSS INTERNATIONAL, INC.

Resolution to Accept BID and Award a Contract to VSS International, Inc. for the 2021 Slurry Seals Project and Authorizing the Interim City Manager to Execute the Agreement.

6. SECOND READING AND ADOPTION OF ORDINANCE

Second Reading and Final Adoption of Ordinance Amending the City of Livingston Zoning Map, to Change the Approximate 4 Acre Site from Highway Service Commercial to High Density Residential, Rezone 2021-01.

Deputy City Clerk Cisneros noted that Colette Alvernaz's letter was provided to the council.

8. APPROVE ANNUAL LOCAL TRANSPORTATION FUND CLAIM  
Resolution Approving the Annual Local Transportation Fund (LTF) Claim to be filed with the Merced County Association of Governments (MCAG) for Fiscal Year 2021-2022.

Motion: Moran/Garcia to approve Items 3, 4, 6, and 8 of the Consent Agenda. The motion carried 5-0-0 by the following roll call vote:

AYES: Council Members: Soto, Moran, Kang, Garcia, and Aguilar  
NOES: Council Members: None  
ABSENT: Council Members: None

## **PUBLIC HEARINGS**

11. Resolution to Approve the Villages at Main Apartment Community; Site Plan and Design Review 2019-04; and associated Environmental Documents for the Construction of a 480 Unit Multi-Family Housing Development Southeast of the Intersection of Peach Ave and Main St, Adjacent to and South of the Livingston High School Playing Fields; APN#: 047-280-020 and -029.

Contract City Planner Hatch introduced this item and responded to Council questions.

Haren Sanghera from GDR Engineering provided information on the proposed development and answered questions from the Council.

Charlie Simpson answered Council Member Moran's question about traffic safety.

There was a lengthy discussion between Council, staff, and GDR engineers.

Mayor Aguilar opened Public Hearing at 10:33 p.m.

### Public Comments:

Mike Torres  
Colette Alvernaz  
Gurpal Samra  
Attendee (did not state name)  
David Bates

Max Garcia, Vice President of GDR Engineering, and Charlie Simpson (environmental consultant) responded to public comments.

Mayor Aguilar closed Public Hearing at 11:18 p.m.

Mayor Aguilar re-opened Public Hearing at 11:18 pm.

### Public Comments:

Mandeep Singh  
Attendee (did not state name)

Max Garcia, Vice President of GDR Engineering and Interim City Manager Portillo, responded to public comments.

Mayor Aguilar closed Public Hearing at 11:34 p.m. as there were no further questions from the public.

Mayor Aguilar re-opened Public Hearing at 12:10 p.m.

Public Comments:

Colette Alvernaz  
Katherine Schell-Rodriguez

Mayor Aguilar closed Public Hearing at 12:17 p.m. as there were no further comments from the public.

Motion: Moran/Soto to continue the Public Hearing (item 11) in two weeks. The motion carried 3-1-0-1 by the following roll call vote:

AYES: Council Members: Soto, Moran, and Aguilar  
NOES: Council Members: Garcia  
ABSENT: Council Members: None  
ABSTAIN: Council Members: Kang

5. SECOND READING AND ADOPTION OF ORDINANCE

Second Reading and Adoption of Ordinance of the City Council of the City of Livingston Establishing New Rates for Solid Waste Service (Garbage Service) Fee (Continued from August 17, 2021 City Council Meeting).

Interim City Manager Portillo introduced this item and answered Council questions. Mayor Aguilar opened Public Hearing at 12:23 p.m.

Public Comments:

Colette Alvernaz (question on item 12)  
Mayor Aguilar closed Public Hearing at 12:25 p.m.

Mayor Pro-Tem Garcia left the Council Chambers at 12:27 p.m.

Clerk Notes: A PowerPoint presentation was provided for all three utility rate items (items 5, 12, and 13).

Mayor Aguilar opened Public Comments at 12:44 p.m.

Public Comments:

Katherine Schell-Rodriguez

City Manager Portillo responded to public comments.

Mayor Aguilar closed Public Comments at 12:47 p.m. as there were no further comments from the public.

Motion: M/S Soto/Moran to adopt Ordinance No. 644, Establishing New Rates for Solid Waste Service (Garbage Service) Fee. The motion carried 4-0-1 by the following roll call vote:

AYES: Council Members: Soto, Kang, Moran, and Aguilar  
NOES: Council Members: None

ABSENT: Council Members: Garcia

## **PUBLIC HEARINGS**

12. Ordinance of the City Council of the City of Livingston Adopting a New Rate Schedule for Water Service (Continued from August 17, 2021 City Council Meeting).

Interim City Manager Portillo introduced this item and responded to Council questions.

Motion: M/S Moran/Soto to adopt the 2021 Rate study as presented and provides Direction to Staff to Incorporate: Organics Waste Fee (SB 1383) and water Management Planning Efforts (SB606) and allocate the ARP funds for Well 12 conveyance and treatment. The motion carried 4-0-1 by the following roll call vote:

AYES: Council Members: Soto, Kang, Moran, and Aguilar  
NOES: Council Members: None  
ABSENT: Council Members: Garcia

13. Resolution and Ordinance of the City Council of the City of Livingston Adopting a New Rate Schedule for Domestic Wastewater Service (Sewer Service) – (Continued from August 17, 2021 City Council Meeting).

Interim City Manager Portillo introduced this item and responded to Council questions.

Motion: M/S Moran/Soto to adopt Ordinance No. 644, Establishing New Rates for Solid Waste Service (Garbage Service) Fee, and incorporate the ARP funds of \$222,525. The motion carried 4-0-1 by the following roll call vote:

AYES: Council Members: Soto, Kang, Moran, and Aguilar  
NOES: Council Members: None  
ABSENT: Council Members: Garcia

## **COUNCIL DIRECTION ON FUTURE AGENDA ITEMS**

None.

The Council resumed the closed session to discuss the remaining items.

## **CLOSED SESSION ANNOUNCEMENTS**

Council gave direction to staff.

## **ADJOURNMENT**

The meeting was adjourned by consensus at 1:25 a.m.

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Deputy City Clerk of the City of Livingston



APPROVED:

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Mayor or Mayor ProTempore

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DRAFT



## **MEETING MINUTES**

### **REGULAR MEETING LIVINGSTON CITY COUNCIL OCTOBER 5, 2021**

A Regular Meeting of the Livingston City Council was held on October 5, 2021, in the City Council Chambers with Mayor Aguilar presiding.

#### **REGULAR MEETING**

Mayor Aguilar called the meeting to order at 7:03 p.m.

#### **PLEDGE OF ALLEGIANCE**

The pledge of allegiance to the flag was recited.

#### **ROLL CALL**

- Mayor Juan Aguilar Jr.
- Mayor Pro-Tem Raul Garcia (Late Attendance)
- Council Member Maria Baptista-Soto
- Council Member Jose A. Moran
- Council Member Gagandeep Kang

Mayor Pro-Tem Garcia was marked absent during roll call; however, Mayor Pro-Tem Garcia entered the Council of Chambers at 7:29 p.m. after the roll call was taken. Therefore, the roll call was changed to Mayor Pro-Tem Garcia being late.

#### **CLOSED SESSION ANNOUNCEMENTS**

No reportable action was taken.

#### **CHANGES TO THE AGENDA**

Items 2, 4, and 5 were pulled for discussion.

## **CITIZEN COMMENTS**

Mayor Aguilar opened Citizen Comments at 7:04 p.m.

### Citizen Comments:

Colette Alvernaz

Mike Torres

Attendee (did not state name)

Katherine Schell Rodriguez

Leticia Vasquez

### Citizen Comments by email or Letter:

David Blevins

Frank Foster

Contract City Planner Charlie Simpson, City Attorney Hallinan, and Mayor Aguilar responded to public comments.

Mayor Aguilar closed Citizen Comments at 7:24 p.m., as there were no further comments from the public.

## **ANNOUNCEMENTS AND REPORTS**

### City Staff and City Manager Announcements and Reports

- Police Chief Markle

### Mayor and Council Members Announcements and Reports

- Council Member Kang
- Council Member Moran
- Council Member Soto
- Mayor Aguilar

Staff responded to Council questions.

## **CONSENT AGENDA**

### 2. AUTHORIZE REMOTE TELECONFERENCE MEETINGS

Resolution Proclaiming a Local Emergency and Authorizing Remote Teleconference Meetings of the Legislative Bodies of the City of Livingston Pursuant to Brown Act Provisions.

There was a brief discussion between the Council and staff regarding Proclaiming a Local Emergency and Authorizing Remote Teleconference Meetings of the Legislative Bodies of the City of Livingston Pursuant to Brown Act Provisions.

Mayor Aguilar opened Public Comments at 7:49 p.m.

### Public Comments:

Katherine Schell Rodriguez

Leticia Vasquez

Mandeep Singh

Jilda Lopez

City Attorney Hallinan responded to public comments.

Mayor Aguilar closed Public Comments at 7:54 p.m. as there were no further comments from the public.

Motion: M/S Garcia/Soto to adopt Resolution No. 2021-71, Proclaiming a Local Emergency and Authorizing Remote Teleconference Meetings of the Legislative Bodies of the City of Livingston Pursuant to Brown Act Provisions. The motion carried 4-1-0 by the following roll call vote:

AYES: Council Members: Soto, Kang, Garcia, and Aguilar  
NOES: Council Members: Moran  
ABSENT: Council Members: None

4. APPROVE MINUTES OF MEETING

Approval of Minutes of Meeting Held on March 2, 2021.

There was a brief discussion between the Council and staff regarding the Minutes of Meeting Held on March 2, 2021.

Mayor Aguilar opened Public Comments at 8:05 p.m.

Public Comments:

Leticia Vasquez  
Katherine Schell Rodriguez  
Colette Alvernaz

Mayor Aguilar closed Public Comments at 8:11 p.m. as there were no further comments from the public.

Motion: M/S Garcia/Kang to approve the Minutes of Meeting Held on March 2, 2021. The motion carried 4-1-0 by the following roll call vote:

AYES: Council Members: Soto, Kang, Garcia, and Aguilar  
NOES: Council Members: Moran  
ABSENT: Council Members: None

5. APPROVE MINUTES OF MEETING

Approval of Minutes of Meeting Held on March 16, 2021.

Motion: M/S Garcia/Kang to approve the Minutes of Meeting Held on March 16, 2021. The motion carried 4-1-0 by the following roll call vote:

AYES: Council Members: Soto, Kang, Garcia, and Aguilar  
NOES: Council Members: Moran  
ABSENT: Council Members: None

1. WAIVING OF READING OF ORDINANCE AND RESOLUTIONS

City Council Waive the Reading in Full of Ordinances and Resolutions on Agenda and Adopt by Reading the Title only, Unless Otherwise Requested by the Mayor or a Council Member.

3. RATIFY CHECK WARRANTS

Ratify Warrant Register Dated September 30, 2021.

6. SECOND READING AND ADOPTION OF ORDINANCE  
Second Reading and Adoption of Ordinance of the City Council of the City of Livingston Establishing New Rates for Domestic Wastewater Service (Sewer Service).
7. SECOND READING AND ADOPTION OF ORDINANCE  
Second Reading and Final Adoption of Ordinance Amending the City of Livingston Establishing New Rates for Water Service.

Motion: M/S Garcia/Soto to approve items 1, 3, 6, and 7 of the Consent Agenda. The motion carried 5-0-0 by the following roll call vote:

AYES: Council Members: Soto, Moran, Kang, Garcia, and Aguilar  
 NOES: Council Members: None  
 ABSENT: Council Members: None

**PUBLIC HEARINGS**

8. Resolution to Approve the Villages at Main Apartment Community; Site Plan and Design Review 2019-04; and associated Environmental Documents for the Construction of a 480 Unit Multi-Family Housing Development Southeast of the Intersection of Peach Ave and Main St, Adjacent to and South of the Livingston High School Playing Fields; APN#: 047-280-020 and -029 (Continued from September 21, 2021 City Council Meeting).

Interim City Manager Portillo and Contract City Planner Charlie Simpson introduced this item and responded to Council questions.

There was a brief discussion between Council, staff, and Max Garcia.

Mayor Aguilar opened Public Hearing at 9:04 p.m.

Public Comments:

Mandeep Singh  
 Mike Torres  
 Colette Torres  
 Jilda Lopez  
 Diego Castillo

Contract City Planner Charlie Simpson, Mayor Aguilar, Interim City Manager Portillo, and Max Garcia responded to public comments.

Mayor Aguilar closed the Public Hearing at 9:28 p.m. as there were no further comments from the public.

Motion: M/S Garcia/Kang to adopt Resolution No. 2021-73, Approve the Villages at Main Apartment Community; Site Plan and Design Review 2019-04; and associated Environmental Documents for the Construction of a 480 Unit Multi-Family Housing Development Southeast of the Intersection of Peach Ave and Main St, Adjacent to and South of the Livingston High School Playing Fields; APN#: 047-280-020 and -029 (Continued from September 21, 2021 City Council Meeting) with the addition of Condition of Approval Number 25. The motion carried 3-1-0-1 by the following roll call vote:

AYES: Council Members: Kang, Garcia, and Aguilar

NOES: Council Members: Soto  
ABSENT: Council Members: None  
ABSTAIN: Council Members: Moran

Clerk Notes: Language for the Condition of Approval -No. 25 states as follows: "The developer shall work with the City to seek funding through grants and other various sources to address additional firefighting resources in terms of personnel and equipment.

### COUNCIL DIRECTION ON FUTURE AGENDA ITEMS

Mayor and Council Members provided direction to add the following items to a future agenda:

- Choose a date for Council and Recreation joint meeting.
- Discuss Recreation fee schedule.
- Discuss planning commissioner and alternate planning commissioner vacancy.

### ADJOURNMENT

The meeting was adjourned by consensus at approximately 9:33 p.m.

\_\_\_\_\_  
Deputy City Clerk of the City of Livingston

APPROVED:

\_\_\_\_\_  
Mayor or Mayor ProTempore

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## **MEETING MINUTES**

### **REGULAR MEETING LIVINGSTON CITY COUNCIL NOVEMBER 2, 2021**

A Regular Meeting of the Livingston City Council was held on November 2, 2021, in the City Council Chambers with Mayor Aguilar presiding.

#### **REGULAR MEETING**

Mayor Aguilar called the meeting to order at 7:01 p.m.

#### **PLEDGE OF ALLEGIANCE**

The pledge of allegiance to the flag was recited.

#### **ROLL CALL**

- Mayor Juan Aguilar Jr.
- Mayor Pro-Tem Raul Garcia
- Council Member Maria Baptista-Soto
- Council Member Jose A. Moran
- Council Member Gagandeep Kang

#### **CLOSED SESSION ANNOUNCEMENTS**

Closed session will be resumed after the regular meeting.

#### **CHANGES TO THE AGENDA**

None.

#### **CITIZEN COMMENTS**

Mayor Aguilar opened Citizen Comments at 7:03 p.m.

Citizen Comments:

Jessica Betschart  
Mike Torres  
Anna Villa

Citizen Comments by email or Letter:  
Janet Martin

Mayor Aguilar responded to public comments.

Mayor Aguilar closed Citizen Comments at 7:16 p.m., as there were no further comments from the public.

There was a brief discussion between Council Member Kang and City Attorney Hallinan about rules for political signage.

## **ANNOUNCEMENTS AND REPORTS**

### City Staff and City Manager Announcements and Reports

- Recreation Superintendent Benoit
- Interim City Manager Portillo

### Mayor and Council Members Announcements and Reports

- Council Member Kang
- Council Member Moran
- Council Member Soto
- Mayor Aguilar
- Mayor Pro-Tem Garcia

Mayor Pro-Tem Garcia, for the record, noted that the City Treasurer and City Clerk were not present.

Staff responded to Council questions.

At 7:50 p.m., Mayor Aguilar called for a brief recess.

At 8:00 p.m., Mayor Aguilar reconvened the meeting.

## **CONSENT AGENDA**

1. **WAIVING OF READING OF ORDINANCE AND RESOLUTIONS**  
City Council Waive the Reading in Full of Ordinances and Resolutions on Agenda and Adopt by Reading the Title only, Unless Otherwise Requested by the Mayor or a Council Member.
2. **AUTHORIZE REMOTE TELECONFERENCE MEETINGS**  
Continue Authorizing Remote Teleconference Meetings of the Legislative Bodies of the City of Livingston Pursuant to Brown Act Provisions.
3. **RATIFY CHECK WARRANTS**  
Ratify Warrant Register Dated October 14, 2021.
4. **RATIFY CHECK WARRANTS**  
Ratify Warrant Register Dated October 28, 2021.



5. APPROVE MINUTES OF MEETING  
Approval of Minutes of Meeting Held on April 6, 2021.
6. APPROVE MINUTES OF MEETING  
Approval of Minutes of Meeting Held on April 20, 2021.
7. APPROVE MINUTES OF MEETING  
Approval of Minutes of Meeting Held on May 4, 2021.
8. APPROVE MINUTES OF MEETING  
Approval of Minutes of Meeting Held on June 1, 2021.
9. APPROVE MINUTES OF MEETING  
Approval of Minutes of Meeting Held on June 2, 2021.
10. APPROVE MINUTES OF MEETING  
Approval of Minutes of Meeting Held on June 7, 2021.
11. APPROVE MINUTES OF MEETING  
Approval of Minutes of Meeting Held on June 15, 2021.
12. APPROVE MINUTES OF MEETING  
Approval of Minutes of Meeting Held on June 22, 2021.
13. APPROVE MINUTES OF MEETING  
Approval of Minutes of Meeting Held on July 1, 2021.
14. APPROVE INSTALLATION OF IRON FENCING  
Adopt a Resolution Approving the Installation of Iron Fencing at the Public Works' Yard.

There was a brief discussion between Council and staff on items 2 and 14.

Motion: M/S Garcia/Soto to approve the Consent Agenda. The motion carried 4-0-0-1 by the following roll call vote:

AYES:	Council Members:	Soto, Kang, Garcia, and Aguilar
NOES:	Council Members:	None
ABSENT:	Council Members:	None
ABSTAIN:	Council Members:	Moran

## **PUBLIC HEARINGS**

15. City Council Appoint a Regular Member and a Second Alternate Member to the Planning Commission.

Contract City Planner Hatch introduced this item and responded to Council questions. Mayor Aguilar opened public comments at 8:20 p.m.

Public Comments:  
Andres Fuentes

Mayor Aguilar closed public comments at 8:21 p.m.

There was a brief discussion between Council and staff.

Motion: M/S Aguilar/Garcia to appoint Andres Fuentes as the Alternate Planning Commissioner.  
The motion carried 5-0-0 by the following roll call vote:

AYES: Council Members: Soto, Moran, Kang, Garcia, and Aguilar  
NOES: Council Members: None  
ABSENT: Council Members: None

Motion: M/S Soto/Kang to appoint Renee Waite Mendonca as Regular Planning Commissioner.  
The motion carried 4-0-0-1 by the following roll call vote:

AYES: Council Members: Soto, Kang, Garcia, and Aguilar  
NOES: Council Members: None  
ABSENT: Council Members: None  
ABSTAIN: Council Members: Moran

### **COUNCIL DIRECTION ON FUTURE AGENDA ITEMS**

Mayor and Council Members provided direction to add the following items to a future agenda:

- Discuss City Council and Mayor Term limits.
- Discuss if City Treasurer and City Clerk should be added to the Announcement and Reports.

Council resumed closed session to discuss remaining items.

### **CLOSED SESSION ANNOUNCEMENTS**

Council gave direction to staff on items 1 and 3. There was no report for item 2.

### **ADJOURNMENT**

The meeting was adjourned by consensus at approximately 9:14 p.m.

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Deputy City Clerk of the City of Livingston

APPROVED:

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Mayor or Mayor ProTempore

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DRAFT



## **MEETING MINUTES**

### **SPECIAL MEETING LIVINGSTON CITY COUNCIL NOVEMBER 15, 2021**

A Special Meeting of the Livingston City Council was held on November 15, 2021, in the Council of Chambers with Mayor Aguilar presiding.

#### **CALL TO ORDER**

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

#### **ROLL CALL**

- Mayor Juan Aguilar Jr.
- Mayor Pro-Tem Raul Garcia (Excused Absence)
- Council Member Maria Baptista-Soto
- Council Member Jose A. Moran
- Council Member Gagandeep Kang

#### **PLEDGE OF ALLEGIANCE**

The pledge of allegiance to the flag was recited.

#### **CHANGES TO THE AGENDA**

None.

#### **CITIZEN COMMENTS**

Mayor Aguilar opened and closed Citizen Comments at 5:32 p.m.

##### Citizen Comments:

Colette Alvernaz  
David Acantilado

Mayor Aguilar closed Citizen Comments at 5:40 p.m. as there were no further comments from the public.

## **AWARDS, PRESENTATIONS, PROCLAMATIONS**

1. Swearing in of Planning Commissioner Renee W. Mendonca and Alternate Commissioner Andres Fuentes by Mayor Juan Aguilar, Jr.

Mayor Aguilar swore in Planning Commissioner Renee Waite Mendonca and Alternate Planning Commissioner Andres Fuentes.

2. Swearing in of Police Officer Destiny Mendoza by Mayor Juan Aguilar, Jr.

Mayor Aguilar swore Police Officer Destiny Mendoza.

Police Chief Markle noted that she is the first police officer since 2017. He provided a brief background of Ms. Mendoza.

At 5:46 p.m. Mayor Aguilar called for a brief recess.

At 6:00 p.m., the meeting was reconvened.

## **CLOSED SESSION**

1. Conference with Labor Negotiator  
(Government Code Section 54957.6)  
Labor Negotiator: Vanessa Portillo, Interim City Manager  
Employee Organizations:  
OE3 - Police Supervisory Employees Association  
OE3- Livingston Police Officer Association  
OE3- Management/Confidential Bargaining Unit  
OE3- Clerical Bargaining Unit  
AFSCME- Public Works and Park Unit

Mayor Aguilar opened and closed Public Comments at 6:00 p.m. as there were no comments from the public.

Council went into closed session.

Council Member Moran left the Council of Chambers at 6:02 p.m.

City Attorney Hallinan joined the closed session meeting by teleconference at 6:05 p.m.

Council Member Moran joined the closed session meeting by teleconference at 6:08 p.m.

## **CLOSED SESSION ANNOUNCEMENTS**

Council gave direction to staff.

## **ADJOURNMENT**

The special meeting was adjourned by consensus at 6:34 p.m.

APPROVED:

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Mayor or Mayor ProTempore

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DRAFT

# STAFF REPORT

**AGENDA ITEM:** City Council to Authorize New Copier Lease Agreement with the Ray Morgan Company for Public Works Department

**MEETING DATE:** January 18, 2022

**PREPARED BY:** Tony Avina, Public Works Superintendent

**REVIEWED BY:** Vanessa Portillo, Interim City Manager

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## **RECOMMENDATION:**

That the City Council approve a resolution to authorize the copier lease agreement with the Ray Morgan Company.

## **BACKGROUND:**

Public Works copier machine has reached its useful life and is no longer supported by the lease with Ray Morgan Company. The City would like to renew its lease agreement with Ray Morgan Company. Public Works would be receiving a new and up to date copy machine.

## **DISCUSSION:**

The Public Works Department is currently under no contract lease and would like to get a contract lease agreement with the Ray Morgan Company. The lease term is for 60 months. Ray Morgan Company will provide a brand new copier. Per Ray Morgan's quote, the City will receive a Canon Image RUNNER 3835i machine which will support the high volume print jobs processed in the department.

## **FISCAL IMPACT:**

The new machine lease will increase the budgeted monthly rate by \$54. The City will absorb the higher rate for the remainder of the Fiscal Year (5-months at \$54: total \$270) and will include the new rate in the budget for Fiscal Year 2022/23. This new fee also includes the delivery, installation and training of the new machine.

## **ATTACHMENTS:**

1. Resolution
2. Ray Morgan Cost Comparison

**RESOLUTION NO. 2022-**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LIVINGSTON  
AUTHORIZING THE CITY MANAGER OR DESIGNEE TO EXECUTE A COPIER  
LEASE AGREEMENT WITH THE RAY MORGAN COMPANY FOR THE LIVINGSTON  
PUBLIC WORKS DEPARTMENT**

**WHEREAS**, the City of Livingston will approve a lease agreement with the Ray Morgan Company in January 2022;

**WHEREAS**, The Ray Morgan Company will install a new copier machine (Canon imageRUNNER 3835i model); and

**WHEREAS**, The Ray Morgan Company will ensure complete installation of the new machine; and

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Livingston, State of California that:

1. The proposal of the copier lease with the Ray Morgan Company, is hereby accepted:
2. The City Manager or designee is hereby authorized and directed to execute an agreement in the form presented herewith for and on behalf of the City.

Passed and adopted this 18<sup>th</sup> day of January 2022, by the following vote:

AYES:  
NOES:  
ABSTAIN:  
ABSENT:

---

Juan Aguilar, Jr., Mayor  
of the City of Livingston

ATTEST:

I, hereby certify that the foregoing resolution was regularly introduced, passed and adopted at a Regular Meeting of the City Council of the City of Livingston this 18<sup>th</sup> day of January, 2022.

---


Monica Cisneros, Deputy City Clerk  
of the City of Livingston




Customer Name: City of Livingston - Public Works  
 Attn: Adabel Pirita  
 Prepared By: Joseph Grace  
 Pricing good thru: 12/10/2021



**Option 1 - Ricoh**

Equipment	Details	Location	B/W Images Inc	B/W Overage rate	Color Inc	Color Rate	Lease Payment (60M FMV)	Total Monthly
Ricoh IM C3500	35PPM Color & B/W	Office	2,500	0.0077	500	0.0595	\$244.24	\$244.24
Copy/Print/Scan	Scan B/W & Color		Actual B/W Volume		Color Volume		Contract MA	
2 Trays & Bypass	Total Paper 1200 sheets		2,500		500		\$0.00	
600x600 dpi	240 dpm duplex scanning		B/W Overage	B/W Overage Cost	Color overage	Color Cost	Total Overage Cost	\$0.00
Staple Finisher w/ 3 Hole Punch			0	\$0.00	0	\$0.00	\$0.00	
11x17							True Spend	
Training							\$244.24	

**Option 2 - Canon**

Equipment	Details	Location	B/W Images Inc	B/W Overage rate	Color Inc	Color Rate	Lease Payment (63M FMV)	
Canon imageRUNNER 3835I	35PPM Color & B/W	Office	2,500	0.015	500	0.085	\$298.63	
Copy/Print/Scan	Scan B/W & Color		Actual B/W Volume		Color Volume		Contract MA	
2 Trays & Bypass	Total Paper 1200 Sheets		2,500		500		\$0.00	
1200x1200 dpi	270 ipm duplex scanning		B/W Overage	B/W Overage Cost	Color overage	Color Cost	Total Overage Cost	\$0.00
Staple Finisher w/ 3 Hole Punch			0	\$0.00	0	\$0.00	\$0.00	
Connectivity							True Spend	
Training							\$298.63	

**Includes delivery, installation and training**

# STAFF REPORT

**AGENDA ITEM:** Supplemental Appropriation For American Rescue Plan Act Funds

**MEETING DATE:** January 18, 2022

**PREPARED BY:** Brad Grant – Finance Department

**REVIEWED BY:** Vanessa Portillo - City Manager

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## **RECOMMENDATION**

Adopt a Resolution authorizing the Finance Department to record proposed adjustments to the City's 2021/22 Fiscal Year Budget.

## **BACKGROUND**

On March 11, 2021, President Joe Biden signed into law a nearly \$1.9 trillion coronavirus relief bill known as the American Rescue Plan Act of 2021 (ARPA). The law represents the sixth COVID-19 recovery measure that Congress has passed since last March. Local governments across the country will receive a total of \$130.2 billion, including \$65.1 billion to counties, and \$65.1 billion to cities and towns. California counties will receive at least \$7.675 billion. California cities will receive \$8.222 billion.

Coronavirus State and Local Fiscal Recovery Funds (CSLFRF), which is the local governments share under ARPA, must be used within certain limits prescribed in law and U.S. Department Treasury regulations. Generally, the funds must be used during the period of March 3, 2021 to December 31, 2024. The funds must be obligated by December 31, 2024 and expended by December 31, 2026. The funds may not be spent on extraordinary pension deposits to pay prior obligations, may not be used to replenish rainy day funds or financial reserves, and may not be used for debt obligations or a non-federal match for other federal programs.

The funding objectives are to: Support public health response, address negative economic impacts, replace public sector revenue loss, premium pay for essential workers, water and sewer infrastructure and broadband infrastructure.

## **DISCUSSION**

The City of Livingston's estimated allocation is \$3,563,440 and will be received in two payments. The first payment of \$1,781,720 was received in July 2021 and the second is scheduled to be received about one year later.

The City's adopted 2021/22 budget for the Revenue Stabilization Fund (Fund 1115) included estimated revenue of \$2,803,846 and Special Project expenditures for the same amount.

Because the updated allocation estimate is higher than originally estimated and because recently adopted utility rates utilized ARPA funds to reduce rate increases and because recently approved Memorandums of Understanding (MOU) provided stipends to employees from ARPA funds, budgets need to be adjusted to reflect these items.

**RECOMMENDED ADJUSTMENTS**

Description	Fund	Original Budget	Updated Amount	Variance
City of Livingston's Share – ARPA Funds	1115	\$2,803,846	\$3,563,440	\$759,594
Local Projects	1115	\$2,803,846	\$3,563,440	\$759,594
Well 12 Conveyance and Treatment – Utility Rate Study	2104	0	\$2.0 million	\$2.0 million
Disc and Ripper Tractor – Utility Rate Study	2101	0	\$222,525	\$222,525
Employee Stipends - MOU	Various	0	\$340,872	\$340,872

**FISCAL IMPACT**

All revenues and expenditures are from the ARPA funds and there is no impact on local resources.

**ATTACHMENTS**

Resolution amending the 2021/22 budget.

**RESOLUTION NO. 2022-**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LIVINGSTON AMENDING  
THE CITY'S 2021-22 FISCAL YEAR BUDGET**

**WHEREAS**, on June 22, 2021, the City Council adopted the Operating and Capital Improvement Program Budgets for Fiscal Year 2021-22; and

**WHEREAS**, it is prudent to review the adopted budget on a regular basis and amend as necessary; and

**WHEREAS**, the Finance staff has reviewed the current year budget with regard to the American Rescue Plan Act revenue and expenditure estimates and has determined the updates listed below will be necessary for the City to finish the fiscal year with the respective budget constraints.

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Livingston that it hereby amends the 2021-22 Budget with the adjustments below:

<b>Description</b>	<b>Fund</b>	<b>Original Budget</b>	<b>Updated Amount</b>	<b>Variance</b>
City of Livingston's Share - ARPA Funds	1115	\$2,803,846	\$3,563,440	\$759,594
Local Projects	1115	\$2,803,846	\$3,563,440	\$759,594
Well 12 Conveyance and Treatment – Utility Rate Study	2104	0	\$2.0 million	\$2.0 million
Disc and Ripper Tractor – Utility Rate Study	2101	0	\$222,525	\$222,525
Employee Stipends - MOU	Various	0	\$340,872	\$340,872

Passed and adopted this 18<sup>th</sup> day of January, 2022, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

---

Juan Aguilar, Jr., Mayor  
of the City of Livingston

ATTEST:

I, hereby certify that the foregoing resolution was regularly introduced, passed and adopted at a Regular Meeting of the City Council of the City of Livingston this 18<sup>th</sup> day of January, 2022.

---

Monica Cisneros, Deputy City Clerk  
of the City of Livingston

# STAFF REPORT

**AGENDA ITEM:** State and Local National Class Action Lawsuit Settlement

**MEETING DATE:** January 18, 2022

**PREPARED BY:** Vanessa Portillo, Interim City Manager

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## **RECOMMENDED COUNCIL ACTION**

Adoption of a Resolution opting into Settlement Agreements with Opioid Distributors Amerisource Bergen, Cardinal Health, and McKesson, and Opioid Manufacturer Janssen, whereby the County of Merced will receive the City's designated share of the settlement funds; and authorizes and directs the City Manager to execute any documents necessary to implement action.

## **BACKGROUND/DISCUSSION**

### National Opioid Litigation

Between 2017 and 2020, the State of California, 51 of 58 California counties, and approximately 28 California municipalities filed lawsuits against opioid manufacturers and distributors seeking to abate the opioid crisis. Similar lawsuits were filed by almost all other states and many cities and local governments within those states. These lawsuits were consolidated into a class action lawsuit with the Plaintiff's Class consisting of all state and local governments. As a result, the City of Livingston is a plaintiff in the lawsuit although the City is not required to pay any attorney fees or litigation costs.

### Key Terms of National Settlement Agreements:

The proposed national Settlement Agreements will provide substantial funds to states and eligible local governments for abatement of the opioid epidemic across the country. The proposed settlement totals approximately \$26 billion (\$21 billion from the Distributors and \$5 billion from Janssen). Of this potential \$26 billion approximately \$22.8 billion in settlement proceeds are payable to state and local governments. Funds are to be distributed in a period of eighteen (18) years.

The settlement proceeds to be paid to state and local governments will be in proportion to the number of state and local governments that approve the settlement. Based on the allocation formula for the states, the maximum amount California will receive will be approximately \$2.263 billion (\$2,263,923,602) with \$339.5 million (\$339,538,340) being retained by the state and \$1.9 billion (\$1,924,335,342) being allocated to counties and municipalities.

### Allocation for the City of Livingston

A municipality that is an eligible local government will be allocated its Local Allocation only when it becomes a participating subdivision by signing the Participation Agreements to the Settlement Agreements.

Each County and City that receives payment of funds from the settlements must prepare written reports at least annually regarding the use of those funds until the funds are fully expended and for one year thereafter. These reports will also include a certification that all funds received have been used in compliance with the allocation agreements. Further, each County and City will need to track all deposits and expenditures. A County is not responsible for oversight, reporting, or monitoring of funds received by a City, which receives direct payment within such County.

California Counties and Cities have been allocated approximately \$1,924,335,062, which is 85% of the total amount allocated to California. The City of Livingston has been allocated, at most, .00045873% of \$1,924,335,062 (i.e., best case scenario), which is equal to approximately \$88,275. This total amount will be disbursed over eighteen (18) years, which totals approximately \$4,900 per year. As stated above, the definite amount is not yet known because of the bonus structure built into the agreements.

The default distribution of funds in the settlement agreements provides that the funds will go directly to the County in which a City is located. A City can elect to have its funds delivered directly to the City by providing notice in the settlement agreements. Additionally, a City within a County may opt in or out of direct payment at any time, and it may also elect direct payment of only a portion of its share, with the remainder going to the County, by providing notice to the settlement fund administrators at least sixty days prior to a payment date.

In deciding whether to allow a City's funds to go directly to the County in which a City is located, a City should consider the following: (1) whether the amount of money is substantial enough for the City to handle it on its own; (2) whether the City offers the services and has the employees to spend the money in accordance with its prescribed uses; and (3) whether the City wants to engage in the onerous reporting requirements over the course of the next nineteen years (eighteen years of distribution and an additional year following final distribution).

#### Opting In

The City must opt into the settlements by January 26, 2022 by signing and submitting Participation Agreements, which requires the City to release its claims against the Distributors and Janssen. If the City takes no action, it will have opted out of the settlements and its designated funds will flow to the state. The City would still have the opportunity to bring its own action against the Distributors and Janssen but at the City will incur high litigation expenses.

#### Conclusion

Unless the City intends to pursue its own litigation against the Distributors and Janssen, or assume programs, services, and laborious reporting requirements related to the limited usage allowed for those funds, it is recommended that the City opt into the settlements and default them to the County. Given the relatively small amount of funds (around \$4,900 per year) and the complex reporting requirements, it is also recommended that the City accept the default distribution and allow its funds to deposit with the County.

#### **FISCAL IMPACT**

There are no fiscal impacts associated with the City Council opting into the two Settlement Agreements and accepting the default distribution to allow the City of Livingston's designated settlement funds to flow directly to Merced County as this action relieves the City from the annual reporting obligations while increasing access to services to our community.

## **ATTACHMENTS**

1. Resolution of the City Council of the City of Livingston Opting into National Opioid Settlement Agreements
2. Exhibit A – CA Allocation Percentages
3. Exhibit B – List of Allowed Uses of Settlement Funds



**RESOLUTION NO. 2022-**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LIVINGSTON OPTING INTO SETTLEMENT AGREEMENTS WITH OPIOID DISTRIBUTORS, AMERISOURCE BERGEN, CARDINAL HEALTH, AND MCKESSON; AND OPTING INTO SETTLEMENT AGREEMENT WITH OPIOID MANUFACTURER, JANSSEN, WHEREBY THE COUNTY OF MERCED WILL RECEIVE THE CITY'S DESIGNATED SHARE OF SETTLEMENT FUNDS**

**WHEREAS**, state and local subdivisions throughout the Country have, and continue to experience, an opioid epidemic as a result of opioid misuse, abuse, dependency, overdoses, and opioid related deaths; and

**WHEREAS**, on July 22, 2021, a settlement was announced in multi-district federal litigation brought by state and local subdivisions across the country against the three largest opioid distributors – McKesson, Cardinal Health, and Amerisource Bergen – and the opioid manufacturer Janssen (owned by Johnson and Johnson) seeking damages and injunctive relief arising from opioid use and misinformation; and

**WHEREAS**, the proposed settlement (Settlement Agreements) consists of two agreements: one with the opioid distributors and another with Janssen; and

**WHEREAS**, pursuant to the terms of the Settlement Agreements, \$21 billion will be paid by the opioid distributors over an eighteen (18) year period and Janssen will pay \$5 billion over a seven (7) year period to states and local eligible subdivisions; and

**WHEREAS**, pursuant to the terms of the Settlement Agreements, California is scheduled to receive approximately \$2.263 billion; and

**WHEREAS**, pursuant to the terms of the Settlement Agreements, the litigating subdivisions in the State of California secured and entered into an Intrastate Allocation Agreement with the State of California to design an allocation plan different than the default in the Settlement Agreement, which disburses the total amount of settlement funds California is to receive as follows: fifteen (15) percent to the State Fund, fifteen (15) percent to the Subdivision Fund, and the remaining seventy (70) percent to the Abatement Accounts Fund; and

**WHEREAS**, pursuant to the terms of the Settlement Agreements, state and eligible local subdivisions must “opt-in” to the settlement on or before January 26, 2022, by, among other possible actions, executing Participation Agreements to receive the benefits of the Settlement in exchange for releasing its claims against the opioid distributors and Janssen; and

**WHEREAS**, Cities that opt-in to participate in the settlement may elect whether to directly receive their designated share of the settlement funds for their own use, or to have their designated share of settlement funds flow directly to their County to relieve them from the annual reporting obligations; and

**WHEREAS**, local subdivisions may also choose not to opt-in and participate in the settlement to retain their right to pursue their own litigation against the opioid distributors and Janssen, in which case the subdivision's designated share of settlement funds will flow directly to their respective State instead of their County; and

**WHEREAS**, the City of Livingston wishes to opt-in and participate in the settlement and agree to the material terms of the proposed Settlement Agreements and California Intrastate Allocation Agreements; and

**WHEREAS**, due to the City of Livingston's potential relatively small share of settlement funds (approximately \$4,900 annually for eighteen (18) years) and the onerous reporting requirements, the City elects to have its designated share of settlement funds to flow directly to the County of Merced.

**NOW, THEREFORE, BE IT RESOLVED** that the City Council of the City of Livingston does hereby resolve, declare, determine, and order as follows:

1. The above recitals are true and correct and are incorporated herein by reference.
2. The City of Livingston elects to "opt in" to the Settlement with distributors McKesson, Cardinal Health, and Amerisource Bergen, and with manufacturer Janssen Pharmaceuticals, Inc., a subsidiary of Johnson & Johnson, relating to the National Multi-District Opioid Litigation, as a full participant.
3. The City Manager is hereby authorized and directed to execute the Participation Agreements and all other documents along with taking all necessary and reasonable actions to effectuate the City's participation in the Settlement and carry out the purpose and intent of this resolution, each following review and approval of the City Attorney.
4. This resolution is effective immediately upon adoption.

Passed and adopted this 18<sup>th</sup> day of January, 2022, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

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Juan Aguilar Jr., Mayor  
of the City of Livingston

ATTEST:

I, hereby certify that the foregoing resolution was regularly introduced, passed and adopted at a Regular Meeting of the City Council of the City of Livingston this 18<sup>th</sup> day of January, 2022.

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Monica Cisneros, Deputy City Clerk  
of the City of Livingston

# EXHIBIT A

## APPENDIX 1

**DISCLAIMER:** The allocation percentages herein are estimates only and should not be relied on for decisions regarding legal rights, releases, waivers, or other decisions affecting current or potential legal claims. Percentages shown in the Plaintiff Subdivision Percentage column may change pursuant to Section 4.C. of the California State-Subdivision Agreement Regarding Distribution and Use of Settlement Funds—Distributor Settlement, whereas the percentages shown in the Abatement Percentage column should not change. Participating Subdivisions, underlying calculations, and the calculated allocation percentages are subject to change. Regarding the column herein entitled “Abatement Percentage,” pursuant to Section 4.B.e., the State of California will receive the Local Allocation share of any payment to the Settlement Fund that is attributable to a county or city that is eligible to become a CA Participating Subdivision, but that has not, as of the date of that payment to the Settlement Fund, become a Participating Subdivision. Regarding the column herein entitled “Plaintiff Subdivision Percentage,” payments allocated to a Plaintiff Subdivision, which is not an Initial Participating Subdivision, will be re-allocated among the Plaintiff Subdivisions that are Initial Participating Subdivisions. Regarding the column herein entitled “Abatement Percentage,” the annotation of “100%” refers to one-hundred percent (100%) of the California Abatement Account Funds received, pursuant to Section 4.B. Regarding the column herein entitled “Plaintiff Subdivision Percentage,” the annotation of “100%” refers to one-hundred percent (100%) of the California Subdivision Funds received, pursuant to Section 4.C. Regarding the column herein entitled “Weighted Allocation Percentage,” the annotation of “100%” refers to one-hundred percent (100%) of the combined and weighted allocation of the Abatement Percentage and the Plaintiff Subdivision Percentage.

APPENDIX 1

Participating Subdivision Classification	Participating Subdivision	County	Abatement Percentage	Plaintiff Subdivision Percentage	Weighted Allocation Percentage
County	<b>Alameda County</b>	Alameda	2.332%	2.853%	<b>2.4237952%</b>
City	Alameda	Alameda	0.069%		<b>0.0570162%</b>
City	Albany	Alameda	0.013%		<b>0.0107768%</b>
City	Berkeley	Alameda	0.152%		<b>0.1249656%</b>
City	Dublin	Alameda	0.033%	0.040%	<b>0.0338810%</b>
City	Emeryville	Alameda	0.023%		<b>0.0185765%</b>
City	Fremont	Alameda	0.108%		<b>0.0888576%</b>
City	Hayward	Alameda	0.117%		<b>0.0966218%</b>
City	Livermore	Alameda	0.054%		<b>0.0446740%</b>
City	Newark	Alameda	0.026%		<b>0.0217626%</b>
City	Oakland	Alameda	0.486%	0.595%	<b>0.50555601%</b>
City	Piedmont	Alameda	0.014%		<b>0.0114064%</b>
City	Pleasanton	Alameda	0.067%		<b>0.0554547%</b>
City	San Leandro	Alameda	0.039%		<b>0.0321267%</b>
City	Union City	Alameda	0.043%		<b>0.0352484%</b>
County	<b>Amador County</b>	Amador	0.226%	0.277%	<b>0.2349885%</b>
County	<b>Butte County</b>	Butte	1.615%	1.975%	<b>1.6783178%</b>
City	Chico	Butte	0.216%	0.264%	<b>0.2246499%</b>
City	Oroville	Butte	0.079%		<b>0.0646595%</b>
County	<b>Calaveras County</b>	Calaveras	0.226%	0.277%	<b>0.2351644%</b>
County	<b>Colusa County</b>	Colusa	0.059%		<b>0.0489221%</b>
County	<b>Contra Costa County</b>	Contra Costa	2.102%	2.571%	<b>2.1844585%</b>
City	Antioch	Contra Costa	0.037%		<b>0.0301879%</b>
City	Brentwood	Contra Costa	0.026%		<b>0.0215339%</b>
City	Clayton	Contra Costa	0.002%		<b>0.0018060%</b>
City	Concord	Contra Costa	0.055%		<b>0.0456676%</b>
City	Danville	Contra Costa	0.010%		<b>0.0082255%</b>
City	El Cerrito	Contra Costa	0.023%		<b>0.0189024%</b>
City	Hercules	Contra Costa	0.010%		<b>0.0078273%</b>

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City	Lafayette	Contra Costa	0.006%		0.0046030%
City	Martinez	Contra Costa	0.012%		0.0098593%
City	Moraga	Contra Costa	0.004%		0.0031007%
City	Oakley	Contra Costa	0.010%		0.0079416%
City	Orinda	Contra Costa	0.005%		0.0038157%
City	Pinole	Contra Costa	0.013%		0.0110909%
City	Pittsburg	Contra Costa	0.053%		0.0436369%
City	Pleasant Hill	Contra Costa	0.013%		0.0106309%
City	Richmond	Contra Costa	0.146%		0.1201444%
City	San Pablo	Contra Costa	0.018%		0.0148843%
City	San Ramon	Contra Costa	0.021%		0.0176459%
City	Walnut Creek	Contra Costa	0.026%		0.0212132%
County	<b>Del Norte County</b>	Del Norte	0.114%	0.140%	0.1189608%
County	<b>El Dorado County</b>	El Dorado	0.768%	0.939%	0.7980034%
City	Placerville	El Dorado	0.015%		0.0127642%
City	South Lake Tahoe	El Dorado	0.081%		0.0665456%
County	<b>Fresno County</b>	Fresno	1.895%	2.318%	1.9693410%
City	Clovis	Fresno	0.065%		0.0536211%
City	Coalinga	Fresno	0.012%		0.0098554%
City	Fresno	Fresno	0.397%		0.3270605%
City	Kerman	Fresno	0.005%		0.0042534%
City	Kingsburg	Fresno	0.008%		0.0066167%
City	Mendota	Fresno	0.002%		0.0019387%
City	Orange Cove	Fresno	0.004%		0.0035607%
City	Parlier	Fresno	0.008%		0.0069755%
City	Reedley	Fresno	0.012%		0.0098804%
City	Sanger	Fresno	0.018%		0.0146135%
City	Selma	Fresno	0.015%		0.0127537%
County	<b>Glenn County</b>	Glenn	0.107%	0.131%	0.1116978%
County	<b>Humboldt County</b>	Humboldt	1.030%	1.260%	1.0703185%

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City	Arcata	Humboldt	0.054%		0.0447660%
City	Eureka	Humboldt	0.117%	0.143%	0.1216284%
City	Fortuna	Humboldt	0.032%		0.02666837%
County	<b>Imperial County</b>	Imperial	0.258%	0.315%	0.2679006%
City	Brawley	Imperial	0.011%		0.0087986%
City	Calexico	Imperial	0.019%		0.0152799%
City	El Centro	Imperial	0.158%		0.1302522%
City	Imperial	Imperial	0.006%		0.0048791%
County	<b>Inyo County</b>	Inyo	0.073%	0.089%	0.0754413%
County	<b>Kern County</b>	Kern	2.517%	3.079%	2.6159145%
City	Arvin	Kern	0.006%		0.0046425%
City	Bakersfield	Kern	0.212%		0.1747198%
City	California City	Kern	0.009%		0.0070820%
City	Delano	Kern	0.030%		0.0249316%
City	McFarland	Kern	0.003%		0.0025644%
City	Ridgecrest	Kern	0.015%		0.0120938%
City	Shafter	Kern	0.013%		0.0103417%
City	Tehachapi	Kern	0.009%		0.0073580%
City	Wasco	Kern	0.008%		0.0069861%
County	<b>Kings County</b>	Kings	0.293%		0.2413469%
City	Avenal	Kings	0.007%		0.0056335%
City	Corcoran	Kings	0.013%		0.0107032%
City	Hanford	Kings	0.027%		0.0226038%
City	Lemoore	Kings	0.016%		0.0131900%
County	<b>Lake County</b>	Lake	0.795%		0.6545389%
City	Clearlake	Lake	0.041%	0.050%	0.0426253%
City	Lakeport	Lake	0.021%	0.026%	0.0222964%
County	<b>Lassen County</b>	Lassen	0.319%	0.391%	0.3320610%
City	Susanville	Lassen	0.027%		0.0219295%
County	<b>Los Angeles County</b>	Los Angeles	13.896%	16.999%	14.4437559%

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City	Agoura Hills	Los Angeles	0.005%		0.0040024%
City	Alhambra	Los Angeles	0.042%		0.0343309%
City	Arcadia	Los Angeles	0.033%		0.0267718%
City	Artesia	Los Angeles	0.001%		0.0005100%
City	Azusa	Los Angeles	0.026%		0.0210857%
City	Baldwin Park	Los Angeles	0.027%		0.0218520%
City	Bell	Los Angeles	0.008%		0.0068783%
City	Bellflower	Los Angeles	0.002%		0.0014485%
City	Bell Gardens	Los Angeles	0.014%		0.0114301%
City	Beverly Hills	Los Angeles	0.065%		0.0534897%
City	Burbank	Los Angeles	0.100%		0.0823132%
City	Calabasas	Los Angeles	0.006%		0.0048948%
City	Carson	Los Angeles	0.019%		0.0159805%
City	Cerritos	Los Angeles	0.005%		0.0039682%
City	Claremont	Los Angeles	0.010%		0.0082584%
City	Commerce	Los Angeles	0.000%		0.0002971%
City	Compton	Los Angeles	0.044%		0.0361882%
City	Covina	Los Angeles	0.028%		0.0229127%
City	Cudahy	Los Angeles	0.001%		0.0006020%
City	Culver City	Los Angeles	0.055%		0.0449894%
City	Diamond Bar	Los Angeles	0.001%		0.0006993%
City	Downey	Los Angeles	0.052%		0.0429994%
City	Duarte	Los Angeles	0.003%		0.0027261%
City	El Monte	Los Angeles	0.031%	0.038%	0.0318985%
City	El Segundo	Los Angeles	0.033%		0.0268020%
City	Gardena	Los Angeles	0.034%		0.0278088%
City	Glendale	Los Angeles	0.166%		0.1366586%
City	Glendora	Los Angeles	0.016%		0.0134411%
City	Hawaiian Gardens	Los Angeles	0.005%		0.0040549%
City	Hawthorne	Los Angeles	0.050%		0.0407833%



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City	Hermosa Beach	Los Angeles	0.018%		0.0145307%
City	Huntington Park	Los Angeles	0.023%		0.0190667%
City	Inglewood	Los Angeles	0.059%		0.0489195%
City	La Cañada Flintridge	Los Angeles	0.003%		0.0025565%
City	Lakewood	Los Angeles	0.005%		0.0039971%
City	La Mirada	Los Angeles	0.010%		0.0081572%
City	Lancaster	Los Angeles	0.045%		0.0369689%
City	La Puente	Los Angeles	0.002%		0.0012999%
City	La Verne	Los Angeles	0.024%		0.0194190%
City	Lawndale	Los Angeles	0.002%		0.0017731%
City	Lomita	Los Angeles	0.004%		0.0031940%
City	Long Beach	Los Angeles	0.439%		0.3614151%
City	Los Angeles	Los Angeles	2.715%	3.321%	2.8218811%
City	Lynwood	Los Angeles	0.016%		0.0134345%
City	Malibu	Los Angeles	0.002%		0.0019269%
City	Manhattan Beach	Los Angeles	0.032%		0.0260686%
City	Maywood	Los Angeles	0.004%		0.0035528%
City	Monrovia	Los Angeles	0.031%		0.0254455%
City	Montebello	Los Angeles	0.030%		0.0250670%
City	Monterey Park	Los Angeles	0.031%		0.0256677%
City	Norwalk	Los Angeles	0.031%		0.0258228%
City	Palmdale	Los Angeles	0.046%		0.0375827%
City	Palos Verdes Estates	Los Angeles	0.006%		0.0053102%
City	Paramount	Los Angeles	0.011%		0.0091483%
City	Pasadena	Los Angeles	0.146%		0.1200524%
City	Pico Rivera	Los Angeles	0.022%		0.0183333%
City	Pomona	Los Angeles	0.111%		0.0911933%
City	Rancho Palos Verdes	Los Angeles	0.002%		0.0012645%
City	Redondo Beach	Los Angeles	0.062%		0.0506992%
City	Rosemead	Los Angeles	0.003%		0.0028260%

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Participating Subdivision Classification	Participating Subdivision	County	Abatement Percentage	Plaintiff Subdivision Percentage	Weighted Allocation Percentage
City	San Dimas	Los Angeles	0.003%		0.0022016%
City	San Fernando	Los Angeles	0.013%		0.0104837%
City	San Gabriel	Los Angeles	0.018%		0.0147726%
City	San Marino	Los Angeles	0.009%		0.0073791%
City	Santa Clarita	Los Angeles	0.022%		0.0178167%
City	Santa Fe Springs	Los Angeles	0.031%		0.0257531%
City	Santa Monica	Los Angeles	0.158%		0.1298513%
City	Sierra Madre	Los Angeles	0.006%		0.0048646%
City	Signal Hill	Los Angeles	0.010%		0.0084884%
City	South El Monte	Los Angeles	0.005%		0.0039603%
City	South Gate	Los Angeles	0.020%		0.0166272%
City	South Pasadena	Los Angeles	0.012%		0.0095334%
City	Temple City	Los Angeles	0.005%		0.0039498%
City	Torrance	Los Angeles	0.112%		0.0919820%
City	Walnut	Los Angeles	0.006%		0.0047305%
City	West Covina	Los Angeles	0.049%		0.0404521%
City	West Hollywood	Los Angeles	0.013%		0.0108517%
City	Whittier	Los Angeles	0.032%		0.0260581%
County	<b>Madera County</b>	Madera	0.349%	0.427%	0.3630669%
City	Chowchilla	Madera	0.012%		0.0097332%
City	Madera	Madera	0.039%		0.0318441%
County	<b>Marin County</b>	Marin	0.564%	0.690%	0.5861325%
City	Larkspur	Marin	0.015%		0.0124697%
City	Mill Valley	Marin	0.020%		0.0168401%
City	Novato	Marin	0.028%		0.0229824%
City	San Anselmo	Marin	0.009%		0.0078062%
City	San Rafael	Marin	0.089%		0.0729823%
County	<b>Mariposa County</b>	Mariposa	0.084%	0.103%	0.0876131%
County	<b>Mendocino County</b>	Mendocino	0.439%	0.536%	0.4558394%
City	Ukiah	Mendocino	0.039%		0.0317153%

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Participating Subdivision Classification	Participating Subdivision	County	Abatement Percentage	Plaintiff Subdivision Percentage	Weighted Allocation Percentage
County	<b>Merced County</b>	Merced	0.551%	0.674%	<b>0.5724262%</b>
City	Atwater	Merced	0.024%		<b>0.0195846%</b>
City	Livingston	Merced	0.006%		<b>0.0045873%</b>
City	Los Banos	Merced	0.020%		<b>0.0165142%</b>
City	Merced	Merced	0.061%		<b>0.0500762%</b>
County	<b>Modoc County</b>	Modoc	0.065%	0.080%	<b>0.0678250%</b>
County	<b>Mono County</b>	Mono	0.023%	0.029%	<b>0.0242606%</b>
County	<b>Monterey County</b>	Monterey	0.908%	1.111%	<b>0.9437083%</b>
City	Greenfield	Monterey	0.006%		<b>0.0050552%</b>
City	King City	Monterey	0.005%		<b>0.0037355%</b>
City	Marina	Monterey	0.017%		<b>0.0144098%</b>
City	Monterey	Monterey	0.041%		<b>0.0336540%</b>
City	Pacific Grove	Monterey	0.009%		<b>0.0074842%</b>
City	Salinas	Monterey	0.094%		<b>0.0776576%</b>
City	Seaside	Monterey	0.023%		<b>0.0191772%</b>
City	Soledad	Monterey	0.007%		<b>0.0060870%</b>
County	<b>Napa County</b>	Napa	0.288%	0.352%	<b>0.2994325%</b>
City	American Canyon	Napa	0.017%		<b>0.0136869%</b>
City	Napa	Napa	0.078%		<b>0.0642783%</b>
County	<b>Nevada County</b>	Nevada	0.441%	0.539%	<b>0.4579827%</b>
City	Grass Valley	Nevada	0.024%		<b>0.0197805%</b>
City	Truckee	Nevada	0.003%		<b>0.0023843%</b>
County	<b>Orange County</b>	Orange	4.364%	5.339%	<b>4.5363576%</b>
City	Aliso Viejo	Orange	0.014%		<b>0.0113841%</b>
City	Anaheim	Orange	0.554%	0.678%	<b>0.5759282%</b>
City	Brea	Orange	0.086%		<b>0.0708897%</b>
City	Buena Park	Orange	0.087%		<b>0.0714352%</b>
City	Costa Mesa	Orange	0.124%	0.152%	<b>0.1288366%</b>
City	Cypress	Orange	0.033%		<b>0.0271937%</b>
City	Dana Point	Orange	0.001%		<b>0.0005560%</b>

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Participating Subdivision Classification	Participating Subdivision	County	Abatement Percentage	Plaintiff Subdivision Percentage	Weighted Allocation Percentage
City	Fountain Valley	Orange	0.055%		0.0455980%
City	Fullerton	Orange	0.137%	0.168%	0.1425744%
City	Garden Grove	Orange	0.213%		0.1752482%
City	Huntington Beach	Orange	0.247%	0.302%	0.2568420%
City	Irvine	Orange	0.139%	0.170%	0.1442350%
City	Laguna Beach	Orange	0.047%	0.058%	0.0493043%
City	Laguna Hills	Orange	0.014%		0.0115457%
City	Laguna Niguel	Orange	0.001%		0.0007071%
City	Laguna Woods	Orange	0.001%		0.0006546%
City	La Habra	Orange	0.060%	0.073%	0.0621049%
City	Lake Forest	Orange	0.012%		0.0101249%
City	La Palma	Orange	0.012%		0.0095439%
City	Los Alamitos	Orange	0.008%		0.0069190%
City	Mission Viejo	Orange	0.014%		0.0117560%
City	Newport Beach	Orange	0.179%		0.1470134%
City	Orange	Orange	0.150%		0.1231320%
City	Placentia	Orange	0.029%	0.035%	0.0298912%
City	Rancho Santa Margarita	Orange	0.001%		0.0006296%
City	San Clemente	Orange	0.008%	0.010%	0.0086083%
City	San Juan Capistrano	Orange	0.008%		0.0065510%
City	Santa Ana	Orange	0.502%	0.614%	0.5213866%
City	Seal Beach	Orange	0.020%		0.0165891%
City	Stanton	Orange	0.035%		0.0291955%
City	Tustin	Orange	0.073%		0.0600341%
City	Westminster	Orange	0.104%	0.127%	0.1082721%
City	Yorba Linda	Orange	0.044%		0.0362223%
County	<b>Placer County</b>	Placer	1.045%	1.278%	1.0861002%
City	Auburn	Placer	0.017%		0.0141114%
City	Lincoln	Placer	0.031%		0.0255599%
City	Rocklin	Placer	0.076%		0.0625485%

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Participating Subdivision Classification	Participating Subdivision	County	Abatement Percentage	Plaintiff Subdivision Percentage	Weighted Allocation Percentage
City	Roseville	Placer	0.196%		0.1616559%
County	<b>Plumas County</b>	Plumas	0.205%	0.251%	0.2128729%
County	<b>Riverside County</b>	Riverside	4.534%	5.547%	4.7128296%
City	Banning	Riverside	0.017%		0.0143848%
City	Beaumont	Riverside	0.021%		0.0171135%
City	Blythe	Riverside	0.012%		0.0096714%
City	Canyon Lake	Riverside	0.000%		0.0001761%
City	Cathedral City	Riverside	0.067%		0.0553614%
City	Coachella	Riverside	0.021%		0.0173054%
City	Corona	Riverside	0.147%		0.1207083%
City	Desert Hot Springs	Riverside	0.024%		0.0200433%
City	Eastvale	Riverside	0.000%		0.0002747%
City	Hemet	Riverside	0.051%		0.0421792%
City	Indio	Riverside	0.056%		0.0457794%
City	Jurupa Valley	Riverside	0.001%		0.0008991%
City	Lake Elsinore	Riverside	0.021%		0.0172949%
City	La Quinta	Riverside	0.063%		0.0516732%
City	Menifee	Riverside	0.032%		0.0260909%
City	Moreno Valley	Riverside	0.137%		0.1130348%
City	Murrieta	Riverside	0.048%	0.059%	0.0497423%
City	Norco	Riverside	0.016%		0.0134542%
City	Palm Desert	Riverside	0.083%		0.0682465%
City	Palm Springs	Riverside	0.076%		0.0629862%
City	Perris	Riverside	0.009%		0.0076774%
City	Rancho Mirage	Riverside	0.052%		0.0431098%
City	Riverside	Riverside	0.268%		0.2206279%
City	San Jacinto	Riverside	0.010%		0.0085936%
City	Temecula	Riverside	0.022%		0.0180086%
City	Wildomar	Riverside	0.008%		0.0062500%
County	<b>Sacramento County</b>	Sacramento	3.797%	4.645%	3.9465887%

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Participating Subdivision Classification	Participating Subdivision	County	Abatement Percentage	Plaintiff Subdivision Percentage	Weighted Allocation Percentage
City	Citrus Heights	Sacramento	0.057%		0.0465312%
City	Elk Grove	Sacramento	0.130%		0.1066994%
City	Folsom	Sacramento	0.108%		0.0890850%
City	Galt	Sacramento	0.017%		0.0143704%
City	Rancho Cordova	Sacramento	0.008%		0.0067679%
City	Sacramento	Sacramento	0.721%	0.882%	0.7496530%
County	<b>San Benito County</b>	San Benito	0.106%	0.130%	0.1101417%
City	Hollister	San Benito	0.027%		0.0225355%
County	<b>San Bernardino County</b>	San Bernardino	3.259%	3.987%	3.3878124%
City	Adelanto	San Bernardino	0.008%		0.0066640%
City	Apple Valley	San Bernardino	0.025%		0.0207360%
City	Barstow	San Bernardino	0.015%		0.0122056%
City	Chino	San Bernardino	0.064%		0.0525893%
City	Chino Hills	San Bernardino	0.001%		0.00006388%
City	Colton	San Bernardino	0.031%		0.0253443%
City	Fontana	San Bernardino	0.112%		0.0920543%
City	Grand Terrace	San Bernardino	0.006%		0.0051051%
City	Hesperia	San Bernardino	0.035%		0.0291522%
City	Highland	San Bernardino	0.004%		0.0029061%
City	Loma Linda	San Bernardino	0.009%		0.0071188%
City	Montclair	San Bernardino	0.039%		0.0322108%
City	Ontario	San Bernardino	0.179%		0.1472934%
City	Rancho Cucamonga	San Bernardino	0.084%		0.0689431%
City	Redlands	San Bernardino	0.057%		0.0469150%
City	Rialto	San Bernardino	0.073%		0.0603206%
City	San Bernardino	San Bernardino	0.178%		0.1461880%
City	Twentynine Palms	San Bernardino	0.002%		0.0012605%
City	Upland	San Bernardino	0.052%		0.0424460%
City	Victorville	San Bernardino	0.033%		0.0269400%
City	Yucaipa	San Bernardino	0.016%		0.0128772%

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Participating Subdivision Classification	Participating Subdivision	County	Abatement Percentage	Plaintiff Subdivision Percentage	Weighted Allocation Percentage
City	Yucca Valley	San Bernardino	0.003%		0.0021228%
County	<b>San Diego County</b>	San Diego	5.706%	6.980%	5.9309748%
City	Carlsbad	San Diego	0.128%		0.1050485%
City	Chula Vista	San Diego	0.189%	0.231%	0.1961456%
City	Coronado	San Diego	0.044%		0.0359095%
City	El Cajon	San Diego	0.113%		0.0933582%
City	Encinitas	San Diego	0.061%	0.074%	0.0630289%
City	Escondido	San Diego	0.145%		0.1192204%
City	Imperial Beach	San Diego	0.014%		0.0118283%
City	La Mesa	San Diego	0.055%	0.068%	0.0575593%
City	Lemon Grove	San Diego	0.022%		0.0183911%
City	National City	San Diego	0.080%		0.0656808%
City	Oceanside	San Diego	0.213%		0.1753428%
City	Poway	San Diego	0.062%		0.0511040%
City	San Diego	San Diego	1.975%	2.416%	2.0531169%
City	San Marcos	San Diego	0.089%		0.0733897%
City	Santee	San Diego	0.033%		0.0268401%
City	Solana Beach	San Diego	0.017%		0.0138564%
City	Vista	San Diego	0.052%		0.0425144%
Consolidated	<b>San Francisco</b>	San Francisco	3.026%	3.702%	3.1457169%
County	<b>San Joaquin County</b>	San Joaquin	1.680%	2.055%	1.7460399%
City	Lathrop	San Joaquin	0.009%		0.0075394%
City	Lodi	San Joaquin	0.053%		0.0439484%
City	Manteca	San Joaquin	0.054%		0.0443454%
City	Ripon	San Joaquin	0.013%		0.0104219%
City	Stockton	San Joaquin	0.313%	0.383%	0.3256176%
City	Tracy	San Joaquin	0.084%		0.0692047%
County	<b>San Luis Obispo County</b>	San Luis Obispo	0.816%	0.999%	0.8484126%
City	Arroyo Grande	San Luis Obispo	0.024%		0.0199053%
City	Atascadero	San Luis Obispo	0.029%		0.0240680%

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Participating Subdivision Classification	Participating Subdivision	County	Abatement Percentage	Plaintiff Subdivision Percentage	Weighted Allocation Percentage
City	El Paso de Robles (Paso Robles)	San Luis Obispo	0.043%		0.0353456%
City	Grover Beach	San Luis Obispo	0.017%		0.0137881%
City	Morro Bay	San Luis Obispo	0.020%		0.0160922%
City	San Luis Obispo	San Luis Obispo	0.077%		0.0637841%
County	<b>San Mateo County</b>	San Mateo	1.074%	1.313%	1.1159599%
City	Belmont	San Mateo	0.021%		0.0169860%
City	Burlingame	San Mateo	0.019%		0.0152537%
City	Daly City	San Mateo	0.044%		0.0363880%
City	East Palo Alto	San Mateo	0.013%		0.0103982%
City	Foster City	San Mateo	0.020%		0.0166101%
City	Half Moon Bay	San Mateo	0.004%		0.0031638%
City	Hillsborough	San Mateo	0.013%		0.0110029%
City	Menlo Park	San Mateo	0.015%		0.0126209%
City	Millbrae	San Mateo	0.013%		0.0105836%
City	Pacifica	San Mateo	0.016%		0.0130625%
City	Redwood City	San Mateo	0.056%		0.0463511%
City	San Bruno	San Mateo	0.021%		0.0172161%
City	San Carlos	San Mateo	0.013%		0.0108885%
City	San Mateo	San Mateo	0.052%		0.0425841%
City	South San Francisco	San Mateo	0.043%		0.0353943%
County	<b>Santa Barbara County</b>	Santa Barbara	1.132%	1.385%	1.1768968%
City	Carpinteria	Santa Barbara	0.001%		0.0008938%
City	Goleta	Santa Barbara	0.004%		0.0028969%
City	Lompoc	Santa Barbara	0.047%		0.0389379%
City	Santa Barbara	Santa Barbara	0.122%		0.1004559%
City	Santa Maria	Santa Barbara	0.058%		0.0479179%
County	<b>Santa Clara County</b>	Santa Clara	2.404%	2.941%	2.4987553%
City	Campbell	Santa Clara	0.014%		0.0112566%
City	Cupertino	Santa Clara	0.008%		0.0066824%
City	Gilroy	Santa Clara	0.025%		0.0202891%



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Participating Subdivision Classification	Participating Subdivision	County	Abatement Percentage	Plaintiff Subdivision Percentage	Weighted Allocation Percentage
City	Los Altos	Santa Clara	0.013%		0.01033338%
City	Los Gatos	Santa Clara	0.013%		0.01032220%
City	Milpitas	Santa Clara	0.036%		0.0298120%
City	Morgan Hill	Santa Clara	0.015%		0.0124619%
City	Mountain View	Santa Clara	0.041%		0.0334608%
City	Palo Alto	Santa Clara	0.039%		0.0323080%
City	San Jose	Santa Clara	0.294%	0.360%	0.3054960%
City	Santa Clara	Santa Clara	0.067%		0.0549723%
City	Saratoga	Santa Clara	0.004%		0.0034161%
City	Sunnyvale	Santa Clara	0.053%		0.0434069%
County	<b>Santa Cruz County</b>	Santa Cruz	0.783%	0.957%	0.8135396%
City	Capitola	Santa Cruz	0.020%		0.0168191%
City	Santa Cruz	Santa Cruz	0.143%		0.1180348%
City	Scotts Valley	Santa Cruz	0.015%		0.0126525%
City	Watsonville	Santa Cruz	0.063%		0.0520136%
County	<b>Shasta County</b>	Shasta	1.095%	1.339%	1.1380191%
City	Anderson	Shasta	0.024%		0.0198896%
City	Redding	Shasta	0.284%		0.2334841%
City	Shasta Lake	Shasta	0.004%		0.0031993%
County	<b>Siskiyou County</b>	Siskiyou	0.228%	0.279%	0.2373393%
County	<b>Solano County</b>	Solano	0.760%		0.6260795%
City	Benicia	Solano	0.031%		0.0253903%
City	Dixon	Solano	0.016%		0.0130849%
City	Fairfield	Solano	0.109%		0.0897317%
City	Suisun City	Solano	0.021%		0.0176183%
City	Vacaville	Solano	0.119%		0.0976497%
City	Vallejo	Solano	0.167%		0.1373644%
County	<b>Sonoma County</b>	Sonoma	1.218%	1.490%	1.2661290%
City	Healdsburg	Sonoma	0.032%		0.0266929%
City	Petaluma	Sonoma	0.081%		0.0667507%

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Participating Subdivision Classification	Participating Subdivision	County	Abatement Percentage	Plaintiff Subdivision Percentage	Weighted Allocation Percentage
City	Rohnert Park	Sonoma	0.041%		0.0340759%
City	Santa Rosa	Sonoma	0.184%		0.1519070%
City	Sonoma	Sonoma	0.022%		0.0183438%
City	Windsor	Sonoma	0.016%		0.0129298%
County	<b>Stanislaus County</b>	Stanislaus	1.722%		1.4182273%
City	Ceres	Stanislaus	0.041%		0.0340260%
City	Modesto	Stanislaus	0.217%		0.1788759%
City	Newman	Stanislaus	0.006%		0.0046964%
City	Oakdale	Stanislaus	0.018%		0.0145531%
City	Patterson	Stanislaus	0.015%		0.0126590%
City	Riverbank	Stanislaus	0.010%		0.0085699%
City	Turlock	Stanislaus	0.065%		0.0531966%
County	<b>Sutter County</b>	Sutter	0.306%	0.374%	0.3179548%
City	Yuba City	Sutter	0.074%		0.0606242%
County	<b>Tehama County</b>	Tehama	0.213%	0.261%	0.2216654%
City	Red Bluff	Tehama	0.014%		0.0117771%
County	<b>Trinity County</b>	Trinity	0.082%	0.101%	0.0855476%
County	<b>Tulare County</b>	Tulare	0.809%	0.990%	0.8410949%
City	Dinuba	Tulare	0.014%		0.0116929%
City	Exeter	Tulare	0.004%		0.0032479%
City	Farmersville	Tulare	0.003%		0.0027879%
City	Lindsay	Tulare	0.007%		0.0057111%
City	Porterville	Tulare	0.021%		0.0171845%
City	Tulare	Tulare	0.037%		0.0302273%
City	Visalia	Tulare	0.066%		0.0545872%
County	<b>Tuolumne County</b>	Tuolumne	0.486%	0.594%	0.5047621%
County	<b>Ventura County</b>	Ventura	2.192%	2.681%	2.2781201%
City	Camarillo	Ventura	0.002%		0.0012815%
City	Fillmore	Ventura	0.002%		0.0020294%
City	Moorpark	Ventura	0.008%		0.0067337%

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Participating Subdivision Classification	Participating Subdivision	County	Abatement Percentage	Plaintiff Subdivision Percentage	Weighted Allocation Percentage
City	Oxnard	Ventura	0.156%	0.190%	<b>0.1617338%</b>
City	Port Hueneme	Ventura	0.021%		<b>0.0174145%</b>
City	San Buenaventura (Ventura)	Ventura	0.085%		<b>0.0702181%</b>
City	Santa Paula	Ventura	0.014%		<b>0.0119072%</b>
City	Simi Valley	Ventura	0.065%		<b>0.0533043%</b>
City	Thousand Oaks	Ventura	0.022%		<b>0.0179902%</b>
County	<b>Yolo County</b>	Yolo	0.357%	0.437%	<b>0.3713319%</b>
City	Davis	Yolo	0.055%		<b>0.0451747%</b>
City	West Sacramento	Yolo	0.066%		<b>0.0544321%</b>
City	Woodland	Yolo	0.058%		<b>0.0477904%</b>
County	<b>Yuba County</b>	Yuba	0.214%	0.262%	<b>0.2225679%</b>
City	Marysville	Yuba	0.014%		<b>0.0112079%</b>

**EXHIBIT E****List of Opioid Remediation Uses****Schedule A  
Core Strategies**

States and Qualifying Block Grantees shall choose from among the abatement strategies listed in Schedule B. However, priority shall be given to the following core abatement strategies (“*Core Strategies*”).<sup>14</sup>

- A. **NALOXONE OR OTHER FDA-APPROVED DRUG TO REVERSE OPIOID OVERDOSES**
1. Expand training for first responders, schools, community support groups and families; and
  2. Increase distribution to individuals who are uninsured or whose insurance does not cover the needed service.
- B. **MEDICATION-ASSISTED TREATMENT (“MAT”) DISTRIBUTION AND OTHER OPIOID-RELATED TREATMENT**
1. Increase distribution of MAT to individuals who are uninsured or whose insurance does not cover the needed service;
  2. Provide education to school-based and youth-focused programs that discourage or prevent misuse;
  3. Provide MAT education and awareness training to healthcare providers, EMTs, law enforcement, and other first responders; and
  4. Provide treatment and recovery support services such as residential and inpatient treatment, intensive outpatient treatment, outpatient therapy or counseling, and recovery housing that allow or integrate medication and with other support services.

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<sup>14</sup> As used in this Schedule A, words like “expand,” “fund,” “provide” or the like shall not indicate a preference for new or existing programs.

C. **PREGNANT & POSTPARTUM WOMEN**

1. Expand Screening, Brief Intervention, and Referral to Treatment (“*SBIRT*”) services to non-Medicaid eligible or uninsured pregnant women;
2. Expand comprehensive evidence-based treatment and recovery services, including MAT, for women with co-occurring Opioid Use Disorder (“*OUD*”) and other Substance Use Disorder (“*SUD*”)/Mental Health disorders for uninsured individuals for up to 12 months postpartum; and
3. Provide comprehensive wrap-around services to individuals with OUD, including housing, transportation, job placement/training, and childcare.

D. **EXPANDING TREATMENT FOR NEONATAL ABSTINENCE SYNDROME (“*NAS*”)**

1. Expand comprehensive evidence-based and recovery support for NAS babies;
2. Expand services for better continuum of care with infant-need dyad; and
3. Expand long-term treatment and services for medical monitoring of NAS babies and their families.

E. **EXPANSION OF WARM HAND-OFF PROGRAMS AND RECOVERY SERVICES**

1. Expand services such as navigators and on-call teams to begin MAT in hospital emergency departments;
2. Expand warm hand-off services to transition to recovery services;
3. Broaden scope of recovery services to include co-occurring SUD or mental health conditions;
4. Provide comprehensive wrap-around services to individuals in recovery, including housing, transportation, job placement/training, and childcare; and
5. Hire additional social workers or other behavioral health workers to facilitate expansions above.

F. **TREATMENT FOR INCARCERATED POPULATION**

1. Provide evidence-based treatment and recovery support, including MAT for persons with OUD and co-occurring SUD/MH disorders within and transitioning out of the criminal justice system; and
2. Increase funding for jails to provide treatment to inmates with OUD.

G. **PREVENTION PROGRAMS**

1. Funding for media campaigns to prevent opioid use (similar to the FDA's "Real Cost" campaign to prevent youth from misusing tobacco);
2. Funding for evidence-based prevention programs in schools;
3. Funding for medical provider education and outreach regarding best prescribing practices for opioids consistent with the 2016 CDC guidelines, including providers at hospitals (academic detailing);
4. Funding for community drug disposal programs; and
5. Funding and training for first responders to participate in pre-arrest diversion programs, post-overdose response teams, or similar strategies that connect at-risk individuals to behavioral health services and supports.

H. **EXPANDING SYRINGE SERVICE PROGRAMS**

1. Provide comprehensive syringe services programs with more wrap-around services, including linkage to OUD treatment, access to sterile syringes and linkage to care and treatment of infectious diseases.

I. **EVIDENCE-BASED DATA COLLECTION AND RESEARCH ANALYZING THE EFFECTIVENESS OF THE ABATEMENT STRATEGIES WITHIN THE STATE**

**Schedule B**  
**Approved Uses**

Support treatment of Opioid Use Disorder (OUD) and any co-occurring Substance Use Disorder or Mental Health (SUD/MH) conditions through evidence-based or evidence-informed programs or strategies that may include, but are not limited to, the following:

PART ONE: TREATMENT

**A. TREAT OPIOID USE DISORDER (OUD)**

Support treatment of Opioid Use Disorder (“*OUD*”) and any co-occurring Substance Use Disorder or Mental Health (“*SUD/MH*”) conditions through evidence-based or evidence-informed programs or strategies that may include, but are not limited to, those that:<sup>15</sup>

1. Expand availability of treatment for OUD and any co-occurring SUD/MH conditions, including all forms of Medication-Assisted Treatment (“*MAT*”) approved by the U.S. Food and Drug Administration.
2. Support and reimburse evidence-based services that adhere to the American Society of Addiction Medicine (“*ASAM*”) continuum of care for OUD and any co-occurring SUD/MH conditions.
3. Expand telehealth to increase access to treatment for OUD and any co-occurring SUD/MH conditions, including MAT, as well as counseling, psychiatric support, and other treatment and recovery support services.
4. Improve oversight of Opioid Treatment Programs (“*OTPs*”) to assure evidence-based or evidence-informed practices such as adequate methadone dosing and low threshold approaches to treatment.
5. Support mobile intervention, treatment, and recovery services, offered by qualified professionals and service providers, such as peer recovery coaches, for persons with OUD and any co-occurring SUD/MH conditions and for persons who have experienced an opioid overdose.
6. Provide treatment of trauma for individuals with OUD (*e.g.*, violence, sexual assault, human trafficking, or adverse childhood experiences) and family members (*e.g.*, surviving family members after an overdose or overdose fatality), and training of health care personnel to identify and address such trauma.
7. Support evidence-based withdrawal management services for people with OUD and any co-occurring mental health conditions.

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<sup>15</sup> As used in this Schedule B, words like “expand,” “fund,” “provide” or the like shall not indicate a preference for new or existing programs.

8. Provide training on MAT for health care providers, first responders, students, or other supporting professionals, such as peer recovery coaches or recovery outreach specialists, including telementoring to assist community-based providers in rural or underserved areas.
9. Support workforce development for addiction professionals who work with persons with OUD and any co-occurring SUD/MH conditions.
10. Offer fellowships for addiction medicine specialists for direct patient care, instructors, and clinical research for treatments.
11. Offer scholarships and supports for behavioral health practitioners or workers involved in addressing OUD and any co-occurring SUD/MH or mental health conditions, including, but not limited to, training, scholarships, fellowships, loan repayment programs, or other incentives for providers to work in rural or underserved areas.
12. Provide funding and training for clinicians to obtain a waiver under the federal Drug Addiction Treatment Act of 2000 (“*DATA 2000*”) to prescribe MAT for OUD, and provide technical assistance and professional support to clinicians who have obtained a DATA 2000 waiver.
13. Disseminate of web-based training curricula, such as the American Academy of Addiction Psychiatry’s Provider Clinical Support Service–Opioids web-based training curriculum and motivational interviewing.
14. Develop and disseminate new curricula, such as the American Academy of Addiction Psychiatry’s Provider Clinical Support Service for Medication–Assisted Treatment.

**B. SUPPORT PEOPLE IN TREATMENT AND RECOVERY**

Support people in recovery from OUD and any co-occurring SUD/MH conditions through evidence-based or evidence-informed programs or strategies that may include, but are not limited to, the programs or strategies that:

1. Provide comprehensive wrap-around services to individuals with OUD and any co-occurring SUD/MH conditions, including housing, transportation, education, job placement, job training, or childcare.
2. Provide the full continuum of care of treatment and recovery services for OUD and any co-occurring SUD/MH conditions, including supportive housing, peer support services and counseling, community navigators, case management, and connections to community-based services.
3. Provide counseling, peer-support, recovery case management and residential treatment with access to medications for those who need it to persons with OUD and any co-occurring SUD/MH conditions.



4. Provide access to housing for people with OUD and any co-occurring SUD/MH conditions, including supportive housing, recovery housing, housing assistance programs, training for housing providers, or recovery housing programs that allow or integrate FDA-approved medication with other support services.
5. Provide community support services, including social and legal services, to assist in deinstitutionalizing persons with OUD and any co-occurring SUD/MH conditions.
6. Support or expand peer-recovery centers, which may include support groups, social events, computer access, or other services for persons with OUD and any co-occurring SUD/MH conditions.
7. Provide or support transportation to treatment or recovery programs or services for persons with OUD and any co-occurring SUD/MH conditions.
8. Provide employment training or educational services for persons in treatment for or recovery from OUD and any co-occurring SUD/MH conditions.
9. Identify successful recovery programs such as physician, pilot, and college recovery programs, and provide support and technical assistance to increase the number and capacity of high-quality programs to help those in recovery.
10. Engage non-profits, faith-based communities, and community coalitions to support people in treatment and recovery and to support family members in their efforts to support the person with OUD in the family.
11. Provide training and development of procedures for government staff to appropriately interact and provide social and other services to individuals with or in recovery from OUD, including reducing stigma.
12. Support stigma reduction efforts regarding treatment and support for persons with OUD, including reducing the stigma on effective treatment.
13. Create or support culturally appropriate services and programs for persons with OUD and any co-occurring SUD/MH conditions, including new Americans.
14. Create and/or support recovery high schools.
15. Hire or train behavioral health workers to provide or expand any of the services or supports listed above.

**C. CONNECT PEOPLE WHO NEED HELP TO THE HELP THEY NEED**  
**(CONNECTIONS TO CARE)**

Provide connections to care for people who have—or are at risk of developing—OUD and any co-occurring SUD/MH conditions through evidence-based or evidence-informed programs or strategies that may include, but are not limited to, those that:

1. Ensure that health care providers are screening for OUD and other risk factors and know how to appropriately counsel and treat (or refer if necessary) a patient for OUD treatment.
2. Fund SBIRT programs to reduce the transition from use to disorders, including SBIRT services to pregnant women who are uninsured or not eligible for Medicaid.
3. Provide training and long-term implementation of SBIRT in key systems (health, schools, colleges, criminal justice, and probation), with a focus on youth and young adults when transition from misuse to opioid disorder is common.
4. Purchase automated versions of SBIRT and support ongoing costs of the technology.
5. Expand services such as navigators and on-call teams to begin MAT in hospital emergency departments.
6. Provide training for emergency room personnel treating opioid overdose patients on post-discharge planning, including community referrals for MAT, recovery case management or support services.
7. Support hospital programs that transition persons with OUD and any co-occurring SUD/MH conditions, or persons who have experienced an opioid overdose, into clinically appropriate follow-up care through a bridge clinic or similar approach.
8. Support crisis stabilization centers that serve as an alternative to hospital emergency departments for persons with OUD and any co-occurring SUD/MH conditions or persons that have experienced an opioid overdose.
9. Support the work of Emergency Medical Systems, including peer support specialists, to connect individuals to treatment or other appropriate services following an opioid overdose or other opioid-related adverse event.
10. Provide funding for peer support specialists or recovery coaches in emergency departments, detox facilities, recovery centers, recovery housing, or similar settings; offer services, supports, or connections to care to persons with OUD and any co-occurring SUD/MH conditions or to persons who have experienced an opioid overdose.
11. Expand warm hand-off services to transition to recovery services.
12. Create or support school-based contacts that parents can engage with to seek immediate treatment services for their child; and support prevention, intervention, treatment, and recovery programs focused on young people.
13. Develop and support best practices on addressing OUD in the workplace.

14. Support assistance programs for health care providers with OUD.
15. Engage non-profits and the faith community as a system to support outreach for treatment.
16. Support centralized call centers that provide information and connections to appropriate services and supports for persons with OUD and any co-occurring SUD/MH conditions.

**D. ADDRESS THE NEEDS OF CRIMINAL JUSTICE-INVOLVED PERSONS**

Address the needs of persons with OUD and any co-occurring SUD/MH conditions who are involved in, are at risk of becoming involved in, or are transitioning out of the criminal justice system through evidence-based or evidence-informed programs or strategies that may include, but are not limited to, those that:

1. Support pre-arrest or pre-arraignment diversion and deflection strategies for persons with OUD and any co-occurring SUD/MH conditions, including established strategies such as:
  1. Self-referral strategies such as the Angel Programs or the Police Assisted Addiction Recovery Initiative (“*PAARP*”);
  2. Active outreach strategies such as the Drug Abuse Response Team (“*DART*”) model;
  3. “Naloxone Plus” strategies, which work to ensure that individuals who have received naloxone to reverse the effects of an overdose are then linked to treatment programs or other appropriate services;
  4. Officer prevention strategies, such as the Law Enforcement Assisted Diversion (“*LEAD*”) model;
  5. Officer intervention strategies such as the Leon County, Florida Adult Civil Citation Network or the Chicago Westside Narcotics Diversion to Treatment Initiative; or
  6. Co-responder and/or alternative responder models to address OUD-related 911 calls with greater SUD expertise.
2. Support pre-trial services that connect individuals with OUD and any co-occurring SUD/MH conditions to evidence-informed treatment, including MAT, and related services.
3. Support treatment and recovery courts that provide evidence-based options for persons with OUD and any co-occurring SUD/MH conditions.

4. Provide evidence-informed treatment, including MAT, recovery support, harm reduction, or other appropriate services to individuals with OUD and any co-occurring SUD/MH conditions who are incarcerated in jail or prison.
5. Provide evidence-informed treatment, including MAT, recovery support, harm reduction, or other appropriate services to individuals with OUD and any co-occurring SUD/MH conditions who are leaving jail or prison or have recently left jail or prison, are on probation or parole, are under community corrections supervision, or are in re-entry programs or facilities.
6. Support critical time interventions (“CTP”), particularly for individuals living with dual-diagnosis OUD/serious mental illness, and services for individuals who face immediate risks and service needs and risks upon release from correctional settings.
7. Provide training on best practices for addressing the needs of criminal justice-involved persons with OUD and any co-occurring SUD/MH conditions to law enforcement, correctional, or judicial personnel or to providers of treatment, recovery, harm reduction, case management, or other services offered in connection with any of the strategies described in this section.

**E. ADDRESS THE NEEDS OF PREGNANT OR PARENTING WOMEN AND THEIR FAMILIES, INCLUDING BABIES WITH NEONATAL ABSTINENCE SYNDROME**

Address the needs of pregnant or parenting women with OUD and any co-occurring SUD/MH conditions, and the needs of their families, including babies with neonatal abstinence syndrome (“NAS”), through evidence-based or evidence-informed programs or strategies that may include, but are not limited to, those that:

1. Support evidence-based or evidence-informed treatment, including MAT, recovery services and supports, and prevention services for pregnant women—or women who could become pregnant—who have OUD and any co-occurring SUD/MH conditions, and other measures to educate and provide support to families affected by Neonatal Abstinence Syndrome.
2. Expand comprehensive evidence-based treatment and recovery services, including MAT, for uninsured women with OUD and any co-occurring SUD/MH conditions for up to 12 months postpartum.
3. Provide training for obstetricians or other healthcare personnel who work with pregnant women and their families regarding treatment of OUD and any co-occurring SUD/MH conditions.
4. Expand comprehensive evidence-based treatment and recovery support for NAS babies; expand services for better continuum of care with infant-need dyad; and expand long-term treatment and services for medical monitoring of NAS babies and their families.

5. Provide training to health care providers who work with pregnant or parenting women on best practices for compliance with federal requirements that children born with NAS get referred to appropriate services and receive a plan of safe care.
6. Provide child and family supports for parenting women with OUD and any co-occurring SUD/MH conditions.
7. Provide enhanced family support and child care services for parents with OUD and any co-occurring SUD/MH conditions.
8. Provide enhanced support for children and family members suffering trauma as a result of addiction in the family; and offer trauma-informed behavioral health treatment for adverse childhood events.
9. Offer home-based wrap-around services to persons with OUD and any co-occurring SUD/MH conditions, including, but not limited to, parent skills training.
10. Provide support for Children's Services—Fund additional positions and services, including supportive housing and other residential services, relating to children being removed from the home and/or placed in foster care due to custodial opioid use.

PART TWO: PREVENTION
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**F. PREVENT OVER-PRESCRIBING AND ENSURE APPROPRIATE PRESCRIBING AND DISPENSING OF OPIOIDS**

Support efforts to prevent over-prescribing and ensure appropriate prescribing and dispensing of opioids through evidence-based or evidence-informed programs or strategies that may include, but are not limited to, the following:

1. Funding medical provider education and outreach regarding best prescribing practices for opioids consistent with the Guidelines for Prescribing Opioids for Chronic Pain from the U.S. Centers for Disease Control and Prevention, including providers at hospitals (academic detailing).
2. Training for health care providers regarding safe and responsible opioid prescribing, dosing, and tapering patients off opioids.
3. Continuing Medical Education (CME) on appropriate prescribing of opioids.
4. Providing Support for non-opioid pain treatment alternatives, including training providers to offer or refer to multi-modal, evidence-informed treatment of pain.
5. Supporting enhancements or improvements to Prescription Drug Monitoring Programs (“PDMPs”), including, but not limited to, improvements that:

1. Increase the number of prescribers using PDMPs;
2. Improve point-of-care decision-making by increasing the quantity, quality, or format of data available to prescribers using PDMPs, by improving the interface that prescribers use to access PDMP data, or both; or
3. Enable states to use PDMP data in support of surveillance or intervention strategies, including MAT referrals and follow-up for individuals identified within PDMP data as likely to experience OUD in a manner that complies with all relevant privacy and security laws and rules.
6. Ensuring PDMPs incorporate available overdose/naloxone deployment data, including the United States Department of Transportation's Emergency Medical Technician overdose database in a manner that complies with all relevant privacy and security laws and rules.
7. Increasing electronic prescribing to prevent diversion or forgery.
8. Educating dispensers on appropriate opioid dispensing.

**G. PREVENT MISUSE OF OPIOIDS**

Support efforts to discourage or prevent misuse of opioids through evidence-based or evidence-informed programs or strategies that may include, but are not limited to, the following:

1. Funding media campaigns to prevent opioid misuse.
2. Corrective advertising or affirmative public education campaigns based on evidence.
3. Public education relating to drug disposal.
4. Drug take-back disposal or destruction programs.
5. Funding community anti-drug coalitions that engage in drug prevention efforts.
6. Supporting community coalitions in implementing evidence-informed prevention, such as reduced social access and physical access, stigma reduction—including staffing, educational campaigns, support for people in treatment or recovery, or training of coalitions in evidence-informed implementation, including the Strategic Prevention Framework developed by the U.S. Substance Abuse and Mental Health Services Administration (“SAMHSA”).
7. Engaging non-profits and faith-based communities as systems to support prevention.

8. Funding evidence-based prevention programs in schools or evidence-informed school and community education programs and campaigns for students, families, school employees, school athletic programs, parent-teacher and student associations, and others.
9. School-based or youth-focused programs or strategies that have demonstrated effectiveness in preventing drug misuse and seem likely to be effective in preventing the uptake and use of opioids.
10. Create or support community-based education or intervention services for families, youth, and adolescents at risk for OUD and any co-occurring SUD/MH conditions.
11. Support evidence-informed programs or curricula to address mental health needs of young people who may be at risk of misusing opioids or other drugs, including emotional modulation and resilience skills.
12. Support greater access to mental health services and supports for young people, including services and supports provided by school nurses, behavioral health workers or other school staff, to address mental health needs in young people that (when not properly addressed) increase the risk of opioid or another drug misuse.

**H. PREVENT OVERDOSE DEATHS AND OTHER HARMS (HARM REDUCTION)**

Support efforts to prevent or reduce overdose deaths or other opioid-related harms through evidence-based or evidence-informed programs or strategies that may include, but are not limited to, the following:

1. Increased availability and distribution of naloxone and other drugs that treat overdoses for first responders, overdose patients, individuals with OUD and their friends and family members, schools, community navigators and outreach workers, persons being released from jail or prison, or other members of the general public.
2. Public health entities providing free naloxone to anyone in the community.
3. Training and education regarding naloxone and other drugs that treat overdoses for first responders, overdose patients, patients taking opioids, families, schools, community support groups, and other members of the general public.
4. Enabling school nurses and other school staff to respond to opioid overdoses, and provide them with naloxone, training, and support.
5. Expanding, improving, or developing data tracking software and applications for overdoses/naloxone revivals.
6. Public education relating to emergency responses to overdoses.

7. Public education relating to immunity and Good Samaritan laws.
8. Educating first responders regarding the existence and operation of immunity and Good Samaritan laws.
9. Syringe service programs and other evidence-informed programs to reduce harms associated with intravenous drug use, including supplies, staffing, space, peer support services, referrals to treatment, fentanyl checking, connections to care, and the full range of harm reduction and treatment services provided by these programs.
10. Expanding access to testing and treatment for infectious diseases such as HIV and Hepatitis C resulting from intravenous opioid use.
11. Supporting mobile units that offer or provide referrals to harm reduction services, treatment, recovery supports, health care, or other appropriate services to persons that use opioids or persons with OUD and any co-occurring SUD/MH conditions.
12. Providing training in harm reduction strategies to health care providers, students, peer recovery coaches, recovery outreach specialists, or other professionals that provide care to persons who use opioids or persons with OUD and any co-occurring SUD/MH conditions.
13. Supporting screening for fentanyl in routine clinical toxicology testing.

PART THREE: OTHER STRATEGIES
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**I. FIRST RESPONDERS**

In addition to items in section C, D and H relating to first responders, support the following:

1. Education of law enforcement or other first responders regarding appropriate practices and precautions when dealing with fentanyl or other drugs.
2. Provision of wellness and support services for first responders and others who experience secondary trauma associated with opioid-related emergency events.

**J. LEADERSHIP, PLANNING AND COORDINATION**

Support efforts to provide leadership, planning, coordination, facilitations, training and technical assistance to abate the opioid epidemic through activities, programs, or strategies that may include, but are not limited to, the following:

1. Statewide, regional, local or community regional planning to identify root causes of addiction and overdose, goals for reducing harms related to the opioid epidemic, and areas and populations with the greatest needs for treatment



intervention services, and to support training and technical assistance and other strategies to abate the opioid epidemic described in this opioid abatement strategy list.

2. A dashboard to (a) share reports, recommendations, or plans to spend opioid settlement funds; (b) to show how opioid settlement funds have been spent; (c) to report program or strategy outcomes; or (d) to track, share or visualize key opioid- or health-related indicators and supports as identified through collaborative statewide, regional, local or community processes.
3. Invest in infrastructure or staffing at government or not-for-profit agencies to support collaborative, cross-system coordination with the purpose of preventing overprescribing, opioid misuse, or opioid overdoses, treating those with OUD and any co-occurring SUD/MH conditions, supporting them in treatment or recovery, connecting them to care, or implementing other strategies to abate the opioid epidemic described in this opioid abatement strategy list.
4. Provide resources to staff government oversight and management of opioid abatement programs.

**K. TRAINING**

In addition to the training referred to throughout this document, support training to abate the opioid epidemic through activities, programs, or strategies that may include, but are not limited to, those that:

1. Provide funding for staff training or networking programs and services to improve the capability of government, community, and not-for-profit entities to abate the opioid crisis.
2. Support infrastructure and staffing for collaborative cross-system coordination to prevent opioid misuse, prevent overdoses, and treat those with OUD and any co-occurring SUD/MH conditions, or implement other strategies to abate the opioid epidemic described in this opioid abatement strategy list (*e.g.*, health care, primary care, pharmacies, PDMPs, etc.).

**L. RESEARCH**

Support opioid abatement research that may include, but is not limited to, the following:

1. Monitoring, surveillance, data collection and evaluation of programs and strategies described in this opioid abatement strategy list.
2. Research non-opioid treatment of chronic pain.
3. Research on improved service delivery for modalities such as SBIRT that demonstrate promising but mixed results in populations vulnerable to opioid use disorders.

4. Research on novel harm reduction and prevention efforts such as the provision of fentanyl test strips.
5. Research on innovative supply-side enforcement efforts such as improved detection of mail-based delivery of synthetic opioids.
6. Expanded research on swift/certain/fair models to reduce and deter opioid misuse within criminal justice populations that build upon promising approaches used to address other substances (*e.g.*, Hawaii HOPE and Dakota 24/7).
7. Epidemiological surveillance of OUD-related behaviors in critical populations, including individuals entering the criminal justice system, including, but not limited to approaches modeled on the Arrestee Drug Abuse Monitoring (“*ADAM*”) system.
8. Qualitative and quantitative research regarding public health risks and harm reduction opportunities within illicit drug markets, including surveys of market participants who sell or distribute illicit opioids.
9. Geospatial analysis of access barriers to MAT and their association with treatment engagement and treatment outcomes.

# STAFF REPORT

**AGENDA ITEM:** Public Hearing for Recreation & Parks Fee Increases

**MEETING DATE:** January 18, 2022

**PREPARED BY:** Jacquelyn Benoit, Recreation Superintendent

**REVIEWED BY:** Vanessa L. Portillo, City Manager

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## **RECOMMENDATION**

Staff recommends that the City Council take the following actions:

1. Hold a Public Hearing to Increase Recreation Program Fees; and
2. Adopt Resolution No. 2022-\_\_\_\_, adopting a New Fees for Recreation Programs

## **BACKGROUND AND DISCUSSION**

The Livingston Parks and Recreation Fee Policy was established by Resolution 2008-09 on February 19, 2008. The purpose of the fees are: 1. To obtain revenue to supplement or completely replace maintenance and operational costs; 2. Reduce the programs impact on the General Fund; 3. Amortize capital investments; 4. Enable the department to provide facilities or programs for which funds might not otherwise be available; and 5. To provide sufficient revenue to cover costs and provide surplus revenue for expansion of programs and services.

At Council's direction, staff has conducted a fee survey of neighboring communities showing the City of Livingston's fees are significantly lower than other communities. Wages and operational costs continue to increase while revenues cannot sustain current recreation programs. The Parks and Recreation Fees were last raised in 2008.

The Parks Recreation and Arts Commission presented their recommendation to the Council in a joint meeting held November 18, 2021. During the joint meeting, staff was given direction to move forward with the fee increase process. Fee increases are subject to Proposition 218 process, therefore, a Public Hearing is required to be held.

The current Fee Schedule will be updated with Recreation Commission recommendations.

## **FISCAL IMPACT**

Adopting the recommended fees will support current recreational programs offered to the community.

## **ATTACHMENTS**

1. Resolution
2. Recreation Fee Schedule - Summary Table

**RESOLUTION 2022-**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LIVINGSTON  
TO ADOPT FEE INCREASES TO THE RECREATION PROGRAMS**

**WHEREAS**, At Council's direction, staff has conducted a fee survey of neighboring communities showing the City of Livingston's fees are significantly lower than other communities; and

**WHEREAS**, The Parks Recreation and Arts Commission presented their recommendation to the Council in a joint meeting held November 18, 2021; and

**WHEREAS**, staff was given direction to move forward with the fee increase process; and

**WHEREAS**, Fee increases are subject to Proposition 218 process, therefore, a Public Hearing is required to be held; and

**WHEREAS**, upon adoption of the fee increases, the current Fee Schedule will be updated; and

**NOW, THEREFORE, BE IT RESOLVED**, that the City Council of the City of Livingston does hereby resolve, declare, determine, and order as follows:

1. The above recitals are true and correct and are incorporated herein by reference.
2. The City of Livingston adopts the fee increases and changes presented in the Recreation Department Fee Policy and summarized in the Recreation Fee Schedule Summary Table (Exhibit A).

Passed and adopted this 18th day of January, 2022 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

\_\_\_\_\_  
Juan Aguilar, Jr., Mayor  
of the City of Livingston

ATTEST:

I hereby certify that the foregoing resolution was regularly introduced, passed and adopted at a regular meeting of the City Council of the City of Livingston this 18th day of January, 2022.

\_\_\_\_\_  
Monica Cisneros, Deputy City Clerk  
of the City of Livingston

**EXHIBIT A**

**City of Livingston  
Recreation Fee Schedule Summary Table**

	<b>Current Fee</b>	<b>Proposed Fee</b>	<b>Notes</b>
Class Non-Resident Fee	N/A	\$5	
T-Ball	60	-	
Baseball	70	-	
Softball	70	-	
Youth Baseball/Softball: Lower Divisions		60	
Youth Baseball/Softball: Upper Divisions		85	
Youth Soccer: Pee Wee	50	35	
Youth Soccer: All Other	60	65	
Park Fee Rental: Class 3 (residents)	30	40	Applies to Picnic Shelter (Memorial and Arkelian), Stage at
Park Fee Rental: Class 4 (non-residents)	84	60	Memorial Park.
Field Rentals (Requires Staff Supervision)			
Odi Ortiz Soccer Field Class 2 & 3	14	18	
Odi Ortiz Soccer Field Class 4	16	22	
Odi Ortiz Field Rentals (Rental with Lights)			
Class 2 & 3	36	46	
Class 4	38	54	
Odi Ortiz Field Prep for Soccer Field			
Class 2	N/A	-	
Class 3	N/A	132	
Class 4	N/A	158	
Alvernaz Baseball Field (2 hours minimum)			
Class 2 & 3	14	18	
Class 4	16	22	
Alvernaz Rental With Lights			
Class 2 & 3	36	46	
Class 4	38	54	
Alvernaz Field Prep			
Class 3	15	25	
Class 4	18	30	
Joseph Gallo Park Shelters			
Class 3	N/A	15	
Class 4	N/A	18	

Batting Cages - Alvernaz Field (2 hours)		
Class 3	N/A	36
Class 4	N/A	44
Max Foster (half basin) 2 hours minimum		
Class 3	N/A	10
Class 4	N/A	12
Pool Rentals (25-50 people)		
Class 2 & 3	60	82
Class 4	72	99
Pool Rentals (25-50 people) - Each Additional Hour		
Class 2 & 3	30	41
Class 4	36	50
Pool Rentals (50-150 people)		
Class 2 & 3	120	122
Class 4	144	147
Pool Rentals (50-150 people) - Each Additional Hour		
Class 2 & 3	60	62
Class 4	72	74

**POLICY UPDATE:**

**CURRENT LANGUAGE**

**PROPOSED LANGUAGE**

**Determination of Fees for Facilities and Equipment Rentals**

**Class II:**

Resident non-profit organizations such as Community leagues or service organizations, student organizations, Livingston Churches or schools conducting a community fundraiser for community purpose or benefit.

Resident non-profit organizations such as Community leagues **(51% verified residents)** or service organizations, student organizations, Livingston Churches or schools conducting a community fundraiser for community purpose or benefit.

**Resident Team Description:**

Being sponsored by a Livingston company or business does not make a team a resident team. A resident team is made up of 75% residents. Verification may take place in this way, player must provide a Livingston address that can be verified through the city utility billing along with a copy of a current form of id listing the same address. If they do not reside in the city limit but are in the Livingston School District or Livingston High School boundaries, a Current ID and a utility bill must be provided. Teams not providing this identification will automatically be categorized as a non-resident team.

Being sponsored by a Livingston company or business does not make a team a resident team. A resident team is made up of **51%** residents. Verification may take place in this way, player must provide a Livingston address that can be verified through the city utility billing along with a copy of a current form of id listing the same address. If they do not reside in the city limit but are in the Livingston School District or Livingston High School boundaries, a Current ID and a utility bill must be provided. Teams not providing this identification will automatically be categorized as a non-resident team.

**Priority of User Groups:**

Community Leagues scheduled by the Recreation Department will have third priority, A community league is defined by 75% of its members are Livingston residents. It will be the responsibility of Community Leagues to coordinate with the Recreation Department for the use of the Fields on a semester basis. Community Leagues will be responsible for any equipment set up/take down and for any special repairs and/or maintenance needs due to their use of the fields.

Community Leagues scheduled by the Recreation Department will have third priority, A community league is defined by **51%** of its members are Livingston residents. It will be the responsibility of Community Leagues to coordinate with the Recreation Department for the use of the Fields on a semester basis. Community Leagues will be responsible for any equipment set up/take down and for any special repairs and/or maintenance needs due to their use of the fields.

**Proof of Residency Required:**

Must bring in rosters of their teams to the Recreation Department. Coaches reserving fields must also bring in their league identification.

Must bring in rosters of their teams ***with copies of the necessary verification to prove the number of residents, a current California ID or Drivers licenses and a Livingston utility bill with users name on it*** to the Recreation Department. Coaches reserving fields must also bring in their league identification.

**League Facility Reservation Process (NEW):**

League field use will be done on a semester base as stated in this policy. The deadlines are as follows:

January, February, March use – Deadline is December 15th

April May, June use – Deadline is March 15th

July, August, September use – Deadline is June 15th

October, November, December use – Deadline is September 15th

Field use reservations must be accompanied by a deposit, insurance and rosters with required identification and the first 30 days of use. NO EXCEPTIONS. The reservation paperwork and fees will secure your reservation. If deadlines are not adhered to, the status of your league (resident/non-resident) will not be given priority. If field use is for 3 months the city will take monthly payments ahead of use. If payments are not made then use will be denied. If proof of residency is not provide a league will automatically be categorized as a non-resident team. Any league caught falsifying information will be suspended from field use with no refunds. Date Changes will result in a \$5 administration fee.

**Updated Fields and Facilities Available:**

#### Fields/Courts

Livingston Sports Complex which includes 1 lit soccer playing field, 2 baseball/softball fields, restrooms.

Alvernaz Baseball Field has one lit baseball field with restroom facilities.

Arakelian park ball field small field with 50 foot bases, restrooms

#### Facilities

Recreation Center has a large room with full service kitchen and restroom, chairs and tables available.

Swimming pool located at Livingston High School non heated pool with restroom facilities.

\*Walnut Child Care Center large room in the meeting area of the center seats about 50 has chairs available and no tables

#### Parks

Memorial Park lots of grass, covered picnic areas, large trees, BBQ pit, covered stage, playground and restroom facilities. \*Full Service kitchen with a cover bbq pit and sink.

Arakelian Park lots of grassy areas, picnic areas, trees, small ball field \* 9 hole Frisbee golf course and restroom facilities.

Lucero Park grassy areas, trees, small playground and picnic areas.

#### Fields/Courts

Livingston Sports Complex which includes 1 lit soccer playing field, 2 baseball/softball fields, restrooms.

Alvernaz Baseball Field has one lit baseball field with restroom facilities.

#### Facilities

Swimming pool located at Livingston High School non heated pool with restroom facilities.

\*Walnut Child Care Center large room in the meeting area of the center seats about 50 has chairs available and no tables

#### Parks

Memorial Park lots of grass, covered picnic areas, large trees, BBQ pit, covered stage, playground and restroom facilities. \*Full Service kitchen with a cover bbq pit and sink.

Arakelian Park lots of grassy areas, picnic areas, trees, small ball field \* 9 hole Frisbee golf course and restroom facilities.

Lucero Park grassy areas, trees, small playground and picnic areas.

\*Below are additions since 2008 (NEW)

Max Foster Sports Complex has a lit full size soccer field, 3 lit 82 feet basketball courts, 3 baseball/softball fields, 1 covered picnic shelter with a bbq pit, 2 restroom buildings.

Joseph Gallo Park has 3 small picnic shelters, a paved walking path, playground, restrooms and lots of open shady space.

Don Meyer Park has grassy areas, trees, small playground and picnic areas.

Fred Worden Park has grassy areas, trees, small playground and picnic areas.

Singh Park has grassy areas with trees and several picnic tables

#### Park and Field Rules:



No Alcohol  
No Glass Containers  
No Smoking  
No Golf  
No Vehicles allowed on the fields or in the Parks

***Licensed dog on a leash are allowed in park when no City events are scheduled***  
***Owners are responsible for their dogs and waste and safety of others***  
***No Pets/Animals during City-sponsored events***  
No Alcohol  
No Glass Containers  
***No Littering***  
No Smoking  
No Golf  
No Vehicles allowed on the fields or in the Parks  
***Use of play equipment & facilities is at your own risk***  
***No unauthorized sale of merchandise***  
***Park Hours are 6am to Dark***  
***Livingston Municipal code 9-8-1***

# STAFF REPORT

**AGENDA ITEM:** City Council to Provide Staff Direction for Appointments to the Parks and Recreation Commission.

**MEETING DATE:** January 18, 2022

**PREPARED BY:** Jacqueline Benoit, Recreation Superintendent

**REVIEWED BY:** Vanessa L. Portillo, City Manager

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## **RECOMMENDATION:**

City Council to provide staff direction for appointments to the Parks Recreation and Arts Commission.

## **BACKGROUND AND DISCUSSION:**

The Parks Recreation and Arts Commission has been very active and as of January 30, 2022, five (5) seats will be vacant. The Parks and Recreation Commission is comprised of seven (7) members and two (2) alternates which are appointed by the City Council from residents of the City. A maximum of one member may reside outside the City limits as long as he/she resides within the boundaries of the Livingston Union School District.

Current members are Julio Millan, Omar Herrera, Christine Fernandez, Jessica Betschart, Stella Estrada, Robert Godinez, Hector Becerra, and the two alternates are Linda Deol and Patricia Marshall. Council Member Jose Moran serves as the City Council liaison.

Pursuant to City Code Chapter 4 item 2-4-2, adopted by the City Council, the terms of Commissioners shall be for four years. The terms of four (4) regular members and one (1) alternate member expire on January 30, 2022, or until their successors are appointed. The terms of the members up are Robert Godinez, Julio Millan, Omar Herrera, Christine Fernandes, and Patricia Marshall. Staff has been advertising since early December for applications and advised members of their terms being up. A deadline of January 21, 2022 has been placed on applications. Staff is asking council to bring any new or returning applicants to them at the first meeting of February for appointments or extension of the application period.

## **FISCAL IMPACT:**

None.

## **ATTACHMENTS:**

None.

# SIGNATURE VERIFICATION CERTIFICATE

I, Darlene E. Ingersoll, **Registrar of Voters** of the **County of Merced, State of California**, hereby certify:

Petition for Recall of Raul Garcia, Council Member City of Livingston

has been filed with this office on 12/2/2021 that the said petition consists of

258 sections;

That each section contains signatures purporting to be signatures of qualified electors of this county;

That attached to this petition at the time it was filed, was an affidavit purporting to be the affidavit of the person who solicited the signatures, and containing the dates between which the purported qualified electors signed this petition;

That the affiant stated his or her own qualification, that he or she had solicited the signatures upon the section, that all of the signatures were made in his or her presence, and that to the best of his or her own knowledge and belief, each signature to that section was the genuine signature of the person whose name it purports to be;

That after the proponent filed the petition, I verified the required number of signatures by examining the records of registration in this county, current and in effect at the respective supportive dates of such signing, to determine what number of qualified electors signed the petition, and from that examination I have determined the following facts regarding this petition:

1. Number of unverified signatures filed by proponent ( <b>raw count</b> )	1,818
2. Number of verified signatures	1,818
Number of signatures found <b>SUFFICIENT</b>	1,347
Number of signatures found <b>INSUFFICIENT</b>	471
INSUFFICIENT because of <b>DUPLICATE</b>	22

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal this day of

01/13/2022

**Darlene E. Ingersoll**  
Registrar of Voters



By Darlene E. Ingersoll  
Darlene E. Ingersoll, Registrar of Voters

# SIGNATURE VERIFICATION CERTIFICATE

I, Darlene E. Ingersoll, **Registrar of Voters** of the **County of Merced, State of California**, hereby certify:

Petition for Recall of Juan Aguilar Jr., Mayor City of Livingston

has been filed with this office on 12/2/2021 that the said petition consists of

264 sections;

That each section contains signatures purporting to be signatures of qualified electors of this county;

That attached to this petition at the time it was filed, was an affidavit purporting to be the affidavit of the person who solicited the signatures, and containing the dates between which the purported qualified electors signed this petition;

That the affiant stated his or her own qualification, that he or she had solicited the signatures upon the section, that all of the signatures were made in his or her presence, and that to the best of his or her own knowledge and belief, each signature to that section was the genuine signature of the person whose name it purports to be;

That after the proponent filed the petition, I verified the required number of signatures by examining the records of registration in this county, current and in effect at the respective supportive dates of such signing, to determine what number of qualified electors signed the petition, and from that examination I have determined the following facts regarding this petition:

- 1. Number of unverified signatures filed by proponent (**raw count**)
  - 2. Number of verified signatures
- Number of signatures found **SUFFICIENT**
- Number of signatures found **INSUFFICIENT**
- INSUFFICIENT because of **DUPLICATE**

1,839
1,839
1,386
453
29

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal this day of

01/13/2022

**Darlene E. Ingersoll**  
Registrar of Voters



By Darlene E. Ingersoll  
Darlene E. Ingersoll, Registrar of Voters

# SIGNATURE VERIFICATION CERTIFICATE

I, Darlene E. Ingersoll, **Registrar of Voters** of the **County of Merced, State of California**, hereby certify:

Petition for Recall of Gagandeep Kang, Council Member City of Livingston

has been filed with this office on 12/2/2021 that the said petition consists of

262 sections;

That each section contains signatures purporting to be signatures of qualified electors of this county;

That attached to this petition at the time it was filed, was an affidavit purporting to be the affidavit of the person who solicited the signatures, and containing the dates between which the purported qualified electors signed this petition;

That the affiant stated his or her own qualification, that he or she had solicited the signatures upon the section, that all of the signatures were made in his or her presence, and that to the best of his or her own knowledge and belief, each signature to that section was the genuine signature of the person whose name it purports to be;

That after the proponent filed the petition, I verified the required number of signatures by examining the records of registration in this county, current and in effect at the respective supportive dates of such signing, to determine what number of qualified electors signed the petition, and from that examination I have determined the following facts regarding this petition:

1. Number of unverified signatures filed by proponent (**raw count**)

1,837

2. Number of verified signatures

1,837

Number of signatures found **SUFFICIENT**

1,379

Number of signatures found **INSUFFICIENT**

458

**INSUFFICIENT** because of **DUPLICATE**

19

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal this day of

01/13/2022

**Darlene E. Ingersoll**  
Registrar of Voters



By

Darlene E. Ingersoll  
Darlene E. Ingersoll, Registrar of Voters



# SIGNATURE VERIFICATION CERTIFICATE

I, Darlene E. Ingersoll, **Registrar of Voters** of the **County of Merced, State of California**, hereby certify:

Petition for Recall of Maria Baptista-Soto, Council Member City of Livingston

has been filed with this office on 12/2/2021 that the said petition consists of

262 sections;

That each section contains signatures purporting to be signatures of qualified electors of this county;

That attached to this petition at the time it was filed, was an affidavit purporting to be the affidavit of the person who solicited the signatures, and containing the dates between which the purported qualified electors signed this petition;

That the affiant stated his or her own qualification, that he or she had solicited the signatures upon the section, that all of the signatures were made in his or her presence, and that to the best of his or her own knowledge and belief, each signature to that section was the genuine signature of the person whose name it purports to be;

That after the proponent filed the petition, I verified the required number of signatures by examining the records of registration in this county, current and in effect at the respective supportive dates of such signing, to determine what number of qualified electors signed the petition, and from that examination I have determined the following facts regarding this petition:

1. Number of unverified signatures filed by proponent (**raw count**)

1,838

2. Number of verified signatures

1,838

Number of signatures found **SUFFICIENT**

1,393

Number of signatures found **INSUFFICIENT**

445

**INSUFFICIENT** because of **DUPLICATE**

25

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal this day of

01/13/2022

**Darlene E. Ingersoll**  
Registrar of Voters



By

*Darlene E. Ingersoll*

Darlene E. Ingersoll, Registrar of Voters