CITY OF NEWARK
CITY COUNCIL

City Administration Building, City Council Chambers

37101 Newark Boulevard, Newark, CA 94560 | (510) 578-4266 | E-mail: city.clerk@newark.org

AGENDA

Thursday, June 27, 2024
7:00 P.M.

A. ROLL CALL

B. PRESENTATIONS

1. Introduction of employee(s)

C. PUBLIC COMMENT

The public is invited to address the City Council on any item not listed on the agenda. Public Comments are generally limited to 5 minutes per speaker. Please note that State law prohibits the Council from acting on non-agenda items.

D. CONSENT CALENDAR

Consent Calendar items are considered to be routine and may be approved by one motion. There will be no separate discussion on these items unless there is a request by a Council Member, a staff member, or a member of the public to remove an item for separate discussion and action.

1. Approval of Audited Demands

2. Approval of June 13, 2024, minutes

3. Adopt a resolution calling and giving notice of the holding of a General Municipal Election on Tuesday, November 5, 2024, for the election of certain officers of the City of Newark

4. Adopt a resolution amending the Personnel Rules and Regulations and introduction by title only of an ordinance amending Newark Municipal Code Chapter 2.28, "Personnel System"

5. Adopt a resolution authorizing the City Manager to execute Contractual Service Agreements for Geotechnical Engineering and Peer Review Services, Materials Testing Services, Traffic Signal and Street Light Maintenance Services, and Traffic Engineering and Transportation Planning Services with the following consultants: Cotton, Shires and Associates, Inc.; Geocon Consultants, Inc.; Construction Testing Services, Inc.; Cal-West Lighting and Signal Maintenance, Inc.; St. Francis Electric, LLC; Fehr and Peers; GHD,

Inc.; and Kimley-Horn and Associates, Inc.

6. Adopt a resolution awarding a contract for the Base Bid and Additive Alternate Bids No. 1, No. 2, No. 3, and No. 4 to G. Bortolotto & Company, Inc. for 2024 Asphalt Concrete Street Overlay Program, Project 1344

7. Adopt a resolution authorizing the City Manager to execute an agreement with Alameda County for participation in the Alameda County Urban County for Fiscal Year 2024-2025

8. Adopt a resolution authorizing the City Manager to execute a Contractual Services Agreement with West Coast Arborists, Inc. for ongoing maintenance services of City trees located in parks, streets and City-owned properties

9. Adoption of a resolution authorizing the City Manager to execute Amendment No. 1 to the Contractual Services Agreement with Universal Building Services and Supply Company for janitorial services for City buildings

10. Adopt a resolution authorizing the City Manager to execute the first amendment to the agreement with Alameda County for participation in the Alameda County Urban County

11. Adopt a resolution authorizing the City Attorney to annually execute a Certification and Mutual Indemnification Agreement with the County of Alameda

12. Adopt a resolution declaring that there is no need for the Successor Agency to the Redevelopment Agency to function in the community and requesting that the Alameda County Oversight Board approve the dissolution of the Successor Agency

13. Year-End Budget Review and Adoption of a Resolution Amending the 2022-2024 Biennial Budget and Capital Improvement Plan for Fiscal Year 2024

14. Adopt a resolution approving the Road Repair and Accountability Act of 2017 (Senate Bill 1) Fiscal Year 2025 Project List

15. Adopt a resolution authorizing the City Manager to execute a Cooperative Agreement with the Alameda County Water District for water main design and construction associated with the Old Town Streetscape Improvements, Project 1258

16. Adopt a resolution authorizing the City Manager to execute a Contractual Services Agreement with Cumming Management Group, Inc., for Construction Management Services for Newark Resource Center, Project 1360

E. PUBLIC HEARINGS

1. Public hearing to consider adoption of a resolution approving amendments to the Master Fee Schedule for Fiscal Year 2025

2. Adopt a resolution approving the 2024-2026 Biennial Budget and Capital Improvement Plan

3. Public Hearing and Introduce By Title Only an Ordinance Approving and Re-Adopting a Military Equipment Use Policy as Stated in Chapter 2.50, “Military Equipment Use Policy” to Title 2. "Administration and Personnel" of the Newark Municipal Code in compliance with Assembly Bill 481

F. OTHER BUSINESS

1. Consider for adoption a resolution calling an election to be held on November 5, 2024, for voter consideration of a ballot measure seeking voter authorization to amend Municipal Code Chapter 3.16 to increase the City’s existing transient occupancy (hotel) tax; establishing policies and procedures in connection with such an election; requesting the Board of Supervisors of the County of Alameda to consolidate the general municipal election with the general election to be held on November 5, 2024; requesting certain services of the Registrar of Voters of Alameda County with respect to the consolidated general municipal election; and providing for submittal of ballot arguments and rebuttals and authorizing the filing of an impartial analysis

2. Presentation of final designs for Citywide Parks Signage Program, Project 1272

G. CITY COUNCIL MATTERS

City Council Members report on attendance at intergovernmental agency meetings, conferences, and seminars since the last meeting. City Council Members may also announce upcoming events and coordinate attendance; report on local events attended since the last meeting; and make brief comments on issues of concern.

H. CITY MANAGER UPDATES

I. CLOSED SESSION

J. ADJOURNMENT

MEETING INFORMATION

Members of the public may attend the meeting in person, watch online, or watch on Cable Channel 26. The ability to observe online or Cable Channel 26 is predicated on those technologies being available and functioning without technical difficulties. Should those platforms not be available, or become non-functioning, or should the City Council otherwise encounter technical difficulties that make those platforms unavailable, the City Council will proceed with business in person unless otherwise prohibited by law.

How to view the meeting remotely:
Livestream online at YouTube: https://www.youtube.com/@cityofnewark3077/streams
Copy/paste the YouTube URL into your browser if the link does not automatically open.

Cable Channel 26 - if the meeting does not broadcast live, please contact your service provider and request the City of Newark channel lineup.

Zoom will no longer be available for public participation unless required by Assembly Bill 2449. Should a Council Member or the Mayor attend the meeting via Zoom pursuant to Assembly Bill 2249, then the Webinar ID: 815 4441 4831 will be activated. The Mayor will make an announcement at the beginning of the meeting that the City will be allowing public comment via Zoom. Raise your virtual hand to notify the City Clerk that you would like to speak during the item that you wish to speak on.

How to submit written Public Comment:
Send an email to City Clerk by 3:00 p.m. the day of the meeting. Please identify the agenda item number in the subject line of your email. Emails will be compiled into one file and will be distributed to the City Council before the meeting.

No question shall be asked of a council member, city staff, or an audience member except through the Mayor. No person shall interrupt the meeting. Any person who refuses to carry out instructions given by the Mayor for the purpose of maintaining order may be guilty of an infraction and may result in removal from the meeting.

Council Meeting Access/Materials:
The agenda packet is available for review at Agendas and Minutes. The packet is typically posted to the City website the Friday before the meeting, but no later than 72 hours before the meeting.

Pursuant to Government Code 54957.5, supplemental materials distributed less than 72 hours before this meeting, to a majority of the City Council, will be made available for public inspection at this meeting and will be posted at https://www.newark.org/departments/city-manager-s-office/agendas-minutes and will concurrently be made available for public inspection during regular business hours at the David W. Smith City Hall, 37101 Newark Boulevard, Newark CA. Materials prepared by City staff and distributed during the meeting are available for public inspection at the meeting or after the meeting if prepared by some other person. Documents related to closed session items or are exempt from disclosure will not be made available for public inspection. For those persons who require special accommodations, please contact the City Clerk at least two days prior to the meeting at City Clerk or 510-578-4266.

STAFF REPORT

Item B. 1.

DATE	06/27/2024
TO	Honorable Mayor and City Council Members
FROM	Sheila Harrington, City Clerk
SUBJECT	Introduction of employee(s)

The following employees will be introduced at the City Council meeting:

Police Department: Police Officer Bill Lor and Administrative Support Specialist II Johna Coulthard

Public Works Department, Maintenance Division: Building Maintenance Mechanic I Michael Thomas, General Laborers Benjamin Manukia, Raymundo Ruiz, and Juan Ayala

---

STAFF REPORT

Item D. 1.

DATE	06/27/2024
TO	Honorable Mayor and City Council Members
FROM	Krysten Lee, Finance Director
SUBJECT	Approval of Audited Demands

Attachments

Audited Demands 05.30.24
Audited Demands 06.06.24

LIVE Newark CA LIVE

Payment Batch Register

Bank Account: AP - ZBA ACCOUNTS PAYABLE

Batch Date: 05/30/2024

Type	Date	Number	Source	Payee Name	EFT Bank/Account	Transaction Amount
Bank Account: AP - ZBA ACCOUNTS PAYABLE						
Check	05/30/2024	11330	Accounts Payable	ABBE & ASSOCIATES LLC		6,114.00
	Invoice		Date	Description	Check Sort Code	Amount
	N-25		05/20/2024	RECYCLING/ORGANICS CONSULTANT (THROUGH 05/15/24)		6,114.00
Check	05/30/2024	11331	Accounts Payable	HEALTH AND HUMAN RESOURCE CENTER, INC		247.86
	Invoice		Date	Description	Check Sort Code	Amount
	E0318832		05/07/2024	EMPLOYEE ASSISTANT PROGRAM (EAP)-JUNE 2024		247.86
Check	05/30/2024	11332	Accounts Payable	ALL CITY MANAGEMENT SERVICES, INC.		8,162.75
	Invoice		Date	Description	Check Sort Code	Amount
	93527		05/15/2024	SCHOOL CROSSING GUARD SVCS 04/28-05/11/24		8,162.75
Check	05/30/2024	11333	Accounts Payable	AMERICAN LANGUAGE SERVICES		1,530.00
	Invoice		Date	Description	Check Sort Code	Amount
	80767		04/29/2024	TRNSL & INTERP SVCS - OLD TOWN - JOB#042924-GG41 SEMINAR 4/29/24		1,530.00
Check	05/30/2024	11334	Accounts Payable	ARROWHEAD FORENSICS		469.60
	Invoice		Date	Description	Check Sort Code	Amount
	169923		05/07/2024	ENVELOPES		342.74
	169900		05/07/2024	EVIDENCE SUPPLIES		126.86
Check	05/30/2024	11335	Accounts Payable	ASCENT ENVIRONMENTAL, INC.		24,630.00
	Invoice		Date	Description	Check Sort Code	Amount
	20230149-01-1		04/17/2024	CLIMATE ACTION PLAN DEVELOPMENT 03/24		24,630.00
Check	05/30/2024	11336	Accounts Payable	CALIFORNIA ASSOCIATION OF HOSTAGE NEGOTIATORS		990.00
	Invoice		Date	Description	Check Sort Code	Amount
	0923-092724MW&BM		05/28/2024	2024 CAHN CONFERENCE - WARREN & MCCUIN - 09/24		990.00
Check	05/30/2024	11337	Accounts Payable	DIANA CANGCO		180.00
	Invoice		Date	Description	Check Sort Code	Amount
	042524EXP		04/25/2024	CALIFORNIA PROFESSIONAL ENGINEERS LICENSE RENEWAL		180.00
Check	05/30/2024	11338	Accounts Payable	CINDY K. HULL & ASSOCIATES - FORENSIC CONSULTING		1,100.00
	Invoice		Date	Description	Check Sort Code	Amount

	149	02/25/2024	LATENT PRINT ANALYSIS FEBRUARY 2024			300.00
	150	05/19/2024	LATENT PRINT ANALYSIS MAY 2024			800.00
Check	05/30/2024	11339 Accounts Payable	CONSOR NORTH AMERICA, INC.			381,635.64
	Invoice	Date	Description		Check Sort Code	Amount
	N16N131CA.00-38	09/23/2023	CENTRAL AVE OVERPASS DESIGN SERVICES, PRJ 1014 05/01-07/31/23			205,008.75
	N16N131CA.00-39	10/04/2023	CENTRAL AVE OVERPASS DESIGN SERVICES, PRJ 1014 08/01-08/31/23			72,504.39
	N16N131CA.00-40	11/22/2023	CENTRAL AVE OVERPASS DESIGN SERVICES, PRJ 1014 09/01-10/31/23			104,122.50
Check	05/30/2024	11340 Accounts Payable	CSW I ST2			153,434.72
	Invoice	Date	Description		Check Sort Code	Amount
	2311145	11/30/2023	DESIGN SERVICES FOR OLD TOWN STREETSCAPE IMPROVEMENTS 11/23			1,491.00
	2312146	12/31/2023	DESIGN SERVICES FOR OLD TOWN STREETSCAPE IMPROVEMENTS 12/23			17,958.52
	2402133	02/29/2024	DESIGN SERVICES FOR OLD TOWN STREETSCAPE IMPROVEMENTS 02/24			22,254.37
	2403135	03/31/2024	DESIGN SERVICES FOR OLD TOWN STREETSCAPE IMPROVEMENTS 03/24			39,294.50
	2404169/2404153	04/30/2024	DESIGN SERVICES FOR OLD TOWN STREETSCAPE IMPROVEMENTS 04/24			72,436.33
Check	05/30/2024	11341 Accounts Payable	ALHAMBRA			256.66
	Invoice	Date	Description		Check Sort Code	Amount
	15734365051324	05/13/2024	WATER SERVICE 04/16 - 05/08/24			256.66
Check	05/30/2024	11342 Accounts Payable	FEDEX			15.25
	Invoice	Date	Description		Check Sort Code	Amount
	8-503-57333	05/17/2024	PACKAGE DELIVERY 5/14/24			15.25
Check	05/30/2024	11343 Accounts Payable	FEHR & PEERS			10,977.75
	Invoice	Date	Description		Check Sort Code	Amount
	175522	05/15/2024	TASK ORDER #10 - ACTIVE TRANSPORTATION PLAN 03/30-04/26/24			10,977.75
Check	05/30/2024	11344 Accounts Payable	FREMONT FORD			12,187.25
	Invoice	Date	Description		Check Sort Code	Amount
	429848	02/27/2024	FLEET SERVICE #1103 1/11/24			9,138.32
	433367	04/19/2024	FLEET SERVICE #163 4/5/24			2,028.74
	433328	04/17/2024	FLEET SERVICE #32 4/4/24			1,020.19
Check	05/30/2024	11345 Accounts Payable	GACHINA LANDSCAPE MANAGEMENT, INC.			14,804.89
	Invoice	Date	Description		Check Sort Code	Amount
	E 218518	05/16/2024	L&L 18 IRRIGATION VALVE REPLACEMENTS 5/16/24			14,804.89
Check	05/30/2024	11346 Accounts Payable	GHD INC.			10,486.27
	Invoice	Date	Description		Check Sort Code	Amount
	380-0051141	05/20/2024	TASK ORDER NO. 4 - NEWARK QUIET ZONES (THROUGH 05/18/24)			7,958.24
	380-0051191	05/21/2024	ON-CALL TRAFFIC ENGINEERING SERVICES (THROUGH 05/18/24)			936.25
	380-0051160	05/20/2024	ON-CALL TRAFFIC ENGINEERING SERVICES (THROUGH 05/18/24)			1,591.78
Check	05/30/2024	11347 Accounts Payable	GIGANTIC IDEA STUDIO, INC.			1,827.30
	Invoice	Date	Description		Check Sort Code	Amount

	INV-4227		05/10/2024	RECYCLING & WASTE REDUCTION OUTREACH - 01/24-04/24		1,827.30
Check	05/30/2024	11348	Accounts Payable	DEEPA IYER		1,160.10
	Invoice		Date	Description	Check Sort Code	Amount
	EDUREIMB-MAR24		05/21/2024	EDUCATIONAL REIMBURSEMENT- 03/24 - 09/24		1,160.10
Check	05/30/2024	11349	Accounts Payable	KNORR SYSTEMS INTERNATIONAL		3,507.80
	Invoice		Date	Description	Check Sort Code	Amount
	230251		03/26/2024	SILLIMAN POOL CHEMICALS		937.61
	230254		03/26/2024	SILLIMAN POOL CHEMICALS		821.32
	230256		03/26/2024	SILLIMAN POOL CHEMICALS		865.64
	230300		03/26/2024	SILLIMAN POOL CHEMICALS		883.23
Check	05/30/2024	11350	Accounts Payable	LPC SERVICES, INC.		3,078.00
	Invoice		Date	Description	Check Sort Code	Amount
	73975		04/04/2024	PEST SERVICES - VIOLA BLYTHE #102704 4/4/24		260.00
	74385		05/10/2024	PEST SERVICES - SERVICE CENTER #102702 5/10/24		185.00
	74617		05/10/2024	PEST SERVICES - CITY HALL #102699 5/10/24		267.00
	74669		05/10/2024	PEST SERVICES - LIBRARY #116524 5/10/24		175.00
	74665		05/10/2024	PEST SERVICES - PD #104419 5/10/24		181.00
	74524		05/10/2024	PEST SERVICES - VIOLA BLYTHE #102704 5/10/24		260.00
	74662		05/10/2024	PEST SERVICES - CITY HALL #102699 5/10/24		175.00
	74512		05/10/2024	PEST SERVICES - SILLIMAN #102710 5/10/24		1,020.00
	74545		05/10/2024	PEST SERVICES - COMMUNITY CENTER #102700 5/10/24		95.00
	74544		05/10/2024	PEST SERVICES - FIRE STATION #2 #102709 5/10/24		220.00
	74510		05/10/2024	PEST SERVICES - FIRE STATION #3 102701 5/10/24		240.00
Check	05/30/2024	11351	Accounts Payable	LYNX TECHNOLOGIES INC		900.00
	Invoice		Date	Description	Check Sort Code	Amount
	10155		05/04/2024	GIS PROFESSIONAL SERVICES APR 2024		900.00
Check	05/30/2024	11352	Accounts Payable	MOHAMMED SHUAIB		332.18
	Invoice		Date	Description	Check Sort Code	Amount
	052124EXP		05/21/2024	BOOT REIMBURSEMENT 5/21/24		332.18
Check	05/30/2024	11353	Accounts Payable	ANGELA MONTEZ		324.04
	Invoice		Date	Description	Check Sort Code	Amount
	0422-04252024EXP		05/28/2024	LASERFICHE CONFERENCE EXPENSE REIMBURSEMENT 04/22-04/25/24		324.04
Check	05/30/2024	11354	Accounts Payable	NETWORK CONTRACTING LLC		760.00
	Invoice		Date	Description	Check Sort Code	Amount
	4394		12/08/2023	NETWORK CONSULTING SERVICES 12/4-12/7/24		760.00
Check	05/30/2024	11355	Accounts Payable	PAKPOUR CONSULTING GROUP, INC.		38,281.69
	Invoice		Date	Description	Check Sort Code	Amount
	4450		05/03/2024	PRJ MANAGEMENT SVCS - CENTRAL AVE OVERPASS PRJ 04/01-04/30/24		28,461.56
	4449		05/03/2024	ON-CALL CIVIL ENGINEERING PLAN REVIEW SERVICES 04/01-04/30/24		9,820.13
Check	05/30/2024	11356	Accounts Payable	PHAN'S SMOG STATION		80.00
	Invoice		Date	Description	Check Sort Code	Amount
	054092		12/12/2023	SMOG VEH #27		40.00

	054269	12/12/2023	SMOG VEH #30			40.00
Check	05/30/2024	11357 Accounts Payable		PHOENIX GROUP INFORMATION SYSTEMS		659.60
	Invoice	Date	Description		Check Sort Code	Amount
	042024101	05/16/2024	PARKING CITATION PROGRAM APRIL 2024			659.60
Check	05/30/2024	11358 Accounts Payable		SHEENA RAJ		994.31
	Invoice	Date	Description		Check Sort Code	Amount
	0422-04252024EXP	05/28/2024	LASERFICHE CONFERENCE EXPENSE REIMBURSEMENT 04/22-04/25/24			994.31
Check	05/30/2024	11359 Accounts Payable		RUGGERI-JENSEN-AZAR		456.00
	Invoice	Date	Description		Check Sort Code	Amount
	93047	05/10/2024	ON-CALL CIVIL ENGINEERING DEVELOPMENT PLAN REVIEW SERVICES 04/24			456.00
Check	05/30/2024	11360 Accounts Payable		LINCOLN AQUATICS		533.90
	Invoice	Date	Description		Check Sort Code	Amount
	NV162797	04/24/2024	POOL CHEMICALS			135.97
	D8850993	04/24/2024	POOL CHEMICALS			397.93
Check	05/30/2024	11361 Accounts Payable		YORK RISK SERVICE GROUP, INC. A SEDGWICK COMPANY		3,669.08
	Invoice	Date	Description		Check Sort Code	Amount
	400000187193	05/02/2024	WORKERS COMPENSATION CLAIMS - 05/01/24-05/31/24			3,669.08
Check	05/30/2024	11362 Accounts Payable		THE TACTICAL ADVANTAGE POLICE SUPPLY		1,110.35
	Invoice	Date	Description		Check Sort Code	Amount
	7837	03/13/2024	BULLETPROOF VESTS S.TORRES; APPROVAL #2024-03			1,110.35
Check	05/30/2024	11363 Accounts Payable		U.S. BANK CORPORATE PAYMENT SYSTEMS		55,255.72
	Invoice	Date	Description		Check Sort Code	Amount
	052224STMT	05/22/2024	CC PAYMENT 05/22/24			55,255.72
Check	05/30/2024	11364 Accounts Payable		WEST COAST ARBORISTS INC		121,537.50
	Invoice	Date	Description		Check Sort Code	Amount
	213797	04/15/2024	STREET TREE MAINTENANCE 04/01/24-04/15/24			34,791.35
	214568	05/15/2024	STREET TREE MAINTENANCE 05/01/24-05/15/24			25,843.25
	214236	04/30/2024	PARK TREE MAINTENANCE 04/16/24-04/30/24			1,478.75
	214231-A	04/30/2024	STREET TREE MAINTENANCE 04/16/24-04/30/24			59,424.15
Check	05/30/2024	11365 Accounts Payable		KIM , MONICA		60.00
	Invoice	Date	Description		Check Sort Code	Amount
	711238	05/17/2024	PARTIAL REFUND FOR RENTAL OF ACTIVITY ROOM			60.00
AP ZBA ACCOUNTS PAYABLE Totals:				Transactions: 36		$861,750.21
	Checks:	36	$861,750.21			

LIVE Newark CA LIVE

Payment Batch Register

Bank Account: AP - ZBA ACCOUNTS PAYABLE

Batch Date: 06/06/2024

Type	Date	Number	Source	Payee Name	EFT Bank/Account	Transaction Amount
Bank Account: AP - ZBA ACCOUNTS PAYABLE						
Check	06/06/2024	11366	Accounts Payable	AIRGAS USA, LLC		99.17
	Invoice		Date	Description	Check Sort Code	Amount
	5507890363		04/30/2024	CYL ACETYLENE RENTAL 04/30/24		99.17
Check	06/06/2024	11367	Accounts Payable	ALAMEDA COUNTY WATER DISTRICT		60,029.65
	Invoice		Date	Description	Check Sort Code	Amount
	0226-050224		05/03/2024	ACWD CITYWIDE WATER 02/26-05/02/24		60,029.65
Check	06/06/2024	11368	Accounts Payable	APPLIED AIR FILTERS, INC.		1,241.80
	Invoice		Date	Description	Check Sort Code	Amount
	47291		05/16/2024	SILLIMAN, LIBRARY, CITY HALL, SVC AIR FILTERS		1,241.80
Check	06/06/2024	11369	Accounts Payable	JUAN AYALA		350.00
	Invoice		Date	Description	Check Sort Code	Amount
	051324EXP		05/13/2024	BOOT REIMBURSEMENT 5/13/24		350.00
Check	06/06/2024	11370	Accounts Payable	BAIRD + DRISKELL COMMUNITY PLANNING		6,619.85
	Invoice		Date	Description	Check Sort Code	Amount
	1665		05/13/2024	ON-CALL PLANNING SERVICES 4/1/24-4/29/24		6,619.85
Check	06/06/2024	11371	Accounts Payable	BAY CENTRAL PRINTING		85.88
	Invoice		Date	Description	Check Sort Code	Amount
	198884		05/14/2024	BUSINESS CARD IMPRINTING - ASST CITY MGR HOVORKA		85.88
Check	06/06/2024	11372	Accounts Payable	CAL SAFETY INC		4,999.00
	Invoice		Date	Description	Check Sort Code	Amount
	30536		05/01/2024	TRAFFIC CONTROL - STATE OF THE CITY 04/23-04/27/24		4,999.00
Check	06/06/2024	11373	Accounts Payable	STATE DISBURSEMENT UNIT		1.38
	Invoice		Date	Description	Check Sort Code	Amount
	PPE 5.25.24		05/29/2024	GARNISH - CASE 200000002128365 - 5/12/24-5/25/24		1.38
Check	06/06/2024	11374	Accounts Payable	CITY OF FREMONT		8,101.90
	Invoice		Date	Description	Check Sort Code	Amount
	47		05/14/2024	SACGISA PROGRAM MAINTENANCE 02/01-04/30/24		2,705.08
	46		03/04/2024	SACGISA PROGRAM MAINTENANCE 07/01/23-01/31/24		5,396.82
Check	06/06/2024	11375	Accounts Payable	CLEARGOV INC.		314.19

	Invoice	Date	Description	Check Sort Code	Amount
	2024-14660	06/01/2024	DIGITAL BUDGET BOOK 06/01-06/30/24		314.19
Check	06/06/2024	11376 Accounts Payable	ALAMEDA COUNTY INFORMATION TECHNOLOGY DEPARTMENT		3,911.50
	Invoice	Date	Description	Check Sort Code	Amount
	112-2404036	05/10/2024	AWS ACCESS FEE APRIL 2024		3,911.50
Check	06/06/2024	11377 Accounts Payable	COVINO SMITH & SIMON, INC.		1,700.00
	Invoice	Date	Description	Check Sort Code	Amount
	05-2024	05/25/2024	PROFESSIONAL FEDERAL AFFAIRS ASSISTANCE MAY 2024		1,700.00
Check	06/06/2024	11378 Accounts Payable	DAILY JOURNAL CORPORATION		68.75
	Invoice	Date	Description	Check Sort Code	Amount
	B3817274	05/28/2024	PC PH NOTICE - 6214 THORNTON - CCCMA ASSISTED LIVING FAC 5/28/24		68.75
Check	06/06/2024	11379 Accounts Payable	DUKE DE LEON		525.00
	Invoice	Date	Description	Check Sort Code	Amount
	4184	05/27/2024	BROADCAST AND STREAM CC MTGS MAY 2024		525.00
Check	06/06/2024	11380 Accounts Payable	ENVIRONMENTAL LOGISTICS		10,615.40
	Invoice	Date	Description	Check Sort Code	Amount
	124059	05/23/2024	HAZARDOUS WASTE REMOVAL 04/30/24		1,905.00
	123741	05/29/2024	HAZARDOUS WASTE REMOVAL 04/30/24		8,710.40
Check	06/06/2024	11381 Accounts Payable	EQUIFAX INFORMATION SVCS LLC		52.11
	Invoice	Date	Description	Check Sort Code	Amount
	2060407839	05/13/2024	CREDIT BUREAU REPORT FEES - 5/13/24		52.11
Check	06/06/2024	11382 Accounts Payable	ETC INSTITUTE		4,950.00
	Invoice	Date	Description	Check Sort Code	Amount
	31744	11/30/2023	COMMUNITY SURVEY 2023 DRAFT AND FINAL SURVEY REPORT 11/23		4,950.00
Check	06/06/2024	11383 Accounts Payable	EWING IRRIGATION PRODUCTS INC.		11,462.34
	Invoice	Date	Description	Check Sort Code	Amount
	22328103	05/17/2024	PARK SUPPLIES-IRRIGATION		3,475.86
	22328521	05/17/2024	PARK SUPPLIES-IRRIGATION		3,905.47
	22328741	05/17/2024	PARK SUPPLIES-IRRIGATION		1,414.92
	22328639	05/17/2024	PARK SUPPLIES-IRRIGATION		1,997.56
	22388971	05/23/2024	PARK SUPPLIES-IRRIGATION		668.53
Check	06/06/2024	11384 Accounts Payable	FRANK BONETTI PLUMBING INC		1,455.29
	Invoice	Date	Description	Check Sort Code	Amount
	48960	05/17/2024	FIRE STATION 29 HOT WATER LINE LEAK 5/17/24		1,455.29
Check	06/06/2024	11385 Accounts Payable	FREMONT FORD		141.21
	Invoice	Date	Description	Check Sort Code	Amount
	223876	04/26/2024	FLEET SUPPLIES-DUCT		141.21
Check	06/06/2024	11386 Accounts Payable	GACHINA LANDSCAPE MANAGEMENT, INC.		3,224.17
	Invoice	Date	Description	Check Sort Code	Amount

	E 218674	05/31/2024	IRRIGATION REPAIR-WILLOW AND ENTERPRISE 05/31/24			3,224.17
Check	06/06/2024	11387 Accounts Payable	THE LADY AND THE VOICE, LLC			450.00
	Invoice	Date	Description		Check Sort Code	Amount
	NEWARK001	05/24/2024	DEPOSIT FOR EMCEE/DJSERVICES FOR JUNETEENTH EVENT 6/19/24			450.00
Check	06/06/2024	11388 Accounts Payable	GODBE CORPORATION			36,750.00
	Invoice	Date	Description		Check Sort Code	Amount
	12854	03/27/2024	PROJECT: 4-2024 NEWARK VOTER SURVEY 03/24			36,750.00
Check	06/06/2024	11389 Accounts Payable	GRAINGER			825.53
	Invoice	Date	Description		Check Sort Code	Amount
	9105317995	05/01/2024	STREETS BENCH GRINDER			773.49
	9105500145	05/01/2024	BLDG LATCH GUARD, DOOR SWEEP AND PHOTOCNTRL			52.04
Check	06/06/2024	11390 Accounts Payable	GVP VENTURES INC.			2,728.00
	Invoice	Date	Description		Check Sort Code	Amount
	10640	05/15/2024	RECRUITMENT SERVICES FEE - PUBLIC WORKS DIRECTOR 05/15/24			2,728.00
Check	06/06/2024	11391 Accounts Payable	HDL SOFTWARE, LLC			3,363.32
	Invoice	Date	Description		Check Sort Code	Amount
	SIN038682	05/16/2024	UUT SUPPORT & INDUSTRY MONITORING - MAY 2024			2,080.00
	SIN038792	04/30/2024	UUT RETURNS PROCESSED - APR 2024			1,283.32
Check	06/06/2024	11392 Accounts Payable	IDN WILCO			61.24
	Invoice	Date	Description		Check Sort Code	Amount
	10476330-01	05/02/2024	BLDG MASTER PADLOCK			61.24
Check	06/06/2024	11393 Accounts Payable	KBA DOCUMENT SOLUTIONS, LLC			895.93
	Invoice	Date	Description		Check Sort Code	Amount
	55Y1446301	04/03/2024	COPIER LEASE YEAR 2 OF 5 - TONER FINANCE			895.93
Check	06/06/2024	11394 Accounts Payable	KBA DOCUMENT SOLUTIONS			4,703.93
	Invoice	Date	Description		Check Sort Code	Amount
	190183	05/23/2024	LEASE PAYMENT 1900869002 - 05/15 - 06/14/24			4,703.93
Check	06/06/2024	11395 Accounts Payable	L.N. CURTIS & SONS			37.19
	Invoice	Date	Description		Check Sort Code	Amount
	INV824264	05/15/2024	UNIFORM ACCESSORIES			37.19
Check	06/06/2024	11396 Accounts Payable	KRYSTEN LEE			2,300.74
	Invoice	Date	Description		Check Sort Code	Amount
	0130-041824EXP	05/28/2024	2024 CSMFO CONFERENCE 1/30-2/4 & FINANCIAL MGMT TRAINING 4/17-18			2,300.74
Check	06/06/2024	11397 Accounts Payable	MILLER MANAGEMENT & CONSULTING GROUP			5,118.06
	Invoice	Date	Description		Check Sort Code	Amount
	2024-0506-01	05/06/2024	EFFECTIVE COMMUNICATION/COMMUNICATION STYLES TRAINING 05/03/24			5,118.06
Check	06/06/2024	11398 Accounts Payable	NATIONAL DATA & SURVEYING SERVICES			185.00
	Invoice	Date	Description		Check Sort Code	Amount

	24-080118	05/15/2024	TRAFFIC SURVEY - APA #24-87		185.00
Check	06/06/2024	11399 Accounts Payable	KIDZ LOVE SOCCER		6,560.40
	Invoice	Date	Description	Check Sort Code	Amount
	0407-051924	05/23/2024	KIDZ LOVE SOCCER CLASSES 04/07-05/19/24		6,560.40
Check	06/06/2024	11400 Accounts Payable	OTIS ELEVATOR COMPANY		1,125.00
	Invoice	Date	Description	Check Sort Code	Amount
	SK18868001	05/06/2024	ELEVATOR SERVICE 05/06/24		1,125.00
Check	06/06/2024	11401 Accounts Payable	OWEN EQUIPMENT SALES		1,545.45
	Invoice	Date	Description	Check Sort Code	Amount
	00063555	05/09/2024	FLEET AIR CONTROL VALVE		349.45
	00063618	05/15/2024	VACTOR TRAINING-STREETS 5/9/24		598.00
	00063613	05/15/2024	VACTOR TRAINING-FLEET 5/7/24		598.00
Check	06/06/2024	11402 Accounts Payable	PATRELL ENGINEERING GROUP, INC.		4,500.00
	Invoice	Date	Description	Check Sort Code	Amount
	9983	04/16/2024	SILLIMAN INSPECTION 04/16/24		4,500.00
Check	06/06/2024	11403 Accounts Payable	RYAN PEREZ		63.36
	Invoice	Date	Description	Check Sort Code	Amount
	052224EXP	05/22/2024	2ND BOOT/UNIFORM REIMBURSEMENT 05/22/24		63.36
Check	06/06/2024	11404 Accounts Payable	PRECISION EMPRISE LLC		13,843.64
	Invoice	Date	Description	Check Sort Code	Amount
	54788	05/21/2024	SIDEWALK OFFSET REPAIR - 04/08-04/16/24		13,843.64
Check	06/06/2024	11405 Accounts Payable	ROADRUNNER GLASS DOOR, INC		2,676.61
	Invoice	Date	Description	Check Sort Code	Amount
	13646	05/03/2024	SR CTR GLASS REPLACEMENT 5/3/24		907.48
	13156	02/12/2024	SILLIMAN MIRROR REPLACEMENT 2/12/24		1,169.13
	13742	05/23/2024	TEMPERED GLASS INSTALLATION 5/23/24		300.00
	13647	05/03/2024	TEMPERED GLASS INSTALLATION 5/3/24		300.00
Check	06/06/2024	11406 Accounts Payable	SAVAGE TRAINING GROUP LLC		411.00
	Invoice	Date	Description	Check Sort Code	Amount
	2546	04/15/2024	LAPD SWAT - GUSTAVO ARROYO 07/23/24		213.00
	072324	05/15/2024	LAPD SWAT - STEVEN LOSIER 07/23/24		198.00
Check	06/06/2024	11407 Accounts Payable	LINCOLN AQUATICS		597.27
	Invoice	Date	Description	Check Sort Code	Amount
	SL046820	04/26/2024	POOL CHEMICALS		597.27
Check	06/06/2024	11408 Accounts Payable	S.B.R.P.S.T.C.		499.00
	Invoice	Date	Description	Check Sort Code	Amount
	224598	05/13/2024	BASIC DISPATCH COURSE-M.GALLARDO 4/1-4/19/24		499.00
Check	06/06/2024	11409 Accounts Payable	STAPLES		588.17
	Invoice	Date	Description	Check Sort Code	Amount
	7000637186	05/15/2024	OFFICE SUPPLIES 04/30-05/14/24		588.17
Check	06/06/2024	11410 Accounts Payable	STATE OF CALIFORNIA		873.98

	Invoice	Date	Description	Check Sort Code	Amount
	PPE 5.25.24	05/29/2024	GARNISH - CASE 560794111 - 5/12/24-5/25/24		873.98
Check	06/06/2024	11411 Accounts Payable	STEVE G. HOOS		1,253.88
	Invoice	Date	Description	Check Sort Code	Amount
	37320	02/13/2024	PD DISHWASHER REPAIR 2/13/24		1,253.88
Check	06/06/2024	11412 Accounts Payable	THE KPA GROUP		13,738.25
	Invoice	Date	Description	Check Sort Code	Amount
	006	02/29/2024	ON-CALL ARCHITECTURAL SERVICES 01/01-02/29/24		13,738.25
Check	06/06/2024	11413 Accounts Payable	THE LEW EDWARDS GROUP		9,750.00
	Invoice	Date	Description	Check Sort Code	Amount
	24-01	02/29/2024	PROFESSIONAL SERVICES RENDERED FEBRUARY 2024		3,250.00
	24-02	03/31/2024	PROFESSIONAL SERVICES RENDERED MARCH 2024		6,500.00
Check	06/06/2024	11414 Accounts Payable	TIREHUB, LLC		3,849.40
	Invoice	Date	Description	Check Sort Code	Amount
	40437734	02/28/2024	TIRES-GY EAGLE ENFORCER & GY WRL		1,556.59
	40415557	03/05/2024	TIRES-GY EAGLE RS		637.08
	40390626	02/26/2024	TIRES-GY MAXLIFE AND WRL		1,655.73
Check	06/06/2024	11415 Accounts Payable	VISTA UNIVERSAL INC		4,450.68
	Invoice	Date	Description	Check Sort Code	Amount
	T517998	05/13/2024	BIRCH GROVE PARK LIGHT REPLACEMENT 5/13/24		1,599.06
	T517996	05/13/2024	SENIOR CENTER LIGHT REPLACEMENT 5/13/24		2,851.62
Check	06/06/2024	11416 Accounts Payable	WEST COAST ARBORISTS INC		49,982.65
	Invoice	Date	Description	Check Sort Code	Amount
	213986	04/06/2024	STREET TREE MAINTENANCE: AREA 6 02/15/24-04/06/24		49,982.65
Check	06/06/2024	11417 Accounts Payable	WFG NATIONAL TITLE COMPANY		1,250.00
	Invoice	Date	Description	Check Sort Code	Amount
	971565	04/04/2024	TITLE REPORTS, NEWARK RESOURCE CENTER PROJECT - 04/24		1,250.00
Check	06/06/2024	11418 Accounts Payable	ORION SECURITY		2,536.03
	Invoice	Date	Description	Check Sort Code	Amount
	126581	05/18/2024	UNARMED, UNIFORMED SECURITY GUARD 5/13/24 - 5/17/24		1,444.00
	126633	05/25/2024	UNARMED, UNIFORMED SECURITY GUARD 5/20/24 - 5/23/24		1,092.03
Check	06/06/2024	11419 Accounts Payable	CHEW , SHIRLEY		1,000.00
	Invoice	Date	Description	Check Sort Code	Amount
	2023-2883	05/31/2024	ENCP2022-0294 RFND		1,000.00
Check	06/06/2024	11420 Accounts Payable	CHOPRA , MANMOHAN		105.00
	Invoice	Date	Description	Check Sort Code	Amount
	R26193	05/31/2024	ENCP2024-0084 RFND		105.00
EFT	06/06/2024	1050 Accounts Payable	CLIENTFIRST TECHNOLOGY CONSULTING 122037760 / 001064667052		3,101.03
	Invoice	Date	Description	Check Sort Code	Amount
	16695	04/30/2024	TECHNOLOGY MASTER PLAN 04/01-04/30/24		3,101.03

EFT	06/06/2024	1051	Accounts Payable	REDWOOD PUBLIC LAW, LLP	121000358 / 325192270245	25,791.10

Invoice	Date	Description	Check Sort Code	Amount
10404	04/30/2024	LEGAL SERVICES THROUGH APRIL 30, 2024		878.30
10405	04/30/2024	LEGAL SERVICES THROUGH APRIL 30, 2024		1,939.20
10407	04/30/2024	LEGAL SERVICES THROUGH APRIL 30, 2024		14,437.60
10410	04/30/2024	LEGAL SERVICES THROUGH APRIL 30, 2024		1,554.30
10411	04/30/2024	LEGAL SERVICES THROUGH APRIL 30, 2024		5,232.00
10412	04/30/2024	LEGAL SERVICES THROUGH APRIL 30, 2024		521.50
10414	04/30/2024	LEGAL SERVICES THROUGH APRIL 30, 2024		850.20
10415	04/30/2024	LEGAL SERVICES THROUGH APRIL 30, 2024		378.00

AP ZBA ACCOUNTS PAYABLE Totals: Transactions: 57 $327,459.43

Checks:	55	$298,567.30
EFTs:	2	$28,892.13

STAFF REPORT

Item D. 2.

DATE	06/27/2024
TO	Honorable Mayor and City Council Members
FROM	Sheila Harrington, City Clerk
SUBJECT	Approval of June 13, 2024, minutes

Attachments

Minutes

CITY OF NEWARK
CITY COUNCIL
City Administration Building, City Council Chambers

37101 Newark Boulevard, Newark, CA 94560 | (510) 578-4266 | E-mail: city.clerk@newark.org

Draft

Thursday, June 13, 2024
7:00 P.M.

A. ROLL CALL

Mayor Hannon called the meeting to order at 7:07 p.m. Vice Mayor Freitas and Council Member Jorgens were present. Council Members Collazo and Bucci were noted absent.

B. PRESENTATIONS

1. Commending Public Works Director Fajeau on his retirement

Mayor Hannon presented commendations from the City Council and from Alameda County Board of Supervisor Elisa Márquez in honor of Public Works Director Fajeau's upcoming retirement. Astrid Lee representing Senator Aisha Wahab and Tim Orozco representing Assembly Member Alex Lee each presented certificates to Mr. Fajeau.

2. Proclaiming June 19, 2024, as Juneteenth

Mayor Hannon presented the Juneteenth proclamation to Administrative Support Specialist II Danielle Cranon-Jones.

C. PUBLIC COMMENT

Vinod Kumar thanked Public Works Director Fajeau for his service. He asked about the state of the streets in the Magnolia Street, Sycamore Street and Cherry Street area. He suggested forming a group for residential input to help improve the city.

D. CONSENT CALENDAR

Assistant City Manager Hovorka requested the removal of items D. 8 and D.9. Vice Mayor Freitas would need to recuse himself which would result in the loss of the quorum**.** The items will be rescheduled for a future meeting.

Council Member Jorgens moved, Vice Mayor Freitas seconded, to approve Consent Calendar items D.1 to D.7, that the resolutions be numbered consecutively, and that reading of the titles suffice for adoption. The motion passed, 3 AYES, 2 ABSENT.

1. Approval of Audited Demands

2. Approval of May 23, 2024, minutes

3. Adopt a resolution authorizing the City Manager to execute an agreement with *What's Happening's Tri-City Voice* for legal advertising services in Fiscal Year 2025
Resolution No.11642
Contract No. 24043

4. Adopt a resolution approving the third amendment to the Contractual Services Agreement with Orion Security to provide Security Guard Services
Resolution No. 11643
Contract No. 22041

5. Adopt a resolution authorizing the City Manager to execute Task Order No. 30 to the Joint Powers Agreement with the City of Fremont for Fiscal Year 2025 senior case management services
Resolution No. 11644
Contract No. 09044

6. Adopt a resolution authorizing the City Manager to execute Task Order No.31 to the Joint Powers Agreement with the City of Fremont for Paratransit services with Ride On Tri-City!
Resolution No. 11645
Contract No. 09044

7. Adopt a resolution authorizing the City to file a request to the Metropolitan

Transportation Commission for the allocation of Fiscal Year 2025 Transportation Development Act Article 3 Pedestrian and Bicycle Project funding for the Annual Citywide Accessible Pedestrian Ramps Project; exempt from CEQA review per CEQA Guidelines Section 15301
Resolution No. 11646

8. Pulled - Adopt a resolution approving the Road Repair and Accountability Act of 2017 (Senate Bill 1) Fiscal Year 2025 Project List

9. Pulled - Adopt a resolution authorizing the City Manager to execute a Cooperative Agreement with the Alameda County Water District for water main design and construction associated with the Old Town Streetscape Improvements, Project 1258

E. PUBLIC HEARINGS

F. OTHER BUSINESS

1. Adopt a Resolution approving the Public Art Master Plan May 2024 Update
Resolution No. 11647

Senior Management Analyst Gonzalez introduced the consultant.

Amanda Rawson, Partner & Project Manager, Art Builds Community, gave the presentation. Presentation on file with City Clerk.

No one requested to speak.

Council Member Jorgens requested a process to add organization plaques to the monument wall at Newark Boulevard and Cedar Boulevard.

Vice Mayor Freitas moved, Council Member Jorgens seconded to adopt the resolution. The motion passed, 3 AYES, 2 ABSENT.

2. Adopt resolutions for approval of Annual Engineer's Reports, intention to levy and collect assessments and setting a public hearing for July 11, 2024, for Landscaping and Lighting District Nos. 1, 2, 4, 7, 11, 15, 16, 17, 18 and 19 for

Fiscal Year 2025 in accordance with the provisions of the Landscaping and Lighting Act of 1972; and initiate dissolution proceedings for Landscaping and Lighting District Nos. 6, 10 and 13
Resolution No. 11648 Engineer's Reports
Resolution No. 11649 Intention to Levy

Assistant City Manager Hovorka gave the presentation recommending approval.

No one requested to speak.

Vice Mayor Freitas moved, Council Member Jorgens seconded to adopt the resolutions. The motion passed, 3 AYES, 2 ABSENT.

Mayor Hannon called for a recess at 7:55 pm. The meeting resumed at 8:00 pm.

3. Adopt resolutions approving the 2024-2026 Capital Improvement Plan project lists with funding recommendations; and provide feedback on the draft 2024-2026 Capital Improvement Plan budget document

Mayor Hannon announced that there would not be a quorum, due to multiple recusals needed, and that the Capital Improvement Plan would be rescheduled.

No one from the public requested to speak.

G. CITY COUNCIL MATTERS

Council Member Jorgens congratulated Public Works Director Fajeau on his retirement.

Vice Mayor Freitas congratulated Public Works Director Fajeau on his retirement. He attended the Newark Memorial High School graduation and congratulated the students. He asked about vacant lots approved for development that need to be cleaned up and appear not to be moving forward with development, such as Mulberry Street and Thornton Avenue. He asked which agency was currently working on Thornton Avenue.

In response to Vice Mayor Freitas, Public Works Director Fajeau stated that Alameda County Water District was replacing the main lines on Thornton Avenue between Cherry Street and Cedar Boulevard.

In response to Vice Mayor Freitas, Mayor Hannon stated that the vacant lot at Newark Boulevard and Mayhews Landing Road would be cleaned up as part of the weed abatement process.

In response to Vice Mayor Freitas, Community Development Director Turner stated that the Mulberry Street property had 12 months until the approval expired. He stated that staff would monitor the vacant lots mentioned.

Mayor Hannon stated that Alameda County Assessor Phong La gave a presentation and that staff would share the slides with the City Council. Mayor Hannon stated that he attended a number of graduations and congratulated the students. He spoke to Council Member Collazo and she requested that we shop Newark.

H. CITY MANAGER UPDATES

I. CLOSED SESSION

J. ADJOURNMENT

Mayor Hannon adjourned the meeting at 8:12 pm.

STAFF REPORT

Item D. 3.

DATE	06/27/2024
TO	Honorable Mayor and City Council Members
FROM	Sheila Harrington, City Clerk
SUBJECT	Adopt a resolution calling and giving notice of the holding of a General Municipal Election on Tuesday, November 5, 2024, for the election of certain officers of the City of Newark

---

The City's next General Municipal Election will be held on November 5, 2024. A Mayor will be elected for a two-year term and two Council Members will be elected for four-year terms. Candidates may file nomination papers from July 15, 2024, through August 9, 2024. Should an incumbent fail to file, then the nomination period would extend to August 14, 2024, for that incumbent's elective office. The incumbent who did not file would not be eligible to file during the extended period.

The City has historically consolidated the local election with the Alameda County Registrar of Voters (ROV). The ROV establishes polling places, secures precinct workers, prepares sample and official ballots, provides absentee voting, and tabulates the votes. In order for the ROV to render these services, the City must adopt a resolution requesting the services of the ROV through the Alameda County Board of Supervisors.

The ROV's estimate for election services is between $4.00 and $6.00 per registered voter. Based on Newark's current voter registration of 25,231, the estimated cost for the election will be between $101,204 and $151,806, plus other publication printing, translation, and supply costs borne directly by the City. Funds to cover the services provided by the ROV and other vendors are requested in the 2024-2026 Biennial Budget, which is scheduled for City Council consideration on this same agenda under public hearings.

Resolution No. 7400 requires the City Clerk to estimate the cost and collect the deposit for the optional Candidate Statement of Qualifications. Candidates are responsible for the actual costs associated with their Statement of Qualifications. Based on the last election, staff has estimated an approximate cost of $400 per statement. The candidate will be refunded any overage or billed for any additional costs within 30 days of the final invoice from the ROV.

Staff recommends that the City Council, by motion, approve the estimated cost of $400

to be paid by each candidate at the time they file their nomination papers for the Statement of Qualifications and, adopt a resolution calling for the holding of a General Municipal Election to be held on Tuesday, November 5, 2024; and request services of the Registrar of Voters.

Attachments

Resolution

RESOLUTION NO.

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NEWARK CALLING FOR THE HOLDING OF A GENERAL MUNICIPAL ELECTION TO BE HELD ON TUESDAY, NOVEMBER 5, 2024, FOR THE ELECTION OF CERTAIN OFFICERS; REQUESTING THE ALAMEDA COUNTY BOARD OF SUPERVISORS TO CONSOLIDATE THE GENERAL MUNICIPAL ELECTION WITH THE GENERAL ELECTION TO BE HELD NOVEMBER 5, 2024; AND REQUESTING SERVICES OF THE REGISTRAR OF VOTERS

WHEREAS, under the provisions of the laws relating to general law cities in the State of California, a General Municipal Election shall be held on November 5, 2024, for the purpose of electing one Mayor for a full term of two years and two Members of the City Council for full terms of four years; and

WHEREAS, in accordance with Elections Code Section 10400, local elections which are called to be held on the same date in territory which is wholly or partially the same may be consolidated by the Registrar of Voters upon receipt of request for same from the jurisdictions involved at least 88 days prior to the date of said elections; and

WHEREAS, it is desirable that the General Municipal Election be consolidated with the General Election to be held on the same date and that within the City the precincts, polling places, and election officer of the two elections be the same, and that the Registrar of Voters of the County of Alameda canvass the returns of the General Municipal Election and that the election be held in all respects as if there were only one election; and

WHEREAS, pursuant to Elections Code Section 10403.5 the City desires to request the County to render special services to the City with respect to the conduct of the City's Municipal Election to be held on November 5, 2024, and the County is agreeable to provide these services.

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

Section 1: That pursuant to the requirements of the laws of the State of California relating to General Law Cities, there is called and ordered to be held in the City of Newark, California, on Tuesday, November 5, 2024, a General Municipal Election for the purpose of electing one Mayor for the full term of two years and two Members of the City Council for the full term of four years.

Section 2: That the ballots to be used at the election shall be in the form and content as required by law.

Section 3: That the polls for the election shall be open at 7:00 a.m. of the day of the election and shall remain open continuously from that time until 8:00 p.m. of the same day when the polls shall be closed.

Section 4: That in all particulars not recited in this resolution, the election shall be held and conducted as provided by law for holding municipal elections.

Section 5: That the Board of Supervisors of the County of Alameda is hereby requested to consent and agree to the consolidation of the General Municipal Election with the General Election on Tuesday, November 5, 2024.

Section 6: That the Alameda County Registrar of Voters is authorized to canvass the returns of the General Municipal Election. The election shall be held in all respects as if there is only one election, and only one form of ballot shall be used.

Section 7: That the Board of Supervisors is requested to issue instructions to the Registrar of Voters to take any and all steps necessary for the holding of the consolidated election.

Section 8: That the City of Newark recognizes that additional costs will be incurred by the County by reason of this consolidation and agrees to reimburse the County based on the County's established consolidation rate.

Section 9: That notice of the time and place of holding the election is given and that the City Clerk is authorized to give additional notice of the election in time, form, and manner as required by law.

Section 10: The City Council authorizes the City Clerk to administer said election and all reasonable and actual election expenses shall be paid by the City upon presentation of a properly submitted bill.

Section 11: That in the event of a tie vote (if any two or more persons receive an equal and the highest number of votes for an office) as certified by the Alameda County Registrar of Voters, the City Council, in accordance with Election Code Section 15651(a), shall set a date and time and place and summon the candidates who have received the tie votes to appear and will determine the tie by lot.

Section 12: That the City Clerk is directed to forward a certified copy of this resolution to the Board of Supervisors of Alameda County and the Registrar of Voters of Alameda County.

STAFF REPORT
Item D. 4.

DATE	06/27/2024
TO	Honorable Mayor and City Council Members
FROM	Cathreene Ingham-Watters, Human Resources Director
SUBJECT	Adopt a resolution amending the Personnel Rules and Regulations and introduction by title only of an ordinance amending Newark Municipal Code Chapter 2.28, "Personnel System"

SUMMARY AND RECOMMENDATION

Staff recommends that the City Council (1) adopt a resolution amending the Personnel Rules and Regulations; and (2) introduce by title only an ordinance amending Newark Municipal Code Chapter 2.28, "Personnel System", to align with current City policies and procedures and industry standards.

BACKGROUND

In 1963, the City Council established both the Personnel Rules and Regulations (Rules) and Chapter 2.28 - Personnel System of the Newark Municipal Code. The Rules were approved via Resolution Number 942 to provide a fair and equitable system of personnel management. Chapter 2.28 of the Newark Municipal Code was approved via Ordinance 77 and establishes procedures dealing with personnel matters and systems. Both documents have been updated several times since their adoption, as staff periodically review the content and update the documents as operational needs change over time.

Staff recently conducted a review of both the Rules and Chapter 2.28 of the Municipal Code and now recommend various changes to streamline the documents, reflect current polices and procedures, remove redundancies with other administrative documents (such as Administrative Regulations and Memoranda of Understanding), and recommend amendments to reflect current industry standards related to compensation and employment status.

DISCUSSION/ANALYSIS

To update various Human Resources processes and procedures, staff conducted a comprehensive review of the Personnel Rules and Regulations and Chapter 2.28 of the Municipal Code and recommend a variety of changes. The following is a summary of the substantive changes to each document.

PERSONNEL RULES AND REGULATIONS

- Amendments to the Conflict-of-Interest section to clarify limitations of an elected or appointed individual with a close relative employed by the City;
- Provide that all Department Directors are “at-will” and exempt from the Rules and related procedures;
- Provide that, upon promotion, the starting salary of the promoted employee shall be the salary step or range closest to, but not less than, 5% above their current salary, unless this figure exceeds the new position salary or range maximum;
- Add language to provide that an employee maintains their current salary (known as “Y-rate”) when reclassified to a lower-level position if their current salary is over the maximum of the new range;
- Provide that the probation period for a new employee may be extended for up to six (6) additional months;
- Amend the Eligible List section to ensure that eligibility lists will remain in effect for a minimum of six (6) months, and new language to provide clarity around abolishing an eligible list and having multiple active eligible lists at the same time;
- Amend language and definitions to align with current administrative regulations and Memoranda of Understanding (MOU);
- Remove language which is part of the various MOU and subject to the authority of the MOU;
- Remove language that is part of the Municipal Code and/or other City administrative regulations; and
- Amend pronouns to gender neutral pronouns.

NEWARK MUNICIPAL CODE, CHAPTER 2.28 - PERSONNEL SYSTEM

- Provide that personnel-related tasks are functions of the Personnel Officer, appointed by the City Manager;
- Provide that all Department Directors are exempt/ “at- will” and removes City Treasurer from list of exempt employees as this position is no longer active;
- Revise language regarding part-time employees, examination process, appointment process, and probation to align with Personnel Rules & Regulations and current practice;
- Remove language which is part of the various Memoranda of Understanding (MOU) and subject to the authority of the MOU; and
- Remove language that is part of the Personnel Rules & Regulations and/or part of other City administrative regulations.

There are no other substantive amendments beyond those summarized above. A summary of the proposed revisions, red-lined copies of both documents and an opportunity to meet and confer was provided to the leadership of all employee organizations (Newark Association of Miscellaneous Employees, Newark Police Association, and Newark Police Management Association).

Attached to the proposed resolution as Exhibit A is an amended copy of the Personnel Rules and Regulations with revisions in redline. Attached to the proposed ordinance as Exhibit A are proposed text amendments to Newark Municipal Code Chapter 2.28, "Personnel System", with revisions reflected in redline.

FISCAL IMPACT

There is no direct fiscal impact associated with the proposed actions.

REVIEW AND APPROVAL

Prepared by - Cathreene Ingham-Watters, Human Resources Director
Reviewed by - Lenka Hovorka, Assistant City Manager
Reviewed by - Krysten Lee, Finance Director
Reviewed by - Kristopher J. Kokotaylo, City Attorney
Approved by - David J. Benoun, City Manager

Attachments

Resolution of PR&R

PR&R Exhibit A

Ordinance Amending Chapter 2.28

Chapter 2.28 Exhibit A

RESOLUTION NO.

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NEWARK AMENDING THE PERSONNEL RULES AND REGULATIONS TO ALIGN WITH OTHER CITY POLICIES AND PROCEDURES AND INDUSTRY STANDARDS

WHEREAS, the Personnel Rules and Regulations govern various personnel processes; and

WHEREAS, the Personnel Rules and Regulations contain information that may be redundant with other governing documents, such as the City Municipal Code, adopted Memoranda of Understanding, and administrative regulations; and

WHEREAS, the City wishes to remove such redundancies and make certain substantive changes to reflect current industry standards and City practices; and

WHEREAS, the substantive changes include amendments to the Conflict of Interest section related to employment and governance of close relatives; salary upon promotion; salary upon reclassification to a lower-level position; duration and types of employment eligible lists; length of the probationary period for a new employee; and the "at-will" status of Department Directors; and

WHEREAS, the City Manager or designee provided an opportunity to meet and confer .in good faith with the Newark Association of Miscellaneous Employees, Newark Police Association, and Newark Police Management Association related to the above matters.

NOW THEREFORE, BE IT RESOLVED that the City Council of the City of Newark hereby approves an amendment to the Personnel Rules and Regulations as referenced in the red-lined document Exhibit A, which is attached hereto and incorporated herein by reference.

CITY OF NEWARK

PERSONNEL RULES AND REGULATIONS

Resolution No. 3513 as amended by Resolutions No. 6466 (5/92), No. 6616 (1/93), No. 6665 (5/98), No. 6844 (1/94), No. 7164 (2/96), No. 7420 (6/97), No. 9662 (12/09), No. 9687 (2/10), No. 9695 (3/10), No. 9820 (3/11), No. 10416 (9/15), No. 11345 (5/22), No. XXX (4/243).

TABLE OF CONTENTS
PERSONNEL SYSTEM RULES AND REGULATIONS

RULE ~~1~~I	Purpose and Definitions	1
RULE II	General Provisions	
	Section 1 - Memorandum of Understanding	3
	Section 2 - Violation of Rules	4
	Section 3 - Application of Rules	4
	Section 4 - Outside Employment	4
	Section 5 - Conflict of Interest due to Personal Relationships	4
	Section 6 - Amendment of Rules	4
RULE III	Classification	
	Section 1 - Preparation of Plan	4
	Section 2 - Adoption of Plan	5
	Section 3 - Allocation of Positions	5
	Section 5 - Reclassification	5
	Section 6 - Amending the Classification Plan	5
RULE IV	Compensation	
	Section 1 - Preparation of Plan	6
	Section 2 - Approval of Compensation Levels	6
	Section 3 - Only Authorized Compensation	6
	Section 4 - Oath of Office	6
RULE V	Applications and Applicants	
	Section 1 - Announcement of Examination	6
	Section 2 - Minimum Qualifications	7
	~~Section 3 - Application Forms~~	~~7~~
	Section 3~~4~~ - Disqualification	7
RULE VI	Examinations	
	Section 1 - Nature and Types of Examinations	7
	Section 2 – Promotional Examinations	8
	Section 3 - Scoring	8
	Section 4 - Notification of Examination Results	8

RULE VII Eligible List

Section 1 - Establishment 9
Section 2 - Types of Eligible Lists 9
Section 3 - Duration of Eligible List 9
Section 4 - Removal of Name from Eligible List 10
Section 5 - Alternate Eligible List 10

RULE VIII Appointment

Section 1 - Appointment Authority 11
Section 2 - Appointment from Eligible List 11
Section 3 - Promotional Appointments 11
Section 4 - Regular Full-time Appointment 12
Section 5 - Regular Part-time Appointment 12
Section 6 - Temporary Appointment 12
Section 7 - Exempt Service Appointment 13
Section 8 - Emergency Appointment 13

RULE IX Probationary Period

Section 1 - Objective 13
Section 2 - Duration 14
Section 3 - Rejection Following Promotion 14
Section 4 - Extension of Probationary Period 14

RULE X Attendance and Leaves

~~Section 1 - Annual Vacation Leave 14~~
~~Section 2 - Sick Leave 16~~
Section 13 - Military Leave 17
Section 24 - Leave of Absence Without Pay 17
Section 35 - Attendance 18
~~Section 6 - Holidays 18~~
~~Section 7 - Bereavement Leave 19~~
Section 48 - Jury Duty 19

RULE XI Compensation Adjustments

Section 1 - Application of Compensation Rates 19
Section 2 - Advancement 20
Section 3 - Anniversary Date 20
Section 4 - Withholding Advancement 20
Section 5 - Promotion 21
Section 6 - Demotion 21
Section 7 - Reclassification 21

RULE XII Transfer, Promotion, Demotion, Reduction-in-pay, Suspension and Reinstatement

Section 1 - Transfer 21
Section 2 - Promotion 22
~~Section 3 - Demotion and Reduction-in-pay 22~~
~~Section 4 – Suspension 22~~
~~Section 5 - Attachment of Wages 22~~
Section ~~3~~6 - Reinstatement 23

RULE XIII Separation from the Service

Section 1 - Dismissal 23
Section 2 - Resignation 23
Section 3a - Layoff 23
Section 3b - Work Schedule Reductions 23
Section 4 - Personnel Reduction Procedures 24

~~RULE XIV Training of Employees~~

~~Section 1 - Responsibility for Training 32~~
~~Section 2 - Credit for Training 32~~

~~RULE XV Evaluations~~

~~Section 1 - Evaluations 32~~

~~RULE XVI Reports and Records~~

~~Section 1 - Roster Cards 32~~
~~Section 2 - Change-of-status Report 33~~
~~Section 3 - Destruction of Records 33~~
~~Section 4 - Attendance 33~~
~~Section 5 - Accident Reports 33~~

RULE ~~XVII~~XIV Cooperation

Section 1 - Cooperation of Municipal Officers and Employees 33

RULE ~~XVIII~~XV Administrative Regulations

Section 1 - City Manager 33
Section 2 - Departmental Regulations 34

CITY OF NEWARK
PERSONNEL SYSTEM RULES AND REGULATIONS

RULE I
PURPOSE AND DEFINITIONS

RULE I-A PURPOSE

The objectives of these rules are to facilitate efficient and economical services to the public and to provide for a fair and equitable system of personnel management in the municipal government.

These rules set forth in detail those procedures which ~~insure~~ ensure similar treatment for those who compete for original employment and promotion, and define the obligations, rights, privileges, benefits and prohibitions which are placed upon all employees in the Competitive Service of the City.

At the same time, within the limits of administrative feasibility, recognition shall be given to the fact that individuals differ, that no two individuals react alike to reward and discipline or to uniform motivation and encouragement. For this reason, considerable latitude shall be given to the Personnel Officer in the execution of ~~his~~ their duties and responsibilities relating to employee morale and discipline.

RULE I-B DEFINITION OF TERMS

The terms used in these Rules shall have the same meaning as defined below:

(a) Advancement in salary: a salary increase within the limits of a salary range established for a classification.

~~(a)~~(b) Advancement in Classification Series: advancing from one level to a higher level within the same, flexibly staffed, classification series.

~~(b)~~(c) Allocation: the assignment of a single position to ~~its proper~~ a specific classification in accordance with the duties performed and the authority and responsibilities exercised.

~~(c)~~(d) Anniversary Date: the date ~~an individual employee~~ useds ~~to~~ compute eligibility for salary advancement or other changes in status, as established in the provisions of these Rules.

~~(d)~~(e) Candidate: an applicant participating in ~~an examination~~ the selection

process.

~~(e)~~(f) Classification: a position or group of positions with duties and responsibilities so similar that the same title, example of duties, qualifications, and salary range can be applied with equity.

(g) Clerical Employee: shall be specifically defined as any employee in the following classification: Administrative Support Specialist I, II and Senior, Administrative Assistant, Executive Assistant, Public Safety Clerk, Senior Public Safety Clerk, and other related classifications as designated by the Personnel Officer.

~~(f)~~(h) Close Relative: husband, wife, domestic partner, son, daughter, sister, brother, mother, father, stepfather, stepmother, grandparent, grandchild, mother-in-law, father-in-law, sister-in-law, brother-in-law, son-in-law, ~~or~~ daughter-in-law, or grandparent-in-law.

~~(g)~~(i) Competitive Service: the positions specified in the ~~Personnel~~ Classification Plan ~~Ordinance~~ as being in the competitive service.

~~(h)~~(j) Demotion: the change in status of an employee from a position in one classification to a position in a different classification having a lower maximum rate of salary.

~~(i)~~ Eligible List: a list of names of persons who are eligible for appointment to a particular classification pursuant to the ~~Personnel Ordinance and~~ Rules.

~~(j)~~ Examination: any test or combination of tests used to measure particular qualifications ~~or abilities~~ of applicants for a position.

(k) Exempt Service: the positions, officials, and employees generally not subject to the provisions of ~~the Personnel Ordinance and the Personnel~~ Rules and the resolutions adopted pursuant thereto, as set forth in the Personnel Ordinance.

(l) ~~Permanent~~ Regular Employee: an employee who has successfully completed the probationary period and has been retained as provided in these Rules.

(m) Personnel Ordinance: City of Newark, California Ordinance No. 77 which creates a personnel system for the City.

(n) Probationary Period: a working, on-the-job test period during which an employee is required to demonstrate fitness for the duties of the position

to which the employee was appointed by actual performance of the duties of the position.

(o) Promotion: the change in status of an employee from a position in one classification to a position in a different classification having a higher maximum rate of salary.

(p) Reclassification: the change in allocation of an individual position in one classification to another classification, on the basis of significant change in the kind or difficulty of duties and responsibilities of the initial position.

(q) Reduction in salary: a decrease in salary, within the salary range established for classification.

(r) Regular Part-Time Appointment: an appointment to a position that is scheduled to work less than the standard work week for a full-time employee ~~but not less than 20 hours per week~~ on a year-round continuous basis for an unspecified period of time.

(s) Reinstatement: the re-employment of a former ~~permanent~~ regular employee from ~~the competitive service~~ a reinstatement list.

(t) Seniority: an employee's accumulated time spent in active service to the City, during which the employee was maintained on the City payroll, excluding that time spent on leave of absence as provided in these Rules.

(u) Suspension: the temporary separation of an employee from the service without salary for disciplinary purposes.

(v) Temporary Appointment: an appointment of a person to a position for a limited period of time. Temporary appointments may be for a limited term not to exceed six (6) months per fiscal year, casual term not to exceed 1000 hours per fiscal year, or an extended term not to exceed ~~three~~ five years. Temporary employees are exempt from competitive service of the City.

(w) Transfer: the change in status of an employee from one position in a classification to another position in the same or a different classification having essentially the same salary range, requiring the performance of similar duties, and the same basic qualifications.

(x) Working Day: a day during which the employee is or would have been regularly scheduled to report to work.

RULE II
GENERAL PROVISIONS

Section 1 MEMORANDUM OF UNDERSTANDING

In the event that any provisions of these Rules concerning matters within the scope of representation as set forth in the Employer-Employee Relations Ordinance No. 115 of the City of Newark, California, conflict with any provisions in any Memorandum of Understanding approved by the City Council and in effect between the City and a formally recognized employee organization, the terms of the Memorandum of Understanding shall prevail.

Section 2 VIOLATION OF RULES

Violations of the provisions of these rules shall be grounds for dismissal, rejection, suspension, or other disciplinary action.

Section 3 APPLICATION OF RULES

Unless specified in the content, these Rules shall be applied to all positions and employees in the competitive service of the City of Newark. Unless otherwise specified, these Rules do not apply to exempt employees.

Section 4 OUTSIDE EMPLOYMENT

No member of the competitive or exempt service shall accept or continue employment from an entity other than the City of Newark without specific approval of the ~~Personnel Officer~~ City Manager. The ~~Personnel Officer~~ City Manager may approve outside employment where ~~he/she~~ they find~~s~~ it creates no substantial conflict with the City of Newark employment. Members of the competitive service employed on the effective date of this resolution shall have 60 days within which to comply with the resolution.

Section 5 CONFLICT OF INTEREST – COUNCIL AND CITY MANAGER ~~DUE TO PERSONAL RELATIONSHIP~~

A close relative of any member of the City Council ~~or any board or commission~~ or the City Manager shall not be appointed to any regular or exempt position~~-~~ with the City. An application for employment of any ~~family member or~~ close relative of any members of the City Council ~~or any board or commission~~ shall not be accepted until the end of one year following the termination of service of that member of the City Council~~, board or commission~~.

Conflict of interest rules applicable to exempt and non-exempt employees are provided by internal policy.

~~No person shall be appointed to or transferred into any department of the City where such action would compromise supervision or reduce the effectiveness of an internal~~

~~audit procedure due to the relationship of the individuals involved.~~

Section 6 AMENDMENT OF RULES

Amendments and revisions shall become effective upon adoption of a resolution by the City Council.

RULE III
CLASSIFICATION

Section 1 PREPARATION OF PLAN

The Personnel Officer, or a person or agency employed, retained or contracted with for that purpose, shall ascertain and record the duties and responsibilities of all positions in the competitive service and all other positions they deem it desirable to include, and after consultation with heads of departments affected, ~~shall recommend a classification with heads of departments affected,~~ shall recommend a classification plan for such positions. The classification plan shall consist of classes of positions in the competitive service and any other positions the Personnel Officer deems it desirable to include defined by class responsibilities of positions in each class, the probationary period, a statement of the training, experience and other qualifications to be required of applicants for positions in each class. The classification plan shall be so developed and maintained that all positions substantially similar with respect to duties, responsibilities, authority, and character of work are included within the same class, and that the same schedules of compensation may be made to apply equitably under like working conditions to all positions in the same class.

Section 2 ADOPTION OF PLAN

The Classification Plan was established and approved by the City Council on February 28, 1963 (Resolution No. 943) and became effective March 11, 1963. The provisions of the classification plan shall be observed in the handling of all personnel actions and activities. The classification plan shall be amended or revised as occasion requires.

Section 3 ALLOCATION OF POSITIONS

Following the adoption of the classification plan, the Personnel Officer shall allocate every position in the competitive service to one of the classes established by the plan.

Section 4 NEW POSITIONS

No person shall be appointed or employed to fill any position until the classification plan ~~shall have~~ has been amended ~~to provide therefore~~ and an appropriate ~~employment~~ eligible list has been established for such position.

Section 5 RECLASSIFICATION

Positions, the duties of which have changed materially so as to necessitate reclassification, shall be allocated by the Personnel Officer to a more appropriate class, whether new or already created, in the same manner as originally classified and allocated. Reclassification shall not be used for the purpose of avoiding restrictions surrounding demotions and promotions.

Section 6 AMENDING THE CLASSIFICATION PLAN

The City Manager or designee may create new classes or abolish existing classes. The Personnel Officer or designee may revise existing classes.

RULE IV COMPENSATION

Section 1 PREPARATION OF PLAN

The Personnel Officer or the person or agency employed, retained or contracted with for that purpose shall prepare a compensation plan covering all classes of positions in the competitive service and any other positions ~~he/she~~ they deem~~s it~~ desirable to include not covered by Memorand~~a~~um of Understanding as provided in City of Newark Ordinance No. 115 establishing a system for Employer-Employee Relations. This plan shall cover the minimum and maximum rates of pay, employee benefits payable, and hours of work for the classifications covered.

Section 2 APPROVAL OF COMPENSATION LEVELS

The City Council shall, by ~~adoption of a~~ resolution, implement a compensation plan for ~~positions~~ classifications not represented by a recognized bargaining unit or arrived at through meeting and conferring with recognized bargaining units ~~as specified under Ordinance No. 1165~~, specifying the compensation levels for all classifications ~~positions~~ in the competitive and exempt service of the City of Newark. No position shall be assigned a salary higher than the maximum or lower than the minimum salary provided for that ~~class of position~~ classification unless the compensation level is amended by a subsequent City Council resolution.

Section 3 ONLY AUTHORIZED COMPENSATION

No member of the competitive service shall accept anything of value for the performance of his/her official duties and acts or other acts performed while at work for the City of Newark except compensation duly authorized by the City Council.

Section ~~3~~4 OATH OF OFFICE

No compensation shall be paid to any employee who has not executed or affirmed an

oath of office.

RULE V
APPLICATIONS AND APPLICANTS

Section 1 ANNOUNCEMENT OF EXAMINATION

When necessary to establish an eligibility list, the Personnel Officer shall prepare a job announcement which shall specify the position title, nature of duties, minimum qualifications, rate of compensation, application procedure, and other pertinent information. Suitable and effective methods of distributing information relative to job openings to secure the most qualified candidates available for competition shall be practiced.

Section 2 MINIMUM QUALIFICATIONS

The minimum qualifications established by the Personnel Officer in recruitment for a position in the competitive service shall be those shown for the classification in the Classification Plan.

~~**Section 3** APPLICATION FORMS~~

~~Applications shall be made on the forms provided by the Personnel Officer. Such forms shall require information regarding training, experience and other information pertinent to the position to be filled. All applications must be signed by the person applying, and applications shall be given to any person requesting one.~~

Section 4 DISQUALIFICATION

The Personnel Officer shall reject any applicant before, during, or after examination for the following reasons:

(a) Indication on the face of the application that the applicant does not possess the minimum qualifications required for the position.

(b) False statement of material fact or actual or attempted deception, fraud or misconduct in connection with the application or examination.

(c) Failure to file the application ~~with the Personnel Officer~~ prior to the expiration of the application deadline.

Whenever an application is rejected, notice of such rejection with statement of reason for the rejection shall be ~~mailed~~ made to the applicant. Defective applications may be returned to the applicant with notice to amend the same, providing the time limit for receiving applications has not expired.

RULE VI
EXAMINATIONS

Section 1 NATURE AND TYPES OF EXAMINATIONS

The examination process shall be impartial, of a practical nature, and shall relate to those subjects which in the opinion of the Personnel Officer fairly measure the relative capacities of persons examined to execute the duties and responsibilities of the position to which they seek appointment.

In examining persons for positions in the competitive service, promotional, open, and continuous examinations may be used when practical and consistent with the best interest of the service.

Examinations shall consist of selection techniques which test fairly the qualifications of candidates, such as but not necessarily limited to achievement and aptitude tests, other written tests, personal interviews, performance tests, physical agility tests, evaluation of daily work performance, work samples, medical tests, psychological tests, successful completion of prescribed training, or any combination of these or other tests except as limited by applicable State law. The probationary period shall be considered as an extension of the examination process.

Section 2 PROMOTIONAL EXAMINATIONS

Candidates for promotional examinations must possess minimum qualifications required for the new position. Only competitive service employees or former employees who were subject to layoff within the last 24 months who meet the requirements set forth in the promotional examination announcements may compete in the promotional examination.

Promotional examinations may include the types of tests listed in Section 1 of this Rule, evaluations of actual performance appraisals of promotional potential, and accomplishments of the candidate in special training courses.

Section 3 SCORING

The Personnel Officer shall establish the lowest qualifying score on individual tests or the entire examination in accord with the needs of the service. The Personnel Officer may include as part of the examination tests which are qualifying only.

Failure in any one part of the examination may be grounds for declaring such applicant as failing in the entire examination or as disqualified for subsequent parts of the examination, if such fact is stated in the examination announcement.

The overall scoring of an examination shall be in accord with the method of scoring

specified in the examination announcement.

Section 4 NOTIFICATION OF EXAMINATION RESULTS

Each candidate in an examination shall be given written notice of the results thereof.

RULE VII
ELIGIBLE LIST

Section 1 ESTABLISHMENT

The Personnel Officer shall prepare and maintain eligible lists consisting of the names of candidates who qualified in the examination.

Section 2 TYPES OF ELIGIBLE LISTS

Eligible lists shall be of three types:

(a) Open Lists. These lists consist of eligible~~s~~ candidates who have successfully competed in an examination open to any person.

(b) Promotional Lists. These lists consist of City employees or former employees who were subject to layoff within the last 24 months who have successfully competed in a promotional examination.

(c) Reinstatement Lists. These lists consist of persons who have been separated from service as the result of a reduction in work force (lay-off). Refer to Rule XIII, Section 4 for information pertaining to the reinstatement list.

Section 3 DURATION OF ELIGIBLE LISTS

~~Open e~~Eligible lists shall remain in effect for a minimum period of six (6) months, ~~nine (9) months or twelve (12) months as determined by the Personnel Officer~~ unless sooner exhausted or abolished by the Personnel Officer. Eligible lists may be extended ~~prior to their expiration date by action of the Personnel Officer for an additional period, more than once,~~ up to a maximum of two (2) years.

~~Open eligible lists created as the result of continuous examinations shall remain in effect for a period of six (6) months, nine (9) months, or twelve (12) months as determined by the Personnel Officer, but no longer than twelve (12) months after the last administration of an examination, unless sooner exhausted or abolished. Names placed on continuous examination lists shall remain on the list for a period of time as determined by the Personnel Officer not to exceed twelve (12) months.~~

~~Promotional eligible lists shall remain in effect for twelve (12) months and may be extended prior to their expiration date by action of the Personnel Officer for an additional period of six (6) or twelve (12) months up to a maximum of two (2) years.~~

Whenever there are three (3) or fewer ~~than five (5)~~ candidates ~~willing to accept~~ appointment on an ~~open~~ eligible list, the Personnel Officer may abolish that list ~~and establish a new open eligible list~~. Multiple active eligible lists may be created for the same classification in which the recruitment is continuous, to provide for one open and one promotional eligible list for each classification or ~~or promotional with a current eligible list from an open recruitment,~~ or unique positions utilizing the same classification but with varying functions within the City. ~~.~~ No more than two active lists, one open and one promotional, shall exists for the same classification and/or unique functional position.

Section 4 REMOVAL OF NAME FROM ELIGIBLE LIST

This section applies to open and promotional lists only. Refer to Rule XIII, Section 4 for information pertaining to reinstatement lists.

Names of candidates may be removed from an eligible list by the Personnel Officer for any of the following reasons:

(a) Upon written request of the candidate.

(b) Upon evidence that the candidate cannot be located ~~by postal authorities~~via the contact information ~~at the address~~ provided by the candidate.

(c) Failure of the candidate to respond to an ~~written~~ inquiry within the designated time.

(d) Failure to accept an offer of appointment.

(e) Termination of an employee whose name is on a promotional eligible list.

(f) Failure of background investigations or polygraph examinations. (Polygraph examinations are used for certain public safety positions only.)

(h) Appointment from the eligible list to a regular full-time status position.

(i) Failure to pass the medical examination or psychological examination following a conditional offer of employment.

~~(i)~~(j) Upon recommendation from the hiring department after an interview determining their knowledge, skills, and/or abilities do not meet minimum qualifications.

Section 5 ALTERNATE ELIGIBLE LIST

If a vacancy exists in a class for which there is no reinstatement list, open eligible list, promotional eligible list, or there are less than three candidates available on an open or promotional eligible list, the Personnel Officer may prepare an appropriate eligible list for the class from one or more existing eligible lists. For this purpose, the Personnel Officer shall select eligible lists for classes for which minimum qualifications and examinations are similar to or higher than those required for the class in which the vacancy exists.

RULE VIII
APPOINTMENT

Section 1 APPOINTMENT AUTHORITY

If a position vacancy in the competitive service is to be filled, the department head shall notify the ~~City Manager~~ Personnel Officer in the manner prescribed. If the vacancy is to be filled and there is no reinstatement list, the Personnel Officer ~~City Manager~~ shall decide ~~whether~~ how to fill the vacancy ~~by transfer, demotion, appointment from a promotional or an open eligible list, or any other type of appointment available~~ according to applicable ~~Personnel~~ Rules, regulations, and Memoranda of Understanding.

Section 2 APPOINTMENT FROM ELIGIBLE LIST

When it is the decision of the Personnel Officer ~~City Manager~~ to fill a position vacancy by appointment from an eligible list, and there is no reinstatement list for the position classification, the Personnel Officer shall certify an open or promotional eligible list to the department head. The names of candidate will appear alphabetically, under a qualification category based on final examination scores. The Personnel Officer shall determine the appropriate grouping of candidates under qualification categories based on final examination scores. The appointing authority may appoint any eligible candidate on an open or promotional list regardless of rank or final score.

A~~n eligible~~ candidate on an eligible list may request to be waived from consideration for a particular vacancy for reasons satisfactory to the Personnel Officer. Satisfactory reasons may include but are not limited to medical, family leave, or completion of education or a specialized training program. If the reasons for the request for waiver are not approved by the Personnel Officer, then the eligible candidate's name shall be removed from the eligible list. Waivers must be filed in writing with the Personnel Officer.

Section 3 PROMOTIONAL APPOINTMENTS

An employee who leaves a position to accept appointment to another classification shall be ~~permanently~~ separated from the position they formerly held ~~by him or her~~; provided,

however, that any such employee, at the discretion of the Personnel Officer, within the probationary period, upon request and with approval of the department or departments concerned, may be reinstated in any vacancy in the same division and class from which ~~he or she was~~they were separated. This section shall not preclude an employee from displacing an employee in the lower class from which the employee was promoted in the event of a reduction in work force provided the displacing employee has seniority rights over the employee in the lower classification. (Refer to Rule XIII~~, Section 4~~)

Section 4 REGULAR FULL-TIME APPOINTMENT

Appointments to an authorized position budgeted on a full-time basis, 40 hours-a-week (or a full-time schedule equivalent), shall be made from an appropriate eligible list or through eligible reinstatement and shall be subject to the approval of the ~~City Manager~~Personnel Officer. Employees appointed on this basis shall be included in the competitive service of City employment, shall serve a probationary period, and shall receive all rights and benefits outlined in personnel policy documents and appropriate memoranda of understanding or compensation and benefit plans.

Section 5 REGULAR PART-TIME APPOINTMENT

Appointments to authorized positions budgeted and regularly scheduled for 20 hours or more per week (or a half-time or more schedule equivalent) but for less than 40 hours per week (or a full-time schedule equivalent) on a year-round continuous basis for an unspecified period of time, shall be made from an appropriate eligible list and shall be subject to the approval of the Personnel Officer~~City Manager~~.

Regular part-time employees appointed from an eligible list may be considered for appointment to a regular full-time position in the same classification subject to the approval of the City Manager. Service time earned as a regular part-time employee will be considered in calculating City seniority provided that the part-time service is contiguous with the full-time appointment.

Section 6 TEMPORARY APPOINTMENT

Temporary appointments may be designated as Limited Term, Temporary, or CalPERS Retired Annuitant or by emergency appointment. These designations are further defined in the City's regulations.~~There are three types of temporary appointments:~~

~~(a)~~ ~~(a) Limited Term: Shall mean a person appointed and authorized by the City Manager to work on a special project that has a limited duration or to positions budgeted under a special grant or funding source that is separate from the City's base operating budget. Continued employment shall be dependent on the availability of work associated with a specific project and/or the continuation of special funding. Extended temporary employees shall be appointed from an eligible list and shall not exceed~~

three years. The City Manager may extend the employment duration for up to an additional two years, for a total not to exceed a duration of five years. Appointment to a part-time or full-time position established with a regular fixed schedule for a duration of six months or less. Such appointment may be extended an additional six months for a total temporary employment period not to exceed twelve months upon the approval of the City Manager.

(b)

(c) Extended Term: Appointments authorized by the City Manager to work on a special project that has a limited duration or to positions budgeted under a special grant or funding source that is separate from the City's base operating budget. Continued employment shall be dependent on the availability of work associated with a specific project and/or the continuation of special funding. Extended temporary employees shall be appointed from an eligible list and shall not exceed three years.

(d) Seasonal and CasualTemporary: Appointments to work on a sporadic, irregular, or temporary basis and and/or part-time basis. employees who work less than 20 hours per week on a continuous basis shall be designated as temporary and their employment shall not exceed 1000 work hours per fiscal year.

Temporary employees shall be designated asconsidered exempt and may be terminated from employment with the City

with or without cause or notice, at any time, at the will of the City in its sole discretion. Such action shall not be made in accord with the formal provisions of these Rrules or the personnel ordinance.

at any time and for any reason or for no reason at all.

With the exception of Limited Term designated employees, tTemporary employees receive no insurance, or leave, or other benefits except those mandated by law.

Employees appointed on an extended temporary basis to a full-time position in the competitive service for a period of more than twelve months shall receive the same benefits as full-time employees in the same classification.

No special credit shall be allowed for service rendered under a temporary appointment except as provided in memoranda of understanding. Employees serving a temporary appointment shall be exempt from tenure, disciplinary proceedings, transfer, and removal provisions of these rules and from provisions regarding probation.

Section 7 EXEMPT SERVICE APPOINTMENT

The City Manager shall appoint, discipline, or dismiss persons in temporary and limited

~~term , part-time, intermittent, seasonal or CETA employment with the City of Newark~~in the exempt service.~~Exempt employees may be terminated with or without cause or notice, at any time, at the will of the City in its sole discretion. Such action shall not be made in accord with the formal provisions of these rules or the personnel ordinance.~~

Section 8 EMERGENCY APPOINTMENT

To meet the immediate requirements of an emergency condition such as an extraordinary fire, flood, or earthquake, or which threatens public life or property, any legally competent officer or employee may employ such persons as may be needed for the duration of the emergency without regard to the ~~Personnel Ordinance~~ Municipal Code or Rules affecting appointment. As soon as possible, such appointment shall be reported to the Personnel Officer.

RULE IX
PROBATIONARY PERIOD

Section 1 OBJECTIVE

The probationary period shall be regarded as an intrinsic part of the examination process and shall be utilized for closely observing the employee's capability for performing the duties of the position. A probationary employee whose performance does not meet the required standards shall be released from employment~~terminated~~. A person who has

completed the probationary period as prescribed for ~~his/her~~their classification shall assume regular status in the competitive service.

Section 2 DURATION

All appointments to positions in the competitive service shall be subject to a probationary period. The regular probationary period shall be six (6) months but longer periods may be specified in individual classification descriptions and shall apply to all positions in that classification.

Section 3 REJECTION FOLLOWING PROMOTION

Any employee rejected for failure to meet the requirements of the position during the probationary period following a promotional appointment shall be re-instated to the position from which ~~he/she was~~they were promoted unless disciplinary charges are filed and the employee is ~~discharged~~ terminated from the competitive service.

Section 4 EXTENSION OF PROBATIONARY PERIOD

If a probationary employee is on leave of absence for more than ~~thirty~~ twenty (2~~3~~0) ~~calendar~~ working days cumulatively, the probationary period of that employee shall be

extended for a period commensurate with the length of the leave of absence.

Probation may also be extended in order to provide additional time for training and skill evaluation. The maximum a probation period may be extended, in addition to a leave of absence extension as discussed above, is six months.

RULE X
ATTENDANCE AND LEAVES

Refer to the applicable Employment Contracts, Memorandum of Understanding and/or Compensation and Benefits Plan for the leaves entitled to ~~E~~employees in the competitive and exempt service ~~and the City Manager~~. In addition to those specified, employees shall be entitled to additional leaves as ~~follows~~provided in this Rule X.~~:~~

~~**Section 1** ANNUAL VACATION LEAVE~~

~~The purpose of annual vacation leave is to enable each eligible employee annually to return to his work mentally and physically refreshed. Vacation leave shall be provided under the following conditions:~~

~~(a) Employees who have served less than six (6) months with the City shall receive no vacation except that after completion of six (6) months the employee shall receive credit for the first six (6) months in service of the City.~~

~~(b) The following annual vacation leave entitlement shall be provided:~~

~~(1) Eligible employees who have served less than five (5) years with the City of Newark shall earn vacation entitlement as follows:~~

~~(a) Positions in the classifications of Firefighter and Fire Captain - 12 hours per month.~~

~~(b) Position in the classifications of Police Officer and Police Sergeant - 7.5 hours per month.~~

~~(c) All other positions - 6.67 hours per month.~~

~~(2) Eligible employees during their fifth year of employment with the City of Newark shall earn vacation entitlement as follows:~~

~~(a) Positions in the classifications of Firefighter and Fire Captain - 18 hours per month.~~

~~(b) Positions in all other classifications - 10 hours per month.~~

(3) Eligible employees during their fifteenth year of employment with the City of Newark shall earn vacation entitlement as follows:

(a) Positions in the classifications of Firefighter and Fire Captain - 24 hours per month.

(b) Positions in all other classifications - 13.34 hours per month.

(c) No vacation may be taken before it is earned except that a vacation may be commenced and taken where the total vacation will have been earned as of the final day of vacation, in the case of eligible personnel, where one or more municipal holidays fall during a vacation, which such eligible personnel would otherwise be entitled to such holiday, the vacation shall be extended by the number of holidays that fall during the vacation.

(d) Vacations must be taken during the year following the date on which the employee completed accumulation of one full year of vacation credit except that the Personnel Officer may approve accumulation of more than one year's entitlement upon finding that such accrual does not adversely affect the needs of the service. The times at which an employee shall take his vacation shall be determined by the department head who, in so doing, shall give due regard to the desires of the employee and particular regard to the needs of the service.

(e) When an employee is terminated, he shall receive a lump sum payment for accrued vacation credits. For purposes of calculating the payment due the employee, service shall be rounded off to the nearest month, giving the employee credit for a whole month where a half month or more is due and eliminating service credit of less than half a month. No such payment shall be made for vacation accumulated contrary to the provisions of these rules.

(f) For the purposes of determining the rate of vacation credits, only eligible continuous service with the City of Newark shall be considered. However, a valid leave of absence without pay of less than 30 days shall have no effect on vacation credits. No vacation credits shall accrue during an authorized leave of absence without pay of more than 30 days.

(g) No former employee is entitled to vacation pay by reason of this rule.

(h) No employee or future employee shall accrue vested rights by reason of the adoption of this resolution or by reason of service after the adoption of this rule. The City Council reserves the right to alter the policies herein, even though such action may alter the amount of "earned" vacation credits of an employee.

~~**Section 2**~~ ~~SICK LEAVE~~

~~The purpose of sick leave is to allow employees who are ill or injured to remain absent from work with pay, within the limitations of this section.~~

~~(a) Sick leave is granted to an employee to recover from illness or injury so as to be physically able to return to work.~~

~~(b) Sick leave is expressly not for the purpose of personal business, illness of other members of the family, bereavement leave, or any other purpose other than recovery from illness or injury.~~

~~(c) Sick leave with pay may be granted by the Personnel Officer at the rate of one work day for each calendar month of service. Employees shall accumulate unused sick leave at the rate of 12 work days a year to a total of not more than 120 days, except employees classified as Management under Ordinance No. 115 shall accumulate unused sick leave to a total of not more than 180 work days. One 24-hour work shift in the Fire Department shall be deemed two work days for the purposes of this section.~~

~~(d) In order to receive compensation while absent on sick leave, the employee shall notify his immediate superior or other competent authority as soon as practicable, preferably prior to the time set for beginning his daily duties. He must submit to the Personnel Officer application for sick leave showing such information as required by the Personnel Officer. Such applications shall be factually correct. The Personnel Officer may make such investigations as he feels necessary and may require supplemental information from the employee.~~

~~(e) Where an employee receives workers' compensation salary continuation benefits, and where sick leave is approved, the City shall pay the employee his full salary excluding therefrom the employee's workers' compensation benefits. The employee's sick leave entitlement shall be charged on a pro rata basis.~~

~~(f) With the adoption of this resolution, employees shall be credited with accumulated sick leave they had accrued as of the date of its adoption.~~

~~(g) Employees who have served less than six months with the City of Newark shall receive no sick leave except that after completion of six months the employee shall receive credit for the six months of service in the City.~~

Section ~~13~~ 13 MILITARY LEAVE

Military leave shall be granted in accordance with the provisions of state and federal law. All employees entitled to military leave shall give the department head an opportunity within the limits of military regulations to determine when such leave shall be taken.

Section 24 LEAVE OF ABSENCE WITHOUT PAY

Leaves of absence without pay may be granted as follows:

(a) Human Resources will grant leaves of absence without pay upon the request of eligible employees in accordance with mandated protected leaves ~~including~~ such as Military Leave (USERRA), Pregnancy Disability Leave (PDL), the Family and Medical Leave Act (FMLA), and the California Family Rights Act (CFRA).

(b) Human Resources will grant maternity leave with and/or without pay for up to a total of nine months in duration (including time covered by protected leaves) when the employee applies for such leave stating the intention to return to work and provides appropriate medical certification verifying the pregnancy. The nine months of maternity leave includes time off during PDL, FMLA, and CFRA and is not in addition to covered protected leave.

(c) Department heads may grant unprotected leaves of absence without pay upon the request of the employee for any purpose not contrary to the best interest of the City where such leave does not adversely affect the needs of City services, does not extend for more than seven consecutive calendar days, and does not occur in frequency more than twice in any calendar year.

(d) The City Manager may grant a leave of absence upon request of the employee and with the recommendation of the Department Head ~~to extend~~of up to one year beyond protected leaves, where such leave would not unduly affect the needs of City services, and that such leave would be of benefit to the City.

(e) Employees may request to keep a combined total of one week (up to forty hours depending on work schedule) of vacation/general leave and/or compensatory time off (CTO) subject to Memorandum of Understanding ~~MOU~~ provisions and department head approval. The request must be made when requesting a leave of absence without pay for use after returning from leave.

Section 35 ATTENDANCE

Employees shall be in attendance at their work in accordance with the rules regarding hours of work, holidays, and leaves. ~~All departments shall keep daily attendance records of employees which shall be reported to the Personnel Officer in the form and on the dates he shall specify.~~ Failure on the part of an employee, absent without leave, to return to duty within 24 hours after notice to return shall be cause for

terminationdischarge.

Notice of termination shall be given to the employee at his/herthe employee's address as shown on his/herthe employee's personnel record by U.S. mail postage prepaid, return receipt requested.

Section 6 HOLIDAYS

Employees except emergency service personnel in the Police and Fire Department shall observe the following legal holidays: New Year"s Day, Lincoln"s Birthday, Washington"s Birthday, Memorial Day, Independence Day, Admission Day, Labor Day, Armistice Day, Thanksgiving Day, the day following Thanksgiving Day, the last work day before Christmas, Christmas. When a holiday falls on Sunday, the following Monday shall be observed. When a holiday falls on Saturday, the preceding Friday shall be observed.

Emergency service personnel in the Police and Fire Department whose work hours are assigned without regard to municipal holidays shall receive as compensation in-lieu of holidays an amount equal to 4.62 percent of his/her regular pay, which in-lieu amount shall be paid each pay period. The in-lieu compensation factor of 4.62 percent shall not be applied and added to any payment for overtime worked or to a lump sum payment for accrued vacation in the case of a terminating employee; or to any other payment to an emergency service employee in the Police and Fire Departments, except his/her regular pay.

Section 7 BEREAVEMENT LEAVE

Bereavement leave with pay may be granted by the department head with approval of the Personnel Officer where that has been a death of a close relative of an employee in order that the employee may attend last rites and attend to any pressing matters resulting from the death. Such leave shall be no longer than necessary and shall not in any case extend more than five working days, unless the Personnel Officer approves an extension due to unusual circumstances.

Section 48 JURY DUTY

Unless otherwise specified in the applicable Memorandum of Understating and/or Compensation and Benefits Plans, Aa full-time employee summoned to jury duty shall inform his/hertheir supervisor, after receipt of such summons, and if required to serve, may be absent from duty with full salary.

Regular part-time employees, upon completion of 1,040 work hours or one year of continuous active service, whichever occurs first, who are summoned to jury duty and required to serve, may be absent from duty with pay as follows:

Work Schedule	Pay

20 ~~–~~ 25 work hours per week	4~~-~~5 hours of pay per day
30 - 35 work hours per week	6~~-~~7 hours of pay per day

Any jury duty ~~fees~~ pay other than mileage and subsistence received by the employee shall be remitted to the City.

RULE XI
COMPENSATION ADJUSTMENTS

Section 1 APPLICATION OF COMPENSATION RATES

Employees occupying a position in the competitive service shall be paid a compensation within the range established for that position's class under the Compensation Plan as provided by Rule V. The minimum rate for the class generally shall apply to employees upon original appointment. However, the Personnel Officer may, when Rule XIII or circumstances warrant it, appoint at other than the first step. Officers and employees re-employed after layoff shall receive a rate within the range established for the class which reflects his/her their relative position within the range at time of separation from the competitive service.

Section 2 ADVANCEMENT

No compensation advancement shall be made so as to exceed the maximum compensation rate established in the Compensation Plan for the class to which the employee's position is allocated. Advancement shall not be automatic, but shall depend upon increased service value of an employee to the City based on performance evaluations completed by ~~his/her~~ their supervisor.

Employees whose pay is specified in a five-step pay range are eligible to be advanced to higher steps as merited by progressive improvement in job skills and work performance. The following time~~- and~~ in-step requirements shall apply before an employee gains eligibility for advancement in pay.

Step	Time-In-Step Required
1	(at appointment)
2	6 months at Step 1
3	12 months at Step 2
4	12 months at Step 3
5	12 months at Step 4

When an employee demonstrates outstanding performance of ~~his/her~~ their duties, that

employee may be advanced in pay prior to completion of the above time in step requirements.

If an employee is on leave of absence without pay for more than 30 days, the time on leave shall be deducted from the employee's accumulated time in step requirement.

Section 3 ANNIVERSARY DATE

Each employee shall have an anniversary date of the first of the month as follows: Employees appointed, promoted, reappointed, advanced in salary or otherwise the subject of a change in status, on or between the first and fifteenth day of the month inclusive, shall have the first day of that month as their anniversary date; employees appointed, promoted, reappointed, advanced in salary or otherwise the subject of change in status on or after the sixteenth and the last day of the month inclusive shall have the first day of the month immediately following as their anniversary date.

Section 4 WITHHOLDING ADVANCEMENT

Supervisors and their superiors have the authority and responsibility to recommend against an advancement in pay to the Personnel Officer if that advancement is not merited. Supervisors shall keep their employees informed about their job performance. Good work should be given proper recognition. Deficient work should be clearly communicated to an employee as soon as practical with an offer of guidance and assistance toward improvement.

Section 5 PROMOTION

When an employee is promoted, the employee shall receive the first step in the salary range for the new position, which is closest to but not less than 5% above their current, base salary. Should 5% above current salary exceed the maximum of the new salary range, the employee shall be placed within the new range at the maximum salary available. ~~However, if such step is equal to or less than the present salary, that employee may receive the next step in the salary range of the new position which is immediately above the present salary.~~ If the salary range does not have steps, the employee shall be given a minimum increase of 5% in base salary.

When an employee who has been promoted is rejected for failure to meet the requirements of the position during the probationary period, that employee's salary shall revert to the same step or position in the salary range of the position prior to promotion.

Section 6 DEMOTION

When an employee is demoted for other than disciplinary reasons, that employee shall be placed at a salary step or position in the salary range in the new lower classification

which is closest to the salary rate held prior to demotion.

Section 7 RECLASSIFICATION

When a position is reallocated to a classification with a higher salary range, an incumbent employee's salary shall be placed at the step or position in the new range closest to ~~his/her~~ their present salary rate. In no case shall the employee be placed at a step or rate lower than present salary.

When a position is reallocated to a classification with a lower salary range, the incumbent employee shall continue at present salary rate~~ and carry forward an anniversary date of his/her advancement to that salary rate~~, if their present salary is within range of the reallocated classification. If the present salary rate of an incumbent employee exceeds the maximum ~~step~~ of the new range, that employee's salary shall be ~~reduced to the maximum step of the new range~~"Y-rated" and the employee shall maintain their current salary until the salary of the reallocated classification advances to include the employee's "Y-rated" salary, at which point the employee will move into the salary range of the reallocated classification.

The date of the reallocation shall become the new anniversary date.

Section 8 ATTACHMENT OF WAGES

All employees requiring wage attachments shall be charged with the City's total administrative cost for processing any attachment of wages. Such charge shall be deducted from the employee's paycheck from the City.

RULE XII
TRANSFER, PROMOTION, ~~DEMOTION, REDUCTION-IN-PAY SUSPENSION~~ AND REINSTATEMENT

Section 1 TRANSFER

The Personnel Officer may transfer an employee from one position to another position in the same or comparable class. Transfer shall not be used for the purpose of avoiding the provisions of the personnel ordinance in these rules in regard to ~~a promotion, demotion~~discipline, advancement, or reduction. No person shall be transferred to a position for which ~~he/she~~they do~~es~~ not possess the minimum qualifications.

Section 2 PROMOTION

Insofar as practicable and consistent with the best interests of the service, all vacancies in the competitive service shall be considered to be filled by promotion from within the competitive service, after a promotional examination has been given and ~~a~~

promotionalan eligible list established.

If the position classification provides that a vacancy could be filled by an open competitive examination instead of a closed promotional examination and/or there is not a sufficient amount of eligible promotional candidates to conduct a competitive examination, theThe Personnel Officer shall have the discretion to conduct an open competitive examination.

Section 3 DEMOTION AND REDUCTION-IN-PAY

The Personnel Officer may demote an employee whose ability to perform his required duties falls below standard, or for disciplinary purposes. Demotion may be made to a vacant position as a substitution of layoff. No employee shall be demoted to a position for which he/she does not possess the minimum qualifications. The procedure utilized to effect the demotion shall be in accordance with applicable state law.

The Personnel Officer may, within the limits of the pay range established for the position reduce in pay an employee whose performance of his/her required duties falls below standard, or for disciplinary purposes. The procedure utilized to effect the reduction in pay shall be in accordance with applicable state law.

Section 4 SUSPENSION

A department head may suspend any employee at any time for a period of not to exceed five working days in one suspension or more than ten working days in any calendar year. The Personnel Officer may suspend an employee at any time for a period of time for a period of time not to exceed 30 working days in any calendar year. A Fire Department shift shall be considered two working days. The procedure utilized to effect the suspension shall be in accordance with applicable state law.

Section 5 ATTACHMENT OF WAGES

AlIn employees requiring wage attachments in the competitive service or exempt service shall be charged the City's total administrative cost for processing any attachment of wages. Such charge shall be deducted from the employee's pay check from the City.

Section 36 REINSTATEMENT

With the approval of the Personnel Officer, an employee who has resigned with a good record may be reinstated within two years to his their former position, if vacant, or to a vacant position in a class where he/shethey held permanent status.

RULE XIII
SEPARATION FROM THE SERVICE

Section 1 DISMISSAL

An employee in the competitive service may be dismissed by the City Manager. Department heads may be dismissed by the City Manager subject to the approval of the City Council. The procedure utilized to effect a dismissal shall be in accordance with applicable law.

Section 2 RESIGNATION

An employee wishing to leave the competitive service in good standing shall file with ~~his/her~~ their supervising official, at least two weeks before leaving the service, a written resignation stating the effective date. The resignation shall be forwarded to the Personnel Officer. The resignation of an employee who fails to give notice shall be reported to the Personnel Officer by the department head immediately.

Section 3a. LAYOFF

The City Manager may lay off an employee or employees in competitive service because of material change in duties or organization or shortage of work or funds. In making such layoffs, the Personnel Reduction Procedure shall be utilized.

Section 3b. WORK SCHEDULE REDUCTIONS (REDUCTIONS IN WORK HOURS) IN LIEU OF LAYOFF[1]

For ~~Management, Confidential~~unrepresented employees and NAME employees, work schedules may be reduced in lieu of layoffs. The number of work schedule reductions and the amount of each reduction will be limited to the minimum needed to achieve budget reductions within each department and are not intended to affect the majority of the workforce.

When regular full-time positions are reduced, first consideration will be given to 30 to 35 hour weekly work schedules. Reductions from regular full-time to regular part-time

1 All references to work schedule reductions and rule/procedures regarding work schedule reductions in Rule XIII, Sections 3 and 4 apply to NAME, ~~Management and Confidential~~and unrepresented all regular City employees.

schedules of 20 to 25 hours per week will be limited to situations in which 30 to 35 hour work weeks do not meet budgetary needs. Work schedule reductions also include the reduction of regular part-time schedules of 30 to 35 hours per week to regular part-time schedules of 20 to 25 hours per week. The Personnel Reduction Procedure shall be utilized in administering work schedule reductions in lieu of layoff.

Section 4 PERSONNEL REDUCTION PROCEDURE

The Personnel Reduction Procedure shall be used whenever it becomes necessary to lay off a regular full-time or regular part-time employee from the competitive service or to reduce a limited number of employee work schedules in lieu of layoff because of shortage of work or funds, substantive change in duties or organization, curtailment or elimination of a public service activity, reorganization, or for other reasons.

(a). Notification

This procedure shall apply to regular full-time, regular part-time and probationary employees. Notice of layoff or work schedule reduction in lieu of layoff shall be given to the affected employee and the employee association (or employee group) representing the employee at least thirty (30) calendar days prior to the effective date of layoff or work schedule reduction. The layoff notice or notice of work schedule reduction in lieu of layoff shall include a statement that the employee may have displacement rights.

(b1) Order of Layoff

The order of layoff shall be by classification within a department. In each classification in which a layoff is to occur, employees in the classification within the department shall be laid off in the following order:

(1) Temporary employees
(2) Probationary employees
(3) Regular employees in the order specified in subsection (c) and (d).

(b2) Order of Work Schedule Reduction in Lieu of Layoff

The order of work schedule reduction in lieu of layoff shall be by classification within a department. In each classification in which such a work schedule reduction is to occur, employees in the classification within the department shall be subject to work schedule reduction as specified in subsection (c) and (d).

(c) Order of Layoff and Work Schedule Reduction in Lieu of Layoff for Regular Full-Time Employees

In any case in which there are two or more regular full-time employees in a full-time classification from which a layoff or work schedule reduction in lieu of layoff is to be made, the order of layoff or reduction shall be that the regular full-time employee with the least seniority in the classification within the department shall be laid off or subject to work schedule reduction first. The order of layoff or reduction for regular full-time clerical employees shall be that the employee with the least seniority in the classification shall be laid off or subject to work schedule reduction first, regardless of department

assignment. ~~(Clerical employees shall be specifically defined as Administrative Support Specialist I, II and Senior, Administrative Assistant, Executive Assistant, and Public Safety Clerk and Senior Public Safety Clerk.)~~

(d) Order of Layoff and Work Schedule Reduction in Lieu of Layoff for Regular Part-Time Employees

In any case in which there are two or more regular part-time employees in a regular part-time classification from which a layoff or work schedule reduction in lieu of layoff is to be made, the order of layoff or reduction shall be that the regular part-time employee with the least seniority in the classification within the department shall be laid off or subject to work schedule reduction first. The order of layoff or reduction for regular part-time clerical employees shall be that the employee with the least seniority in the classification shall be laid off or subject to work schedule reduction first, regardless of department assignment. ~~(Clerical employees shall be specifically defined as Administrative Support Specialist I, II and Senior, Administrative Assistant, Executive Assistant, and Public Safety Clerk and Senior Public Safety Clerk.)~~

(e) Seniority

(1) For the purpose of a reduction in work force, seniority includes all periods of regular full-time, regular part-time, and probationary service at or above the classification level where layoff, displacement or work schedule reduction in lieu of layoff is to occur and time served on military leave from the City. Seniority for regular part-time employment shall be prorated based on authorized work schedule. Periods of time during which an employee was on leave of absence without pay shall not be included in the calculation of seniority. For the purpose of layoff only, employees represented by NAME shall include as service time an employee's unpaid absence up to one year resulting from layoff, ~~or~~ industrial injury, or other approved medical leave.

(2) For the purpose of layoff only, an employee in a higher classification shall have seniority rights over other employees in the next lower job classification in a classification series provided that the employee previously held regular full-time status in the lower classification. (Classification series shall be defined as a specific classification with different levels of complexity ~~identified~~ such as a I, II, III or senior level, e.g. Administrative Support Specialist I, Administrative Support Specialist II and Senior Administrative Support Specialist.)

(3) Employees appointed to regular part-time status on or before July 1,

1991 shall count service time in similar classifications prior to their regular part-time appointment when calculating job classification seniority.

(4) Regular full-time employees in a higher classification within a sworn police ladder ~~or fire career ladder~~ shall have seniority rights over other employees in the next lower job classification in the career ladder provided that the employee previously held regular full-time status in the lower classification. (Career ladder shall be defined as the normal progression from an entry level position through the ranks of supervisor and management within a specific occupational group such as the sworn police career group ~~or firefighter career group~~.)

(5) Temporary and acting appointments to a classification shall not be construed as service in such classification.

(6) Whenever the effective date of appointment to a classification is the same for two or more employees, the date of appointment to the department, adjusted for unpaid leaves, shall be used to determine which employee has greater length of service within the classification. If classification and department seniority are the same, the original date of hire with the City, adjusted for unpaid leaves, shall be used to determine seniority.

(7) Whenever the appointment date to a classification and the original date of hire with the City are the same for two or more employees, the highest overall score achieved on the eligibility list shall be used to determine who has the higher seniority. If scores are equal or unavailable, the determination of seniority shall be by lottery.

(f) Displacement

A regular-full time and promotional probationary employee may displace (bump) employees within the same department (for purposes of layoff, Department shall be defined as those organizational units described as departments in the current year's budget or subsequently approved or recognized by City Council action) based on the following criteria:

(1) Regular full-time and promotional probationary employees shall have the right to displace (bump) employees in a lower full-time classification within the same department provided the employee previously held regular full-time status in the lower classification. An employee in a clerical classification shall have the right to displace an employee in a lower level (lower in salary range) clerical classification in which they ~~once~~previously held regular status in any department.

(2) Regular part-time and promotional probationary employees shall have the right to displace (bump) employees in a lower part-time classification within the same department provided the employee previously held regular part-time status in the lower classification. An employee in a clerical classification shall have the right to displace an employee in a lower level (lower in salary range) clerical classification in which they ~~once~~ previously held regular part-time status in any department.

Regular part-time employees who were subject to work schedule reduction in lieu of layoff that previously held regular full-time status for six consecutive months shall have the right to displace (bump) employees in a lower part-time or full-time classification within the same department (or in any department for clerical classifications) provided the employee previously held regular status in the lower classification.

(3) A regular full-time and promotional probationary employee shall have the right to displace (bump) a regular part-time employee in the same class or lower classification in the classification series within the same department (for clerical classes regardless of department) if the regular full-time employee has more seniority within the classification series. A regular part-time employee has no rights to displace a regular full-time employee unless the regular part-time employee was subject to work schedule reduction in lieu of layoff and previously held regular full-time status for six consecutive months. Classification seniority for regular part-time employees shall be prorated based on authorized work schedule.

(4) A regular full-time employee hired directly into a higher job classification in a classification series may displace an employee in a lower classification within the classification series if the regular full-time employee has more seniority within the classification series than the employee occupying the lower level class. (Refer to Section (e)(2) for definition of classification series.)

A regular part-time employee who was subject to work schedule reduction in lieu of layoff who previously held regular full-time status for six consecutive months and who was hired directly into a higher job classification in a classification series may displace an employee in a lower classification within the classification series if the regular part-time employee has more seniority within the classification series than the employee occupying the lower class. (Refer to Section (e)(2) for

definition of classification series).

(5) Displacement rights afforded an employee shall include access to those classifications in which the employee has previously served but which may since have been retitled but where, as determined by the City, no substantive changes have been made in the duties or qualifications for the classification(s) in question.

(6) An alternative to layoff would be a voluntary demotion to a lower vacant classification. If a vacant position exists, the City Manager shall have the discretion to demote an employee to such position. To qualify for such a demotion, the employee must be fully qualified, trained, and capable of performing all work in the lower position as determined by the City. The salary assignment shall be based on the City's assessment of the employee's level of qualification within the lower level position salary range.

An alternative to layoff would be a voluntary work schedule reduction by a regular full-time employee in a classification identified for layoff or reduction by a department (or in any department for clerical classifications). The City Manager shall have the discretion to approve or deny such voluntary work schedule reductions. The Personnel Reduction Procedure for Work Schedule Reductions in Lieu of Layoff will apply to approved voluntary work schedule reductions as an alternative to layoff.

(7) ~~—~~Current regular full-time and part-time employees in the Building, Equipment, Parks and Landscape, and Streets work groups of the Maintenance Division, who have successfully completed probation by March 31, 2011, ~~as a Building Mechanic II, Equipment Mechanic I, Equipment Mechanic II, Landscape and Park Maintenance Worker I, Landscape and Park Maintenance Worker II, Senior Building Mechanic, Senior Equipment Mechanic, Senior Landscape and Park Maintenance Worker, or Street Maintenance Worker II~~ and who meet the minimum qualifications for Laborer or Landscape Inspector shall have the right to displace (bump) employees in the Laborer or Landscape Inspector classification. This displacement right is in addition to other displacement rights that may exist in accordance with Rule XIII, Section 4(f).

~~Current regular full-time and part-time employees who have successfully completed probation by March 31, 2011, as a Building Mechanic II, Equipment Mechanic I, Equipment Mechanic II, Landscape and Park Maintenance Worker II, Senior Building Mechanic, Senior Equipment Mechanic, Senior Landscape and Park Maintenance Worker, or Street~~

~~Maintenance Worker II who meet the minimum qualifications for Landscape Inspector shall have the right to displace (bump) employees in the Landscape Inspector position. This displacement right is in addition to other displacement rights that may exist in accordance with Rule XIII, Section 4(f).~~

(g) Request For Displacement and Determination of Salary

In order to displace to a former classification, an employee must request such action in writing to the ~~Personnel~~ Human Resources Department within seven calendar days of receipt of notice of layoff or work schedule reduction in lieu of layoff. An employee returning to a former classification shall be assigned to the step in the salary range for the lower classification that is closest to but does not exceed the employee's current rate of pay. In no case shall the salary be increased above that received by the employee in the class from which the employee is laid off.

(h) Reinstatement List

(1) Order The names of persons laid off, displaced due to bumping, or subject to work schedule reduction in lieu of layoff in accordance with the Personnel Reduction Procedure shall be entered upon a Reinstatement List in the inverse order in which the layoff or reduction occurred. There shall be separate lists for regular full-time and regular part-time classifications. Lists from different times for the same classification shall be combined into a single list.

The names of persons subject to work schedule reductions in lieu of layoff shall be placed on a reinstatement list for full-time status or an increased work schedule in the same classification.

(2) Duration Names of persons laid off from their appointed position, displaced due to bumping, or subject to work schedule reduction in lieu of layoff shall be carried on a Reinstatement List for two years except that persons appointed to regular positions of the same classification and status as that from which laid off or reduced in hours shall, upon such appointment, be removed from the list. Employees who accept demotion or are recalled to a lower classification shall remain on the list for the higher classification until the list expires. Full-time employees who accept or are recalled to a part-time position shall remain on the list for recall to the regular full-time class from which laid off until the list expires.

(3) Recall Appointments shall be made from the Reinstatement List in the order they appear on the list when a vacancy arises in the same

classification and department, provided the employee held regular status in that classification before selection is made from an eligible list. If there are no such employees available for reinstatement, a department shall appoint the next qualified employee on the Reinstatement List who previously held regular status in that classification.

Employees laid off, displaced due to bumping, or subject to work schedule reduction in lieu of layoff from clerical classifications shall be recalled or given increased work hours in inverse order of layoff or work schedule reduction when a vacancy arises in the same classification in any department.

Reinstatement may be subject to passing a medical examination if the layoff period exceeds twelve months.

Any person who does not respond within fourteen (14) calendar days to a letter offering reinstatement sent registered mail (return receipt requested) addressed to their last known address shall be removed from the list. If an employee elects to become reinstated, ~~he/she~~they shall report to work or return to an increased work schedule within thirty (30) calendar days from notice to City that they ~~he/she~~ will return to work.

An employee who is laid off or subject to work schedule reduction in lieu of layoff, when offered reinstatement, who is unable to accept due to medical reasons as certified by a physician,following the City engaging in the interactive process with the goal to return the employee to work, the employee may be granted an additional thirty (30) calendar days to report to work or return to an increased work schedule. When an employee is unable to return to work or return to an increased work schedule due to a medical condition within the sixty (60) calendar day period, the City shall recall the next employee on the Reinstatement List and the ~~disabled~~ other former employee's name shall remain on the List and eligible for recall for the remaining duration of the two year period.

If an employee declines reinstatement to a regular position of the same classification and status or fails to report for work within the thirty (30) calendar day period, except for medical condition as specified herein, the employee's name shall be removed from the Reinstatement List and the City shall have no further obligation for employment.

(i) Reinstatement Rights for Regular Full-Time and Regular Part-Time Employees

(1) An employee reinstated from a layoff or work schedule reduction in lieu of layoff reinstatement list within two years of the effective date of layoff or reduction shall retain cumulative service credited as of the date of layoff or reduction for purposes of determining seniority in the event of future layoffs and other matters based on City seniority.

(2) Reinstatement after a twelve (12) month absence may be subject to passing a medical examination.

(3) Upon reinstatement from layoff, an employee shall resume accrual of vacation at the rate which corresponds to ~~his/her~~their years of service on the date of separation from employment. An employee's unused sick leave balance or sick leave bank balance, if any and as applicable, on the date of separation shall be restored.

(4) The period of time during which the employee is on unpaid status shall not count toward service credit. However, employees represented by NAME, shall receive service credit for unpaid absence or for the reduction in work hours in lieu of layoff up to one year (prorated for reductions) caused by layoff or reductions in lieu of layoff for purposes of seniority in determining layoffs or work schedule reductions only.

(5) Upon reinstatement to the same classification from which laid off, an employee shall be placed at the same salary step which ~~he/she~~the employee occupied on the date of separation from employment. Management and professional employees reinstated to the same classification shall receive the same salary step or range they received at the time layoff occurred.

(j) Reemployment

At the discretion of the City Manager, a regular full-time or regular part-time employee may be reemployed or restored to an increased work schedule more than two years but less than four years after the effective date of layoff, displacement or work schedule reduction. An employee so reemployed or restored shall have the benefit of being appointed without having ~~his/her~~their name appear on an eligibility list. Reemployment may be subject to passing a medical examination. Any employee reemployed more than two years but less than four years after the effective date of layoff shall have no vested interest in or be entitled to any benefits accrued during any previous employment with the City with the exception of PERS retirement benefits which may remain vested after five (5) years of continuous service. Upon reemployment from layoff, the employee shall be treated as a new hire.

~~RULE XIV~~

TRAINING OF EMPLOYEES

Section 1 RESPONSIBILITY FOR TRAINING

Responsibility for developing training programs for employees shall be assumed jointly by the City Council, the Personnel Officer, the department heads and the employees. Such training programs may include lecture courses, demonstrations, assignment of reading matter or such other devices as may be available for the purpose of improving the effectiveness and broadening the knowledge of municipal officers and employees in the performance of their respective duties.

Section 2 CREDIT FOR TRAINING

Participating in and successful completion of special training courses may be considered in making advancements and promotions. Evidence of such activity may be filed by the employee with the Personnel Officer.

RULE XV
EVALUATIONS

Section 1 EVALUATIONS

The Personnel Officer shall cause evaluations of employees to be performed from time to time as he/she directs and on forms which he/she provides.

RULE XVI
REPORTS AND RECORDS

Section 1 ROSTER CARDS

The Personnel Officer shall maintain a service or roster card for each employee in the service of the City showing the name, title of position held, the department to which assigned, salary, changes in employment status, and such other information as may be considered pertinent.

Section 2 CHANGE-OF-STATUS-REPORT

Every appointment, transfer, promotion, demotion, change of salary rate, and any other temporary or permanent change in status of employees shall be reported to the Personnel Officer in such manner as may be prescribed by these rules and regulations.

Section 3 DESTRUCTION OF RECORDS

Roster and payroll records shall be kept permanently. All other records relating to personnel, including correspondence, applications, examinations and reports may be destroyed as provided by law.

~~**Section 4** ATTENDANCE~~

~~All supervisors shall maintain daily attendance records of all employees in the competitive and exempt services in the manner prescribed.~~

~~**Section 5** ACCIDENT REPORTS~~

~~Any employee involved in an accident while on the job which results in personal injury or property damage of any kind shall report that accident promptly to his/her supervisor. Employee and/or supervisor shall fill out forms for reporting the accident in the manner prescribed by the Administrative Regulations of the City Manager or departmental regulations.~~

RULE ~~XVII~~ XIV~~-~~
COOPERATION

Section 1 COOPERATION OF MUNICIPAL OFFICERS AND EMPLOYEES

Every officer and employee of the City of Newark shall cooperate with the Personnel Officer in order to completely fulfill the objectives and purposes of the personnel ordinance and these rules.

RULE XV~~III~~
ADMINISTRATIVE REGULATIONS

Section 1 CITY MANAGER

The City Manager is hereby authorized to issue Administrative Regulations implementing ~~those~~ personnel and other rules.

Section 2 DEPARTMENTAL REGULATIONS

Department heads are hereby authorized to issue departmental regulations in concert with Administrative Regulations adapting those regulations, the Personnel ordinance and/or Personnel Rules to the operation of their specific department.

ORDINANCE NO.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NEWARK AMENDING NEWARK MUNICIPAL CODE CHAPTER 2.28, "PERSONNEL SYSTEM"

WHEREAS, the City Council of the City of Newark adopted an ordinance establishing Newark Municipal Code ("NMC") Chapter 2.28 in 1963 to provide for a fair and equitable system of personnel management; and

WHEREAS, staff completed a review of NMC Chapter 2.28 regarding potential revisions to align NMC Chapter 2.28 with current policies and procedures, streamline the code, and remove redundancies with other administrative documents; and

WHEREAS, the City Council desires to amend NMC Chapter 2.28 to provide certain substantive changes including clarifying the role of the Personnel Officer, providing that Department Heads are considered "at-will" employees, revising language regarding part-time employees, the examination process for hiring, the appointment process for employees, and removing redundancies with other administrative documents such as the Personnel Rules and Regulations, Administrative Regulations, and Memoranda of Understanding.

THE CITY COUNCIL OF THE CITY OF NEWARK DOES ORDAIN AS FOLLOWS:

Section 1. Recitals.

The above recitals are true and correct and make a part of this Ordinance.

Section 2. **Amendments.**

Newark Municipal Code Chapter 2.28 is amended as shown with revisions in Exhibit A, which is attached hereto and incorporated herein by reference.

Section 3. Severability.

If any provision of this Ordinance or the application thereof to any person or circumstance is held invalid, the remainder of the Ordinance, including the application of such part or provision to other persons or circumstances shall not be affected thereby and shall continue in full force and effect. To this end, provisions of this Ordinance are severable. The City Council of the City of Newark hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause, or phrase hereof irrespective of the fact that any one or more sections, subsections, subdivisions, paragraphs, sentences, clauses, or phrases be held unconstitutional, invalid, or unenforceable.

Section 4. CEQA.

Approval of this Ordinance is exempt from further environmental review under the general rule in California Environmental Quality Act (CEQA) Guidelines Section 15061(b)(3) that CEQA only applies to projects that have the potential for causing a significant effect on the environment. As a series of text amendments and additions that do not authorize any new activity, it can be seen with certainty that there is no possibility that the ordinance will have a significant effect on the environment.

Section 5. Publication and effective date.

Within fifteen (15) days from and after adoption, this Ordinance shall be published once in a newspaper of general circulation printed and published in Alameda County and circulated in the City of Newark, in accordance with California Government Code Section 36933. This Ordinance shall take effect and be enforced thirty (30) days after its adoption.

Chapter 2.28 PERSONNEL SYSTEM

Sections:

2.28.010 Adopted.

In order to establish an equitable and uniform procedure for dealing with personnel matters; to attract to municipal service the best and most competent persons available; to assure that appointments and promotions of employees will be based on merit and fitness as determined by competitive test; to provide a reasonable degree of security for qualified employees; to set standards for employee conduct; and to provide for discipline and dismissal of employees for cause, the personnel system in this chapter is adopted.

(Ord. 77 § 1, 1963)

2.28.020 Personnel officer.

~~The city manager shall be ex officio personnel officer. The city manager may in writing delegate any of the powers and duties conferred upon him as personnel officer under this chapter to any other officer or employee of the city, or may contract for the performance of such duties.~~ The personnel officer shall be selected and appointed by the City Manager. The ~~city manager~~ Personnel Officer shall:

A. Administer all the provisions of this chapter and of the personnel rules not specifically reserved to the council;

B. Prepare and recommend to the council revisions and amendments to the personnel rules. The city attorney shall approve the legality of such revisions and amendments prior to their submission to the council;

C. Prepare a position classification plan, including class specifications, and revisions of the plan. The plan, and any revisions thereof, shall become effective upon approval by the council, the City Manager, or the personnel officer, as required by the Personnel Rules and Regulations;

D. Prepare a plan of compensation, and revisions thereof, covering all classifications in the competitive service. The plan, and any revisions thereof, shall become effective upon approval by the council;

E. Recruit applicants, conduct examinations, and establish employment lists~~, and make appointments~~ for positions in the competitive service. The City Manager shall authorize appointments for positions in the competitive service.

(Ord. 77.10 § 2, 1979; Ord. 77 § 2, 1963)

2.28.030 Competitive and exempt service.

A. The exempt service shall include members of the city council; members of appointive boards, commissions and committees; the city manager, ~~the city treasurer~~, the city attorney, and all department heads; technical consultants engaged under contract to provide expert, professional, technical or any other services; volunteer personnel; temporary~~, part-time, and seasonal~~ employees; emergency employees hired to meet the immediate requirements of an emergency condition, such as extraordinary fire, flood, or earthquake which threatens life or property; and persons hired by the city under public service employment programs. ~~such as, but not limited to the Comprehensive Employment and Training Act (CETA).~~

B. No provisions of this chapter or resolutions pursuant thereto shall apply to any employee or classification of employee in the exempt service unless the employee is specifically included in the provisions.

C. The ~~personnel officer~~City Manager shall appoint, ~~discipline,~~ or dismiss persons in the temporary, ~~part-time, seasonal,~~ emergency and public service employment exempt service categories as necessary. Department heads shall discipline persons in the temporary, emergency, and public service employment exempt service categories as necessary. Such action shall be based upon the principals of merit and fitness but need not be made in accord with the formal provisions of this chapter or the rules adopted pursuant to this chapter. Further, the personnel officer shall enforce any other provisions of this chapter or the personnel regulations applicable to the categories of exempt positions.

D. The competitive service shall include all employees not in the exempt service. All provisions of this chapter and resolutions thereto shall apply to all employees in the competitive service unless the employee or classification of employee is specifically exempted from the provisions.

(Ord. 77.10 § 3 (part), 4, 1979: Ord. 77 § 3, 1963)

2.28.040 Permanent part-time employees.

~~There is created a permanent part-time classification for employees who work in positions in the city at least thirty hours per week. Such employees in this classification are to be hired at the discretion of the city department head, subject to the approval of the personnel officer. Employees in this classification are to be granted vacation time on a pro rata basis and uniform allowances on a pro rata basis, where applicable. The prorations mentioned in this section shall be determined based on the number of hours per week worked. Employees in the permanent part-time classification shall be subject to the same salary steps as those of regular employees on a pro rata basis. Employees in this classification are to be subject to all personnel rules not inconsistent with the provisions of this chapter, except that they shall be entitled only to the fringe benefits provided in this section, which are: pro rata vacation pay and pro rata uniform allowances, where applicable.~~

~~(Ord. 77.10 § 3 (part), 1979; Ord. 77.4 § 1, 1970: Ord. 77 § 4, 1963)~~

Reserved.

2.28.050 Rules—Adoption and amendment.

Personnel rules, prepared by the personnel officer subject to this chapter and to revision by the council, shall be adopted, and may be amended from time to time, by resolution of the council. The rules shall establish procedures and regulations governing the following phases of the personnel system:

A. Preparation, installation, revision, and maintenance of a position classification plan covering all positions in the competitive service, including employment standards and qualifications for each class;

B. Preparation~~s~~, revision, and administration of a plan of compensation directly correlated with the position classification plan, providing a rate or range of pay for each class;

C. ~~Public~~ Aannouncement of all examinations and the acceptance of applications for employment;

D. Preparation and conduct of tests and the establishment and use of resulting employment lists containing names of persons eligible for appointment;

E. Appointment of persons from employment lists, and the making of temporary and emergency appointments;

F. Evaluation of employees;

G. Transfer, promotion, demotion, reclassification, and reinstatement of employees in the competitive service;

H. Separation of employees from ~~the~~ city service through layoff, suspension, resignation, retirement, and dismissal;

I. Establishment of hours of work, attendance and leave regulations, working conditions and the development of employee morale and training;

J. Content, maintenance and use of personnel records and forms;

K. Establishment of administrative regulations and regulations issued by department heads implementing this chapter or personnel regulations adopted by the city council.

(Ord. 77.10 §§ 3 (part), 5, 6, 1979; Ord. 77 § 5, 1963)

2.28.060 Appointments.

A. Appointments to vacant positions in the competitive service shall be made in accordance with the personnel rules. Appointments and promotions shall be based on merit and fitness to be ascertained so far as practicable by competitive examinations. ~~Examinations shall be used and conducted to aid in the selection of qualified employees, and shall consist of such recognized selection techniques as achievement and aptitude tests, other written tests, personal interviews, performance tests, evaluation of daily work performance, work sampler, evaluation of references, psychiatric tests, or any other technique or method that might reasonably be expected to test merit and fitness, or any other combination of these, which will, in the opinion of the personnel officer, test fairly the qualifications of candidates. Physical and medical tests may be given as a part of any examination.~~

B. In any examination the personnel officer may include, in addition to competitive tests, a qualifying test or tests, and set minimum standards therefor.

C. Appointments and promotions shall be made by the city manager from among the persons on the appropriate eligible or promotional lists ~~after the city manager confers with the department head involved~~.

D. In the absence of appropriate employment lists, a temporary appointment may be made by the city manager of a person meeting the ~~minimum~~ training and experience qualifications for the position. An employment list shall be established within six months for any permanent position filled by temporary appointment. ~~The council may, by a four-fifths vote, extend the period of any temporary appointment for not more than thirty days, by any one action.~~

E. ~~No special credit shall be allowed in meeting any qualification or in the giving of any test or the establishment of any employment or promotional lists, for service rendered under a temporary appointment.~~

F. ~~During the period of suspension of any employee or pending final action on proceedings to review suspension, demotion or dismissal of an employee, such vacancy may be filled by the city manager, subject to the provisions of this chapter and the personnel rules.~~

(Ord. 77.10 § 3 (part), 1979; Ord. 77 § 6, 1963)

2.28.070 ~~Probationary period.~~ Reserved

A. ~~All appointments in the competitive service, including promotional appointments, shall be made for a probationary period of not less than six months, nor more than eighteen months, as specified in the~~

~~classification plan. During the probationary period, the employee may be rejected at any time without right of appeal or hearing.~~

~~B. An employee rejected during the probationary period from a position to which he has been promoted shall be reinstated to the position from which he was promoted, unless he is dismissed from the city service as provided in this chapter and the rules.~~

~~(Ord. 207 § 1, 1985; Ord. 77.10 § 3 (part), 1979; Ord. 77 § 7, 1963)~~

2.28.080 Status of present employees.

A. Any person holding a position included in the competitive service who, on the effective date of the ordinance codified in this chapter, has served continuously in such position, or in some other position in the competitive service, for a period equal to the probationary period prescribed in the rules for ~~his~~ their class, or the ending date of a probationary period extension, shall assume regular status in the competitive service in the position held on such effective date without qualifying test, and shall thereafter be subject in all respects to the provisions of this chapter and the personnel rules.

B. Any other persons holding positions in the competitive service shall be regarded as probationers who are serving out the balance of their probationary periods as prescribed in the rules before obtaining regular status. The probationary period shall be computed from the date of appointment or employment, including only continuous service.

(Ord. 77.10 § 3 (part), 1979; Ord. 77 § 8, 1963)

2.28.090 ~~Suspension.~~

~~Any person holding a position or employment in the competitive service shall be subject to disciplinary suspension without pay.~~

~~(Ord. 77.10 § 3 (part), 1979; Ord. 77 § 9, 1963)~~ Reserved.

2.28.100 ~~General conduct of employees.~~

~~Each of the following constitutes cause for discipline of an employee, or person whose name appears on any employment list:~~

~~A. Fraud in securing appointment;~~

~~B. Incompetency;~~

~~C. Inefficiency;~~

~~D. Inexcusable neglect of duty;~~

~~E. Insubordination;~~

~~F. Dishonesty;~~

~~G. Drunkenness on duty;~~

~~H. Addiction to the use of illegal narcotics or illegal habit-forming drugs;~~

~~I. Inexcusable absence without leave;~~

~~J. Conviction of a felony or conviction of a misdemeanor involving moral turpitude. A plea or verdict of guilty, or a conviction following a plea of nolo contendere, to a charge of a felony or any offense involving moral turpitude is deemed to be a conviction within the meaning of this section;~~

~~K. Discourteous treatment of the public or other employees;~~

~~L. Wilful disobedience;~~

~~M. Misuse of city property;~~

~~N. Violation of this chapter or any rule adopted thereto;~~

~~O. A city officer or employee shall not engage in any employment, activity, or enterprise which is clearly inconsistent, incompatible, in conflict with, or inimical to his/her duties as a city officer or employee or with the duties, functions or responsibilities of the department of the city government in which he/she is employed;~~

~~P. Refusal to take and subscribe to any oath or affirmation which is required by law in connection with his/her employment;~~

~~Q. Other failure of good behavior either during or outside of duty hours which is of such a nature that it causes discredit to the city or his/her employment.~~

~~(Ord. 77.10 §§ 3 (part), 7, 1979: Ord. 77 § 10, 1963)~~ Reserved.

2.28.110 Right of appeal.

A. Employees in the competitive service shall have the right of appeal on the interpretation or application of this chapter or the rules adopted pursuant to this chapter. The city recognizes that it is in the city's interest as well as that of the employee that questions concerning the application of or interpretation of this chapter and the rules adopted pursuant thereto be resolved as expeditiously as possible affording the employee due process.

B. For purposes of this section, all notices required by this chapter shall be effective when personally served supported by a declaration under penalty of perjury of the fact of personal service stating the time, place and person served. Notice may also be served by addressing said notice to the employee at his home address as shown in the personnel office, postage prepaid, mailed by certified mail return receipt requested. Notice sent by certified mail shall be considered served upon deposit in the U.S. mail postage prepaid. A written appeal shall contain a complete statement of the appeal, the alleged facts upon which the complaint is based, the reasons for the appeal, the remedy requested, and the sections of this chapter or the personnel rules adopted by the city council hereto which have been violated. The appeal shall be signed and dated by the employee.

C. Hearings on appeals and actual filing of appeals may be processed during normally scheduled working hours. All other activities related to the employee's preparation and processing of the appeal shall be done outside of scheduled working hours. No employee or employee organization representative shall be entitled to any additional compensation or premium pay for any time spent in preparing or processing appeals. No appeals will be processed during periods of overtime.

D. The employee shall pay for the time and expenses of its representatives and witnesses through all stages of the appeals procedure. Witnesses who are city employees and who are on duty at the time of a scheduled appearance shall be released from duty without loss of compensation for the time required to testify. One spokesperson from the employee organization shall be permitted to be present without loss of compensation during hearings on appeals if that spokesperson is the sole representative of the employee in that specific proceeding.

E. Time limits set forth in this section for processing the appeals procedure are of the essence to this procedure and are to be strictly complied with. Time limits may be extended only by written mutual agreement of the employee and supervisor conducting a hearing.

F. Any appeal not filed or appealed by the employee within the time limits specified shall be considered settled on the basis of the last disposition given. In the event the appeal is not answered by the city within the time limits set forth in this section, the employee may take the appeal to the next higher step in the appeal procedure within the time limits provided.

G. No resolution of any appeal shall be contrary to the provisions of this chapter or the personnel rules adopted pursuant to this chapter.

H. Copies of the resolution of all appeals shall be filed in the employee's city personnel file.

I. Appeals shall be processed in the following manner:

1. Within ten calendar days of the occurrence of the matter on which an appeal is based, the employee shall discuss his/her appeal in a meeting with his/her immediate supervisor.

2. If, after such discussion, the employee does not believe the problem has been satisfactorily resolved, he/she shall have the right, within ten calendar days of the occurrence of the matter to file a formal appeal of the personnel action in writing. Said appeal shall be filed with the employee's immediate supervisor.

3. Within ten calendar days of receipt of the notice of formal appeal, the immediate supervisor shall provide his/her decision in writing to the employee.

4. Within ten calendar days of his/her receipt of the decision from his/her immediate supervisor, the employee may appeal that decision by presenting the formal written appeal to the appropriate department head.

5. Within ten calendar days of receipt of the formal appeal, the department head shall provide a written decision to the employee.

6. If the employee does not feel that the appeal has been resolved, the employee may, within ten calendar days of receipt of the department head's decision, present his/her formal appeal in writing to the personnel officer. The personnel officer or his/her designated representative shall make a thorough review of the appeal, meet with the parties involved and provide a written decision to the employee within ten calendar days of receipt of the appeal.

7. Within ten calendar days of receipt of the decision of the personnel officer, the employee may demand in writing to the personnel officer that the formal appeal be submitted to an independent fact-finder from a list of three qualified fact-finders submitted to the city by the American Arbitration Association.

    a. The personnel officer and the employee shall alternately strike names from the list so furnished and the last name remaining shall be designated as the fact-finder.

    b. The city and the employee shall split evenly payment of the fees and expenses of the fact-finder as well as the cost of making the record of the fact-finder except as otherwise provided by state law.

    c. The rules of conduct of proceedings shall be according to those procedures for expedited fact-finding utilized by the American Arbitration Association.

    d. The city and the employee both hold the right to be represented by an attorney or a representative of the employee's union or association.

    e. If either of the parties does not accept the decision of the fact-finder, that party, within ten calendar days after receipt of the decision of the fact-finder, shall file with the city clerk a notice of intention to appeal to the city council. Within thirty calendar days after the receipt of the decision of the fact-finder that party shall file with the city clerk for submission to the city council for final decision the transcript of evidence and conclusions of the fact-finder. Failure to comply with either the ten-day or the thirty-day time periods shall be deemed to be an acceptance of and an agreement with the fact-finder's decision and shall constitute an abandonment and waiver of the right to appeal to the city council. The city council shall decide the matter based upon the record presented to it. The decision of the city council shall be final.

(Ord. 267 § 1, 1990; Ord. 77.10 §§ 3 (part), 8, 1979: Ord. 77 § 11, 1963)

2.28.120 Abolition of position.

Whenever in the judgment of the council it becomes necessary in the interest of economy or because the necessity for the position ~~or employment involved~~ no longer exists, the council may abolish any position or employment in the competitive service and layoff, demote or transfer an employee holding such position or

employment without filing written charges and without the right of appeal. Personnel reduction procedures ~~shall be as established by city council resolution.~~ are provided in the Personnel Rules and Regulations.

(Ord. 77.10 § 3 (part), 1979; Ord. 77.9 § 2, 1978: Ord. 77 § 12, 1963)

2.28.130 Political activity.

A. No member of the competitive or exempt service shall, directly or indirectly, solicit or receive political funds or contributions, knowingly, from other members of the competitive or exempt service nor from persons on the employment lists of the city.

B. Every member of the competitive or exempt service shall prohibit the entry, into any place under ~~his~~ their control, occupied and used for the governmental purposes of the city, of any person, for the purpose of therein making, or giving notice of any political assessment, subscription, or contribution.

C. A person shall not enter or remain in any such place described in subsection B of this section for the purpose of therein making, demanding, or giving notice of any political assessment, subscription, or contribution.

D. Subsections B and C of this section shall not apply to any auditorium or other place used for the conduct of public or political rallies or similar events, nor to any park, street, public land or other place not being used for the governmental purposes of the city.

E. No one who holds, or who is seeking election or appointment to, any position in the competitive or exempt service shall, directly or indirectly, use, promise, threaten or attempt to use, any office, authority or influence, whether then possessed or merely anticipated, to confer upon or secure for any person, or to aid or obstruct any person in securing, or to prevent any person from securing, any position, nomination, confirmation, promotion, change in compensation or position, within the city, upon consideration or condition that the vote of political influence or action of such person or another shall be given or used in behalf of, or withheld from any candidate, officer or party, or upon any other corrupt condition or consideration.

F. No member of the competitive or exempt service shall participate in political activities of any kind while he is in uniform.

(Ord. 77.10 § 3 (part), 1979; Ord. 77.5 § 1, 1972; Ord. 77.1 § 2, 1964: Ord. 77 § 13, 1963)

2.28.140 Discrimination.

No person in the competitive service, or seeking admission thereto, shall be employed, promoted, demoted or discharged or in any way favored or discriminated against~~.~~ in violation of applicable law.

(Ord. 405 § 1, 2004: Ord. 77.10 § 3 (part), 1979; Ord. 77.1 § 3 (part), 1964; Ord. 77 § 14, 1963)

2.28.150 Right to contract for special service.

The personnel officer may contract with any qualified person or agency for the performance of such technical service as may be desired in the establishment or operation of the personnel system.

(Ord. 77.10 § 3 (part), 1979; Ord. 77.1 § 3 (part), 1964; Ord. 77 § 15, 1963)

2.28.160 ~~Holidays.~~

~~A. Employees, except emergency service personnel in the police and fire departments, shall observe the following legal holidays: New Year's Day; Lincoln's Birthday; Washington's Birthday; Memorial Day; Independence Day; Admission Day; Labor Day; Armistice Day; Thanksgiving Day, the day following Thanksgiving Day; the last workday before Christmas, and Christmas Day. When a holiday falls on Sunday, the following Monday shall be observed. When a holiday falls on Saturday, the preceding Friday shall be observed.~~

~~B. Emergency service personnel in the police and fire departments shall receive compensation in lieu of holidays as provided in the compensation plan.~~

~~(Ord. 77.10 §§ 3 (part), 9, 1979; Ord. 77.1 § 3 (part), 1964; Ord. 77 § 16, 1963)~~Reserved.

2.28.170 ~~Violation—Penalty.~~

~~Any person, firm, or corporation violating any of the provisions of this chapter shall be deemed guilty of a misdemeanor and upon a conviction thereof shall be punishable by a fine of not more than five hundred dollars, or by imprisonment for a period of not more than six months, or by both such fine and imprisonment.~~

~~(Ord. 77.10 § 3 (part), 1979; Ord. 77.1 § 3 (part), 1964; Ord. 77 § 16, 1963)~~ Reserved.

STAFF REPORT

Item D. 5.

DATE	06/27/2024
TO	Honorable Mayor and City Council Members
FROM	Diana Cangco, Principal Civil Engineer
SUBJECT	Adopt a resolution authorizing the City Manager to execute Contractual Service Agreements for Geotechnical Engineering and Peer Review Services, Materials Testing Services, Traffic Signal and Street Light Maintenance Services, and Traffic Engineering and Transportation Planning Services with the following consultants: Cotton, Shires and Associates, Inc.; Geocon Consultants, Inc.; Construction Testing Services, Inc.; Cal-West Lighting and Signal Maintenance, Inc.; St. Francis Electric, LLC; Fehr and Peers; GHD, Inc.; and Kimley-Horn and Associates, Inc.

SUMMARY AND RECOMMENDATION

In accordance with the City's Purchasing Ordinance and procedures, staff prepared and initiated an open and competitive Request for Qualifications (RFQ) for on-call services related to Geotechnical Engineering and Peer Review, Materials Testing, Traffic Signal and Street Light Maintenance, and Traffic Engineering and Transportation Planning Services. The RFQs specified that selection would be made based on quality and completeness of submissions as well as each firm's experience with engagements of similar scope and complexity, satisfaction of previous clients, and proposed rate schedule.

Staff recommends that City Council adopt a resolution authorizing the City Manager to execute Contractual Service Agreements with various consultants for Geotechnical Engineering and Peer Review Services, Materials Testing Services, Traffic Signal and Street Light Maintenance Services, and Traffic Engineering and Transportation Planning Services in a form approved by the City Attorney.

BACKGROUND

On April 26, 2024, staff released four RFQs for on-call services related to Geotechnical Engineering and Peer Review, Materials Testing, Traffic Signal and Street Light Maintenance, and Traffic Engineering and Transportation Planning. The on-call scope of services for each of the RFQs are described below:

Geotechnical Engineering and Peer Review

Geotechnical engineering services may include geotechnical investigations, design recommendations, field testing, field observations and attendance at meetings for a variety of Public Works projects, Capital Improvement Program projects, and maintenance projects including roads, parks, and other public facilities. Peer review services include geologic and/or geotechnical engineering peer reviews of development projects subject to the State Alquist-Priolo Earthquake Fault Zoning Act and/or the State Seismic Hazards Mapping Act.

Materials Testing
Materials testing services may include collection of materials samples, materials testing, special inspections, and filed observations as required for a variety of Public Works projects, Capital Improvement Program projects and maintenance projects including roads, parks, and other public facilities.

Traffic Signal and Street Light Maintenance
Traffic signal and street light maintenance services may include preventive and routine maintenance, responsive maintenance, and emergency repair of equipment associated with the City of Newark's traffic signal and street light system.

Traffic Engineering and Transportation Planning
Traffic engineering and transportation planning services include traffic signal design, timing, coordination and warrant studies; review of traffic signal plans and traffic impact studies, travel demand modeling; corridor and intersection analyses; parking studies; planning and design of bicycle and pedestrian facilities; transportation demand management strategies; and traffic calming assessment and design.

DISCUSSION/ANALYSIS

Statement of Qualifications (SOQs) were submitted to the City on May 13, 2024. A total of eighteen SOQs were received. Staff evaluated the SOQs and ranked them based on completeness and responsiveness to the RFQs.

Staff is recommending the approval of Contractual Services Agreements with nine different consultant firms, each with a not to exceed amount as indicated below:

Geotechnical Engineering and Peer Review Services
- Cotton, Shires and Associates, Inc. – $225,000
- Geocon Consultants, Inc. – $125,000

Materials Testing
- Construction Testing Services, Inc. – $100,000
- Geocon Consultants, Inc. – $225,000

Traffic Signal and Street Light Maintenance
- Cal-West Lighting and Signal Maintenance, Inc. – $2,000,000
- St. Francis Electric, LLC – $400,000

Traffic Engineering and Transportation Planning

• Fehr and Peers – $300,000
• GHD, Inc. – $500,000
• Kimley-Horn and Associates, Inc. – $250,000.

All agreements will be for a five-year term, expiring on June 30, 2029. Under the terms of the agreements, the selected firms will provide the requested services based on the adopted compensation rates.

FISCAL IMPACT

The requested on-call services related to the various Contractual Services Agreements may only be authorized from identified and approved budgetary sources, which may include approved Engineering operating budgets, Capital Improvement Project budgets, or fees collected as part of the Master Fee Schedule.

REVIEW AND APPROVAL

Prepared by - Diana Cangco, Acting City Engineer
Reviewed by - Soren Fajeau, Public Works Director
Reviewed by - Krysten Lee, Finance Director
Reviewed by - Kristopher J. Kokotaylo, City Attorney
Approved by - Lenka Hovorka, Assistant City Manager

Attachments

Resolution Various PW Conusltants

RESOLUTION NO.

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NEWARK AUTHORIZING THE CITY MANAGER TO EXECUTE CONTRACTUAL SERVICE AGREEMENTS FOR GEOTECHNICAL ENGINEERING AND PEER REVIEW SERVICES, MATERIALS TESTING SERVICES, TRAFFIC SIGNAL AND STREET LIGHT MAINTENANCE SERVICES, AND TRAFFIC ENGINEERING AND TRANSPORTATION PLANNING SERVICES WITH THE FOLLOWING CONSULTANTS: COTTON, SHIRES AND ASSOCIATES, INC.; GEOCON CONSULTANTS, INC.; CONSTRUCTION TESTING SERVICES, INC.; CAL-WEST LIGHTING AND SIGNAL MAINTENANCE, INC.; ST. FRANCIS ELECTRIC, LLC; FEHR AND PEERS; GHD, INC.; KIMLEY-HORN AND ASSOCIATES, INC.

WHEREAS, the City of Newark Public Works Department issued Requests for Qualifications for geotechnical engineering and peer review services, materials testing services, traffic signal and street light maintenance services, and traffic engineering and transportation planning services; and

WHEREAS, a total of eighteen Statements of Qualifications were received and evaluated by staff based on the quality and completeness of submissions, experience with engagements of similar scope and complexity, satisfaction of previous clients, and the proposed rate schedule; and

WHEREAS, based on staff's evaluation, the following firms were determined to be the most qualified to provide the requested services:

Geotechnical Engineering and Peer Review Services

- Cotton, Shires and Associates, Inc.
- Geocon Consultants, Inc.

Materials Testing

- Construction Testing Services, Inc.
- Geocon Consultants, Inc.

Traffic Signal and Street Light Maintenance

- Cal-West Lighting and Signal Maintenance, Inc.
- St. Francis Electric, LLC

Traffic Engineering and Transportation Planning

- Fehr and Peers
- GHD, Inc.
- Kimley-Horn and Associates, Inc.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Newark does hereby authorize the City Manager to execute Contractual Services Agreements in a form approved by the City Attorney with the firms listed below for the stated not to exceed amounts:

Geotechnical Engineering and Peer Review Services

- Cotton, Shires and Associates, Inc. – $225,000
- Geocon Consultants, Inc. – $125,000

Materials Testing

- Construction Testing Services, Inc. – $100,000
- Geocon Consultants, Inc. – $225,000

Traffic Signal and Street Light Maintenance

- Cal-West Lighting and Signal Maintenance, Inc. – $2,000,000
- St. Francis Electric, LLC – $400,000

Traffic Engineering and Transportation Planning

- Fehr and Peers – $300,000
- GHD, Inc. – $500,000
- Kimley-Horn and Associates, Inc. – $250,000.

BE IT FURTHER RESOLVED that the City Council of the City of Newark does hereby authorize the City Manager to take all actions necessary to effectuate the intent of this Resolution.

STAFF REPORT
Item D. 6.

DATE	06/27/2024
TO	Honorable Mayor and City Council Members
FROM	Michael Carmen, Assistant Engineer
SUBJECT	Adopt a resolution awarding a contract for the Base Bid and Additive Alternate Bids No. 1, No. 2, No. 3, and No. 4 to G. Bortolotto & Company, Inc. for 2024 Asphalt Concrete Street Overlay Program, Project 1344

SUMMARY AND RECOMMENDATION

Bids for 2024 Asphalt Concrete Street Overlay Program, Project 1344 were opened on June 4, 2024. As stated in the Project Specifications, determination of the low monetary bidder was based on the Base Bid plus Additive Alternative Bid No. 1 and No. 2. The low monetary bidder, G. Bortolotto & Company, Inc., provided a responsive bid, is experienced in this type of project, and is a responsible contractor.

Staff recommends that the City Council, by resolution, award a contract for 2024 Asphalt Concrete Street Overlay Program, Project 1344 to the lowest responsible bidder, G. Bortolotto & Company, Inc., for the Base Bid plus Additive Alternative Bid No. 1, No. 2, No. 3, and No. 4 in the amount of $1,499,990.50. Staff also recommends including an additional $250,009.50 in construction contingency, bringing the recommended allocation for the project to $1,750,000.

BACKGROUND

The 2024 Asphalt Concrete Street Overlay Program, Project 1344, combines annual pavement maintenance overlay and patch paving projects to encourage better unit prices. The combined project scope of work includes localized patch paving, pavement grinding, placement of new asphalt concrete pavement, and general restriping on various City streets. The project also includes four Additive Alternate Bid Items. Additive Alternate Bid No. 1 includes work related to a full width grind and overlay on Souza Avenue. Additive Alternate Bid No. 2 includes work related to a full width grind and overlay on Hazelnut Drive. Additive Alternate Bids No. 3 and No. 4 are reimbursable work on behalf of Alameda County Water District (ACWD) and Union Sanitary District (USD), respectively. The scope of work for ACWD's and USD's respective Alternate Bid Items include alterations and adjustment of existing valves and manholes to finish paving grade after the overlay.

As part of the City of Newark's ongoing effort to protect and extend the life of its streets,

the Public Works Department annually inspects asphalt concrete pavement surfaces to identify areas of potential maintenance and determine the timing and type of appropriate repairs. Asphalt concrete overlays involve the placement of an additional layer of asphalt concrete pavement on streets showing a relatively uniform distress pattern over most of the pavement surface. This condition indicates that the pavement needs structural upgrading to accommodate current and future traffic loads. A structural upgrade will prevent complete failure of the street pavement and avoid the very expensive process of complete roadway reconstruction. The increased structural strength due to an asphalt concrete overlay typically extends the useful life of a street by at least ten years.

Patch paving consists of the removal and replacement of localized pavement failures. The project includes patch paving work on streets that will be resurfaced with a slurry seal under a separate contract. The project will also perform patch paving on streets where a localized pavement failure is too severe to correct with a surface (skin) patch, but the entire street does not need structural upgrading with an asphalt concrete overlay.

The streets included in the 2024 Asphalt Concrete Street Overlay Program, Project 1344 are: Cluny Place, Elmwood Avenue, Hafner Street, Hazelnut Drive, Honeysuckle Court, Iris Court, Linden Court, Lobelia Drive, Manzanita Street, Merion Drive, Redbud Court, Spruce Court, Souza Avenue, Tenaya Avenue.

The 2022-2024 Biennial Budget and Capital Improvement Program includes sufficient funding for 2024 Asphalt Concrete Street Overlay Program, Project 1344 using a combination of Highway Users Tax funds and SB1 Road Maintenance and Rehabilitation Account funds.

DISCUSSION/ANALYSIS

Bids for 2024 Asphalt Concrete Street Overlay Program, Project 1344 were opened on June 4, 2024. The City received a total of three bids as follows:

Bidder	Base Bid	Additive Alternate Bid No. 1 (Souza Avenue)	Additive Alternate Bid No. 2 (Hazelnut Drive)	Base Bid Plus Additive Alternate Bid No. 1 and 2
G. Bortolotto & Company, Inc.	$1,165,505.00	$113,195.00	$158,290.50.00	$1,436,990.50
Interstate Grading & Paving, Inc.	$1,424,130.75	$157,260.00	$183,438.50*	$1,764,829.25

DeSilva Gates Construction LLC	$1,573,024.00	$109,505.00	$171,025.00	$1,853,554.00
Engineer's Estimate	$1,437,082.50	$131,600	$199,182.50	$1,767,865.00

*Corrected for Mathematical Error

As stated in the Project Specifications, determination of the low monetary bidder was based on the Base Bid plus Additive Alternative Bid No. 1 and No. 2. The lowest monetary bidder, G. Bortolotto & Company, Inc., submitted a responsive bid, is experienced in this type of project, successfully completed a similar project for the City of Newark in 2023, and is a responsible bidder.

Based on the bid submitted by G. Bortolotto Company, Inc., staff recommends the addition of Additive Alternate Bid No. 3 (ACWD) and No. 4 (USD) to the construction contract. The bid amount for Additive Alternate Bid No. 3 (ACWD) is $22,100 and the bid amount for Additive Alternate Bid No. 4 (USD) is $40,900. As detailed below, there are sufficient funds for this project to include the recommended Additive Alternate Bid No. 3 and No. 4.

After review of the bids received from G. Bortolotto Company, Inc. for Additive Alternate Bid No. 3 and No. 4, both ACWD and USD recommend adding their respective Additive Alternate Bid to the construction contract. The City will be reimbursed for all work performed by the contractor on behalf of ACWD and USD. In accordance with past practice, a ten percent (10%) administrative fee will be added to all ACWD and USD costs to reimburse the City for administration and management of the work.

Staff recommends that the City Council accept the bid and award the contract to the lowest responsible bidder, G. Bortolotto Company, Inc. for the Base Bid plus Additive Alternative Bid No. 1, No. 2, No. 3, and No. 4 in the amount of $1,499,990.50.

FISCAL IMPACT

In addition to the $1,499,990.50 contract amount, staff recommends including an additional $250,009.50 in construction contingency, equivalent to approximately seventeen percent (17%) of the contract amount, to account for material testing and other unanticipated construction costs. The added contingency will bring the recommended allocation for the project to a not-to-exceed amount of $1,750,000. A total of $63,000 of the project not-to-exceed amount will be reimbursed to the City by ACWD and USD for Alternate Bid Item No. 3 and No. 4, respectively.

The 2022-2024 Biennial Budget and Capital Improvement Program includes sufficient funding for 2024 Asphalt Concrete Street Overlay Program, Project 1344 using a combination of Highway Users Tax funds and SB1 Road Maintenance and

Rehabilitation Account funds. Any unused appropriation would be carried over to the following fiscal year.

ENVIRONMENTAL/PLANNING COMMISSION REVIEW

The repair and maintenance of existing facilities is categorically exempt under the California Environmental Quality Act (CEQA) section 15301 (Existing Facilities).

REVIEW AND APPROVAL

Prepared by - Michael Carmen, Assistant Engineer
Reviewed by - Diana Cangco, Acting City Engineer
Reviewed by - Soren Fajeau, Public Works Director
Reviewed by - Krysten Lee, Finance Director
Reviewed by - Kristopher J. Kokotaylo, City Attorney
Approved by - David Benoun, City Manager

Attachments

Resolution Overlay Agreement

Agreement

RESOLUTION NO.

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NEWARK AWARDING THE CONTRACT FOR THE BASE BID AND ADDITIVE ALTERNATE BID NO. 1, NO. 2, NO. 3, AND NO. 4 TO G. BORTOLOTTO & COMPANY, INC. FOR THE 2024 ASPHALT CONCRETE STREET OVERLAY PROGRAM, PROJECT 1345

WHEREAS, the Public Works Department invited sealed bids for the construction of public improvements for 2024 Asphalt Concrete Street Overlay Program, Project 1344 (the "Project"); and

WHEREAS, the City has, upon due notice, received a total of three bids for the Project that were reviewed by staff for responsiveness and responsibility; and

WHEREAS, as stated in the Project Specifications, determination of the low monetary bidder was based on the Base Bid plus Additive Alternative Bid No. 1 and No. 2; and

WHEREAS, G. Bortolotto & Company, Inc. was determined to be the lowest responsible bidder with a Base Bid plus Additive Alternate Bid No. 1 and No. 2 amount of $1,436,990.50; and

WHEREAS, staff recommends, and the City Council seeks, to add Additive Alternate Bid No. 3 and No. 4 to the construction contract, which would bring the total construction contract amount to $1,499,990.50; and

WHEREAS, staff also recommends allocating an additional $250,009.50 in construction contingency, which would bring the total allocation for the Project to $1,750,000;

NOW THEREFORE, BE IT RESOLVED that the City Council of the City of Newark hereby awards and authorizes the City Manager to execute an agreement, in a form approved by the City Attorney, with G. Bortolotto & Company, Inc. for 2024 Asphalt Concrete Street Overlay Program, Project 1344, in according to the plans, specifications, and terms of said bid for the Base Bid plus Additive Alternate Bid No. 1, No. 2, No. 3, and No. 4 in an amount not to exceed $1,499,990.50.

BE IT FURTHER RESOLVED that the City Council hereby approves a construction contingency in the amount of $250,009.50, resulting in a total allocation of $1,750,000 for the Project, with funding through Highway Users Tax funds, and SB1 Road Maintenance and Rehabilitation Account funds, distributed as follows:

To:	Description	Expenditure	Amount
	Gas Tax – HUTA	201.90.091.910.6221.PRJ1344	$500,000
	SB1/RMRA	202.90.091.910.6221.PRJ1344	$1,250,000
From:	Description	Expenditure	Amount
	Gas Tax – HUTA	201.3000	$500,000
	SB1/RMRA	202.3000	$1,250,000

BE IT FURTHER RESOLVED that the City Council does hereby authorize that any unused appropriation shall be carried over to the following fiscal year.

BE IT FURTHER RESOLVED that the City Council does hereby authorize the City Manager, or their designee, to execute any change orders necessary to account for material testing and other unanticipated construction costs within the total allocation for the Project.

BE IT FURTHER RESOLVED that the City Manager is authorized to take any actions necessary to effectuate the intent of this Resolution.

AGREEMENT (PUBLIC WORKS CONTRACT)

THIS AGREEMENT, made and entered into this ___ day, of _____, 2024, and between the CITY OF NEWARK, a municipal corporation and the General Law Class, State of California, hereinafter called the "CITY" and G. Bortolotto & Company, Inc., a _____, hereinafter called the "CONTRACTOR":

WITNESSETH:

That the City and Contractor for the consideration, hereinafter named, agree as follows:

1. That complete Contract includes all of the Contract Documents as if set forth in full herein, to wit: the Notice to Contractors; the Proposal to the City of Newark; the Accepted Bid (Unit Price Schedule); the Bidder's Statement of Subcontractors'; the Performance Bond; the Payment Bond; the Plans and Specifications; this Agreement; and all Addenda setting forth any modifications or interpretations of any of said Documents.

2. The Contractor will furnish all materials except as otherwise provided in the Specifications and on the Plans and will perform all the work necessary to construct and complete in a good workmanlike and substantial manner, and to the satisfaction of the Engineer, public improvements in accordance with that certain document headed:

2024 ASPHALT CONCRETE STREET OVERLAY PROGRAM,
PROJECT No. 1344

and the Standard Specifications and Plans of the Department of Transportation, State of California, dated May 2006.

All of the above work is on City property, and under the direction of the Engineer or other official designated by the City to supervise said work, all as provided in and subject to the Contract Documents.

1. The Contractor shall comply with all applicable local, state, and federal regulations.

2. The Contractor shall maintain a valid Class A California Contractor License throughout the performance of work under this contract.

3. The Contractor shall submit a receipt copy or other evidence showing payment of the current City of Newark Business License fee.

4. The Contractor shall provide a Certificate of Insurance to show proof of Comprehensive General Liability Insurance of (minimum) $1,000,000 combined single limit per occurrence for bodily injury, personal injury, and bodily damage; and Workers Compensation and Employers Liability Insurance as required by the Labor Code of the State of California.

5. As of July 1, 2014, all contractors bidding on this project are required to register with the Department of Industrial Relations (DIR) and to pay the required annual fee. Under California Labor Code section 1771.1, as amended by SB 854, unless registered with the DIR, a contractor may not bid, nor be listed as a subcontractor, for any bid proposal submitted for public works projects on or after March 1, 2015. The Contractor will be required to submit certified payrolls during the course of this project. This project is subject to compliance enforcement and monitoring by the State of California DIR.

6. The City will pay the Contractor in current funds for the performance of the Contract on the basis of the accepted unit prices and the actual measured quantities of work done at such time as are stated in the Specifications, and will otherwise fulfill its obligations thereunder.

7. All time limits stated in the Contract Documents are of the essence of this Agreement.

8. The statement of prevailing wages appearing in the Equipment Rental Rates and General Prevailing Wage Rates is hereby specifically referred to and by this reference is made a part of this contract. It is further expressly agreed by and between the parties hereto that should there be any conflict between the terms of this instrument and the bid or proposal of said Contractor, then this instrument shall control and nothing herein shall be considered as an acceptance of said terms of said proposal conflicting herewith.

9. By my signature hereunder, as Contractor, I certify that I am aware of the provisions of Section 3700 of the Labor Code which require every employer to be insured against liability for workmen's compensation or to undertake self-insurance in accordance with the provisions of that code, and I will comply with such provisions before commencing the performance of the work of this contract.

10. If any action shall be brought by the City for the enforcement of any of the conditions, covenants or agreements herein the prevailing party shall recover reasonable attorney's fees.

11. The Contractor hereby agrees to defend, indemnify, and save harmless City, its Council, boards, commissions, officers, employees and agents, from and against any and all claims, suits, actions liability, loss, damage, injury, expense, cost (including, without limitation, costs and fees of litigation) of every nature, kind or description, which may be brought against, or suffered or sustained by, City, its Council, boards, commissions, officers, employees or agents caused by, or alleged to have been caused by, the negligence, intentional tortuous act or omission, or willful misconduct of Contractor, its officers, employees or agents in the performance of any service or work pursuant to this Contract.

The duty of Contractor to indemnify and save harmless, as set forth herein, shall include the duty to defend as set forth in Section 2778 of the California Civil Code; provided, however, that nothing herein contained shall be construed to require Contractor to indemnify City, its Council, boards, commissions, officers, employees and agents against any responsibility or liability in

contravention of Section 2782 of the California Civil Code.

It shall be required under this Agreement that any available insurance proceeds broader than or in excess of the specified minimum Insurance coverage requirements and/or limits shall be available to the Additional Insured. Furthermore, the requirements for coverage and limits shall be (1) the minimum coverage and limits specified in the Agreement; or (2) the broader coverage and maximum limits of coverage of any Insurance policy or proceeds available to the named Insured; whichever is greater.

Approval of the insurance contracts does not relieve the Contractor or subcontractors from liability under this paragraph, including but not limited to the duty to indemnify City set forth herein. By execution of this Contract Contractor acknowledges and agrees that it has read and understands the provisions hereof and that this paragraph is a material element of consideration.

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

CITY OF NEWARK
a Municipal Corporation

FOR THE CONTRACTOR:

_____

_____

By_____
City Manager

By_____

ATTEST:

_____
City Clerk

APPROVED AS TO FORM:

_____
City Attorney

STAFF REPORT

Item D. 7.

DATE	06/27/2024
TO	Honorable Mayor and City Council Members
FROM	Art Interiano, Deputy Community Development Director
SUBJECT	Adopt a resolution authorizing the City Manager to execute an agreement with Alameda County for participation in the Alameda County Urban County for Fiscal Year 2024-2025

SUMMARY AND RECOMMENDATION

The City received a Fiscal Year 2024-2025 Community Development Block Grant (CDBG) award in the amount of $202,097. Of those funds, $49,846 is allocated for the Alameda County minor home repairs program. Staff recommends that the remainder of the balance, $152,251, be used for jurisdictional improvements. The jurisdictional improvement funds will be used on a variety of parks such as Birch Grove, Mayhews Landing and Musick park. The improvements will include resurfacing a basketball court, improving park pathways to remove tripping hazards, and upgrading pathways to be ADA-compliant.

Staff recommends that the City Council, by resolution, authorize the City Manager to execute an agreement with Alameda County to participate in the Alameda County Urban County Community Development Block Grant (CDBG) Program for the Fiscal Year 2024-2025.

BACKGROUND

Each year the City of Newark receives funding under the United States Department of Housing and Urban Development (HUD) Community Development Block Grant (CDBG) Program. This grant provides funding for activities benefiting low- and moderate-income persons, including public works projects, planning studies, and housing rehabilitation and repair.

Newark's funds are disbursed through Alameda County. The County oversees Newark's use of the funds in order to ensure that all appropriate federal government requirements are met. This arrangement is established and governed each year by a pair of agreements, one between Alameda County and HUD, and one between the City and Alameda County. A copy of the agreement between the City and Alameda County is attached. By approving this resolution, the City Council will authorize the City Manager to execute the agreement between the City of Newark and Alameda County, thereby continuing the City's participation in the CDBG program.

DISCUSSION/ANALYSIS

The Community Development Advisory Committee met on May 1, 2024 to review the intended purpose of CDBG funds for the Jurisdiction Improvement Fiscal Year 2024-2025. At the time of the CDAC meeting, the exact amount of funding had not been determined yet. Staff used an estimated amount of $150,884 to develop funding recommendations for the CDAC's consideration. The CDAC voted, 7-0, to recommend that the City Council allocate the anticipated Jurisdiction Improvement Project funds to the Citywide ADA Compliance Improvements.

The Jurisdiction Improvement Project would address ADA compliance needs at City-owned parks, facilities, and parking lots as identified in the City's Disabled Access Transition Plan. The scope of work would include improvements to Mayhews Landing Park, Birch Grove Park and Musick Park. The repairs would include ADA compliant sidewalks, installing new curb ramps, and upgrading existing curb ramps. These improvements would provide accessibility benefits for the entire community. Since the exact amount of the HUD-approved grant amount was provided recently, the recommendation for acceptance of the CDBG grant will increase slightly to $152,251.

FISCAL IMPACT

The Community Development Block Grant (CDBG) has awarded a total of $202,097 to the City of Newark. Of this amount, $49,846 is allocated to the Alameda County Minor Home Repairs Program. The remaining balance of $152,251 will be retained by the City and has been included in the proposed 2024-2026 Biennial Budget and Capital Improvement Plan for consideration for adoption by the City Council on June 27, 2024.

REVIEW AND APPROVAL

Prepared by - Art Interiano, Deputy Community Development Director
Reviewed by - Steven Turner, Community Development Director
Reviewed by - Krysten Lee, Finance Director
Reviewed by - Kristopher J. Kokotaylo, City Attorney
Approved by - Lenka Hovorka, Assistant City Manager

Attachments

Resolution - 2024-2025 CDBG

RESOLUTION NO.

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NEWARK AUTHORIZING THE CITY MANAGER TO EXECUTE AN AGREEMENT WITH ALAMEDA COUNTY FOR PARTICIPATION IN THE ALAMEDA COUNTY URBAN COUNTY COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) PROGRAM FOR FISCAL YEAR 2024-2025

WHEREAS, the City of Newark is eligible for an entitlement of Community Development Block Grant funds (CDBG) based on its participation in the Alameda County Urban County; and

WHEREAS, the County has allocated $202,097 in CDBG funds to the City based on the City's participation in the Urban County; and

WHEREAS, the City anticipated an amount of $210,042 for the annual grant award and the contract amount is lower than expected by $7,945 and the funding amount will be adjusted for Jurisdictional Improvement projects as recommended by the CDAC; and

WHEREAS, the County retains $49,846 of the City's allocation providing for Minor Home Repair Program, which will be administered by Alameda County Healthy Homes Department; and

WHEREAS, the City will retain the remaining $152,251 funds to use towards jurisdictional improvements and administrative costs; and

WHEREAS, the activities of the City under the Agreement with the County shall be governed by the conditions of the Grant Agreement between the County and the United States Department of Housing and Urban Development; and

WHEREAS, the City's proposed projects are CDBG-eligible in accordance with HUD regulations and the conditions of the CDBG Grant Agreement.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Newark that the City Manager of the City of Newark is hereby authorized to execute an agreement with Alameda County for participation in the Alameda County Urban County Community Development Block Grant (CDBG) Program for Fiscal Year 2024-2025, said agreement on file in the Office of the City Clerk.

BE IT RESOLVED that the City Council of the City of Newark hereby intends to include the awarded CDBG grant in the proposed 2024-2026 Biennial Budget and Capital Improvement Plan for consideration for adoption by the City Council on June 27, 2024

STAFF REPORT

Item D. 8.

DATE	06/27/2024
TO	Honorable Mayor and City Council Members
FROM	Tonya Connolly, Maintenance Superintendent
SUBJECT	Adopt a resolution authorizing the City Manager to execute a Contractual Services Agreement with West Coast Arborists, Inc. for ongoing maintenance services of City trees located in parks, streets and City-owned properties

SUMMARY AND RECOMMENDATION

The City utilizes outside consultants to perform ongoing maintenance services of City trees located in parks, streets and City-owned properties. Following a Request for Proposals process, staff is recommending a Contractual Services Agreement with West Coast Arborists, Inc. (WCA) in the amount not to exceed $3,500,000 for such services through Fiscal Year 2029. The projected cost for Fiscal Year 2025 is approximately $640,000.

Staff recommends that the City Council, by resolution, authorize the City Manager to enter into a Contractual Services Agreement, in a form approved by the City Attorney, with West Coast Arborists, Inc., in an amount not to exceed $3,500,000 for tree maintenance services through Fiscal Year 2029.

BACKGROUND

The City regularly utilizes outside consultants to perform ongoing maintenance of City trees located in parks, streets and City-owned properties. The ongoing contract for consultant tree maintenance services is an integral component of the Public Works Maintenance Division's overall scope of services for the community.

The Maintenance Division prepared and released an open and competitive Request for Proposals (RFP) for 2024-2025 Tree Maintenance Services in accordance with the City's Purchasing Rules and Regulations. The RFP specified that selection would be made based on the quality and completeness of proposals, experience of staff and management team, proposed methodology, quality control program, satisfaction of previous clients and quality of referenced work, proficiency with billing practices, financial stability of company, quality of equipment, tools and uniforms, and propfosed rate schedules/estimated cost for services.

DISCUSSION/ANALYSIS

Following the Request for Proposals, staff received one proposal on or before May 31, 2024, from West Coast Arborists, Inc. The Proposal was subsequently evaluated based on the selection criteria listed above. West Coast Arborists, Inc. provided a comprehensive proposal that satisfied these selection criteria, including competitive rate schedules/estimated cost for services. West Coast Arborists, Inc. has previously provided excellent service of a similar nature to the City and, based on staff's analysis, would provide value to the City for current tree maintenance service needs.

Staff is therefore recommending the selection of West Coast Arborists, Inc. to provide tree maintenance services for Fiscal Year 2025 with options for annual renewals through Fiscal Year 2029. The Contractual Services Agreement would begin on July 1, 2024 and expire on June 30, 2029, subject to available funding levels to be approved by the City Council. Under the terms of the agreement, West Coast Arborists, Inc. would provide the requested services in the amount not to exceed $3,500,000 through Fiscal Year 2029. The projected cost of tree maintenance services for Fiscal Year 2025 is $640,000. Prices may be increased annually by the consumer price index identified in the agreement.

FISCAL IMPACT

The proposed 2024-2026 Biennial Budget and Capital Improvement Plan has sufficient funding for tree maintenance services through Fiscal Year 2026 under this agreement. Any future renewals will be subject to prior funding approval by the City Council.

REVIEW AND APPROVAL

Prepared by - Tonya Connolly, Maintenance Superintendent
Reviewed by - Soren Fajeau, Public Works Director
Reviewed by - Krysten Lee, Finance Director
Reviewed by - Kristopher J. Kokotaylo, City Attorney
Approved by - Lenka Hovorka, Assistant City Manager

Attachments

Resolution WCA

RESOLUTION NO.

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NEWARK APPROVING A CONTRACTUAL SERVICES AGREEMENT WITH WEST COAST ARBORISTS, INC., IN A FORM APPROVED BY THE CITY ATTORNEY, IN AN AMOUNT NOT TO EXCEED $3,500,000 FOR TREE MAINTENANCE SERVICES THROUGH FISCAL YEAR 2029

WHEREAS, the City prepared and released a Request for Proposals for tree maintenance services in City parks, streets and other City-owned properties; and

WHEREAS, the City received one proposal that was evaluated by staff based on the quality and completeness of proposals, experience of staff and management team, proposed methodology, quality control program, satisfaction of previous clients and quality of referenced work, proficiency with billing practices, financial stability of company, quality of equipment, tools and uniforms, and proposed rate schedules/estimated cost for services; and

WHEREAS, based on the evaluation, staff determined that West Coast Arborists, Inc. is the most qualified firm to provide the requested tree maintenance services at the best value to the City.

NOW THEREFORE, BE IT RESOLVED that the City Council of the City of Newark hereby authorizes the City Manager to execute a contractual services agreement, in a form approved by the City Attorney, with West Coast Arborists, Inc. in an amount not to exceed $3,500,000.00 for tree maintenance services through Fiscal Year 2029.

BE IT FURTHER RESOLVED that the City Council hereby authorizes the City Manager to take all actions necessary to effectuate the intent of this Resolution.

STAFF REPORT
Item D. 9.

DATE	06/27/2024
TO	Honorable Mayor and City Council Members
FROM	Gustavo Perez, Facilities Supervisor
SUBJECT	Adoption of a resolution authorizing the City Manager to execute Amendment No. 1 to the Contractual Services Agreement with Universal Building Services and Supply Company for janitorial services for City buildings

SUMMARY AND RECOMMENDATION

Universal Building Services and Supply Company (UBS) entered into a Contractual Services Agreement (Agreement) with the City of Newark for janitorial services at all City buildings. The not-to-exceed amount of the Agreement is $1,015,000 through Fiscal Year 2024, with optional annual increases through Fiscal Year 2028. An increase to the Agreement is necessary to complete an increased scope of work in Fiscal Year 2024 and to provide for increased services through Fiscal Year 2028.

Staff recommends that the City Council authorize the City Manager to execute Amendment No. 1 to the Contractual Services Agreement with Universal Building Services and Supply Company, in a form approved by the City Attorney, to increase the not-to-exceed amount to $3,664,000 for services through Fiscal Year 2028.

BACKGROUND

In December 2022, the City awarded a Contractual Services Agreement (Agreement) to Universal Building Services and Supply Company (UBS) for janitorial services with a not-to-exceed amount of $1,015,000 for the initial 19-month period (through June 2024) with the option to extend the Agreement for four (4) additional 12-month periods (through June 2028) with an increased amount and additional increases based on the Consumer Price Index. The not-to-exceed amount was based on decreased service levels during the pandemic as many City facilities were not fully occupied.

At the start of the Agreement, from December 2022 to May 2023, the City experienced a reduction in services due to low occupancy during the pandemic. This was evident at locations such as the George M. Silliman Community Activity Center, where patronage was limited. Since June 2023, as patronage and occupancy increased at all facilities, the City has added monthly and other less frequent specialty services such as carpet cleaning, window cleaning, pool deck scrubbing, and floor polishing in response to service request needs. The City also added a cleaning day (Sundays) for the Alameda

County Library. Through the first 19-month period of the current Agreement, UBS has provided janitorial services at all City facilities, which includes day-to-day cleaning, day porters for specialized cleaning, and increased monthly or other less frequent duties. UBS also provided emergency response for plumbing repairs at several locations or services for special events, such as the Tree Lighting Ceremony, Grand Opening at Civic Center, Newark Days, or cleanings after large group meetings or training sessions. During Fiscal Year 2024 the City anticipates spending up to $521,906 for services provided by UBS, $38,484 over the Agreement amount specified for Fiscal Year 2024.

DISCUSSION/ANALYSIS

In accordance with the current Agreement, there is an option to extend the contract for an additional four years through FY 2028. A contract amendment to increase the not-to-exceed amount would allow the City to continue to retain the services of UBS as the City restores janitorial services back to pre-pandemic levels. Based on current contract pricing and anticipated service level needs, staff is requesting a not-to-exceed increase to $3,664,000 through FY 2028. The total scope of services remains unchanged. This proposed not-to-exceed amount increase is for UBS to provide services through the full potential term of the contract (through FY 2028), whereas the original $1,015,000 was through FY 2024 only. The $3,664,000 amount includes an anticipated 3% increase per year based on the Consumer Price Index cited in the agreement. The extension of services each year would still be subject to approval by task order under the original agreement and prior funding approval by the City Council.

FISCAL IMPACT

The draft 2024-2026 Biennial Budget and Capital Improvement Plan includes sufficient funding for the proposed services for FY 2025 and FY 2026. Funding for FY 2027 and FY 2028 are subject to City Council approval during the biennial budget process.

REVIEW AND APPROVAL

Prepared by - Gustavo Perez, Maintenance Supervisor
Reviewed by - Tonya Connolly, Maintenance Superintendent
Reviewed by - Soren Fajeau, Public Works Director
Reviewed by - Krysten Lee, Finance Director
Reviewed by - Kristopher J. Kokotaylo, City Attorney
Approved by - Lenka Hovorka, Assistant City Manager

Attachments

Resolution
UBS Amendment No. 1
UBS Contract

RESOLUTION NO.

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NEWARK AUTHORIZING THE CITY MANAGER TO EXECUTE AMENDMENT NO. 1 TO THE CONTRACTUAL SERVICES AGREEMENT WITH UNIVERSAL BUILDING SERVICES AND SUPPLY COMPANY, IN A FORM APPROVED BY THE CITY ATTORNEY, TO INCREASE THE NOT TO EXCEED COMPENSATION TO $3,664,000 THROUGH FISCAL YEAR 2028

WHEREAS, the City of Newark awarded a Contractual Services Agreement to Universal Building Services and Supply Company ("UBS") for janitorial services for City buildings; and

WHEREAS, the Maintenance Division of the Public Works Department has identified necessary increases to janitorial services to satisfy internal and external customer needs; and

WHEREAS, to address these customer service needs and provide contractual capacity for the full potential term of the service contract, there is a need to amend the Contractual Services Agreement to increase the not-to exceed amount to $3,664,000 for anticipated services needed through Fiscal Year 2028; and

WHEREAS, the original agreement with UBS contemplated providing services through Fiscal Year 2028.

NOW THEREFORE, BE IT RESOLVED that the City Council hereby authorizes the City Manager to execute Amendment No. 1 to the Contractual Services Agreement with Universal Building Services and Supply Company, in a form approved by the City Attorney, to increase the not-to-exceed amount of the Contractual Services Agreement to $3,664,000 through Fiscal Year 2028, with any written task orders approved by the Public Works Director based on previously approved budgetary sources.

BE IT FURTHER RESOLVED that the City Council hereby authorizes the City Manager to take any actions necessary to effectuate the intent of this Resolution.

FIRST AMENDMENT TO THE CONTRACTUAL SERVICES AGREEMENT BETWEEN THE CITY OF NEWARK AND UNIVERSAL BUILDING SERVICES AND SUPPLY COMPANY

This First Amendment to Contractual Services Agreement between the City of Newark, a municipal corporation, ("City") and Universal Building Services and Supply Company, a California corporation ("Consultant") (sometimes referred to as "Parties") dated December 2022 (the "Agreement"), and is entered into as of _____for ongoing janitorial services in City buildings.

RECITALS

WHEREAS, the Parties executed the Agreement for the purpose of ongoing janitorial services for city buildings; and

WHEREAS, Section 27, Modifications, of the Agreement allows the Parties to amend the Agreement provided that the amendment is in writing signed by the Parties; and

WHEREAS, the Agreement was initially for one nineteen-month term and the City has the option to extend the Agreement for up to four additional fiscal years; and

WHEREAS, the Parties desire to amend the Agreement, Section 3.A to increase the "Not to Exceed" Compensation amount; and

WHEREAS, City staff is authorized to execute this Amendment in a form approved by the City Attorney.

NOW, THEREFORE, the Parties hereby agree as follows:

1. Section 3.A. "Not to Exceed" Compensation, of the Agreement, is amended to be replaced in its entirety with the following:

   City hereby agrees to pay Consultant a sum not to exceed Three Million Six Hundred and Sixty-Four Thousand Dollars, ($3,664,000.00), for all services through Fiscal Year 2028 subject to Section 4 of the Agreement for Additional Services, notwithstanding any contrary indications that may be contained in Consultant's proposal for services to be performed and reimbursable costs incurred under this Agreement. In the event of a conflict between this Agreement and Consultant's proposal, attached as Exhibit A, regarding the amount of compensation, the Agreement shall prevail. City shall pay Consultant for services rendered pursuant to this Agreement at the time and in the manner set forth herein. The payments specified below shall be the only payments from City to Consultant for services rendered pursuant to this Agreement. Consultant shall submit all invoices to City in the manner specified herein. Except as specifically authorized by City in writing, Consultant shall not bill City for duplicate services performed by more than one person.

   Consultant and City acknowledge and agree that compensation paid by City to Consultant

under this Agreement is based upon Consultant's estimated costs of providing the services required hereunder, including salaries and benefits of employees and subcontractors of Consultant. Consequently, the parties further agree that compensation hereunder is intended to include the costs of contributions to any pensions and/or annuities to which Consultant and its employees, agents, and subcontractors may be eligible. City therefore has no responsibility for such contributions beyond compensation required under this Agreement.

2. With the exception of the foregoing, all other terms and conditions in the Agreement, as amended, remain in force and effect.

CITY OF NEWARK

_____
David J. Benoun
City Manager

Dated: _____

UNIVERSAL BUILDING SERVICES
AND SUPPLY COMPANY

_____
Dario DeVincenzi
Operations Manager

Dated: _____

Attest:

_____
Sheila Harrington
City Clerk

Approved as to Form:

_____
Kristopher J. Kokotaylo
City Attorney

C22067
R11438

CONTRACTUAL SERVICES AGREEMENT – UNIVERSAL BUILDING SERVICES
JANITORIAL SERVICES FOR CITY BUILDINGS

This Service Agreement (hereinafter "Agreement") is made and entered into this day of DECEMBER, 2022 by and between the **CITY OF NEWARK**, a municipal corporation ("City"), and UNIVERSAL BUILDING SERVICES AND SUPPLY COMPANY, a California corporation, ("Consultant"), collectively the "Parties".

W I T N E S S E T H:

WHEREAS, City requested proposals to perform the services generally including: **JANITORIAL SERVICES FOR CITY BUILDINGS**.

WHEREAS, in response to City's request, Consultant submitted a proposal and, after negotiations, Consultant agreed to perform the Services more particularly described in Exhibit "A" ("Services"), in return for the compensation described in this Agreement and Exhibit "B".

WHEREAS, in reliance upon Consultant's documentation of its qualifications, as set forth in Exhibit "C", City finds that Consultant has demonstrated the requisite qualifications, experience, training, and expertise to perform the requested Services.

NOW, THEREFORE, the Parties hereto agree as follows:

1. **CONSULTANT'S SERVICES.** Consultant shall perform Services described, and in the time, place, and manner specified in Exhibit "A" in accordance with the terms and conditions of this Agreement. In the event of a conflict in or inconsistency between the terms of this Agreement and Exhibit "A", the Agreement shall control.

2. **TIME FOR PERFORMANCE.** Time is of the essence in the performance of Services under this Agreement and Consultant shall generally adhere to the schedule set forth in Exhibit "A"; provided, that City shall grant reasonable extensions of time for the performance of such Services occasioned by governmental reviews of Consultant's work product or other unavoidable delays occasioned by circumstances, provided, further, that such unavoidable delays shall not include strikes, lockouts, work stoppages, or other labor disturbances conducted by, or on behalf of, Consultant's officers or employees. Any Services for which times for performance are not specified in this Agreement shall be commenced and completed by Consultant in a reasonably prompt and timely manner based upon the circumstances and direction communicated to Consultant.

Consultant acknowledges the importance to City of City's performance schedule and agrees to put forth its best professional efforts to perform its Services under this Agreement in a manner consistent with that schedule. City understands, however, that Consultant's performance must be governed by sound professional practices.

3. **COMPENSATION.**

A. **"Not to Exceed" Compensation.** City shall compensate Consultant for all Services performed by Consultant hereunder in an amount based upon Consultant's hourly or

other rates set forth in Exhibit "B". The payments specified in Exhibit "B" shall be the only payments to be made to Consultant for Services rendered pursuant to this Agreement.

Notwithstanding the foregoing, the total of compensation and costs payable hereunder shall not exceed the sum of ONE MILLION FIFTEEN THOUSAND and No/100 Dollars ($1,015,000.00) for Fiscal Year 2022-2023 and Fiscal Year 2023-2024, combined, unless the performance of services and/or reimbursement of costs and expenses in excess of said amounts have been approved in advance of performing such services or incurring such costs and expenses by City, evidenced in writing authorizing such additional amount.

Should City and Consultant agree to additional services in future fiscal years pursuant to Section 4, Additional Services of this Agreement, the total compensation and costs payable hereunder for each future fiscal year shall not exceed the sum of FIVE HUNDRED AND THREE THOUSDAND and No/100 Dollars ($503,000.00), as established based on the Fiscal Year 2023-2024 designated not to exceed sum, plus any applicable cumulative annual adjustments to this sum based on agreed contract renewal prices and other adjustments to the scope of services pursuant to said Section 4, and subject to prior budget approval by the Newark City Council. The future not to exceed compensation limits are therefore projected as follows:

Fiscal Year 2024-2025:	$503,000 plus any agreed upon adjustments to unit prices or changes to the scope of services pursuant to Section 4.
Fiscal Year 2025-2026:	Adjusted Fiscal Year 2024-2025 not to exceed amount plus any additional agreed upon adjustments to unit prices or changes to the scope of services pursuant to Section 4.
Fiscal Year 2026-2027:	Adjusted Fiscal Year 2025-2026 not to exceed amount plus any additional agreed upon adjustments to unit prices or changes to the scope of services pursuant to Section 4.
Fiscal Year 2027-2028:	Adjusted Fiscal Year 2026-2027 not to exceed amount plus any additional agreed upon adjustments to unit prices or changes to the scope of services pursuant to Section 4.

B. Method of Billing. To request payment, Consultant shall submit monthly invoices to City identifying Services performed and the charges therefore (including an identification of personnel who performed Services, hours worked, hourly rates, and reimbursable expenses), based upon Consultant's billing rates (set forth on Exhibit "B" hereto).

Consultant shall submit all billings for said Services to City in the manner specified in Exhibit "B"; or, if no manner is specified in Exhibit "B", then according to the usual and customary procedures and practices which Consultant uses for billing clients similar to City.

Invoices shall be sent to tonyac@newark.org and/or:

City of Newark
Attn: Finance Department
37101 Newark Blvd.
Newark, CA 94560

Upon completion of Services, City shall sign off and acknowledge that all terms and conditions have been satisfactorily met; upon which, unless waived by City in writing, Consultant shall prepare an itemized statement, briefly describing by task and/or labor category the items billed.

C. Payment. Upon receipt of an invoice, City shall make payments to Consultant on a monthly basis, or at such other times as may be specified in Exhibit "B", for Services, which are performed in accordance with this Agreement to the satisfaction of City.

D. Consultant's Failure to Perform. In the event that Consultant performs Services that do not comply with the requirements of this Agreement, Consultant shall, upon receipt of written notice from City, re-perform the services (without additional compensation to Consultant). If Consultant's failure to perform in accordance with this Agreement causes damages to City, Consultant shall reimburse City for the damages incurred (which may be charged as an offset to Consultant's payment).

4. ADDITIONAL SERVICES. In the event City desires the performance of additional services not otherwise included within Services, such services shall be authorized by written task order approved in advance of the performance thereof. Such task order shall include a description of the services to be performed thereunder, the maximum compensation and reimbursement of costs and expenses payable therefore, the time of performance thereof, and such other matters as the Parties deem appropriate for the accomplishment of such services. Except to the extent modified by a task order, all other terms and conditions of this Agreement shall be deemed incorporated in each such task order.

The initial duration of this contract shall be July 1, 2022 to June 30, 2024. If both the City and Consultant agree, this contract is renewable by Task Order for up to four (4) one (1) year periods, as authorized by the Public Works Director subject to available funding to be approved in advance by the City Council. Renewable contract prices for each annual renewal may be increased by a percentage equivalent to the San Francisco-Oakland-San Jose All Urban, All Terms Consumer Price Index as listed on the Bureau of labor web page (http://data.bls.gov/cgi-bin/surveymost) for the most recent twelve (12) month period available at the time renewal is being contemplated.

5. INDEPENDENT CONSULTANT. At all times during the term of this Agreement, Consultant shall be, and is an independent consultant and shall not be an employee or agent of City. Consultant shall not be entitled to any benefit, right, or compensation other than that provided in this Agreement. City shall have the right to control Consultant only insofar as the results of Consultant's Services; however, City shall not have the right to control the means by which Consultant accomplishes Services rendered pursuant to this Agreement.

Except as City may specify in writing, Consultant shall have no authority, express or implied, to act on behalf of City in any capacity whatsoever as an agent. Consultant shall have no authority, express or implied, pursuant to this Agreement to bind City to any obligation whatsoever.

6. PERSONNEL. Consultant understands that, in entering into this Agreement, City has relied upon Consultant's ability to perform in accordance with its representations regarding the qualifications of Consultant, including the qualifications of its Authorized Representative, its

designated personnel, and its Subconsultants, if any, identified in Exhibit "C". Therefore, Consultant shall not replace its Authorized Representative, or any of the designated personnel or Subconsultants identified in Exhibit "C", without the prior written consent of City. All Services shall be performed by, or under, the direct supervision of Consultant's Authorized Representative.

Consultant agrees to include with all Subconsultants in their subcontract the same requirements and provisions of this Agreement including the indemnity and Insurance requirements to the extent they apply to the scope of the Subconsultant's work. Subconsultants hired by Consultant agree to be bound to Consultant and City in the same manner and to the same extent as Consultant is bound to City under this Agreement. Subconsultant further agrees to include these same provisions with any Sub-subconsultant. A copy of this Agreement's Indemnity and Insurance provisions will be furnished to the Subconsultant upon request. The Consultant shall require all Sub-subconsultants to provide a valid certificate of insurance and the required endorsements included in this Agreement prior to commencement of any Services and will provide proof of compliance to the City.

In the event that City, in its sole discretion, at any time during the term of this Agreement, desires the removal of any of Consultant's designated personnel or Subconsultants, Consultant shall, immediately upon receiving notice from City of such desire of City, cause the removal of such person or persons.

7. FACILITIES AND EQUIPMENT. Consultant shall, at its sole cost and expense, furnish all facilities and equipment which may be required for furnishing Services.

8. INFORMATION AND DOCUMENTATION.

A. Information from City. City has made an effort to provide Consultant with all information necessary for Consultant's performance of Services. If Consultant believes additional information is required, Consultant shall promptly notify City and City will provide to Consultant all relevant non-privileged information in City's possession.

B. Consultant's Accounting Records. Consultant shall maintain all accounting records related to this Agreement in accordance with generally accepted accounting principles and state law requirements, and in no event for less than four (4) years. Consultant's accounting records shall include, at a minimum, all documents which support Consultant's costs and expenses related to this Agreement, including personnel, subconsultants' invoices and payments, and reimbursable expenses. Consultant's accounting records shall be made available to City within a reasonable time after City's request, during normal business hours.

C. Ownership of Work Product. All original documents prepared by Consultant (including its employees and subconsultants) for this Agreement ("Work Product"), whether complete or in progress, are the property of City and shall be given to City at the completion of Consultant's Services, or upon demand of City. Consultant shall have a right to make and keep copies of the Work Product except for any confidential information. Consultant shall not reveal the Work Product or the confidential information contained in the Work Product, or make it available, to any third party without the prior written consent of City.

9. CONFLICTS OF INTEREST PROHIBITED. Consultant (including its employees, agents, and subconsultants) shall not maintain or acquire any direct or indirect interest that

conflicts with the performance of this Agreement. Consultant shall comply with all requirements of the Political Reform Act (California Government Code Section 81000, *et seq.*) and other laws relating to conflicts of interest, including: (a) Consultant shall not make or participate in a decision made by City if it is reasonably foreseeable that the decision may have a material effect on Consultant's economic interest, and (b) if required by law, Consultant shall file financial disclosure forms with the City Clerk. If Consultant maintains or acquires a conflicting interest, any contract with City (including this Agreement) involving Consultant's conflicting interest may be terminated by City.

10. NONDISCRIMINATION. Consultant shall comply with all applicable federal, state, and local laws regarding nondiscriminatory employment practices, whether or not said laws are expressly stated in this Agreement. Consultant shall not discriminate against any employee or applicant because of race, color, religious creed, national origin, physical disability, mental disability, medical condition, marital status, sexual orientation, sex, age, or any other basis, as defined in California Civil Code Section 51.

11. COMPLIANCE WITH LAW AND STANDARD OF CARE. Consultant shall comply with all applicable legal requirements including all federal, state, and local laws (including ordinances and resolutions), whether or not said laws are expressly stated in this Agreement. Consultant shall perform Services using a standard of care equal to, or greater than, the degree of skill and diligence ordinarily used by reputable professionals, with a level of experience and training similar to Consultant, performing under circumstances similar to those required by this Agreement.

12. PUBLIC WORKS REQUIREMENTS. Because the services described in Exhibit A include "work performed during the design and preconstruction phases of construction including, but not limited to, inspection and land surveying work," the services constitute a public works within the definition of Section 1720(a)(1) of the California Labor Code. As a result, Consultant is required to comply with the provisions of the California Labor Code applicable to public works, to the extent set forth in Exhibit D.

13. PUBLIC WORKS CONTRACTOR REGISTRATION. Consultant agrees, in accordance with Section 1771.1 of the California Labor Code, that Consultant or any subconsultant shall not be qualified to bid on, be listed in a bid proposal, subject to the requirements of Section 4104 of the Public Contract Code, or engage in the performance of any contract for public work, as defined in Chapter 1 of Part 7 of Division 2 of the California Labor Code, unless currently registered and qualified to perform public work pursuant to California Labor Code section 1725.5. It is not a violation of this section for an unregistered contractor to submit a bid that is authorized by Section 7029.1 of the Business and Professions Code or by Section 10164 or 20103.5 of the Public Contract Code, provided the contractor is registered to perform public work pursuant to Section 1725.5 at the time the contract is awarded. No contractor or subcontractor may be awarded a contract for public work on a public works project unless registered with the Department of Industrial Relations pursuant to California Labor Code section 1725.5. Consultant agrees, in accordance with Section 1771.4 of the California Labor Code, that if the work under this Agreement qualifies as public work, it is subject to compliance monitoring and enforcement by the Department of Industrial Relations.

14. INSURANCE. Consultant shall procure and maintain for the duration of this Agreement insurance against claims for injuries to persons or damages to property which may

arise from or in connection with the performance of the work hereunder by the Consultant, his agents, representatives, subconsultants, or employees.

A. Verification of Coverage.

Consultant shall furnish City with original certificates of insurance and amendatory endorsements or copies of the applicable policy language effecting coverage required by this clause. The certificates and endorsements for each insurance policy are to be signed by a person authorized by that insurer to bind coverage on its behalf. All certificates and endorsements are to be received and approved by City before work commences.

Proof of Insurance shall be mailed to the following address or any subsequent address as may be directed in writing by the City Risk Manager:

CITY OF NEWARK

Attn: Risk Manager
37101 Newark Boulevard
Newark, CA 94560

City reserves the right to require and obtain complete, certified copies of all required insurance policies and endorsements at any time. Failure to exercise this right at any time shall not constitute a waiver of right to exercise later. Consultant shall immediately furnish City with certificates of renewal for each policy that is renewed during the term of this Agreement.

B. Minimum Scope of Insurance.

Coverage shall be at least as broad as:

1. Insurance Services Office Form Number CG 00 01covering Commercial General Liability on an occurrence basis, including products and completed operations, property damage, bodily injury, and personal and advertising injury; and

2. Insurance Services Office Form Number CA 00 01 covering Code 1, (any auto), or Code 8 (hired) and Code 9 (non-owned) if consultant has no owned autos; and

3. Workers' Compensation insurance as required by the State of California, with Statutory Limits, and Employer's Liability Insurance; and

4. Errors and Omissions Liability insurance appropriate to the Consultant's profession. Architects' and Engineers' coverage is to be endorsed to include contractual liability.

C. Minimum Limits of Insurance.

It shall be a requirement under this Agreement that any available insurance proceeds broader than or in excess of the specified minimum Insurance coverage requirements and/or limits shall be available to the Additional Insured. Furthermore, the requirements for coverage and limits shall be (1) the minimum coverage and limits specified in this Agreement; or (2) the broader coverage and maximum limits of coverage of and Insurance policy or proceeds available to the named Insured; whichever is greater.

Consultant shall maintain limits no less than:

1. General Liability: (including products and completed operations, property damage, bodily injury, and personal and advertising injury)	**$2,000,000** per occurrence for bodily injury, personal injury, and property damage. If a general aggregate limit applies, either the general aggregate limit shall apply separately to this project/location or the general aggregate limit shall be twice the required occurrence limit.
2. Automobile Liability:	**$1,000,000** per accident for bodily injury and property damage.
3. Employer's Liability:	**$1,000,000** per accident for bodily injury or disease.
4. Errors and Omissions Liability:	**$1,000,000** per occurrence or claim; $2,000,000 aggregate.

D. Deductibles and Self-Insured Retentions.

Any deductibles or self-insured retentions must be declared to and approved by the City Risk Manager. At the option of City, either: (1) the insurer shall reduce or eliminate such deductibles or self-insured retentions as respects to City, its officers, officials, directors, employees, contractors, agents, and volunteers, or (2) Consultant shall provide a financial guarantee satisfactory to City guaranteeing payment of losses and related investigations, claim administration, and defense expenses in an amount specified by the City Risk Manager or designee.

E. Claims Made Policies.

For all "claims made" coverage, in the event that Consultant changes insurance carriers Consultant shall purchase "tail" coverage or otherwise provide for continuous

coverage covering the Term of this Agreement and not less than five (5) years thereafter. Proof of such "tail" or other continuous coverage shall be required at any time that the Consultant changes to a new carrier.

F. Wasting Policies.

No policy required by this paragraph 14 shall include a "wasting" policy limit (i.e., limit that is eroded by the cost of defense).

G. Remedies.

In addition to any other remedies City may have if Consultant fails to provide or maintain any insurance policies or policy endorsements to the extent and within the time herein required, City may, at its sole option exercise any of the following remedies, which are alternatives to other remedies City may have and are not the exclusive remedy for Consultant's breach:

1. Obtain such insurance and deduct and retain the amount of the premiums for such insurance from any sums due under the Agreement;

2. Order Consultant to stop work under this Agreement or withhold any payment that becomes due to Consultant hereunder, or both stop work and withhold any payment, until Consultant demonstrates compliance with the requirements hereof; and/or

3. Terminate this Agreement.

H. Acceptability of Insurers.

Insurance is to be placed with insurers with a current A.M. Best's rating of no less than A:VII, unless otherwise acceptable to the City Risk Manager. All insurance companies providing coverage to Consultant shall be insurance organizations authorized by the Insurance Commissioner of the State of California to transact the business of insurance in the State of California.

I. Other Insurance Provisions.

The general liability and automobile liability policies are to contain, or be endorsed to contain, the following provisions:

1. Additional Insureds. City, its officers, officials, directors, employees and volunteers ("Additional Insureds") are to be covered as insureds with respect to liability arising out of work or operations performed by or on behalf of Consultant; including materials, parts or equipment furnished in connection with such work or operations.

2. Primary Coverage. For any claims related to Services, Consultant's insurance coverage shall be primary insurance as respects City, its officers, officials, directors, employees, and volunteers. Any insurance or self-insurance maintained by City, its officers, officials, directors, employees, or volunteers shall be excess of Consultant's insurance and shall not be contribute with it. Consultant's policy will not seek contribution from the City's insurance or self-insurance.

3. Notice of Cancellation. Each insurance policy required above shall provide that coverage shall not be canceled during the term of this Agreement without notice to City.

4. Civil Code § 2782. Coverage shall not extend to any indemnity coverage for the active negligence of the additional insured in any case where an agreement to indemnify the additional insured would be invalid under Subdivision (b) of Section 2782 of the California Civil Code.

5. Deductibles and Self-Insured Retentions (SIR). All deductibles and self-insured retentions must be disclosed to the City Risk Manager for approval and shall not reduce the limits of liability. Policies containing any SIR provision shall provide or be endorsed to provide that the SIR may be satisfied by either the named Insured or the City.

6. Subconsultants. Consultant shall include all subconsultants as insureds under its policies or shall require and verify separate certificates and endorsements have been obtained for each subconsultant. All coverages for subconsultants shall be subject to all of the requirements stated herein.

7. Waiver of Subrogation. With respect to Workers' Compensation and Employer's Liability Coverage, the insurer shall agree to waive all rights of subrogation against City, its officers, officials, directors, employees, and volunteers for losses arising from work performed by Consultant for City.

8. Coverage is Material Element. Maintenance of proper insurance coverage in conformity with the provision of this paragraph 14 is a material element of this Agreement and failure to maintain or renew coverage or to provide evidence of coverage or renewal may be treated by City as a material breach of this Agreement.

9. Variation. The City Risk Manager may approve a variation in these insurance requirements upon a determination that the coverage, scope, limits, and form of such insurance are either not commercially available or that City's interests are otherwise fully protected. Any variation granted shall be done in writing and shall be made a part of this Agreement as Appendix "A".

15. REPORTING DAMAGES. If any damage (including but not limited to death, personal injury or property damage) occurs in connection with the performance of this Agreement, Consultant shall immediately notify the City Risk Manager's office by telephone at 510-578-4428, and Consultant shall promptly submit to the City's Risk Manager and the City's Administrator (see paragraph 19, herein below) a written report (in a form acceptable to City) with the following information: (a) name(s) and address(es) of the injured or deceased person(s), (b) name(s) and address(es) of witnesses, (c) name(s) and address(es) of Consultant's insurance company(ies), and (d) a detailed description of the damage(s) and whether any City property was involved.

16. INDEMNIFICATION/SAVE HARMLESS. To the fullest extent permitted by law, the Consultant shall: (1) immediately defend, and (2) indemnify City, its, officers, officials, directors, employees, and volunteers from and against all liabilities regardless of nature or type arising out of or resulting from Consultant's performance of Services, or any negligent or wrongful

act or omission of Consultant or Consultant's officers, employees, agents, or subconsultants. Liabilities subject to the duties to defend and indemnify include, without limitation all claims, losses, damages, penalties, fines, and judgments; associated investigation and administrative expenses; defense costs, including but not limited to reasonable attorneys' fees; court costs; and costs of alternative dispute resolution. Consultant's obligation to indemnify applies unless it is adjudicated that its liability was caused by the sole active negligence or sole willful misconduct of an indemnified party. If it is finally adjudicated that liability is caused by the comparative active negligence or willful misconduct of an indemnified party, Consultant's indemnification obligation shall be reduced in proportion to the established comparative liability of the indemnified party.

In the event that Consultant or any employee, agent, or subconsultant of Consultant providing services under this Agreement is determined by a court of competent jurisdiction or the California Public Employees Retirement System (PERS) to be eligible for enrollment in PERS as an employee of City, Consultant shall indemnify, defend, and hold harmless City for the payment of any employee and/or employer contributions for PERS benefits on behalf of Consultant or its employees, agents, or subcontractors, as well as for the payment of any penalties and interest on such contributions, which would otherwise be the responsibility of City.

The duty to defend is a separate and distinct obligation from Consultant's duty to indemnify. Consultant shall be obligated to defend, in all legal, equitable, administrative, or special proceedings, with counsel approved by City immediately upon tender to Consultant of the claim in any form or at any stage of an action or proceeding, whether or not liability is established. An allegation or determination of comparative active negligence or willful misconduct by an indemnified party does not relieve the Consultant from its separate and distinct obligation to defend City. The obligation to defend extends through final judgment, including exhaustion of any appeals. The defense obligation includes an obligation to provide independent defense counsel if Consultant asserts that liability is caused in whole or in part by the negligence or willful misconduct of the indemnified party. If it is finally adjudicated that liability was caused by the sole active negligence or sole willful misconduct of an indemnified party, Consultant may submit a claim to City for reimbursement of reasonable attorneys' fees and defense costs.

The review, acceptance or approval of Consultant's work or work product by any indemnified party shall not affect, relieve or reduce Consultant's indemnification or defense obligations. This paragraph survives completion of Services or the termination of this contract. The provisions of this paragraph are not limited by and do not affect the provisions of this contract relating to insurance.

Consultant/Subconsultant's responsibility for such defense and indemnity obligations shall survive the termination or completion of this Agreement for the full period of time allowed by law. The defense and indemnification obligations of this Agreement are undertaken in addition to, and shall not in any way be limited by, the insurance obligations contained in this Agreement.

17. LICENSES, PERMITS, ETC. Consultant represents and warrants to City that it has all licenses, permits, qualifications, and approvals of whatsoever nature that are legally required for Consultant to practice its profession. Consultant represents and warrants to City that Consultant shall, at its sole cost and expense, keep in effect at all times during the term of this Agreement any licenses, permits, and approvals which are legally required for Consultant to

practice its profession. In addition to the foregoing, Consultant shall obtain and maintain during the term hereof a valid City of Newark Business License.

18. TERM/TERMINATION.

A. The initial duration of this contract shall be July 1, 2022 to June 30, 2024. If both the City and Consultant agree, this contract is renewable by Task Order for up to four (4) one (1) year periods, as authorized by the Public Works Director subject to available funding to be approved in advance by the City Council. Renewable contract prices for each annual renewal may be increased by a percentage equivalent to the San Francisco-Oakland-San Jose All Urban, All Terms Consumer Price Index as listed on the Bureau of labor web page (http://data.bls.gov/cgi-bin/surveymost) for the most recent twelve (12) month period available at the time renewal is being contemplated.

B. Notwithstanding the provisions of paragraph 18 Section A above, City may terminate this Agreement at any time and without cause upon written notification to Consultant. Consultant may cancel this Agreement upon thirty (30) days' written notice to City and shall include in such notice the reasons for cancellation. In the event of such termination, City shall compensate Consultant for Services rendered and reimburse Consultant for costs and expenses incurred, to the date of termination, calculated in accordance with the provisions of paragraph 3. In ascertaining the Services actually rendered to the date of termination, consideration shall be given both to completed work and work in process of completion. Nothing herein contained shall be deemed a limitation upon the right of City to terminate this Agreement for cause, or otherwise to exercise such rights or pursue such remedies as may accrue to City hereunder.

19. CONTRACT ADMINISTRATION. This Agreement shall be administered by **TONYA CONNOLLY** of the City of Newark ("Administrator"). All correspondence shall be directed to or through the Administrator or his/her designee.

20. NOTICES. Written notices required or convenient hereunder shall be delivered personally or by depositing the same with the United States Postal Service, first class (or equivalent) postage prepaid and addressed, in the case of Consultant, to:

UNIVERSAL BUILDING SERVICES AND SUPPLY COMPANY	**CITY OF NEWARK**
DARIO DEVINCENZI, OPS. MGR.	TONYA CONNOLLY
Consultant	**Administrator**
Address: Universal Bldg. Svcs. Supply Co. Attn: Dario Devincenzi 3120 Pierce Street Richmond, CA 94804	City of Newark Attn: Tonya Connolly 37101 Newark Boulevard Newark, CA 94560

21. PARAGRAPH HEADINGS. Paragraph headings used herein are for convenience only and shall not be deemed to be a part of such paragraphs and shall not be construed to change the meaning thereof.

22. EXHIBITS. All exhibits referred to herein are attached hereto and are by this reference incorporated herein.

23. SEVERABILITY. If any term of this Agreement (including any phrase, provision, covenant, or condition) is held by a court of competent jurisdiction to be invalid or unenforceable, the Agreement shall be construed as not containing that term, and the remainder of this Agreement shall remain in full force and effect; provided, however, this paragraph shall not be applied to the extent that it would result in a frustration of the Parties' intent under this Agreement.

24. GOVERNING LAW, JURISDICTION, AND VENUE. The interpretation, validity, and enforcement of this Agreement shall be governed by and interpreted in accordance with the laws of the State of California. Any suit, claim, or legal proceeding of any kind related to this Agreement shall be filed and heard in a court of competent jurisdiction in the County of Alameda.

25. ATTORNEY'S FEES. In the event any legal action is commenced to enforce this Agreement, the prevailing party is entitled to reasonable attorney's fees, costs, and expenses incurred.

26. ASSIGNABILITY. Neither Consultant nor City shall subconsult, assign, sell, mortgage, hypothecate, or otherwise transfer their respective interests or obligations in this Agreement without the express prior written consent of the non-transferring party.

27. MODIFICATIONS. This Agreement may not be modified orally or in any manner other than by an agreement in writing signed by both Parties.

28. WAIVERS. Waiver of breach or default under this Agreement shall not constitute a continuing waiver of a subsequent breach of the same or any other provision of this Agreement.

29. ENTIRE AGREEMENT. This Agreement, including all documents incorporated herein by reference, comprises the entire integrated understanding between the Parties concerning the Services. This Agreement supersedes all prior negotiations, agreements, and understandings regarding this matter, whether written or oral. The documents incorporated by reference into this Agreement are complementary; what is called for in one is binding as if called for in all.

30. SIGNATURES. The individuals executing this Agreement represent and warrant that they have the right, power, legal capacity, and authority to enter into and to execute this Agreement on behalf of the respective legal entities of Consultant and City. This Agreement shall inure to the benefit of and be binding upon the Parties hereto and their respective successors and assigns.

31. COVENANT AGAINST CONTINGENT FEES. Consultant hereby warrants that Consultant has not employed or retained any company or person, other than a *bona fide* employee working for Consultant, to solicit or secure this Agreement, and Consultant has not paid or agreed to pay any company or person, other than a *bona fide* employee, any fee, commission, percentage, brokerage fee, gift, or any other consideration contingent upon or resulting from the award or formation of this Agreement. For breach or violation of this warranty, City shall have the right to annul this Agreement without liability or, at City's discretion, to deduct from the

Agreement price or consideration, or otherwise recover, the full amount of such fee, commission, percentage, brokerage fee, gift or contingent fee.

IN WITNESS WHEREOF, the Parties hereto have executed this Agreement the day and year first hereinabove written.

CITY OF NEWARK,
a municipal corporation

By _____
Mayor City Manager

Date 1-12-23

UNIVERSAL BUILDING SERVICES AND SUPPLY COMPANY, a California corporation

By _____
Dario DeVincenzi

Date 12-20-22

Attest:

_____
Sheila Harrington, City Clerk

Date 1/12/2023

Approved as to form:

_____
Kristopher J. Kokotaylo, City Attorney

Date 1/5/23

EXHIBIT A

SCOPE OF SERVICES

The full Scope of Services and all related requirements are specified in the Request for Proposals (RFPs) for Janitorial Services to City Buildings dated October 2022, and incorporated herein by reference. Consultant shall comply with all provisions of Request for Proposal (RFP)as well as Consultant's submitted proposals to the respective RFP's, incorporated herein by reference.

EXHIBIT B – *PAYMENT*

$260,000 for July 1, 2022 through December 31, 2022
$252,000 for January 1, 2023 through June 30, 2023
$503,000 for July 1, 2023 through June 30, 2024

Unit Price Schedule – Base Bid

Location	Charges Per Month	Charges Per Year
City Hall	$ 3,547.00	$ 42,564.00
City Hall - Day Porter	$ 2,150.00	$ 25,800.00
Newark Community Center		
Wednesdays Only	$ 397.00	$ 4,764.00
Weekend Events (FRI/SA/SU) (please average 4 weeks per month)	$ 1,799.00	$ 21,588.00
Community Center Annex	$ 1,445.00	$ 17,340.00
Redeker Senior Center	$ 1,445.00	$ 17,340.00
Newark Service Center	$ 1,445.00	$ 17,340.00
Evidence (once per week)	$ 152.00	$ 1,824.00
Community Park Restroom	$ 1,260.00	$ 15,120.00
Sportsfield Park Restroom	$ 1,260.00	$ 15,120.00
Birch Grove Park Restroom	$ 1,260.00	$ 15,120.00
Ash Street Park Restroom	$ 1,260.00	$ 15,120.00
Newark Library	$ 3,557.00	$ 42,684.00
Library Day Porter	$ 1,408.00	$ 16,896.00
Newark Police Department	$ 5,063.00	$ 60,756.00
Police Day Porter	$ 2,150.00	$ 25,800.00
Silliman Phase I	$ 6,643.00	$ 79,716.00
Silliman Phase II	$ 5,647.00	$ 67,764.00
	BASE BID TOTAL	$ 502,656.00

EXHIBIT B (Continued)
Monthly Services or Less Often Duties

(Monthly Services or Less Often Duties will be paid in accordance with terms upon completion of services.)

Location	Charges Per Month	Charges Per Year
City Hall - Carpet Cleaning (2x's yr)	$ 377.00	$ 4,524.00
Waxing - Lobby (semi-annual)	$ 126.00	$ 1,512.00
Window Washing (exterior 2x's per yr)	$ 380.00	$ 4,560.00
Comm Ctr & Annex - Waxing (2x's yr)	$ 190.00	$ 2,280.00
Window Washing (exterior 2x's per yr)	$ 19.00	$ 228.00
Sr. Ctr. Window Washing (ext. 2x's per yr)	$ 38.00	$ 456.00
Svc Ctr Window Washing (ext. 2x's per yr)	$ 19.00	$ 228.00
Library - Carpet Cleaning (2x's yr)	$ 377.00	$ 4,524.00
Waxing - Lobby (semi-annual)	$ 95.00	$ 1,140.00
Window Washing (exterior 2x's per yr)	$ 380.00	$ 4,560.00
PD - Locker Rooms Detailed (once per year)	$ 33.00	$ 396.00
Carpet Cleaning (2x's yr)	$ 252.00	$ 3,024.00
Waxing - Lobby (semi-annual)	$ 63.00	$ 756.00
Window Washing (exterior 2x's per yr)	$ 152.00	$ 1,824.00
Silliman Phase I & II		
Locker Rooms Detailed (once per year)	$ 252.00	$ 3,024.00
Carpet Cleaning (2x's yr)	$ 504.00	$ 6,048.00
Window Washing (exterior 2x's per yr)	$ 142.00	$ 1,704.00
Ash Street Summer Program (6 weeks)	$ 1,224.00	$ 1,695.00
Ash Street (detail once per yr)	$ 38.00	$ 456.00
Community Summer Program (8 weeks)	$ 1,402.00	$ 2,588.00
Fire Station #27 (detail once per year)	$ 101.00	$ 1,212.00
Fire Station #28 (detail once per year)	$ 143.00	$ 1,716.00
Fire Station #29 (detail once per year)	$ 95.00	$ 1,140.00
	TOTAL	$ 49,595.00

M

Per Hour Fees	
Janitor	$ 32.00
Utility	$ 45.00
Waxer	$ 45.10
Day Porter	$ 32.00
Carpet Cleaner	$ 45.10

EXHIBIT C

QUALIFICATIONS

Consultant's qualifications are detailed in the Consultant's proposal received on November 2, 2022 in response to the Request for Proposal for Janitorial Services to City Buildings dated October 2022. Consultant's proposal and RFPs are incorporated herein by reference.

EXHIBIT D

PROVISIONS REQUIRED FOR PUBLIC WORKS CONTRACTS

PURSUANT TO CALIFORNIA LABOR CODE SECTION 1720 ET SEQ.

HOURS OF WORK:

A. In accordance with California Labor Code Section 1810, 8 hours of labor in performance of the services described in Exhibit A shall constitute a legal day's work under this contract.

B. In accordance with California Labor Code Section 1811, the time of service of any worker employed in performance of the services described in Exhibit A is limited to 8 hours during any one calendar day, and 40 hours during any one calendar week, except in accordance with California Labor Code Section 1815, which provides that work in excess of 8 hours during any one calendar day and 40 hours during any one calendar week is permitted upon compensation for all hours worked in excess of 8 hours during any one calendar day and 40 hours during any one calendar week at not less than one-and-one-half times the basic rate of pay.

C. The Consultant and its subcontractors shall forfeit as a penalty to the City $25 for each worker employed in the performance of the services described in Exhibit A for each calendar day during which the worker is required or permitted to work more than 8 hours in any one calendar day, or more than 40 hours in any one calendar week, in violation of the provisions of California Labor Code Section 1810 and following.

WAGES:

A. In accordance with California Labor Code Section 1773.2, the City has determined the general prevailing wages in the locality in which the services described in Exhibit A are to be performed for each craft or type of work needed to be as published by the State of California Department of Industrial Relations, Division of Labor Statistics and Research, a copy of which is on file in the City Public Works Office and shall be made available on request. The Consultant and subcontractors engaged in the performance of the services described in Exhibit A shall pay no less than these rates to all persons engaged in performance of the services described in Exhibit A.

B. In accordance with California Labor Code Section 1775, the Consultant and any subcontractors engaged in performance of the services described in Exhibit A shall comply with California Labor Code Section 1775, which establishes a penalty for each worker engaged in the performance of the services described in Exhibit A that the Consultant or any subcontractor pays less than the specified prevailing wage. The amount of such penalty shall be determined by the Labor Commissioner and shall be based on consideration of the mistake, inadvertence, or neglect of the Consultant or subcontractor in failing to pay the correct rate of prevailing wages, or the previous record of the Consultant or subcontractor in meeting applicable prevailing wage

obligations, or the willful failure by the Consultant or subcontractor to pay the correct rates of prevailing wages. A mistake, inadvertence, or neglect in failing to pay the correct rate of prevailing wages is not excusable if the Consultant or subcontractor had knowledge of their obligations under the California Labor Code. The Consultant or subcontractor shall pay the difference between the prevailing wage rates and the amount paid to each worker for each calendar day or portion thereof for which each worker was paid less than the prevailing wage rate. If a subcontractor worker engaged in performance of the services described in Exhibit A is not paid the general prevailing per diem wages by the subcontractor, the Consultant is not liable for any penalties therefore unless the Consultant had knowledge of that failure or unless the Consultant fails to comply with all of the following requirements:

1. The contract executed between the Consultant and the subcontractor for the performance of part of the services described in Exhibit A shall include a copy of the provisions of California Labor Code Sections 1771, 1775, 1776, 1777.5, 1813, and 1815.

2. The Consultant shall monitor payment of the specified general prevailing rate of per diem wages by the subcontractor by periodic review of the subcontractor's certified payroll records.

3. Upon becoming aware of a subcontractor's failure to pay the specified prevailing rate of wages, the Consultant shall diligently take corrective action to halt or rectify the failure, including, but not limited to, retaining sufficient funds due the subcontractor for performance of the services described in Exhibit A.

4. Prior to making final payment to the subcontractor, the Consultant shall obtain an affidavit signed under penalty of perjury from the subcontractor that the subcontractor has paid the specified general prevailing rate of per diem wages for employees engaged in the performance of the services described in Exhibit A and any amounts due pursuant to California Labor Code Section 1813.

C. In accordance with California Labor Code Section 1776, the Consultant and each subcontractor engaged in performance of the services described in Exhibit A shall keep accurate payroll records showing the name, address, social security number, work, straight time and overtime hours worked each day and week, and the actual per diem wages paid to each journeyman, apprentice, worker, or other employee employed in performance of the services described in Exhibit A. Each payroll record shall contain or be verified by a written declaration that it is made under penalty of perjury, stating both of the following:

1. The information contained in the payroll record is true and correct.

2. The employer has complied with the requirements of California Labor Code Sections 1771, 1811, and 1815 for any work performed by the employer's employees on the public works project.

The payroll records required pursuant to California Labor Code Section 1776 shall be certified and shall be submitted directly to the Labor Commission, and available for inspection by the Owner and its authorized representatives, the Division of Labor Standards Enforcement, the Division of Apprenticeship Standards of the Department of Industrial Relations and shall otherwise be available for inspection in accordance with California Labor Code Section 1776.

D. In accordance with California Labor Code Section 1777.5, the Consultant, on behalf of the Consultant and any subcontractors engaged in performance of the services described in Exhibit A, shall be responsible for ensuring compliance with California Labor Code Section 1777.5 governing employment and payment of apprentices on public works contracts.

E. In case it becomes necessary for the Consultant or any subcontractor engaged in performance of the services described in Exhibit A to employ for the services described in Exhibit A any person in a trade or occupation (except executive, supervisory, administrative, clerical, or other non-manual workers as such) for which no minimum wage rate has been determined by the Director of the Department of Industrial Relations, the Consultant or subcontractor shall pay the minimum rate of wages specified therein for the classification which most nearly corresponds to services described in Exhibit A to be performed by that person. The minimum rate thus furnished shall be applicable as a minimum for such trade or occupation from the time of the initial employment of the person affected and during the continuance of such employment.

WORK SCHEDULE FOR JANITORIAL SERVICE

BUILDING AND LOCATION: **APPROXIMATE GROSS AREA:** 25,638

City Administration Building
37101 Newark Boulevard

HOURS OF WORK: 7 a.m. – 5 p.m. Monday through Friday
Daily/WEEKLY/BI-WEEKLY DUTIES

ITEM #		WORK DESCRIPTION	SPECIAL INSTRUCTIONS	FREQUENCY
A.		**Waste Removal**		
	1	Ash Trays/Urns	Empty, clean	Daily (5 days)
	2	Waste Baskets/Paper Shredders	Empty, install new liners	Daily (5 days)
	3	Recycling containers	Empty into recycling dumpster	Daily (5 days)
	4	Organics containers	Empty, install new liners	Daily (5 days)
B		**Restroom Care**		
	4	Toilet Bowls, urinals, seats (inside and	Clean and disinfect	Daily (5 days)
	5	out)	Clean and disinfect	Daily (5 days)
	6	Sinks (inside and out)	Clean and disinfect	Daily (5 days)
	7	Counters, cabinets	Clean and disinfect	Daily (5 days)
	8	Partitions and furnishings	Clean	Daily (5 days)
	9	Mirrors	Polish	Daily (5 days)
	10	Chrome	Spot clean, remove cobwebs	Daily (5 days)
	11	Walls Floors	Wet mop with germicidal cleaner, pour one bucket clean water into floor drains	Daily (5 days)
	12	Paper products & hand soap	Refill as needed	Daily (5 days)
	13	Empty trash receptacles and sanitary napkin receptacles	Install new liners	Daily (5 days)
C		**Floor Care**		
	14	Waxed Areas	Sweep, damp mop, spot clean. Vacuum dirt catchers, clean corners, baseboards, and door jam corners	Daily (5 days) Weekly
	15	Carpeted Areas	Public areas, vacuum traffic lanes and heavily used areas, remove stains Private areas, vacuum entire area Council Chambers	Daily (5 days) Weekly Weekly
	16	Interior concrete floors and stairs	Sweep	Bi-weekly
D		**Furnishing Care**		
	17	Drinking fountains	Clean and disinfect	Daily (5 days)
	18	Walls, doors, entry glass, counters & glass	Clean and disinfect (where needed)	Daily (5 days)
E		**Exterior**		
	19	Exterior entrances & glass	Sweep and spot clean	Daily (5 days)
F		**Elevator**		
	20	Walls	Spot clean	Weekly
	21	Carpet	Vacuum and spot clean	Daily
	22	Stainless steel	Polish	Weekly
G		**Janitorial Closet**		
	23	Closet	Straighten shelves, tools, sweep, mop floors, clean sink	Weekly
H		**Miscellaneous**		
	24	Newspapers	Pick up on 2nd floor, recycle	Friday's

WORK SCHEDULE FOR JANITORIAL SERVICE

BUILDING AND LOCATION: **APPROXIMATE GROSS AREA:** 25,638

City Administration Building
37101 Newark Boulevard

HOURS OF WORK: 7 a.m. – 5 p.m. Monday through Friday
Daily/WEEKLY/BI-WEEKLY DUTIES

ITEM #		WORK DESCRIPTION	SPECIAL INSTRUCTIONS	FREQUENCY
A		**Waste Removal**		
	1	Ash Trays/Urns	Empty, clean	Daily (5 days)
	2	Waste Baskets/Paper Shredders	Empty, install new liners	Daily (5 days)
	3	Recycle containers	Empty into recycle dumpster	Daily (5 days)
B		**Restroom Care**		
	4	Toilet Bowls, urinals, seats (inside and	Clean and disinfect	Daily (5 days)
	5	out)	Clean and disinfect	Daily (5 days)
	6	Sinks (inside and out)	Wash with germicidal cleaner	Daily (5 days)
	7	Showers	Wash with germicidal cleaner	Daily (5 days)
	8	Counters, cabinets	Clean and disinfect	Daily (5 days)
	9	Partitions and furnishings	Clean and disinfect	Daily (5 days)
	10	Mirrors	Clean	Daily (5 days)
	11	Chrome	Polish	Daily (5 days)
	12	Walls	Spot clean, remove cobwebs	Daily (5 days)
		Floors	Wet mop with germicidal cleaner, pour	Daily (5 days)
	13		one bucket clean water into floor drains	
	14	Paper products & hand soap	Refill as needed	Daily (5 days)
		Empty trash receptacles and sanitary	Install new liners	Daily (5 days)
		napkin receptacles		
C		**Floor Care**		
	15	Waxed Areas	Sweep, damp mop, spot clean.	Daily (5 days)
			Vacuum dirt catchers, clean corners,	Weekly
			baseboards, and door jam corners	
	16	Carpeted Areas	Public areas, vacuum traffic lanes and	Daily (5 days)
			heavily used areas, remove stains	
			Private areas, vacuum entire area	Weekly
			Council Chambers and conference rooms	Weekly
	17	Interior concrete floors and stairs	Sweep	Bi-weekly
D		**Furnishing Care**		
	18	Drinking fountains/hydration stations	Clean and disinfect	Daily (5 days)
	19	Walls, doors, entry glass, counters & glass	Clean and disinfect (where needed)	Daily (5 days)
E		**Exterior**		
	20	Exterior entrances & glass	Sweep, spot clean, and remove cobwebs	Daily (5 days)
F		**Elevator**		
	21	Walls	Spot clean and remove cobwebs	Daily (5 days)
	22	Carpet	Vacuum and spot clean	Daily (5 days)
	23	Stainless steel	Polish	Daily (5 days)
G		**Janitorial Closet**		
	24	Closet	Straighten shelves, tools, sweep, mop	Weekly
			floors, clean sink	
H		**Miscellaneous**		
	25	Coffee Area and Break Rooms	Clean and disinfect	Daily (5 days)
	26	Stairwells	Sweep and mop or vacuum	Weekly

WORK SCHEDULE FOR JANITORIAL SERVICE

BUILDING AND LOCATION: **APPROXIMATE GROSS AREA:** 25,638

City Administration Building
37101 Newark Boulevard

HOURS OF WORK: 7 a.m. – 5 p.m. Monday through Friday

MONTHLY SERVICES OR LESS OFTEN DUTIES (to be scheduled with Maintenance Superintendent)

ITEM #		WORK DESCRIPTION	SPECIAL INSTRUCTIONS	FREQUENCY
A		**Waste Removal**		
	1	Waste Baskets	Clean interior and exterior with germicidal cleaner	Semi-annual
B		**Restroom and Shower Care**		
	2	Tile and Painted walls	Wash with germicidal cleaner and remove cobwebs. Clean grout.	Quarterly
C		**Floor Care**		
	3	Waxed Areas	Completely refinish; strip floors, and baseboards, wax and machine buff. Do not wax within 6"of walls to prevent wax build up	Semi-annual
	4	Carpeted Areas	Dry clean	Semi-annual
D		**Interior**		
	5	Windows - Ground Level	Wash and remove cobwebs	Quarterly
	6	Windows - Top Panes	Wash and remove cobwebs	Semi-annual
	7	Office glass partitions	Wash and remove cobwebs	Quarterly
	8	Drapes and blinds	Vacuum and clean	Semi-annual
		Air registers and vents	Vacuum and clean	Semi-annual
E		**Exterior**		
	9	Windows – Ground Level	Wash exterior	Semi-annual (May/October)
F		**Elevator**		
	10	Door and walls	Wash	Quarterly
	11	Carpet	Dry Clean	Quarterly

Additional Quote (COVID-19) – Day Porter: 3 hours per day to refresh restrooms and kitchen, sanitize high touch surface and doorknobs, pick up trash around exterior of facility, and other duties as needed/assigned. Day Porter will be responsible for cleaning the more secured areas throughout the facility such as secured filing areas.

Work Notes:

- Hand sanitizer stations should be refilled as needed.
- Three stream trash collection is mandatory.
- Break down any cardboard as needed.
- Exterior trash cans, throughout Civic Center Complex should be emptied nightly.
- Council Chambers should be cleaned every Monday, Wednesday, and Friday.
- Council meetings are every other Thursday, please minimize vacuuming on those days.

WORK SCHEDULE FOR JANITORIAL SERVICE

BUILDING AND LOCATION:

Newark Police Department
37077 Newark Boulevard

APPROXIMATE GROSS AREA: 23,987

HOURS OF WORK: 24 hours per day

Daily/WEEKLY/BI-WEEKLY DUTIES

ITEM #		WORK DESCRIPTION	SPECIAL INSTRUCTIONS	FREQUENCY
A		**Waste Removal**		
	1	Ash Trays/Urns (outside)	Empty, clean	Daily (7 days)
	2	Waste Baskets (inside and outside)	Empty, install new liners	Daily (7 days)
	3	Recycle containers	Empty into recycle dumpster	Daily (7 days)
B		**Restroom Care**		
	4	Toilet Bowls, urinals, seats (inside and out)	Clean and disinfect	Daily (7 days)
				Daily (7 days)
	5	Sinks (inside and out)	Clean and disinfect	Daily (7 days)
	6	Showers and shower curtains	Wash with germicidal cleaner	Daily (7 days)
	7	Counters, cabinets	Clean and disinfect	Daily (7 days)
	8	Partitions and furnishings	Clean and disinfect	Daily (7 days)
	9	Mirrors	Clean	Daily (7 days)
	10	Chrome	Polish	Daily (7 days)
	11	Walls	Spot clean, remove cobwebs	Daily (7 days)
	12	Floors	Wet mop with germicidal cleaner, pour one bucket clean water into floor drains	Daily (7 days)
	13	Paper products & hand soap	Refill as needed	Daily (7 days)
	14	Empty trash receptacles and sanitary napkin receptacles	Install new liners	
C		**Floor Care**		
	15	Waxed Areas	Sweep, damp mop, spot clean.	Daily (7 days)
			Vacuum dirt catchers, clean corners, baseboards, and door jam corners	Weekly
	16	Carpeted Areas	Public areas, vacuum traffic lanes and heavily used areas, remove stains	Daily (7 days)
			Private areas, vacuum entire area	Weekly
D		**Furnishing Care**		
	17	Drinking fountains/refill stations	Clean and disinfect	Daily (7 days)
	18	Walls, doors, entry glass, counters & glass	Clean and disinfect	Daily (7 days)
E		**Janitorial Closet**		
	19	Closet	Straighten shelves, tools, sweep, mop floors, clean sink	Weekly
F		**Kitchens/Employees Lunchroom**		
	20	Tables and chairs	Damp wipe and spot clean	Daily (7 days)
	21	Sink and counter top	Wash with germicidal cleaner	Daily (7 days)
	22	Refrigerator	Wipe exterior	Daily (7 days)
	23	Vending machine	Dust and spot clean	Daily (7 days)
	24	Microwave	Wipe exterior	Daily (7 days)
H		**Miscellaneous**		
	25	Exercise Room	Wipe equipment and mats with germicidal cleaner and clean mirrors	Weekly
	26	Sally Port/Bike Lockers/Bag Lockers/Bike Storage	Sweep	Weekly
	27	Lockers and benches	Surface wipe	Weekly

WORK SCHEDULE FOR JANITORIAL SERVICE

BUILDING AND LOCATION:

Newark Police Department
37077 Newark Boulevard

APPROXIMATE GROSS AREA: 23,987

HOURS OF WORK: 24 hours a day

MONTHLY SERVICES OR LESS OFTEN DUTIES (to be scheduled with Maintenance Superintendent)

ITEM #		WORK DESCRIPTION	SPECIAL INSTRUCTIONS	FREQUENCY
A		**Waste Removal**		
	1	Waste Baskets	Clean interior and exterior with germicidal cleaner	Annually
B		**Restroom and Showers**		
	2	Tile and Painted walls	Wash with germicidal cleaner Clean grout	Monthly Quarterly
C		**Floor Care**		
	3	Waxed Areas	Completely refinish; strip floors, and baseboards, wax and machine buff. Do not wax within 6"of walls to prevent wax build up	Annually
	4	Carpeted Areas	Dry clean with host	Semi-annual
D		**Interior**		
	5	Windows	Wash	Quarterly
	6	Drapes and blinds	Vacuum and clean	Semi-annual
	7	Air registers and vents	Vacuum and clean	Semi-annual
E		**Exterior**		
	8	Windows – Ground Level	Wash	Semi-annual
F		**Miscellaneous**		
	9	Sally Port	Dust and remove cobwebs	Semi-annual
	10	Locker Rooms	Dust from ceiling down and remove cobwebs, including lockers. Sanitize front of lockers.	Quarterly

Additional Quote (COVID-19) – Day Porter: 3 hours per day to refresh restrooms and kitchen, sanitize high touch surfaces and doorknobs, pick up trash around exterior of facility, and other duties as needed/assigned. Day Porter will be responsible for cleaning the more secured areas throughout the facility such as Evidence Room. This individual work from 8 a.m. to 11 a.m.

Work Notes:

- Hand sanitizer stations should be refilled as needed.
- Three stream trash collection is mandatory.
- Break down any cardboard as needed.
- Trash cans in rear secured parking area should be emptied nightly.

WORK SCHEDULE FOR JANITORIAL SERVICE

BUILDING AND LOCATION: **APPROXIMATE GROSS AREA:** 15,000

Newark Community Center
35501 Cedar Blvd.

HOURS OF WORK: Special cleaning after all rentals and other events and as directed by Maintenance Superintendent (average 2 events per week on Saturday and Sunday's).

Area should also be cleaned on Wednesday's after 8 p.m. including designated Chamber of Commerce area.

Security: Close and lock all doors, windows, and set alarm upon completion of work

ITEM #		WORK DESCRIPTION	SPECIAL INSTRUCTIONS	FREQUENCY
A.		**Waste Removal**		
	1	Waste baskets (interior and exterior)	Empty into appropriate container (trash, recycling, organics), install new liners	After use/Wed.
	2	Large rubbish containers	Empty into appropriate container (trash, recycling, organics), install new 4 mil. liner	After use
	3	Boxes, cartons, paper	Empty into recycling dumpster	After use
B		**Restroom Care**		
	4	Toilet Bowls, urinals, seats (inside and out)	Clean and disinfect	After use/Wed.
	5	Sinks (inside and out)	Clean and disinfect	After use/Wed.
	6	Counters, cabinets	Clean and disinfect	After use/Wed.
	7	Partitions and furnishings	Clean and disinfect	After use
	8	Mirrors	Clean	After use
	9	Chrome	Polish	Wednesday
	10	Walls	Spot clean, remove cobwebs	Wednesday
	11	Floors	Wet mop with germicidal cleaner, pour one bucket clean water into floor drains	After use/Wed.
	12	Paper products & hand soap	Refill as needed	After use/Wed.
	13	Empty trash receptacles and sanitary napkin receptacles (into appropriate containers)	Install new liners	After use/Wed.
C		**Floor Care**		
	14	Waxed Areas (tile)	Broom sweep, damp mop, spot clean scuffs and spills	After use/Wed.
	15	Carpet	Vacuum and spot clean	After use/Wed.
	16	Red Concrete Floors (Social Hall, Patio Room, and Studio Room)	Vacuum dirt catchers (cracks & corners), clean baseboards/door jams, wet mop	After use/Wed.
D		**Kitchen**		
	16	Sink, counter tops, serving carts	Wash with germicidal cleaner	After use
	17	Refrigerators and stove	Clean	After use
	18	Woodwork and cabinets	Spot clean	After use
	19	Floors	Wet mop with germicidal cleaner	After use
E		**Miscellaneous**		
	20	Drinking fountains	Clean and disinfect	After use/Wed.
	21	Patio area between main building and Day Care Building	Sweep, pick up trash, hose down	After use
	22	All entry glass doors	Clean and remove cobwebs	Wednesday

WORK SCHEDULE FOR JANITORIAL SERVICE

BUILDING AND LOCATION: **APPROXIMATE GROSS AREA:** 15,000

Newark Community Center
35501 Cedar Blvd.

MONTHLY SERVICES OR LESS OFTEN DUTIES (to be scheduled with Maintenance Superintendent)

Security: Close and lock all doors, windows, and set alarm upon completion of work

ITEM #		WORK DESCRIPTION	SPECIAL INSTRUCTIONS	FREQUENCY
A.		**Waste Removal**		
	1	Waste Baskets	Clean interior and exterior with germicidal cleaner	Quarterly
B		**Floor Care**		
	2	Waxed Areas	Completely refinish; strip floors, and baseboards, wax and machine buff. Do not wax within 6"of walls to prevent wax build up	Semi-annual
	3	Carpeted Areas	Dry clean with host	Semi-annual
C		**Interior**		
	4	Windows	Wash	Quarterly
	5	Drapes and blinds	Vacuum and clean	Semi-annual
	6	Air registers and vents	Vacuum and clean	Quarterly
	7	Walls	Dust from ceiling down	Semi-annual
E		**Exterior**		
	7	Windows	Wash	Semi-annual
	8	Entry glass and entry ways	Detail clean entrance glass (inside and out) remove cobwebs	Monthly

WORK SCHEDULE FOR JANITORIAL SERVICE

BUILDING AND LOCATION: **APPROXIMATE GROSS AREA:** 3,000

Community Center Annex
Day Care Building
35501 Cedar Blvd.

HOURS OF WORK: 7 a.m. – 6 p.m. Monday through Friday
Security: Close and lock all doors, windows, and set alarm upon completion of work

Daily/WEEKLY/BI-WEEKLY DUTIES

ITEM #		WORK DESCRIPTION	SPECIAL INSTRUCTIONS	FREQUENCY
A.		**Waste Removal**		
	1	Waste Baskets	Empty into appropriate container, install new liners	Daily (5 days)
	2	Recycle containers	Empty into recycling dumpster	Daily (5 days)
	3	Organics containers	Empty into organics dumpster	Daily (5 days)
B		**Restroom Care**		
	3	Toilet Bowls, urinals, seats (inside and out)	Clean and disinfect	Daily (5 days)
	4	Sinks (inside and out)	Clean and disinfect	Daily (5 days)
	5	Counters, cabinets	Clean and disinfect	Daily (5 days)
	6	Mirrors	Clean	Daily (5 days)
	7	Chrome	Polish	Daily (5 days)
	8	Walls	Spot clean, remove cobwebs	Daily (5 days)
	9	Floors, floor drains	Wet mop with germicidal cleaner, pour one bucket clean water into floor drains	Daily (5 days)
	10	Paper products & hand soap	Refill as needed	Daily (5 days)
	11	Trash/organics containers	Empty into appropriate container, install new liners	Daily (5 days)
C		**Floor Care**		
	12	Waxed areas	Broom sweep, damp mop, spot clean scuffs and spills	Daily (5 days)
	13	Carpet	Vacuum, spot clean	Daily (5 days)
D		**Kitchen**		
	14	Sink, counter tops, serving carts	Wash with germicidal cleaner	Daily (5 days)
	15	Refrigerators, stove	Clean	Weekly
	16	Woodwork, cabinets	Spot clean	Daily (5 days)
	17	Floors	Wet mop with germicidal cleaner	Daily (5 days)
E		**Counters/Tables**		
	18	Working surfaces	Damp wipe, spot clean	Daily (5 days)
F		**Drapes and Blinds**		
	19	Drapes and blinds	Vacuum, dust	Monthly
G		**Miscellaneous**		
	20	Drinking fountains	Clean and disinfect	Daily (5 days)
	21	Patio area between main building and Day Care building	Sweep, pick up trash, hose down	Weekly
H		**Exterior**		
	22	Entry glass and entry way	Clean entrance glass (inside and out) remove cobwebs	Weekly

WORK SCHEDULE FOR JANITORIAL SERVICE

BUILDING AND LOCATION: **APPROXIMATE GROSS AREA:** 15,000

Community Center Annex
Day Care Building
35501 Cedar Blvd.

MONTHLY SERVICES OR LESS OFTEN DUTIES (to be scheduled with Maintenance Superintendent)

Security: Close and lock all doors, windows, and set alarm upon completion of work

ITEM #		WORK DESCRIPTION	SPECIAL INSTRUCTIONS	FREQUENCY
A		**Floor Care**		
	1	Waxed Areas	Completely refinish; strip floors and baseboards, wax, and machine buff. Do not wax within 6" of walls to prevent wax buildup	Semi-annual
	2	Area carpets	Dry clean with host	Semi-annual
B		**Interior**		
	3	Windows	Wash	Quarterly
	4	Drapes and blinds	Vacuum and clean	Semi-annual
	5	Air registers and vents	Vacuum and clean	Semi-annual
C		**Exterior**		
	6	Windows	Clean glass and remove cobwebs	Semi-annual
D		**Restrooms**		
	7	Tile and painted walls	Wash and disinfect, remove cobwebs	Semi-annual
E		**Kitchen**		
	8	Walls and woodwork cabinets	Wash and clean appliances	Semi-annual

WORK SCHEDULE FOR JANITORIAL SERVICE

BUILDING AND LOCATION: **APPROXIMATE GROSS AREA:** 6,511

Redeker Senior Center
7401 Enterprise Drive

HOURS OF WORK: 8 a.m. – 4:30 p.m. Monday through Friday
Security: Close and lock all doors, windows, and set alarm upon completion of work

Daily/WEEKLY/BI-WEEKLY DUTIES

ITEM #		WORK DESCRIPTION	SPECIAL INSTRUCTIONS	FREQUENCY
A.		**Waste Removal**		
	1	Waste Baskets	Empty into appropriate container, install new liners	Daily (5 days)
	2	Recycle containers	Empty into recycling dumpster	Daily (5 days)
	3	Organics containers	Empty into organics dumpster	Daily (5 days)
B		**Restroom Care**		
	3	Toilet Bowls, urinals, seats (inside	Clean and disinfect	Daily (5 days)
	4	and out)	Clean and disinfect	Daily (5 days)
	5	Sinks (inside and out)	Clean and disinfect	Daily (5 days)
	6	Counters, cabinets	Clean	Daily (5 days)
	7	Mirrors	Polish	Weekly
	8	Chrome	Spot clean, remove cobwebs	Daily (5 days)
	9	Walls	Wet mop with germicidal cleaner,	Daily (5 days)
		Floors, floor drains	pour one bucket clean water into	
	10		floor drains	Daily (5 days)
	11	Paper products & hand soap	Refill as needed	Daily (5 days)
		Trash & sanitary napkin containers	Empty into appropriate containers, install new liners	
C		**Floor Care**		
	12	Waxed areas	Broom sweep, damp mop, spot clean scuffs and spills	Daily (5 days)
	13	Carpet	Vacuum, spot clean	Daily (5 days)
D		**Kitchen**		
	14	Sink, counter tops, serving carts	Wash with germicidal cleaner	Daily (5 days)
	15	Refrigerators, stove	Clean	Weekly
	16	Woodwork, cabinets	Spot clean	Daily (5 days)
	17	Floors	Wet mop with germicidal cleaner	Daily (5 days)
	18	Behind and under appliances	Clean	Monthly
E		**Counters/Tables**		
	19	Working surfaces	Damp wipe, spot clean	Daily (5 days)
F		**Drapes and Blinds**		
	20	Drapes and blinds	Vacuum, dust	Monthly
G		**Miscellaneous**		
	21	Drinking fountains	Clean and disinfect	Daily (5 days)
H		**Exterior**		
	22	Entry glass and entry way	Clean entrance glass (inside and out) remove cobwebs	Weekly

WORK SCHEDULE FOR JANITORIAL SERVICE

BUILDING AND LOCATION: **APPROXIMATE GROSS AREA:** 6,511

Redeker Senior Center
7401 Enterprise Drive

HOURS OF WORK: 8 a.m. – 4:30 p.m. Monday through Friday

MONTHLY SERVICES OR LESS OFTEN DUTIES (to be scheduled with Maintenance Superintendent)

Security: Close and lock all doors, windows, and set alarm upon completion of work

ITEM #		WORK DESCRIPTION	SPECIAL INSTRUCTIONS	FREQUENCY
A.		**Waste Removal**		
	1	Waste Baskets	Clean interior and exterior with germicidal cleaner	Semi-annual
B		**Restroom Care**		
	2	Tile and painted walls	Wash	Quarterly
C		**Floor Care**		
	3	Waxed Areas	Completely refinish; strip floors, and baseboards, wax and machine buff. Do not wax within 6"of walls to prevent wax build up	Semi-annual
	4	Carpeted Areas	Dry clean with host	Semi-annual
D		**Interior**		
	5	Windows	Wash	Semi-annual
	6	Drapes and blinds	Vacuum and clean	Semi-annual
	7	Air registers and vents	Vacuum and clean	Quarterly
	8	Walls and ceilings	Dust from ceiling down	Annually
E		**Exterior**		
	9	Windows	Clean glass (inside and out) remove cobwebs	Annually
F		**Kitchens**		
	10	Appliances and surfaces	Detail clean	Semi-annual
	11	Woodwork and cabinets	Detail clean	

WORK SCHEDULE FOR JANITORIAL SERVICE

BUILDING AND LOCATION: **APPROXIMATE GROSS AREA:** 6,960

Newark Service Center (Office, Lunchroom, and Police Evidence Locker)
37440 Filbert Street

HOURS OF WORK: 7 a.m. to 5 p.m. Monday through Friday

Security: Close and lock all doors, windows, and set alarm upon completion of work

Police Evidence Storage: Services to be performed on Wednesday's by appointment.

Daily/WEEKLY/BI-WEEKLY DUTIES

ITEM #		WORK DESCRIPTION	SPECIAL INSTRUCTIONS	FREQUENCY
A.		**Waste Removal**		
	1	Waste Baskets	Empty into appropriate container, install new liners	Daily
	2	Recycling containers (boxes, cartons, paper)	Empty into recycling dumpster	Daily
	3	Organics containers	Empty into organics dumpster	Daily
B		**Restroom Care**		
	3	Toilet Bowls, urinals, seats (inside	Clean and disinfect	Daily
	4	and out)	Clean and disinfect	Daily
	5	Sinks (inside and out)	Clean and disinfect	Daily
	6	Counters, cabinets	Clean	Daily
	7	Mirrors	Polish	Daily
	8	Chrome	Spot clean, remove cobwebs	Daily
	9	Walls	Wet mop with germicidal cleaner,	Daily
		Floors, floor drains	pour one bucket clean water into	
	10	Paper products & hand soap	floor drains	Daily
	11	Trash & sanitary napkin containers	Refill as needed	Daily
			Empty into appropriate container, install new liners	
C		**Floor Care**		
	12	Waxed areas	Broom sweep, damp mop, spot clean scuffs and spills	Daily
	13	Carpet	Vacuum, spot clean	Daily
D		**Kitchen**		
	14	Sink, counter tops, serving carts	Wash with germicidal cleaner	Daily
	15	Refrigerators, stove	Clean	Weekly
	16	Woodwork, cabinets	Spot clean	Weekly
	17	Floors	Wet mop with germicidal cleaner	Daily
E		**Counters/Tables**		
	18	Working surfaces	Damp wipe, spot clean	Daily
F		**Miscellaneous**		
	19	Drinking fountains	Clean and disinfect	Daily
G		**Exterior**		
	20	Entry glass and entry way	Clean entrance glass (inside and out) remove cobwebs	Weekly

WORK SCHEDULE FOR JANITORIAL SERVICE

BUILDING AND LOCATION: **APPROXIMATE GROSS AREA:** 6,960

Newark Service Center (Office, Lunchroom, and Police Evidence Locker)
37440 Filbert Street

HOURS OF WORK: 7 a.m. to 5 p.m. Monday through Friday

Security: Close and lock all doors, windows, and set alarm upon completion of work

Police Evidence Storage: Services to be performed on Wednesday's by appointment

MONTHLY SERVICES OR LESS OFTEN DUTIES (to be scheduled with Maintenance Superintendent)

Security: Close and lock all doors, windows, and set alarm upon completion of work

ITEM #		WORK DESCRIPTION	SPECIAL INSTRUCTIONS	FREQUENCY
A.		**Waste Removal**		
	1	Waste Baskets	Clean interior and exterior with germicidal cleaner	Semi-annual
B		**Restroom Care**		
	2	Tile and painted walls including showers	Wash	Semi-annual
C		**Floor Care**		
	3	Waxed Areas	Completely refinish; strip floors, and baseboards, wax and machine buff. Do not wax within 6"of walls to prevent wax build up	Semi-annual
	4	Carpeted Areas	Dry clean with host	Semi-annual
D		**Interior**		
	5	Windows	Wash	Semi-annual
	6	Blinds	Vacuum and clean	Semi-annual
	7	Air registers and vents	Vacuum and clean	Semi-annual
	8	Lockers	Dust/spot clean	Semi-annual
E		**Exterior**		
	7	Windows	Clean glass (inside and out) remove cobwebs	Semi-annual

WORK SCHEDULE FOR JANITORIAL SERVICE

BUILDING AND LOCATION: **APPROXIMATE GROSS AREA:** 25,580

Newark Library
37055 Newark Boulevard

Hours of Work: Monday and Tuesday – noon to 8 p.m.
Wednesday and Thursday – 10 a.m. to 6 p.m.
Saturday - 10 a.m. to 5 p.m.

Daily/WEEKLY/BI-WEEKLY DUTIES

Security: Close and lock all doors, windows, and set alarm upon completion of work

ITEM #		WORK DESCRIPTION	SPECIAL INSTRUCTIONS	FREQUENCY
A		**Waste Removal**		
	1	Waste baskets (interior and exterior)	Empty, install new liners	Daily (5 days)
	2	Boxes, cartons, paper	Empty into recycle dumpster	Daily (5 days)
	3	Ash trays	Empty and clean	Daily (5 days)
B		**Restroom Care**		
	4	Toilet bowls, urinals, partitions, and seats (inside and out)	Clean and disinfect	Daily (5 days)
	5	Sinks	Clean and disinfect	Daily (5 days)
	6	Counters	Clean and disinfect	Daily (5 days)
	7	Chrome	Polish	Daily (5 days)
	8	Mirrors	Clean and disinfect	Daily (5 days)
	9	Walls	Spot clean, dust, and remove cobwebs	Daily (5 days)
	10	Floors, floor drains	Wet mop with germicidal cleaner, pour one bucket clean water into floor drain	Daily (5 days)
	11	Paper products, hand soap	Refill as needed	Daily (5 days)
	12	Trash and sanitary napkin containers	Empty, install new liners	Daily (5 days)
C		**Floor Care**		
	13	Waxed areas	Broom sweep, damp mop, spot clean scuffs and spills	Daily (5 days)
	14	Waxed areas	Vacuum dirt catchers, clean corners, door jams and baseboards	Weekly
	15	Carpet	Public areas vacuum traffic lanes, heavily used areas remove stains	Daily (5 days)
			Private areas, vacuum entire area	Weekly
D		**Employee Lunchroom**		
	16	Sink, counter tops	Wash with germicidal cleaner	Daily (5 days)
	17	Refrigerators, stove, and microwave	Clean exterior	Daily (5 days)
	18	Woodwork, cabinets	Spot clean	Daily (5 days)
	19	Waste containers	Empty, wipe, install new liner	Daily (5 days)
E		**Furnishing Care**		
	20	Working surfaces	Damp wipe, spot clean	Daily (5 days)
	21	Drinking stations	Clean and disinfect	Daily (5 days)

WORK SCHEDULE FOR JANITORIAL SERVICE

BUILDING AND LOCATION: **APPROXIMATE GROSS AREA:** 25,580

Newark Library
37055 Newark Boulevard

Hours of Work: Monday and Tuesday – noon to 8 p.m.
Wednesday and Thursday – 10 a.m. to 6 p.m.
Saturday - 10 a.m. to 5 p.m.

MONTHLY SERVICES OR LESS OFTEN DUTIES

Security: Close and lock all doors, windows, and set alarm upon completion of work

ITEM #		WORK DESCRIPTION	SPECIAL INSTRUCTIONS	FREQUENCY
A		**Miscellaneous**		
	1	Water stations	Scour, disinfect, polish	Monday's
	2	Interior lobby walls/partitions/doors	Dust and spot clean (remove cobwebs)	Monthly
	3	Interior lobby ceiling	Remove cobwebs	Monthly
	4	Glass entry doors	Clean inside and out	Weekly
	5	Waste containers - interior	Clean and disinfect	Monthly
B		**Restrooms**		
	6	Walls/partitions/doors/surfaces	Report (photograph) and remove graffiti, gum and any other foreign matter.	Daily (5 days)
	7	Walls/partitions/doors/other surfaces	Scour, clean and disinfect entire area	Monthly
	8	Floors and floor drains	Scour machine wash and disinfect	Monthly
			Scrub grout	Quarterly
C		**Floor Care**		
	9	Waxed areas	Vacuum dirt catchers, clean corners, door jams and baseboards	Weekly
	10	Waxed areas	Strip wax, reseal with non-slip (green) product, and machine buff	Bi-Annual
	11	Chair mats	Public and private areas, spot clean, wet wipe/dust as needed	Weekly
D		**Furnishings**		
	12	Phones	Sanitize	Weekly
	13	Tables/chairs/all counters/conference room	Report and remove graffiti and other foreign matter	Daily (5 days)
	14	Fabric chairs (all)	Vacuum and spot clean	Weekly
	15	Partitions, shelving, baseboards	Dust, remove all debris	Weekly
	16	Bookshelves	Dust and spot clean – dust tops of books	Monthly
	17	Windows and glass panels	Clean inside and outside	Quarterly
	18	Ceilings	Clean for cobwebs	Monthly
	19	HVAC louvers	Vacuum	Monthly
	20	Clocks/pictures/partitions/doors	Dust and straighten	Bi-Annual
	21	Walls/partitions/doors	Dust and spot clean	Daily (5 days)
	22	Chrome fixture and fittings	Polish	Daily (5 days)
E		**Miscellaneous**		
	23	Day Porter – 2 to 4 p.m.	Check restrooms, clean and restock as needed. Patrol public areas and clean tables as needed. Spot clean bookshelves.	Daily (5)
	24	Exterior Windows	Clean all exterior windows	Bi-Yearly

WORK SCHEDULE FOR JANITORIAL SERVICE

BUILDING AND LOCATION: **APPROXIMATE GROSS AREA:** 68,710

Silliman Activity Center (Phase I and II)
6800 Mowry Avenue

Hours of Work: Monday – Friday 6 a.m. to 9 p.m.
Saturday - 8 a.m. to 7 p.m.
Sunday - 8 a.m. to 5 p.m.
(Do not enter until 30 minutes after posted closing time)

Daily/WEEKLY/BI-WEEKLY DUTIES

Security: Close and lock all doors, windows, and set alarm upon completion of work

ITEM #		WORK DESCRIPTION	SPECIAL INSTRUCTIONS	FREQUENCY
A		**Waste Removal**		
	1	Three stream trash (interior and exterior)	Empty into appropriate container, install new liners	Daily (7 days)
	2	Boxes, cartons, paper, bottles, cans, and plastic	Empty into recycle dumpster	Daily (7 days)
	3	Ash trays	Empty and clean	Daily (7 days)
B		**Restroom Care**		
	4	Toilet bowls, urinals, seats (inside and	Clean and disinfect	Daily (7 days)
	5	out)	Clean and disinfect	Daily (7 days)
	6	Sinks	Clean and disinfect	Daily (7 days)
	7	Showers, shower curtains, and doors	Clean and disinfect	Daily (7 days)
	8	Shower benches and pans	Clean and disinfect	Daily (7 days)
	9	Partitions and furnishings	Clean and disinfect	Daily (7 days)
	10	Counters	Polish	Daily (7 days)
	11	Chrome	Clean and disinfect	Daily (7 days)
	12	Mirrors	Spot clean, dust, remove cobwebs	Daily (7 days)
	13	Walls Floors and floor drains	Wet mop with germicidal cleaner, pour one bucket down floor drain	Daily (7 days)
	14	Paper products/hand soap	Refill as needed	Daily (7 days)
	15	Trash/sanitary napkin container	Empty, install new liners	Daily (7 days)
C		**Floor Care**		
	16	Waxed areas (linoleum/tile)	Broom sweep, damp mop with germicidal cleaner, spot clean scuffs and spills.	Daily (7 days) Weekly
	17	Carpet	Vacuum dirt catchers (cracks, corners, etc.), clean baseboards and door jams	Daily (7 days)
	18	Entry slate	Vacuum and spot clean Broom sweep, damp mop, spot clean scuffs and spills.	Daily (7 days) Weekly
	19	Resinous Floors	Vacuum dirt catchers (cracks, corners, etc.), clean baseboards and door jams	Daily (7 days)
	20	Gym/Dance Room Floors	Clean with Court Cleaning solution	Tue/Fri/Sun
D		**Kitchenette/Café**		
	21	Sinks, counter tops, all tables in lobby and Teen Center	Wash with germicidal cleaner	Daily (7 days)
	22	Refrigerators and stoves	Clean	Daily (7 days)
	23	Cabinets	Spot clean	Daily (7 days)
	24	Floors	Wet mop with germicidal cleaner	Daily (7 days)

WORK SCHEDULE FOR JANITORIAL SERVICE

BUILDING AND LOCATION: **APPROXIMATE GROSS AREA:** 68,710

Silliman Activity Center (Phase I and II)
6800 Mowry Avenue

Hours of Work: Monday – Friday 6 a.m. to 9 p.m.
Saturday - 8 a.m. to 7 p.m.
Sunday - 8 a.m. to 5 p.m.
(Do not enter until 30 minutes after posted closing time)

Daily/WEEKLY/BI-WEEKLY DUTIES

Security: Close and lock all doors, windows, and set alarm upon completion of work

E		**Furniture Care**		
	25	Working surfaces in galleria, tables, chairs, counters and couches	Wash and spot clean	Daily (7 days)
F		**Interior**		
	26	Walls and doors	Dust, remove cobwebs	Bi-weekly
	27	Sills and windows to 8' and office glass	Wash/squeegee dry	Monthly
	28	Interior glass, entry doors, side glass to 8', includes Teen Center, Gym Entry, Exercise Room and side panels	Wash	Bi-weekly
	29	Mirrors in dance and fitness rooms	Wash and spot clean every Friday	Weekly
G		**Exterior**		
	30	Entry glass and side panels to 8' Phase I and II	Wash	Bi-weekly
H		**Miscellaneous**		
	31	Drinking fountains	Clean and disinfect	Daily (7days)
	32	Courtesy phones	Clean and disinfect	Daily (7 days)
	33	Teen patio, front and side entrances	Power wash	Quarterly

WORK SCHEDULE FOR JANITORIAL SERVICE

BUILDING AND LOCATION: **APPROXIMATE GROSS AREA:** 68,710

Silliman Activity Center
Phase I and II
6800 Mowry Avenue

Hours of Work: Monday – Friday 6 a.m. to 9 p.m.
Saturday - 8 a.m. to 7 p.m.
Sunday - 8 a.m. to 5 p.m.

MONTHLY SERVICES OR LESS OFTEN DUTIES

Security: Close and lock all doors, windows, and set alarm upon completion of work

A		**Waste Baskets**		
	1	Waste Baskets	Clean interior and exterior with germicidal cleaner	Semi-annual
B		**Restroom Care**		
	2	Walls and lockers	Wash with germicidal cleaner	Annually
	3	Lockers (inside and out)	Wash with germicidal cleaner	Monthly
C		**Floor Care**		
	4	Waxed areas: linoleum, activity room, pre-school, childcare, staff work room, and teen lounge	Completely refinish; strip floors and baseboards, clean, wax and machine buff. Do not wax within 6" of carpet or walls to prevent buildup	Annually
	5	All Locker Rooms	Strip floors and clean grout, detail showers	Annually
	6	Drains	Flush all drains with enzyme	Monthly
	7	Carpets	Dry clean with host (spot clean as needed)	Quarterly
	8	Gym/Dance Room	Buff	Monthly
D		**Interior**		
	9	Blinds, air registers	Vacuum/clean	Quarterly
E		**Kitchen**		
	10	Walls and woodwork cabinets (all rooms including meeting, activity, pre-school, and teen lounge)	Wash	Semi-annual

NOTE: Silliman has a maintenance window for annual tasks every December.

WORK SCHEDULE FOR JANITORIAL SERVICE

BUILDING AND LOCATION:	APPROXIMATE GROSS AREA:
Community Park Restrooms 35501 Cedar Blvd.	500
Birch Grove Park Restrooms 36200 Birch Street	900
Ash Street Park Restrooms 37365 Ash Street	1,100
Sportsfield Park Restrooms 39111 Cherry Street	680

Open at 7 a.m. on Saturday's, Sunday's, Closed Friday's and Holidays
Restrooms are closed at dusk daily

Daily/WEEKLY/BI-WEEKLY DUTIES

Security: Close and lock all doors

ITEM #		WORK DESCRIPTION	SPECIAL INSTRUCTIONS	FREQUENCY
A		**Waste Removal**		
	1	Toilet bowls, urinals, seats (inside and	Clean and disinfect	Daily (7 days)
	2	out)	Clean and disinfect	Daily (7 days)
	3	Sinks (inside and out)	Clean and disinfect	Daily (7 days)
	4	Partitions and changing tables	Polish	Daily (7 days)
	5	Chrome	Spot clean and dust	Daily (7 days)
	6	Walls	Pick up debris, hose down, and disinfect	Daily (7 days)
		Floors	with germicidal cleaner	
	7		Refill	Daily (7 days)
	8	Toilet paper dispensers	Empty, install new liner	Daily (7 days)
		Trash and sanitary napkins receptacles		
B		**Miscellaneous**		
	9	Graffiti	Take photos, remove as needed	Daily (7 days)
	10	Walls/partitions/ceilings	Remove cobwebs, leaves in vents, and power wash	Bi-monthly

WORK SCHEDULE FOR JANITORIAL SERVICE

BUILDING AND LOCATION:	APPROXIMATE GROSS AREA:
Ash Street Summer Program – 6 weeks 37365 Ash Street	1,968
Community Park Summer Program – 8 weeks 35501 Cedar Blvd.	15,000

Clean after 6 p.m.

Daily/WEEKLY/BI-WEEKLY DUTIES

Security: Close and lock all doors

ITEM #		WORK DESCRIPTION	SPECIAL INSTRUCTIONS	FREQUENCY
A		**Waste Removal**		
	1	Waste baskets (interior and exterior)	Empty into appropriate container (trash, recycling or organics), install new liners	Daily (5 days)
	2	Boxes, cartons, paper	Empty into recycle dumpster	Daily (5 days)
	3	Ash trays	Empty and clean	Daily (5 days)
B		**Restroom Care**		
	4	Toilet bowls, urinals, partitions, and seats (inside and out)	Clean and disinfect	Daily (5 days)
	5	Sinks	Clean and disinfect	Daily (5 days)
	6	Counters	Clean and disinfect	Daily (5 days)
	7	Chrome	Polish	Daily (5 days)
	8	Mirrors	Clean and disinfect	Daily (5 days)
	9	Walls	Spot clean, dust, and remove cobwebs	Daily (5 days)
	10	Floors, floor drains	Wet mop with germicidal cleaner, pour one bucket clean water into floor drain	Daily (5 days)
	11	Paper products, hand soap	Refill as needed	Daily (5 days)
	12	Trash and sanitary napkin containers	Empty, install new liners	Daily (5 days)
C		**Floor Care**		
	13	Waxed areas	Broom sweep, damp mop, spot clean scuffs and spills	Daily (5 days)
	14	Carpet	Public areas vacuum traffic lanes, heavily used areas remove stains	Daily (5 days)
D		**Kitchen/Food Prep Area**		
	15	Sink, counter tops	Wash with germicidal cleaner	Daily (5 days)
	16	Refrigerators, stove, and microwave	Clean exterior	Daily (5 days)
	17	Woodwork, cabinets	Spot clean	Daily (5 days)
	18	Waste containers	Empty, wipe, install new liner	Daily (5 days)
E		**Furnishing Care**		
	19	Working surfaces	Damp wipe, spot clean	Daily (5 days)
	20	Drinking fountains (interior and exterior)	Clean and disinfect	Daily (5 days)
F		**Area Carpets**		
	21	Area carpets	Dry clean, with host	Prior to and after program ends

WORK SCHEDULE FOR JANITORIAL SERVICE

BUILDING AND LOCATION:	APPROXIMATE GROSS AREA:
Fire Station #27 39039 Cherry Street	5,475
Fire Station #28 7550 Thornton Avenue	18,000
Fire Station #29 35775 Ruschin Drive	5,450

MONTHLY SERVICES OR LESS OFTEN DUTIES (to be scheduled with Maintenance Superintendent)

Security: Close and lock all doors, windows, and set alarm upon completion of work

ITEM #	WORK DESCRIPTION	SPECIAL INSTRUCTIONS	FREQUENCY
A.	**Detail Cleaning**		
1	All open common areas including restrooms and kitchens (does not include apparatus bays)	Detail clean from top down including dusting, waxing, no host carpet cleaning, interior window cleaning, removal of cob webs from front entry, exterior cleaning of building frontage, and surface cleaning.	Yearly

STAFF REPORT

Item D. 10.

DATE	06/27/2024
TO	Honorable Mayor and City Council Members
FROM	Art Interiano, Deputy Community Development Director
SUBJECT	Adopt a resolution authorizing the City Manager to execute the first amendment to the agreement with Alameda County for participation in the Alameda County Urban County

SUMMARY AND RECOMMENDATION

The City responded to an opportunity to obtain additional grant funding for the Fiscal Year 2023-2024 Community Development Block Grant (CDBG). The City previously approved the annual CDBG grant contract on July 11, 2023, and received a total of $322,906.16. However, earlier this year staff was made aware of an opportunity to apply for approximately $400,000 of Capital Pools and Urban County Contingency Funds still available. Staff applied and the City was awarded $232,023 of the available funds for the City's project to remodel the Newark Family Resource Center adjacent to Ash Street Park. Acceptance of these additional grant funds requires an amendment to the previously approved FY 2023-2024 Annual Agreement with Alameda County to increase the overall CDBG grant award to $554,929.16.

Staff recommends that the City Council, by resolution, authorize the City Manager to sign the First Amendment to the FY 2023-2024 Annual Agreement with Alameda County for participation in the Alameda County Urban County Community Development Block Grant (CDBG) Program.

BACKGROUND

Each year the City of Newark receives funding under the United States Department of Housing and Urban Development (HUD) Community Development Block Grant (CDBG) Program. This grant provides funding for activities benefiting low- and moderate-income persons, including public works projects, planning studies, and housing rehabilitation and repair. The use of funds toward the remodel of the Newark Family Resource Center qualifies for grant funding.

Newark’s funds are disbursed through Alameda County. The County oversees Newark’s use of the funds in order to ensure that all appropriate federal government requirements are met. This arrangement is established and governed each year by a pair of agreements, one between Alameda County and HUD, and one between the City and Alameda County. A copy of the agreement between Newark and Alameda County

is attached. By approving this resolution, the City Council will authorize the City Manager to execute the First Amendment to the agreement between the City of Newark and Alameda County, to accept the additional funds for FY 2023-2024.

DISCUSSION/ANALYSIS

Recently, the City has sought additional funding for the proposed Family Resource Center improvements. The total cost for the Newark Family Resource Center project is approximately $1.8 million. The City received an award of $1 million from the State with the assistance of Assembly Member Alex Lee, but a budget gap to fully finance the project remains. When the opportunity to apply for additional CDBG grant funding was announced, staff identified the Family Resource Center as a viable project for the Capital Pool and Urban County Contingency Funds. Although the City requested $400,000, the awarded amount was $232,023.

The Community Development Advisory Committee (CDAC) met on May 1, 2024 to review the status of CDBG projects for the upcoming year. As part of the meeting agenda, staff provided the CDAC with an update on the additional funding for FY 2023-2024 as part of an informative item.

FISCAL IMPACT

Staff requests that the City Council amend the 2022-2024 Biennial Budget and Capital Improvement Plan to reflect a total of $554,929.16 of Federal Grants and Awards account (4793) in the Housing and Community Development Fund (214).

REVIEW AND APPROVAL

Prepared by - Art Interiano, Deputy Community Development Director
Reviewed by - Steven Turner, Community Development Director
Reviewed by - Krysten Lee, Finance Director
Reviewed by - Kristopher J. Kokotaylo, City Attorney
Approved by - Lenka Hovorka, Assistant City Manager

Attachments

Resolution First Amendment CDBG

Exhibit A

Exhibit B

RESOLUTION NO.

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NEWARK AUTHORIZING THE CITY MANAGER TO EXECUTE THE FIRST AMENDMENT TO THE AGREEMENT WITH ALAMEDA COUNTY FOR PARTICIPATION IN THE ALAMEDA COUNTY URBAN COUNTY COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) PROGRAM FOR FISCAL YEAR 2023-2024

WHEREAS, the City of Newark is eligible for an entitlement of Community Development Block Grant funds (CDBG) based on its participation in the Alameda County Urban County; and

WHEREAS, the County has allocated $322,906.16 in CDBG funds to the City based on the City's participation in the Urban County; and

WHEREAS, the City and County have agreed to revise the Fiscal Year 2023-2024 Annual CDBG contract (Exhibit A) to allocate additional funds in the amount of $99,127 in Capital Project Pool and $132,896 in Urban County Contingency Funds. The additional funds will be reflected in the First Amendment (Exhibit B) to the annual CDBG contract (the "Agreement") in the amount of $232,202; and

WHEREAS, the County has revised the Agreement to increase the allocated grant by $153,455.16 to the total amount of $554,929.16; and

WHEREAS, the City will use the grant funds toward Jurisdictional Improvement projects and remodel of the Newark Family Resource Center; and

WHEREAS, the activities of the City under the Agreement with the County shall be governed by the conditions of the Grant Agreement between the County and the United States Department of Housing and Urban Development; and

WHEREAS, the City's proposed projects are CDBG-eligible in accordance with HUD regulations and the conditions of the CDBG Grant Agreement.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Newark that the City Manager of the City of Newark is hereby authorized to execute the First Amendment to the Agreement with Alameda County for participation in the Alameda County Urban County Community Development Block Grant (CDBG) Program for Fiscal Year 2023-2024, said Agreement is on file in the Office of the City Clerk.

BE IT RESOLVED that the City Council of the City of Newark hereby amends the 2022 -2024 Biennial Budget and Capital Improvement Plan to reflect a total of $554,929.16 of Federal Grants and Awards account (4793) in the Housing and Community Development Fund (214).

AGREEMENT BY AND BETWEEN
CITY OF NEWARK
AND
THE COUNTY OF ALAMEDA

THIS AGREEMENT is made and entered into this 1st day of July 2023, by and between the County of Alameda (hereinafter referred to as "County"), and the CITY OF NEWARK, located in the County of Alameda, State of California, (hereafter referred to as "City").

WHEREAS, the County has entered into a Grant Agreement with the United States Department of Housing and Urban Development (HUD), for a Community Development Block Grant (CDBG) under the Housing and Community Act of 1974, said funds to be used for Community Development Block Grant Programs and its eligible activities; and

WHEREAS, the City is eligible for an entitlement of CDBG funds based on its participation in the Alameda County Urban County; and

WHEREAS, the County has allocated CDBG funds to the City based on the City's participation in the Urban County; and

WHEREAS, the activities of the City under this Agreement with the County shall be governed by the conditions of the Grant Agreement between the County and the United States Department of Housing and Urban Development; and

WHEREAS, the parties desire that the County retain that portion of the City's allocation providing for Minor Home Repair Program, which will be administered by Alameda County Healthy Homes Department; and

WHEREAS, the Parties have reviewed City's proposed projects and have determined that the projects are CDBG-eligible projects in accordance with HUD regulations and the conditions of the CDBG Grant Agreement;

NOW THEREFORE, FOR AND IN CONSIDERATION OF THE PROMISES HEREINAFTER MADE, COUNTY AND CITY DO MUTUALLY AGREE AS FOLLOWS:

I. STATEMENT OF WORK AND COMPENSATION

A. City shall perform or arrange for the performance of the work under this Agreement in the manner and time provided herein and in accordance with: the budget; the scope of work and any specifications and drawings; and all related documents and provisions attached hereto as Exhibit A and incorporated herein by reference.

B. The amount of fiscal year 2023 CDBG funds available to City to perform the work described in Exhibit A is three hundred twenty-two thousand, nine hundred, six dollars and 16 cents ($322,906.16). This includes $210,042 of FY23 CDBG funds allocated to the City pursuant to this agreement and $112,864.16 in anticipated

program income. Of this amount, the County will retain fifty-one thousand, eight hundred and eighty-four dollars ($51,884) to reimburse the County for its services in providing minor home repair services set forth in Exhibit A. In the event that HUD reduces the Urban County CDBG allocation, the City's allocation will be reduced proportionately.

II. COMMENCEMENT AND COMPLETION REQUIREMENTS

A. This Agreement shall start on July 1, 2023, and be in effect until June 30, 2025, or until all fiscal year 20223Urban County CDBG funds allocated to City are disbursed to and expended by City, or for the duration of any regulatory agreement or contract executed in conjunction with a project financed with fiscal year 2023 CDBG funds, or when all of the contract terms have been completed, whichever shall first occur.

B. It shall be the responsibility of the City to coordinate and schedule the work to be performed so that commencement and completion will take place in accordance with the provisions of this Agreement. The County may extend the time for completion of the work to be performed under this Agreement in writing, if it determines that delay in the progress of work is not attributable to the negligence of the City and that such delay was due to causes beyond the control of the City, and if such extension will not cause the County to be out of compliance with CDBG rules and regulations for timely commitment and expenditure of funds.

C. Any time extension granted to the City to enable the City to complete the work shall not constitute a waiver of rights the County may have under this Agreement.

D. Should the City not complete the work by the scheduled date or by an extended date, granted by the County in writing, pursuant to previously stated conditions, the County shall be released from all conditions of this Agreement.

E. Upon completion of performance under this Agreement and a determination of final costs, City shall submit to the County a certificate of completion for construction projects and a requisition for final payment for service projects, unless otherwise provided in this Agreement.

F. As a part of this Agreement, City will provide the County with the Certificate(s) of Insurance as outlined in Exhibit B.

III. SUBCONTRACTS

A. Any subcontract funding under this Agreement shall be submitted to County for review and approval prior to its execution.

B. In the event subcontractor is a private non-profit or neighborhood-based non-profit organization, or a local development or small business investment corporation,

contractor is required to comply with the procurement procedures of the Office of Management and Budget (OMB) at Title 2 of the Code of Federal Regulations, Part 200 (2 CFR Part 200) (incorporated herein by reference) for the procurement of supplies and services in connection with activities funded under this Agreement.

C. Any subcontract funded under this Agreement shall be subject to the terms and conditions of this Agreement. Contractor shall inform County in writing of any subcontracts entered into with these funds, the amount, the scope of work, any other information the County may from time to time require.

IV. BUDGET

A. Any requested modification to the Budget attached to this Agreement and incorporated as part of this Agreement, shall be reviewed and approved by the Alameda County Housing Director on behalf of the County. Any budget modifications require the prior written approval of Alameda County Housing Director on behalf of the County. Budget modifications shall not alter: 1) The basic scope of services (Exhibit A) required to be performed under this Agreement; 2) the time period for the services to be performed under this Agreement; and; 3) the total amount of the authorized budget of this Agreement (Exhibit A), subject to future amendments as approved by the Alameda County Housing Director. Any of the cost categories shown in the Agreement Budget, except administration, may be exceeded by ten percent of the indicated figure, provided that the total approved amount of allowable costs is not exceeded and stays under the 15% Urban County Public Services cap.

B. City's expenditure of FY23 funds will be monitored on a project-by-project basis, rather than by the Urban County as a whole. City projects that do not spend down funds in any single quarter must provide a written explanation to County as to why the project is stalled/delayed and when it is expected that the project will start to expend funds.

V. RECORDS AND REPORTS

A. All original documents prepared by City in connection with the work to be performed under this Agreement shall be the property of the County.

B. City's records shall be made available for review by the County prior to the release of funds. City shall be responsible for maintaining all records pertaining to this Agreement, including subcontracts and expenditures, and all other financial and property records in conformance with 2 CFR Part 200.

C. Records must be kept accurate and up-to-date. Failure of City to comply with this provision could result in termination of this Agreement or City's repayment of funds previously awarded under this Agreement.

VI. PROGRAM MONITORING AND EVALUATION

A. City shall be monitored and evaluated in terms of its effectiveness and timely compliance with the provisions of this Agreement, HUD regulations, and conditions of the Grant Agreement between the County and HUD, and the effective and efficient achievement of the Program Objectives.

B. City shall undertake continuous quantitative and qualitative evaluation of the scope of services as specified in this Agreement and shall make quarterly written reports to County.

1. The quarterly written reports shall be submitted in the format approved and distributed by the County.

2. The quarterly report shall be due on the fifteenth day of the month immediately following the report quarter, except for the end of the program year report which is due within thirty days.

C. The County shall have ultimate responsibility for project monitoring oversight and evaluation, to assist City in complying with the scope and contents of this Agreement, and to provide management information which will assist the County's policy and decision-making and managers.

D. The City shall follow audit requirements of the Single Audit Act and 2 CFR Part 200.

VII. AUDIT REPORT

A. In addition to the reporting requirements listed in Section VI (Program Reporting and Evaluation), the City shall commission an independent auditing firm to prepare and file with the City an annual audit report for each year during the term of this Agreement. The City's failure to submit the audit report may result in the termination of the Agreement.

B. The audit report is to be submitted to the County by March 30th of each year during the term of this Agreement. The audit report should state that an audit was made in accordance with the provisions of 2 CFR Part 200. The City will use the audit report to determine whether:

i. The financial statements of the City present fairly its financial position and the results of its operations in accordance with generally accepted accounting principles.

ii. The City has (i) an internal control structure to provide reasonable assurance that the City is managing Federal awards in compliance with applicable laws and regulations, and (ii) controls that ensure compliance with laws and

regulations that could have material impact in the City's financial statements.

iii. The City has complied with laws and regulations for the CDBG Program that may have a direct and material effect on the City's financial statements.

iv. The City shall also submit any internal control monitoring (or audit) conducted during the term of this Agreement to the County. The City shall require Providers with which the City contracts in connection with this Agreement to meet the same audit requirements set forth in this Section VI (D).

VIII. PROGRAM INCOME

A. Program income shall be recorded as part of the financial transactions of the grant program and disbursed in accordance with 2 CFR Part 200.

B. Program income received by City shall be returned to County for future application to City projects.

C. Program income from Urban County program activities undertaken by or within City which thereafter terminates its participation in the Urban County shall continue to be program income of the County. County may transfer the program income to City, upon its termination of Urban County participation, provided that City has become an entitlement grantee and agrees to use the program income in its own CDBG entitlement program.

IX. UNIFORM ADMINISTRATIVE REQUIREMENTS

A. City shall comply with Uniform Administrative Requirements as described in Federal Regulations Section 570.502 as applicable to governmental entities.

B. City shall comply with Executive Order 13166 to improve access to services for persons with Limited English Proficiency (LEP) including developing a Language Access Plan.

X. RELIGIOUS ACTIVITY PROHIBITION

City may not engage in inherently religious activities, such as worship, religious instruction, or proselytizing, as a part of the program or services funded by this Agreement.

XI. REVERSION OF ASSETS

A. Upon the expiration of this Agreement, City shall transfer to County any CDBG funds on hand at time of expiration and any accounts receivable attributable to the use of CDBG funds.

B. Real property in excess of $25,000, obtained in whole or in part with CDBG funds must be used to meet one of the national objectives for a minimum of ten years after the expiration of this Agreement or disposed of in a manner that results in County being reimbursed at fair market value less value attributable to non-CDBG expenditures.

XII. OTHER PROGRAM REQUIREMENTS

A. City certifies that it will carry out each activity in compliance with all Federal laws and regulations described in 24 CFR, Part 570, Sub-part K (570.600-570.612) and related to a) Non-discrimination, b) Fair Housing, c) Labor Standards, d) Environmental Standards, e) National Flood Insurance Program, f) Relocation and Acquisition, g) Employment and Contracting Opportunities, h) Lead-based paint, i) Use of Debarred, Suspended or Ineligible Contractors or Sub-recipients, j) Uniform Administrative Requirements and Cost Principals, k) Conflict of Interest, and l) Displacement.

B. Activities and programs under this Agreement shall be governed by the policies and procedures of the Alameda County Urban County or as directed by the County as grantee in order to ensure that compliance with all applicable laws and regulations.

XIII. TERMINATION OF THIS AGREEMENT

County may terminate this Agreement in whole or in part immediately for cause, which shall include as example but not as a limitation:

A. Failure, for any reason, of City to fulfill in a timely and proper manner its obligations under this Agreement, including compliance with City, State and Federal laws and regulations and applicable directives;

B. Failure to meet the performance standards contained in other sections of this Agreement;

C. Improper use or reporting of funds provided under this Agreement; and

D. Suspension or termination by HUD of the grant to the County under which Agreement is made, or the portion thereof delegated by this Agreement.

E. Any and all notices, writings, correspondences, etc., as required by this Agreement shall be directed to the City and County as follows:

City	**County**
City Manager	Housing Director
City of Newark	Alameda County HCD

37101 Newark Blvd Newark CA, 94560	224 W. Winton Avenue, Room 108 Hayward, CA 94544

XIV. HOLD HARMLESS/INDEMNIFICATION

To the fullest extent permitted by law, City shall hold harmless, defend and indemnify the County, its Board of Supervisors, officers, employees and agents (collectively "Indemnitees") from and against any and all claims, losses, damages, liabilities or expenses, including reasonable attorney fees, incurred in the defense thereof, for the death or injury to any person or persons (including employees of City or County) or damage of any property (including property of City or County) which arises out of or is in any way connected with performance of this agreement (collectively "Liabilities") except where such Liabilities are proximately caused solely by the negligence or willful misconduct of any Indemnitee.

[SIGNATURES TO FOLLOW ON THE NEXT PAGE]

IN WITNESS WHEREOF, the parties hereto have executed this Agreement on the day first mentioned above.

COUNTY OF ALAMEDA

By: _____
President, Board of Supervisors

Date: 9.25.23

Approved as to form:
Donna R. Ziegler, County Counsel

By: _____
Kathleen J. Hall,
Deputy County Counsel

CITY OF NEWARK
Approved as to form:

By: _____
Kris, Kokotaylo, City Attorney

Date: 7/17/2023

By: _____
David Benoun, City Manager

Date: 7/18/2023

Attest: _____
Sheila Harrington, City Clerk

Date: 7/18/2023

By signing above, signatory warrants and represents that he/she executed this Agreement in his/her authorized capacity and that by his/her signature on this Agreement, he/she or the entity upon behalf of which he/she acted, executed this Agreement.

AGREEMENT BY AND BETWEEN
CITY OF NEWARK
AND
THE COUNTY OF ALAMEDA

EXHIBIT A

03L – Sidewalks	
Improve ADA parking accessibility, including basketball court resurfacing at Mayhews Landing Park, and pathway repairs at Birch Grove Park	$155,000
14A Rehabilitation - Single Unit Residential	
Minor Home Repair Program that promotes the maintenance of homes for the benefit of low-income Alameda County residents. County will retain funds allocated by City for services to be performed by Alameda County Healthy Homes. Including $11,490.29 for project delivery costs.	$51,884
21A Administration	
Funds to be used in ADA Curb Cut program	$3,158
Anticipated Program Income – project TBD	**$112,864.16**
TOTAL - CITY OF NEWARK	**$322,906.16**

**** Based on an estimate of prior years' program income received; only actual program income received will be available to the City for its Revolving Loan Fund (Housing Rehabilitation Programs).***

EXHIBIT A1
ALAMEDA COUNTY HOUSING AND COMMUNITY DEVELOPMENT
AND
CITY OF NEWARK

CFDA number:
■□ CDBG 14.218

CFDA Title: Community Development Block Grants/Entitlement Funds

Name of Federal Agency: Housing and Community Development Department (HUD)

Subrecipient Unique Entity Identification: 021116418

Federal Award Date of award to HCD by HUD:

Federal Award Identification Number: B23-UC-06-0001

EXHIBIT C
COUNTY OF ALAMEDA MINIMUM INSURANCE REQUIREMENTS

Without limiting any other obligation or liability under this Agreement, the County, at its sole cost and expense, shall secure and keep in force during the entire term of the Agreement or longer, as may be specified below, the following minimum insurance coverage, limits and endorsements. The County reserves the right to modify these requirements, including limits, based on the nature of the risk, prior experience, insurer, coverage, or other special circumstances. If the contractor maintains broader coverage and/or higher limits than the minimums shown below, the County requires and shall be entitled to the broader coverage and/or the higher limits maintained by the Contractor. Any available insurance proceeds in excess of the specified minimum limits of insurance and coverage shall be available to the County.

	TYPE OF INSURANCE COVERAGES	MINIMUM LIMITS
A	**Commercial General Liability** Premises Liability; Products and Completed Operations; Contractual Liability; Personal Injury and Advertising Liability	$1,000,000 per occurrence (CSL) Bodily Injury and Property Damage
B	**Commercial or Business Automobile Liability** All owned vehicles hired or leased vehicles, non-owned, borrowed and permissive uses. Personal Automobile Liability when extended to cover your business is acceptable for individual contractors with no transportation or hauling related activities	$1,000,000 per occurrence (CSL) Any Auto or Hired and Non-Owned Autos Bodily Injury and Property Damage
C	**Workers' Compensation (WC) and Employers Liability (EL)** As required by State of California	WC: Statutory Limits EL: No less than $1,000,000 per accident for bodily injury or disease
D	**Endorsements and Conditions:**	

1. **ADDITIONAL INSURED:** County of Alameda, its Board of Supervisors, the individual members thereof, and all County officers, agents, employees, volunteers, and representatives are to be covered as additional insureds on the CGL policy with respect to liability arising out of work or operations performed by or on behalf of the Contractor including materials, parts, or equipment furnished in connection with such work or operations. General liability coverage can be provided in the form of an endorsement to the Contractor's insurance (at least as broad as ISO Form CG 20 10 11 85 or if not available, through the addition of **both** CG 20 10, CG 20 26, CG 20 33, or CG 20 38; **and** CG 20 37 if a later edition is used). Auto policy shall contain or be endorsed to contain additional insured coverage for the County.
2. **DURATION OF COVERAGE:** All required insurance shall be maintained during the entire term of the Agreement. In addition, Insurance policies and coverage(s) written on a claims-made basis shall be maintained and evidence of insurance must be provided during the entire term of the Agreement and for at least five (5) years following the later of termination of the Agreement and acceptance of all work provided under the Agreement, with the retroactive date of said insurance (as may be applicable) concurrent with the commencement of activities pursuant to this Agreement. If coverage is cancelled or non-renewed, and not replaced with another claims-made policy form with a Retroactive Date prior to the contract effective date, the Contractor must purchase "extended reporting" coverage for a minimum of five (5) years after completion of work.
3. **REDUCTION OR LIMIT OF OBLIGATION:** All insurance policies, including excess and umbrella insurance policies, shall be primary and non-contributory coverage at least as broad as ISO CG 20 10 04 13 as respects the County, its officers, officials, employees, or volunteers. Any insurance or self-insurance maintained by the County, its officers, officials, employees, or volunteers shall be excess of the Contractor' insurance and shall not contribute with it. Pursuant to the provisions of this Agreement insurance effected or procured by the Contractor shall not reduce or limit Contractor's contractual obligation to indemnify and defend the Indemnified Parties.
4. **INSURER FINANCIAL RATING:** Insurance shall be maintained through an insurer with an A.M. Best Rating of no less than A: VII or equivalent, shall be admitted to the State of California unless otherwise acceptable by Risk Management, and with deductible amounts acceptable to the County. Acceptance of Contractor's insurance by County shall not relieve or decrease the liability of Contractor hereunder. Self-insured retentions must be declared and approved. Any deductible or self-insured retention amount or other similar obligation under the policies shall be the sole responsibility of the Contractor. The policy language shall provide or be endorsed to provide, that the self –insured retention may be satisfied by either the named insured or County.
5. **SUBCONTRACTORS:** Contractor shall include all subcontractors as an insured (covered party) under its policies or shall verify that the subcontractor, under its own policies and endorsements, has complied with the insurance requirements in this Agreement, including this Exhibit.
6. **JOINT VENTURES:** If Contractor is an association, partnership or other joint business venture, required insurance shall be provided by one of the following methods:
   - Separate insurance policies issued for each individual entity, with each entity included as a "Named Insured" (covered party), or at minimum named as an "Additional Insured" on the other's policies. Coverage shall be at least as broad as in the ISO Forms named above.
   - Joint insurance program with the association, partnership or other joint business venture included as a "Named Insured".
7. **CANCELLATION OF INSURANCE:** Each insurance policy required above shall provide that coverage shall not be cancelled, except with notice of cancellation provided to the County in accordance with policy terms and conditions.
8. **CERTIFICATE OF INSURANCE**: Before commencing operations under this Agreement, Contractor shall provide Certificate(s) of insurance and applicable insurance endorsements as set forth in the provisions of this Agreement and this Exhibit C, in forms satisfactory to County, evidencing that all required insurance coverage is in effect. However, failure to obtain the required documents prior to the work beginning shall not waive the Contactor's obligation to provide them. The County reserves the right to require the Contractor to provide complete, certified copies of all required insurance policies, including endorsements required by these specifications, at any time.

FIRST AMENDMENT TO THE AGREEMENT BETWEEN CITY OF NEWARK AND THE COUNTY OF ALAMEDA

THIS FIRST AMENDMENT, entered into on the 14th day of May 2024, modifies the Contract (No. 25716) entered into on the 1st day of July 2023 between the COUNTY OF ALAMEDA, a body corporate and politic of the State of California, hereinafter referred to as "COUNTY" and the CITY OF NEWARK, located in the County of Alameda, for Community Development Block Grant (CDBG) services.

WHEREAS, on July 1, 2023, the COUNTY and the CITY OF NEWARK entered into the Contract (No. 25716) for CDBG services (the "Agreement"); and

WHEREAS, the COUNTY and the CITY OF NEWARK desire to amend the Agreement to adjust the scope of work and allocate additional funds to the CITY OF NEWARK for the implementation of additional CDBG eligible programs and services as outlined in the Agreement; and

THEREFORE, for valuable consideration, the receipt and sufficiency of which are hereby acknowledged, COUNTY and the CITY OF NEWARK agree as follows:

A. Agreement, Paragraph I.B. (Page 1) is amended as follows:

   Delete, "The amount of fiscal year 2023 CDBG funds available to City to perform the work described in Exhibit A is three hundred twenty-two thousand, nine hundred six dollars and sixteen cents ($322,906.16)." and replace it with "The maximum amount of fiscal year 2023 CDBG funds allocated to the City pursuant to this Agreement for performing the work described in Exhibit A is five hundred fifty-four thousand, nine hundred twenty-nine dollars and sixteen cents ($554,929.16), consisting of $322.906.16 in FY23 entitlement funds, $99,127 in FY23 Capital Project Pool Funds and $132,896 in Urban County Contingency Funds."

B. Delete Exhibit A attached to the Agreement (Page 9) in its entirety and replace it with the revised Exhibit A attached hereto.

C. Except as provided for in this First Amendment, all other terms and conditions of the Agreement, as amended, remain in full force and effect.

[SIGNATURES TO FOLLOW ON NEXT PAGE]

IN WITNESS WHEREOF, the parties hereto have executed this First Amendment to the Agreement as of the day and year first above written.

CITY OF NEWARK

By: DocuSigned by: David Benoun 075767B2C2304C4...
David Benoun, City Manager

Date: 4/30/2024

Attest: DocuSigned by: Sheila Harrington AD90989DBABE45E...
Sheila Harrington, City Clerk

Date: 4/30/2024

By: DocuSigned by: Kristopher Kokotaylo A0ADC613A7B840D...
Kris Kokotaylo, City Attorney

Date: 4/29/2024

COUNTY OF ALAMEDA

By: _____
President, Board of Supervisors

Date: _____

Approved as to Form:
Donna R. Ziegler, County Counsel

By: DocuSigned by: Caitlyn M. Gulyas 048710A22884451...
Caitlyn M. Gulyas,
Deputy County Counsel

By signing above, signatory warrants and represents that he/she executed this First Amendment to the Agreement in his/her authorized capacity and that by his/her signature on this First Amendment to the Agreement, he/she or the entity upon behalf of which he/she acted, executed this First Amendment to the Agreement.

AGREEMENT BY AND BETWEEN

THE CITY OF NEWARK
AND
THE COUNTY OF ALAMEDA
EXHIBIT A
Rev. 4/1/2024

01 – Rehabilitation of Real Property	
Facility upgrades for Newark Family Resources Center (Capital Projects Pool Funds and Urban County Contingency Funds)	$232,023
03L – Sidewalks	
Improve ADA parking accessibility, including basketball court resurfacing at Mayhews Landing Park, and pathway repairs at Birch Grove Park	$155,000
14A Rehabilitation - Single Unit Residential	
Minor Home Repair Program that promotes the maintenance of homes for the benefit of low-income Alameda County residents. County will retain funds allocated by City for services to be performed by Alameda County Healthy Homes. Including $11,490.29 for project delivery costs.	$51,884
21A Administration	
Funds to be used in ADA Curb Cut program	$3,158
Anticipated Program Income – project TBD	**$112,864.16**
TOTAL - CITY OF NEWARK	**$554,929.16**

**** Based on an estimate of prior years' program income received; only actual program income received will be available to the City for its Revolving Loan Fund (Housing Rehabilitation Programs).***

STAFF REPORT

Item D. 11.

DATE	06/27/2024
TO	Honorable Mayor and City Council Members
FROM	Michelle Villanueva, Senior Accountant
SUBJECT	Adopt a resolution authorizing the City Attorney to annually execute a Certification and Mutual Indemnification Agreement with the County of Alameda

SUMMARY AND RECOMMENDATION

The City currently has an agreement with Alameda County that authorizes the collection of various taxes, assessments, and fees on the secured property tax roll. Staff recommends that the City Council, by resolution, authorize the City Attorney to annually execute a Certification and Mutual Indemnification Agreement with the County of Alameda.

BACKGROUND

Since the passage of Proposition 218 in 1996, the County has required that each agency or district sign an annual statement certifying that each assessment, fee, and/or special tax placed on the tax roll meets the requirements of Proposition 218 and that the City indemnify the County related to any challenges for the collection of such assessments, fees and/or taxes.

DISCUSSION/ANALYSIS

Staff, in conjunction with the City Attorney, reviewed each of the City's taxes, assessments, and fees to ensure compliance with Proposition 218 and the proposed County agreement for approval as to form. Staff and the City Attorney perform this evaluation on an annual basis and recommend that the City Council approve a resolution authorizing annual execution of this agreement.

FISCAL IMPACT

There is no fiscal impact associated with this action.

REVIEW AND APPROVAL

Prepared by - Michelle Villanueva, Senior Accountant
Reviewed by - Gloria del Rosario, Deputy Finance Director
Reviewed by - Krysten Lee, Finance Director
Reviewed by - Kristopher J. Kokotaylo, City Attorney
Approved by - Lenka Hovorka, Assistant City Manager

Attachments

Resolution - Mutual indemnification Agreement Alameda County

RESOLUTION NO.

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NEWARK AUTHORIZING THE CITY ATTORNEY TO ANNUALLY EXECUTE A CERTIFICATION AND MUTUAL INDEMNIFICATION AGREEMENT WITH THE COUNTY OF ALAMEDA RELATED TO COLLECTION OF VARIOUS TAXES, ASSESSMENTS AND FEES ON THE SECURED PROPERTY TAX ROLL

WHEREAS, the City of Newark has an agreement with the County of Alameda which authorizes the collection of various taxes, assessments, and fees on the secured property tax roll; and

WHEREAS, since 1996, the County of Alameda has required that each agency or district sign an annual statement certifying that each assessment, fee, and/or special tax placed on the tax roll meets the requirements of Proposition 218; and

WHEREAS, staff has reviewed and confirmed that each of the City's taxes, assessments, and fees are in compliance with Proposition 218.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Newark that the City Attorney is hereby authorized to annually execute a Certification and Mutual Indemnification Agreement with the County of Alameda following confirmation from staff that each of the City's taxes, assessments, and fees are in compliance with Proposition 218.

STAFF REPORT

Item D. 12.

DATE	06/27/2024
TO	Honorable Mayor and City Council Members
FROM	Gloria Del Rosario, Accounting Manager
SUBJECT	Adopt a resolution declaring that there is no need for the Successor Agency to the Redevelopment Agency to function in the community and requesting that the Alameda County Oversight Board approve the dissolution of the Successor Agency

SUMMARY AND RECOMMENDATION

Staff recommends that the City Council approve a resolution declaring that there is no need for the Successor Agency to Redevelopment Agency to function in the community and requesting that the Alameda County Oversight Board approve the dissolution of the Successor Agency.

BACKGROUND

On August 14, 1976, the City Council declared a need to eliminate blight in the community and created the Redevelopment Agency of the City of Newark (the "Agency") and recorded a map of the Newark Vista Redevelopment Project Area (the "Project Area"). The map of the Project Area was subsequently amended to add territory to the Project Area.

In June 2011 the California Legislature passed AB x1 26 (as subsequently amended, the "Dissolution Law") which dissolved all redevelopment agencies in the State of California and created successor agencies to wind down the redevelopment activities of the former redevelopment agencies.

On January 12, 2012, the City Council adopted a resolution electing to serve as the Successor Agency to the Redevelopment Agency of the City of Newark (the "Successor Agency") and to assume the responsibilities, rights and powers of a successor agency to wind down the affairs of the Agency, as required under the Dissolution Law.

DISCUSSION/ANALYSIS

The Successor Agency has now repaid all debt and has disposed of any real estate, as required under the Dissolution Law, and the City Council now desires to dissolve the Successor Agency. By adoption of this resolution, the City Council is requesting that the Alameda County Oversight Board approve the dissolution of the Successor Agency and forward the request to the California Department of Finance.

Once the City has received final notice of dissolution of the Successor Agency from the Oversight Board, the City will record a notice terminating the Newark Redevelopment Project Area.

FISCAL IMPACT

Upon dissolution of the Successor Agency, all pass through payment agreements between the Agency and any taxing entities are automatically terminated and no further property tax will be distributed to the Redevelopment Property Tax Trust Fund. Going forward, all property taxes will be distributed to the City resulting in additional tax revenue.

REVIEW AND APPROVAL

Prepared by - Gloria del Rosario, Deputy Finance Director
Reviewed by - Krysten Lee, Finance Director
Reviewed by - Kristopher J. Kokotaylo, City Attorney
Approved by - Lenka Hovorka, Assistant City Manager

Attachments

Resolution - RDA Dissolution

RESOLUTION NO.

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NEWARK DECLARING THAT THERE IS NO NEED FOR THE SUCCESSOR AGENCY TO THE REDEVELOPMENT AGENCY TO FUNCTION IN THE COMMUNITY AND REQUESTING THAT THE ALAMEDA COUNTY OVERSIGHT BOARD APPROVE THE DISSOLUTION OF THE SUCCESSOR AGENCY

WHEREAS, the City Council of the City of Newark created the Redevelopment Agency of the City of Newark (the "Agency") by adoption of Ordinance No. 140 on August 14, 1976; and

WHEREAS, the California Legislature dissolved all redevelopment agencies in 2012 and created successor agencies by adoption of the Redevelopment Dissolution Law (Health and Safety Code Section 34170 et seq.) (the "Dissolution Law"); and

WHEREAS, pursuant to the Dissolution Law, the City Council adopted Resolution No. 9910 on January 12, 2012 electing to serve as the Successor Agency to the Agency (the "Successor Agency"); and

WHEREAS, pursuant to Section 34187(b) of the Dissolution Law, once all of the Successor Agency's enforceable obligations have been repaid, any real property has been disposed of, and all outstanding litigation has been resolved, the successor agency shall, submit to the oversight board a request, with a copy of the request to the county auditor-controller, to formally dissolve the Successor Agency; and

WHEREAS, this City Council desires to request that the Alameda County Oversight Board approve the dissolution of the Successor Agency and submit the City Council's request to the California Department of Finance.

NOW THEREFORE BE IT RESOLVED by the City Council of the City of Newark as follows:

Section 1. All of the recitals above are true and correct and incorporated herein.

Section 2. The City Council hereby requests that the Alameda County Oversight Board approve the dissolution of the Successor Agency and submit the request to the California Department of Finance in accordance with the Health and Safety Code.

Section 3. The City Manager or his designee is hereby authorized to send this request to the Alameda County Oversight Board with a copy of the request to the county auditor controller.

Section 4. The City Manager or his designee is hereby authorized to execute all documents and take any other actions necessary to dissolve the Successor Agency and to meet any other requirements under this Resolution.

Section 5. This Resolution is effective on the date of its adoption.

STAFF REPORT

Item D. 13.

DATE	06/27/2024
TO	Honorable Mayor and City Council Members
FROM	Krysten Lee, Finance Director
SUBJECT	Year-End Budget Review and Adoption of a Resolution Amending the 2022-2024 Biennial Budget and Capital Improvement Plan for Fiscal Year 2024

SUMMARY AND RECOMMENDATION

Each year, as part of the year-end budget review process, staff reports on trends and actions subsequent to the adoption of the Biennial Budget and addresses any newly identified budget changes anticipated before the end of the fiscal year (June 30). This report analyzes the unaudited financial status of the City's General Fund revenues and expenditures. Additionally, it provides year-end projections based on actual data through the third quarter of FY 2024, comparing these projections to the Amended Budget. Staff recommends that the City Council, by Resolution, amend the 2022-2024 Biennial Budget and Capital Improvement Plan for Fiscal Year (FY) 2024 according to the recommended amendments for each fund presented as Exhibit A.

BACKGROUND

The City Council adopted the 2022-2024 Biennial Budget and Capital Improvement Plan on June 23, 2022. Budget amendments occur throughout the year when unanticipated events result in an increase or decrease in revenue projections and appropriations. Regular practice includes presenting mid-year and year-end budget amendments to the City Council for consideration.

During the FY 2024 mid-year budget review, updates were made to the available City resources based on:

1. The audited financial statements for FY 2023 (presented to the City Council on January 11, 2024).
2. The City's unaudited financial position through the third quarter of FY 2024.
3. Year-end projections based on the most recent economic trends.

DISCUSSION/ANALYSIS

FY 2024 is the second year of the City's biennial budget cycle. As part of the year-end review process, several amendments are proposed to align budgeted revenues and expenditures with the most current information. These amendments are identified where changes have occurred since adopting the Biennial Budget in June 2022.

Summary of Significant Amendments to the General Fund Operating Budget for FY 2024:

Emergency Services Program: Add an appropriation of $99,000 for General Contractual Services. Initially budgeted under the City Manager's Office (non-program specific), the cost of shared services with the City of Union City for an Emergency Services Coordinator needs to be accurately reflected within the newly created Emergency Services Program within the City Manager's Office. The City Manager's Office budget will be reduced by $95,000, the estimated cost and original appropriation at the beginning of FY 2024.

Police Department: Increase the contractual services budget by $4,000 to reflect the City of Fremont Animal Shelter services FY 2023 true-up.

Alameda County Fire Services: Increase appropriation by $242,000 for facility improvement costs.

Property Tax Administration Fees: Add an appropriation of $22,000.

Recreation Department:

- Increase appropriation by $7,000 for enhancement of the Recreation Peak Software.
- Add an appropriation of $4,000 for the purchase of the Affektive Software used to enhance the Recreation Department's operations and improve customer engagement.
- Add an appropriation of $12,000 for a special mailing of the Recreation postcards.
- Increase appropriation by $214,000 for Recreation Instructors for contract classes that generate revenue to eventually off-set the cost.
- Increase appropriation by $20,000 for Substitute Teachers services.

Other Funds:
Expenditure modifications are proposed to align the budget to actuals and are offset by the fund balance in each of those funds. Adjustments to the Special Revenue Funds and Internal Services Funds include:

Capital Improvement Project 1014 - Central Avenue Overpass Development Phase I: Add an appropriation of $771,000. A contract amendment and resolution #11298 increased the not-to-exceed amount of a contract with Consor North America, but the resolution did not include budget language increasing the budget. This year-end budget adjustment request will accomplish that.

Bay Area Bike to Work Day (BTWD) Sponsorship: Add an appropriation of $3,000

for sponsorship to demonstrate the City's commitment to healthier and less polluted communities.

Alameda County Vision 2026 Grant: Add an appropriation of $40,000 for supplies, laptops, and grant scholarships provided by the Alameda County Vision 2026 Grant.

Public Art: Add an appropriation of $25,000 for a Public Art Consultant to coordinate public art in the Central Overpass Project.

Office Equipment and Maintenance:

- Add an appropriation of $40,000 for copier, scanner, and printer maintenance and supplies.
- Add an appropriation of $15,000 for postage and folding machine maintenance and supplies.
- Other minor amendments and associated details are in the attachment, Exhibit A.

FISCAL IMPACT

The recommended amendments included in the year-end review will increase or decrease the Fiscal Year 2024 budgeted revenues, appropriations, and available resources of various funds as presented in Exhibit A.

REVIEW AND APPROVAL

Prepared by - Krysten Lee, Finance Director
Reviewed by - Kristopher J. Kokotaylo, City Attorney
Approved by - Lenka Hovorka, Assistant City Manager

Attachments

1060_Resolution_FY 2024 Year-end Amendments

Exhibit A_FY 2024 year-end Amendments

RESOLUTION NO.

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NEWARK AMENDING THE 2022-2024 BIENNIAL BUDGET AND CAPITAL IMPROVEMENT PLAN FOR FISCAL YEAR 2024

WHEREAS, the 2022-2024 Biennial Budget and Capital Improvement Plan was adopted by the City Council via Resolution No. 11,379 on June 23, 2022; and

WHEREAS, as part of the year-end budget review for Fiscal Year 2024, staff has identified and proposed changes to the budget since the original adoption by the City Council.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Newark that the certain document entitled "2022-2024 Biennial Budget and Capital Improvement Plan of the City of Newark" adopted by Resolution No. 11,379 on June 23, 2022, and subsequently amended by resolutions, is hereby amended as set forth in Exhibit A attached.

Exhibit A
Year-end Budget Amendments for Fiscal Year 2024

General Fund:						**Increase**	**Decrease**
110	26	026	260	6221	FR CMO - Emergency Coordinator Contract Cost	99,000	
110	20	020	200	6221	TO EOC - Emergency Coordinator Contract Cost	-	95,000
110	30	030	302	6221	City of Fremont FY 2023 Animal Shelter Trueup	4,000	
110	40	040	400	6221	ACFD Contract - Facility Improvement Project	242,000	
130	70	071	710	6150	Peak Software	7,000	
130	70	071	710	6150	Affektive Software	4,000	
130	70	071	710	6211	Postage for Recreation Postcards	12,000	
130	70	072	720	6220	Instructors for Recreation classes	214,000	
130	70	074	740	6220	Substitute Teachers for Childcare	20,000	
111	40	040	400	6270	PROPERTY TAX ADMIN FEES	5,000	
140	60	063	632	6270	PROPERTY TAX ADMIN FEES	5,000	
GF				3000	UNAPPROPRIATED FUND BALANCE	612,000	95,000

Special Revenue Funds:						**Increase**	**Decrease**
280	90	091	910	6221 C	Central Ave Overpass Project Development Phase I	771,000	
282	90	091	910	6220	Bay Area Bike to Work Day (BTWD) Sponsorship	3,000	
491	70	079	790	6120	Enhancing Vision 2026 Grant Supplies	3,000	
491	70	079	790	6130	Enhancing Vision 2026 Grant Computer & Laptops	20,000	
491	70	079	790	6950	Enhancing Vision 2026 Grant Scholarships	17,000	
SRF				3000	UNAPPROPRIATED FUND BALANCE	814,000	-

LLDs						**Increase**	**Decrease**
401	60	068	682	6270	PROPERTY TAX ADMIN FEES	1,000	
402	60	068	682	6270	PROPERTY TAX ADMIN FEES	1,000	
404	60	068	682	6270	PROPERTY TAX ADMIN FEES	2,000	
407	60	068	682	6270	PROPERTY TAX ADMIN FEES	1,000	
411	60	068	682	6270	PROPERTY TAX ADMIN FEES	1,000	
415	60	068	682	6270	PROPERTY TAX ADMIN FEES	1,000	
416	60	068	682	6270	PROPERTY TAX ADMIN FEES	1,000	
417	60	068	682	6270	PROPERTY TAX ADMIN FEES	1,000	
418	60	068	682	6270	PROPERTY TAX ADMIN FEES	1,000	
419	60	068	682	6270	PROPERTY TAX ADMIN FEES	2,000	
LLDs				3000	UNAPPROPRIATED FUND BALANCE	12,000	-

Capital Project Funds:						**Increase**	**Decrease**
626	20	020	200	6221	Public Art Consultant - Central Overpass Project.	25,000	
Capital Funds				3000	UNAPPROPRIATED FUND BALANCE	25,000	-

Internal Service Funds						**Increase**	**Decrease**
705	87	705	800	6120	Copier, Scanner, Printer maintenance and supplies	40,000	
705	87	705	800	6241	Postage and folding machine	15,000	
ISF				3000	ISF CHARGES FROM DEPARTMENTS	55,000	-

STAFF REPORT

Item D. 14.

DATE	06/27/2024
TO	Honorable Mayor and City Council Members
FROM	Diana Cangco, Acting City Engineer
SUBJECT	Adopt a resolution approving the Road Repair and Accountability Act of 2017 (Senate Bill 1) Fiscal Year 2025 Project List

SUMMARY AND RECOMMENDATION

In order to receive Road Maintenance and Rehabilitation Account (RMRA) funds from the State, Senate Bill 1 requires cities and counties to submit to the California Transportation Commission each year a list of projects proposed to be funded with RMRA funds.

Staff recommends that City Council for Fiscal Year 2025 approve inclusion of the 2025 Asphalt Concrete Overlay Program on the City of Newark's RMRA Project List, and that the City Council, by resolution approve the Road Repair and Accountability Act of 2017 (Senate Bill 1) Fiscal Year 2025 Project List.

BACKGROUND

In April 2017, the State Legislature passed Senate Bill 1 (SB1), the Road Repair and Accountability Act of 2017. SB1 established the Road Maintenance and Rehabilitation Program and provides a significant, stable, and ongoing increase in state transportation funding to address deferred maintenance on the state highway and local streets and roads systems. Funds for the program are deposited into the State Transportation Fund, Road Maintenance and Rehabilitation Account (RMRA). The funds come from gasoline excise taxes, diesel fuel sales taxes, and vehicle registration fees.

SB1 continues to generate over $5 billion annually for State and local transportation improvements. Cities and counties are slated to receive over $1.4 billion per year for local street and road maintenance. Allocations of funds to cities are based upon population.

It is projected that the City of Newark will receive approximately $1,229,167 of RMRA funds for Fiscal Year 2025. This funding is in addition to the Highway Users Tax Account funds that the City receives annually (commonly known as "Gas Tax" funds). RMRA funding is included as part of the City's 2024-2026 Biennial Budget and Capital Improvement Plan.

In order to receive RMRA funds from the State, SB1 requires cities and counties to submit to the California Transportation Commission each year a list of projects proposed to be funded with RMRA funds. RMRA funds are required to be used towards projects which include, but are not limited to:

· Road maintenance and rehabilitation
· Safety improvements
· Railroad grade separations
· Traffic control devices
· Complete street components, which include active transportation elements, pedestrian and bicycle safety improvements, transit facilities, and drainage and stormwater capture measures in conjunction with other allowable projects

DISCUSSION/ANALYSIS

It is projected that the City of Newark will receive approximately $1,229,167 of RMRA funds for Fiscal Year 2025. Staff recommends that City Council approve the following RMRA project list for Fiscal Year 2025:

Project Title	Project Location
2025 Asphalt Concrete Overlay Program	• Fountain Avenue – between Haley Street and Cherry Street • Castleford Court – from Lake Boulevard to End • Chestnut Street – between Thornton Avenue and Juniper Street • Crestmont Avenue – from Bettencourt Street to End • Barnard Street – between Bellhaven Avenue to Lafayette Avenue • Elm Street – between SP Railroad to Wells Avenue

The RMRA project list is neither binding nor inclusive. Including a project on the list does not obligate the City to complete the project nor does it limit the flexibility of the City to use RMRA funds for projects not originally included on the list, so long as the project meets the eligibility criteria listed above.

FISCAL IMPACT

There is no fiscal impact associated with this action. Jurisdictions that receive SB1/RMRA funds are not required to provide local matching funds.

REVIEW AND APPROVAL

Prepared by - Diana Cangco, Acting City Engineer
Reviewed by - Soren Fajeau, Public Works Director
Reviewed by - Krysten Lee, Finance Director
Reviewed by - Kristopher J. Kokotaylo, City Attorney
Approved by - Lenka Hovorka, Assistant City Manager

Attachments

Resolution

RESOLUTION NO.

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NEWARK APPROVING THE ROAD REPAIR AND ACCOUNTABILITY ACT OF 2017 (SENATE BILL 1) FISCAL YEAR 2024-2025 PROJECT LIST

WHEREAS, Senate Bill 1 (SB1), the Road Repair and Accountability Act of 2017 (Chapter 5, Statutes of 2017) was passed by the Legislature and signed into law by the Governor in April 2017 to address the significant multi-modal transportation funding shortfalls statewide; and

WHEREAS, SB1 includes accountability and transparency provisions that will ensure the residents of our City are aware of the projects in our community that are proposed for SB1 funding and which projects are completed each fiscal year; and

WHEREAS, the City must adopt by resolution each year a list of projects proposed to receive fiscal year funding from the Road Maintenance and Rehabilitation Account (RMRA), created by SB1, with such list of projects including a description and the location of each proposed project, a proposed schedule for the project's completion, and the estimated useful life of the improvement; and

WHEREAS, the City will receive an estimated $1,229,167 in RMRA funding in Fiscal Year 2024-2025 from SB1; and

WHEREAS, this is the eighth year in which the City is receiving SB1 funding and will enable the City to continue essential road maintenance and rehabilitation projects, safety improvements, and increase access and mobility options for the traveling public that would not have otherwise been possible without SB1; and

WHEREAS, the City used the 2024-2026 Capital Improvement Plan to develop the SB1 project list to ensure public input into our community's transportation priorities; and

WHEREAS, the City uses a Pavement Management System to develop SB1 project lists to ensure revenues are being used on the most high-priority and cost-effective projects that also meet the community's priorities for transportation investment; and

WHEREAS, the funding from SB1 will help the City maintain and rehabilitate multiple street segments and help add active transportation infrastructure throughout the City this year and into the future; and

WHEREAS, the 2023 California Statewide Local Streets and Roads Needs Assessment found that the City's streets are in "good" condition and this revenue will help the City maintain the overall quality of our road system over the next decade; and

WHEREAS, the SB1 project list and overall investment in our local streets and roads infrastructure with a focus on basic maintenance and safety and investing in complete streets infrastructure will have significant positive co-benefits statewide.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Newark does hereby approve the following list of projects to be funded in part or solely with Fiscal Year 2024-2025 Road Maintenance and Rehabilitation Account revenues:

Project Title & Description	**Project Location**	**Estimated Useful Life**	**Anticipated Start of Project**	**Anticipated Completion of Project**
2025 Asphalt Concrete Overlay Program Pavement maintenance of various streets involving placement of asphalt concrete overlay and base repairs	• Fountain Ave – between Haley St and Cherry St • Castleford Ct – from Lake Blvd to End • Chestnut St – between Thornton Ave and Juniper St • Crestmont Ave – from Bettencourt St to End • Barnard Street – between Bellhaven Ave to Lafayette Ave • Elm St – between SP Railroad to Wells Ave	20 years	July 2025	October 2025

STAFF REPORT

Item D. 15.

DATE	06/27/2024
TO	Honorable Mayor and City Council Members
FROM	Diana Cangco, Acting City Engineer
SUBJECT	Adopt a resolution authorizing the City Manager to execute a Cooperative Agreement with the Alameda County Water District for water main design and construction associated with the Old Town Streetscape Improvements, Project 1258

SUMMARY AND RECOMMENDATION

The Old Town Streetscape Improvements, Project 1258, is a key component of the Old Town Specific Plan and aims to serve as a catalyst for private investment within the Old Town neighborhood by improving access, safety and connections for pedestrians, bicyclists and transit users along Thornton Avenue between Olive Street and Ash Street. As part of their Small Diameter Water Main Renewal Program, the Alameda County Water District (ACWD) plans to replace the existing water system within this segment of Thornton Avenue.

To allow for a much more efficient and economical design and construction effort, as well as minimize disruption to property owners of the Old Town neighborhood during construction, staff and ACWD desire to combine their respective improvements into a single project (the Joint Project). The Joint Project will include professional engineering design services, construction, inspection, testing acceptance, and warranties related to City and ACWD improvements within the Old Town Streetscape Improvements street areas.

Staff recommends that the City Council adopt a resolution authorizing the City Manager to execute a Cooperative Agreement with ACWD, in a form approved by the City Attorney, for water main design and construction associated with the Old Town Streetscape Improvements, Project 1258.

BACKGROUND

In 2021, the Old Town Specific Plan was approved, bringing together 30 years of planning and analysis to identify a grand vision to revitalize the Historic Newark Old Town area as a vibrant mixed-use neighborhood, with a strong sense of place, thriving retail and commercial businesses, a range of housing choices for existing and future residents, a streetscape that prioritizes bicycles and pedestrians, and public spaces that allow community members to gather with their neighbors.

In September 2023, the City entered into a Contractual Services Agreement with CSW Stuber-Stroeh Engineering Group for Professional Design Services for the Old Town Streetscape Improvements. As part of their Small Diameter Main Renewal Program, ACWD plans to replace approximately 1,750 feet of water main within the alignment of Thornton Avenue within the Old Town Streetscape Improvements project area. The work would include replacement and relocation of an existing 8-inch and 12-inch water mains, fire hydrants, water service laterals, and related appurtenances.

DISCUSSION/ANALYSIS

In order to allow for a much more efficient and economical design and construction effort, as well as minimize disruption to property owners of the Old Town neighborhood during construction, staff and ACWD desire to combine their respective improvements into a Joint Project. The Joint Project would allow the City's consultant team, CSW Stuber-Stroeh Engineering Group, to design both the City and ACWD improvements as a single project. Similarly, the construction of the Joint Project would be bid as a single project, with one contractor selected to construct all improvements concurrently. In all, the Joint Project would include professional engineering design services, construction, inspection, testing, acceptance, and warranties related to City and ACWD improvements within the Old Town Streetscape Improvements project area.

A Cooperative Agreement has been prepared to facilitate this joint effort between the City and ACWD. The agreement addresses roles, responsibilities, and cost-sharing for the City and ACWD to complete the design and construction of the Joint Project improvements. The City would serve as the lead agency and administer the contracts for both professional engineering design services and the construction of the Joint Project improvements. ACWD participated in the evaluation of proposals received for professional engineering design services in support of the Joint Project. Construction bid items associated with ACWD's water system improvements would be identified separately as Alternate Bid Items in the construction contract. Upon review of all construction bids received, ACWD would reserve the option to remove their water system items from the construction contract should the cost or other terms be unacceptable.

FISCAL IMPACT

Partnering with ACWD and entering into the Cooperative Agreement would not cause additional project costs for the City. Instead, both City and ACWD staff anticipate that combining our two projects will result in a more efficient and economic design and construction process.

Per the terms of the Cooperative Agreement, ACWD will be responsible for 100% of the cost of professional engineering services, materials, and equipment attributed specifically to the design and construction of their water system improvements. A 5% administrative fee would also be added to all ACWD construction costs to reimburse the City for administration and construction management of the Joint Project contracts.

REVIEW AND APPROVAL

Prepared by - Diana Cangco, Acting City Engineer
Reviewed by - Soren Fajeau, Public Works Director
Reviewed by - Krysten Lee, Finance Director
Reviewed by - Kristopher J. Kokotaylo, City Attorney
Approved by - Lenka Hovorka, Assistant City Manager

Attachments

Resolution

Cooperative Agreement

RESOLUTION NO.

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NEWARK AUTHORIZING THE CITY MANAGER TO EXECUTE A COOPERATIVE AGREEMENT WITH THE ALAMEDA COUNTY WATER DISTRICT IN A FORM APPROVED BY THE CITY ATTORNEY FOR THE WATER MAIN DESIGN AND CONSTRUCTION ASSOCIATED WITH THE OLD TOWN STREETSCAPE IMPROVEMENTS, PROJECT 1258.

WHEREAS, on September 23, 2021, the City Council adopted the Old Town Specific Plan, bringing together over 30 years of planning and analysis for Newark's Old Town neighborhood; and

WHEREAS, Old Town Streetscape Improvements, Project 1258 is a key component of the Old Town Specific Plan and aims to serve as a catalyst for private investment within the Old Town neighborhood by improving access, safety and connections for pedestrians, bicyclists, and transit users; and

WHEREAS, the Alameda County Water District (ACWD), as part of their Small Diameter Main Renewal Program, plans to replace existing water mains in the same street sections associated with Project 1258; and

WHEREAS, to ensure an efficient and economical design and construction effort and to minimize the disruption to property owners of these areas during construction, a combined single project is desirable and would include professional design services, construction, inspection, testing, acceptance and warranties related to the City and ACWD improvements in these areas; and

WHEREAS, a Cooperative Agreement has been prepared to facilitate this joint effort between the City and ACWD, with the City serving as the lead agency. This agreement provides for the roles, responsibilities, and cost-sharing for the City and ACWD to complete the design and construction of the collective improvements.

NOW THEREFORE, BE IT RESOLVED that the City Council of the City of Newark does hereby authorize the City Manager to execute a Cooperative Agreement with the Alameda County Water District in a form approved by the City Attorney for the water main design and construction associated with the Old Town Streetscape Improvements, Project 1258.

COOPERATIVE AGREEMENT

BETWEEN CITY OF NEWARK AND THE ALAMEDA COUNTY WATER DISTRICT FOR COST SHARING FOR WATER MAIN INSTALLATION WORK FOR THE NEWARK OLD TOWN STREETSCAPE AND MAIN RENEWAL PROJECT (City Project P1258, ACWD Job XXXXX)

This "Cooperative Agreement for the Newark Old Town Streetscape and Main Renewal Project (City Project P1258, ACWD Job XXXX)" ("Agreement") is made and entered into by and between the City of Newark, a municipal corporation ("City"), and the Alameda County Water District ("ACWD"), a county water district duly organized and existing under the County Water District Law (being Division 12 of the Water Code of the State of California). City and ACWD may be collectively referred to herein as the "Parties."

RECITALS

A. As part of its Small Diameter Main Renewal Program, ACWD is planning and intends to construct or cause the construction of improvements to its water system within the City right-of-way, including approximately 1,750-feet of water main within the alignment of Thornton Avenue between Ash Street and Cherry Street, Dairy Street between Thornton Avenue and Sycamore Street, Sycamore Street between Dairy Avenue and Thornton Avenue, Magnolia Street between Thornton Avenue and Rich Avenue, and connections at cross streets along this alignment. The work will include replacement and relocation of existing 8-inch and 12-inch water mains with 12-inch water mains, fire hydrants, water service laterals, and related appurtenances (ACWD Job XXXX, the "ACWD Waterline Work").

B. The City is planning and intends to construct the Newark Old Town Streetscape Project (City Project P1258, the "City Project"), in accordance with the City's Old Town Specific Plan, which encompasses a 76-acre area, to revitalize Old Town Newark as a vibrant mixed-use neighborhood; the City Project includes reconstructing the streets with new curb and gutter, sidewalk, pavement section, improved and/or new storm water drainage systems, and landscaping in and around Thornton Avenue from Ash Street to Olive Street and include the existing public plaza areas on the north side of Magnolia Street & Thornton Avenue and the Carter Station Plaza at the south side of Sycamore Street and Thornton Avenue.

C. The ACWD Waterline Work and City Project both involve major improvements to utilities and other infrastructure within the public right-of-way and within the same general geographic area as shown in Exhibit A, attached hereto.

D. In order to provide for the most efficient and cost-effective implementation of the two projects, to minimize disruption to the infrastructure improvements in the City Project area and impacts to Newark residents due to traffic and water service outages, the Parties desire to combine the work into a single project to the extent possible. To this end, the Parties intend to include the

ACWD Waterline Work into the City Project, the combined project being referred to herein as the "Joint Project."

E. It is the intent of the City to administer the Joint Project. It is the intent of ACWD to support City's implementation of the Joint Project and to reimburse the City's reasonable costs of the ACWD Waterline Work.

F. The inclusion of the ACWD Waterline Work into the Joint Project will require coordination between the City and ACWD regarding the acquisition of permits, design and design review, construction, inspection, testing, acceptance, and warranties for the Joint Project.

G. Beginning in June 2023, the City and ACWD coordinated on the preparation of the City's Request for Proposals (RFP) for providing professional design services for the design of the Joint Project. ACWD reviewed the RFP and provided comments and edits on the scope of the ACWD Waterline Work to be included in the City Project as optional design tasks. Accordingly, the City has included optional scope items to cover design services for the ACWD Waterline Work in the City Project RFP.

H. The Parties desire to work cooperatively and to document a reasonable and responsible basis for the cooperative design and construction of the Joint Project for the mutual benefit of their agencies and their public constituents.

NOW, THEREFORE, IN CONSIDERATION OF THE MUTUAL COVENANTS AND CONDITIONS IDENTIFIED HEREIN, THE PARTIES HEREBY AGREE AS FOLLOWS:

1. ADVERTISING AND AWARD OF DESIGN AND ENGINEERING SERVICES IN SUPPORT OF THE JOINT PROJECT.

1.1. The City and ACWD previously coordinated on the development of the RFP for the design and engineering services in support of the Joint Project ("Joint Design") RFP. The City advertised the Joint Design RFP, including the design and engineering services related to the ACWD Waterline Work, in accordance with the City's practices and applicable law. Design and engineering services associated with the ACWD Waterline Work were included separately in the RFP as "optional" work.

1.2. Upon receipt of proposals for the work, the City share the proposals received, including costs for the ACWD Waterline Work, with ACWD. ACWD reviewed and provided input on the evaluation and ranking methodology; however, the City retained the sole discretion to select the method with which proposals were evaluated and ranked. ACWD participated in the evaluation of the proposals and the City and ACWD conferred regarding the proposals;

however, the City retained the sole discretion to select the proposer based on the proposal in accordance with its proposal evaluation criteria.

1.2.1. Should ACWD conclude that the City's selected proposal does not meet ACWD's needs, then the "optional" ACWD Waterline Work will not be awarded by the City, and ACWD shall be responsible for completing the design of the ACWD Waterline Work. In this event, the City and ACWD shall confer as to their collective approach to implementation of their individual projects, and this Agreement may be terminated in writing by either Party.

1.2.2. Should ACWD be satisfied that the City's selected proposal meets ACWD's needs, ACWD will provide written confirmation of its agreement with the City's selection. The City will then award the Joint Design work, including design and engineering services in support of the ACWD Waterline Work, to the selected proposer ("Design Consultant") in accordance with its practices and applicable law.

2. COORDINATED DESIGN AND ENGINEERING WORK.

2.1. City's hired Design Consultant shall prepare the design and construction contract documents for the ACWD Waterline Work ("Waterline Work Product") to be incorporated into Joint Project, and other requirements pursuant to Sections 3 through 5.

2.2. ACWD agrees to pay one hundred percent (100%) of the costs for design services scope items for ACWD Water Pipeline as shown in Exhibit B, attached hereto.

2.3. All Waterline Work Product shall be and are the property of ACWD who shall be entitled to access and to copy the Waterline Work Product during the progress of the work. If requested by ACWD, the City shall deliver one copy of the Waterline Work Product remaining in the hands of the City, or in the hands of the Design Consultant, or any subcontractor, upon completion or termination of the work or Agreement to ACWD. The City assigns to ACWD all right, title, and interest in and to the Waterline Work Product, including ownership of copyright in the Waterline Work Product. ACWD may utilize any material prepared or work performed by the City's hired Design Consultant pursuant to this Agreement, in any manner which ACWD deems proper without additional compensation to the City. The City shall not disclose project related data or information without the prior written consent of ACWD.

2.4. The Joint Project construction contract documents shall include a schedule of "bid items" for which each bidder shall identify a "bid item amount." The bid items for the ACWD Waterline Work ("ACWD Bid Items") shall be incorporated in the Joint Project bid and construction documents, along with the estimated quantity for each bid item.

2.5. All City bid items will be contained in the Base Bid. The ACWD Bid Items shall be included on a separate bid item schedule (e.g. “Waterline Work”) and shall be characterized as “Alternate Bid Items” in the construction contract that may be awarded with the Base Bid items, later by change order, or excluded from the award. For the purposes of bid comparison and determination of the lowest responsive and responsible low bid, the Waterline Work bid schedule shall be added to the City bid items.

2.6. ACWD shall review the portion of the design, construction plans, and specifications related to ACWD Waterline Work at ACWD's sole cost and expense.

2.7. City shall provide ACWD 50%, 90%, and 100% design submittals, to include the design drawings and specifications, for any ACWD Waterline Work incorporated into the Joint Project for review. ACWD shall promptly and diligently review each design submittal, and provide comments, if any, to City within twenty-one (21) calendar days of ACWD's receipt of the respective design submittal.

2.8. At least thirty-five (35) calendar days prior to the advertisement of bids, City shall provide ACWD with a complete copy of the 90% design submittal for review, including but not limited to, the 90% drawing set, General Conditions, Special Conditions, Technical Specifications, and payment item schedule, including the ACWD Bid Items. ACWD shall promptly and diligently review the 90% Design Submittal for Joint Project, and provide comments, if any, to City within fourteen (14) calendar days of ACWD's receipt of the 90% design submittal. City shall reasonably consider ACWD proposed modifications of the 90% design submittal. City shall supply within seven (7) calendar days written explanation, including reasons why and justification for, any ACWD modifications not included. If ACWD believes that its modifications should be included in the Construction Contract plans and specifications for Joint Project after reasonably considering City's written explanation, ACWD and City shall meet and confer in good faith to reach a mutually acceptable solution.

2.9. If re-design of ACWD’s work is required due to unforeseen conditions, the City’s design consultant is responsible for the re-design. ACWD shall review the revised design and shall provide the City a written notice of approval of the re-design with in seventy-two (72) hours after ACWD receives the re-design.

3. ENVIRONMENTAL REVIEW AND PERMITTING.

3.1. City will serve as the lead agency for California Environmental Quality Act (CEQA) and National Environmental Policy Act (NEPA) for the joint project in accordance with the Federal and State grant requirements. ACWD will be a responsible agency with discretionary approval authority

over the project. The City will pay for the environmental review costs associated with the filing of the NEPA and CEQA for the Joint Project.

3.2. City will acquire all environmental, right-of-way and construction related permits for the Joint Project that includes ACWD Waterline Work in accordance with the Federal and State grant requirements. No City of Newark encroachment permit fee will be paid by ACWD.

4. BIDDING AND AWARD OF CONSTRUCTION CONTRACT.

4.1. The City shall issue the plans and specifications, including minimum experience requirements for the ACWD Waterline Work, for the Joint Project for public competitive bids and award the contract for the Joint Project in accordance with the requirements of the California Public Contract Code, the Newark Municipal Code, and any other applicable laws and regulations.

4.2. Concurrently with advertising for bids, City shall provide ACWD with a complete copy of the advertised contract documents ("Construction Contract") for the Joint Project used to invite such bids. City shall include ACWD when issuing any addenda during the bidding period.

4.3. Within seven (7) working days following a bid opening, City shall provide copies of the final bid documents for the three (3) apparent lowest responsible bidders to ACWD for the Joint Project.

4.4. ACWD shall, within Five (5) working days of its receipt of the final bid documents and the City's selected bid, indicate whether it supports the City proceeding with the award of the ACWD Waterline Work along with the City's award of the Joint Project Construction Contract.

4.4.1. Should ACWD conclude that the City's selected bid does not meet ACWD's needs, then the "alternate" ACWD Waterline Work will not be awarded by the City, and ACWD shall be responsible for completing construction of the ACWD Waterline Work. In this event, the City and ACWD shall confer as to their collective approach to implementation of their individual projects, and this Agreement may be terminated in writing by either Party.

4.4.2. Should ACWD be satisfied that the City's selected bid meets ACWD's needs, ACWD will provide written confirmation of its agreement with the City's selection. The City will then award the Joint Project construction work, including construction of the ACWD Waterline Work, to the selected bidder ("Contractor") in accordance with its practices and applicable law, and the District will proceed to authorize budgeted funds for construction of the ACWD Waterline Work.

5. CONSTRUCTION, INSPECTION, CONSTRUCTION MANAGEMENT AND CONSTRUCTION ADMINISTRATION.

5.1. The City shall administer the Construction Contract for the Joint Project including the ACWD Waterline Work. ACWD shall support the City's administration of the construction work.

5.2. ACWD will provide specialty waterline construction inspection, assist with construction management for all components of any ACWD Waterline Work during construction, and shall promptly communicate to City pursuant to each rejection or acceptance of the quality of materials and construction work relating to the ACWD Waterline Work. ACWD shall retain the right to review any RFI related to Waterline Work concurrent with City's design review, and shall be afforded the opportunity to provide input prior to the City's response to the Contractor. ACWD's inspection responsibilities shall include, but not be limited to, inspections of: (a) installation of the permanent waterline and all associated appurtenances, (b) waterline connections, (c) pressure and bacterial testing, (d) backfill of the trench up to one foot over the top of pipe, and (e) final acceptance of ACWD Waterline Work as complete. City shall, in turn, communicate each acceptance or rejection of the quality of materials and construction work to Contractor. City shall require Contractor to cooperate with ACWD, and ACWD's agents, in inspection of all ACWD Waterline Work, provided that: (a) ACWD shall coordinate all inspections with City; (b) all communication with Contractor shall be through City's Resident Engineer (except in an emergency situation to the extent necessary for the protection of persons or property); and (c) when conducting any inspections, ACWD shall not take any actions that unreasonably interfere with Contractor's performance, direct Contractor's performance in the field, or authorize any additional work. ACWD shall have an inspector available to be on-site as needed during Contractor's approved working hours, upon forty-eight (48) hours' notice from Contractor. Inspection requested by Contractor for work on Saturdays, Sundays, or ACWD Holidays, or nights shall be requested fourteen (14) calendar days in advance of the scheduled work.

5.3. No modifications or connections to the District's existing sterile water system shall be performed without the presence and direction of authorized District staff.

5.4. To the extent ACWD inspections at any stage reveal a failure by Contractor to meet the requirements of the Construction Contract and the ACWD Plans, ACWD shall provide a written explanation of the basis for the failure. City shall forward all comments provided by ACWD to Contractor, instruct Contractor to take all appropriate actions to correct its work, and shall not accept these components of the ACWD Waterline Work until ACWD approves them.

5.5. Both City and ACWD shall maintain all documents related to any ACWD Waterline Work, including all daily logs, inspector notes, testing, and correspondence and each party shall provide copies of all such documents to the other party upon request.

5.6. During the course of construction of any ACWD Waterline Work, City shall cause its Contractor to allow ACWD to regularly inspect, after reasonable notice, record ("redline") drawings of any ACWD Waterline Work. City shall supply redline drawings of any ACWD Waterline Work to ACWD upon City's acceptance of the City Project as complete. The redline drawings shall show the location and details of any changes made during construction to any ACWD Waterline Work.

The City shall be responsible for the day-to-day inspection and approval for all components of the Joint Project, except that ACWD shall be responsible for inspecting the ACWD Waterline Work provided that the City shall provide ACWD with at least twenty-four (24) hours prior notice of the date that the work is available for inspection. ACWD, in its sole discretion, may have an ACWD inspector present on-site when the ACWD Waterline Work is being performed. If after inspecting the ACWD Waterline Work, ACWD determines that any of the work does not comply with the drawings and specifications for the ACWD Waterline Work as set forth in the Joint Project contract, ACWD shall provide the City with written notice specifying its basis for such determination within seventy two (72) hours after ACWD inspects the ACWD Waterline Work. ACWD's failure to timely notify the City of its determination of noncompliance of any matter shall be deemed ACWD's acceptance of such matter. The City shall, in turn, forward all comments to the Contractor, instruct the Contractor to take appropriate actions to correct its work, and shall not accept the ACWD Waterline Work until ACWD approves in writing, which approval shall not be unreasonably withheld. The City shall require the Contractor to cooperate with ACWD in inspection of the ACWD Waterline Work. The time impact analysis will be used to determine the time impacts associated with changes caused by the ACWD work. The cost split associated with concurrent delays caused by both parties work, the cost split shall be proportional to each party’s contribution to the delay, based on a time impact analysis.

6. CONSTRUCTION COSTS AND OWNERSHIP ASSOCIATED WITH ACWD WATERLINE WORK AND ADMINISTRATIVE FEE.

6.1. The as-bid construction cost for the ACWD Bid Items shall be as identified separately on the bid schedule to be included in the Construction Contract ("ACWD As Bid Construction Cost"). The as-bid construction cost, including labor, material, permit fees, equipment and warranties for the ACWD Bid Items shall be determined before the Construction Contract is awarded by the City. As full consideration for the satisfactory performance by the Contractor, ACWD agrees to pay one hundred percent (100%) of "ACWD As Bid Construction Cost" to the City per executed Construction Contract payment requirements. The City assigns to ACWD all right, title, and interest in and to the ACWD Waterline Work, including beneficial use of work in progress.

6.2. ACWD agrees to pay one hundred percent (100%) of engineering services during construction provided by the Design Consultant to support construction of the ACWD Waterline Work.

6.3. ACWD agrees to pay an Administrative Fee to the City to reimburse the City for administration and construction management of the ACWD Waterline Work. The Parties agree that the

appropriate amount of the Administrative Fee is equal to 5% of the total cost of all ACWD Waterline Work payment items as included in the successful Contractor's bid.

6.4. ACWD shall pay the City the Administrative Fee as part of the monthly billing as a percentage of construction costs attributable to ACWD Waterline Work.

7. ACWD WATERLINE WORK ACTUAL COST, ADDITIONAL ADMINISTRATIVE FEE AND PAYMENT.

7.1. Pursuant to the contract awarded by the City, the Contractor shall be obligated to the City to perform all work required by the Joint Project Contract (including the ACWD Bid Items) and the City shall be obligated to administer the Contract and pay the Contractor for all work performed in accordance with the Joint Project Contract. ACWD agrees to pay to the City the actual cost of the ACWD Waterline Work ("ACWD Waterline Work Actual Cost") plus, an additional amount to reimburse the City for its costs in administering any change orders or claims relating specifically to the ACWD Waterline Work and the City's incremental cost associated with construction management tasks associated with the ACWD Waterline Work, including those tasks performed by a third-party construction manager under contract to the City, ("Additional Administrative Fee") as further described in this Section.

7.2. The "ACWD Waterline Work Actual Cost" shall equal the dollar amount that the City actually pays the Contractor in accordance with the terms of the City Project Contract for ACWD Bid Items plus the actual construction cost of any and all construction change orders and claims to the extent that they increased the cost of the ACWD Waterline Work. Thus, the ACWD Waterline Work Actual Cost will include the product of the actual quantities and the Contractor's bid amount for each ACWD Bid Item plus payments for contract change orders and claims related to the ACWD Waterline Work as further discussed in this Section.

7.3. The "Additional Administrative Fee" shall be an amount equal to 5% of the actual cost of any and all change order work and claims actually paid to the Contractor in accordance with Section 7.1 and Section 7.2.

7.4. For the Joint Project construction contract, ACWD agrees to pay for the full cost of work for which the District is responsible based on the unit prices and final approved quantities of the applicable pay items. Within thirty (30) days after the award of the Contract, ACWD agrees to deposit with the City ten percent (10%) of the ACWD As Bid Construction Cost, which the City will initially use to deduct the monthly ACWD Waterline Work Actual Costs. On a monthly basis, City will furnish to ACWD a statement ("Invoice") of the ACWD Waterline Work Actual Cost which shall include a detailed statement of itemized construction costs for the completed and verified ACWD Bid Items plus the ACWD-related portion of any and all construction change orders and claims to the extent that they increased the cost of the ACWD Waterline Work. The

Invoice shall also itemize any Additional Administrative Fee amounts due as determined in accordance with this Section. If requested by ACWD, the City will provide ACWD with copies of the Contractor's invoices for the ACWD Waterline Work. Within fourteen (14) calendar days after the receipt of an Invoice from the City, ACWD shall pay the City the monthly ACWD Waterline Work Actual Costs. The City will use the payment from ACWD to replenish the ACWD deposit initially used to pay the invoice. The City shall return to ACWD all unspent funds deposited by ACWD in accordance with this Agreement at the conclusion of the work.

7.5. For the Consultant Design Services, ACWD shall pay to the City the total of the ACWD Waterline Work Design Services Costs. If ACWD disputes any portion or item of any Invoice, ACWD shall provide written notice of the dispute, with an explanation of the basis for the dispute no later than 14 calendar days after ACWD's receipt of the Invoice. ACWD's failure to provide timely written notice to the City disputing any portion or item of an Invoice received by the District shall be deemed an approval by ACWD of all undisputed portions or items of ACWD Actual Cost. ACWD shall pay the portion of the Invoice that is not in dispute in accordance with this section.

7.6. If ACWD provides the City with a written notice of dispute, the City and ACWD shall negotiate in good faith to informally resolve any such dispute. If no agreement is reached within 45 calendar days after the date City receives ACWD's notice of dispute and either party indicates that progress is not being made to resolve the dispute, the parties shall submit the matter to dispute resolution as described in Section 9 of this Agreement.

8. MODIFICATIONS TO ACWD WATERLINE WORK DURING CONSTRUCTION.

8.1. To the extent that the Contractor is entitled to additional compensation under the terms of the City Project Contract for work related to the ACWD Bid Items, the additional compensation shall be considered ACWD Actual Cost pursuant to Section 7 of this Agreement.

8.2. All major construction change orders or claims affecting or increasing the cost of the ACWD Waterline Work shall be submitted to ACWD staff for prior review and approval, except in emergency circumstances. A "major" construction change order or claim is one which could reasonably be deemed to result in a ten percent (10%) cumulative increase in cost of the ACWD Waterline Work, or one which would increase the cost of the ACWD Waterline Work by $50,000 or more. Written responses of ACWD staff shall be provided to the City within 7 calendar days after receipt, unless authorized City and ACWD staff agree in writing that a specific longer period of review time is necessary for more complex change order proposals or claims. If ACWD disagrees with the proposed change order or a proposed claim approval, ACWD shall include the reasons for its disagreement in its written responses. If the City project manager does not receive comments from ACWD within the specified time, he or she shall be deemed to be authorized to use his or her best judgment with regard to acting upon the proposed change

order or claim. If ACWD submits written responses in accordance with the schedule indicated in this section, the City shall in good faith consider such responses in acting upon the proposed change order or claim.

8.3. The City may act upon construction change orders and claims which are not "major" without consultation with ACWD. “Non-major” change orders are those not considered “major” as defined in Section 8.2. However, after the aggregate total of change orders or claims exceeds 10% of the cost of the ACWD Waterline Work as set forth in the Contractor's bid, City shall submit to ACWD staff for prior review and approval all subsequent non-major change orders or claims. This prior review and ACWD response shall be pursuant to Section 8.2 except that responses of ACWD staff shall be provided within five (5) working days for non-major change orders.

9. **RESOLUTION OF DISPUTES.** In the event the Parties should disagree regarding implementation of this Agreement, the Parties agree to use the following dispute resolution procedure.

9.1. At least one individual in a senior management position from each party will meet, in person, and attempt to resolve the dispute informally.

9.2. If the initial meeting does not resolve the dispute, the City Manager for the City, and the General Manager for ACWD will meet, in person, and attempt to resolve the dispute informally.

9.3. If the meeting with the City Manager and General Manager does not resolve the dispute, the matter shall be referred to a mediation with a JAMS representative with JAMS' fees to be split equally between the City and ACWD.

9.4. If neither the staff meetings nor the meditation results in resolution of the dispute, the Parties shall have the right to exercise any of its remedies available under law.

10. GENERAL PROVISIONS.

10.1. **RELATIONSHIP BETWEEN THE PARTIES.** This Agreement does not create any partnership or agency between the parties.

10.1.1. ACWD is, and at all times shall remain, solely responsible for all acts of its officials, employees, agents, and contractors, including any negligent acts or omissions. ACWD is not the City's agent and shall have no authority to act on behalf of the City, or to bind the City to any obligation whatsoever.

10.1.2. The City is, and at all times shall remain, solely responsible for all acts of its officials, employees, agents, and contractors, including any negligent acts or omissions. The City is not the ACWD's agent and shall have no authority to act on behalf of ACWD, or to bind ACWD to any obligation whatsoever.

10.2. AUTHORIZED REPRESENTATIVES.

10.2.1. All ACWD services under this Agreement shall be performed by, or under the direct supervision of, **ACWD's Authorized Representative, Rekha Ippagunta, Project Engineering Manager**, unless otherwise designated in writing by ACWD's Authorized Representative or the General Manager.

10.2.2. All City services under this Agreement shall be performed by, or under the direct supervision of, **the City's Authorized Representative, Diana Cangco, Acting City Engineer,** unless otherwise designated in writing by the City's Authorized Representative or the City Manager.

10.3. INDEMNIFICATION.

Pursuant to Government Code section 895.4, City shall indemnify, hold harmless, and defend ACWD (including its elected officials, officers, agents, and employees) from and against any and all claim (including all litigation, demands, damages, liabilities, costs, and expenses, and including court costs and attorney's fees) resulting or arising from the City's negligent acts or omissions in the performance of contract administration under this Agreement.

In addition, City will require its design and engineering consultant(s) and construction Contractor to indemnify, hold harmless, and defend ACWD and its officials, officers, agents, and employees and to include ACWD and its officials, officers, agents, and employees as additional insureds to the same extent that the City requires its design and engineering consultants and construction Contractor to indemnify, hold harmless, and defend the City and to include the City as an additional insured.

10.3.1. Pursuant to Government Code section 895.4, ACWD shall indemnify, hold harmless, and defend the City (including its elected officials, officers, agents and employees) from and against any and all claims (including all litigation, demands, damages, liabilities, costs, and expenses, and including court costs and attorney's fees) resulting or arising from the standard specifications provided by ACWD for the ACWD Waterline Work or ACWD's negligent performance or failure to perform, under this Agreement.

10.4. **TERM OF THE AGREEMENT.** The term of this Agreement shall commence on the date last signed by the parties, below, and shall continue until completion of all the obligations of the parties under this Agreement.

10.5. **ACCOUNTING RECORDS.** The parties shall maintain all accounting records related to this Agreement in accordance with generally accepted accounting principles and state law requirements, and in no event for less than four years. The parties' accounting records shall include, at a minimum, all documents which support the costs and expenses related to the ACWD Waterline Work for this Agreement, including personnel, contractors, invoices and payments, and reimbursable expenses. Each party's accounting records shall be made available to the other party within a reasonable time after request, during normal business hours.

10.6. **NOTICES.** All notices required or contemplated by this Agreement shall be in writing and shall be delivered to the respective party as set forth in this section. Communications shall be deemed to be effective upon the first to occur of: (a) actual receipt by a party's Authorized Representative, or (b) actual receipt at the address designated below, or (c) three working days following deposit in the United States Mail of registered or certified mail sent to the address designated below. The Authorized Representative of either party may modify their respective contact information identified in this section by providing notice to the other party.

To: City
Attn: Public Works Director
City of Newark
37101 Newark Boulevard
Newark, CA 94560

To: ACWD
Attn: Director of Engineering and Technology
Alameda County Water District
P.O. Box 5110
Fremont, CA 94537-5110

10.7. **HEADINGS.** The heading titles for each paragraph of this Agreement are included only as a guide to the contents and are not to be considered as controlling, enlarging, or restricting the interpretation of the Agreement.

10.8. **SEVERABILITY.** If any term of this Agreement (including any phrase, provision, covenant, or condition) is held by a court of competent jurisdiction to be invalid or unenforceable, the Agreement shall be construed as not containing that term, and the remainder of this Agreement shall remain in full force and effect; provided, however, this paragraph shall not be applied to the extent that it would result in a frustration of the parties' intent under this Agreement.

10.9. **GOVERNING LAW, JURISDICTION, AND VENUE.** The interpretation, validity, and enforcement of this Agreement shall be governed by and interpreted in accordance with the laws of the State of California. Any suit, claim, or legal proceeding of any kind related to this

Agreement shall be filed and heard in a court of competent jurisdiction in the County of Alameda.

10.10. **ASSIGNMENT AND DELEGATION.** This Agreement, nor any portion thereof, shall not be assigned or transferred, nor shall any of a Party's duties be delegated, without the written consent of the other Party. Any attempt to assign or delegate this Agreement without the written consent of the other Party shall be void and of no force or effect. A consent by a party to one assignment shall not be deemed to be a consent to any subsequent assignment.

10.11. **MODIFICATIONS.** This Agreement may not be modified orally or in any manner other than by an agreement in writing signed by both parties.

10.12. **WAIVERS.** Waiver of a breach or default under this Agreement shall not constitute a continuing waiver or a waiver of a subsequent breach of the same or any other provision of this Agreement.

10.13. **ENTIRE AGREEMENT.** This Agreement, including all documents incorporated herein by reference, comprises the entire integrated understanding between the parties concerning the matters described herein. This Agreement supersedes all prior negotiations, Agreements, and understandings regarding this matter, whether written or oral. The documents incorporated by reference into this Agreement are complementary; what is called for in one is binding as if called for in all.

10.14. **EACH PARTY'S ROLE IN DRAFTING THE AGREEMENT.** Each party to this Agreement has had an opportunity to review the Agreement, confer with legal counsel regarding the meaning of the Agreement, and negotiate revisions to the Agreement. Accordingly, neither party shall rely upon Civil Code section 1654 in order to interpret any uncertainty in the meaning of the Agreement.

10.15. **COUNTERPART SIGNATURES.** The parties hereto recognize and agree that separate counterpart signature pages may be used but that all such pages constitute one and the same Agreement.

10.16. **SIGNATURES.** The individuals executing this Agreement represent and warrant that they have the right, power, legal capacity, and authority to enter into and to execute this Agreement on behalf of the respective legal entities of the ACWD and the City. This Agreement shall inure to the benefit of and be binding upon the parties hereto and their respective successors and assigns.

IN WITNESS WHEREOF, the City and ACWD do hereby agree to the full performance of the terms set forth herein.

City of Newark

By: _____
David Benoun
Title: City Manager

Date: _____

Alameda County Water District

By: _____
Ed Stevenson
Title: General Manager

Date: _____

EXHIBIT A

Old Town Streetscape Project Site Area

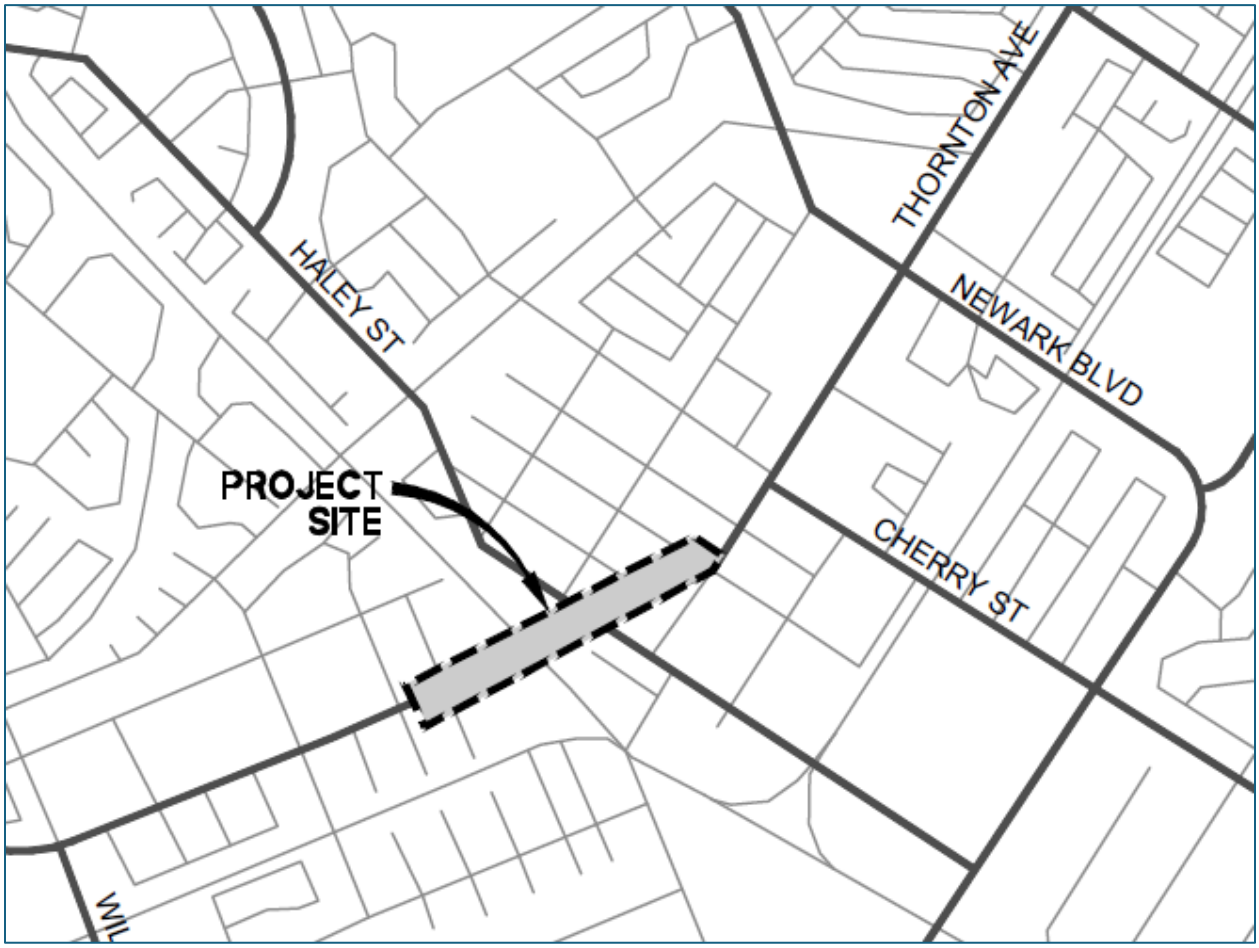


EXHIBIT B

ACWD Design Scope Costs

DocuSign Envelope ID: 0CEC176C-A20B-4D96-A52C-5172AF901241

Old Town Streetscape Improvements

FEE PROPOSAL

Schaaf & Wheeler
CONSULTING CIVIL ENGINEERS

Submittal Date: 08.07.23

		Schaaf and Wheeler Water Pipeline				
		Glen Anderson Principal-in-Charge	Brett Crews **Project Engineer**	**Varies** Engineer	**Total Hours**	**Total Fee Proposal**
	Billable Rate ($/ hour)	275.00	210.00	195.00		
Task 1	**Preliminary Engineering**					
1.1	**Project Kickoff**					
	Outreach Plan and Setup	4	4	4	12	$2,720
	Project Construction Budget				0	$0
	QA/QC Plan	8	4		12	$3,040
1.2	**Data Collection and Field Review**		8	4	12	$2,460
1.3	**Existing Conditions Mapping**				0	$0
1.4	**Subsurface Conditions Assessment**				0	$0
1.5	**General Order 88B**				0	$0
1.6	**Preliminary Design**					
	35% Streetscape				0	$0
	30% Waterline	16	20	20	56	$12,500
1.7	**Public Utilities**					
	Preliminary Notice				0	$0
	65 and 95% Coordination				0	$0
	New Utility Services				0	$0
1.8	**Outreach**				0	$0
	Electronic Updates				0	$0
	Community Meeting 1				0	$0
	Community Meeting 2				0	$0
	Public Arts				0	$0
	City Council				0	$0
1.9	**Contract Management**					
	Project Management	8			8	$2,200
	Quality Control	8	4		12	$3,040
	Meetings	4	4		8	$1,940
	Task 1 Preliminary Engineering Subtotal:	**48**	**44**	**28**	**120**	**$27,900**
Task 2	**Construction Documents**					
2.1	**Streetscape Plans, Specifications and Estimate**					
	50% PS&E				0	$0
	90% PS&E				0	$0
	100% PS&E				0	$0
2.2	**ACWD Plans, Specifications and Estimate**					
	50% PS&E	20	30	20	70	$15,700
	90% PS&E	20	20	20	60	$13,600
	100% PS&E	12	20	20	52	$11,400
2.3	**Grant Funding**	no cost			0	$0
2.4	**Local Assistance Support**				0	$0
2.5	**Outreach**				0	$0
	Electronic Updates				0	$0
	Public Arts				0	$0
	City Council				0	$0
2.6	**Final Plans**				0	$0
2.7	**Contract Management**					
	Project Management	8			8	$2,200
	Quality Control	16	8		24	$6,080
	Meetings	8	8		16	$3,880
	Task 2 Construction Documents Subtotal:	**84**	**86**	**60**	**230**	**$52,860**
Task 3	**Bidding and Construction**					
3.1	**Bidding Support**		8		8	$1,680
3.2	**Contract Management**				0	$0
	Task 3 Bidding and Construction Subtotal:	**0**	**8**	**0**	**8**	**$1,680**
	Total Labor Expenses:	**132**	**138**	**88**	**358**	**$82,440**
Reimbursable Expenses						
General Expenses						
	Total Reimbursable Expenses:					**$0**
	Total Subconsultant Fee:					**$82,440**

STAFF REPORT

Item D. 16.

DATE	06/27/2024
TO	Honorable Mayor and City Council Members
FROM	Roya Gonzalez, Senior Management Analyst
SUBJECT	Adopt a resolution authorizing the City Manager to execute a Contractual Services Agreement with Cumming Management Group, Inc., for Construction Management Services for Newark Resource Center, Project 1360

SUMMARY AND RECOMMENDATION

The City of Newark utilizes outside consultants to perform construction management services for various projects. The Newark Resource Center renovation project involves remodeling of an existing building and related on and off-site improvements to meet the needs of the City's first resource center.

A competitive Request for Proposal (RFP) for Construction Management Services was released. Based on staff's evaluation of the five (5) RFP responses received, Cumming Management Group, Inc. was determined to be the firm who will provide the best overall service to the City. Staff recommends that the City Council, by resolution, authorize the City Manager to enter into a Contractual Services Agreement, in a form approved by the City Attorney, with Cumming Management Group, Inc. in an amount not to exceed $149,189 for Construction Management Services related to the Newark Resource Center renovation project.

BACKGROUND

The City's first resource center will serve as an entry point for social services in the Newark community. Planned use includes hosting contract services with various health and social service providers and, when not in use by City programs, will be made available for local non-profit organizations.

In June 2023, the City contracted with KPA Group to provide architectural and engineering services and develop final construction documents for the Newark Resource Center, Project 1360, that will allow the City to advertise the project for bid. The design phase is now complete, and the project is expected to be advertised for bid in late summer 2024.

The Newark Resource Center, Project 1360 involves renovating an existing building and site improvements, including bathroom renovations, minor roof repairs, interior

ADA upgrades, landscaping in both front and back areas, playground equipment installation, additional parking pavement construction, and security lighting enhancements, among other improvements to meet the resource center's programming needs.

DISCUSSION/ANALYSIS

In May 2024, staff released a Request for Proposal (RFP) in accordance with the City's Purchasing Rules and Regulations for Construction Management Services. The RFP specified firm(s) selection would be made based on the proposed cost for services, qualification and experience of the firm and assigned staff, the firm's understanding of the City's desires and its general approach to completing the work.

In response to the RFP, staff received a total of five (5) responses by June 5, 2024, from the following firms:

- Consolidated CM Inc.
- CSG Consultants, Inc.
- Cumming Management Group, Inc.
- Epicus Group LLC
- Wilsey Ham

Responses from each of the firms were evaluated based on the selection criteria listed in the RFP, and the following three (3) firms were invited to interview with staff:

- Cumming Management Group, Inc.
- Epicus Group LLC
- Wilsey Ham

After the interviews, staff determined Cumming Management Group, Inc. would provide the best value to the City. Cumming Management Group, Inc. has a proven track record, providing similar services to other local municipalities, including the cities of Los Altos, Palo Alto, and Union City. Although their proposal was the second lowest cost, at less than $1,500 more than the lowest proposal, their extensive experience and thorough approach to construction management make them the best choice. The benefit of their expertise and approach outweighs the small cost difference.

Staff is therefore recommending the selection of Cumming Management Group, Inc. to provide construction management services.

Construction Management Services for the Newark Resource Center Project will include a comprehensive range of tasks to ensure the successful execution of the project. These services include, but are not limited to, the following key activities;

- Perform a constructability review: Identify potential construction issues and propose solutions to mitigate risks prior to advertising the project for bid.
- Provide assistance in evaluating bids from contractors: Ensure bids meet project requirements through thorough evaluation.
- Coordinate and chair pre-construction and ongoing construction-phase meetings: Facilitate effective communication and coordination among all stakeholders.
- Review of Contractor's work for compliance: Ensure adherence with contract documents, and compliance with environmental, Federal, State, and local laws

and regulations.

Construction management services will be critical to ensure the Newark Resource Center Project is completed successfully.

FISCAL IMPACT

The 2022-2024 Biennial Budget and Capital Improvement Plan contains sufficient funding for this scope of work through a combination of Capital Projects Fund (Fund 610), and both State and Federal Grants. No budget modifications are necessary at this time. Should project funding be insufficient for future services, budget approval will be sought on a task order basis prior to staff authorization.

REVIEW AND APPROVAL

Prepared by - Roya Gonzalez, Senior Management Analyst
Brett Oeverndiek, Management Analyst II
Reviewed by - Lenka Hovorka, Assistant City Manager
Reviewed by - Krysten Lee, Finance Director
Reviewed by - Kristopher J. Kokotaylo, City Attorney
Approved by - Lenka Hovorka, Assistant City Manager

Attachments

Resolution - Cumming Group
Agreement - Cumming Group

RESOLUTION NO.

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NEWARK AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACTUAL SERVICES AGREEMENT WITH CUMMING GROUP, INC. FOR CONSTRUCTION MANAGEMENT SERVICES FOR THE NEWARK RESOURCE CENTER, PROJECT 1360

WHEREAS, City staff issued a Request for Proposals (RFP) for construction management services for the Newark Resource Center Project, in accordance with the City's Purchasing and Regulations; and

WHEREAS, a total of five proposals were received; and

WHEREAS, all proposals received were evaluated by City staff based on the criteria listed in the RFP including proposed cost for services, qualification and experience of firm and assigned staff, the firm's understanding of the scope of work and the general approach to completing the work; and

WHEREAS, based on staff's evaluation, three firms were invited to participate in interviews with City staff; and

WHEREAS, following the interviews, Cumming Group, Inc. was determined to be the most qualified firm to provide the requested services for the Newark Resource Center Project.

NOW THEREFORE, BE IT RESOLVED that the City Council of the City of Newark herby authorizes the City Manager to execute the Contractual Services Agreement in a form approved by the City Attorney, with Cumming Group, Inc. in an amount not to exceed $149,189 plus a 10% contingency of $14,919, totaling $164,108 for construction management services for the Newark Resource Center, Project 1360.

CONTRACTUAL SERVICES AGREEMENT

CONSULTANTS

This Service Agreement (hereinafter "Agreement") is made and entered into this 27TH day of JUNE by and between the **CITY OF NEWARK**, a municipal corporation ("City"), and CUMMING MANAGEMENT GROUP, INC., ("Consultant"), collectively the "Parties".

W I T N E S S E T H:

WHEREAS, City requested proposals to perform the services generally including: CONSTRUCTION MANAGEMENT SERVICES

WHEREAS, in response to City's request, Consultant submitted a proposal and, after negotiations, Consultant agreed to perform the Services more particularly described in Exhibit "A" ("Services"), in return for the compensation described in this Agreement and Exhibit "B".

WHEREAS, in reliance upon Consultant's documentation of its qualifications, as set forth in Exhibit "C", City finds that Consultant has demonstrated the requisite qualifications, experience, training, and expertise to perform the requested Services.

NOW, THEREFORE, the Parties hereto agree as follows:

1. CONSULTANT'S SERVICES. Consultant shall perform Services described, and in the time, place, and manner specified in Exhibit "A" in accordance with the terms and conditions of this Agreement. In the event of a conflict in or inconsistency between the terms of this Agreement and Exhibit "A", the Agreement shall control.

2. TIME FOR PERFORMANCE. Time is of the essence in the performance of Services under this Agreement and Consultant shall generally adhere to the schedule set forth in Exhibit "A"; provided, that City shall grant reasonable extensions of time for the performance of such Services occasioned by governmental reviews of Consultant's work product or other unavoidable delays occasioned by circumstances, provided, further, that such unavoidable delays shall not include strikes, lockouts, work stoppages, or other labor disturbances conducted by, or on behalf of, Consultant's officers or employees. Any Services for which times for performance are not specified in this Agreement shall be commenced and completed by Consultant in a reasonably prompt and timely manner based upon the circumstances and direction communicated to Consultant.

Consultant acknowledges the importance to City of City's performance schedule and agrees to put forth its best professional efforts to perform its Services under this Agreement in a manner consistent with that schedule. City understands, however, that Consultant's performance must be governed by sound professional practices.

3. COMPENSATION.

A. "Not to Exceed" Compensation. City shall compensate Consultant for all Services performed by Consultant hereunder in an amount based upon Consultant's hourly or other rates set forth in Exhibit "B". The payments specified in Exhibit "B" shall be the only payments to be made to Consultant for Services rendered pursuant to this Agreement.

Notwithstanding the foregoing, the combined total of compensation and costs payable hereunder shall not exceed the sum $149,189.00 unless the performance of services and/or reimbursement of costs and expenses in excess of said amounts have been approved in advance of performing such services or incurring such costs and expenses by City, evidenced in writing authorizing such additional amount.

B. Method of Billing. To request payment, Consultant shall submit monthly invoices to City identifying Services performed and the charges therefore (including an identification of personnel who performed Services, hours worked, hourly rates, and reimbursable expenses), based upon Consultant's billing rates (set forth on Exhibit "B" hereto).

Consultant shall submit all billings for said Services to City in the manner specified in Exhibit "B"; or, if no manner is specified in Exhibit "B", then according to the usual and customary procedures and practices which Consultant uses for billing clients similar to City.

Invoices shall be sent to:

City of Newark
Attn: Finance Department
37101 Newark Blvd.
Newark, CA 94560

Upon completion of Services, City shall sign off and acknowledge that all terms and conditions have been satisfactorily met; upon which, unless waived by City in writing, Consultant shall prepare an itemized statement, briefly describing by task and/or labor category the items billed.

C. Payment. Upon receipt of an invoice, City shall make payments to Consultant on a monthly basis, or at such other times as may be specified in Exhibit "B", for Services, which are performed in accordance with this Agreement to the satisfaction of City.

D. Consultant's Failure to Perform. In the event that Consultant performs Services that do not comply with the requirements of this Agreement, Consultant shall, upon receipt of written notice from City, re-perform the services (without additional compensation to Consultant). If Consultant's failure to perform in accordance with this Agreement causes damages to City, Consultant shall reimburse City for the damages incurred (which may be charged as an offset to Consultant's payment).

4. ADDITIONAL SERVICES. In the event City desires the performance of additional services not otherwise included within Services, such services shall be authorized by written task order approved in advance of the performance thereof. Such task order shall include a description of the services to be performed thereunder, the maximum compensation and reimbursement of costs and expenses payable therefore, the time of performance thereof, and such other matters as the Parties deem appropriate for the accomplishment of such services. Except to the extent modified by a task order, all other terms and conditions of this Agreement shall be deemed incorporated in each such task order.

5. INDEPENDENT CONSULTANT. At all times during the term of this Agreement, Consultant shall be, and is an independent consultant and shall not be an employee or agent of City. Consultant shall not be entitled to any benefit, right, or compensation other than that provided in this Agreement. City shall have the right to control Consultant only insofar as the results of Consultant's Services; however, City shall not have the right to control the means by which Consultant accomplishes Services rendered pursuant to this Agreement.

Except as City may specify in writing, Consultant shall have no authority, express or implied, to act on behalf of City in any capacity whatsoever as an agent. Consultant shall have no authority, express or implied, pursuant to this Agreement to bind City to any obligation whatsoever.

6. PERSONNEL. Consultant understands that, in entering into this Agreement, City has relied upon Consultant's ability to perform in accordance with its representations regarding the qualifications of Consultant, including the qualifications of its Authorized Representative, its designated personnel, and its Subconsultants, if any, identified in Exhibit "C". Therefore, Consultant shall not replace its Authorized Representative, or any of the designated personnel or Subconsultants identified in Exhibit "C", without the prior written consent of City. All Services shall be performed by, or under, the direct supervision of Consultant's Authorized Representative.

Consultant agrees to include with all Subconsultants in their subcontract the same requirements and provisions of this Agreement including the indemnity and Insurance requirements to the extent they apply to the scope of the Subconsultant's work. Subconsultants hired by Consultant agree to be bound to Consultant and City in the same manner and to the same extent as Consultant is bound to City under this Agreement. Subconsultant further agrees to include these same provisions with any Sub-subconsultant. A copy of this Agreement's Indemnity and Insurance provisions will be furnished to the Subconsultant upon request. The Consultant shall require all Sub-subconsultants to provide a valid certificate of insurance and the required endorsements included in this Agreement prior to commencement of any Services and will provide proof of compliance to the City.

In the event that City, in its sole discretion, at any time during the term of this Agreement, desires the removal of any of Consultant's designated personnel or Subconsultants, Consultant shall, immediately upon receiving notice from City of such desire of City, cause the removal of such person or persons.

7. FACILITIES AND EQUIPMENT. Consultant shall, at its sole cost and expense, furnish all facilities and equipment which may be required for furnishing Services.

8. INFORMATION AND DOCUMENTATION.

A. Information from City. City has made an effort to provide Consultant with all information necessary for Consultant's performance of Services. If Consultant believes additional information is required, Consultant shall promptly notify City and City will provide to Consultant all relevant non-privileged information in City's possession.

B. Consultant's Accounting Records. Consultant shall maintain all accounting records related to this Agreement in accordance with generally accepted accounting principles and state law requirements, and in no event for less than four (4) years. Consultant's accounting records shall include, at a minimum, all documents which support Consultant's costs and expenses related to this Agreement, including personnel, subconsultants' invoices and payments, and reimbursable expenses. Consultant's accounting records shall be made available to City within a reasonable time after City's request, during normal business hours.

C. Ownership of Work Product. All original documents prepared by Consultant (including its employees and subconsultants) for this Agreement ("Work Product"), whether complete or in progress, are the property of City and shall be given to City at the completion of Consultant's Services, or upon demand of City. Consultant shall have a right to make and keep copies of the Work Product except for any confidential information. Consultant shall not reveal the Work Product or the confidential information contained in the Work Product, or make it available, to any third party without the prior written consent of City.

9. CONFLICTS OF INTEREST PROHIBITED. Consultant (including its employees, agents, and subconsultants) shall not maintain or acquire any direct or indirect interest that conflicts with the performance of this Agreement. Consultant shall comply with all requirements of the Political Reform Act (California Government Code Section 81000, *et seq.*) and other laws relating to conflicts of interest, including: (a) Consultant shall not make or participate in a decision made by City if it is reasonably foreseeable that the decision may have a material effect on Consultant's economic interest, and (b) if required by law, Consultant shall file financial disclosure forms with the City Clerk. If Consultant maintains or acquires a conflicting interest, any contract with City (including this Agreement) involving Consultant's conflicting interest may be terminated by City.

10. NONDISCRIMINATION. Consultant shall comply with all applicable federal, state, and local laws regarding nondiscriminatory employment practices, whether or not said laws are expressly stated in this Agreement. Consultant shall not discriminate against any employee or applicant because of race, color, religious creed, national origin, physical disability, mental disability, medical condition, marital status, sexual orientation, sex, age, or any other basis, as defined in California Civil Code Section 51.

11. COMPLIANCE WITH LAW AND STANDARD OF CARE. Consultant shall comply with all applicable legal requirements including all federal, state, and local laws (including ordinances and resolutions), whether or not said laws are expressly stated in this Agreement. Consultant shall perform Services using a standard of care equal to, or greater than, the degree of skill and diligence ordinarily used by reputable professionals, with a level of experience and training similar to Consultant, performing under circumstances similar to those required by this Agreement.

12. RESERVED.

13. RESERVED.

14. INSURANCE. Consultant shall procure and maintain for the duration of this Agreement insurance against claims for injuries to persons or damages to property which may arise from or in connection with the performance of the work hereunder by the Consultant, his agents, representatives, subconsultants, or employees.

A. Verification of Coverage.

Consultant shall furnish City with original certificates of insurance and amendatory endorsements or copies of the applicable policy language effecting coverage required by this clause. The certificates and endorsements for each insurance policy are to be signed by a person authorized by that insurer to bind coverage on its behalf. All certificates and endorsements are to be received and approved by City before work commences.

Proof of Insurance shall be mailed to the following address or any subsequent address as may be directed in writing by the City Risk Manager:

CITY OF NEWARK
Attn: Risk Manager
37101 Newark Boulevard
Newark, CA 94560

City reserves the right to require and obtain complete, certified copies of all required insurance policies and endorsements at any time. Failure to exercise this right at any time shall not constitute a waiver of right to exercise later. Consultant shall immediately furnish City with certificates of renewal for each policy that is renewed during the term of this Agreement.

B. Minimum Scope of Insurance.

Coverage shall be at least as broad as:

1. Insurance Services Office Form Number CG 00 01covering Commercial General Liability on an occurrence basis, including products and completed operations, property damage, bodily injury, and personal and advertising injury; and

2. Insurance Services Office Form Number CA 00 01 covering Code 1, (any auto), or Code 8 (hired) and Code 9 (non-owned) if consultant has no owned autos; and

3. Workers' Compensation insurance as required by the State of California, with Statutory Limits, and Employer's Liability Insurance; and

4. Errors and Omissions Liability insurance appropriate to the Consultant's profession. Architects' and Engineers' coverage is to be endorsed to include contractual liability.

C. Minimum Limits of Insurance.

It shall be a requirement under this Agreement that any available insurance proceeds broader than or in excess of the specified minimum Insurance coverage requirements and/or limits shall be available to the Additional Insured. Furthermore, the requirements for coverage and limits shall be (1) the minimum coverage and limits specified in this Agreement; or (2) the broader coverage and maximum limits of coverage of and Insurance policy or proceeds available to the named Insured; whichever is greater.

Consultant shall maintain limits no less than:

1. General Liability: (including products and completed operations, property damage, bodily injury, and personal and advertising injury)	**$2,000,000** per occurrence for bodily injury, personal injury, and property damage. If a general aggregate limit applies, either the general aggregate limit shall apply separately to this project/location or the general aggregate limit shall be twice the required occurrence limit.
2. Automobile Liability:	**$1,000,000** per accident for bodily injury and property damage.
3. Employer's Liability:	**$1,000,000** per accident for bodily injury or disease.
4. Errors and Omissions Liability:	**$1,000,000** per occurrence or claim; $2,000,000 aggregate.

D. Deductibles and Self-Insured Retentions.

Any deductibles or self-insured retentions must be declared to and approved by the City Risk Manager. At the option of City, either: (1) the insurer shall reduce or eliminate such deductibles or self-insured retentions as respects to City, its officers, officials, directors, employees, contractors, agents, and volunteers, or (2) Consultant shall provide a financial guarantee satisfactory to City guaranteeing payment of losses and related investigations, claim administration, and defense expenses in an amount specified by the City Risk Manager or designee.

E. Claims Made Policies.

For all "claims made" coverage, in the event that Consultant changes insurance carriers Consultant shall purchase "tail" coverage or otherwise provide for continuous

coverage covering the Term of this Agreement and not less than five (5) years thereafter. Proof of such "tail" or other continuous coverage shall be required at any time that the Consultant changes to a new carrier.

F. Wasting Policies.

No policy required by this paragraph 14 shall include a "wasting" policy limit (ie. limit that is eroded by the cost of defense).

G. Remedies.

In addition to any other remedies City may have if Consultant fails to provide or maintain any insurance policies or policy endorsements to the extent and within the time herein required, City may, at its sole option exercise any of the following remedies, which are alternatives to other remedies City may have and are not the exclusive remedy for Consultant's breach:

1. Obtain such insurance and deduct and retain the amount of the premiums for such insurance from any sums due under the Agreement;

2. Order Consultant to stop work under this Agreement or withhold any payment that becomes due to Consultant hereunder, or both stop work and withhold any payment, until Consultant demonstrates compliance with the requirements hereof; and/or

3. Terminate this Agreement.

H. Acceptability of Insurers.

Insurance is to be placed with insurers with a current A.M. Best's rating of no less than A:VII, unless otherwise acceptable to the City Risk Manager. All insurance companies providing coverage to Consultant shall be insurance organizations authorized by the Insurance Commissioner of the State of California to transact the business of insurance in the State of California.

I. Other Insurance Provisions.

The general liability and automobile liability policies are to contain, or be endorsed to contain, the following provisions:

1. Additional Insureds. City, its officers, officials, directors, employees and volunteers ("Additional Insureds") are to be covered as insureds with respect to liability arising out of work or operations performed by or on behalf of Consultant; including materials, parts or equipment furnished in connection with such work or operations.

2. Primary Coverage. For any claims related to Services, Consultant's insurance coverage shall be primary insurance as respects City, its officers, officials, directors, employees, and volunteers. Any insurance or self-insurance maintained by City, its officers, officials, directors, employees, or volunteers shall be excess of Consultant's insurance and shall

not be contribute with it. Consultant's policy will not seek contribution from the City's insurance or self-insurance.

3. Notice of Cancellation. Each insurance policy required above shall provide that coverage shall not be canceled during the term of this Agreement without notice to City.

4. Civil Code § 2782. Coverage shall not extend to any indemnity coverage for the active negligence of the additional insured in any case where an agreement to indemnify the additional insured would be invalid under Subdivision (b) of Section 2782 of the California Civil Code.

5. Deductibles and Self-Insured Retentions (SIR). All deductibles and self-insured retentions must be disclosed to the City Risk Manager for approval and shall not reduce the limits of liability. Policies containing any SIR provision shall provide or be endorsed to provide that the SIR may be satisfied by either the named Insured or the City.

6. Subconsultants. Consultant shall include all subconsultants as insureds under its policies or shall require and verify separate certificates and endorsements have been obtained for each subconsultant. All coverages for subconsultants shall be subject to all of the requirements stated herein.

7. Waiver of Subrogation. With respect to Workers' Compensation and Employer's Liability Coverage, the insurer shall agree to waive all rights of subrogation against City, its officers, officials, directors, employees, and volunteers for losses arising from work performed by Consultant for City.

8. Coverage is Material Element. Maintenance of proper insurance coverage in conformity with the provision of this paragraph 14 is a material element of this Agreement and failure to maintain or renew coverage or to provide evidence of coverage or renewal may be treated by City as a material breach of this Agreement.

9. Variation. The City Risk Manager may approve a variation in these insurance requirements upon a determination that the coverage, scope, limits, and form of such insurance are either not commercially available or that City's interests are otherwise fully protected. Any variation granted shall be done in writing and shall be made a part of this Agreement as Appendix "A".

15. REPORTING DAMAGES. If any damage (including but not limited to death, personal injury or property damage) occurs in connection with the performance of this Agreement, Consultant shall immediately notify the City Risk Manager's office by telephone at 510-578-4428, and Consultant shall promptly submit to the City's Risk Manager and the City's Administrator (see paragraph 19, herein below) a written report (in a form acceptable to City) with the following information: (a) name(s) and address(es) of the injured or deceased person(s), (b) name(s) and address(es) of witnesses, (c) name(s) and address(es) of Consultant's insurance company(ies), and (d) a detailed description of the damage(s) and whether any City property was involved.

16. INDEMNIFICATION/SAVE HARMLESS. To the fullest extent permitted by law, the Consultant shall: (1) immediately defend, and (2) indemnify City, its, officers, officials, directors, employees, and volunteers from and against all liabilities regardless of nature or type arising out of or resulting from Consultant's performance of Services, or any negligent or wrongful act or omission of Consultant or Consultant's officers, employees, agents, or subconsultants. Liabilities subject to the duties to defend and indemnify include, without limitation all claims, losses, damages, penalties, fines, and judgments; associated investigation and administrative expenses; defense costs, including but not limited to reasonable attorneys' fees; court costs; and costs of alternative dispute resolution. Consultant's obligation to indemnify applies unless it is adjudicated that its liability was caused by the sole active negligence or sole willful misconduct of an indemnified party. If it is finally adjudicated that liability is caused by the comparative active negligence or willful misconduct of an indemnified party, Consultant's indemnification obligation shall be reduced in proportion to the established comparative liability of the indemnified party.

In the event that Consultant or any employee, agent, or subconsultant of Consultant providing services under this Agreement is determined by a court of competent jurisdiction or the California Public Employees Retirement System (PERS) to be eligible for enrollment in PERS as an employee of City, Consultant shall indemnify, defend, and hold harmless City for the payment of any employee and/or employer contributions for PERS benefits on behalf of Consultant or its employees, agents, or subcontractors, as well as for the payment of any penalties and interest on such contributions, which would otherwise be the responsibility of City.

The duty to defend is a separate and distinct obligation from Consultant's duty to indemnify. Consultant shall be obligated to defend, in all legal, equitable, administrative, or special proceedings, with counsel approved by City immediately upon tender to Consultant of the claim in any form or at any stage of an action or proceeding, whether or not liability is established. An allegation or determination of comparative active negligence or willful misconduct by an indemnified party does not relieve the Consultant from its separate and distinct obligation to defend City. The obligation to defend extends through final judgment, including exhaustion of any appeals. The defense obligation includes an obligation to provide independent defense counsel if Consultant asserts that liability is caused in whole or in part by the negligence or willful misconduct of the indemnified party. If it is finally adjudicated that liability was caused by the sole active negligence or sole willful misconduct of an indemnified party, Consultant may submit a claim to City for reimbursement of reasonable attorneys' fees and defense costs.

The review, acceptance or approval of Consultant's work or work product by any indemnified party shall not affect, relieve or reduce Consultant's indemnification or defense obligations. This paragraph survives completion of Services or the termination of this contract. The provisions of this paragraph are not limited by and do not affect the provisions of this contract relating to insurance.

Consultant/Subconsultant's responsibility for such defense and indemnity obligations shall survive the termination or completion of this Agreement for the full period of time allowed by law. The defense and indemnification obligations of this Agreement are undertaken in addition to, and shall not in any way be limited by, the insurance obligations contained in this Agreement.

17. LICENSES, PERMITS, ETC. Consultant represents and warrants to City that it has all licenses, permits, qualifications, and approvals of whatsoever nature that are legally required for Consultant to practice its profession. Consultant represents and warrants to City that Consultant shall, at its sole cost and expense, keep in effect at all times during the term of this Agreement any licenses, permits, and approvals which are legally required for Consultant to practice its profession. In addition to the foregoing, Consultant shall obtain and maintain during the term hereof a valid City of Newark Business License.

18. TERM/TERMINATION.

A. The term of this Agreement shall commence upon the date first hereinabove written and shall expire upon completion of performance of Services hereunder by Consultant.

B. Notwithstanding the provisions of paragraph 18 Section A above, City may terminate this Agreement at any time and without cause upon written notification to Consultant. Consultant may cancel this Agreement upon thirty (30) days' written notice to City and shall include in such notice the reasons for cancellation. In the event of such termination, City shall compensate Consultant for Services rendered and reimburse Consultant for costs and expenses incurred, to the date of termination, calculated in accordance with the provisions of paragraph 3. In ascertaining the Services actually rendered to the date of termination, consideration shall be given both to completed work and work in process of completion. Nothing herein contained shall be deemed a limitation upon the right of City to terminate this Agreement for cause, or otherwise to exercise such rights or pursue such remedies as may accrue to City hereunder.

19. CONTRACT ADMINISTRATION. This Agreement shall be administered by of the City of Newark ("Administrator"). All correspondence shall be directed to or through the Administrator or his/her designee.

20. NOTICES. Written notices required or convenient hereunder shall be delivered personally or by depositing the same with the United States Postal Service, first class (or equivalent) postage prepaid and addressed, in the case of Consultant, to:

CITY OF NEWARK

Bob Olson
Consultant

ROYA GONZALEZ
Administrator

Address: 201 Moffett Blvd.
Mountain View, CA 94043

City of Newark
Attn: Roya Gonzalez
37101 Newark Boulevard
Newark, CA 94560

21. PARAGRAPH HEADINGS. Paragraph headings used herein are for convenience only and shall not be deemed to be a part of such paragraphs and shall not be construed to change the meaning thereof.

22. EXHIBITS. All exhibits referred to herein are attached hereto and are by this reference incorporated herein.

23. SEVERABILITY. If any term of this Agreement (including any phrase, provision, covenant, or condition) is held by a court of competent jurisdiction to be invalid or unenforceable, the Agreement shall be construed as not containing that term, and the remainder of this Agreement shall remain in full force and effect; provided, however, this paragraph shall not be applied to the extent that it would result in a frustration of the Parties' intent under this Agreement.

24. GOVERNING LAW, JURISDICTION, AND VENUE. The interpretation, validity, and enforcement of this Agreement shall be governed by and interpreted in accordance with the laws of the State of California. Any suit, claim, or legal proceeding of any kind related to this Agreement shall be filed and heard in a court of competent jurisdiction in the County of Alameda.

25. ATTORNEY'S FEES. In the event any legal action is commenced to enforce this Agreement, the prevailing party is entitled to reasonable attorney's fees, costs, and expenses incurred.

26. ASSIGNABILITY. Neither Consultant nor City shall subconsult, assign, sell, mortgage, hypothecate, or otherwise transfer their respective interests or obligations in this Agreement without the express prior written consent of the non-transferring party.

27. MODIFICATIONS. This Agreement may not be modified orally or in any manner other than by an agreement in writing signed by both Parties.

28. WAIVERS. Waiver of breach or default under this Agreement shall not constitute a continuing waiver of a subsequent breach of the same or any other provision of this Agreement.

29. ENTIRE AGREEMENT. This Agreement, including all documents incorporated herein by reference, comprises the entire integrated understanding between the Parties concerning the Services. This Agreement supersedes all prior negotiations, agreements, and understandings regarding this matter, whether written or oral. The documents incorporated by reference into this Agreement are complementary; what is called for in one is binding as if called for in all.

30. SIGNATURES. The individuals executing this Agreement represent and warrant that they have the right, power, legal capacity, and authority to enter into and to execute this Agreement on behalf of the respective legal entities of Consultant and City. This Agreement shall inure to the benefit of and be binding upon the Parties hereto and their respective successors and assigns.

31. COVENANT AGAINST CONTINGENT FEES. Consultant hereby warrants that Consultant has not employed or retained any company or person, other than a *bona fide* employee working for Consultant, to solicit or secure this Agreement, and Consultant has not paid or agreed to pay any company or person, other than a *bona fide* employee, any fee, commission, percentage, brokerage fee, gift, or any other consideration contingent upon or resulting from the award or formation of this Agreement. For breach or violation of this warranty, City shall have the right to annul this Agreement without liability or, at City's discretion, to deduct from the Agreement price or consideration, or otherwise recover, the full amount of such fee, commission, percentage, brokerage fee, gift or contingent fee.

IN WITNESS WHEREOF, the Parties hereto have executed this Agreement the day and year first hereinabove written.

CITY OF NEWARK,
a municipal corporation

CITY OF NEWARK, a municipal corporation

By: _____
David Benoun
Title: City Manager
Date: _____

CONSULTANT

By: _____
Bob Olson
Title: Sr. Vice President
Date: _____

ATTEST:

_____
By: Sheila Harrington
Title: City Clerk
Date: _____

APPROVED AS TO FORM:

_____
By: Kristopher Kokotaylo
Title: City Attorney

EXHIBIT A

SCOPE OF SERVICES

This Scope of Services, Exhibit "A," is hereby incorporated by reference into the Agreement, under Agreement Paragraph 1.

Phase 1: Pre-construction

Constructability Review and Contractor Bidding Support

Construction contract documents are a binding instrument between an owner and contractor for construction services, and, as such, must be as accurate as possible to protect the interests of both parties. Change orders due to design conflicts and discrepancies in construction documents are costly and ultimately disrupt the construction progress. Good interdisciplinary and Constructability reviews prior to award of construction will realize a reduction in change orders, timesaving, and the ability to deliver the project within budget.

The ideal time to mitigate design conflicts is in the pre-construction phase prior to bid. Constructability reviews are critical to time, cost control, and claims avoidance. Our team will assess the contract documents for clarity, integration of plans and specifications, constructability of details, and absence of ambiguities. Our team members are able to review systems and details, serving as a "second set of eyes" to ensure that the drawings and specifications put out to bid are complete, constructible, and of the highest quality. Our reviews will specifically address issues such as:

- Constructability of construction details
- Lead time for materials and equipment
- Reasonableness of performance of work sequence, interface relationships and periods
- Site access, restrictions, staging areas, availability of utilities for construction, and safety plans for pedestrian and vehicular traffic for ongoing operations
- Coordination within and between disciplines relative to the plans and specifications
- Assurance that references to statements such as "designed by others" are addressed

Our goals in performing Interdisciplinary and Constructability Reviews are:

- A reduction in the amount of change orders
- A reduction in delays caused by change orders
- A reduction in Requests for Information (RFIs)
- A savings in construction administration time and effort
- A smoother, non-adversarial relationship between the parties involved
- A better construction project at final delivery

Throughout the process, we will periodically review construction documents, plans and specifications to achieve project goals.

- Entitlements
- Program / Project Scoping
- Master Schedule Development
- Master Budget Development
- Design Criteria Development
- Consultant Procurement
- Design Management
- Delivery Process Selection
- Program / Project Controls
- Constructability Reviews

- Bid Facilitation
- Sustainability Consulting
- Cash Flow Reporting
- Cost Management
- Quality Assurance / Quality Control
- Value Engineering
- FF&A Coordination
- Punchlist Facilitation
- Commissioning

- Program / Design Review
- Contract Administration
- Feasibility Studies
- Pay Application Processing
- Change Order Management
- Earned Value Reporting
- Document Control
- Schedule Management
- Environmental Compliance
- Building Assessments

- Cash Flow Analysis
- Risk Analysis & Management
- Community Outreach
- Labor Compliance
- PLA Administration
- Closeout Reporting
- Document Archiving
- Financial Closeout
- Energy Services



Pre-Bid and Pre-Construction Meetings

Our team will prepare pre-bid and pre-construction agendas, and facilitate pre-bid conferences for each project. Contract Documents will be clarified and bidder inquiries will be addressed at each meeting. Our job is to clearly communicate the work with bidders. All questions resulting from the pre-bid meeting will be recorded and responses will be distributed to bidders.

Bid Phase

Methodology During Bid Phase

The project management professionals that we have proposed are fully trained in construction procurement and possess a detailed working knowledge of public contracting code. After the identification of bidders and release of the solicitation package, Cumming Group conducts project site visits and documents any questions or new data provided. If warranted, we amend the solicitation to include that new information. Our team maintains strict control of the information process during the pre-bid phase to avoid any confusion. One area of focus is on the change order process. We have found that when contractors understand the fairness of the change order and payment process, they generally bid lower because they do not have to put as much management reserve in their bids. Our evaluation process includes an assessment of both the bid and the firm's ability to successfully perform the contract. Cumming Group staff are extremely proficient in performing or assisting in the evaluation of cost proposals, and determining the most responsive and responsible bidder.

Phase 2: Construction

Methodology During Construction Phase

Cumming Group first hold a pre-construction meeting where the lines of communication will be delineated and individual responsibilities will be defined. Our team will work closely with your staff to ascertain the constraints that your project will face, to ensure all schedule and safety issues are addressed in the bid package and reviewed at the initial meeting. Typical concerns that must be addressed during construction include construction phasing, maintaining paths of travel around construction zones, scheduling of certain contractor activities that may impact the site, noise and dust control, vehicular access and parking, contractor staging areas, and coordination of utility shut downs, if needed.

We will also work diligently to keep you updated on progress and apprised of forecasted activities. Our team will become familiar with the general conditions and technical sections of the contract specifications and verify that the provisions of the contract are clearly understood and enforced during the construction phase. We will log and track project correspondence, project submittals, requests for information (RFIs) and other project documentation.

All contractor RFIs that require interpretation of plans or specifications will be reviewed with the architect of record. Proposed changes in the work will be evaluated with the architect. Cumming Group will track and monitor all change requests received from the contractor through the City's document control system. With the architect, we will review the scope of the contractor's change order proposal to determine if the work is a change from the base contract. If so, we will negotiate an equitable cost with the contractor for recommendation.

Cumming Group representatives will attend and keep minutes of the job site meetings with the contractor and project architect. Regular agenda items for weekly progress meetings will include contract status for schedule and budget, forecasted construction activities, contractor field issues, owner and site administration concerns; submittal status, change order status, Request for Information status, and planned activities and coordination issues. Our team and architect will discuss any delays or anticipated



"We are excited about the opportunity to be part of the City of Newark's Construction Management team. The City is investing in its future, and we want to be part of the team that delivers safe and welcoming environments for our local residents and community."

— Joe Capps-Jenner
Project Director, Cumming Group

impacts to the contractor's work where necessary. We will direct the contractors to develop recovery schedules and avoid disruption to ongoing City business.

All of these issues will be tracked within the Owner's project controls system and reports of action items will be regularly distributed and discussed at project meetings. During the construction phase, we actively manage the site and develop good communications with the field personnel so that we become aware of conflicts as they arise and ensure that timely and concise Requests for Information are issued by the contractor. We support the consulting team by reviewing the site conditions and provide a photo if a site visit is not scheduled to facilitate a prompt response. We also ensure that the design team's answer is to the point so that the contractor can move forward with a clear understanding and direction if there is a change to the project that has a cost impact.

Contractor Progress Payments

Cumming Group will routinely review the status of completed work prior to contractor payment requests. Using an approved schedule of values submitted by the contractor before the first payment request, we will accompany the contractor's site representative to verify all completed work under the contract. The agreed amount of completed work will be reflected on each line item in the schedule of values. This information will be input into an approved progress payment application form generated for signature to the architect, contractor, and owner's representative.

Our team will review the project payment application and verify the amounts of base contract work and approved change order work included. We will review and sign all payment applications before submitting them for owner approval and payment.

Construction Sequencing

The effective sequencing and scheduling of construction work around existing facilities will begin in the design phase. Known conditions that may influence the contractor's schedule will be shared with the prospective bidders at the pre-bid walkthroughs and will be further clarified at the pre-construction meeting held with the successful low bidder.

Cumming Group will closely review the contractor's schedule submittal to make certain that all required sequencing and milestones are shown. By closely monitoring the contractor's progress and work plan, we will be able to make recommendations as needed to adjust sequencing, work, or traffic patterns to minimize disruption to project activities.

Cost and Schedule Control

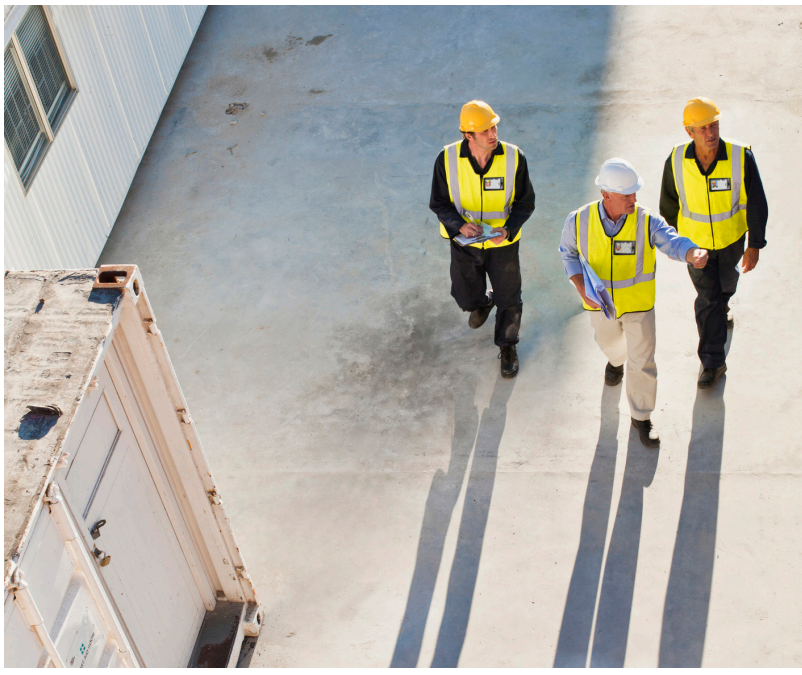
Cumming Group will regularly evaluate the progress of each construction contract to forecast potential budget and schedule variances. Our cost and schedule reporting will identify







Our unwavering commitment is to transform your goals and vision into tangible realities, delivering results that exceed expectations and stand as a testament to our partnership



problems and proposed solutions, including schedule and cost status, and show the time and cost to complete the contract. The monthly progress evaluation will compare actual expenditures against budget and as-planned performance against actual performance. The reports will also summarize the preceding month's developments, plans for the current month, future plans, requests, recommendations, and general comments.

Change Order Management

Our team will develop a proactive approach to change management that starts during the project design phase. We will monitor design changes and scope revisions through construction documents and perform high-level constructability reviews to assist the architect/engineer (A/E) in producing clearly written and complete bid documents.

During construction, we will track A/E timeliness in responding to contractor RFIs and control the scope of A/E responses to prevent them from becoming changes or delay claims. When changes do occur, we will utilize a proscriptive approach for handling, processing, and tracking RFIs to avoid delay disruption and compounding impacts.

We will provide the team with guidelines on collecting and reviewing change order supporting documents such as quantity and cost calculations, inspection and test reports, drawings, and photographs to support your negotiating position. It is imperative that we evaluate the change to determine responsibility and causes, such as unforeseen conditions, client-requested scope changes, or design errors and omissions.

Cumming Group will impose a 45-day maximum turnaround goal for the review and preparation of change orders for the City's approval. Our project managers will log, track, and monitor all change documents, specifically requests for information (RFIs), requests for clarification (RFCs), contractor change order proposals (COPs), estimates of the work (independent from contractor proposed costs), records of negotiation, change justification reports, and executable change order documents.



Cumming Group provides its services to public agencies as an owner's representative; we work collaboratively and transparently with client stakeholders to deliver services that achieve our client's goals and objectives.

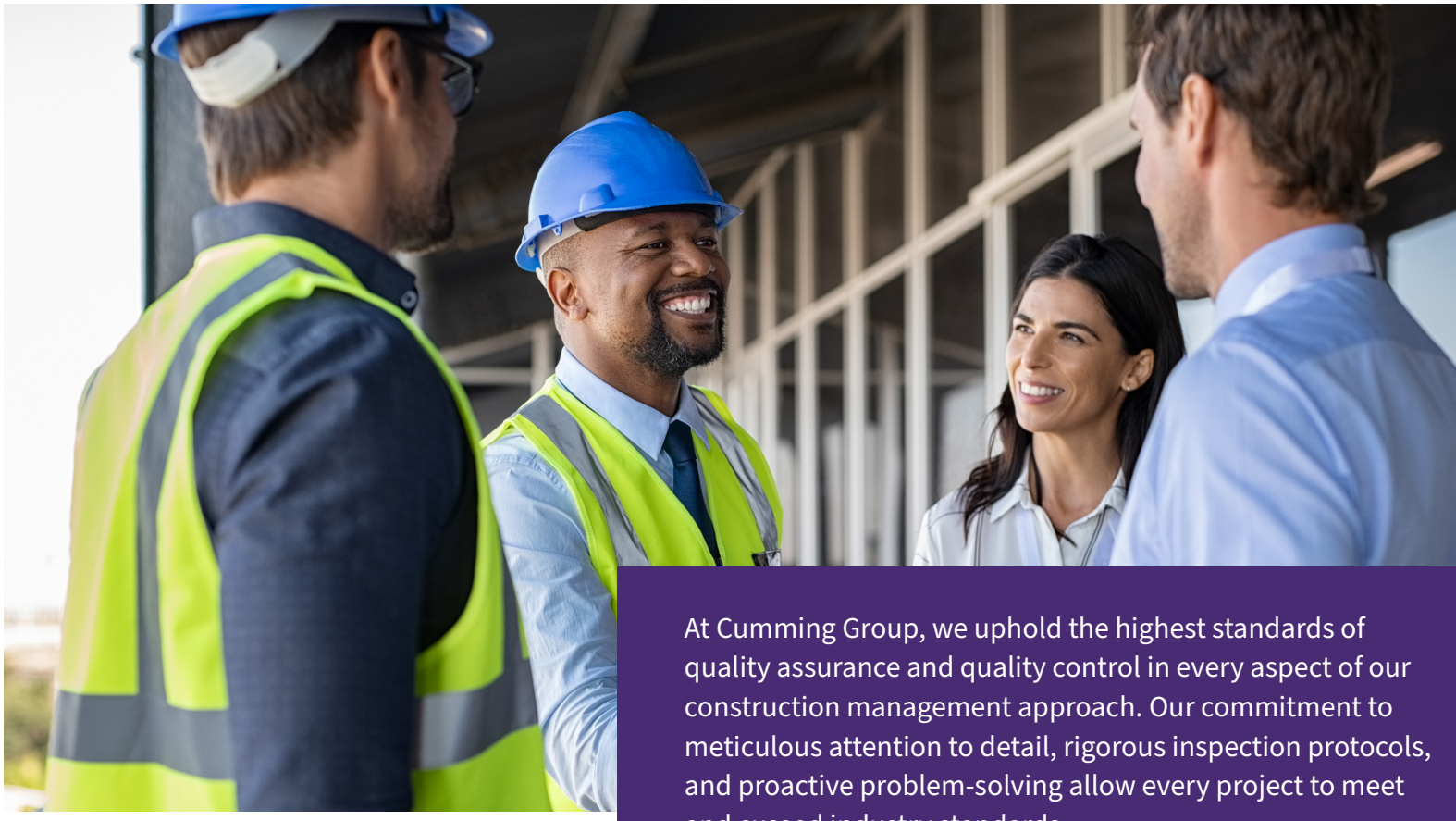
Construction Observation, Testing, and Inspections

During construction, Cumming Group will systematically verify that reviews, certifications, inspections, and tests are being performed. A good quality assurance plan includes documenting all inspections, identifying items that have been satisfactorily inspected, and targeting those requiring corrective action. At the beginning of construction, each inspector will review the contract documents outlining the most important elements to include in the quality control data. From the database, we can develop quality control checklists to manage startup, acceptance, and close-out procedures with all the required inspectors. At weekly meetings, the contractor's completed activities will be discussed, and their quality control effectiveness measures will be evaluated. Where improvements are needed, the contractors are advised to implement them in time for upcoming activities.

Comprehensive and accurate as-built drawings are essential to the successful close-out of construction projects. Cumming Group believes that regularly updated as-built drawings are achievable when they are required for each payment application. Our team will verify that each contractor keeps its as-built drawings up to date before approving their portion of the work for payment. Any modifications to the contract documents must be posted on eDocs before submittal of any payment requests.

Strong record-keeping and document control management are maintained throughout the project's progress. These documents are the essential components of a building program because they are a legal and physical record of transactions between members of the construction team. Their efficient, accurate, and organized distribution among all team participants is a necessary communication tool and provides a real-time accounting of the project's history, which is an invaluable claims defense for our clients.

At the onset of every project, we ensure that there is a clear chain of communication within the project team, which will allow for direction and consensus to be communicated and reached as quickly as possible. Ideally, consensus is reached during the design phase so that plans issued to bid are likely to move forward in construction without any revisions, which have costly time and budget implications. In the event a change is unavoidable due to midstream unanticipated initiative revisions, we can provide the City with an assessment of cost and schedule impacts, along with options and our recommendation to facilitate prompt and timely resolution.



At Cumming Group, we uphold the highest standards of quality assurance and quality control in every aspect of our construction management approach. Our commitment to meticulous attention to detail, rigorous inspection protocols, and proactive problem-solving allow every project to meet and exceed industry standards.

Furniture, Fixtures, and Equipment

Cumming Group can assist in FF&E procurement. If the owner chooses, we have the ability and resources to coordinate the development of detailed needs, cost, purchases, installation, and move-in of all furniture, fixtures, and equipment. Using FF&E planning at the beginning of a project assures that the architect has provided space and power for unique equipment, requirements often found in office plans. We bring a current knowledge of piggy-back purchase opportunities and preparation of bid packages for FF&E not available through piggy-back contracts.

Commissioning

Cumming Group will ensure that your maintenance staff receives both appropriate orientation and instruction on new equipment and fixtures and all necessary maintenance manuals. Commissioning proves that the building and its systems work as intended. To accomplish this, our team will conduct a series of field meetings with the City's maintenance representatives and equipment/fixture manufacturers' representatives to conduct field training and orientation.

Phase 3: Project Closeout

Methodology After Construction

Our team can assist the architect, engineers, consultants, and all end users in developing project punch lists and verifying completion of all items. In cases where an existing facility is being remodeled, documentation of existing conditions must be performed prior to construction to confirm fairness to all parties and facilitate completion of the punch list work. If the project requires occupancy prior to the completion of minor punch list items, we will coordinate with the contractor to complete the punch list work during times when activities will not be disrupted. The inspector will coordinate with the architect to confirm that the completed punch list work is acceptable. After building occupancy, we can meet with the department heads and other staff as designated by your team to discuss problems experienced with new building systems.

Commitment to Exceeding Expectations

Cumming Group's approach to managing the team rests on a foundation of effective communication and teamwork. To facilitate this approach, we clearly define the roles and responsibilities of all parties at the start of the project so that everyone has an opportunity to meet expectations. During the design phase, each discipline lead must attend design phase progress meetings, which are typically scheduled on a weekly basis. Representatives are held accountable for assigned action items based on due dates tracked to the overall design phase milestone schedule. Weekly meeting minutes are distributed timely, and follow-up on action items occurs in advance of the next meeting to keep progress on track. We work closely with all consultants to ensure that each team participant is performing according to the expectations of the City and meeting the terms of the contract.

Any consultant responsibility items are tracked for future negotiations to offset proposed costs for additional service requests. Post construction, upon notification by the contractor and certification by the Architect of Substantial Completion, our personnel will conduct inspections with all team members, including City assigned personnel, to ensure satisfactory completion under the terms of the contract. We will coordinate and expedite the correction work by the contractor of punch-list deficiencies and maintain a separate listing of non-contracted scope items that may arise as a result of the walkthrough for the City's consideration. Any contract scope not completed within the contractual timeline and after giving the appropriate notice will be assigned a value and deducted from the contractor's final payment so that the work may be completed by others at the City's option.

EXHIBIT B

COMPENSATION

This compensation schedule, Exhibit "B," is hereby incorporated by reference into the Agreement, under Agreement Paragraph 3.

For all services identified in Exhibit "A", Scope of Services, the City agrees to pay, and Consultant agrees to accept as total compensation the following:

Fee Proposal

We are pleased to present our proposed fee to perform the services outlined in the RFP documents. We have thoroughly reviewed the project information, and have based our fee on the following assumptions:

Timeline	
Phase 1	Constructability Review, Building Permits, Contractor Bidding August 2024 – October 2024
Phase 2	November 2024 – June 2025: Construction
Phase 3	July 2025: Project Closeout

Level of Effort:

Based on our understanding of the required scope and experience providing similar service for similar projects, we estimate the level of effort will be:

Phase 1:

- Saul - 2 days a week
- Joe - 0.5 days per week

Phase 2 & 3:

- Saul - 1 day a week
- Joe - 0.5 days per week

Saul is currently assigned to projects in very close proximity to the Newark Resource Center and therefore has the flexibility to be available on site as any specific needs arise.

Proposed Fixed Fee:

- Phase 1 - $17,372 x 3 months
- Phase 2 - $10,786 x 8 months
- Phase 3 - $10,786 x 1 month

Our proposed fixed fee is inclusive of typical reimbursables including mileage, printing, business license, etc.

TOTAL PROPOSED FIXED FEE: $149,189

Hourly Rates:

For reference, our monthly 2024 hourly rates. They will increase by 3.5% beginning 1st January annually. This annual increase does not alter our proposed fixed fee.

Team Member	Hourly Rate
Project Director, Joe Capps-Jenner	$225
Project Manager, Saul Flores	$190

On the following page we have shown a more detailed breakout of our fee proposal.

Cost Proposal

PROFESSIONAL FEES	PERMITTING / BIDDING			CONSTRUCTION								CLOSEOUT	TOTAL
	2024					2025							
	AUG	SEP	OCT	NOV	DEC	JAN	FEB	MAR	APR	MAY	JUN	JUL	
	1	2	3	4	5	6	7	8	9	10	11	12	
Project Management	$ 17,072	$ 17,072	$ 17,072	$ 10,486	$ 10,486	$ 10,486	$ 10,486	$ 10,486	$ 10,486	$ 10,486	$ 10,486	$ 10,486	$ 145,589
Fixed General Requirements	$ 300	$ 300	$ 300	$ 300	$ 300	$ 300	$ 300	$ 300	$ 300	$ 300	$ 300	$ 300	$ 3,600
TOTAL	$17,372	$17,372	$17,372	$10,786	$10,786	$10,786	$10,786	$10,786	$10,786	$10,786	$10,786	$10,786	$ 149,189
Hours / month													
Project Director @ $225 / HR	17	17	17	17	17	17	17	17	17	17	17	17	
Project Manager @ $190 / HR	69	69	69	35	35	35	35	35	35	35	35	35	
]	87	87	87	52	52	52	52	52	52	52	52	52	
Hours / week													
Project Director @ $225 / HR	4	4	4	4	4	4	4	4	4	4	4	4	
Project Manager @ $190 / HR	16	16	16	8	8	8	8	8	8	8	8	8	
TOTAL HOURS	20	20	20	12	12	12	12	12	12	12	12	12	

EXHIBIT C

QUALIFICATIONS

These Consultant Qualifications, Exhibit "C," are incorporated by reference into the Agreement, under Agreement Paragraph 6.

About Us

Cumming Group is an international project management and cost consultancy with deep industry knowledge and unrivaled expertise delivering successful outcomes to clients worldwide. The company has continuously achieved industry leading growth, and today operates as the largest pure play project consulting firm in North America, and with a rapidly expanding presence across Europe.

At Cumming Group, we are passionate about helping our clients execute large-scale, complex projects on-time and within budget. Our project and cost management services are specifically tailored to each client's needs and add meaningful value at every step of a project's development.

Drawing on deep expertise in the communities and sectors we serve, we anticipate and solve problems, deliver solutions, and drive results. Since opening our doors in 1996, Cumming Group has grown to 50+ offices globally, and is now home to more than 2,000 team members – including many of the brightest minds in the industry.

We have a strong Bay Area presence with decades of experience working on key projects with multiple municipalities throughout the area. We have offices in Mountain View, San Francisco, Oakland, San Jose, and Concord and we are ready to service any of the Bay Area cities and counties with our local teams.

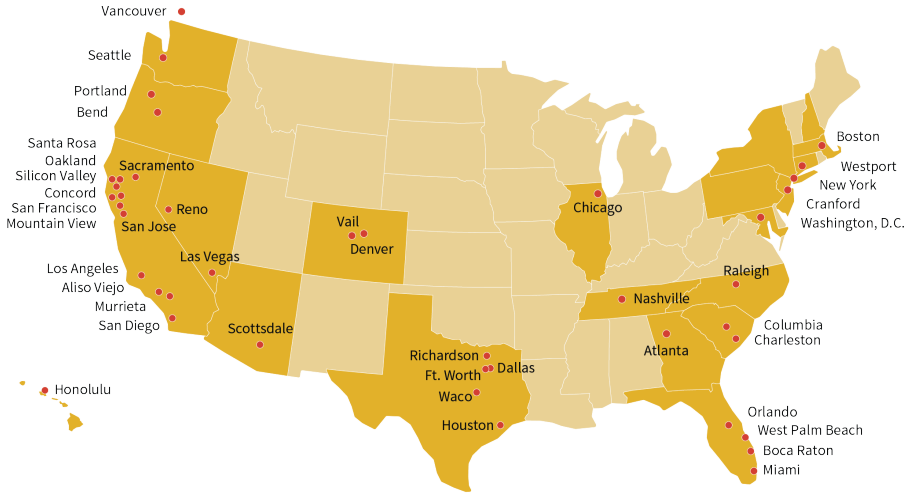
2,000+
TEAM MEMBERS WORLDWIDE

50+
OFFICES WORLDWIDE

28
YEARS IN BUSINESS

$300+
BILLION IN COMPLETED PROJECTS

#14
RANKING ON ENGINEERING NEWS-RECORD (ENR) TOP 100 PM/CM LIST











Team Organizational Structure

Team Organization

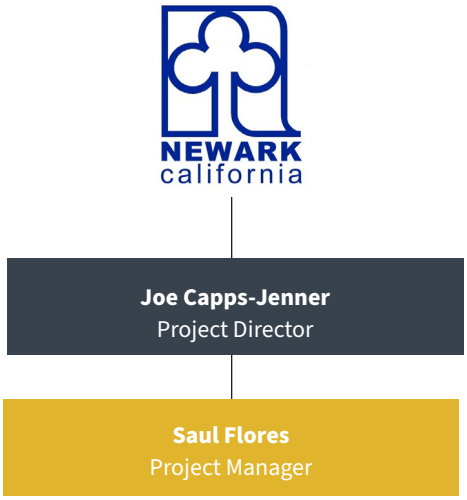
Cumming Group has meticulously curated a team of seasoned professionals poised to deliver exemplary construction management services tailored to the needs of the City. Our proposed team members bring extensive similar project experience. Working closely with your staff, our team is prepared to address the full range of construction management services required to successfully deliver the Resource Center Renovation project. Each team member brings comprehensive construction management experience, including cost estimating, scheduling, project controls, and constructability reviews. Additionally, we are fully equipped to provide the services needed by the City. Therefore, Cumming Group does not anticipate the need to augment our team with specialized services from any outside subconsultants.

We view this project to be a truly collaborative effort where all team members complement one another based upon their specific skill sets, individual professional backgrounds, and deep understanding of the key decisions that must be made immediately. Our team will lead by providing a flexible, efficient, effective approach while also representing the City and delivering on what the project needs to be completed successfully.

Staffing

Joe Capps-Jenner will be the project lead and contact for the City. Joe brings a variety of talents to the Cumming Group team with his diverse background. Joe specializes in working collaboratively with clients and architects to offer value-added, cost-reducing alternatives while maintaining the highest degree of quality in a project. Joe recently completed the County of Marin's Progress Foundation project, which is a residential treatment center in San Rafael built to serve the community's most vulnerable residents. He also managed the build of the new Los Altos Community Center, a 25,000-sq.-ft. sustainable community facility with dedicated space for senior, teen, and kindergarten preparation programs, a commercial kitchen, bocce ball courts, and a café. Joe recently led a $180-Million multi-phased development for the City of Palo Alto. Additionally, he is leading several capital improvement projects for the city of Union City.

Saul Flores will be the day-to-day Project Manager for all project activities. Saul is a seasoned project manager with multiple public and private projects to his credit. Saul will confirm that construction activities adhere to quality standards, safety protocols, and schedules. He will also collaborate with client, stakeholders, communicate updates, mitigate risks, and oversee the entire project lifecycle to deliver successful outcomes within set timelines and budgets of the City.



CUMMING GROUP



EDUCATION

- Bachelor of Science, Project Management for Construction, University of Brighton (UK)

CONTACT
Phone: 415-720-1462
Email: joe.cappsjenner@cumming-group.com

Joe Capps-Jenner

Project Director

Joe has broad experience working on community-focused public programs. He is a dedicated, proactive, and versatile project director with experience in tenant improvement and ground-up construction projects. Joe consistently brings the necessary leadership qualities to drive projects to achieve objectives while maintaining a collaborative approach. This is achieved through the application of meticulous planning, methodical implementation, accurate reporting, and a philosophy of continuous improvement.

REPRESENTATIVE EXPERIENCE

City of Palo Alto, Public Safety Building, Palo Alto, CA
This multi-phased new Public Safety Facility in Palo Alto houses police, emergency operations, fire administration and a state-of-the-art 911 dispatch center. The new facility meets Essential Services Building and Seismic Safety Act requirements. Joe led this project from the early design stages; navigating the CEQA process, design development, permitting, bidding and construction. Joe has managed all facets of this large and complex development and has fully integrated with the City of Palo Alto, representing their interests at each stage. Throughout the project, Joe has supported the city's extensive public outreach efforts. Cost: $100 Million

County of Marin, Fire Dispatch Center, San Rafael, CA
This essential services project involves the interior remodel of approximately 16,300-sq.-ft. of existing tenant space located in an existing office building. The work includes demolition of the existing interiors and construction of a new 911 fire dispatch center as well as supporting offices, sleeping quarters, conference rooms and break area. The building contains existing critical essential service functions for the Office of Emergency Management and the Marin County Sheriff's Office. Continuity of these existing services must be maintained at all time during the duration of construction. Responsible for managing the design, permitting, bidding and construction phases.

City of Union City, Multiple Capital Improvement Projects
Led design, bidding, permitting, and construction for twelve small capital improvement projects. Project included Fire Station 31 and Fire Station 32 exhaust systems, atrium garden improvements, historical museum repairs and interiors, police department/city hall generator repairs/upgrades. Cost: $1.5 Million

County of Marin, Progress Foundation, San Rafael, CA
This new adult residential treatment facility in San Rafael is the first licensed treatment center of its kind in Marin. It provides up to 16 beds for ambulatory adults who have serious and persistent mental health disorders. This project was completed under budget in Q4 2022. Cost: $8 Million

City of Los Altos Community Center, Los Altos, CA
Completed in late 2021, on time and on budget, the new 24,500-sq.-ft. sustainable (Net Zero Energy) Community Center is an all-electric, LEED Gold equivalent facility

with thermally efficient rainscreen system and PV roof. The site includes a new playground, parking, a bocce ball court, extensive landscaping, and stormwater bioretention treatment areas. The program includes a Community Room capable of banquet seating for 180, spaces for seniors, teens, art, movement and three multipurpose rooms, as well as administrative offices for parks and recreation staff. A catering kitchen serves the community room. Joe led the project through constructability review, bidding, construction and closeout. Cost: $38 Million

City of Palo Alto, California Avenue Parking Garage
Construction manager for the new $40 Million California Avenue Parking Garage in Palo Alto consisting of 630 stalls spread across six levels and 213,800 sf. As the lead project manager on the project, responsibilities included establishing and tracking the project budget and schedule, consultant procurement, design management, and construction management. Joe led the GC selection effort, including pre-qualification and public bidding stage in accordance with applicable public contracting codes, managing the permitting and bidding phases, and construction management.

La Terra Fina, Food Manufacturing Facility, Union City
This project is comprised of the expansion of La Terra Fina's existing food manufacturing facility located in Union City. Joe led the team through the design and construction stages, with involved meticulous planning to ensure all work was completed without disruption to the ongoing operation of the facility. Cost: $60 Million

CUMMING GROUP



Saul Flores

Project Manager

With over 16 years in construction management, Saul brings a high level of expertise to each project. Saul has worked on executive office buildings, government office buildings, universities, casinos, restaurants, and tenant improvements. Saul uses his experience in quality control, coordination, scheduling, and contract management to deliver high-quality facilities.

EDUCATION

- Bachelor of Science, Construction Management, Arizona State University, Tempe, AZ

LANGUAGES

- Spanish

YEARS OF EXPERIENCE

- 16 Years

CONTACT

Phone: 650-862-3131
Email: saul.flores@cumming-group.com

REPRESENTATIVE EXPERIENCE

City of Union City, Multiple Capital Improvement Projects
Led design, bidding, permitting, and construction for twelve small capital improvement projects. Project included Fire Station 31 and Fire Station 32 exhaust systems, atrium garden improvements, historical museum repairs and interiors, police department/city hall generator repairs/upgrades. Cost: $1.5 Million

City of Los Altos, Los Altos Community Center
Project Manager for the construction of this project that consists of a new one-story 24,500-sq.-ft. community center. The project also includes new parking lot, landscaping, hardscapes, and pedestrian pathways that connect the new building to the existing surrounding recreational facilities and the existing History Museum and Library. Cost: $38.3 Million

Peninsula Healthcare District, Trousdale Assisted Living Facility, Burlingame, CA
Project lead for the completion of this project that consists of a new six-story, 140,000-sq.-ft. facility. The project also includes 124 apartments, a commercial kitchen, a fitness center, a salon, below-grade parking, and a courtyard. Work directly with the client, the architect, design consultants, the City, the Fire Department and the general contractor to manage daily project challenges. Drove the team to achieve TCO, FF&E installation, punch list completion, final occupancy, and project turnover. Cost: $75.5 Million

City of Palo Alto, Neighborhood Traffic Safety and Bike Boulevard Phase 1
Project manager for the construction of this project that consist of curb extensions, concrete medians, raised crosswalks, raised intersections, traffic circles and mini-roundabouts, asphalt placement and milling, road base repair, removal and replacement of sidewalks, curb ramps, utility upgrades and landscaping.
Cost: $10.7 Million

City of Palo Alto, Quarry Road Transit Center Bicycle and Pedestrian Pathway Connection, Palo Alto, CA
Project consisted of paving, lighting, landscaping, and signage elements. The project is located behind the Palo Alto Transit Center. Cost: $1 Million

BioMed Realty, GOP3 Office and Lobby Amenity TI , South San Francisco, CA
Led this project that consisted of design of a combined 17,200-sq.-ft. of office tenant improvements in three different floors. The lobby amenity tenant improvement

project consists of 5,000-sq.-ft. of new tenant improvements and the renovation of the existing main lobby. Worked directly with the client, the architect, consultants, operations stakeholders, and the general contractor to manage each design phase and the daily project challenges. Project is LEED Gold. Cost: $15M Million

Amgen, Tenant Improvement, South San Francisco
This life science project consists of 243,000-sq.-ft. of lab and office space in the heart of Bay Area biotech. Worked directly with the tenant, architect, and general contractor to close out the project financially, manage the change order process, and manage Day Two and Day Three changes. The project was delivered on schedule and under budget. The project is LEED Silver and Fitwel Certified. Cost: $146.6 Million

Google 1555 PLY, Mountain View, CA
Project lead on this project that consist of design and construction of an existing 34,655-sq.-ft. building. Project includes demolition of the existing interior space, partial demolition of the exterior and site, as well as construction of new tenant improvements to meet the needs of the new user. Work directly with the client, the architect, engineers, stakeholders, utility companies, and general contractor to manage each design phase and the daily project challenges. Cost: Confidential.

Dynavax, Tenant Improvement, Emeryville, CA
Project Manager for the construction of this 75,000-sq.-ft. tenant improvement that included office and lab spaces. Completed daily site walks to monitor construction and oversee quality. Helped the design team and the contractors resolve design and field conflicts. Reviewed weekly and monthly schedule to ensure timely completion of all contractor and consultant activities. Reviewed, managed, analyzed changed orders to ensure timely approval or rejection. Cost: $14.8 Million

The Presidio Golf and Concordia Club, Remodel of Historic Building, San Francisco, CA
Remodel of a three story historic building constructed in 1897. The project consisted of lowering the existing basement floor three feet while maintaining tenant use of the ground and second floors. The interior basement walls were extended and strengthened. Interior improvements included health club facility, new concrete floor slab, new elevator, and a Jacuzzi. The ground and second floor entailed some cosmetic renovation and interior design. Site improvements include lowering of finish grades at rear and side yards. Cost: $9.8 Million

Intuit, Marine Way Building, Mountain View, CA
Construction of the off-site improvements, new campus signage, and crosswalks needed to support the new office buildings and parking structures. Coordinated project requirements for the landlord, property managers, the client, the AHJ, and VTA. Cost: $1 Million. The project is LEED Platinum Certified.

Dolby World Headquarters Tenant Improvement, San Francisco, CA
This 16-story, 390,000-sq.-ft. world headquarters building included a complete interior demolition and reconstruction, including 114 sound labs, high-end demonstration rooms, a cafeteria, conference center, open and closed workspaces, breakrooms, and a fitness center. Also included the removal of various existing floor plates within the building to create the optimal dimensions for crucial lab functionality. Cost: $190 Million. The project is LEED Gold Certified.

STAFF REPORT

Item E. 1.

DATE	06/27/2024
TO	Honorable Mayor and City Council Members
FROM	Carmelisa Lopez, Senior Planner
SUBJECT	Public hearing to consider adoption of a resolution approving amendments to the Master Fee Schedule for Fiscal Year 2025

SUMMARY AND RECOMMENDATION

Staff requests that the City's development impact fees be updated in the City's Master Fee Schedule (MFS) for Fiscal Year 2025. The City's development impact fees are required to be adjusted on an annual basis based on the Engineering News Record (ENR) Construction Cost Index for San Francisco, California.

Staff recommends that the City Council conduct a public hearing and, by resolution, approve an amendment to the MFS for Fiscal Year 2025 to reflect the updated development impact fees.

BACKGROUND

Staff annually reviews and analyzes rates and charges for providing City services and incorporates these rates into the City's MFS. In terms of development impact fees, they were approved with language in their respective resolutions that require an annual adjustment based on the ENR Construction Cost Index for San Francisco, California. The development impact fees provide funding for various projects in the city and are essential to providing services to the community. The following is a brief description of each of the development impact fees being increased as part of this amendment:

- Park Impact Fee: This fee provides funding for park land and new improvements.
- Public Safety Facilities Impact Fee: This fee provides funding for additional or improved police and fire services for which the need is generated by new development within the city.
- Community Service/Facilities Impact Fee: This fee provides funding for additional or improved governmental, social, and cultural facilities for which the need is generated by new development within the city.
- Transportation Impact Fee: This fee provides funding for additional or improved traffic signal, operational, and infrastructure improvements for which the need is generated by new development within the city.
- Housing Impact Fee: This fee provides funding to increase and improve the supply of housing affordable to households of very low, low, and moderate incomes for which the need is generated by new commercial, residential and industrial

development within the city.

DISCUSSION/ANALYSIS

The subject development impact fees were approved through Resolutions 10,184, 10,505, 10,633, 10,634, and 10,635 and are listed in the MFS under the Construction Enterprise Fund Section. These resolutions require the development impact fees to be adjusted annually in accordance with the ENR Construction Cost Index for San Francisco, California.

ENR prepares a monthly national construction cost index as well as monthly construction cost indexes for 20 cities in the United States. The construction cost index for each city is calculated using local average prices for specific construction materials and the national average for union wages for laborers. According to the ENR website, differentials between cities may reflect differences in labor productivity and building codes and the varying quoting bases for lumber and cement.

When reviewing adjustments to the development impact fees, staff uses the Construction Cost Index for San Francisco because it represents the regional market of the San Francisco Bay Area. Staff also uses the Construction Cost Index for the same month (May) of each year for consistent annual reporting.

Table 1 below shows the Construction Cost Index for San Francisco over the past five years. The percentage change is from the month of May of each year. The Construction Cost Index increased from 2020 to 2023. Year 2022 had the largest percentage increase at almost 15%. In comparison, the increase in 2023 was much lower than the previous three years at 1.8%. In May 2024, there was a decrease of 1.1%.

Table 1. San Francisco Construction Cost Index - 2020-2024

Year	Percentage Change
2020	+3.9%
2021	+4.7%
2022	+14.2%
2023	+1.8%
2024	-1.1%

Based on the ENR Construction Cost Index for San Francisco for May 2024, the development impact fees must be decreased by 1.1%. The proposed changes are attached to this report as Exhibit A. If approved, the applicable development impact fees will be decreased by 1.1% and will go into effect 60 days after approval.

Staff recommends that the City Council only amend the Construction Enterprise Fund section of the MFS as recommended in Exhibit A. The sections adopted, deleted, or amended by the City Council will then be editorially merged with the unchanged

portions of the Master Fee Schedule.

FISCAL IMPACT

The development impact fees collected reflect the cost of services provided by the City and are placed into the appropriate budget accounts. The fees are collected at the time of building permit issuance. Building permit activity and the proposed decrease in fees may result in less fees collected.

REVIEW AND APPROVAL

Prepared by - Carmelisa Lopez, Senior Planner
Reviewed by - Steven Turner, Community Development Director
Reviewed by - Krysten Lee, Finance Director
Reviewed by - Kristopher J. Kokotaylo, City Attorney
Approved by - David J. Benoun, City Manager

Attachments

Draft Resolution

Exhibit A - Development Impact Fee Changes

RESOLUTION NO.

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NEWARK AMENDING THE MASTER FEE SCHEDULE FOR FISCAL YEAR 2025

WHEREAS, the City Council of the City of Newark is authorized to prescribe and establish fees in regard to services or functions performed by the City for the public in a governmental and proprietary capacity; and

WHEREAS, the City Council of the City of Newark has, from time to time, established fees by resolution for services as authorized pursuant to the Newark Municipal Code, most recently on July 27, 2023 by Resolution No. 11,555; and

WHEREAS, Resolutions 10,184, 10,505, 10,633, 10,634, and 10,635 require development impact fees to be adjusted on an annual basis based on the Engineering News Record Construction Cost Index for San Francisco, California; and

WHEREAS, a public hearing has been noticed and held in accordance with Government Code Sections 6062a, 66016, 66017 and 66018.

NOW, THEREFORE, BE IT RESOLVED that the City Council does hereby amend those portions of the City of Newark Master Fee Schedule as set forth in Exhibit "A," attached hereto and incorporated herein by this reference and made part hereof as though set forth at length for Fiscal Year 2025.

BE IT FURTHER RESOLVED that the amendments to the City of Newark Master Fee Schedule will not become effective until 60 days after adoption of this Resolution.

EXHIBIT A

SUMMARY OF PROPOSED CHANGES

V. CONSTRUCTION ENTERPRISE FUND

- The proposed adjustments decrease the Park Impact, Capital Facilities, Community Service/Facilities, Transportation, and Housing Impact Fees by 1.1% based on the Engineering News Record Construction Cost Index per Resolutions 10,505, 10,633, 10,634, 10,635 and 10,184, respectively.

Enterprise Fund - Cost Center	Account No.	Description	Fee (in dollars)
V. CONSTRUCTION ENTERPRISE FUND			
A. DEVELOPMENT			
140.60.064.643	4995	1. Street Trees	
		a. City Planted (three year maintenance)	492/tree
624.00.000.000	4143	2. Park Impact Fee **	
		a. Projects without Land Dedicated for Parks	
		(1) Single-Family	~~31,130.44~~ 30,788.01/dwelling unit
		(2) Multi-Family Units	~~22,414.32~~ 22,167.76/dwelling unit
		b. Projects that Dedicate Land for Parks	
		(1) Single-Family	~~9,339.13~~ 9.236.40/dwelling unit
		(2) Multi-Family Units	~~6,599.69~~ 6,527.09/dwelling unit
		** Established by Resolution No. 10,132 and amended by Resolution 10,505. The above fees are effective as of August 8, 2016. Resolution 10,505 also requires the fee to be adjusted annually by the Engineering News Record Construction Cost Index, San Francisco, California.	
620.00.000.000	4144	3. Capital Facilities *	
		a. Public Safety [1]	
		(1) Single-family residential	~~4,298~~ 4,250.72/unit
		(2) Townhome	~~4,298~~ 4,250.72/unit
		(3) Multi-family residential	~~2,578.59~~ 2,550.23/unit
		(4) Office/Commercial	~~.75~~ .74/square foot
		(5) Manufacturing/Research & Development	.32/square foot
		(6) Warehousing/Distribution	~~.62~~ .61/square foot
621.00.000.000	4144	b. Community Service/Facilities [1]	
		(1) Single-family residential	~~2,877.89~~ 2,846.23/unit
		(2) Townhome	~~2,877.89~~ 2,846.23/unit
		(3) Multi-family residential	~~1,439.45~~ 1,423.62/unit
		(4) Office/Commercial	~~1.07~~ 1.06/square foot
		(5) Manufacturing/Research & Development	.23/square foot
		(6) Warehousing/Distribution	.45/square foot

Enterprise Fund - Cost Center	Account No.	Description	Fee (in dollars)
A. DEVELOPMENT, Continued			
622.00.000.000	4144	c. Transportation [1]	
		(1) Single-family residential	~~6,193.51~~ 6,125.38/unit
		(2) Townhome	~~3,219.93~~ 3,184.51/unit
		(3) Multi-family residential	~~3,839.90~~ 3,797.66/unit
		(4) Office/Commercial	~~5.49~~ 5.43/square foot
		(5) Manufacturing/Research & Development	~~3.00~~ 2.97/square foot
		(6) Warehousing/Distribution	~~6.00~~ 5.93/square foot
		* Established by Resolution No. 8051 and amended by Resolutions No. 9253, 10,633[1], 10,634[1], and 10,635[1]	
623.00.000.000	4144	4. Housing	
		a. Residential Housing Impact Fee* (revised annually)	
		(1) First 1,000 sq. ft. floor area/unit**	~~24.95~~ 24.68/square foot
		(2) All sq. ft. over 1,000 sq. floor area/unit	~~10.00~~ 9.89/square foot
		* Established by Resolution No. 10,184. Floor area for a residential development equals the sum of the horizontal floor areas of a building measured from the exterior face of exterior walls or from the center line of a wall separating two buildings, excluding garages, carports, and common areas. ** No housing impact fee is charged for the first 200 sq. ft. of floor area for additions to existing dwellings.	
		b. Non-Residential Housing Impact Fee *** (revised annually)	
		(1) Commercial	~~4.48~~ 4.43/square foot
		(2) Industrial	~~.84~~ .83/square foot
		*** Established by Resolution No. 8802. Floor area for a commercial development equals the sum of the horizontal floor areas of the a building measured from the exterior face of exterior walls or from the center line of a wall separating two buildings. Where no walls exist, the floor area is the area covered by the roof excluding two feet on each side of the structure. Outside areas used for sales or display (such as nurseries, building materials, auto sales, etc.) may be considered part of floor area when the community development director determines that the use of the outside area significantly contributes to the employee density of the building.	

STAFF REPORT

Item E. 2.

DATE	06/27/2024
TO	Honorable Mayor and City Council Members
FROM	Krysten Lee, Finance Director
SUBJECT	Adopt a resolution approving the 2024-2026 Biennial Budget and Capital Improvement Plan

SUMMARY AND RECOMMENDATION

The 2024-2026 Biennial Budget and Capital Improvement Plan outlines the City's strategic plan objectives for the upcoming two fiscal years, aligning with the City Council's strategic priorities. On May 23, 2024, a draft 2024-2026 Biennial Budget was presented, and City Council feedback was solicited. All comments and recommended edits have been incorporated into the attached redlined version. Staff recommends that the City Council adopt the 2024-2026 Biennial Budget and Capital Improvement Plan as presented. Following Council approval, staff will prepare a final clean version to be posted on the City's website and to facilitate post-auditing of paid demands.

BACKGROUND

The 2024-2026 Biennial Budget and Capital Improvement Plan was developed through several dedicated City Council budget work sessions and City Council meetings.

- January 25, 2024: Staff presented an informational item providing a summary of all CIP Improvement projects submitted for consideration.
- March 14, 2024: Staff presented an overview of the City's budget process, economic trends, financial updates, the five-year forecast, and department priorities.
- May 23, 2024: A draft of the 2024-2026 Biennial Budget was presented to the City Council, and feedback was solicited.
- June 20, 2024: Staff presented an overview of the FY 2025 and FY 2026 CIP to City Council and sought feedback.

DISCUSSION/ANALYSIS

On May 23, 2024, a draft 2024-2026 Biennial Budget was presented, and City Council feedback was solicited. All comments and recommended edits from the City Council have been incorporated into the attached redlined version of the Council Staff Report. Any additional Council feedback from tonight will be incorporated into a final clean version of the budget after tonight's approval for adoption.

Specific edits incorporated:

Transmittal Letter:
Added reference to the 253-page community survey and interactive data dashboard available on the City's website. (page 2)

Department Priorities:
- Police Department: Modified language to reference abandoned vehicle and graffiti abatement instead of blight. (page 42)
- Community Preservation: Added priorities for developing and implementing a Tobacco Licensing Program and a Multiple Family Housing Inspection Program. (page 44)
- Budget Challenges: Expanded on the establishment of the Maintenance Reserve Fund. (page 45)

Five-Year Forecast:
- Updated Property Tax revenue to align with actuals. (pages 61, 86, 90)
- Adjusted personnel expenditures to reflect a 6% increase in City Council compensation. (pages 61, 113)
- Updated non-personnel expenditures in Community Development to reflect a more accurate baseline budget. (pages 61, 95, 148, 149)
- Updated Fire service costs to align with the five-year projection provided by Alameda County Fire. (pages 61, 94, 143)
- Included one additional Maintenance Supervisor in the Personnel Allocation for the Public Works Department to reflect current staffing level (page 106)

Economic Development Forecast:
- Included a breakdown of homeownership by race and comparison to Alameda County. (page 65)
- Clarified that Timber Street Senior Housing one-bedroom units are for very low and extremely low-income seniors. (page 69)
- Added a table to include various federal, state, and local funding earmarked for a CIP project. (page 74)

The attached redlined version of the budget reflects all these changes. Upon approval, any additional Council feedback will be incorporated into a final version of the budget, which will be posted on the City's website for public access.

FISCAL IMPACT

The City's spending plan for FY 2025 and FY 2026 is detailed in the 2024-2026 Biennial Budget and Capital Improvement Plan for each department and capital project. The adoption of the 2024-2026 Biennial Budget and Capital Improvement Plan provides for specific amounts allocated for various revenue sources and expenditure appropriations. Subsequent changes to the adopted budget, as a result of unanticipated events, will be presented separately as budget amendments for City Council approval.

REVIEW AND APPROVAL

Prepared by - Krysten Lee, Finance Director
Reviewed by - Kristopher J. Kokotaylo, City Attorney
Approved by - Lenka Hovorka, Assistant City Manager

Attachments

Resolution Adoption of 2024-2026 Biennial Budget and Capital Improvement Plan
Redlined 2024-2026 Biennial Budget and Capital Improvement Plan

RESOLUTION NO.

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NEWARK, ADOPTING THE 2024-2026 BIENNIAL BUDGET AND CAPITAL IMPROVEMENT PLAN AND PROVIDING FOR THE POST-AUDITING OF PAID DEMANDS CERTIFIED OR APPROVED AS CONFORMING TO SUCH APPROVED BUDGET

WHEREAS, the City Council of the City of Newark desires to establish a 2024-2026 Biennial Budget and Capital Improvement Plan that outlines the City's strategic plan objectives for the upcoming two fiscal years 2025 and 2026, aligning with the City Council's strategic priorities; and

WHEREAS, the development of the 2024-2026 Biennial Budget and Capital Improvement Plan (CIP) involved several dedicated City Council budget work sessions and meetings, including:

- January 25, 2024: Staff presented an informational item summarizing all CIP Improvement projects submitted for consideration.
- March 14, 2024: Staff presented an overview of the City's budget process, economic trends, financial updates, the five-year forecast, and department priorities.
- May 23, 2024: A draft of the 2024-2026 Biennial Budget was presented to the City Council, and feedback was solicited.
- June 20, 2024: Staff presented an overview of the FY 2025 and FY 2026 CIP to City Council and sought feedback; and

WHEREAS, following the presentations of the draft 2024-2026 Biennial Budget and FY 2025 and FY 2026 Capital Improvement Plan, staff incorporated edits based on the feedback received from the City Council; and

WHEREAS, the City Council has reviewed and considered the Biennial Budget and Capital Improvement Plan and has received input from the public; and

WHEREAS, the City's spending plan for FY 2025 and FY 2026 is detailed in the 2024-2026 Biennial Budget and Capital Improvement Plan for each department and capital project, providing for specific amounts allocated for various revenue sources and expenditure appropriations; and

WHEREAS, subsequent changes to the adopted budget, as a result of unanticipated events, will be presented separately as budget amendments for City Council approval; and

WHEREAS, the City Manager has prepared a balanced budget which provides for organizational adjustments and allocation of resources in a manner which aligns with available resources; and

WHEREAS, the City Council is required to adopt a budget before the Fiscal Year begins on July 1, 2025.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Newark as follows:

Section 1. The City of Newark, California, 2024-2026 Biennial Budget and Capital Improvement Plan for Fiscal Years 2025 and 2026, a copy of which is attached hereto and made a part hereof, and which is designated as Exhibit "A," is hereby adopted and approved.

Section 2. Pursuant to Sections 37201 and 37202 of the Government Code of the State of California, demands against the City for money or damages shall be audited by the Finance Director and thereafter submitted to this City Council for approval or rejection prior to payment, either separately or in a register of audited demands, and shall have attached thereto an affidavit or certificate of the Finance Director certifying as to the accuracy of the demands and the availability of funds for payment thereof; provided, however, that pursuant to Sections 37207 and 37208 of the California Government Code properly approved and certified payroll warrants need not be audited by this City Council prior to payment when such payrolls are included in the register of audited demands presented to this City Council at the first meeting after delivery of such warrants; and provided further, however, that pursuant to Section 37208 of the Government Code of the State of California, warrants may be drawn and delivered in payment of demands certified or approved by the Finance Director as conforming to the detailed authorized expenditures set forth in that certain document entitled "City of Newark, California, 2024-2026 Biennial Budget and Capital Improvement Plan," a copy of which is on file in the Office of the City Clerk and which is hereby approved and adopted, even though such demands and warrants have not been audited by this City Council prior to payment, so long as such budgeted paid demands are presented to this City Council for ratification and approval in the register of audited demands presented at the first meeting after delivery of such warrants.

Section 3. Within any specific appropriation set forth in Exhibit A, the "City of Newark, California, 2024-2026 Biennial Budget and Capital Improvement Plan," sums may be transferred from one activity to another upon approval by the City Manager, and thereafter payments may be made in accordance with the procedures set forth in the preceding Section 2.

Section 4. The Finance Director or designee are hereby authorized to cause to be transferred, at such times as are appropriate, those amounts designed as transfers in the budget, in consideration of the balances of funds affected and the fact of services furnished or expenses incurred.

2024-2026



City of Newark, California

Biennial Budget

& Capital Improvement Plan

TABLE OF CONTENTS

Introduction

Transmittal Letter 1
Public Officials & Leadership 5
City Organization Chart 7
History of City and Community Profile 9
Demographics 12
Mission Statement & Core Values 17
Fund Structure 21
Budget Structure 26
Basis of Budgeting 29
Budget Timeline and Process 31
Financial Policies 35
GANN Appropriation Limit 37

Budget Overview

Goals and Strategies 39
Department Priorities 42
Budgetary Challenges 45
Economic and Financial Forecast 49
Five Year Forecast 61
Development Forecast 63

Fund Summaries

All Funds Summary 77
General Fund Summary 79
Projected Fund Balances 86

Revenue

Summary of Budgeted Revenues 88

TABLE OF CONTENTS

Summary of Revenues – All Funds 92

Expenditures

Summary of Expenditures - All Funds by Organizational Unit 96

Revenue & Expenditure Graphs 100

Departments

Authorized Positions 103

Breakdown of Full-Time Equivalents (Temporary Personnel) 108

City Manager's Office, City Attorney's Office and Emergency Management Services..... 110

Mayor & City Council 115

City Clerk 116

City Attorney 117

City Manager's Office 118

Emergency Services 119

Information Technology Department 120

Human Resources 123

Finance 126

Library Support 129

Economic Development 130

Police Department 131

Fire Services 142

Community Development 147

Development Cost Center 148

Recreation Cost Center 157

Maintenance Cost Center 169

Internal Service Funds 181

Capital Funds 192

TABLE OF CONTENTS

Debt

Government-wide Debt 199

Capital Improvements

Capital Improvement Plan (CIP) 201

Capital Improvement Plan Project Descriptions 216

Appendix

Glossary 293

TRANSMITTAL

Dear Honorable Mayor and City Councilmembers,

We are proud to submit the 2024-2026 Biennial Budget and Capital Improvement Plan (CIP) for your consideration. The 2024-2026 Biennial Budget and CIP provides for a full range of municipal services to our community. These include public safety; construction and maintenance of streets, parks, storm drains, and other infrastructure; recreational activities and human services; environmental protection; planning, zoning, and other community, and economic development activities; emergency preparedness; code enforcement; and administrative services such as human resources, information technology, and finance.

The City has largely recovered from the economic impacts of the pandemic. Property Tax, Sales Tax, Transaction Use Tax (Measure GG), and Utility Users Tax have surpassed or are close to matching pre-pandemic revenue levels. Of the City's main tax revenues, Transient Occupancy Tax (TOT) and Franchise Fees have yet to return to pre-pandemic levels. Other revenue sources, such as recreation program fees and licenses, permits and fees, and investment income are also trending favorably now four years since the start of the pandemic. Investment earnings are also much more favorable compared to the past two years, reflecting higher interest rates on the City's investments (current rate is 4.27% for the Local Agency Investment Fund, compared to 0.52% in April 2022 and the current rate for the California Asset Management Program is 5.44% compared to 0.50% in April 2022). In addition, proceeds of $11.8 million from the American Recovery Plan Act provided much needed funding to restore operating budget and positions which were frozen at the onset of the pandemic.

The operating budgets for Fiscal Year (FY) 2025 and FY 2026 reflect cautious optimism as geopolitical and economic factors impact both revenue growth and expenditure growth. While the City's fiscal condition is stable and has reflected growth in recent fiscal years, inflationary pressures are increasing the City's costs of providing services. Costs for utilities, contractual work, consultant fees, and public liability insurance have seen steeper increases in costs compared to previous years. Newark must be able to maintain control over local funds - allowing our City to be self-reliant in requiring that our tax dollars be spent for Newark residents.

This budget includes funding the following City priorities as elaborated in the Goals and Strategies section:

- Enhancing Public Safety – Provide a level of public safety services that will protect our community members, property, and community assets.

- Cultivating Quality of Life – Provide programs, services, facilities, parks, and open spaces that make the City of Newark a desirable and healthy place to live.
- Furthering Community Development – Implement programs and make development decisions that maintain a vibrant and balanced community.
- Improving Government Operations – Operate a City government that enables the organization to meet service demands of the community.
- Supporting Educational Efforts – Support, encourage, and offer opportunities and programs that facilitate quality community education.

Specifically, the City has focused on long-term strategic planning efforts, developing or updating strategic plans related to our facilities, parks, public art, transportation, broadband, hazard mitigation, unhoused community, and emergency planning. These plans take inventory of current assets and programs, include results of community-wide outreach efforts, and apply subject-matter expertise and proven best practices to recommend immediate, short- and long-term actions to meet community needs.

The top City service priorities, as determined by a recent survey, include repairing potholes and the City's 105 miles of street, maintaining neighborhood police patrols, maintaining fire protection and 911 emergency medical response, upgrading fire stations to ensure rapid response times, upgrading life-saving emergency equipment, improving emergency dispatch for rapid response during an earthquake or major disaster, enhancing parks and recreation programs, and maintaining sports fields and children's play structures. This 253-page community survey and interactive data dashboard that displays data received from the community survey are available on the City's website.

In FY 2025, the Capital Improvement Plan will fund 41 total new projects estimated at $12.7 million. Funding through Capital Funds and the Community Development Maintenance Fund will provide for $6.6 million for 33 of these projects that include critical maintenance projects for existing facilities, new vehicle and equipment purchases, operational improvements, and various planning documents that relate to the City's General Plan. New Gas Tax funding in the amount of $6.1 million in FY 2025, in addition to the ongoing annual street maintenance programs, will support the design and installation of Pedestrian Hybrid Beacon Installations at two key intersections as well as median modifications at the Cherry Street and Mowry Avenue intersection.

In FY 2026, Gas Tax funding is provided in the amount of $4.9 million for six additional ongoing street maintenance projects. For both fiscal years, the Annual Street Asphalt Concrete Overlay Program has been increased from $2 million to $4 million per year. This increase, combined with

several larger projects on Thornton Avenue with Federal, State and Regional grant funds, should stabilize and ultimately increase the City's overall Pavement Condition Index.

Many previously funded projects have been completed or otherwise closed out. However, a backlog of projects remains, especially related to building maintenance and park maintenance/improvement projects. Additional supervisory staffing has been added to the Maintenance Division of Public Works and staff is further recommending that $0.8 million in capital funds be utilized to provide additional contractual project management support to complete these projects.

FY 2025 Proposed Budget Highlights

The Proposed FY 2025 General Fund Operating Budget of $83 million is lower than the FY 2024 Amended Budget of $94.4 million, which includes a $12 million payment for creating the Pension Section 115. Excluding the $12 million payment, the FY 2024 amended budget is $82.4 million and the FY 2025 Budget is slightly higher to account for additional staffing and inflationary increases.

In FY 2025, the City will undergo a branding effort that will engage the community in developing an identity for Newark. Staffing levels have also been increased in FY 2025 compared to FY 2024 to add a Housing Policies and Programs Manager and Assistant Planner to support various Community Development project priorities such as implementation of the Affordable Housing Work Plan and the 2023-2031 Housing Element, economic development program development and implementation, particularly in the Old Town neighborhood, and review and updating of land use plans including NewPark Place Specific Plan and the Four Corners Area Plan. These positions will be filled through a variety of sources, including Housing Impact Fees, Community Development Maintenance Fees, offsets of reduced contractual services, and the general fund. A Recreation Supervisor has also been added to the FY 2025 budget, funded in part by developer-paid Public Art fees to implement the City's Public Art Master Plan. This new position will also expand the City's human services with the anticipated opening of the City's first community resource center in FY 2025, and address issues related to homelessness and other quality of life concerns.

FY 2026 Proposed Budget Highlights

The Proposed FY 2026 General Fund Operating Budget of $85.4 million reflects an increase of 2.9% over the FY 2025 Adopted Budget, which is largely driven by a projected inflationary increase. Agreements with the City's three employee bargaining groups expire at the end of FY 2025. Actual negotiated increases to salaries or benefits could contribute to additional increases or decreases if different from budgeted assumptions. Staffing levels remain flat compared to FY 2025 and may be updated based on additional needs or City Council priorities.

In Closing

While there are continued unknowns and uncertainties ahead, as a result of geopolitical tensions and inflationary pressures, the 2024-2026 Biennial Budget and CIP offers the City Council, City staff and the community a sense of optimism as we look forward to FY 2025 and FY 2026. This biennial budget reflects the City's commitment to balancing Council priorities, emerging community needs and organizational resilience while remaining focused on providing exceptional service to the Newark community through balanced conservative fiscal strategies.

Acknowledgments

The preparation of the 2024-2026 Biennial Budget and Capital Improvement Plan is the result of a team effort by City staff. Finance Department staff led an extraordinary effort that began months in advance of producing this final document. Each department is responsible for reviewing service level needs, establishing priorities, and developing a budget plan that aligns with the City's available resources.

We also want to acknowledge the efforts of the City's Executive Team for their important role in balancing the needs and interests of our community with conservative budget practices.

Finally, we remain grateful for the insight and direction provided by the City Council during the development of this budget, and we value the spirit of cooperation that exists between the City Council, City staff, and the public whom we all serve.

David J. Benoun	Lenka Hovorka	Krysten Lee
City Manager	Assistant City Manager	Finance Director

Public Officials & Leadership

City of Newark City Council



Michael K. Hannon
Mayor



Luis L. Freitas
Vice Mayor



Maria “Sucy” Collazo
Council Member



Matthew Jorgens
Council Member



Mike Bucci
Council Member

Executive Leadership Team

David Benoun, City Manager

Lenka Hovorka, Assistant City Manager

Kristopher Kokotaylo, City Attorney

Krysten Lee, Finance Director

Jonathan Arguello, Police Chief

Steven Turner, Community Development Director

Cathreene Ingham-Watters, Human Resources Director

Ed Miranda, Information Technology Director

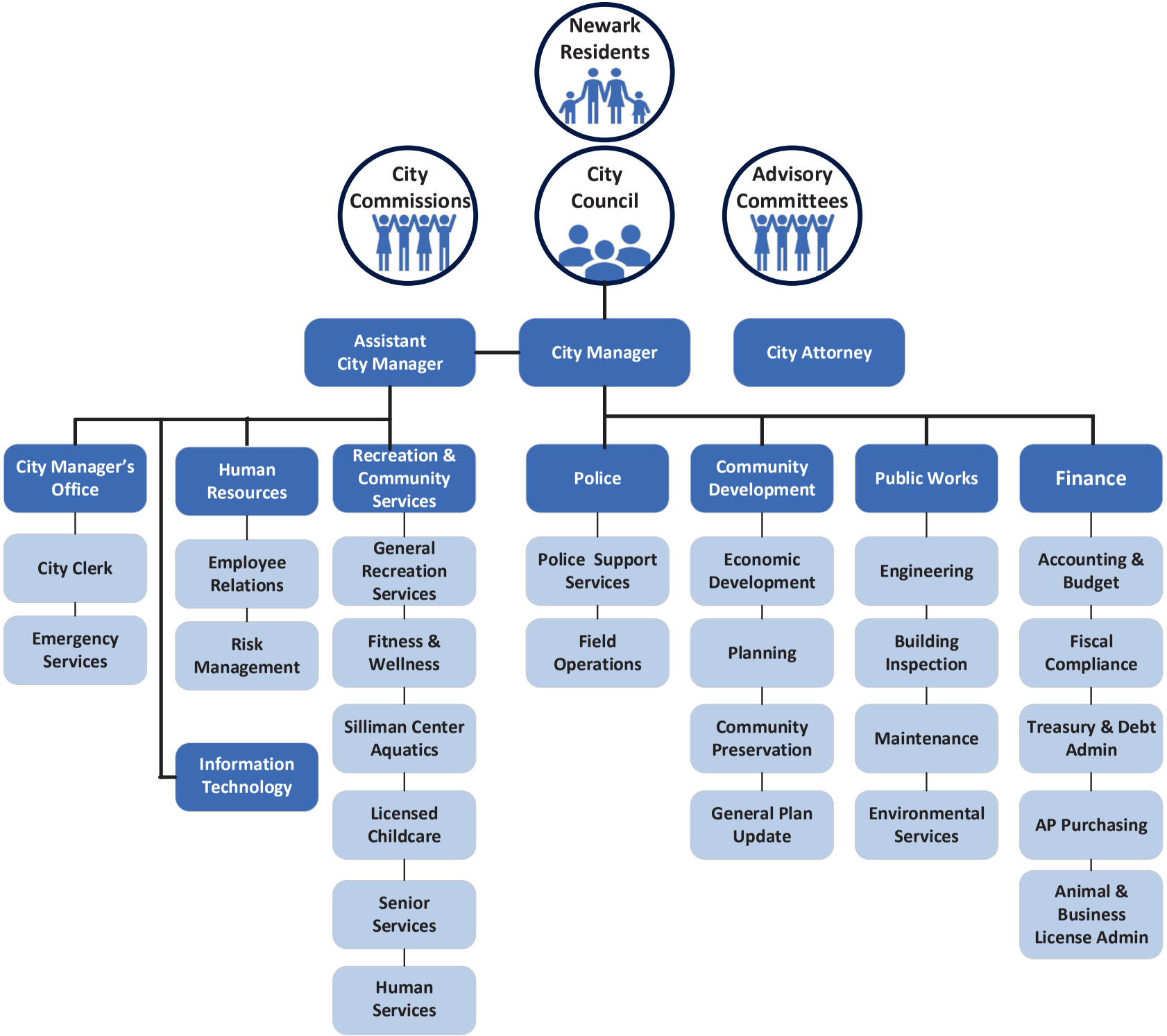
Nicholas Cuevas, Recreation & Community Services Director

Soren Fajeau, Public Works Director

William McDonald, Fire Chief (Alameda County Fire Department)

Budget Preparation Team

Krysten Lee, Finance Director
Gloria del Rosario, Deputy Finance Director
Michelle Villanueva, Senior Accountant
Ivan Quon, Accountant
Roberto Garcia-Acosta, Accountant
Executive Team and Department Contributors

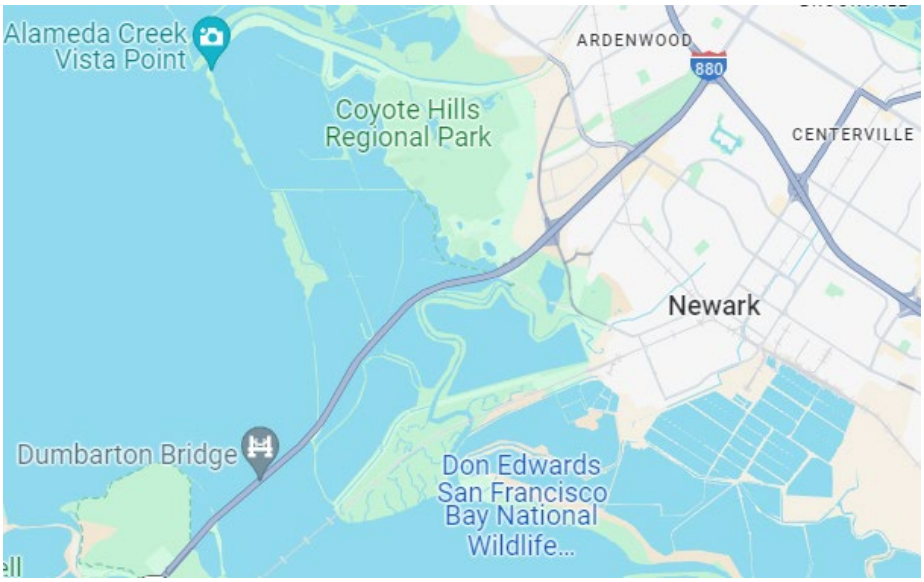

Newark Residents
City Commissions
City Council
Advisory Committees
Assistant City Manager
City Manager
City Attorney
City Manager's Office
City Clerk
Emergency Services
Human Resources
Employee Relations
Risk Management
Information Technology
Recreation & Community Services
General Recreation Services
Fitness & Wellness
Silliman Center Aquatics
Licensed Childcare
Senior Services
Human Services
Police
Police Support Services
Field Operations
Community Development
Economic Development
Planning
Community Preservation
General Plan Update
Public Works
Engineering
Building Inspection
Maintenance
Environmental Services
Finance
Accounting & Budget
Fiscal Compliance
Treasury & Debt Admin
AP Purchasing
Animal & Business License Admin



THIS PAGE IS LEFT INTENTIONALLY BLANK

City of Newark History and Community Profile

The City of Newark, California is a family-oriented community nestled along the southeast end of San Francisco Bay. It is located 35 miles south of San Francisco, 25 miles south of Oakland, and 20 miles north of San Jose. With a growing population of over 47,470 residents, the City of Newark offers a small town feel while sitting in the heart of bustling Silicon Valley. The City occupies an area of approximately fourteen square miles.

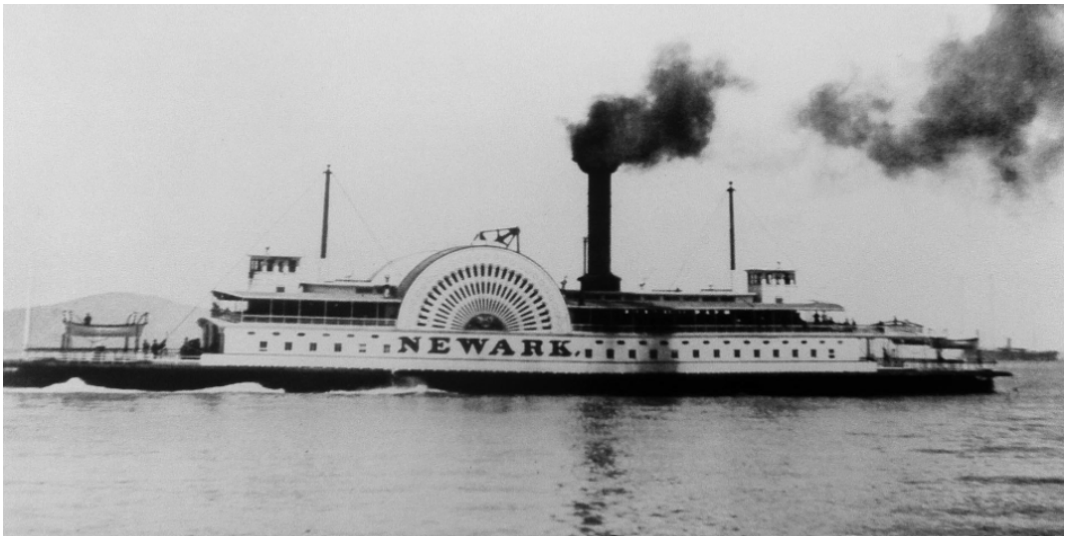


Past

The City's roots are 150 years old. By California's statehood in 1850, landings along the Bay in the vicinity of today's City of Newark had already began to appear. In 1853, Mayhew's Landing included warehouses for wheat, hay, and coal. This activity triggered interest in the surrounding area and by 1856 the Mayhew Ranch included 1,500 acres of farmland extending inland to present-day I-880. In the 1870s, a swamp reclamation project was started and an English capitalist bought an interest in the property. The land was eventually bought out by a Scotsman who named the City 'Newark', after the castle 'Newark' in Port Glasgow, Scotland.

Work started on a railroad through the townsite in 1875. The South Pacific Coast Railroad was not only completed from Dumbarton Point south all the way to Santa Cruz, but the town site was also moved to coincide with the curve on the railroad where the tracks turned south toward San Jose.

Eventually, the railroad was extended north from Newark to Alameda, providing direct ferry service to San Francisco.



The completion of the railroad precipitated additional development in Newark. Hotels and stores were soon erected, along with some of the first manufacturing industries. These enterprises joined the production of salt, which had been underway in the Newark area since the 1850's. Acquisitions and mergers of salt production companies throughout the Bay Area ultimately resulted in the formation of today's Cargill Salt.

Through the years, residents in Newark have retained a strong sense of independence and community. In 1953, a group representing the chambers of commerce of Centerville, Irvington, Mission San Jose, Niles, Warm Springs, and Newark commissioned a study to incorporate all six communities into one City. However, the Newark Chamber of Commerce began its own movement toward incorporation of just Newark. In September 1955, this effort paid off with the incorporation of Newark as the first new city in Alameda County in 47 years and defeating the effort to incorporate Newark as part of the Fremont metropolis.

Present

Newark has evolved throughout the years from its days enriched in agriculture, manufacturing, and railroad to today's expansion of high-tech, bio-tech, advanced manufacturing, and the health sciences. Newark represents a diverse, bustling economy at the gateway to some of the world's affluent markets. Small town values remain, but lower housing and development costs, close proximity to skilled workforce and universities, and a regionally strategic location make Newark a prime site for growth.

The City is a general law city and operates under the Council-Manager form of government. Under this form of government, policy-making and legislative authority are vested in a five-member elected City Council consisting of the Mayor and four Council Members. The Mayor and City Council have responsibility for passing ordinances, adopting and amending the operating and capital budgets, appointing various committee members, and hiring both the City Manager and City Attorney. The City Manager is responsible for carrying out the policies and ordinances established by the City Council, for overseeing the day-to-day operations of the City, and for appointing the various department heads.

The City provides a full range of municipal services to its community. These include public safety; construction and maintenance of streets, parks, storm drains, and other infrastructure; recreational activities and human services; environmental protection; planning, zoning, and other community, and economic development activities; emergency preparedness; code enforcement; and administrative services such as human resources, information technology, and finance. Fire protection services are contracted from the Alameda County Fire Department.



Population Overview

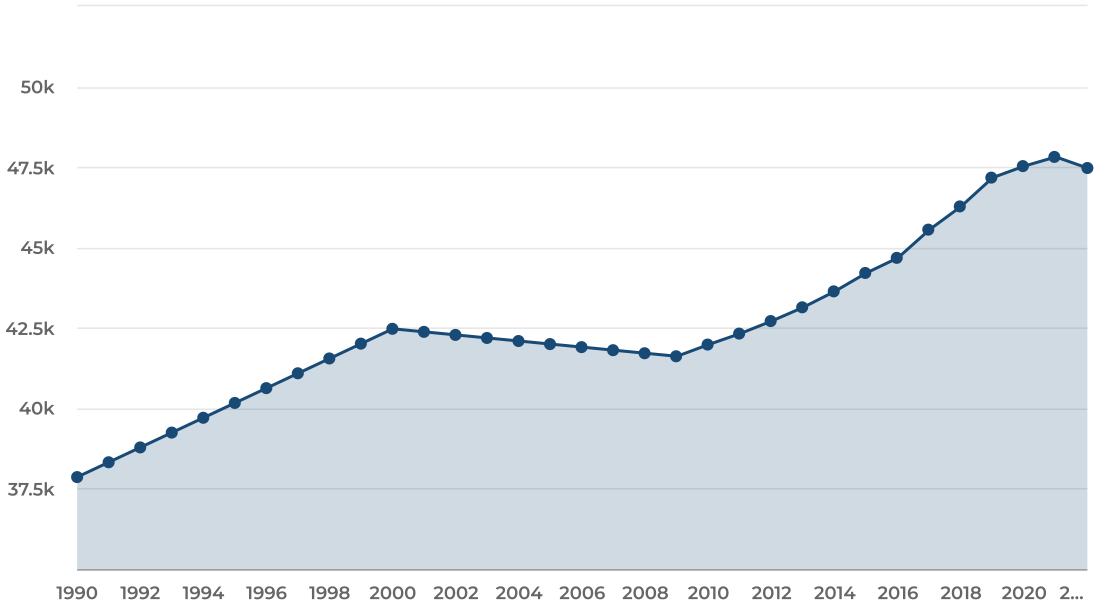
TOTAL POPULATION

47,470

▼ .7%
vs. 2021

GROWTH RANK

321 out of **497**
Municipalities in California



** Data Source: U.S. Census Bureau American Community Survey 5-year Data and the 2020, 2010, 2000, and 1990 Decennial Censuses*

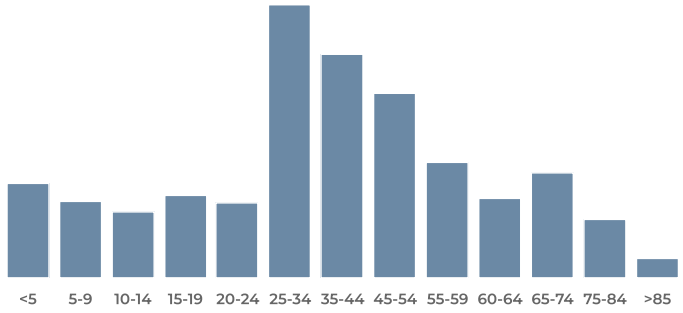
DAYTIME POPULATION

45,871

Daytime population represents the effect of persons coming into or leaving a community for work, entertainment, shopping, etc. during the typical workday. An increased daytime population puts greater demand on host community services which directly impacts operational costs.

** Data Source: American Community Survey 5-year estimates*

POPULATION BY AGE GROUP



Aging affects the needs and lifestyle choices of residents. Municipalities must adjust and plan services accordingly.

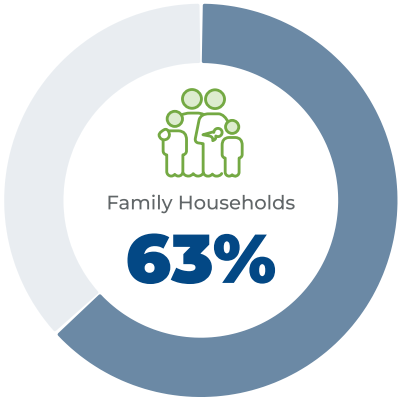
** Data Source: American Community Survey 5-year estimates*

Household Analysis

TOTAL HOUSEHOLDS

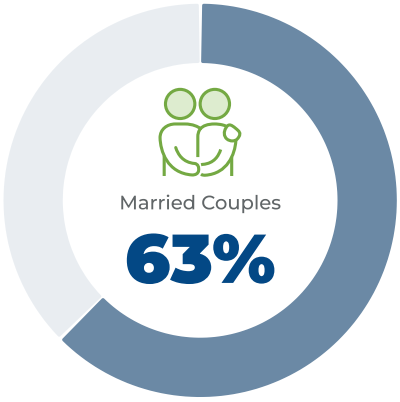
14,805

Municipalities must consider the dynamics of household types to plan for and provide services effectively. Household type also has a general correlation to income levels which affect the municipal tax base.



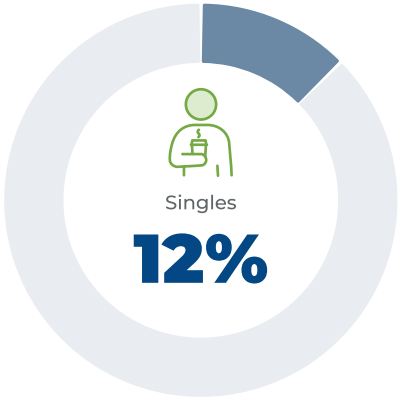
▲ 29%

higher than state average



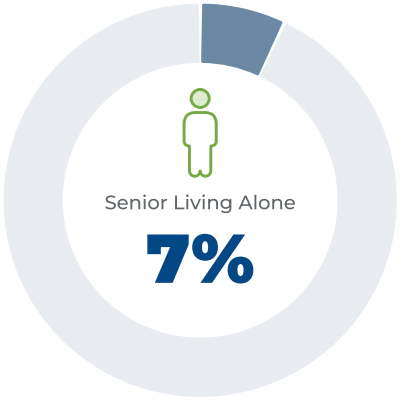
▲ 26%

higher than state average



▼ 49%

lower than state average



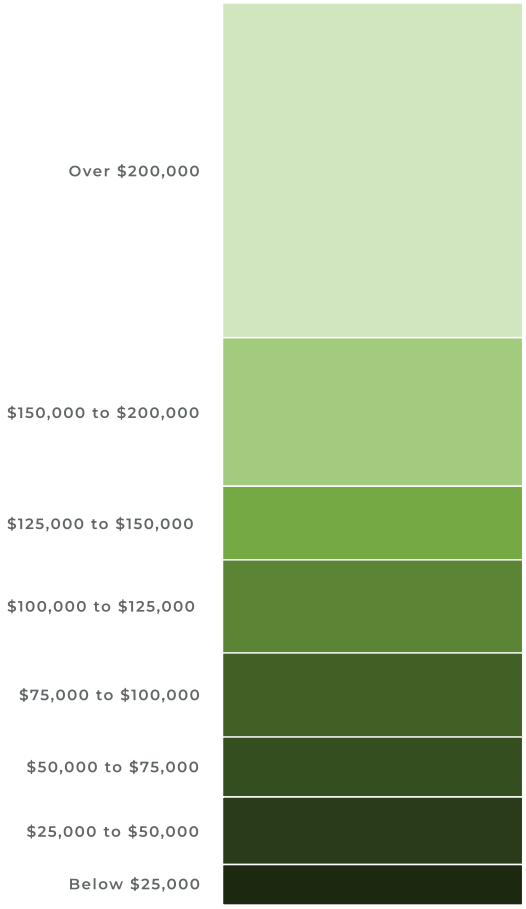
▼ 49%

lower than state average

** Data Source: American Community Survey 5-year estimates*

Economic Analysis

Household income is a key data point in evaluating a community's wealth and spending power. Pay levels and earnings typically vary by geographic regions and should be looked at in context of the overall cost of living.



HOUSEHOLD INCOME

Above $200,000

37%

▲ 107%
higher than state average

Median Income

159,465

▲ 74%
higher than state average

Below $25,000

5%

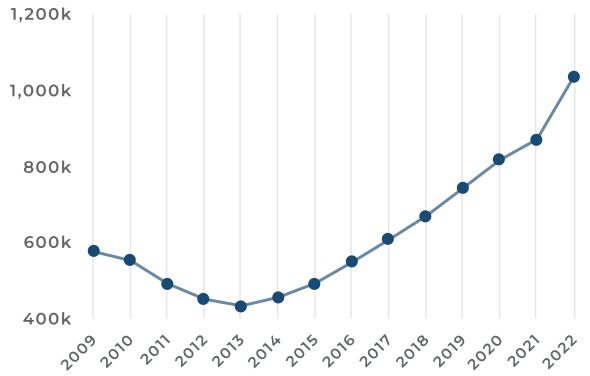
▼ 66%
lower than state average

** Data Source: American Community Survey 5-year estimates*

Housing Overview

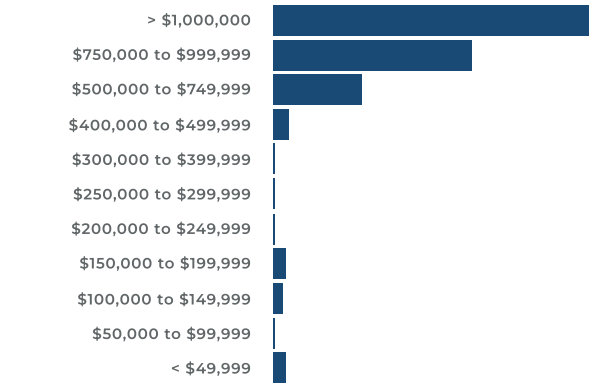
2022 MEDIAN HOME VALUE

$1,034,900



** Data Source: 2022 US Census Bureau (http://www.census.gov/data/developers/data-sets.html), American Community Survey. Home value data includes all types of owner-occupied housing.*

HOME VALUE DISTRIBUTION



** Data Source: 2022 US Census Bureau (http://www.census.gov/data/developers/data-sets.html), American Community Survey. Home value data includes all types of owner-occupied housing.*

HOME OWNERS VS RENTERS



** Data Source: 2022 US Census Bureau (http://www.census.gov/data/developers/data-sets.html), American Community Survey. Home value data includes all types of owner-occupied housing.*



THIS PAGE IS LEFT INTENTIONALLY BLANK

Mission Statement & Core Values

It is our mission to serve and partner with our community to continually enhance the quality of life of everyone in Newark.

Vision

We see a place where it is safe to live, to play, and to raise children.

We see a place where diverse and energetic people strive to live in harmony.

We see a place that cherishes small town values and also enjoys being progressive.

We see a place where educational programs are available and first-rate.

We see a place where cultural and recreational opportunities are plentiful and spiritually enriching.

We see a place with residents filled with civic pride, social concerns, and community involvement.

We see a place with tree-lined streets and open green parks.

We see a place where the economy is strong and vital and provides jobs.

We see a place where government is stable, accessible, and responsive.

We see a place that is well-planned, well-managed, and well-maintained.

Mission

It is our mission to provide the quality of services that meets the highest expectations of all those whom we serve in Newark.

Culture

Newark is a community-driven, customer-focused organization which values fiscal independence, fosters a competitive spirit, and works together as a team to achieve community goals. These comprise our organizational culture.

Community Driven and Customer-Focused

- We are more than a service organization. We strive to provide excellent services by involving the community.
- Our residents are the owners of our corporation. They are our customers and our stakeholders. They are the reason we exist.
- We strive to assure that our efforts are guided by long-term goals rather than by short-term objectives.

Fiscal Independence

- We assure that we have the necessary resources to meet community needs.
- We develop resources through aggressive economic development that attracts and retains businesses; this is the lifeline of our community.
- We invest and allocate resources wisely to maximize our ability to provide community services.

Competitive Spirit

- We are committed to achieving the vision, mission, and goals of our City.
- We set our own standards and expectations that we assertively and creatively are determined to achieve.
- We see our goals as personal and professional challenges towards which we focus our energies.

Team Approach

- We enhance the potential for achievement of City goals by working together as a team, drawing upon the talents and abilities of all members of the organization, the City Council, Commissioners, Committee Members, staff and volunteers.
- We develop strength and commitment within the organization by building trust, mutual respect, and appreciation for all members of the City family.
- We develop partnerships in the community with the Newark Unified School District, the Chamber of Commerce, homeowners groups, neighborhoods, nonprofit organizations, and others to build alliances and common understanding.

Values

We, the employees of the City of Newark, take PRIDE in our service to our community. In the daily course of our work, we value:

P

Personal Service. Our success and relationships are built upon a foundation of trust and transparency. We conduct ourselves with the highest degree of ethics, integrity, accountability, and professionalism, to ensure we are championing exemplary service to each other and to the community we serve.

R

Resourcefulness. We actively manage our resources in the most efficient and responsible way possible. We take initiative and build dynamic teams. We train, adapt, and persist to overcome challenges and optimize value and benefit for our community.

I

Innovation. We are committed to evolving for the future. We generate and execute new ideas to maximize progress for our community and organization. We leverage and invest in technology and other tools to cultivate an environment that inspires imagination, creative problem-solving and forward – thinking.

D

Diversity. Diversity is vital to our success. We ensure accessibility and a welcoming environment for everyone. We foster equity, inclusion and belonging by honoring our differences, nurturing sensitivity, and creating opportunities so everyone can contribute in meaningful ways.

E

Engagement. We promote a culture of wellbeing, empowerment, appreciation, and recognition. We practice impactful communication and collaborate to foster teamwork that nurtures lasting connections within our organization and community.

We are Newark and
We are proud of who we are.



THIS PAGE IS LEFT INTENTIONALLY BLANK

Fund Structure & Descriptions

Fund Structure & Descriptions

The basic accounting and reporting entity for the City of Newark is a fund. A fund is a separate accounting entity with a self-balancing set of accounts that comprise of assets, liabilities, fund equity, revenues, and expenditures. Funds are established for the purpose of carrying on specific activities or attaining certain objectives in accordance with special regulations, restrictions, or limitations. The City of Newark will annually review its fund structure, to consider whether the goals of general-purpose financial reporting could be achieved by combining similar funds into a single fund for financial reporting purposes. The funds shown below have not been combined.

Funds used in government are classified into three broad categories: Governmental, Proprietary, and Fiduciary.

GOVERNMENTAL FUNDS

Governmental funds include activities usually associated with a typical state or local government's operations (public safety and general government activities).

General Fund

The General Fund is the general operating fund of the City. The major revenue sources for this Fund are property taxes, sales taxes, or other receipts not allocated by law or some other contractual agreement to other funds accounted for in the General Fund. Expenditures of this fund include the general operating expenses traditionally associated with governments such as City Council, City Administration, Police, Fire, Recreation and Economic Development.

Special Revenue Funds

Each of these funds account for revenues that are restricted as to use. Each Fund Summary in the Fund Summary section of the budget outlines in detail what the Fund's revenues and expenditures include.

Capital Project Funds

Capital Project Funds are used for the acquisition, construction, and improvements to major capital facilities and new fleet and technology. These include improvements to land, buildings and infrastructure. These funds account for financial resources that are restricted or assigned to expenditures for capital outlays. Landscape and Lighting District (L&L) funds are not included as part of the budget and are processed separately through a budget amendment resulting in resolutions for the City Council’s approval.

Debt Service Funds

Debt Service Funds are used to account for the payment of long-term debt on City obligations.

PROPRIETARY FUNDS

Proprietary funds are used in governments to account for activities that involve business-like services often found in the private sector to impose fees or charges upon those who use their services. Proprietary funds are also used to charge the internal departments of the City for costs of shared expenditures.

Internal Service Funds

These funds include services provided to internal users and function as cost-reimbursement. Internal Service Funds account for operational support activities, such as building maintenance, for the purpose of recovering the cost from the user, and for the user to identify its full cost of operations. The ISF activities include Office Support, Self-Insurance (Worker's Compensation and Public Liability), Maintenance (Equipment and Building), and Technology, Equipment and Fleet Replacement.

FIDUCIARY FUNDS

Fiduciary funds are used to account for assets held by the City acting in a fiduciary capacity as a trustee or agent for individuals, private organizations, or other governmental units. Such funds are operated to carry out the specific actions of trust agreements, ordinances, and other governing regulations. Area Improvement District (AID) funds are not included as part of the budget and are processed separately through a budget amendment resulting in resolutions for the City Council's approval.

Major Funds

- General Fund (110) - The General Fund is the general operating fund of the City. The major revenue sources for this Fund are property taxes, sales taxes, or other receipts not allocated by law or some other contractual agreement to other funds are accounted for in the General Fund. Expenditures of this fund include the general operating expenses traditionally associated with governments such as City Council, City Administration, Police, Fire, Library and Economic Development.

  General Fund Cost Centers: The concept of a Cost Center is to account for those activities for which a fee is charged to external users of the goods or services. The cost of providing

services for an activity should be recovered through fees or charges. In practice, Cost Centers are used to account for activities whose costs are only partially funded by fees and charges. A contribution from the General Fund to the Cost Center covers the balance where fees and charges are not sufficient. In other cases, some of the activities in the fund are deemed by the City Council to be of public benefit, and therefore, receives a carefully considered contribution.

- Development Cost Center (120) – The Development Cost Center consists of Planning, Engineering, Building Regulation and Inspection, and Community Development. These are services provided for developmental activities in the community and are supported primarily by development fees.
- Recreation Cost Center (130) – The Recreation Cost Center provides for the City's recreation programs and activities. These services are paid for by user fees that are partially cost covering. The City updates its Master Fee Schedule annually and takes into consideration market comparisons and the cost of providing the services. Some General Fund contribution is required due to market constraints in pricing services. The specific activities in this fund include General Recreation Services, Youth/Adult Sports, Fitness and Wellness, George M. Silliman Community Activity Center – Family Aquatic Center, General Community and Human Services, Youth and Teens, Licensed Childcare, and Seniors Activity.
- Maintenance Cost Center (140) – The Maintenance Cost Center provides for the maintenance of the City's infrastructure assets. The preservation of the City's infrastructure is a high priority which requires a contribution from the General Fund. Services provided in this fund include Street Repairs, Weed Abatement, Park and Landscape Maintenance, Street Lighting, and Environmental Services.

Other General Fund Operating Sub-funds are reported below:

- Paramedic Tax Fund (111) – Funds are used to support the Fire Department Paramedic Program. This voter-approved property tax is used to pay for training, supplies and certain personnel costs associated with the program.
- Transaction and Use Tax Fund (TUT 112) – Measure GG funds which are used to account for the City's one-half percent add-on transaction and use tax.
- Utility Users' Tax (UUT 115) – Fund is used to account for the City's revenues and expenditures incurred according to the Utility Users' Tax Ordinance of the City of Newark.

General Fund Reserves

- General Fund Emergency Reserve (101) – Funds used for unexpected expenses such as legal liability or costs associated with an unexpected disaster.
- Economic Uncertainty Reserve (102) – Funds used to reduce the organizational impact of a short-term revenue loss.

- Pension/Other Post Employment Benefit (OPEB) Reserve (103) – Funds used to pay down the pension liability or OPEB costs.
- Equipment Replacement Reserve (104) – Funds used for the replacement of vehicles, large equipment, IT, and other department items.

- Special Revenue
  - American Rescue Plan Act (382) – The American Rescue Plan Act Fund reports Federal funds received in response to the COVID-19 pandemic.
  - Public Safety Impact Fees (620) – The Public Safety Impact Fees Fund accounts for fees which provide funding for additional or improved police and fire facilities whose need is generated by new development within the City.
  - Community Service Impact Fees (621) – The Community Service Impact Fees Fund accounts for fees which provide funding for additional or improved governmental, social, and cultural facilities and are generated by new development within the City.
  - Traffic Impact Fees (622) – The Traffic Impact Fees Fund accounts for fees which provide funding for additional traffic signals or improved traffic operations.
  - Housing Impact Fees (623) – The Housing Impact Fees Fund is comprised of fees adopted by the City Council that are used solely to increase and preserve the supply of housing affordable to households of very low, low, and moderate incomes.
  - Development Maintenance Fees (625) – The Development Maintenance Fee Fund accounts for fees which provide funding to update and implement the Newark General Plan and zoning ordinance.
  - Park Impact Fees (624) – The Park Impact Fees Fund accounts for fees which provide funding for park land and new improvements.
  - Measure B – 1986 ACTIA (280) – The Measure B-1986 ACTIA Special Revenue Fund accounts for funds previously received by the Alameda County Transportation Authority as part of a 1986 sales tax measure passed by the voters of Alameda County to finance various transportation improvements. However, the measure expired in 2002, and the City no longer receives sales tax revenues related to the measure.

- Capital Projects
  - Art in Public Places (626) – Accounts for funds collected from developers to be used for the procurement and enhancement of public art.
  - Capital Project Fund (610) – Capital Project Funds are used for the acquisition, construction, and improvements to major capital facilities. These include improvements to land, buildings and infrastructure.

- Debt Service
  - Civic Center COP 2019 (503) – Accounts for funds reserved for the debt financing of the City's new Civic Center.

Non-Major Funds

- Special Revenue
  - Paramedic Tax (111)
  - Gas Tax (201)
  - RMRA SB1 (202)
  - State Construction Maintenance Funds (210, 211, 212, 213)
  - Community Development Act – HCD (214)
  - Measure D Recycling (215)
  - Waste Management Augmentation (216)
  - Hazardous Materials Program (217)
  - Recycle AB 939 (218)
  - Police Grants (230, 231, 232, 233, 235, 236)
  - Auto Break-in Prevention - AB74 (234)
  - Alameda County Fire Fees (240)
  - State Senate Bills Fund (260, 261, 262)
  - Measure B – 1986 ACTIA (280)
  - Measure B – ACTC (281, 282, 283)
  - Measure BB – ACTC(284, 285, 286)
  - Measure F (VRF) – ACTC (287)
  - ACTC Discretionary Fund (288)
  - State Construction Maintenance Funds (210, 211, 212, 213)

- Capital Projects
  - Landscape and Lighting Districts (401, 402, 404, 405, 406, 407, 408, 409, 411, 413, 415, 416, 417, 418, 419)
  - Miscellaneous State Grants (492)
  - PEG Fees (611)

- Internal Service Funds
  - Equipment & Fleet Replacement (701)
  - Technology Equipment Replacement (702)
  - Equipment Maintenance (703)
  - Building Maintenance (704)
  - Office Support (705)
  - Public Liability Self Insurance (706)
  - Workers' Compensation (707)

Budget Structure

The City maintains a chart of accounts and uses this structure to maintain accountability over the assets and resources for which it has control. The following is the budget structure for the City of Newark: Funds – Organizational Units – Programs – Account Classifications

Funds
An accounting-related entity which exists to control and account for funds from various sources. All expenditures and revenues are classified into one of three types of funds.



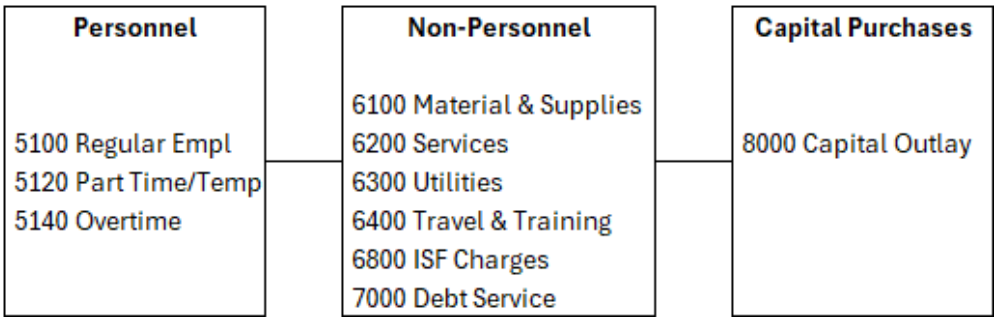
Organizational Units
Departments and Divisions together is the organization unit responsible for a particular service. All funds have organizational units. These are some sample organizational units in the General Fund.



Programs
A category of services or administrative function provided by the organizational units. All organizational units have programs/activities. These are some sample programs/activities within the organizational unit.



Account Classifications
A category of cost designed to provide detail on the types of commodities, materials, supplies, or services purchased by the local government and the provision of services. All activities have account codes, also known as line items. These are the three categories of account codes common to all organizational units.



Account Code Descriptions

The following Account Code descriptions are commonly referred to as expenditure codes.

5100 Regular Employees represent the personnel cost for services provided by full-time and regular part-time employees. Full-time employees have a weekly average regular work schedule of 40 hours. Regular part-time employees have a weekly average regular work schedule of 20-35 hours.

5120 Personnel costs of services provided by temporary employees.

5140 Overtime represents the cost for services provided by employees for hours worked in excess of regularly scheduled hours (for FT over 40 hours) to meet service level needs.

6100 Materials and Supplies represent the cost for tangible goods and commodities which are consumed or materially altered when used.

6200 Services (professional and contractual) represent the cost for general or special City services performed by either private agencies or outside governmental agencies. An example of a private agency contract is a contract for weed abatement services. An example of an outside governmental agency contract is the contract with the City of Fremont for animal shelter services.

6400 Membership, Travel, and Training represent the cost for membership in professional and trade associations, traveling to and participation in workshops, seminars, and conferences provided by these associations, and in-house training programs. Examples of some activities under this category include disaster preparedness training and exercises, advanced training in computer software use, and technical workshops that introduce new legislative reporting requirements.

6800 Internal Service Charges represent allocation of costs incurred by the Internal Service Fund (ISF) activities to provide services to other City departments. The ISF activities include Office Support, Self-Insurance (Workers' Compensation and Public Liability), Maintenance (Equipment, Building), and Technology, Equipment, and Fleet Replacement.

7000 Debt Service represents principal and interest payments on long-term debt for the Civic

Center. This also includes capital lease payments for the acquisition of a fire pumper, street sweeper, and radio communications system.

8000 Capital Outlay represents the cost of major and significant acquisitions of equipment, land, buildings, and building improvements. An example is a purchase of a new vehicle that is added to the City's fleet. Another example is the cost for a major building renovation that extends the building's economic life and expands its functional use.

Basis of Budgeting

The City's Budget is prepared in conformity with generally accepted accounting principles (GAAP), with the exception of the Landscaping and Lighting Districts (L&Ls) funds. The budget for these funds is not included in the proposed budget and is processed separately through a budget amendment resulting in resolutions for the City Council's approval.

Budget Purpose

The City has made a strong commitment to closely tie specific short- and long-term goals directly to the budget and views the budget planning process as the primary tool used in identifying the most important things to accomplish. Accordingly, the budget process includes early City Council involvement in setting major policy goals and priorities as articulated in this document.

Many of the City's Strategies and Action Items do not fit into one-year increments. A multi-year approach is conducive to setting meaningful objectives with realistic timeframes for completing them, allows departments to plan for the funding of worthwhile activities or projects and ensures that the funding is available for multi-year objectives and operating activities. A multi-year approach also encourages a more thorough and forward-thinking planning process. Planning must be done not just for one year, but also for the foreseeable future and involves developing and implementing solutions to meet longer-term needs.

Basis of Budgeting and Accounting

The Operating Budget and Capital Improvement Plan (CIP) is organized and operated on a fund basis. The operating budget represents services and functions provided by the City in alignment with the resources allocated during the fiscal year. The Capital Improvement Plan is funded and defined by its approved projects, with the remaining unexpended budget for ongoing or incomplete capital projects carried forward into the following fiscal year consistent with City Council approval by resolution.

Governmental Funds consisting of the General Fund, Special Revenue Funds, Debt Service Fund, and Capital Funds, are budgeted using the modified accrual basis of accounting, consistent with the City's financial statements, which recognizes revenues when received, unless subject to accrual. Revenues are accrued when they are measurable and available to finance City operations. For example, property taxes collected within 60 days after the close of the fiscal year (June 30) are classified as revenues for the current fiscal year. Revenues from grants and donations are recognized in the fiscal year in which all eligibility requirements have been

satisfied. Expenditures, other than general long-term debt, are recorded when the liability is incurred. For example, when the City receives a delivery of office supplies, a liability to pay is created. General long-term debt is recorded in the year when due; e.g., payment of principal and interest on a long-term lease.

Proprietary Funds include the Internal Service Funds and are budgeted using the full accrual basis of accounting, consistent with the City's audited financial statements, whereby revenue budget projections are developed recognizing revenues expected to be earned during the period and expenditures for expenses anticipated to be incurred in the fiscal year.

The City's Operating Budget uses a line-item budget format within the funds. Revenues are categorized by sources and expenditures are presented by programs and by activities within the funds. Within the activities are detail categories that include personnel, supplies, contractual services, and capital outlay.

Budget Timeline

The City of Newark adopts a biennial Operating and Capital Improvement Plan (CIP) Budget, including a Five-Year Forecast. The budgets are adopted in the even fiscal years (FY 2024, FY2026, etc.). The City's budget is developed in the context of a comprehensive five-year financial plan and is built upon the City Council's priorities providing a framework to deliver high quality programs and services to the Newark community.

Two-Year Budget Cycle: The City starts the budget development process early, in October and November preceding the start of a new fiscal cycle. Initial analysis of budget numbers includes meetings with key subject matter experts including sales and property tax consultants. In January, a dialogue starts with the various departments, followed by proposed baseline budgets to the Finance Department. In March, a public work session is held on the budget, with input solicited and questions answered. A proposed budget document is then presented to the City Council in May. The budget must be approved by the City Council by July 1



A general overview of the Capital Improvement Plan was presented to the City Council on January 25, 2024, and a budget work session focusing on the operating budget was held on March 14, 2024. The related Capital Improvement Plan and second budget work meeting was held on May 23, 2024. The City Council adopted the 2024-2026 Biennial Budget on June 27, 2024. The work sessions and council meetings provided the opportunity for City Council to discuss the budget as well as receive public comment.

BUDGET PROCESS

The budget process consists of activities encompassing the development, implementation, and evaluation of a plan to provide services and capital assets.

Several essential features characterize a good budget process:

- Incorporates a long-term perspective,
- Establishes linkages to broad organizational goals,
- Focuses budget decisions on results and outcomes,
- Involves and promotes effective communication with stakeholders, and
- Provides incentives to government management and employees.

The mission of the budget process is to help decision-makers make informed choices about the provision of services and capital assets and promote stakeholder participation in the process. The term “stakeholder” refers to anyone affected by or who has a stake in government. The budget process consists of several broad principles that stem from the definition and mission described above. These principles encompass many functions that cut across a governmental organization. They reflect the fact that the development of a budget is a political and managerial process that also has financial and technical dimensions.

Principles of the Budget Process

1. Establish Broad Goals to Guide Government Decision Making
   - A government should have broad goals that provide overall direction for the government and serve as a basis for decision-making.

2. Develop Approaches to Achieve Goals
   - A government should have specific policies, plans, programs, and management strategies to define how it will achieve its long-term goals.

3. Develop a Budget Consistent with Approaches to Achieve Goals
    - A financial plan and budget that moves toward the achievement of goals within the constraints of available resources should be prepared and adopted.

4. Evaluate Performance and Make Adjustments
    - Program and financial performance should be continually evaluated, and adjustments made to encourage progress toward achieving goals.

The City of Newark operates on a fiscal year basis, starting July 1 and ending June 30, and budgets are on a biennial (two-year) basis. The budget is prepared by the Finance Department in collaboration with all the departments under the supervision of the City Manager.

The City follows these procedures in establishing the budgetary data:

- The City Manager submits to the City Council a proposed Biennial Budget and Capital Improvement Plan for the two fiscal years commencing the following July 1, which includes proposed expenditures and the means of financing them.

- The budget is adopted by City Council resolution prior to July 1 of even-numbered years.

- The City Council must approve all budget adjustments and transfers between funds by resolution during the fiscal year.

- The City Manager is authorized to transfer any unencumbered appropriations within a department within the same funds.

- Formal budgetary integration, including recording encumbrances, is for management control purposes during the fiscal year in all budgeted funds. Under encumbrance accounting, purchase orders, contracts, and other commitments for the expenditure of monies are recorded to reserve that portion of the applicable appropriations.

- Budgets are adopted for all funds except for Area Improvement District Funds (AID) and Landscape and Lighting District (LLD) Funds. The budget for these funds is processed separately through a budget adjustment and approved by resolution with City Council approval.

- Budgets are prepared in conformity with generally accepted accounting principles (GAAP) with the exception of the Area Improvement District Funds (AID) and the Landscape and Lighting District (LLD) Funds.

PREPARATION AND REVIEW

The Finance Department is responsible for preparing revenue and expenditure estimates used to determine funding levels for new and existing services and programs. The preliminary estimates are prepared and reviewed with the City Manager and Department Directors in November/December. Finance staff will continue to use the most recent position list as a starting point for personnel expenditures in the new budget cycle. All vacant positions are budgeted at top-range/top-step, cafeteria plan contribution for employee plus 1 dependent, and PEPRA pension rates.

Any personnel increases or additions must be approved through the budget adjustment process as described later in this document. Current year estimates and long-range revenue and expenditure forecasts are incorporated into the Five-Year Forecast section of the budget document.

The non-personnel cost estimates for the current year are developed by using the budget adjustments submitted. Departments are responsible for completing non-personnel cost projections for the upcoming budget cycle. Where applicable, department staff will also prepare current year revenue estimates and projected revenue estimates for the biennial budget. Budget item descriptions justifying need should be entered for all line items.

BUDGET AMENDMENTS

During the fiscal year, amendments to the Budget are presented to the City Council for approval. Budget amendments occur when unanticipated events result in an increased appropriation for a given service; for example, an increase in utility costs. An amendment request may be proposed for additional appropriation from reserves or an appropriation transfer from one fund to another.

Financial Policies

Budgeting Policies

The FY 2025 and FY 2026 budget will be the thirteenth biennial budget for the City. This budget will be based on key principles that support the City's strategy of fiscal sustainability.

- The budget will be fiscally conservative and balanced, meaning that expected revenues and transfers are sufficient to cover planned spending.

- The City will continue providing services at least at current levels and with adequate funding.

- General Fund and Capital Fund balances will be maintained at levels that will support the City during future economic and other financial uncertainties.

- Expenditures and revenues will be estimated at conservative, but realistic levels.

- The budget will support the Critical Issues and Strategies and related Action Items that are identified in the Strategic Plan.

- All operating budget appropriations not expended in the current fiscal year will lapse on June 30th, unless encumbered to meet specific obligations such as contracts and agreements and other previously approved procurements incurred during the fiscal year through final action. These will be automatically and administratively reappropriated into subsequent fiscal year(s) without further Council consideration or action. Additionally, all budget appropriations for capital projects that are not completed and were previously approved through final action will be automatically and administratively reappropriated into the subsequent fiscal year(s) without further Council consideration or action.

- A modest Capital Improvement Program should continue to be implemented due to the limited capital reserves.

Five-Year Forecast

The Five-Year Forecast is used by the City Council and City staff as an important planning tool for making short and long-term budgetary decisions. The Forecast provides development activity information, including significant economic development trends and planned citywide development projects. Economic and financial information is also outlined, including national, state, and local economic forecasts, as well as specific revenue and expenditure projections for the City of Newark. These financial forecasts are five-year projections based on specific assumptions about future conditions such as inflation, job growth, population, and other factors that impact the local economy. These assumptions and financial projections are updated and revised at least biennially, but more often if economic conditions dictate. Finally, the City's strategic and budget plans are outlined. These include specific information regarding the City's approach to budgeting and the status of the Strategic Action Plan.

Reserve Policies

- Emergency and Fiscal Uncertainty Reserves - The City will strive to maintain a minimum reserve target of 30% of final General Fund operating and debt service expenditures (excluding transfers) for fiscal stability, cash flow needs, contingencies, and strategic opportunities for the Emergency and Fiscal Uncertainty Reserves. These reserves are intended to help the City mitigate risks and respond to financial challenges during economic downturns, emergencies, or cyclical deficits when annual expenditures exceed revenues.

- Pension and Other Post Employment Benefits (OPEB) Reserve - The General Fund Pension and OPEB Reserve fund is maintained with surpluses from salary expenditures to provide for sufficient funding of pension and OPEB obligations. This reserve can only be used to pay pension or OPEB costs.

- Equipment Replacement Reserve – This reserve was established for the replacement of vehicles, maintenance equipment, and other department items and is funded through availability from the General Fund unallocated fund balance.

- Capital Projects Reserve – This reserve was established to fund the Capital Improvement Plan and is funded through availability from the General Fund unallocated fund balance and unused allocation of projects.

Gann Appropriation Limit

California voters approved Proposition 4, commonly known as the “Gann Limits” on November 6, 1979, establishing Article XIIIB of the State Constitution. This proposition mandates an appropriations (spending) limit on the amount of tax revenue that the State and most local government jurisdictions may appropriate within a fiscal year. The fundamental purpose of the Gann Limit is to keep real (inflation adjusted) per person government spending under 1978-79 levels.

The State election on June 5, 1990 resulted in the passage of Proposition 111, amending Article XIIIB of the California Constitution, the governing legislation for calculating the appropriations limit. The measure requires that a complex series of calculations be performed each year to compare appropriations to the limit. Under the amended legislation, the appropriations limit may increase annually by a factor comprised of the change in population (city or county), combined with either the change in California per capita personal income or the change in the local assessment roll due to local nonresidential construction.

The City used the change of City population along with the change in per capita personal income options to calculate the FY 2024 appropriation limit of $511.8 million. The City’s current fiscal year 2024 Annual Budget includes appropriations subject to the limit of $64.8 million. This is well below the City’s appropriation limit. Staff has no concerns regarding our ability to stay within the limit.



THIS PAGE IS LEFT INTENTIONALLY BLANK

Goals and Strategies

The City of Newark's City Council reviews goals and strategies as part of the biennial budget process, to address current and long-term objectives. These goals are outlined below, along with action plans that City staff will be undertaking to accomplish them. These overarching goals are supported by the Department priorities which have been established for the current biennial budget cycle.

The Department priorities are in addition to the Key Objectives that departments focus on to provide services and support to the community, which can be found in the Department Summaries.

I. ENHANCING PUBLIC SAFETY - Provide a level of public safety services that will protect community members, property, and community assets based on community-oriented policing philosophy.

Action Plans:

- Utilize community engagement strategies to leverage our social media footprint to enhance community relations.
- Evaluate the technological needs of public safety services; utilize new and optimize existing technologies and data analysis to increase efficiency.
- Explore opportunities to regionalize resources and participate in collaborative efforts with other agencies.
- Identify and evaluate resources to assist with the procurement of grant funding for public safety services.
- Proactively respond to evolving demands caused by changes in legal requirements or our diverse community.

II. CULTIVATING QUALITY OF LIFE – Provide programs, services, facilities, parks, and open spaces that make Newark a desirable, healthy, and environment-focused place to live.

Action Plans:

- Provide facilities and activities that allow all community members an opportunity to engage in cultural, recreational, wellness, and informative programs and services.
- Work closely with local organizations to improve the delivery of recreation and community program services, ensuring a more impactful and effective outreach to our community.

- Promote climate protection strategies, water use efficiency, storm water protection, energy conservation, and innovative solid waste management practices.
- Monitor transportation conditions, including traffic congestion, bicycle and pedestrian mobility, and transit level of service.
- Provide clean, safe, inviting, and well-maintained streets and landscaped areas, facilities, parks, and open spaces for community use.
- Promote and implement city beautification measures as resources allow.

III. FURTHERING COMMUNITY DEVELOPMENT – Implement programs and make development decisions that maintain a vibrant and balanced community.

Action Plans:

- Ensure that the community has a coherent and long-term vision for the future through its General Plan, Specific Plans, and Master Plans.
- Improve housing diversity, add community amenities, and enhance long-term revenue through new development consistent with Specific Plans and the General Plan.
- Represent and advocate for our community through partnerships with regional agencies, neighboring communities, and directly with property owners, businesses, and the Newark Chamber of Commerce.
- Support and develop the local business community to service business ecosystem opportunities.
- Promote investment and ensure the quality of life in existing residential and commercial neighborhoods.
- Strengthen community identity and City revenue by promoting a strong hotel identity and a varied and vibrant retail mix with attractive retail areas.
- Promote the development of transportation options such as Dumbarton Transit alternatives, first and last-mile transit services, and bicycle and pedestrian improvements.
- Identify and evaluate resources to assist with the procurement and administration of grant funding.

IV. IMPROVING CITY GOVERNMENT OPERATIONS – Operate a City government that enables the organization to meet service demands of the community.

Action Plans:

- Provide and maintain public facilities within our resources.
- Take actions that promote and enhance long-term fiscal stability and independence.
- Evaluate technological and security needs of the organization for operational efficiency and safeguarding of City assets.
- Identify short and long-term space needs, and ensure facility needs for City departments are provided.
- Participate in regional and sub-regional collaborative efforts and foster inter- agency partnerships to meet the needs of the community.
- Provide a safe and effective work environment that engages each employee to perform at an optimum level of service.
- Forster a workplace culture that prioritizes diversity, equity, inclusion, and belonging, and promotes an environment where every individual feels valued, respected, and empowered to contribute their unique perspectives and talents.

V. SUPPORTING EDUCATION – Support, encourage, and offer opportunities and programs that facilitate quality community education.

Action Plans:

- Work with the Newark Unified School District and private schools and support other collaborative efforts that strive toward the development of a “world class” school system.
- Offer meaningful educational, intergenerational, all-abilities and cultural programs.
- Encourage continued business community involvement in supporting education.
- Collaborate with Ohlone College on future improvements of the Newark campus and explore opportunities for partnerships with the Community College District.

Department Priorities

In addition to the goals and action plans, City Departments updated their priorities, which were presented to City Council in March 2024 to cover FY 2025 and FY 2026.

City Manager's Office (City Manager, City Clerk, City Attorney, and Emergency Management):

- Update the citywide Comprehensive Emergency Management Plan and increase CERT participation.
- Administer the 11/5/2024 municipal election and coordinate with Alameda County Registrar of Voters.
- Initiate a Citywide branding and marketing effort.
- Develop communication priorities and increase community satisfaction with citywide communication.

Police Department:

- Increase focus on training of new officers.
- Deploy resources based on developing crime and traffic trends.
- Be responsive to quality-of-life concerns such as inoperable and abandoned vehicles, illegal dumping and ~~blight~~ graffiti abatement.
- Implement the State grant to address auto and catalytic converter thefts.
- Enhance community engagement through renewed partnerships, community events, and volunteers.
- Prioritize professional development and succession planning including mentorship and opportunities for future leaders.
- Ensure current practices are consistent with department through policies through compliance audits.

Alameda County Fire Services:

- Meet obligations in delivery of emergency response services.
- Collaborate with the City's Emergency Services Coordinator to provide community training programs.
- Review and support the City's Comprehensive Emergency Management Plan.

Public Works - Engineering:

- Support residential and commercial construction projects.
- Oversee construction of Central Avenue Railroad Overpass Project.

- Complete Old Town Streetscape Improvement Project and Thornton Avenue Complete Street Projects.
- Implement traffic improvement and roadway safety projects.
- Continue to pursue outside funding for transportation projects.

Public Works – Building Inspection:

- Support construction activity within the community.
- Educate community on Building Code updates.
- Implement software, programs, and processes to streamline development permitting and increase customer access and satisfaction with processes.

Public Works – Maintenance:

- Improve maintenance of parks, landscaping, streets, buildings, vehicles and equipment.
- Increase the City's Urban Forest and develop an Urban Master Plan.
- Complete priority maintenance needs for buildings as identified in the Facilities Master Plan and Capital Improvement Plan.
- Increase project management support to complete landscape and building projects.

Public Works – Environmental Services:

- Complete a local Sea Level Rise Resiliency Assessment and Adaptation Plan in coordination with local and regional partners.
- Update the City's Climate Action Plan with revised emission reduction targets and updated goals, policies, and strategies.
- Implement continued diversion of solid waste from landfills.
- Implement the City's Stormwater Program in accordance with permit requirements.
- Monitor changes in State law and adapt.

Community Development - Planning:

- Implement goals, policies, and programs of specific plans for Old Town and Bayside Newark.
- Update the NewPark Place Specific Plan Mixed Use II area and Four Corners Area Plan.
- Implement an Affordable Housing Work Plan and Housing Element Programs.

Community Development – Economic Development:

- Support the Chamber of Commerce and small businesses.
- Attract new retail, biotech, and advanced manufacturing businesses.
- Market the City of Newark to businesses and real estate brokers.
- Develop a hotel marketing plan.

Community Development – Community Preservation:

- Partner with the community to maintain property standards.
- Achieve compliance through outreach, education, and enforcement.
- Promote health and safety by enforcing minimum housing and property maintenance standards.
- Develop and implement a Tobacco Licensing program.
- Develop and implement a Multiple Family Housing Inspection Program.

Financial Services:

- Monitor revenues, expenditures, economic trends, and fiscal policies.
- Develop the biennial budget and capital improvement plan and five-year forecast.
- Provide leadership and support in grant compliance and financial reporting.
- Establish maintenance reserves to address needs in the Facilities Master Plan.

Recreation and Community Services:

- Open the City's first Resource Center.
- Establish partnerships to promote social services.
- Provide for community special events and recreation opportunities.
- Offer scholarships to low-income residents to improve access to recreational and fitness activities.

Human Resources Department:

- Attract a talented workforce with innovative recruitment and onboarding programs.
- Retain our talented employees with engaging professional and organizational development.
- Promote the City's PRIDE values to build a thriving employee culture.
- Champion employee safety and wellness and utilize risk management strategies to protect the City's resources.

Information Technology Department:

- Implement the Technology Master Plan and Broadband Master Plan.
- Support Departmental Initiatives by integrating technology solutions.
- Encourage innovation and foster continuous improvement through emerging technologies and best practices.
- Enhance cybersecurity and implement proactive measures to safeguard City data against cyber threats.

Budgetary Challenges

There are several challenges that have been factored in the next two fiscal years' budgets. These challenges, highlighted below, are carefully balanced with fiscal sustainability and economic conditions. Concerns from the last budget cycle, which continue into this budget cycle, include housing shortages (which in turn that affects the labor market), labor shortages, pension costs, and geopolitical tensions. While the financial effects of the COVID19 pandemic have improved significantly over the last year, new challenges arise such as sustained inflation potentially affecting sales tax, increasing costs to provide services to the community, aging infrastructure, and cybersecurity.

Fiscal Challenges:

1. Inflation – In January 2024, the consumer price index was up 3.1% year-over-year, still higher than the Federal Reserve's preferred rate of 2%. Over the last 18 months, predictions regarding the future of the U.S. economy have varied, but many experts believe inflation will continue and that the Federal Reserve won't cut interest rates until closer to the end of the calendar year. Interest rate sensitive sectors include construction, real estate, and manufacturing.

   Increased costs impact the City's ability to provide services to the community. Costs for utilities, contractual work, consultant fees, and public liability insurance have seen steeper increases in costs compared to previous years. While the City has factored in a CPI increase of 3% for the upcoming FY 2025 and FY 2026 cycles, some line items are expected to increase well above this percent.

2. Infrastructure Maintenance and Capital Investment – The preservation of the City's infrastructure continues to be a high priority and is funded through multiple resources. In addition to the Maintenance Cost Center, which is included in the General Fund, the Equipment and Building Maintenance Internal Service Funds support the upkeep costs of various assets and capital infrastructures. To support the City's priority in maintaining its aging infrastructure and assets, staff will be recommending the establishment of a Maintenance Reserve Fund. Establishing a maintenance reserve fund is a best practice for financial management and asset preservation. It ensures that there are dedicated resources available to handle maintenance needs, leading to longer asset lifespans, reduced costs, and improved operational efficiency. A separate item will be presented to Council for this item.

A Facilities Master Plan is currently being prepared to assess and project the maintenance and replacement needs of current and future assets. This plan will be used in updating the Five-Year Forecast to ensure budgetary spending is set aside to address facility needs.

3. Pension Liabilities - Like most California Cities, the cost of retirement benefits continues to be significant for the City. The unfunded liability from the latest California Public Employees' Retirement System (CalPERS) valuation report, was estimated to be $109,719,460, a 61% increase from FY 2015.

   To address the growing liability, the City has taken several actions which included cost-sharing with employees, selecting a fresh-start option provided by CalPERS to shorten the unfunded accrued liability (UAL), establishing the Pension and Other Post Employment Benefits (OPEB) reserve fund in FY 2017, prepaying the UAL to recognize a discount, and making two additional discretionary payments (ADP) of $10 million for the Safety Plan and $5 million for the Miscellaneous Plan in FY 2021 and FY 2023, respectively.

   In FY 2021, the CalPERS 21.3% investment return triggered the CalPERS funding risk mitigation policy which reduced the discount rate from 7.0% to 6.8%. Lowering the discount rate essentially increased the present value of future pension liability. By lowering the discount rate, CalPERS aims to reflect a more conservative estimate of future investment returns, which in turn helps to better align pension assets with liability. Investment returns fluctuate, and the CalPERS investment rate for FY 2022 was a negative 7.5%, followed by a positive 5.8% return in FY 2023. During the March 2024 CalPERS Board of Administration mid-cycle review, it was decided that there will be no actuarial assumption changes and no changes to the discount rate.

   At the close of FY 2023, the Pension and OPEB Reserve Fund had a balance of $12.4 million. Transfers from general fund salary savings and unallocated fund balance continue to fund this reserve. Staff has also presented to City Council to utilize $12 million of the balance to fund a Section 115 trust and/or another ADP to further paydown the UAL.

   Shortly after the California Public Employee's Pension Reform Act (PEPRA) took effect in January 2013, there were only a handful of employees under PEPRA compared to the number of PERS Classic employees. Eleven years later, the City's workforce has tipped to being over 50% comprised of PEPRA employees. Because PEPRA's new benefits formulas apply only to employees hired after January 2013, there won't be material short-term savings, but there will be savings in the long run as new employees are hired and ultimately retire.

4. Cybersecurity (Technology Master Plan) - As many cities have been plagued with cybersecurity breeches, the City has taken action to prevent cybersecurity threats with increased training and monitoring. To date, these actions have proven effective but will

need to continue as cybersecurity threats evolve and become more sophisticated and prevalent. A new Technology Replacement Internal Service Fund was created in FY 2025 to capture ongoing costs not just for asset replacement and software needs, but to also include cybersecurity costs to safeguard the City.

5. Workforce Hiring Challenges – Like many other cities, recruitment for vacant positions presents a challenge in today's environment. An aging workforce and the pandemic fall-out has resulted in many employees heading towards retirement in greater numbers. Labor challenges and competition for talent creates vacancies which often can go unfilled for several months. These vacancies can negatively impact the City's ability to carry out core services to the community and hinder projects from being completed timely. To address this issue, an adequate budget was added for recruitment efforts.



THIS PAGE IS LEFT INTENTIONALLY BLANK

Economic and Financial Forecast

Introduction

As Newark navigates through an ever-evolving economic landscape, understanding key economic indicators is essential for informed decision-making and strategic planning. Amidst this backdrop, it is imperative to examine fundamental economic indicators not only within Newark but also across the surrounding San Francisco-Oakland-Hayward area. By delving into metrics such as the Consumer Price Index (CPI), household income, housing prices and unemployment rates, this report seeks to provide a holistic view of the economic environment, laying the groundwork for the City's financial projections and initiatives.

Summary

The City of Newark, with its notable housing costs, median income figures, and low unemployment rate, remains resilient. Recent U.S. Census data underscores Newark's economic prowess, with median household incomes surpassing state and national averages. Despite facing challenges such as housing affordability concerns, Newark remains an attractive destination within the competitive Bay Area real estate landscape.

Moreover, Newark exhibits commendable economic resilience, consistently maintaining lower unemployment rates compared to broader regional and state counterparts. This trend, observed over the past few years, highlights Newark's stable local economy and labor market, positioning it favorably amidst economic fluctuations.

Looking ahead, the Economic and Financial Forecast presents an optimistic outlook for Newark's financial trajectory, with revenue and expenditure estimates developed using trend analysis forecasting and insights into known development growth and economic trends. Significant revenue sources, such as Property Tax and Sales Tax, are projected to exhibit steady growth, ensuring continued funding for essential services and infrastructure development within the City.

Furthermore, initiatives like Measure GG, a one-half percent sales tax increase, provide additional revenue streams, supporting the City's capital improvement endeavors, including the construction of a new Civic Center in 2021. Despite initial setbacks due to the pandemic, Measure GG revenue forecasts indicate a gradual increase over the next several years, contributing to the City's financial stability.

In conclusion, Newark's economic outlook remains optimistic, sustained by steadily increasing revenue projections, low unemployment rates, and a stable housing stock. While challenges persist, proactive measures and strategic planning are poised to navigate the City towards continued resilience in the face of evolving economic landscapes.

Economic Indicators

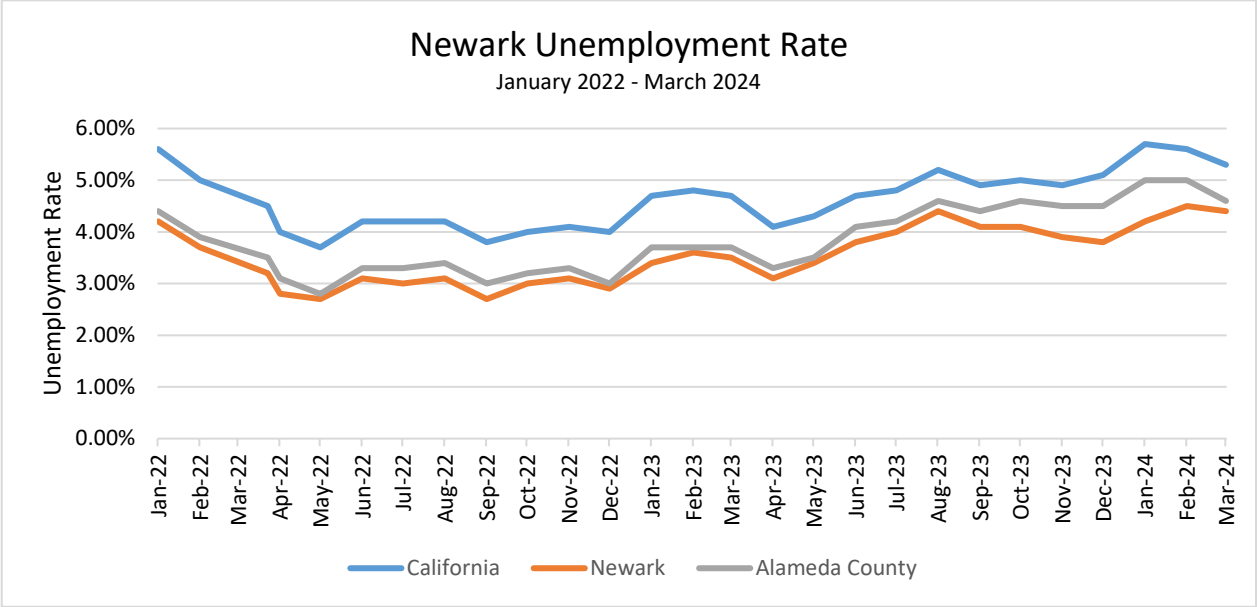
In February 2024, the Consumer Price Index (CPI) for the San Francisco-Oakland-Hayward area showed a 1.5% increase over the preceding two months and a 2.4% increase from the previous year. This rise in prices was primarily driven by higher costs for shelter. Over the 12-month period, food prices increased by 2.4%, while energy prices surged by 4.7%, mainly due to a rise in electricity prices. Excluding food and energy, the index for all items advanced by 2.2% over the year. These figures, provided by the U.S. Bureau of Labor Statistics, indicate an upward trend in consumer prices within the San Francisco-Oakland-Hayward area, which may impact various aspects of the local economy, including household budgets and purchasing power.

Looking ahead, forecasts for the next three to five years suggest a continued upward trend in the CPI for the San Francisco-Oakland-Hayward area. Economic indicators anticipate ongoing pressures on housing affordability, coupled with persistent demand for goods and services as the region continues to recover from the effects of the pandemic. Additionally, factors such as wage growth, employment trends, and monetary policy decisions will likely influence CPI movements in the coming years. Amidst these dynamics, policymakers and stakeholders will need to navigate strategies to manage inflationary pressures and promote economic stability within the region.

The City of Newark presents a compelling economic landscape characterized by robust household incomes and substantial homeownership rates, as evidenced by recent U.S. Census data (Census). With a population estimated at 47,528 as of July 2023, Newark's high median household income of $159,465 compared to Alameda County of $122,488, surpassing both state and national averages. This healthy income level is further underscored by a per capita income of $62,417 over the past 12 months. Despite a relatively low poverty rate of 4%, housing affordability remains a pertinent issue, reflective of the region's desirability.

Owner-occupied housing units constitute a significant portion of Newark's housing market, with a rate of 69.5%. However, the median value of owner-occupied housing units stands at a substantial $1,034,900, compared to Alameda County at $999,200 reflecting the City's position within the competitive Bay Area real estate market.

Over the past couple of years, Newark has consistently maintained a lower unemployment rate compared to both Alameda County and the State of California as a whole. In January 2024, while California's unemployment rate stood at 5.3% and Alameda County's rate was at 5%, Newark reported a notably lower rate of 4.2%. This trend continued through February and March 2024, with Newark's unemployment rate consistently below both the county and state averages. This pattern persisted throughout the year, highlighting Newark's relative economic resilience compared to its broader regional and State counterparts. Despite fluctuations in the unemployment rate over time, Newark consistently maintained a favorable position, suggesting a relatively stable local economy and labor market.



Source: Bureau of Labor Statistics

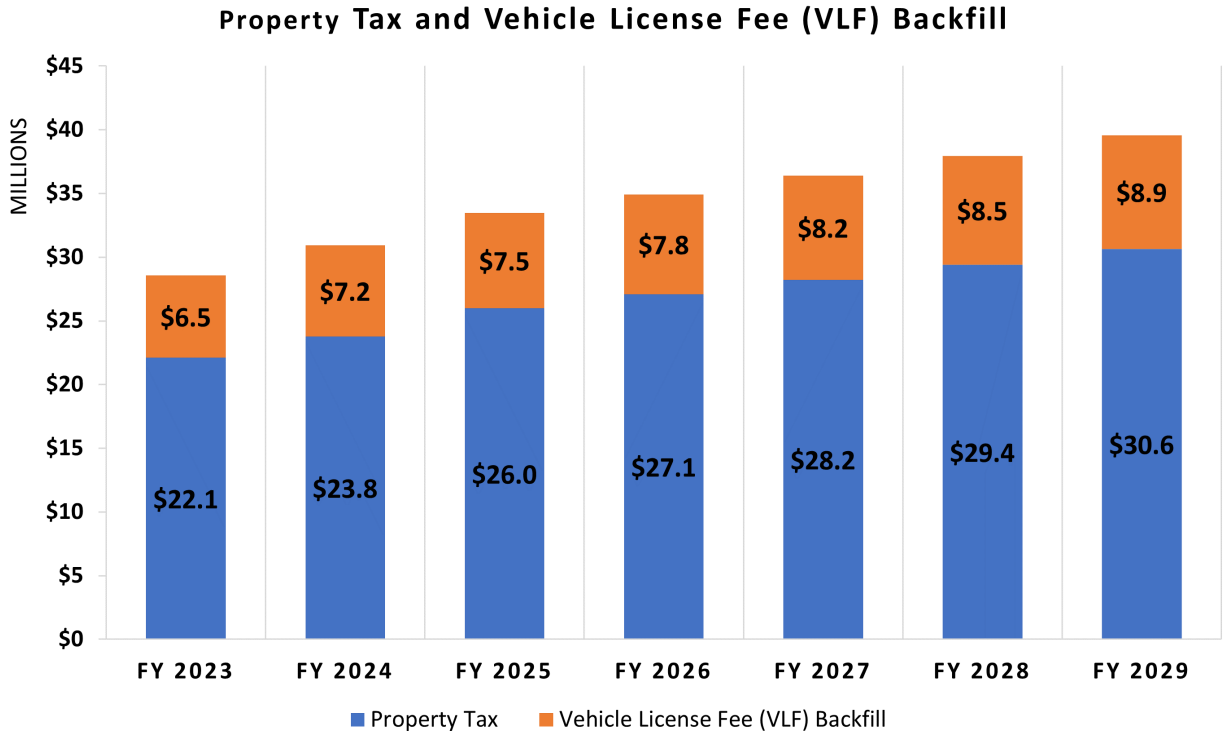
The remainder of the Economic and Financial Forecast details the assumptions used in developing revenue and expenditure estimates for the City over the next five years. These estimates are used by City staff in planning the current and future year operating and capital project budgets. The projections were developed using trend analysis forecasting combined with information regarding known development growth and economic trends in Newark.

Policy decisions made at both the State and Federal levels can significantly impact local revenues and expenditures and are also taken into consideration when developing these projections. Below are explanations of significant revenue sources for the City.

Property Tax and Property Tax in Lieu of Vehicle License Fee (VLF)

In 2023, Newark's property tax revenue surged to $22.1 million, marking a notable 10.6% increase from the previous year's total of $20 million. Looking forward, revenue estimates for the next several years indicate a consistent upward trajectory. By 2024, property tax revenue is projected to further rise to $23.8 million, representing a 7.62% increase from the preceding year. Subsequent years continue this growth trend, with estimated revenues reaching $26.0 million in 2025, $27.1 million in 2026, $27.8 million in 2027, $28.9 million in 2028, and $30.2 million in 2029. These projections underscore a steady and robust increase in property tax revenue, affirming Newark's financial stability. Such growth ensures sustained funding for essential services and ongoing infrastructure development initiatives within the City.

In 2023, Newark's Vehicle License Fee (VLF) revenue amounted to $6.5 million, indicating a steady 10.4% increase from the previous year's total of $5.9 million. Projections for the subsequent years highlight a continued upward trend in VLF revenue. By 2024, revenue from VLF is forecast to reach $7.2 million, reflecting a 10.7% increase from the preceding year. This growth trajectory persists with estimated revenues of $7.5 million in 2025, $7.8 million in 2026, $8.2 million in 2027, $8.5 million in 2028 and $8.9 in 2029. The upward trajectory in VLF revenue underscores Newark's financial resilience and ability to adapt to changing economic conditions. These increasing revenues contribute to the City's capacity to maintain vital services and invest in critical infrastructure projects, ensuring sustained progress and prosperity for its residents.



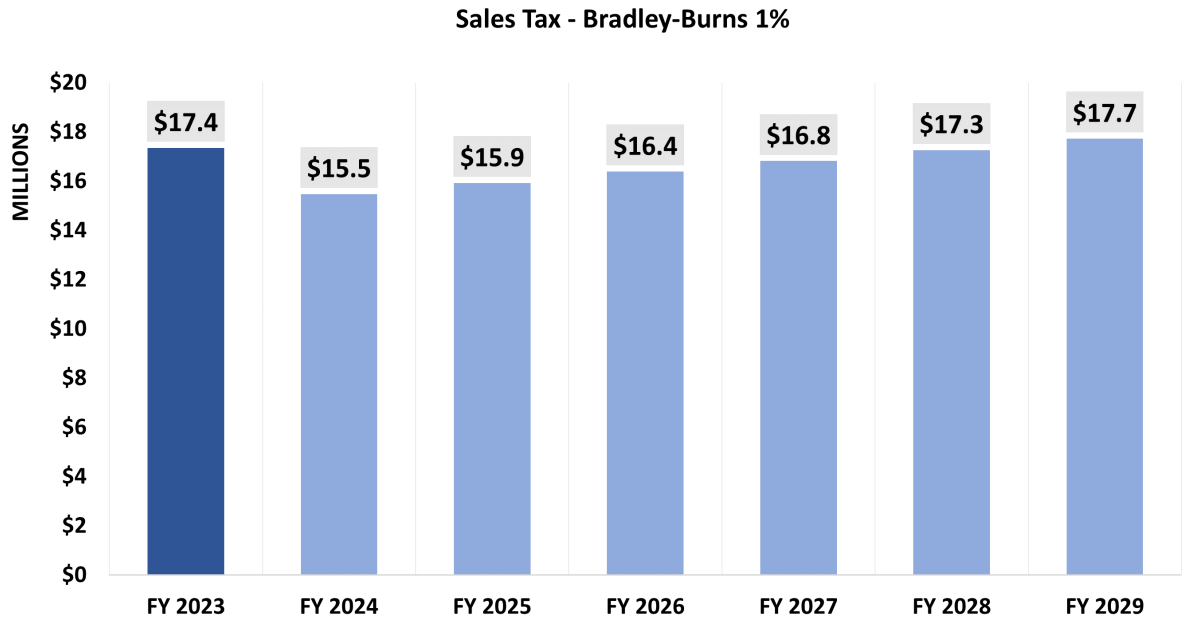
Sales Tax (Bradley Burns)

"Retail spending in the U.S. rose 0.7% in March, marking the second consecutive month of growth and reflecting the strength of the consumer driven by a robust job market. Despite a slower pace compared to February, the increase surpassed economists' projections, with online sales and specialty stores experiencing solid growth, indicating continued strong consumer spending, which has remained resilient despite inflation and elevated interest rates." Source: HdL April 2024

Sales Tax Forecast

HdL Companies, the City of Newark's Sales Tax Consultant, completed a sales tax trends and economic drivers forecast for the State of California, examining sales tax for seven major industry groups, including: Business and Industry; Autos and Transportation; Building and Construction;

Restaurants and Hotels; General Consumer Goods; Fuel Service and Stations; and Food and Drugs. The following details statewide as well as local trends within the aforementioned industry categories.



Newark's Sales Tax forecast reflects a mix of factors influencing revenue. Sales Tax accounts for approximately 11% of the total operating revenue, making it the second largest revenue source after property tax revenues.

Actuals for FY 2023 totaled $17.4 million, a result of misallocations within the business sector and one-time increases from large equipment purchases. However, the corrections of the misallocations is expected to decline in the coming years, with projections of $15.5 million for FY 2024, $15.9 million for FY 2025, $16.4 million for FY 2026, $16.8 for FY 2027, $17.3 million for FY 2028, and $17.7 million for FY 2029.

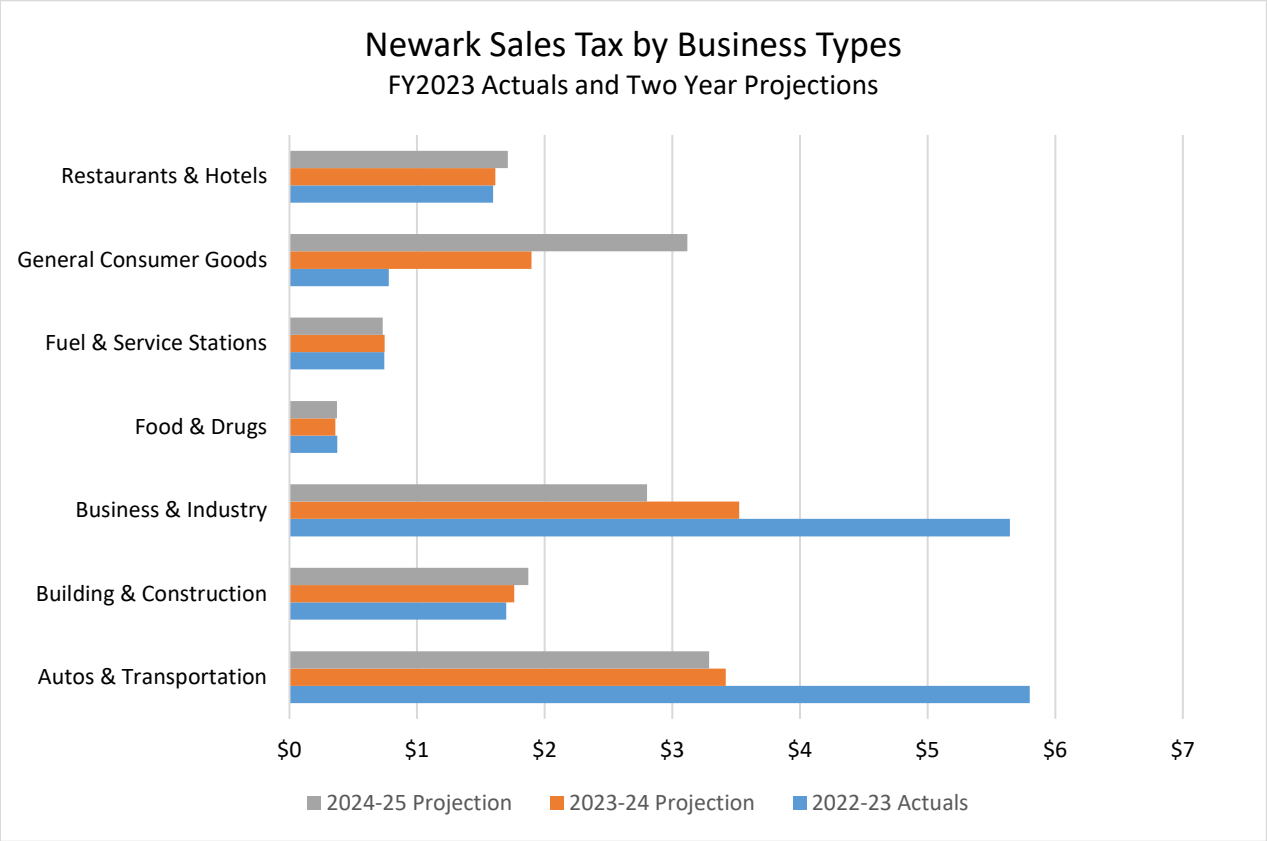
Autos & Transportation, which is estimated to decline 41.1% in FY 2024, is expected to stabilize and then gradually increase in the following years, indicating a positive trajectory for this industry segment. Similarly, Building & Construction is projected to see consistent growth, with incremental increases forecasted through FY 2029.

Business & Industry, despite a significant decline of 37.6% in FY 2024, is anticipated to rebound and show modest growth over the forecast period. The Food & Drugs sector is expected to experience minor fluctuations but overall maintain a positive trajectory with slight increases in revenue.

Fuel & Service Stations, General Consumer Goods, Restaurants & Hotels, and State & County Pools are all projected to demonstrate steady growth over the forecast period, albeit with varying rates

of increase. However, it's essential to note that these projections are subject to economic conditions, consumer behavior, and other external factors that may influence sales tax revenue.

Overall, while the City faced challenges in FY 2023, the forecasted growth across multiple sectors indicates a promising outlook for Newark's sales tax revenue in the coming years, suggesting a gradual recovery and stabilization of economic activity.



The following provides highlights of activity within the major industry groups.

Business and Industry

In the state, after several years of growth, this sector experienced a 2.2% decline. Among the sector's 21 segments, only six saw positive growth. Fulfillment centers, which contribute 31% of total revenues, remained relatively stable as e-commerce continued to fulfill orders from warehouses in California. The most significant increase was observed in the energy/utilities segment, driven by regional energy and solar projects. However, the medical/biotech sector contracted due to decreased demand for equipment and supplies. Both heavy and light industries faced challenges related to inventory, pricing, and demand, while sales in business-to-business

and office equipment-IT slowed down. Considering the factors affecting these sectors, HdL forecasts limited growth for the current year, followed by gradual expansion in subsequent years.

In Newark, the Business & Industry sales tax category for FY 2023 experienced a significant spike, reaching $5.65 million marking a notable increase from the previous year. This surge can be attributed to a few one-time large expenditures, such as equipment purchases and capital investment, and misallocations from businesses. The future projections reflect an adjustment in both business purchases and reallocations of funds over the next five years.

Looking ahead to the forecast for the years 2024 through 2029, steady growth is anticipated, albeit at a more moderate pace compared to the sharp increase observed in FY 2023. The forecast predicts a gradual but consistent rise in sales tax revenue within the Business & Industry category. This growth trajectory reflects the ongoing stabilization of economic conditions and the continued adaptation of businesses to changing market dynamics. While the rate of growth may taper slightly in the later years of the forecast period, overall stability and positive momentum are expected to characterize the Business & Industry sector's contribution to tax revenues in the City.

Autos and Transportation

Throughout the state the pricing of new vehicles, especially in the electric and luxury sectors, is changing due to inflation. As dealership inventories stabilize, manufacturers are offering more incentives, leading to lower prices and affecting tax revenues. Dealerships face more competition and high lending rates, making buyers cautious. Credit conditions are tightening, slowing down market activity. While sales dropped by 3.6% in FY 2024, they're expected to rise by 2.0% in FY 2025, indicating a potential recovery. Projections suggest a gradual return to market stability, with a modest recovery expected later in 2024 due to lower financing rates.

The notable surge in sales tax within the Autos & Transportation sector during FY 2023, with actuals reaching $5.8 million, was primarily attributed to a misallocation of sales tax from certain auto-related businesses. However, this misallocation has been identified and corrected, leading to adjustments in the future projections for this sector. The adjusted forecast for FY 2024 is $3.42 million, and for FY 2025, it is $3.29 million. While the current projections reflect these corrections, it's important to note that further adjustments may be necessary as the City continues to refine their understanding of the sector's dynamics and tax allocation processes.

Building and Construction

The Building and Construction sector experienced mixed trends throughout the State, with a notable increase in demand for storm-damaged roofing repairs driving growth. Material suppliers and roofing contractors reported heightened business activity, leading to longer waitlists. Optimism among contractors is fueled by new project bids for infrastructure work, supported by the Infrastructure Investment and Jobs Act (IIJA) which aims to address a wide range of

infrastructure needs across the country with a historical investment of approximately $1.2 trillion by the United States Congress. However, home improvement centers and lumber retailers saw declines due to factors like high mortgage rates not yet at levels to stimulate new construction. Locally, Newark's revenue in this category is projected to increase by approximately 4.1% to $1.76 million for FY 2024, reflecting modest growth prospects despite national fluctuations.

Restaurants and Hotels

In California, the Restaurants and Hotels sector is facing challenges amid rising menu prices, leading to reduced dining-out frequency among consumers. The minimum wage hike for fast-food restaurants, effective April 1, 2024, exacerbated the situation. To offset operational cost increases, restaurateurs are implementing strategic price adjustments, aiming to balance affordability and profitability. However, some establishments have resorted to noticeable menu price surges, attracting national attention. Despite consumers' continued desire for dining out and travel, they are making more budget-conscious choices, contributing to slower sector growth. Locally, Newark received $1.5 million in revenue for FY 2023, with projected increases of approximately 6.67% to $1.6 million for FY 2024, reflecting modest yet steady growth expectations for FY 2025.

General Consumer Goods

The General Consumer Goods sector experienced a decline in local tax allocations across various business types during the 2023 holiday quarter, reflecting softer-than-expected performance in core retail categories. This downturn signals a tightening of family budgets, aligning with recent CPI readings indicating flat prices for core goods. Consequently, near-term outcomes are anticipated to be more influenced by shifts in consumption patterns rather than pricing dynamics. While borrowing costs remain high and access to affordable credit has diminished, the forecast has adjusted downward for the current fiscal year. The opening of Costco in November 2023 has projected revenue increases for Newark, with $778,787 received for FY 2023, and projections of $1.89 million for FY 2024. The sooner the Federal government implements rate cuts, the sooner consumers may experience relief, potentially leading to a return to non-essential purchases. The outlook anticipates mild growth for FY 2025.

Fuel and Service Stations

The Fuel and Service Stations sector saw a decrease in the fourth quarter of 2023, largely attributed to the fluctuating prices of regular and diesel fuel. Despite the initial surge followed by a decline in oil barrel costs, which helped offset the overall reduction in sales tax, the sector experienced a downturn. A typical seasonal pattern of pump prices is expected throughout 2024 and 2025, with an anticipated boost in the spring and summer months followed by a decrease in

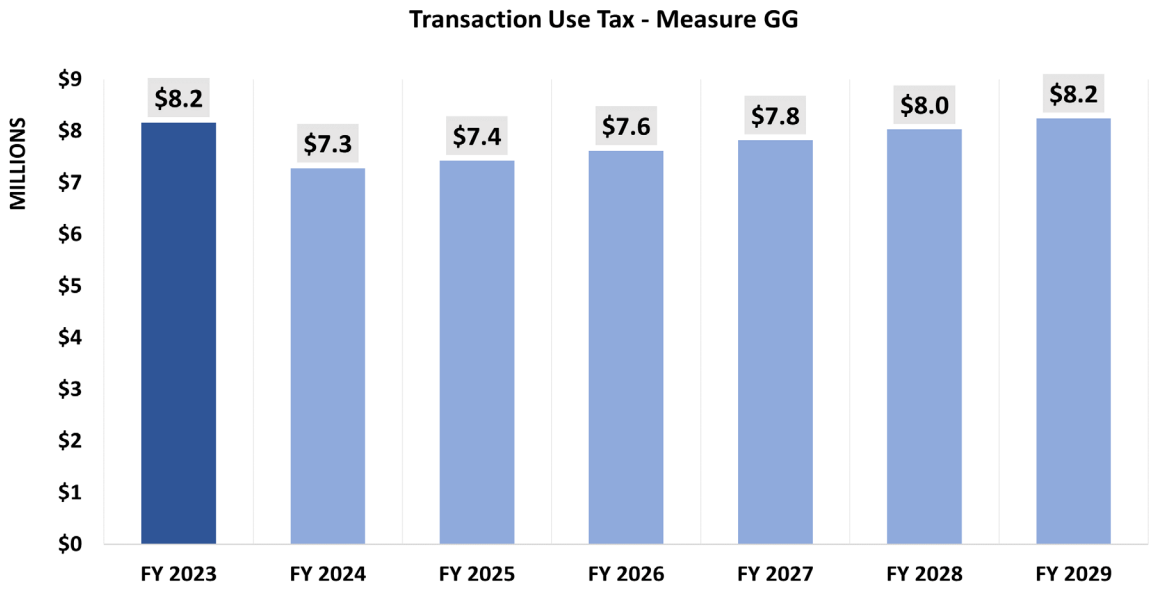
late fall and early winter. Projections suggest a slight increase in FY 2025 before stabilizing at 2% growth in subsequent years.

Food and Drugs

Despite plateauing inflation, consumer spending at grocery stores experienced a notable 5% decline in the fourth quarter of 2023. With expectations of stagnant sales, shoppers exercised restraint in their spending habits. Convenience-liquor stores faced shrinking profits, partly due to the shift towards caffeinated non-alcoholic beverages among younger adults. Additionally, the closure of several locations by a major drug store chain prompted consumers to seek alternatives, including ecommerce platforms. As this sector undergoes restructuring through closures, mergers, and efforts to rebuild consumer trust, it is expected that tax revenues will decrease in the current fiscal year before gradually rebounding in the upcoming fiscal year.

Measure GG (One-Half Cent Sales Tax)

In November 2016, voters approved Measure GG, a one-half percent transaction and use (sales) tax increase, beginning April 1, 2017. This sales tax aimed to boost general fund revenues, enabling the City to construct a new Civic Center, comprised of a Police Station, Library, and City Hall. The tax is slated to end 25 years after its collection commences, unless extended by voters. Since its implementation, the actual revenues were $8.2 million in FY 2023 and estimates include a 10.8% decrease to $7.3 million in FY 2024. Further projections indicate a further slight decrease to $7.4 million in FY 2025, followed by gradual increases in subsequent years: $7.6 million in FY 2026, $7.8 million in FY 2027, $8 million in FY 2028, and $8.2 million in FY 2029.

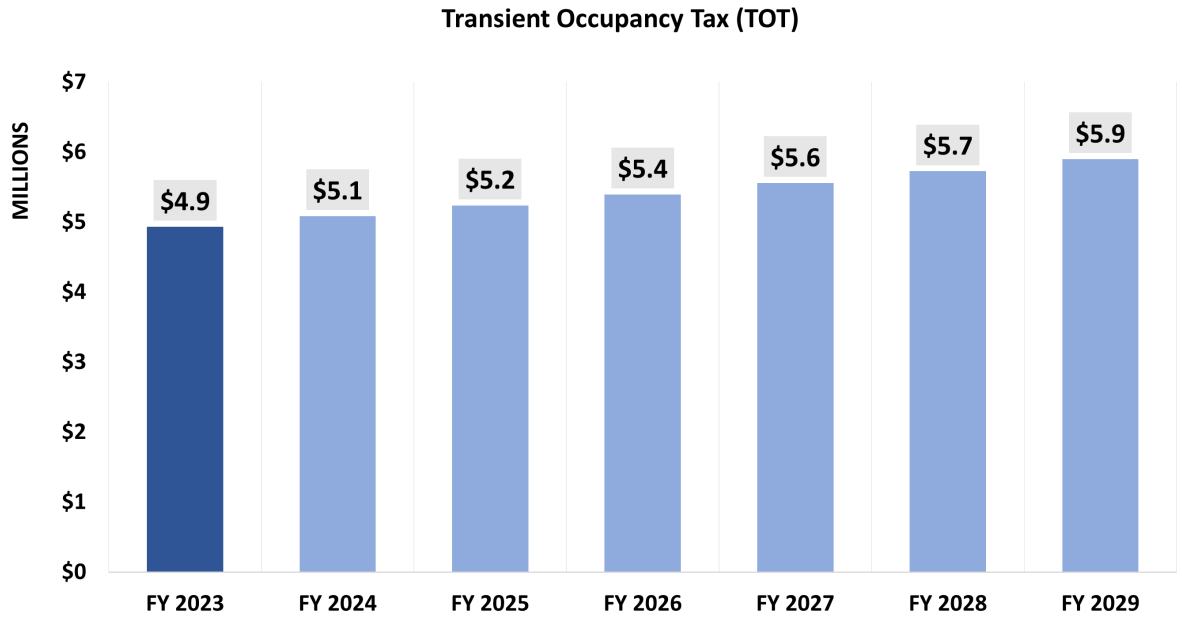


Transient Occupancy Tax

Transit Occupancy Tax (TOT) is a crucial source of revenue for the City of Newark, levied at a rate of 10% on hotel room charges. With a diverse range of accommodations, including well-known brands like Doubletree by Hilton, Homewood Suites, and Courtyard by Marriott, the City boasts a total of 11 hotels. These establishments collectively offer a substantial number of rooms, contributing to the overall tourism and hospitality sector of Newark. As a significant revenue generator, TOT plays a vital role in supporting local infrastructure, services, and community initiatives within the City.

Hotels in Newark as of May 2024	Rooms
Doubletree by Hilton	315
Homewood Suites	192
Courtyard by Marriott	181
Aloft by Marriott	172
Residence Inn (Marriott)	168
EZ8 Motel	141
Chase Suites	10
SpringHill Suites (Marriott)	119
Staybridge Suites (IHG)	104
Wyndham Garden (formerly Comfort Inn)	101
Hyatt Place	112

Transient Occupancy Tax (TOT) in Newark has demonstrated a robust recovery, indicating a healthy return to economic stability. While business and leisure travel continue to improve post-pandemic, the projected 2024 TOT revenue of $5.1 million is still under pre-pandemic levels, which was $6.7 million in FY 2019. The trajectory shows the hotel industry rebounding with a $5.9 million estimate by FY 2029. This upward trend signifies a positive outlook for the City's financial health and sustainability over the long term. The consistent growth in TOT revenue reflects renewed confidence in Newark's tourism and hospitality sector, suggesting increased visitor activity and spending within the City. As TOT revenues continue to climb, Newark can anticipate enhanced funding for local infrastructure, services, and community initiatives, further reinforcing its position as a vibrant and thriving destination.


Transient Occupancy Tax (TOT)
MILLIONS
$7
$6
$5
$4
$3
$2
$1
$0
$4.9
$5.1
$5.2
$5.4
$5.6
$5.7
$5.9
FY 2023
FY 2024
FY 2025
FY 2026
FY 2027
FY 2028
FY 2029



THIS PAGE IS LEFT INTENTIONALLY BLANK

FIVE YEAR FORECAST

Revenue Sources ($ in Millions)	FY 2024 Projection	FY 2025 Projection	FY 2026 Projection	FY 2027 Projection	FY 2028 Projection	FY 2029 Projection
PROPERTY TAX	$ 30.92	$ 33.47	$ 34.90	$ 36.39	$ 37.94	$ 39.57
SALES TAX	15.48	15.93	16.39	16.82	17.27	17.73
MEASURE GG	7.28	7.43	7.62	7.82	8.03	8.25
TRANSIENT OCCUPANCY TAX	5.09	5.24	5.40	5.56	5.73	5.90
UTILITY USERS TAX	4.37	4.46	4.55	4.64	4.73	4.83
OTHER TAXES	2.15	1.99	2.03	2.04	2.07	2.11
LICENSES PERMITS & FEES	10.92	10.96	11.51	11.83	12.09	12.43
OTHER REVENUES	6.36	5.30	4.83	4.86	4.89	4.91
TOTAL REVENUES	$ 82.57	$ 84.78	$ 87.23	$ 89.96	$ 92.75	$ 95.73

Expenditures by Category ($ in Millions)	FY 2024 Projection	FY 2025 Projection	FY 2026 Projection	FY 2027 Projection	FY 2028 Projection	FY 2029 Projection
PERSONNEL	$ 38.90	$ 40.34	$ 41.18	$ 42.39	$ 43.65	$ 44.94
NON-PERSONNEL EXPENDITURES	20.35	23.52	24.09	25.11	25.88	27.02
ACFD FIRE SERVICES	13.12	13.76	14.62	15.18	15.72	16.40
CIVIC CENTER DEBT PAYMENTS	4.82	4.82	4.82	4.82	4.83	4.46
TOTAL EXPENDITURES	$ 77.19	$ 82.44	$ 84.71	$ 87.50	$ 90.08	$ 92.82
NET OPERATING RESULTS BEFORE TRANSFERS	**$ 5.38**	**$ 2.34**	**$ 2.52**	**$ 2.46**	**$ 2.67**	**$ 2.91**

Transfers & One-Time Payments ($ in Millions)	FY 2024 Projection	FY 2025 Projection	FY 2026 Projection	FY 2027 Projection	FY 2028 Projection	FY 2029 Projection
(+) TRANSFERS IN [a]	$ 16.54	$ 0.26	$ 0.10	$ -	$ -	$ -
(-) TRANSFERS OUT [b]	7.00	-	-	-	-	-
(-) MEASURE GG EXCESS [c]	2.45	2.60	2.79	2.99	3.19	3.77
(-) PENSION/OPEB ADP & SECTION 115 TRUST [d]	12.00	-	-	-	-	-
NET OPERATING RESULTS AFTER TRANSFERS	**$ 0.47**	**$ -**	**$ (0.17)**	**$ (0.53)**	**$ (0.52)**	**$ (0.86)**

(a) From Special Revenue Fund for the Police analytics software (FY 2024 = $100K) (FY 2025 = $100K) (FY 2026 = $100K).
From Pension/OPEB Reserve Fund 103 for a planned Section 115 Trust (FY 2024 = $12M).
From ARPA Fund 382 (FY 2024 = $4.5M) (FY 2025 = $157K).

(b) To Capital Improvement Fund 610 for the maintenance of capital projects (FY 2024 = $7M).

(c) Excess Measure GG revenue after debt service payments (FY 2024 = $2.5M) (FY 2025 = $2.6M) (FY 2026 = $2.8M).

(d) Payment for establishment of planned Section 115 Trust (FY 2024 = $12M).



THIS PAGE IS LEFT INTENTIONALLY BLANK

Transition to a Post-COVID Economy and Development Forecast

As California emerges from the COVID-19 pandemic, the state's economy is navigating a landscape reshaped by enduring challenges and emerging opportunities. Despite the significant downturns experienced by state-wide industries such as tourism and hospitality and the tech sectors, Silicon Valley (including Newark) demonstrated resilience, continuing to thrive and bolstering the state's economic outlook. Over the next two years, important California industries are expected to continue their recovery, a testament to the state's economic resilience. One measure of this recovery and stability is exemplified by the hotel sector, particularly business travel. Although the sector has not fully recovered from pandemic-related declines, there are signs of stabilization and projections for modest growth. The end of shelter-in-place and mask mandates have allowed economic and social activities to resume, resulting in the growth of government revenues.

Local governments across California have faced unique challenges and transitions in the aftermath of COVID-19. The pandemic inflicted severe financial strain on municipal budgets, primarily due to decreased revenue from sales and Transient Occupancy (TOT) taxes, which are vital for funding public services. However, in response to these challenges, many localities have taken proactive measures, prioritizing essential services and seeking federal and state aid to mitigate financial shortfalls. As the state progresses in its recovery, local governments focus on rebuilding and enhancing their economic bases. Efforts include investing in local business development and leveraging technology to improve governmental efficiency and community engagement. This period of transition is also seeing a greater emphasis on economic diversification to build more resilient local economies that can withstand future shocks.

Area-Wide Economic Development Trends in a Post-COVID Era

The pandemic accelerated certain trends that define the state’s economic recovery. Remote work, for instance, has become more prevalent, prompting a reevaluation of commercial real estate needs and contributing to a surge in suburban residential development. This shift has also spurred infrastructural changes, such as increased demand for broadband access, that present logistical challenges and growth opportunities in telecommunications and related industries. Additionally, the pandemic has catalyzed California's commitment to green technologies, with increased investments in renewable energy and electric vehicles, supporting environmental goals and job creation.

Despite these positive strides, California and the Bay Area nine-county region face significant challenges. The state's economy is marked by a widening inequality gap, which the pandemic exacerbated. High living costs and disparities in health care and education access pose substantial hurdles, particularly for lower-income communities. Moreover, supply chain disruptions and labor shortages have stressed many businesses, complicating recovery efforts. Addressing these issues will require innovative policies and a concerted effort to ensure that the benefits of economic growth are widely shared, setting a sustainable path for all Californians in the post-pandemic world.

As described in “2024 Silicon Valley Index”, key economic indicator trends include:

- Employment—The largest technology companies in the region continue to reduce and adjust their workforce. The overall unemployment rate in the Bay Area varies by county. According to the State of California Employment Development Department, as of March 2024, unemployment rates range from 3.5% in San Mateo County to 4.6% in Alameda County. Newark’s unemployment rate is 4.4%.
- Commercial Space Vacancies – Office vacancy rates across the Bay Area rose to nearly 19 percent by the end of 2023, reflecting a transitioning economy and new patterns of remote work. The volume of commercial leases declined 22 percent over the previous year, leaving 31 million square feet unoccupied.
- Housing Affordability - Deep disparities in housing affordability exist across racial and ethnic groups. Eighteen (18) percent of White and 27 percent of Asian potential buyers can afford to purchase a median-priced home; this compares to only seven percent of Black or African American and nine percent of Hispanic or Latino purchasers.

Home Ownership by Race, %	Newark	Alameda County
White	31.2%	43.6%
Black or African American	2.2%	6.7%
American Indian/Alaska Native	0.7%	0.6%
Asian	47.3%	34.7%
Native Hawaiian/Pacific Islander	1.1%	0.5%
Other races	8.8%	6.1%
Two or more races	8.8%	7.8%
Total	**100.0%**	**100.0%**
Hispanic Origin	17.3%	12.7%

Source: ESRI forecasts for 2023 and 2028. U.S. Census Bureau 2020 decennial Census data.

In recent years, California has witnessed significant residential and commercial construction trends, deeply influenced by economic factors, opportunities, and challenges. Economically, construction costs remain high due to increased material and labor costs, making California one of the most expensive states in which to build new properties. The demand for housing continues to outpace supply, driven by the state's economy and relatively modest housing production. Residential construction projects have transitioned from low-density to higher-density residential buildings. Commercial development has slowed, reacting to increases in interest rates and tighter financing conditions, making it difficult for projects to secure the necessary funding. This is exacerbated by structural and societal changes in demand, such as remote work, the rise of e-commerce, and a downturn in commercial property values. Although there is a general atmosphere of uncertainty in the commercial real estate market, the residential sector remains relatively strong, particularly for specific housing types such as for-sale townhomes.

The housing supply constraints that accelerated during the pandemic remain a significant concern. According to the Governor's Office, it is estimated that, over the next eight years, the State of California should be planning for 2.5 million new homes, with at least one million of those homes that meet the needs of lower-income households. This represents a yearly production of over 300,000 units per year. In reality, about 116,000 units are being built per year.

Local Development Activity

Similar to development and construction trends seen in California and the Bay Area region, Newark is experiencing a range of development activities across the commercial and residential sectors. As illustrated below, key commercial projects have recently commenced operations, but applications for new commercial projects have slowed. Residential development, both market-rate and affordable housing projects, remain active.

Commercial Development

Costco at NewPark Mall

In November 2023, Costco opened a 161,000-square-foot retail warehouse at NewPark Mall. Costco replaced the former JCPenney and Burlington Coat Factory retail spaces, as well as a portion of the in-line mall area. Costco also includes a 32-pump retail gasoline station, surface automobile parking, and improvements to an adjacent parking structure. Costco is expected to generate significant sales tax revenue and is providing local employment opportunities to the community.



Hyatt Place Hotel

In 2023, a new Hyatt Place Hotel began operating at 39888 Balentine Drive. This business-oriented hotel includes 112 guest rooms, 2,000 square feet of flexible meeting space, a restaurant, a lounge, a market, and an indoor pool. This hotel will contribute TOT revenue similar to other Newark hotels.



Prologis Light Industrial/Warehouse – Project Under Review

Prologis, a worldwide developer and owner of logistics-related industrial buildings and a significant property owner in Newark, has proposed a 315,000-square-foot flexible-use building on Central Avenue near the Union Pacific railroad tracks. This project is undergoing environmental review and may be scheduled for Planning Commission and City Council review by the end of 2024.



Commercial and Light-Industrial/General-Industrial development has traditionally been a strength in Newark. Since 2017, Newark has welcomed over one million square feet of advanced manufacturing, research and development logistics, and warehouse space to the community. Recent countywide studies have shown that demand for these uses is strong in southern Alameda County. To assess future opportunities, the City is undertaking a study of our existing industrial properties and the opportunities to develop additional space and attract businesses that would bring new jobs and revenue desired by the community.

Residential Development – Affordable Housing

An important component of building an inclusive community is to provide affordable housing opportunities within Newark. The City's General Plan 2023-2031 Housing Element and Municipal Code provide policy direction and requirements to encourage affordable housing development. In May 2021, the City council adopted a work plan to focus City staff's affordable housing policy and program efforts, and in October 2023, the city adopted the 2023-2031 Housing Element of the General Plan that will guide work to create more housing opportunities and support for residents in a fair and equitable manner over the next eight years.

Cedar Community Apartments

Allied Housing/Abode Services opened Cedar Community Apartments in 2023, providing 124 units of affordable housing at the former Marriot Towne Place Suite, an extended-stay hotel on Cedar Blvd. Cedar Community Apartments was made possible through a $38 million Homekey grant, a State of California program to provide affordable housing in converted hotels to low-income households and those who are experiencing homelessness or at risk of becoming



homeless. In addition to the Homekey Grant, the City invested $6 million in affordable housing impact fees for the hotel site purchase and conversion to affordable housing. Cedar Community Apartments received financial support from partner agencies throughout the county, including an Alameda County grant from federal HOME Investment Partnership/American Rescue Plan Act funds. Additional support was provided by the Housing Authority of the County of Alameda in the form of 60 federally funded Project Based Vouchers available to extremely low-income veterans.

Timber Street Senior Housing

Timber Street Senior Housing, a project by Eden Housing, a prominent Bay Area affordable housing developer, hosted a groundbreaking in May 2024 at a former light-industrial site on Timber Street near Central Avenue. This development will provide 79 one-bedroom units for very low and extremely low-income seniors. On-site amenities include a community room with a kitchen, a podium courtyard with space for community garden planters, recreation, and organized activities, a computer learning center, an exercise room, a bicycle storage room, and offices to house on-site services staff. The City invested over $8 million in affordable housing impact fees and Alameda County Measure A1 housing obligation bond funds for the project. Construction is expected to be completed in early 2026.



In addition to the imminent affordable housing projects described above, the City has approved or is considering additional affordable housing projects, including:

- Bayside Newark – FMC Willow: Approved in 2022, this development would include 90 affordable rental units within a distinct building with ground-floor retail in the Bayside Newark neighborhood. Construction could begin in 2025.
- Satellite Affordable Housing Associates (SAHA) – Thorton Avenue: The City is reviewing a proposal from SAHA for 57 affordable apartments with one-, two-, and three-bedroom units. The City has invested $12 million in affordable housing impact fees for this project.

Residential Development – Market-Rate Housing

Newark is a regional leader in residential development, especially considering the modest size of the City's population. In the last five years, approximately 3,800 units have been constructed or are in construction, and an additional 1,400 units have received entitlement approvals. Recently approved residential projects include:

Cedar Homes

Robson Homes received approval for a 118-unit subdivision consisting of three-story single-family townhomes and duplexes on a former light industrial site on Cedar Blvd. Construction commenced in early 2024.

Cedar Townhomes by Waymark

Waymark Homes received approval for an 80-unit subdivision consisting of three-story townhomes on a former light industrial site near the Cedar Homes project described above. Construction is expected to commence in 2024.

Bayside Newark – FMC Willow

In 2022, Integral Communities received approval for a mixed-use project containing 279 market-rate townhomes in addition to the 90-unit affordable rental housing project with approximately 3,000 square feet of ground-floor retail described above. Construction could begin in 2025.

Residential Projects Under Review

In addition to the recently approved projects, the city is currently reviewing additional residential projects, as described in the following table.

Project Name	Location	Housing Type/Units
Lepakshi Homes	Old Town Newark, Thorton Avenue	88 for-sale condominiums; 13 for-sale affordable units
NewPark Plaza	Cedar Blvd/Balentine Avenue	800 market-rate apartments; 200 affordable apartments
Mowry Village	Mowry Avenue, west of Union Pacific railroad tracks	202 market rate, single-family detached homes

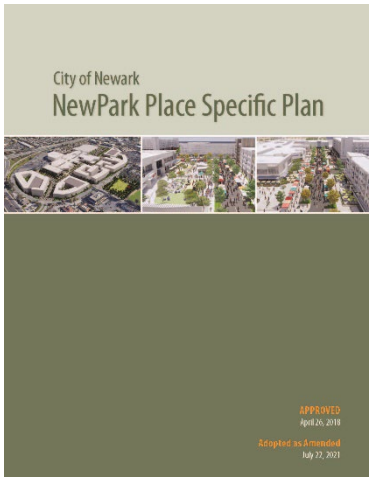
Specific Plans and Future Development

Over the past 20 years, Newark has prepared development visions, goals, and actions for specific neighborhoods to reimage former industrial areas with new, beneficial uses and to promote residential development on underutilized lands. The vision for these neighborhoods is contained in specific plans (as defined in the State of California Government Code) that have been adopted by the City Council and are available on the city's website.

The earliest-adopted specific plans for Areas 3 and 4 and Bayside Newark neighborhoods have been implemented over the years and are nearing completion. These neighborhoods have been developed primarily for residential uses and active open space. Some parcels in each specific plan area remain available for development, and development is expected to continue with improving economic conditions and property owner interest.

Specific plans that have been approved in the last four years also represent the City's vision for the physical and economic development of important areas. While earlier specific plans were focused primarily on residential development, recent plans such as the NewPark Place Specific Plan and Old Town Newark Specific Plan envision a mix of uses, residential and commercial, that will contribute to vibrant neighborhoods where the community can live, shop, work, and gather.

NewPark Place Specific Plan



In 2021, the City of Newark and Brookfield Properties, the owner of NewPark Mall, began implementing the NewPark Place Specific Plan. The Plan, adopted in 2018, has the vision to transform the NewPark Mall into a vibrant, urban place with modern residential units, retail, dining opportunities, community venues, and enhanced multi-modal streets and transit opportunities that will act as a premier Bay Area destination to revive the regional retail uses within the mall and act as an economic engine for the City of Newark. The Planning Commission and City Council held public hearings in June and July of 2021 to consider amendments to the Specific Plan and ultimately voted to approve the recommendations.

Brookfield Properties received entitlements for the first two development phases. The first was the Phase A Residential Project, a residential and retail mixed-use project with a total of 319 rental units (with 29 affordable units), approximately 3,700 square feet of ground floor retail, approximately 12,900 square feet of amenities such as a bike shop, clubroom, co-workspace, game room and fitness room, a pool courtyard, and enclosed parking with 506 parking stalls. The second project is a Costco warehouse and 32-pump retail fuel facility, as described earlier. These projects would serve as catalysts for the future redevelopment of NewPark Mall.

Although Costco was developed and commenced operation in 2023, the approvals for the Phase A residential project expired as of mid-2023. Negative economic trends, generally described above, contributed to the property owner's decision to pause residential development in the specific plan area. Future development will require new entitlements. Economic trends, particularly for regional malls, represent significant challenges to redeveloping large retail spaces in an environment where many transactions are performed and fulfilled online. The City will monitor trends, and, as before, adapt to changes in the economic environment to further our specific plan vision and goals.

Old Town Newark Specific Plan



The vision of this specific plan is to revitalize Old Town Newark as a vibrant mixed-use neighborhood, with a strong sense of place, thriving retail and commercial businesses, a range of housing choices for existing and future residents, a streetscape that prioritizes bicycles and pedestrians, and public space that allow community members to gather with their neighbors.

The Old Town Specific Plan brings together over 30 years of planning and analysis of the Old Town neighborhood to identify a grand vision that is supported by clear, realistic steps for implementation.

Relatively low commercial and residential rents have benefited small businesses. However, these low rents have prevented revitalization goals expressed in previous planning documents. Also, high construction costs are a burden for development. The specific plan implements long-standing goals for revitalization, including new multi-family and residential mixed-use development, by responding to current market conditions and State housing requirements. At the same time, the specific plan provides steps to maintain existing housing stock and avoid displacement of existing residents and businesses.



A key aspect of the specific plan is the planned Streetscape Improvement Project. The streetscape plan for Thornton Avenue in Old Town will catalyze revitalization. The streetscape plan will complement improvements in the private realm and create a safe, attractive destination for residents and visitors, whether on bike, foot, or in a vehicle. Thornton Avenue will be narrowed from four lanes to two lanes to promote slower vehicle speeds; dedicated bike lanes will be established; sidewalks will be expanded and new curb ramps will be installed to improve pedestrian access and allow outdoor seating; and enhanced lighting, landscaping, public art, and open plazas will be added to create new public spaces encouraging people to gather together in their community.

The streetscape project is partially funded from several grant sources, including the Metropolitan Transportation Commission's (MTC) One Bay Area Grant 3 (OBAG 3) program, Regional Measure 3 (RM3), Bay Area Air Quality Management District's (BAAQMD) Transportation Fund for Clean Air (TFCA) administered by the Alameda County Transportation Commission (Alameda CTC), and State funding secured by Assemblymember Alex Lee. Streetscape construction is expected to commence in 2025.

The following chart lists the various federal and local dollars earmarked for the Thornton Avenue Complete Streets project:

Transportation and Other Grant Funds	Page No.	Federal	RM3
Thornton Avenue Complete Streets (Hickory Street to Gateway Boulevard)	283	$8.9M[F1]	$5.1M

F1 - Federal Lands Access Program (FLAP) through the Federal Highway Administration

RM3 - Regional Measure 3 anticipated funding (expected confirmation June 2024)

Summary

The City of Newark is recovering and adapting to a post-COVID economic landscape. The Bay Area region has shown resilience, particularly in the technology sector, to adapt to changing economic and societal changes. Resilience is set against a backdrop of evolving work patterns, notably the shift toward remote work that has reshaped commercial real estate demands and fueled suburban residential growth.

Significant challenges are faced by local governments in managing the fiscal impacts of the pandemic, with decreased revenues from sales taxes and Transient Occupancy Taxes putting strain on municipal budgets. In response, the City has prioritized essential services and leveraged federal and state aid to bridge financial gaps, all while making strategic investments to enhance our economic foundation.

Economically, construction costs remain high due to increased material and labor costs, making California one of the most expensive states in which to build new properties. The demand for housing continues to outpace supply, driven by the state's economy and relatively modest housing production. Residential construction projects have transitioned from low-density to higher-density residential buildings. Commercial development has slowed, reacting to increases in interest rates and tighter financing conditions, making it difficult for projects to secure the necessary funding. This is exacerbated by structural and societal changes in demand, such as remote work, the rise of e-commerce, and a downturn in commercial property values.

Residential development, for both market-rate and affordable units, remains strong. Numerous residential projects have been approved and constructed, with additional projects under consideration.

Although important commercial projects have been built, the City has fewer proposals for new development, likely due to the challenging economic and financing conditions.

Looking forward, the City's previously adopted specific plans provide development visions for specific Newark neighborhoods, which provide common visions and clear goals, policies, and actions for future development.



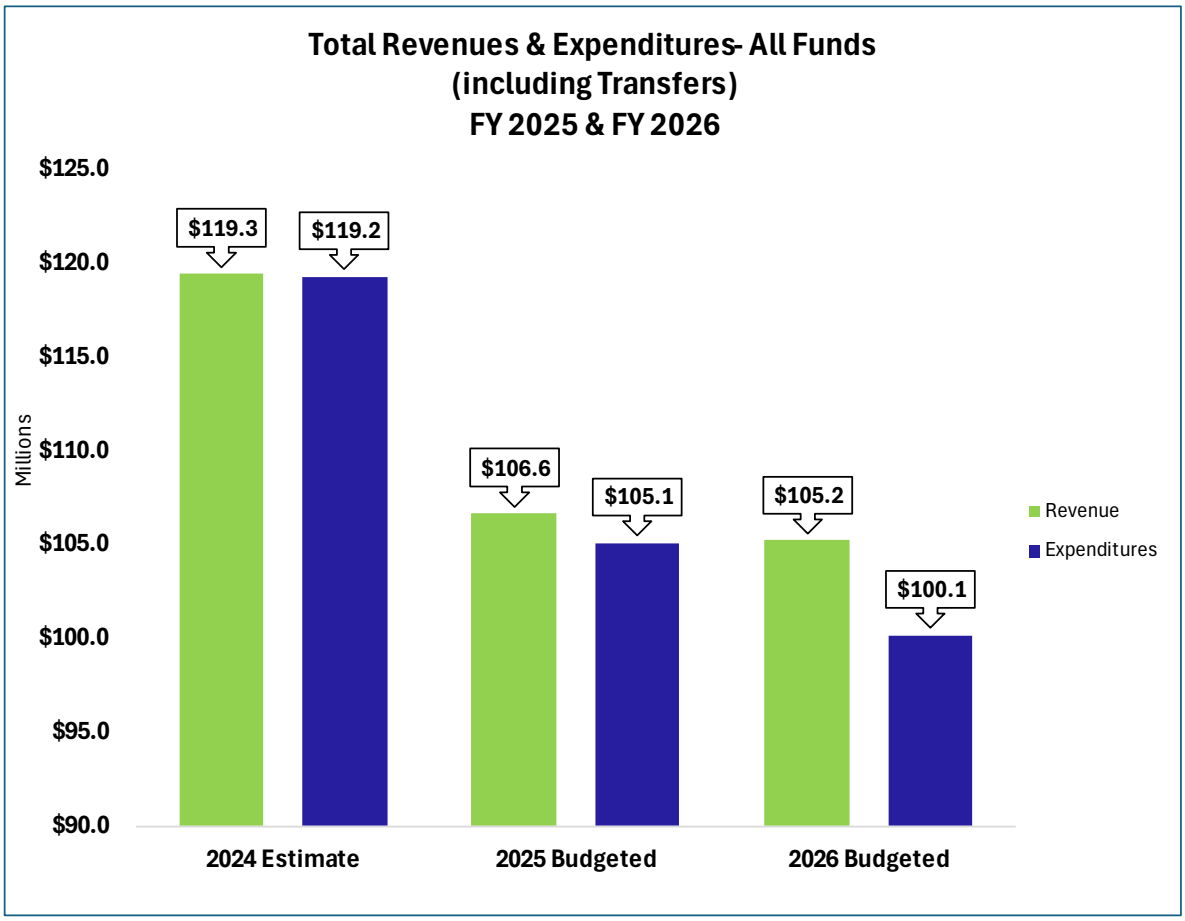
THIS PAGE IS LEFT INTENTIONALLY BLANK

All Funds Summary

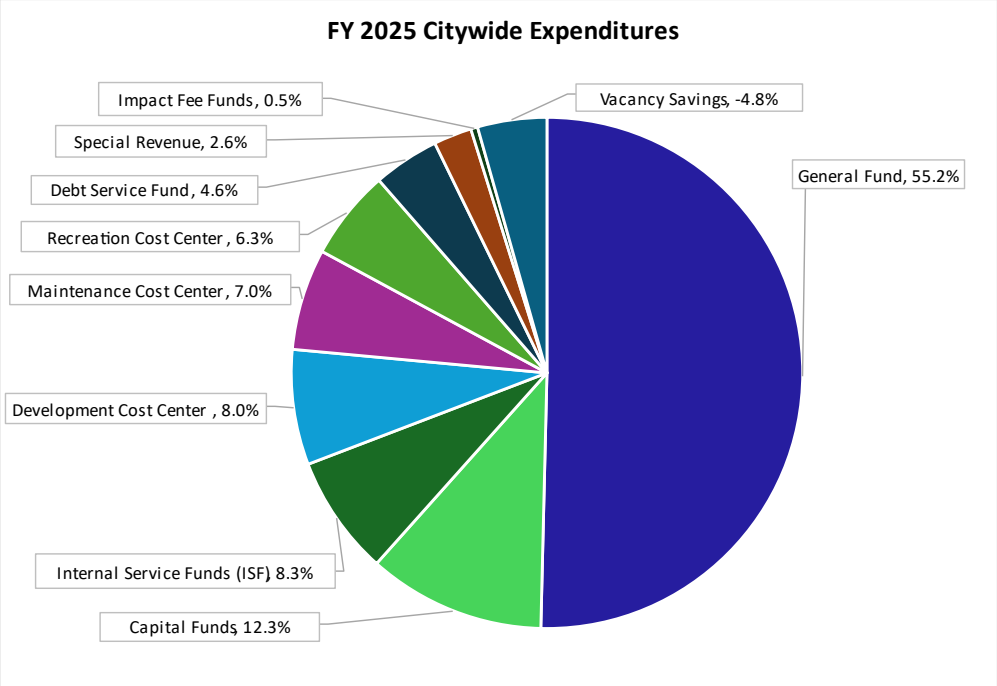
The All Funds Summary is comprised of all City funds which total all City revenues and expenditures. The City's Budget consists of the General Fund, Cost Centers, Special Revenue Funds, Internal Service Funds, and Capital Projects Funds. These funds are combined in this summary and include both Operating and Capital budgets.

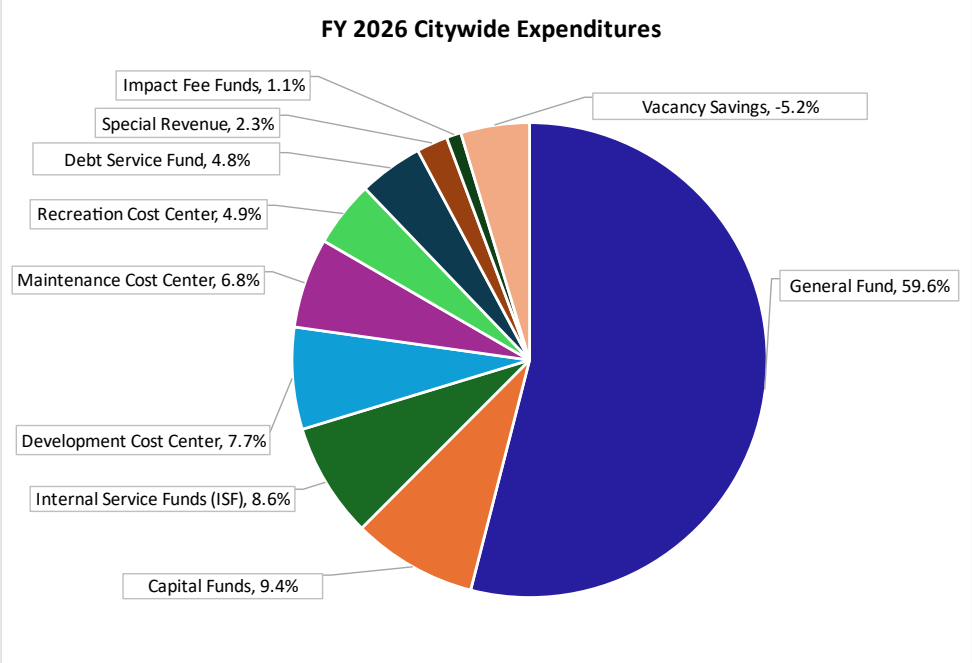
The revenue budget is approximately $106.6 million for FY 2025, a 10.7% decrease from FY 2024 projected revenues of $119.3 million. This substantial decrease is due to a $12 million transfer into the General Fund from the Pension Reserve Fund for the Section 115 Trust in FY 2024. FY 2026 projected revenue of $105.2 million is budgeted to be 4.7% less than FY 2025.

The expenditure budget of $105.1 million in FY 2025 is projected to be 11.9% lower than the FY 2024 estimate of $119.2 million. FY 2024 expenditures include a $12 million payment into the Pension Section 115 Trust. FY 2026 is budgeted to be $100.1 million, or 4.7% less than FY 2025.



The charts below reflect each cost center's percentage of citywide expenditures. The FY 2025 expenditure appropriations in the General Fund are 55.2% and in FY 2026 are 59.6% of the City's Operating and Capital budget. Capital Funds make up the second largest portion of citywide expenditures, appropriating 12.3% of the budget in FY 2025 and 9.4% in FY 2026. Vacancy savings reduce total expenditures for each fiscal year, and is based on a 12% vacancy factor over total personnel costs which is budgeted for all authorized positions.

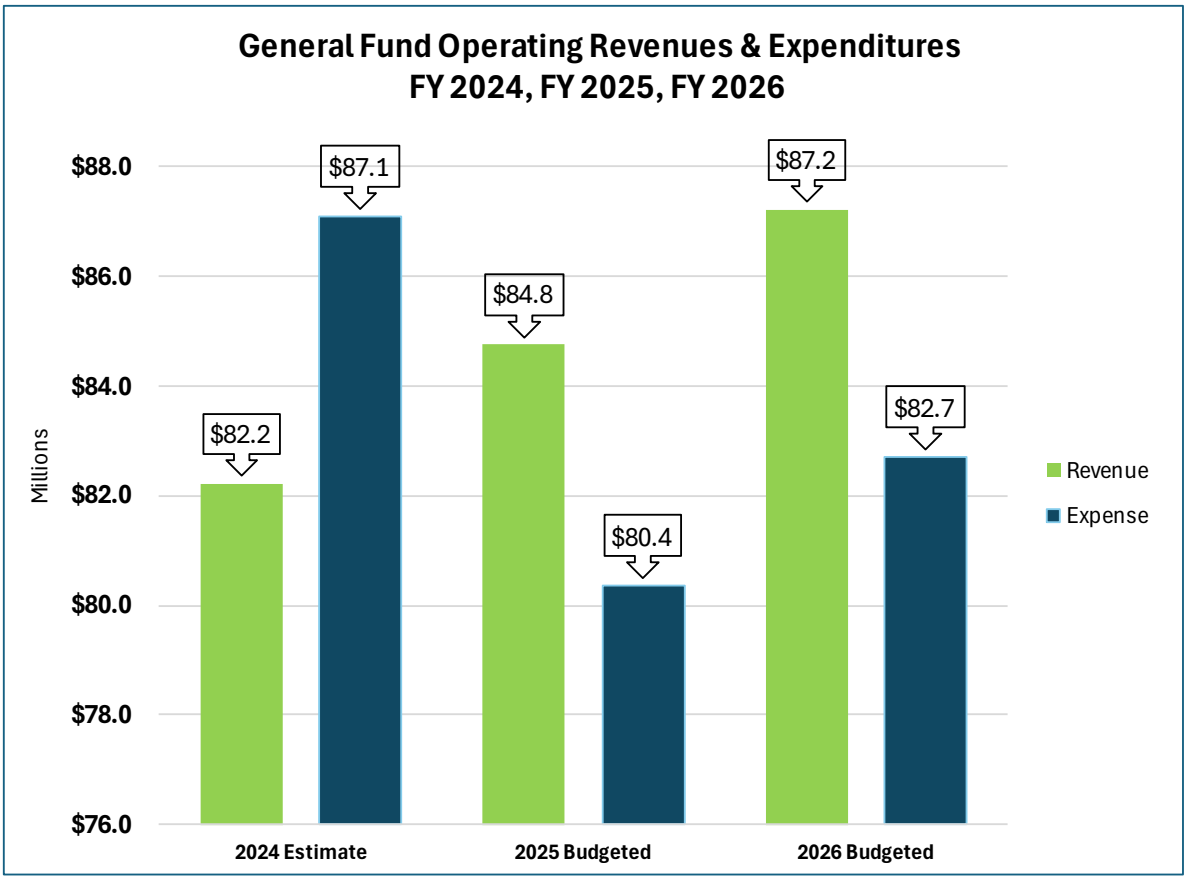




General Fund Summary

The City's General Fund operating revenues (before transfers) are budgeted at $84.8 million for FY 2025 and $87.2 million for FY 2026. This reflects a 3.1% increase between FY 2025 and FY 2024 projected revenues of $82.2 million, and a 2.9% increase between FY 2026 budgeted revenues over FY 2025.

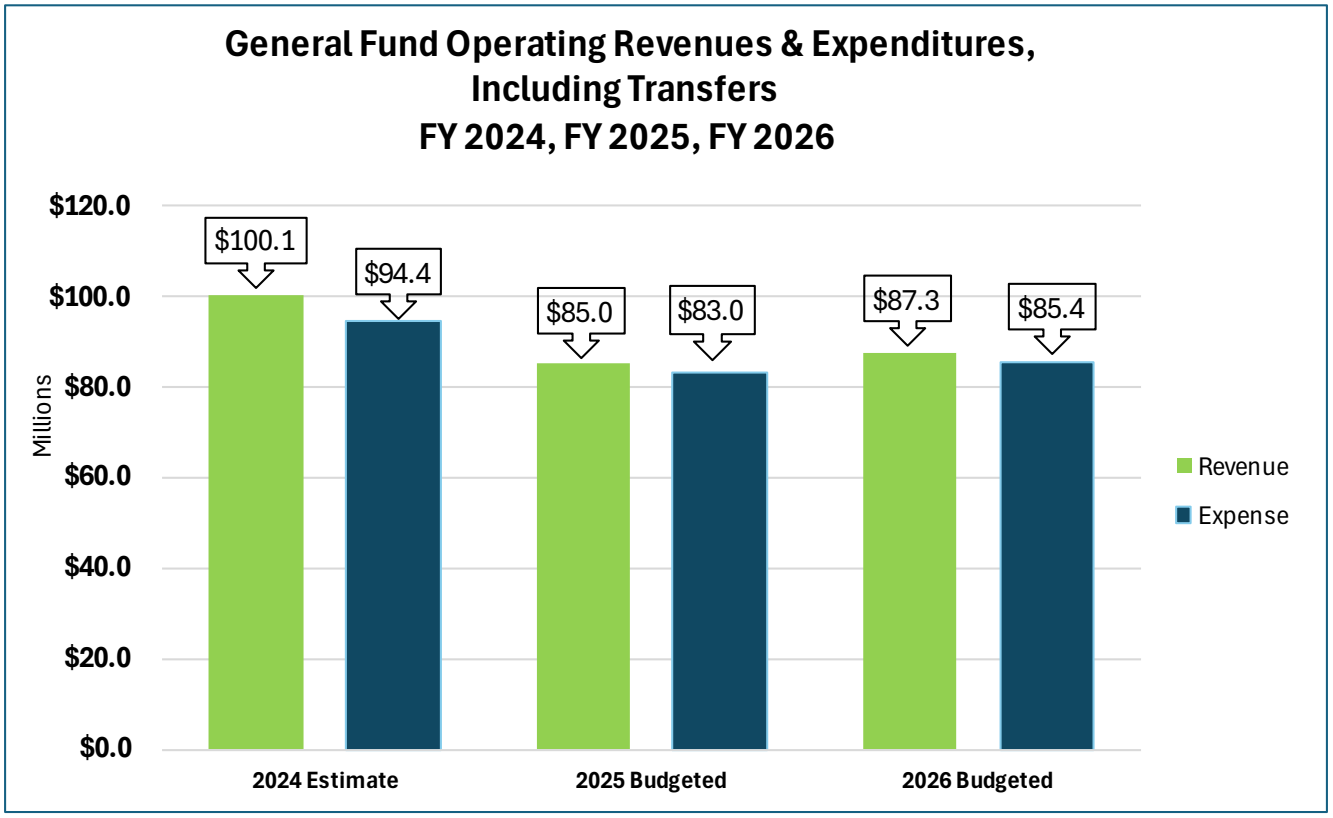
General Fund operating expenditures (before transfers) are $80.4 million for FY 2025 and $82.7 million for FY 2026. FY 2025 budgeted expenditures are projected to be approximately 7.7% lower than FY 2024, as FY 2024 includes payment for the $12 million Pension Section 115 Trust. FY 2026 is budgeted to be 2.9% more than FY 2025.





THIS PAGE IS LEFT INTENTIONALLY BLANK

Including transfers, net FY 2025 operating expenditures are $83.0 million, and includes a transfer of $4.8 million to the Debt Service Fund. Transfers-in from other Special Revenues to help fund operations are $257 thousand in FY 2025 and $100 thousand in FY 2026. For FY 2026, net operating expenditures are $85.4 million and includes the $4.8 million transfer to the Debt Service Fund.

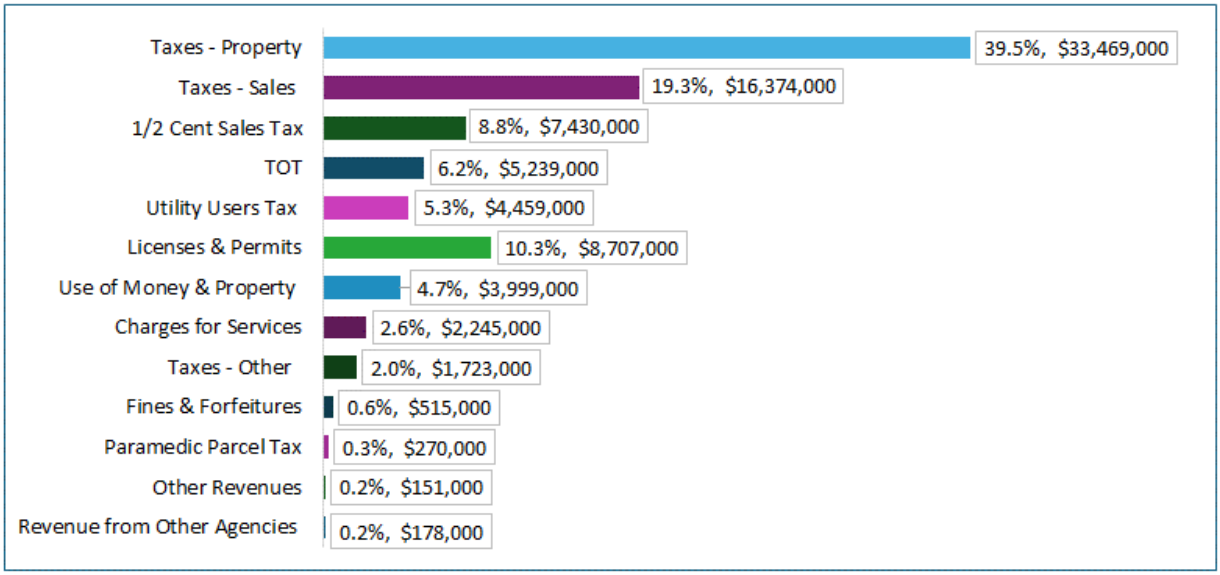


FY 2025 General Fund Revenue

The City of Newark's FY 2025 budgeted Operating Revenues are $84.8 million for FY 2025 and represents a 3.1% increase over FY 2024 projections of $82.2 million. Property tax continues to serve as the City's most stable source of revenue, accounting for 39.5% of total revenues and is expected to be $33.5 million, which is an increase of 7.9% over FY 2024. Sales and the Half-cent Sales Tax (Measure GG) of $23.8 million combined accounts for 28.1% of total revenue and is budgeted to be 2.9% higher than the previous fiscal year. Accounting for 6.2% of total revenue is Transient Occupancy Tax (TOT) at $5.2 million and is expected to increase 3% in FY 2025. Utility Users Tax (UUT), making up 5.3% of total revenue at $4.5 million, is expected to grow 1.7% over the prior year. Other taxes, comprised of Business License Tax and Property Transfer Tax, is budgeted to remain flat.

General Fund, License and Permit fees account for 10.3% of total operating revenue and is budgeted to be $8.7 million, compared to $9 million in FY 2024. This decrease is in part due to the exclusion of Landscape and Lighting Maintenance revenue which will be added in the budget separately. Charges for Recreation Services, accounting for 2.6% of operating revenue, is budgeted to remain flat at $2.2 million between FY 2025 and FY 2024. Use of Money is budgeted to be $4.0 million for FY 2025, and accounts for 4.7% of total General Fund Revenue. This includes budgeted investment earnings of $3.5 million and $400 thousand of rent and concession revenue. By comparison, FY 2024 projections are $4.6 million, comprised of $4.2 million of investment earnings and $390 thousand of rent and concessions revenue.

Budgeted General Fund and Cost Centers
Operating Revenue by Source
Fiscal Year 2025

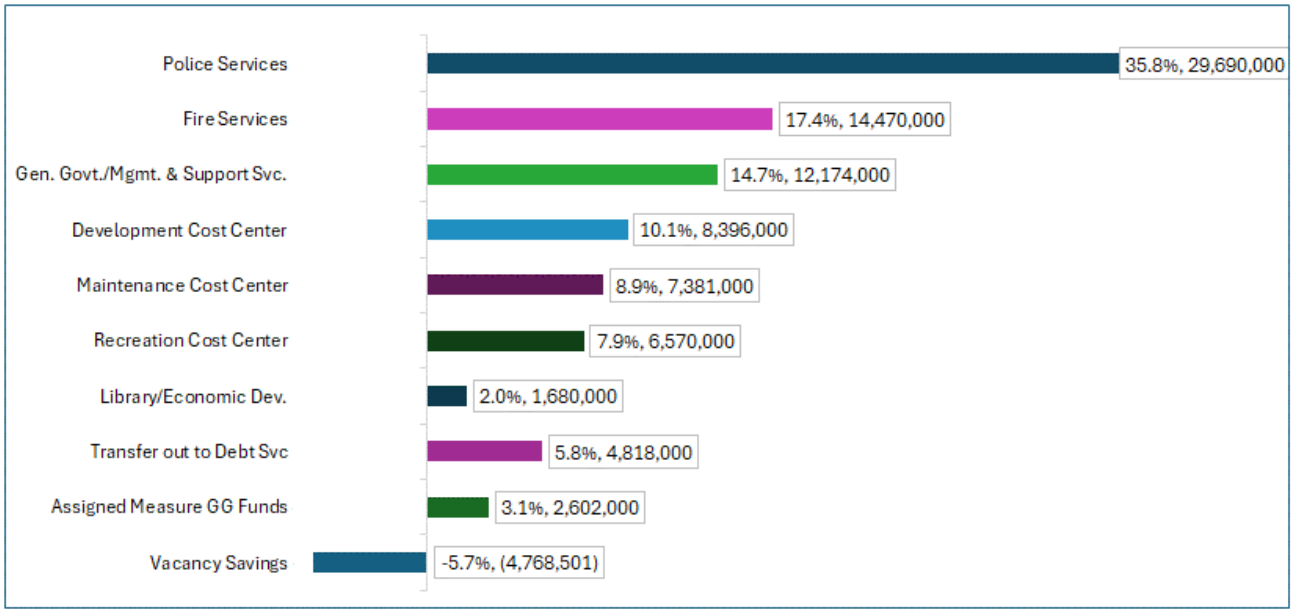


TOTAL	**$84,759,000**

FY 2025 General Fund Expenditures

The General Fund expenditures budget in FY 2025 is at $83.0 million, which is lower than the projected $94.4 million for FY 2024 because FY 2024 includes a $12 million payment to establish the Section 115 Trust to address the pension obligation. A similar payment is not planned in FY 2025. Of the total $83.0 million of budgeted operating expenditures, $37.8 million, or 45.6%, is attributable to personnel expenditures, which was increased in FY 2025 to reflect cost of living increases and higher benefit and pension costs. The remaining half of expenditures include department materials and supplies, contractual services, utility costs, travel and training, and internal service fund allocations. Non-personnel expenditures are budgeted to be higher than FY 2024 projections due to a combination of higher department program needs (such as expanding Emergency Services and Human Services), added expenditures for the Newark Resource Center, and inflationary costs.

Budgeted General Fund and Cost Centers
Operating Expenditures
Fiscal Year 2025



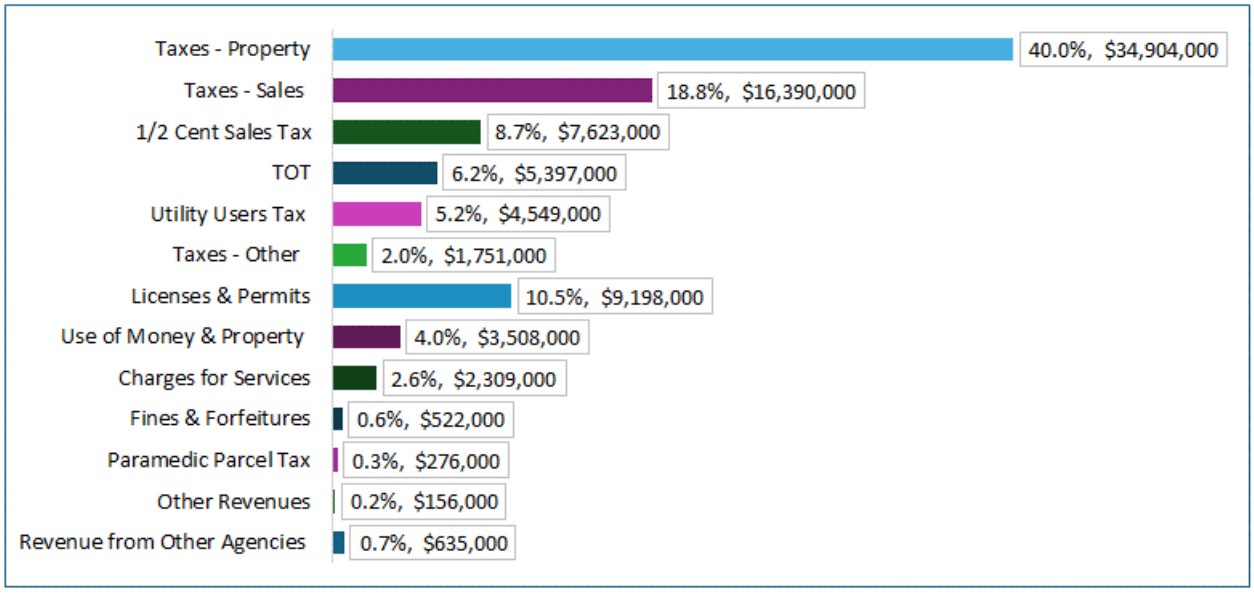
TOTAL **$83,012,499**

FY 2026 General Fund Revenue

General Fund revenues budgeted in FY 2026 is at $87.2 million and represents a 3% increase over FY 2025. FY 2026 property tax of $34.4 million is budgeted to increase 4.4% over FY 2025. Accounting for the second highest largest revenue source, is Sales and the half-cent Sales Tax (Measure GG) of $24 million, which is budgeted to be 2.9% higher than FY 2025. Transient Occupancy Tax (TOT), which is 6.2% of total revenue, is budgeted to be $5.4 million and is an increase of 3% over FY 2025. Utility Users Tax (UUT), making up 5.2% of total revenue at $4.5 million, is budgeted to remain flat. Combined Business License Tax and Property Transfer Tax at $1.7 million is also budgeted to remain flat between FY 2026 and FY 2025.

General Fund non-tax revenue, Licenses and Permits account for 10.5% of total operating revenue and is budgeted to be $9.2 million for FY 2026, compared to $8.7 million in FY 2025. This increase of $500k is due to anticipated higher franchise fees and construction permit revenue. Charges for Recreation Services, accounting for 2.6% of operating revenue in FY 2026 is budgeted to remain flat at $2.3 million. Use of Money is expected to be $3.5 million for FY 2026, and accounts for 4% of total General Fund Revenue. This includes budgeted investment earnings of $3.1 million and $400 thousand of rent and concession revenue.

Budgeted General Fund and Cost Centers
Operating Revenue by Source
Fiscal Year 2026

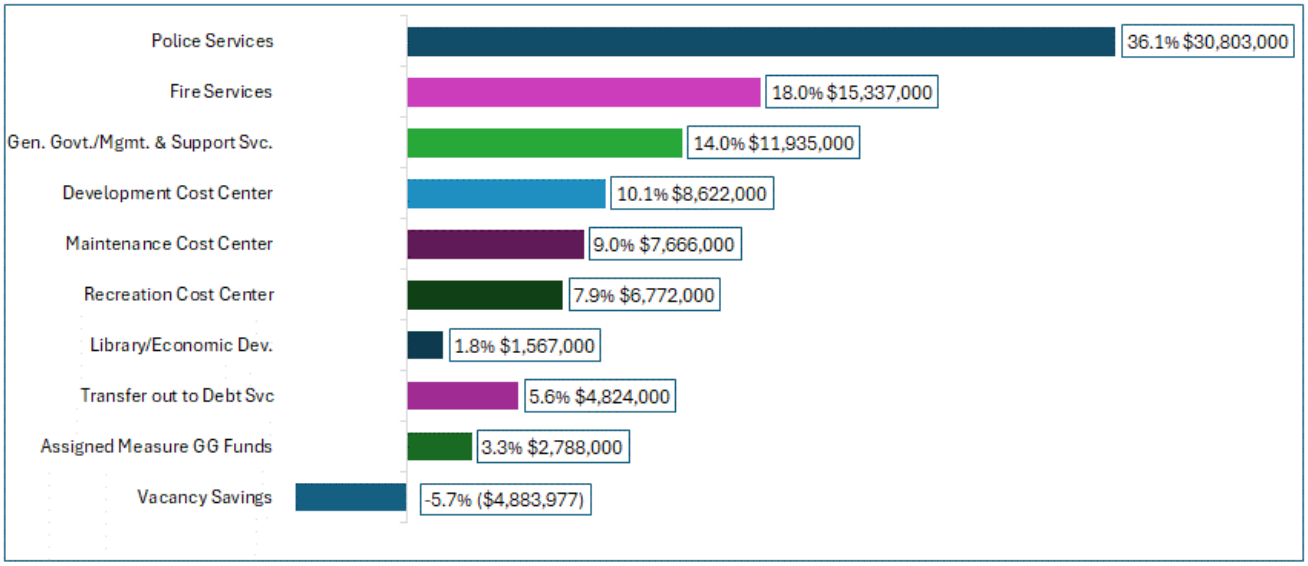


TOTAL	**$87,218,000**

FY 2026 General Fund Expenditures

The FY 2026 General Fund expenditure are budgeted at $85.4 million and is 2.9% higher compared to budgeted expenditures in FY 2025. Of this total, 45.2% or $38.6 million, is attributable to personnel expenditures, which increased an average of 2.1% compared to FY 2025. The remaining $46.8 million of non-personnel expenditures increased slightly 3.6% compared to FY 2025, due mainly to anticipated inflation.

Budgeted General Fund and Cost Centers
Operating Expenditures
Fiscal Year 2026



TOTAL	**$85,430,023**

CITY OF NEWARK PROJECTED FUND BALANCES (in thousands)

Fund Name	Fund Balance/ Net Position FY2023	Projected Revenues/ Transfers FY2024	Projected Expenditures/ Transfers FY2024	Projected Fund Balance/ Net Position FY2024
GOVERNMENTAL FUNDS				
GENERAL FUND:				
Non-Spendable	$ 155	-	-	$ 155
General Fund - Pension/OPEB Reserve	12,388	-	(12,000)	388
Equipment Replacement	6,200	-	-	6,200
Emergency Reserve	11,430	-	-	11,430
Fiscal Uncertainty Reserve	10,725	-	-	10,725
Total General Fund Reserves	$ 40,899	$ -	$ (12,000)	$ 28,899
General Fund Operating				
Paramedic Tax	1,448	264	-	1,712
Measure GG	11,631	7,283	(7,283)	11,631
Unallocated	12,686	91,576	(91,350)	12,912
Total General Fund Operating	$ 25,766	$ 99,123	$ (98,633)	$ 26,256
MAJOR FUNDS:				
ARPA	-	5,170	(5,170)	-
Public Safety Impact Fees	949	639	-	1,588
Community Service Impact Fees	722	392	(45)	1,069
Traffic Impact Fees	12,601	1,185	(2,593)	11,193
Housing Impact Fees	44,593	131	(72)	44,652
Park Impact Fees	5,806	1,786	(266)	7,326
Development Maintenance Fees	4,203	805	(1,120)	3,888
Measure B - 1986 ACTIA Fund	(2,560)	-	(888)	(3,448)
Art in Public Places	1,943	32	(145)	1,830
Capital Projects Fund	16,116	8,090	(3,317)	20,889
Public Financing Authority	86	4,821	(4,821)	86
Total Major Funds	$ 84,459	$ 23,051	$ (18,437)	$ 89,073
NON-MAJOR FUNDS	16,010	6,308	(11,091)	11,228
TOTAL GOVERNMENTAL FUNDS	$ 167,134	$ 128,482	$ (140,161)	$ 155,455
PROPRIETARY FUNDS				
INTERNAL SERVICES FUNDS:				
Equipment Replacement	$ 5,192	$ 700	$ (2,300)	$ 3,592
Information Technology	-	-	-	-
Equipment Operations	1,279	611	(1,382)	508
Building Maintenance	2,452	2,913	(3,406)	1,959
Office Support	55	100	(160)	(5)
Public Liability Self-Insurance	549	2,823	(2,027)	1,345
Worker's Compensation Self-Insurance	1,620	800	(1,111)	1,309
Total Internal Service Funds	$ 11,148	$ 7,947	$ (10,386)	$ 8,709
TOTAL FUNDS	$ 178,282	$ 136,429	$ (150,547)	$ 164,164

Projected Revenues/ Transfers FY2025	Projected Expenditures/ Transfers FY2025	Estimated Fund Balance/Net Position FY2025	Projected Revenues/ Transfers FY2026	Projected Expenditures/ Transfers FY2026	Estimated Fund Balance/Net Position FY2026
-	-	$ 155	-	-	$ 155
-	-	388	-	-	388
-	-	6,200	-	-	6,200
-	-	11,430	-	-	11,430
-	-	10,725	-	-	10,725
$ -	$ -	$ 28,899	$ -	$ -	$ 28,899
270	-	1,982	276	-	2,258
7,430	(7,430)	11,631	7,623	(7,623)	11,631
77,316	(75,582)	14,646	79,419	(77,806)	16,259
$ 85,016	$ (83,012)	$ 28,259	$ 87,318	$ (85,429)	$ 30,148
257	(257)	-	-	-	-
435	-	2,023	435	-	2,458
278	(47)	1,300	278	(49)	1,529
881	(2,656)	9,418	881	(2,731)	7,568
130	(74)	44,708	130	(77)	44,761
100	(273)	7,153	100	(281)	6,972
593	(1,371)	3,110	593	(1,400)	2,303
-	(910)	(4,358)	-	(936)	(5,294)
32	(224)	1,638	32	(231)	1,439
3,600	(6,764)	17,725	-	-	17,725
4,818	(4,818)	86	4,824	(4,824)	86
$ 11,124	$ (17,394)	$ 82,803	$ 7,273	$ (10,529)	$ 79,547
9,282	(13,752)	6,758	5,145	(9,832)	2,071
$ 105,422	$ (114,158)	$ 146,719	$ 99,736	$ (105,790)	$ 140,665
$ 1,000	$ (109)	$ 4,483	$ 1,000	$ (110)	$ 5,373
500	-	500	500	-	1,000
1,400	(1,379)	530	1,400	(1,424)	506
3,597	(3,402)	2,154	3,601	(3,512)	2,243
160	(167)	(12)	160	(175)	(27)
2,000	(2,198)	1,147	2,500	(2,653)	994
1,200	(1,296)	1,213	1,200	(1,334)	1,079
$ 9,857	$ (8,551)	$ 10,015	$ 10,361	$ (9,208)	$ 11,168
$ 115,279	$ (122,709)	$ 156,734	$ 110,097	$ (114,998)	$ 151,833

SUMMARY OF BUDGETED REVENUES
Fiscal Years 2023, 2024, 2025 and 2026

Code	Revenue by Source	2023 Actual	2024 Budgeted	2024 Estimate	2025 Budgeted	2026 Budgeted
	OPERATING REVENUE					
TAXES - PROPERTY, SALES, OTHER						
4010	Current Secured	20,595,000	22,347,000	22,348,000	24,219,000	25,277,000
4011	Current Secured - VLF	6,462,000	7,152,000	7,153,000	7,479,000	7,803,000
4012	Current Unsecured	997,000	970,000	1,204,000	1,301,000	1,358,000
4013	Prior Secured	193,000	118,000	169,000	-	-
4014	Prior Unsecured	-9,000	30,000	34,000	-	-
4015	Supplemental	415,000	111,000	506,000	470,000	466,000
4016	Penalties	79,000	-	21,000	-	-
4017	RDA	-169,000	-231,000	-510,000	-	-
4019	Paramedic Parcel Tax	266,000	233,000	264,000	270,000	276,000
4020	Sales & Use Taxes	17,352,000	15,170,000	15,481,000	15,926,000	16,390,000
4021	1/2 Cents Sales Tax (Measure GG)	8,163,000	7,283,000	7,283,000	7,430,000	7,623,000
4030	Transient Occupancy Tax	4,932,000	5,289,000	5,086,000	5,239,000	5,397,000
4040	Utility User Tax	4,219,000	4,371,000	4,371,000	4,459,000	4,549,000
4050.110	Business License	1,399,000	1,521,000	1,419,000	1,537,000	1,553,000
4050.120	Business License - Penalties	74,000	-	45,000	-	-
4050.130	Business License - Registration	88,000	-	81,000	-	-
4053	Documentary Transfer Tax	640,000	595,000	342,000	186,000	198,000
	Subtotal	**65,696,000**	**64,959,000**	**65,297,000**	**68,516,000**	**70,890,000**
LICENSES & PERMITS						
4101	Franchise Fees	4,731,000	4,873,000	4,855,000	5,072,000	5,299,000
4101.140	PEG Fees	68,000	50,000	56,000	57,000	59,000
4102	SB1186 $1 State Fee	10,000	-	-	-	-
4103	Animal License	8,000	9,000	9,000	10,000	11,000
4104	Document Reproduction & Certification	14,000	-	11,000	11,000	12,000
4105	Records Automation fee	104,000	100,000	105,000	95,000	100,000
4120	Spec NPD Fees-False Alarms	38,000	30,000	33,000	33,000	34,000
4122	Spec NPD Fees-Towing Administration	48,000	25,000	42,000	28,000	28,000
4123	Abandoned Vehicle Abatement	69,000	20,000	45,000	45,000	46,000
4125	Spec NPD Fees-Miscellaneous	22,000	-	4,000	4,000	5,000
4130	Special Fire Fee	6,000	7,000	6,000	-	-
4132	Spec FD Fee-Fire Permits	102,000	118,000	90,000	90,000	92,000
4135	Spec FD Fee Miscellaneous	2,000	-	2,000	2,000	2,000
4140	Home Occupation Fee	22,000	11,000	20,000	20,000	21,000
4141	Zoning Fee	221,000	200,000	200,000	200,000	204,000
4142	Code Enforcement	196,000	10,000	-109,000	-	-
4150	Bldg. Construction Permits	1,267,000	1,680,000	1,448,000	1,300,000	1,450,000
4151	Bldg. Permit Application Fee	109,000	70,000	96,000	80,000	85,000
4152	Bldg. Plan Review Fees	849,000	800,000	786,000	625,000	700,000
4154.110	Alarm User Permit	3,000	4,000	2,000	2,000	3,000
4154.120	Alarm User Permit - Renewal	6,000	2,000	4,000	4,000	5,000
4155	Strong Motion Fees	2,000	-	2,000	2,000	3,000
4156	Building Standards Fee	1,000	-	1,000	1,000	2,000
4157	Street & Curb Permit	192,000	250,000	250,000	230,000	235,000
4158	Plan Checking Fee	216,000	325,000	284,000	320,000	327,000
4159	Maintenance Fee	78,000	-	92,000	76,000	78,000
4160	Maintenance-Utility Charges	4,000	-	5,000	5,000	6,000
4161	Stormwater Quality Control Plan	-	5,000	7,000	7,000	7,000
4162	Storm Drain Fees	521,000	510,000	505,000	510,000	510,000
4163	Weed Abatement Fee	9,000	4,000	10,000	10,000	11,000
4164	Landscape & Lighting Maintenance	303,000	574,000	407,000	-	-
4165	EV Charging Fee	13,000	-	14,000	14,000	15,000
4199	Other Licenses & Permits	15,000	11,000	9,000	9,000	11,000
	Subtotal	**9,249,000**	**9,688,000**	**9,291,000**	**8,862,000**	**9,361,000**

SUMMARY OF BUDGETED REVENUES
Fiscal Years 2023, 2024, 2025 and 2026

Code	Revenue by Source	2023 Actual	2024 Budgeted	2024 Estimate	2025 Budgeted	2026 Budgeted
FINES & FORFEITURES						
4610	Vehicle Code Fines	505,000	588,000	483,000	488,000	493,000
4611	Parking Fines	35,000	40,000	19,000	20,000	21,000
4612	Other Fines	1,000	6,000	6,000	7,000	8,000
	Subtotal	**541,000**	**634,000**	**508,000**	**515,000**	**522,000**
USE OF MONEY & PROPERTY						
4880	Investment Earnings	3,400,000	3,587,000	4,217,000	3,600,000	3,100,000
4881	Sweep Invest Earnings	2,000	-	-	-	-
4893	Silliman Concession	21,000	140,000	19,000	24,000	28,000
4891	Silliman Center Rentals	312,000	368,000	368,000	375,000	380,000
	Subtotal	**3,735,000**	**4,095,000**	**4,604,000**	**3,999,000**	**3,508,000**
INTERGOVERNMENTAL						
4701	Motor Vehicle-In-Lieu	49,000	57,000	59,000	48,000	48,000
4703	Prop 172 Public Safety Sales Tax	450,000	454,000	462,000	448,000	457,000
4704	Homeowner Relief	101,000	98,000	103,000	100,000	100,000
4705	Other State Grants	28,000	10,000	95,000	-	-
4720-4725	State Gasoline Tax	848,000	1,060,000	877,000	889,000	908,000
4742	Federal & County Grants	331,000	275,000	338,000	338,000	338,000
4750	POST Reimbursement	37,000	30,000	96,000	30,000	30,000
4790	Miscellaneous Services	82,000	228,000	34,000	-	-
4791	County Grants/Reimbursements	188,000	52,000	52,000	-	-
4792	Other State Grants	317,000	5,135,532	814,402	4,279,000	238,000
4793	Federal Grants	3,169,000	228,000	5,215,000	302,000	45,000
4795	Donations	11,000	-	1,000	-	-
	Subtotal	**5,611,000**	**7,627,532**	**8,146,402**	**6,434,000**	**2,164,000**
CHARGES FOR SERVICES						
4180	General Recreation Services	355,000	466,000	520,000	530,000	553,000
4181	Silliman General Aquatic Program	276,000	300,000	458,000	468,000	478,000
4182	Silliman Center General Admission	521,000	548,000	548,000	559,000	571,000
4183	Silliman Contract Classes	203,000	350,000	308,000	315,000	323,000
4185	Community Center Building Rental	57,000	67,000	36,000	23,000	24,000
4186	Child Care Activity	284,000	440,000	307,000	314,000	321,000
4187	Preschool Activity	19,000	45,000	22,000	23,000	24,000
4189	Senior Center Contract Classes	9,000	22,000	7,000	8,000	9,000
4190	Recreation Processing Fee	4,000	-	4,000	5,000	6,000
	Subtotal	**1,728,000**	**2,238,000**	**2,210,000**	**2,245,000**	**2,309,000**
OTHER REVENUES						
4905	Settlement-Court Cases	105,000	-	-	-	-
4910	Landscape & Lighting Contract Admin Fee	72,000	173,862	104,000	-	-
4990	Other Revenue	168,000	110,000	180,000	151,000	156,000
4995	Misc Reimbursement	48,000	6,000	105,000	-	-
4997	Proceeds From Asset Disposition	9,000	-	156,000	-	-
4998	Cash Short/Over	-	-	-	-	-
	Subtotal	**402,000**	**289,862**	**545,000**	**151,000**	**156,000**
	SUBTOTAL GENERAL AND SPECIAL REVENUE FUNDS	**86,962,000**	**89,531,394**	**90,601,402**	**90,722,000**	**88,910,000**
	TOTAL GENERAL AND SPECIAL REVENUE FUNDS	**86,962,000**	**89,531,394**	**90,601,402**	**90,722,000**	**88,910,000**



THIS PAGE IS LEFT INTENTIONALLY BLANK

SUMMARY OF BUDGETED REVENUES
Fiscal Years 2023, 2024, 2025 and 2026

Code	Revenue by Source	2023 Actual	2024 Budgeted	2024 Estimate	2025 Budgeted	2026 Budgeted
	CAPITAL FUNDS					
REVENUE FROM OTHER AGENCIES						
4723	State Gasoline Tax	337,000	390,000	395,000	403,000	412,000
4725	HUTA RMRA SB1	1,058,000	1,114,000	1,137,000	1,165,000	1,189,000
4730	Measure D Revenue	174,000	134,000	134,000	134,000	134,000
4740-4743	Measure BB/F	1,863,000	1,564,000	1,786,000	1,817,000	1,817,000
4790	Other Governmental Agencies	-	-	-	-	-
4793	Federal/County Grants	46,000	411,022	175,000	152,251	-
4995	Misc Reimbursement	-	-	380,000	-	-
	Subtotal	**3,478,000**	**3,613,022**	**4,007,000**	**3,671,251**	**3,552,000**
IMPACT FEES						
4143	Park Impact Fees	261,000	442,000	1,786,000	100,000	100,000
4144	Development Impact Fees	2,671,000	5,238,000	2,347,000	1,724,000	1,724,000
4145	Community Development Maint. Fees	552,000	11,000	771,000	593,000	593,000
4146	Art In Public Places	28,000	20,000	32,000	32,000	32,000
	Subtotal	**3,512,000**	**5,711,000**	**4,936,000**	**2,449,000**	**2,449,000**
	SUBTOTAL CAPITAL FUNDS REVENUE	**6,990,000**	**9,324,022**	**8,943,000**	**6,120,251**	**6,001,000**
	TOTAL CAPITAL FUNDS REVENUE	**6,990,000**	**9,324,022**	**8,943,000**	**6,120,251**	**6,001,000**
	INTERNAL SERVICE FUNDS					
OTHER REVENUES						
4980	ISF Charges from Other Departments	7,800,000	7,800,000	7,800,000	9,762,000	10,262,000
4990	Other Revenue	-	-	1,000	-	-
	Subtotal	**7,800,000**	**7,800,000**	**7,801,000**	**9,762,000**	**10,262,000**
	SUBTOTAL INTERNAL SERVICE REVENUE	**7,800,000**	**7,800,000**	**7,801,000**	**9,762,000**	**10,262,000**
	TOTAL INTERNAL SERVICE REVENUE	**7,800,000**	**7,800,000**	**7,801,000**	**9,762,000**	**10,262,000**
	TOTAL REVENUE - ALL FUNDS	**101,752,000**	**106,655,416**	**107,345,402**	**106,604,251**	**105,173,000**
REVENUE SUMMARY RECAP						
	General and Special Revenue Funds	86,962,000	89,531,394	90,601,402	90,722,000	88,910,000
	Capital Funds Revenue	6,990,000	9,324,022	8,943,000	6,120,251	6,001,000
	Internal Service Fund Revenue	7,800,000	7,800,000	7,801,000	9,762,000	10,262,000
	TOTAL REVENUE - ALL FUNDS	**101,752,000**	**106,655,416**	**107,345,402**	**106,604,251**	**105,173,000**

SUMMARY OF BUDGETED REVENUES
ALL FUNDS - Fiscal Year 2025

Code	Revenue by Source	General	Development Cost Center	Recreation Cost Center	Maintenance Cost Center	Total Operating	Special Revenue, Capital Funds & Other Funds
TAXES-PROPERTY, SALES, OTHER							
4010	Current Secured	24,219,000	-	-	-	24,219,000	-
4011	Current Secured - VLF	7,479,000	-	-	-	7,479,000	-
4012	Current Unsecured	1,301,000	-	-	-	1,301,000	-
4015	Supplemental	470,000	-	-	-	470,000	-
4019	Paramedic Parcel Tax	270,000	-	-	-	270,000	-
4020	Sales & Use Taxes	15,926,000	-	-	-	15,926,000	-
4021	1/2 Cents Sales Tax (Measure GG)	7,430,000	-	-	-	7,430,000	-
4030	Transient Occupancy Tax	5,239,000	-	-	-	5,239,000	-
4040	Utility User Tax	4,459,000	-	-	-	4,459,000	-
4053	Documentary Transfer Tax	186,000	-	-	-	186,000	-
4050.110	Business License	1,537,000	-	-	-	1,537,000	-
	Subtotal	**68,516,000**	**-**	**-**	**-**	**68,516,000**	**-**
LICENSES, PERMITS & FEES							
4101	Franchise Fees	5,072,000	-	-	-	5,072,000	-
4101.140	PEG Fees	-	-	-	-	-	57,000
4103	Animal License	10,000	-	-	-	10,000	-
4104	Sale of Maps & Publications	11,000	-	-	-	11,000	-
4105	Records Automation fee	-	95,000	-	-	95,000	-
4120	Spec NPD Fees-False Alarms	33,000	-	-	-	33,000	-
4122	Spec NPD Fees-Towing Administration	28,000	-	-	-	28,000	-
4123	Abandoned Vehicle Abatement	45,000	-	-	-	45,000	-
4125	Spec NPD Fees-Miscellaneous	4,000	-	-	-	4,000	-
4132	Spec FD Fee-Fire Permits	90,000	-	-	-	90,000	-
4135	Spec FD Fee Miscellaneous	2,000	-	-	-	2,000	-
4140	Home Occupation Fee	-	20,000	-	-	20,000	-
4141	Zoning Review Fee	-	200,000	-	-	200,000	-
4150	Bldg. Construction Permits	-	1,300,000	-	-	1,300,000	-
4151	Bldg. Permit Application Fee	-	80,000	-	-	80,000	-
4152	Bldg Plan Review Fees	-	625,000	-	-	625,000	-
4154.110	Alarm User Permit	2,000	-	-	-	2,000	-
4154.120	Alarm User Permit - Renewal	4,000	-	-	-	4,000	-
4155	Strong Motion Fees	-	-	-	-	-	2,000
4156	Building Standards Fee	-	-	-	-	-	1,000
4157	Street & Curb Permit	-	230,000	-	-	230,000	-
4158	Plan Checking Fee	-	320,000	-	-	320,000	-
4159	Maintenance Fee	-	-	-	-	-	76,000
4160	Maintenance-Utility Charges	-	-	-	-	-	5,000
4161	Stormwater Quality Control Plan	-	7,000	-	-	7,000	-
4162	Storm Drain Fees	-	-	-	510,000	510,000	-
4163	Weed Abatement Fee	-	-	-	10,000	10,000	-
4165	EV Charging Fee	-	-	-	-	-	14,000
4199	Other Licenses & Permits	2,000	7,000	-	-	9,000	-
	Subtotal	**5,303,000**	**2,884,000**	**-**	**520,000**	**8,707,000**	**155,000**
CHARGES FOR SERVICES							
4180	General Recreation Services	-	-	530,000	-	530,000	-
4181	Silliman General Aquatic Program	-	-	468,000	-	468,000	-
4182	Silliman Center General Admission	-	-	559,000	-	559,000	-
4183	Silliman Contract Classes	-	-	315,000	-	315,000	-
4185	Community Center Building Rental	-	-	23,000	-	23,000	-
4186	Child Care Activity	-	-	314,000	-	314,000	-
4187	Preschool Activity	-	-	23,000	-	23,000	-
4189	Senior Center Contract Classes	-	-	8,000	-	8,000	-
4190	Recreation Processing Fee	-	-	5,000	-	5,000	-
	Subtotal	**-**	**-**	**2,245,000**	**-**	**2,245,000**	**-**

SUMMARY OF BUDGETED REVENUES
ALL FUNDS - Fiscal Year 2025

Code	Revenue by Source	General	Development Cost Center	Recreation Cost Center	Maintenance Cost Center	Total Operating	Special Revenue, Capital Funds & Other Funds
FINES & FORFEITURES							
4610	Vehicle Code Fines	488,000	-	-	-	488,000	-
4611	Parking Fines	20,000	-	-	-	20,000	-
4612	Other Fines	7,000	-	-	-	7,000	-
	Subtotal	**515,000**	**-**	**-**	**-**	**515,000**	**-**
INTERGOVERNMENTAL							
4701	Motor Vehicle-In-Lieu	48,000	-	-	-	48,000	-
4703	Prop 172 Public Safety Sales Tax	448,000	-	-	-	448,000	-
4704	Homeowner Relief	100,000	-	-	-	100,000	-
4720-4725	State Gasoline Tax	-	-	-	-	-	1,292,000
4725	HUTA RMRA SB1	-	-	-	-	-	1,165,000
4730	Measure D Revenue	-	-	-	-	-	134,000
4740-4743	Measure BB/F	-	-	-	-	-	2,155,000
4750	POST Reimbursement	30,000	-	-	-	30,000	-
4792	Other State Grants/Reimbursements	-	-	-	-	-	4,279,000
4793	Federal Grants/Awards	-	-	-	-	-	454,251
	Subtotal	**626,000**	**-**	**-**	**-**	**626,000**	**9,479,251**
USE OF MONEY & PROPERTY							
4880	Investment Earnings	3,600,000	-	-	-	3,600,000	-
4891	Silliman Center Rentals	-	-	375,000	-	375,000	-
4893	Silliman Concession	-	-	24,000	-	24,000	-
	Subtotal	**3,600,000**	**-**	**399,000**	**-**	**3,999,000**	**-**
IMPACT FEES							
4143	Park Impact Fees	-	-	-	-	-	100,000
4144	Development Impact Fees	-	-	-	-	-	1,724,000
4145	Community Development Maint. Fees	-	-	-	-	-	593,000
4146	Art In Public Places	-	-	-	-	-	32,000
	Subtotal	**-**	**-**	**-**	**-**	**-**	**2,449,000**
OTHER REVENUES							
4980	ISF Charges from Other Departments	-	-	-	-	-	9,762,000
4990	Other Revenue	-	151,000	-	-	151,000	-
	Subtotal	**-**	**151,000**	**-**	**-**	**151,000**	**9,762,000**
	TOTAL REVENUE	**78,560,000**	**3,035,000**	**2,644,000**	**520,000**	**84,759,000**	**21,845,251**
FUND APPROPRIATIONS & TRANSFERS							
4999	From Special Revenue Fund	100,000	-	157,000	-	257,000	4,818,000
	TOTAL	**78,660,000**	**3,035,000**	**2,801,000**	**520,000**	**85,016,000**	**26,663,251**

SUMMARY OF BUDGETED REVENUES
ALL FUNDS - Fiscal Year 2026

Code	Revenue by Source	General	Development Cost Center	Recreation Cost Center	Maintenance Cost Center	Total Operating	Special Revenue, Capital Funds & Other Funds
TAXES-PROPERTY, SALES, OTHER							
4010	Current Secured	25,277,000	-	-	-	25,277,000	-
4011	Current Secured - VLF	7,803,000	-	-	-	7,803,000	-
4012	Current Unsecured	1,358,000	-	-	-	1,358,000	-
4015	Supplemental	466,000	-	-	-	466,000	-
4019	Paramedic Parcel Tax	276,000	-	-	-	276,000	-
4020	Sales & Use Taxes	16,390,000	-	-	-	16,390,000	-
4021	1/2 Cents Sales Tax (Measure GG)	7,623,000	-	-	-	7,623,000	-
4030	Transient Occupancy Tax	5,397,000	-	-	-	5,397,000	-
4040	Utility User Tax	4,549,000	-	-	-	4,549,000	-
4053	Documentary Transfer Tax	198,000	-	-	-	198,000	-
4050.110	Business License	1,553,000	-	-	-	1,553,000	-
	Subtotal	**70,890,000**	**-**	**-**	**-**	**70,890,000**	**-**
LICENSES, PERMITS & FEES							
4101	Franchise Fees	5,299,000	-	-	-	5,299,000	-
4101.140	PEG Fees	-	-	-	-	-	59,000
4103	Animal License	11,000	-	-	-	11,000	-
4104	Sale of Maps & Publications	12,000	-	-	-	12,000	-
4105	Records Automation fee	-	100,000	-	-	100,000	-
4120	Spec NPD Fees-False Alarms	34,000	-	-	-	34,000	-
4122	Spec NPD Fees-Towing Administration	28,000	-	-	-	28,000	-
4123	Abandoned Vehicle Abatement	46,000	-	-	-	46,000	-
4125	Spec NPD Fees-Miscellaneous	5,000	-	-	-	5,000	-
4132	Spec FD Fee-Fire Permits	92,000	-	-	-	92,000	-
4135	Spec FD Fee Miscellaneous	2,000	-	-	-	2,000	-
4140	Home Occupation Fee	-	21,000	-	-	21,000	-
4141	Zoning Review Fee	-	204,000	-	-	204,000	-
4150	Bldg. Construction Permits	-	1,450,000	-	-	1,450,000	-
4151	Bldg. Permit Application Fee	-	85,000	-	-	85,000	-
4152	Bldg Plan Review Fees	-	700,000	-	-	700,000	-
4154.110	Alarm User Permit	3,000	-	-	-	3,000	-
4154.120	Alarm User Permit - Renewal	5,000	-	-	-	5,000	-
4155	Strong Motion Fees	-	-	-	-	-	3,000
4156	Building Standards Fee	-	-	-	-	-	2,000
4157	Street & Curb Permit	-	235,000	-	-	235,000	-
4158	Plan Checking Fee	-	327,000	-	-	327,000	-
4159	Maintenance Fee	-	-	-	-	-	78,000
4160	Maintenance-Utility Charges	-	-	-	-	-	6,000
4161	Stormwater Quality Control Plan	-	7,000	-	-	7,000	-
4162	Storm Drain Fees	-	-	-	510,000	510,000	-
4163	Weed Abatement Fee	-	-	-	11,000	11,000	-
4165	EV Charging Fee	-	-	-	-	-	15,000
4199	Other Licenses & Permits	3,000	8,000	-	-	11,000	-
	Subtotal	**5,540,000**	**3,137,000**	**-**	**521,000**	**9,198,000**	**163,000**
CHARGES FOR SERVICES							
4180	General Recreation Services	-	-	553,000	-	553,000	-
4181	Silliman General Aquatic Program	-	-	478,000	-	478,000	-
4182	Silliman Center General Admission	-	-	571,000	-	571,000	-
4183	Silliman Contract Classes	-	-	323,000	-	323,000	-
4185	Community Center Building Rental	-	-	24,000	-	24,000	-
4186	Child Care Activity	-	-	321,000	-	321,000	-
4187	Preschool Activity	-	-	24,000	-	24,000	-
4189	Senior Center Contract Classes	-	-	9,000	-	9,000	-
4190	Recreation Processing Fee	-	-	6,000	-	6,000	-
	Subtotal	**-**	**-**	**2,309,000**	**-**	**2,309,000**	**-**

SUMMARY OF BUDGETED REVENUES
ALL FUNDS - Fiscal Year 2026

Code	Revenue by Source	General	Development Cost Center	Recreation Cost Center	Maintenance Cost Center	Total Operating	Special Revenue, Capital Funds & Other Funds
FINES & FORFEITURES							
4610	Vehicle Code Fines	493,000	-	-	-	493,000	-
4611	Parking Fines	21,000	-	-	-	21,000	-
4612	Other Fines	8,000	-	-	-	8,000	-
	Subtotal	**522,000**	**-**	**-**	**-**	**522,000**	**-**
INTERGOVERNMENTAL							
4701	Motor Vehicle-In-Lieu	48,000	-	-	-	48,000	-
4703	Prop 172 Public Safety Sales Tax	457,000	-	-	-	457,000	-
4704	Homeowner Relief	100,000	-	-	-	100,000	-
4705	State Mandates SB90	-	-	-	-	-	-
4720-4725	State Gasoline Tax	-	-	-	-	-	1,320,000
4725	HUTA RMRA SB1	-	-	-	-	-	1,189,000
4730	Measure D Revenue	-	-	-	-	-	134,000
4740-4743	Measure BB/F	-	-	-	-	-	2,155,000
4750	POST Reimbursement	30,000	-	-	-	30,000	-
4792	Other State Grants/Reimbursements	-	-	-	-	-	238,000
4793	Federal Grants/Awards	-	-	-	-	-	45,000
	Subtotal	**635,000**	**-**	**-**	**-**	**635,000**	**5,081,000**
USE OF MONEY & PROPERTY							
4880	Investment Earnings	3,100,000	-	-	-	3,100,000	-
4891	Silliman Center Rentals	-	-	28,000	-	28,000	-
4893	Silliman Concession	-	-	380,000	-	380,000	-
	Subtotal	**3,100,000**	**-**	**408,000**	**-**	**3,508,000**	**-**
IMPACT FEES							
4143	Park Impact Fees	-	-	-	-	-	100,000
4144	Development Impact Fees	-	-	-	-	-	1,724,000
4145	Community Development Maint. Fees	-	-	-	-	-	593,000
4146	Art In Public Places	-	-	-	-	-	32,000
	Subtotal	**-**	**-**	**-**	**-**	**-**	**2,449,000**
OTHER REVENUES							
4980	ISF Charges from Other Departments	-	-	-	-	-	10,262,000
4990	Other Revenue	-	156,000	-	-	156,000	-
	Subtotal	**-**	**156,000**	**-**	**-**	**156,000**	**10,262,000**
	TOTAL REVENUE	**80,687,000**	**3,293,000**	**2,717,000**	**521,000**	**87,218,000**	**17,955,000**
FUND APPROPRIATIONS & TRANSFERS							
4999	From Special Revenue Fund	100,000	-	-	-	100,000	4,824,000
	TOTAL	**80,787,000**	**3,293,000**	**2,717,000**	**521,000**	**87,318,000**	**22,779,000**

SUMMARY OF BUDGETED EXPENDITURES
Fiscal Years 2025 and 2026

Code	Program/Activity	2024 Amended	2024 Estimated	2025 Budgeted	% of Total	General Fund Personnel	General Fund Non Personnel	Special Revenue, Capital Funds & Other Funds Personnel	Special Revenue, Capital Funds & Other Funds Non Personnel	2026 Budgeted	% of Total	General Fund Personnel	General Fund Non Personnel	Special Revenue, Capital Funds & Other Funds Personnel	Special Revenue, Capital Funds & Other Funds Non Personnel
GENERAL FUND															
NON DEPARTMENTAL															
00.000.000	Non Departmental	12,461,000	12,461,000	475,000	0.4%	-	475,000	-	-	489,000	0.5%	-	489,000	-	-
	Subtotal	**12,461,000**	**12,461,000**	**475,000**	**0.4%**	**-**	**475,000**	**-**	**-**	**489,000**	**0.5%**	**-**	**489,000**	**-**	**-**
GENERAL GOVERNMENT															
10.010.100	Mayor-Council	422,310	400,000	425,000	0.4%	208,000	217,000	-	-	433,000	0.4%	208,000	225,000	-	-
13.013.130	City Clerk	374,000	413,000	586,000	0.5%	358,000	228,000	-	-	420,000	0.4%	359,000	61,000	-	-
15.015.150	City Attorney	482,000	573,000	588,000	0.5%	-	588,000	-	-	604,000	0.6%	-	604,000	-	-
	Subtotal	**1,278,310**	**1,386,000**	**1,599,000**	**1.5%**	**566,000**	**1,033,000**	**-**	**-**	**1,457,000**	**1.4%**	**567,000**	**890,000**	**-**	**-**
MANAGEMENT/SUPPORT SERVICES															
20.020.200	Management Services	1,704,050	1,922,000	2,117,000	1.9%	1,377,000	591,000	-	149,000	1,878,000	1.8%	1,381,000	343,000	-	154,000
26.026.260	Emergency Services	94,000	131,000	225,000	0.2%	-	225,000	-	-	238,000	0.2%	-	238,000	-	-
21.021.200	Information Technology	3,721,273	3,450,000	3,178,000	2.9%	1,508,000	1,670,000	-	-	3,232,000	3.1%	1,513,000	1,719,000	-	-
22.022.200	Human Resources Services	1,699,000	1,605,000	1,764,000	1.6%	1,033,000	731,000	-	-	1,790,000	1.7%	1,041,000	749,000	-	-
80.080.800	Financial Services	2,675,011	2,947,000	2,965,000	2.7%	1,855,000	1,110,000	-	-	3,005,000	2.9%	1,862,000	1,143,000	-	-
	Subtotal	**9,893,334**	**10,055,000**	**10,249,000**	**9.4%**	**5,773,000**	**4,327,000**	**-**	**149,000**	**10,143,000**	**9.8%**	**5,797,000**	**4,192,000**	**-**	**154,000**
ECONOMIC DEVELOPMENT															
50.051.510	Economic Development	1,149,793	1,019,000	1,293,000	1.2%	712,000	581,000	-	-	1,175,000	1.1%	574,000	601,000	-	-
	Subtotal	**1,149,793**	**1,019,000**	**1,293,000**	**1.2%**	**712,000**	**581,000**	**-**	**-**	**1,175,000**	**1.1%**	**574,000**	**601,000**	**-**	**-**
LIBRARY															
27.027.270	Library Support	321,000	303,000	387,000	0.4%	-	387,000	-	-	392,000	0.4%	-	392,000	-	-
	Subtotal	**321,000**	**303,000**	**387,000**	**0.4%**	**-**	**387,000**	**-**	**-**	**392,000**	**0.4%**	**-**	**392,000**	**-**	**-**
POLICE SERVICES															
30.030.300	Police Administration	1,387,031	1,319,402	1,697,000	1.6%	1,311,000	386,000	-	-	1,740,000	1.7%	1,341,000	399,000	-	-
30.300.301	School Crossing Guards	155,101	156,000	165,000	0.2%	-	165,000	-	-	170,000	0.2%	-	170,000	-	-
30.030.302	Animal Control	440,000	452,000	454,000	0.4%	168,000	286,000	-	-	462,000	0.4%	168,000	294,000	-	-
30.031.310	Patrol	18,388,444	17,499,000	18,566,000	17.1%	13,959,000	4,014,000	-	593,000	18,919,000	18.3%	14,369,000	4,397,000	-	153,000
30.032.320	Investigations	3,005,000	2,156,000	3,285,000	3.0%	2,608,000	677,000	-	-	3,376,000	3.3%	2,685,000	691,000	-	-
30.033.330	Records & Communications	5,799,198	5,249,000	6,115,000	5.6%	5,024,000	1,082,000	-	9,000	6,288,000	6.1%	5,166,000	1,112,000	-	10,000
30.034.340	Police Reserves	12,000	12,000	10,000	0.0%	-	10,000	-	-	11,000	0.0%	-	11,000	-	-
	Subtotal	**29,186,774**	**26,843,402**	**30,292,000**	**27.8%**	**23,070,000**	**6,620,000**		**602,000**	**30,966,000**	**29.9%**	**23,729,000**	**7,074,000**	**-**	**163,000**
FIRE SERVICES															
40.040.400	Fire, Life, & Environmental Protection	12,949,000	13,191,000	14,466,000	13.3%	-	14,466,000	-	-	15,332,000	14.8%	-	15,332,000	-	-
40.041.400	EMS Assessment	4,000	8,000	10,000	0.0%	-	4,000	-	6,000	12,000	0.0%	-	5,000	-	7,000
	Subtotal	**12,953,000**	**13,199,000**	**14,476,000**	**13.3%**	**-**	**14,470,000**		**6,000**	**15,344,000**	**14.8%**	**-**	**15,337,000**		**7,000**
TOTAL GENERAL FUND		**67,243,211**	**65,266,402**	**58,771,000**	**54.0%**	**30,121,000**	**27,893,000**	**-**	**757,000**	**59,966,000**	**57.9%**	**30,667,000**	**28,975,000**	**-**	**324,000**

SUMMARY OF BUDGETED EXPENDITURES
Fiscal Years 2025 and 2026

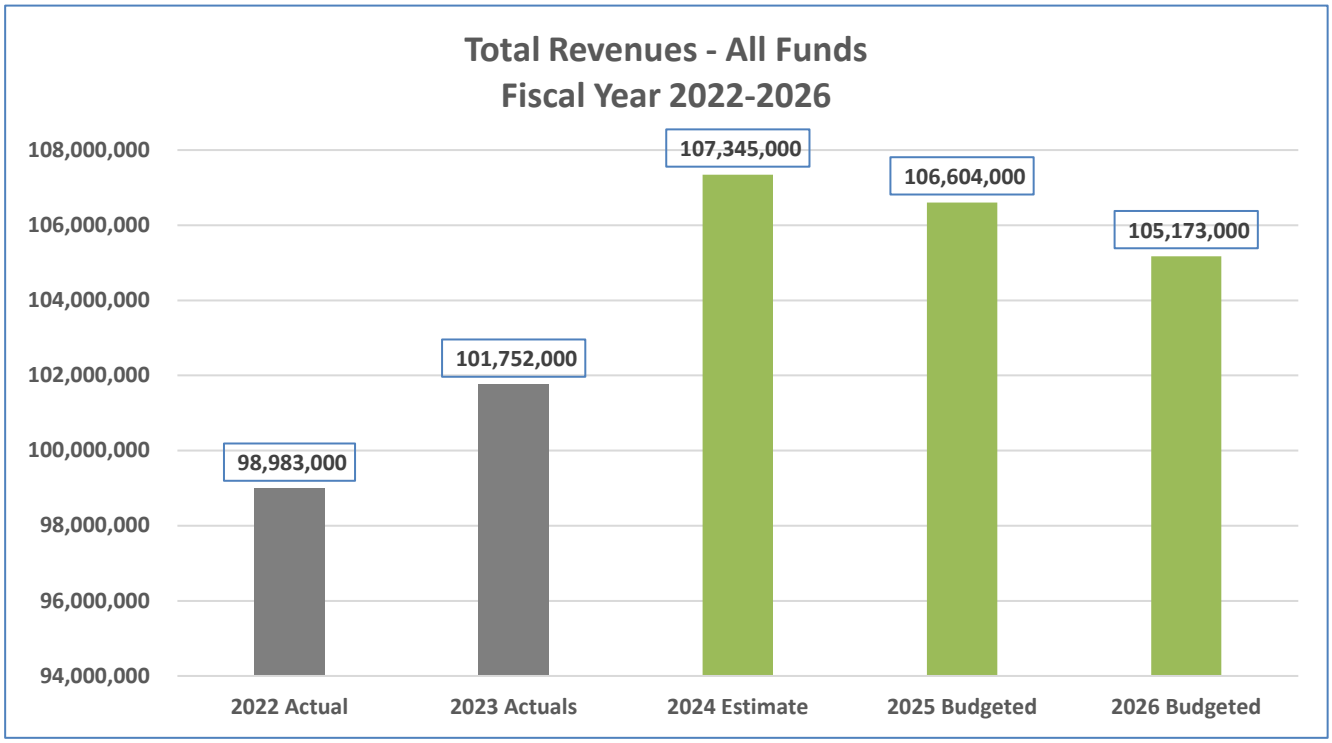
Code	Program/Activity	2024 Amended	2024 Estimated	2025 Budgeted	% of Total	General Fund Personnel	General Fund Non Personnel	Special Revenue, Capital Funds & Other Funds Personnel	Special Revenue, Capital Funds & Other Funds Non Personnel	2026 Budgeted	% of Total	General Fund Personnel	General Fund Non Personnel	Special Revenue, Capital Funds & Other Funds Personnel	Special Revenue, Capital Funds & Other Funds Non Personnel
Subtotal brought forward		**67,243,211**	**65,266,402**	**58,771,000**	**54.0%**	**30,121,000**	**27,893,000**	**-**	**757,000**	**59,966,000**	**57.9%**	**30,667,000**	**28,975,000**	**-**	**324,000**
DEVELOPMENT COST CENTER															
PUBLIC WORKS															
60.060.600	Public Works Administration	-	5,000	15,000	0.0%	-	15,000	-	-	19,000	0.0%	-	19,000	-	-
60.061.611	Engineering	3,440,511	3,482,000	3,814,000	3.5%	2,226,000	1,588,000	-	-	3,924,000	3.8%	2,292,000	1,632,000	-	-
60.062.620	Building Inspection	1,990,000	2,037,000	2,306,000	2.1%	1,483,000	817,000	-	6,000	2,374,000	2.3%	1,527,000	841,000	-	6,000
	Subtotal	**5,430,511**	**5,524,000**	**6,135,000**	**5.6%**	**3,709,000**	**2,420,000**	**-**	**6,000**	**6,317,000**	**6.1%**	**3,819,000**	**2,492,000**	**-**	**6,000**
COMMUNITY DEVELOPMENT															
50.050.500	Community Development Administration	-	-	25,000	2.3%	-	25,000	-	-	32,000	2.9%	-	32,000	-	-
50.052.520	Planning	1,297,564	1,060,000	1,457,000	1.3%	802,000	594,000	-	61,000	1,488,000	1.4%	811,000	614,000	-	63,000
50.053.530	Community Preservation	839,503	819,000	846,000	0.8%	724,000	122,000	-	-	854,000	0.8%	725,000	129,000	-	-
50.054.540	General Plans Programs	352,000	404,000	722,000	0.7%	-	-	722,000	-	730,000	0.7%	-	-	730,000	-
	Subtotal	**2,489,067**	**2,283,000**	**3,050,000**	**5.1%**	**1,526,000**	**741,000**	**722,000**	**61,000**	**3,104,000**	**5.9%**	**1,536,000**	**775,000**	**730,000**	**63,000**
TOTAL DEVELOPMENT COST CENTER FUND		**7,919,578**	**7,807,000**	**9,185,000**	**10.7%**	**5,235,000**	**3,161,000**	**722,000**	**67,000**	**9,421,000**	**12.0%**	**5,355,000**	**3,267,000**	**730,000**	**69,000**
RECREATION COST CENTER															
RECREATION															
70.071.710	General Recreation Services	1,029,700	1,197,000	1,498,000	1.4%	850,000	563,000	85,000	-	1,546,000	1.5%	876,000	582,000	88,000	-
70.072.720	Youth/Adult Sports,Fitness,&Wellness	653,600	926,000	976,000	0.9%	470,000	506,000	-	-	1,005,000	1.0%	485,000	520,000	-	-
70.073.730	Activity & Family Aquatic Center	2,501,000	2,167,000	2,578,000	2.4%	1,596,000	982,000	-	-	2,647,000	2.6%	1,645,000	1,002,000	-	-
70.074.740	Licensed Child Care	822,700	882,000	898,000	0.8%	685,000	213,000	-	-	927,000	0.9%	706,000	221,000	-	-
70.075.750	Senior Services	559,300	551,000	581,000	0.5%	471,000	110,000	-	-	601,000	0.6%	486,000	115,000	-	-
70.075.755	Paratransit (Measure B/BB)	220,000	421,000	432,000	0.4%	-	-	-	432,000	445,000	0.4%	-	-	-	445,000
70.077.771	Human Services/Newark Resource Center	-	-	124,000	0.1%	50,000	74,000	-	-	134,000	0.1%	52,000	82,000	-	-
70.079.790	Grants/Pass Through	51,596	497,000	50,000	0.0%	-	-	-	50,000	-	0.0%	-	-	-	-
	Subtotal	**5,837,896**	**6,641,000**	**7,137,000**	**6.6%**	**4,122,000**	**2,448,000**	**85,000**	**482,000**	**7,305,000**	**7.1%**	**4,250,000**	**2,522,000**	**88,000**	**445,000**
TOTAL RECREATION COST CENTER FUND		**5,837,896**	**6,641,000**	**7,137,000**	**6.6%**	**4,122,000**	**2,448,000**	**85,000**	**482,000**	**7,305,000**	**7.1%**	**4,250,000**	**2,522,000**	**88,000**	**445,000**
Subtotal carried forward		**81,000,684**	**79,714,402**	**75,093,000**	**71.3%**	**39,478,000**	**33,502,000**	**807,000**	**1,306,000**	**76,692,000**	**77.0%**	**40,272,000**	**34,764,000**	**818,000**	**838,000**

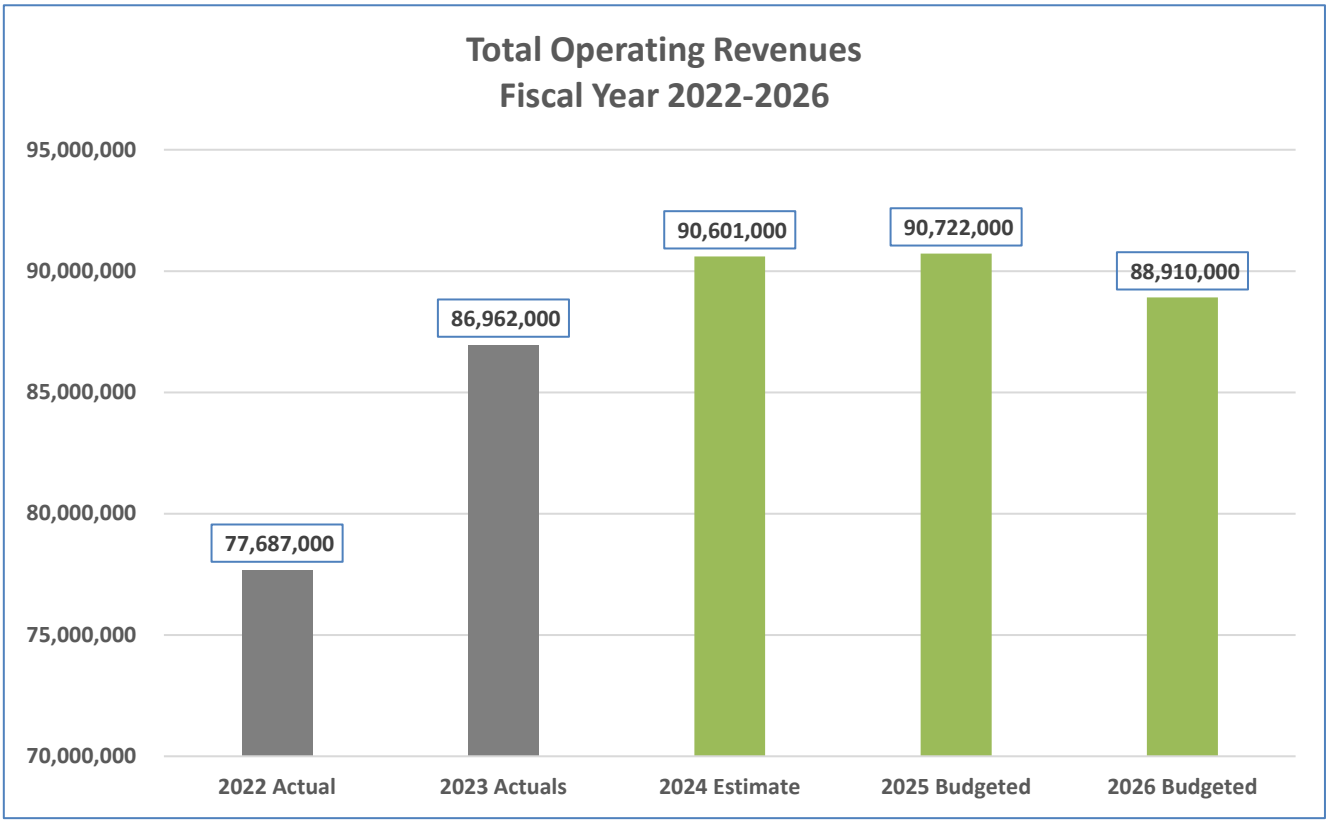
SUMMARY OF BUDGETED EXPENDITURES
Fiscal Years 2025 and 2026

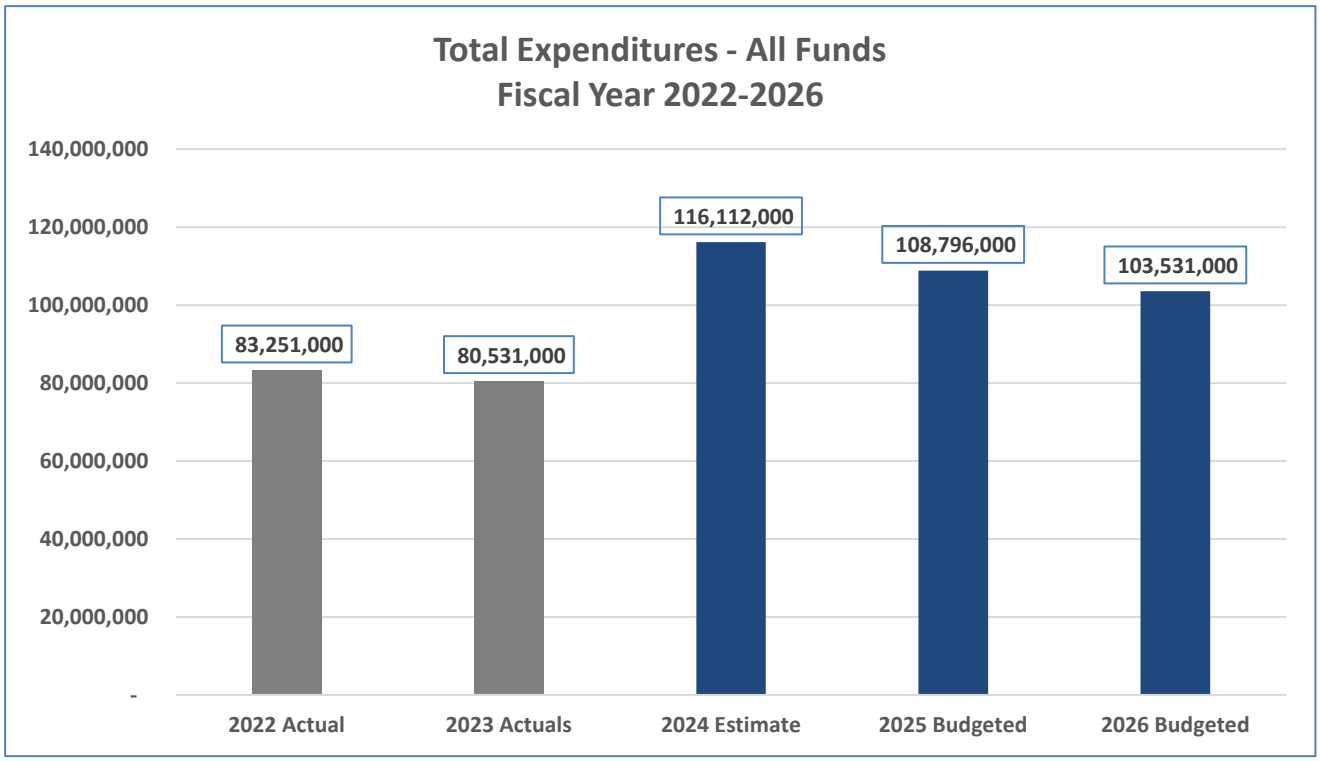
Code	Program/Activity	2024 Amended	2024 Estimated	2025 Budgeted	% of Total	General Fund Personnel	General Fund Non Personnel	Special Revenue, Capital Funds & Other Funds Personnel	Special Revenue, Capital Funds & Other Funds Non Personnel	2026 Budgeted	% of Total	General Fund Personnel	General Fund Non Personnel	Special Revenue, Capital Funds & Other Funds Personnel	Special Revenue, Capital Funds & Other Funds Non Personnel
Subtotal brought forward		**81,000,684**	**79,714,402**	**75,093,000**	**71.3%**	**39,478,000**	**33,502,000**	**807,000**	**1,306,000**	**76,692,000**	**77.0%**	**40,272,000**	**34,764,000**	**818,000**	**838,000**
MAINTENANCE COST CENTER															
ENVIRONMENTAL SERVICES															
60.063.631	Waste Management	1,333,428	1,135,000	1,133,000	1.0%	354,000	119,000	-	660,000	1,171,000	1.1%	364,000	125,000	-	682,000
60.063.632	Storm Drains	1,112,500	1,043,000	1,161,000	1.1%	571,000	590,000	-	-	1,196,000	1.2%	587,000	609,000	-	-
	Subtotal	**2,445,928**	**2,178,000**	**2,294,000**	**2.1%**	**925,000**	**709,000**	**-**	**660,000**	**2,367,000**	**2.3%**	**951,000**	**734,000**		**682,000**
WEED ABATEMENT															
60.064.641	Weed Abatement	39,000	35,000	21,000	0.0%	-	21,000	-	-	23,000	0.0%	-	23,000	-	-
	Subtotal	**39,000**	**35,000**	**21,000**	**0.0%**	**-**	**21,000**	**-**	**-**	**23,000**	**0.0%**	**-**	**23,000**	**-**	**-**
STREET OPERATIONS & MAINTENANCE															
60.064.612	Street Lighting & Traffic Signals	1,012,586	943,000	988,000	0.9%	161,000	827,000	-	-	1,016,000	1.0%	166,000	850,000	-	-
60.064.642	Street Repairs	1,333,500	1,110,000	976,000	0.9%	380,000	596,000	-	-	1,076,000	1.0%	391,000	685,000	-	-
60.068.682	Landscape & Lighting Districts	554,063	476,000	3,000	0.0%	-	-	-	3,000	4,000	0.0%	-	-	-	4,000
	Subtotal	**2,900,149**	**2,529,000**	**1,967,000**	**1.8%**	**541,000**	**1,423,000**	**-**	**3,000**	**2,096,000**	**2.0%**	**557,000**	**1,535,000**		**4,000**
PARK & LANDSCAPE MAINTENANCE															
60.064.643	Park & Landscape Maintenance	3,679,000	3,554,000	3,762,000	3.5%	1,668,000	2,094,000	-	-	3,866,000	3.7%	1,719,000	2,147,000	-	-
	Subtotal	**3,679,000**	**3,554,000**	**3,762,000**	**3.5%**	**1,668,000**	**2,094,000**	**-**	**-**	**3,866,000**	**3.7%**	**1,719,000**	**2,147,000**	**-**	**-**
TOTAL MAINTENANCE FUND		**9,064,076**	**8,296,000**	**8,044,000**	**7.4%**	**3,134,000**	**4,247,000**	**-**	**663,000**	**8,352,000**	**8.1%**	**3,227,000**	**4,439,000**	**-**	**686,000**
FUND TRANSFERS															
	Transfer for 2019 COP Debt Service	**4,818,000**	**4,821,000**	**4,818,000**	**4.4%**	**-**	**4,818,000**	-	-	**4,824,000**	**4.7%**	**-**	**4,824,000**	-	-
	Assigned Measure GG Funds	**2,456,000**	**2,453,000**	**2,602,000**	**2.4%**	**-**	**2,602,000**	-	-	**2,788,000**	**2.7%**	**-**	**2,788,000**	-	-
TOTAL OPERATIONS		**97,338,761**	**95,284,402**	**90,557,000**	**85.5%**	**42,612,000**	**45,169,000**	**807,000**	**1,969,000**	**92,656,000**	**92.4%**	**43,499,000**	**46,815,000**	**818,000**	**1,524,000**
CAPITAL FUNDS															
CAPITAL PROJECTS															
90.091.910	Street Construction	20,429,794	11,475,000	6,150,000	5.7%	-	-	-	6,150,000	4,950,000	4.8%	-	-	-	4,950,000
90.092.920	Housing Community Development	664,946	247,000	226,251	0.2%	-	-	-	226,251	77,000	0.1%	-	-	-	77,000
90.093.930	Park Construction	1,986,875	266,000	273,000	0.3%	-	-	-	273,000	281,000	0.3%	-	-	-	281,000
90.094.940	Capital Improvements	20,065,450	4,019,000	6,772,000	6.2%	-	-	-	6,772,000	743,000	0.7%	-	-	-	743,000
	Subtotal	**43,147,065**	**16,007,000**	**13,421,251**	**12.3%**	**-**	**-**	**-**	**13,421,251**	**6,051,000**	**5.8%**	**-**	**-**	**-**	**6,051,000**
TOTAL CAPITAL FUNDS		**43,147,065**	**16,007,000**	**13,421,251**	**12.3%**	**-**	**-**	**-**	**13,421,251**	**6,051,000**	**5.8%**	**-**	**-**	**-**	**6,051,000**
DEBT SERVICE															
DEBT SERVICE															
00.000.000	COP 2019 Debt Service	-	4,821,000	4,818,000	4.4%	-	-	-	4,818,000	4,824,000	4.7%	-	-	-	4,824,000
	Subtotal	**-**	**4,821,000**	**4,818,000**	**4.4%**	**-**	**-**	**-**	**4,818,000**	**4,824,000**	**4.7%**	**-**	**-**	**-**	**4,824,000**
TOTAL DEBT SERVICE		**-**	**4,821,000**	**4,818,000**	**4.4%**	**-**	**-**	**-**	**4,818,000**	**4,824,000**	**4.7%**	**-**	**-**	**-**	**4,824,000**
TOTAL OPERATIONS, CAPITAL & DEBT SERVICE		**140,485,825**	**116,112,402**	**108,796,251**	**102.3%**	**42,612,000**	**45,169,000**	**807,000**	**20,208,251**	**103,531,000**	**102.9%**	**43,499,000**	**46,815,000**	**818,000**	**12,399,000**
Subtotal carried forward		**140,485,825**	**116,112,402**	**108,796,251**	**102.3%**	**42,612,000**	**45,169,000**	**807,000**	**20,208,251**	**103,531,000**	**102.9%**	**43,499,000**	**46,815,000**	**818,000**	**12,399,000**

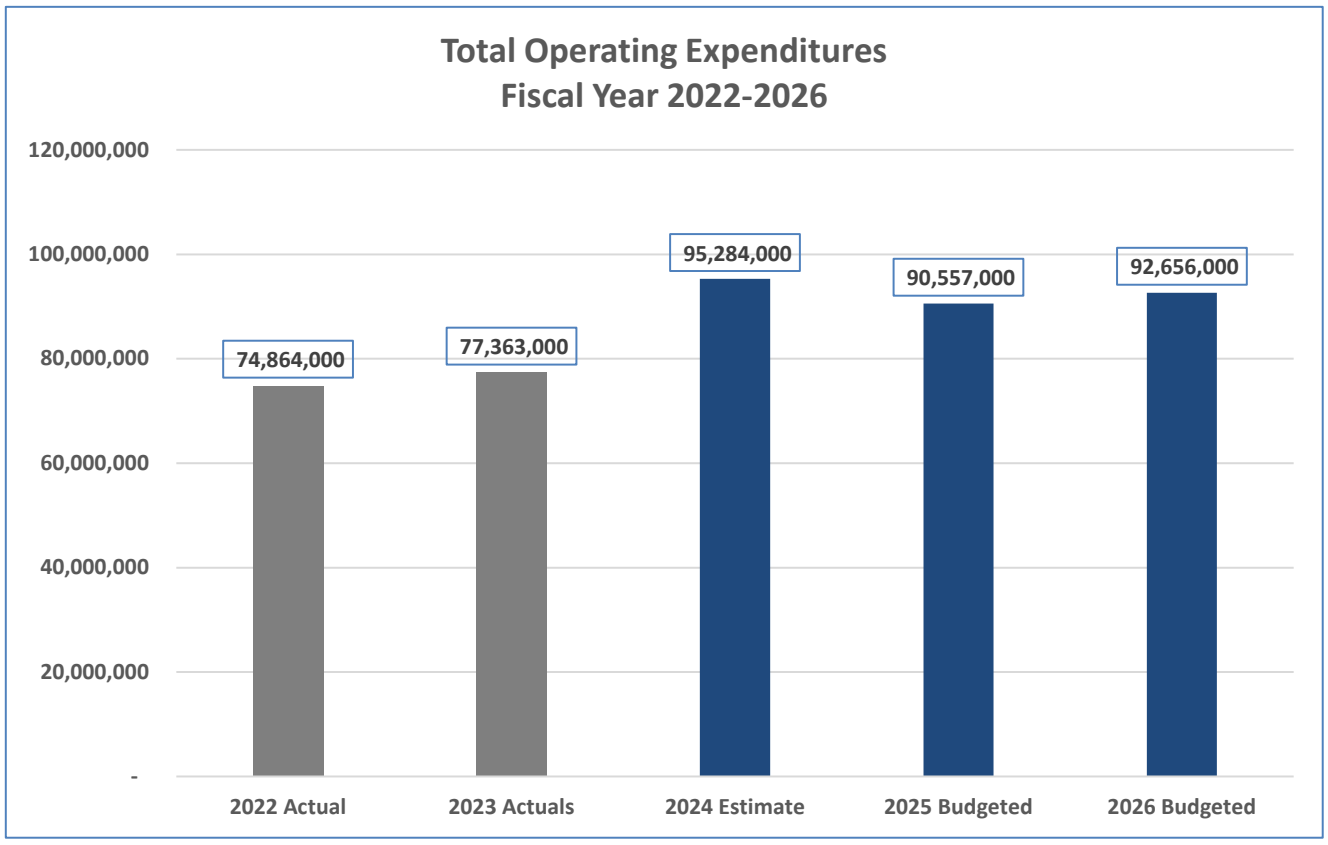
SUMMARY OF BUDGETED EXPENDITURES
Fiscal Years 2025 and 2026

Code	Program/Activity	2024 Amended	2024 Estimated	2025 Budgeted	% of Total	General Fund Personnel	General Fund Non Personnel	Special Revenue, Capital Funds & Other Funds Personnel	Special Revenue, Capital Funds & Other Funds Non Personnel	2026 Budgeted	% of Total	General Fund Personnel	General Fund Non Personnel	Special Revenue, Capital Funds & Other Funds Personnel	Special Revenue, Capital Funds & Other Funds Non Personnel
Subtotal brought forward		**140,485,825**	**116,112,402**	**108,796,251**	**102.3%**	**42,612,000**	**45,169,000**	**807,000**	**20,208,251**	**103,531,000**	**102.9%**	**43,499,000**	**46,815,000**	**818,000**	**12,399,000**
INTERNAL SERVICE FUNDS (ISF)															
EQUIPMENT & FLEET REPLACEMENT															
87.701.800	Equipment & Fleet Replacement	2,818,951	2,300,000	109,000	0.1%	-	-	-	109,000	110,000	0.1%	-	-	-	110,000
	Subtotal	**2,818,951**	**2,300,000**	**109,000**	**0.1%**	**-**	**-**	**-**	**109,000**	**110,000**	**0.1%**	**-**	**-**	**-**	**110,000**
OFFICE SUPPORT															
87.705.800	Office Support Services	103,000	160,000	167,000	0.1%	-	-	-	167,000	175,000	0.2%	-	-	-	175,000
	Subtotal	**103,000**	**160,000**	**167,000**	**0.1%**	**-**	**-**	**-**	**167,000**	**175,000**	**0.2%**	**-**	**-**	**-**	**175,000**
PUBLIC LIABILITY & WORKERS' COMP.															
87.707.200	Workers' Compensation	1,117,000	1,111,000	1,300,000	1.2%	-	-	34,000	1,266,000	1,338,000	1.2%	-	-	34,000	1,304,000
87.706.150	Public Liability	2,024,254	2,027,000	2,202,000	2.0%	-	-	34,000	2,168,000	2,657,000	2.5%	-	-	34,000	2,623,000
	Subtotal	**3,141,254**	**3,138,000**	**3,502,000**	**3.1%**	**-**	**-**	**68,000**	**3,434,000**	**3,995,000**	**3.7%**	**-**	**-**	**68,000**	**3,927,000**
MAINTENANCE															
87.703.671	Equipment Maintenance	1,444,000	1,382,000	1,465,000	1.3%	-	-	724,000	741,000	1,513,000	1.4%	-	-	746,000	767,000
87.704.672	Civic Center/Other City Facilities	1,816,400	1,786,000	1,756,000	1.6%	-	-	544,000	1,212,000	1,812,000	1.7%	-	-	560,000	1,252,000
87.704.673	Silliman Center	904,600	984,000	1,073,000	1.0%	-	-	148,000	925,000	1,106,000	1.0%	-	-	153,000	953,000
87.704.674	Police Building	436,000	420,000	433,000	0.4%	-	-	-	433,000	448,000	0.4%	-	-	-	448,000
87.704.675	Library Building	196,000	216,000	223,000	0.2%	-	-	-	223,000	231,000	0.2%	-	-	-	231,000
	Subtotal	**4,797,000**	**4,788,000**	**4,950,000**	**4.4%**	**-**	**-**	**1,416,000**	**3,534,000**	**5,110,000**	**4.7%**	**-**	**-**	**1,459,000**	**3,651,000**
TOTAL INTERNAL SERVICE FUNDS		**10,860,205**	**10,386,000**	**8,728,000**	**7.8%**	**-**	**-**	**1,484,000**	**7,244,000**	**9,390,000**	**8.7%**	**-**	**-**	**1,527,000**	**7,863,000**
	Vacancy Savings			(5,042,000)						(5,164,000)					
COMPOSITE TOTAL		**151,346,030**	**126,498,402**	**112,482,251**	**102.3%**	**42,612,000**	**45,169,000**	**2,291,000**	**27,452,251**	**107,757,000**	**102.9%**	**43,499,000**	**46,815,000**	**2,345,000**	**20,262,000**


Total Revenues - All Funds
Fiscal Year 2022-2026
108,000,000
106,000,000
104,000,000
102,000,000
100,000,000
98,000,000
96,000,000
94,000,000
98,983,000
101,752,000
107,345,000
106,604,000
105,173,000
2022 Actual
2023 Actuals
2024 Estimate
2025 Budgeted
2026 Budgeted


Total Operating Revenues
Fiscal Year 2022-2026
95,000,000
90,000,000
85,000,000
80,000,000
75,000,000
70,000,000
77,687,000
86,962,000
90,601,000
90,722,000
88,910,000
2022 Actual
2023 Actuals
2024 Estimate
2025 Budgeted
2026 Budgeted


Total Expenditures - All Funds
Fiscal Year 2022-2026
140,000,000
120,000,000
100,000,000
80,000,000
60,000,000
40,000,000
20,000,000
-
83,251,000
80,531,000
116,112,000
108,796,000
103,531,000
2022 Actual
2023 Actuals
2024 Estimate
2025 Budgeted
2026 Budgeted


Total Operating Expenditures
Fiscal Year 2022-2026
120,000,000
100,000,000
80,000,000
60,000,000
40,000,000
20,000,000
-
74,864,000
77,363,000
95,284,000
90,557,000
92,656,000
2022 Actual
2023 Actuals
2024 Estimate
2025 Budgeted
2026 Budgeted



THIS PAGE IS LEFT INTENTIONALLY BLANK

AUTHORIZED & FUNDED REGULAR FULL-TIME & REGULAR PART-TIME POSITIONS, FULL TIME EQUIVALENTS

	FY 2023 Amended	FY 2024 Adopted	FY 2024 Amended	FY 2025 Budgeted	FY 2026 Budgeted	13.013.130 City Clerk	20.020.200 City Manager	21.021.200 Information Technology	22.022.200 Human Resources	87.706.150 Public Liability ISF	87.707.200 Workers' Compensation ISF
CITY CLERK											
City Clerk	1.00	1.00	1.00	1.00	1.00	100%					
Subtotal	**1.00**	**1.00**	**1.00**	**1.00**	**1.00**						
CITY MANAGER											
Assistant City Manager	1.00	1.00	1.00	1.00	1.00	10%	60%	15%	15%		
Assistant to the City Manager	1.00	1.00	1.00	1.00	1.00		100%				
City Manager	1.00	1.00	1.00	1.00	1.00		100%				
Executive Assistant	1.00	1.00	1.00	1.00	1.00	20%	80%				
Senior Management Analyst	-	-	1.00	1.00	1.00		100%				
Subtotal	**4.00**	**4.00**	**5.00**	**5.00**	**5.00**						
HUMAN RESOURCES											
Administrative Analyst	1.00	1.00	1.00	1.00	1.00				100%		
Human Resources Director	1.00	1.00	1.00	1.00	1.00				80%	10%	10%
Human Resources Technician	2.00	2.00	2.00	2.00	2.00				100%		
Subtotal	**4.00**	**4.00**	**4.00**	**4.00**	**4.00**						
INFORMATION TECHNOLOGY											
Chief Information Officer/Information Technology Director	1.00	1.00	1.00	1.00	1.00			100%			
Information Technology Analyst	3.00	3.00	2.00	2.00	2.00			100%			
Sr. Information Technology Analyst	-	-	1.00	1.00	1.00			100%			
Information Technology Technician I/II	2.00	2.00	2.00	2.00	2.00			100%			
Subtotal	**6.00**	**6.00**	**6.00**	**6.00**	**6.00**						

AUTHORIZED & FUNDED REGULAR FULL-TIME & REGULAR PART-TIME POSITIONS, FULL TIME EQUIVALENTS

	FY 2023 Amended	FY 2024 Adopted	FY 2024 Amended	FY 2025 Budgeted	FY 2026 Budgeted	Police Administration	Animal Control	Patrol	Investigations	Records & Communications
						30.030.300	30.030.302	30.031.310	30.032.320	30.033.330
POLICE										
Administrative Analyst	1.00	1.00	-	-	-					
Administrative Assistant	1.00	1.00	1.00	1.00	1.00	100%				
Administrative Support Specialist II	1.00	1.00	1.00	1.00	1.00	100%				
Animal Control Officer	1.00	1.00	1.00	1.00	1.00		100%			
Community Engagement Manager	1.00	1.00	1.00	1.00	1.00					100%
Community Service Officer	2.00	2.00	2.00	2.00	2.00			100%		
Community Service Officer	1.00	1.00	1.00	1.00	1.00					100%
Crime Analyst	1.00	1.00	1.00	1.00	1.00					100%
Lead Public Safety Dispatcher	2.00	2.00	1.00	1.00	1.00					100%
Management Analyst II	-	-	1.00	1.00	1.00	100%				
Police Captain	1.00	1.00	1.00	1.00	1.00			100%		
Police Captain	1.00	1.00	1.00	1.00	1.00					100%
Police Chief	1.00	1.00	1.00	1.00	1.00	100%				
Police Lieutenant	2.00	2.00	2.00	2.00	2.00			100%		
Police Lieutenant	1.00	1.00	1.00	1.00	1.00					100%
Police Officer	10.00	10.00	10.00	10.00	10.00				100%	
Police Officer	34.00	34.00	34.00	34.00	34.00			100%		
Police Records Supervisor	1.00	1.00	1.00	1.00	1.00					100%
Police Sergeant	7.00	7.00	7.00	7.00	7.00			100%		
Police Sergeant	1.00	1.00	1.00	1.00	1.00				100%	
Police Support Services Manager	1.00	1.00	1.00	1.00	1.00					100%
Public Safety Clerk	3.00	3.00	3.00	3.00	3.00					100%
Public Safety Dispatch Supervisor	-	-	1.00	1.00	1.00					100%
Public Safety Dispatcher	9.00	9.00	9.00	9.00	9.00					100%
Red Light Photo Technician	1.00	1.00	1.00	1.00	1.00			100%		
Vehicle Abatement Officer	1.00	1.00	1.00	1.00	1.00			100%		
Subtotal	**85.00**	**85.00**	**85.00**	**85.00**	**85.00**					

AUTHORIZED & FUNDED REGULAR FULL-TIME & REGULAR PART-TIME POSITIONS, FULL TIME EQUIVALENTS

	FY 2023 Amended	FY 2024 Adopted	FY 2024 Amended	FY 2025 Budgeted	FY 2026 Budgeted	Economic Development 50.051.510	Planning 50.052.520	Community Preservation 50.053.530	Community Development Maintenance Fund 50.054.540
COMMUNITY DEVELOPMENT									
Administrative Support Specialist II	1.00	1.00	1.00	1.00	1.00	40%	60%		
Assistant Planner	-	-	-	1.00	1.00		50%		50%
Associate Planner	1.00	1.00	1.00	1.00	1.00		70%		30%
Community Development Director	1.00	1.00	1.00	1.00	1.00		30%	20%	50%
Community Preservation Manager	1.00	1.00	1.00	1.00	1.00			100%	
Community Preservation Specialist	2.00	2.00	2.00	2.00	2.00			100%	
Deputy Community Development Director	-	1.00	1.00	1.00	1.00		30%	20%	50%
Deputy Economic Development Director	1.00	-	1.00	1.00	1.00	100%			
Economic Development Manager	1.00	1.00	-	-	-				
Housing Policy Program Manager	-	-	-	1.00	1.00		60%		40%
Management Analyst I/II	-	-	1.00	1.00	1.00	100%			
Senior Planner	1.00	1.00	1.00	1.00	1.00		50%		50%
Subtotal	**9.00**	**9.00**	**10.00**	**12.00**	**12.00**				

AUTHORIZED & FUNDED REGULAR FULL-TIME & REGULAR PART-TIME POSITIONS, FULL TIME EQUIVALENTS

	FY 2023 Amended	FY 2024 Adopted	FY 2024 Amended	FY 2025 Budgeted	FY 2026 Budgeted	Engineering	Building Inspection	Waste Management	Storm Drains & NPDES	Street Lighting & Signals	Weed Abatement	Street Repairs	Park & Landscape Maintenance	Equipment Maintenance ISF	Civic Center Maintenance ISF	Silliman Center Maintenance ISF
						60.061.611	60.062.620	60.063.631	60.063.632	60.064.612	60.064.641	60.064.642	60.064.643	87.703.671	87.704.672	87.704.673
PUBLIC WORKS																
Administrative Analyst	1.00	1.00	-	-	-											
Administrative Support Specialist II	1.00	1.00	1.00	1.00	1.00		100%									
Assistant City Engineer	1.00	1.00	-	-	-											
Assistant Engineer - Civil	1.00	1.00	1.00	1.00	1.00	75%			25%							
Assistant Maintenance Superintendent	1.00	1.00	-	-	-											
Associate Civil Engineer	1.00	1.00	1.00	2.00	2.00	100%										
Building Inspector I/II	3.00	3.00	3.00	3.00	3.00		100%									
Building Maintenance Mechanic I	-	-	-	1.00	1.00										100%	
Building Maintenance Mechanic II	2.00	2.00	2.00	1.00	1.00										65%	35%
Chief Building Official	1.00	1.00	1.00	1.00	1.00		100%									
City Engineer	-	-	1.00	1.00	1.00	60%			10%	30%						
Engineering Technician I	1.00	1.00	1.00	1.00	1.00	40%			25%	35%						
Environmental Services Manager	1.00	1.00	1.00	1.00	1.00			100%								
Equipment Mechanic I	-	-	-	1.00	1.00									100%		
Equipment Mechanic II	2.00	2.00	2.00	1.00	1.00									100%		
Facilities Supervisor	-	-	1.00	1.00	1.00										80%	20%
General Laborer	3.00	3.00	3.00	3.00	3.00								100%			
Junior Engineer	1.00	1.00	1.00	1.00	1.00	100%										
Landscape & Park - Maintenance Worker I	2.00	2.00	2.00	2.00	2.00								100%			
Landscape & Park - Maintenance Worker II	2.00	2.00	2.00	2.00	2.00								100%			
Maintenance Superintendent	1.00	1.00	1.00	1.00	1.00							20%	20%	30%	30%	
Maintenance Supervisor			1.00	1.00	1.00						10%		90%			
Maintenance Supervisor	-	-	1.00	1.00	1.00			25%				25%		50%		
Management Analyst I	-	-	-	1.00	1.00				10%			20%	20%	20%	30%	
Management Analyst II	-	-	1.00	1.00	1.00	35%	15%	25%					25%			
Permit Technician	1.00	1.00	1.00	1.00	1.00		100%									
Plan Check Engineer	1.00	1.00	-	-	-											
Principal Civil Engineer	-	-	1.00	1.00	1.00	100%										
Public Works Director	1.00	1.00	1.00	1.00	1.00	50%	10%		10%			10%		10%	10%	
Public Works Inspector	1.00	1.00	1.00	1.00	1.00	90%			10%							
Senior Administrative Support Specialist	1.00	1.00	1.00	1.00	1.00	100%										
Senior Administrative Support Specialist	1.00	1.00	1.00	-	-											
Senior Building Inspector	1.00	1.00	1.00	1.00	1.00		100%									
Senior Building Mechanic	1.00	1.00	1.00	1.00	1.00										70%	30%
Senior Civil Engineer	2.00	2.00	2.00	1.00	1.00	100%										
Senior Equipment Mechanic	1.00	1.00	1.00	1.00	1.00									100%		
Senior Landscape & Park Maintenance Worker	2.00	2.00	2.00	2.00	2.00								100%			
Senior Landscape Inspector	1.00	1.00	1.00	1.00	1.00								100%			
Senior Street Maintenance Worker	-	-	1.00	1.00	1.00				50%			50%				
Street Maintenance Worker I	1.00	1.00	1.00	2.00	2.00				50%			50%				
Street Maintenance Worker II	2.00	2.00	2.00	1.00	1.00				100%							
Subtotal	**42.00**	**42.00**	**45.00**	**45.00**	**45.00**											

AUTHORIZED & FUNDED REGULAR FULL-TIME & REGULAR PART-TIME POSITIONS, FULL TIME EQUIVALENTS

	FY 2023 Amended	FY 2024 Adopted	FY 2024 Amended	FY 2025 Budgeted	FY 2026 Budgeted	General Recreation Services 70.071.710	Youth/Adult Sports, Fitness 70.072.720	G.M. Silliman -Aquatics 70.073.730	Licensed Childcare 70.074.740	Senior Services 70.075.750	Finance 80.080.800
RECREATION & COMMUNITY SERVICES											
Administrative Assistant	0.50	0.50	0.50	0.75	0.75	80%	10%			10%	
Administrative Support Specialist II	1.00	1.00	1.00	1.00	1.00	30%	10%	60%			
Administrative Support Specialist II	0.75	0.75	1.00	1.00	1.00				25%	75%	
Aquatics Specialist	1.00	1.00	-	-	-						
Childcare Instructor	4.00	4.00	4.00	4.00	4.00				100%		
Lead Childcare Instructor	1.00	1.00	1.00	-	-						
Recreation & Community Services Director	-	-	1.00	1.00	1.00	20%	20%	20%	20%	20%	
Recreation and Community Services Manager	1.00	1.00	-	-	-						
Recreation & Community Supervisor I	-	-	-	1.00	1.00	100%					
Recreation & Community Supervisor I	-	-	1.00	1.00	1.00	20%			10%	70%	
Recreation & Community Supervisor II	-	-	1.00	1.00	1.00	10%	10%	80%			
Recreation Coordinator	1.00	1.00	1.00	1.00	1.00	30%	35%	35%			
Recreation Coordinator	1.00	1.00	1.00	1.00	1.00		100%				
Recreation Coordinator	-	-	2.00	2.00	2.00			100%			
Recreation Coordinator	-	-	-	1.00	1.00				100%		
Recreation Coordinator	1.00	1.00	1.00	1.00	1.00					100%	
Recreation Supervisor	1.00	1.00	-	-	-						
Recreation Coordinator - Aquatics	1.00	1.00	-	-	-						
Sr. Recreation Supervisor	1.00	1.00	-	-	-						
Subtotal	**15.25**	**15.25**	**15.50**	**16.75**	**16.75**						
FINANCE											
Accountant	2.00	2.00	2.00	2.00	2.00						100%
Accounting Assistant I/II	1.00	1.00	2.00	2.00	2.00						100%
Accounting Manager	1.00	1.00	-	-	-						
Accounting Technician I/II	1.00	1.00	1.00	1.00	1.00						100%
Cashier	1.00	1.00	-	-	-						
Collection Assistant	1.00	1.00	1.00	1.00	1.00						100%
Deputy Finance Director	-		1.00	1.00	1.00						100%
Finance Director	1.00	1.00	1.00	1.00	1.00						100%
Senior Accountant	1.00	1.00	1.00	1.00	1.00						100%
Subtotal	**9.00**	**9.00**	**9.00**	**9.00**	**9.00**						

BREAKDOWN OF FULL-TIME EQUIVALENTS FOR 2025
(Temporary Personnel)

Dept.	Description	FTE
20.020.200	City Manager	
	Office Assistant I	0.75
	Annuitants	0.33
	Total	1.08
21.021.210	Information Technology	
	Annuitant	0.50
	Total	0.50
22.022.220	Human Resources	
	Annuitants (960 hours/each)	0.66
	Total	0.66
30.031.310	Patrol	
	Police Officer Trainee	3.00
	Special Assistant	1.00
	Total	4.00
30.033.330	Records & Communications	
	Police Services Aide I	1.00
	Police Services Aide II	1.50
	Special Assistant	0.25
	Total	2.75
50.051.510	Economic Development	
	Special Assistant	1.44
	Total	1.44
60.061.611	Engineering	
	Special Assistant	0.25
	Total	0.25
60.062.620	Building Inspection	
	Office Assistant I (PST-X)	1.00
	Total	1.00
60.064.643	Maintenance	
	General Maintenance Worker III	0.50
	General Maintenance Worker III	0.50
	General Maintenance Worker III	0.50
	Total	1.50
70.071.710	General Recreation Services	
	Activity Coordinator	2.00
	Customer Service Rep	0.50
	Preschool Instructor	2.00
	Recreation Instructor	2.00
	Recreation Leader I	1.75
	Teen Activity Coordinator	0.50
	Total	8.75
70.072.720	Youth/Adult Sports, Fitness, & Wellness	
	Activity Coordinator	1.00
	Special Assistant	0.50
	Recreation Instructor	1.00
	Recreation Leader I/II	1.00
	Recreation Leader I/II	1.26
	Total	4.76
70.073.730	Family Aquatic Center	
	Aquatic Instructor	5.00
	Customer Service Rep	4.00
	Lifeguard I/II	9.00
	Pool Technician	2.00
	Recreation Leader II	0.71
	Activity Coordinator	2.00
	Senior Lifeguard	3.00
	Customer Service Rep	0.50
	Total	26.21
70.074.740	Licensed Childcare	
	Preschool Instructor	0.50
	Total	0.50
70.075.750	Senior Services	
	Recreation Leader	1.50
	Total	1.50
80.080.800	Finance	
	Accounting Assistant I/II	0.50
	Total	0.50
	Grand Total	**55.40**

BREAKDOWN OF FULL-TIME EQUIVALENTS FOR 2026
(Temporary Personnel)

Dept.	Description	FTE
20.020.200	City Manager	
	Office Assistant I	0.75
	Annuitant	0.33
	Total	1.08
21.021.210	Information Technology	
	Annuitant	0.50
	Total	0.50
22.022.220	Human Resources	
	Annuitants (960 hours/each)	0.66
	Total	0.66
30.031.310	Patrol	
	Police Officer Trainee	3.00
	Special Assistant	1.00
	Total	4.00
30.033.330	Records & Communications	
	Police Services Aide I	1.00
	Police Services Aide II	1.50
	Special Assistant	0.25
	Total	2.75
60.061.611	Engineering	
	Special Assistant	0.25
	Total	0.25
60.062.620	Building Inspection	
	Office Assistant I (PST-X)	1.00
	Total	1.00
60.064.643	Maintenance	
	General Maintenance Worker III	0.50
	General Maintenance Worker III	0.50
	General Maintenance Worker III	0.50
	Total	1.50
70.071.710	General Recreation Services	
	Activity Coordinator	2.00
	Customer Service Rep	0.50
	Preschool Instructor	2.00
	Recreation Instructor	2.00
	Recreation Leader I	1.75
	Teen Activity Coordinator	0.50
	Total	8.75
70.072.720	Youth/Adult Sports, Fitness, & Wellness	
	Activity Coordinator	1.00
	Special Assistant	0.50
	Recreation Instructor	1.00
	Recreation Leader I/II	1.00
	Recreation Leader I/II	1.26
	Total	4.76
70.073.730	Family Aquatic Center	
	Aquatic Instructor	5.00
	Customer Service Rep	4.00
	Lifeguard I/II	9.00
	Pool Technician	2.00
	Recreation Leader II	0.71
	Activity Coordinator	2.00
	Senior Lifeguard	3.00
	Customer Service Rep	0.50
	Total	26.21
70.074.740	Licensed Childcare	
	Preschool Instructor	0.50
	Total	0.50
70.075.750	Senior Services	
	Recreation Leader	1.50
	Total	1.50
80.080.800	Finance	
	Accounting Assistant I/II	0.50
	Total	0.50
	Grand Total	**53.96**

City Manager's Office, City Attorney's Office and Emergency Management Services – Operating Budget

The mission of the City Manager's Office is to ensure the goals and needs of the community, City Council and staff are all in alignment. Divisions within the City Manager's Office include the City Attorney's Office, the City Clerk's office, and the Office of Emergency Services.

KEY OBJECTIVES

- Assist other City departments in developing and carrying out inclusive and equitable City policies, maximizing the use of City resources and promoting long-term fiscal stability.
- Successfully manage and support the November 5, 2024 election for City Council and Mayoral candidates and any potential ballot measures.
- Explore opportunities to expand partnerships with the Newark Unified School District to enhance education in our public schools.
- Develop the City's first Homelessness Plan to identify strategies and resources for our unhoused community in an effort to eliminate homelessness.
- Complete a review and update of the City's Comprehensive Emergency Management Plan.
- Apply for grant funding to carry out actions identified in the Local Hazard Mitigation Plan.
- Provide specialized training to employees tasked with Emergency Operations Center responsibilities.
- Increase participation in the Community Emergency Response Team (CERT) volunteer program.
- Partner to provide our business, residential, and service communities with Emergency Prevention, Preparedness, Response, and Recovery training.
- Act on the results of the biennial Community Engagement Survey

- Complete a citywide branding and marketing effort to improve communication with our community.

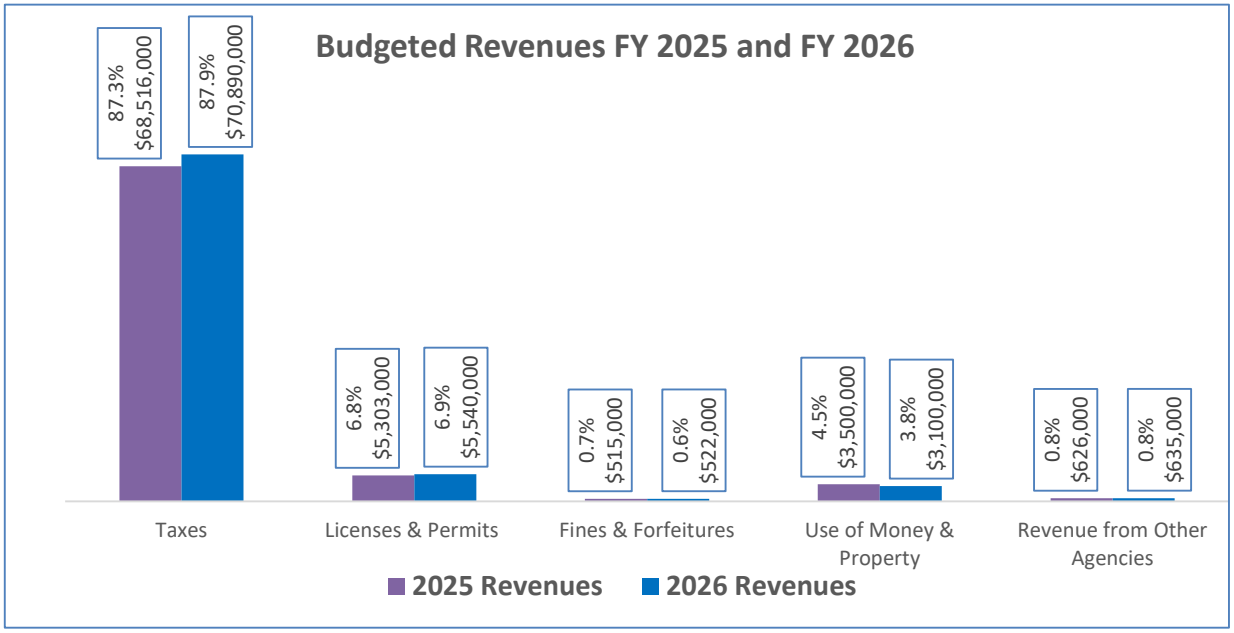
- Appoint community members to the City's first Public Arts Committee and begin implementation of the City's Public Art Master Plan.

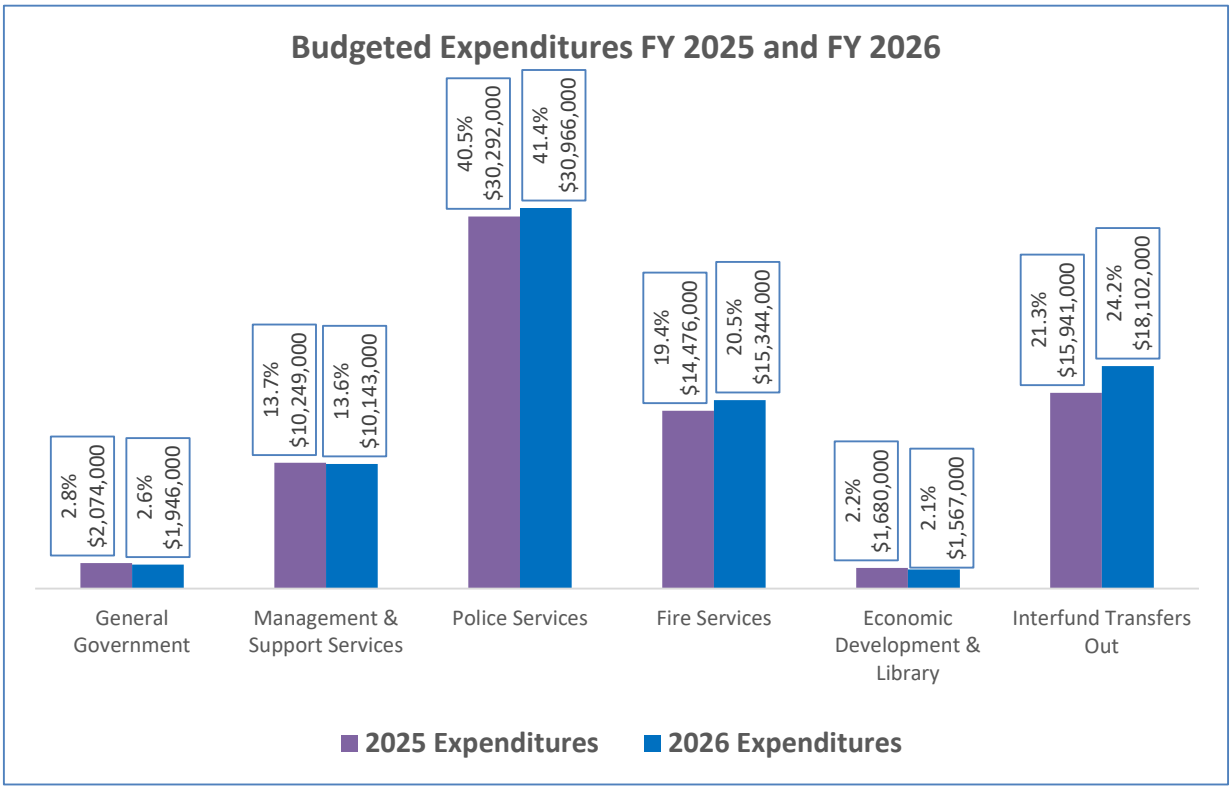
Activity & Workload Highlights

Activity and Workload Indicators	FY 2021 Actuals	FY 2022 Actuals	FY 2023 Actuals	FY 2024 Projected
Legislative Records Processed:				
Resolutions	136	148	151	145
Ordinances	7	5	6	4
Legal Notices published/posted	20	13	14	16
Fair Political Practices Commission:				
Form 700 filings	58	73	82	71
City Council Agenda Packets processed	24	31	23	24
Public Records Act Requests processed	107	132	147	180
Contracts processed (per Calendar Year)	63	85	167	200

GENERAL FUND

The General Fund consists of activities which benefit the general public. It includes Mayor-Council, City Attorney, City Clerk, Management, Financial Services, Human Resources, Police, Fire, Community Development, and some Library support. General Fund revenues also supplement the Development, Recreation, Maintenance cost centers and Capital Funds.





GENERAL GOVERNMENT/MANAGEMENT & SUPPORT SERVICES SUMMARY

	Organizational Unit	2024 Adopted	2024 Amended	2024 Estimated	2025 Budgeted	2026 Budgeted
	NON DEPARTMENTAL					
00.000.000	Non Departmental	-	12,461,000	17,282,000	5,293,000	5,313,000
	Subtotal	**-**	**12,461,000**	**17,282,000**	**5,293,000**	**5,313,000**
	GENERAL GOVERNMENT					
10.010.100	Mayor-Council	413,000	422,310	400,000	425,000	433,000
13.013.130	City Clerk	374,000	374,000	413,000	586,000	420,000
15.015.150	City Attorney	482,000	482,000	573,000	588,000	604,000
	Subtotal	**1,269,000**	**1,278,310**	**1,386,000**	**1,599,000**	**1,457,000**
	MANAGEMENT & SUPPORT SERVICES					
20.020.200	Management Services	1,493,000	1,704,050	1,922,000	2,117,000	1,878,000
26.026.260	Emergency Services	-	94,000	131,000	225,000	238,000
21.021.200	Information Technology Systems	2,617,000	3,721,273	3,450,000	3,178,000	3,232,000
22.022.200	Human Resources Services	1,542,000	1,699,000	1,605,000	1,764,000	1,790,000
80.080.800	Financial Services	2,437,000	2,675,011	2,947,000	2,965,000	3,005,000
	Subtotal	**8,089,000**	**9,893,334**	**10,055,000**	**10,249,000**	**10,143,000**
	TOTAL	**9,358,000**	**23,632,644**	**28,723,000**	**17,141,000**	**16,913,000**

AUTHORIZED STAFFING	FY 2024	FY 2025	FY 2026
Administrative Analyst	1.00	1.00	1.00
Assistant City Manager	1.00	1.00	1.00
Assistant to the City Manager	1.00	1.00	1.00
Chief Information Officer/Information Technology Director	1.00	1.00	1.00
City Clerk	1.00	1.00	1.00
City Manager	1.00	1.00	1.00
Executive Assistant	1.00	1.00	1.00
Human Resources Director	1.00	1.00	1.00
Human Resources Technician	2.00	2.00	2.00
Information Technology Analyst	2.00	2.00	2.00
Information Technology Technician I/II	2.00	2.00	2.00
Senior Management Analyst	1.00	1.00	1.00
Sr. Information Technology Analyst	1.00	1.00	1.00
Temporary Full-time Equivalent	-	1.08	1.08
TOTAL	16.00	17.08	17.08

00.000.000 NON DEPARTMENTAL

Non Departmental

Non-Departmental expenditures account for additional discretionary payments towards the Pension and Other Post-Employment Benefits (OPEB) liabilities, and includes scheduled debt payment for 2019 COP.

Account Code	Description	2024 Adopted	2024 Amended	2024 Estimated	2025 Budgeted	2026 Budgeted
5510	Defined Benefit Plan (CalPERS)	-	12,000,000	12,000,000	-	-
5530	OPEB	-	461,000	461,000	475,000	489,000
	Subtotal	**-**	**12,461,000**	**12,461,000**	**475,000**	**489,000**
7000	Principle & Interest	-	-	4,821,000	4,818,000	4,824,000
	TOTAL	**-**	**12,461,000**	**17,282,000**	**5,293,000**	**5,313,000**

10.010.100 MAYOR-COUNCIL

General Government

The City Council is the legislative and policy-making body of the City. There are five members of the Newark City Council, elected at large on a non-partisan ballot. The Mayor is directly elected to serve a two-year term; Council Members are elected to four-year overlapping terms. The City Council appoints a City Manager and a City Attorney. The City Council also creates and abolishes advisory committees and commissions and appoints residents to serve as members of these advisory committees and commissions.

Account Code	Description		2024 Adopted	2024 Amended	2024 Estimated	2025 Budgeted	2026 Budgeted
5130	Council and Commissions		204,000	204,000	193,000	208,000	208,000
		Subtotal	**204,000**	**204,000**	**193,000**	**208,000**	**208,000**
6100	Materials and Supplies		5,000	5,000	5,000	5,000	6,000
6200	Contractual Services		114,000	123,310	106,000	110,000	114,000
6400	Membership, Travel, Training		64,000	64,000	70,000	75,000	78,000
6800	Internal Service Charges		26,000	26,000	26,000	27,000	27,000
		Subtotal	**209,000**	**218,310**	**207,000**	**217,000**	**225,000**
		TOTAL	**413,000**	**422,310**	**400,000**	**425,000**	**433,000**

The highlighted change reflects the 6% added increase to City Council compensation.

13.013.130 CITY CLERK

General Government

The City Clerk is responsible for support functions to the City Council, as well as for the performance of Government Code and Municipal Code mandated services. These services include: preparation of agenda and agenda materials for City Council; records management; municipal code codification; conducting Municipal Elections in coordination with the Alameda County Registrar of Voters; and administration of compliance with the Political Reform Act, Public Records Act, Maddy Act, and the Brown Act.

Account Code	Description	2024 Adopted	2024 Amended	2024 Estimated	2025 Budgeted	2026 Budgeted
5110	Regular Employees	325,000	325,000	362,000	358,000	359,000
5140	Overtime	-	-	1,000	-	-
	Subtotal	**325,000**	**325,000**	**363,000**	**358,000**	**359,000**
6100	Materials and Supplies	1,000	1,000	3,000	4,000	6,000
6200	Contractual Services	10,000	10,000	10,000	185,000	13,000
6400	Membership, Travel, Training	6,000	6,000	5,000	5,000	8,000
6800	Internal Service Charges	32,000	32,000	32,000	34,000	34,000
	Subtotal	**49,000**	**49,000**	**50,000**	**228,000**	**61,000**
	Total Operations	**374,000**	**374,000**	**413,000**	**586,000**	**420,000**
	Capital Outlay					
	TOTAL	**374,000**	**374,000**	**413,000**	**586,000**	**420,000**

* Added Assistant City Manager (0.10 FTE)

AUTHORIZED STAFFING	FY 2024	FY 2025	FY 2026
Assistant City Manager	0.10	0.10	0.10
City Clerk	1.00	1.00	1.00
Executive Assistant	0.20	0.20	0.20
TOTAL	1.30	1.30	1.30

15.015.150 CITY ATTORNEY

General Government

The City Attorney is hired by the City Council as a consultant to serve as the legal representative of the City Council, City Manager, City departments, and City commissions. The City Attorney is responsible for serving representation for the City in all lawsuits filed by or against the City. The City Attorney is also responsible for preparing and approving the legality of all proposed contracts, ordinances, and other documents.

Account Code	Description	2024 Adopted	2024 Amended	2024 Estimated	2025 Budgeted	2026 Budgeted
6100	Materials and Supplies	1,000	1,000	-	-	-
6200	Contractual Services	455,000	455,000	547,000	561,000	577,000
6800	Internal Service Charges	26,000	26,000	26,000	27,000	27,000
	Subtotal	**482,000**	**482,000**	**573,000**	**588,000**	**604,000**
	TOTAL	**482,000**	**482,000**	**573,000**	**588,000**	**604,000**

20.020.200 CITY MANAGER'S OFFICE *General Government*

The City Manager's Office is responsible for planning, organizing, staffing, and directing all City programs to implement the policy of the City Council. It also serves as staff to the City Council and is involved in intergovernmental relations necessary to accomplish liaison work with state, regional, county, and other local agencies. The Office is responsible for public records, City Council meetings, and local elections.

Account Code	Description	2024 Adopted	2024 Amended	2024 Estimated	2025 Budgeted	2026 Budgeted
5110	Regular Employees	1,137,000	1,172,400	1,369,000	1,341,000	1,343,000
5140	Overtime	-	-	3,000	-	-
5120	Seasonal/Temporary Employees	16,000	16,000	37,000	36,000	38,000
	Subtotal	**1,153,000**	**1,188,400**	**1,409,000**	**1,377,000**	**1,381,000**
6100	Materials and Supplies	19,000	19,000	17,000	44,000	36,000
6200	Contractual Services	183,000	356,250	357,000	545,000	305,000
6400	Membership, Travel, Training	15,000	15,000	13,000	13,000	16,000
6800	Internal Service Charges	123,000	123,000	123,000	138,000	140,000
8000	Departmental Equipment	-	2,400	3,000	-	-
	Subtotal	**340,000**	**515,650**	**513,000**	**740,000**	**497,000**
	TOTAL	**1,493,000**	**1,704,050**	**1,922,000**	**2,117,000**	**1,878,000**

AUTHORIZED STAFFING	FY 2024	FY 2025	FY 2026
Assistant City Manager	0.60	0.60	0.60
Assistant to the City Manager	1.00	1.00	1.00
City Manager	1.00	1.00	1.00
Executive Assistant	0.80	0.80	0.80
Senior Management Analyst	1.00	1.00	1.00
Temporary Full-time Equivalent	-	1.08	1.08
TOTAL	4.40	5.48	5.48

26.026.260 EMERGENCY SERVICES

Emergency Services

The Office of Emergency Services is responsible for whole community natural, civil, and technological disaster preparedness and response. It is also responsible for preparing, planning, training, and educating staff and elected officials in disaster response and recovery. By engaging community partners and developing strategies that prevent and mitigate disasters, the Office supports building a safer and more resilient future for the City.

Account Code	Description	2024 Adopted	2024 Amended	2024 Estimated	2025 Budgeted	2026 Budgeted
6100	Supplies	-	50,000	-	50,000	53,000
6200	Contractual Services	-	12,000	99,000	116,000	123,000
6400	Membership, Travel, Training	-	32,000	32,000	32,000	35,000
6800	Internal Service Charges	-	-	-	27,000	27,000
	Subtotal	**-**	**94,000**	**131,000**	**225,000**	**238,000**
	TOTAL	**-**	**94,000**	**131,000**	**225,000**	**238,000**

Information Technology – Operating Budget

The mission of the Information Technology Department is to cultivate a secure, resilient, and inclusive technology ecosystem that seamlessly aligns with organizational objectives. Our dedicated team ensures the seamless operation of the citywide technology infrastructure, providing daily support to employees and managing all customer-facing technology resources for the City. We are committed to constant innovation, actively identifying, evaluating, and implementing technologies that enhance operational efficiency. Our efforts extend to maintaining the robustness of network infrastructure and all technology components, fostering increased accessibility and transparency of data for the public. With a primary focus on fortifying our cyber environment, we strive to elevate our technological capabilities responsibly by procuring resources in a fiscally sound manner. As stewards of technology, we actively recommend solutions that not only enhance service delivery but also contribute to the overall advancement of our community. Together, we shape a future where technology seamlessly empowers and serves our City, fostering progress and connectivity for all.

Key Objectives

- Align with the Technology Master Plan to drive customer-focused technology solutions that are aligned with City Council goals and priorities.

- Implement advanced cybersecurity protocols and training to safeguard the City's digital assets and sensitive information and conduct regular security audits and risk assessments to identify and mitigate potential vulnerabilities.

- Establish a comprehensive technology governance framework to provide a collaborative forum for major decisions, planning, internal communication, and department staff training.

- Promote digital inclusion by expanding digital literacy programs and develop initiatives to bridge the digital divide to provide equitable access to technology resources for all residents.

- Implement disaster recovery and business continuity plans with regular testing to ensure uninterrupted service delivery during unforeseen events.

- Execute the recommendations derived from the extensive evaluations and assessments of telephony and carrier services proposals to develop an integrated solution that is modern, scalable, feature-rich, reliable, and cost-effective.

- Enhance the resilience of critical IT infrastructure components to minimize downtime during system failures or cyber incidents.

- Explore Artificial Intelligence (AI) Integration for potential data analysis enhancement, routine task automation and decision-making improvements.

- Collaborate with City departments to support the implementation of smart city technologies that align with the City's vision for a smart and connected community.

Activity & Workload Highlights

Activity and Workload Indicators	FY 2021 Actuals	FY 2022 Actuals	FY 2023 Actuals	FY 2024 Projected
Help desk tickets resolved	1106	1660	1700	1800
Security Event: Spam Emails*	N/A	69,188	81,000	82,000
Security Event: Phishing Emails*	N/A	7,941	10,300	11,000
Security Event: Malware Emails*	N/A	894	929	1,000

*Filtering, monitoring and quarantine enforcement started March 2023

21.021.210 INFORMATION TECHNOLOGY DEPARTMENT

General Government

The Information Technology Department (IT) manages all of the City's computer, telecommunications, and related systems and services. This includes responsibility for the governance of the City's technological systems, maintenance of the infrastructure, and the overall functionality of the systems. Through automation of routine tasks and securing electronic data, IT ensures staff have tools to provide more efficient and effective customer service, more accessible and reliable government information, and optimal collaboration and communication.

Account Code	Description	2024 Adopted	2024 Amended	2024 Estimated	2025 Budgeted	2026 Budgeted
5110	Regular Employees	1,445,000	1,451,000	1,376,000	1,417,000	1,419,000
5140	Overtime	-	-	9,000	-	-
5120	Seasonal/Temporary Employees	-	-	63,000	91,000	94,000
	Subtotal	**1,445,000**	**1,451,000**	**1,448,000**	**1,508,000**	**1,513,000**
6100	Materials and Supplies	119,000	839,028	775,000	703,000	723,000
6200	Contractual Services	286,000	633,245	548,000	335,000	347,000
6300	Communications	524,000	524,000	403,000	413,000	425,000
6400	Membership, Travel, Training	8,000	39,000	41,000	41,000	44,000
6800	Internal Service Charges	235,000	235,000	235,000	178,000	180,000
	Subtotal	**1,172,000**	**2,270,273**	**2,002,000**	**1,670,000**	**1,719,000**
	TOTAL	**2,617,000**	**3,721,273**	**3,450,000**	**3,178,000**	**3,232,000**

AUTHORIZED STAFFING	FY 2024	FY 2025	FY 2026
Assistant City Manager	0.15	0.15	0.15
Chief Information Officer/Information Technology Director	1.00	1.00	1.00
Information Technology Analyst/Sr. Information Technology Analyst	3.00	3.00	3.00
Information Technology Technician I/II	2.00	2.00	2.00
Temporary Full-time Equivalent	-	0.50	0.50
TOTAL	6.15	6.65	6.65

Human Resources – Operating Budget

The mission of the Human Resources Department is to empower City employees to achieve excellence in public service, thereby making a positive difference for the larger community. Through innovative Human Resources practices and fostering a culture of engagement, safety, and professionalism, we strive to maximize individual and organizational performance.

Key Objectives

- Identify and mitigate risks to protect the City and enhance its resilience.
- Utilize recruitment strategies and implement a comprehensive onboarding program to attract and retain a talented and diverse workforce.
- Foster an inclusive workplace culture by promoting and supporting Diversity, Equity, Inclusion, and Belonging initiatives.
- Support employee wellness and safety that effectively promotes, communicates, and acts to protect and enhance employee health and safety.
- Implement citywide employee development opportunities that further enhance the success of City employees in service delivery to the community, promote the City's PRIDE values, and support succession planning.
- Foster a positive work environment and proactively address employee and association concerns through collaboration, effective communication channels, and cultivating a culture of mutual respect.
- Ensure that all City departments have viable performance management tools, and resources to provide timely, accurate, and relevant performance feedback and professional development guidance to employees.
- Utilize technology to streamline Human Resources processes and promote data-driven decision-making.
- Create and revise internal policies and procedures to ensure compliance with laws and regulations.

Activity & Workload Highlights

Activity and Workload Indicators	FY 2021 Actuals	FY 2022 Actuals	FY 2023 Actuals	FY 2024 Projected
New hires: Regular employees	9	21	19	13
New hires: Temporary employees	40	54	73	41
Recruitments conducted: Regular and Temporary	25	44	35	43

22.022.220 HUMAN RESOURCES SERVICES *General Government*

Human Resources provides specialized and strategic administration to all employees in the following areas: employee and labor relations; negotiations with labor associations and employee groups; recruitment and selection; equal employment opportunity; classification and compensation; employee development and training; employee recognition; benefits administration; workers' compensation; state unemployment insurance; employee safety; and confidential records management. Human Resources is the resource point for employees ensuring compliance with federal and state employment laws.

Account Code	Description	2024 Adopted	2024 Amended	2024 Estimated	2025 Budgeted	2026 Budgeted
5110	Regular Employees	818,000	818,000	813,000	852,000	854,000
5140	Overtime	-	-	1,000	-	-
5120	Temporary Employees	28,000	28,000	96,000	181,000	187,000
	Subtotal	**846,000**	**846,000**	**910,000**	**1,033,000**	**1,041,000**
6100	Materials and Supplies	54,000	69,000	93,000	99,000	96,000
6200	Contractual Services	418,000	470,000	300,000	265,000	275,000
6400	Membership, Travel, Training	110,000	200,000	188,000	253,000	263,000
6800	Internal Service Charges	114,000	114,000	114,000	114,000	115,000
	Subtotal	**696,000**	**853,000**	**695,000**	**731,000**	**749,000**
	TOTAL	**1,542,000**	**1,699,000**	**1,605,000**	**1,764,000**	**1,790,000**

AUTHORIZED STAFFING	FY 2024	FY 2025	FY 2026
Administrative Analyst Analyst	1.00	1.00	1.00
Assistant City Manager	0.15	0.15	0.15
Human Resources Director	0.80	0.80	0.80
Human Resources Technician	2.00	2.00	2.00
Temporary Full-time Equivalent	-	0.66	0.66
TOTAL	3.95	4.61	4.61

Finance – Operating Budget

The mission of the Finance Department is to ensure that the financial and fiscal activities of the City are performed, recorded, and presented in compliance with professional and ethical standards while supporting the City Council, City Departments, and community in a prompt and courteous manner.

Key Objectives

- Monitor and evaluate City revenues, national and state economies, fiscal policies, and other economic trends that impact the City's financial condition and make recommendations to the City Manager and City Council to ensure fiscal stability in times of economic downturn.

- Develop the Biennial Budget and Five-Year Forecast in coordination with City departments and community engagement; monitor spending against approved budget and advise Council with budget amendments as needed.

- Prepare and maintain accurate financial records and reports, in compliance with Generally Accepted Accounting Principles (GAAP), the General Accounting Standards Board (GASB), Federal, State, and County rulings, and grant provisions.

- Procure goods and services in compliance with the City's Purchasing Policy, Ordinance, and applicable Federal and State laws.

- Provide leadership in the development, implementation, and updates of financial policies for the City.

- Monitor and enforce internal controls of financial process workflows to safeguard financial resources and City assets.

- Review capital projects and equipment replacement spending to determine asset capitalization, replacement schedule, and funding options.

- Process all financial transactions for the City, including revenue receipts, vendor and contractor payments, employee payroll checks, and business license issuance.

- Provide leadership and support to City departments for grant reporting compliance.
- Maintain current Enterprise Resource Planning (ERP) system for systematic updates and enhancements and continue to evaluate additional modules.

Activity & Workload Highlights

Activity and Workload Indicators	FY 2021 Actuals	FY 2022 Actuals	FY 2023 Actuals	FY 2024 Projected
Accounts Payable invoices processed	3,364	3,742	4,238	4,609
Accounts Payable checks issued	2,626	2,911	2,990	3,218
Purchase Orders processed	784	851	958	970
1099's processed (calendar year)	114	121	127	99
Business licenses issued (calendar year)	2,987	3,066	3,050	3,099
Payroll checks processed	9,040	10,235	10,833	10,503

80.080.800 FINANCE DEPARTMENT *General Government*

The Finance Department maintains the financial records of the City and provides accounting and financial reporting services to City management and staff, City Council, and regulatory agencies. Finance staff assists City departments in developing and submitting a budget to City Council and coordinates the annual financial audit and preparation of the Annual Comprehensive Financial Report. Other Financial Services responsibilities includes cash management, cashier operations, business license administration, debt management, payroll, purchasing, accounts payable, accounts receivable, and maintenance of the ERP system.

Account Code	Description	2024 Adopted	2024 Amended	2024 Estimated	2025 Budgeted	2026 Budgeted
5110	Regular Employees	1,628,000	1,646,900	1,798,000	1,814,000	1,819,000
5115	Leave Conversion	-	-	6,000	-	-
5120	Seasonal/Temporary Employees	-	-	38,000	41,000	43,000
	Subtotal	**1,628,000**	**1,646,900**	**1,842,000**	**1,855,000**	**1,862,000**
6100	Materials and Supplies	7,000	7,000	7,000	7,000	9,000
6200	Contractual Services	553,000	772,111	851,000	857,000	883,000
6400	Membership, Travel, Training	24,000	24,000	22,000	25,000	28,000
6800	Internal Service Charges	225,000	225,000	225,000	221,000	223,000
	Subtotal	**809,000**	**1,028,111**	**1,105,000**	**1,110,000**	**1,143,000**
	TOTAL	**2,437,000**	**2,675,011**	**2,947,000**	**2,965,000**	**3,005,000**

AUTHORIZED STAFFING	FY 2024	FY 2025	FY 2026
Accountant	2.00	2.00	2.00
Accounting Assistant II	2.00	2.00	2.00
Accounting Technician I/II	1.00	1.00	1.00
Collection Assistant	1.00	1.00	1.00
Deputy Finance Director	1.00	1.00	1.00
Finance Director	1.00	1.00	1.00
Senior Accountant	1.00	1.00	1.00
Temporary Full-time Equivalent		0.50	0.50
TOTAL	9.00	9.50	9.50

27.027.270 LIBRARY SUPPORT *Library*

The Library Support activity provides for the maintenance of the City's Library building, grounds, and parking lot. The Library is located at 37055 Newark Blvd and is operated by Alameda County.

Account Code	Description	2024 Adopted	2024 Amended	2024 Estimated	2025 Budgeted	2026 Budgeted
6200	Contractual Services *	-	152,000	134,000	151,000	156,000
6800	Internal Service Charges	169,000	169,000	169,000	236,000	236,000
	Subtotal	**169,000**	**321,000**	**303,000**	**387,000**	**392,000**
	TOTAL	**169,000**	**321,000**	**303,000**	**387,000**	**392,000**

* Sunday hours reinstated in FY 2024.

50.051.510 ECONOMIC DEVELOPMENT *Community Development*

The Economic Development activity includes all public information and business promotion functions. Also included in this activity are work with the Chamber of Commerce, publication of the City newsletter, and economic development promotion efforts.

Account Code	Description	2024 Adopted	2024 Amended	2024 Estimated	2025 Budgeted	2026 Budgeted
5110	Regular Employees	284,000	467,000	313,000	559,000	574,000
5120	Seasonal/Temporary Employees	53,000	-	120,000	153,000	-
	Subtotal	**337,000**	**467,000**	**433,000**	**712,000**	**574,000**
6100	Materials and Supplies	5,000	5,000	5,000	5,000	6,000
6200	Contractual Services	305,000	596,793	520,000	454,000	469,000
6400	Membership, Travel, Training	28,000	46,000	26,000	29,000	32,000
6800	Internal Service Charges	35,000	35,000	35,000	93,000	94,000
	Subtotal	**373,000**	**682,793**	**586,000**	**581,000**	**601,000**
	TOTAL	**710,000**	**1,149,793**	**1,019,000**	**1,293,000**	**1,175,000**

AUTHORIZED STAFFING	FY 2024	FY 2025	FY 2026
Administrative Support Specialist II	0.40	0.40	0.40
Deputy Economic Development Director	1.00	1.00	1.00
Management Analyst I/II	1.00	1.00	1.00

Police Department – Operating Budget

The mission of the Police Department is to provide professional public safety services in partnership with our community.

Key Objectives

- Continue to provide force options (crisis intervention and de-escalation) training to help officers understand and react appropriately to mentally ill and developmentally disabled subjects.
- Continue to provide Crime Prevention Through Environmental Design (CPTED) recommendations for residential and commercial areas.
- Continue to implement the convenience of an online police reporting system to our community.
- Continue to promote the Newark Vehicle and Accessory Theft Prevention Program (NVATPP) to encourage participation in catalytic converter label identification.
- Continue to utilize a Team Policing staffing model to improve communication, consistency in supervision, accountability, efficiency, and morale.
- Continue to prioritize professional development and succession planning through a formal Acting Sergeant in Training Program.
- Continue to aggressively pursue grant opportunities to supplement the current budget.
- Explore new ways to increase number of candidates for entry level and lateral police officers.
- Explore ways to formalize existing professional development and mentoring efforts that provide staff with the tools they need to succeed.
- Continue to address complaints and concerns regarding wrecked, dismantled, damaged, unregistered, and non-operating vehicles on public and private property.

- Continue our collaboration with the Newark Unified School District, Alameda County District Attorney's Office, and Juvenile Probation for a county-wide truancy program and to discuss School Resource Officer, gang, and other school-related issues. In addition, the Police Department will work with the Fremont and Union City School Districts and other police departments regarding truancy and other juvenile delinquency trends.

- Continue to pursue and evaluate on-line training/testing programs related to perishable skills for police officers.

- Continue to promote participation in the employee wellness program, to enhance employee satisfaction and quality customer service.

- Continue to pursue off-site data file storage systems to preserve archived and retainable reports.

- Continue to assign the Honor Guard team to represent the department at ceremonies for fallen officers, civic events, and city-related functions.

- Continue to access, monitor, and communicate Homeland Security/Terrorism issues to our first responders.

- Continue to promote and maintain a police explorer and cadet program.

- Continue to increase our public outreach efforts through social media to keep the lines of communication open and provide residents and concerned citizens with alerts, advisories, and community information.

- Continue to expand the Community Engagement Program by recruiting new police volunteers and Merchant Watch Program participants, collaborating with the Chamber of Commerce, establishing new Neighborhood Watch programs within the community, and facilitating campaigns such as National Night Out.

- Continue to research and provide new technology to improve efficiency and reduce risk.

- Continue to address on-going traffic concerns and evaluate the impact of new housing developments, increased commercial enterprises, and developing retail centers have on this issue.

- Continue to utilize police personnel to staff the Law Enforcement Program funded by

the Mission Valley Regional Occupation Program and in conjunction with the Newark Unified School District.

- Continue to encourage officers to achieve higher educational goals by forming partnerships with accredited universities.
- Continue to provide multi-disciplinary critical incident scenario-based training for all staff.
- Continue to utilize Naloxone to reduce the number of fatal opiate overdoses and increase officer safety.
- Continue to upgrade the Police webpage in order to provide citizens a means to easily locate information and submit requests with the objective of customer satisfaction and transparency.
- Continue to evaluate and improve the use of body worn cameras for all officers to reduce potential risk and liability to the department.
- By 2025, implement the first phase of an Intelligence Based Policing model.
- By 2025, research and evaluate secure long-term storage solutions for large scale property and evidence items, including vehicles.
- By June 2025, continue to move toward paperless records retention.

Activity & Workload Highlights

Activity and Workload Indicators			
Communications Center:	**Calendar Year 2022**	**Calendar Year 2023**	**% Change**
Calls for Service	24,013	26,235	9%
Total Incidents	35,916	34,135	-5%
Reporting:			
Criminal Incident Reports	3,678	3,342	-9%
Criminal Traffic Reports	204	160	-22%
Informational Reports	1,002	1,068	7%
Traffic Collision Reports	178	181	2%
Total Reports	5,062	4,751	-6%
Total Arrests	**727**	**684**	**-6%**

POLICE SUMMARY

	Organizational Unit	2024 Adopted	2024 Amended	2024 Estimated	2025 Budgeted	2026 Budgeted
	POLICE SERVICES					
30.030.300	Police Administration	1,191,000	1,387,031	1,319,402	1,697,000	1,740,000
30.030.301	School Crossing Guards	145,000	155,101	156,000	165,000	170,000
30.030.302	Animal Control	440,000	440,000	452,000	454,000	462,000
30.031.310	Patrol	17,198,000	18,388,444	17,499,000	18,566,000	18,919,000
30.032.320	Investigations	2,894,000	3,005,000	2,156,000	3,285,000	3,376,000
30.033.330	Records & Communication	5,676,000	5,799,198	5,249,000	6,115,000	6,288,000
30.034.340	Police Reserves	12,000	12,000	12,000	10,000	11,000
	TOTAL	**27,556,000**	**29,186,774**	**26,843,402**	**30,292,000**	**30,966,000**

AUTHORIZED STAFFING	FY 2024	FY 2025	FY 2026
Administrative Assistant	1.00	1.00	1.00
Administrative Support Specialist II	1.00	1.00	1.00
Animal Control Officer	1.00	1.00	1.00
Community Engagement Manager	1.00	1.00	1.00
Community Service Officer	3.00	3.00	3.00
Crime Analyst	1.00	1.00	1.00
Lead Public Safety Dispatcher	1.00	1.00	1.00
Management Analyst II	1.00	1.00	1.00
Police Captain	2.00	2.00	2.00
Police Chief	1.00	1.00	1.00
Police Lieutenant	3.00	3.00	3.00
Police Officer	44.00	44.00	44.00
Police Records Supervisor	1.00	1.00	1.00
Police Sergeant	8.00	8.00	8.00
Police Support Services Manager	1.00	1.00	1.00
Public Safety Clerk	3.00	3.00	3.00
Public Safety Dispatcher Supervisor	1.00	1.00	1.00
Public Safety Dispatcher	9.00	9.00	9.00
Red Light Photo Technician	1.00	1.00	1.00
Vehicle Abatement Officer	1.00	1.00	1.00
Seasonal/Temporary Full-time Equivalent	6.75	6.75	6.75
TOTAL	91.75	91.75	91.75

30.030.300 POLICE ADMINISTRATION

Police Department

The Police Chief has oversight of all of the police department functions and responsibilities. The Chief guides and leads the department by ensuring that staff abides by its mission, vision, and values; providing long and short-term goals and objectives for the department; adopting department rules and regulations; preparing and administering the department budget; providing for staffing and equipping of the department; reviewing and recommending the hiring and promotion of personnel; and receiving and investigating complaints of police misconduct.

Account Code	Description	2024 Adopted	2024 Amended	2024 Estimated	2025 Budgeted	2026 Budgeted
5110	Regular Employees	1,076,000	1,076,000	951,000	1,311,000	1,341,000
5140	Overtime	-	-	1,000	-	-
5120	Seasonal/Temporary Employees	-	-	98,000	-	-
	Subtotal	**1,076,000**	**1,076,000**	**1,050,000**	**1,311,000**	**1,341,000**
6100	Materials and Supplies	5,000	90,031	81,000	144,000	149,000
6200	Contractual Services	-	111,000	78,402	76,000	79,000
6400	Membership, Travel, Training	33,000	33,000	33,000	49,000	52,000
6800	Internal Service Charges	77,000	77,000	77,000	117,000	119,000
	Subtotal	**115,000**	**311,031**	**269,402**	**386,000**	**399,000**
	TOTAL	**1,191,000**	**1,387,031**	**1,319,402**	**1,697,000**	**1,740,000**

AUTHORIZED STAFFING	FY 2024	FY 2025	FY 2026
Administrative Assistant	1.00	1.00	1.00
Administrative Support Specialist II	1.00	1.00	1.00
Management Analyst II	1.00	1.00	1.00
Police Chief	1.00	1.00	1.00
TOTAL	4.00	4.00	4.00

30.030.301 SCHOOL CROSSING GUARDS

Police Department

The School Crossing Guards activity is administered by the Field Operations Captain and one Field Operations Lieutenant. This program provides pedestrian traffic control and safety at specified school locations within the City.

Account Code	Description	2024 Adopted	2024 Amended	2024 Estimated	2025 Budgeted	2026 Budgeted
6200	Contractual Services	145,000	155,101	156,000	165,000	170,000
	Subtotal	**145,000**	**155,101**	**156,000**	**165,000**	**170,000**
	TOTAL	**145,000**	**155,101**	**156,000**	**165,000**	**170,000**

30.030.302 ANIMAL CONTROL

Police Department

The Animal Control activity is administered by the Field Operations Captain. The Animal Control Unit provides preventative patrol service related to state and local animal control statutes; investigates citizen complaints and violations; impounds stray animals; properly disposes of deceased animals; secures medical treatment for injured or sick animals; and assists with rabies control and the enforcement of City licensing ordinances.

Account Code	Description		2024 Adopted	2024 Amended	2024 Estimated	2025 Budgeted	2026 Budgeted
5110	Regular Employees		160,000	160,000	172,000	168,000	168,000
		Subtotal	**160,000**	**160,000**	**172,000**	**168,000**	**168,000**
6200	Contractual Services		255,000	255,000	255,000	262,000	270,000
6800	Internal Service Charges		25,000	25,000	25,000	24,000	24,000
		Subtotal	**280,000**	**280,000**	**280,000**	**286,000**	**294,000**
		TOTAL	**440,000**	**440,000**	**452,000**	**454,000**	**462,000**

AUTHORIZED STAFFING		FY 2024	FY 2025	FY 2026
Animal Control Officer		1.00	1.00	1.00
	TOTAL	1.00	1.00	1.00

30.031.310 PATROL

Police Department

Field Operations consists of teams of sworn and professional staff employees who collaboratively work together to patrol the city streets to preserve the peace; protect life and property, enforce laws, prevent crime, and arrest offenders. Teams consist of Patrol Sergeants, Police Officers, Community Service officers, Dispatchers, and Animal Control officers. Police Canines are attached to patrol teams as well. Canines are used primarily to search for and apprehend criminal suspects, detect and locate narcotics, and perform building and area searches.

The Traffic Unit enforces traffic regulations in conjunction with patrol functions; investigates traffic hazards; analyzes collision reports; participates in regional commercial enforcement activities; and provides traffic safety education. Vehicle Abatement Officers support the Traffic Unit through the identification and ultimate removal of abandoned vehicles throughout the city.

The School Resource Officer (SRO) assigned to Newark Memorial High School interacts closely with students, teachers, school staff, and parents to ensure a safe learning environment for our youth. The SRO also monitors activity, as well as investigates criminal incidents, on and around campus.

Field Operations is additionally supported by several collateral teams to include Special Weapons and Tactics (SWAT), Crisis Negotiations, Crowd Management, Unmanned Aerial Vehicle (UAV), Criminal Evidence Response Team (CERT), Field Training Officers (FTO), and a Peer Support Team.

Account Code	Description	2024 Adopted	2024 Amended	2024 Estimated	2025 Budgeted	2026 Budgeted
5110	Regular Employees	12,600,000	12,600,000	11,526,000	13,700,000	14,102,000
5120	Seasonal/Temporary Employees	468,000	547,131	660,000	259,000	267,000
5140	Overtime	559,000	618,000	1,557,000	-	-
	Subtotal	**13,627,000**	**13,765,131**	**13,743,000**	**13,959,000**	**14,369,000**
6100	Materials and Supplies	164,000	195,800	222,000	234,000	241,000
6200	Contractual Services	618,000	1,096,200	590,000	1,047,000	622,000
6400	Membership, Travel, Training	76,000	90,000	99,000	101,000	106,000
8000	Departmental Equipment	-	528,313	132,000	-	-
6800	Internal Service Charges	2,713,000	2,713,000	2,713,000	3,225,000	3,581,000
	Subtotal	**3,571,000**	**4,623,313**	**3,756,000**	**4,607,000**	**4,550,000**
	TOTAL	**17,198,000**	**18,388,444**	**17,499,000**	**18,566,000**	**18,919,000**

AUTHORIZED STAFFING	FY 2024	FY 2025	FY 2026
Community Service Officer	2.00	2.00	2.00
Police Captain	1.00	1.00	1.00
Police Lieutenant	2.00	2.00	2.00
Police Officer	34.00	34.00	34.00
Police Sergeant	7.00	7.00	7.00
Red Light Photo Technician	1.00	1.00	1.00
Vehicle Abatement Officer	1.00	1.00	1.00
Seasonal/Temporary Full-time Equivalent	4.00	4.00	4.00
TOTAL	52.00	52.00	52.00

30.032.320 INVESTIGATIONS

Police Department

The Investigations activity is administered by the Field Operations Captain and one Field Operations Lieutenant. The Detective Unit handles the investigation of all major crimes that occur within the city. They work with the Federal Bureau of Investigation Silicon Valley Regional Criminal Forensics Laboratory and the Southern Alameda Major Crimes Task Force (SACMCTF). Our participation in the SACMCTF allows us to enforce laws and investigate incidents related to narcotics trafficking, street gangs, and major crimes within the tri-city area. The detective unit responds to and investigates homicides, sexual assaults, robberies, and other complex investigations; recovers stolen property; inspects pawn shops and second-hand stores; tracks sex, arson, and narcotic registrants in the community; investigates and arrests persons wanted for crimes by other jurisdictions; and maintains an investigative liaison with outside agencies.

Account Code	Description	2024 Adopted	2024 Amended	2024 Estimated	2025 Budgeted	2026 Budgeted
5110	Regular Employees	2,464,000	2,464,000	1,621,000	2,608,000	2,685,000
5140	Overtime	138,000	138,000	128,000	-	-
	Subtotal	**2,602,000**	**2,602,000**	**1,749,000**	**2,608,000**	**2,685,000**
6100	Materials and Supplies	1,000	112,000	115,000	118,000	123,000
6200	Contractual Services	80,000	80,000	80,000	187,000	190,000
6400	Membership, Travel, Training	1,000	1,000	2,000	3,000	4,000
6800	Internal Service Charges	210,000	210,000	210,000	369,000	374,000
	Subtotal	**292,000**	**403,000**	**407,000**	**677,000**	**691,000**
	TOTAL	**2,894,000**	**3,005,000**	**2,156,000**	**3,285,000**	**3,376,000**

AUTHORIZED STAFFING	FY 2024	FY 2025	FY 2026
Police Officer	10.00	10.00	10.00
Police Sergeant	1.00	1.00	1.00
TOTAL	11.00	11.00	11.00

30.033.330 RECORDS & COMMUNICATIONS *Police Department*

The Records & Communications activity is administered by the Support Services Captain and Support Services Manager. This activity administers the records, communications, evidence control, and personnel/training functions. The Records Unit maintains and distributes police reports, Public Records Act (PRA) requests, and other police files. The communications center accepts citizens' calls for public safety services and coordinates movements of field units. The evidence control function maintains evidence and property in police custody.

The Professional Standards and Training Unit is administered by the Support Services Captain and a Sergeant who coordinates, delivers, and tracks department and Peace Officers Standards and Training (POST) approved training, assists in the recruitment and background of potential employees, investigates internal affairs matters, and coordinates the testing process for the hiring of new employees and the internal promotional testing process. The Support Services Captain also oversees the Community Engagement Program which encompasses volunteers for Graffiti Abatement, Newark Police Volunteers, Neighborhood and Merchant Watch programs, as well as the Citizen Police Academy and social media.

Account Code	Description	2024 Adopted	2024 Amended	2024 Estimated	2025 Budgeted	2026 Budgeted
5110	Regular Employees	4,280,000	4,280,000	3,834,000	4,887,000	5,024,000
5120	Seasonal/Temporary Employees	145,000	145,000	137,000	137,000	142,000
5140	Overtime	155,000	155,000	120,000	-	-
	Subtotal	**4,580,000**	**4,580,000**	**4,091,000**	**5,024,000**	**5,166,000**
6100	Materials and Supplies	31,000	31,000	43,000	43,000	45,000
6200	Contractual Services	255,000	378,198	316,000	327,000	339,000
6400	Membership, Travel, Training	178,000	178,000	167,000	161,000	168,000
6300	Other Charges	83,000	83,000	83,000	85,000	88,000
6800	Internal Service Charges	549,000	549,000	549,000	475,000	482,000
	Subtotal	**1,096,000**	**1,219,198**	**1,158,000**	**1,091,000**	**1,122,000**
	TOTAL	**5,676,000**	**5,799,198**	**5,249,000**	**6,115,000**	**6,288,000**

AUTHORIZED STAFFING	FY 2024	FY 2025	FY 2026
Community Engagement Manager	1.00	1.00	1.00
Community Service Officer	1.00	1.00	1.00
Crime Analyst	1.00	1.00	1.00
Lead Public Safety Dispatcher	1.00	1.00	1.00
Police Captain	1.00	1.00	1.00
Police Lieutenant	1.00	1.00	1.00
Police Records Supervisor	1.00	1.00	1.00
Police Support Services Manager	1.00	1.00	1.00
Public Safety Clerk	3.00	3.00	3.00
Public Safety Dispatcher Supervisor	1.00	1.00	1.00
Public Safety Dispatcher	9.00	9.00	9.00
Seasonal/Temporary Full-time Equivalent	2.75	2.75	2.75
TOTAL	23.75	23.75	23.75

30.034.340 POLICE RESERVES AND EXPLORER PROGRAM *Police Department*

The Police Reserves activity is administered by the Field Operations Captain. The Reserve Officer program recruits, trains, and equips civilian volunteers to assist sworn police personnel during the course of their duties, as well as in times of disaster when the need for police services exceeds available resources. The Captain also provide oversight for the volunteer-based Police Explorer program which provides police experience, mentorship, and training to youth interested in a career in law enforcement.

Account Code	Description	2024 Adopted	2024 Amended	2024 Estimated	2025 Budgeted	2026 Budgeted
6400	Membership, Travel, Training	12,000	12,000	12,000	10,000	11,000
	Subtotal	**12,000**	**12,000**	**12,000**	**10,000**	**11,000**
	TOTAL	**12,000**	**12,000**	**12,000**	**10,000**	**11,000**

Fire – Operating Budget

The Alameda County Fire Department provides fire services for the City of Newark by contract. These services are provided at the direction of the City and are in line with public safety priorities of the community.

Key Objectives

- Facilitate requested Emergency Operations Center (EOC) Training for City personnel to reinforce prior independent study learning modules.
- Facilitate requested EOC training for City Council members.
- Continue to work with the City to provide cost efficiencies for the services provided.
- Work collaboratively with the City's Emergency Services Coordinator to provide emergency preparedness training programs including Listos, Personal Emergency Preparedness (PEP), and Community Emergency Response Team (CERT) to Newark residents.
- Support the development of requested tabletop exercises to coincide with EOC training workshops and to exercise the City of Newark's Comprehensive Emergency Management Plan (CEMP).
- Conduct an annual review of the City of Newark's CEMP to ensure the plan elements are valid, current, and remain in compliance with ICS SEMS, NIMS, and other regulations.
- Continue to participate in community outreach and preparedness events.
- Participate in Disaster Council meetings to review status of emergency management program.
- Participate in and support the City's Local Hazard Mitigation Plan
- Work collaboratively with the City's Emergency Services Coordinator to conduct necessary review of the Emergency Operations Plan (EOP).

Activity & Workload Highlights

Activity and Workload Indicators	FY 2021 Actuals	FY 2022 Actuals	FY 2023 Actuals
Fire calls for service	3,550	3,772	4,069
Primary fire inspections completed	2,291	2,494	2,029
Environmental safety inspections conducted	157	825	869

FIRE SUMMARY

	Organizational Unit	2024 Adopted	2024 Amended	2024 Estimated	2025 Budgeted	2026 Budgeted
	FIRE SERVICES					
40.040.400	Fire, Life, and Environmental Protection	12,767,000	12,949,000	13,191,000	14,466,000	15,332,000
40.041.400	EMS Assessment	4,000	4,000	8,000	10,000	12,000
	TOTAL	**12,771,000**	**12,953,000**	**13,199,000**	**14,476,000**	**15,344,000**

40.040.400 FIRE, LIFE, and ENVIRONMENTAL PROTECTION *Fire Department*

Emergency Services are included in the contract for fire services with the Alameda County Fire Department. These services include training fire department personnel; response to emergency and non-emergency incidents; fire code inspections; coordinated and provided basic life support (BLS) and advanced life support (ALS) emergency medical services; response to hazardous materials related incidents; performing extrications; and maintaining fire hydrants. The Alameda County Fire Department also provided public education in fire safety, injury prevention, disaster preparedness; and responded to public service requests such as station tours and school presentations. They worked cooperatively through an Auto Aid agreement to respond to emergencies in Union City, and participated in Alameda County's Mutual Aid Plan, under which cities assist one another when in need of additional firefighting resources.

Emergency Preparedness activity, under the Alameda County Fire Department, coordinated the City's emergency response to natural and man-made disasters, industrial and transportation emergencies, and domestic terrorism situations. This activity included emergency planning, preparedness training, public awareness and education, Community Emergency Response Team (CERT) organization and training, Personal Emergency Preparedness (PEP) training, and disaster response and coordination.

Fire, Life, and Environmental Protection Services includes conducted fire code and hazardous materials inspections, and code enforcement. The Alameda County Fire Department also made public education presentations to the community to expand awareness on fire and life safety hazards and environmental protection issues. Activities included plan review and inspection of all new fire protection system installations; fire code compliance inspections; fire investigation; regulation of hazardous materials facilities; and the distribution of public information on a wide range of fire safety and environmental protection subjects.

Account Code	Description	2024 Adopted	2024 Amended	2024 Estimated	2025 Budgeted	2026 Budgeted
6200	Contractual Services	12,696,000	12,878,000	13,120,000	13,756,000	14,621,000
6800	Internal Service Charges	71,000	71,000	71,000	710,000	711,000
	Subtotal	**12,767,000**	**12,949,000**	**13,191,000**	**14,466,000**	**15,332,000**
	TOTAL	**12,767,000**	**12,949,000**	**13,191,000**	**14,466,000**	**15,332,000**

Fire service costs were aligned with the five-year projection provided by Alameda County Fire.

40.041.400 EMERGENCY MEDICAL SERVICES *Fire Department*

Emergency Medical Services provided for advanced life support services by paramedics on fire engines, purchase of medical equipment and medications, emergency medical training, and other projects that enhanced the quality of emergency medical services to the community. Includes the First Responder Advance Life Support Service (FRALS) contract for 911 ambulance services.

6200	Contractual Services		4,000	4,000	8,000	10,000	12,000
		TOTAL	**4,000**	**4,000**	**8,000**	**10,000**	**12,000**

Community Development – Operating Budget

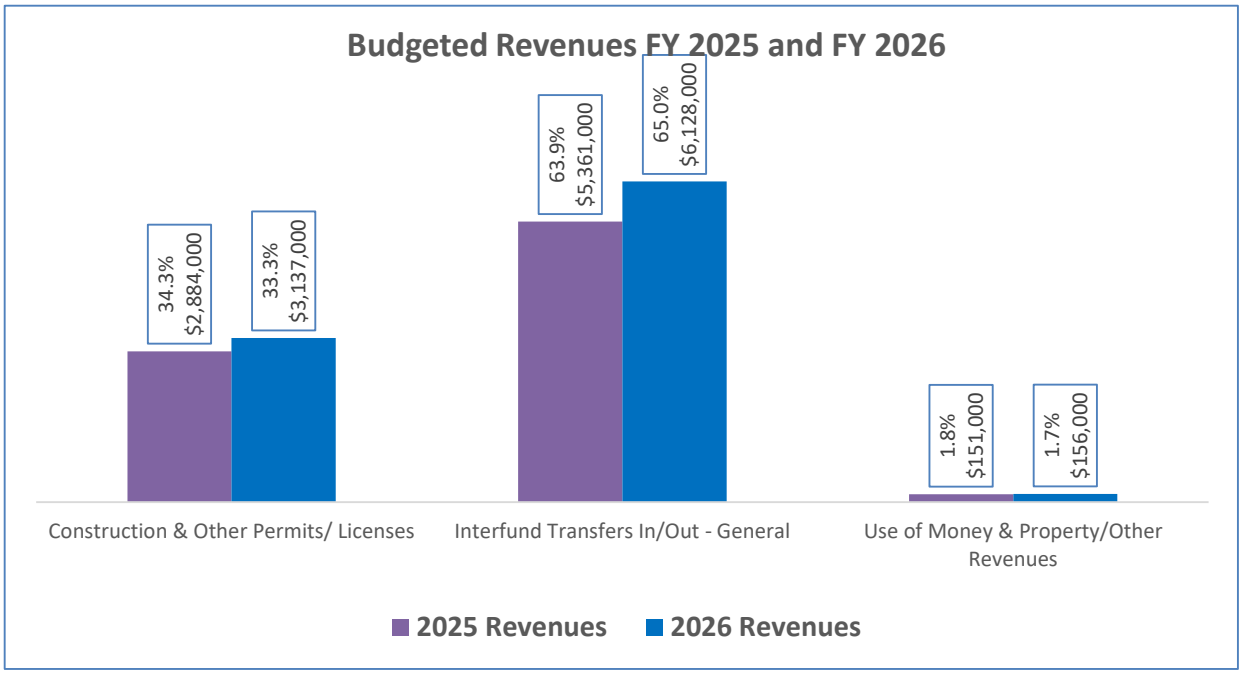
The mission of the Community Development Department is to ensure the long-term independence of the City of Newark by encouraging the development of a physically and fiscally balanced community. The Department consists of Economic Development, Planning and Housing, and Community Preservation. The Department is committed to leading initiatives that achieve Newark's fiscal independence and supporting a local economy that provides a variety of jobs and services. Community Development staff provides timely responses to inquiries and accurate and complete information to our customers. Within the City organization, the Department provides staff support, guidance, and coordination assistance to other departments. The Community Development Department continually strives to improve its high level of service.

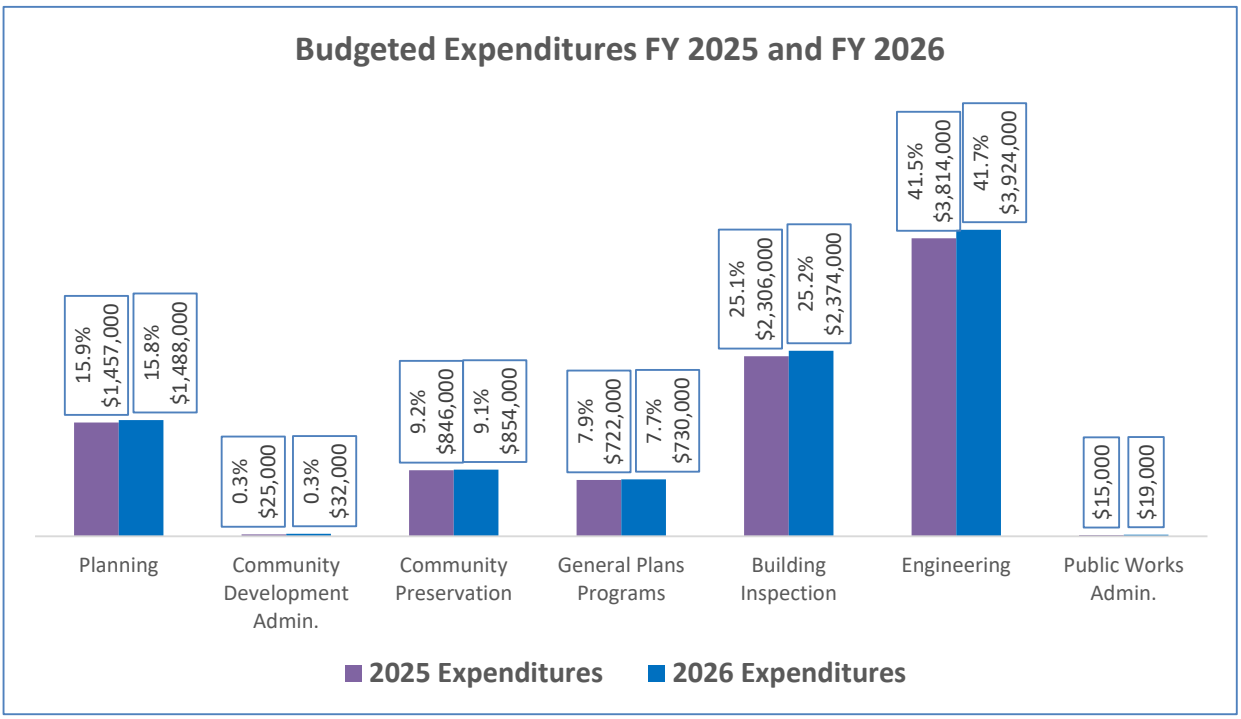
Key Objectives

- Expand efforts to market the community as a business and residential location of choice.
- Attract high-technology businesses and employment to Newark through land use decisions and business benefits and services.
- Implement the Economic Development and Land Use Element of the General Plan.
- Provide timely and efficient processing of development applications.
- Implement the Specific Plan for Areas 3 and 4, NewPark Place and Old Town Newark.
- Implement the Specific Plan for the Bayside Newark Transit Oriented Development (Area 2).
- Implement the Housing Element programs of the General Plan.
- Work with Regional Agencies to ensure Newark will be a part of a vibrant and sustainable region.
- Implement the Local Hazard Mitigation Plan.
- Review, analyze, and update Census-related data as necessary for Planning efforts.
- Monitor and update all impact fees as necessary to assist fund essential services and remain competitive to attract desired development.
- Promote proactive code enforcement activities within the Community Preservation Division through outreach and education.

DEVELOPMENT COST CENTER

The Development Cost Center contains Planning, Community Preservation, Engineering, and Building Inspection. These are services primarily provided to the development community and are supported primarily by development fees.





DEVELOPMENT COST CENTER SUMMARY

	Organizational Unit	2024 Adopted	2024 Amended	2024 Estimated	2025 Budgeted	2026 Budgeted
	COMMUNITY DEVELOPMENT					
50.050.500	Community Development Administration	-	-	-	25,000	32,000
50.052.520	Planning	1,214,000	1,297,564	1,060,000	1,457,000	1,488,000
50.053.530	Community Preservation	825,000	839,503	819,000	846,000	854,000
50.054.540	General Plans Programs	352,000	352,000	404,000	722,000	730,000
	Subtotal	**2,391,000**	**2,489,067**	**2,283,000**	**3,050,000**	**3,104,000**
	PUBLIC WORKS					
60.060.600	Public Works Administration	-	-	5,000	15,000	19,000
60.061.611	Engineering Design and Construction	3,277,000	3,440,511	3,482,000	3,814,000	3,924,000
60.062.620	Building Inspection Programs	1,900,000	1,990,000	2,037,000	2,306,000	2,374,000
	Subtotal	**5,177,000**	**5,430,511**	**5,524,000**	**6,135,000**	**6,317,000**
	TOTAL	**7,568,000**	**7,919,578**	**7,807,000**	**9,185,000**	**9,421,000**

AUTHORIZED STAFFING	FY 2024	FY 2025	FY 2026
Administrative Support Specialist II	0.60	0.60	0.60
Administrative Support Specialist II	1.00	1.00	1.00
Assistant Engineer - Civil	0.75	0.75	0.75
Assistant Planner	-	1.00	1.00
Associate Civil Engineer	1.00	1.00	1.00
Associate Planner	1.00	1.00	1.00
Building Inspector I/II	3.00	3.00	3.00
Chief Building Official	1.00	1.00	1.00
City Engineer	0.60	0.60	0.60
Community Development Director	1.00	1.00	1.00
Community Preservation Manager	1.00	1.00	1.00
Community Preservation Specialist	2.00	2.00	2.00
Deputy Community Development Director	1.00	1.00	1.00
Engineering Technician I	0.40	0.40	0.40
Housing Policy Program Manager	-	1.00	1.00
Junior Engineer	1.00	1.00	1.00
Management Analyst II	0.50	0.50	0.50
Permit Technician	1.00	1.00	1.00
Principal Civil Engineer	1.00	1.00	1.00
Public Works Director	0.60	0.60	0.60
Public Works Inspector	0.90	0.90	0.90
Senior Administrative Support Specialist	1.00	1.00	1.00
Senior Building Inspector	1.00	1.00	1.00
Senior Civil Engineer	2.00	2.00	2.00
Senior Planner	1.00	1.00	1.00
Seasonal/Temporary Full-time Equivalent	1.25	1.25	1.25
TOTAL	25.60	27.60	27.60

50.050.500 COMMUNITY DEVELOPMENT ADMINISTRATION *Community Development*

Community Development Administration includes general supplies and training for the the Community Development Department.

Account Code	Description	2024 Adopted	2024 Amended	2024 Estimated	2025 Budgeted	2026 Budgeted
6100	Materials and Supplies	0	0	0	15,000	19,000
6400	Membership, Travel, Training	0	0	0	10,000	13,000
	Subtotal	**0**	**0**	**0**	**25,000**	**32,000**
	TOTAL	**0**	**0**	**0**	**25,000**	**32,000**

Non-personnel expenditures were updated to reflect a more accurate baseline budget.

50.052.520 PLANNING

Community Development

The Planning activity oversees the orderly physical development of the community. The update and administration of the City's General Plan, administration of the Zoning Ordinance, coordination of development with the business and development community, and work with the Planning Commission are covered under this activity.

Account Code	Description	2024 Adopted	2024 Amended	2024 Estimated	2025 Budgeted	2026 Budgeted
5110	Regular Employees	624,000	624,000	667,000	802,000	811,000
5120	Seasonal/Temporary Employees	27,000	27,000	-	-	-
	Subtotal	**651,000**	**651,000**	**667,000**	**802,000**	**811,000**
6100	Materials and Supplies	5,000	5,000	7,000	8,000	10,000
6200	Contractual Services	431,000	514,564	263,000	428,000	442,000
6400	Membership, Travel, Training	22,000	22,000	18,000	21,000	24,000
6800	Internal Service Charges	105,000	105,000	105,000	198,000	201,000
	Subtotal	**563,000**	**646,564**	**393,000**	**655,000**	**677,000**
	TOTAL	**1,214,000**	**1,297,564**	**1,060,000**	**1,457,000**	**1,488,000**

AUTHORIZED STAFFING	FY 2024	FY 2025	FY 2026
Administrative Support Specialist II	0.60	0.60	0.60
Assistant Planner	0.50	0.50	0.50
Associate Planner	0.70	0.70	0.70
Community Development Director	0.30	0.30	0.30
Deputy Community Development Director	0.30	0.30	0.30
Housing Policy Program Manager	0.60	0.60	0.60
Senior Planner	0.50	0.50	0.50
TOTAL	3.50	3.50	3.50

Non-personnel expenditures were updated to reflect a more accurate baseline budget.

50.053.530 COMMUNITY PRESERVATION *Community Development*

The Community Preservation Division is comprised of one full-time Community Preservation Manager and two full-time Community Preservation Specialists who are responsible for enforcing the provisions of the Newark Municipal Code and various other related codes and policies. A portion of the Community Development Director and Deputy Community Development Director's positions are also added here. To meet this obligation, we obtain compliance through intervention, education, and enforcement. We strive to partner with the community in enforcing neighborhood property maintenance standards, as it is our goal to help maintain property values and create a healthy, aesthetically pleasing community in which to live, work, and play.

Account Code	Description	2024 Adopted	2024 Amended	2024 Estimated	2025 Budgeted	2026 Budgeted
5110	Regular Employees	669,000	669,000	683,000	724,000	725,000
	Subtotal	**669,000**	**669,000**	**683,000**	**724,000**	**725,000**
6100	Materials and Supplies	4,000	4,000	4,000	5,000	7,000
6200	Contractual Services	35,000	49,157	15,000	16,000	17,000
6400	Membership, Travel, Training	33,000	33,000	33,000	35,000	38,000
6800	Internal Service Charges	84,000	84,000	84,000	66,000	67,000
	Subtotal	**156,000**	**170,503**	**136,000**	**122,000**	**129,000**
	TOTAL	**825,000**	**839,503**	**819,000**	**846,000**	**854,000**

AUTHORIZED STAFFING	FY 2024	FY 2025	FY 2026
Community Development Director	0.20	0.20	0.20
Community Preservation Manager	1.00	1.00	1.00
Community Preservation Specialist	2.00	2.00	2.00
Deputy Community Development Director	0.20	0.20	0.20
TOTAL	3.40	3.40	3.40

50.054.540 COMMUNITY DEVELOPMENT GENERAL PLAN

Community Development

The Community Development Maintenance activity oversees the implementation, the update and administration of the City's General Plan. This activity is fully funded by the Community Development Maintenance Fee.

Account Code	Description	2024 Adopted	2024 Amended	2024 Estimated	2025 Budgeted	2026 Budgeted
5110	Regular Employees	352,000	352,000	404,000	722,000	730,000
	Subtotal	**352,000**	**352,000**	**404,000**	**722,000**	**730,000**
	TOTAL	**352,000**	**352,000**	**404,000**	**722,000**	**730,000**

AUTHORIZED STAFFING	FY 2024	FY 2025	FY 2026
Assistant Planner	0.00	0.50	0.50
Associate Planner	0.30	0.30	0.30
Community Development Director	0.50	0.50	0.50
Deputy Community Development Director	0.50	0.50	0.50
Housing Policy Program Manager	0.00	0.40	0.40
Senior Planner	0.50	0.50	0.50
TOTAL	1.80	2.70	2.70

60.060.600 PUBLIC WORKS ADMINISTRATION *Parks and Public Works*

Public Works Administration includes general supplies and training for the the Public Works Department.

Account Code	Description	2024 Adopted	2024 Amended	2024 Estimated	2025 Budgeted	2026 Budgeted
6100	Materials and Supplies	-	-	-	3,000	4,000
6400	Membership, Travel, Training	-	-	-	12,000	15,000
8000	Departmental Equipment	-	-	5,000	-	-
	Subtotal	**-**	**-**	**5,000**	**15,000**	**19,000**
	TOTAL	**-**	**-**	**5,000**	**15,000**	**19,000**

60.061.611 ENGINEERING

Parks and Public Works

The Engineering Division consists of the Design Engineering, Development Engineering and Traffic Engineering sections, and is responsible for facilitating the design and construction of Capital Improvement projects such as streets, parks, and other public facilities; overseeing the approval and inspection of private development projects; and managing the City's traffic signal and multimodal transportation system.

Account Code	Description	2024 Adopted	2024 Amended	2024 Estimated	2025 Budgeted	2026 Budgeted
5110	Regular Employees	2,043,000	2,043,000	2,096,000	2,198,000	2,263,000
5120	Seasonal/Temporary Employees	26,000	26,000	9,000	28,000	29,000
5140	Overtime	-	-	1,000	-	-
	Subtotal	**2,069,000**	**2,069,000**	**2,106,000**	**2,226,000**	**2,292,000**
6100	Materials and Supplies	4,000	130,806	131,000	133,000	139,000
6200	Contractual Services	972,000	1,002,705	1,006,000	1,032,000	1,063,000
6400	Membership, Travel, Training	12,000	18,000	19,000	22,000	25,000
6800	Internal Service Charges	220,000	220,000	220,000	401,000	405,000
	Subtotal	**1,208,000**	**1,371,511**	**1,376,000**	**1,588,000**	**1,632,000**
	TOTAL	**3,277,000**	**3,440,511**	**3,482,000**	**3,814,000**	**3,924,000**

AUTHORIZED POSITIONS	FY 2024	FY 2025	FY 2026
Assistant Engineer - Civil	0.75	0.75	0.75
Associate Civil Engineer	1.00	2.00	2.00
City Engineer	0.60	0.60	0.60
Engineering Technician I	0.40	0.40	0.40
Junior Engineer	1.00	1.00	1.00
Management Analyst II	0.35	0.35	0.35
Principal Civil Engineer	1.00	1.00	1.00
Public Works Director	0.50	0.50	0.50
Public Works Inspector	0.90	0.90	0.90
Senior Administrative Support Specialist	1.00	1.00	1.00
Senior Civil Engineer	2.00	1.00	1.00
Seasonal/Temp. Full-time Equivalent	0.25	0.25	0.25
TOTAL	7.00	6.00	6.00

60.062.620 BUILDING INSPECTION

Parks and Public Works

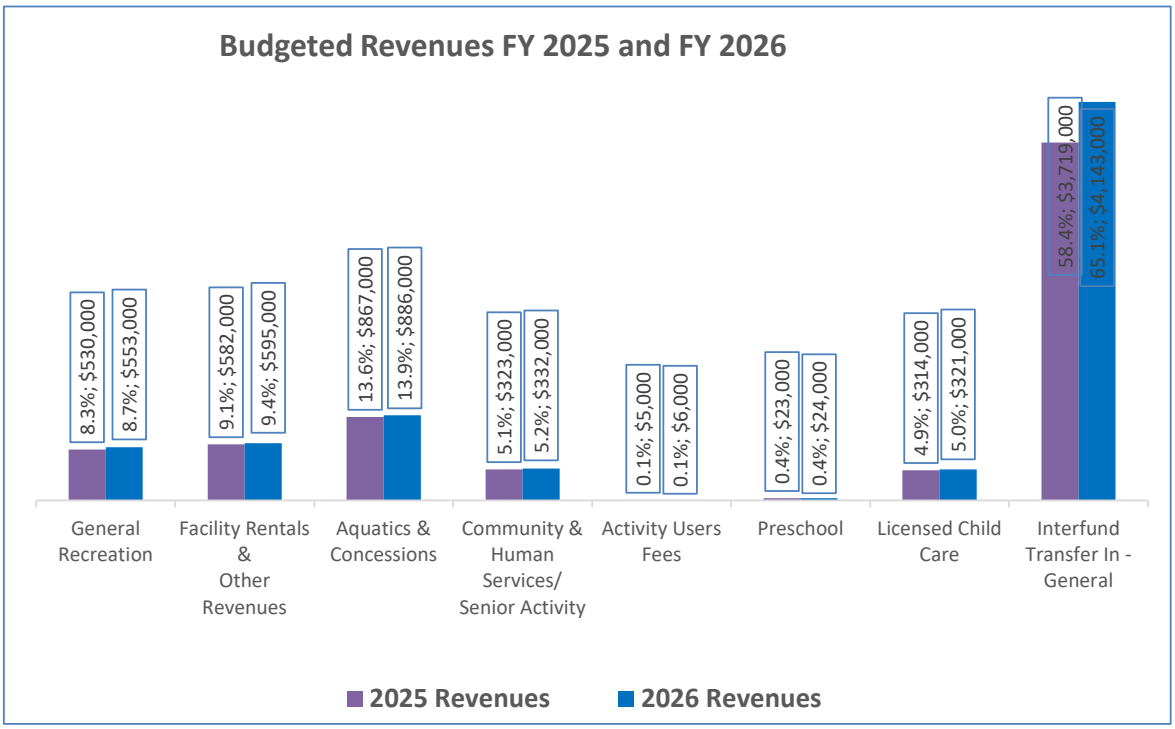
The Building Inspection program ensures that building design and construction are performed in agreement with the most modern materials, construction techniques, and engineering to protect the life, health, and safety of the occupants and to preserve the building stock. This is accomplished by adopting the latest building codes, providing regular training to staff, providing direction and instruction to meet code compliance for inexperienced builders, and adhering to a process that involves a thorough plan check process followed up by rigorous field inspections. Building Inspection is also tasked with providing educational documents to help streamline the process of permitting construction projects and retaining the documents for long term use.

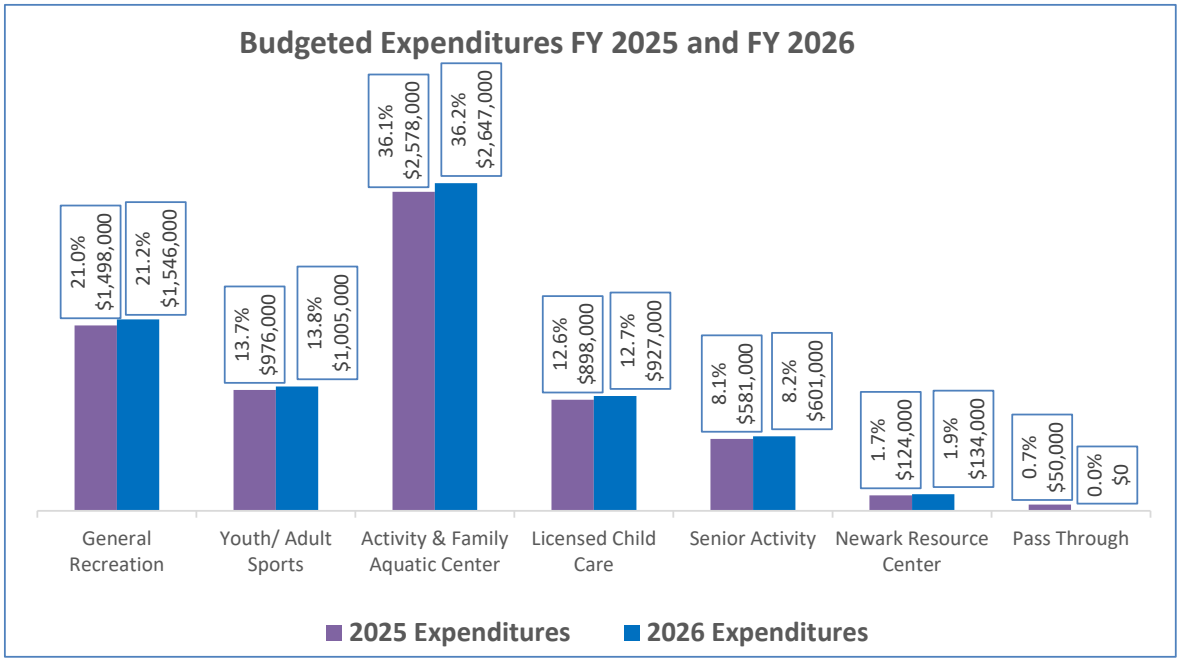
Account Code	Description	2024 Adopted	2024 Amended	2024 Estimated	2025 Budgeted	2026 Budgeted
5110	Regular Employees	1,404,000	1,404,000	1,406,000	1,436,000	1,478,000
5120	Seasonal/Temporary Employees	55,000	55,000	50,000	47,000	49,000
5140	Overtime	-	-	3,000	-	-
	Subtotal	**1,459,000**	**1,459,000**	**1,459,000**	**1,483,000**	**1,527,000**
6100	Materials and Supplies	6,000	6,000	6,000	63,000	68,000
6200	Contractual Services	237,000	327,000	367,000	377,000	389,000
6400	Membership, Travel, Training	20,000	20,000	27,000	31,000	35,000
6800	Internal Service Charges	178,000	178,000	178,000	352,000	355,000
	Subtotal	**441,000**	**531,000**	**578,000**	**823,000**	**847,000**
	TOTAL	**1,900,000**	**1,990,000**	**2,037,000**	**2,306,000**	**2,374,000**

AUTHORIZED POSITIONS	FY 2024	FY 2025	FY 2026
Administrative Support Specialist II	1.00	1.00	1.00
Building Inspector I/II	3.00	3.00	3.00
Chief Building Official	1.00	1.00	1.00
Management Analyst II	0.15	0.15	0.15

RECREATION & COMMUNITY SERVICES COST CENTER

The Recreation & Community Services Cost Center provides for the City's recreation and community programs. Some of these services are paid for by users when they register for classes or other activities. Specific General Recreation activities include Youth/Adult Sports, Fitness & Wellness; George M. Silliman Activity & Family Aquatic Center; Community Center Licensed Child Care; Senior Services; and Paratransit Services.





Recreation Services – Operating Budget

The mission of the Recreation and Community Services Department is to enrich and strengthen the wellbeing of all community members through recreational programs, community services, and facilities while promoting personal development, healthy lifestyles, community involvement, and inclusiveness.

Key Objectives

- Facilitate culturally enriching and inclusive special events and programs.
- Create human services programs, expand community resource options, and establish partnerships with organizations like the Fremont Family Resource Center to provide referrals and support.
- Hire and cultivate a skilled team to manage and enhance programming at the future Newark Resource Center
- Offer shower facilities at the Silliman Center for the unhoused population in Newark, promoting hygiene and well-being.
- Create a robust recreation and community services volunteer program to support special events and programs while fostering community engagement and involvement.
- Formulate innovative approaches to bolster funds for youth scholarship programs through securing sponsorships and pursuing grant opportunities.
- Advocate for water safety through educational initiatives and outreach efforts.
- Certify key staff as CPR/AED and first aid instructors to train recreation TE staff in lifesaving skills and additionally provide community health and safety classes to further empower individuals with essential knowledge and skills.
- Expand the capacity of recreation and community services programs, including state-licensed childcare and swim lesson programs, to pre-pandemic levels, ensuring broader access and participation within the community.
- Develop impactful marketing campaigns and posting schedules tailored to engage Newark's diverse community effectively, fostering meaningful connections and

inclusive outreach.

- Establish a comprehensive TE (temporary employee) staff professional development program to enhance retention rates and ensure the quality of staff within the organization.
- Strengthen community relationships with partners, non-profits, and local groups, emphasizing resource sharing to benefit those in need and promote collective support within the community.
- Develop initiatives that celebrate diversity and promote inclusion within the community, ensuring that programs and services are accessible to all residents regardless of background or ability.
- Implement strategies to actively involve community members in the evaluation of programs and events to better meet their needs and preferences.
- Assess the effectiveness of programs and initiatives through data collection, feedback from stakeholders, and evaluation metrics, and make necessary adjustments to improve outcomes.

Activity & Workload Highlights

Activity and Workload Indicators				
Rentals:	**2021-22 Actuals**	**2022-23 Actuals**	**2023-24 Estimated**	**2024-25 Projected**
Silliman Center Rentals	386	605	700	735
Field Rentals Participants	210,794	201,657	234,611	246,342
Community Center Rentals	135	151	146	153
Totals	211,315	202,413	235,457	247,230
Pass Holders:	**2021-22 Actuals**	**2022-23 Actuals**	**2023-24 Estimated**	**2024-25 Projected**
Silliman Pass	1,490	1,520	1,600	1,680
Senior Center Pass	295	552	488	512
Totals	1,785	2,072	2,088	2,192
Attendance:	**2021-22 Actuals**	**2022-23 Actuals**	**2023-24 Estimated**	**2024-25 Projected**
Special Events	7,000	7,350	7,700	8,085
Silliman Drop-Ins	18,723	26,892	25,000	26,250
Swim Lessons	1,868	2,356	3,130	3,287
Summer Camps	907	845	850	893
Licensed Child Care	1,006	1,072	1,089	1,143
Youth Sports	1,402	1,640	1,985	2,084
Betty Gentry Dance	499	652	692	727
Senior Center Attendance	8,339	11,477	12,031	12,633
Totals	39,744	52,284	52,477	55,101

RECREATION & COMMUNITY COST CENTER SERVICES SUMMARY

	Organizational Unit	2024 Adopted	2024 Amended	2024 Estimated	2025 Budgeted	2026 Budgeted
	RECREATION & COMMUNITY SERVICES					
70.071.710	General Recreation Services	1,026,000	1,029,700	1,197,000	1,498,000	1,546,000
70.072.720	Youth/Adult Sports, Fitness & Wellness	651,000	653,600	926,000	976,000	1,005,000
70.073.730	Activity & Family Aquatic Center	2,501,000	2,501,000	2,167,000	2,578,000	2,647,000
70.074.740	Licensed Child Care	812,000	822,700	882,000	898,000	927,000
70.075.750	Senior Services	557,000	559,300	551,000	581,000	601,000
70.075.755	Paratransit (Measure B/BB)	220,000	220,000	421,000	432,000	445,000
70.077.771	Newark Resource Center	-	-	-	124,000	134,000
70.079.790	Grants/Pass Through	-	51,596	497,000	50,000	-
	TOTAL	**5,767,000**	**5,837,896**	**6,641,000**	**7,137,000**	**7,305,000**

AUTHORIZED STAFFING	FY 2024	FY 2025	FY 2026
Administrative Assistant	0.50	0.75	0.75
Administrative Support Specialist II	2.00	2.00	2.00
Childcare Instructor	4.00	4.00	4.00
Lead Childcare Instructor	1.00	0.00	0.00
Recreation & Community Services Director	1.00	1.00	1.00
Recreation & Community Supervisor I	0.00	1.00	1.00
Recreation & Community Supervisor I	1.00	1.00	1.00
Recreation & Community Supervisor II	1.00	1.00	1.00
Recreation Coordinator	5.00	6.00	6.00
Seasonal/Temporary Full-time Equivalent	37.75	41.72	41.72
TOTAL	53.25	58.47	58.47

70.071.710 GENERAL RECREATION SERVICES *Recreation & Community Services*

The General Recreation Services activity provides direct management of the City's Recreation and Community Services Department. Programs within this activity include Preschool classes, Summer Day Care, Teen Area drop-in supervision and special events, as well as the Community Center rental program. Management of this activity involves the planning, scheduling, coordination, and supervision of recreation service programs.

Account Code	Description	2024 Adopted	2024 Amended	2024 Estimated	2025 Budgeted	2026 Budgeted
5110	Regular Employees	296,000	298,300	364,000	517,000	533,000
5140	Overtime	-	-	2,000	-	-
5120	Seasonal/Temporary Employees	182,000	182,000	288,000	418,000	431,000
	Subtotal	**478,000**	**480,300**	**654,000**	**935,000**	**964,000**
6100	Materials and Supplies	264,000	264,000	227,000	234,000	242,000
6200	Contractual Services	93,000	93,000	127,000	133,000	139,000
6400	Membership, Travel, Training	27,000	27,000	23,000	22,000	25,000
6800	Internal Service Charges	164,000	164,000	164,000	174,000	176,000
8000	Departmental Equipment	-	1,400	2,000	-	-
	Subtotal	**548,000**	**549,400**	**543,000**	**563,000**	**582,000**
	TOTAL	**1,026,000**	**1,029,700**	**1,197,000**	**1,498,000**	**1,546,000**

AUTHORIZED STAFFING	FY 2024	FY 2025	FY 2026
Administrative Assistant	0.80	0.80	0.80
Administrative Support Specialist II	0.30	0.30	0.30
Recreation & Community Services Director	0.20	0.20	0.20
Recreation & Community Supervisor I	0.00	1.00	1.00
Recreation & Community Supervisor I	0.20	0.20	0.20
Recreation & Community Supervisor II	0.10	0.10	0.10
Recreation Coordinator	0.30	0.30	0.30
Seasonal/Temp. Full-time Equivalent	5.48	8.75	8.75
TOTAL	7.38	11.65	11.65

70.072.720 YOUTH/ADULT SPORTS, FITNESS & WELLNESS

Recreation & Community Services

The Youth/Adult Sports, Fitness & Wellness activity provides opportunities for youth, adults, and seniors to participate in a variety of sports leagues, camps, dance classes, martial arts, and fitness-related activities. This activity includes program planning, league formation and scheduling, marketing, staff training, maintenance of facilities, contract service administration, risk management, public information, and publicity.

Account Code	Description	2024 Adopted	2024 Amended	2024 Estimated	2025 Budgeted	2026 Budgeted
5110	Regular Employees	287,000	289,600	305,000	315,000	325,000
5120	Seasonal/Temporary Employees	91,000	91,000	129,000	155,000	160,000
5140	Overtime	-	-	5,000	-	-
	Subtotal	**378,000**	**380,600**	**439,000**	**470,000**	**485,000**
6100	Materials and Supplies	48,000	48,000	32,000	33,000	34,000
6200	Contractual Services	124,000	124,000	354,000	364,000	376,000
6800	Internal Service Charges	101,000	101,000	101,000	109,000	110,000
	Subtotal	**273,000**	**273,000**	**487,000**	**506,000**	**520,000**
	TOTAL	**651,000**	**653,600**	**926,000**	**976,000**	**1,005,000**

AUTHORIZED STAFFING	FY 2024	FY 2025	FY 2026
Administrative Assistant	0.10	0.10	0.10
Administrative Support Specialist II	0.10	0.10	0.10
Recreation & Community Services Director	0.20	0.20	0.20
Recreation Coordinator	1.00	1.00	1.00
Recreation & Community Supervisor II	0.10	0.10	0.10
Recreation Coordinator	0.35	0.35	0.35
Recreation Coordinator	1.00	1.00	1.00
Seasonal/Temp. Full-time Equivalent	2.56	4.76	4.76
TOTAL	5.41	7.61	7.61

70.073.730 GEORGE M. SILLIMAN ACTIVITY & FAMILY AQUATIC CENTER

Recreation & Community Services

The George M. Silliman Activity & Family Aquatic Center activity provides direct management of all general recreation and aquatic program and services including swim lessons, aquatic exercise classes, recreation and lap swim, summer and holiday camps, special events, pool safety presentations, café operations, birthday parties, and fitness center. Management of this activity involves staff training, front office and program registration services, lifeguard training and certification programs, facility rental program, risk management, scheduling of multiple classes and activities, maintenance of facilities, building supervision, recruitment and training of part-time staff, program registration, daily cash handling and reporting, retail sales, inventory control, and general customer service. The George M. Silliman Activity & Family Aquatic Center also functions as a public information outlet for local and regional resource programs, as well as community events.

Account Code	Description	2024 Adopted	2024 Amended	2024 Estimated	2025 Budgeted	2026 Budgeted
5110	Regular Employees	623,000	623,000	545,000	641,000	661,000
5140	Overtime	-	-	3,000	-	-
5120	Seasonal/Temporary Employees	973,000	973,000	738,000	955,000	984,000
	Subtotal	**1,596,000**	**1,596,000**	**1,286,000**	**1,596,000**	**1,645,000**
6100	Materials and Supplies	145,000	145,000	118,000	121,000	125,000
6200	Contractual Services	32,000	32,000	32,000	34,000	36,000
6400	Membership, Travel, Training	11,000	11,000	14,000	17,000	20,000
6800	Internal Service Charges	717,000	717,000	717,000	810,000	821,000
	Subtotal	**905,000**	**905,000**	**881,000**	**982,000**	**1,002,000**
	TOTAL	**2,501,000**	**2,501,000**	**2,167,000**	**2,578,000**	**2,647,000**

AUTHORIZED STAFFING	FY 2024	FY 2025	FY 2026
Administrative Support Specialist II	0.60	0.60	0.60
Recreation & Community Services Director	0.20	0.20	0.20
Recreation & Community Supervisor II	0.80	0.80	0.80
Recreation Coordinator	0.35	0.35	0.35
Recreation Coordinator	1.00	1.00	1.00
Seasonal/Temp. Full-time Equivalent	28.46	26.21	26.21
TOTAL	31.41	29.16	29.16

70.074.740 COMMUNITY CENTER LICENSED CHILD CARE

Recreation & Community Services

The Community Center Licensed Child Care activity provides for the direct supervision of the State of California licensed child care program for children ages 3 – 5 years. Management of this activity involves supervision of staff, state licensing compliance, daily program planning, ordering of supplies, processing of payments, maintenance of facilities and equipment, snack provision, holiday-themed special events, and communication with participant parents/legal guardians. The program currently accepts subsidized childcare payments for those who qualify.

Account Code	Description	2024 Adopted	2024 Amended	2024 Estimated	2025 Budgeted	2026 Budgeted
5110	Regular Employees	627,000	637,700	690,000	680,000	700,000
5120	Seasonal/Temporary Employees	28,000	28,000	2,000	5,000	6,000
5140	Overtime	-	-	1,000	-	-
	Subtotal	**655,000**	**665,700**	**693,000**	**685,000**	**706,000**
6100	Materials and Supplies	13,000	13,000	22,000	24,000	26,000
6200	Contractual Services	3,000	3,000	20,000	21,000	22,000
6400	Membership, Travel, Training	3,000	3,000	9,000	12,000	15,000
6800	Internal Service Charges	138,000	138,000	138,000	156,000	158,000
	Subtotal	**157,000**	**157,000**	**189,000**	**213,000**	**221,000**
	TOTAL	**812,000**	**822,700**	**882,000**	**898,000**	**927,000**

AUTHORIZED STAFFING	FY 2024	FY 2025	FY 2026
Administrative Support Specialist II	0.25	0.25	0.25
Childcare Instructor	4.00	4.00	4.00
Recreation & Community Services Director	0.20	0.20	0.20
Recreation & Community Supervisor I	0.10	0.10	0.10
Recreation Coordinator	1.00	1.00	1.00
Seasonal/Temp. Full-time Equivalent	0.75	0.50	0.50
TOTAL	6.30	6.05	6.05

70.075.750 SENIOR SERVICES

Recreation & Community Services

The Senior Services activity includes all senior specific activities held at the Senior Center. Management of this activity includes daily supervision of the drop-in program, bingo games, daily congregate meal program, case management services, exercise classes, special events, trips and tours, senior enrichment classes, supply ordering, and maintenance of facility and equipment.

Account Code	Description	2024 Adopted	2024 Amended	2024 Estimated	2025 Budgeted	2026 Budgeted
5110	Regular Employees	422,000	424,300	389,000	436,000	449,000
5120	Seasonal/Temporary Employees	16,000	16,000	35,000	35,000	37,000
	Subtotal	**438,000**	**440,300**	**424,000**	**471,000**	**486,000**
6100	Materials and Supplies	12,000	12,000	16,000	17,000	18,000
6200	Contractual Services	10,000	10,000	14,000	9,000	10,000
6400	Membership, Travel, Training	6,000	6,000	6,000	8,000	10,000
6800	Internal Service Charges	91,000	91,000	91,000	76,000	77,000
	Subtotal	**119,000**	**119,000**	**127,000**	**110,000**	**115,000**
	TOTAL	**557,000**	**559,300**	**551,000**	**581,000**	**601,000**

AUTHORIZED STAFFING	FY 2024	FY 2025	FY 2026
Administrative Assistant	0.10	0.10	0.10
Administrative Support Specialist II	0.75	0.75	0.75
Recreation & Community Services Director	0.20	0.20	0.20
Recreation & Community Supervisor I	0.70	0.70	0.70
Recreation Coordinator	1.00	1.00	1.00
Seasonal/Temp. Full-time Equivalent	0.50	1.50	1.50
TOTAL	1.75	1.75	1.75

70.075.755 SENIOR SERVICES PARATRANSIT (MEASURE B/BB)

Recreation & Community Services

The Paratransit Services – Measure B and Measure BB activity provides door-to-door transportation to Newark seniors ages 65 and older and disabled adults ages 18 and over. Measure B is the half-cent sales tax revenue that was approved by voters in November 2000 and was replaced with Measure BB in 2022. The City of Newark contracts with the City of Fremont to offer weekday services per a determined scheduled based on Measure B/BB funding levels as set forth by the Metropolitan Transportation Authority. The service delivery area includes Newark, Union City, and some areas of Fremont.

Account Code	Description	2024 Adopted	2024 Amended	2024 Estimated	2025 Budgeted	2026 Budgeted
6200	Contractual Services	220,000	220,000	421,000	432,000	445,000
	Subtotal	**220,000**	**220,000**	**421,000**	**432,000**	**445,000**
	TOTAL	**220,000**	**220,000**	**421,000**	**432,000**	**445,000**

70.077.771 HUMAN SERVICES

Recreation & Community Services

The Human Services activity provides direct management of the City's Recreation and Community Services Department's Human Services Division, including operations at the Newark Resource Center, Paratransit, Case Management, Public Art, Recreation Scholarships, Grant development, and Homelessness initiatives. The Division is responsible for developing partnerships with local non-profits and service providers to benefit Newark residents. This role involves planning, scheduling, coordinating, and supervising various programs hosted at the Newark Resource Center, anticipated to open in Spring 2025.

Account Code	Description	2024 Adopted	2024 Amended	2024 Estimated	2025 Budgeted	2026 Budgeted
5120	Seasonal/Temporary Employees	-	-	-	50,000	52,000
	Subtotal	**-**	**-**	**-**	**50,000**	**52,000**
6100	Materials and Supplies	-	-	-	16,000	18,000
6200	Contractual Services	-	-	-	6,000	8,000
6400	Membership, Travel, Training	-	-	-	3,000	6,000
6800	Internal Service Charges	-	-	-	49,000	50,000
	Subtotal	**-**	**-**	**-**	**74,000**	**82,000**
	TOTAL	**-**	**-**	**-**	**124,000**	**134,000**

70.079.790 GRANTS/PASS THROUGH

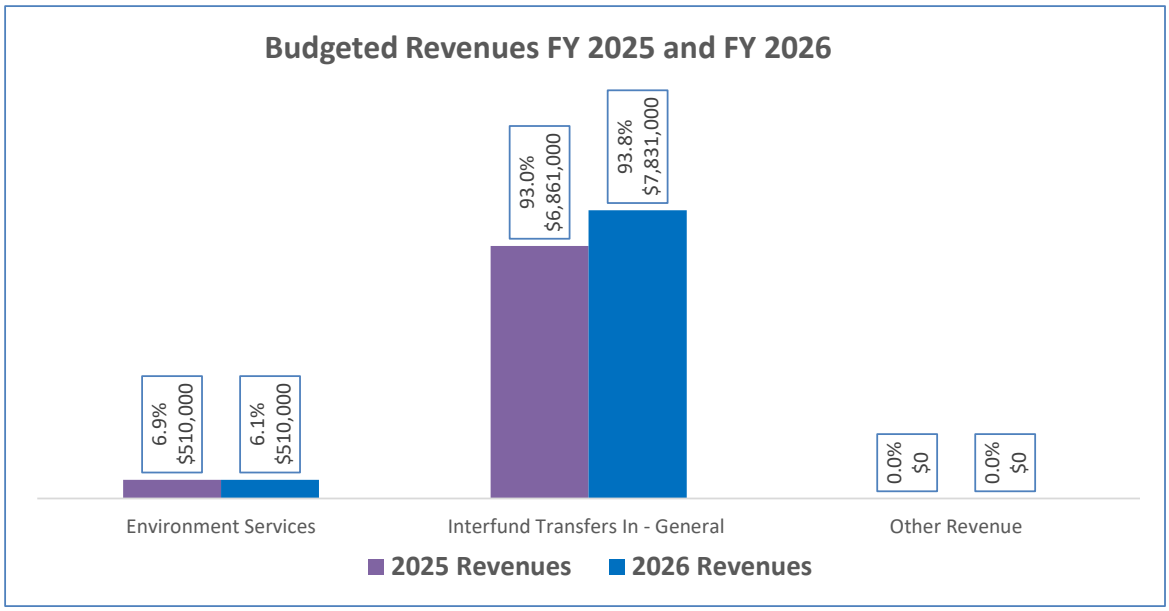
Recreation & Community Services

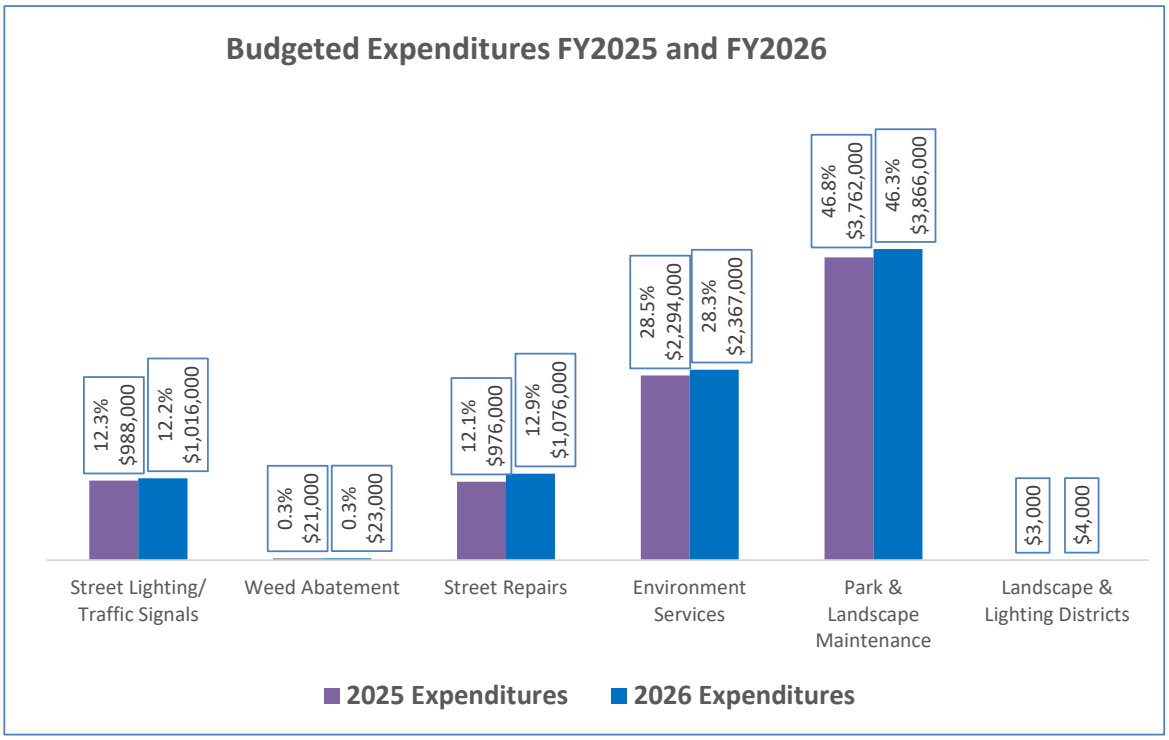
This program includes funding for various Recreation activities from other intergovernmental sources.

Account Code	Description	2024 Adopted	2024 Amended	2024 Estimated	2025 Budgeted	2026 Budgeted
6100	Materials and Supplies	-	14,596	37,000	-	-
6200	Contractual Services	-	37,000	14,000	-	-
6900	Other Charges	-	-	446,000	50,000	-
6800	Internal Service Charges					
	Subtotal	**-**	**51,596**	**497,000**	**50,000**	**-**
	TOTAL	**-**	**51,596**	**497,000**	**50,000**	**-**

MAINTENANCE COST CENTER

The Maintenance Cost Center provides for the maintenance of existing assets. Since preservation of infrastructure is a high priority, this fund receives significant contributions from the General Fund. Specific activities include Weed Abatement, Street Lighting & Traffic Signals, Street Repairs, Environmental Services, and Park & Landscape Maintenance.





Public Works – Operating Budget

Building Inspection/Engineering/Environmental Services/Maintenance

The mission of the Public Works Department is to provide and maintain the most desirable environment for the community. The department does this by ensuring that all City property, parks, buildings and public streets are designed, constructed and maintained to the highest standards possible and that all waste management services, sustainability efforts and other environmental programs contribute to a safe, attractive and thriving community for all. The department consists of four divisions, Building Inspection, Engineering, Environmental Services and Maintenance.

Key Objectives

- Oversee construction of the Central Avenue Railroad Overpass with a target construction start in summer 2025 and completion by 2027.

- Complete the Old Town Streetscape Improvement Project and Thornton Avenue Complete Streets Projects by 2026.

- Complete the backlog of priority maintenance needs for buildings as identified in the Facilities Master Plan and the Capital Improvement Plan.

- Continue implementation of all public works projects approved for funding in the Capital Improvement Plan, including additional high-priority projects identified in the Citywide Parks Master Plan and Active Transportation Plan.

- Complete the design and obtain full construction funding for implementation of Railroad Quiet Zones at all active at-grade crossings.

- Assist residents, businesses, and the commercial and residential development community by reviewing construction documents, issuing permits, and conducting related inspections in the most efficient manner possible.

- Utilize upgraded permit tracking software and continually evaluate internal processes for permit review streamlining to improve customer service.

- Complete a local Sea Level Rise Resiliency Study by 2025 in coordination with local and regional partners.

- Update the City's Climate Action Plan with revised emission reduction targets and updated goals, policies and strategies.

- Complete a variety of projects to maintain the existing local street network, improve the City's overall pavement condition index, and implement the City's Complete Streets Policy.

- Continue to work with the Alameda County Transportation Commission to ensure that Newark continues to receive and expend its full share of both direct local distribution and discretionary funds through Measure BB, and Vehicle Registration Fee funding programs, and pursue other local, state, and federal transportation funding sources.

- Continue to pursue grant funding opportunities for park and building projects.

- Work with citizens to implement various traffic calming measures and other traffic safety improvements when warranted.

- Improve the City's Urban Forest with the completion and implementation of the City's first Urban Forest Master Plan, increased tree planting and maintenance, and other related initiatives.

- Evaluate options to improve street sweeping services and increased maintenance of public streets.

- Maintain City landscaping, parks, streets, and public building and equipment assets within the City's budget limitations by utilizing internal staffing resources and undertaking a variety of projects.

- Explore opportunities to improve service levels with investment in more efficient equipment and advanced technology.

- Implement water conservation efforts in partnership with the Alameda County Water District to address drought concerns.

- Continue to implement the City's Stormwater Program in coordination with the Alameda Countywide Clean Water Program, including requirements mandated by the Municipal Regional Stormwater NPDES Permit for Green Infrastructure planning and trash capture.

- Coordinate with the City's Franchise Hauler to set maximum annual garbage rates that are within the limits of the Agreement and in the best interests of the community.

- Continue to promote the diversion of solid waste from landfills by providing outreach materials and technical assistance to residents, businesses, and schools to achieve State-mandated diversion goals.

- Maintain and operate the City's traffic signal systems to maximize safety and efficiency for all roadway users and explore opportunities to improve traffic signal efficiency with interconnect systems in high-volume corridors.

- Continue to maintain and improve the City's urban forest, emphasizing street tree and park tree safety for the community.

- Continue to identify opportunities for improving safety conditions in all streets, parks and buildings, thereby minimizing the City's liability risk.

Activity & Workload Highlights

Activity and Workload Indicators	2021-22 Actuals	2022-23 Actuals	2023-24 Estimated	2024-25 Projected
Permit Reviews	2,954	4,696	5,200	5,720
Inspections Completed	19,153	11,922	8,300	9,130
Permits Finaled	2,927	2,275	1,736	1,910

MAINTENANCE COST CENTER SUMMARY

	Organizational Unit	2024 Adopted	2024 Amended	2024 Estimated	2025 Budgeted	2026 Budgeted
	ENVIRONMENTAL SERVICES					
60.063.631	Waste Management	380,000	1,333,428	1,135,000	1,133,000	1,171,000
60.063.632	Storm Drains	790,000	1,112,500	1,043,000	1,161,000	1,196,000
	Subtotal	**1,170,000**	**2,445,928**	**2,178,000**	**2,294,000**	**2,367,000**
	WEED ABATEMENT					
60.064.641	Weed Abatement	39,000	39,000	35,000	21,000	23,000
	Subtotal	**39,000**	**39,000**	**35,000**	**21,000**	**23,000**
	STREET OPERATIONS & MAINTENANCE					
60.064.612	Street Lighting & Traffic Signals	697,000	1,012,586	943,000	988,000	1,016,000
60.064.642	Street Repairs	1,194,000	1,333,500	1,110,000	976,000	1,076,000
60.068.682	Landscape & Lighting Districts	-	554,063	476,000	3,000.00	4,000.00
	Subtotal	**1,891,000**	**2,900,149**	**2,529,000**	**1,967,000**	**2,096,000**
	PARK & LANDSCAPE MAINTENANCE					
60.064.643	Park & Landscape	3,409,000	3,679,000	3,554,000	3,762,000	3,866,000
	Subtotal	**3,409,000**	**3,679,000**	**3,554,000**	**3,762,000**	**3,866,000**
	TOTAL	**6,509,000**	**9,064,076**	**8,296,000**	**8,044,000**	**8,352,000**

AUTHORIZED POSITIONS	FY 2024	FY 2025	FY 2026
Assistant Engineer - Civil	0.25	0.25	0.25
City Engineer	0.40	0.40	0.40
Engineering Technician I	0.60	0.60	0.60
Environmental Services Manager	1.00	1.00	1.00
General Laborer	3.00	3.00	3.00
Landscape & Park - Maintenance Worker I	2.00	2.00	2.00
Landscape & Park - Maintenance Worker II	2.00	2.00	2.00
Maintenance Superintendent	0.40	0.40	0.40
Maintenance Supervisor	1.50	1.50	1.50
Management Analyst I	0.50	0.50	0.50
Management Analyst II	0.50	0.50	0.50
Public Works Director	0.20	0.20	0.20
Public Works Inspector	0.10	0.10	0.10
Senior Landscape & Park Maintenance Worker	2.00	2.00	2.00
Senior Landscape Inspector	1.00	1.00	1.00
Senior Street Maintenance Worker	1.00	1.00	1.00
Street Maintenance Worker I	1.00	2.00	2.00
Street Maintenance Worker II	1.00	1.00	1.00
TOTAL	18.45	19.45	19.45

60.063.631 WASTE MANAGEMENT *Parks and Public Works*

The Waste Management program oversees solid waste, recycling, organics and waste diversion activities for the City. Administration of the contract with the current franchise solid waste, recycling and organics hauler, along with other related solid waste management activities are included under this program.

Account Code	Description	2024 Adopted	2024 Amended	2024 Estimated	2025 Budgeted	2026 Budgeted
5110	Regular Employees	290,000	414,000	342,000	354,000	364,000
	Subtotal	**290,000**	**414,000**	**342,000**	**354,000**	**364,000**
6100	Materials and Supplies	-	190,870	36,000	11,000	13,000
6200	Contractual Services	58,000	692,557	721,000	695,000	717,000
6400	Membership, Travel, Training	-	4,000	4,000	7,000	10,000
6800	Internal Service Charges	32,000	32,000	32,000	66,000	67,000
	Subtotal	**90,000**	**919,428**	**793,000**	**779,000**	**807,000**
	TOTAL	**380,000**	**1,333,428**	**1,135,000**	**1,133,000**	**1,171,000**

AUTHORIZED POSITIONS	FY 2024	FY 2025	FY 2026
Environmental Services Manager	1.00	1.00	1.00
Maintenance Supervisor	0.25	0.25	0.25
Management Analyst II	0.25	0.25	0.25
TOTAL	1.50	1.50	1.50

60.063.632 STORM DRAINS

Parks and Public Works

The Storm Drains activity ensures City streets are cleaned on a scheduled basis through the street sweeping program, storm drainage facilities are adequately cleaned and maintained, local businesses and residents are aware of and are conducting effective stormwater pollution prevention practices, and necessary funding for this work is provided for these functions as mandated under the Municipal Regional Stormwater National Pollutant Discharge Elimination System permit requirements which authorize and regulate discharges from the City's storm drain system to San Francisco Bay.

Account Code	Description	2024 Adopted	2024 Amended	2024 Estimated	2025 Budgeted	2026 Budgeted
5110	Regular Employees	465,000	574,500	494,000	571,000	587,000
5140	Overtime	-	-	9,000	-	-
5120	Seasonal/Temporary Employees	-	-	1,000	-	-
	Subtotal	**465,000**	**574,500**	**504,000**	**571,000**	**587,000**
6100	Materials and Supplies	18,000	18,000	18,000	18,000	19,000
6200	Contractual Services	180,000	388,000	390,000	401,000	414,000
6300	Other Charges	12,000	12,000	12,000	13,000	14,000
6400	Membership, Travel, Training	3,000	8,000	7,000	9,000	11,000
6800	Internal Service Charges	112,000	112,000	112,000	149,000	151,000
	Subtotal	**325,000**	**538,000**	**539,000**	**590,000**	**609,000**
	TOTAL	**790,000**	**1,112,500**	**1,043,000**	**1,161,000**	**1,196,000**

AUTHORIZED POSITIONS	FY 2024	FY 2025	FY 2026
Assistant Engineer - Civil	0.25	0.25	0.25
City Engineer	0.10	0.10	0.10
Engineering Technician I	0.25	0.25	0.25
Management Analyst I	0.10	0.10	0.10
Public Works Director	0.10	0.10	0.10
Public Works Inspector	0.10	0.10	0.10
Senior Street Maintenance Worker	0.50	0.50	0.50
Street Maintenance Worker I	0.50	0.50	0.50
Street Maintenance Worker II	1.00	1.00	1.00
TOTAL	2.90	2.90	2.90

60.064.612 STREET LIGHTING & TRAFFIC SIGNALS *Public Works*

The Street Lighting & Traffic Signals activity is an operating account to provide energy and maintenance for the operation of approximately 2,850 LED street lights and 45 traffic signals. The City contracts for the majority of street lighting and traffic signal maintenance.

Account Code	Description	2024 Adopted	2024 Amended	2024 Estimated	2025 Budgeted	2026 Budgeted
5110	Regular Employees	150,000	150,000	150,000	161,000	166,000
5140	Overtime	-	-	1,000	-	-
	Subtotal	**150,000**	**150,000**	**151,000**	**161,000**	**166,000**
6200	Contractual Services	250,000	345,586	346,000	355,000	365,000
6300	Other Charges	275,000	495,000	424,000	435,000	448,000
6800	Internal Service Charges	22,000	22,000	22,000	37,000	37,000
	Subtotal	**547,000**	**862,586**	**792,000**	**827,000**	**850,000**
	TOTAL	**697,000**	**1,012,586**	**943,000**	**988,000**	**1,016,000**

AUTHORIZED POSITIONS		FY 2024	FY 2025	FY 2026
City Engineer		0.30	0.30	0.30
Engineering Technician I		0.35	0.35	0.35
	TOTAL	0.65	0.65	0.65

60.064.641 WEED ABATEMENT

Public Works

The Weed Abatement activity is an operating system to remove weeds on vacant parcels in developed areas. The process includes notification of property owners, preparation and award of contracts, administration of the abatement work, and execution of the lien procedure to guarantee reimbursement of costs incurred by the City.

Account Code	Description		2024 Adopted	2024 Amended	2024 Estimated	2025 Budgeted	2026 Budgeted
5110	Regular Employees		21,000	21,000	17,000	-	-
		Subtotal	**21,000**	**21,000**	**17,000**	**-**	**-**
6200	Contractual Services		11,000	11,000	11,000	13,000	15,000
6800	Internal Service Charges		7,000	7,000	7,000	8,000	8,000
		Subtotal	**18,000**	**18,000**	**18,000**	**21,000**	**23,000**
		TOTAL	**39,000**	**39,000**	**35,000**	**21,000**	**23,000**

AUTHORIZED POSITIONS		FY 2024	FY 2025	FY 2026
Maintenance Supervisor		0.10	0.10	0.10
	TOTAL	0.10	0.10	0.10

60.064.642 STREET REPAIRS

Public Works

The Street Repairs activity is an operating system to repair and maintain approximately 105 miles of City streets. The Street Repair Program uses the data derived from the Pavement Management System to help identify needs and develop strategies to perform the required work. Street repairs include maintaining regulatory and informational signing and pavement markings.

Account Code	Description	2024 Adopted	2024 Amended	2024 Estimated	2025 Budgeted	2026 Budgeted
5110	Regular Employees	348,000	457,500	301,000	380,000	391,000
5140	Overtime	-	-	4,000	-	-
	Subtotal	**348,000**	**457,500**	**305,000**	**380,000**	**391,000**
6100	Materials and Supplies	73,000	103,000	86,000	91,000	95,000
6200	Contractual Services	108,000	108,000	55,000	57,000	59,000
6400	Membership, Travel, Training	8,000	8,000	7,000	9,000	11,000
6800	Internal Service Charges	657,000	657,000	657,000	439,000	520,000
	Subtotal	**846,000**	**876,000**	**805,000**	**596,000**	**685,000**
	TOTAL	**1,194,000**	**1,333,500**	**1,110,000**	**976,000**	**1,076,000**

AUTHORIZED POSITIONS	FY 2024	FY 2025	FY 2026
Maintenance Superintendent	0.20	0.20	0.20
Maintenance Supervisor	0.25	0.25	0.25
Management Analyst I	0.20	0.20	0.20
Public Works Director	0.10	0.10	0.10
Senior Street Maintenance Worker	0.50	0.50	0.50
Street Maintenance Worker I	0.50	0.50	0.50
TOTAL	1.75	1.75	1.75

60.064.643 PARK & LANDSCAPE MAINTENANCE *Public Works*

The Park & Landscape Maintenance activity is an operating program maintaining approximately 14,000 trees and other landscaping and irrigation improvements located within 156 acres of City parks and street landscaping, including street rights-of-way, cul-de-sacs, and medians.

Account Code	Description	2024 Adopted	2024 Amended	2024 Estimated	2025 Budgeted	2026 Budgeted
5110	Regular Employees	1,542,000	1,542,000	1,483,000	1,591,000	1,639,000
5120	Seasonal/Temporary Employees	42,000	42,000	80,000	77,000	80,000
5140	Overtime	-	-	43,000	-	-
	Subtotal	**1,584,000**	**1,584,000**	**1,606,000**	**1,668,000**	**1,719,000**
6100	Materials and Supplies	183,000	183,000	183,000	181,000	187,000
6200	Contractual Services	450,000	720,000	573,000	587,000	604,000
6400	Membership, Travel, Training	17,000	17,000	17,000	20,000	23,000
6300	Other Charges	633,000	633,000	633,000	649,000	668,000
6800	Internal Service Charges	542,000	542,000	542,000	657,000	665,000
	Subtotal	**1,825,000**	**2,095,000**	**1,948,000**	**2,094,000**	**2,147,000**
	TOTAL	**3,409,000**	**3,679,000**	**3,554,000**	**3,762,000**	**3,866,000**

AUTHORIZED POSITIONS	FY 2024	FY 2025	FY 2026
General Laborers	3.00	3.00	3.00
Landscape & Park - Maintenance Worker I	2.00	2.00	2.00
Landscape & Park - Maintenance Worker II	2.00	2.00	2.00
Maintenance Superintendent	0.20	0.20	0.20
Maintenance Supervisor	0.90	0.90	0.90
Management Analyst I	-	0.20	0.20
Management Analyst II	0.25	0.25	0.25
Senior Landscape & Park Maintenance Worker	2.00	2.00	2.00
Senior Landscape Inspector	1.00	1.00	1.00
Seasonal/Temp. Full-time Equivalent	1.00	1.50	1.50
TOTAL	12.35	13.05	13.05

60.068.682 LANDSCAPE & LIGHTING DISTRICTS *Public Works*

The Landscaping & Lighting Districts provide for the ongoing maintenance of the City's landscaping and street lighting systems within the boundaries of the active Landscaping and Lighting Districts.

Account Code	Description	2024 Adopted	2024 Amended	2024 Estimated	2025 Budgeted	2026 Budgeted
6200	Contractual Services	-	482,063	416,000	-	-
6300	Utilities	-	72,000	60,000	3,000.00	4,000.00
	Subtotal	**-**	**554,063**	**476,000**	**3,000.00**	**4,000.00**
	TOTAL	**-**	**554,063**	**476,000**	**3,000.00**	**4,000.00**

INTERNAL SERVICE FUNDS

Internal Service Funds are used to account for the financing of equipment and services provided internally to other City departments. Examples include maintenance and replacement of departmental equipment, maintenance of City-owned buildings, the administration of workers' compensation and public liability insurance, and general office equipment lease agreements.

Activities that support these types of functions are classified as Internal Service Funds (ISF). The cost of these funds are allocated to all departments through allocation formulas. These formulas distribute the financial burden a given service places on the ISF activity. The final allocations for all ISFs become the Internal Service Fund Cost Allocation Plan.

INTERNAL SERVICE FUNDS SUMMARY

	Organizational Unit	2024 Adopted	2024 Amended	2024 Estimated	2025 Budgeted	2026 Budgeted
	CAPITAL OUTLAY					
87.701.800	Equipment and Fleet Replacement	1,323,000	2,818,951	2,300,000	109,000	110,000
	Subtotal	**1,323,000**	**2,818,951**	**2,300,000**	**109,000**	**110,000**
	GENERAL					
87.705.800	Office Support Services	103,000	103,000	160,000	167,000	175,000
	Subtotal	**103,000**	**103,000**	**160,000**	**167,000**	**175,000**
	SELF-INSURANCE					
87.707.200	Workers' Compensation	1,117,000	1,117,000	1,111,000	1,300,000	1,338,000
87.706.150	Public Liability	2,000,000	2,024,254	2,027,000	2,202,000	2,657,000
	Subtotal	**3,117,000**	**3,141,254**	**3,138,000**	**3,502,000**	**3,995,000**
	MAINTENANCE					
87.703.671	Equipment Maintenance	1,360,000	1,444,000	1,382,000	1,465,000	1,513,000
87.704.672	Civic Center/City Facilities	1,682,000	1,816,400	1,786,000	1,756,000	1,812,000
87.704.673	Silliman Center	871,000	904,600	984,000	1,073,000	1,106,000
87.704.674	Police Building	436,000	436,000	420,000	433,000	448,000
87.704.675	Library Building	196,000	196,000	216,000	223,000	231,000
	Subtotal	**4,545,000**	**4,797,000**	**4,788,000**	**4,950,000**	**5,110,000**
	TOTAL	**9,088,000**	**10,860,205**	**10,386,000**	**8,728,000**	**9,390,000**

AUTHORIZED STAFFING	FY 2024	FY 2025	FY 2026
Building Maintenance Mechanic I	-	1.00	1.00
Building Maintenance Mechanic II	2.00	1.00	1.00
Equipment Mechanic I	0.00	1.00	1.00
Equipment Mechanic II	2.00	1.00	1.00
Facilities Supervisor	1.00	1.00	1.00
Human Resources Director	0.20	0.20	0.20
Maintenance Superintendent	0.60	0.60	0.60
Maintenance Supervisor	0.50	0.50	0.50
Management Analyst I	-	0.50	0.50
Public Works Director	0.20	0.20	0.20
Senior Building Mechanic	1.00	1.00	1.00
Senior Equipment Mechanic	1.00	1.00	1.00
TOTAL	8.50	9.00	9.00

87.701.800 EQUIPMENT AND FLEET REPLACEMENT *Internal Service Funds*

The Equipment Replacement activity monitors the replacement and funding of equipment and machinery that the City uses to provide services to the community. A required annual contribution is charged to the user department, which is accumulated to fund future replacement of the equipment. An equipment replacement schedule provides the timeline of the replacement based on estimated useful life and/or obsolescence. Due to limited funds, equipment replacement requires prioritization that places emphasis on safety issues and necessity of the equipment to City operations.

Account Code	Description	2024 Adopted	2024 Amended	2024 Estimated	2025 Budgeted	2026 Budgeted
7000	Other Charges	196,000	217,583	229,000	109,000	110,000
	Subtotal	**196,000**	**217,583**	**229,000**	**109,000**	**110,000**
8000	Capital Outlay	1,127,000	2,601,367	2,071,000	-	-
	TOTAL	**1,323,000**	**2,818,951**	**2,300,000**	**109,000**	**110,000**

87.703.671 EQUIPMENT MAINTENANCE *Internal Service Funds*

The Equipment Maintenance activity supports the repair and maintenance of the City's fleet, including cruisers, sedans, pickups, vans, fire equipment, heavy construction equipment, and miscellaneous (mowers, edgers, sprayers, etc.) equipment. Each piece of equipment is set up on a preventive maintenance program.

Account Code	Description	2024 Adopted	2024 Amended	2024 Estimated	2025 Budgeted	2026 Budgeted
5110	Regular Employees	620,000	704,000	655,000	724,000	746,000
5140	Overtime	-	-	8,000	-	-
	Subtotal	**620,000**	**704,000**	**663,000**	**724,000**	**746,000**
6100	Materials and Supplies	466,000	466,000	448,000	460,000	474,000
6200	Contractual Services	266,000	266,000	263,000	270,000	279,000
6400	Membership, Travel, Training	8,000	8,000	8,000	11,000	14,000
	Subtotal	**740,000**	**740,000**	**719,000**	**741,000**	**767,000**
	TOTAL	**1,360,000**	**1,444,000**	**1,382,000**	**1,465,000**	**1,513,000**

AUTHORIZED POSITIONS	FY 2024	FY 2025	FY 2026
Equipment Mechanic I/II	2.00	2.00	2.00
Maintenance Superintendent	0.30	0.30	0.30
Maintenance Supervisor	0.50	0.50	0.50
Management Analyst I	-	0.20	0.20
Public Works Director	0.10	0.10	0.10
Senior Equipment Mechanic	1.00	1.00	1.00
TOTAL	3.90	4.10	4.10

87.705.800 OFFICE SUPPORT SERVICES

Internal Service Funds

Office Support Services facilitates the City's mailroom operations and purchase of Citywide stationary, envelopes, and other related mailing supplies. This activity also manages the lease of the City's photocopy and postage equipment.

Account Code	Description	2024 Adopted	2024 Amended	2024 Estimated	2025 Budgeted	2026 Budgeted
6100	Materials and Supplies	30,000	30,000	80,000	83,000	86,000
6200	Contractual Services	71,000	71,000	77,000	79,000	82,000
6400	Membership, Travel, Training	2,000	2,000	3,000	5,000	7,000
	Subtotal	**103,000**	**103,000**	**160,000**	**167,000**	**175,000**
	TOTAL	**103,000**	**103,000**	**160,000**	**167,000**	**175,000**

87.707.200 WORKERS' COMPENSATION SELF-INSURANCE

Internal Service Funds

The Workers' Compensation Self-Insurance program administers benefits in accordance with State and Federal laws. The City is self-insured for Workers' Compensation benefits, a mandated benefit to protect employees who incur industrial injuries. The Workers' Compensation program includes the processing of claims, the determination and evaluation of compensability, the selection and monitoring of medical and legal consultants, the settlement and litigations of claims, and the preparation of reports to other governmental agencies. In addition, the program includes risk and claims analysis, training, education, and prevention. The City utilizes Sedgwick as the Third Party Administrator and LAWCX as the excess insurance carrier for the Workers' Compensation program.

Account Code	Description		2024 Adopted	2024 Amended	2024 Estimated	2025 Budgeted	2026 Budgeted
5110	Regular Employees		35,000	35,000	36,000	34,000	34,000
		Subtotal	**35,000**	**35,000**	**36,000**	**34,000**	**34,000**
6200	Contractual Services		1,082,000	1,082,000	1,075,000	1,266,000	1,304,000
		Subtotal	**1,082,000**	**1,082,000**	**1,075,000**	**1,266,000**	**1,304,000**
		TOTAL	**1,117,000**	**1,117,000**	**1,111,000**	**1,300,000**	**1,338,000**

AUTHORIZED POSITIONS	FY 2024	FY 2025	FY 2026
Human Resources Director	0.10	0.10	0.10
TOTAL	0.10	0.10	0.10

87.706.150 PUBLIC LIABILITY SELF-INSURANCE *Internal Service Funds*

The Public Liability Self-Insurance activity accounts for the expenses required to administer the public liability, fidelity bond, and property/casualty insurance policies. These services include the purchase of insurance and administration of claims, the periodic analysis of losses and loss prevention measures, and the coordination of legal and adjusting information.

Account Code	Description	2024 Adopted	2024 Amended	2024 Estimated	2025 Budgeted	2026 Budgeted
5110	Regular Employees	35,000	35,000	36,000	34,000	34,000
	Subtotal	**35,000**	**35,000**	**36,000**	**34,000**	**34,000**
6100	Materials and Supplies	10,000	10,000	10,000	11,000	12,000
6200	Contractual Services	1,955,000	1,955,000	1,955,000	2,157,000	2,611,000
	Subtotal	**1,965,000**	**1,965,000**	**1,965,000**	**2,168,000**	**2,623,000**
	Total Operations	**2,000,000**	**2,000,000**	**2,001,000**	**2,202,000**	**2,657,000**
8000	Capital Outlay	-	24,254	26,000	-	-
	TOTAL	**2,000,000**	**2,024,254**	**2,027,000**	**2,202,000**	**2,657,000**

AUTHORIZED POSITIONS	FY 2024	FY 2025	FY 2026
Human Resources Director	0.10	0.10	0.10
TOTAL	0.10	0.10	0.10

87.704.672 CIVIC CENTER & CITY FACILITIES BUILDING MAINTENANCE

Internal Service Funds

The Building Maintenance activity supports the operation and maintenance of City facilities, including the David W. Smith City Hall, the Alan. L Nagy Library, the Police Department building, Community Center, Fire Stations (3), Service Center, Senior Center, Ash Street Buildings, Second Chance, security and ball field lights, and other miscellaneous buildings.

Account Code	Description	2024 Adopted	2024 Amended	2024 Estimated	2025 Budgeted	2026 Budgeted
5110	Regular Employees	474,000	608,400	592,000	544,000	560,000
5140	Overtime	-	-	16,000	-	-
	Subtotal	**474,000**	**608,400**	**608,000**	**544,000**	**560,000**
6100	Materials and Supplies	64,000	64,000	89,000	93,000	98,000
6200	Contractual Services	579,000	579,000	527,000	541,000	558,000
6400	Membership, Travel, Training	8,000	8,000	5,000	7,000	9,000
6300	Other Charges	557,000	557,000	557,000	571,000	587,000
	Subtotal	**1,208,000**	**1,208,000**	**1,178,000**	**1,212,000**	**1,252,000**
	TOTAL	**1,682,000**	**1,816,400**	**1,786,000**	**1,756,000**	**1,812,000**

AUTHORIZED POSITIONS	FY 2024	FY 2025	FY 2026
Building Maintenance Mechanic I	-	1.00	1.00
Building Maintenance Mechanic II	0.65	0.65	0.65
Facilities Supervisor	0.80	0.80	0.80
Maintenance Superintendent	0.30	0.30	0.30
Management Analyst I	0.00	0.30	0.30
Public Works Director	0.10	0.10	0.10
Senior Building Mechanic	0.70	0.70	0.70
TOTAL	2.55	3.85	3.85

87.704.673 COMMUNITY ACTIVITY & FAMILY AQUATIC CENTER MAINTENANCE

Internal Service Funds

The George M. Silliman Community Activity & Family Aquatic Center activity supports the maintenance of this building located at 6800 Mowry Avenue.

Account Code	Description		2024 Adopted	2024 Amended	2024 Estimated	2025 Budgeted	2026 Budgeted
5110	Regular Employees		94,000	127,600	81,000	148,000	153,000
5140	Overtime		-	-	2,000	-	-
		Subtotal	**94,000**	**127,600**	**83,000**	**148,000**	**153,000**
6100	Materials and Supplies		46,000	46,000	68,000	71,000	74,000
6200	Contractual Services		347,000	347,000	356,000	365,000	376,000
6300	Other Charges		384,000	384,000	477,000	489,000	503,000
		Subtotal	**777,000**	**777,000**	**901,000**	**925,000**	**953,000**
		TOTAL	**871,000**	**904,600**	**984,000**	**1,073,000**	**1,106,000**

AUTHORIZED POSITIONS		FY 2024	FY 2025	FY 2026
Building Mechanic II		0.35	0.35	0.35
Facilities Supervisor		0.20	0.20	0.20
Senior Building Mechanic		0.30	0.30	0.30
	TOTAL	0.85	0.85	0.85

87.704.674 POLICE BUILDING MAINTENANCE *Internal Service Funds*

The Building Maintenance activity supports the operation and maintenance of the Police Building

Account Code	Description	2024 Adopted	2024 Amended	2024 Estimated	2025 Budgeted	2026 Budgeted
6100	Materials and Supplies	24,000	24,000	10,000	12,000	14,000
6200	Contractual Services	176,000	176,000	174,000	179,000	185,000
6300	Other Charges	236,000	236,000	236,000	242,000	249,000
	Subtotal	**436,000**	**436,000**	**420,000**	**433,000**	**448,000**
	TOTAL	**436,000**	**436,000**	**420,000**	**433,000**	**448,000**

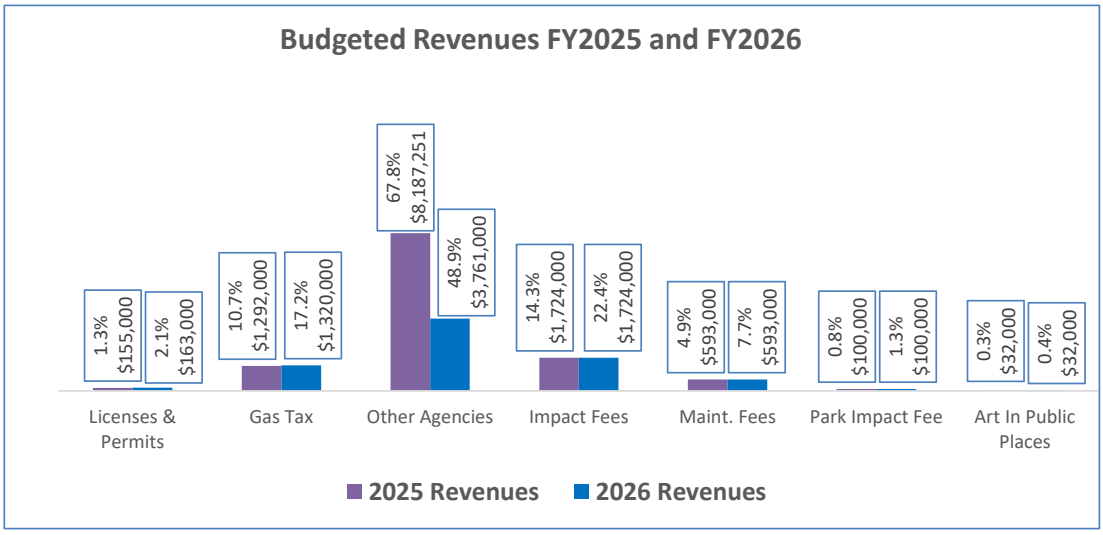
87.704.675 LIBRARY BUILDING MAINTENANCE *Internal Service Funds*

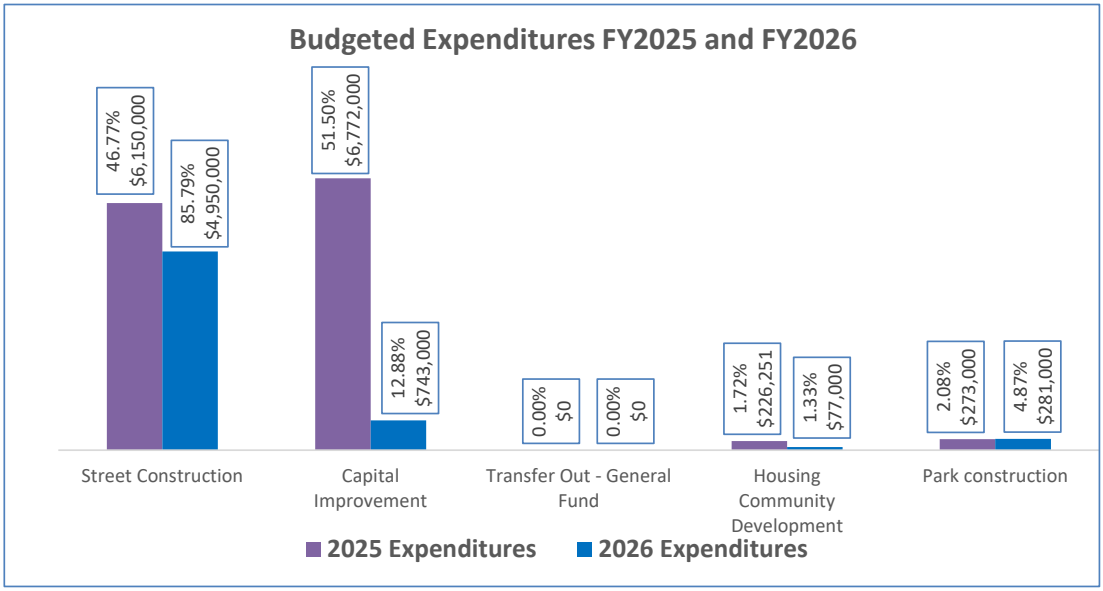
The Building Maintenance activity supports the operation and maintenance of the Library.

Account Code	Description	2024 Adopted	2024 Amended	2024 Estimated	2025 Budgeted	2026 Budgeted
6100	Materials and Supplies	20,000	20,000	20,000	21,000	22,000
6200	Contractual Services	159,000	159,000	179,000	184,000	190,000
6300	Other Charges	17,000	17,000	17,000	18,000	19,000
	Subtotal	**196,000**	**196,000**	**216,000**	**223,000**	**231,000**
	TOTAL	**196,000**	**196,000**	**216,000**	**223,000**	**231,000**

CAPITAL FUNDS

The Capital Funds consists of the City's capital projects and the funds used in financing these projects. Activities include Street Construction, Housing Community Development (HCD), Park Construction, Capital Improvements, and Art in Public Places. Revenues available to support this fund include State Gasoline Tax, Measure B Sales Tax, Community Development Block Grant, development Impact Fees, and other grants. General Fund contributions to this fund is variable from year to year, depending on capital construction needs and any operating surplus generated by the General Fund.





CAPITAL FUNDS SUMMARY

	Organizational Unit	2024 Adopted	2024 Amended	2024 Estimated	2025 Budgeted	2026 Budgeted
	CAPITAL PROJECTS					
90.091.910	Street Construction	4,390,000	20,429,794	11,475,000	6,150,000	4,950,000
90.092.920	Housing Community Development	143,000	664,946	247,000	226,251	77,000
90.093.930	Park Construction	-	1,986,875	266,000	273,000	281,000
90.094.940	Capital Improvements	-	20,065,450	4,019,000	6,772,000	743,000
	TOTAL	**4,533,000**	**43,147,065**	**16,007,000**	**13,421,251**	**6,051,000**

90.091.910 STREET CONSTRUCTION *Public Works*

The Street Construction activity is a capital program that provides funding for public works projects within the public right-of-way. This year's program includes grant projects, Gas Tax-funded construction and maintenance projects, and miscellaneous appropriations to support this activity, such as professional consulting services and departmental supplies.

Account Code	Description	2024 Adopted	2024 Amended	2024 Estimated	2025 Budgeted	2026 Budgeted
6200	Contractual Services	4,390,000	20,429,794	11,475,000	6,150,000	4,950,000
	Subtotal	**4,390,000**	**20,429,794**	**11,475,000**	**6,150,000**	**4,950,000**
	Total Capital Outlay	**4,390,000**	**20,429,794**	**11,475,000**	**6,150,000**	**4,950,000**
	TOTAL	**4,390,000**	**20,429,794**	**11,475,000**	**6,150,000**	**4,950,000**

Projects FY 2025:	
Annual Citywide Accessible Pedestrian Ramps	75,000
Annual Curb, Gutter & Sidewalk Replacement Program	400,000
Annual Street Asphalt Concrete Overlay Program	4,000,000
Annual Street Tree Mainteannce Program	300,000
Annual Thermoplastic Street Striping	25,000
Annual Traffic Calming Program	100,000
Cherry Stret and Mowry Avenue Median Modfications	400,000
Pedestrian Hybrid Beacon Installations	800,000
Total Projects	**6,100,000**
Professional Services	**50,000**
Grand Total FY 2025	**6,150,000**

Projects FY 2026:	
Annual Citywide Accessible Pedestrian Ramps	75,000
Annual Curb, Gutter & Sidewalk Replacement Program	400,000
Annual Street Asphalt Concrete Overlay Program	4,000,000
Annual Street Tree Mainteannce Program	300,000
Annual Thermoplastic Street Striping	25,000
Annual Traffic Calming Program	100,000
Total Projects	**4,900,000**
Professional Services	**50,000**
Grand Total FY 2026	**4,950,000**

90.092.920 HOUSING DEVELOPMENT *Community Development*

The Housing Development activity administers the Housing Development Community (HCD) and Community Development Block Grant (CDBG). The City is a subgrantee of this federal grant which is directly awarded to the County of Alameda. This activity provides funding of programs and projects related to low-income housing and neighborhood improvements.

Account Code	Description	2024 Adopted	2024 Amended	2024 Estimated	2025 Budgeted	2026 Budgeted
6200	Contractual Services	143,000	664,946	247,000	226,251	77,000
	Subtotal	**143,000**	**664,946**	**247,000**	**226,251**	**77,000**
	Total	**143,000**	**664,946**	**247,000**	**226,251**	**77,000**

90.093.930 PARK CONSTRUCTION

Public Works

The Park Construction activity administers contracts for the installation and construction of new park facilities, including play apparatus, sports fields, and landscaping and irrigation systems to ensure a safe and enjoyable recreation environment for the City's vistors. A Citywide Parks Master Plan was adopted in 2018 to help guide and prioritize these improvements, and is in process of being updated in 2024.

Account Code	Description	2024 Adopted	2024 Amended	2024 Estimated	2025 Budgeted	2026 Budgeted
6200	Contractual Services	-	1,986,875	266,000	273,000	281,000
	Subtotal	**-**	**1,986,875**	**266,000**	**273,000**	**281,000**
	Total Capital Outlay	**-**	**1,986,875**	**266,000**	**273,000**	**281,000**

90.094.940 CAPITAL IMPROVEMENTS *Public Works*

The Capital Improvements activity provides for the funding of non-gas tax funded capital projects. Funds for this account are provided from a number of sources, including capital funds and grants.

Account Code	Description	2024 Adopted	2024 Amended	2024 Estimated	2025 Budgeted	2026 Budgeted
6100	Materials and Supplies	-	-	227,000	176,000	9,000
6200	Contractual Services	-	20,065,450	3,792,000	6,596,000	734,000
	Subtotal	**-**	**20,065,450**	**4,019,000**	**6,772,000**	**743,000**
	Total Capital Outlay	**-**	**20,065,450**	**4,019,000**	**6,772,000**	**743,000**
	TOTAL	**-**	**20,065,450**	**4,019,000**	**6,772,000**	**743,000**

Projects FY 2025:	
ADA Transition Plan	250,000
Community Preservation New Vehicle	50,000
Emergency Breaching Tools and Training	46,000
Fire Stations Nos. 27 and 29 - Additional Fencing	500,000
Four Corners Area Plan	350,000
Housing Programs - Implementation of Adopted Housing Element	450,000
Information Technology New Vehicle	80,000
Mel Nunes Sportsfield Park Storage Unit	60,000
MotoShoot Training System	20,000
New Water Tank Spray Truck	250,000
NewPark Place Specific Plan Enhancement and Expansion	300,000
Operator XR VR Simulator	100,000
Police Department Patrol Vehicles	200,000
Police Department Unmarked Vehicles	135,000
Public Works Department - New Sweeper	500,000
Public Works Maintenance - New Vehicles	160,000
Rental Housing Inspection Program Assessment	150,000
Second Chance Shelter Repairs	100,000
Senior Center Driveway Relocation	60,000
Senior Center Repainting	100,000
Service Center Vacuum Truck Shelter	100,000
Silliman Aquatic Center Pool Sanitation System Retrofit	260,000
Silliman Center Door Closers Replacement	100,000
Silliman Center Gym and Dance Floor Refinishing	130,000
Silliman Center Locker Room Flooring Replacement	150,000
Silliman Center Partial Roof and Skylight Replacement	250,000
Silliman Center Shower Tile Replacement	100,000
Silliman Center Water Slide Replacement	350,000
Softball Fields Retrofit - Birch Grove & Mel Nunes Sportsfield	150,000
Storage Facility at Service Center	400,000
Title 17 (Zoning) Housing-related Assessment and Update	400,000
Urban Forest Master Plan	300,000
Vehicle Pursuit Intervention Devices	45,000
Total Projects	**6,596,000**



THIS PAGE IS LEFT INTENTIONALLY BLANK

Government-wide Debt Overview

The City's debt service obligations consist of long-term debt, which was used to build capital facilities or to acquire equipment that the City is now using.

Section 43605 of the State of California Government Code states that a city shall not incur an indebtedness for public improvements which exceeds in the aggregate 15 percent of the assessed value of all real and personal property of the city. Within the meaning of this section "indebtedness" means bonded indebtedness of the city payable from the proceeds of taxes levied upon taxable property in the city. As of June 30, 2023, the City's assessed value was $13,102,847,316, therefore the debt limit for bonded indebtedness payable from tax proceeds was $122,839,194. As the City has no general obligation debt payable from tax proceeds, the debt instruments that the City currently has do not lower the available debt limit for bonded indebtedness.

General Government
The governmental funds issued $63,345,000 of 2019 Certificates of Participation (COPs) to finance a portion of the construction costs of the new Civic Center facility, refund the City's Certificates of Participation (2002 Silliman Community Activity Center/Old Town Fire Station Project), and prepay a 2012 lease agreement.

Proprietary Funds
The outstanding balance form this direct borrowing contains a provision that states in the event of default, there shall be no right under any circumstance to accelerate lease payments or otherwise declare the borrowing to be immediately due and payable. However, the borrower at its option may terminate the agreement and re-lease all or any portion of the property.

The proprietary funds consists of one financed purchase obligation for equipment.

- On January 23, 2020, the City entered into a non-cancelable agreement in the amount of $843,565 with PNC Equipment Finance, LLC to acquire a fire pumper. Annual payments are due on December 23 until 2028. Ownership of the fire pumper reverts to the City at the end of the agreement period.



THIS PAGE IS LEFT INTENTIONALLY BLANK

CAPITAL IMPROVEMENT PLAN

OVERVIEW

The City of Newark's two-year budget is comprised of the Biennial Budget, the Capital Improvement Plan (CIP), and the Five-Year Forecast. In preparing the CIP, the Five-Year Forecast provides significant guidance by establishing priorities for the City, identifying special needs, and establishing the future direction of the City.

The purpose of the Biennial Capital Improvement Plan is to identify and prioritize capital improvement projects for funding. Capital improvement projects include street and park construction and rehabilitation projects, construction and/or repairs to City facilities, acquisitions of new equipment that are not part of a department's operating budget, feasibility studies to identify and quantify future projects, and major equipment purchases. By their nature, capital improvement projects generally tend to be special, one-time "events" designed to address a significant community need. Major capital projects can often take several years to complete, with both funding and construction planned in several specific phases.

Some CIP projects result in additional operating and maintenance costs after completion of the project, while others may result in reduced maintenance costs. For example, a street improvement project can reduce future street maintenance costs for a period of time after completion of the project. On the other hand, construction of a new recreational facility will likely result in additional maintenance and operating costs; however, some of those costs may be offset by new revenues from the facility. All these factors must be carefully considered when prioritizing projects for funding.

CIP PROJECTS

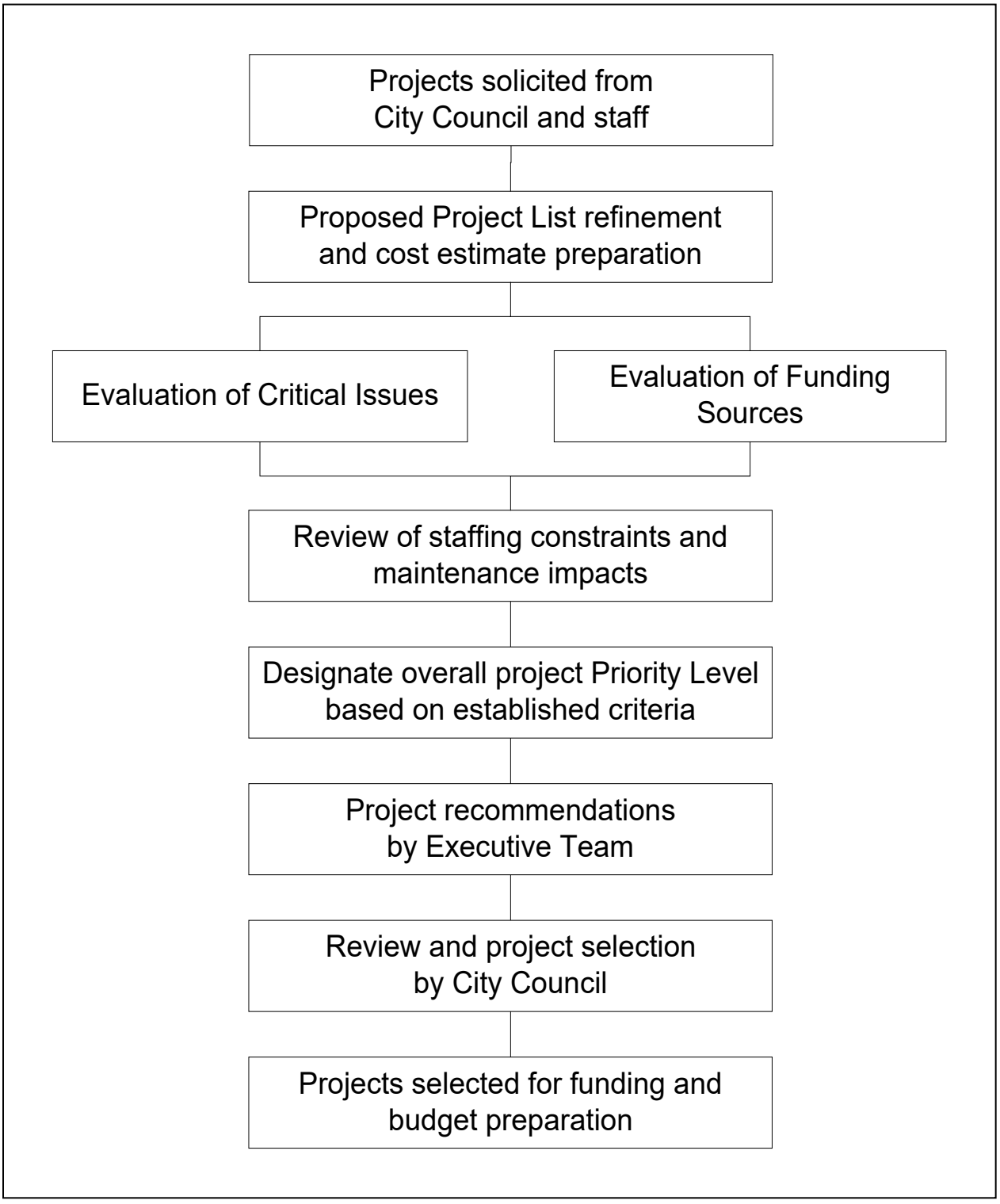
Generally, all projects which involve expenditures of $10,000 or more, are included in the CIP. There are some special types of projects or purchases costing more than $10,000 that are not included in the CIP. Such projects include equipment normally replaced through the Equipment Replacement fund, such as the routine vehicle replacement program, and leasing of property or vehicles.

THE CIP PROCESS

As part of the 2024-2026 Biennial Budget and Capital Improvement Plan preparation, the Public Works Department coordinates the development of the CIP budget component. The process of developing the CIP begins with the preparation of a list of potential projects. These projects are generally submitted by the City Council and staff in response to a call for projects request. In some instances, residents have also made requests for desired projects.

After an initial review by the Executive Team, detailed descriptions and cost estimates are prepared for each project chosen for further consideration. Possible funding sources are also identified. This information is then synthesized into an initial comprehensive listing of all projects – new proposed projects, previously approved and funded projects, and unfunded projects. After this information has been quantified, all projects are reviewed and prioritized by staff and then provided as recommendations to the City Council.

PROJECT SELECTION PROCESS



Several major factors were considered while selecting projects for the 2024-2025 and 2025-2026 budget years: (1) evaluation of Critical Issues; (2) available funding sources and the need for maintaining sufficient unallocated reserves; (3) staffing constraints and maintenance impacts; (4) project priority level criteria; and (5) immediacy of project need.

(1) Evaluation of Critical Issues previously identified by the Executive Team
Critical Issues are used to help guide the selection of projects - Public Safety Services, Education, Quality of Life, Community Development and City Government Operations. These Critical Issues are summarized below:

Critical Issues

Public Safety Services - Provide a level of public safety services that will protect our community members, property, and community assets.

Education - Support, encourage, and offer opportunities and programs that facilitate quality community education.

Quality of Life - Provide programs, services, and facilities that make Newark a desirable and healthy place to live.

Community Development - Make development decisions that maintain a vibrant, balanced, quality community.

City Government Operations - Operate a City government that enables the organization to meet service demands of the community.

(2) Available funding sources and the need for maintaining sufficient unallocated reserves
All potential projects were evaluated based on the availability of funding sources. Gas tax revenues are the primary source of funds for street maintenance and improvement projects. The major source for most other capital projects is the Capital Improvement Fund. Development Impact Fees, which are assessed to new private developments, are a component of Capital Funds but can only be used on specific projects where a nexus is established between development and the individual project. The majority of the funds for capital projects are derived from unallocated General Funds. These are discretionary funds that may be used on any project. A complete list of funding sources is provided on the following pages and a revenue estimate summary is provided on page 212.

(3) Staffing constraints and maintenance impacts
Regardless of funding availability, there is a limit to the number of projects which can be designed and/or constructed in a single year due to staffing constraints. Projects also must be evaluated based on the resulting long-term maintenance needs following completion. A project should not be built (or equipment purchased) if there are inadequate resources for operations and maintenance.

(4) Priority Level Criteria
Three priority levels are defined to assist with project prioritization and include Level One, Level Two, and Level Three.

Priority Level One projects are of the highest priority and are considered mandatory. Level One projects are those being driven by a legal or regulatory requirement, are needed to meet a safety obligation or minimize a liability risk, or serve to preserve the City's existing assets and infrastructure.

Priority Level Two projects are considered necessary projects, but do not satisfy Level One criteria. A project could be ranked at Level Two if there is a consensus by the City Council that it should be funded. Other Level Two criteria includes: projects that demand local funding in order to obtain an outside funding source; projects that provide a needed service level increase; projects for completion of a feasibility study or master plan that would assist with defining and prioritizing one or more projects or other community needs; and projects that are needed to complete a final phase of a multi-phased project.

Priority Level Three projects are those that are considered desirable, but do not fully satisfy Level One or Level Two criteria at the time of evaluation.

(5) Immediacy of Project Needs
In addition to these primary Priority Levels, projects were also evaluated based on the extent of the immediate need to help finalize recommendations for funding. For example, there could be projects that are needed to preserve an existing asset and are listed as Priority Level One, but the need may be three to five years into the future rather than immediate.

PLANNING COMMISSION REVIEW
State law requires that the Planning Commission review the CIP projects for conformance with the General Plan. This review is completed prior to formal City Council adoption of the CIP.

MULTI-YEAR PROJECT FUNDING
Unlike some communities, Newark does not normally budget funds over multiple years toward the future construction of specific projects. Instead, unbudgeted Capital Funds are held in reserve and applied toward a project upon accumulation of sufficient funds to complete a project or phase. Still, there are projects which are phased over a number of years to accommodate design and construction requirements and other factors.

FINANCING SOURCES AND ALTERNATIVES
Capital funds, Gas Tax funds, and Park Impact funds all represent "pay-as-you-go" financing. Generally, this type of financing is used to minimize interest and financing costs. However, for some projects, long-term financing is either necessary or preferred.

SUMMARY OF FINANCING SOURCES

ACCUMULATED FEES	Accumulated Fees can only be used for the specific purpose provided for in the Fee Schedule.
CAPITAL FUNDS	Capital funds can be used to fund any capital project. However, since Capital funds are derived from the General Fund, their use is discouraged if other fund sources are available.
DEVELOPMENT IMPACT FEES	Development Impact Fees can only be used for specific capital projects. There is a maximum allocation per project based on the type of capital project.
GAS TAX FUNDS	Gas Tax funds can only be used for expenses related to street construction, maintenance, or design. This funding category includes state gas tax subventions, Measure B and Measure BB revenues, Traffic Congestion Relief Funds (Proposition 42), Alameda County Vehicle Registration Fee funds, and Road Maintenance and Rehabilitation Account (RMRA/SB1) Funds.
GRANTS	
CDBG*	Community Development Block Grants (CDBG) funds can only be used for projects within the designated CDBG Target Area. They can be used for street construction, community centers, etc.
Federal Transportation Act*	Funding from the Federal Transportation Act reauthorization (previously the Safe, Accountable, Flexible, Efficient Transportation Equity Act: a Legacy for Users, "SAFETEA-LU," and the Transportation Efficiency Act for the 21st Century, "TEA 21") can only be used for construction projects on eligible streets.
HSIP*	The Federally funded Highway Safety Improvement Program (HSIP) is for specific traffic safety projects.
HWY-RR Grade Separation Program*	State Highway-Railroad Grade Separation Program funds can be used for grade separation projects.
SRTS/SR2S*	State (SRTS) and Federal (SR2S) Safe Routes to School funds can be used to correct identified safety hazards on school routes to promote walking/biking to schools.
Stimulus Programs*	Federal economic stimulus funds have uses and constraints specific to each individual program. Transportation-related stimulus funding typically has constraints similar to the current Federal Transportation Act.
STIP*	State Transportation Improvement Program (STIP) funds can be used for capital projects that improve transportation. Funding is split 75%/25% between the Interregional Transportation Improvement Program (ITIP) and Regional Transportation Improvement Program (RTIP).
TDA*	Transportation Development Act (TDA), Article 3 funds can only be used to construct bike and pedestrian projects.

SUMMARY OF FINANCING SOURCES (continued)

PARK IMPROVEMENTS	
Park Impact Fees	Park Impact Fees are collected with each new residential single- or multi-family development. Local Park Impact Fee funds can be used for park construction projects for a neighborhood park within the area where the development responsible for the funds is located or for community parks.
Regional Open Space, Wildlife, Shoreline, and Parks Bond Extension*	Funding through the Regional Open Space, Wildlife, Shoreline, and Parks Bond Extension (Measure WW) must be used on park construction projects.

**Allocated to agencies on a competitive process or on the basis of population.*

ORGANIZATION OF INFORMATION

An alphabetical arrangement by project title has been used as the organizational basis for project lists and descriptions in the CIP. Project descriptions include important data, including:

Critical Issue – Each CIP project has been evaluated against the Critical Issues previously identified by the Executive Team. The Critical Issue addressed by a project is listed.

Funding Source – This entry indicates the general funding source which can or will be used to fund this particular project.

Estimated Cost – This figure is the estimated cost for completing the project or this phase of the project, including contingencies. In some cases, design costs are included in this figure if outside consultants will be used for preparing plans and specifications. This estimate does not include ongoing maintenance and/or operating expenses. Cost estimates are adjusted over time to reflect inflation when required. If the project scope changes after adoption of the CIP, the project budget may also need to be adjusted.

Operating Impact – Certain projects can result in an operational savings over time, while other projects may result in additional operating costs, such as additional staffing and/or maintenance. This section provides a general indication of the range of additional anticipated operating costs. Possible entries for this field include: *Cost Savings; No Significant Impact; Minor Impact; Moderate Impact; Significant Permanent Impact;* and *To be Determined*.

A "Moderate Impact" may involve additional maintenance or operational costs, while a "Significant Permanent Impact" normally involves additional staffing, together with increased maintenance/operational costs.

Priority Level – This entry indicates Level One (Mandatory), Level Two (Necessary), or Level Three (Desirable) priority level as defined previously.

Implementing Department – This entry indicates the department responsible for implementing the project once funded.

Contact – This entry lists the individual responsible for implementing the project once funded.

Year First Proposed – This entry will indicate the year each project first appeared in the CIP.

Year Funded – This entry will indicate which year, if any, funding was approved.

PROJECT LISTS FOR 2024-2025 AND 2025-2026

As noted in the Estimate of Future Funding Needs beginning on Page 213, there are 46 unfunded projects with a combined estimate cost of $101,645,000. It should be noted that the estimated costs of some unfunded projects have not yet been determined due to undefined project constraints.

Based on the major factors and constraints listed above, 47 projects were selected for funding this biennial budget cycle at a total estimated cost of $17,596,000.

2024-2025 SUMMARY OF FUNDED PROJECTS

PROJECT TITLE	FUNDING SOURCE	PROJECT COST
Annual Street Asphalt Concrete Overlay Program	Gas Tax	$4,000,000
Annual Curb, Gutter and Sidewalk Replacement	Gas Tax	$400,000
Annual Street Tree Maintenance	Gas Tax	$300,000
Annual Traffic Calming Measures	Gas Tax	$100,000
Annual Citywide Accessible Pedestrian Ramps	Gas Tax	$75,000
Annual Thermoplastic Street Striping	Gas Tax	$25,000
Cherry Street & Mowry Avenue Median Modifications (Construction)	Gas Tax	$400,000
Pedestrian Hybrid Beacon Installation – Newark Blvd. and Cedar Blvd (Construction)	Gas Tax	$800,000
Senior Center Repainting	Capital Funds	$100,000
Silliman Center Door Closers Replacement	Capital Funds	$100,000
Silliman Center Gym & Dance Floor Refinishing	Capital Funds	$130,000
Silliman Center Locker Room Flooring Replacement	Capital Funds	$150,000
Silliman Center Partial Roof and Skylight Replacement	Capital Funds	$250,000
Silliman Center Shower Tile Replacement	Capital Funds	$100,000
Silliman Center Water Slide Replacement	Capital Funds	$350,000
Softball Fields Retrofit Scoreboards and Bleachers	Capital Funds	$150,000
Community Preservation Vehicle	Capital Funds	$50,000
Information Technology Vehicle	Capital Funds	$80,000
Police Department Patrol Vehicles (2)	Capital Funds	$200,000
Police Department Unmarked Vehicles (2)	Capital Funds	$135,000
Public Works Maintenance Street Sweeper	Capital Funds	$500,000
Public Works Maintenance Vehicles (2)	Capital Funds	$160,000
Emergency Breaching Tools and Training	Capital Funds	$46,000
Fire Station Nos. 27 and 29 – Additional Fencing	Capital Funds	$500,000
Firearms Training System	Capital Funds	$20,000
Mel Nunes Sportsfield Park Storage Unit	Capital Funds	$60,000
Senior Center Driveway Relocation	Capital Funds	$60,000
Public Works Maintenance Water Tank Spray Truck	Capital Funds	$250,000
Service Center Vacuum Truck Shelter	Capital Funds	$100,000
Vehicle Pursuit Intervention Devices	Capital Funds	$45,000
Virtual Reality Police Tactics Training System	Capital Funds	$100,000

PROJECT TITLE	FUNDING SOURCE	PROJECT COST
Second Chance Shelter Repairs	Capital Funds	$100,000
Silliman Aquatic Center Pool Sanitation System Retrofit	Capital Funds	$260,000
Storage Facility at Service Center	Capital Funds	$400,000
ADA Transition Plan Update	Community Development Maintenance Fund	$250,000
Four Corners Area Plan	Community Development Maintenance Fund	$350,000
Housing Programs – Implementation of Adopted Housing Element	Community Development Maintenance Fund	$450,000
NewPark Place Specific Plan Enhancement and Expansion	Community Development Maintenance Fund	$300,000
Rental Housing Inspection Program Assessment	Community Development Maintenance Fund	$150,000
Title 17 (Zoning) Housing-related Assessment and Update	Community Development Maintenance Fund	$400,000
Urban Forest Master Plan	Community Development Maintenance Fund	$300,000
2024-2025 TOTAL		**$12,696,000**

2025-2026 SUMMARY OF FUNDED PROJECTS

PROJECT TITLE	FUNDING SOURCE	PROJECT COST
Annual Street Asphalt Concrete Overlay Program	Gas Tax	$4,000,000
Annual Curb, Gutter and Sidewalk Replacement	Gas Tax	$400,000
Annual Street Tree Maintenance	Gas Tax	$300,000
Annual Traffic Calming Measures	Gas Tax	$100,000
Annual Citywide Accessible Pedestrian Ramps	Gas Tax	$75,000
Annual Thermoplastic Street Striping	Gas Tax	$25,000
2025-2026 TOTAL		**$4,900,000**

A LOOK FORWARD

Forecasting future funding availability and needs is an inexact science at best. The conservative approach to forecasting future funding availability assumes modest growth to projected gas tax revenues and no significant changes to projected Capital Fund revenue and other sources. Staff is continuously monitoring evolving projections for State and local gas tax revenues. These projections are reflected in the table entitled *Revenue Estimate Summary* on the following page.

Although future funding needs can be predicted by roughly prioritizing unfunded projects already in the CIP, such forecasting is often later upset by changing priorities and unexpected needs. The cost of certain identified projects is often unknown prior to the completion of a needs study or preliminary design. Even so, it is still important to develop a general plan for implementing major capital projects.

In order to continue to prioritize future funding of the City's project needs, the following prioritization factors should be considered:

Need Driven – The target date for some projects is driven by an identified need. For example, the replacement of the City Administration Building was driven by the need to replace an aging facility to accommodate employees and related City activities. A specific target date might be set based on anticipated future space needs or elimination of increasing and excessive building maintenance costs.

Regulation/Law Driven – Some projects, such as wheelchair ramp modifications, are required as a result of changes in standards or regulations or as the result of new Federal or State laws.

Opportunity Driven – The target date for the construction of some projects is driven by an associated opportunity. The availability of a State park grant might allow completion of desired park improvements.

Funding Driven – The target date for construction of other projects may be governed by available funding or funding factors. For example, the target date for construction of a particular project might be tied to accumulation of the capital costs or the ability to fund future operating costs.

Funding Source Driven – The construction of specific projects which are eligible for grant funds will be dictated by the availability of those grant funds. For example, Community Development Block Grant (CDBG) funds can be used for capital projects in the Target Area. The timing for their use will be governed by the availability of those funds.

Relationship Driven – There are certain types of projects which are dependent on the timing of other related projects. For example, the construction of a new community center could allow for the Senior Center to be moved into that amenity, freeing use of the Senior Center for other purposes.

Community Driven – Certain projects are desired to improve the quality of life of Newark residents and are not necessarily tied to external factors. An example is the Newark Skate Park. The target for construction of such projects is thus driven by a desire to improve the quality of life of our residents and the City Council's priorities rather than outside influences.

Phasing Opportunities – Certain projects, such as street maintenance projects, can sometimes be completed in phases.

REVENUE ESTIMATE SUMMARY						
Funding Source	*Dollars*					
	2025	2026	2027	2028	2029	Total
Capital Funds (1)	0	0	TBD	TBD	TBD	TBD
Gas Tax Funds	4,300,000	4,300,000	4,400,000	4,500,000	4,600,000	16,120,000
CDBG (2)	117,000	117,000	117,000	117,000	117,000	585,000
TDA	40,000	40,000	40,000	40,000	40,000	200,000
Federal Grants	As Avail.	As Avail.	As Avail.	As Avail.	As Avail.	As Avail.
Park Impact (3)	4,700,000	3,500,000	450,000	TBD	TBD	8,650,000

Notes:

1. This entry indicates allocations in surplus General Funds towards Capital projects each year. Future year allocations are To Be Determined.
2. This entry assumes that the Federal government does not cut or reduce funding for this program.
3. Park Impact Fee funds are dependent on the level of residential development which takes place.

ESTIMATE OF FUTURE FUNDING NEEDS
(Unfunded projects)

UNFUNDED PROJECTS (Projects in bold are new for 2024-2026)	**ESTIMATE**
Arterial Landscape Median Upgrades	460,000
Articulated Aerial Lift Truck (35')	140,000
Aquatic Center NinjaCross Obstacle Course System	500,000
Bayside TOD Transit Station and Overcrossing (Construction)	11,500,000
Bayside TOD Transit Station and Overcrossing (Design)	700,000
Birch Grove Park Completion	3,380,000
Birch Grove Park Softball Field Night Lighting	300,000
Birch Grove Park Tennis Court Area Re-landscaping	125,000
Byington Park Completion	950,000
Cedar Boulevard Complete Streets	**2,800,000**
*Reserved for Potential Future Project	
Central Avenue Median & Sidewalk Improvements (Design)	**250,000**
Central Avenue Median & Sidewalk Improvements (Construction)	**1,200,000**
Citywide Bus Shelters	2,400,000
Citywide Document Scanning Services	150,000
*Reserved for Potential Future Project	
Civic Center Park Completion	1,160,000
Cultural Arts Center	40,000,000
Fire Station No. 27 Energy Efficient Windows	30,000
Fire Station No. 27 Training Tower – New	2,000,000
History Museum – Phase 2B (Restoration and Construction)	3,000,000
History Museum – Phase 3 (Exhibits)	750,000
Jerry Raber Ash Street Park Completion	915,000
Lakeshore Park Completion	1,750,000
Lakeshore Park Restroom	350,000
Mayhews Landing Park Completion	1,090,000
Mel Nunes Sportsfield Park Splash Pad	550,000
Mirabeau Park Completion	680,000
Mowry Avenue Backup Wall and Landscape Improvements	900,000
Musick Park Completion	720,000
Newark Boulevard Complete Streets and Undergrounding	**6,800,000**
Newark Community Park Completion	3,860,000
Public Works Maintenance – Mini Excavator	**120,000**
Public Works Maintenance – Robotic Mower	**25,000**
Second Chance Roof Replacement	120,000
Senior Center HVAC Replacement	50,000
Senior Center – New Construction	8,000,000
SIDNE (Simulated Impaired Driving Experience)	**50,000**
Silliman Activity Center Energy Conservation Measures	200,000
Silliman Aquatic Center – Hot Tub Replacement	**300,000**
Silliman Aquatic Center – Pool Deck Replacement	300,000
St. Isabel Avenue Street Improvements Completion	285,000
Stevenson Gateway Feature Renovation	90,000

ESTIMATE OF FUTURE FUNDING NEEDS *continued*

UNFUNDED PROJECTS (projects in **bold** are new for 2024-2026)	**ESTIMATE**
Susan Johnson Bridgepoint Park Completion	920,000
*Reserved for Potential Future Project	
Traffic Signal at Cherry Street and Robertson Avenue	400,000
Traffic Signal at Jarvis Avenue and Haley Street	350,000
Traffic Signal at Jarvis Avenue and Spruce Street	350,000
*Reserved for Potential Future Project	
Traffic Signal Preemption – Phase 2	300,000
TOTAL	**$ 101,645,000**



CAPITAL IMPROVEMENT PLAN

PROJECT DESCRIPTIONS

PROJECT **PAGE**

*(projects in **bold** are new for 2024 – 2026; shaded projects are funded in 2024-2026)*

Active Transportation Plan	221
ADA Transition Plan	221
Annual Citywide Accessible Pedestrian Ramps (Ongoing)	221
Annual Curb, Gutter and Sidewalk Replacement (Ongoing)	222
Annual Gas Tax Project Administration (Ongoing)	222
Annual Street Asphalt Concrete Overlay Program (Ongoing)	222
Annual Street Tree Maintenance (Ongoing)	223
Annual Thermoplastic Street Striping (Ongoing)	223
Annual Traffic Calming Measures (Ongoing)	223
Arterial Landscape Median Upgrades	224
Articulated Aerial Lift Truck (35')	224
Bayside TOD Transit Station and Overcrossing, Design	225
Bayside TOD Transit Station and Overcrossing, Construction	225
Birch Grove Park Completion	226
Birch Grove Park Softball Field Night Lighting	226
Birch Grove Park Tennis Court Area Re-landscaping	227
BMX Park Location Study and Conceptual Design	227
Byington Park Completion	228
Cast Iron Stormwater Inlet Grate Replacement Program Phase I	228
Cedar Boulevard Complete Streets Project	229
*Reserved for Potential Future Project	229
*Reserved for Potential Future Project	230
Central Avenue Median and Sidewalk Improvements (Construction)	230
Central Avenue Median and Sidewalk Improvements (Design)	231
Central Avenue Overpass Phase 1 - Project Development	231
Central Avenue Overpass Phase 2 – R/W and Construction	232
Cherry Street Median Modifications	232
City Hall Security Upgrades	233
Citywide Building Painting	233
Citywide Building Roof Repairs	234
Citywide Building Upgrades	234
Citywide Bus Shelters	234
Citywide Crosswalk Evaluation and Modifications	235
Citywide Document Scanning Services	235
Citywide Geographic Information Systems (GIS) – Phase 2	235
*Reserved for Potential Future Project	236
Citywide Parks Signage Program – Phase 1	236
Citywide Parks Irrigation System Upgrade/Modification	236
Citywide Rail Station Alternatives Study	237
Citywide Trash Capture Devices (Phase 3)	237
Civic Center Building Modifications	238
Civic Center Park Completion	238
Clean-Up of CalTrans Right-of-Way and Landscaping (Thornton Ave/I-880)	239
Climate Action Plan Update	239
Community Preservation Vehicle	239

PROJECT **PAGE**

*(projects in **bold** are new for 2024 – 2026; shaded projects are funded in 2024-2026)*

Cultural Arts Center	240
Document Conversion	240
Emergency Breaching Tools and Training	241
Facilities Master Plan	241
Finance (ERP) System Program Upgrades	242
Finance System Replacement	242
Firearms Training System	242
Fire Station No. 27 Cherry Street - Energy Efficient Windows	243
Fire Station No. 27 Cherry Street – Painting	243
Fire Station No. 27 Cherry Street – Roofing	243
Fire Station No. 27 Cherry Street Training Tower – New Construction	244
Fire Station No. 29 Ruschin Drive – Painting	244
Fire Station Nos. 27 and 29 Fencing	244
Four Corners Area Plan	245
Fuel Management System Replacement	245
History Museum – Phase 2B (Restoration and Construction)	246
History Museum – Phase 3 (Exhibits)	246
Housing Programs – Implementation of Adopted Housing Element	247
Information Technology Vehicle	247
Irrigation Main Line Partial Replacement at Community Park	247
Jerry Raber Ash Street Park Completion	248
Jerry Raber Ash Street Park Sports Facilities	248
Lakeshore Park Completion	249
Lakeshore Park Lake Water Quality Analysis	249
Lakeshore Park Landscape Restoration	250
Lakeshore Park Restrooms	250
Lakeshore Park Tree Project	250
*Reserved for Potential Future Project	251
MacGregor Fields Cricket Pitch	251
Mayhews Landing Park Completion	252
Mel Nunes Sportsfield Park Completion	252
Mel Nunes Sportsfield Park Softball Outfield Net Replacement	252
Mel Nunes Sportsfield Park Splash Pad	253
Mel Nunes Sportsfield Park Storage Unit	253
Mel Nunes Sportsfield Park Synthetic Turf Fields – Additional Netting	253
Mirabeau Park Completion	254
Mowry Avenue Backup Wall and Landscape Improvements	254
Musick Park Completion	255
Newark Boulevard Backup Wall and Landscape Improvements	255
Newark Boulevard Complete Streets and Undergrounding Project	256
Newark Civic Center Technology	256
Newark Community Park Completion	257
Newark Community Park Restroom Restoration	257
Newark Community Park Well and Pump Replacement	258
NewPark Place Specific Plan Enhancement and Expansion	258

PROJECT **PAGE**

*(projects in **bold** are new for 2024 – 2026; shaded projects are funded in 2024-2026)*

Newark Resource Center	258
*Reserved for Potential Future Project	259
*Reserved for Potential Future Project	259
Park Grid Tree Work Project	260
Pedestrian Hybrid Beacon Installations	260
Police Department Barn Car Patrol Vehicle	260
Police Department Crime and Collision Scene Investigation Scanner	261
Police Department Patrol Vehicle	261
Police Department Patrol Vehicles (2)	261
Police Department Replacement Scheduling and Workforce Management Software	262
Police Department Unmarked Vehicles (2)	262
Police Department Utility Vehicle	262
Police Department Volunteer Radios	263
Portable Outdoor Stage	263
Public Works Maintenance Dump Truck	263
Public Works Maintenance Mini Excavator	264
Public Works Maintenance Mini Street Sweeper	264
Public Works Maintenance Robotic Mower	264
Public Works Maintenance Street Sweeper	265
Public Works Maintenance Supervisor Vehicles (2)	265
Public Works Maintenance Vehicles (2)	265
Public Works Maintenance Water Tank Spray Truck	266
*Reserved for Potential Future Project	266
Recreation and Community Services Mobile Recreation Van	267
Rental Housing Inspection Program Assessment	267
Revisions to City Truck Routes	268
Sanctuary Park Conceptual Design	268
Sea Level Rise Vulnerability Assessment and Adaptation Strategies	269
Second Chance Shelter Repairs	269
Security Cameras and Building Access Management	269
Senior Center Driveway Relocation	270
Senior Center HVAC Replacement	270
Senior Center – New Construction	270
Senior Center Repainting	271
Senior Center Room Divider	271
Service Center Perimeter Wall	271
Service Center Buildings – Painting	272
Service Center Clean Water Requirements	272
Service Center Fuel Island Replacement	272
Service Center Fuel Pump Island Drainage System	273
Service Center Fuel Tank Canopy	273
Service Center - Rear Garage Overhang Repairs	273
Service Center Skylights	273
Service Center Vacuum Truck Shelter	274
Service Center Waste Disposal Upgrades	274

PROJECT **PAGE**

*(projects in **bold** are new for 2024 – 2026; shaded projects are funded in 2024-2026)*

Silliman Activity Center – Door Closers Replacement	275
Silliman Activity Center - Energy Conservation Measures	275
Silliman Activity Center – Gym and Dance Floor Refinishing	275
Silliman Activity Center – Light Control Board Replacement	276
Silliman Activity Center – Locker Room Flooring Replacement	276
Silliman Activity Center – Partial Roof Replacement	276
Silliman Activity Center – Partial Roof and Skylight Replacement	277
Silliman Activity Center – Preschool Playground Renovation	277
Silliman Activity Center – Shower Tile Replacement	277
Silliman Aquatic Center – Air Handler #2 Replacement	278
Silliman Aquatic Center – Hot Tub Replacement	278
Silliman Aquatic Center – NinjaCross Obstacle Course System	278
Silliman Aquatic Center – Pool Deck Replacement	279
Silliman Aquatic Center – Pool Sanitation System Retrofit	279
Silliman Aquatic Center – Water Slide Replacement	280
Silliman Aquatic Center – Water Tanks/Heater Replacement	280
Simulated Impaired Driving Experience	280
Softball Fields Retrofit – Scoreboards and Bleachers	281
St. Isabel Avenue Street Improvements Completion	281
Stevenson Boulevard Gateway Feature Renovation	281
Storage Facility at Service Center	282
Surplus Property Disposal – Old Fire Station No. 1	282
Susan Johnson Bridgepointe Park Completion	282
Thornton Avenue Complete Streets (Design)	283
Thornton Avenue Complete Streets (Construction)	283
*Reserved for Potential Future Project	284
*Reserved for Potential Future Project	284
*Reserved for Potential Future Project	285
Title 17 (Zoning) Housing-related Assessment and Update	285
Traffic Signal at Cherry Street and Robertson Avenue	286
Traffic Signal at Jarvis Avenue and Haley Street	286
Traffic Signal at Jarvis Avenue and Spruce Street	286
*Reserved for Potential Future Project	287
*Reserved for Potential Future Project	287
Traffic Signal Preemption – Phase 2	288
Transition to Paperless Documents	288
Urban Forest Master Plan	289
Vehicle Miles Traveled Policy	289
Vehicle Pursuit Intervention Devices	290
Virtual History Museum	290
Virtual Reality Police Tactics Training System	291
Website Upgrades	291
Work Area and Cubicle Upgrades	291

ADA Transition Plan NEW

Critical Issue	Quality of Life
Funding Source	Community Development Maintenance Funds
Estimated Cost	$250,000
Operating Impact	Moderate Impact
Priority Level	Level One – Legal/Regulatory Requirement; Safety Obligation
Implementing Department	Public Works
Contact	Farrell
Year First Proposed	2024
Year Funded	2025

This project will provide the City with a comprehensive update of the Americans with Disabilities Act (ADA) Transition Plan. This document provides a complete inventory of accessibility needs for City buildings, properties and right-of-way areas. Information acquired through the Facilities Master Plan will help inform this document.

Active Transportation Plan

Critical Issue	Quality of Life
Funding Source	Community Development Maintenance Funds
Estimated Cost	$195,000
Operating Impact	Significant Permanent Impact
Priority Level	Level One – Legal/Regulatory Requirement
Implementing Department	Public Works – Engineering
Contact	Jung
Year First Proposed	2021
Year Funded	2023

This project will develop an Active Transportation Plan for the City, an update to the current Pedestrian and Bicycle Master Plan. The updated study will evaluate and recommend updates to active transportation policies, prioritized projects, project funding sources and other key plan elements to improve walking and biking conditions for all community members.

Annual Citywide Accessible Pedestrian Ramps (Ongoing)

Critical Issue	Quality of Life
Funding Source	Gas Tax / TDA Grant Funds
Estimated Cost	$75,000/year
Operating Impact	No Significant Impact
Priority Level	Level One – Legal/Regulatory Requirement; Safety Obligation
Implementing Department	Public Works – Engineering
Contact	Tat
Year First Proposed	Annual
Year Funded	2024 and 2025

These projects will be part of an ongoing effort to retrofit existing handicap ramps at street intersections with detectable warning surfaces for conformance with current ADA requirements.

Annual Curb, Gutter, and Sidewalk Replacement (Ongoing)

Critical Issue	Public Safety Services
Funding Source	Gas Tax
Estimated Cost	$400,000 (2024); $400,000 (2025)
Operating Impact	No Significant Impact
Priority Level	Level One – Preservations of Existing Assets/Safety Obligations
Implementing Department	Public Works – Engineering
Contact	Tat
Year First Proposed	Annual
Year Funded	2024 and 2025

These projects provide for Citywide curb, gutter, and sidewalk replacement, as well as needed sidewalk grinding. Sites are prioritized and selected based on safety issues and functionality.

Annual Gas Tax Project Administration (Ongoing)

Critical Issue	City Government Operations
Funding Source	Gas Tax
Estimated Cost	$24,000/year
Operating Impact	No Significant Impact
Priority Level	Level One – Preserve Existing Assets
Implementing Department	Public Works – Engineering
Contact	Cangco
Year First Proposed	Annual
Year Funded	2025 and 2026

This project provides funding for fees and costs associated with administering street and transportation related projects funded by gas taxes.

Annual Street Asphalt Concrete Overlay Program (Ongoing)

Critical Issue	Quality of Life
Funding Source	Gas Tax
Estimated Cost	$4,000,000/year
Operating Impact	No significant impact
Priority Level	Level One – Preservation of Existing Assets
Implementing Department	Public Works – Engineering
Contact	Carmen
Year First Proposed	Annual
Year Funded	2024 and 2025

These projects provide for annual patch paving, slurry seal applications, and asphalt concrete overlays for City streets. The current overall Pavement Condition Index (PCI) for Newark is 72. This current level of investment is targeted to maintain that PCI level over the next 5 years.

Annual Street Tree Maintenance (Ongoing)

Critical Issue	Public Safety Services
Funding Source	Gas Tax
Estimated Cost	$300,000/year
Operating Impact	No Significant Impact
Priority Level	Level One – Safety Obligations
Implementing Department	Public Works – Landscape Parks Maintenance
Contact	Cianciarulo
Year First Proposed	Annual
Year Funded	2024 and 2025

This project provides for ongoing street tree pruning, removal, and replacement.

Annual Thermoplastic Street Striping (Ongoing)

Critical Issue	Quality of Life
Funding Source	Gas Tax
Estimated Cost	$25,000/year
Operating Impact	No Significant Impact
Priority Level	Level One – Preservation of Existing Assets/Safety Obligations
Implementing Department	Public Works – Engineering
Contact	Carmen
Year First Proposed	Annual
Year Funded	2024 and 2025

This project would continue the installation of thermoplastic striping and other paving markings at various locations as needed.

Annual Traffic Calming Measures (Ongoing)

Critical Issue	Quality of Life
Funding Source	Gas Tax
Estimated Cost	$100,000/year
Operating Impact	No Significant Impact
Implementing Department	Public Works – Engineering
Contact	Carmen
Year First Proposed	Annual
Year Funded	2025 and 2026

This project provides funding for traffic investigations, traffic counts and design and construction of possible traffic calming measures in residential neighborhoods. While specific locations are not identified, this funding allows City staff to address traffic calming requests as they arise.

Arterial Landscape Median Upgrades

Critical Issue	Quality of Life
Funding Source	Capital Funds
Estimated Cost	$460,000
Operating Impact	Moderate Impact
Implementing Department	Public Works – Engineering
Priority Level	Level Three
Contact	Cangco
Year First Proposed	2022
Year Funded	Not Funded

This project would install new median landscaping along Newark's various arterials in accordance with previously adopted median landscaping standards and Bay Friendly Landscaping practices. This project replaces the following previously unfunded projects – Cherry Street Median Landscape Upgrade, between Thornton Avenue and the railroad crossing; Mowry Avenue Median Landscaping, between I-880 and Cherry Street; and Cedar Boulevard Median Renovation – Phase 3, between Dupont Avenue and the Home Depot driveway.

Articulated Aerial Lift Truck (35')

Critical Issue	City Government Operations
Funding Source	Capital Funds
Estimated Cost	$140,000
Operating Impact	Moderate Impact
Priority Level	Level Three
Implementing Department	Public Works – Landscape Parks Maintenance
Contact	Icasiano
Year First Proposed	1997
Year Funded	Not Funded

The City is responsible for the maintenance of approximately 18,000 trees, including approximately 13,000 street trees. The majority of street trees (9,600) are nearing maturity and are over 15 feet tall. This proposed capital purchase includes a truck equipped with utility boxes and a hydraulically-actuated aerial lift. This equipment will enable the City to respond to residents in a more timely manner and save money by removing unsafe hanging branches within one working day, removing unsafe trees, pruning street trees to facilitate street maintenance activities such as street sweeping and respond to other pruning requests such as street light, traffic signal and/or sign clearances. Other uses for this equipment could include low-level park lighting maintenance, installation of Christmas lights and, if appropriate, emergency traffic signal maintenance. Currently, the City is spending in excess of $20,000 for emergency contract services. The life expectancy for this equipment is 15-20 years.

Bayside TOD Transit Station and Overcrossing – Design

Critical Issue	Community Development
Funding Source	Impact Fees
Estimated Cost	$700,000
Operating Impact	No Significant Impact
Implementing Department	Public Works – Engineering
Priority Level	Level Three
Contact	Cangco
Year First Proposed	Prior to 1995
Year Funded	Not funded

The Dumbarton (now known as "Bayside") Transit Oriented Development (TOD) Specific Plan identified the location for a transit station. This project would be the eventual Train Station for Dumbarton Rail; until the rail line is operational it would serve as a hub for bus transit, including Dumbarton Express, AC Transit, and private employer shuttles. The Transit Station, under its present preliminary scope, would include 500 parking spaces, shelters, bus bays and a train platform including a grade separated Pedestrian overcrossing of the train tracks. The ultimate design, however, will be significantly influenced by the needs of the Dumbarton Rail Corridor as defined by the studies under way by Cross Bay Transit Partners (SAMTrans and Facebook) as part of the current public-private partnership exploration. This project will fund the design portion of the transit station and overcrossing.

Bayside TOD Transit Station and Overcrossing – Construction

Critical Issue	Community Development
Funding Source	Measure BB Discretionary Funds/Other Transportation Grant Funds
Estimated Cost	$11,500,000
Operating Impact	Significant Permanent Impact
Implementing Department	Public Works – Engineering
Priority Level	Level Three
Contact	Cangco
Year First Proposed	Prior to 1995
Year Funded	Not Funded

The Dumbarton (now known as "Bayside") Transit Oriented Development (TOD) Specific Plan identified the location for a transit station. This project would be the eventual Train Station for Dumbarton Rail; until the rail line is operational it would serve as a hub for bus transit, including Dumbarton Express, AC Transit, and private employer shuttles. The Transit Station would include 500 parking spaces, shelters, bus bays and a train platform including a grade separated Pedestrian overcrossing of the train tracks. The ultimate design, however, will be significantly influenced by the needs of the Dumbarton Rail Corridor as defined by the studies under way by Cross Bay Transit Partners (SAMTrans and Facebook) as part of the current public-private partnership exploration. This project would fund the construction phase of the transit station and overcrossing.

Birch Grove Park Completion

Critical Issue	Quality of Life
Funding Source	Park Impact Fees
Estimated Cost	$3,380,000
Operating Impact	Significant Permanent Impact
Implementing Department	Public Works – Engineering
Priority Level	Level Three
Contact	Cangco
Year First Proposed	2017
Year Funded	Not Funded

Birch Grove Park is a community park in eastern Newark with a variety of existing amenities including grass fields, pedestrian pathways, playgrounds, restroom, group picnic areas, half-court basketball, softball field, and tennis courts. The *Newark Citywide Parks Master Plan* envisions Birch Grove Park to remain a community recreation facility while enhancing the site's capacity to meet the identified recreational needs of the Newark community. The *Master Plan* proposes Birch Grove Park to have a community dog park, dedicated bike skills park, and two turf multi-sport fields as major community-serving projects. Additionally, the *Master Plan* proposes the creation of a reservable group picnic area and associated amenities such as volleyball and bocce ball courts. The site's existing playgrounds and water play feature should additionally be updated to best meet the City's recreation standards.

Birch Grove Park Softball Field Night Lighting

Critical Issue	Quality of Life
Funding Source	Capital Funds
Estimated Cost	$300,000
Operating Impact	No Significant Impact
Priority Level	Level Three
Implementing Department	Public Works – Engineering
Contact	Cangco
Year First Proposed	2002
Year Funded	Not Funded

The softball field at Birch Grove Park is currently night-lighted via relatively short floodlights. This project would replace those lights with new, taller and more efficient lighting standards.

Birch Grove Park Tennis Court Area Re-landscaping

Critical Issue	Quality of Life
Funding Source	Park Impact Fees
Estimated Cost	$125,000
Operating Impact	Minor Impact
Priority Level	Level Three
Implementing Department	Public Works – Maintenance
Contact	Connolly
Year First Proposed	2004
Year Funded	Not Funded

The planned greenbelt area includes the non-turf planting areas adjacent to the tennis courts, and the tennis courts' parking lot's adjacent planters and median. This project would identify and correct soil and irrigation deficiencies, and install new landscape plantings that will enhance the aesthetic appearance of the southern edge of the park.

BMX Park Location Study and Conceptual Design

Critical Issue	Quality of Life
Funding Source	Community Development Maintenance Fund
Estimated Cost	$150,000
Operating Impact	Significant Permanent Impact
Priority Level	Level Three
Implementing Department	Public Works – Engineering
Contact	Cangco
Year First Proposed	2022
Year Funded	2023

The Citywide Parks Master Plan identifies a future Bike Skills Park at Birch Grove Park but also clarifies that "a [final] location for a bicycle/BMX park would need to be determined through future study." This project will further develop a conceptual plan for a future BMX bike park and perform a location study to determine a preferred location for the facility.

Byington Park Completion

Critical Issue	Quality of Life
Funding Source	Park Impact Fees
Estimated Cost	$950,000
Operating Impact	Significant Permanent Impact
Priority Level	Public Works – Engineering
Implementing Department	Level Three
Contact	Cangco
Year First Proposed	2017
Year Funded	Not Funded

Byington Park is a designated neighborhood park that was planned as a component of the adjacent housing development. The site contains existing park amenities including a group picnic area, grass field, half-court basketball, school-age play area, and splash pad. To enhance the site as a component of Newark's park system, the *Newark Citywide Parks Master Plan* proposes the update of Byington Park's existing playground and adjacent water play area. An additional project was previously identified to add minimum energy efficient security lighting at the park.

Cast Iron Stormwater Inlet Grate Replacement Program Phase I

Critical Issue	Quality of Life
Funding Source	Gas Tax
Estimated Cost	$15,000
Operating Impact	No Significant Impact
Priority Level	Level Three
Implementing Department	Public Works – Streets Maintenance
Contact	Icasiano
Year First Proposed	1998
Year Funded	2009

The current standard for storm water inlets (or catch basins) includes a fabricated steel grate design to allow as much water as possible into the inlet and yet prevent bike tires from dropping through. Older inlets in the City typically have a cast iron grate, which have smaller openings and tend to clog. Also, removal of these heavy cast iron grates for both routine and emergency cleaning generally requires at least two maintenance workers. The City has a total of 91 cast iron inlet grates.

This project is part of the phased program to replace the cast iron grates with the steel grates. This first phase will replace approximately 15-25 catch basins.

Cedar Boulevard Complete Streets Project

Critical Issue	Quality of Life
Funding Source	Outside Funding/Gas Tax
Estimated Cost	$2,800,000
Operating Impact	Permanent Significant Impact
Priority Level	Level Three
Implementing Department	Public Works – Engineering
Contact	Cangco
Year First Proposed	2024
Year Funded	Not Funded

This project would provide for pavement resurfacing, buffered bicycle lanes, and upgraded pedestrian and transit user facilities on Cedar Boulevard between Central Avenue and Stevenson Boulevard. The project would fill pavement resurfacing gaps through this segment following other improvements to be completed by upcoming development projects. This project is a candidate for Federal funding opportunities.

Reserved for Potential Future Project

Critical Issue
Funding Source
Estimated Cost
Operating Impact
Priority Level
Implementing Department
Contact
Year First Proposed
Year Funded

Reserved for Potential Future Project

Critical Issue
Funding Source
Estimated Cost
Operating Impact
Priority Level
Implementing Department
Contact
Year First Proposed
Year Funded

Central Avenue Median and Sidewalk Improvements (Construction)

Critical Issue	Quality of Life
Funding Source	Gas Tax
Estimated Cost	$250,000
Operating Impact	Moderate Impact
Priority Level	Level Three
Implementing Department	Public Works – Engineering
Contact	Tat
Year First Proposed	2022
Year Funded	Not Funded

This project would fund the construction phase of the installation of median landscape improvements and completion of sidewalk improvements on Thornton Avenue between the western terminus of the Central Avenue Overcrossing Project and Willow Street. The project would also seek to install landscape improvements and edge treatment along the fence line in the area adjacent to the Alameda County Flood Control Channel near Filbert Street.

Central Avenue Median and Sidewalk Improvements (Design)

Critical Issue	Quality of Life
Funding Source	Gas Tax
Estimated Cost	$1,200,000
Operating Impact	Moderate Impact
Priority Level	Level Three
Implementing Department	Public Works – Engineering
Contact	Tat
Year First Proposed	2022
Year Funded	Not Funded

This project would fund the design phase of the installation of median landscape improvements and completion of sidewalk improvements on Thornton Avenue between the western terminus of the Central Avenue Overcrossing Project and Willow Street. The project would also seek to install landscape improvements and edge treatment along the fence line in the area adjacent to the Alameda County Flood Control Channel near Filbert Street.

Central Avenue Overpass Phase 1 - Project Development

Critical Issue	Quality of Life/Public Safety Services
Funding Source	2000 Measure B Funds
Estimated Cost	$2,765,000
Operating Impact	No Significant Impact
Priority Level	Level Two – Service Level Increase
Implementing Department	Public Works – Engineering
Contact	Cangco
Year First Proposed	1999
Year Funded	2013

This project will fund the project development phases of a four-lane grade separation structure (bridge overpass) at the railroad crossing on Central Avenue, between Sycamore Street and Filbert Street. Completion of the design will allow the City to compete for funding for subsequent phases. The overpass will result in relief of traffic congestion at the tracks, providing enhanced vehicular, bicycle and pedestrian safety, and improved emergency response times.

Central Avenue Overpass Phase 2 – R/W and Construction

Critical Issue	Quality of Life/Public Safety Services
Funding Source	2000 Measure B/Discretionary Measure BB Funds/Impact Fees
Estimated Cost	$35,000,000
Operating Impact	Significant Permanent Impact
Priority Level	Level Two – Service Level Increase
Implementing Department	Public Works – Engineering
Contact	Cangco
Year First Proposed	1999
Year Funded	TBD

This project will fund the right of way and construction of a four lane grade separation structure (bridge overpass) at the railroad crossing on Central Avenue, between Sycamore Street and Filbert Street. The overpass will result in relief of traffic congestion at the tracks, providing enhanced vehicular, bicycle and pedestrian safety, improved emergency response times, and elimination of the potential for at-grade accidents. The project will involve significant utility relocations.

This project is a listed Transportation project in the Impact Fee nexus analysis (19.3% maximum funding).

Cherry Street Median Modifications NEW

Critical Issue	Quality of Life
Funding Source	Capital Funds
Estimated Cost	$400,000
Operating Impact	Moderate Impact
Implementing Department	Public Works
Priority Level	Level Three
Contact	Cangco
Year First Proposed	2024
Year Funded	2025

This project would result in an extension of the southbound left turn lane pocket on Cherry Street approaching the Mowry Avenue intersection in order to provide improved traffic flow at this busy intersection. Following a request from the public, an initial traffic engineering analysis confirmed that the proposed modification would provide a benefit. Significant median modifications including irrigation and landscaping alterations, street paving and traffic signal detection loop modifications are required.

City Hall Security Upgrades

Critical Issue	City Government Operations
Funding Source	Capital Funds
Estimated Cost	$120,000
Operating Impact	Moderate Impact
Priority Level	Level Two – Service Level Increase
Implementing Department	Public Works Maintenance
Contact	Oeverndiek
Year First Proposed	2023
Year Funded	2024

This project would complete the installation of additional safety features in the City Hall public lobby areas as a follow-up to the security camera and building access management project. The scope of work includes the addition of full height glass at the first floor lobby counter, modification of doors for improved security and other physical modifications for increased employee and customer safety in public areas. Original funding from the Newark Civic Center project was retained for these improvements.

Citywide Building Painting

Critical Issue	City Government Operations
Funding Source	Capital Funds
Estimated Cost	$77,600
Operating Impact	No Significant Impact
Priority Level	Level One – Preservation of Existing Assets
Implementing Department	Public Works – Building Maintenance
Contact	Perez
Year First Proposed	Annual
Year Funded	2017 and 2018

These projects provide for routine building painting as part of normal building maintenance. These projects have been phased out of the CIP budget and added to operating budget, but some project funding remains.

Citywide Building Roof Repairs

Critical Issue	City Government Operations
Funding Source	Capital Funds
Estimated Cost	$121,000
Operating Impact	No Significant Impact
Priority Level	Level One – Preservation of Existing Assets
Implementing Department	Public Works – Building Maintenance
Contact	Perez
Year First Proposed	Annual
Year Funded	2017 and 2018

These projects will provide for the routine repair of building roofing as part of normal maintenance work. These projects have been phased out of the CIP budget and added to operating budget, but some project funding remains.

Citywide Building Upgrades

Critical Issue	City Government Operations
Funding Source	Capital Funds
Estimated Cost	$11,000
Operating Impact	No Significant Impact
Priority Level	Level One – Preservation of Existing Assets
Implementing Department	Public Works – Building Maintenance
Contact	Perez
Year First Proposed	Annual
Year Funded	2017 and 2018

These projects will provide for routine repair or replacement of miscellaneous building items as part of normal maintenance work. These projects have been phased out of the CIP budget and added to operating budget, but some project funding remains.

Citywide Bus Shelters

Critical Issue	Quality of Life
Funding Source	Capital Funds
Estimated Cost	$2,400,000
Operating Impact	Significant Permanent Impact
Priority Level	Level Three
Implementing Department	Community Development/Public Works
Contact	Turner/Cangco
Year First Proposed	2018
Year Funded	Not Funded

This project would install additional bus shelters within the public right-of-way along AC Transit bus routes. Identification of priority locations and potential outside funding sources needs to be coordinated with AC Transit. There are currently only 13 bus shelters in the City that were installed with a prior advertising contract through AC Transit. There are approximately an additional 100 bus stops without shelters or benches in the City. A phased installation program is a potential option. However, given the uncertainty of current and future AC Transit services, this project is unfunded.

Citywide Crosswalk Evaluation and Modifications

Critical Issue	Quality of Life
Funding Source	Community Development Maintenance Funds
Estimated Cost	$150,000 (2022)
Operating Impact	Moderate Impact
Priority Level	Level Two – Assessment Study
Implementing Department	Public Works
Contact	Jung
Year First Proposed	2020
Year Funded	2021 and 2022

This project will evaluate specific crosswalk locations in the City for potential safety enhancements and install recommended modifications. These locations would be those with a known or elevated pedestrian incident history. Modifications could include bulb-outs, enhanced crosswalk striping, signing or rapid-fire flashing beacons.

Citywide Document Scanning Services

Critical Issue	City Government Operations
Funding Source	Capital Funds
Estimated Cost	$150,000
Operating Impact	No Significant Impact
Priority Level	Level Three
Implementing Department	City Manager's Office
Contact	Hovorka
Year First Proposed	2020
Year Funded	Not Funded

This project would provide funding to scan and assign meta-tag data to paper documents into a searchable, electronic database. This service need is an important task in preparation for relocating city functions to the new civic center.

Citywide Geographic Information System (GIS) – Phase 2

Critical Issue	City Government Operations
Funding Source	Capital Funds
Estimated Cost	$150,000
Operating Impact	Cost Savings
Priority Level	Level Two – Service Level Increase
Implementing Department	Information Technology
Contact	Miranda
Year First Proposed	2002
Year Funded	2023

A GIS system is a computerized graphical mapping system which allows geographic information to be tied to a digital map and retrieved via specialized software. This geographic information can include site addresses, ownership information, City-owned utilities, zoning boundaries, aerial photography, etc. This project would provide for necessary hardware and software upgrades, specialized training for employees, expanded software licensing, and other data additions to the GIS to meet current needs.

Reserved for Potential Future Project

Critical Issue
Funding Source
Estimated Cost
Operating Impact
Priority Level
Implementing Department
Contact
Year First Proposed
Year Funded

Citywide Park Signage Program – Phase 1

Critical Issue	Quality of Life
Funding Source	Park Impact Fees
Estimated Cost	$80,000
Operating Impact	Moderate Impact
Priority Level	Level Three
Implementing Department	Public Works - Engineering
Contact	Reyes
Year First Proposed	2020
Year Funded	2021

Phase 1 of the program would develop a new standard design for all park identification signs throughout the City. The project could also potentially fund the installation of a first phase of new signs at parks with an identified need.

Citywide Parks Irrigation Systems Upgrade/Modification

Critical Issue	Quality of Life
Funding Source	Capital Funds
Estimated Cost	$170,000
Operating Impact	Cost Savings
Priority Level	Level One – Preservation of Existing Assets
Implementing Department	Public Works – Landscape Parks Maintenance
Contact	Connolly
Year First Proposed	Annual
Year Funded	2017 and 2018

The irrigation systems and components in nine of the City parks are over 30 years old and three others were built in the 1980s. This project will take advantage of new technologies that will enable the City to better manage labor, parts, and material costs by renovating the existing irrigation systems and its components. These projects have been phased out of the CIP budget and incorporated as part of the operating budget, but some project funding remains.

Citywide Rail Station Alternatives Study

Critical Issue	Quality of Life
Funding Source	Community Development Maintenance Funds
Estimated Cost	$80,000
Operating Impact	No Significant Impact
Priority Level	Level Two – Alternatives Study
Implementing Department	Public Works - Engineering
Contact	Cangco
Year First Proposed	2020
Year Funded	2021

This study will evaluate the desire and need for potential passenger rail transfer stations within the City. Although the General Plan is silent on potential for rail stations within the City, several passenger rail lines pass through Newark, including Capital Corridor, Amtrak, ACE and the potential Dumbarton Rail line. The study will analyze alternatives for potential locations and configurations of passenger rail transfer stations and will be performed in conjunction with Alameda County Transportation Commission's Southern Alameda County Rail Study and the Dumbarton Rail Corridor Study by the San Mateo County Transit District and Cross Bay Transit Partners.

Citywide Trash Capture Devices – Phase 3

Critical Issue	Quality of Life
Funding Source	Capital Funds
Estimated Cost	$230,000
Operating Impact	Moderate Impact
Priority Level	Level One – Legal/Regulatory Requirement
Implementing Department	Public Works – Engineering
Contact	Scanlin
Year First Proposed	2018
Year Funded	2019

This project involves the installation of additional full trash capture devices in storm drain inlets for the purpose of reducing trash in the municipal separate storm sewer system. Regulatory: Installation of these devices will contribute to meeting trash reduction requirements under the Municipal Regional Storm Water Permit issued to the City by the Regional Water Quality Control Board.

Civic Center Building Modifications

Critical Issue	City Government Operations
Funding Source	Capital Funds
Estimated Cost	$870,000
Operating Impact	Moderate Impact
Priority Level	Level Two – Service Level Increase
Implementing Department	Public Works Maintenance
Contact	Connolly
Year First Proposed	2023
Year Funded	2024

This here are several smaller projects located at the new Civic Center buildings that were not part of the original project and are needed to enhance service levels. Projects include exterior and interior door modifications, window tinting, equipment additions, floor modifications, exterior building modifications, glass modifications and other improvements. Funds were reserved from the original project to complete these remaining items.

Civic Center Park Completion

Critical Issue	Quality of Life
Funding Source	Park Impact Fees
Estimated Cost	$1,160,000
Operating Impact	Permanent Significant Impact
Priority Level	Level Three
Implementing Department	Public Works – Engineering
Contact	Cangco
Year First Proposed	2017
Year Funded	Not Funded

Civic Center Park is a 5-acre neighborhood park in central Newark, adjacent to the City's administration building and public library. The park currently has grass lawn, a perimeter path, two group picnic areas, a full court basketball, and a playground. The Newark *Citywide Parks Master Plan* envisions Civic Center Park to remain neighborhood oriented while improving the site as a civic destination through the addition of additional public gathering space. The *Master Plan* proposes Civic Center Park to include a small turf multi-sport field and a sheltered group picnic area as major community-serving projects. As amenities associated with the group picnic area, the *Master Plan* also proposes the addition of a volleyball court and an updated school-age play area. If the Newark Library is to be moved per future planning, Civic Center Park may also have a restroom added.

Clean-Up of CalTrans ROW and Landscaping (Thornton Ave/I-880)

Critical Issue	Quality of Life
Funding Source	Capital Funds
Estimated Cost	$200,000
Operating Impact	Moderate Impact
Priority Level	Level Three
Implementing Department	Public Works – Maintenance
Contact	Connolly
Year First Proposed	2022
Year Funded	2023

This project would perform maintenance and install landscape improvements at areas within State right-of-way adjacent to the Interstate 880 interchange at Thornton Avenue within Newark city limits.

Climate Action Plan Update

Critical Issue	Quality of Life
Funding Source	Community Development Maintenance Fund
Estimated Cost	$197,000
Operating Impact	Moderate Impact
Priority Level	Level Two – Plan Update
Implementing Department	Public Works – Environmental Services
Contact	Scanlin
Year First Proposed	2023
Year Funded	2024

This project will utilize the services of an experienced consultant to develop an update to the City's existing Climate Action Plan Framework. The resulting document will be provide an analysis of future greenhouse gas reduction targets and recommend detailed polices and actions necessary to satisfy those future targets. The project will include significant community engagement.

Community Preservation Vehicle NEW

Critical Issue	Government Operations
Funding Source	Capital Funds
Estimated Cost	$50,000
Operating Impact	Minor Impact
Implementing Department	Public Works/Community Development
Priority Level	Level Three
Contact	Icasiano
Year First Proposed	2024
Year Funded	2025

The Community Preservation Manager oversees the Division, and part of those duties include work in the field, such as inspections or site assessments. The Community Preservation Manager does not currently have an assigned vehicle.

Cultural Arts Center

Critical Issue	Quality of Life
Funding Source	Capital Funds
Estimated Cost	$40,000,000
Operating Impact	Significant Permanent Impact
Priority Level	Level Three
Implementing Department	Public Works – Engineering
Contact	Cangco
Year First Proposed	Prior to 1995
Year Funded	Not Funded

This project would provide for land acquisition and construction of a 25,000 square-foot cultural arts center with seating for 600. The overall concept is based on the cultural arts center in Rohnert Park. Elements to be included are a main stage, supplemental stage, box office, control booth, dressing room, lobby/lounge, scenery workshop, office space and storage. There is no location currently identified for this future facility. This project is a listed Community Service and Facilities project in the Impact Fee nexus analysis (17.7% maximum funding). This project will be deferred until the Facilities Master Plan study has been completed.

Document Conversion

Critical Issue	City Government Operations
Funding Source	Capital Funds
Estimated Cost	$45,000
Operating Impact	No Significant Impact
Priority Level	Level Three
Implementing Department	City Manager's Office
Contact	Harrington
Year First Proposed	2014
Year Funded	Not Funded

This project would continue the ongoing effort to convert paper documents into electronic format.

Emergency Breaching Tools and Training NEW

Critical Issue	Public Safety Services
Funding Source	Capital Funds
Estimated Cost	$46,000
Operating Impact	Minor Impact
Implementing Department	Police
Priority Level	Level Two
Contact	Arguello
Year First Proposed	2024
Year Funded	2025

The Police Department has not conducted formalized training in the area of deployment of forcible entry – breaching tools for officers that have not worked as part of the Department's SWAT team during recent years.

Department staff believes that in order to improve response times for needed use of forcible entry - breaching tools, such as door rams, Halligan tools and bolt cutters at rapidly evolving emergency scenes (such as active shooters and other emergency rescue situations that may not be safe for other first responders) it would be beneficial for the Department to acquire and deploy additional breaching tools in the field at a fleet-wide level.

Although the use of such breaching tools may seem intuitive, further ensuring formalized training of officers who have not formally experienced the breaching training received by SWAT officers would ensure all officers are familiar with the appropriate deployment of breaching tools. Hence improving overall safety during resolution of incidents and reducing the incidence of injury.

In order to best accomplish the formalized training for both tenured and incoming personnel, staff also recommends the acquisition of a breaching - forcible entry training door.

Facilities Master Plan

Critical Issue	City Government Operations
Funding Source	Community Development Maintenance Funds
Estimated Cost	$248,000
Operating Impact	No Significant Impact
Priority Level	Level Two – Assessment Study
Implementing Department	Public Works
Contact	Hovorka/Gonzalez
Year First Proposed	2020
Year Funded	2021

The purpose of this assessment study would be to identify the long term needs of the community regarding programs and the facilities needed to house those program; assess the feasibility and capacity of all existing City buildings to serve those functions long term; and evaluate what could potentially be the best use for each of the City's existing buildings. The project will also focus on long-term maintenance needs.

Finance (ERP) System Program Upgrades

Critical Issue	City Government Operations
Funding Source	Capital Funds
Estimated Cost	$100,000
Operating Impact	Cost Savings – Increased Efficiency
Implementing Department	Finance
Contact	Lee
Year First Proposed	2022
Year Funded	2023

This project will provide additional modules (such as payment receipts, parks and recreation class registrations, etc.) for our current ERP system which would allow for direct interfacing to the core financial system.

Finance System Replacement

Critical Issue	City Government Operations
Funding Source	Capital Funds
Estimated Cost	$1,250,000
Operating Impact	Cost Savings – Increased Efficiency
Implementing Department	Finance
Contact	Lee
Year First Proposed	2004
Year Funded	2015 ($200,000) and 2016 ($1,050,000)

This project provides for the purchase of hardware, software and professional services to replace the City's existing financial system and companion modules.

Firearms Training System NEW

Critical Issue	Public Safety Services
Funding Source	Capital Funds
Estimated Cost	$20,000
Operating Impact	Minor Impact
Implementing Department	Police
Priority Level	Level Three
Contact	Arguello
Year First Proposed	2024
Year Funded	2025

This Firearms Training System is a robotic moving target that is a tool for delivering range training programs with realistic use of force and de-escalation scenarios

Fire Station No. 27 Cherry Street - Energy Efficient Windows

Critical Issue	City Government Operations
Funding Source	Capital Funds
Estimated Cost	$30,000
Operating Impact	Cost Savings
Priority Level	Level Three
Implementing Department	Public Works – Building Maintenance
Contact	Perez
Year First Proposed	2004
Year Funded	Not Funded

This project provides for the replacement of single pane and low-performing dual pane windows at Fire Station No. 27. This would improve energy efficiency and also reduce traffic noise in the building from trucks on Cherry Street.

Fire Station No. 27 Cherry Street – Painting

Critical Issue	City Government Operations
Funding Source	Capital Funds
Estimated Cost	$32,000
Operating Impact	No Significant Impact
Priority Level	Level One – Preservation of Existing Assets
Implementing Department	Public Works – Building Maintenance
Contact	Perez
Year First Proposed	2018
Year Funded	2020

Fire Station No. 27 has not been painted in over 15 years and is in need of new paint (pricing includes tower).

Fire Station No. 27 Cherry Street – Roofing

Critical Issue	City Government Operations
Funding Source	Capital Funds
Estimated Cost	$55,000
Operating Impact	No Significant Impact
Priority Level	Level One – Preservation of Existing Assets
Implementing Department	Public Works – Building Maintenance
Contact	Perez
Year First Proposed	2018
Year Funded	2019-20

Fire Station No. 27's roof replacement (spray foam) has several leaks over the living quarters and equipment bay. The two roofs currently have different applications of roofing (spray foam and shingle). This project proposes spraying over all roofing for consistency. Pricing includes permanent ladders (one from ground to roof and one from roof 1 to roof 2).

Fire Station No. 27 Cherry St. Training Tower – New Construction

Critical Issue	Public Safety Services
Funding Source	Capital Funds
Estimated Cost	$2,000,000
Operating Impact	Moderate Impact
Priority Level	Level Three
Implementing Department	Public Works - Engineering
Contact	Cangco
Year First Proposed	2008
Year Funded	Not Funded

While a training tower currently exists at Fire Station No. 27, this tower is not usable for live fire training. This long-term project would provide the improvements necessary to allow live fire training.

Fire Station No. 29 Ruschin Drive – Painting

Critical Issue	City Government Operations
Funding Source	Capital Funds
Estimated Cost	$23,000
Operating Impact	No Significant Impact
Priority Level	Level One – Preservation of Existing Assets
Implementing Department	Public Works – Building Maintenance
Contact	Perez
Year First Proposed	2018
Year Funded	2019-20

Fire Station No. 29 has not been painted in over 15 years and is in need of new paint.

Fire Station Nos. 27 and 29 Additional Fencing NEW

Critical Issue	Public Safety Services
Funding Source	Capital Funds
Estimated Cost	$500,000
Operating Impact	Moderate Impact
Implementing Department	Public Works
Priority Level	Level Three
Contact	Connolly
Year First Proposed	2024
Year Funded	2025

Following a detailed evaluation of the need for fencing at Fire Station No. 27 and at Fire Station No. 29, an increase in scope is needed in order to provide the desired security at these locations. Fencing is needed to deter both vehicular and pedestrian access through each property. Wrought iron fencing with gate access points are recommended to ensure both security and visibility The project will need to be evaluated in terms of timing with other potential Fire Station improvement projects. An architectural design is needed.

Four Corners Area Plan NEW

Critical Issue	Community Development
Funding Source	Community Development Maintenance Funds
Estimated Cost	$350,000
Operating Impact	No Impact
Implementing Department	Community Development
Priority Level	Level Two
Contact	Turner
Year First Proposed	2024
Year Funded	2025

The City adopted a Four Corners Area Plan in 1990. The 2023-2031 Housing Element Program H2.3 describes the creation of a community-driven land use plan to bring housing and retail to the For Corners area. The land use plan would be represented through an update to the Four Corners Area Plan (Plan). The Plan would consist of community engagement, with the objective of developing community-led decision-making around housing, commercial space and public infrastructure improvements. As a key element of the community-guided Four Corners Area Plan, the city will incorporate the Transit Oriented Communities (TOC) development policies and requirements as a portion of the Four Corners area is within a transit priority area.

Fuel Management System Replacement

Critical Issue	City Government Operations
Funding Source	Capital Funds
Estimated Cost	$75,000
Operating Impact	Cost Savings
Priority Level	Level Two
Implementing Department	Public Works – Equipment Maintenance
Contact	Connolly
Year First Proposed	2014
Year Funded	2023

The fuel management system is used to control access and track usage of fuel supplied by the Service Center pump station for City vehicles. The current system is over 15 years old and no longer supported by the manufacturer.

History Museum – Phase 2B (Restoration and Construction)

Critical Issue	Quality of Life
Funding Source	Capital Funds
Estimated Cost	$3,000,000
Operating Impact	Significant Permanent Impact
Priority Level	Level Three
Implementing Department	Public Works – Engineering
Contact	Cangco
Year First Proposed	2000
Year Funded	Not Funded

This project includes the restoration of Watkins Hall, construction of a support structure and site improvements. Development of displays for the museum would be a separate phase of this project. This does not include the ongoing operation and maintenance of the facility.

This project is a listed Community Service and Facility project in the Impact Fee nexus analysis (17.7% maximum funding). This project should be deferred until the Facilities Master Plan study has been completed.

History Museum – Phase 3 (Exhibits)

Critical Issue	Quality of Life
Funding Source	Capital Funds
Estimated Cost	$750,000
Operating Impact	Significant Permanent Impact
Priority Level	Level Three
Implementing Department	Public Works – Engineering
Contact	Cangco
Year First Proposed	2000
Year Funded	Not Funded

This project would develop the exhibits and displays for the museum. This project includes displays in the main exhibit hall, entry area and second floor. The work includes preparing an acquisition policy, research, interpretation, cataloging the collection and developing a database of the acquisitions, building the exhibit cases and preparing the artifacts for exhibition. This does not include the ongoing operation and maintenance of the exhibits.

This project is a listed Community Service and Facility project in the Impact Fee nexus analysis (17.7% maximum funding). This project should be deferred until the Facilities Master Plan study has been completed.

Housing Programs – Implementation of Adopted Housing Element NEW

Critical Issue	Community Development
Funding Source	Community Development Maintenance Funds
Estimated Cost	$450,000
Operating Impact	No Impact
Implementing Department	Community Development
Priority Level	Level Two
Contact	Turner
Year First Proposed	2024
Year Funded	2025

This project implements other Housing Element programs that are not necessarily related to Title 17 amendments and special land use studies. Examples of programs include renter protection, accessible and developmentally disabled housing programs, housing rehabilitation and repair, universal design ordinance, anti-displacement, just-cause evictions, marketing and community outreach (particularly in multiple languages), shared housing, regional housing assistance, amendments to the building code, training programs, and housing monitoring programs.

Information Technology Vehicle NEW

Critical Issue	City Government Operations
Funding Source	Capital Funds
Estimated Cost	$80,000
Operating Impact	Minor Impact
Implementing Department	Public Works/Information Technology
Priority Level	Level Three
Contact	Icasiano
Year First Proposed	2024
Year Funded	2025

The Information Technology Department is in need of a new vehicle for staff use in servicing multiple City sites. The vehicle needs to have sufficient cargo area to transport computer equipment on a regular basis. This vehicle can be used as a pool car by other departments.

Irrigation Mainline Partial Replacement at Community Park

Critical Issue	Quality of Life
Funding Source	Capital Funds
Estimated Cost	$200,000
Operating Impact	Cost Savings
Priority Level	Level One – Preservation of Existing Assets
Implementing Department	Public Works – Landscape Parks Maintenance
Contact	Cangco
Year First Proposed	2008
Year Funded	2015

The main irrigation line at Community Park is over 40 years old and is made of Asbestos Composite Pipe. Repairs are limited to attaching a coupling to seal leaks due to stringent Hazardous Material Safety Guidelines. This project would replace the segment of mainline that runs along the section of the park nearest the tennis courts with a new alignment.

Jerry Raber Ash Street Park Completion

Critical Issue	Quality of Life
Funding Source	Park Impact Fees
Estimated Cost	$1,010,000
Operating Impact	Significant Permanent Impact
Priority Level	Level Three
Implementing Department	Public Works – Engineering
Contact	Cangco
Year First Proposed	2017
Year Funded	Not Funded

Jerry Raber Ash Street Park is a community-serving neighborhood park in western Newark. The park is a well-used and active recreation facility with existing amenities including sheltered group picnic areas, playgrounds, full court basketball, grass lawn, pedestrian paths, two softball fields, and a restroom. The site additionally includes the privately operated Viola Blythe Community Service Center of Newark, a Head Start preschool facility, and a segment of the Hetch Hetchy right-of-way under the jurisdiction of the San Francisco Public Utilities Commission.

The *Newark Citywide Parks Master Plan* envisions Jerry Raber Ash Street Park to remain a neighborhood park while enhancing the site's recreational capacity to meet the active needs of the park's existing users and the community of Newark. The *Newark Parks Master Plan* proposes several projects to strengthen the site's capacity as a recreational facility. These projects include the creation of a natural turf multi-sport field, an additional group picnic site, a volleyball court, and updated playgrounds. Additionally, a decorative garden and several bocce ball courts are proposed.

Jerry Raber Ash Street Park Sports Facilities

Critical Issue	Quality of Life
Funding Source	Park Impact Fees
Estimated Cost	$95,600
Operating Impact	Significant Permanent Impact
Priority Level	Level Three
Implementing Department	Public Works – Engineering
Contact	Cangco
Year First Proposed	2022
Year Funded	2023

The *Newark Citywide Parks Master Plan* proposes several improvements at Jerry Raber Ash Street Park to strengthen the site's recreational capacity to meet the active needs of the park's existing users and the community of Newark. This project would install a volleyball court, bocce ball court and a natural turf multi-sport field.

Lakeshore Park Completion

Critical Issue	Quality of Life
Funding Source	Park Impact Fees
Estimated Cost	$1,750,000
Operating Impact	Permanent Significant Impact
Priority Level	Level Three
Implementing Department	Public Works – Engineering
Contact	Cangco
Year First Proposed	2017
Year Funded	Not Funded

Lakeshore Park is a neighborhood park located in northwest Newark. The park is comprised of a man made body of water surrounded by a perimeter network of pedestrian pathways and grass lawn. The *Newark Citywide Parks Master Plan* envisions the activation of Lakeshore Park through an updated par course fitness trail and improved recreation amenities for community gathering. The *Master Plan* recommends the creation of a new school-age play area, and associated seating, as well as four new outdoor fitness areas to create an active pedestrian and fitness circuit along the perimeter of the park. Additionally, an update to the site's existing boathouse is recommended to better serve user needs.

Lakeshore Park Lake Water Quality Analysis

Critical Issue	Quality of Life
Funding Source	Capital Funds
Estimated Cost	$25,000
Operating Impact	No Significant Impact
Implementing Department	Public Works – Engineering
Contact	Tat
Year First Proposed	2008
Year Funded	2010

The summer months bring an algae bloom to the Lake due to the rise in water temperature. The depth of the water has decreased from sediment deposits which allow the water to more easily heat. The Lake deposits consist mainly of street storm drain runoff sediment, decomposed plant material and waterfowl feces deposits. An updated water quality study of the lake waterbody needs to be completed to develop long-terms strategies for improved water quality conditions.

Lakeshore Park Landscape Restoration

Critical Issue	Quality of Life
Funding Source	Capital Funds
Estimated Cost	$326,000
Operating Impact	Moderate Impact
Priority Level	Level Two – Final Project Phase
Implementing Department	Public Works
Contact	Tat
Year First Proposed	2016
Year Funded	2017

This project provides for the restoration of targeted areas impacted by the Lakeshore Park Seawall Installation project, pending the resolution of current drought conditions. The project would conform to requirements under the California Model Water Efficient Landscape Ordinance and Bay Friendly Landscape Guidelines and was combined with the previously funded Geese Deterrent Landscaping project.

Lakeshore Park Restrooms

Critical Issue	Quality of Life
Funding Source	Park Impact Fees
Estimated Cost	$350,000
Operating Impact	Permanent Significant Impact
Priority Level	Level Three
Implementing Department	Public Works – Engineering
Contact	Cangco
Year First Proposed	2020
Year Funded	Not Funded

The installation of a restroom at Lakeshore Park is included in the *Citywide Parks Master Plan*; however, it was assigned a "Priority Level" of 6, with "Priority Level 1" projects identified as those with the highest priority in the master plan document. Due to concerns regarding vandalism and crime prevention, use of prefabricated single-occupancy restroom units in lieu of more traditional restroom facilities will be evaluated by staff.

Lakeshore Park Tree Project

Critical Issue	Quality of Life
Funding Source	Capital Funds
Estimated Cost	$50,000
Operating Impact	Minor Impact
Priority Level	Level One - Safety
Implementing Department	Public Works – Landscape Parks Maintenance
Contact	Cianciarulo
Year First Proposed	2018
Year Funded	2019

This project will include the removal of several very large Eucalyptus trees, Willow trees, Myoporum trees and Pine trees and installation of at least 15 new trees throughout the park.

Reserved for Potential Future Project

Critical Issue
Funding Source
Estimated Cost
Operating Impact
Priority Level
Implementing Department
Contact
Year First Proposed
Year Funded

MacGregor Fields Cricket Pitch

Critical Issue	Quality of Life
Funding Source	Park Impact Fee
Estimated Cost	$100,000
Operating Impact	Significant Permanent Impact
Priority Level	Level Three
Implementing Department	Public Works – Engineering
Contact	Cangco
Year First Proposed	2022
Year Funded	2023

MacGregor Community Playfields is located adjacent to Newark Community Park on land leased from the Newark Unified School District. The project would install a permanent cricket pitch within a portion of the existing playfields.

Mayhews Landing Park Completion

Critical Issue	Quality of Life
Funding Source	Park Impact Fee
Estimated Cost	$1,090,000
Operating Impact	Significant Permanent Impact
Priority Level	Level Three
Implementing Department	Public Works – Engineering
Contact	Cangco
Year First Proposed	2017
Year Funded	Not Funded

Mayhews Landing Park is a designated neighborhood park near central Newark with existing recreational amenities that include grass lawn, a perimeter path, playgrounds, an un-sheltered group picnic site, and full court basketball. To enhance the site as a part of Newark's park system, the *Newark Citywide Parks Master Plan* proposes the update of the Park's existing playgrounds and the addition of a volleyball court as an amenity associated with the existing group picnic area.

Mel Nunes Sportsfield Park Completion

Critical Issue	Quality of Life
Funding Source	Park Impact Fee
Estimated Cost	$1,483,000
Operating Impact	Permanent Significant Impact
Priority Level	Level Three
Implementing Department	Public Works
Contact	Cangco
Year First Proposed	2017
Year Funded	2023

The *Newark Citywide Parks Master Plan* envisions Mel Nunes Sportsfield Park as a destination sport and recreation facility for the City of Newark. In addition to the recently completed all-weather artificial turf fields and community skate park, the *Master Plan* proposes that the park provide several updated natural turf fields as a major community-serving project. Additional proposed facilities include group picnic areas, a playground, and concession stand with restroom.

Mel Nunes Sportsfield Park Softball Outfield Net Replacement

Critical Issue	Quality of Life
Funding Source	Park Impact Fees
Estimated Cost	$30,000
Operating Impact	Minor Impact
Priority Level	Level One – Preservation of Existing Assets
Implementing Department	Public Works – Parks Maintenance
Contact	Perez
Year First Proposed	2020
Year Funded	2021

This project will replace the safety netting that runs along the softball field outfield fence that protects the Silliman Center parking lot from potential home run balls.

Mel Nunes Sportsfield Park Splash Pad

Critical Issue	Quality of Life
Funding Source	Park Impact Fees
Estimated Cost	$550,000
Operating Impact	Permanent Significant Impact
Priority Level	Level Three
Implementing Department	Public Works
Contact	Cangco
Year First Proposed	2017
Year Funded	Not Funded

The *Newark Citywide Parks Master Plan* proposes the installation of a splash pad and water play features at Mel Nunes Sportsfield Park. These improvements were subsequently removed from the scope and estimated cost of the *'Mel Nunes Sportsfield Park Completion'* project prior to the funding of that project in Fiscal Year 2023.

Mel Nunes Sportsfield Park Storage Unit NEW

Critical Issue	City Government Operations
Funding Source	Capital Funds
Estimated Cost	$60,000
Operating Impact	Minor Impact
Implementing Department	Public Works
Priority Level	Level Three
Contact	Connolly
Year First Proposed	2024
Year Funded	2025

The Maintenance Division is in need of a Connex (storage) unit at Mel Nunes Sportsfield Park to store items that utilized in the ongoing maintenance of the all-weather turf fields. Storage of this equipment on-site will improve efficiency of these operations for the Division.

Mel Nunes Sportsfield Park Synthetic Turf Fields - Additional Netting

Critical Issue	Quality of Life
Funding Source	Park Impact Fees
Estimated Cost	$50,000
Operating Impact	Minor Impact
Priority Level	Level Two
Implementing Department	Public Works – Parks Maintenance
Contact	Reyes
Year First Proposed	2022
Year Funded	2023

This project will install additional netting behind the soccer goal areas to help prevent errant balls from entering the neighboring private parcels.

Mirabeau Park Completion

Critical Issue	Quality of Life
Funding Source	Park Impact Fee
Estimated Cost	$680,000
Operating Impact	Significant Permanent Impact
Priority Level	Level Three
Implementing Department	Public Works – Engineering
Contact	Cangco
Year First Proposed	2017
Year Funded	Not Funded

Mirabeau Park is designated a neighborhood park located in northwest Newark. The site's existing recreation amenities include grass lawn, pedestrian paths, and a playground. To enhance the site as a component of Newark's park system, the *Newark Citywide Parks Master Plan* proposes the update of the existing playground and the addition of a volleyball court and half-court basketball to activate the site for enhanced recreational use. A prior identified need was energy-efficient park security lighting for $40,000. This is included in the total estimated cost.

Mowry Avenue Backup Wall and Landscape Improvements

Critical Issue	Quality of Life
Funding Source	Gas Tax
Estimated Cost	$900,000
Operating Impact	Moderate Impact
Priority Level	Level Three
Implementing Department	Public Works – Engineering
Contact	Cangco
Year First Proposed	2004
Year Funded	Not Funded

This project would include installation of a precast concrete backup wall along westbound Mowry Avenue and improve both median and backup landscaping on Mowry Avenue between I-880 and Cherry Street. This would be a future phase of the City's Arterial Beautification Program and could be broken down into two or three smaller projects.

Musick Park Completion

Critical Issue	Quality of Life
Funding Source	Park Impact Fee
Estimated Cost	$720,000
Operating Impact	Significant Permanent Impact
Priority Level	Level Three
Implementing Department	Public Works – Engineering
Contact	Cangco
Year First Proposed	2017
Year Funded	Not Funded

Musick Park is a 1-acre neighborhood park located in northeast Newark. The park's existing amenities include grass lawn, a playground, and a pedestrian path utilized for passive recreation. The *Newark Citywide Parks Master Plan* recommends the update of the existing playground and the addition of seating as well as a perimeter fence. Fencing is recommended due to the high traffic volume on Cedar Boulevard. These features will improve user comfort and safety and enhance the site as a component of the City's larger park network.

Newark Boulevard Backup Wall and Landscape Improvements

Critical Issue	Quality of Life
Funding Source	Gas Tax
Estimated Cost	$1,200,000
Operating Impact	Moderate Impact
Priority Level	Level Three
Implementing Department	Public Works – Engineering
Contact	Cangco
Year First Proposed	2004
Year Funded	Not Funded

This project would include installation of a precast concrete backup wall where needed and improve both median and backup landscaping on Newark Boulevard between Civic Terrace Avenue and Ruschin Drive. This project is identified as phase five of the City's Arterial Beautification Program.

Newark Boulevard Complete Streets and Undergrounding Project

Critical Issue	Quality of Life
Funding Source	Outside Funds/Gas Tax
Estimated Cost	$6,800,000
Operating Impact	Significant Permanent Impact
Priority Level	Level Three
Implementing Department	Public Works – Engineering
Contact	Cangco
Year First Proposed	2024
Year Funded	Not Funded

This project would provide for the undergrounding of existing overhead utility lines, median width reduction, placement of buffered bicycle lanes, pedestrian transit user infrastructure upgrades, landscaping improvements, and pavement resurfacing. The project segment is Cedar Boulevard to Thornton Avenue. Newark Boulevard is on the National Highway System and is a good candidate for Federal funding opportunities.

Newark Civic Center Technology

Critical Issue	City Government Operations
Funding Source	Capital Funds
Estimated Cost	$37,000
Operating Impact	Moderate Impact
Priority Level	Level Two – Service Level Increase
Implementing Department	Information Technology
Contact	Miranda
Year First Proposed	2021
Year Funded	2021

This project provides funding for general technology upgrades needed concurrent with the New Civic Center buildings.

Newark Community Park Completion

Critical Issue	Quality of Life
Funding Source	Park Impact Fee
Estimated Cost	$3,860,000
Operating Impact	Significant Permanent Impact
Priority Level	Level Three
Implementing Department	Public Works – Engineering
Contact	Cangco
Year First Proposed	2017
Year Funded	Not Funded

Newark Community Park is one of the City's largest and most active community parks. Located in northern Newark, the park contains grass lawn, pedestrian pathways, playgrounds, picnic areas, full court basketball, wall ball, tennis courts, and a restroom. The park is adjacent to the City's Community Center.

The *Newark Citywide Parks Master Plan* envisions Newark Community Park to be a community open space with destination recreation features that will increase the site's capacity to meet the City's identified recreational needs. The *Master Plan* proposes the park to have a community dog park (see separate "Dog Park at Newark Community Park" project), accessible multi-age playgrounds, and reservable picnic sites. It is also recommended that the proposed picnic sites provide associated recreation features including volleyball courts, basketball, and an updated (replacement) restroom. The addition of the proposed updates and recreation projects will enhance the park's ability to meet the community's current and future recreational needs.

Newark Community Park Restroom Restoration

Critical Issue	Quality of Life
Funding Source	Capital Funds
Estimated Cost	$60,000
Operating Impact	Significant Permanent Impact
Priority Level	Level One – Preservation of Existing Assets
Implementing Department	Public Works – Engineering
Contact	Connolly
Year First Proposed	2017
Year Funded	2019

The Newark Community Park Completion plan includes a component for complete replacement of the existing restroom. A complete replacement is currently unfunded. As an interim measure, the existing restroom can be restored with new fixtures, painting, and other interior and exterior improvements to extend the life of the facility and provide a more pleasant environment for park users.

Newark Community Park Well and Pump Replacement

Critical Issue	Quality of Life
Funding Source	Capital Funds
Estimated Cost	$165,000
Operating Impact	Minor Impact
Priority Level	Level One – Preservation of Existing Assets
Implementing Department	Public Works – Parks Maintenance
Contact	Tat
Year First Proposed	2022
Year Funded	2023

Replacement of well pipe, submersible pump, pump motor, electrical components, and various other equipment required to rehabilitate the well system at Newark Community Park.

NewPark Place Specific Plan Enhancement and Expansion NEW

Critical Issue	Community Development
Funding Source	Community Development Maintenance Funds
Estimated Cost	$300,000
Operating Impact	No Impact
Implementing Department	Community Development
Priority Level	Level Two
Contact	Turner
Year First Proposed	2024
Year Funded	2025

This project would advance the work done to update the NewPark Place Specific Plan in 2021, which focused mainly on the Mixed Use I area that re-envisioned the NewPark Mall. This new effort would focus on the Mixed-Use II area in terms of refining the streetscape, refinement of uses and focus on massing of buildings for dense projects. In addition, staff would look for opportunities to expand the boundaries of the Specific Plan and ensure that those areas are internally consistent with the rest of the project but also identify future development opportunities for retail, office, hotel, and housing.

Newark Resource Center

Critical Issue	Quality of Life
Funding Source	Outside Grant Funds
Estimated Cost	$1,800,000
Operating Impact	Significant Permanent Impact
Implementing Department	Public Works/City Manager's Office
Priority Level	Level Two – Service Level Increase
Contact	Oeverndiek/Gonzalez
Year First Proposed	2021
Year Funded	2024

This project will convert the existing Head Start Building at Jerry Raber Ash Street Park to the Newark Resource Center, a location for community members to seek assistance related a variety of social program opportunities in the local area.

Reserved for Potential Future Project

Critical Issue
Funding Source
Estimated Cost
Operating Impact
Priority Level
Implementing Department
Contact
Year First Proposed
Year Funded

Reserved for Potential Future Project

Critical Issue
Funding Source
Estimated Cost
Operating Impact
Priority Level
Implementing Department
Contact
Year First Proposed
Year Funded

Park Grid Tree Work Project

Critical Issue	Quality of Life
Funding Source	Park Impact Fees
Estimated Cost	$250,000
Operating Impact	Moderate Impact
Priority Level	Level One – Preservation of Existing Assets
Implementing Department	Public Works – Landscape Parks Maintenance
Contact	Cianciarulo
Year First Proposed	2020
Year Funded	2023 ($125,000), 2024 ($125,000)

This project would help standardize the level of tree maintenance across all City parks. All City park trees would be placed on a schedule for pruning every four years; hazardous trees and tree species would be identified and removed; and new trees would be planted on an annual basis.

Pedestrian Hybrid Beacon Installations NEW

Critical Issue	Quality of Life
Funding Source	Gas Tax Funds
Estimated Cost	$800,000
Operating Impact	Significant Impact
Implementing Department	Public Works - Engineering
Priority Level	Level One
Contact	Jung
Year First Proposed	2024
Year Funded	2025

As a result of the Citywide Crosswalk Evaluation studies, some intersections have been identified for improvements. The existing crosswalks located on Newark Boulevard at Brittany Drive/Ruschin Drive and on Cedar Boulevard at Milani Avenue have been identified as appropriate locations for the installation of pedestrian hybrid beacons to improve pedestrian traffic safety.

Police Department Barn Car Patrol Vehicle

Critical Issue	Public Safety Services
Funding Source	Capital Funds
Estimated Cost	$80,000
Operating Impact	Minor Impact
Priority Level	Level Two – Service Level Increase
Implementing Department	Public Works
Contact	Icasiano
Year First Proposed	2020
Year Funded	2021

The City had one "barn" (reserve) patrol car that was deployed for the replacement of another patrol unit; upon deployment, another patrol unit was taken out of service. This project would purchase of a second fully equipped barn car to ensure no shortage of patrol units.

Police Department Crime and Collision Scene Investigation Scanner

Critical Issue	Public Safety Services
Funding Source	Capital Funds
Estimated Cost	$84,000
Operating Impact	No Significant Impact
Priority Level	Level Three
Implementing Department	Police
Contact	Arguello
Year First Proposed	2022
Year Funded	2023

Purchase of a laser scanner to document the scene and evidence in crime scene and collision investigations. The technology takes a 3D laser scan of the entire crime scene area as well as photographs.

Police Department Patrol Vehicle

Critical Issue	Public Safety Services
Funding Source	Capital Funds
Estimated Cost	$80,000
Operating Impact	Minor Impact
Priority Level	Level Two – Service Level Increase
Implementing Department	Public Works
Contact	Icasiano
Year First Proposed	2020
Year Funded	2021

This project funds the addition to fleet of one new patrol vehicle build due to overlapping in shifts, during which there is a need for additional units. The addition of one Dodge Charger is proposed to ensure there are sufficient vehicles during those overlap periods.

Police Department Patrol Vehicles (2) NEW

Critical Issue	Public Safety Services
Funding Source	Capital Funds
Estimated Cost	$200,000
Operating Impact	Moderate Impact
Implementing Department	Public Works/Police
Priority Level	Level Two
Contact	Icasiano
Year First Proposed	2024
Year Funded	2025

The Police Department has identified the need for two (2) additional patrol vehicles to add to the existing fleet. The additional vehicles are necessary to align with current staffing levels in the department.

Police Department Replacement Scheduling and Workforce Management Software

Critical Issue	Public Safety Services
Funding Source	Capital Funds
Estimated Cost	$75,000
Operating Impact	Minor Impact
Priority Level	Level Two – Service Level Increase
Implementing Department	Police
Contact	Arguello
Year First Proposed	2020
Year Funded	2021

This project provides for the purchase of software and professional services to replace the Police Department's existing scheduling and workforce management system. The project requires coordination with the Finance Department and the Human Resources Department.

Police Department Unmarked Vehicles (2) NEW

Critical Issue	Public Safety Services
Funding Source	Capital Funds
Estimated Cost	$135,000
Operating Impact	Moderate Impact
Implementing Department	Public Works/Police
Priority Level	Level Two
Contact	Icasiano
Year First Proposed	2024
Year Funded	2025

The Police Department has identified the need for two (2) unmarked vehicles to supplement the existing fleet. Unmarked vehicles serve a variety of essential operational needs for the department.

Police Department Utility Vehicle

Critical Issue	Public Safety Services
Funding Source	Capital Funds
Estimated Cost	$12,500
Operating Impact	Minor Impact
Priority Level	Level Three
Implementing Department	Police
Contact	Arguello
Year First Proposed	2022
Year Funded	2023

Purchase of an all-terrain light weight utility vehicle designed for emergency response versatility. This piece of equipment can provide a quick and efficient method of response for patrol personnel to multiple situations.

Police Department Volunteer Radios

Critical Issue	Public Safety Services
Funding Source	Capital Funds
Estimated Cost	$20,000
Operating Impact	Minor Impact
Priority Level	Level Three
Implementing Department	Police
Contact	Arguello
Year First Proposed	2022
Year Funded	2023

Purchase of four handheld radios for police volunteers. Handheld radios provide the ability to communicate immediately during an emergency and at other times when the speed of communication is paramount. Realtime communication is quick and efficient, and the use of handheld radios keep all staff connected in case of an emergency so resources can respond quickly and efficiently to mitigate the situation.

Portable Outdoor Stage

Critical Issue	Quality of Life
Funding Source	Capital Funds
Estimated Cost	$20,000
Operating Impact	Minor Impact
Priority Level	Level Three
Implementing Department	Recreation and Community Services
Contact	Cuevas
Year First Proposed	2022
Year Funded	2023

Purchase of a portable outdoor stage for City events. Purchase would also include accessible ramp attachment and equipment needed for storage and installation of the equipment.

Public Works Maintenance Dump Truck

Critical Issue	City Government Operations
Funding Source	Capital Funds
Estimated Cost	$80,000
Operating Impact	Minor Impact
Priority Level	Level Two – Service Level Increase
Implementing Department	Public Works
Contact	Icasiano
Year First Proposed	2022
Year Funded	2023

The Service Center currently possesses a 10-yard dump truck; however, it is currently out-of-service for day-to-day operations due to California Air Resources Board (CARB) non-compliance. This project will purchase a replacement 3.5-ton dump truck to service the City.

Public Works Maintenance Mini Excavator

Critical Issue	City Government Operations
Funding Source	Capital Funds
Estimated Cost	$120,000
Operating Impact	Minor Impact
Priority Level	Level Two – Service Level Increase
Implementing Department	Public Works
Contact	Icasiano
Year First Proposed	2024
Year Funded	Not Funded

A mini excavator would be beneficial to Maintenance Division operations to assist at job sites where significant excavation is required but the work area is too small or partially inaccessible to the full-size backhoe. Significant hand digging is required at such locations which ultimately reduces efficiency.

Public Works Maintenance Mini Sweeper

Critical Issue	City Government Operations
Funding Source	Capital Funds
Estimated Cost	$260,000
Operating Impact	Minor Impact
Priority Level	Level Two – Service Level Increase
Implementing Department	Public Works
Contact	Icasiano
Year First Proposed	2022
Year Funded	2023

Purchase of a small-scale street sweeper to clean between curb and gutter and bollards associated with the Class IV separated bike lanes planned throughout the City as recommended in the City's *Pedestrian and Bicycle Master Plan*. The distance between curb and bollards will be between 6-8 feet, thus necessitating the need for a much smaller and more agile street sweeper capable of providing street sweeping services for long distances, along major traffic routes, safely and efficiently.

Public Works Maintenance Robotic Mower

Critical Issue	City Government Operations
Funding Source	Capital Funds
Estimated Cost	$25,000
Operating Impact	Minor Impact
Priority Level	Level Two – Service Level Increase
Implementing Department	Public Works
Contact	Icasiano
Year First Proposed	2024
Year Funded	Not Funded

A future purchase of a robotic mower would increase operational efficiency in areas with steep slopes where the use of standard mowers is not viable. This unit would be particularly beneficial at the future Grand Park in the Bayside Newark area once maintenance obligations shift from the developer to the City.

Public Works Maintenance Street Sweeper NEW

Critical Issue	Quality of Life
Funding Source	Capital Funds
Estimated Cost	$500,000
Operating Impact	Moderate Impact
Implementing Department	Public Works
Priority Level	Level Two
Contact	Icasiano
Year First Proposed	2024
Year Funded	2025

An additional street sweeping unit is needed to improve overall street sweeping operations for the City. With recent staffing additions to the Street Maintenance Section of the Maintenance Division, there is now increased capacity to provide a higher level of service with multiple sweepers running concurrently. The additional unit would be equipped with options to provide more flexibility for sweeping operations.

Public Works Maintenance Supervisor Vehicles (2) NEW

Critical Issue	City Government Operations
Funding Source	Capital Funds
Estimated Cost	$160,000
Operating Impact	Moderate Impact
Implementing Department	Public Works
Priority Level	Level Two
Contact	Icasiano
Year First Proposed	2024
Year Funded	2025

An The City recently add two supervisory positions in the Maintenance Division of the Public Works Department. These supervisors represent an increase in personnel for the division and there is a need for two additional vehicles for maintenance operations.

Public Works Maintenance Vehicles (2)

Critical Issue	City Government Operations
Funding Source	Capital Funds
Estimated Cost	$60,000 (2021); $60,000 (2022)
Operating Impact	Minor Impact
Priority Level	Level Two – Service Level Increase
Implementing Department	Public Works
Contact	Icasiano
Year First Proposed	2020
Year Funded	2021 and 2022

Maintenance staff have historically doubled-up in work vehicles due to a shortage of available maintenance vehicles. This have been impactful during peak work periods. This project provides for the purchase and outfitting of two new Ford F-250s maintenance personnel.

Public Works Maintenance Water Tank Spray Truck NEW

Critical Issue	City Government Operations
Funding Source	Capital Funds
Estimated Cost	$250,000
Operating Impact	Moderate Impact
Implementing Department	Public Works
Priority Level	Level Three
Contact	Icasiano
Year First Proposed	2024
Year Funded	2024

A new water tank spray truck is needed for the Maintenance Division to help ensure that new trees located on streets and medians with no irrigation systems can be watered on a regular basis. This investment will help the City with anticipated objectives in the upcoming Climate Action Plan Update and Urban Forest Master Plan

Reserved for Potential Future Project

Critical Issue	
Funding Source	
Estimated Cost	
Operating Impact	
Priority Level	
Implementing Department	
Contact	
Year First Proposed	
Year Funded	

Recreation and Community Services Mobile Recreation Van

Critical Issue	Quality of Life
Funding Source	Capital Funds
Estimated Cost	$70,000
Operating Impact	Minor Impact
Priority Level	Level Two – Service Level Increase
Implementing Department	Recreation and Community Services
Contact	Cuevas/Icasiano
Year First Proposed	2022
Year Funded	2023

Purchase a van to allow expanded access to pop-up style recreation opportunities in the Newark Community. Funds would also include the outfitting of the truck and supplies.

Rental Housing Inspection Program Assessment NEW

Critical Issue	Community Development
Funding Source	Community Development Maintenance Funds
Estimated Cost	$150,000
Operating Impact	Moderate Impact
Implementing Department	Community Development
Priority Level	Level Two
Contact	Turner
Year First Proposed	2024
Year Funded	2024

A feasibility study assessing rental housing stock in the City of Newark and determining the need for a Rental Inspection program. This study will also prescribe funding sources and implementation of the program, which is expected to be a cost-recovery model funded by licensing or permitting costs paid by property owners who are part of the program, assess if current staffing levels will support such a program, and determine the cadence of proactive inspections. The cadence of the inspections may be determined by items such as the age of the building, number of units, permit history, and a history of complaints.

Owners of rental properties are responsible for maintaining their buildings in compliance with minimum housing standards. Newark currently depends on complaints from tenants to investigate allegations of substandard housing. Often, these investigations result in finding violations that impact not only the initial tenant but also the health and safety of all the occupants. Tenants are often hesitant to report substandard housing conditions for fear of retaliation, up to and including eviction.

A proactive inspection program would allow Newark to inspect rental stock to ensure they meet minimum housing standards and that all building maintenance and repairs are done in accordance with current building codes. A proactive inspection program ensures our residents are afforded a clean, safe, and healthy place to live.

Revisions to City Truck Routes

Critical Issue	Quality of Life
Funding Source	Community Development Maintenance Fund
Estimated Cost	$73,370
Operating Impact	Minor Impact
Priority Level	Level Two – Service Level Increase
Implementing Department	Public Works - Engineering
Contact	Jung
Year First Proposed	2023
Year Funded	2023

The City has a relatively high number of designated truck routes. A project is underway with a traffic engineering consultant to evaluate all truck routes in an effort to reduce impacts in areas that have recently transitioned to more residential uses. Such modifications can result in fewer impacts on non-arterial streets, thereby reducing pavement maintenance costs. Public Works Engineering is coordinated this effort with the Police Department and the Community Development Department.

Sanctuary Park Conceptual Design

Critical Issue	Quality of Life
Funding Source	Community Development Maintenance Fund
Estimated Cost	$150,000
Operating Impact	No Significant Impact
Priority Level	Level Two – Master Plan Study
Implementing Department	Public Works – Engineering/Recreation and Community Services
Contact	Cangco
Year First Proposed	2022
Year Funded	2023

Sanctuary Park, located within the Sanctuary Village residential subdivision, was not included in the *Citywide Parks Master Plan*. Therefore, development of a conceptual park improvement plan or ranking of those improvements against other projects in the *Parks Master Plan* never occurred. The project will amend the *Citywide Parks Master Plan* to add Sanctuary Park, develop a conceptual park improvement plan, and perform a prioritization analysis based on recommendations and input from residents and the surrounding communities.

Sea Level Rise Vulnerability Assessment and Adaptation Strategies

Critical Issue	Quality of Life
Funding Source	Community Development Maintenance Fund
Estimated Cost	$275,000
Operating Impact	No Significant Impact
Priority Level	Level Two – Master Plan Study
Implementing Department	Public Works Environmental Services
Contact	Scanlin
Year First Proposed	2023
Year Funded	2024

This project will utilize a consultant with expertise in the field of sea level rise assessment and mitigation to develop a comprehensive planning document. The study will include an assessment and modeling of the local area to assess public and private vulnerabilities for varying scenarios of sea level rise and multiple time horizons. Adaptation strategies will be developed to address long-term needs for the protection of local property and infrastructure. The adaptation component requires coordination with other local and regional efforts. The project will include significant outreach with the local community and regional stakeholders.

.

Second Chance Shelter Repairs NEW

Critical Issue	City Government Operations
Funding Source	Capital Funds
Estimated Cost	$100,000
Operating Impact	Minor Impact
Implementing Department	Public Works
Priority Level	Level Three
Contact	Connolly
Year First Proposed	2020
Year Funded	2024

This project would provide much needed repairs to various areas in the Second Chance Homeless Shelter, including retrofit of the foundation and partial replacement and/or repairs to the sewer system. Other repairs include replacement of the flooring in the hallway, kitchen, and pantry.

Security Cameras and Building Access Management

Critical Issue	Quality of Life/Public Safety Services
Funding Source	Capital Funds
Estimated Cost	$1,352,000
Operating Impact	Moderate Impact
Priority Level	Level Two
Implementing Department	Information Technology
Contact	Miranda
Year First Proposed	2006
Year Funded	2024

This project will install exterior and interior security camera systems and update building access management infrastructure at multiple City facilities.

Senior Center Driveway Relocation — NEW

Critical Issue	Quality of Life
Funding Source	Capital Funds
Estimated Cost	$60,000
Operating Impact	Minor Impact
Implementing Department	Public Works
Priority Level	Level Three
Contact	Cangco
Year First Proposed	2024
Year Funded	2024

This initiative aims to evaluate the primary driveway entrance at the Clark W. Redeker Newark Senior Center with a focus on enhancing the safety of guests entering and exiting the facility. Presently, there exists a blind spot for those leaving the center due to oncoming traffic. This project will provide for a full evaluation and some potential interim solutions. A major relocation of the driveway would result in additional costs.

Senior Center HVAC Replacement

Critical Issue	Quality of Life
Funding Source	Potential CDBG Project
Estimated Cost	$50,000
Operating Impact	Cost Savings
Priority Level	Level Three
Implementing Department	Public Works – Maintenance
Contact	Connolly
Year First Proposed	2012
Year Funded	Not Funded

This project would replace the HVAC units that service Phase II of the Senior Center building. These units are 21 years old and no longer function well. The newer system will increase energy efficiency and lower utility costs.

Senior Center – New Construction

Critical Issue	Quality of Life
Funding Source	Capital Funds
Estimated Cost	$8,000,000
Operating Impact	Significant Permanent Impact
Priority Level	Level Three
Implementing Department	Public Works – Engineering
Contact	Cangco
Year First Proposed	2006
Year Funded	Not Funded

Although the Senior Center building on Enterprise Drive was expanded in 2007, a new Senior Center building will eventually need to be built in order to meet future anticipated needs. This project is a listed Community Service and Facility project in the Impact Fee nexus analysis (13.7% maximum funding). This project will be deferred until the Facilities Master Plan has been completed.

Senior Center Repainting NEW

Critical Issue	City Government Operations
Funding Source	Capital Funds
Estimated Cost	$100,000
Operating Impact	Minor Impact
Implementing Department	Public Works
Priority Level	Level One
Contact	Perez
Year First Proposed	2024
Year Funded	2024

This project would provide for a repainting of the entire exterior of the Senior Center building utilizing the existing color scheme. The building has not been painted since 2007.

Senior Center Room Divider

Critical Issue	Quality of Life
Funding Source	Capital Funds
Estimated Cost	$60,000
Operating Impact	No Significant Impact
Priority Level	Level Three
Implementing Department	Recreation and Community Services
Contact	Cuevas
Year First Proposed	2006
Year Funded	2023

The current room divider in the Senior Center building dining room is not designed to reduce acoustical noise. This is a significant problem during concurrent use times. A divider with acoustic properties would reduce noise when the room is separated, thereby increasing the programmability of each room.

Service Center Perimeter Wall

Critical Issue	City Government Operations
Funding Source	Capital Funds
Estimated Cost	$120,000
Operating Impact	No Significant Impact
Priority Level	Level Three
Implementing Department	Public Works – Building Maintenance
Contact	Connolly
Year First Proposed	2022
Year Funded	2023

The rear of the Service Center borders the railroad tracks. The project will install an 8-10' high block wall along the 550' span to minimize entry points and thefts.

Service Center Buildings – Painting

Critical Issue	City Government Operations
Funding Source	Capital Funds
Estimated Cost	$80,000
Operating Impact	No Significant Impact
Priority Level	Level One – Preservation of Existing Assets
Implementing Department	Public Works – Building Maintenance
Contact	Perez
Year First Proposed	2018
Year Funded	2019

Facilities have not been painted for over 15 years, are sun damaged, and are in need of new paint.

Service Center Clean Water Requirements

Critical Issue	Not Applicable
Funding Source	Capital Funds
Estimated Cost	$95,000
Operating Impact	No Significant Impact
Priority Level	Level Three
Implementing Department	Public Works – Maintenance
Contact	Connolly
Year First Proposed	2008
Year Funded	2014

Trash, asphalt, and other waste should be placed on impermeable surfaces. Maintenance operations transport trash and other waste products from parks and the right-of-way in pick-up trucks. The pick-ups are emptied onto the ground and then a loader scoops up the debris and places it in dumpsters to be hauled to the disposal site. The Service Center needs impermeable surfaces installed in the dump areas to ensure liquids from the waste products do not leach into the ground. Street crews use the vac-on unit to remove debris from storm drain inlets. The contents in the vac-on should be placed into a settlement pond where the debris removed from the inlets can settle to the bottom and the water can be drained into a sewer connection. This project is driven by the Clean Water Act.

Service Center Fuel Island Replacement

Critical Issue	City Government Operations
Funding Source	Capital Funds
Estimated Cost	$1,000,000
Operating Impact	No Significant Impact
Priority Level	Level One – Regulatory Obligation
Implementing Department	Public Works – Building Maintenance
Contact	Connolly
Year First Proposed	2022
Year Funded	2023

To comply with State Water Resource Control Board regulations, underground single-lined fuel tanks must be replaced or abandoned by December 2025.

Service Center Fuel Pump Island Drainage System

Critical Issue	Not Applicable
Funding Source	Capital Funds
Estimated Cost	$80,000
Operating Impact	No Significant Impact
Priority Level	Level Three
Implementing Department	Public Works – Maintenance
Contact	Connolly
Year First Proposed	2008
Year Funded	2023

This project would install a drainage system that allows any spilled hydrocarbons to be diverted into the existing oil separation tank. The Clean Water Act prohibits any type of hydrocarbons from being introduced into the storm drain system.

Service Center Fuel Tank Canopy

Critical Issue	Not Applicable
Funding Source	Capital Funds
Estimated Cost	$140,000
Operating Impact	No Significant Impact
Priority Level	Level Three
Implementing Department	Public Works – Maintenance
Contact	Connolly
Year First Proposed	2000
Year Funded	2023

This project would construct a canopy over the existing fuel pumps at the Service Center. The primary purpose of the installation is to prevent rain water from washing spilled fuel into the storm drain system. This project is a listed Community Service and Facilities project in the Impact Fee nexus analysis (17.7% maximum funding).

Service Center Rear Garage Overhang Repairs

Critical Issue	City Government Operations
Funding Source	Capital Funds
Estimated Cost	$75,000
Operating Impact	No Significant Impact
Priority Level	Level One – Preservation of Existing Assets
Implementing Department	Public Works – Building Maintenance
Contact	Perez
Year First Proposed	2018
Year Funded	2019

The roofing plywood underneath the shingles around the perimeter was incorrectly installed and is rotting along with the fascia; the side wall is deteriorated and needs total replacement. The overall cost estimate includes painting.

Service Center Skylights

Critical Issue	City Government Operations
Funding Source	Capital Funds
Estimated Cost	$100,000
Operating Impact	No Significant Impact
Priority Level	Level Three
Implementing Department	Public Works – Building Maintenance
Contact	Perez
Year First Proposed	2022
Year Funded	2023

Multiple skylights at the Service Center are cracked or broken, resulting in several large leaks in the garages. The project would replace all damaged skylights to minimize leaks.

Service Center Vacuum Truck Shelter NEW

Critical Issue	City Government Operations
Funding Source	Capital Funds
Estimated Cost	$100,000
Operating Impact	Minor Impact
Implementing Department	Public Works
Priority Level	Level One
Contact	Connolly
Year First Proposed	2024
Year Funded	2024

The City acquired a new vacuum street and requires a separate shelter due to its overall height. A secured modular structure located at the Service Center is needed.

Service Center Waste Disposal Upgrades

Critical Issue	City Government Operations
Funding Source	Capital Funds
Estimated Cost	$275,000
Operating Impact	No Significant Impact
Priority Level	Level Three
Implementing Department	Public Works – Maintenance
Contact	Connolly
Year First Proposed	2012
Year Funded	2023

This project includes the construction of truck ramps and placement of containers for dumping of solid and green waste at the Service Center, with connection to the existing sanitary sewer line.

Silliman Activity Center - Door Closers Replacement NEW

Critical Issue	City Government Operations
Funding Source	Capital Funds
Estimated Cost	$100,000
Operating Impact	Minor Impact
Implementing Department	Public Works/Recreation and Community Services
Priority Level	Level One
Contact	Perez
Year First Proposed	2024
Year Funded	2024

The door closers at the Silliman Activity Center (Phase 1 portion) are original equipment and replacement parts are difficult to obtain. This project would provide replacement of the original closers at the Childcare area, Pool Room including alarms (3), Gym (2) and the exterior doors (outside of the Childcare area).

Silliman Activity Center - Energy Conservation Measures

Critical Issue	City Government Operations
Funding Source	Capital Funds
Estimated Cost	$200,000
Operating Impact	Cost Savings
Priority Level	Level Two – Service Level Increase
Implementing Department	Public Works
Contact	Connolly
Year First Proposed	2016
Year Funded	Not Funded

The Silliman Activity and Family Aquatic Center continues to account for a large portion of the City's energy costs and greenhouse gas emissions. As such, the center is also a source of potential financial savings through energy conservation measures such as lighting retrofits and lighting sensors and controls. Staff will coordinate with Pacific Gas & Electric Company regarding available incentive programs.

Silliman Activity Center - Gym and Dance Floor Refinishing NEW

Critical Issue	Quality of Life
Funding Source	Capital Funds
Estimated Cost	$130,000
Operating Impact	Minor Impact
Implementing Department	Public Works/Recreation and Community Services
Priority Level	Level One
Contact	Perez
Year First Proposed	2024
Year Funded	2024

The Gymnasium and Dance Room floors at the Silliman Activity Center are in need of a complete refinishing, including restriping. This service should be performed every 10 to 15 years depending on the level of use.

Silliman Activity Center - Light Control Board Replacement

Critical Issue	City Government Operations
Funding Source	Capital Funds
Estimated Cost	$50,000
Operating Impact	No Significant Impact
Priority Level	Level One – Preservation of Existing Assets
Implementing Department	Public Works
Contact	Connolly
Year First Proposed	2016
Year Funded	2017

The light board, which controls interior and exterior lights at Silliman, is approximately 15 years of age. The unit controls are faded (cannot be seen to easily program the unit) and there is limited control to program the unit for special events or daylight savings time. Replacement of the unit and a link to the controls (Alerton) program is necessary to maximize programming capability and minimize our electrical consumption.

Silliman Activity Center Locker Room Flooring Replacement NEW

Critical Issue	Quality of Life
Funding Source	Capital Funds
Estimated Cost	$150,000
Operating Impact	Minor Impact
Implementing Department	Public Works/Recreation and Community Services
Priority Level	Level One
Contact	Perez
Year First Proposed	2024
Year Funded	2024

The tile flooring in the locker rooms has slowly been deteriorating over time and continues to break down due ongoing chloramine contact. This project would remove the tile and provide a more durable brushed concrete finish in the locker rooms.

Silliman Activity Center - Partial Roof Replacement

Critical Issue	City Government Operations
Funding Source	Capital Funds
Estimated Cost	$325,000
Operating Impact	No Significant Impact
Priority Level	Level One – Preservation of Existing Assets
Implementing Department	Public Works
Contact	Connolly
Year First Proposed	2020
Year Funded	2022

The original translucent panel roofing system installed in Phase I at Silliman is currently leaking on the sun facing side of the facility. Given the construction of the roofing with the slate system, several vendors have surmised that it cannot be repaired. This project will install a more robust roofing system with a warranty that will last more than 15 years.

Silliman Activity Center - Partial Roof and Skylight Replacement NEW

Critical Issue	Quality of Life
Funding Source	Capital Funds
Estimated Cost	$250,000
Operating Impact	Minor Impact
Implementing Department	Public Works/Recreation and Community Services
Priority Level	Level One
Contact	Perez
Year First Proposed	2024
Year Funded	2024

The slate roof near the pre-school playground is in need of replacement with composite roofing to ensure durability and safety. In addition, the skylights in the vicinity of the Silliman Center Phase I to Phase II conform area are failing and require replacement.

Silliman Activity Center – Preschool Playground Renovation

Critical Issue	City Government Operations
Funding Source	Capital Funds
Estimated Cost	$300,000
Operating Impact	No Significant Impact
Priority Level	Level Three
Implementing Department	Public Works
Contact	Connolly
Year First Proposed	2022
Year Funded	2023

The project will renovate the existing playground structure area at the Silliman Preschool Center. The renovation project would allow for replacing the current play structure, rubberized playground surfacing, and seating areas.

Silliman Activity Center - Shower Tile Replacement NEW

Critical Issue	Quality of Life
Funding Source	Capital Funds
Estimated Cost	$100,000
Operating Impact	Minor Impact
Implementing Department	Public Works/Recreation and Community Services
Priority Level	Level One
Contact	Perez
Year First Proposed	2024
Year Funded	2024

The tiles in the Silliman Center showers are original to the facility and currently in need of replacement of all grout which is a labor intensive effort due to the extremely small size of the tile. This project would provide removal and replacement of the existing shower tiles with a larger tile design equipped with marine-based grout. This would provide a significant functional and aesthetic improvement to the showers.

Silliman Aquatic Center – Air Handler #2 Replacement

Critical Issue	City Government Operations
Funding Source	Capital Funds
Estimated Cost	$350,000
Operating Impact	No Significant Impact
Priority Level	Level One – Preservation of Existing Assets
Implementing Department	Public Works
Contact	Connolly
Year First Proposed	2020
Year Funded	2022

Air Handler #2, originally installed in 2004, is showing signs of wear and increased metal fatigue. The nature of repairs and increased maintenance costs indicate that it is nearing the end of its useful life. Based on the replacement of Air Handler #1 in December 2019 it is anticipated that Air Handler 2 will need to be replaced in about a year.

Silliman Aquatic Center – Hot Tub Replacement

Critical Issue	City Government Operations
Funding Source	Capital Funds
Estimated Cost	$300,000
Operating Impact	No Significant Impact
Priority Level	Level One – Preservation of Existing Assets
Implementing Department	Public Works
Contact	Connolly
Year First Proposed	2020
Year Funded	Not Funded

Repairs have been made to the hot tub to effectively eliminate water losses. This project would replace the hot tub utilizing the existing plumbing infrastructure between the mechanical room and the spa, and install all new mechanical equipment. The timing of the replacement work is recommended to be concurrent with the Aquatic Center deck replacement at some point in the future.

Silliman Aquatic Center – NinjaCross Obstacle Course System

Critical Issue	City Government Operations
Funding Source	Capital Funds
Estimated Cost	$500,000
Operating Impact	Permanent Significant Impact
Priority Level	Level Three
Implementing Department	Public Works/Recreation and Community Services
Contact	Cuevas/Cangco
Year First Proposed	2022
Year Funded	Not Funded

This project would evaluate and, if determined to be feasible, install a NinjaCross-type obstacle course system in the Silliman Aquatic Center natatorium over the existing lap pool. Newark competes with similar local aquatic facilities based on their new amenities. Installation of such an obstacle course system would bring a new element to the aquatic center to boost attendance and new class offerings.

Silliman Aquatic Center – Pool Deck Replacement

Critical Issue	City Government Operations
Funding Source	Capital Funds
Estimated Cost	$300,000
Operating Impact	No Significant Impact
Priority Level	Level Three
Implementing Department	Public Works
Contact	Connolly
Year First Proposed	2016
Year Funded	Not Funded

Due to surface irregularities and deterioration in some areas, replacement of the original pool deck from tile to brushed concrete is desirable at some time in the future. Replacement of the hot tub should be considered concurrently with the deck replacement.

Silliman Aquatic Center - Pool Sanitation System Retrofit NEW

Critical Issue	City Government Operations
Funding Source	Capital Funds
Estimated Cost	$260,000
Operating Impact	Permanent Significant Impact
Implementing Department	Public Works/Recreation and Community Services
Priority Level	Level Three
Contact	Connolly
Year First Proposed	2024
Year Funded	2024

Upgrading the Lap, Activity, Lazy River, and Spa Pulsar chlorination systems involves integrating UV sanitation for enhanced water disinfection. The existing Pulsar systems have surpassed their anticipated lifespan, leading to higher maintenance expenses and difficulty in obtaining parts due to their status as first-generation products. By incorporating UV sanitation, powerful lamps within the light chambers emit germicidal UV-C light, effectively disinfecting pool and spa water. Implementing these systems reduces chemical consumption, enhancing the efficacy of sanitizers. Specifically, installing a UV system in the Aquatic Center would offer superior control over the elevated chloramine levels found in the natatorium.

Silliman Aquatic Center - Water Slide Replacement NEW

Critical Issue	Quality of Life
Funding Source	Capital Funds
Estimated Cost	$350,000
Operating Impact	Minor Impact
Implementing Department	Public Works/Recreation and Community Services
Priority Level	Level One
Contact	Connolly
Year First Proposed	2024
Year Funded	2024

The purple tube water slide in the lazy river pool in is need of replacement due to age and deterioration. The other slide was replaced approximately five years ago. The new replacement tube slide would utilize the same configuration for ease of installation and to minimize cost.

Silliman Aquatic Center – Water Tanks/Heater Replacement

Critical Issue	City Government Operations
Funding Source	Capital Funds
Estimated Cost	$100,000
Operating Impact	No Significant Impact
Priority Level	Level One – Preservation of Existing Assets
Implementing Department	Public Works
Contact	Perez
Year First Proposed	2020
Year Funded	2021

This project will replace water heater and water tanks in Phase I and Phase II of the Silliman Center. One of the two A.O. Smith tanks in Phase II failed in 2018 and due to the positioning and age of the functional tank, it is prudent to replace both tanks simultaneously. Plumbing components will be replaced and bought up to current code requirements. Phase I has dual A.O. Smith tanks and one is currently not functioning and in need of replacement to ensure consistent water temperature.

Simulated Impaired Driving Experience NEW

Critical Issue	Public Safety Services
Funding Source	Capital Funds
Estimated Cost	$50,000
Operating Impact	Minor Impact
Implementing Department	Police
Priority Level	Level Three
Contact	Lee
Year First Proposed	2024
Year Funded	Not Funded

A Simulated Impaired Driving Experience is a versatile teaching tool that delivers an impaired and distracted driving experience guaranteed to help with engagement of teen drivers. Police officials can confidently address the impact of alcohol, marijuana/THC (Tetrahydrocannabinol), drowsiness, and distraction on a person‘s driving abilities with this system.

Softball Fields Retrofit – Scoreboards and Bleachers NEW

Critical Issue	Quality of Life
Funding Source	Capital Funds
Estimated Cost	$150,000
Operating Impact	Minor Impact
Implementing Department	Public Works/Recreation and Community Services
Priority Level	Level Three
Contact	Connolly
Year First Proposed	2024
Year Funded	2024

This project will install two new electronic scoreboards to replace the non-functional ones for efficient scorekeeping and replace four worn-out bleachers to ensure adequate and safe seating arrangements at both City softball fields at Birch Grove Park and Mel Nunes Sportsfield Park .

St. Isabel Avenue Street Improvements Completion

Critical Issue	Quality of Life
Funding Source	Gas Tax
Estimated Cost	$285,000
Operating Impact	Cost Savings
Priority Level	Level Three
Implementing Department	Public Works – Engineering
Contact	Cangco
Year First Proposed	Prior to 1995
Year Funded	Not Funded

Community Preservation staff has been working actively with property owners of the multifamily apartments along St. Isabel Avenue to correct zoning infractions and clean up these properties. During discussions, these property owners have asked that the City improve St. Isabel Avenue with curb and gutter on the south side of the street and also install a fence along the south side of St. Isabel Avenue to help control the dumping of trash and other problems associated with open access to the railroad right-of-way. Placement of fencing at this location needs to be carefully evaluated prior to funding the project.

Stevenson Boulevard Gateway Feature Renovation

Critical Issue	Quality of Life
Funding Source	Capital Funds/Art in Public Places
Estimated Cost	$90,000
Operating Impact	Minor Impact
Priority Level	Level Three
Implementing Department	Community Development
Contact	Turner
Year First Proposed	2014
Year Funded	Not Funded

This project would redesign and/or renovate the existing gateway feature at Stevenson Boulevard and Balentine Drive.

Storage Facility at Service Center NEW

Critical Issue	Government Operations
Funding Source	Capital Funds
Estimated Cost	$400,000
Operating Impact	Moderate Impact
Implementing Department	Public Works
Priority Level	Level Three
Contact	Connolly
Year First Proposed	2024
Year Funded	2024

This project would provide basic new structures to securely store police evidence vehicles in order to maintain a chain of custody and provide a location for police evidence inspection.

Surplus Property Disposal – Old Fire Station No. 1

Critical Issue	City Government Operations
Funding Source	Capital Funds
Estimated Cost	$20,000
Operating Impact	Cost Savings
Implementing Department	Public Works – Engineering
Contact	Cangco
Year First Proposed	2006
Year Funded	2007

The old Fire Station No. 1 building on Elm Street requires substantial improvements and modifications to be used. The current identified needs of the City do not include use of a building or site of this size (the building is 4,852 sf and the site is 14,220 sf). This project would include appraisals and professional right of way services in order to dispose of the property, as well as a Phase 1 environmental study. Revenue generated from the sale would offset costs of the project and other Citywide needs.

Susan Johnson Bridgepointe Park Completion

Critical Issue	Quality of Life
Funding Source	Park Impact Fees
Estimated Cost	$920,000
Operating Impact	Permanent Significant Impact
Priority Level	Level Three
Implementing Department	Public Works – Engineering
Contact	Cangco
Year First Proposed	2017
Year Funded	Not Funded

Susan Johnson Bridgepointe Park is a neighborhood park located along the northwest edge of Newark. Currently the park has grass lawn, a playground, and two group picnic areas. To activate the site, while better meeting the identified recreation need in the City, the *Newark Citywide Parks Master Plan* proposes the creation of half-court basketball and a volleyball court as well as an update to the existing playground.

Thornton Avenue Complete Streets Improvements (Design)

Critical Issue	Quality of Life
Funding Source	Gas Tax
Estimated Cost	$700,000
Operating Impact	No Significant Impact
Priority Level	Level Three
Implementing Department	Public Works – Engineering
Contact	Cangco
Year First Proposed	2020
Year Funded	2022

This project would complete the design phase of the installation of bicycle and sidewalk improvements on Thornton Avenue between Gateway Boulevard and Hickory Street, improving bicycle and pedestrian access to the Don Edwards Wildlife Refuge, the Bay Trail and the Dumbarton Bridge. This project has replaced the Thornton Avenue Widening (Environmental and Design) Project previously listed in the CIP.

Thornton Avenue Complete Streets Improvements (Construction)

Critical Issue	Quality of Life
Funding Source	Outside Grants – Federal and Regional
Estimated Cost	$14,000,000
Operating Impact	Moderate Impact
Priority Level	Level Three
Implementing Department	Public Works – Engineering
Contact	Cangco
Year First Proposed	2020
Year Funded	Not Funded

This project would complete the construction phase of the installation of bicycle and sidewalk improvements on Thornton Avenue between Gateway Boulevard and Hickory Street, improving bicycle and pedestrian access to the Don Edwards Wildlife Refuge, the Bay Trail and the Dumbarton Bridge. This project has replaced the Thornton Avenue Widening (R/W and Construction) Project previously listed in the CIP, but unfunded.

Reserved for Potential Future Project

Critical Issue
Funding Source
Estimated Cost
Operating Impact
Priority Level
Implementing Department
Contact
Year First Proposed
Year Funded

Reserved for Potential Future Project

Critical Issue
Funding Source
Estimated Cost
Operating Impact
Priority Level
Implementing Department
Contact
Year First Proposed
Year Funded

Reserved for Potential Future Project

Critical Issue
Funding Source
Estimated Cost
Operating Impact
Priority Level
Implementing Department
Contact
Year First Proposed
Year Funded

Title 17 (Zoning) Housing-related Assessment and Update NEW

Critical Issue	Community Development
Funding Source	Community Development Maintenance Funds
Estimated Cost	$400,000
Operating Impact	No Impact
Implementing Department	Community Development
Priority Level	Level One
Contact	Turner
Year First Proposed	2024
Year Funded	2024

2023-2031 Housing Element Programs H2.1 (Increased housing options near services), H2.2 (Accessory Dwelling Units), H2.4(Universal design Ordinance), H2.8 (Zoning for Missing Middle Housing Types), H2.10 (Single Room Occupancy Housing), H3.2 (Objective Design Standards), H3.2 (Mixed Uses in Commercial Zones), H3.5 (Parking Standards), H4.10 (Special Needs Housing), H5.3 (Public Lands for Housing), and H5.4 (Affordable Housing Overlay Zones), among other programs, require amendments to the Title 17 and other titles of the Newark Municipal Code to address housing production constraints and to promote fair and equitable housing for the community. This project would fund various studies and analyses to support staff-recommended changes to the municipal code and the creation of new policies and programs.

Traffic Signal at Cherry Street and Robertson Avenue

Critical Issue	Quality of Life
Funding Source	Gas Tax
Estimated Cost	$200,000
Operating Impact	Moderate Impact
Priority Level	Level Three
Implementing Department	Public Works – Engineering
Contact	Cangco
Year First Proposed	2006
Year Funded	Not Funded

This project is a listed Transportation project in the Impact Fee nexus analysis. The intersection currently does not meet traffic signal warrants.

Traffic Signal at Jarvis Avenue and Haley Street

Critical Issue	Quality of Life
Funding Source	Gas Tax
Estimated Cost	$180,000
Operating Impact	Moderate Impact
Priority Level	Level Three
Implementing Department	Public Works – Engineering
Contact	Cangco
Year First Proposed	2006
Year Funded	Not Funded

This project is a listed Transportation project in the Impact Fee nexus analysis. The intersection currently does not meet traffic signal warrants.

Traffic Signal at Jarvis Avenue and Spruce Street

Critical Issue	Quality of Life
Funding Source	Gas Tax
Estimated Cost	$180,000
Operating Impact	Moderate Impact
Priority Level	Level Three
Implementing Department	Public Works – Engineering
Contact	Cangco
Year First Proposed	2006
Year Funded	Not Funded

This project is a listed Transportation project in the Impact Fee nexus analysis. The intersection currently does not meet traffic signal warrants.

Reserved for Potential Future Project

Critical Issue
Funding Source
Estimated Cost
Operating Impact
Priority Level
Implementing Department
Contact
Year First Proposed
Year Funded

Reserved for Potential Future Project

Critical Issue
Funding Source
Estimated Cost
Operating Impact
Priority Level
Implementing Department
Contact
Year First Proposed
Year Funded

Traffic Signal Preemption – Phase 2

Critical Issue	Public Safety Services
Funding Source	Capital Funds
Estimated Cost	$200,000
Operating Impact	Minor Impact
Priority Level	Level Three
Implementing Department	Public Works – Engineering
Contact	Cangco
Year First Proposed	2004
Year Funded	Not Funded

This project would complete the installation of signal preemption devices at remaining intersections Citywide to improve emergency response. The use of newer technology on a Citywide basis, including the replacement of existing preemption infrastructure also needs to be evaluated. This project is a listed Public Safety project in the Impact Fees nexus analysis (17.7% maximum funding).

Transition to Paperless Documents

Critical Issue	City Government Operations
Funding Source	Capital Funds
Estimated Cost	$13,000
Operating Impact	Minor Impact
Implementing Department	City Manager's Office
Contact	Hovorka
Year First Proposed	2014
Year Funded	2015

Tablets for City Council, City Manager, City Clerk, City Attorney and possibly, Assistant City Manager. Council has indicated the desire to increase efficiency by transitioning to paperless documentation for the Council Agenda Packets. This item would purchase the tablets and other accessories necessary to provide agenda packets to Council Members electronically.

Urban Forest Master Plan NEW

Critical Issue	Quality of Life
Funding Source	Community Development Maintenance Funds
Estimated Cost	$300,000
Operating Impact	No Impact
Implementing Department	Public Works – Environmental Services
Priority Level	Level Two
Contact	Scanlin
Year First Proposed	2024
Year Funded	2024

An Urban Forest Master Plan is a guiding document that would provide the City with a long-term vision for the continued development and maintenance of its urban forest. No such plan currently exists. Elements of the plan would likely include an update of the exiting Citywide tree inventory, assessment and potential update of City policies, documents and ordinances related to tree care, assessment of tree planting and maintenance programs, assessment of the overall tree canopy (public and private tree resources). This process would involve significant community engagement and coordination among multiple departments and divisions.

Vehicle Miles Traveled Policy NEW

Critical Issue	Community Development
Funding Source	Community Development Maintenance Funds
Estimated Cost	$15,720
Operating Impact	No Impact
Implementing Department	Community Development/Public Works
Priority Level	Level Two
Contact	Interiano/Jung
Year First Proposed	2023
Year Funded	2023

An This project will address the need for the City to develop its own Vehicle Miles Traveled (VMT) policy to evaluate new development projects for traffic impacts in accordance with California Environmental Law Act (CEQA) requirements.

Vehicle Pursuit Intervention Devices NEW

Critical Issue	Public Safety Services
Funding Source	Capital Funds
Estimated Cost	$45,000
Operating Impact	Minor Impact
Implementing Department	Police
Priority Level	Level Three
Contact	Arguello
Year First Proposed	2024
Year Funded	2024

Vehicle pursuit intervention devices can help in tracking individuals in vehicles who choose to evade law enforcement. The desired system is a pursuit management technology that contains a miniature GPS tag and a launcher mounted on a police vehicle. A compressed-air launcher, mounted behind the grille of a patrol vehicle, uses a laser system to target the fleeing vehicle. There is also an option for handheld launchers. Both platforms deploy a GPS tag onto a suspect vehicle which allows for real time monitoring. The technology would be installed onto four patrol vehicles and would thus be deployed throughout the City of Newark.

Once the GPS Tag is launched, dispatchers and personnel can view the location and movements of the wanted vehicle in real-time on a secure, web-based mapping portal. In addition to accurate mapping, critical information including travel direction, speed, and traffic activity is transmitted every three to five seconds allowing for knowledge of suspect vehicle movements. The purpose of vehicle pursuit intervention devices is to track and ultimately capture a suspect vehicle (and suspect occupant) when a vehicle fails to yield to police officers.

Virtual History Museum

Critical Issue	Quality of Life
Funding Source	Capital Funds
Estimated Cost	$60,000
Operating Impact	No significant impact
Implementing Department	City Manager's Office
Contact	Gebhard
Year First Proposed	2018
Year Funded	2019

This project would provide for the development of a virtual history museum dedicated to providing access to Newark's rich history through a web-based platform.

Virtual Reality Police Tactics Training System NEW

Critical Issue	Public Safety Services
Funding Source	Capital Funds
Estimated Cost	$100,000
Operating Impact	Minor Impact
Implementing Department	Police
Priority Level	Level Three
Contact	Arguello
Year First Proposed	2024
Year Funded	2025

This system provides Law Enforcement agencies with a unique and integrated Virtual Reality capability that is ultra-portable, easy to use, secure, and delivers highly immersive and interactive scenario-based situations, while using actual in-service weapons and field items.

Website Upgrade

Critical Issue	Quality of Life
Funding Source	Capital Funds
Estimated Cost	$77,600
Operating Impact	No significant impact
Implementing Department	City Manager's Office/Information Technology
Contact	Gebhard
Year First Proposed	2018
Year Funded	2019

This project will provide for ongoing updates to the City's website.

Work Area and Cubicle Upgrades

Critical Issue	City Government Operations
Funding Source	Capital Funds
Estimated Cost	$70,000
Operating Impact	No significant impact
Implementing Department	Public Works/Community Development
Contact	Oeverndiek/Turner
Year First Proposed	2023
Year Funded	2024

Funding was retained from the Newark Civic Center project to complete various work areas on the first floor of City Hall. This project will address the need for the placement of additional furniture in various cubicles, potential modifications of cubicles and finalization of the first floor work area work table needs.



THIS PAGE IS LEFT INTENTIONALLY BLANK

Glossary

Account: A classification of expenditure or revenue.

Accounting System: The total structure of records and procedures that identify record, classify, and report information on the financial position and operations of a governmental unit or any of its funds, account groups, and organizational components.

Accrual Basis Accounting: Under this accounting method, transactions are recognized when they occur, regardless of the timing of related cash receipts and disbursements.

Accrued Interest: The amount of interest that has accumulated on the debt since the date of the last interest payment, and on the sale of a bond, the amount accrued up to but not including the date of delivery (settlement date).

Adoption: Formal action by the City Council, which sets the spending limits for the fiscal year, among other items. The City's budget is adopted by Council resolution.

Appropriation: A legal authorization from the community's legislative body to expend money and incur obligations for specific public purposes. An appropriation is usually limited in amount and as to the time period within which it may be expended.

Audit: An examination of a community's financial systems, procedures, and data by a certified public accountant (independent auditor), and a report on the fairness of financial statements and on local compliance with statutes and regulations. The audit serves as a valuable management tool in evaluating the fiscal performance of a community.

Available Funds: Balances in the various fund types that represent non-recurring revenue sources. As a matter of sound practice, they are frequently appropriated to meet unforeseen expenses, for capital expenditures or other one-time costs.

Balance Sheet: A statement that discloses the assets, liabilities, reserves and equities of a fund or governmental unit at a specified date.

Bond: A means to raise money through the issuance of debt. A bond issuer/borrower promises in writing to repay a specified sum of money, alternately referred to as face value, par value or bond principal, to the buyer of the bond on a specified future date (maturity date), together with periodic interest at a specified rate. The term of a bond is always greater than one year.

Capital Assets: All real and tangible property used in the operation of government, which is not easily converted into cash, and has an initial useful live extending beyond a single financial reporting period. Capital assets include land and land improvements; infrastructure such as roads, bridges, water and sewer lines; easements; buildings and building improvements; vehicles, machinery and

equipment. Communities typically define capital assets in terms of a minimum useful life and a minimum initial cost.

Capital Budget: An appropriation or spending plan that uses borrowing or direct outlay for capital or fixed asset improvements. Among other information, a capital budget should identify the method of financing each recommended expenditure, i.e., tax levy or rates.

Collective Bargaining: The process of negotiating workers' wages, hours, benefits, working conditions, etc., between an employer and some or all of its employees, who are represented by a recognized bargaining group.

Community Development Block Grant (CDBG): Federal grant funds distributed from the U.S. Department of Housing and Urban Development that are passed through to the City. The City primarily uses these funds for housing rehabilitation, public improvements and local social programs.

Consumer Price Index: The statistical measure of changes, if any, in the overall price level of consumer goods and services. The index is often called the "cost-of-living index."

County, Federal, and State Grants: Funding or allocations by County, Federal and State agencies to support a particular program or function.

Court Fines: The City's apportionment of court fines collected and remitted by the County.

Debt Service: The repayment cost, usually stated in annual terms and based on an amortization schedule, of the principal and interest on any particular bond issue.

Donations: Funds provided to the City by a private party.

Encumbrance: A reservation of funds to cover obligations arising from purchase orders, contracts, or salary commitments that are chargeable to, but not yet paid from, a specific appropriation account.

Environmental Protection Fee (also known as Urban Run-Off Clean Water Fee): Charged to all parcels in the City and collected through the County tax rolls. This fee covers the City's costs to minimize storm water runoff pollution into San Francisco Bay. This is a mandated State and Federal program.

Expenditure: An outlay of money made by the City to provide the programs and services within their approved budget.

Fee: A fee is a charge, fixed by law, for the benefit of a service or to cover the cost of a regulatory program or the costs of administering a program for which the fee payer benefits. For example, professional license fees, which cover the cost of administering and regulating that category of professions are fees.

Fiduciary Funds: Repository of money held by a municipality in a trustee capacity or as an agent for individuals, private organizations, other governmental units, and other funds. These include pension (and other employee benefit) trust funds, investment trust funds, private- purpose trust funds, and agency funds.

Fixed Assets: Long-lived, assets such as buildings, equipment and land obtained or controlled as a result of past transactions or circumstances.

Fixed Costs: Costs that are legally or contractually mandated such as retirement, FICA/Social Security, insurance, debt service costs or interest on loans.

Franchise Fees: A fee that is usually levied on utility companies for their use of City streets (right-of-way) or for their exclusive franchise to provide services to residents. Newark imposes a 1% tax on the gross receipts from Pacific Gas and Electric Company; a 20% tax on the gross receipts from Waste Management of Alameda County, Inc. (from both residential and nonresidential customers); a 5% tax on the gross receipts of the cable television franchise; and an annual franchise fee of approximately $6,000 on the gas pipeline that runs through Newark.

Fund Accounting: Organizing financial records into multiple, segregated locations for money. A fund is a distinct entity within the municipal government in which financial resources and activity (assets, liabilities, fund balances, revenues, and expenditures) are accounted for independently in accordance with specific regulations, restrictions or limitations. Examples of funds include the general fund and enterprise funds. Communities whose accounting records are organized according to the Uniform Municipal Accounting System (UMAS) use multiple funds.

Fund: An accounting entity with a self-balancing set of accounts that are segregated for the purpose of carrying on identified activities or attaining certain objectives in accordance with specific regulations, restrictions, or limitations.

Gasoline Tax: Gas tax revenues provided by Sections 2105, 2106, 2107, and 2107.5 of the State of California's Streets and Highways Code. These revenues are expended for construction and maintenance of City streets.

General Fund: The fund used to account for most financial resources and activities governed by the normal appropriation process.

General Obligation Bonds: Bonds issued by a municipality for purposes allowed by statute that are backed by the full faith and credit of its taxing authority.

Governing Body: A board, committee, commission, or other executive or policymaking body of a municipality or school district.

Indirect Cost: Costs of a service not reflected in the operating budget of the entity providing the service. An example of an indirect cost of providing water service would be the value of time spent by non-water department employees processing water bills. A determination of these costs is necessary to analyze the total cost of service delivery. The matter of indirect costs arises most often in the context of enterprise funds.

Infrastructure: The basic facilities, services, and installations needed for the functioning of a community or society, such as streets and roads, sidewalks, bridges, communications systems, water and power lines, and public institutions including schools, police stations, libraries, and post offices.

Interest Rate: The interest payable, expressed as a percentage of the principal available for use during a specified period of time. It is always expressed in annual terms.

Interest: Compensation paid or to be paid for the use of money, including amounts payable at periodic intervals or discounted at the time a loan is made. In the case of municipal bonds, interest payments accrue on a day-to-day basis, but are paid every six months.

Internal Service Fund (ISF): These funds fund services provided to internal users and function on a cost-reimbursement basis. Internal Service Funds account for operational support activities for the purpose of recovering the cost from the user, and for the user to identify its full cost of operations.

Investment Earnings: A revenue source resulting in the investment of temporary idle funds in interest-bearing accounts. The City has been investing these funds in the State of California's Local Agency Investment Fund (LAIF), which is a professionally managed fund overseen by the State Treasurer's Office, and California Asset Management Program (CAMP).

Investments: Securities and real estate held for the production of income in the form of interest, dividends, rentals or lease payments. The term does not include fixed assets used in governmental operations.

Modified Accrual Basis: Under this accounting method, revenues are recognized when they become both measurable and available to finance expenditures of the current period. Expenditures for the most part are recognized when the related fund liability is incurred except for prepayments, accumulated employee leave and long-term debt. All governmental funds and expendable trust funds are accounted for using the modified accrual basis of accounting.

Non-Government Contribution: Reimbursement of staff costs for the administration of project consultants.

Objects of Expenditures: A classification of expenditures that is used for coding any department disbursement, such as "personal services," "expenses," or "capital outlay."

Operating Budget: A plan of proposed expenditures for personnel, supplies, and other expenses for the coming fiscal year.

Other Revenue: Other fees, charges, and/or reimbursements that are one-time or general in nature and do not fit into a specific revenue category. Included in this category is Waste Management's annual reimbursement of debt service payments.

Paramedic Tax: This special tax was approved as a ballot measure in June 1997 to provide funding for the City's firefighter/paramedic program. The paramedic tax is assessed per benefit unit which is based upon land use and is determined by a countywide survey of the demand for service generated by the land use.

POST Reimbursement: Funds provided by the Peace Officer Standards and Training (POST) program for education and training of police officers.

Program Budget: A budget that relates expenditures to the programs they fund. The emphasis of a program budget is on output.

Property Tax: California State Constitution Article XIIIA provides that the combined maximum property tax rate on any given property may not exceed 1% of its assessed value, unless an additional amount has been approved by voters. The County of Alameda assesses properties, bills, and collects these property taxes. The City's share, including all penalties and interest, is remitted by the County.

Secured: A property tax that is levied on real property. Real property is immobile and includes land, natural resources, and fixed improvements to the land.

Unsecured: A property tax that is levied on personal property. Personal property is mobile and includes such tangible property as equipment and inventory.

Property Transfer Tax: This tax is levied at a rate of $1.10 per $1,000 of equity value transferred. Alameda County collects the tax and the City receives one-half. Revenues are dependent on how frequently the property is transferred and on the accrued value at the time of the transfer.

Sales and Use Tax: A 10.75% sales tax is levied against the gross sales price of most tangible property sold in Newark other than property sold for resale. Newark receives 0.5%, with the remaining 10.25% allocated to other agencies that include the State of California, County of Alameda, Bay Area Rapid Transit, and Alameda County Transit.

Secured Property Tax: A property tax that is levied on real property. Real property is immobile and includes land, natural resources, and fixed improvements to the land.

Senior Transportation Fee: Charged for the cost of providing transit services to seniors. The fee is subsidized by Measure B and Measure BB sales tax revenue.

Transient Occupancy Tax: A 10% tax is levied on charges for occupancy of hotel and motel rooms. This tax compensates the City for indirect costs created by visitors, such as increased pollution and congestion. This tax is borne from hotel guests.

Unsecured Property Tax: A property tax that is levied on personal property. Personal property is mobile and includes such tangible property as equipment and inventory.

Utility User Tax: A tax is levied on every person in the City using telecommunication services (including landline telephone and cell phone services), video services (including cable television), electricity and gas consumption. The tax rate for these services is 3.25% and expires on December 31, 2029.

Vehicle Code Fines: The City's apportionment of fines and forfeitures collected by the County. These fines and forfeitures result from violations of the State Vehicle Code.

Vehicle In-Lieu: Prior to the 2004 Budget Act, this revenue was backfilled from the State's general fund. In November 2004, Proposition 1A was passed that eliminated the Vehicle License Fee backfill and replaced it dollar-for-dollar with property taxes. This revenue source will increase by the same percentage as the property tax assessed valuation. This category also includes the State apportionment of motor vehicle license fees.

STAFF REPORT

Item E. 3.

DATE	06/27/2024
TO	Honorable Mayor and City Council Members
FROM	Brian Simon, Lieutenant
SUBJECT	Public Hearing and Introduce By Title Only an Ordinance Approving and Re-Adopting a Military Equipment Use Policy as Stated in Chapter 2.50, “Military Equipment Use Policy” to Title 2. "Administration and Personnel" of the Newark Municipal Code in compliance with Assembly Bill 481

SUMMARY AND RECOMMENDATION

Assembly Bill (AB) 481 requires the Newark Police Department (NPD) to seek City Council approval by ordinance prior to funding, acquiring, or using equipment defined by the law as “military equipment.” This report outlines staff’s work in complying with AB 481 and includes staff’s recommendation to conduct a public hearing to receive input on the current military equipment policy and waive full reading and introduce an ordinance re-adopting Newark Municipal Code Chapter 2.50, “Military Equipment Use Policy.” The “2023 Annual Military Equipment Use Report and Qualifying Equipment Inventory” demonstrates compliance with all requirements set forth in AB 481 and no changes to the policy are recommended.

Staff recommends that the City Council conduct a public hearing to receive input on the current military equipment policy, waive full reading and introduce by title only an ordinance re-adopting Newark Municipal Code Chapter 2.50, “Military Equipment Use Policy.”

BACKGROUND

On September 30, 2021, Governor Gavin Newsom signed AB 481 into law, relating to the use of military equipment by law enforcement agencies, codified in California Government Code sections 7070 through 7075. The law now requires law enforcement agencies to obtain annual approval of the applicable governing body (City of Newark City Council), by an ordinance adopting a “military equipment” use policy. The item must be heard during a regular meeting held pursuant to open meeting laws, prior to taking certain actions relating to the funding, acquisition, or use of military equipment.

The term “military equipment”, as used in Government Code section 7070, in fact does not necessarily indicate equipment that has been used by the military or purchased from the federal government and the definition includes, but is not limited to, unmanned aerial or ground vehicles, armored vehicles, command and control vehicles, pepper balls, less lethal shotguns, less lethal 40mm projectile launchers, and noise and flash diversionary devices, commonly referred to as "flashbangs". AB 481 allows the governing body of a city to approve the funding, acquisition, or use of military equipment within its jurisdiction only if it makes specified determinations.

On May 11, 2023, a public hearing was held to receive input on a Newark Police Department Military Equipment Use Policy and introduce by title only an ordinance adding Chapter 2.50, “Military Equipment Use Policy” to the Newark Municipal Code. On May 25, 2023, a second reading of the ordinance was conducted to satisfy requirements of AB 481. The City Council determined that the NPD Military Equipment Use Policy was approved and adopted.

DISCUSSION/ANALYSIS

The City of Newark Police Department is in possession of equipment that qualifies as “military equipment” under AB 481 but does not currently receive or utilize surplus military equipment, does not possess any equipment that it has obtained from the military, nor does it possess any equipment that was designed for military use. The Newark Police Department does not participate in the Law Enforcement Support Officer (LESO) 10-33 program.

“Military equipment” is defined in California Government Code section 7070 and includes items used as a component of overall best practices for law enforcement agencies throughout the country. These tools have been tested in the field and are used by law enforcement agencies to enhance the safety of community members and peace officers. Loss of these items would jeopardize the welfare of the public and public safety personnel in the City of Newark.

AB 481 requires any proposed or final Military Equipment Use Policy to be made publicly available on the internet website of the Police Department for as long as the Military Equipment is available for use. On March 7, 2023, NPD posted the Military Equipment Policy (709) prominently on the department’s public website, including “Military Equipment Inventory,” which lists qualifying equipment owned/utilized by NPD. After the second reading of the ordinance, NPD updated the website with the final, City Council reviewed Military Equipment Policy (709).

To comply with the review and approval of the Military Equipment Policy governed by AB 481, Newark Municipal Code Chapter 2.50, "Military Equipment Use Policy," requires that NPD submit an annual military equipment report to the City Council, containing information required in Government Code Section 7072, and City Council shall determine whether each type of military equipment identified in that report has complied with the standards for approval. The proposed ordinance relies on the state law definition of Military Equipment. The ordinance requires that the City Council review this ordinance and vote on whether to re-adopt it and NPD Policy 709, on an annual

basis at a regular meeting to satisfy the requirements of Government Code 7070(d).

The 2023 Annual Military Equipment Use Report and Qualifying Equipment Inventory was posted to the police department website and submitted to the City Council on April 9, 2024. As required per Government Code Section 7072, within 30 days of the report's publication, a community engagement meeting was held on April 16, 2024, at the Newark Police Department. The well-publicized and conveniently located community engagement meeting was held to discuss and allow the public to ask questions about the 2023 Annual Military Equipment Use Report and Qualifying Equipment Inventory funding, acquisition, and use. Overall, community members were interested in learning about the various equipment and asked questions primarily about functionality.

Given the inherently unpredictable nature of providing for public safety, it is critically important that NPD maintains the ability to acquire and utilize equipment that could prove essential to emergency operations, even if that equipment has not previously been included in the approved Military Equipment Policy. In exigent circumstances, it is not feasible to convene City Council meetings to seek advance approval for the use of equipment that is needed to carry out critical operations. Therefore, the ordinance also includes a section establishing the parameters for use of Military Equipment that is not included in the approved Military Equipment Use Policy in exigent circumstances.

The following is a list of qualifying equipment that NPD currently possesses for review and approval. The items are described in greater detail within the Military Equipment Inventory attachment to the policy:

- Unmanned Aircraft Systems (UAS/Drones)
- Robotex Avatar Robots
- Armored Rescue Vehicle - Lenco BearCat G1
- Mobile Command Vehicle
- Patrol Rifles – Colt AR-15
- SWAT Rifles – M4 Style platform automatic rifle
- Compact Heckler Koch Submachine Guns
- .308 Bolt Action Rifles
- CTS CS gas systems
  - Baffled Canister Grenades
  - 40mm CS Liquid Barricade Projectile
  - CS JetLite Rubber Ball Grenade
  - CS Flameless Expulsion Canister
  - CS Canister Grenade
  - 40mm Frangible Impact – CS Powder
- CTS 7290 – Flash Bang Noise Flash Diversionary Device
- PepperBall launcher
- Deftech LMT 40mm kinetic energy projectiles with 40 mm projectiles

NPD intends to replace previously approved patrol rifles and intends to add five additional rifles to the equipment inventory for 2024. Replacement patrol rifles were listed in the 2022 Annual Military Equipment Use Report as an intended future purchase but were not acquired during 2023. Additionally, the police department will be

exploring the potential purchase of six replacement in-service SWAT rifles that have exceeded their lifespan. The police department also intends to purchase twelve noise flash diversionary devices, commonly referred to as flashbangs, to replenish current inventory. Any other purchases for Newark PD in 2024 include items needed to maintain inventory for previously approved military equipment which need to be repaired or replenished after being used in either the field or training environments. The department will be exploring the potential to acquire a miniature confined space capable UAS/Drone. Future attempts to obtain the UAS/Drone or any additional types of military equipment not expressly provided herein, will adhere to procedures set forth in the Government Code and our Military Equipment policy; this includes a public hearing for City Council approval prior to acquisition.

FISCAL IMPACT

No significant fiscal impacts are anticipated other than additional staff time to prepare and present future items in compliance with AB 481.

REVIEW AND APPROVAL

Prepared by - Jolie Macias, Police Captain
Reviewed by - Jonathan Arguello, Police Chief
Reviewed by - Krysten Lee, Finance Director
Reviewed by - Kristopher J. Kokotaylo, City Attorney
Approved by - Lenka Hovorka, Assistant City Manager

Attachments

2024 AB 481 Ordinance
Ordinance No. 541
NPD Policy 709
Copy of 2023 Annual Report
AB 481 PowerPoint

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NEWARK APPROVING AND RE-ADOPTING A MILITARY EQUIPMENT USE POLICY AS STATED IN CHAPTER 2.50 "MILITARY EQUIPMENT USE POLICY" TO TITLE 2. "ADMINISTRATION AND PERSONNEL" OF THE NEWARK MUNICIPAL CODE IN COMPLIANCE WITH ASSEMBLY BILL 481

WHEREAS, on September 30, 2021, Governor Gavin Newsom signed into law Assembly Bill 481 relating to the use of military equipment by California law enforcement agencies; and

WHEREAS, Assembly Bill 481 seeks to provide transparency, oversight, and an opportunity for meaningful public input on decisions regarding whether and how military equipment is funded, acquired, or used by law enforcement agencies; and

WHEREAS, Assembly Bill 481, codified at California Government Code section 7070, *et. seq*., requires law enforcement agencies to obtain approval of the applicable governing body, by an ordinance adopting a "military equipment" use policy, at a regular meeting held pursuant to open meeting laws, prior to taking certain actions relating to the funding, acquisition, or use of military equipment. The term "military equipment" is defined in California Government Code section 7070 subdivision (c); and

WHEREAS, the Newark Police Department is in possession of certain items of equipment that may qualify as "military equipment" under Assembly Bill 481; and

WHEREAS, Assembly Bill 481 requires that a law enforcement agency possessing and using such qualifying equipment prepare a publicly released, written, military equipment use policy. The policy must be a document covering the inventory, description, purpose, use, acquisition, maintenance, fiscal impacts, procedures, training, oversight, and complaint process, applicable to the Department's use of such equipment; and

WHEREAS, Assembly Bill 481 allows the governing body of a city to approve the military equipment use policy for continued or future funding, acquisition, or use of military equipment within its jurisdiction only if it makes specified determinations specified in Government Code Section 7071 subdivision (d); and

WHEREAS, on June 9, 2022, the City Council adopted Ordinance No. 536 approving and adopting a military equipment use policy identified as Newark Police Department Policy 709, having received the information required under Assembly Bill 481 regarding the Newark Police Department's use of military equipment as defined in said law and upon a finding of the specified determinations required under Government Code section 7071(d); and

WHEREAS, Government Code section 7072 provides that a law enforcement agency that receives approval for a military equipment use policy pursuant to Section 7071 shall submit to the governing body an annual military equipment report for each type of military equipment approved by the governing body within one year of approval, and annually thereafter for as long as the military equipment is available for use; and

WHEREAS, the law enforcement agency shall also make each annual military equipment report publicly available on its internet website for as long as the military equipment is available for use; and

WHEREAS, the annual military report shall include the following information for the immediately preceding calendar year for each type of military equipment:

a. A summary of how the military equipment was used and the purpose of its use;

b. A summary of any complaints or concerns received concerning the military equipment;

c. The results of any internal audits, any information about violations of the military equipment use policy, and any actions taken in response;

d. The total annual cost for each type of military equipment, including acquisition, personnel, training, transportation, maintenance, storage, upgrade, and other ongoing costs, and from what source funds will be provided for the military equipment in the calendar year following submission of the annual military equipment report;

e. The quantity possessed for each type of military equipment;

f. If the law enforcement agency intends to acquire additional military equipment in the next year, the quantity sought for each type of military equipment; and

WHEREAS, Government Code section 7071(d) provides the governing body shall determine, based on the annual military equipment report submitted pursuant to Section 7072, whether each type of military equipment identified in that report has complied with the following standards for approval:

a. The military equipment is necessary because there is no reasonable alternative that can achieve the same objective of officer and civilian safety;

b. The proposed military equipment use policy will safeguard the public's welfare, safety, civil rights, and civil liberties;

c. If purchasing the equipment, the equipment is reasonably cost effective compared to available alternatives that can achieve the same objective of officer and civilian safety;

d. Prior military equipment use complied with the military equipment use policy that was in effect at the time, or if prior uses did not comply with the accompanying military equipment use policy, corrective action has been taken to remedy nonconforming uses and ensure future compliance; and

WHEREAS, if the governing body determines that a type of military equipment identified in that annual military equipment report has not complied with the standards for approval set forth

above, the governing body shall either disapprove a renewal of the authorization for that type of military equipment or require modifications to the military equipment use policy in a manner that will resolve the lack of compliance; and

WHEREAS, the governing body shall review any ordinance that it has adopted approving the funding, acquisition, or use of military equipment at least annually and vote on whether to renew the ordinance at a regular meeting held pursuant to open meeting laws; and

WHEREAS, the City Council most recently approved and reaffirmed the Newark Police Department's Policy (identified as Newark Police Department Policy 709) on May 25, 2023, (Ordinance No. 541), finding it met the requirements under AB 481 and re-adopting the military equipment use policy as stated in Chapter 2.50 "Military Equipment Use Policy"; and

WHEREAS, the Newark Police Department's 2023 annual military equipment report was posted on the department's internet website on April 9, 2024, and within thirty (30) days thereafter a well-publicized public meeting concerning the renewal of the military equipment at issue was held on April 16, 2024, in compliance with Government Code Section 7072 (b); and

WHEREAS, the Newark Police Department seeks renewal of Policy 709; and

WHEREAS, the City Council of the City of Newark, having received the information required under Assembly Bill 481 regarding the Newark Police Department's renewed use of military equipment as defined in said law, and makes the specified determinations required under Government Code Section 7070, *et. seq*., deems it to be in the best interest of the City to approve and renew the Newark Police Department's Military Equipment Funding, Acquisition and Use Policy as set forth in the policy identified as Newark Police Department Policy 709.

THE CITY COUNCIL OF THE CITY OF NEWARK DOES ORDAIN AS FOLLOWS:

SECTION 1. Recitals.

The above recitals are true and correct and made a part of this Ordinance.

SECTION 2. Determinations.

Based on the findings above, in addition to information provided to the City Council at the public meeting, the City Council determines as follows:

1. The military equipment identified in the annual military equipment report has complied with the standards for approval as set forth in Government Code section 7071 subdivision (d).

2. The Newark Police Department's Military Equipment Use Policy is necessary because there are no reasonable alternatives that can achieve the same objectives of officer and civilian safety.

3. The Newark Police Department's Military Equipment Use Policy will safeguard the public's welfare, safety, civil rights, and civil liberties.

4. The military equipment identified in the Newark Police Department's Military Equipment Use Policy is reasonably cost effective compared to available alternatives that can achieve the same objectives of officer and civilian safety.

5. Prior military equipment use by the Newark Police Department complied with the Military Equipment Use Policy although it was not yet in effect at the time, or if prior uses did not comply with the accompanying military equipment use policy, corrective action has been taken to remedy nonconforming uses and ensure future compliance.

6. The Newark Police Department's Military Equipment Use Policy, Policy 709, setting forth the City's military equipment use policy is approved and renewed.

SECTION 3. Severability.

If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction, such decision will not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have passed this ordinance and each of every section, subsection, sentence, clause, or phrase not declared invalid or unconstitutional without regard to whether any portion of the ordinance would be subsequently declared invalid or unconstitutional.

SECTION 4. CEQA.

Approval of the ordinance is exempt from further environmental review under the general rule in California Environmental Quality Act (CEQA) Guidelines Section 15061(b)(3) that CEQA only applies to projects that have the potential for causing a significant effect on the environment. As a series of text amendments and additions that do not authorize any new activity, it can be seen with certainty that there is no possibility that the ordinance will have a significant effect on the environment.

SECTION 5. Publication and effective date.

Within fifteen (15) days from and after adoption, this Ordinance shall be published once in a newspaper of general circulation printed and published in Alameda County and circulated in the City of Newark, in accordance with California Government Code Section 36933. This Ordinance shall take effect and be enforced thirty (30) days after its adoption.

ORDINANCE NO. 541

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NEWARK APPROVING AND RE-ADOPTING A MILITARY EQUIPMENT USE POLICY AS STATED IN CHAPTER 2.50 "MILITARY EQUIPMENT USE POLICY" TO TITLE 2. "ADMINISTRATION AND PERSONNEL" OF THE NEWARK MUNICIPAL CODE IN COMPLIANCE WITH ASSEMBLY BILL 481

WHEREAS, on September 30, 2021, Governor Gavin Newsom signed into law Assembly Bill 481 relating to the use of military equipment by California law enforcement agencies; and

WHEREAS, Assembly Bill 481 seeks to provide transparency, oversight, and an opportunity for meaningful public input on decisions regarding whether and how military equipment is funded, acquired, or used by law enforcement agencies; and

WHEREAS, Assembly Bill 481, codified at California Government Code section 7070, *et. seq.*, requires law enforcement agencies to obtain approval of the applicable governing body, by an ordinance adopting a "military equipment" use policy, at a regular meeting held pursuant to open meeting laws, prior to taking certain actions relating to the funding, acquisition, or use of military equipment. The term "military equipment" is defined in California Government Code section 7070 subdivision (c); and

WHEREAS, the Newark Police Department is in possession of certain items of equipment that may qualify as "military equipment" under Assembly Bill 481; and

WHEREAS, Assembly Bill 481 requires that a law enforcement agency possessing and using such qualifying equipment prepare a publicly released, written, military equipment use policy. The policy must be a document covering the inventory, description, purpose, use, acquisition, maintenance, fiscal impacts, procedures, training, oversight, and complaint process, applicable to the Department's use of such equipment; and

WHEREAS, Assembly Bill 481 allows the governing body of a city to approve the military equipment use policy for continued or future funding, acquisition, or use of military equipment within its jurisdiction only if it makes specified determinations specified in Government Code Section 7071 subdivision (d); and

WHEREAS, on June 9, 2022, the City Council adopted Ordinance No. 536 approving and adopting a military equipment use policy identified as Newark Police Department Policy 709, having received the information required under Assembly Bill 481 regarding the Newark Police Department's use of military equipment as defined in said law and upon a finding of the specified determinations required under Government Code section 7071(d); and

WHEREAS, Government Code section 7072 provides that a law enforcement agency that receives approval for a military equipment use policy pursuant to Section 7071 shall submit to the governing body an annual military equipment report for each type of military equipment approved by the governing body within one year of approval, and annually thereafter for as long as the military equipment is available for use; and

WHEREAS, the law enforcement agency shall also make each annual military equipment report publicly available on its internet website for as long as the military equipment is available for use; and

WHEREAS, the annual military report shall include the following information for the immediately preceding calendar year for each type of military equipment:

a. A summary of how the military equipment was used and the purpose of its use;

b. A summary of any complaints or concerns received concerning the military equipment;

c. The results of any internal audits, any information about violations of the military equipment use policy, and any actions taken in response;

d. The total annual cost for each type of military equipment, including acquisition, personnel, training, transportation, maintenance, storage, upgrade, and other ongoing costs, and from what source funds will be provided for the military equipment in the calendar year following submission of the annual military equipment report;

e. The quantity possessed for each type of military equipment;

f. If the law enforcement agency intends to acquire additional military equipment in the next year, the quantity sought for each type of military equipment; and

WHEREAS, Government Code section 7071(d) provides the governing body shall determine, based on the annual military equipment report submitted pursuant to Section 7072, whether each type of military equipment identified in that report has complied with the following standards for approval:

a. The military equipment is necessary because there is no reasonable alternative that can achieve the same objective of officer and civilian safety;

b. The proposed military equipment use policy will safeguard the public's welfare, safety, civil rights, and civil liberties;

c. If purchasing the equipment, the equipment is reasonably cost effective compared to available alternatives that can achieve the same objective of officer and civilian safety;

d. Prior military equipment use complied with the military equipment use policy that was in effect at the time, or if prior uses did not comply with the accompanying military equipment use policy, corrective action has been taken to remedy nonconforming uses and ensure future compliance; and

WHEREAS, if the governing body determines that a type of military equipment identified in that annual military equipment report has not complied with the standards for approval set forth

above, the governing body shall either disapprove a renewal of the authorization for that type of military equipment or require modifications to the military equipment use policy in a manner that will resolve the lack of compliance; and

WHEREAS, the governing body shall review any ordinance that it has adopted approving the funding, acquisition, or use of military equipment at least annually and vote on whether to renew the ordinance at a regular meeting held pursuant to open meeting laws; and

WHEREAS, the Newark Police Department's annual military equipment report was posted on the department's internet website on March 7, 2023 and no more than thirty (30) days prior to the well-publicized public meeting concerning the renewal of the military equipment at issue in compliance with Government Code Section 7072 (b); and

WHEREAS, the Newark Police Department seeks renewal of Policy 709; and

WHEREAS, the City Council of the City of Newark, having received the information required under Assembly Bill 481 regarding the Newark Police Department's renewed use of military equipment as defined in said law, and makes the specified determinations required under Government Code Section 7070, *et. seq.*, deems it to be in the best interest of the City to approve and renew the Newark Police Department's Military Equipment Funding, Acquisition and Use Policy as set forth in the policy identified as Newark Police Department Policy 709.

THE CITY COUNCIL OF THE CITY OF NEWARK DOES ORDAIN AS FOLLOWS:

SECTION 1. Recitals.

The above recitals are true and correct and made a part of this Ordinance.

SECTION 2. Determinations.

Based on the findings above, in addition to information provided to the City Council at the public meeting, the City Council determines as follows:

1. The military equipment identified in the annual military equipment report has complied with the standards for approval as set forth in Government Code section 7071 subdivision (d).

2. The Newark Police Department's Military Equipment Use Policy is necessary because there are no reasonable alternatives that can achieve the same objectives of officer and civilian safety.

3. The Newark Police Department's Military Equipment Use Policy will safeguard the public's welfare, safety, civil rights, and civil liberties.

4. The military equipment identified in the Newark Police Department's Military Equipment Use Policy is reasonably cost effective compared to available alternatives that can achieve the same objectives of officer and civilian safety.

5. Prior military equipment use by the Newark Police Department complied with the Military Equipment Use Policy although it was not yet in effect at the time, or if prior uses did not comply with the accompanying military equipment use policy, corrective action has been taken to remedy nonconforming uses and ensure future compliance.

6. The Newark Police Department's Military Equipment Use Policy, Policy 709, setting forth the City's military equipment use policy is approved and renewed.

SECTION 3. Severability.

If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction, such decision will not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have passed this ordinance and each of every section, subsection, sentence, clause, or phrase not declared invalid or unconstitutional without regard to whether any portion of the ordinance would be subsequently declared invalid or unconstitutional.

SECTION 4. CEQA.

Approval of the ordinance is exempt from further environmental review under the general rule in California Environmental Quality Act (CEQA) Guidelines Section 15061(b)(3) that CEQA only applies to projects that have the potential for causing a significant effect on the environment. As a series of text amendments and additions that do not authorize any new activity, it can be seen with certainty that there is no possibility that the ordinance will have a significant effect on the environment.

SECTION 5. Publication and effective date.

Within fifteen (15) days from and after adoption, this Ordinance shall be published once in the Tri-City Voice, a newspaper of general circulation printed and published in Alameda County and circulated in the City of Newark, in accordance with California Government Code Section 36933. This Ordinance shall take effect and be enforced thirty (30) days after its adoption.

The foregoing ordinance was introduced and read before the City Council of the City of Newark by Council Member Freitas at the regular meeting of the City Council of the City of Newark held on May 11, 2023.

This ordinance was read at the regular meeting of the City Council held May 25, 2023. Vice Mayor Collazo moved that it be adopted and passed, which motion was duly seconded, and said ordinance was passed and adopted.

AYES:	Council Members Bucci, Freitas, Jorgens, Vice Mayor Collazo and Mayor Hannon
NOES:	None
ABSENT:	None
SECONDED:	Council Member Freitas

APPROVED:

s/MICHAEL K. HANNON
Mayor

ATTEST:

s/SHEILA HARRINGTON
City Clerk

APPROVED AS TO FORM:

s/KRISTOPHER J. KOKOTAYLO
City Attorney

Military Equipment

709.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the approval, acquisition, and reporting requirements of military equipment (Government Code § 7070; Government Code § 7071; Government Code § 7072). This policy applies to all members of the city of Newark Police Department.

709.1.1 DEFINITIONS

Definitions related to this policy include (Government Code § 7070):

Governing body – The elected or appointed body that oversees the Department.

Military equipment – Includes but is not limited to the following:

- Unmanned, remotely piloted, powered aerial or ground vehicles.
- Mine-resistant ambush-protected (MRAP) vehicles or armored personnel carriers, excluding police versions of standard consumer vehicles.
- High mobility multipurpose wheeled vehicles (HMMWV), two-and-one-half-ton trucks, five-ton trucks, or wheeled vehicles that have a breaching or entry apparatus attached, excluding unarmored all-terrain vehicles (ATVs) and motorized dirt bikes.
- Tracked armored vehicles that provide ballistic protection to their occupants and utilize a tracked system instead of wheels for forward motion.
- Command and control vehicles that are either built or modified to facilitate the operational control and direction of public safety units.
- Weaponized aircraft, vessels, or vehicles of any kind.
- Battering rams, slugs, and breaching apparatuses that are explosive in nature. This does not include a handheld, one-person ram.
- Firearms and ammunition of .50 caliber or greater, excluding standard-issue shotguns and standard-issue shotgun ammunition.
- Specialized firearms and ammunition of less than .50 caliber, including firearms and accessories identified as assault weapons in Penal Code § 30510 and Penal Code § 30515, with the exception of standard-issue firearms.
- Any firearm or firearm accessory that is designed to launch explosive projectiles.
- Noise-flash diversionary devices and explosive breaching tools.
- Munitions containing tear gas or OC, excluding standard, service-issued handheld pepper spray.
- TASER® Shockwave, microwave weapons, water cannons, and long-range acoustic devices (LRADs).
- Kinetic energy weapons and munitions.

Copyright Lexipol, LLC 2023/01/01, All Rights Reserved.
Published with permission by Newark Police Department

- Any other equipment as determined by a governing body or a state agency to require additional oversight.

709.2 POLICY

It is the policy of the Newark Police Department that members of this department comply with the provisions of Government Code § 7071 with respect to military equipment.

Items deemed to be "military equipment" by Government Code § 7070 (c) are used as a component of overall best practices for law enforcement agencies throughout the country. These tools have been tested in the field and are used by law enforcement agencies to enhance citizen and officer safety.

The Newark Police Department does not possess any tactical equipment that it has obtained from the military, nor does it possess any equipment that was designed for military use. The Newark Police Department does not participate in the Law Enforcement Support Officer (LESO) 10-33 program. The department does not currently receive or utilize surplus military equipment from the Federal government. It is the policy of the Newark Police Department to acquire and use equipment designed to enhance law enforcement's ability to ensure public safety and welfare.

709.3 MILITARY EQUIPMENT COORDINATOR

The Chief of Police should designate a member of this department to act as the military equipment coordinator. The responsibilities of the military equipment coordinator include but are not limited to:

(a) Acting as liaison to the governing body for matters related to the requirements of this policy.

(b) Identifying department equipment that qualifies as military equipment as defined by Government Code § 7070 (c) in the current possession of the Department, or the equipment the Department intends to acquire that requires approval by the governing body.

(c) Conducting an inventory of all military equipment at least annually.

(d) Collaborating with any allied agency that may use military equipment within the jurisdiction of Newark Police Department (Government Code § 7071).

(e) Preparing for, scheduling, and coordinating the annual community engagement meeting to include:

1. Publicizing the details of the meeting on the department's website at least thirty (30) days prior to any public hearing concerning the military equipment at issue.
2. Preparing for public questions regarding the department's funding, acquisition, and use of equipment.

(f) Preparing the annual military equipment report for submission to the Chief of Police and ensuring that the report is made available on the department website for as long as the equipment is made for use (Government Code § 7072).

Copyright Lexipol, LLC 2023/01/01, All Rights Reserved.
Published with permission by Newark Police Department

(g) Establishing the procedure for a person to register a complaint or concern, or how that person may submit a question about the use of a type of military equipment, and how the Department will respond in a timely manner.

709.4 MILITARY EQUIPMENT INVENTORY

The following constitutes a list of qualifying equipment for the Department:

See attachment: Military Equipment Inventory.pdf

709.5 APPROVAL

The Chief of Police or the authorized designee shall obtain approval from the governing body by way of an ordinance adopting the military equipment policy. As part of the approval process, the Chief of Police or the authorized designee shall ensure the proposed military equipment policy is submitted to the governing body and is available on the department website at least 30 days prior to any public hearing concerning the military equipment at issue (Government Code § 7071). The military equipment policy must be approved by the governing body prior to engaging in any of the following (Government Code § 7071):

(a) Requesting military equipment made available pursuant to 10 USC § 2576a.

(b) Seeking funds for military equipment, including but not limited to applying for a grant, soliciting or accepting private, local, state, or federal funds, in-kind donations, or other donations or transfers.

(c) Acquiring military equipment either permanently or temporarily, including by borrowing or leasing.

(d) Collaborating with another law enforcement agency in the deployment or other use of military equipment within the jurisdiction of this department.

(e) Using any new or existing military equipment for a purpose, in a manner, or by a person not previously approved by the governing body.

(f) Soliciting or responding to a proposal for, or entering into an agreement with, any other person or entity to seek funds for, apply to receive, acquire, use, or collaborate in the use of military equipment.

(g) Acquiring military equipment through any means not provided above.

709.6 COORDINATION WITH OTHER JURISDICTIONS

Military equipment should not be used by any other law enforcement agency or member in this jurisdiction unless the military equipment is approved for use in accordance with this policy.

Military equipment used by any member of this jurisdiction shall be approved for use and in accordance with the policy. Military equipment used by other jurisdictions that are providing mutual aid to this jurisdiction, or otherwise engage in law enforcement operations within Newark shall comply with their respective military equipment use policies when rendering assistance.

Copyright Lexipol, LLC 2023/01/01, All Rights Reserved.
Published with permission by Newark Police Department

709.7 USE IN EXIGENT CIRCUMSTANCES

In exigent circumstances and with the approval of the Chief of Police or designee, the department may acquire, borrow and/or use military equipment that is not included in the military equipment inventory section of this policy.

In accordance with this section, if the department borrows, and/or uses military equipment in exigent circumstances, it must take all of the following actions.

- Make all efforts to provide written notice of the use to the City Council within fourteen (14) days, but in no event more than 30 days following commencement of such exigent circumstance, unless such information is confidential or privileged under local, state or federal law.
- If it is anticipated that the use will continue beyond the exigent circumstance, submit a proposed amended military equipment policy to the City Council within 90days following the borrowing and / or use, and receive approval for continued use.
- Include the equipment in the department's next annual military equipment report.
- Department members are required to adhere to the Department's Military Equipment Procedure and all policies and procedures outlined within the Newark Police Department's Policy and Procedures Manual, regardless of jurisdiction.

709.8 ANNUAL REPORT

Upon approval of a military equipment policy, the Chief of Police or the authorized designee should submit a military equipment report to the governing body for each type of military equipment approved within one year of approval, and annually thereafter for as long as the military equipment is available for use (Government Code § 7072).

The Chief of Police or the authorized designee should also make each annual military equipment report publicly available on the department website for as long as the military equipment is available for use. The report shall include all information required by Government Code § 7072 for the preceding calendar year for each type of military equipment in department inventory.

709.9 COMMUNITY ENGAGEMENT

Within thirty (30) days of submitting and publicly releasing the annual report, the Department shall hold at least one well-publicized and conveniently located community engagement meeting, at which the Department should discuss the report and respond to public questions regarding the funding, acquisition, or use of military equipment.

Copyright Lexipol, LLC 2023/01/01, All Rights Reserved.
Published with permission by Newark Police Department

Military Equipment Inventory.pdf

Copyright Lexipol, LLC 2023/01/01, All Rights Reserved.
Published with permission by Newark Police Department

Qualifying Equipment Owned/Utilized by the Newark Police Department

Equipment Name: Unmanned Aircraft Systems (UAS/Drones) – CA Gov't Code § 7070 (c)(1)	
Quantity Owned/Sought: 4	**Lifespan: 5 years**
Equipment Capabilities: Remotely piloted aerial vehicle capable of providing live and recorded video images captured from aerial positions, including images enhanced by Forward Looking Infrared (FLIR), thermal and optical zoom lenses.	
Manufacture Product Description: DJI Phantom 4 Pro (quantity 1): The Phantom 4 Pro's camera shoots 4K/60fps at a bitrate of 100Mbps and stills up to 20-megapixels. The Flight Autonomy system adds dual rear vision sensors and two Time of Flight range imaging cameras for a total of 5 directions of obstacle sensing with a range of up to 30m in all directions. The Lightbridge HD video transmission system offers an extended maximum transmission range of 4.3mi (7km) with the ability to switch between 2.4GHz and 5.8GHz. The aircraft's Intelligent Flight Battery also have increased capability by 520mAh to enable an extended flight time of 30 minutes. DJI Mavic 2 Enterprise (quantity 3): The Mavic 2 Enterprise Dual features a 24mm camera with a 1/2.3" 12MP sensor and FLIR thermal imaging sensor. The cameras can capture up to UHD 4K resolution video at 30fps, or thermal imaging images and temperature data. The Mavic 2 Enterprise can achieve speeds of up to 44.7 mph, and the four-call LiPo battery provides up to 31 minutes of flight time. The Mavic 2 Enterprise Dual also supports OcuSync 2.0 video transmission system. Additionally, there are three modular accessories to include a spotlight, speaker, and beacon. The Mavic 2 Enterprise also has omnidirectional obstacle sensing.	
Purpose/Authorized Uses: To be deployed when its view would assist officers or incident commanders with the following situations, which include but are not limited to: 1. Major collision investigations and crime scenes. 2. Search for missing persons and rescue events. 3. Natural disaster management. 4. Anytime a UAS would enhance public safety, improve operational safety, incident stabilization or incident mitigation. 5. SWAT, tactical or other public safety, fire services and life preservation missions. Only assigned personnel who have completed the required department training shall be permitted to operate any UAS during approved missions. Any use of a UAS will be in strict accordance with constitutional and privacy rights and Federal Aviation Administration (FAA) regulations.	
Fiscal Impacts: DJI Phantom 4 Pro $1500 DJI Mavic 2 Enterprise $3350 each	
Legal/Procedural Rules Governing Use: The use of a UAV is in accordance with Newark Police Department Policy – 613 – Unmanned Aircraft Systems and FAA Regulation 14 CFR Part 107.	

It is the policy of the NPD to utilize UAS only for official law enforcement purposes, and in a manner that respects the privacy of our community, pursuant to State and Federal law.
Training Required: Federal Aviation Administration "Part 107 – Remote Pilot License" and POST certified 24-hour Basic UAS Pilot course.

Qualifying Equipment Owned/Utilized by the Newark Police Department

Equipment Name: Robotex Avatar III/ Robotex Avatar II Robot(s)- CA Gov't Code § 7070 (c)(1)	
Quantity Owned/Sought: Owned: (1) Robotex Avatar III (1) Robotex Avatar II (2)	**Lifespan:** 10 Years
Equipment Capabilities: Robots designed for remote handling of objects, reconnaissance missions, two-way communication, and deliver/ retrieval tasks.	
Manufacture Product Description: The Robotex Avatar III/ Robotex Avatar II are rugged, easy-to-use tactical robots that enhance the capabilities of law enforcement and first-responders by allowing them to safely and quickly inspect dangerous situations.	
Purpose/Authorized Uses: To remotely gain visual/ audio data, deliver Crisis Negotiation Team phone, open doors, disrupt packages, and clear buildings, or for any other approved law enforcement purpose. Only to be utilized by officers who have been trained in their proper use and deployment.	
Fiscal Impacts: $30,000 / unit	
Legal/Procedural Rules Governing Use: The use of a robot is in accordance with Newark Police Department Policy – 408– Special Weapons and Tactics. It is the policy of the NPD to utilize robots only for official law enforcement purposes, and in a manner that respects the privacy of our community, pursuant to State and Federal law. The use of an unmanned, remotely piloted, powered ground vehicle potentially involves privacy considerations. Absent a warrant or exigent circumstances, operators and observers shall adhere to all applicable privacy laws and shall not intentionally record or transmit images of any location where a person would have a reasonable expectation of privacy (e.g., residence, yard, enclosure). Post Hoc authorization is required per Penal Code § 632.	
Training Required: Specialized yearly department training via NPD SWAT Personnel.	
Other: Robotex Avatar III can be equipped with Avatar Extended Reach Manipulator Arm ($24,000 purchase price). The Avatar III with Avatar Extended Reach Manipulator Arm was obtained through State grant funds.	

Qualifying Equipment Owned/Utilized by the Newark Police Department

Equipment Name: Lenco Armored Rescue Vehicle (ARV) -CA Gov't Code § 7070 (c)(3)	
Quantity Owned/Sought: 1	**Lifespan: ~20 years**
Equipment Capabilities: The vehicle is equipped with emergency lights/sires, rotating roof hatch, electric winches, running boards, back-up camera, battering ram attachment, CS (tear gas) deployment attachment for battering ram, and spot/flood lights. The vehicle is armored with a 0.5 – 1.5" thick steel and ballistic windows rated to stop a 0.50 caliber bullet.	
Manufacture Product Description: 2004 Lenco BearCat G1 Armored Rescue Vehicle (ARV) is the standard tactical armored vehicle for special operations units within the US Law Enforcement community. Since the early 2000s, agencies such as LAPD, LASD SEB, NYPD ESU, Boston PD and hundreds of Federal, State and Local Law Enforcement agencies have made the BearCat G1 part of their standard operating procedure. The G1 has excellent on-road driving characteristics and maneuverability in tight urban settings.	
Purpose/Authorized Uses: The Armored Rescue Vehicle (ARV) is primarily used during critical incidents. The ARV may be used by patrol and SWAT personnel for the safe transport of personnel, to conduct high risk rescue and evacuation operations, high risk warrant service operations, dangerous high risk tactical operations, training, community engagement efforts, or any other applications deemed appropriate by the SWAT Commander, Division Commander, or Chief of Police.	
Fiscal Impacts: The cost of the ARV was approximately $160,000. The refurbished 2004 vehicle was purchased by Newark Police Department in May of 2013 from the vendor, Lenco, on a lease agreement, which was budgeted and paid over 8 years out of the police department's operating budget.	
Legal/Procedural Rules Governing Use: The use of the ARV may be considered a show of force and is governed by Newark Police Department Policy 300 – Use of Force and Policy 408.5.2 - Special Weapons and Tactics – Equipment. It is the policy of the Department to use the ARV only for official law enforcement purposes, and in accordance with California State law regarding the operation of motor vehicles.	
Training Required: Officers are to be trained in the operation of the ARV prior to use. Training will include basic knowledge of electronic/mechanical functions on the vehicle and a driving exercise. SWAT personnel will receive advanced training and are expected to maintain a higher level of operational knowledge and expertise. Only NPD personnel who have completed training and possess a valid California Driver's License will be authorized to drive/operate the ARV, unless a delayed deployment of an ARV would result in serious bodily injury or death.	

Qualifying Equipment Owned/Utilized by the Newark Police Department

Equipment Name: City of Newark- Mobile Command Vehicle (MCV) CA Gov't Code § 7070 (c)(5)	
Quantity Owned/Sought: 1	**Lifespan: 25 years**
Equipment Capabilities: The vehicle is capable of being used as a mobile command center, a temporary emergency operations center, for crisis negotiations, and as a dispatch center. The vehicle is capable of transporting personnel and equipment. The vehicle can be separated into two separate work areas by partitions to serve multiple functions simultaneously. The Mobile Command vehicle serves as a resource management center, rallying point for outside resources, and location for centralized and unified command.	
Manufacture Product Description: LDV Model SS28RC-10CC SO243022. The Newark Police Department Mobile Command Vehicle is an 18' dry van with a cab-to-axle length of 120". It is built on a 2019 Ford F-550 Regular Cab 2WD single rear axle gasoline chassis. 19,500-lb with rear spring suspension and hydraulic brakes. It is painted white with police graphics affixed to the sides of the vehicle.	
Purpose/Authorized Uses: To be used for critical incident callouts, as a temporary emergency operations center, as a backup dispatch center, as a crisis negotiation workspace, or for other approved law enforcement purpose. The Mobile Command vehicle serves as a resource management center, rallying point for outside resources, and location for centralized and unified command. The Mobile Command Vehicle can be used by staff who have been properly trained in the safe handling of the vehicle.	
Fiscal Impacts: Total cost of the Mobile Command Vehicle was $211,000. $135,000 was funded by State Grant and the remainder $76,000 was allocated through a General Fund Budget Amendment from the 2018-2020 Biennial Budget.	
Legal/Procedural Rules Governing Use: It is the policy of the Department to use the MCV only for official law enforcement purposes, and in accordance with California State law regarding the operation of motor vehicles.	
Training Required: Members of the Crisis Negotiations Team and Tactical Dispatchers receive annual training on the internal electrical system.	

Qualifying Equipment Owned/Utilized by the Newark Police Department

Equipment Name: Patrol Rifles - Colt AR-15 ; CA Gov't Code § 7070 (c)(10)	
Quantity Owned/Sought: 30	**Lifespan: 10 years**
Equipment Capabilities: Carbine Rifle is a firearm, capable of accurately stopping an armed subject at various distances to include those that exceed the capabilities of a service pistol. The .223 / 5.56 cartridge is used as a lethal option designed to stop a violent encounter. The projectile is capable of penetrating soft body armor being worn by armed subjects.	
Manufacture Product Description: The Carbine Rifle is a lightweight, air-cooled, gas operated, magazine fed, shoulder fired weapon. AR-15 style barrel lengths varying from 10.3 to 16 inches. • COLT AR-15 Carbine Patrol Rifle: 25 • Rock River Arms AR-15 Carbine Patrol Rifle: 5	
Purpose/Authorized Uses: To be used as precision weapons to address a threat with more precision and/or greater distances than a handgun, if present and feasible.	
Fiscal Impacts: $1,050 each	
Legal/Procedural Rules Governing Use: All applicable State, Federal and Local laws governing police use of force. Newark Police Department Policy 300 – Use of Force, Policy 312.3.2 – Firearms – Patrol Rifles, Policy 408.5.2 - Special Weapons and Tactics – Equipment. Possession of short barreled rifles by police officers is governed by Penal Code § 33220. Possession of assault weapon by police officers in the discharge of their duties is governed by Penal Code § 30625.	
Training Required: Officers must successfully complete a CA POST certified 16-hour tactical rifle course as well as regular department firearms training and qualifications as required by law and policy. Proficiency training shall be monitored and documented by POST certified firearms instructors. All training and proficiency for firearms will be documented in the officer's training file.	

Qualifying Equipment Owned/Utilized by the Newark Police Department

Equipment Name: M4 Style Platform Automatic SWAT Rifle; CA Gov't Code § 7070 (c)(10)	
Quantity Owned/Sought: 15	**Lifespan: 10 yrs**
Equipment Capabilities: Carbine Rifle is a firearm, capable of accurately stopping an armed subject at various distances to include those that exceed the capabilities of a service pistol. The .223 / 5.56 cartridge is used as a lethal option designed to stop a violent encounter. The projectile is capable of penetrating soft body armor being worn by armed subjects.	
Manufacture Product Description: • Sig Sauer SIG516 10.5-inch M4 style platform, fully automatic, pushrod gas system rifles in 5.56 caliber with flip up rear adjustable sights: 6 • Colt 10.5-inch M4 style platform, fully automatic, pushrod gas system rifles in .223 caliber with flip up rear adjustable sights: 6 • Bushmaster 10.5-inch M4 style platform, fully automatic, pushrod gas system rifles in .223 caliber with flip up rear adjustable sights: 3	
Purpose/Authorized Uses: To be used as precision weapons to address a threat with more precision and/or greater distances than a handgun, if present and feasible.	
Fiscal Impacts: $2,100 each	
Legal/Procedural Rules Governing Use: All applicable State, Federal and Local laws governing police use of force. Newark Police Department Policy 300 – Use of Force, Policy 312.3.2 – Firearms – Patrol Rifles, Policy 408.5.2 - Special Weapons and Tactics – Equipment. Possession of short barreled rifles by police officers is governed by Penal Code § 33220. Possession of assault weapon by police officers in the discharge of their duties is governed by Penal Code § 30625.	
Training Required: Only current NPD SWAT Team Members who have: 1) completed a 16 hour POST approved tactical rifle course. 2) successfully passed the NPD SWAT Rifle Qualification course and 3) enrolled in or successfully completed a POST approved Basic SWAT School course shall be authorized to utilize an M4 style platform. Users must continually display proficiency by successfully passing quarterly (4) qualification courses each calendar year. Proficiency training shall be monitored and documented by POST certified firearms instructors. All training and proficiency for firearms will be documented in the officer's training file.	

Qualifying Equipment Owned/Utilized by the Newark Police Department

Equipment Name: Compact Heckler Koch Submachine Gun; CA Gov't Code § 7070 (c)(10)	
Quantity Owned/Sought: 7	**Lifespan: 10 Years**
Equipment Capabilities: The submachine gun is a firearm, capable of accurately stopping an armed subject at various distances to include those that exceed the capabilities of a service pistol. It is a lightweight, air-cooled, gas operated, magazine fed, shoulder fired weapon. It is a short-barreled weapon which allows a trained officer better control inside of structures with greater accuracy than a handgun.	
Manufacture Product Description: Heckler Koch MP5 is a submachine gun using a blowback operating system for reliability, accuracy, and ease of handling in confined spaces. The barrels are cold hammer forged with the body consisting of stamped high strength steel and modern polymers. • Heckler and Koch MP5 40cal with safe/semi/3rd burst/auto selector switch .40cal: 2 • Heckler and Koch MP5 9mm with safe/semi/3rd burst/auto selector switch 9mm: 5	
Purpose/Authorized Uses: To be used as precision weapons to address a threat with more precision and/or greater distances than a handgun, if present and feasible.	
Fiscal Impacts: $3,025 per rifle	
Legal/Procedural Rules Governing Use: All applicable State, Federal and Local laws governing police use of force. Newark Police Department Policy 300 – Use of Force, Policy 312.3.2 – Firearms – Patrol Rifles, Policy 408.5.2 - Special Weapons and Tactics – Equipment. Possession of short-barreled rifles by police officers is governed by Penal Code § 33220. Possession of assault weapon by police officers in the discharge of their duties is governed by Penal Code § 30625.	
Training Required: Officers must successfully complete a CA POST certified 16-hour tactical rifle course as well as regular department firearms training and qualifications as required by law and policy. Only members that have successfully completed NPD sub gun range qualification are authorized to use these weapons.	

Qualifying Equipment Owned/Utilized by the Newark Police Department

Equipment Name: .308 Bolt Action Rifle – Accuracy International AE and ammo; CA Gov't Code § 7070 (c)(10)	
Quantity Owned/Sought: 2	**Lifespan:** 10 years
Equipment Capabilities: The Accuracy International AE .308 rifle enables the stopping of an armed subject at a safe distance. The rifle is capable of accurately stopping an armed subject at various distances to include those that exceed the capabilities of a service pistol. Additionally, the rifle, paired with the scope, creates a system which will allow for a trained sniper to gather real time information through observation at safe distances.	
Manufacture Product Description: The Accuracy International AE is a bolt action rifle manufactured for precision shooting. The rifle delivers a single .308 caliber shot from a short action rifle system. The Accuracy International AE rifle delivers precision accuracy in a powerful and rugged design. Features include a 24 inch floating barrel, a 5 round capacity magazine, manual safety, synthetic stock, carbon steel barrel, a Nightforce scope and Harris bi-pod. The rifle can deliver a precise shot engaging dangerous targets out to 600 meters and can be used for information gathering and observation at safe distances.	
Purpose/Authorized Uses: To be used as precision weapons to address a threat with more precision and/or greater distances than a handgun, if present and feasible. Accuracy International precision rifles are to be used exclusively by officers assigned to the SWAT Sniper Team. These rifles are typically deployed with the SWAT Sniper Team during high-risk SWAT operations and special events or instances wherein Sniper Over Watch Teams are needed.	
Fiscal Impacts: $5,500 each.	
Legal/Procedural Rules Governing Use: All applicable State, Federal and Local laws governing police use of force. Newark Police Department Policy 300 – Use of Force, Policy 312 – Firearms, Policy 408 - Special Weapons and Tactics.	
Training Required: SWAT Snipers must successfully complete SWAT school. SWAT Snipers must attend a 40 hour POST approved Basic Sniper School, and regularly train and qualify with various weapons systems including the .308 bolt action Sniper rifle to maintain proficiency. Proficiency training shall be monitored and documented by POST certified firearms instructors. All training and proficiency for firearms will be documented in the officer's training file.	

Qualifying Equipment Owned/Utilized by the Newark Police Department

Equipment Name: CS Gas systems- CA Gov't Code § 7070 (c)(12)	
Quantity Owned/Sought: Owned: (20) CTS Irritant Munitions 5230B – CS Baffled Canister Grenade Sought : (30) CTS Irritant Munitions 4330 – 40MM CS Liquid Barricade Projectile (12) CTS Irritant Munitions 9430 – CS Tear Ball Grenade (12) CTS Irritant Munitions 5430 – CS Flameless Expulsion Canister (12) CTS Irritant Munitions 6230 – CS Canister Grenade (24) CTS 40mm Munitions 4530 – 40mm Frangible Impact- CS Powder	**Lifespan:** 5 years
Equipment Capabilities: The use of CS Gas causes mucous membranes and exposed skin to become inflamed resulting in a temporary respiratory effect and discomfort	
Manufacture Product Description: **CTS Irritant Munitions 4330 – 40MM CS Liquid Barricade Projectile** – Spin Stabilized, 4.1" long liquid CS filled projecticle penetrates intermediate barriers and delivers irritant agents into an adjacent room. **CTS Irritant Munitions 9430 – CS Tear Ball Grenade –** "Rubber – ball" style grenades that upon initiation eject a powder payload of CS into a radius surrounding the device. Tear balls are primarily used for crowd control in indoor and outdoor situations. **CTS Irritant Munitions 5230B – CS Baffled Canister Grenade –** Pyrotechnic grenade designed for indoor use delivering a maximum amount of irritant smoke throughout multiple rooms with minimal risk of fire. **CTS Irritant Munitions 5430 – CS Flameless Expulsion Canister Grenade** – Large diameter flameless grenade posing no risk of fire and discharging a large powder payload instantaneously through multiple emission ports.	

CTS Irritant Munitions 6230 – CS Canister Grenade – Pyrotechnic canister grenade emitting smoke through multiple emission ports for 30 to 40 seconds.

CTS 40mm Munitions 4530 – 40mm Frangible Impact- CS Powder – 40mm multi-effect munition delivering greater energy on the target with extreme accuracy and simultaneously dispersing a cloud of irritant or marking power.

Purpose/Authorized Uses:
Less lethal weapon systems may limit the escalation of conflict where employment of lethal force is prohibited or undesirable. In order to control subjects who are violent or who demonstrate the intent to be violent, tear gas may be used for crowd control, crowd dispersal or against barricaded suspects based on the circumstances. Only the Watch Commander, Incident Captain or SWAT Commander may authorize the delivery and use of tear gas, and only after evaluating all conditions known at the time and determining that such force reasonably appears justified and necessary. When practicable, fire personnel should be alerted or summoned to the scene prior to the deployment of tear gas to control any fires and to assist in providing medical aid or gas evacuation if needed.

Fiscal Impacts:
CTS Irritant Munitions 4330 – 40MM CS Liquid Barricade Projectile - **$23.37 / unit**
CTS Irritant Munitions 9430 – CS Tear Ball Grenade - **$ 44.49 / unit**
CTS Irritant Munitions 5430 – CS Flameless Expulsion Canister Grenade - **$42.35 / unit**
CTS Irritant Munitions 6230 – CS Canister Grenade - **$27.19 / unit**
CTS 40mm Munitions 4530 – 40mm Frangible Impact- CS Powder - **$26.51 / unit**
CTS Irritant Munitions 6230 – CS Canister Grenade - **$41.93 / unit**

Legal/Procedural Rules Governing Use:
The use of this equipment is governed by Newark Police Department Policy 300 – Use of Force, Policy 308.6 Control Devices and Techniques – Tear Gas Guidelines. Policy 312.3.3 - Firearms – Shotguns, Policy 467 – First Amendment Assemblies.

Tear gas is governed by Penal Code § 22810.

Additionally, use of kinetic projectiles and chemical agents for crowd control purposes is specifically governed by Penal Code § 13652.

Training Required:
Specialized yearly department training via a POST Certified Chemical Weapons Instructor.

Other:
CTS Irritant Munitions 4330 – 40MM CS Liquid Barricade Projectile, CTS Irritant Munitions 5230B – CS Baffled Canister Grenade, and CTS Irritant Munitions 6230 – CS Canister Grenade only to be utilized by properly trained NPD SWAT Personnel. CTS Irritant Munitions 9430 – CS JetLite Rubber Ball Grenade, CTS Irritant Munitions 5430 – CS Flameless Expulsion Canister Grenade, and CTS 40mm Munitions 4530 – 40mm Frangible Impact- CS Powder only to be utilized by properly trained NPD SWAT/ Crowd Management Team (CMT) personnel.

(3) converted shotgun with cup launcher attachment, to only be utilized in conjunction with CTS Irritant Munitions 5230B – CS Baffled Canister Grenade for deployment into a structure.

Qualifying Equipment Owned/Utilized by the Newark Police Department

Equipment Name: CTS 7290 – Flash Bang CA Gov't Code § 7070 (c)(12)	
Quantity Owned/Sought: Owned (32)/ Sought (40)	**Lifespan:** 5 Years
Equipment Capabilities: The device is intended to create a diversion during critical incidents in which the device deflagrates, emitting a bright light and thunderous noise to distract potentially dangerous individuals.	
Manufacture Product Description: The CTS 7290 – Flash Bang is the standard for diversionary flash-bang devices. The 7290 produces 165-180db and 6-8 million candela of light output. The patented design of the 7290, incorporates a porting system that eliminates movement of the body at detonation even if the top or bottom of the device should be in contact with a hard surface. In addition, internal adjustments have greatly reduced smoke output. The device is an ATF-controlled Class C explosive device.	
Purpose/Authorized Uses: Used during critical incidents as a diversionary device to disorient/ distract potentially dangerous individuals. Device shall only be used by officers who have been trained in their proper use and deployment. Situations for use of the device may include but are not limited to - 1) In hostage and barricaded subject situations. 2) In high-risk warrant (search/ arrest) services where there may be extreme hazards to officers. 3) During Riot/ Crowd control and civil unrest incidents 4) During other high-risk situations where their use would enhance officer safety and a tactical advantage can be obtained. 5) During training exercises or approved demonstrations.	
Fiscal Impacts: $39.58/ CTS 7290 – Flash Bang	
Legal/Procedural Rules Governing Use: The use of flashbangs is governed by Newark Police Department Policy 300 – Use of Force and Policy 408.5.2 - Special Weapons and Tactics – Equipment. It is the policy of the NPD to utilize diversion devices only for official law enforcement purposes, and pursuant to State and Federal law regarding the use of force.	
Training Required: Specialized yearly department training via a POST Certified Noise-Flash-Diversionary Device Instructor.	
Other: CTS 7290 – Flash Bang only to be utilized by properly trained Newark Police Department Special Weapons and Tactics Team and Crowd Management Team Personnel.	

Qualifying Equipment Owned/Utilized by the Newark Police Department

Equipment Name: Pepperball TAC-SF launcher- CA Gov't Code § 7070 (c)(12)	
Quantity Owned/Sought: 3	**Lifespan: 10 yrs**
Equipment Capabilities: The TAC-SF semi-automatic pepperball launcher can launch over 250 .68 calibre pepperball projectiles containing 2% PAVA (OC) at an approximate distance of 150 feet per air tank charge providing distance and increasing safety.	
Manufacture Product Description: Pepperball TAC-SF is a compact lightweight modular launcher constructed of glass nylon. It launches standard .68 calibre round projectiles using a high-capacity air pressure system.	
Purpose/Authorized Uses: Pepper projectiles are plastic spheres that are filled with a derivative of OC powder. Because the compressed gas launcher delivers the projectiles with enough force to burst the projectiles on impact and release the OC powder, the potential exists for the projectiles to inflict injury if they strike the head, neck, spine or groin. Therefore, personnel using a pepper projectile system should not intentionally target those areas, except when the officer reasonably believes the suspect poses an imminent threat of serious bodily injury or death to the officer or others.	
Fiscal Impacts: $1,900 each	
Legal/Procedural Rules Governing Use: Use is established under Newark Police Department Policy 308.47.2. - Control Devices and Techniques – Pepper Projectile Systems. It is the policy of the NPD to utilize PepperBall only for official law enforcement purposes, and pursuant to State and Federal law, including those regarding the use of force. Additionally, use of kinetic projectiles and chemical agents for crowd control purposes is specifically governed by Penal Code § 13652.	
Training Required: Only those officers who have been trained in the use of Kinetic Energy Projectile Device are certified to carry the specific device. Proficiency training shall be monitored and documented by POST certified less-lethal munitions and chemical agent instructors. All training and proficiency for control devices will be documented in the officer's training file.	

Qualifying Equipment Owned/Utilized by the Newark Police Department

<table>
<tr><td colspan="2">Equipment Name: LMT Defense 40mm Launcher with 40mm kinetic energy projectiles- CA Gov't Code § 7070 (c)(14)</td></tr>
<tr><td>Quantity Owned/Sought:

Owned:

(28) Defense Technology 1425 – 40mm LMT Tactical Single Launcher, Expandable Stock

(180) Defense Technology 6325 – Exact Impact 40mm Standard Range Sponge Round</td><td>Lifespan: 10 Years (Defense Technology 1425 – 40mm LMT Tactical Single Launcher, Expandable Stock)

5 years (Defense Technology 6325- Exact Impact 40mm Standard Range Sponge Round)</td></tr>
<tr><td colspan="2">Equipment Capabilities: Kinetic energy projectiles, when used properly, are less likely to result in death or serious physical injury and can be used to de-escalate a potentially deadly situation. Department approved kinetic projectiles are fired from 40 mm launchers.</td></tr>
<tr><td colspan="2">Manufacture Product Description:

Defense Technology 1425 – 40mm LMT Tactical Single Launcher, Expandable Stock – Tactical single shot launcher that features an expandable ROGERS Super Stoc and an adjustable Integrated Front Grip (IFG) with light rail. The ambidextrous Lateral Sling Mount (LSM) and QD mounting systems allow both a single and two-point sling attachment. The launcher will fire standard 40mm less lethal ammunition, up to 4.8 inches in cartridge length. The Picatinny Rail Mounting System will accept a wide array of enhanced optics/ sighting systems.

Defense Technology 6325 – Exact Impact 40mm Standard Range Sponge Round – a point-of-aim, point-of-impact direct-fire round. This lightweight, high-speed projectile consisting of a plastic body and sponge nose that is spin stabilized via the incorporated rifling collar and the 40mm launcher's rifled barrel. The round utilizes smokeless powder as the propellant, and, therefore, have velocities that are extremely consistent. Used for crowd control, patrol, and tactical applications.</td></tr>
<tr><td colspan="2">Purpose/Authorized Uses: To limit the escalation of conflict where employment of lethal force is prohibited or undesirable. Situations for use of the Kinetic Energy Projectiles may include, but are not limited to: 1) Self-destructive, dangerous and/or combative individuals. 2) Riot/ Crowd control and civil unrest incidents. 3) Circumstances where a tactical advantage can be obtained. 4) Potentially vicious animals. 5) Training exercises or approved demonstrations.</td></tr>
<tr><td colspan="2">Fiscal Impacts: $725.00/ Defense Technology 1425- 40mm LMT Tactical Single Launcher, Expandable Stock
$19.30/ Defense Technology 6325 – Exact Impact 40mm Standard Range Sponge Round</td></tr>
<tr><td colspan="2">Legal/Procedural Rules Governing Use: The use of 40mm Kinetic Energy Projectiles is governed by Newark Police Department Policy 300 – Use of Force, 308.9 - Control Devices and Techniques – Kinetic Energy Projectile Guidelines and Policy 497 - First Amendment Assemblies</td></tr>
</table>

Additionally, use of kinetic projectiles and chemical agents for crowd control purposes is specifically governed by Penal Code § 13652.
Training Required: Only those officers who have been trained in the use of Kinetic Energy Projectile Device are certified to carry the specific device. Proficiency training shall be monitored and documented by a certified less-lethal munitions instructor. All training and proficiency for control devices will be documented in the officer's training file.
Other: Defense Technology 1425 – 40mm LMT Tactical Single Launcher, Expandable Stock can be utilized by properly trained NPD SWAT Personnel for the deployment of CTS Irritant Munitions 4330 – 40mm CS Liquid Barricade Projectile. Defense Technology 1425 – 40mm LMT Tactical Single Launcher, Expandable Stock can be utilized by properly trained NPD Special Weapons and Tactics Team/Crowd Management Team Personnel for the deployment of CTS 40mm Munitions 4530 – 40mm Frangible Impact- CS Powder.

Military Equipment

709.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the approval, acquisition, and reporting requirements of military equipment (Government Code § 7070; Government Code § 7071; Government Code § 7072). This policy applies to all members of the city of Newark Police Department.

709.1.1 DEFINITIONS

Definitions related to this policy include (Government Code § 7070):

Governing body – The elected or appointed body that oversees the Department.

Military equipment – Includes but is not limited to the following:

- Unmanned, remotely piloted, powered aerial or ground vehicles.
- Mine-resistant ambush-protected (MRAP) vehicles or armored personnel carriers, excluding police versions of standard consumer vehicles.
- High mobility multipurpose wheeled vehicles (HMMWV), two-and-one-half-ton trucks, five-ton trucks, or wheeled vehicles that have a breaching or entry apparatus attached, excluding unarmored all-terrain vehicles (ATVs) and motorized dirt bikes.
- Tracked armored vehicles that provide ballistic protection to their occupants and utilize a tracked system instead of wheels for forward motion.
- Command and control vehicles that are either built or modified to facilitate the operational control and direction of public safety units.
- Weaponized aircraft, vessels, or vehicles of any kind.
- Battering rams, slugs, and breaching apparatuses that are explosive in nature. This does not include a handheld, one-person ram.
- Firearms and ammunition of .50 caliber or greater, excluding standard-issue shotguns and standard-issue shotgun ammunition.
- Specialized firearms and ammunition of less than .50 caliber, including firearms and accessories identified as assault weapons in Penal Code § 30510 and Penal Code § 30515, with the exception of standard-issue firearms.
- Any firearm or firearm accessory that is designed to launch explosive projectiles.
- Noise-flash diversionary devices and explosive breaching tools.
- Munitions containing tear gas or OC, excluding standard, service-issued handheld pepper spray.
- TASER® Shockwave, microwave weapons, water cannons, and long-range acoustic devices (LRADs).
- Kinetic energy weapons and munitions.

Copyright Lexipol, LLC 2023/04/27, All Rights Reserved.
Published with permission by Newark Police Department

- Any other equipment as determined by a governing body or a state agency to require additional oversight.

709.2 POLICY

It is the policy of the Newark Police Department that members of this department comply with the provisions of Government Code § 7071 with respect to military equipment.

Items deemed to be "military equipment" by Government Code § 7070 (c) are used as a component of overall best practices for law enforcement agencies throughout the country. These tools have been tested in the field and are used by law enforcement agencies to enhance citizen and officer safety.

The Newark Police Department does not possess any tactical equipment that it has obtained from the military, nor does it possess any equipment that was designed for military use. The Newark Police Department does not participate in the Law Enforcement Support Officer (LESO) 10-33 program. The department does not currently receive or utilize surplus military equipment from the Federal government. It is the policy of the Newark Police Department to acquire and use equipment designed to enhance law enforcement's ability to ensure public safety and welfare.

709.3 MILITARY EQUIPMENT COORDINATOR

The Chief of Police should designate a member of this department to act as the military equipment coordinator. The responsibilities of the military equipment coordinator include but are not limited to:

(a) Acting as liaison to the governing body for matters related to the requirements of this policy.

(b) Identifying department equipment that qualifies as military equipment as defined by Government Code § 7070 (c) in the current possession of the Department, or the equipment the Department intends to acquire that requires approval by the governing body.

(c) Conducting an inventory of all military equipment at least annually.

(d) Collaborating with any allied agency that may use military equipment within the jurisdiction of Newark Police Department (Government Code § 7071).

(e) Preparing for, scheduling, and coordinating the annual community engagement meeting to include:

1. Publicizing the details of the meeting on the department's website at least thirty (30) days prior to any public hearing concerning the military equipment at issue.
2. Preparing for public questions regarding the department's funding, acquisition, and use of equipment.

(f) Preparing the annual military equipment report for submission to the Chief of Police and ensuring that the report is made available on the department website for as long as the equipment is made for use (Government Code § 7072).

Copyright Lexipol, LLC 2023/04/27, All Rights Reserved.
Published with permission by Newark Police Department

(g) Establishing the procedure for a person to register a complaint or concern, or how that person may submit a question about the use of a type of military equipment, and how the Department will respond in a timely manner.

709.4 MILITARY EQUIPMENT INVENTORY

The following constitutes a list of qualifying equipment for the Department:

See attachment: Military Equipment Inventory.pdf

709.5 APPROVAL

The Chief of Police or the authorized designee shall obtain approval from the governing body by way of an ordinance adopting the military equipment policy. As part of the approval process, the Chief of Police or the authorized designee shall ensure the proposed military equipment policy is submitted to the governing body and is available on the department website at least 30 days prior to any public hearing concerning the military equipment at issue (Government Code § 7071). The military equipment policy must be approved by the governing body prior to engaging in any of the following (Government Code § 7071):

(a) Requesting military equipment made available pursuant to 10 USC § 2576a.

(b) Seeking funds for military equipment, including but not limited to applying for a grant, soliciting or accepting private, local, state, or federal funds, in-kind donations, or other donations or transfers.

(c) Acquiring military equipment either permanently or temporarily, including by borrowing or leasing.

(d) Collaborating with another law enforcement agency in the deployment or other use of military equipment within the jurisdiction of this department.

(e) Using any new or existing military equipment for a purpose, in a manner, or by a person not previously approved by the governing body.

(f) Soliciting or responding to a proposal for, or entering into an agreement with, any other person or entity to seek funds for, apply to receive, acquire, use, or collaborate in the use of military equipment.

(g) Acquiring military equipment through any means not provided above.

709.6 COORDINATION WITH OTHER JURISDICTIONS

Military equipment should not be used by any other law enforcement agency or member in this jurisdiction unless the military equipment is approved for use in accordance with this policy.

Military equipment used by any member of this jurisdiction shall be approved for use and in accordance with the policy. Military equipment used by other jurisdictions that are providing mutual aid to this jurisdiction, or otherwise engage in law enforcement operations within Newark shall comply with their respective military equipment use policies when rendering assistance.

Copyright Lexipol, LLC 2023/04/27, All Rights Reserved.
Published with permission by Newark Police Department

709.7 USE IN EXIGENT CIRCUMSTANCES

In exigent circumstances and with the approval of the Chief of Police or designee, the department may acquire, borrow and/or use military equipment that is not included in the military equipment inventory section of this policy.

In accordance with this section, if the department borrows, and/or uses military equipment in exigent circumstances, it must take all of the following actions.

- Make all efforts to provide written notice of the use to the City Council within fourteen (14) days, but in no event more than thirty (30) days following commencement of such exigent circumstance, unless such information is confidential or privileged under local, state or federal law.
- If it is anticipated that the use will continue beyond the exigent circumstance, submit a proposed amended military equipment policy to the City Council within ninety (90) days following the borrowing and / or use, and receive approval for continued use.
- Include the equipment in the department's next annual military equipment report.
- Department members are required to adhere to the Department's Military Equipment Procedure and all policies and procedures outlined within the Newark Police Department's Policy and Procedures Manual, regardless of jurisdiction.

709.8 ANNUAL REPORT

Upon approval of a military equipment policy, the Chief of Police or the authorized designee should submit a military equipment report to the governing body for each type of military equipment approved within one year of approval, and annually thereafter for as long as the military equipment is available for use (Government Code § 7072).

The Chief of Police or the authorized designee should also make each annual military equipment report publicly available on the department website for as long as the military equipment is available for use. The report shall include all information required by Government Code § 7072 for the preceding calendar year for each type of military equipment in department inventory.

709.9 COMMUNITY ENGAGEMENT

Within thirty (30) days of submitting and publicly releasing the annual report, the Department shall hold at least one well-publicized and conveniently located community engagement meeting, at which the Department should discuss the report and respond to public questions regarding the funding, acquisition, or use of military equipment.

Copyright Lexipol, LLC 2023/04/27, All Rights Reserved.
Published with permission by Newark Police Department

City of Newark

Newark Police Department

37077 Newark Boulevard
Newark, CA 94560

April 9, 2024

2023 ANNUAL MILITARY EQUIPMENT USE REPORT
&
QUALIFYING EQUIPMENT INVENTORY

The acquisition and use of military equipment in our community may impact the public's safety and welfare. Our community has a right to know about funding, acquisition, or use of military equipment by the Newark Police Department (PD), as well as a right to participate in the local government's decision to fund, acquire, or use such equipment.

The Newark Police Department owns equipment defined as "military equipment" under California Government Code section 7070 subdivision (c). Newark PD does not possess any equipment received from the military, nor does it possess any equipment that was designed for military use. Newark PD does not participate in the Law Enforcement Support Officer (LESO) 10-33 program. The department does not currently receive or utilize surplus military equipment from the Federal government. It is the policy of the Newark Police Department to acquire and use equipment designed to enhance law enforcement's ability to ensure public safety and welfare.

Newark PD's Military Equipment Policy 709 requires the publication of an Annual Military Equipment Usage Report. Per Government Code section 7072, our annual report must include the following information:

- *A summary of how the military equipment was used and the purpose of its use.*
  - The Qualifying Equipment Inventory details usage of each item
- *A summary of any complaints or concerns received concerning the military equipment.*
  - Newark PD did not receive any complaints related to the use of military equipment in 2023.
- *The results of any internal audits or information about violations of military equipment use policy and any actions taken in response.*
  - All use of force incidents are reviewed by assigned Watch Commanders to ensure employees are performing their duties within guidelines set by department policy and applicable law. Reviews provide opportunities to reflect on officer actions, policies, procedures, legislation, training, and best practices. During the 2023 military equipment audit, no violations or concerns related to the use of military equipment were reported. Officers were found to be operating in a manner consistent with department policies and training.
- *The total annual cost for each type of military equipment, including acquisition, personnel, training, transportation, maintenance, storage, upgrade, and other ongoing costs and from what source funds will be provided for the military equipment in the calendar year following submission of the annual military equipment report.*
  - The Qualifying Equipment Inventory details the cost associated with all military equipment.

- *The quantity possessed for each type of military equipment.*
    - The Qualifying Equipment Inventory details the quantity of all military equipment.
- *If the law enforcement agency intends to acquire additional military equipment in the next year, the quantity sought for each type of military equipment.*
    - Newark PD intends to replace 30 previously approved patrol rifles and intends to add 10 additional rifles to the equipment inventory for 2024 for a total of 40 patrol rifles. Replacement patrol rifles was listed in the 2022 Annual Military Equipment Use Report as an intended future purchase but was not acquired during 2023. Additionally, the department will be exploring the potential purchase of (6) replacement SWAT rifles to replace in-service SWAT rifles that have exceeded their lifespan.
    - Newark PD intends to purchase (12) noise flash diversionary devices (NFDD), commonly referred to as "flashbangs", to replenish the current inventory.
    - Any other purchases for Newark PD in 2024 include items needed to maintain inventory for previously approved military equipment which need to be repaired or replenished after being used in either the field or training environments. All items needed to be repaired or replenished are included in our policy and attached inventory, which was previously approved by the City Council.
    - The department will be exploring the potential to acquire a miniature confined space capable UAS/Drone. A confined space drone was listed in the 2022 Annual Military Equipment Use Report as a possible future purchase but was not acquired during 2023. Future attempts to obtain the UAS/Drone or any additional types of military equipment not expressly provided herein, will adhere to procedures set forth in the Government Code and our Military Equipment policy; this includes a public hearing for City Council approval prior to acquisition.
    - The Qualifying Equipment Inventory and all costs associated with the use of this equipment is believed to be consistent with the Military Equipment inventory list, policy, and department budget, previously approved by the City Council. It should be noted, these operating costs are good faith estimates which are subject to changes made by vendors and/or manufacturers based on variables related to availability, shipping, and general market increases.

Public Comment

Newark PD strongly considers the public's welfare, safety, civil rights, and civil liberties. In an effort for continued transparency, our department places high regard on public input related to the use of military equipment in our community. The department will hold a well-publicized and conveniently located community engagement meeting where members of the community may discuss and ask questions regarding the annual military equipment report. A meeting will be held within thirty days of posting this report on our department website.

Qualifying Equipment Inventory: Owned/Utilized by the Newark Police Department

Equipment Name: Unmanned Aircraft Systems (UAS/Drones) – CA Gov't Code § 7070 (c)(1)	
Quantity Owned/Sought: 4	Lifespan: 5 years
Equipment Capabilities: Remotely piloted aerial vehicle capable of providing live and recorded video images captured from aerial positions, including images enhanced by Forward Looking Infrared (FLIR), thermal and optical zoom lenses.	
Manufacture Product Description: DJI Phantom 4 Pro (quantity 1): The Phantom 4 Pro's camera shoots 4K/60fps at a bitrate of 100Mbps and stills up to 20-megapixels. The Flight Autonomy system adds dual rear vision sensors and two Time of Flight range imaging cameras for a total of 5 directions of obstacle sensing with a range of up to 30m in all directions. The Lightbridge HD video transmission system offers an extended maximum transmission range of 4.3mi (7km) with the ability to switch between 2.4GHz and 5.8GHz. The aircraft's Intelligent Flight Battery also have increased capability by 520mAh to enable an extended flight time of 30 minutes. DJI Mavic 2 Enterprise (quantity 3): The Mavic 2 Enterprise Dual features a 24mm camera with a 1/2.3" 12MP sensor and FLIR thermal imaging sensor. The cameras can capture up to UHD 4K resolution video at 30fps, or thermal imaging images and temperature data. The Mavic 2 Enterprise can achieve speeds of up to 44.7 mph, and the four-call LiPo battery provides up to 31 minutes of flight time. The Mavic 2 Enterprise Dual also supports OcuSync 2.0 video transmission system. Additionally, there are three modular accessories to include a spotlight, speaker, and beacon. The Mavic 2 Enterprise also has omnidirectional obstacle sensing.	
Purpose/Authorized Uses: To be deployed when its view would assist officers or incident commanders with the following situations, which include but are not limited to: 1. Major collision investigations and crime scenes. 2. Search for missing persons and rescue events. 3. Natural disaster management. 4. Anytime a UAS would enhance public safety, improve operational safety, incident stabilization or incident mitigation. 5. SWAT, tactical or other public safety, fire services and life preservation missions. Only assigned personnel who have completed the required department training shall be permitted to operate any UAS during approved missions. Any use of a UAS will be in strict accordance with constitutional and privacy rights and Federal Aviation Administration (FAA) regulations.	
Fiscal Impacts: DJI Phantom 4 Pro $1500 DJI Mavic 2 Enterprise $3350 each	
Legal/Procedural Rules Governing Use: The use of a UAV is in accordance with Newark Police Department Policy – 613 – Unmanned Aircraft Systems and FAA Regulation 14 CFR Part 107. It is the policy of the NPD to utilize UAS only for official law enforcement purposes, and in a manner that respects the privacy of our community, pursuant to State and Federal law.	

Training Required: Federal Aviation Administration “Part 107 – Remote Pilot License” and POST certified 24-hour Basic UAS Pilot course.
Annual Report 2023
Use Summary: During the 2023 calendar year, the Newark Police Department documented (14) UAS/Drone deployments. In these cases, UAS/Drones were deployed to assist the Field Operations Division with active investigations to enhance officer safety and/or document fatal collision scenes. The deployment incidents included theft, stolen vehicles, high-risk warrants, and collision investigations.
Complaints Received: No complaints were received regarding UAS/Drone usage.
Internal Audit A review of UAS/Drones deployments found their use was within policy and determined no violations of the military equipment use policy were identified.
Quantity Possessed: 4
Annual Cost: There are no reoccurring costs with the possession of the UAS/Drones. Drone pilot operation is a collateral assignment in addition to regular duties. Training is completed on an annual basis depending on training needs. This training occurs during normal duty hours and when staffing allows.
Anticipated Purchase(s): In the coming year there is an interest in purchasing (1) mini UAS/Drone to assist with the purpose above where the location is too confined for conventional UAS/Drone use.

Qualifying Equipment Inventory: Owned/Utilized by the Newark Police Department

Equipment Name: Robotex Avatar III/ Robotex Avatar II Robot(s)- CA Gov't Code § 7070 (c)(1)	
Quantity Owned/Sought: Owned: (1) Robotex Avatar III **(1)** Robotex Avatar II	Lifespan: 10 Years
Equipment Capabilities: Robots designed for remote handling of objects, reconnaissance missions, two-way communication, and deliver/ retrieval tasks.	
Manufacture Product Description: The Robotex Avatar III/ Robotex Avatar II are rugged, easy-to-use tactical robots that enhance the capabilities of law enforcement and first-responders by allowing them to safely and quickly inspect dangerous situations.	
Purpose/Authorized Uses: To remotely gain visual/ audio data, deliver CNT phone, open doors, disrupt packages, and clear buildings, or for any other approved law enforcement purpose. Only to be utilized by officers who have been trained in their proper use and deployment.	
Fiscal Impacts: $30,000 / unit	
Legal/Procedural Rules Governing Use: The use of a robot is in accordance with Newark Police Department Policy – 408– Special Weapons and Tactics. It is the policy of the NPD to utilize robots only for official law enforcement purposes, and in a manner that respects the privacy of our community, pursuant to State and Federal law. The use of an unmanned, remotely piloted, powered ground vehicles potentially involves privacy considerations. Absent a warrant or exigent circumstances, operators and observers shall adhere to all applicable privacy laws and shall not intentionally record or transmit images of any location where a person would have a reasonable expectation of privacy (e.g., residence, yard, enclosure). Post Hoc authorization is required per Penal Code § 632.	
Training Required: Specialized yearly department training via NPD SWAT Personnel.	
Other: Robotex Avatar III can be equipped with Avatar Extended Reach Manipulator Arm ($24,000 purchase price). The Avatar III with Avatar Extended Reach Manipulator Arm was obtained through State grant funds.	
Annual Report 2023	
Use Summary: During the 2023 calendar year, the Newark Police Department documented (2) Robotex Avatar deployments. In both instances, the Avatar was deployed to assist Field Operations with the searching of a building for suspect(s) during a high-risk building search.	
Complaints Received: No complaints were received regarding Avatar usage.	
Internal Audit A review of Avatar deployments found their use was within policy and determined no violations of the military equipment use policy were identified.	
Quantity Possessed: 2	

Annual Cost: There are no reoccurring costs with the possession of the Robotex Avatar robots. An Avatar operator is a collateral assignment in addition to regular duties. Training with the Avatar occurs annually depending on training needs.
Anticipated Purchase(s): We do not anticipate any purchases for the Avatar in the coming year.

Equipment Name: Lenco Armored Rescue Vehicle (ARV) -CA Gov't Code § 7070 (c)(3)	
Quantity Owned/Sought: 1	Lifespan: ~20 years
Equipment Capabilities: The vehicle is equipped with emergency lights/sires, rotating roof hatch, electric winches, running boards, back-up camera, battering ram attachment, CS (tear gas) deployment attachment for battering ram, and spot/flood lights. The vehicle is armored with a 0.5 – 1.5" thick steel and ballistic windows rated to stop a 0.50 caliber bullet.	
Manufacture Product Description: 2004 Lenco BearCat G1 Armored Rescue Vehicle (ARV) is the standard tactical armored vehicle for special operations units within the US Law Enforcement community. Since the early 2000s, agencies such as LAPD, LASD SEB, NYPD ESU, Boston PD and hundreds of Federal, State and Local Law Enforcement agencies have made the BearCat G1 part of their standard operating procedure. The G1 has excellent on-road driving characteristics and maneuverability in tight urban settings.	
Purpose/Authorized Uses: The Armored Rescue Vehicle (ARV) is primarily used during critical incidents. The ARV may be used by patrol and SWAT personnel for the safe transport of personnel, to conduct high risk rescue and evacuation operations, high risk warrant service operations, dangerous high risk tactical operations, training, community engagement efforts, or any other applications deemed appropriate by the SWAT Commander, Division Commander, or Chief of Police.	
Fiscal Impacts: The cost of the ARV was approximately $160,000. The refurbished 2004 vehicle was purchased by Newark Police Department in May of 2013 from the vendor, Lenco, on a lease agreement, which was budgeted and paid over 8 years out of the police department's operating budget.	
Legal/Procedural Rules Governing Use: The use of the ARV may be considered a show of force and is governed by Newark Police Department Policy 300 – Use of Force and Policy 408.5.2 - Special Weapons and Tactics – Equipment. It is the policy of the Department to use the ARV only for official law enforcement purposes, and in accordance with California State law regarding the operation of motor vehicles.	
Training Required: Officers are to be trained in the operation of the ARV prior to use. Training will include basic knowledge of electronic/mechanical functions on the vehicle and a driving exercise. SWAT personnel will receive advanced training and are expected to maintain a higher level of operational knowledge and expertise. Only NPD personnel who have completed training and possess a valid California Driver's License will be authorized to drive/operate the ARV, unless a delayed deployment of an ARV would result in serious bodily injury or death.	
Annual Report 2023	
Use Summary: During the 2023 calendar year, the Newark Police Department documented (15) Lenco Armored Rescue vehicle (ARV) deployments. In these cases, the ARV was deployed to assist the Field Operations Division in (11) incident deployments where the ARV was used to protect officers during the following critical high stress incidents: 1/19/2023: SWAT Arrest/ Search warrant service for attempt homicide investigation 1/19/2023: Mutual aid for SACMCTF during homicide arrest	

3/8/2023: SWAT Arrest/ Search warrant service for automatic weapon investigation 3/8/2023: Response to shooting investigation 3/12/2023: Response to a carjacking investigation 4/8/2023: Response to disturbance with presence of a firearm 5/11/2023: Mutual aid for Fremont PD during hostage barricade 5/13/2023: Response to suicidal subject with a firearm 8/24/2023: Mutual aid for Southern Alameda Major Crimes TaskForce during attempt homicide investigation 9/9/2023: Response to disturbance with possible fatal injuries 9/20/2023: Mutual aid for SACMCTF during carjacking investigation In an additional (4) deployments, the ARV was used as an educational tool for public relation events: Newark Days, Children Summer Camp, Police Department tour, and Big Truck Day.
Complaints Received: No complaints were received regarding ARV usage.
Internal Audit A review of ARV deployments determined that its use was within policy and no violations of the military equipment use policy were identified.
Quantity Possessed: 1
Annual Cost: Although there is no specialized reoccurring annual cost with the possession of this vehicle, there are routine maintenance costs for its upkeep, which are in-line with the upkeep of other fleet vehicles.
Anticipated Purchase(s): There are no anticipated purchases for the coming year.

Qualifying Equipment Owned/Utilized by the Newark Police Department

Equipment Name: City of Newark- Mobile Command Vehicle (MCV) CA Gov't Code § 7070 (c)(5)	
Quantity Owned/Sought: 1	Lifespan: 25 years
Equipment Capabilities: The vehicle is capable of being used as a mobile command center, a temporary emergency operations center, for crisis negotiations, and as a dispatch center. The vehicle is capable of transporting personnel and equipment. The vehicle can be separated into two separate work areas by partitions to serve multiple functions simultaneously. The Mobile Command vehicle serves as a resource management center, rallying point for outside resources, and location for centralized and unified command.	
Manufacture Product Description: LDV Model SS28RC-10CC SO243022. The Newark Police Department Mobile Command Vehicle is an 18' dry van with a cab-to-axle length of 120". It is built on a 2019 Ford F-550 Regular Cab 2WD single rear axle gasoline chassis. 19,500-lb with rear spring suspension and hydraulic brakes. It is painted white with police graphics affixed to the sides of the vehicle.	
Purpose/Authorized Uses: To be used for critical incident callouts, as a temporary emergency operations center, as a backup dispatch center, as a crisis negotiation workspace, or for other approved law enforcement purpose. The Mobile Command vehicle serves as a resource management center, rallying point for outside resources, and location for centralized and unified command. The Mobile Command Vehicle can be used by staff who have been properly trained in the safe handling of the vehicle.	
Fiscal Impacts: Total cost of the Mobile Command Vehicle was $211,000. $135,000 was funded by State Grant and the remainder $76,000 was allocated through a General Fund Budget Amendment from the 2018-2020 Biennial Budget.	
Legal/Procedural Rules Governing Use: It is the policy of the Department to use the MCV only for official law enforcement purposes, and in accordance with California State law regarding the operation of motor vehicles.	
Training Required: Members of the Crisis Negotiations Team and Tactical Dispatchers receive annual training on the internal electrical system.	
Annual Report 2023	
Use Summary: During the 2023 calendar year, the Newark Police Department documented (4) Mobile Command Vehicle (MCV) deployments: Newark Days, Family Day in the Park, Big Truck Day, and a Christmas Tree Lighting Event. In these cases, the MCV was deployed to assist the Field Operations Division as a resource management center for public relations events where the public could connect with city personnel. On (2)	

occasions the MCV was used as an operations center for tactical dispatch and crisis negotiations during a Field Operations incident.
Complaints Received: No complaints were received regarding MCV usage.
Internal Audit A review of MCV deployments determined its use was within policy and no violations of the military equipment use policy were identified.
Quantity Possessed: 1
Annual Cost: There is a general ongoing maintenance cost (oil changes, vehicle service etc.) including DMV registration in accordance with other department fleet vehicles. There are no other specialized costs with this equipment. No formalized training is required to drive this class “C” vehicle.
Anticipated Purchase(s): There is no anticipated purchase of this equipment in the coming future.

Equipment Name: Patrol Rifles - Colt AR-15 ; CA Gov't Code § 7070 (c)(10)	
Quantity Owned/Sought: 30	Lifespan: 10 years
Equipment Capabilities: Carbine Rifle is a firearm, capable of accurately stopping an armed subject at various distances to include those that exceed the capabilities of a service pistol. The .223 / 5.56 cartridge is used as a lethal option designed to stop a violent encounter. The projectile is capable of penetrating soft body armor being worn by armed subjects.	
Manufacture Product Description: The Carbine Rifle is a lightweight, air-cooled, gas operated, magazine fed, shoulder fired weapon. AR-15 style barrel lengths varying from 10.3 to 16 inches. • COLT AR-15 Carbine Patrol Rifle: 25 • Rock River Arms AR-15 Carbine Patrol Rifle: 5	
Purpose/Authorized Uses: To be used as precision weapons to address a threat with more precision and/or greater distances than a handgun, if present and feasible.	
Fiscal Impacts: $1,050 ea	
Legal/Procedural Rules Governing Use: All applicable State, Federal and Local laws governing police use of force. Newark Police Department Policy 300 – Use of Force, Policy 312.3.2 – Firearms – Patrol Rifles, Policy 408.5.2 - Special Weapons and Tactics – Equipment. Possession of short-barreled rifles by police officers is governed by Penal Code § 33220. Possession of assault weapon by police officers in the discharge of their duties is governed by Penal Code § 30625.	
Training Required: Officers must successfully complete a CA POST certified 16-hour tactical rifle course as well as regular department firearms training and qualifications as required by law and policy. Proficiency training shall be monitored and documented by POST certified firearms instructors. All training and proficiency for firearms will be documented in the officer's training file.	
Annual Report 2023	
Use Summary: During the 2023 calendar year, the Newark Police Department documented (4) patrol rifle deployments during training only. In these cases, patrol rifles were deployed in accordance with training needs to qualify and maintain proficiency with the rifle at an authorized police range.	
Complaints Received: No complaints were received regarding patrol rifle usage.	
Internal Audit A review of the patrol rifle deployments found their use was within policy and no violations of the military equipment use policy were identified.	
Quantity Possessed: 30	
Annual Cost: There are no reoccurring costs with the possession of the patrol rifles except for replacement of broken parts which occur randomly.	

Anticipated Purchase(s):
In the coming year the department anticipates replacing the current (30) patrol rifles and purchasing (10) additional rifles.

Equipment Name: M4 Style Platform Automatic SWAT Rifle; CA Gov't Code § 7070 (c)(10)	
Quantity Owned/Sought: 15	Lifespan: 10 yrs
Equipment Capabilities: Carbine Rifle is a firearm, capable of accurately stopping an armed subject at various distances to include those that exceed the capabilities of a service pistol. The .223 / 5.56 cartridge is used as a lethal option designed to stop a violent encounter. The projectile is capable of penetrating soft body armor being worn by armed subjects.	
Manufacture Product Description: • Sig Sauer SIG516 10.5-inch M4 style platform, fully automatic, pushrod gas system rifles in 5.56 caliber with flip up rear adjustable sights: 6 • Colt 10.5-inch M4 style platform, fully automatic, pushrod gas system rifles in .223 caliber with flip up rear adjustable sights: 6 • Bushmaster 10.5-inch M4 style platform, fully automatic, pushrod gas system rifles in .223 caliber with flip up rear adjustable sights: 3	
Purpose/Authorized Uses: To be used as precision weapons to address a threat with more precision and/or greater distances than a handgun, if present and feasible.	
Fiscal Impacts: $2,100 ea.	
Legal/Procedural Rules Governing Use: All applicable State, Federal and Local laws governing police use of force. Newark Police Department Policy 300 – Use of Force, Policy 312.3.2 – Firearms – Patrol Rifles, Policy 408.5.2 - Special Weapons and Tactics – Equipment. Possession of short-barreled rifles by police officers is governed by Penal Code § 33220. Possession of assault weapon by police officers in the discharge of their duties is governed by Penal Code § 30625.	
Training Required: Only current NPD SWAT Team Members who have: 1) completed a 16 hour POST approved tactical rifle course. 2) successfully passed the NPD SWAT Rifle Qualification course and 3) enrolled in or successfully completed a POST approved Basic SWAT School course shall be authorized to utilize an M4 style platform. Users must continually display proficiency by successfully passing quarterly (4) qualification courses each calendar year. Proficiency training shall be monitored and documented by POST certified firearms instructors. All training and proficiency for firearms will be documented in the officer's training file.	
Annual Report 2023	
Use Summary: During the 2023 calendar year, the Newark Police Department documented (6) SWAT rifle deployments. In these cases, SWAT rifles were deployed in accordance with training needs to qualify and maintain proficiency with the rifle at an authorized police range.	
Complaints Received: No complaints were received regarding patrol rifle usage.	

Internal Audit A review of the SWAT rifle deployments determined their use was within policy and no violations of the military equipment use policy were identified.
Quantity Possessed: 15
Annual Cost: There are no reoccurring costs with the possession of the SWAT rifles except for replacement of broken parts which occur randomly.
Anticipated Purchase(s): There is an anticipated purchase of (6) replacement SWAT rifles, which are currently beyond their expected lifespan.

Qualifying Equipment Owned/Utilized by the Newark Police Department

Equipment Name: Compact Heckler Koch Submachine Gun; CA Gov't Code § 7070 (c)(10)	
Quantity Owned/Sought: 7	Lifespan: 10 Years
Equipment Capabilities: The submachine gun is a firearm, capable of accurately stopping an armed subject at various distances to include those that exceed the capabilities of a service pistol. It is a lightweight, air-cooled, gas operated, magazine fed, shoulder fired weapon. It is a short-barreled weapon which allows a trained officer better control inside of structures with greater accuracy than a handgun.	
Manufacture Product Description: Heckler Koch MP5 is a submachine gun using a blowback operating system for reliability, accuracy, and ease of handling in confined spaces. The barrels are cold hammer forged with the body consisting of stamped high strength steel and modern polymers. • Heckler and Koch MP5 40cal with safe/semi/3rd burst/auto selector switch .40cal: 2 • Heckler and Koch MP5 9mm with safe/semi/3rd burst/auto selector switch 9mm: 5	
Purpose/Authorized Uses: To be used as precision weapons to address a threat with more precision and/or greater distances than a handgun, if present and feasible.	
Fiscal Impacts: $3,025 per rifle	
Legal/Procedural Rules Governing Use: All applicable State, Federal and Local laws governing police use of force. Newark Police Department Policy 300 – Use of Force, Policy 312.3.2 – Firearms – Patrol Rifles, Policy 408.5.2 - Special Weapons and Tactics – Equipment. Possession of short-barreled rifles by police officers is governed by Penal Code § 33220. Possession of assault weapon by police officers in the discharge of their duties is governed by Penal Code § 30625.	
Training Required: Officers must successfully complete a CA POST certified 16-hour tactical rifle course as well as regular department firearms training and qualifications as required by law and policy. Only members that have successfully completed NPD sub gun range qualification are authorized to use these weapons.	
Annual Report 2023	
Use Summary: During the 2023 calendar year, the Newark Police Department documented (0) HK submachine gun deployments.	
Complaints Received: No complaints were received regarding patrol rifle usage.	
Internal Audit No internal audit was conducted as there were no deployments for 2023.	
Quantity Possessed: 7	
Annual Cost: There are no reoccurring costs with the possession of the HK submachine guns.	
Anticipated Purchase(s): There are no anticipated purchases for the coming year.	

Qualifying Equipment Owned/Utilized by the Newark Police Department

Equipment Name: .308 Bolt Action Rifle – Accuracy International AE and ammo; CA Gov't Code § 7070 (c)(10)	
Quantity Owned/Sought: 2	Lifespan: 10 years
Equipment Capabilities: The Accuracy International AE .308 rifle enables the stopping of an armed subject at a safe distance. The rifle is capable of accurately stopping an armed subject at various distances to include those that exceed the capabilities of a service pistol. Additionally, the rifle, paired with the scope, creates a system which will allow for a trained sniper to gather real time information through observation at safe distances.	
Manufacture Product Description: The Accuracy International AE is a bolt action rifle manufactured for precision shooting. The rifle delivers a single .308 caliber shot from a short action rifle system. The Accuracy International AE rifle delivers precision accuracy in a powerful and rugged design. Features include a 24 inch floating barrel, a 5 round capacity magazine, manual safety, synthetic stock, carbon steel barrel, a Nightforce scope and Harris bi-pod. The rifle can deliver a precise shot engaging dangerous targets out to 600 meters and can be used for information gathering and observation at safe distances.	
Purpose/Authorized Uses: Accuracy International precision rifles are to be used exclusively by officers assigned to the SWAT Sniper Team. These rifles are typically deployed with the SWAT Sniper Team during high-risk SWAT operations and special events or instances wherein Sniper Over Watch Teams are needed.	
Fiscal Impacts: $5,500 each.	
Legal/Procedural Rules Governing Use: All applicable State, Federal and Local laws governing police use of force. Newark Police Department Policy 300 – Use of Force, Policy 312 – Firearms, Policy 408 - Special Weapons and Tactics.	
Training Required: SWAT Snipers must successfully complete SWAT school. SWAT Snipers must attend a 40 hour POST approved Basic Sniper School, and regularly train and qualify with various weapons systems including the .308 bolt action Sniper rifle to maintain proficiency. Proficiency training shall be monitored and documented by POST certified firearms instructors. All training and proficiency for firearms will be documented in the officer's training file.	
Annual Report 2023	
Use Summary: During the 2023 calendar year, the Newark Police Department documented (0) .308 Bolt Action Rifle deployments.	
Complaints Received:	

No complaints were received regarding .308 Bolt Action Rifle usage.
Internal Audit No internal audit was conducted as there were no deployments for 2023.
Quantity Possessed: 2
Annual Cost: There are no reoccurring costs with the possession of the .308 Bolt Action Rifle.
Anticipated Purchase(s): There are no anticipated purchases for the coming year.

Equipment Name: CS Gas systems- CA Gov't Code § 7070 (c)(12)	
Quantity Owned/Sought: <u>Owned:</u> (20) CTS Irritant Munitions 5230B – CS Baffled Canister Grenade <u>Sought :</u> (30) CTS Irritant Munitions 4330 – 40MM CS Liquid Barricade Projectile (12) CTS Irritant Munitions 9430 – CS Tear Ball Grenade (12) CTS Irritant Munitions 5430 – CS Flameless Expulsion Canister (12) CTS Irritant Munitions 6230 – CS Canister Grenade (25) CTS 40mm Munitions 4530 – 40mm Frangible Impact- CS Powder	Lifespan: 5 years
Equipment Capabilities: The use of CS Gas causes mucous membranes and exposed skin to become inflamed resulting in a temporary respiratory effect and discomfort.	
Manufacture Product Description: CTS Irritant Munitions 4330 – 40MM CS Liquid Barricade Projectile – Spin Stabilized, 4.1" long liquid CS filled projectile penetrates intermediate barriers and delivers irritant agents into an adjacent room. CTS Irritant Munitions 9430 – CS Tear Ball Grenade – "Rubber – ball" style grenades that upon initiation eject a powder payload of CS into a radius surrounding the device. Tear balls are primarily used for crowd control in indoor and outdoor situations. CTS Irritant Munitions 5230B – CS Baffled Canister Grenade – Pyrotechnic grenade designed for indoor use delivering a maximum amount of irritant smoke throughout multiple rooms with minimal risk of fire. CTS Irritant Munitions 5430 – CS Flameless Expulsion Canister Grenade – Large diameter flameless grenade posing no risk of fire and discharging a large powder payload instantaneously through multiple emission ports.	

CTS Irritant Munitions 6230 – CS Canister Grenade – Pyrotechnic canister grenade emitting smoke through multiple emission ports for 30 to 40 seconds.

CTS 40mm Munitions 4530 – 40mm Frangible Impact- CS Powder – 40mm multi-effect munition delivering greater energy on the target with extreme accuracy and simultaneously dispersing a cloud of irritant or marking power.

Purpose/Authorized Uses:
Less lethal weapon systems may limit the escalation of conflict where employment of lethal force is prohibited or undesirable. In order to control subjects who are violent or who demonstrate the intent to be violent, tear gas may be used for crowd control, crowd dispersal or against barricaded suspects based on the circumstances. Only the Watch Commander, Incident Captain or SWAT Commander may authorize the delivery and use of tear gas, and only after evaluating all conditions known at the time and determining that such force reasonably appears justified and necessary. When practicable, fire personnel should be alerted or summoned to the scene prior to the deployment of tear gas to control any fires and to assist in providing medical aid or gas evacuation if needed.

Fiscal Impacts:
CTS Irritant Munitions 4330 – 40MM CS Liquid Barricade Projectile - $23.37 / unit
CTS Irritant Munitions 9430 – CS Tear Ball Grenade - $ 44.49 / unit
CTS Irritant Munitions 5430 – CS Flameless Expulsion Canister Grenade - $42.35 / unit
CTS Irritant Munitions 6230 – CS Canister Grenade - $27.19 / unit
CTS 40mm Munitions 4530 – 40mm Frangible Impact- CS Powder - $26.51 / unit
CTS Irritant Munitions 6230 – CS Canister Grenade - $41.93 / unit

Legal/Procedural Rules Governing Use:
The use of this equipment is governed by Newark Police Department Policy 300 – Use of Force, Policy 308.6 Control Devices and Techniques – Tear Gas Guidelines. Policy 312.3.3 - Firearms – Shotguns, Policy 467 – First Amendment Assemblies.

Tear gas is governed by Penal Code § 22810.

Additionally, use of kinetic projectiles and chemical agents for crowd control purposes is specifically governed by Penal Code § 13652.

Training Required:
Specialized yearly department training via a POST Certified Chemical Weapons Instructor.

Other:
CTS Irritant Munitions 4330 – 40MM CS Liquid Barricade Projectile, CTS Irritant Munitions 5230B – CS Baffled Canister Grenade, and CTS Irritant Munitions 6230 – CS Canister Grenade only to be utilized by properly trained NPD SWAT Personnel. CTS Irritant Munitions 9430 – CS JetLite Rubber Ball Grenade, CTS Irritant Munitions 5430 – CS Flameless Expulsion Canister Grenade, and CTS 40mm Munitions 4530 – 40mm Frangible Impact- CS Powder only to be utilized by properly trained NPD SWAT/ Crowd Management Team (CMT) personnel.

(3) converted shotgun with cup launcher attachment, to only be utilized in conjunction with CTS Irritant Munitions 5230B – CS Baffled Canister Grenade for deployment into a structure.

Annual Report 2023
Use Summary: During the 2023 calendar year, the Newark Police Department documented (0) CS Gas systems deployments.
Complaints Received: No complaints were received regarding CS gas usage.
Internal Audit A review of the CS gas deployment found their use was within policy and no violations of the military equipment use policy were identified. We discovered during the replacement of expired CS gas supplies that our vendor included an additional CTS 4530 40mm Munition.
Quantity Possessed: Varied based on device listed above
Annual Cost: There are no reoccurring costs with the possession of the CS gas.
Anticipated Purchase(s): There are no anticipated purchases for the coming year.

Equipment Name: CTS 7290 – Noise Flash Diversionary Device (NFDD) Flash Bang CA Gov't Code § 7070 (c)(12)	
Quantity Owned/Sought: Owned (32)/ Sought (40)	Lifespan: 5 Years
Equipment Capabilities: The device is intended to create a diversion during critical incidents in which the device deflagrates, emitting a bright light and thunderous noise to distract potentially dangerous individuals.	
Manufacture Product Description: The CTS 7290 – Flash Bang is the standard for diversionary flash-bang devices. The 7290 produces 165-180db and 6-8 million candela of light output. The patented design of the 7290, incorporates a porting system that eliminates movement of the body at detonation even if the top or bottom of the device should be in contact with a hard surface. In addition, internal adjustments have greatly reduced smoke output. The device is an ATF-controlled Class C explosive device.	
Purpose/Authorized Uses: Used during critical incidents as a diversionary device to disorient/ distract potentially dangerous individuals. Device shall only be used by officers who have been trained in their proper use and deployment. Situations for use of the device may include but are not limited to - 1) In hostage and barricaded subject situations. 2) In high-risk warrant (search/ arrest) services where there may be extreme hazards to officers. 3) During Riot/ Crowd control and civil unrest incidents 4) During other high-risk situations where their use would enhance officer safety and a tactical advantage can be obtained. 5) During training exercises or approved demonstrations.	
Fiscal Impacts: $39.58/ CTS 7290 – Flash Bang	
Legal/Procedural Rules Governing Use: The use of flashbangs is governed by Newark Police Department Policy 300 – Use of Force and Policy 408.5.2 - Special Weapons and Tactics – Equipment. It is the policy of the NPD to utilize diversion devices only for official law enforcement purposes, and pursuant to State and Federal law regarding the use of force.	
Training Required: Specialized yearly department training via a POST Certified Noise-Flash-Diversionary Device Instructor.	
Other: CTS 7290 – Flash Bang only to be utilized by properly trained NPD SWAT/ CMT Personnel.	
Annual Report 2023	
Use Summary: During the 2023 calendar year, the Newark Police Department documented (4) flash bang system deployments. In these (4) cases, flash bangs were deployed during training in accordance with training needed to qualify and maintain proficiency with the device at an authorized police training facility or for the purpose of demonstration to members of the public.	
Complaints Received: No complaints were received regarding flash bang usage.	

Internal Audit A review of flash bang deployments determined that their use was within policy and no violations of the military equipment use policy were identified.
Quantity Possessed: 22
Annual Cost: There are no reoccurring costs with the possession of these devices.
Anticipated Purchase(s): There is an anticipated purchase of (12) additional flashbangs to replenish the current inventory.

Equipment Name: Pepperball TAC-SF launcher- CA Gov't Code § 7070 (c)(12)	
Quantity Owned/Sought: 3	Lifespan: 10 yrs
Equipment Capabilities: The TAC-SF semi-automatic pepperball launcher can launch over 250 .68 calibre pepperball projectiles containing 2% PAVA (OC) at an approximate distance of 150 feet per air tank charge providing distance and increasing safety.	
Manufacture Product Description: Pepperball TAC-SF is a compact lightweight modular launcher constructed of glass nylon. It launches standard .68 calibre round projectiles using a high-capacity air pressure system.	
Purpose/Authorized Uses: Pepper projectiles are plastic spheres that are filled with a derivative of OC powder. Because the compressed gas launcher delivers the projectiles with enough force to burst the projectiles on impact and release the OC powder, the potential exists for the projectiles to inflict injury if they strike the head, neck, spine or groin. Therefore, personnel using a pepper projectile system should not intentionally target those areas, except when the officer reasonably believes the suspect poses an imminent threat of serious bodily injury or death to the officer or others.	
Fiscal Impacts: $1,900 ea.	
Legal/Procedural Rules Governing Use: Use is established under Newark Police Department Policy 308.47.2. - Control Devices and Techniques – Pepper Projectile Systems. It is the policy of the NPD to utilize PepperBall only for official law enforcement purposes, and pursuant to State and Federal law, including those regarding the use of force. Additionally, use of kinetic projectiles and chemical agents for crowd control purposes is specifically governed by Penal Code § 13652.	
Training Required: Only those officers who have been trained in the use of Kinetic Energy Projectile Device are certified to carry the specific device. Proficiency training shall be monitored and documented by POST certified less-lethal munitions and chemical agent instructors. All training and proficiency for control devices will be documented in the officer's training file.	
Annual Report 2023	
Use Summary: During the 2023 calendar year, the Newark Police Department documented (2) Pepperball system deployments. In (1) case, the Pepperball system was used to assist the Field Operations Division during a critical high stress incident in a less than lethal capacity. (1) incident was in accordance with training needed to qualify and maintain proficiency with the gas at an authorized police range. The Pepperball system was NOT used in any crowd control situations.	
Complaints Received: No complaints were received regarding the Pepperball system usage.	
Internal Audit A review of Pepperball system deployments determined their use was within policy and no violations of the military equipment use policy were identified.	
Quantity Possessed: 3	

Annual Cost: There is no reoccurring cost for the possession of the Pepperball launchers. Forecasted costs related to maintaining inventory for previously approved Pepperball ammunition which occasionally needs to be replenished after being used in either the field or training environments.
Anticipated Purchase(s): There are no anticipated purchases of Pepperball systems in the coming year.

<table>
<tr><td colspan="2">Equipment Name: LMT Defense 40mm Launcher with 40mm kinetic energy projectiles- CA Gov’t Code § 7070 (c)(14)</td></tr>
<tr><td>Quantity Owned/Sought:

Owned:

(28) Defense Technology 1425 – 40mm LMT Tactical Single Launcher, Expandable Stock

(180) Defense Technology 6325 – Exact Impact 40mm Standard Range Sponge Round</td><td>Lifespan: 10 Years (Defense Technology 1425 – 40mm LMT Tactical Single Launcher, Expandable Stock)

5 years (Defense Technology 6325- Exact Impact 40mm Standard Range Sponge Round)</td></tr>
<tr><td colspan="2">Equipment Capabilities: Kinetic energy projectiles, when used properly, are less likely to result in death or serious physical injury and can be used to de-escalate a potentially deadly situation. Department approved kinetic projectiles are fired from 40 mm launchers.</td></tr>
<tr><td colspan="2">Manufacture Product Description:

Defense Technology 1425 – 40mm LMT Tactical Single Launcher, Expandable Stock – Tactical single shot launcher that features an expandable ROGERS Super Stoc and an adjustable Integrated Front Grip (IFG) with light rail. The ambidextrous Lateral Sling Mount (LSM) and QD mounting systems allow both a single and two-point sling attachment. The launcher will fire standard 40mm less lethal ammunition, up to 4.8 inches in cartridge length. The Picatinny Rail Mounting System will accept a wide array of enhanced optics/ sighting systems.

Defense Technology 6325 – Exact Impact 40mm Standard Range Sponge Round – a point-of-aim, point-of-impact direct-fire round. This lightweight, high-speed projectile consisting of a plastic body and sponge nose that is spin stabilized via the incorporated rifling collar and the 40mm launcher’s rifled barrel. The round utilizes smokeless powder as the propellant, and, therefore, have velocities that are extremely consistent. Used for crowd control, patrol, and tactical applications.</td></tr>
<tr><td colspan="2">Purpose/Authorized Uses: To limit the escalation of conflict where employment of lethal force is prohibited or undesirable. Situations for use of the Kinetic Energy Projectiles may include, but are not limited to: 1) Self-destructive, dangerous and/or combative individuals. 2) Riot/ Crowd control and civil unrest incidents. 3) Circumstances where a tactical advantage can be obtained. 4) Potentially vicious animals. 5) Training exercises or approved demonstrations.</td></tr>
<tr><td colspan="2">Fiscal Impacts: $725.00/ Defense Technology 1425- 40mm LMT Tactical Single Launcher, Expandable Stock
$19.30/ Defense Technology 6325 – Exact Impact 40mm Standard Range Sponge Round</td></tr>
<tr><td colspan="2">Legal/Procedural Rules Governing Use: The use of 40mm Kinetic Energy Projectiles is governed by Newark Police Department Policy 300 – Use of Force, 308.9 - Control Devices and Techniques – Kinetic Energy Projectile Guidelines and Policy 497 - First Amendment Assemblies

Additionally, use of kinetic projectiles and chemical agents for crowd control purposes is specifically governed by Penal Code § 13652.</td></tr>
</table>

Training Required: Only those officers who have been trained in the use of Kinetic Energy Projectile Device are certified to carry the specific device. Proficiency training shall be monitored and documented by a certified less-lethal munitions instructor. All training and proficiency for control devices will be documented in the officer's training file.
Other: Defense Technology 1425 – 40mm LMT Tactical Single Launcher, Expandable Stock can be utilized by properly trained NPD SWAT Personnel for the deployment of CTS Irritant Munitions 4330 – 40mm CS Liquid Barricade Projectile. Defense Technology 1425 – 40mm LMT Tactical Single Launcher, Expandable Stock can be utilized by properly trained NPD SWAT/CMT Personnel for the deployment of CTS 40mm Munitions 4530 – 40mm Frangible Impact- CS Powder.
Annual Report 2023
Use Summary: During the 2023 calendar year, the Newark Police Department documented (4) LMT 40mm deployments. In (3) of these incidents, the 40mm was deployed to assist the Field Operations Division during critical incidents with the apprehension of suspect offenders. In (1) incident the 40mm was used in accordance with training needs to qualify and maintain proficiency with the gas at an authorized police range. There were no 40mm deployments for crowd control purposes.
Complaints Received: An internal audit revealed that no complaints were received regarding this equipment.
Internal Audit A review of the 40mm deployments determined their use was within policy and no violations of the military equipment use policy were identified.
Quantity Possessed: 28
Annual Cost: There are no reoccurring costs with the possession of the LMT 40mm launcher units. Forecasted costs related to maintaining inventory for previously approved 40mm ammunition which occasionally needs to be replenished after being used in either the field or training environments.
Anticipated Purchase(s): There are no anticipated LMT 40mm launcher unit purchases for this year.

Newark Police Department

May 23, 2024



2023 Military Equipment

Annual Report

2023 Military Equipment Annual Report

Newark Police Department

Why AB 481?

September 30, 2021 - Gov. Newsom signed 8 police reform bills, including Assembly Bill 481: Military Equipment, Funding, Acquisition and Use

- Increase transparency, accountability, oversight for acquisition and use of equipment
- Provide safeguards to protect public's welfare, safety, civil rights, and liberties

3

2023 Military Equipment Annual Report

Timeline



January 1, 2022

AB 481 requires city to adopt policy via ordinance



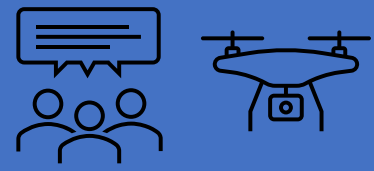
May 25, 2023

Our policy was adopted by City Council



April 9, 2024

Annual Report and Inventory was published on NPD website



April 16, 2024

Annual Use Report Community Engagement Meeting

Assembly Bill 481

Newark Police Department

What is considered “Military Equipment”?

(Defined per AB 481)

Assembly Bill 481

Newark Police Department

“Military Equipment”

- Armored Rescue and Mobile Command Vehicles
- Remote Powered Vehicles
  - Robots & Unmanned Aircraft Systems
- Specialized Firearms
  - Patrol & SWAT Rifles
- Flashbangs, Tear Gas, Pepper Ball & 40mm launchers

2023 Military Equipment Annual Report

City Council Responsibilities

- Ensure equipment is necessary & without alternative
- Ensure equipment is cost effective
- Review policy annually
- Ensure equipment safeguards welfare, safety, civil rights, & liberties
- Annually vote on renewal

Assembly Bill 481

Newark Police Department

Recommendation

Conduct a public hearing, waive full reading and introduce an Ordinance Approving and Re-Adopting a Military Equipment Use Policy as stated in Chapter 2.50, “Military Equipment Use Policy” of the Newark Municipal Code.

STAFF REPORT

Item F. 1.

DATE 06/27/2024

TO Honorable Mayor and City Council Members

FROM Kristopher Kokotaylo, City Attorney

SUBJECT Consider for adoption a resolution calling an election to be held on November 5, 2024, for voter consideration of a ballot measure seeking voter authorization to amend Municipal Code Chapter 3.16 to increase the City's existing transient occupancy (hotel) tax; establishing policies and procedures in connection with such an election; requesting the Board of Supervisors of the County of Alameda to consolidate the general municipal election with the general election to be held on November 5, 2024; requesting certain services of the Registrar of Voters of Alameda County with respect to the consolidated general municipal election; and providing for submittal of ballot arguments and rebuttals and authorizing the filing of an impartial analysis

SUMMARY AND RECOMMENDATION

The City has an existing Transient Occupancy Tax (the "Hotel Tax") that was established in 1972. The Hotel Tax, currently set at 10%, provides local funds to maintain services on which our community relies. The City Council most recently received a presentation on May 23, 2024 from Godbe Research regarding the results of a community survey. The community survey identified community priorities and City service needs as part of this year's budget process. Furthermore, the survey assessed reactions for a potential locally controlled funding measure that would update the Hotel Tax.

The results of the community survey indicate community interest in a potential Hotel Tax increase. Following the presentation of the survey results at the May 23, 2024 City Council meeting, staff indicated that they would proceed with preparing the necessary actions for the City Council to consider placement of a ballot measure for voter consideration of a Hotel Tax increase. Staff recommends that the City Council adopt a resolution calling an election and submitting to the voters at the November 5, 2024 election the consideration of a measure increasing the existing Hotel Tax by 4%. The proposed resolution would: (1) place the Hotel Tax update on the November ballot; (2) request certain election services from the Alameda County Registrar of Voters; (3) provide a procedure for the submittal of ballot arguments and rebuttals; and (4) direct the City Attorney to author an impartial analysis.

BACKGROUND

The City's Hotel Tax was initially established in 1972 and has been previously amended to establish its current rate of 10%. The Hotel Tax is a general tax that provides local funds to maintain services on which our community relies. The City Council previously received presentations at the February 22, 2024, City Council meeting regarding: (1) a summary of findings identified in the City's first Facilities Master Plan; (2) an update on the status of Newark's hotels; and (3) a request from staff to conduct a community survey to gauge Newark voter support of a potential ballot measure that would increase the Hotel Tax by 4% to fund the community's current and future needs.

Godbe Research presented the results of the community survey at the May 23, 2024 City Council meeting. The community survey revealed that our residents prioritize the following City services:

- Repairing potholes and city streets
- Maintaining neighborhood police patrols/fire protection and 911/emergency medical response
- Upgrading fire stations to ensure rapid response times/accommodate modern firefighting and life-saving emergency equipment
- Improving emergency dispatch for rapid response during an earthquake or major disaster
- Enhancing parks/recreation programs and maintaining sports fields and children's play structures

The community survey also indicated that residents support increasing the Hotel Tax by 4% to fund these needs.

DISCUSSION/ANALYSIS

The current and future needs of the City are vast and critical. They include replacement of fire stations, tens of millions of dollars in maintenance needs, and various plans that need to be implemented for the safety and benefit of the City and community. Locally controlled funding sources are needed to address these essential needs.

In Fiscal Year 2024-25, the Hotel Tax is estimated to generate approximately $5.24 million in locally controlled funding, representing 6% of general fund revenues. Increasing the Hotel Tax by 4% would provide an additional $2.1 million annually to support a number of critical programs and services in the City which may include street and sidewalk repairs, police patrols and emergency medical response, upgrading fire stations, and enhancing park and recreation amenities.

The proposed ordinance increases the Hotel Tax by 4%. Additionally, it provides that the Tax Administrator (the Finance Director) will administer the tax, instead of the City Clerk and provide for the formation of an independent community oversight committee to review the expenditure of funds from the Hotel Tax.

Community Survey
Earlier this year, the City Council directed staff to facilitate public opinion research to solicit community input on priorities as part of the budget process and to evaluate possible public interest in an increase of the existing Hotel Tax to support essential services.

The City retained the services of Godbe Research, an independent public outreach firm, to prepare and conduct the community survey. Godbe Research completed its work and presented the survey results to the City Council on May 23, 2024. The results of the survey showed residents prioritize public safety and public works services. If enacted, this measure would provide additional locally controlled funding that can be used for repairing potholes and maintaining the more than 105 miles of Newark streets. Furthermore, for victims of heart attacks, strokes, accidents and other emergencies, seconds can be the difference between life and death. Additional local funding can help ensure fast 911 emergency response times.

These additional funds would allow Newark to exercise control over local funds for local needs -allowing the City to be self-reliant in requiring that tax dollars be spent for Newark residents, with funding that cannot be taken by Sacramento. The results further indicate community support for a 4% increase in the Hotel Tax. The results also indicate that a majority of those polled have a favorable opinion of the job the City of Newark is doing in providing City services and in managing taxpayer dollars.

Summary of Election Actions
In order to place an ordinance increasing the Hotel Tax on the ballot for the November 5, 2024 General Election, staff has prepared a resolution that accompanies this staff report and generally does the following:

- Calls for an election and places the Hotel Tax increase on the November ballot for voter consideration
- Requests the services of the Alameda County Registrar of Voters to place the Hotel Tax increase on the November ballot
- Provides the procedure for the submittal of ballot arguments and rebuttals
- Directs the City Attorney to prepare and submit an impartial analysis showing the effect of the measure on existing law

Ballot Question
The State Elections Code requires the ballot measure to be printed in the ballot pamphlet in the form of a “yes or no” ballot question of no more than 75 words. The following is the ballot question for City Council consideration:

“To maintain local services/ facilities, such as: repairing potholes/ city streets; replacing seismically unsafe fire stations; maintaining neighborhood police patrols, 9-1-1 and emergency medical response/ fire protection; and for general government use; shall the City of Newark measure be adopted increasing the existing voter approved transient occupancy (hotel) tax from 10% to 14%, paid only by hotel/ lodging guests, until ended by voters, providing $2,100,000 more annually, that cannot be taken by Sacramento, including independent citizen oversight?”

Ballot Arguments & Rebuttal Arguments
The State Elections Code allows the City Council to determine its interest in authoring an argument in favor of the ballot measure. Arguments of no more than 300 words each for and against the ballot measure can then be included in the voter information guide. The arguments must be submitted to the City Clerk, as the Elections Official, by 2:00 p.m. on July 11, 2024.

The State Elections Code also allows the City Council to determine its interest in allowing rebuttals. Any rebuttals, of no more than 250 words, must be submitted to the City Clerk no later than ten days after arguments are due. The rebuttals must be submitted to the City Clerk by 2:00 p.m. on July 18, 2024. If there is no argument put forward in opposition to the ballot measure, then there will be no rebuttal.

State law provides the orderly process by which the City Clerk selects the arguments for and against a ballot measure. Importantly, the City Council or members of the City Council are given priority if they submit an argument related to a ballot measure with varying levels of priority given to other individuals, groups and organizations.

The City Council has options regarding the preparation of ballot arguments and rebuttals, including the Mayor signing on behalf of the Council or the entire Council approving arguments and rebuttals in compliance with the Brown Act. In 2020 and in previous elections, the City Council authorized the Mayor to prepare and submit the argument and rebuttal for the Utility Users Tax. Staff recommends that the City Council repeat this process and authorize the Mayor to prepare and submit the argument along with community members.

FISCAL IMPACT

There is no direct fiscal impact associated with adopting the proposed resolution. If the voters approve the proposed ballot measure, it will result in an anticipate additional $2.1 million of general fund revenue.

REVIEW AND APPROVAL

Prepared by - Kristopher J. Kokotaylo, City Attorney
Reviewed by - Lenka Hovorka, Assistant City Manager
Approved by - David Benoun, City Manager

Attachments

Resolution Placing TOT
TOT Ordinance
TOT Ordinance Exhibit A
Presentation - TOT Ordinance
Memo Redlined Ordinance

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NEWARK CALLING AN ELECTION TO BE HELD ON NOVEMBER 5, 2024, FOR VOTER CONSIDERATION OF A BALLOT MEASURE SEEKING VOTER AUTHORIZATION TO AMEND MUNICIPAL CODE CHAPTER 3.16 TO INCREASE THE CITY'S EXISTING TRANSIENT OCCUPANCY (HOTEL) TAX; ESTABLISHING POLICIES AND PROCEDURES IN CONNECTION WITH SUCH AN ELECTION; REQUESTING THE BOARD OF SUPERVISORS OF THE COUNTY OF ALAMEDA TO CONSOLIDATE THE GENERAL MUNICIPAL ELECTION WITH THE GENERAL ELECTION TO BE HELD ON NOVEMBER 5, 2024; REQUESTING CERTAIN SERVICES OF THE REGISTRAR OF VOTERS OF ALAMEDA COUNTY WITH RESPECT TO THE CONSOLIDATED GENERAL MUNICIPAL ELECTION; AND PROVIDING FOR SUBMITTAL OF BALLOT ARGUMENTS AND REBUTTALS AND AUTHORIZING THE FILING OF AN IMPARTIAL ANALYSIS

WHEREAS, pursuant to section 7280 of California Revenue and Taxation Code, the legislative body of a city may levy a tax on the privilege of occupying a room or rooms, or other living space, in a hotel, inn, tourist home or house, motel, or other lodging for a period of 30 days or less; and

WHEREAS, Chapter 3.16 of the Newark Municipal Code establishes a transient occupancy tax ("TOT") which, through resolution, is set at ten percent (10%) within the City of Newark (the "City"); and

WHEREAS, the City seeks to continue to exercise local control over local funds for local needs – allowing the City to be self-reliant and requiring any new local funding approved by its voters are spent for Newark residents and cannot be taken by Sacramento; and

WHEREAS, for victims of heart attacks, strokes, accidents and other emergencies, seconds can make a difference, and a measure supporting local funding will help ensure fast 911 emergency response times; and

WHEREAS, additional local funding is needed to repair potholes and maintain streets on more than 105 miles of streets in the City; and

WHEREAS, for any additional local funding, the City will continue its high standards of fiscal accountability and transparency by requiring that any money generated must be spent only on the community priorities, and not for any other purpose; and

WHEREAS, through an engagement effort and discussion around the City's budget, residents identified City service funding priorities such as repairing potholes and City streets, maintaining neighborhood police patrols, fire protection and 911 emergency medical response, upgrading fire stations to ensure rapid response times, accommodate modern firefighting and life-saving emergency

equipment, improving emergency dispatch for rapid response during an earthquake or major disaster and enhancing parks and recreation programs and maintaining sports fields and children's play structures as priorities for any future spending; and

WHEREAS, additional local funding from a TOT (hotel) measure will ensure that visitors to Newark contribute towards the services they use and that the burden will not fall on homeowners as only hotel and lodging guests pay this tax; and

WHEREAS, Article XIIIC, section 2(b) of the California Constitution requires that any general tax for unrestricted general revenue purposes, such as a TOT, must be submitted to and approved by a majority vote of the voters voting on the issue of imposing any general tax; and

WHEREAS, the tax extension imposed by this proposed measure will only become effective if approved by a simple majority of the City's voters voting on the question at the November 5, 2024 election; and

WHEREAS, based on all of the information presented at the June 27, 2024 meeting of the City Council, both written and oral, including the staff reports, minutes, and other relevant materials, the City Council finds that under CEQA Guidelines 15060(c)(2) and 15378, subdivisions (2) and (4) of subdivision (b), this tax does not constitute a project under CEQA and therefore review under CEQA, review is not required.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Newark that:

Section 1. The foregoing recitals are true and correct and hereby incorporated by reference.

Section 2. The City Council is authorized to present a measure to the voters for their consideration pursuant to Elections Code Section 9222 and Government Code Section 53724.

Section 3. Pursuant to the requirements of the laws of the State of California, the City Council hereby calls an election at which it shall submit to the qualified voters of the City of Newark a measure that, if approved by a majority vote, would increase the TOT rate from ten percent (10%) to fourteen percent (14%). This measure shall be designated by letter by the Alameda County Registrar of Voters. Pursuant to California Elections Code Section 10400 et seq., the election for this

measure shall be consolidated with the established statewide election to be conducted on November 5, 2024.

Section 4. The City Council does hereby submit for adoption by the qualified voters of the City of Newark at the General Municipal Election of November 5, 2024, the following question:

"To maintain local services/ facilities, such as: repairing potholes/ city streets; replacing seismically unsafe fire stations; maintaining neighborhood police patrols, 9-1-1 and emergency medical response/ fire protection; and for general government use; shall the City of Newark measure be adopted increasing the existing voter approved transient occupancy (hotel) tax from 10% to 14%, paid only by hotel/ lodging guests, until ended by voters, providing $2,100,000 more annually, that cannot be taken by Sacramento, including independent citizen oversight?"	**YES**	
	NO	

Section 5. The full text of the proposed measure to be submitted to the voters is attached as Exhibit A (the "Measure") hereto. If a simple majority (50%+1) of the qualified voters voting on the Measure vote in favor therefor, the Measure shall be deemed adopted and shall be in full force and effect ten (10) days after the date the vote is declared by the City Council of the City of Newark. The City Council hereby approves the Measure, attached as Exhibit A, the form thereof, and its submission to the voters of Newark at the November 5, 2024 election.

Section 6. The Board of Supervisors of Alameda County is hereby requested to permit the Alameda County Registrar of Voters to provide such services as may be necessary to properly and lawfully hold and conduct a Consolidated General Municipal Election in the City on November 5, 2024, pursuant to this Resolution, including but not restricted to the providing and printing of ballots and polling place cards, election supplies, voting booths, flags, registration lists and any other materials and services required to lawfully conduct the election. The City recognizes that additional costs will be incurred by the County by reason of this Consolidated General Municipal Election, and the City agrees to reimburse the County based on the County's established rates. This request is made pursuant to California Elections Code Sections 10002 and 10403.

Section 7. The City Clerk is authorized, instructed and directed to work with the Office of the Registrar of Voters as needed in order to properly and lawfully conduct the election. The ballots to be used in the election shall be in form and content as required by law. The Office of the Registrar of Voters is authorized to canvass the returns of the general municipal election. In all particulars not recited in this Resolution, the election shall be held and conducted as provided by law for holding municipal elections. The City Clerk is directed to file a certified

copy of this resolution with the Board of Supervisors of Alameda County and the Registrar of Voters of Alameda County.

Section 8. Unless otherwise specified in this Resolution, the election on the Measure shall be held and conducted as provided in Resolution No. [_____], and as provided by law for holding municipal elections.

Section 9. (a) In accordance with Elections Code Sections 9282 and 9283, arguments submitted for or against the Measure shall not exceed 300 words in length, and shall be printed upon the same sheet of paper and mailed to each voter with the sample ballot for the election and may be signed by not more than five (5) persons.

(b) In accordance with Elections Code Section 9282, the following headings, as appropriate, shall precede the arguments' wording, but shall not be counted in the 300 word maximum: "Argument Against Measure _____" or "Argument In Favor Of Measure _____" (the blank spaces being filled only with the letter or number, if any, designating the Measure).

(c) In accordance with Elections Code Section 9283, printed arguments submitted to voters in accordance with Section 9282 of the Elections Code shall be filed with the City Clerk, accompanied by the printed name(s) and signature(s) of the author(s) submitting it or, if submitted on behalf of an organization, the name of the organization and the printed name and signature of at least one of its principal officers. Arguments are due in the office of the City Clerk prior to 2:00 p.m. on July 11, 2024.

(d) The City Council hereby authorizes Mayor Hannon to prepare and file a ballot argument in favor of the ballot measure set forth in this Resolution, which may be signed by members of the City Council, representatives of bona fide associations of citizens, and individual voters eligible to vote on the Measure. Members of the City Council who sign the ballot argument may use their titles. In accordance with Elections Code Section 9287, any council members authorized by the City Council to do so may sign the argument in favor of the Measure.

Section 10. (a) Pursuant to Elections Code Section 9285, when the City Clerk has selected the arguments for and against the Measure that will be printed and distributed to the voters, the City Clerk shall send copies of the argument in favor of the Measure to the authors of the argument against, and copies of the argument against to the authors of the argument in favor. Rebuttal arguments shall be printed in the same manner as the direct arguments. Each rebuttal argument shall immediately follow the direct argument that it seeks to rebut.

(b) Rebuttal arguments shall not exceed 250 words and may be signed by not more than five persons. The persons that sign the rebuttal

arguments may be different persons than the persons that signed the direct arguments.

(c) The last day for submittal of rebuttal arguments for or against the Measure shall be by 2:00 p.m. on July 18, 2024.

(d) The City Council hereby authorizes Mayor Hannon to prepare and file a rebuttal argument in favor of the ballot measure set forth in this Resolution, which may be signed by members of the City Council, representatives of bona fide associations of citizens, and individual voters eligible to vote on the Measure, who may be different from the people who signed the argument in favor of the measure. Members of the City Council who sign the rebuttal argument may use their titles. In accordance with Elections Code Section 9287, any council members authorized by the City Council to do so may sign the rebuttal argument for the Measure.

Section 11. In accordance with Elections Code Section 9280, the City Attorney is directed to file with the City Clerk, by 5:00 p.m. on July 11, 2024, an impartial analysis of the Measure, not to exceed 500 words, showing the effect of the Measure on the existing law and the operation of the Measure.

Section 12. (a) The City Clerk is directed to file a certified copy of this resolution with the Board of Supervisors of Alameda County and the Alameda County Registrar of Voters. The City Clerk is hereby authorized and directed to take all steps necessary to place the Measure on the ballot and to cause a synopsis of the Measure attached as Exhibit A to be published once in a newspaper of general circulation in accordance with California Elections Code Section 12111 and California Government Code Section 6061. A copy of the Measure shall be made available to any voter upon request. The City Clerk is authorized and directed to give further additional notice of the Measure in the time, form, and manner required by law.

(b) In all particulars not recited in this Resolution, and except as provided for in Elections Code Sections 10403 and 10418, the election shall be held and conducted as provided by law for holding municipal elections.

Section 13. The approval of this resolution is exempt from the California Environmental Quality Act (Public Resources Code §§ 21000 et seq., "CEQA," and 14 Cal. Code Reg. §§ 15000 et seq., "CEQA Guidelines"), based on the general rule set forth in CEQA Guidelines Section 15061(b)(3) that CEQA applies only to projects which have the potential for causing a significant effect on the environment. This resolution places a measure on the ballot that, if approved, increases the TOT rate; thus, it can be said with certainty that there is no possibility that the Measure will have a significant effect on the environment. Additionally, under CEQA Guidelines section 15378(b)(4), the tax is not a project within the meaning of CEQA because it creates a government funding

mechanism that does not involve any commitment to any specific project that may result in a potentially significant physical impact on the environment. If revenue from the tax were used for a purpose that would have such effect, the City would undertake the required CEQA review for that particular project at the earliest feasible time prior to approval of the project, consistent with CEQA Guidelines Sections 15004 and 15352. Therefore, pursuant to CEQA Guidelines section 15060, CEQA analysis is not required.

ORDINANCE NO. ____

AN ORDINANCE OF THE CITY OF NEWARK AMENDING CHAPTER 3.16 OF THE NEWARK MUNICIPAL CODE RELATING TO THE TRANSIENT OCCUPANCY (HOTEL) TAX

WHEREAS, pursuant to section 7280 of California Revenue and Taxation Code, the legislative body of a city may levy a tax on the privilege of occupying a room or rooms, or other living space, in a hotel, inn, tourist home or house, motel, or other lodging for a period of less than 30 days; and

WHEREAS, Chapter 3.16 of the Newark Municipal Code establishes a transient occupancy tax ("TOT") which, through resolution, is set at ten percent (10%) within the City of Newark (the "City"); and

WHEREAS, the City seeks to continue to exercise local control over local funds for local needs – allowing the City to be self-reliant and requiring any new local funding approved by its voters are spent for Newark residents and cannot be taken by Sacramento; and

WHEREAS, for victims of heart attacks, strokes, accidents and other emergencies, seconds can make a difference, and a measure supporting local funding will help ensure fast 911 emergency response times; and

WHEREAS, additional local funding is needed to repair potholes and maintain streets on more than 105 miles of streets in the City; and

WHEREAS, for any additional local funding, the City will continue its high standards of fiscal accountability and transparency by requiring that any money generated must be spent only on the community priorities, and not for any other purpose; and

WHEREAS, through an engagement effort and discussion around the City's budget, residents identified City service funding priorities such as repairing potholes and City streets, maintaining neighborhood police patrols, fire protection and 911 emergency medical response, upgrading fire stations to ensure rapid response times, accommodate modern firefighting and life-saving emergency equipment, improving emergency dispatch for rapid response during an earthquake or major disaster and enhancing parks and recreation programs and maintaining sports fields and children's play structures as priorities for any future spending; and

WHEREAS, additional local funding from a TOT (hotel) measure will ensure that visitors to Newark contribute towards City services they use and that the burden will not fall on homeowners as only hotel and lodging guests pay this tax; and

WHEREAS, the People of the City of Newark desire to increase the TOT rate.

NOW, THEREFORE, the People of the City of Newark do ordain as follows:

Section 1. Recitals.

The above recitals are true and correct and made a part of this Ordinance.

Section 2. Municipal Code Amendment.

Chapter 3.16, "Transient Occupancy Tax" of the Newark Municipal Code is hereby amended to read as to read as set forth in Exhibit A, attached hereto and incorporated herein by reference (deletions in ~~strikethrough~~; additions in underline).

Section 3. Severability.

If any provision of this Ordinance or the application thereof to any person or circumstance is held invalid, the remainder of the Ordinance, including the application of such part or provision to other persons or circumstances shall not be affected thereby and shall continue in full force and effect. To this end, provisions of this Ordinance are severable. The People of the City of Newark hereby declare that they would have passed each section, subsection, subdivision, paragraph, sentence, clause, or phrase hereof irrespective of the fact that any one or more sections, subsections, subdivisions, paragraphs, sentences, clauses, or phrases be held unconstitutional, invalid, or unenforceable.

Section 4. Amendment or Repeal.

Chapter 3.16 of title 3 of the Newark Municipal Code may be repealed or amended by the City Council without a vote of the People. However, as required by Article XIII C of the California Constitution, voter approval is required for any amendment provision that would increase the rate of any tax levied pursuant to this Ordinance or impose the tax on a person not currently subject to the tax. The People of the City of Newark affirm that the following actions shall not constitute an increase of the rate of a tax:

A. The restoration of the rate of the tax to a rate that is no higher than that set by this Ordinance if the City Council has acted to reduce the rate of the tax;

B. An action that interprets or clarifies the methodology of the tax or any definition applicable to the tax so long as interpretation or clarification (even if contrary to some prior interpretation or clarification) is not inconsistent with the language of this Ordinance;

C. The establishment of a class of person that is exempt or excepted from the tax or the discontinuation of any such exemption or exception other than the discontinuation of an exemption or exception specifically set forth in this Ordinance; and,

D. The collection of the tax imposed by this Ordinance, even if the City had for some period of time failed to collect the tax.

Section 5. Codification.

Upon adoption of this Ordinance pursuant to the voter approval referenced above, the City Clerk, in consultation with the City Attorney, is hereby authorized and directed to codify this Ordinance in the Newark Municipal Code.

Section 6. Publication and Effective Date.

Within fifteen (15) days from and after adoption, this Ordinance shall be published once in a newspaper of general circulation printed and published in Alameda County and circulated in the City of Newark, in accordance with California Government Code Section 36933. If this Ordinance is approved by a majority of the voters voting on the issue at the November 5, 2024 election, pursuant to Elections Code Section 9217, this Ordinance shall become effective ten (10) days after the Council declares the results of the election.

Chapter 3.16 TRANSIENT OCCUPANCY TAX

3.16.010 Definitions.

Except where the context otherwise requires, the definitions given in this section govern the construction of this chapter:

A. "Hotel" means any structure, or any portion of any structure, which is occupied or intended or designated for occupancy by transients for dwelling, lodging or sleeping purposes, and includes any hotel, inn, tourist home or house, motel, studio hotel, bachelor hotel, lodginghouse, roominghouse, apartment house, dormitory, public or private club, mobile home or house trailer in a fixed location except a mobilehome located within a mobile home park where the tenant is an employee of the owner or operator of the mobile home, or other similar structure or portion thereof.

B. "Occupancy" means the use or possession, or the right to the use or possession of any room or rooms or portion thereof, in any hotel for dwelling, lodging or sleeping purposes.

C. "Operator" means the person who is proprietor of the hotel, whether in the capacity of owner, lessee, sublessee, mortgagee in possession, licensee, or any other capacity. Where the operator performs his functions through a managing agent, such person shall also be deemed an operator for the purpose of this article and shall have the same duties and liabilities as his principal. Compliance with the provisions of this chapter by either the principal or the managing agent shall, however, be considered to be compliance by both.

D. "Person" means any individual, firm, partnership, joint venture, association, social club, fraternal organization, joint stock company, corporation, estate, trust, business trust, receiver, trustee, syndicate, or any other group or combination acting as a unit.

E. "Rent" means the consideration charged, whether or not received, for the occupancy of space in a hotel valued in money, whether to be received in money, goods, labor or otherwise, including all receipts, cash, credits and property and services of any kind or nature, without any deduction therefrom whatsoever.

F.director of finance.

G. "Transient" means any person who exercises occupancy or is entitled to occupancy by reason of concession, permit, right of access, license or other agreement for a period of thirty consecutive calendar days or less, counting portions of calendar days as full days. Any such person so occupying space in a hotel shall be deemed to be a transient until the period of thirty days has expired unless there is an agreement in writing between the operator and the occupant providing for a longer period of occupancy. In determining whether a person is a transient, uninterrupted periods of time extending both prior and subsequent to the effective date of the ordinance codified in this chapter may be considered.

3.16.020 Tax imposed.

For the privilege of occupancy in any hotel, each transient is subject to and shall pay a tax in the amount of fourteen percent (14%) of the rent charged by the operator. The tax constitutes a debt owed by the transient to the city which is extinguished only by payment to the operator or operators of the hotel at the time the rent is paid. If the rent is paid in installments, a proportionate share of the tax shall be paid with each installment. The unpaid tax shall be due upon the transient's ceasing to occupy space in the hotel. If for any reason the tax due is not paid to the operator of the hotel, the city council may require that such tax shall be paid directly to the Tax Administrator.

3.16.030 Exemptions.

No tax shall be imposed upon:

A. Any person as to whom, or any occupancy as to which, it is beyond the power of the city to impose the tax provided in this chapter;

B. Any federal or state officer or employee when on official business;

C. Any officer or employee of a foreign government who is exempt by reason of express provision of federal law or international treaty.

No exemptions shall be granted upon a claim therefor made at the time rent is collected under penalty of perjury upon a form prescribed by the Tax Administrator.

3.16.040 Operator's duties.

Each operator shall collect the tax imposed by this chapter to the same extent and at the same time as the rent is collected from every transient. The amount of tax shall be separately stated from the amount of the rent charged, and each transient shall receive a receipt for payment from the operator. No operator of a hotel shall advertize or state in any manner, whether directly or indirectly, that the tax or any part thereof will be assumed or absorbed by the operator, or that it will not be added to the rent, or that, if added, any part will be refunded except in the manner provided in Section 3.16.060 of this chapter.

3.16.050 Registration.

Within thirty days after the effective date of the ordinance codified in this chapter, or within thirty days after commencing business, whichever is later, each operator of any hotel renting occupancy to transients shall register said hotel with the Tax Administrator and obtain from them a "transient occupancy registration certificate" to be at all times posted in a conspicuous place on the premises. Said certificate shall, among other things, state the following:

A. The name of the operator;

B. The address of the hotel;

C. The date upon which the certificate was issued;

D. "This Transient Occupancy Registration Certificate signifies that the person named on the face hereof has fulfilled the requirements of the Uniform Transient Occupancy Tax Ordinance by registering with the Tax Administrator for the purpose of collecting from transients the Transient Occupancy Tax and remitting said tax to the Tax Administrator. This certificate does not authorize any person to conduct any unlawful business or to conduct any lawful business in an unlawful manner, nor to operate a hotel without strictly complying with all local applicable laws, including but not limited to those requiring a permit from any board, commission, department or office of this city. This certificate does not constitute a permit."

3.16.060 Reporting and remitting.

Each operator shall, on or before the last day of the month following the close of each calendar quarter, or at the close of any shorter reported period which may be established by the Tax Administrator make a return to the Tax Administrator, on forms provided by them, of the total rents charged and received and the amount of tax collected for transient occupancies. At the time the return is filed, the full amount of the tax collected shall be remitted to the Tax Administrator. The Tax Administrator may establish shorter reporting periods for any certificate holder if he deems it necessary in order to insure collection of the tax and he may require further information in the return. Returns and payments are due immediately upon cessation of business for any reason.

All taxes collected by operators pursuant to this chapter shall be held in trust for the account of the city until payment thereof is made to the Tax Administrator.

3.16.070 Penalties and interest.

A. Original Delinquency. Any operator who fails to remit any tax imposed by this chapter within the time required shall pay a penalty of ten percent of the amount of the tax in addition to the amount of the tax.

B. Continued Delinquency. Any operator who fails to remit any delinquent remittance on or before a period of thirty days following the date on which the remittance first became delinquent shall pay a second delinquency penalty of ten percent of the amount of the tax in addition to the amount of the tax and the ten percent penalty first imposed.

C. Fraud. If the Tax Administrator determines that the nonpayment of any remittance due under this chapter is due to fraud, a penalty of twenty-five percent of the amount of the tax shall be added thereto in addition to the penalties stated in subsections A and B of this section.

D. Interest. In addition to the penalties imposed, any operator who fails to remit any tax imposed by this chapter shall by interest at the rate of one-half of one percent per month or fraction thereof on the amount of the tax, exclusive of penalties, from the date on which the remittance first became delinquent until paid.

E. Penalties merged with tax. Every penalty imposed and such interest as accrues under the provisions of this section shall become a part of the tax required to be paid by this chapter.

3.16.080 Failure to collect and report tax.

If any operator fails or refuses to collect the tax and to make, within the time provided in this chapter, any report and remittance of the tax or any portion thereof required by this chapter, the Tax Administrator shall proceed in such manner as he may deem best to obtain facts and information on which to base his estimate of the tax due. As soon as the Tax Administrator procures such facts and information as he is able to obtain upon which to base the assessment of any tax imposed by this chapter and payable by any operator who has failed or refused to collect the same, and to make such report and remittance, he shall proceed to determine and assess against such operator the tax, interest and penalties provided for by this chapter. In case such determination is made, the Tax Administrator shall give a notice of the amount so assessed by serving it personally or by depositing it in the United States mail, postage prepaid, addressed to the operator so assessed at his last known place of address. Such operator may within ten days after the serving or mailing of such notice, make application in writing to the Tax Administrator for a hearing on the amount assessed. If application by the operator for a hearing is not made within the time prescribed, the tax, interest and penalties, if any, determined by the Tax Administrator shall become final and conclusive and immediately due and payable. If such application is made, the Tax Administrator shall give not less than five days' written notice in the manner prescribed in this section to the operator to show cause at a time and place fixed in said notice why said amount specified in the notice should not be fixed for such tax, interest and penalties. At such hearing, the operator may appear and offer evidence why such specified tax, interest and penalties should not be so fixed. After such hearing, the Tax Administrator shall determine the proper tax to be remitted and shall determine the proper tax to be remitted and shall thereafter give written notice to the person in the manner prescribed in this section of such determination and the amount of such tax, interest and penalties. The amount determined to be due shall be payable after fifteen days unless an appeal is taken as provided in Section 3.16.090.

3.16.090 Appeal.

Any operator aggrieved by any decision of the Tax Administrator with respect to the amount of such tax, interest and penalties, if any, may appeal to the city council by filing a notice of appeal with the city clerk within fifteen days of the serving or mailing of the determination of tax due. The city council shall fix a time and place for hearing such appeal, and the city clerk shall give notice in writing to such operator at his last known place of

address. The findings of the city council shall be final and conclusive and shall be served upon the appellant in the manner prescribed above for service of notice of hearing. Any amount found to be due shall be immediately due and payable upon the service of notice.

3.16.100 Records.

It shall be the duty of every operator liable for the collection and payment to the city of any tax imposed by this chapter to keep and preserve, for a period of three years, all records as may be necessary to determine the amount of such tax as he may have been liable for the collection of and payment to the city, which records the Tax Administrator shall have the right to inspect at all reasonable times.

3.16.110 Refunds.

A. Whenever the amount of any tax, interest or penalty has been overpaid or paid more than once or has been erroneously or illegally collected or received by the city under this chapter, it may be refunded as provided in subsections B and C of this section, provided a claim in writing therefor, stating under penalty of perjury the specific grounds upon which the claim is founded, is filed with the Tax Administrator within three years of the date of payment. The claim shall be on forms furnished by the Tax Administrator.

B. An operator may claim a refund or take as credit against taxes collected and remitted the amount overpaid, paid more than once or erroneously or illegally collected or received when it is established once in a manner prescribed by the Tax Administrator that the person from whom the tax has been collected was not a transient; provided, however, that neither a refund nor a credit shall be allowed unless the amount of the tax so collected has either been refunded to the transient or credited to rent subsequently payable by the transient to the operator.

C. A transient may obtain a refund of taxes overpaid or paid more than once or erroneously or illegally collected or received by the city by filing a claim in the manner provided in subsection A of this section, but only when the tax was paid by the transient directly to the Tax Administrator, or when the transient having paid the tax to the operator, establishes to the satisfaction of the Tax Administrator that the transient has been unable to obtain a refund from the operator who collected the tax.

D. No refund shall be paid under the provisions of this section unless the claimant established his right thereto by written records showing entitlement thereto.

3.16.120 Actions to collect.

Any tax required to be paid by any transient under the provisions of this chapter shall be deemed a debt owed by the transient to the city. Any such tax collected by an operator which has not been paid to the city shall be deemed a debt owed by the operator to the city. Any person owing money to the city under the provisions of this chapter shall be liable to an action brought in the name of the city for the recovery of such amount.

3.16.130 Violations—Designated.

No operator or other person shall fail or refuse to furnish a supplemental return or other data required by the Tax , or render a false or fraudulent return or claim. No person required to make, render, sign or verify any report or claim shall make any false or fraudulent report or claim with intent to defeat or evade the determination of any amount due required by this chapter to be made.

3.16.140 Violations—Penalty.

Any person, firm, corporation or organization violating any provision of this chapter shall be guilty of a misdemeanor and upon conviction thereof shall be punishable by a fine of not more than five hundred dollars or by imprisonment for a term not exceeding six months in the county jail, or by both such fine and imprisonment. A

person, firm, corporation or organization shall be deemed guilty of a separate offense for each day during any portion of which a violation of this chapter is committed, continued, or permitted by the person, firm, corporation or organization and shall be punishable as provided in this section.

3.16.150 Remedies cumulative.

All remedies prescribed under this chapter shall be cumulative and the use of one or more remedies by the city shall not bar the use of any other remedy for the purpose of enforcing the provisions of this chapter.

3.14.160 Independent community oversight committee.

The city council shall, prior to July 1, 2025, establish an independent community oversight committee to review the expenditure of the revenue from this transient occupancy tax. The committee shall consist of five members to be appointed by the mayor and approved by the city council. The terms of the committee members and their specific duties shall be established by resolution of the city council.



City of Newark

City Council Meeting

June 27, 2024



Transient Occupancy Tax

"Hotel Tax"

Established 1972

10%

Provides local funds
to maintain services

NEWARK
california

Summary of findings identified

Upd

City's 1st Master Plan

Update on status

Newark's hotels

Staff Request

Conduct a community survey

Community Survey

City Service Priorities



Repairing potholes and city streets



Maintaining police patrol/fire protection/9 11 EMR



Upgrading fire stations



Improving emergency dispatch



Enhancing parks, rec programs & maintain sports fields/ play structures

Current & Future Needs

Local funding sources needed

1. Replacement of fire stations
2. Maintenance needs
3. Implement plans



Hotel Tax

FY 2024-25

Estimated $5.24 million

Locally controlled funding



Hotel Tax

FY 2024-25

Additional

$2.1 million

annually

Proposed Ordinance

4%
Hotel Tax





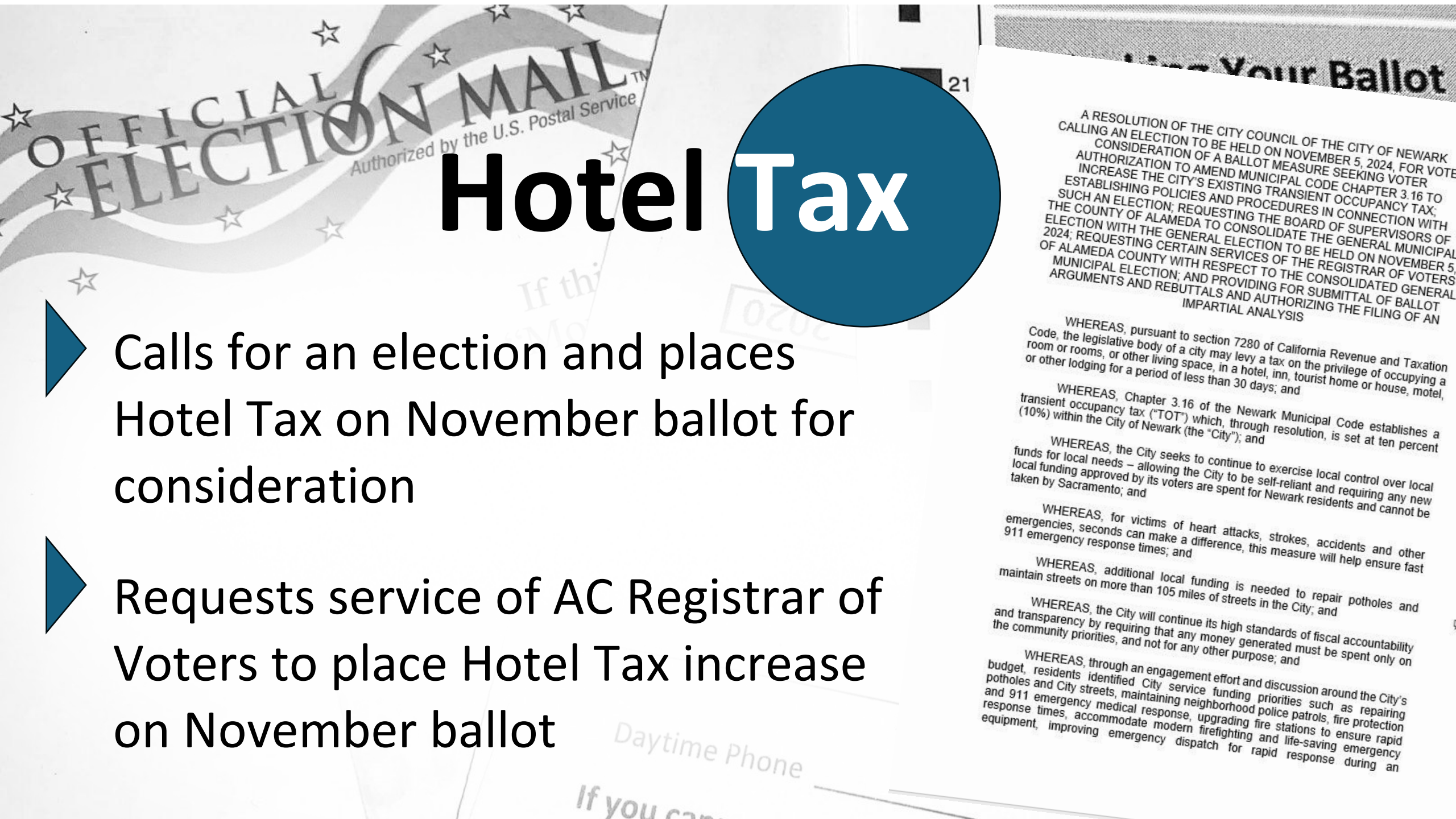
Tax Administrator (Finance Director) administers the tax



Provides for an Independent community oversight committee

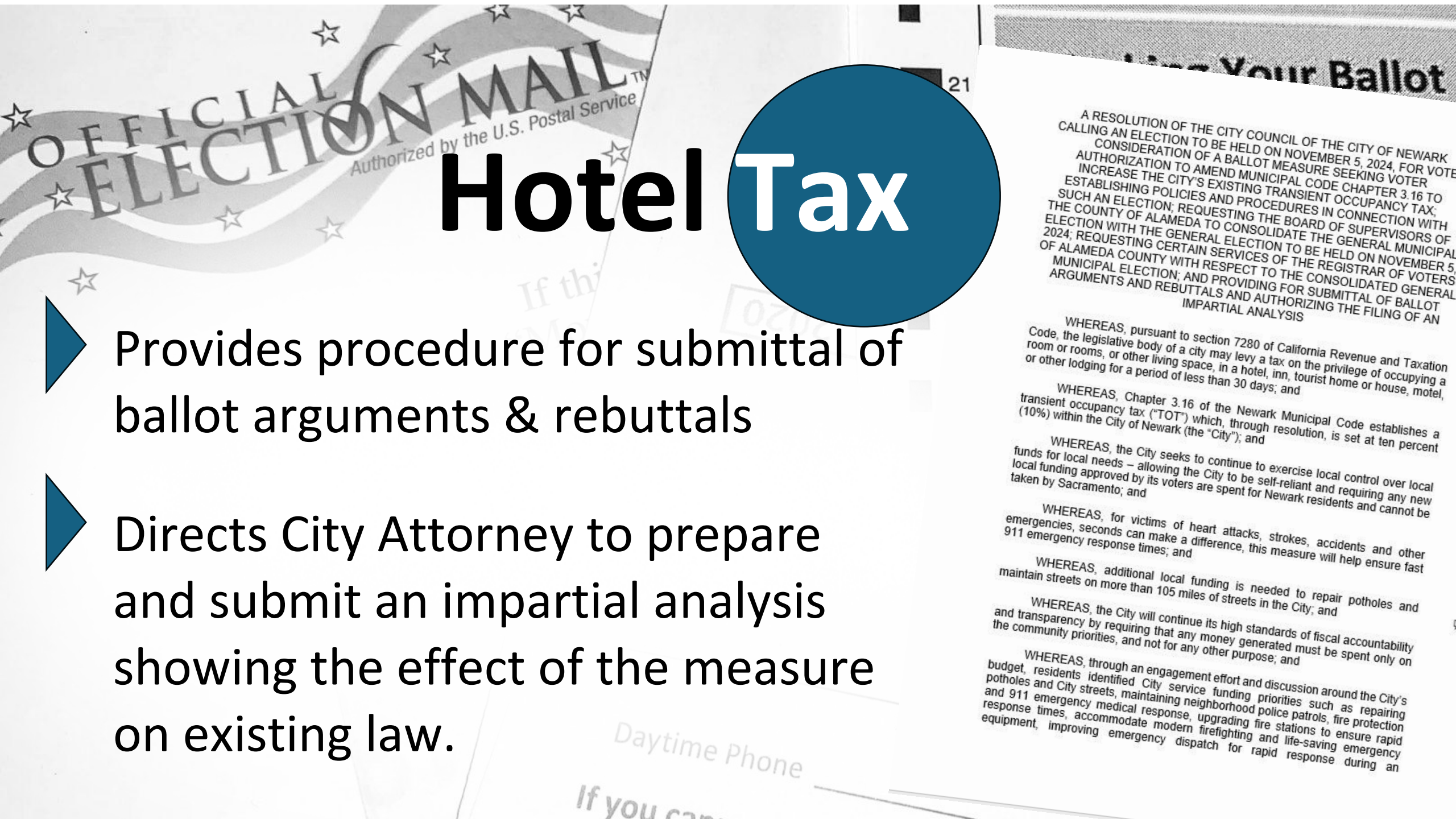
Hotel Tax

- Calls for an election and places Hotel Tax on November ballot for consideration
- Requests service of AC Registrar of Voters to place Hotel Tax increase on November ballot



Hotel Tax

- Provides procedure for submittal of ballot arguments & rebuttals
- Directs City Attorney to prepare and submit an impartial analysis showing the effect of the measure on existing law.



Ballot Question

"To maintain local services / facilities, such as: repairing potholes / city streets; replacing seismically unsafe fire stations; maintaining neighborhood police patrols, 9-1-1 and emergency medical response / fire protection; and for general government use; shall the City of Newark measure be adopted increasing the existing voter approved transient occupancy (hotel) tax from 10% to 14%, paid only by hotel / lodging guests, until ended by voters, providing $2,100,000 more annually, that cannot be taken by Sacramento, including independent citizen oversight?"



City of Newark

City Council Meeting

June 27, 2024

City of Newark Memorandum

DATE: June 27, 2024

TO: City Council

CC: City Manager, Assistant City Manager, City Attorney

FROM: Sheila Harrington, City Clerk

SUBJECT: **F.1.Consider for adoption a resolution calling an election to be held on November 5, 2024, for voter consideration of a ballot measure seeking voter authorization to amend Municipal Code Chapter 3.16 to increase the City's existing transient occupancy (hotel) tax; establishing policies and procedures in connection with such an election; requesting the Board of Supervisors of the County of Alameda to consolidate the general municipal election with the general election to be held on November 5, 2024; requesting certain services of the Registrar of Voters of Alameda County with respect to the consolidated general municipal election; and providing for submittal of ballot arguments and rebuttals and authorizing the filing of an impartial analysis**

After distributing the City Council packet for the June 27, 2024, City Council meeting, it came to staff's attention that Exhibit A Chapter 3.16 Transient Occupancy Tax for agenda Item F.1 appeared in the packet with the track changes incorporated instead of displaying the proposed redlines. The redlines did not appear due to a technical error in the conversion of the source document during the packet collating process.

The redlined version of Exhibit A is attached, and hard copies will be placed at Council Members seats on the dias.

As a result, Staff recommends that the City Council approve the Resolution with the redlined version of Exhibit A.

Chapter 3.16 TRANSIENT OCCUPANCY TAX

3.16.010 Definitions.

Except where the context otherwise requires, the definitions given in this section govern the construction of this chapter:

A. "Hotel" means any structure, or any portion of any structure, which is occupied or intended or designated for occupancy by transients for dwelling, lodging or sleeping purposes, and includes any hotel, inn, tourist home or house, motel, studio hotel, bachelor hotel, lodginghouse, roominghouse, apartment house, dormitory, public or private club, mobile home or house trailer in a fixed location except a mobilehome located within a mobile home park where the tenant is an employee of the owner or operator of the mobile home, or other similar structure or portion thereof.

B. "Occupancy" means the use or possession, or the right to the use or possession of any room or rooms or portion thereof, in any hotel for dwelling, lodging or sleeping purposes.

C. "Operator" means the person who is proprietor of the hotel, whether in the capacity of owner, lessee, sublessee, mortgagee in possession, licensee, or any other capacity. Where the operator performs ~~his~~their functions through a managing agent, such person shall also be deemed an operator for the purpose of this article and shall have the same duties and liabilities as ~~his~~ their principal. Compliance with the provisions of this chapter by either the principal or the managing agent shall, however, be considered to be compliance by both.

D. "Person" means any individual, firm, partnership, joint venture, association, social club, fraternal organization, joint stock company, corporation, estate, trust, business trust, receiver, trustee, syndicate, or any other group or combination acting as a unit.

E. "Rent" means the consideration charged, whether or not received, for the occupancy of space in a hotel valued in money, whether to be received in money, goods, labor or otherwise, including all receipts, cash, credits and property and services of any kind or nature, without any deduction therefrom whatsoever.

F. "Tax Administrator" means the director of finance.

G~~F~~. "Transient" means any person who exercises occupancy or is entitled to occupancy by reason of concession, permit, right of access, license or other agreement for a period of thirty consecutive calendar days or less, counting portions of calendar days as full days. Any such person so occupying space in a hotel shall be deemed to be a transient until the period of thirty days has expired unless there is an agreement in writing between the operator and the occupant providing for a longer period of occupancy. In determining whether a person is a transient, uninterrupted periods of time extending both prior and subsequent to the effective date of the ordinance codified in this chapter may be considered.

3.16.020 Tax imposed.

For the privilege of occupancy in any hotel, each transient is subject to and shall pay a tax ~~as established by city council resolution based on a percentage~~in the amount of fourteen percent (14%) of the rent charged by the operator. The tax constitutes a debt owed by the transient to the city which is extinguished only by payment to the operator or operators of the hotel at the time the rent is paid. If the rent is paid in installments, a proportionate share of the tax shall be paid with each installment. The unpaid tax shall be due upon the transient's ceasing to

occupy space in the hotel. If for any reason the tax due is not paid to the operator of the hotel, the city council may require that such tax shall be paid directly to the ~~city clerk~~Tax Administrator.

3.16.030 Exemptions.

No tax shall be imposed upon:

A. Any person as to whom, or any occupancy as to which, it is beyond the power of the city to impose the tax provided in this chapter;

B. Any federal or state officer or employee when on official business;

C. Any officer or employee of a foreign government who is exempt by reason of express provision of federal law or international treaty.

No exemptions shall be granted upon a claim therefor made at the time rent is collected under penalty of perjury upon a form prescribed by the ~~city clerk~~Tax Administrator.

3.16.040 Operator's duties.

Each operator shall collect the tax imposed by this chapter to the same extent and at the same time as the rent is collected from every transient. The amount of tax shall be separately stated from the amount of the rent charged, and each transient shall receive a receipt for payment from the operator. No operator of a hotel shall advertis~~z~~e or state in any manner, whether directly or indirectly, that the tax or any part thereof will be assumed or absorbed by the operator, or that it will not be added to the rent, or that, if added, any part will be refunded except in the manner provided in Section 3.16.060 of this chapter.

3.16.050 Registration.

Within thirty days after the effective date of the ordinance codified in this chapter, or within thirty days after commencing business, whichever is later, each operator of any hotel renting occupancy to transients shall register said hotel with the ~~city clerk~~Tax Administrator and obtain from ~~him~~ them a "transient occupancy registration certificate" to be at all times posted in a conspicuous place on the premises. Said certificate shall, among other things, state the following:

A. The name of the operator;

B. The address of the hotel;

C. The date upon which the certificate was issued;

D. "This Transient Occupancy Registration Certificate signifies that the person named on the face hereof has fulfilled the requirements of the Uniform Transient Occupancy Tax Ordinance by registering with the ~~City Clerk~~Tax Administrator for the purpose of collecting from transients the Transient Occupancy Tax and remitting said tax to the ~~City Clerk~~Tax Administrator. This certificate does not authorize any person to conduct any unlawful business or to conduct any lawful business in an unlawful manner, nor to operate a hotel without strictly complying with all local applicable laws, including but not limited to those requiring a permit from any board, commission, department or office of this city. This certificate does not constitute a permit."

3.16.060 Reporting and remitting.

Each operator shall, on or before the last day of the month following the close of each calendar quarter, or at the close of any shorter reported period which may be established by the ~~city clerk~~Tax Administrator make a

return to the ~~city clerk~~Tax Administrator, on forms provided by ~~him~~them, of the total rents charged and received and the amount of tax collected for transient occupancies. At the time the return is filed, the full amount of the tax collected shall be remitted to the ~~city clerk~~Tax Administrator. The ~~city clerk~~Tax Administrator may establish shorter reporting periods for any certificate holder if he deems it necessary in order to insure collection of the tax and ~~he~~ they may require further information in the return. Returns and payments are due immediately upon cessation of business for any reason. All taxes collected by operators pursuant to this chapter shall be held in trust for the account of the city until payment thereof is made to the ~~city clerk~~Tax Administrator.

3.16.070 Penalties and interest.

A. Original Delinquency. Any operator who fails to remit any tax imposed by this chapter within the time required shall pay a penalty of ten percent of the amount of the tax in addition to the amount of the tax.

B. Continued Delinquency. Any operator who fails to remit any delinquent remittance on or before a period of thirty days following the date on which the remittance first became delinquent shall pay a second delinquency penalty of ten percent of the amount of the tax in addition to the amount of the tax and the ten percent penalty first imposed.

C. Fraud. If the ~~city clerk~~Tax Administrator determines that the nonpayment of any remittance due under this chapter is due to fraud, a penalty of twenty-five percent of the amount of the tax shall be added thereto in addition to the penalties stated in subsections A and B of this section.

D. Interest. In addition to the penalties imposed, any operator who fails to remit any tax imposed by this chapter shall by interest at the rate of one-half of one percent per month or fraction thereof on the amount of the tax, exclusive of penalties, from the date on which the remittance first became delinquent until paid.

E. Penalties merged with tax. Every penalty imposed and such interest as accrues under the provisions of this section shall become a part of the tax required to be paid by this chapter.

3.16.080 Failure to collect and report tax.

If any operator fails or refuses to collect the tax and to make, within the time provided in this chapter, any report and remittance of the tax or any portion thereof required by this chapter, the ~~city clerk~~Tax Administrator shall proceed in such manner as ~~he~~they may deem best to obtain facts and information on which to base his estimate of the tax due. As soon as the ~~city clerk~~Tax Administrator procures such facts and information as ~~he~~they is able to obtain upon which to base the assessment of any tax imposed by this chapter and payable by any operator who has failed or refused to collect the same, and to make such report and remittance, ~~he~~they shall proceed to determine and assess against such operator the tax, interest and penalties provided for by this chapter. In case such determination is made, the ~~city clerk~~Tax Administrator shall give a notice of the amount so assessed by serving it personally or by depositing it in the United States mail, postage prepaid, addressed to the operator so assessed at ~~his~~their last known place of address. Such operator may within ten days after the serving or mailing of such notice, make application in writing to the ~~city clerk~~Tax Administrator for a hearing on the amount assessed. If application by the operator for a hearing is not made within the time prescribed, the tax, interest and penalties, if any, determined by the ~~city clerk~~Tax Administrator shall become final and conclusive and immediately due and payable. If such application is made, the ~~city clerk~~Tax Administrator shall give not less than five days' written notice in the manner prescribed in this section to the operator to show cause at a time and place fixed in said notice why said amount specified in the notice should not be fixed for such tax, interest and penalties. At such hearing, the operator may appear and offer evidence why such specified tax, interest and penalties should not be so fixed. After such hearing, the ~~city clerk~~Tax Administrator shall determine the proper tax to be remitted and shall determine the proper tax to be remitted and shall thereafter give written notice to the person in the manner prescribed in this section of such determination and the amount of such tax, interest and penalties. The amount determined to be due shall be payable after fifteen days unless an appeal is taken as provided in Section 3.16.090.

3.16.090 Appeal.

Any operator aggrieved by any decision of the ~~city clerk~~Tax Administrator with respect to the amount of such tax, interest and penalties, if any, may appeal to the city council by filing a notice of appeal with the city clerk within fifteen days of the serving or mailing of the determination of tax due. The city council shall fix a time and place for hearing such appeal, and the city clerk shall give notice in writing to such operator at ~~his~~ their last known place of address. The findings of the city council shall be final and conclusive and shall be served upon the appellant in the manner prescribed above for service of notice of hearing. Any amount found to be due shall be immediately due and payable upon the service of notice.

3.16.100 Records.

It shall be the duty of every operator liable for the collection and payment to the city of any tax imposed by this chapter to keep and preserve, for a period of three years, all records as may be necessary to determine the amount of such tax as ~~he~~they may have been liable for the collection of and payment to the city, which records the ~~city clerk~~Tax Administrator shall have the right to inspect at all reasonable times.

3.16.110 Refunds.

A. Whenever the amount of any tax, interest or penalty has been overpaid or paid more than once or has been erroneously or illegally collected or received by the city under this chapter, it may be refunded as provided in subsections B and C of this section, provided a claim in writing therefor, stating under penalty of perjury the specific grounds upon which the claim is founded, is filed with the ~~city clerk~~Tax Administrator within three years of the date of payment. The claim shall be on forms furnished by the ~~city clerk~~Tax Administrator.

B. An operator may claim a refund or take as credit against taxes collected and remitted the amount overpaid, paid more than once or erroneously or illegally collected or received when it is established once in a manner prescribed by the ~~city clerk~~Tax Administrator that the person from whom the tax has been collected was not a transient; provided, however, that neither a refund nor a credit shall be allowed unless the amount of the tax so collected has either been refunded to the transient or credited to rent subsequently payable by the transient to the operator.

C. A transient may obtain a refund of taxes overpaid or paid more than once or erroneously or illegally collected or received by the city by filing a claim in the manner provided in subsection A of this section, but only when the tax was paid by the transient directly to the ~~city clerk~~Tax Administrator, or when the transient having paid the tax to the operator, establishes to the satisfaction of the ~~city clerk~~Tax Administrator that the transient has been unable to obtain a refund from the operator who collected the tax.

D. No refund shall be paid under the provisions of this section unless the claimant established ~~his~~ their right thereto by written records showing entitlement thereto.

3.16.120 Actions to collect.

Any tax required to be paid by any transient under the provisions of this chapter shall be deemed a debt owed by the transient to the city. Any such tax collected by an operator which has not been paid to the city shall be deemed a debt owed by the operator to the city. Any person owing money to the city under the provisions of this chapter shall be liable to an action brought in the name of the city for the recovery of such amount.

3.16.130 Violations—Designated.

No operator or other person shall fail or refuse to furnish a supplemental return or other data required by the ~~city clerk~~Tax Administrator, or render a false or fraudulent return or claim. No person required to make, render, sign or verify any report or claim shall make any false or fraudulent report or claim with intent to defeat or evade the determination of any amount due required by this chapter to be made.

3.16.140 Violations—Penalty.

Any person, firm, corporation or organization violating any provision of this chapter shall be guilty of a misdemeanor and upon conviction thereof shall be punishable by a fine of not more than five hundred dollars or by imprisonment for a term not exceeding six months in the county jail, or by both such fine and imprisonment. A person, firm, corporation or organization shall be deemed guilty of a separate offense for each day during any portion of which a violation of this chapter is committed, continued, or permitted by the person, firm, corporation or organization and shall be punishable as provided in this section.

3.16.150 Remedies cumulative.

All remedies prescribed under this chapter shall be cumulative and the use of one or more remedies by the city shall not bar the use of any other remedy for the purpose of enforcing the provisions of this chapter.

3.14.160 Independent community oversight committee.

The city council shall, prior to July 1, 2025, establish an independent community oversight committee to review the expenditure of the revenue from this transient occupancy tax. The committee shall consist of five members to be appointed by the mayor and approved by the city council. The terms of the committee members and their specific duties shall be established by resolution of the city council.

STAFF REPORT

Item F. 2.

DATE	06/27/2024
TO	Honorable Mayor and City Council Members
FROM	Alysia Reyes, Junior Engineer
SUBJECT	Presentation of final designs for Citywide Parks Signage Program, Project 1272

SUMMARY AND RECOMMENDATION

At the March 14, 2024 City Council meeting, staff presented three parks signage design concepts. City Council chose the preferred design concept and provided recommendations to incorporate into the final design of the park signs. Staff is now seeking input on the final park signage design.

BACKGROUND

Citywide Park Signage Program – Phase 1, Project 1272 was approved and funded as part of the FY 2022 Biennial Budget and Capital Improvement Plan. This project was created to develop standards for the City's park signage, including monument signage, marquee signage for Sportsfield park and plaque signage for dedications. In September 2023, the City's on-call Landscape Architectural Consultant, Verde Design, Inc., was tasked with developing a new standard design for all park identification signs throughout the City. Verde Design, Inc., developed three design concepts for all park identification signs throughout the City for the City Council's consideration. On March 14, 2024, staff presented the three design concepts, and City Council chose the preferred design concept. Additionally, the City Council provided recommendations to incorporate into the final design of the park signs. Verde Design, Inc. has since refined the chosen design concept that reflects the recommendations made by council on March 14, 2024. In addition to the park sign, the consultant provided a design of the plaque monument signs that are complementary to the park signage.

DISCUSSION/ANALYSIS

Verde Design was first tasked with inventorying all City parks and their frontage to review existing signage and site conditions. Based on this initial sign inventory, the Project team recommends the installation of new signs at the following City parks:

- Bayside Newark Grand Park
- Birch Grove Park
- Bridgepointe Park
- Byington Park
- Civic Center Park

- Community Center Park
- George M. Silliman Recreation Complex
- Jerry Raber Ash Street Park
- Lakeshore Park
- Mayhews Landing Park
- Mel Nunes Sportsfield Park
- Mirabeau Park
- Musick Park
- Sanctuary Village Park
- Shirley Sisk Grove Park

Verde Design worked with Environmental Branding and Architectural Signage consultant GNU Group to develop three park signage design concepts with the goal of creating a consistent look and feel across the parks and environments where these signs will be located, as well as a clear and visible identification for each park. The concepts found their inspiration in and integrated the unique character and history of each park as well as the "Newark brand." In addition, each design ensures that the signs will hold up to exterior environmental conditions and minimize the effects of vandalism. Easy maintenance and replacement by the City of Newark Public Works Department was also considered during the design process. Out of the three design concepts, one was chosen and revised to be presented to the City Council.

Staff is now seeking input on the final design of the park monument sign. After today's presentation, Verde Design will prepare the final construction documents required for the installation of new signs at each of the identified park locations. Phase 1 of this project may include installation of the first park sign. The available budget after construction documents are completed will determine if funding exists for installation of one park sign as part of Phase 1. Phase 2 of the project, which would involve the fabrication and installation of the signs not included in Phase 1, is currently unfunded. Once the budget required for Phase 2 is known, a Capital Project can be created and considered for funding.

FISCAL IMPACT

There is no fiscal impact associated with this action. Final construction cost for the Project will depend on the final design selected and the number of signs installed at each City park.

REVIEW AND APPROVAL

Prepared by – Alysia Reyes, Junior Engineer
Reviewed by – Diana Cangco, Acting City Engineer
Reviewed by – Soren Fajeau, Public Works Director
Reviewed by – Krysten Lee, Finance Director
Reviewed by – Kristopher J. Kokotaylo, City Attorney
Approved by – Lenka Hovorka, Assistant City Manager

Attachments

Presentation



Citywide Park Signage Program
Final Design Concept

City Council: June 27, 2024

Preliminary Design Concepts

Large Monument
+/- $20,800.00
Small Monument
+/- $16,250.00

Concept 01





Large Monument
+/- $20,150.00
Small Monument
+/- $16,250.00

Concept 02

Concept 03



Large Monument
+/- $17,550.00
Small Monument
+/- $13,000.00

Chosen Preliminary design

Chosen Preliminary Design



ELEVATION & TOP VIEW
Scale: ½” = 1’ – 0”

MONUMENT SIZE
Approx. 4’ T x 13’-6” W x 1’-9” D

Chosen Preliminary Design



ELEVATION & TOP VIEW
Scale: ½” = 1’ – 0”

MONUMENT SIZE
Approx. 4’-6” T x 6’-3” W x 1’-6” D

Chosen Preliminary Design





NEWARK
california

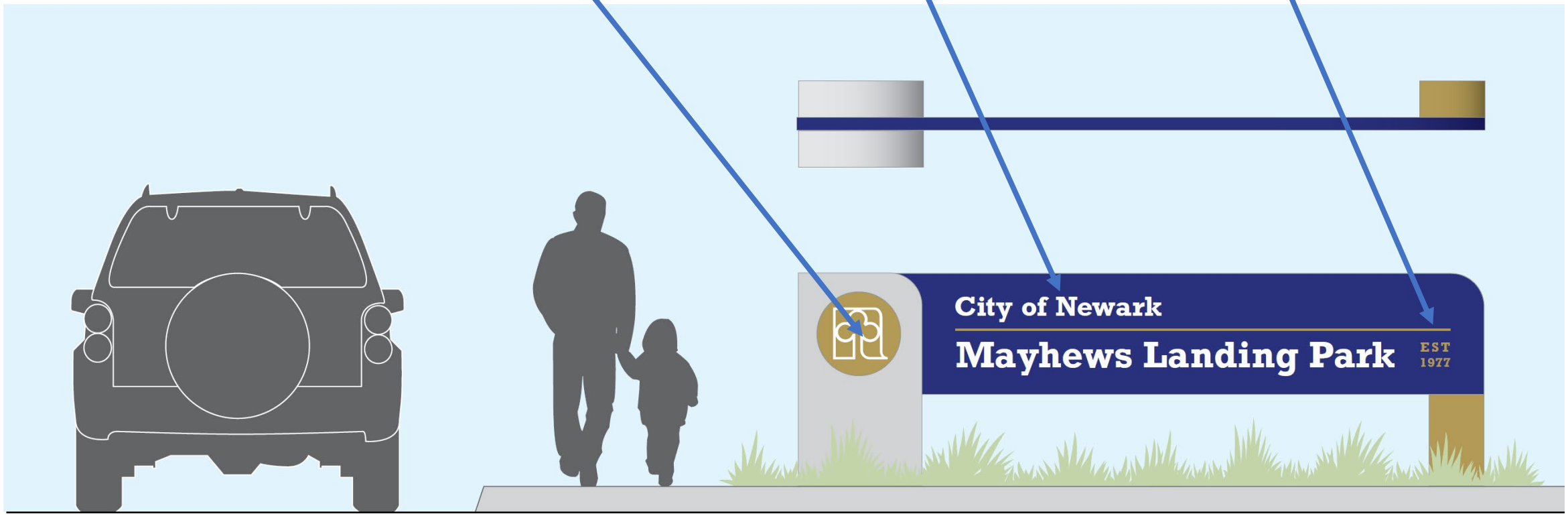
Revised Design

Revised Design

PLACE LOGO ON MEDALLION

ENLARGE "CITY OF NEWARK

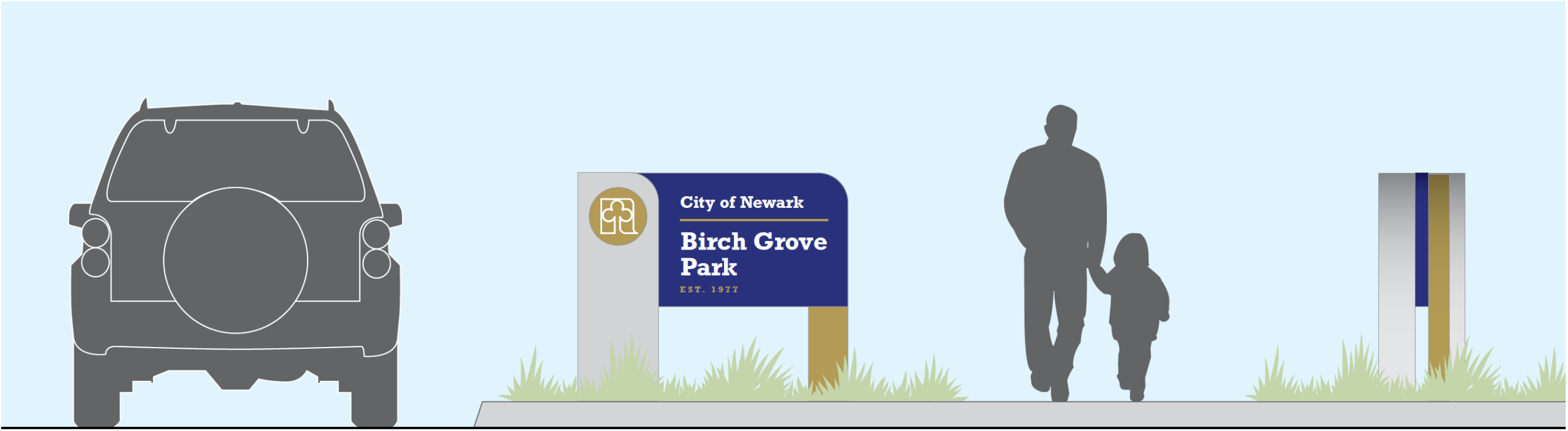
INCORPORATE THE ESTABLISHED DATE



ELEVATION & TOP VIEW
Scale: ½" = 1' – 0"

MONUMENT SIZE
Approx. 4' T x 13'-6" W x 1'-9" D

Revised Design



ELEVATION & TOP VIEW
Scale: ½” = 1’ – 0”

MONUMENT SIZE
Approx. 4’-6” T x 6’-3” W x 1’-6” D

Recommended Design

Recommended Design

RECOMMEND REMOVING MEDALLION AND PLACING CILY LOGO ON THE CONCRETE LETS LOGO BE BIGGER AND CONTAINED BETTER

OPTION 01
CITY LOGO CAN BE INSET INTO CONCRETE AND INFILLED WITH BLUE COLOR

OPTION 02
CITY LOGO CAN BE DIMENSIONAL PAINTED METAL MECHANICALLY FASTENED TO CONCRETE



ELEVATION & TOP VIEW
Scale: ½” = 1’ – 0”

MONUMENT SIZE
Approx. 4’ T x 13’-6” W x 1’-9” D

Recommended Design



ELEVATION & TOP VIEW
Scale: ½” = 1’ – 0”

MONUMENT SIZE
Approx. 4’-6” T x 6’-3” W x 1’-6” D

NEWARK
california

Park Monument Design

Park Monument Identification Sign



Park Monument Identification Sign

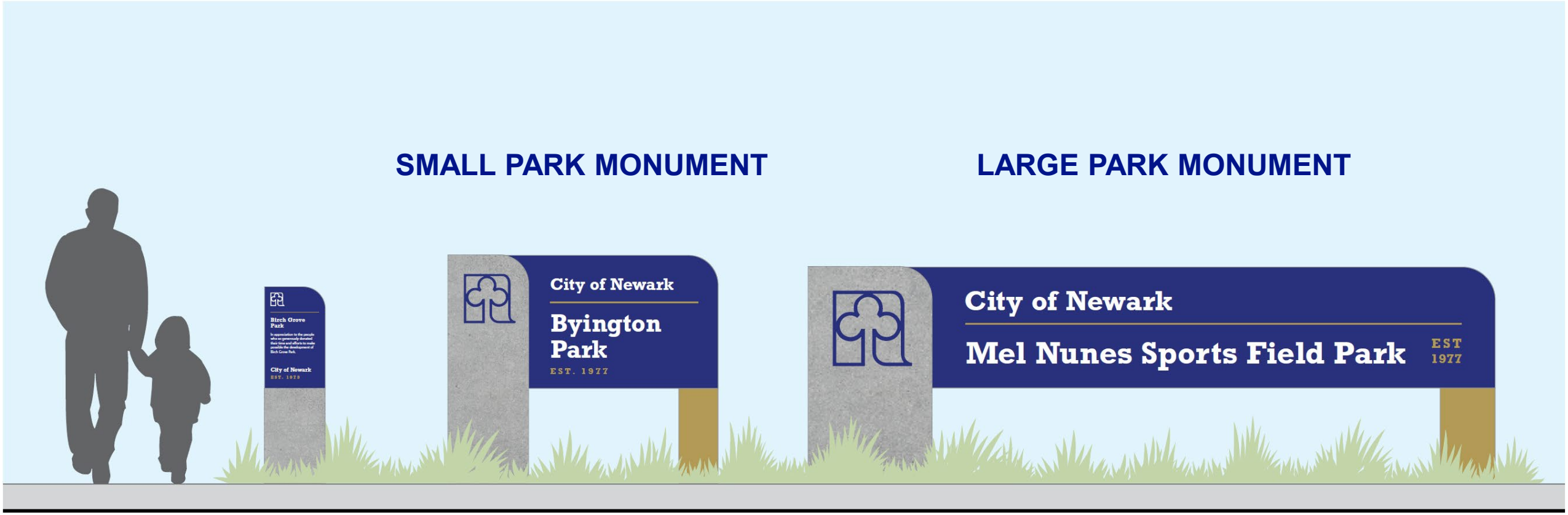




FRONT & SIDE VIEW
Scale: 1” = 1’ – 0”

DISPLAY SIZE
Approx. 3’-9” T x 1’-2” W x 6” D

Final Design



HISTORY DISPLAY

ELEVATION & TOP VIEW
Scale: ½” = 1’ – 0”

NEWARK
california

SIGN SPECIFICATIONS

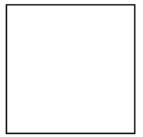
Sign Specifications – Color Palette

C1 

COLOR MATCH
MP 02169 “Cuernavaca Blue”
Satin Ultra Low VOC Finish

C2 

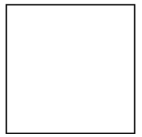
COLOR MATCH
MP 02059 “Gold Bullion”
Satin Ultra Low VOC Finish

C3 

COLOR MATCH
MP 31645 “Designer White”
Satin Ultra Low VOC Finish

C4 

COLOR MATCH
Davis Colors Concrete Color
Subtle Group: “Light Gray”
Smooth Finish

V1 

VINYL
Surface applied graphic vinyl
3M 7725-20 “Matte White”

V2 

VINYL
Surface applied graphic vinyl
3M 7725-105 “Harvest Gold”

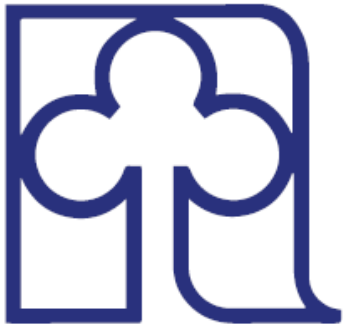
Sign Specifications – Typography & Iconography

ROCKWELL BOLD

abcdefghijklmnopqrstuvwxyz

ABCDEFGHIJKLMNOPQRSTUVWXYZ

1234567890



Final Design Selection

REVISED DESIGN



RECOMMENDED DESIGN



NEWARK
california

Thank you