



**Brawley City Council &
Successor Agency to Brawley
Community Redevelopment Agency
Regular Meeting Agenda
September 17, 2024 at 6:00 PM
City Council Chambers
383 Main Street
Brawley, California 92227**

This meeting will be broadcast live at https://brawley-ca.granicus.com/ViewPublisher.php?view_id=1

Ramon Castro, Mayor
Donald L. Wharton, Mayor Pro-Tempore
George A. Nava, Council Member
Gil Rebolgar, Council Member
Luke Hamby, Council Member

William Smerdon, Acting Deputy City Clerk
William Smerdon, Acting City Treasurer
William S. Smerdon, City Attorney
Jimmy Duran, Interim City Manager/
Executive Director

CALL TO ORDER

ROLL CALL

INVOCATION

PLEDGE OF ALLEGIANCE

1. APPROVAL OF AGENDA

2. PUBLIC APPEARANCES/COMMENTS (Not to exceed 4 minutes.)

This is the time for the public to address the Council **on any item not appearing on the agenda** that is within the subject matter jurisdiction of the City Council. The Mayor will recognize you and when you come to the microphone, please state your name for the record. You are not allowed to make personal attacks on individuals or make comments which are slanderous, or which may invade an individual's personal privacy. Please direct your questions and comments to the City Council.

Any member of the public is invited to submit public comments in advance of the meeting to be read at the meeting. Please email your questions to cityclerk@brawley-ca.gov or call 760-351-3048 any time before 2:00 PM, September 17, 2024.

- a. Public Comments for Items not on the Agenda
- b. Introduce Cattle Call Queens and update the annual Cattle Call event.
Presented by Dana Mendoza

3. CONSENT AGENDA

Items are approved by one motion. Council Members or members of the public may request consent items be considered separately at a time determined by the Mayor.

- a. Approve City Council Minutes: August 06, 2024. (1 Attachment)
- b. Approve City Council Minutes: September 06, 2024/Special Meeting. (1 Attachment)
- c. Approve Accounts Payable: July 27, 2024 to Sep 06, 2024. (2 Attachments)

4. CITY MANAGER REPORT

5. REGULAR BUSINESS

- a. Potential action to Approve amending the FY24/25 Budget for the Fire Department to reflect an increase in Revenue in the total amount of \$83,036.71 and to amend Overtime and Equipment line items. Presented by Mike York, Fire Chief. (2 attachments)

- b. Potential action to reappoint the three (3) current Airport Advisory Board members, each for another two (2) year term. Presented by Thomas Garcia, Assistant to the City Manager.
Applications received from:
- Tim Kelley
 - Peter Osterkamp
 - Brian Floyd
- (3 attachments)
- c. Potential action to Select two (2) applications for appointment on the City of Brawley Planning Commission, each to serve for a four (4) year term. Presented by Thomas Garcia, Assistant to the City Manager.
Applications received from:
- George Marquez
 - Terry Partida Rodriguez
 - Daniel Nunez
- (3 attachments)
- d. Potential action to Reappoint the three (3) current Parks and Recreation members, each for another three (3) year term. Presented by Thomas Garcia, Assistant to the City Manager.
Applications received from:
- Richard Rubio
 - Richard Diaz
 - Joel Gonzalez
- (3 attachments)
- e. Potential action to Approve waiver of street closure fee and the sale of alcohol at the Cesar Chavez Celebration on Saturday, March 29, 2025. Presented by Thomas Garcia, Assistant to the City Manager.
Requested motions
- i. Approval for the waiver of street closure fee
 - ii. Approval for the sale of alcohol
- (2 attachments)
- f. Potential action to Approve the sale of alcohol and waiver of street closure fee and all fees associated with the Cattle Call festivities. Presented by Thomas Garcia, Assistant to the City Manager.
Requested motions
- i. Approval for the waiver of street closure fee
 - ii. Approval for the sale of alcohol
- (2 attachments)
- g. Potential Action to Approve waiver of street closure fee for soap box derby on Saturday, October 26, 2024, at Cattle Call Park. Presented by Thomas Garcia, Assistant to the City Manager.
- (2 attachments)

- h. Potential Action to Approve the memorandum of understanding between The Regents of the University of California on behalf of its UC Cooperative Extension Imperial County and City of Brawley. Presented by Thomas Garcia, Assistant to the City Manager.

(2 attachments)
- i. Potential Action to Approve Density Bonus Housing Agreement. Presented by Cynthia Mancha, Consultant City Planner.

(2 attachments)
- j. Potential Action to Approve the Eastern Ridge Apartment Density Bonus. Presented by Cynthia Mancha, Consultant City Planner.

(2 attachments)
- k. Potential Action to Authorize Contract Change Order No. 1 to Contract No. 2021-05, SB1 Street Improvements Project for \$29,960.00, and authorize the City Manager to execute all documentation concerning this project. Presented by Rom Medina, Public Works Director.

(3 attachments)
- l. Potential Action to Approve the purchase of two water filter blowers to the City's Water Treatment Plant at a cost of \$181,859.85 and a 15% contingency of \$27,278.97 for a total amount of \$209,138.82. Presented by Rom Medina, Public Works Director.

(3 attachments)
- m. Potential Action to approve City of Brawley Resolution in support of the homelessness, drug addiction and theft act (Proposition 36). Presented by Gil Rebollar, City Council Member.

(2 attachments)
- n. Potential Action to approve a letter of support for SB 583 – Salton Sea Conservancy. Presented by Thomas Garcia, Assistant to the City Manager.

(3 Attachments)
- o. Potential Action to approve a letter of support for SB 1105 – Leave for Farmworkers During Climate Emergencies. Presented by Thomas Garcia, Assistant to the City Manager.

(3 Attachments)
- p. Potential Action to approve a letter of support for AB 2757 – Southeast California Economic Region. Presented by Thomas Garcia, Assistant to the City Manager.

(3 Attachments)

- q. Potential Action to approve a letter of support for SB 1070 - Imperial Valley Healthcare District. Presented by Thomas Garcia, Assistant to the City Manager.
(3 Attachments)

6. DEPARTMENT REPORTS

- a. Update on City Graffiti Abatement and Code Enforcement programs. Presented by Commander Jonathan Blackstone.
- b. Update on the Main Street Construction project. Presented by Rom Medina, Public Works Director.
- c. Update on the Water Tower removal project. Presented by Rom Medina, Public Works Director.

7. CITY COUNCIL MEMBER REPORTS

8. CITY ATTORNEY REPORT

9. CLOSED SESSION

- a. CONFERENCE WITH REAL PROPERTY NEGOTIATORS
Property: Latigo Ranch Subdivision
Agency negotiator: City Manager, City Attorney, Director of Public Works Operations.
Negotiating parties: Brawley Investment Ventures
Under negotiation: Acceptance of Subdivision Improvements and Real Property Dedications.

ADJOURNMENT: *Regular Meeting October 01, 2024 @ 6:00 PM*, 383 Main Street, Brawley, California. Supporting Documents are available for public review in the Office of the City Clerk, 383 Main Street, Brawley, California 92227 - Monday through Friday during Regular Business Hours; Individuals who require special accommodations are requested to give 48 hours prior notice. Contact: Office of the City Clerk @ 760-351-3048.

William Smerdon, Deputy City Clerk

CITY OF BRAWLEY
August 6, 2024

3a

The City Council of the City of Brawley, California met in regular session at 6:00 p.m., City Council Chambers, the date, time and place of said meeting was duly established. The Deputy City Clerk attests to the posting of the agenda pursuant to Cal. Govt. Code § 54954.2.

REGULAR MEETING:

Mayor Castro called the meeting to order at 6:00 p.m. https://brawley-ca.granicus.com/player/clip/38?view_id=1&redirect=true

PRESENT: Castro, Wharton, Rebollar, Nava
PRESENT VIA ZOOM: None
ABSENT: Hamby

INVOCATION: John Grass

PLEDGE OF ALLEGIANCE: Council Member Wharton

1. APPROVAL OF AGENDA:

The Agenda was approved with a comment regarding the sample letter received from Pioneers Memorial. m/s/c Rebollar/Wharton 4-0

2. PUBLIC APPEARANCES/COMMENTS: (Not to exceed four minutes) this is the time for the public to address the Council on any item not appearing on the agenda that is within the subject matter jurisdiction of the City Council. The Mayor will recognize you and when you come to the microphone, please state your name for the record. You are not allowed to make personal attacks on individuals or make comments which are slanderous or which may invade an individual's personal privacy. Please direct your comments to the City Council.

Any member of the public is invited to submit public comments in advance of the meeting to be answered at the meeting. Please email your questions to cityclerk@brawley-ca.gov or call 760-351-3080 any time before 2:00 pm, August 6, 2024.

Procedures to "swiftly" accommodate any reasonable request to accommodate access by disabled individuals to meetings that are accessible telephonically or through other electronic means in accordance with the Americans with Disabilities Act ("ADA") are in place.

Notice of the procedure is provided for making requests for such reasonable accommodation is provided with the notice of the public meeting.

a. Public Comments Not on the Agenda:

1. Ronald Grey had questions about the airport. His comments may be viewed at:

3a

https://brawley-ca.granicus.com/player/clip/38?view_id=1&redirect=true

2. George Prieto had comments about permitting for his planned new restaurant. Comments may be viewed at:

https://brawley-ca.granicus.com/player/clip/38?view_id=1&redirect=true

3. CONSENT AGENDA:

- a. **Approved** City Council Minutes: July 16, 2024 meeting;
- b. **Approved** City Council Minutes: July 30, 2023 special meeting;
- c. **Approved** Accounts Payable: July 30, 2024 to July 26, 2024;
- d. **Approved** Parcel Map 23-04 for Recordation subdividing a 4.6-acre parcel, zoned R-3 (Medium Density Residential) to accommodate the development of the multi-family housing.

4. CITY MANAGER REPORT:

- a. The City Manager had public works provide an update on the Main Street Improvement Project.
- b. The City Manager emphasized that the staff is always available to answer budget questions for the residents.
- c. The City Manager thanked staff for their hard work during his tenure as City Manager.
- d. The Council Members made comments thanking the City Manager for his service.

5. REGULAR BUSINESS:

- a. Potential action to approve a contract with Imperial Flying Service for Airport Manager/Fixed Base Operator of the Brawley Municipal Airport. Presented by Rom Medina, Public Works Director.

The Council approved the contract. m/s/c Nava/Wharton 4-0.

- b. Review, discuss, and receive comments from the public on downtown main street parking. Presented by Rom Medina, Director of Public Works and Operations.

The Council gave direction to staff to do a traffic study.

- c. Discussion and action to accept South Environmental report: Historic Built Environment Assessment for the Brawley Tower Removal Project. Presented by Rom Medina Director of Public Works and Operations.

The Council accepted the report. m/s/c Nava/Wharton 3-1 Rebollar voted no.

6. INFORMATIONAL REPORTS:

- a. Monthly Staffing Report for August 2024.

Council members reviewed the report prior to the meeting.

7. CITY COUNCIL MEMBER REPORTS:

The City Council reports are available on the City of Brawley's website and are available on the City's audio record of the meeting.

8. CITY ATTORNEY REPORT:

The City Attorney did not have a report.

9. CLOSED SESSION:

PUBLIC EMPLOYMENT

Title: City Manager/Interim City Manager

During closed session the Council approved the terms of a contract with Chief of Police/Interim City Manager Jimmy Duran.

The meeting was adjourned at 8:00 p.m. https://brawley-ca.granicus.com/player/clip/38?view_id=1&redirect=true

William Smerdon, Deputy City Clerk



CITY OF BRAWLEY
September 6, 2024

The City Council of the City of Brawley, California met in Special Meeting session at 6:00 p.m., 161 S. Plaza, Brawley, California, the date, time and place of said meeting was duly established. The Deputy City Clerk attests to the posting of the agenda pursuant to Cal. Govt. Code § 54954.2.

REGULAR MEETING:

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

PRESENT: Castro, Wharton, Rebollar, Hamby, Nava
PRESENT VIA ZOOM: None
ABSENT: None

INVOCATION: Chaplin John Sharpe

PLEDGE OF ALLEGIANCE: Tyler Salcido

1. APPROVAL OF AGENDA:

The Agenda was approved. m/s/c Hamby/Nava 5-0

2. PUBLIC APPEARANCES/COMMENTS: (Not to exceed four minutes) This is the time for the public to address the Council on any item not appearing on the agenda that is within the subject matter jurisdiction of the City Council. The Mayor will recognize you and when you come to the microphone, please state your name for the record. You are not allowed to make personal attacks on individuals or make comments which are slanderous or which may invade an individual’s personal privacy. Please direct your comments to the City Council.

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- a. Public Comments Not on the Agenda:

1. No written public comments were received by the City Clerk's Office or made by any member of the public during the meeting.

5. REGULAR BUSINESS:

- a. State of the City Address. Presented by Ramon Castro, City of Brawley Mayor
The Council approved the contract. m/s/c Nava/Wharton 4-0.

Mayor Ramon Castro provided a detailed report of the current status of the City of Brawley, Thanking the members of the City Council for their work and contributions throughout this past year. Special recognition was made to Council Members Nava and Wharton, who are not seeking reelection after several years of devoted service.

A presentation was made to honor the service and work of City Manager Tyler Salcido and recognize the appointment of Interim City Manager Jimmy Duran.

Mayor Castro outlined the City's accomplishments for the past year, progress of future projects and collaborations with other private and government organizations. Mayor Castro also recognized the work of all City staff and the service of employees Ana Gutierrez and Refugio Martinez.

The slide presentation can be viewed at:

<https://portal.laserfiche.com/Portal/DocView.aspx?id=14589&repo=r-4f4b25dc>

The meeting was adjourned at 8:30 p.m.

Thomas Garcia, Deputy City Clerk

City of Brawley



3c

City Council
Sep 17, 2024
Agenda Item No. 3c

STAFF REPORT

To: City Council
From: Silvia Luna, Finance Director
Prepared by: Jesse Sanchez, Sr. Accounting Assistant
Subject: Demand check registers processed from July 27, 2024 to Sep 06, 2024

RECOMMENDATION:

Approve demand check registers processed from July 27, 2024 to Sep 06, 2024.

BACKGROUND INFORMATION:

Routine bills and payroll processed between Council meetings included the following:

All Bank Codes Check Summary

Payment Type	Payable Count	Payment Count	Discount	Payment
Regular Checks	563	259	0.00	1,465,202.15
Manual Checks	0	0	0.00	0.00
Voided Checks	0	4	0.00	-17,929.25
Bank Drafts	47	47	0.00	636,101.97
EFT's	53	29	0.00	1,599,656.32
	663	339	0.00	3,683,031.19

Utility refunds included the following:

Totals by Transaction Type and Revenue Code

Transaction Type	Revenue Code	Count	Amount
Refund	996 - 996	1	130.12
		Refund Total:	130.12
		Total for Period:	130.12



FISCAL IMPACT:

No additional fiscal impact to approve these reports.

ALTERNATIVES:

None.

ATTACHMENTS:

1. Check Report by Check Number

REPORT COORDINATED WITH (other than person preparing the staff report):

None.

REPORT APPROVAL(S):

<u>Staff, Title or Consultant, Agency</u>	<u>Status – Date of Status</u>
Jimmy Duran, Chief of Police/Interim City Manager	Approved – 9/11/2024
Silvia Luna, Finance Director	Approved – 9/9/2024

City of Brawley

City Council
Sep 17, 2024
Agenda Item No. 3c.1

STAFF REPORT



To: City Council
From: Silvia Luna, Finance Director
Prepared by: Jesse Sanchez, Sr. Accounting Assistant
Subject: Demand check registers processed from July 27, 2024 to Sep 06, 2024

RECOMMENDATION:

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BACKGROUND INFORMATION:

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Totals by Transaction Type and Revenue Code

Transaction Type	Revenue Code	Count	Amount
Refund	996 - 996	1	130.12
		Refund Total:	130.12
		Total for Period:	130.12

FISCAL IMPACT:

No additional fiscal impact to approve these reports.

ALTERNATIVES:

None.

ATTACHMENTS:

1. Check Report by Check Number

REPORT COORDINATED WITH (other than person preparing the staff report):

None.

REPORT APPROVAL(S):

Staff, Title or Consultant, Agency

Jimmy Duran, Chief of Police/Interim City Manager

Silvia Luna, Finance Director

Status – Date of Status

Approved – 9/11/2024

Approved – 9/9/2024

City of Brawley

City Council
September 17, 2024
Agenda Item No 5a



5a

STAFF REPORT

To: City Council
From: Mike York, Fire Chief
Prepared by: Mike York, Fire Chief
Subject: Budget adjustment for unanticipated revenues from the State of California

RECOMMENDATION:

Approve amending the FY24/25 Budget for the Fire Department to reflect an increase in Revenue in the total amount of \$83,036.71 and to amend Overtime and Equipment line items.

BACKGROUND INFORMATION:

In July 2024, the Brawley Fire Department responded to the "Lake" fire incident in Santa Barbara County. This response was party of the Brawley Fire Department's commitment to the State for receiving Cal-OES apparatus. Under the California Fire Assistance Agreement (CFAA) the personnel hours for department staff are reimbursed at pre-determined rates along with a 10% administrative surcharge. The total Reimbursement for this incident was \$83,036.71
Staff recommends that \$75,487.92 received for personnel hours be used to address overtime expenditures, while the \$7,548.79 be attributed to equipment purchases to enhance daily operations.

FISCAL IMPACT:

A budget adjustment is required to reflect the increase in the following accounts:

State Reimbursement- Strike Teams - 101-221.000-440.310 -Revenue	\$83,036.71,
Overtime -101-221.000-700.300- Expense -	\$75,487.92
Equipment - 101-221.000-800.400 - Expense -	\$ 7,548.79

ALTERNATIVES:

No alternatives suggested.

ATTACHMENTS:

1. Cal Fire Assistance Agreement

REPORT COORDINATED WITH (other than person preparing the staff report):

Staff, Title or Consultant, Agency
Jimmy Duran, Interim City Manager, ,

REPORT APPROVAL(S):

Staff, Title or Consultant, Agency

Status – Date of Status

Jimmy Duran, City Manager
Silvia Luna, Finance Director

Approved - 9/11/2024
Approved - 9/11/2024

5a

**California Fire Assistance Agreement
Reimbursement Invoice
Cal OES-CAL FIRE-USFS-BLM-NPS-FWS-BIA
Cal OES F-142**

5a.1

Federal Tax ID Number: 95-6000680
UEI Number: PZQ3DEBNKMK6
FI\$Cal Supplier ID: 0000011686
FI\$Cal Address ID: 6

Invoice Number: F-20240154-BRW
Invoice Date: 08/29/2024
Incident Order Number: CA-LPF-001542
Incident Name: LAKE
MACS Designator: BRW

Remit Payment to:

Brawley Fire Department
 1505 Jones Street,
 Brawley, CA, 92227

Local Agency, Return Invoice to:

Governor's Office of Emergency Services
 Fire and Rescue Division
 Reimbursement Processing

SUMMARY INFORMATION

Resource	Req. No.	Strike Team	Depart Date/Time	Return Date/Time	Personnel Total	Equipment Total	Support Vehicle	Expense Total	Admin Surchg
WT-62	E-250	OES-6111	07/09/2024 0900	07/24/2024 2200	\$28,870.38	\$0.00	\$0.00	\$0.00	\$2,887.04
E-6620	E-250	OES-6111	07/09/2024 0900	07/24/2024 2200	\$46,617.54	\$0.00	\$0.00	\$0.00	\$4,661.75
					\$75,487.92	\$0.00	\$0.00	\$0.00	\$7,548.79

CLAIM TOTAL: \$83,036.71
USFS (100.00%): \$83,036.71

Mileage for Privately Owned Vehicle(POV) only and is figured at a of 0.655 per actual mile.

Engine Hours are based on a 16 hour portal to portal day for each 24 hour period.

Agency Salary Survey on file: 07/09/2024

Support Vehicle Rates are:

Sedan = \$226.000 per day
 Pick-Up (1/2 Ton) = \$166.000 per day
 Van = \$309.000 per day
 SUV = \$279.000 per day
 Other (3/4 Ton & Above) = \$265.000 per day

Apparatus Rates are:

Type I = \$173.470 per hour
 Type II = \$163.550 per hour
 Type III = \$156.740 per hour
 Type IV - VII = \$150.470 per hour
 Water Tender Tactical I = \$148.070 per hour
 Water Tender Tactical II = \$127.210 per hour

Personnel Rates are:

Chief = \$34.59
 Deputy Chief = \$34.59
 Division Chief = \$34.59
 Assistant Chief = \$34.59
 Battalion Chief = \$34.59
 Co. Officer/Capt./Lt. = \$27.77
 App. Officer/Eng = \$27.77
 Firefighter/FF-PMedic = \$27.77
 Administrative Rate: 0.10000

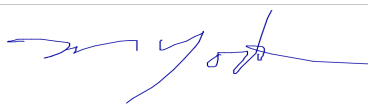
The Invoice amounts are computed on the California Fire Assistance Agreement currently in place between Cal OES, CAL FIRE, USFS, BLM, NPS, FWS and BIA. Local agencies that have wages that exceed the minimum base rate shall be reimbursed using the Salary Rate otherwise the established base rate shall be used for reimbursement.

Formulas: Salary Rate: $[(S \times H \times 1.5) + M + E] \times A$ or Established Base Rate: $[(B \times H \times 1.5) + M + E] \times A$

Where S = Salary Rate; H = Total hours on Incident; A = Administrative Rate (%); B = Established Hourly Base Rate; E = Engine Reimbursement, where applicable; M= Claimed Miles

Reminder: As per the California Fire Assistance Agreement, there will be a delay in payment for invoices not returned to Cal OES by the local agency within 30 days of receipt.

I Certify that to the best of my knowledge and belief, and under penalty of perjury that the data above it correct.



Fire Chief

09/10/2024

Signature

Title

Date

City of Brawley

City Council
September 17, 2024
Agenda Item No 5b



STAFF REPORT

To: City Council
From: Thomas Garcia, Assistant to the City Manager
Prepared by: Thomas Garcia, Assistant to the City Manager
Subject: **Appointment of Airport Advisory Board Members**

RECOMMENDATION:

Reappoint the three (3) current Airport Advisory Board members, each for another two (2) year term.

BACKGROUND INFORMATION:

The terms of three (3) Brawley Airport Advisory Commission members have expired and require reappointing of members. Vacancies were advertised twice in a local “newspaper of general circulation,” receiving only applications of interest from the three (3) current members requesting reappointment.

FISCAL IMPACT:

None

ALTERNATIVES:

No alternatives are suggested at this time.

ATTACHMENTS:

1. Draft Resolution to Appoint AirPort Board Member
2. Applications of Interest

REPORT COORDINATED WITH (other than person preparing the staff report):

Staff, Title or Consultant, Agency

REPORT APPROVAL(S):

Staff, Title or Consultant, Agency
Silvia Luna, Finance Director
Jimmy Duran, City Manager

Status – Date of Status
Approved - 9/11/2024
Approved - 9/11/2024

5b.1

**RESOLUTION 2024-
RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRAWLEY, CALIFORNIA
APPOINTMENT OF MEMBERS TO THE BRAWLEY AIRPORT ADVISORY BOARD.**

WHEREAS, Resolution No. 89-50, adopted on May 15, 1989, provides that terms for appointments will be made to June 30th; and

WHEREAS, the terms of three (3) members of the Brawley Airport Advisory Board have expired; and

WHEREAS, a notice was published in the Desert Review newspaper on July 10, 2024, and July 17, 2024, requesting applications from anyone interested in serving on the Brawley Airport Advisory Board; and

WHEREAS, the City received applications from three current Airport Advisory Board Members wishing to be reappointed and no new applications expressing interest in serving on the Brawley Airport Advisory Board.

NOW, THEREFORE, BE IT RESOLVED THE CITY COUNCIL OF THE CITY OF BRAWLEY, CALIFORNIA, DETERMINES AND ORDERS AS FOLLOWS:

That the following individuals are appointed and/or reappointed to fill the vacancies on the Brawley Airport Advisory Commission that expire on June 30, 2026.

- 1. Tim Kelley
- 2. Peter Osterkamp
- 3. Brian Floyd

PASSED AND ADOPTED this 17th day of September 2024, by the following vote:

AYES:
NAYES:
ABSTAIN:
ABSENT:

CITY OF BRAWLEY, CALIFORNIA

Ramon Castro, Mayor

ATTEST:

Thomas Garcia, Deputy City Clerk



5b.2

CITY OF BRAWLEY

BRAWLEY, CALIFORNIA

DATE: July 22, 2024

(Received on 7/26/24
3:42 PM)

Peter Osterkamp
Airport Advisory Commission

Dear Mr. Osterkamp,

Your term on the Airport Commission is due to expire on June 30, 2024. Notice of pending appointments has been circulated and the City Council of the City of Brawley is anticipated to make selection after the application submission date below.

This letter is to inquire whether you wish to be considered for **reappointment** to the City of Airport Advisory Commission. Please respond on or before 7/26/2024 by indicating below: checking one of the boxes below.

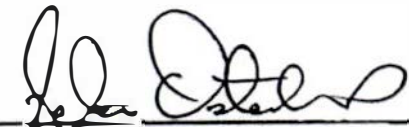
Sincerely,


Thomas Garcia
Deputy City Clerk

I Peter Osterkamp, Board or Commission/Commissioner/member or trustee, do hereby:

Request Reappointment

Do Not Request Reappointment


Peter Osterkamp

~~Done~~



5b.2

CITY OF BRAWLEY

BRAWLEY, CALIFORNIA

DATE: July 22, 2024

Tim Kelley
Airport Advisory Commission

Dear Mr. Kelley,

Your term on the Airport Commission is due to expire on June 30, 2024. Notice of pending appointments has been circulated and the City Council of the City of Brawley is anticipated to make selection after the application submission date below.

This letter is to inquire whether you wish to be considered for **reappointment** to the City of Airport Advisory Commission. Please respond on or before 7/26/2024 by indicating below: checking one of the boxes below.

Sincerely,

Thomas Garcia
Deputy City Clerk

I Tim Kelly, Board or Commission/Commissioner/member or trustee, do hereby:

Request Reappointment

Do Not Request Reappointment

Tim Kelley



5b.2

CITY OF BRAWLEY

BRAWLEY, CALIFORNIA

DATE: July 22, 2024

**Brian Floyd
Airport Advisory Commission**

Dear Mr. Floyd,

Your term on the Airport Commission is due to expire on June 30, 2024. Notice of pending appointments has been circulated and the City Council of the City of Brawley is anticipated to make selection after the application submission date below.

This letter is to inquire whether you wish to be considered for **reappointment** to the City of Airport Advisory Commission. Please respond on or before 7/26/2024 by indicating below: checking one of the boxes below.

Sincerely,


Thomas Garcia
Deputy City Clerk

I Brian Floyd, Board or Commission/Commissioner/member or trustee, do hereby:

Request Reappointment



Do Not Request Reappointment




Brian Floyd

City of Brawley

City Council
September 17, 2024
Agenda Item No 5c



STAFF REPORT

To: City Council
From: Thomas Garcia, Assistant to the City Manager
Prepared by: Thomas Garcia, Assistant to the City Manager
Subject: **Appointment of Planning Commission Members**

RECOMMENDATION:

Select two (2) applications for appointment on the City of Brawley Planning Commission, each to serve for a four (4) year term.

BACKGROUND INFORMATION:

The terms of two (2) members of the Brawley Planning Commission have expired, requiring filling those vacancies. Opportunities were advertised twice in a local “newspaper of general circulation,” receiving three (3) applications of interest. Current member George Marquez submitted his application asking for a reappointment. The City has also received two new applications of interest from Terry Partida Rodriguez and Daniel R. Nunez. Current Planning Commission Member Kevan Hutchinson, after several years of dedicated service, did not ask for reappointment.

FISCAL IMPACT:

None

ALTERNATIVES:

No alternatives are suggested at this time.

ATTACHMENTS:

1. Draft Resolution to Appoint Planning Commissioners
2. Applications of Interest-Planning Commission

REPORT COORDINATED WITH (other than person preparing the staff report):

Staff, Title or Consultant, Agency

REPORT APPROVAL(S):

Staff, Title or Consultant, Agency
Jimmy Duran, City Manager
Silvia Luna, Finance Director

Status – Date of Status
Approved - 9/11/2024
Approved - 9/11/2024

**RESOLUTION 2024-
RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRAWLEY, CALIFORNIA
APPOINTMENT OF MEMBERS TO THE BRAWLEY PLANNING COMMISSION.**

WHEREAS, Resolution No. 89-50, adopted on May 15, 1989, provides that terms for appointments will be made to June 30th; and

WHEREAS, the terms of two (2) members of the Brawley Planning Commission have expired; and

WHEREAS, a notice was published in the Desert Review newspaper on July 10, 2024, and July 17, 2024, requesting applications from anyone interested in serving on the Brawley Planning Commission; and

WHEREAS, the City received applications from one current Planning Commissioner wishing to be reappointed and two (2) new applications from individuals expressing interest in serving on the Brawley Planning Commission.

NOW, THEREFORE, BE IT RESOLVED THE CITY COUNCIL OF THE CITY OF BRAWLEY, CALIFORNIA, DETERMINES AND ORDERS AS FOLLOWS:

That the following individuals are appointed and/or reappointed to fill the vacancies on the Brawley Planning Commission that expire on June 30, 2028.

- 1.
- 2.

PASSED AND ADOPTED this 17th day of September 2024, by the following vote:

AYES:
NAYES:
ABSTAIN:
ABSENT:

CITY OF BRAWLEY, CALIFORNIA

Ramon Castro, Mayor

ATTEST:

Thomas Garcia, Deputy City Clerk

5c.2

The City of Brawley

Application to serve on City Council-Appointed Boards, Commissions and Committees

Date: 7/26/24

Name: Terry Partida Rodriguez

Address/Residence: 688 North Eastern Avenue, Brawley, CA 92227

Mailing/Address/Mailing: 688 North Eastern Avenue, Brawley, CA 92227

Home Phone: (442)-202-8853 Business Phone: N/A

Name of the Board/Commission/Committee for which applicant wishes to be considered: _____

Planning Commission

Employment Experience: Journalist, Photographer, and Graphic Designer

with The Desert Review | Case Manager Assistant with Behavioral Health

Contractor with New Energy Nexus

Education/Other Training: Brawley Union High School Diploma 2023

Psychological First Aid through Behavioral Health Services of Imperial

County

Please describe any other experience you believe may be helpful to you in serving on this Board, Commission, or Committee: I am going to bring an perspective of economic

development because I serve a representative in a coalition of leaders

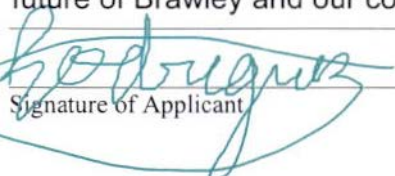
designed to create jobs in Imperial County and to redevelop our local

economy post-Covid.

Why would you like to serve on this Board, Commission or Committee? I would like to serve

on this commission because planning and development is important to the

future of Brawley and our community.


Signature of Applicant

5c.2

The City of Brawley

Application to serve on City Council-Appointed Boards, Commissions and Committees

Date: 07/26/2024
Name: Daniel R. Nuñez
Address/Residence: 246 Cutting Horse St
Brawley, CA
Mailing/Address/Mailing: 246 Cutting Horse St
Brawley,
Home Phone: (760) 604-8545 Business Phone: _____


Name of the Board/Commission/Committee for which applicant wishes to be considered: _____
Brawley Planning Commission

Employment Experience: Brawley Union High School- Teacher;
August 2018- present
U.S. Army- 2004-2009

Education/Other Training: Bachelors- SDSU c/o 2015, Teaching Credential-
National University c/o 2020

Please describe any other experience you believe may be helpful to you in serving on this Board, Commission, or Committee: In the past five years I have served as the Commander of the
American Legion Post 60, several officer positions within the Brawley
Elks #1420 including Exalted Ruler, and currently a Trustee. Through these
positions I have been able to build strong relationships within our community.

Why would you like to serve on this Board, Commission or Committee? Every decision I
for several years now is with the mindset of leaving a legacy for my kids and
and grandkids and the overall betterment of Brawley.


Signature of Applicant



5c.2

CITY OF BRAWLEY

BRAWLEY, CALIFORNIA

DATE: July 22, 2024

George Marquez
Planning Commission

Dear Mr. Marquez,

Your term on the Planning Commission is due to expire on June 30, 2024. Notice of pending appointments has been circulated and the City Council of the City of Brawley is anticipated to make selection after the application submission date below.

This letter is to inquire whether you wish to be considered for **reappointment** to the City of Brawley Planning Commission. Please respond on or before 7/26/2024 by indicating below: checking one of the boxes below.

Sincerely,

Thomas Garcia
Deputy City Clerk

I George Marquez, Board or Commission/Commissioner/member or trustee, do hereby:

Request Reappointment

Do Not Request Reappointment

George Marquez

City of Brawley

City Council
September 17, 2024
Agenda Item No 5d



STAFF REPORT

To: City Council
From: Thomas Garcia, Assistant to the City Manager
Prepared by: Thomas Garcia, Assistant to the City Manager
Subject: **Appointment of Parks and Recreation Commission members**

RECOMMENDATION:

Reappoint the three (3) current Parks and Recreation Commission members, each for another three (3) year term.

BACKGROUND INFORMATION:

The terms of three (3) Brawley Parks and Recreation Commission members have expired and require reappointing of members. Vacancies were advertised twice in a local “newspaper of general circulation,” receiving only applications of interest from the three (3) current members requesting reappointment.

FISCAL IMPACT:

None

ALTERNATIVES:

No alternatives are suggested at this time.

ATTACHMENTS:

1. Draft Resolution to Appoint Members to Parks and Rec Comm
2. Application of Interest

REPORT COORDINATED WITH (other than person preparing the staff report):

Staff, Title or Consultant, Agency

REPORT APPROVAL(S):

Staff, Title or Consultant, Agency
Jimmy Duran, City Manager
Silvia Luna, Finance Director

Status – Date of Status
Approved - 9/11/2024
Approved - 9/11/2024

5d.1

**RESOLUTION 2024-
RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRAWLEY, CALIFORNIA
APPOINTMENT OF MEMBERS TO THE BRAWLEY PARKS AND RECREATION
COMMISSION.**

WHEREAS, Resolution No. 89-50, adopted on May 15, 1989, provides that terms for appointments will be made to June 30th; and

WHEREAS, the terms of three (3) members of the Brawley Parks and Recreation Commission have expired; and

WHEREAS, a notice was published in the Desert Review newspaper on July 10, 2024, and July 17, 2024, requesting applications from anyone interested in serving on the Brawley Parks and Recreation Commission; and

WHEREAS, the City received applications from three current Parks and Recreation Commissioners wishing to be reappointed and no new applications expressing interest in serving on the Brawley Parks and Recreation Commission.

NOW, THEREFORE, BE IT RESOLVED THE CITY COUNCIL OF THE CITY OF BRAWLEY, CALIFORNIA, DETERMINES AND ORDERS AS FOLLOWS:

That the following individuals are appointed and/or reappointed to fill the vacancies on the Brawley Parks and Recreation Commission that expire on June 30, 2027.

- 1. Richard Rubio
- 2. Richard Diaz
- 3. Joel Gonzalez

PASSED AND ADOPTED this 17th day of September 2024, by the following vote:

AYES:
NAYES:
ABSTAIN:
ABSENT:

CITY OF BRAWLEY, CALIFORNIA

Ramon Castro, Mayor

ATTEST:

Thomas Garcia, Deputy City Clerk



5d.2

CITY OF BRAWLEY

BRAWLEY, CALIFORNIA

DATE: July 22, 2024

Joel Gonzalez
Parks and Recreation Commission

Dear Mr. Gonzalez,

Your term on the Parks and Recreation Commission is due to expire on June 30, 2024. Notice of pending appointments has been circulated and the City Council of the City of Brawley is anticipated to make selection after the application submission date below.

This letter is to inquire whether you wish to be considered for **reappointment** to the City of Parks and Recreation Commission. Please respond on or before 7/26/2024 by indicating below: checking one of the boxes below.

Sincerely,

Thomas Garcia
Deputy City Clerk

I Joel Gonzalez, Board or Commission/Commissioner/member or trustee, do hereby:

Request Reappointment

Do Not Request Reappointment

Joel Gonzalez



5d.2

CITY OF BRAWLEY

BRAWLEY, CALIFORNIA

DATE: July 22, 2024

Richard Rubio
Parks and Recreation Commission

Dear Mr. Rubio,

Your term on the Parks and Recreation Commission is due to expire on June 30, 2024. Notice of pending appointments has been circulated and the City Council of the City of Brawley is anticipated to make selection after the application submission date below.

This letter is to inquire whether you wish to be considered for **reappointment** to the City of Parks and Recreation Commission. Please respond on or before 7/26/2024 by indicating below: checking one of the boxes below.

Sincerely,

Thomas Garcia
Deputy City Clerk

I Richard Rubio, Board or Commission/Commissioner/member or trustee, do hereby:

Request Reappointment

Do Not Request Reappointment

Richard Rubio



5d.2

CITY OF BRAWLEY

BRAWLEY, CALIFORNIA

DATE: July 22, 2024

Richard Diaz
Parks and Recreation Commission

Dear Mr. Diaz,

Your term on the Parks and Recreation Commission is due to expire on June 30, 2024. Notice of pending appointments has been circulated and the City Council of the City of Brawley is anticipated to make selection after the application submission date below.

This letter is to inquire whether you wish to be considered for **reappointment** to the City of Parks and Recreation Commission. Please respond on or before 7/26/2024 by indicating below: checking one of the boxes below.

Sincerely,

Thomas Garcia
Deputy City Clerk

I Richard Diaz, Board or Commission/Commissioner/member or trustee, do hereby:

Request Reappointment

Do Not Request Reappointment

Richard Diaz

City of Brawley

City Council
September 17, 2024
Agenda Item No 5e



STAFF REPORT

To: City Council
From: Thomas Garcia, Assistant to the City Manager
Prepared by: Rachel Fonseca, Parks and Recreation Manager
Subject: **Approve waiver of street closure fee and the sale of alcohol at the Cesar Chavez Celebration on Saturday, March 29, 2025**

RECOMMENDATION:

Approve waiver of street closure fee and the sale of alcohol at the Cesar Chavez Celebration on Saturday, March 29, 2025

BACKGROUND INFORMATION:

Los Amigos de la Comunidad, Inc. will host its annual Cesar Chavez Celebration on Saturday, March 29, 2025. Los Amigos is requesting a waiver of the street closure fee and permission to sell alcohol at the celebration. The celebration will include vendors, music, and lowriders. The celebration will begin at 2:00 pm and end at 11:00 pm. Alcohol sales are requested from 2:00 pm - 10:00 pm - with consumption ceasing at 11:00 pm.

FISCAL IMPACT:

Waiver of \$500.00 street closure fee.

The city assists on community events by coordinating street closure, install signage and provides public safety services. The City's cost for assisting with this event during 2024 was \$ 494.00 that includes staff regular time.

ALTERNATIVES:

Do not approve the waiver of the street closure fee or the sale of alcohol at the celebration.

ATTACHMENTS:

1. Cesar Chavez Map 2025

REPORT COORDINATED WITH (other than person preparing the staff report):

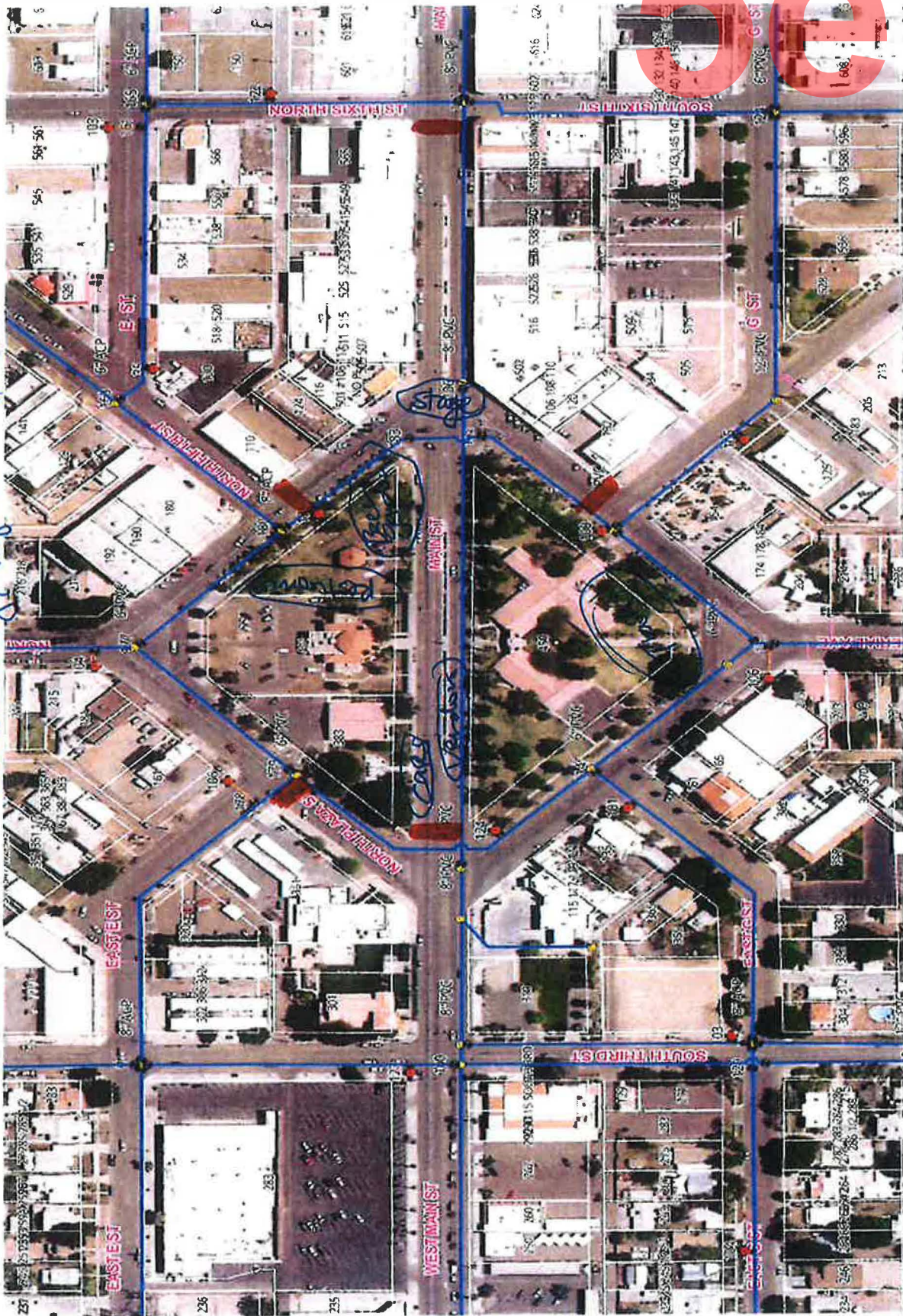
Staff, Title or Consultant, Agency

REPORT APPROVAL(S):

Staff, Title or Consultant, Agency
Jimmy Duran, City Manager
Silvia Luna, Finance Director

Status – Date of Status
Approved - 9/11/2024
Approved - 9/11/2024

Cesar Chavez Celebration
Street closure Map
Saturday, March 29, 2025



50.1

City of Brawley

City Council
September 17, 2024
Agenda Item No 5f



STAFF REPORT

To: City Council
From: Thomas Garcia, Assistant to the City Manager
Prepared by: Rachel Fonseca, Parks and Recreation Manager
Subject: **Approve the sale of alcohol and waiver of street closure fee and all fees associated with the Cattle Call festivities**

RECOMMENDATION:

Approve the sale of alcohol and waiver of street closure fee and all fees associated with the Cattle Call festivities

BACKGROUND INFORMATION:

The Brawley Chamber of Commerce will host its annual Cattle Call festivities in November. The Chamber requests approval to sell alcohol, a waiver of the street closure fee, and all fees associated with the festivities.

The Cattle Call festivities will take place on Saturday, November 2, 2024 (Chili Cookoff), Wednesday, November 6, 2024 (Mariachi Night) and Saturday, November 9, 2024 (Parade).

The street closures are the same as last year, and the maps for the street closures are attached.

FISCAL IMPACT:

Last year fiscal impact was:

ALTERNATIVES:

The council may elect not to approve the sale of alcohol, or the waiver of the street closure fees and all fees associated with the event.

ATTACHMENTS:

1. Cattle Call Street Closure Maps 2024

REPORT COORDINATED WITH (other than person preparing the staff report):

Staff, Title or Consultant, Agency

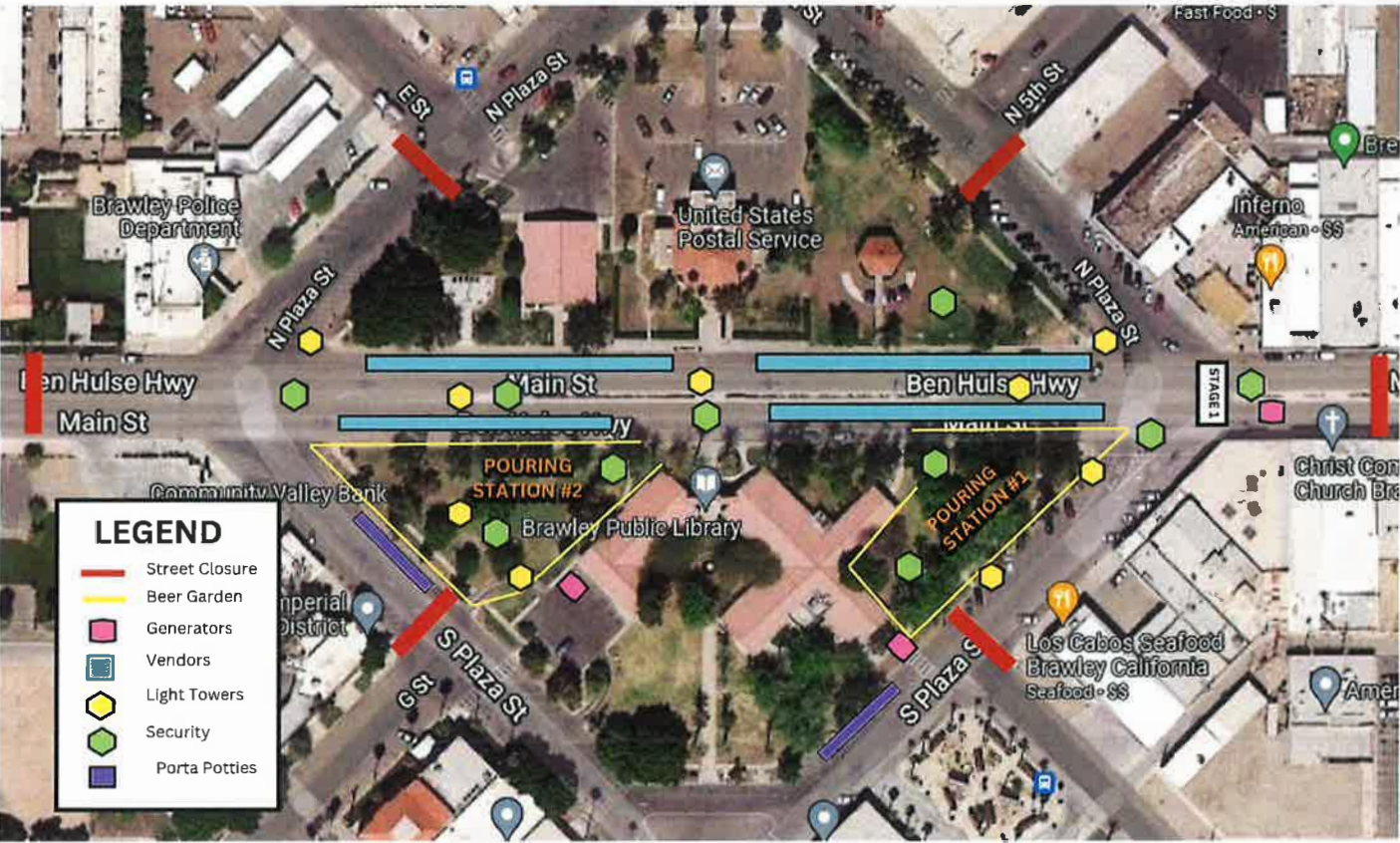
REPORT APPROVAL(S):

Staff, Title or Consultant, Agency
Silvia Luna, Finance Director
Jimmy Duran, City Manager

Status – Date of Status
Approved - 9/11/2024
Approved - 9/11/2024

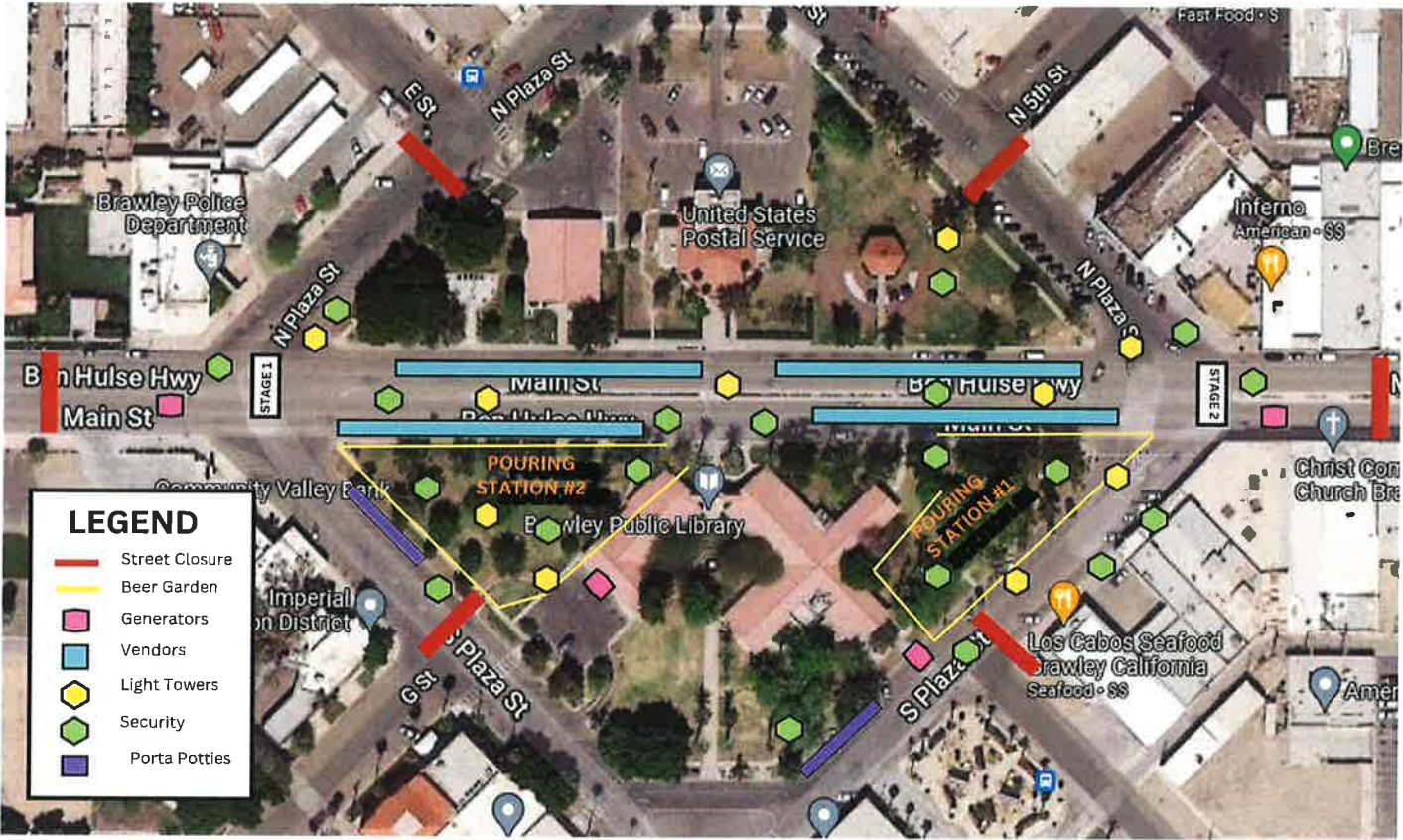
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2024 Cattle Call- Chili Cook Off



5f.1

2024 Cattle Call- Mariachi Night



5f.1

2024 Cattle Call- Parade



City of Brawley

City Council
September 17, 2024
Agenda Item No 5g



5g

STAFF REPORT

To: City Council
From: Thomas Garcia, Assistant to the City Manager
Prepared by: Rachel Fonseca, Parks and Recreation Manager
Subject: **Approve Waiver of Street Closure Fee for Soap Box Derby on Saturday, October 26, 2024 at Cattle Call Park**

RECOMMENDATION:

Approve waiver of street closure fee for soap box derby on Saturday, October 26, 2024, at Cattle Call Park

BACKGROUND INFORMATION:

Best Step Forward will be hosting its annual Soap Box Derby on Saturday, October 26, 2024, at Cattle Call Park, and they are requesting a waiver of the \$500.00 street closure fee.

The Soap Box Derby is the same setup as last year.

FISCAL IMPACT:

Waiver of \$500.00 street closure fee

ALTERNATIVES:

The council may elect not to waive the street closure fee.

ATTACHMENTS:

1. Soap Box Derby Map 2024

REPORT COORDINATED WITH (other than person preparing the staff report):

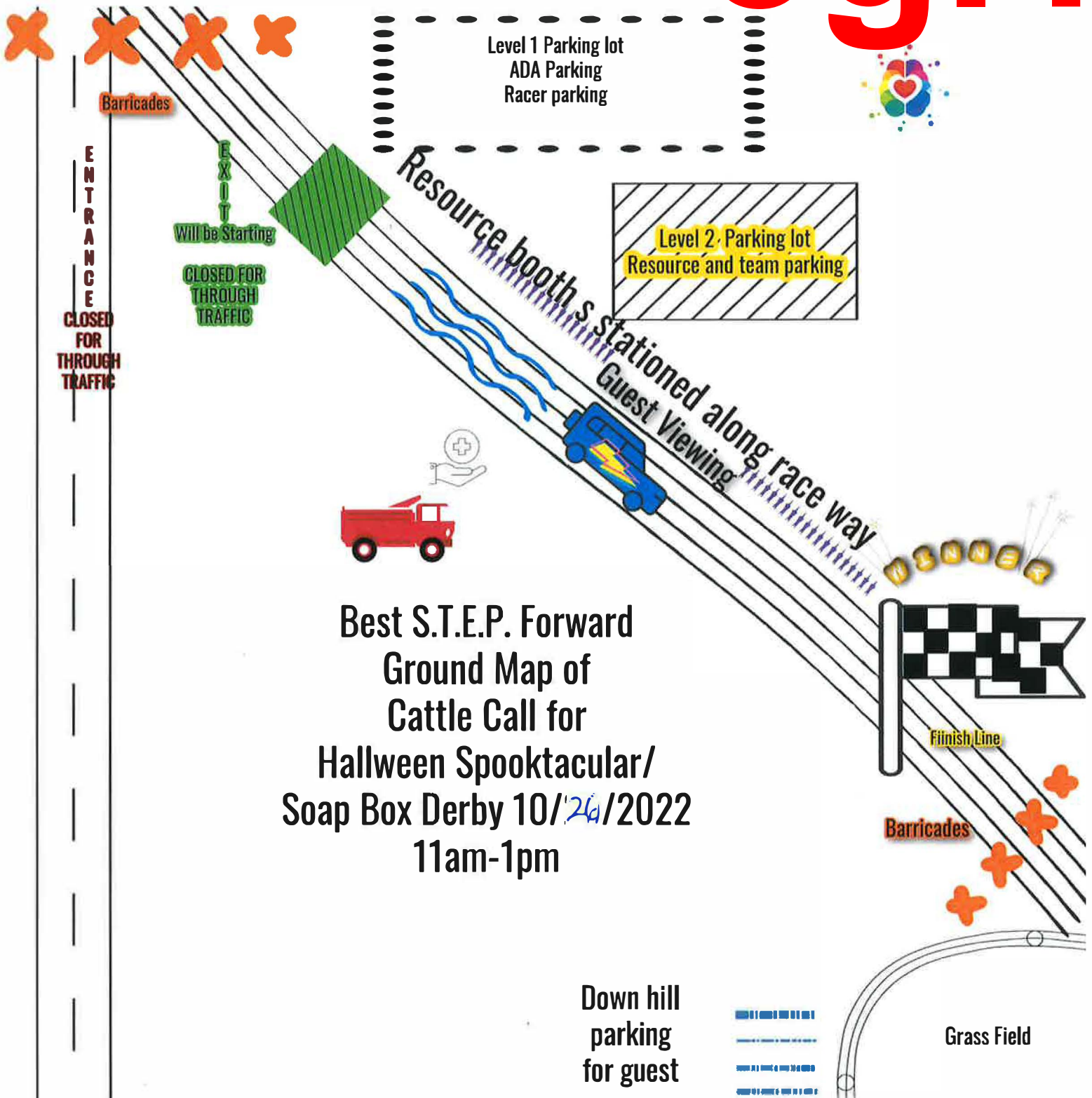
Staff, Title or Consultant, Agency

REPORT APPROVAL(S):

Staff, Title or Consultant, Agency
Silvia Luna, Finance Director
Jimmy Duran, City Manager

Status – Date of Status
Approved - 9/11/2024
Approved - 9/11/2024

5g.1



City of Brawley

City Council
September 17, 2024
Agenda Item No 5h



STAFF REPORT

To: City Council
From: Thomas Garcia, Assistant to the City Manager
Prepared by: Rachel Fonseca, Parks and Recreation Manager
Subject: **Approve memorandum of understanding between The Regents of the University of California and City of Brawley**

RECOMMENDATION:

Approve the memorandum of understanding between The Regents of the University of California on behalf of its UC Cooperative Extension Imperial County and City of Brawley

BACKGROUND INFORMATION:

The University of California Cooperative Extension (UCCE) Master Gardener Program in Imperial County, California, offers a 15-week training course that provides a science-based overview of horticulture. After completing the program, volunteers earn the title of Master Gardener and share practical gardening and landscaping information with Imperial County residents. The UC Master Gardeners are currently partnered with the El Centro Elementary School District and the City of Imperial, where they offer volunteer services and outreach at community, school, and demonstration garden events.

The City of Brawley recently completed the Senior Center Garden ADA Walkway project, and the garden is ready to receive the services of the Master Gardeners. The UC Master Gardeners will assist Brawley Seniors in the Senior Center Garden and educate seniors on growing food and nutrition.

This will be a great partnership between the UC and the City of Brawley to increase the quality of life for our senior citizens through nutrition and socializing.

FISCAL IMPACT:

The FY24/25 Budget includes \$500.00 under Other Operating Supplies (101-522.000-721.200) to purchase items (seeds, irrigation, soil, shades, stakes, small tools) to begin the garden.

ALTERNATIVES:

Council may elect not to move forward with the Memorandum of understanding

ATTACHMENTS:

1. MOU - UC Regents and COB

REPORT COORDINATED WITH (other than person preparing the staff report):

Staff, Title or Consultant, Agency

5h

REPORT APPROVAL(S):

Staff, Title or Consultant, Agency

Silvia Luna, Finance Director

Jimmy Duran, City Manager

Status – Date of Status

Approved - 9/11/2024

Approved - 9/11/2024

**MEMORANDUM OF UNDERSTANDING
BETWEEN
THE REGENTS OF THE UNIVERSITY OF CALIFORNIA
ON BEHALF OF ITS
UC Cooperative Extension Imperial County
AND
City of Brawley**

This Memorandum of Understanding (“MOU”) is entered into by and between City of Brawley on behalf of its Senior Center (“Cooperator”) and The Regents of the University of California (“University”), on behalf of UC Agriculture and Natural Resources and its UC Cooperative Extension Imperial County (“UCCE”) for its Master Gardener Program (“MGP”).

I. PURPOSE

The purpose of this MOU is to set forth the terms and conditions for the operation of Cooperator’s Senior Center Garden (“Garden”) which will help increase the awareness of growing food and nutrition for Cooperator’s Senior Citizens (“Project”), as further described in Exhibit A, Project Description, which is hereby attached and incorporated by reference. The Project will be conducted at the following location: 575 J Street, Brawley, CA 92227 (“Premises”), as further depicted in Exhibit B, Image of Premises, which is hereby attached and incorporated by reference.

II. TERM

This MOU is to be in effect from the date of the last signature below and extend for an initial period of five (5) years. At the end of the period, this MOU may be reissued for another five (5) year period upon written consent of both parties.

III. NOTICES

Any notice required or permitted to be given under this MOU shall be in writing and shall be conclusively delivered to the other party at the following respective addresses:

For Cooperator:

Jimmy Duran
Interim City Manager, City of Brawley
383 Main Street, Brawley, California 92227
(760) 344-2222
Email: Jduran@brawley-ca.gov

For University:

Dr. Oli Bachie, UCCE County Director
UC Cooperative Extension Imperial County
1050 East Holton Road
Holtville, California 92250

Email: obachie@ucanr.edu

IV. INDEPENDENCE OF PARTIES

Each party shall perform its responsibilities and activities described herein as an independent contractor and not as an officer, agent, employee, or volunteer of the other party hereto. Each party shall be solely responsible for the acts and omissions of its officers, agents, and employees. Nothing herein shall be considered as creating a partnership or joint venture between the parties.

V. INSURANCE

UCCE certified Master Gardeners who have completed formal training, and who periodically are re-trained, are considered formal volunteers or agents of the University, and therefore, are covered for their negligent acts or omissions by the University's general liability self-insurance program while acting in the course and scope of their volunteerism for the University.

Both parties agree to provide and maintain, at their own expense, a program of insurance, or self-insurance, covering the activities and operations of their respective officers, agents and employees for the term of this MOU. Insurance shall include, but is not limited to, comprehensive general liability, professional liability, and personal injury. The various insurance policies shall have a minimum coverage of \$1,000,000 per occurrence and \$2,000,000 in the aggregate. Upon request, the parties will provide each other evidence of such coverage, naming the other party as an additional insured, including an additional insured endorsement issued by the insurance issuer or self-insurance program.

VI. INDEMNIFICATION

University shall defend, indemnify and hold Cooperator, its officers, employees, and agents harmless from and against any liability, loss, expense (including reasonable attorneys' fees), or claims for injury or damages arising out of the performance of this Memorandum of Understanding (MOU) but only in proportion to and to the extent such liability, loss, expense, attorneys' fees, or claims for injury or damages are caused by or result from the negligent or intentional acts or omissions of University, its officers, agents or employees.

Cooperator shall defend, indemnify, and hold University, its officers, employees, and agents harmless from and against any liability, loss, expense (including reasonable attorneys' fees), or claims for injury or damages arising out of the performance of this Memorandum of Understanding but only in proportion to and to the extent such liability, loss, expense, attorneys' fees, or claims for injury or

damages are caused by or result from the negligent or intentional acts or omissions of Cooperator, its officers, agents or employees.

VII. OTHER TERMS

1. *Copyright*: The University shall own, solely and exclusively, the copyright and all copyrights to any written or otherwise copyrightable material developed under this MOU.
2. *Logos*: Where University and Cooperator logos are used on any signage or documentation arising from this MOU, the logos of each party will be of equal size.
3. *Information Privacy*: All parties shall endeavor to hold any personal information received in the course of this project confidential to the greatest extent permitted by University policy and applicable federal and state statutes.
4. *ADA Compliance*: Cooperator represents and warrants that it knows the requirements of the federal Americans with Disabilities Act of 1990, the Government Code, and the Health and Safety Code of the State of California, relating to access to public buildings and accommodations for disabled persons, and relating to facilities for disabled persons. Cooperator will, at its sole cost, comply with such provisions to the fullest extent of the law with respect to this MOU, the Project, and all related matters.
5. *Non-Discrimination*: The University prohibits discrimination against or harassment of any person in any of its programs or activities on the basis of race, color, national origin, religion, sex, gender identity (including gender expression), sexual orientation, age, disability, income derived from a public assistance program, or reprisal or retaliation for prior civil rights activity. UC Policy is intended to be consistent with the provisions of applicable State and Federal laws.
6. *Modification*: This MOU may be modified or amended with the written approval of both parties, provided that the party proposing a modification or amendment submits the same in writing to the other party at least sixty (60) days in advance to allow for negotiation of said proposal.
7. *Dispute Resolution*: Should any conflict arise due to this MOU, the UCCE Director and Cooperator shall meet to resolve the conflict.
8. *Termination*: Either party may terminate this MOU upon giving the other party ten (10) days' written notice.
9. *Electronic Signatures*: This MOU may be executed by electronic signature(s) and transmitted either by facsimile or in a portable document format ("pdf") version by email, and such electronic signature(s) shall be deemed as original for purposes of this MOU and shall have the same force and effect as a manually executed original.
10. *Execution in Counterparts*: This MOU may be executed in two or more

5h.1

counterpart copies, each of which shall be deemed as an original and all of which, when taken together, shall constitute the same instrument.

IN WITNESS WHEREOF, the parties have executed this MOU on the latest date of execution set forth below.

COOPERATOR

Tyler Salcido, City Manager
City of Brawley

Date

THE REGENTS OF THE UNIVERSITY OF CALIFORNIA

Brian Oatman, Director
Facilities Planning and Management
University of California Agriculture and Natural Resources

Date

Exhibit A: Project Description

I. BACKGROUND

Cooperator serves senior citizens 55 and older in its Senior Center. The Senior Center is part of multiple nutrition programs that support senior citizen nutrition. Cooperator aims to build upon these partnerships through the rehabilitation of the Senior Center Garden. The rehabilitation project will pave the way for a new nutrition collaboration with the UCCE MGP. UCCE MGP will provide invaluable support to Senior Citizens through education and in helping grow fresh fruits and vegetables in the garden. The goal of this new collaboration is to inspire, educate and enhance the quality of life for seniors by teaching them how to grow food and cultivate gardens sustainably.

The University of California Cooperative Extension Master Gardener Program is an educational program designed to teach and extend information to address gardening needs in communities throughout the State of California. The purpose of the UCCE MGP is to identify, train, and develop community volunteers who, through the dissemination and application of horticultural and botanical information and knowledge, will enhance learning and, therefore, the quality of life for the people of California.

II. RESPONSIBILITIES

1. Cooperator agrees to:

- a. Provide, as necessary, assistance with respect to irrigation-related maintenance and repairs upon request from UCCE. In consultation with UCCE, Cooperator will provide any heavy-duty maintenance required. Requests must be made to UCCE with at least one week in advance notice.
- b. Provide access to and fund any necessary utilities, such as water and electricity.
- c. Maintain the Garden in consultation with MGP guidance between MGP gardening days.
- d. Provide adequate, appropriately sized, and secure storage on the Premises for the tools and educational materials that MGP will need to maintain the Garden and use for educational programming and presentations.
- e. Provide any assistance with any potential vandalism in the Garden, including cleanup of vandalism as needed. Cooperator will work jointly with MGP to ensure the site remains well-maintained and clean.

5h.1

- f. Permit appropriate informational signage at the Garden, which recognizes the involvement of MGP in maintaining the garden and publicizes the schedule and topics of MGP educational outreach program.
 - g. Consistently promote communication between Cooperator staff, who oversee the Garden, and the MGP Coordinator.
2. MGP agrees to:
- a. Deliver gardening educational programming and materials to Cooperator's senior citizens.
 - b. Assist in envisioning and planning the Garden, including but not limited to, selecting seasonal plants and irrigation recommendations.
 - c. Schedule regular service work gatherings where MGP will maintain a high-quality vegetable garden.
 - d. Promote consistent communication between MGP Coordinator and Cooperator's staff, who oversee the Senior Center Garden.

UCCE is the entity responsible for the MGP within its respective county. Program decisions are the responsibility of the UCCE County Director, in consultation with the Master Gardener Program Coordinator.

Decisions regarding the development of the Project are to be made by the MGP Coordinator and Cooperator's staff.

Expenses related to the Project's development and management are the sole responsibility of Cooperator.

Any tools or materials purchased by Cooperator are the sole property of Cooperator, likewise, any tools or materials purchased by MGP are the sole property of MGP.

EXHIBIT B: Image of Premises



City of Brawley

City Council
September 17, 2024
Agenda Item No 5i



STAFF REPORT

To: City Council
From: Cynthia Mancha, Consultant City Planner
Prepared by: Cynthia Mancha, Consultant City Planner
Subject: **Density Bonus Housing Agreement - Eastern Ridge Apartments**

RECOMMENDATION:

Approve Density Bonus Housing Agreement.

BACKGROUND INFORMATION:

AMG and Associates has requested the City approve a Density Bonus for the Eastern Ridge Apartments to be located at 1560 and 1556 I Street, zoned R-3 (Medium Density Residential). If the Density Bonus is approved, the project would be required to be deed restricted to serve low and very-income households for 55 years via Density Bonus Housing Agreement.

FISCAL IMPACT:

None.

ALTERNATIVES:

No alternative at this time.

ATTACHMENTS:

1. Density Bonus Housing Agreement

REPORT COORDINATED WITH (other than person preparing the staff report):

Staff, Title or Consultant, Agency

REPORT APPROVAL(S):

Staff, Title or Consultant, Agency

Silvia Luna, Finance Director

Jimmy Duran, City Manager

Status – Date of Status

Approved - 9/11/2024

Approved - 9/11/2024

Recording Requested by and when
Recorded, mail to:

City of Brawley City Clerk
383 Main Street
Brawley, California 92227

DENSITY BONUS HOUSING AGREEMENT

This Density Bonus Housing Agreement (the "Agreement") is entered into by and between the City of Brawley, a municipal corporation of the state of California ("City"), and Pacific West Communities, an Idaho Corporation ("Developer").

WITNESSETH

WHEREAS, the Developer is the owner of that certain real property commonly known as 1560 and 1556 I Street Lot 43, Brawley Subdivision No. 1, in the City of Brawley, County of Imperial, State of California, According to map thereof No. 56, in Book 1, Page 40 of Official Maps, on file in the Office of the County Recorder of Imperial County (the "Property"); and

WHEREAS, the Property is zoned R-3 (Medium Density Residential); and

WHEREAS, Developer is proposing to construct an affordable housing apartment complex on the Property to be known as Eastern Ridge Apartments (the "Development"); and

WHEREAS, the density for an R-3 zone would allow construction of forty-two (42) units on the Property; and

WHEREAS, in order to facilitate development of affordable housing, Government Code Section 65915 and Article XXI of Chapter 27 of City's ordinances provide for an increase in the number of units under certain circumstances ("Density Bonus"); and

WHEREAS, on or about September 9, 2024, the Developer, requested a density bonus which, if granted, would allow construction of an additional nine (9) units ("Density Bonus Units"); and

WHEREAS, the Development shall consist of Two (2)-Bedroom and Three (3)-Bedroom units ("Units"); and

WHEREAS, in order to obtain approval for construction of Density Bonus Units, Developer must comply with, among other things, the City General Plan, Zoning Ordinance, development standards and Sections 27.313-27.316 and per California Government 65915; whichever is more stringent.

WHEREAS, the City requires that to be eligible for the use of the City Density Bonus Program and the Density Bonus contained therein, the Developer must sign a binding agreement with the City (a "Density Bonus Housing Agreement") that sets forth the conditions and guidelines to ensure continued

5i.1

affordability to be met in the implementation of the ordinance codified in the Article, Section 7.318; and

WHEREAS, the Density Bonus Housing Agreement shall also require recordation and shall establish specific compliance standards and remedies available to the City upon failure by the Developer to make Units accessible to intended households; and

WHEREAS, the Density Bonus Housing Agreement shall be reviewed and approved by the City Council; and

WHEREAS, the City desires this Development to be established in order to provide new Housing Units within the City limits for the benefit of low and very low-income households; and

WHEREAS, the City and the Developer agree to enter into this Density Bonus Housing Agreement to ensure the appropriate implementation and the continuous mutual compliance with the provisions of State Law and City Ordinance; and

WHEREAS, a Design Review shall be required prior to final site plan approval and all subsequent construction shall follow the specifications of the Design Review and applicable City rules and regulations.

WHEREAS, Developer shall reimburse City or pay all costs associated with monitoring and enforcing the terms of this Agreement.

NOW, THEREFORE, IT IS AGREED AS FOLLOWS:

1. The foregoing statements are true and correct and are incorporated herein.
2. For a period of fifty-five (55) years from the date the City issues a final inspection for the Development, the Developer, its heirs, successors, or assigns, shall commit, make available, maintain, and assure that the Development is occupied by very low- and low-income households, as currently defined or hereafter amended by the State Housing and Community Development Department, Division of Housing Policy Development. The current standard is 30 to 60% of the median income for Imperial County. In establishing rents to be paid by very low- and low-income households, said rents shall not exceed the standards set by the City and/or Imperial County of the very low- and low-income citizens adjusted for household size, as promulgated and published from time to time by the State.
3. The Developer shall obtain at its sole cost and expense any and all necessary financing, permits and approvals attendant to the construction of the Development.
4. The Developer shall hold harmless and indemnify the City and officers, commissions, agents and employees thereof, against and from any and all claims, demands, costs, expenses, or liability arising out of this Density Bonus Housing Agreement, or during and after the construction of the Development on the premises, including claims relating to payment of contractors, subcontractors, vendors, laborers and suppliers, or occasioned by the negligent performance or attempted negligent performance of the provisions hereof, inter alia, any negligent act or omission to act on the part of the Developer or agents thereof or employees or independent contractors directly responsible to the Developer.

5. The Developer shall within thirty (30) days after the Restricted Units are rented, and seventy-five (75) days after the New Year, submit to the City verification establishing that tenants qualify as very low and low-income households.
6. The Developer and the City shall use the State Department of Housing and Development Income Limits, or an equivalent form that may be promulgated and utilized for such purposes after the date of this Density Bonus Housing Agreement and approved by the City demonstrating the current income qualification limits to determine that a Tenant qualifies as a very low and low-income beneficiary.
7. This Density Bonus Housing Agreement shall be binding upon, shall inure to the benefit of, and shall apply to, the respective heirs, successors or assigns of the Developer and the City, and references to the Developer or the City herein shall be deemed to be reference to and include their respective heirs, successors and assigns. If the Developer should cease to have any interest in the Property all obligations of Developer hereunder shall terminate; provided however, that any heir, successor and assign of Developer's interest in the property shall have first assumed in writing and have approved by the City the Developer's obligation hereunder, which approval by the City shall not be unreasonably withheld.
8. Prior to execution of this Density Bonus Housing Agreement, the Developer shall provide the City with a copy of appropriate documentation authorizing the execution of this Density Bonus Housing Agreement by the signing individuals.
9. A Design Review shall be required prior to final site plan approval. The units in the project shall substantially adhere to the specifications in the approved Design Review.
10. Developer shall fully comply with all requirements of the Tax Credit financing program. At City's request, Developer shall provide, at no cost to City, copies of documents submitted to the Tax Credit financing program demonstrating compliance with such program.
11. All notices ("Notices") to the Developer shall be sent by registered or certified mail, addressed to the Developer, attention: Tony Crowder, Pacific West Communities, Inc. 430 State Street, Suite 100, Eagle, ID 83616, or such other address as the Developers shall designate in writing. All Notices to the City shall be sent by registered or certified mail, addressed by the Developer to the office of the City Clerk, 383 Main Street, Brawley, California 92227, or at such other address as the City shall designate in writing.
12. Waiver by the City of any particular default ("Default") by the Developer shall not affect or impair the City's rights as to any subsequent Default of the same or a different kind; nor shall any delay or omission of the City to exercise any right arising from any Default affect or impair the City's rights as to the same or any future Default.

5i.1

13. This Density Bonus Housing Agreement shall be governed by and construed in accordance with the laws of the State of California.
14. Any and all actions brought to enforce any provisions of this Density Bonus Housing Agreement or to seek damages for the breach thereof or seeking any other legal remedy shall be brought, filed, and maintained in the applicable Superior Court in and for the County of Imperial.
15. Should the Developer, its heirs, successors or assigns, fail to comply with the provisions of this Density Bonus Housing Agreement relating to the committing, assuring, offering and maintaining of the percentage of the Development's total dwelling units (as set forth in the Recitals hereinabove) for occupancy by very low and low-income households after receiving forty-five (45) days notice to do so by the City, then the Developer shall be liable for and on demand shall pay to the City the sum of Twenty-Five and no/100 Dollars (\$25.00) per day for each unit less than that needed to be occupied in order to maintain the minimum percentage occupancy of very low and low-income households as set forth herein. For example, should it be determined by City that the Developer has failed to meet the necessary percentage of occupancy of the specified households by One (1) dwelling unit, then after a forty-five (45) day notice to correct said deficiency, the Developer shall be liable to the City for Twenty-Five Dollars (\$25.00) per day until said requirement is satisfied. Any and all amounts due to the City pursuant to this provision shall immediately constitute a lien against the subject property. The City may, at its discretion, initiate an action to recover said moneys and shall be entitled to recover its attorneys' fees and court costs if it prevails in said action.
16. Notwithstanding anything herein to the contrary, the City shall have the right to enforce any and all provisions of this Density Bonus Housing Agreement through the initiation of a lawsuit in the court of appropriate jurisdiction in the County of Imperial. Said remedies may include, without limitation, suits or injunctive relief, declaratory relief, and damages as a result of breach of contract.
17. The Parties agree this Density Bonus Housing Agreement shall be recorded in the Office of the County Recorder of the County of Imperial, State of California

IN WITNESS WHEREOF, the parties hereto, intending to be legally bound, have executed this Agreement on the date written herein below.

5i.1

DATE: _____

Pacific West Communities, Inc.

By:
Its:

CITY OF BRAWLEY, a municipal corporation

By: Ramon Castro, Mayor

ATTEST:

Thomas Garcia, Acting City Clerk

Approved as to Form, William Smerdon, City Attorney

City of Brawley

City Council
September 17, 2024
Agenda Item No 5j



STAFF REPORT

To: City Council
From: Cynthia Mancha, Consultant City Planner
Prepared by: Cynthia Mancha, Consultant City Planner
Subject: **Density Bonus Brawley Eastern Ridge Apartments - Phase i**

RECOMMENDATION:

Approve the Eastern Ridge Apartment Density Bonus

BACKGROUND INFORMATION:

AMG & Associates will be constructing 51 affordable housing units to be located at 1556-1560 I Street, zoned R-3 (Medium Density Residential). The Brawley Municipal code allows one dwelling unit per 2,500sqft in the R-3 zone. The proposed project site would allow for a maximum density of 42 units. In compliance with State law, Government Code 65915, the applicant has provided justification that the project will serve low-income households earning between 30%-60% of the Area Median Income. The units will further the City's ability to achieve its RHNA goal for extremely-low to low-income households.

FISCAL IMPACT:

The developer will be responsible for development impact fees and any fees associated with the project development.

ALTERNATIVES:

None at this time.

ATTACHMENTS:

1. Density Bonus Letter

REPORT COORDINATED WITH (other than person preparing the staff report):

Staff, Title or Consultant, Agency

REPORT APPROVAL(S):

Staff, Title or Consultant, Agency
Jimmy Duran, City Manager
Silvia Luna, Finance Director

Status – Date of Status
Approved - 9/11/2024
Approved - 9/11/2024



September 9, 2024

Cynthia Mancha, Principal Planner
 City of Brawley
 205 S. Imperial Avenue
 Brawley, CA 92227

Density Bonus Request – Eastern Ridge Apartments, Phase 1

Ms. Mancha,

Pursuant to section 65915 et. seq. of the California Government Code and Assembly Bill 2162, AMG & Associates, LLC and The Pacific Companies, Inc. (jointly, the “Applicant”) request the below increase to the density of Phase 1 of The Eastern Ridge Apartments (the “Project”) to be located at 1556-1560 I Street, Brawley, CA 92227.

The Project will consist of 36 two-bedroom units and 17 three-bedroom units. With the exception of the manager’s unit, all units will be restricted to lower income households earning between 30% and 60% of the area median income (“AMI”) for Imperial County, adjusted for household size. Due to the high price of land and low investment returns, concessions and incentives are necessary and needed for the Project to be economically viable.

1) Density

The Brawley Municipal Code (the “Code”) permits a maximum density of 17.42 du/ac in the R-3 zone, in which the Project is located. On 2.45 acres (the size of the Project), the Code would allow no more than 42 units. The Applicant is requesting an allowance for 9 additional units, or a 21.4% increase over base density, bringing the total unit count to 51. This is substantially less than the maximum 80% density bonus for which this Project is eligible pursuant to California Government Code section 65915(f)(3)(D)(i).

Affordability will be restricted as follows, please note that the below calculations exclude the manager’s unit:

	30% AMI (Extremely Low)	40% AMI (Very Low)	50% AMI (Very Low)	60% AMI (Low)
2 Bedroom	3	6	16	9
3 Bedroom	2	4	9	1
TOTAL	5	10	25	10
PERCENTAGE TOTAL	10%	20%	50%	20%



2) Parking Reduction

Pursuant to Table 21.143 of the Code, the Project must accommodate 102 parking stalls. Due to architectural constraints and an inadequacy of ample land, the Applicant cannot satisfy this development standard and can only provide 88 parking spaces. The Applicant hereby elects to adopt the state mandated minimum parking requirement available to all developments that satisfy the minimum threshold requirements of California Government Code 65915 et. seq. of 1.5 parking spaces per 2- and 3-bedroom unit (inclusive of guest parking), as outlined in subsection (p)(1)(B). Pursuant to this requirement, the Project must provide no less than 77 parking stalls, which it currently exceeds by 11.

Thank you in advance for your time and attention in this matter. Please do not hesitate to reach out to my staff with any questions or concerns regarding this request. We look forward to working with the City of Brawley to bring this development to fruition.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Alexis Gevorgian', is written over a light blue rectangular background.

Alexis Gevorgian
Managing Member, AMG & Associates, LLC

CC: Jacob Soroudi, Rural Development Associate

City of Brawley

City Council
September 17, 2024
Agenda Item No 5k



5k

STAFF REPORT

To: City Council
From: Romualdo Medina, Public Works Director
Prepared by: Ana Gutierrez, Public Works Analyst
Subject: **Authorize Contract Change Order #1 to the SB1 Street Improvements Project Specification No. 2021-05 for \$29,960.00.**

RECOMMENDATION:

Authorize Contract Change Order No. 1 to Contract No. 2021-05, SB1 Street Improvements Project for \$29,960.00, and authorize the City Manager to execute all documentation concerning this project.

BACKGROUND INFORMATION:

On February 6, 2024, the City issued Contract No. 2021-05 SB1 Street Improvements Project at Various Locations to LC Paving & Sealing Inc. for \$1,177,956.75.

During the continued construction, the City Manager requested that four additional handicap ramps be included to fulfill our annual commitment to full compliance with the American Disabilities Act (ADA) for various locations in assisting residents with proper accessibility. The proposal received from the contractor for the extra work is \$29,960.00.

The price includes full compensation for all labor, material, tools, and equipment required to complete the work in compliance with plans to the satisfaction of the Director of Public Works. The revised contract amount is \$1,207,915.75.

FISCAL IMPACT:

Project 2020-06 (SB1 Project) was approved for funding in the FY24/25 Capital Improvement Plan with a total of \$645,496, entirely funded by SB1 Road Maintenance funds.

A proposed change order amounting to \$29,960 necessitates a funding amendment to include Article 3 - Bicycle & Pedestrian funding (213), as ramp construction qualifies under this funding category.

A budget adjustment is required to allocate this funding to the following accounts:

213-313.000-920.203, Expense -Transfer to Capital Project Streets	\$ 30,000
421-310.000-600.213, Revenue - Transfer from Bicycle & Pedestrian Fund	\$ 30,000
421-310.000-800.300, Expense - Improvements other than buildings	\$ 30,000

ALTERNATIVES:

No alternative is recommended at this time.

5k

ATTACHMENTS:

1. LC Paving Proposal
2. Contract Change Order

REPORT COORDINATED WITH (other than person preparing the staff report):

Staff, Title or Consultant, Agency

REPORT APPROVAL(S):

Staff, Title or Consultant, Agency

Silvia Luna, Finance Director

Jimmy Duran, City Manager

Status – Date of Status

Approved - 9/11/2024

Approved - 9/11/2024



L.C. Paving & Sealing, Inc.

620 Alpine Way
Escondido, Ca 92029



Phone (760) 752-1743 • Fax (760) 752-1674
Lic # 621610 • License Classifications A, B, C12

5k.1

To: City Of Brawley	Contact:
Address: 383 W. Main St. Brawley, CA 92227	Phone: (760) 344-5800 Fax: (760) 344-5612
Project Name: SB1 Street Improvements @ Various Locations	Bid Number: 2021-05
Project Location: Various Locations, Brawley, CA	Bid Date: 5/10/2024

Item #	Item Description	Estimated Quantity	Unit	Unit Price	Total Price
1	PCC Sidewalk	400.00	SF	\$24.50	\$9,800.00
2	Remove and Replace ADA Handicap Ramps (per plan) Case F	4.00	EACH	\$4,250.00	\$17,000.00
3	Remove and Install Concrete Curb & Gutter including depressed curbs	40.00	LF	\$79.00	\$3,160.00

Total Bid Price: \$29,960.00

<p>ACCEPTED: The above prices, specifications and conditions are satisfactory and are hereby accepted.</p> <p>Buyer: _____</p> <p>Signature: </p> <p>Date of Acceptance: _____</p>	<p>CONFIRMED: LC Paving</p> <p>Authorized Signature: </p> <p>Estimator: Shawn Wittenberg (760) 593-8055 shawn@lcpaving.com</p>
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CONTRACT CHANGE ORDER

Date: 09/17/2024	Project Name: Sb1 Street Improvements at Various Locations
To: LC Paving & Sealing, Inc. 620 Alpine Way Escondido, CA 92029	Contractor: LC Paving & Sealing Inc.
Attn.: Nick Haas	Contract No.: 2021-05
	Change Order No.: 1
	Schedule:
	Subject: Various items

Description and Justification of Change in Scope:

(1) 4 ADA Handicap Ramps

Cost Estimate for the Above:

Schedule A

Item	Description	Qty	Unit	Unit Price	Total
1	Remove and Replace ADA Handicap Ramp, PCC Sidewalk and Curb and Gutter	4	LS	\$ 7,490.00	\$ 29,960.00
2	9 Days Extended to Complete Project				0.00
	Subtotal				\$ 29,960.00
	Less 5% retention				-\$ 1,498.00
TOTAL AMOUNT OF THIS CHANGE ORDER:					\$ 28,462.00

The contractor will be paid the agreed-upon price upon completion of the work. The above list prices include full compensation for all labor, materials tools, and equipment required to complete the work in compliance with plans and original contract specifications and to the satisfaction of the Director of Public Works. Specifications, where pertinent and not in conflict with the above, shall apply to these changes.

This work's time extension will be deferred. This document will become an amendment to the contract, and all provisions of the contract will apply thereto.

TOTAL ADDITIVE CHANGE: \$29,960.00

Current Contract amount:	\$1,177,956.75
Amount of Change:	\$ 29,960.00
New Contract amount:	\$1,207,916.75



CONTRACT CHANGE ORDER

CITY OF BRAWLEY:

City: _____
Construction Manager _____ Date _____

City: _____
Director of Public Works _____ Date _____

City: _____
City Manager _____ Date _____

City: _____
Director of Finance _____ Date _____

CONTRACTOR:

Accepted By: _____

Date: _____

Title: _____

City of Brawley

City Council
September 17, 2024
Agenda Item No 5I



STAFF REPORT

To: City Council
From: Romualdo Medina, Public Works Director
Prepared by: Ruben Mireles, Operations Division Manager
Subject: **Water Treatment Plant Blower Replacement Project.**

RECOMMENDATION:

Approval of the purchase of the City's Water Treatment Plant water filter two blowers for \$181,859.85 and a 15% contingency of \$27,278.97 for a total amount of \$209,138.82.

BACKGROUND INFORMATION:

The City's Water Filters and Blowers were installed in 1998 and have met their life expectancy. These two units are now 26 years old and need to be replaced.

The two (2) Hoffman 100 HP blowers are used to backwash the four filtration units at the water plant. The backwashing process is a combination of an air and water injection system. The combined system disrupts the filter media and removes the accumulated debris captured during a normal filter run. The backwash sequence leaves the press clean and ready to continue the filtering process, producing domestic water used for drinking purposes prepared for distribution and meeting the requirements of the State Water Boards Division of Drinking Water.

There are four 5 mg filtration units, and these filter units are cleaned once a week to keep the water plant operating within its permit parameters. The blower units are entering their 27 years of operation, and staff has extended their life of operations with diligent maintenance. However, they are at their end-of-life expectancy and are incompatible with the recent upgrades to the SCADA system or the controlling electrical components.

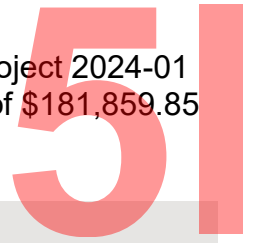
In addition, each blower requires a VFD to electronically control the units so that they can adequately operate in the different stages of the backwashing process. These VFDs are also included in the replacement costs.

The City received two proposals as follows:

Brax Process and Pump Equipment	\$181,859.85
Hoffman	\$287,249.05

FISCAL IMPACT:

This project was included for funding under the FY24/25 Capital Improvement Plant project 2024-01 .Funding will come from Water Treatment Plant 501-321-000-800-300 in the amount of \$181,859.85 and a 15% contingency in the amount of \$27,278.97 for a grand total of \$209,138.82.



ALTERNATIVES:

No other alternatives at this time.

ATTACHMENTS:

- 1. Brax Proposal Quote
- 2. Quote Reference

REPORT COORDINATED WITH (other than person preparing the staff report):

Staff, Title or Consultant, Agency
Ana Gutierrez, Public Works Analyst

REPORT APPROVAL(S):

<u>Staff, Title or Consultant, Agency</u>	<u>Status – Date of Status</u>
Silvia Luna, Finance Director	Approved - 9/11/2024
Jimmy Duran, City Manager	Approved - 9/11/2024



PROCESS AND PUMP EQUIPMENT

31248 Valley Center Rd | Valley Center CA 92082 | 760 749-2209

2115 S. Hellman Suite H | Ontario CA 91761 | 909 923- 9809

4630 Easton Dr. #4 | Bakersfield CA 93309 | 661 432 -2729

Bill To:

CITY OF BRAWLEY
WASTE WATER TREATMENT
180 S. WESTERN AVE
BRAWLEY, CA 92227

Ship To:

374 CATTLE CALL DRIVE #368
BRAWLEY, CA 92227
USA

Quote 51.1

Quote # 56002
Date 8/2/2024
Sales Person VJS
Written By MIKE BURKEY
Terms Net 30
Freight PREPAID & ADD

Project DISTRIBUTION PLANT

Part Number	Qty	Description	Unit	Total
		SUPPLY AND INSTALL NEW VFD CONTROLLERS FOR BLOWERS 301 & 302. REMOVE THE EXISTING STARTER CONTACTOR FROM THE EXISTING MCC CABINET. INSTALL A NEW DANFOSS VFD CHASSIS AND CONTROL COMPONENTS. COORDINATE WITH THE SCADA REPRESENTATIVE FOR CONNECTIONS TO THE SCADA. TEST THE OPERATION AND PERFORM START UP. ONE UNIT WILL BE INSTALLED AND IN 100% OPERATION BEFORE THE SECOND UNIT IS COMPLETED. NOTE: LEAD TIME ON MATERIALS IS 3 - 4 WEEKS NOTE: LEAD TIMES ARE SUBJECT TO CHANGE WITHOUT NOTICE		
BRAX CO.	2	DANFOSS 100HP 460V 3PHASE - CHASSIS - INCLUDE DOOR MOUNT	0.00	0.00T
BRAX CO.	2	KEYPAD WITH DISPLAY / HOA SWITCH / SPEED POT.	0.00	0.00T
BRAX CO.	1	CUSTOM BACK PLATE TO FIT MCC CABINET	0.00	0.00T
MATERIAL	1	MISCELLANEOUS CONSUMABLES	28,990.58	28,990.58T
		TOTAL MATERIAL		
LABOR	1	LABOR TO COMPLETE - ESTIMATED AND WILL BE BILLED TO ACTUAL AMOUNT OF TIME INCLUDES CERTIFIED PAYROLL INCLUDES PERDIEM	31,156.50	31,156.50
FREIGHT	1	FREIGHT - PREPAID AND ADD ESTIMATED AND WILL BE BILLED TO THE ACTUAL AMOUNT	500.00	500.00

CLSB 487325 CAGE 6U1W7 DIR 1000441272

Sales Tax (7.75%)

\$2,246.77

(A 3.5% SURCHARGE WILL BE ADDED TO ALL CREDIT CARD PAYMENTS)

Total

\$62,893.85

ALL SALES SUBJECT TO TERMS AND CONDITIONS AT WWW.BRAXCOMPANY.COM



PROCESS AND PUMP EQUIPMENT

31248 Valley Center Rd | Valley Center CA 92082 | 760 749-2209

2115 S. Hellman Suite H | Ontario CA 91761 | 909 923- 9809

4630 Easton Dr. #4 | Bakersfield CA 93309 | 661 432 -2729

Bill To:

CITY OF BRAWLEY
WASTE WATER TREATMENT
180 S. WESTERN AVE
BRAWLEY, CA 92227

Ship To:

374 CATTLE CALL DRIVE #368
BRAWLEY, CA 92227
USA

Quote 51.1

Quote # 49889
Date 6/10/2024
Sales Person VJS
Written By MIKE BURKEY
Terms Net 30
Freight PREPAID & ADD

Project BLOWER 302

Part Number	Qty	Description	Unit	Total
		<p>PROVIDE CREW AND EQUIPMENT TO REMOVE THE EXISTING BLOWER UNIT, AND INSTALL AN EXACT NEW DROP IN REPLACEMENT BLOWER UNIT. PERFORM START UP AND TEST THE OPERATION. NOTE: THE OLD UNIT WILL BE SENT IN FOR CORE EXCHANGE.</p> <p>All new and remanufactured BEC units come with a 12-month warranty. This warranty is provided if the blower is aligned by a professional laser aligner. Additionally, vibration and temperature data are required upon start up. The blower will be heavy-duty construction with cast iron inlet and outlet heads, cast iron intermediate sections, and aluminum-alloy impellers. The impellers will be assembled on a heavy steel shaft and supported by two outboard mounted ball bearings.</p> <p>The following features / accessories are included with the bare blower:</p> <ul style="list-style-type: none"> • P1 Inlet Head • P1 Outlet Head • Inlet Driven (PLEASE CONFIRM) • Grease Lubricated (PLEASE CONFIRM) • 100 HP Motor and Steel Base <p>NOTE LEAD TIME IS ESTIMATED AND MAY CHANGE WITHOUT NOTICE. JANUARY</p> <p>NOTE: ADDITIONAL MATERIALS OR LABOR REQUIRED WILL BE WRITTEN IN A CHANGE ORDER QUOTE THAT REQUIRES APPROVAL TO PROCEED.</p>		
BRAX CO.	1	HOFFMAN - BEC -8H-05 W/100HP MOTOR & STEEL BASE	41,600.00	41,600.00T
BRAX CO.	1	MISCELLANEOUS CONSUMABLES	800.00	800.00T
RENTAL	1	<p>RENTAL CRANE: THE CRANE COST IS ESTIMATED AND WILL BE ADJUST TO THE ACTUAL AMOUNT OF TIME IT TAKES TO COMPLETE THE WORK.</p>	2,150.00	2,150.00
LABOR	1	<p>LABOR: LABOR IS ESTIMATED AND WILL BE ADJUSTED TO THE ACTUAL TIME. INCLUDE CERTIFIED PAYROLL INCLUDES PER DIEM</p>	11,647.00	11,647.00
FREIGHT	1	FREIGHT - PREPAID & ADD	0.00	0.00

CLSB 487325 CAGE 6U1W7 DIR 1000441272

Sales Tax (7.75%)

\$3,286.00

(A 3.5% SURCHARGE WILL BE ADDED TO ALL CREDIT CARD PAYMENTS)

Total

\$59,483.00

ALL SALES SUBJECT TO TERMS AND CONDITIONS AT WWW.BRAXCOMPANY.COM



PROCESS AND PUMP EQUIPMENT

31248 Valley Center Rd | Valley Center CA 92082 | 760 749-2209

2115 S. Hellman Suite H | Ontario CA 91761 | 909 923- 9809

4630 Easton Dr. #4 | Bakersfield CA 93309 | 661 432 -2729

Bill To:

CITY OF BRAWLEY
WASTE WATER TREATMENT
180 S. WESTERN AVE
BRAWLEY, CA 92227

Ship To:

374 CATTLE CALL DRIVE #368
BRAWLEY, CA 92227
USA

Quote 51.1

Quote # 49884
Date 6/10/2024
Sales Person VJS
Written By MIKE BURKEY
Terms Net 30
Freight PREPAID & ADD

Project BLOWER 301

Part Number	Qty	Description	Unit	Total
		<p>PROVIDE CREW AND EQUIPMENT TO REMOVE THE EXISTING BLOWER UNIT, AND INSTALL AN EXACT NEW DROP IN REPLACEMENT BLOWER UNIT. PERFORM START UP AND TEST THE OPERATION. NOTE: THE OLD UNIT WILL BE SENT IN FOR CORE EXCHANGE.</p> <p>All new and remanufactured BEC units come with a 12-month warranty. This warranty is provided if the blower is aligned by a professional laser aligner. Additionally, vibration and temperature data are required upon start up. The blower will be heavy-duty construction with cast iron inlet and outlet heads, cast iron intermediate sections, and aluminum-alloy impellers. The impellers will be assembled on a heavy steel shaft and supported by two outboard mounted ball bearings. The following features / accessories are included with the bare blower:</p> <ul style="list-style-type: none"> • P1 Inlet Head • P1 Outlet Head • Inlet Driven (PLEASE CONFIRM) • Grease Lubricated (PLEASE CONFIRM) • 100 HP Motor and Steel Base <p>NOTE LEAD TIME IS ESTIMATED AND MAY CHANGE WITHOUT NOTICE. JANUARY</p> <p>NOTE: ADDITIONAL MATERIALS OR LABOR REQUIRED WILL BE WRITTEN IN A CHANGE ORDER QUOTE THAT REQUIRES APPROVAL TO PROCEED.</p>		
BRAX CO.	1	HOFFMAN - BEC -8H-05 W/100HP MOTOR & STEEL BASE		41,600.00
BRAX CO.	1	MISCELLANEOUS CONSUMABLES		800.00
RENTAL	1	RENTAL CRANE: THE CRANE COST IS ESTIMATED AND WILL BE ADJUST TO THE ACTUAL AMOUNT OF TIME IT TAKES TO COMPLETE THE WORK.		2,150.00
LABOR	1	LABOR: ESTIMATED AND WILL BE ADJUSTED TO THE ACTUAL TIME. INCLUDE CERTIFIED PAYROLL INCLUDES PER DIEM		11,647.00
FREIGHT	1	FREIGHT - PREPAID & ADD		0.00

CLSB 487325 CAGE 6U1W7 DIR 1000441272

Sales Tax (7.75%)

\$3,286.00

(A 3.5% SURCHARGE WILL BE ADDED TO ALL CREDIT CARD PAYMENTS)

Total

\$59,483.00

ALL SALES SUBJECT TO TERMS AND CONDITIONS AT WWW.BRAXCOMPANY.COM

Quote Reference # NASH-2312

Quote Valid Until : 08-05-2023 00:00:00 -0400

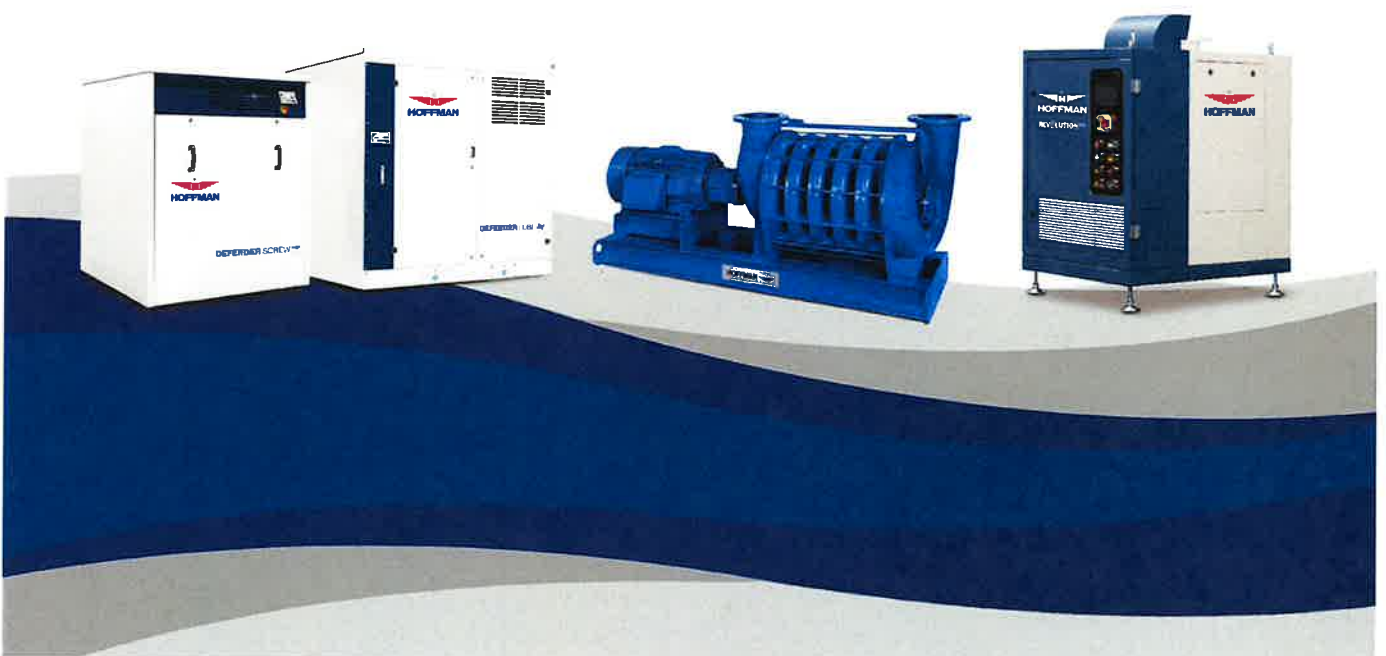


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1 Pricing Summary

SCOPE OF SUPPLY				
Line#	Part Number	Description	Qty	Total Price
1.0	74105-ADGI Blower Package with 100hp Motor		2	\$124,839.71
2.0	PLC & VFD Packaged Systems NEMA 12 - 100HP/460V		2	\$151,861.82
3.0	Blower Sensors (Inlet RTD, Inlet Filter DP, Vib Transmitter)		2	\$8,147.52
4.0	FREIGHT	FREIGHT	1	\$2,400.00

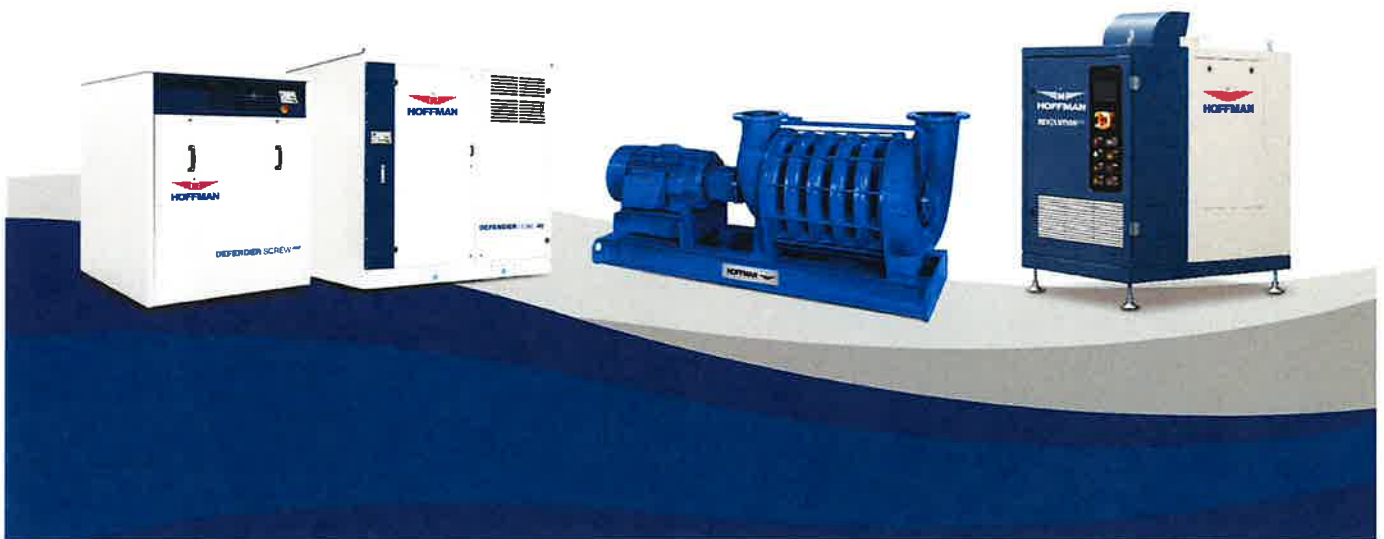
Product Quote Amount	\$283,114.73
Freight Amount	
Total Quote Amount	\$287,249.05

2 General Terms

Currency	USD
Payment Terms	<p>Upon Credit Approval: Less than \$100,000.00 Selling price, • 100% payment to be made net 30 days from shipment.</p> <p>Greater than \$100,000.00 Selling price, Progressive: • 10% payment due upon submittal of drawings 40% payment due 45 days prior to shipment 50% balance due 30 days after shipment • All payments to be made net 30 days from date of invoice</p>
Lead Time (weeks)	12.0
Inco Term	EXW - Ex Works
Transfer of Ownership	Origin – Seller Plant
Freight Terms	Prepaid

51.2

3 Technical Information



4 74105-ADGI Blower Package with 100hp Motor

4.1 Config Technical Details

MODEL:74105-ADGI Blower Package with 100hp Motor

Blower Characteristics :

Model	RML99A: Model 741	Motor Speed	3600 (60Hz)
Impeller Material	Cast	Stages	5
Application	Air	Inlet Temp	110.0
Discharge Temp	185.0	Discharge Pressure	6.5
Package	Standard Package	Drive Position	Inlet Driven

Blower Options :

Shaft Material	Carbon Steel	Lubrication	Grease Standard
Seal	Labyrinth	Bearing Housing	Open Housing
Inlet Position	STD	Outlet Position	STD
Head/Section Material	Gray Iron	Head/Section Coating	Standard
Baffle Ring Material	Stainless Steel (AISI-304)		

Impellers :

Options:

Paint Specification	Revolution Blue (Standard)	Radiant Heat Shield	No Shield Specified
Bearing Vibration Monitor	Standard Vibration Velometer	Bearing Temp Monitor	100 Ohm RTD

Motors :

Model Name	RML99A: Model 741	HP	100
Enclosure	TEFC	Frame	405TS
Drive Type	Direct Coupled	Base	Standard
Base Options		Drive Coupling	RO
Element Size	E30	Guard	Orange Peel-Plastic

Testing :

Certified Rotor Balance	Yes	Certified Impeller Balance	Yes
ASME PTC Test	None	Mechanical Run Test	Standard

Certifications :

Additional Blower Options :

Skid Wiring	No Wiring	Nameplate	Standard
Zinc Coat Prep	False	Non-Standard Paint	False

51.2

4.2 Technical Data



Technical & Performance Data **HOFFMAN 741 Series** Centrifugal Products

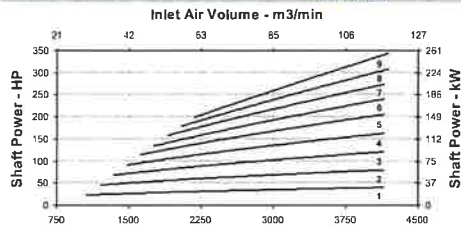
DESIGN STANDARD

Number of Stages.....	1-9 (60 Hz) 1-10 (50 Hz)
Inlet Connection.....	8" Flange, ANSI 125# Drilling
Outlet Connection.....	8" Flange, ANSI 125# Drilling
Operating Speed.....	3550 RPM (60 Hz), 2960 RPM (50 Hz)
Casing Pressure.....	25 PSIG (1.73 bar)
Air Seals.....	Labyrinth Type - Carbon Ring Optional
Bearings.....	Anti-friction Type, designed for extended L ₁₀ life
Lubrication.....	AEON® CF Grease – Oil Optional
Impeller.....	24.0 inches (610 millimeters) Diameter (statically balanced)
Impeller Tip Speed.....	372 feet/second (113 meters/second)
Drive Type.....	Direct Coupled (Inlet drive is standard)
Drive Shaft.....	1.875 inches (47.63 millimeters) Diameter
Vibration.....	235 in/sec. (5.97 mm/sec.) Peak Velocity
Rotor.....	Balanced Per ISO 1940, ANSI S2.19

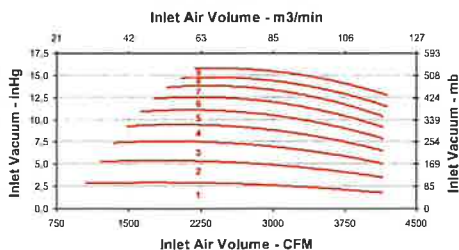
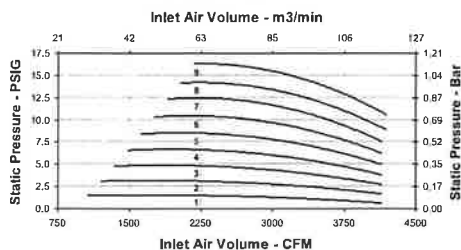
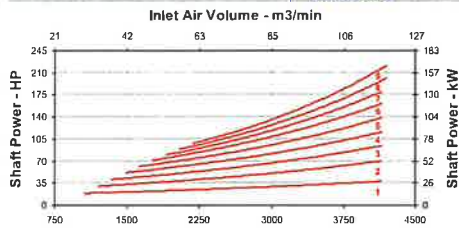
MATERIAL STANDARD

Casing.....	ASTM A48 Class 30 Gray Cast Iron
Bearing Housings.....	ASTM A48 Class 30 Gray Cast Iron
Bearing Cap.....	ASTM A48 Class 30 Gray Cast Iron
Tie Rods.....	ASTM F1554 GR.36 Zinc Plated Thrd. Rod
Labyrinth Seal.....	ASTM B86 Z35631 Alloy Zinc Aluminum 12
Carbon Ring Seal Optional.....	ASTM C695 Fine Grain Molded Graphite
Joint Sealing.....	RTV Silicone Compound
Baffle Rings.....	ASTM A240 Grade 304 Stainless Steel
Balance Piston.....	ASTM A356-T5 Cast Aluminum (8-10 Stage)
Shaft.....	ASTM A108 Grade 1045 HRS Stainless Steel Optional
Impeller.....	ASTM SC64C Sr-319 Cast Aluminum or ASTM 6061-T6 Fabricated Aluminum
Blower Base.....	ASTM A36 Hot Rolled Structural Steel
Motor Pedestal.....	ASTM A36 Hot Rolled Structural Steel
Isolation Base Pads.....	Suitable Resilient Material
Finish.....	Universal Primer - Acrylic Topcoat

PRESSURE PERFORMANCE 14.7 PSIA [1 Bar], 68°F [20°C], 36% RH, Speed: 3550 RPM



VACUUM PERFORMANCE 29.9 inHg [1 Bar], 68°F [20°C], 36% RH, Speed: 3550 RPM



PRODUCT NOTES

- Information is approximate and subject to change without notice
- Performances noted above are typical and not job specific
- Consult authorized Hoffman/Lamson sales representative for job specific blower or exhauster performance sizing
- Factorv ASME PTC-10 test offered for performance verification

Gardner Denver Nash

PO Box 130, Bentleyville, PA 15314
 Phone: +1 800-982-3009 / +1 724-239-1500
 Fax: +1 724-239-1502
 E-mail: info.HoffmanLamson@gardnerdenver.com
 Web: www.HoffmanandLamson.com

All Nash facilities are ISO 9001 certified.

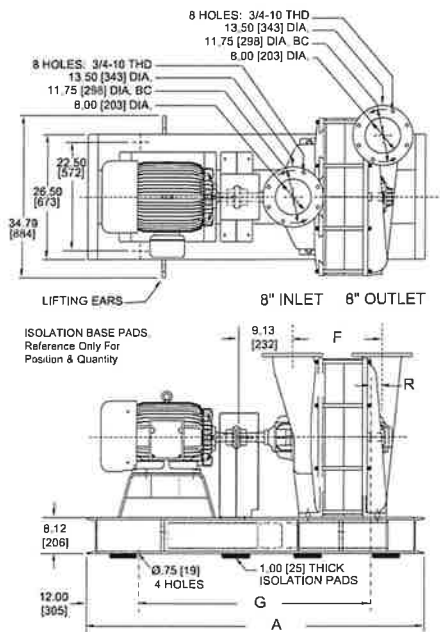
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4.3 Dimensions & Drawings

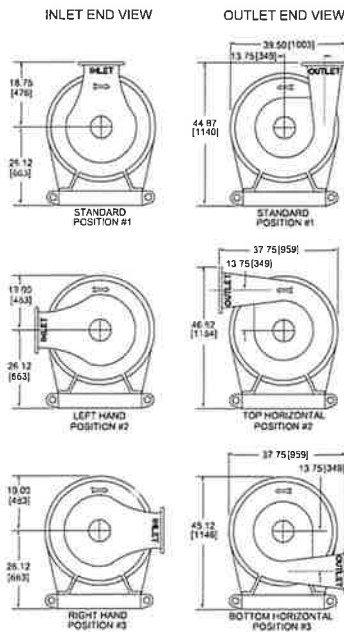


Dimensional Data HOFFMAN 741 Series Centrifugal Products

GENERAL ARRANGEMENT



FLANGE ORIENTATIONS



DIMENSIONAL DATA - inches [millimeters]

FRAME	A	F	G	R
74101	60.75 [1543]	11.75 [298]	36.75 [933]	4.25 [108]
74102	72.75 [1848]	16.06 [408]	48.75 [1238]	4.25 [108]
74103	72.75 [1848]	20.38 [518]	48.75 [1238]	4.25 [108]
74104	84.75 [2153]	24.68 [627]	60.75 [1543]	4.25 [108]
74105	84.75 [2153]	29.00 [737]	60.75 [1543]	4.25 [108]
74106	96.75 [2457]	33.31 [846]	72.75 [1848]	4.25 [108]
74107	96.75 [2457]	37.63 [956]	72.75 [1848]	4.25 [108]
74108	108.75 [2762]	41.94 [1065]	84.75 [2153]	4.25 [108]
74109	108.75 [2762]	46.25 [1176]	84.75 [2153]	4.25 [108]

WEIGHTS - lb [kg] & INERTIA - lb-ft² [kg-m²]

FRAME	PKG. LESS MOTOR	BARE UNIT	WK ²
74101	2000 [907]	1400 [635]	11 [0.46]
74102	2210 [1002]	1610 [730]	21 [0.88]
74103	2420 [1098]	1820 [826]	31 [1.30]
74104	2830 [1284]	2030 [921]	42 [1.76]
74105	3140 [1424]	2240 [1016]	54 [2.25]
74106	3450 [1565]	2450 [1111]	64 [2.70]
74107	3760 [1705]	2660 [1207]	75 [3.16]
74108	4150 [1882]	2950 [1338]	85 [3.58]
74109	4400 [1996]	3200 [1451]	96 [4.04]

PRODUCT NOTES

- Information is approximate, subject to change without notice, and not for construction use unless certified
- Position #1 is standard inlet & outlet orientation
- A and G dimensions may vary depending on motor frame size

Gardner Denver Nash

PO Box 130, Bentleyville, PA 15314
 Phone: +1 800-982-3009 / +1 724-239-1500
 Fax: +1 724-239-1502
 E-mail: info.HoffmanLamson@gardnerdenver.com
 Web: www.HoffmanandLamson.com

All Nash facilities are ISO 9001 certified.

5 Terms and Conditions

<https://www.gardnerdenver.com/en-us/hoffmanandlamson/about-us/download-library>

6 Closing Comments

Control Panel

NEMA 12 Indoor Floor Mount Enclosure with ML1400 PLC, 6" HMI, Panel Surge Suppressor, Non-Fusible Disconnect with Through the Door Operator, Fused Control Power Transformer, Estop Pushbutton, VFD with Door Mounted Keypad, Flange Mount Kit to Mount Heat Sync Outside the Enclosure, Unmanaged Ethernet Switch, and Filter Fan. PLC to monitor Surge/Ov, Blower Brg Vib and Temp, Inlet Air Temp Monitoring and Surge Compensation, B/O Valve Control, P&ID Control Based on Process Variable.

RESOLUTION 2024-

5m

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRAWLEY IN SUPPORT OF THE HOMELESSNESS, DRUG ADDICTION AND THEFT ACT (PROPOSITION 36).

WHEREAS, While Prop 47 achieved progress in making California’s criminal justice system more equitable, Prop 47 also led to unintended consequences over the past decade; and

WHEREAS, Unintended consequences of Prop 47 include repeat and often organized retail theft, store closings, and difficulty convincing people to seek drug and mental health treatment; and

WHEREAS, These unintended consequences can only be corrected by the voters at the ballot box with modest amendments to Prop 47; and

WHEREAS, Initiative 23-0017A1, the Homelessness, Drug Addiction, and Theft Reduction Act has submitted more than 910,000 signatures to qualify for the 2024 November General Election; and

WHEREAS, The Homelessness, Drug Addiction, and Theft Reduction Act is a bipartisan measure that provides common sense, targeted reforms to Prop 47 that legislative proposals alone are unable to deliver; and

WHEREAS, This measure will hold repeat offenders accountable for the safety of our communities, rather than putting them back on the streets; and

WHEREAS, The fentanyl crisis has reached alarming levels, and is now responsible for 20 percent of youth deaths in California; and

WHEREAS, The Homelessness, Drug Addiction, and Theft Reduction Act will define fentanyl as a hard drug, hold individuals convicted of trafficking fentanyl accountable, and grant judges greater discretion in sentencing drug traffickers; and

WHEREAS, The Homelessness, Drug Addiction, and Theft Reduction Act provides critical mental health, drug treatment services, and job training within our justice system for people who are homeless and suffering from mental illness or struggling with substance abuse; and

WHEREAS, It’s time for meaningful reforms to our justice system that ensure our communities are safe; and

WHEREAS, the City Council of Brawley believes that supporting Proposition 36 is in the best interest of our community and its residents, as it provides a balanced approach to both crime prevention and addiction recovery, ensuring that those who commit serious theft and drug crimes face appropriate consequences, while also offering treatment opportunities that reduce recidivism and address the underlying causes of criminal behavior.



NOW, THEREFORE, BE IT RESOLVED THE CITY COUNCIL OF THE CITY OF BRAWLEY AS FOLLOWS:

1. The City Council of Brawley formally supports California Proposition 36, the Homelessness, Drug Addiction, and Theft Reduction Act, as a vital measure to reduce crime, address addiction, and promote rehabilitation across the State of California.
2. The City Council urges all residents of Brawley to carefully consider the benefits of Proposition 36, which strikes a necessary balance between accountability for criminal acts and compassionate treatment for those suffering from addiction, and to support this critical initiative in the upcoming election.
3. The City Clerk is directed to transmit copies of this Resolution to the Yes on 36-Californians for Safer Communities coalition to express the City of Brawley’s support for Proposition 36.

APPROVED, PASSED AND ADOPTED at a regular meeting of the Brawley City Council held on September 17, 2024.

CITY OF BRAWLEY, CALIFORNIA

Ramon Castro, Mayor

ATTEST:

Thomas Garcia, Deputy City Clerk

Proposition 36
Background:

5m.1

Proposition 36 is a bipartisan measure designed to address the unintended consequences of Proposition 47, which was enacted in 2014. Proposition 47's intent was to help make California's criminal justice system more equitable by reclassifying certain crimes as misdemeanors and reducing sentences for non-violent offenses. However, community leaders have argued that the measure also led to increased rates of organized retail theft, store closings, and challenges in persuading individuals to seek drug and mental health treatment.

Proposition 36 aims to address issues stemming from Proposition 47 by implementing significant reforms to reduce retail theft, tackle the fentanyl crisis, and enhance mental health and drug treatment options. One major change is the reclassification of repeated theft under \$950 as a felony for individuals with two or more prior theft-related convictions, allowing cumulative valuation of stolen property to enable felony charges if the total exceeds \$950. Enhanced penalties will also be imposed on offenders involved in organized theft or causing significant property damage.

The proposition targets the fentanyl crisis by classifying fentanyl as a hard drug, akin to heroin and cocaine, with stricter consequences for possession and trafficking, granting judges greater discretion in sentencing traffickers, especially in cases resulting in fatalities or serious injuries. It also establishes a new crime class for offenders with multiple hard drug possession convictions, offering treatment options instead of incarceration and providing expungement opportunities upon successful completion of treatment programs.

These measures aim to enhance public safety by holding repeat offenders accountable and discourage instances of retail theft, address the fentanyl crisis to protect youth and reduce overdose deaths, and provide critical mental health and substance abuse treatment to aid unhoused individuals and those with mental health challenges. Supporters of Proposition 36 include the League of California Cities, California Hispanic Chamber of Commerce, California State Association of Counties, Latino Caucus of California Counties, California Police Chiefs Association, Rural County Representatives of California, California District Attorneys Association; and officials such as San Francisco Mayor London Breed, San Diego Mayor Todd Gloria, San Jose Mayor Matt Mahan, and many other elected officials from both political parties.

By supporting this measure, the City of Brawley will be the first, and for the moment, only governing body in Imperial County to take a stance on this critical measure.



CITY OF BRAWLEY

5n

September 13, 2024

The Honorable Gavin Newsom
Governor of California
1021 O Street Suite 9000
Sacramento, CA 95814

RE: SB 583 (Padilla): Salton Sea Conservancy – Request for Signature

Dear Governor Newsom,

On behalf of our community, we are writing to express strong support for SB 583 (Padilla), which would establish the Salton Sea Conservancy. The Salton Sea’s decline has had a profound impact on residents, particularly in terms of public health. As the lakebed continues to dry up, toxic dust containing harmful pollutants becomes airborne, contributing to some of the highest rates of childhood asthma in the state. This reality is felt deeply in the surrounding communities where families are increasingly burdened by respiratory illnesses.

It has been over 15 years since the state of California last created a state conservancy. The establishment of the Salton Sea Conservancy would continue the state’s leadership in environmental protection, particularly for poor, highly agricultural communities like ours. California has committed more than \$500 million in state funding to date for Salton Sea restoration projects. The creation of the Salton Sea Conservancy would ensure that these significant investments, alongside federal and local resources, are coordinated effectively, driving long-term recovery and sustainable management of the region. This funding has supported critical initiatives, including dust suppression, aquatic habitat restoration, and water conservation efforts. These investments reflect California’s dedication to improving public health, restoring the ecosystem, and ensuring the long-term recovery of the region.

SB 583 will empower local agencies to coordinate with state and federal resources—something we have long sought—to expedite dust suppression projects and improve air and water quality. For a region where environmental and health challenges are deeply intertwined, this conservancy represents more than just policy; it represents a chance for real relief and sustainable recovery.

We believe SB 583 will allow the Conservancy to implement much-needed projects that safeguard public health and support the revitalization of the Salton Sea area. We respectfully urge you to sign SB 583, which is essential for creating a healthier future for the communities affected by the Salton Sea’s decline.

Thank you for your continued leadership and commitment to California’s most vulnerable regions.

Sincerely,

Ramon Castro, Mayor

CAPITOL OFFICE
1021 O STREET, SUITE 6640
SACRAMENTO, CA 95814
TEL (916) 651-4018
FAX (916) 651-4918

CHULA VISTA DISTRICT OFFICE
303 H STREET, SUITE 200
CHULA VISTA, CA 91910
TEL (619) 409-7690

EL CENTRO DISTRICT OFFICE
1224 STATE STREET, SUITE D
EL CENTRO, CA 92243
TEL (760) 335-3442

WWW.SENATE.CA.GOV/PADILLA
SENATOR.PADILLA@SENATE.CA.GOV

California State Senate

SENATOR
STEPHEN C. PADILLA
EIGHTEENTH SENATE DISTRICT



5m1

COMMITTEES
BUDGET SUBCOMMITTEE #4 ON
STATE ADMINISTRATION AND
GENERAL GOVERNMENT
CHAIR
MEMBER
AGRICULTURE
BUDGET
GOVERNMENTAL ORGANIZATION
HOUSING
NATURAL RESOURCES AND WATER

SB 583 – Salton Sea Conservancy

The Salton Sea, located in Riverside and Imperial counties, is California’s largest lake. In the 1950s and ’60s, the Sea was considered a resort destination, “The Miracle in the Desert,” attracting the likes of the Beach Boys, President Eisenhower, Frank Sinatra, among others. Now, the Sea is an ecological and public health crisis because it is highly saline (50% saltier than the Pacific Ocean) and gradually shrinking. This is because the Sea is a terminal lake with no outlet into the ocean, it has no natural inflows and the only way water can depart is through evaporation, leaving behind dust, salt, and other particles. The Lakebed is filled with toxins such as lead, DDT, and chromium, and the evaporating lake leads to more of the toxic lakebed being exposed.

SB 583 would create the Salton Sea Conservancy to manage operations and maintenance of the state’s restoration projects and is contingent upon approval of the Safe Drinking Water, Wildfire prevention, Drought Preparedness, and Clean Air Bond Act of 2024. The conservancy gives local residents a seat at the table when critical resources are spent to restore the Salton Sea.

The population surrounding the Salton Sea is a predominantly Latino, agricultural community and an Indigenous population who have lived there for a millennium. Most reside in Imperial County, one of the poorest counties in California with an unemployment rate three times the state average. As the sea shrinks, the dust from the lakebed containing toxic elements is exposed and becomes airborne, negatively impacting the local’s health. Approximately 650,000 residents live in the area, and many suffer from headaches, nosebleeds, bronchitis, and asthma. Hospitalization rates for children with asthma in the area are double the state average, and nearly 1 in 4 kids have been diagnosed with asthma by doctors.

In 2018, to address the growing problems around the Sea, the state create the Salton Sea Management Program (SSMP). The SSMP released its 10-year plan, the John J. Benoit Salton Sea Restoration Act, otherwise known as the Salton Sea 10-Year Plan, to signal its commitment to undertake restoration efforts at the Sea. Since then, the state has sought to fully implement the 10-Year Plan.

The ecological decline of the Sea has grown exponentially, and with it, so have the negative impacts on the surrounding communities. These include air quality concerns for residents in a region suffering from the highest childhood asthma hospitalization rate in the state. Funding and implementation have presented challenges, and questions remain about the long-term strategy around the Sea. By creating a Salton Sea Conservancy, California can expedite the construction of new habitat and dust suppression projects while centering the needs of local communities.

Staff Contact

Name: Emily Zhou

Title: Legislative Aide

Email: Emily.Zhou@sen.ca.gov

Capitol Office: (916) 651 – 4018

Support

- Desert Healthcare District and Foundation
- Alianza Coachella Valley
- Sierra Club CA
- Leadership Counsel for Justice and Accountability
- Audubon California
- Pacific Institute
- Kounkuey Design Initiative, Inc.
- Loma Linda University School of Public Policy
- Water Foundation
- City of Brawley
- City of El Centro
- City of Calexico

Oppose

- Coachella Valley Water District
- County of Riverside Supervisor V. Manuel Perez
- Salton Sea Action Committee
- Salton Sea Authority
- Torres Martinez Desert Cahuilla Indians

5n.2

Senate Bill No. 583

Passed the Senate August 30, 2024

Secretary of the Senate

Passed the Assembly August 29, 2024

Chief Clerk of the Assembly

This bill was received by the Governor this _____ day
of _____, 2024, at ____ o'clock ____M.

Private Secretary of the Governor

CHAPTER _____

5n.2

An act to add Division 23.6 (commencing with Section 33810) to the Public Resources Code, relating to conservancies.

LEGISLATIVE COUNSEL'S DIGEST

SB 583, Padilla. Salton Sea Conservancy.

Existing law authorizes various conservancies to acquire, manage, direct the management of, and conserve lands in the state. Under existing law, the Salton Sea Authority, a joint powers authority, is authorized to form an infrastructure financing district for purposes of restoring the Salton Sea. Existing law creates the Salton Sea Lithium Fund in the State Treasury and continuously appropriates moneys in the fund to the Natural Resources Agency for restoration projects developed or required pursuant to specified plans, State Water Resources Control Board orders, including Order WR 2017-0134, and grants.

This bill would establish the Salton Sea Conservancy within the Natural Resources Agency for specified purposes related to the Salton Sea region, including to operate, maintain, and manage projects, as they are completed, that are planned or built under the authority of the Salton Sea Management Program to fulfill the state's obligations as detailed in State Water Resources Control Board Order WR 2017-0134 and to acquire, hold, and manage land and property rights, including easements and water rights, within the Salton Sea Region after restoration or mitigation projects are built. The bill would require the conservancy to carry out programs, projects, and activities to further those purposes. The bill would require, by January 1, 2026, the conservancy to be governed by a board of directors composed of designated membership, including certain members appointed by certain local agencies. The bill would set forth the powers, duties, and limitations of the board of directors and the conservancy, as provided. The bill would create the Salton Sea Conservancy Fund and would state that the Legislature intends to support the fund through authorized proceeds from the sale of bonds and allocations from the Salton Sea Lithium Fund. The bill would make its provisions operative only if the Safe Drinking Water, Wildfire

Prevention, Drought Preparedness, and Clean Air Bond Act of 2024 is approved by the voters at the November 5, 2024, statewide general election. By imposing new duties on local agencies, this bill would create a state-mandated local program.

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

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

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

SECTION 1. Division 23.6 (commencing with Section 33810) is added to the Public Resources Code, to read:

DIVISION 23.6. SALTON SEA CONSERVANCY

CHAPTER 1. GENERAL PROVISIONS

33810. This division shall be known, and may be cited, as the Salton Sea Conservancy Act.

CHAPTER 2. DEFINITIONS

33811. For purposes of this division, the following definitions apply:

- (a) "Board" means the board of directors governing the Salton Sea Conservancy.
- (b) "Conservancy" means the Salton Sea Conservancy established pursuant to Section 33812.
- (c) "Fund" means the Salton Sea Conservancy Fund established pursuant to Section 33825.
- (d) "Local public agency" includes, but is not limited to, a city, county, city and county, district, association of governments, or joint powers authority.

(e) “Nonprofit organization” means a private, nonprofit organization that qualifies for tax exempt status under Section 501(c)(3) of Title 26 of the Internal Revenue Code.

(f) “Region” or “Salton Sea region” means the geographic boundaries of the Salton Sea ecosystem, as described in subdivision (d) of Section 2931 of the Fish and Game Code.

(g) “Salton Sea Authority” has the same meaning as subdivision (d) of Section 2941 of the Fish and Game Code.

(h) “Salton Sea Management Program” means the Natural Resources Agency, the Department of Water Resources, and the Department of Fish and Wildlife working under the direction of the Assistant Secretary for Salton Sea Policy to carry out the terms of State Water Resources Control Board Order WR 2017-0134.

(i) “Tribe” means any federally recognized Native American tribe or a nonfederally recognized Native American tribe.

CHAPTER 3. SALTON SEA CONSERVANCY

33812. (a) The Salton Sea Conservancy is hereby created as a state agency within the Natural Resources Agency for both of the following purposes:

(1) To operate, maintain, and manage projects, as they are completed, that are planned or built under the authority of the Salton Sea Management Program to fulfill the state’s obligations as detailed in State Water Resources Control Board Order WR 2017-0134.

(2) To acquire, hold, and manage land and property rights, including easements and water rights, within the Salton Sea region after restoration or mitigation projects are built.

(b) The conservancy’s jurisdiction is limited to the Salton Sea region.

33813. The conservancy shall carry out programs, projects, and activities to further the conservancy’s purposes specified in Section 33812. This may include any one, any combination, or all of the following:

(a) Expending funds and awarding grants and loans to develop and implement programs and projects that are designed to further the conservancy’s purposes specified in Section 33812.

(b) Engaging community members and stakeholders.

(c) Identifying and working to resolve any barriers or impediments to the conservancy’s progress, including capacity or organizational deficiencies.

CHAPTER 4. GOVERNING BOARD

33814. (a) By January 1, 2026, the conservancy shall be governed by a board of directors.

(1) The board shall consist of 15 voting members appointed as follows:

(A) One public member appointed by the Governor, who is not an elected official and who resides within 50 miles of the conservancy’s territory.

(B) One public member appointed by the Speaker of the Assembly, who is not an elected official and who resides within 50 miles of the conservancy’s territory.

(C) One public member appointed by the Senate Committee on Rules, who is not an elected official and who resides within 50 miles of the conservancy’s territory.

(D) One member who is appointed by the Riverside County Board of Supervisors and is a resident of that county, or their designee.

(E) One member who is appointed by the Imperial County Board of Supervisors and is a resident of that county, or their designee.

(F) One member who is appointed by the Coachella Valley Water District and resides within the district’s boundaries, or their designee.

(G) One member who is appointed by the Imperial Irrigation District and resides within the district’s boundaries, or their designee.

(H) One member who is appointed by the Torres Martinez Desert Cahuilla Indians, or their designee.

(I) One representative of a nongovernmental organization focused on environmental justice work in the region appointed by the Secretary of the Natural Resources Agency.

(J) One representative of a nongovernmental organization focused on fish and wildlife habitat work in the region appointed by the Secretary of the Natural Resources Agency.

(K) The Director of Finance, or the director’s designee.

(L) The Secretary of the Natural Resources Agency, or the secretary's designee.

(M) The Director of Fish and Wildlife, or the director's designee.

(N) The Director of Water Resources, or the director's designee.

(O) The Director of the Department of Parks and Recreation, or the director's designee.

(2) The board shall also consist of seven ex officio nonvoting members designated as follows:

(A) The Secretary for Environmental Protection, or the secretary's designee.

(B) The Chairperson of the State Water Resources Control Board, or the chairperson's designee.

(C) The Chairperson of the State Air Resources Board, or the chairperson's designee.

(D) One representative of the United States Bureau of Land Management, designated by the United States Secretary of the Interior.

(E) One representative of the United States Fish and Wildlife Service, designated by the United States Secretary of the Interior.

(F) One representative of the federal Bureau of Reclamation, designated by the United States Secretary of the Interior.

(G) One representative of the United States Army Corps of Engineers, designated by the United States Department of Defense.

(b) The local agencies specified in subparagraphs (D) to (G), inclusive, of paragraph (1) of subdivision (a) shall ensure that one of the appointed members of those agencies is the president of the Salton Sea Authority, so that the president of the Salton Sea Authority is always represented on the board.

(c) The public members appointed by the Governor, the Senate Committee on Rules, and the Speaker of the Assembly, and the representatives of nongovernmental organizations appointed by the Secretary of the Natural Resources Agency, shall each serve a four-year term.

(d) The locally appointed members specified in subparagraphs (D) to (G), inclusive, of paragraph (1) of subdivision (a) shall serve at the pleasure of the appointing board of supervisors or water or irrigation district.

(e) The tribal representative shall serve at the pleasure of the Torres Martinez Desert Cahuilla Indians.

(f) Each voting member specified in subparagraphs (A) to (O), inclusive, of paragraph (1) of subdivision (a) shall have demonstrated interest and expertise in at least one of the conservancy’s purposes described in subdivision (a) of Section 33812. This demonstrated interest and expertise shall include, but is not limited to, any of the following:

(1) Experience with any of the following:

- (A) A land conservation nonprofit organization.
- (B) A public agency focused on land conservation.
- (C) Public land management.

(2) Experience as a professional with expertise in one or more functions of the board, including operations and maintenance.

(3) Experience with activities that benefit disadvantaged communities identified pursuant to Section 39711 of the Health and Safety Code.

33815. The Secretary of the Natural Resources Agency, or the secretary’s designee, shall serve as the chairperson of the board. The board’s voting members shall annually elect from among themselves a vice chairperson of the board. If the vice chairperson’s position becomes vacant, a new vice chairperson shall be elected by the board’s voting members to serve for the remainder of the term.

33816. Eight of the voting members shall constitute a quorum for the transaction of the business of the conservancy. The board shall not transact the business of the conservancy if a quorum is not present at the time a vote is taken. A decision of the board requires an affirmative vote of eight of the voting membership, and the vote is binding with respect to all matters acted on by the conservancy.

33817. The board shall adopt rules and procedures for the conduct of business by the conservancy.

33818. The board may establish advisory boards or committees, hold community meetings, and engage in public outreach.

33819. The board may maintain a headquarters office within the Salton Sea region. The conservancy may rent or own real and personal property and equipment pursuant to applicable statutes and regulations. The conservancy may also enter into access agreements, such as easements, to further the conservancy’s purposes described in subdivision (a) of Section 33812.

33820. (a) Before January 1, 2027, the Secretary of the Natural Resources Agency shall appoint an executive officer of the conservancy. The executive officer shall be exempt from civil service.

(b) On or after January 1, 2027, the board shall determine the qualifications of, and shall appoint, an executive officer of the conservancy, who shall be exempt from civil service. The board shall employ other staff as necessary to execute the powers and functions provided for in this division.

33821. The board may enter into contracts with private entities and public agencies to procure consulting and other services necessary to achieve the purposes of this division.

33822. The conservancy’s expenses for support and administration may be paid from the conservancy’s operating budget and any other funding sources available to the conservancy.

33823. The board shall conduct business in accordance with the Bagley-Keene Open Meeting Act (Article 9 (commencing with Section 11120) of Chapter 1 of Part 1 of Division 3 of Title 2 of the Government Code).

33824. The board shall hold its regular meetings within the Salton Sea region.

CHAPTER 5. POWERS, DUTIES, AND LIMITATIONS

33825. The Salton Sea Conservancy Fund is hereby created in the State Treasury. The Legislature intends to support the fund through authorized proceeds from the sale of bonds and allocations from the Salton Sea Lithium Fund pursuant to Section 2951 of the Fish and Game Code.

33826. The conservancy may engage in partnerships with tribes, nonprofit organizations, local public agencies, including the Salton Sea Authority, and landowners.

33827. In implementing this division, the conservancy shall cooperate and consult with the city or county in which a grant is proposed to be expended or an interest in real property is proposed to be acquired, and shall, as necessary or appropriate, coordinate its efforts with the Salton Sea Authority, and with other state agencies, in cooperation with the Secretary of the Natural Resources Agency.

33828. (a) The conservancy may require a grantee to enter into an agreement with the conservancy on terms and conditions specified by the conservancy.

(b) The conservancy may require a cost-share or local funding requirement for a grant. The conservancy may make that cost-share or local funding requirement contingent upon the total amount of funding available, the fiscal resources of the applicant, or the urgency of the project. The conservancy may waive cost-share requirements.

(c) The conservancy may fund or award grants for plans and feasibility studies consistent with its plans.

(d) The conservancy may seek repayment or reimbursement of funds granted on terms and conditions it deems appropriate. The proceeds of repayment shall be deposited in the fund.

(e) The conservancy may require any funds that exceed the costs of eligible or approved projects or of acquisition to be returned to the conservancy, to be available for expenditure when appropriated by the Legislature.

(f) The conservancy may award grant funds to state agencies, local public agencies, tribes, and nonprofit organizations to further the purposes of this division.

(g) The conservancy may provide advance payment of up to one-half of the total grant award for a project that satisfies both of the following criteria:

(1) The project proponent is a nonprofit organization or a disadvantaged community, or the project benefits a disadvantaged community.

(2) The total grant award for the project is less than one million dollars (\$1,000,000).

33829. (a) The conservancy may provide grants and loans to state agencies, local public agencies, tribes, and nonprofit organizations to further the purposes of this division.

(b) An entity applying for a grant from the conservancy to acquire an interest in real property shall specify all of the following in the grant application:

(1) The intended use of the property.

(2) The manner in which the land will be managed.

(3) How the cost of ongoing operations, maintenance, and management will be provided, including an analysis of the

maintaining entity's financial capacity to support those ongoing costs.

33830. The conservancy may sue and be sued.

33831. (a) The conservancy may acquire from willing sellers or transferors, including state agencies, interests in real property, including access and water rights, and improve, lease, or transfer interests in real property, in order to carry out the purposes of this division.

(b) The conservancy may, before the completion of restoration or mitigation projects, enter into easements for property rights to be assigned to the conservancy after completion by the Salton Sea Management Program.

(c) The acquisition of an interest in real property under this section is not subject to the Property Acquisition Law (Part 11 (commencing with Section 15850) of Division 3 of Title 2 of the Government Code). However, the conservancy may request the State Public Works Board to review and approve specific acquisitions. The conservancy may also request assistance in acquiring real property from the Department of Water Resources.

33832. The conservancy may enter into an agreement with a public agency, nonprofit organization, or private entity for the construction, management, or maintenance of facilities authorized by, or transferred to, the conservancy.

33833. The conservancy shall not exercise the power of eminent domain.

33834. (a) The conservancy may pursue and accept funds from various sources, including, but not limited to, federal, state, and local funds or grants, gifts, donations, bequests, devises, subventions, grants, rents, royalties, or other assistance and funds from public and private sources.

(b) The conservancy may accept fees levied by others.

(c) The conservancy may create and manage endowments.

(d) All funds received by the conservancy shall be deposited in the fund for expenditure for the purposes of this division.

33835. Notwithstanding Section 10231.5 of the Government Code, on or before January 1, 2027, and annually thereafter, the conservancy shall prepare and submit a report to the Governor and the Legislature, pursuant to Section 9795 of the Government Code, on its implementation of Sections 33812 and 33813, including, but not limited to, all of the following:

(a) A schedule of projects undertaken by the conservancy and a schedule of grants and loans made by the conservancy.

(b) A schedule of grants awarded to the conservancy and the disposition of the funds granted.

(c) The disposition of the funds appropriated to the conservancy in the fiscal year preceding the year in which the report is made.

33836. (a) The conservancy may expend funds and award grants and loans to develop projects and programs that are designed to further the purposes of this division.

(b) The conservancy may provide and make available technical information, expertise, and other nonfinancial assistance to public agencies, nonprofit organizations, and tribal organizations, to support program and project development and implementation.

33837. Nothing in this chapter shall limit or alter any party's, including the state's, responsibility under existing law or any party's authority to carry out any responsibility under existing law.

CHAPTER 6. CONTINGENT OPERATION

33838. This division shall become operative only if the Safe Drinking Water, Wildfire Prevention, Drought Preparedness, and Clean Air Bond Act of 2024 (Chapter 83 of the Statutes of 2024) is approved by the voters at the November 5, 2024, statewide general election.

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



CITY OF BRAWLEY

50

September 13, 2024

Dear Governor Newsom:

On behalf of City Council of the City of Brawley, I write to respectfully request your signature on Senate Bill (SB) 1105, which would require that paid sick leave granted to agricultural employees can also be utilized to avoid smoke, heat, or flooding conditions created by a local or state emergency. As the nation's leading farm state and one of the world's largest producers of food, farmworkers have been foundational to California's standing as the fourth largest economy in the world. Despite the vital role that farmworkers play to California, they continue to face several disadvantages as compared to other populations. Many lack access to health care and other critical safety net services and farmworkers do not enjoy the same protections workers as workers in other industries.

Workplace conditions also expose farmworkers to several adverse environmental hazards resulting from extreme weather events that endanger their health, safety, and economic livelihood including working under extremely high temperatures, exposure to smoke from wildfires, and rain. Agricultural workers are 35 times more likely to die from heat-related stress than workers in any other industry in the United States. As average temperatures increase and heat waves, wildfires, and extreme rain events increase, farmworkers will be at continued risk of losing their lives.

While the state of California has taken some of the nation's most proactive steps to adopt occupational safety standards related to heat and smoke, farmworkers need to know that during a climate emergency they are not risking personal financial disaster by choosing their safety. By allowing farmworkers to utilize their paid sick leave during climate emergencies, California can treat farmworkers as essential workers, instead of sacrificial ones, by ensuring they do not have to choose between their safety and their livelihood.

We are proud to support SB 1105(Padilla) and urge your signature on this bill.

Best regards,

Ramon Castro, Mayor

CAPITOL OFFICE
1021 O STREET, SUITE 6640
SACRAMENTO, CA 95814
TEL (916) 651-4018
FAX (916) 651-4918

CHULA VISTA DISTRICT OFFICE
780 BAY BOULEVARD, SUITE 204
CHULA VISTA, CA 91910
TEL (619) 409-7690

EL CENTRO DISTRICT OFFICE
1224 STATE STREET, SUITE D
EL CENTRO, CA 92243
TEL (760) 335-3442

INDIO DISTRICT OFFICE
82013 DR. CARREON BOULEVARD, SUITE L
EL CENTRO, CA 92243
TEL (760) 398-6442

WWW.SENATE.CA.GOV/PADILLA
SENATOR.PADILLA@SENATE.CA.GOV

California State Senate

SENATOR
STEPHEN C. PADILLA
EIGHTEENTH SENATE DISTRICT



50.1

COMMITTEES
BUDGET SUBCOMMITTEE #4 ON
STATE ADMINISTRATION AND
GENERAL GOVERNMENT
CHAIR
MEMBER
AGRICULTURE
BUDGET
GOVERNMENTAL ORGANIZATION
HOUSING
NATURAL RESOURCES AND WATER
REVENUE & TAXATION

SB 1105 – Leave for Farmworkers During Climate Emergencies

As the nation’s leading farm state and one of the world’s largest producers of food, farmworkers have been foundational to California’s standing as the fourth largest economy in the world. Despite the vital role that farmworkers play to California, they continue to face several disadvantages as compared to other populations. Many lack access to health care and other critical safety net services and farmworkers do not enjoy the same protections workers as workers in other industries.

Workplace conditions also expose farmworkers to several adverse environmental hazards resulting from extreme weather events that endanger their health, safety, and economic livelihood including working under extremely high temperatures, exposure to smoke from wildfires, and rain. Agricultural workers are 35 times more likely to die from heat-related stress than workers in any other industry in the United States.¹ Agriculture is one of the most hazardous industries in the United States and the rapidly changing climate will only make matters worse. In an analysis conducted by *Mother Jones* of the 168-farmworker deaths in California between 2018 and 2022, 83 of the 168 tragically lost their lives when temperatures in the surrounding area exceeded 80 degrees Fahrenheit, the temperature that triggers California’s heat safety requirements.² As average temperatures increase and heat waves, wildfires, and extreme rain events increase, farmworkers will be at continued risk of losing their lives.

While the state of California has taken some of the nation’s most proactive steps to adopt occupational safety standards related to heat and smoke, farmworkers need to know that during a climate emergency they are not risking personal financial disaster by choosing their safety. SB 1105 would require that paid sick leave granted to agricultural employees can also be utilized to avoid smoke, heat, or flooding conditions created by a local or state emergency. By allowing farmworkers to utilize their paid sick leave during climate emergencies, California can treat farmworkers as essential workers, instead of sacrificial ones, by ensuring they do not have to choose between their safety or their livelihood.

Staff Contact

Name: Alexis Castro
Title: Legislative Director
Email: Alexis.Castro@sen.ca.gov
Capitol Office: (916) 651 – 4018

¹ Gubernet, Diane M., G. Brooke Anderson, and Katherine L. Hunting. “Characterizing Occupational Heat-Related Mortality in the United States, 2000–2010: An Analysis Using the Census of Fatal Occupational Injuries Database.” *American Journal of Industrial Medicine* 58, no. 2 (2015): 203–11. <https://doi.org/10.1002/ajim.22381>.

² Gross, Liza, and Peter Aldhous. “Excessive Heat and Air Pollution Are Putting Farmworkers’ Lives at Risk.” *Mother Jones* (blog). Accessed February 13, 2024. <https://www.motherjones.com/politics/2023/12/heat-and-air-pollution-putting-scores-of-california-farmworkers-lives-at-risk/>.

Support

California Food and Farming Network
Californians for Pesticide Reform
California Rural Legal Assistance Foundation
Central California Environmental Justice Network (CCEJN)
Central Coast Alliance United for A Sustainable Economy (CAUSE)
Centro Binacional de Desarrollo Indigena Oaxaqueño
Ceres Community Project
City of El Centro
City of Imperial
Clean Earth 4 Kids
Imperial Valley Equity and Justice
Latino Coalition for a Healthy California
Lideres Campesinas
Marin Food Policy Council
Pesticide Action Network
Roots of Change
Sun Community Federal Credit Union
The Praxis Project

50.2

Senate Bill No. 1105

Passed the Senate August 30, 2024

Secretary of the Senate

Passed the Assembly August 29, 2024

Chief Clerk of the Assembly

This bill was received by the Governor this _____ day
of _____, 2024, at _____ o'clock ____M.

Private Secretary of the Governor

An act to amend Section 246.5 of the Labor Code, relating to paid sick leave.

LEGISLATIVE COUNSEL'S DIGEST

SB 1105, Padilla. Paid sick leave: agricultural employees: emergencies.

Existing law, the Healthy Workplaces, Healthy Families Act of 2014, entitles an employee who works in California for the same employer for 30 or more days within one year from the commencement of employment to paid sick days, as specified. Existing law requires an employer to, upon the oral or written request of an employee, provide paid sick days for specified purposes, including the diagnosis, care, or treatment of an existing health condition of, or preventive care for, an employee or an employee's family member.

Existing law prohibits an employer from denying an employee the right to use accrued sick days, or to discharge, threaten to discharge, demote, suspend, or in any manner discriminate against an employee for using or attempting to use accrued sick days. Existing law requires the Labor Commissioner to enforce the act, including investigating an alleged violation, and authorizes the Labor Commissioner to order any appropriate relief, as specified, to an employee or other person whose rights under the act were violated.

This bill would also require paid sick days to be provided to agricultural employees, as defined, who work outside and are entitled to paid sick days, as described, to avoid smoke, heat, or flooding conditions created by a local or state emergency, as described. The bill would declare that these provisions are declarative of existing law to the extent that the sick days are necessary for preventive care, as provided.

This bill would incorporate additional changes to Section 246.5 of the Labor Code proposed by AB 2499 to be operative only if this bill and AB 2499 are enacted and this bill is enacted last.

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

SECTION 1. Section 246.5 of the Labor Code is amended to read:

246.5. (a) Upon the oral or written request of an employee, an employer shall provide paid sick days for the following purposes:

(1) Diagnosis, care, or treatment of an existing health condition of, or preventive care for, an employee or an employee's family member.

(2) For an employee who is a victim of domestic violence, sexual assault, or stalking, the purposes described in subdivision (c) of Section 230 and subdivision (a) of Section 230.1.

(3) (A) For an employee who is an agricultural employee, as defined in Section 9110, who works outside and who is entitled to paid sick days under this article, to avoid smoke, heat, or flooding conditions created by a local or state emergency, including, but not limited to, when the employee's worksite is closed due to the smoke, heat, or flooding conditions.

(B) For purposes of this paragraph, there are smoke, heat, or flood conditions created by a local or state emergency if the Governor proclaims a state of emergency pursuant to Section 8625 of the Government Code, or a local emergency is proclaimed pursuant to Section 8630 of the Government Code, due to smoke, heat, or flooding conditions that prevent agricultural employees from working.

(b) An employer shall not require as a condition of using paid sick days that the employee search for or find a replacement worker to cover the days during which the employee uses paid sick days.

(c) (1) An employer shall not deny an employee the right to use accrued sick days, discharge, threaten to discharge, demote, suspend, or in any manner discriminate against an employee for using accrued sick days, attempting to exercise the right to use accrued sick days, filing a complaint with the department or alleging a violation of this article, cooperating in an investigation or prosecution of an alleged violation of this article, or opposing any policy or practice or act that is prohibited by this article.

(2) There shall be a rebuttable presumption of unlawful retaliation if an employer denies an employee the right to use accrued sick days, discharges, threatens to discharge, demotes,

suspends, or in any manner discriminates against an employee within 30 days of any of the following:

(A) The filing of a complaint by the employee with the Labor Commissioner or alleging a violation of this article.

(B) The cooperation of an employee with an investigation or prosecution of an alleged violation of this article.

(C) Opposition by the employee to a policy, practice, or act that is prohibited by this article.

(d) Notwithstanding subdivision (a) of Section 245.5, for purposes of this section, “employee” shall include an employee described in paragraph (1) of subdivision (a) of Section 245.5.

SEC. 1.5. Section 246.5 of the Labor Code is amended to read:

246.5. (a) Upon the oral or written request of an employee, an employer shall provide paid sick days for the following purposes:

(1) Diagnosis, care, or treatment of an existing health condition of, or preventive care for, an employee or an employee’s family member.

(2) For an employee who is a victim or whose family member is a victim, as defined in subdivision (j) of Section 12945.8 of the Government Code, the purposes described in paragraph (3) of subdivision (a), or subdivision (b), of Section 12945.8 of the Government Code.

(3) (A) For an employee who is an agricultural employee, as defined in Section 9110, who works outside and who is entitled to paid sick days under this article, to avoid smoke, heat, or flooding conditions created by a local or state emergency, including, but not limited to, when the employee’s worksite is closed due to the smoke, heat, or flooding conditions.

(B) For purposes of this paragraph, there are smoke, heat, or flood conditions created by a local or state emergency if the Governor proclaims a state of emergency pursuant to Section 8625 of the Government Code, or a local emergency is proclaimed pursuant to Section 8630 of the Government Code, due to smoke, heat, or flooding conditions that prevent agricultural employees from working.

(b) An employer shall not require as a condition of using paid sick days that the employee search for or find a replacement worker to cover the days during which the employee uses paid sick days.

(c) (1) An employer shall not deny an employee the right to use accrued sick days, discharge, threaten to discharge, demote, suspend, or in any manner discriminate against an employee for using accrued sick days, attempting to exercise the right to use accrued sick days, filing a complaint with the department or alleging a violation of this article, cooperating in an investigation or prosecution of an alleged violation of this article, or opposing any policy or practice or act that is prohibited by this article.

(2) There shall be a rebuttable presumption of unlawful retaliation if an employer denies an employee the right to use accrued sick days, discharges, threatens to discharge, demotes, suspends, or in any manner discriminates against an employee within 30 days of any of the following:

(A) The filing of a complaint by the employee with the Labor Commissioner or alleging a violation of this article.

(B) The cooperation of an employee with an investigation or prosecution of an alleged violation of this article.

(C) Opposition by the employee to a policy, practice, or act that is prohibited by this article.

(d) Notwithstanding subdivision (a) of Section 245.5, for purposes of this section, “employee” shall include an employee described in paragraph (1) of subdivision (a) of Section 245.5.

SEC. 2. The addition of subparagraph (A) of paragraph (3) to subdivision (a) of Section 246.5 of the Labor Code as added during the second year of the 2023–2024 Regular Session, does not constitute a change in, but is declaratory of, existing law to the extent that the sick days are necessary for preventive care as provided in paragraph (1) of subdivision (a) of Section 246.5 of the Labor Code.

SEC. 3. Section 1.5 of this bill incorporates amendments to Section 246.5 of the Labor Code proposed by both this bill and Assembly Bill 2499. That section of this bill shall only become operative if (1) both bills are enacted and become effective on or before January 1, 2025, (2) each bill amends Section 246.5 of the Labor Code, and (3) this bill is enacted after Assembly Bill 2499, in which case Section 1 of this bill shall not become operative.



CITY OF BRAWLEY

5p

September 6, 2024

The Honorable Gavin Newsom
Governor, State of California
1021 O Street, Suite 9000
Sacramento, CA 95814

RE: AB 2757 (Garcia, Padilla) – Southeast California Economic Region – Request for Signature

Dear Governor Newsom,

City Council of the City of Brawley urge your signature for Assembly Bill 2757, by Assemblymember Eduardo Garcia and Senator Steve Padilla, which would establish the Southeast California Economic Region. Doing so will help create a districtwide measure aligning state and federal programs to benefit communities impacted by lithium and other mineral extraction and clean energy development.

This vital legislative proposal has made it through the State Legislature with bipartisan support and received no opposition. AB 2757 also allows for regional collaboration to create a strategic plan for economic development for the benefit of the Salton Sea region as recommended by the California Blue-Ribbon Commission on Lithium Extraction.

By signing AB 2757, it will enhance the region's economic development toolbox by authorizing the Salton Sea Region to more authentically align communities of interest and attract public and private capital more effectively. Most importantly, enacting this measure will uplift the interests, voices, and opportunities of our people and businesses that comprise the Imperial and Coachella Valleys.

For these reasons, we respectfully urge your signature on AB 2757.

Sincerely,

Ramon Castro, Mayor



AB 2757 – Southeast California Economic Region

Updated 3/22/24

Sp. 1

BACKGROUND

The Imperial, Eastern Coachella, and Palo Verde Valleys face many of the same economic/societal challenges. California’s “Lithium Valley” located around these areas contains one of the largest and most environmentally sustainable lithium reserves in the world. By creating an economic zone around “Lithium Valley”, there is a great opportunity to encourage economic development around these areas.

AB 1657 (E. Garcia 2020), established the Lithium Valley Commission comprised of 14 members representing state agencies, private industry, local government and environmental groups, as well as, government appointees. This commission was tasked with exploring opportunities and challenges in developing the state’s lithium industry and providing a report on its findings to the legislature. One of the recommendations being the creation of the Southeast California Economic Region to advance economic expansion around California’s Lithium Valley.

ISSUE

Economic zones in the United States promote economic development in distressed areas in the country.

Currently, the Imperial Valley is grouped with San Diego as the Southern Border Region while the Eastern Coachella and Palo Verde Valleys are grouped together with the Inland Empire as part of the greater Southern California Region. Such division dilutes the interests and opportunities for constituents in the Imperial, Eastern Coachella, and Palo Verde Valleys. These areas face hardships that are more alike than their current economic zone designations such as:

- Environmental and economic implications due to Salton Sea degradation.
- Transportation barriers.

- Unemployment rates higher than the state average.
- Median income rates lower than the state average.
- Lack of infrastructure.
- Decreased local revenue.

BILL SUMMARY

This bill would:

- establish the Southeast California Economic Region, which will facilitate collaboration with state, federal, regional, and local organizations, entities, and governments on issues of mutual interest that advance the economy and quality of life of residents and businesses.
- capture the full benefits of the Lithium Valley renewable energy development hub, the southeastern desert valleys need a definitive economic development designation that supports efficient resource attraction and fosters economic relationships between business, labor, and community.
- help the region compete for federal, state, and local funding and investments.

For More Information:

Jesus Ahkin Gonzalez | Legislative Staff
Office of Assemblymember Eduardo Garcia
Jesus.Gonzalez@asm.ca.gov | (916) 319-2036

Assembly Bill No. 2757

Passed the Assembly August 29, 2024

Chief Clerk of the Assembly

Passed the Senate August 28, 2024

Secretary of the Senate

This bill was received by the Governor this _____ day
of _____, 2024, at _____ o'clock ____M.

Private Secretary of the Governor

CHAPTER _____

5p.2

An act to add and repeal Section 12097.6 of the Government Code, relating to economic development.

LEGISLATIVE COUNSEL'S DIGEST

AB 2757, Garcia. Southeast California Economic Region.

Existing law establishes the Governor’s Office of Business and Economic Development, also known as “GO-Biz,” to, among other duties, serve the Governor as the lead entity for economic strategy and the marketing of California on issues relating to business development, private sector investment, and economic growth. In this regard, existing law authorizes GO-Biz to develop content on its internet website or through other mediums to be used for public dissemination, through outreach activities, in order to provide information and resources to inform the general public about place-based and other geographically targeted economic development programs, including California Promise Zones and California Opportunity Zones. Existing law requires the office to convene, at least annually, representatives from various programs and agencies across the state and from various federal programs and agencies for the purpose of discussing how California can leverage promise zones and opportunity zones to meet state and local community and economic development needs.

Existing law establishes the Community Economic Resilience Fund Program, within the Workforce Services Branch of the Employment Development Department, to build an equitable and sustainable economic recovery from the impacts of COVID-19 on California’s industries, workers, and communities, and to provide for the durability of that recovery by fostering long-term economic resilience in the overall transition to a carbon-neutral economy. Existing law requires the Community Economic Resilience Fund Program to be administered by Labor and Workforce Development Agency, the Office of Planning and Research, and GO-Biz. Existing law refers to these 3 agencies as the Inter-Agency Leadership Team.

This bill would, until January 1, 2030, designate the Southeast California Economic Region, as specified, and would state that its

purpose is to, among other things, better align state and federal programs, services, and funding within those communities most impacted by the extraction and processing of lithium and other minerals from the Salton Sea and additional clean energy development in the surrounding areas within the region. The bill would require the Inter-Agency Leadership Team, on or before September 1, 2025, to prepare a list of state programs that use the Southeast California Economic Region designation for planning and funding purposes, as specified. The bill would authorize the Southeast California Economic Region to facilitate regional collaboration on developing a strategy-driven plan for regional economic development, as described.

The bill would make legislative findings and declarations as to the necessity of a special statute for the County of Imperial.

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

SECTION 1. The Legislature finds and declares all of the following:

(a) A sustained effort is underway to establish a high-road economy centered on inclusive, sustainable, and equitable use of lithium and other minerals and renewable energy resources in the Salton Sea region. Full deployment of these renewable power resources could provide a once-in-a-generation opportunity to support transformative economic growth within this historically disinvested area, bringing family-sustaining jobs and real economic opportunities to California’s most underserved residents.

(b) The region’s current access to economic incentives must be improved to drive an inclusive high-road economic vision. If not proactively addressed, resource extraction can result in the region being less economically, environmentally, and socially well-off when these highly prized renewable energy resources are exported for processing. A more comprehensive and balanced approach recognizes the environmental and public health costs already borne by the people in the region and commits that the buildout of Lithium Valley and its related economic activities include processing, manufacturing, research facilities, workforce development, public health improvements, infrastructure enhancements, and other community benefits.

(c) One impediment to an inclusive transition to a net-zero emission economy and realization of the economic and national security benefits is government-imposed administrative challenges to collaboratively applying for and deploying funds within the region. Due to their historically small populations, these desert regions have been attached to regional planning and program areas that lie beyond significant geographic barriers. For example, the County of Imperial has been grouped with primarily urban County of San Diego and the Coachella Valley with the Inland Empire. However, these southeastern communities have vastly different needs, resources, and demographic profiles from other areas within their foster homes. This shortsighted government administrative practice dilutes the interests, voices, and opportunities of the people and businesses that comprise the Imperial and Coachella Valleys.

(d) This misassignment of southeastern desert communities was documented in the December 2022 report by the Blue Ribbon Commission on Lithium Extraction in California, published by the Energy Commission, which recommended the designation a “Salton Sea Region,” consisting of the Eastern Coachella and Imperial Valleys. More specifically, the report called for the recognition of a Salton Sea Region that includes all of the County of Imperial and the Eastern Coachella Valley and Palo Verde Valleys of the County of Riverside, extending from the City of Coachella to the unincorporated communities near the Salton Sea and then farther east to the California-Arizona border.

(e) The Blue Ribbon Commission report states that this large area is economically distinct from other state regions, with approximately 150,000 people living and working in its communities. Major employment sectors across the region are described as agriculture and tourism, making these communities more similar to each other than they are to the economies of the Inland Empire and San Diego. The demographic makeup of the population in the Salton Sea Region designated in the Commission report is also distinct from its neighboring regions due to the substantially higher percentage of households where Spanish, rather than English, is the primary language.

(f) To capture the full benefits of the Lithium Valley renewable energy development hub, the southeastern desert valleys need a definitive economic development designation that supports efficient resource attraction and fosters economic relationships between

business, labor, and community. The goal for such a designation is to enable a “regional roadmap for economic recovery” that prioritizes the creation of accessible, high-quality jobs, improved quality of life, and critical extraction, processing, manufacturing, and supply chain opportunities consistent with the needs and assets of the southeastern desert valley communities.

(g) It is the intent of the Legislature to establish the Southeast California Economic Region, which will facilitate collaboration with state, federal, regional, and local organizations, entities, and governments on issues of mutual interest that advance the economy and quality of life of residents and businesses. A special focus of this work shall be those communities and groups of individuals who have historically been excluded from decisionmaking and the benefits of economic development projects.

SEC. 2. Section 12097.6 is added to the Government Code, to read:

12097.6. (a) The Southeast California Economic Region is hereby designated, subject to the provisions of this section.

(b) The boundaries of the Southeast California Economic Region align with the Southeast California Economic Zone recommended in the Governor’s Blue Ribbon Commission on Lithium Extraction in California report and shall include all of the following:

(1) All unincorporated areas of the County of Imperial, including, but not limited to, one or more of the following census-designated places:

- (A) Bombay Beach.
- (B) Desert Shores.
- (C) El Centro Naval Air Facility CDP, California.
- (D) Heber.
- (E) Niland.
- (F) Ocotillo.
- (G) Palo Verde.
- (H) Salton City.
- (I) Salton Sea Beach.
- (J) Seeley.
- (K) Winterhaven.

(2) All unincorporated areas of the County of Riverside, that lie south of 33.90 degrees north and east of 116.25 degrees west.

(3) All of the following census-designated places within the County of Riverside:

- (A) Desert Center.
- (B) Indio Hills.
- (C) Mecca.
- (D) Mesa Verde.
- (E) North Shore.
- (F) Oasis.
- (G) Ripley.
- (H) Thermal.
- (I) Vista Santa Rosa.

(4) All of the following incorporated jurisdictions:

- (A) The City of Blythe.
- (B) The City of Brawley.
- (C) The City of Calexico.
- (D) The City of Calipatria.
- (E) The City of Coachella.
- (F) The City of El Centro.
- (G) The City of Holtville.
- (H) The City of Imperial.
- (I) The City of Indio.
- (J) The City of Westmorland.

(c) The purpose of the Southeast California Economic Region is to accomplish both of the following:

(1) To better align state and federal programs, services, and funding within those communities most impacted by the extraction and processing of lithium and other minerals from the Salton Sea and additional clean energy development in the surrounding areas within the region.

(2) To contribute to the nation's defense and security by stimulating local and equitable economic development activities that benefit residents, workers, and businesses, using participatory decisionmaking and taking a multijurisdictional approach, which leverages the competencies of public, private, and nonprofit sectors for the region's transformational future.

(d) (1) On or before September 1, 2025, the Inter-Agency Leadership Team, as specified in Section 14531 of the Unemployment Insurance Code, shall prepare a list of state programs that shall use the Southeast California Economic Region designation for planning and funding purposes.

(2) The list shall, to the extent necessary, provide guidance to state agencies on how to acknowledge and utilize the Southeast

California Economic Region designation and boundaries in program and service delivery, planning activities, and making funding awards.

(3) The list may include information on statutory impediments to using the Southeast California Economic Region designation in applying for other state and federal funding or services.

(4) A copy of the list shall be submitted to the county administrator's office for the Counties of Imperial and Riverside and to the members of the Blue Ribbon Commission on Lithium Extraction in California, as established and convened by the State Energy Resources Conservation and Development Commission pursuant to Section 25232 of the Public Resources Code.

(e) (1) The Southeast California Economic Region may facilitate regional collaboration on developing a strategy-driven plan for regional economic development that builds upon and aligns with the inclusive planning efforts of previously approved plans and strategies.

(2) The inclusive planning efforts of the Southeast California Economic Region may include, but are not limited to, the Community Economic Resilience Fund Program, authorized pursuant to Section 14531 of the Unemployment Insurance Code, and high-road training partnerships, as defined in subdivision (s) of Section 14005 of the Unemployment Insurance Code, relating to renewable energy that includes the County of Imperial.

(3) The strategy-driven plan shall, at a minimum, meet the requirements of a comprehensive economic development strategy and be used to apply for the federal designation of an economic development district by the United States Department of Commerce.

(f) This section does not require cities or counties in the Southeast California Economic Region to take any specific actions or to participate in activities or funding awarded to the Southeast California Economic Region, unless the jurisdiction has specifically indicated that it wishes to participate or if the locality's participation is otherwise required by separate statute or agreement.

(g) This section shall remain in effect only until January 1, 2030, and as of that date is repealed.

SEC. 3. The Legislature finds and declares that a special statute is necessary and that a general statute cannot be made applicable within the meaning of Section 16 of Article IV of the California

Constitution because of the unique circumstances and challenges relating to the development of lithium extraction and processing in the County of Imperial.

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CITY OF BRAWLEY

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The Honorable Gavin Newsom
Governor of California
1021 O Street, Suite 9000
Sacramento, CA 95814

Dear Governor Newsom,

I hope this letter finds you well. I am writing to express my full support for Senate Bill 1070, introduced by Senator Padilla and co-authored by Assembly member Garcia. This bill is critical to ensuring the future of healthcare in Imperial County. SB 1070 would give the Imperial Valley Healthcare District (IVHD) the time it needs to present a permanent funding solution to voters by November 2026, ensuring a stable and sustainable path forward for our local healthcare.

Governor, your leadership was instrumental when you signed AB 918 into law last year, and the impact of that decision has already begun to take root. It marked a significant milestone for healthcare in our region, and we are deeply appreciative of your commitment. However, delays in receiving essential information from external partners have posed challenges for IVHD in finalizing the funding proposal within the original timeframe. SB 1070 would grant the District the additional time required to develop a comprehensive and sustainable plan that addresses the healthcare needs of Imperial County.

Your support for SB 1070 would reaffirm your commitment to ensuring equitable healthcare for all Californians, particularly in underserved areas like ours. We humbly ask for your support in signing SB 1070 to help sustain the improvements in our healthcare system that you have helped us start with AB 918.

Thank you, Governor, for your leadership, your vision, and your ongoing dedication to improving the lives of all Californians. We deeply appreciate your consideration of this important legislation.

Sincerely,

Ramon Castro, Mayor

CAPITOL OFFICE
1021 O STREET, SUITE 6640
SACRAMENTO, CA 95814
TEL (916) 651-4018
FAX (916) 651-4918

CHULA VISTA DISTRICT OFFICE
780 BAY BOULEVARD, SUITE 204
CHULA VISTA, CA 91910
TEL (619) 409-7690

EL CENTRO DISTRICT OFFICE
1224 STATE STREET, SUITE D
EL CENTRO, CA 92243
TEL (760) 335-3442

INDIO DISTRICT OFFICE
82013 DR. CARREON BOULEVARD, SUITE L
EL CENTRO, CA 92243
TEL (760) 398-6442

WWW.SENATE.CA.GOV/PADILLA
SENATOR.PADILLA@SENATE.CA.GOV

California State Senate

SENATOR
STEPHEN C. PADILLA
EIGHTEENTH SENATE DISTRICT



59.1

COMMITTEES
BUDGET SUBCOMMITTEE #4 ON
STATE ADMINISTRATION AND
GENERAL GOVERNMENT
CHAIR
MEMBER
AGRICULTURE
BUDGET
GOVERNMENTAL ORGANIZATION
HOUSING
NATURAL RESOURCES AND WATER
REVENUE & TAXATION

SB 1070 – Imperial Valley Healthcare District

With only two hospitals serving patients in Imperial County, the region faces serious challenges connecting residents with healthcare providers. In 2023, the Legislature approved AB 918, to form the Imperial Valley Healthcare District, a countywide healthcare system to stabilize healthcare in one of the state's most underserved communities. Part of the measure required that the newly formed board of the Imperial Valley Healthcare District recommend a funding source mechanism to be placed on the March 2024 or November 2024 election. Unfortunately, parties involved have not provided crucial information needed to recommend a funding source, as required by the statute, in time for the November 2024 election. Therefore, more time is needed for the District to receive the necessary information to recommend a funding source to the voters. SB 1070 would extend the District's deadline to recommend and present a permanent funding source mechanism to voters on or before the November 2026 election.

Staff Contact

Name: Alexis Castro

Title: Legislative Director

Email: Alexis.Castro@sen.ca.gov

Capitol Office: (916) 651 – 4018

Senate Bill No. 1070

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Passed the Senate August 31, 2024

Secretary of the Senate

Passed the Assembly August 31, 2024

Chief Clerk of the Assembly

This bill was received by the Governor this _____ day
of _____, 2024, at _____ o'clock ____M.

Private Secretary of the Governor

An act to amend Section 32499.6 of the Health and Safety Code, relating to health care districts.

LEGISLATIVE COUNSEL'S DIGEST

SB 1070, Padilla. Health care district: County of Imperial.

Existing law establishes a local health care district in the County of Imperial, designated as the Imperial Valley Healthcare District, that includes all of the County of Imperial. Existing law requires the initial board of directors of the Imperial Valley Healthcare District to be appointed from and by specified bodies, including, among others, the Imperial County Board of Supervisors, the Pioneers Memorial Healthcare District Board of Directors, and the Heffernan Memorial Healthcare District Board of Directors. Existing law requires the initial board of directors to recommend a permanent funding source mechanism to be presented to and approved by voters via ballot measure and requires the permanent funding source mechanism to be placed on the ballot for the March 2024 or November 2024 election.

This bill would instead require the initial board of directors, the elected board of directors, or a combination of the initial and elected board of directors to recommend a permanent funding source mechanism to be presented to voters via ballot measure and would require the permanent funding source mechanism to be placed on the ballot on or before the November 2026 election.

This bill would make legislative findings and declarations as to the necessity of a special statute for the County of Imperial.

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

SECTION 1. Section 32499.6 of the Health and Safety Code is amended to read:

32499.6. (a) (1) The initial board of directors of the district shall be composed of the following members:

(A) One member from and appointed by the Pioneers Memorial Healthcare District Board of Directors.

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(B) One member from and appointed by the Heffernan Memorial Healthcare District Board of Directors.

(C) One member from the City of El Centro and appointed by the public health director for the County of Imperial. This member shall be a resident of the City of El Centro, but not a City of El Centro employee, an elected official of the City of El Centro, or an employee or board member or former board member of the El Centro Regional Medical Center.

(D) One member of the public appointed by the Imperial County Board of Supervisors. This member shall be a resident of the unincorporated areas in the areas of Seely or Ocotillo, or a county board supervisor that represents that area.

(E) One tribal member from and appointed by the Quechan tribe. If a member is not appointed by the tribe within the 60-day timeframe, then the county board of supervisors may appoint a member of the public from the Winterhaven area.

(F) One member from the City of Imperial and appointed by the City of Imperial.

(G) One member from the City of Holtville and appointed by the City of Holtville.

(2) With the exception of the Pioneers Memorial Healthcare District and Heffernan Memorial Healthcare District appointments, any member appointed to the initial Imperial Valley Healthcare District Board of Directors cannot be a current or former employee of the El Centro Regional Medical Center, the Pioneers Memorial Hospital, or Pioneers Memorial Healthcare District.

(b) The appointing bodies shall have 60 days from the effective date of this chapter to appoint members of the initial board of directors. If a board position is not filled within this timeframe, the Imperial County Board of Supervisors shall appoint the remaining members of the initial board of directors.

(c) (1) The initial board of directors, appointed pursuant to this section, shall create a staggered board of directors by choosing a number of board members to remain on the board following the first district election occurring pursuant to subdivision (a) of Section 32499.7.

(2) The initial board of directors, in collaboration with the Imperial County Local Agency Formation Commission (LAFCO), shall determine the years that the voting districts and associated board positions will be up for election by July 1, 2024.

(3) The initial board of directors, elected board of directors, or a combination of the initial and elected board of directors shall recommend a permanent funding source mechanism to be presented to voters via ballot measure. The funding source mechanism shall be placed on the ballot on or before the November 2026 election. The initial board of directors, elected board of directors, or a combination of the initial and elected board of directors, in collaboration with the Imperial County LAFCO, shall use the financial feasibility studies conducted by the Imperial County LAFCO and Kaufman Hall to determine the funding source mechanism.

(4) (A) The initial board of directors shall enter negotiations with the El Centro Regional Medical Center to decide the terms of the acquisition of the hospital. Upon reviewing the financial feasibility studies conducted by the Imperial County LAFCO and Kaufman Hall and confirming the financial viability of integrating the El Centro Regional Medical Center into the district, the initial board of directors shall determine the terms of the acquisition of the hospital. If the initial board of directors chooses to acquire the El Centro Regional Medical Center, the hospital shall be acquired with all of its assets and liabilities. All existing hospital licenses and certifications of the Pioneers Memorial Hospital and Healthcare District shall be transferred to the Imperial Valley Healthcare District when applicable in order to avoid a disruption in providing health care services. The initial board of directors shall initiate the process of applying for any licenses and certifications that cannot be transferred to the Imperial Valley Healthcare District within a year of formation. The initial board of directors shall finalize the terms of acquiring the hospital by November 5, 2024. The City of El Centro shall negotiate in good faith with the district, but is not required to sell the hospital to the district or agree to the terms that the initial board of directors finalizes.

(B) The terms of the acquisition shall include the district or any successor entity assuming the duties and obligations of El Centro Regional Medical Center's collective bargaining agreements and retirement plans, at the El Regional Medical Center. This paragraph does not require any successor entity to adopt the collective bargaining agreement and retirement plan across to other facilities owned by the same operator.

(5) (A) The initial board of directors shall recommend to the Imperial County LAFCO a date for the dissolution of the Pioneers Memorial Healthcare District. The dissolution date shall be between July 1, 2024, and January 1, 2025. The initial board of directors may recommend a date that differs from the dissolution date of the Heffernan Memorial Healthcare District.

(B) The initial board of directors shall recommend to the Imperial County LAFCO a date for the dissolution of the Heffernan Memorial Healthcare District. The dissolution date shall be between July 1, 2024, and January 1, 2025. The initial board of directors may recommend a date that differs from the dissolution date of the Pioneers Memorial Healthcare District.

(6) The board of directors shall hold a minimum of three public meetings between the effective date of this chapter and January 1, 2025, as follows:

(A) During the first public meeting, the board of directors shall inform the public of the establishment of the Imperial Valley Healthcare District, the cost savings of having one countywide health care district, and the findings of the financial feasibility studies conducted by the Imperial County LAFCO and Kaufman Hall. The first public meeting shall be held by March 1, 2024.

(B) During the second public meeting, the board of directors shall inform the public of the recommended permanent funding source mechanism for the Imperial Valley Healthcare District.

(C) During the third public meeting, the board of directors shall inform the public about the acquisition of the El Centro Regional Medical Center.

(D) If the board of directors votes to acquire the El Centro Regional Medical Center, the board of directors shall hold a fourth meeting. During this meeting, the board of directors shall disclose the terms of the acquisition to the public and present a financial plan to finance the acquisition and ongoing operations of hospitals in the district.

(E) At each public meeting held pursuant to this paragraph, the board of directors shall allow time for public comment.

(d) (1) Until both the Heffernan Memorial Healthcare District and Pioneers Memorial Healthcare District are dissolved, the Heffernan Memorial Healthcare District shall hold a temporary clerical role to the Board of Directors of the Imperial Valley Healthcare District.

(2) For purposes of this subdivision, Heffernan Memorial Healthcare District’s clerical responsibilities shall be limited to:

(A) Providing administrative employees or the financial means to hire administrative employees.

(B) Providing financial resources to complete clerical tasks for board meetings and public meetings. These tasks include:

- (i) Creating agendas for public meetings and board meetings.
- (ii) Setting meeting locations, dates, and times.

(iii) Upon direction of the Board of Directors of the Imperial Valley Healthcare District and the Imperial County LAFCO, ensuring the transfer of the existing health care districts into the Imperial Valley Healthcare District with minimal interruptions to ongoing health care services.

(C) Providing a venue for the board meetings and public meetings to take place or providing the financial means for a venue.

(D) Providing the financial means to hire legal counsel.

(3) It is the intent of the Legislature that Heffernan Memorial Healthcare District will hold a purely clerical role to the Board of Directors of the Imperial Valley Healthcare District. It is further the intent of the Legislature that Heffernan Memorial Healthcare District will not hold a CEO or CFO role.

(e) The board of directors shall consist of all elected members by the conclusion of the 2028 general election.

(f) A vacancy in a board position shall be filled by the methods prescribed in Section 1780 of the Government Code, and, after the board of directors consists of all elected members, shall be filled by the methods prescribed in Section 32499.7.

(g) (1) The board of directors may establish a nonvoting community advisory committee consisting of at least seven community members of the County of Imperial in the health care industry, including:

(A) A member with an active medical license who is employed by a hospital or clinic in the County of Imperial.

(B) A promotor or promotora.

(C) A health care worker from a federally qualified health center in the County of Imperial.

(D) A member from a health related or environmental justice nonprofit group in the County of Imperial.

(2) The nonvoting advisory board may be dissolved at the discretion of the board of directors.

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SEC. 2. The Legislature finds and declares that a special statute is necessary and that a general statute cannot be made applicable within the meaning of Section 16 of Article IV of the California Constitution because of the unique community needs in the County of Imperial served by the Imperial Valley Healthcare District which includes all of the County of Imperial, providing health care services for an underserved population that suffers from a higher than average prevalence of preventable disease.