



CITY of CLOVIS

AGENDA • CITY COUNCIL MEETING

Council Chamber, 1033 Fifth Street, Clovis, CA 93612 (559) 324-2060
www.cityofclovis.com

September 14, 2020

6:00 PM

Council Chamber

In compliance with the Americans with Disabilities Act, if you need special assistance to access the City Council Chamber to participate at this meeting, please contact the City Clerk or General Services Director at (559) 324-2060 (TTY – 711). Notification 48 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to the Council Chamber.

SPECIAL NOTICE REGARDING PUBLIC PARTICIPATION DUE TO COVID-19

Given the current Shelter-in-Place Order covering the State of California and the Social Distance Guidelines issued by Federal, State, and Local Authorities, the City is implementing the following changes to participate in Council meetings until notified otherwise. The Council chambers will be open to the public but we will be implementing social distancing policies and will limit the number of people who may be in the Council chambers. Face masks are required to attend. We are encouraging residents to participate virtually following the directions below. If you are sick, please do not attend the meeting. Any member of the City Council may participate from a remote location by teleconference.

- The meeting will be webcast and accessed at: <https://cityofclovis.com/government/city-council/city-council-agendas/>

Written Comments

- Members of the public are encouraged to submit written comments at: <https://cityofclovis.com/government/city-council/city-council-agendas/> at least two (2) hours before the meeting (4:00 p.m.). You will be prompted to provide:

- Council Meeting Date
- Item Number
- Name
- Email
- Comment



- Please submit a separate form for each item you are commenting on.
- A copy of your written comment will be provided to the City Council noting the item number. If you wish to make a verbal comment, please see instructions below.
- Please be aware that any written comments received that do not specify a particular agenda item will be marked for the general public comment portion of the agenda.

- If a written comment is received after 4:00 p.m. on the day of the meeting, efforts will be made to provide the comment to the City Council during the meeting. However, staff cannot guarantee that written comments received after 4:00 p.m. will be provided to City Council during the meeting. All written comments received prior to the end of the meeting will be made part of the record of proceedings.

Verbal Comments

- If you wish to speak to the Council on an item by telephone, you should contact the City Clerk at (559) 324-2060 no later than 4:00 p.m. the day of the meeting.
- You will be asked to provide your name, phone number, and your email. You will be emailed instructions to log into Webex to participate in the meeting. Staff recommends participants log into the Webex at 5:30 p.m. the day of the meeting to perform an audio check.
- All callers will be placed on mute, and at the appropriate time for your comment your microphone will be unmuted.
- You will be able to speak to the Council for up to three (3) minutes.

Webex Participation

- Reasonable efforts will be made to allow written and verbal comment from a participant communicating with the host of the virtual meeting. To do so, a participant will need to chat with the host and request to make a written or verbal comment. The host will make reasonable efforts to make written and verbal comments available to the City Council. Due to the new untested format of these meetings, the City cannot guarantee that these written and verbal comments initiated via chat will occur. Participants desiring to make a verbal comment via chat will need to ensure that they accessed the meeting with audio transmission capabilities.

CALL TO ORDER

FLAG SALUTE - Councilmember Flores

ROLL CALL

PRESENTATIONS/PROCLAMATIONS

1. Presentation of Proclamation declaring September 6th as "Jaswant Singh Khalra Day".

Public Comments - This is an opportunity for the members of the public to address the City Council on any matter within the City Council's jurisdiction that is not listed on the Agenda. In order for everyone to be heard, please limit your comments to 5 minutes or less, or 10 minutes per topic. Anyone wishing to be placed on the Agenda for a specific topic should contact the City Manager's office and submit correspondence at least 10 days before the desired date of appearance.

ORDINANCES AND RESOLUTIONS - With respect to the approval of resolutions and ordinances, the reading of the title shall be deemed a motion to waive a reading of the complete resolution or ordinance and unless there is a request by a Councilmember that the resolution or ordinance be read in full, further reading of the resolution or ordinance shall be deemed waived by unanimous consent of the Council.

CONSENT CALENDAR - Items considered routine in nature are to be placed upon the Consent Calendar. They will all be considered and voted upon in one vote as one item unless a Councilmember requests individual consideration. A Councilmember's vote in favor of the Consent Calendar is considered and recorded as a separate affirmative vote in favor of each action listed. Motions in favor of adoption of the Consent Calendar are deemed to include a motion to waive the reading of any ordinance or resolution on the Consent Calendar. For adoption of ordinances, only those that have received a unanimous vote upon introduction are considered Consent items.

- [2.](#) Finance – Receive and File – Investment Report for the Month of May 2020.
- [3.](#) Finance – Receive and File – Treasurer's Report for the Month of May 2020.
- [4.](#) Finance - Approval – Res. 20-____, Amending the 2020-2021 Budget to Reappropriate Carryover Funding from the 2019-2020 Budget.
- [5.](#) Police - Approval - Authorize the Purchase of the Intrado Viper 9-1-1 Phone System for the Police Department Alternate (backup) Dispatch Site.
- [6.](#) Public Utilities – Approval - Waive formal bidding requirements and authorize the purchase of a Grapple Truck off the Sourcewell Purchasing Contract from Nixon-Egli Equipment Company

ADMINISTRATIVE ITEMS- Administrative Items are matters on the regular City Council Agenda other than Public Hearings.

- [7.](#) Consider – For the City Council to provide policy direction regarding a request by Wilson Premier Homes for Council to authorize staff to begin the process to amend the City of Clovis Sphere of Influence to allow future urbanization of approximately 825 acres north of Shepherd Avenue generally between Sunnyside Avenue and North Carson Avenue (Big Dry Creek Dam).

Staff: Ricky Caperton, AICP, Senior Planner
Recommendation: Consider Policy Direction

- [8.](#) Receive and File – Update on the City of Clovis Investment Portfolio Strategy.

Staff: Jeffrey Blanks, Deputy Finance Director
Recommendation: Receive and File

COUNCIL ITEMS

- [9.](#) Receive and File - Change to Council Conflict of Interest Disclosure Requirements at Council Meetings.

Staff: David Wolfe, City Attorney
Recommendation: Receive and File

10. Consider Approval – Designation of Voting Delegate and Alternate for the League of California Cities’ Annual Conference and Business Meeting on October 7-9, 2020.

Staff: Luke Serpa, City Manager
Recommendation: Approve

11. Consider the League of California Cities’ Annual Resolution set for Approval at the Annual Conference on October 7-9, 2020.

Staff: Luke Serpa, City Manager
Recommendation: Approve

WORKSHOP - For the Clovis City Council to conduct a workshop to discuss the impact on ongoing City operations during the COVID-19 State of Emergency as declared by the Federal Government, State of California, County of Fresno, and City of Clovis; and to explore actions the City may take in response to the crisis.

CITY MANAGER COMMENTS

COUNCIL COMMENTS

ADJOURNMENT

MEETINGS AND KEY ISSUES

Regular City Council Meetings are held at 6:00 P.M. in the Council Chamber. The following are future meeting dates:

- Sep. 21, 2020 (Mon.)
- Oct. 5, 2020 (Mon.)
- Oct. 12, 2020 (Mon.)
- Oct. 19, 2020 (Mon.)
- Nov. 2, 2020 (Mon.)
- Nov. 9, 2020 (Mon.)
- Nov. 16, 2020 (Mon.)

CITY *of* CLOVIS
PROCLAMATION

**RECOGNIZING
JASWANT SINGH KHALRA DAY**

WHEREAS, Jaswant Singh Khalra was a strong advocate for the democratic and human rights of all people; and

WHEREAS, Jaswant Singh Khalra was a highly respected leader within the Sikh community and beyond; and

WHEREAS, Jaswant Singh Khalra documented human rights abuse and fought for the dignity of all that had their humanity trampled by the Indian Government; and

WHEREAS, the City of Clovis is proud of its Sikh community and is home to broad service organizations such as the Gurdwara Sahib of Clovis and the Jakara Movement that are committed to social justice for all; and

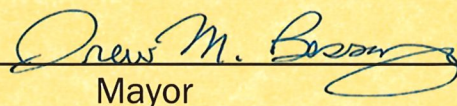
WHEREAS, September 6 is recognized by Sikhs and human rights supporters across the world as the date of the kidnapping and murder of Jaswant Singh Khalra in 1995.

NOW, THEREFORE, BE IT RESOLVED, that the Clovis City Council, on behalf of the citizens of Clovis, declares September 6, 2020 as

JASWANT SINGH KHALRA DAY

IN WITNESS THEREFORE, I hereunto set my hand and cause the official seal of the City of Clovis to be affixed the 6th day of September, 2020.




Mayor



CITY *of* CLOVIS

REPORT TO THE CITY COUNCIL

TO: Mayor and City Council

FROM: Finance Department

DATE: September 14, 2020

SUBJECT: Finance – Receive and File – Investment Report for the Month of May 2020

ATTACHMENTS: 1. Distribution of Investments
2. Monthly Investment Transactions
3. Certificates of Deposit
4. Graph of May 31, 2020 Treasury Rates

Attached is the Investment Report for the month of May 2020. Shown in Attachment 1 is the distribution of investments which lists all the individual securities owned by the City with the book and market values. Book value is the actual price paid for the investment. Market value is the amount that the investment is worth if sold in the open market. The market value (which fluctuates daily) that is used in the report is as of the last working day of the month. Attachment 2 reflects the monthly investment transactions for the month of May 2020. Attachment 3 lists the certificates of deposit. Attachment 4 is a graph of Treasury rates on May 31, 2020.

The investment of the City's funds is performed in accordance with the adopted Investment Policy. Funds are invested with the following objectives in mind:

1. Assets are invested in adherence with the safeguards and diversity of a prudent investor.
2. The portfolio is invested in a manner consistent with the primary emphasis on preservation of the principal, while attaining a high rate of return consistent with this guideline. Trading of securities for the sole purpose of realizing trading profits is prohibited.
3. Sufficient liquidity is maintained to provide a source for anticipated financial obligations as they become due.

4. Investments may be made, consistent with the Investment Policy Guidelines, in fixed income securities maturing in three years or less and can be extended to five years with the City Manager's approval.

The Finance Department invests the City's assets with an expectation of achieving a total rate of return at a level that exceeds the annualized rate of return on short-term government guaranteed or insured obligations (90-day Treasury bills) and to assure that the principal is preserved with minimal risk of depreciation or loss. In periods of rising interest rates, the City of Clovis portfolio return may be less than that of the annualized 90-day Treasury bill. In periods of decreasing interest rates, the City of Clovis portfolio return may be greater than the annualized 90-day Treasury bill. The current 90-day Treasury bill rate (annualized) is 1.51%. The rate of return for the City of Clovis portfolio is 1.58%. The goal for the City of Clovis investment return is 120% of the 90-day Treasury bill rate. The current rate of return is 104% of the Treasury bill rate.

In accordance with the Investment Policy, the investment period on each investment does not exceed three years and can be extended to five years with the City Manager's approval. As of May 2020 the average investment life of the City's investment portfolio is 1.10 years.

Current Investment Environment and Philosophy

During the month of May 2020, the federal funds rate remained at 0.00%-0.25%. On May 31, 2020, the Treasury yield curve increased from 3-month to 10-year notes.

Certificates of Deposit (CD's)

The City purchases both negotiable and non-negotiable Certificates of Deposit (CD's). Although negotiable CD's can be traded, it is the City's policy to buy and hold all CD's. Negotiable CD's are held by U.S. Bank, a third party custodian. Non-negotiable CD's are held in the City's safe.

Purchases and Maturities

- 0 government securities were purchased.
- 1 government security totaling \$2,500,000.00 matured.
- 0 certificates of deposit were purchased.
- 1 certificate of deposit totaling \$250,000 was called.

Market Environment

- During May, the federal funds rate remained at 0.00%-0.25%.
- On May 31, the yield curve increased from 3-month to 10-year notes. See Attachment 4, Graph of Treasury Rates on May 31, 2020.

Prepared by: Jeffrey Blanks, Deputy Finance Director

Reviewed by: City Manager *JH*

**City of Clovis
Distribution of Investments
As of May 31, 2020**

AGENDA ITEM NO. 2.

	<u>COST</u>	<u>NET BOOK VALUE</u>	<u>MARKET VALUE *</u>	<u>YIELD TO MATURITY</u>	<u>STATED INTEREST RATE</u>	<u>INVEST DATE</u>	<u>MATURITY DATE</u>	<u>DAYS TO MATURITY FROM 5/31/2020</u>
<u>GOV'T SECURITIES</u>								
FAMCMTN	2,500,000	2,500,000	2,503,850	1.650%	1.650%	07/27/17	06/29/20	29
FHLMCMTN	2,477,875	2,477,875	2,538,625	2.375%	2.375%	08/02/18	02/16/21	261
FAMCMTN	2,502,236	2,502,236	2,550,800	2.650%	2.650%	06/28/18	04/19/21	323
FHLB	2,568,983	2,568,983	2,588,600	3.625%	3.625%	06/28/18	06/11/21	376
FAMCMTN	3,000,000	3,000,000	3,089,370	2.750%	2.750%	09/06/18	08/17/21	443
FFCB	1,998,520	1,998,520	2,061,420	2.700%	2.700%	09/06/18	08/27/21	453
FFCB	2,490,878	2,490,878	2,585,500	2.850%	2.850%	10/05/18	09/20/21	477
FFCB	2,500,200	2,500,200	2,599,575	2.800%	2.800%	12/17/18	12/17/21	565
FAMCMTN	2,999,400	2,999,400	3,055,650	1.520%	1.520%	01/23/20	01/10/22	589
FHLMCMTN	6,129,600	6,129,600	6,210,960	2.375%	2.375%	08/30/19	01/13/22	592
FHLB	12,110,520	12,110,520	12,479,280	2.500%	2.500%	04/25/19	03/11/22	649
FFCB	5,979,668	5,979,668	6,182,368	2.280%	2.280%	03/28/19	03/28/22	666
FFCB	6,017,400	6,017,400	6,196,320	1.875%	1.875%	06/27/19	06/14/22	744
FAMCMTN	6,024,900	6,024,900	6,210,540	1.950%	1.950%	07/25/19	06/21/22	751
FFCB	3,005,250	3,005,250	3,090,300	1.625%	1.625%	11/27/19	08/22/22	813
FHLB	6,065,100	6,065,100	6,234,060	2.000%	2.000%	10/31/19	09/09/22	831
FFCB	2,984,460	2,984,460	3,077,910	1.375%	1.375%	11/27/19	10/11/22	863
FFCB	5,008,500	5,008,500	5,156,700	1.600%	1.600%	01/23/20	10/13/22	865
FHLB	8,045,600	8,045,600	6,759,740	1.875%	1.875%	12/19/19	12/09/22	922
FHLB	5,047,500	5,047,500	6,759,740	1.875%	1.875%	01/23/20	12/09/22	922
FAMCMTN	8,544,965	8,544,965	8,741,485	1.350%	1.350%	02/27/20	02/27/23	1,002
FHLB	13,579,800	13,579,800	9,466,020	2.125%	2.125%	03/26/20	03/10/23	1,013
FHLB	5,255,000	5,255,000	9,466,020	2.125%	2.125%	04/30/20	03/10/23	1,013
SECURITIES TOTAL	<u>\$ 116,836,354</u>	<u>\$ 116,836,354</u>	<u>\$119,604,833</u>					
LAIF		<u>\$ 65,702,820</u>	<u>\$ 65,702,820</u>					
MONEY MARKET (Rabo)		<u>\$ -</u>	<u>\$ -</u>					
Sweep Account (Union Bank)		<u>\$ 41,958,882</u>	<u>\$ 41,958,882</u>					
TOTAL CD'S		<u>\$ 11,740,000</u>	<u>\$ 12,085,812</u>					
TOTAL INVESTMENTS		<u>\$ 236,238,056</u>	<u>\$ 239,352,347</u>					

* Market values for securities obtained from US Bank.

**City of Clovis
Monthly Investment Transactions
As of May 31, 2020**

Institution	Description	Activity	Amount	Market Value	Rate	Activity Date	Maturity Date
FHLMCMTN	Gov Security	Maturity	2,500,000	2,498,750	1.550%	05/22/20	05/22/20
Jefferson Finl	CD	Full Call	250,000	250,000	2.650%	05/15/20	05/16/22

PORTFOLIO DATA

Current Month (05/20)

	Book	Market
CD'S	\$ 11,740,000	\$ 12,085,812
Gov't Securities*	116,836,354	119,604,833
LAIF	65,702,820	65,702,820
Sweep Account (Union Bank)	41,958,882	41,958,882
TOTAL	\$ 236,238,056	\$239,352,347

One Month Previous (04/20)

	Book	Market
CD'S	\$11,990,000	\$12,262,225
Gov't Securities*	119,335,104	121,991,370
LAIF	65,702,820	65,702,820
Sweep Account (Union Bank)	31,608,090	31,608,090
TOTAL	\$228,636,014	\$231,564,505

Three Months Previous (02/20)

	Book	Market
CD'S	\$10,975,000	\$11,106,033
Gov't Securities*	118,866,781	120,550,255
LAIF	65,373,805	65,373,805
Sweep Account (Union Bank)	18,403,807	18,403,807
TOTAL	\$213,619,393	\$215,433,900

Six Months Previous (11/19)

	Book	Market
CD'S	\$11,450,000	\$11,554,883
Gov't Securities*	122,827,817	123,561,582
LAIF	65,000,000	65,000,000
Sweep Account (Union Bank)	7,806,294	7,806,294
TOTAL	\$207,084,111	\$ 207,922,759

One Year Previous (05/19)

	Book	Market
CD'S	\$12,415,000	\$12,415,160
Gov't Securities*	123,585,272	123,972,130
LAIF	65,000,000	65,000,000
Sweep Account (Union Bank)	24,639,055	24,639,055
TOTAL	\$225,639,327	\$226,026,345

*Adjusted Quarterly for Premium/Discount Amortization

**City of Clovis
Certificates of Deposit
As of May 31, 2020**

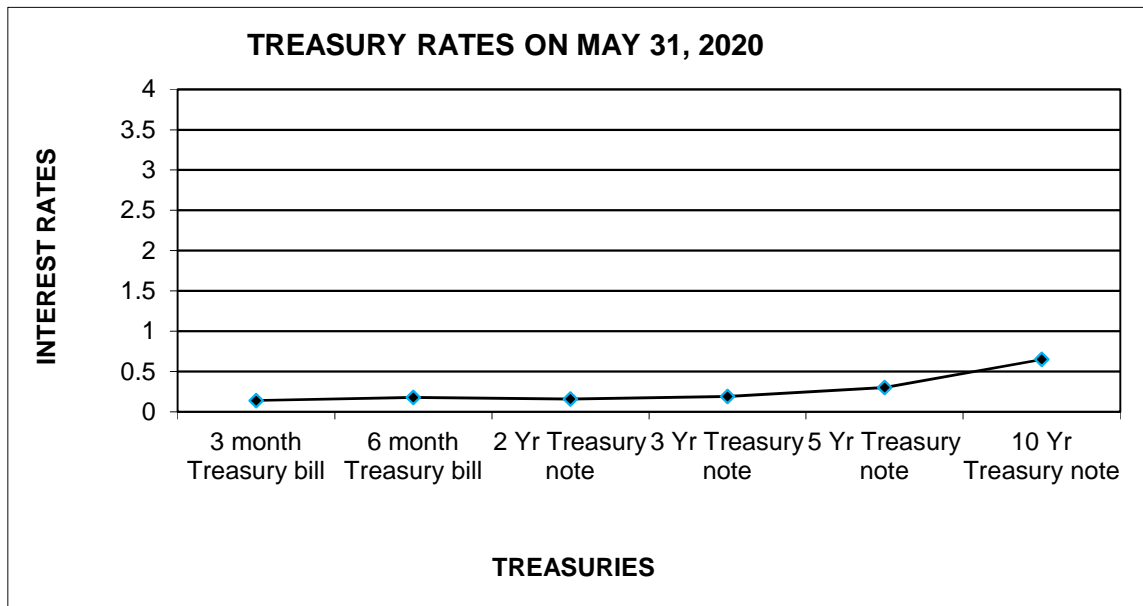
AGENDA ITEM NO. 2.

<u>Negotiable CDs</u>	<u>COST</u>	<u>MARKET PRICE</u>	<u>INTEREST RATE</u>	<u>INVEST DATE</u>	<u>MATURITY DATE</u>	<u>MATURITY FROM 05/31/20</u>	<u>INTEREST FREQUENCY</u>
Communitywide	250,000	250,037.50	1.950%	12/01/17	06/01/20	1	MONTHLY
Nthwt Dist Ch8	250,000	250,200.00	1.700%	06/16/17	06/16/20	16	MONTHLY
Amer Natl	250,000	250,495.00	1.700%	07/12/17	07/13/20	43	MONTHLY
Mb Financial Bank	250,000	250,840.00	1.800%	08/10/17	08/10/20	71	MONTHLY
East Boston Svgs Bk Boston Ma	250,000	251,397.50	1.800%	09/28/17	09/28/20	120	MONTHLY
Eagle Bank	250,000	251,997.50	2.500%	03/29/19	09/29/20	121	QUARTERLY
Medallion Bk Salt Lake City Utah	250,000	251,452.50	1.850%	09/29/17	09/29/20	121	MONTHLY
Illinois Cmnty	250,000	252,367.50	2.000%	11/28/17	11/30/20	183	MONTHLY
Merrick Bank	250,000	254,675.00	2.550%	03/09/18	03/09/21	282	MONTHLY
Towne Bank	250,000	255,817.50	2.700%	04/27/18	04/27/21	331	MONTHLY
Citibank	250,000	256,785.00	2.900%	05/22/18	05/24/21	358	MONTHLY
University Of Iowa Cmnty Fcu	250,000	256,805.00	2.900%	05/24/18	05/28/21	362	MONTHLY
BMW Bank North America	250,000	257,375.00	3.000%	06/15/18	06/15/21	380	MONTHLY
Connectone Bk Englewood Cliffs	250,000	257,377.50	3.000%	06/15/18	06/15/21	380	MONTHLY
Bar Harbor Bank Trust	250,000	257,645.00	3.000%	06/29/18	06/29/21	394	MONTHLY
Keesler Fed Cr Un	250,000	258,960.00	3.050%	02/20/19	08/30/21	456	QUARTERLY
Ubs Bank Usa	250,000	260,802.50	3.200%	11/07/18	11/08/21	526	MONTHLY
Mountain America Fd Credit	250,000	260,945.00	3.200%	11/15/18	11/15/21	533	MONTHLY
Wells Fargo	250,000	261,387.50	3.000%	01/18/19	01/18/22	597	MONTHLY
Goldman Sachs Bk USA Ny	245,000	255,939.25	2.800%	02/20/19	02/22/22	632	QUARTERLY
Tiaa FSB Jacksonville Fla	245,000	256,152.40	2.850%	02/28/19	02/22/22	632	QUARTERLY
Comenity Capital Bank	250,000	261,092.50	2.550%	04/30/19	04/29/22	698	QUARTERLY
Synchrony Bank	250,000	260,915.00	2.450%	05/17/19	05/17/22	716	QUARTERLY
First State Bank of Dequeen	250,000	258,767.50	2.000%	07/26/19	05/26/22	725	QUARTERLY
Flagstar Bank	250,000	261,475.00	2.500%	06/12/19	06/13/22	743	QUARTERLY
Capital One Bank	250,000	260,797.50	2.350%	06/19/19	06/20/22	750	QUARTERLY
Morgan Stanley Bk	250,000	259,875.00	2.100%	07/25/19	07/25/22	785	QUARTERLY
Capital One Bank	250,000	260,292.50	2.150%	08/07/19	08/08/22	799	QUARTERLY
Everbanke USA Salt Lake City	250,000	259,745.00	2.050%	08/07/19	08/08/22	799	QUARTERLY
Raymond James Bank	250,000	259,055.00	1.900%	08/23/19	08/23/22	814	QUARTERLY
Ally Bank	250,000	258,997.50	1.850%	09/19/19	09/19/22	841	QUARTERLY
Usalliance Federal Credit Union	250,000	259,642.50	2.850%	09/30/19	09/30/22	852	QUARTERLY
Morgan Stanley Bank	250,000	259,225.00	2.100%	10/17/19	10/17/22	869	MONTHLY
Lafayette Fed Cr Un	250,000	258,555.00	1.700%	11/22/19	11/22/22	905	MONTHLY
Live Oak Banking Co.	250,000	259,002.50	1.750%	12/11/19	12/12/22	925	QUARTERLY
Wells Fargo Natl Bk West	250,000	259,327.50	1.800%	12/13/19	12/13/22	926	QUARTERLY
Valley Cent Svgs Bk	250,000	258,912.50	1.700%	01/15/20	01/17/23	961	QUARTERLY
Sallie Mae Bank	250,000	260,262.50	1.900%	01/23/20	01/23/23	967	QUARTERLY
Servisfirst Bank	250,000	258,442.50	1.600%	02/21/20	02/21/23	996	MONTHLY
Celtic Bank	250,000	258,222.50	1.550%	03/13/20	03/13/23	1,016	MONTHLY
Axos Bank	250,000	258,290.00	1.550%	03/26/20	03/27/23	1,030	MONTHLY
Nicolet Natl Bank	250,000	254,772.50	0.900%	03/27/20	03/27/23	1,030	MONTHLY
Centerstate Bank	250,000	253,722.50	0.900%	03/30/20	03/30/23	1,033	MONTHLY
Bank Leumi	250,000	257,605.00	1.450%	03/31/20	03/31/23	1,034	MONTHLY
Discover Bank	250,000	257,617.50	1.350%	04/02/20	04/03/23	1,037	MONTHLY
Berkshire Bank	250,000	256,577.50	1.300%	04/08/20	04/06/23	1,040	MONTHLY
American Express	250,000	255,167.50	1.100%	04/21/20	04/21/23	1,055	MONTHLY
Negotiable CD TOTAL	\$ 11,740,000	\$ 12,085,812					
CD TOTAL	\$ 11,740,000	\$ 12,085,812					

**CITY OF CLOVIS
FINANCE DEPARTMENT
MAY 31, 2020 TREASURY RATES**

Treasury Rates as of May 31, 2020

3 month Treasury bill	0.14
6 month Treasury bill	0.18
2 Yr Treasury note	0.16
3 Yr Treasury note	0.19
5 Yr Treasury note	0.30
10 Yr Treasury note	0.65



As indicated in the above graph, treasuries increase from 3-month to 10-year notes.



CITY *of* CLOVIS

REPORT TO THE CITY COUNCIL

TO: Mayor and City Council

FROM: Finance Department

DATE: September 14, 2020

SUBJECT: Finance – Receive and File – Treasurer’s Report for the Month of May 2020

ATTACHMENTS:

1. Summary of Cash Balances
2. Summary of Investment Activity
3. Investments with Original Maturities Exceeding One Year

Attached for the Council’s information is the Treasurer’s Report for the month ended May 31, 2020.

Pursuant to Section 41004 of the Government Code of the State of California, the City Treasurer is required to submit a monthly report of all receipts, disbursements and fund balances. Attachment 1 provides a summary of the beginning balance, total receipts, total disbursements, ending balance for all funds, and a listing, by fund, of all month end fund balances. Attachment 2 summarizes the investment activity for the month and distribution, by type of investment, held by the City. Attachment 3 lists all investments with original maturities exceeding one year as of the month ended May 31, 2020.

Prepared by: Jeffrey Blanks, Deputy Finance Director

Reviewed by: City Manager *JH*

City of Clovis
Statement of Cash Balances
As of May 31, 2020

Previous Balance	\$	5,512,994.70
Deposits		28,506,646.59
Disbursements		<u>(28,718,924.60)</u>
Current Balance	\$	<u><u>5,300,716.69</u></u>

<u>FUNDS</u>	<u>BALANCE</u>
100 General Fund	\$ 13,635,904.79
201 Local Transportation	8,888,661.71
202 Parking and Business Improvements	129,727.96
203 Off Highway Use	69,659.45
205 Senior Citizen Memorial Trust	53,564.72
207 Landscape Assessment District	5,825,812.45
208 Blackhorse III (95-1) Assessment District	143,241.00
301 Park & Recreation Acquisition	7,846,338.15
305 Refuse Equipment Reserve	1,442,393.66
310 Special Street Deposit Fund	23,705,260.75
313 Successor Agency	351,521.70
314 Housing Successor Agency	1,797,466.36
402 1976 Fire Bond Redemption	25,475.23
404 1976 Sewer Bond Redemption Fund	401,774.75
501 Community Sanitation Fund	16,174,772.36
502 Sewer Service Fund	32,211,752.07
504 Sewer Capital Projects-Users	974,449.23
506 Sewer Capital Projects-Developer	5,121,194.23
507 Water Service Fund	52,380,281.68
508 Water Capital Projects-Users	6,647,910.16
509 Water Capital Projects-Developer	7,023,189.21
515 Transit Fund	2,954,623.11
540 Planning & Development Services	14,713,594.25
601 Property & Liability Insurance	1,877,994.77
602 Fleet Maintenance	9,575,178.79
603 Employee Benefit Fund	9,627,625.75
604 General Government Services	16,385,059.84
701 Curb & Gutter Fund	158,872.99
702 Sewer Revolving Fund	(567,488.71)
703 Payroll Tax & Withholding Fund	1,604,152.97
712 Temperance/Barstow Assmt Dist (98-1)	74,982.83
713 Shepherd/Temperance Assmt Dist (2000-1)	5,682.41
715 Supp Law Enforcement Serv	275,837.03
716 Asset Forfeiture	23,834.13
720 Measure A-Public Safety Facility Tax	1,571.78
736 SA Admin Trust Fund	1,421.40
741 SA Debt Service Trust Fund	(25,659.99)
747 Housing Successor Trust Fund	1,137.98
SUBTOTALS	<u>\$ 241,538,772.95</u>
999 Invested Funds	<u>(236,238,056.26)</u>
TOTAL	<u><u>\$ 5,300,716.69</u></u>

**City of Clovis
Summary of Investment Activity
For the month of May 31, 2020**

<hr/> <hr/>	
Balance of Investments Previous Month End	\$228,636,014.53
<hr/>	
Time Certificates of Deposit Transactions	
Investments	0.00
Withdrawals	(250,000.00)
Total CD Changes	(250,000.00)
Other Changes	
Government Securities	(2,498,750.00)
US Treasury Notes	0.00
Local Agency Investment Fund	0.00
Money Market	0.00
Sweep Account	10,350,791.73
Total Other Changes	7,852,041.73
Balance of Investments Current Month End	\$ 236,238,056.26

**City of Clovis
Distribution of Investments
As of May 31, 2020**

<hr/> <hr/>	
Insured CD's	11,740,000.00
Government Securities	116,836,354.25
US Treasury Notes	0.00
Local Agency Investment Fund	65,702,819.94
Money Market	0.00
Sweep Account	41,958,882.07
Investment Total	\$ 236,238,056.26

**City of Clovis
Original Maturities Exceeding One Year
As of May 31, 2020**

Institution	Face Value	Investment Balance At Amortized Cost	Maturity	Stated Rate
FAMCMTN	2,500,000.00	2,500,000.00	6/29/2020	1.650%
FHLMCMTN	2,500,000.00	2,477,875.00	2/16/2021	2.375%
FAMCMTN	2,500,000.00	2,502,236.25	4/19/2021	2.650%
FHLB	2,500,000.00	2,568,982.50	6/11/2021	3.625%
FAMCMTN	3,000,000.00	3,000,000.00	8/17/2021	2.750%
FFCB	2,000,000.00	1,998,520.00	8/27/2021	2.700%
FFCB	2,500,000.00	2,490,877.50	9/20/2021	2.850%
FFCB	2,500,000.00	2,500,200.00	12/17/2021	2.800%
FAMCMTN	3,000,000.00	2,999,400.00	1/10/2022	1.520%
FHLMCMTN	6,000,000.00	6,129,600.00	1/13/2022	2.375%
FHLB	12,000,000.00	12,110,520.00	3/11/2022	2.500%
FFCB	5,960,000.00	5,979,668.00	3/28/2022	2.280%
FFCB	6,000,000.00	6,017,400.00	6/14/2022	1.875%
FAMCMTN	6,000,000.00	6,024,900.00	6/21/2022	1.950%
FFCB	3,000,000.00	3,005,250.00	8/22/2022	1.625%
FHLB	6,000,000.00	6,065,100.00	9/9/2022	2.000%
FFCB	3,000,000.00	2,984,460.00	10/11/2022	1.375%
FFCB	5,000,000.00	5,008,500.00	10/13/2022	1.600%
FHLB	8,000,000.00	8,045,600.00	12/9/2022	1.875%
FHLB	5,000,000.00	5,047,500.00	12/9/2022	1.875%
FAMCMTN	8,500,000.00	8,544,965.00	2/27/2023	1.350%
FHLB	5,000,000.00	5,255,000.00	3/10/2023	2.125%
FHLB	13,000,000.00	13,579,800.00	3/10/2023	2.125%



CITY *of* CLOVIS

REPORT TO THE CITY COUNCIL

TO: Mayor and City Council

FROM: Finance Department

DATE: September 14, 2020

SUBJECT: Finance - Approval – Res. 20-____, Amending the 2020-2021 Budget to Reappropriate Carryover Funding from the 2019-2020 Budget.

ATTACHMENTS: 1. Res. 20-____ - Amendments to the 2020-2021 Budget
2. Description of Projects

CONFLICT OF INTEREST

None.

RECOMMENDATION

That the Council approve Resolution 20-____; Reappropriating certain Capital Projects, Services and Capital Outlays from 2019-2020 to 2020-2021 by Fund and Department as shown on Attachment A of Attachment 1 to the Resolution and as described on Attachment 2.

EXECUTIVE SUMMARY

During the budget process, estimates are made as to projects and services expected to be completed by year-end. For a variety of reasons, some of these projects and services are not completed by June 30th. These unspent funds are available for reappropriation to the next year. This request requires Council approval as it amends the next year's budget. These projects and services will be completed during the next year.

BACKGROUND

As part of the preparation of the 2020-2021 Annual Budget, certain projects in the Community Investment Program, capital outlays and services in the operation budgets were estimated to be completed by June 30, 2020, or at least contracts awarded or purchase orders issued. Because of unforeseen delays or planned postponements for the purpose of cost savings, contracts or purchase orders were not awarded in Fiscal Year 2019-2020 as originally anticipated. Because these projects were expected to be completed in 2019-2020, they were not re-budgeted in 2020-2021.

Included on Attachment B of Attachment 1 is a description of the projects to be reappropriated from the various departments with the reason given by the department for the request for reappropriation.

FISCAL IMPACT

The estimated fund balances for the year-end 2019-2020 included the anticipated expenditure of funds for these items. Since these items were not encumbered and the funds not expended, the year-end balances will be higher than expected. Sufficient resources are available to cover these expenditures.

REASON FOR RECOMMENDATION

In order to complete the planned projects and procure the necessary items, it is necessary to reappropriate the items for Fiscal Year 2020-2021 to provide the budget authorization.

ACTIONS FOLLOWING APPROVAL

Purchase orders or contracts for the reappropriated items will be issued, in most cases, within ninety days.

Prepared by: Gina Daniels, Assistant Finance Director

Reviewed by: City Manager JA

RESOLUTION 20-__

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CLOVIS
APPROVING AMENDMENTS TO THE 2020-2021 BUDGET**

WHEREAS, the City Council of the City of Clovis approved the 2020-2021 Budget on June 1, 2020; and

WHEREAS, some capital projects were not commenced and capital outlays and services were not purchased in 2019-2020; and

WHEREAS, the 2020-2021 Budget assumed that the items would be completed and no provision was made for said items in the 2020-2021 Budget and the Fund Balances were adjusted accordingly; and

WHEREAS, the ending June 30, 2020. Fund Balances will be greater by the amount of those items not commenced or purchased in 2019-2020; and

WHEREAS, the Council desires that the items be completed.

NOW, THEREFORE, BE IT RESOLVED, that the City of Clovis amend the 2020-2021 Budget as provided in Attachment A of Attachment 1 for the “Summary of Expenditures by Fund” and the “Summary of Expenditures by Department.”

* * * * *

The foregoing resolution was introduced and adopted at a regular meeting of the City Council of the City of Clovis held on September 14, 2020 by the following vote, to wit.

- AYES:
- NOES:
- ABSENT:
- ABSTAIN:

DATED: September 14, 2020

Mayor

City Clerk

SUMMARY OF REVENUES BY DEPARTMENT

<u>Department</u>	<u>Amount</u>
Police	\$ 48,783
Total Revenue by Department	\$ 48,783

SUMMARY OF REVENUES BY FUND

<u>Fund</u>	<u>Amount</u>
General	\$ 48,783
Total Revenue by Fund	\$ 48,783

SUMMARY OF EXPENDITURES BY DEPARTMENT

<u>Department</u>	
Police	\$ 146,125
Fire	64,700
Parks	40,000
City Clerk	90,000
General Services	56,500
HCD Block Grant	400,000
Public Utilities	1,310,000
Capital Improvement	48,089,000
Total Expenditure by Department	\$ 50,196,325

SUMMARY OF EXPENDITURES BY FUND

<u>Fund</u>	<u>Amount</u>
General	\$ 250,825
General Services	26,603,500
HCD Block Grant	400,000
Sewer Enterprise	800,000
Water Enterprise	200,000
Refuse	250,000
Fleet	60,000
Sewer Construction-Enterprise	90,000
Sewer Construction-Developer	595,000
Park Improvement	1,329,000
Street Construction	11,088,000
Water Construction- Enterprise	2,429,000
Water Construction- Developer	4,059,000
Community Sanitation-Enterprise	2,042,000
Total Expenditure by Fund	\$ 50,196,325

2019 - 2020 Reappropriations
Operations and Capital Improvement Program

Department/Account Number	Description and Explanation	Bid Status	Amount
Revenues			
Police Department			
Project Participation/Asset Forfeiture 52000 45082			\$ 48,783
Total Revenue Reappropriations			\$ 48,783
Expenditures			
Police Department			
Special Expense 51000 65301	UAV Program		\$ 66,125
Radio Communication 51100 63250	Dispatch Center		80,000
Total Police Department			\$ 146,125
Fire Department			
Misc Equipment Repair 61000 63450	SCBA testing and repairs Delay due to COVID		\$ 18,700
Travel - Conferences 61000 65001	Travel for new truck inspection Delay due to COVID		10,000
Education Incentive 61000 65101	Education reimbursement In progress		21,000
Travel - Meetings 63000 65102	Training classes Delay due to COVID		15,000
Total Fire Department			\$ 64,700
Parks			
Miscellaneous Equipment 73000 68565	Play area equipmnt - Dry Creek Park Purchase of replacement pieces		\$ 15,000
Miscellaneous 73000 64230	Tree pruning Prune median trees within City		25,000
Total Parks			\$ 40,000

Department/Account Number	Description and Explanation	Bid Status	Amount
City Clerk			
Information Technology			
High Speed Network 36200 68206	EOL rplcmnts, Regional Network Limited staff availability		\$ 25,000
Dept Hardware/Software Systems 36200 68208	PS UPS System Upgrades - Limited staff availability	Bid	40,000
PC Systems 36200 68210	Kiosks and PC replacements Limited staff availability		25,000
Total City Clerk Department			<u>\$ 90,000</u>
 General Services Department			
Facilities			
New Security System at SWTP 33300 63375	Building improvements Limited staff availability		\$ 10,000
Animal Control ADA Modular Office 33300 68574	Building Improvements - ADA Limited staff availability		30,000
Fire Station #3 Furnishings 33400 68103	Commercial grade washer Limited staff availability		10,000
Fire Station #4 & HQ Furnishings 33400 68103	Refrigerators Limited staff availability		4,000
Fire Station #4 Furnishings 33400 68103	Washer/dryer replacement Limited staff availability		2,500
Total General Services Department			<u>\$ 56,500</u>
 HCD Block Grant Fund			
CARES Energy Housing 42750 63363	Emergency Housing Program		\$ 200,000
Econ Stimulus-operating 42750 63364	Emergency Meals Program		200,000
Total HCD Block Grant Fund			<u>\$ 400,000</u>
 Public Utilities Department			
Sewer			
Sewer Plant & Facilities 76500 63314	O&M for regional plant pmt increase Increased costs for regional plant		\$ 600,000
Plant and Trunk Capital 76500 73015	Regional plant capital projects Regional plant project delayed		200,000

Department/Account Number	Description and Explanation	Bid Status	Amount
Water			
Consulting Services 77000 63301	Consulting for SWTP Improvements Tank re-lining, pre-treatment, etc.		100,000
Specialty Equipment 77000 68750	Build out of water trucks purchased Funds necessary for equipment		100,000
Solid Waste			
Corporation Yard Consolidation 76100 71355	Corporate yard expansion Costs related to Anlin property		50,000
Specialty Equipment 76130 68750	GPS/Routing system Additional equipment and installation	Bid	50,000
Consulting Services 76200 63301	Vertical gas wells for the landfill Preparing plans for bidding		150,000
Fleet Capital			
Heavy Duty Trucks-over 5 ton 75100 68721	Truck Purchase Truck ordered, waiting on delivery	Bid	60,000
Total Public Utilities Department			\$ 1,310,000

**Community Investment Department
Government Facilities**

Fire Station #4 -Remodel 90000 71079	Kitchen Remodel Limited staff availability		\$ 64,700
Civic Center Hydronic Waterline 90000 71232	Replace Hydronic Waterline Design complete		185,500
Civic Center North District 90000 71325	Civic Center North site improvements / Senior Center In design		16,570,000
Senior Ctr Exterior Beam Replace 90000 71342	Replace exterior beams on existing Senior Center Limited staff availability		148,000
Civic Center Landscape 90000 71361	Design for City Hall/Civic Ctr Campup Improvements Limited staff availability		120,000
Civic Center ADA Improvements 90000 71392	Civic Center ADA Improvements Limited staff availability		119,000
ADA Master Planning 90000 71397	ADA Master Planning Citywide In progress		19,800

Department/Account Number	Description and Explanation	Bid Status	Amount
Government Facilities - Continued			
Transit Station 90000 71428	Design and Construct new Transit Building In design		1,430,000
Fire/Police Training Site - Restroom 90000 71429	Restroom improvements at training site Limited staff availability		225,000
Fire Station 6 90000 71435	Fire Station 6 In design		6,937,000
Fiber Optics Installation 90000 71450	Miscellaneous fiber installations In progress		20,000
Fire Logistic Building 90000 71458	Remodel fire logistics building In design		220,700
Old Town Streetscape Improvements 90000 71460	Add tree wells on Pollasky Avenue In design		64,000
Winery Property Development 90000 71530	Modification of Electric Service Limited staff availability		172,000
Pet Adoption Emergency Generator 90000 71540	Install Emergency Generator In design		96,500
Letterman Park Irrigation System 90000 75191	Replace Irrigation System Limited staff availability		64,800
Sewer Capital Projects - Enterprise Fund			
Sewer Lift Station #3 Upgrade 91000 72629	Upgrade Electrical Panel In design		40,000
79 N. Sunnyside Tenant Improvement 91000 72631	Tenant Improvements at new PUD building In construction	Bid	50,000
Sewer Capital Projects - Developer Fund			
Pump Station E Pump Addition 92000 72597	Add a pump at pump station 'E' In design		175,000
Shepherd/Willow Pump Station 92000 73205	Design location of Shepherd/Willow Pump Station In preliminary design only		50,000
Shaw Avenue Recycled Water Main 92000 73376	Install Recycled water main in Shaw In design		370,000
Park Improvements			
SR168/Enterprise Canal Bridge 93000 74980	Pedestrian Bridge over SR168/ Enterprise Canal In design		751,500

Department/Account Number	Description and Explanation	Bid Status	Amount
Park Improvements - Continued			
Parks Master Plans 93000 75010	City parks masterplans In progress		8,500
Trail System Survey 93000 75591	Trail Count survey In progress		11,000
Sierra Gateway Trail 93000 75630	Trail around the Harland Ranch area In construction	Bid	71,000
Loma Vista Village Green 93000 75635	Park site in the Loma Vista area In design		487,000
Street Improvements			
Clovis Avenue Streetscape 95000 71461	Hardscape Improvements on Clovis Avenue In design		921,000
Plan Lines 95000 74007	Create Plan lines for area north of Shepherd In design only		40,000
Lane Reduction Study 95000 74019	Various lane reduction surveys In design only		25,000
Preventive Mainenance 95000 74020	Slurry seal on local streets In construction	Bid	46,000
Shaw - DeWolf to McCall 95000 74057	Street widening and signals In design/ROW Acq - Regional Measure C funded		1,100,000
Minnewawa - Alluvial to Herndon 95000 74059	Street Widening In design - RSTP funded		21,000
Sunnyside Bike Lanes - Alluvial to SR16 95000 74107	Bike Lanes Design complete		144,000
Armstrong - Herndon to Tollhouse 95000 74124	Street rehabilitation In construction	Bid	100,000
Fowler - Barstow to Shaw 95000 74126	Street rehabilitation In construction	Bid	60,000
Minnewawa - Shepherd to Teague 95000 74129	Street rehabilitation In construction	Bid	50,000
Sunnyside - Alluvial to SR168 95000 74131	Street rehabilitation In construction	Bid	187,000
Villa - Barstow to Shaw 95000 74132	Street rehabilitation Design complete - STBG funded		15,000
Bullard - Minnewawa to DeWitt 95000 74151	Street restriping In design only		16,000

Department/Account Number	Description and Explanation	Bid Status	Amount
Street Improvements - Continued			
Herndon - Temperance to DeWolf 95000 74184	Street widening & signals In design/ROW acq - Regional Measure C funded		6,075,000
Miscellaneous Construction Repairs 95000 74215	Miscellaneous improvements at various locations In progress		94,000
Peach Avenue Sidewalk 95000 74216	Street shoulder and sidewalk improvements In construction	Bid	315,000
Nees - Minnewawa to Clovis 95000 74508	Street Widening In design/ROW acq - RSTP funded		61,000
Leonard-Enterprise Canal 95000 74529	Replace bridge at Canal In design - HBRR funded		84,000
Trail Pavement Maintenance 95000 74561	Maintenance on areas of the trail system In design		138,000
Local Street ADA ramps 95000 74567	ADA improvements at various City ramps In design		263,000
Owens Mtn/Temperance Roundabout 95000 74588	Construct a roundabout at Owens Mtn/Temperance In construction	Bid	198,000
Owens Mtn - east of Temperance 95000 74589	Complete street construction In construction	Bid	96,000
Peach - Vartikian to Polson 95000 74741	Street widening In construction	Bid	494,000
Clovis/Seventh Intersection 95000 74839	Modify interesection In construction	Bid	290,000
Access Ramps 95000 74886	ADA improvements at various City ramps In design		125,000
Ped Push Button Upgrade 95000 74972	ADA improvements at various City ramps In design		10,000
Pavement Management System 95000 74975	Development of the pavement management system Coordinate with other projects in 2020-21		75,000
Bullard - Armstrong to Temperance 95000 74979	Street rehabilitation In design SB1 funded		25,000
Armstrong - Tollhouse to Sierra 95000 74981	Street rehabilitation In design SB1 funded		20,000

Department/Account Number	Description and Explanation	Bid Status	Amount
Water Capital Projects - Enterprise Fund			
79 N. Sunnyside Tenant Improvement 96000 72631	Tenant Improvements at new PUD building In construction	Bid	50,000
Water Well #1 Water Main 96000 77240	Water Main Replacement at Well #1 In construction	Bid	18,000
Well 11 Improvements 96000 77351	Pump and Motor for Well site In construction	Bid	878,000
Recharge Facility 96000 77501	Locate a recharge site Limited staff availability		50,000
Aquifer Storage Recovery 96000 77502	Recharge alternative Limited staff availability		50,000
Well Site Panel - Control Upgrades 96000 77516	Upgrade electrical panels at well sites In design		669,000
SWTP Pretreatment 96000 77528	Pretreatment process Limited staff availability		25,000
SWTP Process Addition 96000 77531	Addition to the treatment process Limited staff availability		30,000
Well 18 GAC 96000 77573	GAC at well 18 Limited staff availability		659,000
Water Capital Projects - Developer			
Water Master Plan 97000 77091	Master planning of facilities In progress		10,000
SWTP Expansion 97000 77529	Increase capacity of the plant Limited staff availability		100,000
SWTP Process Addition 97000 77531	Addition to the treatment process Limited staff availability		10,000
SWTP Storage Tank Addition 97000 77532	Addition of an additional storage tank at the SWTP Limited staff availability		200,000
Nees Transmission Main 97000 77538	Developer reimbursement for Construction In progress		200,000
Shaw Avenue Water Main 97000 77539	Install Water Main in Shaw Ave - DeWolf to McCall In design		980,000
Well 34 Aux Power 97000 77587	Generator at well Site 34 In design		101,000

Department/Account Number	Description and Explanation	Bid Status	Amount
Water Capital Projects - Developer - Continued			
Water Development 97000 77725	Secure Water to serve areas within the General Plan In progress		300,000
Northern Water Intertie 97000 77750	Connection of Wtr Main to City of Fresno at Willow Limited staff availability		425,000
Water Storage Reservoir #10 97000 78050	Property Acquisition for Reservoir site in NW area In progress		1,733,000
Community Sanitation Improvements - Enterprise Fund			
79 N. Sunnyside Tenant Improvement 99500 72631	Tenant Improvements at new PUD building In construction	Bid	50,000
Landfill Entrance 99500 81125	Construct left turn lane into landfill entrance In design		324,000
Landfill Office 99500 81126	New Office Building on west end of landfill Limited staff availability		611,000
Landfill Parking and Storage 99500 81127	New parking area and covered vehicle storage Limited staff availability		175,000
Landfill Electric Power 99500 81170	Extension of power to west end of property Limited staff availability		175,000
Landfill Transfer Station 99500 81205	Acquire and construct a Refuse Satelite Facility Limited staff availability		646,000
CNG Station Improvements 99500 81210	Increase the capacity of the city CNG station In construction	Bid	61,000
Total Community Investment Program Department			<u>\$ 48,089,000</u>
Total Expenditure Reappropriations =			<u>\$ 50,196,325</u>



CITY *of* CLOVIS

REPORT TO THE CITY COUNCIL

TO: Mayor and City Council

FROM: Police Department

DATE: September 14, 2020

SUBJECT: Police - Approval - Authorize the Purchase of the Intrado Viper 9-1-1 Phone System for the Police Department Alternate (backup) Dispatch Site.

ATTACHMENTS: 1. AT&T Scope of Work Version 9.7 with quote
2. Appendix C – Pricing

CONFLICT OF INTEREST

None

RECOMMENDATION

Waive the City's usual purchasing requirements and authorize the City Manager to enter into an agreement with AT&T for the purchase of 9-1-1 call taking equipment to equip the Police Department's alternate off-site dispatch center. The purchase totals \$106,375.19.

EXECUTIVE SUMMARY

The Police Department currently operates two 9-1-1 dispatch centers: the main center at Police Headquarters, and the alternate (backup) site at the Public Utilities building. Both centers are fully equipped and operational. The alternate site is used when the main site is not available due to maintenance, fire, flood, or natural disaster. Most recently, the alternate site was used when the Police Department split dispatchers between the two sites due to COVID-19.

While both centers are fully equipped and operational, the alternate site does not currently have an independent phone system. The backroom equipment and servers for the 9-1-1 phone system are located at the Police Headquarters. This is problematic should the equipment room at the Police Headquarters get damaged by fire, flood, or natural disaster. If this were to occur, the 9-1-1 calls could not be answered at the alternate site. Additionally, the two centers are connected by fiber optic cabling. Should the cabling be damaged in the future, 9-1-1 calls could not be routed to the alternate site. The purchase of the Viper 9-1-1

phone equipment will allow redundancy between the two sites should the equipment at the Police Headquarters get damaged or destroyed.

BACKGROUND

The Clovis Police Department 9-1-1 communications center serves as a Public Safety Answering Point (PSAP) for all 9-1-1 calls originating in the City of Clovis. The dispatch center is located within the Police Headquarters and is staffed 24 hours a day, 365 days a year. The Police Department also operates an alternate (backup) dispatch center that is typically only staffed for training, overflow, or emergencies. The alternate site is located within the Public Utilities building at the corporation yard.

The Police Department recently replaced all 9-1-1 phone equipment located within the main dispatch center in 2019. The phone equipment was purchased by the State of California as part of their Customer Premise Equipment (CPE) program that provides funding every five years for updated 9-1-1 phone equipment. The City of Clovis took delivery of the Intrado "Viper" 9-1-1 phone solution which is now installed and being used daily within the main dispatch center.

Unfortunately, the State of California's CPE program does not fund 9-1-1 phone equipment for alternate or backup dispatch centers. Agencies wishing to have an alternate site must self-fund the center. The Police Department's alternate dispatch site is currently equipped with computer workstations for dispatchers to answer 9-1-1 phone calls that originate at the Police Headquarters. Should the equipment at the Police Headquarters become damaged due to fire, flood, natural disaster, power outage, or any other reason, 9-1-1 calls cannot be answered at the alternate dispatch center. Additionally, should the fiber optic lines between the Police Headquarters and Public Utilities be damaged, 9-1-1 calls cannot be delivered to the alternate site. This is problematic.

With approval, the Police Department intends to purchase additional 9-1-1 phone equipment that will mirror the equipment installed at the Police Headquarters and allow for redundancy should the equipment at the main site fail or be damaged. This additional equipment will allow the alternate site to operate as a standalone dispatch center without having to rely on the equipment from the main dispatch center at the Police Headquarters.

We are asking to waive the normal purchasing process for this project. For interoperability purposes, it's imperative that the equipment purchased for the alternate site be the same Intrado Viper 9-1-1 equipment so that it will work seamlessly with the equipment already installed at the main dispatch center. AT&T is our trusted vendor and technical resource that will ensure that the appropriate equipment is ordered and installed correctly

FISCAL IMPACT

The cost of the Intrado Viper 9-1-1 phone equipment is included within the approved City of Clovis 2020-2021 budget.

REASON FOR RECOMMENDATION

Staff is recommending that the City Council authorize the City Manager to enter into an agreement with AT&T to purchase Intrado Viper 9-1-1 phone equipment allowing for redundancy at the alternate dispatch center.

ACTIONS FOLLOWING APPROVAL

The Clovis Police Department will enter into a purchase agreement with AT&T to purchase the Intrado Viper 9-1-1 phone equipment for the alternate dispatch center.

Prepared by: James Munro, Police Lieutenant

Reviewed by: City Manager *JH*



Clovis Police Department

with:



SCOPE OF WORK

for

CA 9-1-1 MPA #: 4145-6 VIPER

VIPER Host B Project

Revision: 9.7

Date: 27 June 2020

Prepared By: Shelby Lewis

Application Sales Executive: Henry Wang

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1.1 Purpose & Objectives

The purpose of this document is to describe the work to be performed by AT&T California (herein referred to as Contractor) in satisfying the E9-1-1 system requirements for **Clovis Police Department** (herein referred to as Agency). AT&T will utilize Intrado, and other AT&T approved system/service integrators, (herein referred to as Manufacturer and Vendors respectively), In order to achieve the proposed system design, the following high-level system work operations are required: Installation of the following E911 system components: (1) VIPER Secondary Active Node (Host B) and connectivity of the existing (6) Power 911 IWS (at the backup site) and (9) Power 911 IWS (at the primary site) to both active Nodes A and B. The primary site (Clovis PD Dispatch) VIPER equipment will remain at the current dispatch location and is configured with (9) Power 911 call-taking positions and (1) VIPER Node (Host A). While the secondary site (Backup Clovis PD Dispatch) the new VIPER Node (Host B) equipment will be installed at backup site equipment room. The existing (6) Power 911 call-taking positions will remain at the backup site dispatch room. The above equipment will be used to terminate various trunks, lines and data circuits required to process E9-1-1, and administration calls by the Agency.

Basic System Components

(Table 1)

Qty	Item Description		
0	Call Handling Desktop Positions		
0	Call Handling Laptop Positions (Note: No Redundant Network Interface)		
0	IP Phone Sets		
None	NetClock		
Not Included	MIS Reporting		
Not Included	Long Term Voice Recorder		
Not Included	System Printer	Install Location:	Supervisor's Office
0	Mapping Positions		
0	ACD Automatic Call Distribution		

1.2 AT&T Provided System Components

Manufacturer Call Processing Components

(Table 2)

Qty	Item Description		
Backroom Equipment (For Host Site B)			
1	VIPER Cabinet		
1	Call Handling Server Hardware		
1	19" LCD Monitor(s) for Call Handling Servers		
1	KVM 8 Port Switch for Call Handling Servers		
1	Alarm Panel (Includes Power Supply)		

Positions (Existing at Backup dispatch center)	
0	Intelligent Workstations (IWS) includes: CPU, Backroom Interface Components, Audio Interface Device, Keyboard, Mouse, and license/software).
0	23" Monitors for the IWS
0	IRR Module
0	48 button Genovation keypads
0	Arbitrators
Laptop Positions	
0	Laptop Position(s) includes: CPU, Backroom Interface Components, Audio Interface Device, Keyboard, Mouse, and license/software).
0	23" Monitors for the IWS
0	IRR Module (Laptop)
0	48 button Genovation keypads (Laptop)
0	Arbitrators (Laptop)
IP Phones	
0	IP PHN LIC ENH
0	IP Phone Set EXP MOD
LAN Switches	
4	SWITCH 2620 24-PORT
Gateways	
2	Mediant 1000 Gateway Chassis
2	4-Port FXS Gateways
3	4-Port FXO Gateways
1	PRI/T1 Gateways

Uninterruptable Power Supply Equipment (UPS)

(Table 3)

Qty	Item Description
2	Equipment Room UPS System
0	Position UPS (1) for Each Position

Not Included -Management Information Systems (MIS) Reporting System

(Table 4)

Qty	Item Description
0	MIS User License
0	MIS Per Position License
0	Color Printer

None -Spectracom System Support Components (NetClock)

(Table 5)

Qty	Item Description
0	GPS Command Center Package - up to 4 networks
0	• NetClock Model 9483 with OCXO Oscillator
0	• TimeView® Display Clock Model TV400W with Power Supply

0	• GPS Outdoor Antenna Model 8225
0	• GPS Antenna Surge Protector Model 8226
0	• GPS Antenna Surge Protector Model 8226
0	• Outdoor GPS Antenna Cable, 100 ft.
0	• RS-485 Station Cable, 100 ft.
0	• Multi-port Network Card (3-PORT NTP)

Not Included -Long-Term Recorder

(Table 6)

Qty	Item Description
0	Verint Audiolog LITE (2U) with dual power supplies, dual NIC
0	Analog Channels
0	Recorder UPS

Training Included with System

(Table 7)

Qty	Item Description
0	Admin Training Class (for up to 8 students per class)
0	Agent Training Class (for up to 8 students per class)
0	CCS Training Class

System line Interface

(Table 8)

Qty	Item Description	Qty Used	Qty Avail. For Growth
12	FXO Admin Line Gateway Ports	0	12
8	FXS/CAMA Gateway Ports	0	8
23	PRI/TI Gateway Ports	0	23

Trunks & Line

(Table 9)

Qty	Police Lines
0	E9-1-1 Trunks
0	Admin Lines

****Please refer to price quote in Appendix C****

The equipment provided by ATT will comply with State of California Contract 4145-6 AT&T CALIFORNIA and any FCC requirements for E9-1-1. It will also meet the NENA requirements for displaying ANI/ALI Phase II wireless calls.

1.3 Reutilization of Existing Equipment

The following Agency equipment will be reused by AT&T:

(Table 10)

QTY	Item Description
	Not applicable.

1.4 Agency Provided System Components

Agency shall supply following system components:

(Table 11)

Item Description
Conduit pathways from backup center dispatch location to backroom equipment.
Backup center dispatch Position UPS System
Backup center dispatch PRI circuit, 10-D circuits, CAMA, ALI (service), if it is needed
WAN (Interconnection between dispatch center locations) 2 additional dedicated single-mode fiber strands terminating at both locations.
LAN extension of switches at backup center dispatch location: 2 dedicated single-mode fiber strands terminating AT&T provided switches in backroom and dispatch.

Remote Maintenance Circuit

(Table 12)

Remote Maintenance Circuit (Optional: To be Provided by the Agency at Host B. Please note, in the event the network between Host A and Host B is down and there is no separate internet access provided by the Agency at Host B, AT&T will not be able to access Host B systems remotely).
Backup Center dispatch backroom: Dedicated DSL / T1 Circuit for the Contractor
Backup Center dispatch backroom: VPN access from the Internet to 9-1-1 Equipment via Agency provided network.

1.5 System Components Not Provided by AT&T

(Table 13)

Item Description
CDR Printer (Data Management)
VoIP Phones (Call Processing)
Map Flex (Data Management)
Power MIS/Power ECaTS/Power Metrics (Data Management)
Power Ops
Long-Term Recorder (Call Processing)
Position UPS (System Component Support)
Automatic Call Distribution (ACD) (Call Processing)
PRI Circuit, 10-D circuits, CAMA, ALI (Service)

1.6 Equipment Removal & Disposal

Existing 9-1-1 Equipment

The following equipment will be removed and left at the Agency site:

(Table 14)

Item Description
Not Applicable

AT&T technicians will work with the Agency's personnel to remove the o (disconnected and powered off by Agency) as identified by the bulleted equipment list above. AT&T technicians will place old IWS equipment in an area designated by the Agency. AT&T technicians will not remove any existing equipment from the Agency's building and AT&T technicians will not remove any existing cabling.

2.0 DESIGN SOLUTION

2.1 System Overview

AT&T will add VIPER Host B to the existing VIPER system that enables the Agency to process E9-1-1 and administrative type calls and other various PSAP emergency and non-emergency functions.

AT&T will not add any new Power911 IWS nor Laptop with this project. However, AT&T will re-provision the existing Power911 IWS(s) connecting them to both VIPER nodes A/B.

(0) -9-1-1 Positions

At the Primary Site: Re-provision (9) 9-1-1 positions in the call-taking/dispatch area connecting them to be VIPER nodes A/B. Install additional routers with SFP modules and provision existing switches with SFP modules.

At the Backup Site: Re-provision (6) 9-1-1 positions in the backup call-taking/dispatch area connecting them to be VIPER nodes A/B. Install (1) VIPER node (Host B) in the backup call-taking dispatch center backroom. Install new routers and switches with SFP for fiber termination 9-1-1 positions in the backup call-taking/dispatch area. AT&T will install (4) CAT5e cables run to each position from the backroom. The cables are provisioned as follows: (1) Primary network interface, (1) Secondary network interface, (1) long-term recorder (position-based, if desired), and (1) Future/spare. Agency to provide conduit or cable path from the backroom to each position and dedicated NEMA 5-20R (electrical power) per position.

(0) -Laptop Position(s)

Backup Site Equipment Room

All back-room equipment shall be installed/mounted in (1) cabinets; which will contain all the Controller equipment. The Agency is responsible for drilling/bolting of all equipment to Agency floors.

Not Included -System Printer

A system printer will not be installed Supervisor's Office. *(This is not a CDR Printer, CDR is provided via Serial output to ECaTS)*

IP Network configuration and Interfaces

Local Area Network (LAN)

- 9-1-1 LAN – No connectivity to Agency LAN or computers (except if high speed remote access is provided by and via Agency's existing remote access infrastructure).
- Agency LAN - computers/peripherals operating exclusively on Agency LAN.

- Integrated LAN – For remote access via Agency’s existing infrastructure connectivity between Agency and AT&T LAN will be via secure Firewalls on both LAN segments, and the point of demarcation will be the port on the AT&T provided Firewall. LAN extension of switches between backup dispatch location buildings.

Wide Area Network (WAN)

- Customer provided redundant dark fiber (2 strands each link).
- AT&T will provide redundant routers with SFP modules to light up above dark fiber.
- AT&T to manage connectivity of customer provided network and VIPER/Power911 system.

Remote Access

Please refer to Appendix G: Agency Provided Internet Access, for Agency provided remote access requirements, at both dispatch center and backup dispatch center locations.

Support System

Uninterrupted Power Supply (UPS)

- AT&T provided backroom UPS (for Host Site B) will be connected to back room call processing equipment to keep back room equipment operational until Agency Power Generator becomes active during Agency building power outage.

None -NetClock

System Growth Capabilities

The server-centric and scalable design of the Call Handling solution allows the system to be sized to a finite capacity (lines and positions). The number of servers, gateways, in a system depends on the population of the area served. This system is configured for capacity related above in [table 8](#). Additional hardware may be quoted in the future to increase lines (9-1-1 or analog) and/or positions at additional cost.

2.2 Network Elements

[Table 9](#) above defines Agency line and trunk network elements to be connected to the system including: 9-1-1 trunks, 10-digit emergency lines, administration lines, and ring-down/direct connect circuits, that will be configured in the system.

2.3 System Programming

The system will be programmed with a log in ID for each Administrator/Supervisor. The administrators/ Supervisors will have all the capabilities that the dispatchers have as well as additional capabilities requested by the Agency. The “master” speed dial list will be the same for each position and the site supervisor/administrator will have the capability to change, add, and delete speed dials on the “master” list.

The system will be programmed with a log in ID for each dispatcher. There will be a single Agent Profile for all dispatchers that will have the same configuration, colors and icons. Agent profiles can be locked down or unlocked to allow agents to modify individual logins.

The system will be programmed to “ring all” positions in the event of an incoming call on all lines. Although ACD (Automatic Call Distribution) programming is a feature of this system, ACD functionality is not being provisioned.

The system programming requirements may be changed at the request of the Agency during the Installation process. The AT&T Project Manager will work with the Agency to meet their specific needs.

All system-level programming on the system will be handled by AT&T personnel. All initial system-level programming will be to replicate the current operation of Agency as closely as possible. If it is determined during design sessions that changes need to be made, they can be made at that time. Once the system is cutover and accepted, any further adds, moves and changes will be performed on a Time and Materials basis at the prevailing contract rates (An example of add, move and change is: Adding 7 digit emergency lines to the system). The current contract labor rate is \$185.00 per 9-1-1-technician per hour.

System administration function on the system will be managed by designated Agency personnel. User-level programming includes, but not limited to, users, speed dials, TTY messages, etc.

2.4 System Integration Description

ALI

The ALI functionality will also be processed by VIPER Host B.

CAD

AT&T will provide an interface connection demarcation point between system Server and Agency provided Computer Aided Dispatch (CAD) computer system via a RS-232c cable located in the backroom. If the data rate of this RS-232c connection is set for 9600 bps there is a 50ft limitation imposed on this connection. The demarcation point for the Agency CAD is the designated/labeled port the equipment room.

Firewall

The 9-1-1 system includes a firewall to provide secure remote access, facilitating protected remote support and maintenance. A broadband (DSL or better) connection or interface between the Agency’s network and the AT&T firewall is required and to be provided by the Agency as per the terms of State contract 4145-6 VIPER. Minimum speed requirement is 1.5MB down/768k up. Please refer to Appendix G for Agency provided remote access requirements.

Long-Term Voice Recorder (LVR)

Not applicable.

2.5 Building Modifications

All building modifications are the responsibility of the Agency. The AT&T Project Manager will work closely with the Agency to determine proper timeline coordination for a smooth system implementation. Please refer to Appendix A for the specific modifications to be performed by the Agency.

3.0 CHANGE REQUESTS

The Agency may at any time, by written order, and without notice to the *Contractor's* sureties, submit a change order to the *Contractor*. Within ten (10) working days of receiving a proposed change order, the *Contractor* will submit a written cost estimate, which will include adjustments to the Project Price, Project Schedule, Statement of Work, Acceptance Criteria, or any other obligations of the *Contractor*, as applicable. The *Contractor* or the Agency may also decline the change order, depending on the nature of the requested changes.

The *Contractor* may also propose a change order involving additions, deletions, or revisions to the work, or any obligations imposed upon the Parties under this agreement. AT&T's changes to the system design or individual component changes will be submitted to the Agency for approval using the Change Request Form shown in Appendix D.

The Agency will appoint a single individual as a Project Manager. Change Orders will be approved in writing, by the Agency's Project Manager. The *Contractor* will not proceed with any work contemplated in any proposed Change Order until it receives written notification to commence such work from the Agency's Project Manager.

ALL Change Orders must be submitted and approved by the Cal OES Emergency Communications Branch.

4.0 ACCEPTANCE TESTING

4.1 System Acceptance Overview

Final system acceptance for the E9-1-1 system will occur when the standards of performance of the State contract are met. The standards of performance of the State contract can be viewed at:

<http://www.caloes.ca.gov/cal-oes-divisions/public-safety-communications/ca-9-1-1-emergency-communications-branch/ca-9-1-1-services-contracts>

These will have been met after 240 consecutive hours of operation following the cutover date. During these 240 hours, the system will function without interruption, as defined by contract and according to the project specifications. If the 9-1-1 system fails to meet the standards of performance, then the 240-hour system acceptance period will re-start following correction of the problem.

Please refer to Appendix E for the system acceptance and authorization checklist.

4.2 Moves Adds and Changes

Once the system is accepted, any further moves, adds and changes will be performed on a Time and Materials basis at the prevailing contract rates. The current contract labor rate is \$185.00 per 9-1-1-technician per hour.

5.0 PROJECT TEAM

5.1 Contact Information

Contacts			
Role	Name	Phone / Fax / Pager	Mail / E-mail
Application Sales Executive	Henry Wang Phone: (714) 680-5789 hw3126@att.com		
9-1-1 Service Executive	keary Bertola: Phone: (219) 213-0376 kb2193@att.com		
9-1-1 Systems Technician	Adrienne M Estes: Phone: (877) 500-4911		
Technical Sales Consultant	Shelby Lewis - Phone: (951) 369-2317 -sl2387@att.com		
PSAP Manager	Jim Munro: Phone: (559) 324-2594 jamesm@cityofclovis.com		
State 9-1-1 Advisor	Choose an item. Not Applicable.		

A remote AT&T Project Manager will be assigned for this system implementation. The Project Manager is responsible to plan, organize, control, direct and coordinate people and material resources throughout the life of the project.

6.0 Responsibilities

6.1 AT&T Responsibilities

AT&T is responsible for the following (where applicable):

- Delivery of equipment
- Security of equipment, until equipment is delivered to customer premise.
- Disposal of packaging materials and debris.
- Any damage caused by Contractor (or Contractor's agent) to equipment, building, or other property.
- Installation of common control (server) equipment in racks/cabinets.
- Dressing of all cables.
- Identification and labeling of all cables.
- Training.
- Installation of appropriate cabling from equipment room to all 9-1-1 positions.
- NENA standard ANI/ALI interface supplied to the Agency owned CAD system.
- Installation of demarcation punch block for audio source and logging recorder.
- Installation of interface jacks for radio headsets.
- Installation of the 9-1-1 Call Taking equipment at each dispatch position.

6.2 Agency Responsibilities

Equipment Room

- Provide locked limited access to the equipment room.

- Provide/verify (2) dedicated 20-amp circuits for equipment cabinet
- Furnish HVAC equipment that will keep the backroom temperature and humidity levels of 72 degrees F +/- 5 and less than 50% relative humidity.
- DSL or high-speed link for remote maintenance/access by AT&T

Dispatch Room

- Furniture selected by Agency is compatible with; or will be modified by the Agency to be compatible with, the selected system equipment.
- Provide/verify (1) dedicated 20-amp circuit per position.
- Furnish/verify that each AT&T dispatch position has one 15-amp breaker circuit dedicated to emergency call taking position with a quad outlet. Ancillary electrical components such as heaters, lights and furniture should not be on this circuit.
- UPS

General

- Access to building for AT&T and subcontractors.
- Conduit and coring of walls.
- Lifting floor tiles.
- Adequate power and power outlets and circuit breakers.
- All radio, CAD and recorder equipment.
- Adequate security to prevent theft of computer equipment.
- On-going upkeep for room requirements listed.
- Technical expertise from Agency's other vendor's during planning, installation and cutover.
- The Agency's Project Manager will facilitate the resolution of any problem determined with these interfaces pertaining to the radio, CAD, recorders, or other Agency owned interfaces.

6.3 Cal OES Emergency Communications Branch Responsibilities

- Not Applicable.

Note: The 9-1-1 Network and Agency Networks may not share the same LAN Segments. 9-1-1 System IP packets must be segregated from CLETS, NCIC, DMV, CWS, and all other Agency network traffic.

7.0 AGENCY PROFILE

During the implementation phase, AT&T Project Manager will work Agency’s Project Manager to update the ECaTS Profile and provide a copy of the updated ECaTS Profile to the Cal OES Emergency Communications Branch.

8.0 INSTALLATION SCHEDULE

The following dates are based on the “Final Funding Date” listed below and are offered as a general planning reference. These dates are best estimates at this time. Changes to the “Final Funding Date” will affect all the dates below.

Final Funding Date:	7/15/2020
Equipment Order Date:	7/30/2020
Equipment Delivery Date:	10/28/2020
Site Readiness By PSAP Date:	10/30/2020
Begin Installation Date:	11/2/2020
Programming Change Freeze Date:	11/4/2020
Training Date:	11/25/2020
System Cutover Date:	12/9/2020
PSAP Acceptance Date:	12/19/2020

Final installation schedule will be established by mutual consent of the Contractor and the Agency; however, prior to the installation date, the Agency may defer the installation, and a new installation date will be established by mutual agreement. Such unilateral deferment will not exceed 60 days, except by mutual agreement.

Pricing is based on installation being performed during AT&T’s normal business hours (M-F, 8:00am - 5:00pm, excluding AT&T holidays). Installation activities outside of AT&T’s normal business hours are available at prevailing after hour tariff. There will be no additional cost to the Agency for an after-hours cutover, if it becomes necessary.

9.0 WARRANTY

AT&T includes one (1) year parts and labor warranty for all equipment, software, features and functionality provided for the Basic Turn-key Configuration. The warranty is for year one (1) year after the date of system acceptance of the installation by the Agency.

10.0 MAINTENANCE PLAN

AT&T includes a one-year warranty and post-warranty maintenance support to expire at the same time with the existing VIPER system on a maintenance contract through the State of California Contract referenced at the beginning of this document.

10.1 Remote Access

The 9-1-1 system is provisioned to allow authorized remote access the 9-1-1 system in order to identify software and hardware problems and make repairs. If the equipment

cannot be repaired remotely, trained technicians will be dispatched to the site to facilitate onsite repairs.

10.2 Maintenance Procedures

9-1-1 System

- AT&T will provide a “Maintenance Kit” to be kept at a location readily accessible to AT&T Technicians or, in some special cases, due to an Agency's location or system size, kept on site in a secured location. The contents of the Maintenance Kit will be based upon the requirements of the Agency's 9-1-1 system. AT&T absorbs the cost of the Maintenance Kit and the equipment provided within the kit will remain the property of AT&T.
- AT&T includes parts and labor on the 9-1-1 system. The warranty period begins at date of customer acceptance. After the maintenance period, the Agency may choose to replace the system, maintain it, or a maintenance contract may be negotiated with agreed terms, conditions, and costs. During the first-year warranty and post-warranty maintenance period, software service packs and hot fixes will be kept current and upgraded at no charge (additional features and hardware may not be included); new Manufacturer software versions, hardware, and Operating System upgrades are not included.

Post-Installation Support Limitations

AT&T's support obligations hereunder will not apply to any AT&T supported product if adjustment, repair, or parts replacement is required because of:

- Printer ink and paper are not included under maintenance.
- Accident, neglect, tampering, misuse, improper / insufficient grounding, failure of electric power; failure of the PSAP and/or others to provide appropriate environmental conditions, relocation of hardware or software, or causes other than ordinary use
- Repair or alteration, or attempted repair or alteration of any AT&T supported product (hardware and/or software) by the PSAP or others
- Connection of another machine, device, application or interface to AT&T supported equipment (hardware and/or software) by Agency, the PSAP, or others, which has caused damage to AT&T supported equipment
- Degradation of performance to AT&T maintained systems due to excessive heat, humidity, moisture, condensation, dust, EMI, etc. at Agency's location
- Damage or destruction caused by natural or man-made acts or disasters
- Degradation of performance to AT&T systems due to the installation of third party software applications or Operating System patches, service packs, hot fixes, or Windows services and not specifically certified, approved, and registered by AT&T for use at the site(s) identified herein.
- Support described herein does not include cosmetic repairs, refurbishment, furnishing consumables, supplies or accessories, making accessory changes or adding additional devices or software applications.

For repair of unsupported failures, the Agency may request Field service for unsupported failures, as defined above, on a Time & Materials basis. Labor rate charged will be the current AT&T labor rate (plus expenses) at the time service is requested.

AT&T is NOT responsible for the performance of third-party applications/systems.

10.3 Remedial Maintenance

Please refer to Appendix H for additional information on maintenance procedures.

10.4 Technician Expertise

Please refer to Appendix H for additional information on technician expertise.

10.5 Trouble Reporting Contact Number

The Customer Assistance Bureau (CAB) is the trouble reporting center for our priority Public Safety Agencies. The center is responsible for receiving Agency reports and electronically relaying the reports to the responsible work groups for resolution, 24 hours a day, 365 days a year. The Priority Repair Service number is:

(877) 500-4911.

10.6 Maintenance Exclusions

Items excluded from maintenance include any Software which is at a revision level not supported by the Software licensor. AT&T makes no guarantee as to parts availability on Equipment that has been discontinued by its manufacturer. In the event a manufacturer discontinues producing any Equipment or in the event the Equipment has outlived the manufacturer's suggested product life cycle, AT&T will continue to provide Service under the Maintenance Plan for as long as parts are available on a commercially reasonable basis. In the event repair parts are not readily available, AT&T will advise customer and customer will have the option to replace the Equipment with a similar product AT&T offers at the prevailing rates. In the event the customer declines to authorize such replacement, AT&T will cease providing Service for such Equipment.

11.0 TRAINING

11.1 Supervisor/Dispatcher Training

Not applicable

11.2 Training Documentation

Not applicable

11.3 Service Manual Documentation

Not applicable

Appendix A: Agency Compliance - Site Certification Document

Clovis Police Department – Site Certification Document

This Section meets the State contract requirement for AT&T to provide a Site Readiness Checklist to the Agency.

A site survey has been made and site modifications will be needed to meet the following requirements for equipment installation. The following site modifications must be completed by the Agency prior to AT&T beginning the installation of the new or upgraded system. The completion of all building modifications is the responsibility of the Agency. In the event that AT&T attempts to begin installation and subsequently discovers that these modifications have not been met as specified, AT&T may postpone implementation. A quote will be provided to the Agency for any additional costs incurred by AT&T because of the postponement. Any additional costs that are incurred for site modifications because of the postponement will be the responsibility of the Agency. Work will be rescheduled upon completion of the required modifications.

For Host Site B:

- 1) Provide DSL or VPN high-speed link for remote maintenance and support.
- 2) Verify existing aerial electrical receptacles (depicted in below drawing) are (2) separate dedicated 20-amp circuits and convert receptacles to twist lock for the backroom equipment.
- 3) Conduit pathways from backup center dispatch location to backroom equipment.
- 4) Backup center dispatch PRI circuit, 10-D circuits, CAMA, ALI (service), if it is needed
- 5) WAN (Interconnection between dispatch center locations) 2 additional dedicated single-mode fiber strands terminating at both locations.
- 6) LAN extension of switches at backup center dispatch location: 2 dedicated single-mode fiber strands terminating AT&T provided switches in backroom and dispatch.
- 7) The Agency is responsible for drilling/bolting of all equipment to Agency floors.

Hazardous Materials

Customer will maintain Customer's location where AT&T is to perform work in a suitable and safe working environment, free of Hazardous Materials. AT&T does not handle, remove or dispose of, nor does AT&T accept any liability for, any Hazardous Materials at Customer's location. If AT&T encounters any such Hazardous Materials, AT&T may terminate this Statement of Work or suspend performance until Customer removes and cleans up at its expense Hazardous Materials in accordance with this Statement of Work and applicable law. For purposes hereof, "Hazardous Materials" means any substance whose use, transport, storage, handling, disposal, or release is regulated to any law related to pollution, protection of air, water, or soil, or health and safety.

Authorized Agency Representative understands that the modifications listed above must be complete prior to AT&T commencing installation.

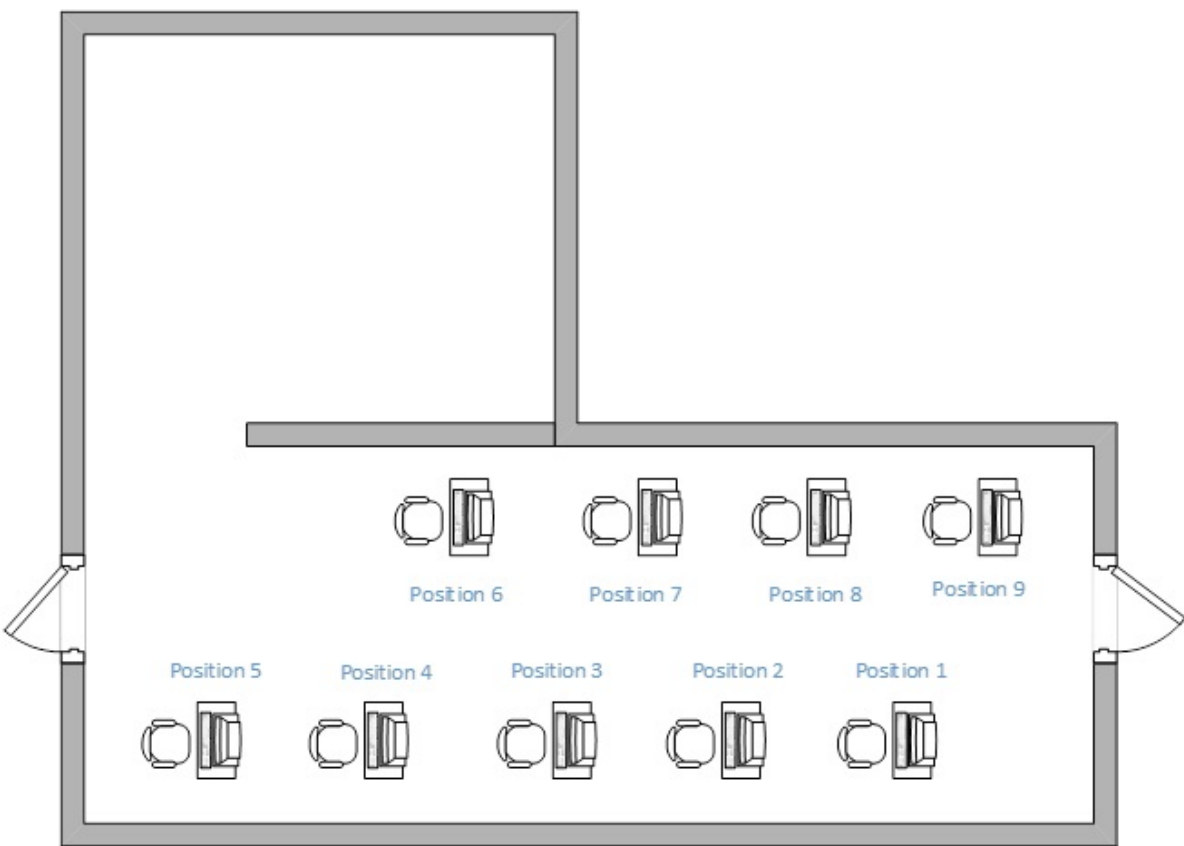
Authorized Agency Representative accepts modification list.

Date

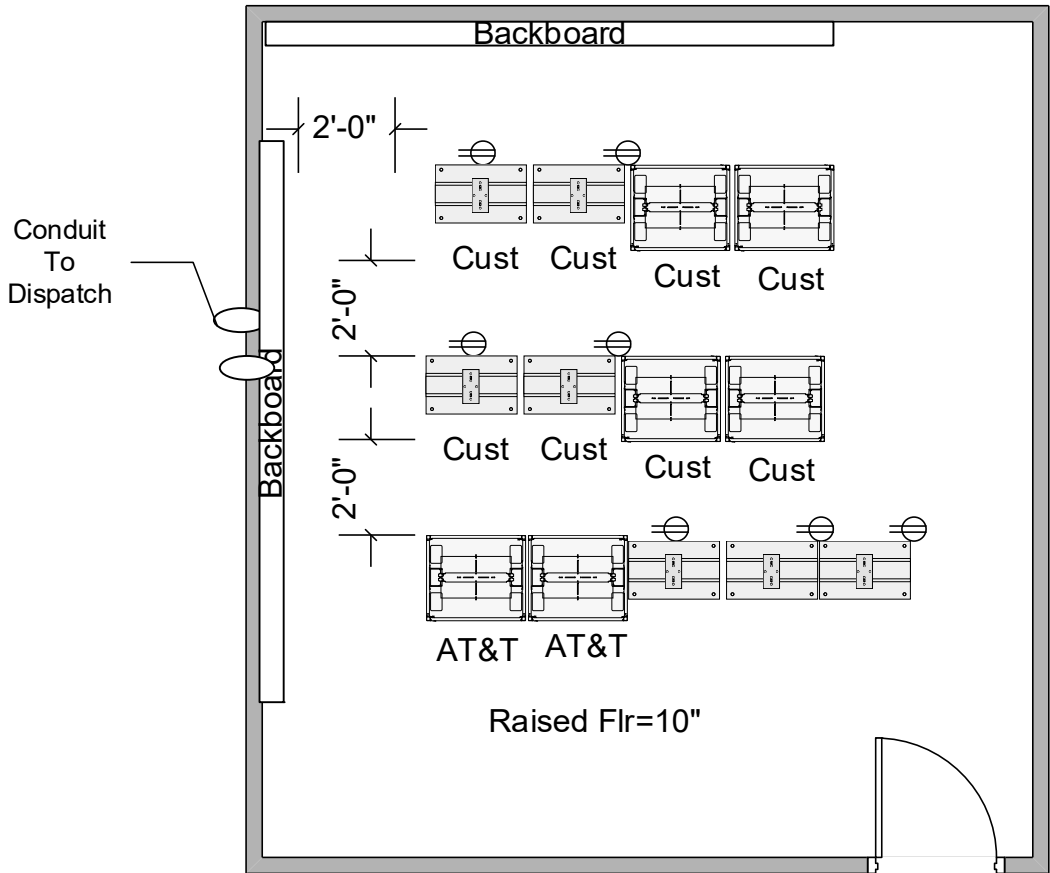
Authorized Agency Representative certifies modifications complete.

Date

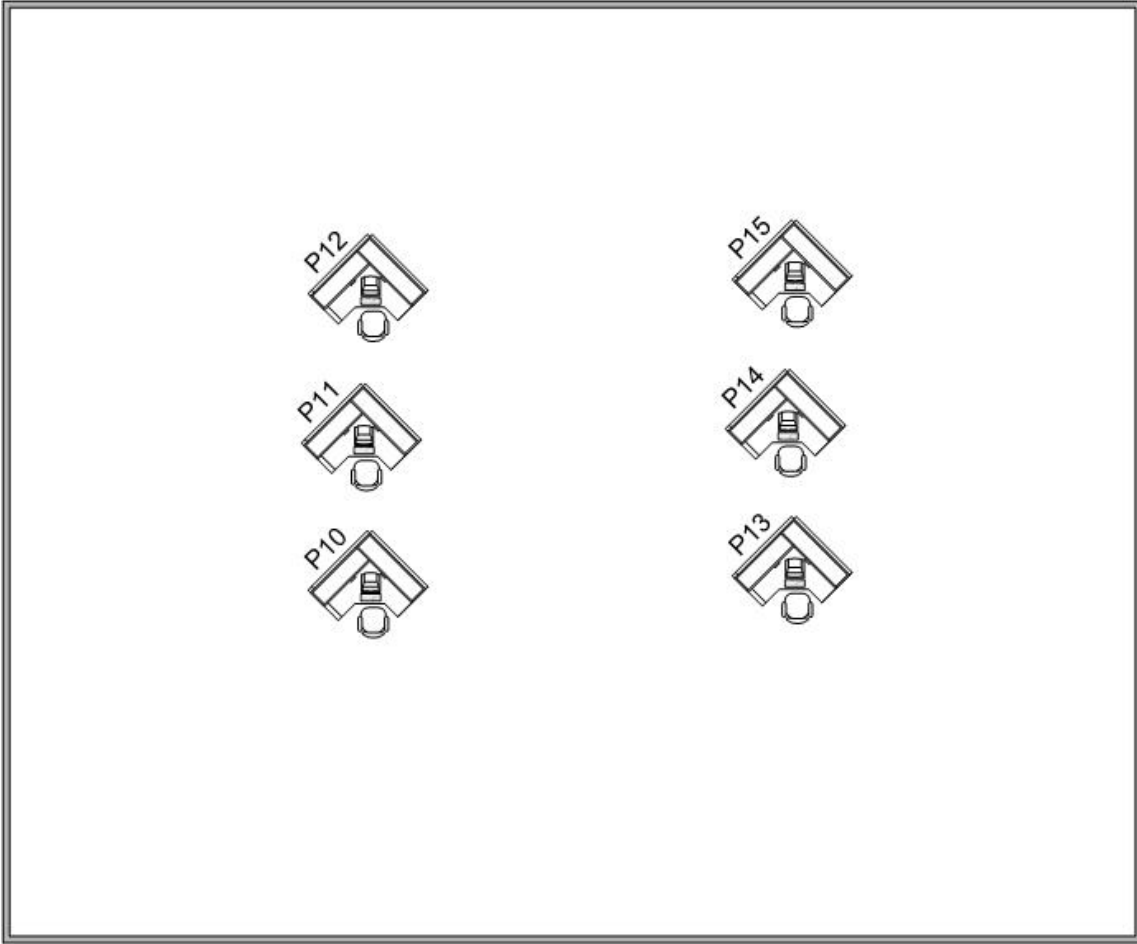
Appendix B: Floor Plan Clovis Police Department FOOTPRINT OF DISPATCH ROOM




FOOTPRINT OF EQUIPMENT ROOM Clovis Police Department

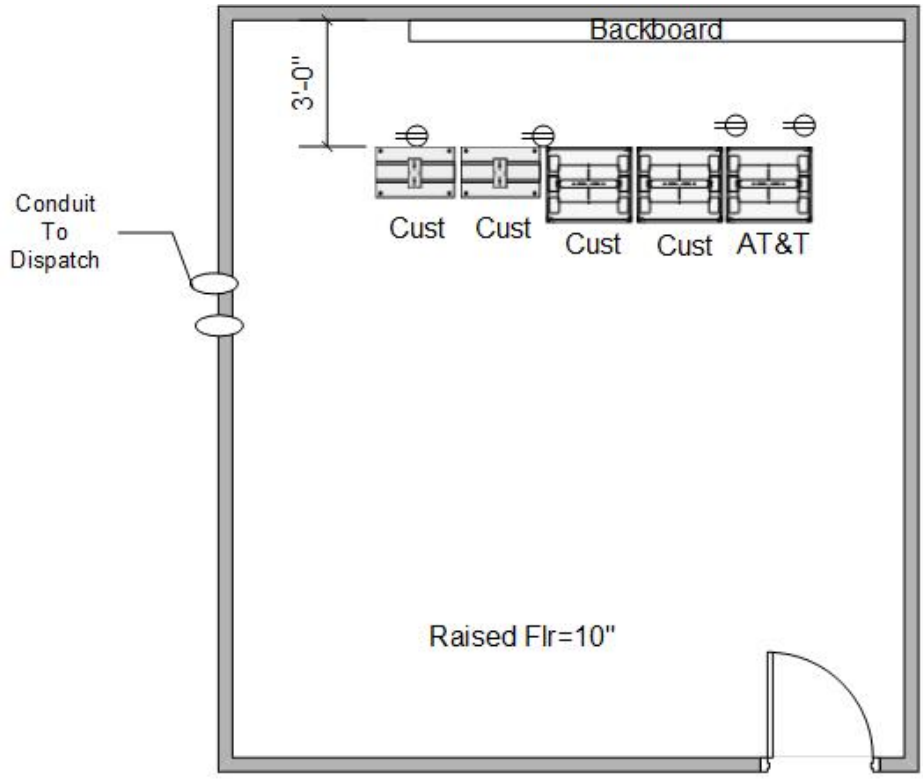



**Appendix B: Floor Plan
Clovis Police Department
FOOTPRINT OF Backup Center DISPATCH ROOM**



Clovis PD		
 at&t	12/7/2016	Dwg: S. Lewis

**Appendix B: Floor Plan
Clovis Police Department
FOOTPRINT OF Backup Center Equipment ROOM**



Clovis PD		
	12/7/2016	Dwg: S. Lewis

Appendix C: Pricing & Terms

Please refer to separate document.

Please refer to separate document.

Appendix F: AT&T LAN/WAN Policy**AT&T LAN/WAN PSAP Security Policy**

AT&T will terminate the 9-1-1 LAN (AT&T provided) to a firewall (AT&T provided) for use by AT&T or sub-contractor for installation/remote support and maintenance via an AT&T/Agency provided connection (DSL, etc.). If the solution requires inter-LAN connectivity, AT&T will work with the Agency to formulate a mutually agreed network design.

In the event the Agency has previously connected or subsequently connects their 9-1-1 LAN to any other computer network or has caused or causes such a connection, contrary to this Security Policy herein (which Agency acknowledges it has received and read), and the 9-1-1 equipment and/or 9-1-1 LAN is infected or damaged as a result of such connection, then all 9-1-1 equipment and/or 9-1-1 LAN warranties, maintenance, and service provisions of this amendment or statement of work will be immediately null and void.

Under such circumstances, AT&T will provide repair services for the 9-1-1 equipment and/or 9-1-1 LAN at the Agency's request and time and materials charges will apply for all parts and labor required as a result of damage caused by the infection. After all related damage has been repaired, maintenance and service provisions of this agreement will resume.

The Agency agrees to indemnify and hold AT&T harmless for any damages to or claims by any third party against AT&T that arise in whole or in part from Agency's existing or subsequent connection of the 9-1-1 equipment and/or 9-1-1 LAN provided hereunder to any computer network outside of AT&T's control.

For AT&T/Agency Firewall interconnection instructions please reference Appendix G. "Agency Provided Internet Access".

Appendix G: Agency Provided Remote Access

E9-1-1 Agency Provided Remote Access for 9-1-1 Installations

Summary

The purpose of this document is to provide specifics for remote access that will ultimately be terminated into an AT&T supplied Cisco ASA firewall (ASA). The purpose of the ASA is to provide remote access via two-phase authentication and/or secure site-to-site VPN tunnel into the 9-1-1 equipment for remote maintenance and monitoring as applicable and as needed. By allowing only authenticated and encrypted traffic, the AT&T managed Cisco firewall will ensure the security and integrity of the 9-1-1 system.

Technical Requirements

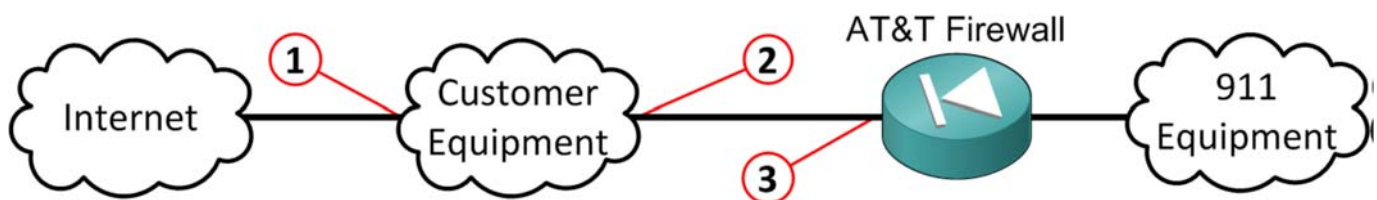
AT&T requests the remote access meet the following technical requirements.

- Access to the Internet with a minimum speed of 1.5M download and 384k upload
- One publicly/Internet accessible Static IP Address
- Allowance for the following protocols:
 - SSH – TCP port 22
 - HTTPS – TCP/UDP port 443
 - NTP – UDP port 123 (site dependent)
 - IPSEC protocol suite
 - IP Protocol 50 for IPSEC ESP
 - UDP Port 500 for IKE Phase 1
 - UDP Port 4500 for IKE Phase 1 with NAT-T
- Physical hand-off should be Copper Ethernet, Cat5E or better

Informational Requirements

The Customer shall provide the following IP addressing and where appropriate subnet mask information to AT&T Project Management via email to be distributed to relevant AT&T Engineering and Technical resources. See Diagram 1.

- 1) Public IP address to access the ASA from the Internet
- 2) Default Gateway for the ASA to access the Internet
- 3) Private IP address assigned to the Customer side of the ASA if Customer is performing NAT (Network Address Translation)



Questions please contact Keith Martin, Technical Consultant II / km7564@att.com / 918-519-2634
Version 2013.05.01

“AT&T”

PROVIDING PRODUCT & SERVICE EXCELLENCE

TROUBLE REPORTING PROCEDURES

The Customer Assistance Bureau (CAB) is the trouble reporting center for our priority Public Safety Agencies. The center is responsible for receiving Agency reports and electronically relaying the reports to the responsible work groups for resolution, 24 hours a day, 365 days a year. The CSB can escalate trouble reports and put you in contact with management personnel responsible for resolving the trouble you have reported.

The Priority Repair Service number is:

(877) 500-49-1-1

Due to the complexity of the services we provide and your own equipment ***it is essential that you isolate trouble before reporting to AT&T.*** A few extra minutes to properly identify, isolate and report a trouble can save hours in resolution time. Reporting the wrong trouble or circuit number may cause extended delays in our ability to deploy the appropriate work crew to repair the problem.

When you call in a report, please be ready to provide the following information:


1. Your name and call back telephone number.
2. Address and the location of trouble.
3. Telephone numbers or circuit number in trouble.
4. Nature of the trouble/condition.
5. Application the circuit is used for.
6. Access restrictions we may have to resolve trouble report.
7. Any terminal access problems or arrangements before dispatch.
8. The name of the contact person and their office number is a must!
9. Identification of Major or Minor Failure. (Defined below)
10. For urgent restorations you can ask for an hourly status from the Plant Control Office/PCO.

Major Failure - Definition Of Major Failure: Any hardware, software or circuitry failure that prevents the 9-1-1 PSAP call taker from making voice or TDD contact or viewing ANI information or ALI information from a person who has dialed 9-1-1. Upon verbal notification by the Agency, or electronic notification by the 9-1-1 system itself, of a major failure, AT&T will meet the required response time detailed below:

ONSITE RESPONSE: A factory-trained technician will respond on-site with spare parts and/or software within two (2) hours, or less, to diagnose and commence repair of a major failure. (The initial replacement of some components may not be identical to the defective part (monitor, keyboard, mouse, speakers, etc.). This is to provide an expeditious restoration. An identical replacement part will be provided within 72 hours.) Within two (2) hours, or less, the responding technician will notify the PSAP of the nature of failure and an estimated time to effect repairs.


Minor Failure - Definition of Minor Failure: Any hardware, software or circuitry failure that prevents the normal operation of any feature of the 9-1-1 system. Upon verbal notification by the Agency, or electronic notification by the 9-1-1 system itself, of a minor failure AT&T will meet the required response time detailed below:

ONSITE RESPONSE: During the initial notification by the PSAP Agency of a minor failure, the *Contractor* will provide to the PSAP Agency an estimated time for on-site diagnostics/repairs to begin. A factory trained technician will respond on-site with spare parts/software within twenty-four (24) hours, or less, to diagnose and repair a minor failure. (The initial replacement of some components may not be identical to the defective part (monitor, keyboard, mouse, speakers, etc.). This is to provide an expeditious restoration. An identical replacement part will be provided within 72 hours.) Within twenty-four (24) hours, or less, the responding technician will notify the PSAP of the nature of failure and an estimated time to effect repairs.

 Account Manager Henry Wang Phone 714-680-5789 Email hw3126@att.com	DATE 6/5/2020 VERSION 16.0	Quote Summary Clovis Police Department Basic Configuration Contract Number: 4145-6		Intrado Add VIPER Host B																											
	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td colspan="2"></td> <td colspan="2" style="text-align: right;">Add VIPER HOST B</td> </tr> <tr> <td colspan="2"></td> <td style="text-align: right;">Equipment Sub-Total:</td> <td style="text-align: right;">\$ 75,410.21</td> </tr> <tr> <td colspan="2"></td> <td style="text-align: right;">Installation Sub-Total:</td> <td style="text-align: right;">\$ 20,439.11</td> </tr> <tr> <td colspan="2"></td> <td style="text-align: right;">Monthly Maintenance Price:</td> <td style="text-align: right;">\$ 154.44</td> </tr> <tr> <td colspan="2"></td> <td style="text-align: right;">Total Maintenance (39 Months) Price:</td> <td style="text-align: right;">\$ 6,023.16</td> </tr> <tr> <td colspan="2"></td> <td style="text-align: right;">Sales Tax* (7.975%):</td> <td style="text-align: right;">\$ 4,502.70</td> </tr> <tr> <td colspan="2"></td> <td style="text-align: right;">GRAND TOTAL:</td> <td style="text-align: right;">\$ 106,375.19</td> </tr> </table>						Add VIPER HOST B				Equipment Sub-Total:	\$ 75,410.21			Installation Sub-Total:	\$ 20,439.11			Monthly Maintenance Price:	\$ 154.44			Total Maintenance (39 Months) Price:	\$ 6,023.16			Sales Tax* (7.975%):	\$ 4,502.70			GRAND TOTAL:
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* Taxable Amount: \$ 56,460.21																															
Quote Valid For 120 Days																															

Notes:

1. This quote is to add a second Host (Host B) to the existing installed VIPER system.
2. This quote assumes the installation date to be Sept. 2020; hence, first year warranty covers from Sept. 2020 to Sept. 2021.
3. This quote includes first year warranty and maintenance support through Feb. 2025 (39 months) to coincide with the existing VIPER system.
4. AT&T requires the receipt of Clovis PD's PO (including 39 months maintenance) before placing the order with the Manufacturer for this proposed system.
5. AT&T requires the receipt of signed SOW and PO prior to placing the order with the Manufacturer for the proposed system.
6. Clovis PD to provide (2) 20 amp separate and dedicated power source for VIPER Host B.
7. The CALOES 911 CPE contract 4145-6 terms and conditions apply to the equipment / services provided in this quote.
8. This quote DOES NOT INCLUDE the network connecting the two Host Sites.
9. This quote is based on the Agency to provide the network connecting the two Host Sites.
10. This proposed 2nd VIEPR Host will support up to (8) CAMA trunks, (12) 10-D lines, and (1) PRI.
11. 2020-04-07. Per discussion with Customer, added (2) more switches (for a total of 6; (2) in Host A, (2) in Host B, and (2) in Host B Call Handling Room).
12. 2020-04-07. Per discussion with Customer, added UPS and firewall for the Host B Backroom equipment.
13. 2020-06-05. AT&T confirmed the existing system has two Routers. One router is at Host A, and the other Router is at Host B.
14. 2020-06-05. AT&T confirmed the existing System has four switches. Two switches at Host A, and two switches at Host B.
15. 2020-06-05. Added (2) Routers to the existing system for the redundant Fiber connections (provided by the Agency) between Host A and Host B.

	DATE	6/5/2020	Quote Summary Clovis Police Department Basic Configuration	
	VERSION	16.0		
	Account Manager	Henry Wang	Contract Number: 4145-6	Intrado
	Phone	714-680-5789	Add VIPER Host B	
	Email	hw3126@att.com		

- 16. 2020-06-05. Added (6) SFP(s). Two SFP(s) for the two new routers and four SFP(s) for the four switches at Host B and Host B Call Handling Room.
- 17. 2020-06-05. Adjusted the quote to reduce the four switches quoted on 2020-04-07 to two switches (due to existing system already has four switches)
- 18. 2020-06-05. Added (4) Network Interface Module 1G Routable (For Router back to back connection)



CITY *of* CLOVIS

REPORT TO THE CITY COUNCIL

TO: Mayor and City Council

FROM: Public Utilities Department

DATE: September 14, 2020

SUBJECT: Public Utilities – Approval - Waive formal bidding requirements and authorize the purchase of a Grapple Truck off the Sourcewell Purchasing Contract from Nixon-Egli Equipment Company

ATTACHMENTS: None

CONFLICT OF INTEREST

None

RECOMMENDATION

For the City Council to waive the City's formal bidding requirements and authorize the purchase of a replacement grapple truck from Nixon-Egli Equipment Company off of the Sourcewell Purchasing Contract for a total cost of \$192,963.56 including tax and freight.

EXECUTIVE SUMMARY

There are funds in this year's Fleet Renewal budget to purchase a Freightliner M3 truck with Peterson TL3 Loader, commonly known as a grapple truck, for the Solid Waste Community Clean-up Section of the Public Utilities Department. The existing equipment is being replaced due to its age and new emission requirements. The competitively bid contract price is \$192,963.56 and meets the City's emission requirement for On-Road 2020.

The Sourcewell Purchasing Contract, formerly the National Joint Powers Alliance (NJPA) Contract, is a nationwide public procurement service that makes the governmental procurement process more efficient. All contracts available to participating members have been awarded by virtue of a public competitive procurement process that is compliant with State statutes.

BACKGROUND

The recommended vehicle is available through the Sourcewell Purchasing Contract, former NJPA Contract, which is competitively bid on a nationwide basis.

FISCAL IMPACT

The new equipment was included in the 2020-2021 Fleet Replacement budget. Sufficient funds have been transferred from the Solid Waste Enterprise account to the renewal account to purchase the equipment. The recommended vehicle is available through the Sourcewell Purchasing Contract, which is the former NJPA Contract, and is competitively bid on a nationwide basis. The recommended vehicle meets the required specifications.

REASON FOR RECOMMENDATION

The existing grapple truck is over 15 years old and is being replaced due to age and to meet new emission requirements. The new truck is needed to maintain operations of the City's Community Clean-Up Program.

Staff has evaluated the available equipment and has determined that the proposed equipment will meet the needs of the Solid Waste Section. The proposed method of purchasing the equipment is cost effective and sufficient funds are available.

ACTIONS FOLLOWING APPROVAL

A purchase order will be prepared for the City Manager's approval and sent to the vendor.

Prepared by: Paul Armendariz, Assistant Public Utilities Director

Reviewed by: City Manager *PA*



CITY *of* CLOVIS

REPORT TO THE CITY COUNCIL

TO: Mayor and City Council

FROM: Planning and Development Services

DATE: September 14, 2020

SUBJECT: Consider – For the City Council to provide policy direction regarding a request by Wilson Premier Homes for Council to authorize staff to begin the process to amend the City of Clovis Sphere of Influence to allow future urbanization of approximately 825 acres north of Shepherd Avenue generally between Sunnyside Avenue and North Carson Avenue (Big Dry Creek Dam).

Staff: Ricky Caperton, AICP, Senior Planner

Recommendation: Consider Policy Direction

ATTACHMENTS:

1. Justification
2. March 2, 2020 Staff Report and Minutes
3. Summary of LAFCo Phone Call (8-19-20)

CONFLICT OF INTEREST

None.

RECOMMENDATION

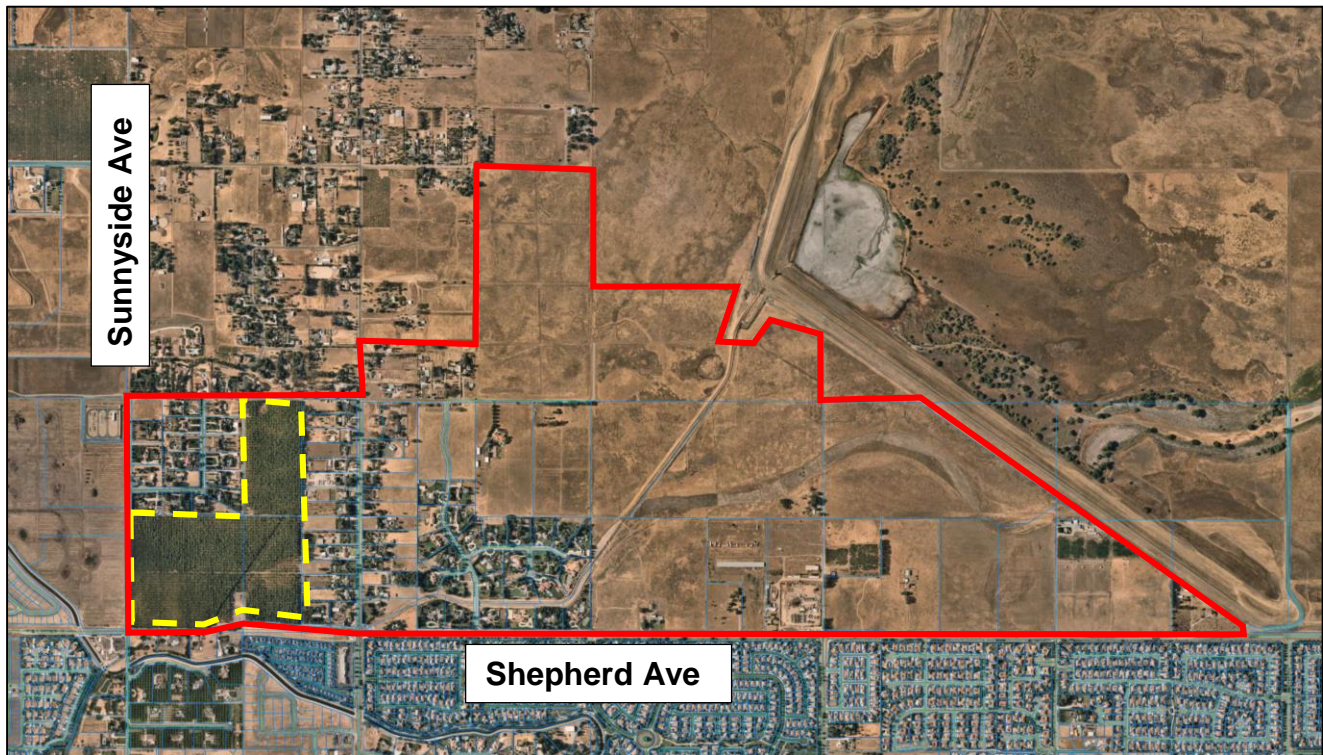
Staff recommends that the City Council consider the information provided in this report, together with any public comments offered regarding the item, and authorize staff to proceed with processing the request by Wilson Premier Homes to pursue amending the City of Clovis Sphere of Influence (SOI) for urbanization of approximately 825 acres as shown below in **Figure 1**.

EXECUTIVE SUMMARY

On March 2, 2020, Council provided authorization to move forward with preparation of environmental studies for the expansion and urbanization of approximately 75 acres at the northeast corner of Shepherd and Sunnyside Avenues. Since then, the applicant put the project on hiatus through the Spring as a result of COVID-19. The applicant has recently decided to move forward again and requested to further expand the SOI boundary from what was previously considered to include an additional 750 acres, for a total of approximately 825 acres, as shown below in **Figure 1**.

The applicant has provided a revised justification, included as **Attachment 1**. For additional background and Council minutes regarding the applicant’s request on March 2, 2020, please refer to **Attachment 2**.

FIGURE 1
SOI Amendment Location



 = Revised SOI Boundary (approx. 825 acres)

 = SOI Boundary Considered On March 2, 2020 (approx. 75 acres)



BACKGROUND

This section serves as a brief summary to the timeline of events related to the applicant’s request.

- **June 2016:** Staff received a request to allow urbanization of the subject property. Staff began an internal cursory evaluation of the request to identify potential challenges and issues that would require a more detailed evaluation to assess the feasibility of the SOI amendment.
- **June 2018:** Applicant’s representative submitted a request for the Council to consider direction and to allow for staff to proceed with the SOI amendment process.
- **September 2018:** Staff presented the request to the City Council for consideration and seeking direction. Council ultimately directed staff to continue exploring the feasibility and to report back to City Council with an update; however, no direction was given to formally proceed at this hearing.

- **March 2020:** Staff received direction from City Council to move forward and prepare environmental studies related to approximately 75 acres of land at the northeast corner of Shepherd and Sunnyside Avenues (see **Figure 1** above), and to include the neighborhood at the corner of Perrin and Sunnyside Avenues as part of the environmental review.
- **April 2020:** Following Council direction at the March 2, 2020 hearing, the applicant requested via email on April 20, 2020 that the project be placed on hold due economic uncertainty in the housing industry as a result of COVID-19.
- **July 2020:** Applicant requested staff to continue the process and staff released a request for proposal (RFP) for preparation of an Environmental Impact Report and related studies.
- **August 2020:** Following the release of the RFP, the applicant requested a revision to the SOI boundary to include an additional 750 acres, for a total SOI expansion of 825 acres.

This report serves as an update to the March 2, 2020 hearing, and requests Council's authorization to move forward with a revised SOI amendment to now include approximately 825 total acres rather than the approximately 75 acres previously requested. With the Council's concurrence, staff will schedule a public meeting to gather input from the owners in the revised SOI boundary, plus the Dry Creek Preserve area, before returning to the Council to consider a formal resolution initiating the SOI expansion application. Further details are provided in the letter of justification provided by the applicant's representative, Dirk Poeschel of Land Development Services, Inc., included as **Attachment 1**.

PROPOSAL AND ANALYSIS

The subject area is currently outside of the City's SOI and as a result was not considered as part of the General Plan update in 2014 or its associated Environmental Impact Report (EIR), with the exception of portions of the areas east of Armstrong Avenue – which is part of the Northeast Urban Center (Focus Area 13). As shown below on **Figure 2**, there is a mix of land use designations, including Rural Residential (west of Armstrong Avenue), Low-, Medium-, and Medium-High Density Residential, Park, and Mixed-Use Village.

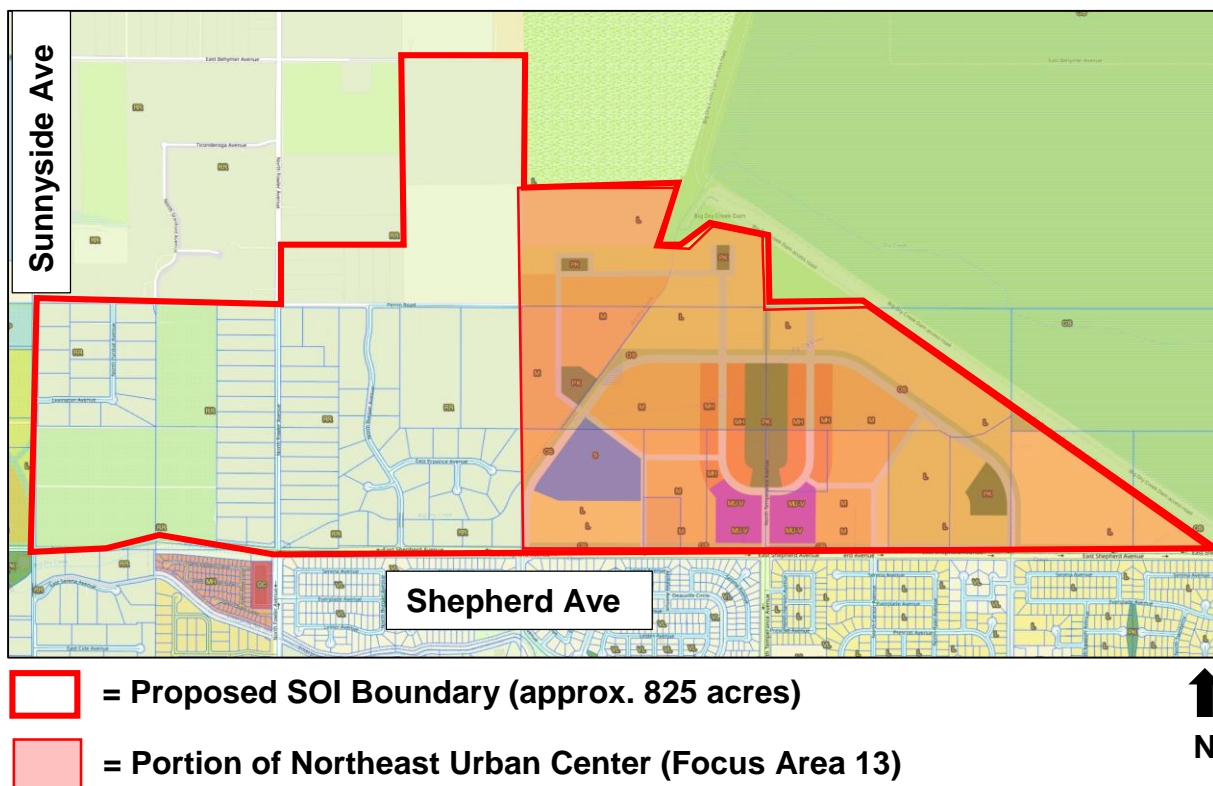
One of the key attributes of the 2014 General Plan was its identification of three (3) urban centers which is where outward growth will occur as the General Plan is implemented over the next 20 years. The applicant's revised request to expand the SOI would allow a portion of the Northeast Urban Center to be brought into the City's SOI. As State housing laws and the newly implemented vehicle miles traveled (VMT) law continue to encourage higher density housing and a mix of uses, this portion of Focus Area 13 would help to contribute to a more compact development pattern with higher density housing, as indicated in the land use designations (see **Figure 2** below).

If Council directs staff to move forward with the request, staff will continue in the process of contracting with a consulting firm to prepare technical studies for the preparation of an EIR in compliance with the California Environmental Quality Act (CEQA) and to ensure that the City has adequate services (i.e., sewer, water, police and fire) to serve the expanded area. The City would also review and update, as needed, the water and sewer master plans accordingly.

Upon selection of a consultant, staff will return to the Council with a request to enter into an agreement with the consultant to begin preparation of an EIR. A formal request for authorization for staff to proceed with an application to the Local Agency Formation Commission (LAFCo) will also be presented for the Council's consideration at that time. Following completion of the EIR and technical studies, staff will return to City Council to present the environmental findings prior to actual submittal of the LAFCo application.

During preparation of the EIR, which could take approximately one (1) year to complete, staff and the applicant will continue public outreach efforts, and engage with Fresno County and LAFCo staff. Efforts have already been made, as shown in **Attachment 3**, summarizing an applicant's recent call with LAFCo Director, David Fey. Both staff and the applicant have also contacted Fresno County regarding the revised proposal. While specific feedback from County staff was pending at the time this report was completed, no immediate objections had been raised based on informal consultation.

FIGURE 2
Current Land Use Designations



FISCAL IMPACT

The impact of expanding the SOI would be minimal at the time the Sphere of Influence is changed. At the point of annexation and subsequent development entitlements, an impact on the City's ability to provide services will be realized. The fiscal impacts on the City will be analyzed at the time of an annexation request for the subject property.

REASON FOR RECOMMENDATION

Staff is seeking City Council's authorization to commence processing the revised request to include approximately 825 acres in the City of Clovis SOI. The proposed boundary lies immediately adjacent to the existing City limits and SOI, and encompasses areas planned or proposed for urban development. Authorization to process the SOI expansion proposal will not commit the City to filing a formal application with LAFCo, but it will allow staff to begin conducting public outreach, preparing the environmental analysis, and evaluating public service demands.

ACTIONS FOLLOWING APPROVAL

If directed by City Council to proceed, staff will schedule a public meeting with the owners in the revised SOI expansion boundary, along with the owners in the Dry Creek Preserve, to inform them of the proposal and to gather their input. Following that meeting, a resolution will be brought forward for the Council's consideration authorizing staff to apply to LAFCo. This would allow staff to begin to meet with affected agencies and interested individuals, and prepare a more detailed schedule and outline steps to move forward. In general, the following would occur:

- Conduct environmental studies for the preparation of a Master Service Plan and LAFCo application;
- Update the Master Service Plan for the proposed SOI;
- Consider a general plan amendment to identify land use and intensity of land use for the area;
- Negotiate an amendment to the Memorandum of Understanding and Tax Sharing Agreement with the County of Fresno; and
- Prepare a Sphere of Influence expansion application to be considered by LAFCo.

Prepared by: Ricky Caperton, AICP, Senior Planner

Reviewed by: City Manager *JK*

JUSTIFICATION

ATTACHMENT 1

DIRK POESCHEL

Land Development Services, Inc.

923 Van Ness Avenue, Suite 200 • Fresno, California 93721

559/445-0374 • Fax: 559/445-0551 • email: dirk@dplds.com

September 4, 2020

Mr. Luke Serpa, City Manager
City of Clovis
1033 5th St.
Clovis CA 93612

SUBJECT: Request for Council Direction to Allow a Sphere of Influence Change for
Urbanization of the 822.40 +/- acres

Dear Mr. Serpa,

Wilson Homes, Inc. respectfully requests your council direct City of Clovis staff to request an amendment to the City of Clovis Sphere of Influence to allow the urbanization of the area identified on the attached map. Also, please find a detailed justification for the proposed request.

Discussions with senior LAFCo, Fresno County and City of Clovis will occur to accurately determine the precise Sphere of Influence boundary and the appropriate steps to allow the aforementioned sphere change. Provision of adequate utilities and services will also be required and evaluated though an Environmental Impact Report paid for Wilson Homes, Inc. or a related entity.

For these reasons, I respectfully request the Clovis City Council direct your staff to begin the amendment of the City of Clovis Sphere of Influence to allow the urbanization of the 822.40 +/- acres. Thank you for your efforts in this regard. If you have any questions please feel free to contact me.

Sincerely,

Handwritten signature in blue ink, appearing to read "DP by KSK".

Dirk Poeschel, AICP

Attachments

cc. Mr. Leo Wilson
Mr. Tod Wilson
Mr. Jeff Harris

c:\users\dirk\autotask workplace\current clients\wilson-spensley 16-03\correspondence\08-18-20 council soi letter.docx

Justification to Change the City of Clovis Sphere of Influence

NE Corner of Sunnyside and E. Shepherd Avenues and Planned Urban Areas near the Big Dry Creek Reservoir

September 4, 2020

Project Request:

Wilson Premier Homes, Inc., (Wilson Homes) requests the City of Clovis allow for the urban development of the property located at the north side of Shepherd Avenue, between Sunnyside Avenue and the Big Dry Creek Dam by:

1. Modifying the city's Sphere of Influence of 822.40+/- acres including 217.48+/- acres of existing rural residential uses and 407+/- acres planned for urban uses in the City of Clovis General Plan but not within the Sphere of Influence.
2. Allowing the applicant to contract with a third party to prepare an Environmental Impact Report to evaluate potential effects of the proposed project.

History

The project originally was configured to include the Spensley property and perhaps other adjacent properties to create *logical* Sphere of Influence boundary. Additional analysis by the applicant of the Clovis residential market provided impetus to include the area previously studied by the city for urban purpose adjacent to the Big Dry Creek Reservoir.

The City of Clovis will be the *lead agency* and prepare the required environmental documents for the city, LAFCo and subsequent development actions.

Facts in Support of the Proposed Project

The following facts justify the urbanization of the proposed site.

1. **What are the benefits to the City in including this site within Clovis' Sphere of Influence?**

Infrastructure Completion

Should the subject site urbanize as proposed, a significant benefit to the city and county would be the completion of E. Shepherd Ave. improvements including the land between Fowler and Sunnyside Avenues. Development of the subject site would provide for a significant portion of these street improvements and would realign the future E. Shepherd Ave. alignment in a manner that preserved existing homes located along the south side of current E. Shepherd Ave.

Improvement of this section of E. Shepherd Ave. would also improve line-of-site visibility and safety of E. Shepherd Ave. The subject tangent of roadway will be improved consistent with the E. Shepherd Ave. design speed thereby increasing traffic efficiency with related air pollution reductions while improving public safety by removing awkward curves on an urban roadway. Streetlights will also be installed which will further assist in achieving public safety for vehicular and pedestrian travel.

Among other things, the proposal will remove the last remaining unimproved tangent between Woodward Park and State Route 168. Such improvements would be in the public interest for a variety of reasons. An unintended consequence of the metropolitan area's urban boundary is to generally limit public improvements to those areas that are designated for development. This means lands not designated for development lack urban improvements.

The existing electrical poles on E. Shepherd Ave. are unsightly and are a public nuisance as they are proximate to the roadway and pose a threat to errant vehicles and bicyclists. The proposed project will underground the electrical poles adjacent to the subject roadway in accordance with City of Clovis policy.

Within the subject tangent of E. Shepherd Ave., the proposed project will install public street improvements such as curb, gutter, sidewalk, streetlights, trails and storm drainage per City of Clovis standards.

Completing the Logical Sphere of Influence Expansion

The City of Clovis has anticipated growth within this area for many years. The proposal will evaluate an expansion contemplated by the adopted General Plan.

2. Can the site be served with proposed and existing infrastructure?

The site is proximate to urban infrastructure that has no capacity allocated for this planned urban area. Prior to approval of the Sphere of Influence change, the applicant in cooperation with the city will evaluate the delivery and supply of urban utilities and those required by police, fire and emergency services. Sizing and installation requirements of infrastructure would be analyzed based on a maximum density of development being sought.

All such improvements and services will be designed and constructed in accordance with City of Clovis standards.

3. Is there a need for additional developable lands?

City of Clovis staff has calculated the current number of undeveloped residential lots within the city excluding Heritage Grove. As acknowledged by city staff, a range of variables effect availability of developable lots including location, configuration, buyer's desire to sell, demand as well as other similar factors. The opportunity for development within the Dry Creek

Preserve will take decades to plan, assemble and construct for willing sellers and buyers, so it is difficult to determine what supply of lots will be generated from that area.

Due to the limited urban conversions by property owners, the Heritage Grove Specific Plan area is projected to produce less housing annually than the City of Clovis fair share housing allocation.

Within the Dry Creek area of the proposed expansion, Wilson Homes intends to plan and develop a master planned community. Such an endeavor requires a substantial area of land to provide varying housing types and amenities

4. Would the plan amendment compromise or require reanalysis of the updated water, recycled water and sewer masterplans and the associated environmental report?

An update to the city’s Municipal Service Review (MSR) and other plans will occur to assure adequate services are available to serve the proposed sphere addition. Analysis and review of all service delivery and other potential environmental effects will also be undertaken at the applicant’s expense.

All improvements will be developed according to applicable city standards and as service delivery assessments for the project dictate.

5. Would the Sphere of Influence expansion request generate peripheral issues with existing neighborhoods or stakeholders?

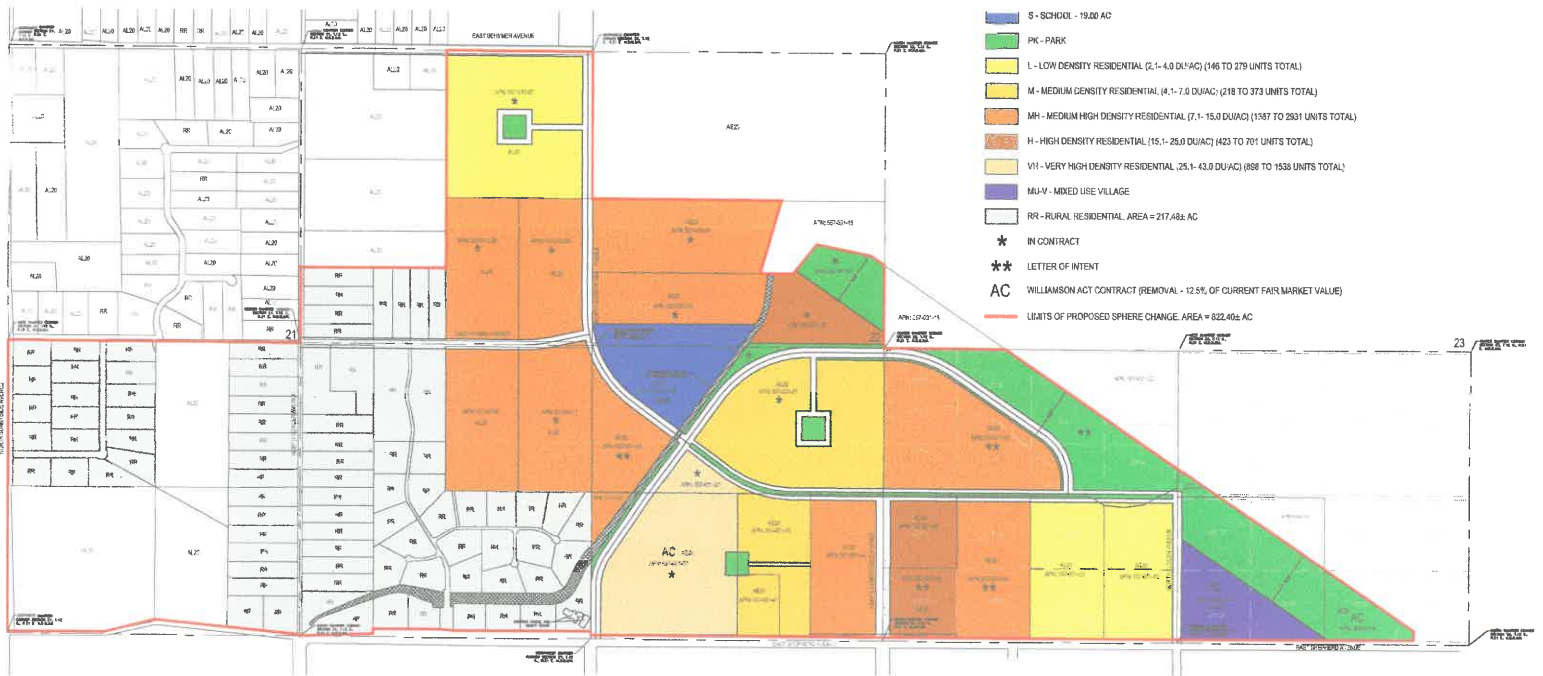
The proposed Sphere of Influence expansion would not be conditioned on a specific product or development density. Nonetheless, the applicant has committed to working with neighbors regarding development interface issues. Further, the proposed Sphere of Influence meets the LAFCO *logical boundary* criteria.

Other Issues

1. Urbanization of the subject site will not establish a precedent for development entitlements outside of the typical plan adoption process because of the exceptional circumstances associated with the request and the singular burden of completing the necessary public improvements by Wilson Homes.
2. The proposed project is consistent with various City of Clovis General goals or policies. For example:
 - a. Orderly and sustainable growth.
 - b. Completed streets.
 - c. Orderly development of the city general plan outside of the city boundary.
 - d. Mix of housing, lifestyle opportunities for all ages and incomes.

- e. The project will propose a density that represents a reasonable increase in residential densities established by *Smart Growth* targets.
- f. Greater efficiencies in the delivery of municipal services.
- g. Provides *Smart Growth* range of housing choices, walkable, distinctive and attractive communities.

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MARCH 2, 2020 CITY COUNCIL STAFF REPORT AND MINUTES

ATTACHMENT 2

11. Planning and Development Services – Approved – **Res. 20-16**, Resolution of Summary Abandonment for a portion of Sabre Avenue previously granted to the City of Clovis for public street and utility purposes, located in the northeast area of Clovis Avenue and Dakota Avenue.
12. Public Utilities – Approved – Waive formal bidding procedures and authorize the City Manager to execute a contract with BSK Associates to perform the 2020 Monitoring and Reporting and 5-Year Sampling at the Clovis Landfill.
13. Public Utilities – Approved – Final Acceptance for CIP 17-10 Compressed Natural Gas (CNG) Fueling System Upgrade.

ADMINISTRATIVE ITEMS

14. **6:06** - APPROVED – UPDATE AND POLICY DIRECTION REGARDING A REQUEST FROM LEO WILSON FOR COUNCIL TO CONSIDER AN AMENDMENT TO THE SPHERE OF INFLUENCE TO ALLOW URBANIZATION OF APPROXIMATELY 75 ACRES NEAR THE NORTHEAST CORNER OF SHEPHERD AND SUNNYSIDE AVENUES. GREAT BIG LAND, INC., OWNER; LEO WILSON, APPLICANT; DIRK POESCHEL.

Senior Planner Ricky Caperton presented a report on a request to update and provide policy direction regarding a request from Leo Wilson for Council to consider an amendment to the Sphere of Influence to allow urbanization of approximately 75 acres near the northeast corner of Shepherd and Sunnyside Avenues. The applicant has requested consideration and direction from the City Council to be able to move forward with the process of amending the City's SOI to include approximately 75 acres at the northeast corner of Shepherd and Sunnyside Avenues. The applicant has provided justification for the request, included as an attachment to the staff report. It is important to note that at this time, the request is only to amend the City's SOI. Prior to any development, future annexation and subsequent entitlements would be required. This request is a follow up to a September 10, 2018 Council hearing regarding the subject property. At that hearing, Council directed staff and applicant to conduct more research on the potential SOI amendment and to hold public outreach meetings regarding the request. This presentation serves as an update to Council and to request direction.

Dirk Poeschel, applicant representing the developer, commented on and spoke in favor of moving forward. Darrel Nelson, area resident, commented on the lack of water in the area. Norman Morrison, area resident, spoke in opposition and summarized the letter he had submitted. Erin Fanning, area resident, commented on a traffic report done on Nees Avenue. Joshua Lane, area resident, commented on a county study on Sunnyside Avenue. Anna Lisa Gangin, area resident, commented on traffic in the area and too much building going on in Clovis. Valarie Urie, area resident, commented on Sunnyside traffic and requested it be evaluated as part of analysis before approving the expansion of the sphere of influence. Jarod Collister, area resident, Quail Run subdivision, commented on the process, and noted some corrections to the applicant's letter of support. David Castle, area resident, commented on not being included in the discussion of the process, and questioned why the strange shape of the sphere of influence request. Robert Shuman, area resident, Quail Run subdivision north of Perrin, commented on lack of notification, the

illogical boundary, and the large number of homes being considered. Jill Polson, area resident, indicated that it was too soon to make this decision, lack of data, errors on the letter of support, Heritage Grove not being considered for future development. Area resident, south of the project, raised concerns with traffic in the area and recommended adding a traffic signal to Sunnyside and Shepherd, he also indicated that there is no need to consider this development considering the future growth in Heritage Grove. Rich Wathen, area resident, commented on the amount of money contributed to fund Shepherd Avenue, what the design of Shepherd would be, requested additional time to consider the request, and asked if what is being considered could change during the evaluation process. Paul Pierce, area resident, commented on the extent of the traffic studies, and his concerns with Fowler Avenue. Heather Weist, area resident, commented on impact of this project on the entire area, lack of proper notification, water shortage, and her desire to preserve the rural residential lifestyle, lack of usable data, traffic, and open space. Darrell Nelson, commented on lack of communication. Marcus DiBuduo, area resident, commented on the actual need for a sphere of influence change for 75 acres considering Heritage Grove and the Northeast development areas. Norman Morrison, area resident, commented on the lack of notification, and request for notification of the entire Dry Creek Preserve. Discussion by the City Council.

Motion by Councilmember Whalen, seconded by Councilmember Flores, as follows: (1) for staff to start the process for amending the sphere of influence to evaluate the 75 acres requested by the applicant plus the 18 homes to the north and west of the 75 acres known as Quail Run subdivision; (2) if LAFCo requires additional area to be included, such as the area east to Fowler Avenue, the proposed SOI request will return for Council consideration; (3) a public hearing to consider review of the Environmental Impact Report and the final Local Agency Formation Commission application will be held before the Council; and (4) in addition to regular notification, notification of public hearings will be provided to the entire Dry Creek Preserve as well as 800 feet adjacent to the area studied. Motion carried by unanimous vote.

Recess: 8:53

Reconvene: 9:00

15. **9:00 - RECEIVED AND FILED - 2020 FIVE-YEAR FINANCIAL FORECAST FOR THE CITY OF CLOVIS THROUGH FISCAL YEAR 2024-25 AND DISCUSS OPTIONS FOR BUDGET PREPARATION FOR 2020-21**

City Manager Luke Serpa presented an introduction to the 2020 Five-Year Financial Forecast. Finance Director Jay Schengel presented the 2020 Five-Year Financial Forecast for the City of Clovis through Fiscal Year 2024-25 and discussed options for budget preparation for 2020-21. The Five-Year Financial Forecast is a management tool that is updated and prepared each year to provide the City Council and City management with information on trends for the City's long-term financial condition. The Forecast represents a continuing effort to analyze the City's fiscal condition based upon a reasonable set of economic and operational assumptions. It is a very important management tool for identifying fiscal trends and issues which must be addressed early in order to assure continued financial success. This forecast shows a structural balance through 2024-25 with some ability to improve services. This report will serve as an opportunity to review the



CITY of CLOVIS

REPORT TO THE CITY COUNCIL

TO: Mayor and City Council

FROM: Planning and Development Services

DATE: March 2, 2020

SUBJECT: Consider – Update and policy direction regarding a request from Leo Wilson for Council to consider an amendment to the Sphere of Influence to allow urbanization of approximately 75 acres near the northeast corner of Shepherd and Sunnyside Avenues. Great Big Land, Inc., owner; Leo Wilson, applicant; Dirk Poeschel.

Staff: Ricky Caperton, AICP, Senior Planner

Recommendation: Approve

ATTACHMENTS: 1. Justification
2. September 10, 2018 Staff Report and Minutes

CONFLICT OF INTEREST

None.

RECOMMENDATION

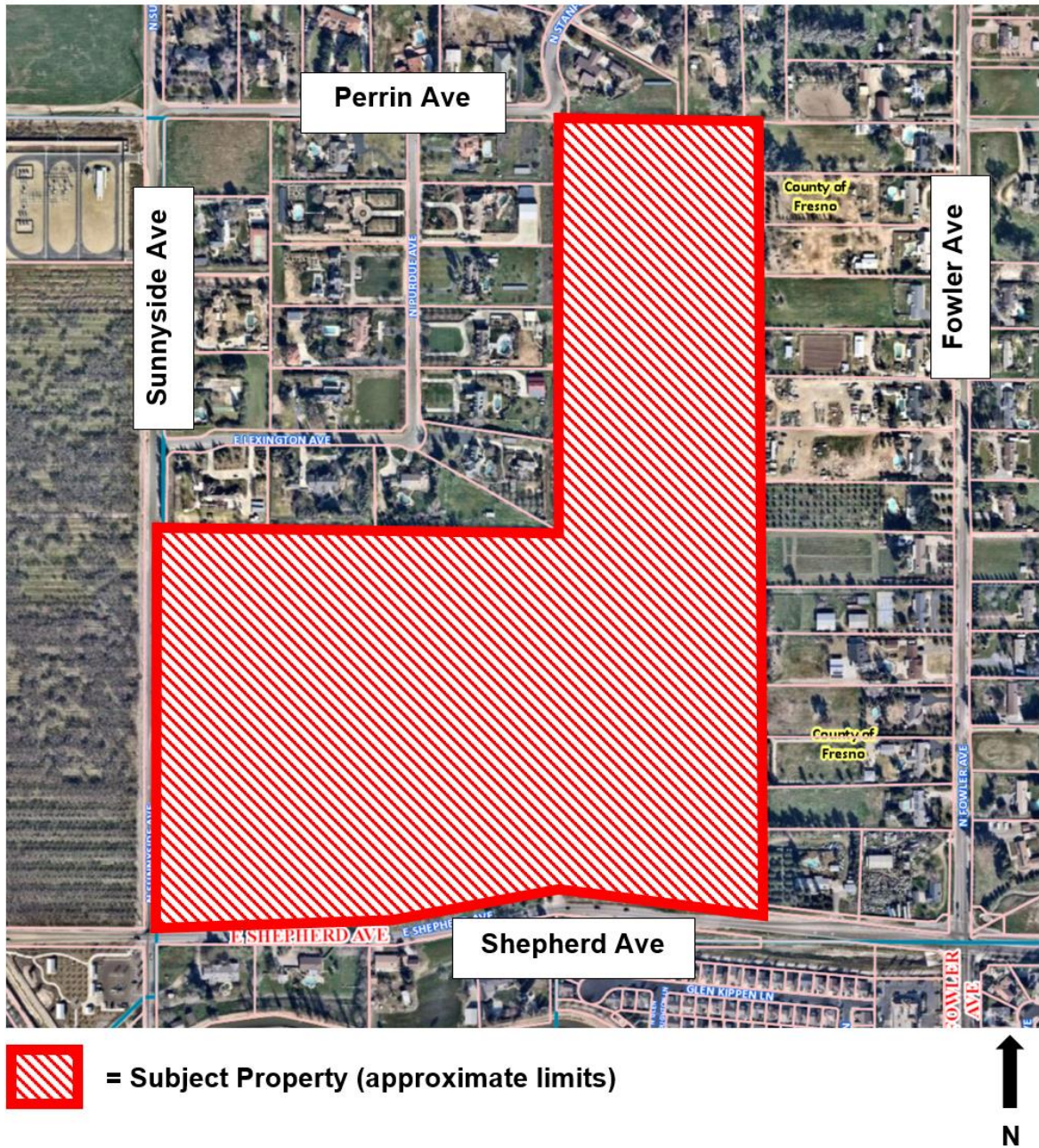
Staff recommends that the City Council consider the information provided in this report, together with any public comments offered regarding the item, and provide policy direction regarding pursuing a change to the City of Clovis Sphere of Influence (SOI) for urbanization of approximately 75 acres near the northeast corner of Shepherd and Sunnyside Avenues.

EXECUTIVE SUMMARY

The applicant has requested consideration and direction from the City Council to be able to move forward with the process of amending the City's SOI to include approximately 75 acres at the northeast corner of Shepherd and Sunnyside Avenues as shown in **Figure 1 (below)**. The applicant has provided justification for the request, included as **Attachment 1**. It is important to note that at this time, the request is only to amend the City's SOI. Prior to any development, future annexation and subsequent entitlements would be required.

This request is a follow up to a September 10, 2018 Council hearing regarding the subject property. At that hearing, Council directed staff and applicant to conduct more research on the potential SOI amendment and to hold public outreach meetings regarding the request. This staff report serves as an update to Council and to request direction. The September 10, 2018 staff report and meeting minutes are included as **Attachment 2** for reference.

FIGURE 1
Property Location



BACKGROUND

This section serves as a brief summary to the timeline of events related to the applicant's request. A more complete background is included in the September 10, 2018 staff report included as **Attachment 2**.

- **June 2016:** Staff received a request to allow urbanization of the subject property. Staff began an internal cursory evaluation of the request to identify potential challenges and issues that would require a more detailed evaluation to assess the feasibility of the SOI amendment.
- **June 2018:** Applicant's representative submits a request for the Council to consider direction and to allow for staff to proceed with the SOI amendment process.
- **September 2018:** Staff presents the request to the City Council for consideration and seek direction. Council ultimately directs staff to continue exploring the feasibility and to report back to City Council with an update; however, no direction was given to formally proceed at this hearing.

This report serves as an update to the September 2018 hearing, and requests Council direction to be able to move forward with the SOI amendment. Efforts following the 2018 consideration have included several neighborhood outreach meetings, as well as further research regarding the feasibility of the SOI amendment which included determining the limits of the proposed boundary of the SOI expansion. Further details are provided in the letter of justification provided by the applicant's representative, Dirk Poeschel of Land Development Services, Inc., included as **Attachment 1**.

PROPOSAL AND ANALYSIS

The subject site is currently outside of the City's SOI and as a result was not considered as part of the General Plan update in 2014 or its associated Environmental Impact Report (EIR). As such, no City land use designation was assigned to the site and no public facilities were anticipated to serve development of the property. If Council directs staff to move forward with the request, detailed studies would be conducted as part of the SOI amendment process, as well as during other subsequent entitlements (i.e. annexation, pre-zoning, etc.), to ensure the City has adequate services (i.e. sewer, water, police and fire) to serve the subject property.

During Council's September 2018 consideration of the request, several key questions were addressed, such as ability for infrastructure to serve the site, the potential impact to City water and sewer master plans, benefits to the City, and the overall need for additional developable lands. The responses to those questions can be reviewed in **Attachment 2**.

In general, the location of the subject property along Shepherd Avenue makes access to City utility infrastructure feasible. With regard to the request affecting City sewer and water master plans, updates to these documents would be required to understand the full impact of development of the site.

Because the current request is only to expand the City's SOI, which is the early phase of a complex process, insufficient information is available to analyze the full impact to the City's water and sewer systems. These impacts, and the specific improvements required to serve future development in this area, would need to be studied at a later stage, during annexation and subsequent entitlements, at which time more details would be known, such as the land use designation and zoning.

With the relatively recent inclusion of Heritage Grove to the City's SOI, and the more recent Northeast Area, it would appear the City has sufficient developable land to accommodate housing for the foreseeable future. However, one potential benefit to the City with the subject property is the ability to improve (i.e. straighten the curve) Shepherd Avenue along the site's frontage.

With regard to the proposed sphere boundary, the applicant held multiple outreach meetings to determine where the ultimate boundary would lie. As a result of those meetings, the applicant has confirmed the intent to move forward only with the parcels shown in **Figure 1**, which limits the boundary to the potential future development area. Consideration was given to include the 18 property owners at the southeast corner of Sunnyside and Perrin Avenues, which is directly adjacent to the west of the subject property. After multiple meetings between the applicant and the neighbors, an agreement could not be reached and the applicant has chosen to move forward with the boundary as proposed. More detail regarding the outreach efforts, specifically with the 18 adjacent property owners, can be viewed in **Attachment 1**.

FISCAL IMPACT

The impact of expanding the SOI would be minimal at the time the Sphere of Influence is changed. At the point of annexation, and subsequent development entitlements, an impact on the City's ability to provide services will be realized. The fiscal impacts on the City will be analyzed at the time of an annexation request for the subject property. If the Council recommends a sphere boundary beyond what is proposed, staff would return with a fiscal impact analysis.

REASON FOR RECOMMENDATION

Staff is seeking City Council direction on this request to include this site in the City of Clovis Sphere of Influence. Past discussions with associated agencies have established a general method in proceeding with such a SOI expansion.

If directed to proceed, Clovis would become the lead agency in preparing environmental documents with technical material to be supplied by the applicant. Clovis would also need to negotiate an amendment to the Memorandum of Understanding and tax sharing agreement with the County of Fresno and address requirements of LAFCo.

The larger question before the Council at this time is whether the benefits received by including this site into Clovis' SOI, such as improving Shepherd Avenue and providing additional developable land, outweigh peripheral issues, such as being able to accommodate additional traffic and providing services such as water, and sewer, which may cost Clovis additional resources.

ACTIONS FOLLOWING APPROVAL

If directed by City Council to proceed, staff will bring back a resolution authorizing staff to apply to LAFCo. This would allow staff to begin to meet with affected agencies and interested individuals and prepare a more detailed schedule and outlines steps to move forward. In general, the following would occur:

- Conduct environmental studies for the preparation of a Master Service Plan and LAFCo application;
- Update the Master Service Plan for the subject property;
- Consider a general plan amendment to identify land use and intensity of land use for the property;
- Negotiate an amendment to the Memorandum of Understanding and Tax Sharing Agreement with the County of Fresno; and
- Prepare a Sphere of Influence expansion application to be considered by LAFCo.

Prepared by: Ricky Caperton, AICP, Senior Planner

Reviewed by: City Manager *RA*

JUSTIFICATION

ATTACHMENT 1

Justification to Change the City of Clovis Sphere of Influence

NE Corner of Sunnyside and E. Shepherd Avenues

February 19, 2020

Project Request:

Great Big Land, Inc. which is controlled by Mr. Leo Wilson (Mr. Wilson) requests the City of Clovis allow for the urban development of the property located at the north east corner of N. Sunnyside and E. Shepherd Avenues by:

1. Modifying the city's Sphere of Influence to include the 75.45 +/- acres (hereinafter site) for future urbanization.
2. Allowing the applicant to contract with a third party to prepare an Environmental Impact Report to evaluate potential effects of the proposed project.

History

The subject site was considered for inclusion in the City of Clovis General Plan update but that request was not pursued due to a variety of factors principally revolving around the desire of the City of Clovis to not pursue urbanization north of Shepherd Ave. in the area proximate to the subject site. At that time, the subject site was controlled by CVEC, a partnership of Wathen Castanos and Wilson Homes. As the economy weakened, CVEC dissolved and Mr. Wilson obtained exclusive control of the subject site.

Over the past years, Mr. Wilson has pursued urbanization of the subject site. On April 18th, 2018 Mr. Wilson met with the Fresno County Local Agency formation (LAFCo), Fresno County Public Works & Development Services Director and Senior City of Clovis Administrative Office and Planning & Development staff.

The project will provide substantial public benefits to the city and county. Further, the City of Clovis will be the *lead agency* and prepare the required environmental documents for the city, LAFCo and subsequent development actions. LAFCo believed a commitment by the City of Clovis to annexing the 795 +/- acre Dry Creek Preserve and actively pursuing the annexation of the four properties south of Shepherd Ave. would alleviate annexation configuration issues. Subsequently, the agencies came to an informal agreement that annexation of the subject site into the City of Clovis is feasible.

Facts in Support of the Proposed Project

The following facts justify the urbanization of the proposed site.

1. **What are the benefits to the City in including this site within Clovis' Sphere of Influence?**

At first glance, the proposed Sphere of Influence change could appear to be inappropriate as it is an isolated request to urbanize a 75 +/- acre parcel of agricultural land. A closer review of the circumstances associated with this project indicates that it is essentially an isolated property surrounded by land that are designated for intensive urbanization. Please see the attached map.

Fresno County designated the areas proximate to the subject site for Rural Residential uses in 1977. At that time, the Rural Residential zone district was considered an *intensive* land use in the Fresno County General Plan as described in INTENSIVE DEVELOPMENT POLICIES Section 205-01 of that plan. When the Rural Residential land use designations were granted, those properties converted or were redesignated from an agricultural to a Rural Residential use. In other words, from agriculture to an intensive land use category.

Over time, as the City of Clovis has expanded its Sphere of Influence, surrounding properties have been designated for urbanization closer and closer to the subject site. Also over that time, the subject site has become essentially encircled by planned urban uses.

The agreement of Dry Creek Preserve owners to acknowledge the advantages of urbanization completes the logical expansion of urbanization in this area and specifically to the south and east of the subject site. The Dry Creek Preserve area, if not urbanized, could represent the creation of an *island* or at the very least the creation of an *illogical boundary* inconsistent with Local Agency Formation Commission (LAFCo) standards. In addition, the Dry Creek Preserve urbanization eliminated the potential LAFCo guideline conflicts, while closing the circle of urbanization around the subject site.

Infrastructure Completion

Should the subject site urbanize as proposed, a significant benefit to the city and county would be the completion of E. Shepherd Ave. improvements between Fowler and Sunnyside Avenues. Development of the subject site would provide for a significant portion of these street improvements and would realign the future E. Shepherd Ave. alignment in a manner that preserved existing homes located along the south side of current E. Shepherd Ave.

Improvement of this section of E. Shepherd Ave. would also improve line-of-site visibility and safety of E. Shepherd Ave. The subject tangent of roadway will be improved consistent with the E. Shepherd Ave. design speed thereby increasing traffic efficiency with related air pollution reductions while improving public safety by removing awkward curves on an urban roadway. Streetlights will also be installed which will further assist in achieving public safety for vehicular and pedestrian travel.

The City of Clovis has collected developer fees to construct the portion of E. Shepherd Ave. generally west of the intersection of Sunnyside and Shepherd Avenues. Those fees are inadequate to complete the planned improvements of E. Shepherd Ave. to N. Sunnyside Ave. Allowing the urbanization of the subject site will spend those developer fees now thereby reducing the diminishing return of those fees due to inflationary increases in construction costs. Without development on this site, city and county staffs would need to rely on grants or other funding opportunities in consideration of a cooperative project to improve Shepherd Ave.

The proposal will remove the last remaining unimproved tangent between Woodward Park and State Route 168. Such improvements would be in the public interest for a variety of reasons. An unintended consequence of the metropolitan area’s urban boundary is to generally limit public improvements to those areas that are designated for development. This means lands not designated for development lack urban improvements.

The existing electrical poles on E. Shepherd Ave. are unsightly and are a public nuisance as they are proximate to the roadway and pose a threat to errant vehicles and bicyclists. The proposed project will underground the electrical poles adjacent to the subject roadway in accordance with City of Clovis policy.

Within the subject tangent of roadway, the proposed project will install public street improvements such as curb, gutter, sidewalk, streetlights, trails and storm drainage per City of Clovis standards.

The project will extend community water and sewer lines to the northern edge of the proposed development abutting the existing rural residential development. Said extension of water and sewer lines substantially reduces the cost of future connections to that infrastructure for the rural residential owners. In conjunction with other proximate improvements, a looped water distribution system could be developed for that rural residential subdivision by others. Also, the existing temporary sewer lift station will be eliminated reducing sewer delivery and maintenance costs.

2. Can the site be served with proposed and existing infrastructure?

The site is proximate to urban infrastructure that has no capacity allocated for this site. Prior to approval of the Sphere of Influence change, the applicant in cooperation with the city will evaluate the delivery and supply of urban utilities and those required by police, fire and emergency services. Sizing and installation requirements of infrastructure would be analyzed based on a maximum density of development being sought.

All such improvements and services will be designed and constructed in accordance with City of Clovis standards.

3. Is there a need for additional developable lands?

City of Clovis staff has calculated the current number of undeveloped residential lots within the city excluding Heritage Grove. According to city staff, there are 3,214 existing or having been approved and not yet developed lots. However, this lot count represents typically by-passed, smaller lots that are not suitable for a production builder to subdivide due to their small size.

Based upon the 30-year average of 750 residential units being developed annually, there would be slightly less than a four-year supply of lots available for development. However, as acknowledged by city staff, a range of variables effect availability of developable lots including location, configuration, buyer’s desire to sell, demand as well as other similar factors. The opportunity for development within the Dry Creek Preserve will take decades to plan, assemble

and construct for willing sellers and buyers, so it is difficult to determine what supply of lots will be generated from that area.

Depending on project yield, it could take years to sell out the project that would represent only 7% to 10% of current Clovis home sales per year.

4. Would the plan amendment compromise or require reanalysis of the updated water, recycled water and sewer masterplans and the associated environmental report?

The City of Clovis completed and adopted the facilities master plans for water, recycled water and sewer services in conjunction with a certified Environmental Impact Report in July 2018. This site was not included in that master planning effort.

An update to the city’s Municipal Service Review (MSR) and other plans will occur to assure adequate services are available to serve the proposed sphere addition. Analysis and review of all service delivery and other potential environmental effects will also be undertaken at the applicant’s expense.

All improvements will be developed according to applicable city standards and as service delivery assessments for the project dictate.

5. Would the Sphere of Influence expansion request generate peripheral issues with existing neighborhoods or stakeholders?

The proposed Sphere of Influence expansion would not be conditioned on a specific product or development density. Nonetheless, the applicant has committed to working with neighbors regarding development interface issues.

Please see the attached map which identifies adjacent properties. Annexation of the Rural Residential properties to the immediate north is not proposed as the owners of these lots do not desire annexation.

Numerous meetings occurred with neighbors to the north regarding the extension of water to that subdivision. Those meeting occurred as follows:

- 1. February 7, 2019 City of Clovis Staff neighborhood outreach & informational meeting at Clovis City Hall
- 2. 2. May 10, 2019 Meeting w/neighbor representatives Rich Wathen & Jarod Fishman at Wilson Homes office
- 3. September 26, 2019 Wilson neighborhood outreach meeting re: water & annexation process at the Clovis Memorial building
- 4. October 17, 2019 Wilson 2nd neighborhood outreach meeting re: water & annexation at the Clovis Memorial building
- 5. October 22, 2019 Wilson follow-up neighborhood outreach meeting re: water

- 6. November 7, 2019 process at the Clovis Memorial building
Wilson follow-up neighborhood meeting re: water & annexation process at Broussard Old Town conference room
- 7. December 10, 2019 Wilson follow-up meeting with neighbor representatives, Campania Restaurant
- 8. January 7, 2020 Wilson follow-up meeting with neighbor representative Rich Wathen

Mr. Wilson proposed to construct a water line through the Rural Residential subdivision at no cost to the owners. Said extension would be conditioned upon the willingness of those property owners to seek inclusion into the City of Clovis Sphere of Influence and ultimately annexing their subdivision into the city.

There is little doubt that substantial public good could be derived from the proximate Rural Residential properties connecting to a public water supply. However, the neighbors rejected the Wilson water line extension offer valued at \$800,000.00 +/- because connecting the Rural Residential subdivision to the City of Clovis water system would require the assessment of other infrastructure costs which the owners were not prepared to pay.

A previous multiyear effort of the City of Clovis and Fresno County to extend community water to the Rural Residential subdivision failed to obtain most of that area's owners support.

Properties south of the site on E. Shepherd Ave. will be provided the opportunity to be annexed in accordance with directives from Fresno County and LAFCo.

Other Issues

- 1. Urbanization of the subject site will not establish a precedent for development entitlements outside of the typical plan adoption process because of the exceptional circumstances associated with the request and the singular burden of completing the necessary public improvements by Mr. Wilson.
- 2. The proposed project is consistent with various City of Clovis General goals or policies. For example, *General Plan Circulation Element Goal 1* seeks to achieve a context-sensitive and "complete streets" transportation network that prioritizes effective connectivity and accommodates a range of mobility needs. Other plan polices promote completion of roadway networks and directs that decisions should balance the comfort convenience and safety of pedestrians, bicyclists and motorists.
 - a. Orderly and sustainable growth.
 - b. Completed streets.
 - c. Orderly development of the city general plan outside of the city boundary.
 - d. Mix of housing, lifestyle opportunities for all ages and incomes.
 - e. The project will propose a density that represents a reasonable increase in residential densities established by *Smart Growth* targets.

- f. Greater efficiencies in the delivery of municipal services.
- g. Provides *Smart Growth* range of housing choices, walkable, distinctive and attractive communities.

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SEPT. 10, 2018 STAFF REPORT AND MEETING MINUTES

ATTACHMENT 2



CITY of CLOVIS

REPORT TO THE CITY COUNCIL

TO: Mayor and City Council

FROM: Planning and Development Services

DATE: September 10, 2018

SUBJECT: Consider – Policy direction regarding a request from Wilson Homes, Inc. for Council to consider an amendment to the Sphere of Influence to allow urbanization of approximately +/- 52.4 acres near the northeast corner of Shepherd and Sunnyside Avenues. L. Spensley, owner; Wilson Homes, applicant/representative.

ATTACHMENT: Exhibit “A” - Poeschel Letter of June 2018

CONFLICT OF INTEREST

None

RECOMMENDATION

For the City Council to provide policy direction regarding pursuing a change to Clovis' current Sphere of Influence for urbanization of +/- 52.4 acres near the northeast corner of Shepherd and Sunnyside Avenues and if warranted, to approve staff to negotiate a Sphere of Influence change with the County of Fresno and Local Agency Formation Commission (LAFCo).

EXECUTIVE SUMMARY

The City Council is being requested to direct staff to begin negotiations with the County of Fresno to amend the Clovis Sphere of Influence to allow urbanization of the +/-52.4 acre Spensley property located at the northeast corner of Shepherd and Sunnyside Avenues (see Figure 1 Below). This item had been under discussion during the preparation of the 2014 General Plan but for various reasons was not identified for future development in the General Plan. Subsequent discussion has occurred between the applicant, the City, the County of Fresno and LAFCo. There are a variety of issues requiring evaluation under this proposal.

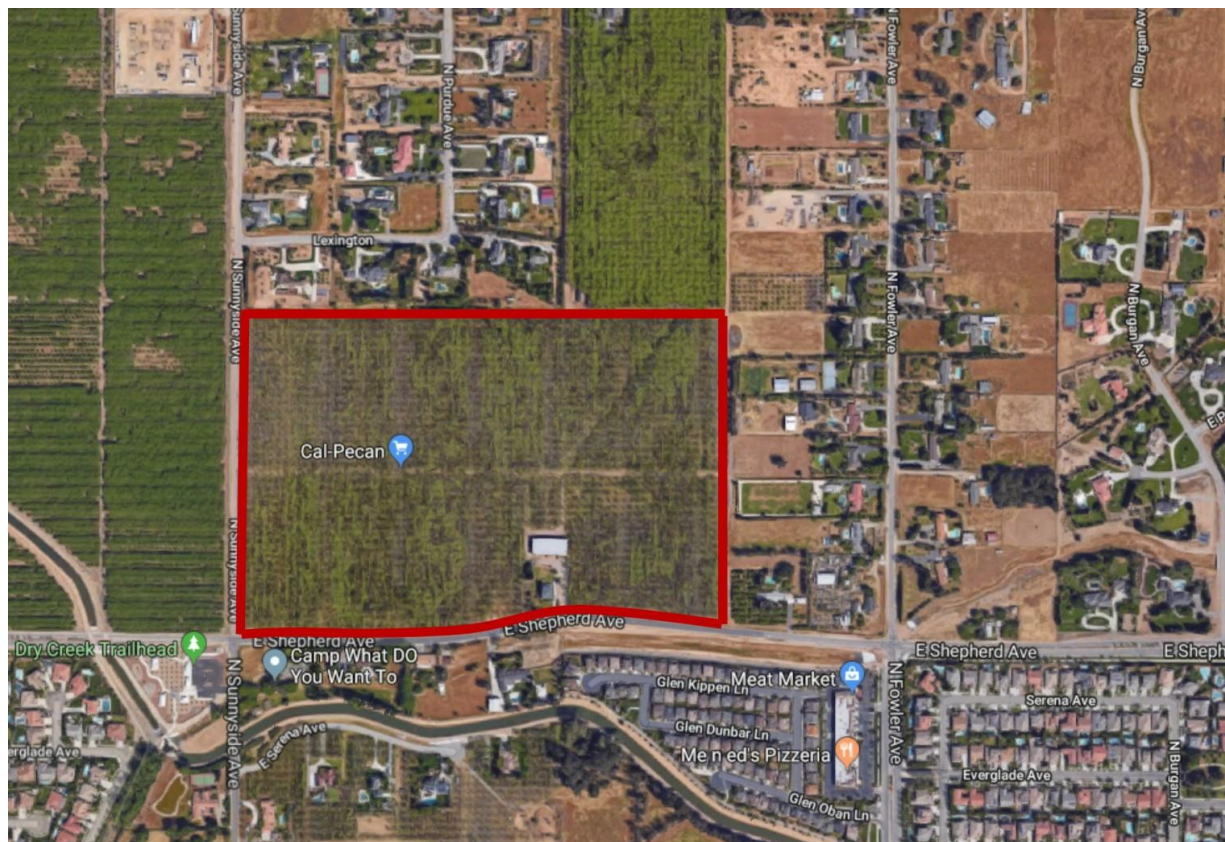


FIGURE 1 – Spensley Properties

BACKGROUND

In 2014, the City of Clovis completed a comprehensive update to its 1993 General Plan, along with an associated environmental impact report. The 2014 General Plan identified specific land uses for the Northwest area (Heritage Grove). Subsequently, in December 2014, an 860 acre Sphere of Influence expansion was sought and approved to align with the boundaries of Heritage Grove: Shepherd, Willow, Copper Avenues and the Sunnyside Avenue alignment.

In June of 2016, staff received a letter from Dirk Poeschel, Land Development Services, Inc., representing Wilson Homes, requesting to allow for the urbanization of the 75 acre Spensley property generally located along the north side of Shepherd Avenue between Sunnyside and Fowler Avenues. This site was not identified for development in either the 1993 or 2014 General Plan, or under the 2014 Sphere of Influence boundary change.

City staff began a cursory evaluation of the proposal with internal staff including the development of an inventory of issues requiring evaluation. Additionally, staff contacted Fresno County and LAFCo staff to discuss a tentative process for consideration of this request if it were to move forward.

Staff received the attached letter dated June 14, 2018 (Exhibit "A") from Dirk Poeschel of Land Development Services, Inc. representing Wilson Homes requesting City Council consideration and direction on beginning a process to amend the City of Clovis Sphere of Influence to allow for the urbanization of a modified 52.4+/- net acre portion of the Spensely property.

PROPOSAL AND ANALYSIS

The subject site lies outside of the current Sphere of Influence and was not considered as part of the General Plan update of 2014. As such, no land use direction was assigned to this site and no public facilities were analyzed for serving development of this property.

Unlike the Northeast Urban Village where the General Plan provided direction for subsequent land use consideration by way of a Master Planned Community Zone District action or Specific Plan process, the General Plan does not address this site. Consequently the prevailing land use authority falls under the County of Fresno with a land use designation of Rural Residential (one dwelling unit per two acres). This site has not been included in any level of urban facility master planning; however with the recent adoption of Clovis' water, sewer and recycled water masterplans, a more accurate analysis of available services can be conducted.

For this discussion, staff has included some key issues and topics:

- Can the site be serviced with proposed and existing infrastructure?
- Is there a need for additional developable lands?
- Would the plan amendment compromise or require re-analysis of the updated water, recycled water and sewer masterplans and the associated environmental report?
- What are the benefits to the City in including this site within Clovis' Sphere of Influence?
- Would the Sphere of Influence expansion request generate peripheral issues with existing neighborhoods or stakeholders?

The following are preliminary responses to these questions.

Can the site be serviced with proposed and existing infrastructure?

This is an unknown at this time and would require further analysis. With Clovis' cooperation in developing water banking facilities with the Fresno Irrigation District (FID), some water resources are available for use outside of the FID boundary. Use of these resources at this site will subtract from the resource pool available for the overall community. Further analysis would be based upon the density of development being sought. Physical sewer, water and recycled water infrastructure will be developed in proximity to this site with development in the Heritage Grove area. It is likely that the physical location of these facilities may be reached relatively easily.

Additional analysis would be required with the Fresno Metropolitan Flood Control District (FMFCD) to determine how flood waters would be handled from this site.

Is there a need for additional developable lands?

Staff has reviewed and calculated the current number of undeveloped residential lots within Clovis outside of Heritage Grove. It appears that there are 2,854 existing or having been approved and not yet developed lots. Based upon the 30 year average of 750 residential units being developed annually, there would be a little under four year supply of lots available for development. Understandably there are many issues related to availability of developable lots including issues with acquisition and thus the lot count could be much less.

Additionally, with the opening of Heritage Grove to development, another 2,560 acres will become available for development as well as additional lands with the phased opening of the Northeast area. It would appear that an inventory of land is available for future development.

Would the plan amendment compromise or require re-analysis of the water, recycled water and sewer master plans and the associated environmental report?

Clovis has completed and adopted the facilities master planning for water, recycled water and sewer services in conjunction with an environmental impact report in July 2018.

As this site has not been included in this master planning effort it is unclear what the ramifications would be of including this site into the Clovis Sphere of Influence. Further analysis and environmental review is required for consideration of servicing this site.

What are the benefits to the City in including this site within Clovis' Sphere of Influence?

A significant benefit to the City would be the completion of Shepherd Avenue improvements between Fowler and Sunnyside Avenues. Development of this site would provide for a significant portion of these street improvements and could realign the future Expressway in a manner that preserved existing homes located along the south side of present day Shepherd Avenue. Without development on this site, City and County staffs would need to rely on grants or other funding opportunities in consideration of a cooperative project to improve Shepherd Avenue.

Would the Sphere of Influence expansion request generate peripheral issues with existing neighborhoods or stakeholders?

Recent development activity including the master planning for the Dry Creek Preserve area and the Lennar subdivision at the northwest corner of Sunnyside and Shepherd Avenues have both solicited for and attracted comments from property owners and stakeholders in the vicinity. The City has heard concerns raised regarding increased traffic and availability

of services such as water. Although a Sphere of Influence expansion would not carry a specific project design or identify a development density, it is likely to generate public comment as to the need for expansion and/or impacts to adjacent areas.

Staff has notified individuals who have requested to be updated on any development activity of this item.

FISCAL IMPACT

The full fiscal impact is unknown at this time. Should the City Council direct staff to proceed, staff would provide a formal investigation and analysis of costs associated with a Sphere of influence expansion.

REASON FOR RECOMMENDATION

Staff is seeking City Council direction on this request to include this site in Clovis' Sphere of Influence. Past discussions with associated agencies have established a general method in proceeding with such a Sphere of Influence expansion.

If directed to proceed, Clovis would become the lead agency in preparing environmental documents with technical material to be supplied by the applicant. Clovis would also negotiate an amendment to the Memorandum of Understanding and tax sharing agreement with the County of Fresno and address requirements of LAFCo.

The larger issue before the Council at this time is will the benefits received by including this site into Clovis' Sphere of Influence such as improving Shepherd Avenue and providing additional developable land be outweighed by peripheral issues that may cost Clovis additional resources.

ACTIONS FOLLOWING APPROVAL

If directed by City Council to proceed, staff will meet with affected agencies and interested individuals and prepare a schedule and steps to move forward. This would include:

- A written justification from the applicant on why this site should be brought into Clovis' Sphere of Influence;
- Conduct environmental studies for the preparation of a Master Service Plan and LAFCo application;
- Update the Master Service Plan for the subject property;
- Consider a plan amendment to identify land use and intensity of land use for the property;
- Negotiate an amendment to the Memorandum of Understanding and Tax Sharing agreement with the County of Fresno; and,
- Prepare a Sphere of Influence expansion application to be considered by LAFCo.

Prepared by: Dwight Kroll, AICP, PDS Director

Submitted by: _____
Dwight Kroll, AICP
Director of Planning and
Development Services

September 10, 2018

6:00 P.M.

Council Chamber

Meeting called to order by Mayor Whalen
Flag Salute led by Councilmember Flores

Roll Call: Present: Councilmembers Ashbeck, Bessinger, Flores, Mouanoutoua
Mayor Whalen
Absent: None

PRESENTATIONS

- 1. 6:03 P.M. - PRESENTATION OF CERTIFICATES OF RECOGNITION TO STUDENTS RECEIVING AMERICAN LEGION BOYS AND GIRLS STATE AWARDS

Councilmember Flores presented Certificates of Recognition to Students Receiving American Legion Boys and Girls State Awards.

- 2. 6:13 - PROCLAMATION RECOGNIZING THE WEEK OF SEPTEMBER 9, 2018 AS NATIONAL SUICIDE PREVENTION WEEK

Councilmember Ashbeck presented a proclamation recognizing the week of September 9, 2018 as National Suicide Prevention Week.

PUBLIC COMMENTS – 6:17

Mike Cunningham, resident and member of the Board of Directors of the Central Sierra Historical Society, invited Council to a September 12, 2018 event entitled *Fire in the Sierra*.

Tom McLaughlin, Director of Planning, California Health Sciences University, provided City Council an update on the medical school campus on Alluvial and Temperance Avenues for the College of Osteopathic Medicine.

CONSENT CALENDAR - 6:34

Motion by Councilmember Ashbeck, seconded by Councilmember Flores, that the items on the Consent Calendar be approved. Motion carried by unanimous vote.

- 3. Community and Economic Development - Receive and File – Community and Economic Development Department July 2017 – June 2018 Report and Department Overview.
- 4. Community and Economic Development - Approval – Authorize the Sale of a Portion of the Property Located at 3495 Clovis Avenue at the Northeast Corner of Clovis and Dakota Avenues to Don Pickett and Associates.
- 5. Finance - Approval – **Res. 18-119**, A Resolution of Intention (ROI) to Annex Territory (Annexation #54) (T6186-South East Corner of Bullard and Leonard.), to

the Community Facilities District (CFD) 2004-1 and to Authorize the Special Taxes Therein and Setting the Public Hearing for October 10, 2018.

AGENDA ITEM NO. 7.

6. Public Safety – Approval – **Res. 18-120**, Amending the Police Department's Budget for FY 2018-2019 to reflect the Award from the Office of Traffic Safety Selective Enforcement Traffic Program Grant in the amount of \$70,000.00.

PUBLIC HEARINGS

7. 6:34 - APPROVED INTRODUCTION – **ORD. 18-22**, R2016-17A, A REQUEST TO APPROVE AN AMENDMENT TO THE CONDITIONS OF APPROVAL OF REZONE R2016-17 AND THE LOMA VISTA COMMUNITY CENTERS NORTH AND SOUTH MASTER PLAN TO MODIFY SETBACK REQUIREMENTS AND OFF-STREET PARKING REQUIREMENTS. THE PROJECT SITE IS LOCATED ON THE WEST SIDE OF LEONARD AVENUE, BETWEEN SHAW AND GETTYSBURG AVENUES. WILSON PREMIER HOMES, INC., OWNER/APPLICANT; HARBOUR & ASSOCIATES, REPRESENTATIVE

Associate Planner George Gonzales presented a report on a request to approve an amendment to the conditions of approval of Rezone R2016-17 and the Loma Vista Community Centers North and South Master Plan to modify setback requirements and off-street parking requirements. The applicant is requesting to amend Condition #5 of Rezone R2016-17 and the Loma Vista Community Centers North and South Master Plan for modification of the building setback and off-street parking requirements. Approval of this request would change the development standards of Planning Area #8A of the Master Plan and allow the applicant to continue processing the Site Plan Review drawings. Dirk Poeschel, representing the applicant, speaking in support of the project. Leo Wilson, applicant, spoke in support. Discussion by the Council.

Motion by Councilmember Ashbeck, seconded by Councilmember Bessinger, for the Council to approve the introduction of Ordinance 18-22, R2016-17A, amending the conditions of approval of Rezone R2016-17 and the Loma Vista Community Centers North and South Master Plan to modify setback requirements and off-street parking requirements. Motion carried by unanimous vote.

8. 7:05 - APPROVED INTRODUCTION – **ORD. 18-23**, R88-09A, APPROVING AN AMENDMENT TO THE CONDITIONS OF APPROVAL TO ALLOW FOR THE DEVELOPMENT OF A MULTIPLE-FAMILY DEVELOPMENT CONSISTENT WITH THE R-2 ZONE DISTRICT FOR PROPERTY LOCATED AT 1855 AUSTIN AVENUE. MOHAMAD ANNAN, OWNER/APPLICANT; AESTHETICS DESIGNS, REPRESENTATIVE

Deputy City Planner Orlando Ramirez presented a report on a request to approve an amendment to the conditions of approval to allow for the development of a multiple-family development consistent with the R-2 Zone District for property located at 1855 Austin Avenue. The applicant is requesting an amendment to the conditions of approval of Rezone R88-09A related to approximately .7 acres of land located at 1855 Austin Avenue. The amendment would allow for future development subject to the Property Development Standards of the R-2 (Medium

Density Multiple Family Development) Zone District include typical two-story units by right. Approval of the request will allow the applicant to move forward with the development of the site.

Ruben Viellegas, area resident, spoke in opposition due to concerns with privacy and negative impact on property values. Kevin Carlson, area resident, spoke in opposition due to concerns with privacy, property values, requesting single story adjacent residential properties. Mohamad Annan, applicant, spoke in support of the project. Eli Saliva, representing the applicant, spoke in support of the project. Gina Vosh, area resident, provided some history on the project, and spoke in opposition to the project. Discussion by the Council.

Motion by Councilmember Mouanoutoua for the Council to approve the introduction of Ordinance 18-23 amending the conditions of approval to allow for the development of a multiple-family development consistent with the R-2 Zone District for property located at 1855 Austin Avenue. Motion died to a lack of a second. Motion by Councilmember Ashbeck, seconded by Councilmember Flores, for the Council to approve the rezone amendment and require Council consideration of a conditional use permit if processed as a planned residential development. Motion carried 4-1 with Councilmember Mouanoutoua voting no.

- 9. 8:08 - CONTINUED - **RES. 18-XX**, CUP2005-24A2, A REQUEST TO APPROVE A CONDITIONAL USE PERMIT AMENDING THE MASTER SITE PLAN FOR PORTAL SIERRA II WITHIN THE RESEARCH AND TECHNOLOGY PARK, LOCATED ON THE WEST SIDE OF TEMPERANCE AVENUE, NORTH OF ALLUVIAL AVENUE, GREYHAWK, LLC., OWNER AND APPLICANT; CENTERLINE DESIGN LLC., REPRESENTATIVE

Assistant Planner Lily Cha presented a report on a request to approve a conditional use permit amending the master site plan for Portal Sierra II within the Research and Technology Park, located on the west side of Temperance Avenue, north of Alluvial Avenue. The applicant is requesting approval of a conditional use permit to amend the master site plan for the business campus Planned Unit Development (PUD) known as Portal Sierra II within the R-T (Research and Technology) Park Zone District located west of Temperance Avenue and north of Alluvial Avenue. Approval of this conditional use permit will memorialize a revised layout of the proposed master site plan. Chris Ward, representing the applicant, spoke in support, and addressed questions of Council. Discussion by the Council.

Motion by Councilmember Ashbeck, seconded by Councilmember Bessinger, for the City Council to continue the item to a date certain of October 8, 2018 to allow staff to work with the applicant to bring the concept back to City Council demonstrating walkability, more of a campus like setting, and access to the trail. Motion carried 4-1 with Councilmember Mouanoutoua voting no.

CORRESPONDENCE

10. 8:40 - CONSIDERED – POLICY DIRECTION REGARDING A REQUEST FROM WILSON HOMES, INC. FOR COUNCIL TO CONSIDER AN AMENDMENT TO THE SPHERE OF INFLUENCE TO ALLOW URBANIZATION OF APPROXIMATELY +/- 52.4 ACRES NEAR THE NORTHEAST CORNER OF SHEPHERD AND SUNNYSIDE AVENUES. L. SPENSLEY, OWNER; WILSON HOMES, APPLICANT/REPRESENTATIVE.

Planning and Development Services Director Dwight Kroll presented a report on a request from Wilson Homes, Inc. for Council to consider an amendment to the Sphere of Influence to allow urbanization of approximately +/- 52.4 acres near the northeast corner of Shepherd and Sunnyside Avenues. The City Council is being requested to direct staff to begin negotiations with the County of Fresno to amend the Clovis Sphere of Influence to allow urbanization of the +/-52.4 acre Spensley property located at the northeast corner of Shepherd and Sunnyside Avenues. This item had been under discussion during the preparation of the 2014 General Plan but for various reasons was not identified for future development in the General Plan. Subsequent discussion has occurred between the applicant, the City, the County of Fresno and LAFCo. There are a variety of issues requiring evaluation under this proposal. Staff has included some key issues and topics such as:

- Can the site be serviced with proposed and existing infrastructure?
- Is there a need for additional developable lands?
- Would the plan amendment compromise or require re-analysis of the updated water, recycled water and sewer masterplans and the associated environmental report?
- What are the benefits to the City in including this site within Clovis' Sphere of Influence?
- Would the Sphere of Influence expansion request generate peripheral issues with existing neighborhoods or stakeholders?

Dirk Poeschel, representing the applicant, spoke in support of the project. Leo Wilson, applicant, spoke in support. Paul Pierce, Dry Creek Preserve, spoke in opposition due to traffic, leap frog development, and impact on Sunnyside and Fowler Avenues due to increased traffic. Matthew Reese, area resident, spoke in support and to expand the sphere of influence to include properties to the north of the project. Deidra Childers, requested they be included in city's sphere of influence. Bud Benjamin, area resident, commented on issues that need to be addressed before moving forward. Rhonda Schmidt, area resident, raised concerns about water, concerns with traffic, but did not speak in support of being included in the sphere of influence. Discussion by the Council.

Motion by Councilmember Ashbeck, seconded by Councilmember Bessinger, for the Council to direct staff to start the analysis and report back to City Council. Motion carried by unanimous vote.

ADMINISTRATIVE ITEMS

11. 9:26 - CONSIDER APPROVAL – **RES. 18-121**, RELEASING CITY OF CLOVIS' INTEREST IN PROPERTY LOCATED AT 325 POLLASKY AVENUE.

Councilmember Flores recused himself from consideration on the item due to a perceived conflict of interest and left the dais at 9:26 p.m.

Economic Development Director Andy Haussler presented a report on a request to release City of Clovis' interest in property located at 325 Pollasky Avenue. The building located at 325 Pollasky Avenue was owned by the County of Fresno and served as the Clovis Library until 1976 when a new library was built at 1155 Fifth Street. In exchange for the new library site, the County of Fresno deeded ownership of 325 Pollasky to the City of Clovis. In 1986, the City of Clovis entered into an Agreement for Conveyance of and Use of Land and Building to the Clovis Chamber of Commerce. The City received a letter detailing the building is now in need of major repairs and upgrades and requesting the release of the City of Clovis' interest in this property. Staff is recommending approval of the release of the City of Clovis' interest in this property.

Greg Newman, Executive Director Clovis Chamber of Commerce, spoke in support. Discussion by the Council. Motion by Councilmember Ashbeck, seconded by Councilmember Mouanoutoua, for the Council to approve a resolution releasing City of Clovis' interest in property located at 325 Pollasky Avenue. Motion carried 4-0-0-1 with Councilmember Flores abstaining. Councilmember Flores returned to the dais at 9:32.

12. 9:32 - APPROVED - A REQUEST TO INITIATE TEXT AMENDMENTS TO THE GENERAL PLAN AND DEVELOPMENT CODE TO ADDRESS THE CITY'S FOURTH CYCLE REGIONAL HOUSING NEEDS ASSESSMENT

City Planner Bryan Araki presented a report on a request to initiate text amendments to the General Plan and Development Code to address the City's Fourth Cycle Regional Housing Needs Assessment. Staff is requesting the City Council to initiate a General Plan Amendment and Ordinance Amendment to address the City's Housing Element and the RHNA. On March 12, 2018, staff presented a staff report outlining the steps taken to address the City's unaccommodated need and outlined a number of rezone scenarios to meet those needs. The Council subsequently adopted a resolution confirming the steps taken to address the City's RHNA. The City Council adopted the 2015-2023 Housing Element in 2016, which included RHNA numbers for the current (fifth) cycle and the past (fourth) cycle. The Fourth Cycle included a shortfall of 4,425 units that are required to be accommodated by rezoning properties at a density of 20 units per acre or more. On March 12, 2018, staff provided the Council with a report summarizing the status of the City's Housing Element and Fourth Cycle RHNA, and provided a number of rezone scenarios that could address the housing shortfall. Staff is prepared to draft and recommend a rezone action that would

address and accommodate all of the required 4,425 units. Council. Motion by Councilmember Ashbeck, seconded by Councilmember Whalen, for the Council to approve a request to initiate text amendments to the General Plan and Development Code to address the City's Fourth Cycle Regional Housing Needs Assessment. Motion carried by unanimous vote.

AGENDA ITEM NO. 7.
AGENDA ITEM NO. 11.

CITY MANAGER COMMENTS 9:42

City Manager Luke Serpa indicated he would be attending the League Annual Conference this week from Wednesday thru Friday.

COUNCIL ITEMS 9:44

13. COUNCIL COMMENTS

None

CLOSED SESSION

None

Mayor Whalen adjourned the meeting of the Council to September 17, 2018

Meeting adjourned: 9:45 p.m.

Mayor

City Clerk

LAFCo CALL MEETING SUMMARY

ATTACHMENT 3

Phone call with David Fey August 19, 2020 Re: Expanded Spensley S.O.I Change

David Fey and I spoke on August 19th by phone about the proposed expanded Spensley Sphere of Influence change. David has no particular issues with the proposed expanded configuration and thought it was more logical from a regional land planning perspective than the smaller Spencely SOI project.

David recommended coordinated communication early on with neighbors. Fresno County staff should also be consulted early regarding their opinion of the boundary. David also suggested that we comprehensively study service delivery issues such as police and fire with an emphasis on water sustainability. Phasing of urbanized area should be identified.

David also recommended a discussion about the phasing of development of the area east of the recently added sphere of North East Planning area and the any area proposed for development north of Shepherd Avenue.

Continuing dialogue with David was also recommended.

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CITY *of* CLOVIS

REPORT TO THE CITY COUNCIL

TO: Mayor and City Council
 FROM: Finance Department
 DATE: September 14, 2020
 SUBJECT: Receive and File – Update on the City of Clovis Investment Portfolio Strategy.

Staff: Jeffrey Blanks, Deputy Finance Director
Recommendation: Receive and File

ATTACHMENTS: 1. City of Clovis Investment Policy

CONFLICT OF INTEREST

None.

RECOMMENDATION

That the Council receive and file an update to the City's investment strategy, specifically in regards to municipal bonds.

EXECUTIVE SUMMARY

In accordance with the City's investment policy, as well as California Government Code sections 53601 and 53601.6, the City may invest its excess cash in a variety of investment instruments. The City currently invests in U.S. agency securities, certificates of deposit, and deposits with the California Local Agency Investment Fund, as well as an overnight sweep account with Union Bank. Due to the current interest rate environment, and in the interest of seeking greater yield (without sacrificing significant safety or liquidity), the City is seeking to invest in municipal bonds, which are allowable per the investment policy and the California Government Code. This change in strategy requires reporting to the City Council.

BACKGROUND

Per California Government Code section 53601, local agencies "having moneys in a sinking fund or moneys in its treasury not required for the immediate needs of the local agency may invest any portion of the moneys that it deems wise or expedient in those investments set forth" within the section. The City currently invests in U.S. agency securities, certificates of deposit, and deposits with the California Local Agency Investment Fund, as well as an overnight sweep account with Union Bank. Each of these investment types abide by both the City's investment policy as well as the California Government Code. The City's investment

strategy also conforms to the investment philosophy that emphasizes safety of the principal first, followed by liquidity needs, and finally achieving the best possible yield.

Before the impacts of the COVID-19 pandemic (for these purposes, the end of February), rates for 90-day U.S. Treasuries (used as a benchmark for gauging the investment portfolio's yield) were trading at 1.27%, or 127 basis points. By the end of March, those same securities were trading at 0.11%, or 11 basis points, a full 116 basis points lower than the end of February. That trend has held, as those securities were trading at 0.16% at the end of June and continue to hold steady. It is estimated that these rates will continue to hold at that level (or lower) for the foreseeable future.

As such, the City is looking at continued diversification of its portfolio in an effort to, without sacrificing the safety and liquidity of the portfolio, achieve some substantially higher yields on a section of its investment capital. Municipal bonds, rated "A" or better, provide the opportunity to achieve higher returns without adding significant risk to the portfolio.

FISCAL IMPACT

Investing in municipal bonds will allow for greater diversification of the portfolio, which should allow the City to achieve greater yield without sacrificing the safety and liquidity that drive the investment philosophy of the City.

REASON FOR RECOMMENDATION

This item will allow the City to move forward in investing in municipal bonds where prudent. It also satisfies the need to notify City Council when a change in investment strategy occurs.

ACTIONS FOLLOWING APPROVAL

The City will include municipal bonds in its prospective investment strategy, investing where prudent. The focus of the investment strategy will continue to put the safety of the principal funds first, followed by liquidity and yield.

Prepared by: Jeff Blanks, Deputy Finance Director

Reviewed by: City Manager LS

**CITY OF CLOVIS
INVESTMENT POLICY**

Purpose

This statement is intended to establish the policies for prudent investment of the City’s funds, and to provide guidelines for the management of the City’s investment portfolio.

The policy of the City of Clovis is to invest public funds not required for day to day operations in safe and liquid investments that conform to state statutes governing the investment of public funds. The investment policies and practices of the City of Clovis are based upon Federal, State and local law and prudent money management. This is to include an appropriate set of goals and objectives for the assets and to establish criteria for measurement and a set of guidelines that can be used over the next three to five year period.

I. Scope

Pooling of Funds: Except for cash in restricted and special funds, the City will consolidate cash and reserve balances from all funds to maximize investment earnings and to increase efficiencies with regard to investment costs, safekeeping and administration. Investment income will be allocated to the various funds based on their respective participation in the City’s investment pool. The City’s Comprehensive Annual Financial Report identifies the fund types included in the City’s investment pool as follows:

- General Fund
- Special Revenue Fund
- Capital Projects Fund
- Enterprise Funds
- Internal Service funds
- Fiduciary and Agency Funds
- New funds created by the City Council that are not exempted.

The investment policy applies to all financial assets and investments of the City with the following exceptions:

1. Bond Proceeds - All debt issue proceeds will be invested in accordance with the investment policy unless the debt issue rules and guidelines further restrict the investments.
2. Deferred Compensation Plans – Investments related to the City’s deferred compensation plans are not subject to this policy since they are managed by third party administrators via individual plan participant’s direct investments in the plans investment selections.

II. Investment Philosophy

The City of Clovis is to invest public funds in a manner which will provide the highest investment return with the maximum security (prudent person rule) while maintaining sufficient liquidity to provide a source for anticipated payment outflows. In performing this function the city is to conform to all state and local statutes governing the investment of public funds.

III. Objectives

**CITY OF CLOVIS
INVESTMENT POLICY**

The City's investment philosophy sets the manner for its policies, procedures and objectives that control the investment function. The investment of funds will be guided by the primary objectives of safety, liquidity and yield.

1. **Safety:** Safety of principal is the primary objective of the investment policy. Investments will be made in a manner that ensures the preservation of principal in the portfolio. To help obtain this objective the city will diversify its investments by investing funds among independent financial institutions offering various securities with independent returns.
2. **Liquidity:** The City will maintain sufficient cash and short-term investments which, when combined with anticipated revenues, will provide sufficient liquidity to be able to meet all anticipated payment outflows including reasonably estimated contingencies.
3. **Yield –** The City's investment portfolio will be designed with the objective to attain a benchmark rate of return throughout various market cycles corresponding to the City's investment risk and cash flow requirements. The portfolio shall be invested in a manner consistent with primary emphasis on preservation of the principal, while attaining a rate of return consistent with this process. This policy specifically prohibits trading of securities for the sole purpose of realizing trading profits and trading of "when, as, and if issued".

IV. Specific Investment Goals

1. Invest assets with an expectation of achieving a total rate of return at a level that exceeds the rate of return on short-term government guaranteed or insured obligations (91-day Treasury bills) in every measurement period and which, over a one-year period, exceeds that rate by at least 20% annually.
2. The portfolio shall be invested in a manner consistent with primary emphasis on preservation of the principal, while attaining a market rate of return consistent with this strategy. This policy specifically prohibits trading of securities for the sole purpose of realizing trading profits and trading of "when, as, and if issued";

V. Delegation of Authority

1. The City of Clovis Municipal Code designates the Finance Director/Treasurer to invest the City's funds. The Finance Director/Treasurer serves as the City's chief investment officer and is authorized to invest or deposit the City's funds in accordance with this policy, California Government Code Sections 53600 and 53630 et seq. and any other related Federal and State laws. The Finance Director/Treasurer may appoint or designate the Assistant Finance Director or Deputy Finance Director to invest the City's funds.
2. The City Council's primary responsibility over the investments function include approving the investment policy and any subsequent changes in the investment policy, annually reviewing the investment policy, reviewing monthly investment reports, authorizing bond documents and other financing transactions.
3. The Finance Director/Treasurer is responsible to establish written investment policy procedures consistent with the investment policy.

VI. Ethics and Conflicts of Interest

**CITY OF CLOVIS
INVESTMENT POLICY**

Officers, employees and agents involved in the investment process for the City of Clovis shall refrain from personal business activities that could conflict with the proper execution of the investment program or which could impair their ability to make impartial investment decisions. Employees and investment officials shall disclose to the City of Clovis City Manager any material financial interests in financial institutions that conduct business within their jurisdiction, and they shall further disclose any large personal financial/investment positions that could be related to the performance of the City of Clovis' investment portfolio.

VII. Authorized Financial Dealers and Institutions

1. The Finance Director/Treasurer will have access to a list of financial institutions that are authorized to provide investment services in the State of California.
2. The Finance Director/Treasurer will maintain a list of up to three broker/dealers approved and authorized to provide investment services to the City for the purchase of agencies and three separate broker/dealers for the purchase of certificates of deposit. This approval will include credit worthiness and verification that they are authorized to provide investment services in the State of California. The City has discretion which of the three broker/dealers it will use when purchasing agencies and certificates of deposit. Broker/dealers not on this list will not be able to conduct business with the City of Clovis.
3. No public deposit shall be made except in a qualified public depository as established by state laws.
4. An annual review of the financial condition and registrations of qualified financial dealers and institutions will be conducted by the Finance Director/Treasurer. Current audited financial statements are required to be on file for each financial institution and broker/dealer in which the City of Clovis invests.

VIII. Authorized and Suitable Investments

Consistent with the guidelines described herein and Section 53601 AND 53601.6 of the Government Code of the State of California, the use of fixed income investments may include U.S. Government and agency obligations, marketable corporate bonds, debentures, medium term notes, commercial paper, certificates of deposit, repurchase agreements, qualified mutual funds, deposits with the California Local Agency Investment Fund, and money market accounts.

It is the intent at this time to invest only in U.S. Government and agency obligations, medium term notes, commercial paper, certificates of deposit, repurchase agreements, deposits with the California Local Agency Investment Fund, and money market accounts in conformance with the guidelines and reporting requirements of this policy. Any investment not in conformance with this intent, but otherwise allowed by section 53601 of the Government code of the State of California, shall require approval of the City Manager, and shall be reported to the City Council.

If corporate bonds are approved for purchase or held, they shall be of quality rating A or higher as used by Standard & Poor's and Moody's.

Fixed income-type securities are to be selected and managed so as to assure appropriate balances in qualities and maturities consistent with current money market and economic conditions. "Active" bond management is not encouraged.

**CITY OF CLOVIS
INVESTMENT POLICY**

If the total portfolio investments and the par value of securities anticipated to mature within the portfolio exceeds the amount that would be required to meet anticipated payment outflows for the next six (6) months, the Finance Director may, consistent with the guidelines contained herein, invest in fixed income securities maturing in three (3) years or less. Any investment beyond three (3) years, including medium term notes, requires approval of the City Manager.

Specific types of securities that are deemed to be eligible for inclusion among the Account's assets are:

1. Any instrument issued by, guaranteed by, or insured by the United States of America, the Federal Reserve System, and the U.S. Treasury, the Federal Home Loan Bank or the Federal Farm Credit Bank or other agency as specified by Section 53601 of the Government Code.
2. Any instrument (Bankers' Acceptances) issued by a domestic or international bank with an equivalent rating of "AA" or higher, or any instrument issued by any bank headquartered in California with an equivalent rating of "A" or higher. Bankers' Acceptances may not exceed 180 days maturity, or 30% of the City's funds available for investment.
3. Any commercial paper issued by a domestic corporation rated "prime" by the National Credit Office or with a quality rating A1 or P1. Commercial paper may not exceed 270 days' maturity, or 15% of the City's funds available for investment.
4. Deposits with the California Local Agency Investment Fund.
5. The City's commercial account must be maintained in any one of the two hundred (200) largest domestic banks or savings and loan associations, provided, however, that the aggregate of deposits in any one such bank or savings and loan shall not exceed the maximum coverage provided by the Federal Deposit Insurance Corporation (FDIC) and/or Federal Savings and Loan Insurance Corporation unless the excess amount is collateralized by the bank.
6. Funds deposited in a money market account or other similar account in the bank with which the City has its commercial account or in any one of the two hundred (200) largest domestic or savings and loan associations is allowed up to \$10,000,000 for indefinite periods for cash flow purposes. This is allowed whenever funds are secured (collateralized) and yield a higher rate of interest than the Local Agency Investment Fund.
7. As provided by Section 53648 of the California Government Code, Certificates of Deposits in any institution covered by the Federal Deposit Insurance Corporation and/or the Federal Savings and Loan Insurance Corporation, provided that the aggregate of deposits in any one institution shall not exceed the maximum coverage provided by the Federal Deposit Insurance Corporation and/or the Federal Savings and Loan Insurance Corporation. Such CDs may not exceed 30% of the City's funds available for investment and may not exceed three (3) years in length.
8. Shares of mutual fund companies who are Registered Investment Advisors, or investments placed with other Registered Investment Advisors, with at least five years' experience and \$500 million of assets under management. The mutual funds used shall be restricted to those with constant net asset values, that is, the principal value shall not fluctuate (e.g. money market funds). The purchase price of such shares shall exclude commissions, and the total invested in this asset class shall not exceed \$2,000,000.

**CITY OF CLOVIS
INVESTMENT POLICY**

9. Medium-term notes of a maximum of five years maturity issued by corporations organized and operating within the United States or by depository institutions licensed by the United States or any state and operating within the United States. Notes eligible for investment under this subdivision shall be rated in a rating category of "A" or its equivalent or better by a nationally recognized rating service. Purchases of medium-term notes may not exceed 30% of the agency's surplus money, which may be invested pursuant to this section.

Specific types of securities that are deemed to be ineligible for inclusion among the Account's assets are:

1. Equity-type investments (i.e., common stocks, convertible issues, equity mutual funds).
2. Common and/or preferred stock, as well as lettered, legend or other so-called restricted stock.
3. Privately placed or other nonmarketable debt.
4. Covered call options.
5. Investments in commodities, commodity contracts or futures contracts of any kind, margin transactions, short sales, or real estate and real property.
6. Reverse repurchase agreements.
7. Mortgage-backed securities of any type.
8. The portfolio shall not hold any unsecured investments.

IX. Review of Investment Portfolio - Standards of Investment Performance

The securities held by the City of Clovis must be in compliance with Government Code Section 53601 at the time of purchase. Since some securities may not comply with this section at the time of purchase, a quarterly review by the Finance Director/Treasurer or their designee shall be made to verify that the securities continue to comply with this section. Any non-compliance issues must be included in the monthly investment report to the City Council with a recommendation for correction or a note that a correction has been made. Consideration will be given to the extent to which these performance results are consistent with the goals and objectives as set forth. Toward that end, the following standards of performance will be used in evaluating investment performance:

1. The extent to which the Finance Director follows the guidelines as expressed within the Investment Policies.
2. The extent to which the performance of the Account on a total rate of return basis achieves or exceeds the targeted goals.

X. Basis for Measurement

Performance of the Account is to be measured in context with these goals and objectives.

**CITY OF CLOVIS
INVESTMENT POLICY**

The Account's investment performance results will be compared, on a time-weighted basis, with that of an unmanaged market index of 91-days Treasury bills over a one-year period.

The Account's consistency of performance results will be determined by computing the mean absolute deviation of the Account's total rate of return from month to month and comparing this with the same statistics measured for the unmanaged market index described above.

X1. Investment Pools

County pools are not approved for investment.

XII. Collateralization

Investments in certificates of deposit shall be fully insured by the Federal Deposit Insurance Corporation (FDIC). Investments in certificates of deposit in excess of FDIC insurance shall be Properly collateralized. Section 53652 of the California Government Code requires the depository pledge securities with a market value of at least ten percent in excess of the deposit as collateral in government securities. The Finance Director/Treasurer is responsible for entering into deposit contracts with each depository.

XIII. Safekeeping and Custody

All security transactions, including collateral for repurchase agreements entered into by the City of Clovis shall be conducted on a delivery-verses-payment (DVP) basis. DVP is a settlement system that stipulates that cash payment must be made prior to or simultaneously with the delivery of the security. Securities will be held by a third party custodian designated by the Finance Director/Treasurer and evidenced by safekeeping receipts and monthly statements. Negotiable Certificates of Deposit will be maintained by a third party custodian. Certificates of deposits purchased directly from banks shall be retained in a secure location in the city vault until maturity.

XIV. Diversification

The City of Clovis will diversify its investments by security type and institution. With the exception of U. S. Treasury securities and authorized pools, no more than 30% of the investment portfolio will be invested in a single security type or with a single financial institution.

COMMUNICATIONS

1. Documentation

Statements are to be supplied monthly by the Finance Director to the City Manager and City Council, indicating:

- a. The Account composition, i.e., at "book" or cost and at market value.
- b. Position, by individually named securities, showing both their respective book and market values.
- c. All principal cash transactions, including all buys and sells, in sufficient descriptive detail. (Note: The Finance Director shall maintain and make available documentation in support of the buy, sell and hold decisions.)

**CITY OF CLOVIS
INVESTMENT POLICY**

- d. All income cash transactions, including sources of all interest and dividends, in sufficient descriptive detail.

2. Reporting

The Finance Director will report monthly to the City Council to review the portfolio and to discuss investment results in context with these goals, objectives and policies.

IMPLEMENTATION

All new monies invested by the Finance Director after the adoption of this Investment Policy shall conform to this policy.

OTHER CONSIDERATIONS

It is the intent of the City Council to revise this statement of goals and objectives to reflect modifications and revisions to anticipated payment outflows that may develop from time to time. It is also the policy of the City Council to review these goals and objectives at least once per year and, after consideration of the advice and recommendations of the City Manager, adopt such amendments as may be appropriate.

Amended: September 8, 2015



CITY *of* CLOVIS

REPORT TO THE CITY COUNCIL

TO: Mayor and City Council
FROM: Administration
DATE: September 14, 2020
SUBJECT: Receive and File - Change to Council Conflict of Interest Disclosure Requirements at Council Meetings.

Staff: David Wolfe, City Attorney

Recommendation: Receive and File

City Attorney David Wolfe will give a verbal presentation on this item.

Please direct questions to the City Manager's office at 559-324-2060.



CITY *of* CLOVIS

REPORT TO THE CITY COUNCIL

TO: Mayor and City Council
FROM: Administration
DATE: September 14, 2020
SUBJECT: Consider Approval – Designation of Voting Delegate and Alternate for the League of California Cities’ Annual Conference and Business Meeting on October 7-9, 2020

Staff: Luke Serpa, City Manager
Recommendation: Approve

ATTACHMENT: 1. Annual Conference Voting Procedures Report

CONFLICT OF INTEREST

None.

RECOMMENDATION

That the City Council take action to designate a Councilmember as the City’s voting delegate for the League of California Cities’ Annual Conference for transacting business at the virtual Annual Business Meeting, and that an alternate voting delegate also be designated. Due to the COVID-19 pandemic, the Annual Conference and Business Meeting will be held virtually.

EXECUTIVE SUMMARY

The Annual Business Meeting of the League of California Cities will be conducted in conjunction with the Annual League Conference held on October 7 – 9, 2020. In order for the City to cast votes on policy matters coming before the League, it must take action to designate a voting delegate, and an alternate voting delegate who will be issued credentials for voting purposes. This authority may not be transferred unofficially and must be accomplished only by action of the City Council.

BACKGROUND

Voting on official business and policy matters of the League of California Cities occurs each year at the Annual Business Meeting, held in conjunction with the Annual League Conference. This year the Annual Business Meeting will be held virtually on Friday, October 9, 2020. The voting process for the Annual Business Meeting requires that a voting delegate be designated

from each member city by action of the City Council. The attached report from the League of California Cities outlines the procedure to ensure integrity of the voting process.

FISCAL IMPACT

None.

REASON FOR RECOMMENDATION

In order for the City to exercise its membership responsibility for policy direction of the League of California Cities, it is necessary to vote on such matters at the Annual Business Meeting.

ACTIONS FOLLOWING APPROVAL

The League of California Cities will be advised in writing of the City Councilmember designated as the voting delegate, and the alternate voting delegate for the City of Clovis.

Prepared by: Jacquie Pronovost, Executive Assistant

Reviewed by: City Manager *JH*



Annual Conference Voting Procedures

1. **One City One Vote.** Each member city has a right to cast one vote on matters pertaining to League policy.
2. **Designating a City Voting Representative.** Prior to the Annual Conference, each city council may designate a voting delegate and up to two alternates; these individuals are identified on the Voting Delegate Form provided to the League Credentials Committee.
3. **Registering with the Credentials Committee.** The voting delegate, or alternates, may pick up the city's voting card at the Voting Delegate Desk in the conference registration area. Voting delegates and alternates must sign in at the Voting Delegate Desk. Here they will receive a special sticker on their name badge and thus be admitted to the voting area at the Business Meeting.
4. **Signing Initiated Resolution Petitions.** Only those individuals who are voting delegates (or alternates), and who have picked up their city's voting card by providing a signature to the Credentials Committee at the Voting Delegate Desk, may sign petitions to initiate a resolution.
5. **Voting.** To cast the city's vote, a city official must have in his or her possession the city's voting card and be registered with the Credentials Committee. The voting card may be transferred freely between the voting delegate and alternates, but may not be transferred to another city official who is neither a voting delegate or alternate.
6. **Voting Area at Business Meeting.** At the Business Meeting, individuals with a voting card will sit in a designated area. Admission will be limited to those individuals with a special sticker on their name badge identifying them as a voting delegate or alternate.
7. **Resolving Disputes.** In case of dispute, the Credentials Committee will determine the validity of signatures on petitioned resolutions and the right of a city official to vote at the Business Meeting.

ATTACHMENT 1



CITY: _____

2020 ANNUAL CONFERENCE
VOTING DELEGATE/ALTERNATE FORM

Please complete this form and return it to the League office by Wednesday, September 30, 2020. Forms not sent by this deadline may be submitted to the Voting Delegate Desk located in the Annual Conference Registration Area. Your city council may designate one voting delegate and up to two alternates.

In order to vote at the Annual Business Meeting (General Assembly), voting delegates and alternates must be designated by your city council. Please attach the council resolution as proof of designation. As an alternative, the Mayor or City Clerk may sign this form, affirming that the designation reflects the action taken by the council.

Please note: Voting delegates and alternates will be seated in a separate area at the Annual Business Meeting. Admission to this designated area will be limited to individuals (voting delegates and alternates) who are identified with a special sticker on their conference badge. This sticker can be obtained only at the Voting Delegate Desk.

1. VOTING DELEGATE

Name: _____

Title: _____

2. VOTING DELEGATE - ALTERNATE

Name: _____

Title: _____

3. VOTING DELEGATE - ALTERNATE

Name: _____

Title: _____

PLEASE ATTACH COUNCIL RESOLUTION DESIGNATING VOTING DELEGATE AND ALTERNATES.

OR

ATTEST: I affirm that the information provided reflects action by the city council to designate the voting delegate and alternate(s).

Name: _____

Email _____

Mayor or City Clerk _____

Date _____ Phone _____

(circle one)

(signature)

Please complete and return by Wednesday, September 30, 2020

League of California Cities
ATTN: Darla Yacub
1400 K Street, 4th Floor
Sacramento, CA 95814

FAX: (916) 658-8240
E-mail: dyacub@cacities.org
(916) 658-8254



CITY *of* CLOVIS

REPORT TO THE CITY COUNCIL

TO: Mayor and City Council
 FROM: Administration
 DATE: September 14, 2020
 SUBJECT: Consider the League of California Cities' Annual Resolution set for Approval at the Annual Conference on October 7-9, 2020

Staff: Luke Serpa, City Manager
Recommendation: Approve

ATTACHMENTS:

1. 2020 Annual Conference Resolutions Packet
2. Department of Justice's review of Section 230 of the Communications Decency Act of 1996

CONFLICT OF INTEREST

None.

RECOMMENDATION

Consider the League of California Cities' Annual Resolution set for consideration at the Virtual Annual Conference and Business Meeting held on October 7 – 9, 2020, and provide policy direction for voting delegate.

EXECUTIVE SUMMARY

Each year at the Annual Business Meeting of the League of California Cities, each city has a voting delegate to vote on various resolutions that will guide policy actions of the League Board of Directors. The City Council should review the annual resolution and provide policy direction to the City's voting delegate.

The proposed resolution states that the League of California Cities should urge Congress to amend Section 230 of the Federal Communications Decency Act of 1996 (CDA) to limit the immunity provided to online platforms where their forums enable criminal activity to be promoted. Ultimately, the policy objectives proposed under this resolution, if enacted, would incentivize social media companies to establish and implement a reasonable program to identify and remove content that solicits criminal activity.

Section 230 of the CDA immunizes websites from legal liability for the comments of their users. When Congress enacted Section 230 in 1996, it wisely recognized that holding

websites legally responsible for user-generated content would cripple the rapidly developing online world. Section 230 defines Internet culture as we know it: It's the reason why websites can offer platforms for critical and controversial speech without constantly worrying about getting sued.

BACKGROUND

Resolutions of policy action to come before the League of Cities' Board of Directors are submitted each year to a vote by cities at the Annual Business Meeting of the League of California Cities to occur during the Annual Conference from October 7 – 9, 2020 (Attachment 1). There is one resolution this year for consideration for voting by the delegation. The City will have one voting delegate appearing virtually at the Annual Business Meeting and any policy direction with respect to the resolution should be provided to the voting delegate in advance of the meeting.

Resolution No. 1: RESOLUTION OF THE GENERAL ASSEMBLY OF THE LEAGUE OF CALIFORNIA CITIES CALLING FOR AN AMENDMENT OF SECTION 230 OF THE COMMUNICATIONS DECENCY ACT OF 1996 TO REQUIRE SOCIAL MEDIA COMPANIES TO REMOVE MATERIALS WHICH PROMOTE CRIMINAL ACTIVITIES

This resolution states that the League of California Cities should urge Congress to amend Section 230 of the Federal Communications Decency Act of 1996 (CDA) to limit the immunity provided to online platforms where their forums enable criminal activity to be promoted. Ultimately, the policy objectives proposed under this resolution, if enacted, would incentivize social media companies to establish and implement a reasonable program to identify and remove content that solicits criminal activity.

The City of Cerritos is sponsoring this resolution in reaction to events whereby persons using social media platforms to coordinate locations, dates, and times for their planned criminal activity have committed acts of looting and vandalism resulting in both actual economic harm for targeted businesses, and pecuniary loss to cities who used resources to prevent such acts from occurring when such plans are discovered. For example, just days after the Lakewood Mall had been looted, the City of Cerritos uncovered online communications via social media that persons were planning to target the nearby Cerritos Mall. Consequently, the city felt compelled to undertake measures to protect the Cerritos Mall, costing the city thousands of dollars to guard against what officials believed to be a credible threat.

Staff Recommendation:

Staff is recommending City Council either support or take no action. Section 230 of the CDA is incredibly complicated and amending it could have significant impacts to large tech companies such as Twitter, Facebook, Google, and YouTube.

Summary - Section 230 of the CDA immunizes websites from legal liability for the comments of their users. When Congress enacted Section 230 in 1996, it wisely recognized that holding websites legally responsible for user-generated content would cripple the rapidly developing online world. Section 230 defines Internet culture as we know it: It's the reason why websites

can offer platforms for critical and controversial speech without constantly worrying about getting sued.

The following analysis comes primarily from an article located at <https://www.cnn.com/2020/02/19/what-is-section-230-and-why-do-some-people-want-to-change-it.html>.

Key points:

- The Justice Department is hosting workshops to examine the scope of a law known as Section 230 of the Communications Decency Act (see Attachment 2 - Department of Justice's review of Section 230 of the Communications Decency Act of 1996).
- The law protects online platforms from liability for their users' posts and allows them to moderate users' content without being treated as publishers.
- As tech companies have grown in size and power, Congress has also questioned whether Section 230 needs an update. Tech companies and the internet is significantly different in 2020 than it was in 1996.

What is Section 230 and why was it enacted? Section 230 was introduced in 1996 by Sen. Ron Wyden, D-Ore., and former Rep. Chris Cox, R-Calif., as a way of protecting tech companies from becoming legally liable for their users' content if they opted to moderate it. The law followed a court ruling against the online platform Prodigy.

An investment firm sued Prodigy after one of the platform's anonymous users accused it of fraud. Prodigy argued it wasn't responsible for its users' speech, but the court found that because the platform moderated some of its users' posts, it should be treated more like a publisher, which can be held legally liable for misleading or harmful content it publishes.

The ruling galvanized Cox and Wyden to introduce what would become Section 230. The law allows for companies to engage in "good Samaritan" moderation of "objectionable" material without being treated like a publisher or speaker under the law.

That's what allows platforms like Twitter, Facebook and Google's YouTube to take down terrorist content or harassing messages while still enjoying other legal protections. It's also been essential for these companies to achieve massive scale — if they were liable for everything users posted, they'd either have to vet every piece of content before it went live, which would dramatically increase expenses and create delays, or give up all moderation, which would make for a worse user experience.

Why do some people want to change the law? In recent years, Washington has begun to sour on the tech industry after a series of complaints about privacy and the growing power of a few key players. As politicians and the general public have awakened to the vast power of the large tech companies, they've begun to see Section 230 as a key contributor to that power.

Lawmakers on both sides of the aisle have publicly questioned the broad scope of Section 230. Once a way to protect upstart tech firms, the law now provides a legal shield to some of the most valuable companies in the world. Some fear tech companies lack the incentives to combat misinformation on their platforms as technology that makes it easier to fake video and voices becomes more advanced.

Some conservatives believe Section 230 has aided tech companies' ability to censor speech they don't agree with. There's little evidence mainstream tech firms systematically discriminate against certain ideologies, but they have at points removed politically charged posts, sometimes in error, only to apologize and reinstate them later.

Such claims of bias inspired Missouri Republican Sen. Josh Hawley's proposed revision to Section 230 that would tie the law's promise of immunity to a regular audit proving tech companies' algorithms and content-removal practices are "politically neutral."

What do the law's defenders say? Tech companies have vigorously defended Section 230, testifying to Congress repeatedly about how it allows them to remove the most objectionable content from their platforms and protects start-ups from being sued out of existence.

Wyden still stands by Section 230, writing in a Washington Post op-ed Monday that efforts to repeal it would punish small start-ups rather than giants like Facebook and Google.

Wyden said corporations lobbying for changes to Section 230 are doing so to find "an advantage against big tech companies."

"Whenever laws are passed to put the government in control of speech, the people who get hurt are the least powerful in society," Wyden wrote, referencing SESTA-FOSTA, a 2018 law that made an exception to Section 230 for platforms hosting sex work ads. The law was billed as a way to mitigate sex trafficking, but opponents, including many sex workers, say it made consensual sex work less safe since those engaging can no longer vet their clients in advance and from behind a screen.

How could the law change? Congress has held several hearings on Section 230 and sought input from academics and tech executives. Lawmakers in both parties admonished the Trump administration's push to include a similar provision in U.S. trade agreements as Congress continues to debate Section 230's future.

Most critics of Section 230 recognize the importance of maintaining some of its key elements, like moderation protections. Former Vice President Joe Biden revealed himself as a notable exception. In an interview with The New York Times editorial board published earlier this year, the Democratic presidential hopeful said Section 230 "immediately should be revoked" for tech platforms including Facebook, which he said, "is propagating falsehoods they know to be false."

Though few others seem to favor a total repeal, lawmakers have expressed interest in scaling back some of the powers of Section 230 or making platforms earn its protections by complying with certain standards.

“On 230, I know there are some that have said just get rid of it,” Rep. Jan Schakowsky, D-Ill., told CNBC in an interview in January. Shakowsky had recently hosted a hearing on deepfakes and digital deception in the consumer protection subcommittee, which she chairs (Deepfakes are synthetic media in which a person in an existing image or video is replaced with someone else's likeness).

“Our view is that we want to protect First Amendment rights, there's no question. But right now, we think the balance favors those who want a liability shield, and [it] goes way too far in that sense.”

It's still unclear what specific steps lawmakers may take to change Section 230, but they have often used it as a reminder to tech companies that its protections may not last forever.

At the deepfakes hearing, Rep. Greg Walden, R-Ore., who has advised Congress to revisit Section 230, said, “This hearing should serve as a reminder to all online platforms that we are watching them closely.”

The Department of Justice is currently reviewing Section 230 and believe certain changes should be made such as:

1. Incentivizing Online Platforms to Address Illicit Content

The first category of potential reforms is aimed at incentivizing platforms to address the growing amount of illicit content online, while preserving the core of Section 230's immunity for defamation.

a. Bad Samaritan Carve-Out. First, the Department proposes denying Section 230 immunity to truly bad actors. The title of Section 230's immunity provision—“Protection for ‘Good Samaritan’ Blocking and Screening of Offensive Material”—makes clear that Section 230 immunity is meant to incentivize and protect responsible online platforms. It therefore makes little sense to immunize from civil liability an online platform that purposefully facilitates or solicits third-party content or activity that would violate federal criminal law.

b. Carve-Outs for Child Abuse, Terrorism, and Cyber-Stalking. Second, the Department proposes exempting from immunity specific categories of claims that address particularly egregious content, including (1) child exploitation and sexual abuse, (2) terrorism, and (3) cyber-stalking. These targeted carve-outs would halt the over-expansion of Section 230 immunity and enable victims to seek civil redress in causes of action far afield from the original purpose of the statute.

c. Case-Specific Carve-outs for Actual Knowledge or Court Judgments. Third, the Department supports reforms to make clear that Section 230 immunity does not apply in a specific case where a platform had actual knowledge or notice that the third party content at issue violated federal criminal law or where the platform was provided with a court judgment that content is unlawful in any respect.

2. Clarifying Federal Government Enforcement Capabilities to Address Unlawful Content

A second category reform would increase the ability of the government to protect citizens from harmful and illicit conduct. These reforms would make clear that the immunity provided by Section 230 does not apply to civil enforcement actions brought by the federal government. Civil enforcement by the federal government is an important complement to criminal prosecution.

3. Promoting Competition

A third reform proposal is to clarify that federal antitrust claims are not covered by Section 230 immunity. Over time, the avenues for engaging in both online commerce and speech have concentrated in the hands of a few key players. It makes little sense to enable large online platforms (particularly dominant ones) to invoke Section 230 immunity in antitrust cases, where liability is based on harm to competition, not on third-party speech.

4. Promoting Open Discourse and Greater Transparency

A fourth category of potential reforms is intended to clarify the text and original purpose of the statute in order to promote free and open discourse online and encourage greater transparency between platforms and users.

a. Replace Vague Terminology in (c)(2). First, the Department supports replacing the vague catch-all “otherwise objectionable” language in Section 230(c)(2) with “unlawful” and “promotes terrorism.” This reform would focus the broad blanket immunity for content moderation decisions on the core objective of Section 230—to reduce online content harmful to children—while limiting a platform's ability to remove content arbitrarily or in ways inconsistent with its terms or service simply by deeming it “objectionable.”

b. Provide Definition of Good Faith. Second, the Department proposes adding a statutory definition of “good faith,” which would limit immunity for content moderation decisions to those done in accordance with plain and particular terms of service and accompanied by a reasonable explanation, unless such notice would impede law enforcement or risk imminent harm to others. Clarifying the meaning of “good faith” should encourage platforms to be more transparent and accountable to their users, rather than hide behind blanket Section 230 protections.

c. Explicitly Overrule Stratton Oakmont to Avoid Moderator’s Dilemma. Third, the Department proposes clarifying that a platform’s removal of content pursuant to Section 230(c)(2) or consistent with its terms of service does not, on its own, render the platform a publisher or speaker for all other content on its service.

From the League's staff analyst: "At the end of the day, there are a few questions to consider in assessing this proposed resolution:

- 1) What would this resolution's impact be on free speech and government censorship?
- 2) What are the expectations for cities when they receive information from a social media platform about a potentially credible threat in their respective communities? Does a city become liable for having information from a social media platform and the threat occurs?
- 3) What would the costs be to develop and maintain new data governance policies, including data infrastructure, to store this information?
- 4) What is the role of the League in engaging in issues relating to someone's privacy?"

REASON FOR RECOMMENDATION

The City Council should provide policy direction to the City's voting delegate for the Annual Business Meeting concerning policies of the League.

ACTIONS FOLLOWING APPROVAL

The City Manager will follow up with any action as directed by the City Council.

Prepared by: Jacquie Pronovost, Executive Assistant

Reviewed by: City Manager LS

*Annual Conference
Resolutions Packet*

2020 Annual Conference Resolutions



October 7 – 9, 2020
INFORMATION AND PROCEDURES

RESOLUTIONS CONTAINED IN THIS PACKET: The League bylaws provide that resolutions shall be referred by the president to an appropriate policy committee for review and recommendation. Resolutions with committee recommendations shall then be considered by the General Resolutions Committee at the Annual Conference.

This year, one resolution has been introduced for consideration at the Annual Conference and referred to League policy committees.

POLICY COMMITTEES: Two policy committees will meet virtually at the Annual Conference to consider and take action on the resolution referred to them. The committees are: Governance, Transparency & Labor Relations and Public Safety. These committees will meet virtually on Tuesday, September 29, with the Governance, Transparency and Labor Relations Policy Committee meeting from 9:30 – 11:30 a.m. and the Public Safety Policy Committee meeting from 1:00 – 3:00 p.m. The sponsor of the resolution has been notified of the time and location of the meeting.

GENERAL RESOLUTIONS COMMITTEE: This committee will meet virtually at 1:00 p.m. on Thursday, October 8, to consider the reports of the policy committees regarding the resolutions. This committee includes one representative from each of the League’s regional divisions, functional departments and standing policy committees, as well as other individuals appointed by the League president.

GENERAL ASSEMBLY: This meeting will be held virtually at 11:00 a.m. on Friday, October 9.

PETITIONED RESOLUTIONS: For those issues that develop after the normal 60-day deadline, a resolution may be introduced at the Annual Conference with a petition signed by designated voting delegates of 10 percent of all member cities (48 valid signatures required) and presented to the Voting Delegates Desk at least 24 hours prior to the time set for convening the Annual Business Meeting of the General Assembly. This year, that deadline is 12:30 p.m., Thursday, October 8.

Any questions concerning the resolutions procedures may be directed to Meg Desmond at the League office: mdesmond@cacities.org or (916) 658-8224

GUIDELINES FOR ANNUAL CONFERENCE RESOLUTIONS

Policy development is a vital and ongoing process within the League. The principal means for deciding policy on the important issues facing cities is through the League’s seven standing policy committees and the board of directors. The process allows for timely consideration of issues in a changing environment and assures city officials the opportunity to both initiate and influence policy decisions.

Annual conference resolutions constitute an additional way to develop League policy. Resolutions should adhere to the following criteria.

Guidelines for Annual Conference Resolutions

1. Only issues that have a direct bearing on municipal affairs should be considered or adopted at the Annual Conference.
2. The issue is not of a purely local or regional concern.
3. The recommended policy should not simply restate existing League policy.
4. The resolution should be directed at achieving one of the following objectives:
 - (a) Focus public or media attention on an issue of major importance to cities.

- (b) Establish a new direction for League policy by establishing general principals around which more detailed policies may be developed by policy committees and the board of directors.
- (c) Consider important issues not adequately addressed by the policy committees and board of directors.
- (d) Amend the League bylaws (requires 2/3 vote at General Assembly).

KEY TO ACTIONS TAKEN ON RESOLUTIONS

Resolutions have been grouped by policy committees to which they have been assigned.

Number	Key Word Index	Reviewing Body Action		
		1	2	3
		1 - Policy Committee Recommendation to General Resolutions Committee 2 - General Resolutions Committee 3 - General Assembly		

GOVERNANCE, TRANSPARENCY & LABOR RELATIONS POLICY COMMITTEE

		1	2	3
1	Amendment to Section 230 of The Communications Decency Act of 1996			

PUBLIC SAFETY POLICY COMMITTEE

		1	2	3
1	Amendment to Section 230 of The Communications Decency Act of 1996			

KEY TO ACTIONS TAKEN ON RESOLUTIONS (Continued)

Resolutions have been grouped by policy committees to which they have been assigned.

KEY TO REVIEWING BODIES

- 1. Policy Committee
- 2. General Resolutions Committee
- 3. General Assembly

KEY TO ACTIONS TAKEN

- A Approve
- D Disapprove
- N No Action
- R Refer to appropriate policy committee for study
- a Amend+
- Aa Approve as amended+
- Aaa Approve with additional amendment(s)+
- Ra Refer as amended to appropriate policy committee for study+
- Raa Additional amendments and refer+
- Da Amend (for clarity or brevity) and Disapprove+
- Na Amend (for clarity or brevity) and take No Action+
- W Withdrawn by Sponsor

ACTION FOOTNOTES

- * Subject matter covered in another resolution
- ** Existing League policy
- *** Local authority presently exists

Procedural Note:

The League of California Cities resolution process at the Annual Conference is guided by the League Bylaws. A helpful explanation of this process can be found on the League’s website by clicking on this link: [Resolution Process](#).

1. A RESOLUTION OF THE GENERAL ASSEMBLY OF THE LEAGUE OF CALIFORNIA CITIES CALLING FOR AN AMENDMENT OF SECTION 230 OF THE COMMUNICATIONS DECENCY ACT OF 1996 TO REQUIRE SOCIAL MEDIA COMPANIES TO REMOVE MATERIALS WHICH PROMOTE CRIMINAL ACTIVITIES

Source: City of Cerritos

Concurrence of five or more cities/city officials

Cities: City of Hawaiian Gardens, City of Lakewood, City of Ontario, City of Rancho Cucamonga, City of Roseville

Referred to: Governance, Transparency and Labor Relations and Public Safety Policy Committees

WHEREAS, local law enforcement agencies seek to protect their communities’ residents, businesses, and property owners from crime; and

WHEREAS, increasingly, criminals use social media platforms to post notices of places, dates and times for their followers to meet to commit crimes; and

WHEREAS, Section 230 of the Communications Decency Act of 1996 currently provides online platforms (including social media platforms) immunity from civil liability based on third-party content and for the removal of content; and

WHEREAS, in the 25 years since Section 230’s enactment, online platforms no longer function simply as forums for the posting of third-party content but rather use sophisticated algorithms to promote content and to connect users; and

WHEREAS, the United States Department of Justice, in its June 2020 report, “Section 230 — Nurturing Innovation or Fostering Unaccountability?,” concluded the expansive interpretation courts have given Section 230 has left online platforms immune from a wide array of illicit activity on their services, with little transparency or accountability, noting it “makes

little sense” to immunize from civil liability an online platform that purposefully facilitates or solicits third-party content or activity that violates federal criminal law; and

WHEREAS, current court precedent interpreting Section 230 also precludes state and local jurisdictions from enforcing criminal laws against such online platforms that, while not actually performing unlawful activities, facilitate them; and

WHEREAS, amendment of Section 230 is necessary to clarify that online platforms are not immune from civil liability for promoting criminal activities; and

NOW, THEREFORE, BE IT RESOLVED at the League General Assembly, assembled at the League Annual Conference on October 9, 2020 in Long Beach, California, that the League calls upon the U.S. Congress to amend Section 230 of the Communications Decency Act of 1996 to condition immunity from civil liability on the following:

1. Online platforms must establish and implement a reasonable program to identify and take down content which solicits criminal activity; and
2. Online platforms must provide to law enforcement information which will assist in the identification and apprehension of persons who use the services of the platform to solicit and to engage in criminal activity; and
3. An online platform that willfully or negligently fails in either of these duties is not immune from enforcement of state and local laws which impose criminal or civil liability for such failure.

Background Information to Resolution

Source: City of Cerritos

Background:

Social media platforms are now used as a primary means of communication, including by criminals who use them to advertise locations, dates, and times where the criminal acts will take place. Such communications, because they occur online, render the online platform immune from any civil liability for the costs incurred by law enforcement agencies that respond under Section 230 of the Communications Decency Act of 1996. Immunity from civil liability extends even to injunctive relief, thus preventing local governments from merely seeking an injunction against the online platform to have such a post removed.

The City of Cerritos supports the rights of free speech and assembly guaranteed under the First Amendment, but believes cities should have the ability to hold social media companies liable for their role in promoting criminal acts. Recently, the City suffered thousands of dollars in damages to respond to online threats that the Cerritos Mall would be looted. Anonymous posts on Instagram.com invited followers to “work together to loot Cerritos [M]all” only several days after the Lakewood Mall had been looted, causing thousands of dollars in damages. The posts were made under the names “cerritosmalllooting” and “cantstopusall,” among others. The City of Cerritos had no choice but to initiate response to protect the Mall and the public from this credible threat.

At the same time local governments face historic shortfalls owing to the economic effects of COVID-19, the nation’s social media platforms are seeing a record rise in profits. The broad immunity provided by Section 230 is completely untenable. Online platforms should be held responsible—and liable—for the direct harm they facilitate. Local governments are in no position to bear the costs of the crimes facilitated by these companies alone.

Congress is currently reviewing antitrust legislation and by extension, Section 230’s immunity provisions. The League urges Congress to amend Section 230 to limit the immunity provided to online platforms when they promote criminal activity to provide local governments some measurable form of relief.

League of California Cities Staff Analysis on Resolution No. 1

Staff: Charles Harvey, Legislative Representative Bijan
Mehryar, Legislative Representative
Caroline Cirrincione, Policy Analyst
Johnnie Piña, Policy Analyst

Committees: Governance, Transparency and Labor Relations Public
Safety

Summary:

This resolution states that the League of California Cities should urge Congress to amend 230 of the federal Communications Decency Act of 1996 (CDA) to limit the immunity provided to online platforms where their forums enable criminal activity to be promoted.

Ultimately, the policy objectives proposed under this resolution, if enacted, would incentivize social media companies to establish and implement a reasonable program to identify and remove content that solicits criminal activity.

Background:

The City of Cerritos is sponsoring this resolution in reaction to events whereby persons, using social media platforms to coordinate locations, dates, and times for their planned criminal activity, have committed acts of looting and vandalism resulting in both actual economic harm for targeted businesses, and pecuniary loss to cities who used resources to prevent such acts from occurring when such plans are discovered.

For example, just days after the Lakewood Mall had been looted, the City of Cerritos uncovered online communications via social media that persons were planning to target the nearby Cerritos Mall. Consequently, the city felt compelled to undertake measures to protect the Cerritos Mall, costing the city thousands of dollars to guard against what officials believed to be a credible threat.

Staff Comments:

Overview:

While there is certainly an argument to substantiate concerns around censorship, the use of social media as a tool for organizing violence is equally disturbing.

Throughout much of the 2020 Summer, there have been many reports of looting happening across the country during what were otherwise mostly peaceful demonstrations. Combined with the speculation of who is really behind the looting and why, the mayhem has usurped the message of peaceful protestors, causing a great deal of property damage in the process. Likewise, these criminal actions have upended the livelihood of some small business owners, many of whom were already reeling in the wake of the COVID-19 pandemic.

While social media allows people to connect in real time with others all over the world, organized illegal activity using social media is made easier by the anonymous nature of virtual interactions.

Nation's Reaction to the Murder of George Floyd:

Shortly after the senseless killing of George Floyd by law enforcement on May 26, 2020, civil unrest began as local protests in the Minneapolis–Saint Paul metropolitan area of Minnesota before quickly spreading nationwide to more than 2,000 cities and towns across the United States, and in approximately 60 countries in support of the Black Lives Matter movement. Protests unfolded across the country throughout the entire month of June and into July, and persisted in a handful of cities such as Portland and Seattle into the month of August.

Although the majority of protests were peaceful, some demonstrations in cities escalated into riots, looting, and street skirmishes with police. While much of the nation's focus has been on addressing police misconduct, police brutality, and systemic racism, some have used demonstrators' peaceful protests on these topics as opportunities to loot and/or vandalize

businesses, almost exclusively under the guise of the “Black Lives Matter” movement. It has been uncovered that these “flash robs”¹ were coordinated through the use of social media. The spontaneity and speed of the attacks enabled by social media make it challenging for the police to stop these criminal events as they are occurring, let alone prevent them from commencing altogether.

As these events started occurring across the country, investigators quickly began combing through Facebook, Twitter, and Instagram seeking to identify potentially violent extremists, looters, and vandals and finding ways to charge them after — and in some cases before — they sow chaos. While this technique has alarmed civil liberties advocates, who argue the strategy could negatively impact online speech, law enforcement officials claim it aligns with investigation strategies employed in the past.

Section 230 and other Constitutional Concerns

At its core, Section 230(c)(1) of the CDA provides immunity from liability for providers and users of an “interactive computer service” who publish information provided by third-party users. Essentially, this protects websites from lawsuits if a user posts something illegal, although there are exceptions for copyright violations, sex work-related material, and violations of federal criminal law.

Protections from Section 230 have come under more recent scrutiny on issues related to hate speech and ideological biases in relation to the influence technology companies can hold on political discussions.

Setting aside Section 230, there are some potential constitutional issues one could raise, should there be an attempt to implement such a resolution into statute.

In the United States, the First Amendment prohibits the government from restricting most forms of speech, which would include many proposals to force tech companies to moderate content. While “illegal” types of speech enjoy limited or no First Amendment protection, the line for delineating between “legal” and “illegal” speech is very difficult to determine. Consequently, one would expect online platforms to push back on whether there is a constitutionally feasible way for them to “identify” protected speech versus unprotected speech, or whether there is a feasible way to define “content which solicits criminal activity.” A law requiring companies to moderate content based on the political viewpoint it expresses, for example, would likely be struck down as unconstitutional.

Nonetheless, private companies can create rules to restrict speech if they so choose. Online platforms sometimes argue they have constitutionally-protected First Amendment rights in their “editorial activity,” and therefore, it violates their constitutional rights to require them to monitor (i.e., “identify and take down”) content that may be protected under the First Amendment. They may also argue, along the same lines, that the government may not condition the granting of a privilege (i.e., immunity) on doing things that amount to a violation of their first amendment rights. This is why Facebook and Twitter ban hate speech and other verifiably false information, for example, even though such speech is permitted under the First Amendment.

¹ The “flash robs” phenomenon—where social media is used to organize groups of teens and young adults to quickly ransack and loot various retail stores—began to occur sporadically throughout the United States over the past ten years.

With respect to privacy and the Fourth Amendment, online platforms may argue that requiring them to “provide to law enforcement information that will assist in the identification and apprehension of persons who use the services of the platform to solicit and to engage in criminal activity,” turns them into government actors that search users’ accounts without a warrant based on probable cause, in violation of the Fourth Amendment.

Industry Perspective

Unsurprisingly, industry stakeholders have strong opinions for what such changes could mean for their respective business models.

For instance, a Facebook spokesperson recently noted in a Fortune article that, “By exposing companies to potential liability for everything that billions of people around the world say, this would penalize companies that choose to allow controversial speech and encourage platforms to censor anything that might offend anyone.”

The article acknowledges that in recent years, both political parties have put social media companies under increased scrutiny, but they are not unified in their stated concerns. While Republicans accuse the companies of unfairly censoring their post, Democrats complain that these companies fail to do enough to block misinformation, violent content, and hate speech.

The article concludes that there is no way companies like Facebook and Twitter could operate without Section 230, and that the removal of this section would thereby “eliminate social media as we know it.”

Recent Federal Action on Social Media

The President recently issued an *Executive Order on Preventing Online Censorship*. In it, he notes the following:

“The growth of online platforms in recent years raises important questions about applying the ideals of the First Amendment to modern communications technology. Today, many Americans follow the news, stay in touch with friends and family, and share their views on current events through social media and other online platforms. As a result, these platforms function in many ways as a 21st century equivalent of the public square.

Twitter, Facebook, Instagram, and YouTube wield immense, if not unprecedented, power to shape the interpretation of public events; to censor, delete, or disappear information; and to control what people see or do not see.”

Ultimately the President implores the U.S. Attorney General to develop a proposal for federal legislation that “would be useful to promote the policy objectives of this order.” The President is not subtle in communicating his desire to ultimately see legislation heavily slanted toward the preservation of free speech on social media, which some interpret as a maneuver to preempt Twitter and Facebook from regulating speech they otherwise deem as hateful or demonstrably false.

Considerations for Congress

Courts have generally construed Section 230 to grant internet service providers broad immunity for hosting others’ content. Many have claimed that Section 230’s immunity provisions were critical to the development of the modern internet, and some continue to defend Section 230’s broad scope. But simultaneously, a variety of commentators and legislators have questioned

whether those immunity provisions should now be narrowed, given that the internet looks different today than it did in 1996 when Section 230 was first enacted.

One way for Congress to narrow Section 230's liability shield would be to create additional exceptions, as it did with FOSTA and SESTA². If a lawsuit does not fall into one of the express exceptions contained in Section 230(e)³, courts may have to engage in a highly fact-specific inquiry to determine whether Section 230 immunity applies: Section 230(c)(1) immunity will be inapplicable if the provider itself has developed or helped to develop the disputed content, while Section 230(c)(2) immunity may not apply if a service provider's decision to restrict access to content was not made in good faith.

Date Storage and Usage Considerations for Cities

Section 2 of the conditions the resolution applies to civil immunity requires that online platforms provide relevant information to law enforcement to assist in the identification and apprehension of persons who use the services of the platform to solicit and to engage in criminal activity. This section would most likely require the development of new procedures and protocols that govern law enforcements usage and retention of such information. Those new policies and procedures would undoubtedly raise privacy concerns depending on how wide the latitude is for law enforcement to request such information. In those circumstances cities could end up themselves incurring new liability for the governance of data that could either violate certain privacy rules or increase their data governance costs.

Fiscal Impact:

Unlike the costly resources needed to support or oppose a ballot measure, a federal resolution from the League of California Cities that simply urges Congress to undertake certain action should have a negligible fiscal impact, if any monetary impact at all.

Regarding cities, if social media had no immunity for its failure to police content that solicits criminal activity, then an individual city could theoretically save thousands if not millions of dollars, depending on its size and other subjective circumstances. Collectively, cities across the country could potentially save at least hundreds of millions between redress for actual economic harm suffered and/or the cost of preventative measures taken to stop criminal activity from occurring in the first place.

Conversely, if social media platforms were to shut down, due to an inability to comply with a policy requirement to regulate speech on the internet, it is unclear on how cities might be impacted from a fiscal standpoint.

Existing League Policy:

Public Safety:

Law Enforcement

The League supports the promotion of public safety through:

² The Fight Online Sex Trafficking Act (FOSTA) and the Stop Enabling Sex Traffickers Act (SESTA) create an exception to Section 230 that means website publishers *would* be responsible if third parties are found to be posting ads for prostitution — including consensual sex work — on their platforms. ³ Section 230(e) says that Section 230 will not apply to: (1) federal criminal laws; (2) intellectual property laws; (3) any state law that is "consistent with" Section 230; (4) the Electronic Communications Privacy Act of 1986; and (5) civil actions or state prosecutions where the underlying conduct violates federal law prohibiting sex trafficking.

- Stiffer penalties for violent offenders, and
- Protecting state Citizens' Option for Public Safety (COPS) and federal Community Oriented Police Services (COPS) funding and advocating for additional funding for local agencies to recoup the costs of crime and increase community safety.

Violence

The League supports the reduction of violence through strategies that address gang violence, domestic violence, and youth access to tools of violence, including but not limited to firearms, knives, etc.

The League supports the use of local, state, and federal collaborative prevention and intervention methods to reduce youth and gang violence.

Governance, Transparency & Labor Relations:

Private Sector Liability

The League will work closely with private sector representatives to evaluate the potential for League support of civil justice reform measures designed to improve the business climate in California. These measures should be evaluated on a case-by-case basis through the League police process.

Questions to Consider:

Many cities obviously believe that creating civil liability for social media platforms—due to their role in providing the communication mediums for those who organize looting attacks—is key to deterring this organized criminal activity.

If such a change was actually passed by Congress, it would force social media to essentially police every conversation on stakeholders' respective platforms, putting immense pressure on the industry to make subjective determinations about what conversations are appropriate and what are unacceptable.

At the end of the day, there are a few questions to consider in assessing this proposed resolution:

- 1) *What would this resolution's impact be on free speech and government censorship?*
- 2) *What are the expectations for cities when they receive information from a social media platform about a potentially credible threat in their respective communities? Does a city become liable for having information from a social media platform and the threat occurs?*
- 3) *What would the costs be to develop and maintain new data governance policies, including data infrastructure, to store this information?*
- 4) *What is the role of the League in engaging in issues relating to someone's privacy?*

Support:

The following letters of concurrence were received:

City of Hawaiian Gardens

City of Lakewood

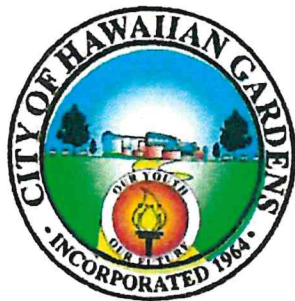
City of Ontario

City of Rancho Cucamonga

LETTERS OF CONCURRENCE

Resolution No. 1

**Amendment to Section 230 of the Communications
Decency Act of 1996**

"Our Youth - Our Future"

CITY OF HAWAIIAN GARDENS

August 7, 2020

John Dunbar, President
jdunbar@yville.com
 League of California Cities
 1400 K Street, Suite 400
 Sacramento, CA 95814

Dear President Dunbar:

On August 3, 2020, the Cerritos City Council approved to sponsor a **Resolution of the City Council of the City of Cerritos Submitting to the League of California Cities General Assembly a Proposed Resolution Regarding Support of Legislation Related to Social Media Platform Accountability for Promotion of Criminal Acts.**

This proposed resolution with the required background information will be submitted to the League of California Cities for consideration by the General Assembly at the Annual Conference on October 9, 2020. (Attachments 1 and 2) The intent of the resolution is to address the use of social medial platforms for posting information that leads followers to meet and commit crimes and to also hold these platforms and the persons who post said information civilly and criminally accountable for all costs incurred by the local jurisdictions where the crimes occurred.

The public safety efforts in the City of Hawaiian Gardens would certainly benefit from such legislation. This letter serves to support the City of Cerritos in their efforts to submit of the above mentioned resolution to the League of California Cities for consideration at the 2020 Annual Conference.

Sincerely,

Ernie Hernandez
 City Manager

cc Blanca Pacheco, President, LA County Division/League of California Cities - bpacheco@downeyca.org
 Meg Desmond, League of California Cities - mdesmond@cacities.org
 Kristine Guerrero, LA County Division/League of California Cities - kguerrero@cacities.org
 Kathy Matsumoto, Assistant City Manager, City of Cerritos - kmatsumoto@cerritos.us

Jeff Wood
Vice Mayor

Steve Craft
Council Member

Steve Craft
Council Member

Diane DuBois
Council Member



Todd Rogers
Mayor

August 5, 2020

John Dunbar, President
jdunbar@yville.com
League of California Cities
1400 K Street, Suite 400
Sacramento, CA 95814

Dear President Dunbar:

On August 3, 2020, the Cerritos City Council approved to sponsor a **Resolution of the City Council of the City of Cerritos Submitting to the League of California Cities General Assembly a Proposed Resolution Regarding Support of Legislation Related to Social Media Platform Accountability for Promotion of Criminal Acts.**

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This letter serves to support the City of Cerritos in their efforts to submit the above mentioned resolution to the League of California Cities for consideration at the 2020 Annual Conference.

Sincerely,

Todd Rogers
Mayor

cc: Blanca Pacheco, President, LA County Division/League of California Cities - bpacheco@downeyca.org
Meg Desmond, League of California Cities - mdesmond@cacities.org
Kristine Guerrero, LA County Division/League of California Cities - kguerrero@cacities.org
Kathy Matsumoto, Assistant City Manager, City of Cerritos - kmatsumoto@cerritos.us

Lakewood

CITY OF



ONTARIO

303 EAST "B" STREET, CIVIC CENTER ONTARIO

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(909) 395-2000
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PAUL S. LEON
MAYOR

SCOTT OCHOA
CITY MANAGER

DEBRA DORST-PORADA
MAYOR PRO TEM

August 6, 2020

SHEILA MAUTZ
CITY CLERK

ALAN D. WAPNER
JIM W. BOWMAN
RUBEN VALENCIA
COUNCIL MEMBERS

JAMES R. MILHISER
TREASURER

John Dunbar, President
jdunbar@yville.com
League of California Cities
1400 K Street, Suite 400
Sacramento, CA 95814

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This letter serves to support the City of Cerritos in their efforts to submit the above-mentioned resolution to the League of California Cities for consideration at the 2020 Annual Conference.

Sincerely,

Alan D. Wapner
Council Member
League of California Cities Board Member

c: Blanca Pacheco, President, LA County Division/League of California Cities - bpacheco@downeyca.org
Meg Desmond, League of California Cities - mdesmond@cacities.org
Kristine Guerrero, LA County Division/League of California Cities - kguerrero@cacities.org
Kathy Matsumoto, Assistant City Manager, City of Cerritos – kmatsumoto@cerritos.us



CITY OF RANCHO CUCAMONGA

10500 Civic Center Drive | Rancho Cucamonga, CA 91730 | 909.477.2700 | www.CityofRC.us

August 6, 2020

John Dunbar, President
jdunbar@yville.com
 League of California Cities
 1400 K Street, Suite 400
 Sacramento, CA 95814

Dear President Dunbar:

On August 3, 2020, the Cerritos City Council approved to sponsor a **Resolution of the City Council of the City of Cerritos Submitting to the League of California Cities General Assembly a Proposed Resolution Regarding Support of Legislation Related to Social Media Platform Accountability for Promotion of Criminal Acts.**

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On behalf of the City of Rancho Cucamonga, this letter serves to support the City of Cerritos in their efforts to submit the above mentioned resolution to the League of California Cities for consideration at the 2020 Annual Conference.

Sincerely,

L. Dennis Michael
 Mayor

cc: Blanca Pacheco, President, LA County Division/League of California Cities - bpacheco@downeyca.org
 Meg Desmond, League of California Cities - mdesmond@cacities.org
 Kristine Guerrero, LA County Division/League of California Cities - kguerrero@cacities.org
 Kathy Matsumoto, Assistant City Manager, City of Cerritos - kmatsumoto@cerritos.us



City Council
311 Vernon Street
Roseville, California 95678

August 7, 2020

John Dunbar, President
jdunbar@yville.com
League of California Cities
1400 K Street, Suite 400
Sacramento, CA 95814

Dear President Dunbar:

On August 3, 2020, the Cerritos City Council approved to sponsor a **Resolution of the City Council of the City of Cerritos Submitting to the League of California Cities General Assembly a Proposed Resolution Regarding Support of Legislation Related to Social Media Platform Accountability for Promotion of Criminal Acts.**

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On behalf of the City of Roseville, this letter serves to support the City of Cerritos in their efforts to submit the above mentioned resolution to the League of California Cities for consideration at the 2020 Annual Conference.

Sincerely,

John B. Allard II,
Mayor

Cc: Blanca Pacheco, President, LA County Division/League of California Cities - bpacheco@downeyca.org
Meg Desmond, League of California Cities - mdesmond@cacities.org
Kristine Guerrero, LA County Division/League of California Cities - kguerrero@cacities.org
Kathy Matsumoto, Assistant City Manager, City of Cerritos - kmatsumoto@cerritos.us
Jason Gonsalves, Joe A. Gonsalves and Son

DEPARTMENT OF JUSTICE'S REVIEW OF SECTION 230 OF THE COMMUNICATIONS DECENCY ACT OF 1996

As part of its broader review of market-leading online platforms, the U.S. Department of Justice analyzed [Section 230 of the Communications Decency Act of 1996](#), which provides immunity to online platforms from civil liability based on third-party content and for the removal of content in certain circumstances. Congress originally enacted the statute to nurture a nascent industry while also incentivizing online platforms to remove content harmful to children. The combination of significant technological changes since 1996 and the expansive interpretation that courts have given Section 230, however, has left online platforms both immune for a wide array of illicit activity on their services and free to moderate content with little transparency or accountability.

The Department of Justice has concluded that the time is ripe to realign the scope of Section 230 with the realities of the modern internet. Reform is important now more than ever. Every year, more citizens—including young children—are relying on the internet for everyday activities, while online criminal activity continues to grow. We must ensure that the internet is both an open and safe space for our society. Based on engagement with experts, industry, thought-leaders, lawmakers, and the public, the Department has identified a set of concrete reform proposals to provide stronger incentives for online platforms to address illicit material on their services, while continuing to foster innovation and free speech. [Read the Department's Key Takeaways](#).

The Department's review of Section 230 arose in the context of our broader review of market-leading online platforms and their practices, announced in July 2019. While competition has been a core part of the Department's review, we also recognize that not all concerns raised about online platforms (including internet-based businesses and social media platforms) fall squarely within the U.S. antitrust laws. Our review has therefore looked broadly at other legal and policy frameworks applicable to online platforms. One key part of that legal landscape is Section 230, which provides immunity to online platforms from civil liability based on third-party content as well as immunity for removal of content in certain circumstances.

Drafted in the early years of internet commerce, Section 230 was enacted in response to a problem that incipient online platforms were facing. In the years leading up to Section 230, courts had held that an online platform that passively hosted third-party content was not liable as a publisher if any of that content was defamatory, but that a platform would be liable as a publisher for all its third-party content if it exercised discretion to remove *any* third-party material. Platforms therefore faced a dilemma: They could try to moderate third-party content but risk being held liable for any and all content posted by third parties, or choose not to moderate content to avoid liability but risk having their services overrun with obscene or unlawful content. Congress enacted Section 230 in part to resolve this quandary by providing immunity to online platforms both for third-party content on their services or for removal of certain categories of content. The statute was meant to nurture emerging internet businesses while also incentivizing them to regulate harmful online content.

The internet has changed dramatically in the 25 years since Section 230's enactment in ways that no one, including the drafters of Section 230, could have predicted. Several online platforms have transformed into some of the nation's largest and most valuable companies, and today's online services bear little resemblance to the rudimentary offerings in 1996. Platforms no longer function as simple forums for posting third-party content, but instead use sophisticated algorithms to promote content and connect users. Platforms also now offer an ever-expanding array of services, playing an increasingly essential role in how Americans communicate, access media, engage in commerce, and generally carry on their everyday lives.

These developments have brought enormous benefits to society. But they have also had downsides. Criminals and other wrongdoers are increasingly turning to online platforms to engage in a host of unlawful activities, including child sexual exploitation, selling illicit drugs, cyberstalking, human trafficking, and terrorism. At the same time, courts have interpreted the scope of Section 230 immunity

very broadly, diverging from its original purpose. This expansive statutory interpretation, combined with technological developments, has reduced the incentives of online platforms to address illicit activity on their services and, at the same time, left them free to moderate lawful content without transparency or accountability. The time has therefore come to realign the scope of Section 230 with the realities of the modern internet so that it continues to foster innovation and free speech but also provides stronger incentives for online platforms to address illicit material on their services.

Much of the modern debate over Section 230 has been at opposite ends of the spectrum. Many have called for an outright repeal of the statute in light of the changed technological landscape and growing online harms. Others, meanwhile, have insisted that Section 230 be left alone and claimed that any reform will crumble the tech industry. Based on our analysis and external engagement, the Department believes there is productive middle ground and has identified a set of measured, yet concrete proposals that address many of the concerns raised about Section 230.

A reassessment of America's laws governing the internet could not be timelier. Citizens are relying on the internet more than ever for commerce, entertainment, education, employment, and public discourse. School closings in light of the COVID-19 pandemic mean that children are spending more time online, at times unsupervised, while more and more criminal activity is moving online. All of these factors make it imperative that we maintain the internet as an open and safe space.

AREAS RIPE FOR SECTION 230 REFORM

The Department identified four areas ripe for reform:

1. Incentivizing Online Platforms to Address Illicit Content

The first category of potential reforms is aimed at incentivizing platforms to address the growing amount of illicit content online, while preserving the core of Section 230's immunity for defamation.

a. Bad Samaritan Carve-Out. First, the Department proposes denying Section 230 immunity to truly bad actors. The title of Section 230's immunity provision—"Protection for 'Good Samaritan' Blocking and Screening of Offensive Material"—makes clear that Section 230 immunity is meant to incentivize and protect responsible online platforms. It therefore makes little sense to immunize from civil liability an online platform that purposefully facilitates or solicits third-party content or activity that would violate federal criminal law.

b. Carve-Outs for Child Abuse, Terrorism, and Cyber-Stalking. Second, the Department proposes exempting from immunity specific categories of claims that address particularly egregious content, including (1) child exploitation and sexual abuse, (2) terrorism, and (3) cyber-stalking. These targeted carve-outs would halt the over-expansion of Section 230 immunity and enable victims to seek civil redress in causes of action far afield from the original purpose of the statute.

c. Case-Specific Carve-outs for Actual Knowledge or Court Judgments. Third, the Department supports reforms to make clear that Section 230 immunity does not apply in a specific case where a platform had actual knowledge or notice that the third party content at issue violated federal criminal law or where the platform was provided with a court judgment that content is unlawful in any respect.

2. Clarifying Federal Government Enforcement Capabilities to Address Unlawful Content

A second category reform would increase the ability of the government to protect citizens from harmful and illicit conduct. These reforms would make clear that the immunity provided by Section 230 does not apply to civil enforcement actions brought by the federal government. Civil enforcement by the federal government is an important complement to criminal prosecution.

3. Promoting Competition

A third reform proposal is to clarify that federal antitrust claims are not covered by Section 230 immunity. Over time, the avenues for engaging in both online commerce and speech have concentrated in the hands of a few key players. It makes little sense to enable large online platforms (particularly

dominant ones) to invoke Section 230 immunity in antitrust cases, where liability is based on harm to competition, not on third-party speech.

4. Promoting Open Discourse and Greater Transparency

A fourth category of potential reforms is intended to clarify the text and original purpose of the statute in order to promote free and open discourse online and encourage greater transparency between platforms and users.

a. Replace Vague Terminology in (c)(2). First, the Department supports replacing the vague catch-all “otherwise objectionable” language in Section 230(c)(2) with “unlawful” and “promotes terrorism.” This reform would focus the broad blanket immunity for content moderation decisions on the core objective of Section 230—to reduce online content harmful to children—while limiting a platform’s ability to remove content arbitrarily or in ways inconsistent with its terms or service simply by deeming it “objectionable.”

b. Provide Definition of Good Faith. Second, the Department proposes adding a statutory definition of “good faith,” which would limit immunity for content moderation decisions to those done in accordance with plain and particular terms of service and accompanied by a reasonable explanation, unless such notice would impede law enforcement or risk imminent harm to others. Clarifying the meaning of “good faith” should encourage platforms to be more transparent and accountable to their users, rather than hide behind blanket Section 230 protections.

c. Explicitly Overrule Stratton Oakmont to Avoid Moderator’s Dilemma. Third, the Department proposes clarifying that a platform’s removal of content pursuant to Section 230(c)(2) or consistent with its terms of service does not, on its own, render the platform a publisher or speaker for all other content on its service.

OVERVIEW OF DEPARTMENT OF JUSTICE ACTIONS ON SECTION 230

The Department of Justice’s review of Section 230 of the Communications Decency Act has included a number of different components, including:

1. Key Takeaways. The Department distilled lessons learned from its engagement and research in its [Key Takeaways and Recommendations](#), which outline a set of key principles, specific areas for reform, and ideas for further consideration.

2. Public Workshop. On February 19, 2020 the Department held a public workshop on Section 230 titled “**Section 230: Nurturing Innovation or Fostering Unaccountability**,” bringing together thought-leaders from diverse viewpoints. See [Section 230 Workshop Livestream](#); [Section 230 Workshop Agenda](#); [Section 230 Workshop Summary](#)

3. Expert Roundtable. In the afternoon of February 19, the Department also hosted a Chatham House Rule roundtable with additional experts and thought-leaders to further discuss Section 230 and potential reforms. See [Section 230 Workshop Summary](#); [Biographies of Experts](#)

4. Written Submissions. Participants in the morning Workshop and afternoon Roundtable were also invited to submit short written statements with their views on Section 230, which the Department reviewed. See [Participant Written Submissions](#)

5. Industry Listening Sessions. Following the Workshop, the Department met individually with a diverse group of businesses that had attended the public event or otherwise expressed interest in Section 230. Meetings were private and confidential to foster frank discussions about their use of Section 230 and thoughts on potential reform.