

## **RICHMOND, CALIFORNIA, April 7, 2020**

The Richmond City Council Evening Open Session was called to order at 5:37 p.m. by Mayor Thomas K. Butt via teleconference.

*On March 16, 2020, the Health Officer of Contra Costa County issued an Order through April 7, 2020, that directed that all individuals living in the County to shelter at their place of residence except that they may leave to provide or receive certain essential services or engage in certain essential activities and work for essential businesses and governmental services.*

*On March 17, 2020, Governor Gavin Newsom issued Executive Order N-29-20, authorizing legislative bodies to hold public meetings via teleconferencing. Executive Order N-29-20 further provides that a legislative body that held a meeting via teleconference and allowed members of the public to observe and address the meeting telephonically or otherwise electronically, consistent with notice and accessibility requirements as set forth in the Order, shall have satisfied any requirement that the body allows members of the public to attend the meeting and offer public comment. Such a body need not make available any physical location from which members of the public may observe the meeting and offer public comment. On March 19, 2020, Governor Newsom issued a statewide shelter-in-place order.*

*The public was able to view the meeting from home on KCRT – Comcast Channel 28 or AT&T Uverse Channel 99, or live-streamed online at <http://www.ci.richmond.ca.us/3178/KCRT-Live>.*

*Written public comments were received via email and eComment by 4:00 p.m. on Tuesday, April 7, 2020. Comments received by 4:00 p.m. were put into the record and considered before Council action and were submitted by email to [cityclerkdept@ci.richmond.ca.us](mailto:cityclerkdept@ci.richmond.ca.us). Comments received via email during the meeting and up until the public comment period on the relevant agenda item closed, were read into the record.*

***Attached herewith all public comments received.***

### **ROLL CALL**

**Present:** Councilmembers Ben Choi, Demnlus Johnson III, Eduardo Martinez, Jael Myrick, Melvin Willis, Vice Mayor Nathaniel Bates, and Mayor Thomas K. Butt. **Absent:** None.

### **PUBLIC COMMENT**

The city clerk announced that the purpose of the Open Session was for the City Council to hear public comments on the following items to be discussed in Closed Session:

### **CITY COUNCIL**

CONFERENCE WITH REAL PROPERTY  
NEGOTIATOR (Government Code Section 54956.8):

Property: Nevin Plaza – 2400 Nevin Avenue  
Agency negotiators: Shasa Curl and Nannette Beacham  
Negotiating parties: EAH Housing  
Under negotiations: Price and Terms of Payment

LIABILITY CLAIMS - (Government Code Section 54956.9):

Sabina Del Jesus-Perez Rivera vs. City of Richmond

There was no public comment.

The Open Session adjourned to Closed Session at 5:38 p.m.  
Closed Session adjourned at 6:13 p.m.

The Regular Meeting of the Richmond City Council was called to order at 7:05 p.m. by Mayor Butt via teleconference.

### **ROLL CALL**

**Present:** Councilmembers Choi, Johnson, Martinez, Myrick, Willis, Vice Mayor Bates, and Mayor Butt. **Absent:** None.

### **STATEMENT OF CONFLICT OF INTEREST**

None.

### **AGENDA REVIEW**

Item G-4 was removed from the Consent Calendar for discussion at the end of the agenda.

### **REPORT FROM THE CITY ATTORNEY ON FINAL DECISIONS MADE DURING CLOSED SESSION**

Acting City Attorney Rachel Sommovilla stated there were no final actions taken.

### **REPORT FROM THE CITY MANAGER**

City Manager Laura Snideman reported that the City of Richmond was providing childcare commencing April 13, 2020, to its essential staff continuing to work during the Coronavirus Pandemic (COVID-19) and was close to determining if the City of Richmond was able to offer childcare for non-City of Richmond essential workers. Ms. Snideman also reported that the City of Richmond was in the process of setting up a donation site in Richmond for medical and personal protection equipment. Ms. Snideman advised that there were not a sufficient amount of COVID-19 test kits to test non-symptomatic people and that there were testing sites in Contra Costa County, specifically for symptomatic first responders if testing was not provided by their primary care physician. Ms. Snideman also advised that Contra Costa County was considering expanding the number of COVID-19 testing sites including establishing one closer to Richmond. Ms. Snideman reported that the City of Richmond was continuing the COVID-19 education and compliance of the community and businesses that were operating during the shelter in place order. Ms. Snideman with the assistance of Acting Deputy Director Internal Services LaShonda White provided an update on the COVID-19 Rapid Relief Fund established to provide assistance to members of the community. Ms. Snideman gave an update on assistance provided to the homeless community. Fire Chief Adrian Sheppard provided clarification on COVID-19 testing protocols for Richmond first responders within Contra Costa County and stated that he was providing further clarification to the labor unions. The Council

requested a comprehensive policy of recommendation to address City of Richmond employee's compensation during the COVID-19 shelter in place order for the Council's consideration within two weeks.

### **OPEN FORUM FOR PUBLIC COMMENT**

The following comments were submitted by the following individuals via email or eComment:

Beryl Golden requested a thorough analysis of the financial viability or risks of the proposed SunCal development at Point Molate.

Cordell Hindler suggested that items be placed on a future City Council agenda to receive a presentation from Andy Katz regarding the need for a hospital in West County and an update from the Bay Area Rapid Transit (BART) General Manager regarding BART's future.

Ben Therriault requested help and support for COVID-19 testing in Richmond or within West Contra Costa County for first responders.

Jenny Balisle expressed concerns regarding COVID-19 testing and requirements for the public to wear masks. Ms. Balisle inquired about Mayor Butt's intention to hold COVID-19 tele-town hall meetings.

Joseph Puleo expressed concerns regarding sewer upgrades required for the SunCal development at Point Molate.

Mike Parker gave comments regarding the anticipated reduction in the City of Richmond's sales and property tax revenue due to the COVID-19 crisis and urged the Council to not move forward with any decisions regarding Point Molate.

Deborah Bayer, Diana Wear, Elizabeth Kudo, Jeanne Kortz, Jim Hite, Kelly Hammargren, Linda Kaiser, Lisa Park, Margot Cunningham, Michael Gliksohn, Norman LaForce, Regina Gilligan, Sally Tobin, and Tony Sustak urged the Council to postpone any decisions and public comment periods concerning Point Molate during the COVID-19 crisis. The group also requested a full financial analysis of the SunCal plan and for the Council to place the Save Our Pt Molate Initiative on the November 2020 General Election ballot.

Rebeca Garcia-Gonzalez gave comments in support of a proposed ordinance (similar to one in Los Angeles) mandating that everyone in public spaces cover their mouth with a cloth or mask to help reduce the spread of the COVID-19 contagion.

### **CITY COUNCIL CONSENT CALENDAR**

On motion of Councilmember Johnson, seconded by Councilmember Willis, the items marked with an (\*) were approved by the unanimous vote of the City Council:

**\*G-1.** Received the City's Investment and Cash Balance Report for the month of February 2020.

**\*G-2.** Approved a five-year contract with Aramark Uniform Services to provide uniform rental and laundry services for the Public Works Department in an amount not to exceed \$102,000 per year.

**\*G-3.** Approved a purchase from Traffic and Parking Control Co., Inc. (TAPCO) for lighted safety signs and accessories to upgrade the crosswalk on Marina Way in an amount not to exceed \$19,563.72.

**G-4.** The matter to adopt an ordinance (second reading) to compensate the classifications represented by the Service Employees' International Union (SEIU Local 1021) in the City's classified service was introduced by Human Resources Management Director Lisa Stephenson. Discussion ensued. Acting Deputy City Manager Internal Services LaShonda White clarified that the full cost for this action was \$268,524. On motion of Vice Mayor Bates, seconded by Councilmember Johnson, adopted **Ordinance No. 07-20 N.S.** by the unanimous vote of the City Council.

**\*G-5.** Approved a three-year contract with Linear Systems for maintenance of the Document Imaging Management Systems software, in an amount not to exceed \$30,000, from February 1, 2020, through February 1, 2023.

**\*G-6.** Approved the amended North Richmond Waste and Recovery Mitigation Fee Expenditure Plans for Fiscal Years 2018/19 and 2019/20, as recommended by the North Richmond Waste and Recovery Mitigation Fee Joint Expenditure Planning Committee.

**\*G-7.** Adopted **Resolution No. 27-20** accepting and appropriating into the Fiscal Year 2019-20 budget \$1,080,000 received from the United States Department of Labor and \$150,000 received from the California Workforce Development Board.

**\*G-8.** Approved a contract with Greenlife Construction Inc. for the floor replacement and painting project for the Richmond Recreation Complex Social Hall in an amount not to exceed \$71,200 with a contract term ending date of July 30, 2020.

## **RESOLUTIONS**

**H-1.** The matter to adopt a resolution in support of the Schools and Communities First initiative was introduced by Councilmember Willis. On motion of Councilmember Willis, seconded by Councilmember Myrick, adopted **Resolution No. 28-20** by the following vote: Ayes: Councilmembers Choi, Myrick, Johnson, Willis, Vice Mayor Bates, and Mayor Butt. **Noes:** None. **Absent:** Councilmember Martinez. **Abstentions:** None.

**H-2.** The matter to adopt a resolution ratifying the Director of Emergency Service's order to impose a temporary moratorium on no-fault evictions and evictions for non-payment of rent by residential tenants impacted by the COVID-19 crisis during the period of local emergency declared was introduced by City Manager Laura Snideman. Community Development Director Lina Velasco presented a Powerpoint presentation that highlighted the following: background; California Government Executive

Orders N-28-20 and N-37-20; State Judicial Council; and Richmond emergency order on evictions. Richmond Rent Board Attorney Charles Oshinuga provided clarification on how the executive orders interacted and impacted the eviction process. Discussion ensued. The following individuals submitted comments via email: Amalia Darling, Alexina Rojas, Cecilia Lucas, Chris Darling, Claudia Jiminez, Deborah Bayer, Diana Wear, Diane Dickey, Elizabeth Sanchez, Hibris Maciel, Ilona Clark, Janet Johnson, Jim Becker, Karel Villalobos, Leisa Johnson, Luis Chacon, Mariana Moore, Marika Hinds, Matt Vander Sluis, Megan Zapanta, Michael Passoff, Michael Vasilas, Mike Parker, Ritchie Cook, Rosalind Welch, Thomas Espinosa, and Yvette Flores. Further discussion ensued. A motion was made by Councilmember Myrick to approve the proposed resolution with one change in the last whereas clause as follows: ***“...pursuant to the Supplemental Order, during the period of local emergency declared in response to COVID-19, a landlord cannot evict a tenant in the following situations: (1) for nonpayment of rent if the tenant is unable to pay rent due to “financial impacts related to COVID-19 or (2) for a non-fault eviction unless necessary for health and safety of tenants, neighbors or the landlord”.*** The motion was seconded by Councilmember Willis with a friendly amendment to prohibit eviction if the tenant violated their lease because of an unregistered occupant due to the COVID-19 shelter in place order. The friendly amendment was not accepted and was recommended as a future amendment. City Attorney Rachel Sommovilla confirmed with the motion maker that the proposed amendment was to paragraph 1(a) in the resolution and was as follows: ***“During the period of local emergency declared in response to COVID-19, no landlord shall endeavor to evict a tenant in either of the following situations: (1) for nonpayment of rent if the tenant demonstrates that the tenant is unable to pay rent due to financial impacts related to COVID-19 or (2) for a no-fault eviction unless necessary for the health and safety of tenants, neighbors, or the landlord”. A landlord who knows that a tenant cannot pay some or all of the rent temporarily for the reasons set forth above shall not serve a notice pursuant to either CCP 1161(2) or Richmond Municipal Code Section 11.100.050(a)(1), file or prosecute an unlawful detainer action based on a 3-day pay or quit notice, or otherwise seek to evict for nonpayment of rent. A landlord knows of a tenant’s inability to pay rent within the meaning of this Order if the tenant, within 30 days after the date that rent is due, notifies the landlord in writing of lost income and inability to pay full rent due to financial impacts related to COVID-19, and provides documentation to support the claim. For purposes of this Order, “in writing” includes email or text communications to a landlord or the landlord’s representative with whom the tenant has previously corresponded by email or text. Documentation is not limited to medical or financial information; however, where a tenant provides medical and/or financial information, the landlord shall hold such information in confidence, and may only use said information for evaluating the tenant’s claim. “Nothing in this Order shall relieve the tenant of liability for the unpaid rent, which the landlord may seek after expiration of the local emergency and the tenant must pay within six months of the expiration of the local emergency. A landlord may not charge or collect a late fee for rent that is delayed for the reasons stated in this Order; nor may a landlord seek rent that is delayed for the reasons stated in this Order through the eviction process”.*** Mr. Oshinuga advised that the proposed amendment to the resolution eliminated the protections afforded by the California Government orders. Further discussion ensued. The motion

maker amended the motion to accept the language in the resolution as initially presented by staff and only eliminate the requirements for any documentation. The amended motion was seconded by Councilmember Willis. Mr. Oshinuga advised that the California State Governor's order required a nexus to COVID-19 documented by the tenant. The motion was re-amended to ratify the Director of Emergency Services order (proposed resolution) as presented and make only the following one change in paragraph 1(a) in the resolution: *"...and maintains ~~provides~~ documentation to support the claim"*. The re-amended motion was seconded by Councilmember Willis. The motion **adopted Resolution No. 29-20 as initially presented by staff with only the following one change in paragraph 1(a) in the resolution: *"...and maintains ~~provides~~ documentation to support the claim"*** by the unanimous vote of the City Council.

### **COUNCIL AS A WHOLE**

**I-1.** The matter to receive an update regarding the steps taken to address differentials, and on the development of a new policy outlining the City's proposed process for approving non-contractual differentials was introduced by Human Resources Management Director Lisa Stephenson. Acting Deputy City Manager Internal Services LaShonda White provided an oral report on the changes that were made and in the process of being made to address existing differentials. Discussion ensued. The Council requested the new cost of the differentials with the changes made. Cordell Hindler submitted a comment via email.

**I-2.** The matter to direct staff to participate in envisioning and implementing ways to activate the Richmond Transportation Plaza, and make the plaza safer and more attractive, with improvements such as the operation of commercial kiosks and carts on Nevin Plaza, improved landscaping, and better coordination of public safety; and direct staff to provide a report to the City Council detailing findings and recommendations for increasing economic and community development opportunities at the site, was introduced by Mayor Butt. Discussion ensued. A motion was made by Mayor Butt, seconded by Vice Mayor Bates, to approve said direction to staff. City Manager Laura Snideman requested the Council's assistance and support to develop and maintain a strategic plan moving forward. The motion passed by the unanimous vote of the City Council.

### **REPORTS OF OFFICERS: REFERRALS TO STAFF, AND GENERAL REPORTS (INCLUDING AB 1234 REPORTS)**

None.

# **ATTACHMENT 1**

**COMMENTS RECEIVED BEFORE 4:00 PM**

**FOR THE APRIL 7, 2020**

**CITY COUNCIL MEETING**

## Sabrina Lundy

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**From:** Beryl Golden <berylgolden@gmail.com>  
**Sent:** Tuesday, April 07, 2020 2:53 PM  
**To:** City Clerk Dept  
**Subject:** April 7. 2020 Agenda Item D: Open Forum for Public Comment

To: The Mayor and The Richmond City Council:

Re: Potential Financial Risks of the SunCal Proposed Development at Point Molate

Richmond residents need a **thorough analysis** of the **financial viability, or risks** of the proposed SunCal development at Point Molate. So far all we have seen are slick, vague advertisements about its future financial benefits to our City. **We need to see numbers.**

The analysis must include:

1- The costs of new infrastructure, including the cost of building the proposed new sewer system **and connecting it** to the (already overburdened) sewage treatment plant, and,

2- Building, Equipping, and Full-Time Staffing, of the Police and Fire stations at the proposed SunCal Development. We, also, need to know how these costs will be covered and possible negative impacts on the City Budget.

We, especially *you*, our Council representatives, **need to see the numbers.**

If there is any possibility that the Development can have a negative impact on the Richmond General Fund the Council *must* inform us of that risk.

Please inform us as to when this, promised, financial report will be available to us. Ideally, it will be available 60 days before the Council votes on the project.

Thank you,  
Beryl Golden  
Richmond Resident

## Sabrina Lundy

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**From:** Cordell Hindler <cordellhindler@ymail.com>  
**Sent:** Thursday, April 02, 2020 9:32 PM  
**To:** City Clerk Dept  
**Subject:** Open Forum for public Comment

hello Sabrina, i have a couple of suggestions for consider for the next Meeting

1. having Andy Katz to come and make a presentation in regarding the need for a hospital in West County
2. also to invite the General Manager to give an update in Regarding the future for BART

Sincerely  
Cordell

**Sabrina Lundy**

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**From:** Deborah Bayer <dbayer49@gmail.com>  
**Sent:** Tuesday, April 07, 2020 9:44 AM  
**To:** City Clerk Dept  
**Subject:** Public Comments

To the Richmond City Council:

The Covid-19 pandemic has disrupted normal procedures and plans. The contract with SunCal should be no different.

Please postpone signing any contract with SunCal until the public can fully participate in the review process.

Please postpone the DSEIR public comment period until the public has a format to hear and view all comments.

Especially in light of major financial shifts in the bond markets, please finally release the financial report on Point Molate we have been waiting for for over a year. We have a right to see how this project pencils out, and what obligations the City is agreeing to on our account.

Please respect democracy by allowing the citizens of Richmond to vote on whether or not they want a development at Point Molate. I was a member of the coalition trying to place such an initiative on the November ballot. That initiative process was precluded by the current emergency. The council, however, can put the issue to a vote. If you think it is a good idea to place 2040 housing units there, allow the citizens of Richmond to concur.

Thank you for considering my comments. I would like to see a discussion by the Council of these points. Please consider putting this issue on the next Council agenda.

Sincerely,

Deborah Bayer, RN

## Sabrina Lundy

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**From:** Diana Wear <diana4richmond@gmail.com>  
**Sent:** Tuesday, April 07, 2020 12:23 PM  
**To:** Tom Butt - external; Nat Bates; Demnlus Johnson; Ben Choi; Jael Myrick; Eduardo Martinez; Melvin Willis; City Clerk Dept  
**Subject:** Public Comment

These are difficult times and our city has been caught stalled in the midst of some critical decisions. Therefore I would like to request the following:

Postpone signing a Development Agreement with SunCal until the COVID-19 crisis no longer prohibits the public from participating fully in the review and approval process.

Provide a full financial analysis of the SunCal plan, including a strategy to protect the City's General Fund, for public review and comment 60 days before making any major decisions about the development plan.

Postpone the Pt Molate DSEIR public comment period until the public is able to submit comments in public and to display comments in a format where the entire community will be able to view them. The current method lacks transparency and accountability and inhibits the active exchange of ideas, as well as creative solution building.

Thank you,

Diana Wear  
Richmond resident

eComments						<a href="#">Hide/Show</a>
Agenda Item --	Name --	Comment --	Position --	Attachments --	Submitted At --	
<a href="#">D. OPEN FORUM FOR PUBLIC COMMENT</a>	<a href="#">Benjamin Therriault</a>	On behalf of RPOA and Fire Fighters Local 188: ***UPDATE on ** So far County Supervisor Gioia has been responsive and is attempting to persuade county health to allow our first responders to use this County facility. We ask that you assist and put us over the finish line.	Support	<a href="#">Attachment</a>	04-07-2020 03:14 pm	

ATTACHMENT ON THE NEXT PAGE

City Manager Snideman, Mayor Butt and Richmond Council-members:

On behalf of the Richmond Police Officer's Association and Richmond Firefighters Local 188 we are asking for your help and support for COVID-19 Testing in Richmond or at least in West Contra Costa County. Currently, two jurisdictions (Oakland and Hayward) are proactively testing their first responders (fire, police, EMT, health care workers) at on site city locations respectively.

We have asked our Assemblymember Buffy Wicks and County Supervisor John Goia to assist in this matter and we hope you will as well. Your first responders deserve an opportunity to protect those of us on the front lines of this epidemic so that we can continue to effectively serve the residents of Richmond.

Our unions have been proactive in ensuring our members obtain proper PPE and equipment within their respective departments. Proactive testing should be obtained by the city as well in conjunction with the County. Currently there is a drive up County Facility in San Pablo that is testing residents but will not test first responders. We implore you to fix this issue and provide your public safety employees the opportunity to be proactive in the spread of this disease.

Respectively on behalf of your police and firefighters,

Benjamin Therriault  
President, Richmond Police Officers Association

PORAC Bay Area Director

## Sabrina Lundy

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**From:** elizabeth kudo <elizabethkudo@yahoo.com>  
**Sent:** Tuesday, April 07, 2020 10:21 AM  
**To:** City Clerk Dept  
**Subject:** Public comments not on the agenda

1. Request for full public participation in reviewing and approving the signing of the SunCal development agreement. Due to Covid19 and the shelter in place directive, we are not able to fully participate. I am urging postponement. This affects all of the city of Richmond and surrounding areas.
2. I am very concerned about the city's General Fund. We need you to make public a full financial analysis of the Sun Cal plan and transparency on the strategy for protecting our city's general fund. I am requesting a sixty day period for review and comment before any major decision.
3. We need an active exchange of ideas and consideration for creative solutions in the community. Right now there is a lack of transparency and accountability inhibiting public viewing of comments and active exchange. Please postpone the Pt Molate DSEIR comment period and do your part in allowing fair and broad coverage on an issue that will affect the community for generations to come.
4. It's of vital importance that our collective plans and information on Point Molate is given wide coverage. The voters have a right to consider what is best for Point Molate. *I am asking our City Council members to respect Democracy by voting to put the Pt. Molate initiative on the ballot.*

Sincerely,  
Elizabeth Kudo  
[elizabethkudo@yahoo.com](mailto:elizabethkudo@yahoo.com)

[Sent from Yahoo Mail for iPad](#)

## Sabrina Lundy

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**From:** Jenny E. Balisle <balisle@att.net>  
**Sent:** Monday, April 06, 2020 11:42 AM  
**To:** City Clerk Dept  
**Subject:** Public Comments (Agenda F for Richmond City Council)

Hello,

Thanks for facilitating public comments during the pandemic!

Questions:

1. **When is there going to be free and easily accessible wide-spread testing?** Kaiser has a limited tests and only testing healthcare workers and very sick patients.

2. The city of Hayward is providing COVID-19 testing through a partnership with Avellino Labs. **How can we get drive-through testing here?** We need to stop community spread and identify asymptomatic individuals.

Links:

<https://www.avellino.com/>

<https://www.mercurynews.com/2020/03/23/coronavirus-testing-center-in-hayward-draws-hundreds-on-first-day-some-turned-away/>

3. **Will you advocate for a state coordinated and united call for wearing masks?**

Links:

<https://www.contracosta.ca.gov/5216/District-1-Supervisor-John-M-Gioia>

<https://www.cdc.gov/coronavirus/2019-ncov/prevent-getting-sick/diy-cloth-face-coverings.html>

4. **Will the mayor have weekly tele-town hall meetings with Richmond residents to discuss COVID-19 and the city's response?**

Sincerely,

Jenny Balisle

## Sabrina Lundy

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**From:** Jim Hite <umbrella27@hotmail.com>  
**Sent:** Tuesday, April 07, 2020 12:13 PM  
**To:** City Clerk Dept  
**Subject:** Public Comments - Not on the Agenda

Hello Mayor and City Council,

My name is Jim Hite, bay area native and 21 year Richmond resident.

Because of the COVID-19 virus shelter in place order it is only fair to suspend all actions regarding the Pt. Molate DSEIR or any Sun Cal agreement. Obviously this issue is very controversial for many Richmond residents and to push ahead with any action regarding Pt. Molate would be violating the spirit of civic cooperation in which we have all been asked to participate during this pandemic. Indeed, a violation of an elected official's duty to defend the democratic process regardless of his or her's point of view or agenda. You folks were not elected to promote your agenda by most of the city residents, the voters trust you to do the right thing. If you cannot make the process transparent, your actions will be interpreted as a representation of your cronies and not the electorate.

Thank you

## Sabrina Lundy

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**From:** Joseph Puleo <joepuleo@hotmail.com>  
**Sent:** Tuesday, April 07, 2020 10:35 AM  
**To:** City Clerk Dept; Lina Velasco; Jeffrey Kilbreth; paulcarman@comcast.net  
**Subject:** Sewer up grades required for Sun Cal development at Point Molate

There are significant issues with the proposed path of the sewer line down Stenmark Drive under I-580, under Chevron property, thence along Ocean Ave and North (or East) on Marine to a proposed pumping station on Marine St.

Unknown is the size of this sewer line.

To me ten inches seems totally inadequate but I'd suggest an independent engineering review and not accept as a given the material on hand.

Unanswered is whose responsibility is the Marine Ave pumping station and the down stream sewer construction

After the pumping station Appendix U of the DSEIR calls for increasing the size of the existing sewer on Tewksbury from 6" to 10" for a distance of 530 feet. from Marine to Vacca St

Then the Appendix discusses the need to replace 432 feet of 36" trunk pipe along Railroad Ave ending at Cutting Blvd because it is defective.

Not specified is the size and condition of the pipe between Vacca and the 36" trunk line being replaced a distance of some 2,848 feet. Apparently there is no written assessment of its ability to safely handle the Point Molate inflow.

I suggest it is realistic to expect the whole 3,810 feet will need to be replaced due to a lack of its condition being addressed in Appendix. Some of this area is serviced by pipes that are over 100 years old.

The Council should consult an independent engineer on this matter. Other issues unaddressed;

Is the developer certain to obtain a Chevron ROW to run a sewer through its property?

Who will pay for the upgrades; Sun Cal, the current rate payers, or some other entity?

Who will pay the hundreds of thousands of dollars needed annually to operate and maintain the Marine St. pumping station? As a reminder the City pays about \$500,000 annually to maintain the Moody Underpass pumping station which has only intermittent use as opposed to a sewage pumping station operated 24/7.

I believe this whole process has been comprised by the current Corona 19 Virus dislocations of due process and any decisions be postponed until we return to a normal society

Sent from [Mail](#) for Windows 10

## Sabrina Lundy

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**From:** kelly hammargren <kellyhammargren@gmail.com>  
**Sent:** Tuesday, April 07, 2020 3:53 PM  
**To:** City Clerk Dept  
**Subject:** April 7, City Council Meeting - Public Comment

### Public Comment - Open Forum

As we all see and feel, the COVID-19 Pandemic has turned the world as we knew it upside down. Decisions that might have seemed reasonable just a few weeks ago are now filled with risk. In this time of great uncertainty it is of critical importance for the Richmond City Council to proceed with caution. Engaging the public in every way possible is of the utmost importance in the difficult times now and ahead. For these reasons please take the following actions:

1. Vote to put the Point Molate Initiative on the ballot.

(If the vote is to proceed with the Point Molate project, the Richmond Council has the support needed in difficult times. If the vote opposes the development at Point Molate, the Richmond Council has a publicly supported exit path.)

2. Extend the comment period for the Point Molate Draft Supplemental Environmental Impact Report (DSEIR) and post the comments in a format that the public can view.

(The DSEIR was submitted for public comment in February 2020 and prepared prior to the COVID-19 pandemic. Sections 4.11 Population and Housing, 4.12 Public Services and Recreation and 4.13 Transportation need thorough review in the context of the present pandemic and a post pandemic world to provide decision makers with sound analysis.)

3. Pursue and provide a full financial analysis of the SunCal plan and the financial stability of the SunCal corporation.

(Financial analysis will provide the probably of a project being completed if approved.)

4. Postpone any agreement until actions 1,2,and 3 are completed and most importantly withhold proceeding on any agreement until the City of Richmond is fully and completely protected from any and all financial failures and/or unexpected complications and costs.

(The City of Richmond must be protected in a time when the City's budgets and expenditures are going to require revision from loss of income)

Kelly Hammargren

## Sabrina Lundy

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**From:** Linda Kaiser <lwkaiser@msn.com>  
**Sent:** Tuesday, April 07, 2020 9:18 AM  
**To:** City Clerk Dept  
**Subject:** public comments not on the agenda

Dear city council members,

The city must postpone signing a Development Agreement with SunCal until the COVID-19 crisis no longer prohibits the public from participating fully in the review and approval process. Taxpayers and residents need transparency and representation from the city government that serves them. Accordingly, we demand that the city provide a full financial analysis of the SunCal plan, including a strategy to protect the City's General Fund, for public review and comment sixty days before making any major decisions about the development plan. Once that demand is met and the citizenry is FULLY apprised of the burden that a private concern wishes Richmond taxpayers to bear, the city must postpone the Pt Molate DSEIR public comment period until the public is able to submit comments in public and/or to display comments in a format where all can view them. The current method lacks transparency and accountability and inhibits the active exchange of ideas, as well as creative solution building. City Council members, please respect democracy and vote to put the Pt Molate Initiative on the upcoming ballot.

Sincerely,

Linda Kaiser  


## Sabrina Lundy

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**From:** Lisa Park <lpark@sonic.net>  
**Sent:** Tuesday, April 07, 2020 2:38 PM  
**To:** Tom Butt - external; Ben Choi; Nat Bates; Eduardo Martinez; Demnlus Johnson; Jael Myrick; Melvin Willis; City Clerk Dept  
**Subject:** Tonight's City Council meeting, Open Forum comment on Agenda Item D, Point Molate Planning

RE: City Council Meeting, April 7, 2020, Agenda Item D: Open Forum for Public Comment on **Point Molate Planning**

Dear Mayor Butt, Vice Mayor Nate Bates, Council Members Ben Choi, Demnlus Johnson III, Eduardo Martinez, Jael Myrick, and Melvin Willis,

Given the COVID-19 pandemic I urge the city council to put on the agenda for the next meeting the following items and to vote in favor of them:

1. Postpone signing a Development Agreement with SunCal until the COVID-19 crisis no longer prohibits the public from participating fully and in person in the review and approval process.
2. Provide a full financial analysis of the SunCal plan, including a strategy to protect the City's General Fund, for public review and comment sixty days before making any major decisions about the development plan.
3. Postpone the Point Molate Draft Supplemental EIR public comment period until the public is able to submit comments in public and/or to display comments in a format where all can view them. The current method lacks transparency and accountability and inhibits the active exchange of ideas, as well as creative solution building.
4. Respect democracy by placing the Save Our Point Molate Initiative that was certified for signature circulation just before the Governor's Shelter-in-Place on the ballot for a vote at the November 2020 election.
5. Put a moratorium on the entire Point Molate planning process pursuant to the city's secret illegal settlement agreement with Upstream Development and the Guideville Tribe with all parties at a standstill without prejudice to any party until the Governor and other public safety officials find that the COVID-19 Pandemic is sufficient contained and controlled to declare an end to the Shelter-in-Place and that the public may participate in person and be present at public meetings regarding Point Molate.

Sincerely,

Lisa Park

  
Richmond, CA 94804

## Sabrina Lundy

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**From:** Margot Cunningham <cunningham.margot@gmail.com>  
**Sent:** Tuesday, April 07, 2020 8:49 AM  
**To:** City Clerk Dept  
**Subject:** Apr 7 City Council mtg; public comments – not on the agenda

Regarding the proposed Pt. Molate development:

Because the current Coronavirus-19 pandemic has disrupted people's lives, making it difficult for them to engage fully in the public process of review and approval of the proposed project at Pt. Molate, I request the City postpone signing a Development Agreement with SunCal and postpone the Pt Molate DSEIR public comment period.

Merely extending the time to submit written comments on the DSEIR is not an acceptable democratic solution. The process should be more transparent and accountable, where people can submit comments in public or where comments are at least viewable publicly.

In addition, before making any major decisions about the SunCal development plan, please provide a full financial analysis of the plan with a strategy to protect the City's General Fund. And post it for for public review and allow 60 days for comment.

Lastly, please vote to put the Pt Molate initiative on the ballot so that all community members can truly weigh in on the future of Pt. Molate.

Thank you,

--

Margot Cunningham  
28-year Richmond Annex resident

## Sabrina Lundy

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**From:** Michael Gliksohn <mglksohn@gmail.com>  
**Sent:** Tuesday, April 07, 2020 10:45 AM  
**To:** City Clerk Dept  
**Subject:** Public comment- Not on agenda

- 1. Postpone signing a Development Agreement with SunCal until the COVID-19 crisis no longer prohibits the public from participating fully in the review and approval process.**
- 1b. Provide a full financial analysis of the SunCal plan, including a strategy to protect the City's General Fund, for public review and comment sixty days before making any major decisions about the development plan.**
- 2. Postpone the Pt Molate DSEIR public comment period until the public is able to submit comments in public and/or to display comments in a format where all can view them. The current method lacks transparency and accountability and inhibits the active exchange of ideas, as well as creative solution building.**
- 3. Ask our City Council members to respect democracy by voting to put the Pt Molate Initiative on the ballot.**

Thank you,  
Michael Gliksohn



Sent from my iPad

## Sabrina Lundy

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**From:** M Parker <mparker00@gmail.com>  
**Sent:** Tuesday, April 07, 2020 3:46 PM  
**To:** City Clerk Dept  
**Subject:** Public Comment Item F (items not on agenda)

The Coronavirus will mean substantial changes to the economy. Property tax and sales tax that the city depends on for income cannot be predicted except that they are most likely to be substantially reduced as we enter a bad recession.

That is all the more reason that decisions on the Pt Molate project should not be moved forward until we can evaluate whether the project in the new economy will bankrupt the city.

Mike Parker



**San Francisco Bay Chapter**

Serving Alameda, Contra Costa, Marin and San Francisco Counties

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[info@sfbaysc.org](mailto:info@sfbaysc.org)

April 7, 2020

**VIA EMAIL ONLY**

[cityclerkdept@ci.richmond.ca.us](mailto:cityclerkdept@ci.richmond.ca.us)

Mayor Tom Butt, Vice Mayor Nate Bates,  
Council Members Ben Choi, Demnlus Johnson III,  
Eduardo Martinez, Jael Myrick, & Melvin Willis  
450 Civic Center Plaza  
Richmond, CA 94804

Re: City Council Meeting for April 7, 2020  
Agenda Item D: Open Forum for Public Comment  
Re: Point Molate Planning

Dear Mayor Butt, Vice Mayor Nate Bates, Council Members Ben Choi, Demnlus Johnson III, Eduardo Martinez, Jael Myrick, & Melvin Willis:

The Sierra Club has long been involved in the future of Point Molate as you well know. Given the COVID-19 pandemic the Sierra Club urges the city council to put on the agenda for the next meeting the following items and to vote in favor of them>

1. Postpone signing a Development Agreement with SunCal until the COVID-19 crisis no longer prohibits the public from participating fully and in person in the review and approval process.
2. Provide a full financial analysis of the SunCal plan, including a strategy to protect the City's General Fund, for public review and comment sixty days before making any major decisions about the development plan.
3. Postpone the Pt Molate DSEIR public comment period until the public is able to submit comments in public and/or to display comments in a format where all can view them



because the current method lacks transparency and accountability and inhibits the active exchange of ideas, as well as creative solution building.

4. Respect democracy by placing the Save Our Pt Molate Initiative that was certified for signature circulation just before the Governor's Shelter-in-Place on the ballot for a vote at the November 2020 election.

5. Put a moratorium on the entire Point Molate planning process pursuant to the city's secret illegal settlement agreement with Upstream Development and the Guideville Tribe with all parties at a standstill without prejudice to any party until the Governor and other public safety officials find that the COVID-19 Pandemic is sufficient contained and controlled to declare an end to the Shelter-in-Place and that the public may participate in person and be present at public meetings regarding Point Molate.

Sincerely yours,

A handwritten signature in black ink that reads "Norman La Force". The signature is written in a cursive, flowing style.

Norman La Force,  
Chair, Sierra Club San Francisco Bay Chapter  
Legal Committee and Chair Sierra Club  
East Bay Public Lands Committee



# SPRAWLDEF

## Sustainability, Parks, Recycling And Wildlife Legal Defense Fund

802 Balra Drive, El Cerrito, CA 94530  
510 526-4362 www.sprawldef.org n.laforce@comcast.net

April 7, 2020

Mayor Tom Butt, Vice Mayor Nat Bates,  
Councilmembers Ben Choi, Demnlus Johnson,  
Eduardo Martinez, Jasel Myrick, and Melvin Willis  
City of Richmond  
450 Civic Center Plaza  
Richmond, CA 94804

Re: City Council Meeting for April 7, 2020  
Agenda Item D: Open Forum for Public Comment  
Re: Point Molate Planning Process

Dear Mayor Butt, Vice Mayor Nate Bates, Council Members Ben Choi, Demnlus Johnson III,  
Eduardo Martinez, Jael Myrick, & Melvin Willis:

SPRAWLDEF has long been involved in the future of Point Molate as you well know. Given the COVID-19 pandemic SPRAWLDEF urges the city council to put on the agenda for the next meeting the following items and to vote in favor of them.

1. Postpone signing a Development Agreement with SunCal until the COVID-19 crisis no longer prohibits the public from participating fully and in person in the review and approval process.
2. Provide a full financial analysis of the SunCal plan, including a strategy to protect the City's General Fund, for public review and comment sixty days before making any major decisions about the development plan.
3. Postpone the Pt Molate DSEIR public comment period until the public is able to submit comments in public and/or to display comments in a format where all can view them

SPRAWLDEF to City of Richmond  
Re: City Council Meeting 2020-04-07  
And Point Molate Planning Process  
2020-04-07

because the current method lacks transparency and accountability and inhibits the active exchange of ideas, as well as creative solution building.

4. Respect democracy by placing the Save Our Pt Molate Initiative that was certified for signature circulation just before the Governor's Shelter-in-Place on the ballot for a vote at the November 2020 election.

5. Put a moratorium on the entire Point Molate planning process pursuant to the city's secret illegal settlement agreement with Upstream Development and the Guideville Tribe with all parties at a standstill without prejudice to any party until the Governor and other public safety officials find that the COVID-19 Pandemic is sufficient contained and controlled to declare an end to the Shelter-in-Place and that the public may participate in person and be present at public meetings regarding Point Molate.

Sincerely yours,

A handwritten signature in black ink that reads "Norman La Force". The signature is written in a cursive, flowing style.

Norman La Force, President

## Sabrina Lundy

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**From:** Rebeca Garcia-Gonzalez <rebequilla@gmail.com>  
**Sent:** Monday, April 06, 2020 10:48 AM  
**To:** City Clerk Dept  
**Subject:** COVID-19 Ordinance

Dear Councilmembers,

I am aware our city has relatively low infection numbers, whether from lack of testing or actual compliance with governor Newsom's order.

I am part of an at-risk group and I am only leaving home to buy groceries. During my one weekly trip, I have observed numerous store clerks and even entire families without any type of protection. The Target cashiers, for example, told me they weren't issued masks.

I would wholeheartedly support an ordinance (similar to the one in LA) mandating that everyone in public cover their mouth with a cloth or mask, to help reduce the chance of contagion.

Many thanks for your time and your service to our city.

Rebeca Garcia-Gonzalez  
Richmond Resident

## Sabrina Lundy

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**From:** Sally Tobin <otwsally@gmail.com>  
**Sent:** Tuesday, April 07, 2020 2:09 PM  
**To:** City Clerk Dept  
**Subject:** Public Comments - Not on the Agenda

Dear Mayor, Councilmembers, and Residents of Richmond,

We are all under assault from the coronavirus! But even though our ability to attend public hearings in person is limited, Richmond needs to do a better job of inviting public comments on the proposed projects at Point Molate. To move forward now will create the impression that Richmond is hiding behind the pandemic in order to avoid listening to the diverse voices of our community.

No decisive action or commitment should be made until it is possible for the public to participate fully as the City Council considers the action. For instance, despite many requests, a full financial analysis of the plans for Point Molate by SunCal and by the City have not been released. This project has substantial financial ramifications for the City of Richmond, and the public needs to provide review and comment before commitments are made.

Please postpone the comment period on the DSEIR until the public is able to provide their views in an interactive format. As you know, the original process was to gather public comment through an open meeting and through written submissions. The meeting was scheduled for March 19, but was wisely cancelled due to the pandemic. The meeting was designed to provide an opportunity for the City Council and the public to hear and to respond and to react to each other's comments. Because the meeting would have been televised, open comments could have been viewed by broad segments of the public. In addition, the mayor and council members would have been able to ask questions of the community members in attendance.

Unfortunately, though a 10-day extension was implemented, the proposed remedy is flawed. Currently, the public is limited to two options:

1. to contribute written comments
2. to record 3 minute oral comments

This is clearly an inadequate substitute for genuine, interactive, community input. With the cancellation of the public meeting, there appears to be no way to hear and respond to the comments of community members! It is critical to transparency and accountability to be able to submit comments in public and/or to display comments in a format where all can view them. The current method inhibits the active exchange of ideas, as well as creative solution-building.

I hope that a more inclusive mode of communication can be implemented.

Respectfully,  
Sara (Sally) Tobin  
Richmond Resident

## Sabrina Lundy

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**From:** Browne Sustak <mtsustak@sonic.net>  
**Sent:** Tuesday, April 07, 2020 2:21 PM  
**To:** City Clerk Dept  
**Subject:** Statement for Public Comments Period of the 04/07/2020 City Council of Richmond regular meeting

From: Tony Sustak  
[REDACTED]

To: Clerk of the City of Richmond, CA

For Public Comment Period of the 04/07/2020 Richmond City Council Meeting

Dear Mayor, Clerk and City Council Members,

In light of the fact that we are unable to carry out normal political and community activities, due to the crisis caused by the COV-19 public emergency:

As a Richmond voter, I request:

- 1. Postpone signing a Development Agreement with SunCal until the COVID-19 crisis no longer prohibits the public from participating fully in the review and approval process.**
- 1b. Provide a full financial analysis of the SunCal plan, including a strategy to protect the City's General Fund, for public review and comment sixty days before making any major decisions about the development plan.**
  - A. The final agreement must include covenants which contain language that protects all future City Councils and the City of Richmond, CA from any liability arising from fire dangers peculiar to the site, industrial accidents arising from proximity to the Richmond Chevron Refinery and sea level rise.**
  - B. Every potential owner of a commercial or residential unit must agree to, as a condition of a purchase at the Pt. Molate site or every potential leasee of a residential or commercial unit at the Pt. Molate site, must agree to a covenant relieving any future City Councils and the City of Richmond, CA of any liability due to potential site fire hazards, proximity to a potential industrial accident involving the Chevron Richmond Refinery, any impacts resulting from hazards which may remain as a result of the site's history as a military fuel depot and any impacts arising sea level rise.**
    - B.1. Sea level rise is understood to include shoreline erosion, raised land water tables (which increase the danger of soil liquification during seismic events and the migration of any contaminants remaining in the soils as a result of the site former uses).**
  - C. The necessary covenant must free the City of Richmond, CA and future City Councils from any liability arising from the fact that the hazards listed above may result in the property values being degraded in the future or after an initial sale or transfer.**
  - D. The necessary covenant must make any future residents collectively liable for any costs arising from attenuating any of the hazards listed above**
- 2. Postpone the Pt Molate DSEIR public comment period until the public is able to submit comments in public and/or to display comments in a format where all can view them. The current**

**method lacks transparency and accountability and inhibits the active exchange of ideas, as well as creative solution building.**

**3. Ask our City Council members to respect democracy by voting to put the Pt Molate Initiative on the ballot.**

Tony Sustak

## Sabrina Lundy

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**From:** Amalia Darling <amaliadarling@gmail.com>  
**Sent:** Tuesday, April 07, 2020 1:38 PM  
**To:** Tom Butt - external; Ben Choi; Nat Bates; Eduardo Martinez; Demnlus Johnson; Jael Myrick; Melvin Willis; City Clerk Dept  
**Subject:** Public Comment

Dear council members,

I am a long term resident and homeowner in Richmond. I'm grateful that you are considering taking measures to protect Richmond tenants. No one should lose their housing during this difficult time, when people must have homes to be safe. Please enact a temporary moratorium on evictions for renters and small businesses during the Coronavirus crisis that includes the following: a moratorium on all evictions except those that are necessary for health and safety. No requirement for tenants to provide medical or financial information proving they were impacted by the pandemic. The rent accrued during the state of emergency should not be the basis of an eviction down the road. The ordinance should include protections for commercial tenants that are nonprofits and small local businesses. And it should place a freeze on rent increases during the shelter in place order.

Thank you!  
Amalia Darling  
[REDACTED]  
Richmond,  
CA 94804

## Sabrina Lundy

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**From:** Cecilia Lucas <cecilialucas@gmail.com>  
**Sent:** Monday, April 06, 2020 4:24 PM  
**To:** Tom Butt - external; Ben Choi; Nat Bates; Eduardo Martinez; Demnlus Johnson; Jael Myrick; Melvin Willis; City Clerk Dept  
**Subject:** Public Comment (Item H2)

*Hello,*

*My name is Cecilia and I am a resident of Richmond. Thank you for your leadership to protect Richmond tenants. No one should should lose their housing during this horrible pandemic. I am urging the city of Richmond to enact a temporary moratorium on evictions for renters and small businesses during the Coronavirus crisis that includes the following. The ordinance should put a moratorium on all evictions except those that are necessary for health and safety. Tenants shouldn't be required to provide medical or financial information proving they were impacted by the pandemic. The rent accrued during the state of emergency should not be the basis of an eviction down the road. The ordinance should include protections for commercial tenants (non profits and small local businesses). The ordinance should place a freeze on rent increases during the shelter in place order.*

*Thank you!*

--  
Cecilia Cissell Lucas  
Faculty Member, UC Berkeley  
Co-founder and Faculty Member, Creating Freedom Movements: more justice, more joy  
[www.creatingfreedommovements.org](http://www.creatingfreedommovements.org)

"dedicate yourself to transforming perceptions of reality, and thus the conditions of life" (guiding words from Gloria Anzaldúa)

## Sabrina Lundy

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**From:** Chris Darling <ammasdarling@hotmail.com>  
**Sent:** Monday, April 06, 2020 3:34 PM  
**To:** Tom Butt - external; Ben Choi; Nat Bates; Eduardo Martinez; Demnlus Johnson; Jael Myrick; Melvin Willis; City Clerk Dept  
**Subject:** Public Comment - Eviction Moratorium

Hello,

I have lived and been a voter in Richmond since 1998.

Please enact a moratorium on evictions for tenants and small businesses during the lockdown for coronavirus. Nobody should lose their home during this pandemic.

The ordinance should put a moratorium on all evictions except those that are necessary for health and safety. Tenants shouldn't be required to provide medical or financial information proving they were impacted by the pandemic. The rent accrued during the state of emergency should not be the basis of an eviction down the road. The ordinance should include protections for commercial tenants (non profits and small local businesses). The ordinance should place a freeze on rent increases during the shelter in place order.

Thank you.

Chris Darling

The landlord calls it rent and he winks the other eye,  
The merchant calls it profit and he sighs a heavy sigh.  
The banker calls it interest and puts it in the bag.  
But our honest friend the burglar simply calls it swag.

written by John S. Clarke, 1906  
Clarke was a circus lion trainer  
and writer and editor for the *Socialist*,  
the magazine for the British Socialist Labor Party

A small body of determined spirits fired by an unquenchable faith in their mission can alter the course of history.

*Mahatma Gandhi*

## Sabrina Lundy

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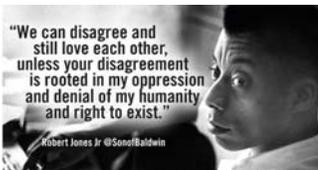
**From:** claudia jimenez <jimenez.claudia78@gmail.com>  
**Sent:** Monday, April 06, 2020 6:43 PM  
**To:** Tom Butt - external; Ben Choi; Nat Bates; Eduardo Martinez; Demnlus Johnson; Jael Myrick; Melvin Willis; City Clerk Dept  
**Subject:** Public Comment (Item H2)

*Hello my name is Claudia Jimenez and I am a resident of Richmond. Thank you for your leadership to protect Richmond tenants. No one should lose their housing during this horrible pandemic. I am urging the city of Richmond to enact a temporary moratorium on evictions for renters and small businesses during the Coronavirus crisis that includes the following. The ordinance should put a moratorium on all evictions except those that are necessary for health and safety. Tenants shouldn't be required to provide medical or financial information proving they were impacted by the pandemic. The rent accrued during the state of emergency should not be the basis of an eviction down the road. The ordinance should include protections for commercial tenants (non profits and small local businesses). The ordinance should place a freeze on rent increases during the shelter in place order. Thank you!*

Claudia Jimenez

--

«Es porque soy tan testaruda que todavía insisto en cambiar el mundo» Mercedes Sosa



## Sabrina Lundy

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**From:** Deborah Bayer <dbayer49@gmail.com>  
**Sent:** Tuesday, April 07, 2020 11:29 AM  
**To:** City Clerk Dept  
**Subject:** H-2 Temporary Moratorium on Rents and Evictions

I support Agenda Item H-2, with a suggestion that would make this more accessible to Richmond renters. The requirement to apply for the moratorium with documentation of Covid-related losses is unnecessary and could hinder the ability of a portion of our diverse population to apply. People who are undocumented, people who speak a different language, anyone without experience in handling government forms might be hesitant or unable to provide documentation.

The Governor's ruling, citing reasons for Covid-19 losses, includes "compliance with a recommendation from a government health authority to stay at home, self-quarantine or avoid congregating with others during the state of emergency."

This essentially means all of Richmond, so there is no rationale to require documentation of losses. Please issue a blanket moratorium on ALL evictions during the period of this crisis. To do anything else is to endanger our entire community by forcing people out of their homes, often onto the street.

We also have to consider what happens after the immediate crisis is over. Can we insist on loan and mortgage FORGIVENESS covering this period? If the City of Richmond can't do this, please add your voice, as the Richmond City Council, and join the efforts of other groups lobbying for this to happen. We can expect the economy to be tenuous for a while. Even if given a period of time within which to pay back the rent or mortgage, many people would not be able to save enough to do so. We do not want to repeat the foreclosure crisis of 2008. Banks also must do their part.

Thank you for considering these remarks.

Deborah Bayer, RN

## Sabrina Lundy

---

**From:** Diana Wear <diana4richmond@gmail.com>  
**Sent:** Tuesday, April 07, 2020 12:25 PM  
**To:** City Clerk Dept  
**Subject:** Fwd: Public Comment

Begin forwarded message:

**From:** Diana Wear <[diana4richmond@gmail.com](mailto:diana4richmond@gmail.com)>

**Subject: Public Comment**

**Date:** April 7, 2020 at 12:16:04 PM PDT

**To:** Tom Butt <[tom.butt@intres.com](mailto:tom.butt@intres.com)>, Ben Choi <[ben\\_choi@ci.richmond.ca.us](mailto:ben_choi@ci.richmond.ca.us)>, Demnlus Johnson <[demnlus\\_johnson@ci.richmond.ca.us](mailto:demnlus_johnson@ci.richmond.ca.us)>, Eduardo Martinez <[eduardo\\_martinez@ci.richmond.ca.us](mailto:eduardo_martinez@ci.richmond.ca.us)>, Melvin Willis <[melvin\\_willis@ci.richmond.ca.us](mailto:melvin_willis@ci.richmond.ca.us)>, Jael Myrick <[Jael\\_Myrick@ci.richmond.ca.us](mailto:Jael_Myrick@ci.richmond.ca.us)>, [cityclerkdept@ci.richmond.ca.us](mailto:cityclerkdept@ci.richmond.ca.us), Nat Bates <[natbates@comcast.net](mailto:natbates@comcast.net)>

Hello my name is Diana Wear and I am both a resident of Richmond and a Commissioner on the EDC. I appreciate your leadership to protect Richmond tenants. No one should lose their housing during this horrible pandemic, especially when the decision to not work has come from a federal mandate. I urgently ask the city of Richmond to enact a temporary moratorium on evictions for renters and small businesses during the COVID-19 crisis.

This includes the following:

- a) The ordinance should put a moratorium on all evictions except those that are necessary for health and safety.
- b) Tenants should not be required to provide medical or financial information proving they were impacted by the pandemic.
- c) The rent accrued during the state of emergency should not be the basis of a possible future eviction.
- d) The ordinance should include protections for commercial tenants (non profits and small local businesses).
- e) The ordinance should place a freeze on rent increases during the shelter in place order.

I appreciate your pursuit of this justice issue and thank you for your government service in this perilous time.

Sincerely,

Diana Wear  
Richmond, Ca 94801

## Sabrina Lundy

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**From:** DIANE DICKEY <diane.dickey@msn.com>  
**Sent:** Monday, April 06, 2020 4:25 PM  
**To:** Tom Butt - external; ben\_choi@ci.richmond.ca.us; Nat Bates; Eduardo Martinez; Demnlus Johnson; Jael Myrick; Melvin Willis; City Clerk Dept  
**Subject:** Public Comment (Item H-2)

*Hello my name is Diane Dickey. I am a resident of Richmond. Thank you for your leadership to protect Richmond tenants. No one should lose their housing during this horrible pandemic. I urge the city of Richmond to enact a temporary moratorium on evictions for renters and small businesses during the Coronavirus crisis that includes the following: The ordinance should put a moratorium on all evictions except those that are necessary for health and safety. Tenants should not be required to provide medical or financial information proving they were impacted by the pandemic. The rent accrued during the state of emergency should not be the basis of an eviction down the road. The ordinance should include protections for commercial tenants (non profits and small local businesses). The ordinance should place a freeze on rent increases during the shelter in place order. Thank you!*

Diane Dickey

## Sabrina Lundy

---

**From:** Liz Sanchez <elizabeth.sanchez510@gmail.com>  
**Sent:** Monday, April 06, 2020 5:20 PM  
**Subject:** Public Comment (Item H-2)

*Hello,*

*My name is Elizabeth and I am a resident of Richmond.*

*Thank you for your leadership to protect Richmond tenants. No one should lose their housing during this horrible pandemic. I am urging the city of Richmond to enact a temporary moratorium on evictions for renters and small businesses during the Coronavirus crisis that includes the following. The ordinance should put a moratorium on all evictions except those that are necessary for health and safety. Tenants shouldn't be required to provide medical or financial information proving they were impacted by the pandemic. The rent accrued during the state of emergency should not be the basis of an eviction down the road. The ordinance should include protections for commercial tenants (nonprofits and small local businesses). The ordinance should place a freeze on rent increases during the shelter in place order.*

*Thank you!*  
Elizabeth

CONFIDENTIALITY NOTE: This e-mail and any attachments are confidential. If you are not the intended recipient, be aware that any disclosure, copying, distribution or use of this e-mail or any attachment is prohibited. If you have received this e-mail in error, please notify us immediately by returning it to the sender and delete this copy from your system. Thank you for your cooperation.

## Sabrina Lundy

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**From:** Ilona Clark <in70clark@gmail.com>  
**Sent:** Monday, April 06, 2020 8:19 PM  
**To:** ilona clark  
**Subject:** Fwd: [bahn] Fwd: Loans & Grants for Tenants in Need (Item H2)

**While nobody wants to see anyone that is truly impacted by the virus put out on the streets, the entire burden for keeping the public housed cannot be forced upon the backs of individual citizens.**

Housing is an essential service. **Who else is forced to provide an essential service for free?** Nurses, grocery store clerks, doctors, amazon delivers, hospitals, all essential; all get paid.

In times of panic, calmer and wiser heads are required to keep society intact. Allowing any tenant in San Jose to eliminate their rent due to a direct financial impact of the corona virus is a panicked reaction that will again have far reaching consequences that short-term city council-members will not have to face. The fabric of society counts on laws to be upfront in advance so that we know how to follow them and that they apply to everyone. Cities have decided to make laws retroactive as well as change business contracts so that housing providers have no idea what law will come next or how they will be able to financially prepare for new laws. Panicked law making is not responsible governance and is the primary driver creating lack of stability in housing.

**This is a reaction to panic by asking private citizens to perform a public service. For free.**

Thousands of small mom and pop landlords depend on their rental income to both pay their bills and to be their pensions. The fact that the city council offers to remove pensions from older landlords while maintaining an 3.5% annual increase on their own government, tax-payer-paid pensions is more than irony; it is selfish in a time of great need.

Consoling yourselves that mom and pops can get a delay in mortgage payments is not a reality. The majority will still have to pay without delay.

For those mom and pops who do eventually qualify for a delay in mortgage payment, it would be just that. A delay in mortgage payment. Not a waiver. And the criteria for getting a mortgage delay from a bank will be far different than the criteria set forth from the city council for tenants rent waiver.

Quite frankly, banks have not agreed. They have not agreed on who can apply or if. They have not set forth criteria. The eviction moratorium laws in California are confusing. Santa Clara County doesn't require notice from tenants for 60 days but San Jose might and it's not clear on the new CA state law. All these laws colliding will also collide with banks offers, requirements, and stipulations. If we can't provide the correct documentation to our bank because a city or a county or a state doesn't require it from the tenant, then automatically we would not qualify for a delay in payment from the bank even if our mortgage was backed by Fannie/Freddie.

What if the tenants have savings but the housing provider does not? What if the housing provider gets sick but the tenant does not?

If cities are confident that mom and pops would get a loan delay, please contact our banks directly and request the delay for each of us.

There is no waiver: for maintenance fees, for up keep, for property taxes, for insurance, for the contractors we employ, for the utilities we must pay. We will still have bills during the pandemic and after. Asking us to make our tenants our fiscal responsibility is unconstitutional and unwarranted when other solutions abound. Tenants are not our children.

While some may be able to avail themselves of mortgage relief or small business loans, if housing providers are ultimately never able to collect deferred rent, they may never catch up. As a result, mortgage relief is nothing more than kicking both mortgage default and personal bankruptcy cans down the road.

Do you think this action will eventually raise the price of housing? Perhaps you do.

Many tenants already see these eviction moratoriums as carte blanche for not paying rent for any reason. Tenants ask why they have to still pay rent, some who own Teslas. Tenants have no stake in the game. No reason to budget. No reason to cut back on other discretionary spending.

**People don't have to choose between food and rent. A homeless crisis can be averted. An eviction crisis can be averted. Cities don't have to place the entire burden of housing the public on our shoulders.**

The city could easily offer loans to tenants to pay their bills once the tenants have met the City's own direct correlational connection to coronavirus. The City could deal with the paperwork required by the City to verify and investigate tenant's ability to pay. **We call for rent loans, rent grants, rent vouchers and other subsidies to ensure citizens can continue to pay for housing and other essential needs without bankrupting their landlords.**

We did not go into the business of providing housing so that we could provide unsecured loans to tenants. We are not familiar with making personal loans. This is not our profession.

We should not be forced to financially provide for our tenants. For their housing. For their utilities. Tenants should not be our fiscal dependents. And yet that is what the City continues to unconstitutionally mandate.

## **Offer tenants City loans**

**NOW!**

Ilona Clark, Resident and Housing Provider

--

A mistake that makes you humble is better than an achievement that makes you arrogant

## Sabrina Lundy

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**From:** Janet Johnson <electricista545@gmail.com>  
**Sent:** Monday, April 06, 2020 4:00 PM  
**To:** Ben Choi; Nat Bates; Eduardo Martinez; Demnlus Johnson; Jael Myrick; Melvin Willis; City Clerk Dept; Tom Butt - external  
**Subject:** Public Comment - Item H-2

My name is Janet Johnson and I am a 38-year resident of Richmond.

No one should lose their home or their place of business during the Covid-19 crisis, which is not just a health crisis but also an economic one. I strongly recommend that the City Council pass a temporary moratorium on evictions for residents, nonprofits, and small businesses during the pandemic. The ordinance should include the following:

- A moratorium on all evictions except those that are necessary for health and safety.
- No tenant should have to provide any information proving they were impacted by the pandemic.
- The rent accrued during the present state of emergency should not be the basis of a future eviction.
- The ordinance should include protections for all commercial tenants.
- The ordinance should include a freeze on rent increases during the present shelter-in-place order.

Thank you!

--

Janet Scoll Johnson, 

pronouns: she/her

[No Coal in Richmond](#)

[Sunflower Alliance](#)

Twitter: @SunflowerAction

*It's inspiring how much power everyday people have. We just need to use it. — AOC*

## Sabrina Lundy

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**From:** Jim Becker <jbecker@richmondcf.org>  
**Sent:** Tuesday, April 07, 2020 10:15 AM  
**To:** City Clerk Dept  
**Subject:** Public Comments Agenda Item - Eviction Moratorium

Good evening Mayor Butt and Richmond City Council Members

The COVID-19 crisis continues to accelerate, and residents have been ordered to stay at home. In Richmond, the resulting economic impacts are devastating to local small businesses and workers who abruptly lost some or all of their income. Many businesses have closed, and hundreds of residents -- especially those working low-wage jobs in the retail and service sectors -- have been laid off or had their hours greatly reduced. With rent payments for many residents due, it is a critical time for local leadership and action. Helping residents maintain stable housing is a vital strategy to reducing the immediate and long-term health and economic impacts of COVID-19.

The Richmond Community Foundation supports an eviction moratorium for the next 90 days for all renters. We also support a moratorium on all rent increases for renters and small businesses for the duration of this crisis. We are willing to work with the City to establish an emergency rental assistance fund to assist those experiencing financial distress after the crisis subsides.

As City leaders, I ask you to provide:

- Clear instructions to landlords not to ISSUE or carry out any evictions
- A prohibition on late fees
- A grace period of at least 120 days to repay rent after the crisis ends
- A freeze on rent increases during the crisis

All residents of this county deserve these protections. They deserve the sense of relief and well-being that will arise from no longer fearing that they may lose their homes if they fall behind on rent due to job loss, reduced hours, or becoming infected with the virus. And we are all better off if small business owners do not lose their commercial space, and cost their employees their livelihoods, during the growing economic crisis created by this public health emergency. We need your bold and compassionate leadership in these difficult times.

Sincerely,



**Jim Becker**  
*President and CEO*  
1014 Florida Ave. #200, Richmond CA 94804  
510-234-1200 ext. 303  
***Mobilizing the Power of Connection***



## Sabrina Lundy

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**From:** Leisa Johnson <leisa\_johnson@icloud.com>  
**Sent:** Tuesday, April 07, 2020 3:59 PM  
**To:** City Clerk Dept; Tom Butt - external; Nat Bates; Demnlus Johnson; Eduardo Martinez; Jael Myrick; Melvin Willis; Ben Choi  
**Cc:** Laura Snideman; City Attorney's Office; City Attorney's Office  
**Subject:** April 7th City Council Meeting, Agenda Item H-1 Comment Re: Resolution #20-20  
**Attachments:** 2020-03-17 Special Item 03 Berkeley COVID-19 Relief Fund.pdf; Item 2 Rev Arreguin.pdf

Dear City Clerk — Can you please include this letter and all attachments as part of the official record and associated supplementary materials for tonight's City Council meeting?

Dear Mayor Butt and City Councilmembers,

In this unprecedented moment, we are relying on our City's elected officials to provide effective leadership. We need all of you to work closely with our State and Federal representatives as well as our City Manager, department heads, and key stakeholders to figure out how best to support **all of our vulnerable populations**, including renters, home/property owners, small business owners, and landlords (residential & commercial).

Moreover, it is imperative that the **City be responsible for administrating any such relief mechanisms.**

In response to the Governor's Executive Order N-28-20, our City Manager, who is not an elected representative, had the authority to **issue** Resolution #20-20. Unfortunately, this appears to have occurred without any review or input from our Elected Representatives, Key Stakeholders, and the Public.

Moreover, it is unclear if the Richmond Rent Program — a group which has no elected representation and does not even report into the City Manager or City Council — is involved in any way in overseeing it.

Additionally, Resolution #20-20 has clearly been influenced by some person/organization outside of the City of Richmond as much of its language emulates Berkeley's initial draft Urgency Ordinance.

However, unlike Richmond, Berkeley's City Council convened last Tuesday, March 17th, and carefully reviewed and revised their initial draft Urgency Ordinance. In case you are not familiar with their actions, I have attached the relevant documents here for your review.

Berkeley crafted a much more thoughtful & effective Ordinance that:

1. Clarifies that **protections apply to both residential and commercial tenants.**
2. Recognizes that **landlords** who don't receive rent from their tenants may not be able to make their mortgage payments and risk losing rental their property; as such they, too, **are provided protection by allowing them to request a waiver based on hardship.**
3. Berkeley does **\*not\* force landlords to be an interest-free lender for up to nine (9) months** like Richmond is doing.
  - o Richmond's Resolution #20-20 exempts qualified renters from paying any rent until 6 months after the expiration of the local emergency. That means no rental income from Mar 17 - Nov 30, 2020. And the Governor can extend this, as warranted.

4. Permits the City Manager to develop implementing regulations and the City of Berkeley is developing standards/forms for both tenant qualifications and landlord waiver requests (please see attachment).
  - o **The onerous job of administrating this relief should not fall on landlords, as currently is the case with Richmond Resolution #20-20.**

**As per Richmond's Resolution # 20-20**

*NOW, THEREFORE, I, Laura Snideman, the Director of Emergency Services for the City of Richmond, do hereby issue the following order to become effective immediately, **subject to ratification as soon as practicable by the City Council:***

*1) (f):*

***This Order shall be superseded by a duly enacted Ordinance of the City Council or a further Order by the Director of Emergency Services adopted during the local emergency that expressly superseding this Order.***

Based on the above language, it is clear that **Richmond's City Council has the ability to enact a more thoughtful and effective ordinance** that doesn't discriminate against landlords and looks out for all vulnerable residents in our community, tenants and landlords alike.

As per the 2nd attachment, Berkeley also directed their City Manager to consider creating a tax-exempt special fund of up to \$3M dollars to provide gap resources, to be matched with grants or philanthropic donations, to provide gap assistance to renters, small businesses and arts organizations.

As per AURHP's letter last week (to the Mayor, City Council, City Manager, City Attorney, and City Clerk), we proposed some additional solutions for consideration, including:

- asking the City Council to send a letter to our state & federal representatives and senators and ask for their assistance to address the financial hardships of **all** vulnerable residents, including landlords;
- applying a defined % of any potential stimulus payment from the federal gov't towards rent within a defined time period upon receipt.

**As per Richmond Municipal Code 2.20:**

(a) Make and issue rules and regulations on matters reasonably related to the **protection of life and property** as affected by such emergency; provided, however, such rules and regulations must be confirmed at the earliest practicable time by the City Council

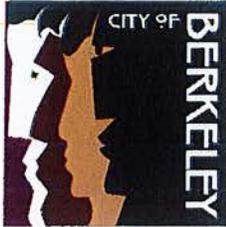
As per our own RMC, rules and regulations issued in response to an emergency should consider the protection of **both life and property**.

**The City should be working closely with County and State leaders to come up with a mechanism to provide short-term, interest-free loans to Covid-19 impacted tenants to cover their rent. The City should also administer all aspects of these loans.**

**Landlords should not be expected to act as interest-free lenders for an unlimited period of time and administer City mandated Emergency Orders.**

Moreover, I hope that going forward, the City will implement the value lessons learned from how Resolution #20-20 was: a) drafted (from who provided input, who didn't and why); b) reviewed (or lack thereof) by Elected Representatives, Key Stakeholders, and the Public; and c) administered.

Respectfully,  
Leisa



Office of the Mayor

RECEIVED AT  
COUNCIL MEETING OF:

MAR 17 2020

OFFICE OF THE CITY CLERK  
CITY OF BERKELEY

ACTION CALENDAR  
March 17, 2020

To: Honorable Members of the City Council

From: Mayor Jesse Arreguin, Councilmembers Rigel Robinson, Councilmember Kate Harrison,

Subject: Urgency Ordinance Adopting BMC Chapter 13.110, the COVID-19 Emergency Response Ordinance

#### RECOMMENDATION

Adopt an Urgency Ordinance adding Berkeley Municipal Code Chapter 13.110, the COVID-19 Emergency Response Ordinance, to provide protections to residential tenants, commercial tenants and individuals in default of mortgage payments against evictions during the declared state of emergency, to preserve the health and safety of the Berkeley community.

#### BACKGROUND

International, national, state and local health and governmental authorities are responding to an outbreak of respiratory disease caused by a novel coronavirus named "SARS-CoV-2." And the disease it causes has been named "coronavirus disease 2019," abbreviated COVID-19, ("COVID-19"). In response to this emergency, on March 3, 2020, the City Manager acting as the Director of Emergency Services declared a local State of Emergency based on COVID-19 (hereinafter referred to as "the State of Emergency"), which the City Council subsequently ratified on March 10, 2020. In addition, on March 4, 2020, the Governor declared a state of emergency in California and the President of the United States declared a national state of emergency on March 13, 2020 regarding the novel coronavirus and COVID-19. City of Berkeley Public Health Officer Dr. Lisa Hernandez has issued recommendations including but not limited to social distancing, staying home if sick, canceling or postponing large group events, working from home, and other precautions to protect public health and prevent transmission of COVID-19. As a result of the State of Emergency and the government-recommended precautions by federal, state and local officials, many tenants have experienced sudden income loss, and further income impacts are anticipated, leaving tenants vulnerable to eviction. In addition, tenants who contract COVID-19 are required to self-quarantine which will require time away from work. During this State of Emergency, and in the interests of protecting the public health and preventing transmission of the COVID-19, it is essential to avoid unnecessary displacement and homelessness.

In the last week, jurisdictions around the country have introduced similar legislation including San Jose, Oakland, Los Angeles, San Francisco and Philadelphia.

In addition, Governor Newsom declared a State of Emergency and issued Executive Order N-25-20 to prepare for the COVID-19 pandemic. Governor Newsom's March 4, 2020 proclamation on the State of Emergency<sup>1</sup> makes additional resources available, formalizes emergency actions already underway across multiple state agencies and departments, and helps the state prepare for broader spread of COVID-19. On March 12, 2020 Governor Newsom issued Executive Order N-25-20, "Enhancing State and Local Government's Ability to Respond to COVID-19 Pandemic".<sup>2</sup> The Governor's order:

- Waives the one-week waiting period for people who are unemployed and/or disabled as a result of COVID-19;
- Delays the deadline for state tax filing by 60 days for individuals and businesses unable to file on time based on compliance with public health requirements related to COVID-19 filings;
- Directs residents to follow public health directives and guidance, including to cancel large non-essential gatherings that do not meet state criteria;
- Readies the state to commandeer property for temporary residences and medical facilities for quarantining, isolating or treating individuals;
- Allows local or state legislative bodies to hold meetings via teleconference and to make meetings accessible electronically; and
- Allows local and state emergency administrators to act quickly to protect public health

On March 16, 2020, Governor Newsom issued Executive Order N-28-20, specifically authorizing local governments to halt evictions for commercial tenants, residential tenants, and homeowners who have been affected by COVID-19, emphasizing that the economic impacts of COVID-19 have been significant and could threaten to undermine housing security as many people are experiencing substantial income loss as a result of business closures, the loss of hours or wages or layoffs related to COVID-19, hindering their ability to keep up with rents, mortgages and utility bills.

The Order also stated that because homelessness can exacerbate vulnerability to COVID-19, Californians must take measures to preserve and increase housing security for Californians to protect public health and specifically stated that local jurisdictions may take measures to promote housing security beyond what the state law would otherwise allow.

During this State of Emergency, and in the interests of protecting the public health and preventing transmission of the COVID-19, it is essential to avoid unnecessary

<sup>1</sup> <https://www.gov.ca.gov/wp-content/uploads/2020/03/3.4.20-Coronavirus-SOE-Proclamation.pdf>

<sup>2</sup> <https://www.gov.ca.gov/2020/03/12/governor-newsom-issues-new-executive-order-further-enhancing-state-and-local-governments-ability-to-respond-to-covid-19-pandemic/>

displacement and homelessness. It is the intent of this Ordinance to fully implement the suspension of the statutory bases for eviction for nonpayment of rent and for default in the payment of a mortgage as authorized by Executive Order N-28-20.

The Urgency Ordinance would prohibit evictions during the declared State of Emergency for non-payment of rent for residential and commercial tenants, and for those in default of mortgage payments. In addition, it would prohibit no-fault evictions, except for those necessary for public safety and permitted under the state Ellis Act, Government Code Section 7060 et seq. These evictions would be prohibited if the occupant demonstrates that the inability to pay is due to COVID-19, the State of Emergency regarding COVID-19, or following government-recommended coronavirus precautions. These circumstances are referred to as "Covered Reason for Delayed Payment". The ordinance allows the landlord to collect back rent due and also includes a waiver provision if the landlord can demonstrate hardship. The City Manager is permitted to develop implementing regulations and the City will develop standards for what might constitute grounds for a waiver or modification of the requirements of this Chapter.

Under the ordinance, "Covered Reason for Delayed Payment" means:

(1) the basis for the eviction is nonpayment of rent, or a foreclosure, arising out of a substantial decrease in household or business income (including, but not limited to, a substantial decrease in household income caused by layoffs or a reduction in the number of compensable hours of work, or a substantial decrease in business income caused by a reduction in opening hours or consumer demand), or substantial out-of-pocket medical expenses; and

(2) the decrease in household or business income or the out-of-pocket medical expenses described in subparagraph (i) was caused by the COVID-19 pandemic, or by any local, state, or federal government response to COVID-19, and is documented.

#### FISCAL IMPACTS OF RECOMMENDATION

None

#### ENVIRONMENTAL SUSTAINABILITY

There are no identifiable environmental impacts associated with this action.

#### CONTACT PERSON

Mayor Jesse Arreguin 510-981-7100

Attachments:

1: Urgency Ordinance

2: Governor's Executive Order N-28-20

ORDINANCE NO. -N.S.

URGENCY ORDINANCE ADDING A NEW CHAPTER 13.110 TO THE BERKELEY  
MUNICIPAL CODE TITLE 13, THE COVID-19 EMERGENCY RESPONSE  
ORDINANCE

BE IT ORDAINED by the Council of the City of Berkeley as follows:

Section 1. The Berkeley Municipal Code Chapter 13.110 is added to read as follows:

**Chapter 13.110**  
**COVID-19 EMERGENCY RESPONSE ORDINANCE**

**Sections:**

- 13.110.010 Findings and Purpose**
- 13.110.020 Prohibited Conduct**
- 13.110.030 Definitions**
- 13.110.040 Collection of Back Rent**
- 13.110.050 Application**
- 13.110.060 Implementing Regulations**
- 13.110.070 Waiver**
- 13.110.080 Remedies**
- 13.110.090 Severability**

**13.110.010 Findings and Purpose**

International, national, state and local health and governmental authorities are responding to an outbreak of respiratory disease caused by a novel coronavirus named "SARS-CoV-2." And the disease it causes has been named "coronavirus disease 2019," abbreviated COVID-19, ("COVID-19"). In response to this emergency, on March 3, 2020, the City Manager acting as the Director of Emergency Services declared a local State of Emergency based on COVID-19 (hereinafter referred to as "the State of Emergency"), which the City Council subsequently ratified on March 10, 2020. In addition, on March 4, 2020, the Governor declared a state of emergency in California and the President of the United States declared a national state of emergency on March 13, 2020 regarding the novel coronavirus and COVID-19.

On March 16, 2020, the City of Berkeley Public Health Officer, along with several other neighboring jurisdictions issued a Shelter in Place Order directing all individuals living in the City of Berkeley to shelter at their place of residence except that they may leave to provide or receive certain essential services or engage in certain essential activities, and prohibiting non-essential gatherings and ordering cessation of non-essential travel.

Furthermore, on March 16, 2020, the Governor issued Executive Order N-28-20, specifically authorizing local governments to halt evictions for commercial tenants, residential tenants, and homeowners who have been affected by COVID-19, emphasizing that the economic impacts of COVID-19 have been significant and could threaten to undermine housing security as many people are experiencing substantial income loss as a result of business closures, the loss of hours or wages or layoffs related to COVID-19, hindering their ability to keep up with rents, mortgages and utility bills.

The Order also stated that because homelessness can exacerbate vulnerability to COVID-19, Californians must take measures to preserve and increase housing security for Californians to protect public health and specifically stated that local jurisdictions may take measures to promote housing security beyond what the state law would otherwise allow.

During this State of Emergency, and in the interests of protecting the public health and preventing transmission of the COVID-19, it is essential to avoid unnecessary displacement and homelessness. It is the intent of this Ordinance to fully implement the suspension of the statutory bases for eviction for nonpayment of rent and for default in the payment of a mortgage as authorized by Executive Order N-28-20. Accordingly, the City of Berkeley is adopting the following.

### **13.110.020 Prohibited Conduct**

A. During the State of Emergency, no landlord or other entity shall evict or attempt to evict an occupant of real property in either of the following situations:

1. For nonpayment of rent by a commercial or residential tenant or default in the payment of a mortgage, if the occupant demonstrates that the inability to pay is due to COVID-19, the State of Emergency regarding COVID-19, or following government-recommended coronavirus precautions (collectively referred to and defined below as Covered Reasons for Delayed Payment), or

2. For a No-Fault Eviction of a residential tenant, unless necessary for the health and safety of tenants, neighbors, or the landlord.

B. A landlord who becomes aware that a tenant cannot pay some or all of the rent temporarily due to a Covered Reason for Delayed Payment, shall not serve a notice pursuant to Code of Civil Procedure section 1161(2), file or prosecute an unlawful detainer action based on a three-day pay or quit notice, or otherwise seek to evict the tenant for nonpayment of rent. A landlord becomes aware of the tenant's inability to pay rent within the meaning of this Chapter if the tenant notifies the landlord in writing of their lost income and inability to pay their rent or any portion thereof, and provides documentation to support the existence of a Covered Reason for Delayed Payment. For

purposes of this section, "in writing" includes email or text communications to a landlord or the landlord's representative with whom the tenant has previously corresponded by email or text. If the tenant has not notified the landlord in advance of being delinquent in the payment of rent, the landlord must serve the tenant with a pre-notice of the rent delinquency and its amount and give the tenant at least three days, excluding weekends and holidays to provide the landlord with a notice and documentation of a basis for an inability to pay rent under this Chapter, if the tenant has such basis, prior serving a notice pursuant to Code of Civil Procedure section 1161(2). The failure of a Tenant to notify the landlord in advance of being served with a notice pursuant to Code of Civil Procedure section 1161(2) does not waive the Tenants right to claim this Chapter as a defense to non-payment of rent in an unlawful detainer action. Any medical or financial information provided to the landlord shall be held in confidence, and shall not be disclosed to other entities unless such disclosure is permitted or required by the law, or unless the tenant authorizes the disclosure of the information in writing.

### **13.110.030 Definitions**

A. "Covered Reason for Delayed Payment" means:

(1) the basis for the eviction is nonpayment of rent, or a foreclosure, arising out of a substantial decrease in household or business income (including, but not limited to, a substantial decrease in household income caused by layoffs or a reduction in the number of compensable hours of work, or a substantial decrease in business income caused by a reduction in opening hours or consumer demand), or substantial out-of-pocket medical expenses; and

(2) the decrease in household or business income or the out-of-pocket medical expenses described in subparagraph (i) was caused by the COVID-19 pandemic, or by any local, state, or federal government response to COVID-19, and is documented.

B. "No-Fault Eviction" refers to any eviction for which the notice to terminate tenancy is not based on alleged fault by the tenant, including but not limited to eviction notices served pursuant to Code of Civil Procedure sections 1161(1), 1161(5), or 1161c. "No-Fault Eviction" does not include withdrawal of accommodations from the rental market as provided in Government Code 7060 et seq. (Ellis Act).

C. "Landlord" includes owners of either residential or commercial rental property.

D. "Tenant" includes a renter of either residential or commercial property.

### **13.110.040 Collection of Back Rent**

Nothing in this Chapter shall relieve the tenant of liability for unpaid rent, which the landlord may seek after expiration of the State of Emergency. A landlord may not charge or collect a late fee for rent that is delayed for the reasons stated in this Chapter.

### **13.110.050 Application**

This Chapter applies to eviction notices and unlawful detainer actions based on notices served or filed on or after the effective date of this Chapter through the end of the State of Emergency. With respect to delayed payment covered by this Ordinance, a landlord may seek such rent after the expiration of the State of Emergency, but may not file an action pursuant to Code of Civil Procedure sections 1161(42) *et seq.* based on the failure to pay rent during the term of the State of Emergency for a Covered Reason for Delayed Payment.

### **13.110.060 Implementing Regulations**

The City Manager may promulgate implementing regulations and develop forms to effectuate this Ordinance. This includes the option of requiring landlords to give a notice to Tenants informing them of this Chapter and the right to seek the benefits of this Chapter.

### **13.110.070 Waiver.**

A. A landlord may request that the requirements of this Chapter be waived or modified based on a showing that applying the requirements would constitute a hardship to the landlord or other tenants, or would constitute an unconstitutional taking of property or otherwise have an unconstitutional application to the landlord's property.

B. The landlord shall bear the burden of presenting evidence to support the request for a waiver or modification of the requirements of this Chapter and shall set forth in detail the factual and legal basis for the claim, including all supporting documentation.

C. The City will develop standards for what might constitute grounds for a waiver or modification of the requirements of this Chapter.

### **13.110.080 Remedies**

In the event of a violation of this Ordinance, an aggrieved tenant may institute a civil proceeding for injunctive relief, and money damages as specified below, and whatever other relief the court deems appropriate. Money damages shall only be awarded if the trier of fact finds that the landlord acted in knowing violation of or in reckless disregard of this Ordinance. The prevailing party shall be entitled to reasonable attorney's fees and costs pursuant to order of the court. The remedy available under this section shall be in addition to any other existing remedies which may be available to the tenant under local, state or federal law. In addition, this Ordinance grants a defense to eviction in the event that an unlawful detainer action is commenced in violation of this Ordinance.

### **13.110.090 Severability**

If any section, subsection, sentence, clause, phrase, or word of this Chapter, or any application thereof to any person or circumstance, is held to be invalid or unconstitutional by a decision of a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions or applications of this Chapter. The Council of the City of Berkeley hereby declares that it would have passed this Chapter and each and every section, subsection, sentence, clause, phrase, and word not declared invalid or unconstitutional without regard to whether any other portion of this Chapter or application thereof would be subsequently declared invalid or unconstitutional.

Section 2. Vote Required, Immediately Effective

Based on the findings and evidence in Section 13.110.010 of this Urgency Ordinance, the Council determines that this Ordinance is necessary for the immediate preservation of the public health, peace and safety in accordance with Article XIV Section 93 of the Charter of the City of Berkeley and must therefore go into effect immediately. This Ordinance shall go into effect immediately upon a seven-ninths vote of the City Council, in satisfaction of the Charter of the City of Berkeley.

EXECUTIVE DEPARTMENT  
STATE OF CALIFORNIA

EXECUTIVE ORDER N-28-20

**WHEREAS** on March 4, 2020, I proclaimed a State of Emergency to exist in California as a result of the threat of COVID-19; and

**WHEREAS** despite sustained efforts, the virus remains a threat, and further efforts to control the spread of the virus to reduce and minimize the risk of infection and otherwise mitigate the effects of COVID-19 are needed; and

**WHEREAS** the economic impacts of COVID-19 have been significant, and could threaten to undermine Californians' housing security and the stability of California businesses; and

**WHEREAS** many Californians are experiencing substantial losses of income as a result of business closures, the loss of hours or wages, or layoffs related to COVID-19, hindering their ability to keep up with their rents, mortgages, and utility bills; and

**WHEREAS** Californians who are most vulnerable to COVID-19, those 65 years and older, and those with underlying health issues, are advised to self-quarantine, self-isolate, or otherwise remain in their homes to reduce the transmission of COVID-19; and

**WHEREAS** because homelessness can exacerbate vulnerability to COVID-19, California must take measures to preserve and increase housing security for Californians to protect public health; and

**WHEREAS** local jurisdictions, based on their particular needs, may therefore determine that additional measures to promote housing security and stability are necessary to protect public health or to mitigate the economic impacts of COVID-19; and

**WHEREAS** local jurisdictions may also determine, based on their particular needs, that promoting stability amongst commercial tenancies is also conducive to public health, such as by allowing commercial establishments to decide whether and how to remain open based on public health concerns rather than economic pressures, or to mitigate the economic impacts of COVID-19; and

**WHEREAS** in addition to these public health benefits, state and local policies to promote social distancing, self-quarantine, and self-isolation require that people be able to access basic utilities—including water, gas, electricity, and telecommunications—at their homes, so that Californians can work from home, receive public health information, and otherwise adhere to policies of social distancing, self-quarantine, and self-isolation, if needed; and

**WHEREAS** many utility providers, public and private, covering electricity, gas, water, and sewer, have voluntarily announced moratoriums on service disconnections and late fees for non-payment in response to COVID-19; and

**WHEREAS** many telecommunication companies, including internet and cell phone providers, have voluntarily announced moratoriums on service disconnections and late fees for non-payment in response to COVID-19;

**NOW, THEREFORE, I, GAVIN NEWSOM**, Governor of the State of California, in accordance with the authority vested in me by the State Constitution and statutes of the State of California, and in particular, Government Code sections 8567 and 8571, do hereby issue the following order to become effective immediately:

**IT IS HEREBY ORDERED THAT:**

- 1) The time limitation set forth in Penal Code section 396, subdivision (f), concerning protections against residential eviction, is hereby waived. Those protections shall be in effect through May 31, 2020.
- 2) Any provision of state law that would preempt or otherwise restrict a local government's exercise of its police power to impose substantive limitations on residential or commercial evictions as described in subparagraphs (i) and (ii) below—including, but not limited to, any such provision of Civil Code sections 1940 et seq. or 1954.25 et seq.—is hereby suspended to the extent that it would preempt or otherwise restrict such exercise. This paragraph 2 shall only apply to the imposition of limitations on evictions when:
  - (i) The basis for the eviction is nonpayment of rent, or a foreclosure, arising out of a substantial decrease in household or business income (including, but not limited to, a substantial decrease in household income caused by layoffs or a reduction in the number of compensable hours of work, or a substantial decrease in business income caused by a reduction in opening hours or consumer demand), or substantial out-of-pocket medical expenses; and
  - (ii) The decrease in household or business income or the out-of-pocket medical expenses described in subparagraph (i) was caused by the COVID-19 pandemic, or by any local, state, or federal government response to COVID-19, and is documented.

The statutory cause of action for judicial foreclosure, Code of Civil Procedure section 725a et seq.; the statutory cause of action for unlawful detainer, Code of Civil Procedure section 1161 et seq., and any other statutory cause of action that could be used to evict or otherwise eject a residential or commercial tenant or occupant of residential real property after foreclosure is suspended only as applied to any tenancy, or residential real property and any

occupation thereof, to which a local government has imposed a limitation on eviction pursuant to this paragraph 2, and only to the extent of the limitation imposed by the local government.

Nothing in this Order shall relieve a tenant of the obligation to pay rent, nor restrict a landlord's ability to recover rent due.

The protections in this paragraph 2 shall be in effect through May 31, 2020, unless extended.

- 3) All public housing authorities are requested to extend deadlines for housing assistance recipients or applicants to deliver records or documents related to their eligibility for programs, to the extent that those deadlines are within the discretion of the housing authority.
- 4) The Department of Business Oversight, in consultation with the Business, Consumer Services, and Housing Agency, shall engage with financial institutions to identify tools to be used to afford Californians relief from the threat of residential foreclosure and displacement, and to otherwise promote housing security and stability during this state of emergency, in furtherance of the objectives of this Order.
- 5) Financial institutions holding home or commercial mortgages, including banks, credit unions, government-sponsored enterprises, and institutional investors, are requested to implement an immediate moratorium on foreclosures and related evictions when the foreclosure or foreclosure-related eviction arises out of a substantial decrease in household or business income, or substantial out-of-pocket medical expenses, which were caused by the COVID-19 pandemic, or by any local, state, or federal government response to COVID-19.
- 6) The California Public Utilities Commission is requested to monitor measures undertaken by public and private utility providers to implement customer service protections for critical utilities, including but not limited to electric, gas, water, internet, landline telephone, and cell phone service, in response to COVID-19, and on a weekly basis publicly report these measures.

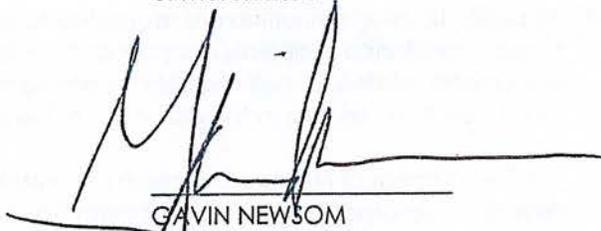
Nothing in this Order shall be construed to invalidate any limitation on eviction enacted by a local jurisdiction between March 4, 2020 and this date.

Nothing in this Order shall in any way restrict state or local authority to order any quarantine, isolation, or other public health measure that may compel an individual to remain physically present in a particular residential real property.

This Order is not intended to, and does not, create any rights or benefits, substantive or procedural, enforceable at law or in equity, against the State of California, its agencies, departments, entities, officers, employees, or any other person.

**I FURTHER DIRECT** that as soon as hereafter possible, this proclamation be filed in the Office of the Secretary of State and that widespread publicity and notice be given of this Order.

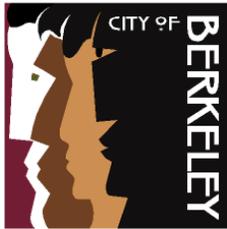
**IN WITNESS WHEREOF** I have hereunto set my hand and caused the Great Seal of the State of California to be affixed this 16th day of March 2020.



\_\_\_\_\_  
GAVIN NEWSOM  
Governor of California

**ATTEST:**

\_\_\_\_\_  
ALEX PADILLA  
Secretary of State



Office of the Mayor

ACTION CALENDAR

March 17, 2020

To: Honorable Members of the City Council

From: Mayor Jesse Arreguín

Subject: Berkeley COVID-19 Relief Fund and Expanding Flexible Housing Pool

RECOMMENDATION

1. Refer to the City Manager to consider the creation of a tax-exempt special fund at up to \$ 3 million dollars, to provide gap resources which to be matched with grants or philanthropic donations to provide gap assistance to renters, small businesses and arts organizations significantly impacted (demonstrated decrease in gross receipts or patronage) by the COVID-19 state of emergency. The City Manager is requested to consider all federal, state and not-for-profit funding available to provide economic relief to businesses and arts organizations which can be leveraged with the City's additional funding.
2. Direct the City Manager to identify additional funding and increase the allocation to the Flexible Housing Pool, administered by BACS, and amend the contract and program guidelines if necessary, to provide emergency rental assistance and flexible funding for housing, and to report back to Council on the funding allocated and outcomes after the declared state of emergency.

SUMMARY

On Wednesday, March 11, 2020, the World Health Organization declared a COVID-19 world-wide pandemic. As a result of this declaration, and the growing number of people affected by the disease, social norms are significantly impacted. Many of Berkeley's small businesses have already seen a 25 – 75% drop in gross receipts since the COVID19 outbreak compared to the same time period in 2019. (Attachment #1)

Arts and entertainment venues have closed as have Berkeley schools and UC Berkeley will complete the semester with online instruction – requiring that many students vacate campus provided housing and return to their home communities. Revenues that are determined by patronage have stopped.

Businesses and nonprofits are instructing employees to stay home, many without pay. Gig workers and those with performance contracts will no longer be working and garnering income. Rent payments to local landlords will be delayed which could lead to eviction and possibly impact the ability to pay mortgages and property maintenance.

Berkeley has always come together as a community when facing challenging times, whether it be earthquake or fire, library renovation, support for our schools, increasing affordable housing and addressing our homeless crisis. The COVID-19 pandemic will,

once again, challenge our community. Creating the Berkeley COVID-19 Relief Fund will provide a way for the Berkeley community to come together to support each other during this trying time. It will provide financial help to our small businesses, Arts community and support those in our community who cannot pay their rent through no fault of their own.

### BACKGROUND

In June 2017, the City Council established the Flexible Housing Subsidy Pool as a new anti-displacement tool. These funds can be used for a variety of purposes, including emergency rental subsidies for people who are facing an eviction.

Concerns over COVID-19, along with recommendations of social distancing has had a major impact on the local economy. While such actions are necessary to help reduce the spread of the virus, the economic fallout is disproportionately impacting minimum wage and low-income workers, many of whom live paycheck-to-paycheck. With many of these workers seeing a reduction in wages, their risk of being unable to pay the rent and therefore face eviction increases. To help mitigate these impacts, this item requests that the City Manager identify additional funding and increase the allocation to the Flexible Housing Subsidy Pool, administered by BACS, and amend the contract and program guidelines if necessary, to provide emergency rental assistance and flexible funding for housing, and to report back to Council on the funding allocated and outcomes after the declared state of emergency.

Additionally, City Arts venues and small businesses will experience little to no income during the crisis. While Federal and State resources are slowing becoming available to assist, access to these funds could take weeks. Many businesses and Arts venues will suffer greatly and some may actually need to close unless there is some immediate financial help to bridge until other government funds become available. It will to the benefit of the Berkeley community-at-large that our business are able to reopen and rebound.

### RECOMMENDATIONS FOR IMPLEMENTATION

The City Manager is requested to explore the creation of a tax-exempt special fund at up to \$ 3 million dollars, to provide gap resources to be matched with grants or philanthropic donations to provide gap assistance to renters, small businesses and arts organizations significantly impacted (demonstrated decrease in gross receipts or patronage) by the COVID-19 state of emergency. The City Manager is requested to consider all federal, state and not-for-profit funding available to provide economic relief to businesses and arts organizations which can be leveraged with the City's additional funding.

The City Manager is requested to consider the following recommendations related to the administration of a COVID-19 Relief Fund:

As donations are deposited, Berkeley COVID-19 Relief Fund resources could be divided proportionately between small businesses, Art and Entertainment venues and Rental Assistance.

Small business allocations could be administered by the City of Berkeley Office of Economic Development. Criteria for receiving funding and amount of funding may be established by the Office of Economic Development with input from stakeholders from representatives from all Berkeley Business Improvement Districts and the Chamber of Commerce. Grants should be based on the decline in revenue from patronage compared to the same time in 2019.

Art and Entertainment venue allocations could also be administered by the City of Berkeley Office of Economic Development. Criteria for receiving funding and amount of funding may be established by the Office of Economic Development with input from stakeholders from representatives from at least two (2) Art and Entertainment venue management. Grants should be based on the decline in revenue from patronage receipts compared to the same time in 2019.

Rent assistance to Tenants will be administered by Bay Area Community Services under their current contract for the Flexible Housing Subsidy Pool. City of Berkeley HHCS staff may need to modify the contract and administrative guidelines as required. Tenants with demonstrated impact from the COVID19 epidemic, will qualify for access to Flexible Housing Subsidy funds for this purpose.

#### FINANCIAL IMPLICATIONS

Up to \$3 million dollars with funding sources to be identified by the City Manager

#### ENVIRONMENTAL SUSTAINABILITY

Will support the economic sustainability of the Berkeley community as it recovers from the COVID19 pandemic.

#### CONTACT PERSON

Jesse Arreguin, Mayor, (510) 981-7100

#### Attachments:

1. Letter from Berkeley Chamber, Downtown Berkeley Association, Telegraph Improvement Business District and Visit Berkeley



VIA EMAIL  
March 13, 2020

Mayor Jesse Arreguin and City Council  
City of Berkeley  
2180 Milvia St.  
Berkeley, CA 94704

To the Mayor and Berkeley City Council,

As you know, Berkeley is a city of small businesses; many of whom have already seen a 25-75% drop in gross receipts since the COVID-19 outbreak as compared to this time last year. The situation is quickly going from bad to worse, with many of our arts and entertainment venues having closed or likely needing to close soon. Many small businesses, nonprofits, arts organizations, and other businesses do not have a cushion in their budget to weather this type of pandemic. It is incumbent upon the City of Berkeley to do what is necessary to help these businesses survive the economic impact of this unprecedented crisis. Hence, we request that the City immediately consider taking the following measures, similar to action recently taken in New York City and San Francisco:

1. Defer, discount or waive (or even refund, or do not deposit recent) business taxes and fees (for nonprofits where applicable) including garbage collection, health inspection, and business license fees.
2. Start a fund for small business and nonprofits with grants for up to \$10,000 to provide immediate relief (e.g., with fewer than five employees and up to 40% of payroll costs for two months).
3. Provide interest-free loans up to \$75,000 for businesses and nonprofits with 25% or more drop in gross receipts, if SBA loans prove insufficient in timing, amount or rate.
4. Request that the Governor declare an economic emergency disaster to activate immediate SBA loans and defer payroll and other taxes.
5. Seek unemployment benefits and additional support at the local, state and federal level for employees and contract workers with significant loss of income.
6. Establish a moratorium on new business regulations (e.g., Fair Workweek, Healthy Checkout, etc).

Sincerely,

Kirsten MacDonald, CEO  
Berkeley Chamber

John Caner, CEO  
Downtown Berkeley  
Association

Alex Knox, Executive Director  
Telegraph Business  
Improvement District

Barbara Hillman, CEO  
Visit Berkeley

## Sabrina Lundy

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**From:** Luis Chacon <lfchacon7@gmail.com>  
**Sent:** Tuesday, April 07, 2020 11:12 AM  
**To:** Tom Butt - external; Ben Choi; Nat Bates; Eduardo Martinez; Demnlus Johnson; Jael Myrick; Melvin Willis; City Clerk Dept  
**Subject:** Public Comment

Hello my name is Luis Chacon. Thank you for your leadership to protect Richmond tenants. No one should should lose their housing during this horrible pandemic.

I am urging the city of Richmond to enact a temporary moratorium on evictions for renters and small businesses during the Coronavirus crisis that includes the following. The ordinance should put a moratorium on all evictions except those that are necessary for health and safety. Tenants shouldn't be required to provide medical or financial information proving they were impacted by the pandemic.

The rent accrued during the state of emergency should not be the basis of an eviction down the road. The ordinance should include protections for commercial tenants (non profits and small local businesses).

The ordinance should place a freeze on rent increases during the shelter in place order.

I look forward to you using your power to uphold the dignity and humanity of the residents of Richmond. Thank you!

Luis Chacon

## Sabrina Lundy

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**From:** Mariana Moore <MMoore@richmondca.gov>  
**Sent:** Tuesday, April 07, 2020 3:54 PM  
**To:** Tom Butt - external; Ben Choi; Nat Bates; Eduardo Martinez; Demnlus Johnson; Jael Myrick; Melvin Willis; City Clerk Dept  
**Subject:** Public comment for April 7 Council meeting - agenda item #H-2 eviction moratorium

Dear Richmond City Council members,

I am writing on behalf of the Ensuring Opportunity Campaign to End Poverty in Contra Costa to urge you to adopt a stronger eviction moratorium policy at this evening's meeting.

As a Richmond native, I am proud that Richmond was the first city in Contra Costa to adopt a moratorium, and I'm grateful that you are ratifying that action this evening.

However, there are five specific steps you can take to strengthen the policy to better benefit Richmond residents and businesses, including:

1. Place a moratorium on ALL evictions, not just those related to COVID-19 (with exceptions for health and safety).
2. Don't require tenants to provide complicated medical or financial information, as this is very difficult during a Shelter in Place order, and many workers (gig workers, undocumented residents, self-employed) will find it difficult to produce the required documentation. Let's not put unnecessary barriers in front of folks during this time of urgent need and financial hardship.
3. Specify that the rent accrued during the state of emergency cannot be a basis for eviction once the shelter in place order is lifted.
4. The ordinance should also prohibit rent increases during the shelter in place order.
5. The ordinance should also protect local nonprofits and small businesses that are the lifeblood of this community.

Thank you for your leadership on this urgent matter.

Sincerely,

Mariana Moore

## Sabrina Lundy

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**From:** Megan Zapanta <megan@apen4ej.org>  
**Sent:** Tuesday, April 07, 2020 1:21 PM  
**To:** Megan Zapanta  
**Subject:** Public Comment: Eviction Moratorium

To the Richmond City Council,

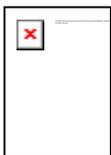
As the Richmond Organizing Director for the Asian Pacific Environmental Network, I represent working class Asian Americans in Richmond and the surrounding community. Many of our members already struggled to pay their rent and support their families before the recent COVID-19 public health crisis.

I would like to thank you for the work that has already been done to protect Richmond tenants. However, given the economic struggle of this moment, on behalf of APEN and our members, I am urging you to go further. Joining the call with ACCE and other community organizations, we request that the city of Richmond enact a temporary moratorium on evictions for renters and small businesses during the Coronavirus crisis that includes the following. The ordinance should put a moratorium on all evictions except those that are necessary for health and safety. Tenants shouldn't be required to provide medical or financial information proving they were impacted by the pandemic. The rent accrued during the state of emergency should not be the basis of an eviction down the road. The ordinance should include protections for commercial tenants including non profits and small local businesses. The ordinance should place a freeze on rent increases during the shelter in place order.

Thank you for your support and leadership in this difficult time. Please let me know if you have other questions.

Megan Zapanta  
Richmond Organizing Director  
Asian Pacific Environmental Network

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**Megan Zapanta**  
**Pronoun:** She, Her  
**Richmond Organizing Director**, Asian Pacific Environmental Network  
p: 510-236-4616 X 331 a: 12818 San Pablo, Richmond, CA 94805  
426 17th Street, #500 Oakland, CA 94612  
s: [apen4ej.org](http://apen4ej.org) e: [megan@apen4ej.org](mailto:megan@apen4ej.org),



## Sabrina Lundy

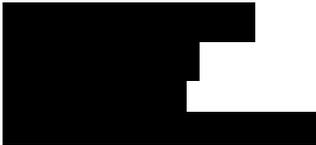
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**From:** michael@proxyimpact.com  
**Sent:** Monday, April 06, 2020 5:24 PM  
**To:** Tom Butt - external; Ben Choi; Nat Bates; Eduardo Martinez; Demnlus Johnson; Jael Myrick; Melvin Willis; City Clerk Dept  
**Subject:** public comment on moratorium on all evictions

Hi,

I am a Richmond resident and I am urging the city of Richmond to enact a temporary moratorium on evictions for renters and small businesses during the Coronavirus crisis that includes the following. The ordinance should put a moratorium on all evictions except those that are necessary for health and safety. Tenants shouldn't be required to provide medical or financial information proving they were impacted by the pandemic. The rent accrued during the state of emergency should not be the basis of an eviction down the road. The ordinance should include protections for commercial tenants (non profits and small local businesses). The ordinance should place a freeze on rent increases during the shelter in place order.

Thank you,  
Michael Passoff



## Sabrina Lundy

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**From:** Michael Vasilas <mvasilas@yahoo.com>  
**Sent:** Tuesday, April 07, 2020 3:57 PM  
**To:** Pamela Christian; City Clerk Dept  
**Subject:** Public comment item H-2

Dear City Council,

In this time of crisis it is of utmost importance that our City leadership strive to maintain stability during this unprecedented and uncertain time. As you know, many housing providers in Richmond have reached out to you to highlight our concerns with emergency order 20-20 as it pertains to a moratorium on evictions. We fully understand that tenants need protection from eviction, and that the threat of losing housing due to unforeseen economic hardships related to COVID-19 is one that needs to be controlled. However this is a complex problem, one that is not solved by simply prohibiting all evictions without taking into consideration the impact this action has on housing providers, and the housing system in general. Mortgages need to be paid, property tax is due, along with all other bills. There are not many property owners who can afford to carry the financial burden of both their own lives and their tenants' while their income is potentially on hold.

We are asking for City facilitation of this process as a means to have clarity and stability during this crisis. Currently there are movements encouraging tenants to stop paying rent regardless of whether or not their income has been reduced, knowing they can't be evicted. Lobbying groups are demanding that all rent be forgiven at the expense of landlords, never to be repaid. As you can imagine this is both frightening and destabilizing to our community and adds even more chaos to a situation which none of us can afford. It doesn't have to be this way. Please create guidelines that consider the financial situations of both tenants and housing providers in this city. Ones that factor in government stimulus and unemployment benefits, and can educate our citizens on what government support is available to them. Please consider starting a rent relief fund that can combine private and public funds for our vulnerable who may not be eligible for government funds. We need a sense of accountability and fair process. This is a time to lead and provide stability for all, so we can avoid creating a bigger and longer lasting problem in our city.

Michael Vasilas

## Sabrina Lundy

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**From:** M Parker <mparker00@gmail.com>  
**Sent:** Tuesday, April 07, 2020 3:40 PM  
**To:** City Clerk Dept  
**Subject:** Public Comment Item H2

The response to the Coronal Virus has been inadequate at every level of government. With corporate interests still dominating Federal and state governments, it is up to the local governments to make demands of the higher levels as well as leading the way through example.

For example, the “pausing” of the economy has put most of the burden unfairly on the people at the bottom. Small businesses are told they must stop their business, yet they are still required to pay rent to large commercial landlords. Workers are told that they must not go to work to earn money but must still pay rent.

Simply deferring evictions, as the City has done, only puts people in a more precarious position with large debts when the shelter-in-place rules are relaxed.

Let’s really “pause” the economy fairly. Let the city declare that during the crisis all mortgage payments and rents are suspended. Then let the city help the small landlords make up for the loss by applying for the bailout money available to businesses from the federal government. If the government has the power to tell people not to work in an emergency then it also has the power to tell people they can’t collect rent.

Mike Parker

## Sabrina Lundy

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**From:** ritchie cook <ritchiecook\_99@yahoo.com>  
**Sent:** Monday, April 06, 2020 3:19 PM  
**To:** City Clerk Dept  
**Subject:** rent relief

To all,

Meaningful rent relief needs to be enacted in Richmond. I will expect you to do the right thing.

thank you,

Ritchie

## Sabrina Lundy

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**From:** Yvette Flores <yvette.flores.msw@gmail.com>  
**Sent:** Monday, April 06, 2020 5:27 PM  
**Subject:** Public Comment (Item H2)

Hello,

My name is Yvette Flores, and I am a resident of Richmond. Thank you for your leadership to protect Richmond tenants.

No one should lose their housing during this horrible pandemic. I am urging the city of Richmond to enact a temporary moratorium on evictions for renters and small businesses during the Coronavirus crisis that includes the following. The ordinance should put a moratorium on all evictions except those that are necessary for health and safety. Tenants shouldn't be required to provide medical or financial information proving they were impacted by the pandemic. The rent accrued during the state of emergency should not be the basis of an eviction down the road. The ordinance should include protections for commercial tenants (non profits and small local businesses). The ordinance should place a freeze on rent increases during the shelter in place order.

Thank you!

--

**Yvette Flores, MSW**  
Associate CSW #72219  
[linkedin.com/in/yflores](https://www.linkedin.com/in/yflores)

## Sabrina Lundy

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**From:** Cordell Hindler <cordellhindler@ymail.com>  
**Sent:** Thursday, April 02, 2020 9:40 PM  
**To:** City Clerk Dept; City Clerk Dept  
**Subject:** I-1 Pay Differentials  
**Attachments:** H5 - Salary Schedule Amendment.pdf

hello Sabrina, the Reason that Koff & Associates should be on Board is because they have worked with Cities of Menlo Park on the class and comp study

Sincerely  
Cordell



## STAFF REPORT

### City Council

**Meeting Date:** 7/19/2016  
**Staff Report Number:** 16-132-CC

**Consent Calendar:** Approve a resolution to amend the City-wide salary schedule effective July 10, 2016

### Recommendation

Staff recommends that the City Council approve a Resolution to Amend the City's Salary Schedule effective July 10, 2016.

### Policy Issues

In accordance with the City personnel rules and regulations, the City Council is required to adopt changes to the City's Salary Schedule.

### Background

In July 2015, the City hired Koff & Associates to conduct a comprehensive classification and compensation study to achieve two primary goals. First, Koff & Associates was asked to work with staff to establish modern job descriptions that reflect both current laws and the duties and responsibilities of incumbent employees (Classification Study). Second, Koff & Associates was tasked with providing the City and bargaining units with a comprehensive market survey of total compensation for benchmark positions that could be used in a wage reopener in the AFSCME and SEIU labor contracts (Compensation Study). In February, 2016, the City Council received the Compensation Report data from staff and subsequently provided authority to the City's negotiation team to meet and confer with AFSCME and SEIU on the wage reopener. Those negotiations were finalized on June 2, 2016 and the Council took action at their June 21, 2016 meeting to modify wages for those positions that were below market median total compensation.

As part of the 2016-17 budget process, the City Council adopted a comprehensive City-wide salary schedule on June 21, 2016. The salary schedule included new salary ranges effective July 10, 2016 for members of the Menlo Park Police Officers Association which were agreed to in December 2015. The salary schedule also included new salary ranges that reflected wage negotiations with the City's non-safety bargaining units, AFSCME and SEIU.

### Analysis

The final aspect of the Classification Study that requires City Council action is in the area of incumbent employees who are currently performing duties at a level that is higher than what the current classification system provides. As part of their work on the Classification Study, Koff identified eight incumbent employees who perform job duties typically assigned to a higher level classification out of operational necessity for the City. Koff has prepared new job descriptions that clearly outline the duties performed by

the incumbent and those new classifications now require a City Council adopted salary range.

It is important to note that the City's current labor contracts require that employees be compensated for the level of work performed, commonly referred to as out-of-class pay. Koff & Associates has worked with the City to establish the need for reclassifications, the City has discussed the impacts of the reclassifications with incumbent employees and their labor representatives, and this action, if approved by the City Council, will remedy the situation of employees working out-of-class at the earliest practical opportunity. As such, the recommendation is to implement the reclassifications for the pay period beginning July 10, 2016 which has a pay date of July 29, 2016.

### **Impact on City Resources**

This action results in no change in the City's authorized full-time equivalent employees or the operating surplus as approved in the 2016-17 budget.

### **Environmental Review**

No environmental review is required.

### **Public Notice**

Public Notification was achieved by posting the agenda, with the agenda items being listed, at least 72 hours prior to the meeting.

### **Attachments**

- A. Resolution to amend the Salary Schedule
- B. Citywide Employee Salary Schedule
- C. Classification report from Koff & Associates

Report prepared by:

Lenka Diaz, Human Resources Manager

**RESOLUTION NO.**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MENLO  
PARK AMENDING THE SALARY SCHEDULE**

WHEREAS, pursuant to the Personnel System Rules, the City Manager prepared a Compensation Plan; and

NOW, THEREFORE, BE IT RESOLVED that the following compensation provisions shall be established in accordance with the City's Personnel System rules.

BE IT FURTHER RESOLVED that any previous enacted compensation provisions contained in Resolution No. 6327 and subsequent amendments shall be superseded by this Resolution.

BE IT FURTHER RESOLVED that the changes contained herein shall be effective July 10, 2016.

I, Pamela Aguilar, City Clerk of the City of Menlo Park, do hereby certify that the above and foregoing Resolution was duly and regularly passed and adopted at a meeting by said Council on the nineteenth day of July 2016, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Official Seal of said City on this nineteenth day of July 2016.

Pamela Aguilar, CMC  
City Clerk

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Classification Title (Council approved 6/21/16)	New Classification Title (for Council approval on 7/19/16)	Minimum (Step A)	Step B	Step C	Step D	Maximum (Step E)
<del>Accountant</del>	<del>(deleted)</del>	<del>\$ 74,597</del>	<del>\$ 78,123</del>	<del>\$ 81,808</del>	<del>\$ 85,743</del>	<del>\$ 89,829</del>
Accountant I		\$ 74,645	\$ 78,378	\$ 82,297	\$ 86,412	\$ 90,733
Accountant II		\$ 81,758	\$ 85,623	\$ 89,662	\$ 93,974	\$ 98,453
Accounting Assistant I		\$ 52,934	\$ 55,443	\$ 58,003	\$ 60,713	\$ 63,522
Accounting Assistant II		\$ 58,003	\$ 60,713	\$ 63,522	\$ 66,491	\$ 69,611
Administrative Assistant		\$ 58,177	\$ 60,895	\$ 63,713	\$ 66,691	\$ 69,820
Administrative Services Director		\$ 146,206		Open Range		\$ 182,756
Assistant City Manager		\$ 154,402		Open Range		\$ 203,616
Assistant Community Development Director		\$ 115,283		Open Range		\$ 150,619
<del>(new)</del>	<del>Assistant Community Services Director</del>	<del>\$ 117,939</del>		<del>Open Range</del>		<del>\$ 147,424</del>
Assistant Director of Public Works	Assistant Public Works Director	\$ 128,099		Open Range		\$ 160,124
Assistant Engineer		\$ 90,030	\$ 94,320	\$ 98,830	\$ 103,548	\$ 108,481
Assistant Planner		\$ 81,571	\$ 85,407	\$ 89,501	\$ 93,766	\$ 98,245
<del>(new)</del>	<del>Assistant Library Services Director</del>	<del>\$ 117,939</del>		<del>Open Range</del>		<del>\$ 147,424</del>
<del>(new)</del>	<del>Associate Engineer</del>	<del>\$ 95,465</del>	<del>\$ 100,035</del>	<del>\$ 104,804</del>	<del>\$ 109,867</del>	<del>\$ 115,189</del>
Associate Civil Engineer		\$ 101,021	\$ 105,857	\$ 110,903	\$ 116,261	\$ 121,893
Associate Planner		\$ 89,501	\$ 93,766	\$ 98,245	\$ 102,946	\$ 107,873
Associate Transportation Engineer		\$ 105,857	\$ 110,903	\$ 116,261	\$ 121,893	\$ 127,799
Branch Library Manager		\$ 86,019	\$ 90,118	\$ 94,427	\$ 98,936	\$ 103,648
Building Custodian		\$ 52,881	\$ 55,388	\$ 57,945	\$ 60,652	\$ 63,459
Building Inspector		\$ 86,717	\$ 90,887	\$ 95,219	\$ 99,771	\$ 104,535
Business Manager		\$ 87,905	\$ 92,120	\$ 96,509	\$ 101,120	\$ 105,958
Child Care Teacher I		\$ 47,317	\$ 49,463	\$ 51,703	\$ 54,059	\$ 56,616
Child Care Teacher II		\$ 52,881	\$ 55,388	\$ 57,945	\$ 60,652	\$ 63,459
Child Care Teacher's Aide		\$ 35,501	\$ 37,107	\$ 38,786	\$ 40,523	\$ 42,312
City Attorney		n/a		Set by contract		\$ 108,000
City Clerk		\$ 97,715		Open Range		\$ 122,143
City Manager		n/a		Set by contract		\$ 217,500
Code Enforcement Officer		\$ 74,597	\$ 78,123	\$ 81,808	\$ 85,743	\$ 89,829
Communications Dispatcher		\$ 75,641	\$ 79,217	\$ 82,954	\$ 86,943	\$ 91,087
Communications and Records Manager		\$ 103,648	\$ 108,678	\$ 113,898	\$ 119,390	\$ 125,132
Communications Training Dispatcher		\$ 79,217	\$ 82,954	\$ 86,943	\$ 91,087	\$ 95,442
Community Development Director		\$ 146,010		Open Range		\$ 182,511
Community Development Technician		<del>\$ 60,652</del>	<del>\$ 63,459</del>	<del>\$ 66,425</del>	<del>\$ 69,542</del>	<del>\$ 72,809</del>
		<del>\$ 63,442</del>	<del>\$ 66,379</del>	<del>\$ 69,481</del>	<del>\$ 72,741</del>	<del>\$ 76,159</del>
Community Services Director		\$ 148,007		Open Range		\$ 185,008
<del>Community Services Manager</del>	<del>(deleted)</del>	<del>\$ 101,141</del>	<del>\$ 105,962</del>	<del>\$ 111,081</del>	<del>\$ 116,463</del>	<del>\$ 122,105</del>
Community Services Officer		\$ 62,030	\$ 64,947	\$ 67,955	\$ 71,180	\$ 74,597
<del>Community Services Superintendent</del>	<del>(deleted)</del>	<del>\$ 92,908</del>		<del>Open Range</del>		<del>\$ 116,134</del>
Construction Inspector		\$ 81,808	\$ 85,743	\$ 89,829	\$ 94,124	\$ 98,618
Contracts Specialist		\$ 65,504	\$ 68,584	\$ 71,760	\$ 75,166	\$ 78,774
Custodial Services Supervisor		\$ 60,848	\$ 63,664	\$ 66,639	\$ 69,766	\$ 73,044
Deputy City Clerk		\$ 67,947	\$ 71,180	\$ 74,597	\$ 78,123	\$ 81,808
Engineering Services Manager		\$ 128,099		Open Range		\$ 160,124
Engineering Technician I		\$ 68,194	\$ 71,352	\$ 74,739	\$ 78,326	\$ 82,029
Engineering Technician II		\$ 76,449	\$ 80,046	\$ 83,810	\$ 87,828	\$ 92,013
Equipment Mechanic		\$ 67,947	\$ 71,180	\$ 74,597	\$ 78,123	\$ 81,808
Executive Assistant		\$ 66,425	\$ 69,542	\$ 72,809	\$ 76,234	\$ 79,819
Executive Assistant to the City Mgr		\$ 70,764		Open Range		\$ 86,013
Facilities Maintenance Technician I		\$ 56,616	\$ 59,223	\$ 62,030	\$ 64,947	\$ 67,955
Facilities Maintenance Technician II		\$ 62,030	\$ 64,947	\$ 67,955	\$ 71,180	\$ 74,597
Finance & Budget Manager		\$ 115,260		Open Range		\$ 145,860
Gymnastics Instructor		\$ 37,882	\$ 39,596	\$ 41,384	\$ 43,231	\$ 45,219
Housing & Economic Development Manager		\$ 110,963		Open Range		\$ 138,704
<del>Human Resources Analyst</del>	<del>(deleted)</del>	<del>\$ 86,337</del>		<del>Open Range</del>		<del>\$ 102,156</del>
Human Resources Manager		\$ 115,260		Open Range		\$ 145,860
Human Resources Technician		\$ 61,465	\$ 64,373	\$ 67,247	\$ 70,528	\$ 73,845
Information Technology Manager		\$ 115,260		Open Range		\$ 145,860
Information Technology Specialist I		\$ 64,528	\$ 67,755	\$ 71,143	\$ 74,701	\$ 78,437
Information Technology Specialist II		\$ 71,697	\$ 75,066	\$ 78,597	\$ 82,293	\$ 86,239
Information Technology Supervisor		\$ 85,680	\$ 95,236	\$ 100,248	\$ 105,525	\$ 111,078
Junior Engineer		\$ 72,627	\$ 76,258	\$ 80,071	\$ 84,075	\$ 88,279
Librarian I		\$ 63,459	\$ 66,425	\$ 69,542	\$ 72,809	\$ 76,234
Librarian II		\$ 71,180	\$ 74,597	\$ 78,123	\$ 81,808	\$ 85,743
<del>Librarian III</del>	<del>Senior Librarian</del>	<del>\$ 82,072</del>	<del>\$ 86,019</del>	<del>\$ 90,118</del>	<del>\$ 94,427</del>	<del>\$ 98,936</del>
Library Assistant I		\$ 49,463	\$ 51,703	\$ 54,059	\$ 56,616	\$ 59,223
Library Assistant II		\$ 54,059	\$ 56,616	\$ 59,144	\$ 62,030	\$ 64,947
Library Assistant III		\$ 59,144	\$ 62,030	\$ 64,947	\$ 67,955	\$ 71,108
Library Clerk		\$ 34,674	\$ 36,242	\$ 37,882	\$ 39,596	\$ 41,384
Library Page		\$ 25,437	\$ 26,586	\$ 27,790	\$ 29,048	\$ 30,363
Library Services Director		\$ 142,396		Open Range		\$ 177,995
Literacy Program Manager		\$ 73,044	\$ 76,480	\$ 80,076	\$ 83,915	\$ 87,914
Maintenance Worker I		\$ 54,059	\$ 56,616	\$ 59,144	\$ 62,030	\$ 64,947
Maintenance Worker II		\$ 59,144	\$ 62,030	\$ 64,947	\$ 67,955	\$ 71,180
Management Analyst I		\$ 78,311	\$ 82,227	\$ 86,339	\$ 90,656	\$ 95,189
Management Analyst II		\$ 89,498	\$ 93,802	\$ 98,273	\$ 102,972	\$ 107,888
Management Analyst-Confidential		\$ 93,734		Open Range		\$ 121,520
<del>Night Clerk</del>	<del>(deleted)</del>	<del>\$ 37,107</del>	<del>\$ 38,786</del>	<del>\$ 40,523</del>	<del>\$ 42,312</del>	<del>\$ 44,250</del>
Office Assistant		\$ 48,579	\$ 50,794	\$ 53,093	\$ 55,609	\$ 58,177
Parking Enforcement Officer		\$ 54,059	\$ 56,616	\$ 59,144	\$ 62,030	\$ 64,947
Permit Manager		\$ 101,804	\$ 106,675	\$ 111,781	\$ 117,109	\$ 122,767
Permit Technician		\$ 63,442	\$ 66,378	\$ 69,481	\$ 72,741	\$ 76,158
Plan Check Engineer		\$ 101,983	\$ 106,865	\$ 111,959	\$ 117,368	\$ 123,053
Planning Technician		\$ 72,741	\$ 76,158	\$ 79,741	\$ 83,491	\$ 87,494
Police Chief		\$ 157,760		Open Range		\$ 197,199
Police Commander		\$ 141,984		Open Range		\$ 177,480

City of Menlo Park  
Salary Schedule

Classification Title (Council approved 6/21/16)	New Classification Title (for Council approval on 7/19/16)	Minimum (Step A)	Step B	Step C	Step D	Maximum (Step E)
Police Corporal		\$ 99,412	\$ 104,383	\$ 109,602	\$ 115,082	\$ 120,836
Police Lieutenant		\$ 124,781		Open Range		\$ 155,976
Police Officer		\$ 92,369	\$ 96,987	\$ 101,836	\$ 106,928	\$ 112,275
Police Records Specialist		\$ 59,144	\$ 62,030	\$ 64,947	\$ 67,955	\$ 71,180
Police Recruit		n/a		Hourly Rate		\$ 35,9707
Police Sergeant		\$ 108,147	\$ 113,554	\$ 119,232	\$ 125,193	\$ 131,453
Principal Planner		\$ 108,070	\$ 114,836	\$ 120,332	\$ 126,068	\$ 130,322
Program Aide/Driver		\$ 33,964	\$ 35,501	\$ 37,107	\$ 38,786	\$ 40,523
Program Assistant		\$ 48,386	\$ 50,592	\$ 52,881	\$ 55,388	\$ 57,945
Property and Court Specialist		\$ 62,030	\$ 64,947	\$ 67,955	\$ 71,180	\$ 74,597
Public Works Director		\$ 149,976		Open Range		\$ 187,468
Public Works Superintendent		\$ 92,908		Open Range		\$ 116,134
Public Works Supervisor - City Arborist		\$ 90,006	\$ 94,321	\$ 98,815	\$ 103,536	\$ 108,490
Public Works Supervisor - Facilities		\$ 90,646	\$ 94,992	\$ 99,518	\$ 104,273	\$ 109,262
Public Works Supervisor - Fleet		\$ 92,088	\$ 96,503	\$ 101,101	\$ 105,931	\$ 110,999
Public Works Supervisor - Park		\$ 85,682	\$ 89,789	\$ 94,068	\$ 98,562	\$ 103,278
Public Works Supervisor - Streets		\$ 85,682	\$ 89,789	\$ 94,068	\$ 98,562	\$ 103,278
Recreation Aide		\$ 32,494	\$ 33,964	\$ 35,501	\$ 37,107	\$ 38,786
Recreation Coordinator		\$ 63,664	\$ 66,639	\$ 69,766	\$ 73,044	\$ 76,480
Recreation Leader		\$ 25,437	\$ 26,586	\$ 27,790	\$ 29,048	\$ 30,363
Recreation Supervisor		\$ 78,375	\$ 82,072	\$ 83,514	\$ 90,118	\$ 94,427
Red Light Photo Enforcement Specialist		\$ 69,542	\$ 72,809	\$ 76,234	\$ 79,819	\$ 83,646
Revenue and Claims Manager		\$ 87,857	\$ 92,082	\$ 96,471	\$ 101,084	\$ 105,910
Senior Building Inspector		\$ 97,327	\$ 101,983	\$ 106,865	\$ 111,959	\$ 117,368
Senior Civil Engineer		\$ 111,260	\$ 116,635	\$ 122,286	\$ 128,211	\$ 134,458
Senior Communications Dispatcher		\$ 82,954	\$ 86,943	\$ 91,087	\$ 95,442	\$ 99,998
Senior Engineering Technician		\$ 82,029	\$ 85,899	\$ 90,030	\$ 94,320	\$ 98,830
(new)	Senior Equipment Mechanic	\$ 74,759	\$ 78,406	\$ 82,094	\$ 85,896	\$ 89,972
Senior Facilities Maintenance Technician		\$ 67,947	\$ 71,180	\$ 74,597	\$ 78,123	\$ 81,808
Senior Library Page		\$ 34,674	\$ 36,242	\$ 37,882	\$ 39,596	\$ 41,384
Senior Maintenance Worker		\$ 67,947	\$ 71,180	\$ 74,597	\$ 78,123	\$ 81,808
Senior Office Assistant		\$ 53,093	\$ 55,609	\$ 58,177	\$ 60,895	\$ 63,713
Senior Planner		\$ 98,245	\$ 102,946	\$ 107,873	\$ 113,015	\$ 118,475
Senior Police Records Specialist		\$ 62,030	\$ 64,947	\$ 67,955	\$ 71,180	\$ 74,597
(new)	Senior Program Assistant	\$ 58,762	\$ 61,508	\$ 64,395	\$ 67,420	\$ 70,592
Senior Recreation Leader		\$ 30,363	\$ 31,736	\$ 33,173	\$ 34,674	\$ 36,242
(new)	Senior Sustainability Specialist	\$ 73,692	\$ 77,217	\$ 80,913	\$ 84,770	\$ 88,865
Senior Transportation Engineer		\$ 111,260	\$ 116,635	\$ 122,286	\$ 128,211	\$ 134,458
Senior Water System Operator		\$ 67,947	\$ 71,180	\$ 74,597	\$ 78,123	\$ 81,808
Sustainability Manager		\$ 92,114	\$ 96,521	\$ 101,141	\$ 105,962	\$ 111,081
Sustainability Specialist		\$ 63,459	\$ 66,425	\$ 69,542	\$ 72,809	\$ 76,234
Transportation Demand Management Coordinator		\$ 83,646	\$ 87,631	\$ 91,818	\$ 96,211	\$ 100,816
Transportation Manager		\$ 128,099		Open Range		\$ 160,124
Water Quality Specialist		\$ 72,809	\$ 76,234	\$ 79,819	\$ 83,646	\$ 87,631
Water System Operator II		\$ 63,381	\$ 66,315	\$ 69,414	\$ 72,671	\$ 76,085
Water System Supervisor		\$ 86,768	\$ 90,903	\$ 95,246	\$ 99,803	\$ 104,580



# CLASSIFICATION STUDY

City of Menlo Park

June 2016

Submitted By:

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## INTRODUCTION

### Background

In 2015, the City of Menlo Park (“the City”) contracted with Koff & Associates (“K&A”) to conduct a classification and total compensation study for all City classifications. All classification and compensation findings, recommendations, and options for implementations are in Volumes I and II of this report.

This classification review process was precipitated by:

- The concern of management that the classification descriptions should reflect the level and scope of work performed;
- To ensure that classification descriptions reflect current operations, responsibilities, duties, qualifications, regulatory requirements, and technology;
- To reflect past and allow for future organizational changes; and
- The desire to ensure that the City has adequate career paths and a classification system that fosters career growth and service within the organization.

### Goals and Objectives

The goals and objectives of the study were to:

- Recognize the scope and level of responsibility of various positions including designing classifications with clearly defined differences and establishing and consistently applying standards for specification language;
- Develop recommendations that would be perceived as equitable by management and employees alike by maintaining regular and clear communication with employees and management, making classification decisions based on work performed (rather than individual competencies and experience), avoiding using classifications to resolve compensation issues and to reward performance, and documenting processes and procedures as appropriate;
- Provide for growth and flexibility of assignment, where feasible, in recognition that some job duties and responsibilities may evolve over time;
- Provide adequate career paths that will foster career service within the City;
- Develop classification descriptions that clearly state minimum requirements (i.e. knowledge, skills, abilities, education, experience, certifications, and licenses) of each classification that are consistent with experience and training that is clearly obtainable by positions immediately below on the career ladder and clarify opportunities for promotion and/or cross training;
- Provide a classification structure that ensures regulatory compliance, including allocation of each position to the correct classification with appropriate Fair Labor Standards Act (FLSA) designation, as well as, meeting Federal Americans with Disabilities Act (ADA) regulations; and
- Develop a Classification Plan that documents the classification study methodology, findings and recommendations and serves as a guide for the City to maintain the Plan in the future.

### Classification Study Methodology



The following provides an overview of the classification study methodology utilized to develop the Classification Plan.

- A. Position Description Questionnaire (PDQ) Completion & Review
  - Employees completed PDQ forms and their supervisors and management reviewed, commented, and signed off on the forms.
  
- B. Employee and Supervisor Interviews
  - Employees were interviewed to clarify and supplement the PDQ data.
  - Supervisors and management were interviewed to clarify and/or confirm the information collected in the interviews with staff and to respond to potential perception differences regarding roles, tasks, and scope.
  
- C. Classification Concept and Position Allocation Development
  - Following the analysis of the classification information gathered, classification concepts and position allocations were developed and recommended.
    - Classification concept recommendations may include expanding or collapsing class series and/or separating or combining classifications assigned to different functional areas; identifying and defining classification levels and career ladders; and updating established titling guidelines for the studied classifications for appropriate and consistent titling.
    - Specific position allocation recommendations include specifying current and proposed classification title and impact of the recommendations (reclassification, title change, or no change (i.e., update of classification description format and/or content only)).
    - Recommendations for title change and reclassification are made to more clearly reflect the level and scope being performed, as well as establish consistency with the labor market and industry standards.
  - Appendix I contains the classification recommendations for each position studied.
  
- D. Draft Class Description Development
  - New and/or updated class descriptions were developed for each proposed classification, updating duties, responsibilities, and minimum qualifications of each class specification.
  - A consistent classification description format was developed including title, definition, supervision received/exercised, class (distinguishing) characteristics, examples of typical functions, qualifications (knowledge and abilities, education and experience, and licenses and certifications), physical demands, and environmental conditions.
  - Compliance with FLSA and ADA requirements was reviewed and updated.
  
- E. Class Description Review and Update
  - Draft copies of the new classification descriptions were submitted to employees and management to provide comments and concerns regarding any modifications and to ensure that no factual information was overlooked and that the recommendations were fair and consistent.
  - Allocation recommendations and/or classification descriptions were revised, as appropriate, based on employee and management feedback. The final classification descriptions have been delivered to the City under separate cover.
  
- F. Final Report Development



- The Final Report was developed and contains: goals and objectives, classification methodology and recommendations; classification concepts; classification plan maintenance; and classification descriptions.

## CLASSIFICATION PLAN CONCEPTS

### The Purpose of a Classification Plan

A Classification Plan is a systematic framework for grouping jobs into common classifications based on similarities in duties, responsibilities, and requirements.

The purpose of a Classification Plan is to provide an appropriate basis for making a variety of human resources decisions such as the:

- Development of job-related recruitment and selection procedures;
- Clear and objective appraisal of employee performance;
- Development of career paths, training plans, and succession planning;
- Design of an equitable and competitive compensation structure;
- Organizational development and change management; and
- Provision of an equitable basis for discipline and other employee actions.

In addition to providing the basis for various human resources management and process decisions, a Classification Plan can also effectively support systems of administrative and fiscal control. Grouping of positions into an orderly classification system supports planning, budget analysis and preparation, and various other administrative functions.

Within a Classification Plan, classifications can either be broad (containing a number of positions) or narrow (emphasizing individual job characteristics). Broad classifications are developed when:

- Employees can be hired with a broad spectrum of knowledge, skill, licenses and certifications, and/or academic preparation and can readily learn the details of the City and the position on-the-job; or
- There is a need for flexibility of the assignment within an organization due to changing programs, technologies, or workload.

Individualized classifications are developed when:

- There is an immediate need to recruit for specialty knowledge and skills;
- There is a minimum of time or capability for on-the-job training; or
- There is an organizational need to provide for specific job recognition and to highlight the differences between jobs.



The approach taken in developing the City's classification plan was to develop a combination of broader and more individualized classifications as this approach is the most practical taking into consideration the City's size, changing environment, and service delivery expectations.

### Position vs. Classification

"Position" and "Classification" are two terms that are often used interchangeably, but have very different meanings. As used in this report:

- A position is an assigned group of duties and responsibilities performed by one person. A position can be full-time, part-time, regular, temporary, filled, or vacant. Often the word "job" is used in place of the word "position."
- A classification or class may contain only one position or may consist of a number of positions. When you have several positions assigned to one class, it means that the same classification title is appropriate for each position; that the scope, level, duties, and responsibilities of each position assigned to the class are sufficiently similar (but not identical), and that the same core knowledge, skills, and other requirements are appropriate for all positions in the class.

The description of a position often appears as a job description or working desk manual, going into detail regarding work process steps, while a classification description emphasizes the general scope and level of responsibilities, plus the knowledge, skills, and other requirements for successful performance.

When positions are classified, the focus is on assigned job duties and the job related requirements for successful performance, not on individual employee capabilities or amount of work performed. Positions are thus evaluated and classified on the basis of such factors as knowledge and skill required to perform the work, the complexity of the work, the authority delegated to make decisions and take action, the responsibility for the work of others and/or for budget expenditures, contacts with others (both inside and outside of the organization), and the impact of the position on the organization and working conditions.

### Classification and Compensation

Classification and the description of the work and the requirements to perform the work are separate and distinct from determining the worth of that work in the labor market and to the organization. While recommending the appropriate compensation for the work of a class depends upon an understanding of what that work is and what it requires, compensation levels are often influenced by two factors:

- The external labor market; and
- Internal relationships within the organization.

### Classification Description Format



The classification descriptions are based upon the information gathered from the written PDQs completed by each employee and from information provided by employees and management during the review processes. These descriptions provide:

- A written summary documenting the work performed by the incumbents of these classifications;
- Distinctions among the classes; and
- Documentation of requirements and qualifications to assist in recruitment, selection, and career development.

Just as there is a difference between a position and a classification, there is also a difference between a position description and a classification description. A position description, often known as a “desk manual”, generally lists each duty an employee performs and may also have information about how to perform that duty. A classification description normally reflects several positions and is a summary document that does not list each duty performed by every employee. The classification description, which is broader and more general and informational, is intended to indicate the general scope and level of responsibility and requirements of the classification, not detail-specific position responsibilities.

The sections of each classification description are as follows:

**Title:** This should be brief and descriptive of the classification and consistent with other titles in the classification plan and the occupational area.

- The title of a classification is normally used for organization, classification, and compensation purposes within the City. Often working titles are used to differentiate an individual. All positions have a similar level of scope and responsibility; however, the working titles may give assurance to a member of the public that they are dealing with an appropriate individual. Working titles should be authorized by Human Resources to ensure consistency within the City.

**Definition:** This provides a capsule description of the classification and should give an indication of the type of supervision received, the scope and level of the work, and any unusual or unique factors. The phrase “performs related work as required” is not meant to unfairly expand the scope of the work performed, but to acknowledge that classifications change and that not all duties are included in the classification description.

**Supervision Received and Exercised:** This section specifies which class or classes provide supervision to the classification being described and the type and level of work direction or supervision provided to this classification. The section also specifies what type and level of work direction or supervision the classification provides to other classes. This assists the reader in defining where the class “fits” in the organization.

**Class Characteristics:** This can be considered the “editorial” section of the description, slightly expanding the Definition, clarifying the most important aspects of the classification and distinguishing this classification from the next lower- and/or higher-levels in a class series or from a similar classification in a different occupational series.



**Examples of Typical Job Functions:** This section provides a list of the major and typical duties, intended to define the scope and level of the classification and to support the Qualifications, including Knowledge and Abilities. This list is meant to be illustrative only. It should be emphasized that the description is a summary document, and that duties change depending upon program requirements, technology, and organizational needs.

**Qualifications:** This element of the description has several sections:

- A listing of the job-related knowledge and abilities required to successfully perform the work. They must be related to the duties and responsibilities of the work and capable of being validated under the Equal Employment Opportunity Commission's Uniform Guidelines on Selection Procedures. Knowledge (intellectual comprehension) and Abilities (acquired proficiency) should be sufficiently detailed to provide the basis for selection of qualified employees.
- A listing of educational and experience requirements that outline minimum and alternative ways of gaining the knowledge and abilities required for entrance into the selection process. These elements are used as the basic screening technique for job applicants.
- Licenses and certifications identify those specifically required in order to perform the work. These certifications are often required by an agency higher than the City (i.e., the State) and can therefore be appropriately included as requirements.

**Physical Demands:** This section identifies the basic physical abilities required for performance of the work. These are not presented in great detail (although they are more specifically covered for documentation purposes in the PDQ's) but are designed to indicate the type of pre-employment physical examinations (i.e., lifting requirements and other unusual characteristics are included, such as "bend, stoop, kneel, reach, and climb to perform work and inspect work sites") and to provide an initial basis for determining reasonable accommodation for ADA purposes.

**Environmental Elements:** These can describe certain outside influences and circumstances under which a job is performed; they give employees or job applicants an idea of certain risks involved in the job and what type of protective gear may be necessary to perform the job. Examples are loud noise levels, cold and/or hot temperatures, vibration, confining workspace, chemicals, mechanical and/or electrical hazards, and other job conditions.

## Fair Labor Standards Act (FLSA)

A major component of the job analysis and classification review is the determination of each classification's appropriate FLSA status, i.e., exempt vs. non-exempt from the FLSA overtime rules and regulations.

As a note, although it is more common for all positions within a classification to be under the same FLSA status, potentially there could be both exempt and non-exempt positions within a classification. Thus it is important that each position be analyzed to determine FLSA status.



Data on each position's typical job functions collected from the PDQs and interviews were analyzed to determine FLSA status. There are three (3) levels for the determination of the appropriate FLSA status that are utilized and on which recommendations are based. Below are the steps used for the determination of *Exempt* FLSA status:

1. *Salary Basis Test* – The incumbents in a classification are paid at least \$455 per week (\$23,660 per year), not subject to reduction due to variations in quantity/quality of work performed. Note: computer professionals' salary minimum is defined in hourly terms as \$27.63 per hour.
2. *Exemption Applicability* – The incumbents in a classification perform any of the following types of jobs:
  - *Executive*: Employee whose primary duty is to manage the business or a recognized department/entity and who customarily directs the work of two or more employees. This also includes individuals who hire, fire, or make recommendations that carry particular weight regarding employment status. Examples: executive, director, owner, manager, supervisor.
  - *Administrative*: Employee whose primary activities are performing office work or non-manual work on matters of significance relating to the management or business operations of the firm or its customers and which require the exercise of discretion and independent judgment. Examples: coordinator, administrator, analyst, accountant.
  - *Professional*: Employee who primarily performs work requiring advanced knowledge/education and which includes consistent exercise of discretion and independent judgment. The advanced knowledge must be in a field of science or learning acquired in a prolonged course of specialized intellectual instruction. Examples: engineer, attorney, statistician, architect, biologist.
  - *Computer professional*: Employee who primarily performs work as a computer systems analyst, programmer, software engineer, or similarly skilled work in the computer field performing a) application of systems analysis techniques and procedures, including consulting with users to determine hardware, software, or system functional specifications; b) design, development, documentation, analysis, creation, testing, or modification of computer systems or programs, including prototypes, based on and related to user or system design specification; or c) design, documentation, testing, creation, or modification of computer programs based on and related to user or system design specifications; or a combination of the duties described above, the performance of which requires the same level of skills. Examples: system analyst, database analyst, network architect, software engineer, programmer.
3. *Job Analysis* – A thorough job analysis of the job duties must be performed to determine exempt status. An exempt position must pass both the salary basis and duties tests. The job analysis should include:
  - Review of the minimum qualifications established for the job;
  - Review of prior class descriptions, questionnaires, and related documentation;
  - Confirmation of duty accuracy with management; and
  - Review and analysis of workflow, organizational relationships, policies, and other available organizational data.



Non-exempt positions work within detailed and well-defined sets of rules and regulations, policies, procedures, and practices that must be followed when making decisions. Although the knowledge base required to perform the work may be significant, the framework within which incumbents work is fairly restrictive and finite. (Please note that FLSA does not allow for the consideration of workload and scheduling when it comes to exemption status).

Finally, often times a position performs both non-exempt and exempt duties, so analysis on time spent on each type of duties should be performed. If a position performs mostly non-exempt duties (i.e. more than 50% of time), then the position would be considered non-exempt.

## CLASSIFICATION STRUCTURE AND ALLOCATION FACTORS

The proposed classification plan provides the City with a systematic classification structure based on the interrelationship between duties performed, the nature and level of responsibilities, and other work-related requirements of the jobs.

A classification plan is not a stable, unchanging entity. Classification plans may be updated and revised by conducting classification studies that are organizational wide (review of the all classifications and positions) or position-specific. The methodology used for both types of studies is the same, as outlined above.

For either type of study, when identifying appropriate placement of new and/or realigned positions within the classification structure, there are general allocation factors to consider. By analyzing these factors, the City will be able to change and grow the organization while maintaining the classification plan.

### 1. Type and Level of Knowledge and Skill Required

This factor defines the level of job knowledge and skill, including those attained by formal education, technical training, on-the job experience, and required certification or professional registration. The varying levels are as follows:

#### A. The entry-level into any occupational field

This entry-level knowledge may be attained by obtaining a high school diploma, completing specific technical course work, or obtaining a four-year or advanced college or university degree. Little to no experience is required.

#### B. The experienced or journey-level (fully competent-level) in any occupational field

This knowledge and skill level recognizes a class that is expected to perform the day-to-day functions of the work independently, but with guidelines (written or oral) and supervisory assistance available. This level of knowledge is sufficient to provide on-the-job instruction to a fellow employee or an assistant when functioning in a lead capacity. Certifications may be required for demonstrating possession of the required knowledge and skills.



**C. The advanced level in any occupational field**

This knowledge and skill level is applied in situations where an employee is required to perform or deal with virtually any job situation that may be encountered. Guidelines may be limited and creative problem solving may be involved. Supervisory knowledge and skills are considered in a separate factor and should not influence any assessment of this factor.

**2. Supervisory/Management Responsibility**

This factor defines the staff and/or program management responsibility, including short and long-range planning, budget development and administration, resource allocation, policy and procedure development, and supervision and direction of staff.

**A. No ongoing direction of staff**

The employee is responsible for the performance of his or her own work and may provide side-by-side instruction to a co-worker.

**B. Lead direction of staff or program coordination**

The employee plans, assigns, directs, and reviews the work of staff performing similar work to that performed by the employee on a day-to-day basis. Training in work procedures is normally involved. If staff direction is not involved, the employee must have responsibility for independently coordinating one or more programs or projects on a regular basis.

**C. Full first-line supervisor**

The employee performs the supervisory duties listed above, and, in addition, makes effective recommendation and/or carries out selection, performance evaluation, and disciplinary procedures. If staff supervision is not involved, the employee must have programmatic responsibility, including development and implementing goals, objectives, policies and procedures, and budget development and administration.

**D. Manager**

The employee is considered management, often supervising through subordinate levels of supervision. In addition to the responsibilities outlined above, responsibilities include allocating staff and budget resources among competing demands and performing significant program and service delivery planning and evaluation. This level normally reports to the General Manager.

**E. Executive Management**

The employee has total administrative responsibility for the City and reports to the Board of Directors.

**3. Supervision Received**

**A. Direct Supervision**

Direct supervision is usually received by entry-level employees and trainees, i.e., employees who are new to the organization and/or position they are filling. Initially under close supervision, incumbents learn to apply concepts and work procedures and methods in assigned area of



responsibility to resolve problems of moderate scope and complexity. Work is usually supervised while in progress and fits an established structure or pattern. Exceptions or changes in procedures are explained in detail as they arise. As experience is gained, assignments become more varied and are performed with greater independence.

### **B. General Supervision**

General supervision is usually received by the experienced and journey-level employees, i.e., employees who have been in a position for a period of time and have had the opportunity to be trained and learn most, if not all, duties and responsibilities of the assigned classification. Incumbents are cross-trained to perform the full range of technical work in all of the areas of assignment.

At the experienced-level, positions exercise some independent discretion and judgment in selecting and applying work procedures and methods. Assignments and objectives are set for the employee and established work methods are followed. Incumbents have some flexibility in the selection of steps and timing of work processes.

Journey-level positions receive only occasional instruction or assistance as new or unusual situations arise and are fully aware of the operating procedures and policies of assigned projects, programs, and team(s). Assignments are given with general guidelines and incumbents are responsible for establishing objectives, timelines, and methods to deliver work products. Work is typically reviewed upon completion for soundness, appropriateness, and conformity to policy and requirements, and the methodology used in arriving at the end results are not reviewed in detail.

### **C. General Direction**

General direction is usually received by senior level or management positions. Work assignments are typically given as broad, conceptual ideas and directives and incumbents are accountable for overall results and responsible for developing guidelines, action plans, and methods to produce deliverables on time and within budget.

### **D. Administrative and Policy Direction**

Administrative direction is usually received by executive management classifications. The incumbent is accountable for accomplishing City-wide planning and operational goals and objectives within legal and general policy and regulatory guidelines. The incumbent is responsible for the efficient and economical performance of the organization's operations.

## **4. Problem Solving**

This factor involves analyzing, evaluating, reasoning, and creative thinking requirements. In a work environment, not only the breadth and variety of problems are considered, but also guidelines, such as supervision, policies, procedures, laws, regulations, and standards available to the employee.

### **A. Structured problem solving**



Employees learn to apply concepts and work procedures and methods in assigned area of responsibility and to resolve problems and issues that are specific, less complex, and/or repetitive. Exceptions or changes in procedures are explained in detail as they arise.

**B. Independent, guided problem solving**

Work situations require making independent decisions among a variety of alternatives; however, policies, procedures, standards, and regulations and/or management are available to guide the employee towards problem resolution.

**C. Application of discriminating choices**

Work situations require independent judgment and decision-making authority when identifying, evaluating, adapting, and applying appropriate concepts, guidelines, references, laws, regulations, policies, and procedures to resolve diverse and complex problems and issues.

**D. Creative, evaluative, or critical thinking**

The work involves a high-level of problem-solving requiring analysis of unique issues or increasingly complex problems without precedent and/or structure and formulating, presenting, and implementing strategies and recommendations for resolution.

### 5. Authority for Making Decisions and Taking Action

This factor describes the degree to which employees have the freedom to take action within their job. The variety and frequency of action and decisions, the availability of policies, procedures, laws, and supervisory or managerial guidance, and the consequence or impact of such decisions are considered within this factor.

**A. Direct, limited work responsibility**

The employee is responsible for the successful performance of his or her own work with little latitude for discretion or decision-making. Work is usually supervised while in progress and fits an established structure or pattern. Direct supervision is readily available.

**B. Decision-making within guidelines**

The employee is responsible for the successful performance of their own work, but able to prioritize and determine methods of work performance within general guidelines. Supervision is available, although the employee is expected to perform independently on a day-to-day basis. Emergency or unusual situations may occur, but are handled within procedures and rules. Impact of decisions is normally limited to the work unit, project, or program to which assigned.

**C. Independent action with focus on work achieved**

The employee receives assignments in terms of long-term objectives, rather than day-to-day or weekly timeframes. Broad policies and procedures are provided, but the employee has latitude for choosing techniques and deploying staff and material resources. Impact of decisions may have significant program or City-wide service delivery and/or budgetary impact.

**D. Decisions made within general policy or elected official guidance**



The employee is subject only to the policy guidance of elected officials and/or broad regulatory or legal constraints. The ultimate authority for achieving the goals and objectives of the City are with this employee.

**6. Interaction with Others**

This factor includes the nature and purpose of contacts with others, from simple exchanges of factual information to the negotiation of difficult issues. It also considers with whom the contacts are made, from co-workers and the public to elected or appointed public officials.

**A. Exchange of factual information**

The employee is expected to use ordinary business courtesy to exchange factual information with co-workers and the public. Strained situations may occasionally occur, but the responsibilities are normally not confrontational.

**B. Interpretation and explanation of policies and procedures**

The employee is required to interpret policies and procedures, apply and explain them, and influence the public or others to abide by them. Problems may need to be defined and clarified and individuals contacted may be upset or unreasonable. Contacts may also be made with individuals at all levels throughout the City.

**C. Influencing individuals or groups**

The employee is required to interpret laws, policies, and procedures to individuals who may be confrontational or to deal with members of professional, business, community, or other groups or regulatory agencies as a representative of the City.

**D. Negotiation with organizations from a position of authority**

The employee often deals with the Board of Directors, elected officials, government agencies, and other outside agencies, and the public to advance and represent the priorities and interests of the City, provide policy direction, and/or negotiate solutions to difficult problems.

**7. Working Conditions/Physical Demands**

This factor includes specific physical, situational, and other factors that influence the employee's working situation.

**A. Normal office or similar setting**

The work is performed in a normal office or similar setting during regular office hours (occasional overtime may be required, but compensated for). Responsibilities include meeting standard deadlines, using office and related equipment, lifting materials weighing up to 25 pounds, and communicating with others in a generally non-stressful manner.

**B. Varied working conditions with some physical or emotional demands**

The work is normally performed indoors, but may have some exposure to noise, heat, weather, or other uncomfortable conditions. Stand-by, call back, or regular overtime may be required. The employee may have to meet frequent deadlines, work extended hours, and maintain attention to



detail at a computer or other machinery, deal with difficult people, or regularly perform moderate physical activity.

**C. Difficult working conditions and/or physical demands**

The work has distinct and regular difficult demands. Shift work (24-7 or rotating) may be required; there may be exposure to hazardous materials or conditions; the employee may be subject to regular emergency callback and extended shifts; and/or the work may require extraordinary physical demands.

Based on the above factors, in the maintenance of the classification plan when an employee is assigned an additional duty or responsibility and requests a change in classification, it is reasonable to ask:

- What additional knowledge and skills are required to perform the duty?
- How does one gain this additional knowledge and skills – through extended training, through a short-term seminar, through on-the-job experience?
- Does this duty or responsibility require new or additional supervisory responsibilities?
- Is there a greater variety of or are there more complex problems that need to be solved as a result of the new duty?
- Does the employee have to make a greater variety of or more difficult decisions as a result of this new duty?
- Are the impacts of decisions greater because of this new duty (effects on staff, budget, City-wide activities, and/or relations with other agencies)?
- Are guidelines, policies, and/or procedures provided to the employee for the performance of this new duty?
- Is the employee interacting with internal and external stakeholders others more frequently or for a different purpose as a result of this new assignment?
- Have the working or physical conditions of the job changed as a result of this new assignment?

The analysis of the factors outlined above, as well as the answers to these questions, were used to determine recommended classifications for all City employees. The factors above will also help to guide the placement of specific positions to the existing classification structure and/or revision of entire classification structure in the future.

## CONCLUSION

The revised classification descriptions serve as a general description of the work performed and provide a framework of the expectations of each position for the employee. Requests for the addition of new positions and classifications and/or reclassification of an existing position should follow established City policies and procedures. Any decisions related to the addition of new positions and classifications, reclassification of an existing position, and promotion of an existing position will depend on the needs and resources of the City and the availability of work, as well as the ability of existing positions to meet the qualifications of and perform the duties of the higher-level class.

Finally, as mentioned previously, a classification plan is not a static, unchanging entity. The classification plan should be reviewed on a regular, on-going basis and may be amended or revised as required.

## **ATTACHMENT 2**

**COMMENTS RECEIVED AFTER 4:00 PM  
IN TIME FOR THE APRIL 7, 2020  
CITY COUNCIL MEETING**

## Sabrina Lundy

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**From:** Rosalind Welch <rosalindwelch@gmail.com>  
**Sent:** Tuesday, April 07, 2020 4:27 PM  
**To:** Tom Butt - external; Ben Choi; Nat Bates; Eduardo Martinez; Demnlus Johnson; Jael Myrick; Melvin Willis; City Clerk Dept  
**Subject:** PUBLIC COMMENT

*Hello my name is Rosalind Mays Welch and I am a resident of Richmond. Thank you for your leadership to protect Richmond tenants. No one should lose their housing during this horrible pandemic. I am urging the city of Richmond to enact a temporary moratorium on evictions for renters and small businesses during the Coronavirus crisis that includes the following. The ordinance should put a moratorium on all evictions except those that are necessary for health and safety.*

*Tenants shouldn't be required to provide medical or financial information proving they were impacted by the pandemic. The rent accrued during the state of emergency should not be the basis of an eviction down the road. The ordinance should include protections for commercial tenants (nonprofits and small local businesses). The ordinance should place a freeze on rent increases during the shelter in place order.*

*Thank you!*

Rosalind Welch

## Sabrina Lundy

---

**From:** Hibris Maciel <hmaciel@bacr.org>  
**Sent:** Tuesday, April 07, 2020 5:33 PM  
**To:** City Clerk Dept  
**Subject:** Public Comment Council Meeting for item H-2 4.7.20

PLEASE READ ALOUD DURING 4.7.20 MEETING

Good evening Mayor, Council members and staff. My name is Hibris Maciel and I am the program assistant at the West County First 5 Center. I am also a Richmond resident.

Thank you for your leadership in proposing a citywide moratorium on evictions. We appreciate your thoughtful and important action to draft this ordinance.

I support this proposal because thousands of Richmond residents face severe financial burden during this Shelter in Place that threaten their health and that of the larger community. No family should be concerned with losing their home because of their inability to pay rent at this time).

There are several elements of this ordinance that we support. We also hope this ordinance is a bit stronger to offer more comprehensive protections for Richmond families during this public health crisis.

Some elements we request you include are:

Ensure NO 'no fault' evictions--will be issued or carried out during the Shelter in Place order. This is essential for the public's health and protection of all renters.

Provide a grace period for payment of back rent of at least a year after the Shelter in Place is lifted. This crisis is an unknown and moving target. We need a grace period formula that adequately responds to a variety of unknown scenarios.

Place a freeze on rent increases during the Shelter in Place order. If residents cannot pay rent now, rent increases will only exacerbate the financial crisis across the city

Loosen documentation requirements. Thousands of Richmond workers are part of the gig economy or do not receive pay stubs. Ease the burden of proof on tenants during this crisis.

We ask you to please pass this moratorium today with these important additions. No family should face moving, relocating or being unsheltered at this time.

Thank you again Council for your leadership to keep Richmond families safe and healthy during this unprecedented time.

--

**Hibris Maciel**  
ECE Program Assistant  
Bay Area Community Resources  
West County First 5 Center  
2707 Dover Ave  
San Pablo, CA 94806

Phone: [510-232-5650](tel:510-232-5650)

Fax: [510-232-5653](tel:510-232-5653)

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## Sabrina Lundy

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**From:** Alexina Rojas <arojas@bacr.org>  
**Sent:** Tuesday, April 07, 2020 5:50 PM  
**To:** City Clerk Dept  
**Subject:** "Public Comment Council Meeting for item H-2 4.7.20"  
**Attachments:** Letter to City Council Richmond Eviction Moratorium 4.7.20.docx

Hello,

I would like my letter to be read at Public Comment tonight.

Thanks,  
Alexina

--

Alexina Rojas, M.A.  
Center Director  
West County First 5 Center  
2707 Dover Ave, San Pablo, CA, 94806  
317 11th Street, Richmond, CA, 94801  
510.232.5652

A project of Bay Area Community Resources: The BACR mission is to promote the healthy development of individuals, families, and communities.



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**PLEASE READ ALOUD DURING 4.7.20 MEETING**

Good evening Mayor, Councilmembers and staff. My name is Alexina Rojas and I am the Center Director of the West County First 5 Center in Richmond and San Pablo. I have worked with families in Richmond for 15 years.

Thank you for your leadership in proposing a citywide **moratorium on evictions**. We appreciate your thoughtful and important action to draft this ordinance.

I support this proposal because I know that many of our families, and thousands of other residents in Richmond, will be feeling the effects of lost jobs for several months, while simultaneously dealing with other financial and home-life challenges brought on by this crisis. This is not the time for families to have to fear losing their safe place; not during this pandemic, nor after. It will be difficult enough to pick up the pieces after this passes, and would be made much worse to have lost their home at this time due to their inability to pay rent at this time. All Richmond residents deserve to be given the opportunity to stay in their home.

I do not need to tell you how COVID-19 has impacted the housing and financial stability of our most vulnerable, working, "essential" families, many of whom have small children to care for. You have the fortunate opportunity to ensure that families maintain some sense of stability during this most unstable time in our world's history.

There are several elements of this ordinance that we support. We also hope this ordinance is a bit stronger to offer more comprehensive protections for Richmond families during this public health crisis.

Some elements we request you include are:

1. Ensure **NO 'no fault' evictions**--will be issued or carried out during the Shelter in Place order. *This is essential for the public's health and protection of all renters.*
2. Provide a **grace period** for payment of back rent of **at least a year** after the Shelter in Place is lifted. *This crisis is an unknown and moving target. We need a grace period formula that adequately responds to a variety of unknown scenarios.*
3. Place a **freeze on rent increases** during the Shelter in Place order. *If residents cannot pay rent now, rent increases will only exacerbate the financial crisis across the city*
4. **Loosen documentation requirements.** *Thousands of Richmond workers are part of the gig economy or do not receive pay stubs. Ease the burden of proof on tenants during this crisis.*

We ask you to please pass this moratorium **today** with these important additions. No family should face moving, relocating or being unsheltered at this time.

Thank you again Council for your leadership to keep Richmond families safe and healthy during this unprecedented time.

## Sabrina Lundy

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**From:** Matt Vander Sluis <MVanderSluis@barhii.org>  
**Sent:** Tuesday, April 07, 2020 6:05 PM  
**To:** Tom Butt - external; Ben Choi; Nat Bates; Eduardo Martinez; Demnlus Johnson; Jael Myrick; Melvin Willis; City Clerk Dept  
**Subject:** Input on tonight's discussion on rent moratorium

Dear City of Richmond Councilmembers,

I am writing on behalf of the Bay Area Regional Health Inequities Initiative (BARHII), a coalition of the San Francisco Bay Area's eleven public health departments committed to advancing health equity.

**To protect public health in the face of the COVID-19 pandemic, I encourage the City Council to take decisive action to increase housing stability for low-income residents, including a broad moratorium on evictions.**

Ensuring housing stability is essential to protect the health of Bay Area residents as the region responds to and recovers from the COVID-19 crisis. Loss of stable housing—through eviction, foreclosure, natural disaster, or other causes—poses significant health risks, both for the individuals directly affected and for the larger population.

Loss of housing disrupts a family's ability to "shelter in place" and practice "social distancing," which increases the likelihood of disease transmission. For example, renters who lose their housing must travel to seek out alternative housing arrangements or may stay with friends and family in overcrowded conditions. Similarly, those facing eviction may need to attend an eviction court to participate in proceedings. These actions increase potential for exposure and conflict with recommended "social distancing" practices.

Loss of housing is also a leading contributor to homelessness. People experiencing homelessness face increased barriers to staying healthy during this pandemic (1). For example, many people experiencing homelessness live in environments that are conducive to a disease epidemic, including lack of regular access to basic hygiene supplies and showering facilities, all of which could facilitate virus transmission. They also face serious health issues due to their inability to isolate, quarantine, and recover. The homeless population is also disproportionately older—in California, roughly half are 50 years and older—and live with chronic underlying health conditions, which are critical risk factors for contracting COVID-19 and suffering more severe outcomes (2).

Governor Newsom has estimated that 60,000 homeless Californians could contract COVID-19 over the coming weeks.

As research from BARHII shows, housing insecurity can impact health in many other ways. This includes making unhealthy trade-offs between housing and other basic needs, exposure to unsafe housing conditions, mental health impacts, affects on child development, and health impacts from lengthy commutes.

AS you know, the Bay Area is experiencing a severe housing affordability crisis that has impacted the health and well-being of our residents. Across the region, 34,000 people are estimated to be homeless. High housing costs effectively double the real poverty rate in the Bay Area. The region needs over 235,000 new affordable rental homes to house its current population.

These impacts are particularly acute for people of color. Past policies, such as redlining, along with more recent policies, such as discriminatory lending practices, have pushed people of color disproportionately into high housing cost burdens and unhealthy housing conditions. For example, research from BARHII found that

African American families in the Bay Area are nearly five times more likely to pay half their income on housing than whites (3).

The COVID-19 pandemic further complicates this crisis, raising the stakes for those facing housing instability, and exacerbating systemic inequities in housing and health.

The pandemic has led to a loss of income for many Bay Area residents, disproportionately impacting low-income residents struggling with high housing costs. A recent national poll found 18% of the adults surveyed had already been laid off or had their work hours reduced. On March 18, Governor Newsom reported that California received 80,000 unemployment applications in one day alone, up from roughly 2,000 a day prior to the outbreak. Many residents, including independent contractors and sole proprietors, do not qualify for the temporary partial wage replacement provided by California's unemployment program.

The recent shuttering of businesses across the state also impacts those who had been seeking employment or looking to increase their work prior to the pandemic.

Faced with these compounding factors, many low-income workers will not be able to pay for housing and other expenses required to maintain their health. Likewise, the pressure to work while sick and to work in unsafe circumstances to preserve income will be considerable, increasing the potential for virus transmission.

**We encourage the City to adopt a broad moratorium on evictions to protect the health and well being of its residents.**

Thank you,

Matt Vander Sluis  
Senior Program Manager  
BARHII

1) <https://www.thelancet.com/action/showPdf?pii=S2468-2667%2820%2930053-0>

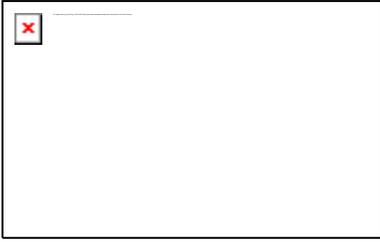
2) <https://www.scientificamerican.com/article/coronavirus-poses-unique-threat-to-u-s-homeless-population1/>

3) [http://barhii.org/wp-content/uploads/2018/09/Housing\\_Stability\\_and\\_Family\\_Health.pdf](http://barhii.org/wp-content/uploads/2018/09/Housing_Stability_and_Family_Health.pdf)

## HOUSING STABILITY AND FAMILY HEALTH: AN ISSUE BRIEF

Housing Stability and Family Health: An Issue Brief 5 Households with children are twice as likely to face an eviction threat and more likely to receive an eviction judgement.<sup>29</sup> In addition to long-lasting consequences on childhood health, evictions are costly and may pose barriers to securing housing,

[barhii.org](http://barhii.org)



## Coronavirus Poses Unique Threat to U.S. Homeless Population - Scientific American

Coronavirus Poses Unique Threat to U.S. Homeless Population. Seattle's outbreak shows the challenges unhoused communities could face throughout the U.S.

[www.scientificamerican.com](http://www.scientificamerican.com)

**Matt Vander Sluis** | Senior Program Manager, Climate Change and Community Resilience

Pronouns: He/Him/His

**Bay Area Regional Health Inequities Initiative (BARHII) | Rise Together**

[www.barhii.org](http://www.barhii.org) | [www.risetgetherbayarea.org](http://www.risetgetherbayarea.org)

555 12th Street, Fifth Floor, Oakland, CA 94607 | [MVanderSluis@barhii.org](mailto:MVanderSluis@barhii.org) | (707) 628-3324

*Note: I am in the office Monday through Thursday.*

## Sabrina Lundy

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**From:** Marika Hinds <mhinds0408@gmail.com>  
**Sent:** Tuesday, April 07, 2020 6:40 PM  
**To:** City Clerk Dept  
**Subject:** For PUBLIC COMMENT ITEM H-2

Good evening Mayor, Councilmembers and staff.

My name is Marika Hinds and I am longtime Richmond resident. Thank you for your leadership in proposing a citywide moratorium on evictions. We appreciate your thoughtful and important action to draft this ordinance.

I support this proposal because thousands of Richmond residents face severe financial burden during this Shelter in Place that threaten their health and that of the larger community. No family should be concerned with losing their home because of their inability to pay rent at this time. Richmond already has the highest Covid cases in the county and evictions during this time could be an extreme health threat for any family evicted.

There are several elements of this ordinance that we support. We also hope this ordinance is a bit stronger to offer more comprehensive protections for Richmond families during this public health crisis.

Some elements we request you include are:

1. Ensure NO 'no fault' evictions--will be issued or carried out during the Shelter in Place order. This is essential for the public's health and protection of all renters.
2. Provide a grace period for payment of back rent of at least a year after the Shelter in Place is lifted. This crisis is an unknown and moving target. We need a grace period formula that adequately responds to a variety of unknown scenarios.
3. Place a freeze on rent increases during the Shelter in Place order. If residents cannot pay rent now, rent increases will only exacerbate the financial crisis across the city
4. Loosen documentation requirements. Thousands of Richmond workers are part of the gig economy or do not receive pay stubs. Ease the burden of proof on tenants during this crisis.

We ask you to please pass this moratorium today with these important additions. No family should face moving, relocating or being unsheltered at this time.

Thank you again Council for your leadership to keep Richmond families safe and healthy during this unprecedented time.

Marika Hinds

Hello Mayor, Councilmembers and City Staff, my name is Tomasa Espinoza, a Richmond resident, mother of 3 and an advocate with the West County Regional Group.

We believe that all children in West Contra Costa should have healthy, safe and equitable communities which includes secure and safe housing.

We thank you for being proactive in passing an evictions moratorium during this time of crisis. We recognize and appreciate your leadership in drafting this ordinance. We would like to recommend a few amendments that if included will offer even more protections to ALL of us.

1. Please include a moratorium on rent increases as well. Our rent is too high as it is. A lot of us are uncertain of what will happen to us if we can't pay the rent. The moratorium on evictions is not enough. We cannot afford to receive a rent increase at the moment. My rent is \$2050 and my husband, the sole provider to our family of 5 has been told by his employer to stay at home because of COVID-19. He doesn't qualify for unemployment insurance and doesn't receive paid time off. This is a public health crisis and landlords should not be able to take advantage during this time.
2. We also ask that you include an adequate grace period to pay back rent. In our case, if we were to pay back 3 months of back rent, we would have to pay \$6150 in owed rent plus pay our monthly rent each month. It is not possible for us to save if we can't work. Sadly, if we don't pay, we will end up getting evicted and living on the streets. Imagine how our children feel not knowing what's going to happen to us during and after this crisis. We request a grace period of at least a year to back overdue rent.

I ask you to use your power and pass real solutions that will help Richmond families. Please pass a moratorium on rent increases, extend your grace period, and limit the requirements for documentation to prove income loss. Please pass these protections now!

Thank you

## Sabrina Lundy

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**From:** Mrs. perez <moraleslina148@hotmail.com>  
**Sent:** Tuesday, April 07, 2020 6:34 PM  
**To:** City Clerk Dept  
**Subject:** Public comenta agenda item #H-2  
**Attachments:** Tomasa Richmond Public Comment FINAL.docx

Please read out loud during the meeting thank you

---

**From:** Cecilia Perez-Mejia <[cperez-mejia@first5coco.org](mailto:cperez-mejia@first5coco.org)>  
**Sent:** Tuesday, April 7, 2020 5:10:41 PM  
**To:** [moraleslina148@hotmail.com](mailto:moraleslina148@hotmail.com) <[moraleslina148@hotmail.com](mailto:moraleslina148@hotmail.com)>  
**Subject:** tus puntos

Hello Mayor, Councilmembers and city staff, my name is Karel Villalobos. I'm a longtime resident of Richmond and a parent volunteer with the West County Regional Group, sponsored by First 5 Contra Costa.

Thank you for your quick response and leadership in being the first city in the county to enact a moratorium on evictions. Today, I come to ask that you strengthen this moratorium by adding more protections for families during this challenging time.

My family of 5 is being affected tremendously by the COVID-19 crisis. My husband is the only one that works to provide for our family, and his work has decreased significantly. We're worried about how we'll be able to afford food, bills, rent and other essentials. I'm worried because even if PG&E doesn't shut down my electricity and my landlord doesn't evict me for lack of pay, we will eventually have to come up with a big lump of money to pay back what we were unable to afford during the crisis and truthfully, your 6 month grace period is not enough. We ask you to please revise your grace period and extend it to 120-days of grace period in arrears for every month that we continue to be Shelter in place.

My family isn't the only one that's being affected. There are thousands of others like me. The moratorium on evictions will really aid many of us but we also need a moratorium on rent increases. We ask that you include a rent freeze in order to help families continue to remain home to flatten the curve. If we are unable to pay our monthly rent, there is no way we can afford a rent increase during this time.

I would also ask that you limit the amount of documentation needed to prove that we are going through this hardships. We have enough barriers as it is, do not add unnecessary steps.

I ask you to take action immediately! Our mental and physical health is depending on your actions. Please continue to be the leaders we need right now. These steps are necessary to help our families feel safer.

## Sabrina Lundy

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**From:** Cecilia Perez-Mejia <wcrq.ccrq.cpercz@gmail.com>  
**Sent:** Tuesday, April 07, 2020 6:50 PM  
**To:** City Clerk Dept  
**Subject:** public comment- agenda item #H-2  
**Attachments:** Karel Richmond Public Comment.docx FINAL.docx

PLEASE READ OUT LOUD DURING THE MEETING ON 4/7/20

**ATTACHMENT 3**

**COMMENTS RECEIVED LATE**

**FOR THE APRIL 7, 2020**

**CITY COUNCIL MEETING**

## Sabrina Lundy

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**From:** Jeannette Kortz <jeannekortz@gmail.com>  
**Sent:** Wednesday, April 08, 2020 12:07 PM  
**To:** City Clerk Dept  
**Subject:** Point Molate Planning  
**Attachments:** Democracy for Richmond.docx

Dear City Clerk,

Please forward this email with the attached letter to our entire City Council, and to Lina Velasco of the Richmond Planning Department.

Thank you for your time.

Sincerely,

Jeanne Kortz  
Richmond Resident

April 8, 2020

To: Richmond City Council Members  
Lina Velasco, Manager, Richmond Planning Department

Dear Richmond City Council Members  
Dear Lina Velasco

I am writing to you to express my concerns about going ahead on anything having to do with Point Molate during this pandemic. In order to maintain our democracy, which is in peril these days due to what the Trump Administration is doing to our country, Richmond must be an example of what democracy is all about. We must wait until it is safe for Richmond residents to return to City Council meetings and Planning Commission meetings so that all Richmond residents can express their voices and be included in the process.

In the name of democracy please,

-Postpone signing a Development Agreement with SunCal. During this crisis, the public cannot participate in person during the review and process.

-Provide to the public a full financial analysis of the SunCal plan. How will this affect the City's general fund? Richmond residents need to know this.

-Postpone the Point Molate DSEIR public comments until the public can have "public" input. If you go ahead without public input, the public has no idea what needs to be improved or what solutions might be warranted.

-Place the Save Our Point Molate Initiative that was certified for signature circulation on the ballot for the November 2020 election. Due to the official "shelter-in-place", signature gathering is prohibited.

-Place a moratorium on the Point Molate planning process pursuant to the City's behind closed doors illegal settlement agreement with Upstream and the Guideville Tribe until the public can participate fully after the pandemic shelter-in-place is officially over.

Thank you for your time.

Sincerely,

Jeanne Kortz  
Richmond Resident

## Sabrina Lundy

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**From:** Regina Gilligan <reginagilligan@gmail.com>  
**Sent:** Tuesday, April 07, 2020 9:19 PM  
**To:** City Clerk Dept  
**Subject:** Public comments not on the agenda

Please refrain from making decisions that effect us all without any feedback from us the citizens of Richmond.  
here are the issues

Put the Point Molate issue on the ballot. This decision will effect Richmond residents forever more. Don't give away our land.

Regina Gilligan, Richmond citizen

**ADJOURNMENT**

There being no further business, the meeting adjourned at 9:05 p.m., in memory of Grace Wilburn, Robert (Bob) Campbell, Robert Lee (Bubba) Mosley, and the victims of COVID-19, to meet again on Tuesday, April 21, 2020, at 6:30 p.m.

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Clerk of the City of Richmond

(SEAL)

Approved:

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Mayor