

F.3 Amendment of Purchasing Rules and Regulations - from Administrative Services Director Woodstock. (RESOLUTION)

G. CITY ATTORNEY REPORTS

H. ECONOMIC DEVELOPMENT CORPORATION

I. CITY COUNCIL MATTERS

J. CITY COUNCIL ACTING AS THE SUCCESSOR AGENCY TO THE REDEVELOPMENT AGENCY

K. ORAL COMMUNICATIONS

L. APPROPRIATIONS

Approval of Audited Demands for the City Council meeting of September 24, 2015. (MOTION)

M. CLOSED SESSION

M.1 Closed session pursuant to Government Code Section 54957 Public Employee Performance Evaluation Title: City Attorney.

N. ADJOURNMENT

Pursuant to Government Code 54957.5: Supplemental materials distributed less than 72 hours before this meeting, to a majority of the City Council, will be made available for public inspection at this meeting and at the City Clerk's Office located at 37101 Newark Boulevard, 5th Floor, during normal business hours. Materials prepared by City staff and distributed during the meeting are available for public inspection at the meeting or after the meeting if prepared by some other person. Documents related to closed session items or are exempt from disclosure will not be made available for public inspection.

For those persons requiring hearing assistance, please make your request to the City Clerk two days prior to the meeting.



CITY OF NEWARK CITY COUNCIL

37101 Newark Boulevard, Newark, CA 94560-3796 • 510-578-4266 • E-mail: city.clerk@Newark.org

City Administration Building
7:30 p.m.
City Council Chambers

AGENDA

Thursday, September 24, 2015

CITY COUNCIL:

Alan L. Nagy, Mayor
Sucy Collazo, Vice Mayor
Luis L. Freitas
Michael K. Hannon
Mike Buccia

CITY STAFF:

John Becker
City Manager
Terrence Grindall
Assistant City Manager
Susie Woodstock
Administrative Services Director
Sandy Abe
Human Resources Director
Peggy A. Claassen
Public Works Director
Jim Leal
Police Chief
David Zehnder
Recreation and Community
Services Director
David J. Benoun
City Attorney
Sheila Harrington
City Clerk

Welcome to the Newark City Council meeting. The following information will help you understand the City Council Agenda and what occurs during a City Council meeting. Your participation in your City government is encouraged, and we hope this information will enable you to become more involved. The Order of Business for Council meetings is as follows:

- | | |
|-------------------------------------|-------------------------|
| A. ROLL CALL | I. COUNCIL MATTERS |
| B. MINUTES | J. SUCCESSOR AGENCY |
| C. PRESENTATIONS AND PROCLAMATIONS | TO REDEVELOPMENT AGENCY |
| D. WRITTEN COMMUNICATIONS | K. ORAL COMMUNICATIONS |
| E. PUBLIC HEARINGS | L. APPROPRIATIONS |
| F. CITY MANAGER REPORTS | M. CLOSED SESSION |
| G. CITY ATTORNEY REPORTS | N. ADJOURNMENT |
| H. ECONOMIC DEVELOPMENT CORPORATION | |

Items listed on the agenda may be approved, disapproved, or continued to a future meeting. Many items require an action by motion or the adoption of a resolution or an ordinance. When this is required, the words **MOTION**, **RESOLUTION**, or **ORDINANCE** appear in parenthesis at the end of the item. If one of these words does not appear, the item is an informational item.

The attached *Agenda* gives the *Background/Discussion* of agenda items. Following this section is the word *Attachment*. Unless "none" follows *Attachment*, there is more documentation which is available for public review at the Newark Library, the City Clerk's office or at www.newark.org. Those items on the Agenda which are coming from the Planning Commission will also include a section entitled *Update*, which will state what the Planning Commission's action was on that particular item. *Action* indicates what staff's recommendation is and what action(s) the Council may take.

Addressing the City Council: You may speak once and submit written materials on any listed item at the appropriate time. You may speak once and submit written materials on any item **not** on the agenda during **Oral Communications**. To address the Council, please seek the recognition of the Mayor by raising your hand. Once recognized, come forward to the lectern and you may, but you are not required to, state your name and address for the record. Public comments are limited to five (5) minutes per speaker, subject to adjustment by the Mayor. Matters brought before the Council which require an action may be either referred to staff or placed on a future Council agenda.

No question shall be asked of a council member, city staff, or an audience member except through the presiding officer. No person shall use vulgar, profane, loud or boisterous language that interrupts a meeting. Any person who refuses to carry out instructions given by the presiding officer for the purpose of maintaining order may be guilty of an infraction and may result in removal from the meeting.



CITY OF NEWARK CITY COUNCIL

37101 Newark Boulevard, Newark, CA 94560-3796 • 510-578-4266 • E-mail: city.clerk@newark.org

City Administration Building
7:30 p.m.
City Council Chambers

Minutes

Thursday, September 10, 2015

A. ROLL CALL

Mayor Nagy called the meeting to order at 7:33 p.m. Present were Council Members Hannon, Freitas, Bucci, and Vice Mayor Collazo.

B. MINUTES

B.1 Approval of Minutes of the regular City Council meeting of Thursday, July 23, 2015. **MOTION APPROVED**

Council Member Hannon moved, Council Member Bucci seconded, to approve the Minutes of the regular City Council meeting. The motion passed, 5 AYES.

C. PRESENTATIONS AND PROCLAMATIONS

C.1 Introduction of employees.

Mayor Nagy introduced Community Preservation Inspector Shama Khan. Sergeant Sean Eriksen, who was also scheduled to be introduced, could not attend.

C.2 Proclaiming September 17-20, 2015, as Newark Days. **PROCLAMATION**

Mayor Nagy presented the proclamation to members of the Newark Days Committee.

D. WRITTEN COMMUNICATIONS

E. PUBLIC HEARINGS

F. CITY MANAGER REPORTS

City Manager Becker requested that the City Council pull items F.4 and F.5 from the Consent Calendar.

Vice Mayor Collazo moved, Council Member Bucci seconded, to approve Consent Calendar Items F.1 through F.3, that the resolutions be numbered consecutively, and that reading of the titles suffice for adoption of the resolutions. The motion passed, 5 AYES.

CONSENT

- F.1 Report on administrative actions during August recess. MOTION APPROVED**
- F.2 Approval of fiscal year 2015-2016 planned expenditures for the Used Oil Payment Program and corresponding approval to amend the 2014-2016 Biennial Budget. RESOLUTION NO. 10415**
- F.3 Approval of an Amendment to Resolution No. 3513 to Revise Rule X, Section 4 of the Personnel Rules and Regulations by Granting Approval Authority for Unpaid Employee Leaves to the City Manager. RESOLUTION NO. 10416**

NONCONSENT

- F.4 Approval of Tentative Parcel Map 10391 for a proposed four-parcel division of land on the west side of unimproved Hickory Street near the western terminus of Enterprise Drive.**

City Manager Becker stated that staff received a request to amend the map after the agenda was posted. He recommended removing this item from the agenda to allow staff time to review the proposed change. The matter would be placed on a future agenda.

Council Member Bucci moved, Council Member Freitas seconded, to remove F.4 from this agenda and to place it on a future agenda. The motion passed, 5 AYES.

- F.5 Amendment of Purchasing Rules and Regulations.**

City Manager Becker requested that the City Council remove this item from the agenda to allow staff time to further refine the proposed Purchasing Rules and Regulations. This item would be placed on a future agenda.

Vice Mayor Collazo moved, Council Member Bucci seconded, to remove F.5 from this agenda and to place it on a future agenda. The motion passed, 5 AYES.

- F.6 Review and approval of the Greater NewPark Master Plan. MOTION APPROVED**

Assistant City Manager Grindall gave a presentation on the Greater NewPark Master Plan (on file in the City Clerk's office). The Master Plan provides a long term vision of the area surrounding NewPark Mall. Enhancements could include the creation of "NewPark Commons" as a place to hold public events, infrastructure improvements, and the revitalization of the area with hotels, retail, and mixed use developments.

Assistant City Manager Grindall stated that the Master Plan provides a guide for future projects, but it does not approve any specific projects. Projects would still be presented to the City Council for approval.

In response to City Council questions, Assistant City Manager Grindall stated that infrastructure improvements could include improving the ingress/egress to prevent traffic backups. A residential component could be recommended if it was necessary to make the retail component possible.

Jim Fenelly requested clarification on the locations that might be impacted by the Master Plan and if it would cause current establishments that he frequents to relocate.

Assistant City Manager Grindall responded to Mr. Fenelly that the location is the area that surrounds the Mall. He noted that the Master Plan was not driven by the City. The Master Plan would guide staff's review if a property owner wanted to bring forward a project.

Council Member Freitas moved, Council Member Bucci seconded to, by motion, approve the Greater NewPark Master Plan. The motion passed, 5 AYES.

G. CITY ATTORNEY REPORTS

H. ECONOMIC DEVELOPMENT CORPORATION

I. CITY COUNCIL MATTERS

I.1 Acknowledging the 25th Anniversary of the Americans with Disabilities Act. RESOLUTION NO. 10419

Mayor Nagy stated that the Americans with Disabilities Act was signed into law to ensure the civil rights of people with disabilities. He recommended that the City Council approve a resolution acknowledging the 25th anniversary of this historic legislation.

Vice Mayor Collazo moved, Council Member Bucci seconded to, by resolution, acknowledge the 25th anniversary of the Americans with Disabilities Act. The motion passed, 5 AYES.

Mayor Nagy stated that he would adjourn the City Council meeting in memory of Catherine "Cathy" Staib. The City Council extended their condolences to the Staib family.

Council Member Hannon commended city staff for their hard work in processing projects; he noted that the volume of activity has increased almost 50% in the last year.

Vice Mayor Collazo invited the public to attend the Avanzando pancake fundraiser and the chili cook-off sponsored by the Area 3 Rotary Clubs on Saturday.

Council Member Freitas noted that Friday is Patriot Day.

Council Member Bucci wished his daughter a Happy Birthday.

J. CITY COUNCIL ACTING AS THE SUCCESSOR AGENCY TO THE REDEVELOPMENT AGENCY

J.1 Resolution of the City of Newark acting as the Successor Agency to the Newark Redevelopment Agency adopting and endorsing the Recognized Obligation Payment Schedule for the period of January to June 2016 (ROPS 15-16B). RESOLUTION SA 2015-2

Administrative Services Director Woodstock stated that the only obligation remaining from the dissolution of the Newark Redevelopment Agency was the loan from the City. The outstanding debt on the loan is \$380,238. The Agency can request \$48,007 in Fiscal Year 2015-2016 for repayment of the loan and up to \$3,145 for administrative costs. The Agency requested the first half of these amounts on ROPS 15-16A and is now requesting the second half.

Council Member Hannon moved, Council Member Freitas seconded to, by resolution, adopt and endorse the Recognized Obligation Payment for the period of January to June 2016 (ROPS 15-16B). The motion passed, 5 AYES.

K. ORAL COMMUNICATIONS

Marcus Savage, Ygrene Energy Fund, stated that they are the largest commercial PACE (Property Assessed Clean Energy) provider. They provide funding for property owners to make energy and water efficiency improvements. The repayment of PACE funding is through property taxes. He requested that the City Council consider adopting a resolution to activate the PACE program.

In response to Council Member Bucci's questions, Mr. Savage stated that the Cities of Hayward and Oakland have approved the program and other cities are considering it within Alameda County.

City Manager Becker stated he would contact the Ygrene Energy Fund to obtain more information.

L. APPROPRIATIONS

Approval of Audited Demands for the City Council meeting of September 10, 2015. MOTION APPROVED

City Clerk Harrington read the Register of Audited Demands: Check numbers 105304 to 105737.

Council Member Freitas moved, Council Member Collazo seconded, to approve the Register of Audited Demands. The motion passed, 5 AYES.

M. CLOSED SESSION

N. ADJOURNMENT

At 8:35 p.m. Mayor Nagy adjourned the meeting in memory of Catherine “Cathy” Staib.

C.1 Introduction of employee.

Background/Discussion – Recently promoted Police Sergeant Sean Eriksen will be at the meeting to be introduced to the City Council.

F.1 Approval of Tentative Parcel Map 10391 for a proposed four-parcel division of land on the west side of unimproved Hickory Street near the western terminus of Enterprise Drive - from Assistant City Engineer Fajeau. (RESOLUTION)

Background/Discussion – Carlson, Barbee & Gibson, Inc., on behalf of Dumbarton Area 2, LLC (property owner), has submitted Tentative Parcel Map 10391 for a proposed four-parcel division of land on the west side of Hickory Street near the western terminus of Enterprise Drive. The subject property was created as Parcel 1 of Parcel Map 9837, for which a tentative parcel map was approved by the City Council on March 26, 2009. The 54.53-acre site lies entirely within the Dumbarton Transit Oriented Development (TOD) Specific Plan Area with a current zoning designation of MT-1, High Technology Park District. The General Plan Land Use Designations include Low-Medium Density Residential, Medium Density Residential, High Density Residential, and Conservation/Open Space.

The primary purpose of the proposed land division is to create a 6.00-acre parcel for future donation to an environmental organization. This “donation parcel” is shown as proposed Parcel 4 on the tentative parcel map. City approval of the tentative parcel map and a record parcel map would result in a division of land only. No development is proposed at this time. Parcels 1, 2 and 3 of the tentative parcel map may be proposed for residential development in the future, subject to a full discretionary review by the City and required conformance with the previously adopted Dumbarton TOD Specific Plan and Form Based Code (Newark Municipal Code Chapter 17.37). These additional parcels are proposed as shown on the tentative parcel map for future financing and/or conveyance purposes associated with potential site development.

This item was continued from the September 10, 2015 City Council meeting due to a request by the applicant on behalf of the property owner to provide an alternative access easement for the benefit of proposed Parcel 4 over proposed Parcel 3. This access easement would be reserved along the southern boundary of the map and would overlap an existing non-exclusive PG&E easement that leads to the Parcel 4 boundary. This modification is proposed in order to address a concern regarding the access rights associated with an existing access easement located just beyond the southern boundary of the map that was previously identified as the primary means of access to Parcel 4.

Pursuant to the Newark Subdivision Ordinance, the Public Works Director acts as the advisory agency for tentative parcel maps. This map is categorically exempt under the California Environmental Quality Act (CEQA), Article 19, Section 15315 “Minor Land Divisions.” A Notice of Exemption can be filed by staff following City Council action on the tentative parcel map.

Attachment

Action - It is recommended that the City Council, by resolution, approve Tentative Parcel Map 10391 for a proposed four-parcel division of land on the west side of unimproved Hickory Street near the western terminus of Enterprise Drive.

RESOLUTION NO.

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
NEWARK APPROVING TENTATIVE PARCEL MAP 10391
FOR A PROPOSED FOUR-PARCEL DIVISION OF LAND
ON THE WEST SIDE OF UNIMPROVED HICKORY
STREET NEAR THE WESTERN TERMINUS OF
ENTERPRISE DRIVE

WHEREAS, Carlson, Barbee & Gibson, Inc. on behalf of Dumbarton Area 2, LLC, has submitted Tentative Parcel Map 10391 to the City Council of the City of Newark for a proposed four-parcel division of land in a MT-1, High Tech Park District, located on the west side of unimproved Hickory Street near the western terminus of Enterprise Drive.

NOW, THEREFORE, BE IT RESOLVED that the City Council does hereby approve Tentative Parcel Map 10391, as shown on Exhibit A, as annotated and made a part hereof by reference, subject to the following conditions:

- a. Prior to the issuance of any building or grading permits for any proposed work on the properties within the exterior boundary of this map, the developer and/or property owner shall obtain written approval from any and all public agencies or utilities with jurisdictional authority, as determined by the City Engineer. Any future development, including any proposed project phasing, is subject to approval of the City of Newark through review and approval of a tentative tract map and final map.
- b. The parcels within the exterior boundary of this map are subject to the State of California National Pollutant Discharge Elimination System (NPDES) Program General Permit for Storm Water Discharges Associated with Construction Activity. Prior to issuance of a grading permit or a building permit, the developer needs to provide evidence that the proposed site development work is covered by said General Permit for Construction Activity. This will require confirmation that a Notice of Intent (NOI) and the applicable fee were received by the State Water Resources Control Board and the submittal of the required Stormwater Pollution Prevention Plan (SWPPP). In addition the grading plans need to state: "All grading work shall be done in accordance with the Storm Water Pollution Prevention Plan prepared by the developer pursuant to the Notice of Intent on file with the State Water Resources Control Board."
- c. Prior to the issuance of the initial grading or any building permits for any properties within the exterior boundary of this map, the developer shall submit a Stormwater Pollution Prevention Plan (SWPPP) for the review and approval of the City Engineer. The plan shall include sufficient details to show how storm water quality will be protected during both: (1) the construction phase of the project and (2) the post-construction, operational phase of the project. The SWPPP shall be prepared by a Qualified SWPPP Developer (QSD) in the State of California. The construction phase plan shall include Best Management Practices from the California Storm Water Quality Best Management Practices Handbook for Construction Activities. The specific storm

water pollution prevention measures to be maintained by the contractor shall be printed on the plans. The operational phase plan shall include Best Management Practices appropriate to the uses conducted on the site to effectively prohibit the entry of pollutants into stormwater runoff from the project site including, but not limited to, low impact development stormwater treatment measures, trash and litter control, pavement sweeping, periodic storm water inlet cleaning, landscape controls for fertilizer and pesticide applications, labeling of storm water inlets with a permanent thermoplastic stencil with the wording "No Dumping - Drains to Bay," and other applicable practices.

- d. Any future development within the exterior boundary of the tentative parcel map must be designed to include appropriate source control, site design, and stormwater treatment measures to prevent stormwater runoff pollutant discharges and increases in runoff flows from the site in accordance with Provision C.3 of the Municipal Regional Stormwater NPDES Permit (MRP), Order R2-2009-0074, revised November 28, 2011, issued to the City of Newark by the Regional Water Quality Control Board (RWQCB), San Francisco Bay Region. Examples of source control and site design requirements include, but are not limited to: properly designed trash storage areas, sanitary sewer connections for all non-stormwater discharges, minimization of impervious surfaces, and treatment of all runoff with Low Impact Development (LID) treatment measures. A properly engineered and maintained biotreatment system will only be allowed if it is infeasible to implement other LID measures such as harvesting and re-use, infiltration, or evapotranspiration. The stormwater treatment design shall be completed by a licensed civil engineer with sufficient experience in stormwater quality analysis and design. The use of treatment controls for runoff requires the submittal of a completed Stormwater Treatment Measures Maintenance Agreement prior to the approval of any final maps.
- e. Prior to the issuance of any grading permits for the subdivided properties within the exterior boundary of this map, the property owner shall submit detailed grading and drainage plans for review and approval by the City Engineer and the Alameda County Flood Control and Water Conservation District. These plans must be based upon a City benchmark and need to include pad and finish floor elevations of any proposed structures, proposed on-site property grades, proposed elevations at property line, and sufficient elevations on all adjacent properties to show existing and proposed drainage patterns. The property owner shall ensure that all upstream drainage is not blocked and that no ponding is created by this development. Any construction necessary to ensure this shall be the property owner's responsibility. Surface drainage easements for the mutual benefit of all proposed parcels within the exterior map boundary shall be reserved with the record parcel map to accommodate all existing drainage patterns.
- f. Where a grade differential of more than 1 foot is created along the boundary lot lines between the proposed subdivided properties and adjacent property, the property owner shall install a masonry retaining wall, unless a slope easement is approved by the City Engineer. Said retaining wall shall be subject to review and approval of the City Engineer. A grading permit is required by the Building Inspection Division prior to starting site grading work.

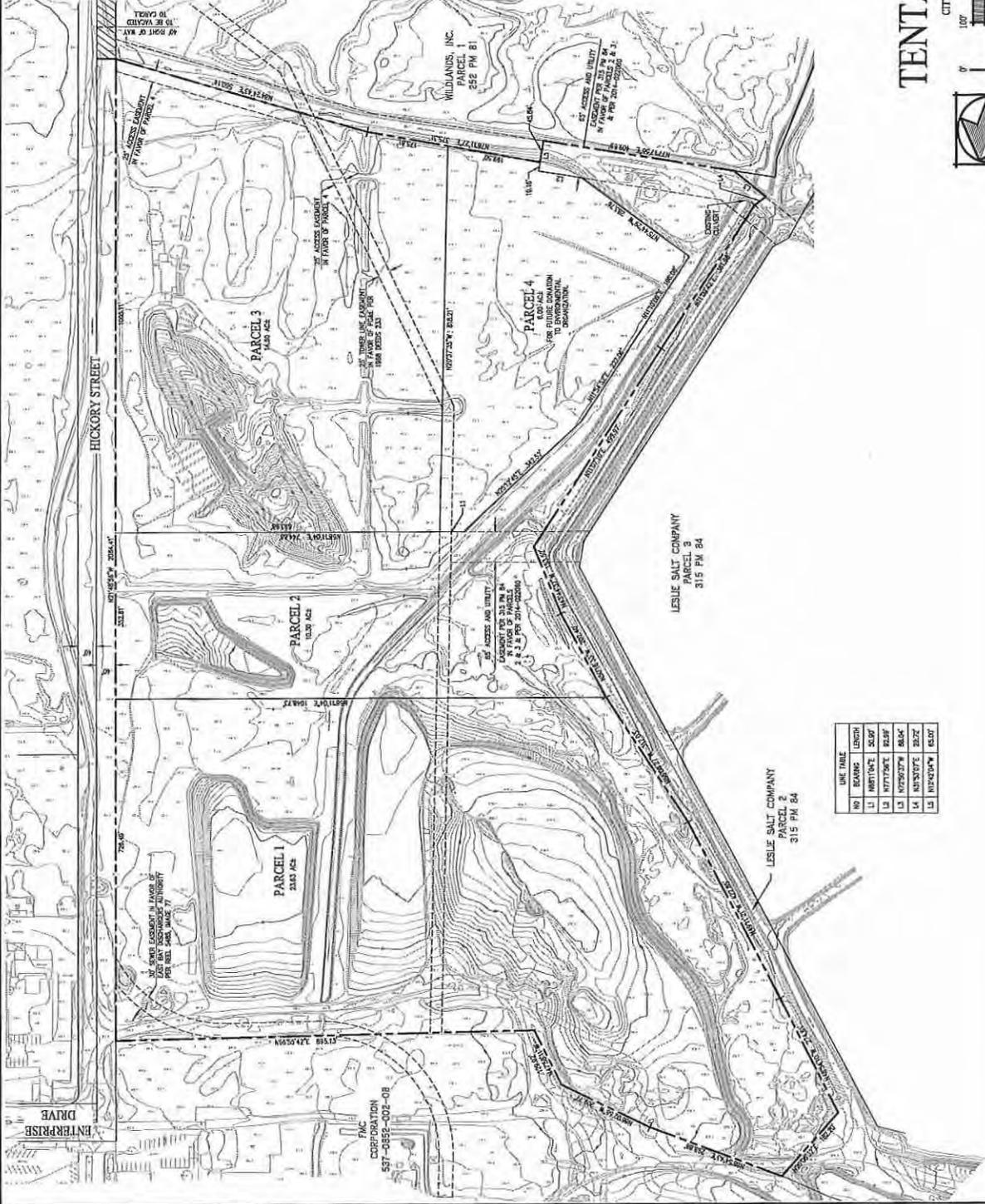
- g. All applicable conditions of approval for Tentative Parcel Map 9837 under City Council Resolution No. 9568 apply to this tentative parcel map.
- h. If any condition of this tentative parcel map be declared invalid or unenforceable by a court of competent jurisdiction, this tentative parcel map shall terminate and be of no force and effect, at the election of the City Council on motion.
- i. The developer hereby agrees to defend, indemnify, and save harmless the City of Newark, its Council, boards, commissions, officers, employees and agents, from and against any and all claims, suits, actions, liability, loss, damage, expense, cost (including, without limitation, attorneys' fees, costs and fees of litigation) of every nature, kind or description, which may be brought by a third party against, or suffered or sustained by, the City of Newark, its Council, boards, commissions, officers, employees, or agents to challenge or void the approval granted herein or any California Environmental Quality Act determinations related thereto.
- j. The Conditions of Project Approval set forth herein include certain fees, dedication requirements, reservation requirements and other exactions. Pursuant to Government Code Section 66020(d)(1), these Conditions constitute written notice of a statement of the amount of such fees, and a description of the dedications, reservations and other exactions. The developer is hereby further notified that the 90-day approval period in which the developer may protest these fees, dedications, reservations and other exactions, pursuant to Government Code Section 66020(a), has begun. If the developer fails to file a protest within this 90-day period complying with all of the requirements of Section 66020, the developer will be legally barred from later challenging such exactions.



VICINITY MAP
NOT TO SCALE

GENERAL NOTES:

1. OWNER/DEVELOPER:
SUNSHINE AREA 2, LLC
24500 SHELTON BLVD
SAN ANTONIO, TX 78248
(214) 352-3774
2. DESIGNER:
CARLSON, DANIEL & GIBSON, INC.
2433 JARVIS BLVD., SUITE 300
SAN ANTONIO, TX 78248
(214) 352-3774
3. SOILS ENGINEER:
NICHOLS, STUBBS & ASSOCIATES
2007 SHELTON BLVD., SUITE 300
SAN ANTONIO, TX 78248
CONTACT: DR. MICHAEL
(214) 494-0200
(214) 548-1845 (FAX)
4. EXISTING USE:
LIGHT INDUSTRIAL
24.33Z
5. SUBDIVISION AREA:
A. EXISTING NUMBER OF PARCELS
B. PROPOSED NUMBER OF PARCELS
C. THIS PROPERTY USE
IN THE JURISDICTION OF:
THE PRESIDENT - ALAMEDA COUNTY FIRE DEPARTMENT
COUNTY ENGINEER - ALAMEDA COUNTY WATER DISTRICT
SANITARY ENGINEER - ALAMEDA COUNTY WATER DISTRICT
FLOOD CONTROL - CITY OF NEWARK, ALAMEDA COUNTY FLOOD CONTROL AND
WATER CONSERVATION DISTRICT
GAS & ELECTRIC SERVICE - PACIFIC GAS & ELECTRIC
TELEPHONE SERVICE - AT&T
6. ADJACENT PARCEL NUMBERS:
257-0002-001
257-0002-002
257-0002-003
257-0002-004
7. BENCHMARK:
CITY OF NEWARK OPTICAL BENCHMARK NO. 62, THE TOP OF BENCH IS 42.00
FEET ABOVE MEAN SEA LEVEL. THE BENCHMARK IS LOCATED AT THE CORNER OF
STREET, ELEVATION TAKEN AS 11.30 (MAY 80) (BENCH INFO ON THE CITY OF
NEWARK RECORDS).
8. PREPARED BY AND ORGANIZATION, INC. DATED MAY 2005
JAMES A. AND THE MAP FIRM
COMMUNITY PLANNING ASSOCIATES
COMMUNITY PLANNING ASSOCIATES
CORPORATION/1000 PACE PAVILION, (UN)USUAL STUDIOS RESIDENTIAL
(PORTION), 10000 UNIVERSITY RESIDENTIAL, (PORTION), HIGH DENSITY RESIDENTIAL
(PORTION).
9. EXISTING, M-1 HIGH TECHNOLOGY PARK DISTRICT
PROPOSED: DEDICATED FOR BROAD USE
10. PARCEL 3, PARCEL MAP 1607 (243 PM 84)



PM 10391
TENTATIVE PARCEL MAP
CITY OF NEWARK ALAMEDA COUNTY CALIFORNIA

Carlson, Barber
& Gibson, Inc.
CIVIL ENGINEERS - ARCHITECTS - PLANNERS
3007 CAMDEN AVENUE, SUITE 300
SAN ANTONIO, TEXAS 78248
www.cbg.com



DATE: SEPTEMBER 9, 2015

LINK NAME	LENGTH
LINK 1	10.30 AC
LINK 2	10.30 AC
LINK 3	14.80 AC
LINK 4	10.30 AC
LINK 5	10.30 AC

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F.2 Authorize staff to execute agreements relating to the implementation of the Local Prepaid Mobile Telephony Services Collection Act – from Administrative Services Director Woodstock. (RESOLUTIONS - 2)

Background/Discussion – Newark has a Utility User Tax (UUT) on telecommunications, video, electricity and gas utility services. The UUT rate is currently 3.5% and, in accordance with the extension of the UUT, will be reduced to 3.25% as of January 1, 2016.

Currently, the UUT is only applied to cellular telecommunications that have a monthly bill associated with the service. As a result of the collection method, phones purchased with prepaid minutes at a retail point of sale do not pay the UUT. Assembly Bill 1717 was approved in September 2014 and becomes effective on January 1, 2016. AB 1717 requires California retailers and online sellers to collect the local UUT on prepaid mobile phone service at the point of sale, similar to the way that it collects sales tax on its other retail products.

The State Board of Equalization (SBOE) will administer the program similar to its administration of the local sales tax for the municipalities. The law creates requirements on information and certifications regarding local UUT ordinances and a necessary agreement authorizing SBOE to collect and remit the taxes to the local jurisdictions. To narrow down the assortment of rates that the SBOE will be collecting, the law included a tiered rate table. The SBOE will collect 2.5% for jurisdictions whose UUT rate falls between 2.5% and 3.5%. A Certification will be sent to the SBOE indicating the 2.5% rate and indemnifying the SBOE related to the rate determination.

Attachment

Action - It is recommended that the City Council, by resolution, authorize the Mayor to execute the Agreement for State Collection and Administration of Local Charges and authorize the City Clerk to execute the Certification and by separate resolution authorize Staff within the City to examine prepaid mobile telephony service surcharge and local charge records.

RESOLUTION NO.

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
NEWARK AUTHORIZE THE MAYOR TO EXECUTE THE
AGREEMENT FOR STATE COLLECTION AND
ADMINISTRATION OF LOCAL CHARGES AND AUTHORIZE
THE CITY CLERK TO EXECUTE THE CERTIFICATION

WHEREAS, Assembly Bill 1717 establishes that the State Board of Equalization will administer a program for collection of Utility User Tax at the point of sale on prepaid telephony services, similar to the program that they administer for the collection of sales tax; and

WHEREAS, the State Board of Equalization has provided forms and agreements to the City to enroll in said program.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Newark hereby authorizes the Mayor to execute the Agreement for State Collection and Administration of Local Charges and authorize the City Clerk to execute the form entitled Certification that indicates the rate of the Utility User Tax that shall be collected.

**AGREEMENT FOR STATE COLLECTION AND ADMINISTRATION OF
LOCAL CHARGES**

This Agreement is for the purpose of implementing the Local Prepaid Mobile Telephony Services Collection Act (Part 21.1, commencing with Section 42100) of Division 2 of the Revenue and Taxation Code), hereinafter referred to as the Local Charge Act. The City of Newark and the State Board of Equalization, hereinafter called the Board, do agree as follows:

**ARTICLE I
DEFINITIONS**

Unless the context requires otherwise, wherever the following terms appear in this Agreement they shall be interpreted to mean the following:

A. “Administrative Expenses” means all expenses incurred by the Board in the administration and collection of the local charges, including preparation and wind down costs which are reimbursable to the Board from the revenues collected by the Board on behalf of the local jurisdiction.

B. “Contingent Fee” includes, but is not limited to, a fee that is based on a percentage of the tax liability reported on a return, a fee that is based on a percentage of the taxes owed, or a fee that depends on the specific tax result attained.

C. “Direct Seller” means a prepaid Mobile Telephony Service (MTS) provider or service supplier, as defined in section 41007, that makes a sale of prepaid mobile telephony services directly to a prepaid consumer for any purpose other than resale in the regular course of business. A direct seller includes, but is not limited to, a telephone corporation, a person that provides an interconnected Voice over Internet Protocol (VoIP) service, and a retailer as described in section 42004(b)(1).

D. “Local Charges” means a utility user tax imposed on the consumption of prepaid mobile telephony services, as described in section 42102, and charges for access to communication services or to local “911” emergency telephone systems imposed by a local jurisdiction, as described in section 42102.5.

E. “Local Jurisdiction” or “local agency” means a city, county, or city and county, which includes a charter city, county, or city and county of this State, which has adopted an ordinance imposing a local charge of the kind described in Part 21.1 of Division 2 of the Revenue and Taxation Code and has entered into a contract with the Board to perform all functions incident to the collection of the local charges.

F. “Ordinance” means an ordinance of a local jurisdiction imposing a local charge, including any local enactment relating to the filing of a refund or a claim arising under the ordinance, attached hereto, as amended from time to time.

G. “Quarterly local charges” means the total amount of local charges transmitted by the Board to a local jurisdiction for a calendar quarter, as set forth in section 42106(a)(1).

H. “Refund” means the amount of local charges deducted by the Board from a local jurisdiction’s quarterly local charges in order to pay that jurisdiction’s share of a local charge refund due to one taxpayer.

I. “Section” – all section references are to the Revenue and Taxation Code.

J. “Seller” means a person that sells prepaid mobile telephony service to a person in a retail transaction.

ARTICLE II BOARD ADMINISTRATION AND COLLECTION OF LOCAL CHARGES

A. Administration. The Board and the local jurisdiction agree that the Board shall perform functions incident to the collection of the local charges from sellers that are not direct sellers.

B. Collection. The Board shall collect the local charges in the same manner as it collects the prepaid MTS Surcharge in the Prepaid Mobile Telephony Services Surcharge Collection Act, subject to specified limitations in the Local Charge Act for which the local jurisdiction is responsible, as set forth in Article III of this Agreement.

C. Audits. The Board’s audit duties shall be limited to verification that the seller that is not a direct seller complied with the Local Charge Act.

D. Other applicable laws. The Board and the local jurisdiction agree that all provisions of law applicable to the administration and operation of the Local Charge Act, Prepaid Mobile Telephony Services Surcharge Collection Act, and the Fee Collection Procedures Law (FCPL) shall be applicable to the collection of local charges. References in the FCPL to feepayer include a person required to pay the local charge, including the seller. All future amendments to applicable laws are automatically incorporated into this Agreement.

E. Deposit of Local Charges. All local charges collected by the Board shall be deposited in the Local Charges for Prepaid Mobile Telephony Services Fund in the State Treasury to be held in trust for the local taxing jurisdiction. Local charges shall consist of all taxes, charges, interest, penalties, and other amounts collected and paid to the Board, less payments for refunds and reimbursement to the Board for expenses incurred in the administration and collection of the local charges, including preparation and wind-down costs.

F. Allocation of Expenses. The Board shall allocate the total combined annual expenses incurred for administration and collection pursuant to the Prepaid Mobile Telephony Services Surcharge Collection Act and the Local Charge Act on a pro rata basis according to revenues collected for: (1) the emergency telephone users surcharge portion of the prepaid MTS surcharge, (2) the Public Utilities Commission surcharges

portion of the prepaid MTS surcharge, and (3) local charges. The Board shall charge a local jurisdiction its pro rata share of the Board's cost of collection and administration.

G. Transmittal of money. All local charges collected by the Board shall be transmitted to the local jurisdiction once in each calendar quarter. Transmittals may be made by mail or by deposit to the account of the local jurisdiction in a bank designated by that jurisdiction. The Board shall furnish a statement quarterly indicating the amounts paid and withheld for expenses of the Board.

H. Rules. The Board shall prescribe and adopt such rules and regulations as in its judgment are necessary or desirable for the administration and collection of local charges and the distribution of the local charges collected.

I. Security. The Board agrees that any security which it hereafter requires to be furnished under the FCPL section 55022 will be upon such terms that it also will be available for the payment of the claims of the local jurisdiction for local taxes owing to it as its interest appears. The Board shall not be required to change the terms of any security now held by it, and the local jurisdiction shall not participate in any security now held by the Board.

J. Records of the Board.

1. Information obtained by the local jurisdiction from the examination of the Board's records shall be used by the local jurisdiction only for purposes related to the collection of the prepaid mobile telephony services surcharge and local charges by the Board pursuant to this Agreement.

2. When requested by resolution of the legislative body of a local jurisdiction, the Board shall permit any duly authorized officer or employee or other person designated by that resolution to examine any information for its own jurisdiction that is reasonably available to the Board regarding the proper collection and remittance of a local charge of the local jurisdiction by a seller, including a direct seller, subject to the confidentiality requirements of sections 7284.6, 7284.7 and 19542. (sections 42110(b), 42103(e).).

3. The resolution of the local jurisdiction shall certify that any person designated by the resolution, other than an officer and an employee, meets all of the following conditions:

- a. Has an existing contract with the local jurisdiction that authorizes the person to examine the prepaid MTS surcharge and local charge records.
- b. Is required by that contract with the local jurisdiction to disclose information contained in or derived from, those records only to an officer or employee of the local jurisdiction authorized by the resolution to examine the information.
- c. Is prohibited by that contract from performing consulting services for a seller during the term of that contract.
- d. Is prohibited by that contract from retaining information contained in, or derived from, those prepaid MTS surcharge and local charge records, after that contract has expired.

4. Any third party contract between the local jurisdiction and an entity or person authorized by the local jurisdiction to request information from the Board shall be subject to the following limitations:

a. Any third party shall, to the same extent as the Board, be subject to Section 55381, relating to unlawful disclosures.

b. A third party contract shall not provide, in whole or in part, in any manner a contingent fee arrangement as payment for services rendered.

5. Information obtained by examination of Board records shall be used only for purposes related to the collection of the prepaid MTS surcharge and local charges by the board pursuant to the contract, or for purposes related to other governmental functions of the local jurisdiction set forth in the resolution.

6. If the Board believes that any information obtained from the Board's records related to the collection of the prepaid MTS surcharge and local charges has been disclosed to any person not authorized or designated by the resolution of the local jurisdiction, or has been used for purposes not permitted by section 42110(b), the board may impose conditions on access to its local charge records that the board considers reasonable, in order to protect the confidentiality of those records. (section 42110 (c).)

7. The costs incurred by the Board in complying with a request for information shall be deducted by the Board from those revenues collected by the Board on behalf of the local jurisdiction making the request, as authorized by section 42110(b)(1).

ARTICLE III LOCAL JURISDICTION ADMINISTRATION AND RESPONSIBILITIES

A. The local jurisdictions shall be solely responsible for all of the following:

1. Defending any claim regarding the validity of the ordinance in its application to prepaid mobile telephony service. The claim shall be processed in accordance with the provisions of the local ordinance that allows the claim to be filed.

2. Interpreting any provision of the ordinance, except to the extent specifically superseded by section 42105 of the Local Charge Act. The claim shall be processed in accordance with the provisions of the local enactment that allows the claim to be filed.

3. Responding to specified consumer claims for refund involving: (1) rebutting the presumed location of the retail transaction; (2) a consumer claim of exemption from the local charge under the ordinance; or (3) any action or claim challenging the validity of a local tax ordinance, in whole or part. The claim shall be processed in accordance with the provisions of the local enactment that allows the claim to be filed.

4. Refunding the taxes in the event a local jurisdiction or local government is ordered to refund the tax under the local ordinance.

5. Reallocating local charges as a result of correcting errors relating to the location of the point of sale of a seller or the known address of a consumer, for up to two past quarters from the date of knowledge.

6. Collecting local charges on prepaid mobile telephony service and access to communication services or access to local 911 emergency telephone systems imposed on direct sellers.

7. Enforcement, including audits, of the collection and remittance of local charges by direct sellers pursuant to the ordinance.

8. The local jurisdiction shall be the sole necessary party defendant on whose behalf the local charge is collected in any action seeking to enjoin collection of a local charge by a seller, in any action seeking declaratory relief concerning a local charge, in any action seeking a refund of a local charge, or in any action seeking to otherwise invalidate a local charge. There shall be no recovery from the State for the imposition of any unconstitutional or otherwise invalid local charge that is collected under the Local Act.

9. Entering into an agreement with the Board to perform the functions incident to the collection of the local charges imposed on sellers that are not direct sellers.

10. Submitting an executed Certification to the Board, certifying that:

(a) the local jurisdiction's ordinance applies the local charge to prepaid mobile telephony services;

(b) the amount of the rate charged for access to local 911 emergency telephone systems or access to communications services complies with the requirements of section 42102.5; and/or applies the tiered rate for the utility user tax, as identified in section 42102.

(c) The local jurisdiction shall further certify that it agrees to indemnify and to hold harmless the Board, its officers, agents, and employees for any and all liability for damages that may result from the Board's collection pursuant to this Agreement.

11. Submitting signed documents to the Board to include agreement(s), certification, copy of ordinance(s), and resolution(s).

12. Providing payment to the Board of the local jurisdiction's pro rata share of the Board's cost of collection and administration as established pursuant to subdivision (e) of section 42020.

**ARTICLE IV
LOCAL CHARGES**

A. Local Charges – Timeliness – This part shall remain in effect until proposed California Code of Regulations, title 18, section 2460 is adopted by the Board and approved by the Office of Administrative Law.

1. Ordinances in effect as of September 1, 2015.

On or after January 1, 2016, a local charge imposed by a local jurisdiction on prepaid mobile telephony services shall be collected from the prepaid consumer by a seller at the same time and in the same manner as the prepaid MTS surcharge is collected under Part 21 (commencing with section 42001) provided that, on or before September 1, 2015, the local jurisdiction enters into a contract with the Board pursuant to section 42101.5. Thereafter, all subsequently enacted local charges, increases to local charges, or other changes thereto, shall become operative pursuant to paragraphs (2), (3), and (4).

2. New charges. When a local jurisdiction adopts a new local charge after September 1, 2015, the local jurisdiction shall enter into a contract with the Board, pursuant to section 42101.5, on or before December 1st, with collection of the local charge to commence April 1st of the next calendar year.

3. Increases in local charges. When a local jurisdiction increases an existing local charge after September 1, 2015, the local jurisdiction shall provide the Board written notice of the increase, on or before December 1st, with collection of the local charge to commence April 1st of the next calendar year.

4. Inaccurate rate posted on the Board’s website. When a local jurisdiction notifies the Board in writing that the rate posted on the Board’s Internet Web site (posted rate) for a local charge imposed by that local jurisdiction is inaccurate, including scenarios where the local charge was reduced or eliminated, the recalculated rate applicable to the local jurisdiction shall become operative on the first day of the calendar quarter commencing more than 60 days from the date the Board receives the local jurisdiction’s written notification that the posted rate is inaccurate.

A. Local Charges – Timeliness – This part shall take effect and supersede the above “Local Charges – Timeliness section when California Code of Regulations, title 18, section 2460 is adopted by the Board and approved by the Office of Administrative Law.

1. Ordinances in effect as of September 1, 2015. On or after January 1, 2016, a local charge imposed by a local jurisdiction on prepaid mobile telephony services shall be collected from the prepaid consumer by a seller at the same time and in the same manner as the prepaid MTS surcharge is collected under Part 21 (commencing with section 42001) provided that, on or before September 1, 2015, the local jurisdiction enters into a contract with the Board pursuant to section 42101.5.

In the event a local jurisdiction does not enter into a contract with the Board by September 1, 2015, the local jurisdiction may enter into a contract with the Board, pursuant to section 42101.5, on or before December 1st, with collection of the local charge to commence April 1st of the next calendar year. Thereafter, all subsequently

enacted local charges, increases to local charges, or other changes thereto, shall become operative pursuant to paragraphs (2), (3), (4) and (5) of this subdivision.

2. New charges. When a local jurisdiction adopts a new local charge after September 1, 2015, the local jurisdiction shall enter into a contract with the Board, pursuant to section 42101.5, on or before December 1st, with collection of the local charge to commence April 1st of the next calendar year.

3. Increases in local charges. When a local jurisdiction increases an existing local charge after September 1, 2015, the local jurisdiction shall provide the Board written notice of the increase, on or before December 1st, with collection of the local charge to commence April 1st of the next calendar year.

4. Advance written notification. When a local charge is about to expire or decrease in rate, the local jurisdiction imposing the local charge shall notify the Board in writing of the upcoming change, not less than 110 days prior to the date the local charge is scheduled to expire or decrease. The change shall become operative on the first day of the calendar quarter commencing after the specified date of expiration or decrease in rate.

If advance written notice is provided less than 110 days prior to the specified date of expiration or decrease in rate, the change shall become operative on the first day of the calendar quarter commencing more than 60 days after the specified date of expiration or decrease.

5. Inaccurate Rate Posted on the Board's Web site. When a local jurisdiction notifies the Board in writing that the rate posted on the Board's Internet Web site (posted rate) for a local charge imposed by that local jurisdiction is inaccurate, including scenarios where the local charge was reduced or eliminated and the local jurisdiction failed to provide advance written notice pursuant to paragraph 4 of this subdivision, the recalculated rate applicable to the local jurisdiction shall become operative on the first day of the calendar quarter commencing more than 60 days from the date the Board receives the local jurisdiction's written notification that the posted rate is inaccurate. The local jurisdiction shall promptly notify the Board in writing of any such discrepancies with the posted rate that are known or discovered by the local jurisdiction.

ARTICLE V COMPENSATION

The local jurisdiction agrees to pay the Board its pro rata share of the Board's cost of collection and administration of the local charges, as established pursuant to section 42020, subdivision (e). Such amounts shall be deducted from the local charges collected by the Board for the local jurisdiction.

ARTICLE VI MISCELLANEOUS PROVISIONS

A. Communications. Communications and notices may be sent by first-class United States Mail. A notification is complete when deposited in the mail. Communications and notices to be sent to the Board shall be addressed to:

State Board of Equalization
P.O. Box 942879 MIC: 27
Sacramento, California 94279-0001

Attention: Supervisor,
Local Revenue Allocation Unit

Communications and notices to be sent to the local jurisdiction shall be addressed to:

City of Newark
37101 Newark Blvd.
Newark, CA 94560

Attention: Administrative Services Director

B. Term. The date of this Agreement is the date on which it is approved by the Department of General Services. The Agreement shall take effect on the first day of the calendar quarter next succeeding the date of such approval, but in no case before the operative date of the local jurisdiction's ordinance, nor on a day other than the first day of a calendar quarter. This Agreement shall be renewed automatically from year to year until January 1, 2020, when the Local Charge Act is repealed, unless a statute enacted prior to that date extends that date. In such event, this Agreement will continue to renew automatically from year to year to the date authorized by statute.

STATE BOARD OF EQUALIZATION

By _____
Administrator,
Return Analysis and Allocation Section

LOCAL
JURISDICTION _____

By _____
(Signature on this line)

Alan L. Nagy

(Type name here)

Mayor

(Type title here)

RESOLUTION NO. _____

A Resolution Authorizing the Examination of Prepaid Mobile Telephony Services Surcharge and Local Charge Records

WHEREAS, pursuant to Ordinance No., 479 of the City of Newark and the Local Prepaid Mobile Telephony Services Collection Act, the City of Newark, hereinafter called Local Jurisdiction, entered into a contract with the State Board of Equalization, hereafter referred to as the Board, to perform all functions incident to the administration and collection of the prepaid mobile telephony services surcharge and local charges (Rev. & Tax. Code, § 42101.5); and

WHEREAS, the Local Jurisdiction deems it desirable and necessary for authorized representatives of the Local Jurisdiction to examine confidential prepaid mobile telephony services surcharge and local charge records pertaining to the prepaid mobile telephony services surcharge and local charges collected by the Board for the Local Jurisdiction pursuant to that contract;

WHEREAS, the Board will make available to the Local Jurisdiction any information that is reasonably available to the Board regarding the proper collection and remittance of a local charge of the Local Jurisdiction by a seller, including a direct seller, subject to the confidentiality requirements of Sections 7284.6, 7284.7 and 19542 of the Revenue and Taxation Code; and

WHEREAS, Sections 42110 and 42103 of the Revenue and Taxation Code sets forth certain requirements and conditions for the disclosure of Board of Equalization records and establishes criminal penalties for the unlawful disclosure of information contained in or derived from the prepaid mobile telephony services surcharge and local charge records of the Board;

NOW, THEREFORE IT IS RESOLVED AND ORDERED AS FOLLOWS:

Section 1. That the Administrative Services Director or other officer or employee of the Local Jurisdiction designated in writing by the City Manager to the Board is hereby appointed to represent the Local Jurisdiction with authority to examine prepaid mobile telephony services surcharge and local charge records of the Board pertaining to prepaid mobile telephony services surcharge and local charges collected for the Local Jurisdiction by the Board pursuant to the contract between the Local Jurisdiction and the Board. The information obtained by examination of Board records shall be used only for purposes related to the collection of the Local Jurisdiction's prepaid mobile telephony services surcharge and local charges by the Board pursuant to the contract.

~~**Section 2.** That the Administrative Services Director or other officer or employee of the Local Jurisdiction designated in writing by the City Manager to the Board is hereby appointed to represent the Local Jurisdiction with authority to examine those prepaid mobile telephony services surcharge and local charge records of the Board for purposes related to the following governmental functions of the Local Jurisdiction:~~

- a) _____
- b) _____
- e) _____

~~The information obtained by examination of Board records shall be used only for those governmental functions of the Local Jurisdiction listed above.~~

~~Section 3. That _____ is hereby designated to examine the prepaid mobile telephony services surcharge and local charges records of the Board of Equalization pertaining to prepaid mobile telephony services surcharge and local charges collected for the Local Jurisdiction by the Board. The person or entity designated by this section meets all of the following conditions (Rev. & Tax. Code, § 42110, subd. (b)(2)):~~

- ~~a) has an existing contract with the Local Jurisdiction that authorizes the person to examine the prepaid mobile telephony services surcharge and local charge records;~~
- ~~b) is required by that contract with the Local Jurisdiction to disclose information contained in or derived from, those records only to an officer or employee of the Local Jurisdiction authorized by the resolution to examine the information;~~
- ~~c) is prohibited by that contract from performing consulting services for a seller during the term of that contract;~~
- ~~d) is prohibited by that contract from retaining information contained in, or derived from, those prepaid mobile telephony services surcharge and local charge records, after that contract has expired.~~

~~The contract between the Local Jurisdiction and _____ designated by the Local~~

~~_____~~
~~_____~~
~~_____~~
~~_____~~
~~_____~~

F.3 Amendment of Purchasing Rules and Regulations - from Administrative Services Director Woodstock. (RESOLUTION)

Background/Discussion – In 1995, the City Council adopted Resolution No. 7053 amending the Purchasing Rules and Regulations pursuant to Ordinance No. 142. Minor revisions were made in 1997, 2011 and 2013. The current Purchasing Rules and Regulations need changes that will improve the efficiency of the product and service procurement and clarify the procedures and processes.

The recommended changes are as follows:

- Add processes for awarding of professional service contracts including guidance regarding request for proposals and qualifications. This will provide staff information on the procedures required to procure services.
- Add “Schedule of Purchasing Authority and Authorizations to Sign City Contracts and Claims” which assigns who may sign contracts, agreements and claims and the purchasing authority amount. This schedule identifies signing authority and dollar amount for typical contracts, agreements and settlements. All contracts, agreements and claims that can be authorized at a staff level must have adequate budget available for the project.
- Add a Public Works contract section which references that these contracts are regulated by the California Public Contracts Code. State code mandates that specific procedures be followed for public works projects.
- Eliminate the requirement for open market bids for single item purchases of under \$500. The process of obtaining three bids for items under \$500 is very time consuming and typically results in minimal or no savings.
- Minor clarifications to the procedures and processes.

Attachment

Action - It is recommended that the City Council, by resolution, adopt the Purchasing Rules and Regulation pursuant to Ordinance No. 142.

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
NEWARK ADOPTING PURCHASING RULES AND
REGULATIONS PURSUANT TO ORDINANCE NO. 142

BE IT HEREBY RESOLVED THAT, in accordance with Ordinance No. 142, entitled "The Purchasing Ordinance," the City Council of the City of Newark adopts the following purchasing rules and regulations:

SECTION 1. PURCHASING PROCEDURE

All purchases of supplies ~~and~~, equipment and services shall be pursuant to the procedures specified in this resolution.

SECTION 2. FORMAL BIDDING PROCEDURES

Purchases and contracts for supplies and equipment with an estimated value greater than \$10,000 shall be by the formal bidding procedure as follows:

a. Notice Inviting Bids. Notices inviting bids shall include a general description of the articles to be purchased, shall state where bid blanks and specifications may be secured, shall state the time and place for opening bids, shall be published at least ten (10) calendar days before the date of opening, ~~and shall be published at least once in a newspaper of general circulation in the City on~~ the City's website.

b. Bidder's Security. When deemed necessary, a bidder's security may be prescribed by the Purchasing Officer. Bidders shall be entitled to return of their security with the exception that a successful bidder forfeits the bid security upon refusal or failure to execute a contract within ten (10) calendar days after the notice of award of contract has been mailed. The City Council may, on refusal or failure of the successful bidder to execute the contract, award it to the next lowest responsible bidder.

c. Bid Opening Procedure. Sealed bids shall be submitted to the Office of the City Clerk and shall be identified as bids on the envelope. Bids shall be opened in public at the time and place stated in the public notice. A tabulation of all bids received shall be open for public inspection during regular business hours for a period of not less than thirty (30) calendar days after the bid opening.

d. Rejection of Bids. In its discretion, the City Council may reject any and all bids presented and re-advertise for bids.

e. Award of Contracts. Contracts shall be awarded ~~by the City Council~~ to the responsible bidder representing the lowest total cost, net of the value of the sales tax which the City would receive as a result of the sale, except as otherwise provided herein.

f. Tie Bids. If two or more bids received are for the same total amount or unit price, quality and service being equal, the City ~~Council~~ may accept the one it chooses.

g. Performance Bonds. The City Council shall have the authority to require a performance bond before entering a contract in such amount as it shall find reasonably necessary to protect the best interest of the City. If the City Council requires a performance bond, the form and amount of the bond shall be described in the notice inviting bids.

SECTION 3. OPEN MARKET PROCEDURE

All purchases of supplies and equipment with an estimated value of \$10,000 or less may be made in the open market without observing the procedures prescribed in the formal bidding procedure.

a. Minimum Number of Quotations. All open market purchases shall, whenever possible, be based on at least three (3) competitive quotations and shall be awarded to the responsible bidder representing the lowest total cost.

b. Records Maintained. ~~The Purchasing Officer~~ Each department shall keep the record of all open market orders and the quotations submitted in competition thereon, and such records shall be open to public inspection.

SECTION 4. PROFESSIONAL SERVICES

All purchases of professional services with an estimated value of \$10,000 or less may be made based on qualifications and negotiated price without a formal process. Sufficient documentation needs to be kept to demonstrate evaluation of qualifications.

a. Professional Services for architecture, landscape architecture, engineering, environmental services, land surveying or construction project management shall be obtained through a Request for Proposal (RFP) process. These contracts shall be awarded based on an RFP to determine the most highly qualified to provide the services as required in accordance with Government Code Sections 4525-4529.

b. Special Professional Services for attorneys, financial advisors or other specialized services not included above can be awarded with a RFP process, a Request for Qualifications (RFQ) process or without a competitive process depending on which

process best fits the needed service. Regardless of the process, these shall be based on qualifications and a negotiated price. Specialized Professional Services are usually needed when the city does not have the personnel resources to perform the services required.

- c. An RFP is appropriate when the proposed project has sufficient specifications that a consultant can provide pricing based on those written specifications. An RFP will require detailed pricing to be submitted for the project.

An RFQ is appropriate when the proposed project has broad specifications subject to multiple approaches, many types of consultants might be interested or there is expectation that the specifications will need to be refined during the selection process. An RFQ requires general fees and fee schedules with estimated hours to be submitted for the project.

Any RFP and the RFQ shall include the following information:

1. Specification that best describe the service for the expected scope of work.
2. Proposal submittal date.
3. The selection criteria.
4. The selection process with estimated dates.
5. Pricing information.
6. Insurance requirements.
7. Business license requirements.
8. Sample Consultant Services Agreement.

The RFP or RFQ shall be distributed to interested firms, posted on the City's webpage and posted at other sources where qualified consultants can be attracted.

If questions will be answered during the process, the RFP or RFQ shall include the question and answer process to ensure the all potential proposers have the same information. The RFP/RFQ can include a date for when questions will be accepted then addendum to the RFP or RFQ will be prepared to answer the question and that addendum will be posted in the same manner as the original documents at least 3 days prior to the submittal date.

The evaluation process will generally be based on the following criteria:

1. Professional experience and qualifications.
2. Satisfaction of previous clients.
3. Project scheduling and consultant availability.
4. Evidence of success with similar projects.

5. Ability to address all project requirements.
6. Fees
7. Other needs specific to the proposed project.

SECTION 5. PUBLIC WORKS PROEJCTS

When the expenditure required for a public works project exceeds five thousand (\$5,000), it shall be contracted for and let to the lowest responsible bidder after notice, in accordance with requirements of Article 4 of the California Public Contract Code and other such applicable law.

As used in this section, "public works project" shall mean:

1. A project for the erection , improvement, painting or repair of public buildings and works;
2. Work in or about streams, bays, waterfronts, embankments, or other work for protection against overflow;
3. Street or sewer work except maintenance or repair;
4. Furnishing supplies and material for any such project, including maintenance or repair of streets or sewers.

SECTION 46. EMERGENCY PURCHASES

In case of actual emergencies, with the approval of the Purchasing Officer, the head of any using Group /Department may purchase any supplies or equipment whose immediate procurement is essential to prevent delays which may vitally affect the life, health, or convenience of citizens. A written justification shall be filed with the Purchasing Officer for all such purchases within three (3) calendar days of the date of purchase. In situations that are not actual emergencies, the City Council may authorize specific exceptions to the formal bidding process by malting a finding by motion, that an alternate process for the proposed purchase will result in a significant cost savings.

SECTION 57. INSPECTION AND TESTING

The Purchasing Officer shall implement procedures designed to inspect supplies and equipment delivered to determine their conformance with the specifications set forth in the order or contract.

The Purchasing Officer shall have authority to require chemical and physical tests of samples submitted with bids and samples of deliveries which are necessary to determine their quality and conformance with specifications.

SECTION ~~68~~. ANNUAL PURCHASE ~~ORDER-AGREEMENTS CONTRACTS~~

A special type of contract "Annual Purchase ~~Order-Contract~~Agreement" may be used whereby the City does not obligate itself to purchase or to accept a commodity but furnishes the vendor with an estimate of its probable needs as a guide to the amount that may be purchased. The price may be established for the period of the agreement or may be stated as a fixed discount from an ascertainable amount. An annual purchase ~~order-contract~~agreement shall not extend beyond the life of one fiscal year, unless approved for renewal by the City Manager. The total estimate for each agreement must be within the City's Manager's approving authority, as outline in Section 14, and the department must have available budgeted funds for the estimate.~~Council during their review, and shall be submitted for the review of the City Council at least thirty (30) calendar days prior to awarding the contract. If after seven (7) days from the time of submittal no member of the City Council objects to a given "A.P.O. Contract," the contract shall be awarded.~~

SECTION ~~79~~. SURPLUS SUPPLIES AND EQUIPMENT

Groups /Departments shall submit to the Purchasing Officer at such times and in such form as prescribed reports showing all supplies and equipment which are no longer used or which have become obsolete or worn out.

SECTION ~~810~~. EXEMPTIONS

- a. Whenever Federal or State regulations require different purchasing procedures and for those items purchased through other governmental agencies, the provisions of this resolution do not apply.

SECTION ~~9~~. ~~SINGLE SOURCE EXEMPTION~~

- b. Single- Source Exemption: The provisions of this resolution in regard to formal bidding procedures shall not apply in the event that the City Council, by resolution, finds and declares that:

1. Formal bids would work an incongruity and would be unavailing in affecting the final results; and
2. Formal bids would not produce any advantage to the City; or,

3. It is practically impossible to obtain what is required through the formal bidding process; or,

4. The product sought or a significant portion thereof is the subject of a patent and cannot be purchased from any source other than the holder of the patent.

c. Small Purchase Exemption

Single item purchases of supplies and equipment of \$500 or less may be made in the open market without observing the procedures prescribed in the formal bidding and open market procedures sections. If multiple numbers of the same item are being purchased, the total must remain less than \$500 to qualify for this exemption.

SECTION ~~10~~11. OTHER GOVERNMENTAL PURCHASING AGREEMENT

The Purchasing Officer may, when offered, procure goods and services off of certified bid lists from other governmental agencies.

SECTION ~~11~~12. REPEAL

Resolution Numberse. ~~5456~~ 7053, 7449, , 9816 and 10,016 are hereby repealed.

SECTION ~~12~~13. Acquisition of Equipment with Specialized Services

Both the formal bidding procedure and the open-market procedure may be dispensed with for contracts involving the acquisition and/or installation of equipment, intellectual property or other tangible products (collectively referred to as “products”) and the retention of specialized services, such as consulting, training, installing, maintain or servicing the products. A modified procedure for the specialized contract must be approved by the Purchasing Officer.

SECTION 14. Schedule of Purchasing Authority and Authorization to Sign City Contracts and Claims

All limits apply only when budgeted funds are available. Items without a budget must be approved by the City Council.

	<u>Contracts for Public Works Projects</u>		
	<u>Under \$5000</u>	<u>\$5000 to \$50,000</u>	<u>Over \$50,000</u>
<u>Construction or Improvement of Public Structures, Roads, Grounds, City Building and Facilities, etc.</u>	<u>Dept Head - Quotes</u>	<u>City Manager - Formal Bid</u>	<u>City Council - Formal Bid</u>
	<u>Other Purchasing/Service Contracts and Claims</u>		
	<u>Up to \$10,000</u>	<u>\$10,000 to \$50,000</u>	<u>Over \$50,000</u>
<u>Purchase of Supplies, equipment or services</u>	<u>Dept Head - Quotes</u>	<u>City Manager - Formal Bid</u>	<u>City Council - Formal Bid</u>
<u>Professional Services- Per SECTION 4 of Purchasing Rules and Regulations</u>	<u>Dept Head – RFP/RFQ</u>	<u>City Manager - RFP/RFQ</u>	<u>City Council – RFP/RFQ</u>
<u>Special Professional Services – Per SECTION 4 of Purchasing Rules and Regulation</u>	<u>Dept Head – RFP/RFQ/Qualifications</u>	<u>City Manager - RFP/RFQ/Qualifications</u>	<u>City Council – RFP/RFQ/Qualifications</u>
<u>Collective Value of Contract Amendments, Task Orders, Change Orders. (Unless otherwise noted in the Contract/Agreement)</u>	<u>Dept Head</u>	<u>City Manager</u>	<u>City Council</u>
<u>Legal Fees</u>	<u>City Attorney</u>	<u>City Manager</u>	<u>City Council</u>
<u>Claim Settlement Authority – Workers Compensation</u>	<u>City Manager – up to \$25,000</u> <u>City Council</u>		
<u>Claim Settlement Authority – General Liability Claims</u>	<u>Risk Manager/ City Manager</u>	<u>City Council</u>	<u>City Council</u>
<u>Recreation Contracts</u>	<u>Dept Head</u>	<u>City Manager</u>	<u>City Council</u>
<u>All other Contracts, Agreements, Leases, Joint Power Authorities, etc.</u>	<u>City Council</u>	<u>City Council</u>	<u>City Council</u>
<u>Purchase of Utility Services</u>	<u>City Manager</u>	<u>City Manager</u>	<u>City Manager</u>



City of Newark

MEMO

DATE: September 10, 2015
TO: City Council
FROM: Sheila Harrington, City Clerk *J.H.*
SUBJECT: Approval of Audited Demands for the City Council Meeting of September 24, 2015.

REGISTER OF AUDITED DEMANDS

Bank of America General Checking Account

<u>Check Date</u>		<u>Check Numbers</u>	
September 4, 2015	Pages 1-2	105738 to 105802	Inclusive
September 11, 2015	Pages 1	105803 to 105845	Inclusive



City of Newark

MEMO

DATE: September 10, 2015
TO: Sheila Harrington, City Clerk
FROM: Susie Woodstock, Administrative Services Director *SKW*
SUBJECT: Approval of Audited Demands for the City Council Meeting of September 24, 2015.

The attached list of Audited Demands is accurate and there are sufficient funds for payment.

RECEIVED
SEP 14 2015
CITY CLERK

Final Disbursement List. Check Date 09/04/15, Due Date 09/14/15, Discount Date 09/14/15. Computer Checks.
 Bank 1001 BANK OF AMERICA

MICR check#	Vendor Number	Payee	Check Date	Check Amount	Description
05738	11094	ACME AUTO LEASING, LLC	09/04/15	1,909.44	ARMORED RESCUE VEH LEASE
05739	10449	AFLAC ATTN: REMITTANCE PROCESSING SERVIC	09/04/15	1,571.00	PAYROLL PREMIUMS
05740	287	ALAMEDA COUNTY SHERIFF'S OFFICE GREGORY	09/04/15	98.26	LATENT PRINTS
05741	177	ALAMEDA COUNTY TRANSPORTATION COMMISSION	09/04/15	21,480.00	FY15/16 MEMBER AGENCY FEES
05742	284	TREASURER OF ALAMEDA COUNTY INFORMATION	09/04/15	3,164.82	AWS ACCESS FEES
05743	348	AT&T	09/04/15	299.80	ANNUAL TELECOM FY2015-16
05744	1085	AT&T	09/04/15	38.65	LONG DISTANCE TELECOM FY2015-16
05745	23	FRANK BONETTI PLUMBING INC	09/04/15	306.35	FY15-16 PLUMBING REPAIRS
05746	10970	COCA COLA REFRESHMENTS UNION CITY SALES	09/04/15	163.98	CAFE PURCHASES
05747	10060	COMCAST	09/04/15	173.07	CABLE TV
05748	10650	MARTIN BARRENECHEA MGD PRODUCTIONS INC	09/04/15	1,000.00	DANCE PERMIT DEPOSIT RTN
05749	10793	CELIA MORALES	09/04/15	300.00	RENTAL DEPOSIT RTN
05750	10793	ADELE SANCHEZ	09/04/15	100.00	BDAY DEPOSIT RTN
05751	10793	KAISER PERMANENTE	09/04/15	300.00	RENTAL DEPOSIT RTN
05752	10793	ANGELA DUERR	09/04/15	100.00	BDAY DEPOSIT RTN
05753	10793	K V BOLA	09/04/15	209.00	CANCELLED CLASS-REC
05754	10794	DUKE DE LEON	09/04/15	60.00	VIDEO RECORDING SERVICES
05755	7631	DELTA DENTAL	09/04/15	6,704.27	PAYROLL PREMIUMS
05756	7641	DELTA DENTAL INSURANCE COMPANY ATTN: ACC	09/04/15	478.56	PAYROLL PREMIUMS
05757	9796	DRAEGER SAFETY DIAGNOSTICS INC	09/04/15	241.83	PAS MACHINE CALIBRATION
05758	10725	JOSE R RODRIGUEZ	09/04/15	1,183.91	EE COMPUTER LOAN PROGRAM
05759	11320	OCTAVIO ESPINOZA	09/04/15	100.00	SENIOR CENTER ENTERTAINER
05760	7663	FIDELITY SECURITY LIFE INSURANCE/EYEMED	09/04/15	594.82	PAYROLL PREMIUMS
05761	522	FEDEX	09/04/15	53.54	SHIPPING FEE FOR GENERAL LABORER EXAM AN
05762	9126	FINIS INCORPORATED	09/04/15	480.58	GOGGLES
05763	1733	FIRST BAPTIST CHURCH	09/04/15	80.00	PAYROLL CONTRIBUTION A.NAGY
05764	5106	CITY OF FREMONT FINANCIAL SERVICES OFFIC	09/04/15	3,368.34	FY15-16 SACGISA ANNUAL FEES
05765	4441	FREMONT UNIFIED SCHOOL DISTRICT TRANSPOR	09/04/15	420.00	SDC BUS TRANSPORT JULY/AUG 2015
05766	11157	JASON GERMANO	09/04/15	200.00	RESERVE UNIF ALLOWANCE
05767	8762	GHA TECHNOLOGIES INC	09/04/15	110.45	PLOTTER PAPER
05768	7783	GOLDEN WEST TRAVEL INC	09/04/15	2,156.00	SR TRIP 8/25/15
05769	10999	GURUS EDUCATIONAL SERVICES RITA KHURANA	09/04/15	925.50	RECREATION CONTRACT
05770	10707	GYM DOCTORS	09/04/15	150.00	FITNESS EQUIPMENT MAINT
05771	1591	PHILIP H HOLLAND	09/04/15	200.00	RESERVE UNIF ALLOWANCE
05772	7593	BRUCE HOWCROFT	09/04/15	200.00	RESERVE UNIF ALLOWANCE
05773	11123	I PIZZA	09/04/15	1,126.65	PIZZAS FOR CAFE & PARTIES
05774	4124	THE J P COOKE CO	09/04/15	294.92	DOG LICENSE TAGS
05775	6009	JT2 INTERGRATED RESOURCES CORPORATE ACCO	09/04/15	14,385.62	WORKER'S COMP TRUST FUND REPLENISHMENT
05776	10486	SHAKATI KHALSA	09/04/15	413.00	RECREATION CONTRACT
05777	11246	LOOMIS ARMORED	09/04/15	723.50	ARMORED CAR SERVICE
05778	5765	LPS TACTICAL	09/04/15	1,386.27	VEST REPL: APPROVAL #2015-3
05779	7618	METLIFE SBC	09/04/15	2,042.52	PAYROLL PREMIUMS
05780	5248	MOORE MEDICAL CORP	09/04/15	412.27	GLOVES
05781	7335	MUNICIPAL MAINTENANCE EQUIPMENT INC	09/04/15	28.46	FY15-16 STORM DRAIN CLEANING/EQUIP REPAI
05782	78	PERFORMANCE PEST MANAGEMENT LPC SERVICES	09/04/15	599.00	FY15-16 PEST MANAGEMENT
05783	2460	PERS LONG-TERM CARE PROGRAM	09/04/15	67.54	PAYROLL PREMIUMS
05784	329	PHOENIX GROUP INFORMATION SYSTEMS	09/04/15	100.00	PARKING CITATION PROGRAM
05785	4176	MICHAEL QUEBEC	09/04/15	931.50	RECREATION CONTRACT
05786	11218	JESSE RIOS	09/04/15	50.00	RECREATION CONTRACT
05787	654	SFPUC-WATER DEPARTMENT CUSTOMER SERVICE	09/04/15	2,947.13	FY15-16 HETCH HETCHY RENT
05788	112	WILLE ELECTRICAL SUPPLY CO INC	09/04/15	949.34	FY15-16 ELECTRICAL SUPPLIES

Final Disbursement List. Check Date 09/04/15, Due Date 09/14/15, Discount Date 09/14/15. Computer Checks.
 Bank 1001 BANK OF AMERICA

MICR Check#	Vendor Number	Payee	Check Date	Check Amount	Description
105789	5164	SAN MATEO REGIONAL NETWORK INC SMRN.COM	09/04/15	170.00	WEB HOSTING, SPAM FILTERING & SECURITY S
105790	11296	SIGNATURE CARPET ONE	09/04/15	6,148.00	PD CARPET REPAIRS
105791	40	STAPLES ADVANTAGE DEPT LA	09/04/15	822.34	CITYWIDE OFFICE SUPPLIES
105792	2778	STATE OF CALIFORNIA FRANCHISE TAX BOARD	09/04/15	150.00	PAYROLL WITHHOLDING
105793	2778	STATE OF CALIFORNIA FRANCHISE TAX BOARD	09/04/15	135.00	PAYROLL WITHHOLDING
105794	679	TARGET SPECIALTY PRODUCTS	09/04/15	1,087.65	WATER TANK
105795	5246	TURF STAR INC	09/04/15	257.00	MOWER PARTS
105796	7517	U S FOODS INC SAN FRANCISCO	09/04/15	1,523.89	CAFE PURCHASES
105797	8751	PROVIDENT LIFE & ACCIDENT INSURANCE COMP	09/04/15	312.04	PAYROLL PREMIUMS E0246926
105798	10968	UTILITY TELEPHONE	09/04/15	16,370.57	ANNUAL TELECOM FY2015-16
105799	5623	VERIZON WIRELESS	09/04/15	4,013.51	GPS TRACKER/IPHONE SVC
105800	5623	AMERICAN MESSAGING	09/04/15	23.12	PAGER SVC
105801	7684	WARNACO SWIMWEAR GRP/AFC	09/04/15	742.73	GOGGLES
105802	10484	MATTHEW WARREN	09/04/15	876.64	GANG INVESTIGATORS TRNG EXPENSES
Total				108,012.38	

1
 inal Disbursement List. Check Date 09/11/15, Due Date 09/21/15, Discount Date 09/21/15. Computer Checks.
 ank 1001 BANK OF AMERICA

MICR check#	Vendor Number	Payee	Check Date	Check Amount	Description
05803	4233	ALAMEDA COUNTY LAFCO ALAMEDA COUNTY AUDI	09/11/15	1,839.00	LAFCO COST
05804	8895	ALAMEDA COUNTY ENVIRONMENTAL HEALTH	09/11/15	454.00	HEALTH INSPECTION/PERMITS
05805	10662	ALLIANT INSURANCE SERVICES ATTN: ACCOUNT	09/11/15	9,468.00	SPECIAL EVENT COVERAGE
05806	147	AT&T MOBILITY	09/11/15	1,978.71	CELL SVC FOR MDT'S
05807	9680	BAY CENTRAL PRINTING	09/11/15	140.45	BUSINESS CARDS
05808	3046	BEEHIVE GLASS CO INC	09/11/15	395.38	REPAIRS TO WINDOW IN DANCE STUDIO
05809	23	FRANK BONETTI PLUMBING INC	09/11/15	845.67	FY15-16 PLUMBING REPAIRS
05810	9888	BUREAU VERITAS NORTH AMERICA INC FILE 59	09/11/15	675.00	FY15-16 CONTRACT BLDG INSP. SERVICES
05811	1349	2015 CAHN CONFERENCE	09/11/15	650.00	CAHN CONF
05812	9150	CAL-WEST LIGHTING & SIGNAL MAINTENANCE I	09/11/15	8,844.50	FY15-16 TRAFFIC SIGNAL AND STREETLIGHT M
05813	7898	CALIFORNIA DIESEL & POWER	09/11/15	2,505.09	GENERATOR SERVICE
05814	10060	COMCAST	09/11/15	13.95	FY15-16 CABLE AT SERVICE CENTER
05815	1109	CAPITAL ONE COMMERCIAL	09/11/15	1,758.80	PROGRAM SUPPLIES
05816	11076	CRIME SCENE CLEANERS INC	09/11/15	70.00	OFFICER UNIFORM DAMAGE
05817	63	THE GOODYEAR TIRE & RUBBER CO	09/11/15	368.18	FY15-16 TIRES
05818	10642	FASTENAL COMPANY	09/11/15	24.33	FY15-16 MISC BLDG SUPPLIES
05819	1120	FORENSIC ANALYTICAL SCIENCES, INC	09/11/15	78.00	LAB TESTS
05820	5106	CITY OF FREMONT FINANCIAL SERVICES OFFIC	09/11/15	4,176.50	SHELTER OPERATING EXPS
05821	11307	GROUP 4 ARCHITECTURE, RESEARCH & PLANNIN	09/11/15	18,290.56	CONTRACT COSTS
05822	10663	HOSE & FITTING ETC	09/11/15	9.07	FY15-16 HYDRAULIC HOSES, PARTS AND REPAI
05823	187	INDUSTRIAL SAFETY SUPPLY	09/11/15	20.01	FY15-16 SAFETY GEAR
05824	7964	KNORR SYSTEMS INC	09/11/15	10,831.22	POOL CHEMICALS
05825	11246	LOOMIS ARMORED	09/11/15	805.38	ARMORED CAR SERVICE
05826	11280	MAIN STREET ART INC	09/11/15	11,250.00	REPLACEMENT STATUE
05827	11309	MANUEL FERNANDEZ CONSTRUCTION	09/11/15	844.06	BIRCH GROVE PARK DOORS
05828	11205	MARINA ZEPEDA TRI COUNTY BLDG MAINT	09/11/15	18,992.80	FY15-16 JANITORIAL SERVICES
05829	11089	NEWPARK AUTO SERVICE	09/11/15	420.17	FY15-16 AUTO REPAIRS
05830	349	PACIFIC GAS & ELECTRIC	09/11/15	52.08	FY15-16 STREET/TRAFFIC LIGHT ENERGY COST
05831	10766	PEAK SOFTWARE SYSTEMS, INC	09/11/15	3,301.00	COMPUTER LICENSE FEE
05832	3674	PRIORITY 1 PUBLIC SAFETY EQUIPMENT INSTA	09/11/15	260.00	UB TINT WINDOWS TAURUS #9
05833	10668	PRUDENTIAL OVERALL SUPPLY	09/11/15	1,305.37	UNIFORM/TOWELS/MATS
05834	10927	PUBLIC SAFETY TRAINING INSTITUTE	09/11/15	150.00	PATROL NON-POST TRAINING
05835	11234	RAY MORGAN COMPANY	09/11/15	2,827.52	COPIER LEASE AGREEMENT
05836	11297	SOFT RESOURCES LLC	09/11/15	17,050.00	FINANCE SOFTWARE EVALUATION
05837	1683	S.B.R.P.S.T.C.	09/11/15	70.00	PATROL POST TRAINING
05838	1765	TEMPERATURE TECHNOLOGY INC	09/11/15	3,745.84	FY15-16 HVAC REPAIRS
05839	10586	JAMES C WHEELER DBA TOTAL AQUATIC MANAGE	09/11/15	500.00	AUDIT, INSPECTION, TESTING
05840	10948	TRAINING FOR SAFETY, INC.	09/11/15	327.00	RECORDS POST TRAINING
05841	7517	U S FOODS INC SAN FRANCISCO	09/11/15	543.46	CAFE PURCHASES
05842	9541	UNITED SITE SERVICES	09/11/15	249.75	PORTABLE RESTROOM
05843	363	UNITED STATES POSTMASTER	09/11/15	2,515.52	POSTAGE FOR CITY NEWSLETTER
05844	339	WASHINGTON HOSPITAL GENERAL ACCOUNTING	09/11/15	75.00	LAB TESTS
05845	8714	WESTERN PACIFIC SIGNAL LLC	09/11/15	2,518.50	TRAFFIC SIGNAL PARTS
Total				131,239.87	

**M.1 Closed session pursuant to Government Code Section 54957
Public Employee Performance Evaluation
Title: City Attorney.**

Background/Discussion – City Attorney Benoun has requested that the City Council convene in closed session pursuant to Government Code Section 54957 for a performance evaluation.